



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

August 19, 2010

Mr. Tom Coleman
Karins Engineering
17 Polly Drummond Circle
Newark, DE 19711

RE: PLUS review – 2010-07-01; Silverside Cadia Rehabilitation and North Baptist Church

Dear Mr. Coleman:

Thank you for meeting with State agency planners on July 28, 2010 to discuss the proposed plans for the Silverside Cadia Rehabilitation and North Baptist Church project to be located at 3322 Silverside Road near Wilmington.

According to the information received, you are seeking site plan approval through New Castle County for a 64,400 sq. ft., 131 bed rehabilitation facility with shared parking and site entrances with the existing North Baptist Church.

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 a Level 1 area according to the Strategies for State 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 the proposed development of this property provided the proposed project is in accordance with the relevant county codes and ordinances.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- Although there are no known cultural or historic resources, it is still important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to 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. Therefore, prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains.

- 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 or in reference to historic or cultural resources.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access and subdivision streets must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access. This manual is available on-line 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).
- It appears that the development's trip generation was estimated using the Institute of Transportation Engineers' (ITE) Trip Generation report. That report provides rates and equations based on studies of existing developments. Regarding the weekday per bed trip generation of nursing homes, the report has data on only five sites, none of which is larger than 120 beds. Therefore, in accordance with Section 2.9.6 of the Standards and Regulations, DelDOT anticipates requiring that the developer supplement the ITE data with traffic counts done at their existing facilities.
- Silverside Road is classified as a Minor Arterial, which per Section 3.6.5 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access requires an 80-foot right-of-way (40-feet from centerline of right-of-way). Therefore, in accordance with the section just cited, additional right-of-way should be dedicated to public use in order to obtain the required rights-of-way along the entire property frontage. The right-of-way dedication notes should read as follows, "A 40' strip of right-of-way from the road centerline of Silverside Road is hereby dedicated to public use as per this plat."

- DelDOT anticipates that New Castle County will require a “Letter of No Objection” from the Department for this project. Per Section 3.4 of DelDOT’s Standards and Regulations for Subdivision Streets and State Highway Access, the developer must submit **three (3) signed and sealed paper copies and one electronic (pdf) copy** of the **record plan**, with an Initial Stage Fee Calculation Form and the Initial Stage Fee. The review fee will be based on the number of lots within the subdivision. Please make all submissions to Mr. Richard Woodhall, Subdivision Manager. The entrance plan will not be reviewed until after the “Letter of No Objection” has been issued.
- As specified in Section 4.1 of DelDOT’s Standards and Regulations for Subdivision Streets and State Highway Access, when the entrance construction plans are submitted for review, the developer must submit **two (2) paper copies and one electronic (pdf) copy** of the construction plans, one copy of the record plan, an Initial Stage Fee Calculation Form, a Construction Stage Fee Calculation Form, a Construction Stage Review Fee, an application for highway entrance permit and a signed and sealed commercial entrance design checklist for review and approval. Be advised that the Department will not review the entrance plan until it has signed off on the record plan. Please make all submissions to Mr. Richard Woodhall, Subdivision Manager.

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

- **TMDLs.** Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Shellpot Creek 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 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 standards to support these desired use goals. The project is located in the greater Piedmont drainage, specifically within the Shellpot Creek watershed. In the Shellpot Creek watershed, post-development nitrogen and phosphorus loading must be capped at the pre-development rate (or a 0% post-construction increase in N & P) to meet the required TMDL for each nutrient. The TMDL requirement for bacteria requires a 74% reduction. The specific required nutrient and bacterial reductions can also be reviewed and retrieved from the following web link (in TMDLs under Services): <http://www.dnrec.delaware.gov/Pages/default.aspx>.

- **Water Supply.** 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.
- **Sediment and Stormwater Program.** A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on 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 practicable. 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 (Delaware Code, Title 7, Chapter 40; Delaware Regulations, Administrative Code, Title 7, 5101). *James Sullivan, (302) 739-9921, James.Sullivan@state.de.us*
- **Tank Management Branch.** 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.

There are two LUST projects located within a quarter mile of the project site:

- Springer School (3-001017), Project: N9407165 (Inactive)
2220 Shipley Road, Wilmington, DE 19803
Parcel: 0606500287
- Paul Property (3-001676), Project: N9602030 (Inactive)
8 Quail Court, Shipley Farms, Wilmington, DE, 19810
Parcel: 0605200282

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 Branch by calling 302-395-2500.”
- **Air Quality.** The applicant shall comply with all applicable Delaware air quality regulations. These regulations include:

Regulation 1106 - Particulate Emissions from Construction and Materials Handling

- Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.
- Use covers on trucks that transport material to and from site to prevent visible emissions.

Regulation 1113 - Open Burning

- Prohibits open burns statewide during the Ozone Season from May 1-Sept. 30 each year.
- Prohibits the burning of land clearing debris, trash or building materials/debris.

Regulation 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products

- Restricts the use of certain coatings and consumer products in typical architectural applications.

Regulation 1145 - Excessive Idling of Heavy Duty Vehicles

- Restricts idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- 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, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
 - Show Fire Department Connection location (It must be within 300 feet of fire hydrant), and detail as shown in the Delaware State Fire Prevention Regulations.
 - 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 site from Silverside 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.
- 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, including fuel for any proposed emergency electrical generator, on the 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/unit
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout.
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- The developer should also consider the aspect of providing some landscaping along the borders of the parcel in order to lessen the visual effects on the surrounding properties as well.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Two subdivision streets in the adjoining Colonial Woods development, Lee Terrace and Brandywine Boulevard, stub into the subject property. DeIDOT recommends that the building's perimeter road be tied into Lee Terrace, and possibly Brandywine Boulevard, for emergency vehicle and pedestrian access. The emergency vehicle access would be of value in an emergency if other access were blocked. The pedestrian access would allow both nursing home and church employees and visitors living in Colonial Woods to walk there more readily.
- DeIDOT recommends that the parking lot design include a direct sidewalk connection from a generally used door of the church to the front door of the proposed nursing home so that the worshippers can readily visit the residents. They understand that this feature has been added to the plan since the PLUS application was filed.
- The drop-off point at the front door of the proposed nursing home should be covered to protect arriving and departing patients. DeIDOT understands that this feature has been added to the plan since the PLUS application was filed.
- DeIDOT appreciates that the developer and their engineer have had a pre-submittal meeting with Mr. Woodhall and our Subdivision Engineer, Mr. Marc Cote'. Two significant points from that meeting, which could become requirements, are as follows:
 - There are two curb cuts serving the existing church. The plan submitted would move the west one farther west to serve both the church and the nursing home. DeIDOT recommends that the east curb cut be closed.
 - Presently there is roll curb along the site frontage. As part of the entrance construction, it should be replaced with upright barrier curb.

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

- **Additional information on wetlands.** It is strongly recommended that the applicant avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-specific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE) manual is considered the acceptable basis for making a jurisdictional wetland determination for nontidal wetlands in Delaware. The applicant should note that USACE views the use of the National Wetlands Inventory (NWI) mapping or the

Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for making such delineations. To ensure compliance with said USACE regulatory requirements, it is strongly recommended that field wetlands delineation be conducted before commencing any construction activities. It is further recommended that the USACE be given the opportunity to officially approve the completed delineation. The USACE can be reached by phone at 736-9763.

- In circumstances where the applicant or applicant's consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, it is strongly recommended that the USACE should be contacted to assess or evaluate the jurisdictional validity of such a delineation.
- Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all water bodies (including ditches) and wetlands.
- **Additional information on TMDLs.** A pollution control strategy (PCS) is the regulatory directive requiring the implementation of various best management practices (BMPs) that help reduce transport of nutrient and bacterial pollutant runoff from all waters draining into a "greater" common watershed; with the ultimate objective of achieving the obligatory TMDL reduction requirements for that watershed. However, the PCS for the Shellpot Creek watershed has not been formally completed to date. In absence of a finalized PCS, the applicant is strongly urged to reduce nutrient and bacterial pollutants through voluntary commitment to the implementation of the following recommended BMPs:
 - Maintenance of the recommended 100-foot buffer width from all delineated wetlands (USACE and State approved wetland delineations) and water bodies. Please conduct a USACE approved wetlands delineation.
 - Maximize the amount and/or preservation of passive wooded open space.
 - Calculate impervious cover with all forms of created surface imperviousness included in the calculation for surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water stormwater management structures, and roads). Please recalculate if this have not been done.
 - DNREC strongly recommends the use of pervious paving materials (instead of conventional asphalt and concrete) as a BMP to reduce the impacts associated with surface imperviousness, wherever practicable.

- DNREC strongly encourages the use of rain gardens and green-technology stormwater management structures (in lieu of open-water management structures) as BMPs.
- Assess how your development will affect nutrient runoff through the use or implementation of the Nutrient Budget protocol. Please contact Lyle Jones at 302-739-9939 for more information on the assessment tool.
- **Site Investigation and Restoration.** SIRB strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Assessment in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions. *Krystal Stanley, (302) 395-2644, Krystal.Stanley@state.de.us*

- **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 TMB. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMB.

- Should the county anticipate being more restrictive than Delaware's Regulations Governing Underground Storage Tank Systems or Delaware's Regulations Governing Aboveground Storage Tanks, please be aware that the local jurisdiction shall be responsible for enforcing the more restrictive rules.
- **Additional information on air quality.** Measures may be taken to substantially reduce the air quality emissions and include:
 - Construct only energy efficient buildings. Energy Star qualified buildings are up to 30% more energy efficient. These 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 increased energy efficiency translates into a percent reduction in pollution.

- Offer 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.
- Provide tie-ins to the nearest bike paths and links to any nearby mass transport system. For every vehicle trip that is replaced by someone using a sidewalk, bike path or mass transit can significantly reduce mobile source emissions.
- Additionally, the following measures will reduce emissions associated with the actual construction phase of the development:
 - Use retrofitted diesel engines during construction. This includes equipment that is used on-site as well as equipment used to transport materials to and from site
 - Use pre-painted/pre-coated flooring, cabinets, fencing, etc. These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
 - Plant trees at residential units and in vegetative buffer areas. Trees reduce emissions by trapping dust particles and by 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 on air quality.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- It is suggested that you coordinate with the local Fire Company (Talleville) to address any access concerns they may have including, but not limited to their ability to navigate EMS vehicles under the canopy at the main entrance.
- 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, technical services link, plan review, applications or brochures.
- Additionally, this being a Health Care occupancy, the Department of Health & Social Services, Office of Healthcare Facilities Licensing and Certification should be notified.

Department of Agriculture – Contact Scott Blaier 698-4529

- 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. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Ash Trees

Leyland Cypress

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

- Native Landscapes - 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 land-use 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.

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,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: New Castle County