



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

August 23, 2017

Gina Miserendino  
Town of Viola  
P.O. Box 121  
Viola, DE 19979

RE: PLUS review 2017-07-09; Town of Viola

Dear Gina:

Thank you for meeting with State agency planners on July 26, 2017 to discuss Viola'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 and Title 29, § 9103 of the Del. Code.

- Number all maps as per the list on Page 26 – Appendix A. Please make sure map titles match the titles in Appendix A. Also it is suggested that the Town check all map references in the text, make sure they refer to the correct map number and title.
- Add a Future Land Use and Annexation Map (Map 4). It is suggested that the Town use Map 4 from previous plan as a guide.
- On Page 20, the Town identifies the need to evaluate public sewer and/or water services and discusses options for proceeding, but the plan does not make a firm recommendation about how to move forward. Town needs to decide what the next steps are, or make a statement that they are not going to address this issue. The plan must be updated to document the path forward on these “Key Infrastructure Issues.”
- Document via letter or email that the plan has been reviewed by Kent County. Also provide documentation that any comments or recommendations they note have been addressed.

**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**

Congratulations to the Town of Viola on a very well written plan which will guide the town through the upcoming years. The following are some recommended edits and changes:

- Please delete all references to “Livable Delaware,” since that program ceased at the end of the Minner Administration. There is a reference on page 5, and a few throughout the rest of the document.
- The *Strategies for State Policies and Spending* are updated every five years, most recently in 2015. Please update all references to the *State Strategies* to the 2015 version. Also, please change any reference to “Developing Areas” to “Investment Levels.”
- It appears that the Existing Land Use Survey from 2003 is still being used. Have there been any land use changes since 2003? If so, it is recommended that the Existing Land Use survey and map be updated.
- We note that some of the Census data is in need of update. Our office provided this information to the Town in 2014, and we will provide the Town with the updated data.
- It is suggested that the Coordination Table on pages 24-25 be updated to reflect current activities.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- The Transportation Section, found on pages 17 and 18, mentions concerns about pedestrian safety and speeding. One strategy for dealing with these two inter-related issues, which the Plan does not mention, improving the pedestrian network. For a town of its size, Viola already has a significant amount of sidewalk, but there are gaps in the network and much of it is narrow, in disrepair and does not meet Americans with Disabilities Act (ADA) standards. More could be done to provide safe and accessible places for people to walk.
- Given the Town’s resources, the first step would be to identify and prioritize the areas of concern and obtain estimates for the work. Limited amounts of funding may be available from the Town’s State legislators’ Community Transportation Funds but there are typically many needs competing for these monies.
- DelDOT’s Capital Transportation Program (CTP) includes pedestrian and bicycle projects and the best way to seek inclusion in that program would be to contact the Dover/Kent County Metropolitan Planning Organization (MPO). The MPO annually

develops a county-level Transportation Improvement Program that feeds projects into DelDOT's CTP. Mr. James Galvin is a staff-level planner at the MPO who could advise the Town in this regard. Mr. Galvin may be reached at (302) 387-6030 or [James.Galvin@doverkentmpo.org](mailto:James.Galvin@doverkentmpo.org).

- Finally, DelDOT's Transportation Alternatives Program (TAP) is another potential funding source for such improvements. More information on the TAP program is available at <http://www.deldot.gov/Programs/tap/index.shtml> or from Ms. Ann Gravatt, a Planning Supervisor in DelDOT's Local Systems Improvement Section. Ms. Gravatt may be reached at (302) 760-2254 or [Ann.Gravatt@state.de.us](mailto:Ann.Gravatt@state.de.us).

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

- We suggest 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.

**State Housing Authority – Contact: Karen Horton 739-4263**

- DSHA supports the Town of Viola's Comprehensive Plan and its position on population and housing. This position was 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](http://www.destatehousing.com) "Affordable Housing Resource Center" under Other Programs.

If you have any questions, please feel free to call me at (302) 739-4263 or via e-mail at [karenh@destatehousing.com](mailto:karenh@destatehousing.com). Thank you.

**Department of Agriculture – Contact: Scott Blaier 698-4532**

- The Department of Agriculture (DDA) would like to congratulate the town on a well-written comprehensive plan update. DDA appreciates the town's attention, discussion, and support of agriculture and farmland preservation throughout the plan. DDA has had considerable success preserving farmland west and north of the town, which is largely in line with the town's goals regarding surrounding land use. However, the department would be glad to discuss opportunities for future farmland preservation in the town's areas of concern.

- In addition, DDA encourages the town to contact its Forestry Section (698-4578) to learn about urban forestry programs that may benefit the town, and help it meet its tree canopy and green infrastructure goals.

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle  
739-9071**

**Stormwater Management (p. 20)**

- 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:
  1. Submit a Stormwater Assessment Study for the project limits of disturbance and hold a project application meeting with the reviewing delegated agency,
  2. Submit stormwater calculations, and
  3. Submit construction drawings
- Following 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. Further, the Sediment and Stormwater Program recommends that the Town incorporate the Stormwater Assessment Report as a required element when a plan is submitted to the Town's 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.

**Parks and Recreation (p. 20).**

- 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

### **Source Water Protection (p. 22).**

- 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. 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.

### **Total Maximum Daily Loads (TMDLs) and Water Quality (pp. 22 and 23).**

- Please note that the TMDL(s) for the Murderkill watershed was first developed in December 2001 and revised in 2005. The Pollution Control Strategy (PCS) was completed in 2012. A PCS is a combination of best management practices and control technologies that reduce nutrient and bacterial pollutant runoff loading in waters of a given watershed to level(s) consistent with the TMDL(s) reduction levels specified for that watershed. The PCS for the Murderkill River watershed consists of recommendations to reduce nutrient and bacterial pollutants via three key pollutant sources: agriculture, stormwater, and wastewater. Because this PCS (developed by the Murderkill tributary action team) contains only general and voluntary recommendations, the PCS does not provide much in the way of any "actions" per se that the Town of Viola "can become involved with" as stated in draft Comprehensive Plan. It is up to the town to develop the "actions" necessary – in concert with the PCS and State guidance - to help attain the TMDL(s).
- We further suggest that the Town of Viola's Comprehensive Plan mention the TMDL reduction requirements for nitrogen, phosphorus, and bacteria in the greater Murderkill River watershed. In this watershed, nitrogen and phosphorus must be reduced by 30% and 50% from baseline conditions, respectively. Additionally, bacteria must be reduced by 32% and 65% from baseline conditions in fresh and marine waters, respectively.

### **Floodplains.**

- With regards to flood management, we would look for an acknowledgement that the Preliminary Flood Insurance Rate Maps (FIRMs) for Kent County became effective on July 7, 2014. We would also look for a discussion about the Town's floodplain regulations with respect to the new maps.

### **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.

### **Air Quality.**

- The American Lung Association released its latest “State of the Air” report in February of this year. Although Kent County as a whole earned a “B” in the report, air quality remains a regional issue in Delaware. In addition, according to the comprehensive plan document, the 2010 Census concluded that the two largest demographics in the Town of Viola are those aged 45-59 at a whopping 31.2% (page 12). Both children under 5 years old and the elderly as well as those with pre-existing cardiopulmonary conditions such as those with asthma or emphysema are at an increased risk of experiencing negative health effects due to air pollution. DAQ was sad to see that air quality was not directly addressed nor was it listed as a goal in the goals and objectives portion of the comprehensive plan document.
- The Town of Viola is encouraged to continuing its pursuit of multi-modal transportation options in the area including expanding its bicycle and pedestrian network. Another crucial component to driving the push from vehicle-centric travel to other modes is the availability of transit. The Town of Viola is urged to coordinate with DART and the Delaware Transit Corporation to ensure adequate opportunities for transit are made available. DNREC is in full support of innovative technologies that allow real time tracking of transit including DeIDOT’s “Where is My Bus?” tool. Technologies such as these ensure the efficiency of transit customer service and promote transit as a viable option for travel.
- According to the Delaware Forest Service, in 2014 the Town of Viola had an urban tree canopy of 16.9%. DNREC supports efforts of the Town of Viola to expand its existing urban tree canopy. Planting trees, particularly in parking areas, helps to reduce heat island effects while also trapping harmful particulate matter (also known as PM), which has the ability to be inhaled and embedded in the human lung and has the potential to cause negative health effects.
- Other suggestions that DNREC would provide are finding creative solutions to alleviate the town’s ongoing transportation safety issues including speeding along major arterials. DNREC is in support of law enforcement of the posted speed to prevent future speeding events. Safety issues such as these generate a higher Level of Stress for the area and minimize potential use of sidewalks and bike paths. Therefore, it is an area that must be addressed. The Town of Viola is also urged to continue incorporating mixed-use development when and where possible including the use of compact (cluster) development which has the effect of preserving open space and minimizing the scope of environmental effects. Mixed use developments also help to support non-automotive

forms of travel and would add to the existing and expanding bicycle and pedestrian networks.

- DNREC also supports the proposal of a Town Park or preservation of open space in designated areas to accommodate the wishes of town residents. According to the comprehensive plan document, 59% of respondents agreed that a Town Park or open space preservation should be made a priority in the Town of Viola.
- Should the developer have any more questions or concerns, the Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or [lauren.devore@state.de.us](mailto:lauren.devore@state.de.us).

### **Recycling.**

- The Universal Recycling Law (7 Del. C. §6053) requires all waste service providers (including a municipality that uses contractors for service) to provide recycling collection to their residential customers (including multi-family settings). Municipalities that provide trash and recycling services can demonstrate some of the lowest prices in Delaware. Municipalities should plan for outreach/educational strategies for constituents, as well as continued implementation.
- Delaware Law (7 Del. C. §6053) and Regulations (7 Del. Admin. C. §1305) specify that the ‘commercial sector’ shall participate in a comprehensive recycling program. As such, all those involved with the planning of the commercial sector should give consideration to space for collection of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster. The commercial sector includes all for-profit, not-for-profit, institutional, charitable, educational, health care, and government organizations.
- For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call 302-739-9403.

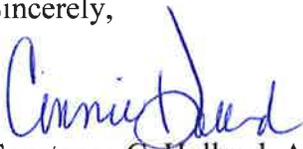
### ***Approval Procedures:***

- 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. Substantial changes to this draft could warrant another PLUS review.
- 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