STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

May 20, 2010

Mr. Don McCoy
Davis, Bowen, & Friedel, Inc.
One Plaza East, Ste. 200
Salisbury, MD 21801

RE: PLUS review – 2010-04-02; Nathaniel's Landing

Dear Mr. McCoy:

Thank you for meeting with State agency planners on April 28, 2010 to discuss the proposed plans for the Nathaniel's Landing project to be located on the south side of Woodland Ferry Road.

According to the information received, you are seeking site plan approval for 99 single family lots on 151 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is within the Low Density area according to the Sussex County certified comprehensive plan. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

This project represents a major land development that will result in 99 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is within the Low Density area according to the Sussex County certified

comprehensive plan. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring more than 240 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

In addition to the above information, it is important to note that this project is located adjacent to a relatively undisturbed section of the Nanticoke Wildlife Area and the State is concerned that this project will negatively impact these publicly used lands as noted below:

- Land to the south of the proposed development is part of the Nanticoke Wildlife Area. These lands were purchased through the Federal Land and Water Conservation Fund Act. Passed by Congress in 1965, the act established the Land and Water Conservation Fund (LWCF), a matching assistance program that provides grants to States and local governments for the acquisition and development of public outdoor recreation sites and facilities. Section 6(f) of the Act prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the Department of the Interior's National Park Service (NPS). All lands purchased through the LWCF are protected in perpetuity and must remain publicly accessible for outdoor recreation purposes.

- This project is adjacent to a relatively undisturbed section of the Nanticoke Wildlife Area (NWA) and the State is concerned that this project will negatively impact these publicly used lands.

We concur that the proposed development is located in the Investment Level 4 area. It is understood that preservation of agricultural and environmental resources is the desired focus of an Investment Level 4 area. Preservation and protection of these

valuable features were key components of the site analysis and conceptual design phase. An inventory of all environmentally sensitive & cultural features (including tidal & non-tidal wetlands, forests, topographic features, historical use, adjacent usage, etc.) was performed. The site plan attempts to minimize the negative impacts of the future development, while incorporating the Land Owner's development rights under the current zoning regulations. No wetland disturbance is proposed.

Ornamental landscaping will be placed throughout the common areas of the site. The revegetation/landscaping plans will include only native species. Individual Lot Owners will be strongly encouraged to preserve existing trees wherever possible, and to provide plantings of their own to support reforestation.

The proximity of the Nanticoke Wildlife Area was also a consideration throughout design development. Utilizing the existing wetland and forested areas, a natural vegetated buffer was preserved along the southern property line. This buffer is, in most places, at least 150 feet wide, often greater than 300 feet. It provides a more than adequate separation between the existing wildlife area and the proposed residential development.

The Ground Water Discharge Section (GWDS) of DNREC has performed a preliminary review of the subject property. In a letter dated April 27, 2010, GWDS states that the proposed development would be feasible for individual on-site wastewater treatment and disposal systems (OWTDS) in accordance with the Regulations Governing the Design, Installation and Operation of OWTDS. The potential wastewater impacts on the local, and regional, water quality is of great importance to both the developer and the consultants. Engineering and construction measures will be taken to minimize any adverse affects resulting from the proposed septic systems.

The location and alignment options for the new site entrance were very limited. For the most part, property ownership was the driving factor in the design of the entry road. We will consult and coordinate our efforts with DelDOT before site access is finalized. The new entrance will be engineered to accommodate the projected site traffic.

The concern regarding the fiscal implications of the new development can be viewed in many ways. Although the new residential homes will require public services, such as police and fire protection, the funding for those services will be supplemented due to the increased local tax base provided by the new community. With the use of on-site water and wastewater systems, there is no need for utility service extensions.

In summary we understand the State's position, based on the 2004 Strategies for State Policies and Spending, and have incorporated design elements in the site plan to address or mitigate the State's concerns. However, the State's opposition to the development of these properties conflicts with the owner's property rights, substantially devalues the property's worth and ignores the permitted land uses authorized by the Sussex County Comprehensive Zoning Ordinance and Comprehensive Land Use Plans of 2003 and 2007, which have been approved and certified by the State of Delaware.

While we will address the State's concerns to the best of our ability, the developer intends to utilize his rights as property owner in conformity with the provisions of the Sussex County Comprehensive Plans, Zoning Ordinance and Subdivision Ordinance.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is one known archaeological site (S-7774; 7S-E-87) just southeast of this parcel, not too far away. With this in mind, it is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of such remains. The reason for this is because the unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

- If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on or in reference to historic or cultural resources.

We acknowledge the potential existence of on-site artifacts, etc. A small cemetery currently exists on the site. It has been preserved and incorporated into the overall development plan. We received a request from a representative of the Historic Preservation Office to visit and photograph the cemetery. Permission was granted, and the visit has taken place.

Following all plan approvals, and prior to any demolition or construction activities, we will either contact the Division of Historical and Cultural Affairs or retain the services of an independent archeologist.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Because the subject land is located in a Level 4 area, development of it as proposed is inconsistent with the *Strategies for State Policies and Spending*. As part of our commitment to support the *Strategies,* Del-DOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. Del-DOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served

effectively or efficiently by public transportation, emergency responders, and other public services.

- The site access must be designed in accordance with Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access. Versions of this manual are available on-line at
- http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/standards_and_regulations_031108.pdf and http://regulations.delaware.gov/documents/February2010c.pdf. Please note that there are slight differences between the two versions. Section references in these comments refer to the version on the Del-DOT website, which is correct in most cases. However, where the versions differ, the version in the Register of Regulations is correct.

- As proposed, the subject development would meet Del-DOT's volume warrants for a traffic impact study (TIS), as contained in Section 2.3.1 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access. However, as discussed in Section 2.3.2, they would also be eligible to pay the Area-Wide Study Fee in lieu of doing a TIS for this project. For a development of 99 single-family detached houses, the fee would be $10,302. The fee would be due at the same time as the initial stage fee, which is paid when plans are submitted to obtain a letter of no objection. The fee is not an impact fee and payment of it does not exempt the developer from having to make offsite road improvements. In accordance with Section 3.10.2 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, all required off-site improvements, and the schedule for their construction, must be specified by notes on the record plan.

- As specified in Section 4.8 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, a 20-foot wide buffer will be required from the edge of the stormwater management pond to the ultimate right-of-way of Woodland Ferry Road. The ultimate right-of-way is based on the functional classification of the road.

- In accordance with Sections 3.6.5 and 5.1.6 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, a 15-foot wide permanent easement will need to be established across the property frontage and a 10-foot wide multi-use path shall be constructed within the easement. The location of the easement shall be outside the limits of the ultimate right-of-way for this road. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement for a 10-foot wide multi-use path is hereby established, as per this plat.**"

- Woodland Ferry Road is classified as a Minor Collector, which per Section 3.6.5 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access requires an 80-foot right-of-way (40-feet from centerline of right-of-way). Therefore, in accordance with the section just cited, additional right-of-way shall be dedicated to public use in order to obtain the required 40-feet from centerline along the entire property frontage. The right-of-way dedication note shall read as follows, "**A 40' Strip Of Right-**

Of-Way From The Centerline Of Right-Of-Way Is Hereby Dedicated To Public Use As Per This Plat."

- In accordance with Section 5.7.2.5 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, a minimum 20-foot wide drainage easement must be provided for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. Metes and bounds and total areas need to be shown for any drainage easements. These easements shall be shown on record plan rather than referred to by a note.

- In accordance with Section 3.4.1.2 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, the site plan must show all existing entrances (residential/commercial) in the vicinity of the proposed entrance.

- In accordance with Section 3.10.2 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, we anticipate requiring an overlay along Woodland Ferry Road (Sussex Road 78). The overlay thickness will be determined at a later date. The limits of the overlay would be from the Woodland Ferry to an intersection to the south-west, to be determined at a later time. DelDOT also anticipates requiring the widening of Sussex Road 78 to 12-foot wide travel lanes and 8-foot wide shoulders within the same limits. As specified in this section, we will require a note on the Record Plan specifying when the off-site improvements are warranted for this subdivision.

- In accordance with Section 5.2 of Del-DOT's Standards and Regulations for Subdivision
- Streets and State Highway Access, DelDOT anticipates requiring improvements at the
- site entrance, including but not limited to the following:
  - A left turn lane along Sussex Road 78 at the site entrance.
  - A deceleration lane along Sussex Road 78 for the site entrance.
  - Bicycle and pedestrian facilities.

- As specified in Section 6.2 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, any utility conflicts with future subdivision street construction shall be corrected by the utility company or the developer at no expense to the State.

- DelDOT anticipates that Sussex County will require a "Letter of No Objection" from the Department for this project. Per Section 3.4 of Del-DOT's Standards and Regulations for
- Subdivision Streets and State Highway Access, the developer must submit **three (3) signed and sealed** copies of the **record plan**, with an Initial Stage Fee Calculation Form and the Initial Stage Fee. The review fee will be based on the number of lots within the subdivision. Please make all submissions to Mr. Derek Sapp, Subdivision Manager. The entrance plan will not be reviewed until after the "Letter of No Objection" has been issued.

- As specified in Section 4.1 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, when the entrance construction plans are submitted

for review, the developer must submit **two (2) copies** of the construction plans, one copy of the record plan, an Initial Stage Fee Calculation Form, a Construction Stage Fee Calculation Form, a Construction Stage Review Fee, an application for highway entrance permit and a signed and sealed commercial entrance design checklist for review and approval. The review fee will be based on the number of lots within the subdivision. Be advised that the Department will not review the entrance plan until it has signed off on the record plan. Please make all submissions to Mr. Derek Sapp, Subdivision Manager.

- The Del-DOT mapping of property lines differs from that shown on the PLUS application in that there appears to be the opportunity for an interconnection to a cul-de-sac street in the Layton's Riviera development. If so, then in accordance with Section 3.5 of Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, we may require an interconnection for bicyclists and pedestrians.

We concur that the proposed development is located in the Investment Level 4 Area. As discussed earlier, many efforts were made throughout the development of the site design to preserve the area's rural character. It was mentioned that the creation of "isolated developments" should be avoided, however it should be noted that there are several other residential developments in close proximity to the site, including two immediately adjacent developments, and one nearby proposed development, Kew Gardens, which was just granted final approval by Sussex County on May 19, 2010, subsequent to approval by all reviewing agencies, including DelDOT. The presence of these nearby developments is an indication that the proposed site cannot accurately be described as "isolated".

On Tuesday, June 22, 2010, we met with DelDOT and discussed entrance requirements. It was agreed that the entrance could be designed in three stages: (1) for the first 50 lots, a hammerhead entrance with a 175' decel lane, with no other off-site improvements required; (2) for lots 51-75, the roadway must be improved to two 11' lanes and two 6' shoulders, between Cannon Drive and Byard Lane; (3) for lots 76-99, a left turn or bypass lane, whichever is found to be warranted, is to be constructed.

We will design the entrance to the site as warranted by and in compliance with Del-DOT's Standards and Regulations for Subdivision Streets and State Highway Access, and in accordance with the three stages described above. Our assessment of the entrance requirements indicate a warrant for a bypass lane rather than a left turn lane.

The developer will either provide a Traffic Impact Study, or will pay the Area-Wide Study Fee, and will note on the Record Plan all required off-site improvements.

We will provide the required Right-of-Way dedication, Multi-use Path and drainage easements as required. No stormwater management facilities are proposed within 20 feet of the Road 78 Right-of-Way. We will overlay Road 78 within the construction limits of the auxiliary lanes required to support the projected site traffic . Other road widening and off-site improvements beyond this limit are excessive and unwarranted.

According to the Layton's Riviera plat, the Right-of-Way of the existing cul-de-sac does not intersect the proposed development. An opportunity for interconnection does not therefore exist.

All plans, fees and other required documents will be submitted in the manner prescribed.

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

Rare, Threatened and Endangered Species.

- There is a population of Delmarva fox squirrel (*Sciurus niger cinereus*, DFS) within the Nanticoke Wildlife Area and they could occur within the project area. Delmarva fox squirrels are large-bodied tree squirrels that only inhabit mature forests on the Delmarva Peninsula. Threatened mainly by loss of its forested habitat, DFS have been protected as an endangered species since 1967. As **required** by the **Endangered Species Act of 1973(16 U.S.C. 1531-1544, 87 Stat. 884)** the U.S. Fish and Wildlife Service review projects that may harm this species or their habitat. The applicant will need to contact Trevor Clark of the U.S. Fish and Wildlife Service (410-573-4527) with this **new** application. DNREC has been in contact with Trevor and previous applications and correspondence will have to be updated. Trevor may recommend surveys are conducted to determine if Delmarva fox squirrels are present. If surveys are conducted they must be done by a federally approved fox squirrel surveyor, be conducted twice; once in the fall, and again between March 15 and May 30. A list of qualified surveyors is available upon request (contact Holly Niederriter at (302) 735-2880). Please note that surveys may confirm the presence of fox squirrels but cannot confirm absence. Also note that surveys conducted on other properties in the vicinity do not fulfill requirements for the project properties. The forest within this project area is contiguous with the Nanticoke Wildlife Area where there is a known presence of Delmarva fox squirrel. Also, a decision regarding habitat impacts of other projects in the vicinity are not transferrable to this project.

PLUS comments have provided the landowner advice that there is a reported population of unknown size of Delmarva fox squirrel (Sciurus niger cinereus, DFS) within the Nanticoke Wildlife Area which adjoins the subject property. DFS are large-bodied tree squirrels that inhabit mature forests on the Delmarva Peninsula. Threatened mainly by loss of its forested habitat, DFS have been protected under the Endangered Species Act as endangered since 1967.

Currently the natural population of DFS is primarily located within the State of Maryland. Currently the existing population is stable. While the DFS is listed as an endangered species, no critical habitat as defined by the Endangered Species Act has been identified for this species.

On behalf of the landowner, Environmental Resources, Inc. (ERI), has contacted the U.S. Fish & Wildlife Service (USFWS) in regard to this site, since suitable habitat for this species does exist on portions of the 180-acre property. However, since no critical habitat for this species has been identified by USFWS, only a presence or absence survey to determine the status of this species on the project site may be required prior to any land clearing activity. If no DFS are present, consultation with USFWS will be complete. If DFS are present, further consultation with USFWS prior to construction may be necessary. ERI wrote USFWS on June 24, 2008, indicating the landowner's intention to conduct a presence or absence survey, if required, at such time as actual construction activities would be scheduled. The survey will be conducted using photo-monitoring protocols developed by USFWS which require both spring and fall investigations.

Based upon discussions with DFS surveyors approved by USFWS, ERI estimates the cost to the landowner to conduct these studies will be between fifteen and twenty thousand dollars ($15,000 and $20,000). USFWS also advised that the results of the study will be valid for only five (5) years after the date of completion.

Since conducting the study imposes an immediate and substantial financial burden on the landowner and since the time of actual construction is unknown at this time, ERI advised USFWS in writing on behalf of the applicant indicating that further consultation will occur in sufficient time to conduct a study to determine the presence or absence of DFS prior to actual construction of the project. It is also possible, such as was the case with lands adjacent to the Assawoman Wildlife Refuge, that in the future USFWS could determine that the population at the Nanticoke Wildlife Refuge was no longer viable, thereby eliminating the need for a study. Further, there may be other mitigating circumstances that cause nullification of the requirement for a presence/ absence survey. The landowner appreciates the advice provided in regard to this issue and has had his consultant follow up with USFWS accordingly.

<u>Hunting Safety Zone.</u>

- **Title 7 of Delaware Code 723 (a) § 723. Hunting or trapping in safety zones; penalty.**

  a) *No person, except the owner or occupant, shall discharge a firearm within 100 yards of an occupied dwelling, house or residence or any barn, stable or any other building used in connection therewith, while hunting or trapping for wild birds or wild animals of any kind. The area within said distance shall be a "safety zone," and it shall be unlawful to shoot at any wild bird or wild animal while it is within such safety zone without the specific advance permission of the owner or tenant.*

- Hunting is a recreational opportunity offered to all residents of Delaware, occurs on publicly owned land, is a method of wildlife management, and is well established at this Wildlife Area. Residents should be made aware by the developer/land owner that they will be subject to the noise of fire arms and barking dogs that are pursing game. Hunters

may also be using the wildlife area during the early morning hours. All future residents should be made aware that hunting will occur on the adjacent property.

All new residents of the proposed developments will be aware that they may be subject to hunting related activities from the adjacent wildlife area. All required buffers will be applied to the current site plan as is deemed adequate by the State and/ or County. All areas within 100 feet from the boundary of the Wildlife Area will remain as undisturbed woodland. No lot within the subdivision will have a buildable area closer than 150 feet from the boundary of the Wildlife Area.

Sediment and Storm water Program.

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. A pre-application meeting is required for this site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees (Delaware Code, Title 7, Chapter 40;
- Delaware Regulations, Administrative Code, Title 7, 5101). *James Sullivan - (302) 739-9921, James.Sullivan@state.de.us*

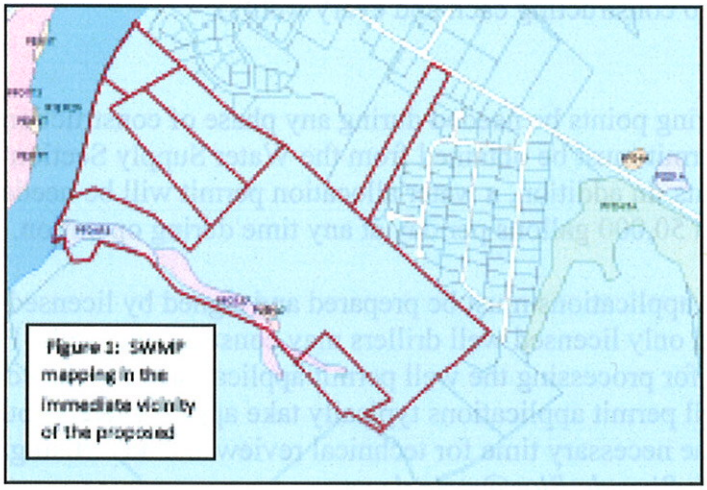
We will comply with the Sussex Conservation District's Sediment and Erosion Control/ Stormwater program. The use of "Green Technology" stormwater practices will be utilized to the fullest extent feasible and DNREC's technical assistance will be utilized.

Wetlands.

- According to the Statewide Wetland Mapping Project (SWMP) maps, tidal (PFO1R3) and non-tidal riparian (PFO1A7 & PUBHx7) wetlands were mapped on subject parcel (Figure 1). The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on the property. This determination can only be made by contacting the Division of Water Resources' Wetlands and Subaqueous Lands Section at 302/739-9943 and consulting the State's official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC's Wetlands Section.

- In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 Del.C. Chapter 72) and

the Regulations Governing the Use of Subaqueous Lands. Ponds which are connected to other waters are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. Please contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.



- The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-specific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE or "the Corps") manual is the acceptable basis for making a jurisdictional wetland determination for non-tidal wetlands in Delaware.

We concur that both tidal and non-tidal wetlands exist on the subject property, and that impacts to these two wetland entities could require multiple, individual permits. However, no wetland impacts are anticipated for subdivision construction, nor are any impacts detailed on the plans. There is no work proposed in any regulated stream, ditch or pond, which would require a permit.

A fifty (50) foot buffer has been provided from all State regulated wetlands to the buildable area of lots. Additionally, a twenty five (25) foot buffer to lot lines has been provided from all federally regulated wetlands.

The development site plan will accommodate all legislation by the State and/ or County relative to wetlands and subaqueous lands, should disturbance become necessary.

Water Supply.

- The project information sheets state that individual on-site well(s) will be used to provide water for the proposed project. Our records indicate that the project is not located in an area where public water service is available. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the current Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing each and every well(s).

- 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. *Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us*

We concur with the information listed above. Individual on-site wells are proposed for the new development. We will comply with the Division of Water Resources regulations. All applicable permits will be obtained as well, including a dewatering well construction permit, should it be required.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- **Fire Protection Water Requirements:**
  - Since the dwellings of the subdivision are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

- **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 the main thoroughfares must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall

be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

- 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.

- **Gas Piping and System Information:**
  - Provide type of fuel proposed, and show locations of bulk containers on plan.

- **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
  - National Fire Protection Association (NFPA) Construction Type
  - Maximum Height of Buildings (including number of stories)
  - Provide Road Names, even for County Roads.

Applicable requirements from the Fire Marshal's office will be followed.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Office of State Planning Coordination Director

CC: Sussex County