



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

September 13, 2004

Mr. Jeffrey Clark
Land Tech Land Planning, LLC
118 Atlantic Avenue
Ocean View, DE 19970

RE: PLUS review – PLUS 2004-08-03; Carey Communities

Dear Mr. Clark:

Thank you for meeting with State agency planners on August 25, 2004 to discuss the proposed plans for the Carey Communities project to be located on Route 5, within the Town of Milton.

According to the information received, you are seeking a LPD overlay for 128 acres to build a planned residential community with 425 residential units and, a neighborhood business district and an additional 33,000 square foot of commercial to house a community center, a fitness center, and a field house.

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

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The Office of State Planning Coordination notes that this project is located primarily in an Investment Level 2 area according to the 2004 draft update of the Strategies for State Policies and Spending. There is a small portion of the site adjacent to Round Pole Branch that is shown as Investment Level 3. We also note that the proposal is located

within the Town of Milton. The draft Strategies update has been endorsed by the Cabinet Committee on State Planning Issues and is currently awaiting final approval by Governor Minner. In Investment Level 2 areas, State policies support well-planned phased growth. On this site, the presence of Investment Level 3 reflects some of environmental issues associated with Round Pole Branch and its associated wetlands.

The Office of State Planning Coordination commends the developer on a design that reflects many of the concepts put forward in the State's new publication *Better Models for Development in Delaware*. Specifically, the mix of uses and housing types, the strong bicycle and pedestrian connections, the road connection to Cannery Village, incorporation of community open space, and the seamless transition to the adjacent school site are strong aspects of the project's design. It is clear from the presentation at the meeting and the site plan submitted, that you are working hard to ensure that the project is a continuation of the Town of Milton and that the project connects with the town both physically and in its character. We do ask that as the project moves forward, you consider additional forest conservation on the site. DNREC's comments more specifically address the issue of forest conservation and tree removal. We encourage you to work with DNREC staff to address those issues.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a high probability for prehistoric and historic archaeological sites within the subject property. It is noted that Dr. Edward Otter is in the process of a site review and SHPO would like a copy of his report when he is finished. There was a structure on this property, as shown on the Beer's Atlas of 1868 and indicated with the name of Robert Cary. This indicates that there is a high probability for an historic archaeological site.

The applicant has indicated in the PLUS application that a federal permit will be obtained for the creation of pathways that impact non-tidal wetlands. The applicant and developers should be aware of Section 106 of the National Historic Preservation Act (36 CFR 800), which requires the federal agency to consider effects of their projects on cultural and historic resources.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) A traffic impact study (TIS) is required for this project and was scoped on July 15, 2004. In DelDOT's review of the TIS they may add to or modify the following comments. DelDOT commended the developer for starting the TIS process early. Presently the review time for completed TIS is about nine months.
- 2) DelDOT noted that they commend the developer for providing the proposed road connection to Cannery Village and more generally for their efforts in respect to a mixed-use community and a walkable community, using a system of trail interconnections that is consistent with Livable Delaware.

- 3) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements with regard to the design of the site entrance. Because the proposed improvements to Harbeson Road would not match any of DelDOT's standard typical sections, it is recommended that the developer's site engineer begin discussions in this regard soon. DelDOT supports the boulevard concept that the developer is proposing and is interested in working with the developer regarding the specific design. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

- Excessively well drained - Evesboro
- Well Drained –Sassafras and Rumford
- Moderately well drained – Woodstown
- Very poorly drained (**hydric**) – Johnston (Floodplain soil) & Swamp

Evesboro is an excessively well-drained upland soil that has limitations associated with rapid permeability. Sassafras and Rumford are well-drained upland soils that, generally, have few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that moderate limitations for development. Johnston and Swamp are very poorly-drained wetland associated (**hydric**) soils that has severe limitations for development.

Although most of the soils on this parcel are fairly well drained, they have some limitations associated with rapidly permeable sandy subsurface horizons. Such soils are conducive to nutrient leaching via groundwater or surface runoff into the surrounding watershed. In soils containing shallow water tables or found in close proximity to waterbodies, these impacts are greatly intensified.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of Palustrine Forested wetlands on this parcel. Round Pole Branch and an associated tributary also transverse the property.

The developer and County should note that impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. Impacts to waterbodies (including stream crossings) are regulated by both the Army Corps of Engineers and the DNREC Wetlands and Subaqueous Lands Section. In addition,

individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

Because there is strong evidence that federally regulated wetlands exist on site, **a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified by the Corps of Engineers through the Jurisdictional Determination process.**

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Vegetated buffer zones of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters of the Chesapeake Bay Watershed; designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Broadkill River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate nutrient runoff into adjoining streams or watercourses. **The previously mentioned recommendation for a 100-foot minimum isolation distance from all waterbodies and wetlands, is an important BMP management technique to help the State of Delaware achieve its nutrient pollutant load reduction goals.**

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. Because the planned stormwater management design impacts the sediment and stormwater plan for a state project (Cape Henlopen School), DNREC Sediment and Stormwater Program must be involved with that meeting.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique. This site is sandy and has low areas that probably do not discharge except through infiltration, therefore the pre development discharge is likely to be low, making recharge a key component in managing to the pre development discharge rates.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption. Stormwater management for the school property must be maintained throughout development of Carey Communities. A shared maintenance agreement for stormwater management facilities must be developed between Carey Communities and Cape Henlopen School District. DNREC Sediment and Stormwater Program will not allow maintenance of a stormwater pond that provides stormwater management for runoff from a state project to fall solely in the hands of a homeowners' association.

We recommend keeping construction of the larger pond into the wooded area on the north side of the project out of the wooded area. In addition to clearing trees to construct a pond, which we never recommend, construction of a pond in this location will be costly and difficult. The existing pond for the school in that area is an embankment pond and it does not extend into the woods. Given the amount of fall to the creek in the woods, the pond as shown will be a large embankment pond. A large amount of impervious material (clay) will need to be imported to the site to construct the embankment.

Further, the Department strongly recommends that the periphery of any proposed ponds (including stormwater management ponds) contain a 50-foot buffer of native woody and/or herbaceous vegetation. This buffer will serve to reduce nutrient runoff into the pond and reduce the problems associated with nuisance algae and geese. The Department also recommends that the applicant reduce the size and/or number of ponds proposed for this subdivision.

Restrictions will be placed on structures located within the flood zone. Contact Mike Powell of DNREC Division of Soil and Water Conservation regarding those restrictions.

A Certified Construction Reviewer (CCR) will be required for the site during construction. You should contact Sussex Conservation District for details regarding the CCR requirement.

Forests

There is currently an extensive wooded area within this parcel; site plans show that a significant portion will be impacted by the construction of approximately 32 single family lots and associated infrastructure. This forested area provides important water quality, air quality and habitat benefits both to the site itself and the region. Impacts to these woodlands will cause “fragmentation” of the larger forest, resulting in a significant decrease in habitat value. The developer is strongly encouraged to preserve, and where possible, enhance forested resources on site.

Any lands set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection mechanism. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as stormwater management ponds) be pulled out of the forest and that areas of community open space be designated along the riparian areas. Doing so will accomplish two things: it will preserve and expand the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Habitat

The Delaware Natural Heritage Program sent comments regarding this project to Lisa Wood of Atlantic Resource Management, Inc. on August 18, 2004. The following comments are (in part) from the letter:

Based on review of topographic maps, aerial photographs, and because DNHP has not visited the site previously, their DNHP Botanist requests the opportunity to survey the forested wetland resources which could potentially be impacted by the project. His

observations would allow them to make more informed comments on this project. Please contact Bill McAvoy at (302) 653-2880 to set up a site visit.

Swamp pink (*Helonias bullata*) is a federally listed plant that occurs along Round Pole Branch just south of the project site. This species typically occurs in Atlantic white cedar and maple/gum swamps in the Coastal Plain and appears to be very sensitive to sedimentation. Appropriate erosion and sediment control measures should be taken during construction activities to minimize impact to this species.

Because of the presence of this species within the Round Pole Branch, this project lies within a State Natural Heritage Site. However it does not lie within a Delaware National Estuarine Research Reserve. This is one of the criteria used to determine the presence of Critical Resource Waters. The final decision regarding Critical Resource Waters – if this is an issue – will be made by the U.S. Army Corps of Engineers (ACOE). The information above will aid the ACOE in their determination.

In the interest of water quality and wildlife habitat, we recommend maintaining a forested buffer of at least 100 ft along Round Pole Branch and associated wetlands. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

Revegetation

For this project, DNREC requests that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. They further recommend the use of native plants and our Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Recreation

The Division of Parks and Recreation appreciates the planning efforts in designing a pedestrian friendly community and the consideration to blend in with the town of Milton. They recommend that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

They recommend that a series of stacking trail loops be designed with access points in each subdivision “pod” and connections to adjacent communities. Community trail systems with long continuous trails, perimeter-only trails, and systems with few access

points, often go unused and neglected. For trail design/construction specifications, including the proposed pedestrian bridge access over the federal wetlands, contact Susan Moerschel at (302) 739-5285.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Eastern Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project.

For additional information about the outdoor recreation priorities, contact Bob Ehemann at 739-5285.

High Priorities

Walking or Jogging Paths

Bike Paths

Fishing Areas

Moderate Priorities

Picnic Areas

Skate Facilities

Canoe/Kayak Access

Hiking Trails

Swimming Pools

Playgrounds

Soccer Fields

Tennis Courts

Power Boat Access

Baseball/Softball Fields

The Division of Parks and Recreation recommend that the three single family parcels north of the community park be moved to allow a large grove of trees to remain.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for

heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 32.6 tons (65,233.1 pounds) per year of VOC (volatile organic compounds), 27.0 tons (54,008.6 pounds) per year of NO_x (nitrogen oxides), 19.9 tons (39,848.5 pounds) per year of SO₂ (sulfur dioxide), 1.8 ton (3,547.2 pounds) per year of fine particulates and 2,728.3 tons (5,456,662.8 pounds) per year of CO₂ (carbon dioxide)

Emissions from electrical power generation associated with this project are estimated to be 5.2 tons (10,428.0 pounds) per year of NO_x (nitrogen oxides), 18.1 tons (36,271.2 pounds) per year of SO₂ (sulfur dioxide) and 2,675.0 tons (5,350,002.0 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 13.2 tons (26,311.5 pounds) per year of VOC (volatile organic compounds), 1.4 ton (2,895.1 pounds) per year of NO_x (nitrogen oxides), 1.2 ton (2,402.5 pounds) per year of SO₂ (sulfur dioxide), 1.6 ton (3,100.3 pounds) per year of fine particulates and 53.3 tons (106,660.8 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	32.6	27.0	19.9	1.8	2728.3
Residential	13.2	1.4	1.2	1.6	53.3
Electrical Power		5.2	18.1		2675.0
TOTAL	45.8	33.6	39.2	3.4	5456.6

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

This project's location within the Town of Milton in an area planned for growth helps to mitigate these air impacts. Additionally, the project's design with both vehicular and bicycle and pedestrian connections throughout the site and with adjacent sites provides additional opportunity to mitigate some of the air quality impacts. Additional tree preservation on the site would provide more mitigation to the air impacts of the project.

Underground Storage Tanks

There is one inactive LUST sites located near the proposed project:

Bob Willey & Son, Facility # 5-000500, Project #'s S9407164, S9809147

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

Site Investigation and Restoration

The Final Plan of Remedial Action for the Former Draper King Cole Vegetable Cannery was approved. A Soil Management Plan was approved for the site, which included removing contaminated soils from the residential area of the site and placing that soil onto the commercial portion of the site. These soils will then be paved over, or used underneath of new buildings. A Groundwater Quality Monitoring Program was also approved for the installation of a sentinel monitoring well downgradient of the identified groundwater contamination in the former UST area. This groundwater contamination is associated with No. 6 fuel oil.

Lucas Development is another SIRB site located within a 1-mile radius of the proposed plan: An inspection tour took place in 2000 with the Site Investigation and Restoration Branch (SIRB), Division of Public Health (DPH), and the Division of Air and Waste Management (DAWM). The site is a cluster of 20 residences with basic sanitation problems. Some of the wells that DPH tested had elevated levels of e-coli bacteria.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do 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):

- a. **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 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- 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.

b. **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 or 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.

c. **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 Harbeson Road 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.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

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

e. **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

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.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information provided indicates that the Town of Milton will provide water to the proposed projects through a central public water system. Public Service Commission files reflect that the Town of Milton does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, governmental agencies offering

wastewater services must file data with the Commission regarding its service areas. If they have not already done so, the Town will need to notify the Commission of the areas to which it is providing wastewater services.

Delaware State Housing Authority – Contact Karen Horton 739-4263

The Housing Authority supports this proposal for several reasons: the mix of housing types; the inclusion of affordable homeownership units; the connection between the development and the neighboring school facilities; the on-site amenities; the integration of the community architecturally to the Town of Milton; as well as, the site's close proximity to services and markets. Overall, this is an excellent proposal. In addition, this is an area of the County that is experiencing escalating price increases and the inclusion of affordable housing units will provide much needed housing opportunities.

Delaware Emergency Management Agency – Contact Don Knox 659-3362

A significant impact to public safety is foreseen by implementation of this project, due to the large number of residential units being constructed. The developer should notify the police, fire service, and emergency medical response organization serving the Town of Milton, to keep them apprised of all development activities. Portions of the development lie very close to the Special Flood Hazard Area inundated by the 500-year flood. Routes 5 and 16 are both coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coastal storm event.

Department of Education – Contact Nick Vacirca 739-4658

425 dwelling units could generate an estimated 213 additional students for the Cape Henlopen School District.

If the development is approved and build, please use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around (without backing) from the furthest areas within the development while picking up and dropping off students. Should there not be any sites more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be included. The developer should work closely with the school district transportation supervisor

The Department of Education supports walking or bike paths for the use of multi modes of transportation because the development is planned adjacent to school property.

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,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Constance C. Holland, AICP
Director

CC: Town of Milton