



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

August 16, 2004

Ms. Lynnette Propst  
Community Planner  
Town of Camden  
P.O. Drawer 1002  
Camden, DE 19934

RE: PLUS review – PLUS 2004-07-03; Town of Camden Comprehensive Plan amendment

Dear Ms. Propst:

Thank you for meeting with State agency planners on July 28, 2004 to discuss the Town of Camden Annual Report and Comprehensive Plan Amendment. The State would like to congratulate you on your many accomplishments this year! It is clear that Camden is making the types of organizational and ordinance changes that are necessary to accommodate the accelerating pace of growth in the Town.

According to the information received, you are seeking to change your certified comprehensive plan to amend the annexation area and to create a new zoning district for mixed residential and commercial uses in the downtown area.

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.

This office has received the following comments from State agencies:

**Office of State Planning Coordination – Contact: David Edgell 739-3090**

The Office of State Planning is very supportive of your Traditional Neighborhood Design ordinance mentioned on page 4. Please let us know if we can be of any assistance. We would be happy to review a draft of the ordinance for you.

We are also very supportive of your development of a Capital Improvements Plan as described on Page 4. It is encouraging to see that the Town is considering the capital infrastructure that is necessary to accommodate the growth in the town.

Regarding the comprehensive plan amendment -- there is no indication that there has been a public participation process, nor is there any indication of coordination with the adjacent municipalities or with Kent County. We suggest at least one public workshop to allow members of the public to review the plan amendment, and at least a documented meeting with the County planning staff and staff from Wyoming. It would be a courtesy to include Dover as well. As long as you can provide documentation that coordination with these other jurisdictions occurred we will not require written comments from them, however written comments are recommended.

According to our discussions at the PLUS meeting, the amendments proposed to your annexation plan have been identified without consultation with adjacent jurisdictions, and without consultation with the property owners. In addition, Kent County staff indicated that the parcels in the southeastern annexation area proposed by your amendment all are subject to approved development plans in Kent County's jurisdiction. It can be presumed that all public utilities and services have already been addressed with these development plans. Based upon these facts it seems unnecessary and unwise to include them in your annexation plan amendment at this time. Our office reserves the right to make additional comments on your annexation plan amendment pending your notification and interaction with Kent County and other near-by jurisdictions, and we request that you consider removing the parcels in the proposed southeastern expansion area.

The comprehensive plan amendment must be reformatted as a plan addendum to be attached as a new chapter or section of your comprehensive plan. Please contact David Edgell to discuss an appropriate format and the process for approving and plan amendment. This PLUS response letter does not indicate concurrence with the annexation plan amendments. We will have further discussions with the town once the plan is forwarded to us in final form, and we have seen evidence of meaningful interaction with the public, the County and other jurisdictions.

Please forward us a copy of your zoning ordinance and any proposed draft ordinances mentioned in your annual report for our records.

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

SHPO requested that the Town of Camden send them a copy of their Historic Overlay District ordinance. This should provide them with the information needed to understand the protections the Town provides for their historic resources. Also, when the Town annexes land, please be aware of any cultural resources (architectural and archaeological) in the annexed lands so that the Town can provide appropriate land uses for the parcels and plan for the resources' future.

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

- 1) On Figure No. 9, Anticipated Land Use, only some of the roads and streets are not colored in. It is recommended that the roads and streets be treated consistently.
- 2) DelDOT has two projects under design that are relevant to the Plan. First, they have a project to signalize the intersection of Route 13 and Lochmeath Way (Kent Road 361). As part of this project, a right turn lane would be added on the westbound Lochmeath Way approach and the all-way stop at the intersection of Lochmeath Way and Peachtree Run would be changed to two-way stop on Peachtree Run (Kent Road 105). These improvements should significantly reduce the congestion that has been developing on Lochmeath Way east of Route 13.

Second, DelDOT has a project to extend the service road that was begun by Wal-Mart south to Lochmeath Way. While the extension of that service road, to the southern limits of the annexation area, is mentioned in the text of the Plan, it is recommended that it also be shown on the figures.

- 3) Figure No. 8, Potential Expansion Areas, includes several residential lots on Alternate Route 13, Route 10, Lochmeath Way and Peachtree Run for which the projected date of annexation is “Uncertain.” The DelDOT letter of January 5, 2004, expressed concerns about the potential creation of enclaves along Lochmeath Way and Alternate Route 13. DelDOT is encouraged to hear that the Town is pursuing the annexation of these properties. It is recommended that the Town make their annexation a goal and develop strategies for accomplishing that goal.
- 4) Again on Figure No. 8, several uncolored lots near the Camden-Wyoming Little League appear to be enclaves. It is DelDOT’s understanding that there is an agreement with the Town of Wyoming that that town will annex them. That fact should be noted on the figures.
- 5) On Figure No. 9, Anticipated Land Use map, the symbol for Future Park or Buffer is very close to that for Downtown Residential/Commercial Mix. It may be appropriate to change the symbol for one of those uses.
- 6) DelDOT commends the Town for adding a second type of commercial zoning to its zoning code but a third type may be needed. Downtown Residential/Commercial Mix is proposed for areas that do not resemble downtown areas and seem unlikely to develop that way. For example, consider two areas, one on the east side of US Route 13 near Peachtree Run and the intersections of Lochmeath Way with those two roads, and one on the west side of Route 13 between Lochmeath Way and Tidbury Creek. The first area is largely developed. The second is still in agriculture. DelDOT would urge the Town to reconsider these designations. If the Town finds in annexing land that it must

address areas of auto-oriented, mixed-use development, we recommend that it establish a new zoning district for that purpose. The Downtown Residential/Commercial Mix designation should be reserved for actual downtown areas.

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

**Soils**

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

Excessively well drained - Evesboro  
Well Drained – Sassafras & Rumford  
Moderately well drained – Woodstown  
Poorly drained (**hydric**) – Fallsington  
Very poorly drained (**hydric**) - Johnston (floodplain)

Evesboro is an excessively well-drained soil that has moderate limitations on account of rapid permeability. Sassafras and Rumford are well-drained upland soils that have few limitations for development. Woodstown is a moderately well-drained soil of low-lying upland that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soils that have severe limitations for development. Johnston is a very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

**Wetlands and Riparian Forests**

Numerous properties within the proposed annexation areas contain riparian forests and wetlands, particularly those parcels bordering Tidbury Creek and Red House Branch to the south of the current Town boundary. Tidbury Creek flows into the extensive marshes of the St. Jones River and Delaware Bay. These ecologically important areas provide both valuable wildlife habitat and recreational opportunities for residents. In addition, portions of the St. Jones River and associated resources have been designated as a National Estuarine Research Reserve, highlighting its importance both regionally and nationally.

In light of this, the Town is strongly encouraged to proactively work with developers to conserve and protect existing riparian forests and wetlands and where possible, enhance and expand these areas. Wetlands and riparian forests provide numerous benefits including: flood mitigation, wildlife habitat, air and water quality improvements and recreational opportunities. Please keep in mind that DNREC recommends a minimum

buffer width of 100 feet from wetlands and waterbodies, and that lot lines should not contain any wetlands or buffer zones in order to protect those sensitive areas against encroachment.

### **TMDLs**

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or watersheds of the Delaware Bay basin to date, work is continuing on their development. TMDLs for the St. Jones watershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigate strategies” to reduce degradative impacts associated with development.

### **Source Water Protection Areas**

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement.
- 2) Limit impervious cover of new development to 20 % by right within WRPAs.
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.

- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

The DNREC Water Supply Section has delineated the wellhead protection areas for the two public supply wells for the Town of Camden. These areas can be included in the comprehensive planning process as required by 7 Del. C. Chapter 6082. The excellent recharge areas have been delineated for all of Delaware and are also classified as critical areas; there are excellent recharge areas located in your area. The excellent recharge areas are located within the anticipated annexations - 2004.

**Habitat**

There is a rare mussel species found in the Derby Pond system, bordered by an area designated as '2005-2007' on map #20. *Anodonta implicata* (alewife floater) is a freshwater mussel that is a species of conservation concern in Delaware. Impacts to this population of freshwater mussels can be minimized by taking measures to decrease sedimentary and other source material inputs into the watershed during any project activities.

The following species are located within town limits at Brecknock Park:

Scientific Name	Common Name	Taxon	State Rank	State Status	Global Rank	Federal Status
<i>Coragyps atratus</i>	Black Vulture	Bird	S2B		G5	
<i>Melanerpes erthrocephalus</i>	Red-Headed Woodpecker	Bird	S1		G5	

**State Rank:** S1- extremely rare within the state (typically 5 or fewer occurrences); S2- very rare within the state (6 to 20 occurrences); B - Breeding; N - Nonbreeding; **State Status:** E – endangered, i.e. designated by the Delaware Division of Fish and

Wildlife as seriously threatened with extinction in the state; **Global Rank:** G1 - imperiled globally because of extreme rarity (5 or fewer occurrences worldwide); G2 - imperiled globally because of great rarity (6 to 20 occurrences); G3 - either very rare and local throughout its range (21 to 100 occurrences) or found only locally in a restricted range; G4 - apparently secure globally but uncommon in parts of its range; G5 - secure on a global basis but may be uncommon locally; T\_ - variety or subspecies rank; Q – questionable taxonomy; **Federal Status:** LE – endangered, i.e. designated by the U.S. Fish and Wildlife Service as being in danger of extinction throughout its range; LT – threatened, i.e. designated by USFWS as being likely to become endangered in the foreseeable future throughout all or a significant portion of its range; PS – proposed status.

Maintaining forested resources within the park and adjacent properties will decrease impacts to these two species.

There are records of additional rare species within the St. Jones River watershed and several tributaries of the St. Jones River are found within the project area. If development of the land bordering these tributaries is planned, efforts to decrease sedimentary and other source material inputs should be implemented. Maintaining or creating a vegetative

(preferably forested) buffer of at least 100' will also protect the ecological integrity of these tributaries.

### **Recreation**

It is recommended that sidewalks be built fronting every residence and stub streets. 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.

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 Kent County are listed below. Consideration should be given to incorporate some of these recreation opportunities into future park land. For more information, contact Bob Ehemann at (302) 739-5285.

#### High Priorities

Walking or Jogging Paths

Bike Paths

Swimming Pools

Picnic Areas

Playgrounds

Fishing Areas

#### Moderate Priorities

Skate Facilities

Hiking Trails

Baseball/Softball Fields

Campgrounds

Soccer Fields

Volleyball Courts

Basketball Courts

Canoe/Kayak Access

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

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. Water main extension shall require a plan review by this Agency. At the time of formal submittal, the applicant shall provide; completed application, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- 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. (Assembly and Townhouses)
- 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. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

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

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

c. **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”
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Road Names, even for County Roads

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.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Mark Davis 739-4811**

DDA supports the Town of Camden’s desire to revitalize its downtown area and to re-designate downtown parcels in order to reach that goal.

However, the Town’s certified annexation plan is less than a year old. DDA objects to the implemented process. Annexation plans should be developed using public input and technical planning knowledge to forward and implement a plan with at least five year validity. This plan is less than a year old. This local trend of knee-jerk, short-term land use planning decision-making renders long-term policy setting useless.

We object to the proposed annexations because 1.) There is more than ample area within the undeveloped boundaries of Camden to support long-term (not just short-term) growth

and 2.) Approval of this amendment would set a bad precedence, which would hamstring effective state planning in Delaware. There is more at stake than localized issues.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

The PSC must be notified of any annexation by a municipality. If a municipality wishes to serve an area it has not annexed, it will need to apply to the Commission for a CPCN.

The Camden-Wyoming Sewer and Water Authority must provide written explanation as to why it would fit within the exemption for municipal annexations under 26 Del.C. §203C(a). The Commission will review the submission. Should the Commission conclude that the Authority is independent of the town and therefore not exempt, then the Authority will need to apply to the Commission for a CPCN to service the annexed area.

Additionally, for Comprehensive Plan review issues for annexations by Camden or Wyoming, the state agency should review the water service plan regardless of whether the Authority is or is not exempt from the PSC certification regime.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Please contact Malak Michael in this regard.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, governmental agencies offering wastewater services must file data with the Commission regarding its service areas. Contact: Kevin Neilson at (302) 739-4247.

**Delaware State Housing Authority – Contact Karen Horton 739-4263**

When this plan was originally certified, DSHA raised serious concerns about whether the Town of Camden adequately addressed affordable housing in its Comprehensive Plan. After reviewing the current plan and plan amendments, they are still not satisfied. DSHA noted that, according to the 2000 Census, less than 3% of the Town's housing units are rental located in structures containing five or more units (an apartment). In addition, the Town is the *only municipality in the State* that has a population greater than 2,000 persons that does not contain any income-restricted or subsidized rental housing. It is strongly recommended that the Town encourage additional affordable housing opportunities that include rental multi-family housing.

**Delaware Emergency Management Agency – Contact: Don Knox 659-3362**

Future annexations should take into account increased demands upon police, fire service, and emergency medical response organizations serving the Town of Camden.

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**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". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Constance C. Holland, AICP  
Director

CC: Kent County