

# Clifton L. Bakhsh, Jr., Inc.

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September 26, 2008

Constance C. Holland, AICP, Director  
State of Delaware  
State Planning Coordination  
122 William Penn Street, Third Floor  
Dover, DE 19901

RE: Plus Review – 2008-03-01; M & L  
Ventures LLC (Formerly Dover Land Enterprises)  
April 21, 2008  
Job #20127

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O.S.C. MGMT AND BUDGET

Dear Ms. Holland:

Following is our response to the Office of State Planning Coordination Plus Review comments as outlines in your April 21, 2008 letter for the M & L Ventures, LLC (formerly Dover Land Enterprises). Our response shall follow state agency comments in the same order as presented.

#### Office of State Planning Coordination

All existing environmental features and resources have been taken into consideration and the site improvements will be designed with respect to these features.

#### State Historic Preservation Office (SHPO)

On July 10, 2008, a meeting was held with Mr. Terrence Burns of the State Historic Preservation Office for a detailed review of the historic and cultural resources identified near the project area, and to evaluate the impact of the proposed development on those resources. The developer acknowledges that, although none have been identified, there is a potential that historic or cultural resources could be present within the project area. Should any significant resources be discovered during construction, all activities in that area shall cease and the Division of Historic and Cultural Affairs will be contacted immediately in accordance with the provisions of the Delaware State Code.

#### Department of Transportation

1. Application was not filed with the City of Dover prior to March 31, 2008. McMahon Associates, Inc. of Exton, PA has been contracted to perform the traffic impact study for the M & L Ventures project and the adjacent Bloom project.

In cooperation with DelDOT, video surveillance records for a similar M & L Ventures facility in Newport were analyzed to generate trip generation figures for

the proposed Lafferty Lane Project. This analysis projects a total daily trip count of 632, which is similar to the ITE rate for General Light Industrial.

The DelDOT scoping meeting was held on June 3, 2008 and the scoping letter approved July 14, 2008. Work is progressing on this matter.

2. According to the city of Dover, the First State Business Center plan has expired. It will be necessary for any future development efforts on that site to coordinate the location of their cross-access easement with the M & L Ventures and Bloom projects.
3. A five-foot sidewalk will be provided extending from Lafferty Lane through the length of the proposed M & L Ventures project.
4. The City of Dover Subdivision Manager, Julio Seneus, has been contacted regarding requirements for No Objection Letter. All requirements of the city will be adhered to.

#### Department of Natural Resources and Environmental Control

##### Soils:

The entire ten-acre parcel, except for 0.29 acre of Hedgerow Brush, is currently used for cultivated crops and is completely barren and disturbed for a large percentage of the year resulting in significant sediment laden runoff. The proposed development will provide for a stormwater management program that will control post development runoff volumes and through implementation of green technology practices and the establishment of dense grass buffers will achieve water quality goals as well.

Preliminary planning consultations have been held with the Kent Conservation District establishing guidelines for stormwater management practices for this project.

##### Wetlands:

Wetlands investigations performed by JCM Environmental in October 2007 concluded that no wetlands or waters of the U.S. are present within the project boundaries.

##### Impervious Cover:

The final design of the proposed development shall take into consideration the environmental impacts and shall incorporate appropriate BMP's to assure quality compliance. Impervious surfaces shall be reduced to the maximum extent possible.

##### TDMLs

The project will be designed to meet the TDML reduction goals of 40% for phosphorus and 75% for bacteria.

TDML Compliance Through Pollution Control Strategy (PCS)

Nutrient reducing BMP's, native plantings and implementation of green technology features will be incorporated into the project design to meet the nutrient reduction requirements. Lyle Jones of DNREC has provided the nutrient loading assessment protocol package for use on this project. A preliminary worksheet will be forwarded to him for review shortly.

Water Supply

Any dewatering well permits required will be prepared by licensed water well contractor and submitted to DNREC water supply section for approval. Any wells required shall be installed by a licensed driller.

Sediment and Erosion Control/Stormwater Management

Planning consultation meetings, the most recent on August 21, 2008, have been conducted with the Kent Conservation District to review the various options available for this project. The design of Sediment and Erosion Control/Stormwater Management facilities will be closely coordinated with the Kent Conservation District and shall conform to state and local policies.

Drainage

Jared Adkins of the Kent Conservation District indicated that he is aware of the drainage problems on Morgan Branch downstream of Lafferty Lane and that studies are currently underway to deal with these issues. KCD has indicated that no downstream analysis will be required, however, downstream tailwater conditions must be accounted for in the design of all SWM facilities.

Underground Storage Tanks

The tank management branch will be notified in the event that contaminated soil is encountered during construction of the project.

Site Investigation and Restoration (SIRB)

DNREC and SIRB will be notified in the event of the release or the threat of a release of a hazardous substances during development or construction of the project.

State Fire Marshal's Office

The Dover City Fire Marshall's Office has provided an application packet and appropriate codes for a fire prevention permit. All provisions of the city's code will be adhered to.

Department of Agriculture

The planting plan will be prepared by a qualified landscape designer in accordance with the Department of Agriculture and Delaware Forest Service recommendations.

Constance C. Holland  
September 23, 2008  
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Public Service Commission

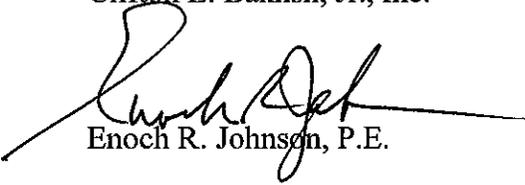
Any expansion of natural gas system or installation of propane system shall be performed in accordance with Public Service Commission guidelines.

Department of Education

No comments received.

If you have any questions concerning this matter, please contact me.

Very Truly Yours,  
Clifton L. Bakhsh, Jr., Inc.



Enoch R. Johnson, P.E.

ERJ/kb