



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

November 27, 2017

Carol Dougherty
901 Rosedale Ave.
Bellefonte, DE 19809

RE: PLUS review 2017-10-10; Town of Bellefonte Comprehensive Plan

Dear Carol:

Thank you for meeting with State agency planners on October 25, 2017 to discuss Bellefonte'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.

- The Town must state its position on population growth. The chapter titled "Demographics, Future Population, and Housing Growth" contains a great deal of data and information but the town's position on population growth is not clear.
- The Town must state its position on housing growth. The chapter titled "Demographics, Future Population, and Housing Growth" contains a great deal of data and information but the town's position on housing growth is not clear.
- The town must add future land use classifications to the lands identified for annexation on Map 11 on page 44. When annexation occurs, Delaware Code indicates that the parcel(s) must be concurrently placed in a zoning district that is consistent with the comprehensive plan. In order to do so, the plan must include future land uses for any parcels considered for annexation.

- The Strategies for State Policies and Spending map (Map 12) reflects an earlier version of the Strategies. Please update this map with the 2015 Strategies for State Policies and Spending data. Contact our office if you would like our assistance in preparing this map.
- Document via letter or email that the plan has been reviewed by New Castle County, and 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

The Office of State Planning Coordination would like to commend the Town of Bellefonte for preparing a very well done comprehensive plan update. It is clear from the document that the process involved a great deal of community involvement. The plan document reflects the vision of the community, and acknowledges the benefits and limitations of being a small, mostly residential municipality surrounded by mature, developed areas of New Castle County. The plan contains a good balance between policy statements and implementation items which should continue to serve Bellefonte well in the coming years.

We do have one recommendation:

- All municipalities are required to demonstrate coordination with the State, county and other municipalities as a part of plan preparation. As noted earlier, the town must provide some documentation of coordination with New Castle County. Even though the Town does not share a border, it is also recommended that the Town share the draft plan with the City of Wilmington and solicit their review and comment. The City of Wilmington is currently in the process of updating their comprehensive plan as well.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- There are several programs and offices within DelDOT that may be able to assist the Town with goals outlined in the Plan. As appropriate, DelDOT recommends that the Town contact the following individuals to discuss how they could be helpful.
- For Public Safety Goal #1, Traffic calming (Plan page 42), the Town may contact Mr. Michael Somers, DelDOT's Traffic Calming Supervisor. Mr. Somers may be reached at (302) 659-4099 or Michael.Somers@state.de.us.
- For Public Safety Goal #4, Consider strategies to improve pedestrian safety (Plan page 42), because the recommended strategy is to increase the number of marked crosswalks and there are technical criteria for where they are appropriate, the Town should contact Mr. Peter Haag, DelDOT's Traffic Studies Engineer. Mr. Haag may be reached at (302) 659-4084 or Peter.Haag@state.de.us.

- For Transportation Goal #1, Improve the availability and safety of non-vehicular transportation (Plan page 47), Mr. Haag is again the best contact regarding crosswalks. For the other strategies, which have more to do with paths and sidewalks, there are three people, each with a slightly different program emphasis, who may be able to help:
 - For Transportation Enhancement Projects, contact Mr. Jeff Niezgoda, Assistant Director for Local Systems Improvement. Mr. Niezgoda may be reached at (302) 760-2178 or Jeff.Niezgoda@state.de.us.
 - For DelDOT's Safe Routes to School Program, contact Mr. Chip Kneavel, Safe Routes to School Coordinator. Mr. Kneavel may be reached at (302) 760-2527 or Thomas.Kneavel@state.de.us.
 - For more general bicycle and pedestrian concerns, contact Mr. Anthony Aglio, Bicycle and Pedestrian Coordinator. Mr. Aglio may be reached at (302) 760-2509 or Anthony.Aglio@state.de.us.
- For Transportation Goal #2, Promote use of alternative means of transportation (Plan page 47), a good initial contact for the Town would be the Delaware Transit Corporation's Planning Manager, Ms. Catherine Smith. Ms. Smith may be reached at (302) 576-6071 or Cathy.Smith@state.de.us.

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

- We appreciate the Town's recognition of community interest in preserving its town character and design, and hope they continue these efforts in the future. The Town should also do an architectural survey of properties in town, to determine if there are individual buildings or a district that may be eligible for the National Register of Historic Places. 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 and state historic preservation tax credits and occasional grants. Such financial incentives will help in the maintenance of the aging housing stock, which is one of the Town's Plan's concerns and recommendations.
- The Town could then build on their preservation efforts by participating in the Certified Local Government (CLG) Program. This program strengthens preservation efforts by providing technical and financial assistance, while encouraging preservation programs and practices. (As part of the nationwide CLG Program, Delaware's CLG Program is administered by the Delaware State Historic Preservation Office, in partnership with the National Park Service.)
- One of the main goals in the current statewide historic preservation plan, Preserving Our Past for a Better Future, is to encourage active participation in historic preservation by all local governments. We are currently updating the statewide historic preservation plan and

welcome the City's comments and suggestions for inclusion in the new statewide plan. We will also be happy to provide technical assistance for the town's upcoming revisions. The Delaware's Historic Preservation Plan is available online at:

<http://history.delaware.gov/pdfs/Preservation%20Plan%202013-2017.pdf>.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA overall supports the Town of Bellefonte's Comprehensive Plan and its position, goals and recommendations related to housing. These recommendations are based on an analysis of demographic and housing data; public feedback; and, a review of the existing housing stock and environmental constraints. The plan narrative and the past policies have been conducive to facilitating a variety of housing options.

However, we do provide caution on how the first Housing Goal 'Establish regulations on rental properties' is implemented. As presented, the concern that all property is maintained and safe is understandable and registration and periodic inspections is one approach to tackling this problem. However, if this goal was implemented using a nuisance-abatement or crime-free ordinance which require the attachment of a lease addendum, DSHA would have serious concerns. Crime-free lease addendums often have the effect of subjecting tenants to eviction for a broad range of offenses and presents several conflicts:

- Silencing crime victims who need emergency aid or to report a crime. Particularly survivors of domestic violence where additional protections were recently enacted under the Violence Against Women Act (VAWA).
 - The federal Fair Housing Act (FHA), which protects tenants from discriminatory housing policies and practices.
 - Increases housing instability and ultimately homelessness for victims of domestic and sexual violence, persons with disabilities, and other vulnerable tenants. They can reduce the availability of desperately needed affordable rental housing.
 - Tenants' rights to be free from discrimination, to contact the government for assistance, and to receive due process.
- DSHA offers technical assistance to the Town in reviewing tools and strategies, including how to implement performance-based licensing programs that shift the focus from the tenant to the landlord, to facilitate safe and affordable housing opportunities within 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 or households earning 100% of median income or below. Our website can be found at:

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. Thank you.

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

The Department envisions a Delaware that offers a healthy environment where people embrace a commitment to the protection, enhancement and enjoyment of the environment in their daily lives; where Delawareans' stewardship of natural resources ensures the sustainability of these resources for the appreciation and enjoyment of future generations; and where people recognize that a healthy environment and a strong economy support one another.

DNREC's intent is to offer recommendations to improve conservation and protection of the Town's resources and to improve the plan elements related to environmental protection, open space, recreation and water quality and supply, resulting in a better plan. We provided recommendations following the Town's comprehensive plan pre-update review in February 2016. Although the Town chose not to incorporate any of those recommendations in their plan, the recommendations are important enough to repeat again. DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Page 28, Soils.

- We suggest that the Town of Bellefonte Comprehensive Plan reference the NRCS soil survey update rather than the outdated 1971 USDA Soil Survey of New Castle County in their revised Comprehensive Plan. The updated soils information can be retrieved from the web soil survey at the following web link:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

For the applicant's convenience, the NRCS soil survey mapping update map of soils in the immediate vicinity of the Town of Bellefonte (outlined in red) is displayed in Figure 1. Based on the web soil survey, the predominant soil mapping unit mapped in the immediate vicinity of the Town of Bellefonte is mostly mapped as Talleyville-Montalto-Urban land complex. This soil mapping unit is considered well drained.

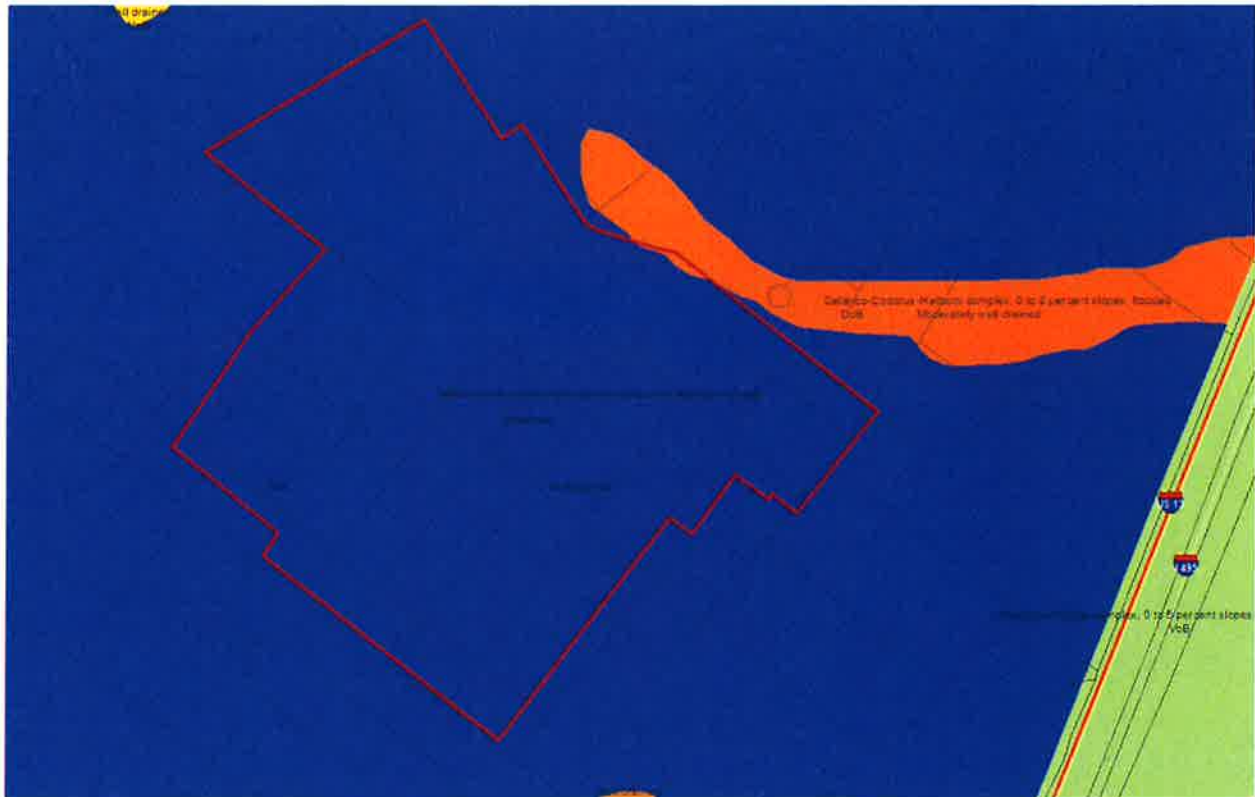


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the Town of Bellefonte

Page 32, Water.

- Does United Water Delaware have the capacity, in terms of water supply, to accommodate Bellefonte's future growth and development?

Page 32, Sewer.

- Does the Town of Bellefonte's collection and conveyance system have the capacity to accommodate Bellefonte's future growth and development? Does the New Castle County wastewater treatment system have the capacity? These are good issues to explore as part of the intergovernmental coordination that is required when developing your comprehensive plan.

Page 35, 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 Bellefonte is located within SCORP Planning Region 1.

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.

Outdoor Recreation Needs/Priorities

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

High facility needs:

- Walking/Jogging Paths
- Swimming Pools
- Playgrounds
- Bike Paths
- Gardening
- Picnic Areas
- Off Leash Dog Areas
- Ball Fields
- Fishing Access
- Campgrounds

Moderate facility needs:

- Basketball Courts
- Hiking Trails
- Football Fields
- Mountain Bike Trails
- Tennis Courts
- Canoe/Kayak Launches
- Public Golf Courses

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

Page 38, Stormwater Management.

- The Department recommends that the Town of Bellefonte 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.

Page 45, Redevelopment.

- 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. 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.

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>

Pages 53-54, Environment.

- What progress has been made regarding the Goals and Strategies outlined in the 2007 Plan? Accomplishments should be noted in the 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.

Recycling.

- Page 54, Goal #2: The Delaware Solid Waste Authority (DSWA) no longer provides curbside recycling services. New requirements have been implemented since Bellefonte's Plan was last revised. The Universal Recycling Law (7 Del. C. §6053) and Regulations (7 Del. Admin. C. §1305) require all waste service providers to provide recycling collection to their residential customers including multi-family residential settings. Delaware Law and Regulations also specify that the 'commercial sector' shall participate in a comprehensive recycling program. The commercial sector includes all for-profit, not-for-profit, institutional, charitable, educational, health care, and government organizations. Recycling does help protect the environment and helps lessen overall and long-term disposal costs. Communities that contract their trash and recycling services usually have some of the lowest costs for those services. For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call Don Long at (302) 739-9403.

Air Quality.

- According to the comprehensive plan, 15.4% of Bellefonte's population consists of individuals that are aged 60 or above and approximately 9.5% of this same population currently lives in poverty. Sensitive groups, including those aged 5 and younger, the elderly and those with pre-existing cardiopulmonary conditions such as emphysema, asthma and COPD are at an increased risk of the negative effects of air pollution. One particular pollutant of concern is PM 2.5 or particulate matter. Particulate matter comes in two sizes, PM 10 (which is 10 microns in diameter and has the ability to become embedded in the lining of the lungs,) and PM 2.5 which is small enough to be absorbed into the bloodstream.

One of the transportation problems that were addressed in the comprehensive plan were the need for additional crosswalks and signage to make the streets safer for pedestrians (page 36). The Town is advised to seek a sidewalk maintenance ordinance and work together with DelDOT to remedy this issue to create a Town that is walkable and bikeable. DNREC supports the goal of the Town to promote alternative forms of transportation including the use of transit through the existing DART services available to the area including the Route 1 and Route 24 buses (page 37, 47). DNREC encourages the expansion of alternative transportation opportunities that limit the impact of vehicular travel and facilitate the switch from vehicular travel to other more environmentally friendly modes.

DNREC also supports Bellefonte's goal to green Bellefonte through the inclusion of green infrastructure in planning and street design. Trees help to significantly reduce automobile emissions including those from pollutants such as nitrogen oxides (NOx), volatile organic compounds (VOCs), and the most harmful of all, particulate matter (PM) by trapping gases fumes and replenishing the oxygen into the ambient air. Trees also assist in reducing the effect of heat islands by helping to cool asphalt and pavement which also lessens the chances of tropospheric or ground-level ozone formation (ground-level ozone is also considered a pollutant.)

Bellefonte is encouraged to continue to find creative ways to both preserve the Town's diverse and rich history while also adapting to a changing land use and public planning environment. Examples of such enhancements would include the continuous upkeep and maintenance of Bellefonte Park, maintenance and construction of needed sidewalk and pedestrian network improvements, creative and innovative solutions to mitigate traffic problems in the area and also the addition of more mixed use development. Such mixed use development would include alternative development types that are not limited to single family detached homes (which comprise the majority of Bellefonte's current development (an estimate of 85%) page 19)) and cater to a more diverse population. DNREC supports the Town's decision to maintain and encourage mixed use in appropriate zones while also protecting existing housing choices (page 52).

Should the applicant 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.

Recommendations for Ordinances and Plan Implementation

- **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.

- **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 New Castle County, the Conservation District, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

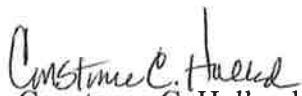
Approval Procedures:

- 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