

**GULFSTREAM LAND LLC
72 WEST AVENUE
OCEAN VIEW, DE 19970**

Phone – 302-539-6178

Fax – 302-539-6479

May 1, 2006

Mayor John Shwed
Town of Laurel
PO Box 210
Laurel, DE 19956

RE: PLUS review – PLUS 2006-02-10; The Preserve at Broad Creek

Dear Mayor Shwed:

In accordance with the PLUS letter of March 15, 2006 from the State Planning Office (a copy of which was supplied to the Town), enclosed is our response to the listed comments.

Office of State Planning Coordination: Our engineer has discussed with the Town the Broad Creek Greenway connection. The wastewater treatment plant and a high-value wetland are an effective blockade to Greenway development, but more consideration will be given to this topic in the design phase. In addition, no development is proposed in the 100 year floodplain.

Division of Historic and Cultural Affairs: A Corp of Engineers permit is not required for this development. We will take under advisement the request to provide landscaping to block the view from adjacent historic properties.

Department of Transportation: Right of Way dedication along Old Sailor's Path Road will be provided per DelDOT's comments. We understand DelDOT's request for a paved multi-modal path installed within a 15-foot wide permanent easement along Old Sailor's Path Road. We believe DelDOT should provide to the Town information indicating when they plan to implement the path system and how they plan to maintain the path, including eventual repaving, snow plowing, ice control, etc. In addition, when do they intend to link this path to other paths? If an identifiable timeline for prompt implementation cannot be provided, DelDOT should self-install the path. Our onsite trail system through the site will be refined during the design phase. We have accepted their recommendation that the intersection in the southeast corner of the site be signed as an all-way stop sign. We will coordinate entrance access and Old Sailor's Path Road proposed improvements with Mr. Fiori as suggested. An entrance plan will be submitted

RECEIVED
OFFICE OF THE BUDGET

in accordance with DeIDOT regulations, and we will consider any request for off-site improvements to Old Sailor's Path Road.

DNREC:

1. Green Infrastructure: We and our design engineers will take reasonable and prudent steps to integrate and apply conservative design to the site.
2. Wetlands: No new lot lines incorporate/contain wetlands. No isolated wetlands exist. All are interpreted to be tidal or adjacent and no impacts are proposed, thus no permits are anticipated. If any are required, our engineer will coordinate those permit applications with the appropriate agencies. Buffers from wetlands and water bodies will be observed as drawn. Unfortunately DNREC's request for 100-300 foot buffers can not be observed as it imposes a severe impact on the economic development of this site. All appropriate steps will be taken in connection with the development design process to minimize negative impacts to resources. Every attempt will be made to respect and protect the resources, including replanting and forest restoration and stabilization of erosive soils where feasible.
3. Impervious cover: When the design is refined, the impervious areas of the site will be recalculated by our engineers. They believe that their estimate of impervious surface is accurate or reasonably representative of the proposed plan presented at PLUS meeting. As discussed at PLUS, efforts will be made to reduce impervious area and employ BMPs. However we are obligated to comply with regulations in effect directed by the Town Ordinance, State Fire Marshal, and DeIDOT where those requirements conflict with DNREC suggestions.
4. ERES Waters: Best Management Practices, as suggested by DNREC, will be incorporated into our planning design phase.
5. TMDLs: Our engineer's believe DNREC made incorrect assumptions when nutrients were modeled, and there is no mention in their assumptions of the positive effect of decommissioning the onsite community wastewater system. In addition, no mention is made of the positive effect from discontinuing application of agri-chemicals and animal wastes. Stephens will obtain and use the most current model available once the design is refined, in order to comply with applicable regulations. We strongly believe that a substantial reduction in nutrient loading can be achieved.
6. Water Supply: The Town has indicated they will provide and supply central water to this project. We believe they will obtain the necessary certificate of public convenience and necessity (CPCN) from the Public Service Commission.
7. Well Resource Protection Areas: The wellhead protection considerations will be addressed in the design phase. It does not appear that the development will affect the Well Resource Protection Area.
8. Sediment/Erosion Control/Stormwater Management: We will work with SCD to develop an environmentally exemplary approach. SCD has already determined that quantity management will be waived. Prudent practices involving ponds, swales, bioretention facilities and infiltration facilities will be given priority in our design phase.

9. Floodplains: Other than a small stilling basin proposed for a small isolated depression located in the southeasterly side of the project, no construction is planned in the floodplain.
10. Rare Species and Buffers: The project will be phased in a manner so as to minimize disruption of nesting rare species. Buffer width will vary but includes upland forested buffer of variable width.
11. Riparian Buffer: The buffers will be implemented as drawn on our site plan, and have been previously addressed in this letter.
12. Forest reforestation: We appreciate the environmental considerations involved with waterfront development in sensitive areas. Measures are being taken to voluntarily minimize impacts to sensitive areas by providing as much upland buffer as is feasible while attaining our density goal and respecting reasonable planning and design considerations. DNREC should note that areas shown on the plans as "wooded forest" includes: a large area of cut-over timber overtaken by invasive undesirable vegetation, many small open areas within the woods, brushy hedgerows, the campground facilities which are home to a few large trees with impervious surface and compacted, bare, erodible soils, all of which were counted as "forest". We believe the "open", disturbed, or developed and cut-over timber are not high value and account for more than half of the upland forest. The condominium plan (versus fee-simple lots) permits control of activity outside of building envelopes that wouldn't be enforceable on fee-simple lots.

Natural Areas Inventory: The Office of Nature Preserve urges clustering. The development is a condominium project and is clustered in a manner to minimize impacts beyond the building envelopes. Post-construction "creep" into the conserved open space will be controlled by the covenants and restrictions of the Master Agreement and enforced through the Homeowners Association.

Solid Waste/Air Quality: We will explore with our suppliers and subcontractors methods to minimize waste. We have already incorporated energy conservation measures into our home designs however we will relook at the Energy Star Program. We will also look into geothermal and photo voltaic energy options if they can be utilized in an economical manner with economy of scale for this project.

State Fire Marshal: Our engineer will work closely with the State Fire Marshal to develop acceptable plans in the design phase of this project.

Department of Agriculture: We will work thru the design phase of this project to incorporate as much recharge as is possible. Our landscape design will include trees, using native species to reforest certain areas and in landscaping applications where practicable.

Public Service Commission: Propane pipeline safety guidelines will be observed by the gas provider if we elect to utilize propane within the community.

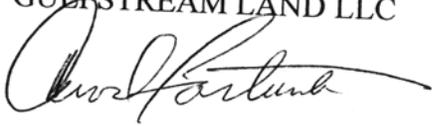
Delaware State Housing Authority: We are targeting our initial base sales price to begin at \$175,000, but we cannot guarantee these price projections can be achieved when sales activity begins. We will explore the concept of affordable housing set – asides but this is a business decision which we will explore for feasibility.

Department of Education: We will discuss with the local school district the feasibility of school bus shelters. Three locations have been conceptually set aside for school bus/DART transportation.

We trust this response is helpful for the Town as part of the PLUS process. In general, through the design process we and our engineer intend to attempt to comply with the regulations and recommendations of the various agencies contributing valuable input via PLUS. Many of these suggestions will be reviewed in natural due course as we prepare our preliminary and final site plans. Thank you for this opportunity to provide the Town of Laurel with our responses to the agency comments.

Very truly yours,

GULFSTREAM LAND LLC



Howard Fortunato
Project Manager

cc: Ms. Constance C. Holland, State of Delaware ✓
Mr. Bill Stephens, Stephens Environmental Consulting