



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

September 18, 2007

Mr. Bret Martine  
Studio JAED  
20 East Division Street  
Dover, DE 19901

RE: PLUS review – PLUS 2007-08-05; Milford School District

Dear Mr. Martine:

Thank you for meeting with State agency planners on August 22, 2007 to discuss the feasibility of a school site on Route 14, next to the existing BMX park.

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 school district 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**

The tax parcel (MD00-174.00-02-29) is bisected by Route 1.

**Portion West of Route 1:** This proposed school site is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. 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 site is also located within the City of Milford. Public facilities, such as schools, are desirable in Investment Level 1 areas where they are located near infrastructure, public services, and the populations they serve. The State supports this location for new school construction.

**Portion East of Route 1:** This portion of the parcel is located in Investment Level 4 according to the *Strategies for State Policies and Spending*. The site is also outside of the Kent County Growth Zone, and is not in an area designated for annexation according to the City of Milford's certified comprehensive plan. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. The State is opposed to new school construction on this portion of the parcel.

### **Street Design and Transportation**

- As discussed in their comments on PLUS Application 2007-08-04, DelDOT is in discussions with the District regarding a traffic operational analysis for their plan to expand the high school complex. That analysis would resemble a small TIS. DelDOT's understanding is that the City has required a TIS for the project. If the analysis they propose would address the City's concerns, that may be the best way to proceed.
- While DelDOT understands that the District is not interested in locating a school on the part of this parcel east of Route 1, they offer the following comments for the record. A school on the east part of the parcel would likely require significant road improvements, including but not limited to the reconstruction of a portion of Carpenter's Pit Road and intersection improvements on Northeast 10<sup>th</sup> Street at Delaware Route 1 and at Carpenters Pit Road. Even with the improvements, a school at this location would likely result in a larger number of schoolchildren being bused or driven by parents across Route 1. For this reason DelDOT recommends that the east part of the parcel be rejected as a potential school site.

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

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

**Comments:**

This tax parcel contains two distinct areas. It appears that the construction of Route 1 dissected this parcel many years ago, and a portion of this parcel is West of Route 1 adjacent to the existing school campus and the BMX parcel reviewed as PLUS 2007-08-04. The other portion of the parcel is located East of Route 1. Our comments will be different for each portion of the parcel.

This parcel is currently in Kent County. The City of Milford's certified comprehensive plan designates the portion of the parcel West of Route 1 for annexation as a residential use.

**West of Route 1:**

This portion of the parcel is located in Investment Levels 1 and 2 according to the *State Strategies for Policies and Spending*. 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. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support the construction of critical public facilities, such as schools, in these areas. This site is well located adjacent to lands already owned by the School District, and it is also adjacent to the BMX parcel that is to be acquired. As such, it is ideally situated to become a part of a larger school campus. Our office has no objections to the proposed construction of a school on this site. It is recommended that the District consider annexation of this portion of the parcel into the City of Milford in order to ensure that all construction activities occur within a single jurisdiction.

**East of Route 1:**

This portion of the parcel is located in Investment Level 4 according to the *Strategies for State Policies and Spending*. The site is also outside of the Kent County Growth Zone, and is not in an area designated for annexation according to the City of Milford's certified comprehensive plan. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

New schools and other public facilities are not appropriate in Investment Level 4 according to the Strategies for State Policies and Spending. Schools should be located in or near existing communities or in developing urban or suburban areas categorized as Investment Levels 1, 2 or 3 in the Strategies. Schools located in Level 4 are distant from the concentrations of population they are intended to serve. Locating schools in Level 4 areas assures that they will not be convenient to use as community facilities, and they may in fact stimulate unwanted development in rural areas which could have negative ramifications for State fiscal resources. Remote locations assure high transportation costs, and make it very unlikely that many students will be able to walk or bike to school. Public utility infrastructure may not be available in rural locations (as is the case with this site). The State is opposed to this site for new school construction.

**Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685**

According to the historical resources and documents at the State Historic Preservation Office, there are two Cultural Resource Survey (CRS) Sites which do appear to be partly on this parcel, and another that is very close to this parcel, and they are K-4895, K-4896, and K-4949. K-4895 (20th century dwelling, approximately or possibly built during the 1930s) and K-4896 (20th century agricultural complex-farm dwelling approximately or probably built during the 1920s) are partly on this parcel. K-4949 (20th century dwelling-farm buildings, approximately or possibly built during the early 1900s) is not on the parcel but very close, and it is located off Rt.113 eastside-south of Rt.1 by-pass.

While a farm during this period is less likely to have family cemeteries associated with them, and usually they are a good distance behind or to the side of the house. The developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out, and the developer may want to hire an archaeological consultant to check for the possibility of a cemetery here if this development is approved.

It is possible that prior construction have disturbed this particular site, but it is possible that there could probably still be undiscovered archaeological sites (prehistoric or historic) remaining somewhere on the premises of this particular parcel. If any construction proceeds on this parcel, the State Historic Preservation Office of the Division of Historical & Cultural Affairs would like the opportunity to examine the area prior to any demolition or ground-disturbing activities, to see if there are any archaeological sites on it, in order to learn more information about this area in detail. If you would like to discuss this information or other issues further, contact the State Historic Preservation Office Division of Historical & Cultural Affairs at (302) 744-7400 ext.25, and we will be more than happy to assist you.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

Milford School District is seeking to develop school sites in the greater Milford area. One of the sites is part of a 40.44-acre parcel (Tax Parcel MD-00-174.00-02-29.00) on the northeast side of Milford. More specifically the parcel is on both sides of Delaware Route 1, north of Northeast 10<sup>th</sup> Street. The east part is accessible by way of Carpenters Pit Road (Kent Road 408A) where it has frontage. The west part has no frontage and is accessible only through commercial properties fronting on Route 113.

The PLUS application described the proposed use as an elementary school, or possibly two. At the PLUS meeting, it was clarified that the District is interested only in the land west of Route 1, which land would be included in a plan the District is developing to add a middle school to the existing Milford High School complex and to expand and relocate the athletic fields there. As we understand it, the land east of Route 1 is not of interest to the District and the land west of Route 1 would not be acquired if it cannot be purchased separately.

DelDOT comments are as follows:

- 1) As discussed in their comments on PLUS Application 2007-08-04, DelDOT is in discussions with the District regarding a traffic operational analysis for their plan to expand the high school complex. That analysis would resemble a small TIS. Our understanding is that the City has required a TIS for the project. If the analysis they propose would address the City's concerns, that may be the best way to proceed.
- 2) While they understand that the District is not interested in locating a school on the part of this parcel east of Route 1, they offer the following comments for the record. A school on the east part of the parcel, would likely require significant road improvements, including but not limited to the reconstruction of a portion of Carpenter's Pit Road and intersection improvements on Northeast 10<sup>th</sup> Street at Delaware Route 1 and at Carpenters Pit Road. Even with the improvements, a school at this location would likely result in a larger number of schoolchildren being bused or driven by parents across Route 1. For this reason it is recommended that the east part of the parcel be rejected as a potential school site.

If the District moves forward with their plans for expansion of the high school complex, following the traffic study or analysis, the District's site engineer should contact the DelDOT Project Manager for Kent County, Mr. Brad Herb, regarding specific requirement

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

**Soils**

The Kent County soil survey update indicates that the soils mapped on this parcel are well-drained Hambrook and Ingleside soils; these soils, generally, have few apparent limitations for development. Statewide Wetland Mapping Project Maps (SWMP) maps indicate no apparent wetlands.

**Water Supply**

According to our records, the Parcel Identification #s should read as MD 16 174.14-01-51.01 and MD 174.00-02-36.01.

The project information sheets state water will be provided to the project by The City of Milford via a central water system. Our 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 00-CPCN-12.

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.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, the Milford Auto Care and Shore Stop #803 are within 1000 feet of the proposed project.

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 the Division of Soil and Water Conservation Sediment and Stormwater Program. Contact Elaine Webb with the Sediment and Stormwater Program at (302) 739-9921, for details regarding submittal requirements and fees. It is strongly recommended that you contact the reviewing agency to schedule a pre-application meeting with the Sediment and Stormwater Section 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.

### **Drainage**

The Drainage Program requests that the engineer take precautions to ensure the project does not create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream conveyances for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

### **Underground Storage Tanks**

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

Billings Tire Center, Facility # 1-000120, Project # K8312008  
Shore Stop #803, Facility # 1-000549, Project # K9405104  
Milford High School, Facility # 1-000602, Project # K9610183

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 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.

**State Fire Marshal's Office – Contact: Duane Fox 739-4394**

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):

**Generally, this Agency makes no comments regarding, a Feasibility Plan. The information provided below shall be considered when plans are being designed.**

a. **Fire Protection Water Requirements:**

- 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.
- Where a water distribution system is proposed for this type 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, 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 the main thoroughfare 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.
- 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.

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

**Department of Agriculture - Contact: Scott Blaier 698-4500**

The Delaware Department of Agriculture has no objections to the school district developing this parcel as part of its high school campus expansion. The project is within the City of Milford and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 and 3 areas.

**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.

**Department of Education – Contact: John Marinucci 735-4055**

1. The DOE supports locating school facilities on parcels with existing or reasonable access to civil infrastructure to include but not limited to:
  - Roads, pedestrian walkways and shared use paths
  - Waste water/sewerage and domestic water
  - Electric, and telecommunications
  - Storm water drainage and conveyance

School sites with public water and sewer utilities or access to public water and sewer utilities are recommended by DOE over sites requiring on-site facilities. This school site is unique as it is bifurcated by Route 1. The area of the parcel on the West side of route 1 offers access to adequate public civil utilities. It is

contiguous to the current Milford High School property and the property identified above in PLUS 2007-08-04, which is served by Milford public utilities. The civil infrastructure serving the area of the parcel on the East side of route 1 is not clear.

2. The DOE supports the State Strategies for Policies and Spending. When considering school facility locations, the DOE considers proximity and access to basic support services as a high priority.

Again this site is challenged due to its division by Route 1. The West side section is within the Town of Milford incorporated limits and as a result, basic support service levels will reflect a commensurate level of service associated with incorporated local jurisdiction services. The section of this parcel which is on the East side of Route 1 is not within the City of Milford incorporated limits and it is also in Level 4 of the State Strategies for Policies and Spending.

3. The DOE supports locating school facilities strategically within the geographic region and/or community the facility is intended to serve in order to:
  - Encourage non-student pedestrian access to the school facility in an effort to reduce vehicle miles traveled to the extent practical
  - Encourage student pedestrian access to the school facility, in order to contain the school's life-cycle operating costs associated with student transportation, as practicable
  - Create education campuses by co-locating educational facilities and services in an effort to reduce life-cycle costs as a result of the co-located schools sharing common spaces, facilities and services.

The school location under consideration appears to be strategically located geographically within the community it is intended to serve. The area of the parcel on the West side of Rout 1 is contiguous to property currently owned by the Milford School District as well as the property under consideration above through PLUS 2007-08-04. The combination of the currently owned High School property, the BMX property identified in PLUS 2007-08-04 and the West side of this parcel will create a campus allowing for shared athletic facilities and transportation services as warranted and feasible. The East side of this parcel would not serve the Milford School District since it is not contiguous to currently owned parcels, access is questionable, utilities and services are unknown and it is currently in Level 4.

4. As a result, the DOE supports the acquisition of the area of this parcel to the West of Route 1, but not the area of the parcel West of Route 1. If the parcel cannot be

divided and the school district must acquire the entire parcel (both sides of Route 1), the Milford School District is hereby advised and cautioned that ***the Department of Education does NOT support the acquisition and development of the area of the parcel East of Route 1***, until such time as its classification is changed from Level 4 or it is Annexed into the City of Milford, and civil infrastructure concerns most notably access, have been resolved. If the district chooses to move forward with the acquisition of the land on the East side of Route 1, the Milford School District must use local funding only to acquire that area of the parcel located on the East side of Route 1, with its value being determined through an independent appraisal.

5. The Milford School District must submit a letter to the Department of Education initiating the Use or Acquisition of Lands for School Construction approval process in accordance with Title 29, § 7525, Delaware Code.

The comments in this letter are offered as advisory comments to help the school district determine the feasibility of this property for a school site. If the district chooses to move forward with this site, the Budget Office, the Department of Education, and the State Planning Office would need to approve this location. In addition, the site plan for the proposed school would need to be reviewed through the Preliminary Land Use Service (PLUS).

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



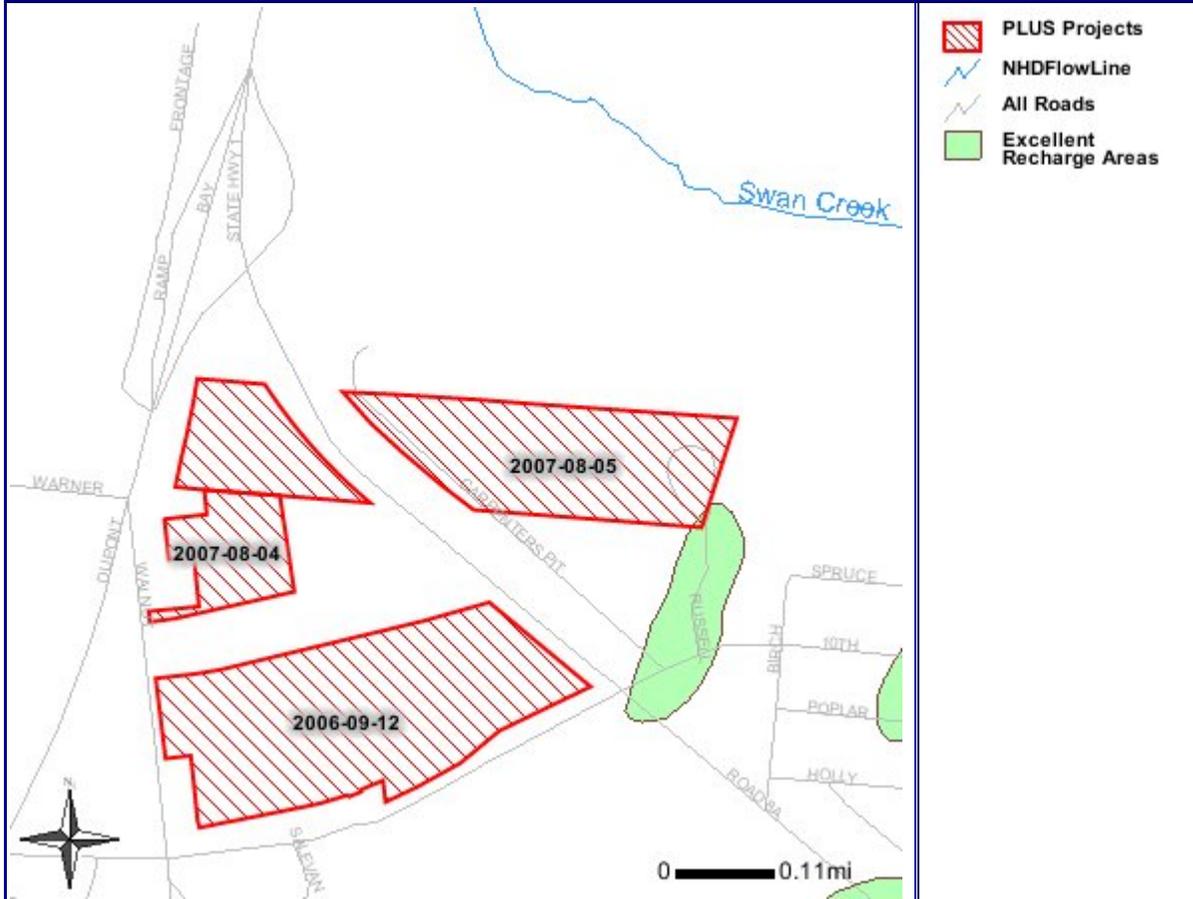
Constance C. Holland, AICP  
Director

CC: City of Milford



# Milford School District

2007-08-05



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

