



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

May 21, 2014

Ms. Gina Miserendino
Town of Viola
PO Box 39
Viola, DE 19979

RE: PLUS Review 2014-04-04, Town of Viola Comprehensive Plan, Pre –Update Review

Dear Ms. Miserendino,

Thank you for meeting with State agency planners on April 23, 2014 to discuss the proposed comprehensive plan update for the Town of Viola.

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.

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

This office has received the following comments from State agencies:

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

Our office is pleased to have the opportunity to work with the Town of Viola as the Town prepares the required 10 year update of the comprehensive plan. The plan, has served the Town well for the last 10 years. The following are some ideas, comments, and issues to keep in mind as the plan is updated:

- We have received the Town's letter dated March 20th, 2014 requesting an extension to complete the comprehensive plan update. Our office responded to the town by letter on March 21, 2014. To summarize from that letter, comprehensive plan extensions are reviewed and granted by the Cabinet Committee on State Planning Issues. The Town will be scheduled on the next available agenda, and our office will notify the Town so that a representative can attend to address any questions.

- Our office serves as the Census State Data Center, and as such we are able to provide the Town with updated Census data if requested. If the Town is interested, please submit the request in writing and we will work to fulfill it.
- We know that the Town is working with Kent County Planning on the maps for the Plan Update. We also suggest that Viola discuss the possibility for sewer service with Kent County. Even if sewer service is not needed or desired by the community at this time, it would be positive to understand whether or not it would be available in the future. The comprehensive plan is a good place to begin looking at longer range issues such as this.
- Some of the recommendations in this letter, mostly from DNREC, are suggestions for ordinances that would be put in place to implement the plan. Although the ordinances would come after the plan, it is important to consider the need for them in the comprehensive plan. For example, DNREC recommends that Viola incorporate a requirement for a stormwater review into the land development process. The comprehensive plan may consider the need for stormwater management in the town, and a possible implementation recommendation may be to update the ordinance to include a stormwater review for new developments.
- Our office is looking forward to assisting the Town with the plan update process, so do not hesitate to contact David Edgell if you have any questions or need information about who to contact in the various State agencies.

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

- SHPO appreciates the Town's recognition of the community interest in preserving its small town character, and suggests that the Town may want to pursue the goal and process of listing in the National Register of Historic Places the proposed historic district that this office identified some years ago. If the Town accomplishes this goal, it will be equipped to establish protections such as a historic zoning ordinance for the district and incentives to help protect the historic area. A major benefit of listing is that it makes properties eligible for financial incentives in the form of federal, state, and county historic preservation tax credits and occasional grants. Such financial incentives can help in the maintenance of the aging housing stock, which is one of the Plan's concerns and recommendations. If you have any questions or concerns, please contact Alice Guerrant at 736-7412 in reference to this information.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- At the PLUS meeting, there was a brief discussion of the Town's interest in obtaining Municipal Street Aid. An initial point of contact in this regard would be Ms. Karen Brittingham, a planner in our Statistics, Research and Performance Evaluation Section. Ms. Brittingham may be reached at 760-4805.

**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.
- **Section 2-2.1 Water Supply**
The entire Town falls within an excellent ground water recharge potential area and a wellhead protection area also falls within the Town's municipal boundaries (see map).

The text of the plan acknowledges the excellent ground water recharge potential area and shows it on Map 5 of the Town's 2004 Comprehensive Plan. In updating the comprehensive plan, Map 5 should be updated to include only the wellhead protection area within the municipal boundaries without showing the location of the well.



- **2-2.4 Community Facilities - Parks**

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 Viola is located within SCORP Planning Region 3.

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 3 (Kent County), 63% said it was very important to them personally.

○ Outdoor Recreation Needs/Priorities

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

High facility needs:

- Walking and Jogging Paths
- Public Swimming Pools
- Bicycle Paths
- Fishing Areas
- Playgrounds
- Community Gardens
- Picnic Areas
- Off-Leash Dog Areas

Moderate facility needs:

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

- *Recommendation:* The Town of Viola is encouraged to work toward incorporating and/or continuing to offer some of these opportunities in the development of their Comprehensive Plan. Analysis of aerial photography and wetland mapping suggests that an agricultural field in the southeastern quadrant of the town contains a remnant

isolated wetland. The Town should consider the area around the wetland as a good candidate for preserving as parkland.

- **2-2.4 Community Facilities – Stormwater Management**

The Department recommends that the Town of Viola 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. 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.

As a companion of stormwater management, 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.

- **2-3.1 Identified Issues and Future Needs – Murderkill River TMDL**

The Murderkill River watershed TMDL calls for a 30% reduction in nitrogen and a 50% reduction in phosphorus from baseline conditions, respectively; the TMDL also calls for a 32% reduction in bacteria from baseline conditions. We have included some recommendations (below) on how to attain the TMDL nutrient and bacteria reductions (wetland protections, buffers, impervious cover, green technologies for stormwater management) necessary for restoring water quality and “beneficial uses” (e.g., fishing, swimming, & drinking water) to waters in the greater Murderkill watershed.

- **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 (such as the use of bioswales and pervious surfaces) 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

- No new Delaware Department of Agriculture code or regulations apply to this Comprehensive Plan update since its last revision.
- The Department of Agriculture is pleased to see the existing plan's attention and consideration toward preserving agricultural land use where appropriate. Although it is understood that the town is not necessarily interested in commercial or industrial

development, we would suggest it keep an open-mind to potential opportunities in agribusinesses that would support the surrounding farming community, while at the same time providing the town with possible tax revenue and jobs.

- The Department also encourages the town to update its maps to reflect any new preserved farmland in its planning area. Please contact Milton Melendez 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.

Since this was a Pre-update meeting for your plan update, we will need to see the completed document at a regular PLUS meeting once your Planning Commission has approved the draft plan for public review. Thank you for the opportunity to review this update. If you have any questions, please contact me at 302-739-3090.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the typed name and title.

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