STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

March 27, 2024

Mike Riemann, P.E.
Becker Morgan Group, Inc.
309 South Governors Avenue
Dover, DE 19904

RE: PLUS review – 2024-02-06; Dev Development – Harrington Subdivision

Dear Mr. Riemann:

Thank you for meeting with State agency planners on February 28, 2024, to discuss the Dev Development – Harrington Subdivision. According to the information received, you are seeking review of a proposed Subdivision totaling 492 housing units in a combination of Single-family homes and duplex/townhouses.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the City of Harrington is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.**

Strategies for State Policies and Spending

The property is located within Investment Levels 2 and 3 according to the 2020 Strategies for State Policies and Spending. A small portion is considered "Out of Play" due to the 100-year floodplain. The majority of the project area is located in the City of Harrington and the remainder is located in unincorporated Kent County, although annexation of the entire project area is pending. For purposes of this PLUS review, the project was reviewed with the assumption that all parcels will be within Harrington municipal limits in the near future.

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future.

Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development.

Based on the presence of an "Out of Play" area, the presence of a Special Flood Hazard Area, and the existence of environmental features on this site, as referenced in the following state agency comments, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.

Code Requirements/Agency Permitting Requirements

Department of Transportation (DelDOT) – Contact Stephen Bayer 302-760-4834

- Any site access points onto State maintained roads must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Milford-Harrington Highway along the site's frontage. The following right-of-way dedication note is required, "**An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The

following note is required, "**A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along all frontage roads.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control (DNREC) – Contact Beth Krumrine 302-735-3480

Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Stormwater Management
The project proposes greater than 5,000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Kent Conservation District.

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically https://enoi.dnrec.delaware.gov/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Kent Conservation District at (302) 608-5370.
Website: http://kentcd.org/
General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Wetlands and Subaqueous Lands
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of freshwater forested wetlands along the western edge of the property. Additionally, a pond lies on the western portion of the site, and Browns Branch runs through the forested portion of the property to the west. According to project applicant at the public PLUS meeting, the project does not anticipate disturbance to wetland areas.

- If plans change, state permits from the DNREC Wetlands and Subaqueous Lands Section may be necessary for disturbance, dredge, fill, or structures proposed in tidal wetlands, streams, or State Subaqueous Lands.

- Federal permits from the U.S. Army Corps of Engineers may be necessary if plans change and dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency

Certification and 401 Water Quality Certification). Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements if federal permits are required.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/
State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands-subaqueous/

Special Flood Hazard Area
According to the newest Flood Insurance Rate Maps (FIRM), the western edge of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (Zone AE), having a 1% annual chance of flooding, as well as the 500-year floodplain (Zone X), having a 0.2% annual chance of flooding.

- As proposed, locate all structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/
Recommendations:

Excellent Groundwater Recharge Area
An Excellent Groundwater Recharge Area is located over approximately 60% of this site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

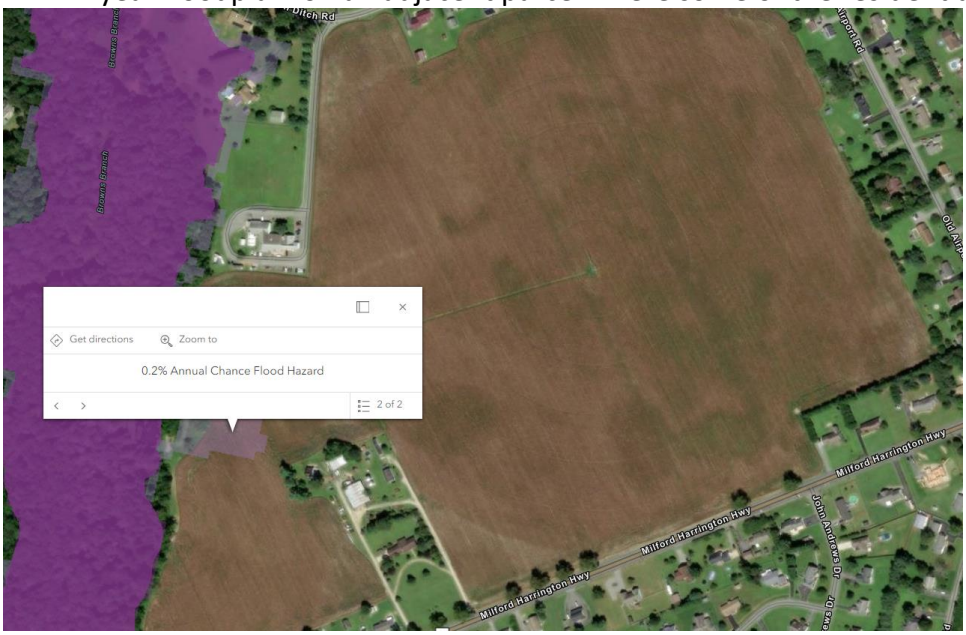
- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: https://dnrec.delaware.gov/water/supply/ground-water-protection/

Delaware Emergency Management Agency (DEMA) – Contact Phillip Cane 302-659-2325

Proposed Project Parcel Flood Concern

- The majority of this parcel is located within an area of **Minimal Flood Concern of 1,000 years or greater**. However, a portion of the parcel on the eastern side does fall within a 0.2% Annual Chance Flood Hazard or 500-year flood plain. It does not appear that any physical structures are being constructed within the flood plain and that 500-year flood plain is labeled as SWM on the concept 1 sketch. However, slightly further east is a 100-year floodplain on an adjacent parcel where some of the residential parcels will border.



Parcel Status within County Evacuation Zone Location

- The parcel is not yet located within a Kent County Evacuation Zone.

Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

State Historic Preservation Office (SHPO) – Contact Carlton Hall 302-736-7400

- There is a previously identified historic agricultural dwelling within the southwestern part of the parcel. It is likely that archaeological resources associated with this property are still extant throughout the parcel.

- In addition, the potential for precontact period archaeological resources to be located within the parcel is very high based on the presence of identified archaeological sites

nearby, an ideal landform, well drained soils, and immediate access to relict sources of fresh water.

- Lastly, the parcel and project area appear minimally disturbed. This office would recommend an archaeological survey prior to any ground disturbance associated with the project/development.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54).

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
This document is for information purposes only and does 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):

Fire Protection Water Requirements

- Water distribution system capable of delivering at least 1,000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)

- 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 800 feet spacing on centers are required. (One & Two- Family Dwelling)

- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.

- 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.

Fire Protection Features

- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

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 Milford Harrington Highway 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. Streets designed without parking need to develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.

- 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.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation (DelDOT) requirements.

- The use of open bridge or covered bridge shall be designed to DelDOT standards and accessible by all fire department apparatus.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information

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

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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans.

- Note indicating if building(s) is/are to be sprinklered.
- Name of Water Provider
- Letter from Water Provider approving the system layout.
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped **(but in no way required)** that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation (DelDOT) – Contact Stephen Bayer 302-760-4834

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019, and March 16, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Department of Natural Resources and Environmental Control (DNREC) – Contact Beth Krumrine 302-735-3480

Vegetated Buffer Zones
It is recommended to incorporate a 100-foot vegetated buffer zone from the edge of wetlands, sensitive habitats, and waterways across the site. Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.

- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.

- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.
Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Delaware Ecological Network
Forested areas along the western edge of the property lie within the Delaware Ecological Network. These lands represent a statewide network of interconnected lands of significant ecological value. This GIS data layer is based on principles of landscape ecology and conservation biology, providing a consistent framework to identify and prioritize areas for natural resource protection.
A forest delineation is currently underway, and forest removal will be limited to the greatest extent possible, according to the project applicant during the public PLUS meeting.

- As proposed, limit forest disturbance on this site. Forest disturbances on this site will jeopardize habitat on the parcel and likely beyond the parcel's boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while also reducing carbon that contributes to climate change.

Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600.
Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Excellent Groundwater Recharge Area
- For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: https://dnrec.delaware.gov/water/supply/ground-water-protection/

Drainage

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

Recommendations for Sustainable Practices

- For single residential homes, build garages and parking spaces to be "electric vehicle (EV)-ready". Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 EV charger. This will increasingly be a selling point for homes. Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable.

- For townhouses, install electric vehicle (EV) charging stations for residents. Residents will increasingly expect options for EV charging. Installation costs can vary significantly depending on the parking and electricity distribution at a given location, so it is often easier and cheaper to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 80% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (https://dnrec.delaware.gov/climate-coastal-energy/clean-transportation/).

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.

- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: https://dnrec.delaware.gov/climate-coastal-energy/

Delaware Emergency Management Agency (DEMA) – Contact Phillip Cane 302-659-2325

Population

- The county has a population density of 310.20 persons per square mile based on the US 2020 Census report; an increase from 2010 at 271.30 persons per square mile.

- The specific census block(s) the project is located on has a total population of 76 persons, though, with development, this will undoubtedly change.

- The 9 adjacent blocks aggregated bring the area to a total population of 810 persons.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.



- According to FEMA's National Risk Index, the parcel **is** considered **relatively moderate** for overall natural hazards risks.

- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.

- Its community resilience is listed as **relatively high** whereas its social vulnerability is rated as **relatively high**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes **electricity** as the predominant fuel type for heating purposes.

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.

- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs, or solar panels where applicable and allowable, and the like.

DEMA's Notes:

- In reference to the floodplain, it doesn't appear that any facilities are being built directly within it. Even if they were being constructed in the 500-year floodplain, there are no requirements for flood insurance nor any other requirements as such. However, DEMA does not recommend construction within close proximity to a 100-year floodplain as water knows no bounds. When construction proceeds, we recommend utilizing mitigation strategies to reduce the risk. This could include, but isn't limited to, wet/dry floodproofing, elevating mechanicals/HVAC/Electricity out of the flood waters, mass

notification systems, large drainage systems (increased diameter pipes, ditches, basins, culverts, etc. as applicable) and other similar methods.

Delaware State Housing Authority (DSHA) - Contact Alex Modeas 952-255-9579 ext. 251

- DSHA supports the construction of 492 residential units (261 single-family and 231 duplex/townhouse) on 117.82 acres at 6132 Milford Harrington Highway. The parcels are primarily in Level 2 & 3 Investment areas, which means that efforts to create and sustain housing opportunities are promoted.

- According to DSHA's Area of Opportunity Map, this project location is situated in a Distressed Area. This means that this area has an overconcentration of rental housing for low-to-moderate-income residents. Given that these residential units are targeted for homeownership, DSHA believes that increased homeownership in the area will create a more balanced approach to creating a supportive, socioeconomically diverse community.

- The need for mixed-income communities with diverse housing types is high throughout Kent County. This proposal offers a variety of residential units at a wide range of housing costs. With a high demand for housing in Kent County, these units will allow households across a wide range of incomes to capitalize on opportunities.

- DSHA has been informed that there are 12 parcels currently going through the annexation process through the City of Harrington. These comments are conditional upon the full annexation of those parcels. DSHA advises that the developer works with OSPC and the City of Harrington to complete the annexation process before the project moves forward.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for an appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications, or brochures.

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.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



David L. Edgell, AICP
Director, Office of State Planning Coordination