



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

July 29, 2008

The Honorable Richard Herold, Mayor
Town of Elsmere
11 Poplar Avenue
Elsmere, DE 19805

RE: PLUS review – 2008-06-06 Town of Elsmere

Dear Mr. Herold:

Thank you for meeting with State agency planners on June 25, 2008 to discuss the current Town of Elsmere comprehensive plan and the items that should be considered as you move forward toward the 5-year update of this 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.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Herb Inden 739-3090

Our office would like to commend the Town of Elsmere for taking advantage of our new Pre-Update (PLUS) Review Process. As always, our office appreciates the efforts that Elsmere puts into the development of its comprehensive plans, especially in its willingness to work with state agencies and we look forward to continuing this relationship with this update.

Elsmere's current certified plan meets all of the requirements of a "Municipal Development Strategy" for towns of 2000 or more residents. Taking into consideration the comments from this meeting should help in making for a smooth certification process for this plan update.

As always, our office is available to help with this process.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) In reviewing their comments on the 2004 Plan and the Town's responses thereto, DelDOT sees one transportation-related matter that should be addressed. Specifically, the demographic data showed a higher percentage of "at-risk" households than in the County or the State. This suggests a greater need for transit service, among other things, than elsewhere in the County. DelDOT recommends that the Town evaluate the service they presently have and whether additional service can be justified. DelDOT also recommends that they contact Ms. Catherine Smith at the Delaware Transit Corporation for technical assistance and to initiate any necessary discussions about increased DART First State service. Ms. Smith may be reached at (302) 576-6071.
- 2) In December 2007, DelDOT adopted major revisions to its regulations for subdivision streets and commercial entrances. DelDOT recognizes that all or most of the land in Elsmere is already developed, but one part of the revised regulations would be significant with regard to any redevelopment proposals the Town might be considering as part of their Plan. Specifically with regard to level of service standards for traffic impact studies, as a general rule, DelDOT's standard is C in rural areas and D in areas that are developed, developing or planned for development. However, Section 2.9.12.1 provides that "A local government, as part of its adopted comprehensive plan may determine that a lower LOS (D, E or F) for some portion of the day is necessary and appropriate for the pattern of development they seek to create. If a proposed development is located in, or affects such an area, DelDOT will consider the local government's standards to the extent that adherence to them does not result in substandard LOS or unacceptable operational condition outside that area."

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

Water Quality

The following are corrections and/or recommendations that should be incorporated within the Environmental-Protection Plan Section (Section 2-7) of the Town of Elsmere's Comprehensive Plan (or "The Plan").

Corrections:

Page 20, Water Quality, 1st paragraph:

The Christina should be referred to as a “watershed,” not a basin. Moreover, the reference to the Little Mill Creek subwatershed should also be omitted. Elsmere is located in the Christiana watershed of the greater Piedmont Drainage, and should be characterized accordingly for purposes of reducing confusion or ensuring consistency with the location of Total Maximum Daily Load (TMDL) watersheds.

Page 20, Water Quality, 2nd paragraph

Please replace the 2nd paragraph with the following narrative and table:

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish TMDLs 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. In simplistic terms, 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. A Pollution Control Strategy (PCS) specifies actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body, and must reduce pollutants to level specified by State Water Quality Standards.

The Town of Elsmere is located within the Christina Watershed of the Piedmont Drainage. This watershed is assigned a range of nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements that vary with the specific location of the stream segment. The TMDLs for each segment must be met in order to meet the State Water Quality Standards.

The following table presents the range of nutrient and bacteria reduction requirements for the Christina watershed (Information about specific loading rates for specific stream segments can be obtained from DNREC).

Table 1: TMDL Nutrient (Nitrogen and Phosphorus) and Bacteria reduction requirements for the Christina River watershed.

Piedmont Drainage	N- reduction requirements	P-reduction requirements	Bacteria-reduction requirements
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Christina River watershed	0-62% High Flow	0-77% High Flow	29-95% High Flow
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DNREC offers the following comments and suggestions along with our assistance in developing the details for implementation.

- The Plan narrative should mention specific Federal and State wetland regulatory programs for protecting nontidal and tidal wetlands and incorporate the following as a “stand-alone” subsection under the Environmental-Protection Plan Section:

Regulatory Protection of wetlands is mandated under Section 404 provisions of the Federal Clean Water Act. Certain other wetlands (mainly in tidal areas) are accorded additional regulatory protection under Title 7, Chapter 66, provisions of the Delaware Code. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or an official DNREC wetland jurisdictional determination.

- The reduction of impervious cover, we feel is a particularly important issue to Elsmere given flooding issues in addition to water quality issues. The plan should make specific recommendations for calculating and 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 a practical BMPs that could easily be implemented to help reduce surface imperviousness.
- The Plan should make a recommendation to make the protection of open space a high priority.
- All development proposals should demonstrate the avoidance of wetlands using state-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation. 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. Furthermore, the Town of Elsmere could develop their own wetland ordinance to help protect freshwater wetlands where regulatory gaps exist between federal and state jurisdictions (i.e. isolated wetlands and headwater wetlands).
- The Town should use appropriate upland buffer widths (ideally this would be 100 feet but we do understand that Elsmere is fairly well built out) from all wetlands or water bodies (including ditches)
- A projects TMDL nutrient loading rate should be calculated through the use of the Department’s nutrient budget protocol. An applicant should be further required to use any combination of approved Best Management Practices (BMPs) to meet the required TMDLs for the affected watershed(s) in question.

- Open space calculations should avoid the uses of structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and regulated wetlands from consideration as open space.
- Development of hydric soil mapping units should be prohibited.
- The use of “green-technology” stormwater management in lieu of “open-water” stormwater management ponds should be encouraged whenever practicable.

Sediment and Erosion Control/Stormwater Management/Drainage

- Utilize the existing comprehensive drainage study to develop a maintenance and improvement plan for the current stormwater infrastructure.
- Consider creating a stormwater utility to assist in the funding of stormwater improvements along with maintenance of existing drainage conveyances and structures. Contact the Delaware Clean Water Advisory Council for technical assistance in establishing a stormwater utility.
- Continue to address stormwater retrofits in areas of re-development. Reach out to the New Castle Conservation District, New Castle County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.
- Review Town ordinances and revise as necessary to promote green technology best management practices for stormwater.
- Be advised the Sediment and Stormwater Program is revising the sediment and stormwater regulations. It is unclear at this time when the new regulations will be promulgated.

Recreation

The Division of Parks and Recreation is currently working on an update to the State Comprehensive Outdoor Recreation Plan (SCORP) which they anticipate finalizing this winter. They would be more than happy to help the Town in producing a gap analysis of outdoor recreation facilities within the town. At the very least, they can provide the Town with trend information in their SCORP region. If you have any questions, feel free to contact Kendall Sommers, Outdoor Recreation Planner, 302.739.9235.

Site Investigation and Restoration

The Site Investigation and Restoration Branch (SIRB) encourages the development of brownfields and can provide assistance when investigating and remediating brownfield sites. Although SIRB has no specific comments regarding the proposed comprehensive plan at this time, if any future development occurs on sites with previous manufacturing,

industrial, or agricultural use, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances. If a release or imminent threat of a release of hazardous substances is discovered during the course of future development (e.g., contaminated water or soil); construction activities should be discontinued immediately, and DNREC should be notified at the 24-hour emergency number (800-662-8802). In addition, SIRB should be contacted as soon as possible at 302-395-2600 for further instructions.

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

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. Our Agency has no objection to, and makes no comments regarding Comprehensive Plans or amendments to a Comprehensive Plan.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department of Agriculture (DDA) would like to commend the Town of Elsmere for reviewing their Comprehensive Plan with the PLUS group prior to updating it. In addition to the comments offered below, the Department of Agriculture would be glad to meet with the town to discuss the plan, and help in any way possible.

Page 20 and 41 of the current comprehensive plan discusses tree-planting goals and the "regreening" of Elsmere. These are admirable and important goals the DDA can help the town achieve.

The Delaware Forest Service recommends that the Town of Elsmere develop a formal urban forestry management plan that addresses a tree canopy goal. Trees are a vital part of the green infrastructure. A management plan would focus efforts in the town to care for and manage public trees. The Delaware Urban & Community Forestry Program would be glad to offer assistance in these endeavors. Please call 302-698-4500 for more information.

Although the DDA realizes that Elsmere is located in a highly developed urbanized setting, there are still potential opportunities for agriculture, especially a farm market. The Department now has a fully staffed marketing section, and we encourage the town to contact them at (302) 698-4535 to see how they can help.

Chapter 9 of the current comprehensive plan discusses the redevelopment of the town. It also mentions that very little land is left within the town's boundary for new development.

From the Department of Agriculture's perspective, it is imperative that existing densely urbanized areas redevelop, and develop, in a way that accommodates the state's ever increasing influx of new residents. Aside from the obvious efficiencies realized by

steering people into areas with existing infrastructure and services, it helps the Department's efforts to preserve the State's remaining farmland. If existing municipalities can develop and redevelop in a manner which attracts new residents, there will be less demand to develop farmland in rural areas to accommodate these same residents. This is mutually beneficial to municipalities that are often financially strapped due to decreasing tax base as existing and new Delaware residents migrate to rural areas.

Therefore, the Department would be glad to assist the town in any way possible, such as: urban tree planting, farm markets, agritourism (at parks, open spaces, etc.), to improve the appeal of the town, to help it retain existing residents, and attract new residents.

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 Division of Public Health- Health Promotion Bureau- contact Michelle Eichinger (302) 744-1011

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases.¹ Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs.² This is particularly important considering about 65% of adult Delawareans are either overweight or obese.³ This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese⁴, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.¹

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Town of Elsmere Pre-Update Comprehensive Review:

Amenities to encourage walking and physical activity for recreation

- Designate a portion of the open space area for recreational walking: for example include walking paths constructed of pervious materials affording minimal disturbance to the open space area
- Incorporate playground areas: these would offer some active recreation opportunities for children and their caregivers during visits to the commercial development, if feasible consider including a walking path around the playground areas.
- Open indoor recreation facilities to the public to allow opportunities to engage in physical activity during inclement or extreme weather conditions.

Increase opportunities for healthy eating

- Designate an area for a seasonal farm stand or mini farmer's market that will promote the sale of fruits and vegetables.
- Designate an area for a community garden. Community gardens not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.⁵

¹ Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

² Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf.

³ Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS), 1990-2007*.

⁴ Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

⁵ Hancock, T. (2001). People, partnerships and human progress: building community capital. *Health Promotion International*, 16(3), 275-80.

Delaware State Housing Authority – Contact Vicki Powers 739-4263

DSHA has reviewed the existing Certified Comprehensive Plan to advise the Town of Elsmere of new regulations passed since its certification in 2005 that should be included in their scheduled update. Since 2005 there has not been new regulations passed for housing, however Delaware and throughout the country have experienced a housing boom and resulting escalation in housing prices. Due to rising home prices, many working individuals and families have been left behind. Comparatively few new homes have been developed affordable to what is termed as Delaware's "workforce households" with incomes below 100 percent of the median income. According to HUD in 2008, Delaware's 100% median income is \$65,800. As a result, we encourage the Town of Elsmere to pursue a balanced stock, in the development of their Comprehensive Plan that will allow residents a choice in where they want to live without putting a strain on their

purchase strings. A balanced housing stock in any town can significantly improve the quality of life for residents and the economic competitiveness of the region. It is imperative to think about housing because Elsmere's housing stock is its largest long-term investment.

DSHA has provided a guide to help assist in writing any town's housing element: *Creating a Balanced Housing Stock: A Guide to Writing Your Town's Housing Element* outlines the steps in preparing a housing element for any Comprehensive Plan. Furthermore, DSHA is willing to work with the Town of Elsmere to provide data and technical assistance. In addition to our guide, we have developed a website and an Affordable Housing Resource Center, to learn about resources to help address the Town's housing needs.

The website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

The guide can also be found on the Affordable Housing Resource Center under Housing Element, or by using the link below.

http://www.destatehousing.com/services/servicesmedia/tb_housing_element_guide.pdf

If you have any questions or would like to meet with DSHA, please feel free to contact Victoria Powers at (302)739-4263 ext. 219 or via e-mail at vicky@destatehousing.com. Thank you.

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.

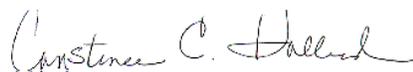
1. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within 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 update under consideration.

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: New Castle County