



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

October 24, 2007

Jack Chadwick
Town of Bethel
P.O. Box 310
Bethel, DE 19931

RE: PLUS review – PLUS 2007-09-11; Town of Bethel Comprehensive Plan

Dear Mr. Chadwick:

Thank you for meeting with State agency planners on September 26, 2007 to discuss the draft Town of Bethel 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

The Office of State Planning Coordination commends the Town of Bethel for preparing a well crafted comprehensive plan that defines a clear vision for the Town's future. It is obvious that Bethel values its small town heritage and rural setting. Our office is available as a resource to assist the Town through the plan certification as well as through the implementation phase. Please do not hesitate to contact David Edgell for information and assistance. We look forward to working with you.

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.

1. The annexation plan can be read two ways. The town will be required to identify which is their intention and clarify the plan accordingly. Either of these options is acceptable for certification, as long as the plan is clarified:

The town will not consider annexations for the 5 year period covered by this plan. During the next 5 years the town will work to update its charter, zoning, and subdivision ordinances. Annexation may be considered after the required plan update in 2012, or after a plan amendment is completed at some time prior to 2012. If this is the town's intention, then it is recommended that Map 4 be removed from the plan, or clearly marked to indicate that these are "areas of concern."

Or. . .

The town will not consider annexations until it has updated the charter, zoning, and subdivision ordinances. Once these are complete, the town may consider the annexation of any of the parcels shown on Map 4, which are divided by town boundaries. If this is the town's intention, Map 4 needs to be revised to include future land uses for the annexation parcels.

2. Map 3 combines existing and future land use. The following are certification comments related to this map:
 - The map is titled "Current and Future Zoning" but the legend says "Existing and Future Land Use." The map should be revised so that these titles are consistent; but see below before revising.
 - It is not recommended to place zoning maps in comprehensive plans. Zoning maps are legal documents which are linked directly to zoning or land development ordinances. It has proven to be problematic to place zoning information within comprehensive plans.
 - This map should be separated into two separate maps.

- A. The first map should be the “Existing Land Use Map.” It should reflect the results of the land use survey undertaken in September 2006, and the data used to populate Table 1.1.
 - B. The second map should be the “Future Land Use Map.” This map should reflect the future land uses desired by the town and described in Section 2.4 on pages 32-34.
3. The land use category “Agriculture/Natural Resources” should not be used on the Future Land Use Map to the extent that it is currently. The land use plan on pages 32-34 describe that the vacant lands in the town will be considered for residential uses in the future, consistent with the character of the town. Accordingly, these vacant lands should be identified in yellow as future residential uses. It is recommended that Agricultural or Natural Resource designation on the Future Land Use Map only be applied to parcels that are in permanent agricultural preservation, are owned by conservation organizations, have conservation easements on them that restrict future development, contain solely natural resources that can not be developed, or are parcels that the town intends to purchase for preservation purposes.
 4. Based on the town’s desire to be a sending area if a TDR program is developed in Sussex, the lands currently identified as “Agriculture/Natural Resource” could be categorized as “Residential/TDR Sending”. In this case, pick another shade of yellow to distinguish these areas from other residential parcels in town.
 5. The plan needs to describe the town’s relationship to the Strategies for State Policies and Spending and also to other relevant local plans (Sussex County and Laurel at least).
 6. Maps, in general, should show proper cartographic dimensions of the town. Some of the maps are distorted.
 7. Please add legends to Maps 6 and 7.

Recommendations: Our office strongly recommends that the Town consider these recommendations as you review your plan for final approval.

1. I suggest that you clarify the rate that was used for the population and housing projections. How was this derived?

2. On pages 22 and 23 there is much discussion about Census errors related to the number of housing units in town. It is not clear from the text or tables where the errors are located. Table 8 represents housing units in 1990 and Table 9 represents housing units in 2000. The fact that these two are different does not necessarily represent an error. Both tables get their data from STF-3, long form data. To determine if there is an error, you need to compare this data with the STF-1 100% housing unit count. I expect that there will be an error, and it should be described and reported as such.
3. Table 7 indicates that in 2007 there were 108 housing units in Bethel. Is this from the Census, or the land use survey in Sept. of 2007 conducted by OSPC? If it is from the land use survey as the text indicates, I recommend that you change the table to properly reference the data source.
4. What is your source for the section titled “Ownership and Vacancy” on page 25? I recommend that you cite the source and the rates rather than just make the statement that Bethel has higher homeownership and lower vacancy.
5. In Table 10, page 25 – two statistics that are noteworthy were not discussed in the text. Bethel has a very low percentage of households with wage and salary income (30%) compared with 72% and 81% for the county and the state respectively. These folks may not be drawing retirement income, but not many are working. Also, the mean wage and salary income for those 30% is much higher than for the county or state at \$65,571. This could be due to STF-3 errors with the small population size, but is perhaps worth mentioning in the text here or in the conclusion.
6. I recommend that the term “future land use” be removed from Map 4. There is no depiction of future land use on this map. Map 4 appears to depict boundary divided parcels that are an “area of concern” for the town.
7. There is a recommendation to contact Sussex County regarding the possibility of obtaining sewer service for the town. The plan does not discuss the potential benefits or consequences of instituting sewer service in the town and surrounding area. Sewer service can have many benefits, such as improving environmental conditions, relieving home owners of the responsibility and cost of maintaining their own systems, and allowing more intense development. The availability of sewer service can also greatly increase the probability that existing vacant and agricultural lands will be developed as housing or other uses. Given the town’s goals to grow slowly and maintain historic character and the small town atmosphere, it is recommended that the town consider this recommendation very

carefully and deliberatively. This may prove to be one of the most important decisions the town can make regarding its future. You will note that later in this letter the Sussex County Engineer provides some information regarding the Western Sussex Regional Wastewater Study, and goes on to indicate that there are several options for serving Bethel with sewer service if requested. It is strongly recommended that the Town contact Sussex County to learn more about this study, and that the town consider the impacts on the community and the surrounding area if sewer service is made available.

8. It is recommended that you consider revising the implementation plan into short, medium and long term goals to give the town a checklist and timeframe for action.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT understands that the Town is concerned about the volume of traffic, especially truck traffic passing through the Town on Bethel Road (Sussex Road 493) and Main Street/Vine Street (Sussex Road 487A). If the Town wishes to undertake streetscape improvements to improve safety, reduce speeds or discourage unnecessary through traffic, they are welcome to apply for funding through our Transportation Enhancements (TE) program. The manager of the DelDOT TE program, Mr. Jeffrey Niezgoda, may be reached at (302) 760-2178.

Similarly, if they feel the current speed limit(s) in the Town are inappropriate, they may contact Mr. Thomas Meyer, the manager of the Traffic Studies Section, at (302) 659-4090 to have those limits re-evaluated.

Regarding the volume of traffic, however, DelDOT estimates the annual average daily volumes on Bethel Road and Main Street/Vine Street to be 2,167 and 1,080 vehicles per day, respectively (based on 2006 and 2003 traffic counts, respectively). While they can appreciate that the traffic on these streets has increased over time and that these volumes may be high for a residential area with narrow streets, relative to other towns in the state, these are low volumes. By way of comparison, Market Street in Blades, another two-lane street through a small town, carries an estimated 5,659 vehicles per day.

- 2) Maintenance and upkeep of the bridge over Broad Creek on Bethel Road was also identified as a concern. DelDOT acknowledges that the bridge is due for repainting. They anticipate doing that repainting within the next 3 to 5 years.

- 3) Finally, the intersection of Woodland Ferry Road (Sussex Road 78) and Bethel Road was cited as a safety concern. If the Town has a concern about a specific unsafe condition, they would ask that they contact Mr. Meyer in the Traffic Studies Section. If it is a more general concern prompted by a perception of a large number of accidents, however, DelDOT has two programs, the Highway Safety Improvement Program (HSIP) and the High Risk Rural Roads Program (HRRRP), through which we monitor accident reports for unsafe locations and develop and implement solutions to address them. Neither program has identified this intersection as having an unusually high number of crashes.

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

General Comments

Page 10, Table 1.1: This table needs to specify what “area” is being measured by. Acres? If it is acres, these numbers conflict with the statement on page 32, first sentence in subsection 2.4a.

Page 31, subsection 2.3h, Recommendations for Environmental Features: Recommendations should be specific, be linked to problems or opportunities as discussed in the text above, and should have some definitive outcome. The recommendations presented in this section are somewhat vague.

1. Update floodplain maps: The text of this section did not specify that the floodplain maps were out of date or that an update was taking place. If the goal is to continue the partnership with the County for FEMA mapping without change, does it need to be listed as a recommendation? If so, consider revising the recommendation to “Continue to coordinate with Sussex County to implement floodplain ordinances.”
2. Protect natural resources: What resources are of special concern? What should be done to protect them? If the goal is to develop or improve the natural resources section of Town development ordinances, specify and provide a path forward. If the goal is to develop ordinances to protect SRAs, specify this and provide a path forward. If the goal is to preserve agricultural land within Town, specify and provide a path forward.
3. Utilize, protect, and conserve Broad Creek: Again, what specifically should be done? Is public access to the River adequate to meet residents’ needs? Should the Town pursue grant funding to improve public access? Should buffer requirements be added to ordinances?

4. Work with DNREC to develop TMDLs: Consider revising the title of recommendation to “Work with DNREC to establish a Pollution Control Strategy to address TMDLs.”
5. Expand Urban Forestry activities: Consider revising the title of this recommendation to “Increase forest canopy from 14% to 20% over ten years,” then list the steps to get there, as listed in section 2.3g.

Page 34, subsection 2.4f, Recommendations, Future Land Use, item 1, Follow the Land Use Policies in Section 2.1: Shouldn't it be Section 2.4?

Page 40, subsection 2.7g, Recommendations: This section provides a recommendation that states “evaluate the need for a Town park”. According to the text of this section, residents have already expressed a need. Perhaps this recommendation could be rewritten to state “Evaluate the feasibility of improving existing Town parks and/or developing a new park”

Water Quality

Page 28, subsection 2.3a, Floodplains and Wetlands: The narrative here should mention that the Town of Bethel's entire southern border contains, or is immediately contiguous to, tidally-influenced palustrine and/or riverine wetlands.

Page 28, subsection 2.3b, Soils: The soil survey was recently updated and now recognizes Fort Mott as the dominant soil series here rather than Evesboro. Fort Mott has all the same characteristics listed for Evesboro except that it is considered well-drained, not excessively well-drained as is the case with Evesboro.

Page 31, subsection 2.3f, Total Maximum Daily Loads: Should be changed to show that a TMDL for nutrients was adopted in 1998; a TMDL for bacteria was adopted in December 2006. The load reductions for the TMDL are 30% Nitrogen, 50% Phosphorus, and 9% bacteria.

The following are specific environmental concerns and reasons they should be addressed in the Comprehensive Plan

1. The Plan makes no reference to buffers. The Plan should recommend adopting a 100-foot upland buffer from all wetlands and water bodies.

Since vegetated buffers are important for mitigating nutrient and sediment impacts, the Watershed Assessment Section strongly urges the Town to adopt language in the Plan specifically requiring the maintenance and/or construction of a 100-foot minimum vegetated upland buffer (planted with native vegetation) from all wetlands and water bodies. Research has documented that a buffer width of less than 100 feet is not sufficiently protective of water quality. In fact, existing buffer research has documented that a 100-foot upland buffer is the minimum buffer width necessary, under most circumstances, to protect water quality.

2. The Plan does not make any specific recommendations for reducing surface imperviousness.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the town implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

It is strongly recommended that the Town enact an ordinance which requires a best management practice (BMP) implementation plan for all residential and/or commercial development when surface imperviousness exceeds 20%.

Additionally, the Plan should recommend adopting an ordinance that specifically defines how developers may calculate surface imperviousness. This ordinance should specify and require that the calculation for surface imperviousness include all of the following forms of constructed surface imperviousness: roads, rooftops, sidewalks and stormwater management structures.

3. The Plan should recommend the protection of open space via ordinance.

It is strongly recommended that the Town adopt an "open space" ordinance which specifically excludes structural Best Management Practices (BMPs), wastewater treatment areas, and wetlands from consideration as open space.

The following are specific recommendations that could be incorporated into a recommendations subsection under the Environmental Features section:

- a) An ordinance requiring all applicants to submit a United States Army Corps of Engineers (USACE)-approved wetlands delineation to the Town of Bethel as conditional approval for any new commercial and/or residential development. Additionally, conditional approval of any project should also be tied to a DNREC assessment of impacts to tidally-influenced wetlands (if applicable).
- b) An ordinance prohibiting the placement of stormwater management ponds within 100-feet of water bodies and wetlands.
- c) An ordinance requiring a 100-foot upland buffer (planted with native vegetation) from all wetlands and water bodies.
- d) An ordinance requiring a best management practice (BMP) implementation plan for all residential and/or commercial development exceeding 20% imperviousness.
- e) An ordinance requiring that the calculation for surface imperviousness include all forms of constructed surface imperviousness, including rooftops, roads, and sidewalks and stormwater management ponds.
- f) An ordinance prohibiting the use of structural Best Management Practices (BMPs), such as wastewater treatment areas, and wetlands from consideration as open space.
- g) An ordinance prohibiting the placement of lot lines within wetlands for all “new” commercial and/or residential developments. Existing or established lots should “maximize,” to the greatest degree practicable, the distance from building structures and the wetlands line.
- h) An ordinance requiring the applicant to use “green-technology” stormwater management, whenever practicable, in lieu of “open-water” stormwater management ponds.

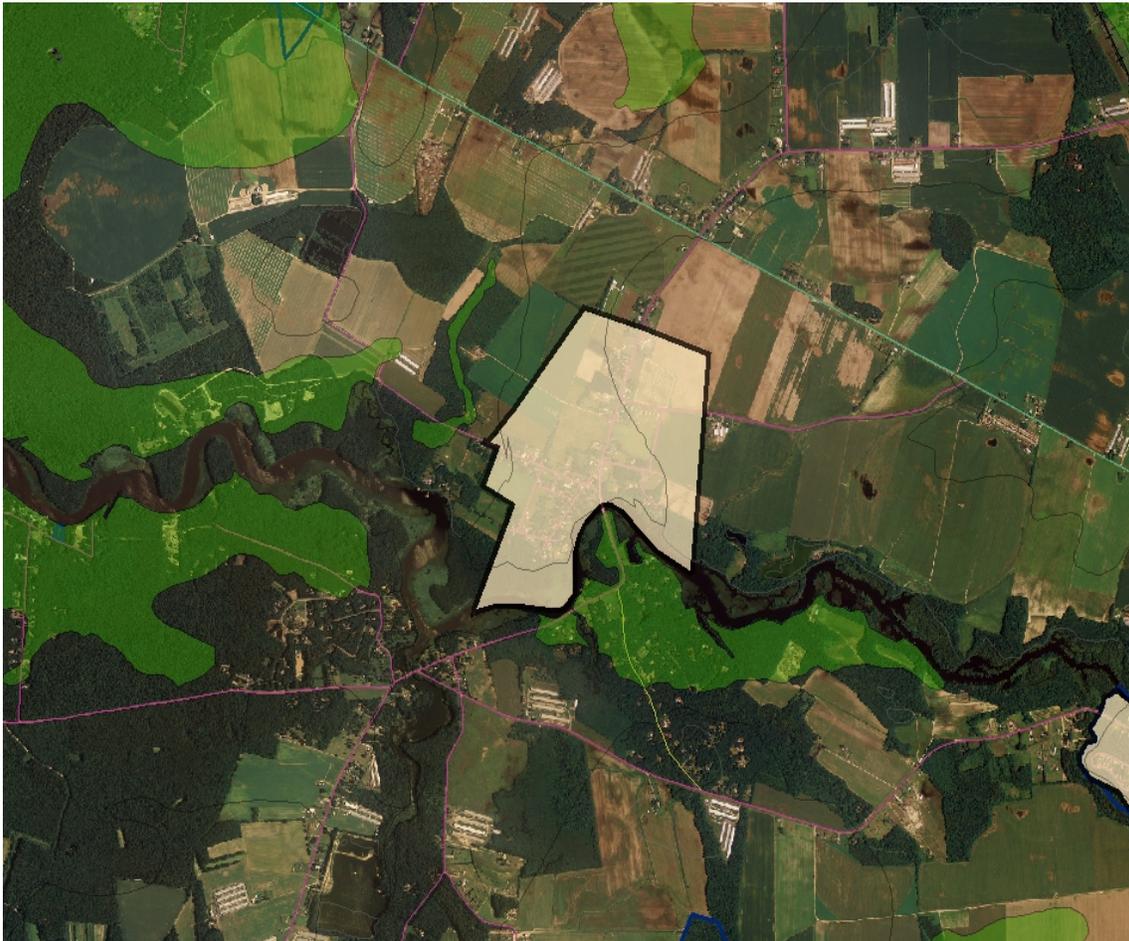
Finally, the Town should develop its zoning and subdivision regulations to protect its historic area (the Sussex County historic preservation planner may be available to assist the Town in this regard), build-to lines, street widths, lot coverage, grid iron street pattern, mixture of uses, pedestrian friendly design and building heights, before approving central sewer service.

Water Resource Protection Areas

No wellhead protection or excellent ground-water recharge potential areas were found within the municipal boundaries (see map). Additionally, the Town of Bethel had a population of 184 persons in the 2000 Census. As the population is less than 2000 persons, the Town is not required to develop source water protection ordinances.

The Plan does suggest that the Town evaluate the need for a public water system. If the Town does determine a need for a public water system, it should develop a source water protection ordinance before selecting sites for the wells to assure water quality as well as quantity.

Map of the Town of Bethel Comprehensive Plan (PLUS 2007-09-04) The municipal boundaries are shown in beige with a black outline. Excellent ground-water recharge potential areas are shown in green.



Drainage and Stormwater Management

1. Section 2.6, Public Utilities and Services

- 2.6d : Change “Sussex Conservation District” to “State of Delaware”

The Sussex Conservation District is delegated the responsibility of implementing the Delaware Sediment and Stormwater Law and Regulations as set forth by the Department of Natural Resources Sediment and Stormwater Program.

- 2.6e (2): Take out “as related to wetlands”.

Stormwater issues are not caused by wetlands, rather by the runoff from impervious areas.

- 2.6e: Consider the development of a master drainage plan for stormwater management

The Town’s area of concern includes private ditches. It is recommended the Town develop a master drainage plan for the area within the current Town boundary and include the Town’s area of concern. Along the identified drainage conveyances the Town should specify open space to be utilized for drainage maintenance, wildlife habitat corridors, and for interconnectivity of bicycle and pedestrian paths in new subdivisions.

The development of a master drainage plan in conjunction with an impervious cover overlay would allow for the proper maintenance of drainage conveyances while balancing growth to keep the watersheds below 15 percent impervious surfaces.

2. Section 2.4, Future Land Use

- 2.4f: Consider requiring buffers when land is converted from agriculture to urban uses

Ditches will require periodic reconstruction at intervals dependent upon the sedimentation load from upstream. Periodic reconstruction involves the removal of sediment from the ditch bottom to establish or reestablish a design grade. The removed sediment, referred to as spoil, is typically disposed of by piling or spreading along side the ditch.

Planting of riparian buffers should consider drainage maintenance. On private ditches, where practical, the buffers should be planted on the south and west side of the ditch to maximize shading. Trees and shrubs should be native species, spaced to allow for mechanized drainage maintenance at maturity. Tree and shrub planting in this manner will provide a shading effect promoting water quality while allowing future drainage maintenance. Trees should not be planted within 5 feet of the top of the bank to avoid future blockages from roots. The buffers as well as the channel banks should be planted with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into the conveyance. Grasses, forbs and sedges planted within this buffer should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities.

3. Section 2.5, Growth and Annexation

- 2.5d: Develop Ordinances and Regulations

Recommend updating current codes and ordinances to allow for, encourage, and/or require low impact design elements for new and redevelopment when practical and as they comply with other local ordinances and state and federal regulations (FEMA, Coastal Development, etc). These practices can greatly assist in improving water quality conditions for local waters.

4. Section 2.3, Environmental Features

- 2.3a: Floodplains and Wetlands

Work with Sussex County and the State's Floodplain Management Program to resolve responsibility of enforcement for the Town's Floodplain management ordinance and regulations.

- 2.3f: Total Maximum Daily Loads (TMDLs)

TMDLs have been established for the Nanticoke River and Broad Creek Watersheds. The Nanticoke Tributary Action Team has submitted recommendations to DNREC on the best methods to meet TMDL requirements for nutrients and bacteria. DNREC is developing a Pollution Control Strategy which will incorporate the recommendations provided by the Tributary Action Team. The Strategy may include voluntary and regulatory actions affecting agriculture, wastewater, and stormwater management as well

as land use and individual behavior. The Town may want to contact the Watershed Assessment Section at DNREC, specifically Lyle Jones, at 302.739.9939 or Lyle.Jones@state.de.us to determine the status of the Pollution Control Strategy and to identify how the strategy fits with the Town's plans.

The Division is committed to providing technical assistance as needed as the Town works to revise local codes, ordinances, and local environmental management programs and policies. Please contact Jennifer Campagnini, Planner at 302.739.9921 or Jennifer.campagnini@state.de.us if you have any questions or would like to have us meet with you.

Floodplains

It states in subsection 2.3a that both FEMA and Sussex County are responsible for regulating the floodplains. Sussex County does not enforce regulations in Bethel. In order for the Town of Bethel to be a participating community in the National Flood Insurance Program (which they currently are), they have adopted flood plain ordinance and are responsible for enforcing it themselves. If they are not enforcing these regulations then they risk being suspended from the NFIP and loss of federal flood insurance.

State Fire Marshal's Office – Contact: Duane Fox 739-4394

At this time, this Agency has no objection to, and makes no comments regarding, the Comprehensive Plan or an amendment to a Comprehensive Plan.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture would like to congratulate the town on a thorough and well-written comprehensive plan. The Department especially appreciates the town's desire to preserve natural resources and the rural agricultural heritage of the area. The Department would be glad to assist the town in achieving those goals.

The Department encourages the Town to contact the Delaware Forest Service and Plant Industry Section to learn more about programs and grants to assist the Town with tree planting, landscaping, etc. They can be reached at (302) 698-4500.

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.

Delaware State Housing Authority – Contact Vicki Walsh 739-4263

DSHA has reviewed the Town of Bethel Comprehensive Plan. Since the Town of Bethel has a population of less than 2,000, they are required to state their position on housing growth. DSHA supports the Plan's position on housing growth.

Department of Education – Contact: John Marinucci 735-4055

1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
4. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.

5. The DOE offers its support to assist and participate by coordinating with the Town of Bethel, the local school districts the County, the Office of State Planning Coordination as well as other school districts and stakeholders as future development and annexations may be considered.
6. DOE has no objections or comments regarding the Comp. Plan under consideration.

Sussex County – Contact: Richard Kautz 855-7878

The Plan includes much discussion concerning property maintenance problems, junk vehicles and other code enforcement issues. One possible solution would be through the use of "municipal infractions". For the town's consideration a sample ordinance is attached.

The Sussex County Engineer Comments:

Sussex County is nearing completion of the Western Sussex Regional Wastewater Study. The study includes the town of Bethel and will develop options for providing sewer service in the future if Bethel requests service from Sussex County. Sussex County is considering the potential to serve the community through the existing Blades Sanitary Sewer District, which Sussex County operates. Several alternatives that include the Town of Bethel are being considered for treatment and disposal.

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: Sussex County