



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET  
STATE PLANNING COORDINATION

September 18, 2006

Martha Wilkinson  
Chair, Leipsic Planning Commission  
207 Main Street  
Leipsic, DE 19901

RE: PLUS review – PLUS 2006-08-01; Town of Leipsic Comprehensive Plan

Dear Ms. Wilkinson:

Thank you for meeting with State agency planners on August 23, 2006 to discuss the proposed Town of Leipsic 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 are a complete list of comments received by State agencies:

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

*Certification Comments:* These comments must be addressed in order for our office to consider the plan amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

- Our office finds that the plan, as drafted, complies with the minimum requirements of Title 22, § 702 of the Del. Code.

***Recommendations:*** Our office strongly recommends that the Town consider these recommendations as you revise your plan. These recommendations are intended to enhance or improve the plan, and assist in plan implementation.

- The Plan includes a detailed chapter on environmental features. This chapter does not contain any implementation recommendations. It is recommended that the plan be revised to include implementation recommendations that will provide strategies the town can use to protect natural resources. These recommendations can and should guide the development of the Town's land use and zoning ordinances regarding natural resource protection.
- It is recommended that the wastewater section be upgraded to more clearly describe the sewer project that provided sewer service to the Town, and the ongoing relationship with Kent County. Please detail any agreements or understandings regarding remaining capacity in the system for future development in the town.
- The remainder of the PLUS comments in this letter from the agencies can be considered recommendations.

**Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

The Leipsic draft comprehensive plan clearly identifies the community as having historic assets but doesn't indicate how to achieve the desired outcomes and recommendations. The summary of key findings identifies the following preservation-friendly observation: The majority of citizens feel historic homes should be maintained and preserved, rather than torn down and replaced with newer structures. Preservation-favorable plan recommendations include to "Protect the town's historic character" and to pursue economic development that enhances community character. The plan indicates DEDO is a potential partner for the town, but the Division of Historical and Cultural Affairs can provide assistance too.

The town is looking to implement land use zoning. This could be a time to look at historic overlay zoning or some sort of protection for historic properties in the town as part of that effort. This could help the town provide a mechanism to review rehabilitation, new construction, moving buildings, and demolition for compatibility with the town's historic character. If some sort of protective ordinance is implemented we can then talk about Certified Local Government status and preservation planning assistance from the State Historic Preservation Office.

If this is too much bureaucracy for the town, it could support the establishment of historic zoning type protections at the county level. Kent County has a preservation ordinance on the books but it has not yet been implemented. Leipsic could formally support implementing this legislation to help them achieve their comprehensive plan goals.

As an initial step, the town could look at putting the historic core of the community on the National Register of Historic Places, implementing the determination of eligibility cited in the plan. Other individual listings may be appropriate as well. The town hall, formerly Leipsic School #11, is in the process of being researched to prepare the documentation for listing in the National Register. The National Register is a program that offers a standard format for documenting historic properties to identify where the important historic collections are, why they are important, and to allow owners of the important properties to take advantage of incentives available for listed historic properties. State and Federal income tax incentives are available to help support the appropriate rehabilitation of National Register-listed properties. While the Federal credit is only for income-producing property, the state credit is available to homeowners. For more information about these and other programs, contact the State Historic Preservation Office in the Division of Historical and Cultural Affairs at 302-736-7400.

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

- 1) In Section 1-5a, Community Vision, a footnote provides a local definition for the term “waterman.” That definition “refers to persons who make a living in and around the water” and then lists several examples that involve water-based tourism or recreation. In our experience, the term “waterman” more commonly refers to persons engaged in commercial trapping or small-scale commercial fishing. We suggest that the definition be revisited.
- 2) The Community Vision (Section 1-5a) reads in part that the Town “will maintain its ‘waterman’ based lifestyle” but Figure 6 in the Economic Profile (Section 2-2f) suggests that no more than three waterman live in the Town. Is the Economic Profile correct in this regard? If not, that should be addressed in the text.

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071**

**Total Maximum Daily Loads (TMDLs)**

A Leipsic River Watershed Total Maximum Daily Load is proposed for approval in December 2006 that is intended to improve dissolved oxygen and reduce Nitrogen and Phosphorus by 40% and Bacteria by 75%.

To ensure consistency with State recommendations and help ensure the attainment of imminent TMDL nutrient reduction requirements for nitrogen and phosphorus, a buffer width of at least 100-foot (planted in native vegetation) is the recommended minimum buffer width from wetlands/water bodies and all recorded lot-line boundaries. Studies have shown a 100-foot buffer is the minimum width necessary for maintaining water and habitat quality. It is further recommended that the Town adopt an ordinance requiring the implementation of “green-technology” stormwater management practices in lieu of outdated “open-water” stormwater management.

**Recommendation:** Implement ordinances requiring Best Management Practices (BMPs) such as 100-foot buffers and green-technology stormwater management structures.

### **Source Water Protection**

The Plan noted an area of good recharge potential and recommended some level of protection. It is recommended that the Town consider some limit on impervious cover as a means of protection. As with areas of excellent recharge, the Town could consider limiting new development on a site to 20% impervious cover and a requirement to augment recharge via an appropriate technique to maintain pre-development recharge quantities. Since the town relies on individual domestic wells, this measure would afford them some level of protection.

### **Water Supply**

The Town is not currently served by a public water supply. Each resident has their own domestic well. The projected population growth of only 53 people by the year 2030 does not warrant a new water supply system. The aquifers in the Leipsic area (currently, the Frederica, Cheswold and Piney Point) have adequate capacity to supply 53 new residents. The Cheswold and Piney Point aquifers are confined and are not susceptible to saltwater intrusion.

### **Other Planning/Land Use Observations/Comments**

Central sewer and other methods for disposing waste water can have unintended consequences that can impact water quantity and quality. The town depends on its water resources to provide a substantial input to its economy. The presence of central sewer may provide a significant incentive for development. Other land use controls are needed because controlling it is not enough by itself to provide for the type of development that is compatible with the town and the area.

The central sewer in town promotes the continuance of a mixture of uses that is at a walkable scale. This type of development pattern produces lower per-lot storm water runoff impacts to the watershed than conventional low density sprawl suburban development. In low density suburban development there is more runoff per building because for a given number of lots more land is paved, more land is disturbed, more land is compacted and leveled to produce lawns and there are more water resource impacts from greater vehicle miles traveled per lot.

DNREC commends the plan's intent to maintain a walkable community that is protective of its wetlands, critical forested buffers, important open space, floodplains, ground water and surface water.

It is recommended that a similar development pattern be envisioned in the proposed plan for the Intergovernmental Coordination Area as represented in Map 5. The town should be able to control extending sewer from its boundaries and substantially influence any other central sewer allocation for the area in order to provide an inducement to prevent the loss of critical forest areas, wetlands and wetland buffers.

It is recommended that the discussion on page 8 about Land Surrounding Leipsic be revised to show that large lot low density suburban development around town may negatively impact water resources and is therefore not compatible with Leipsic.

Other comments:

1. Map 5, titled "Kent County Comprehensive Plan Land Use with Intergovernmental Coordination Area" shows an impact area extending more than one mile in any direction around the town. Within this impact area there are floodplains, wetlands, poorly drained soils and many low lying areas. Many of these areas may be marginally suitable for the placement of homes, and most likely would not support a standard on-site septic system, requiring an expensive Innovative/Alternative on-site system, or connection to central sewer.
2. Due to the relatively flat topography of the area, storm water management could be a difficult challenge for a community subdivision during major storm events.
3. Rt. 9 is the main road through Leipsic. Widening Rt. 9 may not be possible due to the wetlands that would have to be disturbed to widen the road.
4. In Section 2.7, titled "Future Land Use and Annexation", Recommendation #3 states that new construction within the Town should only be allowed if it is connected to public sewer. How much additional sewer capacity does the Town of Leipsic have?

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

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 Leipsic if an when a Planning Commission is established to record plans within the Town. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

The DE State Fire Marshal's Office has no objection to the Municipal Comprehensive Plan.

- ❑ On Map #2 Savannah Road is listed instead of Texas Road. At the PLUS meeting it was determined that Texas Road becomes Savannah Road outside Town Limits.
- ❑ Should a central water system ever be installed in the Town Limits fire protection, in the form of fire hydrants capable of providing the required gpm/psi, shall be required.

**Department of Agriculture - Contact: Milton Melendez 698-4500**

The Department of Agriculture would like to compliment the Town of Leipsic on a well written Draft Comprehensive Plan. The Department is especially encouraged by the Town's recognition of the surrounding preserved agricultural land, and desire to preserve and maintain the historic rural/agricultural nature of the town and surrounding area. The Department supports the recommendations made on page 25 (Recommendation 3: Maintain a clear edge between the town and countryside), page 26 (Recommendation 8: Explore agricultural preservation options), and page 30 (Recommendation 2: Explore Agricultural preservation options). The Department would be glad to assist the Town in establishing a "greenbelt" around its perimeter using transfer of development rights (TDR), purchase of development rights (PDR) and/or a combination of these and other land preservation tools. Please feel free to contact Scott Blaier at 698-4530 to discuss these initiatives.

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

DSHA has reviewed the Town of Leipsic draft Comprehensive Plan to determine how the State's goals, policies, and strategies, as they relate to affordable housing, have been incorporated. Since the Town of Leipsic's population is less than 2,000, the Comprehensive Plan is required to include goals and recommendations for providing sound and affordable housing for its residents, which the Plan states. The Leipsic Comprehensive Plan's housing comments are appropriate considering the small rural nature of the community. The DSHA supports the following recommendations: using incentives such as building permit fee waivers to encourage homeowners to maintain and improve properties, pro-active code enforcement for absentee property owners, and considering allowing for accessory uses, such as granny flats. By allowing granny flats (also known as Accessory Dwelling Unit (ADU)), it will provide additional affordable housing opportunities within the existing housing stock, as well as, encourage social- and economic-integration, and life-cycle housing. Furthermore, the ADU makes it possible for adult children to provide care and support to a parent in a semi-independent living arrangement and can provide homeowners with extra income to help meet rising homeownership cost. In addition, the ADU will encourage better housing maintenance and neighborhood stability. DSHA would be glad to assist the Town of Leipsic with an ADU ordinance.

**Following receipt of this letter, the Town should make any certification changes noted in this letter and review all other comments for consideration. The plan should then be resubmitted to this office for review before final adoption by the Town. A written response regarding the changes made to the plan should accompany the resubmitted plan.**

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

Sincerely,



David L. Edgell, AICP  
Director

CC: Kent County