



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

September 3, 2004

David Nutter, AICP
Nutter Associates Community Planners
507C South Boulevard
Salisbury, MD 21801

RE: PLUS review – PLUS 2004-08-16 (Ellendale Comprehensive Plan)

Dear Mr. Nutter:

Thank you for meeting with State agency planners on August 25, 2004, to discuss the Ellendale Comprehensive Plan. The Plan is very thorough and presents a clear vision for the future of the Town of Ellendale.

Please note that changes to the plan 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.

Based on the meeting and the review of the plan by State agencies and Sussex County, the following are the State's comments regarding the plan. The comments are organized in two categories: issues that must be addressed before the plan can be certified, and suggestions that the Town should consider to improve the plan or during implementation of the plan.

Certification Issues:

The following comments and issues must be addressed to the satisfaction of the State and Sussex County before the Ellendale Comprehensive Plan can be certified. Please note that the majority of the certification issues center around wastewater disposal as it relates to growth and annexation. The Town will need to meet with this office, Sussex County, the Town of Georgetown and DNREC to discuss these issues and appropriately address them in the plan.

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

On the Future Land Use map, how would the green land be zoned? The map legend indicates that these areas would be "Agriculture/Natural Resources/Open Space". A description of what zoning category would be applicable here or more detail on the uses anticipated is not included. The Town should be aware that within 18 months of the plans adoption, zoning will need to be consistent with the future land use maps in the Comprehensive Plan.

Page 179 refers to attracting light industry to Ellendale. There is no land shown on the future land use map as industrial or light industrial. In order to zone land appropriately for industrial land use, it must be indicated on the future land use map. During the meeting on August 25, you stated that light industrial development would take place in the mixed use area. The text that describes the mixed use area does not discuss light industrial. Also, the Office of State Planning Coordination is concerned about including a mixed use area that might allow for light industrial use adjacent to residential uses and also in such proximity to the State forests. This issue needs to be discussed more thoroughly and clearly in the text. If attracting light industry to Town is an objective, then an appropriate location for such industry should be identified in the plan.

The following comments relate specifically to growth, annexation, and wastewater issues as they are addressed in the Plan.

On page 156, there should be more detail about the phasing of annexation. It should be clear that annexations in the Phase 2 area would not be considered prior to 10 years. DelDOT and DNREC has noted and this office supports the recommendation that the plan text discuss postponing any decisions on large annexations until they have adopted subdivision and zoning codes. Absent these controls, the Town might find themselves unable to obtain the type of development that they want. It should also be made clear how many acres are in each phase of annexation?

On Page 84 the potential Growth and Annexation section should specify that the Town should only consider annexation after it has established a Zoning Commission and the zoning ordinances and infrastructure necessary to adequately handle additional growth.

The annexation potential far exceeds the sewer capacity. There is the possibility that creating a large annexation area around Ellendale will spark interest by developers in the area. The comprehensive plan acknowledges that the sewer district planning did not size the infrastructure to support significant growth. According to the plan, based on a 1.5% average annual growth rate, the Town will exceed the 110,000 gpd allocation agreed to by Georgetown by 2005, and will exceed the expanded allocation of 165,000 gpd by 2032. If the average annual growth rate is 3% per year, the 165,000 gpd allocation will be exceeded by 2016. If the annexation area itself sparks more interest in growth in the Ellendale area than would otherwise exist, growth could be more rapid than the projections and/or the sewer planning anticipated, thereby outstripping the capacity of the sewer infrastructure and the agreement with Georgetown.

The plan should address how wastewater would be handled as the system approaches its physical or allocated capacity. Coordination with the county on sewer matters must be spelled out in the plan. In addition, the Town should consider the adoption of an adequate public facilities ordinance to help phase development with the availability of sewer and water.

Perhaps even more significant than the physical capacity of the wastewater collection, transmission and treatment infrastructure are the limitations of the wastewater system based on the conditions surrounding State investment in the Ellendale sewer system. The Office of State Planning Coordination understands from discussions with DNREC that the State funding provided to Sussex County for the Ellendale Sanitary Sewer District included restrictions on the system's ability to accept new growth. Before the State can certify the Ellendale Comprehensive Plan, and certainly before the Town can consider any annexation, the terms of this funding as it relates to new growth need to be fully understood and incorporated into the plan.

We anticipate detailed comments from DNREC regarding the sewer system funding issue in the next week. Once this information is available, a meeting of DNREC, Office of State Planning Coordination, Sussex County, the Town of Georgetown, and the Town of Ellendale will be necessary to discuss how to address both the physical and the financial limitations of the system can be appropriately addressed in the comprehensive plan. Additional information regarding the physical limitations of the sewer infrastructure is included below in comments from Sussex County.

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

The use of DelDOT's "Cultural and Historic Properties in the Greater Ellendale Area" map between pages 111 and 112: Anne stated that she understands you received permission from SHPO to copy this map. However, she does not think this is an appropriate map to use for this purpose. She assumes that what is desired is a map showing the cultural properties in and near Ellendale. She suggests that the individual surveyed properties not be indicated, as they are only surveyed properties. Simply because they have been surveyed does not mean they are eligible for individual listing in the National Register. Instead, she suggests a "zoomed-in" map be used and the boundaries of the Potential Ellendale Historic District be indicated. Most of the points on the existing map make up the historic district. The current map is confusing to a reader and it is difficult to know what the points mean and where they are plotted. If you choose to use the current map, then SHPO suggests a different legend box be used, one that only references those types of resources plotted on the map. In other words, only reference National Register Buildings and Structures, Buildings and Structures, and Cemeteries in the legend box.

Sussex County – Richard Kautz 855-7885

With regard to the Sussex County, the Comprehensive Plan date of adoption was December 10, 2002 and the date of the Plan is January 1, 2003. Also, the Public Works department is a subset of the Sussex County Engineering Department. The appropriate reference for this plan is the Sussex County Engineering Department.

There should be serious reconsideration of the potential growth and annexation boundaries due to the impacts on the existing public sewer system described below.

The Sussex County Engineering Department states: The SCED cannot support the Town of Ellendale's potential growth and annexation areas as presented in the Draft Ellendale Comprehensive Plan dated August 3, 2004. The potential growth and annexation areas far exceed the projected service area for the ELSSD and prior sewer planning anticipated only minimal growth (1.5% per year) thru 2032 within the sewer district. There are therefore capacity limits in the existing collection and transmission system and a limit on available treatment capacity at the Town of Georgetown's WTP.

The SCED will support annexation and growth areas that mirror the current sewer district's boundaries as shown on the map entitled "Ellendale Sanitary Sewer District" in the report (follows page 87). The County will begin new planning studies and address growth related needs as they materialize. At this time however, we feel that the needs of the existing users and property owners within the sewer district must receive primary consideration. According to our calculations, there are approximately 800 acres available in the current district boundaries that can be developed without these concerns.

The SCED must also be concerned with cost issues. The ELSSD is self-supporting and every effort was made to keep user charges in the sewer district to an affordable level. New wastewater infrastructure and treatment facilities will be expensive items. Although these costs can be covered by new development, up-front investments must be made. Therefore, we must be careful to keep user costs at these levels for the current users and not burden them with these costs.

Sewer service can only be provided thru an extension of the sewer district boundaries. For this to occur proposed development must be contiguous to existing boundaries in accordance with Delaware State law. This forces new development to occur in close proximity to the current service area and acts as a natural deterrent to satellite development. It should be noted that since there were no plans to serve areas beyond the existing boundaries, no conceptual plans exist for the extension of pipelines, etc. to those areas. Issues like these must be addressed before new areas are targeted for development.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

The following are corrections and suggestions to improve the plan or to consider during implementation. Recommendations are optional; however, comments identifying errors are required to be addressed prior to plan certification.

Office of State Planning Coordination – Ann Marie Townshend 739-3090

There are many maps and figures included in the plan. They are not labeled, although they are listed in the table of contents. It is difficult to navigate through the maps and relate them to the text because there are so many and they are unnumbered. The maps and figures should be reorganized so that they are easier for the reader to follow and relate the text to the maps. A map appendix with numbered maps might be a way to address this.

On the map following page 53, what is the difference between “Prime Farm Soils” and “High” or “Very High” agricultural suitability? This map is confusing without a mention of what these terms mean.

Table 14 shows that the poverty rate in Ellendale is significantly higher than that of Sussex County and the State. The plan should address the policy implications of this.

The Proposal West of Route 113 or “Study Area” is discussed in several areas of the plan. This proposal is in the Low Density area of the Sussex County Comprehensive Plan – a permitted density of 2 du/acre. It is also in the Rural/ Level 4 area of the State Strategies, where the State policies do not support large scale development. We note that the plan does not show this “study area” as part of the annexation area, but we would also like to clarify that certification of the Ellendale Comprehensive Plan will not indicate an endorsement of this development or annexation of this area. The State will not support any annexation in this area, as it is inconsistent with the County’s comprehensive plan and the State Strategies.

On Page 102, the plan references the draft Strategies for State Policies and Spending. The Strategies should be final prior to adoption of this plan.

On Page 105, in the description of the Sussex County Comprehensive Plan, there is no description of the Low Density Area, which is significant in an area such as Ellendale.

On Page 113, is the Town park “Institutional” or “Open Space”? It appears to be Institution on the map. The text refers to it in both.

On page 149, the plan recommends that housing developments use clustering to keep houses away from the wet soils. This language should also address the use of clustering to protect excellent recharge areas.

On page 168, in the last paragraph, there is a reference to 4 categories of environmentally sensitive areas, with a colon indicating a list. The list is missing. Also the reference refers to “Map 4”. What map is this?

The first paragraph on page 169 refers to “the improvement of Ellendale’s Wastewater Treatment Plant”, however the Town does not have a wastewater treatment plant. This should be clarified or corrected.

There are significant environmental issues in the potential annexation area. The Town should work with DNREC to develop the necessary ordinances to address the environmental sensitivity of the area prior to entertaining any development proposals.

Since the Town does not currently have zoning, they might want to consider having the proper ordinances in place to reflect the objectives of the comprehensive plan, prior to annexing any new land or accepting development applications.

At the time of any annexation request, the Town is required to submit a “plan of services” to the Office of State Planning Coordination detailing how services will be provided to the annexed parcel. State law requires that for any services or utilities provided by an entity other than the Town, a letter from the service provider be included. For sewer, this would require a letter from Sussex County and a letter from Georgetown regarding the ability to provide both transmission and treatment of wastewater. For water, this would require a letter from the entity that manages the water system, if it is not the Town of Ellendale. The electric provider will also need to provide a letter, as well as the fire company.

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

SHPO appreciates the good work in describing the historic resources of Ellendale, the comprehensive history of the town, and the section devoted to the historic and cultural resources.

SHPO recommends that more emphasis be placed on designating the Potential Ellendale Historic District in the National Register, or designated as a local historic district. Listing the district is the first step towards protecting the area. After it is listed, then an Overlay Zone can be created and a preservation ordinance and guidelines developed, which are the tools that actually protect the resources. SHPO likes the idea and the inclusion of the Overlay Zone and ordinance, so please keep those ideas in the Comp Plan.

Listing the potential historic district in the National Register will enable the property owners to take advantage of preservation grants and tax incentives, which are usually available only to properties listed in the National Register. By listing the potential district in the National Register, the Town will be in a position to offer preservation incentives to property owners, and subsequently be in a better position to require certain design preservation and rehabilitation regulations.

Comments on the Historic and Cultural Resources Section p. 171-172:

The information in this section provides a good outline of ideas and the necessary steps for a successful preservation program. SHPO is happy to see this section included in the Plan. However, they feel that a clarification should be made that the Potential Ellendale Historic District is not listed in the National Register of Historic Places. It has been determined by SHPO to be eligible for listing; hence the “Potential” in the title. It is okay to refer to the potential historic district as the Historic Area, but please clarify (beginning on the first page it is mentioned and continuing throughout the entire document) that “Historic Area” does not signify it as being an officially listed historic district. Along with that clarification, SHPO suggests that the steps outlined in this section, on page 172, be re-arranged. The suggested re-arrangement of the bullets places the task of listing the potential historic district before the creation of an historic overlay zone and preservation ordinance and review commission. Listing in the National Register, or as a local historic district, is needed before any overlay zones or preservation ordinances can be developed. SHPO encourages the Town to list the potential historic district in the National Register.

Suggested order of bullets:

Bullet 1 “Work to preserve and promote....” This bullet is good, it can remain as the first bullet.

Bullet 2 This states: “work to expand the Historic Area by helping the State Historic Preservation Office....” Please consider changing this to read: “work to list the Historic Area in the National Register of Historic Places. The State Historic Preservation Office is available to help the Town with this process.”

The paragraph continues: “In doing so, the Town should clarify with the State procedures for design review and approval for actions proposed in the District.” Please realize that the State does not have procedures for reviewing actions proposed in a historic district – that is implemented through local authority with preservation ordinances and local design guidelines. Please let the Town know that the State Historic Preservation Office is available to offer guidance and advice on how they can develop such procedures. (The State only has procedures when the federal government, and federal or state preservation grants and incentives are involved with a project).

Bullet 6 Move this bullet to become Bullet 3: “The Town should create an Ellendale Historic Overlay....” The contents of Bullet 6 are good.

Bullet 7 Move this bullet to become Bullet 4: “The Town should consider the creation of a full Historic Area Preservation ordinance....” The contents of Bullet 7 are good.

Bullet 5 This can remain as Bullet 5: “The Town should encourage developers....” This is good, we agree with this statement. However, please add that only properties listed in the National Register, either individually or as part of a

historic district, are eligible to receive preservation tax credits. Hence, the importance of listing the historic district in the National Register.

Bullet 3 Move this bullet to become Bullet 6 – “Encourage creative adaptive reuse....” The contents are good.

Bullet 4 Move this bullet to become Bullet 7 – “Make residents and visitors more aware....” The contents are good.

Bullet 8 This bullet can remain as Bullet 8 – “Ellendale is an ancient community....” The contents are good.

The following are comments related to specific statements in the Plan:

- p.13 – where it reads: Daniel R. Griffith, Director/State Historic Preservation Office, please change to: Daniel R. Griffith, Director/Division of Historical and Cultural Affairs.
- p. 111 – delete Bureau of Archaeology and Historic Preservation (our former name). If you want, you can change it to State Historic Preservation Office, Division of Historical and Cultural Affairs.
- p.111 – The last paragraphs on this page describe the Ellendale State Forest Picnic Facility and Teddy’s Tavern. Both statements read: “listed as property 1991-07-22.” These read as being identification numbers for the properties. Rather, these are the dates they were listed in the National Register. For both properties, please change the numbers to read: “listed on July 22, 1991.”
- p. 112, first sentence – “The locations of structures that are deemed historic....” Please change to “The locations of structures that have been surveyed and inventoried....” [as clarified above, the resources that were indicated on the map are those that were surveyed and inventoried because they appeared to be over 50 years old – one benchmark in determining whether a property is eligible for listing in the National Register of Historic Places. Just because a property is surveyed does not mean it is “historic,” or even eligible for individual listing in the National Register. The majority of the resources surveyed in Ellendale make-up the potential historic district, with the district being eligible for listing in the National Register.]
- p. 123, 5th bullet: “The...Historic Area that has been identified should be reflected in the Zoning Ordinance as an Overlay District.” We like this idea, however please consider changing it to: “After listing the potential historic district in the National Register of Historic Places, or as a local historic district, it should be reflected in the zoning ordinance as an Overly District. Within the Overlay District....”

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT appreciates the efforts of Nutter and Associates to consult DelDOT staff in the development of the Plan. The names listed in the Acknowledgements section and elsewhere in the Plan reflect only some of the contacts they have made with the Department.

Sections IV and V (History and Character and Inventory of Existing Conditions) contain much interesting information. However, DelDOT suggests that much of this text should be placed in appendices and that this information should be summarized in the main document.

The Plan is somewhat weak in the analysis of the information presented in Sections IV and V. It would be helpful if this information could be used to help support the Plan recommendations more directly.

While DelDOT appreciates the desire to show regional patterns and a broad context, most of the maps cover a very large area and consequently show the existing Town, and the areas for which annexation is addressed, at a very small scale. They recommend that more of the maps be changed to focus more closely on the Town.

It would be helpful to include a map of the Town with all of the streets, and important places such as Railroad Square, labeled.

In some subsections of Section VI Goals, Policies and Projects, the Plan does not appear to provide clear direction for the Town as to what it should be doing to achieve its goals and objectives. For example, in subsection H. Transportation, the stated Goal is to “Build transportation improvements...” What specific improvements or types of improvements are meant? Should the Town be contracting for work, developing a public works department or taking some action with regard to DelDOT or other organizations? The Plan states that the “objective for Transportation is to provide safe and efficient transportation...” and that “This includes the reworking of street designs to make them more attractive as well as more functional” but it does not indicate what streets or designs have what deficiencies, or even provide examples.

DelDOT believes it would strengthen the plan if either there were a one-to-one correspondence between the subsections in Sections IV and V, or the two sections were annotated to refer to each other. For example, in subsection VI.H there should be references to the implementation steps in Section VI that achieve the Transportation goals and objectives and in Section VI the implementation steps that deal with transportation should refer the reader back to subsection VI.H.

In the Acknowledgements section, DelDOT found some minor errors:

Of the US 113 North/South Study staff, Monroe Hite, III is a registered professional engineer (P.E.) but Joseph Wutka is not.

Theodore Bishop's correct title is Assistant Director, Development Coordination. He is listed as one of the PLUS Committee members.

Many of the people listed are members of the American Institute of Certified Planners (AICP) but most are not recognized as such.

The Delaware Association of Professional Engineers maintains an on-line roster of professional engineers registered in Delaware at www.dape.org and the AICP maintains an on-line membership directory at www.planning.org/aicp/index.htm. If the P.E. and AICP designations are to be recognized, we recommend that the Acknowledgements section be reviewed against these resources.

On page 30, the Plan mentions a sketch that Nutter Associates sent to one of our consultants for the US 113 North/South Study, Mr. Ed Thomas of Kramer & Associates. The sketch provides their thoughts on factors they found relevant to that study and more specifically to possible improvements to the US Route 113 and Old State Road intersections on Delaware Route 16. While DelDOT has taken that sketch under advisement, the sketch presupposes a specific interchange design where they have not determined what design they might use.

On page 149, there is a sentence, "Along U.S. Route 113, street tree plantings would be a blessing and a handsome addition to the streetscape." Is that what was intended? From a highway design perspective, Route 113 is probably the least appropriate road in the area for street trees because they pose an increased risk to drivers who run off the road. The street trees suggested for Route 113 should be considered elsewhere. DelDOT is not generally opposed to landscaping in the right-of-way if arrangements can be made for the Town to maintain them. If the Town is interested in pursuing the matter of street trees or similar plantings, DelDOT's Municipal Liaison, Mr. Gary Laing, would be a good initial contact. Mr. Laing may be reached at (302) 760-2080.

Information is missing from Tables 27 and 28.

In the Potential Growth and Annexation Areas map, there is a Special Study Area designated. DelDOT now understands that this is where Integrity Associates proposes its development mentioned in a comment above. However, it was not so clear from the Plan.

On page 167, the Plan indicates that DelDOT has a Route 113 "Upgrading Project," and again on page 185 it refers to the "US 113 North/South Limited Highway Study." The

proper name for that project is the US 113 North/South Study. For clarity, DeIDOT recommends that that name be used in the Plan.

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

When reviewing municipal comprehensive plans, the Department looks for sections that address water and wastewater, conservation of natural resources, recreation and open space, drainage and stormwater management, and Total Maximum Daily Loads (TMDLs). The Ellendale Comprehensive Plan appears to address these issues, some more extensively than others.

With regards to proposed future annexation areas, the Department hopes that the Town would consider “master planning” for these areas. There are numerous advantages and benefits to addressing issues like water and wastewater, stormwater management, open space and habitat, and recreation on a regional level.

General comments:

1. This draft plan is quite large, providing a tremendous amount of information for the Town. However, due to its breadth, it may be difficult for residents and elected officials from the Town to readily use the Comprehensive Plan in their day to day activities. There may be opportunities to reorganize sections so as to create an easy reference guide for the town.
2. Adding section or chapter headings to the header or footer would help the reader keep track of what section they were reading and its significance.
3. It might be helpful to have all the maps located together in an appendix.
4. There appears to be no continuity between the “priorities” of the comp plan, “priority actions”, “action items” and the “goals” for each section. It is confusing, and difficult to readily understand the goal and the action that should result from adoption of the Comp Plan. It is suggested that you carefully review each of these, and choose language that will be used consistently throughout the document.
5. The implementation section of the plan does not directly relate to the priority actions etc. as identified at the beginning of the plan. Again, the lack of continuity makes it difficult to easily understand the goals and subsequent projects that the Town should be undertaking.

Wetlands

The projected growth as proposed under the Ellendale Comprehensive Plan may be severely hampered by presence of wetlands over much of the anticipated annexation area(s). It should be noted that certain wetlands are regulated under Section 404 provisions of the Federal Clean Water Act which expressly prohibit construction/filling activities in those areas deemed to contain wetlands or wetland associated hydric soils. Compliance with said regulations will require an Army Corps of Engineers (ACOE) approved wetlands delineation(s) in most, if not all, of the proposed annexation areas.

Buffers

DNREC would like to stress the importance of the Town requiring a 100-foot minimum width buffer from all wetland and/or waterbodies as a 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 also strongly encouraged. The Town is further encouraged to implement efforts to restrict the removal of trees in upland forests as impacts from their removal often extend to adjacent wetlands and waterbodies. DNREC appreciates the Town's intent to adopt a buffer ordinance.

TMDLs

On page 169, the Plan refers to the federally required establishment of Total Maximum Daily Loads (TMDLs). A TMDL is the amount of pollution that a water body can assimilate and still achieve water quality standards. When TMDLs are promulgated, as they were for the Nanticoke in December 1998, they establish the maximum amount of pollution from point and nonpoint sources. The TMDLs that will impact the Town in the short term, address nitrogen and phosphorus reductions. TMDLs for nutrients will be promulgated for the Broadkill River and Cedar Creek and their tributaries by the end of 2006. Given that land use and water quality are strongly connected, Ellendale must develop in an environmentally sensitive manner in order to prevent the further degradation of these waters and to improve the quality of these waters.

In order to achieve the TMDLs, the Department is working with groups of citizens, Tributary Action Teams (TAT), in order to develop Pollution Control Strategies for achieving the pollution load limits. We encourage the Town and its residents to participate in these processes. The Nanticoke TAT has almost completed their PCS, but a Team is about to form for the Broadkill. The Department suggests that participation on the relevant TATs be included on in the section on Intergovernmental Coordination.

When reviewing the 305b Watershed Assessment report, the plan mentions moderate nutrient concerns for the Broadkill and Cedar Creek. You may want to elaborate on the

concerns. On the same page, the Plan refers to a “TMDL control strategy,” the proper term is “Pollution Control Strategy.”

The top of page 170 refers to elements of the TMDL. It should be stated that this TMDL is for the Nanticoke River. Also, the plan should probably discuss the timeline for the TMDL for the Delaware Bay/Broadkill River, since it is forthcoming. This page also inaccurately refers to elements of the control strategy. The Nanticoke River TMDL calls for reduction of nonpoint nitrogen loads by 50% and nonpoint source phosphorus loads by 50%. The percent reductions for the other Rivers have not yet been determined, but will be completed by the end of 2006. The remaining part of the list, if codified in ordinances and enforced will work to achieve pollutant reductions and would be beneficial for all of Ellendale. The Department encourages the Town to move forward with these activities. The elements of the Nanticoke Pollution Control Strategy should be finalized by the end of 2005.

On page 186 there is reference to EPA and DNREC approved Best Management Practices. Although DNREC and EPA recommend practices, we are unaware of formal approval processes.

One final concern is the reference to environmentally sensitive areas on page 168. The plan refers to a Map and then to categories of areas, but DNREC staff could not locate them.

DNREC looks forward to working with Ellendale in the development and implementation of Pollution Control Strategies to achieve the TMDLs.

Stormwater Management

Any land disturbing activity associated with new development, redevelopment, infill home construction, utility improvements and open space management within the Town of Ellendale and surrounding areas will require a Sediment and Stormwater Plan approval through Sussex Conservation District. It is recommended that the Town of Ellendale establish a relationship with Sussex Conservation District to provide notification that new land disturbing projects are proposed. In addition, the Town should not approve any building or grading permits until Sediment and Stormwater Plans are approved by Sussex Conservation District.

Given the large amount of hydric soils within the area of focus of this document, consideration should be given to an overall watershed study to determine drainage outlets and regional stormwater management options for new development.

Habitat

A review of DNREC’s database indicates that there are numerous records of state-rare or federally listed species (plants, animals and/or natural communities) within the Greater

Ellendale Area. This includes those areas in the map “Potential Growth and Annexation Areas” designated as Phase I, Phase II, and Study Area. Efforts should be made to avoid impacts to these species and their habitat. More detailed information can be obtained by contacting us directly. Please contact Karen Bennett, Program Manger, at Karen.Bennett@state.de.us, or call 653-2883.

Recreation

The Department recommends that the new zoning ordinance require 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

They appreciate the consideration of connecting greenways and look forward to discussing the possibility of making these connections. Trail systems with few access points often go unused and neglected. For trail design/construction specifications, contact Susan Moerschel at (302) 739-5285.

Specific comments (listed by page)

Pg 11: Priorities of the comprehensive plan

1. Numbering the priorities would make it easier to reference them.
2. The statement “enhance Ellendale’s natural relationships with the Ellendale swamp, state forests...”etc. is vague and its intent is not easily or immediately understood. Does this mean that Ellendale should create education programs or protect resources? If the intent is to protect natural resources, suggested wording would mirror that on page 21 “Protect natural resources and their connections to the Town through land use planning, town and county zoning and land conservation programs.”

Pg 14: Delaware Coastal Programs Staff acknowledgments

1. Please replace “Tricia Arendt, GIS Mapping” with “Tricia Arndt, Delaware Coastal Programs”
2. Please delete “project manager” from Susan Love.

Pg 21:

1. “Greenways” is not defined and it is unclear whether you are talking simply about the significant amount of connecting natural resources around Ellendale or about specific “greenway trails.” Perhaps this terminology could be changed to “natural

- resources,” habitat or the like to make the intent more easily understood by a wide audience.
2. The list of priority actions should be numbered for ease of reference.
 3. How are “priority actions” different from “action projects”? Should be explained in the text?

Pg 23:

1. Should the creation of a Town planning and zoning commission be mentioned as a priority action or project?
2. There is an emphasis on protecting natural resources in the region; however, it is unclear that there is any emphasis on the natural resources that are within the Town itself. Protection and enhancement of the natural features within the Town itself (and as development occurs in the future) should also be a priority. Protection and enhancements to wetlands, waterways and forests help maintain the small town feeling of Ellendale, while providing important benefits including flood attenuation, water quality, habitat etc.

Pg 26:

1. Under the heading “Ellendale is an important part of a land bridge...” The discussion of Plan recommendations should be removed, as no other sub-section here goes into that detail. It is also recommended that this section be combined somehow with the “cultural path” section, as they address some of the same cultural background.
2. The discussion of Ellendale within the Broadkill and Nanticoke should be expanded. You may wish to include generic information on the density of rare species in the region and/or the importance of wetlands and habitat. You may also wish to include a sentence which demonstrates its importance to Ellendale residents: wildlife watching, hunting, aesthetics etc.
3. The following sentence is unclear: “This implies growing interest in, and attention to, a variety of natural resources”

Pg 48: Ellendale’s Natural Resources

This section would be easier to comprehend and use as a decision making tool if it was reorganized into distinct sections. Suggestions include: Waterbodies, Wetlands, Trees and Forests, Drainage (or Floodplains and flooding etc.), Groundwater, soils, geology, etc.

1. The **waterbodies** section should contain descriptions (including their regional and ecological importance) of the streams and ditches which run through the Greater Ellendale area, particularly those targeted for annexation. Are there other waterbodies besides Sowbridge Branch and Cedar Creek that should be included? It should also discuss existing riparian buffers and stress the importance of management measures to preserve and expand buffers in order to protect the waterbodies. Do these streams ever flood? You may also consider including information about the TMDL status of these streams.
2. The **wetlands** section should describe the wetland areas found within the greater Ellendale region, including types, locations, ecological importance and development limitations. The DNREC map should be referenced in this section.
3. The DNREC forest maps should be referenced in a **Trees and Forests**. In addition to the information provided, it may be important to also discuss street trees as a resource.
4. No mention is made of **drainage issues** within the Town or surrounding area. Are there areas of frequent flooding which should be delineated in this Plan? Are there measures that the Town could take to minimize them?
5. The **Groundwater** section should provide background information and reference the recharge area maps, and also briefly outline that development within recharge areas may be limited to preserve the recharge potential.

Pg 51: Wetlands

Please change the description of the map to indicate that the data layer is the Statewide Wetland Mapping Project (SWMP) and that only Federal law protects the wetland types within Ellendale; although State law regulates stream disturbances.

Pg 119: “Environmental Protection, Key Issues”

It is unclear where this section came from and whether it is appropriately placed. A discussion of key issues for environmental protection, particularly in Ellendale, warrants more than a paragraph. In addition to non-point source pollution, air quality and open space, key issues include protection of drinking water supplies, groundwater recharge areas, adequate stream buffering capacity, wetland protection, flood attenuation etc. It may be more appropriate to incorporate this section with the descriptions of “Ellendale’s natural resources”

Pg 120: Zoning

On page 120, the development of an “environmentally sensitive overlay zone” is mentioned; however, it is not mentioned under the Recommendations section. An

Environmentally sensitive overlay area is **STONGLY ENCOURAGED** for Ellendale, and should include water body and wetland buffers (as mentioned on page 123), but also groundwater recharge areas, floodplains and other significant resources such as large forest tracts (particularly if they contain rare species) and potentially viewsheds.

Pg 140: Land Conservation

The large excerpt from TNC regarding the Ponder Tract is unnecessary. This section should outline the importance of preserved land, its significance to Ellendale and outline programs for land conservation, as the section on farmland protection program does.

Pg 149:

Street landscaping is mentioned a couple times within the recommendations here. Please mention that trees and shrubs native to Delaware should be planted when possible, as these species are usually hardier than exotic species and may be less of a maintenance burden in the long run. The Town may want to consider developing a street tree plan to plan for the installation and long term maintenance of street and community trees.

Pg 168: Environmentally Sensitive Areas

1. This section says that the “Plan will inventory these resources.” This has largely been completed, so this paragraph should be eliminated.
2. Where is the “Map 4” referenced in the text? The plan states that it outlines “four categories of environmentally sensitive areas” but does not go on to describe the environmentally sensitive areas. What are these areas? How have they been categorized? The map should include, at a minimum, Wetlands, Floodplains, Forest Resources, Buffers and Groundwater Recharge Areas. This section should set the stage for development of an overlay zone for environmental protection and should contain most of the inventory information that will comprise this zoning district.
3. The detailed discussion of TMDL watersheds in this section should probably be moved to the existing conditions section and discussed under Waterbodies or a similar sub-section.
4. There are no strategies or projects set forth under this section, and there certainly should be. Ideas would include the Overlay Zone, encouraging buffer maintenance or installation, protection of wetlands, etc.

Pg 186: Environmental Protection

Strategies for Environmental protection should be much more encompassing and detailed. This section currently deals only with wellhead protection, recharge and

drainage, but there are many other topics that should be included here as outlined above in the Environmentally Sensitive areas section. DNREC would be more than happy to provide specific recommendations for implementation strategies for any resource categories the Town would like to include within this section.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

The Ellendale Comprehensive Plans states that a central water system is being looked into as an enhancement of the Town. On page 95 Section 1.3.2 should be modified by deleting the word “2003” and add the words “current edition”. That way if any modifications are made to the Delaware State Fire Prevention Regulations (DSFPR) between the time the Comprehensive plan is approved and the time a water system is designed the designers will know to follow the most current edition of the DSFPR. A note under the Fire Flow Requirements should be added. The note should state “table information based on DSFPR Part II Chapter 6 (2003 edition)” or something along those lines.

Duane mentioned in the PLUS meeting that the Town shall have all plans approved by the DE State Fire Marshal's Office for any water systems that may be installed. If a Planning and Zoning Commission is developed he suggests that the Fire Marshal's Office in Georgetown be contacted so that the Commission knows what their office is responsible for and how the approval process works.

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, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

DDA noted that they reviewed the thorough and lengthy Ellendale Comprehensive Plan draft and are aware that the OSPC has drafted a lengthy response letter to the draft plan. While they stated that they we do not intend to repeat many of the comments which are being submitted by other agencies, there are a few items they believe to be germane to the future vitality of the town and the surrounding area. As the plan points out, the area surrounding Ellendale is rich with important natural resources and vital agricultural lands. The outward expansion of Ellendale as presented in the plan is more than a little over ambitious considering the importance of the surrounding area. However, of greater concern to DDA, is the presentation of such an ambitious growth plan given the lack of a regulatory or grey infrastructure to support such growth.

DDA strongly requests that Ellendale commit to developing the important regulatory frameworks as well as train the necessary personnel to administer that framework prior to initiation of growth plans.

DDA very strongly opposes any expansion of the Town borders west of US 113 and they encourage Ellendale to consider actively initiating a greenbelt preservation network surrounding their town comprised of both passive and active components and accessible to the town center by trails and sidewalks. There has been additional Delaware Agricultural Lands Preservation Foundation activity in this area since drafting of the proposed plan. Please show parcel numbers 2-30-19-13, 2-30-19-13.13, and 2-30-19-21 (The Cedar Branch District) as preserved within the state's ten year farm preservation program.

DFS:

Urban and Community Forestry Program is currently working with this town to expand and promote urban forestry at the project level. In addition, the town is working to become a member of Tree City USA. The DE Forest recognizes the need to work with the community in two key areas: one, the development of a Fire-wise Community Management Plan to address the concerns for wild land fire danger and two, the need to assist the community to promote alternative recreational and economic opportunities for the community. The DE Forest Service has been in contact with the firm developing this plan and looks forward to working with them and the community to implement this and other forestry related programs.

Public Service Commission - Contact: Andrea Maucher 739-4247

Should Ellendale install a central water system, it will need to apply to the Commission for a CPCN.

If not already completed, the County will need to notify the Commission of the areas to which it is providing wastewater services.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

Delaware Emergency Management Agency – Don Knox

As growth occurs through annexation of properties into Ellendale, be sure to consider the increased demands placed upon public safety (police, fire, and emergency medical service.)

Delaware State Housing Authority – Contact Karen Horton 739-4263

The draft plan is a very thorough and comprehensive blueprint for the Town's future. The housing needs are well documented and we support the corresponding goals and recommendations. Specifically, we support the following:

The plan contains a goal to view vacant land and buildings as opportunities for adaptive reuse to eliminate blight and improve community vitality. The recommendations outlined to make these areas vital and productive are good steps.

The plan also contains a goal of rehabilitating old residential areas and building new ones. There are a substantial number of recommendations in response to this goal. Given the housing challenges facing the community, it is important to use a variety of tools to ensure safe and decent housing for the community's residents. While all of the recommendations are needed, we note especially the following:

There are several recommendations for addressing substandard housing. Given that 39 percent of the Greater Ellendale Area is considered substandard, according to the U.S. Department of Housing and Urban Development, it is important that housing rehabilitation be a priority.

The recommendations include encouraging housing designs with roof pitches and eave dimensions consistent with Ellendale's traditional architectural styles. These are low-cost methods to encourage attractive housing without unnecessarily raising housing costs. Finally, there is a recommendation to build a well-designed retirement community close to the Town Center. The 2003 Statewide Housing Needs Assessment identified the elderly as the fastest growing segment of the County's population and that housing was needed for this population.

Overall, the town did a very good job developing this plan and DSHA looks forward to working with the Town in achieving its goals.

In conclusion, the Town prepared a thorough plan that shows a clear vision for the future of Ellendale. It includes strong strategies for implementing the plan. However, there are significant issues relating to sewer capacity and growth that needs to be addressed before the plan can move forward. You should contact Ann Marie Townshend to discuss scheduling a meeting between relevant agencies to begin addressing these issues.

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

CC: Merrell Mitchell, Mayor of Ellendale