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February 16, 2005

Ms. Constance C. Holland, AICP
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Re: PLUS review – PLUS 12-04-2004; Beaver Creek-Phase 3

Dear Constance,

This letter is in response to comments received from the Delaware Office of State Planning Coordination following PLUS review of the Beaver Creek-Phase 3 Subdivision in Sussex County, Delaware. The comments have been addressed below in the same order they were received in your January 7, 2005 letter.

1. Comments from: Office of State Planning Coordination

- It is noted that the State will not support or participate in any improvements necessary to serve this development.
- The layout presented in the Beaver Creek submittal has been determined to be the layout that fits this property the best utilizing the cluster ordinance. The development proposed within the existing forested area will only remove about 37% (6.878+/- ac.) of the trees, allowing 63% (11.685+/- ac.) of the existing trees to remain. Clearing of trees shall be limited to lots, roads, clubhouse, pool, stormwater pond, and wastewater and propane infrastructure. The trees that will remain will preserve the continuation of the larger forested area, which continues through Beaver Creek Phases 1 and 2.
- The amount of lots within the existing wooded portion of the property has been minimized as much as possible. All lots, with the exception of three, that are adjacent to the wetlands, have at least a 50 foot buffer between the back yard setback and the approximate wetlands line. Many of the lots have larger than a 50 foot buffer. It was stated at the PLUS meeting that the wetlands line shown on the plans has not been formally delineated, and as the line does not follow the contours, it does not appear to be correct as shown. A formal delineation will be performed, and we believe it will show an even greater buffer from the lots than it does on the plans submitted for PLUS review.
- The increase in lots has been considered in all aspects of the subdivision design.

2. Comments from: State Historic Preservation Office (SHPO)

- a. The demolition of the existing house on the property is still scheduled within the next few months. The Developer is awaiting a confirmation from Anne McCleave of the date and time of which the house will be documented.
- b. A variable width landscape buffer easement shall be provided along the West and South sides of the property to minimize visual impacts to these properties. A 30' forested buffer shall be provided along the North and Northeast sides of the property for the same purpose.
- c. Please refer to responses #1.b and #1.c above in regards to the development within the forested areas.

3. Comments from: Delaware Department of Transportation

- a. It is noted that DeIDOT will not participate in the cost of any road improvements needed to support the Beaver Creek – Phase 3 development.
- b. An additional 10' right-of-way from the centerline of Route 5 shall be dedicated to public use per request.
- c. A 15' wide permanent easement shall be provided adjacent to the new right-of-way line for Route 5 across the frontage of the site for the purpose of a paved multi-modal path.
- d. The layout of the roads and lots has been considered, and this layout has been determined to fit the property best under the cluster ordinance. The proposed cul-de-sac will not be changed, as its central location within the site and pedestrian paths to Riverwalk Drive will provide residents of the cul-de-sac with a sense of community. The cul-de-sac will also provide future residents with a option to have more privacy within their lots than those not in the cul-de-sac.
- e. A stub street shall be provided to the Sherman parcel to the North.
- f. Entrance design and improvements shall be in compliance with DeIDOT standards. A separate DeIDOT entrance submittal shall be made to Mr. John Fiori.

4. Comments from: The Department of Natural Resources and Environmental Control

- a. Design Recommendation –
 - i. Please refer to response #1.b and #1.c in regards to the layout of the development and the buffer along the forest and wetland complex. The layout of the lots is compact by purpose of the cluster ordinance. The open space which separates groups of lots is to promote walkability within the development and enhance the nature and vegetation throughout the entire development, not just one area. A forested or landscaped buffer is provided along all property lines where vegetation does not exist to maintain habitat quality and water quality for Beaver Creek.
- b. Soils –
 - i. The soil types have been noted and will be considered during the design process.
- c. Wetlands –
 - i. It is noted that permits will be required for impacts to wetlands. Please refer to response #1.c in regards to the vegetated buffer from the wetland complex. Homeowners who purchase lots near wetlands shall be made known of the legalities involved with such purchase. Protection of

downstream waters which may be impacted by development at Beaver Creek shall be considered during the design process.

- d. TMDLs –
 - i. Best Management Practices and/or Best Available Technologies will be employed to reduce degradative impacts associated with development.
- e. Water Supply –
 - i. It is noted that a well construction permit must be obtained prior to constructing any wells.
 - ii. It is noted that a dewatering well construction permit must be obtained if dewatering points are needed at any phase of construction. It is also noted that a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- f. Sediment and Erosion Control/Stormwater Management –
 - i. A detailed sediment and stormwater plan shall be submitted to Sussex Conservation District. Sediment control and stormwater management shall be designed per all applicable regulation and all necessary fees and applications will be addressed as required. It is noted that a pre-application meeting is recommended with Sussex Conservation District.
 - ii. It is noted that an NOI is required for this project.
 - iii. It is noted that stormwater management practices that mimic pre-development hydrology are recommended.
 - iv. It is noted that each stormwater management facility should have an adequate outlet for release of stormwater. Drainage from neighboring properties will be considered during the stormwater design process.
 - v. It is noted that a CCR will be required for the site during construction.
 - vi. It is noted that a state and/or federal permit will be required for construction within wetlands.
- g. Forests –
 - i. Please refer to response #1.b and #1.c in regards to the impact to the forested area and to the forested buffer.
 - ii. It is noted that DNREC recommends placing forested lands set aside for conservation purposes into a permanent conservation easement or binding protection mechanism.
- h. Open Space –
 - i. Please refer to response #1.b and #1.c in regards to maximizing the existing buffering capacity and wildlife habitat.
 - ii. The developer will consider establishment of additional forested areas or meadow type grasses in areas set aside for passive open space.
 - iii. The developer will consider placing open space that contains forest and/or wetlands into a permanent conservation easement.
- i. Stormwater Ponds, Buffers, and Nuisance Species –
 - i. The stormwater management ponds will be properly landscaped as required, with the best interests of the community residents.
 - ii. It is noted that it is recommended that swm ponds be at least 100' away from all wetlands and water bodies.
- j. Revegetation/Landscaping –
 - i. The site shall be landscaped with native plants where feasible/possible.
- k. Recreation –
 - i. The location of the recreational facilities was designed to provide central access from all phases of the Beaver Creek developments (Phases 1, 2,

and 3). A pedestrian path is provided between Beaver Creek Phases 1 & 2 and Phase 3 for shared use of all amenities.

- ii. Sidewalks are proposed along one side of every street. We feel this meets the need for walking/biking facilities. The sidewalks will be constructed for possible extension to future parcels. Other pedestrian paths are located throughout the development to further provide walking facilities.
- I. Underground Storage Tanks –
 - i. It is noted that there is one active LUST site near the proposed project. If contaminated soil is discovered the Tank Management Branch will be notified as soon as possible, and construction specifications will be changed as needed.
- m. Air quality concerns have been considered in the design phase of this project. By utilizing the cluster development regulations, this development includes 52.4% open space and will retain over half of the existing woods on the property. The pedestrian walkways and paths promote walkability and bicycling, which will also help mitigate potential air impacts.

5. Comments from: State Fire Marshal's Office

- a. Fire Protection Water Requirements -
 - i. Water distribution for storage is not required for this project.
 - ii. The water distribution for assembly shall be designed to be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. A fire hydrant with 800 feet spacing is provided for assembly.
 - iii. The water distribution for one and two family dwellings shall be designed to be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing are provided.
 - iv. Infrastructure for fire protection water shall be provided on plan, including the size of water mains.
- b. Fire Protection Features –
 - i. There are no proposed structures that are over 10,000 Sq. Ft. or over 35 ft. for this development.
 - ii. See response to #5.b.ii
 - iii. Fire Department Connections will be shown on plans and will be within 300 feet of fire hydrants.
 - iv. Under the current design, fire lanes are not required.
- c. Accessibility –
 - i. The entrance road from Route 5 will be constructed so fire department apparatus may negotiate it.
 - ii. Fire department access shall be able to locate within 100-feet of the front door of homes within the subdivision as average design lot depth is 100-feet.
 - iii. All dead end roads are designed with a 38' radius cul-de-sac. The stub street to the adjacent parcel to the North is designed with a 38' radius easement, which will provide fire apparatus turn around. The dimensions of the cul-de-sacs will be shown on the final plans, and will be noted that parking is prohibited in the cul-de-sac or turn around.
 - iv. No methods of traffic speed reduction are planned for this development.
- d. Gas Piping and System Information -

- i. The proposed type of fuel will be shown on plans, as well as any locations of bulk containers.
- e. Required Notes -
 - These required notes shall be shown on the plans:
 - i. "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
 - ii. Proposed use
 - iii. Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - iv. Square footage of each structure (total of all Floors)
 - v. National Fire Protection Association (NFPA) Construction Type
 - vi. Maximum Height of Buildings (including number of stories)
 - vii. Name of Water Provider
 - viii. Letter from Water Provider approving system layout
 - ix. Road Names, even for County Roads

6. Comments from: Department of Agriculture

- a. All trees outside of the proposed lots shall be preserved during the construction process. A general note shall be added to plans.
- b. A landscape plan appropriate for this property shall be used and will encourage connections for both traditional and green infrastructure between future development activities and existing natural resources.
- c. It is noted that DFS encourages the use of a forestry or arboriculture professional to support the activities recommended for the site.

7. Comments from: Public Service Commission

- a. It is noted that any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.
- b. It is noted that the water service provider selected will need to file an application for a CPCN with the Public Service Commission in order to provide water to the Beaver Creek subdivision.
- c. It is noted that the waster service provider will need to file an application for a CPCN with the Public Service Commission in order to provide wastewater services to the Beaver Creek subdivision.

8. Comments from: Delaware State Housing Authority

- a. All comments have been noted.

9. Comments from: Department of Education

- a. It is noted that the Department of Education recommends the submission of an informational package to the Cape Henlopen School District regarding the Beaver Creek development and its potential for generation of students.
- b. School transportation planning shall be considered for Beaver Creek as discussed in the PLUS comment letter.

10. Comments from: Sussex County

- a. A stub road will be provided to the adjacent Sherman property. See response #3.e.
- b. The proposed private central community wastewater system will be designed to serve all Phases of Beaver Creek (1,2, and 3). It is noted that the County recommends that the wastewater system be operated under a long-term contract with a capable wastewater utility. It is also noted that the County recommends that a wastewater utility provider is determined prior to approval of the project.
- c. Access to all utilities within the subdivision shall be provided by internal roads of the subdivision.
- d. It is noted that if the County provides sewer service in the future, it is required that the treatment system be abandoned and a direct connection made to the County system at developer and/or homeowner association expenses. However, due to the legal issues regarding this item, we decline to offer a comment at this time.
- e. The wastewater treatment and disposal system shall be submitted to Sussex County Engineering Department for review.

Should you have any additional questions or comments, please feel free to call me.

Sincerely,

Kevin Burdette *REM*

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