



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 17, 2005

Mr. Gregory Fusco
Key Engineers
5 N. Broad Street
Middletown, DE 19709

RE: PLUS review – PLUS 2005-07-11; Hearthstone II at New Milford

Dear Mr. Fusco:

Thank you for meeting with State agency planners on July 27, 2005 to discuss the proposed plans for the Hearthstone II project to be located between County Road 211 and County Road 225 adjacent to Eastman Heights.

According to the information received, you are seeking site plan approval for 138 residential units and 24,000 sq. ft of commercial on 120 acres.

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

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

This project is located in Investment Level 2, where the State supports infill, redevelopment, and new development projects such as this one.

Street Design and Transportation

- As part of the entrance construction, DeIDOT anticipates requiring the developer to improve both Elks Lodge Road and Marshall Street to meet DeIDOT's local road standards across the entire frontage of the site.
- One or more stub streets should be provided to the adjoining large parcel to the south that fronts on Marshall Street.
- DNREC recommends shifting the entrance road to avoid impacts to the wetland area.

Natural and Cultural Resources

- The plan shows what appear to be a series of storm water ponds along the Elks Lodge Road site frontage. Such ponds are acceptable if the developer provides a 20-foot minimum buffer between the ultimate right-of-way and the top of slopes of the ponds and the runoff from the site is managed such that the rate and volume of the post-development runoff would not exceed the rate and volume of the pre-development runoff.
- Consideration should be given to removing or reducing the number of lots within the wooded area along the northern portion of this parcel.
- DNREC recommends that vegetated buffers of no less than 100 feet be employed around wetlands and water bodies; particularly because ground disturbance will occur within 100 feet of the wetland complex.
- To minimize potential homeowner activities within wetlands, no lot lines should contain wetlands, their buffers or other resources of conservation concern.
- The DNREC Water Supply Section has determined that parts of the northeastern edge of the proposed development fall within an area of excellent groundwater recharge. The proposed development would change the total impervious cover from approximately 2.05% to approximately 30%. According to the State law that created the Source Water Protection Program, county and municipal governments with more than 2,000 residents will be required to enact ordinances to protect Water Resource Protection Areas. Municipalities with fewer than 2,000 residents are encouraged to enact such ordinances.

New development in WRPAs may exceed the 20% impervious cover threshold, but be no more than 50% impervious, provided the applicant submits an

environmental assessment report recommending a climatic water budget and facilities to augment recharge

The following are a complete list of comments received by State agencies:

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

This project is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. This site is also located in the City of Milford. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the relevant City codes and ordinances.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

Nothing is known within this parcel. There is a house dating to the 1870s (S-3718) across Marshall Rd. from the northwest corner of the parcel, and there are a number of early-20th-century houses in the vicinity, though not immediately adjacent to this parcel. There may have been an early-20th-century building within the parcel near its southern edge (or possibly outside of the parcel), based on the 1918 USGS Cedar Creek quadrangle; there may be archaeological resources associated with this building. There is also an area of medium potential for prehistoric-period archaeological sites.

Because of the wetlands crossing, this project may require an Army Corps of Engineers permit. If so, the developer will be required to consult with this office on the historic resources under Section 106 of the National Historic Preservation Act of 1966 (as amended), and may be required to conduct an archaeological survey, depending on the area of effect determined by the Corps. If not, we would appreciate an opportunity to check the area for archaeological sites and perhaps learn something about their location and character prior to any ground-disturbing activity. We also recommend that there be adequate landscaping around the development to block the view of it from the nearby historic houses.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Elks Lodge Road and Marshall Streets are classified as local roads. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore we will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) As part of the entrance construction, DelDOT anticipates requiring the developer to improve both Elks Lodge Road and Marshall Street to meet DelDOT's local

- road standards across the entire frontage of the site. The minimum typical section for those improvements would be two 11-foot lanes, two 5-foot shoulders and a 15-foot wide permanent easement adjacent to the right-of-way line for the construction of a multi-modal path.
- 3) Regarding off-site improvements, a traffic impact study (TIS) is in progress. The scope of work for that study was established at a meeting on July 29, 2004. DelDOT recommends that the City not act on the plans for the proposed development without the results of that study.
 - 4) DelDOT's US 113 North-South Study is presently evaluating alternative alignments for a limited access highway between Milford and the Maryland line at Selbyville. In the Milford area, there are multiple alignments under consideration. DelDOT anticipates making a determination on the alternatives to be retained for detailed analysis by this summer. One of the alternatives, Alternative B, would pass close by the south side of this development without directly affecting it. For more information on the US 113 North-South Study, the developer or the Town may contact Mr. Monroe Hite at (302) 760-2120.
 - 5) The developer's site engineer has already coordinated with our Subdivision Manager for Sussex County, Mr. John Fiori, regarding the proposed entrance locations. We recommend that they maintain that contact. Mr. Fiori may be reached at (302) 760-2260.
 - 6) One or more stub streets should be provided to the adjoining large parcel to the south that fronts on Marshall Street.
 - 7) The plan shows what appear to be a series of storm water ponds along the Elks Lodge Road site frontage. Such ponds are acceptable if the developer provides a 20-foot minimum buffer between the ultimate right-of-way and the top of slopes of the ponds and the runoff from the site is managed such that the rate and volume of the post-development runoff would not exceed the rate and volume of the pre-development runoff. However, it is recommended that they be moved away from the road and incorporated internally as part of the site design.. Mr. Fiori will make a final determination in this matter when reviewing the detailed plans for the site.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

General Design Comment

Consideration should be given to removing or reducing the number of lots within the wooded area along the northern portion of this parcel. First of all, it is doubtful that all of the proposed stormwater management ponds scattered throughout the subdivision is

necessary for flood control. A reduction in the number of ponds may allow these areas to be used for lots that are taken out of the wooded area. Secondly, the pool/clubhouse/picnic/parking area should be reconfigured to preserve more of the wooded area and reduce wetland impacts. The picnic area could be moved to the area adjacent to the pool that is already cleared. This would also allow the parking lot adjacent to the picnic area to be eliminated or reduced, which in turn would reduce the percentage of impervious surface. This reconfiguration may also allow the entry road off of Sussex County Road 211 to be shifted to reduce impacts to the wetland area. The proposed road crossing cuts through Deep Branch and palustrine wetlands. Permits to fill these wetlands will be difficult to obtain unless the developer can prove that no reasonable alternative exists and that the project could not go forward without these impacts.

Soils

Based on Sussex County soil survey mapping, Sassafras was the predominant soil mapping unit mapped on this parcel. Sassafras is a well-drained upland soil that has few limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands in this parcel. PLUS application materials indicate that wetlands have been delineated. This delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. DNREC recommends that vegetated buffers of no less than 100 feet be employed around wetlands and water bodies; particularly because ground disturbance will occur within 100 feet of the wetland complex. To minimize potential homeowner activities within wetlands, no lot lines should contain wetlands, their buffers or other resources of conservation concern.

It should also be noted that this parcel borders or contains headwater or near headwater riparian wetlands (Deep Branch) which eventually drain to the environmentally-sensitive Mispillion River subwatershed of the Delaware Bay. Because of this projects immediate proximity to said headwater stream, surface and groundwater quality are likely to be negatively affected - making it more unlikely that future required TMDL reductions can be made. In recognition of this concern, the Watershed Assessment Section strongly recommends mitigative efforts to preserve the existing natural forested buffer adjacent to this tributary. Efforts to maximize or expand (beyond the recommended 100-foot minimum) the existing natural buffer width (where applicable) with native herbaceous and/or woody vegetation, is also strongly recommended.

Wetland Permitting Information

Impacts to 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.

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.

Water Bodies

A blue line stream, Deep Branch, runs through the eastern portion of the parcel. Vegetated buffers comprised of native trees, shrubs or no-mow grasses, of no less than 100 feet should be employed from the edge of the stream to mitigate negative impacts. PLUS materials indicate that a Road Crossing is anticipated for this area. Impacts to streams are regulated by the Subaqueous Land Section from DNREC Division of Water Resources and the Army Corps of Engineers.

Impervious Cover

Since residential development significantly increases the amount of impervious cover - leading to large volumes of contaminant-laden runoff which ultimately drain into streams or waterways - the applicant is strongly urged to pursue both natural and constructed Best Management Practices (BMPs) to reduce such impacts. Reducing the amount of impervious surfaces by planting more trees and/or the use of pervious paving surfaces ("pavers") in lieu of asphalt or concrete, are examples of ways to reduce such impacts. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

TMDLs

A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting. Although TMDLs as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for the Mispillion River subwatershed to date, work is continuing on their development and they should be completed by 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 that might be associated with proposed project. Reducing imperviousness, planting/preservation of trees, and maintaining 100-foot minimum upland buffers from wetlands/streams - are some examples of proactive mitigative strategies that will help reduce excessive nutrient runoff and its impacts on water quality, while ensuring State compliance with imminent Federal TMDL regulatory requirements.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that parts of the northeastern edge of the proposed development falls within an area of excellent groundwater recharge (see following map and attached map).

The proposed development would change the total impervious cover from approximately 2.05% to approximately 30%. The numbers were provided by the developer on the PLUS application.

According to the State law that created the Source Water Protection Program, county and municipal governments with more than 2,000 residents will be required to enact ordinances to protect Water Resource Protection Areas. Municipalities with fewer than 2,000 residents are encouraged to enact such ordinances. The following language has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the local ordinances may not yet be in place, the developer may find the language useful in modifying the site plan to protect water resources.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20% impervious cover threshold, but be no more than 50% impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

- 1) Preserve WRPA's as open space and parks by acquisition or conservation easement.
- 2) Limit impervious cover of new development to 20% by right within WRPA's.
- 3) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrates rooftop runoff.
- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

For more information, refer to:

Source Water Protection Guidance Manual for the Local Governments of Delaware at <http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html>

and

Ground-Water Recharge Design Methodology at http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf



Hearthstone II at New Milford (PLUS 2005-07-11) with excellent recharge in green and affected parcels outlined in light blue.

Water Supply

The information provided indicates that the Town of Milford will provide water to the proposed projects through a central public water system. Our files reflect that the Town of Milford 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.

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 302-739-9944.

Sediment and Erosion Control/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 at (302) 856-7219 for details regarding submittal requirements and fees.

As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies.

Drainage

The Drainage Section requests all existing ditches on the property be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches.

The Drainage Section 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 storm water.

The Drainage Section strongly recommends any drainage conveyance between two parcels within a subdivision be dedicated as a drainage easement and such easement be designated as passive open space, not owned by individual landowners. The easement should be of sufficient width to allow for future drainage maintenance as described below.

- Along an open ditch or swale, the Drainage Section recommends a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback zone measured from top of bank on the non-maintenance side. These zones should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake

capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage maintenance at maturity.

- Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.
- Along a stormwater pipe the Drainage Section recommends a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline. This zone should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be spaced to allow for drainage maintenance at maturity.
- The Drainage Section recommends any drainage/utility easement owned by an individual landowner should not have structures, decks, buildings, sheds, kennels, fences or trees within the drainage easement to allow for future drainage maintenance.

Forests

The forest provides important riparian habitat, and wildlife connectors and water quality benefits. This forest tract is extremely beneficial to the region. Therefore, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. This includes removing lot lines and infrastructure (such as storm water management ponds) from forested areas to the extent possible and minimizing any clearing activities. 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

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest and that areas of community open space be designated along the forested/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.

Nuisance Waterfowl

Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. 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. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. 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 proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:
Charles Harding, Facility # 5-000444, Project # S9202048

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.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 87.3 tons (174,671.1 pounds) per year of VOC (volatile organic compounds), 72.3 tons (144,615.9 pounds) per year of NOx (nitrogen oxides), 53.4 tons (106,700.3 pounds) per year of SO2 (sulfur dioxide), 4.7 ton (9,498.2 pounds) per year of fine particulates and 7,305.5 tons (14,611,017.0 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 35.2 tons (70,452.8 pounds) per year of VOC (volatile organic compounds), 3.9 ton (7,751.9 pounds) per year of NOx (nitrogen oxides), 3.2 ton (6,433.0 pounds) per year of SO2 (sulfur dioxide), 4.2 ton (8,301.5 pounds) per year of fine particulates and 142.8 tons (285,599.9 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 14.0 tons (27,922.4 pounds) per year of NOx (nitrogen oxides), 48.6 tons (97,121.5 pounds) per year of SO2 (sulfur dioxide) and 7,162.7 tons (14,325,417.1 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	87.3	72.3	53.4	4.7	7305.5
Residential	35.2	3.9	3.2	4.2	142.8
Electrical Power		14.0	48.6		7162.7
TOTAL	122.5	90.2	105.2	8.9	14611.0

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 14.0 tons of nitrogen oxides per year and 48.6 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 this project development and other residential proposals increase the energy efficiency of their homes.

State Fire Marshal’s Office – Contact: John Rossiter 302-739-4394

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. (Treatment)
 - 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

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 Fast Landing 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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)
- 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: Milton Melendez 698-4500

The Delaware Department of Agriculture and the Delaware Forest Service have no objections to the Stover Hearthstone II at New Milford application. The site is located within a designated controlled development area which is supportive of the *Strategies for State Policies and Spending* encouraging responsible development in areas within a Growth Level 2 Zone; the Delaware Department of Agriculture and the Delaware Forest Service supports growth in these areas.

Improved Landscape Design

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project is not within a certificated area. Should the developer seek wastewater services from a non-governmental entity, and there would be 50 or more customers served, the provider will need to apply to the Commission for a Certificate of Public Convenience and Necessity (CPCN). Additional requirements may apply if the provider has not previously been awarded a CPCN by the Commission.

PLUS 2005-07-05

August 17, 2005

Page 17 of 17

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.

Delaware State Housing Authority – Contact Karen Horton 739-4263

This proposal is to develop 1,138 units and 24,000 sq. ft. of commercial space on 120 acres between Elks Lodge Road and Marshall Street, next to Eastman Heights in Milford.

According to the *State Strategies Map*, the proposal is located in an Investment Level 2 area and inside the growth zone. As a general planning practice, DSHA encourages residential development in these areas where residents will have proximity to services, markets, and employment opportunities. Furthermore, the proposal targets units for first time homebuyers, which will help to create affordable housing opportunities for low- and moderate-income families.

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".

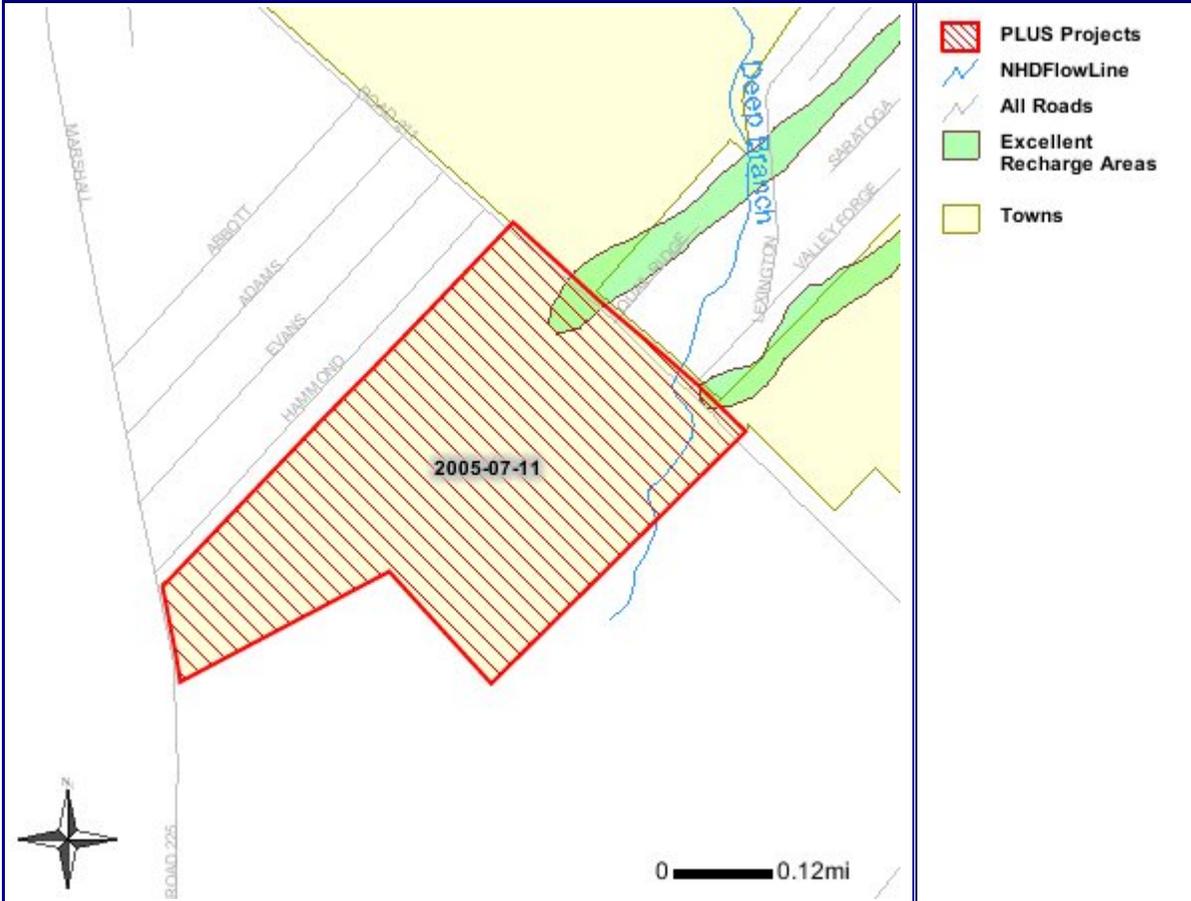
Constance C. Holland, AICP
Director

CC: City of Milford



Hearthstone II

2005-07-11



This map was produced by the Delaware Department of Natural Resources and Environmental Control.

