



# DC GROUP

DESIGN CONSULTANTS GROUP, L.L.C.

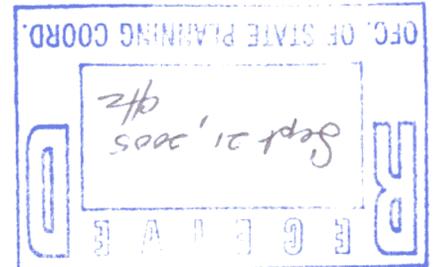
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September 13, 2005

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



RE: PLUS 2004-12-01  
Anthem

Dear Ms. Holland:

We are in receipt of your PLUS comments dated January 10, 2005 for the above referenced project and have judiciously incorporated many of these comments into the revised site plan. Our specific reply comments are as follows:

#### **Office of State Planning and Coordination (OSPC)**

The Developer is proposing 151 single-family lots situated on 75.89± acres of land located on the North side of SCR 260 (Walker Road), approximately one mile West of SCR 258 (Hudson Road). The property is presently zoned Agricultural Residential (AR-1). The total proposed density for this site is less than 2 lots per acre (1.99 lots per acre) based on the Sussex County Cluster Development Option.

This project will be developed according to Future Land Use map in the Comprehensive Plan, which supports projects that are being developed in rural areas under its current zoning. This project is approximately one-half mile from the Investment Level 2 and 3 areas depicted on the State strategies map for State Policies and Spending. Therefore, it is anticipated that future County planning and annexation areas might be extended to this subdivision.

Although there is not an ordinance established for a buffer from Section 404 Wetlands, the developer recognizes the need to preserve the existing aquatic resource on site, so per OSPC recommendations lot lines will be removed from the recommended 100-foot buffer setback to the wetland. Site plan was revised so that significant forest resources on site were retained.

It should also be noted that street trees will also be furnished throughout the site. Street trees play a prominent role in carbon sequestration, air pollution absorption, street traffic calming and asphalt life cycle extension, energy conservation, and provide intangible sociological benefits.

*Design Consultant Services Through Land Use Planning*

## **State Historic Preservation Office (SHPO)**

Per SHPO recommendations, 100% of existing woodlands in wetland areas will be preserved to safeguard against infringing on historic archaeological sites associated the demolished house on this property, which in no longer extant.

The developer does not anticipate any issues with regards to Section 106 of the National Historic Preservation Act, but per SHPO request, the developer will contact Anne McCleave should artifacts be discovered on site.

## **Department of Transportation (DeIDOT)**

To support existing traffic and additional traffic from this development, road development plans were finalized with Subdivision Manager for Sussex County, Mr. John Fiori. DeIDOT has issued a letter of "No Objection" for the entrance location plan of this Project.

Per DeIDOT requirements, a right-of-way dedication for an additional 5 ft is provided

Per DeIDOT requirements, a 15' easement for a multimodal path is provided

Per DeIDOT recommendations, Liberty Lane is connected to Hawthorne Trail, hence forming a grid street pattern.

## **Department of Natural Resources and Environmental Control (DNREC)**

### General Comment

The developer of this project and the developer of adjacent subdivision (Anthem) are proposing to connect the Wastewater Treatment and Disposal systems of both subdivisions together, thus, making it more efficient to manage the operation of this Community OWTDS.

Stub streets and pedestrian access easements are also provided throughout both subdivisions with the sole purpose of meeting the recreational need for walking and biking facilities and providing opportunities for residents to interact within both communities. The entrance plans of both Holland Mills and Anthem subdivisions are interconnected for easy access and connectivity thus, encouraging mobility within both subdivisions.

### Soils

The excessively drained Evesboro (EvA 0-2%); the somewhat excessively drained Rumford (RuA 0-2%; RuB 2-5%); the moderately well-drained Woodstown and the poorly drained Johnston (Jo) series were mapped over the entire project area in the Soil Survey of Sussex County (1974).

Evesboro and Rumford soils have few limitations for development; Woodstown soil has moderate limitation for development. Johnston is very poorly-drained soil associated with floodplain wetlands (Hydric) and has severe limitation for development.

Atlantic Resource Management, Inc. mapped the soils in the vicinity of this development as follows:

- (1) Typic Hapludults (Downer, Sassafras, Ingleside, Hambrook series) – soils of this mapping unit pose slight to no limitation for development and siting of OWTDS.
- (2) Aquic Arenic Hapludults (Rockawalkin Series) – soils within this mapping unit pose moderate limitations for development and siting of OWTDS due to shallower depths to seasonal high water tables and steep slopes.

#### Wastewater

Community Large, on-site Wastewater Treatment and Disposal systems (LOWTDS) are proposed for this Development. Preliminary soil reconnaissance conducted by Atlantic Resource Management, Inc. indicates that majority of on-site soils are suitable for siting of septic systems. More than 75% of these onsite soils have fluctuating water table greater than 40 inches and nutrient leaching via groundwater or surface runoff is not anticipated.

A performance-based Community OWTDS with a mechanical type pre-treatment system which utilizes Rapid infiltration basins for Disposal area is currently being proposed for this development. Based on the Soil Reconnaissance conducted by Atlantic Resource Management, Inc. 80-90% of the soils encountered onsite have the potential to support community large, on-site Wastewater treatment and disposal systems (LOWTDS). Vast majority of these soils have fluctuating water table greater than 40 inches and nutrient leaching via groundwater or surface runoff is not anticipated.

At this time the Developers have entered into an agreement with Tidewater Utilities, Inc., and a CPCN has been filed at this time.

#### Wetlands

Wetlands and waters of the United States boundaries within the subject parcel were delineated in the field by Atlantic Resource Management, Inc. The presence of approximately 4.61 acres of non-tidal wetlands was identified within this subject Property. A wetland delineation report was submitted to the Philadelphia District U.S. Army Corps of Engineers (USACE) to obtain a jurisdictional determination on the wetland boundary. We are currently waiting on letter, verifying the extent of these non-tidal wetlands from USACE.

Wetlands provide water quality benefits by attenuating flooding and providing important habitat for plants and wildlife. 100-foot vegetated buffer will be employed from the edge of the wetland complex and other waterbodies on-site. 100% of wooded wetlands will be preserved. Per DNREC recommendations, all lots will be removed from existing wetlands.

#### TMDLs

The Property is located adjacent to receiving waters of Delaware Bay watershed, for which TMDLs have not yet been established. Since such receiving waters are a major avenue for nutrient-laden stormwater and sediment runoff, the State affords the highest protection status to these waters. TMDLs for Broadkill subwatershed, to which this parcel belongs, are scheduled for completion in December of 2006.

The developer recognizes the need for protection of the environment and although not mandatory, a detailed nutrient budget analysis was prepared via DNREC's Nutrient Protocol to ascertain this site's post-development nutrient loading rate. The post-development loading rate of this development was compared to an established loading rate of Inland Bays Low Reduction Area and resultant data are in compliance with the mandated TMDL of Inland Bays Low

Reduction Area. However, practicable best available technologies (BATs, BMPs) will be employed by the developer to mitigate nutrient impacts associated with this development.

Mitigating measures such as conservation design, central wastewater systems in place of individual on-site septic systems and all available BMPs will be utilized to the greatest degree practicable to protect sensitive headwaters and waterbodies.

#### Water Supply

No specific plan change recommendations regarding water supply. At this time the Developers have entered into an agreement with Tidewater Utilities, Inc., and a CPCN is being initiated at this time.

Should dewatering permit be needed during construction, the developer will follow all necessary procedures to obtain permit from the Water Supply Section prior to construction of well points.

#### Water Resource Protection Areas

Sussex County is currently drafting local ordinances that may limit future development in area mapped as conducive to groundwater recharge. The developer has incorporated into the revised site plan most recommendations to augment recharge in this development. Abundant of open spaces (34%) and stormwater management structures (wet ponds, infiltration systems) are provided throughout the site to augment recharge.

#### Sediment and Erosion Control/ Storm Water Management

Stormwater structures are one of the most effective techniques for providing channel protection and pollutant removal prior to discharging into the existing streams or discharge points. Stormwater structures are among the most adaptable, effective and widely employed stormwater treatment practices in developing areas. The popularity of stormwater structures can be attributed to their proven ability to attenuate runoffs from stormwater. Stormwater structures and wetlands are common practices for treating stormwater runoffs.

The fact that this site has both existing wetlands and stream, with the land use cover (row crops) that presently exists indicates that the wetlands, forest and streams on site are acting as a water quality practices prior to the runoff draining through this site.

With the introduction of single family lots, permanently vegetated landscape, open areas, and additional ponds, the amount of pollutants leaving the site will decrease, thus the runoff will be reduced prior to entering the existing aquatic resource areas.

During the design of the stormwater practices the designers and the developer will work with the Sussex Conservation District (SCD) to achieve the best management practice for this development.

If the existing stream and wetlands are to be used for stormwater discharge the designers will obtain all County, State and Federal permits prior to construction.

No specific plan change recommendations regarding Erosion Control and Storm Water Management. As part of our preparation of site storm water and grading plans for approvals by

Sussex County Engineering (SCE) and the Conservation District (SCED), all comment requirements will be addressed.

#### Forests

Refer to previous comments regarding existing woods. In keeping with DNREC suggestions and as part of our preparation of final site subdivision plans, areas to be set aside for conservation easements may be considered.

#### Open Space

Refer to previous comments regarding existing woods.

#### Rare/ Threatened/Endangered Species

In maximizing the existing buffering capacity and wildlife habitat on-site, lot lines and other infrastructure (such as stormwater management ponds) will be removed from the forested wetland area. Vegetated buffers of no less than 100 feet will be employed from the edge of the wetland complex and other waterbodies on site.

#### Revegetation/Landscaping

Per DNREC preferences, landscape architectural specification of plant species for revegetation of disturbed area will be fashioned after Delaware natives or sturdier varieties of native plants. Per DNREC recommendations and as part of our preparation of landscape architectural plans for this project, appropriate street tree and planting materials will be specified for this project.

#### Nuisance Waterfowl

Per DNREC recommendations and as part of our preparation of landscape architectural plans for the site, native plantings and other edge treatments will be specified around proposed water bodies to deter nuisance waterfowl. Furthermore, recreational paths around the edge of ponds will encourage canine owners to walk their dogs in these areas, providing additional passive strategy towards dissuading nuisance waterfowl habitation of the pond areas.

#### State Resource Areas/ Natural Areas Inventory

No specific plan change recommendations regarding State Resource Areas. The preservation of existing wetlands and significant reduction of tree removal will adequately protect these outlying natural areas.

#### Recreation

Per DNREC recommendations, sidewalks will be furnished fronting every residence. Active and passive recreation space in the form of improved landscape areas and related amenities is provided throughout the site and will provide opportunities for neighbors to interact within the community and to engage in leisure activities.

#### **State Fire Marshal's Office (DSFMO)**

No specific plan change recommendations by DSFMO. Per DSFMO comments, detailed plans will be submitted in accordance with Delaware State Fire Prevention Regulation (DSFPR) for Fire Marshal approval.

### **Department of Agriculture (DDA)**

Most environmentally sensitive issues have been thoroughly addressed and incorporated into our revised site plan. Refer to above comments.

Due to the presence of an Agricultural Preservation District within 300 feet from the subject property, DDA suggests a modified agricultural notice be included in each new deed generated by the proposed subdivision

To fulfill DDA's request and meet County requirements, the following hybrid notice will be used:

"This property is located in the vicinity of an established Agricultural Preservation District and land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance or inconvenience which may result from such normal agricultural uses and activities."

Per Delaware Forest Service (DFS) recommendations and as part of our preparation of landscape architectural plans for this project, appropriate street tree and planting materials will be specified for this project and will be biased towards Delaware natives or sturdier varieties of native trees and shrubs.

### **Public Service Commission (PSC)**

No specific plan change recommendations by PSC. Developers have entered into an agreement with Tidewater Utilities, Inc., and a CPCN is being initiated.

### **Delaware State Housing Authority (DSHA)**

Refer to reply comments made to OSPC

### **Department of Education (DOE)**

Per DOE recommendations, street design for this subdivision will be in compliance with Sussex County Engineering (SCE) requirements, which are adequate to accommodate school buses.

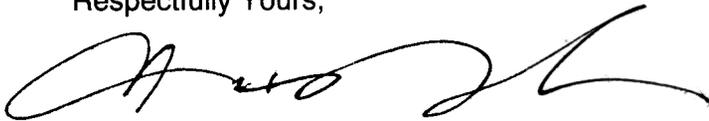
### **Sussex County (SCE)**

Per SCE recommendations and as part of our overall submittal to the County for approval, stub road access to adjacent property will be provided. Plan for the open space management can be found in our revised site plan.

This project will be developed according to the approved AR-1 Cluster Zoning Ordinance. The overall design concept provides approximately 34% of open space as compared to 30% open space required under the Counties Cluster Ordinance. Conservatively, this increased open space provides more opportunity to preserve and protect more natural and historic resources on-site.

With these reply comments, I am forwarding copies of our revised plan for your reference. If there are any questions regarding this letter or about the revised plan, please do not hesitate to contact us at (302) 684-8030.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'Mark H. Davidson', written in a cursive style.

Mark H. Davidson  
Owner  
Design Consultants Group, L.L.C.