



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

March 26, 2007

Peter DeMarie
P.O. Box 181
Bethany Beach, DE 19930

RE: PLUS review – PLUS 2007-02-09; DeMarie Property

Dear Mr. DeMarie:

Thank you for meeting with State agency planners on March 7, 2007 to discuss the proposed plans for the DeMarie property project to be located at the corner of Beaverdam and Substation roads.

According to the information received, you are seeking annexation into the Town of Millville with a rezoning to RPC for 65 multi family units on 10.5 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 if this property is annexed into the Town of Millville, they will be the governing authority over this land and you 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

The Office of State Planning and Coordination (OSPC) would like to thank the applicant for the opportunity to review the proposed project near Millville. This office recognizes the proposed project is located within a Level 3 (Environmentally Sensitive Development) Area and is representative of the type of development that this office would recommend in other locations within Millville and Sussex County. However, the applicant has expressed his intent to seek annexation into the Town of Millville and because of this; this office recommends the application consider the following:

1. The Developer should begin to work with the Town of Millville to begin the annexation process. In support of this process, the OSPC offers its assistance with this process and encourages a pre-meeting with the Town, the Developer and our Office to outline a path forward.
2. The Developer should consider all comments from state, county and the local jurisdiction as he moves forward with this project. These comments may have a direct impact on the preliminary design and proposed density and this office would encourage the developer to contact any agency with specific questions and concerns.

This office has no additional comments; nor do we object to the proposal as defined..

Street Design and Transportation

- Beaver Dam Road and Substation Road are local roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- The developer should anticipate either a requirement to improve parts of Beaver Dam Road and Substation Road to meet DelDOT's local road standards, or a requirement to contribute an amount equal to the cost of that work toward a larger improvement done by others.
- DelDOT recommends that stub streets be provided for future connections to the Chandler, Cashmark and Bedell Properties. They also recommend that the developer coordinate with the developer of Millville by the Sea on a pedestrian path to link their developments.

Natural and Cultural Resources

- A significant portion of the mapped soils on subject parcel(s) are mapped as poorly to very poorly-drained wetland associated hydric Hurlock and Mullica soils (estimated 95% of the parcel land area). Hydric soils that 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 surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or “nor’easters.” This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks).

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

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

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4. The Developer should consider all comments from state, county and the local jurisdiction as he moves forward with this project. These comments may have a direct impact on the preliminary design and proposed density and this office would encourage the developer to contact any agency with specific questions and concerns.

This office has no additional comments; nor do we object to the proposal as defined.

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

Nothing is known within this parcel. There are no maps or photographs showing anything here. The soils are too wet for much potential for prehistoric sites. There is a historic house (S-2354) to the north just outside of this parcel.

The DHCA requests that the developer provide sufficient landscaping to block and noise or visual intrusions on the nearby historic property.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Beaver Dam Road and Substation Road are local roads. DeIDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) The developer should anticipate either a requirement to improve parts of Beaver Dam Road and Substation Road to meet DeIDOT's local road standards, or a requirement to contribute an amount equal to the cost of that work toward a larger improvement done by others. On Beaver Dam Road, the improvement should extend from Substation Road to the west limit of the site frontage, and on Substation Road, it should extend from Beaver Dam Road to the north limit of the site frontage. DeIDOT's local road standards include 11-foot lanes and 5-foot shoulders.

Presently, DeIDOT is communicating with the developers of Millville by the Sea and Barrington Park with regard to the road improvements that each will be obligated to make. If we can arrange for these roads to be improved in long segments in a timely manner, they would rather do that and have the developers of the DeMarie Property contribute toward that work than have the roads improved one short piece at a time.

- 3) DeIDOT recommends that stub streets be provided for future connections to the Chandler, Cashmark and Bedell Properties, respectively Tax Parcels 1-34-16.00-4.00, 7.00 and 700.05. They also recommend that the developer coordinate with the developer of Millville by the Sea on a pedestrian path to link their developments. A street connection is not recommended there because it would require a significant amount of the site area if designed properly and would primarily benefit Millville by the Sea.

- 4) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding specific requirements for access and off-site improvements. Mr. Fiori may be reached at (302) 760-2260.

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

Soils

Based on the Sussex County soil survey update, Hammonton, Hurlock, and Mullica were mapped in the immediate vicinity of subject parcel. Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Hurlock and Mullica are poorly to very poorly-drained wetland associated (hydric) soils that have severe limitations for development. Most of the soils on subject parcel (estimated 95% +/-) are Hurlock and Mullica soils.

As mentioned previously, a significant portion of the mapped soils on subject parcel(s) are mapped as poorly to very poorly-drained wetland associated hydric Hurlock and Mullica soils (estimated 95% of the parcel land area). Hydric soils that 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 surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or “nor’easters.” This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks). **Based on Chapter 99, Section 16A of the Sussex County Code, lands considered unsuitable for subdivision or development due to flooding or improper drainage shall not be developed should they prove reasonably harmful to the safety and general welfare to future and present inhabitants of a subdivision or adjoining residential areas. Extending the logic of this provision in relation to this site's existing site soil conditions, approximately 95% of the land area of this project would be considered ineligible for development. Specifically, those areas mapped as Hurlock and Mullica should be avoided because of their high likelihood of flooding and/or drainage problems.**

Wetlands

Although no mapped wetlands were indicated by the Statewide Wetland Mapping Project (SWMP) maps, it is still likely that some unmapped wetlands may be found in the wooded portions of the parcel. Therefore, to ensure compliance with Federal 404 provisions of the Clean Water Act, a U.S. Army Corps of Engineers (USACE, or “the

Corps’)-approved wetlands delineation should be conducted prior to commencing any building activities. For further information, please contact the USACE by phone at 736-9763.

Impervious Cover

Based on information updates provided by the applicant via email correspondence to Dorothy Morris, this development’s post-construction surface imperviousness was estimated to be about 20%. However, given the scope and density of this project, this estimate is likely to be a significant underestimate. Therefore, the following points should be considered in the finalized calculation for surface imperviousness:

1. Stormwater management areas should not be included in the open space calculation. The use of stormwater management areas to meet the County’s open space requirements artificially lowers the amount of this project’s post-development acreage of surface imperviousness and, ultimately, understates its environmental impacts.
2. The applicant should also realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, and roads) be included in the calculation of surface imperviousness. It was unclear from the information submitted whether the applicant considered all of these forms in their calculation.

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.

ERES Waters

This project is located adjacent to receiving waters of the greater Little Assawoman watershed. Such waters are designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware’s “Surface Water Quality Standards” (as amended July 11, 2004), specify that all designated ERES waters and

receiving tributaries develop a “pollution control strategy” to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Assawoman watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Little Assawoman watershed, “target-rate-nutrient reductions” of 40 will be required for both nitrogen and phosphorus. Additionally, “target-rate-reductions” of 40 percent will be required for bacteria.

TMDL Compliance through the Pollution Control Strategy (PCS)

As indicated above, Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been proposed for the Little Assawoman watershed. The TMDL calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction in bacteria. A pollution control strategy will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient 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 green-technology stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state that water will be provided to the project by an individual on-site well. DNREC records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be

obtained by contacting the Public Service Commission at 302-739-4247. According to SB 135 that was signed on June 30, 2003 by Governor Minner, the municipality is required to give notice to the Public Service Commission when the annexation is complete. Should an on-site public/miscellaneous public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be located and constructed in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

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

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule.

Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

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

Sediment and Erosion Control/Stormwater Management

Standard Comments:

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

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

location(s) of stormwater management should be brought to the meeting for discussion.

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

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

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

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

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

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

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

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

A Certified Construction Reviewer (CCR) is required for any project that is 50 acres or greater.

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

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

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

Specific Comments:

The application and site plan does not identify stormwater treatment.

Green technology best management practices are the preferred option for stormwater quality control [Delaware Sediment and Stormwater Regulations, 10.3.5].

This project is within an impaired watershed. A Total Maximum Daily Load (TMDL) has been promulgated. The applicant is encouraged to preserve any existing riparian buffers to aid in the reduction of nutrients, sediment, and other pollutants. For the further enhancement of water quality, additional widths of vegetated buffers and other water quality measures are encouraged to be implemented on this project. Additionally, the applicant should be aware that additional best management practices for storm water quality may be required by state regulation and county ordinances due to the project location in an impaired waterway.

Drainage

1. This property is located on Sub 1 of Prong 7 of the Beaverdam Canal Tax Ditch that has an established tax ditch right-of-way. Although the sketch plan does not show a stormwater management area, it is assumed any stormwater management area would outlet into the tax ditch. Therefore, a meeting of the applicant, the Drainage Program, and the Beaverdam Canal Tax Ditch is needed to discuss tax ditch right-of-way and the release of stormwater into the tax ditch. Please contact the Georgetown office of the Drainage Program at (302) 855-1930.
2. 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.

3. 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 yards in certain cases. Therefore, catch basins placed in rear and side yards will need to be clear of obstructions and be accessible for maintenance. Decks, sheds, fences, pools, and kennels can hinder drainage patterns as well as future maintenance to the storm drain or catch basin. Deed restrictions, along with drainage easements recorded on deeds, should ensure adequate future maintenance access.
4. 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.
5. Have all drainage easements recorded on deeds and 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.
6. Based on the 1974 USDA Soil Survey of Sussex County, a portion of the property was mapped as Osier soil. This particular soil type has a high water table and poor natural drainage. Limitations for foundations for homes of three stories or less is severe due to a high water table. Crawl spaces and basements within this area are very questionable. The Drainage Program recommends limited tree removal in this area.
7. Where practical, plant native trees, and shrubs to compensate for the loss of nutrient uptake and stormwater absorption the removed trees provided. Even with these measures, this area may not provide adequate residential drainage. If this area is developed as proposed, especially with crawl spaces and basements, a statement should be on the deed informing the prospective buyers that future drainage problems are very likely.
8. This site will drain into the Beaverdam Canal Tax Ditch, Beaver Dam Ditch, and Miller Creek, before reaching the Little Assawoman Bay. Please explore methods to filter excess nutrients in stormwater runoff from this site before releasing stormwater into the Little Assawoman Bay watershed.

For questions or clarifications, please contact Jim Sullivan at 739-9921.

Open Space

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Doing so will provide wildlife habitat and it will create recreational opportunities for residents. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces. Natural habitat could consist of increasing tree canopy density, reforesting portions of open space or establishing meadow grasses. The developer is encouraged to review "Community Spaces, Natural Places: A guide to restoration, management, and maintenance of community open space". This document provides a reference of practical and successful open space management techniques that emphasize natural landscape alternatives other than turf grass management. The guidebook is available online at: <http://www.dnrec.state.de.us/dnrec2000/Divisions/Soil/dcmp/>.

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.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 5.0 tons (9,976.8 pounds) per year of VOC (volatile organic compounds), 4.1 tons (8,260.1 pounds) per year of NOx (nitrogen oxides), 3.0 tons (6,094.5 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (542.5 pounds) per year of fine particulates and 417.3 tons (834,548.4 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 2.0 tons (4,024.1 pounds) per year of VOC (volatile organic compounds), 0.2 ton (442.8 pounds) per year of NOx (nitrogen oxides), 0.2 ton (367.4 pounds) per year of SO2 (sulfur dioxide), 0.2 ton (474.2 pounds) per year of fine particulates and 8.2 tons

(16,312.8 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 0.8 tons (1,594.9 pounds) per year of NO_x (nitrogen oxides), 2.8 tons (5,547.4 pounds) per year of SO₂ (sulfur dioxide) and 409.1 tons (818,235.6 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	5.0	4.1	3.0	0.3	417.3
Residential	2.0	0.2	0.2	0.2	8.2
Electrical Power		0.8	2.8		409.1
TOTAL	7.0	5.1	6.0	0.5	834.6

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.8 tons of nitrogen oxides per year and 2.8 tons of sulfur dioxide per year.

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.

They also recommend 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, links to mass transit, and fund a lawnmower exchange program for their new occupants.

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

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

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
 - Where a water distribution system is proposed for 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 the main roads leading into the community 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 the owner(s) intend to seek annexation into the Town of Millville, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 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.

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

This proposal is a site plan review for 65 multi-family residential units on 10 acres, located at the intersection of Substation Road and Beaverdam Road, near Millville. This proposal is adjacent to the Town of Millville and within the Sussex County growth zone. DSHA supports the rezoning to multi-family, as it lends to the affordability of units to accommodate the jobs of a resort economy. According to the most recent real estate data collected by DSHA, the median home price in Sussex County is \$246,000. However, families earning 100% of Sussex County’s median income only qualify for mortgages of \$174,485, thus creating an affordability gap of \$71,515. The provision of units within reach of families earning at least 100% of Sussex County’s median income would help increase housing opportunities for first time homebuyers. We encourage both the Town of Millville and the developer to coordinate setting aside some of the units to be affordable to the low- and moderate-income households as part of the annexation process.

In addition, coordination can be done with the Diamond State CLT to ensure the units stay affordable in perpetuity.

Department of Education – Contact: John Marinucci 739-4658

DOE offers the following comments on behalf of the Indian River School District. Using the DOE standard formula, this development will generate an estimated 33 students.

1. DOE records indicate that the Indian River School Districts' *elementary schools are at or beyond 100% of current capacity* based on September 30, 2006 elementary enrollment.
2. DOE records indicate that the Indian River School Districts' *secondary schools are not at or beyond 100% of current capacity* based on September 30, 2006 secondary enrollment. In multiple correspondences from the Indian River School District administration, the district asserts that while the Indian River High School has capacity, the Indian River Middle Schools' student population exceeds student capacity.
3. This development will create additional elementary school and middle school student population growth which will further compound the existing shortage of space. The developer is strongly encouraged to contact the Indian River School District Administration to address the issue of elementary school over-crowding that this development will exacerbate.
4. DOE requests developer work with the Indian River 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.

Sussex County – Contact: Richard Kautz 855-7878

The town is encouraged to avoid the creation of new enclaves when annexing, to eliminate existing enclaves during its negotiation of the annexation agreement, and to notify the Sussex County Planning Department when the annexation becomes effective.

The Sussex County Engineer Comments:

The proposed project is in a future sewer service area and the Sussex County Engineering Department requires a connection to the County operated wastewater system. The proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures.

The proposed project exceeds system design assumptions for the future sanitary sewer system currently under construction. The design assumption for the parcels in the proposed project assumed a total of 61 units. If the parcels are not annexed into the town of Millville, the maximum will be 4.0 dwelling units per acre for a total project size not to exceed 44 units. It is noted that the parcels do not adjoin the town of Millville.

A portion of the project is located on the north side of Beaver Dam Road, (County Road 368) and is in the North Millville Expansion of the Bethany Beach Sanitary Sewer District. There is currently no sewer service to the parcels at this time. That portion was assumed to annex into Millville, and on the basis of their Comprehensive Plan, was allocated 6.2 equivalent dwelling units (EDUs) per acre in sewer design assumptions. If the parcels are not annexed into Millville, they will be limited to a maximum of 4.0 EDUs per acre.

A portion of the project is located on the south side of Beaver Dam Road, (County Road 368) and must be annexed into a sewer district before receiving sewer service. Sussex County would support a request for annexation. Handed out at the meeting was a list of steps to be completed for sewer expansion. There is currently no sewer service to the parcels at this time. That portion was assumed to remain in Sussex County, and on the basis of the County's Comprehensive Plan, was allocated 4.0 EDUs per acre in design assumptions.

Sussex County does not expect to complete construction of sewer service in the area until the summer or fall of 2007 at the earliest. Sussex County does not currently have a firm schedule to provide sewer service to Beaver Dam Road west of Substation Road. It will be necessary for the developer to extend mainline sewer to the projects entrance on Beaver Dam Road and continue to the projects western boundary at Beaver Dam Road. The developer, at the developer's expense, will complete extension of sewer lines to the project. The Sussex County Engineer must approve the connection point. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval prior to extending the sewer district boundaries to include the proposed parcels and prior to construction plan submittal. A checklist for preparing sewer concept plans was handed out at the meeting.

One-time System Connection charges will apply. Please contact Mrs. Denise Burns at 302 855-7719 for additional information on charges.

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
Town of Millville