

Toll Brothers

America's Luxury Home Builder™

May 11, 2006

Office of State Planning Coordination
540 South DuPont Highway
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP
Director

Re: Oakley Development – Town of Millville, DE
PLUS 2006-02-09

We have reviewed the PLUS comment letter dated March 15, 2006 regarding the Oakley development, located within the corporate limits of the Town of Millville, Delaware. Toll Brothers will incorporate the recommendations and requirements into our development plans where appropriate. Please find below, our responses to the comments proffered by the various State agencies for your consideration. For your convenience we have summarized the comment before providing our response.

Subsequent to the issuance of this letter, our engineer, George, Miles & Buhr, LLC (GMB) will be submitting, on our behalf, the Preliminary Subdivision Plan to the Town of Millville for consideration as a Residential Planned Community (RPC).

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

1. *Comment:* You should consider moving the pool and clubhouse to a more central location to encourage walkability/bikeability. Its current location seems remote from the house.

Response: Toll Brothers prefers to market its communities, whenever possible, with a clubhouse and associated amenities that stand out as a focal point. We further believe that while the clubhouse and pool are slightly separated from the majority of the houses, the features are still well within reasonable walking and/or biking distances. Considering the Congress for New Urbanism's "walkable area calculation," all of the homes are within a five-minute walk, and/or quarter-mile radius (1320'), of the clubhouse. The current location allows for a buffer between the homes and the recreational activities, and it allows the clubhouse to be located next to the pond, which will be an excellent amenity.

2. *Comment:* The design should also include connections to the adjacent properties.

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Response: We do not believe interconnection to either Home Depot/Dove's Landing or the properties to the North to be in the best interest of the community residents. We believe that such connections would, in the case of Home Depot, provide for a direct "cut-thru" to the commercial area. Additionally, it is our understanding that the properties to the North of the site are presently zoned commercial which could potentially result in additional "cut-thru" passages should they be developed in that manner.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

3. *Comment:* There is an early-20th-c. house (S-2414) within this parcel on Roxana Rd. This house shows clearly on the 1937 USDA aerial photograph but did not appear on the 1918 USGS 15' Rehoboth topographic map. The parcel is adjacent to the Horace Tyree House #2 on the south; this house dates to the same period. The Beers Atlas of 1868 shows only the J. Steel House, which was to the south of this parcel and was probably destroyed by changes to Roxana Rd. There is only a low potential for archaeological sites of any period within the parcel.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Steel House, usually a good distance behind or to the side of the house. The developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. We will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

Response: Toll Brothers will take all necessary precautions during excavation and, if necessary, will comply with the Human Remains Act in the event that any unmarked burial sites are discovered during construction.

4. *Comment:* If a Corps of Engineers permit is required for this development, the owner/developer will then be required to consult with this office under Section 106 of the National Historic Preservation Act of 1966 (as amended) and might be required to undertake some documentation or archaeological testing. We will be happy to help the owner/developer through this process.

Response: While a Corps Permit is not anticipated, Toll Brothers appreciates the offer of assistance and will certainly contact the appropriate agencies should a Permit be deemed a necessity.

5. Comment: *It appears that the early-20th-c. house is not being kept as part of the development. The Division of Historical and Cultural Affairs would like the opportunity to document this house prior to any demolition activities.*

Response: Toll Brothers can make the house available to the Division at any time. Please contact Carmen Marinelli at (410) 629-0351 to make these arrangements.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

6. Comment: *While the subject development would not generate enough traffic to warrant a traffic impact study (TIS), TIS have been and continue to be done for other developments in the area. Specifically, the Doves Landing TIS was completed in August 2003 and DeIDOT commented to the Town of Millville regarding it in March 2004. Similarly, a TIS was completed in October 2005 for the developments of Millville by the Sea and Barrington Park and is now under review. These studies have identified certain off-site road improvements as being necessary to achieve or maintain level of service D or better. The developer of this project will be required to contribute an equitable share toward those improvements.*

Response: It is our understanding that DeIDOT is currently reviewing the referenced TIS reports and is in the process of determining the extent of off-site improvements that they will require. Once this information is assembled and Toll's proposed equitable cost share has been developed, please forward an information package directly to Rob Hodak at Toll Brothers for review and comment.

7. Comment: *Route 17 is classified as a collector road. The plan shows Route 17 as having a 60-foot wide right-of-way. DeIDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore they will require right-of-way dedication to provide any additional width needed from this project. If the 60-foot figure is correct and if the road is centered in the right-of-way, that would be an additional ten feet.*

Response: Toll Brothers' engineer, GMB, will produce the appropriate drawings which demonstrate dedication of a 40-foot Right-of-Way from the centerline of S.R. 17 to the West along the entire length of their property as part of their design and approval packages.

8. Comment: *If possible, DeIDOT recommends that a street connection be provided to connect this project to the proposed residential development of Doves Landing, which adjoins it to the south. This connection would provide*

both developments with an alternative means of access should the access to one development be temporarily obstructed. Because there would be a tax ditch separating the two properties, coordination will be necessary not only with the developer of Doves Landing but also with the tax ditch organization.

Similarly, DeIDOT would recommend that the Town explore the desirability of requiring the developer to provide stub streets or easements to the Timmons and Bennett Properties to the north. These lands are presently in agriculture and DeIDOT does not know what plans their owners might have for them or how they are addressed in the Town's comprehensive plan. However, if the developer does not provide these connections now, they might not be feasible later.

Response: We do not believe interconnection to either Home Depot/Dove's Landing or the properties to the North to be in the best interest of the community residents. We believe that such connections would, in the case of Home Depot, provide for a direct "cut-thru" to the commercial area. Additionally, it is our understanding that the properties to the North of the site are presently zoned commercial which could potentially result in additional "cut-thru" passages should they be developed in that manner.

9. *Comment:* The Department of Transportation is pleased to see that a good network of paths and sidewalks is proposed within the development. They would recommend to the Town that they require sidewalks along the site's frontage on Route 17 as well.

Response: Toll Brothers will provide sidewalk along S.R. 17 for the length of the property if the Town of Millville so desires.

10. *Comment:* The sidewalk at the east edge of the clubhouse parking lot intersects the street leading into the site about 50 feet west of where the sidewalk ends on the north side of the street. Aligning these two points would improve safety by encouraging pedestrians going to and from the clubhouse to cross the street at a right angle. A painted crosswalk at that point would also help.

Response: This change will be made to the Millville site plan and all subsequent design and approval plan sets.

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

11. *Comment:* Based on the Sussex County soil survey update Runclint, Pepperbox, Hammonton, Hurlock and Mullica-Berryland complex were

mapped on subject parcel. Runclint is a well-drained upland soil that, generally, has few limitations for development. Pepperbox and Hammonton are moderately well-drained soils of low-lying uplands that have moderate limitations for development. Hurlock is a poorly-drained wetland associated (hydic) soil that has severe limitations for development. Mullica-Berryland complex is very poorly-drained wetland associated (hydic) soil that has the highest severity level for development.

It should also be noted that the hydic soils mapped on this parcel are likely to have a seasonal high water table within a depth of one-foot from the soil surface. Building in such soils may leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding. This issue is of particular concern during periods of high-intensity long duration rainfall events associated with tropical storms/hurricanes or "nor'easters." Flooding probabilities may be further augmented by surface water runoff emanating from created forms of structural imperviousness (roof tops, roads, and sidewalks). Therefore, the applicant should refrain from building on lots containing mapped hydic soils or soils delineated as such by their consulting soil scientist, and reduce the amount of constructed surface imperviousness to the greatest extent possible.

Response: On-site field reconnaissance by Toll Brothers' consultants found very limited hydic soils occurring on this site. However, these soils have been effectively drained by current agricultural tax ditches located throughout the project area. Based upon existing soil characteristics, drainage problems are not anticipated. Additionally, responsible Stormwater Management design will endeavor to minimize the impacts of runoff water per State and Local regulatory requirements.

12. *Comment:* Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Based on analyses of 2002 aerial photography by the University of Delaware, the Indian River watershed of the greater Inland Bays drainage basin - at that time - had about 8.6 percent impervious cover. Since each additional percentage increase in surface imperviousness generated from commercial/residential development results in a proportionate decrease in a given watershed's habitat and water quality, it is important that environmentally proactive strategies (or BMPs) be implemented by the applicant to mitigate for such predictable impacts. Using 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 examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

Response: Toll Brothers may use grass pavers on areas of the project and has included a 30-foot wide planting buffer around the perimeter of the project. Stormwater Management design will consider the net effect of runoff and will provide the appropriate level of treatment in accordance with the proper regulatory divisions.

13. *Comment:* Based on a review of the submitted PLUS application, the applicant projects that only about 35% of this parcel will be rendered impervious following this parcel's development; however, this figure appears to be a significant underestimate given the scope and density of this project. The applicant should be made aware that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be included in the impervious surface calculation. It is strongly recommended that the applicant recalculate this figure to verify whether their post-development projections realistically reflect the actual amount of created post-development surface imperviousness.

Response: Impervious surface area has been recalculated to be approximately 41% of the total project area. Please refer to the table below.

Description	Impervious Area:	
Roadways/Parking Areas	218,400	sq. ft.
Sidewalks	56,276	sq. ft.
Recreation Area	29,169	sq. ft.
Buildings	153,683	sq. ft.
Total Imperveous Area	457,527	sq. ft.
<hr/>		
Total Project Area	1,115,991	sq. ft.
% Impervious Area	41.0%	

14. *Comment:* This project is located adjacent to receiving waters of the Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

Response: Both Structural and non-structural Best Management Practices (BMP) will be implemented throughout the site to reduce pollutant runoff from the site resulting from the addition of impervious area. These BMP's will be incorporated into a comprehensive Stormwater Management system which will collect runoff and provide water quality treatment as well as managing the impacts of the increased volume of runoff from the site.

Nutrient and pollutant removal will be achieved through environmentally sensitive land planning techniques, filtration, infiltration practices as well as nutrient uptake from plantings. Non-structural practices may include disconnection of rooftop runoff, providing sheet flow to a vegetated buffer, and preserving environmentally sensitive area in conservation easements. Structural practice may include bioretention, created wetland-pond systems, and creation of detention/water quality ponds.

A reduction in pollutant loads from the site will result also result from the conversion of active farmland to a residential development. Case studies have estimated that as much as an 80% reduction in certain pollutants as a result of this land use change alone.

15. *Comment: Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. 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 water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project is located in the **low** nutrient reduction area requiring a 40 percent reduction in nitrogen and phosphorus.*

In the Inland Bays, the primary source of water quality impairment is associated with nutrient runoff from agricultural and/or residential development. In order to mitigate for the aforementioned impairments, a post-development TMDL reduction level of 40 percent will be required for nitrogen and phosphorus, respectively. Compliance with the post-development TMDL nutrient loading reduction requirements will be assessed via nutrient budget protocol, a computer-based model that quantifies post-development nutrient loading under a variety of land use scenarios in combination with a variety (or absence) of BMP types and intensities. This post-development loading rate is then compared with the pre-development loading rate as a means to assess whether the project meets the acceptable TMDL reduction levels. Based on a preliminary evaluation of this project using this model (using the applicant's assumptions in the PLUS application), the development as currently

conceived **does not** meet the Inland Bays watershed TMDL nutrient reduction requirements for nitrogen and phosphorus.

The applicant is strongly advised to consider the use of appropriate BMPs and Best Available Technologies (BATs) to ensure compliance. Examples of BMPs or BATs that should be used to significantly reduce nutrient loading from this project include practices that prevent or mitigate or minimize created surface imperviousness, maintenance of recommended wetland buffer widths, and use of innovative "green-technology" stormwater methodologies rather than conventional open-water stormwater management structures. As mentioned previously, since surface imperviousness is an important variable in the nutrient budget calculation, the applicant is strongly urged to recheck and/or recalculate their projected impervious surface figure to make sure that it reflects realistic postdevelopment impacts.

DNREC suggests that the applicant verify their project's compliance with the specified TMDL loading rates by running the model themselves (using the corrected impervious cover figure). Please contact Lyle Jones of Watershed Section at 739-9939 for the acceptable model protocol.

Response: Use of BMP's and BATs, along with the change of land use and implementation of green land development techniques will be used to meet the required pollutant reduction in accordance with the mandated TMDL's for the site's receiving waters.

BMP's such as bioretention and infiltration will likely be implemented within the project. These BMP's have typical pollutant removal efficiencies between 50% and 65%. All BMP's will be designed and constructed in accordance with the latest standards outlined in DNREC's Green Technology Handbook.

Environmentally sensitive design techniques aimed at reducing the amount of impervious area will implemented on the site. These techniques may include: Rooftop Disconnection, Disconnection of non-rooftop impervious surfaces, Vegetated Wetland Buffer, Sheet Flow to Vegetated Buffer, Natural Area Conservation Area, reduced width of streets to Minimize impervious area, use or alternative hard surfaces such as pervious pavement, reduced standard parking space size to maximize open space, and site grading to maximize overland flow and time of concentration. Each of these techniques provide water quality and groundwater recharge through infiltration.

16. Comment: Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a

water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, there is a Large On-Site septic system called Hocker's IGA located within 1000 feet of the project.

Response: Toll Brothers will take the necessary steps to procure the appropriate Permits in the event that dewatering is required for construction.

Sediment and Erosion Control/Stormwater Management

17. *Comment: The Sediment and Stormwater plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District.*

Green Technology BMPs such as bioretention, biofiltration, filtration and infiltration must be given first consideration in stormwater quality management prior to ponds. When stormwater quantity management is a requirement as it is on this site, ponds may be used for storage.

Response: Toll Brothers intends to employ whatever Green Technology BMP's are appropriate and practical for the stormwater design of the site as indicated in earlier responses.

18. *Comment: This site contains a tax ditch, Prong 4 Derrickson Canal Tax Ditch that is proposed to be relocated with this development. The consultant has previously contacted the Drainage Section in Georgetown and they are encouraged to do so again when the subdivision plans are better developed. A court order change will be necessary for relocation of the tax ditch and all affected landowners will have to agree to the change prior to the court order change being processed.*

Response: Toll Brothers and their consultants will coordinate closely with all of the appropriate parties as relocation of the tax ditch is further studied and as development site design progresses.

19. *Comment: The developer is also strongly urged to consider alternatives to mowed grass within community open space areas. Mowing and other maintenance costs from lawn areas can become a substantial burden for community maintenance associations. There may be areas within the development that are appropriate for warm or cool season grasses, especially around storm water management ponds. The maintenance costs associated with meadow type grasses are much lower than those of lawn grasses, and provide food and habitat for birds and other wildlife and can help reduce non-point source pollution.*

Response: Toll Brothers intends to landscape the open areas in an appealing manner that will be affordable to the target market for this development. Low maintenance grasses will be placed in lieu of lawn grasses in areas where it is practical. There are several areas, around the ponds, entrance, and clubhouse in particular, where it may be appropriate to plant meadow grasses that only require one annual mowing, as recommended.

20. *Comment: Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.*

Response: Toll Brothers will take whatever steps are practical to reduce solid waste generated during home construction. These measures will help minimize the impacts to State landfills while reducing net construction costs for the development.

21. *Comment: There are two active and inactive LUST site(s) located near the proposed project:*

Country Store and Gas Station, Facility # 5-000145, Project # S9104060 Mobil Steiner Millville, Facility # 5-000316, Project # S8612067 Banks Development, Inc., Facility # 5-000457, Project # S9309165

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum

contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

Response: If Toll Brothers encounters any unanticipated contamination on the site, the appropriate steps will be taken with respect to State agencies and materials of construction.

22. *Comment:* Once complete, vehicle emissions associated with this project are estimated to be 12.0 tons (24,097.9 pounds) per year of VOC (volatile organic compounds), 10.0 tons (19,951.4 pounds) per year of NOx (nitrogen oxides), 7.4 tons (14,720.5 pounds) per year of SO2 (sulfur dioxide), 0.7 ton (1,310.4 pounds) per year of fine particulates and 1,007.9 tons (2,015,755.4 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 4.9 tons (9,719.8 pounds) per year of VOC (volatile organic compounds), 0.5 ton (1,069.5 pounds) per year of NOx (nitrogen oxides), 0.4 ton (887.5 pounds) per year of SO2 (sulfur dioxide), 0.6 ton (1,145.3 pounds) per year of fine particulates and 19.7 tons (39,401.7 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.9 tons (3,852.2 pounds) per year of NOx (nitrogen oxides), 6.7 tons (13,399.0 pounds) per year of SO2 (sulfur dioxide) and 988.2 tons (1,976,353.7 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO2	PM2.5	CO2
Mobile	12.0	10.0	7.4	0.7	1007.9
Residential	4.9	0.5	0.4	0.6	19.7
Electrical Power		1.9	6.7		988.2
TOTAL	16.9	12.	14.5	1.3	2015.

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.9 tons of nitrogen oxides per year and 6.7 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy

efficiency translates into a percent reduction in pollution. Quoting from their webpage, <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

*building envelope upgrades,
high performance windows,
controlled air infiltration,
upgraded heating and air conditioning systems,
tight duct systems and
upgraded water-heating equipment.”*

The Energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. We highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

They also recommend that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for their new occupants.

Response: Toll Brothers constructs their “upper-end” homes using the highest quality materials, which translates into energy efficient homes. We believe that by providing things like high efficiency heating systems, high performance windows and other similar features we are providing a home that not only results in lower homeowner costs to heat and cool but also one which reduces the burden on the environment.

State Fire Marshal’s Office – Contact: Duane Fox 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware 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):

23. Comment: *Fire Protection Water Requirements:*

- *Water distribution system capable of delivering at least 1000 gpm for 1-*

hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)

- *Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Response: Our engineer, GMB, in conjunction with Tidewater Utilities will design a water distribution system that adequately meets fire protection requirements for the community. This will include main sizing, fire hydrant selection and placement, but will not include sprinkler systems as all home construction is expected to be single family townhomes.

24. Comment: *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 or 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*
- *For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.*

Response: The appropriate fire protection features will be documented on the plan set that is submitted to the Office of the State Fire Marshall for review and approval.

25. Comment: *Accessibility*

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Roxana Road 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.*
- *Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able*

to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- *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.*

Response: Accessibility will be provided as required by the *State Fire Regulations* and will be documented on the plan set that is submitted to the Office of the State Fire Marshall for review and approval. As an example, Toll Brothers may provide a grass-paver strip suitable for allowing engine access to within 100-feet of every front door.

26. Comment: *Gas Piping and System Information:*

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

Response: This information will be included in the plan set that is submitted to the Office of the State Fire Marshall for review and approval.

27. Comment: *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)*
- *Townhouse 2-hr separation wall details shall be shown on site plans*
- *Note indicating if building is to be sprinklered*
- *Name of Water Provider*

- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- $\frac{3}{4}$ Provide Road Names, even for County Roads

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.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Response: All applicable notes will be appropriately provided in the plan set that is submitted to the Office of the State Fire Marshall for review and approval.

Department of Agriculture - Contact: Milton Melendez 698-4500

28. *Comment: 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: Toll Brothers always considers the complete development concept when producing a landscaping plan. We appreciate the added value that our projects realize through the pursuit of a responsible planting schedule.

29. *Comment: The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent landuse activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.*

Response: A 30-foot buffer planting strip will be provided around the perimeter of the property. Only properly selected vegetation will be planted in this area and throughout the community to both encourage a pleasant environment and take advantage of the environmental benefits.

Public Service Commission - Contact: Andrea Maucher 739-4247

30. Comment: Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247. If the County is unable to serve this area, you will need to apply to the Commission for a CPCN.

Response: Propane service is anticipated as a community need. Toll Brothers will coordinate with the appropriate agencies and guidelines in the design of this system.

Delaware State Housing Authority – Contact Karen Horton 739-4263

31. Comment: This proposal is to develop 157 townhomes on 25.4 acres, located on Route 17/Roxana Road, just outside the Town of Millville. It is also, according to the State Strategies Map, located in an Investment Level 2 area. Although, the Selbyville/Frankford County Census Division (CCD) is experiencing tremendous housing needs, the proposal does not include units for first-time homebuyers. Real estate data collected by DSHA for the third quarter of 2005 indicated that the median home price was \$350,000, which is outside the affordability level of most households. For example, the affordability price for moderate income households earning 100% of area median income is estimated to be \$182,000.

Moreover, of the 10,527 units in this CCD, 726 are substandard, and 3,261 are occupied by low-income households. Households that cannot afford to live in the coastal resort area have been displaced to western Sussex County. The provision of moderately priced units would help support the housing needs of families employed by the local retail, service, and tourism economy.

Response: While Toll Brothers recognizes the need to provide affordable housing to permanent residents, the expectation is that this community will appeal to the resort community buyer and that most of the homes will serve as secondary residences, not primary housing.

Department of Education – Contact: John Marinucci 739-4658

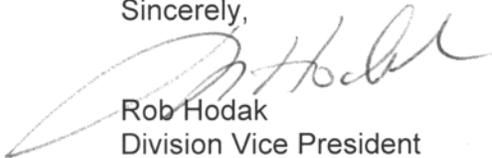
32. Comment: DOE requests the developer work with the local school district transportation department to establish developer supplied bus stop shelter

ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.

Response: Because it is anticipated that the homes in this resort community will, for the most part, be secondary residences, school age children residents are not expected in any significant numbers. If it becomes necessary, Toll Brothers will discuss what appropriate provisions may be needed to shelter students with the local school district.

We sincerely thank all of the attending agencies for their input and believe that the PLUS process provides a real benefit to not only the developer, but ultimately of the residents of the surrounding areas. Please do not hesitate to contact me directly at (302) 541-4588 if you have any questions or would like to discuss any of this information in further detail.

Sincerely,



Rob Hodak
Division Vice President

RH/atb

cc: The Honorable Gary Willey – Mayor, Town of Millville
Mr. Aaron Briggs, P.E. – GMB