



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

June 17, 2009

Tom Klein
Town of Georgetown
333 North Race Street
Georgetown, DE 19947

RE: PLUS 2009-05-02; Town of Georgetown

Dear Mr. Klein:

Thank you for meeting with State agency planners on May 27, 2009 to discuss the proposed Town of Georgetown draft comprehensive plan update.

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.

1. The plan should include a section regarding implementation. This Implementation Strategy should identify policies and regulations that support the plan as well as suggestions for new policies and regulations needed to implement this plan. For example, at the recent May 20, 2009 meeting of the Town of Georgetown Planning and Zoning Commission, members of the Commission, Town Council and Town Staff received a summary of recommended changes to the Town's Zoning Code.
2. A discussion of the Public Participation Process should be included within the document to describe when and how the communities concerns were discussed and considered as part of this planning process.

3. The Town should remove the reference for the construction of an east / west connector road around the northeast section of the Town. Based upon comments provided by Del-Dot, this option was considered by the Town, County and State as part of the US 113 North/South Study and was rejected by the community at large and this proposed new road segment now conflicts with current State and County Transportation Improvement Programs.

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: Bryan Hall 739-3090

This office commends the Town's continued commitment to the planning process by developing this 2009 comprehensive land use update. This office appreciates the difficult challenges that community has confronted to develop this document and this office offers the following recommendations to further improve and expand upon the plan for the community.

- The Town should consider adding language to support sub-regional planning efforts for two areas within the community.
 1. The Area south and east of Town adjacent to the County Airport and various State Service Centers to address future land use constraints, necessary infrastructure and to establish predictability for this important economic development center for both the Town and County.
 2. The Area along US 113. The proposed long-term road improvements that call for the creation of mix at-grade and elevated road improvements that will significantly change the character and accessibility to existing services along US 113. The Town should begin to plan for these changes now to address future conflicts and to assist with the further implementation of US 113 Road Improvements.
- The Town should as part of this sub-regional planning effort develop a formal agreement between the County and State to ensure the implementation of these future land use activities within all sub-regions identified by the Town.

If you have any additional questions or need any assistance with the development of these sub-regional plans for the community, please contact this office.

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

The role of the Division of Historical & Cultural Affairs in the Preliminary Land Use Service (PLUS) process is to provide information on the development's impacts to historic properties and archaeological sites and is an advocate for their protection. In addition, all of the information is according to the reference and resource materials at the State Historic Preservation Office, which is the central research repository of the Division of Historical and Cultural Affairs. Preserving Delaware's heritage and showcasing the historic legacy of our state are the guiding principles of our agency, and through active historic preservation efforts, the Division is committed to enhancing Delaware's quality of life by helping people connect with those aspects of our past that have made this state what it is today.

In accordance with the Preliminary Land Use Service (PLUS) outlined in [Chapter 92 of Title 29](#) of the Delaware Code, here are the following observations:

The Historic preservation values within Comprehensive Plan are clear from the very beginning, with a strong vision statement that includes protecting the Town's historic character by maintaining its historic properties through rehabilitation and adaptive reuse, and encouraging compatible in-fill in established neighborhoods. In addition, these values are part of the Town's overall goal. The Historic District zoning represents a strong commitment to appropriate rehabilitation and in-fill within historic areas. We also support defining and listing additional National Register-eligible buildings and districts within the Town.

However, suggesting 50' building heights in the downtown historic zone would make in-filled buildings out of scale with the existing historic buildings. This would create an adverse visual effect on National Register-listed Sussex County Courthouse and the Circle and other properties on the Circle, and may make it difficult to define a historic district in the area. In addition, the parking lots suggested in under-used rear yards and to replace ells or outbuildings would damage historic layouts and may be an adverse effect on buildings currently eligible for the National Register. This suggestion definitely threatens any archaeological resources that may remain in these yards. (Note: In the list of historic properties, the First Broiler House is no longer at UD Experimental Station. It was moved to the Delaware Agricultural Museum in Dover some years ago.)

The Delaware Historic Preservation Office supports the Town's move to neo-traditional design versus suburban design. This will improve the connections between historic areas and new developments. The plan should include consideration for protecting natural and historic resources in annexation areas, as is done for properties within the current boundaries. Overall, the plan integrates historic preservation values throughout. The Division would be happy to discuss these comments with the Town. If you need any technical assistance, or would like to discuss these issues further, please contact Alice Guerrant at 302-736-7412 or by email at Alice.Guerrant@state.de.us.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT recommends that the Town include a section on the public's participation in the development of the plan. How was it advertised for comment? How many people commented? Was a survey distributed? How was it distributed, to how many people, and how many responded? Were there public meetings or workshops? How many, when and where? How many people attended and how many had comments? Including this information serves to answer any future criticism that the citizens were not consulted in the development of the Plan.
- 2) In the Land Use chapter, the Town has done a good job of recognizing the need to protect areas around the runway at Sussex County Airport, including a new airport zoning district. The Plan also points out the need to have "ready to build" sites for desirable industrial uses and to avoid residential uses close to the airport. DelDOT is hopeful that when annexation of the airport is complete the Town will continue to work with airport manager and the DelDOT Office of Aeronautics to protect this resource.
- 3) On page 21, there is a recommendation that a minimum lot width be established for the Commercial zoning district along US Route 113. The absolute minimum width needed for a proper commercial entrance without encroaching on the frontage of adjacent properties would be 74 feet (two 12-foot lanes and 25-foot curb radii). However, for most uses a right-turn deceleration lane would also be needed and that lane would need to be a minimum of 220 feet, possibly much longer depending on the posted speed limit and the volume of turning traffic. Thus we suggest that a minimum lot width of 300 feet be considered. Further information in this regard is available from our Subdivision Engineer, Mr. Marc Cote'. Mr. Cote' may be reached at (302) 760-2165.
- 4) In the discussion of Strengthening Downtown Georgetown, on pages 23 and 24, there is discussion of the difficulty that pedestrians have crossing Market Street, Bedford Street and the Circle, and how traffic calming measures could be helpful. We acknowledge that these streets are often difficult to cross and that traffic calming might be helpful. The three streets just mentioned are State-maintained and to the extent that funds are available they would be willing to work with the Town on possible improvements. Initially, DelDOT recommends that the Town contact Mr. Jeff Niezgoda, a Planning Supervisor in the Statewide and Regional Planning Section, regarding a possible future Transportation Enhancement (TE) project for this purpose. Mr. Niezgoda may be reached at (302) 760-2178.

At the PLUS meeting, there was some discussion of the use of flexible plastic bollards as a means of improving pedestrian safety. Because the discussion was brief, we are not entirely clear as to what is envisioned in that regard. However, our Traffic Section has a traffic calming program that focuses primarily on low-

cost improvements to reduce travel speeds as a means of improving safety. Because they may be able to provide some near-term assistance pending the TE project just mentioned, DelDOT would urge them to also contact Mr. Michael Somers, the planner in charge of that program. Mr. Somers may be reached at (302) 659-4099.

- 5) On page 28, in the discussion of land use in eastern Georgetown, there is a comment that “The development of an alternative two lane road around the north side of Georgetown would reduce stress upon E. Market Street.” The Comprehensive Plan Map shows alternative routes for such a road and on page 39 the Transportation chapter discusses those routes. The comment on page 28 and the discussion on page 39 are factually correct as written, and if the Town would like to work with us on the planning of such a road, that is legitimate recommendation to have in the Plan. However, DelDOT must remind the Town that a new road, following either route, would be a long-term solution, beginning with the aforementioned planning process.

In recent months budgetary constraints have caused us to postpone projects that have been in our six-year Capital Transportation Program for some time, so any new projects are unlikely to receive funding soon. Further, even if funds were available, planning, design and construction for the suggested road would likely take six to ten years.

As important as DelDOT’s participation, is Sussex County’s. While the County generally does not build road projects, the Park Avenue relocation being an exception, they presently regulate land use along most of the southern proposed route and the entire northern proposed route. While they recognize that the Town’s proposed annexation areas would bring more of both routes into the Town, we view it as essential that Sussex County also endorse the concept of this road and include it in their Comprehensive Plan.

- 6) DelDOT is pleased to see on page 38 the Town’s recognition and support of their recommended preferred alternative in the US 113 North/South Study.
- 7) On page 40, the Transportation chapter discusses a new road to serve developments west of US Route 113 and north of US Route 9. Such a road seems worthy of additional study. It was contemplated in the review of the Isaac’s Family Farm traffic impact study in 2007 but was not pursued at that time. However, Route 9 is referred to as “County Line Road.” DelDOT maps refer to Route 9 as “County Seat Highway.”
- 8) On page 42, the Transportation chapter mentions the Sussex County Dial-A-Ride Connector. This service was discontinued some years ago.
- 9) In the section on Pedestrian and Bicycle Circulation, on pages 42 and 43, there is some discussion regarding bicycle facilities and trails, but relatively little about

pedestrian facilities and interconnection of neighborhoods. DelDOT recommends that this aspect of that section be expanded. Also, our Statewide and Regional Planning section did a bicycle/pedestrian plan for Georgetown several years ago and it was not mentioned. It is recommended that it be considered in the Plan and perhaps be included by reference.

- 10) There are many specific recommendations located throughout the Plan. For ease of reference, DelDOT recommends that the Town include a section where the recommendations are listed in summary form, organized by chapter with references to the pages where they are discussed in detail, and prioritized as short-term (to be completed in this five-year planning cycle) or long-term. The present chapter on Implementation and Intergovernmental Coordination does this to some extent, but they believe the Town would find a comprehensive list of specific items to be helpful.

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

Through annexation, the total land area within Georgetown’s jurisdiction could potentially double (page 36, Potential Annexations). Therefore, having a plan in place which will ensure protection of important natural resources is key. The importance of conserving natural resources such as wetlands, mature woodlands, and forested headwater wetlands is acknowledged in the plan; however, it is unclear how this goal will be achieved by the few action items included in the plan.

Water Quality

Page 5, Wetlands

Please consider substituting the following short narrative on wetland regulatory issues:

“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 State of Delaware’s Code. Compliance with these statutes may require an Army Corps of Engineers approved wetlands delineation and/or official DNREC wetland jurisdictional determination.”

Page 5 or 6, Natural Features Conservation

We strongly recommend that the Plan contain a narrative about Total Maximum Daily Loads (TMDLs) as a “stand alone” section under the greater Natural Features Conservation Section. DNREC suggests this narrative section be entitled “Water Quality Issues.” Please consider the following:

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 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 (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 water body; 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 Georgetown is located within the Broadkill, Upper Nanticoke, and Indian River Bay watersheds (high reduction zone). The pollutants specifically targeted for reduction in the aforementioned 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 the entire Inland Bay drainage was approved on November 11, 2008, and is now an enforceable regulatory directive. The PCS for the Nanticoke watershed is projected for completion at the end of 2010. No date has yet been projected for completion of the Broadkill watershed PCS.

Delaware River and Bay drainage	N- reduction requirements	P-reduction requirements	Bacteria-reduction requirements
Broadkill watershed	40%	40%	75%
Chesapeake Bay drainage			
Upper Nanticoke watershed	30%	50%	2%
Inland Bays/Atlantic Ocean drainage			
Indian River Bay watershed (high reduction zone)	85%	65%	40%

Table 1: TMDL Nutrient (Nitrogen and Phosphorus) and Bacteria reduction requirements for the Broadkill, Nanticoke, and Inland Bays (high reduction zone) watersheds.

Brownfields

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.

Stormwater/Drainage

General Comments

- The annexation areas shown on the comprehensive plan map have drainage concerns associated with them. In the past, the Town has looked to the State Drainage Program for technical assistance and funding to resolve drainage issues. With numerous drainage concerns in the future potential annexation area, the Town should be aware of the limited resources of the Drainage Program to assist the Town with drainage problems.
- The Drainage and Stormwater Section recommends sub watershed planning within the future annexation areas. By utilizing the drainage pattern, the Town may be able to combine habitat protection, recreation, and storm water management. The Town should partner with Sussex County as the watersheds extend out of the proposed annexation area identified by the Town.

Page 5, Waterways and the 100-Year Floodplain

- The Town should develop a Master Drainage Plan to identify existing open channels and stormwater pipes within the Town boundary, and future annexation areas, as these 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. A Master Drainage Plan could also serve as a guide to link future development open space as greenways.
- Streams and 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. The Town should develop a Drainage Management Plan if they do not have one. A Drainage Management Plan would include a maintenance plan for drainage conveyances, include points of access for maintenance equipment, and designate spoil disposal areas.
- 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.
 - The plan recommends thick natural vegetation be preserved and/or planted along major waterways. The Drainage and Stormwater Section agrees with the establishment of such areas. However, the planting of such areas 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 from 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.

Page 5, Wetlands

- The Drainage Program recommends including wetlands setbacks as part of the ordinances to protect environmental resources. Wetlands should be protected and a setback of un-subdivided open space surround them. No portion of any building lot should be within the setback. During prolonged wet periods, the area within the wetland setback 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 setback thereby reducing nuisance drainage complaints.

Page 6, Important Natural Areas

- Existing woodland provides valuable wildlife habitat as well as soil erosion protection, water quality filtering, and surface water uptake. Unless managed for timber, wooded areas typically were areas that were unprofitable for farming due to poor drainage. Without trees to absorb the surface water these areas tend to require intensive drainage. The Drainage Program recommends such areas be incorporated into a parks and recreation plan and not be allowed to be cleared for the creation of stormwater management areas.

Page 32, Strengthening the Community Character of Georgetown

- The Drainage Program recommends existing drainage ways be incorporated into open space plan. 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, along with potential annexation sites, as these channels may require maintenance in the future. Most of the channels have trees and wetlands adjacent to the channel and the riparian area provide a multitude of benefits for water quality and wildlife. There must be a balance between preserving the riparian area and having the capability to access the channel to perform maintenance. By identifying such areas now, future development would incorporate the areas into community open space thereby preserving the riparian area while allowing for channel maintenance access.
- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.

Page 48, Stormwater Management

- 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 pursue drainage easements along waterways, ditches, and storm drains where currently there are none. The Drainage Program is aware the Town does not want the responsibility of routine maintenance on the conveyances. However the Town should have the ability to remove blockages either natural or manmade.
- The Division of Soil and Water Conservation is requesting that the Town incorporate a requirement for a stormwater and drainage review into the Town's preapproval requirements for new development requests. Proposed development projects should hold a pre-application meeting with the delegated agency, the Sussex Conservation District, to discuss stormwater and drainage prior to the

town reviewing and/or approving plans or issuing building permits. The Sediment and Stormwater Program is set to begin requiring a pre-application meeting for all proposed land disturbing activities that require a detailed Sediment & Stormwater Plan within the coming year. These meetings are structured to assist developers in the design process and for early notification of approval requirements. In order to schedule a pre-application meeting, the applicant must forward a completed Stormwater Impact Study (SIS) to the appropriate Delegated Agency. Please contact 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.

- Explore the feasibility of 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 Sussex Conservation District, Sussex County and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.
- Evaluate the existing drainage patterns within the area of future annexation to ensure adequate drainage for the cumulative stormwater impact upon full build out of the Georgetown Planning Area. The Town should be mindful of potential stormwater impacts from the Town onto county residents.

Page 57, Capital Improvement Planning

- Explore the feasibility of 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 Sussex Conservation District, Sussex County and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Page 57, Subdivision Code

- Lines and grades: If the Town does not have a lines and grades requirement for new construction, the Division recommends this be considered to help resolve drainage issues arising from new construction during and post construction. 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 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 development project involves a tax ditch, or tax ditch right-of-way, include the Drainage Program in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.

- As the Town of Georgetown 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.

Rare, Threatened and Endangered Species

Habitat within current Town boundaries or in areas to be annexed has not been evaluated by our Division scientists for the potential to support species of greatest conservation need (SGCN¹). A few SGCN have been documented in areas designated as 'Future Low Density Residential'.

Recommendations:

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

Contact information:

c/o Environmental Review Coordinator
Natural Heritage and Endangered Species Program
DNREC-Division of Fish and Wildlife
4876 Hay Point Landing Rd
Smyrna, DE 19977
(302) 653-2880 ext. 101

- DNREC recommends the Town refer to the Delaware Wildlife Action Plan (DEWAP) when making land-use decisions. Some of the land within Town boundaries and proposed for annexation is mapped as Key Wildlife Habitat. DEWAP is a comprehensive strategy for conserving the full array of native

¹ Species of greatest conservation need (SGCN) are identified in the Delaware Wildlife Action Plan (DEWAP). In a broad sense, SGCN, as defined for DEWAP, are indicative of the overall diversity and health of the State's wildlife resources. Some may be rare or declining, others may be vital components of certain habitats, and still others may have a significant portion of their population in Delaware.

wildlife and habitats-common and uncommon- as vital components of the State's natural resources. This document can be viewed via DNREC's Natural Heritage and Endangered Species 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.

Forest Preservation/Wildlife Habitat Protection

The Plan briefly mentions the importance of mature woodlands and forested headwater riparian areas, but it is unclear how the Town will provide protection for those areas. The goals of the cluster/open space option and 'wetland deletions' on Page 19 is a good step towards providing some habitat protection in areas to be developed. These small areas of open space will provide food and cover for some species, but forest dependent species that require larger, connected areas for breeding won't be able to persist in smaller, fragmented forested areas. The Town should consider preserving some larger forested areas as open space. Fairly large connected blocks of forest occur within areas designated as "Future Low Density Residential," "Mixed Residential" and "Developing Area." Clearing within these forest blocks will fragment habitat. Forest fragmentation separates populations, increases road mortality, and increases "edge effects" that can leave many forest-dwelling species vulnerable to predation and infiltration by invasive species.

Equally important are forested areas along water courses which not only protect water quality but also provide wildlife with habitat for breeding, resting, foraging and migrating. Wetland buffers are mentioned in the plan, but a 25-foot buffer is not ecologically sufficient to protect water quality or to provide habitat for some wetland dependent species.

Cumulative forest loss and fragmentation throughout the State is of utmost concern to the Division of Fish and Wildlife which is responsible for conserving and managing the State's wildlife (see www.fw.delaware.gov and the Delaware Code, Title 7).

Recommendations:

- The Town should make an effort to implement measures that will aide in forest protection within areas that support SGCN as well as larger connected forest blocks.
- The Town should consider requiring at least a 100-foot buffer in areas that are not currently developed. Where feasible, if the existing buffer zone is less than 100 feet, planting native species to a width of 100 feet is highly encouraged. Efforts by the State to implement protective buffer requirements have been mostly unsuccessful in Sussex County. We urge the Town to ensure that wetlands and waterways within current boundaries and those to be annexed are protected.

- Expansion of the airport will entail clearing of a fairly large area of woodlands. Our program is working closely with airport personnel and their representatives to evaluate habitat and potential for SGCN. The Town should consider the impact of this project on natural resources and implement recommendations brought forth to minimize those impacts.

Transportation Plan

The NHESP works directly with DeIDOT to ensure that road and bridge projects do not adversely impact SGCN or supporting habitat. NHESP understands that DeIDOT is likely to choose an on-alignment alternative for the Route 113 improvements in the Georgetown area. Construction of this alignment is not likely to impact any rare, threatened or endangered species. Transportation consultants hired by Georgetown should coordinate with NHESP during the planning process for new roads proposed within town limits.

Parks and Recreation

General Comments

DNREC commends the Town of Georgetown with their efforts to connect parks, recreation, and open space areas through bike and pedestrian pathways and their enthusiasm in providing additional outdoor recreation opportunities for their residents. Outdoor recreation can encompass a variety of activities, from organized team sports to a picnic in the park. As new parks and recreation areas are planned within the Town, thought should be given to the appropriate use of the land in specific areas. Protecting open space (wetland and wooded areas with buffers around them) can serve a dual purpose by providing important passive recreational opportunities and at the same time protecting valuable wildlife habitat.

Parks and Recreation

DNREC is in support of the planning and development of a regional park area. The following is an overview of updated information to keep in mind when planning various park facilities.

In May and June 2008, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends 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 SCORP can be a useful document when addressing parks and recreation facilities and needs within county and municipal comprehensive plans. For the purpose of refining data and research findings, Delaware was divided into five planning regions. The Town of Georgetown is located within SCORP Planning Region 4.

Town of Georgetown Parks and Recreation Facility Inventory

There are six small parks within the Town of Georgetown:

Wilson Park- Located at the intersection of Market Street and Railroad Avenue.

Georgetown Circle- Located in the downtown core area and historic block.

Bedford Park- Located along Edward and Front Street.

Rosa Street Park- Along Rosa Street and Kimmey Street.

Kimmey Park- At the intersection of Kimmey Street and Tracey Street.

Layton Park- Just west of the airport south of Railroad Avenue.

Importance of Outdoor Recreation

When looking at the findings from the 2008 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 91% of Delaware residents indicated that outdoor recreation had some importance in their lives, while 64% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2002 public opinion telephone survey, indicating a continued demand for outdoor recreation opportunities throughout the state.

Placing high importance on outdoor recreation resonates throughout the five SCORP regions. In Region 4 (western Sussex County), 87% of residents indicated that outdoor recreation had some importance in their lives, while 60% said it was very important to them personally.

Participation in Outdoor Recreation

In SCORP Region 4 (western Sussex County), walking and jogging (81%) was the most participated in household activity followed by picnicking (66%), visiting historic sites and passive recreation in the outdoors (both 62%). This areas' household participation in golf (20%) and tennis (12%) were well below the statewide average while boating by powerboat (29%) and hunting (23%) were above the statewide average.

Reasons for Participating in Outdoor Recreation

In Region 4, 52% of the residents said that they participate in outdoor recreation for their physical fitness. This is a 12% increase from the same question asked in 2002. Other frequent responses include both to be with family and friends (22%) and to be close to nature (22%).

Outdoor Recreation Needs/Priorities

Based on the public opinion survey, the most needed outdoor recreation facilities in Georgetown include:

High Facility needs:

- Walking/Jogging Paths
- Swimming Pools
- Open Space/Passive Recreation Areas
- Picnic Areas
- Playgrounds
- Fishing Access
- Bicycle Paths
- Access to Historic Sites

Moderate Facility Needs:

- Hiking Trails
- Camping Areas
- Nature Programs
- Boat Access
- Baseball/Softball Fields
- Basketball Courts
- Football Fields
- Soccer Fields

The Town of Georgetown is encouraged to work toward incorporating and/or continuing to offer some of these opportunities in the development of their Comprehensive Plan.

Delaware Land and Water Conservation Trust Fund (DTF)

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 must remain as open space for conservation or recreation purposes in perpetuity. Four areas in Georgetown have received funding through the DTF program. They include: Bedford Park, Kimmey Park, Layton Park, and the Sussex Central High School Tennis Courts. The Town of Georgetown could further benefit from this program when incorporating new outdoor recreational facilities (particularly when planning or developing a regional park) or adding amenities to existing parks. For more information on the Delaware Land and Water Conservation Trust Fund, please contact Robert Ehemann @ 302.739.9235.

Town of Georgetown Land Use Map

Lands that have received funding through the DTF program must remain as open space for conservation or recreation purposes in perpetuity. Lands that have received funding

through the DTF program should be reflected as Permanently Preserved Lands on the Town's Land Use Map. These four parcels include:

Kimme Park- Parcel #135-014-2002-4100

Layton Park- Parcel #135-020-0001-7403

Bedford Park- Parcel #135-014-2001-3900

Sussex Central Tennis Courts- Parcel #135-019-0000-6905

Plan Implementation

The Plan should offer more specific “actionable” environmental protection strategies than currently offered. Within the Environmental Concerns section, we strongly recommend proposing an ordinance or ordinances which would:

- 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.
- Help protect freshwater wetlands where regulatory gaps exist between federal and state jurisdictions (i.e., isolated wetlands and headwater wetlands).
- 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. (1994), 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).

- 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).
- 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.

- 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.
- 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.
- 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 Natural Resources Conservation Service soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.
- Require the applicant to use "green-technology" stormwater management in lieu of "open-water" stormwater management ponds whenever practicable.

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

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

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department would like to congratulate the Town of Georgetown on a thoughtful, well-written comprehensive plan. The Department also appreciates the plan's attention to agricultural issues. The Department offers the following comments and suggestions for consideration in the plan.

The Department is especially interested in how the town will grow to the north, and transition to the large tracts of State Forest land in that area. The Department is encouraged the town has considered this transition in its plan, and has contemplated appropriate development and zoning where it interfaces with state forests. The Department is pleased to read the town's mention of transfer of development rights (TDRs) and cluster development with increased open space to accomplish this transition goal. Where development occurs near state forest land, it is important to maximize overall open space in those developments, and provide the widest buffered area practicable where the development abuts state forest lands. This will provide multiple environmental and aesthetic benefits, as well as contributing to community safety by providing a fire break between state forests and residential areas. In addition, we would request that the town consider requiring (in ordinance) that any development abutting state forest lands have signs posted to alert new residents that the lands are state forest lands, and to abide by the rules and regulations when using the lands. In addition, we would request that the developer of those lands provide individual homeowners in the

development with a copy of the rules and regulations at settlement, along with any covenants or by-laws governing the development. The Rules can be found here:

http://dda.delaware.gov/forestry/forms/StateForestrulesregs_0303_Final.pdf

The Department is pleased to see the mention of urban forestry and the use of street trees on pages 32 and 35 of plan. The Delaware Forest Service would be glad to work with the town to address its tree canopy goal. This is especially important in the context of the town's goal for preservation and restoration of its historic areas and structures. Trees are a vital part of any community, and the 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.

Although there are already a number of agribusinesses in town, the Department encourages the town to continue to develop and promote agricultural business whenever possible, including 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 on this application.

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

No comments received on this application.

Delaware Division of Public Health- Health Promotion Bureau- Contact: Michelle Eichinger (302) 744-1011

The Delaware Division of Public Health, Health Promotion Bureau aims to encourage municipalities to address strategies that promote a healthy community. This includes addressing opportunities to promote physical activity, access to healthy eating, and reduce tobacco use. These behaviors strongly affect the prevalence and mortality of chronic diseases (e.g. heart disease, diabetes, cancer, etc). While specific, individual-based programs can influence healthy behaviors, environmental and policy change strategies have a larger impact in fostering healthy behaviors.

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. Further, developments that include open space for active recreation offer an opportunity to engage in physical activity. 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.

Over 90% of adult Delawareans feel that people should be protected from second-hand smoke. About 18% of adult Delawareans are exposed to second-hand smoke at work. The vast majority of exposure is in outdoor worksites and entry-ways, although some exposure at indoor settings is still occurring, despite the state law.⁵ According to the Public Health Service's National Toxicology Program, secondhand smoke is listed as a known carcinogen, or cancer-causing agent. In the 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, secondhand tobacco smoke causes diseases and premature death in children and adults who do not smoke. The report also concluded that exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and causes heart disease and lung cancer; there is no risk-free level of exposure to secondhand smoke; and evidence from peer-reviewed studies show that smokefree policies and laws do not have an adverse economic impact on the hospitality industry.⁶

As a way to promote healthy communities, we recommend that the following be included in the Town of Georgetown Comprehensive Plan:

Identify opportunities for physical activity and active transportation

The draft comprehensive plan offered an excellent plan to promote walkability/bikability through community design.

- Address efforts to support and ensure inter-/intra-connectivity with residential and commercial properties through sidewalks, crosswalks and walking/bicycling paths. Consider a plan to install bike racks within commercial properties and in residential communities. There was concern on the funding. It is suggested that the town planner review the "Healthy Communities: A Resource Guide to Delaware Municipalities." This document addresses strategies and funding support to incorporate amenities (e.g. tree canopy, 5' sidewalks, walking/bicycling paths, etc) that facilitate a healthy community.
- Residents indicated interest in having opportunities for active and passive recreation. Consider including a plan to enhance existing parks or designate open

spaces for active and passive recreation. This may include park benches around ponds, playgrounds, tennis and basketball courts, etc. To address active recreation during inclement weather, explore opportunities to incorporate a community center or joint use agreements with churches to be used by members of the community.

- The Division of Parks and Recreation publishes the document, *Statewide Comprehensive Outdoor Recreation Plan* that may be useful to add in the Town of Georgetown's Comprehensive Plan.

Increase opportunities for healthy eating

- Designate an area for a community garden. Community gardens in undeveloped/vacant lots or in Georgetown's Town Center would be an approach to improve attractiveness. They also provide opportunities for physical activity and community cohesiveness.⁷ In addition, community gardens, that are vegetable gardens, provide residents access to healthy nutrition.
- Explore the opportunity of designating an area for a farmer's market. This not only provides access to healthy nutrition, but also is a strategy to promote agriculture sustainability in Delaware.

Tobacco Control

- Delaware's Clean Indoor Air Act is not preemptive, which allows for local governments to make the law stronger in their municipalities. As such, explore the possibility to develop an ordinance that restrict smoking outside the entrances of public places or ban smoking in local parks, which are not included in the current law. The Americans for Nonsmokers Rights offer model ordinances that may assist local governments in establishing. These can be found at <http://no-smoke.org>.

Other Comments

- Under the Healthcare section of the plan, on page 23, please include the Georgetown State Service Center as a facility offering health/clinical services to the community. The Georgetown State Service Center is operated under the Delaware Department of Health and Social Services. In addition, please include La Red Health Center, which is a Federally-Qualified Health Center.

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 Delaware Health and Social Services (2008), *Adult Tobacco Survey*, Division of Public Health, Tobacco Prevention and Control Program.

⁶ U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion,

Office on Smoking and Health (2006). The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General. Atlanta, GA:

⁷ Hancock, 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 Municipal Comprehensive Plan for the Town of Georgetown to determine how the Municipality has incorporated the State's goals, policies, and strategies as they relate to affordable housing. Since the Town of Georgetown has a population over 2,000 people, HB 396 mandates that towns of 2,000 or more develop a Plan to address affordable housing, which the Plan does state. DSHA supports the Plan and we applaud the Town of Georgetown for responding to the need for affordable housing. We endorse the Plan's goals for providing a range of housing types, prices, and densities, including various housing types for seniors.

Overall, the Plan meets the minimal thresholds for compliance. However, DSHA does offer a few recommendations for further improvements. DSHA recommends a stronger housing analysis. Specifically, there is little information on predicting Georgetown's housing needs versus the current housing stock. Although DSHA supports the Town's goals, there is little connectivity between these goals and strategies for successful implementation. Therefore, DSHA recommends a strategies section that will allow the Town to assess to what degree, if any, goals have been met. DSHA can provide any technical assistance in this manner. We have numerous resources available for local jurisdictions, including a guide to writing your housing element. Additionally, 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 or would like to explore any of the housing tools in more depth, 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 this Comp plan update progresses.
 5. DOE has no comments regarding the Comprehensive Plan update under consideration.

Sussex County

No comments were received regarding this plan.

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 municipality.
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,

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

Constance C. Holland, AICP
Director

CC: Sussex County