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 and 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, 1st bullet, Page 34, 14th bullet and page 37, 5th 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,

Constance C. Holland
Director

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