



**2020-2021 HOA BOARD OF DIRECTORS'  
STORMWATER MANAGEMENT (SWM) REPORT  
JUNE 2021**

As the current Board has previously reported, there are a number of items that the developer needs to complete in order for SCD (Soil Conservation District) to conduct the final SWM infrastructure inspections and give final approval for the SWM system which includes the ponds, their final outfalls and the associated drainage pipes and inlets, after which the developer would transfer the land to the HOA. To date, the current Board has not received a reply to the May 1, 2021 Board email that was sent the developer, Robert Kleinpaste, his representative, Bill Wallace, and builder, Alan Halle, requesting a schedule for the completion of all developer projects to be turned over to the HOA and the transfer of the open space parcels to the HOA, including the SWM system.

The March 4, 2021 SCD SWM Inspection Report identified numerous repairs that the developer needs to complete including repairs to an existing swale in the rear of three lots, repairs to the two final outfalls, erosion repairs at ponds three and four, and the repair of three different failed concrete pipe seals, two at pond two and one on a homeowner lot. In addition, the developer still needs to have a survey crew come out and survey ponds three and four to create the "as-built plans" for SCD review and approval. That review could identify additional repairs that will be required of the developer if, for example, the grading of the slopes does not meet the State SWM guidelines.

In a meeting with SCD on June 22, 2021, current Board members reviewed the status of the developer's work to complete the SWM system for final inspection and approval. The Board was advised by Jessica Watson, Program Manager of the Soil Conservation District, that numerous requests have been sent to the developer to submit the as-built drawings for ponds three and four for review by her agency. The Board was also advised, that there are currently approximately half a million dollars in construction bonds which were actually posted by Bunting and Murray through their business relationship with the developer. Although Delaware guidelines were modified after 2008 to create some deadlines for the completion of certain developer construction work, Lighthouse Crossing Plans were approved in 2007, and at that time there were no specific deadlines for the completion of SWM construction in developments and construction bond release.

SCD recommends, and the current Board agrees with the recommendation, that the HOA contact Selbyville Town Administrator Stacey Long to review concerns regarding completion of the subdivision by the developer, to understand whether follow-up with the developer would be a Town or a County process and to determine if there are any other construction bonds, for example, for the removal of the temporary construction road, and to determine whether there were any construction or bond deadlines tied to the approved site plan for the overall subdivision.

As previously reported, Lighthouse Crossing Plans were approved in 2007, and at that time there was no requirement for the developer to submit a maintenance and management plan for the SWM infrastructure that would then be turned over to the HOA once the land was transferred. The HOA

would use such a plan to ensure that the Level I Reserve Report covered the anticipated long-term maintenance items for the SWM infrastructure and ensure that the Reserve Fund was sufficient to cover those items.

The current Board has downloaded the Delaware DNREC (Department of Natural Resources and Environmental Control) 2019 Standard Guidelines for the Operation and Management of SWM BMPs (Best Management Practices) which can assist the HOA in identifying the long-term routine maintenance required for the SWM system, and the constructed wetland to create a SWM maintenance and management plan for the HOA. The current Board recommends that the HOA coordinate with the company that prepares the Level I Reserve Report to identify and estimate pricing for SWM long-term maintenance items, and have those items added to the Reserve Report, again, to ensure that the Reserve Account has sufficient funding to cover those items. Note that there are also additional on-line County resources regarding SWM Infrastructure, including, for example, emergency management recommendations for preventative maintenance prior to hurricanes to decrease the potential risk of storm damage.

As previously reported to Homeowners by the current Board, based on SCD's and the Certified Construction Reviewer's recommendations to decrease the risk of slope erosion at the ponds while waiting for the repairs to be completed, the Board has amended the mowing of the slopes to approximately every other week to allow the plant material to establish more roots to hold onto the soil. This is an interim measure to reduce the risk of more erosion while awaiting repairs.

The current Board believes that in order to prevent erosion into the ponds, part of the long-term maintenance that will be required will be aeration and reseeding of the pond slopes. As an example of the potential associated costs, Sullivan's has provided a cost estimate of \$1,764 for aerating and overseeding the turf area at pond two.

The current Board has coordinated with Envirotech to develop a long-term plan for enhancing the plant material at the ponds with native grasses and wildflowers. The Board has advised Envirotech that, per the current contract, the Board requests that they proceed this summer with planting the aquatic bench along the shallow inner edge of the ponds with a variety of native pond plants including duck potato and blue iris.

The Board has also requested that Envirotech prepare a planting plan for the 3 foot no mow zone around the ponds to present to Homeowners for their consideration with the associated additional costs. Such a planting plan could be installed in the fall or the spring by the slit seed method. This has the potential to transform the no mow zone into a naturalized riparian buffer of native plants and wildflowers. The current Board does not believe that this work should be done prior to full inspection and approval of the ponds and transfer of the land to the HOA to ensure that all developer repairs have already been completed.

After the final inspection and approval of the SWM system by SCD, the developer should transfer the associated land parcels to the HOA and the HOA would then be responsible for the long-term maintenance and management of the SWM infrastructure system. SCD will continue to annually inspect the SWM infrastructure to ensure that the entire system is maintained by the HOA per State SWM guidelines and the HOA would then be responsible for any required repairs. Note that there is a cost-sharing State program that the HOA will be able to take advantage of, so that any required repairs could be completed by SCD and the State would pay for one-half of the cost of the repairs.

The current Board also recommends that, on an annual basis, the HOA contact the SCD SWM Inspector and schedule a walk-through of the SWM system with the inspector. This process would allow for the early identification of any problems that might require repair, and will allow the HOA to coordinate with the Inspector to ensure that the HOA obtains a copy of the annual SCD Inspection Report.