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July 18, 2006

Ms. Constance C. Holland, AICP
The Delaware Office of State Planning Coordination
540 S. DuPont Hwy
Thomas Collins Building, Third Floor
Dover, DE 19901

RE: PLUS Review Comment Response
PLUS 2005-04-05; Windmill Estates

Dear Ms. Holland,

The proposed plans for the above referenced project were reviewed by the State agency planners on May 4, 2005. The comments generated by these agencies, summarized in the letter to Meridian Architects and Engineers dated May 24, 2005, have been incorporated into the revised "Preliminary Subdivision Plat for Windmill Estates" as specified below.

Executive Summary State Strategies/Project Location

The proposed project is located in an Investment Level 4 area according to the *State Strategies for State Policies and Spending*. It is located in an Agricultural Residential (AR-1) area according to Sussex County Zoning. The project is proposed at a density of 1.33 DU/acre which is less than the allowable density of 2.0 DU/acre for this zoning.

Street Design and Transportation

A note has been added to the plat and will be recorded with the subdivision (if approved) stating that no further development will be proposed on this subject land.

Natural and Cultural Resources

- A 50-foot wetland buffer has been added to the plan. Additionally, it is proposed to leave the natural forested buffer area intact along the majority of the wetlands except in the area of the proposed entrance road which will be limited to a 60 foot wide clearing.
- The stormwater ponds are proposed at a minimum of 50-feet from the delineated wetlands.

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Harbor Homeowners Association by 2/3 vote. The developer does not wish to pursue this course of action.

Natural and Cultural Resources

- The amount of open space along the waterfront has been increased.
- A 10-foot wetland buffer has been added to the plan, although in many areas the actual distance from the rear lot lines to the wetlands is greater than 10 feet.
- If this project obtains preliminary approval, Erosion and Sediment Control plans will be developed, in accordance with the Sussex Conservation District requirements, which will minimize disturbance of and sedimentation in the wetlands area during the construction phase of the project.
- There are portions of the site located in the 100-year floodplain. The internal subdivision roads as well as the first finished floor of all dwellings will be constructed at elevations higher than the 100-year flood elevation per Sussex County Code and FEMA regulations.

Office of State Planning Coordination

The layout of the subdivision had been revised and the number of proposed lots has been changed from 159 to 141, thus reducing the impact on the natural resources and incorporating more open space into the community. A 0.27 acre recreational area has also been added as an amenity to the proposed subdivision plan.

State Historic Preservation Office (SHPO)

There are no known historic properties or National Register listed properties on or in the vicinity of the site per the State Historic Preservation Office.

Department of Transportation

- Clubhouse Road is classified as a local road. A 5' wide strip of additional right-of-way has been dedicated along the frontage of Clubhouse Road. This will meet the ultimate right-of-way requirement for a local road.
- A 15-foot wide permanent easement and a paved multi-modal path have been added to the plan.
- As stated above, an interconnection of the street system to Banks Harbor is not being pursued at this time. The other existing subdivisions in the area do not have an established system of street interconnections between them, so this layout is in keeping with the nature of the surrounding area. Also, the streets in the proposed subdivision are to be curb and gutter with sidewalks and streetlights on both sides of the road. The streets in Banks Harbor are not well maintained and do not have sidewalks or streetlights. Although it is DelDOT's recommendation, the

developer does not wish to offer to repair and improve the streets in Banks Harbor that would be accessed.

Department of Natural Resources and Environmental Control
Wetlands

The wetlands shown on the plan represent a delineation performed by Ten Bears Environmental, LLC.

As referenced above, a 10-foot wide wetland buffer has been added to the plan, although in many areas the actual distance from the rear lot lines to the wetlands is greater than 10 feet.

Impervious Cover

Should this application receive preliminary subdivision approval, stormwater BMP's will be designed to address the quality of runoff from all impervious areas. Any runoff from the site will meet or exceed quality standards as enforced by DNREC and the Sussex Conservation District.

ERES Waters

A "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMP) will be developed during the design phase of this project should it receive preliminary subdivision approval.

TMDL's

A nutrient budget will be prepared to verify compliance with the TMDL mandate upon completion of the stormwater management design that is to be developed during the design phase of this project should it receive preliminary subdivision approval.

Water Supply

Water for this development will be supplied by Tidewater Utilities, Inc.

Sediment and Erosion Control/Stormwater Management

All comments from the Sussex Conservation District to be addressed during the design and review phase of the project should it receive preliminary subdivision approval. BMP's such as bioretention and bioswales will be considered for this project.

Drainage

Per the recommendation of the Drainage Section, drainage/utility easements will not have any structures, decks, sheds and the like to allow for future drainage maintenance.

Floodplains

There are portions of the site located in the 100-year floodplain. The internal subdivision roads as well as the first finished floor of all dwellings will be constructed at elevations higher than the 100-year flood elevation per Sussex County Code and FEMA regulations.

Forests/Open Space

The layout of the subdivision had been revised and the number of proposed lots has been changed from 159 to 141, thus reducing the impact on the natural resources and incorporating more open space into the community particularly along the sensitive wetland area. The amount of woodlands that will be impacted has been reduced from 7.39 acres to 4.9 acres. The amount of open space has been increased from 3.11 acres to 6 acres.

Rare Species and Buffers

Should this project obtain preliminary approval, Erosion and Sediment Control plans will be developed in accordance with the Sussex Conservation District requirements. This will minimize disturbance of and sedimentation in the wetlands area during the construction phase of the project, thus protecting the rare fish and bird species noted to be in the vicinity of this site.

Nuisance Geese

Meridian will suggest that the developer coordinate with the appropriate expert regarding landscaping and other methods to reduce the geese problem.

Recreation

Sidewalks have been added to both sides of the streets.

A 0.27 acre outdoor recreation area has been added to the proposed subdivision plan that includes picnic areas and canoe/kayak access to Whites Creek via existing docks.

Solid Waste

It is estimated that the development will produce 1,410,000 pounds of solid waste from the construction and occupancy of 141 homes in addition to 507,600 pounds of solid waste per year.

Air Quality

Conservation of the wooded areas of the site will help offset the impact of this development on air quality by removing carbon dioxide from the air.

Delaware State Housing Authority

According to the *State Strategies for State Policies and Spending* this site is located in Level 2 and inside the growth zone. The subdivision application does not include any low-income housing at this time.

State Fire Marshal

All comments generated from the State Fire Marshal's office will be addressed as part of the design and review phase of this project should the subdivision receive preliminary approval.

Department of Agriculture

The Delaware Department of Agriculture has no objections to the development of this site.

Department of Education

A covered bus stop will be provided for pick-up and drop-off at the development entrance per the Department of Education's guidelines for school transportation planning.

Delaware Emergency Management Agency

As proposed, this project meets the general guidelines for fire protection, regarding accessibility, as outlined in the Delaware State Fire Prevention Regulations. Should this project be approved as a preliminary, the water system and subdivision layout will be designed in accordance with the Delaware State Fire Prevention Regulations and reviewed for compliance by the Delaware State Fire Marshal's Office.

There are portions of the site located in the 100 and 500-year floodplain. The internal subdivision roads as well as the first finished floor of all dwellings will be constructed at elevations higher than the 100-year flood elevation per Sussex County Code and FEMA regulations.

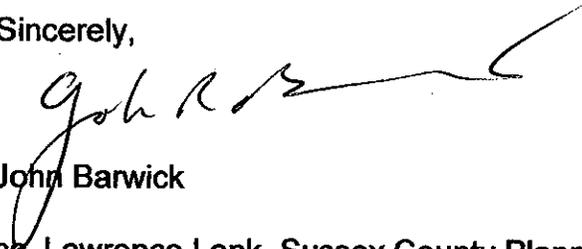
Sussex County

This project is in the Environmentally Sensitive Development District. An Environmental Assessment and Public Facility Evaluation Report is being submitted to Sussex County in accordance with Ordinance No. 1645 which will include a copy of this letter specifying how the PLUS comments were addressed.

If this project is approved as a preliminary, a sewer concept plan will be submitted to Sussex County showing the internal sewer and the sewer connection point (once established by Sussex County) to the North Millville Expansion of the Bethany Beach Sanitary Sewer District (NMX). The sewer collection system will be designed to meet Sussex County standards and specifications.

A copy of the revised Preliminary Subdivision Plat has been attached with this letter. If you have any questions please do not hesitate to contact me at your convenience.

Sincerely,



John Barwick

cc. Lawrence Lank, Sussex County Planning and Zoning

Enclosures