

May 30, 2014

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Sussex County Planning and Zoning Department
2 The Circle
Georgetown, DE 19947

RE: PLUS review 2014-04-03,
Cadbury at Lewes Expansion
Tax Parcel Number: 3-35-8.00-37.01 (Part of)

ATTN:Lawrence Lank, Planning Director

Dear Mr. Lank:

On behalf of our client Cadbury at Lewes, Inc., are pleased to submit a response to the PLUS comments received on May 21, 2014 for the proposed expansion of Cadbury at Lewes.

Strategies for State Policies and Spending

- This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. This site is also located in the Sussex County growth zone. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.

We acknowledge that the project is in Investment Level 1 according to the *Strategies for State Policies and Spending*. The proposed expansion will utilize the existing infrastructure within Cadbury at Lewes.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is no known archaeological site or National Register-listed property on this parcel. However, if there is going to be any type of development or construction

project on this parcel, the developer should be aware of Delaware's Unmarked Human Burials and Human Skeletal Remains Law, which is outlined in Chapter 54 of Title 7 of the Delaware Code.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code Title 7, Chapter 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information that pertains to unmarked human remains or cemeteries, please check the following websites for additional information:
www.history.delaware.gov/preservation/umhr.shtml and
www.history.delaware.gov/preservation/cemeteries.shtml

Prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine or see whether the parcel any potential archaeological site, unmarked human remains, burials, or cemetery. Furthermore, 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 any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and

the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

We thank the State Historic Preservation Office for their comments regarding unmarked human remains and burial. Cadbury at Lewes, Inc. will consider your recommendation to hire an archaeological consultant to review the site prior to ground disturbances.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site entrance must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, which is available at http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf. No new entrances are proposed but the existing entrance will need to be reviewed against current standards.
- As necessary, in accordance with Section 3.6.5 and Figure 3-3 of the Standards and Regulations for Subdivision Streets and State Highway Access, DelDOT will require dedication of right-of-way along the entire property frontage to provide a minimum of 30 feet of right-of-way from the road centerline. The right-of-way dedication note has been revised to the following, **“An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”**
- In accordance with Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access, DelDOT will require the establishment of a 15-foot wide permanent easement across the entire property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. 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 is hereby established to the State of Delaware, as per this plat.”**
- As specified in Section 3.4.1.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, a traffic generation diagram is required on the record plan. Based on the new site Average Daily Traffic (ADT) it will need to be determined if any auxiliary lanes are required for the entrance.
- In accordance with Section 3.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, a site plan shall be prepared prior to issuing

“Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:

Copy of the Initial Stage Fee Calculation Form
Copy of the Initial Stage Review Fee
Gate-Keeping Checklist – Site Plan
Design Checklist – Record Plan*
Owners and Engineer’s name and e-mail address
Three (3) paper sets of the Record Plan
Conceptual Entrance Plan
CD with a pdf of the Site Plan

*For the design checklist for the site plan, please refer to the Standards and Regulations for Subdivision Streets and State Highway Access, Appendix D, Plan Review Checklist, pages D-2 and D-3.

We thank the Department for their comments on the entrance plan requirements. Our office will contact Mr. John Fiori prior to commencing design of the project.

Department of Natural Resources and Environmental Control – Contact Bahareh Van Boekhold 735-3495

TMDLs

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. 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 State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions.
- A nutrient management plan is required under the *Delaware Nutrient Management law (3 Del. Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient

Management Program at 739-4811 for further information concerning compliance requirements or view the following web link for additional information:
<http://dda.delaware.gov/nutrients/index.shtml>

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. These regulations can be reviewed at <http://regulations.delaware.gov/documents/November2008c.pdf> and background information, guidance documents, and mapping tools can be retrieved from http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm.

The proposed development of the project will meet or exceed the requirements of the Inland Bays Pollution Control Strategy. A nutrient management plan will be developed should the project's open space exceed 10 acres of land.

Water Supply

- The information provided indicates that Tidewater Utilities will provide water to the proposed project through a public water system. DNREC files reflect that Tidewater Utilities does not currently hold a Certificate of Public Convenience and Necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 736-7547. The Division of Water 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 Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.
- 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 are Underground Storage Tanks associated with: (1) Cape Henlopen High School, (2) Lewes Gulf, (3) Barnacle Bob's, and (4) Adkins Oil Company, located within 1,000 feet of the proposed project

The Owners of the land will contact Tidewater Utilities, Inc. to begin discussions on the CPCN for the 5 acre portion of land. The project will comply with all dewatering requirements to include permitting should dewatering be required.

Water Resource Protection Areas

- The DNREC Water Supply Section, Groundwater Protection Branch (GPB) has determined that a portion of the project site falls within an excellent ground-water recharge potential area for Sussex County (see attached map).

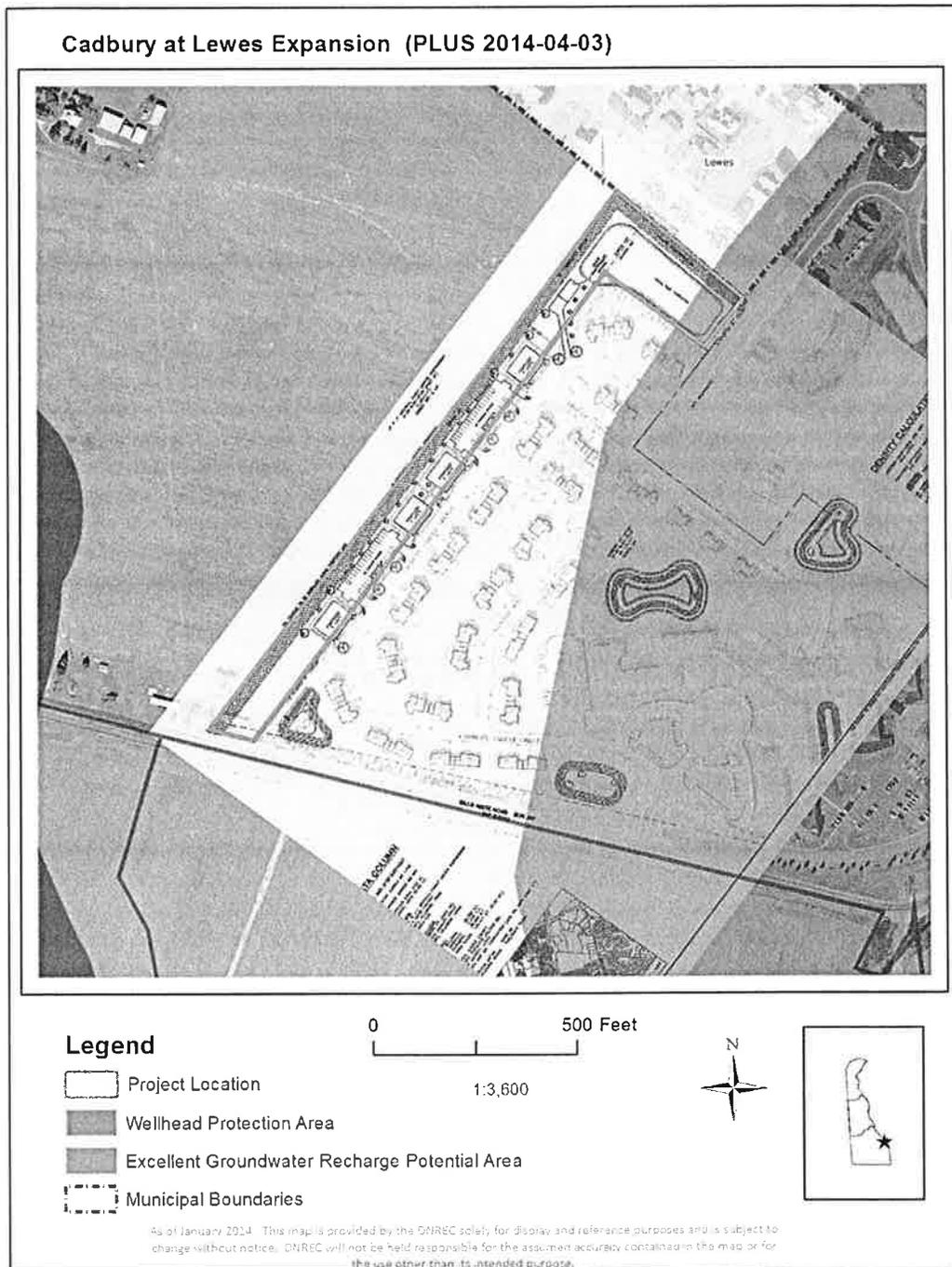
Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect ground water in these areas.

- The site plan shows a wet pond for the management of stormwater. Wet ponds intersect the water table and have the potential to affect the water quality of the aquifer. Some research suggests that pollutant removal is reduced when ground water contributes substantially to the pool volume (Schueler, 1997). Wet ponds as a BMP utilize a settling pond to remove particulates. This type of BMP reduces nutrients by the biological activity of alga. While these systems address the particulate and nutrient components of stormwater runoff, they do not address pathogens, petroleum hydrocarbons, pesticides, other organic compounds, and other inorganic compounds associated with residential land use (DNREC, 1999). Because this is an area of excellent recharge potential, there exists the potential for these constituents to enter the aquifer and compromise water quality.
- The construction phase of stormwater management ponds requires excavation, hauling, and grading. The heavy equipment used in this phase has the capacity to compact and degrade the structure of the strata that defines the area as an excellent ground-water recharge area (Schueler, 2000a). Changes to the structural

soil properties may cause significant reduction in recharge capacity. Installing storm-water management ponds in excellent ground-water recharge areas has the potential to contaminate the ground water beneath it and infiltrate into the aquifer (Schueler, 2000b).

- DNREC recommends that the wet ponds should be located outside the excellent ground water recharge potential area. In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, 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.

We thank the Section for their comments regarding the excellent recharge area. The type of stormwater system has not been designed and will comply with the Sediment and Stormwater Management Regulations. We will protect the recharge areas to the maximum extent possible and avoid using wet ponds in this area.



References

Andres, A. Scott, 2004, *Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66*, p. 14.
<http://www.udel.edu/dgs/Publications/pubform.html#investigations>

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

Schueler, T. 1997. Influence of groundwater on performance of stormwater ponds in Florida. *Watershed Protection Techniques* 2(4):525-528.

Schueler, T. R., 2000a, *The Compaction of Urban Soils*, in Schueler, T.R., and Holland, H.K., eds., *The Practice of Watershed Protection: Ellicott City, MD, Center for Watershed Protection*, p. 210 - 218.

Schueler, T. R., 2000b, Pollutant Dynamics of Pond Muck, in Schueler, T.R., and Holland, H.K., eds., The Practice of Watershed Protection: Ellicott City, MD, Center for Watershed Protection, p. 453 - 460.

Sediment and Stormwater Program

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a project 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. (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101)

The development of the project will comply with the Sediment and Stormwater Regulations and a detailed plan will be prepared.

Hazardous Waste Sites

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.

There are no SIRS sites or salvage yards found within a ½-mile radius of the proposed project

A Phase 1 Environmental Study was completed for the proposed expansion area and no hazardous areas were found or identified.

Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<p>Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</p> <p>Use covers on trucks that transport material to and from site to prevent visible emissions.</p>
7 DE Admin. Code 1113 – Open Burning	<p>Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year.</p> <p>Prohibit the burning of land clearing debris.</p> <p>Prohibit the burning of trash or building materials/debris.</p>
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<p>Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)</p>
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<p>Use structural/ paint coatings that are low in Volatile Organic Compounds.</p> <p>Use covers on paint containers when paint containers are not in use.</p>
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<p>Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2).</p> <p>Maintain recordkeeping and reporting requirements.</p>

7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.
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For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

The development of the project will comply with all required Delaware Air Quality regulations.

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

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):

- **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required to be extended. It is to include fire hydrants with 800 feet spacing on centers.
 - Where a water distribution system is proposed for multi-family sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- **Fire Protection Features:**
 - All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.
 - All multi-family residential buildings will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq. ft., 3-stories or more, or over 35 feet 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

- **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 thoroughfare 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.
- **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
 - 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 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

We have read all of the comments provided by the Office of State Fire Marshal and the project will comply with the Fire Protection Regulations and approval process.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Natural Resources-Contact Bahareh Van Boekhold 735-3495

Soils Assessment

- Based on soils survey mapping update, Greenwich is the predominant soil mapping unit mapped on subject parcel. Greenwich is a well-drained upland soil that, generally, has few limitations for development (Figure 1).

We thank the Department for providing the soils information for this portion of the property. The types of soils are conducive to the type of development proposed.

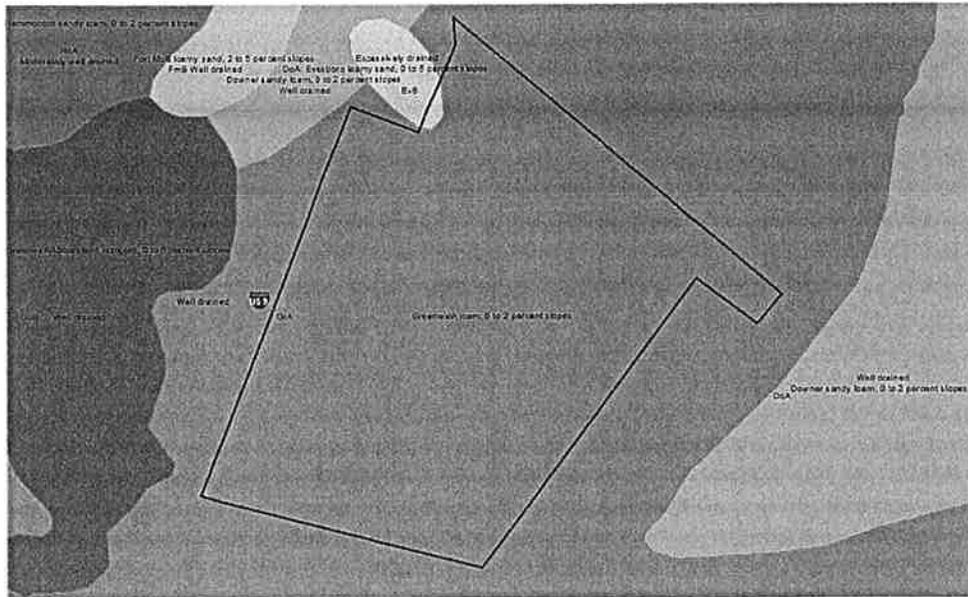


Figure 1: NRCS soil survey update mapping in the immediate vicinity of the proposed project

Additional information on TMDLs and water quality

- Compliance with the specified TMDL nutrient and bacterial reduction requirements specified for the Inland Bays watershed can be facilitated by the strategies and requirements described in the Inland Bays PCS, and the implementation of the following recommended BMPs:
 - Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, and roads) included in the calculation. We strongly recommend that the applicant avoid all hydric soil mapping units. Building on such soils is likely to contribute to an increased probability of future onsite and offsite flooding problems.
 - Use rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as BMPs to mitigate or reduce nutrient and bacterial pollutant impacts via runoff/discharges from impervious surfaces. Please contact Lara Allison at 739-9939 for further information about the possibility for installing a rain garden(s) on this parcel.
 - Applicant should calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops,

driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation.

- Wherever practicable, use pervious paving materials (instead of conventional asphalt and concrete) as a BMP(s) to reduce the impacts from all forms of created surface imperviousness.

- Applicant should voluntarily assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed land use(s); thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. DNREC strongly encourages the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact Jen Walls or John Martin at (Division of Watershed Stewardship) at 739-9939 for more information on the protocol.

The project will be designed to meet the Sediment and Stormwater Regulations. The regulations promote recharge, use of various green technology practices, BMPs. All impervious areas (roofs, pavement, sidewalks and permanent pools) are included in the calculations.

Additional information on hazardous waste sites

- DNREC recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

- Additional remediation may be required if the project property or site is re-zoned by the county.

- Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil),

construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRS should also be contacted as soon as possible at 302-395-2600 for further instructions.

A Phase 1 Environmental Assessment report was received by Cadbury at Lewes, Inc. on May 27, 2014. The report did not find anything significant.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Please refer to the DelDOT website to determine whether a Pre-Submittal Meeting to be required before plans are submitted for review. Guidance on what will be covered at this meeting and how to prepare for is located at http://www.deldot.gov/information/business/subdivisions/Pre-Submittal_Meeting_Requirements.doc. The form needed to request this meeting is available at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.doc.
- The Investment Levels map associated with the Strategies for State Policies and Spending shows the subject development to be in an Investment Level 1 area. DelDOT's Shared-Use Path and/or Sidewalk Process policy (available at http://www.deldot.gov/information/business/subdivisions/SUP_Sidewalk_Process.pdf) requires that a path or sidewalk be installed along the State-maintained road frontage of any development in a Level 1 area. Therefore, the applicant should expect a requirement that a 10-foot path be installed along the entire property frontage. If a physical impossibility exists, than a fee in lieu of construction shall be paid.
- In accordance with the policy just mentioned, the applicant should expect a requirement that the following note be added to the record plan, "The shared-use path shall be the responsibility of the developer. The State of Delaware assumes no responsibility for the future maintenance of the shared-use path."
- Please be advised that the standard general notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of June 28, 2013 for the Record/Site Plan and Construction Plan general notes. The Temporary Traffic Control general notes have a revision date of November 26, 2013.. The notes can be found at http://www.deldot.gov/information/business/subdivisions/DelDOT_Development_Coordination_Plan_Sheet_Notes.doc.

- The applicant should expect a requirement that a turning template plan be provided to verify vehicles can safely enter and exit the site entrance. The entrance shall be designed for the largest vehicle using the entrance.
- Please use the Auxiliary Lane Worksheet to determine whether auxiliary lanes are warranted at the site entrance. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.
- The applicant should expect a requirement that all PLUS and/or TAC comments be addressed prior to submitting record, subdivision or entrance plans for review

We thank the Department for the additional requirements regarding shared use path, forms, templates, worksheets and notes. We will contact John Fiori before beginning the design of the project.

Division of Public Health – Contact Laura Saperstein 744-1011

- The Delaware Division of Public Health (DPH) is pleased to be able to participate in the PLUS application process. In keeping with its mission to protect and promote the health of all people in Delaware, DPH looks for opportunities to encourage and enhance our population's health behaviors that will result in healthy people and healthy communities.
- Community design can impact the health of a population. Studies show that persons in lower-income communities, the elderly, and children often suffer more from consequences of inadequate land-use and transportation. Additionally, physical activity has a direct correlation to many chronic diseases, including hypertension, diabetes and obesity. In 2012, 39.1% of Delawareans reported a BMI of "overweight," and 26.9% reported a BMI as "obese." To that end, DPH looks to make recommendations for land-use that can empower Delawareans to make good health behaviors a part of their daily lives.
- DPH is pleased to see the inclusion of sidewalks which are connected to existing adjacent development. The inclusion of this pedestrian infrastructure will enable residents to choose walking or bicycling as an active transportation option. Additionally, DPH is pleased to observe that this development is located in close proximity to adjacent parks. Locating housing developments within a

reasonable distance to active recreation facilities enables residents the option of active recreation as part of their everyday life.

- The Division of Public Health feels The Cadbury at Lewes Expansion has the opportunity to increase positive health behaviors for its residents by incorporating the following recommendations into its land development proposal:
 - Provide pedestrian connection to the existing development to further active transportation (walking/Biking) among residents.
 - Include pedestrian lighting on all paths and walkways to enhance the usability of active transportation options.
 - Enhance and improve the connectivity of internal trail networks.
 - Include crosswalks at all key intersections

The proposed expansion will promote walking and biking amongst residents and will connect to the existing Cadbury at Lewes where possible.

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

- It is suggested that contact be made with Delaware Health and Social Services, specifically, the Division of Long Term Care Residents Protection, to determine if the proposed facility is subject to their licensing and/or regulatory criteria. They are located at 24 NW Front Street, Suite 20; Milford, DE 1996, and the phone number is (302) 424-8600
- 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.

Cadbury at Lewes, Inc. is familiar with the licensing and regulatory criteria and will contact the Division regarding this expansion. A preliminary meeting with a fire protection specialist will be conducted prior to the design of the project.

Mr. Lawrence Lank
May 30, 2014
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We thank the State and all Departments for their comments on this project. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.
Principal

CC: Constance C. Holland, AICP, Office of State Planning
Vic Amey, Cadbury at Lewes, Inc.
Robert Gibbs, Morris James Wilson Halbrook & Bayard, LLP