



DC GROUP

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October 10, 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 2005-08-03
Lankford Jones

Dear Ms. Holland:

We acknowledged the receipt of your PLUS comments dated September 13, 2005 for the above referenced project. We have carefully reviewed these comments and appropriately incorporated many of the recommendations into our revised site plan. Our specific reply comments are as follows:

Office of State Planning and Coordination (OSPC)

The Developer is proposing to develop 100 residential units on 17.95± acres of land located on the Northeast corner of DE Route 54 and SCR381 (Old Mill Bridge Road) near Fenwick Island, within the Baltimore Hundred of Sussex County, Delaware. The property is presently zoned Agricultural Residential (AR-1). The developer is seeking a rezoning from AR-1 to HR-1 and C-1 with a total proposed density of six dwelling units per acre of land.

It is recognized that this project lies within areas designated as Level 3 according to the Strategies for State Policies and Spending and Environmentally Sensitive Developing Area according to Sussex County Comprehensive Plan. This project will be developed according to Future Land Use map in the Comprehensive Plan, which supports projects that are being developed in Level 3 areas under its current zoning. The proposed high density residential and general commercial for this project is consistent with local comprehensive plan and is in keeping with the surrounding built environment. A vivid example of HR-1 in the surrounding area is the Shady Mobile Home Park having more than 10 dwelling units per acre.

State Historic Preservation Office (SHPO)

Review of available data indicates low probability for archeological and historic sites of any given period within the vicinity of this subject Property.

Data received by email from SHPO 10/12/05 indicate that there is a property, S-8146, likely a pre-1950 house with outbuildings, that could be affected by this development. A review of the 2002 aerial photo of this site revealed that this pre-1950 house with outbuildings is located east, just outside our property boundary. No cultural resource study will be embarked upon by the developer as no archeological and historic sites are anticipated within the vicinity of this site.

Should any archaeological sites become evident within the vicinity of this property during construction activities, Anne McCleave will be contacted.

The developer does not anticipate any issues with regards to Section 106 of the National Historic Preservation Act.

Department of Transportation (DeIDOT)

Based on the results of the traffic analysis conducted by McCormick Taylor and approved by DeIDOT, the developer of this project will embark on road improvement as follows:

The site entrance from Route 54 will be a right and left-turns and signal will not be installed at site entrance along Route 54 to ease traffic progression

To support existing traffic and additional traffic from this development, access road connection to Old Mill Bridge Road will be provided. The developer is negotiating with the County for possible land swap that will allow this connection to be possible.

Per DeIDOT requirements, a right-of-way dedication along the frontage of this site is provided

Per DeIDOT requirements, a 15' wide permanent easement for a multimodal path is provided across the frontage of the site.

Per DeIDOT recommendation, provision of a cross-access road connecting the proposed townhouses to the collector street in adjacent land (Swann Cove) will be negotiated with landowner of this adjacent property.

Per DeIDOT recommendation, access to the pad sites on either side of the Route 54 access is provided on the roadway that parallels Route 54.

Per DeIDOT requirement, accommodations for bicycles and pedestrian traffic are provided throughout the site.

As per DeIDOT's recommendation and as part of the entrance plan approval, the developer of this project will design all road plans in accordance with the States Local Roads design currently in place at this time. All construction documents will be submitted to DeIDOT for their review and approval. Prior to layout and design, DC Group will continue to consult with Mr. Fiori and the staff of DeIDOT to review the final road plans for this development.

Department of Natural Resources and Environmental Control (DNREC)

Soils

According to Sussex County Recent Soil Update for 2002 soils mapped at the property include the following:

- 1) Hammonton Loamy Sand
- 2) Klej Loamy Sand
- 3) Hurlock Loamy Sand
- 4) Mullica Sandy Loam
- 5) Askecksy Loamy Sand

Hammonton is moderately well-drained soil of low-lying uplands that has moderate limitation for development. Klej is somewhat poorly-drained transitional soil that contains both wetland and upland soil components. Hurlock, Askecksy and Mullica are poorly-drained soils associated with low-lying uplands and floodplain wetlands (hydric soils) and have severe limitation for development. Vast majority of on-site soils are mapped as hydric.

Wetlands

The wetlands and waters of the United States boundaries were delineated in the field during the month of April 2005 by Kenneth W. Redinger in accordance with the 1987 Corps of Engineers delineation manual and associated federal and state regulatory documents. The delineated boundaries of these wetlands are depicted on our revised site plan. The presence of approximately 0.68 acres of forested palustrine wetlands was identified within this property. Drainage ditches on-site (totaling approximately 0.04 acres) were classified as jurisdictional waters of the United States in accordance with the July 2003 Philadelphia District U.S. Army Corps of Engineers Technical Support Document concerning Clean Water act Jurisdiction over streams and ditches.

A wetland delineation report has been submitted to the Philadelphia District U.S. Army Corps of Engineers (USACE) to obtain a jurisdictional determination on the wetland boundaries. We are currently waiting on letter, verifying the extent of these non-tidal wetlands on-site from USACE.

Wetlands provide water quality benefits by attenuating flooding and providing important habitat for plants and wildlife. Vegetated buffer will be employed from the edge of the wetland complex and other waterbodies on-site.

Revised site Plans show that there will not be direct impacts to wetlands or waters of the United States through construction activities and lot lines will not infringe on these sensitive resource areas.

TMDLs

The Property is located adjacent to receiving waters of the Inland Bay Watershed designated as waters having Exceptional Recreational or Ecological Significance (ERES). Since such receiving waters are a major avenue for nutrient-laden stormwater and sediment runoff, they are afforded the highest protection status by the State.

Total Maximum Daily Loads as a pollution mitigation strategy to reduce nutrient loading on the inland bays watershed prescribe a 40% reduction in both nitrogen and phosphorus for the eastern portion of these watersheds to which this property belongs. This property lies on the Little Assawoman watershed.

A detailed nutrient accounting process known as nutrient budget was prepared using the Nutrient Loading Assessment Protocol adopted by the DNREC's watershed Assessment and, final data reveal that the subdivision as proposed met the mandated TMDL reduction for Little Assawoman watershed.

In addressing DNREC's concern about reducing the high impervious cover over this development, planting of additional street trees and use of pervious surfaces will be implemented to the degree practicable. Conservatively, the specified TMDL reduction levels and/or practicable best available technologies (BATs, BMPs) will be employed by the developer as mitigative strategies to reduce the degradative impacts that may be associated with this development.

Mitigating measures such as Context-sensitive design standards, a performance-based stormwater treatment system, preservation of 88% of existing forest and additional planting of street trees would adequately protect sensitive headwaters and waterbodies.

Water Supply

Public water to this Development will be provided by Artesian Water Company, which holds a certificate of public convenience and necessity (CPCN) to provide public water service to areas encompassing this development.

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

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 entering the existing streams. Stormwater structures are the most effective and widely used practices for stormwater management in developing areas. The popularity of stormwater structures can be attributed to their proven ability to attenuate runoffs from design storm events. Stormwater structures and wetlands are common practices for treating stormwater runoffs.

The fact that this site has both existing wetlands and ditches, with the land use cover (row crops) that presently exists indicates that the wetlands and ditches on site are serving as a water quality practice prior to the runoff leaving this site.

With the introduction of this project, permanently vegetated landscape, open areas, and performance-based stormwater treatment systems, the amount of pollutants and runoff leaving the site will significantly be reduced prior to entering the existing aquatic resource areas.

During the design of the stormwater management structures the designers and the developer will work with the Sussex Conservation District to achieve the best management practice for the development.

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

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.

Floodplains

Per DNREC recommendations, all building finished floors shall be located outside the 100-year floodplain and on grades above the base flood elevation for 100 year storm events.

Forests

The developer recognized that forest provides important water quality, air quality and wildlife benefits both for the Site and the region, and as such, our context-sensitive design calls for the preservation of 88% of existing forested resources on-site and additional planting of street trees.

The site will be reforested with street trees to further increase the total acreage of forested resource on-site. Forested area on-site will be considered a community asset and will be managed appropriately.

Open Space

Open Space is an area of land or water set aside, or reserved for use by residents of a development. It is a place to relax, to reconnect with the environment, and to recreate.

A broad variety of uses can provide open space benefits to communities. Open meadows, irrigated hay pastures, forested land, wetlands, and stormwater management areas are examples of open space. Open space provides many resources. Some areas are available for passive recreational pursuits, while other open space areas will be more limited in their use—primarily providing a green and “open” landscape view. Open space is often viewed as a native landscape that provide a visual relief from the developed landscape.

Open Space is viewed as an interconnected network of various types of lands and waters to be used for leisure, athletics, environmental protection, education, study, socialization, and solitude. Possible examples of open space are street rights-of-way, active and passive recreational areas, wetlands, woodlands, and stormwater management areas,

The preliminary subdivision plan shows a variety of open space that adds up to approximately 32% of the entire site area. This open space is provided to the residents of this development for recreation, landscaping, stormwater management. Additional street forested areas are being established throughout the Site to create more recreational opportunities for residents. The overall recreational purpose for these open spaces consists of a clubhouse, swimming pool, and sidewalks/jogging paths throughout the site. Passive recreation space in the form of improved landscape areas and related amenities is provided throughout the site and will provide opportunities for residents to engage in leisure activities. Enhancing the utility of these passive recreation spaces will be light shelters and park benches along walkways. These amenities will offer opportunities for residents to enjoy the site’s landscape.

All areas not planned as landscape beds and/or meadow-type grasses, including existing forest and wetlands will be improved and maintained to provide open space and useable area for passive recreation. Forest and wetlands are important recreation space due to the fact that these features act as an attractive landscape element that significantly enhances the park-like setting of the open space and the overall passive recreational experience for its users.

It should also be noted that street trees will also be furnished throughout the site. The benefits of street trees have been thoroughly documented. They play a vital role in carbon sequestration, air pollution absorption, street traffic calming and asphalt life cycle extension, energy conservation, and provide intangible sociological benefits.

Rare/ Threatened/Endangered Species

Per DNREC's recommendation, the U.S. Fish and Wildlife Service and Delaware Division of Fish and Wildlife, Nongame and Endangered Species Program will be contacted should any potential wildlife habitat for endangered species become evident on-site.

In maximizing the existing buffering capacity and wildlife habitat, vegetated buffers will be employed from the edge of the forested wetland complex and other waterbodies on site. Our design plan incorporated the preservation of 88% of existing forest and additional planting of trees. All these measures will increase the overall wildlife habitat and adequately protect endangered species.

Recreation

Refer to previous comments regarding open space.

Per DNREC recommendations, the use of a development trail network consisting of a series of well-connected pedestrian paths, bikeways and street sidewalks that potentially link various neighborhoods will be utilized. These will provide opportunities for neighbors to interact within the community and to engage in leisure activities.

Underground Storage Tanks

No specific plan change recommendations regarding LUST sites. Should any unanticipated environmental conditions become evident during construction activities, DNREC's recommendations of utilizing ductile steel in lieu of PVC pipe will become effective.

Solid Waste

Per DNREC request, measures will be taken to minimize the amount of construction wastes generated from this development and when possible, waste will be recycled. It should be noted that recycling in this part of Sussex County is voluntary. The varied production practices of home builders, the number of seasonal occupants, and the recycling habits of future occupants will determine the total solid waste generation for this project.

Air Quality

No specific plan change recommendations regarding air quality. Planting of street trees will significantly improve air quality. Refer to comments to OSPC regarding proposed street trees. The developer will consider incorporating energy efficiency standards into new home developments.

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)

Delaware Department of Agriculture (DDA) and Delaware Forest service had no objection to this development of this project as it reflects environmentally sensitive design standards that will adequately protect and preserve existing natural resources, and historic features on-site.

Right Tree for the Right Place

Per DDA recommendations and as part of our preparation of landscape architectural plans for this project, appropriate native trees and planting materials will specified for this project.

Native Landscapes

Per DDA preferences, landscape architectural specification of plant species for this project will constitute Delaware natives or sturdier varieties of native trees and shrubs. It should be noted that all adjacent upland properties consist of rapidly growing new developments and there are no adjacent agricultural fields that would normally require a forested buffer.

Department of Education (DOE)

Per DOE recommendations, street design for this subdivision will be in accordance with Sussex County Engineering (SCE) requirements, which have adequate provision for school bus access.

Sussex County (SCE)

It is recognized that this project lies within areas designated as Level 3 according to the Strategies for State Policies and Spending and Environmentally Sensitive Developing Area according to Sussex County Comprehensive Plan. This project will be developed according to Future Land Use map in the Comprehensive Plan, which supports projects that are being developed in Level 3 and Development Districts areas under its current zoning. The proposed high density residential and general commercial for this project is consistent with local comprehensive plan and is in keeping with the surrounding built environment.

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This proposed development lies within the Fenwick Island Sewer District, and the remaining sewer capacity for 27 EDUs will be negotiated with the Sewer District. Should capital investment be necessary to acquire this outstanding sewer capacity for 27 EDUs, the developer will consider funding the necessary improvement to get this annexation.

The developer is in negotiation with the County for possible land swap that will allow access road connection to Old Mill Bridge Road. This issue will be resolved prior to final project approval.

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,



Mark H. Davidson

Owner

Design Consultants Group, L.L.C.