

MCCRONE

- Engineering
- Environmental Sciences
- Construction Services
- Land Planning & Surveying

June 13, 2007

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

RE: PLUS review – PLUS 2004-03-05; Villages of Noble's Pond

Dear Ms. Holland:

We are in receipt of PLUS review comments, dated April 8, 2004, for the above-referenced project. We note that our firm did not become involved with this project until September of 2005 and we were unaware that a response to the State Office of Planning had not been submitted until it was identified by the Kent county Planning Staff in a report to the Regional Planning Commission dated February 28, 2007.

As you may be aware, Noble's Pond was envisioned to be an Active-Adult Master Planned Community. Accordingly, many of the features exhibited in the original Master Plan have been designed to proffer a unique, small community feel, provide cost-affordable housing stock to retirees in Kent County, and at the same time, offer world-class amenities. The original Noble's Pond plan submitted to your office for review in March, 2004 consisted of five (5) Phases of approximately 1,031 homes. Since your review, the Noble's Pond project has undergone several transformations. The vast majority of these changes have been required by agencies, the Kent County Planning Commission, and Kent County Levy Court in the many reviews of the project. A few changes are the result of ownership seeing an opportunity to enhance the project. The changes, described herein, reflect a willingness to address changing environmental considerations and more stringent zoning and subdivision ordinance and zoning code interpretations by the various approving agencies and the current Kent County Planning Commission and Levy Court. I am sure that you will agree that the regulatory review standards upon which the original Master-Plan was proposed and at that time clearly deemed acceptable have changed. Moreover, in responding to recent changes requested by the Kent County Regional Planning Commission (RPC) commencing with the Preliminary Plan review for Phase 2A, the Master Plan continues to evolve.

Accordingly, as we proceed in addressing comments from the original PLUS review, we will demonstrate how we have either addressed your concerns in Phase 1A or how we intend to address it, together with the new recent changes in applicable regulations for the balance of the project. Therefore, we offer the following Point-by-Point response to comments our office received as a part of the PLUS review (our responses are offset in **bold**)

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There are two potentially historic properties on the northeast end (one possibly in the wooded area) of the subject parcel, in the area indicated as Area-B Future. During the meeting you were uncertain whether these structures exist and if there is any demolition taking place. Please keep SHPO informed of any demolition.

There are known archaeological sites throughout the subject area, especially in the center, where the water branches in two and in and near the wooded areas. SHPO suggests designing the development in a way that it does not impact the wooded areas on the northwest and northeast sides and on the south edge at the creek. It is also suggested that you provide buffers around these areas. SHPO should be contacted at 302-739-5685 to set a time to meet with archaeologists and determine the locations of the sites and the best way to avoid and lessen any impacts to the sites.

- **Ownership of Phase 5A, one area of concern, is being retained by Dr. Noble Jarrell and is not currently a part of this project. Other areas of the project will respect buffers and other changes recently requested by the RPC. This, in conjunction with changing environmental regulations will be addressed in the future layouts of Phases 2A through 4A. As you will see from the enclosed plan, Phases 1A was modified from the original Master-Plan to remove encroachments into the FEMA defined floodplain, and Kent County stream and wetland buffers. In addition, Phase 1A does not affect existing wooded areas, wetlands or Waters of the U.S.**

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Delaware Transit Corporation (DTC) is interested in working with this development. The closest existing DART bus route is fixed Route 113 off McKee Road, providing service to Westminster Village Health Center. The Route 113 bus serves the western portion of Dover to Dover Mall, operating 6 total daily trips from 8:00 a.m. until 6:00 p.m. Monday through Fridays, with advanced registration night service on paratransit services from 6-9 p.m. weekday nights. Beginning in May 2004, DTC will be implementing our GoLink transit service, that will give us the capability of flexing low performing fixed routes to deviate off the fixed route pathway and provide access to communities within established “flex zones”. Route 113 could potentially be flexed to provide service to the Phase I community of this development. DTC will work with the developer at the appropriate time to provide our bus stop specifications information, making sure the bus stops will be accessible and meet American with Disabilities Act

standards. The person to contact for bus stop specification information and costs is the Facility Coordinator for Kent County, Mr. Charlie Simpson, at (302) 760-2806.

- **The developer has contacted the facility coordinator at DTC. We remind the State that Kent County regulations require that a covered transit location be specified. For this purpose, we have designated that the community clubhouse serve as the location of the covered transit location. In addition, as the community is designated as Active-Adult, the proposed PUD subdivision, clubhouse and amenities always has been focused on satisfying the requirements of Americans with Disabilities Act and meeting the needs of their future residents.**

DTC had commended this proposals inclusion of sidewalk pathways. Please note that the acceptable, reasonable transit walking distance standard is ¼ mile (1,320 feet) to a bus stop. DTC encourages the developer to work with us in providing an opportunity to promote transit service within this community and opening up service in the Cheswold area. Potentially, the developer or community civic association may assist with the distribution and collection of surveys to assist us in assessing the market demand for service, and provide the best transportation choices suited for the 55 plus community who will be buying and residing at the Villages of Noble Pond, i.e., off-peak travel times, vanpool, etc.

- **The developer will continue to coordinate with the DTC to help promote transit service within the community. Furthermore, additional sidewalks, satellite parking and walking trails are being considered for the project.**

DelDOT also stated that would like to work with you to explore the possibilities of making transit service available to this area. The developer may contact the Service Development Planner for Kent County, Mr. Wayne Henderson, at (302-577-3278 ext. 3553) with any comments regarding the development of this proposal for implementation.

- **The developer will continue to review the area transit service needs with DelDOT and DTC.**

On February 24, 2004, the developer's traffic engineer met with DelDOT to determine the scope of work for a traffic impact study. Presently it takes about a year from the initial scoping meeting until the completion of DelDOT's review of the final study. You should be commended for meeting with DelDOT early in this regard. By doing so, you are acting to keep the TIS process from delaying their project.

- **A Traffic Impact Study for the project has been completed and accepted by DelDOT. We are in the process of working with DelDOT to prioritize the requested off-site improvements.**

The sketch plan shows two entrances on McKee Road, one south of Rose Bowl Road serving Area A, and one north of Rose Bowl Road serving Area B. DelDOT generally does not permit two entrances to the same development at such a close spacing and will likely recommend against it in this case. While DelDOT understands that the property is to be subdivided such that Areas A and B would have different ownership, they recommend that the developer provide a stub street from Area A1 to Area B and use that stub street as access to Area B, should that future phase actually materialize.

- **Ownership of Phase 5A, one former portion of the project with an entrance onto McKee Road, is being retained by Dr. Noble Jarrell and is no longer a part of this project. In order to provide future sewer extension and connectivity with the remaining project, easements for both road and sewer have been added, as shown on the attached modified plan.**

At the west end of the property, there are large vacant parcels to the north and south of the proposed development. The plan should be modified to provide stub streets for future connections to those parcels.

- **Although there are adjacent undeveloped parcels, the project site boundaries consist of large bodies of wetlands and associated with streams and their respective protected lands. Accordingly, it is our opinion that crossing these environmentally sensitive areas would present a tremendous permitting difficulty and prove to be cost-prohibitive.**

While DelDOT has not investigated the matter further, they see the potential for the existing gravel lane that serves Areas B and C to be used for a bicycle and pedestrian connection to Fulton Street. DelDOT asks that you examine the feasibility and desirability of such a connection.

- **Ownership of Phase 5A is being retained by Dr. Noble Jarrell and is not at this time a part of this project. Therefore, the gravel path would be located on private land. In lieu of the gravel path, a multi-modal path along the property frontage on McKee Road is being required to be constructed by DelDOT.**

The County's PUD regulations allow for a percentage of the site acreage to be developed with commercial uses to serve residents of the development. It is recommended that the developer take advantage of this provision to incorporate on-site amenities and small commercial uses. Doing so would reduce the development's traffic impact by keeping some trips internal to the site.

- **The Developer appreciates this comment and concurs that some component of low-impact commercial enterprise or service organic to the development would add to the overall amenities already being provided to the residents. The Developer will consider including a provision for this as the revised design for Phases 2A through 4A are revisited and modified. The Developer would request**

that the State Office of Planning encourage Kent County to support a similar approach. Providing low-impact services to subdivision residents only within the community simply makes good planning sense.

It is recommended that all streets be designed and built to State standards and with sidewalks, whether they are to be publicly or privately maintained. DeIDOT's experience is that when privately maintained streets deteriorate, residents often seek to have the State rehabilitate them and take them over. Having them built to State standards means that they will have a longer life and will be readily acceptable if residents ever seek State maintenance for them. DeIDOT will not accept gated streets for State maintenance.

- **The proposed subdivision streets have been designed in accordance with DeIDOT standards, as required by Kent County for private streets. The Kent County Levy Court approved private streets for this entire project.**

The engineer for the development should coordinate with the DeIDOT Subdivision Manager, Mr. George Shaw, to determine what will be required regarding the proposed site entrances. Mr. Shaw may be reached at (302) 760-2261.

- **Although the Developer has received an approval for a previous entrance design, he has authorized a revision to the design (at considerable expense) to be in accordance with the new DeIDOT design standards, including bike lane striping. The revised plans are now under review by DeIDOT.**

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Water Supply

Any public drinking water supply well must be located a minimum of 150' from all outside property boundaries.

- **To our knowledge, no public drinking water supply wells are affected.**

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. 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.

- **The Developer acknowledges that the site contractor has been advised accordingly. In addition, the Kent Conservation District has also advised the site contractor of this requirement.**

Water Quality

It should be noted that this parcel contains sensitive headwater riparian wetlands associated with a headwater stream known as the Fork Branch. Headwater streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Since headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority. It is recommended that the applicant minimize the clearing/removal of trees in the upland forested areas of this parcel. Upland forested areas are important for mitigating the impacts of stormwater runoff on water quality as well as preservation of habitat for a variety of wildlife species.

The Department recommends that the applicant preserve the existing natural forested buffer adjacent to the Fork Branch in its entirety. Additionally, efforts to maximize or expand the existing natural buffer width via planting of native woody or herbaceous vegetation, is recommended for the immediate vicinity of the unnamed first-order headwater tributary emptying into the Fork Branch from the north.

- **The recorded revised site plan for Phase 1A has preserved all of the existing riparian forest. In addition, both a wetlands and a stream buffer, as required by current Kent County Code, have been incorporated into the revised plan. In addition, Phase 1A, consisting of approximately 70.10 Ac, includes no proposed tree removal. As the design of Phases 2A through 4A progresses, specific attention will be made to providing buffers and limiting clearing.**

Soils

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

- Well Drained – Sassafras
- Moderately well drained – Woodstown
- Poorly drained (**hydric**) – Fallsington, Elkton, Othello & Mixed alluvial (floodplain)
- Very poorly drained (**hydric**) - Johnston (floodplain)

Sassafras is a well-drained upland soil with few limitations for development. Woodstown is a moderately well-drained soil that has moderate limitations for development. Fallsington, Elkton, and Othello are poorly-drained wetland associated (hydric) soils that have severe limitations for development. Mixed Alluvial is typically a poorly drained mapping unit that is associated with wetland (hydric) floodplain soils. This unit has severe limitations for development. Johnston is a very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

- **The Developer thanks the Department for this information and had already taken this into account during the design of Phase 1A. We will be cognizant of the site soils anticipated to be encountered in Phases 2A through 4A as design progresses.**

Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, the following wetland types were found on subject site:

- palustrine forested,
- palustrine farmed,
- palustrine emergent and
- palustrine unconsolidated bottom.

It should also be noted that a subsequent field visit revealed several unmapped (by SWMP) wetlands known as Delmarva Bays. Delmarva Bays are natural depressional wetlands that are often important habitats for a variety of rare plant and animal species. Protection of such areas from development is highly recommended. Because both the soil survey update and the SWMP mapping show significant acreages of wetlands on subject site, a wetland delineation is highly recommended. The applicant is encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated isolated and/or riparian wetlands.

- **A wetland delineation for the entire site has been completed in April 2006. We are in the process of obtaining a Jurisdictional Determination from the United States Army Corps of Engineers. Phase 1A had zero impacts to both wetlands and Waters of the US. All buffers will be in accordance with current Kent County Code including a minimum of 50-foot wetland and 100-foot stream buffers. Phases 2A through 4A, currently in design, will minimize impacts to wetlands and Waters of the US.**

The applicant should 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 provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands. Impacts to waters of the U.S., including impacts to "isolated wetlands" are regulated by the USACE. Impacts within tidal wetlands and subaqueous lands are regulated by the State Division of Water Resources, Wetlands and Subaqueous Land Section. Individual permits and certain Nationwide Permits from the USACE also require 401 Water Quality Certification from the Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting.

- **The Developer will apply for appropriate permits from DNREC and the US Army Corps of Engineers.**

The developer should also note that DNREC and the U.S. Army Corps of Engineers (USACE) discourage allowing lot lines to contain regulated wetlands in an effort to limit cumulative and secondary impacts to wetlands from unauthorized homeowner activities.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous "fallow period" of five years or greater in that parcel's cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel's cropping history is Sally Griffin at the USDA and can be reached at 678-4182.

- **Pursuant to Kent County Code, no delineated wetlands will be within Lot Lines. In addition, a wetland delineation for the site has been completed. We are in the process of obtaining a Jurisdictional Determination from the United States Army Corps of Engineers.**

Stormwater Management

The Drainage Section has existing drainage complaints and concerns associated with this project. Properties along the west side of McKee Rd have an existing drainage pattern to the southwest through woods and an existing ditch, draining into an existing pond. The existing drainage conveyances have deteriorated over time and are in need of improvement. On the proposed plan, AREA-B-FUTURE does not show the existing ditch through the farm field. On the plan, the woods through this area are designated as open space with no mention of drainage conveyance. The Drainage Section recommends that existing drainage conveyances be reconstructed and maintained to allow for the proper off-site drainage of the properties on the West side of McKee Rd.

The Drainage Section has existing drainage complaints and concerns on Kenton Rd. and Seven Hickories Rd, upstream of the proposed project. A portion of the stormwater management drains through this proposed subdivision.

A meeting should be scheduled as soon as possible with the Drainage Section and the Kent Conservation District to discuss the current drainage and proposed stormwater management for the site. The existing embankment ponds were constructed by the USDA Soil Conservation Service in 1965 and 1993. All ponds used for stormwater management must meet the NRCS Small Pond code 378 approved for Delaware.

Contacts: DNREC Drainage Section, Kent County – Bob Enright – (302) 739-4411
Kent Conservation District- Jared Adkins – (302) 697-2600

- **The Developer from the outset has been coordinating proposed drainage with the Kent Conservation District regarding this project. In addition to evaluating a watershed encompassing almost 2,500 acres upstream, the approved pond in Phase 1A has been over-sized to accommodate approximately 70-acres of off-site areas, including possible off-site road improvements to McKee Road adjacent to the project site. In addition, it is anticipated that design and construction of a proposed stream crossing between Phase 1A and Phase 2A will include the replacement of an existing, serviceable 24-inch culvert, which is currently insufficient for the upstream watershed and may be responsible for some reported drainage complaints. Accordingly, our preliminary evaluation indicates that the proposed culvert replacement will need to safely pass approximately 650 cubic feet per second for the 100-year flow. By replacing the existing culvert as part of a future phase and increasing conveyance, there is a possibility to alleviate upstream drainage problems.**

Habitat

The Delaware Natural Heritage Program (DNHP) has reviewed this project for Kenneth W. Redinger of Atlantic Resource Management, Inc. and comments were sent in a letter dated December 12, 2003. In the letter, they requested the opportunity to survey the parcel in order to make more informed comments, however, DNHP have not been contacted. Below is an excerpt from the above referenced letter. Also note that DNHP recommended a 100ft buffer of vegetation be maintained along the edge of wetlands within the project area, and the current plan provides a buffer of 25ft or less.

Based on review of topographic maps and aerial photographs, and because we have not visited the site previously, our DNHP botanist requests the opportunity to survey the forested and wetland resources which could potentially be impacted by development of this parcel. His observations would allow us to make more informed comments on this project. Please contact Bill McAvoy at (302) 653-2880 to set up a site visit.

As the design phase of this project moves forward, it is strongly encouraged that the landowner(s) consider preservation of upland, riparian, and wetland forests on these parcels. Forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. In addition, forests provide habitat for many species of plants and animals. Forest fragmentation resulting from development separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation. DNHP would gladly assist the landowner(s) in evaluating these parcels for wildlife habitat. Many new incentive-based programs for wildlife management are available to private landowners through our agency. Please contact the DNHP office if the landowner(s) is interested in more information.

In addition, in order to protect the integrity of the aquatic resources in the wetland areas of this parcel, it is recommended that a 100 ft buffer of vegetation be maintained along the edge of the wetlands. This buffer would reduce the amount of sediments, pollutants, and other non-point source material that could potentially affect the condition and survivability of organisms that depend on these habitats.”

Update:

On 1 April 2004, Bill McAvoy (Botanist) and Pete Bowman (Community Ecologist) visited Tax Parcel # KH00-056.00-01012.00 (Jarrell Property, Cheswold, Kent Co.) to evaluate the ecological quality of the property. Two forested blocks were surveyed, as well as several depressional wetlands within the agricultural fields.

Forest block 1 (see attached map): This block was found to be of high ecological quality with a diversity of habitat types (e.g., low, poorly drained areas and high, well drained areas). In addition, the forest appears to be mature, with many large trunk diameters observed. The potential for rare plant species to be found here during the growing season is good and the site has high value for wildlife. It is strongly recommended that this forest block be preserved.

- **A wetland delineation for the site has been completed. We are in the process of obtaining a Jurisdictional Determination from the United States Army Corps of Engineers. Phase 1A had zero impacts to both wetlands and Waters of the US. All buffers will be in accordance with current Kent County Code including a minimum of 50-foot wetland and 100-foot stream buffers. Phases 2A through 4A, currently in design, will minimize impacts to wetlands and Waters of the US.**

Forest block 2 (see attached map): The majority of this block supports poorly drained soils and standing water was observed on this date. A unique natural community was identified within this block, Coastal Plain Rich Wood that contains a large population of the State rare plant *Dryopteris celsa* (log fern, S2 very rare). The potential for additional rare plants to be found here during the growing season is high. It is recommended that this forest block be preserved.

- **Ownership of Phase 5A is being retained by Dr. Noble Jarrell and is no longer a part of this project. A portion of this parcel comprises Forest Block 2. Forest Block 2 will not be affected by the balance of this project.**

Depressional wetlands in agricultural fields: Three depressions (see attached map, marked as B, C, D) were found to contain the State rare plant *Ammannia coccinea* (toothcup ammannia, S1 extremely rare). Another depression (see attached map, marked as A), was found to be very large in size and deep in depth. This depression represents an outstanding opportunity for restoration. It is recommended that a wooded buffer of at least 100ft. be established around the perimeter to prevent runoff (soil, fertilizer, pesticides) and to maintain the ecological integrity of the wetland. In addition, it is

recommended that seed from the three populations of *A. coccinea* be collected and sown within this wetland to maintain the species existence here.

- **Consistent with previous land uses for this parcel, all previously cleared land not active with construction activity continues to be used for agricultural purposes. A wetland delineation for the site has been completed. We are in the process of obtaining a Jurisdictional Determination from the United States Army Corps of Engineers. Phase 1A has zero impacts to both wetlands and Waters of the US. All buffers will be in accordance with current Kent County Code including a minimum of 50-foot wetland and 100-foot stream buffers. Phases 2A through 4A, currently in design, will minimize impacts to wetlands and Waters of the US.**

Natural Areas

This proposal affects lands currently identified as part of the Fork Branch State Natural Area. The natural area acreage on this site encompasses the forested riparian buffer along Fork Branch. According to the preliminary plan provided for review it appears that this buffer is almost entirely wetland and is being preserved in its entirety as community open space.

It is recommended that the developer investigate dedicating the Natural Area on this site as a private Nature Preserve as part of the State Nature Preserve program. The Natural Areas Program is managed by the Division of Parks and Recreation. Information and guidance in preserving land as a Nature Preserve or with a conservation easement is available by contacting Ron Vickers at (302) 739-3423.

- **The Developer appreciates this information and will consider alternatives to preserve land.**

There is concern that the preliminary plan provides an inadequate level of protection for the forested wetlands along the northern boundary of the site. These wetlands in all probability serve as important breeding areas for several species of amphibians and provide habitat for a host of other flora and fauna. Reducing the number of lots and increasing buffers between lots and wetland edges will help to mitigate the impacts of lawn care practices and runoff from impervious surfaces on these important natural resources.

- **A wetland delineation for the site has been completed. We are in the process of obtaining a Jurisdictional Determination from the United States Army Corps of Engineers. Phase 1A has zero impacts to both wetlands and Waters of the US. All buffers will be in accordance with current Kent County Code including a minimum of 50-foot wetland and 100-foot stream buffers. Phases 2A through 4A, currently in design, will minimize impacts to wetlands and Waters of the US. In addition, the incorporation of stormwater management ponds to provide both**

quantity and quality management of stormwater runoff with capacity for off-site areas will help offset the aforementioned affects.

Recreation

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape preferences. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) and are guides for investing in the most needed outdoor recreation facilities and an indicator of preferred conservation components in our communities. Summary of SCORP findings for Kent County are below.

Older residents in Delaware are living longer and remaining active. In fact, 56% of those surveyed who are 55 year of age or older, indicated that outdoor recreation is very important to them. The majority of 55 year old and older cited physical fitness as the most important reason for participating in outdoor recreation. The highest priority facility needs in Kent County are walking and jogging paths, bike paths, swimming pools, picnic areas and playgrounds.

- **The Developer's original proposal included walking and jogging paths, a swimming pool, shuffleboard courts, bocce courts, putting green, picnic areas, gazebos and a 30,000+ square-foot clubhouse for the residents of Noble's Pond. Construction is underway and it is the intention of the Developer that the clubhouse will be completed and all other amenities will be started before the first resident moves into the community.**

The developer indicated at the March 24, 2004 PLUS meeting that sidewalks will only be constructed along the major arteries in the community and not constructed in the "pod" areas. This Division recommends that sidewalks be built fronting every residence. A complete system of sidewalks will: 1) provide a continuous system that fulfills the need for walking facilities likely to be generated by community residents and 2) provides safe, off-road pedestrian walkways to public mass transit stops the developer proposes to incorporate in the community.

- **Sidewalks are under consideration along all streets in all future Phases.**

If a trail system is planned, it is recommended that a series of stacking trail loops be designed with access points in each subdivision "pod" and connections to the community center. Community trail systems with long continuous trails, perimeter-only trails, and systems with few access points, often go unused and neglected. For trail design/construction specifications, contact Susan Moerschel at 302-739-5285.

- **We appreciate the comments relating to trail systems, and these comments will be incorporated into the design for future phases of the community.**

Open Space

Open space has varying functions and may include active recreation and natural resource conservation areas. Examples of conservation space would include stream beds, floodplains, forest land, and wildlife habitat. Protecting this site's conservation characteristics will protect critical natural resources while enhancing community aesthetics.

Storm water, utilities and roads are required and have specific functions. Due to high soil moisture conditions at this site, it is likely that storm water basins will contain standing water on a regular basis. DNREC discourages building trails or other recreational facilities adjacent to storm water basins where standing water and the potential flash flooding exist. Storm water infrastructure and active recreation facilities are not compatible.

- **We appreciate the comments relating to open space, and we will incorporate them as much as possible into the design for future phases of the community.**

The developer is also strongly urged to consider alternatives to mowed grass within community open space areas. Mowing and other maintenance costs from lawn areas can become a substantial burden for community maintenance associations. There may be areas within the development that are appropriate for warm or cool season grasses. The maintenance costs associated with meadow type grasses are much lower than those of lawn grasses, and provide food and habitat for birds and other wildlife and can help reduce non-point source pollution.

- **The Developer will consider using native grasses and other alternatives for passive open space to provide habitat and reduce maintenance. Maintenance of the community open spaces are the responsibility of the management company, not the residents' homeowners association. The residents' homeowners association has been formed and exists solely as a backup.**

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. Fire Protection Water Requirements:

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at

20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.

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

b. Accessibility:

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. 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.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

c. Gas Piping and System Information:

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

d. Required Notes:

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

- **Phase 1A currently complies with all applicable fire codes and regulations. All future phases of the project will also comply with applicable fire codes and regulations.**

Department of Agriculture - Contact: Mark Davis 739-4811

The Urban Forestry section within DDA strongly encourages the use of not only non-invasive species, but native species in landscape plantings. Brian Hall, Urban and Community Forester can assist in this effort.

The Department of Agriculture would further encourage you to consider a mix of uses within the proposed community. For an active adult community, some commercial uses within the subdivision should be planned for convenience and safety.

- **The Developer will consider using native species for homesite plantings and community landscaping. The Developer appreciates this comment and concurs that some component of low-impact commercial enterprise or service organic to the development would add to the overall amenities already being provided to the residents. The Developer will consider including a provision for this as the design for Phases 2A through 4A are revisited and modified. The Developer would request that the State Office of Planning encourage Kent County to support a similar approach. Providing low-impact services to subdivision residents only within the community simply makes good planning sense.**

Public Service Commission - Contact: David Bonar 739-4247

A CPCN is on file with the Public Service Commission for Tidewater Utilities.

Any closed distribution system for propane or natural gas will have to be coordinated with the Office of Pipeline Safety.

- **Tidewater Utilities will be supplying Domestic Water Service. Kent County will be providing sewer service. All other utilities will obtain the necessary CPCN and other related permits.**

Delaware State Housing Authority – Contact Karen Horton 739-4263

The Delaware State Housing authority has noted support for this proposal because the 2003 Statewide Housing Needs Assessment indicates that the elderly is the fastest growing segment of Delaware's population and housing is needed to meet this demand. However, they have offered the following recommendations:

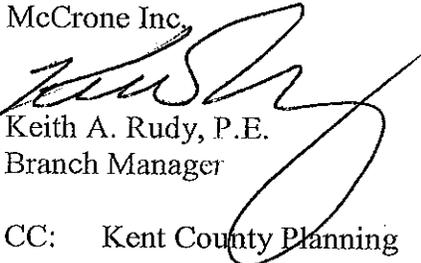
- Some of the units be set aside for low- and moderate-income persons.
- Because of the site's distance location from Dover and Smyrna and the fact that much of the population may become unable to drive, that sufficient on-site services and amenities, as well as readily accessible transit be included in the

community. Otherwise some residents may become isolated if transportation becomes a problem.

- **It is the intent of the Developer to provide a reasonably priced offering for a quality home in Kent County while providing amenities to the residents. This is not an assisted-living community. The Developer will continue to coordinate with DTC for transportation service. The Developer concurs that some component of low-impact commercial enterprise or service organic to the development would add to the overall amenities already being provided to the residents. The Developer will consider including a provision for this as the design for Phases 2A through 4A are revisited and modified. The Developer would request that the State Office of Planning encourage Kent County to support a similar approach.**

We believe we have successfully addressed the PLUS comments for this project, and are excited to continue to move forward with this project. If you have any questions, please do not hesitate to contact myself or Keith Rudy, P.E., at 302-730-4600.

Sincerely,
McCrone Inc.



Keith A. Rudy, P.E.
Branch Manager

CC: Kent County Planning