



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

February 22, 2012

Mr. Colm DeAscanis
CDA Engineering, Inc.
6 Larch Avenue, Ste. 401
Wilmington, De 19804

RE: PLUS review – 2012-01-02; Woodbridge High School

Dear Mr. DeAscanis:

Thank you for meeting with State agency planners on January 25, 2012 to discuss the proposed plans for the new 159,900 sq. ft. Woodbridge High School and associated facilities to be located at the intersection of Adams Road and Woodbridge Road as you seek site plan approval through Sussex 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 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.**

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 according to the 2010 *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There was a known cultural and historic resource on this parcel, a mid to late 19th-century house (S-1754) that is no longer there. According to the Pomeroy and Beers Atlas of 1868, it seems that there was a dwelling or structure on this parcel associated with a W. H. Dillworth. The USGS Topographic Map of 1918 also indicated that there was a dwelling or structure in the same vicinity. With this in mind, it is important that the developer be aware of Delaware's Unmarked Human Burials and Human Skeletal Remains Law.

Abandoned or unmarked family cemeteries are very common in the State of Delaware, and quite often they are usually on historic farm sites, rural areas or open space lands. Disturbing unmarked burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Title 7, Chapter 54 of the Delaware Code), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area for the presence of such a cemetery. If one is discovered, it is very costly to have it archaeologically excavated and the burials moved. In the event of such a discovery, the Division of Historical & Cultural Affairs recommends that the plans be re-drawn to leave the cemetery on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with a homeowners association or development. If you need or would like more information, please go to the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml

Prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for archaeological sites, such as a cemetery 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. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of a permit or receipt of

funding if it is determined that such opportunity to comment has been foreclosed. 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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access 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.
- The proposed school meets DelDOT's volume warrants for a Traffic Impact Study (TIS), as contained in Section 2.3.1 of the Standards and Regulations. A scoping meeting has been held for such a study and DelDOT understands that the District's traffic engineer is preparing one for submission to them.
- In accordance with Section 3.5.4.2 of the Standards and Regulations, DelDOT anticipates requiring a 10-foot wide shared use path in a 15-foot wide permanent easement along the property frontage on Woodbridge Road (Sussex Road 585) and Adams Road (Sussex Road 583).
- Except as amended above, DelDOT comments from the April 2011 PLUS meeting remain valid and are incorporated here by reference.

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

DNREC's Planning Section offers three observations regarding this high school site:

- Delaware's Watershed Implementation Plan for the Chesapeake TMDL requires that all future loadings of nitrogen and phosphorous be offset. It is likely the project will generate a large amount of impervious cover. Acknowledging that this parcel is currently being farmed and fertilized, it would be helpful to conduct a "before and after" analysis to determine net new pollution loadings; DNREC would be pleased to assist with this analysis.
- As an educational institution, there is significant potential to model good water-quality best practices through the use of rain gardens and other green stormwater-management techniques. DNREC's Sediment and Stormwater Management program's recommends a project application meeting prior to stormwater design. The systematic planting of trees to encourage nutrient uptake also is strongly encouraged.
- Schools generally act as a magnet for new development. We note that this parcel is located in a very rural area with lightly traveled roads and no existing services.

Discussion of the site should be a top priority of the Bridgeville-Greenwood master-planning process about to get under way.

Wetlands

- According to the Statewide Wetland Mapping Project (SWMP) maps, palustrine wetlands (PF01/SS3A7 and PF01C7) were mapped in the area proposed for development (See Figure 1). Therefore, we strongly recommend a United States Army Corps of Engineers (USACE) approved wetlands delineation before commencing any development activities.



Figure1: SWMP mapping in the immediate vicinity of the proposed project

- There are no State-regulated wetlands on the subject parcel. Polk Branch, which is a jurisdictional waterway, is located on the south edge of the parcel with associated federal wetlands adjacent to it. Any work conducted within Polk Branch will require a permit from the Wetlands and Subaqueous Lands Section.

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, respectively, from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria from baseline conditions.

- The applicant should be made aware that EPA is requiring that the State of Delaware develop a Watershed Implementation Plan and 2-year progress milestones for purposes of accelerating efforts to improve and restore waters of the Chesapeake Bay.
- The WIP and milestones will identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus, and sediment from a variety of sources within the watershed. Moreover, efforts to develop the documents and assist in developing the required reductions will be provided through meetings and discussions with an interagency workgroup and various subcommittees recently convened by the State of Delaware. Delaware's Draft Phase 1 WIP is currently available for review at: http://www.wr.dnrec.delaware.gov/Information/Pages/Chesapeake_WIP.aspx.

Water Supply

- The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 07-CPCN-56.
- 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 Sediment and Stormwater Management Plan must be approved for this project prior to beginning construction. The proposed impervious area of the building was considered in the stormwater management computations at the time that the athletic fields were developed. So long as the building size or other impervious surfaces are not larger than what was designed, stormwater quantity management will be met for this project. The

owner and designer are encouraged to use Green Technology BMPs to manage stormwater quality for the new improvements at the site.

- A Notice of Intent for Stormwater Discharges Associated with Construction Activity must be submitted prior to construction beginning on the site. The NOI fee of \$195 must be submitted as well.
- The owner and designer are also encouraged to schedule a project application meeting prior to design. Contact Elaine Webb at (302) 739-9921 or elaine.webb@state.de.us to schedule a project application meeting. (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101)

Drainage Program

- This property is located in the Bee Branch Tax Ditch and is affected by tax ditch rights-of-way. However, the location of the proposed project, as depicted on the application, is outside of the tax ditch rights-of-way.

Any change to the location of the tax ditch or existing tax ditch rights-of-way will require a change to the Bee Branch Tax Ditch court order. The placement of permanent obstructions within tax ditch rights-of-ways is prohibited.

Please contact Matthew Grabowski, Environmental Program Manager with the Drainage Program in Georgetown at (302) 855-1930 to request a review of the tax ditch rights-of-way on this property. (Title 7, Delaware Code, Chapter 41)

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.

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.
- The following confirmed LUST project is located within a quarter mile of the project site:
 - TG Adams & Son Farms Inc., Facility: 5-000047, Project: S9402052 (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.

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:**
 - All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq. ft. 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.
 - 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
 - Provide Road Names, even for County Roads

Department of Agriculture – Contact Scott Blaier 698-4529

- The proposed project is adjacent to a properties permanently protected through the State’s Agricultural Lands Preservation Program (Adams Expansion of the Sugar Hill District), (Parcel # 530-13.00-33.00) and (Adams, Jr. Expansion of the Ledenham Vanderwende District), (Parcel # 530-13.00-29.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in **Title 3, Del. C., Chapter 9**. These protections effect adjoining developing properties. The 300 foot notification requirement affects **all new deeds** in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

§ 910. Agricultural Use Protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, **Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells** will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

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

- One topic that was not included in the scope of the TIS, but which DelDOT may address in their review comments, is parking and access for football games and other athletic events. While DelDOT anticipates discussing these matters with the District along with the review of the TIS, the District is welcome to initiate an earlier discussion with the DelDOT Subdivision and Traffic Sections if it would be helpful to the development of their site plan. The District may contact the project engineer for western Sussex County, Mr. Derek Sapp in this regard. Mr. Sapp may be reached at (302) 760-4803.

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

Soils Assessment

- Based on soils survey mapping update, Hammonton-Fallsington-Mullica complex (HoA), Fallsington (FaA), and Longmarsh /Indiantown (LO) are the principal – or, most environmentally sensitive soil mapping units in the immediate vicinity of the proposed project (See figure 2). HoA, FaA and LO are predominately poorly to very poorly-drained wetland associated (hydric) soil mapping units; these soil mapping units have severe limitations for development and are generally considered unsuitable for development. Building on such soils is likely to result in a significantly higher probability of onsite and off-site flooding potentials. DNREC strongly recommends avoiding areas containing said soil mapping units.
- Based on the presence of hydric soil mapping units, it is likely that some additional unmapped wetland acreage may be present as well. Therefore, we strongly recommend a United States Army Corps of Engineers (USACE) approved wetlands delineation to make a definitive assessment of Federally-regulated wetlands before commencing any development activities.

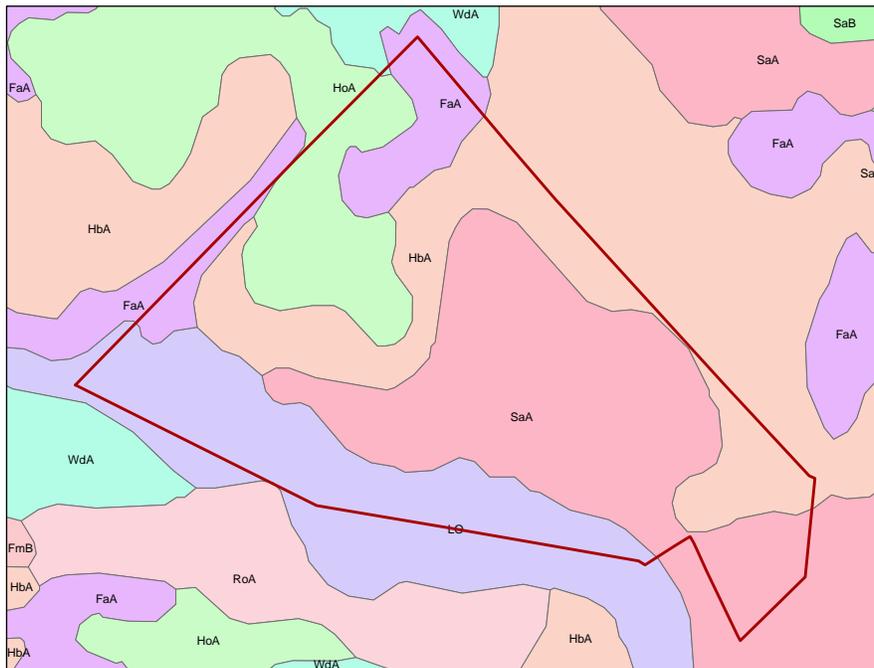


Figure 2: Soil mapping units (NRCS) in the immediate vicinity of the proposed project

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 Broadkill watershed has not been formally completed to date. In absence of a current PCS, the applicant is strongly urged to reduce nutrient and bacterial pollutants through the voluntary commitment to the implementation of the following recommended BMPs:
 - Maximize open space by maintaining tree cover on this parcel. We further suggest additional native tree and native herbaceous planting wherever possible.
 - 100-foot upland buffers (planted with native vegetation) should be established from wetlands and/or water bodies
 - The applicant should 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.

- Since this is a commercial project that will likely generate large amounts of impervious cover, 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, is encouraged.
- Rain gardens and green-technology storm water management structures (in lieu of open-water management structures) should be utilized as BMPs to reduce nutrient pollutant impacts.
- The applicant should 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 (e.g., nitrogen and phosphorus) and bacterial loading 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.

Additional information on hazardous substances

- SIRS strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) 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.

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 municipality 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 municipality shall be responsible for enforcing the more restrictive rules.

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.

Department of Agriculture – Contact Scott Blaier 698-4529

- The Department suggests the School District implement a forested buffer in areas where school activities will be near active farms which may apply pesticides, fertilizer, etc., and otherwise generate dust, odor, and noise. Please consider the following recommendations when considering the planting material used for the buffer.
- 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,

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

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

CC: John Marinucci, Woodbridge School District
Lawrence Lank, Sussex County