



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

January 20, 2016

Suzzane K. Morris
Town of Hartly
P.O. Box 181
Hartly, DE 19953

RE: PLUS review 2015-12-01; Town of Hartly Comprehensive Plan

Dear Suzzane:

Thank you for meeting with State agency planners on December 16, 2015 to discuss Hartly's comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. 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.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of Title 22, § 702 of the Del. Code.

- The various maps in the plan appear to be incomplete, and unclear. In some cases the legends do not accurately reflect the colors on the maps, or overwrite map features or text in the plan. It is necessary for the plan maps to clearly indicate existing land uses, future land uses, annexation areas and the other elements they are depicting.
- The text of the land use section does not correspond to the land use categories on the future land use map. Delaware Code indicates that both the text and the maps in municipal comprehensive plans have the force of law. As such, the text and maps must be consistent with one another.
- Page 20 indicates that the "map is a suggestion of an annexation plan." This is not clear. The plan may have an annexation plan, or not. Please clarify. If the Town wishes to have an annexation plan, all parcels to be considered for annexation and the proposed future land use of those parcels must be clearly depicted on the map.

- The section of the plan that discusses the Kent County sewer system includes no indication of system capacity. This is a critical oversight, particularly given the large amount of vacant acreage in what appears to be the proposed annexation area. The Town should work with Kent County Planning and Public Works to identify the available sewer capacity (i.e. how many more homes or “EDUs” are available to connect onto the system). The development potential on vacant lots in town and vacant lands in the proposed annexation area should be reconciled with the available sewer capacity.
- Add a section to the plan to document intergovernmental coordination.

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

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

Our office would like to commend the Town of Hartly for developing the first ever comprehensive plan for the town. It is clear that the draft plan was developed with a great deal of community input, and reflects an appreciation for the town’s history and a vision for the future. The plan is mostly complete, but does lack a few elements that are required for certification (see above). Here are some recommendations to address the certification items, and otherwise make improvements to the plan.

- It is recommended that the maps be developed in Geographic Information System (GIS) software, and revised to be clearer. It is also recommended that standard land use colors be used for the maps. Our office can provide some guidance and assistance regarding the maps, so feel free to call to discuss.
- The plan text discusses “zoning” and the town’s “zoning ordinance” in the text a number of places. Does the town have a zoning ordinance? Please clearly state this in the plan, perhaps in the beginning when discussing town government resources. If the town does have such an ordinance, the plan should recommend that the ordinance be reviewed and revised to be consistent with the comprehensive plan when adopted. In fact, it would be a good idea for the town to evaluate the future land use map and the zoning map and identify any parcels that must be rezoned within 18 months of plan adoption. If there are parcels that must be rezoned, it is recommended that the property owners be informed and engaged in the comprehensive plan process so they understand the rezoning that will have to occur once the plan is adopted.
- It is recommended that the land use section in the plan text be revised to clearly describe what is intended in each of the future land use categories that are present on the map. The text should only discuss land use categories are included on the map.

- General Comment: the references to Delaware Code are incorrectly formatted, and in some cases reference the wrong sections. In general, the format is: Title Delaware Code, Section (Title **Del. C.** § Section), i.e. 22 **Del. C.** § 702.
- In the Intergovernmental Coordination section, it is recommended that the town consider an official MOU with the Kent County Department of Public Works regarding the sewer system capacity and availability of connections for future development.
- It is recommended that the implementation section be revised as a work plan indicating immediate, short term, and long term projects the Town will undertake to implement the plan.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- Section 2-7e and 2-7f, respectively, discuss traffic and parking issues in the Town and provide recommendations as to what could be done to address those issues. Because the Town streets are maintained by the State, DelDOT may be able to assist the Town with some of these concerns. We recommend that the Town contact DelDOT’s Traffic Studies Engineer, Mr. Tom Meyer, to better determine what assistance DelDOT can provide. Mr. Meyer can be reached at (302) 659-4090.
- Section 2-8c provides recommendations with regard to Community Character. The fourth bullet point in this section reads “Encourage Family-like Commercial Development. The town should encourage any new construction to be family oriented and small community type commerce.” We recommend that the Town be more definite what they mean. If they can identify specific uses that they want to limit or prohibit within Town limits, it may be advisable to amend the zoning code to do that.
- There is a Planning Goal in Section 1-5a (6th bullet point) concerning pedestrian safety that reappears as a recommendation in Section 3-1 (again 6th bullet point) without being discussed in the Transportation Section (2-7). For completeness, we recommend that Section 2-7 be expanded to discuss pedestrian safety. Following are three topics that we suggest should be mentioned in the Plan.

In part, the recommendation says that the town should attend to sidewalk repair. Responsibility for sidewalk repair along the streets in the town is likely addressed by an agreement between the Town and DelDOT. We recommend that the Town contact our Central District Engineer, Mr. Tom Greve, as necessary to determine what responsibility DelDOT has in this matter and whether any of the needed repairs could be done as part of our normal maintenance program. Mr. Greve may be reached at (302) 760-2412.

Looking beyond the relatively small repairs that could be done through our Central District office, at the Town’s request, our Local Systems Improvement Section is about to start the development of a master plan for how to address the Town’s sidewalk and

Americans with Disabilities Act (ADA) issues, using funding from our Transportation Alternatives Program. They hope in the near future to initiate final design on the first phase of that work and, over several years, to bring the Town into full ADA compliance. Mr. Jeff Niezgoda, the Assistant Director responsible for that section, may be contacted for more information in this regard. Mr. Niezgoda may be reached at (302) 760-2178.

The recommendation also says that the Town should “incorporate a Safe Routes to School plan.” Ms. Sarah Coakley, a planner in DeIDOT’s Local Systems Improvement Section coordinates our Safe Routes to School program and can provide information and assistance in this regard. Ms. Coakley may be reached at (302) 760-2236.

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 requests an opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Water System (p. 20).

- First paragraph, second to last sentence: “Kent County *septic* system installation” should read “Kent County *sewer* system installation.”

Wastewater Treatment System (p. 21).

- First paragraph, last sentence: “Kent County Public Works *manages* and maintains this sewer service.”

Stormwater Management (p. 22).

- The Stormwater Management section of the Comprehensive Plan should address issues related to stormwater quantity, stormwater quality, and stormwater management system maintenance, focusing on management issues directly related to actual and potential stormwater runoff in the town. The text of the Plan should indicate that the Town will develop a stormwater management ordinance which will, at a minimum:
 - Minimize the occurrences of damage due to flooding
 - Improve surface water quality, and
 - Improve the recharge of the potable water supply

Please contact the Delaware Sediment and Stormwater Management Program at 302-739-9921 to get information that would allow the Town to highlight specific issues or problem locations within the town, and to provide a broad statement of intent.

Parks and Recreation (p. 24).

- 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 Hartly 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 Hartly include:

High facility needs:

- Walking and Jogging Paths
- Public Swimming Pool
- 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

Total Maximum Daily Loads (TMDLs).

- *Recommendation:* We recommend a new stand-alone section for information pertaining to Total Maximum Daily Loads (TMDLs), a water quality indicator, in the Town of Hartly’s Comprehensive Plan (perhaps in a section dealing with the Town’s natural features):

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 to restore their beneficial uses (e.g., swimming, fishing, drinking water, and shellfish harvesting). A TMDL defines the amount of a given pollutant (i.e., or the pollutant loading rate reduction for a given pollutant) that may be discharged to a waterbody from all point, nonpoint, and natural background sources; thus enabling that waterbody 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 TMDL for nitrogen (N) and phosphorous (P) were originally developed by the State of Delaware; however, subsequent EPA assessment of these reduction requirements deemed them “insufficiently protective enough” to meet the water quality goals and strategies for the Chesapeake Basin. Thus, EPA developed a “more stringent” TMDL reduction requirement for nitrogen and phosphorus. The current nutrient (N & P) and bacteria TMDL reduction requirements for the Chester and Choptank River watersheds are listed in table 1.

Chesapeake Basin watersheds	N	P	Bacteria
Chester River	60%	60%	35%
Choptank River	60%	60%	28%

Table 1: TMDL reduction requirements for nutrients (N & P) and bacteria in the in the Chester and Choptank River watersheds

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 waterbody'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 Chester River and the Choptank watershed consists of recommendations from the following three areas: agriculture, stormwater, and wastewater. Currently, the PCS for the Chester River and Choptank watershed – the watersheds in which the Town of Hartly is located - contains only suggested or non-regulatory recommendations.

As part of the TMDL, each jurisdiction is required to develop a Watershed Implementation Plan (WIP) that details how load goals will be achieved and maintained into the future. The WIP identifies specific pollution reduction practices (i.e., BMPs) and programs to reduce nitrogen, phosphorus, and sediment from a variety of sources that discharge to waters in the greater Chesapeake Basin. Thus the WIP is an essential component for attainment of Delaware's Water Quality Standards, ultimately leading to the restoration of a particular waterbody's (or watersheds) 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.

Source Water Protection. The DNREC Ground-Water Protection Branch (GPB) has determined that there is an excellent ground water recharge potential within the Town's municipal boundaries.

As a municipality with a population of less than 2,000 persons, the Town is not required to develop source water protection ordinances per 7 Del. C., §6082(c). The Town 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.

Forest Preservation and Rare Species.

- Although the Species Conservation and Research Program (SCRIP) does not have concerns within the town limits, there exist numerous forest blocks within a half mile of the town center. Several of these forests have documented occurrences of rare species. Additionally, the presence of these forests serves to improve the quality of life of town residents and provide vital environmental services to them (e.g. flood mitigation and

improved air quality. The Town should consider including the nearby forests as Areas of Concern in their comprehensive plan.

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. The Climate Framework for Delaware recommends that DNREC, through the Division of Energy and Climate, provide technical support to local governments, in coordination with the Office of State Planning Coordination (OSPC), to enhance focus on climate impacts (including the reduction of greenhouse gas emissions) and long-term sustainability (through adaptation and mitigation) in the comprehensive plan and in implementing ordinances. With that in mind, DNREC requests the opportunity to work with the Town and their consultants 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 Ordinances and Plan Implementation

Open Space.

- We note that it might be helpful to have a consistent definition of “open space” in your Plan and/or Town ordinances. In a guidance document that DNREC is developing for the PLUS and other local technical review processes, we have defined open space as: those areas with public value in a predominantly natural state and undeveloped condition. Such areas may contain, but are not limited to, wildlife and native plant habitat, forest, farmland, meadows, wetlands, floodplains, shorelines, stream corridors, steep slopes, and other areas that have species or habitats of conservation concern.

Open Space may be preserved, enhanced and restored in order to maintain or improve the natural, ecological, hydrological, or geological values. An important design element to consider when incorporating Open Space in a development is to take maximum advantage of adjoining Open Space areas. This will advance the goal of an interconnected network of habitat corridors for wildlife and provide for future potential linkages.

Open Space is not:

- impervious surfaces (e.g., roads, parking lots, sidewalks, buildings)
- swimming pools or ponds that are lined or contain an impervious substrate
- stormwater management structures
- wastewater treatment systems

Types of Recreational Open Space:

Passive-Passive recreation areas include only low-impact activities having little or no disturbance on natural features.

Active-Active recreation areas (e.g., ball fields, playgrounds) should be placed only in Open Space areas that do not already contain natural habitat.

Wetlands Delineations:

- *Recommendation:* Require all applicants to submit to the Town, as conditional approval for any new commercial and/or residential development, 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. 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.

Recommendation: Include wetlands setbacks as part of the ordinance to protect wetlands. Setbacks of un-subdivided open space should surround wetlands. No portion of any building lot should be within the setback. During prolonged wet periods, the area within the wetland setback may become too wet for normal residential use. Designation as open space will aid in the prevention of decks, sheds, fences, kennels, and backyards being placed within the setback thereby reducing nuisance drainage complaints.

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).

Total Maximum Daily Loads (TMDLs).

- All open space land uses should be designed and managed in a manner that mitigates or reduces nutrient pollutant loading and its damaging impacts to water quality. Since changes in land use often increase runoff of nutrient pollutants into nearby waterways (including wetlands) draining to a common watershed, these nutrient pollutant loading impacts should be assessed at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a

methodology known as the “Nutrient Load Assessment Protocol” to assess such impacts. The protocol, which is currently being updated to be more accurate and user-friendly, is a tool used to assess changes in nutrient loading that result from the conversion of individual or combined land parcels to a different land use(or uses), and serves as a “benchmark indicator” of that project’s likely impacts to water quality. It is the intention of this protocol to inform those relevant governmental entities (i.e., State, county, and municipal) how a given project will affect water quality in their jurisdictions, while informing/encouraging developers of the need to incorporate better conservation practices (i.e., BMPs) in their project designs, thereby improving water quality.

Recommendation: Require completion of a Nutrient Budget protocol before granting preliminary approval for any proposed projects/developments.

Recommendation: Require the applicant use any combination of approved Best Management Practices (BMPs) to meet the required TMDLs for the affected watershed(s) in question, so as to reduce or mitigate nutrient loading impacts on water quality.

Impervious Surface Mitigation Plan:

- *Recommendation:* Require that the calculation for surface imperviousness (for both commercial and residential development) take into 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 to address those concerns. 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.

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 TMDLs for nitrogen, phosphorus, and bacteria. Reach out to the Kent Conservation District, Kent County and the Delaware Water Infrastructure 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 are none. The Drainage Program is not suggesting the Town assume primary responsibility for the routine maintenance such as mowing on the conveyances. However the Town should have the ability to remove blockages either natural or manmade.

Tax Ditches.

- There are currently two Tax Ditch Organizations within the Town boundary or mapped growth area (Gravelly Run Tax Ditch and Hartly Tax Ditch). During rain events the Town and surrounding areas rely on the conveyance of stormwater through these tax ditches. The Drainage and Stormwater Section recommends addressing the following items within the Plan and/or within a land development code.

Recommendation: Existing tax ditch rights-of-way should be protected from development encroachment to allow for routine maintenance and periodic reconstruction. Routine maintenance primarily consists of mowing the ditch bank vegetation and removal of small blockages. Periodic tax ditch reconstruction involves the removal of sediment from the ditch bottom to reestablish the original design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading within the tax ditch right-of-way. The placement of permanent obstructions within tax ditch rights-of-way is prohibited. Any change to the location of the tax ditch, or the existing tax ditch rights-of-way, will require a change to the tax ditch court order.

Recommendation: The Drainage Program recommends each parcel have a tax ditch right-of-way review conducted on the parcel prior to annexation by the Town. Please contact our Georgetown office at (302) 855-1930 to request a review tax ditch rights-of-way on a parcel. When a development project involves a tax ditch, or tax ditch right-of-way, include the Drainage Program in the pre-application meeting with the Kent Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.

Stormwater Management, Overall.

- The Drainage and Stormwater Section would like the Town to consider the following, to the extent that Town ordinances do not already do so.
 - The Division of Watershed Stewardship is requesting that the Town incorporate a requirement for a stormwater and drainage review into the Town's pre-approval requirements for new development requests. Proposed development projects should hold a project application meeting with the delegated agency, the Kent Conservation District, to discuss stormwater and drainage prior to the town reviewing and/or approving plans or issuing building permits. The Sediment and Stormwater Program is set to begin requiring a project application meeting for all proposed land disturbing activities that require a detailed Sediment & Stormwater Plan within the coming year. These meetings are structured to assist developers in the design process and for early notification of approval requirements. In order to schedule a project application meeting, the applicant must forward a completed Stormwater Assessment Report (SAR) to the appropriate Delegated Agency. Please contact Elaine Webb with the DNREC Sediment and Stormwater Program if you have any questions regarding this new process. Please note that this process does not replace the State's PLUS process. The Stormwater Assessment Report will also be provided through that process.
 - As the Town updates any land use or subdivision codes, the Sediment and Stormwater Program requests that the Town make a note of the Sediment and Stormwater requirements on any construction-related project application checklists, etc.
 - Lines and grades: If the Town does not have a lines and grades requirement for new construction, the Division recommends this be considered to help resolve drainage issues arising from new construction, during and post-construction. County/municipal building inspectors would be able to use approved lines and grades requirement to field-verify prior to issuance of Certificate of Occupancy or building permit, as appropriate.
 - Consider adding upgrades to stormwater infrastructure when developing a Capital Improvements Program.
 - Consider addressing stormwater when developing an adequate public facilities ordinance. Ensure adequate stormwater outlets, easements, and infrastructure is available at time of subdivision.
 - Evaluate the existing drainage patterns within the future annexation area to ensure adequate drainage for the cumulative stormwater impact upon full build out of the annexation area. The Town should be mindful of potential stormwater impacts from the Town onto county residents.

Redevelopment of Brownfield Sites.

- DNREC's Site Investigation and Restoration Section (SIRS) encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites.
- *Recommendation:* If any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRS recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances. If a release or imminent threat of a release of hazardous substances is discovered during the course of future development (e.g., contaminated water or soil); construction activities should be discontinued immediately, and DNREC should be notified at the 24-hour emergency number (800-662-8802). In addition, SIRS should be contacted as soon as possible at 302-395-2600 for further instructions.

State Historic Preservation Office – Contact: Terrence Burns 302-736-7404

- We congratulate the Town for producing this draft plan, which contains a good summary history. We recommend that it also talk about Hartly's historic properties. The plan should include the fact that there are no properties listed in the National Register of Historic Places within the Town or its proposed annexation area. However, in 2003, the Kent County Preservation Planner did a basic reconnaissance survey of the Town, noting 43 properties and defining an area that might be eligible as a historic district. We have provided a copy of this report to the Town, and suggest that the map summarizing the survey be included in the plan.
- We suggest that the plan recommend an evaluation survey to update the existing survey information and to determine if the district or individual buildings are eligible for the National Register. If that survey does find eligible properties, we suggest that the plan recommend pursuing National Register listing. Such listing could be beneficial to the Town by allowing homeowners and business people to utilize historic tax credits for building rehabilitation and thus providing another tool for maintaining its buildings and small-town character. In addition, having an evaluation survey completed will shorten the review time for the use of federal programs, such as CDBG which is mentioned in the plan.
- We will be happy to provide technical assistance in meeting these recommendations.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA supports the Town of Hartly's Comprehensive Plan and its goals and general policies related to housing. These positions were thoughtful, based on a thorough analysis of demographic and housing data, and appropriate for the Town.

As a resource for municipalities, 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 our new initiatives.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture congratulates the town on a well-written comprehensive plan. The department has no specific comments on the plan, but would be glad to lend any assistance to the town on issues regarding agriculture and forestry.

Approval Procedures:

- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.
- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
- Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.
- At his discretion, the Governor will issue a certification letter to your Town.
- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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

Sincerely,



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