



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

September 22, 2015

Mr. Thomas Roth  
Town of Henlopen Acres  
104 Tidewaters  
Henlopen Acres, DE 19971

RE: PLUS review 2015-08-02, Town of Henlopen Acres Comprehensive Plan

Dear Mr. Roth,

Thank you for meeting with State agency planners on August 26, 2015 to discuss the proposed Comprehensive Plan for the Town of Henlopen Acres. This meeting was to discuss changes to the comprehensive plan resulting from the February 25, 2015 meeting.

The Preliminary Land Use Service (PLUS) letter from the above referenced meeting noted three certification items. At the August 26, 2015 meeting, we discussed the certification items as follow

- Public Participation Section (p. 1) – The town noted in the plan that 13 meetings were held between 2011 and 2014. Please expand the public participation section to include what was discussed at those meetings, what were the public comments at those meetings, and what the Town did to address the issues brought forth in the meetings. In addition, the plan should include specific information about the meetings regarding the Rehoboth Art League, where the town is in those discussions, and the path forward for resolving those issues.

**The town has updated the comprehensive plan to discuss the meetings and the public participation in more depth. The changes to the draft plan reviewed at the August 26, 2015 PLUS meeting are sufficient to meet this requirement.**

- Intergovernmental Coordination (p 26) – The plan states that the neighboring jurisdictions were notified regarding the update and that the City of Rehoboth made numerous comments regarding the plan. Please expand the Intergovernmental Coordination section to include what comments were made and if any revisions were made to the draft plan as a result of those comments.

**The town has updated the comprehensive plan to discuss the meetings and the public participation in more depth. The changes to the draft plan reviewed at the August 26, 2015 PLUS meeting are sufficient to meet this requirement.**

- As noted by Sussex County, on page 11 of this letter, the plan should note that Sussex County operates the waste water system that serves the Town of Henlopen Acres. Page 18 of the plan states the Town's waste water is connected to the Rehoboth Beach facility at Wolf's Neck. This is incorrect. Waste water from the Henlopen Acres Sanitary Sewer District (HASSD) is conveyed to the Rehoboth Beach Sewage Treatment Plan (RBSTP). The RBSTP treats and disposes wastewater into the Lewes-Rehoboth Canal. The facility is located at 20543 Roosevelt Street, on the bank of the Lewes-Rehoboth Canal. Wolf Neck plant references should be deleted and RBSTP data included.

**Per Janelle Cornwell of Sussex County, the comprehensive plan has been updated to correct the information regarding the wastewater.**

- Rehoboth Art League – The comprehensive plan Existing Land Use Map shows the Rehoboth Art League property as “Institutional”. However, the zoning map/code for the Town of Henlopen acres does not include an “Institutional District”. The Town must work to rectify this nonconforming issue before the plan can be certified.

**At the February 2015 PLUS meeting the possibility of a memorandum of understanding was discussed between the town and the Rehoboth Art League. At the meeting staff requested that the attorneys for both parties meet to discuss the memorandum and hopefully come to an agreement. It is my understanding that the town has not reached out to the Art League attorney for this meeting. Since the February 2015 meeting the Art League has donated an easement to the Delaware Division of Historical and Cultural Affairs. Please be aware that now the Division of Historical and Cultural Affairs will be partners in any MOU or changes to the property.**

**Considering all parties – the town, the Art League, and the State wish to have this property preserved and to be a landmark, it would not be appropriate to recommend certification to the Governor until this issue is resolved.**

On August 26, 2015 at the PLUS meeting the Town of Henlopen Acres requested that the issue of certification of the comprehensive plan be forwarded to the Dispute Resolution Committee. The request was also documented in a letter to me dated August 26, 2015. According to 29, Del Code, § 9103(d), dispute resolution, the Office of State Planning Coordination is the governmental body that determines if an issue should be considered by the committee. At this time, I do not feel all avenues have been explored. There has been no meeting, as I suggested, of the attorneys and there is now another partner (Historic and Cultural Affairs) that to my knowledge has not had an opportunity to meet with the town and the Art League to work through

the issue of the proper designation on the maps and proper verbiage in the text of the comprehensive plan.

All other recommendations received by the town through the PLUS process (PLUS letter dated March 2015) are still valid and the State agencies once again ask that the town consider these comments before forwarding your plan to this office for certification. Please note that additional 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

Thank you for the opportunity to review this Comprehensive Plan. 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