



GEORGE, MILES & BUHR, LLC

◆◆◆◆

ARCHITECTS
ENGINEERS

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◆◆◆◆

JAMES R. THOMAS, JR., PE
PETER A. BOZICK, JR., PE
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JOHN E. BURNSWORTH, PE
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JAMES C. HOADGSON, PE
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MARTIN D. DUSSENER
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
DAVID A. VANDERBEEK, PE

JERRY KOTRA
C. RICHARD ROHM

F. W. WHITE, CPA

September 12, 2008

Office of State Planning
122 William Penn St.
Haslett Armory, Ste 302
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP
Director

Re: Response to 1/30/08 PLUS Review Comments
Ingram Village #2008-01-07
Beaver Properties, LLC
GMB No. 2008066

2008 SEP 19 PM 11 14

RECEIVED
OFC. HIGHT AND BUCKLEY

Dear Ms. Holland:

We offer the following responses to the comments contained in your letter of February 23, 2008:

1. State Strategies/Project Location

The developer attempted to annex to the Town of Ellendale, but negotiations were non-productive. When the opportunity to participate in the County's Moderately Priced Housing Unit Program became available, it was immediately obvious that the goals of the developer and the County could both be met with Ingram Village being developed under the County auspices. However, the developer has maintained communication with the Town, and has agreements with the Town that all portions of the project may be designed to meet County Codes, and that the Town will accept the County's construction inspection and oversight with regard to infrastructure improvements. The developer has not ruled out annexation of the project into the Town at some point in the future if reasonable resolutions to the desired annexation conditions can be arranged.

Sewer to the project will be provided via the Ellendale Sanitary Sewer District. The County has stated that the parcel is located within the existing District, and that capacity is available to serve the units proposed.

2. Street Design and Transportation

As recommended, the connection to Washington Avenue is included in Phase 1 of Ingram Village. We will evaluate traffic calming methods during the final engineering design of the streets.

3. Natural and Cultural Resources

The tax ditch on Ingram Village requires a maintenance easement of 25' which can be planted in native grasses as long as equipment access to the ditch is maintained. The opposite side of the ditch will have a planted buffer ranging in width from 20' - 40'. A 100' buffer is not conducive to the land plan envisioned, and although there are scientific studies which recommend 100' buffers, there are also studies which indicate that optimal pollution reduction is achieved with buffers of 25' (i.e. the non-tidal wetlands buffer requirement in the neighboring State of Maryland).

The only portion of the site within the excellent recharge area is the very southwesterly tip of the project, and this area is shown as open space/drainage area on the current land plan.

4. Office of State Planning Coordination

The developer attempted to annex to the Town of Ellendale, but negotiations were non-productive. When the opportunity to participate in the County's Moderately Priced Housing Unit Program became available, it was immediately obvious that the goals of the developer and the County could both be met with Ingram Village being developed under the County auspices. However, the developer has maintained communication with the Town, and has agreements with the Town that all portions of the project may be designed to meet County Codes, and that the Town will accept the County's construction inspection and oversight with regard to infrastructure improvements. The developer has not ruled out annexation of the project into the Town at some point in the future if reasonable resolutions to the desired annexation conditions can be arranged.

Sewer to the project will be provided via the Ellendale Sanitary Sewer District. The County has stated that the parcel is located within the existing District, and that capacity is available to serve the units proposed. With regard to the number of "low income homes", this project proposes a mix of moderately priced housing units integrated with market rate housing.

5. Division of Historical and Cultural Affairs

To date, no historic or cultural resources have been found on the property. The developer acknowledges the importance of cultural or archaeological resources and will advise all excavation contractors of the possible existence of these resources. If during the construction of the project, any artifacts or other evidence of historic or cultural resources are discovered, the Delaware State Historic Preservation Office will be notified immediately.

6. Delaware Department of Transportation

The TIS review and negotiation of required improvements is on-going.

The connection to Washington Avenue is included in Phase 1 of the Ingram Village plans.

The plan continues to show open space along the railroad tracks, and the pond located at the southerly end of the adjacency has been relocated as suggested.

Communication regarding the DelDOT entrances and required off-site improvements is on-going. The developer and DelDOT met as recently as July 29, 2008 to review final TIS comments and to negotiate off-site improvements.

7. Department of Natural Resources and Environmental Control

Green Infrastructure - The developer understands and agrees that protection of sensitive resources is important, however the site is currently cut-over timber surrounded on three sides by the Town of Ellendale, a parcel slated for future commercial/industrial use, the Norfolk Southern Railroad, and existing housing. The major environmental feature is a tax ditch which the developer intends to relocate and adjoin with a landscaped buffer on one side. During the detailed engineering design of the project, Best Management Practices will be utilized where possible.

Soils - Soils will be considered during the design and construction phases of this project. These soils are fairly typical for Sussex County and local contractors are familiar with seasonal constraints.

Wetlands - Mr. Kelly Pierson of Envirotech is spearheading the developer's work with regard to relocating the tax ditch and addressing any wetlands issues. Jurisdictional determinations and permit applications are in progress.

As discussed in the Natural Resources comment and response above, all ditches will have buffers planted with native vegetation. As stated above, we do not believe that 100' buffers are necessary, or in accordance with the desired feel of the neighborhood. Wetland buffers of 100 feet are not required by either State or County code.

Impervious Cover - The proposed land plan includes street trees and additional planting areas along ditches and perimeter open space. In addition, there are significant areas shown on the plans for stormwater management, and we fully intend to make use of appropriate Best Management Practices such that all of these areas do not end up as open ponds. The proposed land plan includes approximately 20 acres of open space (20% of the site), of which approximately 14 acres is along the project perimeter, with the remaining approximately 6 acres

interior. Operation and maintenance of the open space will be provided by the developer until such time as the homeowners' association assumes the role. Since no wetlands are located within private lots, the protection of these areas is assured.

TMDL's - Reduction in nutrient levels can be achieved using the proper combination of storm water management BMP's. Furthermore, the wastewater will go to a central collection and treatment facility, which means that nutrients from wastewater generated on-site will not be added to the site's nutrient load. We will run the DNREC model to demonstrate compliance with the 40% nitrogen reduction goal.

TMDL Compliance through the Pollution Control Strategy - We are familiar with DNREC assessment tool and many of the best management practices available. During the final design and approval of our stormwater management plan, we will seek to promote the use of BMP's which provide for greater buffering, less forest clearing, and maximization of green technology.

Water Supply - Water will be provided to this project via an agreement with Artesian Water Company, Inc. We understand that construction plans and specifications must be approved by the Office of Drinking Water prior to construction initiation. We will prepare and submit said plans after receipt of Preliminary Subdivision Approval. We also understand that as-built drawings of the construction will be necessary to obtain an "Approval to Operate" the water system.

We are also familiar with the dewatering well requirements, and anticipate that dewatering will be required.

Water Resource Protection Areas - The only portion of the site within the excellent recharge area is the very southwesterly tip of the project, and this area is shown as open space (i.e. not impervious) area on the current land plan. However there are three lots of separate ownership within this area which are located within the overall parcel boundary. While these parcels are not part of this project, they are lots of record, and may be developed independently of Ingram's Village.

Sediment and Erosion Control / Storm water Management

The stormwater management design will meet all current regulatory requirements. We anticipate that extended detention wet ponds will provide the majority of the treatment necessary to provide required quantity and quality management. The system will be designed to adequately manage and treat the stormwater that originates on the property, and to handle any offsite water that migrates through the site. The design under consideration will preserve existing drainage patterns, and will not increase the peak quantity discharge for the two- or ten-year storm events. In addition to the extended detention ponds, we are prepared to utilize any of the filtration, sand filtration, hydrodynamic separator, or catch basin insert technologies currently endorsed by DNREC, Sediment and Stormwater Division. There are

twenty-two of these technologies available, and these can be combined into the overall treatment train to meet water quality goals. With the amount of open space and buffers on the site, we may also be able to utilize other best management practices which are non-structural in nature. All stormwater management and erosion/sediment control plans will be approved by the Sussex Conservation District. All management practices proposed for this project will be in accordance with the current Delaware Stormwater Design Manual.

8. Drainage

We will continue to work with Brooks Cahall on the Tax Ditch issues.

We will consider upstream and downstream drainage conditions in the final engineering design of the stormwater management.

We understand and agree with this comment.

We will enlarge side yards as necessary if drainage easements are required.

We will utilize drainage easements for any drainage structures placed in rear yards.

All drainage easements will be shown on the Final Site Plans and the record plans.

**The 250' tax ditch right-of-ways are for spoil disposal only. In the future, ditch cleaning will dispose of these sediments off-site.

9. Rare Species

Envirotech will be involved in the identification of any rare species as they work through the wetland delineation process with DNREC and the Army Corps of Engineers with regard to an official jurisdictional determination, and any required permits.

10. Nuisance Waterfowl

We agree that native plantings are an effective deterrent to nuisance waterfowl.

11. Air Quality

We agree that Energy Star homes are more efficient than those without the rating.

The development will have sidewalks and interior recreation areas which will allow pedestrian recreation and movement within the project. Multi-modal paths will be coordinated relative to DeIDOT TIS requirements.

12. State Fire Marshall's Office

We agree with the SFMO review, and understand that the quoted sections of the Delaware State Fire Prevention Regulation govern this project. The road widths and turning radii will be sufficient to accommodate emergency vehicle traffic, and the central public water supply system will provide adequate fire protection.

We will prepare a Major Site Plan for SFMO review and approval as part of the permitting process prior to the Final Plat.

13. Department of Agriculture

With regard to deed restrictions, we understand the comments and restrictions, and will forward this information to the developer's attorney for consideration and inclusion in appropriate deeds.

Only a very small area of the site, basically a sliver, is part of the State Resource Area. The majority of this area is slated to be forested buffer as shown on the current land plan.

Arboriculture Considerations – We will seek to preserve some of the larger existing trees on the site where possible. A Landscape Architect will be available to assist in the selection process for tree preservation. We agree to use the "right tree of the right place" to a practical extent.

Landscape Considerations – Native Delaware plants and trees will be specified for the final landscaping plan.

14. Public Service Commission

We will follow Pipeline Safety guidelines for any expansion of natural gas or installation of a closed propane system.

15. Delaware State Housing Authority

We understand and agree with this comment, and believe that Ingram's Village participation in the Sussex County Moderately Priced Housing Unit Program is in exact alignment with the goal of the comment.

16. Department of Education

The developer will contact the Milford District to discuss opportunities to address educational issues. It is our understanding that the Milford District has currently hired architectural services to design a new elementary school, in addition to other schools. By the time this project is built and the students are residents, it would

appear that the new elementary school would be either under construction, or already in service.

Areas for a bus stop will be available and shown on the Final Site Plan upon consultation with the School District.

17. Sussex County

Since Mr. Kautz did not comment on the previous application due to Town of Ellendale annexation considerations, we have attached to this letter a copy of his Technical Advisory Committee (TAC) comments, along with our TAC response. In general, most of the comments were typical in nature, and we intend to follow through on the recommendations.

With regard to the Sussex County Engineer Comments, we agree with the items regarding the Ellendale Sanitary Sewer District, infrastructure requirements, and sewer connection charges. These comments appear to be standard procedure, and we will follow the suggested checklists and requirements.

In closing, we would like to thank you, your staff, and the participating agencies for their time and effort spent in reviewing this project. Please feel free to contact me with any questions.

Sincerely,



James H. Willey, Jr., P.E.
Sr. Vice-President

JHW/cl

Enclosures – Sussex County TAC Comments and response

cc: Beaver Properties, LLC
Attn: Mr. Dale Wheatley
Attn: Mr. Douglas Simpson

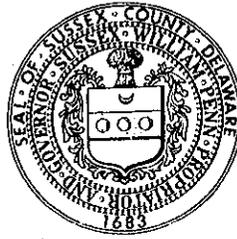
Wilson, Halbrook & Bayard, P.A.
Attn: Dennis L. Schrader, Esq.

Sussex County Planning and Zoning Department
Attn: Mr. Shane Abbot, Asst. Director

Thw

**Sussex County
Planning & Zoning Commission**

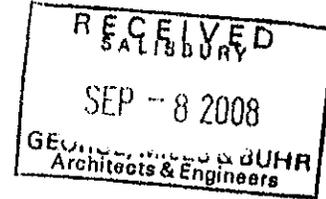
P.O. Box 417
Georgetown, DE 19947
302-855-7878
302-854-5079 (Fax)



Robert C. Wheatley
Michael B. Johnson
Rodney Smith
Benjamin Gordy
Irwin G. Burton, III
Lawrence B. Lank, Director

September 2, 2008

James H. Willey, Jr., P.E.
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801



**RE: C/Z #1666
Beaver Properties, LLC – Ingram Village**

Dear Jim,

Enclosed please find comments received from the Technical Advisory Committee in its review of the above referenced change of zone application. These were the only comments received by the requested cut-off date of August 29, 2008.

Should you have any questions, please do not hesitate to contact this office or the corresponding agencies.

Sincerely,

Shane Abbott
Shane Abbott
Assistant Director

August 25, 2008

Assessment Division

SUSSEX COUNTY
ADMINISTRATION BUILDING
P.O. BOX 589
GEORGETOWN, DE 19947



SUSSEX COUNTY ADDRESSING

(302) 855-1176
FAX (302) 853-5889

GMB
206 West Main St
Salisbury, MD 21801

RE: **Ingram Village** Subdivision proposed street names

I have reviewed a copy of the site plan for the Subdivision, Ingram Village, which is located in Ellendale. In reviewing the proposed street name(s) the following have been approved for this subdivision:

Douglas St
Lee Av
Thelma St
Jenny St

Ingram Blvd
Sylvia Av
Colette St
Gladys Blvd

Sherman st
Edward St
Charlotte St

In accordance with the National Emergency Number Association code, no two roads shall be given the same name within the same zip code and/or fire code. The following street name(s) cannot be used because it is a duplicate:

Michelle St

Washington Avenue Ext

Please submit in writing your new proposed street name choice for the above duplicate(s) for my review and approval. Do not proceed with your project until you have a letter from this department stating that all road names are approved or you will have to rerecord. Should you have any questions please contact the **Sussex County Addressing Department at 302-853-5888 or 302-855-1176.**

Sincerely,

Carrie L. Patterson

Carrie L. Patterson
Addressing Department
New Subdivisions

RECEIVED

AUG 25 2008

**PLANNING & ZONING
COMM. OF SUSSEX COUNTY**

September 9, 2008

Assessment Division
SUSSEX COUNTY
ADMINISTRATION BUILDING
P.O. BOX 589
GEORGETOWN, DE 19947



SUSSEX COUNTY ADDRESSING

(302) 855-1176
FAX (302) 853-5889

GMB
206 West Main St
Salisbury, MD 21801

RE: **Ingram Village**

I have received proposed street names for the new subdivision, The Woods at Burton Pond, located in Lewes. In reviewing the proposed street name(s) the following have been approved:

Douglas St	Sylvia Av	Edward St
Lee Av	Colette St	Charlotte Av
Thelma St	Sherman St	Jenny St
Ingram Blvd	Fearl St	Gladys Blvd
Washington Av	Forwood Dr	Hayman Way

Use only approved road names that you have written confirmation for or you will be required to rerecord.

Upon final approval of Ingram Village please forward a copy of the recorded site plan to my attention. Our office would appreciate a digital copy if at all possible for the purpose of addressing. Should you have any questions, please contact the **Sussex County Addressing Department** at 302-855-1176.

Sincerely,

Carrie L Patterson
Addressing Department



**DELAWARE HEALTH
AND SOCIAL SERVICES**

DIVISION OF PUBLIC HEALTH

OFFICE OF DRINKING WATER
PHONE: (302) 741-8630
FAX: (302) 741-8631

July 16, 2008

Mr. Shane Abbott
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: August 2008 Technical Advisory Committee Review

Dear Mr. Abbott:

The Division of Public Health Office of Drinking Water (ODW) is in receipt of the following application. Below are comments by ODW regarding the proposed project for the August 2008 Technical Advisory Committee Review:

1. Application: CZ #-Beaver Properties, L.L.C., Title: Ingram Village

This application does not indicate if central water will be supplied. *This project will require an Approval to Construct and an Approval to Operate from ODW if constructing a new water system or altering an existing water system.*

In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by ODW prior to construction. Please refer to *Construction Plans and Specifications Submittal and Review Guidelines* prepared by ODW for further details.

It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate for this project, ODW requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met. Please contact Doug Lodge, PE, or me at (302) 741-8630 for further information.

Please do not hesitate to contact me at the Office of Drinking Water at (302) 741-8586 with questions or comments.

Sincerely,

William J. Milliken, Jr.

William J. Milliken, Jr.
Engineer III
Office of Drinking Water

RECEIVED

JUL 21 2008

**PLANNING & ZONING
COMM. OF SUSSEX COUNTY**

CZ # 1606



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901

TELEPHONE (302) 698 - 4500
DE ONLY (800) 282 - 8685
FAX (302) 697 - 6287

MICHAEL T. SCUSE
SECRETARY
HARRY D. SHOCKLEY
DEPUTY SECRETARY

RECEIVED

July 29, 2008

AUG 01 2008

Shane Abbott, Assistant Director
Sussex County Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

Dear Mr. Abbott;

The following comments are in response to the material provided to this office on July 15, 2008 by the Sussex County Planning and Zoning Commission. These comments result from a field investigation of the following plans as it relates to community forestry, forest harvesting operations, urban silviculture application, and riparian buffer maintenance and establishment.

Subdivision: CZ Beaver Properties

Forest Buffer Requirements

Required Forested Buffer:

The Forest Buffer defined in the plans dated 07-03-08 is not sufficient to meet county requirements.

Comments:

The Delaware Forest Service disapproves of Ingram Village. We feel that this proposed subdivision will negatively impact our state's resources and the way that we manage them. This area is rich in wildlife and some of our best natural resources. These resources will be at risk from increased trespassing, poaching, and wildland fire if this subdivision occurs. We ask the Sussex county planning and zoning council to reconsider this proposed subdivision.

Tree Removal Considerations

If any removal of forest areas greater than 1acre occur on site during construction, then Forestry Best Management Practices will be required to minimize surface run-off into sensitive areas that are adjacent to and intermingled throughout the site.

Arboriculture Considerations

Precautions should be made to preserve some of the larger pre-existing trees during the construction process. Preservation of select trees will add value to the subdivision and improve the overall appearance. It is recommended that a certified arborist be utilized in species selection and for developing guidelines for tree care during construction.

Landscape Considerations

There is not a landscape plan attached for review. If a formal landscape plan is developed, I would encourage the developer to consider a diverse landscape plan that would include native Delaware plants and trees.

This office has no additional comments at this time. For additional information on native plants of Delaware, arborist selection, the Sussex County Forested Buffer Ordinance, and Forestry Best Management Practices, please contact this office at (302) 943-7869.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Hoyd', with a horizontal line extending to the right.

Kyle Hoyd
Delaware Forest Service U&CF Forester

Shane Abbott

From: Sullivan James C. (DNREC) [James.Sullivan@state.de.us]
Sent: Thursday, August 28, 2008 5:51 PM
To: Shane Abbott
Subject: Technical Advisory Committee Review-August 2008

Shane,

The Drainage Program has the following comments on the Beaver Properties, L.L.C. project under review.

The Drainage program request the developer continue to work with the Georgetown office of the Drainage Program on the relocation of the School House Tax Ditch. Any alteration to the tax ditch, or tax ditch rights-of-way, will require a change to the School House Tax Ditch court order.

Jim Sullivan
Planner
Drainage Program
Division of Soil & Water Conservation
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, Delaware 19901
Phone: (302) 739-9921
Fax: (302) 739-6724
email: James.Sullivan@state.de.us

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet



DATE OF REVIEW: August 25, 2008

REVIEWING AGENCY: Delaware State Fire Marshals Office, Sussex Office

INDIVIDUAL REVIEWERS: Duane T. Fox, CFPS, CFI, Asst. Chief Technical Services
Dennett E. Pridgeon, CFPS, CFI, Sr. Fire Protection Specialist
Thomas J. Haslam, CFI, Sr. Fire Protection Specialist
Steven L. Callaway, CFI, Sr. Fire Protection Specialist
Timothy J. McClanahan, Fire Protection Specialist

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: INGRAM VILLAGE (CZ # ?)

The reasons and conditions applied to this project and their sources are itemized below:

- ❖ *The DE State Fire Marshal's Office has no objection to the conditional use for the aforementioned project. Formal submittal is required for final site plan approval.*

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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Treatment Buildings)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly 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 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 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.

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 Old State 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"
- Proposed Use
- 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
- 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.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE



CZ# 1666

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.
SECRETARY

RECEIVED

JUN 13 2008

June 13, 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

Mr. Lawrence B. Lank
Director
Sussex County Planning and Zoning Commission
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Lank:

This letter concerns Ingram Village (SSR6150), an approximately 102-acre parcel (Tax Parcel 2-30-26.00-75.00) located on the east side of North Old State Road (Sussex Road 213) north of Ellendale. The land is zoned GR (general residential) and the developer seeks an RPC (residential planned community) overlay zoning to enable their proposed development.

In that regard, the developer's traffic engineer, Davis, Bowen & Friedel, have prepared a traffic impact study. We received the study from them on April 18, 2008. Recently, they have asked that their client be permitted to file a rezoning application before we complete our review. As you may know, we try to maintain a sixty (60) working day response time on such reviews, which means that we would have comments to you by July 15, 2008.

With that said, we understand that an application filed now probably would not be considered by the Planning and Zoning Commission for 90 to 120 days. We fully expect to complete our comments on the traffic impact study within that time. Further, we understand that the Planning and Zoning Commission can table an application for up to 45 days and would do so if we were to request it. If necessary, we will do so.

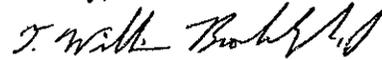
If our understandings outlined above are correct, we would not object to the County's accepting the developer's application now.



Mr. Lawrence B. Lank
June 13, 2008
Page 2 of 2

Please contact me at (302) 760-2109 if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator

TWB:km

cc: Mr. D. J. Hughes, Davis, Bowen & Friedel
Ms. Constance C. Holland, Office of State Planning Coordination
Mr. Ralph A. Reeb, Director of Planning
Mr. Theodore G. Bishop, Assistant Director for Development Coordination
Mr. Todd J. Sammons, Project Engineer
Mr. Troy E. Brestel, Project Engineer



P.O. Box 589
Georgetown, DE
19947
Phone: 302/855-7777

Sussex County
Community Development
And Housing Division

May 1, 2008

Mr. E. Dale Wheatley & Mr. Douglas R. Simpson
Beaver Properties, LLC
19115 Freeland Lane
Bridgeville, DE 19933

Dear Mr. Wheatley and Mr. Simpson:

On behalf of the Department of Community Development & Housing, I would like to inform you that your project, Ingram Village, is cleared to proceed to the Planning & Zoning Commission. Your initial approval for participation in the Moderately Priced Housing Unit Program was contingent upon five (5) conditions. This letter verifies that those conditions have been satisfied. However, it is agreed that the Department is to be notified of 1) the building entity, 2) number of bedrooms for each housing unit type, and 3) housing types before entrance into contractual agreement with Sussex County.

Your participation in the MPHU Program is greatly appreciated and the Department looks forward to working with you.

Sincerely,

William C. Lecates
Director

cc: Lawrence Lank, Director, Planning & Zoning



P.O. Box 589
Georgetown, DE
19947
Phone: 302/855-7777

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Sussex County
Community Development
And Housing Division

MAY 05 2008
PLANNING & ZONING
COMM. OF SUSSEX COUNTY

MEMORANDUM:

TO: Lawrence B. Lank
Planning & Zoning

FROM: Brandy A. Bennett
Community Development & Housing

RE: **MPHU Program**

DATE: May 5, 2008

Please note Beaver Properties, LLC (c/o Dale Wheatley & Douglas Simpson) has satisfied the required contingencies of their pending approval status for the Moderately Priced Housing Unit Program for the subdivision known as "Ingram Village". This project has a tax map number of: 230-26.00-75.00. The Department of Community Development & Housing gives consent that this project may now move forward in the Planning & Zoning process.

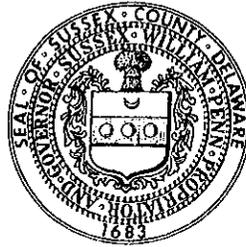
CC: Shane Abbott
Planning & Zoning

Richard Kautz
Planning & Zoning

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

RUSSELL W. ARCHUT
Assistant County Engineer



2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
Administration 302-855-7718
Environmental Services 302-855-7730
Public Works 302-855-7703
Utility Engineering 302-855-7717
Utility Permits 302-855-7719
Utility Planning 302-855-1299

Fax: 302-855-7799

MEMORANDUM

TO: Shane Abbott
Assistant Director of Planning and Zoning

FROM: John J. Ashman
Director of Utility Planning *JJA*

REF: T.A.C. COMMENTS FOR
THE MONTH OF AUGUST

DATE: August 29, 2008

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SEP 02 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

Attached, please find the Engineering Department's comments for the Technical Advisory Committee for the TAC requests for the month. Any questions please feel free to call me at 856-6258.

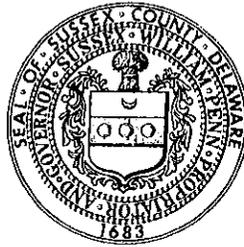
Attachments

cc: Mr. Michael A. Izzo, P.E. without attachments
Mr. Gary D. Tonge with attachments
Reviewer with attachments
Planning Tech with attachments
Applicant with attachments
File with attachments

**Sussex County
Engineering Department**

MICHAEL A. IZZO, P.E.
County Engineer

RUSSELL W. ARCHUT
Assistant County Engineer



2 THE CIRCLE
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Fax: 302-855-7799

REF: INGRAM VILLAGE
ELLENDALE SANITARY SEWER DISTRICT
SUSSEX COUNTY ENGINEERING DEPARTMENT
T. A. C. COMMENTS
CONDITIONAL USE NO. 1666
SUSSEX COUNTY TAX MAP NUMBER
230-26 PARCEL 75
PROJECT CLASS-1
AGREEMENT NO. 917

RECEIVED

SEP 02 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

PUBLIC WORKS DIVISION COMMENTS

1. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT perimeter property corners geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location as well as the North and East coordinates of the marks on the plans.
2. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum Year.
3. The Right of Way of all Cul-de-sacs shall be no less than 106 feet.
4. False berms are not allowed to be used to correct road drainage.
5. Indicate the construction phases proposed showing the boundaries of each phase. The phasing of road, wastewater and water construction shall be jointly contained and be constructed in the individual phasing boundaries.
6. The proposed locations and sizes of all Utilities and Drainage Facilities.
7. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 20653 Dupont Boulevard, Unit 5, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations.

8. Indicate the location of the one-hundred (100) year floodplain. If not in the one-hundred (100) year floodplain area, indicate what and where the area is.
9. The layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
10. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
11. The plan shall be prepared at a minimum scale of one (1) inch equals one hundred (100) feet.
12. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
13. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
14. The plan requires a Certification Signature and/or a Certification Block for the Wetlands Designator.
15. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
16. Indicate the location of all wetlands (both state and federal), in order to facilitate compliance with state and federal wetlands requirements.
17. Project Construction Drawings shall show in detail the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2000 digitized plan showing existing lines, grades, topography and features in a given area, which was utilized in preparing Plans for construction. The individual sheet types will be in a separate design such as the plan view and profiles are not to be on the same sheet.
18. The project requires professional land surveying services to accurately delineate, all property and right-of-way lines, and to establish horizontal and vertical controls, elevation benchmarks, topographic contours at 1-foot vertical intervals, and the horizontal locations of all existing structures, drainage ditches and inlets, culverts, and pipelines, highway and roadway pavements, curbs, and shoulders, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines and poles, potable water lines, wells, fire hydrants and valve boxes, sanitary sewers, manholes and cleanouts, and

underground electric, telephone, and video cables and lines. The elevations of the upstream and downstream inverts and the rims of existing manholes and the existing finished floor elevations of the proposed buildings shall also be determined.

19. All work will be georeferenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2000 format. North will always be shown in an up direction on all plans.
20. The plans shall be provided on a 24" x 36" drawing sheets at a scale of 1" = 50'. The drawings shall be delivered in the following form:
21. The Drawing area on each plan sheet shall be 1000 feet north on the "Y" axis and 1500 feet east on the "X" axis. Each drawing area shall be registered from 0, 0, 0 location.

Drawing Layers shall be nomenclated by words not numbers. Layers, their color and line type shall be at a minimum:

BORDER - white - continuous
BUILDINGS - cyan - continuous
CABLE TV - yellow - continuous
CONTOURS - 8 - continuous
CURB LINE - white - continuous
DITCH CENTERLINE - white - centerline
EASEMENT LINE - white - phantom 2
EDGE OF PAVEMENT - red - continuous
ELECTRIC - red - continuous
FORCEMAIN - green - bylayer
PARCEL NUMBERS - cyan - continuous
PROPERTY LINES - magenta - phantom
ROAD CENTERLINE - white - centerline
ROAD ROW LINES - white - phantom 2
SEWER - green - bylayer
SPOT ELEVATIONS - yellow - continuous
STORM DRAINAGE - 8 - continuous
SIGNS & POLES - white - continuous

TREE LINE & VEGETATION - 8 - bylayer

TELEPHONE - 30 - continuous

WATER - blue – bylayer

22. Topography shall be based on the USGS Mean Sea Level datum NAD 88. It shall include the locations, spot elevations, inverts, type, size and depth for the following items:
23. All outstanding site features such as curbing, driveways, sidewalks, buildings, pavement, light standard bases, concrete pads, trees, monuments, wells, valve boxes, manhole covers, cleanouts, electrical equipment, mailboxes, fences, etc.
24. All surface and subsurface drainage features, natural or man-made, such as curb and gutter, pipes, catch basins, swales, streams, wetlands, ditches, storm drains, etc. Provide additional spot elevations beyond the site to establish drainage patterns.
25. Existing underground utilities such as well lines, water lines, water valves, sewer lines, septic systems, drains, electric lines, phone lines, cable lines, etc.
26. For parking lots and drives, provide spot elevations at the edge of pavement, right of way, and centerline, as well as at significant breaks in grade, and high points and low points, to the nearest drainage facilities. The limits of the various surface materials shall be delineated and type specified.
27. Relocate the road crosswalks to the shortest distance between the PC of the curve.
28. Provide and show location of ADA sidewalk requirements for wheelchair passage.

UTILITY PLANNING DIVISION COMMENTS

REVIEWER: **ROB DAVIS**

APPLICATION: **CZ# 1666 Ingram Village**

APPLICANT: **Beaver Properties, LLC c/o Dale Wheatley and Douglas Simpson**

FILE NO: **OM-15.03.04**

TAX MAP &
PARCEL(S): **230-26.00 Parcel 75.00**

LOCATION: **East of Old Stage Road (Road 213) northeast of Milton/Ellendale Highway (Route 16)**

NO. OF UNITS: **406**

GROSS
ACREAGE: **101.46**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4.0**

SEWER:

- (1). Is the project in a proposed or current County operated and maintained sanitary sewer and/or water district?

Yes

No

- a. If yes, see question (2).
b. If no, see question (7).

- (2). Which planning area or sewer district is it in? **Ellendale Sanitary Sewer District.**

- (3). Is wastewater capacity available for the project? **Yes.** If not, what capacity is available? _____.

- (4). Is Ordinance 38 required? **Yes.** If yes, contact Mr. Brad Hawkes, Director of Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **No.** If yes, how many? _____. Is it likely that additional SCCs will be required? **Yes.** If yes, the current System Connection Charge Rate is **\$6848.00** per EDU. Please contact **Mrs. Blair Lutz** at **302 855-7701** for additional information on charges.

- (6). Location and size of lateral(s) or connection point(s):

A connection point has been provided along the parcel's frontage on Old Stage Road (Road 213).

- (7). Is the project capable of being annexed into a County operated Sanitary Sewer District? **A small portion of the project must be annexed into the sewer district.**

X Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(8). Which sewer district is it adjacent to: N/A.

(9). Conformity to the **Ellendale Technical Memorandum and the Preliminary Study for Ellendale's Treatment and Disposal Options**, or undertaking an amendment will be required.

(10) Other: **The majority of the project is within the boundary of the Ellendale Sanitary Sewer District and connection to the sewer system is mandatory. The project is within planning study and design assumptions for sewer service.**

Sussex County requires design and construction of the collection and transmission system to meet Sussex County Engineering Department's requirements and procedures. The Sussex County Engineer must approve the connection point. A sewer concept plan must be submitted for review and approval prior to any sewer construction. Attached is a checklist for preparing sewer concept plans. Conformity to the Ellendale Technical Memorandum, the Preliminary Study for Ellendale's Treatment and Disposal Options and an approved concept plan will be required.

The preliminary site plan states the northern parcel boundary has been realigned in a revised record plot. The plan shows a piece of land from an adjoining parcel has been added to the Ingram Village parcel. The added land is not currently within the boundary of the Ellendale Sanitary Sewer District and must be annexed. The Policy for Extending District Boundaries is attached. Annexation of the additional land must be complete prior to submittal of construction drawings for review.

One time system connection charges will apply. Please contact Ms. Blair Lutz at 302 855-7701 for additional information on charges.

- (11). A concept plan is required.
 A concept plan is not required.

If the above revisions are made, we recommend preliminary approval be considered. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.

6. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
7. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the application fee will be refunded.)
8. Within 30 days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
9. If the boundary extension is approved, the property owner or his representative obtains appropriate Planning and Zoning plot plan approval (if applicable).
10. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.



ARCHITECTS
ENGINEERS

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PH: 800.789.4462
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W. MARK GARDOCKY, PE.
DAVID A. VANDERBEEK, PE.

JERRY KOTRA
C. RICHARD ROHM
F.W. WHITE, CPA

September 12, 2008

Sussex County Planning & Zoning Commission
P.O. Box 417
Georgetown, DE 19947

Attn: Mr. Shane Abbott
Assistant Director

Re: Response to TAC Comments
Ingram Village GR-RPC C/Z #1666
Beaver Properties, LLC
GMB No. 2008066

Dear Mr. Abbott:

We offer the following responses to the Technical Advisory Committee (TAC) comments forwarded to us via your letter of September 2, 2008.

Sussex County Addressing Department – August 25, 2008

We have resolved Ms. Patterson's comments and she issued a letter dated September 9, 2009 approving all street names for the proposed development.

**Delaware Health and Social Services Division of Public Health
Office of Drinking Water – July 16, 2008**

Public water will be supplied to this project by Artesian Water Company, Inc. A "letter to serve" has been included as part of the Public Record in the Data Book for this application. Per an email from Mr. Alan Fleetwood of Artesian, they have made application for the water CPCN for this parcel. We understand that the construction plans and specifications must be approved by the Office of Drinking Water prior to construction initiation. We will prepare and submit said plans during the engineering phase after receipt of RPC C/Z approval and Preliminary Site Plan approval. We also understand that as-built drawings of the construction will be necessary to obtain an "Approval to Operate" the water system.

Delaware Department of Agriculture Forestry Comments – July 29, 2008

Forest Buffer – The land plan illustrated on the Preliminary Site Plans for GR-RPC allows sufficient space to provide wooded buffers on the property perimeter. As this project was submitted prior to the July 29, 2008 adoption of the revised Forested Buffer Ordinance, we would generally be held to the requirements in place at the time of submittal, although we acknowledge that the placement of Conditions is

within the rights of the Planning Commission and County Council with regard to RPC consideration. We believe the land plan allows sufficient space for forested buffers, and we will provide detailed landscaping plans for these areas for the Preliminary Site Plans for the individual phases of the development.

State Resources Comment – Although the reviewer maintains that Ingram Village is within an area “best natural resources” and this subdivision will, in his opinion, cause increased risks of trespassing, poaching, and wildland fires, it should be noted that this property is bounded on the southerly by the existing Town of Ellendale, on the westerly by existing housing, and bounded on the easterly by an existing railroad and a parcel zoned GR which is shown on the Town of Ellendale Comprehensive Plan to be of commercial/industrial use. The property is bounded to the north by lands of Glatfelter Pulp Wood Company, although this land is also zoned GR and has been rumored to be slated for development. Furthermore, the State Resource Area Map shows the Ingram Village parcel with no shading, indicating no areas of special consideration, and the Terrestrial Resources Map indicates only the very southwest tip of the site as being “prime farm soils”. Also, the Town of Ellendale Comprehensive Plan, the Sussex County Comprehensive Plan, and the State Strategies for Policies and Spending all delineate this tract as a planned growth area.

Tree Removal – This site was previously timbered. Any additional clearing will follow Forestry Best Management Practices.

Arboriculture Considerations – We will seek to preserve some of the larger existing trees on the site where possible. A Landscape Architect will be available to assist in the selection process for tree preservation.

Landscape Considerations – Native plants and trees will be specified for the final landscaping plan. In addition, Sheet L1.0 Proposed Landscape Plan was included in the Preliminary Site Plan set, although the reviewer indicated that no landscape plan was attached for review.

DNREC Division of Soil & Water Conservation – August 28, 2008

We acknowledge and agree with the reviewer’s request for the developer to continue to work with the Drainage Program for the relocation of the School House Tax Ditch. This work is well underway and will continue.

State Fire Marshals Office – August 25, 2008

We agree with the SFMO review comments. Road widths and turning radii will be sufficient to accommodate emergency vehicle traffic, and the central public water supply system will provide adequate fire protection.

We will prepare a Major Site Plan for SFMO review and approval as part of the permitting process prior to the Final Site Plan.

Delaware Department of Transportation – June 13, 2008

As noted in the DelDOT letter, the developer has had a Traffic Impact Study (TIS) prepared on his behalf and reviewed by DelDOT. The developer and the engineer responsible for the preparation of the TIS are currently in negotiation with DelDOT to finalize required State Road System improvements, and met as recently as July 29, 2008 to continue the progress in this matter. Agreements resolving the final improvements to be required were proposed during this meeting, and the developer is waiting for DelDOT confirmation of the proposed resolution.

Sussex County Community Development and Housing Division – May 1 and May 5, 2008

As noted in these letters, Ingram Village has been approved for participation in the County's Moderately Priced Housing Unit Program and the Community Development and Housing Division notified Planning and Zoning (P&Z) that the project is eligible to move forward in the P&Z review process.

Sussex County Engineering Department – August 29, 2008

Public Works Division

We acknowledge and agree with all comments (Items 1 through 28) as being standard requirements for sewer system design, Ordinance 38 construction plans and as-built drawings. Item 7 regarding septic systems will not be applicable as public sewer is proposed.

Utility Planning Division

We acknowledge and agree with all comments noted by Mr. Rob Davis. We understand that the project is within the Ellendale Sanitary Sewer District (ESSD), that adequate sewer capacity is available within the County's system, and that in addition to the standard design procedures and payment of the System Connection Charges, the following items specific to this project must be considered:

1. Conformance to the Ellendale Technical Memorandum
2. Two small areas of the primary parcel which were modified by revised Record Plats (lot line revisions) need to be annexed into the ESSD via standard County procedures.

In closing, please feel free to contact me with any questions. Thank you for your assistance in this process.

Sincerely,



James H. Willey, Jr., P.E.
Sr. Vice-President

cc: Beaver Properties, LLC
Attn: Mr. Dale Wheatley
Attn: Mr. Douglas Simpson

Wilson, Halbrook & Bayard, P.A.
Attn: Dennis L. Schrader, Esq.