



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

May 10, 2004

Mr. Alex Settles  
University of Delaware  
180 Graham Hall  
Newark, DE 19716

RE: PLUS review – PLUS 2004-04-02; Henlopen Acres Comprehensive Plan

Dear Mr. Settles:

Thank you for meeting with State agency planners on April 21, 2004 to discuss the proposed Town of Henlopen Acres Comprehensive Plan. We congratulate the Town for completing a thorough plan which works to address the issues within your town.

The State has no certification issues with the presented plan and supports the adoption of this plan. We would, however, like to offer the following State agency comments which we feel will Town should consider as you move forward with the adoption of the plan:

**State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685**

SHPO commented that they are very happy that the Town is dedicated to preserving the National Register listed Peter Marsh House and the two cemeteries in town. They are confident the house will be preserved with the current deed restrictions; however the deeds seem to only protect the use of the property. On page 7 the Town “recommends” the house and property not be modified as to diminish the historic characteristics, however a simple recommendation does not successfully provide protection. SHPO would like to see the Town provide more protection for the structure, either through an ordinance or other deed restrictions. They appreciate that the Environmental Approval Committee would require a review of plans before any alterations can occur to the property and would like to make the SHPO office available to the Committee for technical advice when any changes are planned for the property.

SHPO suggested that the Town include this offer in the plan so that the Town and Committee are aware of the SHPO resources and their offer to assist.

**The Department of Natural Resources and Environmental Control – Contact:  
Kevin Coyle 739-3091**

**Buffers**

**It is recommended that the Town adopt and require a minimum 100-foot buffer width from landward edge of all wetlands.** In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the town is encouraged to make future development contingent upon the restoration/establishment of said buffer width with native herbaceous and/or woody vegetation. Efforts to maintain existing natural forested buffers beyond the recommended 100-foot minimum, is strongly encouraged.

**ERES Waters**

This Town is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants. The Town should require BMPs be included in any future development projects.

**TMDLs**

With the adoption of Total Maximum Daily Loads (TMDLs) as a "nutrient-runoff-mitigation strategy" for reducing nutrients in the Inland Bays Watershed, reduction of nitrogen and phosphorus loading will be mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals will fall under the auspices of Section 11.5 of the State of Delaware's Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as "pollution control strategies."

Nutrient reductions prescribed under TMDLs are assigned on basis of water quality concerns – that is, the those regions deemed to be of greatest environmental concern will require correspondingly higher levels of nutrient reduction than those regions deemed

less environmentally sensitive. In this watershed, these regions are demarcated as high and low reduction zones. **The Town of Henlopen Acres is in the low reduction zone. This area requires a reduction of nitrogen and phosphorus by 40 percent.**

### **Habitat**

Based on review of our database, there are currently no records of state-rare or federally listed plants, animals or natural communities at or adjacent to this project site in the land based boundaries of the town. However, there are several species which utilize the Lewes-Rehoboth Canal as habitat. Efforts to prevent sedimentary or other inputs to the canal should be implemented during any activities adjacent to the canal.

### **Recreation**

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Eastern Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the comprehensive plan.

#### High Priorities

Walking or Jogging Paths

Bike Paths

Fishing Areas

#### Moderate Priorities

Picnic Areas

Skate Facilities

Canoe/Kayak Access

Hiking Trails

Swimming Pools

Playgrounds

Soccer Fields

Tennis Courts

Power Boat Access

Baseball/Softball Fields

It is recommended that sidewalks be built fronting every residence. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe,

convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

**State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696**

a. **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- Where a water distribution system is proposed for townhouse, apartment, or business occupancies it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **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.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

c. **Gas Piping and System Information:**

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

The fire hydrants shall be flow tested and color coded in accordance with the DE State Fire Prevention Regulations. When hydrants are flow tested the results shall be submitted to the Fire Marshal's Office.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State.

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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". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP

Director

CC: Wanda Davis, Mayor