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RECEIVED BUDGET

October 31, 2006

State of Delaware  
Office of State Planning  
540 S. Dupont Highway  
Thomas Collins Building, Third Floor  
Dover, Delaware 19901

Attn: Ms Constance C. Holland, AICP  
Director

RE: PLUS Review – PLUS 2006-04-08; Hammond Property  
Kent County, Delaware  
DBF # 1423A002

Dear Ms. Holland:

Thank you for the response letter in regards to the proposed plan for the above referenced property. The developer is pleased to submit the following comments:

A. **Office of State Planning Coordination**

The developer acknowledges the States response regarding State Strategies and the projects location.

B. **Division of Historic and Cultural Affairs (DHCA)**

The developer acknowledges DHCA's concern regarding the developments possible adverse impact on historic properties in and around the area of the development. The developer further acknowledges the possibility that unmarked human remains may cause potential delays to the project, if discovered. The developer also acknowledges DHCA's request to document Mrs. Griffith's agricultural complex prior to demolition and the request to install sufficient landscaping to minimize visual and noise effects on surrounding historic properties.

**C. Department of Transportation**

The developer acknowledges the Department's comments regarding their participation level in any road improvements needed for the project and also the Department's comments regarding transfer of development rights.

**D. The Department of Natural Resources and Environmental Control**

**Investment Level 4 Policy Statement**

The developer acknowledges DNREC's comments regarding their Level 4 policies.

**Green Infrastructure**

The developer acknowledges the project, partially or entirely, is located in the Livable Delaware Green Infrastructure Area established under Governor Minner's Executive Order #61 and the Department's request for an appropriate site design that will protect sensitive resources.

**Soils**

Thank you for the classification of the soils within the proposed development property.

**Wetlands**

We acknowledge the comments regarding site wetlands. Wetlands have been delineated for the site and no wetlands will be impacted by the development. All wetlands and stream buffer requirements per by Kent County Codes will also be met.

**Impervious Cover**

The developer acknowledges the recommendation to utilize BMP's to reduce runoff and thanks you for the information regarding methods to reduce impacts. The developer also acknowledges that all constructed impervious surfaces should be included in impervious calculations.

### **TMDL's**

The developer acknowledges that to date there is currently no developed TMDL for the Mispillion River watershed and that the Department encourages the use of BAT's and BMP's in order to reduce the impacts that may be associated with this project. The developer appreciates the contact information regarding nutrient reduction protocol.

### **Water Resource Protection Area**

The developer acknowledges that a very small portion of the property is located within an excellent recharge area and the Department's concerns regarding the effects of development on groundwater in the area. Based on the recharge map provided by your office no land development is proposed within the mapped recharge area.

### **Water Supply**

The developer will follow any and all regulations and permit processes in obtaining any and all well permits during development as well as following the procedures in obtaining a Certificate of Public Convenience and Necessity.

### **Sediment and Erosion Control/Stormwater Management**

The developer will provide the necessary sediment and stormwater plans as well as follow any and all regulations of the Kent Conservation District. The developer will provide the information requested on the record plan, acknowledges the recommendation to consider conservation design and limit the amount of tree clearing, the need to include a 12 foot wide access path to the stormwater facilities, the recommendation to incorporate stormwater management areas into landscape plans, the recommendation to use proper drainage when developing the grading plan, and the request to have a pre-application meeting with the District to discuss stormwater management and drainage for the site.

### **Drainage**

Thank you for the design recommendations. The developer acknowledges the recommendation to take precautions to ensure the protection of off-site drainage upstream and downstream and the request to preserve existing riparian buffers, to provide additional width of vegetated buffers and incorporate any other water quality measures in order to filter excess nutrients from site runoff.

### **Open Space**

The developer acknowledges the recommendation to establish additional forest areas and/or meadow areas. The developer acknowledges the recommendation to place remaining forest and/or wetlands into a protection zone as well as indicate areas to prevent infringement by homeowners.

### **Rare Species**

The developer acknowledges the Department's concern regarding the possible impacts to rare species along the Tanrough Branch. The developer also acknowledges the request to place a 300-foot buffer along the Tanrough Branch into permanent conservation in order to prevent future clearing.

### **Forest Preservation**

The developer acknowledges the request to eliminate certain lots in order to conserve existing forests. If the trees are cleared the developer will attempt not to clear from April 1<sup>st</sup> to July 31<sup>st</sup> in order to minimize impacts on wildlife.

### **Nuisance Waterfowl**

The developer acknowledges the recommendation to provide tall grasses, wildflowers, shrubs, and trees around the stormwater management ponds to help minimize the attraction of waterfowl.

### **State Resources Areas/Natural Areas**

The developer acknowledges the Office of Nature Preserves request to redesign the site in order to preserve the forested area on site. Thank you for the information regarding State Resource Area Lands and Natural Areas.

### **Underground Storage Tanks**

The developer will notify all necessary agencies if any underground storage tanks or contaminated soils are discovered during construction. The developer acknowledges that if contamination is discovered and PVC piping is being used that this piping will need to be replaced with ductile steel with nitrile rubber gaskets.

### **Solid Waste**

The developer acknowledges the concern regarding construction waste and the State's limited landfill resources.

### **Air Quality**

Thank you for the information regarding vehicle emissions, emissions from surrounding areas, and electrical power generation emissions for the proposed project. The developer acknowledges the recommendation to build Energy Star qualified homes and thanks you for the information on these homes. The developer acknowledges the recommendation to offer geothermal and photo voltaic energy options. The developer also acknowledges the recommendation to provide tie-ins to local bike paths, links to mass transits and to offer a lawnmower exchange program.

### **E. State Fire Marshal**

Thank you for the information on Fire Protection Water Requirements, Fire Protection Features, Accessibility, Gas Piping and System Information, and Required Notes. The developer will follow all fire regulations and will work with the Fire Marshal's office to obtain final approval.

### **F. Department of Agriculture**

The developer acknowledges the Department's comments regarding State Strategies and project location as well as their comments regarding the potential impacts on the local industries. The developer acknowledges that the project overlaps with the State's Green Infrastructure Strategy plan. The developer acknowledges the concern regarding the loss of "excellent" and/or "good" recharge areas and will attempt to consider this concern during the design phase as well as during the construction phase. The developer acknowledges the Department's comments on transfer development rights.

### **G. Public Service Commission**

The developer will follow any and all guidelines as they pertain to Pipeline Safety.

### **H. Delaware State Housing Authority**

The developer acknowledges the Department's comments regarding the site location relevant to the State Strategies.

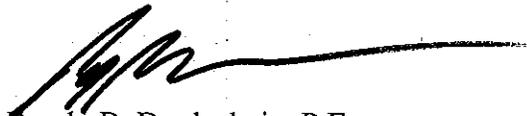
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**I. Department of Education**

The developer will attempt to contact the Milford School District regarding the over-crowding issue. The developer will also attempt to contact the School District transportation department in regards to a bus shelter.

Should you have any questions or need additional information, please call.

Sincerely,



Randy B. Duplechain, P.E.  
Principal