



February 15, 2007

William Wichess
W. T. & Sons Surveying, LLC
29 Flinthill Drive
Newark, DE 19702

RE: PLUS review – PLUS 2007-01-09; Lakeside Business Park

Dear Mr. Wichess:

Thank you for meeting with State agency planners on January 31, 2007 to discuss the proposed plans for the Lakeside Business Park project to be located on the north side of Route 18 west of Harbeson.

According to the information received, you are seeking site plan approval 15 storage/contractor offices and 3 pad sites for restaurants or small commercial establishments.

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: Bryan Hall 739-3090

The Office of State Planning and Coordination recognizes that this parcel is located with a Level 4 *Spending Area as identified by the Strategies for State Policy and Spending* which recommends that the proposed land use be directed to areas within Sussex County that have existing infrastructure and resources to support the proposed project. However, this office does recognize that the parcel is currently developed in a similar use as proposed on the materials provide through this process and is similar to existing land uses near the adjacent Delaware Route 404 / 9 and Delaware Route 30 intersection. Also, the proposed use is in accordance with existing Sussex County zoning for this area. Given these points, this office has no objection to this project; however, this office does encourage the developer to work with the various state county agencies such as; Del-Dot to meet there traffic and any maintenance facility concerns, Department of Agriculture to meet their buffer concerns for the site, and Sussex County Engineer Office to address concerns regarding sewer and water for the proposed project.

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

The Division of Historical and Cultural Affairs is favor of this development in Level 4. While there is already commercial development on this parcel, any further development will just acerbate the pressure on this area and lead to further losses of historic agricultural and silvicultural landscapes and to the destruction of archaeological sites. The US Geological Survey topographical Millsboro map, 1917, shows a house in the middle of this parcel. This house appears to be still on the parcel. There is also an area of high potential for a prehistoric-period archaeological site here.

If this development is approved, we would like the opportunity to examine the area prior to any ground-disturbing activities, to see if there are in fact any archaeological sites on the parcel and to learn something about their location, nature, and extent. The DHCA would also like the opportunity to document the existing house prior to any demolition activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Because this development is proposed for a Level 4 Area, it is necessarily inconsistent with the *Strategies for State Policies and Spending*. While DelDOT support the *Strategies* and do not wish to encourage development in Level 4 areas, we recognize that the subject land has commercial zoning and that the existing furniture store has been part of the crossroads community at Gravel Hill for many years. Therefore we are not opposed to this development.

- 2) US Route 9 in this area is a principal arterial highway. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 50 feet from the centerline on principal arterial highways. Therefore we will require right-of-way dedication along the frontage to provide any additional width needed from this project. We 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. Both the right-of-way dedication and the easement may need to be adjusted in the area of the Besche Furniture property given the existing development there.
- 3) Preliminarily, we estimate that the trip generation from the proposed development would be large enough to warrant a traffic impact study. Therefore we will require one. DelDOT would ask that the County withhold plan approvals pending the results of the study and the developer's agreement to provide any needed off-site improvements. Because traffic impact studies typically take about one year from the initial scoping meeting to the completion of DelDOT's review of the completed study, they recommend that the developer have their traffic engineer contact Mr. Todd Sammons of my office to schedule a scoping meeting as soon as possible. Mr. Sammons may be reached at (302) 760-2134.
- 4) DelDOT is pleased to see that the Besche Furniture would have access to Road A. Shifting the businesses truck traffic to this road would improve parking lot conditions for patrons. For similar reasons, they recommend that the plan be modified to provide all three of the proposed pad sites with enough frontage on Road A to permit a secondary access there.
- 5) While DelDOT did not mention it at the meeting, they recommend that the narrow strip of Lot 15, separating Road A from the property line, be eliminated. While DelDOT sees no immediate need for the adjacent property to connect to Road A, they would prefer to see that possibility provided.
- 6) DelDOT recommends that the developer's site engineer contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding specific requirements for access. Mr. Fiori may be reached at (302) 760-2260.
- 7) While Mr. Fiori will be coordinating our review of the entrance plans, we have a maintenance yard located directly across Route 9 from this property. For that reason, DelDOT asks that the developer contact the South District Engineer, Mr. Joseph Wright, and our South District Maintenance Engineer, Mr. Jeffrey Reed, directly and become familiar with any plans that the District has for the yard. Respectively, they may be at (302) 853-1302 and (302) 853-1306. Mr. Reed may

also be able to answer questions regarding the underground tanks that were previously located at the yard.

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

Air Quality

The Department's Division of Air and Waste Management had no specific comments. However, if the applicant has specific questions about air or waste issues, the applicant should contact Philip Wheeler at (302) 739-9402, E-mail: Philip.Wheeler@state.de.us

Fish and Wildlife

Rare Species

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

Forest Loss

The applicant indicates that 1 acre out of 18 acres of forest is going to be removed by this project, yet there are at least 5 lots, a roadway and stormwater management pond within the forested area on the western side of the parcel. The applicant is encouraged to recalculate forest loss as this seems to be underestimated. Also, removal of lots 1, 2, 13 & 14 and relocation of the wastewater disposal area (if feasible) will allow a greater area of forested open space and connections to adjacent forested areas. Forested connections are important as they serve as habitat and wildlife travel corridors. In addition, many species of wildlife depend on larger, connected areas of forest.

DNREC requests that tree clearing not occur April 1st to July 1st to reduce impacts to nesting birds and other wildlife species 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 Geese

Stormwater management ponds 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 homeowners 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.

Sediment & Stormwater

Drainage

This project is located within the Koeppel-Robinson Tax Ditch that has existing tax ditch rights-of-way. The applicant is encouraged to work with the DNREC Drainage Program and the Koeppel-Robinson Tax Ditch to resolve any issues of tax ditch right-of-way. Contact Brooks Cahall with the DNREC Drainage Program at (302) 855-1930.

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 applicant is requested to contact Brooks Cahall with the DNREC Drainage Program at (302) 855-1930 regarding the discharge of stormwater into the Koeppel-Robinson Tax Ditch.

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.

If there are drainage easements in the rear or side of the lots, the rear/side setback should be increased to 15 feet. 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.

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.

The Drainage Program does not support the removal of trees for the creation of stormwater management areas. However, the Drainage Program does recognize that tree removal is unavoidable in some cases. Where practical, plant native trees and shrubs to compensate for the loss of nutrient uptake and stormwater absorption the removed trees provided.

Sediment and Stormwater Program

For the proposed Lakeside Business Park, 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 Sussex Conservation District. Contact Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees. It is strongly recommended that you contact the reviewing agency to schedule a preliminary 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 DNREC Division of Soil and Water Conservation along with the NOI fee prior to plan approval.

A single stormwater treatment plan is preferred for this site. 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. Stormwater management area shown in the proposed site plan does not appear to be adequately sized to treat a project of this size.

Ease of maintenance and access for maintenance of stormwater structure must be considered in the site design. Maintenance responsibility shall be established during the plan review and approval process. [Ref 10.3.11-12, DE Sediment and Stormwater Regs].

Infiltration practice design should incorporate an overflow system with measures to provide non-erosive velocity of flow along the length and at the outfall.

If the existing “pond” shown on the site will be used for stormwater management then it must meet the USDA NRCS Small Pond Code 378, dated Sept 1990 as approved for use in Delaware (DE Sediment and Stormwater Regs 10.3.6). If it will be used for quantity control, then any water discharged into the pond will need to be full treated. If it is being used for quality and quantity control then concurrency will be required from adjacent landowners.

This parcel appears to be located in an impaired watershed that has been designated with a pollutant reduction target (TMDL) to meet state water quality regulations for nutrients and/or bacteria. The Department and/or the plan approval agency may require additional bmps to be implemented to meet water quality targets. [REF: 10.3.5 DE Sediment and Stormwater Regs]. 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 Resources

Water Supply

The information provided indicates that Tidewater Utilities will provide water to the proposed projects through a new well. DNREC 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. Since an on-site public well be needed, it must be located at least 150 ft. 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.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there is an: Underground Storage Tank named DELDOT Gravel Hill Yard located within 1000' of the proposed project.

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

The Watershed Assessment Section supplies commentary for the Wetlands and Subaqueous Lands Section and Wetlands/Soil Assessment and Small Systems Permitting Branches.

Soils

According to the Sussex County soil survey Hammonton, Pepperbox, Woodstown, Lenni, and Fallsington were mapped in the immediate vicinity of the parcel(s) proposed for construction. Hammonton, Pepperbox, and Woodstown are moderately-well drained soils of low-lying uplands that have moderate limitations for development. Lenni and Fallsington are poorly-drained wetland associated (hydric) soils that have severe limitations for development. Approximately 25-30% of the mapped soils on subject parcel(s) are wetland associated (hydric) soils.

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-specific **field** wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE) manual is the only acceptable basis for making a jurisdictional wetland determination. The applicant is forewarned that the USACE views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for making such delineations. To ensure compliance with said USACE regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the USACE be given the opportunity to officially approve the completed delineation.

As mentioned previously, a significant portion of the mapped soils on subject parcel are mapped as hydric (est. 25-30% of the soils are mapped as Lenni or Fallsington). Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surfacewater 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 surfacewater runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks).

Studies have shown that an upland buffer width of at least 100-foot is the minimum buffer width necessary to mitigate impacts from development. Based on a review of existing buffer research by Castelle et al. (1994), an adequately-sized buffer that effectively protects wetlands and streams is - in most circumstances - about 100-foot in width. In light of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and waterbodies (including all ditches).

Impervious Surfaces and BMPs

Based on a review of the PLUS application, post-development surface imperviousness is estimated to be about 16 percent. However, given the scope and density of this project, this estimate is **clearly an underestimate**. The applicant’s apparent use of natural areas (potential wetlands or buffers) and stormwater management areas for meeting the County’s open space requirements artificially lowers this project’s estimate of post-development surface imperviousness – resulting in a significant underestimate of the project’s actual environmental impacts. Therefore, wetlands and stormwater management areas should be excluded from the calculations of open space and surface imperviousness. Open space was originally intended to provide prospective residents with convenient access to lands amenable to active recreation, not a “catchall” land type which enables the maximization of “buildable” acreage. Finally, the applicant should also realize that all created forms of constructed surface imperviousness (i.e., rooftops, sidewalks, and roads) and their extent should be comprehensively accounted for when calculating surface imperviousness. It is strongly recommended that the applicant address all of the above-mentioned concerns in the finalized calculation for surface imperviousness.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed’s overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate 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 an increase in forest cover preservation or additional tree plantings – are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Broadkill 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 greater Broadkill watershed – in which this project is located - nutrient reductions” of 40 percent will be required for nitrogen and phosphorus. Additionally, a 75 percent reduction in bacteria will also be required.

TMDL compliance through the PCS

As indicated above, Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been proposed for the Broadkill watershed. The TMDL calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 75 percent reduction in bacteria. A pollution control strategy will be used as a regulatory framework to ensure that these nutrient and bacteria reduction targets are attained. The Department has developed an assessment tool to evaluate how the proposed development may reduce nutrients and bacteria to meet the TMDL requirements. Additional nutrient and bacteria reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses, increasing passive, wooded open space, using enhanced nutrient and bacteria removal wastewater technologies, connection to an existing central sewer (if available), and the use of stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

State Fire Marshal’s Office – Contact: R.T. Leicht 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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
 - 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. (Business)
 - Where a water distribution system is proposed for the site, 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 Lewes-Georgetown Hwy 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(s) is/are 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: Scott Blaier 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. Often new residents of developments like this one, with little understanding or appreciation for modern agriculture and forestry, find their own lifestyles in direct conflict with the demands of these industries. Often these conflicts result in compromised health and safety; one example being decreased highway safety with farm equipment and cars competing on rural roads. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. DDA opposes 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.

Section 1. Chapter 99, Code of Sussex Section 99-6 may apply to this subdivision. The applicant should verify the applicability of this provision with Sussex County. This Section of the Code states:

G. Agricultural Use Protections.

- (1) Normal agricultural uses and activities conducted in a lawful manner are preferred. 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 uses adjacent to land used primarily for agricultural purposes shall be subject to the following restrictions:
 - (a) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of land used primarily for agricultural purposes, 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 land used primarily for agricultural purposes on 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.”

(b) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of land used primarily for agricultural purposes no improvement requiring and occupancy approval for a residential type use shall be constructed within fifty (50) feet of the boundary of land used primarily for agricultural purposes.

This site overlaps with the State's Green Infrastructure Investment Strategy Plan. Both the Forest and Natural Areas layers are present on the site. This designation indicates the land has valuable agricultural and environmental characteristics which are discussed in Governor Minner's Executive Order Number 61. They should be preserved as such, and not developed for residential or other incompatible uses.

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 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.

Department of Education – Contact: John Marinucci 739-4658

DOE recognizes that this development project is in level 4 of the State Strategies for Policies and Spending. DOE also recognizes that the proposed zoning and use is consistent with the current and existing zoning and use of this property and as such, DOE acquiesces regarding the approval of this project. This proposed development is within the Indian River School District.

This is a commercial/industrial development with no apparent impact on educational infrastructure, capacity or demand. The DOE has no comments regarding this commercial/industrial development proposal.

Sussex County – Contact: Richard Kautz 855-7878

The Sussex County Zoning Ordinance Section 115-166 C states, "Parking within front yard setback shall be discouraged and subject to site plan review." The developer should be aware that the Planning and Zoning Commission is reluctant to approved parking in the front setback and so the design of the lots should be sufficient to show compliance with the setback requirement.

The plat should show the location of the C-1 and AR-1 zoning boundary.

The developer should make sure all stormwater management ponds are located within the property in an interior location, less visible to Route 9.

Sussex County Engineering comments:

The project proposes to develop using a private central community wastewater system. We recommend that the wastewater system be operated under a long-term contract with a capable wastewater utility. In addition, we recommend they have a wastewater utility provider prior to approving the project. The proposed project is located outside of the Inland Bays Planning area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required and plan review fees may apply. Disposal fields should not be counted as open space. Wastewater disposal fields should be clearly identified on recorded plots.

If Sussex County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or owners expense.

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".

Constance C. Holland, AICP
Director

CC: Sussex County