



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

July 13, 2005

Mayor David Raughley  
Town of Townsend  
661 South Street  
Townsend, DE

RE: PLUS 2005-06-21, Townsend Comprehensive Plan Amendment

Dear Mayor Raughley,

Thank you for meeting with State agency planners on June 29, 2005 to discuss the draft Town of Townsend Comprehensive Plan Amendment.

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 Herb Inden 739-3090**

We want to commend the Town for continuing its efforts to implement its comprehensive plan. This plan amendment is primarily for adding potential annexation areas to the town. These areas seem like logical areas to be included in the town and this office has no problem with the amendment as proposed.

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

SHPO has no objections to the annexations proposed in these amendments. There are no known historic properties on any of the parcels to be annexed. Most of them have a medium potential for prehistoric-period archaeological sites.

Besides the National Register-listed Townsend Historic District (N-10297), there are a number of historic buildings and one archaeological site within the current boundaries of the Town. Wiggins Mill (N-102) is of particular concern. As the Town considers annexation and development in the future, consideration should be given to protecting historic properties and archaeological sites. Robin Bodo, National Register Coordinator,

can be reached at (302) 739-5685 to discuss this in greater detail.

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

The Town of Townsend seeks to amend its 2003 Comprehensive Plan in several ways: to add 70 additional parcels for potential future annexation, to update the phasing plan for Town development, to identify future areas of concern, and to update the *Strategies for State Policies and Spending* map. There is a statement at the end of the Introduction that “This amendment supersedes the relevant policies described in the Comprehensive Plan certified in February of 2003.” It is understood that the policies being superseded are those regarding what areas are appropriate for annexation. Text be added to make that clear.

**The Department of Natural Resources and Environmental Control –  
Contact Kevin Coyle 739-9017**

**Wetlands**

Annexation parcels are located at the watershed divide for the Appoquinimink and Blackbird Creek where soils at these divides are usually poorly drained. Army Corps of Engineers (ACOE)-approved wetlands delineations should be conducted before annexation of any of these parcels. It appears that some of the forested acreage may contain jurisdictional wetlands and may not be suitable for development.

**TMDLs**

Adoption of Total Maximum Daily Loads (TMDLs) as a nutrient-runoff-mitigation strategy for the Appoquinimink watershed makes reduction of nitrogen and phosphorus loading mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support these desired use goals. The jurisdictional authority falls under Section 11.5 of the Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

Nutrient reductions are assigned on the basis of water quality concerns. Regions of greatest environmental concern will require higher levels of nutrient reduction than those deemed less environmentally sensitive. In the Appoquinimink watershed, the primary source of water quality impairment is associated with nutrient runoff from both urban and agricultural sources. In order to mitigate these impairments, a TMDL reduction level of 60 percent will be required for both nitrogen and phosphorus. Reductions in the nitrogen and phosphorus loads to the river will be achieved by implementing best management practices (BMPs) within the watershed whenever the opportunity arises; consequently,

everyone within the Appoquinimink Watershed should determine if any nutrient reduction can be achieved on their project, no matter how small.

### **Water Resource Protection Areas**

According to State law, county and municipal governments are required to enact ordinances to protect Water Resource Protection Areas. The text below has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While local ordinances are not yet in place, the developer may find this wording useful in modifying the site plan to protect the wellhead protection area.

“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.”

Applicants commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. DNREC recommends the following measures, 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 WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

DNREC evaluated 22 annexation area parcels to determine potential impacts on wellhead or excellent recharge areas. These areas are critical areas for source water protection. Until annexation occurs, the parcels are located in New Castle County and are subject to the regulations of the NCC Unified Development Code. After annexation they will be subject to Town ordinances that protect Critical Areas (excellent recharge, wellhead protection), similar to the County’s UDC. DNREC applauds the efforts of the Town in taking an active role in protecting Excellent Recharge and Wellhead Protection areas.

## **Map 7, Future Land Use**

**Part A:** State wetland maps show that portions of this parcel contain forested wetlands. The forested area is part of a large mature forest block that provides important habitat for a variety of species and water quality and quantity benefits for the surrounding region. This parcel should only be annexed with the explicit understanding that impacts to forested areas should be minimized and that the entire parcel is not suitable for development, regardless of its zoning or State Strategy level. It is unclear why the Town would provide sewer for only the commercial portion of the property. Would it provide sewer were a residential structure to be constructed?

**Part E:** This site is entirely forested. State wetland maps show that forested wetlands are present in the middle and northern portions of the parcel. During the re-subdivision process, the Town should ensure that wetlands surveys are conducted and encourage preservation of existing trees to the extent possible

### **State Fire Marshal's Office – Contact: John Rossiter 739-4394**

The Delaware State Fire Marshal's Office has no objections to the amendments to the Comprehensive Plan. Site plan approval is required from the DE State Fire Marshal's Office prior to any recordation and or construction.

- Refer to DE State Fire Prevention Regulations (Part II Section 6-4 Water Distribution) in defining where water is "available".
- Area #8 if re-designed would require submittal and approval.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from : [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

### **Department of Agriculture - Contact Milton Melendez 739-4811**

The Delaware Department of Agriculture has no objections to the Town of Townsend Comprehensive Plan Amendment.

### **Delaware State Housing Authority – Contact Jimmy Atkins 739-4263**

The Town of Townsend Comprehensive Plan Amendment identifies annexation areas that are in conformance with the *Strategies for State Policies and Spending* and the New Castle County Comprehensive Development Plan. Because the Town's population is less than 2,000, HB 396 is not applicable. As the Town plans for future growth and development, the need for diverse and affordable housing types should be addressed. DSHA encourages the Town to zone annexed land at a higher overall density in order to accomplish this objective.

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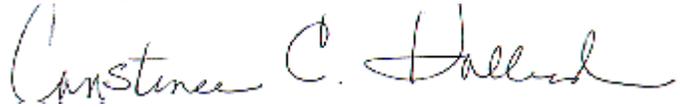
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**Department of Education – Contact Nick Vacirca 739-4658**

The Department of Education has noted that school sites should be considered as conditional use in all zoning areas.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP  
Director

CC: New Castle County