



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

December 13, 2004

Mr. Richard Kautz
Sussex County Planning
P.O. Box 417
Georgetown, De 19947

RE: PLUS 2004-07-09 - Wetherby

Dear Mr. Kautz:

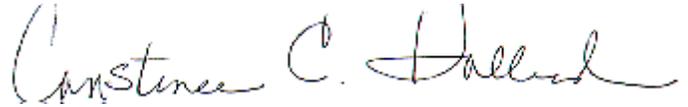
Attached is a copy of a letter received from River Basin Engineering regarding their response to the State agency comments received through the Preliminary Land Use Services (PLUS) for the Wetherby project to be located on Harmon's Hill Road. I have also attached a copy of our original comments dated August 19, 2004 and the updated concept plan reflecting the changes made in response to our comments.

It was noted in our original letter that this project is located within an Investment Level 4 area according to the Strategies for State Policies and Spending. In these areas, State policies encourage preservation of natural and agricultural resources and discourage large scale development. We stated that we were not in favor of this development and had significant concerns relating to the development of the site. We remain concerned about this and the amount of development proposed for this general area, especially because it is outside of areas where the State and County have planned for growth.

In reviewing the developer's response, we were pleased to see that some of the State comments were addressed, particularly clustering homes to preserve a buffer along Polly Prettyman Branch, interconnection with the adjacent Avebury proposal, stub streets to adjacent properties, and addition of sidewalks.

However, we are particularly concerned with the increase in the number of units included in this revised proposal. The initial proposal reviewed through the PLUS process included 92 residential units, while the revised site plan includes 126 units, a 37 percent increase over the initial proposal.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland
Director

CC: Andrew Hayes, River Basin Engineering
Glen Urquhart, Springfield Self Storage

Attachments: Letter from River Basin Engineering dated 10-25-04
Letter from State Planning dated 08-19-04



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724 Yorklyn Road – Suite 300
Hockessin, DE 19707
Phone: (302) 234-1850
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E-mail: rbe-redclay@riverbasineng.com

October 25, 2004

Constance C. Holland, AICP
Director
Office of State Planning Coordination
540 S. DuPont Highway
Thomas Collins Building, Third Floor
Dover, DE 19901

RE: Wetherby Property – PLUS Review

Dear Ms. Holland,

We are providing this letter in response to the comments from State agency planners from our meeting on August 4, 2004 at which we discussed the proposed Wetherby Project to be located on Harmon's Hill Road.

The Project has been revised per Sussex County's new cluster ordinance which has decreased lot sizes and increased open space. Therefore, we are seeking site plan approval for a 126 unit subdivision on 64.98 acres, providing 47% open space.

This office offers the following comments to these State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The plan has been revised per Sussex County's new cluster ordinance to reduce the lot sizes and provide for additional protection of the vital natural resources on and around the site, including Polly Prettyman Branch, the wetlands and riparian buffers associated with it. The clustered plan removes lots from the wetland areas and significantly reduces the impacts to the wooded areas while providing improved recreational opportunities for residents.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

The plan has been revised per Sussex County's new cluster ordinance and has greatly reduced the amount of disturbance required in the wooded areas of the site. The developer has been notified of the Delaware Unmarked Human Remains Act (7 Del. Code 54) by copy of your comments and is advised

to contact Faye Stocum in your office (302-739-5685) if any unmarked human remains or archaeological items are discovered. No trace title information was found during the course of our deed research.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The plan has been revised per Sussex County's new cluster ordinance and has added the desired stub streets to connect this project to the lands to the west and south. The plan has also been revised to add sidewalks throughout the community to encourage walking and has been revised to promote internal circulation between subdivision streets. Also, the proposed interconnection between the adjoining proposed Avebury subdivision to the south has been added to improve circulation between the two properties. This office will continue to coordinate with the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding requirements with regard to the design of the site entrances and, if streets are to be built for State acceptance, the design of the streets as well. At this time the developer has not made a request for the streets to be built for state acceptance.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

The plan has been revised per Sussex County's new cluster ordinance and possible impacts on habitat, water quality, air quality, and traffic have been reduced.

SOILS

The soils on site have been mapped out and the subdivision layout has been designed to accommodate for well drained or very poorly drained soil areas, as well as for those areas appropriate for the treatment and disposal of treated wastewater.

WETLANDS

The wetlands located on site have been delineated and the plan has been designed so no disturbance occurs in these areas. Therefore, no permitting or certification is anticipated. Vegetated buffers have been employed from the edge of the wetland complexes. The delineation is anticipated to be verified by the Corps of Engineers through the Jurisdictional Determination process.

EXCEPTIONAL RECREATIONAL/ECOLOGICAL SIGNIFICANT WATERS

The construction plans will be designed using Best Management Practices (BMPs) as defined in subsection 11.5(e) of Delaware's "Surface Water Quality Standards" to reduce non-point sources of nutrient runoff. Controlling the addition of pollutants and reducing them to the greatest degree practicable will be considered as part of the design of this plan.

TOTAL MAXIMUM DAILY LOADS

The wastewater treatment plant is anticipated to be designed in accordance with the requirements of Section 11.5 of the State of Delaware's Surface Water Quality Standards and meets all the federal codes and state requirements for Total Maximum Daily Loads which is a nutrient-runoff-mitigation

strategy for reducing nutrients in the Inland Bays Watershed. With the implementation of this design both nitrogen and phosphorus loading will be reduced to acceptable standards. While the developer has yet to inform our office of an agreement, we anticipate that the developer will enter into an agreement with a public utility for wastewater treatment and disposal.

WATER SUPPLY

The plan has been designed with the intent of connecting to a public utility water supply. If this connection is not possible and an on-site public well is needed, it will be located at least 150 ft. from the outermost boundaries of the project and will be constructed in accordance with The Division of Water Resources' requirements. Also, all permits for well construction or dewatering points will be obtained before construction of these features if they are needed.

STORMWATER MANAGEMENT

The plan will be designed with the intent to match the pre-development hydrology on the site. The design will attempt to promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces. The lots along Polly Prettyman Branch have been moved to provide a natural buffer along the waterway. Also, the stormwater management areas have been moved so that a minimal amount of forest needs to be removed in order for successful construction. Each stormwater management facility has an adequate outlet for release of stormwater and all drainage conveyed onto this site from adjoining properties will be adequately conveyed through the site without interruption. A thorough soil investigation is planned so that an adequate separation distance can be designed between the wastewater treatment facilities and the stormwater management areas on site.

FORESTS

The plan has been revised per the cluster ordinance to greatly reduce the amount of upland, riparian, and wetland forests impacted compared to the original PLUS submission.

OPEN SPACE

The plan has been revised per the cluster ordinance to maximize the existing buffering capacity and wildlife habitat on site by pulling most lot lines and other infrastructure out of the existing forests. Passive open space will be designed to ensure increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and low maintenance costs. Open space that contains forest and/or wetlands will be placed into a permanent conservation easement or other permanent protection mechanism and demarked to avoid infringement by homeowners.

REVEGETATION

The site will be renegotiated using non-invasive species for all disturbed areas. The DNHP web site should be used to determine which species are invasive in the state of Delaware. Native plants shall be given preference for renegotiation of all disturbed areas.

RECREATION

The plan has been revised to include an interconnection stub to the proposed Avebury project located to the South. There has also been a stub street added for the adjoining property to the West. These interconnections also includes a sidewalk which will compliment the walking and biking facilities, provide opportunities for neighbors to interact in the community, and facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work, etc. Trail loops have been revised to connect each area of the subdivision along with the potential recreational open space areas while keeping a desirable distance from the proposed wastewater treatment facilities areas. The plan has also been revised to provide the following active recreation areas in the open space provided:

- Walking or Jogging Paths
- Bike Paths
- Picnic Areas
- Swimming Pool
- Playgrounds

These recreation facilities are intended to meet most of the Statewide Comprehensive Outdoor Recreation (SCORP) high priorities and several moderate priorities for Eastern Sussex County.

AIR QUALITY

The plan has been revised to include an interconnection between the adjoining proposed Avebury project which will include a sidewalk/bike path which will provide some level of mitigation for air quality. The plan also includes multiple recreation facilities all within the subdivision which will promote bikeability and walkability between residence and recreation.

UNDERGROUND STORAGE TANKS

The Tank Management Branch shall be notified immediately should any underground storage tank or petroleum contaminated soil be discovered during construction.

SITE INVESTIGATION AND RESTORATION

DNREC shall be notified immediately should any hazardous substances be encountered during construction pursuant to Title 7, Delaware Code, Section 6028.

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

At the time of formal submittal a completed application, fee, and three sets of plans depicting fire protection water requirements, accessibility, gas piping and system information, and the required notes will be included in accordance with the Delaware State Fire Prevention Regulations (DSFPR).

Department of Agriculture – Contact: Mark Davis 739-4811

The plan has been revised, per relevant County ordinances, to provide a forested buffer that is required between the proposed subdivision and the adjacent property to the east that is in active agricultural use. The adjacent property to the west is timberland and thus a wooded buffer is not required. In addition, a buffer will be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision. The developer is encouraged to consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission – Contact: Andrea Maucher 739-4247

The plan has been designed to supply water by a central public water system. While the project site is currently not located in an area where public water service is available, public water utilities are interested in extending the current service area to include this project as well as other surrounding subdivisions. Those public water utilities will be required to obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Any expansion of natural gas or installation of a closed propane system will be designed in accordance with Pipeline Safety Guidelines. All information regarding wastewater service areas on this project will be filed with the Public Service Commission. It is anticipated that the developer will pursue a CPCN with a public utility and comply with all regulations thereto.

Delaware State Housing Authority – Contact: Karen Horton 739-4263

The development of this plan and proposed surrounding subdivisions will promote the development of services, markets, and employment opportunities in this proximity in order to serve the increased population. This development is located in a rapidly developing area.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

The developer is to notify the police, fire service, and emergency medical response organization serving this portion of Sussex County to keep them apprised of all development activities.

Department of Education – Contact: Nick Vacirca 739-4658

The developer is advised to submit a package to the Indian River School District for informational purposes which will include transportation planning information. The developer is advised to work closely with the school district transportation supervisor.

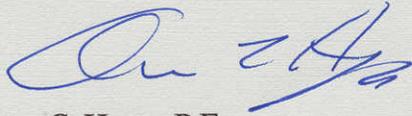
Sussex County – Contact: Richard Kautz 855-7878

The plan has been revised to eliminate the two cul-de-sacs backing up to each other and to provide for connectivity with adjacent large parcels, most notably the proposed adjoining Avebury project. The plan has also been revised to provide additional open space other than the area necessary for utilities and stormwater management. The site has been designed for a private central community wastewater system. The collection and transmission system will be designed and constructed to meet the Sussex

sewer standards and specifications. When Sussex County provides sewer service to the area of this subdivision, the treatment system could be abandoned and a direct connection could be made to the county system at the developers and/or homeowners association expense.

Please let River Basin Engineering know if you have any questions and/or comments regarding these responses.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Andrew C. Hayes', with a stylized flourish at the end.

Andrew C. Hayes, P.E.

Cc: Mr. Glen Urquhart, Springfield Self Storage with enclosures

Enclosures