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July 14, 2005

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OFC. OF STATE PLANNING COORD.

Ms. Constance Holland
Delaware Office of State Planning Coordination
Thomas Collins Building 3rd Floor
540 S. DuPont Highway
Dover, Delaware 19901

Subject: PLUS 2005-05-21 Milford Business Park/Independence Commons

Dear Ms. Holland:

In response to the letter dated June 20, 2005 from your office, the City of Milford offers the following comments, listed in order by agency.

Office of State Planning Coordination – The entire business park area has long been included in the City's comprehensive plans, and is consistent with the City's current certified plan in uniting economic opportunity and important services to the residents of the greater Milford area and southern Delaware. Projects that locate within the complex are subject to both the City's and other applicable county or state regulations.

State Historic Preservation Office (SHPO) - It is currently assumed that offices for Delaware Hospice will proceed. The City will forward information on the State Historic Preservation Office's interest in the site to the purchaser for consideration. Coordination of any inspection should be between the property owner and the agency.

DelDOT – The City of Milford has always intended that the business complex be constructed for a long life of useful capacity. The current arrangement of entrances and surplus easement reflects the goal to meet the Park's capacity in a sustainable way. The City will continue to work with the Dover-Kent MPO and DelDOT to assess the impact of the Thompsonville Road interchange to the north of the City, the improvements to Canterbury Road intersection with Route 14 and the growth of the business park. Furthermore, traffic impacts will be assessed in the course of permitting of future developments in the vicinity (such as the Fry property on Canterbury Road and the Bennett property on Airport Road). Projects being proposed will require traffic impact studies that will reflect activity at the Business Park

DNREC -- The City of Milford is committed to preserving the natural resources that are the heart of its history and quality of life.

Soils - Kent Conservation District is required to approve a sediment and erosion control plan, as well as a stormwater management plan. All construction will be designed with standard engineering practice regarding foundations for structures that would be influenced by varying soil conditions. The City also requires inspection by a Certified Construction Reviewer (CCR) on all commercial projects. Roadways within the complex are designed and constructed to DelDOT standards.

Wetlands – Wetlands delineations and jurisdictional determinations are required by Milford subdivision and site plan regulations. The City will not encourage construction within wetlands, but if a property owner intends such, all necessary permits and mitigation would be enforced. The City ordinances do not currently require excessive setbacks from wetlands; however, stormwater management is reviewed and permitted through Kent County Conservation. The City of Milford values its watersheds as both a natural and cultural resource and will encourage enterprises locating in the complex to minimize clearing and to consider native plants in landscaping schemes.

Buffers – Currently there are no state or county regulations that impose a 100-foot buffer to wetlands. The City of Milford's ordinances do not require such a buffer and no special requirements are proposed for the business park. Control of runoff from impervious surfaces for quantity and quality will be managed under the Kent Conservation District Stormwater Management regulations.

Impervious Cover – Runoff from impervious area will be managed for quality and under the Kent Conservation District Stormwater Management regulations. The design of the SWM system will be based on assumed runoff from the maximum allowable impervious cover. In the future, as property within the park is developed, individual enterprises may elect to use a wide variety of construction materials and techniques and may complete construction with less than the maximum allowable impervious area.

TMDLs - The tributaries and the Mispillion River are currently listed on the Delaware 303(d) list due to bacteria and elevated nutrients due to a combination of agricultural practices and on site septic systems. Extension of the public wastewater system and construction of a stormwater management system will aid in the reduction of pollutants to the Mispillion River. Both systems require use of sound engineering design and in the case of stormwater management, Kent County Conservation permits.

Water Supply - Any de-watering shall be conducted under the appropriate DNREC permit.

Water Resource Protection – DNREC has submitted and the City has accepted the revised Sourcewater Assessment in May 2005. The City's certified Comprehensive Plan includes the locations of the most up-to-date Water Resource Protection Zones that will be used for environmental overlay zoning regulations by December 2007, as required by the state legislation.

Sediment and Erosion Control/Stormwater Management – All designs and permits will be required to be obtained prior to beginning individual construction activities for development within the business park.

Drainage – All details and design and construction elements will be included in construction documents as part of the various permitting processes that occur with site development.

Forests - Enterprises locating in the park will balance their individual land use needs and aesthetic requirements as part of site development. When feasible it is hoped that developers will retain existing trees. The Delaware Department of Agriculture Green Infrastructure Map, All Focus Areas, March 2004, does not indicate that the area is part of a significant existing forest belt; however, private owners may apply to the new Forestland Preservation Program to put forested property into permanent conservation easements.

Open Space – The City of Milford, through its Parks and Recreation Department is proud of its emphasis on public/private partnerships to consolidate and expand active open space within Milford's urban setting. The north portion of the park has been re-zoned from "Business Park" to "Office Complex District" that prohibits any manufacturing or bulk material storage. The service, educational and philanthropic enterprises that are included in the "Office Complex District" are more likely to desire or require aesthetic or active open space.

Rare Species – Site development within the park is required to include Sediment and Erosion Control/Stormwater Management plans that are reviewed and approved by Kent Conservation District. All necessary designs and permits will be required for construction within the business park. Wetlands delineations and jurisdictional determinations are required by Milford subdivision and site plan regulations. These regulations are in place to assist in the preservation of down-stream environments.

Nuisance Geese – The Kent Conservation District will review and approval all design and construction documents regarding stormwater management pond size, side slopes depth et cetera. The City approves of mosquito control studies and development of other nuisance species BMPs that are being developed in association with stormwater management.

Recreation – The City of Milford has included a variety of recreation elements into the north side of the business park that enhance and are compatible with the Office Complex

District. The City will be seeking funding to extend sidewalk along Airport Road and throughout the north side of the business park.

Underground Fuel Storage Tanks – The City of Milford requires all construction contractors to follow all state regulations regarding the removal, placement or discovery of underground tanks. It is standard practice to use ductile iron water main with nitrile rubber gaskets in areas of known or high-probability petroleum hydrocarbon contamination in shallow soil or groundwater.

State Fire Marshal's Office – All development plans submitted to the City of Milford for site plan review require approval from the State Fire Marshal's Office in conformance the Delaware State Fire Regulations. In addition, the City includes a review by its Development Advisory Committee, which includes a preliminary review by City departments, Fire Marshal and the Carlisle Fire Company.

Department of Agriculture - The City of Milford, through its Parks and Recreation Department is proud of inclusion in the Tree City USA program. The City's arborist is available for consultation by prospective developers to add trees, native landscaping and tree preservation. The north portion of the park has been re-zoned from "Business Park" to "Office Complex District," a district that prohibits any manufacturing or bulk material storage. The service, educational and philanthropic enterprises that are included in the "Office Complex District" are more likely to desire or require aesthetic landscaping as open space.

The City of Milford values its watersheds as both a natural and cultural resource and will encourage enterprises locating in the complex to minimize clearing and to consider native plants in landscaping schemes. When feasible it is hoped that developers will retain existing trees. The Delaware Department of Agriculture Green Infrastructure Map, All Focus Areas, March 2004, does not indicate that the area is part of a significant existing forest belt; however, private owners may apply to the new Forestland Preservation Program to put forested property into permanent conservation easements.

Public Service Commission – The City requires utility providers operating in the City to comply with all applicable Federal safety regulations and guidelines.

Delaware Emergency Management Agency – The City of Milford utilizes its Development Advisory Committee, as well as the State's PLUS process and permitting procedures to keep the City's departments and other public safety agencies apprised of new projects proceeding through the review process.

Delaware Economic Development Office – As always, the City appreciates the assistance and support of DEDO in achieving a sustainable balance of economic opportunities, high-quality services and attractive housing through out the City.

Sincerely,

Charles A. Hauser, P.E.
Principal

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Copy: Richard Carmean – City Manager
Karen Brittingham – Planning Department