



**US Army Corps
of Engineers**
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-2007-0261

Date

JUL 03 2008

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: R.C. Peoples, Incorporated

AGENT: Ms. Jodi Kerstetter
Environmental Scientist
JCM Environmental
100 Lake Drive, Suite 3
Newark, Delaware 19702

WATERWAY: Dragon Creek and Belltown Run.

LOCATION: The project is located on the property along Woods Road and Mansion Farm Drive, known as tax parcel number 11-38.00-21.00, in New Castle County, Delaware.

ACTIVITY: The applicant proposes to place clean fill material within Waters and Wetlands of the United States (U.S.) in order to widen an existing access road, construct a new culvert road crossing, install a sanitary sewer pumping station, and widen Woods Road due to the construction of a two hundred thirty one (231) lot residential subdivision, as shown on the enclosed plans E-1 through E-11.

The widening of the existing access road (Paradise Parkway) would provide for the main entrance into the subdivision from Woods Road. The widening activities would include the installation of three new culverts with rip-rap aprons, and fill within palustrine forested wetlands. The new culverts would convey stormwater off of the new access road and/or Paradise Parkway, and maintain the hydrologic connection between the two existing wetlands.

A total of **0.474 acres** of waters and wetlands of the U.S. would be impacted due to the above stated activities. During the processing of the permit application, project impacts within waters and wetlands of the U.S. have been avoided and minimized from **0.616 acres** to **0.474 acres**, due to the installation of a retaining wall along the proposed Paradise Parkway, by the installation of a culvert road crossing on the proposed Sweet Briar Drive, and by the relocation of a proposed inlet and stormwater pipe near the new pumping station.

Temporary impacts within waters or wetlands were not proposed.

At this time, a mitigation/compensation proposal has been submitted to this office to construct and/or establish approximately **1.30** acres of palustrine forested wetlands, to compensate for unavoidable adverse impacts within waters and wetlands of the U.S. Plans E-1 and E-14 show the location of the mitigation site and the proposed construction plan, respectively. The proposed compensation site is located off-site on an adjacent property, tax parcel number 11-038.00-052. The compensation site is located within the Dragon Creek watershed, in which all of the wetland impacts on the project site occur. The proposal provides for greater than a 2 to 1 compensation ratio.

In addition to the above stated impacts within waters and wetlands of the U.S., the applicant proposes to construct a pedestrian pathway within the subdivision. As shown on plans E-12 and 13, this pathway would cross an area of wetlands and extend off property. The applicant proposes to construct an elevated bridge structure over the wetlands. During the processing of the permit application, the width of the elevated bridge crossing the wetlands has been reduced from 10 feet to 7 feet, 4 inches, with steel piling, to minimize impacts. It is the understanding of this office that the remaining pathway may become part of the New Castle County Greenway path. The connection of the proposed pathway would be performed by New Castle County, and may require a Department of the Army permit. No impacts to wetlands would occur for the construction of the pathway to the property boundary.

PURPOSE: The project would include widening an existing access road, constructing a new road crossing, and installing a sanitary sewer pumping station, for the purpose of providing access and infrastructure for the proposed residential subdivision.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species,

historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within **30** days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

At this time, The Delaware Department of Natural Resources & Environmental Control has determined that the project is consistent with its Delaware Coastal Zone Management Program (CZM.)

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

At this time, The Delaware Department of Natural Resources & Environmental Control has issued a Water Quality Certificate for the above mentioned project.

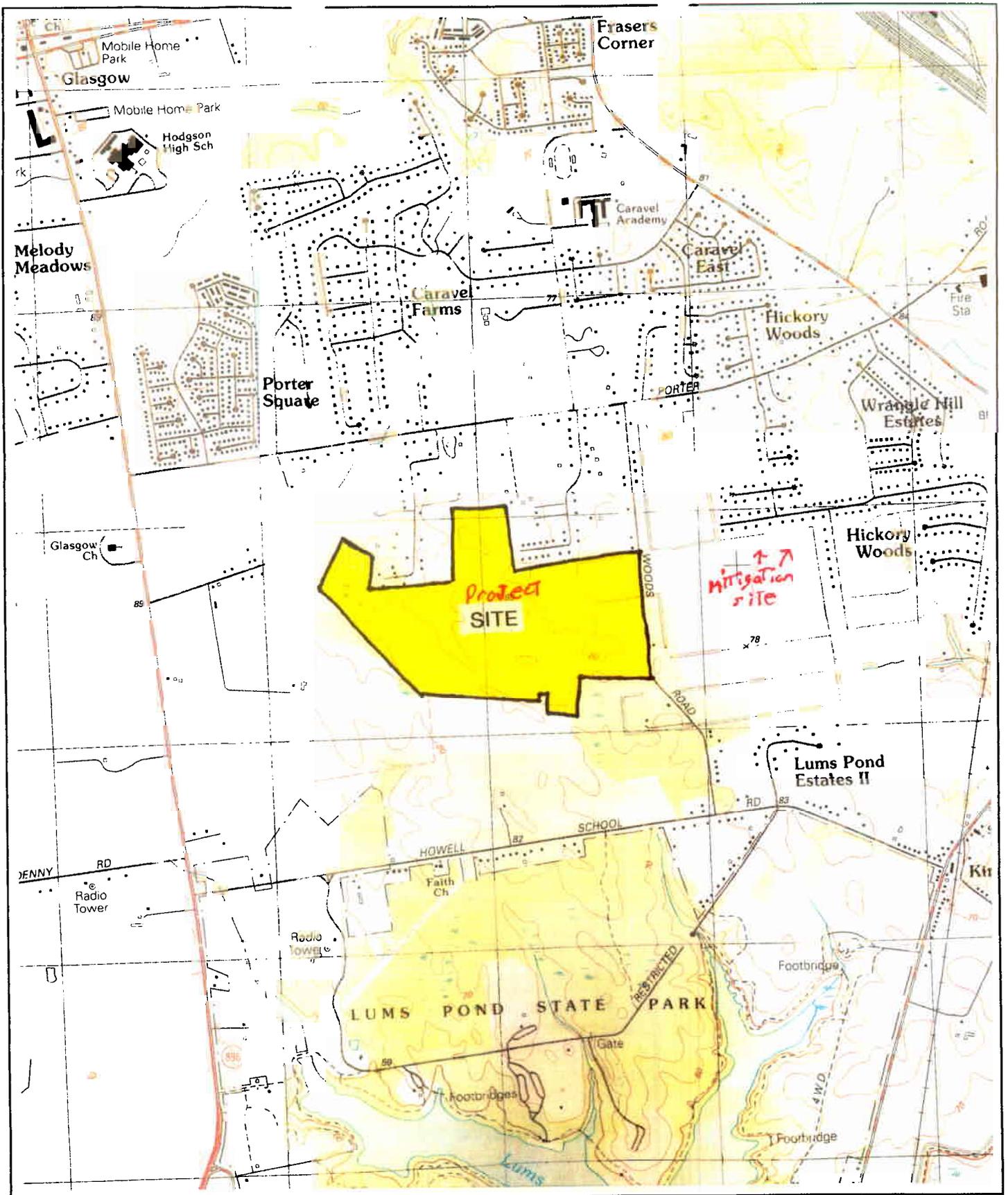
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Bryan P. Bellacima at (215) 656-6732 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch



23' lots as shown

The New Castle County Code.

3 of the New Castle County shall run a preliminary conservation assessment shall

1 plan, the Owner/ Developer 10, Division 25,300 of the

1 on this plan, the Owner/ Department of the

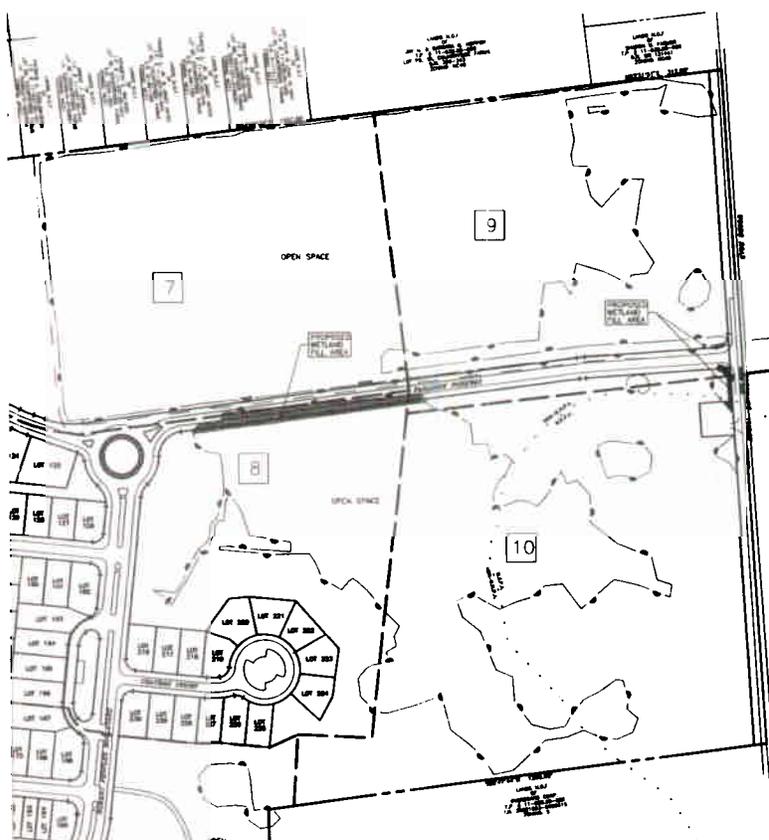
ing, landscaping, open repair and maintained in Department Code.

Building road and/or utility

- 39.) ACTIVE OPEN SPACE
Required: 1 Acre per 100 D.U. = 231 D.U./100 = 2.31 Acres
Provided: 2.8209 Acres
- 40.) RIPARIAN BUFFER AREAS
RBA's shall be protected or classified and delineated per Section 40.10.331.
- 41.) IC HOUSEHOLD EQUIPMENT
A 5-foot wide utility and utility easement on each side of each side and rear lot line except for those retaining party walls and lot lines adjacent to public or private open space shown on this plan, and on each side and rear lot line subsequently established within the area shown on this plan, to hereby dedicated to be available for any utility use provided that where any lot line is subsequently delineated, the easement along half of the line shall be designated as a drainage or utility easement from existing or water easement.
- 42.) SEWER FLOW DATA
Townhouses = 30 Units x 250 G.P.D. = 7,500 G.P.D.
Peak Flow = 7,500 G.P.D. x 4 = 30,000 G.P.D.
Single Family & Village = 201 Lots x 300 G.P.D. = 60,300 G.P.D.
Peak Flow = 60,300 G.P.D. x 4 = 241,200 G.P.D.
- 43.) TRAFFIC IMPACT STUDY
A study from Section 40.11.121C of this Code, shall be prepared by DEWET. The developer may have to contribute to the study and possibly provide the development to certain off site transportation improvements in order for the ITS to be waived.
- 44.) OPEN SPACE PLANNED PARKING
Unit Designation No. Units Parking/Unit
A 50 4 200
B 47 4 188
C 103 2 206
D 30 2 60
Unit C & D do not meet required 2.25 acres per unit. Additional parking is provided as follows:
Required 103+30 (3.25) = 289
Provided Unit Parking (206+60) = 266
Additional Parking Required: 23
Additional Parking Provided: 32
- 45.) ACCESS DENIAL
Lot Nos. 1, 187, 188, 192, 207, 215, 218 and 231 shall be denied direct vehicular access to Robert Peoples Boulevard.
- 46.) DRAINAGE
Drainage, erosion and sediment control shall be implemented in accordance with the New Castle County Stormwater Management Manual (Stormwater Management) shall be provided in accordance with the New Castle County Stormwater Code.
- 47.) FIRE HYDRANTS
Existing 0
Proposed 20



1.) AREAS	47,74888 Acres
Area in Site	18,08276 Acres
Area for Stormwater Management	8,80814 Acres
Active	108,42138 Acres
Proposed Open Space	1,1088 Acres
Dedicated Right-Of-Way	3,77884 Acres
D.P. & L. Easement	
Total Area	190,2888 Acres



- 2.) EXISTING ZONING S
- 3.) TAX PARCEL NUMBER 11-038-00-021
- 4.) APPLICATION NUMBER 05-1308-5
- 5.) NUMBER OF LOTS 231
- 6.) LINEAR FEET IN STREETS 13,668 L.F.
(80' wide - Robert Peoples Boulevard)
- 9.) DATA/BENCHMARK HAVD 1988/EXIST. FM MH, TOP = 75.63
- 10.) AREA REQUIREMENTS (OPEN SPACE PLANNED DEVELOPMENT)
- | | |
|-------------------------------------|-------------|
| 'A' LOTS - SINGLE FAMILY (DETACHED) | 12,000 S.F. |
| Minimum Lot Area | 89' |
| Minimum Lot Width | 25' |
| Minimum Street Yard | 8' |
| Minimum Side Yard | 30' |
| Minimum Rear Yard | 30' |
| Maximum Building Height | 38' |
- | | |
|-------------------------------------|-------------|
| 'B' LOTS - SINGLE FAMILY (DETACHED) | 10,000 S.F. |
| Minimum Lot Area | 80' |
| Minimum Lot Width | 25' |
| Minimum Street Yard | 8' |
| Minimum Side Yard | 30' |
| Minimum Rear Yard | 30' |
| Maximum Building Height | 38' |
- | | |
|-------------------------|------------|
| 'C' LOTS - VILLAGE | 6,000 S.F. |
| Minimum Lot Area | 60' |
| Minimum Lot Width | 12' 6" |
| Minimum Street Yard | 8' |
| Minimum Side Yard | 25' |
| Minimum Rear Yard | 38' |
| Maximum Building Height | 38' |
- | | |
|-------------------------|--------------|
| 'D' LOTS - ATTACHED | 2,200 S.F. |
| Minimum Lot Area | 22' |
| Minimum Lot Width | 15' 20" |
| Minimum Street Yard | 0.8' End Use |
| Minimum Side Yard | 20' |
| Minimum Rear Yard | 40' |
| Maximum Building Height | 40' |
- 11.) WATER
Atkinson Water Company - Water supply is subject to the approval of the Delaware State Department of Natural Resources and Environmental Control and the Delaware Department of Public Health.
- 12.) SEWER
New Castle County - Sewerage is subject to the approval of the New Castle County Department of Social Services and the Delaware Department of Natural Resources and Environmental Control.

MATURE/ YOUNG TREE BREAKDOWN

TOTAL MATURE TREE	74,58088 Acres
TOTAL MATURE TREE (TO BE REMOVED)	18,14138 Acres (21.8%)
TOTAL MATURE TREE (REMAINING)	56,43950 Acres (76.2%)
TOTAL YOUNG TREE	35,83828 Acres
TOTAL YOUNG TREE (TO BE REMOVED)	10,08258 Acres (28.1%)
TOTAL YOUNG TREE (REMAINING)	25,75572 Acres (71.9%)

DWELLING UNIT MIX REQUIREMENTS

TYPE OF LOTS	REQUIRED LOT AREA	NO. OF LOTS	45% MAX/10% MIN.
'A' LOTS	12,000	50	21.8%
'B' LOTS	10,000	47	20.4%
'C' VILLAGE	6,000	103	44.8%
'D' ATTACHED	2,200	30	13.0%
		230	100%

RESOURCE PROTECTION AREAS

Young Tree Area (Exclusive of Wetlands and Buffer)	17,70508 Acres
Mature Tree Area (Exclusive of Wetlands and Buffer)	45,42848 Acres
Wetlands Area	37,89828 Acres
Buffer Area	17,89188 Acres
Remaining Landa (Exclusive of Protected Resources)	71,56458 Acres
Total Boundary Area	190,2888 Acres

Total R.P.A. Area (Inclusive of Wetlands, Buffer and Tree) 10,8541 Acres

PRELIMINARY RECORD
MAJOR SUBDIVISION PLAN
FOR LANDS OF
THE WOODS AT MANSION FARM
PENCADER HUNDRED
NEW CASTLE COUNTY DELAWARE

REVISED LOT LAYOUT	01-11-05
GENERAL REVISIONS	02-08-05
REVISED PER NCC COMMENTS	10-20-05
GENERAL REVISIONS	11-14-05
GENERAL REVISIONS	03-08-06
REVISED PER NCC COMMENTS	08-08-06
GENERAL REVISIONS	02-08-07
REVISED PER CORPS OF ENGINEERS	02-12-08
REVISED PER NCC COMMENTS	02-18-08
REVISED PER NCC COMMENTS	04-23-08

Clifton L. Bakhsh, Jr., Inc.
Land Surveyors, Engineers, & Planners
4450 Summit Bridge Road, Middletown, DE 19709 (301) 970-8008

Date: 08-02-04 Drawn By: D.DUNPHY
Scale: 1" = 200' Checked By:
Comm. No. 17848 File No.: MJ 17848

GRAPHIC SCALE 1" = 200'
0 100' 200' 400'

Sheet No. 1 of 12

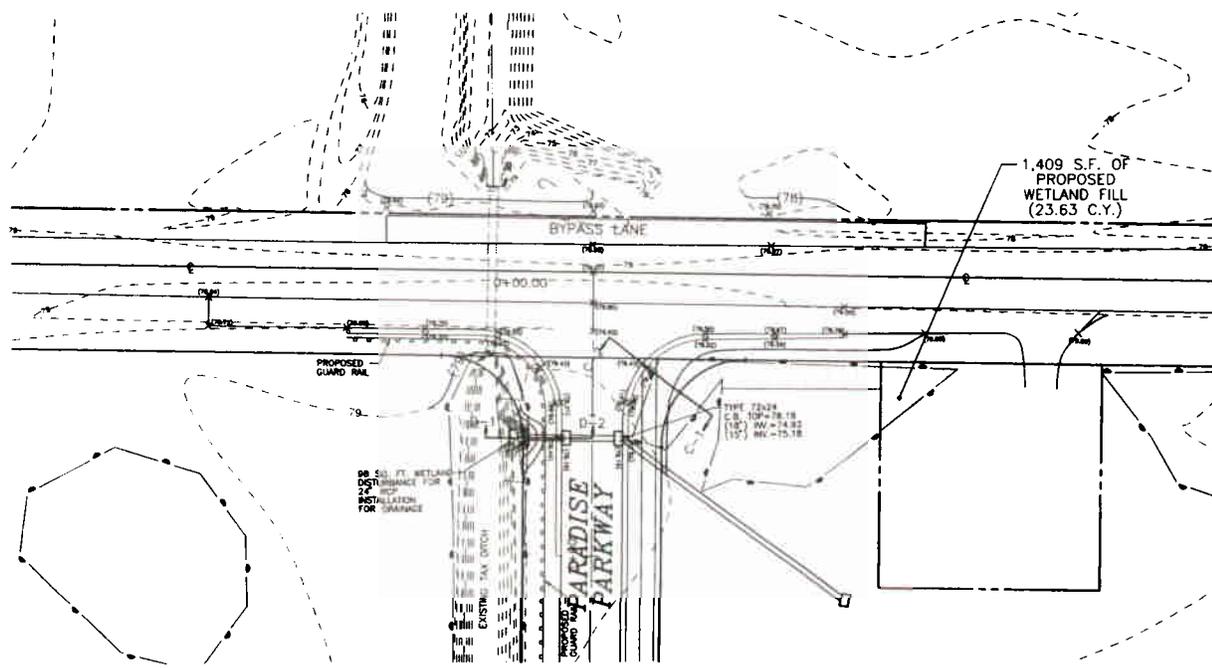
APPROVED BY

Professional Land Surveyor in the State of Delaware and correct to the accuracy required by the New Castle County

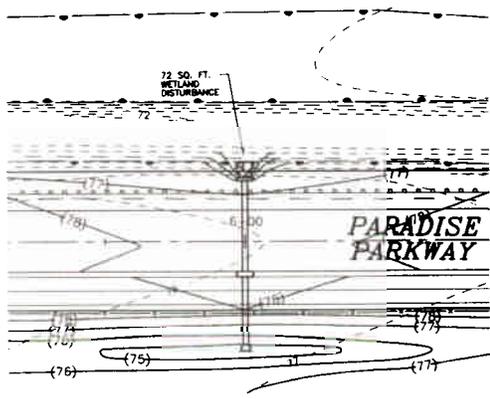
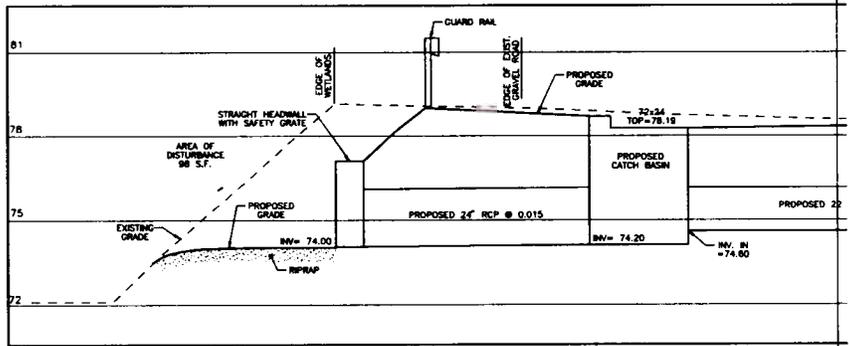
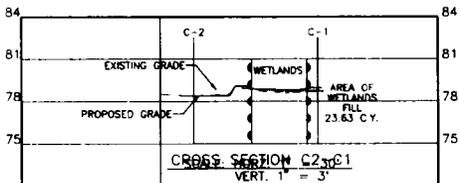
E-2



E-5

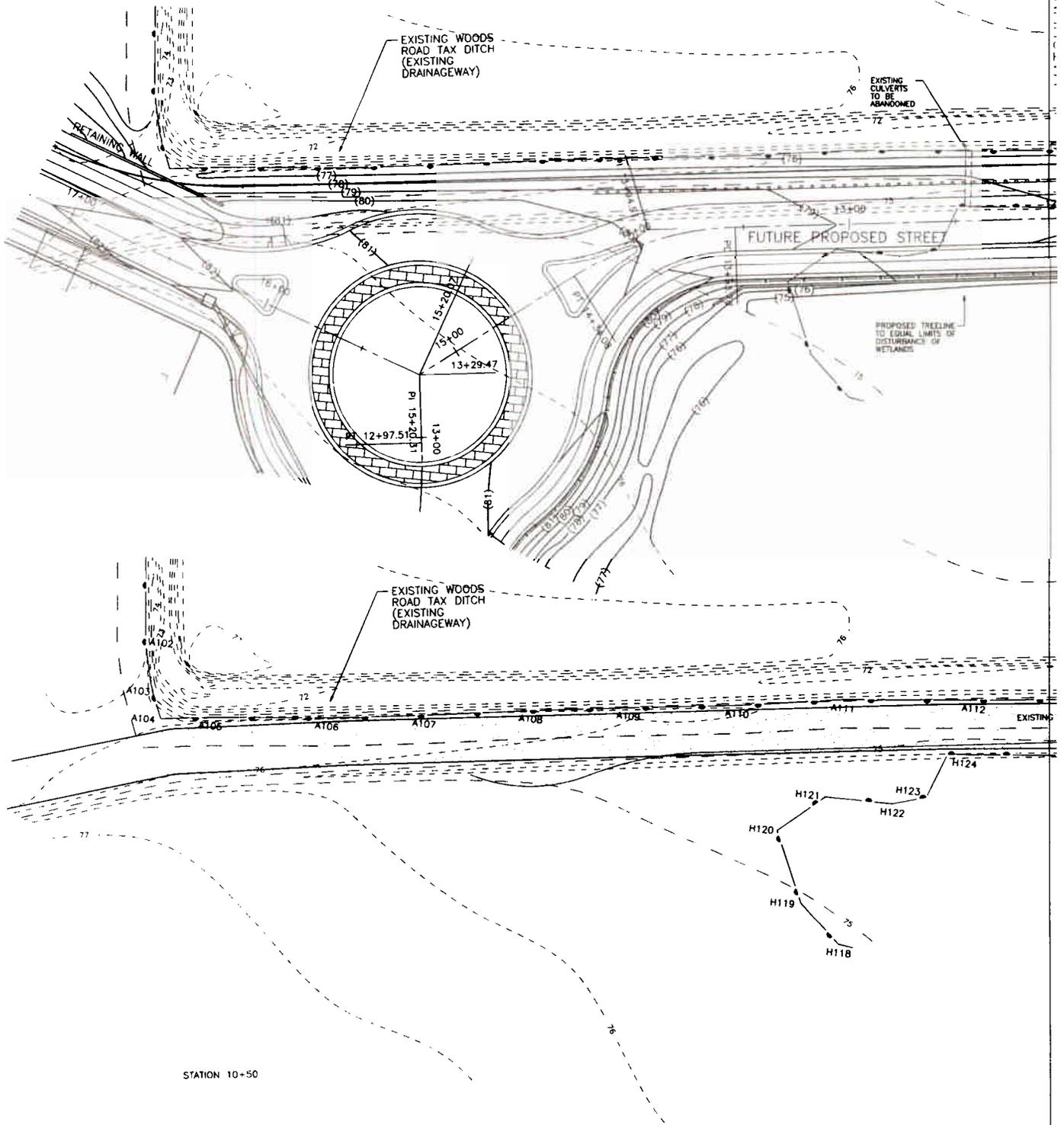


PLAN VIEW
SCALE: 1"=30'



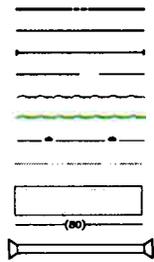
E-7

1,409
98 S.F.
72 S.F.



LEGEND:

- EXISTING BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED RIGHT OF WAY LINE
- EXISTING CONTOUR
- EXISTING WOODSLINE
- PROPOSED WOODSLINE
- EXISTING WETLANDS LINE
- EXISTING WOODS ROAD TAX DITCH
- LIMITS OF WETLANDS FILL
- PROPOSED CONTOUR
- PROPOSED STORM SEWER



E-9

LANDS N.O.F.,
 OF
 LEANNA J. CECCE
 T.P. # 11-037.00-017
 LOT P25, COUNTRYSIDE FARMS
 I.N. 20040316-0029719
 ZONING: NC40

1,892 S.F. OF PROPOSED
 WETLAND FILL - 462 C.Y.
 MAX. FILL HEIGHT = 9.7'

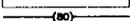
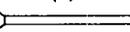
WETLAND
 AREA A
 0.1022 ACS.

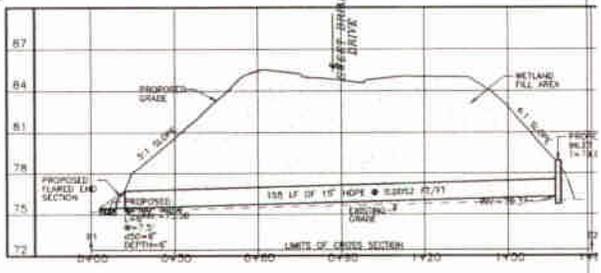
SWEET BRIAR DRIVE
 (60' WIDE R/W)

PROPOSED 18" DIAMETER
 PERFORATED PIPE
 10' R.I. (350/300)

WETLAND
 AREA W

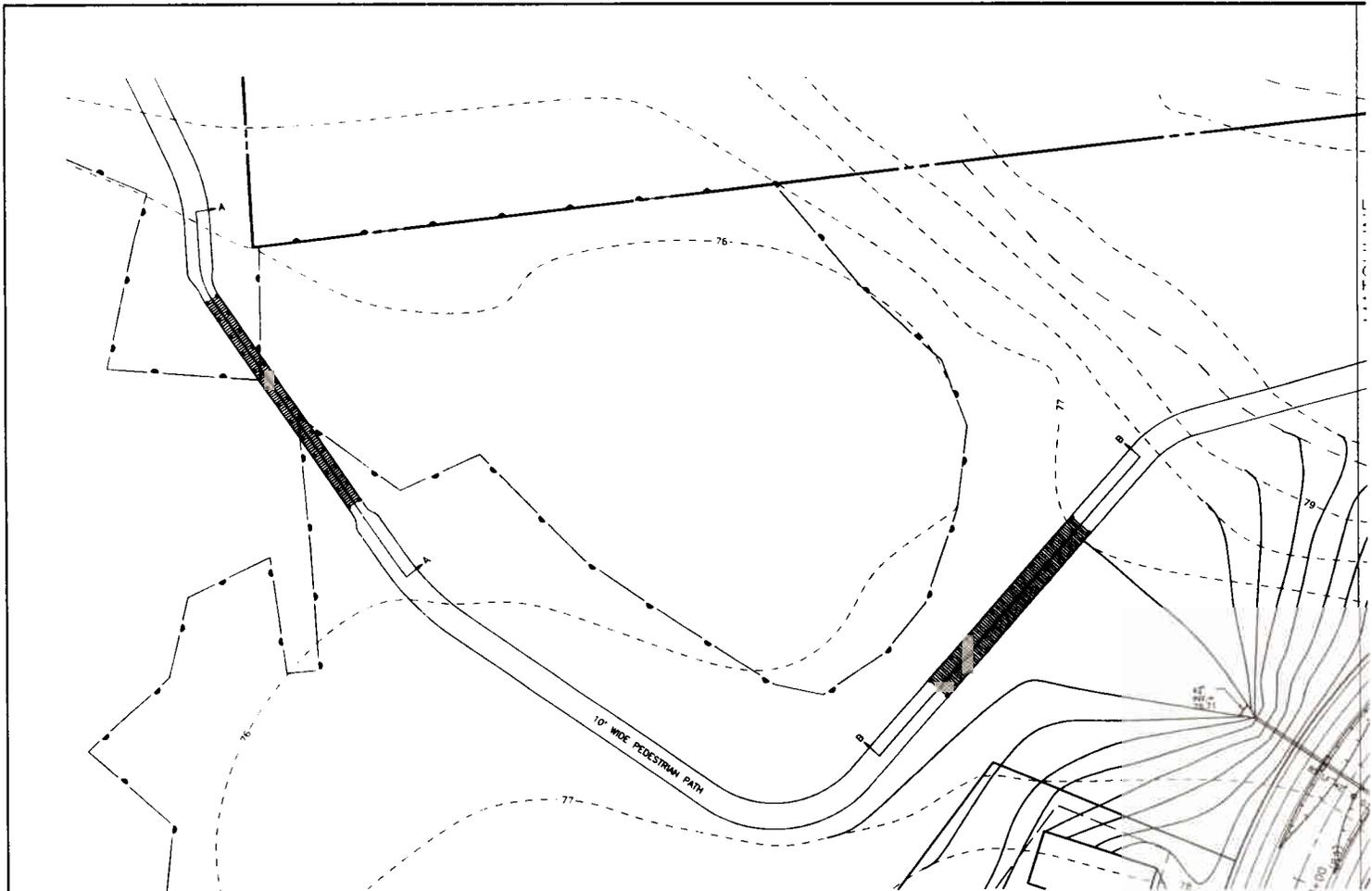
LEGEND:

- EXISTING BOUNDARY LINE 
- PROPOSED PROPERTY LINE 
- PROPOSED RIGHT OF WAY LINE 
- EXISTING CONTOUR 
- EXISTING WOODSLINE 
- PROPOSED WOODSLINE 
- EXISTING WETLANDS LINE 
- EXISTING WOODS ROAD TAX DITCH 
- LIMITS OF WETLANDS FILL 
- PROPOSED CONTOUR 
- PROPOSED STORM SEWER 

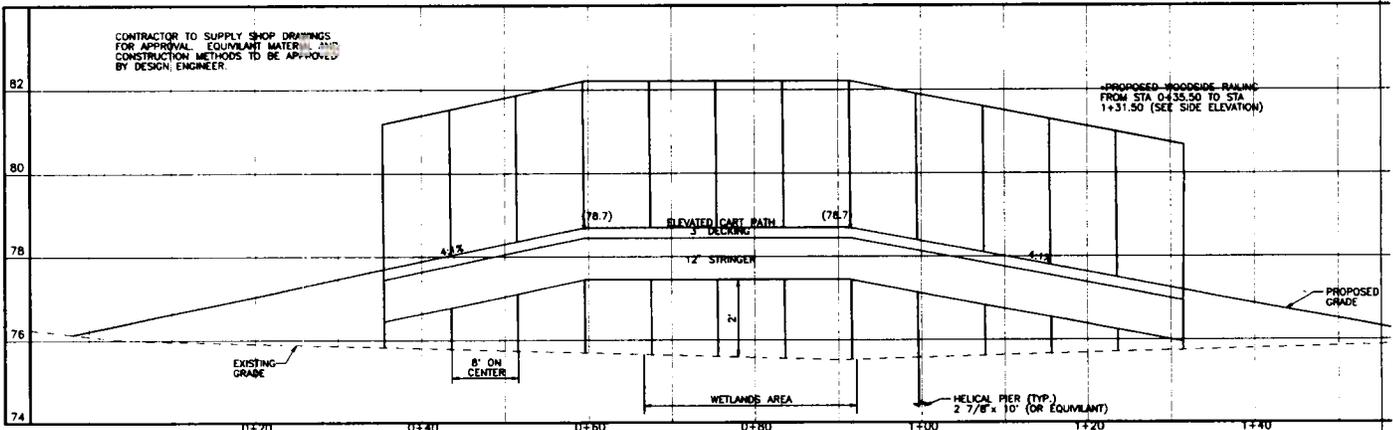


E-11

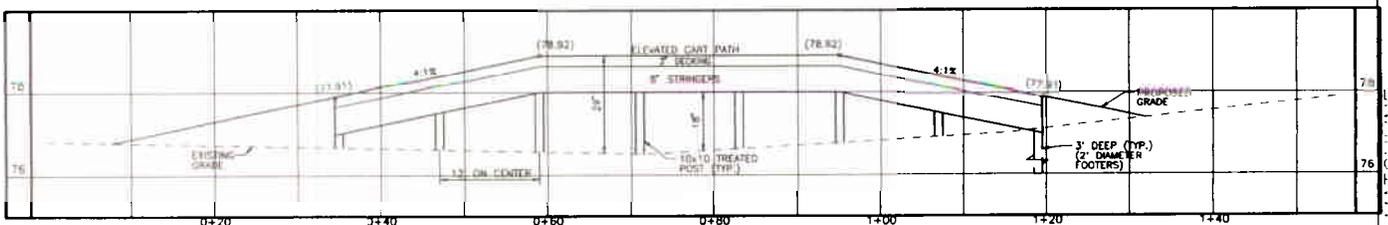
CROSS SECTION 81-82
 SCALE: HORZ. 1"=30'
 VERT. 1"=3'



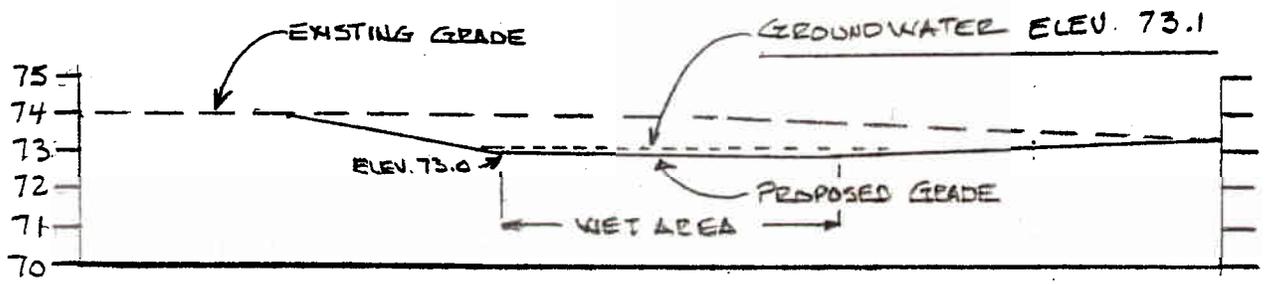
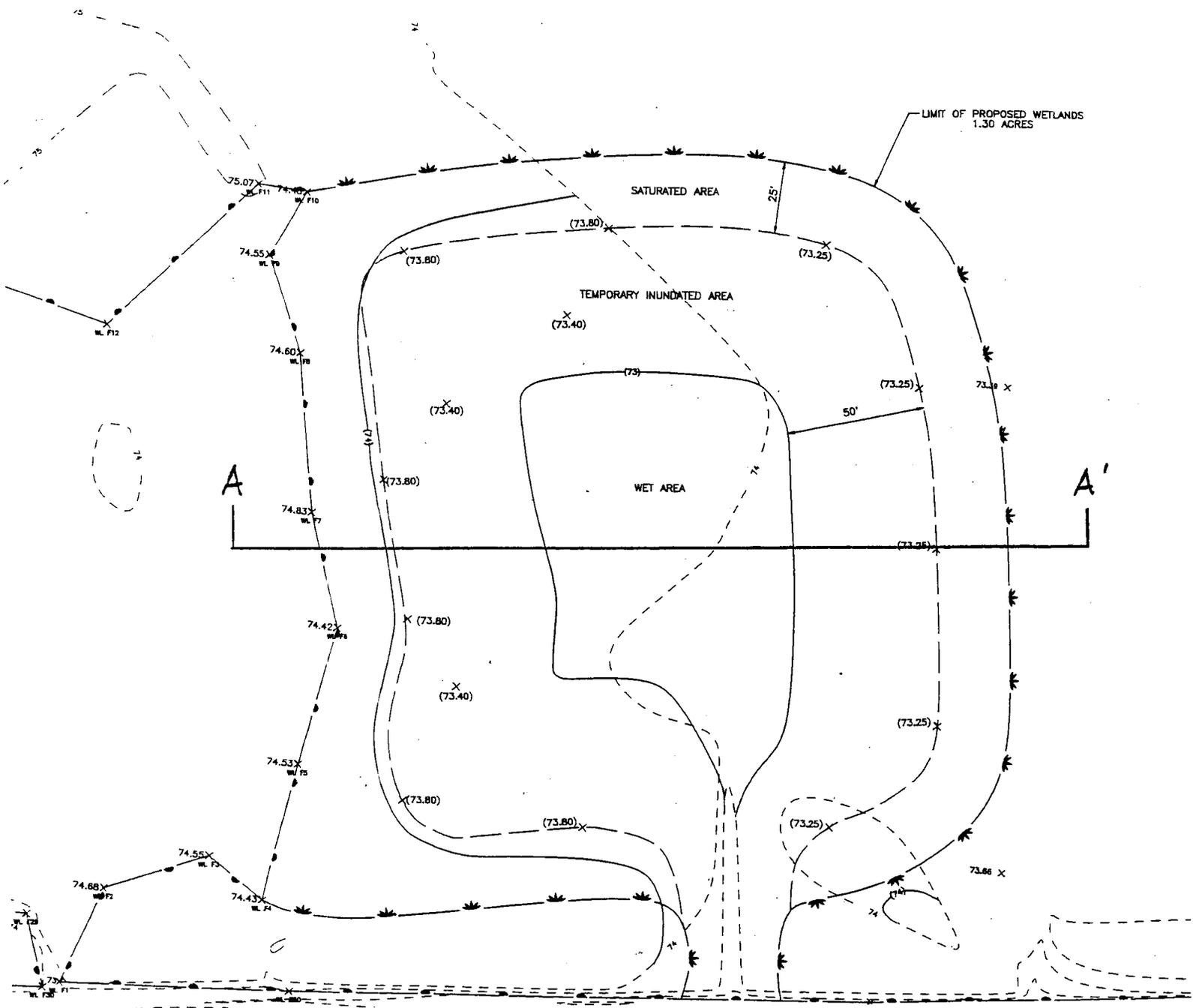
PLAN VIEW
SCALE: 1"=30'



PROFILE A-A
SCALE: HORZ: 1"=10'
VERT: 1"=2'



E-13



SECTION A-A' SCALE: HORIZ. 1"=50' VERT. 1"=5'

EXHIBIT NO. 1
 WETLAND MITIGATION PLAN
 FOR LANDS OF
WOODS AT MANSION FARM
 PENCADER HUNDRED
 NEW CASTLE COUNTY DELAWARE

Tax Parcel # 11-038.00-052

6-4-08 RDB

E-14

Clifton L. Bakhsh, Jr., Inc.
 Land Surveyors, Engineers, & Planners
 4460 Summit Bridge Road, Middletown, DE 19709 (302) 376-8000