

(1)

**OFFICE OF STATE PLANNING
AND COORDINATION**

Comment: Project is in Level 4 area and therefore State Planning is opposed.

Response: The Strategies for State Policies and Spending identify the area as Investment level 4. That is, the State strategy is to preserve and protect agriculture and natural resources or a rural Delaware that may have existed at one time, including agribusiness, farm communities, and natural areas. However, these do not necessarily exist in the area at this time nor does the strategy contemplate regional growth.

The subject property is located west of Delmar in an area that is adjacent to the City of Salisbury, in Wicomico County, Maryland. Delmar has a population of 3,266 as of 2000, has planned for its growth areas to expand in the direction of the intersection of Route 54 and Road 504. This area has enjoyed significant commercial growth along the US 13 corridor in accord with its 2005 Comprehensive Plan.

Salisbury and Wicomico County have also grown. Wicomico County has a population of approximately 85,000 and Salisbury is the largest urban center on the Delmarva Peninsula. Wicomico County in its 1997 and 1998 comprehensive planning has proposed the "Metro Core Plan" than extends the future growth of Salisbury and Wicomico County towards Delmar along the US13 and to the east and west of the corridor. In the 2002 Sussex County Comprehensive Plan, the area for the proposed Clearlake is identified for purposes of future land use as GR General and "low density area".

Additionally, the community known as Blackwater Creek, involving 1,179 units has been approved adjacent to this site.

The development has a proposed density of 1.51 units/acre and is consistent with the uses permitted in the "low density area" of the 2002 Sussex County Land Use Plan update as certified by the State and the purposes of AR-1 Agricultural Residential District, which permits residential development and with the ordinance relating to the cluster development in subdivisions.

The State's strategy is to be implemented by limiting or discouraging development by limiting infrastructure investment. Public investment in infrastructure will be avoided by contracting with investor owned utilities regulated by the Public Service Commission and DNREC. Tidewater Utilities Inc. ("TUI") is willing and able to contract with the applicant to provide potable water to Clearlake and Tidewater Environmental Services, Inc. ("TESI") is willing and able to collect, treat and dispose of sanitary sewerage from this project. Sewer facilities will be designed and built to comply with applicable state and county requirements. TUI has been issued Certificates of Public Convenience and Necessity to serve the area with water and has had its tariffs approved by the Public Service Commission. Its wastewater treatment and disposal facilities have been or will be reviewed and approved by DNREC. TESI has the capacity to treat sanitary waste from its site in Blackwater Creek, if needed.

(2)

DIVISION OF HISTORIC AND
CULTURAL AFFAIRS

Comment: Is opposed because site is in Level 4 Investment area and would result in the loss of Historic and Agricultural landscape with adverse visual and noise effects on neighboring Historic properties.

Response: We have contracted with Mr. Ed Otter to evaluate the Archeological significance of the site as well as cemetery delineation. The existence of a cemetery on the site is known and the proposed site plan provides for its protection. (See preliminary Plat). Any other historical features discovered by Mr. Otter will also be protected. Concerning Investment Level 4 I would refer to Item 1 above.

Comment Incorporated: Yes

(3)

DEPARTMENT OF TRANSPORTATION

Comment: DELDOT does not participate in any infrastructure development because of the Investment Level 4 area.

Response: The developer is fully aware of his responsibility to pay for all road improvements both on site and to Rt. 54.

Comment Incorporated: Yes

(4)

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL CONTROL**

Comment: Opposes the project because it is in an Investment Level 4 area. They are concerned about the loss of critical natural habitat, the protection of present and future water supplies, state investments in water and wastewater systems, the loss of forested areas, and would prefer the project not be approved.

Response: The developer does not expect any state investments in the project. Water and wastewater systems will be central systems and privately funded. There will be landscaped open spaced areas that will offset much of the loss of cultivated area and roadside trees and yard landscaping will help to offset loss of forested areas.

Wetlands: Have been delineated and a full report submitted to the Army Corp. of Engineers requesting a jurisdictional determination and has been submitted. (See Environmental Consultants Wetland Delineation Map (Exhibit #2)). Given the results of the wetland delineation it is not anticipated that a 404 or 401 wetland permit will be required for this project. (See Exhibit #3).

Forested areas: 30' forest buffers will be provided along property perimeters adjacent to lands now in agricultural use. (See Conceptual Site Plan Exhibit #2).

Impervious Cover: Proposed impervious cover estimated for this project will be approximately 25% of the project area. This estimate is based upon USDA studies of lots of similar size and is incorporated in the Standard Storm Water Management calculations within the "TR55" Storm Water Management Analysis utilized by the Soil Conservation Service. (See Exhibit #5).

Best Management Practices (BMP's): The developer intends to incorporate BMP's wherever possible, including the creation of significant amounts of open space, providing street trees and wide grass areas within the road right-of-ways, and careful control of lot clearing by the homeowner's association. The proposed procedures for clearing are included among the restrictive covenants (See Exhibit #4).

Domestic Water and Sanitary Sewer Service: Water and sewer utility service will be provided by central systems managed and operated by Tidewater Utilities there will be no onsite wells or individual sewage disposal sites within the proposed project (See Exhibit #6).

Storm Water Management: Both storm water quantity and quality controls are proposed for this project. Quality control will be achieved by directing most runoff to the proposed grass lined ditches adjacent to the proposed streets. This treatment will reduce nitrogen and phosphorous levels within the storm water runoff and will be followed by discharge into a "wet" stormwater management pond which will further enhance quality treatment. Quantity management will be achieved by the dry portion of the proposed storm water ponds, ultimate discharge of the ponds will be into existing ditches within or adjacent to the proposed project area. The system will be designed in full compliance with Sussex Soil Conservation District Requirements who will be provided AutoCAD generated drawings and Hydro CAD storm water management analysis of the system.

Open Space: As noted above there will be 30 ft. wide forested buffers adjacent to areas that are in agricultural use. Large open space areas along the Rt. 54 frontage will be provided. Street trees along the proposed streets will be included and the clearing of existing trees will be controlled through the Homeowners association covenants as noted above. Mr. MaCavoy of DNREC has been invited to visit the site to examine the existing vegetation to determine if there is any rare or federally listed plants, animals or natural communities on the project. In the event that such plants, animals, or natural communities are found, we will make the site available to Ms. Lynn Redding of the Delaware native Plant Society to remove such plants, natural communities for relocating off site.

Solid Waste: Solid waste disposal will be achieved through private licensed waste haulers individually contracted for by each homeowner all such waste will be disposed of at State approved solid waste sites.

Air Quality: Air quality will be addressed by incorporating as many energy efficiency techniques as possible into the housing construction.

Flood Zone: Site in an area of no special flood hazards. Sussex County imprinted FIRM Insurance Rate Map (10005C0550F).

Comments Incorporated: Yes, to extent noted above regarding Investment Level 4 concerns please refer to Item No. 1 above.

(5)

STATE FIRE MARSHAL'S OFFICE

Comment: No specific comments.

Response: The proposed project includes street widths and cul-de-sac radii adequate to provide for the operation of fire equipment within the subdivision. The water distribution system provided by Tidewater Utilities will be capable of providing the necessary fire flow meeting Sussex County Fire Codes.

Central Gas System: A central propane gas system will be provided, with the buried tanks located within the open space area adjacent to Rt. 54.

(6)

DEPARTMENT OF AGRICULTURE

Comment: Opposed to projects within Investment Level 4 areas

Response: Licensed landscape architect has been placed under contract to design the landscaping for the open space and street trees. (See Exhibit #1).

Comment Incorporated: No, refer to Item No. 1 above.

(7)

**PUBLIC SERVICE
COMMISSION**

Comment: Any expansion of natural gas or closed propane system must fall within pipeline safety guidelines

Response: The closed propane system will be provided by Sharp Energy and comply fully with all applicable pipeline safety guidelines.

Comment Incorporated: Yes

(8)

DELAWARE STATE HOUSING AUTHORITY

Comment: Opposed to developments in Investment 4 Levels.

Response: See comment in Item 1 above.

Comment Incorporated: No, see Item No. 1 above.

(9)

DEPARTMENT OF EDUCATION

Comment: Concerned about the impact of the estimated 65 students on the Delmar School system.

Response: Referring to the State of Delaware Department of Education official website there were a total of 1019 students in the Delmar School Districts two schools in September of 2002. In September of 2005 there were 1071 students. This represents a 52 student increase over a three (3) year period which is an average of 17 students per year spread for two schools for a total of 8 students per school per year.

The approximate assessable base created by the Clearlake Subdivision, which represents 134 units having an estimated market value of \$250,000 per unit, 27.8% of which is estimated to be the assessed value for taxation purposes. This

estimated assessed value is \$9,313,000. The current school district tax rate is \$3.25 per hundred dollars of assessed value which extends to an estimated tax revenue for the schools of \$302,673 per year from the proposed project. Noting that the student population as a percent of the Sussex County population for ages of 6 through 18 is 14.8% and estimating that there will be a population of 328 people for the project (2.45 people per unit) it could be estimated that 49 students would be within the anticipated project population. Given the size of the project it is reasonable to estimate that it would take at least three (3) year build out creating a demand on the school system of 16 students per year in a school district in which there are two (2) schools which would average 8 students per school per year for three (3) years under which the project was built out.

Given the estimated tax revenue of \$302,673 per year, this extends to a total tax contribution of \$6,177 per year per student generated by this project.

(10)

SUSSEX COUNTY

Comment: Wants "stub" road access to adjoiners. Non-tidal wetlands need jurisdictional determination. Need long term contract with capable wastewater utility.

Response: "Stub" connections are provided (See Exhibit #1). Non-tidal wetland application is currently being reviewed by the Corps of Engineers and an agreement to own and operate the central water and sanitary sewer system has been preliminarily agreed to by Tidewater Utilities (See Exhibit #6).

Comment Incorporated: Yes