



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
Budget Development, Planning and Administration
State Planning Coordination

November 18, 2008

Mr. Don Miller
34313 Peppers Corner Road
Frankford, DE 19945

RE: PLUS 2008-09-03; Sealadel Business Park

Dear Mr. Miller:

Thank you for meeting with State agency planners on October 22, 2008 to discuss the proposed plans for the Sealadel Business Park project to be located on the east side of Delaware 30, north of Sussex County Route 452.

According to the information received, you are seeking a rezoning of 114.25 acres from AR to L1 and C1 for a 23,872 sq. ft distribution center with a restaurant and service station.

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.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is within the Low Density area according to the Sussex County certified comprehensive plan. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

This office has received the following comments from State agencies:

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

This project represents a major land development that will result in 23,872 sq. ft. of commercial space residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is within the Low Density area according to the Sussex County certified comprehensive plan. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring commercial traffic to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision; however, based upon further information, the applicant is encouraged to participate the proposed Sub-Regional Planning effort for the Delmar Area to further define the future use of this parcel to support the proposed light commercial use and future agricultural industrial use. Finally the applicant should speak with the Department of Agriculture Office of the Secretary to gain insight on the Department's long term efforts to provide agriculture business / industries such as proposed by the applicant, although our office may not support the idea of aggressive industrial zoning that is not supported by the proposed Delmar Sub-Regional Planning effort, we would support the proposed agricultural uses presented by the applicant.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

No comments received.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Bierman Family LLC and Donald L. and Shirley S. Hill seek to develop a produce washing and distribution center, a storage bin sales business, a restaurant and a service station on a 114.25-acre assemblage of parcels (Tax Parcels 5-32-6.00-87.00 and 5-32-13.00-79.00). The land fronts on three roads, the east side of US Route 13, the south side of Delaware Route 30, and the north side of East Snake Road (Sussex Road 452). The land is zoned AR-1 and rezoning to LI-1 and C-1 is proposed.

Because this land is located in a Level 4 Area, most of the proposed commercial development is inconsistent with the *Strategies for State Policies and Spending*. As part of our commitment to support the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

A notable exception to the above comment is the proposed produce washing and distribution center. Such facilities are needed to support agriculture and their development should be encouraged. If the produce washing and distribution center is proposed separate from the other uses, please contact us directly for review and comments.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

If this rezoning is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments on any development that subsequently might be approved there.

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

Investment Level 4 Policy Statement

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and County certified comprehensive plans. According to the *Strategies*, this project is inappropriate in this location. In Investment Level 4 areas, the

State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional State investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Investment Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

This particular development certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. Of particular concern are potential impacts to wetlands, an increase in impervious cover, the loss/fragmentation of forest (21 out of 80 acres or 26%), and tax ditch rights-of-way. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

Soils

According to the NRCS soil survey update, Pepperbox-Rosedale complex (PsA), Pepperbox (PpB), Glassboro (GoA), Fallsington (FaA), and Lenni (LfA) were mapped in the immediate vicinity of the proposed construction (See figure 1). Pepperbox-Rosedale is a moderately well to well-drained upland soil that has moderate to few limitations for development. Pepperbox is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Glassboro is a somewhat poorly-drained transitional soil likely to contain both wetland and upland soil components; limitations for development are likely to range from moderate to severe. Fallsington and Lenni are poorly-drained wetland associated (hydric) soils that have severe limitations for development and should be avoided.

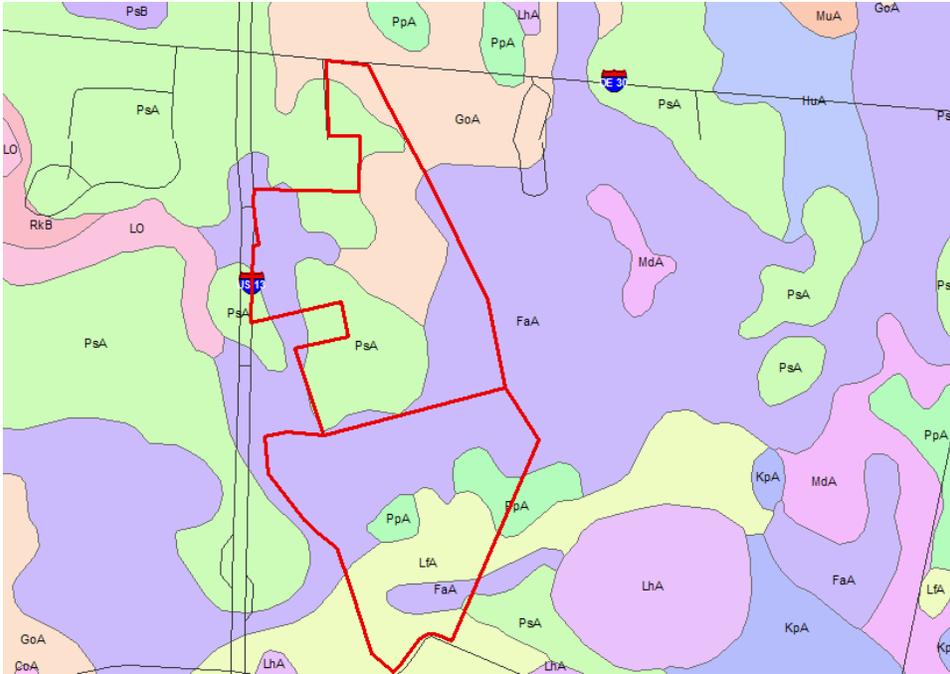


Figure 1: NRCS soil survey update mapping in the immediate vicinity of the Sealadel Business Park.

A significant portion of this parcel contains poorly-drained wetland associated (hydric) Fallsington and Lenni soils (approximately 50% of the project area) which have a seasonal high water table occurring 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 or constructed forms of structural imperviousness (e.g., rooftops, roads, sidewalks, and stormwater management structures).

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 Fallsington and Lenni fit the 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 above-mentioned regulatory guidelines in the Sussex County Code.

Wetlands

Based on the Statewide Wetlands Mapping Project (SWMP) mapping, palustrine forested scrub-shrub (PFO1/SS3A) and palustrine forested (PFO1A) wetlands were mapped extensively throughout most of the proposed project area (See figure 2). Some

get a jurisdictional determination from this office to determine any subaqueous lands permitting requirements before they impact the ditches or any other drainage features on the property. It looks like they also need to get a jurisdictional determination from the Army Corps of Engineers. Please contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-specific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE, or “the Corps”) manual is the basis for making a jurisdictional wetland determination for nontidal wetlands in Delaware. The applicant is forewarned that the Corps views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for making such delineations. To ensure compliance with said Corps regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the Corps be given the opportunity to officially approve the completed delineation. In circumstances where the applicant or applicant’s consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, the Corps must be contacted to evaluate and assess the jurisdictional validity of such a delineation. The final jurisdictional authority for making isolated wetlands determinations rests with the Corps; they can be reached by phone at 736-9763.

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is 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 water bodies (including ditches) and wetlands.

Impervious Cover

The applicant estimates this project’s post-construction surface imperviousness to reach about 18 percent. However, it was not clear from the information submitted whether this was a reasonable estimate or not. When calculating surface imperviousness it is important to include all forms of constructed surface imperviousness, such as all paved surfaces including rooftops, sidewalks, driveways, and roads; open-water stormwater management structures and/or ponds; and areas containing community wastewater systems. This will ensure a realistic assessment of this project’s likely post-construction environmental impacts. Surface imperviousness should be recalculated to include all of the above-mentioned forms of surface imperviousness in the finalized calculation for surface imperviousness. Failure to do so will significantly understate this project’s true

environmental impacts. Therefore, the calculation for surface imperviousness should be corrected and/or recalculated if it does not reflect all of the above-mentioned concerns.

Studies have shown a strong relationship between increases in impervious cover and 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 this project's 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. Since this is a commercial project, it is strongly recommended that the applicant employ pervious paving materials in lieu of conventional paving materials for at least 50 percent of this project's total paved surface area.

ERES Waters

This project is located adjacent to receiving waters of the greater Nanticoke watershed, which Broad Creek is a part, and designated as having waters of 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). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the Department to mandate BMPs to meet 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 Broad Creek 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 Broad Creek watershed, "target-rate-nutrient reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Additionally, "target-rate-reductions" of 2 percent will be required for bacteria.

TMDL Compliance through the PCS

As indicated above, Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been proposed for the Broad Creek watershed. The TMDL calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria. A Pollution Control Strategy (PCS) 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 BMPs such as wider vegetated buffers along watercourses/wetlands, increasing the amount of passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, connection to a central sewer (or performance-based community wastewater system), and deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The information provided indicates that individual on-site well(s) will be used to provide water for the proposed project(s). Our records indicate that part of this project (Parcel Identification 5-32-13-87) is located in an area where public water service is not available; however, the other part of this project (Parcel Identification #'s 5-32-6-79) is located within the public water service area granted to Artesian Water Company under CPCN 06-CPCN-12. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at (302)736-7547. Since an on-site 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. Furthermore, they must be located at least 150 feet from the outermost boundaries of the project(s). 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

- 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) 856-2105 for details regarding submittal requirements and fees.
- Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority 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.
- Include Brooks Cahall, of the Drainage Program, in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch. Show the location and width of tax ditch rights-of-way on the sediment and stormwater plans.

Drainage

- This project is located within the Ward Cordrey Tax Ditch and the Elliott-Horsey Tax Ditch. The placement of permanent obstructions within tax ditch rights-of-way is prohibited. Any change to the location of the tax ditch, existing tax ditch rights-of-way, or tax ditch watershed will require a change to the Tax Ditch court order. Please contact the Drainage Program in Georgetown at (302) 855-1930 as soon as possible to request a review of the tax ditch rights-of-way for this project.
- 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 onsite 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.

- 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.
- Excessive tree removal contributes to drainage problems and requires additional stormwater management measures. Where practical, plant native trees and shrubs to compensate for the loss of nutrient uptake and stormwater absorption the removed trees provided.

Rare Species/Site Survey Request

The Natural Heritage and Endangered Species Program have 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.

In order to provide more informed comments, our program staff requests a site visit of the project area. This site visit would be conducted at no cost or liability to the landowner/developer and would aide in our review of this project. Data collected would also aide in our efforts to map vegetative communities throughout the state. Please note that our scientists have extensive knowledge of the state's flora and fauna and are the most qualified to utilize our comprehensive survey methods. A report of the findings would be generated and could be used by the applicant in the planning of this project. Please contact Edna Stetzar, Environmental Review Coordinator, at (302) 653-2880 ext. 101 or Edna.Stetzar@state.de.us

Forest Preservation

This project will result in at least 21 acres of tree clearing and the fragmentation of 80 acres of forest, most of which are mapped as wetlands according to State wetland maps. Forested wetlands can support and array of plants and animals. Also, larger, connected blocks of forest are essential to many species of wildlife. Forest fragmentation separates wildlife populations, increases road mortality, and increases "edge effects" that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

Cumulative forest loss throughout the State is of utmost concern to the Division of Fish and Wildlife which is responsible for conserving and managing the State's wildlife (see www.fw.delaware.gov and the Delaware Code, Title 7). Because of an overall lack of forest protection, we 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.

Recommendations from the Natural Heritage and Endangered Species Program:

1. DNREC recommends the applicant consider preservation of most or all of the forest on these parcels. Incentive-based programs for wildlife management are available to private landowners through our agency. Please contact Shelley Tovell at (302) 735-3605 if the landowner(s) is interested in more information. Also, our botanist, Bill McAvoy (302-653-2880) can assist the applicant in developing a plant list for wildlife habitat restoration efforts on this site if desired.

If preservation is not going to be implemented:

2. The site plan should be redesigned so that the amount of clearing needed will be reduced. Perhaps the site plan could be designed so that the footprint of this project is concentrated in areas that are non-forested. The current site plan has a large footprint spread out over the entire parcel which essentially fragments the existing forest into smaller disconnected areas. If feasible, the long interior roadways could also be reconfigured so they cause less forest fragmentation.
3. DNREC recommends that trees not be cleared from April 1st to July 31st to minimize impacts to birds and other wildlife that utilize forests for breeding. This recommendation would only protect those species for one breeding season; once trees are cleared the result is an overall loss of habitat.

Site Investigation and Restoration

The Site Investigation and Restoration Branch (SIRB) has reviewed the proposed project. No SIRB sites or salvage yards were found within a ½-mile radius of the proposed development. However, based on the previous agricultural use of the proposed project site, which may have involved the use of pesticides and herbicides, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions.

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

No comments received.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department of Agriculture is opposed to development in areas designated as Investment Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* do not support isolated development of these areas. The intent of this plan is to preserve the agricultural lands, forestlands, recreational uses, and open spaces that are preferred uses in Level 4 areas. The Department of Agriculture opposes development which conflicts with the preferred land uses, making it more difficult for agriculture and forestry to succeed, and increases the cost to the public for services and facilities.

More importantly, the Department of Agriculture opposes this project because it negatively impacts those land uses that are the backbone of Delaware's resource industries - agriculture, forestry, horticulture - and the related industries they support. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. We oppose the creation of isolated development areas that are inefficient in terms of the full range of public facilities and services funded with public dollars. Public investments in areas such as this are best directed to agricultural and forestry preservation.

The Delaware Department of Agriculture supports growth which expands and builds on existing urban areas and growth zones in approved State, county and local plans. Where additional land preservation can occur through the use of transfer of development rights, and other land use measures, we will support these efforts and work with developers to implement these measures. If this project is approved we will work with the developers to minimize impacts to the agricultural and forestry industries.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Do Not Plant List

Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

Callery Pear
Leyland Cypress
Red Oak (except for Willow Oak)
Ash Trees

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 Economic Development Office – Contact: Jeff Stone 672-6849

No comments received

Delaware Division of Public Health- Health Promotion Bureau- contact Michelle Eichinger (302) 744-1011

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases.¹ Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs.² This is particularly important considering about 65% of adult Delawareans are either overweight or obese.³ This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese⁴, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.¹

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

This proposed development is in a Level 4 area. Developing in such an area is inconsistent with the *Strategies for State Policies and Spending*. DPH is committed to the *Strategies* and therefore, does not support development in the proposed area.

DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity.

¹Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

²Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf.

³Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS), 1990-2007*.

⁴Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

Delaware State Housing Authority – Contact Vicki Powers 739-4263

No comments received.

Department of Education – Contact: John Marinucci 735-4055

No comments received

Sussex County – Contact: Richard Kautz 855-7878

As described in the PLUS application, the proposed uses appear to more closely resemble the permitted uses of the LI-2 district as opposed to the requested LI-1. Regardless, according to the recently adopted Comprehensive Plan Update neither of those districts is anticipated in the Low Density Area. Furthermore, as described in the PLUS meeting, the proposed scale and uses could more appropriately fit under the AR-1 Conditional Use. The applicant should discuss the matter directly with the Planning Director, Lawrence Lank for clarification and guidance.

The County will be implementing its Comprehensive Plan Update next year and the developer could be impacted by the new ordinances.

The Engineering Department comments:

The project proposes to develop using individual onsite septic systems.

The proposed project is in the Western Sussex Planning Area #4, but is not in an area where Sussex County expects to provide sewer service in the foreseeable future. If Sussex County ever provides sewer service, property owners are required to connect to the system at their expense.

Sussex County has no objection to the project being served by individual on-site systems.

Sussex County recently adopted new road standards. The standard becomes affective January 1, 2009 and will apply to this project.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

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