

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: January 3, 2013

Constance C. Holland, AICP
Director
Office of State Planning Coordination
122 William Penn Street, Suite 302
Dover, DE 19901

Re: PLUS 2012-11-03; Sunset
Village Response Letter

Dear Ms. Holland,

On behalf of our client, Mr. Eric Dunn of Sunset Village LLC, Morris & Ritchie Associates (MRA) would like to hereby submit this response letter in regards to the Sunset Village PLUS review comments. Our responses are in **bold** as follows.

Strategies for State Policies and Spending

This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed development of this project in accordance with the relevant town codes and ordinances.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- *There is a known historic or cultural resource on this parcel, a prehistoric-period archaeological site (K-6115; 7K-C-318). With this in mind it is important that the developer be aware of the Delaware's Unmarked Human Burials and Human Skeletal Remains Law, which is outlined in Chapter 54 of Title of the Delaware Code. Abandoned or unmarked family cemeteries are very common in the State of Delaware, but prehistoric sites may also have burials associated with them. Disturbing unmarked graves or burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code Title 7, Chapter 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, in order to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the*

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Laurel, MD
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Towson, MD
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Georgetown, DE
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Sterling, VA
(703) 674-0161

full extent of any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you need or would like to read more information in reference to unmarked human remains, burials or cemeteries, please go to the following websites for additional information: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml

- *Prior to any demolition or ground disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for potential historic or cultural resources, such as a potential archaeological site, a cemetery or unmarked human remains. Furthermore, 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 any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of a permit or receipt of funding if it is determined that such opportunity to comment has been foreclosed. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.*
- **The applicant is aware of the State Historic Preservation Office's concerns and comments. The project will follow State regulations during the construction process.**

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *DelDOT approved an entrance plan and issued a Letter of No Objection for a previous, similar, proposal to develop this property on June 1, 2006, but the entrance was never constructed. While an age restriction is not stated in the documents approved then, the approval was based on an estimated site trip generation of 888 trips per day, which is consistent with an age-restricted development of the size proposed. The development now proposed, while of substantially the same size, is apparently not proposed to be age-restricted. Therefore, a new Letter of No Objection and entrance plan approval will be required, in accordance with Sections 3.3 and 1.3, respectively, of our Standards and Regulations for Subdivision Streets and State Highway Access.*
- *The site access must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, which is available at http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf.*

- *From the information provided in Item 25 on the PLUS application, the subject development meets DelDOT's volume-based criteria, found in Section 2.3.1 of the Standards and Regulations, for recommending that a Traffic Impact Study (TIS) be required and we anticipate requiring completion of one prior to our issuing a Letter of No Objection. DelDOT recommends that the applicant have their traffic engineer send their counts to Mr. Paul Hogge of this office to schedule a scoping meeting. Mr. Hogge may be reached at (302) 760-2124.*
- **The applicant is aware of the Department of Transportation's concerns, regulations and procedures. In response to the first comment however, construction has in fact been initiated for approximately 300 linear feet of the entrance road. The stone base, curbing, new culvert with associated headwalls, and guard rail have all been installed for a portion of Tallman Drive. The applicant will follow the Department's guidelines for plan submissions and will prepare all construction plans in accordance with the Standards and Regulations. The applicant is also aware of DelDOT requirements concerning a TIS and will schedule a scoping meeting.**

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

Wetlands

- *State regulated wetlands ARE NOT located on this property based on a review of the State wetland maps.*
- *State regulated subaqueous lands ARE likely to be located on this property based on a review of aerial photographs, State Wetland Mapping Project (SWMP) maps, Soil Surveys and USGS topographic maps. Upon review of the GIS layers, Perennial Rivers/Streams are located on the property. State subaqueous lands include all tidal waters (up to the mean high water line), most non-tidal rivers, streams, lakes, ponds, bays and inlets (up to the ordinary high water line), most perennial streams and ditches and many intermittent streams and ditches. An on-site inspection by a representative of the Wetlands and Subaqueous Lands Section or an environmental consultant is recommended to determine the limits of jurisdictional State subaqueous lands. Upon review of the GIS layers, Perennial River/Streams are located on the property. Additional information about State regulated subaqueous lands is available by contacting the Wetlands and Subaqueous Lands Section at (302) 739-9943 or on line at <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>.*
- *Waters of the U.S. regulated by the U.S. Army Corps of Engineers ARE likely to be located on this property based on a review of aerial photographs, SWMP maps, Soil Surveys and USGS topographic maps. According to our GIS SWMP maps, there are considerable wetlands regulated by the U.S. Army Corps of Engineers. We suggest contacting them for an on-site inspection. Waters of the United States include the following: navigable waters of the United States; wetlands; tributaries to navigable waters of the United States, including adjacent wetlands and lakes and ponds; interstate waters and their tributaries, including adjacent wetlands; and all other waters of the United States not identified above, such as isolated wetlands, intermittent streams, and other waters that are not part of a tributary system to interstate waters or to navigable waters of the United States, where the*

use, degradation or destruction of these waters could affect interstate or foreign commerce. The extent of Federal jurisdiction over Waters of the United States is determined by the U.S. Army Corps of Engineers and is based on site specific conditions. Therefore, an on-site inspection by an environmental consultant is recommended to determine if Waters of the U.S. are located on the property and the limits of Federal jurisdictional. The U.S. Army Corps of Engineers can be contacted at (215) 656-6728 or online at <http://www.nap.usace.army.mil/cenap-op/regulatory/regulatory.htm>.

- **Geo-Technology Associates (GTA) performed a Wetland Delineation in September 2005 which was submitted to the Army Corps as part of a Nationwide Permit 18 Application for the entrance road crossing the delineated wetlands area. No additional impacts to the wetlands are proposed.**

TMDLs

- *The project is located in the greater Delaware River and Bay drainage, specifically within the St. Jones River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). 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 State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the St. Jones River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 90 percent reduction in bacteria from baseline conditions.*
- *A nutrient management plan is required under the Delaware Nutrient Management law (3 Del. Code, Chapter 22) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project's open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at 739-4811 for further information concerning compliance requirements or, view the following web link for additional information: <http://dda.delaware.gov/nutrients/index.shtml>*
- **The developer acknowledges the benefit of TMDL reduction. All stormwater management/BMP facilities will be designed in accordance with the prevailing requirements as promulgated by the Kent Conservation District (KCD) and the State of Delaware. Any application of nutrients will follow the State regulations.**

Water Supply

- *The project information sheets state that public water will be provided to the project by Town of Camden via a public water system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity (CPCN) PSC-1190. We recommend that the developer contact 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 CPCN's 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 me, Rick Rios, at 302-739-9944*
- **We have met with the Camden-Wyoming Sewer & Water Authority (CW S&WA) and have been given documentation that the CPCN rights have been transferred to the CW S&WA. The developer understands the requirements for dewatering points. All regulations will be followed if necessary.**

Sediment and Stormwater Program

- *A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees. (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101)*
- **We have attended a project application meeting with the Kent Conservation District. Sediment Control and Stormwater Management for the project will be designed in accordance with the prevailing codes regulating such facilities. The appropriate green technology BMP's will be utilized to the greatest extent possible.**

Floodplains

- *A portion of this property is located in the floodplain. This is not indicated on the site plan. We would like to remind the applicant that a flood study was done to revise the floodplain in this area. Therefore the current effective map panel should not be used to depict the floodplain boundary. The Case number for the physical map revision is 10-03-0303P. The revised floodplain should be depicted on the site plan to show the proper flood risk. A*

portion of the floodplain on this parcel is still approximate Zone A. The Town of Camden's floodplain ordinance should require all new development greater than 5 acres in a Zone A floodplain provide a base flood elevation. This is typically done with a flood study.

- **No adverse impacts are proposed to the floodplain. All local ordinances will be adhered in the development of the property.**

Hazardous Waste Sites

- *If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.*
- **The developer acknowledges the regulations and requirements stated.**

Tank Management Branch. Please be aware:

- *If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.*
- *The following confirmed leaking underground storage tank (LUST) project is located within a quarter mile from the proposed project area:*
 - *Delaware State Police Troop 3, Facility: 1-000591, Project: K0101001 (Inactive)*
 - *Delaware State Police Troop 3, Facility: 1-000294, No release on record.*
- *In addition, the following aboveground storage tank (AST) facility is located within a quarter mile from the proposed project area:*
 - *DPS Division of State Police Above Ground Storage Tanks, Facility: 6-000034, No releases are associated with this facility record.*
- **Per the UST Regulations: Part E, § 1. Reporting Requirements:**
 - Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department's 24-hour Release Hot Line by calling 800-662-8802; and
 - The DNREC, Tank Management Branch by calling 302-395-2500.
- **The developer acknowledges the regulations and requirements stated.**

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

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:

- **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 multi-family residential sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*
- **Fire Protection Features:**
 - *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
 - *Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.*
 - *Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.*
 - *Show Fire Lanes and Sign Detail as shown in DSFPR*
- **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.*
 - *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.*
- **Gas Piping and System Information:**
 - *Provide type of fuel proposed, and show locations of bulk containers on plan.*
- **Required Notes:**
 - *Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
 - *Proposed Use*
 - *Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units*
 - *Square footage of each structure (Total of all Floors)*
 - *National Fire Protection Association (NFPA) Construction Type*
 - *Maximum Height of Buildings (including number of stories)*
 - *Note indicating if building is to be sprinklered*
 - *Name of Water Provider*
 - *Letter from Water Provider approving the system layout*
 - *Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered*
 - *Provide Road Names, even for County Roads*

- **The applicant is aware of the Fire Marshall's standards for water distribution systems and will work with Camden Wyoming Sewer & Water Authority to ensure that they are met. Furthermore, all applicable structures will be accessible per the Fire Marshall's geometric road layout standards. Additionally, all required notes will be added to the final record plats.**

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.*

- **The applicant has reviewed the recommendations contained in this portion of the letter and will take them into consideration during the design of the project.**

Should you have any questions or comments regarding these responses to the PLUS review comments for Knollwood, please feel free to contact us. We look forward to working with your office and the other review agencies on this project.

Very Truly Yours,
MORRIS & RITCHIE ASSOCIATES, INC.



Charles Barnett
Project Manager

Cc: Mr. Eric Dunn – Sunset Village, LLC
Mr. L. Aaron Chaffinch – Town of Camden
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