



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET  
Budget Development, Planning and Administration  
State Planning Coordination

September 24, 2008

Mike Marasco  
Town of Wyoming  
1 N. Railroad Avenue  
Wyoming, DE 19934

RE: PLUS review – 2008-08-05; Town of Wyoming Comprehensive plan Pre-Update review

Dear Mr. Marasco:

Thank you for meeting with State agency planners on August 27, 2008 to discuss the current Town of Wyoming 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: David Edgell 739-3090**

We look forward to working with the Town of Wyoming on their comprehensive plan update. The current plan includes meets all requirements for certification as per the Delaware Code. The recommendations found below are intended to give the town some ideas about how to integrate new initiatives, changing conditions, and refinements to the plan into the update process.

1. The plan update must be drafted to reflect the Savannah project, including:
  - a. Agreements with developer and Camden on boundary, including showing the new boundary as annexed;
  - b. Agreements with CWSWA about utilities;
  - c. Development type and density;

- d. Impact to the town: physical, social, fiscal;
  - e. Transportation issues;
  - f. Linkages to and integration with the town.
2. Wyoming must work with Dover on the “area of joint concern”. It will be necessary to craft a working agreement with Dover regarding how these areas will be managed through the annexation process.
3. Work with Kent County and Dover on “parcel 2”, the Kesselring parcel. Both other jurisdictions have interests in this parcel. This parcel has also been identified as a potential alignment for the “West Dover Connector,” a DelDOT road study that is still in its conceptual stages. All parties should coordinate with DelDOT as well.
4. Revisit annexation plan:
  - a. Review the land uses
  - b. Review the Kent Comp Plan
  - c. Reconsider timing and phasing. Realistically assess which parcels may be annexed in this five year time period, and amend the annexation map accordingly.
5. Review agricultural preservation district status.
  - a. Discuss annexation with property owners. Are they still interested?
  - b. Review the status of agricultural districts and easements
  - c. Update notes on plan maps as needed. Be sure plan maps contain necessary notes, and amend language as necessary after consultation with DDA and property owners.
6. Update areas of the plan based on new Agency programs / initiatives:
  - a. Sourcewater protection (DNREC)
  - b. State Resource Areas (DNREC)
  - c. Transportation plans (DelDOT)
  - d. Housing Plan – use DSHA’s “Housing Element Guide”
7. Carefully review checklist (attached). Update all required information.
8. Submit all required annual reports. Our office does not have any records indicating that Wyoming has ever submitted an annual report. We will need reports for 2005, 2006, 2007 and 2008. We will not forward the plan for certification until we are in receipt of all required reports. A template is attached for your use.
9. We would like to revisit our PLUS MOU to ensure it is working out for all parties.

**State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685**

No comments Received

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

- 1) The Introduction refers to House Bill 255. Because Bill numbers are specific to the General Assembly session in which the bill was considered, and are re-used every two years with the start of a new session, such references can become outdated quickly. If the Town wants to keep the reference to House Bill 255, DelDOT recommends that you mention the year in which it was adopted.
- 2) DelDOT would expect the proposed Savannah Station development to figure prominently in the revised Sections 1-4c, Land Use and Annexation and 2-3, Future Land Use and Annexation. DelDOT has had a traffic impact study for this development under review since February 2007. DelDOT expects to issue recommendations to both Wyoming and Camden within the next month.

While it is separate from the Comprehensive Plan, DelDOT has also reviewed the Town's draft Land-Use and Development Code, which has also been circulated for review and comment. Our comments on it are as follows:

- 1) In Section 3-5, the name of the I-1, Light Industrial zoning district appears to be incorrect.
- 2) The OS and CG zones, shown in Section 4-1, Permitted Uses and Structures, are not defined in Article 3, Zoning Districts. Are they defined somewhere else?
- 3) DelDOT has several comments on Section 6-2, Off-Street Parking:
  - a) DelDOT would like to express their support for the provisions for Shared Facilities. Shared parking, where appropriate, is important for efficient land use.
  - b) Section D.2.b, should specify that the plantings in the buffer strip should be of a type and sited such that when mature, the plants will not obstruct visibility for entering and exiting vehicles.
  - c) In Figure 3, the first parking space on either side of the lot entrance, both within the street and within the lot, should be eliminated. These spaces cannot be used without impeding traffic flow.
  - d) In Section F, Required Spaces by Use, requiring the same number of spaces per student for both elementary and secondary schools does not seem appropriate as some high school students drive to school. As no

source is cited, we suggest that the Town consult the Institute of Transportation Engineers' informational report titled Parking Generation if they have not done so.

- 4) Two common nuisance concerns that we do not see addressed are excessive illumination, spilling over onto residential properties from non-residential properties, and shortwave (ham) radio antennas, which are unsightly and can interfere with electronics on adjoining properties. It may be appropriate to address the lighting concern in Section 10-3 and the antenna concern in Article 4.
- 5) In Section 12-1, Roads and Streets, to clarify Paragraph E, we recommend that it specify that the Department of Transportation shall determine how access shall be provided, rather than "the State shall determine..."
- 6) DelDOT recommends that Section 12-1.G.2.b(2) be expanded to give reasons why the Planning and Zoning Committee may determine that "Access between the 2 adjacent subdivisions should be restricted." Absent such reasons the Committee has the option of making decisions that are arbitrary or open to challenge as being arbitrary.
- 7) DelDOT recommends that Section 12-2.A.3 be changed to read "Sidewalks shall be provided on both sides of every subdivision street except where it is proven to be unfeasible."
- 8) The definition of Lot Width does not seem applicable to lots with non-parallel sides or curved fronts.
- 9) In the definition of Service Street, we recommend that the word "abeam," or perhaps "along," be substituted for "parallel to."

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

### **Water Resources and Water Quality**

Page 3, Floodplains and Wetlands (Chapter 1-3b)

Please add the following (or paraphrased) narrative on wetland regulatory requirements:

"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 provisions of Title 7, Delaware Code, Chapter 66. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or an official DNREC wetland jurisdictional determination."

Page 4, Soils (1-3c)

The narrative should reference the soils information from the updated NRCS soil survey update, rather than the old 1974 SCS soil survey. Based on the soil survey update, a majority of the underlying soils within the Town of Wyoming are Greenwich-Urban land complex soils. Downer and Fallsington are also mapped in the Town albeit to a lesser extent.

*Total Maximum Daily Loads*

Page 4 or 5, Include the following narrative as a newly created “stand alone “ subsection entitled “TMDLs and Water Quality:”

The Town of Wyoming is located within the St. Jones River watershed, which is an impaired watershed according to Section 303(d) of the Clean Water Act. 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. 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) identifies the actions necessary to systematically achieve the pollutant load reductions specified by the Total Maximum Daily Load(s). Reducing the pollutants to the level specified by the TMDL(s) will ensure that the water quality for a given water body is in compliance with State Water Quality Standards.

The Town of Wyoming is located within the St. Jones Watershed of the greater Delaware River and Bay drainage. This watershed is assigned a range of nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements that, as mentioned previously, must be met in order to meet the State Water Quality Standards (See table 1).

<b>Delaware River and Bay Drainage</b>	<b>N- reduction requirements</b>	<b>P-reduction requirements</b>	<b>Bacteria-reduction requirements</b>
St. Jones	40%	40%	90%

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

*Recommendations for future ordinances/revisions to existing ordinances*

DNREC recommends an ordinance or ordinances which would:

- a) Require a 100-foot upland buffer width from all wetlands or water bodies (including ditches).

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

- b) Require all applicants to prepare an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness. It is further recommended the Town require all projects that exceed this 20% threshold, implement mitigating measures (e.g., pervious paving materials or preservation of open space) to reduce the negative impacts from surface imperviousness. In the case of commercial developments, it is strongly recommended that all projects require at least 50% of their total paved surface area(s) consist or contain pervious paving materials.
- c) Require the calculation for surface imperviousness for all commercial and residential development include all constructed forms of surface imperviousness, including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water stormwater management structures.
- d) Require the assessment of a project's TMDL nutrient loading rate through use of the Department's nutrient budget protocol. The 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.
- e) Exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and regulated wetlands from consideration as open space.
- f) Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel or through the submission of a field soil survey of the parcel by a licensed soil scientist.

- g) Require the applicant to use “green-technology” stormwater management in lieu of “open-water” stormwater management ponds whenever practicable.

#### *Water Allocation*

The Plan states that the current population of Wyoming is 1,141, and predicts growth up to a build out population of 2,001. Within the existing system, the current water supply for the Towns of Camden and Wyoming is adequate to provide water up to the projected build out population of Wyoming.

However, if Camden and Wyoming both grow by adding developments similar to the Savannah project, there will not be enough water from the existing wells to meet this demand. In preparation for build out growth, the Camden-Wyoming Sewer and Water Authority must institute a more stringent conservation plan or provide additional sources of supply. If the water system has to be expanded to serve the new customers, adequate water is available.

#### *Water Resource Protection Areas*

The Water Supply Section, Ground-Water Protection Branch (GPB) has found wellhead protection areas and excellent ground-water recharge potential areas within the municipal boundary of the Town. An area of excellent ground-water recharge potential is located within the long-term growth area (see map). The 2004 Comprehensive Plan Map No. 7 shows excellent ground water recharge potential areas. The 2004 document does not contain text pertaining to source water protection areas.

The Water Supply Section, Ground-Water Protection Branch (GPB) has also reviewed the accompanying source water ordinance for the Town of Wyoming. As written, the ordinance is not protective of the resource.

GPB recommends:

- The Town adopts a source water protection ordinance to assure an adequate supply of safe affordable drinking water. We suggest using the DNREC *Draft Model Ordinance for Smaller Municipalities of Kent and Sussex Counties*:

[http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/FinalDraftModelOrdinance\\_KnS\\_041408.pdf](http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/FinalDraftModelOrdinance_KnS_041408.pdf)

- The Plan needs to contain supporting maps showing the source water protection areas (wellhead and excellent ground-water recharge potential areas).
- Land use within the source water protection areas must be appropriate.

§ 8-4, C. 1, a. Wellheads, Class A. The nomenclature of “Class A” is applicable to only wellheads found in New Castle County. GPB recommends using the phrase “Wellhead Protection Area”.

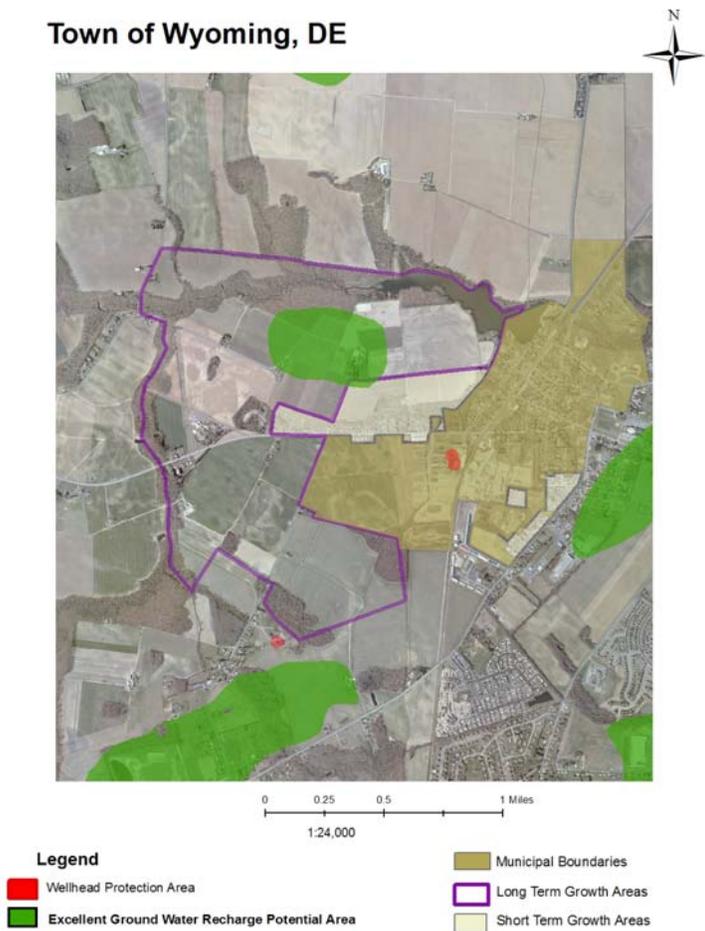
§ 8-4, G. 1.c. (1) allows domestic septic systems in Tier 1 areas. GPB recommends striking the word “community”.

§ 8-4, G. 1.c. (2) prohibits tank systems subject to registration requirements of DNREC. GPB recommends investigating if any of the tanks associated with or related to the operation of the well.

§ 8-4, G. 2.b. (2) outlines two methods in order to develop up to the 50% threshold limit for impervious cover. In order to assure that these methods assure sufficient recharge, they need to perform the Environmental Assessment Report outlined in § 8-4, F. GPB recommends connecting § 8-4, G. 2.b. (2) with § 8-4, F.

§ 8-4, G. c. (1) allows domestic septic systems in Tier 2 areas. Is this the Town’s intent?

### Map of the Town of Wyoming (PLUS 2008-08-05)



### *Waste Water*

As part of the Camden-Wyoming Sewer and Water Authority, the Town of Wyoming discharges all of its raw wastewater to the Kent County Regional Wastewater Treatment Facility for treatment and discharge to the Murderkill River. The Camden-Wyoming Sewer and Water Authority also maintains and operates the wastewater transmission system. Initially constructed in 1963, the sanitary sewer transmission system consists of vitrified clay pipes ranging in diameter from 8-15 inches buried 3-15 feet deep. The wastewater flows from the CWSWA to the Kent County Regional Sewer System via a transmission line located along the Isaac Branch.

The Kent County Regional Sewer System provides sewage treatment for Wyoming. The Town's effluent flows by gravity to a pumping station located off of Southern Boulevard. In 1977, Kent County built its Pump Station 14 that was designed to handle a maximum daily flow of 500,000 gallons. The sewage is transmitted via a force main to Kent County's sewage treatment plant located near Frederica. The Camden-Wyoming Sewer and Water Authority's allocation at the Frederica plant is 400,000 gallons per day. The Authority's current flow is approximately 300,000 gallons per day, 75 percent of its current allocation.

Will there be sufficient sewer capacity from the Regional Kent County Wastewater Treatment Facility to serve the areas proposed for future annexation? Are Future Growth Areas identified in the Plan within the Kent County Growth Zone?

The Plan does not clearly state if construction of individual or community On-site Wastewater Treatment and Disposal Systems (OWTDSs) would be prohibited in any of the proposed annexation areas. The GWDS recommends the Plan prohibit the installation of individual or community OWTDSs within the annexation areas, and clearly state that in the Plan.

### **Stormwater Management and Drainage**

#### *General Comments*

- The Guytown Tax Ditch is partially within the current town boundary. The proposed annexation area would bring the Guytown Tax Ditch completely within the Town.
- Adequate drainage and the proper maintenance of drainage systems within and around the Town of Wyoming are vital to existing and proposed development, and the overall quality of life within the Town. Along with the Guytown Tax Ditch, that has established rights-of-way, is a network of private ditches without

right-of-way that convey surface water to the existing tax ditch. A well-organized and maintained tax ditch provide the drainage conveyance framework that enables the area to have productive farmland and desirable residences.

#### *Future Land Use and Annexation*

- 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.
- Existing woodland provides valuable wildlife habitat as well as soil erosion protection and water quality filtering. The Town can adopt ordinances that are more stringent than the current State of Delaware Sediment and Stormwater regulations and protect woodland, riparian buffers, and wetlands by not allow the clearing of woodland, riparian buffers, and wetlands for the creation of stormwater management areas.
- 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.
- 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.
- 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. 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.

- 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 Kent Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.

#### *Stormwater Management*

- 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.
- 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. 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.
- 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 Kent 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.

- 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. As the Town of Wyoming 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.
- Lines and grades: If the Town does not have a lines and grades requirement for new construction, the Division recommends that 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.
- The Sediment and Stormwater Program is currently in the process of reviewing and updating the State's stormwater management regulations which, 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.

*Community Services, Utilities, and Facilities*

- Contact the Drainage Program concerning technical assistance for the maintenance and upgrade of private drainage ways within the Town or future annexation area.
- The Town should pursue drainage easements along waterways, ditches, and storm drains where currently there is none. This would give the Town the ability to hire contractors to remove blockages without the time-consuming task of the State obtaining permission to trespass on the property.
- The Town should consider identifying any problem drainage areas, and tax or public ditch systems within the Town's boundaries. Contact Brooks Cahall 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.

*Bikeways, Walkways, and Greenways*

- 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. 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. The Town can adopt ordinances that are more stringent than the current State of Delaware Sediment and Stormwater regulations and protect woodland, riparian buffers, and wetlands by not allow the clearing of woodland, riparian buffers, and wetlands for the creation of 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.

### *Dam Safety*

- An inventory of dams of publicly owned dams has been developed and State Regulations for Dam Safety will be completed by the end of the year. State Dam Safety regulations apply to publicly owned dams. Dams will be classified in three hazard classifications based on impact and risk to public health and safety. Failure of a High hazard dam will cause loss of like; failure of a dam with significant hazard may cause loss of life, and failure of a low hazard dam will not cause loss of life, but may have other impacts. Each classification will have different technical requirements that it must meet when the State Regulations are promulgated. If development occurs downstream of a dam, the hazard class could change. A change in the hazard class could require a dam owner to upgrade a dam to meet the higher technical requirements. Some towns have sewage lagoons with dams that may qualify as a regulated dam.
- Identify high-hazard dams on your land use maps and manage future growth in the inundation areas.

### *Intergovernmental Coordination Efforts*

- Coordinate with Kent County, City of Dover, and the Town of Camden within their areas of concern for annexation on the locations of drainage ditches, sensitive and critical habitat, wetlands, and greenways.

### **Recreation**

In May and June 2008, the Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2008-2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Kent County are listed below. Eighty-eight percent of Kent County respondents said that Outdoor Recreation was very or somewhat important to them. Consideration should be given to incorporate some of these recreation opportunities into the Wyoming Comprehensive Plan. For additional information about the SCORP or outdoor recreation priorities, contact Kendall Sommers at 302.739.9235.

#### **High facility needs:**

Walking/jogging Paths  
Public Swimming Pools  
Bicycle Paths

#### **Moderate facility needs:**

Public Golf Courses  
Basketball Courts  
Baseball/Softball Fields

Horseshoe Pits

Open Space/Passive  
Recreation

Fishing Areas	Access for Boating (canoe, kayak, and powerboat)
Playgrounds	Soccer Fields
Picnic Areas	Football Fields

**Site Investigation and Restoration**

DNREC's 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.

**Underground/Aboveground Storage Tanks**

The Delaware Department of Natural Resources and Environmental Control-Tank Management Branch (DNREC-TMB) appreciates the opportunity to comment on the proposed development.

Should any underground storage tanks or petroleum-contaminated soil be discovered by any person during construction, the DNREC-TMB and the DNREC Emergency Response Hotline at must be notified within 24 hours. The DNREC-TMB and the Emergency Hotline may be reached at (302) 395-2500 and at (800) 662-8802, respectively. In addition, should any contamination be encountered, PVC pipe materials would have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

All plans for UST system installations must be approved in advance by the TMB with exception of UST systems of 1,100 gallons or less that contain heating fuel for consumptive use on the premise where it is stored or systems that contain motor fuels for non-commercial purposes.

If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the DNREC-TMB. If any ASTs greater than 12,500 gallons are installed, they are subject to installation approval by the DNREC-TMB.

Should the municipality anticipate being more restrictive than Delaware's *Regulations Governing Underground Storage Tank Systems* or Delaware's *Regulations Governing Aboveground Storage Tanks*, please be aware that the municipality shall be responsible for enforcing the more restrictive rules.

Wyoming Zoning Ordinance comments:

**Floodplains**

Page 39, §8-2 (A) (3) (a) (2): The Town is currently located on FIRM panels 168, 227 and 231. This doesn't include potential annexation areas.

Page 44, (C) (2) (m): "Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a prior to repair . . ." Insert the word "permit" between the words "a" and "prior."

**Article 10-1. Recreation and Open Space Required**

**B. Land Dedications**

1. b. - Stormwater management facility should be added to the list of land uses that do not qualify as open space.

c. 2. - Any landscaping should be done with native vegetation only. A list of native vegetation can be obtained at

<http://ag.udel.edu/extension/horticulture/pdf/NativePlants.pdf>

c. 3. - 'informal and unstructured recreation and relaxation' can be defined/replaced as active and passive recreation.

**C. Cash in Lieu of Land Dedication**

2. c. - Can the Town provide a pre-approved list of appraisers? The State has a list of qualified appraisers that could be referenced.

3. If the proposed development has no space suitable for recreation and is applying for cash in lieu of land dedication, how can the Town provide the open space in the development? Should this be less specific and state that the "Town shall use the fee to provide open space, park or recreational facility that will be available to the citizens of Wyoming"?

**10-2. Maintenance of Recreation and Open Space**

A. Not to be dedicated to Town: This could be a fatal flaw for active recreational facilities and maintaining passive open space. How will this be enforced and how will the home owners' associations be held accountable? Incorporating a maintenance plan/clause into a home owners' association document will not guarantee that the areas will be maintained.

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

No comments received

**Department of Agriculture - Contact: Scott Blaier 739-4811**

The Department of Agriculture would like to commend the Town on a well-written comprehensive plan update. The Department offers the comments below.

Please change the acronym referring to the Delaware Department of Agriculture from (DOA) to the preferred (DDA).

Page six of the existing plan discusses the future annexation goals of the town with regard to the properties that are enrolled in the Agricultural Lands Preservation Program. Please note that the owner of these properties (denoted as C and B on Map 8., Future Growth Areas) renewed their preservation status for another five (5) years in April of 2008. Therefore, these parcels will remain preserved until at least April of 2013.

The Department requests that the Town continue to footnote their Future Growth Map, and include the properties preservation status in the text of the plan as was agreed to during the previous comprehensive plan update.

Please note that the parcel designated as “A” on Map 8 was withdrawn from the program, and no longer needs to be footnoted.

The Department encourages the town to include more discussion about future economic development in the plan, including agriculture. The Department encourages the town to develop and promote agricultural business whenever possible, such as: farm markets, agricultural processing facilities, agricultural support businesses (i.e. fertilizer/pesticide dealers), etc. 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.

And finally, the Delaware Forest Service would like to work with the town to develop a comprehensive urban forestry plan that would address relevant issues within the town. Trees should be considered a part of the town's infrastructure just as roads and utilities. Planning to include tree conservation during development, and tree canopy goals would dovetail with goals already stated in the current update of the comprehensive plan. Please contact the Delaware Forest Service at (302) 659-6705 for more information.

**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.<sup>1</sup> 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.<sup>2</sup> This is particularly important considering about 65% of adult Delawareans are either overweight or obese.<sup>3</sup> This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese<sup>4</sup>, 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.<sup>1</sup>

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 be included in the Town of Wyoming Comprehensive Review:

**Increase opportunities for physical activity**

- Establish regulations that require housing subdivisions to set aside land for trails, ball fields, playgrounds, and other areas for active recreation. Studies have shown that the proximity of neighborhoods to parks, trails and greenways can increase residents' levels of daily physical activity. In fact, a survey of U.S. adults revealed that those with access to neighborhood parks were almost two times as likely to be physically active as those who did not have access to parks.<sup>6</sup>
- Coordinate with City of Dover to provide recreational programming to Town of Wyoming residents using the Town's facilities/amenities.

**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.
- Explore opportunities for a community garden, especially if there are vacant lots. Community gardens not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.<sup>5</sup>

**Promote a healthy community**

- Explore ways to promote a healthy community in the Town of Wyoming. The Division of Public Health with the University of Delaware's Institute for Public

Administration produced a resource manual to increase opportunities for a healthy community. Here is the link to this document,

[http://www.ipa.udel.edu/publications/HealthyCommunities\\_guideWeb.pdf](http://www.ipa.udel.edu/publications/HealthyCommunities_guideWeb.pdf)

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

<sup>2</sup> Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from [http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation\\_Factsheet.pdf](http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf).

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

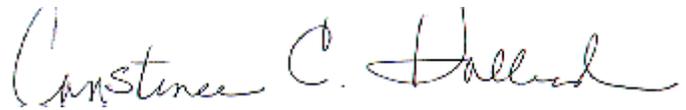
<sup>4</sup> Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

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

<sup>6</sup> Active Living by Design. *Parks Trails, and Greenways Fact Sheet*.

**Once the plan is updated, please contact this office to schedule a PLUS review for the final draft of the plan.** Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

Attachment: Annual Report Template