



ARCHITECTURE  
ENGINEERING

PLANNING OUR  
CLIENTS' SUCCESS

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE  
DOVER, DELAWARE 19904  
302.734.7950  
FAX 302.734.7965

RITTENHOUSE STATION  
250 SOUTH MAIN STREET, SUITE 109  
NEWARK, DELAWARE 19711  
302.369.3700

PORT EXCHANGE  
312 WEST MAIN STREET, SUITE 300  
SALISBURY, MARYLAND 21801  
410.546.9100  
FAX 410.546.5824

ARCHITECTURE & PLANNING

3205 RANDALL PARKWAY, SUITE 211  
WILMINGTON, NORTH CAROLINA 28403  
910.341.7600  
FAX 910.341.7506

www.beckermorgan.com

December 12, 2017

Ms. Constance C. Holland  
Director, Office of State Planning Coordination  
122 S. Martin Luther King Blvd  
Dover, DE 19901

RE: **PLUS review 2017-10-01**  
**MEDICAL OFFICE BUILDING**  
Milford, Delaware  
2014092.08

Dear Connie:

Please find below our point by point response to your comments received November 28, 2017. For ease of review, **please** find our responses below in a different font and color.

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 Milford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the city and Sussex County.**

**Response:** *Understood, the developers intend to comply with all applicable regulations regarding the development of this property. The developer will comply with any and all regulations and/or restrictions set forth by the City of Milford and Sussex County.*

### **Strategies for State Policies and Spending**

This project is located in Investment Level 2 according to the *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.

**Response:** *Acknowledged.*

### **Code Requirements/Agency Permitting Requirements**

#### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- Because of the site's proximity to Delaware Route 1, which is part of the Federal Aid Primary Road System, it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Further, it is located on Cedar Creek Road, which is part of the Delaware Bayshore Byway. Accordingly, the applicant should expect the following requirements:

- No new billboards, variable message boards, or electronic message signs anywhere on or off SR 1 that might be within 660 feet of Cedar Creek Road. This also includes directional signage or advertisement on private property attempting to display directions to this facility.
- No billboard, variable message board, or electronic changing sign(s) directly on the property, as this would be within 660 feet of Cedar Creek Road, i.e., any closest right of way edge.

**Response:** *Acknowledged. It is not believed that the proposed users will be requesting any billboards, message boards, or electronic changing signs.*

Please note that the current hospital/medical campus facility being actively built was approved before the Delaware Bayshore Byway extension. Accordingly, most of that effort on-site is grandfathered in. However, this current project is considered new. No new billboards, variable message boards, or electronic changing message sign(s) will be permitted anywhere on or off either frontage road. Any such structure or fixture shall be a minimum of 660 feet away, measured from the closest byway right-of-way edge.

**Response:** *Understood.*

- From DelDOT's perspective, the site access consists of the intersection of Cedar Creek Road (Delaware Route 30), Wellness Way and the Delaware Route 1 southbound ramps and two entrances on Wilkins Road (Sussex Road 206). Those access points must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. While construction plans are discussed in these comments for completeness, it may be that no additional access construction beyond that presently underway for the Bayhealth hospital will be needed.

**Response:** *Understood. We plan to continue working with DelDOT to ensure that all required improvements are provided.*

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [http://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](http://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).

**Response:** *Acknowledged. The applicant intends to meet with DelDOT prior to submitting plans for review.*

- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee

when the record plan is submitted for review. and the Construction Stage Fee when construction plans are submitted for review.

**Response:** *It is understood that fees are associated with development reviews.*

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, DelDOT sees that the total daily trips are estimated at 3,260 vehicle trip ends per day.

However, the subject building is proposed, and the Bayhealth hospital is under construction, on the site where the Centre at Hearthstone Manor mixed-use development was proposed, which development would have generated more traffic than the office building and the hospital combined. A TIS was completed for the Centre at Hearthstone Manor in 2012 and reviewed by DelDOT in 2013. Therefore DelDOT finds it has sufficient information to waive the TIS requirement and to require only a Traffic Operational Analysis (TOA), as discussed below.

Per Section 2.3.2 of the Manual, because the development would generate more than 200 vehicle trip ends per day, DelDOT may require a Traffic Operational Analysis (TOA) if it determines in the plan review process that a TOA is needed to address a concern about the proposed site entrance. DelDOT met with the applicant's engineer on September 6 to set the scope of work for a TOA and will require its completion. If DelDOT's review of the TOA identifies a need for offsite improvements or changes to the site access, DelDOT will recommend that the City require those things.

**Response:** *A TOA is underway for the main campus. Once complete, if DelDOT identifies needs for offsite improvements, the developer is willing to discuss the scope.*

- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Cedar Creek Road and Wilkins Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.

**Response:** *Right-of-way monuments shall be placed along property fronts as required.*

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Cedar Creek Road and Wilkins Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of both roads. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State**

**of Delaware, as per this plat.”** This dedication may have been made as part of the plan for the hospital.

**Response:** *The right-of-way dedication has already been made as part of the plan for the hospital campus.*

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Cedar Creek Road and Wilkins Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **“A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”** This easement may have been provided as part of the plan for the hospital.

**Response:** *The permanent easement dedication has already been made as part of the plan for the hospital campus.*

- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:
  - Initial Stage Fee Calculation Form
  - Initial Stage Review Fee
  - Gate-Keeping Checklist – Site Plan
  - Design Checklist - Record Plan
  - Sight Distance Spreadsheet
  - Owners and Engineers’ name and e-mail address
  - Record Plan
  - Conceptual Entrance Plan
  - Submission of the Area-Wide Study Fee (If applicable)

**Response:** *Understood.*

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of each of the proposed entrances.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

**Response:** *Understood.*

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions.

**Response:** *Acknowledged, the applicant intends to comply with all of DelDOT's requirements.*

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates requiring that the Shared Use path shown on the concept plan be extended farther south.

**Response:** *Acknowledged, we will work with DelDOT to determine the extent of which the Shared Use path should be extended.*

- Section 3.5.4.3 of the Development Coordination Manual addresses requirements for walkways. A walkway should be provided from the building's perimeter sidewalk to the Shared Use Path along Cedar Creek Road. DelDOT recommends that the walkway be located to provide a direct path to a door that would be open to the public during normal business hours.

**Response:** *Acknowledged, the applicant will explore a connection between the main entrance and the Shared Use path along Cedar Creek Road.*

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bio-swales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Cedar Creek Road and Wilkins Road.

**Response:** *Acknowledged, there are no proposed storm water facilities. The proposed project will use existing facilities that are located a minimum of 20 feet from the ultimate right-of-way.*

- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
  - Construction Stage Fee Calculation Form
  - Construction Review Fee
  - Gate-Keeping Checklist – Entrance Plan
  - Design Checklist - Entrance Plan
  - Auxiliary Lane Spreadsheet
  - Entrance Plan
  - Pipe/Angle Spreadsheet (If applicable)
  - SWM Report and Calculations (If applicable)

**Response:** *Understood*

- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.

**Response:** *Acknowledged, the applicant intends to comply with all of DeIDOT's requirements.*

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

**Response:** *Acknowledged, the applicant intends to comply with all of DeIDOT's requirements.*

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

**Response:** *Acknowledged, the applicant intends to comply with all of DeIDOT's requirements.*

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Response:** *Acknowledged, existing utilities are currently being shown on the site plan being reviewed by the City of Milford, and will be on all plans reviewed by DeIDOT.*

- Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DeIDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.

**Response:** *Understood.*

- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

**Response:** *Understood.*

**Department of Natural Resources and Environmental Control – Contact**

**Michael Tholstrup 735-3352**

**Executive Summary.**

Development of this parcel will result in increased impervious surface and new sources of greenhouse gas emissions. Opportunities exist to preserve natural resources while reducing the environmental impact on-site. As discussed at the PLUS meeting, the Department recommends reducing the environmental impact on-site through appropriate application of the Pollution Control Strategies, including vegetated wetland buffers to protect the Atlantic White Cedar, water quality, and the overall health of the community. Incorporating waste reduction and resource conservation measures will also improve long term regional sustainability.

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. DNREC encourages the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be found at [www.de.gov/cleantransportation](http://www.de.gov/cleantransportation)). DNREC further recommends an abundant use of native vegetation and shade trees throughout the landscape, as well as green infrastructure, where practicable, to absorb carbon dioxide, protect water quality and provide relief to residents on hot days.

The following pages provide information about applicable regulations and detailed recommendations associated with this project, from various DNREC Divisions.

DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

**Water Quality: TMDLs.**

- The project is located in the greater Delaware River and Bay drainage area, specifically within the Mispillion River 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 waterbody” 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 Mispillion River watershed calls for a 57 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for an 87 percent reduction in bacteria from baseline conditions.

- A nutrient management plan is required under the *Delaware Nutrient Management Law (3 Del.C., Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project's open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

**Response:** *The developers will comply with applicable storm water management regulations.*

### **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 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.

**Response:** *Understood.*

### **Sediment and Stormwater Management.**

- 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 pre-application 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.
- The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

**Response:** *It is understood that a storm water management and sediment & erosion control plan will be required.*

**Air Quality.**

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

<b>Table 1: Potential Regulatory Requirements</b>	
<b>Regulation</b>	<b>Requirements</b>
<b>7 DE Admin. Code 1106 -</b> Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>
<b>7 DE Admin. Code 1144 –</b> Control of Stationary Generator Emissions	<ul style="list-style-type: none"> <li>• Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the emissions limits established. (See section 3.2).</li> <li>• Maintain recordkeeping and reporting requirements.</li> </ul>
<b>7 DE Admin. Code 1145 –</b> Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> <li>• Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</li> </ul>

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

**Response:** *It is understood that the developer will be responsible to comply with all applicable air quality laws.*

**Recycling.**

- Delaware Law (7 *Del.C.*, §6053) and Regulations (7 *Del. Admin. C.* §1305) specify that the ‘commercial sector’ shall participate in a comprehensive recycling program. As such, all those involved with the planning of facilities should allocate space for collection of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster. The commercial sector includes all for-profit, not-for-profit, institutional, charitable, educational, health care, and government organizations. For more information or assistance related to recycling requirements, benefits, tools, and assistance please call Don Long at (302) 739-9403.

**Response:** *The recycling comments are noted.*

- There is a known house (S12254) and agricultural complex (S12255) on this parcel. The house and agricultural complex are west of Cedar Creek Road, and a part of the Route 113 Project Study Area (report #1000112) and Routes 1 and 30 Project Area (report # 1000123) survey reports. According to aerial photos, the house has been there since before 1961, and the agricultural complex since before 1937. The house and agricultural complex were determined ineligible for the National Register of Historic Places. We would like to know if the plans for these properties include preserving them. If interested, please contact Kara Briggs at 302-736-7433. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law.
- Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, in order to avoid those sites or areas. There should also be sufficient landscaping between the house and agricultural complex and the development to block adverse noise or visual effects.
- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites:  
[www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and  
[www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps

of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov).

**Response:** *The developer is aware of Delaware's Unmarked Human Burials and Human Skeletal Remains Law, and will proceed accordingly is an unknown burial site, or remains be encountered during the development process.*

**Delaware State Fire Marshall's Office – Contact John Rudd 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 a business or a health care site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Fire Protection Features: Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

**Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the main entrance 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

**Response:** *It is understood that the developer will be responsible to comply with all applicable fire protection regulations.*

**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 the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- DelDOT recommends the following changes to the site plan:
  - The building should be moved closer to Wellness Way to facilitate walking between the building and the hospital.
  - If the entire median length of Wellness Way between Cedar Creek Road and the office building’s parking lot entrance is not needed to accommodate the left turn onto Cedar Creek Road, a left turn bay serving the office building should be provided, the crosswalk should be shifted to

the west leg of the intersection and the sidewalk leading out to that crosswalk should be shifted to the west side of the site driveway. That change would also improve pedestrian access to the parking area in the northwest corner of the site.

**Response:** *Design recommendations are noted, and will be explored through design development.*

- Because the site fronts on Cedar Creek Road, which is part of the Delaware Bayshore Byway, the applicant should expect that a byways sign may be required along the frontage as part of the plan review process.

**Response:** *Understood.*

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Cedar Creek Road and Wilkins Road.

**Response:** *Understood.*

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

**Response:** *Understood.*

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

**Response:** *Understood. The applicant is familiar with the submittal process through the PDCA.*

- Please be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision date of October 11, 2017. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>

**Response:** *The applicant is familiar with the updated DeIDOT notes.*

**Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352**  
**Fish and Wildlife.**

- A minimum 100-foot buffer should be left intact around the perimeter of wetlands on site to protect their function and integrity. Lot lines, roadways,

and infrastructure should not be placed within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. This buffer is especially important given that an Atlantic White Cedar (*Chamaecyparis thyoides*) community is present downstream of this project site.

Atlantic white cedar communities typically grow under unique conditions which also provide refugium for rare species. This state-rare wetland type is sensitive to sedimentation and changes in water quality, especially pH. The hydrological regime is a major determinant of the resulting biota in this system and DNREC is concerned how this project could affect the hydrology of this community.

**Response:** *The proposed project will use the existing storm water facility on site, and no further development will occur near the wetlands during this phase of the campus expansion.*

#### Soils Assessment.

- Based on NRCS soil survey mapping update, the primary soil mapping unit of concern mapped in this parcel is Fallsington (FaA). Fallsington is a poorly-drained wetland associated hydric soil that is considered to have severe limitations, considered unsuitable for development (Figure 1).

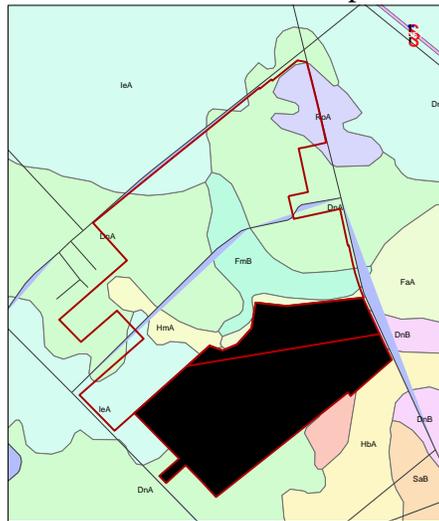
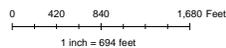


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed construction



**Response:** *The soil comments are noted.*

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

- In response to concerns about the need for reducing nonpoint source nutrient (nitrogen and phosphorus) and bacterial pollutants to levels sufficient to meet

the prescribed TMDL reduction requirements in the Mispillion watershed, a multifaceted and comprehensive process known as a pollution control strategy (PCS) has been developed to enable such reductions. Specifically, a PCS is a combination of best management practices and control technologies that reduce nutrient and bacterial pollutant runoff loading in waters of a given watershed to level(s) consistent with the TMDL(s) reduction levels specified for that watershed. The PCS for the Mispillion River watershed consists of recommendations from the following three areas: agriculture, stormwater, and wastewater. Additional information about Mispillion River PCS is available here:

<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

- In further support of the PCS, the applicant is also strongly urged to reduce nutrient and bacterial pollutants through voluntary commitment to the implementation of the following recommended best management practices:
  - Preserve and/or maintain as much of the existing open space as possible. DNREC suggests additional native tree, shrub and/or native herbaceous vegetation plantings, wherever possible.
  - Conduct a United States Army Corps of Engineers (USACE) approved (field-based) wetlands delineation. Based on the information presented in the PLUS application, a wetland delineation has not been conducted nor approved by the USACE. DNREC Statewide Wetland Mapping Project (SWMP) maps indicate wetlands are present in this parcel (Figure 2). Please contact a licensed Class-D soil scientist with experience in wetland delineations to have a wetlands delineation conducted in the immediate vicinity of the proposed project area. A list of licensed Class-D soil scientists can be obtained here:  
<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Pages/GroupWaterDischargesLicensesandLicensees.aspx>
  - Establish a vegetated buffer of at least 100 feet from the adjoining wetlands and waterbodies, including all ditches and ponds, and all non-tidal (USACE approved wetlands) and tidal wetlands (State-approved wetlands). Based on a review of existing buffer research, an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. Wetland and Stream Buffer Requirements – A Review. J. Environ. Qual. 23: 878-882.). The Watershed Assessment Section recommends that the applicant maintain/establish the 100-foot buffer, using existing or planted in native vegetation.

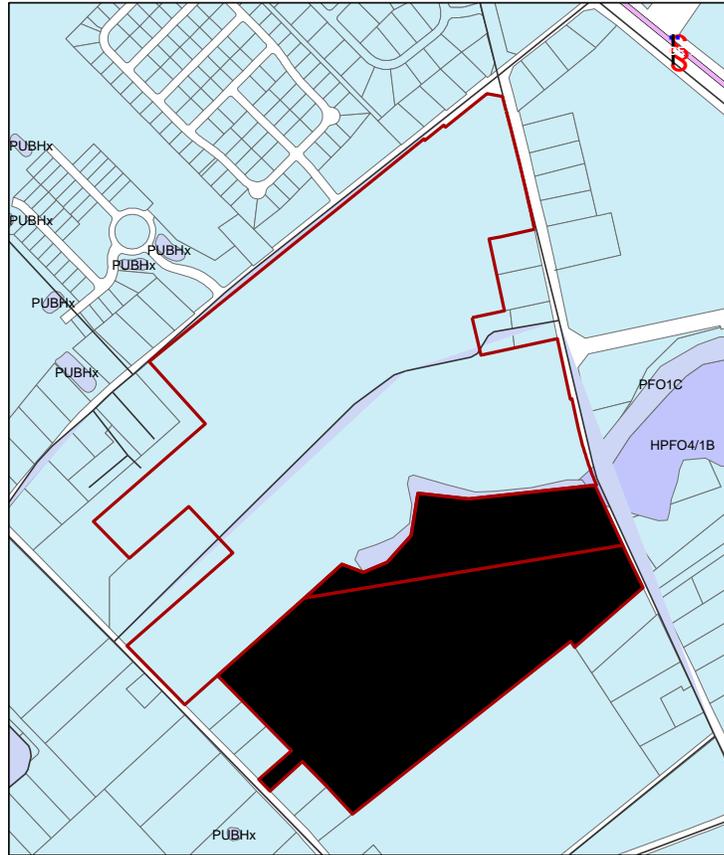
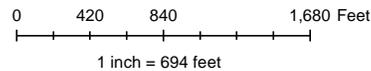


Figure 2: SWMP mapping in the immediate vicinity of the proposed construction



- Employ green-technology storm water management and a rain gardens, in lieu of open-water management structures, as best management practices to mitigate or reduce nutrient and bacterial pollutant runoff. If open-water stormwater management is selected (and approved) for use, the ponds should be limited, in number and size, to the area necessary to serve the management of stormwater. Open-water stormwater ponds are problematic because they attract nuisance geese and help create conditions conducive for growth of nuisance algae (via nutrients from goose waste and nutrient runoff from residential development) while further contributing to the degradation of overall water quality in the watershed.
- Use pervious paving materials instead of conventional paving materials (e.g., asphalt or concrete) to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands.

- 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) resulting from the conversion of individual or combined land parcels to a changed land use(s); thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. DNREC strongly encourages the applicant/developer use this protocol to help them design and implement the most effective best management practices. Please contact John Martin of the Division of Watershed Stewardship, at (302) 739-9939 for more information.

**Response:** *The TMDL & water quality comments are noted.*

**Additional information on air quality.**

- New homes and businesses may emit, or cause to be emitted, additional air contaminants into Delaware’s air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
  - Emissions that form ozone and fine particulate matter;
  - The emission of greenhouse gases which are associated with climate change, and
  - The emission of air toxics.
- Based on the information provided, vehicle emissions were quantified. Table 2 – Projected Air Quality Emissions represents the potential impact the Medical Office Building, Milford Campus project may have on air quality.

Emissions Attributable to Medical Office Building (Based on Average Annual Daily Traffic (AADT) of 3260 vehicle trips per day)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO <sub>2</sub> )	Fine Particulate Matter (PM <sub>2.5</sub> )	Carbon Dioxide (CO <sub>2</sub> )
Mobile emissions	10.82	14.27	*	*	*

(\* ) *Indicates data is not available.*

Note that emissions associated with the actual construction of the medical office building, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

- Recommendations for this project:

- Planting of native shade trees in parking areas to clean the air of localized pollutants and cut down on energy/cooling costs.
- Use the minimum amount of parking spaces needed and consider reducing the width of parking spaces to limit the amount of impervious cover.
- The use of open grade recycled asphalt pavement (RAP) or selection of a cool pavement, which reduces heat island effects on paved surfaces.
- Use of energy efficient products in construction to lessen the power source emissions of the project and costs.
- Work with Delaware Transit Corporation to ensure that adequate transit opportunities are made available in the project location.
- Beautification and landscaping to generate a context-sensitive design that would blend in well with surrounding land uses while also helping to mitigate the pollution potential of the project.

**Response:** *The air quality comments are noted. The developer will explore means of reducing emissions.*

- Planting of Native Trees: Some green streetscape elements that the developer could incorporate are trees. Trees contain several benefits including:
  - Significantly reducing automobile emissions including those from pollutants such as nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), and the most harmful of all, particulate matter (PM) by trapping gases fumes and replenishing the oxygen into the ambient air;
  - Reducing the effects of heat islands by helping to cool asphalt and pavement which also lessens the chances of ozone formation;
  - Trees create healthy communities by promoting an active living and generating attractive places to walk and live;
  - Trees can prevent flooding and stormwater problems. A typical street tree can intercept anywhere between 400 to 760 gallons of water per day;
  - Increasing biodiversity by providing habitat for protected and sensitive species;
  - Providing shade for parking areas and lessens localized ground-level ozone formation (a pollutant);
  - Reducing home and business costs. This includes reducing 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.
- All urban trees that are selected should be native to Delaware and preferably low VOC emitting trees. Every tree has a different biogenic emissions rate by which they release VOC's into our atmosphere. As a general rule, the best trees to plant are those that have: 1.) a large leaf surface area at maturity, 2.)

contain leaf characteristics that are amenable to particle collection from particulate matter (PM) such as those that have hairy or sticky leaves and 3.) Have high transpiration rates which result in relatively high temperature reduction.

**Response:** *The developer has every intent to use as much native plantings as practical.*

- Energy Efficient Options: Constructing with only energy efficient products can help your facility immensely, not only in terms of environmental sustainability but financially. Energy Star qualified products are up to 30 percent more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment as well as third-party certifications and building materials (i.e. LEED, Greenseal, EcoLogo). Every percentage of energy efficiency translates into a percent reduction in pollution.

Economic benefits include:

- Reduced operating costs
- Enhanced asset value and profits
- Enhanced occupant comfort and health
- Improved air, thermal, and acoustic environments

The Energy Star Program is an excellent way to save on energy costs and reduce air pollution. Some approaches may include architectural devices, vegetation, or solar panels. Such measures can also have the additional benefit of channeling or infiltrating storm water. For more about energy efficient options, please see: <https://www.energystar.gov/> or <https://www.epa.gov/greeningepa/energy-efficiency-epa>.

- Multi-modal travel: A component of improving existing air quality levels is to maximize multi-modal travel through the following:
  - Bike lanes
  - Sidewalks
  - Convenient access to transit opportunities.

**Response:** *Comments noted.*

- DNREC was pleased to see that sidewalks will be included in the medical office site plans. It is recommended that bike lanes also are included in the plan or, if not feasible, to add sharrows if and when needed to encourage multi-modal travel opportunities. Sharrows and striping are the easiest and most cost effective option. Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NO<sub>x</sub> are reduced each year. Another great feature for this development would be the addition of a bike rack in common areas (such as in front of the medical office building.)

There is no transit stop conveniently located near this facility with the closest one being roughly 3-4 miles east in Lincoln, Delaware (Bus Route 303 outbound). It is suggested that the applicant take advantage of this opportunity by expanding transit services to this subdivision. For further information on transit availability in your area, please see:

<http://dartfirststate.com/information/routes/index.shtml>

**Response:** *The developer would appreciate the opportunity to provide a transit stop at this location, and will look into expanding the transit services to this location.*

- **Clean Fuel Measures:** This measure helps to reduce localized air pollution by supporting the use of low emission vehicles. It is recommended that electric vehicle charging be made available in at least one location in common areas such as in parking areas closest to the medical office building if feasible.
- **Facility Beautification:** Lastly, the developer is encouraged to beautify the facility site with landscaping that would not only make the medical office building more attractive but also help to clean the air of any pollutants that could be emitted by neighboring sources. This would also reduce its impact on the surrounding community after undergoing the construction process while also incorporating a context-sensitive design that blends well with the surrounding development and existing land uses.
- Should the developer have any more questions or concerns, the DNREC Division of Air Quality point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or [lauren.devore@state.de.us](mailto:lauren.devore@state.de.us). The applicant is encouraged contact DAQ to discuss any emission mitigation measures that will be incorporated into the Medical Office Building, Milford Campus project. DNREC looks forward to working together with you on this project to achieve our shared air quality, healthy community and quality of life goals.

**Response:** *Comments noted.*

**Additional information on recycling and reducing water use.**

- Materials and resources utilized for new development should be considered, including regionally available recycled content (i.e. carpet, concrete, countertops, furniture, siding, etc.), rapidly renewable material and certified woods.
- Construction Waste Management should include policies which promote efficient material use and recycling of project debris).
- Employ systems and appliances that increase water efficiency and reduce water use.
  - Low-flow and high-efficiency items
  - Waterless urinals

- graywater recycling systems
- Rainwater catchment

**Response:** *Comments noted.*

**Delaware State Fire Marshall's Office – Contact John Rudd 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](http://www.statefiremarshal.delaware.gov) technical services link, plan review, applications or brochures.

**Response:** *It is understood that the developer will be responsible to comply with all applicable fire protection regulations. The applicant plans to meet with the fire protection specialist to discuss the project prior to submitting formal review plans.*

- The facility may be required to be licensed by the Department of Health and Social Services (DHSS), specifically the Office of Health Facilities Licensing & Certification (OHFLC). Additionally, the Center for Medicare and Medicaid Services (CMS) may impose additional requirements if applicable. Suggest that you contact Corrina Getchell of OHFLC for additional information at (302) 283-7220.

**Response:** *Acknowledged.*

**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.**

*This concludes our response. Please feel free to contact us if you should have any additional questions.*

Sincerely,

BECKER MORGAN GROUP, INC.



Chad D. Carter, RLA  
Landscape Architect

CDC/rlh

201409208aj-PLUS-response