

# Morris JamesLLP

A. Kimberly Hoffman  
302.888.5209  
khoffman@morrisjames.com

May 23, 2012

**VIA: U.S. MAIL**

Constance Holland, AICP  
Office of State Planning Coordination  
122 William Penn St., 3<sup>rd</sup> Floor  
Dover DE 19901

RE: Baker Residential of Pennsylvania, LLC (“Baker”)  
Major Land Development Plan  
and Response to PLUS comments dated April 23, 2012 (the “Plus Report”)

Dear Ms. Holland:

This firm represents Baker and is pleased to provide a response to the PLUS comments on Baker’s plan. The headings below correspond to the headings in the Plus Report for convenience.

Historic. This project does not involve federal funds or any construction beyond the road and some landscaping. Baker will remain aware of its legal duties under Title 7 of the Delaware Code during construction. No visible signs of graves appear on the property.

Water. Baker has contacted the Delaware Public Service Commission. Since no Delaware customers will be served, no further action is required. Attached electronic mail dated May 19, 2012 confirms this result.

Sediment and Stormwater Program. Comment acknowledged. A stormwater management plan has already been submitted to the County for review.

Hazardous Waste Sites. Comment acknowledged. The Phase I investigation of the property revealed no hazards.

Tank Management Branch. Comment acknowledged.

**Responses to  
Non-State Code Requirements  
In PLUS Comments**

Department of Transportation

Baker contacted Mr. Pao Lin of DelDOT as recommended. Mr. Lin has confirmed that DelDOT has resolved all matters relating to the Route 202 State Line Road intersection improvements. *See* April 26, 2012 Electronic Mail Transmission, attached.

Rare Species and Habitat Impacts

Comment acknowledged. The Corps of Engineers' and Pennsylvania permitting process already addressed endangered species and habitat issues. *See also* 25 P.A. Code § 105, 105.18a (permitting includes a Bog Turtle Habitat Screening Process) *and* <http://www.nap.usace.army.mil> (Pennsylvania State Programmatic General Permit). A jurisdictional determination, the Pennsylvania Department of Environmental Protection issuance of a general permit and the Conservation District's issuance of an Erosion and Sediment approval plus an NDPES permit have already occurred.

Additional Information on Tank Project.

Comment regarding PVC piping acknowledged. No underground storage tanks to be installed.

All PLUS comments have been incorporated into project design as stated above.

Thank you for your kind attention.

Very truly yours,



A. Kimberly Hoffman

AKH/met

Encls.

cc: Baker Residential of Pennsylvania, LLC

**Hoffman, A. Kimberly**

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**From:** Tim Smith [tsmith@thebakercompanies.com]  
**Sent:** Monday, May 21, 2012 7:23 AM  
**To:** Hoffman, A. Kimberly  
**Subject:** FW: Independence Towns

See message below from United Water. This should resolve the PLUS comment.

Timothy B. Smith  
Dir. of Project Development  
Baker Residential of PA, LLC / Iacobucci Homes  
Phone: 914-461-9114  
Cell: 610-637-0250

3 CREEK PARKWAY, SUITE 220  
NAAMANS CREEK BUSINESS CENTER  
BOOTHWYN, PA 19061  
1-914-461-9000

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**From:** Harris, Ted [mailto:Ted.Harris@UnitedWater.com]  
**Sent:** Saturday, May 19, 2012 4:31 PM  
**To:** Tim Smith  
**Subject:** RE: Independence Towns

Tim,

We are ok on this. United Water Delaware has the CPCN for the area in DE, and United Water Bethel has the CPCN for the area in PA.

Thanks,

**TED HARRIS, P.E.**  
*Senior Project Engineer*

**UNITED WATER**  
2000 First State Blvd.  
Wilmington, DE 19804  
Ph: 302-252-3016  
Fax: 302-633-5919



*Making the planet sustainable is the best job on Earth.*  
Please think twice before printing this e-mail.

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**From:** Tim Smith [mailto:tsmith@thebakercompanies.com]  
**Sent:** Thursday, May 17, 2012 11:45 AM  
**To:** Harris, Ted

5/21/2012

**Subject:** Independence Towns

Ted,

We received comments from the PLUS hearing for the Independence project at 146 State Line Road. They commented that although the project is in PA and the water main is being extended from Delaware to serve it, they thought we should check with the Public Service Commission. They noted that a Certificate of Public Convenience and Necessity may be needed. Can you tell me if this is required or not?

Timothy B. Smith  
Dir. of Project Development  
Baker Residential of PA, LLC / Iacobucci Homes  
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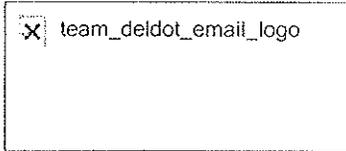
5/21/2012

**From:** Lin Pao (DeIDOT) [mailto:Pao.Lin@state.de.us]  
**Sent:** Thursday, April 26, 2012 7:54 AM  
**To:** Tim Smith  
**Subject:** RE: PLUS 2012-03-03 Independence Towns

Hi Tim

Your recollection is correct, since you have no changes to the plans you will not need to resubmit

Thank You,  
Pao



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**From:** Tim Smith [mailto:tsmith@thebakercompanies.com]  
**Sent:** Tuesday, April 24, 2012 3:33 PM  
**To:** Lin Pao (DeIDOT)  
**Subject:** FW: PLUS 2012-03-03 Independence Towns



Pao,

Attached is a copy of the report from the PLUS hearing for the Independence project on State Line Road in New Castle County. In the Transportation section, there is the following comment:

"Subsequently, however, the Subdivision Manager for this portion of New Castle County, Mr. Pao Lin, recalled only one, relatively preliminary, meeting with the applicant. DeIDOT strongly

5/16/2012

recommends that the developer contact Mr. Lin, to determine the requirements with regard to State Line Road and its intersection with Route 202. Mr. Lin may be reached at" (302) 760-2157.

I apologize, but I am not clear on what further steps need to be taken except application for a new permit for the proposed work. You may recall, DelDOT previously reviewed the intersection work and had issued a permit approval for the prior developer. Based on our conversations with Kevin Canning, it was our understanding that we needed to re-apply for the same permit since nothing has changed. If I am incorrect, can you please clarify what else needs to be done?

Thank you.

Timothy B. Smith  
Dir. of Project Development  
Baker Residential of PA, LLC / Iacobucci Homes  
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Cell: 610-637-0250

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**From:** Morris Dorothy (OMB) [<mailto:Dorothy.Morris@state.de.us>]  
**Sent:** Tuesday, April 24, 2012 12:31 PM  
**To:** 'Mike Sodl'; Tim Smith  
**Cc:** Bieri, Kenneth; 'Dave Culver (New Castle County)'  
**Subject:** PLUS 2012-03-03 Independence Towns

Attached is the PLUS report for the Independence Town project. If you have any questions, please let me know.

Thanks  
Dorothy L. Morris  
Planner II  
Office of State Planning Coordination  
122 William Penn Street, Third Floor  
Dover, De 19901  
302-739-3090  
302-739-5661 fax  
[dorothy.morris@state.de.us](mailto:dorothy.morris@state.de.us)

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5/16/2012