



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

April 22, 2009

Mr. Ronald Hunsicker
Town of Bowers
3231 Main Street
Frederica, DE 19946

RE: PLUS review – PLUS 2009-03-02; Town of Bowers

Dear Mr. Hunsicker:

Thank you for meeting with State agency planners on March 25, 2009 to discuss the proposed Town of Bowers draft comprehensive plan.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

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 plan must be revised to include a section in the text describing the future land use plan. Such a section would generally describe land uses in the town, and then describe what is meant by the categories of land use on the Future Land Use Map. You might even go so far as to describe which zoning districts are acceptable in the various land use categories.

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

This office has received the following comments from State agencies:

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

Our office would like to commend the Town of Bowers for developing a locally drafted comprehensive plan that clearly articulates the vision of the community, and sets some reasonable goals and objectives for achieving that vision. The plan makes it very clear that the Town is aware of its environmentally sensitive surroundings and limited infrastructure and resources, and that the citizens desire to retain the tranquil nature of the beachfront community.

With the exception of the one certification issue listed above, this plan meets the minimum requirements identified in the Del C. The following recommendations are offered as suggestions to improve the plan document:

- The plan addresses intergovernmental coordination on pages 24 and 25. On page 25 is stated that both the Kent County Comprehensive Plan and the *Strategies for State Policies and Spending* were the relevant guidance documents when considering surrounding land uses. The plan does not, however, indicate how these documents were used to guide the town's vision or land use recommendations. It is recommended that this information be added to the plan, most appropriately on page 25.
- Implementation recommendations are scattered throughout the document. It is recommended that the town develop an implementation section which collects all plan recommendations in a single section, and perhaps assigns them priorities and timeframes. This can then be used as a work program for plan implementation.
- It is strongly recommended that all reference to zoning districts be removed from the Future Land Use Map. The Future Land Use Map should reflect general uses of land. This map, and associated plan text, guides the development of the zoning ordinance and map. The zoning map is a specific regulatory document that is most appropriately attached to the zoning ordinance. Keeping the two separate will ensure that the town has the flexibility to enact new or revised zoning districts by ordinance, without the need to complete a comprehensive plan amendment each time. Please keep in mind that any new or revised zoning districts must still be consistent with the land use categories found in the Future Land Use Map and associated plan text.
- Our office can assist the town with some basic computer generated maps using our Geographic Information System (GIS). Having the maps available in a computer format will allow up to date data layers to be used, and it will allow for easier updates to the maps. These maps could be completed in time to be included in the final version of this plan. Please contact our office if the town would like mapping assistance.

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

The State Historic Preservation Office has reviewed the Town of Bowers Beach draft comprehensive plan. They commend the Town on its commitment to preserving its historic character as a small fishing village. Historic preservation can play a part in that, but there is no mention of it in the plan. The Town should consider methods of protecting its historic buildings and archaeological sites. The first step would be to decide which properties should be protected. Then the town would need to discuss what kinds of protections would be appropriate, given the town's unique history and its future needs, and how best to implement those protections.

Bowers Beach has two properties listed in the National Register of Historic Places, Saxton United Methodist Church (K-5713; listed on July 23, 1990) and the *Maggie S. Myers* oyster schooner (K-3058; originally listed at its berth in Leipsic on April 25, 1983, but now berthed in Bowers Beach). Nearly 100 properties have been surveyed by this office as 50 years old or older, which is the usual cut-off point for historic property surveys. The plan has not identified a potential historic district here; perhaps in the future the town may want to discuss that with us. Benefits for properties listed in the National Register include eligibility for federal and state tax credits for rehabilitation, eligibility for preservation grants-in-aid (dependant on funding), and some protection during federal actions, such as Corps of Engineers' permits or Federal Emergency Management Agency projects. If you have any questions, or would like to discuss this issues further, please contact Alice Guerrant at (302) 736-7412.or by e-mail at alice.guerrant@state.de.us.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Town of Bowers has submitted their draft comprehensive plan for review. Briefly, DelDOT finds that it is a good plan for a small town like Bowers. They offer the following suggestions as to how it might be improved.

- 1) The Plan could be made more useful by adding a list of recommendations, either at the beginning or the end of the document, to which the Town government can refer. The Plan should be a plan to do things. For example, Section 11.2 mentions the need for a permanent Town Hall. One of the recommendations should therefore be to build a Town Hall. The Town Council can then cite the Plan in justifying their decision to buy land and build a building.
- 2) As written, the Plan does not talk about the public involvement process used in developing it. DelDOT would not expect a small town to have had an elaborate process in this regard, but at a minimum the plan should be made available for public comment and such comment should be solicited at a hearing by the Town Council. The Plan should document that this was done and describe any changes made in response to any comments received. This step could be important in defending the Plan against later criticisms that residents were not consulted.

- 3) In Section 11.2, there is a statement that the Town foresees the demographics changing “to a retirement and permanent resident community and with it a gradual upgrade of existing properties.” This change will also result in a demand for more and better municipal services. Has the Town considered how they will cope with this demand?
- 4) In Section 11.3.1, there is a statement that the Town wants “to meet with DelDOT, FEMA and Homeland Security” about improving Bowers Beach Road as an evacuation road. DelDOT recommends that the Town initially contact Mr. Gene Donaldson, the Operations Manager for our Traffic Management Center, in this regard. Mr. Donaldson may be reached at (302) 659-4601. The Dover/Kent County Metropolitan Planning Organization should also be contacted in this regard.
- 5) In Section 11.4.1, the Plan states that the Town has no fire hydrants and that the fire company must depend for water on its trailer and pumper trucks, which could prove inadequate if the Town gets much larger. It is recommended that the Town consider installing a fire water system.
- 6) In Section 11.4.2, the lack of a municipal police force is mentioned as a problem. Has the Town considered partnering or contracting with Frederica in this regard?
- 7) In Section 11.5, the Mispillion River is mentioned, when it seems that the Murderkill was meant.
- 8) Section 11.10, while it may be factual, seems unnecessarily negative. DelDOT suggests that it be rewritten to emphasize the importance that the Town attaches to fiscal restraint and a small government.

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

All towns have their own distinct personality. The Town of Bowers clearly states its desire to preserve its “tranquil bayfront” nature and resist overdevelopment. The town’s goals, even though clearly stated, should be backed up by protective ordinances (see Water Resources comments) and perhaps proactive annexations that prevent a large-scale residential development project from threatening to overtake and transform the town. This threat has occurred in other small Delaware Bay coastal towns that were unprepared for it.

The town’s fishing village character and natural setting are clearly assets and may be an attraction for eco-tourism services – birding, nature photography, bed and breakfast establishments, hunting and fishing guides, etc. These low-impact services would bring revenues to the town. As noted at the PLUS meeting, the town lacks some very basic services (e.g., hydrants) that represent a minimum threshold level of services for even the smallest towns.

DNREC also recommends the Town mention, in its plan, its partnership with DNREC to develop a Coastal Resiliency Action Plan that will address existing and future coastal hazards related to sea-level rise.

At the PLUS meeting, the Mayor expressed concerns about the status of a beach replenishment project. DNREC and the Town have met since the PLUS meeting and are continuing to communicate and work out the details and timeline of the project.

Most of the DNREC comments focus on implementation of the plan. DNREC would welcome the opportunity to work with the Town on any implementing ordinances. They invite you to contact Lee Ann Walling or Kevin Coyle of DNREC's Planning Section, 739-9000, for assistance.

Fish and Wildlife

Beach Altering Activities: replenishment, dredging, groins, etc.

On page 15, section 10.2.2, Federal Wetlands Regulations, there is brief mention about beach altering activities such as replenishment, groin construction, breakwaters, and dredging. However, there is no indication if the Town plans to implement any of these activities in the future. Most of these activities have the potential to impact valuable horseshoe crab and shorebird habitat. DNREC highly recommends that the Town work closely with the Division of Fish and Wildlife on this issue prior to planning any beach altering activities.

Bowers Beach provides highly valuable horseshoe crab habitat. It has often ranked among the top five beaches in terms of baywide (DE & NJ) horseshoe crab spawning activity based on Delaware Bay Horseshoe Crab Spawning Survey numbers (Michels and Smith 2008). In addition, the area immediately offshore of Bowers Beach is an extremely valuable nursery area for juvenile horseshoe crabs. Based on the Delaware Division of Fish and Wildlife's 16-foot bottom trawl sampling, Bowers Beach has the highest relative abundance of young-of-the-year horseshoe crabs and the third highest relative abundance of all immature (<160mm) horseshoe crab size-classes (DE DFW unpubl.).

In addition, there are relatively large numbers of shorebirds using the area, presumably feeding on the abundance of horseshoe crab eggs. These eggs are an important food source in the spring when various species of shorebirds stop-over in Delaware during migration.

The nearshore waters around Bowers Beach also provide important nursery habitat for a number of the Bay's commercially and recreationally important finfish and shellfish species: blue crab, weakfish, summer flounder, spot, Atlantic croaker, Atlantic menhaden, bluefish and striped bass (Michels and Greco 2008; DE DFW unpubl.).

Page 22, 11.5 Housing: In this section the Town states that they favor a 750-foot setback on undeveloped parcels. It is not clear if the 750-foot setback along the Delaware Bay Coast is from mean high tide or some other distance.

Appendix 1, Annexation Plan. Wetlands, on land proposed to be annexed, are mapped as key wildlife habitat in the Delaware Wildlife Action Plan (DEWAP). DEWAP is a comprehensive strategy for conserving the full array of native wildlife and habitats- common and uncommon- as vital components of the state's natural resources. This document can be viewed via our program website at <http://www.dnrec.state.de.us/nhp>. This document also contains a list of species of greatest conservation need as well as species-habitat associations.

Efforts should be made to avoid or minimize impacts to those wetlands. At least a 100-foot upland buffer should be left intact around the perimeter of the wetlands should these lands be developed in the future. Lot lines and infrastructure should not be located within the buffer zone to ensure the buffer remains intact. *Edna Stetzar - (302) 653-2880, Edna.Stetzar@state.de.us*

Parks and Recreation Facilities

DNREC notes that the plan does not address recreational facilities. The Town of Bowers Beach has two recreational facilities within its municipal boundaries.

1. Bowers Beach Fishing Access- 14 acres managed by the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife. This location provides water access via three boat ramps.
2. North Bowers Beach Community Park- 2 acres of parkland. This site has playground equipment, a basketball court, a pavilion, and picnic tables.

The Division of Parks and Recreation provides matching grant assistance through the Delaware Land and Water Conservation Trust Fund (DTF) to local governments for land acquisition and for park development. Lands that have received DTF assistance are publicly accessible lands that must remain as open space for conservation or recreation purposes in perpetuity. North Bowers Beach Community Park has received funding through the DTF program. For more information regarding North Bowers Beach Community Park, or on the Delaware Land and Water Conservation Trust Fund, please contact: Robert Ehemann @302.739.9235

Potential Brownfield sites

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.

Water Resources comments

Page 11, Soils

The plan should reference the recently completed soil survey update for soils information in the immediate vicinity of the Town. Please contact the NRCS for additional information.

Page 19, Total Maximum Daily Loads

The Comp Plan should replace the existing narrative with the following:

The Town of Bowers is located within the greater St. Jones and Murderkill River watersheds.

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 (e.g., swimming, fishing, and drinking water). A TMDL defines the amount of a given pollutant that may be discharged to a waterbody 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 (WLA's) for point sources and Load Allocations (LA's) 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 waterbody; and must reduce pollutants to level specified by the State Water Quality Standards. A variety of site-specific best management practices (BMPs) will be the primary actions required by the PCS to reduce pollutant loading(s).

The Town of Bowers is located within the greater Delaware River and Bay drainage; specifically within the St. Jones and Murderkill River watersheds. The pollutants specifically targeted for reduction in the St. Jones and Murderkill watersheds are nutrients (e.g., nitrogen and phosphorus) and bacteria (See table 1). As mentioned

previously, these TMDL pollutant reductions must be met in order to satisfy the water quality goals and criteria in the State Water Quality Standards (See table 1). The PCS for both the St. Jones and Murderkill watersheds are projected for completion/approval by July 2009.

Delaware River and Bay drainage	N- reduction requirements	P-reduction requirements	Bacteria-reduction requirements
St. Jones	40%	40%	90%
Murderkill River watershed	30%	50%	32% fresh & 65% marine

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

Stormwater/Drainage comments

The Town should consider identifying **problem drainage areas** within the Town’s boundaries. Contact the Drainage Program (302-855-1955) concerning technical assistance for the maintenance and upgrade of private drainage ways within the town. Ditches within the town will require periodic reconstruction at intervals dependent upon the sedimentation load. Periodic reconstruction involves the removal of sediment from the ditch bottom to establish or re-establish a design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading or piling alongside the ditch or hauled from the site. A **Drainage Management Plan** should include a maintenance plan for drainage conveyances, designating points of access for maintenance equipment, and spoil disposal areas.

Be advised the Sediment and Stormwater Program is currently undergoing revisions to the sediment and stormwater regulations. It is unclear at this time when the new regulations will be promulgated.

The Town should explore the feasibility of a **stormwater utility** to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to the Kent Conservation District, Kent County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits. The Town should consider obtaining **drainage easements** along waterways, ditches, and storm drains where currently there is none. The Town should have the ability to perform maintenance on the drainage conveyances within the town without going through the time-consuming process of obtaining landowner permission to survey and construction agreement signatures.

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, and redevelopment, 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 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. Please contact 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.

Plan Implementation

Page 28, Implementation Section: The Plan should offer more specific "actionable" environmental protection strategies than currently offered. DNREC recommends an ordinance or ordinances that would:

- a) Require all applicants to submit to the City 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 as conditional approval for any new commercial and/or residential 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) Help protect freshwater wetlands where regulatory gaps exist between federal and state jurisdictions (i.e., isolated wetlands and headwater wetlands).
- c) Require a 100-foot upland buffer width from all wetlands or waterbodies (including ditches).

Based on a review of existing buffer research by Castelle et al. (1994), an adequately-sized buffer that effectively protects wetlands and streams - in most circumstances - is about 100-foot 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 waterbodies (including all ditches).

- d) Require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness. In commercial developments, it is strongly recommended that pervious paving materials be required on at least 50% of the total paved surface area(s).

- e) Require the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water stormwater management structures.
- f) 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.
- g) Exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and natural areas containing regulated wetlands from consideration as open space.
- h) 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.
- i) Require the applicant to use "green-technology" stormwater management in lieu of "open-water" stormwater management ponds whenever practicable.
- j) Encourage the planting of native vegetation throughout the Town to promote the tranquil nature of a bayfront community while helping remove excess nutrients from stormwater.

Literature Cited

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

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

No comments received for this update.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department would like to congratulate the town on a thoughtful well-conceived comprehensive plan. Although there is no agriculture within the town's municipal boundaries, the Department still offers the comments below for you consideration.

The Delaware Forest Service encourages the town to develop a formal urban forestry management plan that addresses a tree canopy goal. Trees are a vital part of any community and the Delaware Forest Service recommends that trees be preserved during the development process. A tree ordinance protecting existing woodlands in future development as well as existing street trees can be developed and implemented to address

this issue. The Delaware Urban & Community Forestry Program would be glad to offer assistance. Please contact the Delaware Forest Service for more information at (302) 659-6705 or 698-4547.

The Department encourages the town to develop and promote agricultural business whenever possible, specifically farm markets. The Department has a fully staffed marketing section, and we encourage the town to contact them at (302) 698-4535 to see how they can help. Please contact Kelli Steele of the Department's marketing section to explore agricultural economic development activities. Food safety, nutrition, and wholesomeness are consumer priorities these days, and many people are turning to local sources of food supply. As a result, there are a number of agricultural development opportunities.

Public Service Commission - Contact: Andrea Maucher 739-4247

No comments received for this update.

Delaware Economic Development Office – Contact: Jeff Stone 672-6849

No comments received for this update.

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 be included in the Town of Bowers Comprehensive Plan Review:

Public Participation

- Include process on public involvement and feedback in the comprehensive plan. With the population changing to more residential, the residents' feedback is essential in identifying future plans to meet their needs/requests.

Identify opportunities for physical activity and active transportation

- Ensure there is a transportation plan that includes opportunities and amenities to support active transportation. This may include plans for connectivity with sidewalks, crosswalks and walking/bicycling paths between residential and commercial properties. There was concern on the funding for such a project. It is suggested that the town mayor review the "Healthy Communities: A Resource Guide to Delaware Municipalities." This document addresses strategies and funding support to incorporate amenities (i.e. tree canopy, 5' sidewalks, walking/bicycling paths, etc) that facilitate a healthy community.
- Include plans to protect open space for active and passive recreation. Explore areas of open space for opportunities that facilitate outdoor recreation and physical activity. As the population dynamics shift from tourism to residential, the residents may express interest for more recreational opportunities (i.e. community center, walk/bike trail, tennis courts, etc.)
- Explore facilities that provide opportunities for indoor recreation for residents of all ages. Indoor facilities will allow residents to engage in activity during the winter season or inclement weather.

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 in undeveloped lots or in the town center would be an approach to improve attractiveness. In addition, community gardens not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.⁵

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

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

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

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

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

Delaware State Housing Authority – Contact Valerie Miller 739-4263

DSHA has reviewed the Town of Bowers Comprehensive Plan. Since the Town of Bowers 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.

DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below. Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

If you have any questions, please feel free to call me at (302)739-4263 ext. 260 or via e-mail at valerie@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 draft under consideration.

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, the 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 his consideration.
5. At his 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 project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP
Director, State Planning Coordination