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July 12, 2007

Ms. Constance C. Holland, AICP
Director
State Planning Coordination
Office of Management and Budget
The State of Delaware
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**RE: PLUS PROJECT NO. 2006-02-07
HASTING HOLLOW
ECI PROJECT NO. 04-091**

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Dear Ms. Holland:

Thank you for the opportunity to meet with the various State agency planners at your office on March 1, 2006, to discuss the above referenced project. We have reviewed the comments contained in your letter to us, dated March 23, 2006 and offer the following responses after having an opportunity to revise our plan as appropriate.

Office of State Planning Coordination – David Edgell, 739-3090

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We recognize that this project is within an Investment Level 4 Zone; however, in the July 2002, Sussex County Comprehensive Plan Update, the site is located in a developing area on the future Land Use Map, made a part of that plan. This project has been designed to meet the Sussex County Comprehensive plan and meet or exceed Sussex County Planning and Zoning Codes. All central wastewater treatment and water distribution facilities planned for this project will be built entirely with private funds. The wastewater disposal and treatment for this project will be addressed either on or off-site by a permitted wastewater treatment facility and disposal site duly approved by DNREC and Sussex County. The same statement is true for all other required infrastructure items necessary to support the development. The ownership and operation of the wastewater facility will be by public utility, with water also provided by a licensed public utility governed by the Public Service Commission, thereby insuring safe and fiscally responsible management of these facilities. The remaining infrastructure will be maintained by the Homeowner's Association to be formed to own and maintain infrastructure and community amenities.

It must be remembered that the current major utilization of this site is not that of agriculture, but rather as a borrow pit. Generally, at the conclusion of borrow pit operations in Delaware and elsewhere, the pit simply becomes an overgrown unmanaged pond without any substantial benefit to the adjoining property owners or the general populous in total. In fact, in most occasions, borrow pits of this nature become "an attractive nuisance". In support of this statement is the simple fact that in 2006 dozens of people were injured or killed at active or abandoned mine sites and quarries of this nature. With regard to fatalities, 30 people died nationally in 2006. In 2005, 24 people died on a nation-wide basis. In fact, the Pennsylvania Department of Environmental Protection has developed a campaign titled "Stay Out-Stay Alive" to deal with the "attractive nuisance" abandoned mines and quarries. It is felt that the utilization of this entire site, as a planned community, is in fact a much better sustainable use for this property that will subsequently generate property tax revenues and business opportunities into the future. The ultimate conversion of the pit into a recreational/residential amenity should be considered a substantial benefit to the community and the State of Delaware. In essence, we are developing a beneficial use for this property that would not be possible if the property was allowed to remain dormant. If one were to consider other options for this property, certainly agriculture would not be a viable option, as the majority of the topsoil and mineral resources have been removed from the site. The regrading of the site, to allow development opportunities and mitigate future environmental issues, is paramount to the logical development of this site. The plans, as submitted to PLUS, reflect the intention of the developer to significantly improve the site and provide a viable community on an otherwise undesirable piece of real estate.

Division of Historical and Cultural Affairs – Alice Guerrant, 739-5685

Both a due diligence assessment of cultural resources and a Phase I Archeological Survey have been prepared by Dr. Edward Otter. A copy of this report will be made available to the Division upon written request.

A review of the Phase I Archeological Survey, as prepared by Dr. Otter, makes no mention of historical, agricultural landscape as this term appears to be out of character with conventional archeological findings and does not seem to have relevance related to either an archeological or a viable cultural resource, when one compares it with comments raised by the Division of Historical and Cultural Affairs for similar projects in the past. In fact, we do not understand the reference of a plowed field being considered a historical asset. We concur with DHCA that based upon information obtained by Dr. Otter, there does not appear to be any significant historic period indicators on the property in total.

If during construction of the project any unmarked graves or other cultural resources are discovered we will contact all appropriate agencies in accordance with the Delaware Unmarked Human Remains Act.

The developer has no objection to the Division visiting the site and will gladly provide access upon receiving written request from the Division.

Department of Transportation – Bill Brockenbrough, 760-2109

As stated previously we understand that this project is located within an Investment Level 4 Zone and that growth within this zone will not be State supported, considering State priorities, it will be the developer's responsibility to provide infrastructure for this project. The roadways within the proposed subdivision will be designed in direct accordance with applicable Sussex County requirements and any road improvements, directly related to this project, required by DelDOT within the public right-of-way, during the design and review process will be designed accordingly and will be funded by the developer.

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

Investment Level 4 Policy Statement

As stated elsewhere within this response, the developer and ECI recognize that the property is located within a Level 4 Investment Area. However, one must understand the nature of the property, as it is proposed for development. This site, in its current condition, is an existing gravel/borrow pit lending itself to the development of the nature proposed. It would be counter-productive to allow the property to simply waste away as an abandoned burrow pit and become a burden on the tax payers of Sussex County. It must certainly be recognized by all state agencies, that the development of this parcel is a benefit rather than a detriment, in that the developer is converting use of the property to a viable tax generating option versus a dormant borrow pit, having no redeemable use, in that the use of the property as an agricultural venture is greatly inhibited by the removal of soil and ground from the site. Development of this parcel will provide significant recreational and open-space that will enhance the overall area, rather than becoming an eye-sore and even worse, an attractive nuisance that may in the future become a source of aggravation for the government and law enforcement charged with providing services to and within Sussex County.

Simply doing nothing with the property will in no way enhance the integrity of the State Strategies and Preservation Goals inherent to many of DNREC's programs. A "do nothing" scenario, in the case of Hastings Hollow, will have an adverse affect on those policies and strategies. Put simply, becoming a detriment to the community rather than a significant asset that will pay its own way into the future.

Green Infrastructure

The development of Hastings Hollow is planned to maximize the ability of the project to provide green infrastructure throughout the project. The plan is designed utilizing Governor Ruth Ann Minner's Executive Order No. 61, as a template for the planning of the project, resulting in a project that resoundingly addresses issues related to open-space, wildlife areas, wetland preservation, waterway enhancements and the development of both active and passive recreational spaces that will be utilized far into the future. The developer recognizes his responsibility to provide appropriate stewardship to the land, so as to preserve and enhance the natural amenities that occur on site and to minimize off site impacts.

Soils

We have worked diligently with Ms. Lisa Wood, a recognized registered soil scientist, to develop the proposed layout of this site. Full consideration has been given to existing soil conditions, their location and proximity to the Ingram Branch Natural Area, so as to avoid any potential soils issues that would adversely affect the surrounding properties and environs.

Wetlands

State wetlands have been delineated in the field by Mr. Edward Launay, a recognized wetland biologist/scientist, and are accurately depicted on the preliminary plan and are currently filed with the U.S. Army Corps of Engineers as a final jurisdictional delineation.. The project layout will not infringe upon Jurisdictional Wetlands or the required buffer. In fact, the plan, as presented provides buffers that exceed normal and customary buffers from the wetlands. In fact, the minimum buffer is approximately 50 feet and the average buffer exceeds 150 feet.

Impervious Cover

Best Management Practices (BMP's) will be used to clean the stormwater runoff from impervious areas prior to discharge or infiltration. The impervious cover calculation has been revised and is as follows:

Total Site:	204.47± Ac.
Total Impervious Area:	
Road & Sidewalk Areas:	19.15± Ac.
Community Building/Multi-use Courts:	0.58± Ac.
Estimated roof area of homes:	<u>19.20± Ac.</u>
TOTAL IMPERVIOUS:	38.91±Ac. (19%)

The above calculation clearly indicates that the total impervious area associated with this project is appropriate for the development and leaves over 80% of the site open for groundwater recharge.

Total Maximum Daily Loads (TMDL's)

Although no TMDL'S have been determined for the drainage basin, Hastings Hollow lies within; it is the plan and approach of this project to use as a general guide, the TMDL strategy from the Inland Bays Watershed as promulgated by the State of Delaware. The strategy for the Inland Bays is most likely more restrictive than the proposed Delaware Bay or Broadkill River Watersheds. Of particular note is the strategy to establish buffers from wetlands and water bodies. Secondly, the application of Best Available Technologies (BATs) and Best Management Practices (BMPS) will be utilized to minimize impacts of this project in the watershed. The conversion from borrow pit/agricultural use to a planned community, with BAT

and BMP strategies implemented, will significantly reduce nitrogen, phosphorus and sediment loads into the watersheds of the Delaware Bay or Broadkill River.

Water Supply

A CPCN is being filed by Artesian Utilities with the Public Service Commission to grant them the right to provide public water. The site research to determine water availability in both quantity and quality will be carried out by Artesian. The process will include obtaining all necessary allocation, drilling and dewatering permits through DNREC. Based upon neighboring well yields in and around the area, there is an apparent adequate water supply in the area for this project that is suitable for a public water supply.

Sediment and Erosion Control/Stormwater Management

A comprehensive stormwater management plan will be developed for this project. The plan will be designed in accordance with the Sussex Conservation District (SCD) and the State of Delaware regulations. The stormwater management plan will address current pre-development hydrology at the site, and will address conveyance of stormwater from adjacent properties that migrate through the project. The developer recognizes the importance of stormwater management and related aspects associated with the management of post-project hydrology throughout the project. The developer will cooperate fully with the agencies responsible for stormwater management. Due to the sites proximity to the Ingram Branch Natural Area, the developer will be extremely diligent during the construction of this project, to assure compliance with soil conservation measures for the site work and overall construction. The borrow pit will play a significant role in the management of surface water for the site. It will be a priority of the developer to maintain water quality with the borrow pit pond.

We intend to use green technology within this site wherever feasible. We will use super-silt fence along any wetland boundaries and other places where required. A certified construction reviewer will be engaged during construction activities for this project, to assure compliance with the approved soil erosion and sedimentation control plan.

A pre-design meeting with Sussex Conservation District (SCD) will be held to discuss aspects of the stormwater management design for the project prior to commencement of in-depth stormwater management design.

A Notice of Intent (NOI) to DNREC has been submitted as required.

Floodplains

We are aware that a small portion (\pm .45 acre) of the developed site lies within a 100-year floodplain and that approximately 26 acres of the existing quarry/borrow pit lies within the flood plain. The plan, as presented, respects those boundaries and does not allow development activity within the flood plain areas.

Forest Preservation

It is the intention of the developer to preserve the wooded areas in a manner consistent with the current plan and good forestry management practices. The plan provides reforestation/landscaping, where appropriate, utilizing native trees and plantings of the \pm 20 acres of forest that exists on site, fully 80% of the forest will remain undisturbed. In direct accordance with recommendation of the Department of Agricultural Forestry Best Management Practice will be strictly followed.

Rare Species

ECI has contacted the appropriate Federal and State agencies, with regard to rare and endangered species. Information received from the agencies indicates that there are no rare or endangered species associated with this site. In addition, the comment related to the buffer along Ingram Branch being inadequate is completely inaccurate. The contention that the 100' buffer of vegetation between the wetlands and the gravel pit is totally impractical, as the pit is already in existence and the filling of the pit, to allow for the planning of additional wetland species, is an impossible goal, as that would entail the significant excavation of other areas of the site and the filling of same. The developer of record has had no part in the removal of material from the gravel pit and the cost associated with refilling the gravel pit, or portions thereof, would be economically impossible. The plan as presented completely respects the wetlands currently in existence along the Ingram Branch. In fact, if one were to include the borrow pit or quarry the buffers would be in the vicinity of over 200'. It must be remembered that this is an existing borrow pit and that much material has been removed and will not or cannot be replaced.

Natural Areas Inventory

By letters dated May 3, 2006, from Mike Hastings, the property owner, to the Department of Natural Resources and Environmental Control (DNREC), Mr. Mike Hastings, owner of the property, specifically requested exclusion from the proposed State Resource Area Mapping. In addition, Gravel Hill Properties, LLC, the equitable owner, by letter of May 5, 2006, to the Department, specifically requested that all indications of State Resource Areas or Open-Space Areas be removed from the State Mapping in its entirety.

Nuisance Geese (Waterfowl)

It is recognized that the number of ponds and lakes proposed as a part of this project may result in attractive locations for nuisance geese. It is the intention of the developer to landscape areas immediately adjacent to these ponds and lakes in a manner consistent with NOT providing habitat for nuisance geese..

Solid Waste

This project, like any other land development project, will generate solid waste. The developer will arrange for central pick-up of solid waste by a reputable solid waste hauler and disposal at appropriate approved solid waste disposal sites, located within the state of Delaware.

Air Quality

The project will utilize Energy Star certifications for appliances, heating and air conditioning systems, insulation and other factors that directly impact power requirements and/or energy requirements to support the residences.

With regard to electrical power generation, although the residents of the development will purchase electrical power, they have no direct control of the manner in which power is generated within the State of Delaware. The project provides significant opportunities for bicycling and walking throughout the project site. As the project will have a homeowners association, grass cutting and landscape services will be contracted to a landscape firm to maintain the public open space areas.

State Fire Marshal Office – Duane Fox, 856-5298

The developer will fully comply with Fire Marshal regulations and will file appropriate plans for review by the State Fire Marshal's Office.

With regard to gas piping, at present there are no plans to provide a central gas system. If however, a gas utility elects to construct a distribution system the developer may pursue the option of obtaining gas service for this project. Should that be the case; the construction of gas piping, through the residential units, will be in direct conformance with all applicable fire protection standards.

All required notes will be placed on the plan prior to submittal.

Department of Agriculture – Milton Melendez, 698-4500

As stated previously we are aware that this project is located within a Investment Level 4 Zone. The plan full compiles with the Sussex County Comprehensive Plan that was previously approved by the State. We understand your concerns relating to developing within rural areas and conflicts with farm machinery and vehicles on rural roadways, we must point out that this development is located on a State highway designated as a major arterial roadway. We also understand the need to preserve ground water recharge areas and have allowed considerable open space areas with this in mind. The projected amount of impervious space is less than twenty percent of the overall development.

Public Service Commission – Andrea Maucher, 739-4247

As stated previously the central wastewater collection and treatment system along with the water distribution system will be operated by a licensed publicly owned and operated utility company. At this time, we do not anticipate a closed propane or natural gas system for this development.

Delaware State Housing Authority – Karen Horton, 739-4263

With regard to the Level 4 discussion raised within the Delaware State Housing Authority's comments, we feel that our comments related to this issue are contained elsewhere in this response and need not be repeated.

It appears that the Delaware State Housing Authority is inconsistent in its position related to Hastings Hollow, as the project has been designed to meet the needs promulgated by the Delaware State Housing Authority, in that, it will provide a mix of single-family housing that will address the economic needs for housing a variety of income levels within the State of Delaware. It will also increase the housing supply, thus decreasing scarcity-induced price increases.

Nowhere within the Charter of the Delaware State Housing Authority is there discussion related to Investment Level 4. In fact, for most, if not all of the projects reviewed by the Delaware State Housing Authority, the Authority has supported mixed income housing as one of its goals. We do not understand the apparent reversal of goals and policy by the Housing Authority.

The recent study by Harvard economist Edward L. Glaeser concluded that governmental restrictions on the supply of land for new housing was the greatest factor in housing price increases. "Economists increasingly are concluding that the shortage of affordable housing...is a result more of man-made restrictions on development than high construction costs or other market forces." Obviously curtailing the supply of housing creates scarcity, which increases housing prices.

Sussex County – Richard Kautz, 855-7878

In direct response to Sussex County comments and suggestions, the active recreation area has been revised and is now located at diverse locations throughout the project.. The first area is in the proximity of Entrance Number 1, and the second area is located in the southeast quadrant of the project, overlooking the existing borrow pit proposed lake site.

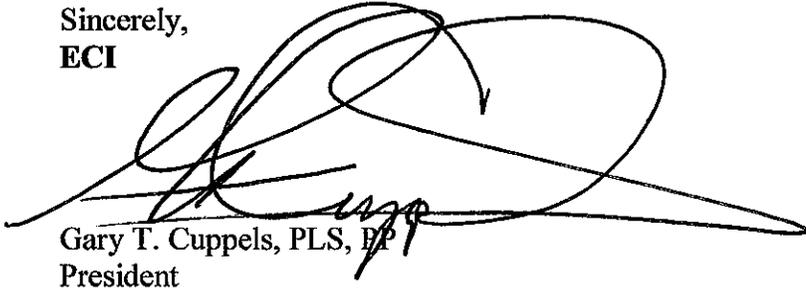
The developer recognizes its responsibility to demonstrate to the Sussex County Planning and Zoning Commission, the appropriateness of the cluster development in this locale. It is the intention of the developer to provide overwhelming evidence in support of cluster development in this vicinity. In brief, the utilization of cluster development at Hastings Hollow allows for substantial open-space to be provided that can be utilized to provide both active and passive recreational opportunities, along with significant open natural view sheds, to the residents of the project. At present, the plan as proposed contains approximately 132 acres of open-space for 65% of the total site area. If the project was developed in a conventional mode, less than 10% of the project site would be dedicated to open-space. Obviously, the use of cluster development, in this case, is a significant planning benefit. In addition, utilization of the cluster option allows for the preservation of over 80% of the forested portion of the project site. If the project was developed in the conventional manner, it is conceivable that more of the forest area would be disturbed. It will be the intention of the developer to provide written documentation in response to Ordinance Number 1152, Sussex County Code 99-9C, as a part of its submission to the Sussex County Planning and Zoning Commission.

With regard to the public water supply, proposed for the Hastings Hollow project, the developer has contacted Artesian Utilities, a public regulated utility duly licensed to provide water service within the State of Delaware. The water supply in both terms of wells, transmission and distribution will be under the operation and ownership of the public utility.

As far as sanitary sewage service for this project, the developers have contracted with Artesian Utilities to provide wastewater collection, treatment and disposal for the Hastings Hollow project. A preliminary soils analysis has been prepared, submitted and approved by DNREC. A copy of the DNREC approval letter, dated February 1, 2007, is made a part of this submission. A review of the soils information indicates that the native soils, as they exist on site, are suitable for renovation of highly treated wastewater that the project will generate. In addition, all sanitary sewage collection, disposal and treatment will be in direct conformance with Sussex County Ordinance 38 and all State and Federal rules and regulations.

We appreciate the comments generated by your comprehensive review. We hope that these responses and related revisions meet with your approval. Please call me if you have any further questions or comments.

Sincerely,
ECI

A large, stylized handwritten signature in black ink, appearing to read 'G. Cuppels', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal tail.

Gary T. Cuppels, PLS, PE
President

- cc: Brian Lessard
- J. Paul Jones, P.E.
- Joe Conaway
- Jim Fuqua, Esq.