



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

April 20, 2016

Mr. Colm DeAscanis
CDA Engineering, Inc.
6 Larch Ave., Suite 401
Wilmington, DE 19804

RE: PLUS review 2016-03-04; Branmar Commons

Dear Colm,

Thank you for meeting with State agency planners on March 23, 2016 to discuss the proposed plans for the Branmar Commons project. According to the information received, you are seeking review of a rezoning of 11.47 acres from NCS&D & NC15 to CN and a site plan for 38 residential units and 32,012 square feet of commercial space along Silverside Road in New Castle County.

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 New Castle County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

- This project 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.
- As we noted on a past project you are involved with (Concord Plaza, 2016-01-01), we are encouraged to see another mixed-use development plan like this in the County. As we stated with that project, one of the many positive benefits of a development like this is that it has the potential to affect the health and well-being of our citizens as such places, if well designed, can provide options to driving that include walking and bicycling thus providing different modes of transportation as well as recreation opportunities. It would be especially positive if this project is connected to the adjacent shopping center and neighborhood as

discussed at this meeting. If this project is developed, as presented, we would hope that it too can serve as an example for future development in New Castle County.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Silverside Road (New Castle Road 212) must be designed in accordance with DeIDOT's Development Coordination Manual. A copy of the Manual is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request this meeting and guidance on what will be covered there and how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, we see that the total daily trips are estimated at 2,783 vehicle trip ends per day. DeIDOT met with the applicant and New Castle County staff on December 4, 2015 regarding the scope of work for the TIS and provided that scope of work on December 15, 2015.
- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Silverside Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site's frontage on Silverside Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the road centerline. The plan presented identifies the existing right-of-way width as 60 feet but does not include a dimension from the centerline. The following right-of-way dedication note is required, **“An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”**
- In accordance with Section 3.2.5.1.2 of the Manual, DeIDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on

Silverside Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **“A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat.”**

- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:
 - Initial Stage Fee Calculation Form
 - Initial Stage Review Fee
 - Gate-Keeping Checklist – Site Plan
 - Design Checklist - Record Plan
 - Sight Distance Spreadsheet
 - Owners and Engineers’ name and e-mail address
 - Record Plan
 - Conceptual Entrance Plan
 - Submission of the Area-Wide Study Fee (If applicable)

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the proposed entrance.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5.4.3.D of the Manual addresses DelDOT’s requirements with regard to walkway design. The plan shows several instances of 5-foot sidewalks adjacent to perpendicular parking spaces. As detailed in the section just cited, walkways bordering parking spaces should be 8 feet wide unless concrete wheel stops, bollards, landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.

- Section 3.5.7.2 of the Manual addresses linkages to existing adjacent developments with linkage street stubs. An access-way (pedestrian path) should be provided from the Glenside Avenue cul-de-sac to one of the two parking aisles proposed nearby. Preliminarily, the connection should be to the longer of the two aisles.

- Section 3.5.7.4 of the Manual addresses DelDOT’s requirements with regard to interconnection of non-residential uses. The design of the adjoining Shoppes of Graylyn shopping center is such that a proper connection could only be made to the center’s rear alley. As such a connection would have minimal value, a cross-access easement should be provided now to allow for a future vehicular connection when and if the shopping

center is redeveloped. Preliminarily, we would locate that easement at the end of the aisle located behind the 6,000 square foot retail building.

- To provide for pedestrian access to the shopping center pending the vehicular connection, a walkway should be provided directly to the shopping center in line with the front of the center's building that fronts on Silverside Road. If direct pedestrian access to the shopping center cannot be obtained, the walkway should be provided to the sidewalk along Silverside Road adjacent to the shopping center entrance.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
 - Construction Stage Fee Calculation Form
 - Construction Review Fee
 - Gate-Keeping Checklist – Entrance Plan
 - Design Checklist - Entrance Plan
 - Auxiliary Lane Spreadsheet
 - Entrance Plan
 - Pipe/Angle Spreadsheet (If applicable)
 - SWM Report and Calculations (If applicable)
- In accordance with Section 5.2.5.6 of the Manual, Turning Movement Diagrams shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing

right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Executive Summary.

The proposed project is located in a developed corridor and has limited natural resource impacts. As you move forward, opportunities exist to further reduce the environmental impacts and provide additional energy efficiency alternatives, on-site.

We encourage high energy efficiency building standards (with consideration for alternative energy sources), and infrastructure for electric plug-in vehicles in the project's parking design. These considerations promote clean sustainable energy and reduce greenhouse gas emissions. DNREC further recommends an abundant use of native vegetation and shade trees throughout the landscape, as well as pervious pavement and green infrastructure, wherever practicable, to protect water quality.

The following pages provide applicable regulations and detailed recommendations associated with this project from various DNREC Divisions. We would like to be a partner in creating appropriate development that highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

TMDLs and Nutrient Management.

- The project is located in the greater Piedmont drainage area, specifically within the Shellpot Creek watershed. In the Shellpot Creek watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nutrients (e.g., nitrogen, phosphorus), and bacteria (under the auspices of Section 303(d) of the Federal Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; *State of Delaware Surface Water Quality Standards, as amended July 11, 2004*) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. In the Shellpot Creek watershed, post-development nitrogen and phosphorus loading must be capped at the pre-development or baseline loading rate (or a 0 percent post-development increase in N & P for stream segments above Rt. 13) to meet the required TMDL for each nutrient. Moreover, bacteria must be reduced by 78 percent to meet the required TMDL. The specific required nutrient and bacterial requirements for the various stream segments watershed and background information can be retrieved here: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

Water Supply.

- The project information sheets state that water will be provided to the project by United Water via a public water system. Our records indicate that the project is located within the public water service area granted to United Water DE under Certificate of Public Convenience and Necessity 88-CPCN-03.

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 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.

Air Quality.

- DNREC encourages developers and builders to consider all sustainable growth practices in their design, but we believe, however, that the air quality impacts associated with the project should be completely considered. The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris. • Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> • Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)

<p>7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products</p>	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.
<p>7 DE Admin. Code 1144 – Control of Stationary Generator Emissions</p>	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
<p>7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles</p>	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website:

<http://www.dnrec.delaware.gov/Air/Pages/Air-Regulations.aspx>.

Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) for this project were quantified. Table 2 – Projected Air Quality Emissions represents the actual impact the Branmar Commons homes portion of the mixed community may have on air quality. Table 3 - Projected Air Quality Emissions represents the actual impact the Branmar Commons commercial space (32,000+ Sq.ft.) may have on air quality

Emissions Attributable to Branmar Commons (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NO _x)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Area Source	1.2	0.1	0.1	0.1	4.8
Electric Power Generation	*	0.5	1.6	*	239.2
Mobile Source	1.7	1.8	0.1	*	1123.1
Total Emissions	2.9	2.4	1.8	0.1	1367.1

Table 3: Projected Air Quality Emissions for Branmar Commons – Commercial Space (32,012 Square Feet)

Emissions Attributable to Branmar Commons (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NO _x)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Mobile Source	9.2	12.1	*	*	*

(*) *Indicates data is not available.*

Note that emissions associated with the actual construction of the road, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the tables above.

DNREC encourages sustainable growth practices that:

- Control sprawl;
- Preserve rural and forested areas;
- Identify conflicting land use priorities;
- Encourage growth on previously developed sites and denser communities while at the same time protect our diminishing land base;
- Coordinate transportation, housing, environment, and climate protection plans with land use plans; and
- Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is a known historic school on this parcel, the Forwood School (N-447). It is not listed in the National Register, but may be eligible. Whether the school meets the criteria for the National Register or not, there has been significant community interest and concern about this building and the history it represents. We encourage the developer to work with the community to develop a plan for the school, maintaining and reusing it adaptively as part of the complex if at all possible. We also encourage the developer to put landscaping between the school and the development, to block adverse noise or visual effects.
- If any development or construction project proceeds, the developer should aware of the Unmarked Human Burials and Human Skeletal Remains Law, in Chapter 54, of Title 7, of the Delaware Code.
- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or

burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please go to the following websites for additional information: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, especially a cemetery or unmarked human remains. Furthermore, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

Delaware State Fire Marshall's Office – Contact John Rudd 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:

- **Fire Protection Water Requirements:**
 - Where a water distribution system is proposed for the Mercantile and Office sites, water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required.
 - Where a water distribution system is proposed for townhouse type dwelling sites, the 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.
 - Fire hydrants with 800 feet spacing on centers.
 - The infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- **Fire Protection Features:**
 - For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.
 - All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sqft, 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

- **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. 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.

- **Gas Piping and System Information:**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.

- **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
 - Square footage of each structure (Total of all Floors)

- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.**

They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Please be advised that DeIDOT is about to advertise for adoption, in the April Register of Regulations, an update of the Development Coordination Manual. The effective date will be April 11, 2016. While in most respects, the changes are incremental, they are located throughout the Manual and could have some effect on the entrance designs.
- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/information/business/subdivisions/>
- Be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision date of January 28, 2016. The notes can be found at http://www.deldot.gov/information/business/subdivisions/Sheet_Notes.doc?012816.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Soils Assessment.

- The soil mapping units mapped in the immediate vicinity of the proposed construction are Neshaminy (NtB), Talleyville-Montalto-Urban land complex (TdB), and Urban land (Uy). Neshaminy and Talleyville-Montalto-Urban land complex are well-drained soil mapping units that, generally, have few limitations for development. The Urban land soil mapping unit has no drainage class assigned to it, but is also likely to be well drained.

Additional information on TMDL compliance through the PCS.

- A Pollution Control Strategy (PCS) to achieve the required TMDL nutrient and bacterial load reduction requirements has been established for the Shellpot Creek watershed. DNREC strongly encourages the applicant to reduce nutrient and bacterial pollutants through voluntary implementation of the following recommended BMPs:
 - Maintain as much of the existing open space as possible; we suggest additional native tree and native herbaceous planting, wherever possible.
 - Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation. Omission of any of the above-stated forms of surface imperviousness will result in an underestimate of the actual post-development surface imperviousness and the associated environmental impacts.
 - Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) as BMPs to mitigate or reduce nutrient and bacterial pollutant runoff. Please contact Lara Allison at (302) 739-9939 for further information about the possibility of installing rain gardens on this parcel.
 - Use pervious paving materials instead of conventional paving materials (e.g., asphalt or concrete) to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for areas designated for parking.
 - Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed land use; thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact John Martin or Jen Walls in the Division of Watershed Stewardship, at (302) 739-9939 for more information on the protocol.

Information on hazardous waste.

- DNREC strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from

being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

Additional remediation may be required if the project property or site is re-zoned by the county.

Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800) 662-8802). SIRS should also be contacted as soon as possible at (302) 395-2600 for further instructions.

Additional information on air quality.

- New homes may emit, or cause to be emitted, air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
 - Emissions that form ozone and fine particulate matter; two pollutants relative to which Delaware currently violates federal health-based air quality standards,
 - The emission of greenhouse gases which are associated with climate change, and
 - The emission of air toxics.

Air emissions generated from new homes include emissions from the following activities:

- Area sources such as painting, maintenance equipment and the use of consumer products like roof coatings and roof primers.
- The generation of electricity needed to support the new homes, and
- All transportation activity.

Additional measures may be taken to substantially reduce the air emissions identified above. These measures include:

- **Constructing with only energy efficient products.** Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution.
- **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation and from the use of oil or gas heating equipment.
- **Constructing with high albedo, high solar reflectance materials.** This includes roofing and hardscape. These materials help to reduce heat island impacts and, by extension, help to minimize the potential for localized ground-level ozone formation. These materials also help reduce demands on air conditioning systems and save on energy costs.

- **Providing infrastructure for plug-in vehicles.** Such measure may entice a potential community center guest to purchase an electric vehicle if the electrical outlets are available as this will help minimize vehicle emissions.
- **Providing shade for parking lot areas.** Approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating stormwater.
- **Encouraging the use of safe multimodal transportation.** This measure can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NO_x are reduced each year.
- **Using retrofitted diesel engines during construction.** This includes equipment that is on-site as well as equipment used to transport materials to and from site.
- **Using pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
- **Planting trees in vegetative buffer areas.** Native trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the project. The applicant should submit a plan to the DNREC Division of Air Quality (DAQ) which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the Branmar Commons. The DAQ point of contact is Deanna Cuccinello; she may be reached at (302) 739-9402.

Delaware State Fire Marshall's Office – Contact John Rudd 739-4394

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders of the requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:
<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>
- 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.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the typed name and title.

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: New Castle County