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March 7, 2005

Sussex County Planning and Zoning
Sussex County Administration Building
2 The Circle, Room 147
Georgetown, DE 19947

Attn: Mr. Lawrence Lank
Director

RE: Hayfield
PLUS Response Letter
DBF#1231A012C

Dear Mr. Lank:

This letter is in response to comments received from the Office of State Planning dated February 28, 2005. We have revised the plan based on these comments and our response is included for your review.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.

State Strategies/Project Location

- *This proposal is located within an Investment Level 4 area according to the Strategies for State Policies and Spending and adjacent to the Village of Isaacs Glen, a proposal for more than 3,000 residential units in an area where neither the State nor the County have planned for growth. We are very concerned about the cumulative impact that these large residential subdivisions are going to have on the rural character and agricultural viability of this area, where, as Department of Agriculture comments reference, the State has made a significant investment in agricultural preservation. For these reasons, the State strongly opposes this proposal.*

- *An analysis of farm preservation activity within a three mile area surrounding this site revealed the following: there are 13 Ag Districts encompassing 1,516.13 acres and 43 Permanent Agriculture Easements encompassing 3,536.58 acres and representing over a \$4.5 million dollar State investment in farm preservation.*
- *This site is also designated as both high-valued cropland and forestland in accordance with the State's Green Infrastructure Investment priorities map.*
- *The developer and landowner should work with the Department of Agriculture and other state agencies to develop new alternatives for the management and development of this site that maintain the character of the area.*

We acknowledge the States' concern regarding State Strategies and Project Location

Street Design and Transportation

- *If this and the adjacent Village of Isaacs Glen move forward, the two developers should coordinate the location of the stub street that will join the two properties. As a note, this stub street should be moved from where its current location to avoid any sharp turns. A stub street should also be provided to the parcel east of this parcel and north of the Village of Isaacs Glen*

We have contacted the engineer for the Isaacs Glen subdivision regarding stub streets. The stub streets for both projects will be aligned and we will work with them throughout the design of this project.

- *The developer will be required to dedicate sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads.*

We will dedicate the required right-of-way necessary so that the proposed right-of-way will be thirty feet (30') from centerline of the road.

- *A paved multi-modal path, located in a 15-foot wide permanent easement will be required across the frontage of the site.*

A fifteen foot (15') permanent easement will be shown on the record plan as we move forward with this project.

Natural and Cultural Resources

- *If developed, the plan should be revised to include higher quality open space, including protection of forested areas and inclusion of areas for active recreation.*

- *Site plans indicate that 79 lots are within the existing tree line in the northeastern portion. These lot lines should be redesigned to avoid impacts to the forested area and to maximize the area of undisturbed forest. Clearing activities should be minimized.*
- *A 100' buffer area is shown adjacent to the wetlands on the site plan. We appreciate the inclusion of this buffer and ask that it be forested and that any forest clearing adjacent to the sensitive headwater wetland be minimized or avoided.*

We acknowledge the concern regarding Natural and Cultural Resources. We have redesigned the site as follows: The active open space has been moved to the center of the site. There are sixty (60) lots proposed in the woods and we have preserved 18.48 acres of woods, which is a preservation of forty-four percent (44%) of total woodlands on site. The one hundred foot (100') buffer has been reduced to fifty-foot (50') to allow more woodland to be preserved.

- *Because this site has so many roadways, we encourage the designer to look at using open swale sections for roadway drainage to promote infiltration near the source.*

The site has sidewalks on both sides of the streets to promote walking. Open swales are not conducive to a site with sidewalks.

- *One existing pond is located on site. If this pond will be used for stormwater management, it must be retrofitted to meet the safety requirements for stormwater management ponds, including benches and 3: 1 or flatter slopes, as outlined in Pond Code 378. The periphery of any proposed ponds (including stormwater management ponds) should contain a 50-foot buffer of native woody and/or herbaceous vegetation.*

The existing pond will be retrofitted to be in compliance with Pond Code 378 if it is used as a SWM facility. If the existing pond is not used as a SWM facility, it will remain in its current configuration. The proposed SWM facilities will be landscaped so that the SWM facilities will be an amenity instead of a nuisance.

The following are a complete list of comments received by State agencies:

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

This proposal is located within an Investment Level 4 area according to the Strategies for State Policies and Spending. State policies in these areas support agricultural preservation and natural resource protection and not development activities. It is also within a Low Density area according to the Sussex County Comprehensive Plan. The State will not provide any support for infrastructure improvements necessary to serve this development.

We note also that this proposal is located adjacent to the Village of Isaacs Glen, a proposal for more than 3,000 residential units in an area where neither the State nor the County have planned for growth. We are very concerned about the cumulative impact that these large residential subdivisions are going to have on the rural character and agricultural viability of this area, where, as Department of Agriculture comments reference, the State has made a significant investment in agricultural preservation. For these reasons, the State strongly opposes this proposal.

If this proposal moves forward, we ask that the project be redesigned to provide for higher quality open space than presently shown on the plan. Preservation of the forested area on the northeastern portion of the parcel should be a part of the site plan. Additionally, the developers for this proposal and the Village of Isaacs Glen should coordinate to provide for interconnection between the two proposals.

We acknowledge the concern of the State. We have redesigned the site, which provides more usable open space and woodland preservation.

State Historic Preservation Office SHPO - Contact: Alice Guarrant 739-5685

The State Historic Preservation Office does not favor this project because it is located in State Strategies Level 4 area.

There is a medium probability for prehistoric and historic archaeological sites. In addition, there are potential historic properties surrounding the subject parcels and the significance of the historic properties is associated with the rural and agricultural landscape. Developing this project would affect the landscape and, subsequently, the historic context of the area and the individual properties.

We acknowledge the concern of SHPO.

Department of Transportation - Contact: Bill Brockenbrou2h 760-2109

Because the development is proposed for a Level 4 Area, it is inconsistent with the Strategies for State Policies and Spending. Therefore DelDOT will not participate in the cost of any road improvements needed to support this development. The comments that follow are technical, and are not intended to suggest that DelDOT supports this development proposal.

- 1.) On the plan presented at the PLUS meeting, the developer proposed stub streets to the adjacent parcels on the northeast and southeast. There is a third parcel, between those two, to which no stub street was proposed. It is recommended that a stub street be provided there and DelDOT understands from the applicant's engineer that one will be provided. The stub street to the southeast is located such that any extension of it would have to turn sharply near the property line. It is recommended that the stub be moved to allow for a better street layout on the adjoining property. In addition, the adjoining property is part of*

the proposed Village of Isaacs Glen development. The plans for the two projects should be coordinated so that the streets connect.

We have contacted the engineer for the Isaacs Glen project. The stub streets will be aligned for both projects.

- 2.) *Hummingbird, Carpenter and Smith Roads are classified as local roads. Local roads in rural Delaware typically have right-of-way widths ranging from 33 to 50 feet. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication to provide any additional width needed from this project.*

We will dedicate sufficient right-of-way so that the proposed right-of-way will be thirty feet (30') from centerline of the road.

- 3.) *DelDOT will also require that a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site.*

A fifteen-foot (15') permanent easement will be shown on future record plans.

- 4.) *The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements for access. Mr. Fiori may be reached at (302) 760-2260.*

We will contact Mr. John Fiori for entrance improvements as this project moves forward.

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

Soils

According to the Kent County soil survey, Evesboro, Rumford, Woodstown, and Fallsington were mapped in the immediate vicinity of the proposed construction. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Rumford is a well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

Although most of the soils on this parcel are fairly well drained, they have some limitations associated with rapidly permeable sandy subsurface horizons. Such soils are conducive to nutrient leaching via groundwater or surface runoff into the surrounding watershed. In soils containing shallow water tables or found in close proximity to waterbodies, these impacts are greatly intensified.

We acknowledge the comment regarding soils and nutrients.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands in the southwestern portion of this site.

Although impacts are not anticipated, a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should still be conducted to ensure against unanticipated impacts. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

The wetlands have been field located and will be submitted to the Army Corp of Engineers for Jurisdictional Determination.

A 100' buffer zone is shown on the site plans. The developer is strongly encouraged to ensure that this buffer zone is forested; and to minimize clearing of forest resources in this area. The southwestern corner of the site presents a good opportunity for reforestation.

The one hundred foot (100') buffer has been reduced to fifty feet (50') to allow for woodland preservation. The buffer is located in existing woods and will remain wooded.

It should also be noted that this parcel contains sensitive headwater riparian wetlands associated with the Sowbridge Branch and an unnamed tributary (or name unknown) ultimately draining to the Broadkill River. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. That is, headwater riparian wetlands not only protect and enhance water quality, they provide migratory corridors and habitat for a variety of wildlife species. Consequently, the Department recommends that the applicant minimize or better yet forgo, the clearing/removal of the existing forested upland acreage adjacent to said headwater wetlands.

We acknowledge this comment.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Broadkill River subwatershed, of which this parcel is part, are scheduled for completion in December 2006. Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies

(BATS) and/or best management practices (BMPs) as "methodological mitigative strategies" to reduce degradative impacts associated with development.

We will incorporate BATS and BMPs during the design of this project.

Water Supply

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.

Should you have any questions concerning these comments, please contact Dale Annis at 302-739-3665.

If dewatering is required during construction we will comply with all applicable rules and regulations.

Sediment and Erosion Control/Stormwater Management

Applying practices to mimic the pre-development hydrology on the site, 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, should be considered in the overall design of the project as a stormwater management technique.

We will investigate possible recharge where conditions are feasible.

Each stormwater management facility must have an adequate outlet for release of stormwater. It is unclear where the outlet location for some of the ponds proposed for the site might be. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

All proposed SWM facilities will have an adequate outfall and off-site drainage will be incorporated into the design of this site.

Because this site has so many roadways, we encourage the designer to look at using open swale sections for roadway drainage to promote infiltration near the source. In order to minimize the

increase in the volume of runoff from the site, infiltration is encouraged along with retention of existing forested areas. It is also recommended that you preserve as much of the forested area as possible in open space. This area may also be able to be used as a stormwater management feature on the site.

The site has sidewalks on both sides of the streets to promote walking. Open swales are not conducive to a site with sidewalks. In addition, we have redesigned the site that provides for woodland preservation.

One existing pond is located on site. If this pond will be used for stormwater management, it must be retrofitted to meet the safety requirements for stormwater management ponds, including benches and 3: 1 or flatter slopes, as outlined in Pond Code 378. While we have no regulatory authority for the comment, we do not support the placement of the ponds surrounding the circle on the site. If the outlet for the pond should fail or become blocked and those ponds surcharged, the roadway could become flooded from every direction. Even though the driving speed would be low in that area, having ponds on all sides of a circle could pose a potential safety hazard for drivers. Further, the Department strongly recommends that the periphery of any proposed ponds (including stormwater management ponds) contain a 50-foot buffer of native woody and/or herbaceous vegetation. This buffer will serve to reduce nutrient runoff into the pond and reduce the problems associated with nuisance algae.

The existing pond will be retrofitted to be in compliance with Pond Code 378 if it is used as a SWM facility. If the existing pond is not used as a SWM facility, it will remain in its current configuration. The proposed SWM facilities will be landscaped so that the SWM facilities will be an amenity instead of a nuisance.

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

We will contact the Sussex Conservation District for details regarding submittal requirements and fees.

It is strongly recommended that you contact Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. 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.

We will schedule a pre-application meeting with Sussex Conservation District as we move forward with this project.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

The NOI will be filed when the project is first submitted for technical review.

A Certified Construction Reviewer (CCR) will be required for the site during construction. You should contact Sussex Conservation District for details regarding the CCR requirement.

We acknowledge that a CCR is required and a note on the Erosion and Sediment Control Plan will be added.

Forests

According to 2002 aerial photos there is a forested section in the northeastern portion of this parcel and in the southwestern portion of this parcel. PLUS materials indicate that 26.8 acres of forest will be removed for the 79 proposed lots. This forest provides important wildlife connectors, air quality and water quality benefits. This forest tract is extremely beneficial to the region. Fragmentation of this forest can have irreversible effects to the regional ecosystem.

Site plans indicate that 79 lots are within the existing tree line in the northeastern portion. To the extent possible, these lot lines should be redesigned to avoid impacts to the forested area and to maximize the area of undisturbed forest. Clearing activities should be minimized.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Reforestation of the open space areas in the southwestern portion of the parcel is strongly recommended both to increase the buffer zone to the wetland and to decrease long term maintenance costs for the homeowners association

We acknowledge the concern regarding the wooded areas. We have redesigned the site to incorporate woodland preservation.

Open Space

To maximize water and air quality and wildlife habitat, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest on the northeastern portion of the parcel to the extent possible.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

We acknowledge concern regarding infrastructure within the woodland areas. The site has been redesigned to preserve woodlands.

Potential Hunting Issue

Because the project parcel is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100yds of a dwelling is prohibited and the applicant may want to contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100yds of their property for hunting if there is no buffer between lot lines and the adjacent property line.

We acknowledge the concern regarding the potential hunting issue.

Nuisance Waterfowl

The stormwater ponds scattered throughout the subdivision will likely attract waterfowl like resident Canada geese and mute swans that will create a nuisance for community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (at least 50ft) around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

During the design of the SWM facilities, we will incorporate a landscape plan that will prevent the SWM facility from becoming an attractive habitat for nuisance waterfowl.

State Resource Areas/Natural Areas Inventory

This project borders land currently identified as part of a State Resource Area. State Resource Areas are comprised of lands that contain a variety of natural, cultural and open space resources significant to the state. Consideration should be given to protecting these resources surrounding

Reynolds Pond during design and construction of this project. For more information, please contact Ron Vickers, Land Preservation Office, 739-3423. This project borders land currently listed on Delaware's Natural Areas Inventory. Natural Areas contain lands of statewide significance identified by the Natural Area Advisory Council as the highest quality and most important natural lands remaining in Delaware. Consideration should be given to protecting these resources surrounding Reynolds Pond during design and construction of this project.

Recreation

It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities, 2) provide opportunities for neighbors to interact in the community, and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work, etc. DNREC encourages the coordination with the Villages of Isaac's Glen to establish a bike/pedestrian access to the east as well as Sandstone to the north.

Sidewalks are proposed on both sides of the street to promote walking within the subdivision. In addition, stub streets are provided to the adjacent Isaacs Glen Subdivision.

Due to the concentrated number of units, it is strongly recommended that dedicated open space for active recreation be incorporated into the project design. DNREC also recommends that active recreation sites and wastewater sites remain separate areas and if necessary provide fencing around the wastewater site to restrict access.

The active recreation area has been moved to a more centralized location of the project.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 26.9 tons (53,874.8 pounds) per year of VOC (volatile organic compounds), 22.3 tons (44,604.7 pounds) per year of NO_x (nitrogen oxides), 16.5 tons (32,910.2 pounds) per year of SO₂ (sulfur dioxide), 1.5 ton (2,929.6 pounds) per year of fine particulates and 2,253.3 tons (4,506,561.5 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 10.9 tons (21,730.2 pounds) per year of VOC (volatile organic compounds), 1.2 ton (2,391.0 pounds) per year of NO_x (nitrogen oxides), 1.0 ton (1,984.2 pounds) per year of SO₂ (sulfur dioxide), 1.3 ton (2,560.5 pounds) per year of fine particulates and 44.0 tons (88,089.3 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 4.3 tons (8,612.3 pounds) per year of NO_x (nitrogen oxides), 15.0 tons (29,955.7 pounds) per year of SO₂ (sulfur dioxide) and 2,209.2 tons (4,418,472.2 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	26.9	22.3	16.5	1.5	2253.3
Residential	10.9	1.2	1.0	1.3	44.0
Electrical Power		4.3	15.0		2209.2
TOTAL	37.8	27.8	32.5	2.8	4506.5

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

We acknowledge the concern regarding air quality and have provided sidewalks on both sides of the streets to promote walking within the development.

State Fire Marshal's Office - Contact: Duane Fox 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. 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):

a. 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. Fire hydrants with 800 feet spacing on centers. (Assembly)*
- *Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure.*

Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)

- *Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

b. Fire Protection Features:

- *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
- *Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, 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*

c. 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 Smith Street 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.*
- *If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*

d. Gas Piping and System Information:

- *Provide type of fuel proposed, and show locations of bulk containers on plan.*

e. 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 (NFP A) 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*

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.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

We acknowledge all the comments from the State Fire Marshal and will incorporate them as they apply into our site design. A preliminary meeting will be scheduled prior to submittal.

Department of Agriculture - Contact: Mark Davis 739-4811

Overall Comments

The Delaware Department of Agriculture (DDA) and the Delaware Forest Service (DFS), recognizing that this site is within a Level 4 as defined by the State's Spending Strategies and

strongly opposes development of this site. Furthermore, an analysis of farm preservation activity within a three mile area surrounding this site revealed the following: there are 13 Ag Districts encompassing 1,516.13 acres and 43 Permanent Agriculture Easements encompassing 3,536.58 acres and representing over a \$4.5 million dollar State investment in farm preservation. This site is also designated as both high-valued cropland and forestland in accordance with the State's Green Infrastructure Investment priorities map. DDA and DFS hopes that the developer and landowner will work with DDA and other state agencies to develop new alternatives for the management and development of this site.

We acknowledge the concern of the Department.

Right Tree for the Right Place

The Delaware Department of Agriculture and the Delaware Forest Service encourage the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

The Right Tree for the Right Place will be incorporated during the landscape design.

Forest Mitigation

The Delaware Forest Service encourages the developer to preserve as much of the existing forest on this site to lessen the potential for forest fragmentation and to improve water quality within the area. In addition, the Delaware Forest Service would ask the developer to consider a forest mitigation program for this area by replacing trees removed during construction at a 1:1 ratio to add value to the environment and to improve the over social and economic value of the community.

The plan has been revised to preserve existing woodlands. We acknowledge the recommendation for woodland mitigation.

Native Landscapes

The Department of Agriculture Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Native trees will be utilized during the landscape design.

Invasive Plant Issues

Based upon a site visit, it was determined that several invasive plant species exist on this site. The Delaware Forest Service encourages the developer to work with the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500 to develop an invasive mitigation program to remove these problematic species from the proposed development site.

We acknowledge the concern regarding Invasive Plant Issues.

Open Space Considerations

The Delaware Department of Agriculture and the Delaware Forest Service supports comments made by DNREC Parks & Recreation Department to allow for improved design to open space and provide areas of connectivity to both passive and open space areas within the planned community. In addition, we agree with all agencies present at the recent February 2, 2005 meeting that the use of the community waste water-system as open space area is unacceptable use of this space and in our office's opinion would not meet the county's cluster ordinance. We encourage the developer to rethink their design to address this issue and to better define the 6 acre outlying parcel within their open space calculations for this site. The Delaware Department of Agriculture Forest Service offers its assistance to the developer to implement these practices, please contact Bryan Hall of our office at (302) 698-4500.

The open space has been revised. The active recreation area has been moved to a more central location on the site. The 6+/- acre parcel will be clarified during future submissions to Sussex County.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. Our records indicate that Tidewater Utilities does not currently possess a Certificate of Public Convenience and Necessity (CPCN) to serve the site with water; therefore, they will need to apply for a CPCN.

A request for inclusion into a CPCN was filed between the owners and Tidewater Utilities, Inc. Tidewater Utilities, Inc., will request the extension through the PSC.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

If natural gas will be provided, it will meet all required rules, regulations, and guidelines.

The application notes that there will be a community wastewater system but there is no provider identified. If wastewater services are provided by a non-governmental entity, and there are more than 50 customers served, the provider will need to apply to the PSC for a Certificate of Public Convenience and Necessity (CPCN). Additional requirements may apply if the provider has not previously been awarded a CPCN by the Commission.

A request for inclusion into a CPCN was filed between the owners and Tidewater Utilities, Inc. Tidewater Utilities, Inc., will request the extension through the PSC.

Delaware State Housing Authority - Contact Karen Horton 739-4263

According to the State Strategies Map, the proposal is located in Investment Level 4. As a general practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Levels 1 and 2, areas as outlined in the State Strategies Map. The proposal is located in an area targeted for agricultural activities and natural resource protection and therefore inconsistent with where the state would like to see new residential development.

We acknowledge the comment.

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

Due to the large number of residential units being proposed, a significant impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County, to keep them apprised of all development activities. Routes 5, 16, and 113 are coastal storm evacuation routes and this development will be affected by traffic volume on these routes during a coastal storm event.

We acknowledge the comment.

Sussex County - Contact: Richard Kautz 855-7878

The layout should be redesigned to have usable open space within the project and not as an out parcel.

The site has been redesigned and the active open space is located in a central portion of the site.

The developer should provide and coordinate the road access to adjacent property as requested by DeIDOT.

We have contacted the engineer for the adjacent property to ensure that the stub streets will be aligned.

Because this project is an AR-1 Cluster subdivision, the developer must include in the application a plan for the management of all open space. Also, the developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C).

We will document for the Planning and Zoning Commission how this development is better than the standard option.

This summer Sussex County will be considering implementation of a Source Water Protection Program required by the State. Depending on the requirements adopted by the County Council this project might be affected.

If the Source Water Protection Program is adopted by the County Council, we will incorporate it into our design.

The Sussex County Engineer Comments:

The project proposes to develop using a private central community wastewater system. It is recommended that the wastewater system be operated under a long-term contract with a capable wastewater utility. The proposed project is located outside of the Inland Bays Planning Area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required. Disposal fields should not be counted as open space. Wastewater disposal fields should be clearly identified on recorded plots.

The central community system will be maintained by a long-term contract. The area will be shown on the record plan and is included as passive open space.

If Sussex County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or homeowners association expense.

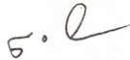
We acknowledge that if a public system is made available the central wastewater system will be abandoned and connection made to the public system.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

The above responses to each comment serves as an official response from Davis, Bowen, & Friedel, Inc., on behalf of our client Lacrosse Homes of Delaware, Inc. We thank you for your review and comments for this project. If you have any questions or comments, please contact me at (302) 424-1441 or e-mail me at rw1@dbfinc.com.

Sincerely,



Ring W. Lardner
Civil Engineer

\\LaCrosse Homes 1231\PLUS Response Letter

cc: Constance C. Holland, AICP, Office of State Planning
Lacrosse Homes of Delaware