



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

September 25, 2014

Jocelyn Godwin
Town of Georgetown
39 The Circle
Georgetown, DE 19947

RE: PLUS 2014-08-04, Georgetown Comprehensive Plan Pre-Update Review

Dear Mrs. Godwin:

Thank you for meeting with State agency planners on August 27, 2014 to discuss the update of the Town of Georgetown's comprehensive plan. The town has reached the 5 year mark since certification and State agencies, as part of the Pre-Update PLUS process, have reviewed your current plan and ask that the Town consider the following when determining whether to review, amend or update your plan.

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.

This office has received the following comments from State agencies:

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

- 22 Del. Code §702 (e) states at least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and readopted at least every 10 years. The Town of Georgetown is will reach your 5-year mark on January 12, 2015. The town has the option to decide that no update is needed, to make minor changes through a comprehensive plan amendment or to update the plan. If the town decides to update the plan, please consider the following State agency comments.

Once the town had determined whether you will review, amend, or update your plan, please contact me and we can discuss your next steps.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- Sussex County’s project to relocate Park Avenue is discussed on page 48 of the 2010 Plan. That discussion includes a projected completion date of 2011. A new date will be needed.
- On page 49, the Plan says that “It is difficult to obtain approval from Norfolk Southern Railroad for new at-grade crossings of a main railroad line.” While that may be true, another constraint is that State law prohibits the construction of such crossings. See 17 Del Code §703.
- Much of page 50 addresses the intersection of Route 9 (Lewes-Georgetown Highway) and Airport and Sand Hill Roads and part of that discussion states that “The Town has encouraged DelDOT to coordinate with the Town and the County to establish a Transportation Improvement District (TID) for the area surrounding the intersection.” While DelDOT was aware that the Town was interested in creating a TID, it was not aware that this language had been added to the Plan. DelDOT will initiate a discussion with the County and the Town on the subject of creating the TID in the near future.

Please note that the TIDs DelDOT has created thus far have been based on the development of an area and the boundaries have been drawn based on addressing the impacts of that development. Thus DelDOT has been able to waive the requirement for Traffic Impact Studies (TIS) for participating developments. If DelDOT creates a TID based on remediating a particular problem intersection, it would still want to require TIS, when warranted, for developments in the TID, DelDOT would just use the TID fee as their contribution toward that intersection.

DelDOT is willing to begin discussions on creating the TID on the strength of the text in the Plan now but if the Town wishes to broaden the focus of the TID, for example to the east side of the Town, and to use it as a substitute for the TIS process, the text will need to be amended and a map should be added or amended.

The TID is not mentioned in the matrix of Implementation Strategies and DelDOT recommends that it be added. Active participation by the Town in creating and managing the TID will be essential to its success.

- While the 2010 plan is very readable in its present format, DelDOT recommends that the table of contents be expanded and that chapters and sections be identified with letters and numbers for ease of reference.

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.

DNREC Recommendations for Comprehensive Plan Revisions

Flood Management (page 8)

- 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 Sussex County are scheduled to become effective on March 2, 2015. 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.

Source Water Protection Areas (page 10)

- DNREC commends the Town of Georgetown for adopting a source water protection ordinance and the protection it provides the resource. However, on page 10, the text of the Plan only states the ordinance meets the requirements of the "State Source Water Protection Act of 2001" and only refers to wellhead protection. The Town also has provisions to protect excellent recharge potential areas.

Recommendation: 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. Exclusion of these elements may result in a certification issue.

- The "State Source Water Protection Act of 2001" is a misnomer. The applicant should refer to 7 Del. C. §6081 - §6084 for details.
- 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 includes excellent groundwater recharge potential areas. 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.
- 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 map submitted. Titled "Wellhead Protection Areas" should have a title that reflects the content of the map and including excellent groundwater recharge potential areas. The symbology for "water supply wells" is the same as wellhead protection areas. The

locations of the wells on the map is not required, however if the Town is going to show the locations of their wells, the symbol should be different.

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

TMDLs (pages 10-11)

- Thank you for including DNREC previous TMDL comments in your revised Comprehensive Plan.

Recommendation: On page 11, please remove the TMDL reduction listed for the Upper Nanticoke watershed as these nutrient reductions have been revised (See regulations pertinent to Chesapeake Bay drainage).

Recommendation: On page 11, please replace the last paragraph under Water Quality Issues with the following regulatory requirements pertinent to that portion of Georgetown in the Inland Bays drainage area:

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. A Pollution Control Strategy (PCS) is an implementation strategy that identifies the actions necessary to systematically reduce the pollutant loading rate for a given water body, and meet the TMDL reduction requirements specified for that water body. A variety of site-specific best management practices (BMPs) will be the primary actions required by the PCS to reduce pollutant loadings. The pollutants specifically targeted for reduction in the Inland Bays watershed are nutrients (e.g., nitrogen and phosphorus) and bacteria. The PCS regulations can be reviewed at <http://regulations.delaware.gov/documents/November2008c.pdf>, and background information, guidance documents, and mapping tools can be retrieved from http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm.

Recommendation: Please include the following regulatory requirements pertinent to that portion of Georgetown in the Delaware Bay drainage area (i.e., Broadkill River; the TMDL regulatory requirements have not changed from the previous Comprehensive Plan):

- The Broadkill River watershed PCS was adopted in December 2012, and is available for review at http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm.

Recommendation: Please include the following regulatory requirements pertinent to that portion of Georgetown in the Chesapeake Bay drainage area:

- As a result of the Chesapeake TMDL and the Chesapeake Watershed Implementation Plan (WIP), the Nanticoke River now requires a 60% reduction in nitrogen and phosphorus from

baseline conditions, respectively; the Nanticoke also requires a 2% reduction in bacteria from baseline conditions. The WIP identifies specific pollution reduction practices (i.e., BMPs) and programs to reduce nitrogen, phosphorus, and sediment from a variety of discharge sources to waters in the greater Chesapeake Basin. The WIP is an important component for achieving water quality goals through attainment of Delaware's Water Quality Standards—ultimately leading to the restoration of a given water body's (or watershed's) designated beneficial use(s). The WIP is a multiphase process consisting of three phases. The first two phases have been completed, with the third phase scheduled for completion in 2017.

- The WIP will include both regulatory and non-regulatory components. Additional information about the WIP can be obtained from the following website:
http://www.wr.dnrec.delaware.gov/Information/Pages/Chesapeake_WIP.aspx.

Natural Areas

- There are a number of large forest and wetlands blocks that are both excluded on the Important Natural Areas Map (page 14, 2010 Plan) and included within the potential areas for annexation. These blocks are considered Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan (<http://www.dnrec.delaware.gov/fw/dwap/Pages/default.aspx>) because they are part of large complexes that can support an array of plant and animal species. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species. In general, larger, connected areas are more beneficial to wildlife.

Recommendation: Given that one of the comprehensive plan goals is to “conserve important natural features, with a special emphasis upon waterways, wetlands and mature woodlands,” DNREC recommends including large forest and wetlands blocks on the Important Natural Areas Map.

Recommendation: Consider developing ordinances to implement the recommendations that are written into the current Comprehensive Plan.

Sediment and Stormwater Program (pages 61-62)

- 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 Georgetown. 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 of Georgetown 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.

Recommendation: The Town should incorporate a requirement for a stormwater review into the Town's preliminary approval requirements for new development requests.

Recommendation: 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 Georgetown. 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

- 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 Georgetown is located within SCORP Planning Region 4.
- 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 4 (Western Sussex County), 66% said it was very important to them personally.

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

High facility needs:

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

Moderate facility needs:

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

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

Brownfields

- Brownfields are real property that may be vacant, abandoned or underutilized as a result of a reasonably-held belief that they may be environmentally contaminated (7 Del.C., § 9103(3)). Productive use of these idle properties provides “new” areas for economic development, primarily in former industrial/urban areas with existing utilities, roads and other infrastructure.

Recommendation: DNREC encourages the development of Brownfields and can provide grant funding and other assistance when investigating and remediating Brownfield sites.

- The Delaware Brownfields Marketplace is an interactive database that contains a list of market-ready Brownfield sites throughout Delaware. The inventory is designed to make it easier for potential buyers and developers to locate available Brownfield properties. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and helps to create jobs for Delaware citizens, while preserving Delaware’s precious green space and natural resources.

Recommendation: To add sites in your municipality to the Marketplace (with owner approval) or to determine if any sites in your municipality are Brownfields, please contact Melissa Leckie at DNREC's Site Investigation and Restoration Section at (302) 395-2600 or by e-mail at Melissa.Leckie@state.de.us . For more information online, please visit: <http://apps.dnrec.state.de.us/BFExt/BFExtMain.aspx>

Preparing for a Changing Climate

- Sea level rise is one of several climate change impacts that can affect communities, the others being variable precipitation and increasing temperatures. Together, precipitation and accelerated sea level rise contribute to increased flooding. Under Governor Markell's Executive Order 41, directing Delaware State agencies to prepare for emerging climate impacts and seizing economic opportunities from reducing emissions, DNREC and the Office Of State Planning Coordination are tasked with identifying actions local governments can take to improve community resiliency, including an assessment of infrastructure vulnerabilities, land use policies, and other adaptation strategies that may be integrated into comprehensive land use plans. With that in mind, DNREC requests the opportunity to work with the Town to develop language for the comprehensive plan that addresses climate change impacts, as well as adaptation and mitigation strategies for the Town to pursue through implementing ordinances.

Recommendations for possible 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 the Sussex Conservation District, Sussex County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Drainage Easements

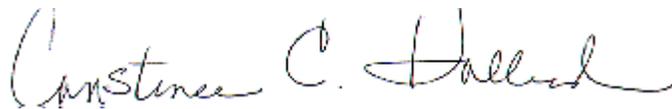
Recommendation: The Town should pursue drainage easements along waterways and storm drains where currently there is none.

Department of Agriculture-Contact Scott Blaier 698-4500

- Please make sure to use the latest GIS layer to identify where preserved farmland properties are located relative to the town's boundaries. It has probably changed since the plans last revision. Please contact Milton Melendez at 698-4530.
- The plan already discusses landscape buffering, street trees, and recommended tree types to plant on page 44. The department encourages the town to contact the department's urban forester to achieve its tree canopy and urban forestry goals. Please contact Kyle Hoyd for more information at 698-4530.
- The department appreciates the existing plans recommendation to require buffers where development is adjacent to State Forest Lands (page 26). DDA asks that the text remain in updated plan.
- On Page 46 plan discusses Transfer of Development Rights (TDRs) in the County. TDRs are still a worthwhile farmland preservation tool, even though it has not gained much traction in the state. The department asks that the town retain the TDR discussion in its updated plan.

Thank you for the opportunity to review this project. The State agencies look forward to working with the Town as you look to update your plan.

Sincerely,

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

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

CC: Sussex County