STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 22, 2014

Robin Davis
Town of Milton
115 Federal St.
Milton, DE 19968

RE: PLUS review 2014-03-02; Town of Milton Pre-update Review

Dear Robin:

Thank you for meeting with State agency planners on March 26, 2014 to discuss the update of Milton's comprehensive plan. State agencies have reviewed the documents submitted and have asked that the following be considered when you update your plan for certification.

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

The Town of Milton comprehensive plan was certified in 2010 which means that you are required to review or update the plan by 2015. In that regard you have the following options:

- Plan Review – This is not an option for the Town of Milton as your current population is over 2000 people which requires the Town to adopt a Sourcewater Protection Ordinance.

- Plan Amendment – The Town could make minor changes to the plan through a Plan amendment. The plan amendment must include the adoption of a Sourcewater Protection Ordinance and language in the plan relating to Sourcewater Protection. If a plan amendment is done, the plan amendment would be reviewed through the Preliminary Land Use Service (PLUS) but the plan would not be recertified.

- Plan Update – An overall update of the plan as determined by the public meetings with residents and adopted by both the Planning Commission and the Town Council. If a plan update is done, the plan would be submitted to the Governor's Office for certification.

After speaking with the Mayor, it appears the town will move forward with a plan update. If this is the case, the town should review the following comments from State agencies regarding needed changes to the existing plan as well as recommendations to improve the existing plan.

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I have also provided a Comprehensive Plan Checklist which outlines all required elements that need to be a plan for a town of over 2000 people. To aide in certification of the plan we ask that you include clear policies, statements, and goals of each planning component as outlined in the checklist.

The Office of State Planning looks forward to working with the Town as you move forward with the update of you plan.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access include their regulations on Transportation Improvement Districts (TIDs). Specifically see Sections 2.3.4 and 2.13 (available at http://www.deldot.gov/information/pubs_forms/revisions_to_ASR/TrafficImpactStudiesDraftRegulationAmendment130214.pdf). These Districts are formed by agreement between DelDOT and the relevant local governments. Their purpose is to plan comprehensively, to expedite the development approval process and to provide adequate infrastructure in areas where development is to be encouraged. These regulations, among other things, require that the Districts be identified in local governments' comprehensive plans. If the Town is contemplating significant growth, of the sort previously proposed in Sussex County on the northwest side of Town, it may want to consider creating a TID.

  With regard to locating the regulations cited above, the Town should be aware that we expect to advertise an update of our Standards and Regulations in the May 2014 Register of Regulations. While changes to the content of the TID regulations are not contemplated, the section numbers cited above are likely to change.

- Also inDelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, there are two subsections within Section 2.9.12.1 that provide for exceptions to DelDOT's Level of Service (LOS) standards with regard to Traffic Impact Studies (TIS). Generally, those standards are LOS C in rural areas and LOS D elsewhere. However, where a local government, as part of its adopted comprehensive plan, determines that acceptance of a lower LOS (D, E or F) is necessary and appropriate to the pattern of development they seek to create, DelDOT will consider that local government's standards. Similarly, where a development is proposed in an area, or on parcels, designated as a "re-development" site by either state or local government, with local government concurrence DelDOT may accept the existing LOS.

  DelDOT recommends that the Town read Section 2.9.12.1 (available at http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf) and consider whether they want to identify a lower LOS standard for some part of the Town or to designate some area or areas for redevelopment. The redevelopment provision does not require language in the comprehensive plan but the plan seems like an apt place for it. They are not aware of any

locations in the Town presently experiencing LOS E or F now, but with previous development proposals for the northwest side of town, traffic congestion was a concern.

Presently DelDOT expects to advertise an update of their regulations in the May 2014 Register of Regulations. While changes to the content of the LOS standards are not contemplated, the section number cited above is likely to change.

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

DNREC offers several comments and suggestions to improve conservation and protection of the Town's resources. While the cumulative impact of various program suggestions and concerns may sound negative, the intent is to improve the plan elements related to environmental protection, open space, recreation and water quality and supply. DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Milton's Natural Environment (Inventory of Existing Conditions, page 15)

- ***Recommendation*: In this chapter, DNREC would expect the City to discuss issues like Total Maximum Daily Loads (TMDLs) and water quality, wetlands/water bodies/buffers, air quality, floodplains (please be advised that new Flood Insurance Rate Maps are available), wildlife habitat (how the City intends to preserve and enhance), and urban forestry.**

Total Maximum Daily Loads (pages 16-17)

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 (TMDLs) to restore their beneficial uses (e.g., swimming, fishing, drinking water, and shellfish harvesting). A TMDL defines the amount a given pollutant (i.e., or the pollutant loading rate reduction for a given pollutant) that may be discharged to a water body from all point, nonpoint, and natural background sources; thus enabling that water body to meet or attain all applicable narrative and numerical water quality criterion (e.g., nutrient/bacteria concentrations, dissolved oxygen, and temperature) in the State of Delaware's Water Quality Standards. A TMDL may also 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 that pollutant without adverse impact. The nutrient (Nitrogen & Phosphorous) and bacteria TMDL reduction requirements for the Murderkill Town of Milton watershed are listed in Table 1. The realization of these TMDL pollutant load reductions will be through implementation of a Pollution Control

Strategy (PCS). A PCS identifies the specific strategies and actions (e.g., best management practices) necessary for reducing pollutants in a given water body (or watershed); thus realizing the water quality criterion or standards set forth in the State of Delaware's Water Quality Standards – ultimately leading to the restoration of a given water body' s (or watersheds) designated beneficial use(s). Specifically, a PCS is a combination of best management practices that will reduce nutrient and bacterial pollutant runoff loading by optimizing BMPs. The PCS for the Broadkill River watershed consists of recommendations from the following three areas: agriculture, stormwater, and wastewater. Currently, the PCS for the Broadkill watershed, the watershed in which the Town of Milton is located, contains only non-regulatory recommendations.

Delaware River & Bay drainage	**N**	**P**	**Bacteria**
Broadkill River	40%	40%	75%

Table 1: TMDL reduction requirements for nutrients (N & P) and bacteria in the Broadkill River watershed

- ***Recommendation*: Update the information on pages 16-17 with the preceding language.**

Natural Heritage and Endangered Species

There are sensitive wetlands, forested areas, rare wildlife and plant species, and unique natural vegetative communities that occur within current Town boundaries and future annexation areas; however, the action items in the plan that would serve to protect these resources are somewhat vague. Sussex County, the State of Delaware and The Nature Conservancy are mentioned as 'endeavoring to protect the natural environment of the Broadkill' (page 19). It is not clear from this plan how the Town will take part in this endeavor.

Rare Species/Unique Natural Communities

Rare species - Although our Division scientists have not surveyed all parcels within current Town boundaries and annexation areas, numerous Species of Greatest Conservation Need (SGCN[1]) occur within areas that were surveyed.

- ***Recommendation*: On page 47, the Town should add the Wildlife Species Conservation and Research Program (WSCRP) to the list of government agencies**

[1] Species of greatest conservation need (SGCN) 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. SGCN are identified in the Delaware Wildlife Action Plan (DEWAP) which is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state's natural resources. This document can be viewed via our program website at http://www.dnrec.state.de.us/nhp. This document also contains a list of species of greatest conservation need, species-habitat associations, and maps of key wildlife habitat.

that the Town intends to coordinate with to ensure that federal and state listed species are not impacted by land-use decisions made by the Town. DNREC further recommend that the Town require developers, or applicants of development projects, to contact NHESP to determine if their project will impact SGCN. 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.

Delmarva Fox Squirrel - Lands north of the Broadkill River lie within an area where the federally-listed Delmarva fox squirrel (*Sciurus niger cinereus*, DFS) is likely to occur. Delmarva fox squirrels are large-bodied tree squirrels that only inhabit mature forests on the Delmarva Peninsula. Threatened mainly by loss of its forested habitat, DFS have been protected as an endangered species since 1967. As required by the Endangered Species Act, the U.S. Fish and Wildlife Service reviews projects that may harm this species or their habitat. Based on past movement data, the Service only requires consultation on projects within 3 miles of known DFS populations.

- ***Recommendation*: Please contact Trevor Clark of the U.S. Fish and Wildlife Service (410-573-4527) to learn how to avoid impacting the habitat.**

Atlantic White Cedar Wetlands - According to the DNREC GIS database, there are Atlantic white cedar wetlands (*Chamaecyparis thyoides)* along Pemberton Branch, Brittingham Branch, Ingram Branch (north and south of Town), Round Pole Branch, and portions of the Broadkill River that are within Town Boundaries and areas to be annexed. Numerous rare plant and animal species have been documented within and associated with these wetlands, including the federally listed plant, *Hellonias bullata* (swamp pink).

On page 19, there is brief mention of Atlantic white cedar wetlands; however, there are no action items in the plan that will ensure protection. Atlantic white cedar wetlands typically grow under unique conditions which are often refugia for rare plant and animal species. This wetland type is sensitive to sedimentation and changes in water quality, especially pH. The hydrological regime is a major determinant of the resulting biota in this system and development without adequate buffers (at least 300 feet) could detrimentally impact these wetlands.

- ***Recommendation*: These wetlands should be delineated and protected by buffer widths of 300 feet to prevent sedimentation, as well as maintain the overall ecological integrity of the wetland.**

Tidal Shrub Wetlands - According to the DNREC GIS database, there are fairly extensive areas of tidal shrub wetlands along the Broadkill River within Town and east of Town in areas being considered for annexation. Tidal shrub wetlands are transitional between emergent wetlands and forested wetlands and possess many important wetland values and functions, as well as providing important habitat for an array of wildlife species. Specific hydrologic, edaphic, and typographical conditions must be in place in order for tidal shrub wetlands to develop. If these

conditions are disturbed or changed in any way from changes in land-use, the potential exists for community structure and plant species composition to shift in an unfavorable direction. Disturbance such as soil runoff from construction would be detrimental to this wetland type.

- ***Recommendation*: These wetlands should be delineated and protected by buffer widths of 300 feet to prevent sedimentation, as well as maintain the overall ecological integrity of the wetland.**

Wagamons Pond - Although Wagamons Pond was annexed into the Town of Milton, it is owned by the State and managed for public use by DNREC-Division of Fish and Wildlife. The State owns and manages this pond, yet has little control over land-use that can profoundly impact it. Protection of water quality upstream and within this pond should be a priority.

The plan mentions the desire to construct 'Wagamons West Shore' development but doesn't provide any specific actions that will ensure the function and integrity of the pond is protected. According to the latest tax parcel information and aerial photographs, there are lots being proposed along the shoreline.

- ***Recommendations*: To adequately protect the water quality of this pond and to ensure adequate habitat for the aquatic community, there needs to be *at least* a 100-foot buffer <u>without</u> lot lines or infrastructure. Clearing the existing vegetation for 'vistas of the water' should not be permitted. Clearing vegetative along the pond will not only impact water quality but can ultimately lead to bank erosion. Bank erosion may prompt the desire to harden the shoreline with bulkheads and/or rip-rap. This artificial hardening of the shoreline can impact fisheries in several ways: 1) removal of trees along the shoreline can reduce the effects of shading which is important for maintaining water temperature conducive to spawning, 2) alteration of shoreline habitat can affect the distribution of benthic and macro-invertebrates which serve as the forage base for many fish species, and 3) directly impact important nursery habitat by replacing natural habitat with man-made materials along the shoreline.**

- **In addition, the Town and residents of "Wagamons West Shores" should be aware that it is against DNREC policy to allow permitting of the installation of any private pier, dock, ramp or bulkhead in a state-owned pond.**

Wildlife Habitat - Cumulative habitat loss, especially of forested areas, 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. Although, natural resource protection is mentioned several times in the plan, action items are too general or are inadequate for addressing the needed protection for these resources.

- ***Recommendation*: Forested areas provide many recreational opportunities in addition to habitat for the State's wildlife. The Town should recognize forested areas as open space and include action items that pertain to forest protection in their plan.**

On page 47, "preserve woodlands and other unique natural and scenic features through creative site planning'. What exactly is creative site planning, and how will this result in the preservation of woodlands? Small, disconnected areas of trees behind lots, in corners or other left over spaces in a site plan does not constitute forest preservation from a wildlife habitat perspective. Larger, connected areas of forests need to be left intact. How will the Town ensure protection of at least some large forest blocks?

- ***Recommendation*: Connections between habitats such as forested areas along water courses or forest patches between larger forest blocks are equally important for wildlife. Maintaining habitat connections should be considered in site plans as well.**

Also on page 47, "encourage a clustering site plan approach for new residential development within the sensitive natural environment adjacent to the Broadkill and its tributaries". A cluster design can result in more open space than a traditional maximum yield design, but if the plan fragments a forest block or has inadequate wetland buffers, the 'sensitive' natural environment will still be detrimentally impacted.

The Town considers the protection of sensitive environmental resources along the Broadkill River a priority and also recognizes the high potential for areas along the river to be developed in the future (page 23). Action items in the plan however are somewhat vague. What does 'special attention' in designing waterfront edges mean in terms of water quality protection? What does the Town consider an 'adequate' buffer width or setback distance and will they develop these requirements based on sound science?

- ***Recommendation*: To ensure protection, the Town should require at least 100-foot (in the case of sensitive habitats, 300-foot) upland buffers.**

- ***Recommendation*: Forest blocks or forested wetlands could be considered for preservation. Incentive-based programs for wildlife management are available to private landowners through our agency. Please contact Shelly Tovell for more information (302-735-3600).**

- ***Recommendation*: The Town can refer to the Delaware Wildlife Action Plan (DEWAP) for planning purposes. DEWAP is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state's natural resources. This document can be viewed via our program website at http://www.dnrec.state.de.us/nhp. This document also contains a list of species of greatest conservation need as well as species-habitat associations.**

Natural Areas

The Broadkill River Natural Area is contained on both the east and west side of the Town of Milton. Although State Resources Areas are mentioned in the body of the Plan, there is no

reference or acknowledgement of the Broadkill River Natural Area. The plan indicates that one of its most important goals is the conservation of the natural environment along the Broadkill River.

- ***Recommendation*: At a minimum the Broadkill River Natural Area should be identified on Map Exhibit D1 and/or D2, as should the State Resource Area.**

There are few forested areas remaining within the Town of Milton. In the section on *Natural Protection Techniques for New Development* within the Plan, no forest removal limitations have been suggested. Encouraging cluster development and creative site planning are commendable suggestions; however, a definitive plan to limit the removal of forest cover would better assist in showing how the Town plans to reach its goals to conserve the natural environment. Residential development is suggested in wholly forested sites in areas proposed for annexation. These areas are within the Broadkill River Natural Area, further necessitating the need for forest protection.

- ***Recommendation*: It is highly recommended that an ordinance on forest protection be drafted to protect such limited resources, with forest removal within Natural Areas receiving the highest level of protection.**

Additionally, detention/retention ponds are no longer the preferred method to manage stormwater runoff. Rather, using the natural topography of the landscape to limit the amount of runoff is desired. Further, maintaining the limited forest resources would assist in mitigating for stormwater runoff, as would protecting wetlands and providing 100-foot buffers to wetlands.

There was no discussion about development in the floodplain or wetland protection. How does the Town plan to buffer/protect these resources?

Air Quality

Sussex County, Delaware is classified as non-attainment for not meeting federal and state 8-hour ozone standards. The Town of Milton is encouraged to implement transportation alternatives and land use measures that will substantially enhance air quality and reduce air emissions. For instance, the Department is in full support of efforts that improve traffic flow and reduce vehicle emissions. They also support efforts to provide "tie-ins" to the nearest bike paths and "links" to any nearby mass transport systems including parks, public and cultural facilities and residential neighborhoods.

There are additional measures that can be implemented to reduce the impact of growth and development on air quality in Milton.

- ***Recommendation*: The Town should address air quality as a quality of life issue for its residents in the Comprehensive Plan, detailing specific emission mitigation measures. The Division of Air Quality points of contact are Phil Wheeler and Deanna Cuccinello, and they may be reached at (302) 739-9402.**

Environmental Protection Plan

The Municipal Development Strategy Checklist for Towns and Cities with a population of 2000 or more persons states:

The Environmental Protection Plan must include *policies, statements, goals, and planning components* which serve to define the community's strategy to preserve important natural resources, and prevent development activities which are detrimental to the natural environment. **This is a required under Title 22, Delaware Code, Section 702.**

- **Per Del Code: There needs to be a natural resource protection element of the plan, developed with assistance from, and in consultation with, DNREC.**

Public Facilities (Inventory of Existing conditions, page 37)

- ***Recommendation*: In this chapter, DNREC would expect the City to discuss water supply (to include water allocation projections based on population/employment projections, as well as source water protection), wastewater, and stormwater management (to include, possibly, a discussion of the creation of a stormwater utility; please be advised that the new sediment and stormwater regulations go into effect in January 2014).**

Source Water Protection

According to the 2010 Census the population of Milton is 2,576. Title 7, Del. C., Section 6082(b) requires municipalities with populations of 2,000 persons or more, with the assistance of the Department, to develop source water protection ordinances.

- **The Comprehensive Plan must contain the following elements per the Memorandum of Understanding between the Office of State Planning and Division of Water dated July 2011. Failure to comply with this requirement could result in a certification issue.**

  Counties and Municipalities Over 2,000 Population **(as reported in the most recent decennial Census):**

  - **Text of the comprehensive plan must include description of source water requirements in 7 Del. C. 6082(b), and include goals and objectives related to the protection of the resource. This text shall be placed within the water and sewer element of the local government's comprehensive plan, as prescribed by Title 9 or Title 22 of the Delaware Code.**
  - **A map of source water resources (excellent recharge areas, wellhead protection areas) shall be included in the plan. This map must be derived**

from the most current source water protection datasets[1] provided by the Department of Natural Resources and Environmental Control (DNREC).

- **The map and plan text must clearly include the note that the regulatory provisions of any source water ordinance will refer to the most current source water protection datasets[1].**
- **The local government shall adopt, after consultation with DNREC, an ordinance that is protective of the resource. The ordinance shall refer to the most current official source water map and relevant data, as provided in the current Comprehensive Plan and as amended from time to time or include a map update procedure.**

1 **http://www.nav.dnrec.delaware.gov/DEN3/DataDownload.aspx**

Wastewater.

The Municipal Development Strategy Checklist for Towns and Cities with a population of 2000 or more persons states:

Inventory of Community Infrastructure

An inventory of the community's water, wastewater, transportation, open spaces, recreational facilities, schools, public buildings and other community infrastructure for water and sewer systems, treatment methods, capacities, and allocations should be considered

- ***Recommendation*: Develop an inventory of the Town's wastewater infrastructure, to include treatment methods, capacities, and allocations.**

Stormwater Management

The Department recommends that the Town of Milton incorporate a requirement for a stormwater review into the Town of Milton's preliminary approval requirements for new development requests. The *Delaware Sediment and Stormwater Regulations* have been revised and became effective January 1, 2014. A three-step plan review process is now prescribed in the regulations. Proposed development projects must submit a Stormwater Assessment Study for the project limits of disturbance and hold a project application meeting with the reviewing delegated agency as the first step, prior to submitting stormwater calculations or construction drawings, which are steps two and three. Resulting from the project application meeting a Stormwater Assessment Report will be completed by the reviewing agency and the developer and forwarded to the Town of Milton. This Stormwater Assessment Report will rate the anticipated engineering effort necessary to overcome certain stormwater assessment items such as soils, drainage outlets, and impervious cover.

- ***Recommendation:* The Sediment and Stormwater Program recommends that the Town of Milton consider the ratings from the Stormwater Assessment Report in making a decision to issue preliminary approval for any development request by**

incorporating the Stormwater Assessment Report as a required element when a plan is submitted into the municipal preliminary plan approval process.

The revised *Delaware Sediment and Stormwater Regulations*, effective January 1, 2014, have a goal of reducing stormwater runoff for the rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours. Runoff reduction encourages runoff to infiltrate back into the soil as in the natural pre-development system and results in pollutant removal and stream protection. Best management practices (BMPs) that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems should be allowed for new development sites within the Town of Milton. Furthermore, limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

Parks and Recreation Facilities

In August of 2011, 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 2013-2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor 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 Milton is located within SCORP Planning Region 5.

When looking at the findings from the 2011 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 93% of Delaware residents indicated that outdoor recreation had some importance in their lives, while 67% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2008 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 5 (eastern Sussex County), 65% said it was very important to them personally.

<u>Outdoor Recreation Needs/Priorities</u>

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

High facility needs:

- Walking and Jogging Paths
- Bicycle Paths

- Public Swimming Pools
- Community Gardens
- Fishing Areas
- Off-Leash Dog Areas
- Picnic Areas
- Basketball Courts
- Playgrounds

Moderate facility needs:

- Hiking Trails
- Boat Access
- Canoe/Kayak Launches
- Camping Areas
- Ball Fields
- Football Fields
- Public Golf Courses
- Soccer fields
- Tennis Courts

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

  - ***Recommendation*: As new private development projects are proposed, Milton should <u>require</u> (not encourage) developers to provide small parks, tot lots, recreation facilities, trails and/or parcels of open space within their development (page 52, Parks and Recreation Facilities, item number 2).**

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 of Milton's parks have received funding through the DTF program. They include: Milton Memorial Park, Wagamons Pond and Access, Milton Governors Walk, and the Milton Rail Trail. The Town of Milton could further benefit from this program when incorporating new outdoor recreational facilities or adding amenities to existing parks. For more information on the Delaware Land and Water Conservation Trust Fund, please contact: Robert Ehemann at 302.739.9235.

- ***Recommendation*: The municipal parks in Milton receiving funds through the DTF program are protected in perpetuity. To clarify this in the Comprehensive Plan, it**

is recommended that Milton develop a 'Parks/Open Space' or 'Protected' land use zoning designation for these parcels.

Recommendations for Ordinances and Plan Implementation Items

DNREC has provided the Town with suggested environmental protection ordinances that the Town should consider when implementing the plan.

Wetlands Delineations:

- *Recommendation*: 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.

Freshwater Wetlands Protections:

- *Recommendation*: Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).

100 Foot Upland Buffer: Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review.* J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects water quality in 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 all water bodies (including ditches) and wetlands.

- *Recommendation*: Require a 100-foot upland buffer width from all delineated wetlands (approved by the USACE and DNREC) or water bodies (including ditches).

Impervious Surface Mitigation Plan:

- *Recommendation*: 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 storm water management structures.

- *Recommendation*: To encourage compact development and redevelopment in the City's central business area, require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness outside that area, or at least in excellent recharge areas outside that area. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate how these impacts will be mitigated. If the impacts cannot be mitigated, the site plan should then be modified to reduce the impacts from impervious cover.

Poorly Drained (Hydric) Soils:

- *Recommendation*: Prohibit development in poorly or very poorly-drained (hydric) soil mapping units. Building in such areas predictably leads to flooding and drainage concerns from homeowners, as well as significant expense for them and, often, taxpayers. 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.

Green Technology Stormwater Management:

- *Recommendation*: Require the applicant to use "green-technology" storm water management in lieu of "open-water" storm water management ponds whenever practicable.

Stormwater Utility:

- *Recommendation*: Explore the feasibility of a stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to the New Castle Conservation District, New Castle County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Drainage Easements:

- *Recommendation*: The City should pursue drainage easements along waterways and storm drains where currently there is none.

State Housing Authority – Contact: Karen Horton 739-4263

DSHA offers the following information as the Town of Milton prepares its Comprehensive Plan:

- Incorporate demographic trends into the Housing Analysis. A growing body of research indicates that Delaware, like the rest of the nation, is in the midst of a significant market shift. Baby boomers that once drove suburban development are now aging and are looking to downsize into something more manageable. The Delaware Population Consortium (DPC) projections for the next ten years indicate that not only will there be a large amount of suburban homes placed on the market by baby boomers, but that there will be a *decline* in households in age ranges that typically seek large homes. These same DPC projections show growth in the younger age ranges most likely at stages in their life and income to support entry level homes.

  In addition, many families did not recover from the national economic crisis unscathed. Many families lost their homes, or suffered significant credit damage making it difficult to return quickly to homeownership. As households reverted from ownership to renting, or postponed purchasing a home, both nationally and in Delaware the 2000s marked the highest decade-long growth in renter households in the last 60 years. This trend is only expected to continue. This is resulting in a tighter rental market pushing rents up. Median gross rent in Delaware rose 49% from 2000 to 2010, while median family income in the state rose only 24%. Cost-burden among renter households also remains high in Delaware. There are an estimated 25,600 cost-burdened very low-income renter households in Delaware. These stressors are compounded for persons with disabilities and other vulnerable households. At the same time, development is more complex than ever, resources to reduce costs remain scarce, and bridging affordability gaps using existing programs is a perpetual challenge.

  All of these factors indicate that it is *critical* that communities *proactively* provide a variety of housing options to meet the needs of their residents.

- DSHA encourages municipalities receiving federal funds for housing to be aware of their Civil Rights obligations at the U.S. Department of Housing and Urban Development (HUD). Specifically, federal fund recipients are obligated to Affirmatively Further Fair Housing (AFFH) by taking proactive steps to promote racially, ethnically, and socioeconomically diverse communities. To assist with this obligation, in July 2011, DSHA collaborated with the Cities of Wilmington and Dover, and New Castle County to conduct the *Statewide Analysis of Impediments to Fair Housing Choice.* (http://www.destatehousing.com/FormsAndInformation/pubs.php). The Analysis contains several recommendations for local jurisdictions. These include the following:

  - Local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.

  - Ease zoning and other regulatory barriers to affordable rental housing for families.

- Area localities should encourage members of appointed boards and commissions, elected officials, real estate agents, and municipal and county staff that deal with housing, community development, zoning, and code enforcement issues to attend an annual fair housing training.

- DSHA offers technical assistance to the Town in reviewing tools and strategies to increase affordable housing opportunities within the Town.

- 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 Other Programs.

Thank you for the opportunity to assist the Town of Milton as you move forward to amend/update your comprehensive plan and we offer our assistance in the amending/updating process. Please feel free to contact us if you need additional information while preparing this update

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination