



January 25, 2010

Constance C. Holland, ACIP
The Delaware Office of State Planning Coordination
122 William Penn Street, Third Floor
Dover, DE 19901
P: (302) 739-3090
F: (302) 739-6958

RE: Response to Preliminary Land Use Services (PLUS) Meeting – Nentego; 2008-08-10

Dear Connie:

We have received and reviewed your PLUS comment letter dated September 22, 2008. Please find enclosed a revised site layout plan for your reference. Our responses to your comments are in [blue](#).

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

- The proposed Nentego project is located within an Investment Level Two as defined by the State Strategies for Policy and Spending and calls for the rezoning of 15 acres from MR/RPC to CR-1 for 150,000 sq. ft. commercial development to be located on Route 24, approximately 2,500 feet south of the Route 5 intersection.

[Comment noted.](#)

Street Design and Transportation

- On July 10, 2008, the developer's traffic engineer, Davis, Bowen & Friedel submitted a TIS in support of the proposed rezoning. DelDOT anticipates completing their review of the TIS in mid-October of this year. DelDOT will withhold comments on the need for off-site improvements until they complete that review and will respond directly to Sussex County at that time.
- DelDOT recommends that stub streets be provided to the James and Jean Norwood property

- (Tax Parcel 2-34-29-220) and to one or more properties along Layton Davis Road
- DeIDOT will also require that sidewalks or a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site.

The developer is still working with DeIDOT to update the TIS. The developer will be providing an interconnection to the property to the north, via the commercial area. The developer will follow the requirements of DeIDOT as they relate to entrance and roadway improvements.

Natural and Cultural Resources

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Due to existing drainage concerns in this area it is suggested the engineer contact the Sussex Conservation District and schedule a pre-application meeting before going further with the design of this subdivision to discuss the sediment and erosion control and stormwater management components of the plan.

The developer shall have a pre-application meeting before commencing the stormwater design.

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

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

This office has no objection to the proposed rezoning and asks the applicant to work closely with Sussex County to address their concerns regarding sewer and the potential impact of the rezoning and future use proposed on this site to the surrounding Long Neck Area.

The comments have been noted.

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

No comments received.

The comment has been noted.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Nentego Properties, LLC, owns an approximately 109.41-acre assemblage of parcels (including Tax Parcels 2-34-29.00-66, 67, 67.04, and 67.05) located on the south or east side of Delaware Route 24 between Layton Davis Road (Sussex Road 312A) and Oak Orchard Road (Delaware Route 5). Presently 93.67 acres are zoned MR-RPC and 15.74 acres are zoned C-1.

In seeking that zoning, the developers submitted a traffic impact study (TIS) in 2006 for the development of 301 townhouses, 96 condominiums and a 125,000 square foot shopping center. Subsequently they eliminated 24 dwellings and added 25,000 square feet to the shopping center without a new TIS. Now they seek to have about 16 acres of Tax Parcel 2-34-29.00-66 rezoned from

MR-RPC to CR-1 so that they can increase the size of the shopping center by 150,000 square feet for a total of 300,000 square feet. DeIDOT's understanding is that the residential lands would now be developed as 247 townhouses and/or condominiums and 72 duplex units. Thus far, none of the development has been built.

DeIDOT comments are as follows:

- 1) On July 10, 2008, the developer's traffic engineer, Davis, Bowen & Friedel submitted a TIS in support of the proposed rezoning. DeIDOT anticipates completing their review of the TIS in mid-October of this year. DeIDOT will withhold comments on the need for off-site improvements until they complete that review and will respond directly to Sussex County at that time.
- 2) DeIDOT supports the recommendation from the Department of Natural Resources and Environmental Control that bicycle racks be provided at the fronts of the proposed stores.
- 3) As you may recall, the original rezoning to MR-RPC and C-1 was reviewed through the PLUS process in November 2005. DeIDOT has re-examined their 2005 comments and now resubmit the following points which they find to still be relevant:
 - a) DeIDOT recommends that stub streets be provided to the James and Jean Norwood property (Tax Parcel 2-34-29-220) and to one or more properties along Layton Davis Road. Given the seasonal congestion on Route 24, they recommend that the developer provide a connection to Layton Davis Road now, if possible, so that residents of the Rosedale Beach area can access the proposed development without using Route 24. If they cannot obtain the land to build that connection now, they should provide a stub street to a parcel along Layton Davis Road that is large enough to be subdivided and redeveloped in the future. A vehicular connection to Wilson Myrtle Lane is probably not appropriate.
 - b) DeIDOT Contract No. 24-112-09, would improve Route 24 from Holly Lake Road (Sussex Road 301) to Oak Orchard Road. While the TIS did discuss the project in general terms, they want to be sure that the developer and the DeIDOT project team are aware of each other's efforts and are coordinating them as necessary. The manager for the DeIDOT project is Mr. Mark Harbeson. He may be reached at (302) 760-2346.
 - c) Route 24 is classified as a major collector road. Collector road rights-of-way vary but are generally wider than those of local roads. DeIDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore DeIDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
 - d) DeIDOT will also require that sidewalks or a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site. A final determination of which form of path should be provided in which location will be made

later in the plan development process. DeIDOT recommends that sidewalks be provided within the site to promote walking for short trips, such as between the condominiums and the shopping center.

- e) The developer's site engineer should contact Mr. John Fiori, the DeIDOT Subdivision Manager for Sussex County, regarding our specific requirements for access. He may be reached at (302) 760-2260.

The developer and their Traffic Engineer, Davis Bowen & Friedel are working with DeIDOT to update the TIS as it relates to the additional commercial area and reduction of residential area. The Developer will continue to work with DeIDOT as it relates to the design and approval of the entrance and roadway improvements associated with the project.

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

Soils

Based on the Sussex County soil survey update, Fort-Mott and Downer were mapped in the immediate vicinity of the proposed construction. Fort Mott and Downer are well-drained upland soils that, generally, have few limitations for development.

Impervious Cover

It was not clear from information presented in the PLUS application form whether the calculated figure for surface imperviousness (73%) truly reflects the actual amount of created post-construction surface imperviousness. This figure is an important variable to gauge environmental impacts from water and pollutant runoff. The applicant should be made aware that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, roads and open-water stormwater management structures) should be included in the impervious surface calculation; otherwise, an inaccurate assessment of this project's true environmental impacts will result. Therefore applicant should recalculate surface imperviousness if any of the above-mentioned forms of surface imperviousness have been excluded.

Since residential development significantly increases the amount of impervious cover leading to large volumes of contaminant-laden runoff which ultimately drain into streams or waterways, the applicant is strongly urged to pursue both natural and constructed Best Management Practices (BMPs) to reduce such impacts. Reducing the amount of impervious surfaces by retaining/planting more trees and/or the use of pervious paving surfaces ("pavers") in lieu of asphalt or concrete are examples of ways to reduce such impacts.

The proposed impervious area in the CR-1 area has been verified to be 73%. The application for CR-1 zoning does not propose any additional residential development. The revised plan reduced the amount of approved residential development. The developer will investigate the implementation of both natural and constructed BMP's. Per the regulations, the Nentego project in its entirety will not increase the amount of runoff from the site. The project has obtained an easement from the property to the east which provides a stormwater outfall for the entire site.

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.

[The Nentego project will be required to follow the recently implemented PCS procedures.](#)

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. Additionally, 40 percent reduction in bacteria is also required.

[The Nentego project will be required to follow the recently implemented PCS procedures.](#)

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), increasing passive, wooded open space, use of pervious paving materials to reduce surface imperviousness (i.e., pervious pavers), and the use of green-technology stormwater management technologies.

[The Nentego project will be required to follow the recently implemented PCS procedures.](#)

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 87-WR-04.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, there is an Underground Storage Tank associated with the Davis Property located within 1000 feet of the proposed project.

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

[The comments have been noted. The developer has obtained a letter from Tidewater Utilities confirming their ability to provide water service for this project.](#)

Water Resource Protection Areas

The Water Supply Section has determined that the project falls largely within a wellhead protection area for Tidewater Utilities (TWU) Meadows District (see following map and attached map). Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of ground water moving toward these wells may be adversely affected by land use activities.

The Water Supply Section reiterates its concerns expressed in Nentego PLUS 2005-11-04 with additional comments recommending that the portion of the new development within the wellhead protection area not exceed 20% impervious cover (DNREC, 2005). Some allowance for augmenting ground-water recharge must be employed if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless. A water balance calculation will be necessary to determine the quantity of clean water to be recharged via a recharge basin. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in stormwater) and protect the quality and quantity of ground water and surface water supplies.

The change from Medium Density Residential and Residential Planned Community District to the proposed Commercial use will introduce petroleum hydrocarbons that are associated with commercial land use (DNREC, 1999). The Source Water Assessment Report for TWU Meadows District shows that these well draw from an unconfined aquifer and has a high vulnerability rating (DNREC, 2003). This development as proposed has the potential to increase these ratings and may cause the Public Drinking Water System to exceed drinking water standards.

The proposed development would change the impervious over from 0% to approximately 73%. The Developer on the PLUS application provided these numbers. Ideally, relocating any open space areas

to the part of the parcel within the wellhead protection area would decrease the total impervious area in the wellhead protection area.

Augmenting the ground-water recharge with clean rooftop run-off systems are another alternative to reducing the total impervious cover.

The proposed site plans show the use of Bio-filtration basins for storm water management and stormwater management ponds within the wellhead protection area. If a problem were to occur in the stormwater system that released contaminants, they would pose a likely threat to the quality of water drawn by TWU from these wells.

In addition, because the wellhead protection area the source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

References

Delaware Department of Natural Resources and Environmental Control (1999). *The State of Delaware Source Water Assessment Plan*: Dover, DE, p. 301.

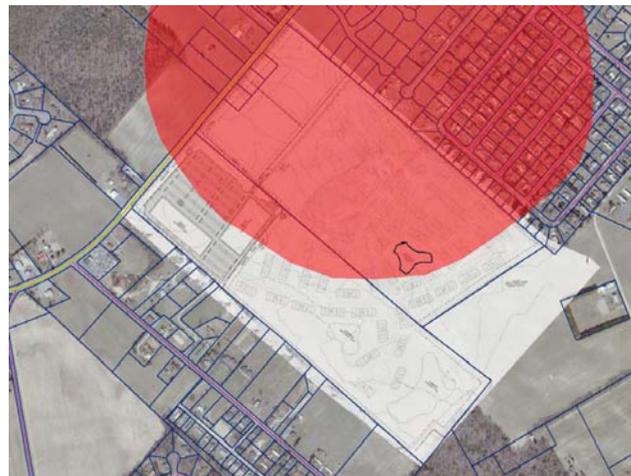
<http://www.wr.udel.edu/swaphome/publications.html>

Department of Natural Resources and Environmental Control. (2003). *Public Water Supply Source Water Assessment for Tidewater Utilities (Meadow District)*. 51 p.

Delaware Department of Natural Resources and Environmental Control (2005): Source Water Protection Guidance Manual for the Local Governments of Delaware: Dover, DE., 144 p.

https://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf

Map of Nentego (PLUS 2008-08-10). The site plan is overlain the parcel. The wellhead protection area is shown in red. The stormwater management pond is outlined in black.



The proposed CR-1 area will adhere to the 2008 Source Water Protection Ordinance. The ordinance provides specific requirements as it relates to a site's proposed impervious percentages.

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. Due to existing drainage concerns in this area it is suggested the engineer contact the Sussex Conservation District and schedule a pre-application meeting before going further with the design of this subdivision to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. 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) 856-2105 for details regarding submittal requirements and fees.
- Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

The current design requirements of the Sussex Conservation District will be used in preparation of storm water management and sediment & erosion control plans.

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.
- 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.

The engineer shall prepare a stormwater management design which will maintain or reduce the current amount of runoff from the site. The developer has recorded an drainage easement with the adjacent property which will allow for a stormwater outfall for the project.

Recreation

If the rezoning request is permitted, the following considerations should be given to the actual site

plan:

Connecting areas via walkable pathways: creating and connecting sidewalks between communities and commercial areas will encourage walking/biking and reduce the dependence on automobiles. Bike racks could be provided at various locations to further encourage use of alternative transportation.

The overall Nentego development will provide sidewalks to connect the commercial and residential areas. The developer will consider the addition of bike racks in specified areas.

Underground Storage Tanks

There is one active LUST site with ongoing investigation located near the proposed project:

Name: Layton Davis Store
Facility ID: 5-000118
Project: S9207199

Should any underground storage tanks or petroleum contaminated soil be discovered by any person during construction, the Tank Management Branch (TMB) must be notified within 24 hours at (302) 395-2500 and the DNREC Emergency Response Hotline at (800) 662-8802.

Should any unanticipated contamination be encountered, PVC pipe materials would have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Also, please note that if any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMB. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMB.

The comments are noted.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure OR at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed Business and Mercantile sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

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

- Buildings greater than 10,000 sq. ft. 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

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 John Williams Highway must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus.
- 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.
- 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)
- Note indicating if building(s) is/are 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 an appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov , technical services link, plan review, applications or brochures.

The Fire Marshal comments are noted. The submittal to the Fire Marshal shall adhere to all code regulations as they apply.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Delaware Department of Agriculture has no objections to the proposed project. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

The comments are noted.

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.

The comments are noted.

Delaware Division of Public Health- Health Promotion Bureau- contact Michelle Eichinger (302) 744-1011

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases.¹ Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs.² This is particularly important considering about 65% of adult Delawareans are either overweight or obese.³ This current obesity crisis is also affecting children. Approximately 37% of Delaware’s children are overweight or obese⁴, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety¹.

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery

stores situated too far from residential areas to allow for walking or biking between them.

This proposed development is in a Level 2 area. Developing in such an area is consistent with the *Strategies for State Policies and Spending*. DPH is committed to the *Strategies* and therefore, does support development in the proposed area.

DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity. As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Nentego plan:

Amenities to encourage active transportation

- Ensure that there are sidewalks and walking/bicycling paths connecting the neighboring residential developments to the commercial development. Further, ensure there is a way to connect paths in the developments and existing paths.
- Ensure connectivity between sites through the use of sidewalks, crosswalks, and/or paths.
- Install bike racks in convenient locations within commercial development.

Amenities to encourage passive recreation

- Designate picnic areas within open space to allow passive recreation for commercial property users.

Increase opportunities for healthy eating

- Designate an area for a seasonal farm stand or mini farmer's market that will promote the sale of fruits and vegetables. Not only will this benefit commercial property users but the neighboring residential developments as well.

¹ Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

² Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf

³ Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS), 1990-2007*.

⁴ Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

The comments are noted.

Department of Education – Contact: John Marinucci 735-4055

This commercial project is located in the Indian River School District. This rezoning and site plan review request is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

The comments are noted.

Sussex County – Contact: Richard Kautz 855-7878

There should be a light/sound buffer for the residential properties to the south of the commercial building.

The plan provides a 50' landscape buffer between the proposed commercial and residential

areas.

There should be pedestrian/bike access from/to the developments residential uses.

The Nentego development will provide interconnecting sidewalks for the residents to safely walk or bike to the commercial areas.

The Sussex County Engineer Comments:

The Nentego project is within the boundary of the Oak Orchard Sanitary Sewer District and connection to the sewer system is mandatory. The project is in a recent expansion area and sewer service has not been extended to the parcel at the time. The developer has agreed to construct a pump station, offsite infrastructure and fund a proportionate share of a new force main and will be able to connect to the Oak Orchard system after construction is completed.

The proposed rezoning is for a portion of the project to have commercial uses, in an area where townhouses were previously proposed. The Sussex County Engineering Department has slight concerns with the rezoning because of the potential for increased wastewater flow from commercially zoned areas, and sewer capacity has been allocated on the basis of 4.0 EDUs per acre for residential zoned parcels of 1 acre or more. Revising the plan or increasing the EDUs may require changes in the design of infrastructure to be built by the developer and an increase in the contribution toward the new force main.

The proposed development will require a developer installed collection system in accordance with Sussex County standard requirement and procedures. The Sussex County Engineer must approve the connection point. In addition, the developer will be required to complete or participate in offsite sewer construction and upgrades, at the developer's expense.

A Sewer Concept Plan is being prepared for review and approval.

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

The comments are noted. The developer will continue to work with the County for the sewer design and review.

The developer appreciates the comments from the above agencies. The developer has found many of the comments useful and has made many revisions per said comments. The revised site layout provides a more environmentally sensitive design in addition to creating a convenient commercial development for the local residents. Should you have any further questions or comments, please feel free to contact Scott Aja, P.E. or myself.

Sincerely,

McCrone, Inc.

Hollis Hearne, E.I.T.

