

February 26, 2010

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Ms. Constance C. Holland, AICP
Office of State Planning Coordination
122 William Penn Street
Haslett Armory, Ste. 202
Dover, Delaware 19901

RE: PLUS Review – PLUS 2009-12-03; Cypress Hall Commercial

Dear Ms. Holland:

On behalf of the developer, Shawnee Farm, LLC, we are pleased to provide you with this response to comments received from the Office of State Planning Coordination dated January 19, 2010. The following responses written below the comments in italics details the actions taken based on the state's comments as indicated in the state's letter.

Code Requirements/Agency Permitting Requirements

DNREC

- **Sediment and Stormwater Program.** A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.
Response: The applicant will provide the necessary sediment and stormwater plans as well as follow any and all regulations within the Sussex Conservation District. The applicant understands that a pre-application meeting is required and will be scheduling that in the near future.
- The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on the property. This determination can only be made by contacting the Division of Water Resources' Wetlands and Subaqueous Lands Section at 302-739-9943 and consulting the

State’s official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC’s Wetlands Section.

Response: The applicant has verified with a jurisdictional determination that wetlands do exist on site. The applicant will follow all regulations and permit processes in obtaining any and all permits during development.

- 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.

Response: Although it is not our intention to use dewatering because of the use of infiltration ponds, if a dewatering well is needed then the applicant understands the requirement to obtain the necessary permits.

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. Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us

Response: The applicant understands this and will factor this into the schedule.

- The applicant shall comply with all applicable Delaware air quality regulations. These regulations include:

<p>Regulation 6 - Particulate Emissions from Construction and Materials Handling</p>	<ul style="list-style-type: none"> • Using dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Using covers on trucks that transport material to and from site to prevent visible emissions.
<p>Regulation 1113 – Open Burning</p>	<ul style="list-style-type: none"> • Prohibiting open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibiting the burning of land clearing debris. • Prohibiting the burning of trash or building materials/debris.
<p>Regulation 1145 – Excessive Idling of Heavy Duty Vehicles</p>	<ul style="list-style-type: none"> • Restricting idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

Response: The applicant understands each of these regulations and will comply with all of them.

- In addition, 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). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions.

Response: The applicant understands the severity and the consequences this would have to the site, and therefore will follow the aforementioned steps if such discovery is encountered.

- Should any underground storage tanks or petroleum contaminated soil be discovered by any person during construction, the DNREC-TMB at (302) 395-2500 and the DNREC Emergency Response Hotline at (800) 662-8802 must be notified within 24 hours.

Response: The applicant understands that if any underground tanks are discovered during construction, DNREC will be contacted immediately.

- Should any contamination be encountered, PVC pipe materials will have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Response: The applicant understands that the PVC pipe materials will have to be upgraded to ductile steel and nitrile rubber gaskets will be required if such contamination is discovered.

- Note that if any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMB. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMB. Elizabeth Wolff - (302) 395-2500, Elizabeth.Wolff@state.de.us

Response: The applicant understands that if any aboveground storage tanks are being used, they must be registered and/or approved with the TMB.

DelDOT

- The design of the access on Shawnee Road still needs to be determined. If left turns in are to be permitted, a separate left turn lane will likely be needed. If access is to be limited, a triangular island will be needed on the Street B approach.

Response: The applicant understands that further analysis needs to be completed prior to finalizing the design. Once the analysis is completed, the applicant will know what is being permitted for this entrance and proceed forward with that design.

- A warrant study will be needed to determine whether a signal will be needed at the Route 113 entrance to support the development currently proposed. Even if a signal is not warranted at present, a signal agreement will be needed for this location.

Response: The applicant understands that a warrant study needs to be completed for this entrance, and is willing to enter into a signal agreement if a signal is not warranted.

State Historic Preservation Office

- It is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to 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.

Response: The applicant will follow all laws and regulations stated in the above code if such discovery is encountered.

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.
- Where a water distribution system is proposed for mercantile sites, 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 shopping center parking lot from "Street A" and from US Rte 113 onto "Street A" 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 property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating buildings are 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

***Response:** Thank you for the information on Fire Protection Water Requirements, Fire Protection Features, Accessibility, Gas Piping and System Information, and Required Notes. The applicant understands the above requirements, will follow all fire regulations and will work with the Fire Marshal's office to obtain final approval.*

Suggestions/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, and compliance with these suggestions is at the discretion of the applicant.** 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.

DNREC

- While this project is within the City of Milford and in investment levels 1 and 2, DNREC is concerned about the amount of impervious cover and the location of stormwater management ponds within the city's wellhead protection area. The level of impervious cover appears inconsistent with the city's Source Water Protection Ordinance, 2009-7. Pollutants from the parking lot and the low water table in the area of the stormwater ponds have the potential to contaminate the city's drinking water supply. More discussion and recommendations are included below.

Response: The applicant understands these concerns and will respond to each one as they are commented below.

- **Nuisance Waterfowl.** Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for property managers and users of the development. 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.

Response: At this time it is not the intention of the applicant to use wet ponds for stormwater management.

Exclusion is one of the most effective methods at deterring geese. In a commercial setting such as this project, completely fencing the pond at the edge (even one foot high) may be feasible. Even though geese can fly over the fence, if they constantly have to fly between land and water the area is less desirable. If fencing is not a desired option, then we recommend plantings of native plant species, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond. The vegetation also blocks the ability to easily move between land and water.

Response: The applicant will follow the recommendation to provide native plant species at the edge of the pond to help deter the geese from using the ponds on this site.

At this time, DNREC does not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and

maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the property manager.

Response: The applicant understands that the monofilament grids are not recommended and therefore will not be using them on this site.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, property managers or owners 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. Edna Stetzar - (302) 653-2880, Edna.Stetzar@state.de.us

Response: The applicant understands DNREC does not provide goose control services and therefore will utilize landscaping and other techniques to minimize this problem.

- **Drainage Program.** The Drainage Program is aware of existing drainage concerns downstream of this project. Please contact the Sediment & Stormwater Program of the Sussex Conservation District to discuss the probability of a downstream analysis for this project. The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of onsite storm water. The Drainage Program requests that the engineer check existing downstream conditions for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them. Sediment/Stormwater and Drainage comments provided by James Sullivan - (302) 739-9921, James.Sullivan@state.de.us
Response: The applicant is aware of these concerns and has already met with the Sussex Conservation District (SCD) regarding the downstream analysis, and has been completed the analysis to the satisfaction of SCD. The applicant has also agreed based on the meeting with SCD to infiltrate as much stormwater on-site as possible to help reduce the downstream effects.
- **Soils Assessment.** According to the NRCS soil survey update, Downer (DnA & DnB), Ingleside (IeA), Hambrook (HbA) and Longmarsh (LO) were mapped in the immediate vicinity of the proposed project. Downer, Ingleside, and Hambrook are well-drained upland soils that, generally, have few limitations for development. Longmarsh is a very poorly drained (hydric) floodplain soil that has severe limitation for development and should be avoided (Figure 1).
Response: Thank you for the classification of the soils located on this site. The applicant understands the limitations associated with the Longmarsh soil and will design according to the limitations.
- **Wetlands.** According to the Statewide Wetlands Mapping Project (SWMP) maps, no wetlands were mapped in the immediate vicinity of the proposed construction. However, the presence of the Longmarsh soil mapping unit is indicative of wetland conditions. As mentioned previously, the area in the immediate vicinity of Longmarsh (LO) should be avoided.

Response: Based on our jurisdictional determination wetlands were encountered on this site within this soil classification.

- **Impervious Surfaces and Best Management Practices.** Based on the information presented by the applicant in the PLUS application, this project's post-construction estimate for surface imperviousness should not exceed 67%. When calculating surface imperviousness, it is important to consider all created forms of constructed surface imperviousness (i.e., rooftops, sidewalks, parking lots, roads, and stormwater management structures) in the calculation for surface imperviousness; otherwise, an inaccurate assessment of this project's environmental impacts will result. Therefore, surface imperviousness should be recalculated should if any of the above-mentioned forms of constructed surface imperviousness were excluded.

Response: The applicant has verified that the calculation for the surface imperviousness was correct.

- Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its 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 preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

Response: The applicant acknowledges the recommendation to utilize BMP's to reduce runoff and has agreed to base on a meeting with the Sussex Conservation District.

- Soils, wetlands, subaqueous lands and TMDL comments provided by John Martin, Watershed Assessment Section, (302) 739-9939, John.Martin@state.de.us
- **Water Supply.** The project information sheets state water will be provided to the project by the City of Milford via a public 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.

Response: The applicant will follow all regulations and permit processes in obtaining any and all permits for this development with the City of Milford code.

- **Water Resource Protection Areas.** The Ground Water Protection Branch (GWPB) has determined that the project falls entirely within a wellhead protection area for the City of Milford (see attached map). Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of ground water moving toward these wells may be adversely affected by land use activities.

DNREC recommends that the portion of the new development within the wellhead protection area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be implemented if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development

should not exceed 50% regardless (DNREC, 2005). A water balance calculation (environmental assessment) will be necessary to determine the quantity of clean water to be recharged via a recharge basin (Thorntwaite, 1957). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water. These DNREC recommendations are consistent with the City of Milford, Ordinance No. 2009-7.

Response: *The applicant understands this Ordinance and is currently working with the City to do one of two options. The first option is to perform the environmental assessment and only allow 50% impervious for the entire area within the wellhead protection area. Our proposed development only encompasses less than half the total wellhead protection area on the total parcel of land. Therefore we will keep our current design and reduce the future development so that the total impervious area within the wellhead protection area on this total parcel is less than 50%. The second option is to replace the existing shallow well with a deeper well to reduce the size of the wellhead protection area. The applicant will weigh both options and make a decision prior to final approvals.*

The proposed development would change the impervious cover from zero to approximately 69% within the wellhead protection area. The developer provided these numbers on the PLUS application form. A large percentage of this is parking and roadways. This land use produces petroleum hydrocarbons, other organics, metals, and other inorganic constituents (DNREC, 1999). These contaminants are associated with this land use could easily infiltrate the unconfined aquifer, compromise water quality, and potentially be drawn into the City of Milford drinking water well.

Response: *The applicant understands the impacts of this proposed use and is working with the City and the Sussex Conservation District to reduce the impacts into the City's drinking water well.*

DNREC recommends:

- Reduce impervious cover to less than 50% in accordance with the City's Ordinance.
- Perform an environmental assessment report showing that *water quality* as well as *water quantity* of post development recharge is equal to or greater than pre-development recharge (Kaufmann, 2005).
- Quantify amount of recharge lost due to impervious cover and provide for infiltration of clean water at least equal to or greater than pre-development recharge (Kaufmann, 2005).
- Pretreatment of parking area runoff to remove chemical and nutrient loads.
- Installing stormwater management ponds in wellhead protection areas has the potential to contaminate the ground water beneath it and infiltrate into the aquifer (Schueler, 2000). The site plans show a stormwater management pond within the wellhead protection area. The Delaware Geological Water Table Map for Sussex County shows that the normal depth to water at the location of the northern pond is approximately 5 feet (Martin, 2005). The normal depth to water in the southern pond ranges from 5 to 10 feet. It is common knowledge based on ground-water hydrographs that the water table fluctuates approximately 5 to 10 feet annually. Based on this data, the stormwater ponds on the site plan have the potential to intersect the water table and become a potential source of water

drawn directly into the Milford well.

Response: The applicant acknowledges the recommendations provided above and will work with the City and Sussex Conservation District to adhere to any and all regulations to reduce the impact to the wellhead protection area.

- In addition, because the excellent ground water recharge area can so quickly affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

Response: The applicant understands the effects of the contaminants, hazardous substances and wastes in the underlying aquifer and will obtain any and all approvals from the relevant state, federal or local program if such activity is encountered.

- **Air Quality.** Retail developments may unnecessarily emit, or cause to be emitted, significant amounts of 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 quality emissions generated from retail developments include emissions from car and truck activity associated with the stores in your new retail development. The mobile source air quality emissions are quantified below are based on 2002 Delaware data. These emissions in the table represent the actual impact that Cypress Hall may have.

Emissions Attributable to Cypress Hall (Tons per Year)

	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx~)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Mobile	6.7	21.9	*	*	*

(*) Indicates data is not available.

Note that emissions associated with the actual construction of the subdivision, 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 table above.

Response: Thank you for the information regarding vehicle emissions, emissions from surrounding areas, and electrical power generation emissions for the proposed project.

- Additional measures may be taken to substantially reduce the air emissions identified above. These measures include:
 - **Constructing only energy efficient retail spaces.** Energy Star qualified spaces are

up to 30% more energy efficient. These 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 increased energy efficiency translates into a percent reduction in pollution. The Energy Star Program is excellent way to save on energy costs and reduce air pollution.

Response: The applicant acknowledges the recommendation to build Energy Star spaces and thanks you for the information on Energy Star buildings.

- **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.
Response: The applicant acknowledges the recommendation to offer geothermal and photo voltaic energy options and will do so where feasible.
- **Providing tie-ins to the nearest bike paths and links to any nearby mass transport system.** These measures can significantly reduce mobile source emissions.
Response: The applicant acknowledges the recommendation to provide tie-ins to local bike paths and link to mass transits and will do so where feasible.
- Additionally, the following measures will reduce emissions associated with the actual construction phase of the development:
 - **Using retrofitted diesel engines during construction.** This includes equipment that are on-site as well as equipment used to transport materials to and from site.
Response: The applicant acknowledges the recommendation for using retrofitted diesel engines during construction.
 - **Using pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
Response: The applicant acknowledges the recommendations for using pre-painted/pre-coated flooring, cabinets and fencing on site.
 - **Planting trees in common areas and in vegetative buffer areas.** Trees reduce emissions by trapping dust particles and by 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.
Response: The applicant understands the importance of planting native trees on site and will prepare a detailed landscaping package in accordance with the City of Milford Code.

This is a partial list, and there are additional things that can be done to reduce the impact of the development on air quality. The applicant should submit a plan to the DNREC Air Quality Management Section which address the above listed measures, and that details all of

the specific emission mitigation measures that will be incorporated into Cypress Hall.
Deanna Morozowich - (302) 739-9402, Deanna.Morozowich@state.de.us

- **Hazardous Waste Sites.** No SIRB sites or salvage yards were found within a ½ - mile radius of the proposed development. However, based on the previous agricultural use of the proposed project site, which may have involved the use of pesticides and herbicides, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. Krystal Stanley - (302) 395-2644, Krystal.Stanley@state.de.us
Response: The applicant acknowledges the recommendation for a Phase I Environmental Site Assessment and will perform such assessment if any hazardous materials are encountered.
- **Tank Management Branch.** There are two (2) inactive LUST projects within a quarter mile of the proposed project site:

Name: Nanns Corp (Inactive)
Facility ID: 5-000437
Project: S9109201

Name: Royal Farms Store #51 (Inactive)
Facility ID: 5-000886
Project: K0708078

DelDOT

- DelDOT has been reviewing portions of plans for the larger development since 2004. The plan presented now adequately addresses the most recent PLUS comments on the project, from the January 2008 meeting, but DelDOT now has new comments, which follow primarily from the reduction in size of the development currently planned.
- As mentioned above, the plan presented today is for only a portion of a larger parcel. DelDOT would urge the developer and the City to keep in mind the overall plan for the site as they review plans for its component parts. For example, in previous submissions Street B was planned as a collector street which would, for the most part, run parallel to Route 113 and serve a significant amount of residential and commercial development. The future of that development is now less clear, so it is difficult to project traffic volumes for Street B. However, those volumes will still likely be significant when the rest of the site is developed. Therefore consideration should be given to combining the two entrances proposed on Street B between Street A and Shawnee Road.
Response: The applicant acknowledges the recommendation to connect these two entrances however to reduce conflicts between the delivery trucks and vehicular traffic the applicant feels that two entrances are necessary.
- DelDOT supports the comments from the Dover/Kent County Metropolitan Planning Organization regarding the need for bicycle and pedestrian facilities along Street B, Seabury Avenue Extended and US Route 113 north of the site. Specific facilities to be

required will need to be determined in conjunction with the City.

Response: The applicant acknowledges the comments regarding the need for bicycle and pedestrian facilities and will work with the City to provide these facilities where feasible.

- DelDOT recommends that the developer have their engineer maintain contact with our Project Engineer for the west part of Sussex County, Mr. Derek Sapp, as they develop the site plan further. Mr. Sapp may be reached at (302) 760-4803.

Historic Preservation

- There are no historic or cultural resources such as a National Registered listed property or archaeological site known on this parcel (project site). However, there are two 19th and 20th-century houses along Shawnee Road and Route 113 nearby (S-3988, S-3691), and there are a few others that do not appear in the State Historic Preservation inventory as well. According to the Pomeroy and Beers Atlas of 1868 (an historical map), it appears that there was a dwelling associated with a G. W. Orem and it is a possibility that there could be archaeological remains associated with that farmstead still intact. This parcel also has a high probability for prehistoric archaeological sites.

Therefore, prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains. In addition, the developer should also provide landscaping to block the view, light, and noise of this development from these historic houses, especially those on Shawnee Rd. that will be adjacent to the commercial development. If you have any questions, or would like to discuss these comments further, please contact Terence Burns at 302-736-7404.

Response: The applicant acknowledges the consideration for hiring an archaeologist consultant to examine the parcel for any archaeological remains. The applicant will provide perimeter landscaping to help buffer from the adjacent properties.

Department of Ag

- 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.

Response: The applicant acknowledges the recommendation to follow the “Right Tree for the Right Place” design and will attempt to provide such placement of trees.

- Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

Callery Pear
Leyland Cypress

Red Oak (except for Willow Oak)
Ash Trees

Response: The applicant will not incorporate the above mentioned trees into the landscape plan.

Department of Health and Social Services

- Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases. Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs. This is particularly important considering about 65% of adult Delawareans are either overweight or obese. This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.

Response: The applicant understands this is a growing concern, and therefore will be providing sidewalks and interconnectivity throughout the site.

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

This proposed development is in a Level 1/2 area. Developing in such an area is consistent with the *Strategies for State Policies and Spending*. DPH is committed to the *Strategies* and therefore, does support development in the proposed area.

DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity. As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Cypress Hall Commercial plan:

Amenities to encourage active transportation

- Ensure safe connectivity with sidewalks, crosswalks and walking/bicycling paths within the site and between the commercial and residential parcels. Specifically, ensure connection to the larger bike network on Shawnee Road and a multi-modal path connecting Seabury Avenue.

Response: The applicant acknowledges the recommendation to incorporate connectivity within the site, and therefore will provide sidewalks along all internal streets. The applicant will look into the possibility of providing a larger bike network on Shawnee Road and Seabury Avenue Extended.

- Designate bike paths to supplement the sidewalks already so that residents/employees can travel by foot or by bicycle to the site. In addition, install bike racks in convenient and safe locations within the site.

Response: The applicant acknowledges the recommendation to provide bike paths to supplement the sidewalks. The applicant also acknowledges the importance of installing bike racks in convenient places within the site.

Amenities to encourage recreation

- Designate open space for active and passive recreation that promotes physical activity for all ages. Although the proposed site is commercial, amenities such as gazebos, park benches and tables promote activity that can be done during work breaks. In addition, having such amenities in close proximity to walking paths provide opportunities, not only for employees, but also for local residents to access. Ensure these amenities are centrally located in the site plan, and away from the main entrance to the site.

Response: The applicant acknowledges the recommendation to designate open space for recreation, and will look into the possibility for this site.

Dover/Kent County MPO

- The site has adjacent or nearby residences on both sides of US 113, though not in a density sufficient to support the commercial establishments. There is a real potential for pedestrians accessing the site. The site plan includes sidewalks along the connecting entry roads from US 113 and Shawnee Rd and what looks to be a shared use path along US 113. We suggest the sidewalks be extended to the frontage on Shawnee Rd. adjacent to the stormwater management facility. The Seabury Ave. Extension, if not connected to US 113 as proposed, will have no residences facing and lead only to the City of Milford water facility. If the sidewalks are extended on Shawnee Rd. from the corner with US 113 to at least this 'plaza', as appropriate, the sidewalk should be extended on Seabury Ave., however, to provide access to the front of the plaza buildings. The owner could consider a connection from the multi-use path to the parking lot to assist pedestrians and bicyclists accessing the commercial spaces.

Response: The applicant acknowledges the recommendation to extend sidewalks along Shawnee Rd. and Seabury Ave. Extended to US 113. The applicant will work with the City to provide these extensions.

- The site is adjacent to a Connector Bicycle route along Shawnee Road. These routes are to "...provide connections from local activity and recreational centers to the larger bicycle network." Street B is connected with this route and will ultimately provide access to a greater area than the subject plaza. There should be a provision for a bike lane along Street B. The street is designated as a 60 feet ROW, with no anticipated lane width, as in other streets on the plan. The width should be verified to accommodate a bike lane.

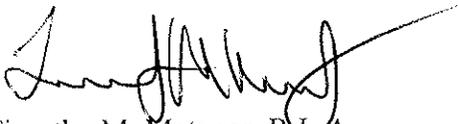
Response: The applicant acknowledges the recommendation to provide a bike lane along Street B, however the applicant feels the sidewalk along both sides of this street are sufficient.

- There is DART bus service to Milford. Route 303 connects with US 113 at Johnson Road, nearly 2 miles from the subject site. The route runs parallel to US 113 on S. Walnut Street, approximately ½ mile away. In the short term, there doesn't seem to be the need for transit access or facilities. The site or the expanded site once developed may be a significant hub for rerouted Milford service. We suggest accommodations for potential riders be incorporated into the site plan, including the reserved location for a bus shelter in this or adjacent future development.

***Response:** The applicant understands the importance for DART service to this area, and therefore has already provided a DART bus stop location just south of our proposed entrance. This was completed during the permitting stage of the Cypress Hall – Residential portion and is intended to connect to this commercial project.*

If you should have any questions regarding this project, please feel free to call our office.

Sincerely,
Davis, Bowen & Friedel, Inc.



Timothy M. Metzner, R.L.A.
Project Manager

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Cc: Gary Norris, AICP – City of Milford