



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 24, 2015

Mr. Robert Sevensky  
Ramesh C. Batta Associates, P.A.  
4600 New Linden Hill Rd., Suite 103  
Wilmington, DE 19808

RE: PLUS review 2015-02-04, Milltown Square

Dear Mr. Sevensky,

Thank you for meeting with State agency planners on February 25, 2015 to discuss the proposed plans for Milltown Square. According to the information received you are seeking review of a rezoning of 5.26 acres from S to ST and ON, and a site plan for 42,000 square feet of office space and 4 residential lots on 3.3 acres in New Castle County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as New Castle County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

- This project is located in Investment Level 1 according to *Strategies for State Policies and Spending*. This site is also located in the New Castle County Growth Zone. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.

**Code Requirements/Agency Permitting Requirements**

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Per Section 2.3.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, Traffic Impact Studies (TIS) are warranted for developments

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generating more than 400 vehicle trip ends per day or 50 vehicle trip ends per hour. Section 2.3.2 provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour, DelDOT may accept an Area Wide Study Fee of \$10 per daily trip in lieu of a TIS.

- From the plan accompanying the PLUS application, we see that the proposed development would generate 1,556 vehicle trip ends per typical weekday. By our calculation, it would also generate 139 vehicle trip ends in the peak hour of that day. Therefore, considering only our volume warrants, a TIS would be warranted but payment of the Area Wide Study Fee would be an option. However, as we understand it, New Castle County's Unified Development Code includes a 50 vehicle trip ends per hour warrant similar to ours but without the waiver provision. Therefore DelDOT will require a TIS. Recognizing this requirement, the applicant and their engineer and attorney met with DelDOT and New Castle County staff on February 13, 2015, to determine a scope of work for the study.
- Significant issues to be addressed in the TIS mentioned above are the turning movements to be permitted at the proposed access on Old Limestone Road and at the intersection of Old Limestone Road, Milltown Road and Old Milltown Road. Presently, all movements are permitted there but only the through movements on Milltown Road have appreciable volume. With additional side street traffic there, turning restrictions could be appropriate.
- The congestion at the intersection of Limestone Road and Milltown Road is well known, both generally and from a TIS for a previous proposal to develop this site. While a new TIS should provide an updated evaluation and consider possible solutions, we do not expect that it will identify an improvement that the developer of this project could build to relieve that congestion.
- The site entrances on Limestone Road (Delaware Route 7) and Old Limestone Road must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, which is available at [http://www.deldot.gov/information/pubs\\_forms/manuals/subdivisions/pdf/Subdivision\\_Manual\\_Revision\\_1\\_proposed\\_060110.pdf](http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf).

- Presently, the north part of Old Limestone Road, where the existing houses are located, is open to two-way traffic but the south part, where there are no houses, is one-way northbound. DelDOT established this one-way condition by Traffic Resolution No. OWN120-84 pursuant to our authority under Title 17, Delaware Code §141.
- The plan accompanying the PLUS application would close Old Limestone Road with a cul-de-sac at the end of the existing and proposed residential developments and would convert the part of Old Limestone Road south of the cul-de-sac to two-way flow. We are not opposed to this change provided that there is adequate community support for it. However, we would urge the County to seek input from the local fire company and their own Department of Public Safety. If they value Old Limestone Road as an emergency route for bypassing the intersection of Limestone Road and Milltown Road, an alternative approach to closing it may be necessary.
- Procedurally, we would need to somehow supercede Traffic Resolution No. OWN120-84 before we could allow construction of the cul-de-sac to maintain legal access for the electrical substation on the south part of Old Limestone Road.
- As shown on the Investment Level map associated with the Strategies for State Policies and Spending, the subject development is located in a Level 1 area. DelDOT's Shared-Use Path and/or Sidewalk Process policy (available at [http://www.deldot.gov/information/business/subdivisions/SUP\\_Sidewalk\\_Process.pdf](http://www.deldot.gov/information/business/subdivisions/SUP_Sidewalk_Process.pdf)) states that a path or sidewalk shall be installed along the State-maintained road frontage of any development in a Level 1 or 2 area. The plan accompanying the PLUS application shows a sidewalk along the frontage of the proposed medical office building parcel but not along the frontage of the four residential lots proposed on Old Limestone Road. Unless a separate minor subdivision plan would be required to develop those lots, the plan should show the sidewalk along the fronts of those lots as well.

Department of Natural Resources and Environmental Control – Contact Kevin Coyle 735-3495

#### **TMDLs.**

- Total Maximum Daily Loads (TMDLs) for nitrogen, phosphorus, and bacteria have been promulgated through regulation in most of the State of Delaware's water bodies. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; *State of Delaware Surface Water Quality Standards, as amended July 11, 2004*) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. TMDLs are required by federal law (Section 303(d) of the 1972 Clean Water Act), and the states are charged with developing and implementing specific land use practices that support these goals. This project is located in the Piedmont drainage, specifically within the

greater Christina River Basin. In the Christina River Basin, post-development nitrogen and phosphorus loading must be capped at the pre-development or baseline loading rate (or a 0% post-construction increase in N & P in Delaware's portion of the Christina River Basin) to meet the required TMDL for each nutrient. Moreover, reductions in bacteria that range from 29% to 95% (High Flow) is also required (depending upon location). The specific required nutrient and bacterial requirements for the various stream segments in the Basin, and background information is outlined in the report entitled "*Christina River Basin High-Flow TMDL*" by the EPA. This report can be retrieved from the following web link:

[http://www.epa.gov/reg3wapd/tmdl/pa\\_tmdl/ChristinaMeetingTMDL/index.htm](http://www.epa.gov/reg3wapd/tmdl/pa_tmdl/ChristinaMeetingTMDL/index.htm)

*John Martin, (302) 739-9939, [John.Martin@state.de.us](mailto:John.Martin@state.de.us)*

### **Water Supply.**

- The project information sheets state water will be provided to the project by Artesian Water Company via a public water system. Our records indicate that the project is located within the public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity 85-WS-03.
- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

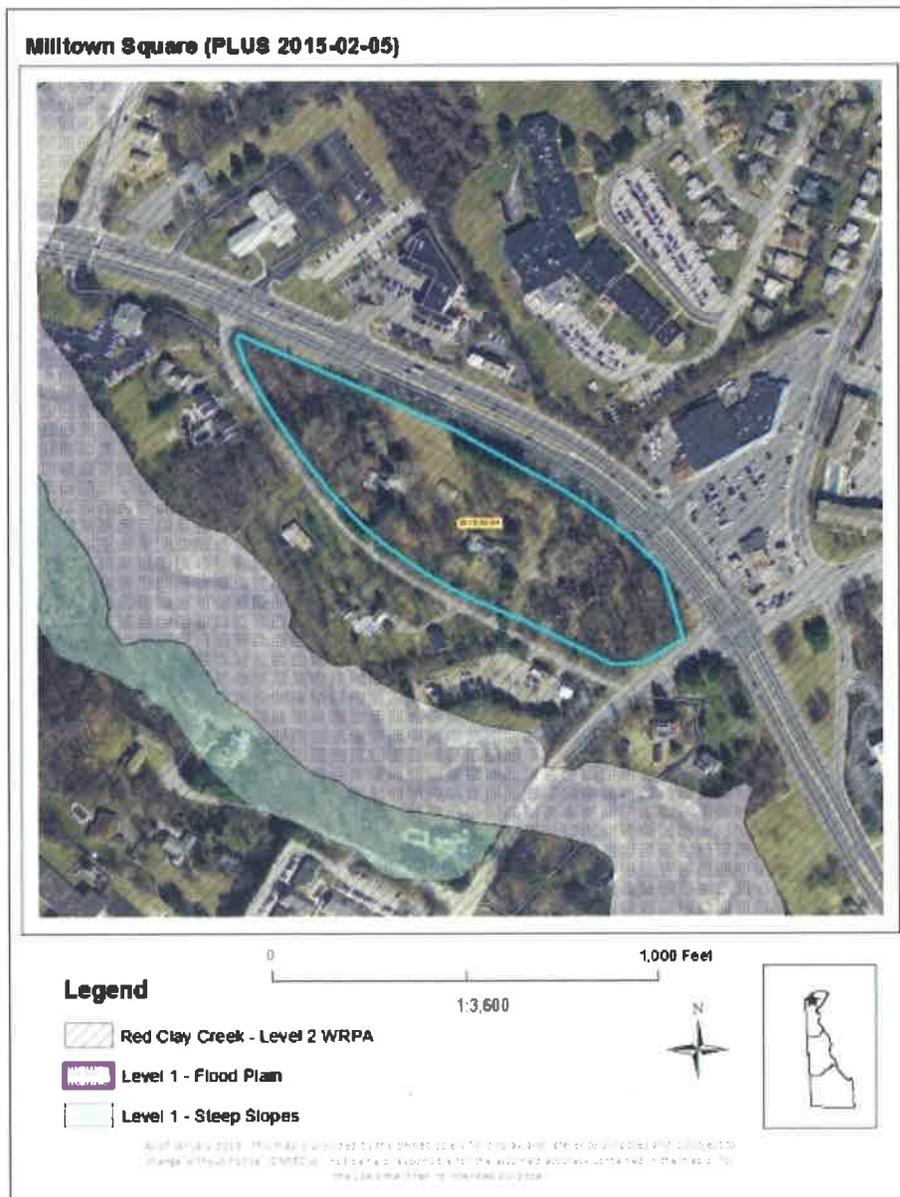
*Rick Rios, (302) 739-9944, [Ricardo.Rios@state.de.us](mailto:Ricardo.Rios@state.de.us)*

### **Source Water Protection Areas.**

- The DNREC Ground-Water Protection Branch (GPB) has determined that the project does not fall within any wellhead protection or excellent groundwater recharge potential areas. However, the parcel falls entirely within the Red Clay Creek Drinking Water Watershed. This area is a Level 2 water resource protection area for New Castle County (see map).
- Level 2 Source Water Protection Areas are the delineated watershed upstream from public drinking water supply intakes. Land Use or Land Activity within these areas has the potential to influence water quality or quantity to the public drinking water systems.

- DNREC recommends referring to NCC Unified Development Code for regulations regarding development in this water resource protection area.

*Anne Mundel, (302) 739-9945, [Anne.Mundel@state.de.us](mailto:Anne.Mundel@state.de.us)*



**Sediment and Stormwater Program.**

- A sediment and stormwater plan will be required for the site. Contact the reviewing agency to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as possible. 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 New Castle County Department of Land Use Engineering Section. Contact the Department of Land Use at (302) 395-5470 for details regarding submittal requirements and fees. (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101).

*James Sullivan, (302) 7390 9921, [James.Sullivan@state.de.us](mailto:James.Sullivan@state.de.us)*

**Air Quality.**

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

<b>Table 1: Potential Regulatory Requirements</b>	
<b>Regulation</b>	<b>Requirements</b>
<b>7 DE Admin. Code 1106 -</b> Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>
<b>7 DE Admin. Code 1113 –</b> Open Burning	<ul style="list-style-type: none"> <li>• Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year.</li> <li>• Prohibit the burning of land clearing debris.</li> <li>• Prohibit the burning of trash or building materials/debris.</li> </ul>
<b>7 DE Admin. Code 1135 –</b> Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> <li>• Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)</li> </ul>
<b>7 DE Admin. Code 1141 –</b> Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> <li>• Use structural/ paint coatings that are low in Volatile Organic Compounds.</li> <li>• Use covers on paint containers when paint containers are not in use.</li> </ul>
<b>7 DE Admin. Code 1144 –</b> Control of Stationary Generator Emissions	<ul style="list-style-type: none"> <li>• Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the</li> </ul>

	<p>emissions limits established. (See section 3.2).</p> <ul style="list-style-type: none"> <li>• Maintain recordkeeping and reporting requirements.</li> </ul>
<b>7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles</b>	<ul style="list-style-type: none"> <li>• Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</li> </ul>
<b>Regulation 21 Section 10 – Emission Standards for Hazardous Air Pollutants, Asbestos</b>	<ul style="list-style-type: none"> <li>• Ensure no visible residue of asbestos materials remains in the work area after all asbestos materials are removed in accordance with NESHAP.</li> <li>• Display DANGER signs whenever airborne asbestos may be present in accordance with NESHAP and OSHA</li> <li>• Use wet removal techniques.</li> <li>• Dispose of all asbestos containing waste in clearly labeled sealed containers and store in a secure location awaiting transport to an authorized disposal facility, not to exceed a period of 45 days.</li> </ul>

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Rachel Yocum, (302)739-9402, [rachel.yocum@state.de.us](mailto:rachel.yocum@state.de.us)

**Tank Management.** Please be aware:

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.
- The following confirmed leaking underground storage tank (LUST) projects are located within a quarter mile from the proposed project area:
  - DANG Starc Armory, Facility: 3-001883, Project: N0105042 (Inactive)
  - Mill Creek Texaco Valero #282, Facility: 3-000389, Projects: (4) in total-All Inactive
  - Dr. Monteleone, Facility: 3-002123, Project: N0103025 (Inactive)
  - Karen Langston Residence, Facility: 3-002676, Project: N1411085 (Investigation)
- Per the **UST Regulations: Part E, § 1. Reporting Requirements:**
  - Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
    - The Department’s 24-hour Release Hot Line by calling 800-662-8802; and
    - The DNREC, Tank Management Section by calling 302-395-2500.

Elizabeth Wolff, (302) 395-2500, [Elizabeth.Wolff@state.de.us](mailto:Elizabeth.Wolff@state.de.us)

State Fire Marshal – Contact John Rudd 323-5365

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):

- **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.
  - Where a water distribution system is proposed for business sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
  
- **Fire Protection Features:**
  - All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
  - Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
  - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
  - Show Fire Lanes and Sign Detail as shown in DSFPR
  
- **Accessibility:**
  - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that both access roads to the site from the public roadways must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at the Limestone Road entrance drive, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the site.
  - 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.
- **Gas Piping and System Information**
  - Provide type of fuel proposed, and show locations of bulk containers on plan.
- **Required Notes:**
  - Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
  - Proposed Use
  - 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 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
  - Provide Road Names, even for County Roads

### **Recommendations/Additional Information**

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Please be advised that DelDOT is about to advertise for adoption, in the March Register of Regulations, a comprehensive revision of the Standards and Regulations. While in most respects, the changes are incremental, they are located throughout the manual and could well have some effect on the entrance design. DelDOT anticipates holding training sessions for the consulting engineering community but those sessions have yet to be scheduled.
- Because the proposed development would generate more than 200 vehicle trips per day, a Pre-Submittal Meeting is required before plans are submitted for review. Guidance on what will be covered at this meeting and how to prepare for it is located at [http://www.deldot.gov/information/business/subdivisions/Pre-Submittal\\_Meeting\\_Requirements.doc](http://www.deldot.gov/information/business/subdivisions/Pre-Submittal_Meeting_Requirements.doc). The form needed to request this meeting is available at [http://www.deldot.gov/information/business/subdivisions/Meeting\\_Request\\_Form.doc](http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.doc).

Department of Natural Resources and Environmental Control – Contact Kevin Coyle 735-3495  
**Soils Assessment.**

- Based on the NRCS soil survey mapping update, Urban land-Wheaton complex is the only soil mapping unit mapped on this parcel. (VwB; See figure 1). Urban land-Wheaton complex has been changed/modified through excavation, filling, and grading activities. The drainage class may be variable, but this soil mapping unit is likely to be mostly well drained.

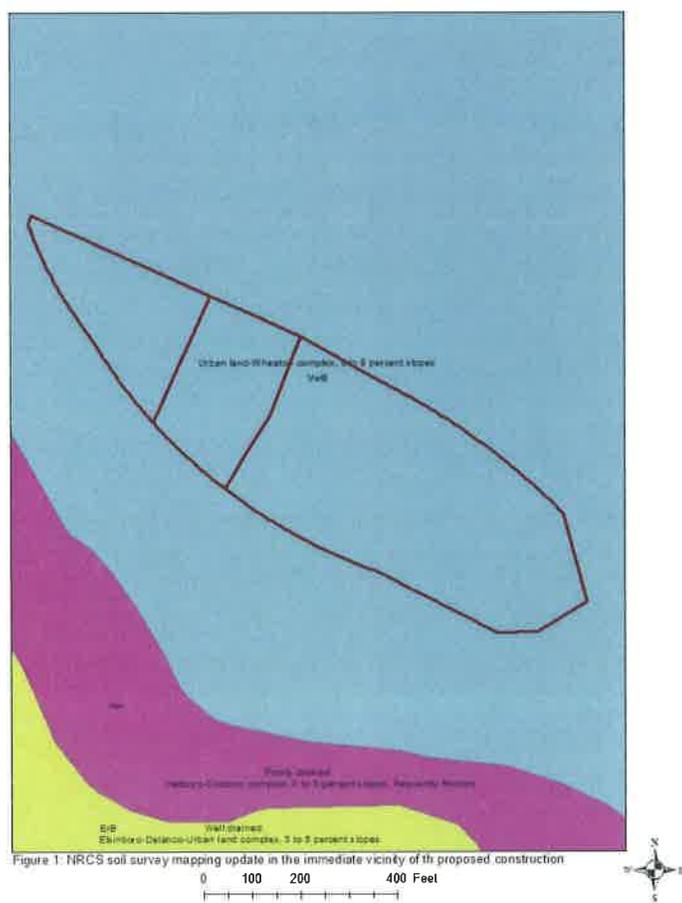


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed construction

**Additional information on TMDLs and water quality.**

- A Pollution Control Strategy (PCS) to achieve the required TMDL nutrient and bacterial load reduction requirements has been established for the Christina Basin; the web link for the Christina watershed PCS strategies is as follows:  
<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

We strongly encourage the applicant reduce nutrient and bacterial pollutants on their parcel through voluntary implementation of the following recommended BMPs:

- Maintain as much of the existing open space as possible; we further suggest additional native tree and native herbaceous planting, wherever possible.
- Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, and roads) included in the calculation.
- Use of pervious paving materials (instead of conventional asphalt and concrete) as a BMP to mitigate the impacts associated with surface imperviousness. The large amount of impervious surface proposed for this project makes this site an especially good candidate for the installation of pervious paving material.
- Use of green-technology storm water management (in lieu of open-water management structures) and rain gardens as BMPs for mitigating nutrient and bacterial pollutant runoff from increases in surface imperviousness. Please contact Lara Allison at 739-9939 for further information about the possibility for installing a rain garden(s) on this parcel.
- Voluntarily assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) that result from the conversion of individual or combined land parcels to a different land use(s), while providing applicants with quantitative information about their project’s impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact John Martin or Jen Walls at 302-739-9939 for more information on the protocol.

**Additional information on tank management.**

- When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.

**Additional information on air quality.** New homes and businesses may emit, or cause to be emitted, additional 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; Delaware currently violates federal health-based air quality standards for ozone. New Castle County, Delaware is

classified as non-attainment for not meeting federal and state 8-hour ozone standards. Compared to Kent and Sussex Counties, short term 1-hour average peak ozone levels are usually highest in New Castle County, as well,

- The emission of greenhouse gases which are associated with climate change, and
- The emission of air toxics.

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

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

Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) for the project could not be quantified. DAQ was able, however, to quantify the mobile emissions based on the proposed daily trip data presented in the application and data taken from the ITE Trip Generation Manual, 8<sup>th</sup> Edition. Table 2 represents the actual impact the Milltown Square project may have on air quality.

Emissions Attributable to Milltown Square (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO <sub>2</sub> )	Fine Particulate Matter (PM <sub>2.5</sub> )	Carbon Dioxide (CO <sub>2</sub> )
Mobile	5.17	6.82	*	*	*

(\*) Indicates data is not available.

Note that emissions associated with the actual construction of the mixed use development, 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.

DNREC encourages sustainable growth practices that:

- Control sprawl;
- Preserve rural and forested areas;
- Identify conflicting land use priorities;
- Encourage growth on previously developed sites and denser communities while at the same time protect our diminishing land base;
- Coordinate transportation, housing, environment, and climate protection plans with land use plans; and

- Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.

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

- **Constructing with only energy efficient products.** Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution.
- **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation and from the use of oil or gas heating equipment.
- **Constructing with high albedo, high solar reflectance materials.** This includes roofing and hardscape. These materials help to reduce heat island impacts and, by extension, help to minimize the potential for localized ground-level ozone formation. These materials also help reduce demands on air conditioning systems and save on energy costs.
- **Providing shade for parking areas.** Approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating stormwater.
- **Providing charging stations for plug-in electric vehicles.** This measure helps to reduce localized air pollution by supporting the use of non-gasoline powered vehicles. Please refer to the US Department of Energy's website for electric vehicle readiness information: [http://www1.eere.energy.gov/cleancities/electric\\_vehicle\\_projects.html](http://www1.eere.energy.gov/cleancities/electric_vehicle_projects.html).
- **Encouraging the use of safe multimodal transportation.** This measure can significantly reduce mobile source emissions. **For every vehicle trip that is replaced by the use of a sidewalk, bike path, or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.** There is an opportunity to connect to a transit network via an existing DART bus stop within walking distance of the property, at the intersection of Milltown Road and Limestone Road.

- **Using retrofitted diesel engines during construction.** This includes equipment that is on-site as well as equipment used to transport materials to and from site.
- **Using pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
- **Planting trees in vegetative buffer areas, particularly those between the site and adjacent residential areas.** Native trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

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

#### **Instructions for Handling Asbestos.**

- According to the site plan, existing structures are to be removed. Please select a Certified Professional Service Firm (CPSF) to inspect the facility and sample for Asbestos-Containing Materials (ACM). Once you receive the CPSF report detailing their findings as to how much, what type(s), and the location(s) of the ACM present, you can use that info to fill out the "Notification of Demolition or Renovation" form. If necessary, please select an asbestos abatement contractor from the list, and call to schedule the work to begin three weeks (or more) from the date you mail the form to EPA. When you choose an abatement contractor, please enter the remainder of the required info on the form, to include the name of the Abatement Contractor, name of the Hazmat Hauler who will haul the ACM, and the Hazmat landfill where the ACM will be taken. Once you have completed the form, please make four (4) copies of it, and then send the ORIGINAL to USEPA at the following address:

USEPA Region III  
Attn: Asbestos Coordinator  
1650 Arch Street  
Philadelphia, PA 19103

Send one copy to the DAQ:

DNREC/DAQ  
c/o Mr. Thomas Postell  
655 S. Bay Rd., Suite 5N  
Dover, DE 19901

- You must wait a minimum of ten business days after EPA receives your notification, prior to any activity which may disturb asbestos-containing materials (reasoning behind waiting three weeks to begin abatement work). This allows the EPA asbestos inspectors time to coordinate and schedule a site visit if they so desire.
- Once the ACM has been abated, a post-abatement inspection by a CPSF asbestos inspector shall be performed to verify that all ACM has been removed.
- Following asbestos removal and re-inspection, normal demolition procedures may be employed to complete the demolition process.
- Please keep in mind that physical demolition and loading, transport, and landfill dumping of construction/demolition debris can be quite costly. Another option for more affordable demolition does exist. If the local fire company is interested in using the structure(s) for firefighter training, they are authorized to burn it/them to the ground upon completion of their training. This significantly reduces the volume and mass of material remaining to be loaded, transported, and dumped; thereby reducing demolition costs by a good margin. Keep in mind that this type of demolition via firefighting instruction is limited to those months not encompassed by Delaware's Ozone Season Burn Ban.

State Fire Marshal – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There was a known historic house (N-273) on this parcel, but it has been demolished. There is also an old barn (N-3967) that is still there, but we are not sure if it was associated with the house. Adjacent to the parcel, across Limestone Road, there is the Montgomery House, which is listed in the National Register of Historic Places. We ask that the developer include sufficient landscaping to block unwanted visual and noise intrusions on this property.
- According to the Pomeroy and Beers Atlas of 1868, there was a dwelling on the parcel, associated with a J. Ball. This dwelling may have been the house (N-273) that was demolished and there may be archaeological resources associated with it. With this in mind, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law, which is Chapter 54 of Title 7, of the Delaware Code (7 Del. C. Ch. 54).

- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please check the following websites for additional information: [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml)
- Prior to any demolition or ground-disturbing activities, the developer may want to hire an archaeological consultant to examine the parcel for any potential archaeological site or archaeological resources, such as cemetery, burial site, or unmarked human remains.
- Furthermore, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at [www.achp.gov](http://www.achp.gov).

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Constance C. Holland".

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

CC: New Castle County