



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

July 21, 2003

Mr. Bradley Connor, Mayor  
Town of Dagsboro  
P.O. Box 420  
Dagsboro, DE 19939

RE: LUPA 06-16-03-01; Town of Dagsboro Comprehensive Plan

Dear Mr. Connor:

The State has reviewed the draft comprehensive plan for the Town of Dagsboro and we commend the Town for drafting a sound and well-written plan.

Before the plan can be certified the State would ask that the Town address the following three issues:

1. Concerning the water element, the plan should explain the Town's arrangement with Millsboro and whether or not the new water system will support growth. Information should also be included on the timing of the new water system and the requirements associated with the system's funding.
2. Concerning sewer, it appears as if Dagsboro is counting on using the existing capacity without assurance that Frankford is not planning to use it. What are Frankford's plans for growth? Frankford has a 1999 plan that the Dagsboro plan might want to reference. Also page 19 says that it will be difficult to add sewer to areas north of town, yet there is a large parcel for annexation and a significant area of concern north of the town. If these areas are annexed, it is feasible to run sewer here? The plan should explain the constraints in this area and how they might be addressed.
3. On Page 19, the plan stated the intent to develop land in town first and to reserve capacity for lands in town. How can any of this be done if annexation occurs? There is already more land in town than the sewer system can handle. Also on Page 20, there is a recommendation, "Reserve existing sewer capacity for existing vacant parcels within the current town limits to maximize efficiency of the system

before considering annexation.” This seems to set the town up to violate the comprehensive plan with your first annexation.

The plan recognizes the existing limitations of the sewer infrastructure as well as the large amount of vacant, developable land within the current town limits. The State is concerned about the Town’s plans for annexation and growth and the capability of the Town to ensure that sewer and water services, as well as other town services, are provided. The plan calls for an adequate public facilities ordinance to ensure that the timing of growth and infrastructure coincide. We commend the Town for developing a creative solution to an issue that many towns in Delaware face. The Town may also want to consider entering into annexation agreements with developers who annex into town to address the short-term water and sewer infrastructure limitations. Such agreements could impose an annual building cap to phase the development of annexed properties and include arrangements for the developer to help fund the necessary water and sewer upgrades.

When individual parcels petition for annexation, the Town will be required to submit to the Office of State Planning Coordination a plan of services. At the time of individual annexations, the State will be looking to see that an adequate public facilities ordinance is in place and that the plan of services reflects the ability for the Town or other relevant service providers to provide all necessary services.

While the future land use map is included and there is some text about rezoning, there is no zoning map, so it is hard to tell what zoning revisions will be required to implement the plan.

State agencies offered the following comments that the Town may wish to consider to strengthen the plan:

**Department of Agriculture**

We congratulate the town and its contractor on a job well done. We are particularly pleased to see the phased annexation plan.

We encourage the town to reassess their preservation component with an eye towards some passive open space preservation ringing the town. DDA advocates that municipalities identify surrounding parcels or parcels within its proposed annexation areas for green belt designation. Green belts may be established through zoning, easements, overlay policies, or a combination of approaches. Green belts help define a town, enhance its character, as well as establish its sense of place. This practical approach could protect both urban/suburban residences and farm community members from one another’s conflicting land use by-products and goals. Green belts surrounding towns help establish such a buffer and thereby ensure the quality of life expectations of both groups.

Currently, most of Delaware's municipal comprehensive plans and annexation plans designate no such green belt. To prevent "leap-frogging" of residential development beyond the greenbelt, state, county and private preservation groups must work in a coordinated fashion to 1) preserve land within the greenbelts and 2) properly manage land use on either side.

It appears as though the Town of Dagsboro has given some thought to Forestry and/or Urban Forestry issues. The Delaware Forest Service (DFS) is anxious to work with Dagsboro in developing an urban forestry enhancement and preservation strategy. **DFS provides grants and technical assistance to Delaware municipalities for forest and planning initiatives.** In addition to availing themselves of DFS provided services, DDA encourages the Town of Dagsboro to enhance public concern and awareness of the resources advantages and ecological services provided by urban forests.

We encourage the community of Dagsboro to develop a community forestry / tree care ordinance. This tool can be used to address many concerns: tree preservation along stream corridors and within new subdivisions, encourage tree planting in new developments and within the existing downtown region, and address future liability issues that come from an older poorly maintained urban forest resource.

We strongly urge the Town of Dagsboro to develop a "green market" or farmer's market where local producers could sell their goods. The benefits to the local community in both cultural and economic positive impacts are impressive. DDA provides assistance to communities seeking to establish both permanent and seasonal green market initiatives. The market would benefit both tourists and local citizens.

### **Department of Transportation**

- 1) On page 13, under *Annexation*, the discussion of land uses in Area 1 does not mention the Gray Property Town Center, a proposed residential and commercial development on the southwest corner of Route 113 and Nine Foot Road, although the project is mentioned elsewhere in the Plan. It would be helpful for the Town for the Plan to give more guidance as to what development would be suitable in Area 1 and also in Area 2, where the Plan mentions that a golf course community is proposed.
- 2) In numbered item 2 on page 14, the recommendation appears to blur the distinction between an overlay zone and a conditional use. It appears that the proposed "Residential Planned Community Floating Zone" can be crafted to achieve the desired purposes without introducing the term "conditional use".
- 3) On page 15 and thereafter there is discussion of a 3,029-unit cap on dwelling units due to "infrastructure constraints." The Plan should be explicit about what those constraints are, how the size of the cap was determined, and what a developer would have to do to raise the cap.

- 4) The Plan does not explicitly address the commercial portion of the Town's zoning code but perhaps it should. The Plan envisions both an increase in the number of small businesses in the area of Main and Clayton Streets and the development of highway commercial areas. A common pattern is that when shopping centers are created along highways, many small businesses that would be desirable to have downtown tend to choose space in the shopping centers. The Plan should offer recommendations on how to maintain a balance between these areas of the town.

### **State Historic Preservation Office (SHPO)**

SHPO stated that they are glad to see that the citizens and the Town are interested in the preservation of Dagsboro's buildings and small town character and that they are cognizant of the future growth that could threaten the small town feeling. The Plan describes an interest in listing the potential historic district in the National Register of Historic Places and mentions the incentives that are available to the property owners once the district is listed. The National Register listing does not require owners to preserve the historic appearance of their properties. Therefore, if the community does list the district in the National Register, the Town should begin to think about local preservation tools it could establish to further preserve the district's historic context, such as: a historic preservation ordinance, design guidelines, establishment of a historic review board or use of a planning commission to review construction projects taking place in the district.

Minor revisions for clarification:

Map 9: There is only one National Register listed property – Prince George's Chapel. The map indicates two National Register properties. If the second one is to indicate the property's (Clayton Theater?) historic significance on the map, use a different symbol so it is not confused as a National Register property.

Page 29, 1<sup>st</sup> bullet, Page 34, 14<sup>th</sup> bullet and page 37, 5<sup>th</sup> bullet: change to "... listing the potential historic district as a National Register district, so that building owners can be eligible for tax credits and other incentives."

### **Department of Natural Resources and Environmental Control (DNREC)**

The Town of Dagsboro currently has no centralized water system of their own. The DNREC Water Supply Section is in the process of delineating the wellhead protection areas for the public supply wells within the CPCN of the Town of Dagsboro. When these areas have been delineated and assessed and provided to the water suppliers, they can be included in the comprehensive planning process as required by 7 Del. C. Chapter 6082.

The excellent recharge areas have been delineated for all of Delaware and are also classified as critical areas; there is no excellent recharge areas located in your area for expected growth and annexation.

## **State Housing Authority**

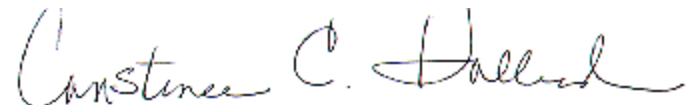
The Delaware State Housing Authority has reviewed the draft Comprehensive Plan for the Town of Dagsboro and supports several of the Town's findings and recommendations including that the plan acknowledges its high proportion of elderly and disabled residents and supports the possibility of future housing opportunities for these populations. The plan contains specific recommendations to address its aging housing stock; and the recommendation that new development be zoned for approximately three dwelling units per acre, as well as, the recommendation to develop and adopt a "Residential Planned Community Floating Zone" (RPC/FZ) that will permit up to ten dwelling units per acre both help to provide opportunities for a full range of housing types and prices.

The Housing Authority has recommended that the Town of Dagsboro include a goal in the Overall Community Vision and Goals section for affordable housing. Since Dagsboro is located in the coastal resort housing market, where housing prices continue upward and out of reach of most working households, we believe it is important to state a commitment to preserving affordability to greatest extent possible.

In conclusion, the State applauds the Town for its efforts in drafting such a well planned and thorough document. Other than the certification comments listed above, the State offers comments that we feel will further strengthen your plan and we ask that these comments be reviewed and considered before adoption of the plan. The State looks forward to working with the Town as you move forward with the adoption of your plan.

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

Sincerely,

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

Constance C. Holland

Director

Cc: Lori Athey, University of Delaware  
Bob Stickels, Sussex County



August 1, 2003

Mr. Bradley Conner, Mayor  
Town of Dagsboro  
P.O. Box 420  
Dagsboro, DE 19939

RE: Proposed content amendments to the Draft Dagsboro Comprehensive Plan to achieve state certification

Dear Mayor Conner,

Having reviewed the July 21, 2003 letter from Constance Holland from the Office of State Planning Coordination, I recommend that we make the following changes to the Dagsboro draft plan to achieve certification:

Item 1

Davis, Bowen and Friedel will provide text to be inserted into the plan that describes the water system and the agreement with Millsboro.

Item 2

First, on page 19, the second sentence in the first full paragraph (beginning with "Further") should be amended to read "As a result, new growth occurring to the north of town may require significant investment by the town or the developers to increase the size of the sewer pipes or other components of the wastewater transmission system serving this area."

Second, at the bottom of page 19, the following new paragraph should be added under Critical Issues and Future Needs:

*Frankford development plans and sewer use*

While we have calculated that approximately 250 new homes could be served by the existing sewer system, this estimate is applicable to both Dagsboro and Frankford. In 1999, the town of Frankford adopted a Comprehensive Land Use Plan with the intent to attract additional residential growth. Although the plan has not been certified by the State, nor does it provide any quantities, it does identify some significant vacant parcels that Frankford has targeted for residential growth.

Third, on page 20, amend the third bullet under Utility Recommendations, page 33 under Short-term Activities, and page 36 under **3.2 Coordination** to read “Begin working with Sussex County *and the Town of Frankford* to have additional sewer capacity in place to accommodate anticipated new development and annexations when needed.”

### Item 3

On page 20, delete the first bullet listed under Utility Recommendations: “Reserve existing sewer capacity for existing vacant parcels within the current town limits to maximize the efficiency of system, before considering annexations.”

In addition to the amendments above, the Dagsboro Planning Commission may also want to consider making the following amendments, which are *not* required for plan certification:

1) On page 6 under Overall Goals, and on page 11 under **2-3. Future Land Use and Annexation**, add the following goal: “Support the continued affordability of housing in Dagsboro by encouraging the maintenance of existing homes and working with developers to provide new housing affordable to people with a wide range of incomes.”

2) On page 20, add the following recommendation to the section entitled Utility Recommendations: “Enter into annexation agreements with developers to address short-term water and sewer limitations in return for annexation.” Also add on page 34 under Short-term Activities.

3) On page 30 under Community Character Recommendations and on page 35 under Mid- and Long-term Activities add: “Update the Dagsboro Subdivision Ordinance to establish regulations for the preservation of historic structures.”

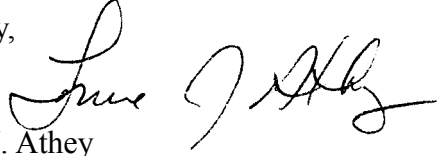
4) At the top of page 15 change the first sentence of item 9 to read as follows: "In order to assist the town, the county, and the state in planning critical infrastructure, the total number of new dwelling units permitted in the town (including lands to be annexed into the town) should be capped at 3029. The density cap was developed based on a buildout analysis (described below) intended to reflect the desired mixture of land uses and housing density in the town." This change clarifies the purpose of the dwelling unit cap.

Finally, in response to a comment received from Sussex County, Dagsboro may want to consider adding the following:

On pages 17 and 35 under Land Use and Annexation Recommendations, add the following: “Revise the Dagsboro Subdivision Ordinance to require that annexations follow parcel boundaries, and if annexation of an entire parcel is not desirable, Dagsboro should require it to be subdivided so that corporate boundaries and property lines are coterminous.”

It is our recommendation that the Planning Commission and the Town Council adopt the plan with the above amendments. Then, the IPA will make the final changes to the Draft, as well as any other minor technical or grammatical corrections, and print the final copies for your use.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorene J. Athey". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Lorene J. Athey

CC: David Edgell, Office of State Planning Coordination  
Martin Wollaston, Institute for Public Administration

Sussex County  
Planning & Zoning Commission  
P.O. Box 417  
Georgetown, DE 19947  
302-855-7878  
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John L. Allen, Chairman  
Robert C. Wheatley, Vice-Chairman  
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Ronald P. Lynch  
Benjamin Gordy  
Lawrence B. Lank, Director

Constance C. Holland, Director  
Office of State Planning Coordination  
540 S. DuPont Highway  
Dover, DE 19901

July 3, 2003

RE: City of Dagsboro Comprehensive Plan

Dear Ms Holland

Thank you for the opportunity to review and comment on the draft plan for Dagsboro. We have taken the time to review the text and the maps.

We have attached our comments. They are offered in order to address what we believe are consistencies between the Town's plan and adopted State and County plans for the area in question.

The Town should be commended for the quality of the Dagsboro Comprehensive Plan and its proposals for the next several years. We hope these comments facilitate certification of the Plan by your office.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence B. Lank".

Lawrence B. Lank  
Director

A handwritten signature in cursive script that reads "Richard Kautz".

Richard Kautz  
Planner

1. We concur with the proposal to "clean up the town boundaries and eliminate jurisdictional confusion." If annexation of an entire parcel is not an option, the town should require all future subdivisions of parcels along jurisdictional lines to make corporate and property lines coterminous.
2. The discussion of utility service to the community is general. A common practice in plan preparation is to include maps depicting current and proposed service areas along with the location of the utility mains. Such mapping helps coordinate the annexation and land use recommendations inherent in comprehensive plans. Water and Sewer service maps would be a useful addition to the Plan.
3. State enabling legislation allows municipalities to designate Transferable Development Rights (TDR) receiving areas within their corporate boundaries. Dagsboro should examine the benefits of a TDR program and make a specific determination as to whether or not to participate.
4. Chapter 3: Implementation contains many valuable recommendations. Given the size of the Town government, the expertise of the individuals involved, and the complexity of some of the activities, the Plan should include more specific implementation measures and responsibilities. The chapter is strong on good ideas but lacks specificity as to who is responsible and how and activity can be accomplished.