



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

March 24, 2008

Terry Truitt  
Town of Frankford  
P.O. Box 550  
Frankford, De 19945

RE: PLUS review – 2008-02-09; Town of Frankford

Dear Mr. Truitt:

Thank you for meeting with State agency planners on February 27, 2008 to discuss the proposed Town of Frankford Comprehensive Plan update.

According to the information received, you are in the process of updating your 1999 comprehensive plan.

Please note that additional plan changes, 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.

***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.

- The Office of State Planning and Coordination appreciates the challenges that the community has experienced when attempting to outreach to the community; however like the Department of Transportation, this office recommends that more quantitative information be added to the section on the Public Participation Process. For example, how many copies of the questionnaire were mailed out and

returned? At how many public meetings did Institute for Public Administration staff make presentations? How many people came to the November 2006 public workshop? Answering these questions in the Plan, even if only approximate numbers can be provided, will show that the Town afforded residents a chance to participate and demonstrate the challenges that the community faces.

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

**Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

- As noted by the Department of Transportation, this office shares similar concerns with Section 2-7, under Future Land Use. Our office in cooperation with Del-Dot suggests that the Town be more proactive and direct in its treatment of the agricultural lands within the town, especially the Dukes Property. The name for that property is mentioned parenthetically in the Community Goals section of the Plan, but nowhere under Future Land Use. If the proposed Town Center Area refers to the Dukes Property, it should do so clearly. This office would ask that the Town create a goal / objective within Future Land Use Section that calls for the creation of a Master Plan for the Downtown center for the Community to consider all aspects and impacts of the development of the Dukes property as well as the re-development of the existing Town center.
- Also, under Future Land Use, the discussion of the Vines Creek Greenway development refers to three local landmarks: Baltimore Mills, Thatcher's Landing and Long's Store. This office asks these locations be labeled on Map 4 of this document.

**Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685**

The Town of Frankford's Comprehensive Plan supports the preservation of the historic character of the town in many places. Although the historic core of Frankford has been recognized as important for a long time, the only building in town currently listed in the National Register of Historic Places is the Capt. Ebe Chandler House at Main and Reed Streets. A draft nomination for the town has been prepared but not completed. The town should work with Sussex County preservation planner Dan Parsons and the State Historic Preservation Office to complete the draft. This will allow more buildings in town to qualify for rehabilitation tax incentives from the federal government for income producing projects or from the state for either income producing or residential projects. Downtown revitalization was addressed in the comprehensive plan as a goal.

The town can look into becoming a Delaware Main Street Community, a program of the Delaware Department of Economic Development that uses historic preservation tools as part of a larger revitalization strategy. For more information contact Diane Laird at [diane.laird@state.de.us](mailto:diane.laird@state.de.us) . In addition, the design Review was also identified as a need in the community in the comprehensive plan. Should the town wish to implement this strategy, as the Sussex County communities of Lewes and Milton have done, an ordinance can be enacted and a town board of citizens appointed to implement the ordinance. Once an ordinance is in place, Frankford can petition the Delaware State Historic Preservation Office for designation as a Certified Local Government.

This federal program promotes the connection between the local preservation minded governments with the State Preservation Offices to assist with training for the commission members and to provide grants to assist with the implementation of this ordinance. The narrative history of the town was copied from the previous plan but the plan could benefit from an updated version based on current research identified for the preparation of the draft national register nomination for the town.

If you or anyone else would like to discuss these comments in further detail or for more information about the Certified Local Government program please contact Ms. Robin Krawitz either by telephone or email. Her contact information is as follows: (302) 736-7400 or [Robin.Krawitz@state.de.us](mailto:Robin.Krawitz@state.de.us) .

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

- 1) DelDOT recommends that more quantitative information be added to the section on the Public Participation Process. For example, how many copies of the questionnaire were mailed out? How many were returned? At how many public meetings did Institute for Public Administration staff make presentations? How many people came to the November 2006 public workshop? Answering these questions in the Plan, even if only approximate numbers can be provided, will show that the Town afforded residents a chance to participate.
- 2) In Section 2-2, under Town Government, there is a statement that “Frankford currently employs two individuals.” One is clearly identified as the Town Clerk. However, there is also mention of a “part-time maintenance operator” and then later, under Public Safety, a police officer. Was the maintenance operator excluded because he is not full-time, or was the police officer excluded for some reason?

- 3) Again in Section 2-2, under Utilities, it is recommended that a sentence be added explaining that water and wastewater are addressed separately in Section 2-3.
- 4) In Section 2-3, under Wastewater Management, the second sentence reads “Wastewater and stormwater management are achieved through this system.” To our knowledge this system does not manage storm water.
- 5) In Section 2-5, under Road Inventory, one sentence reads “All construction within the DeIDOT right-of-way must conform to the standards and specifications adopted by the DeIDOT Division of Highways.” DeIDOT was reorganized about five years ago, eliminating that division. In a narrow sense, the division currently responsible for our standards and specifications is the Division of Transportation Solutions, but entrance and subdivision street construction is also subject to a separate set of regulations maintained by our Division of Planning. The best way to correct this sentence may be to simply delete the words “Division of Highways.”
- 6) Again in Section 2-5, under US 113 North/South Study, the date for final route selection is shown as “fall of 2007.” Our projected date is now spring/summer of 2008.
- 7) Finally in Section 2-5, in the Summary of Key Issues and Recommendations, the second bullet point reads that “Frankford should work with county and state officials to develop a comprehensive plan for streetscape improvements to improve the appearance of Frankford’s Main Street and increase parking.” DeIDOT has no objection to the Town working with the County if they wish to do so, but they point out that Main Street is maintained by the State, without County involvement.
- 8) In Section 2-7, under Future Land Use, we suggest that the Town consider being more proactive and direct in its treatment of the agricultural lands within the town, especially the Dukes Property. The name for that property is mentioned parenthetically in the Community Goals section of the Plan, but nowhere under Future Land Use. If the proposed Town Center Area refers to the Dukes Property, it should do so clearly.

In Future Land Use, there are two sentences that particularly concern us “Additionally, the town assumes that most of the land is currently used for agriculture will not be developed. If developed, the future use would be for either residential or the additional uses allowed by the neighborhood business zoning

category.” This is a planning document. What would the Town envision happening on this land? What obstacles are there to having that occur?

- 9) Further under Future Land Use, the discussion of the Vines Creek Greenway development refers to three local landmarks: Baltimore Mills, Thatcher’s Landing and Long’s Store. It would be helpful to the reader to label these locations on a map. Perhaps Map 4 could be supplemented in that regard instead of adding another map.

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

### **Water Resources/Water Quality**

Page 8, Overall Plan Goals

Many towns have a community space that contains a water feature. There are environmental constraints to what can be done with any tributaries including Vines Creek and Pepper Creek. There may be State and federal permit requirements as well. The Town and any interested property owners should schedule a Joint Permit Processing Committee meeting to discuss any concepts before the Town spends any money. To schedule a meeting please contact Denise Rawding, Wetlands and Subaqueous Lands Section at (302) 739-9943.

Page 24, Soils

The narrative should reference the soils information from the updated NRCS soil survey update, not the old 1974 SCS soil survey. This narrative should also recognize that more than two soil mapping units were mapped in the Town of Frankford and the proposed annexation areas. The major soil mapping units present within the Town of Frankford and its environs are the following: Mullica, Hurlock, Berryland, Askecksy, Klej, and Hambrook. Of these soil units only Hambrook, Pepperbox, and Klej (nominally suitable at best, but may be locally unsuitable in some areas) are potentially suitable. Mullica, Hurlock, Berryland, and Askecksy are wetland associated (hydric) soils have severe limitations for development and should be avoided.

Please remove the incorrect statement that Pocomoke soils are “easy to work with.” It leads one to believe that these soils are suitable for development, when in fact they are not. This statement was intended for agricultural purposes, not development. Pocomoke soils are now correlated in the updated soil survey as Mullica.

Page 24, Watershed Protection

Inland Bays should be referred to as “drainage,” not a basin. Indian River Bay should be referred to as a “watershed,” not a sub-basin.

Page 25, Total Maximum Daily Loads (TMDLs)

Please replace the current narrative under this section with:

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses. A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment or maintenance of the applicable narrative and numerical water quality standards.

A TMDL is the sum of the individual Waste Load Applications (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality. A TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact.

The Town of Frankford is located within the high nutrient-reduction area of the greater Inland Bays drainage. The TMDL nutrient reduction required for the greater Inland Bay's drainage area calls for nitrogen and phosphorus reduction of 85 and 65% reduction from baseline conditions. Additionally a TMDL for bacteria will require a 40% and 17% reduction from baseline conditions in freshwater and marine systems, respectively. A Pollution Control Strategy (PCS) will then specify the actions necessary to systematically achieve pollutant load reductions specified by a TMDL for a given water body.

Page 25, Source Water Assessment and Protection Program

The Water Supply Section, Groundwater Protection Branch (GWPB) agrees with the Town in that no areas of excellent ground-water recharge lie within the municipal boundaries. Two public supply wells with a combined wellhead protection area are within the municipal boundaries (see map). GWPB applauds the Town's

recommendation to develop a source water protection ordinance having noted that it is less costly to protect drinking water supplies than it is to clean up or replace them once contaminated.

In the fourth paragraph, the text characterizes excellent ground-water recharge potential areas as where water is easily absorbed into the land. Please change “absorbed” to “infiltrates.”

The fifth paragraph of the Source Water Assessment and Protection Program section cites Senate Bill 119. Please cite the Delaware Code as Delaware Code, Title 7, Chapter 60, Subchapter VI, § 6081-6084. There may be other pieces of legislation that are proposed or passed into law named, “Senate Bill 119.”

Map of the Town of Frankford--The wellhead protection areas are shown in red.



#### Environmental Concerns/Future Recommended Ordinances

The following are specific environmental concerns and the reasoning behind why with the reasoning behind why these concerns need to be addressed as ordinances

- 1) The Plan does not appear to recognize the importance of native vegetated buffers. In light of the need to protect water quality, the Town should adopt an upland buffer ordinance.

Consider the following:

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 recommending, as a future ordinance, a 100-foot minimum upland buffer width (planted with native vegetation) from nearly 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, a literature review of existing buffer research by Castelle et al. (1994) has documented consensus among researchers that a 100-foot upland buffer is the minimum buffer width necessary- under most circumstances - to protect water quality.

- 2) The Plan should make specific recommendations for reducing impervious cover. The following recommendations should be adopted for reducing impervious cover.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete, is an example of practical BMPs that could easily be implemented to help reduce surface imperviousness. As a consequence, it is strongly recommended that the Comp Plan incorporate a recommendation to enact an ordinance that requires the use of pervious paving materials, whenever practicable, in lieu of conventional paving materials. The use of pervious paving materials is especially important for large commercial parking lot areas.

It is strongly recommended that the Town enact an ordinance requiring a best management practice (BMP) implementation plan for all major development exceeding 20% imperviousness. In commercial areas, it is strongly recommended that pervious paving materials be required for at least 50% of the total paved surface area(s).

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: all paved surfaces, rooftops, and stormwater management structures.

- 3) The Plan should make a recommendation to protect open space via ordinance.

Open space enhances the Town's health, safety and general welfare. Therefore, it is strongly recommended that the Town adopt an "open-space" ordinance recommendation which specifically excludes structural Best Management Practices (BMPs) such as open-water stormwater management structures, community wastewater treatment areas, and wetlands from consideration as open space.

- 4) The Plan narrative should have a separate section on federal and State wetland regulatory programs for protecting nontidal and tidal wetlands. Consider the following:

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

The following are specific recommendations for future ordinances that should be included at the end of the Natural Resources and Environmental Protection Section (Section 2-4):

- a) To prevent the town from approving development that does not agree with State and federal law, an ordinance requiring all applicants to submit to the Town a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation before providing any approvals for any new development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.
- b) An ordinance requiring a 100-foot upland buffer (planted in native vegetation) from most wetlands and water bodies.
- c) An ordinance requiring the calculation for surface imperviousness for all commercial and residential development include all constructed forms of surface imperviousness, including all paved surfaces, rooftops, and stormwater management structures.
- d) An ordinance requiring a best management practice (BMP) implementation plan for all major development exceeding 20% imperviousness. In major commercial

developments, it is strongly recommended that pervious paving materials be required for at least 50% of the total paved surface area(s).

- e) An ordinance requiring prohibiting the placement of stormwater management ponds within 100-feet of water bodies and wetlands. That is, all “newly-approved” major projects should contain a vegetated (i.e., native vegetation) 100-foot upland buffer from all stormwater management ponds and water bodies/wetlands.
- f) An ordinance that prohibits new development on hydric soil mapping units (using the NRCS soil survey or a licensed soil scientist as determinants).
- g) An ordinance requiring the applicant to use “green-technology” stormwater management in lieu of “open-water” stormwater management ponds whenever practicable.

#### Literature cited

Castelle, A. J., A. W. Johnson and C. Conolly. 1994. Wetland and Stream Buffer Requirements – A Review. *J. Environ. Qual.* 23: 878-882.

### **Sediment and Erosion Control/Stormwater Management**

#### *General Comments*

1. The Comprehensive Plan lacks a discussion of the Town’s stormwater and drainage systems. Please incorporate discussion that reflects how the Town currently deals with stormwater management and how they would like to see it dealt with in the future as development occurs. The Town may want to consider surface water management (drainage, stormwater, flooding potential), in addition to wastewater and sewer capacities when reviewing annexation requests and plans.
2. The Town should also consider identifying any problem drainage areas, and tax or public ditch systems within the town’s boundaries. Contact Brooks Cahall or John Inkster at the DNREC Drainage Office located in Georgetown, 302.855.1930, to obtain a GIS layer showing existing tax ditch channels and/or public ditch systems. As annexation occurs, any drainage ways within those areas may become the responsibility of the Town to maintain. The Town may want to consider developing a Drainage Code or Drainage Management Plan. Because of the Town’s proximity to Dagsboro and the amount of development pressure between the two towns, Frankford may want to consider coordinating a regional Master Drainage Plan/Stormwater Management Code.

3. The Division of Soil and Water Conservation is requesting that the Town incorporate a requirement for a stormwater and drainage review into the Town's preapproval requirements for new development requests. Proposed development projects should hold a pre-application meeting with the delegated agency, the Sussex Conservation District, to discuss stormwater and drainage prior to the town reviewing and/or approving plans or issuing building permits. The Sediment and Stormwater Program is set to begin requiring a pre-application meeting for all proposed land disturbing activities that require a detailed Sediment & Stormwater Plan within the coming year. These meetings are structured to assist developers in the design process and for early notification of approval requirements. In order to schedule a pre-application meeting, the applicant must forward a completed Stormwater Impact Study (SIS) to the appropriate Delegated Agency. Please contact Jennifer Campagnini or Elaine Webb with the DNREC Sediment and Stormwater Program if you have any questions regarding this new process. Please note that this process does not replace the State's PLUS process. The SIS Findings report will also be provided through that process.
4. The Division has been seeing more small construction projects without an approved Sediment and Stormwater Plan. Sediment and Stormwater Regulations require a Sediment and Stormwater Plan for land disturbing activity 5,000 square feet or greater. Land disturbing activity may be more than the building footprint. Land disturbing activity means a land change or construction activity for residential, commercial, industrial, and institutional land use which may result in soil erosion from water or wind or movement of sediments or pollutants into State waters or onto lands in the State, or which may result in accelerated stormwater runoff, including but not limited to clearing, grading, excavating, transporting, and filling land. This seems to occur more often in Sussex County. *As the Town of Frankford updates any land use or subdivision codes, the Sediment and Stormwater Program requests the town make a note of the Sediment and Stormwater requirements on any construction - related project application checklists, etc.*
5. Lines and grades: If the Town does not have a lines and grades requirement for new construction, the Division recommends this be considered to help resolve drainage issues arising from new construction during and post construction. County/municipal building inspectors would be able to use approved lines and grades requirement to field verify prior to issuance of Certificate of Occupancy or building permit, as appropriate.
6. The Sediment and Stormwater Program is currently in the process of reviewing and updating the existing State Sediment and Stormwater Regulations. A draft is expected to be available in the summer of 2008. Most of the state and local regulations in the

past have focused on new development. However many existing storm water runoff issues are associated with older developments built prior to the adoption of stormwater regulations in 1990. Managing surface water for quality as well as quantity has become a major focus as well. Awareness of water quality concerns and regulations have required us to explore methods for quality and quantity management in new development as well as opportunities for retrofits and restorations.

7. An inventory of dams and Dam Safety Regulations are currently being developed statewide. Dams will be classified in three hazard classifications based on impact and risk to public health and safety. Failure of a high risk dam will cause loss of life; failure of a dam with significant risk may cause loss of life, and failure of a low risk dam will not cause loss of life, but may have other impacts. If development occurs downstream of a dam, the hazard class could change. A change in the hazard class could require a dam owner to have to upgrade a dam to meet the higher technical requirements. Some towns have sewage lagoons with dams that may qualify as a regulated dam. Please contact Dave Twing, DNREC Dam Safety Program at 302.739.9921 to determine if any of the three dams located in the vicinity of your Town will be affected by these regulations.

#### *Specific Comments within the Document*

- Page 22, Wastewater Management: Frankford does not have a combined sewer system; therefore, stormwater management is not achieved through the existing wastewater management system.
- Page 24, Watershed Protection: the Town of Frankford is located in the Inland Bays Watershed, in the “high-reduction” TMDL area, which calls for significant reductions in nutrients and bacteria. The Town should consider identifying the nutrient reduction needs and review the (draft) Inland Bays Pollution Control Strategy, which contains voluntary and regulatory measures for meeting these requirements. The Town may also want to consider incorporating some of the strategies identified in the PCS into its comprehensive plan.
- Page 38, last bullet: The Town should seek technical assistance from the DNREC Drainage Program, not the Natural Resources Conservation Service (NRCS), with regards to maintenance and upgrade of public drainage ways within Frankford.
- Page 43, bullet 2: The Town should seek technical assistance from the DNREC Drainage Program, not the Natural Resources Conservation Service (NRCS), with

regards to maintenance and upgrade of public drainage ways within Frankford, including all those draining into the Vines Creek.

## **Drainage**

### *General Comments*

- Adequate drainage and the proper maintenance of drainage systems within and around the Town of Frankford is vital to agriculture, existing and proposed development, and the overall quality of life within the Town. Along with tax ditches, that have an established right-of-way, are a network of private ditches within the Tax Ditch Organizations without right-of-way that convey surface water to existing tax ditches. Well-organized and maintained tax ditches provide the drainage conveyance framework that enables the area to have productive farmland and desirable residences.
- Existing tax ditch rights-of-way should be protected from development encroachment to allow for routine maintenance and periodic reconstruction. Routine maintenance primarily consists of mowing ditch bank vegetation and the removal of small blockages. Periodic tax ditch reconstruction involves the removal of sediment from the ditch bottom to reestablish the original design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading within the tax ditch right-of-way. The placement of permanent obstructions within tax ditch rights-of-way is prohibited. Any change to the location of the tax ditch, or the existing tax ditch rights-of-way, will require a change to the tax ditch court order.

### *Community Services and Facilities*

- The Town should identify existing open channels within the Town boundary, and future annexation areas, as these channels may require maintenance in the future. The riparian buffers along the channels provide a multitude of benefits to water quality and wildlife along with recreational opportunities. The development of a master drainage plan could also serve as a guide to link future development open space as greenways.
- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments. For developments on waterways that are of sufficient size to kayak consider an unimproved launch area in the recreation open space plan. This would allow more

residents to access the waterways, in a non-mechanized manor, while keeping the cost of operations and maintenance down.

### *Natural Resources and Environmental Protection*

- Existing drainage ways should be incorporated into the green infrastructure. However, a maintenance plan needs to be in place should blockages from storm debris, beaver, or other sources occur. The Town should identify existing open channels within the Town boundary as these channels may require maintenance in the future. Most of the channels have trees and wetlands adjacent to the channel and the riparian buffer provide a multitude of benefits for water quality and wildlife. There must be a balance between preserving the riparian buffer and having the capability to access the channel to perform maintenance. Excluding Tax Ditches, a recommended easement width of 50 feet from edge of existing tree line, wetland, or top of bank whichever is greater would allow such access. By identifying such areas now, future development would incorporate the easement into community open space thereby preserving the riparian buffer while allowing for channel maintenance access.
- Existing woodland provides valuable wildlife habitat as well as soil erosion protection and water quality filtering. Do not allow the clearing of woodland to create stormwater management areas.
- Designate all wetland buffers as un-subdivided open space. No portion of any building lot should be within the buffers. During prolonged wet periods, the wetland buffers may become too wet for normal residential use. Designation as open space will aid in the prevention of decks, sheds, fences, kennels, and backyards being placed within the buffers thereby reducing nuisance drainage complaints.
- Water bodies, ponds, intermittent and perennial streams, along with ditches should be buffered from development. However, the planting of riparian buffers should consider future drainage maintenance. When applied in conjunction with a Drainage Management Plan, existing buffers should be enhanced or new buffers planted to obtain riparian buffers on each side of the existing water conveyance. A tree and shrub planting on buffers with the tallest trees planted on the south and west side of the water conveyance will maximize shading of water. 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. Do not plant trees closer than 5 feet of the top of the bank to avoid future blockages from tree roots. Plant the balance of the buffer, as well as stream and ditch banks, with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into water conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Remove invasive vegetation prior to the planting of native species. The construction of pedestrian and bicycle paths within the buffer should be encouraged.

#### *Future Land Use and Annexation*

- The Drainage Program recommends each parcel have a tax ditch right-of-way review conducted on the parcel prior to annexation by the Town. Please contact our Georgetown office at (302) 855-1930 to request a review tax ditch rights-of-way on a parcel.
- When a project involves a tax ditch, or tax ditch right-of-way, include the Drainage Program in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.
- Contact the Drainage Program concerning technical assistance for the maintenance and upgrade of private drainage ways within the town or future annexation area.
- Streams, tax ditches, and private 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 spreading or piling alongside the ditch. On a Tax Ditch this is done within the tax ditch right-of-way which is why Tax Ditch rights-of-way need to be unobstructed. For private ditches, a Drainage Management Plan would include a maintenance plan for drainage conveyances, include points of access for maintenance equipment, and designate spoil disposal areas.

#### *Intergovernmental Coordination Efforts*

- Coordinate with Sussex County and surrounding municipalities within their areas of concern for annexation on the locations of tax ditches, drainage ditches, sensitive and critical habitat, wetlands, and greenways.

## **Floodplains**

The Town of Frankford is a participating community in FEMA's National Flood Insurance Program (NFIP). There is no mention of this in the comp plan as well as no mention of regulating development in the floodplain. The Riverwalk/greenway that is proposed would certainly need to comply with the town's floodplain ordinance. Map #3 indicates where the 100 year floodplain is located along the Eastern town boundary of Vines Creek.

DNREC has written a model floodplain ordinance if the Town would like to review it. The Town would have the option of adopting all or portions of it as they see fit.

## **Development of Vines Creek as a Regional Asset**

Section 1-3. Community Goals, Overall Plan Goals: The Plan describes the usefulness of promoting a greenway along the Creek system, but does not include specifics on how this development is going to be environmentally sensitive. The development of Vines Creek will not be much of an asset from a wildlife perspective if allowed to be developed without regards to forest preservation and with inadequate stream buffers. Current State, County and local regulations/ordinances regarding forest protection is minimal. They also do not appear to recognize scientific research regarding the necessary width of upland buffers along streams and wetlands.

### *Recommendations:*

Any mention of the development of Vines Creek should include language as to how the creek system is going to be protected from degradation by that development. Preservation of the existing forested areas along the creek should be a priority. Forested riparian zones not only protect water quality but provide foraging areas and a travel corridor for many species of wildlife, some of which are rare. The Town should also plan more stringent protection of upland buffers along the Creek System (and any associated wetlands).

## **Forest Preservation**

Section 2-4. Natural Resources and Environmental Protection: This section mainly describes participation in Tree City USA, but also mentions that the Town should promote preservation of existing forested areas. In addition to providing wildlife habitat,

forests also provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. There are several forest blocks (some of which contain wetlands) within areas slated for future annexation and subsequent residential development. Habitat loss due to development is considered to be the largest factor causing the decrease of some wildlife species in Delaware. How does the Town plan to promote preservation of these forested areas when current State, County and local regulations and ordinances provide minimal protection?

Cumulative forest loss throughout the State is of utmost concern to the Division of Fish and Wildlife which is responsible for conserving and managing the State's wildlife (see [www.fw.delaware.gov](http://www.fw.delaware.gov) and the Delaware Code, Title 7). Current State, County and local ordinances and regulations do not adequately protect these resources. Therefore, we have to rely on landowners and/or the entity that approves projects (i.e. counties and municipalities) to consider implementing measures that will aide in forest loss reduction.

*Recommendations:*

1. The Town should explore options for preservation provided by incentive-based programs available to private landowners through DNREC. Please contact Shelly Tovell, Landowner Incentive Program, at (302) 735-3600 for more information.
2. The Town should draft their own tree preservation language. This should include a provision for preserving larger, connected areas of forest rather than leaving only small, disconnected blocks typical of residential developments.

**Rare Species**

We have not surveyed all of the parcels that are being proposed for annexation (or those already annexed). Therefore, it is unknown if State-rare, or federally listed plants, animals or natural communities will be impacted by development of these parcels.

*Recommendation:*

DNREC highly recommends that the Town require developers, or applicants of development projects, to contact the Natural Heritage and Endangered Species Program to determine if their project activities will impact a State-rare or federally listed species. In some cases a site visit may be requested in order to provide the necessary information. The Town should then consider requiring implementation of recommendations provided by the NHESP before approving site plans.

Contact information:

Environmental Review Coordinator  
Natural Heritage and Endangered Species Program  
DNREC-Division of Fish and Wildlife  
4876 Hay Point Landing Rd  
Smyrna, DE 19977

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

The Delaware State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established and be maintained between the Delaware State Fire Marshal's Office and the County of Kent. 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 Delaware State Fire Prevention Regulations only.

**Department of Agriculture - Contact: Scott Blaier 698-4500**

The Delaware Department of Agriculture would like to congratulate and commend the town on a well-written comprehensive plan. The Department offers the following comments for consideration.

The plan recognizes that there is a significant area of land in the center of town whose owner does not intend to develop at this time. Even so, the Department suggests the town prepare in advance for the development of those parcels by developing a master plan, at least conceptually, of how those parcels may develop, and how to best integrate that development in the town.

The Department appreciates the tree planting and landscaping discussion on page 26. The Delaware Department of Agriculture Forest Service encourages the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. Please contact the Delaware Forest Service for more information 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 Powers 739-4263**

DSHA has reviewed the Town of Frankford Comprehensive Plan. Since the Town of Frankford 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**

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.

1. 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.
2. 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.
3. 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.

4. The DOE offers its support to assist and participate by coordinating with this municipality, 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.
5. DOE has no comments regarding the Comprehensive Plan under consideration.

**Sussex County – Contact: Richard Kautz 855-7878**

The "Airport" paragraph on page 29 should be revised. There are two runways not four. Please add the following: "The secondary runway is presently being rebuilt and the County is planning for a 1,000 foot extension to the primary runway."

The town is encouraged to avoid the creation of new enclaves when annexing, to eliminate existing enclaves during its negotiation of the annexation agreement, and to notify the Sussex County Planning Department when the annexation becomes effective.

The Sussex County Engineer Comments:

Sussex County is nearing completion of the Dagsboro/Frankford Wastewater Study. The study performs wastewater planning for the Dagsboro/Frankford Sanitary Sewer District, including options for future sewer service. Alternatives for additional treatment and disposal capacity are being evaluated.

In the short term, Sussex County will submit an application to rerate and increase the treatment/disposal capacity of the Piney Neck Regional Wastewater Facility. Based on anticipated approval, Sussex County feels the existing system can serve Future Land Use areas shown on Map 6, with only minimal upgrades possibly needed to the existing collection and transmission system.

The plan is also considering alternatives and will provide recommendations for service to the Town's Annexation and Future Land Use area shown on Map 8. On Map 8, the parcel immediately east of Prince Georges Acres is shown yellow crosshatched for long term residential. That is the school parcel, currently in the town of Dagsboro and should be shown differently.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-1299.

***Approval Procedures:***

1. Once all edits, changes and corrections have been made to the plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.
2. Our office will require a maximum of 20 working days to complete this review.
  - a. If our review determines that the revisions have adequately addressed all certification items, we will forward you a letter to this effect.
  - b. If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
3. Once you receive our letter stating that all certification items have been addressed, your Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
4. Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for her consideration.
5. At her discretion, the Governor will issue a certification letter to your town.
6. Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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

Sincerely,



Constance C. Holland, AICP  
Director

CC: Sussex County