

DESIGN SUMMARY

Plantation Lakes

RESPONSE TO MAY 25, 2004 OFFICE OF STATE PLANNING COORDINATION REQUEST FOR REVIEW LETTER

The following is a response to various State Agency comments on plans presented in Dover on May 5, 2004 for the proposed Plantation Lakes development. A copy of this letter is included in appendix 7.

Delaware State Housing Authority (DSHA) – Karen Horton

- No comment necessary

State Historic Preservation Office (SHPO) – Anne McCleave

- The developer's planner will contact SHPO to meet in the field to discuss methods to protect archeological sites. To that end the project has been designed to retain forested areas and create an extensive vegetated buffer without structures near the pond where sites may be preserved under the water surface.
- There are no federal impacts proposed at this time.
- The area around Old Field Church Cemetery has been proposed with a significant forest buffer to preserve any unmarked graves that may exist.

Department of Transportation – Bill Brockenbrough

- Necessary right of way will be dedicated to the state.
- The developer will make the necessary road improvements identified in the TIS for roads directly affected by this project.
- The plan has been revised to show only right in / right out turns from US 113.
- Additional stub streets have been shown on the plans.
- The developer's engineer has been in contact with Mr. Fiori and will continue to evaluate and discuss the proposed access points during the permit process.
- The developer's engineer has been in contact with Mr. Dooley and will continue to evaluate and discuss the proposed bus stop locations as well as private shuttle service, during the permit process.
- **The developer takes exception to DelDot's recommendation that the Town defer action on the plan until the US 113 corridor study alternative alignment evaluation process is complete.**
- The developer, his engineers, and planners have meet with DelDot early on in this process, beginning in August of 2003, to make them aware of the Plantation Lakes schedule and offer assistance in developing a plan that would accommodate the possible alignment of a western by-pass. The results of those discussions are

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presented in the traffic section of this report. **We would strongly encourage the Town of Millsboro to exercise their right to approve this plan now, while still participating in the lengthy process of selecting a US 113 corridor alignment. We would also request a seat at the table, as participants, in the US 113 North/South Work Group.**

Department of Natural Resources and Environmental Control – Kevin Coyle

Soils

- The applicant has conducted extensive soils investigations and a Preliminary Soils Report is attached as appendix 2 at the end of this report.

Wetlands

- A Wetland Delineation and Report, appendix 1, has been sent to the US Army Corp of Engineers for a jurisdictional determination, and is currently being reviewed.
- **The developer takes exception to the 100-foot buffer width recommended for all wetlands.** There is **no state buffer** required from either tidal or non-tidal (404) wetlands. However, the applicant of Plantation Lakes recognizes the importance of a buffer and has proposed a varied width vegetative buffer from 50 to 380 feet that averages 210 feet for this project. In addition the applicant will work with the town to craft an ordinance that will reflect a means of protecting the resource that is not dependent solely on width, but relies more on scientific analysis that ensures compliance with the targeted TMDL reductions.

ERES Waters

- The applicant is aware of the Exceptional Recreational or Ecological Significance (ERES) status of Betts Pond and the headwaters of the Indian River. A comprehensive Best Management Practices (BMP) program has been devised for this project and is outlined in the Stormwater Management section of this report. The results of which will achieve over 85% reduction in nitrogen and over 65% reduction in phosphorous, which goes beyond the total maximum daily loadings (TMDL's) for this watershed.

TMDL's

- The applicant has prepared a nutrient budget that considers the land use change from agricultural use to residential /golf, and has concluded that there will be an 85% reduction in nitrogen and over 65% reduction in phosphorous. As part of the golf course maintenance program a Fertilizer Management Plan and Integrated Pest Management (IPM) program will be employed to reduce pollutants and monitor the application of pesticides and herbicides on the course.

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Rare / Threatened / Endangered Species

- The applicant's landscape architect will meet with a representative of DNHP to survey and the forest and wetland resources and make recommendations regarding the appropriate species selection for reforestations and supplemental understory plantings. A Forest Conservation Plan (FCP) will be prepared as part of the final engineering and implementation drawing set of this project.

Buffers

- **The developer takes exception to the 100-foot buffer width recommended and the comment that manicured grass found in residential and golf courses is not considered an adequate buffer.** An effective buffer is comprised of a variety of criteria that make up the terrain of the contributing drainage area, such as width, slope, soils stability, (K factor), and lastly the vegetative cover rating. In order to properly assess the impact to any buffer a comprehensive buffer analysis, that considers all of the above factors, must be performed. The positive alterations to terrain and change of vegetative cover can, if done properly, enhance the buffer's performance while reducing the width. A uniformly prescribed width that ignores the other factors is a simplistic view that could result in a less effective buffer and disturbance of additional land that is required to accommodate the displaced development. A **balanced** approach has been used on Plantation Lakes that considers the pre-development conditions and the improved buffer capabilities for a measurable reduction in pollutants and increased wildlife habitat.

Nuisance Species

- The applicant's landscape architect will meet with the Division of Fish and Wildlife to discuss the appropriate native plantings that will help deter nuisance species proliferation. The extensive use of ponds and water features is: an integral part of the concept of "Plantation Lakes"; is required in order to achieve the targeted TMDL reductions; is absolutely required for both an irrigation source for the golf course as well as part of the strategic approach to the golf course design; and will be maintained by a professional grounds maintenance crew that is familiar with nuisance control.

Recreation

- We concur with these comments and have endeavored to incorporate all of the requested amenities listed by the Division of Parks and Recreation. We will contact them regarding the design and construction specifications for trails to be used in the final engineering documents.

State Fire Marshall's Office – Kevin McSweeney

- The applicants engineer has already had preliminary meetings with the Fire Marshal's office and will comply with all of the required Delaware State Fire Prevention Regulations (DSFPR).

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Department of Agriculture – Mark Davis

- A Forest Conservation Plan (FCP) will be prepared that considers protective measures and reforestation criteria for the entire Plantation Lakes tract, as well as, the adjacent Dukes tract, parcel 37. This plan will incorporate all of the recommendations outlined in Delaware Forest Service comments.