

# MERRITT DEVELOPMENT CONSULTANTS, INC

~~~~~Engineering~~~~~Land Planning~~~~~Surveying~~~~~

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September 6, 2007

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Ms. Constance C. Holland, ACIP  
Director  
Office of Management and Budget  
122 William Penn Street  
Suite 301  
Haslet Armory  
3<sup>rd</sup> Floor  
Dover, DE 19901  
Phone: (302) 739-3090  
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RE: PLUS review – PLUS 2006-04-01; Neal School Road

Dear Constance,

This letter is in response to comments received from the Delaware Office of State Planning Coordination following PLUS review of the Neal School Road Project in Sussex County, Delaware. The PLUS Comments are included herein with our responses attached.

**Office of State Planning Coordination – Contact: Herb Inden 739-3090**

This project represents a major land development that will result in 56 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in relevant municipal and county certified comprehensive plans. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring more than 140 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services.

These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school

transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision. (Comments Noted)

**Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

The Division of Historical and Cultural Affairs (DHCA) are not in favor of this development in Level 4 because it will cause a loss of the historic farming landscape, result in the destruction of historic properties, and introduce an adverse visual effect on the setting of adjacent historic properties.

This parcel contains the site of the White Brown House (S-435), an 18<sup>th</sup>-century brick house that had fallen into ruins by 1985. There is a high potential for archaeological remains associated with this house. Bethel Church (S-361), a mid-19<sup>th</sup>-century church, is immediately adjacent on the southwest corner of the parcel. In addition, there are areas on the parcel of medium to high potential for prehistoric-period archaeological sites.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Brown house, usually a good distance behind or to the side of the house. In addition, the Bethel Church cemetery is just outside of the parcel. It is not uncommon for there to be unmarked graves outside of the known area of the cemetery. The developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. The DHCA will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400. (We will contact Faye Stocum to discuss.)

This development may require a federal permit from the Army Corps of Engineers. If that is the case, the developer would be required to consult with this office and may be required to undertake an archaeological survey of the property, depending on the limits of the permit area. We will be happy to assist the developer through this process. If no federal permit is required, they would appreciate the opportunity to look for archaeological sites on the property and learn something about their location, nature, and extent prior to any construction activities. (We will coordinate with this agency as the project continues for a field investigation.)

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

2416 Joppa Road LLC seeks to develop 56 single-family detached houses on an approximately 109.45-acre parcel (Tax Parcel 5-31-5.00-3.00). The subject land is located on the north side of Neal School Road (Sussex Road 553) at the Maryland state line. Three existing apartment

buildings along Route 20 would be eliminated. The land is zoned AR-1 in Sussex County and it would be developed by right.

(We don't know of any apartment buildings on-site.)

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies for State Policies and Spending* have deemed the type of development being proposed inappropriate for this area. As part of our commitment to support the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services. (Comments Noted)

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

(We have received a letter of no objection from DelDot.)

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

#### **Investment Level 4 Policy Statement**

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the *Strategies* this project is inappropriate in this location. In Investment Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be

limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.  
(No forest clearing is proposed.)

With continued development in Investment Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.  
(Comments Noted)

This particular development certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. Of particular concern are: potential impacts to two of the three layers of green infrastructure (cropland and forest land), and potential impacts to water quality from fifty-six (56) individual on-site septic systems. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

### **Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on this parcel adjacent to Tanyard Branch and the unnamed tributary on the southern portion of the property. The PLUS application materials erroneously state that there are no wetlands on site.

A wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted to verify the extent of these wetlands. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.  
(Completed)

These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Project plans do not indicate any direct impacts to wetlands, however, cumulative and secondary impacts to wetlands from homeowner activities are likely to occur. The following steps should be taken to mitigate for potential adverse impacts to wetlands:

1. Lot lines should exclude wetlands

2. The proposed tot lot and picnic area should be moved to an upland, non-wooded portion of the project area.  
(The tot lot as proposed is located outside of the forest area.)
3. Wetlands and open space areas should be clearly demarked with permanent monuments.  
(Yes)
4. Wetlands and other passive open space areas should be placed into a permanent conservation easement or other permanent protection mechanism.

DNREC recommends a 100-foot vegetated buffer from all streams and wetlands. Site plans provided do not have a scale, making it difficult to determine whether adequate space has been left between the tributaries on-site and the nearest lot line.

(Comments Noted)

In the area set aside for passive open space adjacent to the unnamed tributary in the southern portion of the project site, the developer is encouraged to consider establishment of natural habitat (forest or meadow) as a buffer to the stream and to provide additional opportunities for passive recreation. Once established, natural 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.  
(All forest buffers will have protective covenants placed on them.)

### **Wetland Permitting**

Site plans show two road crossings of waters of the U.S. and a trail system through palustrine wetlands. Impacts to Palustrine wetlands and waters of the U.S. are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, impacts to subaqueous lands are regulated by the DNREC Subaqueous Lands section.

For additional information about wetland permitting, 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) 739-9943 to schedule a meeting.

(Comments Noted)

### **Water Supply**

The project information sheets state that individual on-site wells will be used to provide water for the proposed project. Our records indicate that the project is not located in an area where public water service is available. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

(Comments Noted)

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.

(Comments Noted)

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.

(Comments Noted)

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

### **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 the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

(A sediment control and stormwater management plan has been submitted.)

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post- development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

(We have been working with soil conservation to finalize plans.)

It is strongly recommended that you contact the Drainage Section to discuss any tax ditch easement and right-of-way requirements for any tax ditches on or adjacent to the property in question. If the project is proposing to discharge into any tax ditch, then a letter of no objection will need to be submitted from the Drainage Section for the encroachment into the right-of-way.

(No discharge into tax ditches is proposed.)

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to the Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

(Comments Noted)

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

(Comments Noted)

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

(No ponds are proposed.)

Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.

(Comments Noted)

Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

(Comments Noted)

If a stormwater management pond is going to be utilized as a sediment trap/basin during construction, it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

(No ponds are proposed.)

All ponds are required to be constructed per Pond Code 378.

(No ponds are proposed.)

Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.

(No ponds are proposed.)

A Certified Construction Reviewer (CCR) is required for any project that is 50 acres or greater.

(Comments Noted)

DNREC regulations require no more than 20 acres to be disturbed at one time. A phased erosion and sediment control plan and sequence of construction will be required.

(Comments Noted)

Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.

(No ponds are proposed.)

Consideration should be made for any adjacent properties during the design of the project, including drainage and erosion/sediment control.

(Comments Noted)

## **Drainage**

This project is not within a tax ditch area; therefore, there are no associated tax ditch rights-of-way on any of the ditches or channels. In addition, there are no recent drainage complaints within our tracking system as of this date.

(Comments Noted)

The Drainage Section advises the following in site development:

(Comments Noted)

The Drainage Section requests that all existing ditches on the property be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches.

(Comments Noted)

The Drainage Section 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.

(Comments Noted)

The Drainage Section strongly recommends that any drainage conveyance between two parcels within a subdivision be dedicated as a drainage easement and such easement be designated as passive open space, not owned by individual landowners. The easement should be of sufficient width to allow for future drainage maintenance as described below:

(Comments Noted)

Along an open ditch or swale, the Drainage Section recommends a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback zone measured from top of bank on the non-maintenance side. These zones should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage

maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.

(Comments Noted)

Along a stormwater pipe, the Drainage Section recommends a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline. This zone should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake

capabilities. Trees and shrubs planted within the maintenance zone should be spaced to allow for drainage maintenance at maturity.

(Comments Noted)

The Drainage Section recommends that any drainage/utility easement owned by an individual landowner should not have structures, decks, buildings, sheds, kennels, fences or trees within the drainage easement to allow for future drainage maintenance.

(Comments Noted)

### **Rare Species**

We have not surveyed this property; therefore, a review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. The applicant should contact the Maryland Department of Natural Resources as they may have documented rare species within Tanyard Branch that could also be within the project area.

(We will contact this agency.)

### **Forest Preservation**

According to the application (question #27) there will be no forest loss; however, lot #'s 5, 6, and 7 contain forest and the tot lot/picnic area has trails through the woods. Lot #'s 21, 22, 24-33 contain a portion of the forested buffer along Tanyard Branch and homeowners will be able to clear trees within this buffer for sheds, play areas, pools, and for a view of the water. A deed restriction or easement of some kind will need to be placed on this buffer area to ensure its function and water quality protection. The applicant should reevaluate the amount of forest loss and correct this on the application. The applicant should consider removing lot #'s 6 and 7 from the site plan or relocating these to another area of the site.

(Deed restrictions will be placed on forest buffers.)

### **Stormwater Management Ponds**

There are three fairly large stormwater management ponds that may not be necessary. The applicant should reconsider the usefulness of these ponds and possibly reduce the number or size of the ponds. The space saved could then be used for relocation of lot #'s 6 and 7 which are currently forested.

In addition, the ponds will likely 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. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. 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 a reduction in the size and/or number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized. (The site has been re-designed to eliminate all ponds.)

### **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.

(Comments Noted)

### **Air Quality**

Once complete, vehicle emissions associated with this project are estimated to be 4.3 tons (8,595.4 pounds) per year of VOC (volatile organic compounds), 3.6 tons (7,116.4 pounds) per year of NOx (nitrogen oxides), 2.6 tons (5,250.6 pounds) per year of SO2 (sulfur dioxide), 0.2 ton (467.4 pounds) per year of fine particulates and 359.5 tons (718,995.6 pounds) per year of CO2 (carbon dioxide).

(Comments Noted)

***However, because this project is in a level 4 area, mobile emission calculations should be increased by 118 pounds for VOC emissions for each mile outside the designated growth areas per household unit; by 154 pounds for NOx; and by 2 pounds for particulate emissions. A***

*typical development of 100 units that is planned 10 miles outside the growth areas will have additional 59 tons per year of VOC emissions, 77 tons per year of NOx emissions and 1 ton per year of particulate emissions versus the same development built in a growth area (level 1, 2 or 3).*

Emissions from area sources associated with this project are estimated to be 1.7 tons (3,466.9 pounds) per year of VOC (volatile organic compounds), 0.2 ton (381.5 pounds) per year of NOx (nitrogen oxides), 0.2 ton (316.6 pounds) per year of SO2 (sulfur dioxide), 0.2 ton (408.5 pounds) per year of fine particulates and 7.0 tons (14,054.1 pounds) per year of CO2 (carbon dioxide).  
(Comments Noted)

Emissions from electrical power generation associated with this project are estimated to be 0.7 tons (1,374.0 pounds) per year of NOx (nitrogen oxides), 2.4 tons (4,779.3 pounds) per year of SO2 (sulfur dioxide) and 352.5 tons (704,941.4 pounds) per year of CO2 (carbon dioxide).  
(Comments Noted)

|                  | VOC | NOx | SO <sub>2</sub> | PM <sub>2.5</sub> | CO <sub>2</sub> |
|------------------|-----|-----|-----------------|-------------------|-----------------|
| Mobile           | 4.3 | 3.6 | 2.6             | 0.2               | 359.5           |
| Residential      | 1.7 | 0.2 | 0.2             | 0.2               | 7.0             |
| Electrical Power |     | 0.7 | 2.4             |                   | 352.5           |
| TOTAL            | 6.0 | 4.5 | 5.2             | 0.4               | 719.0           |

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.7 tons of nitrogen oxides per year and 2.4 tons of sulfur dioxide per year.  
(Comments Noted)

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. They highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

(Comments Noted)

They also recommend 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, links to mass transit, and fund a lawnmower exchange program for their new occupants.

(Comments Noted)

**State Fire Marshal’s Office – Contact: Duane Fox 856-5298**

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:**

- Since the dwellings of the subdivision are proposed to be served by individual on-site wells (No Central or Public Water System within 1000’ of property), set back and separation requirements will apply.

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. This means that the access road to the subdivision from Neals School Rd 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, 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.

**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”
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads  
(Comments Noted)

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Milton Melendez 698-4500**

The proposed development is in an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* do not support this type of isolated development in this area. The intent of this plan is to preserve the agricultural lands, forestlands, recreational uses, and open spaces that are preferred uses in Level 4 areas. The Department of Agriculture opposes the proposed development which conflicts with the preferred land uses, making it more difficult for agriculture and forestry to succeed, and increases the cost to the public for services and facilities.

More importantly, the Department of Agriculture opposes this project because it negatively impacts those land uses that are the backbone of Delaware's resource industries - agriculture, forestry, horticulture - and the related industries they support. Often new residents of developments like this one, with little understanding or appreciation for modern agriculture and forestry, find their own lifestyles in direct conflict with the demands of these industries. Often these conflicts result in compromised health and safety; one example being decreased highway safety with farm equipment and cars competing on rural roads. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. The Department of Agriculture opposes the creation of isolated development areas that are inefficient in terms of the full range of

public facilities and services funded with public dollars. Public investments in areas such as this are best directed to agricultural and forestry preservation.

(Comments Noted)

Additionally, this site overlaps with the State's Green Infrastructure Investment Strategy Plan. The Crop Land layer is present on this site; this designation identifies areas that possess unique natural features that are valuable for preservation.

The Delaware Department of Agriculture supports growth which expands and builds on existing urban areas and growth zones in approved State, county and local plans. Where additional land preservation can occur through the use of transfer of development rights, and other land use measures, we will support these efforts and work with developers to implement these measures. If this project is approved we will work with the developers to minimize impacts to the agricultural and forestry industries.

(Comments Noted)

**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. Contact: Malak Michael at (302) 739-4247.

**Delaware State Housing Authority – Contact Karen Horton 739-4263**

The proposal is a site plan review for 56 single family units on 109 acres located at the west end of Neal School Rd., at the Maryland State Line north of Oak Grove, and adjacent to Tanyard Branch. According to the *State Strategies Map*, the proposal is located in an Investment Level 4 area. As a general planning practice, DSHA encourages residential development only in areas where residents will have proximity to services, markets, and employment opportunities, such as Investment Level 1 and 2 areas outlined in the *State Strategies Map*. Since the proposal is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State would like to see new residential development, DSHA does not support this proposal.

(Comments Noted)

**Department of Education – Contact: John Marinucci 739-4658**

DOE recognizes that this development project is in level 4 of the State Strategies for Policies and Spending and as such, DOE does not support the approval of this project.

DOE offers the following comments on behalf of the Seaford School District.

1. Using the DOE standard formula, this development will generate an estimated 30 students.

2. DOE records indicate that the Seaford School Districts' *elementary schools are not at or beyond 100% of current capacity* based on September 30, 2005 elementary enrollment.
3. DOE records indicate that the Seaford School Districts' *secondary schools are not at or beyond 100% of current capacity* based on September 30, 2005 secondary enrollment.
4. DOE requests developer work with the Seaford School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.  
(Comments Noted)

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 410-663-5525.

Sincerely,

*Charles E. Merritt*

Charles E. Merritt  
President