

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

May 21, 2014

Ms. Rebecca Greene
Town of Felton
PO Box 329
Felton, DE 19943

RE: PLUS review 2014-04-01, Town of Felton Comprehensive Plan Amendment

Dear Ms. Greene,

Thank you for meeting with State agency planners on April 23, 2014 to discuss the proposed Comprehensive Plan Amendment for the Town of Felton.

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.

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

Our office has no objections to the Comprehensive Plan Amendment. The Comprehensive Plan amendment updates and amends the plan with new data from the 2010 Census, and also provides status updates for many of the implementation items that the Town has been working on since the original plan was certified. The amendments indicate that the Town is prepared to use the plan for another five years. It is also good to see the progress that the Town has made on the many implementation items.

At the PLUS meeting we discussed various issues surrounding the future development of the large annexation area to the south of the Town. These issues included water, sewer, transportation and agricultural preservation. While the certified comprehensive plan and this amendment do address the development of this area, it was suggested that a more detailed Master Plan would allow the Town and the various State agencies to address shared concerns in advance of the development of this area. Please contact David Edgell if there is any interest in pursuing a Master Plan.

More information about Master Plans is available in the document titled "Guide for Master Planning in Delaware," which is available on our website here:

<http://stateplanning.delaware.gov/information/publications.shtml>

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.

Department of Natural Resources and Environmental Control – Contact Bahareh Van Boekhold 735-3495

- Map 10 shows excellent ground water recharge areas. Wellhead protection areas do not appear on any of the maps. Because wellhead protection areas are source water protection areas they must be shown on the map. However, the location of the well itself does not. All delineated wellhead protection areas within the boundaries of the Town including privately owned public wells, must be shown (see map). These dataset can be found at the URL listed below. DNREC can assist the town in preparing a map with this data. Please contact Bahareh Van Boekhold at the number above if the Town would like assistance.

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

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

State Historic Preservation Office – Contact Terrence Burns 736-7404

- The Town of Felton has a Historic District that is listed in the National Register of Historic Places. With this in mind, the Office commends and encourages the town in continuing to promote and protect the historic district, to make the community of Felton aware of its historic resources. The Town may want to make available information on the federal and state Tax Incentives that are available to owners who rehabilitate their historic properties to historic preservation standards. If you have any questions or concerns, please contact Alice Guerrant at 302-736-7412 in reference to this information.

Department of Natural Resources and Environmental Control – Contact Bahareh Van Boekhold 735-3495

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.

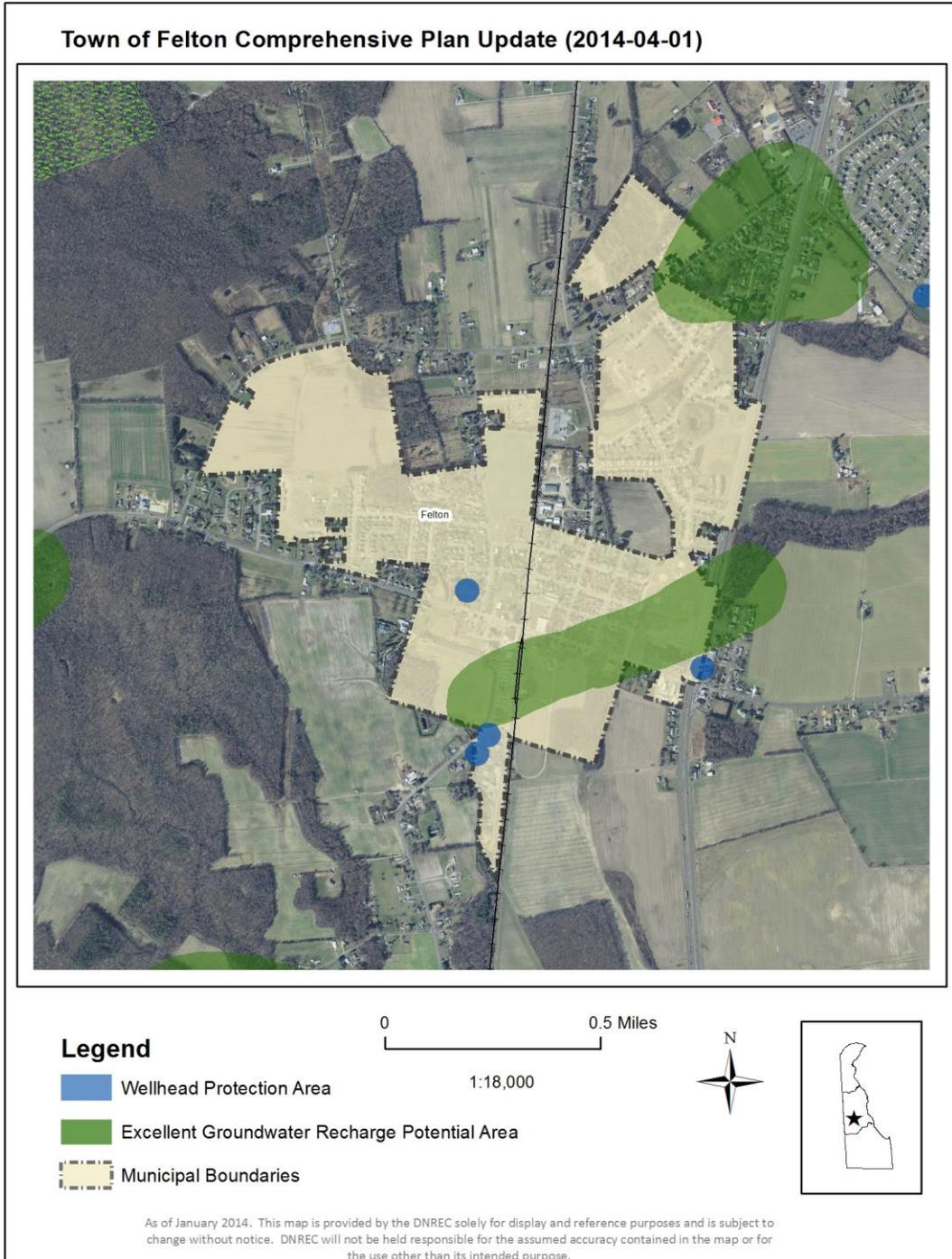
- Chapter 4, Section 4.3, Environmental Resources

- Page 37, Floodplain Ordinance – DNREC has been working with the Federal Emergency Management Agency (FEMA) to produce new flood risk maps for each County. Preliminary Flood Insurance Rate Maps (FIRMs) for Kent County become effective on July 7, 2014. Every participating municipality in the state will be required to have their floodplain regulations reviewed. A FEMA approved set of regulations must be adopted prior to the effective date of the map listed above.
- Page 37, Source Water Protection - The Town identifies excellent ground water protection areas as an environmental resource that the Town intends to protect. Wellhead protection areas are mentioned on page 39 in the final paragraph titled “Environmental Resources”. Both paragraphs refer to the Town’s revised zoning ordinances that include regulations to protect these resources; however, there is no discussion as to what protection these ordinances afford. Add text that describes how the ordinances protect sourcewater resources.
- Section 5.1, *Felton Water System*, states that the Town uses two wells to provide water to its residents and business. DNREC has delineated three wells that provide water to the Town. All three wellhead protection areas must be shown on a map.
- The Comprehensive Plan should contain the following elements per the Memorandum of Understanding between the Office of State Planning and Division of Water, dated July 2011.

Municipalities under 2,000 Population (as reported in the most recent decennial Census):

- Text of the comprehensive plan may include description of source water requirements in 7 Del. C. 6082(c), 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 22 of the Delaware Code.
- A map of source water resources (excellent recharge areas, wellhead protection areas) may be included in the plan. This map must be derived from the most current datasets¹ provided by the Department of Natural Resources and Environmental Control (DNREC).
- If included, 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 datasets¹.
- The local government may adopt, after consultation with DNREC, an ordinance that is protective of the resource. If adopted, 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>



- **Future Development and Annexations** - Two parcels (8-00-13900-01-0200-00001 and 8-00-13900-01-0224-00001) in the 5-Year Planning Area (Map 2) are bordered by non-

tidal coastal plain streams along the north. As development is pursued in these areas, DNREC recommends maintaining as much forest buffer as practicable along these habitats of conservation. Additionally, parcel 8-00-12800-01-7600-00001, which is identified as a Long-Term Planning Area, includes a large forest block. DNREC recommends leaving as much of this forest block intact, as forest blocks often support an array of plant and animal species.

- Chapter 5, Section 5.3, Stormwater System
 - The Department recommends that the Town of Felton incorporate a requirement for a stormwater review into the Town'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. 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. The Sediment and Stormwater Program recommends that the Town 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 Felton. 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.

Recommendations for Ordinances and Plan Implementation

- Wetlands Delineations:
 - *Recommendation:* Require all applicants to submit to the Town 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 Town'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 Kent County, the Kent Conservation District and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.
- Drainage Easements:
 - *Recommendation:* The Town should pursue drainage easements along waterways and storm drains where currently there is none.

Department of Agriculture-Contact Scott Blaier 739-4811

- The Department of Agriculture commends the Town on a well-written Comprehensive Plan amendment. The Department encourages the town to update its maps to reflect any new preserved farmland in its planning area.
- Please contact Milton Melendez (302) 698-4530 to acquire the latest GIS layer of parcels enrolled in the state farmland preservation program.
- The Department encourages the town to work with our Urban Forestry program to meet the town’s tree canopy and green infrastructure goals. Please contact the Department’s Urban Forester Kyle Hoyd at 698-4500 for more information.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Maps 3, 4 and 5 show South Erin Avenue ending in a cul-de-sac near the south end of North Erin Avenue. In fact, the street is continuous. The Department recommends that the maps be updated.
- The Plan discusses the Town’s sidewalk network in some detail, and the Town has done an excellent job of completing that network where the fronting properties are within the Town. However there are gaps where the fronting properties are under County jurisdiction. DelDOT suggests that the Town consider completing some of these sections for the benefit of their residents.

In particular, it is noted that there is a missing section of about 425 feet across from the elementary school that would afford residents a safer walk to and from the Royal Farms store at the corner of US Route 13 and Main Street. DelDOT exacted \$50,000 from Royal Farms for a future project to complete that section of sidewalk but has not yet initiated that project. If the Town is interested in working on such a project, an initial contact would be the Kent County Review Coordinator, Cliff Mumford, 760-2571.

- The paragraph describing DART First State service needs to be updated. The Welfare to Work Shuttle has been replaced by DART Route 117, which makes nine runs daily between Harrington and the Camden Wal-Mart. Details on the route are available at <http://www.dartfirststate.com/information/routes/index.shtml>.
- In the next-to-last paragraph of the Transportation section, there is a statement that stone and gravel arriving at Pennsy Supply is shipped by truck “throughout Delaware.” To give readers a better idea of the scale of the operation, it may be better to change that description to something like “throughout central Delaware,” or “throughout Kent and Sussex Counties.”
- The last paragraph of the Transportation Section addresses the subject of passenger rail service in southern Delaware and cites a 2002 House Resolution (HR 68 of the 141st General Assembly) that requested a feasibility study for high speed rail between Wilmington and the Delaware Beaches. While a copy of that particular study was not readily available, the subject was addressed most recently in the Delmarva Intercity Rail Feasibility Study, a copy of which is available at http://www.dartfirststate.com/information/programs/transportation_plans/index.shtml. Briefly, this study found that while there were options for service that would have acceptable ridership, farebox recovery ratios and subsidy levels, the investment costs to upgrade the rail line was prohibitively expensive. It is recommended that this paragraph either be deleted or be updated to cite the above study’s results.
- The Growth and Annexation section, and Maps 7 and 8, show the annexation and residential development of several large parcels south of Delaware Route 12. DelDOT has two suggestions in this regard:

- With regard to the parcels fronting on US Route 13, language should be added saying that a strategy must be developed, in conjunction with DelDOT, for managing access consistent with the Corridor Capacity Preservation Program before those parcels are annexed. The manager for the Program, Tom Felice, may be contacted at (302) 760-2338 for assistance in this regard.
- While the Transportation section emphasizes “the welcoming feel of walkable neighborhoods,” for pedestrians and cyclists these parcels are isolated from the existing town. They are isolated by the railroad tracks, traffic on US Route 13 and strip development on Delaware Route 12. Before these parcels are annexed, the Town should plan for how they will function when developed and how, if at all, they will connect to downtown Felton.
- Because these areas will be difficult to adequately connect to the rest of the town, Del DOT suggests that separate planning studies be done for the areas east and west of US Route 13. These studies should then be appended to the Comprehensive Plan. The Office of State Planning Coordination (OSPC) has suggested that this planning could be done as part of a larger master planning effort. We support such efforts and are ready to work with the Town and OSPC in this regard.

Once the amendment is voted on by Planning and Zoning and/or Town Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

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

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