STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

April 25, 2005

Ms. Sara Bynum-King
Town Manager
Town of Delmar
100 S. Pennsylvania Avenue
Delmar, DE 21875

RE: PLUS review – PLUS 2005-03-05; Town of Delmar Comprehensive Plan

Dear Ms. Bynum-King:

Thank you for meeting with State agency planners on March 30, 3005 to discuss the proposed Town of Delmar Comprehensive Plan.

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 following is a complete list of comments received by State agencies, beginning with general certification issues:

Certification Issues

The Annexation Plan text needs to be corrected and expanded in several places.
The map shows a very large annexation area, broken into 5 and 10-year areas. The plan should describe the areas and phasing as tied to future land use for the town. The annexation area should also be discussed in the context of the Strategies for State Policies and Spending. As shown, the area extends far beyond Investment Levels 1, 2 and 3, in conflict with the Strategies. The State cannot support such a large growth area, especially without justification of the need. Additionally, the outline at the beginning of the plan includes "Growth and Annexation" under the Land Use Plan, however annexation is placed in the implementation section.

The plan includes some description of desirable land uses adjacent to town borders, but lacks information about current conditions. For example, the land use map shows an

industrial area but could also describe what is currently there and current residential development surrounding the town.

Please indicate the proposed zoning for Forestland and Agricultural future land use designations. Within 18 months, zoning must be consistent with the future land use map, making it wise to avoid inconsistencies at this stage.

The discussion of DelDOT's Corridor Capacity Preservation Program on page 32 treats that program more as a document than as an ongoing program. Also, it is somewhat vague as to what the Program does and where it applies. DelDOT recommends that the person preparing the Plan contact the DelDOT manager for the Program, Mr. Charles Altevogt, to obtain a better understanding of it and then revise this section. Mr. Altevogt may be reached at (302) 760-2124.

The water section should state how much capacity remains. The wastewater section states that about 5,000 new residents could be served. It would be helpful to know how many EDUs can be supported with current water and wastewater infrastructure.

The Intergovernmental Coordination section should offer expanded descriptions of intergovernmental relationships. Specifically, it would be helpful for the reader to understand more about how Delmar's two towns and two states work together and interact. The plan addresses intergovernmental coordination in the context of Wicomico County and Maryland, but excludes Sussex County and Delaware. A strategy for coordination with Delaware governments should be added.

The plan mentions the Strategies for State Policies and Spending and includes a map, and should include a discussion of the Strategies in the context of the town's growth plans. There should also be an analysis of the Sussex County Comprehensive plan as it relates to Delmar.

In reviewing the future land use map along with the zoning map, it appears some rezoning will need to take place. The text should address this.

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

The plan should include a section which describes the public participation process used to develop the plan and a summary of the results. If developed, a vision statement could be contained in this section.

The number of approved housing units pending construction should be added to the current draft, along with a description of other units in various stages of the approval process.

The Housing section includes a discussion of affordable housing needs and some information about the existence of substandard housing in town. This section should be

expanded to include analysis of affordable housing needs and the number and type of housing units required to accommodate the existing and future population.

A description of annexation procedures set forth in the Town charter would be helpful in avoiding confusion when annexation petitions arise.

The plan outlines the town's desire to preserve and enhance the central business district and should also include specific goals and objectives. It is notable that the future land use map shows significant commercial growth in the annexation area, a type of growth that might hinder revitalization of the central business district.

The plan is an opportunity to describe what is unique about Delmar and how the town proposes to preserve and enhance its character. Delmar history and the interesting situations that arise from straddling two states are described, but there is not much about what draws people to Delmar as opposed to Salisbury or Laurel.

The Land Use Plan is to include policies, statements, goals, planning components and a map which serve to define the proposed land uses for all areas within the municipality's jurisdiction. This section needs work in the following areas:

- As discussed at the PLUS meeting, light-industrial zoned land is shown in error as single-family residential in the future land use map.
- Industrial land shown adjacent to residential land along Old Race Track Road (in the northwestern most portion of the 10-year planning area) contradicts goals and objectives outlined in the land use section.
- The future land use map shows significant commercial use on the west side of Route13, along with a lot of residential and multi-family uses on the east side. Commercial services to support residential development should be located proximate to the residential development. The town should consider application of mixed use or TND zones in this instance.
- What zoning categories would be appropriate for different future land use classifications? The darker yellow is labeled "multi-family." Medium to high-density residential might give the town more flexibility here.

The comprehensive plan presents an opportunity to discuss future school needs.
The education section uses 1996 enrollment numbers for the elementary school. These should be updated and text added to address overcrowding if it still exists.

Much of the implementation plan seems specific to the Maryland side; some actions should be added for the Delaware Council. Also, the implementation section should include a summary of recommendations.

Finally, please make the following editorial corrections:

- On page 6, the bullet point for sensitive areas should note that environmental protection requirements in Delaware law are addressed.
- On page 14, the first paragraph comparison between the 1990 population and the 1994 estimate should be changed to reflect the actual 2000 census number.
- On page 14, the population projections for Maryland and Delaware are reversed (1,745 should be the Delaware projection, and 2,156 should be the Maryland projection).
- On page 16, insert the word "traffic" after the word "truck" on the third line of the third paragraph.
- Page 24 refers to a 1995 land use survey and to maps 1 and 1a. Based on table 12, this survey appears to be updated. The text should reflect this. Also, the map numbers do not correspond with the map set provided.
- On page 27, the "Low Density" portion of the plan recommends that low density development should be located adjacent to town. Does the town really want low density development without water and wastewater infrastructure adjacent to its borders? The plan recommends against residential development on the west side; however the future land use map shows residential use adjacent to the railroad tracks and to future industrial use on the west side of town.
- On page 29, the "Industrial Land Use" objectives refer to buffering industrial uses from residential uses. As presented, the future land use map does not support this, as residential uses are shown adjacent to industrial.
- Since light and heavy industry uses are distinctly described in the text, we recommend that the map differentiate between them in terms of identifying the more appropriate location for each.
- On page 38, the reference to maps 4 and 4a should be included in the map set.
- On page 55, please clarify the reference "(Please see Playfield below)" in the last sentence of the "Playground" section.
- On page 71, please add that Delaware law requires that zoning changes be implemented within 18 months to make the zoning consistent with the plan's future land use.
- On page 72, the "Coordination" section should address coordination with Sussex County, the State of Delaware, and the Sussex County Association of Towns.
- On page 72, the first sentence of the second paragraph of the "Planning Commission" section should refer to Chapter 7 not Chapter 3. Also, the last sentence states that the plan update is in accordance with the 1992 Maryland Planning Act. This paragraph should state that the plan update is to meet Delaware's requirements.
- Maps should be numbered and referenced in the text.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

The plan includes a history of the town. One of the main goals under Land Use is the preservation of historic sites, open space, and natural features to achieve a sense of continuity and grace. There is a section on historic features, which includes a discussion

of the benefits of historic preservation and recommends the development of an active historic preservation program and a local inventory of historic properties. This would be very beneficial to the town and to SHPO, as Delmar's historic buildings have never been surveyed. The authors should mention Delmar's one National Register property, the Highball Signal, located in Railroad Park. Historic overlay zoning is mentioned on the Maryland side, and we recommend that it added for the Delaware side of town. The plan should recognize that a feasibility study has been completed for the downtown core (Becker/Morgan Architects, Feasibility Study Downtown Delmar: North Pennsylvania Avenue, Delmar, Delaware-Maryland. 1993) and provide some direction for the revitalization recommended for this area. The plan encourages adaptive re-use, establishment of local historic districts, supporting of owners, and review of development proposals for cemeteries and burials as well as historic buildings. These are all great approaches that will help with their overall goal.

The recommendations and preservation issues should be related to the Housing, Transportation, Development Design and Community Character, and other appropriate sections. Historic preservation has an important role to play in these efforts and integrating preservation issues can help the town can avoid inadvertent conflicts between recommendations. For instance, one housing goal says "Renew older and encourage new residential development." Some linkage here, perhaps by restating the goal as "Renew older and encourage new residential development in ways that preserve the historic and traditional character of the town," would clarify the intent. There is no forum provided for public discussion of preservation issues. As mentioned in the Development Design and Community Character, a logical forum would be a board designated to develop and apply design standards. Such a board could be the decision-making body regarding the protection and preservation of historic appearance and values.

The plan mentions the destructive nature of suburban zoning applied to the town center, and SHPO encourages the town to recommend a systematic review of Delmar's zoning code to relieve any damaging effects on historic preservation and the preservation of traditional commercial and residential areas.

Text should be added to identify what consideration would be given for historic properties on lands to be annexed into the town. Future annexations will be mainly rural agricultural properties with appearances and settings different than the traditional town character, requiring new approaches and standards.

SHPO agrees with the other members of the PLUS committee in recommending that Delmar present the plan for both the Maryland and Delaware sides in a single document, so that their objectives and approaches can be viewed as consistent across state lines.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

1) A table of contents and a table of maps, and numbering the maps and their pages, would make the Plan easier to read.

2) A section should be added on the public involvement process that the Town has undertaken with regard to the development of the Plan.
3) The Population Projections, on page 14, apply a Sussex county-wide growth rate of 24 percent per decade to the Delaware portion of the town. While the growth area is expanding, most of Sussex County's growth in recent decades has been east of US Route 113. Presumably this will continue. Therefore it is recommended that the Town look more closely at population change and consider assuming a rate that is specific to the western part of the county.
4) In the Transportation Objectives on pages 20 and 21, the fourth and last objectives are to "Achieve efficient use of energy in transportation," and to "Provide a balance of transportation facilities meeting the needs of Delmar." It is recommended that they be made more specific. As written, DelDOT does not know what they mean.
5) The text of the Plan is written to address the requirements of both Delaware and Maryland, but the maps provided address only the Delaware portion of the Town. DelDOT understands that maps showing both portions of the Town exist and will be included in the Plan.
6) On page 26, the third classification of residential land use is "Rural-agricultural areas consisting of farm and farm related dwellings and isolated industrial residential lots." What is an "industrial residential lot"?
7) The section on highway commercial land use on page 29 recommends clustering such uses. DelDOT supports that recommendation.
8) On page 33, in the description of the Local Transportation System, there is a statement, "DE 54, Route 13A and MD 675 are maintained by the states of Delaware and Maryland, respectively." Because there are three roads and two states, the word "respectively" is not helpful and could be confusing.
9) Again on page 33, in the description of the Local Transportation System, there is a statement, "The town streets are tar and chip construction." DelDOT understands that to be an error.
10) The last proposed policy listed on page 34 is that "All developments will have adequate access and circulation for public service vehicles but actual paved street sections should be as narrow as possible to maintain a human scale." DelDOT recognizes the need to maintain a streetscape that supports walking and interaction between people. However, they are concerned that the words "be as narrow as possible" may be overly restrictive.
11) In the discussion of Level of Service on pages 36 and 37, two definitions are given for each level, one for uninterrupted flow facilities, and one for signalized intersections. While there are uninterrupted flow facilities, such as rural portions of US Route 13 and Delaware Route 54 near the Town, there are none within or adjacent to the Town. For a facility to properly qualify as "uninterrupted," there should be a minimum of two miles between traffic signals or stop signs. Therefore it might be more useful to residents to replace those definitions with definitions for the minor movements at unsignalized intersections. If the Town does that, however, DelDOT would recommend that it not set a rigid standard for

those minor movements. Often there is no good solution to improving those levels of service.

12) In Table 13, recommended Street standards, several things concerned DelDOT:

a) In the design of the local streets, the right-of-way line would be the outside edge of the sidewalk. That leaves no room to work if repairs are necessary. Therefore it may be appropriate to add a requirement for a permanent easement beyond the sidewalk.
b) In the design of the minor collector streets, 42 feet of pavement and two 4-foot sidewalks are proposed in a 60-foot right-of-way. Presumably the pavement is to be centered in the right-of-way, but how should the sidewalk be placed in relation to the pavement?
c) In the design of the major collector streets, 42 feet of pavement, two 8-foot planting spaces and two 5-foot sidewalks are proposed in a 66-foot right-of-way. Those elements total 68 feet.
d) As a general comment, the design of the streets may be too wide. DelDOT's current standards specify a width of 26 feet for residential subdivision streets serving fewer than 50 houses and 36 feet for residential subdivision streets serving more than 50 houses, and they hear complaints of speeding on some of the 36-foot wide streets. The presence of on-street parking is a significant difference that may make the proposed widths appropriate, but where off-street parking is provided, DelDOT recommends that narrower widths be considered.
e) Under Other Features, the Town may want to consider a "build-to" line rather than a setback line in some areas to preserve a uniform streetscape.

13) In the discussion of Truck Routes on page 39, it is mentioned that a "new road would provide a collector road to open the area immediately north of Delmar to development." Generally, the purpose of a truck route is to draw truck traffic away from existing commercial or residential areas. For such a route to remain effective, it is important to manage access along it. While managing access can be part of opening an area for development, the phrase "open for development" would suggest unrestricted access if such restrictions are not mentioned. DelDOT recommends that the Plan discuss the need to manage access along any new truck routes.

14) In the discussion of Circulation on page 39, and on subsequent pages, there are references to "DE Route 502". It would be more appropriate to refer to that road as Sussex Road 502 or Old Racetrack Road. Because DelDOT maintains maintain most of the roads in the state, DelDOT maintains two numbering systems. One is essentially an inventory system, in which each road is assigned a number that is unique within the county where it is located. The other is a system of signed routes, intended to simplify traveling. The route designations can cross

county lines and can follow several different roads over their course. For example, Delaware Route 54 currently follows Sussex Roads 513, 76, 419, 26, 60, 377, 376, and 58.

15) On page 42, there is a brief discussion of the need to require bicycle facilities. The recommendation there is good but DelDOT found no mention of an overall bicycle plan for the Town. It is recommended that either a bicycle plan be developed as an element of this Plan or that the Plan recommend the development of one.

16) Chapter 8, Comprehensive Plan Implementation, recommends many desirable things that should be done for a variety of reasons. However, it is not what DelDOT thinks of as a chapter on Implementation. The Plan should have a section at its end in which the action items from the various chapters are summarized and a plan is set forth for achieving them. For example, some of the action items following from Chapter 4, Transportation, might be:

a) Develop a Capital Improvements Program for Town streets.
b) Develop and implement a concurrency ordinance to require that new developments provide sufficient road improvements to achieve or maintain level of service D or better (E or better in the central business district) at nearby signalized intersections.
c) Develop and implement an official functional classification map.
d) Establish standards for new street construction.
e) Develop and implement channelization standards pertaining to cul-de-sacs and intersections.
f) Work with the Delaware and Maryland Departments of Transportation to include truck by-passes in their Capital Improvement Programs.

17) In the Annexation section on page 74, an itemized set of objectives is presented to establish guidelines for future annexation efforts. DelDOT supports those objectives.

<u>The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091</u>

Wetlands

It is strongly recommended that the plan contain language restricting lot line placement within delineated wetlands and that a section on wetlands regulatory jurisdiction be added to the plan. DNREC suggests the following language:

> "Regulatory protection of wetlands is mandated under Federal 404 provisions of the Federal Clean Water Act. Tidal wetlands are accorded additional regulatory protection under Title 7 Chapter 66 provisions of the <u>Delaware Code</u>. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or DNREC approval."

Total Maximum Daily Loads (TMDLs)

As land use and water quality are strongly connected, development in and around Delmar should be conducted with respect to environmental sustainability. Protection of the environment is tied to the achievement of Federal TMDL nutrient reduction and the pollution control strategies to achieve these reductions and all levels of government are involved in achieving these reductions. As Delmar falls within the Broad Creek and the Wicomico subwatersheds, the Delaware Department of Natural Resources (DNREC) or the Maryland Department of the Environment (MDE) will have jurisdictional authority for nutrient reductions. Therefore the following text is recommended for this section:

> "With the adoption of Total Maximum Daily Loads (TMDLs) as a mitigation strategy for reducing nutrients in the Broad Creek and Wicomico subwatersheds, reduction of nitrogen and phosphorus loading from all land use activities within the town of Delmar 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 necessary to support uses 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 for the Broad Creek subwatershed will fall under the auspices of Section 11.5 of the DE Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as 'pollution control strategies.' In contrast, the jurisdictional authority for attaining the use goals for the Wicomico subwatershed will fall under MD Water Quality Standards, and will be achieved similarly through a pollution control strategy."
>
> "Nutrient reductions prescribed under TMDLs are assigned to those watersheds or sub watersheds on the basis of recognized water quality impairments. In the Broad Creek subwatershed the primary source of water quality impairment is associated with nutrient runoff from agricultural and/or residential development. In order to mitigate the aforementioned impairments, TMDL reduction levels of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Any proposed development within the Broad Creek subwatershed must demonstrate (via scientifically-defensible nutrient budget calculations) that said development will reduce nutrients to the level specified by the individual or collective TMDLs. In the Wicomico subwatershed, nutrient reductions must be reduced by 63 and 16 percent for nitrogen and phosphorus, respectively. Contact the MD Department of the Environment for specific methodologies necessary to achieve these reductions."

Buffers

In Chapter 5, page 45, DNREC recommends that a 100-foot buffer should be the minimum distance from intermittent/ perennial streams and wetlands, not just perennial streams. Buffers are an integral Best Management Practice (BMP) for achieving nutrient reductions prescribed under the TMDL mandate, therefore specific recommendations for implementation should be incorporated into the plan. The proposed regulations (likely to be adopted) under the Greater Chesapeake Bay watershed pollution control strategy require a 100-foot minimum buffer width from all wetlands and water bodies. It is strongly recommended that the town incorporate similar buffer guidelines in the comprehensive plan. It is hoped that a united coordinated effort will help protect the environment while minimizing potential future interpretive disagreements.

Water Supply and Source Water Protection Areas

Because the Delmar population falls below 2,000, recommendations made concerning source water protection can be implemented on a voluntary basis.

The delineated wellhead protection area for the Town of Delmar covers a large area of the municipal boundary. This delineation was completed for two supply wells that served the town in September, 2002. The wellhead area for the third well will be provided by DNREC Water Supply Source Water Protection. These wellhead areas should be included in the comprehensive planning process as required by 7 Del. C. Chapter 6082.

Excellent recharge areas have been delineated for all of Delaware and are classified as critical areas; there is no excellent recharge area currently located within Delmar's town boundary. However, the 5 and 10-year planning area maps include an area to the northeast of town that is an excellent recharge area.

An ordinance that specifically addresses all critical areas (wellhead protection and excellent recharge areas) should be adopted now. Annexed critical areas will be protected through town ordinance. The current Wellhead Protection Ordinance for the Town of Delmar, RESOLUTION #1997-5: Wellhead Protection Delineation Area, has only adopted the wellhead protection area as a critical area.

DNREC recommends including Critical Areas (wellhead protection areas and excellent recharge areas) in the list of sensitive areas on page 21. Excellent recharge areas will be part of the town when annexation contemplated in the 5 and 10 year plans occurs.

On page 29, the railroad in town is the Norfolk Southern Railroad, which overlaps the delineated wellhead protection. Rail activity or accidents can negatively impact the critical wellhead area.

On page 44, the first sentence should remove any reference to surface water as a supply for drinking water as the town does not use any surface water for drinking water supply.

Steps to design a wellhead protection program that suits the needs of Delmar can be added to page 44 as follows:

> *Step "2" Delineate Wellhead Protection Areas*
> DNREC has delineated the wellhead protection area around 2 wells that serve the Town of Delmar in the Source Water Assessment. The Town of Delmar was provided with 3 copies of this plan in September 2002. A wellhead protection area for the third well that served the Town of Delmar will be provided by DNREC Water Supply Source Water Protection.
>
> *Step "3" Inventory Contaminants*
> The Source Water Assessment for the Town of Delmar includes the contaminant inventory for 2 wells utilized in 2002. The contaminant inventory for the third well that serves the Town of Delmar will be provided by DNREC Water Supply, Source Water Protection.
>
> *Step"4" Manage Wellhead Protection Area*
> Some of the recommendations that are made here are supplemented and detailed in the Source Water Protection Guidance Manual for the Local Governments of Delaware "A Toolbox for the Protection of Public Drinking Water Supplies in Delaware" that is due for release in final form in April/May 2005 from DNREC.

Rare Species

DNREC has records of Mud Salamander (*Psedotriton montanus*), a state rare amphibian, from a parcel that is to be changed to industrial zoning. This parcel is located just west of Bi-State Boulevard (tax map parcel #5-32-13.00-8.02). According to aerial photographs this parcel is comprised of palustrine forest and pine plantation. The occurrence of this rare species was noted more than 10 years ago and should be reconfirmed to ensure no impacts if this parcel is developed. Please contact the Delaware Natural Heritage and Endangered Species Program zoologist, Kitt Heckscher at (302) 653-2880 to arrange a site visit.

Forest Protection

An estimated 5,000 acres of forest have been lost in Delaware since 1990, leading to a corresponding cumulative loss of forest-dependent species (Environmental Law Institute. 1999. Protecting Delaware's Natural Heritage: Tools for Biodiversity Conservation. ISBN#1-58576-000-5). This is partially attributed to a lack of laws and policies for protecting wooded tracts. The forest on parcels to be annexed should be considered for permanent protection, especially if the parcel is part of a larger forest block. Larger connected areas of forest are more beneficial to wildlife than narrow buffer strips or small disconnected areas of forest.

Recreation

In addition to the statement under Bicycle Facilities on Page 42, it is suggested that a bike plan be recommended in this section. For clarification, the term Semi-Public Recreation Areas should be defined. Table 14 should identify these parks from the Public Recreation Areas. On Page 54, under Play lots, tot lot structures are designed for 2 to 5 year olds (not 7 year olds). It is important that play structures intended for preschoolers (ages 2 through 5) remain separate from play structures intended for 5 to 12 year olds.

On Page 54, under Performance Standards, please define open space. The last sentence of the first paragraph implies that the land (at least 20% of a new development) is "protected for recreational pursuits". If the intent of an open space ordinance is for recreational pursuits, then infrastructure like storm water management ponds and community septic fields should be excluded from the 20%. It is recommended that they be excluded.

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

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office:

The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the Town of Delmar Planning Commission. The Commission will issue final approvals on commercial and residential subdivisions. The State Fire Marshal's Office will issue approvals much like DelDOT, the Sussex Conservation District, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

Dead-end streets over 300 feet in length shall meet the minimum requirements set forth in the Delaware State Fire Prevention Regulations. Cul-de-sacs shall be a minimum 38-feet paved radius with no parking on the cul-de-sac.

Fire department access and fire lane layout shall be provided in accordance with Delaware State Fire Prevention Regulations

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

The Delaware Forest Service (DFS) commends the Town of Delmar for their efforts to develop a Comprehensive Plan for their community. The DFS is concerned that the plan

as written does not support revitalizing the downtown district, but rather promotes fragmentation and discourages new growth. It is also noted that the proposed annexation area encompasses or borders lands identified by the DFS as high value for protection and preservation. The DFS encourages the community to work with our office to identify alternatives to these aspects of the plan. Finally, the DFS offers its services to identify opportunities to realize economic benefit through urban and community forestry activities.

The proposed annexation area is too large and lacks supporting justification. The Department of Agriculture favors managed growth and supports long-term municipal viability, however the very large 5 and 10-year annexation areas shown in the plan do not concur with reasonably anticipated population growth. The 5-year area taken alone is too large. Finally, if the anticipated growth of the town differs between the states, the proposed annexation area will need to be reviewed on those terms.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact Malak Michael at (302) 739-4247.

The town must notify the Commission when a property is annexed. The town may provide water services without annexation, or prior to annexation, but must apply to the Commission for a CPCN. Under the current statute, a private water utility can be granted a CPCN to provide water service to parcels within the areas designated as the "5 Year Planning Area" and the "10 Year Planning Area." The town must notify the Commission of any expansion of its wastewater service territory. Contact Andrea Maucher at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

Overall, while there is considerable information provided, the housing element of the plan should be expanded. The goals and objectives are repetitive and make the town's intent for housing difficult to understand. One specific comment on page 27, last sentence, reads that Wicomico and Sussex Counties develop a joint policy to prohibit apartment development and manufactured housing without public sewer and water or annexation. It is understandable that Delmar does not support development that is not connected to public sewer or water in the immediate area. However, the prohibition should be for all residential uses, not just apartments and manufactured housing. Finally, DSHA housing programs are attached for inclusion into the plan.

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

The Delmar Comprehensive Plan expresses the need to control floodplain development to protect persons and property from danger and destruction, and to preserve the biological values and environmental quality of its watersheds. It is also crucial for the Town of

Delmar to address public safety issues such as adequate police, fire, and medical coverage as additional properties are annexed for development.

Department of Education – Contact: Nick Vacirca 739-4658

School sites should be considered as a conditional use in all zoning areas.

Delaware Economic Development Office - Contact: Dorrie Moore 439-4271

The Delaware Economic Development Office (DEDO) recommends that light industrial versus heavy industrial areas be identified in the plan. DEDO has concerns regarding the proposed industrial uses planned for Level 3 and Level 4 areas, where agricultural and forestland would be lost. DEDO would like to work with town officials, the OSPC and other agencies to refine the Comprehensive Plan.

Sussex County – Contact: Richard Kautz 855-7878

Technical Comments

1. On page 14, the paragraph at the top of the page seems out of date in referring to 1990, not 2000 or later.
2. There are two maps at the end of the text file that are totally out of context and reference.
3. A Table of Contents and Executive Summary should be added.

Planning Comments

1. The town "Planning Area" to the east in Delaware (Robin Hood Drive, Rt 453) is significantly smaller than the "Town Growth Area" in Maryland (Pepperbox Road, Rt 66). Why are there two different eastern boundaries? The larger area in Maryland will create pressure to extend urban development into the rural area of Sussex County, in conflict with the current County Plan.
2. The plan does not quantify the projected growth in the Future Land Use section. There appears to be a significantly larger area of future land use (e.g. Multi-family) within the 5 and 10 Year Planning Areas than is included in the text (e.g. 635 person increase by 2010).
3. The Town should make every effort to avoid and eliminate enclaves when annexing.

Sussex County Engineer Comments

1. None of the proposed expansion area boundaries are within a proposed County Sanitary Sewer or Water District.

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

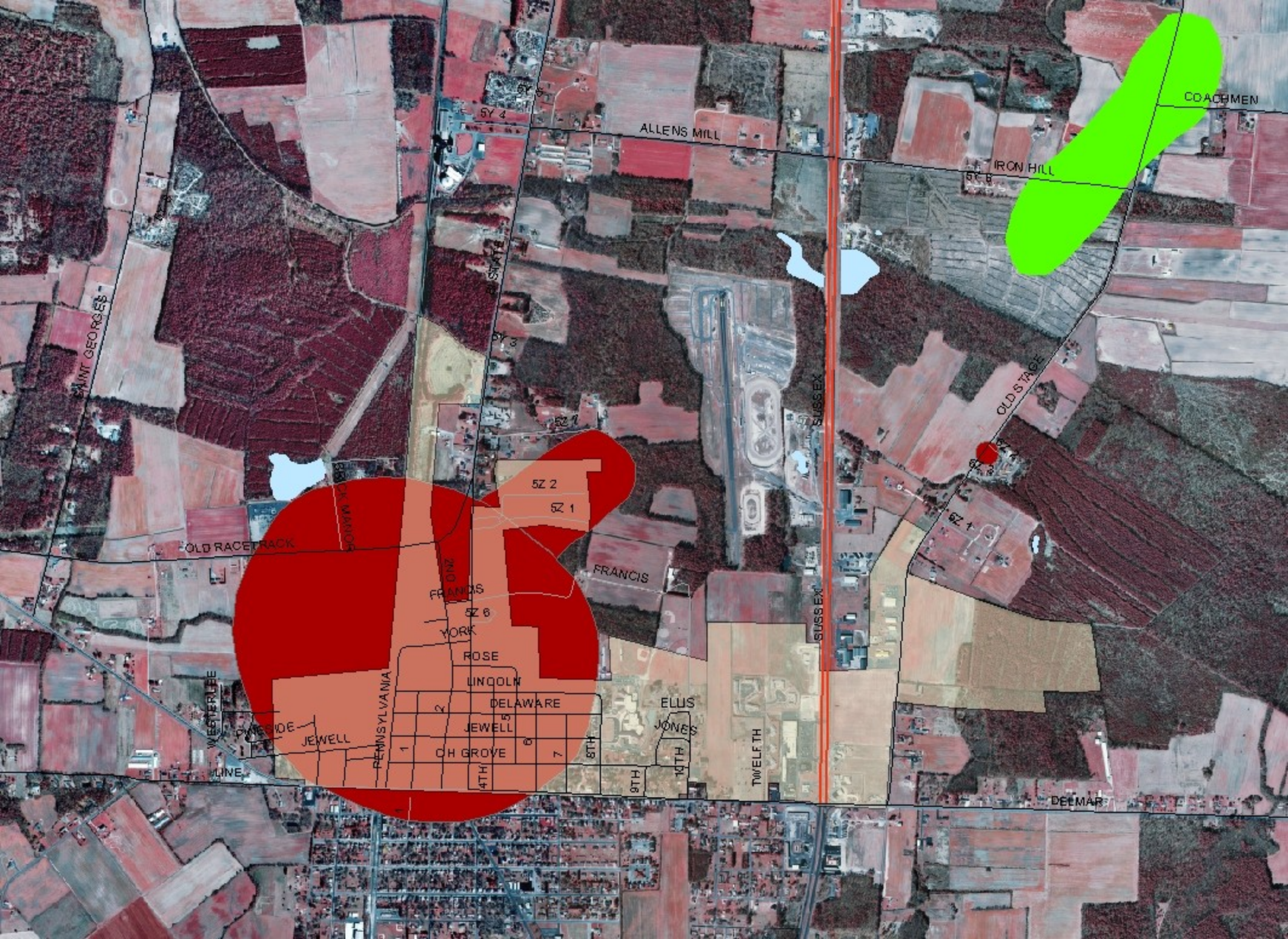
the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director

CC: Davis, Bowen & Friedel


COACHMEN
ALLENS MILL
IRON HILL
5Y 4
5Y 3
5Z 2
5Z 1
5Z 6
SAINT GEORGES
OLD STAGE
SUSSEX
OLD RACETRACK
FRANCIS
YORK
ROSE
LINCOLN
DELAWARE
JEWELL
CH GROVE
PENNSYLVANIA
WESTERLEE
PINESIDE
LINE
ELLIS
JONES
TWELFTH
DELMAR