



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

November 18, 2010

Mr. Robert Stronsky
Landmark
29 South State Street
Dover, De 19901

RE: PLUS review – 2010-10-05; Seaford School District

Dear Mr. Stronsky:

Thank you for meeting with State agency planners on October 27, 2010 to discuss the proposed plans for the new O.H. wing at the Central Elementary School located in Seaford School District. According to the information received, you are planning a 7,000 sq. ft. wing for handicapped students onto the existing Central Elementary School in Seaford.

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 the City of Seaford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

Strategies for State Policies and Spending

This parcel is located within a Level 1 area according to the Strategies for State Policies and Spending, it is an existing school site, and it located within the City of Seaford. The State has no objections to the planned 7,000 sq. ft. wing provided all codes/regulations are met.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There are no known cultural or historic resources such as an archaeological site or listed National Register property on this parcel. However 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 historic or cultural resources.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Because the proposed development would access Maryland Avenue, a City of Seaford Street, DelDOT has no requirements with respect to the proposed addition. Some traffic could be added to the entrance on Virginia Avenue (Sussex Road 639) but it is their understanding that any such increase would be negligible. For that reason, the existing entrance configuration will continue to be adequate and no new entrance permit will be needed. If the District's plans change in that regard, they should contact the DelDOT Subdivision Manager for western Sussex County, Mr. Derek Sapp, to discuss the requirements for the Virginia Avenue access. Mr. Sapp may be reached at (302) 760-4803.

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

TMDLs

- The project is located in the greater Chesapeake drainage area; specifically, within the Nanticoke watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). 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. The TMDL for the Nanticoke watershed calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria from baseline conditions. However, more stringent TMDL reduction(s) may be developed by the EPA (in the near future) for the entire Chesapeake drainage, thus increasing the TMDL reduction targets for the Nanticoke watershed or supplanting the existing TMDL reduction targets developed by the State.

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.

Potential Contamination Sources 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 an Underground Storage Tank associated with Seaford Middle School located within 1000 feet of the proposed project.

Water Resource Protection Areas

- The DNREC Source Water Assessment and Protection Program (SWAPP) has determined that a portion of the northwestern edge that falls within wellhead protection area for the City of Seaford (see attached map). The City of Seaford has a Source Water Protection Ordinance in place. It is recommended that the developer refer to the City for direction.

Sediment and Stormwater Program

- In accordance with the 7 Del C. Ch. 40 and the Delaware Sediment and Stormwater Regulations, 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 Watershed Stewardship Sediment and Stormwater Program. Contact Elaine Webb with the Sediment and Stormwater Program at (302) 739-9921, for details regarding submittal requirements and fees. In accordance with 7 Del. C. Ch. 60 and the Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities, 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. In accordance with Section 10.3.5.1 of the Delaware Sediment and Stormwater Regulations, Green Technology BMPs must be given first consideration for stormwater quality management.

Tank Management Branch

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.

- There is one inactive LUST project located within the project site's boundary:
 - Central Elementary School (5-000618), Project: S9810174 (Inactive)
- There are four (4) LUST project sites located within a quarter mile of the project site:
 - City of Seaford Police Department (5-000629), Project: S9110233 (Inactive)
 - Tiffany Village (5-000787), Project: S9107146 (Inactive)
 - Adams Oil Company (5-000286), Project: S8607042 (Active), S8607043 (Cross-Referenced with SIRB)
 - Seaford Middle School (5-000616), Project: S9908162 (Inactive)
- 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.”

Hazardous Waste Sites

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware *Regulations Governing Hazardous Substance Cleanup* shall be followed.”
- There is one SIRB site found within a ½-mile radius of the proposed project:
 - Seaford Arbutus Site (DE-0506) located 0.32 miles west of the project area.
 - PCE/TCE was detected in production wells for the City of Seaford.
 - Burnett Auto and Nanticoke Cleaners were tested as potential contamination sources’.
 - Soil and groundwater samples were collected in summer of 2010.
 - It was recommended that Burnett Auto and Nanticoke Cleaners undergo further investigation.
 - No further action was recommended for Seaford Arbutus Site.

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):

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 educational 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:

- 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.
- 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.

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.

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.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT’s recommends that the District consider adding a sidewalk from the rear parking lot to the building entrance that would be served by the proposed bus loop. In this way, the proposed addition to the rear parking lot could serve as pick up and drop off space for parents whose children were, for whatever reason, not riding their bus that day.
- The feature just described as a bus loop is labeled on the plan as a “roundabout for buses.” It is not a roundabout. Because modern roundabouts are a relatively new type of

intersection design and DeIDOT is trying to educate the public as to what they are and how they operate, they ask that the term be removed from the plan.

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

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 Nanticoke River 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:
 - Please maximize open space by establishing more tree cover on this parcel.
 - DNREC strongly recommends that the applicant calculate post-construction surface imperviousness with all forms of created surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, and roads) included in the calculation. They strongly encourage the use of pervious paving materials (instead of conventional asphalt and concrete) to mitigate impacts from surface imperviousness. They further encourage replacement of the existing paved surface material with pervious paving materials wherever practicable.
 - Much of this parcel has been rendered largely impervious through past development. We strongly encourage the use of rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as a “retrofit strategy” to implement BMPs that reduce nutrient pollutant impacts.
 - DNEC strongly encourages the applicant to 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 Lyle Jones at 302-739-9939 for more information on the protocol.

Recreation

- Since the new wing of the school is intended for handicapped students, the school district should consider adding an integrated play area in which all children, those who are 100% enabled and those with disabilities can play together interactively. The objective is to design an area that is barrier free, socially inviting and contains play environment groupings. More information can be found at: www.boundlessplaygrounds.org or www.candoplayground.org.

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.

Additional information on hazardous waste sites

- 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.

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

- 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.
- As sprinkler systems are added to the existing buildings, the supply mains should be provided with an array of isolation valves that will reduce the size of the building area that is not sprinklered when any given system is impaired.

Delaware Department of Education – Contact John Marinucci 735-4199

- The DOE supports this project and will continue to work with the district, architect, site engineer, Municipal government and various state agencies regarding the project. The DOE reserves the right to provide continued and on-going comments and input as the project designs develop.
- The Seaford School District has engaged the stakeholders and interested parties/jurisdictions in their planning of the development of the site. Continued stakeholder involvement is suggested as the site plan develops.

Department of Agriculture – Contact Scott Blaier 698-4529

- The Delaware Department of Agriculture Forest Service encourages the school district to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to reduce heating and cooling costs. 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

Leyland Cypress

Ash Trees

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.

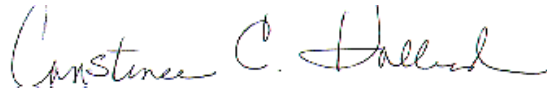
Native Landscapes

- 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,

A handwritten signature in cursive script that reads "Constance C. Holland".

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

CC: City of Seaford