



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

December 28, 2009

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

RE: PLUS review – 2009-11-03; Georgetown Comprehensive Plan

Dear Mr. Klein:

Thank you for meeting with State agency planners on November 25, 2009 to discuss the proposed Town of Georgetown 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.

Based upon comments provided through the PLUS the Office of State Planning and Coordination in conjunction with the Delaware State Housing Authority require the following implementation item be added to Town's list of items to be developed as part of the implementation of this most recent comprehensive land use plan.

The Town of Georgetown in cooperation with the Delaware State Housing Authority will develop a housing analysis for the Town that will help to predict Georgetown's housing needs versus the current housing stock.

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

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

This office commends the Town for its most recent efforts to develop this comprehensive land use plan update. More importantly we commend the Town for its proactive approach by incorporating the Master Planning Process into this document for the area within and around the Sussex County Airport. Finally, I would ask that you consider the additional comments provided by various state agencies to further strengthen the proposed.

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

The State Historic Preservation Office (SHPO) has reviewed the draft of the Town of Georgetown 2009 Comprehensive Plan. It retains its strong commitment to historic preservation values in championing compatible development, adaptive re-use, and in-fill, in seeking ways to protect and enhance its historic character, and in incorporating those values throughout the plan. They appreciate the clarification about taller maximum building heights being considered only along Rt. 113 and in other areas not adjacent to existing residential buildings. This removes what could have potentially threatened the visual setting of the historic areas of Georgetown.

Backyard parking lots in historic areas moving from residential to commercial and business uses are definitely preferable to front lots, but still represent a threat to the archaeological resources that potentially exist in those back yards. While the Town may not want to provide any specific protections for such sites at this time, we recommend that there be awareness of possible archaeological sites that may be adversely affected by the development of parking lots. The Archaeological Society of Delaware and the Georgetown Historical Society are two sources that are available to provide some public education on the value of investigating and/or preserving archaeological resources. If you have any questions or concerns, please contact Alice Guerrant at 302-736-7412.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

One minor editorial comment DelDOT made at the May meeting remains a concern. On page 48, the Transportation chapter discusses a new road to serve developments west of US Route 113 and north of US Route 9. In that paragraph, Route 9 is referred to as both County Seat Highway and County Line Road. DelDOT maps refer to it only as County Seat Highway.

On page 50, the Plan mentions the Transit hub at the DelTech campus. This hub will be moving to a location on Railroad Avenue in downtown Georgetown. Ms. Lisa Collins, a Service Development Planner with DART First State, for more information on this change. Ms. Collins may be reached at (302) 576-6067.

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

DNREC reviewers would like to acknowledge the town for incorporating many of its previous suggestions into this version of its comprehensive plan, and for adopting one of the state's more protective source water protection ordinances. Most of the following comments concern suggestions for implementation of the plan. If you would like to consult with the Department on specific environmental ordinances or policies suggested here, please contact DNREC's Planning Section: Lee Ann Walling, Kevin Coyle or Jennifer Walls, at 739-9000, and they will facilitate the Department's assistance.

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 beyond the proposed annexation area identified by the Town.

Page 7, Waterways and the 100 Year Floodplain

- Please replace the first two sentences in the first paragraph on page 7 with the following:

The 100-year floodplain is a graphic representation of the Base Flood on FEMA's Flood Insurance Rate Maps. The Base Flood is the flood having a one percent chance of being equaled or exceeded in any given year. In a 30 year period, there is a 26% chance a structure in the floodplain will be flooded by the 100 year flood event.

The Town is a participating community in FEMA's National Flood Insurance Program. They have adopted and agreed to enforce a Floodplain Ordinance that regulates construction in the floodplain. *(DNREC Note: There are no State regulations. The Town has adopted FEMA's minimum regulations. We would like to see the Town adopt more stringent regulations for development in the floodplain so that growth and development is directed away from areas that are prone to flooding.)*

- Please replace the first full paragraph on page 8 (“It would be desirable to have detailed floodplain mapping...”) with the following:

The Town has a provision in its Floodplain Ordinance that requires a Base Flood Elevation to be provided for all development greater than 5 acres or 50 lots. All of the floodplains around Georgetown have been approximately located by FEMA. If the Town approves development in the proposed annexation areas that contain floodplains, it is up to the developer to provide detailed base flood elevation information to the Town. The Town can then provide this information to FEMA to have the map revised.

- 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 of the top of the bank to avoid future blockages from tree roots. Plant the balance of the buffer, as well as stream and ditch banks, with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into water conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Remove invasive vegetation prior to the planting of native species.

Page 9, Important Natural Areas, and Page 53, Parks and Recreation

- 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 39, Strengthening the Community Character of Georgetown, and Page 53, Parks and Recreation

- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.

Page 59, 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 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 Assessment Study (SAS) 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.

Page 69, 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.

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:

- We highly recommend 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:

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.

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

- We recommend 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 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 24 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 DelDOT to ensure that road and bridge projects do not adversely impact SGCN or supporting habitat. NHESP understands that DelDOT 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

We commend the Town of Georgetown for 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

We are 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:

1. Wilson Park- Located at the intersection of Market Street and Railroad Avenue
2. Georgetown Circle- Located in the downtown core area and historic block
3. Bedford Park- Located along Edward and Front Street
4. Rosa Street Park- Along Rosa Street and Kimmey Street
5. Kimmey Park- At the intersection of Kimmey Street and Tracey Street
6. 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:

1. Kimmey Park- Parcel #135-014-2002-4100
2. Layton Park- Parcel #135-020-0001-7403
3. Bedford Park- Parcel #135-014-2001-3900
4. Sussex Central Tennis Courts- Parcel #135-019-0000-6905

Source Water Protection

We commend the Town for adopting a source water protection ordinance that protects the resource. The comprehensive plan references the ordinance and contains discussion of the Town's intent to continue to protect the resource.

Water Allocation

The Town currently provides water for a population of 5,157 people with water from 6 wells. Although the capacities of the wells are not accurately presented in the table "Georgetown Wells" on page 58 of the Plan, the current allocated well capacity is adequate to serve more than double that population on an annual average basis, at the current consumption of 136 gallons per day per person (gpcd). Even so, it would benefit the Water Department to learn the permit limits on their wells so they don't accidentally exceed their daily allocations.

The Town's water conservation program and outside factors have contributed to a decline in per person water use, from 163 gpcd in the year 2000, to 136 gpcd in 2007. The maximum daily water use limit of 2.38 million gallons per day (MGD) is also adequate for the foreseeable population growth, given that the reported peak day factor is only 1.375 times the average day (page 59). The projected 2025 population of 6,626 inhabitants would need 1.239 MGD peak day at the same rates (136 gpcd and 1.375 peak factor). The Town's population growth does not require any new wells, unless the older

wells begin to fail. Water conservation, well maintenance and leak detection would be wiser investments at this time.

Other Water Resources comments

Thanks for incorporating many of our previous comments.

Page 7, Natural Features Conservation, 5th paragraph: We suggest rewriting the section (“The Town should work to minimize...”) section as follows:

The Town is strongly encouraged to implement an ordinance(s) requiring an impervious surface mitigation plan for all commercial and residential development(s) project to exceed a 20% threshold level of surface imperviousness. This mitigation plan should implement specific BMPs that reduce surface imperviousness, including: 1) the use of pervious paving material in lieu of conventional paving materials (i.e., asphalt or concrete); and/or, 2) protection of more undeveloped open space. Additionally, commercial developments should be required, wherever practicable, to use pervious paving materials in lieu of conventional paving materials for 50% of their total paved surface area(s).

Page 8, Wetlands, 3rd paragraph: It is incorrect to assert that drainage ditches are not regulated. Perennial and intermittent streams/ditches are, in fact, regulated by DNREC via statutes under the State Subaqueous Lands Act and must be field verified by a State wetlands scientist. Moreover, isolated wetlands can only be verified through a US Army Corps of Engineers-approved jurisdictional delineation. We suggest the following rewrite of this paragraph:

Wetlands are defined by the presence of three criteria: 1) wetland hydrology, 2) hydric soils, and 3) hydrophytic vegetation. Wetlands help maintain and improve water quality, reduce or mitigate flooding impacts, and provide habitat for a variety of plant and animal species.

“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. It should also be noted that compliance with these statutes may require an Army Corps of Engineers approved wetlands delineation and/or DNREC wetland jurisdictional determination.

Page 9, Water Quality Issues, 4th paragraph: We suggest the addition of the following paragraph:

The PCS for the entire Inland Bay drainage was approved on November 11, 2008, and is now an enforceable regulatory directive. After this sentence, we suggest adding the following table on TMDL nutrient and bacterial reduction requirements:

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.

Potential Brownfield Sites

DNREC's Site Investigation and Restoration Branch (SIRB) encourage 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.

Additional plan implementation suggestions

- *Wetlands.* Consider requiring 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 Lands Act (7 Del. C., Chapter 72) as determined by DNREC.
- *Impervious cover.* Consider requiring 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.

- *TMDL protocol.* To protect water quality, consider requiring 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.
- *Open space.* 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 NRCS 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

No comments received

Department of Agriculture - Contact: Scott Blaier 739-4811

The Delaware Department of Agriculture would like to congratulate the town on a well-written comprehensive plan. We offer the following comments below for your consideration.

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. 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 in the 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

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

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

No comments received

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.

Many points from the PLUS comments were copied directly to the Town of Georgetown Comprehensive Plan, but with no plan or ways to address those points. For example, the point on the importance of installing bike racks as a way to promote bikability were included in page 56, but there were no plans to install bike racks under the transportation section of the document. Further, there were no plans to encourage access to healthy foods and discourage tobacco use. As such, the recommendations below are included again for review and implementation. Additional strategies are included.

Identify opportunities for physical activity and active transportation

- 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.
- Consider policies and/or zoning on the sales of unhealthy foods (i.e. through vending machines) and reducing the density of fast food establishments
- Explore opportunities for adaptive re-use for the use of grocery stores. Such adaptive re-use can promote entrepreneurship and can be aim to Hispanic markets.

Tobacco Control

- Delaware’s Clean Indoor Air Act is not preemptive, which allows for local governments to make the law stronger in their municipalities. In addition the Clean Indoor Air Act only applies to the indoors of public spaces. 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. It was mentioned during the PLUS meeting, that examples of local models and best practices are needed. The Americans for Nonsmokers Rights offer model ordinances that may assist local governments in establishing smoke-free environments. These can be found at <http://no-smoke.org>.

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 Vicki Powers 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 threshold 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. Additionally, DSHA recommends the housing element section of the plan be reorganized and placed all in one section, rather than a large section of it in the appendix. This will help provide a clearer understanding of the housing element in regard to analysis and properly connect the Town's housing goals to the data. 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. 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: http://www.destatehousing.com/services/ot_toolbox.shtml. We recommend that the Town visit the site for further information on writing one's housing element. DSHA has

created a complete step-by-step guide to this process and it is available for download, if one clicks on the ‘*Housing Element*’ button on the left-hand column.

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

1. 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.
2. In its review of Comprehensive Plans, Comprehensive Plan Updates 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.
3. 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.
4. 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.
5. 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 Comprehensive Plan Update progresses.
6. DOE has no comments regarding the Comprehensive Plan Update 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 her consideration.
5. At her discretion, the Governor will issue a certification letter to your City.
6. Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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

Sincerely,



Constance C. Holland, AICP
Director

Enclosures