



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

February 25, 2008

Mr. Jason Palkewicz
McCrone, Inc.
119 Naylor Mill Road, Bldg. 1, Ste. 6
Salisbury MD 21801

RE: PLUS review – 2008-01-10; Riverview

Dear Mr. Palkewicz:

Thank you for meeting with State agency planners on January 30, 2008 to discuss the proposed plans for the Riverview project to be located on the east side of Walter's Bluff Road, south of the Indian River Bay.

According to the information received, you are seeking site plan approval for 72 residential units on 78 acres. It is noted that this project was seen through PLUS in 2005. Since that time, the site plan has changed because of a cemetery that was found on-site. The new site plan also adds two "wetland walkways".

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

When the proposed was reviewed by this office in 2004, the Office of State Planning commented that we were particularly concerned with the access to the site and the amount of wetlands that would be impacted by the long bridge needed for access. At that time asked that the developer to consider alternatives for accessing the property. These comments are still valid. The new revised plan present in 2008 shows a road to access the site instead of a bridge which this office feels like other state agencies will have even greater negative impact to wetlands and water resources within and adjacent to the site.

While we recognize that it is within an Investment Level 3 area according to the Strategies for State Policies and Spending, the negative impacts that developing this parcel will have on the environmental features on and around the site should be considered and the State would prefer to see this parcel remain undeveloped and the developer work with various state, county and local agencies to identify other possible uses for this site.

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

At this time there are two known historic and cultural resources on this project area. One of the historic and cultural resources is reference to the Tunnell Cemetery [also known as Walters Cemetery] (S-10017), and the other is a known archaeological site (S-647, 7S-G-21).

Another historical aspect is that according to the Beers Atlas of 1868, this project area appears to be within the area or vicinity of Baltimore Hundred, and there is a variety of historical attributes or aspects within the area or vicinity of Baltimore Hundred. Also according to the Beers Atlas of 1868, it appears that there were a few dwellings very close to where the project area is today, and those dwellings were associate or affiliated with someone by the name of J.D. Derrickson and another by the name of E. Walters. It is a possibility that there could be potential historic and cultural resources or potential archaeological resources associated with those dwellings or related to those dwellings.

Since this project area is in a location where there are some historical attributes or aspects, it is also an indication that it is a possibility that there could probably be potential historic and cultural resources or potential archaeological resources on or within this project area. The potential historic and cultural resources or potential archaeological resources could a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains, which has historical attributes or aspects.

Prior to any type of ground-disturbing activities, demolition, or construction, the developer show review Chapters 53 and 54, in Title 7, of the Delaware State Code. Chapter 53 pertains to the discovery and disposition of “Conservation of Archaeological Resources In or On State Lands”. Chapter 54 pertains to the “Delaware Unmarked Human Remains Act of 1987”, such as the discovery and disposition of Unmarked Human Burials or Skeletal Remains”. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

Also prior to any type of ground-disturbing activities, demolition, or construction, the developer may want to hire an archaeological consultant to check and examine the project area thoroughly. The purpose for this is to make sure that there is no indication or evidence of a potential historic and cultural resource or potential archaeological resource such as a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains, which has historical attributes or aspects.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) With a projected trip generation of 492 trips per day, the proposed development would warrant a traffic impact study under DeIDOT’s newly adopted Standards and Regulations for Subdivision Streets and State Highway Access. Grandfathering provisions will exempt developments for which an application has been filed with the relevant government and accepted for review by that local government on or before March 31, 2008. While DeIDOT appreciates that significant work has gone into the planning of this development, their understanding of the Chancery Court decision is that the applicant must start over and that the County has not yet accepted their current application. Therefore DeIDOT anticipates requiring a traffic impact study.

Under the new regulations, responsibility for preparing the scope of work for a TIS has shifted to the developer’s engineer. When you are ready for a scoping meeting, the developer’s engineer may contact Troy Brestel or Bill Brockenbrough of the DeIDOT Planning Office to arrange it. Mr. Brestel may be reached at (302) 760-2167.

- 2) While they have not yet determined what they would be, DeIDOT anticipates requiring improvements to Walter’s Bluff Road between the site entrance and Holt’s Landing Road (Sussex Road 346), and possibly beyond that point to White’s Neck Road (Sussex Road 347).

- 3) It is recommended that the plan for the project provide a stub street such that if the D&B Limited Partnership property, which largely separates the subject land from Walter's Bluff Road, ever develops a second connection can be made through that development's street system.
- 4) The applicant's engineer should contact the Subdivision Manager for eastern Sussex County, Mr. John Fiori, regarding requirements with regard to the design of the site entrance and any related road improvements on Walter's Bluff Road. 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, Rosedale, Klej, Askecksy, Transquaking-Mispillion complex, and Purnell were mapped in the immediate vicinity of the proposed construction. Rosedale is well-drained upland soil that, generally, has few limitations for development. Klej is a somewhat poorly-drained transitional soil that is likely to have both wetland and upland soil components. Askecksy is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Transquaking-Mispillion complex and Purnell are very poorly-drained wetland associated (hydric) soils associated with tidally-influenced wetlands. Most of the soils mapped (estimated 70% on this parcel) are poorly to very poorly-drained.

Wetlands

Based on the Statewide Wetland Mapping Project (SWMP) maps, palustrine forested riparian and estuarine emergent wetlands were mapped over most of subject parcel.

Impacts to Palustrine wetlands are regulated by the U.S. Army Corps of Engineers (USACE, or "the Corps") through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Corps 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 DCMF 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.

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 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all wetlands and water bodies (including ditches).

State Wetlands Permitting

The Wetland and Subaqueous Lands Section (WSLS) has serious concerns about the placement of fill materials in State-regulated tidal wetlands for an access roadway. It is strongly recommended that a bridge be constructed to avoid impacts to tidal wetlands.

The new site plan proposes two wetland walkways, each crossing several hundred linear feet of tidal wetlands. These structures far exceed the recommendations for wetland walkways in the WSLS Guidance Document and also exceed the lengths of walkways authorized by the Department for at least the past 5 years. Because the peninsula is surrounded by large expanses of tidal wetlands and construction of walkways would create significant impacts to wetlands, authorization for a wetland walkway would be difficult to obtain.

Impervious Cover

The applicant estimates this project's post-construction surface imperviousness to reach about 10 percent. However, given the scope and density of this project (i.e., from the conceptual project layout), this estimate appears to be a significant underestimate. In contrast, the applicant's estimate of existing surface imperviousness (approximately 1.2%) appears to be an overestimate as this parcel has no apparent existing structural form of surface imperviousness.

When calculating surface imperviousness, it is important to include all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, stormwater management structures, and roads) in the calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts.

Since it is apparent that the applicant's estimate for surface imperviousness is a significant underestimate of their project's actual post-construction impacts, it should be recalculated to include all forms of constructed surface imperviousness. Accordingly, the estimate for this project's preconstruction surface imperviousness should also be recalculated. Failures to do so will significantly understate this project's true 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, respectively. Additionally, 17 percent reduction in bacteria will also be required because of the project's immediate proximity to marine waters.

Compliance with TMDLs through the 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 percent reduction in nitrogen and phosphorus from baseline conditions. Additionally, a 17 percent reduction in bacteria will also be required from baseline conditions in marine waters. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses (and wetlands), increasing passive, wooded open space which helps reduce surface imperviousness (i.e., pervious pavers), and the use of green-technology stormwater management technologies.

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 public water will be provided to the project by a Private Company. Our records indicate that 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 (CPCN) 83-W-6. It is recommended that the developer 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 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. 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, 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. 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

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.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals.

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.

Drainage

- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction.

- The Drainage Program encourages the elevation of rear yards to direct water towards the streets and alleyways 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.
- An increase of the side yard setback to 15 feet may be needed on all properties with a drainage easement on the side. The increase will allow room for equipment to utilize the entire easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future re-construction. The side yard setback would only increase on the side with the drainage easement.
- 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.
- 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.

Floodplains

In the "Project Summary" that accompanied the PLUS application form, the applicant states that the Riverview neighborhood has been designed with the "health, safety, and welfare of the citizen's of Sussex County" [in mind]. The existing topography of the parcel goes from less than 2 feet to a small peak of 8 feet NAVD 88. The Base Flood Elevation on the portion of the property where the road will be located is 6.7 NAVD 88. This portion of the parcel is located in Flood zone AE 7 for Indian River Bay. A small portion of the property is in flood zone AE 8 and the Northeast corner is in zone VE 9. Essentially the road would be constructed almost 5 feet below the 100-year base flood elevation if it was constructed on existing grade. It is our understanding that fill will be used to construct the road. Given

that the road crosses a wetland and is located in a State Resource Area (SRA), what is the likelihood that more than five feet of fill would be used to elevate the road? From a public safety standpoint, the lives of the 72 property owners and their families could be at risk, as well as the lives of any emergency personnel that would be required to access this subdivision in the event of a storm.

Rare Species

The site has never been surveyed for State-rare or federally listed plants, animals or natural communities by qualified scientists from our program. Therefore, it is unknown if rare species would be impacted by this project. Botanical and plant community surveys were conducted on adjacent parcels, but zoological surveys have not been conducted.

Wetland Habitat

Long-term degradation of the marsh habitat could occur from the fragmentation and disturbance caused by this development. This project has the potential to impact a large expanse of wetlands because inadequate upland buffers are being proposed, wetlands will have to be filled for the access road and wetlands will be disturbed and fragmented by two long docks.

Upland buffers on the perimeter of the wetlands are extremely important for maintaining the function and integrity of the wetlands. Upland buffers not only protect water quality, but provide breeding habitat for wetland dependent species, and nesting and foraging habitat for many other species of wildlife.

The two docks being proposed will bisect and fragment the wetlands. Species utilizing the wetlands could be disturbed, not only during construction of the docks, but also when residents use the docks. This could especially impact birds that are attempting to nest, are incubating eggs or tending to young. In addition, the shoreline where the docks terminate could potentially be diamondback terrapin nesting habitat. The diamondback terrapin is a brackish water turtle found in the state's coastal inland bays, Delaware Bay and its tidal brackish tributaries. This species is considered to be a species of conservation concern, but there is inadequate data to determine degree of rarity. The Northeast Wildlife Diversity and Endangered Species Technical Committee consider the Diamondback terrapin a species of regional concern, and one that may warrant federal protection in the future. This species spends most of its life in the water, until spring when (primarily) females seek open upland sandy areas to lay eggs. Hatchlings utilize adjacent marsh areas as a nursery area.

Recommendations:

1. It is recommended that the site plan be redesigned so that at least 100-foot upland buffers are left intact along the perimeter of the wetlands. Current county code and State regulatory requirements are not in sync with scientific research which indicates that upland buffers should be at least 100 feet in width in order to provide adequate protection.
2. It is also recommended that the proposed docks be omitted. The necessity for these piers should be carefully considered as negative environmental impacts could outweigh the benefits. The piers will only benefit those who are permitted to use them, but could have much wider environmental impacts. One option for residents is Holts Landing State Park which is close by and can be used for many recreational endeavors.

State Resource Areas

The wetlands surrounding the proposed development are a State Resource Area. All of the lots adjacent to the wetlands (lots 1 through 63) are too close to the wetlands. The lots should be located 100 feet away from the wetlands in an effort to maintain the integrity of the wetlands.

Underground Storage Tanks

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

Tuckahoe Acres Camp ground, Facility # 5-000697, Project # S9203074

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.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 5.5 tons (11,051.2 pounds) per year of VOC (volatile organic compounds), 4.6 tons (9,149.7 pounds) per year of NOx (nitrogen oxides), 3.4 tons (6,750.8 pounds) per year of SO2

(sulfur dioxide), 0.3 ton (600.9 pounds) per year of fine particulates and 462.2 tons (924,422.9 pounds) per year of CO₂ (carbon dioxide).

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

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

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	5.5	4.6	3.4	0.3	462.2
Residential	2.2	0.2	0.2	0.3	9.0
Electrical Power		0.9	3.1		453.2
TOTAL	7.7	5.7	6.7	0.6	924.4

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.9 tons of nitrogen oxides per year and 3.1 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 DNREC Energy Office 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. We highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

We 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:**

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

b. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from the main thoroughfare must be constructed so fire department apparatus may negotiate it

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

c. Required Notes:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Where townhouse are erected, 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, 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 development. 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. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Ash Trees

Leyland Cypress

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

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 Powers 739-4263

The proposal is for a site plan review for 72 residential units on 78 acres, located on the east side of Walter's Bluff Road, south of Indian River Bay.

According to the State Strategies Map, the proposal is located in an Investment 3 and environmentally sensitive area. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities, such as Investment Level 2 area outlined in the State Strategies Map. While the prices of the units are not known at this time, we encourage the applicant to include prices that are affordable to low- and moderate-income households. For informational purposes, the most recent real estate data collected by DSHA shows the median home price in Sussex County to be \$280,000. However, households earning respectively 100% of Sussex County's median income only qualify for mortgages of \$164,791, thus creating an affordability gap of \$115,209. Households that cannot afford to live in the coastal resort area have been displaced to western Sussex County. The provision of units within reach of households earning at least 100% of Sussex County's median income would help increase their housing opportunities. To facilitate the units targeted for first-time homebuyers, DSHA encourages the developer to apply for Sussex County's Moderately Price Housing Unit (MPHU) Program, which provides the following incentives: an expedited review, density bonuses, and full utilization of the zoning designated for the parcel.

A Request for Proposal (RFP) process has been established to select initial program participants. The developer is encouraged to call William C. Lecates, Director of Sussex County's Community Development and Housing Division at (302) 855-7777 to learn more about the RFP application process.

Department of Education – Contact: John Marinucci 735-4055

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

1. Using the DOE standard formula, this development will generate an estimated 36 students.
2. DOE records indicate that the Indian River School Districts' *elementary schools are at or beyond 100% of current capacity* based on September 30, 2007 elementary enrollment.
3. DOE records indicate that the Indian River School Districts' *secondary schools are not at or beyond 100% of current capacity* based on September 30, 2007 secondary enrollment.
4. In multiple correspondences from the Indian River School District administration, the district asserts that while the Indian River High Schools have capacity, the Indian River Middle Schools' student population exceeds student capacity.

5. 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 and middle school over-crowding that this development will exacerbate.
6. 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 Sussex County Engineer Comments:

The proposed project is in Holts Landing Sanitary Sewer District (HLSSD) Planning Area and connection to the sewer system is mandatory. The proposed project does not adjoin the current boundary of the HLSSD and a request for annexation must include additional parcels to establish adjacency. It will be the developer's responsibility to obtain the participation of additional property owners. The project is within planning study and capacity assumptions for sewer service from the HLSSD.

The proposed development will require a developer installed collection system in accordance with Sussex County standard requirements and procedures. In addition, it will be the developer's responsibility to install regional infrastructure from an approved connection point in accordance with the South Coastal Area Planning Study 2005 Update. The Sussex County Engineer must approve the connection point. The Sussex County Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation to the HLSSD. A checklist for preparing conceptual plans along with a copy of the County's policy and steps for extending sewer district boundaries. All costs associated with extending sewer service will be the sole responsibility of the developer. One-time system connection charges will apply. Please contact Ms. Janna Wilcoxson at 302 7817 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". 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