



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

December 22, 2005

Mr. Gary Cuppels
ECI, Inc.
P.O. Box 820
Rehoboth Beach, De 19971

RE: PLUS review – PLUS 2005-11-09; Watergate Subdivision

Dear Mr. Cuppels:

Thank you for meeting with State agency planners on November 30, 2005 to discuss the proposed plans for Watergate project to be located at 607 and 639 Marshall Street in Milford.

According to the information received, you are seeking site plan review for a Planned Unit Development of 317 residential units on 45.47 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 1 according to the State Strategies for Policies and Spending. This site is also located in the City of Milford. 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. Our office supports development and redevelopment in Investment Level 1 areas, and this proposal appears to be an excellent example of infill development. However, the proposal is inconsistent with the currently certified City of Milford Comprehensive Plan. A comprehensive plan amendment may be required.

Street Design and Transportation

- There are several places on the plan where proposed alleys would be located where they would create offset T intersections within the development. DelDOT recommends that the alleys be aligned opposite each other to create four-way intersections instead.

Natural and Cultural Resources

- Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on this parcel. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex.
- It should also be noted that this parcel borders or contains headwater or near headwater riparian wetlands (i.e., Herring Branch and Deep Branch) located within the environmentally-sensitive Mispillion River watershed, and ultimately drain to the greater Delaware Bay Basin. In recognition of this concern, the Department strongly recommends that the applicant preserve the existing riparian buffer (where it still exists) in its entirety. Otherwise, a 100-foot upland buffer width is considered the minimum acceptable distance from all wetlands and water bodies (including ditches).

Economic Development

- The Delaware Office of Economic Development is opposed to this rezoning and comprehensive plan change. They are concerned that Milford is losing its base of industrially zoned land, and as such its unique role as a job center in Sussex County is in jeopardy.

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 1 according to the State Strategies for Policies and Spending. This site is also located in the City of Milford. 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. We are generally very supportive of traditional neighborhood designs that incorporate mixture of land use in Investment Level 1 areas. The developer is to be commended for the quality and detail of the subdivision design. The proposal appears to draw from many concepts promoted in our Better Models for Development in Delaware book, such as compact development, a mixture of land uses including commercial and residential, affordable housing, and meaningful open space interspersed throughout the community. However, there are some issues regarding the City's comprehensive plan that must be resolved prior to the development of this site as proposed.

The City's certified comprehensive plan identifies the parcel for future industrial use (as depicted on Map 5 of the City's most current, certified plan). This proposal appears to be inconsistent with the certified plan. The plan specifically provides for a land use category called "urban mix" that is tailored to this type of project. Unfortunately, that future land use designation was not applied to this parcel. One can only assume that Milford's Planning Commission intended this parcel to stay in industrial use due to the current land use designation.

Comprehensive Plans have the force of law in Delaware, and all development must occur in conformance with the plan. A comprehensive plan amendment may be required. We recommend that the City consult with their solicitor before proceeding any further with this development proposal. We also suggest that the applicants contact their legal counsel. The City is undertaking a comprehensive plan amendment at this time. Any changes to that plan to accommodate this development should be done in conjunction with this amendment. A separate plan amendment for this project will not be considered.

Another issue that we encourage the City to consider is the need for future economic development opportunities. Land properly zoned for industrial uses is in short supply. The conversion of this parcel from industrial to a mostly residential project will further erode the City's capacity to attract and retain job opportunities for Milford residents.

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

Nothing is known within this parcel. Historic maps and photographs show no development on this parcel until the mid-20th century, so there is only a low potential for historic-period archaeological sites here. There are areas of medium to high potential for prehistoric-period archaeological sites however.

The industrial buildings on the parcel do date to the 1940s. The DHCA would like the opportunity to document them before any demolition takes place. They would also like the opportunity to look for any archaeological sites, to learn something about their location, extent, and nature before any ground-disturbing activities takes place

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) The proposed development would exceed DelDOT's traffic volume warrants for a traffic impact study (TIS), so we will require a TIS for this development. Because these studies typically take 6 to 12 months from their initial scoping meeting to the completion of DelDOT's review, they recommend that the developer have their traffic engineer contact Mr. Todd Sammons of the Development Coordination Section as soon as possible to obtain a scope for this study. Mr. Sammons may be reached at (302) 760-2134. The response to Item 38 on the PLUS form suggests that a TIS is being prepared. At the meeting it was clarified that the developer is in the process of selecting a traffic engineer.
- 2) The plan presented and the response to Item 42 on the PLUS form indicates that a stub street would be provided for future connections to Beechwood Avenue in the Marshall Commons subdivision. DelDOT has two concerns in this regard. First, there is a row of developed lots separating the proposed development from Beechwood Avenue and there is no indication that the developer can obtain access through those lots.

Second, given that the proposed development would be much denser than Marshall Commons and that the streets in Marshall Commons would provide a parallel route out to Marshall Street, it is possible that connecting the two developments could result in Watergate residents cutting through Marshall Commons to avoid peak hour congestion on their own streets. DelDOT supports

- the concept of interconnected streets. However, if the City approves this development, DelDOT would recommend that the stub street connection be opened on a trial basis initially, and that the City retain the option to require the developer to either provide traffic calming or reduce the connection to a bicycle and pedestrian connection if the City observes significant cut-through traffic and wants to address it.
- 3) There are several places on the plan where proposed alleys would be located where they would create offset T intersections within the development. DelDOT recommends that the alleys be aligned opposite each other to create four-way intersections instead.
 - 4) The developer's engineer has already had preliminary discussions with DelDOT regarding access. DelDOT asks that they continue to coordinate with Mr. John Fiori, the Subdivision Manager for Sussex County, regarding specific requirements for access. He may be reached at (302) 760-2260.

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

Soils

According to the Sussex County soil survey mapping Sassafra, Rumford, and Johnston soils were mapped in the immediate vicinity of the proposed project. Sassafra and Rumford are well-drained upland soils that, generally, have few limitations for development. Johnston is a very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

Although most of the soils on subject parcel may be fairly well drained, they have limitations associated with rapidly permeable sandy surface and 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 water bodies, these impacts are greatly intensified.

Wetlands

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

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.

It should also be noted that this parcel borders or contains headwater or near headwater riparian wetlands (i.e., Herring Branch and Deep Branch) located within the environmentally-sensitive Mispillion River watershed, and ultimately drain to the greater Delaware Bay Basin. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system and/or water bodies further downstream. Since such streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority. In recognition of this concern, the Department strongly recommends that the applicant preserve the existing riparian buffer (where it still exists) in its entirety. Otherwise, a 100-foot upland buffer width is considered the minimum acceptable distance from all wetlands and water bodies (including ditches). In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/establish to said buffer width or greater with native herbaceous and/or woody vegetation.

Wetland Permitting Information

PLUS application materials indicate that wetlands have been delineated (presumably a field delineation). This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process. Please note that impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on their parcel are nonjurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached by phone at 736-9763.

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) 739-9943 to schedule a meeting.

Impervious Cover

Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Based on analyses of 2002 aerial photography by the University of Delaware, the Mispillion watershed, at that time, had about 8.5 percent impervious cover. Although this data is almost 4 years old and likely an underestimate - it illustrates the importance of a proactive strategy to mitigate for predictable and cumulative environmental impacts. Since the amount of imperviousness generated by this project (approximately 31%) will far exceed the desirable watershed threshold of 10 percent, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover via preservation or additional tree plantings – are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

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 watershed 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 this project.

Reducing imperviousness, planting/preservation of trees, and maintaining 100-foot minimum upland buffers from wetlands and streams - are some examples of proactive mitigative strategies that will help reduce excessive nutrient runoff from this development and its impacts on water quality, while ensuring State compliance with imminent Federal TMDL regulatory requirements.

Water Supply

The project information sheets state water will be provided to the project by the City of Milford via a central water system. DNREC records indicate that the project is located within the public water service area granted to the City of Milford under Certificate of Public Convenience and Necessity 91-CPCN-09.

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 Kent Conservation District. Contact Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

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. Green Technology BMPs must be given first consideration for stormwater quality management. Each stormwater management facility should have an adequate outlet for release of stormwater.

It is strongly recommended that you contact the reviewing agency to schedule a preliminary 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.

Floodplains

Portions of the proposed project are located within the 100-year floodplain. It is recommended that development be limited to those areas which are outside of the 100-year floodplain.

Forest Preservation

According to the site plan, 7.45 out of 23.56 acres of trees are going to be removed. In reality, the amount may be higher once this site is built out and homes, driveways, sidewalks, roadways, and stormwater management ponds are constructed. Future landowner activities (construction of playgrounds, sheds, swimming pools, etc.) also result in further clearing. Efforts to minimize clearing should be employed and the riparian buffer along Deep Branch should be left intact; at the very least a 100-foot buffer zone should remain. This buffer zone should be placed in permanent conservation to prevent future clearing.

Forested riparian buffers provide wildlife habitat and travel corridors which are important in areas with forest fragmentation. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

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.

Rare Species

DNREC has not surveyed this parcel; therefore, a review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. However, there are records of Loggerhead Shrike (*Lanius ludovicianus*) and Bank Swallow (*Riparia riparia*) downstream and these species could potentially be found at the project site.

Bank Swallow typically form nesting colonies in areas with open water and large vertical sandy banks, but also nest in less expansive streamside embankments, gravel pits and railroad cuts. If this species nests within the riparian zone of the project area, impacts can be avoided by maintaining an adequate riparian buffer zone.

The state endangered Loggerhead Shrike typically nests in open fields with short grass and hedgerows. This type of habitat exists at the project site and efforts to avoid impacts to possible nesting sites should be employed. This species occurs year round, with a majority of sightings from September to April, and breeding possible from April to July. Therefore, to avoid possible impacts to breeding birds, clearing of hedgerows, shrubs and trees should not occur from April to July.

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.

Recreation

It is recommended that sidewalks be built fronting at least one side of residential streets 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, parks, public mass transit stops, schools, stores, work, etc.

We appreciate the consideration of a trail system on this parcel and see the potential for a connection along Deep Branch to the Mispillion Riverwalk to the north. For trail design/construction specifications, contact Susan Moerschel at (302) 739-9235. We recommend that the developer discuss this potential connection with Gary Emory, Director of Milford Parks and Recreation at 422-1104.

Underground Storage Tanks

There are three inactive LUST site located near the proposed project:

Denton Carolina Corporation, Facility # 5-000380, Project # S9005025
Progress Rail Essco Division, Facility # 5-000922, Project # S9911230
Coastal Coatings, Facility # 5-000134, Project # S9208215

No environmental impact is expected from the above inactive LUST sites. 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 with nitrile rubber gaskets in the contaminated areas.

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.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 24.3 tons (48,656.2 pounds) per year of VOC (volatile organic compounds), 20.1 tons (40,284.0 pounds) per year of NOx (nitrogen oxides), 14.9 tons (29,722.3 pounds) per year of SO2 (sulfur dioxide), 1.3 ton (2,645.8 pounds) per year of fine particulates and 2,035.0 tons (4,070,028.5 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 9.8 tons (19,625.3 pounds) per year of VOC (volatile organic compounds), 1.1 ton (2,159.4 pounds) per year of NOx (nitrogen oxides), 0.9 ton (1,792.0 pounds) per year of SO2 (sulfur dioxide), 1.2 ton (2,312.5 pounds) per year of fine particulates and 39.8 tons (79,556.4 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 3.9 tons (7,778.0 pounds) per year of NOx (nitrogen oxides), 13.5 tons (27,054.0 pounds) per year of SO2 (sulfur dioxide) and 1,995.2 tons (3,990,472.1 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	24.3	20.1	14.9	1.3	2035.0
Residential	9.8	1.1	0.9	1.2	39.8
Electrical Power		3.9	13.5		1995.2
TOTAL	34.1	25.1	29.3	2.5	4070.0

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 3.9 tons of nitrogen oxides per year and 13.5 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.”

The 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.

They also recommend that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for their new occupants.

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 Marshall Street 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)
 - 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: Milton Melendez 698-4500

Neither the Delaware Department of Agriculture nor the Delaware Forest Service has any objections to the Watergate application. The site is located on a long-range designated controlled development area. The Strategies for State Policies and Spending encourages responsible development in areas within a Growth Level 1 Zone.

Right Tree for the Right Place

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.

Tree Mitigation

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

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.

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

This proposal is to develop 317 units on 45 acres located on the east side of Marshall Street, north of Elks Lodge Road, and adjacent to Herring Branch in Milford. According to the State Strategies Map, the proposal is located in an Investment Level 1 area. DSHA supports this proposal because residents will have proximity to services, markets, and employment opportunities. The proposal also targets first time homebuyers. For informational purposes, the most recent real estate data collected by DSHA, the median home price in Milford is \$250,176. However, families earning 80% of Sussex County's median income only qualify for mortgages of \$142,040. We recommend that some of the units be set-aside at this price level to ensure that working households have access to affordable housing.

Delaware Economic Development Office – Contact Gary Smith 739-4271

Even though the property has been rezoned I think it's important that the community understand the loss and the potential impact this project may have. Our office is strongly against the rezoning of industrial properties to residential. This particular property was a unique property that allowed small businesses to get off the ground because of the relatively low lease payments. With this development that opportunity has now been highly impacted. The businesses that were operating on this site have either been forced to move to higher cost locations or have closed their doors.

The surrounding properties across the street and to the north are all industrial zoned. These property owners will now have further pressures from residences adjacent or near their property. Issues such as truck traffic, manufacturing noises, etc. may now become issues that were not issues in the past. In addition, school aged children will could wander onto industrial property resulting in an increased liability issue. These property owners may now be forced to consider relocation as well rather than fight all of the complaints. The end result could very well be that Milford may lose in the future its location as a Sussex county job center as a result of this project. In order to prevent this from happening The City of Milford needs to protect the existing industrial property and give assurances to the remaining industrial zoned properties owners that their neighbors property are not going to be down zoned to residential. We encourage Milford as part of their comprehensive plan modifications to strongly protect a valuable asset to their community, their industrial zoned land.

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,



Constance C. Holland, AICP
Director

CC: City of Milford