



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION**

April 12, 2006

Mr. Gordon Meade
Davis, Bowen & Friedel
One Plaza East, Ste. 200
Salisbury, MD 21801

RE: PLUS review – PLUS 2006-03-05; Stockley Medical Center

Dear Mr. Meade:

Thank you for meeting with State agency planners on March 22, 2006 to discuss the proposed plans for the Stockley Medical Center project to be located south of Georgetown at the intersections of Roads 318 and 86.

According to the information received, you are seeking to construct an 82,500 ft. medical center and demolish the existing medical center.

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 Sussex 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.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- This project is located in Investment Level 1 according to the 2004 State Strategies for Policies and Spending. 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. Our office has no objections to this development project in accordance with the relevant County codes and ordinances.

Street Design and Transportation

- Colony Road is classified as a local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- The development should include a 10-foot wide shared use path in a 15-foot wide permanent easement across the frontage of the site.
- While the Delaware Transit Corporation (DTC) does not presently provide fixed-route service to the Stockley Campus, they have plans to begin such service, presently scheduled for Fiscal Year 2009. Accordingly, they ask that the site engineer contact Mr. Wayne Henderson of DTC's Planning Section regarding bus stops and related facilities that would be needed for us to provide that service. Mr. Henderson can be reached at (302) 576-6063.

Natural and Cultural Resources

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site.

The following are a complete list of comments received by State agencies:

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

This project is located in Investment Level 1 according to the 2004 State Strategies for Policies and Spending. 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. Our office has no objections to this development project in accordance with the relevant County codes and ordinances.

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

Nothing is known on this part of the Stockley Center's holdings. The existing medical center was built in 1959, according to the DHSS representatives at the PLUS meeting. This parcel is adjacent to the B. Morris House shown on Beers Atlas of 1868, where the maintenance yard is now. The parts of the area that might have the best potential for prehistoric archaeological sites appear to have been disturbed already. There is only a low potential for historic-period archaeological sites in this area.

However, small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Morris house, usually a good distance behind or to the side of the house. DHSS 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 DHSS; the contact person for this program is Faye Stocum, 302-736-7400.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

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- 2) The development should include a 10-foot wide shared use path in a 15-foot wide permanent easement across the frontage of the site.
- 3) Through the US 113 North-South Study, DelDOT is presently working to develop an alignment for a limited access highway between Milford and the Maryland line

- at Selbyville. None of the alignments under consideration would directly affect this development. However, one of the east bypass alignments around Millsboro would pass just south of the proposed facility. While there could be noise impacts that would have to be addressed, no right-of-way acquisition would be involved. The project engineers have already contacted the manager for the US 113 North-South Study, Mr. Monroe Hite, and they recommend that the OMB continue to follow the progress of the study. As necessary, Mr. Hite may be reached at (302) 760-2120.
- 4) While the Delaware Transit Corporation (DTC) does not presently provide fixed-route service to the Stockley Campus, they have plans to begin such service, presently scheduled for Fiscal Year 2009. Accordingly, they ask that the site engineer contact Mr. Wayne Henderson of DTC's Planning Section regarding bus stops and related facilities that would be needed for us to provide that service. Mr. Henderson can be reached at (302) 576-6063.
 - 5) The proposed development would eliminate an existing access on Colony Road and shift all of the site traffic to Tarumianz Road. For this reason, a new entrance permit will be required and an entrance plan may be required. The site engineer should contact Mr. John Fiori, our Subdivision Manager for Sussex County, regarding our specific requirements for access. He may be reached at (302) 760-2260.

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

Soils

Based on the Sussex County soil survey update, Fort Mott-Henlopen was mapped in the immediate vicinity of the proposed construction. Fort-Mott Henlopen is a well-drained to somewhat excessively well-drained upland soil that has moderate limitations on account of rapid permeability.

Impervious Cover

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 Inland Bays watershed (Indian River), at that time, had about 8.6 percent impervious cover. Although this data is about 4 years old and likely an underestimate - it illustrates the importance of a proactive strategy to mitigate for predictable and likely cumulative environmental

impacts. Since the amount of imperviousness generated by this project will be much higher than the desirable watershed threshold of 10 percent, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings – are examples of practical BMPs that could easily be implemented to significantly reduce imperviousness.

ERES Waters

This project is located adjacent to receiving waters of 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.

TMDLs

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 water body” 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 **high** nutrient reduction area requiring an 85 and 65 percent reduction in nitrogen and phosphorus, respectively.

TMDL Compliance through the PCS

The proposed pollution control strategy will require the completion of a nutrient budget to estimate nutrient load changes following development; documentation of these load changes will be assessed through a nutrient budget protocol. The nutrient budget

protocol is 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. The post-development loading rate is then compared with the pre-development loading rate to assess whether the project meets the prescribed TMDL nutrient load reductions. The applicant should be made aware that the assessment of a given project's environmental impacts and/or ability to meet the prescribed TMDL load reductions is highly dependent on an accurate accounting and inventory of all natural resources along with their post-development impacts and management. Since it was apparent that some of the essential information necessary to calculate post-development nutrient loading was not disclosed in the Plus application, we were unable to fully assess this project's impacts. Therefore the following issues need to be addressed before the nutrient budget can be calculated:

- 1) Type of stormwater management methodology and number
- 2) Proposed open space acreage
- 3) Wastewater load

The applicant should also consider the use of BMPs and Best Available Technologies (BATs) to mitigate environmental impacts that enable the reduction of surface and subsurface nutrient runoff to levels sufficient to meet TMDL reduction requirements. Examples of BMPs or BATs that should be used to significantly reduce nutrient loading impacts from this project include significant reductions in the amount of forest cover removal; maintenance of recommended wetland buffers, and; the use of innovative or "green-technology" stormwater methodologies. Again the applicant is encouraged to consider all of the above-suggested BMPs or BATs to ensure that these reductions are attained. We suggest that the applicant verify their project's compliance with the specified TMDL loading rates by running the model themselves (using a corrected impervious cover figure). Please contact Lyle Jones of Watershed Section at 739-9939 for the acceptable model protocol.

Water Supply

The project information sheets state that water will be provided to the project by an on-site central well. DNREC records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the

Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any new wells.

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.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through DNREC Division of Soil and Water Conservation Sediment and Stormwater Program. Contact Elaine Webb with the Sediment and Stormwater Program at (302) 739-9921, for details regarding submittal requirements and fees.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique. Green Technology BMPs must be given first consideration for stormwater quality management. Each stormwater management facility should have an adequate outlet for release of stormwater.

It is strongly recommended that you contact the reviewing agency to schedule a preliminary meeting to discuss the sediment and erosion control and stormwater management components of the plan. 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.

Rare Species

A review of the DNREC database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities on this portion of the parcel. They have records of rare species within the forest and riparian area of the parcel; however, they should not be affected provided project boundaries are not expanded.

To reduce impacts to nesting birds and other wildlife species that may utilize trees for breeding, they recommend that trees not be cleared from April 1st to July 31st.

Nuisance Geese

If a stormwater management pond is included in the site plan, it may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Stockley Health Center, Facility # 5-000405, Project # S0306039

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.

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):

a. **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 (Healthcare) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more 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

c. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Tarumianz 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.

d. **Gas Piping and System Information**

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

e. Required **Notes:**

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

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.

Department of Agriculture - Contact: Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the Stockley Medical Center application. The site is located on an environmentally sensitive development area. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within a Level 3 area. In addition, this site overlaps with the State's Green Infrastructure Investment Strategy Plan. The Forest Land layer is present in this site; this designation identifies areas that possess unique natural features that are valuable for preservation. To help preserve these forest resources within the proposed construction site and to further manage their existing forest resources, the Department encourages the developer to contact our offices to work to develop a forest conservation plan and tree preservation plan for this project.

Public Service Commission - Contact: Andrea Maucher 739-4247

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.

Department of Education – Contact: John Marinucci 739-4658

The Department of Education has no objections or comments regarding this project.

Sussex County – Contact: Richard Kautz 855-7878

As a State project the design should reflect the policies of Livable Delaware and therefore the "Better Models for Development in Delaware". The development also could be used to display ways to address DNREC environmental design issues. Lastly, if the goal of the project is to preserve the rural nature of the site, the parking spaces should be moved behind the new structure and the building, in turn, would be move closer to the highway with appropriate landscaping in between the road and the appropriately designed building.

The Sussex County Zoning Ordinance requires that a Conditional Use be granted for a new or expanded hospital use. Please check with Mr. Lawrence Lank, Planning Director, at 302.855.7883 for specific guidance in this regard. Also, a site plan will need to be approved by the Sussex County Planning and Zoning Commission. Please contact Mr. Shane Abbott at 302.855.7886 in this regard.

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 that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: Mark Devore
Sussex County