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Ms. Constance Holland, AICP
Director
Office of State Planning Coordination
122 William Penn Street, Suite 302
Haslet Building, Third Floor
Dover, DE 19901

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RE: PLUS review – PLUS 2005-11-09; Watergate Traditional Neighborhood
Development

Dear Ms. Holland:

We would like to extend our sincere appreciation to the agencies involved in the PLUS process for their review and comments on this plan. PLUS is an exceptionally valuable program which helps foster predictability and certainty in the development process while helping to ensure that new development is in compliance with state regulations. Our responses to specific agency comments follow.

Responses to agency comments

Office of State Planning Coordination

Comprehensive plan: The City of Milford supported and approved the rezoning of this parcel to its current designation. We cannot speak for the City, but our understanding is that they are working to amend their comprehensive plan to reflect this change.

Industrial capacity: Again, this would seem to be an issue that should be directed to the City of Milford, however, our understanding is that the city is actively working to realign industrially zoned land to a different part of Milford that better reflects market demand and is more suitable for that type of use (e.g. less environmentally sensitive, more compatible with adjacent uses, better access, etc.).

Economic Development: An important objective of this project is to create new opportunities for economic development in Milford. Namely, a significant amount of “live/work” units that include commercial space which will allow small business owners

sections were included in Watergate to ensure that vehicular flow is integrated into a pedestrian friendly environment.

3. Alleys in Watergate, like most TND's, were designed so that vehicles, including trash trucks, can properly negotiate turns. Priority was placed on traffic calming and safety, while accommodating the needs of vehicles adequately. Realigning the alleys in the manner suggested, however, would provide no additional benefit, except to encourage vehicles – especially trash trucks - to go faster. This could compromise safety, particularly for children and other pedestrians who might be walking or riding bicycles in the alley ways. However, in order to prevent possible delays to site plan approval, we have modified the site plan to conform to DeIDOT's wishes. We consider this to be a regrettable condition that conflicts with the spirit and intent of Livable Delaware and urge DeIDOT to adopt policies that promote context sensitive solutions so that future traditional neighborhood designs need not be compromised in this manner.

4. We are continuing to coordinate with DeIDOT regarding access.

The Department of Natural Resources and Environmental Control

Soils: The project is being engineered to meet all hydrologic requirements and soil types present have been taken into account when performing calculations to ensure adequate drainage systems.

Wetlands: No encroachment into wetlands or disturbance of any kind is being proposed. Beyond that, the development envelope was designed to stay as far back from the edge of the wetland system as feasible, given the urban context and constraints of this development. In some cases it was more than 100 feet, in others less. In addition, the conversion of this property from an industrial use with no stormwater management system to a predominantly residential neighborhood with modern stormwater management will likely result in a dramatic improvement to the quality of water entering the wetland system. It is also important to recognize that the Watergate project itself, by virtue of its location as an "urban infill" redevelopment AND it's compact, walkable design as a model for Livable Delaware, is making a major contribution towards satisfying the demand for new housing in this region without causing destruction of any rural or agricultural areas that could have a far greater impact on wetland systems.

No lot lines in Watergate have wetlands within them.

Wetland Permitting Information: We are coordinating with ACOE to receive final jurisdictional assessment.

Impervious Cover: Watergate will have an abundance of tree plantings and landscaped areas in well defined public green spaces as well as along public streets and paths,

and other entrepreneurs to establish a presence in this part of Milford for neighborhood scale retail, service, artisan, and home occupancy businesses, are envisioned in a later phase of the project. It further allows them to live above their workplaces, thus creating a more vibrant, sustainable community that provides numerous benefits ranging from reduced automobile dependency and travel, to a greater presence and visibility at all times that reduces the potential for criminal activity (i.e. the concept of Crime Prevention Through Environmental Design, or CPTED).

Division of Historic and Cultural Affairs

Subsequent to their request, we contacted DHCA so they could document the property before demolition occurred, which they did. We will consider allowing DHCA to look for archeological sites and would be happy to discuss the potential for doing this prior to construction.

Department of Transportation

1. A traffic consultant has been retained and the traffic impact study is in progress.
2. A street stub connection was expressly placed opposite land owned by the City of Milford to create an opportunity for a street connection to the existing local street network of Milford. Watergate has been designed as a Traditional Neighborhood Development (TND) and as such, embodies the goals set forth in Livable Delaware. Not only was the project itself designed to be a compact, walkable community, but also to become a seamless new neighborhood within Milford's traditional interconnected street pattern to the extent possible. Providing connections only to Marshall Street, a primary through street, would make Watergate seem more like an isolated subdivision with limited connectivity to the town as well as limited travel path choices. Making the connection to Milford's street grid was particularly challenging because the adjacent development is a conventional subdivision with very large blocks and few interconnected streets, making this singular opportunity to connect to the local street network particularly vital. However, in order to comply with DelDOT's position we have modified the site plan to eliminate the construction of the stub street connection but are reserving the right of way for a potential future vehicular connection should the regulatory environment change.

As mentioned above, a hallmark of traditional neighborhood development is that it is designed as an interconnected street network. Defining "cut-through" traffic as problematic is a concept that is in direct conflict with the desire to create interconnected street networks. Interconnected street networks present drivers with many alternate routes, which also helps dissipate traffic as opposed to forcing it directly on to through streets. A key to managing traffic in an interconnected street network is to design a "context sensitive" hierarchy of smaller streets that keep traffic moving at appropriate speeds, which is what has been done for Watergate. No less than six different street

Recreation: Sidewalks will be constructed along both sides of all streets (except alleys). We will contact the City of Milford as suggested to coordinate on the potential trail system.

Underground Storage Tanks: All regulations regarding underground storage tanks will be adhered to.

Solid Waste: Every effort will be taken to minimize construction waste to the extent possible.

Air Quality: We are an Energy Star builder.

State Fire Marshal's Office

We have met with the plan reviewer from the State Fire Marshal's office early on in the process and have made adjustments to the design to address the concerns that were raised in the meeting. We have made application to the Fire Marshal's office for plan approval. We do want to note that the changes that the Fire Marshal's office has required us to make, while making it possible for fire apparatus to negotiate turns at higher speeds, also have created a situation where regular vehicular traffic will also be inclined to travel at higher speeds through the neighborhood. We urge the State of Delaware to review and modify their design standards that result in a more equitable balance between adequate fire apparatus access and creating walkable environments.

Department of Agriculture

Right Tree for the Right Place: We would be glad to locate tree plantings in accordance with this program as well direct home buyers with any information on this program that the Department of Agriculture has to share.

Native Landscapes: We will be happy to contact the Delaware Department of Agriculture Plant Industry Section to coordinate on this.

Tree Mitigation: We will strive to replace trees at a 1:1 ratio or better.

Public Service Commission

There will be no natural gas service to the property. All service will be electric.

Delaware State Housing Authority

Watergate, by virtue of it being a TND, provides exceptionally diverse choices for housing types, sizes, and price levels. All residential units that will be offered for sale are intended to be market rate. Pricing will depend on prevailing market values, and there is the potential that some units may be offered at or near the pricing noted. However, no

designed in accordance with Low Impact Development (LID) practices. Other LID practices will include offering homebuyers rain barrels to catch downspout runoff.

TMDLs: Please see comments above pertaining to “Wetlands” and “Impervious Cover”

Water Supply: Any dewatering and well permits required during construction will be done in accordance with regulations.

Sediment and Erosion Control/Stormwater Management: Watergate has been designed to meet or exceed all requirements for sediment and erosion control/stormwater management.

Floodplains: No structures within Watergate will encroach into the 100 year floodplain.

Forest Preservation: Of the 46 total acres of property comprising the Watergate project, more than 20 acres will remain in its natural state. Nearly all of the area to remain preserved is woodland. This represents a remarkable proportion of preservation for any urban development, particularly for a project of this intensity and location. Most of the trees not in the preserved areas that will be taken down are considered immature growth and not of high ecological value. In addition, hundreds of new trees will be planted as part of the project. Finally, as noted earlier, it is important to recognize that the Watergate project itself, by virtue of its location as an “urban infill” redevelopment AND it’s compact, walkable design, is making a major contribution towards satisfying the demand for new housing in this region without causing the destruction of mature forests or other high value ecological areas outside of the targeted investment areas.

Open Space: The entire preserved area of wetlands and woodlands described above will become permanently preserved as passive open space in a conservation easement. We are exploring opportunities to create a nature trail along the edge of the preserved area adjacent to Watergate neighborhood. In addition, Watergate includes several high quality open spaces of varying size including a formal village green, a central “great lawn” and a number of intimate pocket parks, all designed to foster neighborly interaction and provide inviting public gathering places.

Rare Species: The presence of an expansive preserved area and wildlife corridor adjacent to the construction zone will provide ample opportunity for any wildlife on-site to migrate safely away from construction activity. Construction will likely not start until towards the end of the nesting season or beyond as noted, but no formal plans are being made to delay construction.

Nuisance Waterfowl: Native plantings will be planted in and around the pond to create a soft, natural edge, rather than that of a manicured lawn.

units will be arbitrarily "set-aside" in a manner that will create a financial loss for any given unit without the benefit of an incentive program or subsidy which would offset the loss.

Delaware Economic Development Office

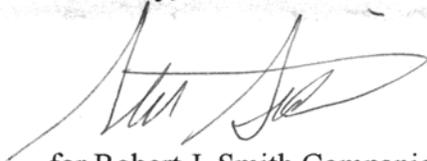
(please note: this response is identical to that listed under the Office of State Planning Coordination addressing the same issues)

Industrial capacity: While this would seem to be an issue that should be directed to the City of Milford, our understanding is that the city is actively working to realign industrially zoned land to a different part of Milford that better reflects market demand and is more suitable for that type of use (eg. less environmentally sensitive, more compatible with adjacent uses, better access, etc.).

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Please feel free to contact me should you have any questions.

Sincerely,



for Robert J. Smith Companies

Stuart Sirota, AICP, CNU
Principal
TND Planning Group

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cc: City of Milford