



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

February 14, 2007

Mr. Jeffrey Williams
Kercher Engineering
254 Chapman Road, Ste. 202
Newark, DE 19702

RE: PLUS review – PLUS 2007-01-07; Willow Grove Subdivision

Dear Mr. Williams:

Thank you for meeting with State agency planners on January 24, 2007 to discuss the proposed plans for the Willow Grove Road Subdivision project to be located within the Town of Wyoming on Willow Grove Road, approximately 1136 ft. south of Vepco Blvd.

According to the information received, you are seeking site plan approval for 72 residential units on 9.51 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 the Town of Wyoming is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

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 1 according to the *Strategies for State Policies and Spending*. This site is also located in the Town of Wyoming. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. 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

- Willow Grove Road is classified as a major 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 they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will also require that a 15-foot wide permanent easement be provided across the frontage of the site for a future 10-foot wide shared use path.
- DelDOT's regulations require that the distance between the intersection of the driveway radius and the highway shoulder and the property line of the adjacent property be at least 5 feet. The radius is currently shown extending across the David A. Cox property (Tax Parcel). DelDOT recognizes that Mr. Cox is one of the owners of the subject land and may be agreeable to this encroachment, but future owners of the property might not be. If the proposed entrance cannot be moved the required distance, an alternative might be to shift the access to the Cox property onto the proposed road.
- As part of the entrance construction, DelDOT may require improvement of Willow Grove Road along the site frontage to meet DelDOT standards for major collector roads. Major collector roads will require a minimum of 12-foot wide travel lanes and 8-foot wide shoulders. An overlay of the existing roadway may be required.
- DelDOT recommends that the developer consider changing the street layout, from a pair of cul-de-sacs to a loop, to improve circulation within the development.

- It is recommended that the town and the developer work together to ensure that the development has adequate on-street and overflow parking.

Natural and Cultural Resources

- There is a historic house (K-3783) to the north of this parcel, which appears to be the J or T Gates House shown on Beers Atlas of 1868. The parcel is over 600' from this house; while there still might be a family cemetery here, any cemetery is more likely to have been closer to the house. The developer may still want to do a complete historic deed trace just to insure that no cemetery lot was established within this parcel.

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 1 according to the *Strategies for State Policies and Spending*. This site is also located in the Town of Wyoming. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed development of this project in accordance with the relevant Town codes and ordinances.

It is recommended that the town and the developer work together to ensure that the development has adequate on-street and overflow parking. Front loaded townhouses present some design challenges, one of which being the need to provide numerous curb cuts in close proximity. This reduces the curb frontage available for on-street parking.

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

Nothing is known within this parcel. Historic maps do not show anything here, and the area is of low potential for prehistoric-period archaeological sites. The house within the parcel is proposed for demolition; it does not appear on the 1937 aerial photograph.

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trace just to insure that no cemetery lot was established within this parcel. The DHCA would be happy to discuss this issue with him.

If the existing house is over 50 years old, the DHCA would like an opportunity to document it prior to demolition.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

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- 2) DelDOT will also require that a 15-foot wide permanent easement be provided across the frontage of the site for a future 10-foot wide shared use path.
- 3) DelDOT's regulations require that the distance between the intersection of the driveway radius and the highway shoulder and the property line of the adjacent property be at least 5 feet. The radius is currently shown extending across the David A. Cox property (Tax Parcel). We recognize that Mr. Cox is one of the owners of the subject land and may be agreeable to this encroachment, but future owners of the property might not be. If the proposed entrance cannot be moved the required distance, an alternative might be to shift the access to the Cox property onto the proposed road.
- 4) As part of the entrance construction, DelDOT may require improvement of Willow Grove Road along the site frontage to meet DelDOT standards for major collector roads. Major collector roads will require a minimum of 12-foot wide travel lanes and 8-foot wide shoulders. An overlay of the existing roadway may be required.
- 5) DelDOT recommends that the developer consider changing the street layout, from a pair of cul-de-sacs to a loop, to improve circulation within the development.
- 6) The developer's site engineer should contact our project manager, Mr. Brad Herb, regarding our specific requirements for streets and access. He may be reached at (302) 266-9600.

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

Soils

Based on the Kent County soil survey update Downer, Greenwich, and Hambrook were mapped in the vicinity of the proposed construction. Downer, Greenwich, and Hambrook are well-drained upland soils that, generally, have few limitations for development.

Impervious Surfaces and BMPs

Based on a review of the PLUS application, post-development surface imperviousness is estimated to be about 50 percent. However, given the scope and density of this project, this estimate is likely an underestimate (appears significantly higher). The applicant should realize that all created forms of constructed surface imperviousness (i.e., rooftops, sidewalks, and roads) should be accounted for in the calculation of surface imperviousness. It is strongly recommended that the applicant recalculate surface imperviousness using all of the above-mentioned forms of constructed surface imperviousness. The use of stormwater management areas to meet the open space requirements for purposes of maximizing the applicant's amount of "buildable acreage," ultimately leads to an artificially low figure for surface imperviousness, and a significant underestimate of its actual environmental impacts. It is strongly recommended that the applicant address all of the above-mentioned concerns in the finalized calculation for surface imperviousness.

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.

Rare Species

DNREC has never surveyed this site, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at or adjacent to this project site.

Nuisance Geese

The applicant indicated that nuisance geese would be considered in the planning of this project but methods of control were not indicated. Wet ponds planned for the subdivision may attract waterfowl like resident Canada geese and mute swans. 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. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. 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 and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Drainage

The Drainage Program requests 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. Notify downstream landowners of the change in volume of water released on them.

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

Recommendations

1. Increase the sideyard setback to 15 feet on all properties with a drainage easement on the side. The increase will allow room for equipment to utilize the entire easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future re-construction. The side yard setback would only increase on the side with the drainage easement.
2. All catch basins in rear or side yards should have a 10-foot drainage easement around them on all sides. Place restrictions on fences, sheds, and other structures

within the easement to prevent obstructions from being placed next to the catch basin. Record the easement on the deed.

3. Have all drainage easements, and tax ditch rights-of-way, recorded on deeds. Place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

Sediment and Stormwater

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 stormdrains 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 plans does not appear to have included a proposed stormwater design. It is not clear where the proposed outfall is located. The area is known to be a difficult location for outfall points. These points must be clarified before approval can be considered.
2. 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 shown in the wooded areas.
3. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
4. 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.
5. A letter of no objection to re-recording will be provided once the detailed Sediment and Stormwater Management plan has been re-approved.
6. Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision.
7. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.
8. The proposed method of stormwater management for the site in the application is listed as biofiltration and infiltration. Infiltration practices have certain limitations on their use on certain sites [10.3.15] including the requirement for an overflow system with measures to provide non-erosive velocity of flow along the length and at the outfall. Stormwater management requirements are based on the entire area to be developed [Delaware Sediment and Stormwater Regulations, 10.3.3]. Ensure stormwater management will be adequately sized to treat runoff for quality and quantity requirements in the design from impervious cover. Recommend reducing amount of impervious cover on site.

9. The anticipated outlet locations for stormwater generated on this site is infiltration. If Willow Grove Road will be the discharge for stormwater, DelDOT concurrence will be required.

10. This project is located in an impaired watershed, therefore additional stormwater quality practices may be required by the plan approval agency. DNREC prefers the use of Green Technology BMPs (GTBMPs) for water quality protection. GTBMPs typically rely on natural vegetation and minimal disturbance and minimal reliance on structural components. They may be constructed to promote the natural hydrologic process. Examples include, but are not limited to vegetative infiltration, riparian buffer plantings, bio-retention areas, vegetative flow conveyance, as well as recharge and surface storage in undisturbed areas.

Water

The project information sheets state water will be provided to the project by Camden-Wyoming Sewer and Water Authority via an existing water system. DNREC records indicate that the project is located within the public water service area granted to Camden-Wyoming Sewer and Water Authority under Certificate of Public Convenience and Necessity 95-CPCN-06.

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.

TMDL reduction requirements

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the St. Jones watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” 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. In the St. Jones watershed, a

TMDL reduction level of 40% will be required for nitrogen and phosphorus, respectively. Additionally, a TMDL reduction level of 90% will be required for bacteria.

TMDL compliance through the PCS

As stated above Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the St. Jones Watershed. The TMDL calls for a 40% reduction in nitrogen and phosphorus from predevelopment or baseline conditions. Additionally, the TMDL calls for a 90% reduction in bacteria from predevelopment or baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria 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, and the use of stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 5.5 tons (11,051.2 pounds) per year of VOC (volatile organic compounds), 4.6 tons (9,149.7 pounds) per year of NOx (nitrogen oxides), 3.4 tons (6,750.8 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (600.9 pounds) per year of fine particulates and 462.2 tons (924,422.9 pounds) per year of CO2 (carbon dioxide)

Emissions from area sources* associated with this project are estimated to be 2.2 tons (4,457.5 pounds) per year of VOC (volatile organic compounds), 0.2 ton (490.5 pounds) per year of NOx (nitrogen oxides), 0.2 ton (407.0 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (525.2 pounds) per year of fine particulates and 9.0 tons (18,069.6 pounds) per year of CO2 (carbon dioxide)

Emissions from electrical power generation associated with this project are estimated to be 0.9 tons (1,766.6 pounds) per year of NOx (nitrogen oxides), 3.1 tons (6,144.8 pounds) per year of SO2 (sulfur dioxide) and 453.2 tons (906,353.3 pounds) per year of CO2 (carbon dioxide).

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage:

<http://www.energystar.gov/>

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

building envelope upgrades,
high performance windows,
controlled air infiltration,
upgraded heating and air conditioning systems,
tight duct systems and
upgraded water-heating equipment.”

The Energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. They highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

The Energy Office also recommends that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths and links to mass transport system, fund a lawnmower exchange program for their new occupants

SIRB Sites

Two SIRB sites are known to be within a one half mile radius of this site. The Camedl Metals (DE-115) had a spill of TCE north of the site. The contaminated soil was remediated and no further action is needed.

Velpo Industrial park is north of this site. Buried drums were discovered at Velpo, but no action is needed for that situation. No salvage yards are located close to this project site. DNREC foresees no threat to the proposed site.

State Fire Marshal’s Office – Contact: R.T. Leicht 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:**

- 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 townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Fire Protection Features:**

- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

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 Willow Grove 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
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Townhouse 2-hr separation wall details shall be shown on site plans
- 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: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed application as it is located within the incorporated area of Wyoming and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 1 areas.

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 Vicki Walsh 739-4263

The proposal is for a site plan review of 72 residential units on 9.51 acres located on the northwest side of Willow Grove Rd. (Route 10), in Wyoming. According to the State Strategies Map, the proposal is located in an Investment Level 1 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. DSHA supports the fact that this proposal targets the full range of incomes including first time homebuyers. According to the most recent real estate data collected by DSHA, the average home price in Kent County is \$225,000. However, families earning respectively 100% of Kent County's median income only qualify for mortgages of \$180,115, thus creating an affordability gap of \$44,885. The provision of units within reach of families earning at least 100% of Kent County's median income will ensure housing that is affordable for first time homebuyers.

Department of Education – Contact: John Marinucci 739-4658

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

1. Using the DOE standard formula, this development will generate an estimated 36 students.

2. DOE records indicate that the Caesar Rodney School Districts' *elementary schools are not at or beyond 100% of current capacity* based on September 30, 2006 elementary enrollment.
3. DOE records indicate that the Caesar Rodney School Districts' *secondary schools are at or beyond 100% of current capacity* based on September 30, 2006 secondary enrollment.
4. The Superintendent of the Caesar Rodney School District has issued multiple letters to the Kent County Department of Planning Services communicating the district's opposition to continued residential growth in light of the district's lack of capacity given the number of planned and recorded residential sub divisions within district boundaries.
5. This development will create additional elementary and secondary student population growth which will further compound the existing shortage of space.
6. The developer is strongly encouraged to contact the Caesar Rodney School District Administration to address the issue of school over-crowding that this development will exacerbate.
7. DOE requests developer work with the Caesar Rodney School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.

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: Kent County