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August 21, 2006
Response from KEI – July 16, 2007

***All responses from Kercher Engineering, Inc are in red bold text.**

Kevin Smith
Kercher Engineering, Inc.
413 E. Market Street
Georgetown, DE 19947

RE: PLUS review – PLUS 2006-07-01; Bridge Branch Estates

Dear Mr. Smith:

Thank you for meeting with State agency planners on August 2, 2006 to discuss the proposed plans for the Bridge Brach Estates project to be located on the north side of Rt. 404, west of Sussex Road 525.

According to the information received, you are seeking site plan approval for 137 residential units on 95.24 acres. This proposal is located in Investment Level 4 according to the Strategies for State Policies and Spending, and in a Rural area according to the Sussex County certified plan. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the

developers will need to comply with any and all regulations/restrictions set forth by the County.

The following are a complete list of comments received by State agencies:

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

This project represents a major land development that will result in 137 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 Kent County's Growth Zone according to the County's certified comprehensive plan. 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. 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 340 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 percent of school transportation and paratransit services, up to 80% of school construction costs, and the cost of police protection in the unincorporated portion of Kent 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.

Since the project is in a Level 4 area, we realize the OSP is not in favor of the project. However, we do believe the project will benefit the community by providing necessary housing to the western side of the county.

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

The DHCA is not in favor of this development in Level 4. It will lead to the destruction of archaeological sites and will further disrupt the historic agricultural landscape in this area, introducing adverse visual and noise effects. The J. Clark House (S-5087) is immediately adjacent to the west and a historic agricultural complex (S-5086) is immediately adjacent to the east. Beers Atlas of 1868 shows the G. S. Reynolds House within this parcel; there may be archaeological remains associated with this property. There is only a low potential for prehistoric-period remains in this area.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Reynolds House, usually a good distance behind or to the side of the house. 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, and the developer may want to hire an archaeological consultant to check for the possibility of a cemetery here. The DHCA will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

If this development is approved by Sussex County, they request that sufficient landscaping be included to block the view and noise from the adjacent historic properties. We would appreciate the opportunity to look for the Reynolds House site and learn something about its nature and extent prior to any ground-disturbing activities.

Since the project is in a Level 4 area, we realize the DHCA is not in favor of the project. The client is amicable to discussing the historical significance and would allow DHCA to attempt to discover any historical remains.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Because the development is proposed for a Level 4 Area, it is inconsistent with the *Strategies for State Policies and Spending.* 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.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. They 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.

Since the project is in a Level 4 area, we realize the DELDOT is not in favor of the project. However, the project has been submitted for a letter of no objection and will adhere to all requirements. If approved, the developer understands that they will be responsible for all off-site road improvements as directed by 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.

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.

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 the increase in the amount of impervious cover and the site's location in an excellent recharge area. 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.

Since the project is in a Level 4 area, we realize the DNREC is not in favor of the project. If granted preliminary approval, the community wastewater facility would be designed to meet or exceed DNREC standards.

Soils

According to the Sussex County soil survey Evesboro, Sassafras, and Fallsington were mapped on subject parcel. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Sassafras is a well-drained upland soil that, generally, has few limitations for development. Fallsington is a poorly-drained wetland associated (hydric) that has severe limitations for development.

Most of the site is Evesboro and Sassafras. Only a small portion of the site is Fallsington. The community wastewater and stormwater management areas will be situated in the Evesboro and Sassafras areas.

Impervious Cover

Based on a review of the submitted PLUS application, the applicant projects that only about 23 percent of this parcel will be rendered impervious following this parcel's development; however, this figure appears to be a significant underestimate given the scope and density of this project. The applicant should be made aware that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be included in the impervious surface calculation. It is strongly recommended that the applicant recalculate this figure to verify whether their post-development projections realistically reflect the actual amount of created post-development surface imperviousness.

Since studies link increases in impervious cover to decreases in water quality, the applicant is strongly encouraged to pursue best management practices (BMPs) that can

mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

After revising the site layout, the project will only increase the impervious cover conditions by 20% maximum. The roadway area was decreased and the size of the homes and driveways would approximately be 3000 s.f. to 4000 s.f. each. The roadway is only 6% of the total area and the estimated homes and driveways are only about 14% of the total area.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Nanticoke watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Gravelly Branch watershed, "target-rate-reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

We will work with the DNREC in an effort to adhere to any and all regulations regarding the TMDLs.

TMDL compliance through the Pollution control Strategy (PCS)

As indicated above, Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been proposed for the Nanticoke watershed. The TMDL calls for a 30 and 50% reduction in nitrogen and phosphorus from baseline conditions. A pollution control strategy will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses, increasing passive, wooded open space, using enhanced nutrient removal wastewater technologies, and the use of stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

If granted preliminary approval, the use of BMPs in the stormwater design should reduce the TMDLs.

Water Supply

The project information sheets state that water will be provided to the project by a central water system. Our records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Since an on-site public well will be needed, it must be located at least 150 feet from the outermost boundaries of the project. 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.

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.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there is the Bridgeville Groundwater Management Zone within 1000 feet of the proposed project, with part of the parcel being in a no-well zone.

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

Tidewater Utilities as been contacted to extend an existing waterline from Oak Road. If it is not feasible to extend the line a new community well will be installed in accordance to the regulations from DNREC and the Sussex

County Engineering Department. It shall be outside the GMZ zones established by SCED.

Sediment and Erosion Control/Stormwater Management

Standard Comments:

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.

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.

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.

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.

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.

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. Consider infiltration as a management tool for the water quality runoff.

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.

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.

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

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

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

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

Please demonstrate to the District that this project has an adequate outlet for stormwater management. If you intend to discharge to DelDOT's right-of-way, the Sussex Conservation District will require approval from DelDOT prior to issuing Sediment and Stormwater approval.

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

If preliminary approval is granted, a detailed stormwater management and erosion control plan will be submitted for approval from SCD/DNREC. The design shall be in accordance to the most current regulations.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, community open space should be designated along the existing woodland edge. In areas set aside for "buffer from lands", the developer is encouraged to consider establishment of additional forested areas. Doing so will provide wildlife habitat and it will create recreational opportunities for residents. 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. In addition, the community should be provided with a detailed landscape management plan that outlines how to manage each open space area, as well as how to manage for invasive species.

We have revised the plan to add more open space and increase the buffers. The buffers have been increased to 50' instead of the required 30'. As stated on the subdivision plan, the HOA will assume responsibility of the buffers and open space.

Nuisance Waterfowl

Stormwater management ponds may attract waterfowl like resident Canada geese and mute swans that will create a nuisance for community residents. 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. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (at least 50 feet) around ponds, are not as attractive to geese because they do not feel safe from predators and other disturbance when their view of the area is blocked. 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.

If the project is approved, the stormwater management areas will be designed to reduce the effects of nuisance waterfowl. If wet ponds are established, appropriate actions will be taken in landscaping the ponds to discourage waterfowl from landing in and around the wet ponds.

Potential Hunting Issue

There is a buffer between this proposed development and lands owned by Sussex County, however there is not a buffer between other adjacent properties that contain forested land. Legal hunting activities may take place on adjacent properties. Hunting within 100 yards of a dwelling is prohibited and the applicant should contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100 yards of their property for hunting if there is not a buffer between lot lines and the

adjacent property line. There is also noise associated with hunting, such as the discharge of firearms or dogs barking when pursuing game.

The plan has been redesigned to increase the buffers adjacent to the existing wooded areas and existing agricultural properties, from 30' to 50'.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 10.5 tons (21,028.1 pounds) per year of VOC (volatile organic compounds), 8.7 tons (17,409.8 pounds) per year of NOx (nitrogen oxides), 6.4 tons (12,845.3 pounds) per year of SO2 (sulfur dioxide), 0.6 ton (1,143.5 pounds) per year of fine particulates and 879.5 tons (1,758,971.3 pounds) per year of CO2 (carbon dioxide).

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 4.2 tons (8,481.6 pounds) per year of VOC (volatile organic compounds), 0.5 ton (933.2 pounds) per year of NOx (nitrogen oxides), 0.4 ton (774.4 pounds) per year of SO2 (sulfur dioxide), 0.5 ton (999.4 pounds) per year of fine particulates and 17.2 tons (34,382.4 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.7 tons (3,361.5 pounds) per year of NOx (nitrogen oxides), 5.8 tons (11,692.1 pounds) per year of SO2 (sulfur dioxide) and 862.3 tons (1,724,588.9 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO_2	$PM_{2.5}$	CO_2
Mobile	10.5	8.7	6.4	0.6	879.5
Residential	4.2	0.5	0.4	0.5	17.2
Electrical Power		1.7	5.8		862.3
TOTAL	14.7	10.9	12.6	1.1	1759.0

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.7 tons of nitrogen oxides per year and 5.8 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. They highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

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.

The developer is aware of the potential added pollutants. It shall be minimized as much as possible. The developer will also attempt to use "Energy Star" equipment when building the individual homes.

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**:
- 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.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

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 Seashore Hwy 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"
- Name of Water Supplier
- Proposed Use

- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- 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 our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

If approved, detailed plans will be submitted to the OSFM for review and comment.

Department of Agriculture - Contact: Milton Melendez 698-4500

The proposed development is in an area designated as Investment 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 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. We oppose 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.

The proposed development is adjacent to property enrolled in the State's Agricultural Lands Protection Program (Townsend Tract District, Wheatley Farms, 4-30-20.00-2.00). Therefore, the farming activities conducted on this property will be protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action,

shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

In addition to conforming with the required setback and buffer requirements, the Department further requests that the developer keep houses, driveways, roads, infrastructure, etc. the maximum distance possible away from adjacent agricultural lands, and establish an effective landscaped buffer through consultation with the Department of Agriculture's Forest Service.

If approval is granted, all notes shown above will be on the record plan and will be in the covenants and restrictions as required.

The southeast corner of this property has been designated as having "excellent" ground-water recharge potential. DNREC has mapped all ground-water recharge-potential recharge areas for the state, and an "excellent" rating designates an area as having important groundwater recharge qualities.

Senate Bill 119, enacted by the 141st General Assembly in June of 2001, requires the counties and municipalities with over 2,000 people to adopt as part of the update and implementation of their 2007 comprehensive land use plans, areas delineating excellent ground-water recharge potential areas. Furthermore, the counties and municipalities are required to adopt regulations by December 31, 2007 governing land uses within those areas to preserve ground-water quality and quantity.

Maintaining pervious cover in excellent and good recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as "excellent" and "good" recharge areas adversely impacts the future prospects for agriculture in Delaware. The developer should make every effort to protect and maintain valuable ground-water recharge potential areas.

The total impervious in the excellent recharge area will not exceed the maximum allowable (which is 35%).

This site overlaps with the State's Green Infrastructure Investment Strategy Plan. The Crop Land layer is present over the entire site. This designation identifies areas of the state that are viable and valuable agricultural cropland, as discussed in Governor Minner's Executive Order Number 61. Areas such as these should be preserved as such, and not developed for residential use.

The owner of the property no longer wishes to actively farm the parcel.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service 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.

If the project is approved, a proper landscape plan shall be prepared.

Native Landscapes

The Delaware Department of Agriculture and the Delaware 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 our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

If the project is approved, a proper landscape plan shall be prepared. Native species shall be provided.

Tree Mitigation

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

Most of the wooded areas will not be disturbed. This project contains a minimal amount of woods, most of which are located within buffers and are to remain undisturbed.

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.

Since the project is in a Level 4 area, we realize the Dept. of Ag. is not in favor of the project. The project is within a few miles of Bridgeville and the owner believes that this project will allow people to live in the country and still be within all the amenities of town living.

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.

At this time, the developer is not prepared to installed natural gas lines within the community.

Delaware State Housing Authority – Contact Karen Horton 739-4263

This proposal is to develop 137 residential units on 95 acres located on the North Side of Route 404, west of Sussex Road 525. 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.

The project is within a few miles of Bridgeville and the owner believes this project will allow people to live in the country and still be within the amenities of town living. This project will create more opportunities to individuals on the western side of the county to purchase more affordable homes.

Department of Education – Contact: John Marinucci 739-4658

This proposed development is within the Woodbridge School District boundaries. 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 Woodbridge School District.

1. Using the DOE standard formula, this development will generate an estimated 69 students.
2. DOE records indicate that the Woodbridge 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 Capital School Districts' *secondary schools **are not** at or beyond 100% of current capacity* based on September 30, 2005 secondary enrollment.
4. Although the Woodbridge School District student population does not currently exceed the building capacities, this development will create additional elementary and secondary student population growth. As such, the developer is strongly encouraged to contact the Woodbridge School District Administration to address the issue of potential school over-crowding that this development may create.
5. DOE requests developer work with the Woodbridge 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 that school district.

The developer intends on working with the local school district if the project is granted approval.

Sussex County – Contact: Richard Kautz 855-7878

This year Sussex County will be considering implementation of a Source Water Protection Program required by the State. Depending on the requirements adopted by the County Council this project might be affected. Any well location should insure that the wellhead protection area is entirely on site.

Because this project is an AR-1 Cluster subdivision, the developer must include in the application a plan for the management of all open space. Also, the developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C). For example, the reduction of 137 lots from 20,000 sq. ft. to 13,334 sq. ft. allows for more than 21acres of open space yet only 16 acres of "useable" open space is provided. The remaining open space is that which would otherwise be required with or without the clustering (i.e. stormwater management, buffers, and utilities). These issues can be addressed by including in the application an explanation of how the developer plans to mitigate the issues raised by the State agencies.

The site plan has been revised. The lots are now 10,000 s.f. which allowed for more open space. Buffers have been increased from 30' to 50' as well. Not all areas are to be used for stormwater and wastewater. The covenants and restriction should address the maintenance of all open spaces and buffer areas.

The Sussex County Engineer Comments:

The proposed project is within the boundaries of the Western Sussex Planning Area boundary. Sussex County is currently conducting a planning study to determine expected needs of the planning area. The planning study is anticipated to be completed by fall 2007.

The project proposes to develop using a private central community wastewater system. We recommend that the wastewater system be operated under a long-term contract with a capable wastewater utility. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required and plan review fees may apply.

Disposal fields should not be counted as open space. Wastewater disposal fields should be clearly identified on recorded plots.

The county regulations do not specifically eliminate community wastewater areas from being included in open space. However, if excluded, the total open space would be about 34% (30.97 acres).

If Sussex County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or owners expense.

The developer acknowledges that if the county were to expand sewer service to the project area, the residents would be required to connect and the community wastewater facility will be abandoned.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

The Engineering Department comments also include a letter and map from Michael Izzo dated July 27, 2006. A copy was handed to the applicant at the PLUS meeting.

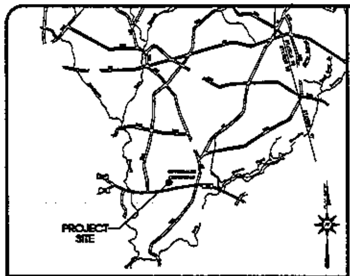
Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments 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 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director

CC: Sussex County



PLAN LEGEND

- SUPPLEMENTAL CONTOUR (1' INTERVAL)
- INDEX CONTOUR (5' INTERVAL)
- EXISTING SOIL SERIES LIMITS
- EXISTING TREE LINE
- EXISTING PROPERTY BOUNDARY
- PROPOSED LOT LINE
- PROPOSED BUILDING RESTRICTION LINE

SITE DATA and ZONING SCHEDULE

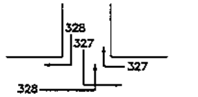
EXISTING SITE USE: AGRICULTURAL
PROPOSED SITE USE: 131 SINGLE FAMILY RESIDENTIAL
ZONING DISTRICT: AR-1 (CLUSTER)

ORDINANCE ITEM	REQUIREMENT	PROVIDED
MINIMUM LOT AREA	7,500 Sq. Ft.	10,000 Sq. Ft.
MINIMUM LOT WIDTH	60 Ft.	100 Ft.
MINIMUM LOT DEPTH	N/A	100 Ft.
MINIMUM SETBACKS: FRONT	25 Ft.	25 Ft.
SIDE	10 Ft.	10 Ft.
REAR	10 Ft.	10 Ft.
MAXIMUM BUILDING HEIGHT	42 Ft.	42 Ft.

SEWER SERVICE: COMMUNITY ON-SITE SEPTIC (TIDEWATER UTILITIES, INC.)
WATER SERVICE: TIDEWATER UTILITIES, INC.
DENSITY: 1.50 UNITS/Ac.
TYPICAL LOT DIMENSIONS: 100' (DEPTH) x 100' (WIDTH)

ACREAGE

TOTAL SITE AREA:	87.84 Ac.	TOTAL OPEN SPACE (INCLUDING STORMWATER MANAGEMENT/PASSIVE/ACTIVE OPEN SPACE, BUFFERS, COMMUNITY WASTEWATER)	42.77 Ac. (48.69%)
LOT AREA:	32.27 Ac. (36.74%)		
RIGHT-OF-WAY:	11.81 Ac. (13.35%)		
STORMWATER MANAGEMENT:	12.15 Ac. (13.83%)	TOTAL ESTIMATED IMPERVIOUS:	16.47 Ac. (18.75%)
OPEN SPACE:	12.12 Ac. (13.80%)	BUILDINGS & DRIVEWAYS:	11.43 Ac.
COMMUNITY WASTEWATER:	12.13 Ac. (13.80%)	ROADWAY:	5.04 Ac.
BUFFERS:	6.33 Ac. (7.22%)		
RIGHT-OF-WAY DEDICATION:	0.32 Ac. (0.40%)		
10' MULTI-USE PATH EASEMENT:	0.47 Ac. (0.53%)		



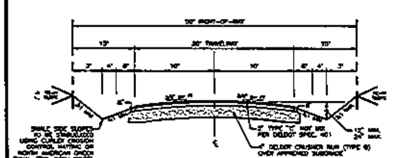
TRAFFIC FLOW SCHEMATIC
DELAWARE ROUTE 404 ENTRANCE

DE RT 404 SPEED LIMIT = 50 MPH
ENTRANCE ADT = 1,310
HIGHWAY AADT (2006) = 9,371
CLASS "C" ENTRANCE

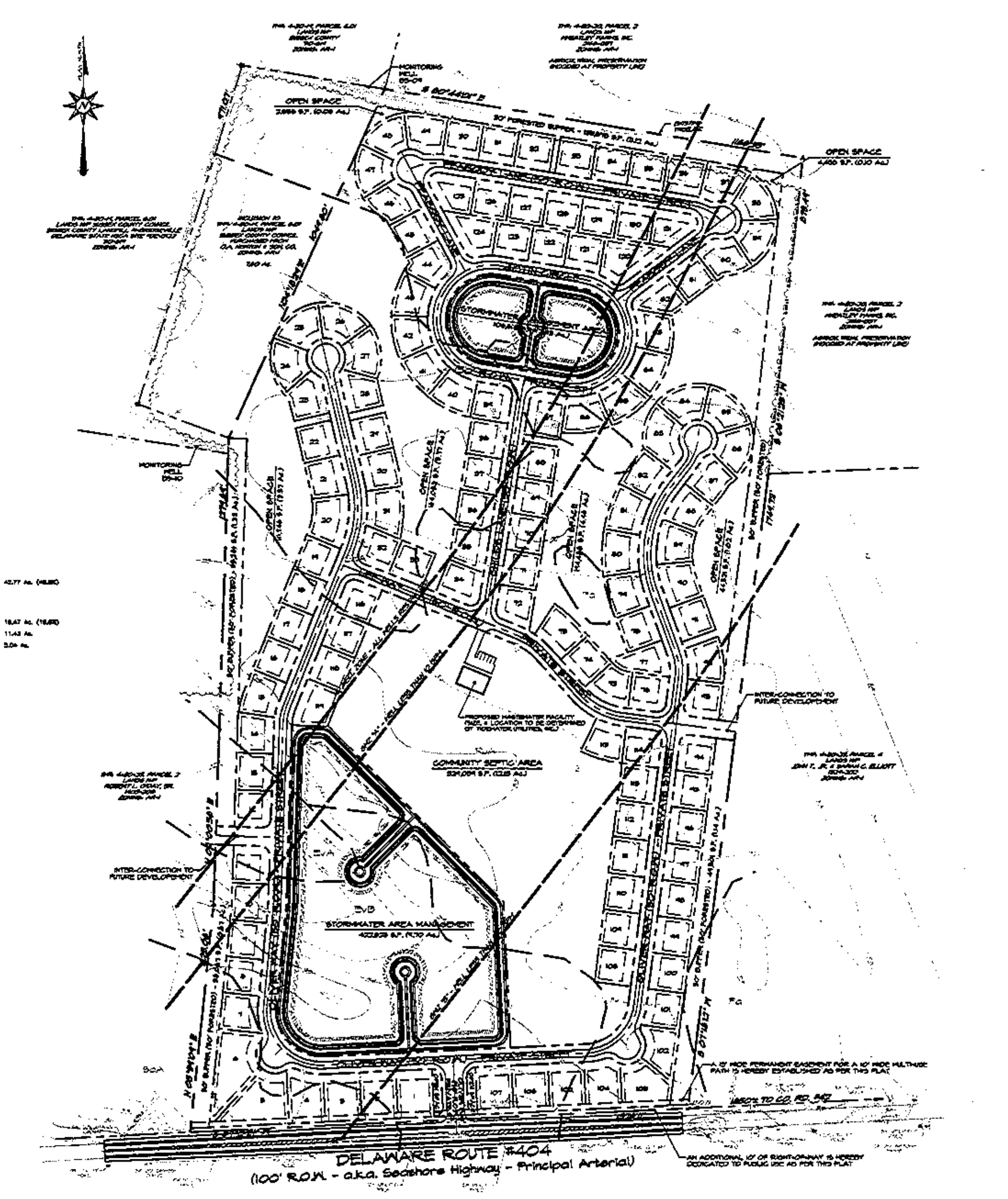
SOILS DATA

SOILS MAPPED FROM SHEET 70 OF THE SOIL SURVEY OF SUSSEX COUNTY (1974)

Soils Name	Slopes	Hydrologic Soils Group
OrA Ocetona loamy sand	0 to 2 percent	A
EvB Evesboro loamy sand	2 to 5 percent	A
Fa Fallsington sandy loam	N/A	B/D
RuA Rumford loamy sand	0 to 2 percent	B
SaA Sassafras sandy loam	0 to 2 percent	B



INTERIOR ROADWAY CROSS-SECTION
Not To Scale



GENERAL NOTES

1. THE PROJECT SITE IS KNOWN AS BRIDGE BRANCH ESTATES (T.P. 4-30-23-3), AND IS LOCATED ON THE NORTH SIDE OF DELAWARE ROUTE 404, WEST OF SUSSEX COUNTY ROAD #323 EAST OF BRIDGEVILLE, DELAWARE.
2. A TOPOGRAPHIC AND OUTBOUND SURVEY HAS BEEN PERFORMED FOR THIS SITE BY MILLER-LEWIS, INC. SEAFORD, DELAWARE. TOPOGRAPHY IS BASED ON NGVD 1929 DATUM.
3. ALL PROPOSED ROADS SHOWN ARE PRIVATE AND ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
4. ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
5. ALL PROPOSED COMMON AREAS/OPEN SPACES AREAS ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
6. ALL AREAS AND STRUCTURES DESIGNATED FOR WASTEWATER TREATMENT SHALL BE MAINTAINED BY TIDEWATER UTILITIES, INC.
7. ALL SUBDIVISION LOTS SHALL BE ACCESSED FROM THE INTERIOR SUBDIVISION STREETS ONLY. NO DIRECT ACCESS TO DELAWARE ROUTE 404 SHALL BE PERMITTED.
8. THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
9. THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
10. ALL CONTRACTORS WORKING ON THIS PROJECT SHALL BE RESPONSIBLE FOR ENSURING THAT ALL CONSTRUCTION ACTIVITIES RELATED TO THIS PROJECT ARE PERFORMED IN ACCORDANCE WITH ALL O.S.H.A. (OCCUPATIONAL SAFETY and HEALTH ADMINISTRATION) STANDARDS AND REQUIREMENTS.
11. ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 1989 OR LATEST EDITION.
12. CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW SUSSEX COUNTY SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
13. EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY MILLER-LEWIS, INC. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. THE INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
14. BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 10005C 0275 J, MAP NUMBER 10005C0275J, DATED JANUARY 6, 2005, THIS PROPERTY IS IN A ZONE "X" (UNSHADED) WHICH IS "OTHER AREAS" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOODPLAIN.
15. THERE ARE NO WETLANDS ON THE PROPERTY PER JAMES C. McCULLEY IV, ENVIRONMENTAL CONSULTANTS, INC.
16. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
17. IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH BUILDING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL HOMES IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH HOME TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
18. ALL CUL-DE-SACS ARE TO HAVE A 38' PAVED RADIUS. NO PARKING PERMITTED ON CUL-DE-SACS.
19. THE PROPERTY IDENTIFIED HEREIN IS LOCATED WITHIN THE SUSSEX COUNTY LANDFILL #1-BRIDGEVILLE GROUNDWATER MANAGEMENT ZONE (GMZ), AND HAS CERTAIN REGULATIONS PLACED UPON IT CONCERNING ANY PROPOSED LAND AND/OR GROUNDWATER USES. CONTACT THE SUSSEX COUNTY ENGINEERING DEPARTMENT FOR ADDITIONAL INFORMATION.
20. A FENCE SHALL BE CONSTRUCTED ALONG THE NORTHERN BOUNDARY LINE BETWEEN THE LANDFILL AND BRIDGE BRANCH ESTATES TO PREVENT ACCESS TO THE LANDFILL PROPERTY BY ANY FUTURE SUBDIVISION LOT OWNERS. THE FENCING SHALL BE PERPETUALLY MAINTAINED BY THE DEVELOPER AND/OR HOMEOWNER'S ASSOCIATION, AND MAY BE REPLACED, AS NEEDED FOR MAINTENANCE, ONLY WITH PRIOR APPROVAL FROM THE SUSSEX COUNTY ENGINEERING DEPARTMENT. THE FENCING SHALL BE IN PLACE PRIOR TO CHAPTER 99 FINAL APPROVAL OF THIS PROJECT.
21. EXCAVATIONS, INCLUDING RESIDENTIAL BASEMENT CONSTRUCTION, WITHIN THE PROPOSED PROJECT AREA WILL NOT BE ALLOWED WITHOUT ADDITIONAL STUDIES BEING PERFORMED TO DETERMINE IF IT WILL BE ENVIRONMENTALLY COMPATIBLE WITH THE LANDFILL PROPERTY. ANY ACTIVITY THAT ALTERS THE CURRENT GROUNDWATER FLOW DIRECTION OR LOWERS THE WATER TABLE ON THE ADJOINING SUSSEX COUNTY PROPERTIES SHALL BE PROHIBITED.
22. THE ADJACENT PROPERTIES ARE PART OF AN ESTABLISHED AGRICULTURAL PRESERVATION DISTRICT. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE, AND OTHER ODORS, THE USE OF CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
23. NO IMPROVEMENTS REQUIRING OCCUPANCY APPROVAL SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT.
24. NORMAL AGRICULTURAL USES AND ACTIVITIES CONDUCTED IN ACCORDANCE WITH GOOD HUSBANDRY AND BEST MANAGEMENT PRACTICES IN AGRICULTURAL PRESERVATION DISTRICTS SHALL BE DEEMED PROTECTED ACTIONS AND NOT SUBJECT TO ANY CLAIM OR COMPLAINT OF NUISANCE, INCLUDING SUCH CLAIMS UNDER ANY EXISTING OR FUTURE COUNTY OR MUNICIPAL CODE OR ORDINANCE. IN THE EVENT A FORMAL COMPLAINT ALLEGING NUISANCE RELATED TO NORMAL AGRICULTURAL USES AND ACTIVITIES IS FILED AGAINST AN OWNER OF LANDS IN AN AGRICULTURAL PRESERVATION DISTRICT, SUCH OWNER, UPON PREVAILING IN ANY SUCH ACTION, SHALL BE ENTITLED TO RECOVER REASONABLY INCURRED COSTS AND EXPENSES RELATED TO THE DEFENSE OF ANY SUCH ACTION, INCLUDING REASONABLE ATTORNEY'S FEES.
25. THE MULTI-USE PATH IS TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE. THE DELAWARE DEPARTMENT OF TRANSPORTATION WILL NOT BE RESPONSIBLE FOR MAINTAINING THE MULTI-USE PATH.

PLANNING COMMISSION CERTIFICATE

RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF SUSSEX COUNTY ON THIS ________ DAY OF ________ 20__.

SECRETARY (ATTEST) ________________

RECOMMENDED FOR APPROVAL BY THE SUSSEX COUNTY COUNCIL ON THIS ________ DAY OF ________ 20__.

PRESIDENT ________________

OWNER CERTIFICATE

I HEREBY CERTIFY THAT I AM THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

________________ DATE

O.A. NEWTON & SON, COMPANY
16356 SUSSEX HIGHWAY
BRIDGEVILLE, DE 19933
Phone: (302) 337-3331
Fax: (302) 337-3780

REVISIONS

No.	DATE	DESCRIPTION	BY
1	08/11/07	REVISED LAYOUT PER TAC & PLUS COMMENTS	K.T.S.

APPROVED BY:	DESIGNED BY:	DRAWN BY:	OPEN LIST:
A.S.K.	K.T.A.	K.T.A.	B-02

SCALE IN FEET (1" = 150')

OWNER/APPLICANT: O.A. NEWTON & SON, COMPANY

PARCEL INFORMATION: T.P.: 4-30-23, PARCEL 3
GROSS AREA: 87.84 Acres
ROW DED: 0.00 Acres
NET AREA: 87.84 Acres

PRELIMINARY PLAN (Not To Be Recorded)
RECORD PLAN
BRIDGE BRANCH ESTATES
NANTICOKE HUNDRED - SUSSEX COUNTY - DELAWARE

KEI KERCHER ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
413 EAST MARKET STREET - GEORGETOWN, DELAWARE 19947

JOB No: 05-1201EC
PLAN DATE: March 15, 2006
SHEET No.: 1 of 1