

**Responses to PLUS Comments
Millville by the Sea
December 18, 2006**

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

This project is located in Investment Level 4 according to the Strategies for State Policies and Spending. According to the application you intend to seek annexation into the Town of Millville. If this annexation is approved, the State would consider this project part of the Town of Millville growth zone and therefore not object to this project moving

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forward. If it is not annexed it will remain in an Investment Level 4 area and the State would object to any development planned on this site.

This annexation request is currently being reviewed by the Town of Millville.

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

Nothing is known within this parcel. However, there are a number of houses shown on the Beers Atlas of 1868, including the J. Bennett House in the northern corner, the Wm.

D. Layton House on Burton Farm Rd, and the K. Hickard on Powell Farm Rd towards the southern end. By the 1918 USGS 15' Rehoboth map, 2 other buildings had been added. There is some medium prehistoric potential in the northern corner as well.

The developer expects to apply for an Army Corps of Engineers permit for several stream crossings within the development. They will have to consult with the DHCA then on their project's effect on historic properties. The developer told us that there is an archaeological investigation going on now, because there is a high possibility of finding one or more unmarked family cemeteries in this area. Faye Stocum of this office is the contact person for any Unmarked Human Remains cases; she can be reached at 302-7367400. The DHCA will need a copy of that report. It may or may not meet the needs of the federal permit, depending on the area of jurisdiction that the Corps determines. They will be happy to help the developers through this process.

The archeological investigation currently underway is NOT being conducted because of a high possibility of unmarked family cemeteries in the area. It has been undertaken in order to determine if there are historical resources on the project site that need to be identified, and to meet the requirements for any federal permits should they be required.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

1) A traffic impact study (TIS) has been completed for the Millville by the Sea development. In a June 2006 letter, the DelDOT consultant, McCormick Taylor, commented on that study and provided recommendations as to how the Town should require the developer to address the transportation impacts of their project. A copy is enclosed. Since that time DelDOT has been negotiating with the developer as to what improvements need to be done when and what their participation in the cost of those improvements should be. Those discussions are continuing.

2) In July 2006, DelDOT received a phasing plan from the developer and they prepared a table relating the road improvements recommended by McCormick Taylor to that plan. That plan consisted of three phases, with 197 dwelling in the first phase, 2,242 dwellings and the commercial development in the second phase and 460 dwellings in the third phase. DelDOT now sees that Phase 3 would have at least 717 dwellings, so apparently the phasing plan has changed. Please provide DelDOT with the revised plan and your best forecast, based on current market conditions, as to how and how much it is likely to change as plans are developed further.

An updated phasing plan and a revised unit count and unit mix have been provided to DelDOT. This submission also included new trip generation numbers based on the plan submitted with this application.

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3) Route 17 is a collector road and Powell Farm Road, Burton Farm Road and Peppers Corner Road are local roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads and 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.

Required right-of-way dedications will be provided in accordance with state law.

4) The proposed entrances on Burton Farm Road, the north entrance on Powell Farm Road, and the south entrance on Beaver Dam Road are close to curves and may not have adequate sight distance. This will need to be checked as plans are developed further.

These engineering issues will be addressed with the submission of the individual entrance permit requests.

5) It is recommended that the developer include stub streets in their plan for connections to developments that could occur there in the future. Those future

developments, and indeed the subject Phases of Millville by the Sea, would be in areas designated as Level 4 in the Strategies for State Policies and Spending. Accordingly, development in these areas is discouraged presently. DelDOT recognizes, however, that the map component of the Strategies is subject to periodic updates and that these areas could be redesignated in a future version of the Strategies as comprehensive plans are updated. Further, they do not see overriding environmental constraints that would prevent most of the adjoining lands from being developed. Therefore it is recommended that these stub streets be provided.

Future connections to adjoining parcels will be provided wherever possible.

6) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding specific requirements for road improvements and access. Mr. Fiori may be reached at (302) 760-2157.

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

Soils

According to the Sussex County soil survey mapping update, Hammonton, Pepperbox, Klej, Hurlock, and Mullica complex were mapped on the subject parcel. Hammonton and Pepperbox are moderately well-drained soils of low-lying uplands have moderate limitations for development. Klej is a somewhat poorly-drained transitional soil that is likely to contain both wetland (hydric) and upland soil components. Hurlock and Mullica are poorly-drained to very poorly-drained wetland associated (hydric) soils that have severe limitations for development. Most of the soils mapped on this parcel are Mullica or Hurlock (estimated 80-90%) soils.

As mentioned previously, a significant portion of the mapped soils on the subject parcel(s) are mapped as hydric (estimated 80-90%). Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or "nor'easters." This is in addition to increased flooding likely from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks). It is strongly advised that the applicant avoid such soils.

No comment required.

Wetlands

According to the Statewide Wetland Mapping Project Mapping (SWMP), palustrine forested wetland were mapped on subject parcel(s). Impacts to wetlands and other water

bodies should be minimized. Streets and lots should be laid out so as to not cross or intersect wetland areas or forested areas. DNREC recommends that vegetated buffers of no less than 100 feet be employed around wetlands and water bodies. There should not be any buildings or associated infrastructure within the buffer. To minimize potential homeowner activities within wetlands, no lot lines should contain wetlands, their buffers or other resources of conservation concern.

No impacts to any wetlands are proposed. There are no wetlands within any lot area. Buffers are provided in accordance with state laws and regulations. The developer is proposing the creation of wetlands along the course of the Beaver Dam Branch.

PLUS application materials indicate that wetlands have been delineated (presumably a field delineation). This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process. Please note that impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on their parcel are nonjurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached by phone at 736-9763. Certain drainage ditches may also be jurisdictional either under the U.S. Army Corps of Engineers Program or through the DNREC Wetland and Subaqueous Lands program.

There are no impacts proposed to wetlands, either isolated or adjacent.

In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

All permits required under state and federal law will be acquired.

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To find out more about permitting requirements, 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.

Impervious Cover

Based on a review of the PLUS application, post-development surface imperviousness was calculated by the applicant to be about 35 percent. However, given the scope and density of this project, this estimate is likely a significant underestimate. Use of natural areas (forests, wetlands or buffers) and stormwater management acreage for the calculation of recreational open space significantly underestimates this project's actual

amount of created surface imperviousness, resulting in a significant understatement of this project's actual environmental impacts. It is strongly recommended that the finalized open space calculation omit all land acreage including the above-mentioned areas. Furthermore, the applicant should also realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, and roads) should be accounted for when calculating impervious cover. It was not clear from the information submitted whether all forms of surface imperviousness were accurately assessed or accounted for in their calculation.

This project covers 760 acres. The estimate of impervious areas is a percentage of the total acreage. To throw out all of the natural areas (forests, wetlands, buffers, stormwater management areas) in calculating the impervious area of the project would grossly overstate the impact. As noted, impervious surfaces include rooftops, driveways, patios, roads, alleys, etc. Because the exact impact of construction cannot be known until completed, any estimate is by definition, an estimate and is inexact. Please note that the terms "non-impervious" areas and "recreational open space" describe two overlapping but different sets of areas.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its 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 help reduce surface imperviousness.

Reducing the impervious areas reduces the requirements for storm water management facilities. The developer will use BMP to decrease the impervious areas and will look for a decrease in required SWM facilities as a result.

ERES Waters

This project is located adjacent to receiving waters of Little Assawoman Bay designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004) specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the Department to mandate BMPs

to meet standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

The project will meet all state regulations regarding ERES Waters.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Little Assawoman 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 Little Assawoman watershed, the watershed in which this project is located, nutrient reductions” of 40 percent will be required for nitrogen and phosphorus.

Compliance with TMDLs through the PCS

As stated above Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. The TMDL calls for a 40% reduction in nitrogen and phosphorus from baseline conditions. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses, increasing passive, wooded open space, reducing forest cover removal, and the use of innovative stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

This project will meet all state requirements for meeting TMDL limits.

Water Supply

The project information sheets state water will be provided to the project by Tidewater Utilities via an existing water system. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 05-CPCN-39.

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.

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

No Comments Required.

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 the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

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. Green Technology BMPs must be given first consideration for stormwater quality management.

Each stormwater management facility should have an adequate outlet for release of stormwater. The site contains the Beaver Dam Branch Tax Ditch. Contact Brooks Cahall with the DNREC Drainage Program at (302) 855-1930 regarding requirements for discharge into the tax ditch.

It is strongly recommended that you contact the Sussex Conservation District to schedule a preliminary 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.

No Comment Required.

Drainage

This project is located within the Beaverdam Canal Tax Ditch that has existing tax ditch rights-of-way. The applicant is encouraged to continue to work with the Drainage Program and the Beaverdam Canal Tax Ditch to resolve any issues of tax ditch right-of-way. Contact Brooks Cahall with the Drainage Program at (302) 855-1930.

The Drainage Program requests that the engineer take precautions to ensure that 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. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. The engineer is encouraged to meet with downstream landowners to obtain their concerns of current drainage as well as the additional drainage impact this project will have on the area. Please notify downstream landowners if there will be a change in the volume of water released on them.

The Drainage Program does not support the removal of trees for the creation of stormwater management areas. However, the Drainage Program recognizes that tree removal is unavoidable in some cases. Where practical, plant native trees and shrubs to compensate for the loss of nutrient uptake and stormwater absorption the removed trees provided.

The Drainage Program does not have a clear understanding how stormwater will convey to the stormwater management areas. The Drainage Program requests that the routing of major stormwater pipes through yards be prohibited.

The Drainage Program encourages the elevation of rear yards to direct water towards the streets where storm drains are accessible for maintenance. However, the Drainage Program recognizes the need for catch basins in rear yards in certain cases. Therefore, catch basins placed in rear yards will need to be clear of obstructions and be accessible for maintenance. Decks, sheds, fences, kennels, and other structures placed along the storm drains, or within 10 feet of the catch basins, can hinder drainage patterns as well as future maintenance to the storm drains or catch basins. Deed restrictions, along with drainage easements recorded on deeds, should ensure adequate future maintenance access.

The Drainage Program requests a 15-foot side yard setback on all lots with a drainage easement on the side unless otherwise specified. A 15-foot side yard setback will allow room for equipment to utilize the entire drainage easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future reconstruction.

This project will not utilize private side-yards for the movement of project wide storm water. It will be the policy to direct storm water to streets or alleyways for transport to stormwater management facilities.

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The Drainage Program requests a 10-foot drainage easement around all catch basins located on private property to ensure adequate room for maintenance. The Drainage Program recommends restrictions on fences, sheds, and other structures within the easement to prevent obstructions from being placed within 10 feet of the catch basin.

Record all drainage easements on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction.

Stream Restoration

Please contact Steve Williams, Ecological Restoration Coordinator, at (302) 739-9921 regarding technical assistance for stream restoration activities.

Forest Preservation

It is estimated that 20,000 acres of forested land has been converted by development since 2002, and DNREC highly recommends that the applicant remove lots and infrastructure from the wooded portion of tax parcel 1-34-15-109 (South of Roxanna Rd). This wooded area is part of a larger forest block and forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation. For migratory birds, it is extremely important to conserve large tracts of forests in the State of Delaware due to its position within the Atlantic flyway. In addition, when forested areas are cleared or converted into a ‘residential woods’, wildlife must either co-exist with the new residents or disperse into surrounding areas. Either scenario often results in human/animal conflicts, including interactions on the roadways.

In addition to wildlife value, forested wetlands also provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities.

If trees are cleared despite our strong objection, clearing should not occur April 1st to July 31st to reduce impacts to birds and other wildlife species that utilize trees for breeding. This recommendation would only protect those species during one breeding season, as once trees are cleared the result is an overall loss of habitat.

No Comment Required

Nuisance Geese

There seems to be an excessive number of stormwater management ponds being proposed. These ponds may 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. DNREC recommends 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 number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

No Comment Required

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.

No Comment Required.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 54.3 tons (108,670.6 pounds) per year of VOC (volatile organic compounds), 45.0 tons (89,971.9 pounds) per year of NO_x (nitrogen oxides), 33.2 tons (66,382.9 pounds) per year of SO₂ (sulfur dioxide), 3.0 ton (5,909.2 pounds) per year of fine particulates and 4,545.1 tons (9,090,158.2 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 21.9 tons

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(43,831.8 pounds) per year of VOC (volatile organic compounds), 2.4 ton (4,822.8 pounds) per year of NOx (nitrogen oxides), 2.0 ton (4,002.3 pounds) per year of SO2 (sulfur dioxide), 2.6 ton (5,164.7 pounds) per year of fine particulates and 88.8 tons (177,684.3 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 8.7 tons (17,371.8 pounds) per year of NOx (nitrogen oxides), 30.2 tons (60,423.6 pounds) per year of SO2 (sulfur dioxide) and 4,456.2 tons (8,912,473.9 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO2	PM2.5	CO2
Mobile	54.3	45.0	33.2	3.0	4545.1
Residential	21.9	2.4	2.0	2.6	88.8
Electrical					
Power					
	8.7	30.2	4456.2		
TOTAL	76.2	56.1	65.4	5.6	9090.1

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 8.7 tons of nitrogen oxides per year and 30.2 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

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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.

No Comment Required

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:

* Water distribution system capable of delivering at least 1000 gpm for 1hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Apartment and Townhouses)

* 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. (One & Two- Family Dwelling)

* Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. Fire Protection Features:

*All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.

*Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

* Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

* Show Fire Lanes and Sign Detail as shown in DSFPR

* For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

No Comment Required

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c. 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 Roxana Road, Burton Farm Road, and Powell Farm Road 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.

d. Gas Piping and System Information:

* Provide type of fuel proposed, and show locations of bulk containers on plan.

e. 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”

3/4 Proposed Use

3/4 Alpha or Numerical Labels for each building/unit for sites with multiple

buildings/units

* Square footage of each structure (Total of all Floors)

* National Fire Protection Association (NFPA) Construction Type

* Maximum Height of Buildings (including number of stories)

* Townhouse 2-hr separation wall details shall be shown on site plans

* Note indicating if building is to be sprinklered

* Name of Water Provider

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* Letter from Water Provider approving the system layout

* Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered

* 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.

No Comment Required

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed application for rezoning. The parcels have been annexed into the Town of Millville, and the Strategies for State Policies and Spending encourages environmentally responsible development in Investment Level 2 areas.

Section 1. Chapter 99, Code of Sussex Section 99-6 may apply to this subdivision. The applicant should verify the applicability of this provision with Sussex County. This Section of the Code states:

G. Agricultural Use Protections.

(1) Normal agricultural uses and activities conducted in a lawful manner are preferred. 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 uses adjacent to land used primarily for agricultural purposes shall be subject

to the following restrictions:

(a) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of land used primarily for agricultural purposes, 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 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

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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.”

(b) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of land used primarily for agricultural purposes no improvement requiring and occupancy approval for a residential type use shall be constructed within fifty (50) feet of the boundary of land used primarily for agricultural purposes.

If annexed, this project will lie outside of the jurisdiction of Sussex County.

This site overlaps with the State’s Green Infrastructure Investment Strategy Plan. The Crop Lands and Forest layers are present on the site. This designation identifies areas of the state that have viable and valuable agricultural crop and forest land, as discussed in Governor Minner’s Executive Order Number 61. Areas such as these should be preserved entirely, or to the extent possible, and not developed for residential or other use.

No Comment Required.

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.

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.

No Comment Required.

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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.

No Comment Required.

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 Vicki Walsh 739-4263

The proposal is for a site plan review for 708 residential units on 166 acres located on the south corner of the intersection of Peppers Corner Road and Powell Farm Road near Millville. According to the State Strategies Map, the proposal is located in an Investment Level 2 area. As a general planning practice, DSHA encourages residential development 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. Furthermore, DSHA encourages residential development in Level 1 and 2 areas that are affordable to first time homebuyers. DSHA supports the fact that this proposal targets the full range of incomes including first time homebuyers. According to the most recent real estate data collected by DSHA, the average home price in Sussex County is \$236,000. However, families earning respectively 100% of Sussex County's median income only qualify for mortgages of \$171,216, thus creating an affordability gap of \$64,784. The provision of units within reach of families earning at least 100% of Sussex County's median income will ensure housing that is affordable for first time homebuyers.

If annexed, the project would be developed under the MPC (Master Planned Community) ordinance, which allows a separate residential use on some lots, providing the potential for more affordable housing.

Department of Education – Contact: John Marinucci 739-4658

DOE offers the following comments on behalf of the Indian River School District.

1. Using the DOE standard formula, this development will generate an estimated 354 students.
2. DOE records indicate that the Indian River School Districts' elementary schools are at or beyond 100% of current capacity based on September 30, 2005 elementary enrollment.
3. DOE records indicate that the Indian River School Districts' secondary schools are not at or beyond 100% of current capacity based on September 30, 2005

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secondary enrollment. In multiple correspondences from the Indian River School District administration, the district asserts that while the Indian River High School has capacity, the Indian River Middle Schools' student population exceeds student capacity.

4. This development will create additional elementary school and middle school student population growth which will further compound the existing shortage of space. The developer is strongly encouraged to contact the Indian River School District Administration to address the issue of elementary school over-crowding that this development will exacerbate.

The developer will comply with this request.

5. DOE requests developer work with the Indian River 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.

Sussex County – Contact: Richard Kautz 855-7878

The County will be completing its Comprehensive Plan Update next year and requests that all town Plan amendments be completed ASAP and sent to the County for inclusion in the Plan.

The Sussex County Engineer Comments:

A portion of the project is within the boundary of the North Millville Expansion of the Bethany Beach Sanitary Sewer District. There is currently no sewer service to the

parcels. The Sussex County Engineering Department requires a connection to the County operated wastewater system. The proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures.

A major portion of the project is not within a sewer district boundary and a sewer district expansion is required before the portion outside of the sewer district can receive sewer service. Attached is a list of steps to be completed for sewer district expansion. The total EDUs shall not exceed the Sussex County allocation to Millville by the Sea. Inclusion of the additional area shall not increase the total EDUs previously approved by Sussex County for the Millville by the Sea project. In addition, the area must be annexed into the Town of Millville.

There is no gravity collection line adjacent to the parcels. Extension of sewer lines to serve the parcels will be at the developer's expense. The Sussex County Engineer must approve the connection point. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval prior to extending the sewer

No Comment Required.

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district boundaries to include the area and prior to construction plan submittal. A checklist for preparing sewer concept plans was handed to the developer at the meeting.

One-time System Connection charges will apply. Please contact Ms. Denise Burns at 302 855-7719 for additional information on charges.

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: Town of Millville
Sussex County

