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April 2, 2008

Mr. David Edgell, AICP
Principle Planner
Office of State Planning Coordination
540 S. Dupont Hwy, Suite 7
Dover, DE 19901

RE: **P.L.U.S. Response**
AUBURN MEADOWS
Kent County, Delaware
2006178.00

Dear Mr. Edgell:

Below you will find an itemized response to the P.L.U.S. comments submitted for this project. Response items are in bold italics following the comment.

Office of State Planning Coordination -- Contact David Edgell 739-3090

This project is located in Investment Level 3 according to the Strategies for State Policies and Spending. This site is also located in the Kent County Growth Zone. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. In this case the parcel is currently subject to an agricultural preservation easement which, we understand, will not be extended by the owner. State investments will support growth in these areas.

Our office is particularly encouraged that the developer is taking advantage of the Kent County Transfer of Development Rights (TDR) ordinance. We support equity transfer programs such as TDRs which preserve land in our rural areas while concentrating growth in designated growth zones where infrastructure and services will be available to new residents. In addition, Kent County's ordinance contains high standards for subdivision design and architecture in TDR developments, which will assure that the development is unique, attractive, and of a high quality. Our office has no objections to the development of this parcel in accordance with all relevant Kent County codes and ordinances.

Our office is interested in participating in the required public workshops and hearings. Please inform our office when these meetings are scheduled.

BMG – The developer appreciated the support of the Office of State Planning Coordination at the TDR public workshop.

Division of Historic and Cultural Affairs – Contact Alice Guerrant 739-5685

Nothing is known within this parcel. There are several historic houses nearby, including the G.W. Cummins House (K-1387) shown on Beers Atlas of 1868 across the road from the parcel. This historic property has already been developed and the buildings may have been demolished. Beers also shows the J. Brown House in the location of the modern

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farmstead on the property. There may be archaeological resources associated with this house, or the later building on the property may have destroyed them. Two 19th-century properties are at the railroad crossing (K-1327 and K-3181), but are out of view of the project. There are areas of medium potential of prehistoric sites. It is understood from the developers that the sewer and other initial ground preparation have already been done on the project. SHPO would appreciate an opportunity to check the possible 19th-century site and to see if any of the open-space areas have prehistoric-period archaeological sites, to learn something about their location and character. *BMG – The developer visited the site with Mrs. Bohm from the Kent County Division of Historic Preservation and has no objection to the Division of Historic or Cultural Affairs visiting the site.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

Darley Properties, LLC (Handler Development) seeks to develop a 106.09-acre parcel (Tax Parcel KH-00-036.00-02-31.00-00001) on the south side of Brenford Road (Kent Road 42) between Hillyard Road (Kent Road 147) and Ryan Road (Kent Road 146). The development would consist of 106 single-family detached houses and 366 townhouses on the southeast side of Brenford Road. Subdivision approval would be needed for the proposed development to proceed. DelDOT knows this development as the Virgin Property and commented on a different proposal for it at the October 27, 2004, PLUS meeting. The following comments revisit items from comments at that meeting. There are no new comments.

- 1) A traffic impact study (TIS) was scoped for this project on June 9, 2004. At that time, the projected size of the development was 275 houses. When the size of the development was reduced to 213 houses, that requirement was dropped. Most recently, in June 2005, DelDOT reinstated the requirement and updated the scope upon learning of the current proposal. The TIS is in progress. Work remains to be done by the developer's traffic engineer and DelDOT anticipates the TIS being completed and reviewed by the end of 2005. *BMG – The TIS has been completed, reviewed, and accepted by DelDOT.*
- 2) DelDOT has been working with developers in the Brenford Road area, including the applicant, to develop and implement plans for the improvement of Brenford Road, including the intersection of US Route 13 and Brenford Road. DelDOT will be relying on the applicant to provide right-of-way and funding for some of those improvements. More information on those improvements is available from the project manager for Kent County, Mr. Brad Herb. He may be reached at (800) 266-9600. *BMG – The developer has prepared construction plans for the improvement of Brenford Road. In addition, the developer has agreed to contribute funds to off site improvements at the intersection of Rt. 13 and Brenford Road as stated above.*
- 3) Brenford Road is classified as a local road and has an existing right-of-way width of 50 feet. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore right-of-way dedication will be required to provide the additional 5 feet from this project. *BMG – The Developer has dedicated an additional 15 feet to maintain a right of way of 40' from centerline along the property frontage.*

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- 4) DeIDOT will require that a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site. *BMG - A 15' easement along with a 10' wide multi modal path has been provided on the Record Plat as requested.*
- 5) Two access points are proposed, one opposite a planned entrance to the Heritage Trace subdivision and one east of there. While entrances located opposite each other are normally preferred, the Heritage Trace entrance is on the outside of a curve. Consequently, while sight distance is adequate for the Heritage Trace development, it may not be adequate for Auburn Meadows at the same place. Sight distance analyses will be required as part of the entrance plan approval process. If the analyses determine that the sight distance is inadequate, then the southwest entrance may not be permitted. *BMG - A site distance analysis has been performed and the roadway has been expanded to provide separate left turn lanes into the Heritage Trace entrance as well as the Auburn Meadows entrance. In addition, the radius of the curve has been increased to provide greater sight distance and overall safety for the traveling public. DeIDOT has reviewed the roadway improvement plans as well as the subdivision road plans and has issued a letter of no objection for the project.*
- 6) The developer's site engineer should contact Mr. Herb regarding specific requirements for access and road improvements. *BMG - Brad Herb has been involved in the review of the Brenford Road plans and the Auburn Meadows Subdivision Plans and has provided letter of no objection to recordation.*

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

Soils

According to the Kent County soil survey, Sassafras, Woodstown, Fallstingon, Othello, and Johnston were mapped on subject parcel. Sassafras is a well-drained upland soil that, generally, has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallstingon, Othello, and Johnston are poorly to very poorly-drained wetland associated (hydric) soils that have severe limitations for development. *BMG - A detailed soil investigation has been performed for the project and the soil conditions have been incorporated into the project design.*

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands, palustrine scrub-shrub wetlands and palustrine emergent wetlands. PLUS application materials indicate that wetlands have been delineated. This delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Impacts to wetlands should be avoided and vegetated buffers of no less than 100 feet should be employed from all wetlands and water bodies. Lots should exclude all wetlands and associated buffers. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential

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cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners. Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the DNREC Wetlands and Subaqueous Lands Section, and by the Corps of Engineers.

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. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

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 - she can be reached at (302) 678-4182. *BMG - A detailed wetland analysis has been completed for the project by a certified wetland scientist. No disturbance to wetlands is proposed. No lots are subdivided within the wetlands per Kent County Zoning Ordinance.*

Water Bodies

This parcel has numerous blue line streams on site. Vegetated buffers comprised of native trees, shrubs or no-mow grasses, of no less than 100 feet should be employed from the edge of the stream to mitigate negative impacts. Although stream impacts are not anticipated, please note that streams are regulated by the Subaqueous Land Section from DNREC Division of Water Resources and the Army Corps of Engineers. *BMG - A minimum of 100' buffer is maintained from the centerline of the stream.*

Impervious Cover

The applicant should reduce imperviousness to the greatest degree practicable. Use of pervious paving materials in lieu of asphalt or concrete and efforts to increase forest cover via tree plantings - are examples of practical BMPs that could easily be implemented to reduce surface imperviousness. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. *BMG As part of the is project the developer will be preserving 16.8 of the 18.5 woodland acres. Additionally 40% of the subdivision will be dedicated to open space.*

TMDLs

A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a



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water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting. Although TMDLs as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for the Leipsic River subwatershed to date, work is continuing on their development and they should be completed by December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATS) and/or best management practices (BMPs) as "methodological mitigative strategies" to reduce degradative impacts associated with development. Reducing imperviousness, planting/preservation of trees, and maintaining 100-foot minimum upland buffers from wetlands/streams - are some examples of proactive mitigative strategies that help reduce excessive nutrient runoff and its impacts on water quality, while ensuring State compliance with imminent Federal TMDL regulatory requirements. *BMG - At this point, it is my understanding that specific TMDL reductions and Pollution Control Strategies have not been adopted for this watershed. However, the developer is preserving over 90% of the existing woodlands, planting over 300 additional trees, and maintaining a minimum buffer of 100' from the stream.*

Water Supply

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. The project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity PSC-1464.

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. Contact Rick Rios at (302)739-9944.

BMG - Tidewater has approved the construction drawings for the project and will supply water.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins at (302)741-2600, ext. 3, for details regarding submittal requirements and fees. As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies. *BMG - Kent Conservation District has reviewed the drawings and has provided a letter of no objection to record the plans.*

Drainage

The plan for the proposed project does not show how stormwater will be conveyed to the stormwater management areas. Because of concerns for future maintenance of drainage

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conveyances, the Drainage Program requests the majority of the stormwater pipes on this project be located on drainage and utility easements along the streets or alleyways. The Drainage Program requests the routing of major stormwater pipes through yards be prohibited. The Drainage Program discourages the placement of catch basins in the rear and side yards. The Drainage Program promotes the elevation of rear yards to direct stormwater towards the street for accessible maintenance of stormwater pipes. **BMG - The majority of pipes are outside of easements and are within right of way, open space, or alleys as requested.**

With respect to future maintenance of drainage conveyances within the proposed subdivision that are not able to be located along a street, the Drainage Program strongly recommends said drainage conveyances be dedicated as a 30-foot drainage easement and such easement be designated as passive open space, not owned by individual landowners. Designation as open space will aid in the prevention of garages, sheds, fences, and kennels placed along the drainage conveyance preventing the maintenance of said conveyance. All stormwater pipes should be placed in the center of the 30-foot drainage easement. The easement should be planted as vegetated buffers. Trees and shrubs planted within drainage easements should be spaced to allow for mechanized drainage maintenance or the reconstruction of drainage conveyances. **BMG - Where applicable, 20' easements have been provided.**

A 25-foot buffer along all drainage ditches should be planted with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into ditch. Grasses, forbs and sedges planted within this buffer should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. The ditch and buffers should be open space. Trees and shrubs planted within the ditch buffer should be native species, spaced to allow for mechanized drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots. **BMG - Buffers in excess of 100' have been provided from surrounding streams and water ways.**

The Drainage Program requests that all precautions be taken 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 on site storm water. Existing riparian buffers should be preserved to aid in the reduction of nutrients, sediment, and other pollutants. For the further enhancement of water quality, the Drainage Program encourages additional widths of vegetated buffers on this project. **BMG - Stormwater management facilities are provided to reduce the runoff in the post-developed condition. In addition, these facilities provide stormwater quality treatment.**

Floodplains

Portions of the site appear to be located in the 100-year floodplain. Kent County does not permit the subdivision of land within the 100-year floodplain. **BMG - No land is proposed to be subdivided within the FEMA mapped 100 year floodplain.**

Forests

The forest on this parcel connects two State Fish and Wildlife areas: Massey's Millpond and Garrisons Lake. The forest provides important riparian habitat, and wildlife connectors and water quality benefits. This forest tract is extremely beneficial to the region. It connects both Massey's Millpond and Garrisons Lake to adjoining water bodies

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such as Leipsic River. Fragmentation of this forest can have irreversible effects to the regional ecosystem. Therefore, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. This includes removing lot lines and infrastructure (such as storm water management ponds) from forested areas to the extent possible and minimizing any clearing activities. The forested areas on-site should be viewed as a community asset and managed appropriately. ***BMG - 91% of existing woodlands have been preserved. In addition, additional planted buffers have been provided to expand the natural buffer.***

A storm water management pond is proposed in the forested tract located at the southern portion of the parcel. This SWM pond should be removed from the forest to a more appropriate area in the parcel. Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas. ***BMG - The pond has been redesigned to reduce the amount of clearing in this area. As a result of site topography, the stormwater location shown represents the lowest portion of the site and is the most appropriate location for stormwater management. The Kent Conservation District has reviewed the construction drawings and has provided a letter of no objection for the project.***

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest and that areas of community open space be designated along the forested/riparian areas. Doing so will accomplish two things: it will preserve and expand the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces. Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners. ***BMG - Additional planted buffers have been provided along the natural woodlands to expand the woodlands where possible.***

Rare Species

There is an active Bald Eagle nest site located adjacent to the project area. Bald eagle nesting areas retain protection under the federal Endangered Species Act. All habitat within 750 feet of the nest is protected; in general, no activity is permitted within this zone at any time of the year. Any work proposed within a secondary protection zone, defined as the area between 750 feet and 1,320 feet from the nest, will be under time-of-year restriction; in general, no activity is permitted within this zone from 15 December to 1 July.



A portion of the project area is within the 1,320-foot protection zone. There is also another development (Villages of Eastridge) proposed for an adjacent parcel within the 1,320-foot protection zone and DNREC is concerned about the persistence of this eagle nest and territory. Because the Bald Eagle is a federally listed species, the applicant will need to contact the U.S. Fish and Wildlife Service (USFWS), as any decisions on federally listed species are ultimately their jurisdiction. Contact Craig Koppic, USFWS Endangered Species Biologist, at (410)573-4534. DNREC program Zoologist, Kitt Heckscher, should be included in correspondence regarding this issue. In addition, the cooperation of the developer in keeping communication lines open with DNREC staff regarding this nest until such time that a community or home-owner association is in place would be greatly appreciated. At that time, the community should develop an MOU with DNREC regarding stewardship of this nest. ***BMG - As of June 28, 2007, the Bald Eagle was removed from the threatened and endangered species list. However, the developer is not opposed to having the HOA develop an MOU with the DNREC.***

Nuisance Waterfowl

Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. Native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter are recommended. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized. ***BMG - Signs have been provided around all ponds prohibiting mowing. As stated above, thicker grasses are less attractive for nuisance waterfowl.***

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

BMG - The developer intends for the residents of Auburn Meadows to participate in Kent County's recycling program.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 37.1 tons (74,288.9 pounds) per year of VOC (volatile organic compounds), 30.8 tons (61,506.2 pounds) per year of NOx (nitrogen oxides), 22.7 tons (45,380.4 pounds) per year of SO2



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(sulfur dioxide), 2.0 ton (4,039.6 pounds) per year of fine particulates and 3,107.1 tons (6,214,176.0 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 15.0 tons (29,964.1 pounds) per year of VOC (volatile organic compounds), 1.6 ton (3,297.0 pounds) per year of NO_x (nitrogen oxides), 1.4 ton (2,736.0 pounds) per year of SO₂ (sulfur dioxide), 1.8 ton (3,530.7 pounds) per year of fine particulates and 60.7 tons (121,467.8 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 5.9 tons (11,875.6 pounds) per year of NO_x (nitrogen oxides), 20.7 tons (41,306.5 pounds) per year of SO₂ (sulfur dioxide) and 3,046.4 tons (6,092,708.2 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	37.1	30.8	22.7	2.0	3107.1
Residential	15.0	1.6	1.4	1.8	60.7
Electrical Power		5.9	20.7		3046.4
TOTAL	52.1	38.3	44.8	3.8	6214.2

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 5.9 tons of nitrogen oxides per year and 20.7 tons of sulfur dioxide per year. A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

- building envelope upgrades,
- high performance windows,
- controlled air infiltration,
- upgraded heating and air conditioning systems,
- tight duct systems and
- upgraded water-heating equipment.”

The energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. DNREC highly recommends this project development and other residential proposals increase the energy efficiency of their homes. It is also recommended that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths and links to mass transport system, and fund a lawnmower exchange program for their new occupants.



BMG – The developer has partnered with The Energy Services Group from Wilmington, Delaware and offers Energy Star Certification on all homes they build.

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

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, fcc, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

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. (Townhouses)
- 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. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, 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 sq.ft., 3-stories or more or 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
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

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. This means that the access road to the subdivision from Brenford Road must be constructed so fire department apparatus may negotiate it.
- 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,



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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.

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)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Look Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from www.delawarestatefiremarshal.com.

BMG – We have received construction document approval from the Office of the State Fire Marshal.

Department of Agriculture - Contact Milton Melendez 698-4500

The Delaware Department of Agriculture does not oppose the development of this property. However, the parcel is subject to an Agricultural District Agreement with the Delaware Agricultural Lands Preservation Foundation. Because this property is currently a Preservation District in the Farmland Preservation program, the subdivision application cannot be recorded until after the District Agreement expiration date of September 26, 2006. Once the subdivision is recorded, the owner will be responsible for roll-back taxes owed to the state.

BMG – The subdivision will not be recorded prior to the District Agreement expiration date.

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The Delaware Department of Agriculture encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. ***BMG - This project exceeds the minimum tree plantings required by Kent County by 150%. Over 500 trees are proposed for this development.***

Native Landscapes

The Delaware Department of Agriculture Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302)698-4500. ***BMG - Additional planted buffers have been designed along portions of the natural landscape buffers already existing on the project.***

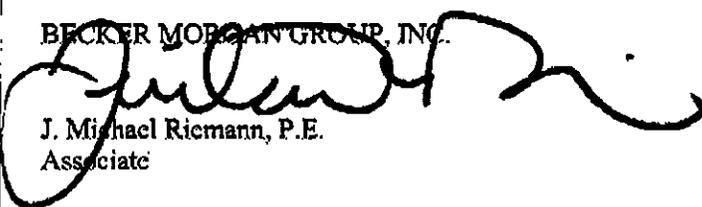
Public Service Commission - Contact Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. ***BMG - The developer will construct the extension as requested.***

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

BECKER MORGAN GROUP, INC.



J. Michael Ricmann, P.E.
Associate

JMR/jmr

Cc: Mr. Rob Allen, Darley Properties LLC
Mr. Andy Fox, Darley Properties LLC

Enclosures

200617800bl-ltr.doc