



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

September 15, 2006

Andrew Collins  
Larson Engineering  
2717 Pulaski Highway  
Newark, DE 19702

RE: PLUS review – PLUS 2006-08-03; Brenford Station – Section 2

Dear Mr. Collins:

Thank you for meeting with State agency planners on August 23, 2006 to discuss the proposed plans for Brenford Station – Section 2 project to be located on Brenford Road, approximately 1,200 ft. northeast of Hickory Ridge Road.

According to the information received, you are seeking site plan approval for 67 residential units on 25 acres.

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 Town of Smyrna is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

**Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office*

***notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

### **State Strategies/Project Location**

- This project is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. This site is also located in the Town of Smyrna. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the relevant Town codes and ordinances.

### **Street Design and Transportation**

- Brenford Road is classified as a collector road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will also require that the developer provide a 10-foot wide shared use path, centered in a 15-foot wide permanent easement, across the frontage of the site.
- DelDOT will require that the developer improve Brenford Road to DelDOT's collector road standards, which include 12-foot travel lanes and 8-foot shoulders, from Hickory Ridge Road (Kent Road 149) to the site's easterly limits, a distance of about 1,700 feet.
- DelDOT will also require the developer to participate with the developers of the Auburn Meadows and Garrison Lake Green – Phase II subdivisions in improving Brenford Road to collector road standards from the easterly limit of the Garrison Lake Green – Phase II subdivision to Hickory Ridge Road, a distance of about 650 feet including a railroad crossing.
- Stub streets should be provided to the adjoining Burriss and Bergman properties, respectively to the east and west of the site.

### **Natural and Cultural Resources**

- The Drainage Program requests a 15-foot side yard setback on all lots with a drainage easement on the side.
- The Drainage Program requests a 10-foot drainage easement around all catch basins located on private property to ensure adequate room for maintenance. The Drainage Program recommends restrictions on fences, sheds, and other structures within the easement to prevent obstructions from being placed within 10 feet of the catch basin.
- They recommend that efforts to minimize tree clearing be made and that no trees be cleared from April 1st to July 31st to reduce impacts to birds and other wildlife that utilize forests for breeding.

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

#### **Office of State Planning Coordination – Contact: David Edgell 739-3090**

This project is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. This site is also located in the Town of Smyrna. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the relevant Town codes and ordinances.

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

Nothing is known within this parcel. It lies between two properties shown on Beers Atlas of 1868, the J. R. Dickson House (K-3856), known as Woodland, to the southwest and the J. W. Spruance House (K-3858) to the northeast. Another Spruance House (K-3861) is on Rabbit Chase Rd to the north. The National Register-listed Alfred Hudson House (K-1378) is on Sunnyside Rd and across the railroad tracks to the northeast. There are a number of other historic properties in this area that will be in view of this development. However, historic maps and aerials do not show any buildings within this parcel. The eastern side of the parcel has medium potential for a prehistoric-period archaeological site.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as Woodland and the Spruance House, usually a good distance behind or to the side of the house. The developer should be aware of Delaware's Unmarked Human Remains

Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out, and the developer may want to hire an archaeological consultant to check for the possibility of a cemetery here. The DHCA will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

If time permits, we would appreciate the opportunity to examine this area for an archaeological site before any ground-disturbing activities take place. They request that the developer include sufficient landscaping within the buffer area around this parcel to mitigate any adverse visual effect on neighboring historic properties.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

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- 2) DelDOT will also require that the developer provide a 10-foot wide shared use path, centered in a 15-foot wide permanent easement, across the frontage of the site.
- 3) DelDOT will require that the developer improve Brenford Road to DelDOT's collector road standards, which include 12-foot travel lanes and 8-foot shoulders, from Hickory Ridge Road (Kent Road 149) to the site's easterly limits, a distance of about 1,700 feet. They will also require the developer to participate with the developers of the Auburn Meadows and Garrison Lake Green – Phase II subdivisions in improving Brenford Road to collector road standards from the easterly limit of the Garrison Lake Green – Phase II subdivision to Hickory Ridge Road, a distance of about 650 feet including a railroad crossing.
- 4) Stub streets should be provided to the adjoining Burris and Bergman properties, respectively to the east and west of the site. DelDOT understands that the Worthington property has been subdivided and that the plan does not include a stub to this property. If it is possible to do so, the Town should require a pedestrian connection between Brenford Station – Section 2 and Worthington through their open space areas.

- 5) The developer's site engineer should contact the project manager for Kent County, Mr. Brad Herb, regarding specific requirements for access. Mr. Herb may be reached at (302) 266-9600.

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

### **Soils**

According to the Kent County soil survey, Sassafras and Fallsington were mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

It should also be noted that the hydric soils (Fallsington) mapped on the subject parcels are likely to have a seasonal high water table within a depth of one-foot from the soil surface. Building in such soils may leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding. This issue is of particular concern during periods of high-intensity long duration rainfall events associated with tropical storms/hurricanes or "nor'easters." Flooding probabilities may be further augmented by surface water runoff emanating from created forms of structural imperviousness (roof tops, roads, and sidewalks). Therefore, the applicant should refrain from building on lots containing mapped hydric soils or soils delineated as such by their consulting soil scientist, while attempting to reduce all forms of constructed surface imperviousness.

### **Impervious Cover**

Based on a review of the PLUS application, post-development surface imperviousness is estimated to be about 7 percent. However, given the scope and density of this project, said estimate is **clearly inaccurate**. The applicant should recognize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be accounted for when calculating surface imperviousness, otherwise an inaccurate assessment of this project's environmental impacts is inevitable. It is strongly advised that this figure be recalculated to accurately reflect these concerns.

Since studies link increases in impervious cover to decreases in water quality, the applicant is strongly encouraged to pursue best management practices (BMPs) that can mitigate or reduce some of the 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 an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

### **TMDLs**

A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting. Compliance with TMDL nutrient loading reduction requirements will ultimately be assessed via the nutrient budget protocol, a computer-based model that quantifies post-development nutrient loading under a variety of land use scenarios in combination with a variety (or absence) of BMP types and intensities. This post-development loading rate is then compared with the pre-development loading rate as a means to assess whether the project meets the acceptable TMDL reduction levels. Although TMDLs have not yet been finalized for the Leipsic River watershed to date, the applicant should be made aware that they will be available in the near future (before December 2006), and may be applicable to this project. It is strongly advised, therefore, that the applicant be proactive and employ best management practices (BMPs) and Best Available Technologies (BATs) as methodological mitigative strategies to reduce the likely degradative impacts associated with this development. Examples of BMPs or BATs that should be used to significantly reduce nutrient loading from this project include practices that prevent or mitigate or minimize created surface imperviousness, preservation/enhancement of forest cover, maintenance of recommended wetland buffer widths (100 feet), and use of innovative "green-technology" stormwater methodologies rather than conventional open-water stormwater management structures. We suggest that the applicant periodically contact the Watershed Assessment office regarding the status of the nutrient budget protocol and obtain it as soon as possible. When it becomes available, we suggest that the applicant then verify their project's compliance with the specified TMDL loading rates by running the model themselves, or contacting us if assistance is needed. The contact person for obtaining the protocol is Lyle Jones at 739-9939.

### **Water Supply**

The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 02-CPCN-08.

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**

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
  - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
  - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
  - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.

4. All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded by Kent County.
5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

1. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components. The designer is encouraged to consider the conservation design approach and limit the amount of tree clearing required for the development of the site including the stormwater management facilities.
2. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide leading to the facility and around the facility's perimeter.
3. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
5. The Kent Conservation District recommends that no residential lot be recorded within a subdivision that contains wetlands. Placing wetlands in open space will aid in protecting those areas from disturbance and reduce individual property owner complaints regarding poor drainage of areas on their property.

**Drainage**

The Drainage Program does not have a clear understanding how stormwater is to be conveyed to the stormwater management areas. The Drainage Program requests that the routing of major stormwater pipes through yards be prohibited.

The Drainage Program encourages the elevation of rear yards to direct water towards the streets where storm drains are accessible for maintenance. However, the Drainage Program recognizes the need for catch basins in rear yards in certain cases. Therefore, catch basins placed in rear yards will need to be clear of obstructions and be accessible

for maintenance. Decks, sheds, fences, kennels, and other structures placed along the storm drains, or within 10 feet of the catch basins, can hinder drainage patterns as well as future maintenance to the storm drains or catch basins. Deed restrictions, along with drainage easements recorded on deeds, should ensure adequate future maintenance access.

The Drainage Program requests a 15-foot side yard setback on all lots with a drainage easement on the side. A 15-foot side yard setback will allow room for equipment to utilize the entire drainage easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future re-construction.

The Drainage Program requests a 10-foot drainage easement around all catch basins located on private property to ensure adequate room for maintenance. The Drainage Program recommends restrictions on fences, sheds, and other structures within the easement to prevent obstructions from being placed within 10 feet of the catch basin. Record all drainage easements on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction.

The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

### **Rare Species**

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.

They recommend that efforts to minimize tree clearing be made and that no trees be cleared from April 1st to July 31st to reduce impacts to birds and other wildlife that utilize forests for breeding. This clearing recommendation would only protect those species during the breeding season, because once trees are cleared the result is an overall loss of habitat.

### **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 proper landscaping, monitoring, and other techniques, geese problems can be minimized.

### **Solid Waste**

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

### **Underground Storage Tanks**

There is one inactive LUST site(s) located near the proposed project:

Lamberta Estate, Facility # 1-000597, Project # K0007088

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

**State Fire Marshal's Office – Contact: John Rossiter 739-4394**

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:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **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 Brenford 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.

c. **Gas Piping and System Information:**

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

d. **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”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- 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](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Scott Blaier 698-4500**

The Department of Agriculture does not object to this project because it is located in an area designated as Investment Level 2 under the *Strategies for State Policies and Spending*, and has recently been annexed by the Town of Smyrna. However, the proposed development is adjacent to property enrolled in the State’s Agricultural Lands Preservation Program (Willis Ryan Expansion of the Mrs. Grace Caulk Shorts District, (Parcel # DC-028.00.01-29.00). Therefore, the farming activities conducted on this preserved property will be protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement effects **all new deeds** in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

**§ 910. Agricultural use protections.**

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm

operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

In addition to conforming with the required setback and buffer requirements, the Department further requests that the developer keep houses, driveways, roads, infrastructure, etc. the maximum distance possible away from adjacent agricultural lands, and establish an effective landscaped buffer through consultation with the Department of Agriculture's Forest Service.

#### *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 upwards 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.

### *Tree Mitigation*

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

### **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.

### **Delaware State Housing Authority – Contact Karen Horton 739-4263**

This proposal is to develop 67 residential units on 26 acres located on the North side of Brenford Road, 1,200 feet northeast of Hickory Ridge Road. According to the State Strategies Map, the proposal is located in an Investment Level 2 area. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Level 1 and 2 areas outlined in the State Strategies Map. Furthermore, DSHA encourages residential development in Level 1 and 2 areas that is affordable to first time homebuyers. DSHA supports the fact that this proposal targets the full range of incomes including first time homebuyers. For informational purposes, the most recent real estate data collected by DSHA shows the median income price in Kent County to be \$191,500. However, families earning respectively 80%-100% of Kent County's median income only qualify for mortgages of \$138,205-\$176,741, thus creating an affordability gap of \$53,295-\$14,759. The provision of units within reach of families earning at least 80%-100% of Kent County's median income would help increase housing opportunities for first time homebuyers.

### **Department of Education – Contact: John Marinucci 739-4658**

This proposed development is within the Smyrna School District. DOE offers the following comments on behalf of the Smyrna School District.

1. Using the DOE standard formula, this development will generate an estimated 34 students.

2. In a letter dated March 20, 2006, addressed to Commissioner David R. Burris, President, Kent County Levy Court, the Superintendent of the **Smyrna School District** officially informed the Kent County Levy Court that it does not have capacity to accommodate the students resulting from any continued development.
3. The developer is strongly encouraged to contact the Smyrna School District Administration to address the issue of school over-crowding that this development will exacerbate and potential resolutions.

**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,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Constance C. Holland, AICP  
Director

CC: Town of Smyrna  
Kent County