



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

April 20, 2010

Mr. John Garcia
Karins & Associates
17 Polly Drummond Center, Ste. 201
Newark, DE 19711

RE: PLUS review – 2010-03-04; Cook Property

Dear Mr. Garcia:

Thank you for meeting with State agency planners on March 24, 2010 to discuss the proposed plans for the Cook Property project to be located on the east and west side of Frazer Road, north of Denney Road.

According to the information received, you are seeking a rezoning from S to ST and a site plan review for 391 residential units on 156.67 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as New Castle 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.**

Strategies for State Policies and Spending

This project represents a major land development that will result in 391 residential units on 157 acres in an Investment Level 4 area of the 2004 Strategies for State Policies and Spending. Though in a Level 4 area, the development appears to be consistent with County's designation of this area as which is 1 to 3 DUs per acre in the state certified 2007 comprehensive plan.

Code Requirements/Agency Permitting Requirements

- 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:
 - a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
 - Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.
 - b. **Fire Protection Features:**
 - For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan
 - c. **Accessibility:**
 - All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
 - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
 - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
 - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
 - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
 - d. **Gas Piping and System Information:**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Proposed Use
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - Provide Road Names, even for County Roads
- DelDOT will require the developer to enter an off-site improvement agreement (Section 3.10.2) for the following improvements:
 - a) Improvement of Frazer Road for the length of the site frontage to collector road standards (widening to 12-foot lanes and 8-foot shoulders).
 - b) Improvement of the geometry of Denny Road by flattening a curve at the east edge of the site frontage and widening the road from Frazer Road to the east end of the curve to local road standards (widening to 11-foot lanes and 5-foot shoulders).
 - c) Realignment of Denny Road in the area of the intersection with Frazer Road so that the two roads intersect at a 90-degree angle. We have reviewed two options for this realignment presented by the developer’s engineer. We recommend that they proceed with plan development based on the northern, or blue, alignment.
 - DelDOT require the developer to enter a signal agreement (Section 3.10.1) for the intersection of Frazer Road and Old County Road.
 - DNREC also wishes to advise the developer that they will have more detailed requirements and comments in the site plan review process, in which they are already engaged. As necessary, the developer and his engineer may contact Mr. Joshua Schwartz, the DelDOT Subdivision Manager for the west part of northern New Castle County, for updates and clarifications in this regard. Mr. Schwartz may be reached at (302) 760-2768.
 - There is a known late 19th-century to early 20th-century house along with outbuildings on this parcel (N-6200). According to the Pomeroy and Beers Atlas of 1868, which is a 19th-century historical map, it also appears that there were structures (associated with M.A. Hoy, W. Oldham, S. Gear, and C.B. Ellison), which existed close by along Denny

Road. In addition, the USGS Topo Map of 1898 and 1942 (Elkton Quad) also indicated that there were existing structures, approximately in the same location as well.

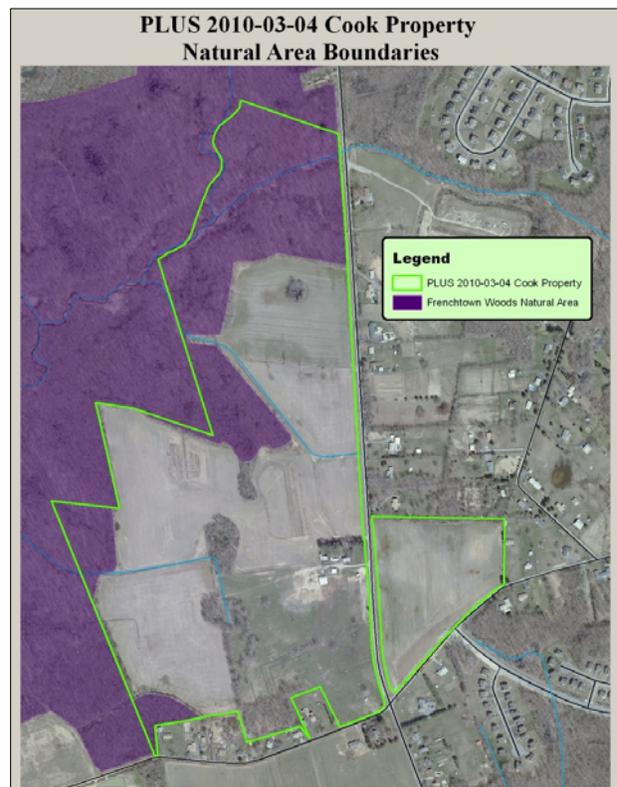
Since there is a known historic or cultural resource on this parcel and structure there according to the Pomeroy and Beers Atlas of 1868, there is the potential that there may be other historical or cultural resources such as an archaeological site on this parcel. With this in mind, it is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to 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.

Prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains.

- If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on or in reference to historic or cultural resources. If you have any questions or concerns in reference to these comments, please contact Mr. Terence Burns at (302) 736-7404.

- **Natural Areas.** Most of the forested areas on this parcel are part of the Frenchtown Woods Natural Area (see attached map). State Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. New Castle County uses state-registered Natural Areas to identify their Critical Natural Areas (CNA). New Castle County Code Section 40.10.370 states, “The application for an exploratory plan shall include a CNA report indicating how the plan meets the standards of this Chapter and concerns and comments on the plan from DNREC.”

This report should accompany any exploratory plan; however, DNREC's



Office of Nature Preserves, the appropriate recipient of the plan, has not yet received a CNA report or had the opportunity to review this project prior to this PLUS application. That said, the Office recommends providing the CNA report as soon as possible

- **Bog Turtle: Federally Protected Species.** A review of our database has revealed that there may be suitable habitat for the **federally threatened and state-endangered** bog turtle (*Glyptemys muhlenbergii*) within the proposed project area. Because the bog turtle is a federally listed species, protected under the **federal Endangered Species Act**, its presence can affect the scope of work. To ensure that the project will not impact bog turtles or their habitat, Phase I surveys for bog turtle habitat should be conducted. Phase I surveys can be conducted any time of year when ice and/or snow cover is not present. If potential habitat is found, however, please note there is a time of year restriction during which Phase II surveys for bog turtles must be conducted. *A Delaware approved bog turtle surveyor must be used to conduct the surveys.* Please contact Holly Niederriter (302-653-2880) to obtain a list of contacts to conduct Phase I and, if necessary, Phase II surveys.

If potential bog turtle habitat is found during Phase I surveys, you are **required** to either:

- 1) Completely avoid all direct and indirect project impacts to the wetland, in consultation with the U.S. Fish and Wildlife Service and Delaware Division of Fish and Wildlife; or
- 2) Have Phase II surveys conducted to determine if bog turtles are present. In accordance with Delaware's bog turtle site survey procedures, surveys must be conducted by a State-approved bog turtle surveyor between April 15 and June 15.

- **Wetlands.** The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on the property.



Figure 3:
Aerial
photography
(2006) in the
immediate
vicinity of
the
proposed
project

This determination can only be made by contacting the Division of Water Resources'

Wetlands and Subaqueous Lands Section at 302-739-9943 and consulting the State's official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC's Wetlands Section.

- In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 Del.C. Chapter 72) and the Regulations Governing the Use of Subaqueous Lands. Ponds which are connected to other waters are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. 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 acceptable 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.
- **Hunting Safety Zone.** Title 7, Section 723 requires a 100-yard safety zone between any occupied dwelling, house, residence and the discharge of a firearm. The site plan depicts homes against the edge of a privately owned State-designated natural area where hunting is permitted. How will the project developer ensure that this State law is enforced, and the property rights of the adjacent owner are not infringed?

- **Drainage Program.** This parcel is located in the Pencader Tax Ditch watershed and is affected by tax ditch rights-of-way.

Any change to the location of the tax ditch or existing tax ditch rights-of-way will require a change to the Pencader Tax Ditch court order. The placement of permanent obstructions within tax ditch rights-of-way is prohibited.

The Drainage Program applauded the use of green technology best management practices for stormwater on this project. However, the placement of bio-swales should be outside of the tax ditch right-of-way.

- 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. *Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us*

- **Air emissions.** The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 2 – Potential Regulatory Requirements may apply to your project:

Table 2: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Using dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Using covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibiting open burns statewide during the Ozone Season from May 1- Sept. 30 each year. • Prohibiting the burning of land clearing debris. • Prohibiting the burning of trash or

	building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> • Requiring, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Using structural/ paint coatings that are low in Volatile Organic Compounds. • Using covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Installing new emergency generators for use during emergencies, testing, and maintenance purposes. • Maintaining recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restricting idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

DNREC

- **Sediment and Stormwater Program.** 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 project 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 New Castle County Department of Land Use Engineering

Section. Contact the Department of Land Use at (302) 395-5470 for details regarding submittal requirements and fees.

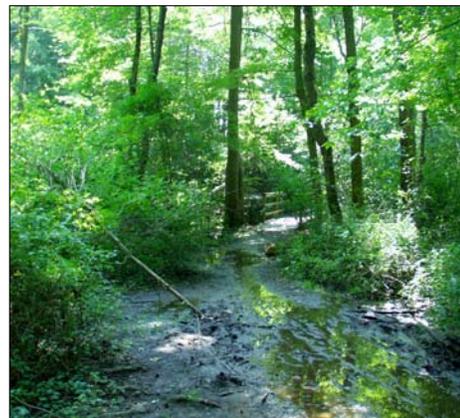
- **Natural Areas.** With regards to the proposed development plan, we strongly recommend placing all physical structures outside of the existing wooded area on this parcel. This would include removing/relocating lot numbers: 24, 25, 26, 31, 32, 33, 74, and 118. As indicated by the NHESP, Most of the forest at this site is likely *at least* 70 years old, and could be late successional to mature. Some birds and other wildlife species depend on large trees, dead snags, and the vegetative structure that only mature forests can provide. Additionally, Natural Areas are an inappropriate location for stormwater management features. Removing mature trees to locate stormwater facilities is illogical. Therefore we strongly urge you to remove all bioswales from the Frenchtown Woods Natural Area and relocate them elsewhere on the site.

The current site design will likely have a hydrologic impact to the forested wetlands in the Frenchtown Woods Natural Area from proposed road crossings and impacts associated with the isolated wetlands outside the Natural Area. The plan proposes to surround a number of isolated wetlands by impervious cover (lots and roads). Such a plan is sure to have deleterious effects to the wetlands and could result in reducing the viability of the Natural Area. Further, numerous amphibians and reptiles use these isolated wetlands during specific times of their life cycle, and depend on the upland forests at other times of their lifecycle. Cutting off habitat connections via roads and houses should be avoided and the site plan should be reconfigured in and around the area of lots 90, 91, 129-154 and 26-29 to allow habitat connections to persist.

To protect the integrity of the Natural Area, the developer should consider dedicating the Frenchtown Woods Natural Area as a Nature Preserve. For more information, please contact the Office of Nature Preserves at 302-739-9235.

- **Recreation.** Trails are a great amenity to add to any residential site design. They provide an opportunity for residents to get outside, enhance active/healthy lifestyles, and promote community cohesion. However, natural surface trails that are poorly conceived tend to fall quickly into disuse and disrepair ultimately becoming unsightly nuisances rather than a real amenity. As shown in the site plan, the trail runs along the perimeter of the development and in most cases is located on hydric (wet) soils.

When trails are located in areas with a high water table, poor drainage or across organic rich soils that hold moisture, tread muddiness and exposed roots can become a persistent problem. Soil compaction and displacement can create or exacerbate problems with standing water and mud due to the creation of



uneven surfaces that collect and hold water. Wet and muddy conditions render the trail less usable and make the trail wider than need be causing vegetation loss as users seek to circumvent mud holes and wet soils. These conditions also diminish the users' experience.

The image above is a typical result of trail and ancillary trail damage that occurs when trails are built on wet soils. As trail users avoid wet areas they widen the trail resulting in loss of vegetation, habitat alteration and soil disturbance.

The site plan does not show the need or opportunity to use the trail to connect residents with other areas (schools, businesses, parks, residential areas, etc.). Since the surrounding wooded area is Critical Natural Area with hydric soils it is recommended that the proposed trail alignment be redesigned to stay out of the wooded area and off of wet soils. *Kendall Sommers - (302) 739-9242, Kendall.Sommers@state.de.us*

- **Soils assessment.** The following soil map units were identified and mapped in the immediate vicinity of the proposed project by the NRCS soil survey update (See figure 1):

IgB – Ingleside sandy loam, 2-5 percent slope

The IgB map unit is a phase of the Ingleside soil series. The gently-sloping Ingleside map unit is somewhat well-drained with a depth to a seasonal high water table ranging from 40-72 inches. Limitations for development are generally considered slight.

FaA – Fallsington sandy loam, 0-2 percent slope

The FaA map unit is a phase of the Fallsington soil series. The nearly-level Fallsington map unit is poorly drained with depth to a water table typically shallower than 10 inches from the soil surface. Fallsington is a wetland associated (hydric) soil considered to have severe limitations for development; therefore, this soil should be avoided. Approximately 20-30% of the soils in the proposed project area contain these soils.

ImB – Ingleside-Hammonton-Fallsington complex, 2-5 percent slope

The ImB map unit is a phase of the Ingleside-Hammonton-Fallsington complex map unit. The soil series that comprise this map unit reflect all of the named soil components; primarily because of the difficulty discerning the individual soil series separately in the area which the soils were mapped. The limitations for development should be considered similar or reflect that of the most limiting soil series in the soil mapping unit complex (unless a field soil scientist proves otherwise) – specifically, the Fallsington soil series. The Fallsington soil series is considered to have severe limitations for development and should be avoided (See previously described Fallsington map unit description).

SaA – Sassafras sandy loam, 0-2 percent slope

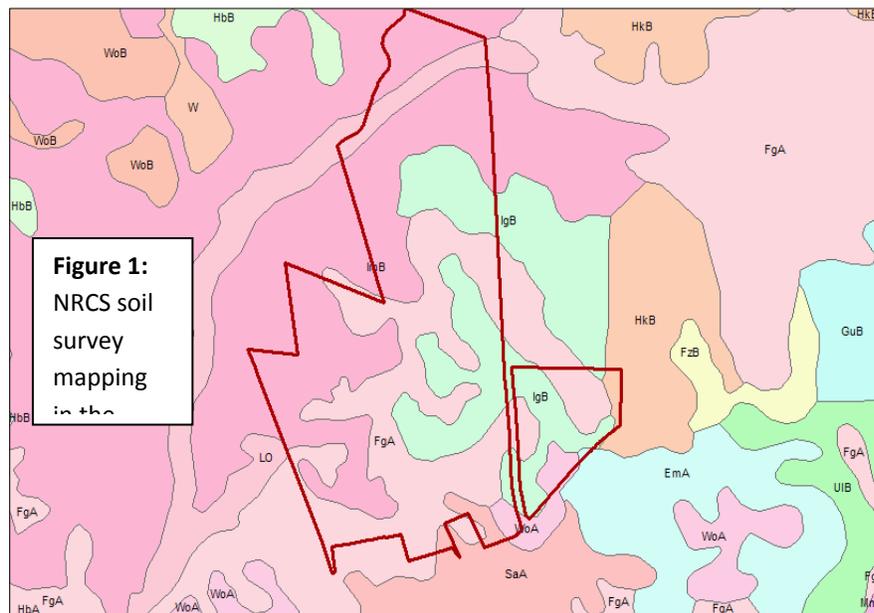
The SaB map unit is a phase of the Sassafras soil series. The nearly-level Sassafras map unit is well-drained with depth to a water table greater than 72 inches. Limitations for development are generally considered slight.

LO – Longmarsh

The LO map unit is a phase of the Longmarsh soil series. The nearly-level Longmarsh map unit is very poorly-drained with a depth to seasonal high water table occurring at or near the soil surface. Longmarsh is a wetland associated (hydric) map unit associated with headwater riparian streams; therefore, has severe limitations for development and should be avoided.

WoA – Woodstown loam, 0-2 percent slope

The WoA is a phase of the Woodstown soil series. The nearly-level Woodstown map unit is moderately well-drained with a depth to a seasonal high water table occurring 20-40 inches from the soil surface. Limitations for development are considered moderate.



- More wetlands information.** According to the Statewide Wetland Mapping Project (SWMP) maps, palustrine riparian wetlands (PF01C7, PF01A7, and PEM/SS1C7) were mapped along much of the northern and western boundaries of the proposed project area. Other non-riparian wetlands (PFO1A) were also mapped along the western boundary. Wetlands associated with coastal plain ponds (PSS/EM1E2 & PEM1E2) are mapped in the west-central and south-central portions of the project area (Figure 2). Wetlands associated with coastal plain ponds often contain unique and significant wetland habitat and/or plant communities (e.g., considered “refugia” for rare, threatened, or endangered

- **Additional tax ditch information.** Spoil from the maintenance of a tax ditch is typically spread within the tax ditch right-of-way. Any trail within the tax ditch right-of-way should be dirt or mulch. The Pencader Tax Ditch is not responsible for the damage to trails within the tax ditch rights-of-way as a result of tax ditch maintenance.

Please contact the Pencader Tax Ditch and discuss the operations and maintenance plan for the tax ditches on this project. Other existing ditches within the proposed development will need periodic maintenance. To prevent future confusion please provide a maintenance plan that specifies access points and spoil and debris placement for the ditches without rights-of-way.

The Drainage Program requests the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of onsite stormwater. Notify downstream landowners of the change in volume of water released on them.

The Drainage Program does not support the clearing of trees within a critical natural area for the placement of conservation/green technologies stormwater practices. The Drainage Program requests the engineer to reconsider the placement of bio-swales within a critical natural area.

The Drainage Program would like the engineer to re-evaluate the placement of lots 24, 25, 26, 31, 32, and 33.

There should be unencumbered access to stormwater facilities. How would the bio-swale on the north-west side of lot 32 be accessed?

- **Additional air quality information.** Residential units may emit, or cause to be emitted, air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
 1. Emissions that form ozone and fine particulate matter; two pollutants relative to which Delaware currently violates federal health-based air quality standards,
 2. The emission of greenhouse gases which are associated with climate change, and
 3. The emission of air toxics.
- Air emissions generated from a new home include emissions from the following activities:
 1. Area sources such as painting, lawn and garden equipment and the use of consumer products like roof coatings and roof primers.
 2. The generation of electricity needed to support the home, and
 3. Car and bus activity associated with the new home.

The three air emissions components (i.e., area, electric power generation, and mobile sources) were quantified below, based on a per household/residential unit emission factor that was developed using 2002 Delaware data.

- **The emissions in Table 1 represent the projected impact the Cook Property may have.**

Emissions Attributable to the Cook Property (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NO _x)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Direct Area Source	17.9	18.7	0.5	0.2	11556.0
Electrical Power Generation	*	4.8	16.7	*	2461.0
Mobile	12.1	1.3	1.1	1.4	49.1
Total	1.9	24.8	18.3	1.6	14066.1

(*) Indicates data is not available.

- Note that emissions associated with the actual construction of the development, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.
- Additional measures may be taken to substantially reduce the air emissions identified above. These measures include:
 1. **Constructing with only energy efficient products.** Energy Star qualified homes are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of increased energy efficiency translates into a percent reduction in pollution. The Energy Star Program is excellent way to save on energy costs and reduce air pollution.
 2. **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation, and from the use of oil or gas heating equipment.
 3. **Providing tie-ins to the nearest bike paths and links to any nearby mass transport system.** These measures can significantly reduce mobile source emissions.

- Additionally, the following mitigation measures will reduce emissions associated with the actual construction phase of the project:
 1. **Using retrofitted diesel engines during construction.** This includes equipment that are on-site as well as equipment used to transport materials to and from site.
 2. **Using pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
 3. **Planting trees at residential units and in vegetative buffer areas.** Trees reduce emissions by trapping dust particles and by replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the development on air quality. The applicant should submit a plan to the DNREC Air Quality Management Section which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the Cook Property. *Deanna Morozowich* - (302) 739-9402, Deanna.Morozowich@state.de.us

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,



Constance C. Holland, AICP
Director

CC: New Castle County