



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

January 7, 2005

Mr. Gregory V. Moore, P.E.
Becker Morgan Group, Inc.
738 S. Governors Avenue
Dover, DE 19904

RE: PLUS review – PLUS 2004-12-07 Eden Hill Farms

Dear Mr. Moore,

Thank you for meeting with State agency planners on December 22, 2004 to discuss the proposed plans for the rezoning of Eden Hill Farms from IP/Ag to TND in the City of Dover.

According to the information received, the developers are seeking approval for a 620-unit mixed-use development between West North Street and New Burton Road on the west side of Dover.

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

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

This project is located in Investment Level 1 according to the 2004 State Strategies for Policies and Spending. This site is also located in the City of Dover. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. This project is a mixed use project providing commercial, office, residential and open space uses. **Our office supports mixed use infill projects as essential to the Livable Delaware strategy of concentrating growth in and around existing communities and infrastructure.** This

is the type of project that is highly desirable to allow us to meet our goals of revitalizing our already urbanized areas while protecting agricultural lands and natural resource areas from encroachment by sprawling suburban and rural development. Our office has no objections to the proposed rezoning and development of this project in accordance with the relevant City codes and ordinances.

In addition, we would like to commend the property owners, developers, and project designers for working collaboratively with the State to instill this project with an exceptionally high level of urban design quality and open space preservation. There have been many months of discussions between and amongst these parties, and the result is truly a project which we are sure will fit well into its immediate surroundings, the available and future infrastructure, and the fabric of the City as a whole.

We are particularly encouraged that the owners and applicants have chosen to develop a “Traditional Neighborhood Design”. For the most part, this development appears to be consistent with the principals of “Traditional Neighborhood Design” (which is also known as “New Urbanism” by some planners and architects). Portions of this development embody all six of the guiding principals found in our publication titled Better Models for Development in Delaware:

Principle 1. Conserve Farmland, Open Space, and Scenic Resources: This plan has a significant and noteworthy open space component. The important historic farmstead and “tree alleys” were preserved. Too often open space is an afterthought – here you have made it a guiding principle in the design of the project, and chosen to integrate open spaces that relate to the historical use of the property as a farm. These open spaces will be valuable features for residents, employees, and the larger City of Dover community. The large park area in the southwestern corner of the site will have a great benefit for regional recreation.

Principle 2. Maintain a Clear Edge Between the Town and Countryside: This chapter of Better Models talks about the importance of growing through infill and redevelopment, rather than sprawling outward and impacting farmland and open space. This principle is addressed through the project’s location as an infill parcel. This project will provide a range of residences, jobs, commercial, and professional services close to Dover’s downtown, rather than on a greenfield site on the edge of town or in a rural area.

Principle 3. Build Livable Communities: The term “livable communities” can mean many things to many people. We are impressed that the owners, developers, and designers have incorporated so many different aspects of community life into this mixed use plan. Most new developments we see through PLUS contain homes and some component of open space. New residents are compelled to drive to work, to shop, to go to restaurants, and even to go to a park. This development provides not only homes but extensive open space, preserved historic sites, commercial services and medical and office uses. It is truly a live-work community that can meet a range of needs for future residents and employees alike.

Principle 4. Preserve Historic Resources: The owners, designers, and developers thought of preservation first and protected the historic structures, tree alleys and open space on the site.

Principle 5. Respect Local Character in New Construction: The choice of the “Traditional Neighborhood Design” style of development has resulted in a traditionally designed street pattern that mimics the general design of the street pattern in many older communities, Dover included. While we have not seen nor reviewed any conceptual architectural drawings for the buildings we understand that the City of Dover’s ordinance does compel the applicants to link the architectural design to historic precedents in Dover and the region.

Principle 6. Reduce the Impact of the Car: One of the basic tenets of Traditional Neighborhood Design is to design developments for people first by creating human scale streetscapes. There is no denying that the automobile has transformed our culture in the last 50 – 60 years, and the best Traditional Neighborhood Design projects balance the design goals of creating the human scale streetscape with the reality and necessity of accommodating automobiles. The relationship between the buildings and the streets and open spaces is very important in creating the “public rooms” and “public spaces” that define all of our great cities and towns. This plan is largely successful in this regard. With the notable exception of the medical office complex, the buildings are oriented to the streets, and parking is available on the street, behind commercial buildings, in alleys or on individual lots. The streets also appear to be very pedestrian friendly, and there are a network of trails and paths linking the different components of the development which will provide residents and employees the option of walking for recreation or to get to the different uses on the site.

As noted above in Principle 6, the one disappointing aspect of this plan is the medical complex. The design, as presented, does not appear to be consistent with the overall “Traditional Neighborhood Design” design philosophy in the following regards:

1. **No Mixed Uses:** This district appears to be a single use district for medical offices. The design and marketability of the project could probably be enhanced by integrating other uses into this complex. Residential uses, such as condo or apartment units, or perhaps a residential and nursing facility for the elderly might be good matches. Small scale commercial uses that serve the medical complex (snack bars, gift shops, etc.) would also probably work well in this portion of the plan.

2. **The Buildings Do Not Contribute to Urban Form:** As designed, the buildings are completely surrounded by parking. This design has more in common with a typical suburban mall than it does with a Traditional Neighborhood Design design. One of the basic principles of Traditional Neighborhood Design is that the buildings should frame streets (to create

streetscapes) and open spaces (to create three dimensional public spaces). Parking is essential to any urban or suburban use, but the best Traditional Neighborhood Design projects balance this by designing buildings that hide the parking in internal blocks, place it on the streets, integrate parking structures, or a combination of all three. The appearance, function, and success of this component of the plan could be enhanced by revisiting the basic design of the buildings as they relate to the streets and open spaces. The goal should be to reduce the visual impact of the parking while using buildings to enhance the urban form of streets and open spaces.

3. An Excessive Amount of Parking: We have not done any detailed calculations, but it does appear that the amount of parking proposed is more typical of a suburban mall than a mixed use, infill project. The parking calculations typically used for suburban commercial and office uses tend to assume a “worst case scenario” of full occupation of the use at all times, and that there are no alternatives to driving to the site. This project is accessible to transit, and will be connected to other neighborhoods and employment sites through a pedestrian network. The mixed use nature of the project may also decrease single occupant vehicle trips and provide for joint use parking. We ask the applicants to reconsider the total amount of parking provided. Other project goals, such as providing parking near the building entrance for patients, could be met by reserving certain spaces or instituting other parking restrictions rather than by providing an excessive amount of parking. This is an extremely valuable piece of property. It would be a shame to not take advantage of opportunities to maximize its use in order to provide extra parking for vehicles that will rarely be used.

To summarize, our office commends the applicants, owners, designers, and developers for proposing a very innovative and creative mixed use project on an important infill parcel in Dover. This project combines elements of all six “Design Principles” encouraged by Better Models for Development in Delaware into a very attractive and viable project for the City of Dover. We do ask that the designers and applicants consider making some design changes to the medical complex in order to ensure that it is consistent with the high level of design quality exhibited by the rest of the development proposal. Please note below that the State Historic Preservation Office has some more detailed design comments for the project that are intended to improve the integration of the new development with the historic resources on the site. Please consider these design comments as well.

Our office has no objections to the rezoning and development of this project in accordance with all of the relevant City codes and ordinances. In addition, we would like to extend an invitation to the designers and developers of the medical office plan component to meet with us to discuss design alternatives. Our office will be able to provide examples of other successful “Traditional Neighborhood Designs” and provide design assistance based on the concepts found in Better Models for Development in Delaware.

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

Eden Hill is listed in the National Register of Historic Places because of its contribution to agriculture, its association with significant people (Nicholas Ridgley), its architecture, and its potential to yield information (historic information illustrated in the initial construction and subsequent additions and alterations of the house). The property retains its historic integrity, including location, setting, design, feeling, workmanship, and association. The property's history and its visual representation and continuity of that history are important characteristics of the property.

It is good to see that the proposed plan includes retention of the house and outbuildings, and some historic landscape features, such as the historic entrances to the property. Nevertheless, the proposed development represented in the Master Plan would have an adverse effect on the historic property. We feel the design of the Master Plan could be more sensitive to the historic property. A large block of preserved open space around the historic buildings, rather than the "strips" of open space shown in the Master Plan, would have been more ideal.

As proposed, the development is too densely located around the historic buildings, resulting in diminishment of the historic property's integrity of setting, feeling, and association. We appreciate the attempt to develop a Traditional Neighborhood Development design and feel the design is successful in the residential section of the property; however, we feel the design is unsuccessful with the medical and commercial complexes on the northern part of the development. We suggest the following changes to the plan:

- 1) The Medical Complex turns in on itself and becomes an isolated component of the development instead of being part of the Traditional Neighborhood.
- 2) Reduce amount of parking spaces.
- 3) Move some of the three story condominiums to the south portion of the Medical Complex, which could help the complex become part of the Traditional Neighborhood.
- 4) Move the condominiums immediately south of the Allee and open space to the north side of The Allee.
 - a. Currently, the design of the Allee includes residential/condominiums on the south side and a landscape buffer, backs of medical buildings, and parking on the north side. Moving some of the condominiums to the north side of the Allee enhances the streetscape and Traditional appearance.
 - b. As stated above, this would help tie the medical office complex into the development; and

- c. Allow for more open space within the condominium section, minimizing the density of the condominiums and minimizing the effect on the historic buildings.
- 5) The Commercial Complex, located on the northwest corner, affects the historic property, specifically the proposed grocery store located immediately adjacent to the historic buildings.
 - a. The size and massing of the grocery store is not compatible with the historic buildings.
 - b. The grocery store use would require truck access to the back of the building, which abuts the historic property, and debris and other equipment resulting from the grocery store use will find its way onto the historic property.
 - c. If it is necessary for a grocery store or big box building to be located on this property, we suggest locating with the retail/office buildings.
 - d. Locating the grocery store away from the historic buildings and the “traditional main street” closer to the historic buildings provides a more traditional and compatible use and design.
- 6) Remove the proposed road between the historic buildings and the “future public use” building and remove the road connecting the Medical Complex to the Commercial Complex.
 - a. This will provide a unity to the open space; and
 - b. Provide a better connection between the “future public use” building and the historic buildings.
- 7) There are Native American archaeological sites on the south part of the Master Plan and a high probability for historic archaeological sites in the area surrounding the house and the hedgerows. The potential historic sites are associated with the house and past outbuildings.
 - a. We recommend the developers and DeIDOT hire an archaeological consultant to provide a Phase I survey of their respective properties (SHPO can provide a scope of work).
- 8) The arc road connection on the western side of the Allee separates the open space. This road connection should be designed and landscaped to blend in as much as possible and to contain a pedestrian connection or crosswalk to connect the two sides of the open space. Parking should be restricted in the arc to limit the visual impact cars would have on the continuity of the historic open space.
- 9) Road widths should be consistent with traditional town street widths.
- 10) Make sure the construction is high quality throughout the development. Furthermore, new construction, while keeping with the traditional town feel,

should be compatible with the historic buildings in scale, materials and workmanship.

- 11) As the development is designed, we are confident that the landscaping will be appropriate for a Traditional Neighborhood Development. Please keep in mind that the historic landscape of this property is the open space. Planting additional landscape features along the edges of the open space may work to buffer the new developments from the historic property. However, a large amount of buffering would be unnecessary if the design of the new development is sensitive to the historic property.
- 12) As the use of the historic buildings may change, SHPO can provide assistance to DelDOT and other parties involved in determining future uses and rehabilitation and preservation of the buildings. SHPO would also like to assist with any new construction in the public areas as it relates to compatibility, design, siting, etc. This includes the “future use public building” indicated on the plan.

The historic complex is the attraction of the property. The design of the plan should focus on the property’s historic attraction and not hide it from view by locating the dense development so close to the historic buildings and along the outer streets. The design of the development should illustrate the open space that has always been historically associated with the property. A better open space design would preserve the property’s integrity. We hope the developers use the historic property to their advantage and take our suggestions into consideration.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Daniel & Deborah Scheller seek to develop an approximately 272-acre assemblage of parcels (Tax Parcels ED-05-076.00-01-13.00-000, ED-05-076.00-01-14.00-000, ED-05-076.00-01-14.01-000) on the south side of West North Street (Kent Road 73) and the west side of the Norfolk Southern railroad tracks in the City of Dover. The development would be neo-traditional in design and would include 620 dwellings of various types, 134,400 square feet of commercial uses, a 280,000 square foot medical complex and a seasonal farmer’s market pavilion. The land is zoned IP/Ag (Industrial Park and Agriculture) and a rezoning to TND (Traditional Neighborhood Design) would be needed for the proposed development to proceed.

Our comments are as follows:

- 1) DelDOT has been an active participant in the development of the concept plan for this project and has spent over \$2,400,000, appropriated through three different Bond Bills, for planning and acquiring the 28 acres including the farmstead. We fully support the proposed rezoning. We wish to continue working with the design team for both the medical complex and the residential development to arrive at the best arrangement of building sites and streets, in the interest of safety and efficiency.

- 2) We are interested in reconnecting Eden Hill Farm to Water Street for the purpose of providing good access to the medical complex and the townhouse and condominium uses. However, making this connection across the Norfolk Southern railroad tracks at grade will require the closure of an existing grade crossing in another location. We are working with Norfolk Southern to accomplish that. If we are unsuccessful in that regard, legislation will be necessary to permit the creation of a new grade crossing at Water Street.
- 3) The road that is shown on the Master Plan as "Salisbury Rd." would be an extension of Saulsbury Road (Kent Road 156). DelDOT has a project, known as the West Dover Connector (WDC), which could extend Saulsbury Road from its intersection with West North Street to an as yet undetermined point on New Burton Road (Kent Road 190). Accordingly, since this road may become part of Saulsbury Road, it should be designed and built to State standards. Presently we do not have a typical section that we would use in extending Saulsbury Road, but we expect to develop one for planning purposes in 2005. In planning the development, we recommend that a 150-foot right-of-way be set aside for Salisbury Road. Any typical section that we are likely to develop would fit within that width. If the developer is ready to proceed with the first phase of development before the appropriate road section has been determined we will work with the developer on a suitable alternative or temporary access arrangement so the project is not delayed. Regarding the alignment of the WDC, thus far we have developed several concepts. We are not referring to them as "alternatives" because "alternative" is a defined term in the National Environmental Policy Act (NEPA) process and we are only just beginning that process. As mentioned at the PLUS meeting, all of the concepts that involve extending Saulsbury Road follow the proposed Salisbury Road south to the proposed roundabout and depart from there. As also mentioned, some of those concepts would extend the road through the proposed development. It is also possible that the stormwater management pond may need to be moved, as alternative alignments receive further study as part of the NEPA process (preparation of either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA)). Depending on that outcome, we may then be able to change that recommendation. We expect to complete the NEPA process and arrive at a determination in 2006. DelDOT's preference is that the developers delay the platting of this area until the alternatives have been selected. However, we are aware that the developer must show a conceptual master plan for this site in order to apply for the rezoning at the City. Any plan that is presented to the City for this section should contain the caveat that the area south of the round about may need to be redesigned or re-platted based on the desired alternatives selected through the WDC study process. The project should also be phased so that the area south of the roundabout is in a later phase of construction. More information about the WDC project is available at www.DelDOT.net. Questions regarding the project may be directed to our project manager, Mr. Jay Kelley at (302) 760-2365.

- 4) While not required as part of the City's approval process, a traffic impact study (TIS) is important to ensure that the transportation infrastructure needed to support this development is sized properly. We recognize that the WDC, if it is built, will significantly change travel patterns in the area of this project and we take responsibility for having the area road network function well in that event. However, the developers of Eden Hill Farm want to proceed now and we have not yet determined what, if any, alignment will be built for the West Dover Connector. Therefore, at least the initial phases of the development must be designed, and have sufficient improvements to the existing road network, to function without the WDC. As part of the engineering studies done for the WDC, a significant amount of traffic data has been collected. That data is available from Mr. Kelley and may be used in the TIS. To obtain a scope of work for the TIS, the developer should have their traffic engineer contact our project engineer, Mr. Todd Sammons, at (302) 760-2134.
- 5) The developer's engineer should contact our project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding our requirements for access. Mr. Herb may be reached at (302) 266-9080.

Delaware Transit Corporation – Contact Catherine Dennis 739-3278

The area is served by DART Routes 102, 113 on North St. and Route 103 on New Burton Road. DART requests the site plan include sidewalks and wishes to discuss the possibility of implementing bus stops. Please contact DART Planner Wayne Henderson at (302) 577-3278 extension 3553.

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

General Comment

This project plan represents what Livable Delaware should be about. The plan preserves wetlands and forests. It provides ample recreational opportunity and is within an established metropolitan region.

Soils

According to the Kent County soil survey, Sassafras and Woodstown were mapped in the immediate vicinity of the proposed construction. Sassafras is well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands.

Site plans show that there will not be direct impacts to these wetlands through construction activities; however, secondary impacts of construction could be detrimental to the health of these wetlands and their associated streams. These wetlands are regulated

by the Army Corps of Engineers through Section 404 of the Clean Water Act. 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. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the DNREC Wetlands and Subaqueous Lands Section, and by the Corps of Engineers.

These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Vegetated buffers 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.

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.

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 St. Jones 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.

Water Supply

The project information sheets state water will be provided to the project by the City of Dover via a central water system. Our records indicate that the project is located within the public water service area granted to the City of Dover under Certificate of Public Convenience and Necessity 90-CPCN-07.

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.

Sediment and Erosion Control/Stormwater Management

Requirements:

- 1) Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
- 2) The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, delete, or modify any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
- 3) Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
- 4) All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded by the City of Dover.
- 5) A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

- 1) This project outfalls to both the Puncheon Run and the Tar Ditch drainage systems which both have a well documented history of flooding downstream from this site. A downstream drainage study will be required for this project to determine the impacts of the site development on those systems. Stormwater management requirements for this site will be based on the results of the drainage study and may involve over-managing the stormwater discharges from this site in

- order to minimize downstream flooding. Groundwater recharge is encouraged, however, without proper construction techniques and effective maintenance, infiltration practices have a high failure rate. Any infiltration practice must meet the minimum requirements for infiltration design and be constructed in strict accordance with the approved plan.
- 2) It appears that the existing stormwater facility near the northeast corner of the project is to be expanded. Since this facility was constructed by DeIDOT, confirmation will be requested that DeIDOT will allow this project to utilize that facility and who is responsible for its maintenance.
 - 3) It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
 - 4) A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
 - 5) Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision.
 - 6) Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section is aware of existing drainage problems on Puncheon Run, downstream of this project. The Drainage Section requests the volume of stormwater released offsite match existing pre-construction volume, and that stormwater infiltration practices be utilized on this project.

The Drainage Section further requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site stormwater.

Floodplains

A small portion of the site is within the 100-year floodplain. Development should be limited to areas outside of the floodplain

Forests

According to 2002 aerial photos, forested areas are found in the southwestern portion of the parcel and along a strip in the northeastern portion. The developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. The forested areas on-site should be viewed as a community asset and managed appropriately.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. 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

PLUS materials indicate that 115 acres of open space is proposed for this parcel.

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.

Stormwater Ponds, Buffers, and Nuisance Species

The stormwater management ponds incorporated within the site plan will likely attract waterfowl like resident Canada geese and mute swans that will create a nuisance. The large pond planned next to the athletic field would be especially attractive to these species. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer area (we recommend 50 feet) around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

It is further recommended that all stormwater ponds be at least 100 feet from all wetlands and waterbodies.

Revegetation/Landscaping

We request that no invasive species be used in the revegetation of disturbed or landscaped 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. We further encourage, where possible/feasible, the use of native plants for habitat restoration projects on-site and our

Bill McAvoy, Botanist, can be contacted at (302) 653-2880 to assist you in developing a plant list.

Recreation

We encourage the designer/builder to involve the Dover Parks and Recreation Department in the recreation components of this project. Zach Carter can be reached at (302) 736-7050.

We 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.

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, contact Susan Moerschel at (302) 739-5285.

Underground Storage Tanks

There are six inactive LUST site(s) located near the proposed project:

George & Lynch Inc, Facility # 1-000087, Project # K9402048
Chesapeake Supply & Equipment, Facility # 1-000247, Project # K9705070
Chesapeake Utilities Corp, Facility # 1-000251, Project # K8905233
Dover city Police Department, Facility # 1-000310, Project # K9510232
Coca Cola Bottling Co., Facility # 1-000471, Project # K9306119
B & J Investments, Facility # 1-000601, Project # K0009114

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

There are 10 SIRB sites located near the proposed project: DE-0060, 1110, 1213, 1212, 1240, 1143, 0057, 1107, 1171, and 1214. Several of these SIRB sites are areas that were studied as potential Brownfields sites. Other SIRB sites have found that the shallow groundwater is contaminated with organic compounds. There is PCE in the shallow groundwater and other dry cleaner solvents; however, it has been found that this contamination is moving to the southeast from Governors Ave to the St. Jones River, and it is not likely that the proposed project will be affected. The proposed project application states that public water will be used, but if domestic wells will be installed, SIRB should be notified.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 47.6 tons (95,163.5 pounds) per year of VOC (volatile organic compounds), 39.4 tons (78,789.0 pounds) per year of NOx (nitrogen oxides), 29.1 tons (58,131.9 pounds) per year of SO2 (sulfur dioxide), 2.6 ton (5,174.7 pounds) per year of fine particulates and 3,980.2 tons (7,960,308.1 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 19.2 tons (38,383.8 pounds) per year of VOC (volatile organic compounds), 2.1 ton (4,223.4 pounds) per year of NOx (nitrogen oxides), 1.8 ton (3,504.8 pounds) per year of SO2 (sulfur dioxide), 2.3 ton (4,522.8 pounds) per year of fine particulates and 77.8 tons (155,599.3 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 7.6 tons (15,212.6 pounds) per year of NOx (nitrogen oxides), 26.5 tons (52,913.3 pounds) per year of SO2 (sulfur dioxide) and 3,902.4 tons (7,804,708.8 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	47.6	39.4	29.1	2.6	3980.2
Residential	19.2	2.1	1.8	2.3	77.8
Electrical Power		7.6	26.5		3902.4
TOTAL	66.8	49.1	57.4	4.9	7960.4

The Eden Hill project will have characteristics that will significantly mitigate the air quality impacts. The project is a mixed use, live-work community in an infill location, next to downtown Dover, with a pedestrian network and trails that are connected in multiple places to the City's existing street and pedestrian network and access to transit. Regardless, there still will be impacts on air quality from energy use. Electrical usage via electric power plant generation alone totaled to produce an additional 8 tons of nitrogen oxides per year and 27 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

- building envelope upgrades,
- high performance windows,

- controlled air infiltration,
- upgraded heating and air conditioning systems,
- tight duct systems and
- upgraded water-heating equipment.”

Our energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. We highly recommend the Eden Hill development and other residential proposals increase the energy efficiency of their homes.

State Fire Marshal’s Office – Contact John Rossiter 323-5365

No comment. This project is under the jurisdiction of the City of Dover Fire Marshal.

Department of Agriculture - Contact Mark Davis 739-4811

The Department of Agriculture staff reviewed the Eden Hill Plan and supports the development concept and design. Ongoing design issues will be addressed with the Delaware Forest Service, the City of Dover, and the developer. The site is located within city limits and as such development is appropriate. DDA requests that every effort be made to preserve any historic structures.

The Delaware Forest Service defers all comments to the City of Dover’s existing land-use ordinances and extends its services to assist with this project at the request of the City of Dover.

Delaware Economic Development Office – Contact Dorrie Moore 672-6816

The Delaware Economic Development Office supports the project as it relates to Livable Delaware. To address concerns about down zoning this industrial parcel that is served by rail, and in an effort to create employment opportunities, the DEDO would like to join forces with the Office of State Planning Coordination and the City of Dover to explore other sites for industrial development throughout the City.

Public Service Commission - Contact Andrea Maucher 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. Contact: Kevin Neilson at (302) 739-4247.

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

The proposal is to develop 620 units on 272 acres between West North Street and New Burton Road on the west side of Dover. According to the State Strategies for Policies and Spending, the proposal is located in Investment Level Areas 1 and 2. DSHA

supports this proposal because it is located in an area where the state is encouraging compact, mixed use, and superior design. Furthermore, the proposal builds upon the State's Livable Delaware initiative and targets first time homebuyers. The provision of this type of unit will help address the need for affordable homeownership opportunities identified in the 2003 Statewide Housing Needs Assessment.

Delaware Emergency Management Agency – Contact Don Knox 659-3362

No comment.

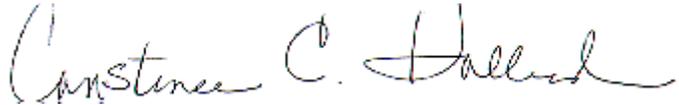
Department of Education – Contact Nick Vacirca 739-4658

No comment.

This concludes our comments. 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 these comments noting whether or not specific recommendations were incorporated into the project design and the reasons 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".

Constance C. Holland, AICP
Director

CC: City of Dover