



February 25, 2008

Mr. Tom Ford LANDDESIGN, Inc. Oak Square, Ste. 3 Central Avenue Ocean View, DE 19970

RE: PLUS review – 2008-01-04; Marsh Properties

RESPONSE TO COMMENTS (in RED) – LANDDESIGN, inc – March 26th,2008

Dear Mr. Ford:

Thank you for meeting with State agency planners on January 30, 2008 to discuss the proposed plans for the Marsh Properties project to be located on Camp Arrowhead Road at Water View Road in Sussex County.

According to the information received, you are seeking site plan approval for 134 residential units on 93 acres.

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.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

According to the information received, the developer is seeking approval for the proposed project known as the Marsh Properties which calls for the creation of 134 residential units on 93 acres site located on Camp Arrowhead Road at Water View Road in Sussex County. In addition, the proposed project is located within a Level Three (3 / Level Four (4) Investment Area as defined by the Delaware Strategies for State Policies and Spending which is an area that the state considers for future long-term growth by a local jurisdiction. Finally, the proposed is located within the Environmentally Sensitive Development Area as defined by the 2003 Sussex County Comprehensive Land Use

Plan which calls for sensitive development design to protect the natural resources within and adjacent to the site.

Street Design and Transportation

Camp Arrowhead Road and Waterview Roads are classified as local roads. DeIDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DeIDOT will require right-of-way dedication to provide any additional width needed from this project.

DeIDOT will also require that a 10-foot wide shared use path, located in a 15-foot wide permanent easement, be provided across the frontage of the site. Whereas this project encompasses three parcels on opposite sides of the road it is proposed that only one side shall include the 15' permanent easement and 10' wide multi-use path across the frontage of the project as shown on the site plan and presented at the PLUS review of 1/30/08.

The proposed development would be situated on a relatively sharp curve in Camp Arrowhead Road. There is presently a DeIDOT project under design to improve the road in this area, and DeIDOT anticipates needing an additional 10 to 15 feet of right-of-way on each side of the road to accommodate this improvement. This could impose 404 wetland issues on the southside of the roadway. Assuming that a flattening of the curve is anticipated then only dedication to the north should need to be considered for such an improvement. The developer would work with DELDOT to accommodate their efforts in concert with the subdivision plan and environmental considerations. The preliminary plan shall be adjusted to create the potential for such an allotment of R.O.W. for the curve flattening.

The pond proposed along the west side of Camp Arrowhead Road may need to be set back farther from the road. It would be helpful for the State to quantify this statement whereas the pond indicated is 60' setback from the edge of the right of way as shown on the Plans. What is the recommended setback that the State has in mind? We have also downsized the pond and realigned to integrate the shape with the topography of this area.

Natural and Cultural Resources

- In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all wetlands and water bodies (including ditches). An average buffer was established in consideration of naturally forested uplands on this site. We extended one line from each rear lot to the 404 lands and calculated the average depth to be 229.12' from the 404 line to the back of proposed lots. The lot layout is in direct response to existing forested areas and thus an average width is much more of an appropriate response to environmental benefits than a strict 100' setback.

Taking a strict 100' separation is much too simplistic an approach and the State has been met with much verifiable resistance to this recommendation. Though it sounds great as a green BMP this alone doesn't consider other aspects of the site or the inherent conditions of the land. Such as slope, vegetation, and soils types. Please refer to our site plan layout as an example and review the preservation of the riparian forest buffer and take it into consideration to open your focus on the 100' rule of thumb. Shouldn't this design approach be given credit for the preservation rather than the strict adherence to the 100' offset? Had we observed the offset solely we then would have been placing lots into the forested areas and thus opening the design to comments on the deforestation of the riparian woodlands. It is our professional opinion that the design is more in conformance

with Conservation design principles as shown, and far exceeds the intended buffer safety to the Environmentally sensitive areas of this site.

1. This plan endeavors to preserve 89% of the existing woodlands and we have prioritized the woodland value over the 100' separation. In addition this preservation effort is proposed without regulations requiring such. The State recommended a 100' setback the plan averages 229' setback. In addition portions of the sensitive areas have no lots proposed adjacent to them. This non-lot situation is difficult to quantify yet is a very significant factor to the objective of maintaining water quality and environmental protections. The forest preservation was developer initiated. We appreciate the States' sensitivity to these natural aspects of our County and we clearly and effectively demonstrated our sensitivity to the natural elements of this site by environmentally sensitive design. As a footnote; under current regulations a 50' setback from the tidal wetlands is required, and no regulations either state or federal, are in existence that would deny the property owner from clearing all forest stand including what's in tidal wetlands. In addition please note: There is scientific research and evidence to support the findings that the first several feet of typical buffers are the most effective in removing Total Phosphorous (TP), Total Suspended Sediment (TSS), and Total Nitrogen (TN) and the last several feet are the least effective. Thus you reach a point of diminishing returns when widening buffers. ***i.e., the rate of increase in pollutant removal efficiency decreases as buffer width increases.*** Buffers work until water begins to collect and flow like miniature streams. Concentrated flows have been known to occur in the 35-50' range and once that occurs pollution removal ceases. (Reference Stuart Z. Cohen. Ph.D., CGWP)

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Will comply

The Drainage Program encourages the elevation of rear yards to direct water towards the streets and alleyways where storm drains are accessible for maintenance.

An increase of the side yard setback to 15 feet may be needed on all properties with a drainage easement on the side.

All catch basins in rear or side yards should have a 10-foot drainage easement around them on all sides.

Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. This will be addressed during the engineering of the storm water management system.

There are approximately 10 lots that are partially located in the 500-year (0.2% chance) floodplain. It is recommended that you design these homes so they are reasonably safe from flooding. Will comply

The applicant has made an effort to preserve the existing forested area which is much appreciated. According to the application approximately 2.7 acres of forest will be removed by this project. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that clearing not occur April 1st to July 31st.

DNREC recommends that efforts be made to redesign the site so the forested riparian buffer along the headwaters of Cherry Walk Creek is at least 100 feet in width (300 feet preferred) so that rare species downstream can persist. Please see above comments concerning efforts made, through design, for forest preservation. Some areas have greater than 300' width buffers, however an average buffer width is 229'

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

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

The proposed project is located within ~~a~~90% Level Three (3) / 10% Level Four (4) Investment Area as defined by the Delaware Strategies for State Policies and Spending, which is an area that the state considers for future long-term growth by a local jurisdiction. In addition, the proposed is located within the Environmentally Sensitive Development Area as defined by the 2003 Sussex County Comprehensive Land Use Plan which calls for sensitive development design to protect the natural resources within and adjacent to the site. Given the location of this project, **this office has no objection to the project** even though a portion of the project is within a Level Four (4) Investment Area. Given the no objection by this office; however, the developer is expected to work with Del-Dot to address traffic impacts to Camp Arrow Head Road and with DNREC to address environmental impacts to the Inland Bay water resources.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

There appears to be one known historic and cultural resource on this project area, and it is late 19th-century or early 20th-century agricultural complex, which consists of a house along with scattered outbuildings that are old farm buildings (S-2936). Another historical aspect is that according to the Beers Atlas of 1868 (an historical map), this project area appears to be within the area or vicinity of Indian River Hundred, and there is a variety of historical attributes or aspects within that particular area or vicinity of Indian River Hundred. Also according to the Beers Atlas of 1868, it appears that there was a dwelling of some type very close to where the project area (parcel/property) is today, and that dwelling was associated or affiliated with someone by the name of J.A. Marsh. It is a possibility that there could be potential historic and cultural resources or potential archaeological resources associated with that dwelling or related to that dwelling. We request the location and mapping of such concerns be presented to us in a timely manner wherefore accommodations for such a resource can be verified and planned for appropriately and in a timely manner. This firm needs to ask why the State, as a matter of practice, doesn't send such pertinent information along with these comments in the spirit of cooperation to illicit an appropriate response to such?

In addition, it is extremely important to remember and be aware that a portion of this project area (parcel/property) is in a Level-4 area. Level-4 areas are often or usually environmentally sensitive areas, and sometime there area historical attributes or aspects within these types of environmental sensitive areas. The State Historic Preservation Office of the Division of Historical & Cultural Affairs is not in favor of any type of zoning change, construction, building project, or development in Level-4 areas. The Level 4 areas mapped are peripheral areas that seem to be primarily associated with the Cherry Walk Creek riparian woodlands. That riparian area is proposed to remain in a preserved condition. The idea of PLUS is not to seek your department's approval or favor on applications it is to render the state a chance to make known historical information that can be assessed, evaluated and potentially saved. Your input in this regard is welcomed.

Since this project area is in a location where there are some historical attributes or aspects, it is also an indication that it is a possibility that there could be potential historic and cultural resources or potential archaeological resources on or within this project area. The potential historic and cultural resources or potential archaeological resources could a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains, which has historical attributes or aspects. Again this is presumptive information without specifics and not readily articulate enough for us to act on the information.

Prior to any type of ground-disturbing activities, demolition, or construction, the developer show review Chapters 53 and 54, in Title 7, of the Delaware State Code. Chapter 53 pertains to the discovery and disposition of “Conservation of Archaeological Resources In or On State Lands”. Chapter 54 pertains to the “Delaware Unmarked Human Remains Act of 1987”, such as the discovery and disposition of Unmarked Human Burials or Skeletal Remains”. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. Will comply with State of Delaware Code regarding this concern if it were to surface during the construction of this project.

Also prior to any type of ground-disturbing activities, demolition, or construction, the developer may want to hire an archaeological consultant to check and examine the project area thoroughly. The purpose for this is to make sure that there is no indication or evidence of a potential historic and cultural resource or potential archaeological resource such as a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains, which has historical attributes or aspects. Due to limited woodland disturbances of this application most of the proposed developed site is potentially century old farmland that has undergone plowing and surface disturbances which would leave surface scatter and little valuable artifacts without extensive exploration into lower layers. The developer request the state to share any maps and evidence that would focus and support the need for such a study of the area.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) The proposed development would warrant a traffic impact study under DeIDOT’s newly adopted Standards and Regulations for Subdivision Streets and State Highway Access. Grandfathering provisions will exempt developments for which an application has been filed with the relevant government and accepted for review by that local government on or before March 31, 2008, and under the previous regulations such a study would not be required. Application will be filed prior to March 31st, 2008
Under the new regulations, responsibility for preparing the scope of work for a TIS has shifted to the developer’s engineer. If this development is proceeding under the new regulations, the developer’s engineer should contact Troy Brestel or Bill Brockenbrough from the DeIDOT Planning Office when you are ready for a scoping meeting.
- 2) Camp Arrowhead Road and Waterview Roads are classified as local roads. DeIDOT’s policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DeIDOT will require right-of-way dedication to provide any additional width needed from this project. Will comply
- 3) DeIDOT will also require that a 10-foot wide shared use path, located in a 15-foot wide permanent easement, be provided across the frontage of the site. The project encompasses three tax parcels on each side of the road, One side only will comply.
- 4) _____ The proposed development would be situated on a relatively sharp curve in Camp Arrowhead Road. There is presently a DeIDOT project under design to improve the road in this area, and DeIDOT anticipates needing an additional 10 to 15 feet of right-of-way on each side of the road to accommodate this

improvement. This could impose 404 wetland issues on the south side of the roadway. Assuming that a flattening of the curve is anticipated then only dedication to the north should need to be considered for such an improvement. The developer would work with DELDOT to accommodate there efforts in concert with the subdivision plan and environmental considerations. The preliminary plan shall be adjusted to create the potential for such an allotment of R.O.W. for the curve flattening.

Depending on funding, construction could begin as early as Fiscal Year 2011. DeIDOT recommends that the developer contact our project engineer, Mr. Jeffrey Van Horn, become familiar with the project, and as necessary coordinate their entrance improvements with that work. Mr. Van Horn may be reached at (302) 760-2748. Will comply with an early design meeting to coordinate efforts.

- 5) The pond proposed along the west side of Camp Arrowhead Road may need to be set back farther from the road. DeIDOT will require a minimum setback of 20 feet from the ultimate right-of-way, as per Comments 2 and 4 above, to the top of the pond's slope. An acceptable location for the path and permanent easement, to east or west of the pond, will need to be determined. Presently the plan shows a 60' setback from the roads right of way line.
- 6) DeIDOT recommends that stub streets be provided to Parcels 2-34-11.00-50.00 (Wanendale Farms, Inc.)(This parcel is potentially going to be reserved for a regional disposal area for wastewater), and 2-34-12.00-16.00 (The Adkins Company)(a 20' Easement shall be reserved for pedestrian and or bicycle connections with this adjoining property, a vehicular connection would violate the privacy and security of the proposed neighborhood), 2-34-12.00-22.00 (Charles and John Guy, both north and south of Waterview Road)(This appears to not be necessary since the development isn't deep and the convenience of such a connection could be handled by a 20' pedestrian /bicycle connection not a 50' vehicular one.) and most especially 2-34-12.00-18.01 (James M. Lovett) to allow for interconnections if those parcels are developed (- This makes perfect sense whereas it can serve both communities without imposing on privacy issues and would benefits Camp Arrowhead Rd by eliminating traffic that may only be associated with travel between the lands.)

The connection to the Lovett Property could be provided most easily by placing the right-of-way line for the entrance road at the shared property line. DeIDOT understands that the Wanendale Farms property may be developed as a spray irrigation field for wastewater treatment. If that can be confirmed, DeIDOT would not want stub streets to it.

- 7) The developer's site engineer should contact the DeIDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding requirements for access and off-site

improvements. Mr. Fiori may be reached at (302) 760-2260.

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

Green Infrastructure

Portions or all of the lands associated with this proposal are within the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61 that represents a network of ecologically important natural resource lands of special State conservation interest.

Green infrastructure is defined as Delaware's natural life support system of parks and preserves, woodlands and wildlife areas, wetlands and waterways, productive agricultural and forest land, greenways, cultural, historic and recreational sites and other natural areas all with conservation value. Preserving Delaware's Green Infrastructure network will support and enhance biodiversity and functional ecosystems, protect native plant and animal species, improve air and water quality, prevent flooding, lessen the disruption to natural landscapes, provide opportunities for profitable farming and forestry enterprises, limit invasive species, and foster ecotourism.

Voluntary stewardship by private landowners is essential to green infrastructure conservation in Delaware, since approximately 80 percent of the State's land base is in private hands. It is in that spirit of stewardship that the Department appeals to the landowner and development team to protect sensitive resources through an appropriate site design.

We accept this appeal in the spirit of good stewardship and wish to comply by employing restraint in lot numbers and minimizing land disturbances where they can be avoided. Forest buffers and clustered lots demonstrate that commitment to Conservation Design. The site plan reflects the existing topography and drainage patterns of the site. Minimum grading and land disturbance will take place to construct this proposed plan. This maximizes the existing forest preservation.

Soils

Based on the Sussex County soil survey update, Downer, Askecksy, Hurlock, and Manahawkin were mapped on subject parcel. Downer is a well-drained upland soil that, generally, has few limitations for development. Askecksy and Hurlock are poorly-drained wetland associated (hydic) soils that have severe limitations for development. Manahawkin is a very poorly-drained wetland associated (hydic) soil that has severe limitations for development.

Wetlands

Based on the Statewide Wetland Mapping Project (SWMP) maps, palustrine forested riparian wetlands were mapped along most of the southern boundary of the combined land area of the parcel. The wetlands closely mirror the mapped occurrence of the hydic soils. Consultants were hired to field map the 404 lands and the tidal wetlands areas. The flags were then surveyed and mapped prior to the development layout. We intend to avoid all disturbances to any wetland areas.

Impacts to Palustrine wetlands are regulated by the U.S. Army Corps of Engineers (USACE, or "the Corps")

through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Corps 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 Management Program (DCMP) Section. Each of these certifications represents a separate permitting process. Please be advised that Nationwide permits have been suspended in Delaware and are pending further coordination with the Corps. Therefore, contrary to past practices, Coastal Zone Management approval can no longer be assumed. Individual certifications must be granted from the DCMP office for each project intending to utilize a Nationwide Permit. For more information on the Federal Consistency process, please contact the DCMP office at 302.739.9283. 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.

Based on a review of existing buffer research by Castle et al. (1994), an adequately-sized buffer that effectively protects wetlands and streams is, in most circumstances, about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all wetlands and water bodies (including ditches).

Average Buffer width for this proposed plan is 229'. Please refer to comments earlier in this regard.

Impervious Cover

The applicant estimates this project's post-construction surface imperviousness to reach about 25 percent. However, given the scope and density of this project (i.e., as viewed from the conceptual project layout), this estimate appears to be a significant underestimate. This is a false observation by the DNREC. When calculating surface imperviousness, it is important to include all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, open-water stormwater management structures/ponds, and roads) in the calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts. All of the above was calculated into our numbers. Since it is apparent that the applicant's estimate for surface imperviousness is a significant underestimate of their project's actual post-construction impacts, it should be recalculated with or include, all forms of constructed surface imperviousness. Failures to do so will significantly understate this project's true environmental impacts-- Our original numbers do correctly reflect the impervious impact of this application. We therefore assume the State to be supportive of this proposal since there is such a significantly lower impact then they envisioned and therefore minimum impacts on the natural terrain and adjacent environment. We request that the State revise their comments to reflect the hard facts of this proposal and cease their presumptive analysis in future comments.

We have addressed this concern on other applications and we will address it again herewith:

Please take careful note that public comments are received at the County hearings this particular concern has become an item of contention when the State infers impropriety in the calculation. This false statement then transcends into all other factual areas of our presentation and taints our credibility and thence our entire application. It is highly irresponsible of the State DNREC to record publicly, with such bias, concerns that are baseless. This unqualified assessment has no standing in this review. Such comments

should only be given if there was “a reasonable basis in the evidence”. In other words: You shouldn’t infer something without evidence to that effect. The State is burdened to prove that the numbers given were significantly underestimated before strongly inferring otherwise. No misrepresentation of this subject has been forwarded to the State by the applicant yet given the comments above would lead the reader to assume otherwise.

Given the State’s strong statement on this issue it is imperative that the State make there own assessment of this issue and amend the above comments to reflect their detailed findings. For the record the State comments above are demonstrably wrong and the erroneous perception created thereby needs to be set right. In addition - There are no regulations being addressed with this concern and it should be so stated as well.

The State has ongoing concerns about impervious cover with all applications that run thru PLUS. The State should address this with specific criteria in the PLUS application so that the calculation can be made systematically. I suggest that the State employ Federal Technical Release 55 (TR55) as a primary guideline to impervious cover. This would be consistent with storm water regulations and standards to assess impervious cover. As an example for this project the following would be addressed:

	Site Area Total	Impervious Area
• <u>Right of Ways</u>		
<u>Lot area</u>	+/- 42.96 ac.	+/- 16.32 acs.*
• <u>Amenity + Path</u>	+/- 1.66ac.	+/- 1.66 acs.
• <u>Open Space</u>	+/- 46.82ac.	+/- 0.00 acs.
• <u>Ponds</u>	+/- 1.65ac.	+/- 1.65 acs.
TOTAL:	+/- 93.09	+/- 19.63 ACS. or
		+/- 21.1% of PROJECT

- * Calculated as 38% of Right of Way and Lot areas combined, per USDA Technical Release 55, Table 2-2a, ¼ ac. Residential District
- Note that all elements requested above by the State have been included in this exercise.
- LANDDESIGN, inc understands that the actual % of impervious could be greater or less depending on “as built” construction activities however this preliminary estimate does reflect standard criteria used for storm water design that is accepted on a National level.
- The State could have run some preliminary numbers themselves and avoided all the disingenuous comments stated above.

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. A recently published technical source “The Practice of Watershed Protection” by Schueler and Holland 2002 states that **no** studies have been conducted that examine the effects of widespread applications of stormwater practices on impervious cover/stream quality relationships.(pg.16). Therefore it is also evident that stormwater practices mitigate adverse effects and % of imperviousness could potentially increase without a decrease in environmental aspects. Speaking specifically in regards to this site we will be required through the permitting of stormwater to provide capture, retention, and quality treatment of the predevelopment and post development flow differential. Given clear evidence above of a low % of impervious cover and the requirement to treat all stormwater is reflective of the Conservation approach to design inherent in this application. 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.

ERES Waters

This project is located adjacent to receiving waters of the Inland Bays 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). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide 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.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays 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. This project is located in the **low** nutrient reduction area requiring a 40 percent reduction in nitrogen and phosphorus, respectively. Additionally, 40 percent reduction in bacteria will also be required.

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 percent reduction in nitrogen and phosphorus from baseline conditions. Additionally, a 40 percent reduction in bacteria will also be required from baseline conditions. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses (and wetlands) our plan reflects this concept, increasing passive, wooded open space which helps reduce surface imperviousness (i.e., pervious pavers), and the use of green-

technology stormwater management technologies. In addition nutrient management plans for the open areas shall be implemented, and the clustering of lots is a BMP whereas it mitigates development impact efficiently. In addition this project will have off-site wastewater disposal, which will handle the largest nutrient potential loads to the surrounding lands.-Alterations to the site plan since the PLUS review has diminished the surface areas of the storm water ponds and has made an extensive use of bio-swales, and infiltration areas to handle run-off and quality control of storm waters.

The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. Our records indicate that the project is located within the public water service area granted to Public Water Supply (a.k.a. Tidewater Utilities) under Certificate of Public Convenience and Necessity 83-W-15.

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.

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. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or the removal of trees for the sole purpose of placement of a stormwater management facility/practice. Will comply

Drainage

The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them. The project will be designed per current Storm water management regulations. Downstream conditions will be reviewed to the extent necessary by the reviewing agencies.

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

An increase of the side yard setback to 15 feet may be needed on all properties with a drainage easement on the side. The increase will allow room for equipment to utilize the entire easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future re-construction. The side yard setback would only increase on the side with the drainage easement. Every Lot line in Sussex Cty. , if shared, is the centerline of a 10' drainage easement or there is a 10' easement lot side of every R.O.W.. In addition this plan will be using some bio-swaes running parallel to side lot lines but not included within any lot areas. The location of these swales shall have a minimum width of 20'. As per maintenance each adjacent lot still would have a five foot easement thus giving a minimum width of 30' toward the maintenance function. All piped alignments along side property lines would fall into the easement described above.

All catch basins in rear or side yards should have a 10-foot drainage easement around them on all sides. Place restrictions on fences, sheds, and other structures within the easement to prevent obstructions from being place next to the catch basin. Record the easement on the deed.

Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property. Will comply

Floodplains

There are approximately 10 lots that are partially located in the 500-year (0.2% chance) floodplain. It is recommended that you design these homes so they reasonably safe from flooding.

Will comply

Rare Species

DNREC never surveyed the project area; therefore, it is unknown if there are State-rare or federally listed plants, animals or natural communities at this project site. A request was made for Heritage issues concerning this site on June 29,2007 and based on that response the areas of potential concern were areas within 100' of the wetlands. This proposal has maintained most forest cover (89%) and the areas subject to disturbance are primarily 100' or greater from the wetland limits expressed in these concerns. A few lots do infringe on that 100' limit .

They do have records of the following forest dependent birds within the vicinity, and it is possible that these species occur within the forested areas within the project parcels as well:

Coragyps atratus (Black Vulture), Dendroica dominica (Yellow-throated Warbler), and Melanerpes erythrocephalus (Red-headed Woodpecker), which is also listed as State-Endangered.

Forested Wildlife Habitat

The forest within the project area is part of a larger forest block and also buffers the headwaters of Cherry Walk Creek. There is a sea level fen community containing 29 species of rare plants and animals just downstream and maintaining the existing forested buffer is extremely important for protecting water quality that will enable these species to persist. This unique wetland could be impacted by run-off from this project if an adequate buffer is not left intact along this sensitive riparian area. Converting this land from farmland to a residential development, with stormwater controls, and forest buffers will benefit the adjacent sensitive lands far above the traditional farming practices and agricultural run-off currently occurring.

Cumulative forest loss throughout the State is of utmost concern to the Division of Fish and Wildlife, which is responsible for conserving and managing the State's wildlife (see www.fw.delaware.gov and the Delaware Code, Title 7). Because of an overall lack of State and local forest protection, we have to rely on landowners/developers and/or the entity that approves projects (i.e. counties and municipalities) to consider implementing recommendations that will aide in reducing forest loss. Have complied.

Recommendations:

1. **The applicant has made an effort to preserve the existing forested area which is much appreciated.** According to the application approximately 2.7 acres of forest will be removed by this project. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, we recommend that clearing not occur April 1st to July 31st. This clearing recommendation would only protect those species during one breeding season; once trees are cleared the result is an overall loss of habitat.
2. ~~2.~~ DNREC recommends that efforts be made to redesign the site so the forested riparian buffer along the headwaters of Cherry Walk Creek is at least 100 feet in width (300 feet preferred) so that rare species downstream can persist. The current Sussex County Code requirement of 50 feet does not appear to recognize scientific research which supports the need for 100-foot wetland buffers for adequate protection of water quality. There is also conflicting scientific research that shows that 35' to 50' provides an adequate buffer.

The above criticism of the Sussex County buffer is lacking insight. The State has no buffer requirement for tidal or federal wetlands. The County enacted, through the political process, buffer regulations back in 1989. This was prior to the Chesapeake Bay initiative and was far-sighted environmental protection for the time. The 50' buffer is worthy of note and praise until the debate and scientific arguments can be made for increased buffer width. Riparian buffers also serve as critical habitat for wetland-dependent species which utilize upland buffers during a portion of their life cycle, and as a travel corridor for wildlife which often travel along water courses during migratory, foraging or seasonal movements.

State Natural Heritage Site

The forested area around the headwaters of Cherry Walk Creek lies within a State Natural Heritage Site. This is a criteria used to determine the presence of Critical Resource Waters. The final decision regarding Critical Resource Waters, if this is an issue, will be made by the U.S. Army Corps of Engineers (USACE, or “the Corps”). The information above will aid the Corps in their determination.

Nuisance Waterfowl

Wet ponds created for stormwater management purposes may attract 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. We recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds. When the view of the surrounding area from the pond is blocked, geese can’t scan for predators and are less likely to reside and nest in the area of the pond. Will comply

At this time, we do not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the homeowners association or land manager.

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 and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized. The pond design/engineering is yet to be initiated and these thoughts shall be taken into consideration during such. The preliminary plan shall reflect this approach to the pond edges.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 10.3 tons (20,567.6 pounds) per year of VOC (volatile organic compounds), 8.5 tons (17,028.6 pounds) per year of NOx (nitrogen oxides), 6.3 tons (12,564.0 pounds) per year of SO2 (sulfur dioxide), 0.6 ton (1,118.4 pounds) per year of fine particulates and 860.2 tons (1,720,453.7 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 4.1 tons (8,295.8 pounds) per year of VOC (volatile organic compounds), 0.5 ton (912.8 pounds) per year of NOx (nitrogen oxides), 0.4 ton (757.5 pounds) per year of SO2 (sulfur dioxide), 0.5 ton (977.5 pounds) per year of fine particulates and 16.8 tons (33,629.5 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.6 tons (3,287.9 pounds) per year of NOx (nitrogen oxides), 5.7 tons (11,436.1 pounds) per year of SO2 (sulfur dioxide) and 843.4 tons (1,686,824.2 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO2	PM2.5	CO2
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Mobile	10.3	8.5	6.3	0.6	860.2
Residential	4.1	0.5	0.4	0.5	16.8
Electrical Power		1.6	5.7		843.4
TOTAL	14.4	10.6	12.4	1.1	1720.4

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.6 tons of nitrogen oxides per year and 5.7 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 DNREC Energy Office 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. The Energy Office highly recommends 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 shall endeavor to promote the above recommendations

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:**

- ¾ 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.
- ¾ Where a water distribution system is proposed for the Community Building it shall be capable of

delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.

- ¾ The infrastructure for fire protection water shall be provided, including the size of water mains.

b. Accessibility:

- ¾ 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 the main thoroughfare must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

- ¾ 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. ¾ The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- ¾ 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: ¾ Provide type of fuel proposed, and show locations of bulk containers on plan.

d. Required Notes:

- ¾ 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”

- ¾ Name of Water Supplier ¾ Proposed Use ¾ National Fire Protection Association (NFPA) Construction Type ¾ Townhouse 2-hr separation wall details shall be shown on site plans ¾ Maximum Height of Buildings (including number of stories) ¾ 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.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures. **Will comply**

Department of Agriculture - Contact: Scott Blaier 698-4500

The **Delaware Department of Agriculture has no objections to the proposed development**. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

Section 1, Chapter 99, Code of Sussex Section 99-6 may also 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 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.

The developer should also coordinate with Sussex County to ensure their project is in compliance with the County’s forested buffer requirements.

This site overlaps the State’s Green Infrastructure Investment Strategy Plan. The Forest and Cropland layers are present on the site. This designation identifies areas of the state that have viable and valuable forest and crop land, 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. This proposal respects the natural features of the site and is legally valid to be developed as proposed.

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. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear Ash Trees
Leyland Cypress Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

Will comply

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. Will comply

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 Powers 739-4263

The proposal is for a site plan review for 134 residential units on 93.09 acres, located on Camp Arrowhead Road and both sides for Water View Road at the intersection of Water View Road and Camp Arrowhead Road near Long Neck. According to the State Strategies Map, the proposal is located in an Investment Level 3 area and environmentally-sensitive developing area. DSHA supports the fact that this proposal targets first-time homebuyers. According to the most recent real estate data collected by DSHA, the average home price in Sussex County is \$280,000. However, families earning respectively 100% of Sussex County’s median income only qualify for mortgages of \$164,791, thus creating an affordability gap of \$115,209. The provision of units within reach of families earning at least 100% of Sussex County’s median income will ensure housing that is affordable to first-time homebuyers. To facilitate the units targeted for first-time homebuyers, DSHA encourages the developer to apply for Sussex County’s Moderately Price Housing Unit (MPHU) Program, which provides the following incentives: an expedited review, density bonuses, and full utilization of the zoning designated for the parcel.

A Request for Proposal (RFP) process has been established to select initial program participants. The developer is encouraged to call William C. Lecates, Director of Sussex County’s Community Development and Housing Division at (302) 855-7777 to learn more about the RFP application process.

Department of Education – Contact: John Marinucci 735-4055

DOE recognizes that this development project is in level 3& 4 of the State Strategies for Policies and Spending and as such, DOE does not support projects located in level 4.

The Level 4 areas mapped are peripheral areas that seem to be primarily associated with the Cherry Walk Creek riparian woodlands. 90% of the project gross area is in the level 3 mapped area. The idea of PLUS is not to seek your department’s approval or support on applications it is to render the state a chance to comment or assess impacts that can be evaluated and potentially mitigated.

1 This proposed development is within the Cape Henlopen School District boundaries.

+2 DOE offers the following comments on behalf of the Cape Henlopen School District.

+Using the DOE standard formula, this development will generate an estimated 67 students. This estimate is based on a statewide boilerplate PLUS response formula and is very suspect to being inaccurate for the Coastal Sussex County areas. Studies by qualified private consultants have pointed out that growth in development doesn’t necessarily mean a proportionate growth in student enrollment. Many homes are second homes or retirement homes where no children are in need of schooling. The density of students per household in the Cape Henlopen School

District as a whole is about .23. That's 23 students per 100 households. Using this more specific formula to this development would yield an additional 31 students not 67. This increase would be spread across 13 grades from K through 12, which adds 2.4 students to each grade.

+3 DOE records indicate that the Cape Henlopen School Districts' *elementary schools are very close to 100% of current capacity* based on September 30, 2007 elementary enrollment.

+4 DOE records indicate that the Cape Henlopen School Districts' *secondary schools are not at or beyond 100% of current capacity* based on September 30, 2007 secondary enrollment.

+5 While the Cape Henlopen School District secondary and elementary schools are not currently beyond capacity, *the district does NOT* have adequate student capacity to accommodate the additional students likely to be generated from this development given the number of planned and recorded residential sub divisions within district boundaries. The added students 2.4 per grade would be added over time. It will most likely take over ten years for the development to be near completion or built-out and occupied. Many other factors would need to be considered within that time frame to draw the conclusion that the schools couldn't accommodate the potential students from this development.

+6 Continued development will cause significant burden to the Cape Henlopen School District without the provision for additional educational infrastructure. The developer is strongly encouraged to the Cape Henlopen School District Administration to address the issue of school over-crowding that this development will exacerbate. Additional development gives more to the school system here in the Cape region than it takes by way of taxes and low usage per household. Equalization and distribution of those funds to surrounding districts supports this as a reality.

+7 DOE requests the developer work with the Cape Henlopen 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 school district. Will comply

Sussex County – Contact: Richard Kautz 855-7878

This project is an AR-1 ESDA subdivision and the developer is allowed to reduce the lot size to provide for mitigation of the impact on environmental factors. Because this project is situated in an Environmentally Sensitive Development Area, the required report should discuss how both this requirement to mitigate environmental impact and the PLUS comments have been addressed. The report should also explain how the plan has been revised accordingly. Use of Low Impact Design principals and Green Technology helps address the environmental issues.

The developer should relocate the long and narrow stormwater management pond located along the property frontage to an interior, less visible location. The location of the pond is a direct response to the lay of the land (Topography). It is inherently situated to capture natural drainage patterns without excessive grading operations and alteration of the natural contours. We have however diminished the pond size alongside the road and its edge is 60' from the R.O.W.

The Sussex County Engineer Comments:

The proposed project is in the Environmentally Sensitive Developing (ESDZ) and adjoins the Angola Neck Sanitary Sewer District (ANSSD). Connection to the sewer system is mandatory. Sussex County has undertaken design of the sewer system to serve the area. In addition, a planning study that is nearing completion will recommend regional infrastructure to serve the parcels. When it is determined how the parcels can receive sewer service, and following approval of a concept plan, a request for annexation into the ANSSD will be considered. The proposed development will require a developer installed collection system in accordance with Sussex County standard requirements and procedures. In addition, it will be the developer's responsibility to install regional infrastructure from an approved connection point in accordance with the North Coastal Area Planning Study Update. The Sussex County Engineer must approve the connection point. In addition, the developer may be required to contribute towards regional infrastructure that Sussex County will build. The Sussex County Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation to the ANSSD. A

checklist for preparing conceptual plans was handed out at the meeting along with the County's policy and steps for extending sewer district boundaries. All costs associated with extending sewer service will be the sole responsibility of the developer. One-time system connection charges will apply. Please contact Mrs. Christine Fletcher at 302 854-5086 for additional information on charges. Will comply

For questions regarding these comments, contact Rob Davis, Sussex county Engineering Department at (302) 855-7820.

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

Thank you for the opportunity to hereby submit our response to the State Comments. We request that any and all inquiries for copies of this PLUS review include the applicant response herewith. Should you have any questions and or further comments please feel free to call us.

Sincerely,

Thomas J. Ford RLA
LANDDESIGN, inc