



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

October 24, 2007

Mr. Joseph Cairone
Cairone & Kaupp, Inc.
1118 E. Columbia Avenue
Philadelphia, PA 19125

RE: PLUS review – PLUS 2007-09-07; Beebe Medical Center – New South Coastal
Health Campus

Dear Mr. Cairone:

Thank you for meeting with State agency planners on September 26, 2007 to discuss the proposed plans for the Beebe Medical Center project to be located on Delaware Route 26 in Sussex County.

According to the information received, you are seeking site plan approval through Sussex County for an 87,000 medical center.

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. You will also need to comply with any Federal, State and local regulations regarding this property. The State also notes 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.

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 recognizes this parcel is within and Investment Level 3 as defined by the State's Strategies for Policy and Spending and is within the Environmentally Sensitive Developing District as defined by the Sussex County Comprehensive Land Use Plan. This office further recognizes the need for the services provided by the applicant within the dynamic region of the state and therefore has no significant objections to the proposal; however, we would encourage the developer to work closely with Sussex County and the Town of Millville to address infrastructure service and the future zoning and possible annexation of this parcel over time. Finally, I would encourage the developer to work closely with DNREC and Department of Agriculture to preserve the forested resources on this site by making this a better model development by considering green technologies for storm water treatment and implementing a comprehensive tree preservation plan and waste wood recycling program to protect and give back to the site as much as possible. If you have any questions, please contact me.

Street Design and Transportation

- The proposed medical center would be built in two phases, an initial phase of 60,500 square feet and a later phase of 27,000 square feet. DelDOT expects the completed medical center to generate enough traffic to warrant a traffic impact study (TIS) and for that reason they will require one. However, DelDOT does not expect the first phase to generate enough traffic to warrant a TIS. Therefore, if Sussex County approves the plan, they will permit construction of the first phase to begin while the TIS is in progress. A scoping meeting for the TIS was held on September 20, 2007. A copy of the minutes is attached.
- DelDOT has one project that is relevant to the proposed development: SR 26, Atlantic Avenue from Clarksville to the Assawoman Canal. That project would widen the road to provide 11-foot lanes, 5-foot shoulders and a 12-foot continuous left turn lane. Construction is expected to begin in Fiscal Year 2010 and to be completed in Fiscal Year 2013. DelDOT anticipates requiring the Medical Center to dedicate land along their frontage for this project and to design their entrance in a manner consistent with the project.

Requirements for further improvements, or contributions toward improvements, may follow from the TIS.

Natural and Cultural Resources

- Minimize tree clearing as much as possible on this parcel. If there are extra parking spaces above and beyond what is required, it is recommended that the applicant consider removing them to further reduce tree clearing.

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 this parcel is within and Investment Level 3 as defined by the State's Strategies for Policy and Spending and is within the Environmentally Sensitive Developing District as defined by the Sussex County Comprehensive Land Use Plan. This office further recognizes the need for the services provided by the applicant within the dynamic region of the state and therefore has no significant objections to the proposal; however, we would encourage the developer to work closely with Sussex County and the Town of Millville to address infrastructure service and the future zoning and possible annexation of this parcel over time. Finally, I would encourage the developer to work closely with DNREC and Department of Agriculture to preserve the forested resources on this site by making this a better model development by considering green technologies for storm water treatment and implementing a comprehensive tree preservation plan and waste wood recycling program to protect and give back to the site as much as possible. If you have any questions, please contact me.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

According to the historical resources and documents at the State Historic Preservation Office, it appears that there is or was a house partially on or within, or close to this parcel. The house is a Cultural Resource Survey (CRS) site, and it known as the Mark Hiestand House (S-2439), but it is not a National Register property. Also, on the historic Beers Atlas Map of 1868, it does shows that there were some type of dwelling or structures, which appears to have been nearby or close to where this parcel is now.

These dwellings or structures are indicated or marked as the following: Capt. J. Holt, J. Steel, and J. K. Townsend. Many historic farm complexes or farmsteads during this

period are likely to have family cemeteries associated with them, and the developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out, and the developer may want to hire an archaeological consultant to check for the possibility of a cemetery here if this development is approved.

Because of the nature of where this parcel is located there is a possibility that there still could be an un-discovered prehistoric or historic archaeological site on this parcel, or nearby. If any construction proceeds on this parcel, the State Historic Preservation Office of the Division of Historical & Cultural Affairs would like the opportunity to examine the area prior to any demolition or ground-disturbing activities, to see if there are any archaeological sites on it, in order to learn more information about this area in detail. If you would like to discuss this information or other issues further, contact the State Historic Preservation Office Division of Historical & Cultural Affairs at (302) 744-7400 ext.25, and they will be more than happy to assist you.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

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Requirements for further improvements, or contributions toward improvements, may follow from the TIS.

- 3) The developer's site engineer should contact the Subdivision Manager for eastern 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

According to the Sussex County soil survey update, Rosedale, Ingleside, Hambrook, Pepperbox and Hurlock were mapped in the immediate vicinity of the proposed construction. Rosedale, Ingleside and Hambrook are well-drained upland soils that, generally, have few limitations for development. Pepperbox is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

Approximately 30-35% of the soils mapped on this parcel are mapped as Hurlock (hydric). 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 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, sidewalks, and stormwater management structures). Such soils should not be developed since they are likely to increase future flooding intensities and frequencies should they be filled, graded, or further drained.

Based on the Chapter 99, Section 16A of the Sussex County Code (paraphrased), lands compromised by improper drainage or flooding potential pose significant threats to the safety and general welfare of future residents and, therefore, shall not be developed. Soils mapped as such as Hurlock fit this criterion for improper drainage or high flooding potential and should be avoided. The Watershed Assessment Section believes permitting development on such soils would be inconsistent with the above-state regulatory guidelines from the Sussex County Code.

Wetlands and Permitting Information

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands on this site. Wetlands provide water quality benefits, attenuate

flooding and provide important habitat for plants and wildlife. PLUS application materials indicate that wetlands were delineated. This delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Management Program (DCMP) Section. Each of these certifications represents a separate permitting process.

Please be advised that nationwide permits have been suspended in Delaware and are pending further coordination with the Corps. Therefore, contrary to past practices, Coastal Zone Management approval can no longer be assumed. Individual certifications must be granted from the DCMP office for each project intending to utilize a Nationwide Permit. For more information on the Federal Consistency process, please contact the DCMP office at 302.739.9283. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at 302.739.9943 to schedule a meeting.

Impervious Cover

Based on information provided by the applicant in the PLUS application, this project's projected post-development surface imperviousness was calculated to reach 23 percent. However, given the scope and density of this project this projection is likely an underestimate.

The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, stormwater management structures, and roads) should be included in the calculation for surface imperviousness; it was unclear from the submittal whether constructed surface imperviousness was comprehensively considered. Nonetheless, it is strongly recommended that the applicant include all of aforementioned forms of surface imperviousness in their finalized calculation for surface imperviousness. This will ensure a realistic assessment of this project's likely post-construction environmental impacts.

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 Inland Bays 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 Inland Bays Watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project is located in the **low** nutrient reduction area requiring a 40 percent reduction in nitrogen and phosphorus. Additionally, a 40 percent reduction in bacteria will also be required.

Compliance with TMDLs through the Pollution Control Strategy (PCS)

As stated above, Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. The TMDL calls for a 40% reduction in nitrogen and phosphorus from baseline conditions. Additionally, a 40 percent reduction in bacteria will also be required from baseline conditions. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses or ditches, increasing passive, wooded open space, connecting to an existing central sewer

(if available), and the use of green-technology stormwater management treatment trains. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. 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 on-site individual new well. Our records indicate that part of the project is located within the public water service area granted to Public Water Supply (a.k.a. Tidewater Utilities) under Certificate of Public Convenience and Necessity 83-W-6. The developer should contact Public Water Supply (a.k.a. Tidewater Utilities) to determine the availability of public water. 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. Since an on-site Public/Miscellaneous Public well will 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, and it must also be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

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

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

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

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or the removal of trees for the sole purpose of placement of a stormwater management facility/practice.

If you are interested in exploring innovative ditch/stream restoration or enhancement on site, please contact Tom Barthelmeh at 302.739.9921.

Drainage

1. This project is located within the St. Georges Tax Ditch, which has existing tax ditch rights-of-way. Any modification of the tax ditch or tax ditch right-of-way will require approval of the Tax Ditch Association and a court order change to the tax ditch. Please continue to work with the Drainage Program in Georgetown at (302) 855-1930 on the issues of tax ditch rights-of-way and the releasing of stormwater into the tax ditch.
2. Existing tax ditch rights-of-way should be free from permanent obstructions to allow for routine maintenance and periodic reconstruction. Routine maintenance primarily consists of mowing ditch bank vegetation and the removal of small blockages. Periodic tax ditch reconstruction involves the removal of sediment from the ditch bottom to reestablish the original design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading within the tax ditch right-of-way.
3. 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.
4. 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.
 5. Where possible, preserve the existing riparian buffers on this site to aid in the reduction of nutrients, sediment, and other pollutants entering the watershed. Please explore methods to filter excess nutrients in stormwater runoff from this site before releasing the stormwater into the watershed.
 6. The Drainage Program does not support the removal of trees for the creation of stormwater management areas. However, the Drainage Program recognizes 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.

For questions or clarifications, please contact Jim Sullivan at (302) 739-9921.

Rare Species

DNREC has never surveyed the project area; therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site. DNREC would like to remind the applicant and Sussex County that the Natural Heritage Program is the only entity which can make the determination regarding the presence of rare species on this site. They also want to caution the applicant from making inferences regarding the absence of rare species based on adjacent projects or projects in the general area. Rare species are typically very specific in their habitat needs and could occur on one parcel and not on an adjacent parcel. Due to the degree of rarity, the occurrence of some species can be very localized and, especially in the case of some rare plant populations, have a small footprint. Also, if they have never surveyed for these species, an absence of a 'record' does not necessary indicate an absence of a rare species.

Forest Preservation

Cumulative forest loss throughout the state is of utmost concern to this division which is responsible for conserving and managing the states wildlife (see www.fw.delaware.gov and the Delaware State Code, Title 7). Because of an overall lack of forest protection, they have to rely on applicants and/or the entity that approves the project (i.e. counties and municipalities) to consider implementing measures that will aide in forest loss reduction.

Comments/recommendations:

1. DNREC appreciates that the non-forested portion of the parcel appears to be utilized for the building footprint. Also, it appears as if the forest on the east side of the buildings can be maintained as long as it is not cleared for infrastructure not currently depicted in the site plan. This woodlot provides a connection to an adjacent forest block which is important for wildlife travel and species which are impacted by forest fragmentation.
2. Minimize tree clearing as much as possible on this parcel. If there are extra parking spaces above and beyond what is required, it is recommended that the applicant consider removing them to further reduce tree clearing.
3. Tree clearing should not occur April 1st to July 31st to reduce impacts to birds and other wildlife that utilize forests for breeding. This would only protect those species for one breeding season; once trees are cleared there is an overall loss of habitat.

Underground Storage Tanks

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

Fuzzy Tire and Alignment, Facility # 5-000147, Project # S9112285

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

State Fire Marshal's Office – Contact: 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 healthcare sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- b. **Fire Protection Features:**
 - All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
 - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
 - Show Fire Lanes and Sign Detail as shown in DSFPR

- c. **Accessibility:**
 - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road from the main thoroughfare be constructed so fire department apparatus may negotiate it.
 - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
 - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information**

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

e. Required **Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed project. 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. Please feel free to contact the Delaware Forest Service at (302) 698-4500 for more information.

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.

Department of Education – Contact: John Marinucci 735-4055

This proposed development is within the Indian River School District. This is a commercial/industrial development project with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this development proposal.

Sussex County - Contact: Richard Kautz 855-7878

The proposed project is located in the Beaver Dam Planning Area for sewer service and Sussex County will be extending sewer to this area in concert with the Route 26 widening and sewer service will be available at some future time. Sussex County does not have a schedule for providing sewer service at this time however. The project proposes to develop using an individual onsite system. Sussex County has no objection to project developing with an on site system.

When Sussex County provides sewer service, it is required that the onsite system be abandoned and a direct connection made to the County system at the property 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". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Constance C. Holland, AICP
Director

CC: Sussex County