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

October 22, 2024

Pennoni Associates, Inc
Attn: Eric W Wahl
18072 Davidson Dr.
Milton, DE 19968

RE: PLUS review – 2024-09-07; Ponders Pointe

Dear Mr. Wahl:

Thank you for meeting with State agency planners on September 25th, 2024 to discuss Ponders Pointe. According to the information received, you are seeking review of a proposed subdivision for the development of a 235-unit market-rate townhouse community along Milton Ellendale Highway, overlooking Pemberton Branch.

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 Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located within Investment Levels 2 and 3 according to the 2020 Strategies for State Policies and Spending.

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 its location in Levels 2 & 3 the state does not object to the development of 235 duplex/townhomes on this lot.

With that said, please consider that this parcel is within the Town of Milton Growth Area and adjacent to the existing town boundaries. The owners should either consider annexing into the town or the county should require the owner work with the town to create a development that is consistent with the general land use planned for in the Milton certified plan.

If, based on State comments, this parcel contains environmental concerns or other constraints to development, 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 – Contact Stephen Bayer 302-760-4834

- The site access on all 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 Development Coordination 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 Development Coordination 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.

- In terms of traffic analysis, based on the expected trip generation this project has options. This project location is in an area that is anticipated to be in the future Milton Transportation Improvement District (TID). If the developer timeline aligns with the finalization of the TID participation in the TID payment program may be an option. Otherwise, the project will qualify for the area wide study fee.

- The project is located within the control zone of the Delaware Bayshore Byway on Rt. 16/Broadkill Road. Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments apply. Specifically:

- No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Rt. 16/Broadkill Road. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.

- No off-premises advertising on the property for others within 660 feet of Rt. 16/Broadkill Road, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination 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 Rt. 16. 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 Development Coordination 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 Development Coordination 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.

  - Depiction of all existing entrances within 300 feet of the proposed entrances on Hickman Road.

  - 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 Development Coordination 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 State maintained roads.

- In accordance with Section 5.2.9 of the Development Coordination 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 Development Coordination 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 Development Coordination 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 – 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 Sussex 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: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.
Website: https://www.sussexconservation.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/

Hydrologic Soils Group
Hydrologic Soil Group D, somewhat poorly drained soils, have been identified in the northern and central portions of the site. These soil types could worsen existing drainage issues if present and are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins. These practices must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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/

Excellent Groundwater Recharge Area
An Excellent Groundwater Recharge Area is located on the southeastern portion of the 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/commercial-government/public-water/

Special Flood Hazard Area
According to the newest Flood Insurance Rate Maps (FIRM), the southernmost portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Although houses are proposed outside of the Special Flood Hazard Area (SFHA), some houses may still be required by lenders to purchase flood insurance, based on the proximity to the SFHA.

- 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) 608-5500.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Wetlands and Waterways within State Natural Heritage Site
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal forested wetlands in the southwestern corner of the site, as well as Wagamons Pond along the southern property boundary. The application indicates that wetlands have been delineated. The application states that the project does not propose direct impacts to the wetlands/waterways.

Due to the presence of Atlantic white cedar, these wetlands also lie within lands designated as a State Natural Heritage Site. State Natural Heritage Sites are identified as "Designated Critical Resource Waters" by the U.S. Army Corps of Engineers.

- State Requirements:

    - If plans change and wetlands are disturbed, please contact the Wetlands and Waterways Section for more information on permitting requirements.

      State Wetlands Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
      Website: https://dnrec.delaware.gov/water/wetlands/
      State Natural Heritage Site Contact: DNREC Division of Fish and Wildlife, Environmental Review Program at (302) 735-3600.
      Website: https://dnrec.delaware.gov/fish-wildlife/conservation/reviews/

- Federal Requirements:

    - The applicant must comply with the restrictions and limitations imposed through the U.S. Army Corps of Engineers Nationwide Permit General Condition No. 22, which can be found here: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/

    - If permits are required by the U.S. Army Corps of Engineers, the applicant may be required to obtain confirmation that the site is not designated as a State Natural Heritage Site. The project applicant should contact the DNREC Division of

Fish and Wildlife's Environmental Review Program to obtain a letter regarding State Natural Heritage Site status.

Federal Contact: U.S. Army Corps of Engineers, Dover Field Office, at (302) 736-9763. Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/

Natural Areas/Nature Preserves
The southern forested portion of the parcel is located within the Broadkill Natural Area and is connected to a much larger contiguous forest complex extending into land also designated as the Broadkill Natural Area. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council as containing a high quality of natural features unique to Delaware.

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.

Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.delaware.gov/parks/natural-areas/

Wastewater Disposal Systems – Large Systems
For wastewater conveyance offsite by way of a new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.

Contact: DNREC Commercial and Government Services Section at (302) 739-9948. Website: https://dnrec.delaware.gov/water/commercial-government/

Electric Vehicle Charging
Electric vehicle charging infrastructure is now required for all residential dwellings in Delaware (see 80 Del. Laws, c. 145 § 8001- § 8006) for which:

1. A building permit is issued on or after January 1, 2024 (single family), or
2. The final site plan is approved on or after January 1, 2025 (multi-family).

Requirements are summarized below. Consult the Delaware Code directly for further details.

Single-family Dwellings, effective 2024:

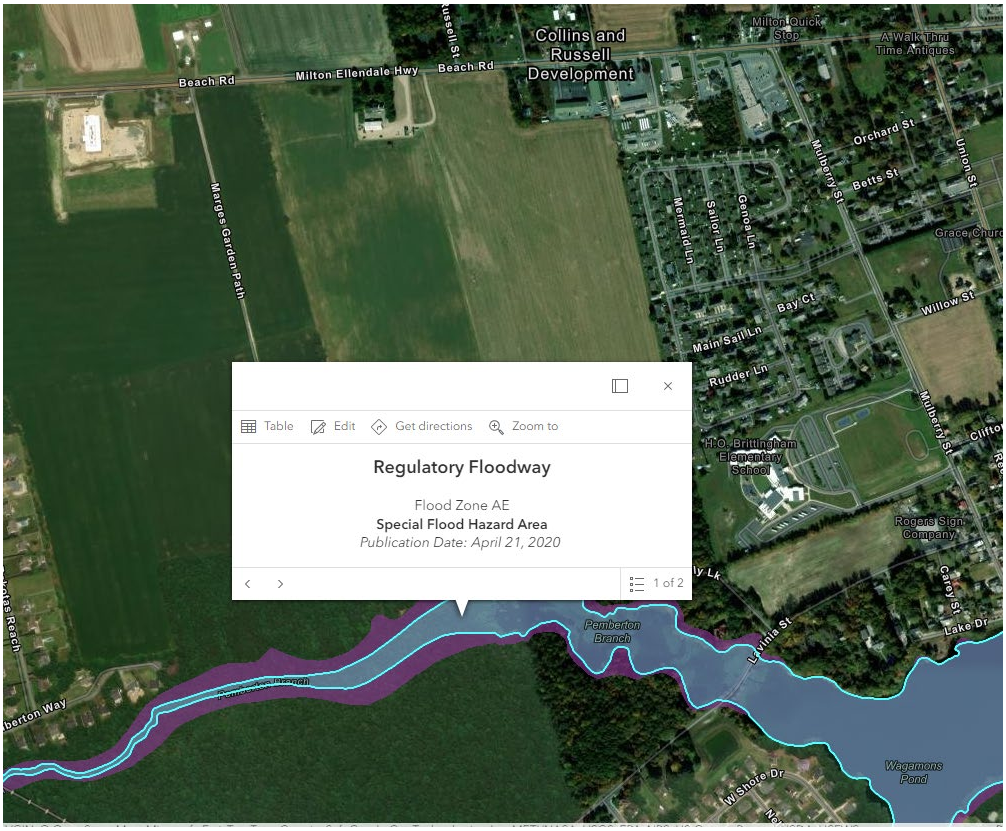
- The developer of a single-family residential dwelling shall install at least one electric vehicle capable parking space at each single-family residential dwelling constructed.

If the single-family residential dwelling does not have an attached or detached garage, an electric vehicle capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned non-street residential parking space constructed as part of the project.

<u>Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325</u>

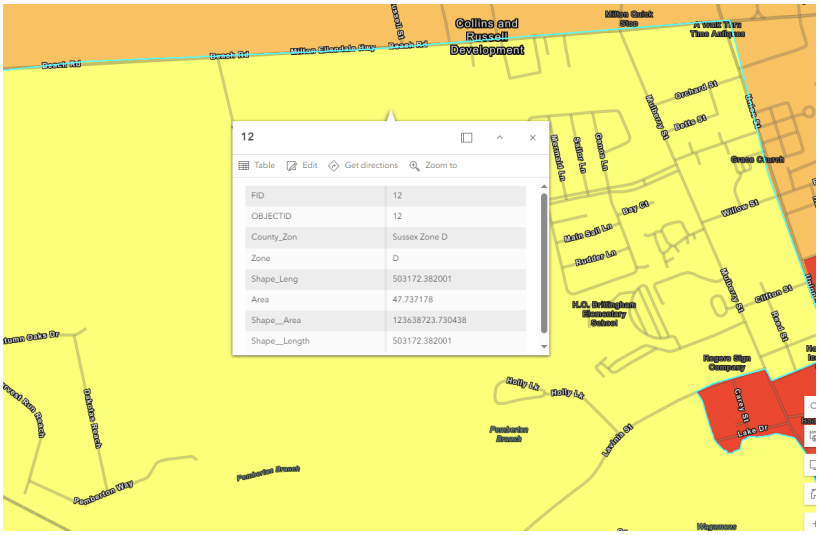
Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**; however there is a regulatory floodway located to the south of the identified parcel, identified as a Special Flood Hazard Area or a 100-year flood plain located in flood zone AE. It doesn't immediately appear that there is any facilities or buildings being constructed within that flood plain.



Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone D.



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 – Contact Carlton Hall 302-736-7400

- There is a confirmed documented cemetery on the southern portion of the parcel, which is identified in the application. The cemetery appears to have had a brick wall surrounding it, but the applicants should consider restructuring their plans to give the cemetery a wider boundary just in case. Mixture of well drained and poorly drained soils. The southern end of the parcel borders the Pemberton Branch. This region has not been heavily surveyed so there is not much known about nearby archaeological sites. The parcel appears to have been farmland for the majority of the 20th century. The Delaware SHPO recommends survey for the area bordering the Pemberton Branch for precontact resources and to double check the boundaries of the cemetery.

- 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).

If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- 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 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:

- 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, 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
- 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 Milton Ellendale Hwy 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- 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
- Square footage of each structure (Total of all Floors)
- 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 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

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 – 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.

- This site falls within the Coastal Corridors Study area. The study was finalized in June 2024 and advanced several recommendations along the Route 16 corridor, such as providing bicycle/pedestrian facilities, bicycle parking, and interconnectivity between developments. Additionally, this site is located with the study area for the Milton Active Transportation Plan and Milton SR 16 Corridor Study which are ongoing and may result in more specific recommendations for improvements along the corridor.

- 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 – Contact Beth Krumrine 302-735-3480

Removal of Mature Forest within Natural Area and Delaware Ecological Network (State of Delaware Endangered Species Documented)
The preliminary plan proposes the elimination of approximately 7 of 14 acres of forest on the site. This forest is located within the Broadkill Natural Area and is connected to a much larger contiguous forest complex. The forested area on this site also occurs within the Delaware Ecological Network, a statewide network of interconnected lands having significant ecological value. This GIS data layer helps to identify and prioritize areas for natural resource protection, including forests, wetlands, streams, and high-quality habitat for rare plants and animals.

An analysis of historical data indicates that the forest area located on the southern portion of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.

Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. The following animals are listed as State of Delaware rare, threatened, or endangered species, and have been documented near the project area: the Delmarva Fox Squirrel (*Sciurus niger cinereus*) is a mammal listed as endangered in the State of Delaware.

- Contact the Division of Fish and Wildlife for removal and relocation of Delmarva Fox Squirrels prior to clearing forest.
- For more information on practices that will support the endangered Delmarva Fox Squirrel, please refer to the Delmarva Fox Squirrel Conservation Plan at https://documents.dnrec.delaware.gov/fw/conservation/delmarva-fox-squirrel/DFS%20%20Conservation%20Plan%20Final.pdf.
- Reduce environmental impacts in and near Natural Areas by avoiding development or destruction of sensitive natural features such as, but not limited to hardwood forests or riparian buffers.
- Consider dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.
- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Specifically, avoid removing nut-producing and mast-producing trees on-site, such as oaks, hickories, and beech, as these are food sources for the endangered Delmarva Fox Squirrel.
- In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st.

Natural Area Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.delaware.gov/parks/natural-areas/ or https://dnrec.delaware.gov/parks/open-space/conservation-easements/
Endangered Species Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.
Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Key Wildlife Habitat within Forested Wetlands, Vegetated Buffer Zone Recommendations
The non-tidal wetland along the southern property boundary contains Atlantic White Cedar and is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because it is rare within the state and has the potential to harbor a high diversity of Species of Greatest Conservation Need.

- As proposed, do not disturb wetlands. Maintain an upland buffer of at least 100 feet along all wetlands, waterways, and sensitive habitats, including those containing existing forest or natural vegetative cover. Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.
- Scientists from the DNREC Division of Fish and Wildlife request a site visit to survey the project area and ensure wildlife and critical resources will not be impacted. Contact the Species Conservation and Research Program if the landowner will grant a site visit.
- It is recommended to remove all lots at the southern end of the project and allow the existing forest buffer to remain. Buffering the Pemberton Branch is critical to maintaining the ecological integrity of this Key Wildlife Habitat.
- Vegetated buffer zones should be identified outside of the Limit of Disturbance on the engineering plans.
- If planting additional buffer: Buffer zones should be planted exclusively with native trees and plants.
- 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.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.
Website: https://www.sussexconservation.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/

Drainage

DNREC Drainage Program records indicate that there are over 10 documented drainage complaints associated with parcels just north of this site. DNREC reviewers request the applicant consider installing a channel or pipe at the northeast portion of the proposed site, to allow adjacent parcels to drain into the applicant's proposed stormwater management facilities. While this is certainly not required, it would help relieve a well-known saturation issue in the area and improve quality of life.

- Please contact the DNREC Drainage Program to initiate this process and to request financial assistance under the Resource Conservation and Development fund.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/

Water Quality

This site lies within the Broadkill River Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on and adjacent to the site.

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.

- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.

- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. https://dnrec.alpha.delaware.gov/watershed-stewardship/

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 Public Water Supply Protection Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Sustainable Practices

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

- 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 the proposed clubhouse and community center, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Consider planting select areas with native trees. Native trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Consider planting select areas with meadow comprised of native species. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas 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.

- 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/

Potential Environmental Hazards Outside the Development Footprint
The following concerns have been identified on-site but are avoided in the proposed site plan. As proposed, avoid construction of permanent structures and infrastructure within these areas:

- Special Flood Hazard Area: According to the newest Flood Insurance Rate Maps (FIRM), the southernmost portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE.

- Sea Level Rise: The southernmost portion of this site is vulnerable to permanent inundation from sea level rise. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet.

Special Flood Hazard Area Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Sea Level Rise Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: https://dnrec.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/

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

Population

- The county has a population density of 265.60 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block(s) the project is located on has a total population of 126, though, with development, this will undoubtedly change. The 13 adjacent blocks aggregated bring the area to a total population of 846.

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, Hal, 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 low** 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 and social vulnerability are both rated as **relatively moderate.**

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract 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.

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 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

Attachments:

- Letter from Town of Milton

Town of Milton
115 Federal Street, Milton, Delaware 19968
www.milton.delaware.gov
Phone: 302-684-4110 Fax: 302-684-8999

7 October 2024

Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Dover, DE 19901

Reference: Ponders Pointe Subdivision

The Town of Milton reviewed the PLUS request for the proposed Ponders Pointe Subdivision on parcel #235-14.00-83.01. The parcel is contiguous to the Town of Milton, and is located in the Town of Milton Future Land Use Plan as a Residential Large Parcel Development District (LPD) overlay zone. The owners/developers do not intend to seek annexation into the town.

The LPD overlay district allows for multiple-family dwellings that the developer is proposing. The concept plan submitted with the PLUS application would meet most of site plan requirements of the Town of Milton. For example, the concept plan lists streets at 24 feet wide with a two-foot curb on the sides, which would make the right of way 28 feet wide. Sussex County recently revised their street requirements to 30 feet for interior streets. The Town of Milton requires a 25-foot right-of-way for interior streets.

The increase in the number of homes in close relationship to the town will have an added impact on the services and facilities that the town provides such as parks, streets, and police. If the property is developed in the County, the impact will still be evident to the Town. The Town however will not receive any revenue to offset the cost of providing services. There is no water CPCN identified for this parcel. The Town of Milton will be able to provide water service for the subdivision as proposed. The southeastern portion of the parcel contains an excellent recharge area.

The Town of Milton requests Sussex County and the Office of State Planning Coordination support our request that the parcel be annexed into the Town.

Respectfully,

Kristy L. Rogers
Town Manager