



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

August 23, 2006

Mr. Bob Stronsky
Landmark Engineering
29 South State Street
Dover, DE 19901

RE: PLUS review – PLUS 2006-07-06; Fenwick Medical Complex

Dear Mr. Stronsky:

Thank you for meeting with State agency planners on August 2, 2006 to discuss the proposed plans for Fenwick Medical Complex project to be located on the south side of County Road 382, west of County Road 384.

According to the information received, you are seeking site plan approval for a 102,000 sq. ft. medical office complex.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Herb Inden 739-3090

This project represents a major land project that will result in a 102,000 sq. ft. medical office complex in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in the Sussex County certified comprehensive plan. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed project.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

Nothing is known within this parcel. There is only a low potential for a historic-period archaeological site here due to the wet soils, but there are small areas of high potential for a prehistoric-period archaeological site. A historic house (S-2030) is immediately adjacent to this parcel to the east. There are other historic houses (S-2015 and S-2031) further to the east and others (S-2017, S-2024, and S-2018) to the west.

This project will almost certainly require an Army Corps of Engineers permit due to the filling and construction on the tax ditch. This will require that the developer consult with this office under Section 106 of the National Historic Preservation Act of 1966 as amended. Depending on the Corps' area of potential effect, this may require the developer to undertake some archaeological testing. We will be happy to assist the developer through this process; the contact person here for Corps projects is Craig Lukezic, 302-736-7400.

If this development is approved by Sussex County, we request that the developer include sufficient landscaping to block the view of it from the nearby historic properties.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

PMP Associates seeks to develop a 102,000 square foot medical office complex on a 33-acre assemblage of parcels (Tax Parcels 5-33-11.00-45.30, 45.70, and 45.80) on the southwest side of Delaware Route 20, about 1,200 feet west of Bayard Road (Sussex Road 384). The land is zoned GR and a conditional use approval would be needed to permit the proposed development.

Because the development is proposed for a Level 4 Area, it is inconsistent with the *Strategies for State Policies and Spending* and the County Comprehensive Plan. As part of our commitment to support the *Strategies*, DeIDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DeIDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

DeIDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DeIDOT will provide technical review and comments.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Investment Level 4 Policy Statement

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the *Strategies* this project is inappropriate in this location. In Investment Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas.

Additional state investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Investment Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

This particular development certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. Of particular concern are the increase in impervious cover and potential impacts to wetlands. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

Site Plan Recommendations

1. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, we recommend that clearing not occur April 1st to July 31st. This clearing recommendation would only protect those species during the breeding season; once trees are cleared the result is an overall loss of habitat.
2. We recommend that the applicant consider omitting medical complex #6 and associated infrastructure from the site plan or relocate it to a non-forested portion of the property. Omitting the adjacent pond (if feasible or if alternate method of stormwater utilized) could possibly create enough space to shift this structure and associated parking/roadway feature. Reducing the size of medical complex #5 (which would require fewer parking spaces as well) would also reduce forest and wetland impacts.
3. To protect water quality and the integrity of wetlands, the proposed 50-foot wetland buffer should be increased to at least 100 feet. This is especially

important for a project such as this which will have at least 27% impervious surface. In addition, many wetland dependent species utilize an upland buffer zone around wetlands for breeding. Forested buffers in particular serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

Soils

According to the soil survey mapping update Hammonton, Klej, Askecksy, Hurlock, and Mullica-Berryland complex were mapped on subject parcel. Hammonton is a moderately well-drained soil of low-lying uplands has moderate limitations for development. Klej is a somewhat poorly-drained transitional soil that is likely to contain both wetland (hydric) and upland soil components. Askecksy and Hurlock are poorly-drained wetland associated (hydric) soils that have severe limitations for development.

Mullica-Berryland complex is a very poorly-drained wetland associated (hydric) soil that has the highest severity level for development. Most of the soils on this parcel (an estimated 70-75%) are mapped as wetland associated (hydric) soils.

It should also be noted that a majority of the soils on this parcel are likely to have a seasonal high water table within one-foot of the soil surface. Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or “nor’easters.” This is in addition to increased flooding likely from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks).

Wetlands and Water Bodies

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on this parcel.

These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. The developer should maintain a minimum 100 foot vegetated buffer from the edge of the wetland complex/forest edge. The developer should note that both DNREC and Army Corps of Engineers discourage allowing buildings and associated infrastructure to contain wetlands to minimize potential cumulative impacts.

PLUS materials show impacts (building and parking lots) to a blue-line stream. Please note that impacts to streams, including road crossings, are regulated by the DNREC Wetlands and Subaqueous Lands Section, and by the Corps of Engineers.

Wetland Permitting Information

PLUS application materials indicate that wetlands have been delineated (presumably a field delineation). This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process. Please note that impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on their parcel are nonjurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached by phone at 736-9763.

In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-9943 to schedule a meeting.

Impervious Cover

Based on the calculated surface imperviousness figure provided by the applicant (from PLUS application), the applicant projects that only about 27% (from PLUS application) of this parcel will be rendered impervious following this parcel's development; however, this is likely an underestimate given the scope and density of this project. The applicant should be made aware that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be included in the impervious surface calculation. It is strongly recommended that the applicant recalculate this figure to include all forms of created surface imperviousness within the finalized project design plans.

Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Based on the analyses of 2002 aerial photography by the University of Delaware, the Little Assawoman Bay

watershed, at that time, had about 9.7 percent impervious cover. Although this data is about 4 years old and likely an underestimate, it illustrates the importance of a proactive strategy to mitigate for predictable and cumulative environmental impacts. Since this project will further increase the watershed's level of imperviousness, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with retention of existing forest cover or additional tree plantings are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

ERES Waters

This project is located adjacent to receiving waters of Little Assawoman Bay designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the Department to mandate BMPs to meet standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Little Assawoman Bay Watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project is located in the **low** nutrient reduction area requiring a 40 percent reduction in nitrogen and phosphorus, respectively.

Compliance with TMDLs through the PCS

As stated above Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. The TMDL calls for a 40% reduction in nitrogen and phosphorus from baseline conditions. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses, increasing passive, wooded open space, reducing forest cover removal, and the use of innovative stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The information provided indicates that Tidewater Utilities will provide well water to the proposed projects through a central public water system. Our files reflect that Tidewater Utilities does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

Standard Comments:

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to the Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.

Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

All ponds are required to be constructed per Pond Code 378.

Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.

The application states that an existing ditch will be filled for the proposed development. Consideration should be made for the contributing drainage area both during construction and in the permanent stormwater design.

DNREC regulations require no more than 20 acres to be disturbed at more time. A phased erosion and sediment control plan and sequence of construction will be required.

Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond

Please demonstrate to the District that this project has an adequate outfall. You will be required to analyze the outfall ditch as ½ full for the quality and 2-year storm and full for the 10- and 100-year storm events or provide a down stream analysis.

If this project is located within a tax ditch watershed, the Sussex Conservation District requires an approval letter from DNREC's Drainage Section, prior to Sediment and Stormwater approval.

Consideration should be made for any adjacent properties during the design of the project, including drainage and erosion/sediment control.

Drainage

The existing ditch over which Building 1 has been located is Prong 1 of Batson Branch Tax Ditch. Any modification of the tax ditch, including piping or relocation, will require approval of the Tax Ditch Association and a court order change to the tax ditch. Please contact the Drainage Program as soon as possible to begin their "Request for Review" process for assessment of the tax ditch prior to finalizing site design.

Open Space

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism.

Site Visit Request

DNREC has not surveyed this property; therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site that would be affected by project activities.

In order to provide more informed comments and to make reasonable recommendations, our program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and to ensure that the project is environmentally sensitive. Please contact Bill McAvoy or Kitt Heckscher at (302) 653-2880 to set up a site visit.

Forest Preservation

Cumulative impacts to forested wetlands are a concern considering that this project is adjacent to Twin Cedars, a project resulting in at least 13.7 acres of forest loss. Efforts should be made to reduce direct impacts to these forested wetlands as well as prevent indirect impacts from run-off. This would include permanently preserving the woodland so that future clearing is less likely to occur.

This forest is also part of a larger forest block and forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest-dwelling species vulnerable to predation and allows the infiltration of invasive species. In addition, it is extremely important to conserve large tracts of forests for migratory birds in the State of Delaware due to its position within the Atlantic flyway.

Plant Rescue

Since both woodlands and wetlands are to be destroyed, filled, or disturbed, we recommend that the developer/landowner contact the Delaware Native Plant Society to initiate a plant rescue. Selected plants from the site of disturbance will be collected by Society members and transplanted to the Society’s nursery. Plants will then be used in restoration projects and/or sold at the Society’s annual native plant sale. This can be done at no expense or liability to the developer/landowner”. Please contact Lynn Redding at

(302) 736-7726, lynn_redding@ml.com or Bill McAvoy at (302) 653-2880, william.mcavoy@state.de.us.

Nuisance Waterfowl

Stormwater management ponds may attract waterfowl like resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (at least 50 feet) around ponds, are not as attractive to geese because they do not feel safe from predators and other disturbance when their view of the area is blocked. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
 - Where a water distribution system is proposed for (business /healthcare) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- b. **Fire Protection Features:**
 - All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.

- Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Zion Church Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. Required **Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)

- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Milton Melendez 698-4500

The proposed development is in an area designated as Investment Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* do not support this type of isolated development in this area. The intent of this plan is to preserve the agricultural lands, forestlands, recreational uses, and open spaces that are preferred uses in Level 4 areas. The Department of Agriculture opposes development which conflicts with the preferred land uses, making it more difficult for agriculture and forestry to succeed, and increases the cost to the public for services and facilities.

More importantly, the Department of Agriculture opposes this project because it negatively impacts those land uses that are the backbone of Delaware's resource industries - agriculture, forestry, horticulture - and the related industries they support. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. We oppose the creation of isolated development areas that are inefficient in terms of the full range of public facilities and services funded with public dollars. Public investments in areas such as this are best directed to agricultural and forestry preservation.

The Delaware Department of Agriculture supports growth which expands and builds on existing urban areas and growth zones in approved State, county and local plans. Where additional land preservation can occur through the use of transfer of development rights, and other land use measures, we will support these efforts and work with developers to implement these measures. If this project is approved we will work with the developers to minimize impacts to the agricultural and forestry industries.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in excess of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Sussex County - Contact: Richard Kautz 855-7878

The design for the Proposed Medical Office Building #1 site should be reoriented and moved closer to the front setback. The resulting movement of the parking to the side and rear allows for an attractive presentation of the building to the passing traffic. Such a change would be more consistent with the State suggested "Better Models for Development in Delaware."

All sidewalks and trails within the development and any constructed at the request of DelDOT should tie together internally and with adjacent development so that persons using wheelchairs or pushing strollers can navigate without hindrance.

The project is within the Selbyville Area of Concern. The developer should apprise the Town of the proposal.

A jurisdictional determination letter should be provided to support the proposed design and that the lot layout does not contain any wetlands. This letter should be obtained prior to the request for approval of any final plan.

Add handicapped parking for building #2.

The Sussex County Engineer Comments:

The proposed project is within the proposed boundaries of the Johnson's Corner Sanitary Sewer District. The EDU allocation is based on the South Coastal Area Planning Study, Update 2005. A public hearing on the boundaries of the Proposed Johnson's Corner Sanitary Sewer District has been planned for October 14, 2006 at 9:00 am to be held at the Roxanna Fire Hall. The Sussex County Engineering currently has no date as to when service will be provided. Sewer Service is contingent on a successful referendum.

The project proposes a 102,000 sq. ft. medical complex on 33 acres. The project is within planning study and system design assumptions for sewer service. In addition, the proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures. The Sussex County Engineer must approve the connection point. A checklist for preparing sewer concept plans was handed out at the meeting. A sewer concept plan must be submitted for review and approval prior to construction plan approval. Onetime System Connection Charges will apply.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP
Director

CC: Sussex County