



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

January 26, 2010

Mandy Slody  
Planning and Zoning Commission  
Town of Frederica  
P.O. Box 294  
Frederica, DE 19946

RE: PLUS 2009-12-01; Town of Frederica Comprehensive Plan Amendment

Dear Ms. Slody:

Thank you for meeting with State agency planners on December 23, 2009 to discuss the proposed Town of Frederica Comprehensive Plan amendment. According to the information received, you are seeking to amend the comprehensive plan objectives and recommended actions of the 2004 plan and recommend specific amendments to the Land Development Ordinance. In addition, this amendment proposes to change Map 8; (Proposed Historic District) and Map 7 (Proposed Land Use and Annexations) to correct errors in the existing land use designation.

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.

The Office of State Planning Coordination would like to commend the Town of Frederica for actively continuing to implement your comprehensive plan. Our office would like to offer our assistance in the future as you continue to implement your plan. As discussed at the PLUS meeting, we would welcome the opportunity to review the ordinance amendments through PLUS.

**Code Requirements/Agency Permitting Requirements/Certification  
Issues**

None

## **Suggestions/Additional Information**

This section includes a list of site specific suggestions that are intended to enhance the plan. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements, and compliance with these suggestions is at the discretion of the applicant.** They are offered here in order to provide proactive ideas to help the applicant enhance the comprehensive plan, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the community.

### **DNREC**

Most of DNREC's comments concern implementation of your comprehensive plan. They offer several recommendations to adopt and strengthen ordinances related to environmental protection. DNREC would be pleased to help the town preserve its unique resources and waterfront character and believe the town could serve as a model for other small communities that do not have the technical or financial resources to develop their own suite of environmental ordinances. For assistance, please contact Lee Ann Walling or Kevin Coyle in the Planning Section, 739-9000, and they will facilitate the involvement of DNREC's technical expertise.

### **Division of Fish and Wildlife**

**Town of Frederica Zoning Map.** A parcel zoned R-2 on the north side of Johnnycake Landing Rd zoned is comprised primarily of wetlands according to state wetland maps. The wetlands on this parcel are also mapped as Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan (DEWAP<sup>1</sup>) due to potential for supporting an array of plant and animal species and being part of a larger wetland complex. This parcel is also on Delaware's Natural Areas Inventory<sup>2</sup>.

#### *Recommendations:*

- 1) Efforts should be made to protect wetlands on this parcel if a development is proposed in the future. These efforts should include at least a 100-foot upland buffer without lot lines or infrastructure.

---

<sup>1</sup> 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.

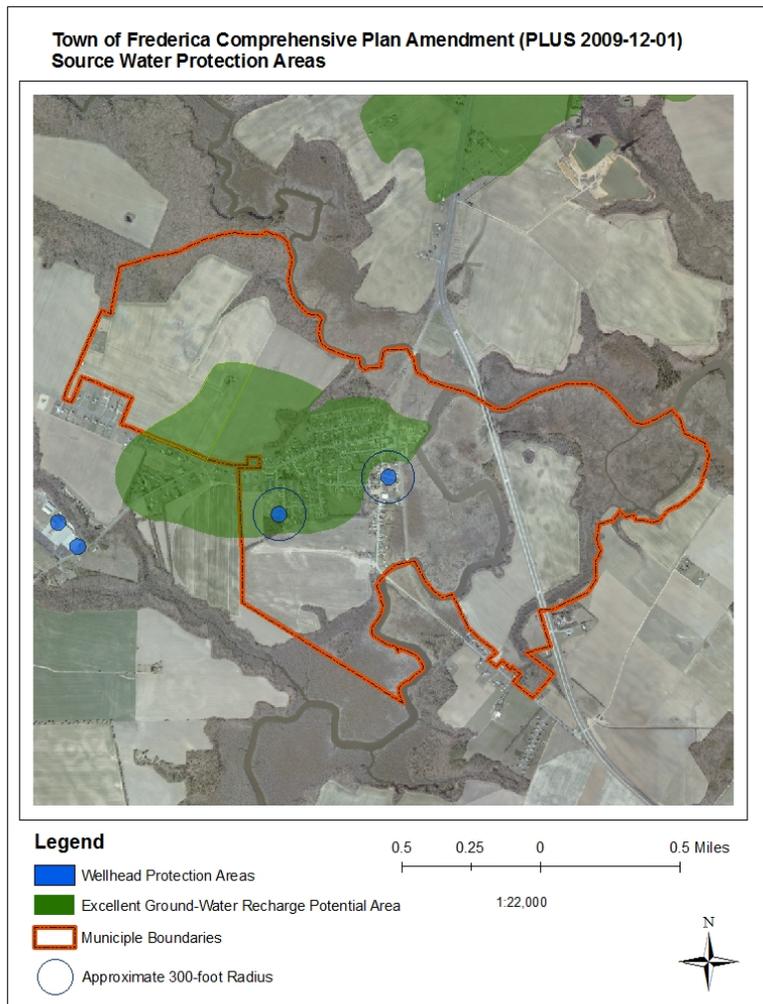
<sup>2</sup> State Natural Areas involve areas of land or water, or of both land and water, whether in public or private ownership, which either retains or has reestablished its natural character (although it need not be undisturbed), or has unusual flora or fauna, or has biotic, geological, scenic or archaeological features of scientific or educational value. State Natural Areas are depicted on maps maintained by the Department of Natural Resources and Environmental Control, Division of Parks and Recreation, Natural Areas Program, as approved by the Department Secretary and upon recommendation by a governor appointed Natural Areas Advisory Council.

- 2) The Town is encouraged to refer to the Delaware Wildlife Action Plan (DEWAP<sup>1</sup>) when making future land-use decisions. Key Wildlife Habitat (KWH) identified in the plan can support an array of species across the landscape and the maps provided in DEWAP show areas of the state where conservation efforts can be focused. These maps are also intended to guide more site-specific conservation planning efforts.

### **Division of Water Resources**

**Water Allocation.** The current water allocation for the Town is adequate for population growth up to approximately 1,200 persons, if the current per capita water use of 91 gpdc (gallons per day per capita) is maintained. According to the 2007 Plan amendment, the Town should have surpassed that population by 2007. However, the population remains steady at approximately 825, according to the 2008 water use reports. The current water allocation is adequate to support some growth in the population. However, if the Plan’s growth projection of 225 people per year is ever realized, the current allocation will be adequate for only two years of population growth.

It would be advisable for the Town to prepare for this growth rate before it begins. The Town’s current source water protection ordinance requires that public supply wells be located in open space. The maps included in the 2007 amendment show proposed open



space in wetland areas only. These areas may not be compatible with water supply development. The Town should allow time for any rezoning, permitting and construction that may be needed for the new water supply sources.

### **Stormwater/Drainage comments**

#### **General Comments**

- 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.

**Page 7, Tree Protection.** 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 8, Floodplain and Riparian Buffer Protection**

- 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 requirements to field verify prior to issuance of Certificate of Occupancy or building permit, as appropriate.
- 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.

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

### **Department of Agriculture**

The Delaware Department of Agriculture has reviewed the town's draft comprehensive plan amendment. We offer the following comments for your consideration.

Page five (5) of the plan discusses establishing a historic district within the town. The Department supports this goal. However, in addition to preserving historically significant buildings within town, they also ask the town to consider historic and preserved farmland located around and along the municipal boundary of the town.

A GIS layer of all the properties enrolled in the State's Agricultural Lands Preservation Program can be found at the link below (Districts and Easements). Several of these properties are adjacent to the town's current municipal boundary. Please consider adding this layer to Map 7, and consider them in the town's future land use decisions. Please note that this layer changes frequently as properties enter and leave the program.

<http://66.173.241.168/dda/downloads.html>

- Page 8 of the plan discusses tree protection. The DDA would like to commend the town on this initiative. The Delaware Forest Service recommends that the Town of Frederica develop a formal urban forestry management plan that addresses a tree canopy goal. This goal would compliment the current efforts to protect trees within the town. Based on a recent Urban Tree Canopy Analysis of municipal areas in the state, the current tree canopy of Frederica is approximately 12.04% (*tree canopy based on 2007 LiDAR, and 2008 municipal boundary*).

The establishment of a local tree board would also help the Town to accomplish all of its tree protection and enhancement projects. The Delaware Forest Service

would also be available to assist in the development of a local tree board and any related tree ordinances.

Please contact the Delaware Forest Service to learn more about how to effectively manage urban forest resources at (302) 943-3593.

### **State Historic Preservation Office**

- The State Historic Preservation Office has reviewed the Town of Frederica's draft comprehensive plan amendment for 2009. The plan places the protection of its historic district and its small-town character central to the town's goals. The plan mentions proposed changes to its historic district boundaries; it appears that the proposed boundaries conform in general to the National Register-listed boundaries, which they encourage. The SHPO applauds the goal to produce a design review manual to make the applications for and the results of reviews clear, understandable, predictable and defensible. They also strongly favor the goal to keep the Town Center strong and viable. Protection of trees and maintenance of sidewalks also help to protect the overall setting and the pedestrian-friendly nature of this small town. SHPO would be happy to provide technical assistance in developing the design review manual and/or in providing training and technical information for the town's Planning Commission to assist them with historic design review. If you have any questions or concerns, please contact Alice Guerrant at 302-736-7412.

### **DelDOT**

- DelDOT is pleased to see that the Town wishes preserve the vitality of its town center. Something they have observed in other towns that have created Town Center districts is that new businesses that could locate downtown sometimes choose to locate elsewhere in commercial districts with less restrictive requirements. In creating the Town Center district DelDOT recommends that the Town examine the regulations for their other commercial district(s) to make sure they are comparable.
- DelDOT supports the Town's efforts to improve their streets and sidewalks and they look forward to working with them in regard to the State-maintained facilities.
- Relative to Street and Sidewalk Improvements, the Town should be aware that DelDOT expects to adopt a Complete Streets Policy, which will affect the design of any improvements to State-maintained streets within the Town. By definition, a "complete street" is a roadway that accommodates all travelers, particularly public transit users, bicyclists, pedestrians (including individuals of all ages and individuals with disabilities), and motorists, to enable all travelers to use the roadway safely and efficiently.

DelDOT is developing the policy in response to Executive Order No. 6. Following the policy's adoption they will need to develop a plan for its implementation, but the essence of the policy is that where DelDOT makes capital improvements those improvements will address the needs of all who travel through the facility being improved.

### **Housing Authority**

- The Town of Frederica is proposing an Amendment to their Comprehensive Plan to focus on their implementation of their Plan. This Comprehensive Plan Amendment as proposed by the Town of Frederica sets forth a revised set of objectives and recommended actions to their 2004 Land Development Ordinance. Additionally, there are map changes and changes in the Historic District boundaries. In particular, DSHA supports the establishment of a Town Center (TC) Zoning District that would permit apartments over commercial buildings. DSHA commends the Town of Frederica for critically examining their implementation of their Comprehensive Plan and developing strategies for achieving the Plan's goals and objectives. DSHA has no objections to the proposed changes and supports the Amendment.

### ***Approval Procedures:***

Once approved, the Town should send a copy of the amendment with the resolution/ordinance approving the amendment to the Office of State Planning for our files.

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

Sincerely,



Constance C. Holland, AICP  
Director

CC: Kent County

Attachments: Dover/Kent MPO comments

PLUS Review meeting of 12/23/2009  
**Amendments to the 2004 Fredrica Comprehensive Plan**  
Submitted by Jim Galvin, AICP

The Dover/Kent County MPO is the agency that supports and promotes conversations between Kent County, included municipalities, the public, and DelDOT. We assist with planning transportation improvements in the county and are concerned with traffic and air quality. Our participation in the PLUS process is advisory to promote design and techniques to reduce the need for a personal vehicle for every destination and promoting transit, bicycle and pedestrian facilities. Our governing body, our Council, is comprised of elected officials, or their proxies, of all levels of government in Kent County.

+++++

The MPO appreciates the importance pedestrians have obtained in the town's considerations for the future. Fredrica has identified a small-town atmosphere is created by offering pedestrian access within a central commercial area and between residential neighborhoods.

The initial plan promoted the idea of retaining the small town atmosphere. The plan goes on to identify cluster development and pedestrian-friendly design as objectives for future code amendments to promote the atmosphere. It also encouraged developing the infrastructure to support transit and pedestrians. There is nothing in the amendments that are the subject of this PLUS review that is contrary to those goals and, in fact, the Town Center District relies and supports them.

That being said, we have a comment on opportunities...

- 1) Fredrica is located in such a place to be a logical stop for any Kent/Central Delaware Bike Tour. There currently exists elements of the Statewide and Regional bike routes near the Town that do not enter it. The Statewide route follows DE 12 to the intersection with Carpenters Bridge Rd. The Regional route from the north is along Andrews Lake Rd., joins DE 12 for less than a mile and turns south on Carpenters Bridge Rd. We suggest the code include bike-friendly



changes to promote the infrastructure and facilities that support being a destination. Even though they are DelDOT's responsibility, mention in the plan the idea of marked bike lanes on DE 12 and bike racks in the downtown. The MPO has begun a process to cooperatively develop a bike plan for the MPO region (Kent County plus a bit). Watch for opportunities to participate.

- 2) There are two items included in the matrix on Appendix A, page 1 that are listed as low priority. They are "Explore vacant lands for Town Park and other recreational opportunities" and "Coordinate with the Delaware Transit Corporation to discuss current needs and future demand for increased bus service including schedule, frequency and location of stops."

Both objectives require the public acquisition of real property/right-of-way that is more possible in the current economic downturn. In the future, when the town is ready to acquire land or obtain commitments for improvements to transit facilities or service, there will be additional competition for the resources; land and service. If the Town has the goal and is strong enough to include in the plan, they may miss an opportunity by leaving it at a lower priority. If a developer gains site control of potential lands, the cost of the land will escalate and acquisition may become more difficult. Now is the time to plan for these goals by evaluating the potential of lands that might be appropriate for a town park and approach the land owners or reflect the potential for public transit in code so it is considered in future development plans.