



November 26, 2014

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

ATTN: Mr. Shane Abbott, Assistant Planning Director

RE: Lewes – Rehoboth Townhouse Preliminary Site Plan
PLUS Review 2014-10-07, Lewes Rehoboth Townhouses
Tax Map No: 3-34-6.00, Parcel 687.00
DBF No: 2261B002.G01

Dear Mr. Abbott:

On behalf of our client, Jack Lingo Asset Management, LLC, we have reviewed the PLUS comments provided by the Office of State Planning and Coordination. We offer the following responses to their comments.

Strategies for State Policies and Spending

- *This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. 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 the project is located within a Level 1 investment area where infill projects are strongly encouraged.

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 will be any construction or development project on this parcel, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law, which is in Title 7, Chapter 54, of the Delaware Code.*

Michael R. Wigley, AIA, LEED AP
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Gerald G. Friedel, P.E.

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 pertaining 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 may want to hire an archaeological consultant to examine the parcel for any potential archaeological site (historic or pre-historic), historic cemetery or unmarked human remains.

- 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. 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 and Preservation Office for their comments and information on Unmarked Human Remains.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The response to question 25 on the PLUS application indicates that the subject development would generate 1,228 vehicle trips on an average weekday. DelDOT would expect the development to generate only 370 vehicle trips on an average weekday, 36 of them in the evening peak hour.*

These volumes would not be high enough to warrant a Traffic Impact Study (TIS) in accordance with the traffic volume warrants found in Section 2.3.1 of our Standards and Regulations for Subdivision Streets and State Highway Access.

On August 12, 2014, DelDOT met with the applicant and their engineer to scope a TIS for similar proposal to develop 78 townhouses on this site, but with the reduction in density, the warrants are no longer met.

With that said, DelDOT could still require a Traffic Operational Analysis (TOA) for this development because it would generate more than 200 vehicles per day. Given the small scope of the TIS, the TOA would likely have a very similar scope if a TOA is needed. DelDOT recommends that the applicant's engineer contact the Sussex County Review Coordinator, Mr. Stephen Sisson, to determine whether a TOA will be needed. Mr. Sisson can be reached at (302) 760-2553.

- *The site entrance must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access. A copy of the Standards and Regulations is available at http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf.*
- *Please be advised that DelDOT has advertised for comment a comprehensive revision of the Standards and Regulations. The comment period ran through June 30 and DelDOT could adopt this revision as soon as January 2015. Implementation guidance has not been developed but DelDOT recommends that the developer's engineer become familiar with the proposed changes and assess whether any of them could be relevant to this project. Information on the proposed revision is available in*

*the Register of Regulations and at
http://www.deldot.gov/information/pubs_forms/revisions_to_ASR/index.shtml.*

- *Referring to Section 1.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, the Initial Stage review fee shall be assessed to this project.*
- *Referring to Section 1.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, the Construction Stage review fee shall be assessed to this project.*
- *In accordance with Section 3.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, any off-site improvements and when those improvements are warranted need to be noted on the record plan.*
- *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*
 - *Submission of the Area-Wide Study Fee (if applicable)*

**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.*

- *In accordance with the minimum standards provided in 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 site's frontage on Shady Road and Plantation Road. DelDOT could not verify from the plan presented whether the dedications shown would be sufficient.

- *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 property frontage on Shady Road and Plantation Road. 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."*

- *Referring to Section 4.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review;*
 - *Copy of the Construction Stage Fee Calculation Form*
 - *Copy of the Construction Review Fee*
 - *Gate-Keeping Checklist – Entrance Plan*
 - *Design Checklist – Entrance Plan***
 - *Three (3) paper sets of the Entrance Plan*
 - *Auxiliary Lane Worksheet*
 - *Sight Distance Worksheet*
 - *SWM Report and Calculations (if applicable)*
 - *CD with a pdf of the Entrance Plan*

State ***For the design checklist for the entrance plan, please refer to the Standards and Regulations for Subdivision Streets and Highway Access, Appendix D, Plan Review Checklist, pages D-9 and D-13.*

- *In accordance with Section 4.8 of the Standards and Regulations for Subdivision Streets and State Highway Access, stormwater facilities, excluding bioswales, shall be located a minimum of 20 feet from the ultimate right-of-way lines of Shady Road and Plantation Road. See Section 3.6.5 and Figure 3-3 regarding the location of that line.*

- *In accordance with Section 5.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, DelDOT will require the establishment of a sight distance triangle at the entrance in accordance with AASHTO standards. A worksheet has been developed to assist with this task and can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.*
- *Metes and bounds and total areas need to be shown for any drainage easements. Section 5.7.2.5 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access requires, in part, a minimum 20-foot wide drainage easement for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements must be shown and noted on the record plan.*

We have read all of the above comments and our traffic engineer will contact Mr. Sisson to determine the need for a TOA. In addition, our office is aware of the future changes to the Standards and Regulations for Subdivision Streets and State Highway Access. Our office is familiar with the requirements for submitting projects to the Department and will comply with all requirements to include a pre-submission meeting.

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

TMDLs

- *The project is located in the greater Delaware River and Bay drainage area, specifically within the Broadkill River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” 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 Broadkill River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 75 percent reduction in bacteria from baseline conditions.*

We are aware of the TMDL requirements for the Broadkill River and anticipate meeting the TMDL requirement through compliance with the “new” stormwater regulations.

Water Supply

- *The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 85-W-15.*
- *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.*

We thank the Water Supply section for the information regarding the CPCN number and dewatering information.

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).*

Our office will contact the District as part of the Detailed Sediment and Stormwater Management Plan Review.

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	<i>Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. Use covers on trucks that transport material to and from site to prevent visible emissions.</i>
7 DE Admin. Code 1113 – Open Burning	<i>Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. Prohibit the burning of land clearing debris. Prohibit the burning of trash or building materials/debris.</i>
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<i>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)</i>
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<i>Use structural/ paint coatings that are low in Volatile Organic Compounds. Use covers on paint containers when paint containers are not in use.</i>
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<i>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). Maintain recordkeeping and reporting requirements.</i>
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<i>Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</i>

For a complete listing of all Delaware applicable regulations, please look at the website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

We thank that Air Quality Section for their comments and will pass this information on to the contractors for the project for compliance.

Hazardous Waste Sites

- *If it is determined by the Department that there was a release of a hazardous substance on the property in question, it is suggested that the guidelines and*

provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup be followed.

- *There is one SIRB site found within a ½-mile radius of the proposed project. Jackson Borrow Pit (DE-0149) located 0.16 mi to the east portion of the project area. Jackson Pit is a former borrow pit used as a dump for household garbage since approximately 1975 and closed in 1982. A Preliminary Assessment (PA) was conducted on the Site in November 1986 followed by a Site Investigation (SI) in September 1988. As part of a Facility Evaluation conducted in November 1997, groundwater was sampled to evaluate the potential contamination of drinking water wells. A Proposed Plan of Remedial Action and Final Plan of Remedial Action (PP/FP) was published in April 2003 for Operable Unit-1 and 2 of the Site. The PP/FP required that a deed restriction prohibiting the installation of wells or usage of groundwater within the Site Groundwater Management Zone, and the removal of debris encountered during regarding of the Site. The Final Plan for OU-1&2 was published in August 2003. The site was issued a Certificate of Completion of Remedy in September 2004.*

We thank the Hazardous Wastes Sites for the information regarding the known SIRB site. The Developer / contractor will comply with the provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup should a hazardous substance be found on the property.

Tank Management Section

- *If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.*
- *The following confirmed leaking underground storage tank (LUST) projects are located within a quarter mile from the proposed project area:*
 - *Burton Property, Facility: 5-000598, Project: S9202042 (Inactive)*
- *Per the UST Regulations: Part E, § 1. Reporting Requirements:*
 - *Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:*
 - *The Department's 24-hour Release Hot Line by calling 800-662-8802; and The DNREC Tank Management Section by calling 302-395-2500.*

We thank the Tank Management Section for their comments and information regarding the known LUST and reporting requirements.

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 Transportation – Contact Bill Brockenbrough 760-2109

- *Because the proposed development would generate more than 200 vehicle trips per day, a Pre-Submittal Meeting is required before plans are submitted for review. Guidance on what will be covered at this meeting and how to prepare for it 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 aforementioned meeting held on August 12 for the 78-unit plan may have been sufficient in this regard. DelDOT recommends that the applicant's engineer contact Mr. Sisson to determine whether another meeting is needed.*

Our office will contact Mr. Sisson to determine if another meeting is required.

- *As shown on the Investment Level map associated with the Strategies for State Policies and Spending, the subject development is located in a 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) provides that in Level 1 and 2 areas a path or sidewalk must be installed along the State-maintained road frontage. If a physical impossibility exists, and none is apparent here, then a fee in lieu of construction shall be paid.*

The revised plan shows a multi-modal path along the road frontage. We will discuss this further with the Department prior to submitting entrance plans.

- *As drawn, the hammerhead turnaround features proposed on three of the four north-south streets would likely be used by residents as overflow parking and therefore lose their value as turnaround features. DelDOT recommends that they be eliminated in favor of making those four streets into two loop streets.*

We understand the Department's concern about the hammerheads at the end of the stub streets. We will discuss this with the fire marshal as well as the possibility to looping the road as part of the final site design.

- *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 May 21, 2014 for the Record/Site Plan and Construction Plan general notes and the Temporary Traffic Control general notes. The notes can be found at*

http://www.deldot.gov/information/business/subdivisions/DelDOT_Development_Coordination_Plan_Sheet_Notes.doc

We will ensure that the most current notes are used when the entrance plans are submitted.

- *Please check to determine whether any utilities will need to be relocated as part of this project.*

We will determine this as part of the entrance plan design.

[Department of Natural Resources and Environmental Control – Contact Kevin Coyle 739-9071](#)

Drainage Program

- *The Drainage Program recommends drainage easements to be of adequate width to allow for pipe replacement in the future developed landscape. The Drainage Program requests the easement be 20 feet and prefers the pipes be located in the center of a 20 foot wide open space. All drainage easements should have a responsible party listed (HOA, County) who has authority for future use within the easement.*

The project is a condominium that will have one maintenance entity. Easements will not be required for this project.

Soils Assessment

- *Based on soils survey mapping update, Downer is the main soil mapping unit mapped in the immediate vicinity of the proposed project. Downer is a well-drained soil that, generally, has few limitations for development.*

We are aware of the soil characteristics of the Downer soil mapping unit and the few limitations for development.

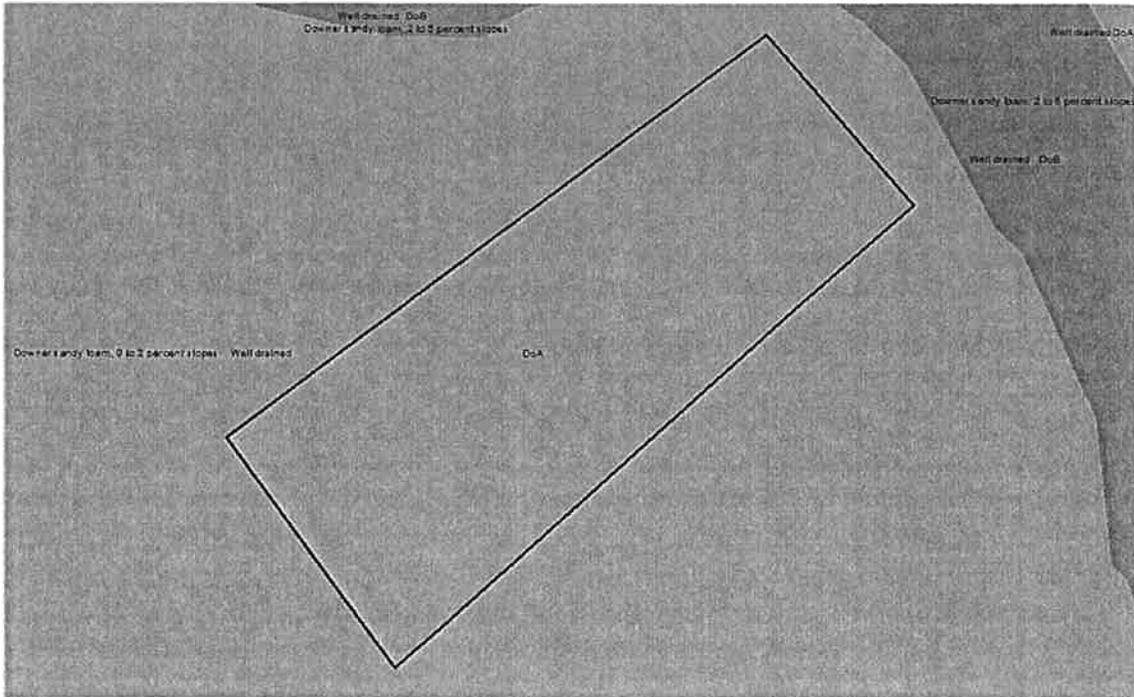


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed project

Additional information on TMDLs and water quality

- *In response to concerns about the need for reducing nonpoint source nutrient (nitrogen and phosphorus) and bacterial pollutants to levels sufficient to meet the TMDL reduction requirements prescribed for waters of the greater Broadkill River watershed, a multifaceted and comprehensive process known as a pollution control strategy (PCS) was developed. Specifically, a PCS is a combination of best management practices and control technologies that reduce nutrient and bacterial pollutant runoff loading in waters of a given watershed to level(s) consistent with the TMDL(s) reduction levels specified for that watershed. The PCS for the Broadkill River watershed consists of recommendations from the following three areas: agriculture, stormwater, and wastewater. Additional information about Broadkill River PCS can be reviewed in the follow web link:*

<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

- *DNREC strongly encourages the applicant reduce nutrient and bacterial pollutants through voluntary 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.*

- *Wherever practicable, the use of pervious paving materials (instead of conventional asphalt and concrete) to mitigate said impacts.*
- *Use of green-technology storm water management (in lieu of open-water management structures) and raingardens as BMPs to reduce nutrient pollutant impacts. Please contact Lara Allison at 739-9939 for further information about siting a raingarden(s) in this parcel.*
- *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) that result from the conversion of individual or combined land parcels to a different land use(s), while providing applicants with quantitative information about their 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 John Martin or Jen Walls at 302-739-9939 for more information on the protocol.*

We have reviewed the additional information. The project will comply with the Broadkill River PCS and use Green Technology to the extent feasible.

Additional information on tank management

- *When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.*
- *If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.*

We have reviewed the additional information and will pass this onto the Developer / Landowner and / or contractor.

Additional information on hazardous waste sites

- *Site Investigation Restoration Section (SIRS) strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Assessment 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.*
- *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.

We have read the additional information regarding the Phase 1 Assessment and will pass this onto the landowner for their consideration. We will also pass on the hazardous release information to the landowner and / or contractors for implementation, if necessary.

Additional information on air quality

- *New homes may emit, or cause to be emitted, additional air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:*
 - *Emissions that form ozone and fine particulate matter; Delaware currently violates federal health-based air quality standards for ozone,*
 - *The emission of greenhouse gases which are associated with climate change, and*
 - *The emission of air toxics.*

- *Air emissions generated from new homes include emissions from the following activities:*
 - *Area sources such as painting, maintenance equipment and the use of consumer products like roof coatings and roof primers.*
 - *The generation of electricity, and*
 - *All transportation activity.*

- *Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) were quantified. Table 2 – Projected Air Quality Emissions represents the actual impact the Truitt Property may have on air quality.*

<i>Table 2: Projected Air Quality Emissions for Lewes Rehoboth Townhouses</i>					
<i>Emissions Attributable to Lewes Rehoboth Townhouses (Tons per Year)</i>	<i>Volatile Organic Compounds (VOC)</i>	<i>Nitrogen Oxides (NOx)</i>	<i>Sulfur Dioxide (SO₂)</i>	<i>Fine Particulate Matter (PM_{2.5})</i>	<i>Carbon Dioxide (CO₂)</i>
<i>Area source emissions</i>	<i>1.6</i>	<i>0.2</i>	<i>0.1</i>	<i>0.2</i>	<i>6.7</i>
<i>Power emissions</i>	<i>*</i>	<i>0.7</i>	<i>2.3</i>	<i>*</i>	<i>333.6</i>
<i>Mobile emissions</i>	<i>4.1</i>	<i>5.4</i>	<i>0.1</i>	<i>*</i>	<i>1566.4</i>
<i>Total emissions</i>	<i>5.7</i>	<i>6.3</i>	<i>2.5</i>	<i>0.2</i>	<i>1900.0</i>

() Indicates data is not available.*

Note that emissions associated with the actual construction of the residential community, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

- *DNREC encourages sustainable growth practices that:*
 - *Control sprawl;*
 - *Preserve rural and forested areas;*
 - *Identify conflicting land use priorities;*
 - *Encourage growth on previously developed sites and denser communities while at the same time protect our diminishing land base;*
 - *Coordinate transportation, housing, environment, and climate protection plans with land use plans; and*
 - *Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.*

- *Additional measures may be taken to substantially reduce the air emissions identified above. These measures include:*
 - *Constructing with only energy efficient products. Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is excellent way to save on energy costs and reduce air pollution.*
 - *Offering geothermal and/or photo voltaic energy options. These systems can significantly reduce emissions from electrical generation and from the use of oil or gas heating equipment.*
 - *Constructing with high albedo, high solar reflectance materials. This includes roofing and hardscape. These materials help to reduce heat island impacts and, by extension, help to minimize the potential for localized ground-level ozone formation. These materials also help reduce demands on air conditioning systems and save on energy costs.*
 - *Providing shade for parking areas. Approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating stormwater.*

- *Encouraging the use of safe multimodal transportation. This measure can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk, bike path, or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.*
- *Using retrofitted diesel engines during construction. This includes equipment that is on-site as well as equipment used to transport materials to and from site.*
- *Using pre-painted/pre-coated flooring, cabinets, fencing, etc. These measures can significantly reduce the emission of VOCs from typical architectural coating operations.*
- *Planting trees in vegetative buffer areas, particularly those between the site and adjacent residential areas. Trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.*

This is a partial list, and there are additional things that can be done to reduce the impact of the development. The applicant should submit a plan to the DNREC DAQ which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the Truitt Property project.

We have read the Air Quality additional information. The project is in infill within the Level 1 area. We will review the mitigation measures during design and implement them when possible. We will also pass this information onto the Architect and contractors for additional implementation measures.

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 would offer the following recommendations for consideration to the Lewes Rehoboth Townhouses:*

- *The inclusion of a pedestrian infrastructure. This will enable residents to choose walking as a recreational option.*
- *Internal sidewalks and walkways allow individuals to incorporate physical activity into daily routines. Consider incorporating multi-use pathways and internal connections to adjacent land developments to accommodate pedestrians and bicycles. The Lewes Rehoboth Townhouses are within a reasonable walking distance to several public facilities including a library, school, and other mixed-use and commercial areas. Locating housing developments within a reasonable distance to other facilities enables residents the option of active transportation that include non-motorized vehicles.*
- *Include pedestrian lighting on all paths and walkways to enhance the usability of active transportation options.*
- *Consider including bike facilities into the land use plan, such as bike lanes, bike signage bike parking.*
- *Include crosswalks at all key intersections.*

The project does incorporate a multi-modal path. The Developer will look at the feasibility of providing internal sidewalks for the project.

Department of Education-Contact Despina Wilson 735-4040

DOE offers no comments or discussion regarding State regulatory issues. However, the DOE supports this project, subject to the following comments:

- The DOE requests that the developer work with the Cape Henlopen School District's transportation department to establish developer supplied bus stop shelter ROW.
- The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate, such as adequate width of roads to accommodate school buses and designated pick up and drop off sites.
- As per DOE formula, this development would potentially add 27 students to the school district. DOE records indicate that the affected School Districts' schools are nearing or exceeding capacity based on the September 30, 2014 enrollment. As such, the DOE requests that the developer contact the affected School District administration to address the issue of school over-crowding that this development has the potential to cause.

Mr. Shane Abbott
Sussex County Planning and Zoning
November 26, 2014
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Our office will contact the Cape Henlopen School District on a suitable location for a bus stop.

We thank the Office of State Planning as well as other State and Local Agencies for their comments on this project. If you have any questions, please contact me at 302-424-1441 or rwl@dbfinc.com.

Sincerely,
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.
Principal

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CC: **Constance C. Holland, AICP, Office of State Planning**
Nick Hammonds, Jack Lingo Asset Management, LLC