

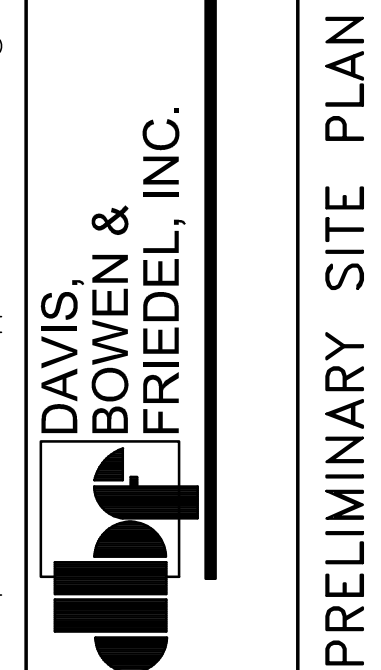
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MATCHLINE - SHEET PL-07

MATCHLINE - SHEET PL-06

MATCHLINE - SHEET PL-03

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 WILMINGTON, DELAWARE 19801  
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 EASTON, MARYLAND (410) 770-4744

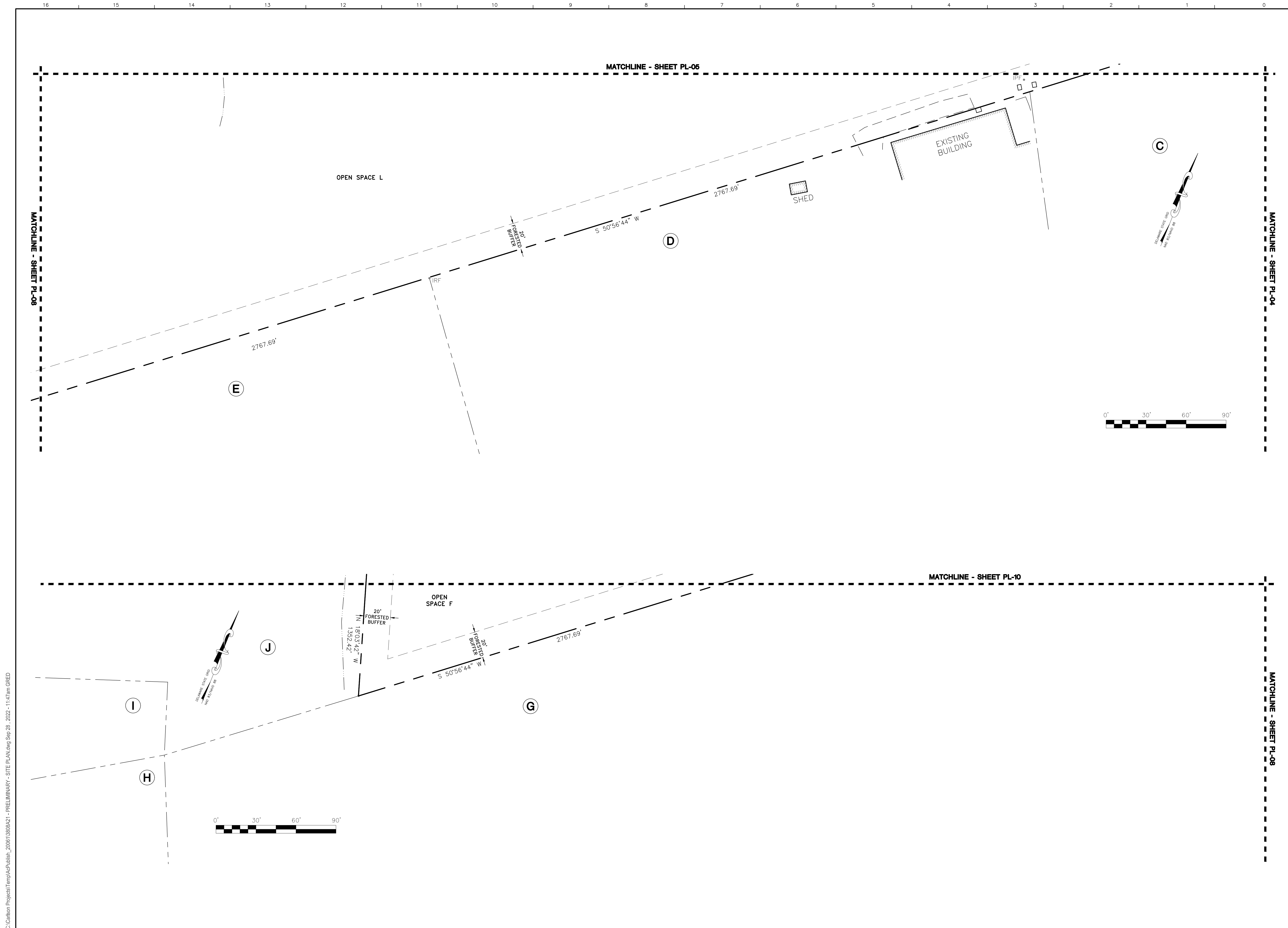


PRELIMINARY SITE PLAN

**ITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

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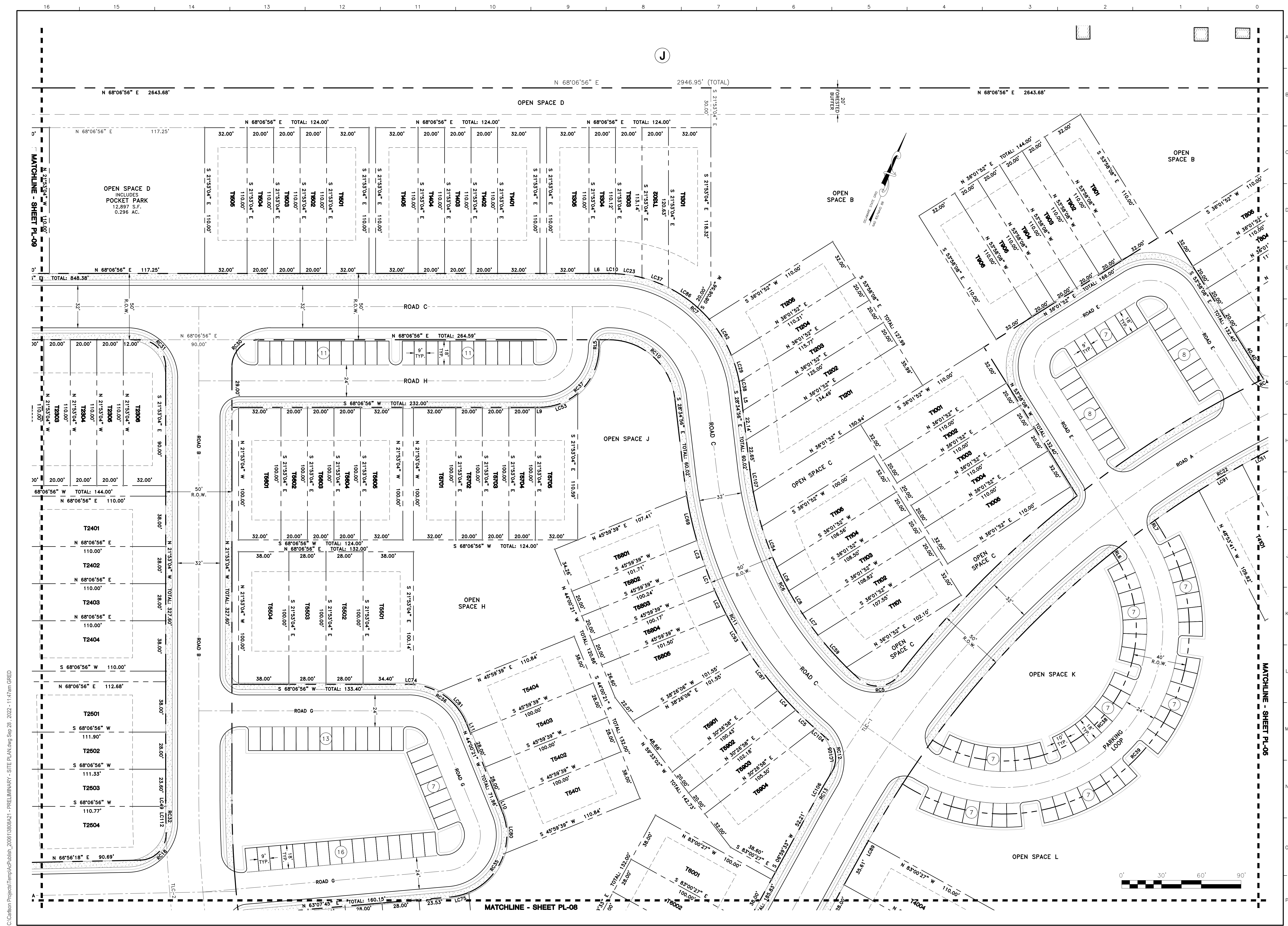
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**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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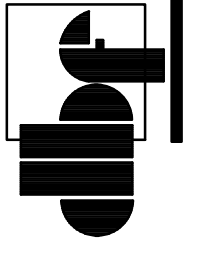
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MATCHLINE - SHEET PL-09

MATCHLINE - SHEET PL-06

MATCHLINE - SHEET PL-08


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**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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**PL-07**

PRELIMINARY SITE PLAN

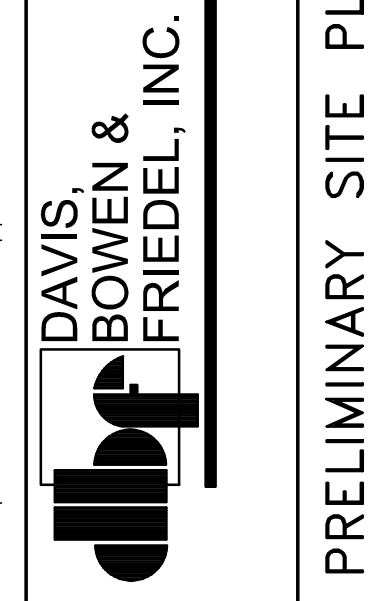
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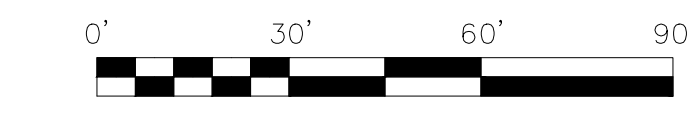


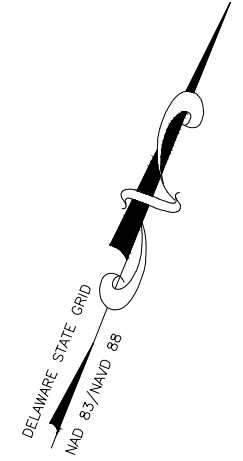
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**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

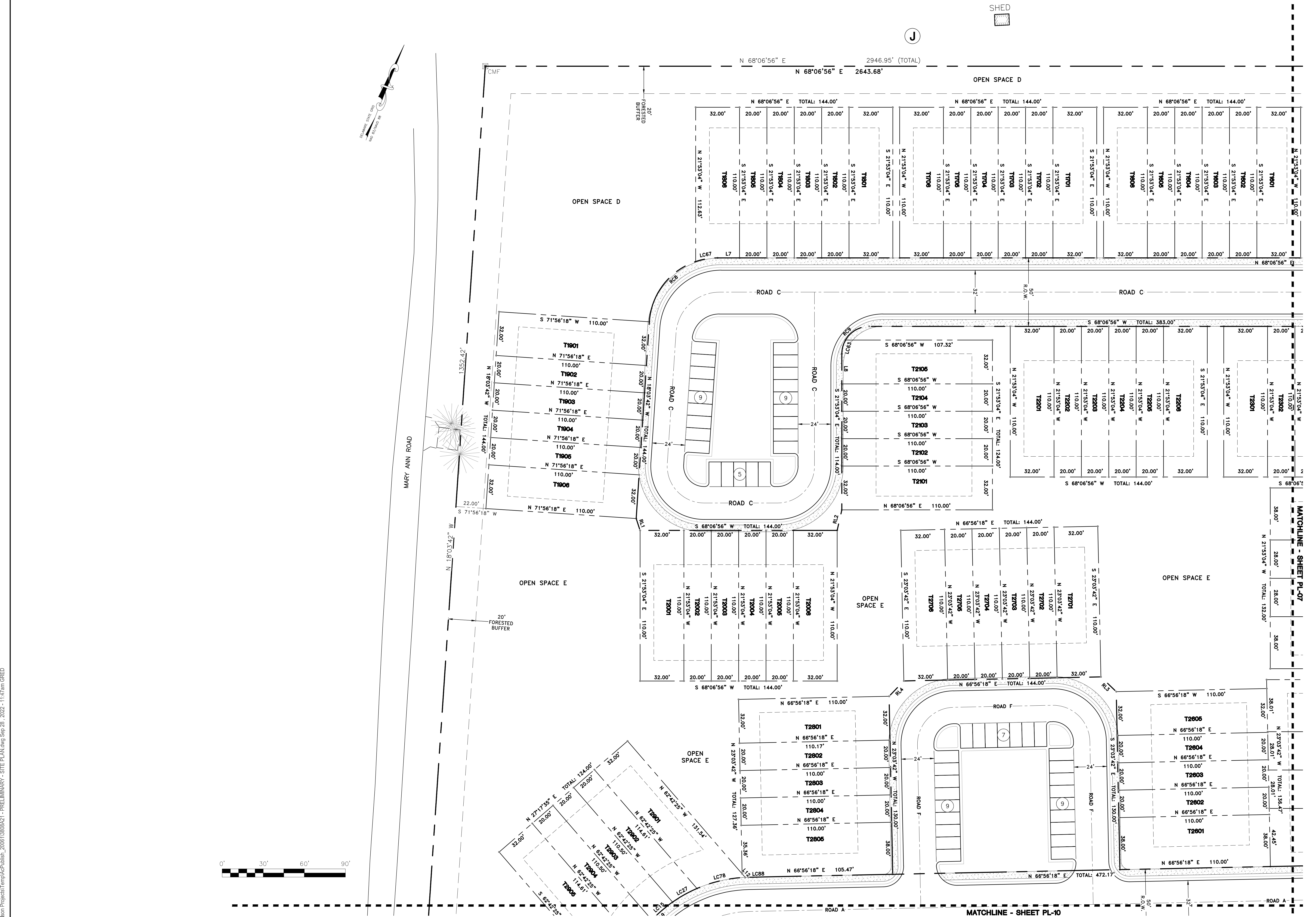
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**PL-08**





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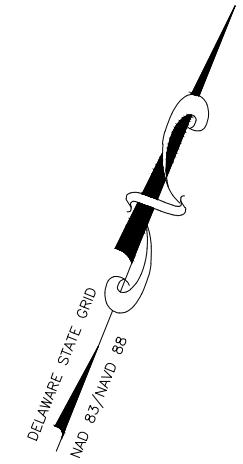
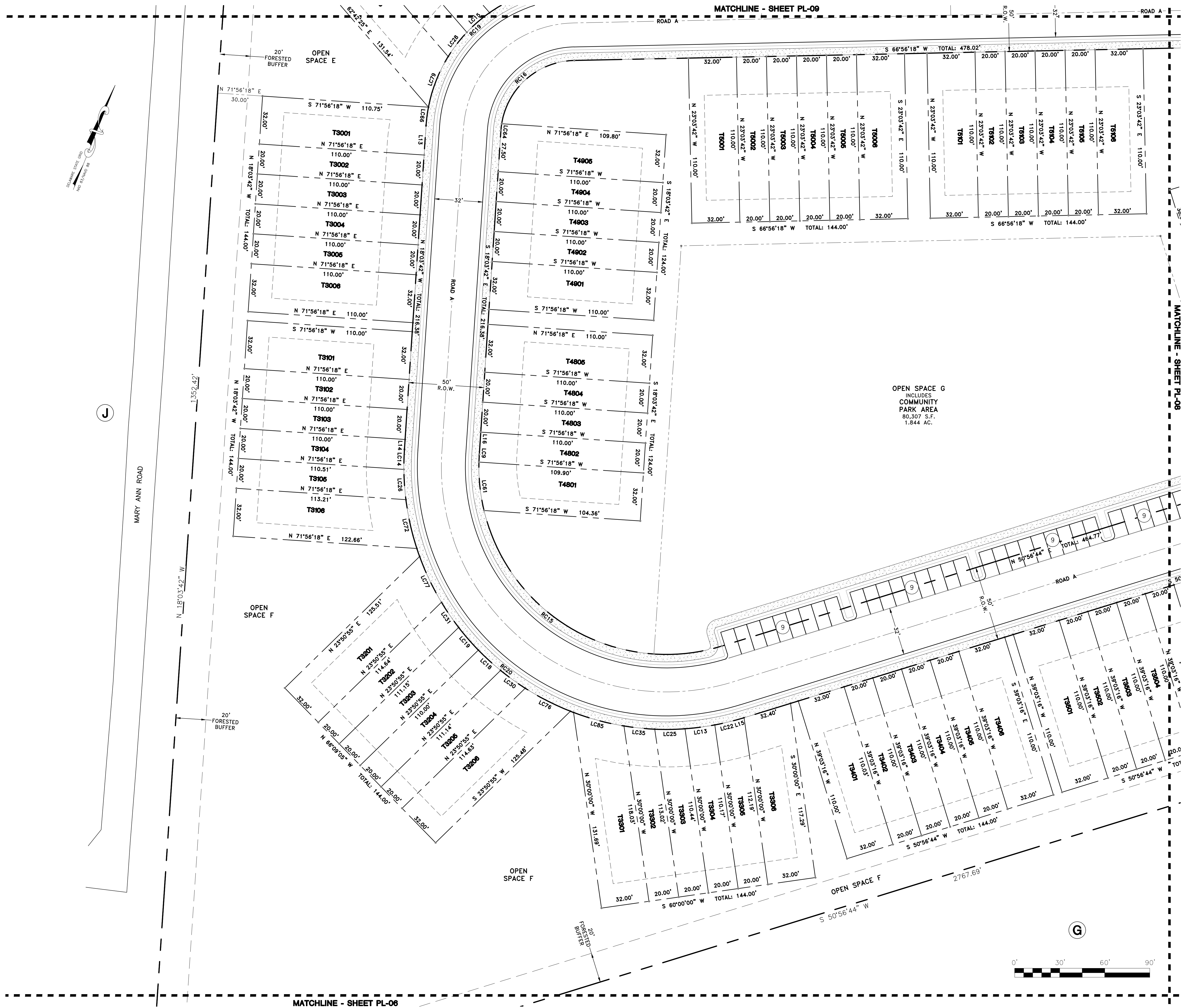
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MILFORD, DELAWARE (302) 424-1441  
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# RITTER FARM LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE

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**PL-09**

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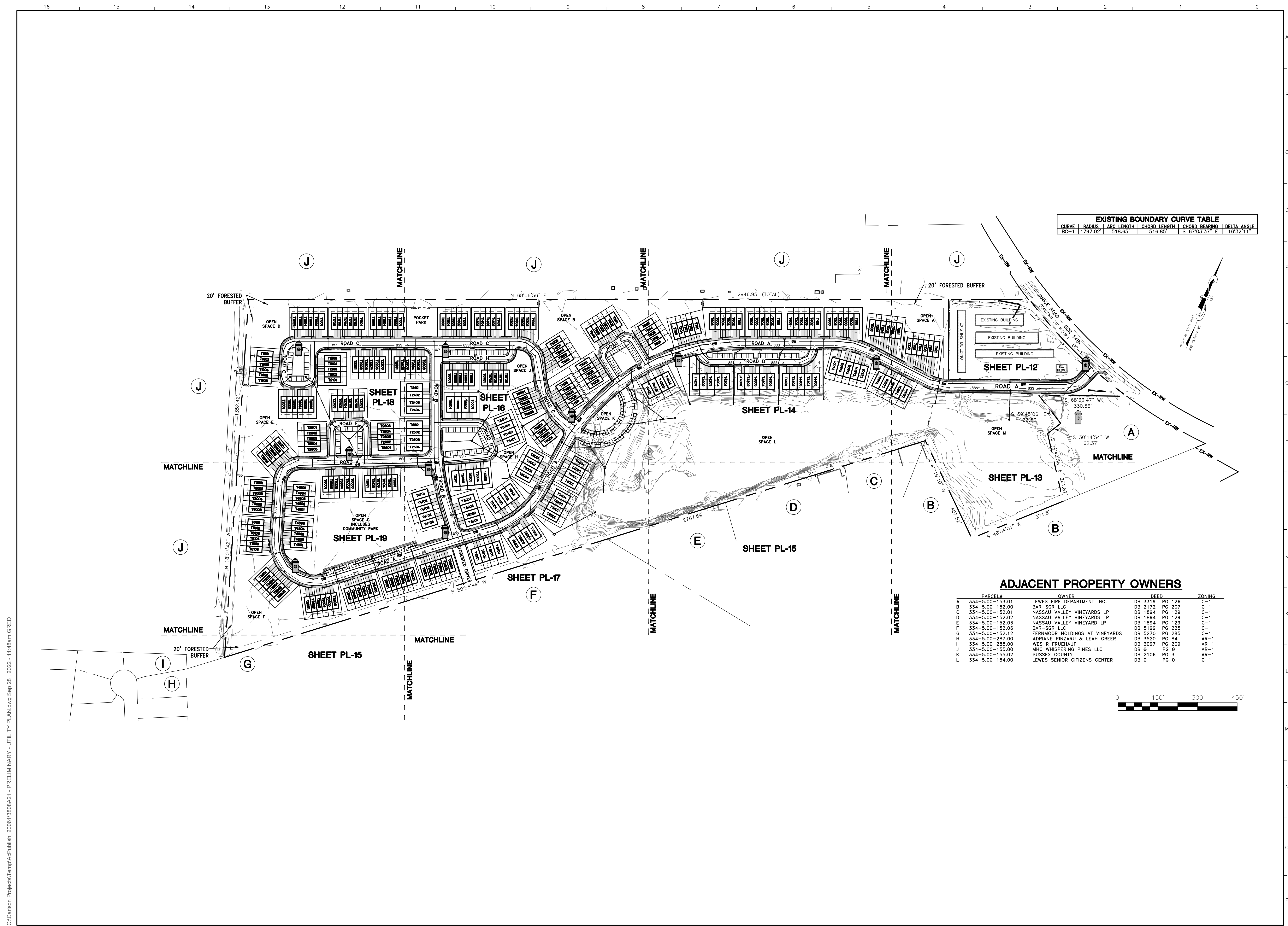
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PRELIMINARY SITE PLAN

**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
Date: **SEPTEMBER 2022**  
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Proj. No.: **3808A21**  
Dwg. No.:

**PL-10**



| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| BC-1  | 11797.02' | 518.65'    | 518.85'      | S 67°03'57" E | 16°32'11"   |

**ADJACENT PROPERTY OWNERS**

| PARCEL#           | OWNER                          | DEED           | ZONING |
|-------------------|--------------------------------|----------------|--------|
| A 334-5.00-153.01 | LEWES FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 PG 225 | C-1    |
| G 334-5.00-152.12 | FERNMOOR HOLDINGS AT VINEYARDS | DB 5270 PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE PINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0 PG 0      | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWES SENIOR CITIZENS CENTER   | DB 0 PG 0      | C-1    |



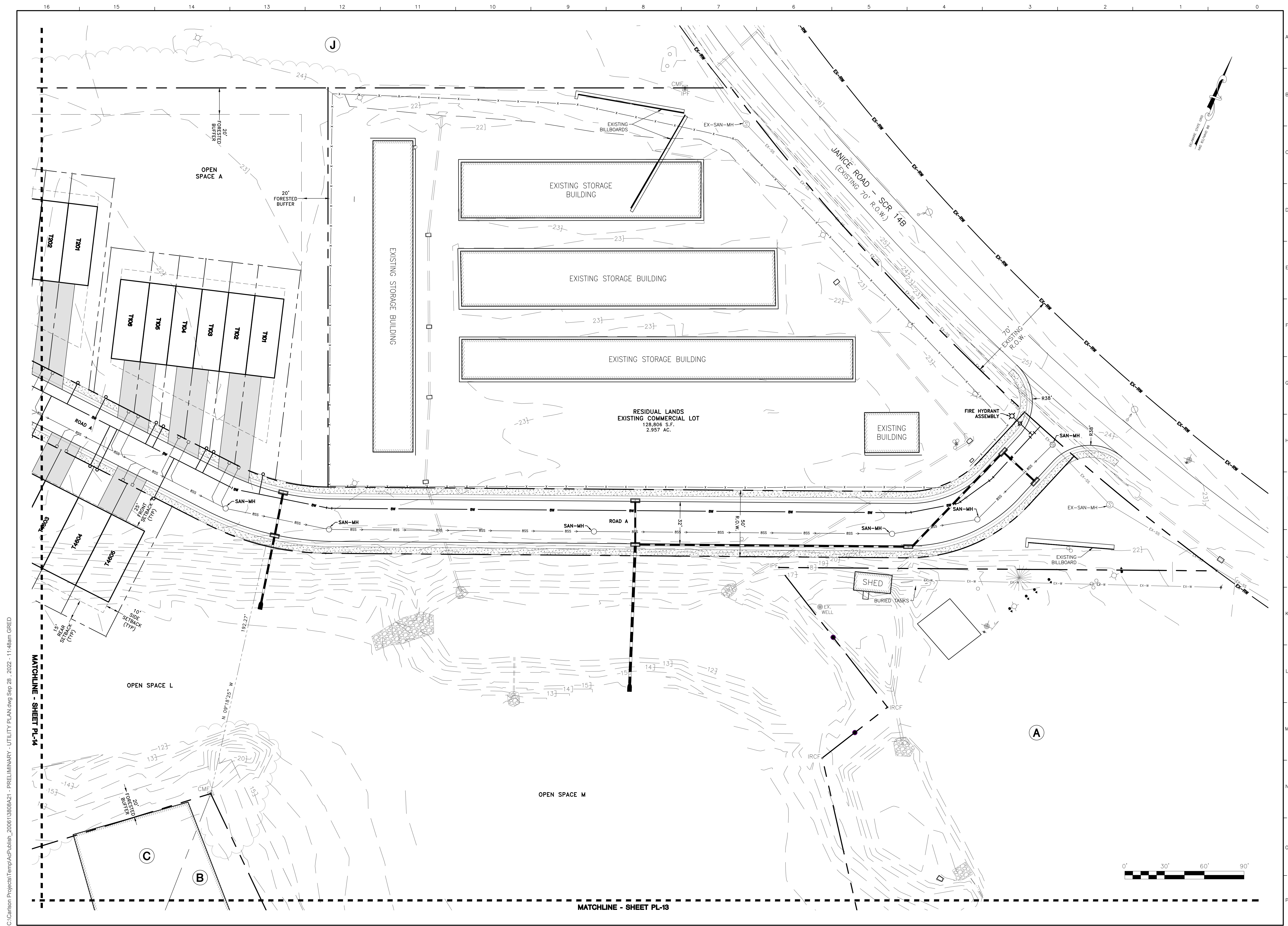
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**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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MATCHLINE - SHEET PL-14

MATCHLINE - SHEET PL-13

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PRELIMINARY UTILITY PLAN

**ITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

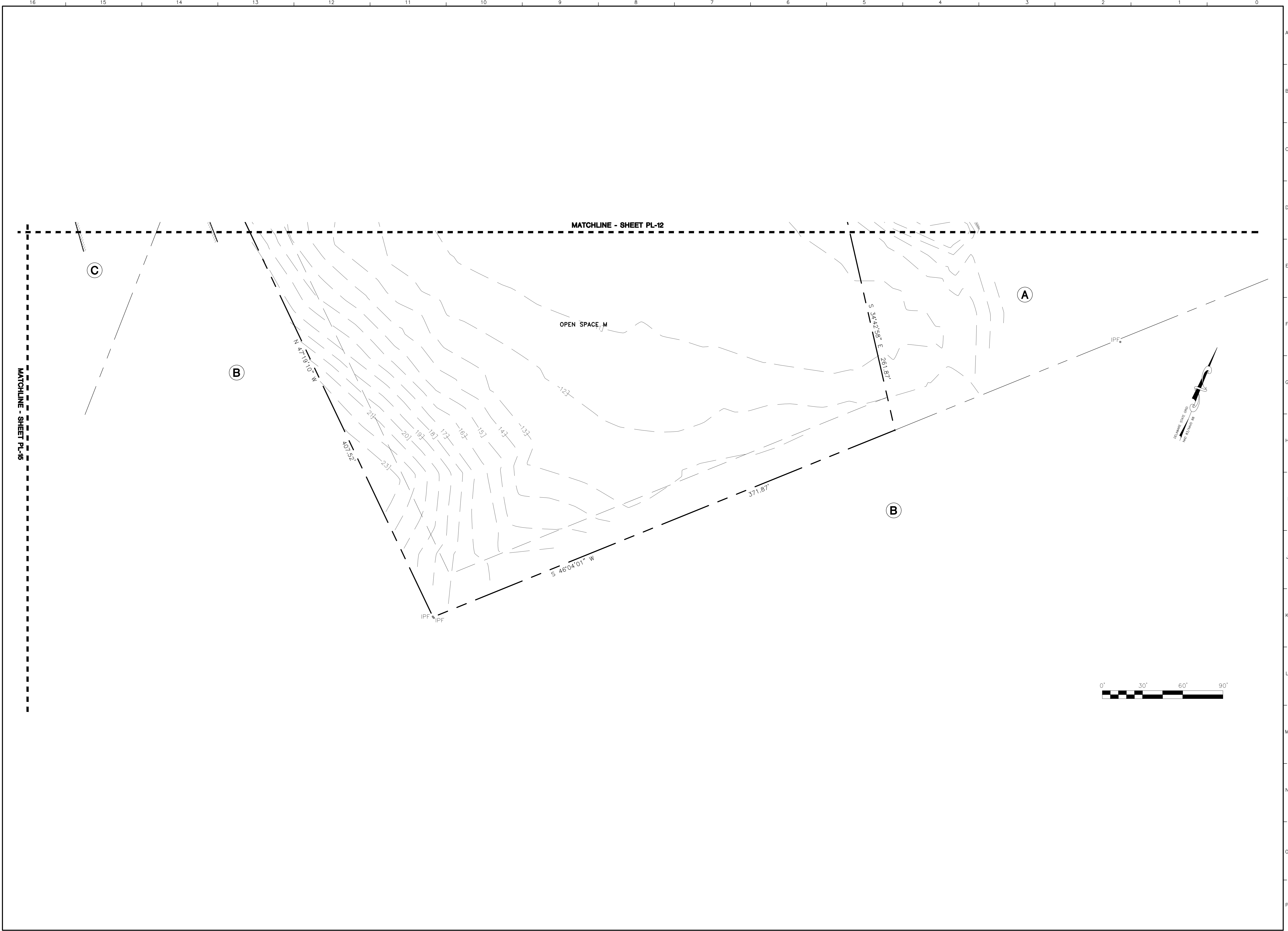
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| Proj. No.: | 3808A21        |
| Dwg. No.:  | PL-12          |

**PL-12**

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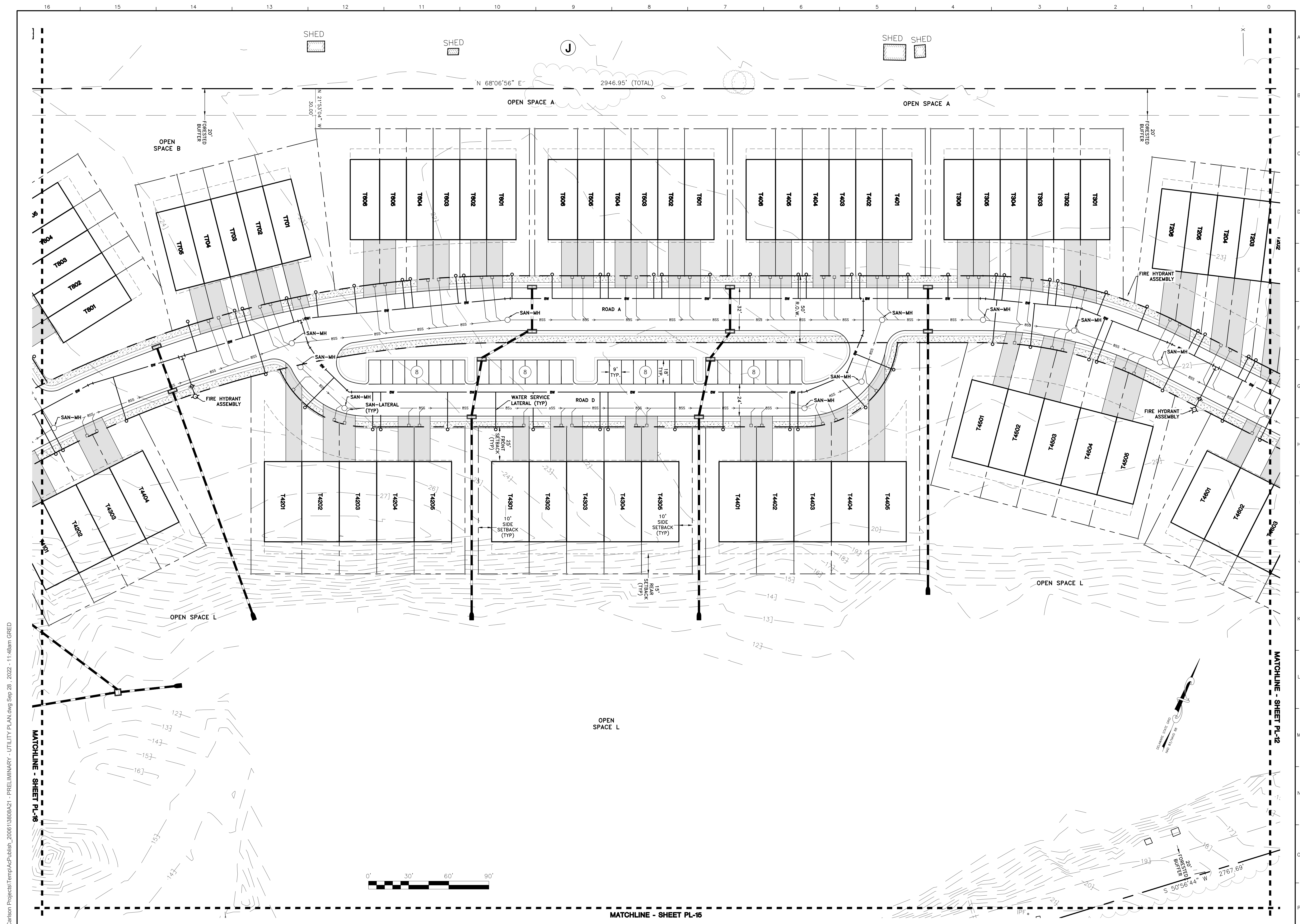


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**RITTER FARM  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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 TEL: (302) 424-1414  
 FAX: (302) 424-1411  
 EASTON, MARYLAND  
 TEL: (410) 770-4744

PRELIMINARY UTILITY PLAN

**ITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

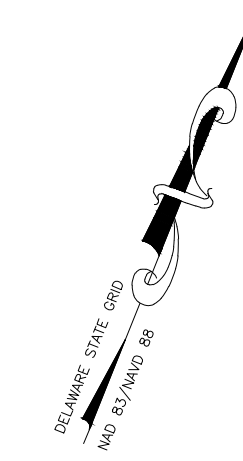
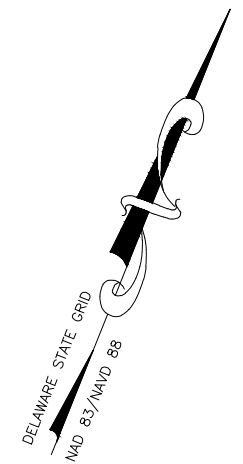
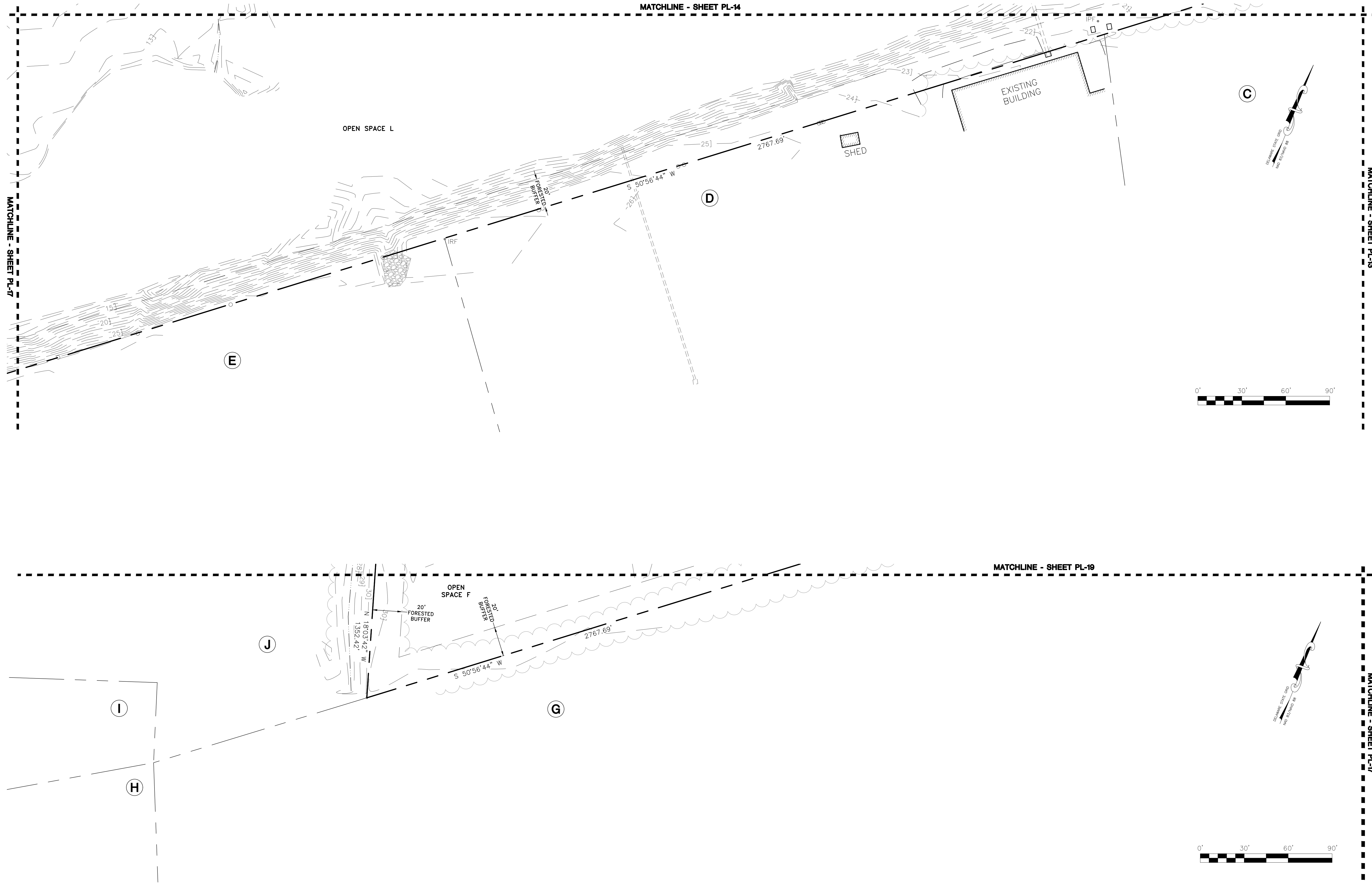
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| Revisions:                  |
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MATCHLINE - SHEET PL-15

MATCHLINE - SHEET PL-12

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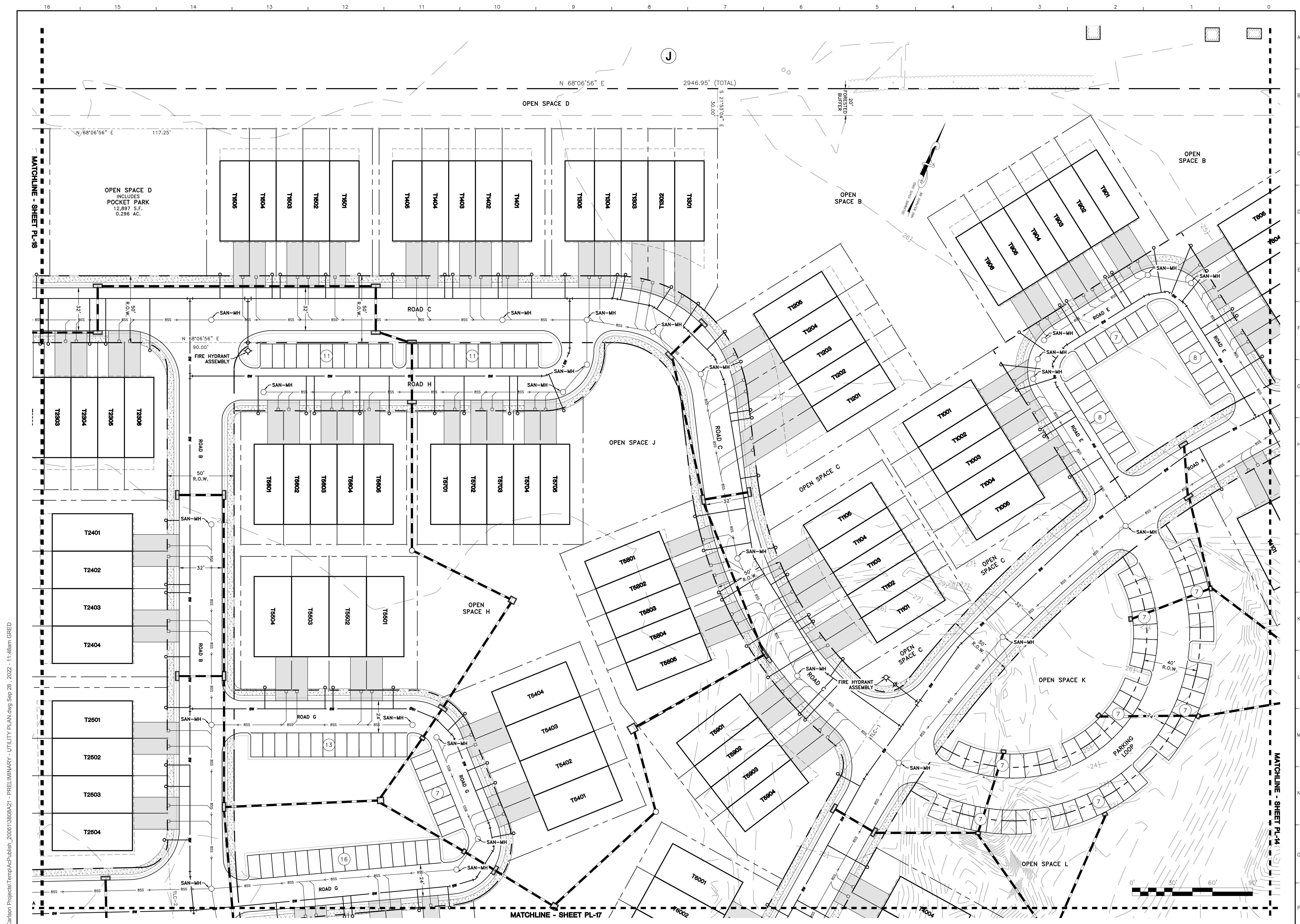


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**RITTER FARM  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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MATCHLINE - SHEET PL-14

MATCHLINE - SHEET PL-17

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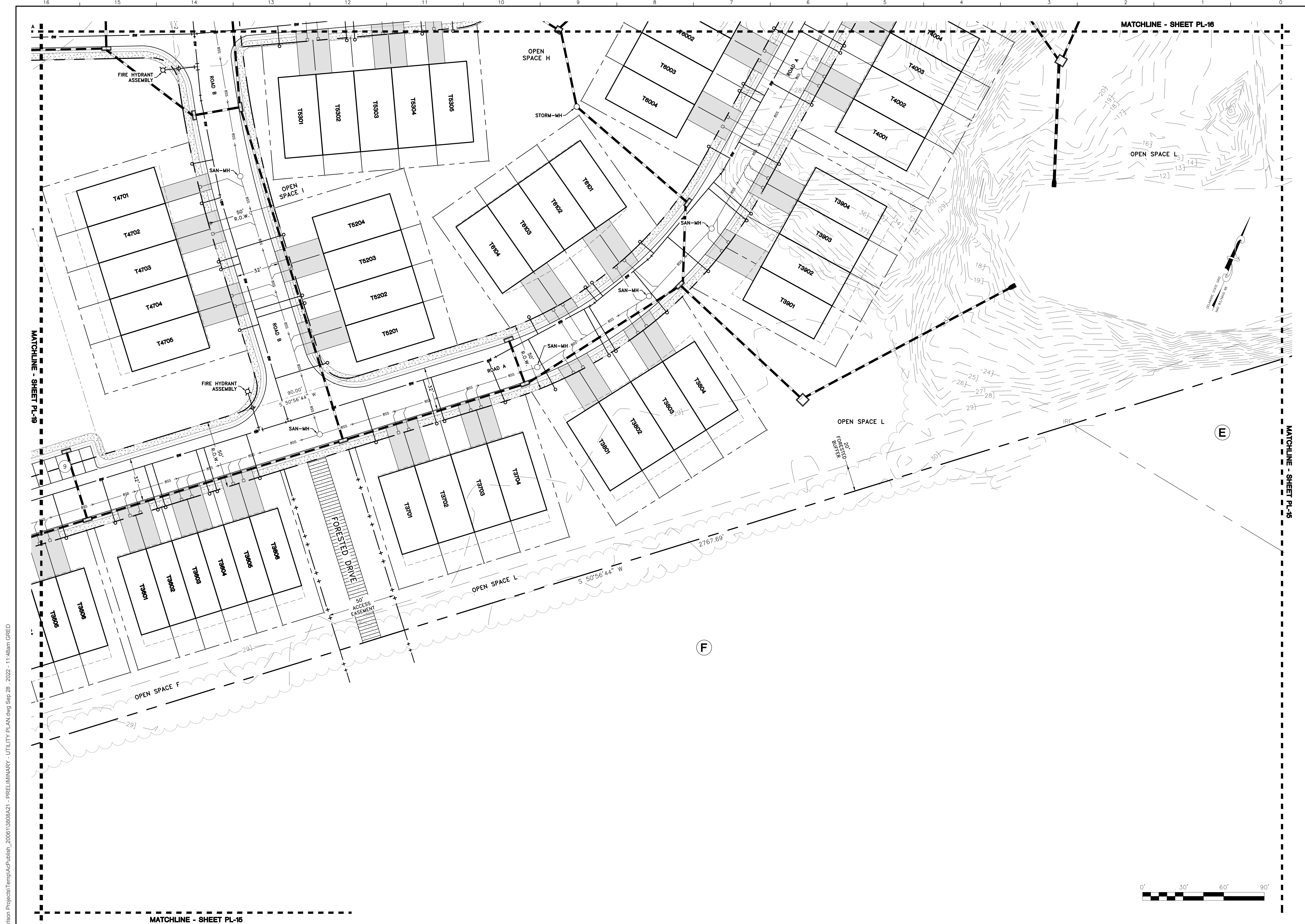
**ITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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**PL-16**

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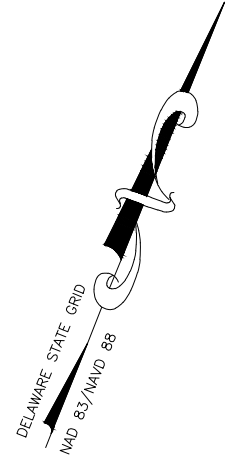
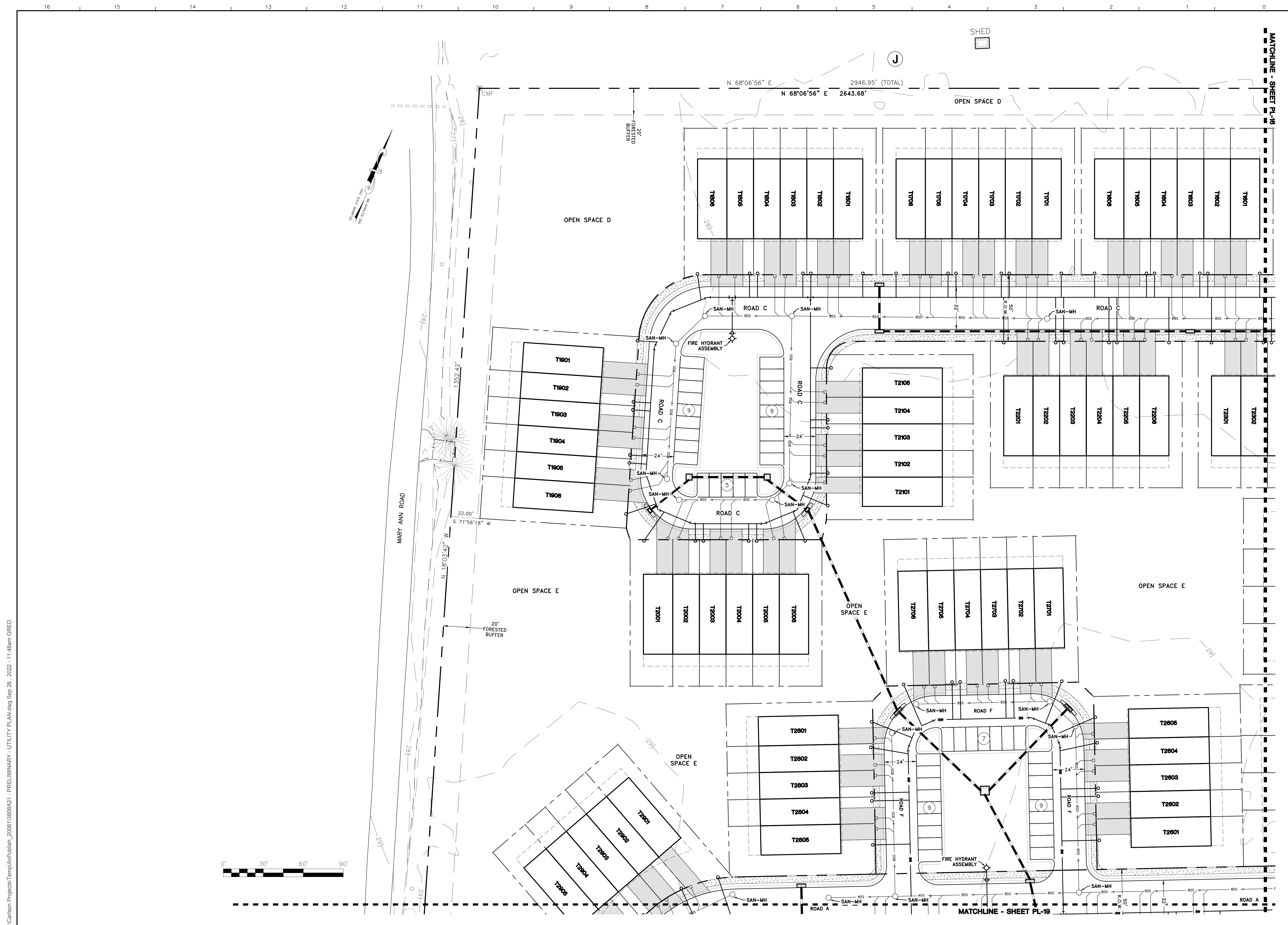
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 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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MATCHLINE - SHEET PL-18

MATCHLINE - SHEET PL-19

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PRELIMINARY UTILITY PLAN

**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

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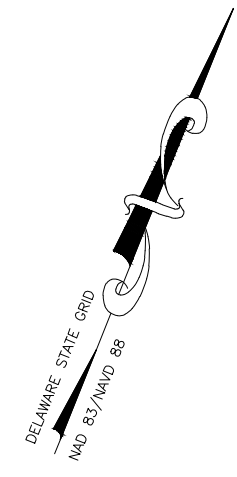
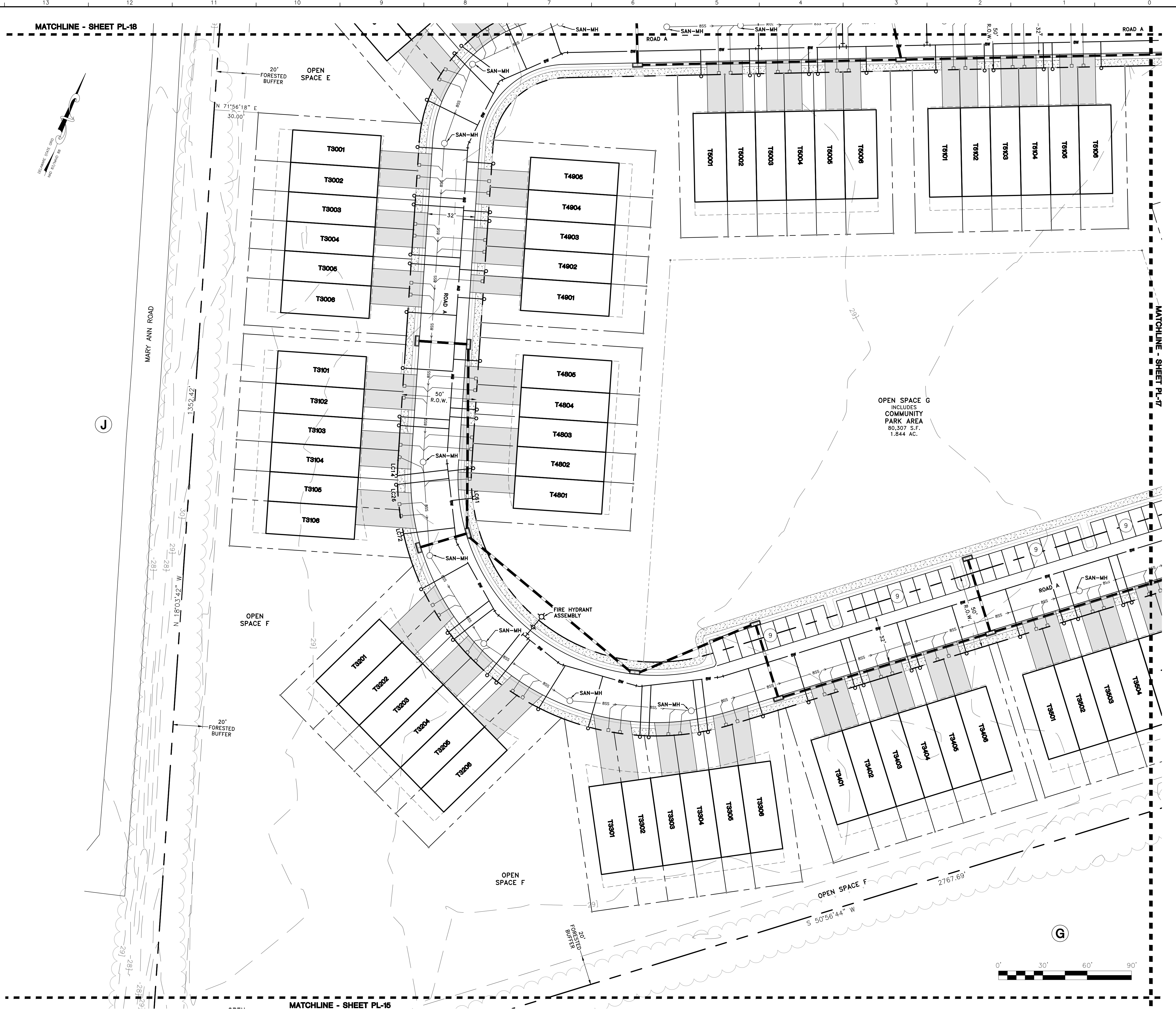
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MATCHLINE - SHEET PL-15

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PRELIMINARY UTILITY PLAN

**BITTER FARM  
LEWES AND REHOBOTH HUNDRED  
CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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December 22, 2022

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: Vintners Reserve  
Chapter 99-9C Response  
Tax Map # 334-5.00-153.02  
DBF#3808B001

*Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP*

Dear Mr. Whitehouse,

On behalf of our client, Janice CRP3, LLC, we are pleased to provide you with our careful considerations of the following items in Sussex County Chapter 99-9C:

- 1. Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
  - a. The project is adjacent to the Vineyards and Whispering Pines.
  - b. The project strives to minimize grading as much as possible.
  - c. The proposed project is located within an area primarily used for residential purposes.
- 2. Minimal use of wetlands and floodplains.**
  - a. The property does not contain wetlands.
  - b. The property is not located within the 100-year floodplain.

**3. Preservation of natural and historical features.**

- a. A small portion of the site is located within an excellent recharge area that will primarily consist of grass areas.
- b. There are no historical features on this property.

**4. Preservation of open space and scenic views.**

- a. Active open space is provided in the form of unorganized play areas, a dog park and a pool house and pool.
- b. A landscape buffer is being added adjacent to Whispering Pines and the Vineyards.

**5. Minimization of tree, vegetation, and soil removal and grade changes.**

- a. There are minimal wooded areas on the site and additional trees are being planted as part of the buffer.
- b. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements and to ensure proper lot drainage.
- c. The site will be “balanced,” which will minimize the need for soil to be removed or hauled to the site.

**6. Screening of objectionable features from neighboring properties and roadways.**

- a. The site will not contain objectionable features and will provide a 20’ forested buffer along Whispering Pines and the Vineyards.

**7. Provision for water supply.**

- a. Tidewater Utilities, Inc. will supply all homes with central water and provide water for fire protection.

**8. Provision for sewage disposal.**

- a. Sussex County Council will provide sanitary sewer conveyance and treatment for the proposed project. The property is located within a Tier One area of the Unified Sanitary Sewer District.

**9. Prevention of pollution of surface and groundwater.**

- a. Best Available Technologies (BATs) will be used during the design and construction of the property.
- b. Best Management Practices (BMPs) will be used during the design and construction of the property.
- c. The site will utilize Green Technology where feasible for the project.

**10. Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding, and design of drainage so that groundwater recharge is maximized.**

- a. The stormwater management areas will be designed to meet all local, state, and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants leaving the site during construction.

**11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.**

- a. The interior of the project contains sidewalks on both sides of the streets providing pedestrian connection throughout the site.
- b. The road design will conform to Sussex County standards and specifications and will be turned over to the property owner's association(s) for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project and designed by the electric provider.

**12. Effect on area property values.**

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development of Vintners Reserve.

**13. Preservation and conservation of farmland.**

- a. This property is in Level 1 and 2 investment areas that are designated for growth. The size and location of the parcel does not make it viable to be maintained in agricultural use as this area continues to develop.

**14. Effect on schools, public buildings, and community facilities.**

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the public school system.

**15. Effect on area roadways and public transportation.**

- a. The project is located in the Henlopen Transportation Improvement District.
- b. Janice Road will be improved as part of the Cave Neck Road Grade Separated Interchange (GSI).
- c. A full movement access will be allowed on Janice Road and reviewed and approved as part of DelDOT's process.
- d. The interior streets will be designed to Sussex County standards and specifications.

**16. Compatibility with other area land uses.**

- a. The project conforms to the designated zoning for the property and is consistent with the surrounding land uses as mentioned above.
- b. The proposed gross density of the project is 5.12 dwelling units per acre of land.
- c. The density of Whispering Pines is 6.13 units per acre and the density of the Vineyards is 11.94 units per acre.

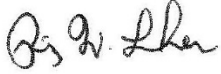
**17. Effect on area waterways.**

- a. The subdivision will provide water quality treatment in accordance with the Sediment and Stormwater Regulations.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

Letter: Vintners Reserve Chapter 99 Response  
December 22, 2022  
Page 5

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at 424-1441

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

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cc: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLP

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December 22, 2022

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse, Director of Planning

Re: Vintners Reserve  
Tax Parcel No: 3-34-5.00-153.02  
DBF #3808B001

Dear Mr. Whitehouse,

On behalf of our client, Janice CRP3, LLC, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Area, Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. **The proposed improvements will meet or exceed the state regulations for quality and quantity control of stormwater. We intend to use a constructed wetland as well as other Green Technology to meet the quality and quantity requirements. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. The project will provide pre-treatment for hydrocarbons or metals generated from automotive traffic within the site.***
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. **The proposed project is within Tidewater's CPCN and it has provided a willing and able letter. The estimated average for the project is 79,000 GPD and estimated peak use of 237,000 GPD.***
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems. **The proposed project will discharge wastewater to an existing gravity sewer manhole as identified in the Sanitary Sewer Concept Evaluation.***


- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system. The project is located within the Henlopen Transportation Improvement District. The district was designed for this growth.*
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas. There are no records of federally listed endangered or threatened species or their critical habitats listed on this site.*
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site. There are no wetlands on this site.*
- (g) *Provisions for open space as defined in §115-4. The proposed project incorporates active and passive open space amenities. Active open spaces areas consist of a pocket park, community park, dog park, pool house and pool.*
- (h) *A description of provisions for public and private infrastructure. The Developer will improve Janice Road in accordance with DeDOT's rules and regulations. The Developer will also construct the water and sewer mains internally in the project that will be owned and maintained by a public utility. Besides the water and sewer system, all other internal utilities and roadways will be constructed by the Developer and privately maintained.*
- (i) *Economic, recreational, or other benefits. The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community. There are numerous recreational activities provided within the site.*
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places. The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.*
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan. The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.*
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.*



Letter: Vintners Reserve Public Facilities Report  
December 22, 2022  
Page 3

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

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- Public Facilities Report.docx

Cc: David Hutt, Morris James LLP  
Jon Hoffman, Janice CRP3, LLC

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December 27, 2022

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Georgetown Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, Planning Director

Re: Ritter Farm (2022-02)  
TAC Comment Response  
DBF# 3808B001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Janice CRP3, LLC., we are pleased to submit our formal response to the TAC comments provided to us on December 8, 2022. We have listed each agency as submitted to our office.

**United States Department of Agriculture, Thelon D. Savage**

We have read the report and are familiar with the soils on site.

**Delaware Department of Agriculture, Taryn Davidson**

We have read the comments from the Delaware Forest Service and will select native species for plantings.

The proposed TAC comments did not require a revision to the preliminary plan set.

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at 424-1441

Letter: Ritter Farm – TAC Response  
December 27, 2022  
Page 2

Sincerely,  
DAVIS, BOWEN & FRIEDEL INC.

A handwritten signature in black ink, appearing to read "Ring W. Lardner". The signature is written in a cursive style with a large initial "R".

Ring W. Lardner, P.E.  
Principal

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Cc: Janice CRP3, LLC  
David Hutt, Morris James

J



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT  
100 PENN SQUARE EAST  
PHILADELPHIA PENNSYLVANIA 19107-3390

February 11, 2022

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2021-00821-85  
AAA Storage Lewes SX  
Center coordinates (38.746988°, -75.193053°)

Edward Launay  
Environmental Resources, Incorporated  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Launay:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on December 10, 2021 for a determination of Federal jurisdiction by this office. The site associated with your request is located at an approximately 65 acre parcel at 32172 Janice Road on tax map parcel 334-5.00-153.00 in Lewes, Sussex County, Delaware.

The findings of this AJD are documented in the **enclosed** AJD Form. The findings are also depicted on the **enclosed** plan(s) identified as "RITTER FARM LEWES REHOBOTH HUNDRED TOWN OF LEWES, SUSSEX COUNTY, DELAWARE", prepared by Davis, Bowen & Friedel, Incorporated, July 1, 2021, unrevised, 3 sheets.

A Department of the Army permit is required for work or structures in "navigable waters of the United States" pursuant to Section 10 the Rivers and Harbors Act (RHA) of 1899 and the discharge of dredged or fill material into "waters of the United States" pursuant to Section 404 of the Clean Water Act (CWA). Any proposal to perform these activities within areas of Federal jurisdiction requires prior approval by this office.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to

reevaluate and modify this AJD at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

You may request an administrative appeal of this AJD if you **do not** accept this determination. **Enclosed** you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Ms. Naomi J. Handell  
Regulatory Program Manager (CENAD-PD-OR)  
North Atlantic Division, U.S. Army Corps of Engineers  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5 and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by

**April 14, 2022.**

If you have any questions regarding this matter, please contact Michael D. Yost at (267) 240-5278 or michael.d.yost@usace.army.mil.

Sincerely,

Todd A. Hoernemann  
Section Chief, Application Section I

Enclosures

cc:  
Wetlands and Subaqueous Lands Section, DDNREC  
Wetlands Branch, USEPA Region III

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 8, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OPR-2021-00821-85**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Delaware County/parish/borough: Sussex City: Lewes  
Center coordinates of site (lat/long in degree decimal format): Lat. 38.746988° N, Long. 75.193053° W.  
Universal Transverse Mercator: 483223.824257, 4288717.814347

Name of nearest waterbody: Black Hog Gut

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Old Mill Creek

Name of watershed or Hydrologic Unit Code (HUC): 020402070604

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: February 8, 2022

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.  
Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: **Not Applicable.****

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **The approximatley 61.17 acre site contains approximatley 8.57 acres of aquatic resources (waters and wetlands) as a result of on-going borrow operations. Based off of aerial photoagraphic imagery and topographic maps dating back to 1954, the site was previously agricultural fields until borrow was needed for the construction of Route 1. The borrow site appears between the 1961 and 1968 aerial images.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.



**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: \_\_\_\_\_ .

Summarize rationale supporting determination: \_\_\_\_\_ .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:  
\_\_\_\_\_ .

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**  
Drainage area: **Pick List**  
Average annual rainfall: \_\_\_\_\_ inches  
Average annual snowfall: \_\_\_\_\_ inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.  
Project waters are **Pick List** river miles from RPW.  
Project waters are **Pick List** aerial (straight) miles from TNW.  
Project waters are **Pick List** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: \_\_\_\_\_ .

Identify flow route to TNW<sup>5</sup>: \_\_\_\_\_ .  
Tributary stream order, if known: \_\_\_\_\_ .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural  
 Artificial (man-made). Explain: .  
 Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet  
Average depth: feet  
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: **Pick List**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;  
 physical markings/characteristics  vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: .

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): .
- Wetland fringe. Characteristics: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width): .
- Vegetation type/percent cover. Explain: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

### C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain: .  
 Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): **The aquatic resources do not meet the definition of waters of the United States as clarified in the preamble of the November 13, 1986 Federal Register (51 FR 41217).**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters’ study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Fiarmonth Quadrangle 1:2400, 1954, 1984 and 2019.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name:Lewes, Delaware.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):Lewes 1954, 1961, 1968, 1992, 2002 and 2012.  
or  Other (Name & Date):Wetland Report October 8, 2021.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The 65.17 acres site is composed of 46.55 acres of agriculture fields and 8.92 acres of developed upland area which includes a mini storage facility, shop building and associated equipment yard, stormwater management facility and upland forest bordering a long standing borrow pit. The borrow pit operations area including uplands encompasses approximately 9.7 acres. The borrow pit has been in operation since the mid 1960's. It was likely used to provide earthen fill for the State Route 1 (SRI) elevated earthen railroad overpass located directly north east of the subject site. Local borrow pits were routinely excavated at locations where elevated bridges and crossings were constructed by DelDOT as part of modern SRI construction improvements.

Areas associated with the 9.7 acre borrow pit operation include a machinery operations area for borrow removal and stockpiling from the 1.35 acre active borrow area. Additionally there is a 4.94 acre area of vegetated wetland, largely dominated by *Phragmites australis* with a fringe of scrub shrub vegetation. A second area at the easterly end of the borrow area supports a 2.28 acre wetland meadow.

The entire borrow pit area is within a well-defined excavated depression with steep slopes. The north east side of the parcel provides an ephemeral swale that connects to an offsite channel that drains under Route 1. The offsite channel parcel also appears to be part of some borrow activity based off of 1984 USGS Topographic Survey. The offsite channel eventually connects to Black Hog Gut on the north east side of Route 1.

Additionally, a stormwater pond located to the north and east of the borrow area appears in aerial imagery between 1992 and 2002 and is constructed wholly in uplands.

The aquatic resources do not meet the definition of waters of the United States as clarified in the preamble of the November 13, 1986 Federal Register (51 FR 41217)..

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

|                                     |  |                   |
|-------------------------------------|--|-------------------|
| Applicant: AAA Storage              | File Number: NAP-2021-00821-85                                     | Date: 2/11/2022   |
| Attached is:                        |  | See Section below |
| <input type="checkbox"/>            | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                 |
| <input type="checkbox"/>            | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                 |
| <input type="checkbox"/>            | PERMIT DENIAL  | C                 |
| <input checked="" type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION                              | D                 |
| <input type="checkbox"/>            | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                 |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Philadelphia District  
ATTN: CENAP-OPR  
Wanamaker Building, 100 Penn Square East  
Philadelphia, PA 19107-3390  
Telephone: (215) 656-6728  
E-mail: NAPREGULATORY@usace.army.mil

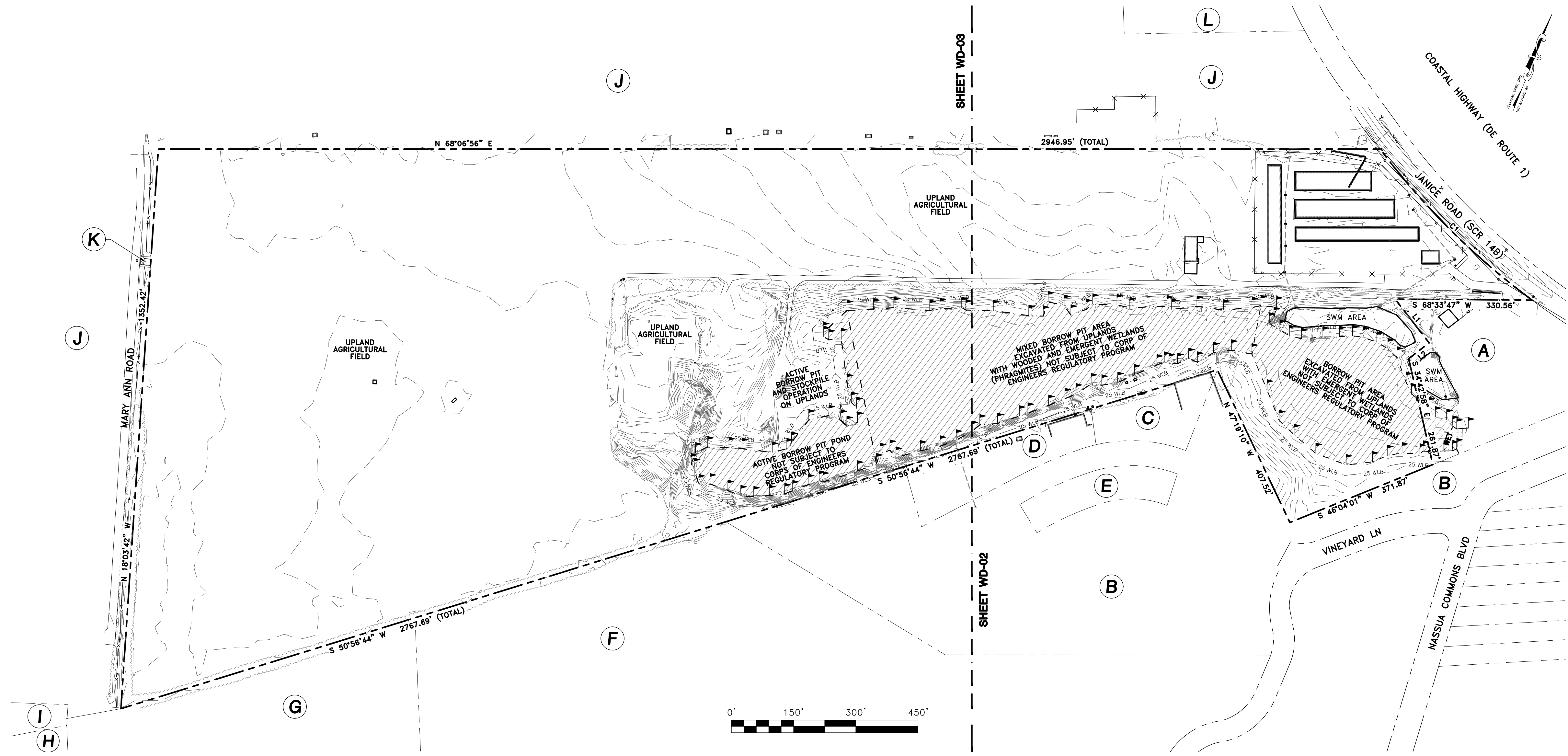
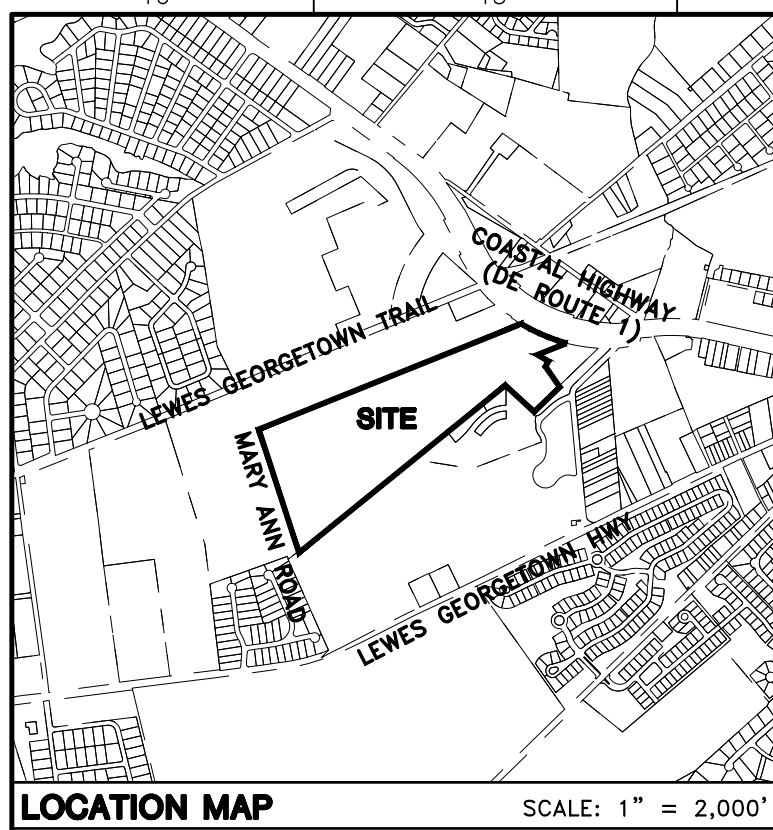
If you only have questions regarding the appeal process you may also contact:

Ms. Naomi J. Handell  
Regulatory Program Manager (CENAD-PD-OR) U.S. Army Corps of  
Engineers Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, New York 11252-6700  
Telephone: (917) 790-8523  
E-mail: Naomi.J.Handell@usace.army.mil

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

|   |       |                   |
|---|-------|-------------------|
| _____<br>Signature of appellant or agent. | Date: | Telephone number: |
|---|-------|-------------------|

# BOUNDARY OF WATERS OF U.S. SUBJECT TO CORP OF ENGINEERS REGULATORY PROGRAM



### DATA COLUMN

TAX MAP ID: 334-5.00-153.00  
 DEED REFERENCE: DB 3319 PG 126  
 DATUM: NAVD 88  
 VERTICAL: NAD 83 (DE STATEPLANE)  
 HORIZONTAL:  
 ZONING: C-1 (GENERAL COMMERCIAL)  
 EXISTING:  
 AREA: 65.1697± ACRES  
 TOTAL SITE AREA:  
 PROPERTY OWNER/DEVELOPER:  
 AAA STORAGE LIMITED PARTNERSHIP  
 22114 RITTER LN.  
 HARBESON, DE 19951  
 PHONE: 302-XXX-XXXX  
 FAX: 302-XXX-XXXX  
 ENGINEER:  
 DAVIS, BOWEN & FRIEDEL, INC.  
 RING LARONER, P.E.  
 1 PARK AVENUE  
 MILFORD, DE 19963  
 PHONE: 302-424-1441  
 FAX: 302-424-0430

| PROPERTY LINE TABLE |               |          |  |
|---------------------|---------------|----------|--|
| LINE                | BEARING       | DISTANCE |  |
| L1                  | S 59°45'06" E | 135.55'  |  |
| L2                  | S 30°14'54" W | 62.37'   |  |

| PROPERTY CURVE TABLE |          |            |              |               |             |
|----------------------|----------|------------|--------------|---------------|-------------|
| CURVE                | RADIUS   | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
| C1                   | 1797.02' | 518.65'    | 516.85'      | S 67°03'37" E | 16°32'11"   |

### AREA TABLE

|   |                          |                  |
|---|--------------------------|------------------|
| ACTIVE BORROW PIT & STOCKPILE OPERATION ON UPLANDS  | 49,242 SQ. FT.           | 1.13 AC.         |
| ACTIVE BORROW PIT POND AND OPERATIONAL AREA   | 58,975 SQ. FT.           | 1.35 AC.         |
| MIXED BORROW PIT AREA EXCAVATED FROM UPLANDS WITH WOODED AND EMERGENT WETLANDS (PHRAGMITES) | 215,304 SQ. FT.          | 4.94 AC.         |
| BORROW PIT AREA EXCAVATED FROM UPLANDS WITH EMERGENT WETLANDS                               | 99,338 SQ. FT.           | 2.28 AC.         |
| UPLAND AGRICULTURAL FIELDS  | 2,027,755 SQ. FT.        | 46.55 AC.        |
| OTHER DEVELOPED & UNDEVELOPED UPLANDS   | 388,181 SQ. FT.          | 8.92 AC.         |
| <b>TOTAL SITE AREA</b>  | <b>2,838,794 SQ. FT.</b> | <b>65.17 AC.</b> |

### ADJACENT PROPERTY OWNERS

| PARCEL#           | OWNER                          | DEED           | ZONING |
|-------------------|--------------------------------|----------------|--------|
| A 334-5.00-153.01 | LEWIS FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 PG 225 | C-1    |
| G 334-5.00-152.12 | FERNWOOD HOLDINGS AT VINEYARDS | DB 5270 PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE PINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0 PG 0      | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWIS SENIOR CITIZENS CENTER   | DB 0 PG 0      | C-1    |

### SHEET INDEX

|                                     |       |
|-------------------------------------|-------|
| BOUNDARY OR WATER OF U.S. OVERVIEW  | WD-01 |
| BORROW PIT DELINEATION PLAN & TABLE | WD-02 |
| BORROW PIT DELINEATION PLAN & TABLE | WD-03 |

### WETLANDS STATEMENT

I, EDWARD M. LAUNAY, PWS, STATE THAT THERE ARE NO WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM PRESENT ON THIS PROPERTY AS DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND ITS SUPPLEMENTAL GUIDANCE INCLUDING THE ATLANTIC AND GULF COAST REGIONAL SUPPLEMENT (VERSION 2.0) AND THE 2020 NAVIGABLE WATERS PROTECTION RULE. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, SENIOR PWS NO. 875  
 SOCIETY OF WETLANDS SCIENTISTS  
 CORPS OF ENGINEERS, CERTIFIED WETLAND  
 DELINEATOR WDCP93MD0510036B

DATE \_\_\_\_\_

### LEGEND

- WATERS OR WETLANDS WITHIN BORROW PIT EXCAVATED FROM UPLANDS NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
- WETLAND FLAG AND LABEL
- PROPERTY LINE
- EXISTING WOODS LINE
- EXISTING TOPOGRAPHIC CONTOUR
- BOUNDARY OF BORROW PIT AREA WETLANDS NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM

DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 MARKET STREET  
 MILFORD, DELAWARE 19963  
 (302) 424-1441  
 (410) 770-4714

BOUNDARY OF WATERS OF U.S. OVERVIEW

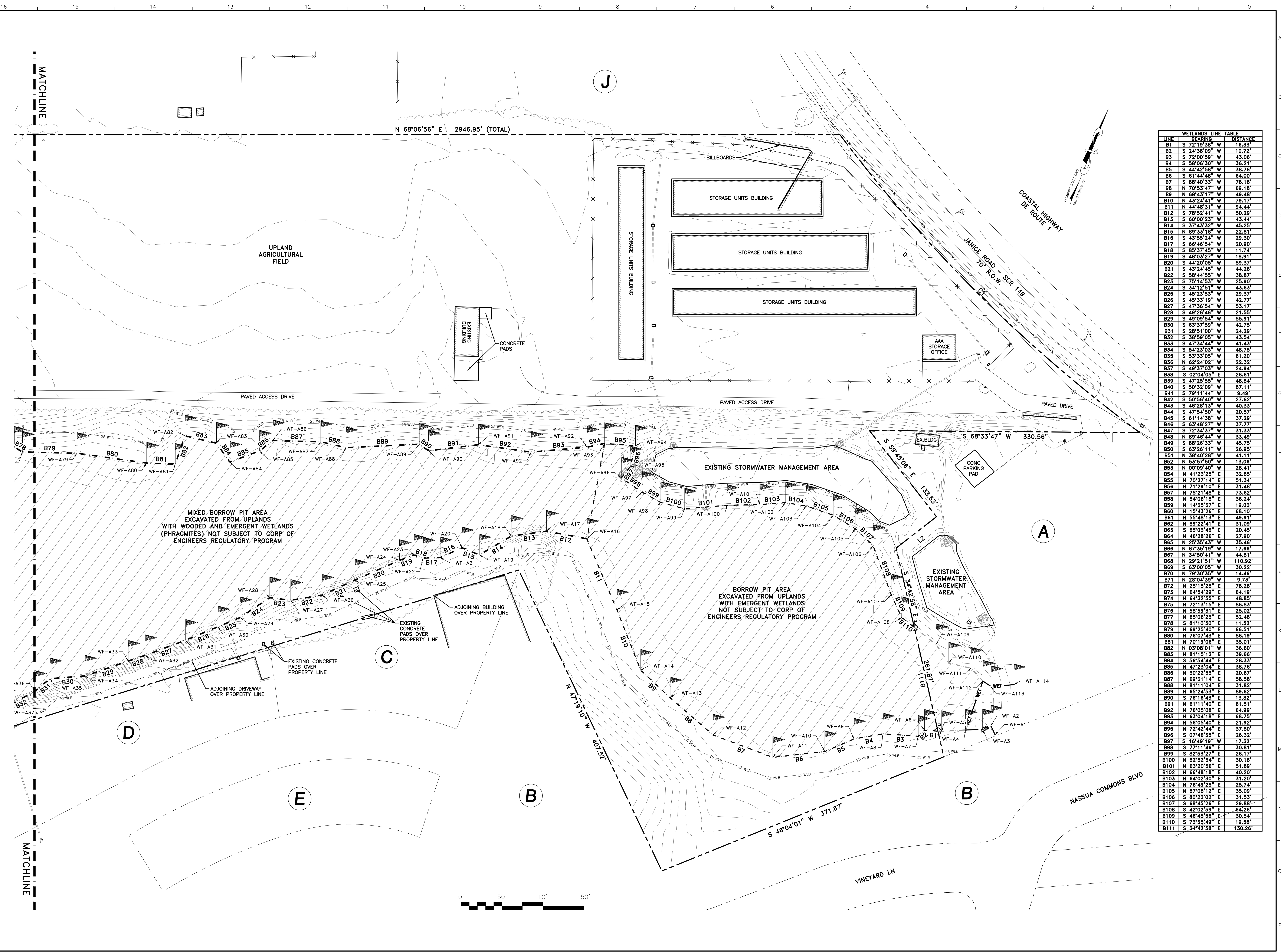
ITTER FARM  
 LEWIS REHOBETH HUNDRED  
 TOWN OF LEWES, SUSSEX COUNTY, DELAWARE

Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 150'  
 Dwn.By: DEG  
 Proj.No.: P3808A21  
 Dwg.No.:

WD-01

\\MLO\Civil\Chesapeake Realty\3808A21 - Ritter Farm\Design\Wetland Delineation.dwg Sep. 13, 2021 - 8:40am GREED



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| B1   | S 72°19'58" W | 16.33    |
| B2   | S 24°58'09" W | 10.72    |
| B3   | S 72°00'59" W | 43.06    |
| B4   | S 58°06'30" W | 36.21    |
| B5   | S 44°42'58" W | 38.76    |
| B6   | S 61°44'48" W | 64.00    |
| B7   | S 68°40'33" W | 78.18    |
| B8   | N 70°53'47" W | 69.18    |
| B9   | S 68°43'17" W | 49.48    |
| B10  | N 43°24'41" W | 79.17    |
| B11  | N 44°48'31" W | 94.44    |
| B12  | S 78°52'41" W | 50.29    |
| B13  | S 60°00'23" W | 43.44    |
| B14  | S 37°43'32" W | 45.25    |
| B15  | N 89°33'18" W | 22.81    |
| B16  | S 43°55'24" W | 29.30    |
| B17  | S 58°44'55" W | 38.87    |
| B18  | S 65°37'45" W | 11.74    |
| B19  | S 48°03'27" W | 18.91    |
| B20  | S 44°20'05" W | 59.37    |
| B21  | S 43°24'45" W | 44.26    |
| B22  | S 58°44'55" W | 38.87    |
| B23  | S 75°14'53" W | 25.90    |
| B24  | S 34°12'51" W | 43.63    |
| B25  | S 45°23'53" W | 29.37    |
| B26  | S 45°33'19" W | 42.77    |
| B27  | S 47°36'54" W | 53.17    |
| B28  | S 49°28'46" W | 21.55    |
| B29  | S 49°09'54" W | 55.91    |
| B30  | S 63°37'59" W | 42.75    |
| B31  | S 28°51'00" W | 24.29    |
| B32  | S 38°59'05" W | 43.54    |
| B33  | S 47°34'44" W | 41.43    |
| B34  | S 44°23'03" W | 48.75    |
| B35  | S 53°33'05" W | 61.20    |
| B36  | N 62°24'02" W | 22.32    |
| B37  | S 49°37'03" W | 24.94    |
| B38  | S 02°04'05" E | 26.51    |
| B39  | S 17°25'55" W | 48.84    |
| B40  | S 50°32'09" W | 87.11    |
| B41  | S 79°11'44" W | 9.49     |
| B42  | S 50°56'40" W | 27.82    |
| B43  | S 48°28'13" W | 40.33    |
| B44  | S 17°54'50" W | 20.57    |
| B45  | S 61°14'38" W | 37.29    |
| B46  | S 63°48'27" W | 37.77    |
| B47  | S 72°34'37" W | 31.33    |
| B48  | N 89°46'44" W | 33.49    |
| B49  | S 88°28'33" W | 43.73    |
| B50  | S 63°26'11" W | 26.95    |
| B51  | N 38°40'28" W | 41.11    |
| B52  | N 53°57'50" W | 13.06    |
| B53  | N 00°09'40" W | 28.41    |
| B54  | N 41°23'25" W | 32.85    |
| B55  | N 70°27'14" E | 51.84    |
| B56  | N 71°29'10" E | 31.48    |
| B57  | N 75°21'48" E | 73.62    |
| B58  | N 54°06'18" E | 36.24    |
| B59  | N 14°35'57" E | 19.03    |
| B60  | N 15°43'26" E | 68.10    |
| B61  | N 55°48'13" E | 49.91    |
| B62  | N 89°22'41" E | 31.09    |
| B63  | S 85°03'46" E | 20.45    |
| B64  | N 48°28'26" E | 27.90    |
| B65  | N 23°53'43" W | 35.46    |
| B66  | N 67°35'19" W | 17.66    |
| B67  | N 34°50'41" W | 44.81    |
| B68  | N 29°21'51" W | 110.92   |
| B69  | S 63°00'05" W | 30.22    |
| B70  | N 79°53'55" W | 14.46    |
| B71  | N 28°04'39" W | 9.73     |
| B72  | N 25°15'28" E | 78.28    |
| B73  | N 64°54'29" E | 64.19    |
| B74  | N 64°32'55" E | 48.85    |
| B75  | N 72°13'15" E | 86.83    |
| B76  | N 58°59'51" E | 25.02    |
| B77  | N 65°06'23" E | 52.48    |
| B78  | S 81°10'50" E | 11.52    |
| B79  | N 69°25'40" E | 66.51    |
| B80  | N 78°07'43" E | 86.19    |
| B81  | N 70°19'06" E | 35.01    |
| B82  | N 03°08'01" W | 36.60    |
| B83  | N 81°15'12" E | 39.66    |
| B84  | S 58°54'44" E | 28.33    |
| B85  | N 47°23'04" E | 38.78    |
| B86  | N 30°22'53" E | 20.87    |
| B87  | N 89°31'14" E | 58.58    |
| B88  | N 81°11'04" E | 31.82    |
| B89  | N 65°24'53" E | 89.62    |
| B90  | S 76°16'43" E | 13.82    |
| B91  | N 61°11'40" E | 61.54    |
| B92  | N 78°05'08" E | 64.99    |
| B93  | N 63°04'18" E | 68.75    |
| B94  | N 56°05'40" E | 21.92    |
| B95  | N 72°42'44" E | 37.80    |
| B96  | S 07°46'55" E | 29.32    |
| B97  | S 18°49'19" W | 17.32    |
| B98  | S 77°11'46" E | 30.81    |
| B99  | S 82°53'27" E | 26.17    |
| B100 | N 82°52'34" E | 30.18    |
| B101 | N 63°20'56" E | 51.89    |
| B102 | N 68°48'18" E | 40.20    |
| B103 | N 64°02'30" E | 31.20    |
| B104 | N 76°49'25" E | 25.74    |
| B105 | N 87°08'12" E | 35.09    |
| B106 | S 80°23'02" E | 31.53    |
| B107 | S 68°45'28" E | 24.28    |
| B108 | S 42°02'59" E | 64.28    |
| B109 | S 46°45'56" E | 30.54    |
| B110 | N 73°35'49" E | 19.58    |
| B111 | S 34°42'58" E | 130.26   |

DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS ENGINEERS SURVEYORS  
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**BITTER FARM**  
**LEWES REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

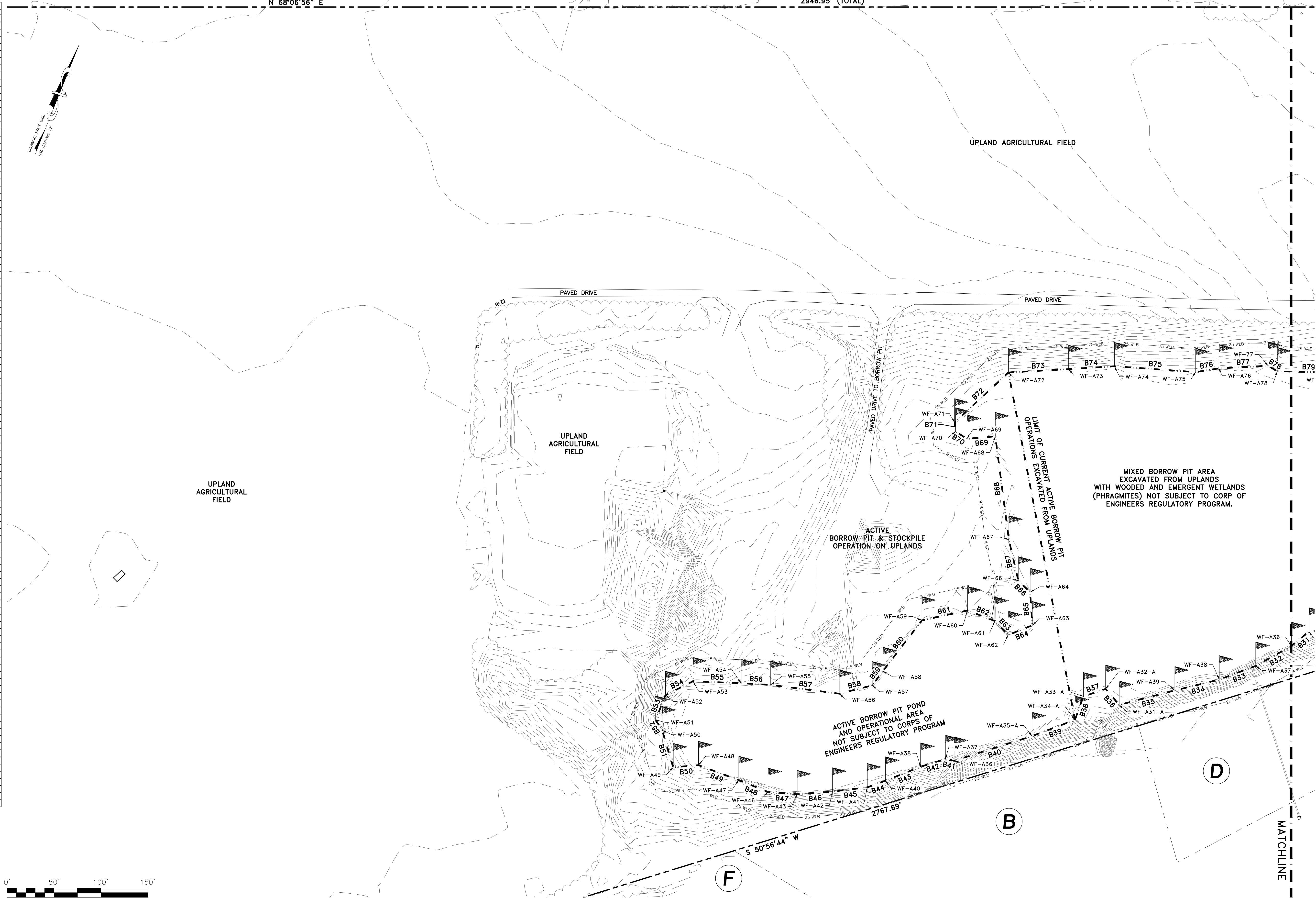
Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 50'  
 Dwn.By: DEG  
 Proj.No.: P3808A21  
 Dwg.No.: WD-02

**WD-02**

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| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| B1   | S 72°19'58" W | 16.33    |
| B2   | S 24°38'09" W | 10.72    |
| B3   | S 72°00'59" W | 43.06    |
| B4   | S 58°06'30" W | 36.21    |
| B5   | S 44°42'58" W | 38.76    |
| B6   | S 61°44'48" W | 64.00    |
| B7   | S 88°40'33" W | 78.18    |
| B8   | N 70°53'47" W | 69.18    |
| B9   | N 68°43'17" W | 49.48    |
| B10  | N 43°24'41" W | 79.17    |
| B11  | N 44°48'31" W | 94.44    |
| B12  | S 78°52'41" W | 50.29    |
| B13  | S 60°00'23" W | 43.44    |
| B14  | S 37°43'52" W | 45.25    |
| B15  | N 89°33'18" W | 22.81    |
| B16  | S 43°56'24" W | 29.30    |
| B17  | S 66°46'54" W | 20.90    |
| B18  | S 83°37'45" W | 11.74    |
| B19  | S 48°03'27" W | 18.91    |
| B20  | S 44°20'05" W | 59.37    |
| B21  | S 43°24'45" W | 44.26    |
| B22  | S 58°44'55" W | 38.87    |
| B23  | S 75°14'53" W | 25.30    |
| B24  | S 34°12'51" W | 45.63    |
| B25  | S 45°23'53" W | 29.37    |
| B26  | S 45°33'19" W | 42.77    |
| B27  | S 47°36'54" W | 55.17    |
| B28  | S 49°28'46" W | 21.55    |
| B29  | S 49°09'54" W | 55.91    |
| B30  | S 63°37'59" W | 42.75    |
| B31  | S 28°51'00" W | 24.29    |
| B32  | S 38°59'05" W | 43.54    |
| B33  | S 47°34'44" W | 41.43    |
| B34  | S 54°23'03" W | 48.75    |
| B35  | S 53°33'05" W | 61.20    |
| B36  | N 62°24'02" W | 22.32    |
| B37  | S 49°37'03" W | 24.94    |
| B38  | S 02°04'05" E | 26.61    |
| B39  | S 47°25'58" W | 48.84    |
| B40  | S 50°32'09" W | 87.11    |
| B41  | S 79°11'44" W | 9.49     |
| B42  | S 50°56'40" W | 27.62    |
| B43  | S 46°28'13" W | 40.33    |
| B44  | S 47°54'50" W | 20.57    |
| B45  | S 61°14'38" W | 37.29    |
| B46  | S 63°48'27" W | 37.77    |
| B47  | S 72°34'37" W | 31.33    |
| B48  | N 89°46'44" W | 33.49    |
| B49  | S 88°28'33" W | 45.75    |
| B50  | S 63°28'11" W | 26.95    |
| B51  | N 38°40'28" W | 41.11    |
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| B53  | N 00°09'40" W | 28.41    |
| B54  | N 41°23'25" E | 32.85    |
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| B56  | N 71°29'10" E | 31.48    |
| B57  | N 75°21'48" E | 73.62    |
| B58  | N 54°08'18" E | 36.24    |
| B59  | N 14°35'37" E | 19.03    |
| B60  | N 15°32'26" E | 68.10    |
| B61  | N 55°48'13" E | 49.91    |
| B62  | N 89°22'41" E | 31.09    |
| B63  | S 65°03'46" E | 20.45    |
| B64  | N 46°28'26" E | 27.90    |
| B65  | N 25°35'43" W | 35.46    |
| B66  | N 67°35'19" W | 17.66    |
| B67  | N 34°50'41" W | 44.81    |
| B68  | N 29°21'51" W | 110.92   |
| B69  | S 63°00'05" W | 30.22    |
| B70  | N 79°30'35" W | 14.46    |
| B71  | N 28°04'39" W | 9.73     |
| B72  | N 25°15'28" E | 78.28    |
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| B74  | N 64°32'55" E | 48.85    |
| B75  | N 72°13'15" E | 86.83    |
| B76  | N 88°59'51" E | 25.02    |
| B77  | N 65°06'23" E | 52.48    |
| B78  | S 81°10'50" E | 11.52    |
| B79  | N 69°25'40" E | 66.51    |
| B80  | N 76°07'43" E | 86.19    |
| B81  | N 70°19'06" E | 35.01    |
| B82  | N 03°08'01" W | 36.60    |
| B83  | N 81°15'12" E | 39.66    |
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| B85  | N 47°23'04" E | 38.76    |
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| B96  | S 07°46'35" E | 26.32    |
| B97  | S 18°49'19" W | 17.32    |
| B98  | S 77°11'46" E | 30.81    |
| B99  | S 82°53'27" E | 26.17    |
| B100 | N 82°52'34" E | 30.18    |
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**BITTER FARM**  
**LEWES REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 50'  
 Dwn. By: DEG  
 Proj. No.: P3808A21  
 Dwg. No.:

**WD-03**

BORROW PIT DELINEATION PLAN & TABLE

**K**

December 22, 2022

*Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP*

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: **Vintners Reserve**  
Chapter 89-7 Excellent Groundwater Recharge Area Response  
Tax Map No.: 3-34-5.00-153.02  
DBF #: 3808B001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Janice CRP3, LLC, we are pleased to demonstrate that the proposed development, Vintners Reserve provides careful consideration of the following items in Sussex County Chapter 89-7:

A. Except as otherwise noted in this chapter, within zoning districts established under Article II of Chapter 115:

- 1. The requirements of this chapter do not impose any limitations upon land development, provided the impervious cover of any portion of the tax parcel located within the excellent recharge area is 35% or less.**
  - a. The impervious cover of the proposed development within the excellent recharge area is less than 35%.
- 2. Impervious cover of that portion of a tax parcel within the excellent groundwater recharge area which is greater than 35% but no more than 60% is allowed, provided the applicant demonstrates through an environmental assessment report prepared by a registered professional geologist or registered professional engineer familiar with the hydrogeologic characteristics of Sussex County and using a climatic water budget that will insure that post-development recharge quantity will meet or exceed the existing (predevelopment) recharge quantity. Beneficial efforts to mitigate**

**discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**

- a. The impervious cover of the proposed development within the excellent recharge area is less than 35%.
- 3. For all new construction where the impervious surfaces exceed 60% or where the level of post-development recharge is less than predevelopment recharge, all structures shall be required to discharge roof drains into underground recharge systems or into permeable surfaces that allow the discharges to infiltrate into the ground. Efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**
- a. The impervious cover of the proposed development within the excellent recharge area is less than 35%.

On behalf of our client, we thank you for your review and consideration of this response. Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [rwl@dbfinc.com](mailto:rwl@dbfinc.com).

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

*P:\Chesapeake Reality\380&A21 - Ritter Farm- Vintners Reserve\Documents\P&Z\BOOKLET\2023-01-03 Final P&Z Booklet\K - Chapter 99 Response.docx*

Cc: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLP

L





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

July 22, 2021

Jamie Whitehouse, AICP  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

RE: PLUS review 2021-06-15; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map to move one parcel from the Commercial Area to the Coastal Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

**Office of State Planning Coordination – Contact Dorothy Morris 739-3090**

This parcel is surrounded by Coastal area and is currently slated for a higher use, commercial. It is also within levels 1 and 2 according to the Strategies for State Policies and Spending. The state has no objections to the amendment as written.

Please note that not objecting to the amendment does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development will need to be reviewed for state comments.

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

- This amendment would facilitate the development of the balance of a property served by Janice Road. Janice Road, at present, is effectively a cul-de-sac, with public access only on Delaware Route 1.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901  
Phone (302)739-3090 · Fax (302) 739-5661 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

- DelDOT presently is developing plans for the Minos Conaway Grade Separated Intersection (GSI). The GSI, in part, will convert Janice Road to a service road, increasing traffic on the road but providing a connection north to Minos Conaway Road and thereby improving access to properties along Janice Road. Information on that effort is available at <https://delDOT.gov/projects/index.shtml?dc=details&projectNumber=T201612501>
- Separate from the Minos Conaway GSI, one of the projects identified as part of the Henlopen Transportation Improvement District (TID) is to make Nassau Commons Boulevard a public road and improve it to meet DelDOT's Local Road standards. That project would provide a public connection from Janice Road to US Route 9.
- The subject land is in the Henlopen TID and DelDOT will evaluate specific development proposals for the subject land when they are submitted for consistency with the land use assumptions used to develop the TID. Development consistent with those assumptions would not require a Traffic Impact Study. In the absence of a DelDOT project to build the Nassau Commons Boulevard improvement mentioned above, DelDOT may task the developer in that regard in exchange for credit against their TID fees.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

- Sussex County proposes to rezone one parcel from Commercial Area to Coastal Area. DNREC reviewers have no comments, concerns, or objections specific to environmental features on the site.

**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric archaeological potential is low. While there are well-drained soils, most of the parcel is not within favorable distance to a water source, nor are there any comparable sites nearby. The part of the parcel that was within favorable distance has now been turned into a pond and other ground disturbance has occurred.
- Historic archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination

December 22, 2022

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: Vintners Reserve  
PLUS Review 2021-12-06 Response  
Tax Map # 334-5.00-153.02  
DBF#3808B001

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Dear Mr. Whitehouse,

On behalf of our client Janice CRP3, LLC, we offer the following in response to the State's comments:

### **Strategies for State Policies and Spending**

*Currently this parcel is within the commercial area according to the Sussex County comprehensive plan. In June 2021 the applicant sought a comp plan amendment to change the Future Land use map from Commercial to Coastal. The state had no objection to this amendment, but it is my understanding that the amendment has not been approved at this time. This amendment must be approved for the Ritter farm project to move forward.*

*With that said, this parcel is located in a Level 2 according to the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas, provided Sussex County makes the proposed amendment and the proposed development meets the county codes.*

**We have read the above comments and the comprehensive plan amendment will be heard concurrently with the project. We further recognize that the site is within a Level 2 investment area.**

## **Code Requirements/Agency Permitting Requirements**

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

- *The site access on Janice Road (Sussex Road 14B) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*
- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017). The Project Coordination Meeting held on November 8, 2021 is not sufficient for this purpose.*
- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*
- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,704 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 105 and 132, respectively. Therefore, a TIS would normally be required.*

*The subject development is located in the Henlopen Transportation Improvement District (TID). The traffic projections for the TID assumed development of the subject land with 81 single-family detached houses which, using the (ITE) Trip Generation Manual, would generate 62 and 83 weekday morning and evening peak hour trip ends, respectively. Because the rules for determining consistency with the TID allow up to 49 additional weekday peak hour trip ends, the proposed development is consistent with the TID and a separate TIS is not required.*

*As authorized in Section 2.2.2.4 of the DelDOT Development Coordination Manual, DelDOT will require that the developer participate in the TID rather than do any off-site improvements that might be warranted beyond their entrance. In accordance with Section 2.4 of the Manual, the applicant will be required to sign an agreement and pay a*

*fee of per lot. The fee may be paid separately for each lot but is subject to a surcharge if it is not paid for the entire plan at once.*

*In part, the TID agreement will provide that the applicant may receive credit against their fee for construction planned as part of the TID. Entrance construction is generally not considered eligible for such credit.*

*DelDOT asks that the applicant contact their Subdivision Manager for this part of the county, Mr. Derek Sapp, for routine matters regarding the agreement. Mr. Yates may be reached at [Derek.Sapp@delaware.gov](mailto:Derek.Sapp@delaware.gov) or (302)760-4803. As necessary, the applicant may also contact Ms. Sarah Coakley, a Principal Planner in DelDOT's Regional System Planning Section who manages DelDOT's TID program. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.*

*Apart from the TID, DelDOT is developing a capital project to grade-separate the intersection of Delaware Route 1 and Minos Conaway Road (Sussex Road 265). That project, scheduled for construction, beginning in Fiscal Year 2023 and ending in Fiscal Year 2025, will include improvements to Janice Road that will need to be coordinated with the site entrance construction.*

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Janice Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Janice Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" This is the minimum standard width. Coordination with DelDOT's Division of Transportation Solutions will be needed regarding the specific rights-of-way needed to accommodate DelDOT's planned improvements to Janice Road.*
- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot-wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot-wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*
- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
  - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*

- *Depiction of all existing entrances within 300 feet of the site entrance.*
  - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. The November 2017 record plan for Phase 3 of Vineyards at Nassau Valley includes a 50-foot-wide access easement about 500 feet from the north end of the two developments common property line. DelDOT anticipates recommending that Sussex County require an interconnection.*
- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. If a frontage SUP or sidewalk is not included in the Minos Conaway Road project, DelDOT would require its construction in exchange for credit toward the TID fee.*
- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Janice Road.*
- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**We have read DelDOT's comments and will comply with their rules and regulations.**

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

***Wetlands***

*Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site. While the application does not indicate that a wetlands delineation has been completed, a wetland buffer is shown on the preliminary plan. The preliminary plan avoids disturbance to these areas.*

- *If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply as described below.*
- *Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may need to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers triggers additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification).*

*Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.*

*Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>*

*State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.*

*Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

**We have received confirmation from the U.S. Army Corps of Engineers that there are no non-tidal jurisdictional wetlands on this parcel.**

***Vegetated Buffer Zones***

- *The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.*

*Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.*

*Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

**The project will comply with all required buffers.**

***Stormwater Management***

*This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's Sediment and Stormwater Regulations.*

- *A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this*



*project, the plan review agency is the Sussex Conservation District.*

- *Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*
- *Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

*Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.*

*Website: <https://www.sussexconservation.org/>*

*General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.*

*E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).*

*Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>*

**We are aware of the stormwater regulations and will follow the requirements for submission to the district.**

### ***Excellent Groundwater Recharge Area***

*An Excellent Groundwater Recharge Area is located on the southwest corner portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.*

- *The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.*

*Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.*

*Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>*

**We are aware of the small portion of this site located within the excellent groundwater recharge and this area will not have more than 35% impervious coverage.**

### ***Wastewater permits – Large Systems***

*Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.*

- *If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee to notify the Large Systems Branch.*

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

**We thank you for the information.**

### ***Nutrient Management Plan***

*This project proposes open space, the acreage of which is yet to be determined.*

- *A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.*

Contact: Delaware Department of Agriculture's Nutrient Management Program at (302)

698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

**A nutrient management plan will be prepared if nutrients will be applied.**

### ***State Historic Preservation Office – Contact Carlton Hall 736-7400***

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are no known historic resources on the parcel. Historic aerials and topographic maps do not show anything on the parcel for the past hundred years. By 1992, there is significant ground disturbance on the parcel. As there are no known historic resources on the parcel and historic aerials show disturbance on the parcel, there is low potential for historic archaeological sites on the parcel.*

**We thank SHPO for their comments.**

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

*At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:*

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 foot spacing on center.*
- *Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.*

Fire Protection Features:

- *For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan*

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Janice Road must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.*
- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

Gas Piping and System Information:

- *Provide type of fuel proposed and show locations of bulk containers on plan.*

Required Notes:

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *Proposed Use*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Townhouse 2-hr separation wall details shall be shown on site plans*
- *Provide Road Names, even for County Roads.*

**We thank the fire marshal for their comments and will comply with the Fire Prevention Regulations.**

**Recommendations/Additional Information**

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

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

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Janice Road.*
- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*
- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of*

March 21, 2019 and March 16, 2021. The notes can be found at  
<https://www.deldot.gov/Business/subdivisions/>

We thank DelDOT for the additional comments and will comply with the department's rules and regulations.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

***Wetlands***

- *As proposed for this project, do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.*

*Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.  
Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>*

*State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

As note earlier, this project does not contain non-tidal wetlands.

***Vegetated Buffer Zones***

- *Expand the 25-foot buffer to no less than 100 feet from the edge of wetlands and ponds to protect water quality and to provide an additional margin of safety for flooding.*
- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*

- *Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**The project does not contain wetlands and therefore buffers are not required.**

### ***Stormwater Management***

- *Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.*
- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

**We thank DNREC for the additional comments.**

### ***Drainage***

- *All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.*
- *Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.*
- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*
- *Contact: DNREC Drainage Program at (302) 855-1930.*  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

**We thank DNREC for the additional comments regarding drainage.**

### ***Water Quality (Pollution Control Strategies)***

- *This site lies within the Broadkill Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.*
- *Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.*
- *Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.*
- *Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.*
- *Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.*

*Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>*

**The project will comply with TMDLs and / or the PCS as necessary.**

### ***Excellent Groundwater Recharge Area***

- *For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.*

*Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.  
Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>*

**The impervious area within the recharge area will be less than 35% as required by the Sussex County code.**

### ***Mosquitoes***

- *The project will be impacted by mosquitoes due to its location near large expanses of freshwater wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.*

- *If necessary, arrange for long-term mosquito control services through a private company licensed in this area of specialty. In some cases, the DNREC Mosquito Control Section may be able to provide these services free of charge.*

Contact: DNREC Division of Fish and Wildlife, Mosquito Control Section at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

**We thank DNREC for the additional comments.**

### ***Additional Sustainable Practices***

- *Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.*
- *Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.*
- *Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.*
- *Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.*
- *Install electric vehicle charging stations for your residents. Increasingly, residents will expect EV charging. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).*
- *Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).*



- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

We thank DNREC for the additional information.

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- *Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings.*
- *The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:  
<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>*
- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.*

We thank the fire marshal for the additional comments.

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

- *DSHA supports the subdivision plan for 313 townhomes on 61 acres along Janice Road in Sussex County. This proposal is located in a great location with high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed. While the rezoning will result in a relatively low density of 5 units per acre, townhomes are often more affordable to the many county residents who work in the coastal resort economy.*
- *This site is also located within a DSHA-defined “Area of Opportunity” which are strong, high value markets, with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. Unfortunately, these same areas contain little affordable housing. The need for housing affordable, particularly in the coastal resort area, is acute and well documented. For well over 10 years, the gap between the highest earners and the average wage group has grown. Compounded with wages not increasing proportionally to housing costs, many residents were already experiencing housing insecurity by the beginning of 2020. The*

*onset of the COVID pandemic then exposed the inequity of those hardest hit, increased the number of residents experiencing housing insecurity, and placed those already struggling into dire housing circumstances.*

- *Community opposition has been particularly aggressive in the Lewes-Rehoboth area which has often delayed the availability of more affordable housing options or prevented them being built altogether – which has exacerbated the housing insecurity experienced by so many county households. Approving this subdivision plan will permit residents to live close to their jobs, gain access to the resources and benefits this area provides, and begin to mitigate the housing insecurity experienced by so many county residents.*

**We thank DSHA for the additional comments.**

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- *The parcel is located within an area of minimal flood concern (1000 year or greater); however, this is expected to increase over the next 30 years. First Street Foundation rates the community risk level of 3, which suggests a major risk from flooding, combining risks associated between residential properties, commercial properties, critical infrastructure facilities, social infrastructure facilities and roads, between now and the next 30 years.*

*The county has a population density of 265.20 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block has a total population of 531 people, though with development, this will certainly change. Adjacent blocks bring the area to a total population of 1546, primarily adults.*

*The parcel is located within the County's evacuation zone C; directly across the street from Zone B. According to FEMA's National Risk Index, the parcel is considered relatively low for natural hazards. Both its social vulnerability and community resilience is currently rated as relatively moderate.*

*In terms of energy use and consumption, the region utilizes electricity as the predominant fuel type, with liquid propane coming in second, and natural gas as a close third. As such, the parcel has a photovoltaic power potential of 1505 kWh per kWp. DEMA strongly encourages the use of renewable energies and high efficiency appliances and utilities. As such, should solar panels be utilized, we recommend an optimum tilt of the photovoltaic modules to be at approximately 35 degrees. In terms of utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery back up systems for sump pumps to reduce potential water damage from power failure.*

*Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roof where applicable*

*and allowable, and the like.*

**We thank DEMA for the additional information.**

If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at [rw1@dbfinc.com](mailto:rw1@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.

Sincerely,  
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.  
Principal

P:\Chesapeake Reality\3808A21 - Ritter Farm- Vintners Reserve\Documents\P&Z\BOOKLET\2022-12-22 Second P&Z Draft\K - PLUS Comment Response Letter.docx

CC: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLC

## David C. Hutt

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**From:** Bulkilvish, Samantha (OMB) <Samantha.Bulkilvish@delaware.gov>  
**Sent:** Thursday, September 29, 2022 3:42 PM  
**To:** Ring Lardner; Morris, Dorothy (OMB)  
**Cc:** Jamie Whitehouse; David C. Hutt  
**Subject:** RE: Ritter Farm PLUS Review 2021-12-06

Ring,

David and I are in agreement that the project would not have to come back through PLUS. Please let me know if you have any more questions.

Best,  
Samantha

**Samantha Bulkilvish, AICP**, Planner V  
Delaware Office of State Planning Coordination  
(302)672-5137 | <https://stateplanning.delaware.gov>

**From:** Ring Lardner <rw@dbfinc.com>  
**Sent:** Thursday, September 29, 2022 9:32 AM  
**To:** Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Cc:** Bulkilvish, Samantha (OMB) <Samantha.Bulkilvish@delaware.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Hutt, David C. (DHutt@morrisjames.com) <DHutt@morrisjames.com>  
**Subject:** Ritter Farm PLUS Review 2021-12-06

Dorothy,

Good Morning! On December 15, 2021, the Ritter Farm was reviewed by PLUS as 2021-12-06. Since that review we have made some changes to the road layout, lot layout and sizes of the lots. The new plan is 316 units (increase of 3) on the same 61 acres of land. We have reviewed the PLUS comments and do not believe they will change or additional comments would be needed as the changes are within the same "footprint" as the original review.

Please find attached an updated preliminary subdivision plan for your review and we are requesting your concurrence that a new PLUS review is not required for these changes. Please let me know if you have any questions or need additional information.

Thanks,  
Ring

**Ring W. Lardner, P.E.**  
President/Sr. Civil Engineer

**Davis, Bowen & Friedel, Inc.**  
Email: [rw@dbfinc.com](mailto:rw@dbfinc.com)  
Office: 302-424-1441 | Cell: 302-632-9779  
1 Park Ave., Milford, DE 19963  
[www.dbfinc.com](http://www.dbfinc.com) | [Facebook](#) | [LinkedIn](#) | [Instagram](#) | [Twitter](#) | [YouTube](#)

M



Summer 2021  
Aerial Photo



January 2023

Sources:  
Tax Parcels per Sussex County

**Surrounding Density Map**  
Vintners Reserve  
Sussex County, Delaware



N



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

January 3, 2023

Ring W. Lardner, P.E., President/Sr. Civil Engineer  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

Dear Mr. Lardner:

I'm writing to confirm that the Delaware Department of Transportation (DelDOT) anticipates that the Vintners Reserve (fka Ritter Farms) development will be required to participate in the Henlopen Transportation Improvement District, instead of conducting an individual Traffic Impact Study and making off-site transportation improvement contributions. This is based on project coordination meetings with the applicant in fall of 2022. Per the TID agreement, as long as the peak hour trip generation of the proposed development stays within 49 peak hour trips of the number of peak hour trips generated by the 81 single-family detached units in the 2018 TID land use forecast, TID participation will be required. The owner/developer will be required to enter into the Henlopen TID Infrastructure Recoupment Agreement, have this agreement recorded, and refer to it on their record plan. It is also anticipated that a Traffic Operational Analysis will be required to determine the specific entrance layout on Janice Rd.

If you have any questions or comments, please contact me at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302)760-2236.

Sincerely,

A handwritten signature in cursive script that reads "Sarah C Coakley".

Sarah Coakley, AICP  
Principal Planner

SC: sc

cc: Chase Phillips, Planner II, Sussex County Department of Planning and Zoning







STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

December 15, 2021

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Janice CRP3 LLC** proposed land use application, which we received on December 3, 2021. This application is for an approximately 60.65-acre parcel (Tax Parcel: 334-5.00-153.00). The subject land is located on the south side of Firehouse Road (Sussex Road 14B) about 560 ft west of the intersection with Nassau Commons Boulevard. The subject land is currently split zoned AR-1 (Agriculture Residential) and C-1 (General Commercial), with a proposed rezoning of AR-1 portion to MR (Medium-Density Residential) for existing self-storage and 313 multi-family housing.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Firehouse Road from Nassau Road (Sussex Road 266B) to the end of the road, is 2,077 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and/or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. For that reason, the applicant will be required to pay a fee per dwelling in lieu of doing a TIS and making off-site improvements in accordance therewith. Any improvements required by DelDOT beyond the site entrance construction will be creditable toward the fee.



Mr. Jamie Whitehouse

Page 2 of 2

December 15, 2021

The applicant should contact Ms. Sarah Coakley, a principal planner in DeIDOT's Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.

If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Fumato, at [Annamaria.Fumato@delaware.gov](mailto:Annamaria.Fumato@delaware.gov), if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Janice CRP3 LLC, Applicant  
Ring Lardner, Applicant  
Sussex Reviewer, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Fumato, Project Engineer, Development Coordination

| Final FY23 to FY28 Capital Transportation Program                               |  |                |   |          |        |        |      |            |       |
|---|--|----------------|---|----------|--------|--------|------|------------|-------|
| Final Project Implementation For Prioritized Projects                           |  |                |   |          |        |        |      |            |       |
| Denotes Projects in construction or going to advertisement in the next 6 months |  | PE<br>ROW<br>C | Preliminary Engineering<br>Right-of-Way Acquisition<br>Construction |          |        |        |      |            |       |
| New Projects added to FY23 - FY28 CTP   |  |                |   |          |        |        |      |            |       |
| Applied Enhanced Project Prioritization Method for Score                        |  |                |   |          |        |        |      |            |       |
| Changes in projects from December meeting                                       |  |                |   |          |        |        |      |            |       |
| Fast Track Fund Program w/ Sussex County  |  |                |   |          |        |        |      |            |       |
| Rank  | Project Name   | FY23           | FY24  | FY25     | FY26   | FY27   | FY28 | County     | Score |
| 32  | <b>HEP SC, SR 1 and SR 16 Grade Separated Intersection</b>   | PE/C           | PE/C  | C        |        |        |      | Sussex     | 0.494 |
| 33  | SR 1 and Cave Neck Road Grade Separated Intersection   | PE/ROW         | ROW/C   | C        | C      |        |      | Sussex     | 0.488 |
| 34  | US 9 and Minos Conaway Intersection Improvement  |                | PE  | PE       | ROW    | C      | C    | Sussex     | 0.488 |
| 35  | <b>Newark Regional Transportation Center</b>   | C              | C   |          |        |        |      | New Castle | 0.484 |
| 36  | SR 1 Widening, SR 273 to Tybouts Corner  | PE             | PE  | PE/ROW   | PE/ROW | ROW    |      | New Castle | 0.483 |
| 37  | <b>SR 273 and Chapman Road Intersection Improvements</b>   | C              |   |          |        |        |      | New Castle | 0.480 |
| 38  | US 40 & SR 896 Grade Separated Intersection  | PE/ROW         | PE/C  | C        | C      |        |      | New Castle | 0.479 |
| 39  | N427, Cedar Lane Road, Marl Pit Road, to Boyds Corner Road   |                |   | ROW      | C      | C      |      | New Castle | 0.479 |
| 40  | Old Capital Trail, Newport Road to Stanton Road  | PE             | PE/ROW  | PE/ROW/C | C      | C      |      | New Castle | 0.476 |
| 41  | NCC Transit Center   | PE             | PE/ROW  | ROW      |        |        |      | New Castle | 0.473 |
| 42  | <b>SR 72, McCoy Road to SR 71</b>  | C              | C   |          |        |        |      | New Castle | 0.465 |
| 43  | 12 St. Connector   |                | PE  | PE       | ROW    | C      | C    | New Castle | 0.463 |
| 44  | <b>HSIP SC, 24 at Camp Arrow Head Rd &amp; SR 24 at Robinsonville Rd/Angola Rd Intersection Improvements</b> | C              | C   |          |        |        |      | Sussex     | 0.449 |
| 45  | Brenford Road (SR 13 to DE 42: Lynnburly Woods Road)   |                |   |          |        | PE     | PE   | Kent       | 0.449 |
| 46  | Realignment of Old Orchard Road at Westcoats Corner  | PE/C           | C   | C        | C      |        |      | Sussex     | 0.449 |
| 47  | SR 8, Connector from Commerce Way to SR 8  | PE             | ROW   | ROW/C    | C      |        |      | Kent       | 0.441 |
| 48  | Tyler McConnell Bridge, SR 141, Montchanin Rd. to Alapocas Dr.   |                |   |          |        |        | PE   | New Castle | 0.439 |
| 49  | N15, Boyds Corner Road, Cedar Lane Road to US 13   | PE             | PE/ROW  | ROW      |        |        | C    | New Castle | 0.438 |
| 50  | North Millsboro Bypass, US113 to SR24  | PE/ROW/C       | C   | C        |        |        |      | Sussex     | 0.437 |
| 51  | HSIP NCC, Old Baltimore Pike and Salem Church Road   |                |   | PE       | PE     | PE/ROW | C    | New Castle | 0.428 |
| 52  | SR 54 Multi-modal Improvements (Blue Beard Trail to Monroe Ave.)   |                |   | PE       | PE     | ROW    | ROW  | Sussex     | 0.426 |
| 53  | SR 1, Minos Conaway Grade Separated Intersection   | ROW            | C   | C        | C      |        |      | Sussex     | 0.425 |
| 54  | Walnut Street, 3rd Street to 16th Street   | PE/ROW         | PE/C  | C        |        |        |      | New Castle | 0.423 |
| 55  | SR 2 (Kirkwood Hwy) and Harmony Rd Intersection Improvements   |                | PE  | PE       | ROW    | C      |      | New Castle | 0.423 |
| 56  | <b>Plantations Road Improvements, SR 24 to US 9</b>  | PE/C           | PE/C  | PE/C     |        |        |      | Sussex     | 0.421 |
| 57  | US 13: I-495 to PA Line  |                |   | PE       | PE     | ROW    | ROW  | New Castle | 0.421 |
| 58  | SR 4, Ogletown Stanton Road/SR 7, Christiana Stanton Road Phase I, Stanton Split                             | PE             | PE/ROW  | PE/ROW   | ROW/C  | C      | C    | New Castle | 0.419 |
| 59  | South State Street/Plaindealing Road/Woodlytown Road Intersection Improvements                               |                |   | PE       | PE     | ROW    | ROW  | Kent       | 0.415 |
| 60  | Irish Hill Road Upgrade (US 13 to Glen Forest Road)  |                |   |          |        | PE     | PE   | Kent       | 0.415 |
| 61  | <b>SR 24, Love Creek to Mulberry Knoll</b>   | C              | C   |          |        |        |      | Sussex     | 0.414 |
| 62  | 4th Street, Walnut Street to Adams Street  | PE/ROW         | PE  | C        | C      |        |      | New Castle | 0.405 |

CTP DEVELOPMENT PLAN

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|     | A        | B      | C   | D        | F               | G          | H                       | I               | K                | O                | P              | Q                | R                | S              | T                | U                | V              | W                | X                | Y              | Z                | AA               | AB             | AC               | AD               | AE             | AF               |
|-----|----------|--------|---|----------|-----------------|------------|-------------------------|-----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|
|     | Priority | County | Project Title   | P6       | Category        | Class      | Family                  | Phase           | Current Estimate | FY23 State Spend | FY23 Fed Spend | FY23 Other Spend | FY24 State Spend | FY24 Fed Spend | FY24 Other Spend | FY25 State Spend | FY25 Fed Spend | FY25 Other Spend | FY26 State Spend | FY26 Fed Spend | FY26 Other Spend | FY27 State Spend | FY27 Fed Spend | FY27 Other Spend | FY28 State Spend | FY28 Fed Spend | FY28 Other Spend |
| 619 | 64       | Kent   | <b>K104, Kenton Rd. SR8 to Chestnut Grove Rd. Total</b>   |          |                 |            |                         |                 | 33,388,297       | 60,000           | 12,740,000     | -                | -                | 12,500,000     | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                |
| 621 | 64       | Kent   | Interim Improvements at Kenton Road and Greentree Drive   | 21-01106 | Road Systems    | Collectors | Collectors              | C Total         | 1,000,000        | 180,000          | 720,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 622 | 64       | Kent   | <b>Interim Improvements at Kenton Road and Greentree Drive Total</b>                            |          |                 |            |                         |                 | 1,000,000        | 180,000          | 720,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 624 | 25       | Kent   | NE Front Street Rehoboth Blvd to SR 1   | 18-00014 | Road Systems    | Collectors | Collectors              | PE Total        | 871,230          | 619,754          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 626 | 25       | Kent   | NE Front Street Rehoboth Blvd to SR 1   | 18-00014 | Road Systems    | Collectors | Collectors              | ROW Total       | 900,000          | -                | -              | -                | 450,000          | -              | -                | 450,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 628 | 25       | Kent   | NE Front Street Rehoboth Blvd to SR 1   | 18-00014 | Road Systems    | Collectors | Collectors              | C Total         | 4,500,000        | -                | -              | -                | -                | -              | -                | 500,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 629 | 25       | Kent   | <b>NE Front Street Rehoboth Blvd to SR 1 Total</b>  |          |                 |            |                         |                 | 6,271,230        | 619,754          | -              | -                | 450,000          | -              | -                | 950,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 631 | 78       | Kent   | North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.)                         | 21-20002 | Road Systems    | Collectors | Collectors              | PE Total        | 500,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              |                  |
| 633 | 78       | Kent   | North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.)                         | 21-20002 | Road Systems    | Collectors | Collectors              | ROW Total       | 200,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 635 | 78       | Kent   | North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.)                         | 21-20002 | Road Systems    | Collectors | Collectors              | C Total         | 2,500,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 636 | 78       | Kent   | <b>North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.) Total</b>            |          |                 |            |                         |                 | 3,200,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 638 | 68       | Kent   | Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.)   | 21-20003 | Road Systems    | Collectors | Collectors              | PE Total        | 750,000          | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              |                  |
| 640 | 68       | Kent   | Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.)   | 21-20003 | Road Systems    | Collectors | Collectors              | ROW Total       | 800,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 642 | 68       | Kent   | Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.)   | 21-20003 | Road Systems    | Collectors | Collectors              | C Total         | 8,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 643 | 68       | Kent   | <b>Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.) Total</b>                            |          |                 |            |                         |                 | 9,550,000        | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              |                  |
| 645 | 104      | Kent   | SR 1, Scarborough Road C-D Roads  | 18-00294 | Road Systems    | Collectors | Collectors              | PE Total        | 850,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 647 | 104      | Kent   | SR 1, Scarborough Road C-D Roads  | 18-00294 | Road Systems    | Collectors | Collectors              | ROW Total       | 1,200,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 649 | 104      | Kent   | SR 1, Scarborough Road C-D Roads  | 18-00294 | Road Systems    | Collectors | Collectors              | C Total         | 31,000,000       | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 650 | 104      | Kent   | <b>SR 1, Scarborough Road C-D Roads Total</b>   |          |                 |            |                         |                 | 33,050,000       | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 652 | 66       | Kent   | West Street, New Burton Road to North Street  | 14-00190 | Road Systems    | Collectors | Collectors              | PE Total        | 400,000          | -                | -              | -                | -                | -              | -                | 400,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 654 | 66       | Kent   | West Street, New Burton Road to North Street  | 14-00190 | Road Systems    | Collectors | Collectors              | ROW Total       | 250,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              |                  |
| 656 | 66       | Kent   | West Street, New Burton Road to North Street  | 14-00190 | Road Systems    | Collectors | Collectors              | C Total         | 650,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 657 | 66       | Kent   | <b>West Street, New Burton Road to North Street Total</b>                                       |          |                 |            |                         |                 | 1,300,000        | -                | -              | -                | -                | -              | -                | 400,000          | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              |                  |
| 659 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | PE Total        | 521,222          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 661 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | C Total         | 4,618,232        | 547,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 663 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | Contingency Tot | 641,392          | 43,000           | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 665 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | Maintenance Tot | 266,538          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 666 | SOGR     | Kent   | <b>Dover Facility Renovations Total</b>   |          |                 |            |                         |                 | 6,047,384        | 590,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 668 | SOGR     | Kent   | Dover Bus Canopy Solar Panels   | 21-90820 | Transit Systems | Facilities | Transit Facilities      | PE Total        | 250,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 670 | SOGR     | Kent   | Dover Bus Canopy Solar Panels   | 21-90820 | Transit Systems | Facilities | Transit Facilities      | C Total         | 2,700,000        | 540,000          | 2,160,000      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 672 | SOGR     | Kent   | Dover Bus Canopy Solar Panels   | 21-90820 | Transit Systems | Facilities | Transit Facilities      | Contingency Tot | 150,000          | 30,000           | 120,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 673 | SOGR     | Kent   | <b>Dover Bus Canopy Solar Panels Total</b>  |          |                 |            |                         |                 | 3,100,000        | 570,000          | 2,280,000      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 677 | SOGR     | Kent   | Transit Vehicle Expansion (6) 35' Electric Buses KC FY18  | 07-22400 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 5,459,828        | 876,839          | 2,988,405      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 678 | SOGR     | Kent   | <b>Transit Vehicle Expansion (6) 35' Electric Buses KC FY18 Total</b>                           |          |                 |            |                         |                 | 5,459,828        | 876,839          | 2,988,405      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 680 | SOGR     | Kent   | Preventive Maintenance - Kent County  | 07-30223 | Transit Systems | Vehicles   | Transit Admin           | Procurement Tot | 715,800          | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           |
| 681 | SOGR     | Kent   | <b>Preventive Maintenance - Kent County Total</b>   |          |                 |            |                         |                 | 715,800          | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           |
| 684 | SOGR     | Kent   | Transit Vehicle Replacement (6) CAWS KC FY21  | 14-11022 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 1,183,188        | 234,318          | 937,270        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 685 | SOGR     | Kent   | <b>Transit Vehicle Replacement (6) CAWS KC FY21 Total</b>                                       |          |                 |            |                         |                 | 1,183,188        | 234,318          | 937,270        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 687 | SOGR     | Kent   | Transit Vehicle Replacement (7) 29' LF KC FY22  | 20-11011 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 3,729,424        | 745,885          | 2,983,539      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 688 | SOGR     | Kent   | <b>Transit Vehicle Replacement (7) 29' LF KC FY22 Total</b>                                     |          |                 |            |                         |                 | 3,729,424        | 745,885          | 2,983,539      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 690 | SOGR     | Kent   | Transit Vehicle Replacement Paratransit Buses KC Program  | 07-22405 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 15,350,000       | 477,020          | 1,908,080      | -                | 474,000          | 1,896,000      | -                | 310,400          | 1,241,600      | -                | 510,000          | 1,651,200      | -                | 173,000          | 452,000        | -                | 720,000          | 2,419,200      |                  |
| 691 | SOGR     | Kent   | <b>Transit Vehicle Replacement Paratransit Buses KC Program Total</b>                           |          |                 |            |                         |                 | 15,350,000       | 477,020          | 1,908,080      | -                | 474,000          | 1,896,000      | -                | 310,400          | 1,241,600      | -                | 510,000          | 1,651,200      | -                | 173,000          | 452,000        | -                | 720,000          | 2,419,200      |                  |
| 692 | SOGR     | Kent   | <b>Transit Vehicle Replacement Paratransit Buses KC Program Total</b>                           |          |                 |            |                         |                 | 347,409,455      | 8,631,790        | 40,119,368     | 23,900           | 2,478,518        | 45,807,065     | 23,900           | 5,260,400        | 43,837,000     | 23,900           | 11,460,000       | 30,246,600     | 23,900           | 4,248,000        | 40,922,400     | 23,900           | 2,345,000        | 9,389,600      | 23,900           |
| 694 | 21       | Sussex | Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.)              | 21-20006 | Road Systems    | Arterials  | Arterials               | PE Total        | 800,000          | -                | -              | -                | 400,000          | -              | -                | 400,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 696 | 21       | Sussex | Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.)              | 21-20006 | Road Systems    | Arterials  | Arterials               | ROW Total       | 1,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | 500,000          | -              | -                | -                | -              |                  |
| 698 | 21       | Sussex | Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.)              | 21-20006 | Road Systems    | Arterials  | Arterials               | C Total         | 7,000,000        | -                | -              | -                | 400,000          | -              | -                | 400,000          | -              | -                | -                | -              | -                | 500,000          | -              | -                | -                | -              |                  |
| 699 | 21       | Sussex | <b>Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.) Total</b> |          |                 |            |                         |                 | 8,800,000        | -                | -              | -                | 400,000          | -              | -                | 400,000          | -              | -                | -                | -              | -                | 500,000          | -              | -                | -                | -              |                  |
| 701 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | PE Total        | 3,794,865        | -                | 220,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 703 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | ROW Total       | 9,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 705 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | C Total         | 29,000,000       | -                | 11,500,000     | -                | -                | -              | -                | 5,000,000        | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 707 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | Utilities Total | 337,917          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 708 | 32       | Sussex | <b>HEP SC, SR 1 and SR 16 Grade Separated Intersection Total</b>                                |          |                 |            |                         |                 | 42,132,782       | -                | 11,720,000     | -                | -                | -              | -                | 5,000,000        | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 710 | 50       | Sussex | North Millsboro Bypass, US 11   |          |                 |            |                         |                 |                  |                  |                |                  |                  |                |                  |                  |                |                  |                  |                |                  |                  |                |                  |                  |                |                  |

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Tax Parcel Numbers:

Prepared By and Return To:  
David C. Hutt, Esquire  
Morris James, LLP  
P.O. Box 690  
Georgetown, DE 19947

**DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND  
RESTRICTIONS FOR VINTNERS RESERVE**

This DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR VINTNERS RESERVE (the "Declaration") is made effective this day of \_\_\_\_\_, 2023 (the "Effective Date"), by \_\_\_\_\_, a \_\_\_\_\_, of \_\_\_\_\_ (hereinafter referred to as the "Declarant").

1. Intent of Submission and Description of Property. Declarant, as holder of legal title to the land herein described, hereby submits certain real property located in \_\_\_\_\_, Sussex County, Delaware, described in Exhibit "A" annexed hereto (hereinafter referred to as the "Land"), to the provisions of the Delaware Uniform Common Interest Unit Ownership Act, 25 *Del. C.* Section 81-101, *et seq.* (hereinafter referred to as the "Act"), in order to create a planned community under the Act with respect to the Land; and to the easements, restrictions, covenants, conditions, liens and charges set forth herein. The Land being submitted with this Declaration is commonly known as \_\_\_\_\_ consisting at this time of the \_\_\_\_\_ building lots designated as Lot Nos. \_\_\_ through \_\_\_ inclusive; the interior streets; and the parcels of real estate identified as Open Space, (open space, stormwater management and amenity area); all as shown and identified on the \_\_\_\_\_ Major Subdivision Plan, prepared by \_\_\_\_\_, dated \_\_\_\_\_, as amended, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware (the "Recorder" or "Recorder's Office") on \_\_\_\_\_ in Plat Book \_\_\_, Page \_\_\_, as may hereafter be amended (the "Record Plan").

The Land is approved for \_\_\_\_\_ building lots, all of which are being submitted to the Act and this Declaration as described above upon recordation of this Declaration with the Recorder's Office.

2. Definitions. The terms used in this Declaration and in the accompanying Bylaws shall have the following meanings:

(a) "Act" means the Delaware Uniform Common Interest Unit Ownership Act, Title 25, *Delaware Code*, Section 81-101, *et seq.*, as amended.

(b) “Architectural Board” or “\_\_\_\_\_ Architectural Board” means the \_\_\_\_\_ Architectural Board, which has jurisdiction over design and development guidelines in the Planned Community pursuant this Declaration.

(c) “Association” means all of the Unit Owners acting as a group in accordance with the Bylaws, which shall be incorporated as “\_\_\_\_\_ PROPERTY OWNERS ASSOCIATION, INC.”, a Delaware non-profit nonstock corporation.

(d) “Buildings” means the residential structures constructed or to be constructed and intended to be used for residential purposes (including leasing of Units for residential purposes) or for any other lawful purpose or for any combination of such uses.

(e) “Bylaws” means such governing regulations as are adopted pursuant to the Act for the regulation and management of the Planned Community, including such amendments thereof as may be adopted from time to time that are recorded with the Recorder’s Office.

(f) “Common Areas” means and includes the definition thereof as set forth in Section 81-103(8) of the Act and as defined in this Declaration Specifically, it includes, the private streets in the Planned Community, the stormwater management ponds, amenity areas, open space, buffer, and entrance, as shown on the Record Plan, and any other real property owned, leased or maintained by the Association for the common use and enjoyment of the Owners, all improvements, subject to any public utility easements now of record or to be given in the future either by the Declarant or the Board for sanitary and storm sewer use, water line, electric, telephone and cable television transmission lines, fuel oil and gas, and sewage lift/pump stations or other similar necessary or desirable utility functions and subject to any conservation easements now of record or to be given in the future either by the Declarant or the Executive Board.

(g) “Common Expenses” means and includes but is not necessarily limited to the following:

(1) All sums lawfully assessed against the Unit Owners by the Executive Board;

(2) Expenses of administration, maintenance, repair of the private streets or roadways and Common Areas within the Planned Community, including repair and replacement reserves as may be established;

(3) Expenses for maintenance of landscaping and provisions for landscaping the Common Areas, and if approved by the Executive Board, the Lawn Area; including, but not limited to, mowing, as determined by the Executive Board;

(4) Expenses agreed upon as Common Expenses by the Unit Owners;

(5) Expenses declared Common Expenses by the provisions of the Act, this Declaration, or the Bylaws;

(6) Premiums for insurance policies required to be purchased by the Executive Board pursuant to the Bylaws; and

(7) All valid charges against the Planned Community as a whole.

(h) “Common Profits” means and includes all revenues over expenses, gains realized from activities or investments over and above expenditures therefor.

(i) “Dealer” means any party who, in the regular course of business, purchases one or more Unit in the Planned Community solely for the purpose of constructing improvements upon such Unit for resale; and by way of illustration and not limitation, shall initially include

\_\_\_\_\_

(j) “Declarant” means \_\_\_\_\_, a \_\_\_\_\_, of \_\_\_\_\_

(k) “Declarant Control Period” “Declarant Control Period” shall mean and refer, pursuant to § 81-303 of the Act, to the period beginning on the date of recordation of this Declaration and ending on the date which is the earlier of (a) sixty (60) days after the date on which seventy-five percent (75%) or more of the proposed Units have been conveyed to Unit Owners other than Declarant or Dealer; (b) two (2) years after Declarant has ceased to offer Units for residential purposes for sale in the ordinary course of business; (c) two (2) years after any right to add new Units for residential purposes was last exercised; (d) at such time as may be required by applicable Laws; or (e) the day Declarant, after giving written notice to the Owners, records an instrument voluntarily surrendering all rights to control activities of the Association.

(l) “Declaration” means this document by which the Declarant submits the Planned Community to the provisions of the Act, and all amendments thereof.

(m) “Easement Agreements” mean, individually and collectively, those certain easement agreements described in Exhibit “C” annexed hereto, and any and all amendments to any of the foregoing Easement Agreements.

(n) “Executive Board” means and includes the definition thereof as set forth in Section 81-103(22) of the Act.

(o) “Land” means the real property more particularly described in Exhibit “A” attached hereto, expressly excepting and excluding the Buildings or other improvements thereon.

(p) “Lawn Area” shall mean and refer to, collectively, (i) any portion of the front, side or rear (if applicable) yard areas of any Unit that contains grass, shrubs, bushes, trees or other planted materials and (ii) the land between the back of the curb adjacent to such Unit and any sidewalk adjacent to such Unit.

(q) “Majority” or “Majority of Unit Owners” means the Unit Owners of more than fifty percent (50%) of the aggregated interest of the Units.



(r) “Managing Agent” means a professional managing agent employed by the Declarant or Executive Board to perform such duties and services as the Declarant or Executive Board shall authorize in conformance with this Declaration and the Bylaws.

(s) “Planned Community” means the Land and the Buildings and all other improvements and structures to be constructed thereon owned in fee simple, and all easements, rights and appurtenances belonging thereto which have been or are intended to be submitted to the provisions of the Act.

(t) “Property” means the Land and the Buildings and all other improvements and structures thereon owned in fee simple, and all easements, rights and appurtenances belonging thereto which have been or are intended to be submitted to the provisions of the Act, and all articles of personal property intended for use in connection therewith.

(u) “Recorded” means that an instrument has been duly entered of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

(v) “Recorder” or “Recorder’s Office” means the Office of the Recorder of Deeds, in and for Sussex County, Delaware, located in Georgetown, Delaware.

(w) “Revocation” means an instrument signed by all the Unit Owners and by all holders of liens against the Units by which the Property is removed from the provisions of the Act.

(x) “Rules and Regulations” means such rules and regulations as may be adopted from time to time by the Declarant or Executive Board in accordance with Section 81-320 of the Act that are deemed necessary for the enjoyment of the Planned Community, provided they are not in conflict with the Act, this Declaration, or the Bylaws.

(y) “Unit” means a legally subdivided lot on the Land established pursuant to the Record Plan improved with or to be improved with \_\_\_\_\_, as further defined by Section 81-103 (48) of the Act.

(z) “Unit Designation” means the number, letter or combination thereof designating a Unit on the Record Plan.

(aa) “Unit Owner” or “Owner” means any natural person, corporation, partnership, association, trust or other legal entity or any combination thereof, which owns title to a Unit including without limitation Declarant or a Dealer, but expressly excluding those having such interest in a Unit merely as security for the performance of an obligation.

3. Name of Planned Community. This Planned Community shall be known as \_\_\_\_\_, or such other name as Declarant shall determine appropriate, in Declarant’s sole subjective and absolute discretion, and it shall be a Planned Community as defined in Section 81-103(33) of the Act.

4. The Association of Unit Owners.

(a) Authority. The Association shall manage the use, maintenance, repair, replacement and modification of the Common Areas. The Association shall be governed by its Bylaws.

(b) Powers.

(1) The Association shall have all of the powers, authority and duties permitted pursuant to Section 81-302 of the Act, including but not limited to those powers necessary and proper to manage the use, maintenance, repair, replacement and modification of the Common Areas.

(2) Any Common Expenses benefitting fewer than all of the Units, including fees for services provided by the Association to occupants of individual Units, must be assessed exclusively against the Units benefitted based on their use and consumption of services, the costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

(3) The Association may assign its future income, including its rights to receive Common Expense assessments, only by the affirmative vote of a Majority of Unit Owners, at a meeting called for that purpose.

(4) The Association may regulate the display of American flags or political signs within the Planned Community to the extent permitted under Section 81-320 of the Act.

(5) The Association may delegate to the \_\_\_\_\_ Architectural Board the power to establish and enforce construction and design criteria and aesthetic standards pursuant to Section 22 of this Declaration in the manner provided in Section 81-320 of the Act, subject to the Special Declarant Rights as defined and reserved herein.

(c) Declarant Control. The Declarant shall have all the powers reserved in Section 81-303(c) of the Act to appoint and remove officers and members of the Executive Board.

(d) Votes and Interests of Unit Owners. The portion of the votes to which each Unit Owner is entitled shall be one (1) vote for each Unit, as further provided in the Bylaws, out of the total number of Units submitted to the Act. Each Unit Owner shall be liable for a fraction of the Common Expenses which fraction is one out of the number of Units submitted to the Act. The maximum number of Units that may be submitted to the Act is \_\_\_\_\_.

5. Annexation Into Other Jurisdictions. All or any portion of the Property may be annexed, at any time and from time to time, within and into any one or more towns, municipalities, villages, cities and the like by Declarant without the consent of any Unit Owner, the Association, or any other Person for a period of twenty (20) years from the date of recordation of this Declaration; provided, however, that if Declarant is delayed in the improvement and development of the Property on account of a sewer, water, or building permit moratorium, or any other similar moratorium, or any other cause or event beyond Declarant's control, then the aforesaid twenty

(20)-year period shall be extended by a period of time equal to the length of the delays or an additional three (3) years, whichever is greater. All or any portion of the Property which may be annexed as provided above shall be subject to all applicable taxes and other fees or assessments that may be imposed or assessed by any such town, municipality, village, city or the like.

6. Common Areas.

(a) Conveyance. The Declarant upon completion of the Record Plan requirements relative to the Common Areas shall convey title to the same to the Association subject to the provisions of this Section 6.

(b) Changes. For so long as Declarant owns any Unit or any interest in the Property, Declarant shall have the right, but not the obligation, to make the following improvements and changes to the Common Areas and to any or all Units or any other property owned by Declarant: (1) installation and maintenance of any improvements in and to any Common Area, (2) installation and maintenance of the whole or parts of any utility system or facility, and (3) installation of security and/or refuse facilities.

(c) Title. Declarant shall have the right, in its sole discretion, at any time and from time to time, to grant and convey to the Association any Common Areas and any other property owned by the Declarant contained within the Planned Community, which Common Areas and other property shall be subject to the lien of taxes not yet due and payable, all covenants, agreements, easements, restrictions, and other instruments of record, utility easements serving or otherwise encumbering the Planned Community, and any exceptions which would be disclosed by an accurate survey or physical inspection of such Common Areas or other property. The Association shall be obligated to accept from Declarant any such grant and conveyance of any such Common Areas or other property.

7. Utilities and Related Facilities. Declarant, or any affiliate of Declarant, may own all or any part of any water mains, water laterals, valves, meter pits and meters, and appurtenances; stormwater drainage culverts, swales, pipes, and appurtenances, including specifically, any siltation and/or retention ponds as required by any federal, state or local agency; irrigation well, distribution lines, sprinkler heads and appurtenances; television cable and its various attendant services, telephone service to include teletype, computer, telex, news service, or computer or any like instrument used in the transmission, reception or retrieval of messages, facts, or information, gas or other utility lines and wires (individually and collectively, the "Utility Systems"), serving the Planned Community. Notwithstanding the foregoing, Declarant, or any such affiliate, owning the Utility Systems, or any part thereof, shall have the right but not the obligation, to make any part or all of the Utility Systems a part of the Common Areas or, at any time and from time to time, grant and convey any part or all of the Utility Systems to the Association, a club, a municipality, public authority, governmental authority, public service district, or private utility operator, any such conveyance being subject to the reservation of an easement right in the same as provided for in Section 12 of this Declaration. The Association shall be obligated to accept from Declarant any such grant and conveyance of any such Utility Systems.

8. Unit Owners' Easements of Enjoyment. Every Unit Owner shall have a non-

exclusive right and easement of enjoyment, in common with others entitled to the use thereof, in and to the Common Areas and such right and easement shall be appurtenant to, and not separable from, a Unit, and shall pass with the title to every Unit subject to the following provisions:

(a) Suspension of Rights. The right of the Declarant or the Association to suspend a Unit Owner's voting rights and right to use any of the Common Areas for a period in which the Unit Owner is in default in the payment of any assessment, fee, penalty, interest or any other charge outstanding. Additionally, such rights may be suspended by notice from the Executive Board for such a period not to exceed ninety (90) days for any single and nonrecurring infraction of the Association's published rules and regulations or breach of or default under any of the covenants or provisions of the Declaration. If any such infraction, breach or default is continuous or recurring, then such rights may be suspended for a period commencing on the date the Unit Owner is given notice of the cause for such suspension and ending not more than ninety (90) days after the date such infraction, breach or default ceases or is remedied;

(b) Utility Rights Included. The Declarant's rights with respect to the Utility Systems (the "Declarant's Utility Rights"), including, but not limited to, those set forth in Section 7 and in Section 12;

(c) Dedication to Public Authority. The right of the Association, subject to the Declarant's Utility Rights, to dedicate or transfer all or any part of the Common Areas to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members of the Association. No such transfer or dedication except for the dedications or transfer of utility easements by the Association or any dedication or transfer made in the exercise of the Declarant's Utility Rights, shall be effective unless approved by more than sixty-seven percent (67%) of the votes entitled to be cast by all of the Unit Owners;

(d) Reservations. The rights and reservations of the parties holding rights under easements.

(e) Other. Other rights of the Declarant set forth in this Declaration.

9. Notice of Agricultural Use. THE PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE OR PRODUCE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THE PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

10. Restrictions Upon Unit Owners' Rights. All titles, leaseholds, and other interests in, and all liens upon, the Planned Community shall be held subject to the following:

(a) Outconveyances. The right of the Declarant and of the Association to dedicate, transfer or convey all or any of the Common Areas, with or without consideration, to any successor association of Unit Owners, governmental body, district, agency or authority, or to any public or private utility.

(b) Easements. Easements and rights-of-way for the benefit of the Declarant and Dealer or any applicable governmental body, district, agency or other authority with regulatory control, authority and jurisdiction through, under, over and across the Common Areas, for the installation, maintenance and inspection of lines and appurtenances for the Utility Systems including but not limited to utilities, signage, wastewater collection, treatment and disposal system, public or private water, storm sewer, drainage, electric, fuel oil, gas and other utilities and services, specifically including any telephone, television, irrigation or lawn-sprinkler systems or facility, and the right of the Declarant to grant and reserve easements and right-of-way through, over and upon and across the Units and/or Common Areas for the completion of the Buildings and other improvements, for the operation and maintenance of the Common Areas, and for the benefit of the Unit Owners.

(c) Parking and Ingress. The right of invitees of the Declarant or any Dealer or a Unit Owner to use any parking lots and other necessary portions of the Common Areas for ingress and egress.

(d) Penalties. The right of the Association to provide penalties and suspend the rights of any Unit Owner for any period during which any assessment remains unpaid and for any infraction of this Declaration, the Bylaws or the Rules and Regulations.

(e) Rules and Regulations. The right of the Declarant and the Association, respectively and from time to time, to establish Rules and Regulations, to fix and collect assessments consistent with the Bylaws, and to fix fees, charges and penalties.

(f) Allocation of Common Expenses. The obligation of the Association to assess Common Expenses benefitting fewer than all of the Units, including fees for services provided by the Association to occupants of individual Units, exclusively against the Units benefitted based on their use and consumption of services; to assess the costs of insurance in proportion to risk; and to assess the costs of utilities in proportion to usage.

11. Additional Structures. Neither the Association nor any Unit Owner or any group of Unit Owners shall, without the prior written approval of Declarant and the Architectural Board, allow or cause any structure or other improvement to be placed in or on the Common Areas.

12. Easements for Declarant and Dealers. During the period that Declarant or any Dealer owns any Common Areas, or owns any Unit primarily for the purpose of sale, Declarant and such Dealer shall have an alienable and transferable right and easement on, over, through, under and across the Common Areas for the purpose of constructing or improving Units, any improvements to the Common Areas, and for installing, maintaining, repairing and replacing such other improvements to the Planned Community (including portions of the Common Areas) as are contemplated by this Declaration; or as Declarant or Dealer, in its absolute and sole discretion,

deems in the best interest of the Planned Community, including without limitation any improvements or changes permitted and described in this Declaration, and for the purpose of doing all things reasonably necessary and proper in connection therewith, provided that in no event shall Declarant or any Dealer have the obligation to do any of the foregoing.

13. Easement for Utilities/Utility Systems. There is hereby reserved for the benefit of Declarant, each Dealer, and the Association the power to grant and accept easements to and from any private or public authority, agency, public service district, public or private utility or other person upon, over, under and across (1) all the Common Areas or (2) any area on any Unit intended for improvement as a single-family dwelling ten feet (10') in width along the interior side of the perimeter boundary lines of the subdivision, and five feet (5') in width along the boundary lines of each Unit for a total easement width of at least ten feet (10') along a lot line common to two (2) Units, for the purpose of installing, replacing, repairing, maintaining and using Utility Systems or drainage. For so long as Declarant or any Dealer owns any portion of the Common Areas or owns any Unit primarily for the purpose of sale, the Association may not grant or accept any such easement without the prior written consent of Declarant and any applicable Dealer. To the extent feasible, all systems, utilities and facilities throughout the Planned Community shall be located underground. All of such easements shall be deemed to include permission (1) to erect and maintain pipes, lines, manholes, pumps and other necessary equipment and facilities, (2) to cut and remove any trees, bushes or shrubbery, (3) to grade, excavate or fill, or (4) to take any other similar action reasonably necessary to provide economical and safe installation, maintenance, repair, replacement and use. This easement shall include a right of ingress reasonably necessary to provide economical and safe installation, maintenance, repair, replacement and use of the irrigation system for each Unit. No building, structure or other permanent obstruction of any kind whatsoever shall be placed on or in the easement described above.

14. Delegation of Unit Owner's Rights. A Unit Owner may delegate to the Unit Owner's family members, tenants, and invitees, in accordance with the Bylaws and the Rules and Regulations and not otherwise, the Unit Owner's respective right to enjoyment of the Common Areas.

15. Access. Each Unit Owner, by accepting title to any Unit, waives all rights of uncontrolled and unlimited access, ingress and egress to and from such Unit, and acknowledges and agrees that such access, ingress and egress of such Unit to and from the streets, sidewalks, walkways, and trails, if applicable, located within the Planned Community may be suspended from time to time and at any time, provided that pedestrian and vehicular access to and from such Unit shall be permitted, in such manner and at such place as shall be determined by Declarant and the Association, at all times, subject to the Rules and Regulations and the terms of this Declaration and the Bylaws.

16. Easements for Association. The Association shall have a general right and easement for the benefit of the Association, its directors, officers, agents and employees, including, but not limited to, any Managing Agent and any employees of such Managing Agent, to enter upon and into any Unit or any portion thereof in the performance of their respective duties. Except in the event of emergencies, this right and easement is to be exercised only during normal business hours and then, whenever practicable, only upon advance notice to the Unit Owner.

17. Maintenance Easement. Subject to the other terms of this Declaration, the Declarant, each Dealer, and the Association shall have the right and easement to enter upon any unimproved portions of any Unit, including without limitation each Lawn Area, for the purpose of mowing, removing, clearing, cutting or pruning underbrush, weeds, stumps or other unsightly growth and removing trash, so as to maintain reasonable standards of health, fire safety and appearance within the Planned Community; provided that such rights and easements shall not impose any duty or obligation upon the Declarant, any Dealer, or the Association to perform any such actions. Furthermore, there is hereby reserved for the benefit of the Declarant, each Dealer, and the Association a right and easement, but not an obligation, to enter upon any unimproved portions of Units located within twenty feet (20') from the water's edge of any pond or other body of water within the Planned Community for the purpose of mowing such area and keeping same clear and free from unsightly growth and trash, as well as for the purpose of maintaining such body of water, such maintenance to include, without limitation, dredging and the maintenance of reasonable water quality standards.

18. Environmental Easement. The Declarant, each Dealer, and the Association shall each have an alienable, transferable and perpetual right and easement on, over and across all unimproved portions of the Common Areas and Units for the purposes of taking any action necessary to effect compliance with environmental rules, regulations and procedures from time to time promulgated or instituted by the Executive Board or by any governmental entity, such right and easement to include, without limitation, the right to implement erosion control procedures and practices, the right to drain standing water, and the right to dispense pesticides.

19. Wells and Effluent. The Declarant or the Association shall have an alienable, transferable and perpetual right and easement to (1) pump water from ponds and other bodies of water located within the Planned Community for the purpose of irrigating any portions of the Planned Community, for fire control, and for any other purposes, and (2) drill, install, locate, maintain, and use wells, pumping stations, water towers, siltation basins and tanks, and related water and sewer treatment facilities and systems within the Common Areas.

20. No Partition. There shall be no judicial partition of the Planned Community or any part thereof, nor shall any person acquiring any interest in the Planned Community or any part thereof seek any such judicial partition unless the Planned Community has been removed from the provisions of this Declaration.

21. Jurisdiction. Notice is hereby given of the restriction that as to any portion of any Unit within the Planned Community which may contain submerged land or other critical areas, all activities on or over and all uses of such land or other critical areas are subject to the jurisdiction of the United States of America or the State of Delaware. A Unit Owner is liable for any damages to, any inappropriate or unpermitted uses of, and any duties or responsibilities concerning any portion of the Unit Owner's respective property which is submerged land, wetlands or other critical area.

22. Architectural Control. Except for Units owned by the Declarant or any Dealer, and subject to any rights reserved pursuant to Section 26 of this Declaration, each Unit shall be

occupied and used subject to the following architectural restrictions and controls:

(a) Authority. The Declarant or Executive Board shall have the authority and standing, on behalf of the Association to enforce in courts of competent jurisdiction decisions of the Architectural Board established in Section 22(b) of this Declaration. This Section may not be amended without the Declarant's written consent so long as the Declarant owns any property within the Planned Community. No alteration, modification or construction, which term shall include within its definition, changing the exterior appearance of any building, wall, fence or other structural improvement, staking, clearing, excavation, grading and other site work or removal of plants, trees or shrubs, shall take place except in strict compliance with this Section, until the requirements thereof have been fully met, and until the approval of the Architectural Board has been obtained.

(b) Architectural Board. The Architectural Board shall prepare and shall promulgate design and development guidelines and application and review procedures, all as part of the Design Standards and Guidelines (the "Standards") and may establish reasonable fees for review of such construction, modification, addition, or other alteration requested by any Unit Owner. The Standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to the location of structures upon property, foundations, size, length, design of structures, driveway and parking requirements and landscaping requirements. Upon request of a Unit Owner, the Architectural Board shall make a copy of the Standards available to such Unit Owner for review. Unless otherwise provided in this Declaration, the guidelines and procedures shall be those of the Declarant or Association and the Architectural Board shall have sole and full authority to prepare and to amend the Standards. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant, and who shall serve until such time as their successors are designated by the Declarant. At such time as Declarant deems appropriate, the Executive Board of the Association shall have the right to appoint a maximum of two (2) additional members to the Architectural Board. At no time shall the Architectural Board have less than three (3) members nor more than five (5) members. Sixty (60) days after seventy- five percent (75%) of all Units within the Planned Community have been developed, improved and conveyed to purchasers in the normal course of development and sale, the Executive Board shall appoint all members of the Architectural Board. The Declarant may, at its option, delegate to the Executive Board, its right to appoint one (1) or more members of the Architectural Board. The Declarant shall retain an absolute veto over any decision by the Architectural Board so long as Declarant or any Dealer owns any Unit, or Common Area within the Planned Community.

(c) Meeting and Decisions of the Architectural Board. The Architectural Board shall establish times, dates and frequency of meetings. A quorum of a simple majority of the members shall be required to review and take action on applications for approval. The Architectural Board shall appoint a secretary who shall prepare minutes of each Architectural Board meeting including all decisions of the Architectural Board. If the Architectural Board fails to approve or deny an application within thirty (30) days of receipt of the complete application by



and payment of fees to the Architectural Board, the party making the submission for approval shall deliver written notice to the Architectural Board of its failure to act, and, if approval is not granted or denied within fifteen (15) days thereafter, the plans and specifications shall be deemed to be denied. It is further specifically provided that if any proposed application for action will affect drainage of stormwater, such application shall include a certification of non-effect of said plans from a professional engineer licensed in the State of Delaware.

(d) No Waiver of Future Approvals. The approval of the Architectural Board of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of such Architectural Board, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specification, drawings, or matter subsequently or additionally submitted for approval or consent.

(e) Variance. The Architectural Board may authorize variances from compliance with any of the provisions of the \_\_\_\_\_ Standards when circumstances such as topography, natural obstructions, hardship or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of the Declaration, or (c) prevent the Architectural Board from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

(f) Review and Control by the \_\_\_\_\_ Architectural Board. No building outside attached shower, fence, wall, deck, patio, bulkhead, retaining wall, swimming pool, basketball hoop/court, tennis court, septic system, parking area, garage, and/or paving for driveways or garages, or other any other structure of any kind, other than those constructed by Declarant or a Dealer, shall be erected, placed or altered nor shall a building permit from Sussex County for such improvement or construction for such improvement be applied for on any improved or unimproved property in the Planned Community until all fees to the Association have been paid and complete sets of building plans and elevations, specifications, and site plan (showing the proposed location of such building, drives and parking areas, etc.) shall have been reviewed and approved in writing by the Architectural Board. The number of plans required shall be established by the Architectural Board with the intention that there shall be at least one (1) complete set of plans and specification for each member of the Architectural Board and one (1) additional set for the Association's files, although the Architectural Board reserves the right to accept digital plans in lieu of paper sets. In reviewing such materials, the Architectural Board shall consider such things as aesthetic appearance, harmony with surrounding improvements, compliance with this Declaration and any additional criteria adopted by the Architectural Board as part of the \_\_\_\_\_ Standards. Approval or disapproval of plans, locations or specifications may be based by the Architectural Board upon any ground incorporated within the \_\_\_\_\_ Standards including purely aesthetic considerations, which in the sole discretion of the Architectural Board, shall be sufficient. No painting, staining, changes in color, finish materials or alteration to the exterior facade of any structure shall be undertaken until approval has been obtained in writing from the Architectural Board. This

provision shall not apply to repainting the same color.

(g) No Liability. Neither Declarant nor any Dealer nor any member of the Architectural Board shall be responsible or liable in any way for any defects in any plans or specifications approved by the Declarant or the Architectural Board, nor for any structural defects in any work done according to such plans and specifications approved by the Declarant or the Architectural Board. Further, neither Declarant nor any member of the Architectural Board shall be liable for damages to anyone submitting plans or specifications for approval under this Section, or to any Unit Owner of property affected by this Declaration by reason of mistake in judgment, negligence, or non-feasance arising out of or in connection with the approval or disapproval of or failure to approve or disapprove of any such plans or specifications. Every person who submits plans or specifications, and every Unit Owner of any Unit agrees, that such Unit Owner will not bring any action or suit against Declarant, any Dealer, or any member of the Architectural Board, to recover for any such damage. No approval of plans, location or specification shall be construed as representing or implying that such plans, specification or standards will, if followed, result in a properly designed residence. Such approvals and standards shall in no event be construed as representing or guaranteeing that any residence or improvement hereto will be built in a good workmanlike manner. The Unit Owner shall have sole responsibility for compliance with approved plans and does hereby hold the Architectural Board and the Declarant harmless for any failure thereof caused by the Unit Owner's architect or builder.

(h) Objectives. Architectural and design review shall be directed towards attaining the following objectives for the Planned Community, and the Declarant or Association may adopt reasonable standards, rules, and regulations deemed necessary or convenient in attaining such objectives:

(1) Preventing excessive or unsightly grading, indiscriminate earth moving or clearing of property, or removal of trees and vegetation which could cause disruption of natural water courses or alter natural or designed land forms.

(2) Ensuring that the location and configuration of structures are visually harmonious with the terrain, with the vegetation of the residential Unit and with surrounding residential Units and structures, and do not unnecessarily block scenic views from existing structures, walks or roads or tend to dominate any general development or natural landscape.

(3) Ensuring that the architectural design of structures and their materials and colors are visually harmonious with the Planned Community's overall appearance, history and cultural heritage, with natural land forms and native vegetation, and with Planned Community plans approved by the Declarant, or by a governmental or public authority, if any, for the areas in which the structures are proposed to be located.

(4) Ensuring that the Planned Community structure, building or landscaping complies with the provisions of this Declaration.

23. Restriction on Alienation of Units. A Unit may not be conveyed pursuant to a time-sharing agreement described in Section 81-103(47) of the Act. A Unit may not be leased or rented for a term of less than fourteen (14) days. Except for Units owned by the Declarant or any Dealer, all leases and rental agreements shall be in writing and subject to the reasonable requirements of the Executive Board.

24. Use Restrictions. In order to protect property values and the community spirit with in \_\_\_\_\_, and to protect the appearance and beauty of the vegetation, topography, or other natural features within the Planned Community, the following controls are hereby established with respect to each Unit except for Units owned by the Declarant or any Dealer:

(a) Residential Use Only. The Unit Owners in the Planned Community acknowledge and recognize the Planned Community is a community planned to achieve the goals and objectives of providing an environment for families to live and enjoy the peace and quiet of an attractive and distinctive residential community. In order to achieve a neighborhood of serenity and peaceful use, the Unit Owners agree and covenant that the homes in the Planned Community shall only be used for single-family residential purposes exclusively. No business activity of any kind, including by example but not limited to, rooming house, boarding house, gift shop, antique shop, professional office or beauty/barber shop or the like or any trade of any kind whatsoever including yard sales, garage sales or the like shall be carried on upon any Unit or in any structure on a Unit; provided, however, that nothing contained herein shall be construed so as to prohibit home offices so long as no stock in trade is kept or commodities sold, there are no employees, patrons, customers or clients and no signs. Nothing herein shall be construed to prevent the Declarant or any Dealer from constructing dwellings to be sold or leased, from showing Units, dwellings or models for the purpose of selling or leasing a Unit or dwelling shown for another or from placing and maintaining signs, structures, storage places, facilities and offices it deems necessary. Nothing herein shall prohibit the Association from authorizing one or more, not to exceed two, community-wide yard sales per year, consistent with any rules and regulations promulgated by the Association.

(b) Fences, Boundary Walls, Boundary Line Hedges and Shrubberies. Fences, boundary walls, boundary line hedges and shrubberies shall only be permitted if the following requirements are met:

(1) Fences, boundary walls, boundary line hedges and shrubberies shall be prohibited within the front yard area of the Units and, shall not be closer to the Unit's front property line than one-half (1/2) of the length of the side property line of the Unit. The height of any such fence or boundary wall along the side of a unit shall not exceed five feet (5'-0"). Material, color, type and style of fence or boundary wall, shall be limited to those which are viewed by the Architectural Board to be aesthetically pleasing when installed in a residential setting. The Architectural Board shall endeavor to maintain consistency in fence and boundary wall design and appearance within the Planned Community.

(2) Prior written approval shall be obtained from the Architectural Board.

(3) Any fence, boundary wall, boundary line hedge or shrubbery along the side or rear of any Unit shall not extend over any Utility System or easement on said Unit and shall be set outside of any drainage swale(s). Any fence or boundary wall shall not exceed five feet (5') in height. The heights or elevations of any fence or wall shall be measured from the existing elevations of the Unit.

(c) Pools, Hot Tubs. No above-ground swimming pools whatsoever shall be erected or allowed to remain in the Planned Community. "Hot tubs", "jacuzzis", in-ground pools and the like along with their related equipment and fences shall be prohibited except when placed in the area at the rear of a dwelling and within lines measured and running in a parallel line from each rear corner of such dwelling to the rear lot lines and only after obtaining prior written approval of the Architectural Board.

(d) Temporary Structures, Vehicles, Boats and Trailers. Except as may otherwise be provided in this Declaration, no structure of a temporary character shall be placed upon any Unit at any time; provided, however, that this prohibition shall not apply to shelters approved by the Declarant or any Dealer and used by a contractor during construction of a dwelling, it being clearly understood that the latter temporary shelters may not, at any time, be used for residence or remain on the Unit after completion of construction. No trailer, mobile home, double-wide, park model trailer, motor home, tent, barn, camper, bus, or other similar vehicle, out-building, structure, boat or trailer shall be placed, kept or parked on any Unit or on any portion of the Common Areas, except (1) as may be stored within the enclosed garage.

(e) Mining and Drilling Prohibition. No oil or natural gas drilling, refining, quarrying or mining operations of any kind shall be permitted upon or in any Unit, and no derrick or other structure designed for use in boring for oil or natural gas shall be stored, erected, maintained or permitted in the Planned Community.

(f) Use and Height Restrictions. No structure shall be erected, placed or permitted to remain on any Unit in excess of three (3) stories in height, and in no instance shall any structure exceed forty-two feet (42') in height above the first-floor finished elevation. There shall be no more than one dwelling per Unit. No dwelling shall be erected or used in any way which is less than One Thousand Five Hundred (1,500) square feet of enclosed floor area exclusive of basements, decks, stairs, porches, breezeways, carports, garages, terraces, and the like.

(g) Setbacks and Building Lines. Each dwelling which shall be erected on any Unit shall be situated on such Unit in accordance with the building and setback lines established by Declarant and authorized by Sussex County zoning regulations and the \_\_\_\_\_, or such other Municipal Administrative body having jurisdiction over the Planned Community. No structure shall be placed on or over any easement on any Unit, and in no case shall a structure be placed within a drainage swale. The applicable Dealer shall determine, at its sole discretion, placement of all dwellings, garages and accessory uses. The Declarant shall have the power and authority to promulgate and publish setback requirements for each Unit. In certain cases, the Declarant or Association may require a Unit Owner to seek a variance from Sussex County, the \_\_\_\_\_, or such other municipal administrative body having jurisdiction over the Planned Community, if applicable, and necessary to protect important trees,

vistas or to preserve aesthetic value.

(h) Restriction on Materials.

(1) All structures constructed or placed on any Unit shall be built of good quality and new material, and no used structures or old structures or parts thereof shall be relocated or placed on any such Unit.

(2) No structures constructed or placed on any Unit shall have an exterior finish of cinder block, grooved plywood, T1-11, or plywood above grade.

(3) All roofing shall be made of asphalt shingles a material similar thereto that has been approved by the Architectural Board (except painted metal accent roofing is allowed if approved by the Architectural Board).

(4) All driveways and parking areas shall be made of hot mix asphalt or such other material as may be approved by the Architectural Board.

(i) Mobile Home Restriction. No mobile home, trailer, doublewide, manufactured, or similar type structure shall be permitted, placed or constructed on any Unit in the Planned Community.

(j) Re-Building Requirement. Any dwelling or out-building on any Unit which may be destroyed in whole or in part by fire, windstorm or any other cause or act of God must be rebuilt and the structure restored to the previous condition or better, within nine (9) months or such shorter period of time as may be reasonable; all debris must be removed within fourteen (14) days.

(k) Elevation and Drainage Changes. Except as a result of the construction of any Building by Declarant or a Dealer, no changes in the elevation, topography or drainage characteristics of the Planned Community shall be made so as to materially affect the surface elevation or natural drainage of surrounding Units and without the prior written approval of the Declarant or Architectural Board. Nor shall any fill be used to extend any property into any state or federal wetlands, to increase the size of a Unit by filling in water it abuts, or to fill in any waterway, wetland or storm drainage area of the Planned Community for any purpose whatsoever.

(l) Tree Removal. The removal of trees, shrubs and other plant material shall be limited to removal of those materials essential for house construction and driveway installation only. The Architectural Board shall further have the authority to require any Unit Owner removing a tree in violation of this clause to replace the same with a tree of the same species or a different species with a caliper of two inches (2") or greater at such Unit Owner's cost and expense.

(m) Clothesline. No clothesline or drying yards shall be located upon any Unit in the Planned Community, nor shall towels, blankets or the like be hung or placed on the front or rear porch, decks, railing or fences or any dwelling or Unit, except with the written permission of the Declarant or Architectural Board. Permission may be granted by the Declarant or Architectural

Board when the clothesline, drying yard, or other exposure of clothesline to the air for drying can be effected behind shrubbery, trellis or another type of screen so as not to be seen from another Unit or Common Area, including, but not limited to, streets or roadways in the Planned Community.

(n) Sewer and Water System. No surface toilets or septic tanks shall be permitted in the Planned Community (other than those utilized by the Declarant or any Dealer). A purchaser of a Unit assumes responsibility for attaching water connections, plumbing fixtures, dishwashers, toilets and sewage disposal system to the central sewer and water systems of the Planned Community.

(o) Garbage/Trash Disposal. Each Unit Owner shall provide garbage and trash receptacles or similar facilities in accordance with reasonable standards established by the Declarant or the Association. All garbage, trash and other refuse shall be kept in tight, enclosed trash receptacles with lids and removed from the Units at reasonably frequent intervals. Such trash receptacles shall be kept in clean, sanitary and enclosed areas within the Unit's garage, hidden from view, excepting that such trash receptacles may be placed temporarily at street/curb side on the regular day of collection or after 5:00 p.m. on the day immediately prior to the day of collection; provided that all such trash receptacles must be removed from the street/curb side and once again hidden from view by 5:00 pm on the day of collection. Each Unit Owner shall take all reasonable steps to prevent such Owner's garbage and refuse from omitting odors that would reasonably annoy any other Unit Owner. The Declarant or Association may from time to time adopt rules and regulations for the sorting of garbage and trash into separate receptacles or other handling according to the nature of the materials or otherwise to aid in recycling or other processes with beneficial impact on the environment. No garbage or trash incinerator shall be permitted. No burning, burying or other disposal of garbage or trash on any Unit or within the Planned Community shall be permitted. The Declarant or Association may from time to time adopt rules and regulations, including designation of the persons and methods, for garbage/trash collections and disposal, and all Unit Owners shall be bound thereby. Unit Owners and the Association shall use professional commercial garbage and trash removal services.

(p) Sign Controls. No signs of any character shall be erected on any Unit, placed in the window of any dwelling or structure located on a Unit, or displayed to the public in any manner on any Unit; provided that after the first two (2) years of the Declarant Control Period that one temporary real estate sign not exceeding twelve inches by eighteen inches (12" x 18") in area may be placed and maintained on the lawn of any Unit in the case of any dwelling placed upon the market for sale or rent. Any such temporary real estate sign shall be removed within five (5) days of the settlement of the sale or rental of such dwelling. This restriction shall not apply to signs used by the Declarant or any Dealer to identify and advertise the subdivision as a whole, nor to Declarant or Dealer's respective signs for selling Units and/or houses. In addition, this restriction shall not apply to For Sale signs which shall be permitted as set forth in the Bylaws and pursuant to any Rules and Regulations adopted by the Executive Board.

(q) Natural Buffer Zone and Wetlands. No Unit Owner and no Unit Owner's family, guests, tenants, agents or employees shall disturb any natural buffer zone or wetlands in any manner and/or for any reason. Unit Owners of Units adjoining and/or including a natural

buffer zone or wetlands shall be responsible for advising their contractor or subcontractors of the natural buffer zone or wetlands and will ensure no encroachment or clearing of said area. If a natural buffer zone or wetlands is disturbed, the Unit Owner responsible shall be required to pay all costs incurred by the Declarant and the Association, including reasonable attorney's fees and costs, as a result of its attempt to restore the area to its natural state.

(r) Exclusion of Above Ground Utilities. All electrical service, wires, pipes, lines, telephone, cable television (CATV) lines and utility services of any type shall be placed in appropriate underground as possible and no outside electrical lines shall be placed overhead. No exposed or exterior radio or television transmission or receiving antenna shall be erected, placed or maintained on any part of the Planned Community except as set forth hereinafter in section 24(dd) and those master facilities approved by the Declarant, provided, however, that the normal service pedestals, etc., used in conjunction with such underground utilities shall be permitted within the Planned Community. Overhead utilities shall be permitted during the construction period and until utility companies can place them underground.

(s) Junk or Disabled Vehicles. No stripped, partially wrecked, unlicensed or invalidly licensed, disabled or junk motor vehicle, or part thereof, shall be permitted to be parked or kept in the Planned Community except as may be stored within the enclosed garage. The following activities are prohibited: vehicle repair, bodywork, oil change, engine maintenance and the like except cleaning and washing Unit Owners' own vehicles; no vehicles shall be maintained on jacks or blocks except temporary usage for emergency tire change.

(t) Perimeter Access. There shall be no access to any Unit on the perimeter of the Planned Community except from designated roads within the Planned Community; provided, however, that Declarant reserves the right to construct and operate temporary construction roads during the construction and development period.

(u) Rentals. The Declarant or Association may from time to time adopt rules and regulations pertaining to the rental of dwellings. Unit Owners of rented dwellings shall be personally liable for the failure of a tenant or any invitee of a tenant to abide by rules and regulations pertaining to the use or occupancy of the Planned Community.

(v) Accessory Structures.

(1) No accessory structure shall be constructed upon any Unit, except an exterior attached shower, mailbox, doghouse, birdhouse, garage, swing set or similar play structure, or basketball/hoop attached to the front of a garage or to a free standing pole or individual flagpole of aluminum, steel or other material that has been approved as to nature, size, location and material in writing by the Architectural Board prior to installation or construction.

(2) All mailboxes shall be as designed and installed by the Declarant or applicable Dealer. Mailbox structures may be found acceptable, by special exception, only if they are uniform and after concise plans for same have been submitted to and reviewed by the \_\_\_\_\_ Architectural Board.

(3) Garages and exterior attached showers shall conform in appearance to the style of the dwelling and shall have the same exterior and roof materials and colors as the dwelling.

(4) No structure except a mailbox and/or flagpole shall be placed closer to the front Unit boundary than the closer of the rear line of the dwelling or of the front line of the garage.

(5) Other than flag pole for the display of the American flag described in Section 4(b), there shall be no more than two (2) flag poles, which shall be no longer than 5' (five feet) in length and must be attached to the front porch or garage.

(6) All accessory structures shall be constructed in accordance with all applicable laws.

(7) The provisions of this Section shall not apply to any accessory structures constructed by Declarant or any Dealer.

(w) Landscaping. Unit Owners are encouraged to provide landscaping for their Units; provided, however, that Declarant reserves the right to reasonably restrict the placement of landscaping, fences or other impediments to the enjoyment of views. No vegetable garden shall be located in the area between the front Unit line and the front of the dwelling. Grasses, lawn growth or weeds shall be limited to a maximum of four inches (4") in height. Declarant reserves the right to enter onto any Unit after notice and an opportunity to maintain landscaping and grass height, and cut any grass, lawn or weeds which continues to exceed four inches (4") in height after said notice, and to assess the cost to the Unit Owner thereof, collected in any manner permitted the by the Declaration or Bylaws for assessments.

(x) Special Hazards. Each Unit Owner accepts and assumes all the risks and hazards of Unit Ownership or occupancy attendant to the Unit Ownership of such Unit Owner's Unit, including but not limited to its proximity to any Common Area or any bodies of water in or near the Planned Community, and agrees hereby to hold the Declarant and each Dealer and the Association harmless and shall indemnify the Declarant or the Association for all losses, costs and expenses, including attorney's fees for all such risks and hazards. Specifically, the Declarant does hereby disclaim any and all liability for any property damage or personal injury resulting from acts, activity or erosion along the bank of all ditches, streams, other bodies of water or watercourses located in the Planned Community.

(y) Traffic Regulations. The Declarant and the Association may from time to time adopt additional rules and regulations pertaining to vehicular and pedestrian traffic in the Planned Community as it or they deem appropriate and necessary.

(z) Alteration of Common Areas. No person shall alter in any way any Common Areas except with the written permission of the Declarant and the Association.



(aa) Easements and Encroachments. No Building or part of a Building, including porches or projections of any kind, shall be erected so as to extend over or across any of the building lines as hereinafter established. Provided, however, if any portion of any Common Area unintentionally encroaches upon a Unit or any part thereof, whether by settlement or otherwise, a valid easement for the encroachment and for the maintenance of same, so long as it stands, shall and does exist. If any portion of improvements to a Unit or Units unintentionally encroaches upon another Unit or any portion thereof, whether by settlement or otherwise, a valid easement for encroachment and for the maintenance of same, so long as it stands, shall and does exist. In the event any improvement or part thereof is partially or totally destroyed and then rebuilt, any encroachment of any Common Area upon a Unit or Units or encroachment of a Unit or Units upon any Common Area or upon an adjoining Unit or Units resulting because of such rebuilding, shall be permitted, and a valid easement shall exist for the maintenance of such encroachments so long as the same stand. Such encroachments and easements shall not be considered or determined to be encumbrances either on any Common Area or any Unit or Units, and no Unit Owner shall be entitled to damages or injunctive relief because of the construction, re-construction or maintenance thereof.

(bb) Pets. No animals, livestock, birds, or fowl shall be kept or maintained on any part of the Planned Community except animals commonly recognized as domestic pets, such as dogs, cats, pet fish and birds, which may be housed on a Unit in reasonable numbers (not to exceed three) as pets for the pleasure and use of the Unit Owner but not for any commercial use or purpose. All animals must be fenced or shall be kept on a lead or leash when they are off the Unit Owner's Unit and must be under the Unit Owner's control at all times. No animal shall become a nuisance to other resident by barking or other acts and the Unit Owner is responsible for removing his or her animal from the property of another. The Unit Owner of any animal is responsible for and liable for any happenstance or accident which may occur in connection with or arising from a loose, uncontrolled or vicious animal. Non-Unit Owners (e.g. renters or lessees) may not keep any pets without the prior written approval of the Unit Owner and any such approval must be filed with the Association.

(cc) Hazardous Materials. No toxic or hazardous substances as defined by environmental law shall be used, disposed, stored or released on any Unit or in the Planned Community except for use with an outdoor grill in a tank holding thirty (30) pounds or less of natural gas or propane.

(dd) Satellite Dishes. Installation of antennas, including satellite dishes, shall be governed by this Section and such other additional reasonable rules and regulations regarding the location and screening of any such items that the Executive Board shall impose from time to time. The Federal Communications Commission (the "FCC") adopted a rule effective October 14, 1996 (the "FCC Rule"), preempting certain restrictions concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (collectively, "Antennas"). The requirements set forth in this Section are generally consistent with the FCC Rule; however, because the FCC Rule is subject to change or modification, the Executive Board reserves the right to amend and modify any requirements governing installation, maintenance, and use of Antennas, which may be more restrictive than as set forth herein and which may, in the discretion of the Executive Board, be applied retroactively. Antennas not

covered by the FCC Rule, including satellite dishes in excess of one (1) meter in diameter, shall not be installed on the exterior portions of any Unit or dwelling without prior written approval as required by Section 22 of this Declaration. Antennas situated entirely within a dwelling, and not visible from the exterior are permitted. Antennas covered by the FCC Rule, including satellite dishes of one (1) meter or less in diameter, are permitted within a Unit, provided such Antennas shall not be visible from the front elevation of the Unit; provided, however, that nothing herein requires installation of such an Antenna in a location from which an acceptable quality signal cannot be received, as certified in writing by a licensed installer or which causes an unreasonable delay or cost increase in such installation.

(ee) Completion of Construction. Once the construction of any building or structure on a Unit by a party other than a Dealer or Declarant has commenced, such construction shall proceed without delay and shall be completed in accordance with the time line established by the Unit Owner and the \_\_\_\_\_ Architectural Board, except where such completion is impossible or would result in great hardship to the Unit Owner or a Dealer due to strikes, fires or national emergencies or natural calamities. Cessation of work, whether such work be construction or demolition work, once started and before completion thereof for a continuous period of sixty (60) days shall be prima facie evidence of an intent to abandon the work in its partially completed or demolished state and shall be deemed to be a public and private nuisance. The Declarant and Architectural Board shall have the power to seek and demand an injunction from the Court of Chancery of the State of Delaware to compel the completion or demolition of the work within sixty (60) days.

25. Members of the Executive Board. The names of the first members of the Executive Board of the Association, to serve until their successors are chosen and qualified pursuant to the Bylaws, are:

- (a)
- (b)
- (c)

26. Special Declarant Rights.

(a) The Declarant reserves the following rights (individually and collectively, the "Special Declarant Rights"), for Declarant and for Dealers; and for other third parties, including, but not limited to any Unit Owner, pursuant to one or more partial and limited non-exclusive assignments by Declarant of any such right or rights that are executed and acknowledged by Declarant and such third parties and recorded in the Recorder's Office:

- (1) The right to complete or make improvements indicated on the Record Plan;
- (2) The right to maintain sales offices, management offices, storage sheds/trailers and model homes on Units or the Common Areas, provided that Declarant or Dealer may relocate any such facility located on a Unit to any other Unit in the Planned Community from time-to-time to the extent described in the following table:

|  | <b>NUMBER</b>        | <b>SIZE</b>                                 | <b>LOCATION</b>   |
|--|----------------------|---|---|
| <b>Model Homes</b>                     | Four per each Dealer | Per home plan prepared by applicable Dealer | On Unit designated by Declarant   |
| <b>Construction Management Offices</b> | One per each Dealer  | Trailer of a size determined by Dealer      | On Unit or on the portions of the Common Area designated by Declarant   |
| <b>Storage Sheds/ Trailers</b>         | Two per each Dealer  | Trailer/shed of a size determined by Dealer | On Unit or on the portions of the Common Area designated by Declarant   |
| <b>Sales Offices</b>                   | One per each Dealer  | Determined by Dealer                        | Within Model Home, or if no Model Home has been constructed by a Dealer, then in a trailer of a size determined by Dealer |

(3) The right to maintain signs in the Planned Community to advertise the Planned Community, including marketing signs for each Dealer on Units and Common Areas as determined by each Dealer;

(4) The right to maintain signs on the Property to advertise the sales of homes as follows: (i) a sign in front of each model home with a size of up to 24 inches by 18 inches, a brochure box and sign on each Unit available for sale with a size of up to 24 inches by 18 inches, and (ii) other signs on Units deemed necessary by Declarant;

(5) The right to conduct sales business and construction activities on the Property or in the Planned Community;

(6) The right to use and to permit others to use, easements through the Common Areas as may reasonably be necessary for the purpose of discharging the Declarant's obligations under the Act and this Declaration;

(7) The right of Declarant to grant and convey one or more conservation easements or other similar agreements on or with respect to portions of the Common Areas in favor of the Sussex County Land Trust or similar non-profit entity or organization to protect and/or preserve environmentally sensitive areas or habitats on such portions of the Common Areas;

(8) The right of Declarant to adopt and establish written guidelines for the size, design, materials, location, duration and other criteria for signs or advertising devices of any

kind or character from time to time (the “Signage/Advertising Guidelines”), including the right to prohibit the right of an Unit Owner other than a Dealer from displaying any “for sale” or similar signage during the first two (2) years of the Declarant Control Period pursuant to § 81-320 (c) of the Act;

(9) The right of Declarant and any Dealer to add to, remove, or otherwise modify or alter the landscaping, trees, and any other physical features or characteristics of any portion of the Property owned by Declarant or a Dealer from time to time, including but not limited to any such property that is adjacent to, in the general vicinity of, or otherwise visible from any Unit Owner’s Unit, including but not limited to changing the location, configuration, size, or other features or characteristics of any Units or Common Areas; and Declarant and each Dealer shall not have any liability, duty or obligation to any such Owner or any third parties as a result of such modifications, including but not limited to any alterations in the physical view from such Unit Owner’s Unit, whether resulting from or attributable to the presence, absence or re-configuration of other dwellings, structures, trees, landscape, amenities, or any other improvements or betterments or any modifications thereto (collectively the “Protected Development Rights”);

(10) The right of Declarant to modify the \_\_\_\_\_ Standards from time to time during the Declarant Control Period. Any such approved modifications shall become effective upon adoption, subject to exceptions and exemptions for existing or pending construction pursuant to the prior \_\_\_\_\_ Standards then in effect when contracts were entered into between (a) Declarant or a Dealer and its third-party homebuyers or (b) an Owner with its construction contractor(s);

(11) The right to appoint or remove any officer of the Association or any members of the Executive Board during the Declarant Control Period;

(12) The right to control any construction, design review, or aesthetic standards committee or process;

(13) The right to attend meetings of the Association and, except to the extent deemed to be an executive session of the Executive Board, pursuant to Section 81-103 (45) of the Act; and

(14) The right of access to the records of the Association to the same extent as a Unit Owner.

(b) Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument signed by Declarant, any Special Declarant Rights may be exercised by Declarant or any assignee thereof as evidenced by a written assignment recorded in the Recorder’s Office for the period from the date of this Declaration through the date thirty (30) years thereafter.

27. Units Subject to Declaration, Bylaws, Record Plan, Reservation and Declaration of Easements, Licenses and Agreements, and Rules and Regulations. All present and future Unit Owners, lessees, mortgagees, tenants and occupants of Units shall be subject to and shall comply with the provisions of the following: this Declaration, the Bylaws, the Record Plan, and any Rules

and Regulations for the Planned Community (individually and collectively, the “Governing Documents”). The acceptance of a deed of conveyance or other transfer documents or the entering into of a lease or the entering into occupancy of any Unit shall constitute an agreement that the provisions of the Governing Documents are accepted and ratified by such Unit Owner, tenant or occupant, and all of such provisions shall be deemed and taken to be enforceable equitable servitudes and covenants running with the Land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited at length in each and every such document.

28. Enforcement. The Declarant, the Association, and any Unit Owner shall have the right to enforce, by any proceedings at law or in equity, all of the restrictions, conditions, covenants, easements, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Declarant, the Association, or any Unit Owner to enforce any covenant or restriction herein contained shall in no event be deemed as a waiver of the right to do so thereafter. The Declarant and the Association shall have the right to adopt reasonable rules and regulations for enforcing the provisions hereof or any other rule or regulation, including the right to set and collect fines which shall be liens against Units.

29. Severability. Invalidation of any covenants or restrictions or any term, phrase or clause of this Declaration by the adjudication of any court or tribunal shall in no way affect the other provisions hereof which are hereby declared to be severable and which shall remain in full force and effect.

30. Assignment and Delegation. The Declarant shall have the right to assign to any one (1) or more persons, firms, corporations, partnerships or associations, any and all rights, powers, titles, easements and estates reserved or given to the Declarant in this Declaration. Further, the Declarant reserves the right to convey, assign or delegate to the Association, and the Association shall accept, any or all of the Declarant’s rights and obligations set forth in this Declaration.

31. Irrevocable Power of Attorney. Notwithstanding any provision to the contrary contained in this Declaration or the Bylaws, Declarant hereby reserves for itself, its successors, transferees and assigns, for a period of twenty (20) years from the date the first Unit is conveyed to an Unit Owner that is not the Declarant, or until it conveys title to all of the Units whichever occurs first, the right to execute on behalf of the Association and all contract purchasers, Unit Owners, mortgage holders, mortgagees, and other lien holders or parties claiming a legal or equitable interest in any portion of the Property, including without limitations, any Unit or the Common Areas, any agreements, documents, amendments or supplements to this Declaration and the Bylaws which may be required by FNMA, FHA, VA, FHLMC, GNMA, Sussex County, Delaware, any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Association, Common Areas, Property, any Unit, any public or private utility company designated by Declarant, any institutional lender or title insurance company designated by Declarant, or as may be required to comply with the federal Fair Housing Act, or to comply with other applicable laws or to correct any typographical or clerical errors or correct any ambiguity in the text of this Declaration or the Bylaws; together with any and all other documents, instruments or agreements, including by way of illustration and not limitation; deeds, transfer tax

affidavits, agreements, closing statements, with respect to any of the rights, title and authorizations, and acts reserved by or provided to Declarant under this Declaration or the Bylaws; or as otherwise expressly reserved by or granted to Declarant hereunder.

(a) By acceptance of a deed to any Unit or by the acceptance of any other legal or equitable interest in any portion of the Property, including without limitations, the Units or Common Areas, each and every such contract purchaser, Unit Owner, mortgage holder, mortgagee or other lien holder or party having a legal or equitable interest in any portion of the Property, including without limitations, any Unit or the Common Areas does automatically and irrevocably name, constitute, appoint and confirm Declarant, its successors, transferees and assigns, as attorney-in-fact for the purpose of executing any and all such agreement, document, amendment, supplement and other instrument(s) necessary to effect the foregoing rights, duties and obligations subject to the limitations set forth herein.

(b) No such agreement, document, amendment, supplement or other instrument that adversely affects the value of a Unit, or substantially increases the financial obligations of an Unit Owner, or reserves any additional or special privileges for Declarant not previously reserved, shall be made without the prior written consent of the affected Unit Owner(s) and all mortgagees of any mortgage encumbering the Units owned by the affected Unit Owner(s). Any such agreement, document, amendment, supplement or instrument which adversely affects the priority or validity of any mortgage that encumbers any Unit or the Common Areas shall not be made without the prior written consent of all such mortgagees.

(c) The power of attorney aforesaid is expressly declared and acknowledged to be coupled with an interest in the subject matter hereof and the same shall run with the title to the Property, including, without limitations, each Unit and the Common Areas, shall be binding upon the heirs, personal representatives, successors, transferees and assigns of any of the foregoing parties. Further, said power of attorney shall not be affected by the death or disability of any principal and is intended to deliver all right, title and interest of the principal in and to said power of attorney. Said power of attorney shall be vested in Declarant, its successors, transferees and assigns for a period of twenty (20) years from the date the first Unit is conveyed to an Unit Owner that is not Declarant, or until Declarant conveys title to the last Unit, whichever occurs first. Each Unit Owner covenants and agrees to execute and deliver to Declarant an irrevocable power of attorney coupled with an interest in form and content consistent with this Section to be recorded in the Recorder's Office at the Unit Owner's sole cost which shall run with and bind the Unit for a period of twenty (20) years as specified above.

(d) To accomplish the foregoing, each Unit Owner covenants and agrees, by acceptance of a deed to its Unit, to execute, acknowledge and deliver an Irrevocable Power of Attorney Coupled with an Interest substantially in the form and content of Exhibit "B" attached hereto and made a part hereof (the "POA") to supplement (and not in place of) the foregoing POA; provided, however, in the event any Unit Owner neglects or fails to execute and deliver such POA, then by acceptance of, together with the recordation of a deed to its Unit, each Unit Owner has affirmatively acknowledged and granted to Declarant the foregoing POA, which shall be deemed to have been incorporated in and made a part of such deed.

32. Duration and Amendments.

(a) Amendment. The Association or its successors, by and with the vote or written consent of sixty-seven percent (67%) of the then Unit Owners, shall have the power to waive, abandon, terminate, modify, alter, change, amend, eliminate or add to these restrictions and this Declaration at any time hereafter. Any such waiver, abandonment, termination, modification, alteration, change, amendment, elimination, or additions shall take effect when a copy thereof, executed and acknowledged by the Association or its successors in accord with the usual form of execution and acknowledgment of deeds, together with the written consents of the requisite number of Unit Owners or by a certificate by the Association verified under oath by the President thereof, or in the case of his/her absence or inability, by any Vice President thereof, setting forth the time, manner and result of the taking of the vote of the members, have been filed for record with the Recorder, and the same shall thereafter remain in effect in perpetuity unless otherwise provided. Notwithstanding the foregoing, such vote or consent shall not be required for amendments by the Executive Board in accordance with Section 81-217(i) of the Act, or by the Declarant in accordance with sections 81-217(k) and (1) of the Act. Notwithstanding the foregoing, provisions in this Declaration creating Special Declarant Rights which have not expired may not be amended without the consent of the Declarant. Furthermore, during the period that Declarant owns any Common Areas, or any Unit primarily for the purpose of sale, no waiver, abandonment, termination, modification, alteration, change, amendment, elimination, or additions to this Declaration shall take effect without the consent of the Declarant.

(b) Effectiveness of Amendments. Any amendment made pursuant to this Section shall be effective only upon recordation or at such alternate date as shall be specified in the amendment. Every Unit Owner or occupant, by accepting a conveyance or occupancy of a Unit shall be deemed to have agreed to be bound by such amendments as are permitted hereby, and to agree further that, if requested to do so by Declarant, such will consent to the amendment of this Declaration or any other instruments relating to the Planned Community.

(c) Power of Attorney. Declarant is hereby granted an irrevocable power of attorney coupled with an interest to amend this Declaration as provided in this Section and to take all other action convenient or necessary to give effect to any or all of the rights reserved to Declarant in this Declaration. Every party accepting an interest in any part of the Property, whether it be title, a lien, or any other interest, and whether it be transferred by a deed, a mortgage, a judgment, a last will and testament, or otherwise, shall thereby specifically accept the reservation of Declarant's rights as provided in this Declaration, and shall also thereby grant to Declarant this irrevocable power of attorney coupled with an interest. The Declarant may require that a party accepting any such interest in the Property shall execute a separate and written power of attorney coupled with an interest in the form set forth in the attached Exhibit "B" and record it in the Office of the Recorder of Deeds of Sussex County, Delaware. However, the power of attorney coupled with an interest provided by this paragraph shall be deemed fully granted to Declarant when any such interest is acquired, whether or not such separate and written power of attorney coupled with an interest is executed and recorded.

33. Dedication of Common Areas. Except as may otherwise be provided in this Declaration, every road, body of water, Common Area, Utility System, and other amenity within the Planned Community is private, and neither the Declarant's recording of any instrument or plan,

or any other act of the Declarant with respect to the Property is, or is intended to be, or shall be construed to be, a dedication to the public of any part of the Planned Community except as may otherwise be provided herein. The use and enjoyment of every part of the Planned Community is reserved to the Declarant; to those who, from time to time, are a Unit Owner; and to the invitees thereof. Such use shall be subject to such rules and regulations as may be prescribed by the Declarant or the Association, as the case may be.

34. Time is of the Essence. It is agreed that time is of the essence with regard to the provisions of this Declaration.

35. Remedies for Violation of Restrictions. Except as may otherwise be provided in this Declaration, in the event of a violation or breach of any of these restrictions by an Unit Owner or agent of an Unit Owner, by an occupant or agent of an occupant, or by another party, then the Unit Owners of Units in the Planned Community, the Declarant and the Association, or any of them, jointly or severally, shall have the right to proceed at law or in equity to compel compliance therewith, or to prevent the violation or breach thereof. In addition to the foregoing, the Declarant and the Association shall have the right, whenever any improvement or structure is built or placed in violation of this Declaration, to enter upon the property where such violation exists, and summarily abate or remove the same at the expense of the Unit Owner, if after thirty (30) days written notice of such violation, it shall not have been corrected by the Unit Owner. The Association is hereby granted a perpetual easement across each Unit for the purpose of enforcing its right under this Section, and no such entry and abatement or removal shall be deemed a trespass. The Association may also maintain such watchmen and erect, maintain and control, at its discretion, such gate houses, or adopt at its discretion other measures to enforce the rights mentioned in this Declaration, and such watchmen or gate houses shall not constitute the creation or maintenance of a nuisance or obstruction nor constitute any limitation or annulment of the grant of free and uninterrupted use of the Common Areas, including streets and roadways, of Unit Owners. The failure to enforce any rights, reservation, restriction or condition contained in this Declaration, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. Should any person employ counsel to enforce any of the foregoing covenants, conditions, reservations or restrictions, because of a breach of the same, all costs incurred in such enforcement, including a reasonable fee for counsel, shall be paid by the Unit Owner of such Unit or Units in breach thereof. The Declarant shall not in any way or manner be liable or responsible for any violation of these restrictions by any person other than itself.

36. Internal Resolution of Complaints. The Association shall follow the procedures outlined in the Bylaws regarding complaints (the "Internal Complaint Procedure"):

(a) An Owner or other interested person may present a common interest community complaint to the Association (a "CIC Complaint"). The Association may present a CIC Complaint to an Owner or other interested person. Whoever presents a CIC Complaint is the "Complainant." Whoever the CIC Complaint seeks a response from is the "Respondent." An Owner shall not be charged a fee to participate in the Internal Complaint Procedure, unless the Association determines the process is being abused.



(b) The CIC Complaint shall be on the CIC Complaint Form attached to this Declaration as Exhibit “D,” or be substantially similar to the CIC Complaint Form. The Association shall provide a copy of the form to the Owner upon request, or otherwise make the form generally available.

(c) The Complainant shall deliver the completed CIC Complaint, including all required supporting information to the Respondent as set forth herein. The Respondent shall mark on the CIC Form the date the CIC Complaint is received, and shall mark the date of receipt on copies of the CIC Form if requested by the Complainant. For the purposes of the Internal Complaint Procedure a party makes “delivery” in one of the following ways;

(1) hand delivery by or to an Owner to the current address, in person, or by services such as FedEx, UPS or other delivery service that creates a record of delivery; or

(2) registered or certified mail, return receipt requested; or USPS “delivery confirmation,” at the address provided by the Association or the Owner.

If an Owner delivers a CIC Complaint to the Association, the Association shall participate in this internal dispute resolution procedure.

(d) The Respondent shall deliver written acknowledgment of receipt of a CIC Complaint within fourteen (14) days of receipt by any of the means described in this Section 36.

(e) Any specific documentation required in support of the CIC Complaint must be delivered with the CIC Complaint, and must be described in the CIC Complaint. This documentation may include:

(1) the Declaration;

(2) the Bylaws;

(3) any Rules and Regulations of the Association;

(4) any other governing document of the Association;

and, if needed for the issue in dispute:

(5) notice letters, correspondence;

(6) bills;

(7) checks;

(8) photographs; and

(9) any other document or evidence that supports the CIC Complaint, or is relevant to the matter complained about.

The Association will make available a copy of the governing documents to an Owner upon request, including the Certificate of Incorporation, Declaration, Bylaws, Rules and Regulations, all as amended from time to time, or any other documents creating or governing the Association and other relevant books and records of the Association. If the Complainant relies upon any law or regulation applicable to the CIC Complaint, they shall provide that information, and describe the desired action or resolution in the CIC Complaint.

(f) A party to a CIC Complaint may submit a written request to the other party, to meet and confer in an effort to resolve the CIC Complaint. If the Association is the Respondent, the Executive Board shall promptly designate a member of the Executive Board to meet and confer. The parties shall meet promptly at a mutually convenient time and place, informally explain their positions to each other; and confer in good faith in an effort to resolve the CIC Complaint. A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the Executive Board's designee on behalf of the Association. The agreement binds the parties and is judicially enforceable if it is signed by the parties; is not in conflict with law or the governing documents of the Association; and is either consistent with the authority granted by the Executive Board to its designee or the agreement is ratified by the Executive Board.

(g) If the CIC Complaint is not resolved through the "meet and confer" in Section 36(f) above or requires additional information, the Respondent, if it is the Association, shall review the CIC Complaint at the next Association meeting, and within ten (10) days thereafter, make a reasonable, efficient, and timely request for any additional information that is necessary for the Owner to provide in order to continue processing the CIC Complaint. An Owner who is a Respondent may request additional information within twenty (20) days of receipt of the CIC Complaint.

(h) The Respondent will provide the requested information, if any, within ten (10) days of the request, unless there are unforeseen circumstances. If there are unforeseen circumstances the Respondent must notify the Complainant when the information will be provided.

(i) The Respondent shall respond to and act upon the CIC Complaint within twenty (20) days after the Complainant provides the information requested, or the time expires.

(j) The Association shall notify the Owner a reasonable time before, of the date, time, and location at which the Association will consider the CIC Complaint. For purposes of this paragraph, "reasonable time" means not less than seven (7) days prior to the date for consideration of the CIC Complaint or at a convenient time for both the Association and the Owner. The Association will deliver notice of the date, time, and location for consideration of the CIC Complaint to the Owner by the delivery means described in this Section 36.

(k) The Association shall permit the Owner a full opportunity to explain the Owner's position and evidence, and to question witnesses, Association members, employees or representatives. The Association may ask the Owner questions, and question others.

(l) Each party shall treat the other with dignity, respect and civility. Neither party need tolerate rudeness, name calling, or disrespect. Either party may call a ten (10) minute recess in the meeting for this reason.

(m) No later than fourteen (14) business days after consideration of the CIC Complaint, the Association shall make its final determination of the CIC Complaint in writing. The Association shall deliver written notice of the final determination to the Owner.

(n) The notice of final determination shall be dated with the date of issuance and include:

(1) the written final determination with an explanation of the decision;

(2) specific quotation of the Associations declaration, bylaws, rules or other governing documents, or

(3) a reference to an applicable law or, regulation or rule that led to the final determination of the Association;

(4) any supporting documents, correspondence, and other materials related to the final decision;

that led to the final determination, as well as:

(5) the registration number for the Association, if any; and

(6) the name and license number of the community manager, if any.

(o) The notice of final determination shall inform the Owner of the right to submit the Association's final determination to the Delaware Department of Justice's Office of the Ombudsperson for the Common Interest Community in substantially the following form:

You have the right to file a notice of final adverse determination with the Common Interest Community Ombudsperson in accordance with 29 *Del. C.* §2544 (9), (10).

The notice to the Ombudsperson:

- must be filed within (30) days of the date of the final adverse decision;
- must be in writing on a "Contact/Complaint" form provided by the Office of the Common Interest Community Ombudsperson ("Ombudsperson") (available at the website of the Ombudsperson or by calling the number below);
- must include copies of any Required Information listed in the Contact/Complaint form and supporting documents, correspondence and other materials related to the decision; and

- must be accompanied by a thirty-five dollar (\$35) filing fee (unless waived by the Ombudsperson for good cause).

You may contact the Office of the Ombudsperson at any of the following:

Delaware Department of Justice  
Office of the Common Interest Community Ombudsperson  
820 N. French Street  
Wilmington, DE 19801  
Telephone: (302) 577-8400  
Email: Common.Interest.Community.Ombudsperson@state.de.us.

37. Rule Against Perpetuities. In the event that any of the provisions hereof are declared void by a court of competent jurisdiction by reason of the period of time herein stated for which the same shall be effective, then in that event such term shall be reduced to a period of time which shall not violate the rule against perpetuities or any other law of the State of Delaware, and such provision shall be fully effective for said reduced period of time.

38. Utility Contracts Notice. The Declarant has or will negotiate and enter into contracts with such utility company, or companies, or governmental agencies, as Declarant may deem appropriate for the purpose of supplying utilities to said subdivision, including, but not necessarily limited to telephone service, water, sewer, cable television, gas and any other utility which is deemed desirable by the Declarant, on behalf of the individual Unit Owners and residents of the Planned Community and the Association. The individual Unit Owners and residents of the Planned Community and the Association shall be bound by such contracts and shall pay all such fees, assessments, charges, rates, or tariffs required by such contracts.

39. Waiver. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

40. Gender. The use of the masculine gender in this Declaration shall be deemed to refer to the feminine gender and the neuter gender and the use of the singular shall be deemed to refer to the plural, and vice versa, whenever the context so requires.

41. Run With the Land: Successors and Assigns. This Declaration shall run with the real property submitted to this Declaration and which shall be binding upon all parties having any right, title, lien or other interest in the Land or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each Unit Owner thereof Whenever Declarant is referred to herein, such reference shall also refer to its successors and assigns.

42. Notices. Notices required pursuant to this Declaration shall be given in accordance with Section 81-127 of the Act.

IN WITNESS WHEREOF, \_\_\_\_\_, a Delaware limited liability company, has caused these presents to be signed this \_\_\_\_ day of \_\_\_\_\_, 2020.

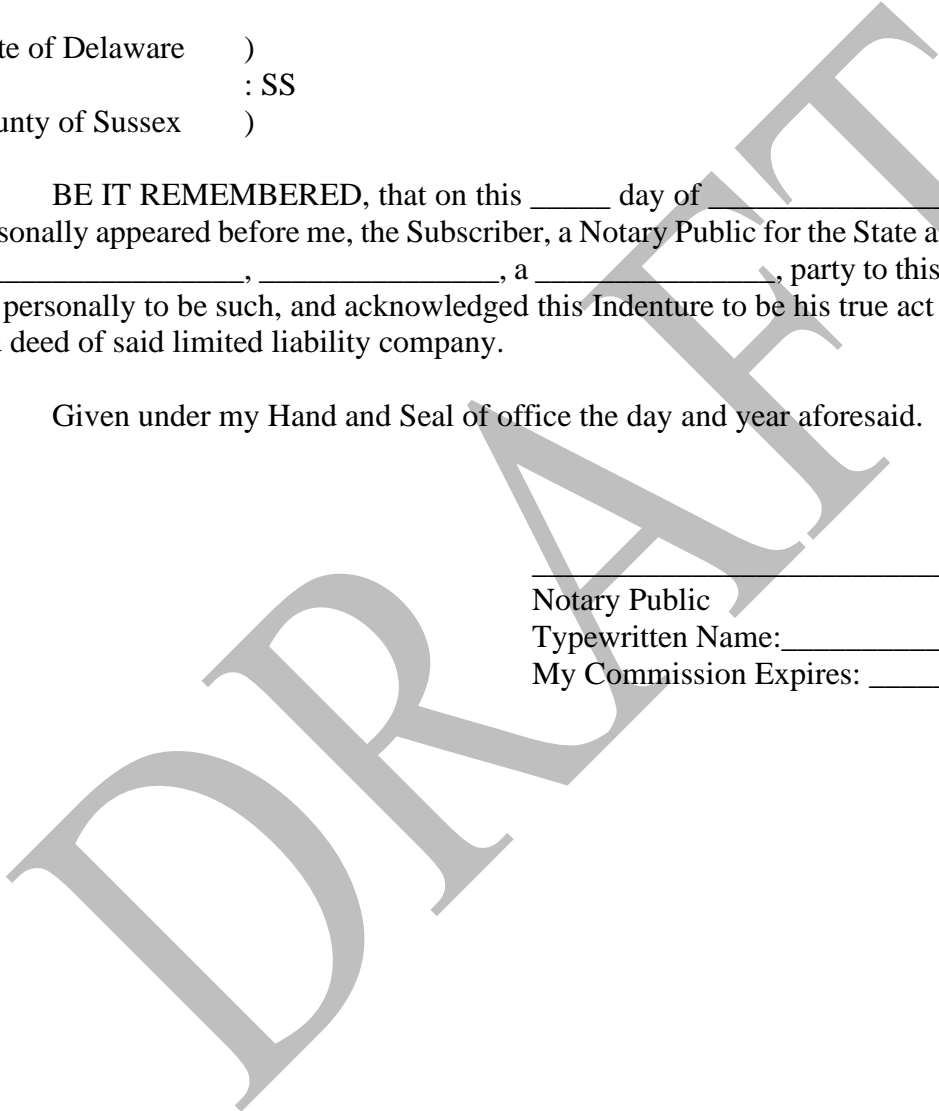
\_\_\_\_\_  
By: \_\_\_\_\_

State of Delaware     )  
                                  : SS  
County of Sussex     )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, A.D. 2022, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, \_\_\_\_\_, \_\_\_\_\_, a \_\_\_\_\_, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his true act and deed and the act and deed of said limited liability company.

Given under my Hand and Seal of office the day and year aforesaid.

\_\_\_\_\_  
Notary Public  
Typewritten Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



P

**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: **Davis, Bowen & Friedel**

Date: 7/13/2021

Reviewed by: **Chris Calio**

Agreement #: **1178**

Project Name: **Ritter Farm**

Tax Map & Parcel(s): **334-5.00-153.00**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **250**

Pump Station(s) Impacted: **PS 207 & PS 210**

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **MH 834**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage): **N/A**

Current Zoning: **AR-1** Zoning Proposed: **AR-1**

Acreage: **61.39**



**Additional Information: The storage area is currently zoned C-1 with the remaining lands zoned AR-1. I have based the EDU number on the AR-1 zoning with 5 EDU's included for amenities.**

**\* No capacity is guaranteed until System Connection Fees are paid**

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher





December 23, 2022

Davis, Bowen, & Friedel, Inc.  
Attn: Ring Lardner  
1 Park Ave.  
Milford, DE 19963

**RE: Willing & Able Letter – Vintners Reserve**

Dear Mr. Lardner:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No.334-5.00-153.02. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in black ink that reads "Kelly R. Bailey". The signature is written in a cursive style and is contained within a white rectangular box.

Kelly Bailey  
Manager of Contract Administration



A PHI Company

---

Millsboro District Office

Telephone: (302) 934-3357  
Fax: (302) 934-3306

700 E. Dupont Hwy.  
Millsboro, De 19966

July 26, 2021

Davis, Bowen & Friedel, Inc  
Attn: Janet M. Lardner  
1 Park Ave. Milford, DE 19963

Re: AAA Storage - Ritter Farm, Tax Map 334-5.00-153.00

Dear Henlopen Properties:

This is to confirm that Delmarva Power is the electric service provider and has electric service in the vicinity of the above mentioned parcel in Lewes, De.

Depending upon the nature of electric service requested, facilities may have to be extended or increased from our present facilities into the parcel. This increase could be at customer expense.

Once an "Application for Electrical Service" has been received, along with load information, engineering can commence and exact details of how the load will be supplied can be developed.

Please contact me at 302-934-3351 if I can be of any further assistance.

Sincerely,

*Brett Jones*

Brett Jones  
Engineering Fieldman  
Millsboro District



July 19, 2021

Janet Lardner  
Davis, Bowen & Friedel, Inc.  
1 Park Avenue  
Milford, DE 19963

Re: Natural Gas Service / AAA Storage -Ritter Farm / Tax Parcel ID: 334-5.00-153.00/ SR 1 /  
Rehoboth Beach, DE

Mrs. Lardner:

Chesapeake Utilities has existing natural gas infrastructure located along Rte 9/ Lewes Georgetown Highway and SR 1 & Jingle Shell Way. Both gas main locations are in close proximity to the AAA-Ritter farm single family residential project on SR1 in Rehoboth Beach, DE Tax Parcel ID: 334-5.00-153.00.

Prior to the execution of a final Natural Gas Agreement, Chesapeake Utilities is required to complete an engineering design, construction estimate and overall economic analysis to ensure the feasibility and ROI of the project's overall infrastructure build-out.

Upon execution of the Natural Gas Agreement, Chesapeake Utilities will move forward with final internal approvals and begin the scheduling of construction to extend gas service to the project.

Please feel free to reach me with any questions and I look forward to working with you.

Respectfully,

A handwritten signature in blue ink that reads "Kelley".

Kelley Gabbard  
Chesapeake Utilities  
Natural Gas Sales  
500 Energy Lane  
Dover, DE 19901



October 29, 2021

Attention:  
Davis, Bowen & Friedel, Inc  
1 Park Ave  
Milford, DE 19963

RE: Letter of availability:  
Property currently known as Ritter Farm/ Subject to change with name of Development  
32172 Janice Road  
Lewes, DE 19958  
Tax Map 334-5.00-153.00

Davis, Bowen & Friedel, Inc:

This correspondence is to certify that Xfinity cable, internet, & phone services are available or can be made available to the property described above in sufficient capacity to service a residential development located at , Property currently known as Ritter Farm/ Subject to change with name of Development, 32172 Janice Road Lewes, DE 19958 - Tax Map 334-5.00-153.00

In order for Comcast to provide service to any single family, mixed-use or commercial buildings, Comcast will need to have an Installation and Services Agreement (residential) and/or a Right-of-Entry/Access Agreement (commercial) executed in order to define the responsibilities of the agreeing parties and to begin construction.

Should you have any questions or need more information, I can be contacted at (410) 241-3703 or at [Richard\\_Kerfoot@comcast.com](mailto:Richard_Kerfoot@comcast.com). Thank you.  
Sincerely,

***Rick Kerfoot***

Rick Kerfoot  
Construction Supervisor  
6465 Hobbs Rd.  
Salisbury, MD 21804

Verizon Delaware LLC  
Outside Plant Engineering  
2 S. Industrial Lane  
Milford, Delaware 19963



November 14, 2017

Henlopen Properties  
C/O Davis, Bowen, and & Friedel, Inc.  
1 Park Ave  
Milford, De 19963

Project: AAA Storage - Ritter Farm

To Henlopen Properties:

In reference to the above-mentioned Development, Ritter Farm, and subject to applicable laws, franchises, regulations and tariffs, Verizon, Delaware Inc. will supply communication service at the Development if we receive the proper information, easements and payments needed such as:

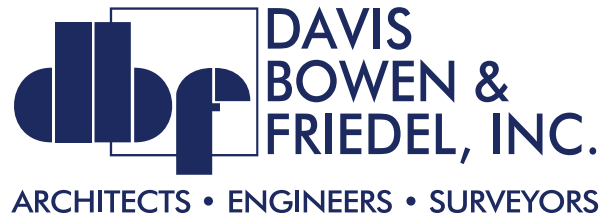
1. One full set of paper development plans at no cost to Verizon.
2. Mailing addresses for each building when they become available to start to establish the 911 database.
3. Documentation granting all required rights-of-way and easements at no cost to Verizon.
4. Where applicable, payment in full of required advance construction payment based on estimated costs. The actual cost to you will depend on such factors as lot size, the proximity of existing feeder facilities, the existing feeder capacity, terrain and other environmental conditions (e.g., railroads, waterways). Please contact Verizon if you require a more precise estimate of construction costs for the Development.

Additionally, circumstances not currently known to Verizon may hinder or impede the installation of communication services and Verizon reserves the right to react to such circumstances in its discretion. Should you need any additional information, please do not hesitate to contact me.

Sincerely,  
Verizon

*Lee Clausen*

Lee Clausen  
Verizon Network Engineer



*IMPROVING OUR COMMUNITIES.  
SHAPING THE WORLD AROUND US.  
**CREATING VALUE BY DESIGN.***

1 Park Avenue  
Milford, DE 19963  
(302) 424-1441

601 East Main Street, Suite 100  
Salisbury, MD 21804  
(410) 543-9091

106 Washington Street, Suite 103  
Easton, MD 21601  
(410) 770-4744

[www.dbfinc.com](http://www.dbfinc.com)

## Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS** - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): \_\_\_\_\_

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: Ritter Farm

2. Location ( please be specific): 32172 Janice Rd., Lewes, DE 19958

3. Parcel Identification #: 3-34-5.00-153.00

4. County or Local Jurisdiction Name: where project is located: Sussex

5. If contiguous to a municipality, are you seeking annexation:

6. Owner's Name: AAA Storage Limited Partnership

Address: 22114 Ritter Ln.

City: Harbeson

State: DE

Zip: 19951

Phone:

Fax:

Email:

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): Janice CRP3 LLC

Address: 4750 Owings Mill Blvd.

City: Owings Mill

State: MD

Zip: 21117

Phone:

Fax:

Email: Jhoffman@chesapeakepartners.com

8. Project Designer/Engineer: Davis, Bowen and Friedel, Inc. Ring W. Lardner, P.E.

Address: 1 Park Avenue

City: Milford

State: DE

Zip: 19963

Phone: 302-424-1441

Fax:

Email: rwl@dbfinc.com

9. Please Designate a Contact Person, including phone number, for this Project: Ring W. Lardner, P.E.

|   |  |
|---|--|
| <b>Information Regarding Site:</b>  |  |
| 10. Type of Review: <input type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review<br><input type="checkbox"/> Subdivision   |  |
| 11. Brief Explanation of Project being reviewed: The intent of the project is to keep the storage units and billboard and develop the rest as residential.<br>If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. The property was recently reviewed as part of a comprehensive plan change.   |  |
| 12. Area of Project (Acres +/-):  | Number of Residential Units:                      Commercial square footage: |
| 13. Present Zoning:   | 14. Proposed Zoning:   |
| 15. Present Use:  | 16. Proposed Use:  |
| 17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility)<br>Service Provider Name:<br><br>Will a new public well be located on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| 18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility)<br>Service Provider Name:<br><br>Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| 19. If residential, describe style and market segment you plan to target (Example- Age restricted):   |  |
| 20. Environmental impacts:<br><br>How many forested acres are presently on-site?                      How many forested acres will be removed?<br><br>To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>Are the wetlands: <input type="checkbox"/> Tidal            Acres:<br><input type="checkbox"/> Non-tidal            Acres:<br><br>If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes", describe the impacts:<br><br>How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? _____ |  |
| 21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |
| 22. List the proposed method(s) of stormwater management for the site:  |  |
| 23. Is open space proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes," how much?                      Acres:<br><br>What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?  |  |
| 24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |



25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season:

What percentage of those trips will be trucks, excluding vans and pick-up trucks?

26. Will the project connect to state maintained roads?  Yes  No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No  
Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: \_\_\_\_\_ phone number: \_\_\_\_\_

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

\_\_\_\_\_  
Signature of property owner

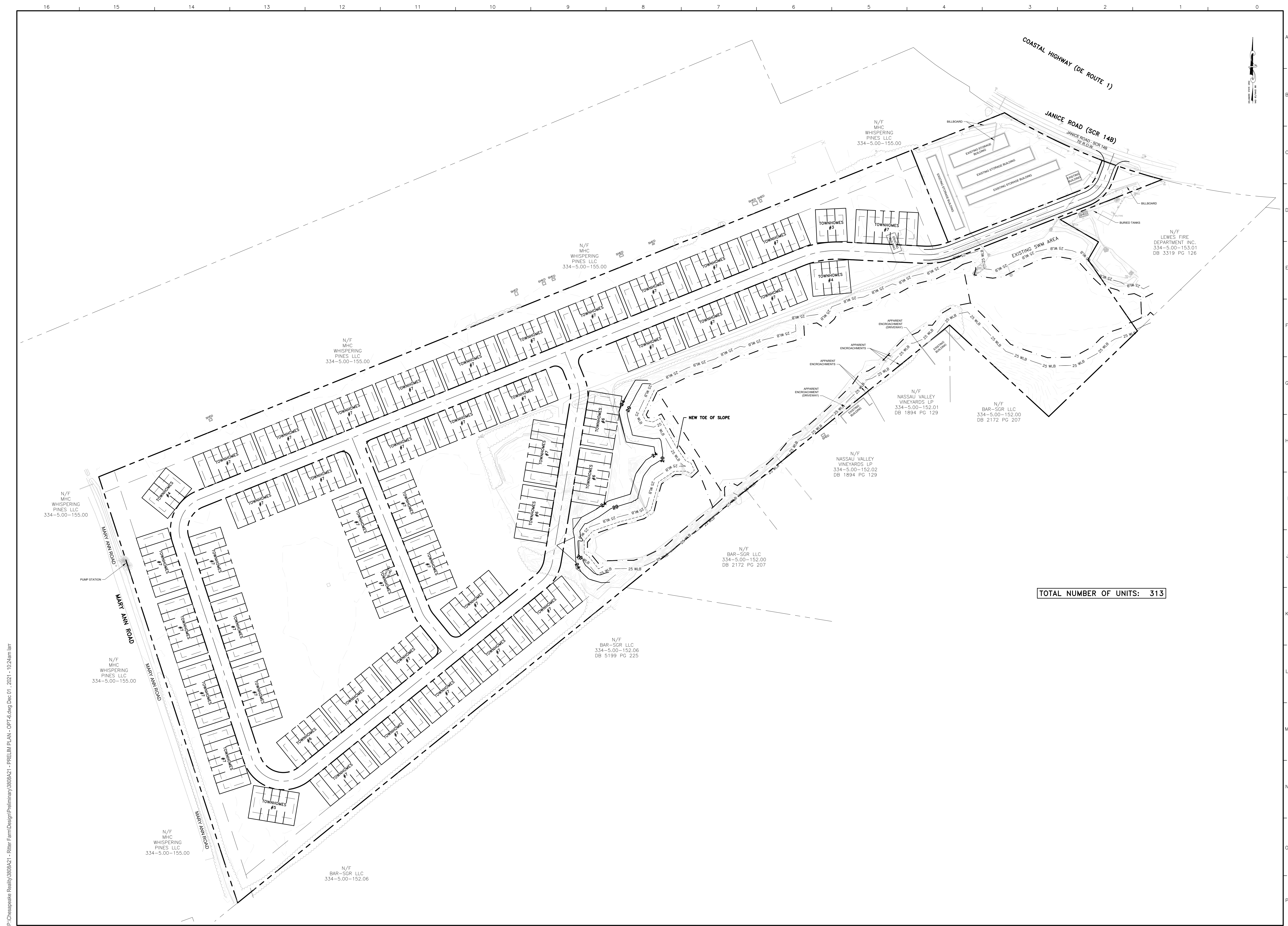
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person completing form  
(If different than property owner)

\_\_\_\_\_  
Date

**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



TOTAL NUMBER OF UNITS: 313

P:\Chesapeake Realty\3808A21 - Ritter Farm\Design\Preliminary\3808A21 - PRELIM PLAN - OPT-6.dwg, Dec 01, 2021 - 10:24am, larr

**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 OFFICE: WILMINGTON, DELAWARE  
 PHONE: (302) 422-1441  
 FAX: (302) 422-1441  
 EASTON, MARYLAND  
 PHONE: (410) 770-4744

**BITTER FARM**  
**JANICE ROAD**  
**LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE**

Revisions:

|            |               |
|------------|---------------|
| Date:      | DECEMBER 2021 |
| Scale:     | 1" = 120'     |
| Dwn. By:   | ACM           |
| Proj. No.: | 3808A021      |
| Dwg. No.:  | <b>PL-06</b>  |

PRELIMINARY - SITE PLAN - OPTION 6

# Preliminary Land Use Service (PLUS)

**Ritter Farm**  
2021-12-06

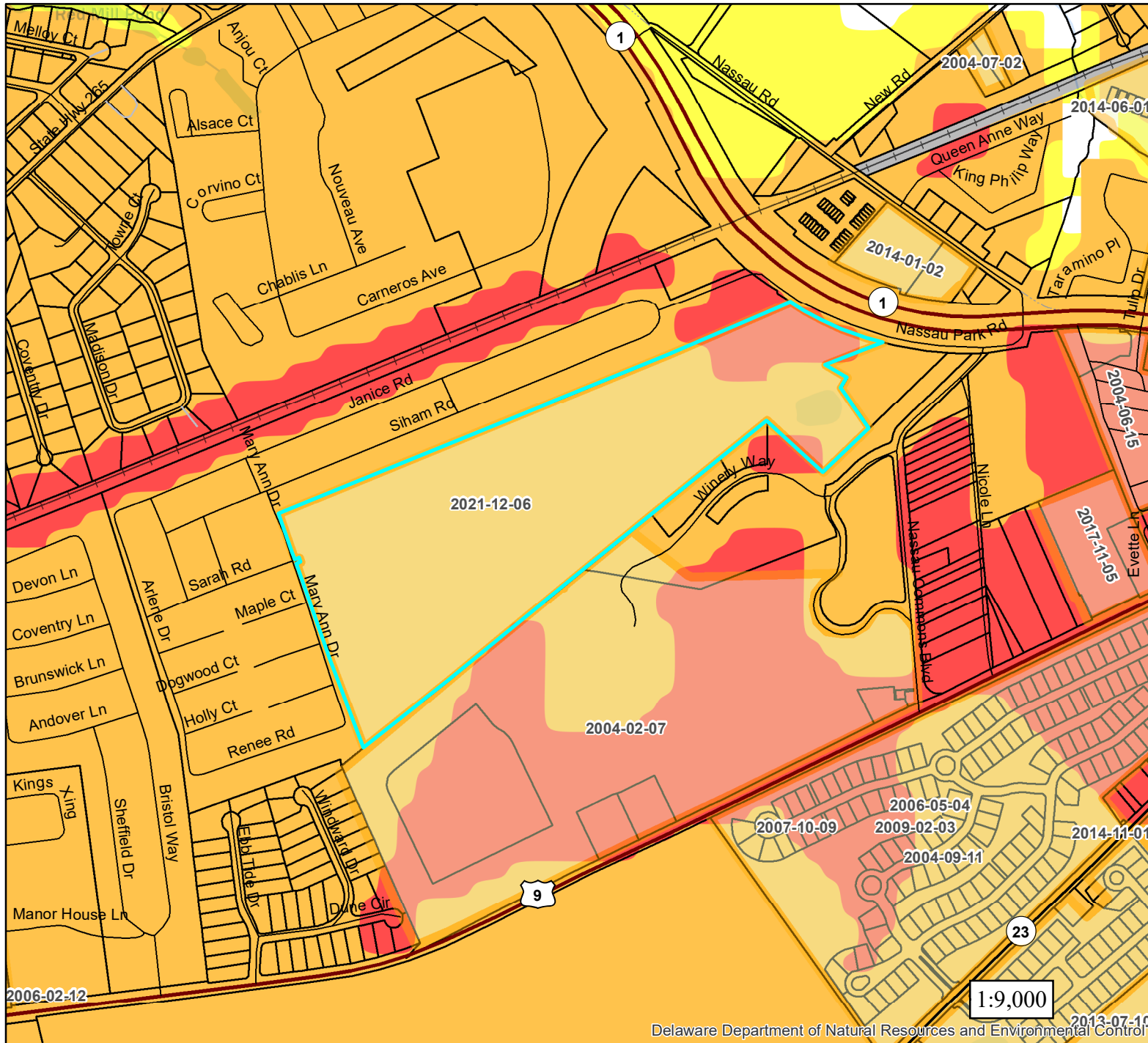
**Legend**

**PLUS Project Areas**

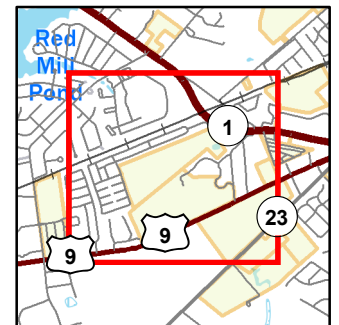
- Comp Plans
- All Other PLUS Reviews

**2020 State Strategies**

- 1
- 2
- 3
- 4
- Out of Play

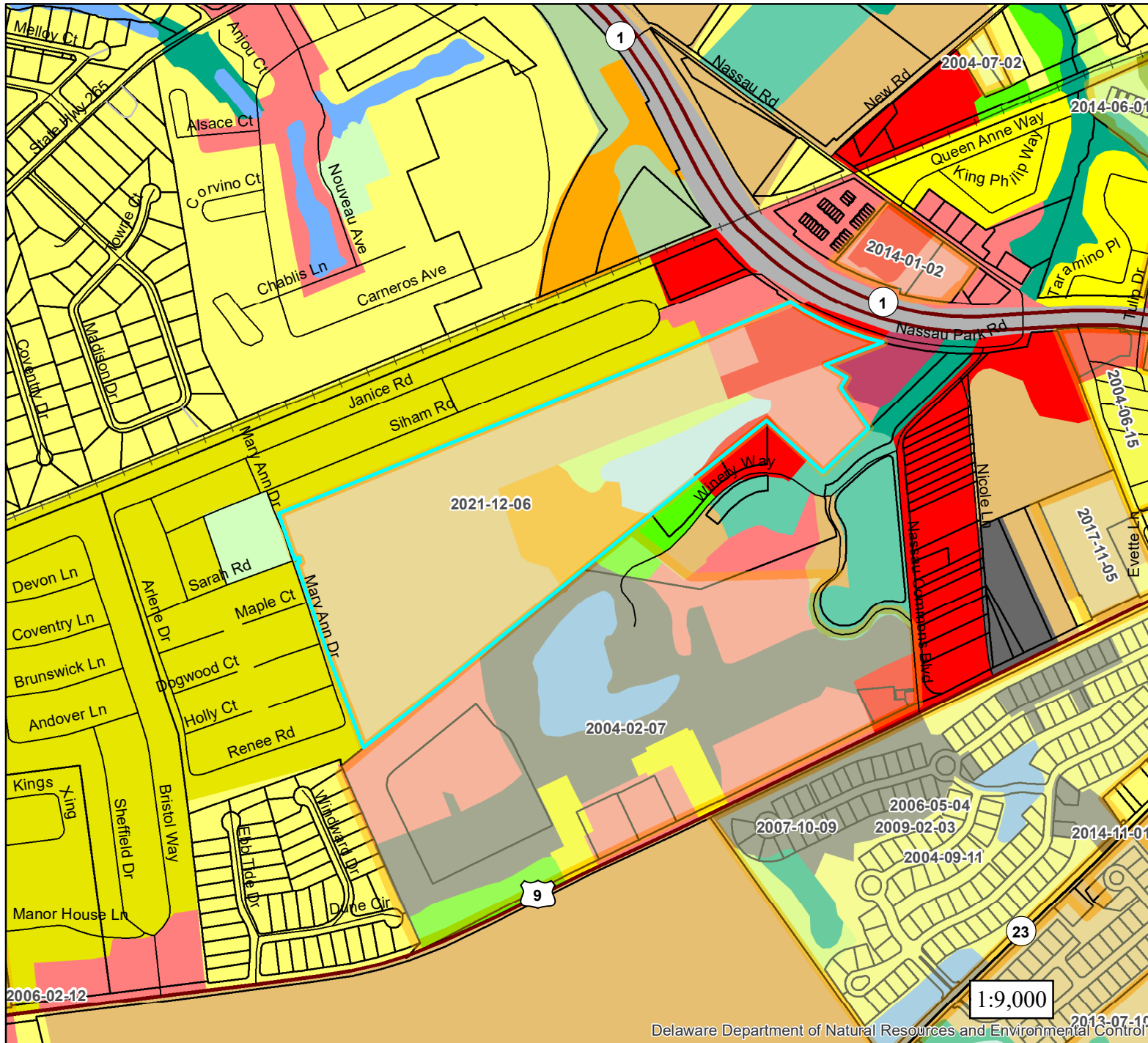


## Location Map



# Preliminary Land Use Service (PLUS)

**Ritter Farm**  
2021-12-06



**Legend**

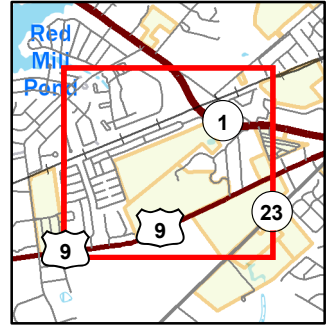
**PLUS Project Areas**

- Comp Plans
- All Other PLUS Reviews

**2017 LULC**

- Clear-cut
- Commercial
- Confined Feeding Operations/Feedlots/Holding
- Deciduous Forest
- Emergent Wetland - Tidal and Non-tidal
- Evergreen Forest
- Extraction and Transitional
- Farms, Pasture and Cropland
- Forested Wetland - Tidal and Non-tidal
- Industrial
- Institutional/Governmental
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Mixed Forest
- Mixed Single and Multi-Family Residential
- Mixed Urban or Built-up Land
- Mobile home/Parks/Courts
- Multi-Family Dwellings
- Open Water
- Orchards/Nurseries/Horticulture
- Rangeland
- Recreational
- Sandy Areas and Shoreline
- Scrub/Shrub Wetland - Tidal and Non-tidal
- Shrub/Brush Rangeland
- Single Family Dwellings
- Transportation/Communication/Utilities

**Location Map**



1:9,000

# Preliminary Land Use Service (PLUS)



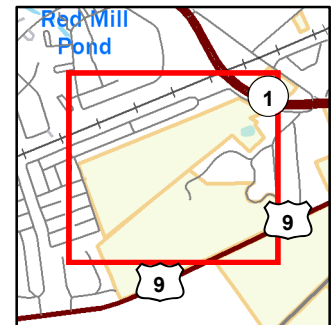
**Ritter Farm**  
**2021-12-06**

**Legend**

**PLUS Project Areas**

- Comp Plans
- All Other PLUS Reviews

## Location Map





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

July 22, 2021

Jamie Whitehouse, AICP  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

RE: PLUS review 2021-06-15; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map to move one parcel from the Commercial Area to the Coastal Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

**Office of State Planning Coordination – Contact Dorothy Morris 739-3090**

This parcel is surrounded by Coastal area and is currently slated for a higher use, commercial. It is also within levels 1 and 2 according to the Strategies for State Policies and Spending. The state has no objections to the amendment as written.

Please note that not objecting to the amendment does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development will need to be reviewed for state comments.

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

- This amendment would facilitate the development of the balance of a property served by Janice Road. Janice Road, at present, is effectively a cul-de-sac, with public access only on Delaware Route 1.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901  
Phone (302)739-3090 · Fax (302) 739-5661 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

- DelDOT presently is developing plans for the Minos Conaway Grade Separated Intersection (GSI). The GSI, in part, will convert Janice Road to a service road, increasing traffic on the road but providing a connection north to Minos Conaway Road and thereby improving access to properties along Janice Road. Information on that effort is available at <https://delDOT.gov/projects/index.shtml?dc=details&projectNumber=T201612501>
- Separate from the Minos Conaway GSI, one of the projects identified as part of the Henlopen Transportation Improvement District (TID) is to make Nassau Commons Boulevard a public road and improve it to meet DelDOT's Local Road standards. That project would provide a public connection from Janice Road to US Route 9.
- The subject land is in the Henlopen TID and DelDOT will evaluate specific development proposals for the subject land when they are submitted for consistency with the land use assumptions used to develop the TID. Development consistent with those assumptions would not require a Traffic Impact Study. In the absence of a DelDOT project to build the Nassau Commons Boulevard improvement mentioned above, DelDOT may task the developer in that regard in exchange for credit against their TID fees.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

- Sussex County proposes to rezone one parcel from Commercial Area to Coastal Area. DNREC reviewers have no comments, concerns, or objections specific to environmental features on the site.

**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric archaeological potential is low. While there are well-drained soils, most of the parcel is not within favorable distance to a water source, nor are there any comparable sites nearby. The part of the parcel that was within favorable distance has now been turned into a pond and other ground disturbance has occurred.
- Historic archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination



JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: January 12<sup>th</sup>, 2023

Application: C/Z 1995 – Janice CRP3, LLC (A.K.A. Ritter Farm)

Applicant: Janice CRP3, LLC  
4750 Owings Mill Blvd.  
Owings Mill, MD 21117

Owner: AAA Storage Limited Partnership  
22114 Ritter Lane  
Harbeson, DE 19951

Site Location: Lying on the south side of Janice Road approximately 520 feet west of the intersection of Coastal Highway (Route 1) and Nassau Road (S.C.R. 266B).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium-Density Residential (AR-1) Zoning District  
Residential Planned Community (MR-RPC)

Proposed Use: A residential community comprised of 316 townhouses.

Comprehensive Land Use Plan Reference: Commercial Area and Coastal Area

Councilmanic District: Ms. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

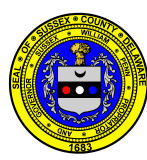
Sewer: Sussex

Water: Tidewater

Site Area: 61.73 acres +/-

Tax Map ID: 334-5.00-153.00





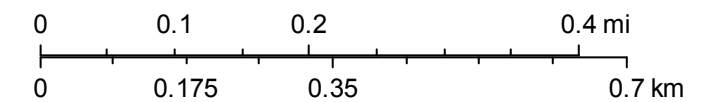
# Sussex County



|                        |                                       |
|------------------------|---------------------------------------|
| <b>PIN:</b>            | 334-5.00-153.02                       |
| <b>Owner Name</b>      | AAA STORAGE<br>LIMITED<br>PARTNERSHIP |
| <b>Book</b>            | Text                                  |
| <b>Mailing Address</b> | 22114 RITTER LN                       |
| <b>City</b>            | HARBESON                              |
| <b>State</b>           | DE                                    |
| <b>Description</b>     | RITTER FARM                           |
| <b>Description 2</b>   | LOT 2                                 |
| <b>Description 3</b>   | RESIDUAL LANDS                        |
| <b>Land Code</b>       |                                       |

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels

1:9,028

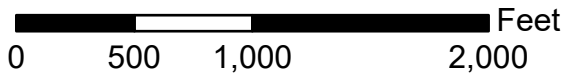




**TM# 334-5.00-153.02**

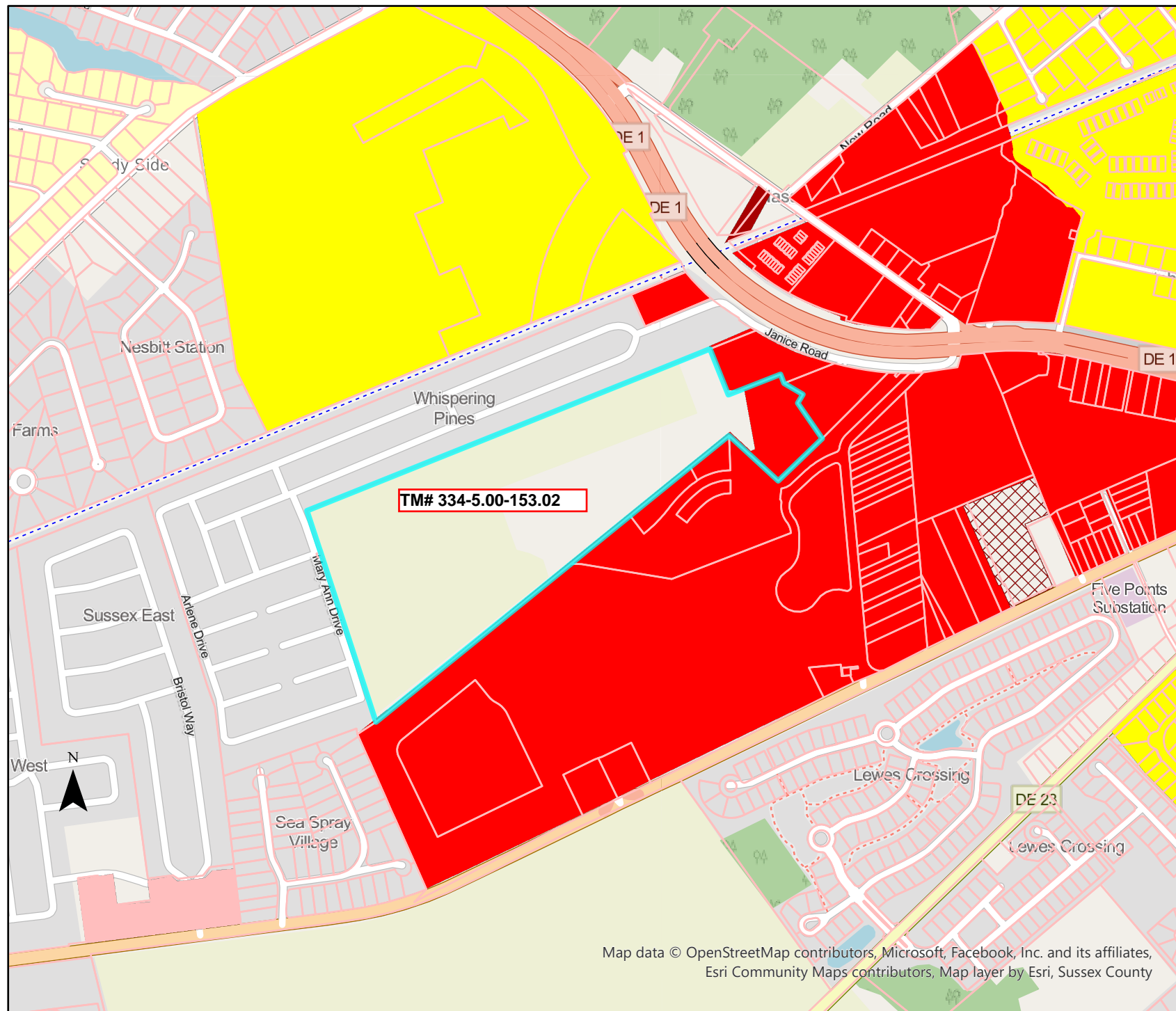
Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

Street Map  
 CZ 1995 - Janice CRP3, LLC (Ritter Farm)  
 AR-1 to MR\_RPC  
 P&Z Meeting - 01/12/2023



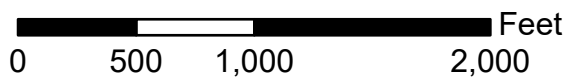
# Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3
- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri, Sussex County

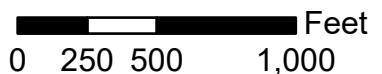
Zoning Map  
 CZ 1995 - Janice CRP3, LLC (Ritter Farm)  
 AR-1 to MR\_RPC  
 P&Z Meeting - 01/12/2023





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CZ 1995 - JANICE CRP3, LLC  
Mailing List Map



| Owner Name                      | Second Owner Name  | Mailing Address    | City           | State | Zipcode | PIN with Unit   | PIN             |
|---------------------------------|--------------------|--------------------|----------------|-------|---------|-----------------|-----------------|
| NASSAU VALLEY VINEYARD LP       | <Null>             | 32165 WINERY WAY   | LEWES          | DE    | 19958   | 334-5.00-152.01 | 334-5.00-152.01 |
| FRUEHAUF WES R                  | <Null>             | 114 STRAWBERRY WAY | REHOBOTH BEACH | DE    | 19971   | 334-5.00-288.00 | 334-5.00-288.00 |
| PINZARU ADRIANE & LEAH GREER    | PINZARU            | 17899 WINDWARD DR  | LEWES          | DE    | 19958   | 334-5.00-287.00 | 334-5.00-287.00 |
| AAA STORAGE LIMITED PARTNERSHIP | <Null>             | 22114 RITTER LN    | HARBESON       | DE    | 19951   | 334-5.00-153.00 | 334-5.00-153.00 |
| NASSAU VALLEY VINEYARD LP       | <Null>             | 32165 WINERY WAY   | LEWES          | DE    | 19958   | 334-5.00-152.03 | 334-5.00-152.03 |
| LEWES FIRE DEPARTMENT INC       | <Null>             | 347 SAVANNAH RD    | LEWES          | DE    | 19958   | 334-5.00-153.01 | 334-5.00-153.01 |
| MHC WHISPERING PINES LLC        | D/B/A/ NASSAU PARK | 32045 JANICE RD    | LEWES          | DE    | 19958   | 334-5.00-155.00 | 334-5.00-155.00 |
| BAR-SGR LLC                     | <Null>             | 24523 MERLOT DR    | LEWES          | DE    | 19958   | 334-5.00-152.00 | 334-5.00-152.00 |
| NASSAU VALLEY VINEYARD LP       | <Null>             | 32165 WINERY WAY   | LEWES          | DE    | 19958   | 334-5.00-152.02 | 334-5.00-152.02 |
| BAR-SGR LLC                     | <Null>             | 24523 MERLOT DR    | LEWES          | DE    | 19958   | 334-5.00-152.06 | 334-5.00-152.06 |

JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: November 28, 2022  
RE: Staff Analysis for C/Z 1995 Janice CRP3, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1995 Janice CRP3, LLC to be reviewed during the January 12<sup>th</sup>, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel: 334-5.00-153.02 from Agricultural Residential (AR-1) and General Commercial (C-1) to Medium-Density Residential Planned Community (MR-RPC) to allow for 316 multifamily dwelling units (Townhouses) on the parcel. The property is located on the south side of Janice Road approximately 520 feet west of the intersection of Coastal Highway (Route 1) and Nassau Road (S.C.R. 266B). The parcel is comprised of a total area of 61.73 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of “Commercial Area” and “Coastal Area”, with the isolated “Coastal Area” designation on the site corresponding with an existing pond. The adjacent parcels to the north and west surrounding the subject property have the Future Land Use Map designation of “Coastal Area.” The properties adjacent to the south and to the east on the opposite side of Coastal Highway (Route 1) are designated as “Commercial Areas.” The (MR) Zoning District is not listed as an Applicable Zoning District under Table 4.5-2 in the Plan. Therefore, to remedy this discrepancy, the Applicant has submitted a corollary application to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of the subject parcel from the “Commercial Area” to the “Coastal Area” in order to facilitate this change of zone application.

Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play (2018 Sussex County Comprehensive Plan, 4-9). The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics (2018 Sussex County Comprehensive Plan, 4-15). The Plan also notes guidelines for density in areas classified Coastal Area, noting that a “density (4-12 units per acre) can be appropriate” where development can be supported by central water/sewer, a proximity to commercial and employment centers, or location along a main road or intersection (2018 Sussex County Comprehensive Plan,





4-16). Finally, the Plan notes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units.” (2018 Sussex County Comprehensive Plan, 4-15). Under the guidelines in the Plan, if the Applicant’s FLUM amendment were to be approved by County Council, the proposed change of zone to (MR-RPC) could be seen as appropriate as (MR) is listed as an applicable zoning district in the Coastal Areas per Table 4.5.2 in the Plan.

Zoning Information

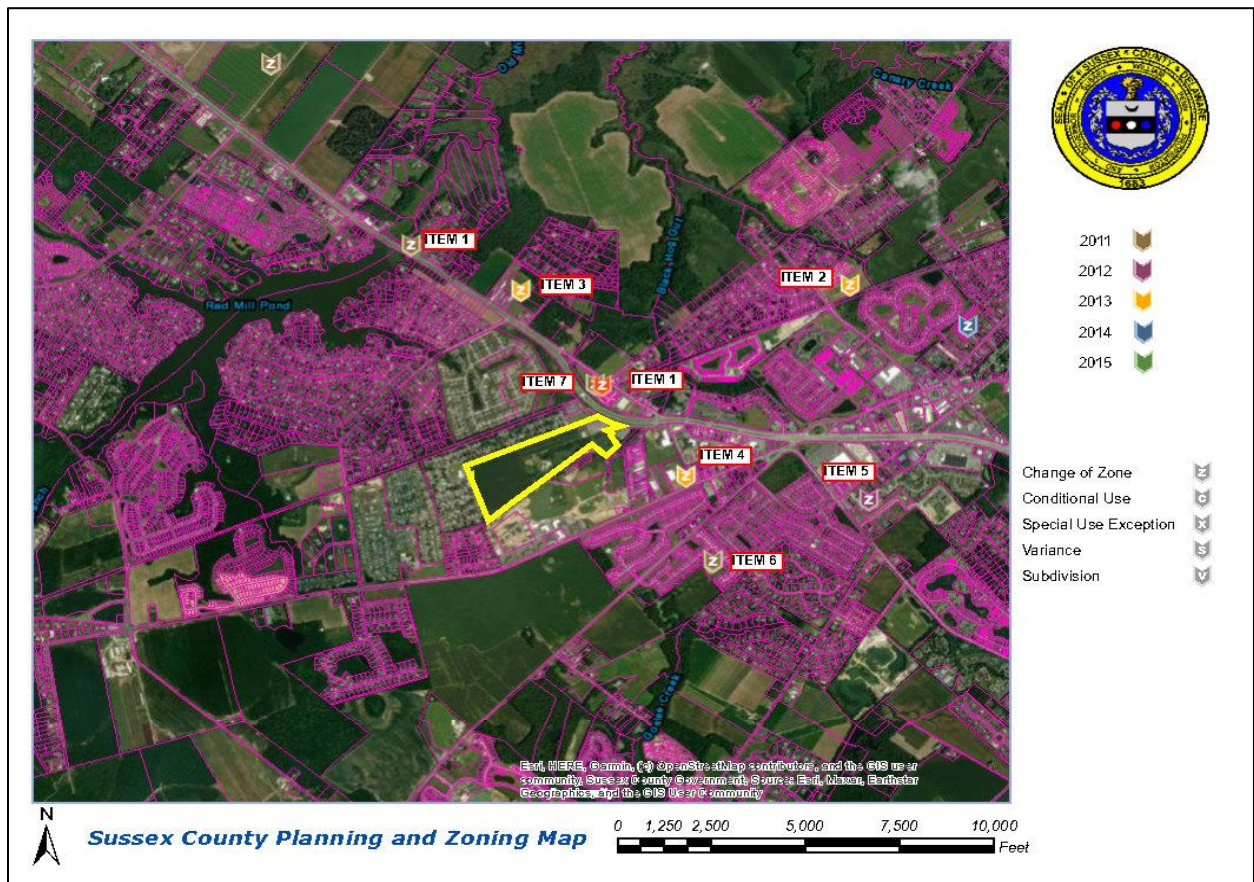
The subject parcel is split-zoned Agricultural Residential (AR-1) and General Commercial (C-1) Districts. The adjacent properties to the north and west are zoned Agricultural Residential (AR-1) District. The parcels adjacent to the south and east of the subject property are zoned General Commercial (C-1) District.

Existing Changes of Zone within the Vicinity of the Subject Site

| <b>Change of Zone Applications</b><br>(Within a 1.0-mile radius of the subject site) |                       |   |                 |                 |                  |                  |                      |
|--|-----------------------|---|-----------------|-----------------|------------------|------------------|----------------------|
| Item # on Attached Map   | Application Number    | Application Name                                | Zoning District | Proposed Zoning | CC Decision      | CC Decision Date | Ordinance Number     |
| 1  | <u><b>CZ 1867</b></u> | Four C's Property, LLC                          | CR-1 & AR-1     | C-2             | <b>Withdrawn</b> | N/A              | <b>N/A</b>           |
| 2  | <u><b>CZ 1862</b></u> | Old Orchard Ventures, LLC<br>c/o Barry J. Baker | C-1 & AR-1      | C-2             | <b>Denied</b>    | 1/15/2019        | <b>N/A</b>           |
| 3  | <u><b>CZ 1861</b></u> | Nassau DE Acquisition Co., LLC                  | AR-1            | C-2             | <b>Approved</b>  | 12/11/2018       | <b>Ord. No. 2622</b> |
| 4  | <u><b>CZ 1854</b></u> | Ferguson Enterprises, Inc                       | AR-1            | C-5             | <b>Approved</b>  | 9/11/2018        | <b>Ord. No. 2598</b> |
| 5  | <u><b>CZ 1832</b></u> | MDI Investment Group, LLC                       | AR-1            | MR              | <b>Approved</b>  | 03/20/2018       | <b>Ord. No. 2565</b> |

|   |                |                         |      |      |          |                   |                  |
|---|----------------|-------------------------|------|------|----------|-------------------|------------------|
| 6 | <u>CZ 1787</u> | BDRP, LLC               | AR-1 | MR   | Denied   | P&Z<br>12/10/2015 | N/A              |
| 7 | <u>CZ 1749</u> | Bruce and<br>Cathy King | AR-1 | CR-1 | Approved | 07/15/2014        | Ord. No.<br>2356 |
| 8 | <u>CZ 1765</u> | Red Mill<br>Pointe, LLC | AR-1 | CR-1 | Approved | 02/02/2016        | Ord. No.<br>2435 |

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for the construction of 316 townhouses at this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CJZ 1995  
202215063

RECEIVED

### Planning & Zoning Commission Application

### Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

OCT 13 2022

SUSSEX COUNTY  
PLANNING & ZONING

*Copy*

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

32172 Janice Road Lewes, DE 19958

**Type of Conditional Use Requested:**

N/A

Tax Map #: 334-5.00-153.00 153.02 Size of Parcel(s): 61.73

Current Zoning: AR-C1 Proposed Zoning: MR-RPC Size of Building: TBD

Land Use Classification: Commercial

Water Provider: Tidewater Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: Janice CRP3 LLC  
Applicant Address: 4750 Owings Mill Blvd.  
City: Owings Mill State: MD Zip Code: 21117  
Phone #: \_\_\_\_\_ E-mail: Jhoffman@chesapeakerealtypartners.com

**Owner Information**

Owner Name: AAA Storage Limited Partnership  
Owner Address: 22114 Ritter Lane  
City: Harbeson State: DE Zip Code: 19951  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc.  
Agent/Attorney/Engineer Address: 1 Park Avenue  
City: Milford State: DE Zip Code: 19963  
Phone #: (302) 422-1441 E-mail: rw1@dbfinc.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member).
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

**Signature of Applicant/Agent/Attorney**

\_\_\_\_\_ Date: \_\_\_\_\_

**Signature of Owner**

*Karina A. Rittler* Date: 10/7/22

**For office use only:**

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 77B  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

December 15, 2021

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Janice CRP3 LLC** proposed land use application, which we received on December 3, 2021. This application is for an approximately 60.65-acre parcel (Tax Parcel: 334-5.00-153.00). The subject land is located on the south side of Firehouse Road (Sussex Road 14B) about 560 ft west of the intersection with Nassau Commons Boulevard. The subject land is currently split zoned AR-1 (Agriculture Residential) and C-1 (General Commercial), with a proposed rezoning of AR-1 portion to MR (Medium-Density Residential) for existing self-storage and 313 multi-family housing.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Firehouse Road from Nassau Road (Sussex Road 266B) to the end of the road, is 2,077 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and/or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. For that reason, the applicant will be required to pay a fee per dwelling in lieu of doing a TIS and making off-site improvements in accordance therewith. Any improvements required by DelDOT beyond the site entrance construction will be creditable toward the fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
December 15, 2021

The applicant should contact Ms. Sarah Coakley, a principal planner in DelDOT's Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Furrato, at [Annamaria.Furrato@delaware.gov](mailto:Annamaria.Furrato@delaware.gov), if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Janice CRP3 LLC, Applicant  
Ring Lardner, Applicant  
Sussex Reviewer, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING & DESIGN REVIEW DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **12/29/2022**

APPLICATION: **CZ 1995 Janice CRP3, LLC (AKA Ritter Farm)**

APPLICANT: **Janice CRP3, LLC**

FILE NO: **OM-9.03**

TAX MAP &  
PARCEL(S): **334-5.00-153.00**

LOCATION: **Lying on the south side of Janice Road, approximately 520 feet west of the intersection of Coastal Highway (Rt1) and Nassau Road (SCR 266B).**

NO. OF UNITS: **316 Townhomes**

GROSS  
ACREAGE: **61.73**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Already Completed, See Attached**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman  
Director of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher



**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountylde.gov



**Sussex County**

DELAWARE  
sussexcountylde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: **Davis, Bowen & Friedel**

Date: 7/13/2021

Reviewed by: **Chris Calio**

Agreement #: **1178**

Project Name: **Ritter Farm**

Tax Map & Parcel(s): **334-5.00-153.00**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **250**

Pump Station(s) Impacted: **PS 207 & PS 210**

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **MH 834**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage): **N/A**

Current Zoning: **AR-1** Zoning Proposed: **AR-1**

Acreage: **61.39**



Additional Information: The storage area is currently zoned C-1 with the remaining lands zoned AR-1. I have based the EDU number on the AR-1 zoning with 5 EDU's included for amenities.

\* No capacity is guaranteed until System Connection Fees are paid

All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.

Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.

Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.

Once Construction Drawings are completed with all of the above information satisfied, please submit to:

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher

**GEOGRAPHIC INFORMATION  
OFFICE**

MEGAN NEHRBAS  
SENIOR MANAGER OF GEOGRAPHIC  
INFORMATION SYSTEMS (GIS)  
(302) 855-1176 T  
(302) 853-5889 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

December 12, 2022

Ring W. Lardner, P.E.  
President/Sr. Civil Engineer  
Davis, Bowen & Friedel, Inc.

RE: Proposed Subdivision Name(s)

Our department has reviewed the name(s) submitted for your proposed subdivision located in Lewes, DE on parcel(s) 3-34-5.00-153.00. In reviewing the proposed name(s) the following has been approved for this subdivision:

## Vintners Reserve

Should you have any questions please contact the Sussex County Geographic Information Department at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC:  
Christin Scott, Planning & Zoning





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT  
100 PENN SQUARE EAST  
PHILADELPHIA PENNSYLVANIA 19107-3390

RECEIVED

DEC 28 2022

February 11, 2022

SUSSEX COUNTY  
PLANNING & ZONING

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2021-00821-85  
AAA Storage Lewes SX  
Center coordinates (38.746988°, -75.193053°)

Edward Launay  
Environmental Resources, Incorporated  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Launay:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on December 10, 2021 for a determination of Federal jurisdiction by this office. The site associated with your request is located at an approximately 65 acre parcel at 32172 Janice Road on tax map parcel 334-5.00-153.00 in Lewes, Sussex County, Delaware.

The findings of this AJD are documented in the **enclosed** AJD Form. The findings are also depicted on the **enclosed** plan(s) identified as "RITTER FARM LEWES REHOBOTH HUNDRED TOWN OF LEWES, SUSSEX COUNTY, DELAWARE", prepared by Davis, Bowen & Friedel, Incorporated, July 1, 2021, unrevised, 3 sheets.

A Department of the Army permit is required for work or structures in "navigable waters of the United States" pursuant to Section 10 the Rivers and Harbors Act (RHA) of 1899 and the discharge of dredged or fill material into "waters of the United States" pursuant to Section 404 of the Clean Water Act (CWA). Any proposal to perform these activities within areas of Federal jurisdiction requires prior approval by this office.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to

reevaluate and modify this AJD at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

You may request an administrative appeal of this AJD if you **do not** accept this determination. **Enclosed** you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Ms. Naomi J. Handell  
Regulatory Program Manager (CENAD-PD-OR)  
North Atlantic Division, U.S. Army Corps of Engineers  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5 and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by

**April 14, 2022.**

If you have any questions regarding this matter, please contact Michael D. Yost at (267) 240-5278 or michael.d.yost@usace.army.mil.

Sincerely,



Digitally signed by Todd A.  
Hoernemann  
Date: 2022.02.11 15:08:34 -05'00'

Todd A. Hoernemann  
Section Chief, Application Section I

Enclosures

cc:  
Wetlands and Subaqueous Lands Section, DDNREC  
Wetlands Branch, USEPA Region III

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 8, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OPR-2021-00821-85**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Delaware County/parish/borough: Sussex City: Lewes  
Center coordinates of site (lat/long in degree decimal format): Lat. 38.746988° N, Long. 75.193053° W.  
Universal Transverse Mercator: 483223.824257, 4288717.814347

Name of nearest waterbody: Black Hog Gut

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Old Mill Creek

Name of watershed or Hydrologic Unit Code (HUC): 020402070604

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: February 8, 2022

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: Not Applicable.**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The approximately 61.17 acre site contains approximately 8.57 acres of aquatic resources (waters and wetlands) as a result of on-going borrow operations. Based off of aerial photographic imagery and topographic maps dating back to 1954, the site was previously agricultural fields until borrow was needed for the construction of Route 1. The borrow site appears between the 1961 and 1968 aerial images.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: .

Summarize rationale supporting determination: .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": .

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**  
Drainage area: **Pick List**  
Average annual rainfall: inches  
Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.  
Project waters are **Pick List** river miles from RPW.  
Project waters are **Pick List** aerial (straight) miles from TNW.  
Project waters are **Pick List** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .  
Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is:  Natural  
 Artificial (man-made). Explain: \_\_\_\_\_  
 Manipulated (man-altered). Explain: \_\_\_\_\_

Tributary properties with respect to top of bank (estimate):

Average width: \_\_\_\_\_ feet  
Average depth: \_\_\_\_\_ feet  
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- |  |  |                                   |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts                 | <input type="checkbox"/> Sands                     | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles               | <input type="checkbox"/> Gravel                    | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock               | <input type="checkbox"/> Vegetation. Type/% cover: |                                   |
| <input type="checkbox"/> Other. Explain: _____ |  |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: \_\_\_\_\_

Presence of run/riffle/pool complexes. Explain: \_\_\_\_\_

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): \_\_\_\_\_ %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: \_\_\_\_\_

Other information on duration and volume: \_\_\_\_\_

Surface flow is: **Pick List**. Characteristics: \_\_\_\_\_

Subsurface flow: **Pick List**. Explain findings: \_\_\_\_\_

Dye (or other) test performed: \_\_\_\_\_

Tributary has (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Bed and banks  |   |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |   |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list): _____                                  |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain: _____      |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list): _____                       |  |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: \_\_\_\_\_

Identify specific pollutants, if known: \_\_\_\_\_

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.



(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.  
Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.  
Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .  
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain: .  
 Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): **The aquatic resources do not meet the definition of waters of the United States as clarified in the preamble of the November 13, 1986 Federal Register (51 FR 41217).**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Fiarmonth Quadrangle 1:2400, 1954, 1984 and 2019.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: Lewes, Delaware.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Lewes 1954, 1961, 1968, 1992, 2002 and 2012.  
or  Other (Name & Date): Wetland Report October 8, 2021.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The 65.17 acres site is composed of 46.55 acres of agriculture fields and 8.92 acres of developed upland area which includes a mini storage facility, shop building and associated equipment yard, stormwater management facility and upland forest bordering a long standing borrow pit. The borrow pit operations area including uplands encompasses approximately 9.7 acres. The borrow pit has been in operation since the mid 1960's. It was likely used to provide earthen fill for the State Route 1 (SRI) elevated earthen railroad overpass located directly north east of the subject site. Local borrow pits were routinely excavated at locations where elevated bridges and crossings were constructed by DelDOT as part of modern SRI construction improvements.

Areas associated with the 9.7 acre borrow pit operation include a machinery operations area for borrow removal and stockpiling from the 1.35 acre active borrow area. Additionally there is a 4.94 acre area of vegetated wetland, largely dominated by *Phragmites australis* with a fringe of scrub shrub vegetation. A second area at the easterly end of the borrow area supports a 2.28 acre wetland meadow.

The entire borrow pit area is within a well-defined excavated depression with steep slopes. The north east side of the parcel provides an ephemeral swale that connects to an offsite channel that drains under Route 1. The offsite channel parcel also appears to be part of some borrow activity based off of 1984 USGS Topographic Survey. The offsite channel eventually connects to Black Hog Gut on the north east side of Route 1.

Additionally, a stormwater pond located to the north and east of the borrow area appears in aerial imagery between 1992 and 2002 and is constructed wholly in uplands.

The aquatic resources do not meet the definition of waters of the United States as clarified in the preamble of the November 13, 1986 Federal Register (51 FR 41217)..

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

|                                     |  |                   |
|-------------------------------------|--|-------------------|
| Applicant: AAA Storage              | File Number: NAP-2021-00821-85                                     | Date: 2/11/2022   |
| Attached is:                        |  | See Section below |
| <input type="checkbox"/>            | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                 |
| <input type="checkbox"/>            | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                 |
| <input type="checkbox"/>            | PERMIT DENIAL  | C                 |
| <input checked="" type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION                              | D                 |
| <input type="checkbox"/>            | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                 |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Philadelphia District  
ATTN: CENAP-OPR  
Wanamaker Building, 100 Penn Square East  
Philadelphia, PA 19107-3390  
Telephone: (215) 656-6728  
E-mail: NAPREGULATORY@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Ms. Naomi J. Handell  
Regulatory Program Manager (CENAD-PD-OR) U.S. Army Corps of Engineers Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, New York 11252-6700  
Telephone: (917) 790-8523  
E-mail: Naomi.J.Handell@usace.army.mil

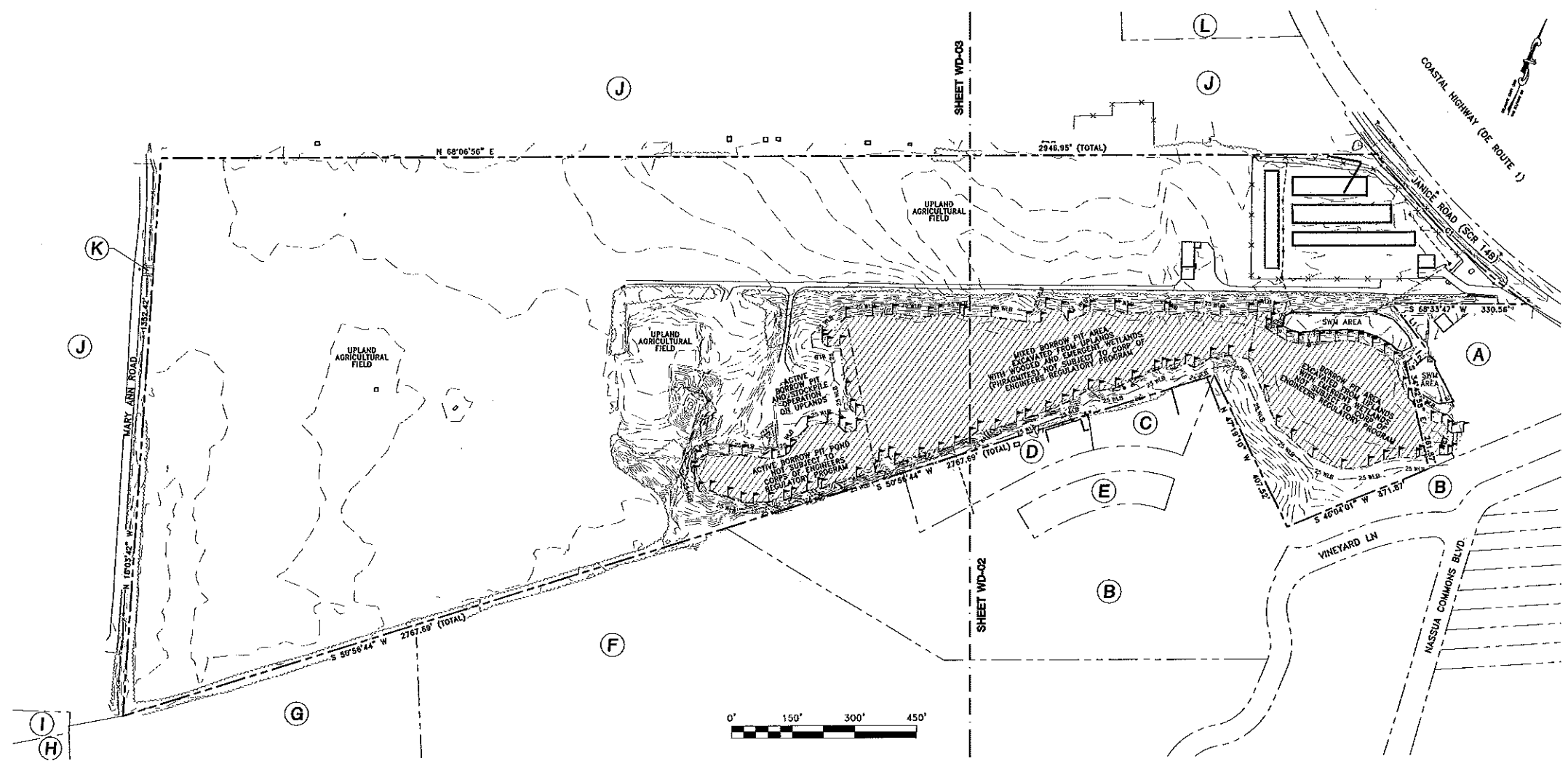
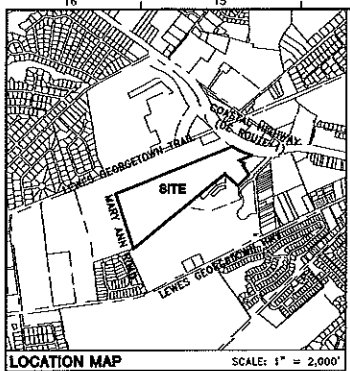
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

# BOUNDARY OF WATERS OF U.S. SUBJECT TO CORP OF ENGINEERS REGULATORY PROGRAM



### DATA COLUMN

TAX MAP ID: 334-5.00-153.00  
 DEED REFERENCE: DB: 3319 PG: 126  
 DATUM: NAVD 88  
 VERTICAL: HAD 85 (DE STATEPLANT)  
 HORIZONTAL:  
 ZONING: C-1 (GENERAL COMMERCIAL)  
 EXISTING:  
 AREA: 65.16972 ACRES  
 TOTAL SITE AREA:  
 PROPERTY OWNER/DEVELOPER:  
 AAA STORAGE LIMITED PARTNERSHIP  
 22114 RITTER LN.  
 WILFORD, DE 19383  
 PHONE: 302-332-XXXX  
 FAX: 302-300-XXXX  
 ENGINEER:  
 DAVIS, BOWEN & FRIEDEL, INC.  
 RINO LANOUER, P.E.  
 1 PARK AVENUE  
 WILFORD, DE 19383  
 PHONE: 302-424-1441  
 FAX: 302-424-0450

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 29°45'00" E | 133.23'  |
| L2   | S 50°14'54" W | 62.37'   |

| CURVE | RADIUS   | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| C1    | 1787.02' | 518.85'    | 516.85'      | S 67°03'37" E | 16°32'11"   |

### AREA TABLE

|   |                          |                  |
|---|--------------------------|------------------|
| ACTIVE BORROW PIT & STOCKPILE OPERATION ON UPLANDS  | 49,242 SQ. FT.           | 1.13 AC.         |
| ACTIVE BORROW PIT FOND AND OPERATIONAL AREA   | 58,975 SQ. FT.           | 1.35 AC.         |
| MIXED BORROW PIT AREA EXCAVATED FROM UPLANDS WITH WOODED AND EMERGENT WETLANDS (PHRAGMITES) | 215,304 SQ. FT.          | 4.94 AC.         |
| BORROW PIT AREA EXCAVATED FROM UPLANDS WITH EMERGENT WETLANDS                               | 99,338 SQ. FT.           | 2.28 AC.         |
| UPLAND AGRICULTURAL FIELDS  | 2,027,755 SQ. FT.        | 46.55 AC.        |
| OTHER DEVELOPED & UNDEVELOPED UPLANDS   | 388,181 SQ. FT.          | 8.92 AC.         |
| <b>TOTAL SITE AREA</b>  | <b>2,838,794 SQ. FT.</b> | <b>65.17 AC.</b> |

### ADJACENT PROPERTY OWNERS

| PARCEL# | OWNER  | DEED           | ZONING |
|---------|--|----------------|--------|
| A       | 334-5.00-153.01 LEWIS FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B       | 334-5.00-152.00 BAR-SOR LLC                    | DB 2172 PG 207 | C-1    |
| C       | 334-5.00-152.01 MASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D       | 334-5.00-152.02 MASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E       | 334-5.00-152.03 MASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F       | 334-5.00-152.06 BAR-SOR LLC                    | DB 2195 PG 225 | C-1    |
| G       | 334-5.00-152.12 FERUNGOR HOLDINGS AT VINEYARDS | DB 2270 PG 285 | C-1    |
| H       | 334-5.00-287.00 ADRIANE PINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I       | 334-5.00-288.00 WES R FRUEHAUF                 | DB 3097 PG 209 | AR-1   |
| J       | 334-5.00-153.00 WMC WISPERING PINES LLC        | DB 9 PG 9      | AR-1   |
| X       | 334-5.00-153.02 SUSSEX COUNTY                  | DB 2106 PG 3   | AR-1   |
| L       | 334-5.00-154.00 LEWIS SENIOR CITIZENS CENTER   | DB 9 PG 9      | C-1    |

### SHEET INDEX

|                                     |       |
|-------------------------------------|-------|
| BOUNDARY OR WATER OF U.S. OVERVIEW  | WD-01 |
| BORROW PIT DELINEATION PLAN & TABLE | WD-02 |
| BORROW PIT DELINEATION PLAN & TABLE | WD-03 |

### WETLANDS STATEMENT

I, EDWARD M. LANOUER, PWS, STATE THAT THERE ARE NO WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM PRESENT ON THIS PROPERTY AS DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND ITS SUPPLEMENTAL GUIDANCE INCLUDING THE ATLANTIC AND GULF COAST REGIONAL SUPPLEMENT (VERSION 2.0) AND THE 2020 NAVIGABLE WATERS PROTECTION RULE. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LANOUER, SENIOR PWS NO. 875  
 SOCIETY OF WETLANDS SCIENTISTS  
 CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B

DATE: \_\_\_\_\_

### LEGEND

- WATERS OR WETLANDS WITHIN BORROW PIT EXCAVATED FROM UPLAND NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
- WETLAND FLAG AND LABEL
- PROPERTY LINE
- EXISTING WOODS LINE
- EXISTING TOPOGRAPHIC CONTOUR
- BOUNDARY OF BORROW PIT AREA WETLANDS NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM

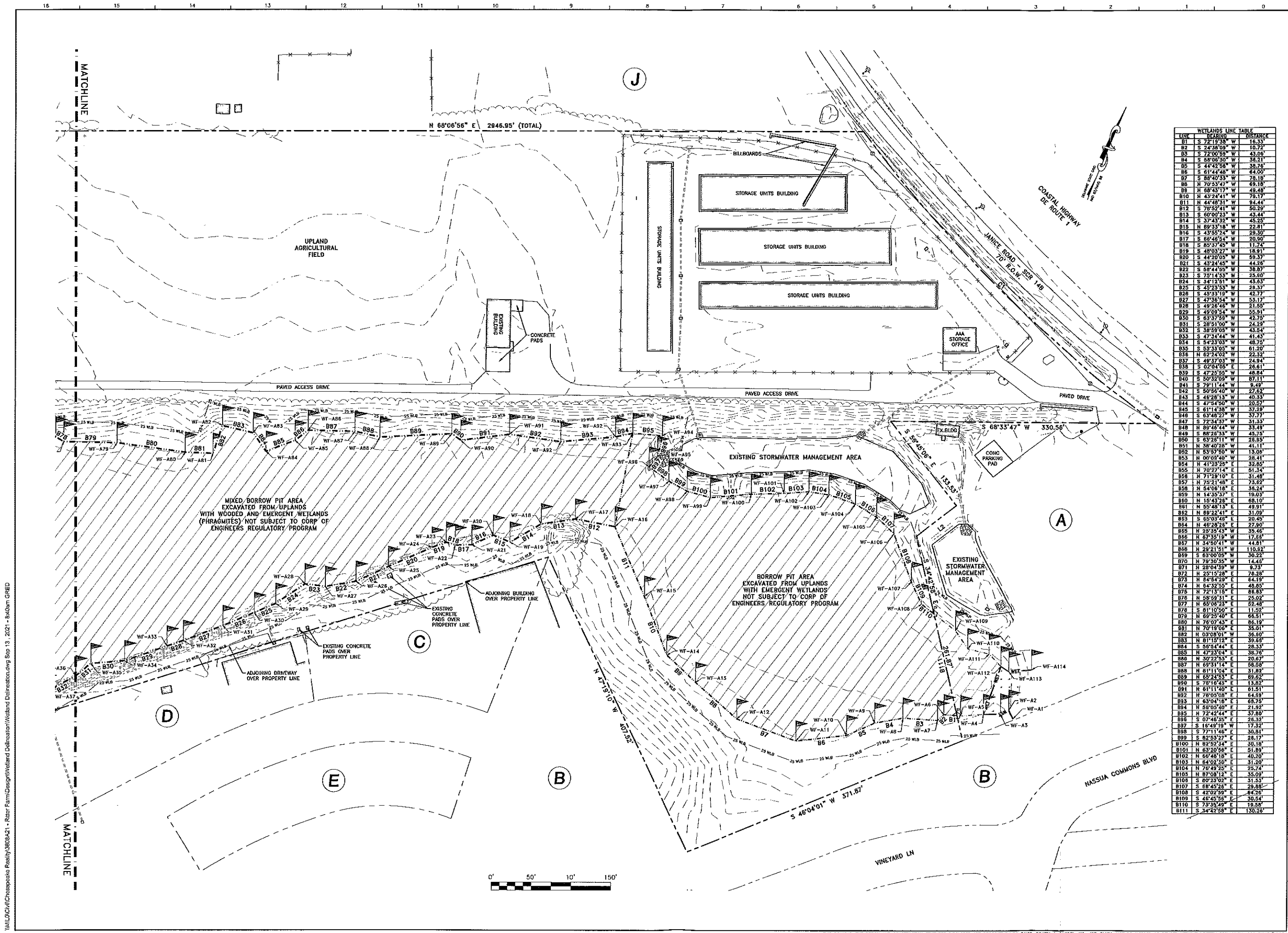
DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS ENGINEERS SURVEYORS  
 1 PARK AVENUE  
 WILFORD, DE 19383  
 PHONE: 302-424-1441  
 FAX: 302-424-0450

**RITTER FARM**  
**LEWIS REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 150'  
 Dwn.By: DEG  
 Proj.No.: P3808A21  
 Dwg.No.:  
**WD-01**





| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| B1   | S 72°19'58" W | 16.33'   |
| B2   | S 24°38'09" W | 10.72'   |
| B3   | S 72°00'59" W | 43.06'   |
| B4   | S 58°08'50" W | 34.21'   |
| B5   | S 44°42'58" W | 38.76'   |
| B6   | S 61°44'48" W | 64.00'   |
| B7   | S 86°40'33" W | 78.18'   |
| B8   | N 70°53'47" W | 69.18'   |
| B9   | N 58°43'17" W | 49.48'   |
| B10  | N 43°24'41" W | 79.17'   |
| B11  | N 44°48'31" W | 94.44'   |
| B12  | S 76°52'41" W | 50.29'   |
| B13  | S 60°09'23" W | 43.44'   |
| B14  | S 37°43'32" W | 45.25'   |
| B15  | N 89°33'18" W | 22.81'   |
| B16  | S 43°55'24" W | 29.30'   |
| B17  | S 66°46'54" W | 20.90'   |
| B18  | S 85°37'45" W | 11.74'   |
| B19  | S 48°03'27" W | 18.91'   |
| B20  | S 44°20'05" W | 59.37'   |
| B21  | S 43°24'45" W | 44.28'   |
| B22  | S 58°44'55" W | 38.87'   |
| B23  | S 75°14'53" W | 25.80'   |
| B24  | S 34°12'51" W | 43.63'   |
| B25  | S 45°23'53" W | 29.37'   |
| B26  | S 43°53'19" W | 43.77'   |
| B27  | S 47°38'54" W | 55.17'   |
| B28  | S 49°26'46" W | 21.55'   |
| B29  | S 49°09'54" W | 55.91'   |
| B30  | S 63°37'59" W | 42.75'   |
| B31  | S 28°51'04" W | 24.29'   |
| B32  | S 38°59'05" W | 43.54'   |
| B33  | S 47°34'44" W | 41.43'   |
| B34  | S 54°23'03" W | 48.75'   |
| B35  | S 53°31'04" W | 61.20'   |
| B36  | N 62°24'02" W | 22.32'   |
| B37  | S 49°37'03" W | 24.94'   |
| B38  | S 02°04'05" E | 26.61'   |
| B39  | S 47°25'55" W | 48.84'   |
| B40  | S 50°32'09" W | 87.11'   |
| B41  | S 79°11'44" W | 9.49'    |
| B42  | S 50°56'40" W | 27.62'   |
| B43  | S 48°28'13" W | 40.35'   |
| B44  | S 47°54'00" W | 25.55'   |
| B45  | S 61°14'58" W | 37.29'   |
| B46  | S 63°48'27" W | 37.77'   |
| B47  | S 72°34'37" W | 31.33'   |
| B48  | N 89°40'44" W | 33.48'   |
| B49  | S 86°26'33" W | 45.75'   |
| B50  | S 63°28'11" W | 28.59'   |
| B51  | N 38°49'28" W | 41.11'   |
| B52  | N 53°59'59" W | 13.08'   |
| B53  | N 00°03'40" W | 28.41'   |
| B54  | N 41°23'26" E | 32.85'   |
| B55  | N 70°27'14" E | 51.34'   |
| B56  | N 71°29'10" E | 31.48'   |
| B57  | N 72°21'48" E | 73.62'   |
| B58  | N 54°08'18" E | 36.24'   |
| B59  | N 14°35'57" E | 19.03'   |
| B60  | N 15°43'26" E | 68.10'   |
| B61  | N 55°48'13" E | 49.91'   |
| B62  | N 89°22'41" E | 31.09'   |
| B63  | S 65°03'46" E | 20.45'   |
| B64  | N 48°28'26" E | 27.90'   |
| B65  | N 29°35'43" W | 35.45'   |
| B66  | N 47°51'19" W | 17.68'   |
| B67  | N 34°50'41" W | 44.81'   |
| B68  | N 29°21'51" W | 110.92'  |
| B69  | S 83°00'09" W | 36.22'   |
| B70  | N 79°30'35" W | 14.44'   |
| B71  | N 28°04'59" W | 9.73'    |
| B72  | N 25°15'28" W | 78.28'   |
| B73  | N 84°54'29" W | 64.19'   |
| B74  | N 64°32'25" W | 49.85'   |
| B75  | N 72°13'15" W | 81.83'   |
| B76  | N 58°59'31" E | 25.02'   |
| B77  | N 65°08'23" E | 52.48'   |
| B78  | S 81°10'50" E | 11.92'   |
| B79  | N 69°25'40" E | 66.51'   |
| B80  | N 76°07'43" E | 86.19'   |
| B81  | N 70°19'06" E | 35.01'   |
| B82  | N 03°08'01" W | 36.60'   |
| B83  | N 81°15'12" E | 39.69'   |
| B84  | S 86°54'44" E | 28.33'   |
| B85  | N 47°23'04" E | 38.70'   |
| B86  | N 50°22'53" E | 20.67'   |
| B87  | N 69°31'14" E | 56.58'   |
| B88  | N 81°11'04" E | 31.82'   |
| B89  | N 65°24'53" E | 89.52'   |
| B90  | S 78°16'43" E | 13.85'   |
| B91  | N 61°11'40" E | 81.51'   |
| B92  | N 78°03'08" E | 64.69'   |
| B93  | N 63°04'18" E | 88.72'   |
| B94  | N 58°05'40" E | 21.82'   |
| B95  | N 72°42'44" E | 37.80'   |
| B96  | S 09°46'53" E | 25.33'   |
| B97  | S 15°49'18" E | 17.32'   |
| B98  | S 77°11'46" E | 30.81'   |
| B99  | S 82°53'27" E | 28.17'   |
| B100 | N 82°52'54" E | 30.18'   |
| B101 | N 63°50'54" E | 51.89'   |
| B102 | N 66°48'18" E | 40.20'   |
| B103 | N 64°02'50" E | 31.20'   |
| B104 | N 76°49'25" E | 25.74'   |
| B105 | N 27°08'12" E | 35.02'   |
| B106 | S 80°23'02" E | 31.53'   |
| B107 | S 68°45'28" E | 29.88'   |
| B108 | S 42°02'59" E | 64.26'   |
| B109 | S 46°45'58" E | 30.54'   |
| B110 | S 73°55'49" E | 19.53'   |
| B111 | S 34°42'58" E | 130.20'  |

DAVIS BOWEN & FRIEDEL, INC.  
 ARCHITECTS ENGINEERS SURVEYORS  
 1015 MARKET STREET, SUITE 200  
 WILMINGTON, DELAWARE 19801  
 TEL: 302.441.7744  
 FAX: 302.441.7744

**BITTER FARM**  
**LEWES REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

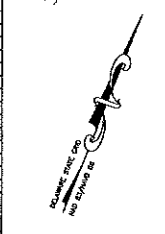
Date: JULY 2021  
 Scale: 1" = 50'  
 Dwn.By: DEG  
 Proj.No.: P3808A21  
 Dwg.No.:

**WD-02**

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\\MIL01\proj\Chesapeake Realty\3808A21 - Bitter Farm\Design\Wetland Delineation.dwg Sep 13, 2021 - 8:40am GRED

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| B1   | S 72°19'36" W | 16.33'   |
| B2   | S 24°38'09" W | 10.72'   |
| B3   | S 72°00'58" W | 43.06'   |
| B4   | S 58°06'30" W | 36.21'   |
| B5   | S 44°42'58" W | 39.76'   |
| B6   | S 61°44'48" W | 64.00'   |
| B7   | S 89°40'33" W | 78.18'   |
| B8   | N 70°53'47" W | 69.18'   |
| B9   | N 68°43'17" W | 49.48'   |
| B10  | N 43°24'41" W | 79.17'   |
| B11  | N 44°48'51" W | 94.44'   |
| B12  | S 70°52'41" W | 50.29'   |
| B13  | S 60°00'23" W | 43.44'   |
| B14  | S 37°43'32" W | 45.25'   |
| B15  | N 89°33'18" W | 22.81'   |
| B16  | S 43°55'24" W | 39.30'   |
| B17  | S 66°46'54" W | 20.60'   |
| B18  | S 85°37'45" W | 11.74'   |
| B19  | S 46°03'27" W | 18.91'   |
| B20  | S 44°20'05" W | 39.37'   |
| B21  | S 43°24'45" W | 44.28'   |
| B22  | S 56°44'55" W | 38.87'   |
| B23  | S 75°14'55" W | 23.89'   |
| B24  | S 24°12'51" W | 43.83'   |
| B25  | S 45°23'53" W | 39.37'   |
| B26  | S 45°33'18" W | 42.77'   |
| B27  | S 47°36'54" W | 53.17'   |
| B28  | S 49°28'48" W | 21.53'   |
| B29  | S 49°08'54" W | 55.91'   |
| B30  | S 83°37'59" W | 42.79'   |
| B31  | S 28°51'00" W | 24.29'   |
| B32  | S 38°59'05" W | 43.54'   |
| B33  | S 47°34'44" W | 41.43'   |
| B34  | S 54°23'03" W | 48.75'   |
| B35  | S 53°33'05" W | 61.20'   |
| B36  | N 62°24'02" W | 22.32'   |
| B37  | S 49°37'03" W | 24.84'   |
| B38  | S 02°04'05" E | 28.61'   |
| B39  | S 47°25'05" W | 48.84'   |
| B40  | S 50°32'09" W | 87.11'   |
| B41  | S 79°11'44" W | 6.49'    |
| B42  | S 50°58'40" W | 27.42'   |
| B43  | S 46°28'13" W | 40.33'   |
| B44  | S 47°54'50" W | 20.57'   |
| B45  | S 61°14'38" W | 37.29'   |
| B46  | S 63°48'23" W | 17.71'   |
| B47  | S 72°34'57" W | 31.33'   |
| B48  | N 69°46'44" W | 33.49'   |
| B49  | S 88°26'53" W | 45.75'   |
| B50  | S 63°28'11" W | 28.65'   |
| B51  | N 38°40'28" W | 41.11'   |
| B52  | N 63°57'50" W | 13.06'   |
| B53  | N 00°09'40" W | 28.41'   |
| B54  | N 41°23'25" E | 32.85'   |
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| B63  | S 65°03'46" E | 20.85'   |
| B64  | N 48°28'26" E | 27.06'   |
| B65  | N 25°55'43" W | 58.48'   |
| B66  | N 67°35'16" W | 17.68'   |
| B67  | N 34°50'41" W | 44.81'   |
| B68  | N 38°11'51" W | 110.84'  |
| B69  | S 63°00'05" W | 30.22'   |
| B70  | N 78°30'35" W | 14.48'   |
| B71  | N 28°04'39" W | 6.75'    |
| B72  | N 25°15'38" E | 79.28'   |
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| B84  | S 58°54'44" E | 28.33'   |
| B85  | N 47°23'04" E | 38.78'   |
| B86  | N 30°22'53" E | 20.67'   |
| B87  | N 69°31'14" E | 58.58'   |
| B88  | N 81°11'04" E | 31.82'   |
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| B90  | S 76°16'43" E | 13.82'   |
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| B92  | N 76°05'08" E | 64.99'   |
| B93  | N 63°04'18" E | 66.75'   |
| B94  | N 55°05'40" E | 21.92'   |
| B95  | N 72°42'44" E | 37.80'   |
| B96  | S 07°46'35" E | 26.32'   |
| B97  | S 16°49'19" W | 17.32'   |
| B98  | S 77°11'46" E | 30.81'   |
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| B102 | N 66°48'18" E | 40.20'   |
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| B109 | S 46°45'56" E | 30.54'   |
| B110 | S 73°35'49" E | 19.58'   |
| B111 | S 34°42'58" E | 130.26'  |



UPLAND AGRICULTURAL FIELD

UPLAND AGRICULTURAL FIELD

UPLAND AGRICULTURAL FIELD

PAVED DRIVE

PAVED DRIVE

ACTIVE BORROW PIT AND OPERATIONAL AREA NOT SUBJECT TO CORP OF ENGINEERS REGULATORY PROGRAM

MIXED BORROW PIT AREA EXCAVATED FROM UPLANDS WITH WOODED AND EMERGENT WETLANDS (PHRAGMITES) NOT SUBJECT TO CORP OF ENGINEERS REGULATORY PROGRAM.

ACTIVE BORROW PIT POND AND OPERATIONAL AREA NOT SUBJECT TO CORP OF ENGINEERS REGULATORY PROGRAM

B

F

D

J

N 68°06'58" E

2946.95' (TOTAL)

S 50°56'44" W

2767.69'

MATCHLINE

MATCHLINE

**DAVIS BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1401 W. MARKET ST., SUITE 200  
 WILMINGTON, DELAWARE 19806  
 (302) 776-1474

BORROW PIT DELINEATION PLAN & TABLE

**RITTER FARM  
 LEWES REHOBETH HUNDRED  
 TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

Revised:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 50'  
 Dwn. By: DEG  
 Proj. No.: P3808A21  
 Dwg. No.:

**WD-03**

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

October 13, 2022

**BY HAND DELIVERY & EMAIL TO: [jamie.whitehouse@sussexcountye.gov](mailto:jamie.whitehouse@sussexcountye.gov)**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

**RE: Substitution of Applications  
Ritter Farm  
SCTP No. 334-5.00-153.00**

Dear Mr. Whitehouse:

In follow-up to our conversations regarding the applications relating to the above-referenced tax parcel, rather than amending each of the pending applications, it is more efficient to withdraw them and substitute one application in their place. Janice CRP3, LLC, the applicant, requests that the pending applications be withdrawn and the new application described hereinafter be substituted in their place. It is our understanding that the replacement application will be considered at future public hearings for which the prior applications were tentatively scheduled (January 12, 2023, Planning & Zoning and a corresponding County Council date). If this understanding is not correct, please advise me immediately as I will need to seek further direction from my client.

The applications to be withdrawn, are the following applications that were filed on January 28, 2022:

- Subdivision Application 2022-02, Ritter Farm, 65.17± acres;
- CZ 1971, Ritter Farm, C-1 to MR, 7.718± acres;
- CZ 1972, Ritter Farm, AR-1 to MR, 57.527± acres; and
- CU 2345, Ritter Farm, 313 Multifamily Units, 62.245± acres.

The application to be substituted in place of these applications as it relates to the same property is as follows:

- Change of Zone from AR-1 and C-1 to MR-RPC, 61.73± acres (please note this acreage which is the product of an anticipated minor subdivision to separate the existing self-storage facility from the balance of the property).

**Jamie Whitehouse, Director**  
**October 13, 2022**  
**Page 2**

For the enclosed change of zone application, the following are being filed:

- Application for a Zoning Map Amendment;
- Mailing List Application;
- Legal Description for the 61.73± acres;
- Rezoning Plan Plat (3, 24x36 plats);
- Ritter Farm Preliminary Site Plan for the RPC (5 Plat Plan Sets);
- DelDOT's SFR (SLER Response) dated December 15, 2021; and
- PLUS Report for Review No. 2021-12-06 dated January 15, 2022 with an email dated September 29, 2022 confirming that the revised project does not need to go through the PLUS process a second time

In addition to the paper copies being filed today, electronic copies of these applications are being emailed to you and to Mr. Lowrey, the planner assigned to this project, to ensure the information is available in both paper and electronic format.

As you likely recall, the property that is the subject of the enclosed application is also the subject of a Future Land Use Map amendment application filed on May 25, 2021.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

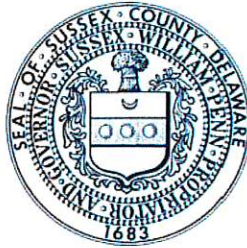
MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosures

cc: Michael Lowrey (via email)  
Ring W. Lardner, P.E. (via email)  
Janice CRP3, LLC (via email)

JAMIE WHITEHOUSE, AICP, MRTPI  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Technical Advisory Committee  
From: Elliott Young, Planner I  
Date: March 16<sup>th</sup>, 2022  
RE: Major Subdivision Application for TAC Review

---

**PLEASE NOTE: All e-mailed responses shall be directed to [PANDZ@SUSSEXCOUNTYDE.GOV](mailto:PANDZ@SUSSEXCOUNTYDE.GOV).**

The Sussex County Planning and Zoning Office has received an application for a Major Subdivision that requires review by the Sussex County Technical Advisory Committee. Please review the application and provide any written comments back to the Planning and Zoning Office within **45 business days** of the date of this memorandum (**on or before May 18<sup>th</sup>, 2022**).

**2022-02 Ritter Farms**– This is a major subdivision application for the creation of 313 multi-family units. The property is located on the west side of Janice Road, approximately 0.15-miles west of Coastal Highway (Rt. 1). Tax Parcel: 334-5.00-153.00. Zoning: AR-1 (Agricultural Residential)/C-1 (General Commercial)  
Property Owners: AAA Storage Limited Partnership. Applicant: Janice CRP3, LLC.  
**Planner Assigned:** Elliott Young, Planner I; [elliott.young@sussexcountyde.gov](mailto:elliott.young@sussexcountyde.gov)

If you received a hard copy of this memo, please contact the planner assigned for an electronic copy of the plans. The document is nineteen (19) pages, and the applicant did not supply enough copies to be circulated by mail.

Please feel free to contact the office with any questions at (302) 855-7878 during normal business hours 8:30AM. - 4:30PM, Monday through Friday.

## Michael Lowrey

---

**From:** Planning and Zoning  
**Sent:** Wednesday, May 11, 2022 8:52 AM  
**To:** Michael Lowrey  
**Subject:** Fw: ATTN: Elliott Young - Major Subdivision Application/2022-02 Ritter Farms  
**Attachments:** Memorandum - Ritter Farms.pdf; 2022-02 Ritter Farms.pdf

Mike,

The following is the USDA TAC Letter response for the Ritter Farms Subdivision application (2022-02).

Thank you,

Elliott Young, Planner I  
Sussex County Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947  
302-855-7878

---

**From:** Heck, Bobbi - NRCS-CD, Georgetown, DE <Bobbi.Heck@de.nacdnet.net>  
**Sent:** Wednesday, May 11, 2022 6:52 AM  
**To:** Planning and Zoning <pandz@sussexcountyde.gov>  
**Cc:** Savage, Thelton - NRCS, Georgetown, DE <thelton.savage@usda.gov>  
**Subject:** ATTN: Elliott Young - Major Subdivision Application/2022-02 Ritter Farms

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Morning,

Attached you will find one application reviewed by Thelton D. Savage, District Conservationist, USDA Natural Resources Conservation Service.

Please let me know if you have any questions. Thanks.

Bobbi

**Bobbi Heck**  
**Financial Programs Specialist**  
Sussex Conservation District  
21315 Berlin Road, Unit 4  
Georgetown, DE 19947  
Main Line: (302) 856-3990 ext.3  
Direct Line: (302) 259-7455  
Fax: (302) 856-4381 or 1-855-306-8272



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Natural Resources  
Conservation Service

May 11, 2022

Georgetown  
Service Center

Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
Sussex County Courthouse  
Georgetown, DE 19947

21315 Berlin Road  
Unit 3  
Georgetown, DE  
19947

**RE: Ritter Farms  
313 multi-family units**

Voice 302.856.3990  
Fax 855.306.8272

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

- DoA Downer sandy loam, 0 to 2 percent slopes
- DoB Downer sandy loam, 2 to 5 percent slopes
- EvB Evesboro loamy sand, 0 to 5 percent slopes
- GrA Greenwich loam, 0 to 2 percent slopes
- HnA Hammonton sandy loam, 0 to 2 percent slopes
- IeB Ingleside loamy sand, 2 to 5 percent slopes
- LO Longmarsh and Indiantown soils, frequently flooded

Soil Interpretation Guide

Soil Limitation Class

Buildings

| Map Symbol | Urbanizing Subclass | With Basement    | Without Basement | Septic Filter Fields |
|------------|---------------------|------------------|------------------|----------------------|
| DoA        | G1                  | Not limited      | Not limited      | Not limited          |
| DoB        | G1                  | Not limited      | Not limited      | Not limited          |
| EvB        | G2                  | Not limited      | Not limited      | Very limited         |
| GrA        | G1                  | Not limited      | Not limited      | Very limited         |
| HnA        | Y2                  | Very limited     | Somewhat limited | Very limited         |
| IeB        | Y2                  | Somewhat limited | Not limited      | Very limited         |
| LO         | R3                  | Very limited     | Very limited     | Very limited         |



Definition of soil limitation ratings classes:

Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development.

**"Not limited"** indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

**"Somewhat limited"** indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

**"Very limited"** indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

**G1:**

These soils are on nearly level to strongly sloping (0-10% slopes), well drained, mostly permeable soils. As sites for large commercial, industrial, institutional, and residential developments, these soils have fewer limitations than any other soils in the state. Slopes are favorable, and grading can be done without difficulty. Foundation conditions are generally good. Grasses, trees, and do well. Principal soil limitations: No apparent soil limitations for conventional uses.

**G2:**

The soils in this classification are nearly level or gently sloping, excessively drained or somewhat excessively drained, very sandy, rapidly permeable soils. These soils are sandy and droughty. They are well suited for large commercial and industrial developments, and somewhat less suited for residential uses because of low available moisture for grasses. Care should be taken in location of septic filter fields, wells, and the size of the building lots. Because of the excessive permeability of these particular soils, there is a probability of polluting nearby wells, springs, ponds, streams, or other sources of water.

**R3:**

These soils are alluvial soils that have a history of flooding. The hazard of potential flood damage and seasonal or fluctuating high water tables severely limits these soils for building use. The soil limitations are 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) delayed construction in spring - slow to dry out, 4) wet foundations or basements probable, and 5) potential flood damage.

**Y2:**

The soils in this classification are nearly level or gently sloping, moderately well drained or well drained with ground water between four to six feet from the surface, and are subject to seasonal high water tables. Seasonal wetness and seepage around foundations moderately limits these soils for residential use. The principal soil limitations are: 1) lateral seepage in subsoil causes concentration of water around foundations, 2) soil is highly susceptible to frost action, 3) excavations are likely to fill with water in late winter or early spring, and 4) wet basements or foundations are probable.

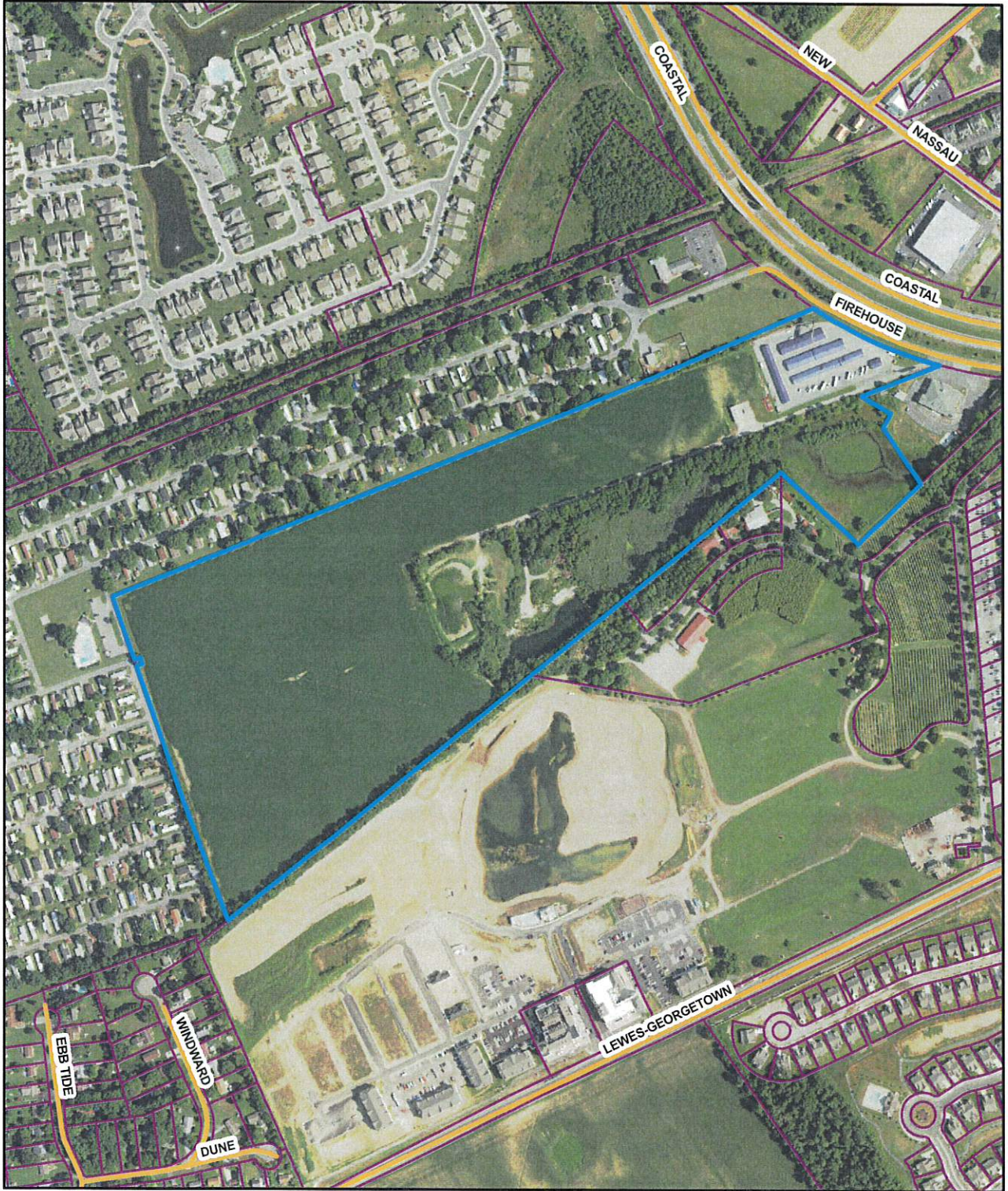
The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the soil area; nor to the pattern they form with other soils in the landscape. Also, because of the scale of the maps used, small areas of other kinds of soils may be included within some delineations of the soil map. Thus, an individual lot or building site could occupy a small area that would not fit the interpretations given for the soils symbol representing the entire delineation of the map. Interpretations apply to the soils in their natural state and not for areas that may have been altered through grading, compacting, and the like.

Sincerely,

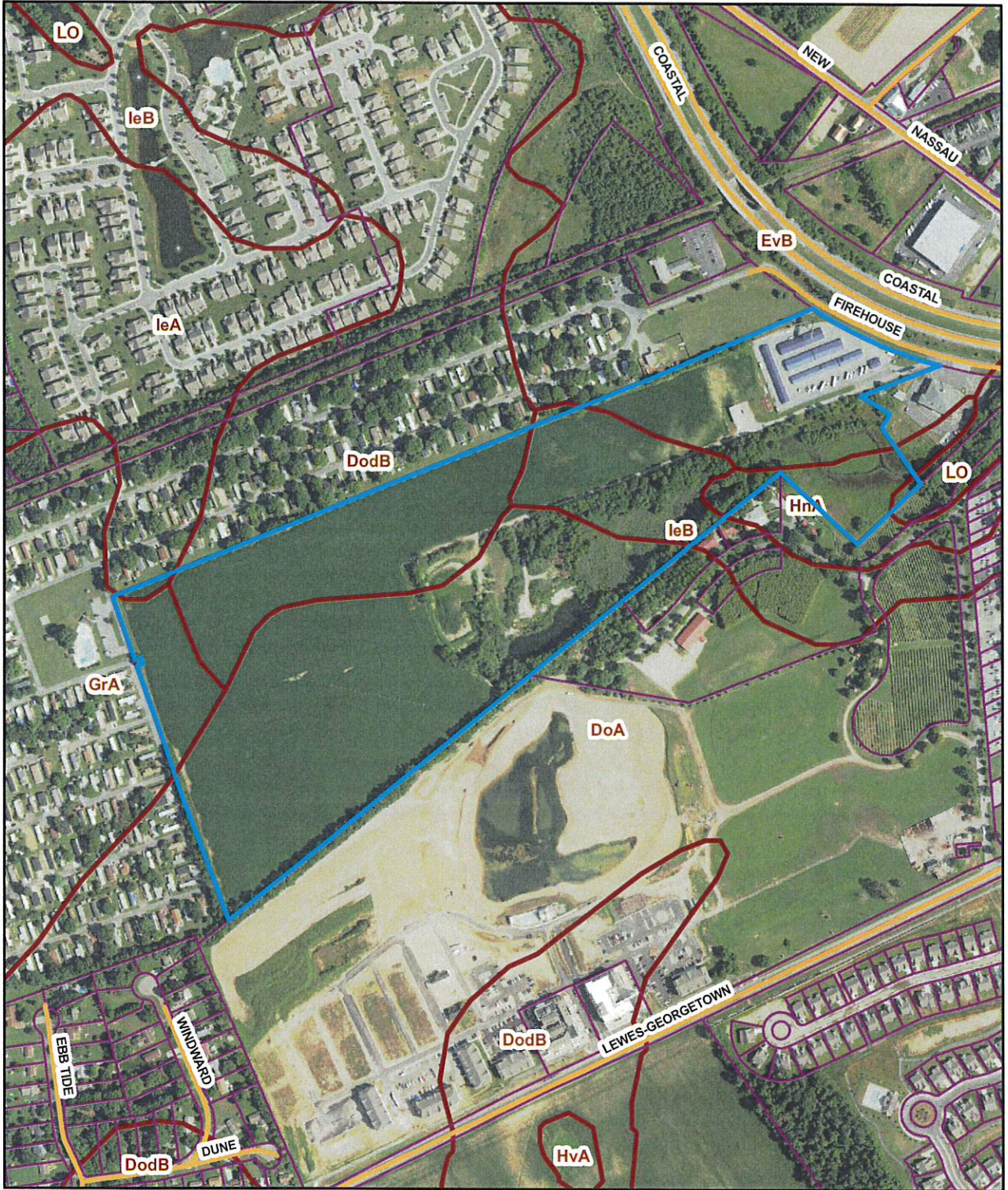
A handwritten signature in black ink, appearing to read "Thelton D. Savage". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thelton D. Savage  
District Conservationist  
USDA, Natural Resources Conservation Service

TDS/bh



2022-02  
TM #334-5.00-153.00  
Ritter Farms



2022-02  
TM #334-5.00-153.00  
Ritter Farms



DELAWARE DEPARTMENT OF  
**AGRICULTURE**

2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901  
AGRICULTURE.DELAWARE.GOV

TELEPHONE: (302) 698-4500  
TOLL FREE: (800) 282-8685  
FAX: (302) 697-6287

May 19, 2022

Elliott Young, Planner I  
Planning & Zoning Commission  
P.O. Box 417  
Georgetown, Delaware 19947

Subject: **Preliminary Plans for Ritter Farms**

Dear Mr. Young,

Thank you for providing preliminary plans for Ritter Farms submitted by Davis, Bowen & Friedel, INC. The plans submitted to our section dated December 2021 are sufficient to meet the Sussex County Planning and Zoning Forested Buffer Ordinance.

The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website.

The Delaware Forest Service has no further comment to Ritter Farms preliminary subdivision plans dated December 2021 at this time.

If you have any questions please feel free to contact me at [taryn.davidson@delaware.gov](mailto:taryn.davidson@delaware.gov).

Sincerely,

Taryn Davidson  
Urban Forestry Program  
Delaware Forest Service

LEGAL DESCRIPTION

AAA STORAGE LIMITED PARTNERSHIP

PORTION OF 334-5.00-153.00

ZONED AR-1 AND C-1

September 28, 2022

**BEING** all that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of, but not adjacent to, Janice Road (SCR 14B), 70 feet wide, and being located in the Lewes & Rehoboth Hundred, Sussex County, Delaware, as shown on a plat prepared by Davis, Bowen & Friedel, Inc., dated September 2022; said piece or parcel being more particularly described as follows:

**BEGINNING** at a point on the southerly line of the lands of, now or formerly, MHC Whispering Pines LLC, being identified as Tax Parcel 334-5.00-155.00, said point bears South 68 degrees 06 minutes 56 seconds West 304.27 feet from a point formed by the intersection of the southwesterly right-of-way line of said Janice Road with the southerly line of said MHC lands, thence,

1) leaving said MHC lands and through the lands of, now or formerly, AAA Storage Limited Partnership, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3319, Page 126, the following three courses and distances, South 21 degrees 53 minutes 04 seconds East 301.10 feet to a point, thence running,

2) North 68 degrees 33 minutes 47 seconds East 340.77 feet to a point, thence running,

3) South 21 degrees 26 minutes 13 seconds East 58.00 feet to a point on the northerly line of the lands of, now or formerly, Lewes Fire Department, Inc. as recorded in the Office of Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3319, Page 126, thence,

4) running by and with said Lewes Fire Department lands the following three courses and distances, South 59 degrees 45 minutes 06 seconds East 133.53 feet to a point, thence running,

5) South 30 degrees 14 minutes 54 seconds West 62.37 feet to a point, thence running,

6) South 34 degrees 42 minutes 58 seconds East 261.87 feet to a point on the southerly line of the lands of, now or formerly BAR-SGR, LLC as recorded in the Office of Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 2172, Page 207, thence,

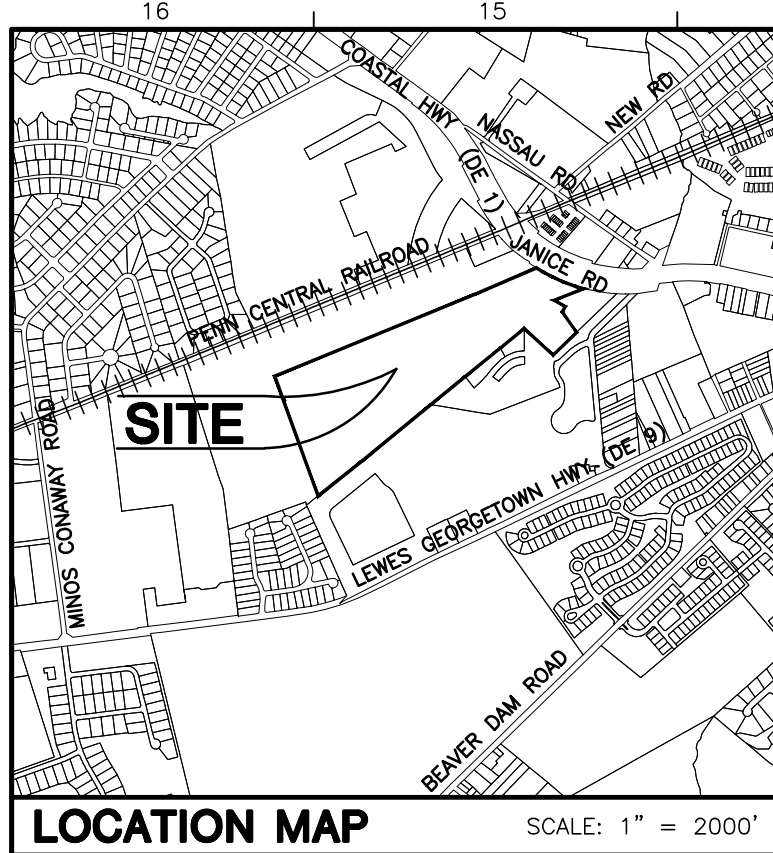
7) leaving said Lewes Fire Department lands, and running by and with said BAR-SGR LLC lands the following two courses and distances, South 46 degrees 04 minutes 01 seconds West 371.87 feet to an iron pipe found at a point, thence running,

8) North 47 degrees 19 minutes 10 seconds West 407.52 feet to a point, to a concrete monument found at a point on the northwesterly line of Nassau Valley Vineyard LP, as recorded in said Office of the Recorder of Deeds in Deed Book 1894, Page 129, thence,

7) leaving said BAR-SGR lands and running by and with said Nassau Valley lands, also running by and with said BAR-SGR lands, and other lands of, now or formerly, BAR-SGR LLC, as recorded in said Office of the Recorder of Deeds in Deed Book 5199, Page 225, South 50 degrees 56 minutes 44 seconds West 2,767.69 feet to a point on the easterly line of the lands of said MHC lands, passing over iron rods found at 789.83 feet and 1,257.16 feet, thence,

8) leaving said other BAR-SGR lands and running by and with said MHC lands, the following two courses and distances, North 18 degrees 03 minutes 42 seconds West 1,352.42 feet to a concrete monument found at a point, thence running,

9) North 68 degrees 06 minutes 56 seconds East 2,642.58 feet to the point and place of beginning; **CONTAINING 61.733** acres of land, more or less.

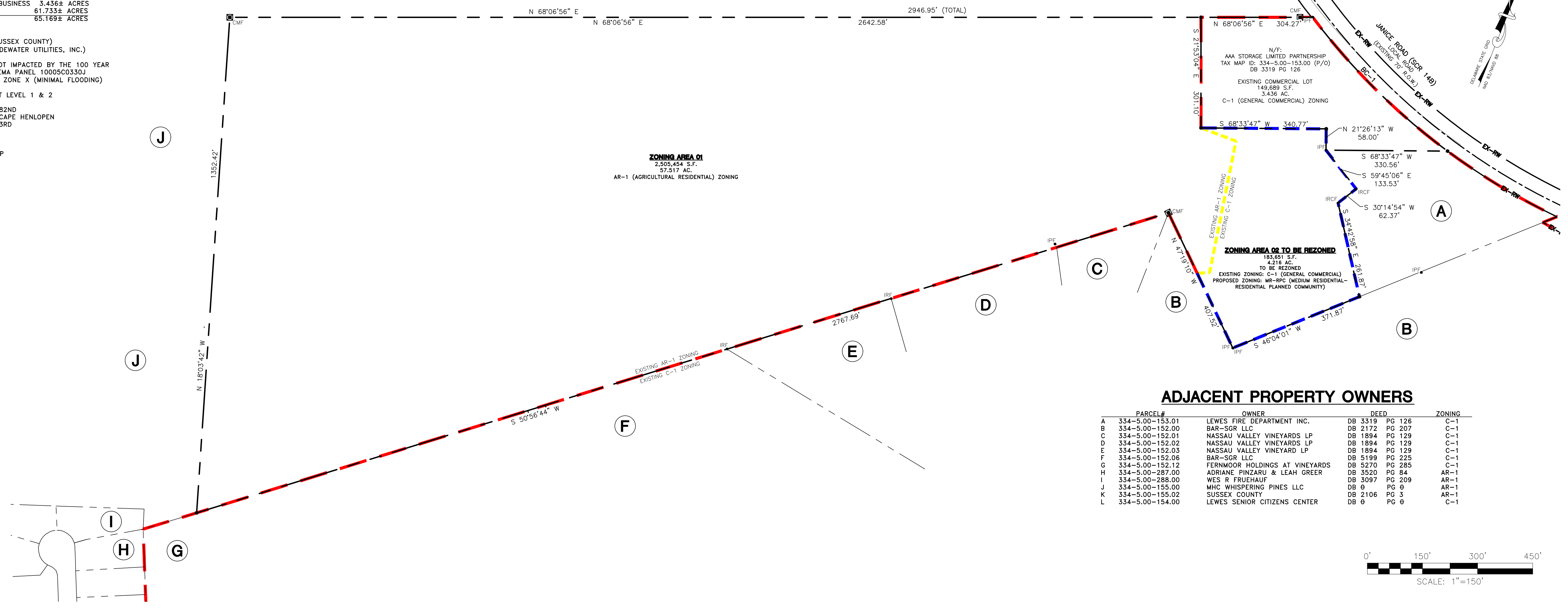


**DATA COLUMN**

TAX MAP ID: 3-34-5.00-153.00  
 DEED REFERENCE: DB: 3319 PG: 126  
 DATUM:  
 HORIZONTAL: NAD 83 (DE STATE PLANE)  
 VERTICAL: NAVD 88  
 LAND USE  
 EXISTING: COMMERCIAL BUSINESS  
 PROPOSED: COMMERCIAL BUSINESS  
 ZONING  
 EXISTING: C-1 (COMMERCIAL RESIDENTIAL)  
 AR-1 (AGRICULTURAL RESIDENTIAL)  
 PROPOSED: C-1 (GENERAL COMMERCIAL)  
 AR-1 (AGRICULTURAL RESIDENTIAL))  
 AREAS:  
 EXISTING SITE  
 SITE AREA: 65.169± ACRES  
 PROPOSED SITE  
 LOT 1 - EXISTING COMMERCIAL BUSINESS 3.436± ACRES  
 LOT 2 - RESIDUAL LANDS 61.733± ACRES  
 TOTAL SITE AREA 65.169± ACRES  
 UTILITIES  
 SEWER PROVIDER: PUBLIC (SUSSEX COUNTY)  
 WATER PROVIDER: PUBLIC (TIDEWATER UTILITIES, INC.)  
 FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005CD330J DATED JANUARY 06, 2005. FLOOD ZONE X (MINIMAL FLOODING)  
 STATE STRATEGIES MAP: INVESTMENT LEVEL 1 & 2  
 FIRE DISTRICT: 82ND  
 SCHOOL DISTRICT: CAPE HENLOPEN  
 ELECTION DISTRICT: 3RD  
 PROPERTY OWNER:  
 AAA STORAGE LIMITED PARTNERSHIP  
 22114 RITTER LN.  
 HARBESON, DE 19951  
 PROPERTY DEVELOPER:  
 JANICE CRP3 LLC  
 4750 OWINGS MILL BLVD.  
 OWINGS MILL, MD 21117  
 CONTACT: ION HOFFMAN  
 (CHESAPEAKE REALTY PARTNERS)  
 PHONE: 410-356-9900 EXT. 755  
 ENGINEER:  
 DAVIS, BOWEN, & FRIEDEL, INC.  
 RING W. LARDNER, P.E.  
 1 PARK AVENUE  
 MILFORD, DE 19963  
 PHONE: 302-424-1441  
 FAX: 302-424-0430

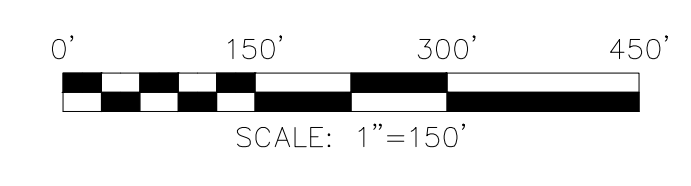
**BOUNDARY CURVE TABLE**

| CURVE | RADIUS   | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| BC-1  | 1797.02' | 518.65'    | 516.85'      | S 67°03'37" E | 16°32'11"   |



**ADJACENT PROPERTY OWNERS**

| PARCEL #          | OWNER                          | DEED           | ZONING |
|-------------------|--------------------------------|----------------|--------|
| A 334-5.00-153.01 | LEWES FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 PG 225 | C-1    |
| G 334-5.00-152.12 | FERNWOOD HOLDINGS AT VINEYARDS | DB 5270 PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE FINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRIEHAUF                 | DB 3097 PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0 PG 0      | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 PG 5   | AR-1   |
| L 334-5.00-154.00 | LEWES SENIOR CITIZENS CENTER   | DB 0 PG 0      | C-1    |



**LEGEND**

- EXISTING BOUNDARY/RIGHT-OF-WAY
- EXISTING ZONING BOUNDARY
- EXISTING ZONING BOUNDARY TO REMOVE
- PROPOSED REZONING BOUNDARY
- EXISTING ADJACENT PROPERTY LINE

ARCHITECTS ENGINEERS SURVEYORS  
**DAVIS, BOWEN & FRIEDEL, INC.**  
 1 PARK AVENUE  
 MILFORD, DELAWARE 19963  
 (302) 424-1441  
 (410) 770-4744

**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 Date: **SEPTEMBER 2022**  
 Scale: **1" = 150'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.:

**RZ-02**



# VINTNERS RESERVE RESIDENTIAL PLANNED COMMUNITY (RPC) PRELIMINARY SUBDIVISION PLAN LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE DBF PROJECT NO. 3808B001 SEPTEMBER 2022

| INDEX OF SHEETS                   |       |
|-----------------------------------|-------|
| PRELIMINARY TITLE SHEET           | PL-01 |
| PRELIMINARY SITE PLAN OVERVIEW    | PL-02 |
| PRELIMINARY SITE PLAN             | PL-03 |
| PRELIMINARY SITE PLAN             | PL-04 |
| PRELIMINARY SITE PLAN             | PL-05 |
| PRELIMINARY SITE PLAN             | PL-06 |
| PRELIMINARY SITE PLAN             | PL-07 |
| PRELIMINARY SITE PLAN             | PL-08 |
| PRELIMINARY SITE PLAN             | PL-09 |
| PRELIMINARY SITE PLAN             | PL-10 |
| PRELIMINARY UTILITY PLAN OVERVIEW | PL-11 |
| PRELIMINARY UTILITY PLAN          | PL-12 |
| PRELIMINARY UTILITY PLAN          | P-13  |
| PRELIMINARY UTILITY PLAN          | PL-14 |
| PRELIMINARY UTILITY PLAN          | PL-15 |
| PRELIMINARY UTILITY PLAN          | PL-16 |
| PRELIMINARY UTILITY PLAN          | PL-17 |
| PRELIMINARY UTILITY PLAN          | PL-18 |
| PRELIMINARY UTILITY PLAN          | PL-19 |

## CERTIFICATION OF OWNERSHIP:

I, \_\_\_\_\_ HEREBY CERTIFY THAT \_\_\_\_\_ IS THE LEGAL OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN, AND THAT THE RECORD MAJOR/MINOR LAND DEVELOPMENT PLAN HEREOF WAS MADE AT ITS DIRECTION; THAT I ACKNOWLEDGE THE SAME TO BE ITS ACT AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND ZONING CODE OF SUSSEX COUNTY.

JANICE CRP3, LLC \_\_\_\_\_ DATE \_\_\_\_\_

## DEVELOPER'S STATEMENT:

WE, THE UNDERSIGNED, CERTIFY THAT WE ARE THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO ORDINANCE.

JANICE CRP3 LLC \_\_\_\_\_ DATE \_\_\_\_\_  
4750 OWINGS MILL BLVD.  
OWINGS MILL, MD 21117  
CONTACT: JON HOFFMAN  
(CHESAPEAKE REALTY PARTNERS)  
PHONE: 410-356-9900 ext. 755

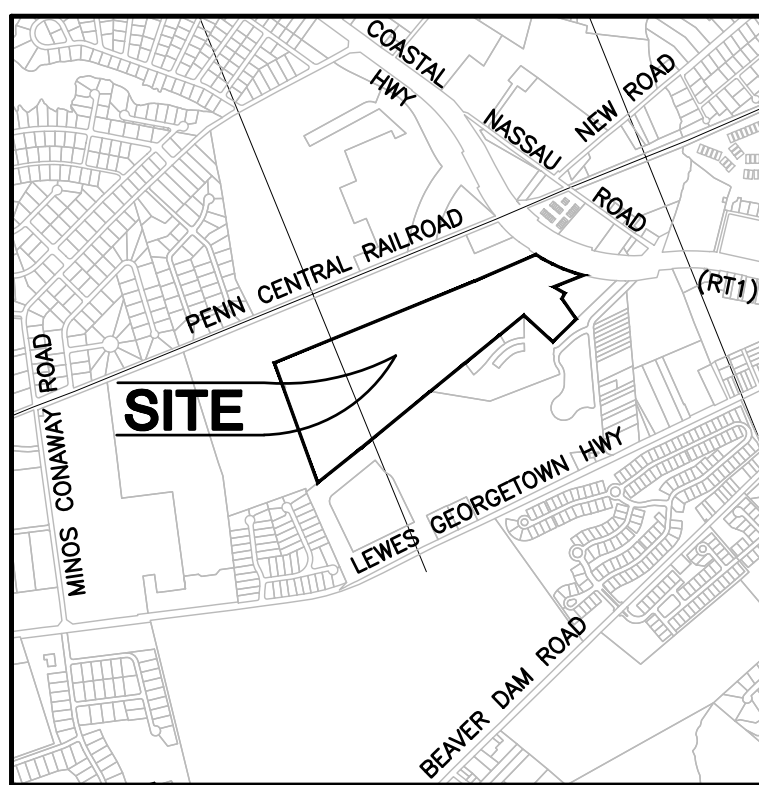
## CERTIFICATION OF ACCURACY:

I, RING W. LARDNER, P.E., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER (LAND SURVEYOR) IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES, AND IN ACCORDANCE WITH THE TOWN OF MIDDLETOWN SUBDIVISION REGULATIONS AND ZONING CODE.

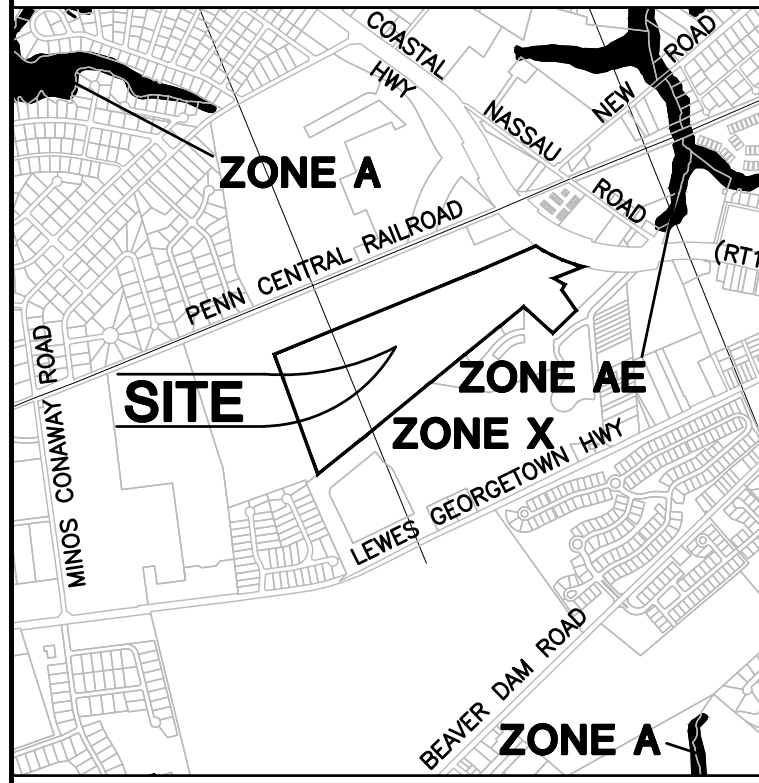
RING W. LARDNER, P.E. \_\_\_\_\_ DATE \_\_\_\_\_  
LICENSE #15647

## GENERAL NOTES:

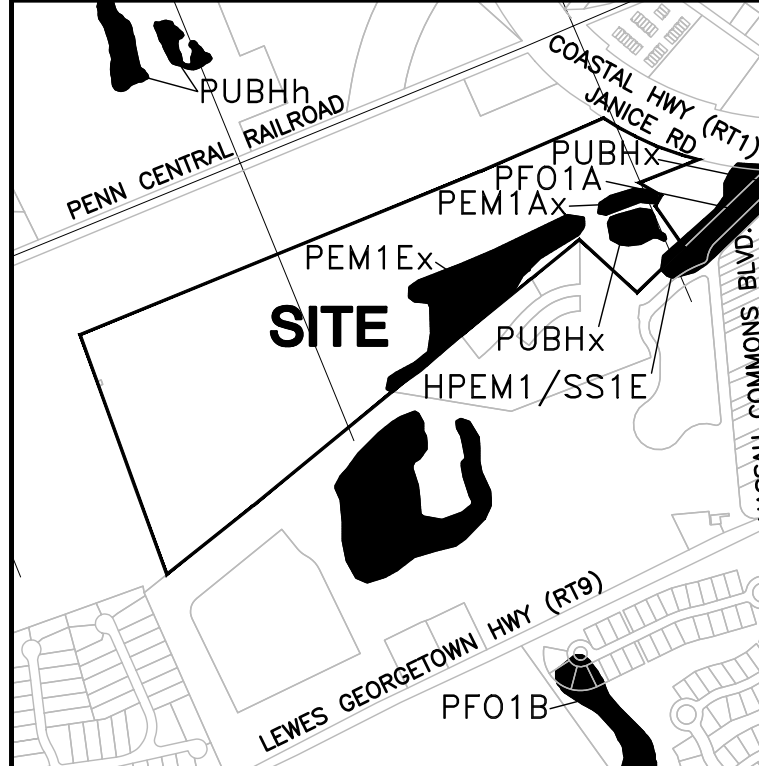
- 1) ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT) STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND WILL BE SUBJECT TO ITS APPROVAL.
- 2) SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- 3) THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- 4) ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. EACH UNIT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCEL. HORSESHOE DRIVEWAYS WILL NOT BE PERMITTED.
- 5) ALL MATERIALS AND WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS AND SPECIFICATIONS, DATED AUGUST 2001.
- 6) ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
- 7) A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- 8) MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- 9) ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION)
- 10) ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL, SHALL BE NCHRP - 350 APPROVED, AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- 11) DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- 12) "PAVEMENT MARKING MATERIAL WILL MATCH EXISTING, DURABLE MARKINGS (I.E. THERMO, EPOXY) WILL BE REQUIRED FOR NEW STRIPING, IF THEY EXIST IN THE FIELD."
- 13) ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- 14) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- 15) THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- 16) NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- 17) AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- 18) THE FINAL OVERLAY OF HOT MIX - TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS CONDUCTED WITHOUT THE COUNTY KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.
- 19) THERE ARE NO JURISDICTIONAL WETLANDS ON THIS PROPERTY.
- 20) THE PARCEL IS PARTIALLY LOCATED IN AN EXCELLENT RECHARGE AREA AND WILL COMPLY WITH CHAPTER 89 OF THE SUSSEX COUNTY CODE.
- 21) THIS PROJECT IS SUBJECT TO DEED RESTRICTIONS AND WILL BE RECORDED IN A SEPARATE DOCUMENT.



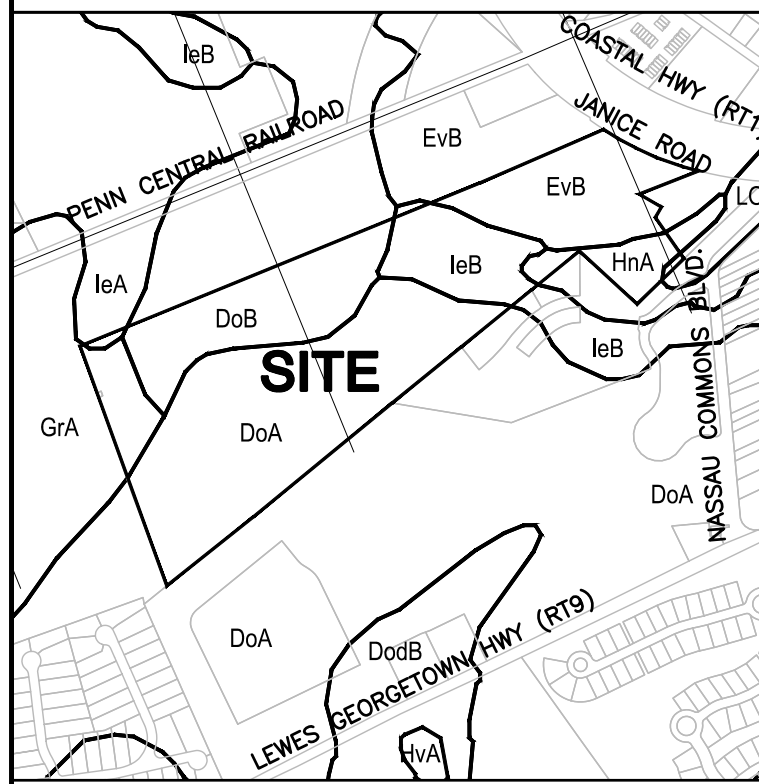
LOCATION MAP SCALE: 1" = 2000'



FEMA FLOOD MAP SCALE: 1" = 2000'  
FIRM PANEL: 10005C0330J DATED: 01-06-2005



NWI WETLAND MAP SCALE: 1" = 1000'

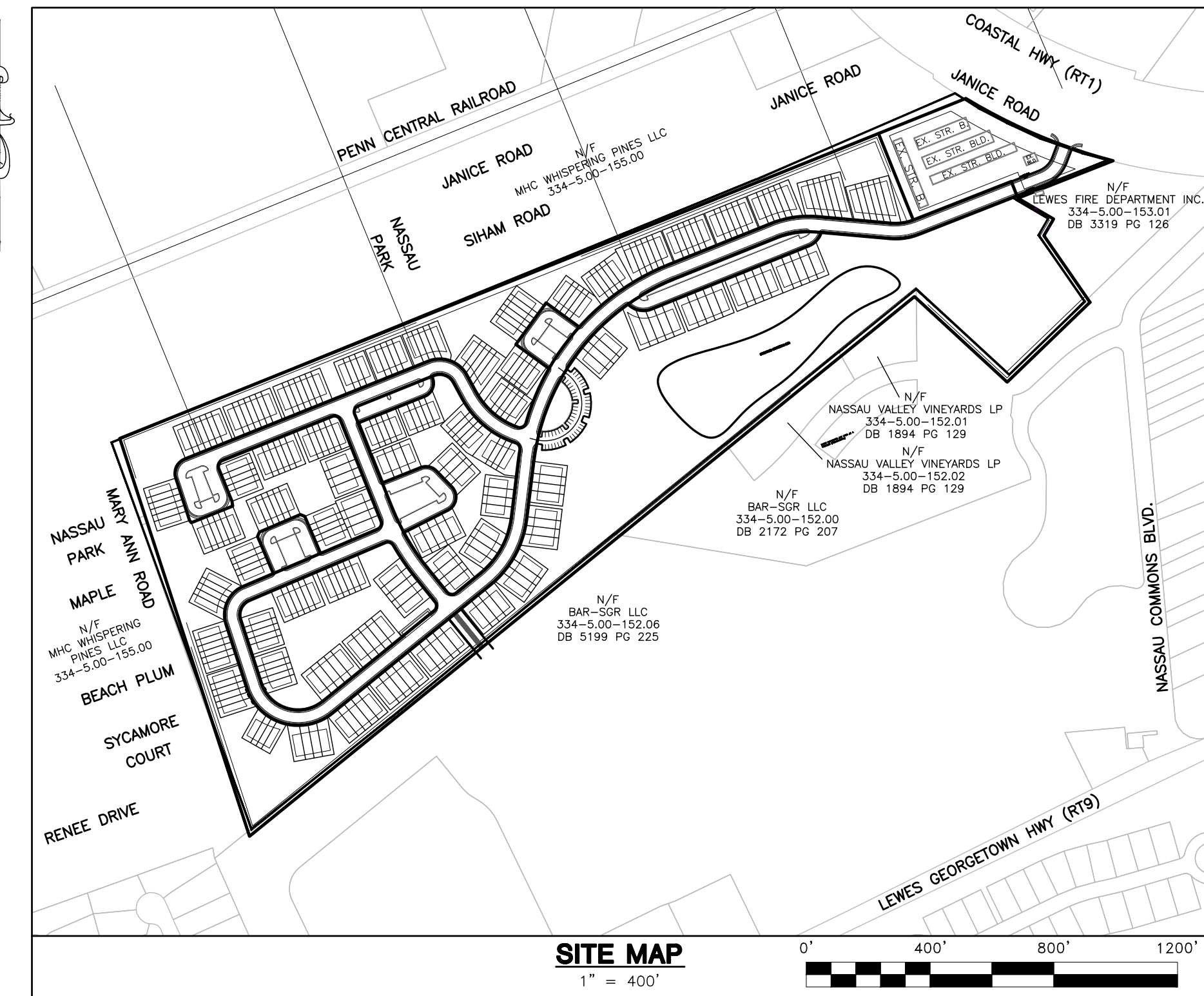


SOILS MAP SCALE: 1" = 1000'

| SYMBOL | SOILS DATA   |
|--------|--|
| GrA    | GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (TYPE B)       |
| IeA    | INGLESIDE LOAMY SAND, 0 TO 2 PERCENT SLOPES (TYPE A) |
| IeB    | INGLESIDE LOAMY SAND, 2 TO 5 PERCENT SLOPES (TYPE A) |
| EvB    | EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (TYPE B)  |
| HnA    | HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE B) |
| DoA    | DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE A)    |
| DoB    | DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES (TYPE A)    |

## DATA COLUMN

|  |  |
|--|--|
| TAX MAP ID:                                | 3-34-5.00-153.02   |
| DEED REFERENCE:                            | DB: 3319 PG: 126   |
| DATUM:                                     | NAD 83 (DE STATE PLANE)  |
| HORIZONTAL:                                | NAVD 88  |
| VERTICAL:                                  |  |
| LAND USE                                   | VACANT (BORROW PIT)  |
| EXISTING:                                  | TOWNHOUSE COMMUNITY  |
| PROPOSED:                                  | 316 UNITS  |
| TOWNHOUSE UNITS:                           | 316 UNITS  |
| DENSITY ALLOWABLE:                         | 61.733 ACRES (GROSS AREA)<br>LESS WETLANDS: 0.00 ACRES<br>LESS 25%: 15.433 ACRES<br>46.300 ACRES (NET DEVELOPABLE AREA)<br>46.300 X 12 DU / AC = 555 UNITS<br>(316 DU + 61.733 AC)<br>5.12 UNITS PER AC. |
| PROPOSED:                                  | (316 DU + 61.733 AC)<br>5.12 UNITS PER AC.   |
| ZONING                                     | C-1 (GENERAL COMMERCIAL)   |
| EXISTING:                                  | AR-1 (AGRICULTURAL RESIDENTIAL)  |
| PROPOSED:                                  | MR-RPC (MEDIUM-DENSITY RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY)  |
| BULK AND AREA CALCULATIONS                 |  |
| FRONT SETBACK:                             | 25 FT.   |
| FRONT CORNER SETBACK:                      | 15 FT.   |
| REAR SETBACK:                              | 15 FT.   |
| COMBINED FRONT AND REAR:                   | 40 FT.   |
| SIDE SETBACK:                              | 10 FT.   |
| BUILDING HEIGHT:                           | 42 FT.   |
| LOT WIDTH:                                 | 16 FT.   |
| LOT LENGTH:                                | 100 FT.  |
| LOT AREA:                                  | 1,600 S.F.   |
| AVERAGE LOT AREA:                          | 3,630 S.F.   |
| PARKING:                                   | 2 PER UNIT<br>632 SPACES   |
| REQUIRED                                   | 25 FT.<br>15 FT.<br>15 FT.<br>40 FT.<br>10 FT.<br>42 FT.<br>20 FT.<br>100 FT.<br>2,000 S.F.<br>3,024 S.F.<br>2 PER UNIT<br>632 SPACES AND<br>196 OVERFLOW SPACES   |
| PROPOSED                                   | 25 FT.<br>15 FT.<br>15 FT.<br>40 FT.<br>10 FT.<br>42 FT.<br>20 FT.<br>100 FT.<br>2,000 S.F.<br>3,024 S.F.<br>2 PER UNIT<br>632 SPACES AND<br>196 OVERFLOW SPACES   |
| AREAS:                                     |  |
| EXISTING SITE                              | 61.733 AC.   |
| SITE AREA:                                 |  |
| PROPOSED SITE                              |  |
| LOT AREA:                                  | 21,935 AC.   |
| RIGHT-OF-WAY:                              | 10,496 AC.   |
| ACCESS EASEMENT:                           | 0.161 AC.  |
| OPEN SPACE (TOTAL)                         | 29,141 AC.   |
| OPEN SPACE A                               | 1,315 AC.  |
| OPEN SPACE B                               | 1,353 AC.  |
| OPEN SPACE C                               | 0.152 AC.  |
| OPEN SPACE D                               | 1,615 AC.  |
| OPEN SPACE E                               | 0.050 AC.  |
| OPEN SPACE F                               | 2,384 AC.  |
| OPEN SPACE G                               | 2,001 AC.  |
| OPEN SPACE H                               | 0.884 AC.  |
| OPEN SPACE I                               | 0.214 AC.  |
| OPEN SPACE J                               | 2,554 AC.  |
| OPEN SPACE K                               | 9,893 AC.  |
| OPEN SPACE L                               | 4,826 AC.  |
| OPEN SPACE M                               |  |
| TOTAL SITE AREA                            | 61.733 AC.   |
| UTILITIES                                  |  |
| SEWER PROVIDER:                            | PUBLIC (SUSSEX COUNTY)   |
| WATER PROVIDER:                            | PUBLIC (TIDEWATER UTILITIES, INC.)   |
| PROPOSED BUILDING CONSTRUCTION:            | WOOD/CONCRETE BLOCK  |
| FLOODPLAIN -                               | THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0330J DATED JANUARY 06, 2005. FLOOD ZONE X (MINIMAL FLOODING)  |
| STATE STRATEGIES MAP:                      | INVESTMENT LEVEL 1 & 2   |
| TRANSPORTATION IMPROVEMENT DISTRICT (TID): | HENLOPEN   |
| FIRE DISTRICT:                             | 82ND   |
| SCHOOL DISTRICT:                           | CAPE HENLOPEN  |
| ELECTION DISTRICT:                         | 3RD  |
| PROPERTY OWNER / DEVELOPER:                | JANICE CRP3 LLC<br>4750 OWINGS MILL BLVD.<br>OWINGS MILL, MD 21117<br>CONTACT: JON HOFFMAN<br>PHONE: 410-356-9900 EXT. 755   |
| ENGINEER:                                  | DAVIS, BOWEN, & FRIEDEL, INC.<br>RING LARDNER, P.E.<br>1 PARK AVENUE<br>MILFORD, DE 19963<br>PHONE: 302-424-1441<br>FAX: 302-424-0430  |



SITE MAP  
1" = 400'

## LEGEND

| EXISTING                     | PROPOSED  |
|------------------------------|---|
| BOUNDARY LINE                | RIGHT-OF-WAY / BOUNDARY LINE  |
| ADJACENT PROPERTY OWNER      | EASEMENT  |
| EASEMENT                     | FORESTED BUFFER   |
| CONTOUR                      | WETLANDS BUFFER   |
| CATCH BASIN, STORM PIPE      | STREAM BUFFER   |
| SANITARY SEWER MANHOLE, PIPE | CATCH BASIN, STORM PIPE, STORM MANHOLE, LABELS                      |
| WATER MAIN                   | SWALE   |
| FIRE HYDRANT ASSEMBLY        | SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE |
| UTILITY POLE                 | WATER MAIN, TEE W/ VALVES, PIPE SIZE                                |
| SIGN                         | FIRE HYDRANT ASSEMBLY   |
| FENCE                        | TREE LINE   |
| TREE                         | PAVEMENT / FULL DEPTH TYPE I  |
| TREE LINE                    | CONCRETE SIDEWALK   |
| WETLANDS                     | FENCE   |
| PAVEMENT                     |   |

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MILFORD, DELAWARE (302) 424-1441  
EASTON, MARYLAND (410) 770-4744

Revisions:  
2022-12-27 OWNER AND P&Z COMMENTS

PL-01

LOT AREA TABLE with columns for LOT, SQ. FT., ACRES, and multiple lot area entries.

LOT CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

LOT CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

RIGHT-OF-WAY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

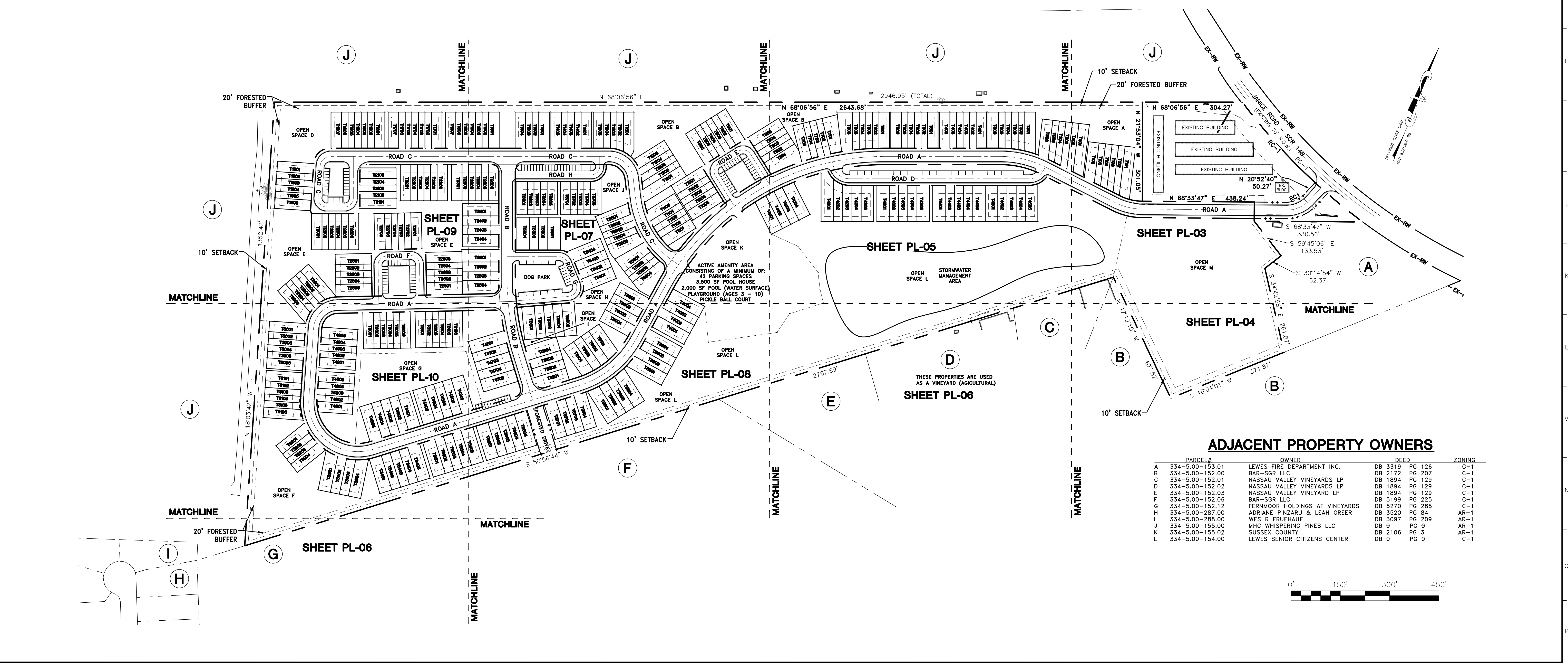
RIGHT-OF-WAY LINE TABLE with columns for LINE, BEARING, and DISTANCE.

LOT LINE TABLE with columns for LINE, BEARING, and DISTANCE.

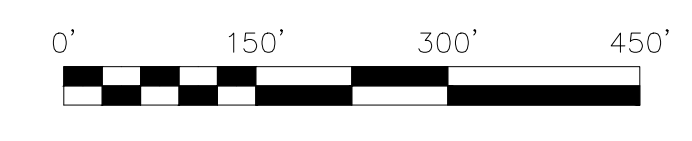
JANICE ROAD RIGHT-OF-WAY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

RIGHT-OF-WAY TIE-LINE CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

EXISTING BOUNDARY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.



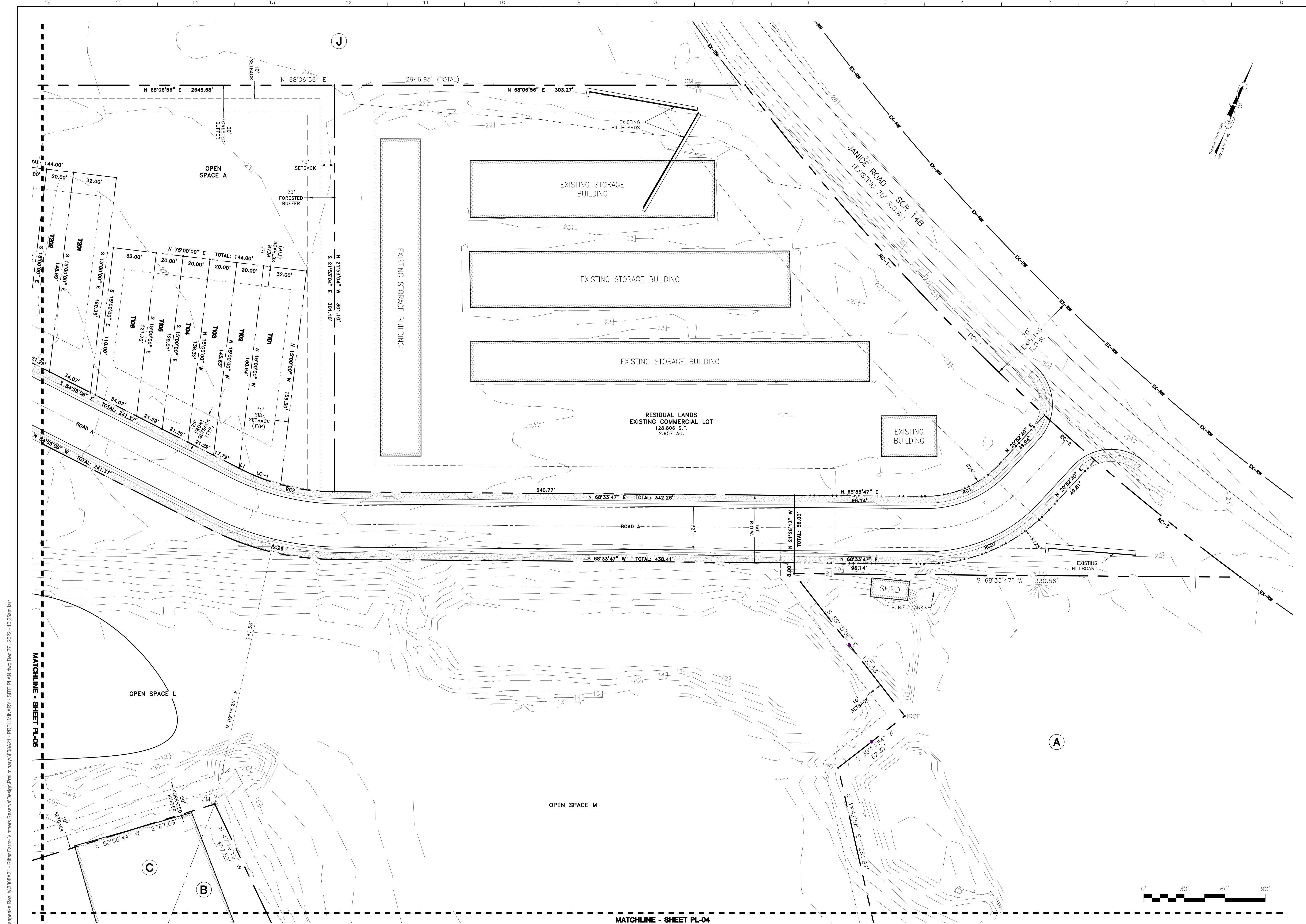
ADJACENT PROPERTY OWNERS table listing parcel numbers, owners, deed information, and zoning.



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VINTNERS RESERVE LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE

Revisions: 2022-12-27 OWNER AND P&Z COMMENTS Date: SEPTEMBER 2022 Scale: 1" = 150' Down By: DEG Proj. No.: 3808A21 Dwg. No.: PL-02



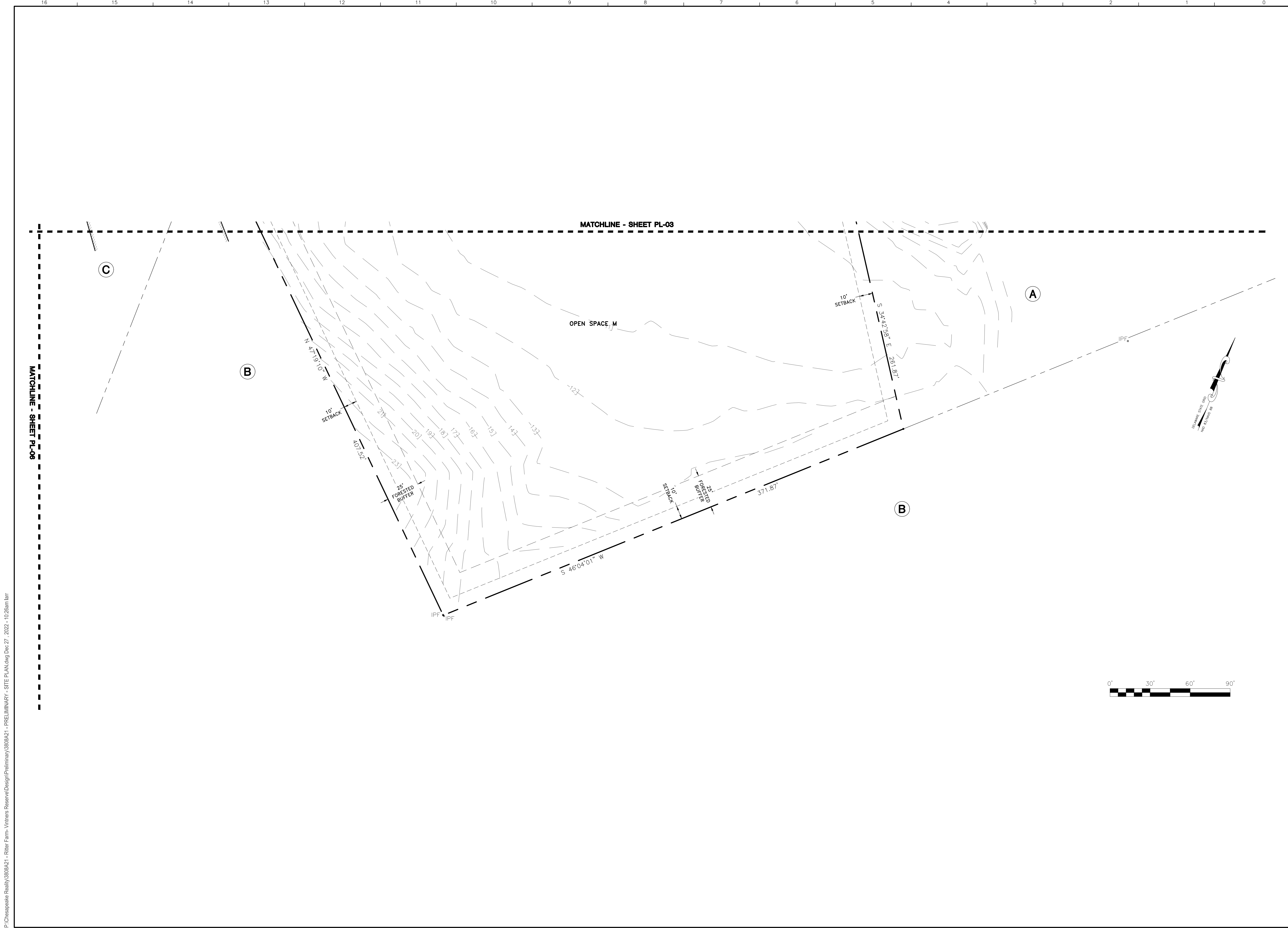
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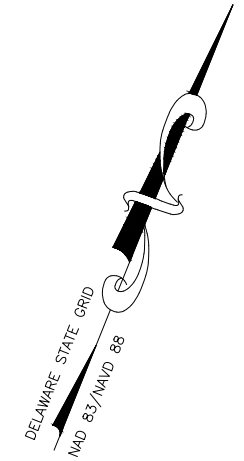
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| Revisions: | 2022-12-27 OWNER AND P&Z COMMENTS |
| Date:      | SEPTEMBER 2022                    |
| Scale:     | 1" = 30'                          |
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MATCHLINE - SHEET PL-08

MATCHLINE - SHEET PL-03



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Revisions:  
2022-12-27 OWNER AND  
P&Z COMMENTS

Date: **SEPTEMBER 2022**

Scale: **1" = 30'**

Dwn. By: **DEG**

Proj. No.: **3808A21**

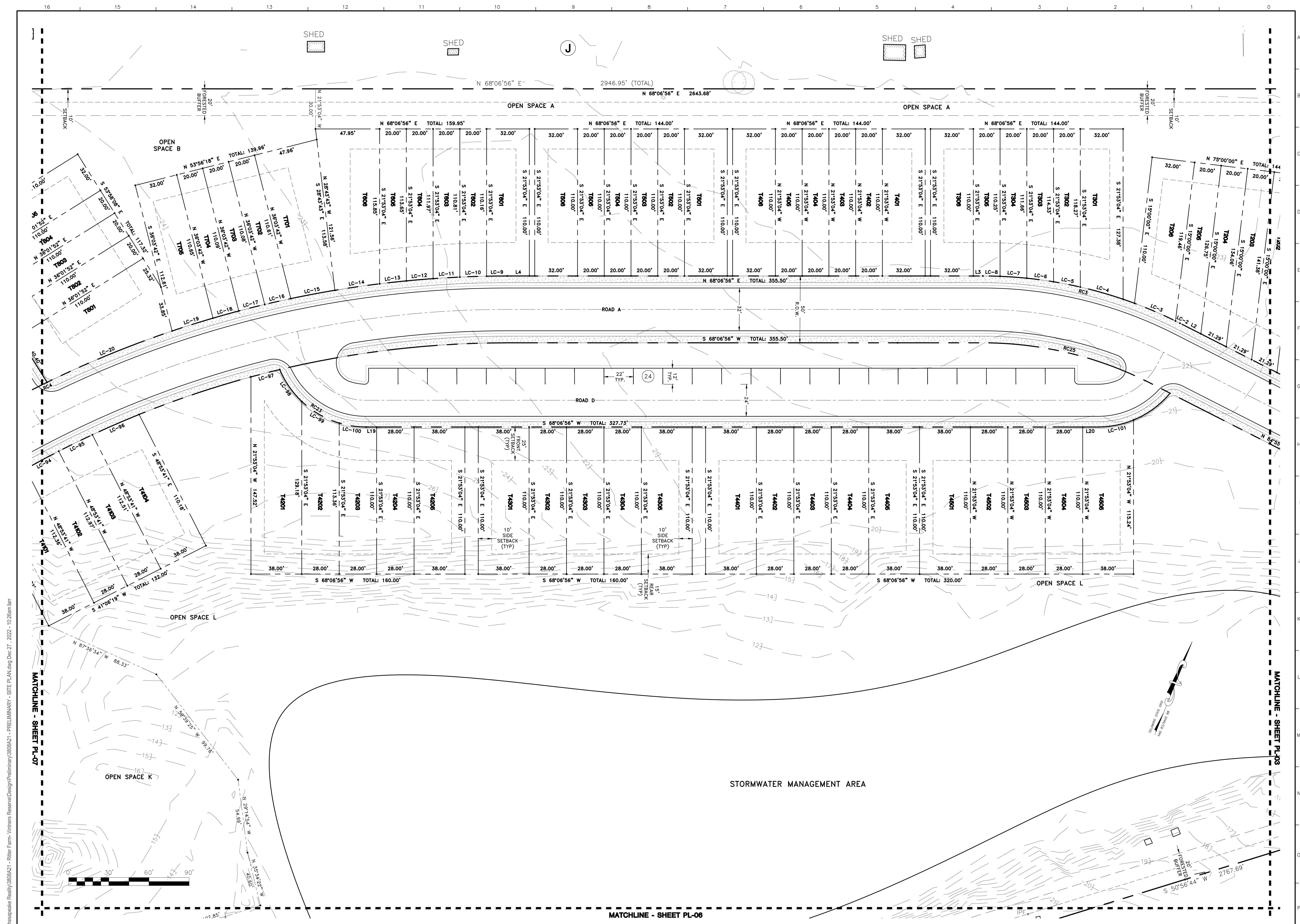
Dwg. No.:

**PL-04**

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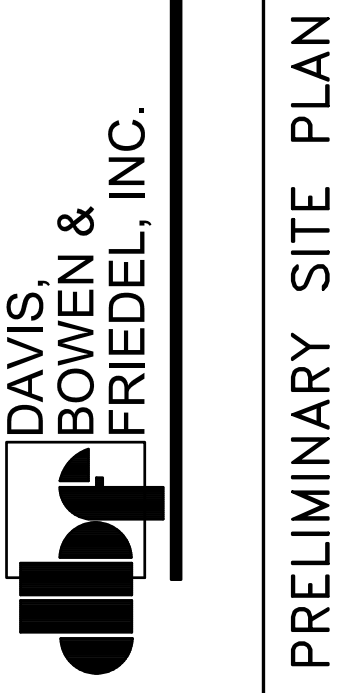
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PRELIMINARY SITE PLAN

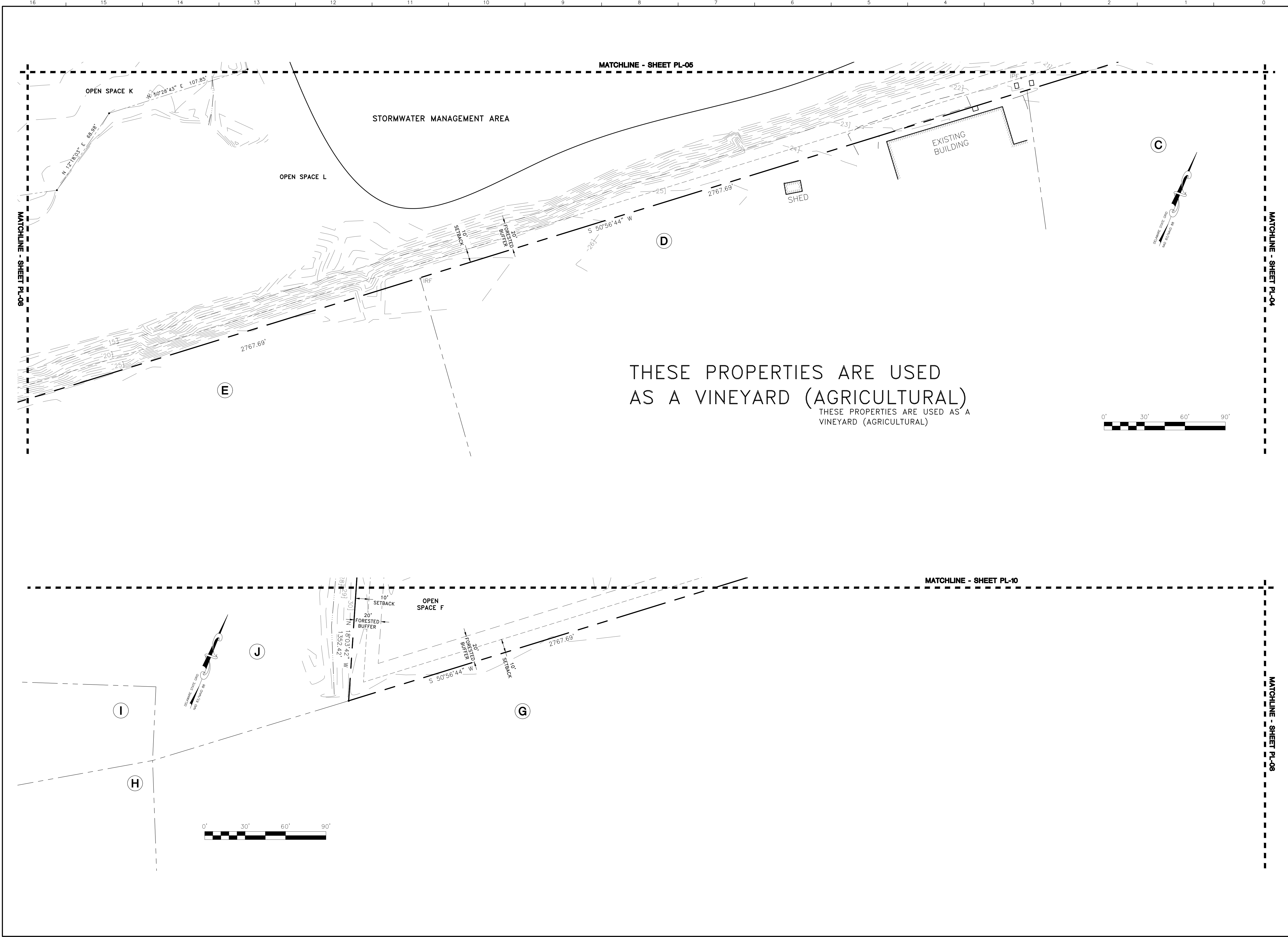
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 Own. By: **DEG**  
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Revisions:  
 2022-12-27 OWNER AND  
 P&Z COMMENTS

Date: **SEPTEMBER 2022**

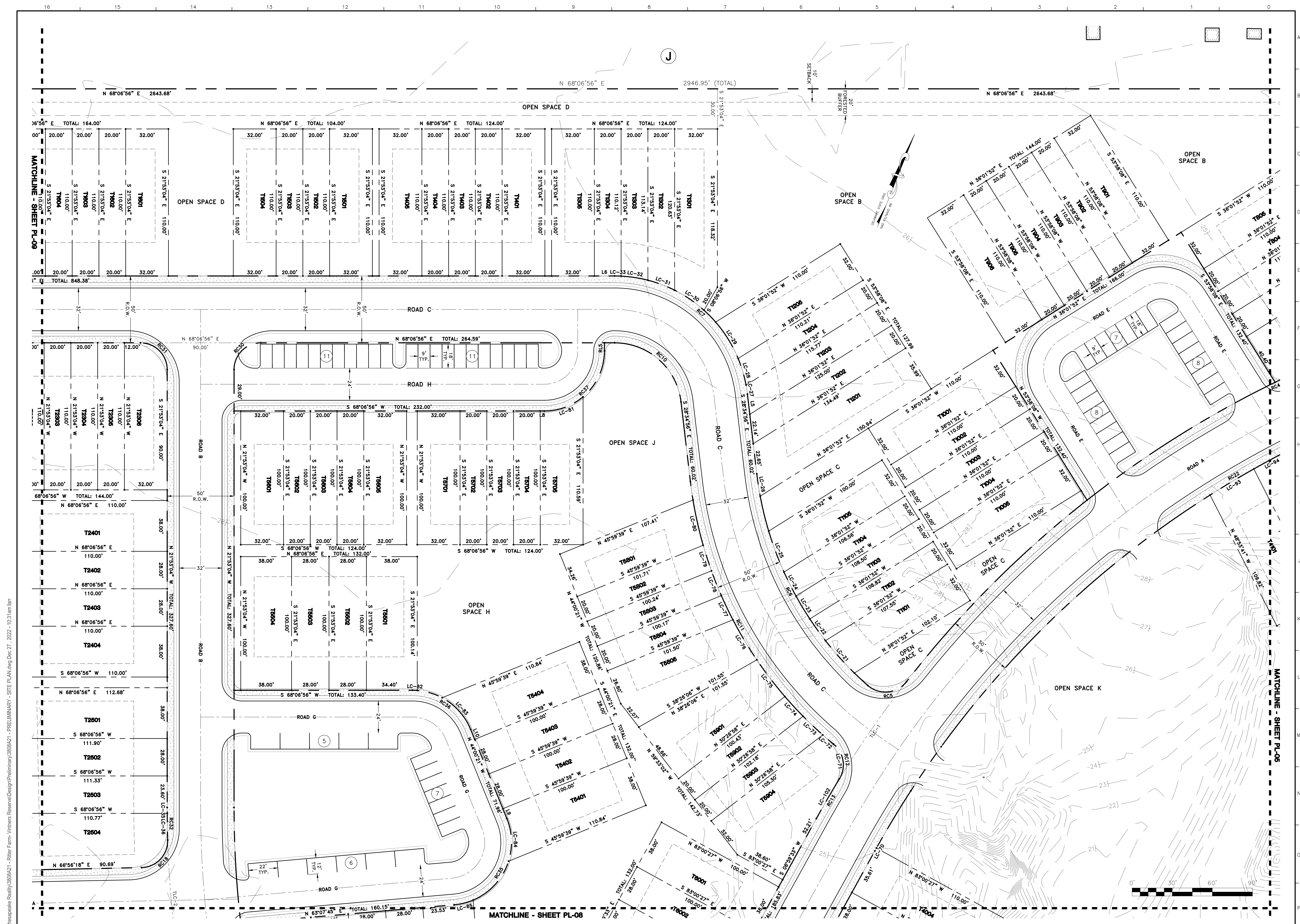
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Dwg. No.: **PL-06**

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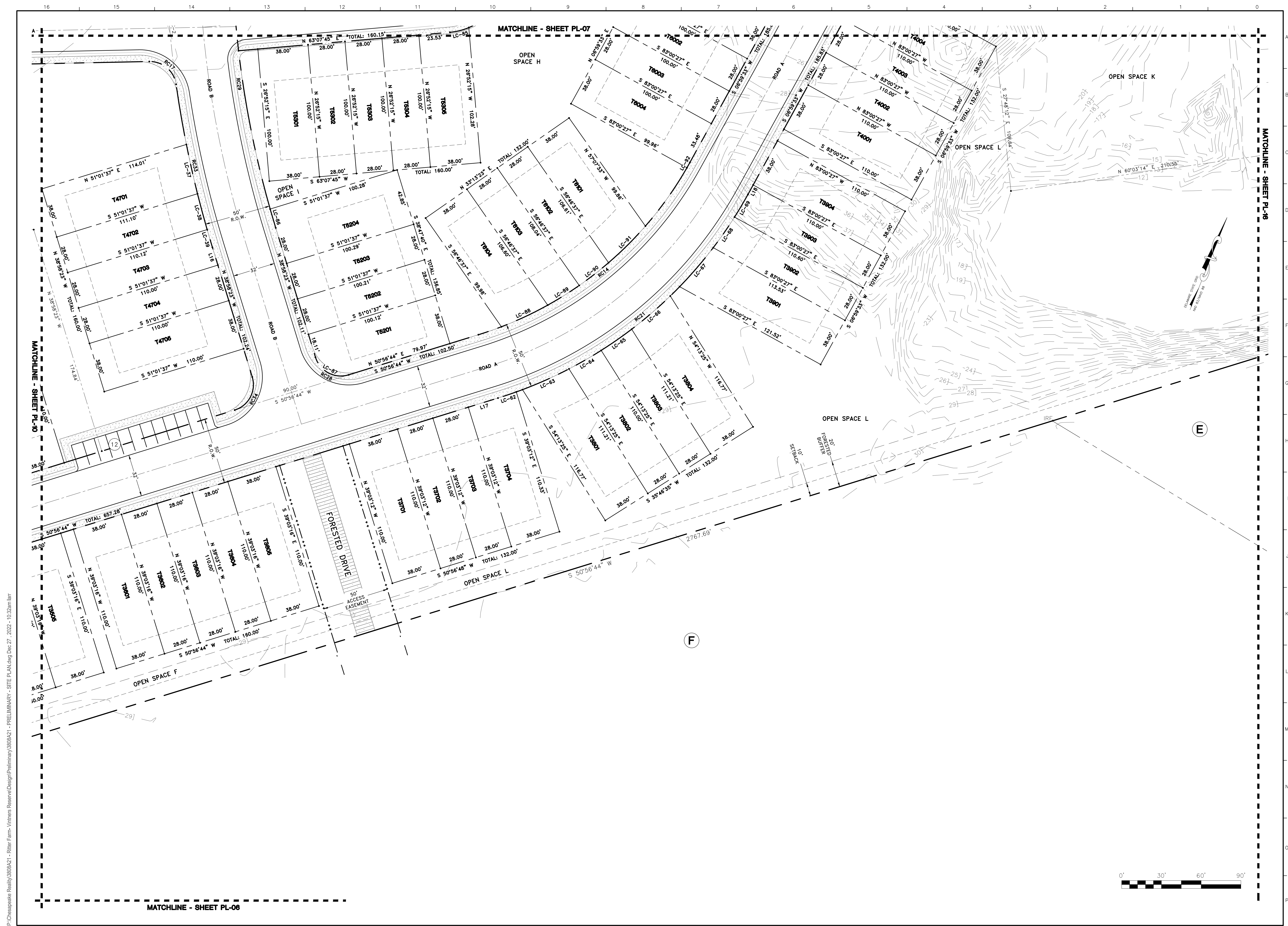
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**PL-07**

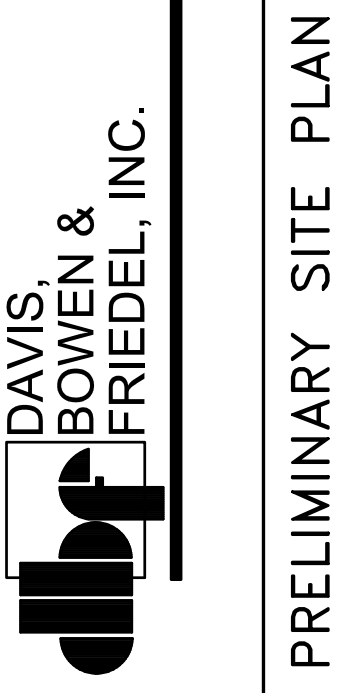
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PRELIMINARY SITE PLAN

**VINTNERS RESERVE  
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 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

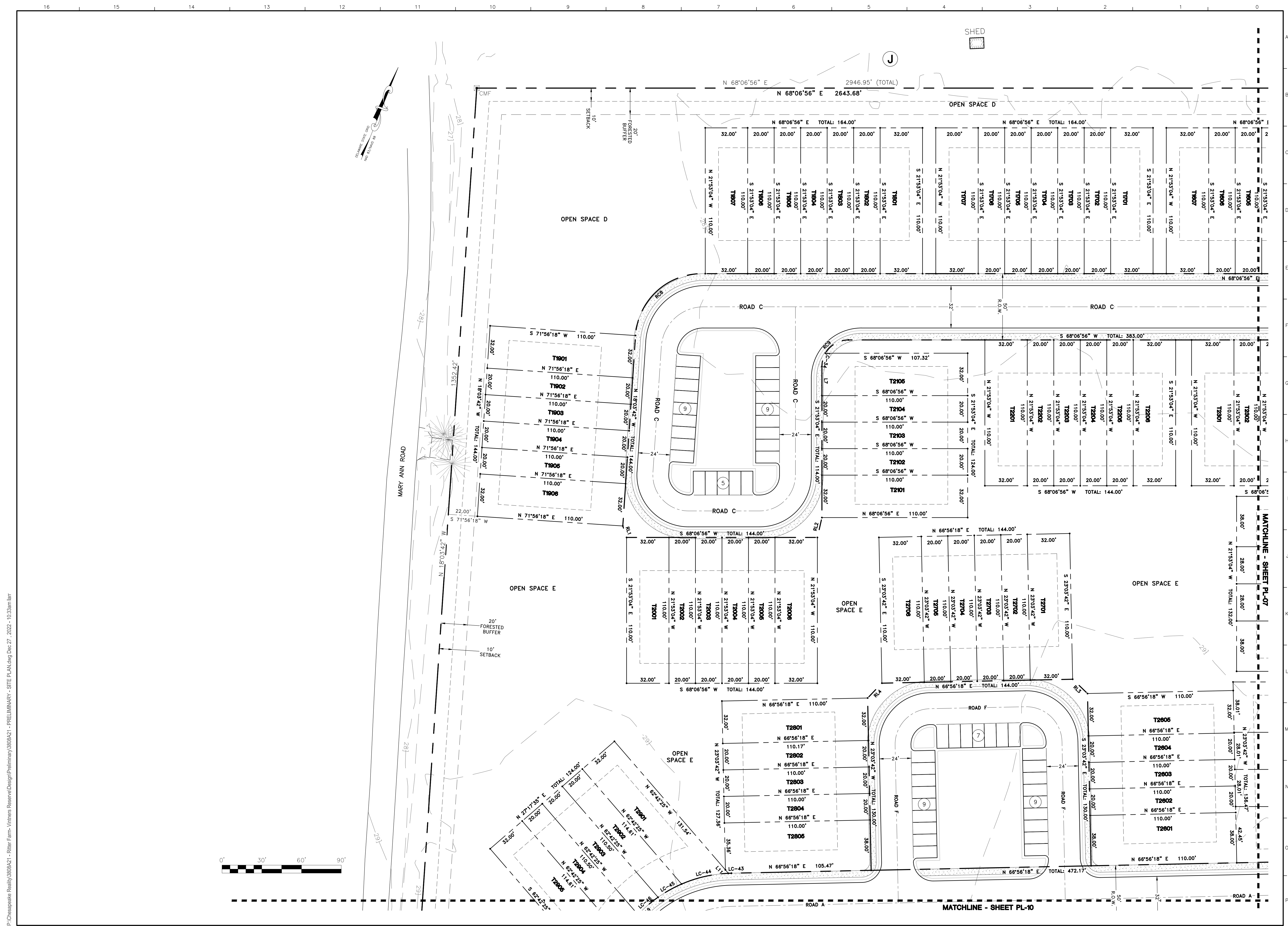
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 Dwg. No.:

**PL-08**







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 (410) 770-4774

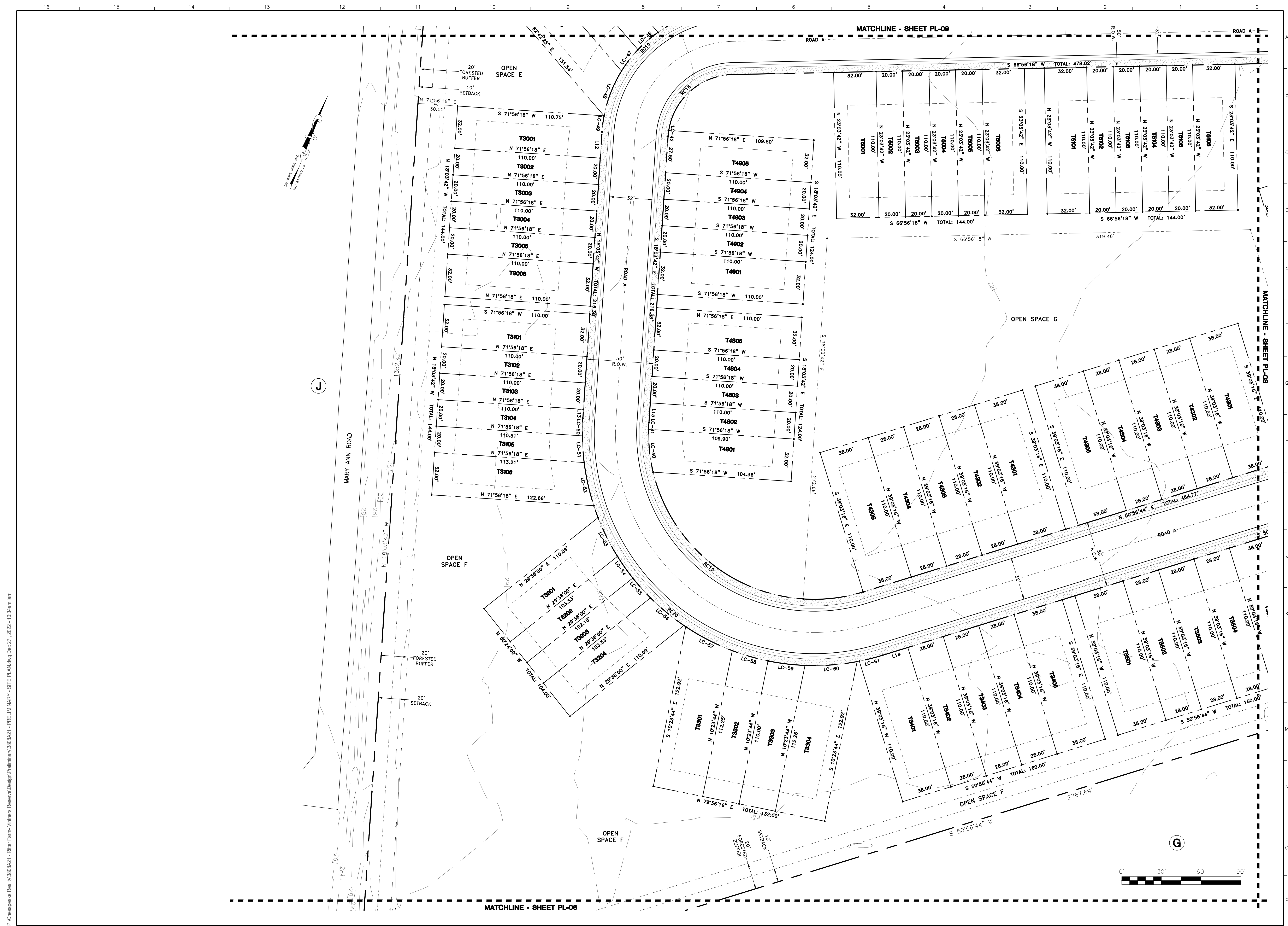
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**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

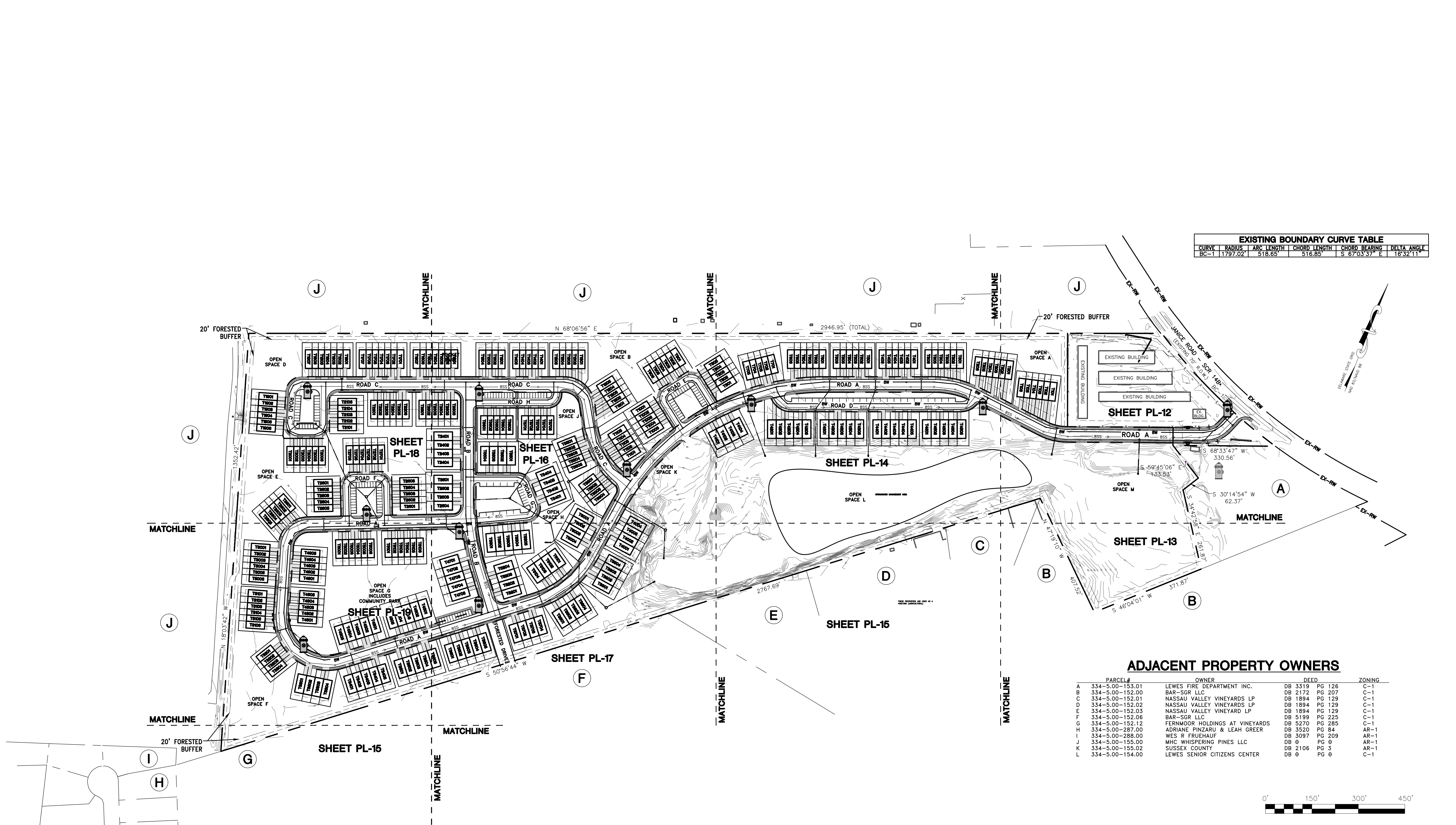
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| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| BC-1  | 11797.02' | 518.65'    | 516.85'      | S 67°03'57" E | 16°32'11"   |

**ADJACENT PROPERTY OWNERS**

| PARCEL#           | OWNER                          | DEED    | PG     | ZONING |
|-------------------|--------------------------------|---------|--------|--------|
| A 334-5.00-153.01 | LEWES FIRE DEPARTMENT INC.     | DB 3319 | PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 | PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 | PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 | PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 | PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 | PG 225 | C-1    |
| G 334-5.00-152.12 | FERNMOOR HOLDINGS AT VINEYARDS | DB 5270 | PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE PINZARU & LEAH GREER   | DB 3520 | PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 | PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0    | PG 0   | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 | PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWES SENIOR CITIZENS CENTER   | DB 0    | PG 0   | C-1    |



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 (302) 422-1441  
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 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

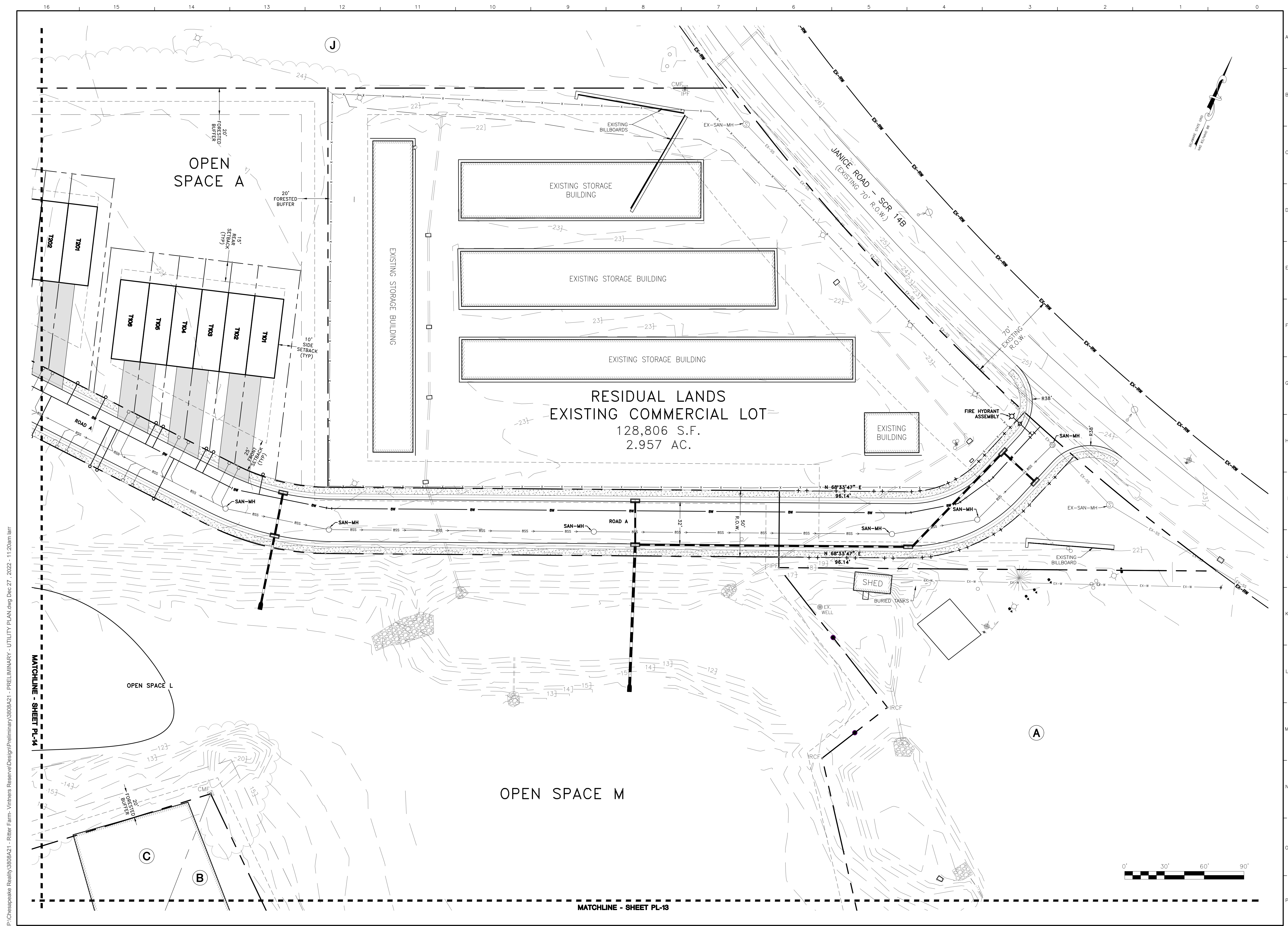
Date: **SEPTEMBER 2022**

Scale: **1" = 150'**

Drawn By: **DEG**

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Dwg. No.: **PL-11**



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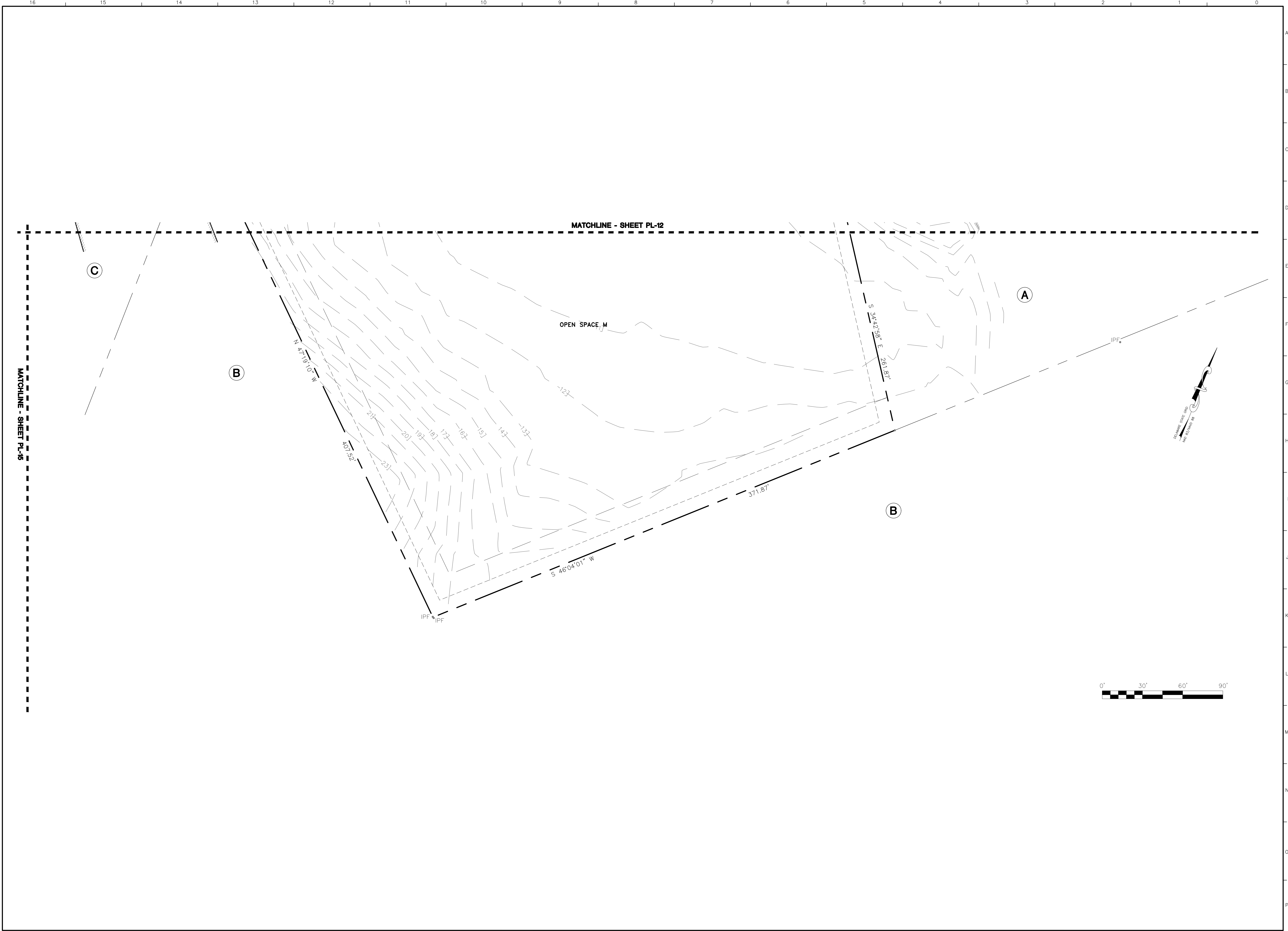
PRELIMINARY UTILITY PLAN

**VINTNERS RESERVE  
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 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

|                                   |                             |
|-----------------------------------|-----------------------------|
| Revisions:                        | Date: <b>SEPTEMBER 2022</b> |
| 2022-12-27 OWNER AND P&Z COMMENTS | Scale: <b>1" = 30'</b>      |
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|                                   | Proj. No.: <b>3808A21</b>   |
|                                   | Dwg. No.: <b>PL-12</b>      |

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 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**

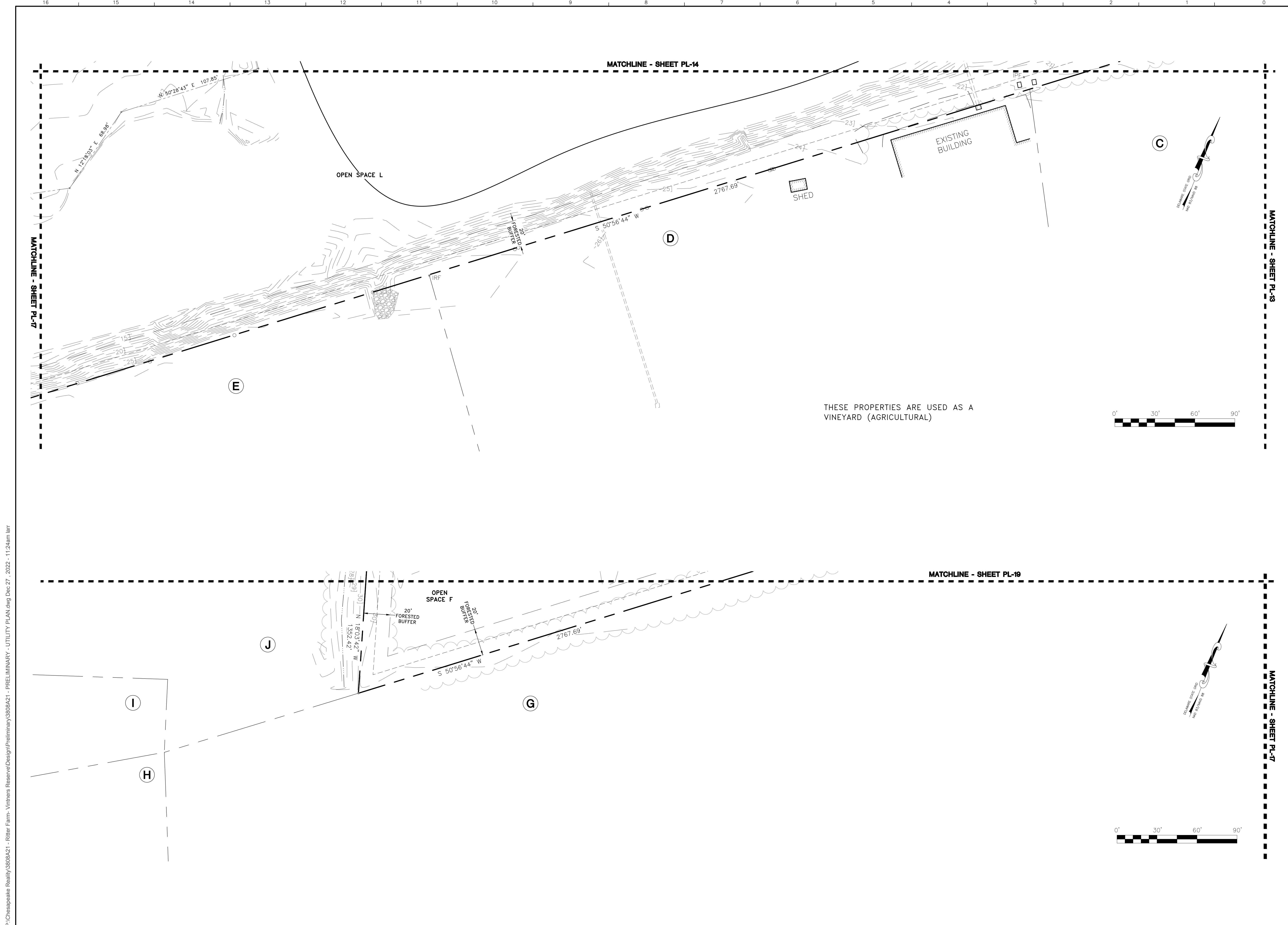
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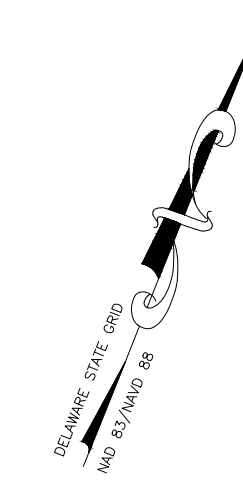
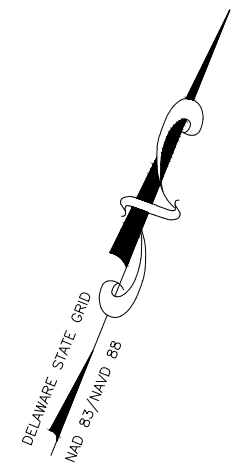
MATCHLINE - SHEET PL-14

MATCHLINE - SHEET PL-18

MATCHLINE - SHEET PL-19

MATCHLINE - SHEET PL-17

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 (302) 422-1441  
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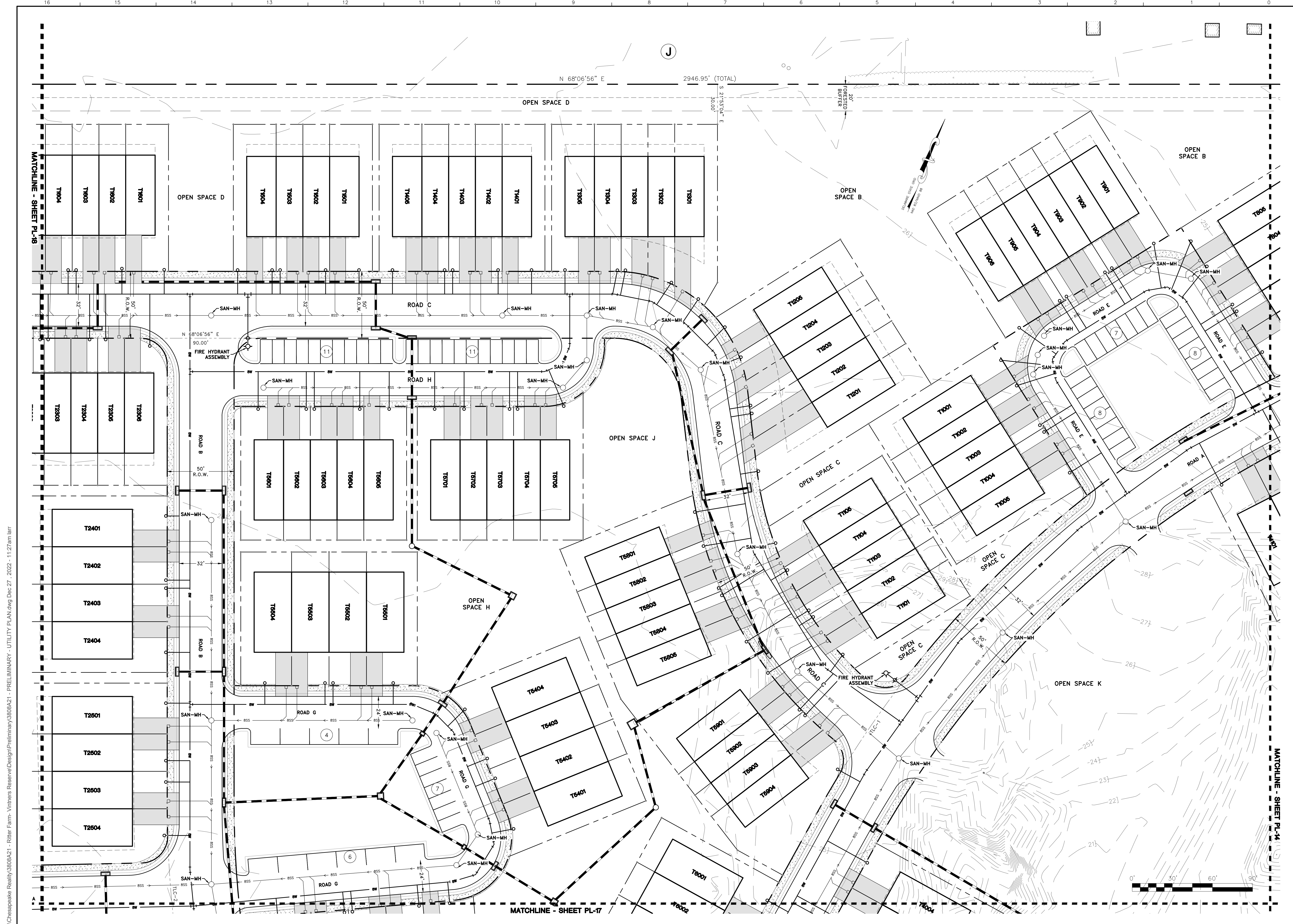
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Revisions:

|            |                        |
|------------|------------------------|
| 2022-12-27 | OWNER AND P&Z COMMENTS |
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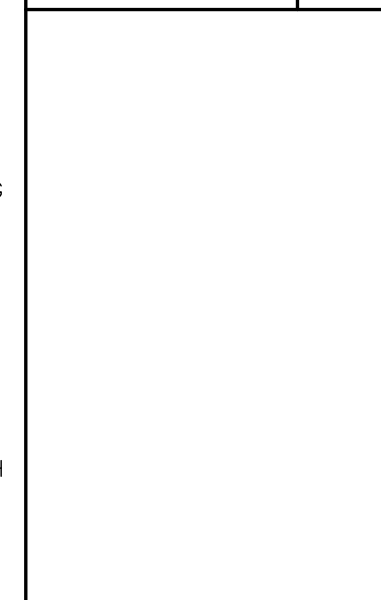
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 Scale: **1" = 30'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.:

**PL-15**



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 (302) 422-1441  
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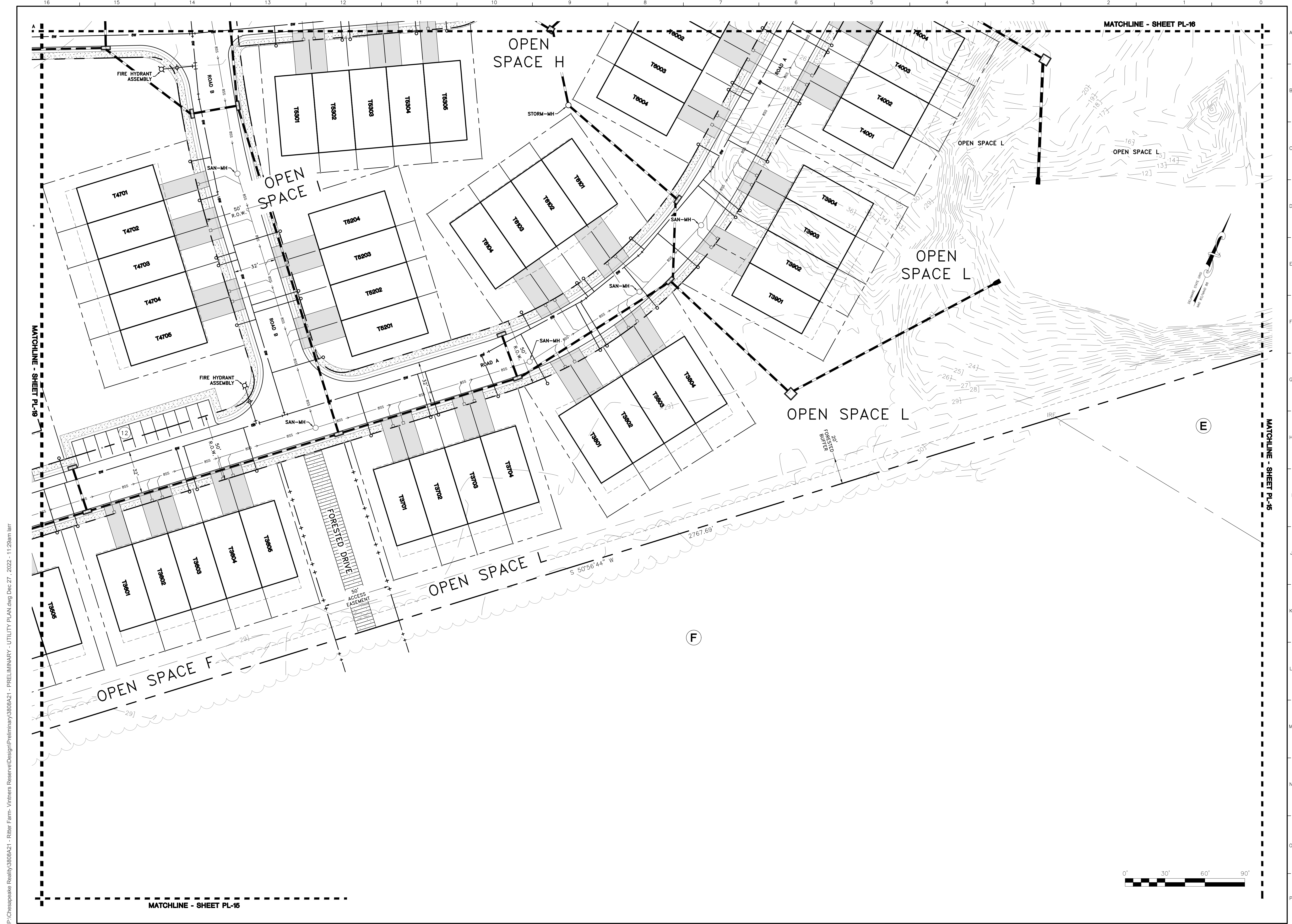
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Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: AUGUST 2022  
 Scale: 1" = 30'  
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 Proj.No.: 3808A21  
 Dwg.No.: PL-16

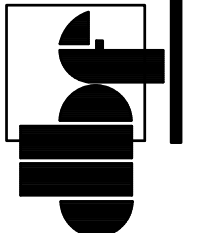
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PRELIMINARY UTILITY PLAN

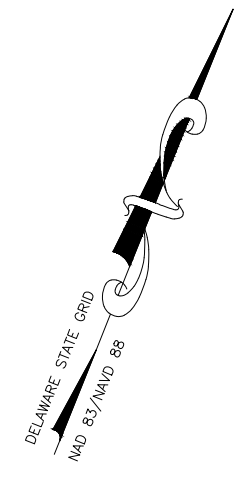
**VINTNERS RESERVE**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

|            |                |
|------------|----------------|
| Revisions: |                |
| Date:      | SEPTEMBER 2022 |
| Scale:     | 1" = 30'       |
| Dwn. By:   | DEG            |
| Proj. No.: | 3808A21        |
| Dwg. No.:  | PL-17          |

**PL-17**



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MATCHLINE - SHEET PL-18

MATCHLINE - SHEET PL-16

MATCHLINE - SHEET PL-17

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**PL-19**

December 23, 2021

Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loor, P.E.  
Ring W. Lardner, P.E.  
Jamie L. Sechler, P.E.

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse, Director of Planning

Re: Ritter Farm  
Tax Parcel No: 3-34-5.00-153.00  
DBF #3808B001

Dear Mr. Whitehouse,

On behalf of our client, Janice CRP3, LLC, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Area, Subparagraph B (2). We offer the following information that comprises our report:

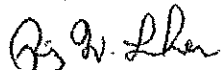
- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.* The proposed improvements will meet or exceed the state regulations for quality and quantity control of stormwater. We intend to use re-develop the borrow pit into a constructed wetland as well as other Green Technology to meet the quality and quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 30% and 40% respectfully. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The project will not develop or produce other pollutants such as petroleum hydrocarbons or metals.
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.* The proposed project is located within the Tidewater Utilities, Inc CPCN. The estimated average for the project is 70,425 GPD and estimated peak use of 211,275 GPD.
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project will discharge wastewater to an existing gravity sewer located along Janice Road and will be treated in the Wolfe Neck Treatment System.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.* The project is located within the Henlopen Transportation Improvement District (TID) where growth is planned and projects developed by DelDOT to mitigate the effect of traffic in the district.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* There are no records of federally listed endangered or threatened species or their critical habitats listed on this site.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.* There are no wetlands on this site.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds and associated landscape buffers. Active open space amenities include walking paths and an active amenity area.
- (h) *A description of provisions for public and private infrastructure.* The Developer will contribute to the improvements within the Henlopen Traffic Improvement District. The Developer will also construct the water and sewer mains internally in the project that will be owned and maintained by a public utility. All other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well other economic impacts in the beach community. There are numerous recreational activities provided within the site.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.* All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

Mr. Jamie Whitehouse  
December 21, 2021  
Page 3

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

P:\Chesapeake Reality\3808A21 - Ritter Farm\Documents\P&Z\202-12-21 Conditional Use\2021-12-21 Public Facilities Report.docx

Cc: David Hutt, Morris James LLP  
Henlopen Properties, LLC



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3. FY23 – FY28 CTP Prioritization Approved (Excerpt)
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O. Driافت HOA Covenants and Deed Restrictions

P. Willing & Able Letters

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2. Tidewater Utilities, Inc.
3. Delmarva Power
4. Chesapeake Utilities
5. Comcast
6. Verizon

A

## A. Land Use & Zoning

1. The property is located at 32173 Janice Road Lewes, DE 19958
2. The Owner of the property is Janice Residential, LLC and the Developer of the property is Janice CRP3, LLC.
3. The property is currently split zoned with a portion as General Commercial (C-1) and the rest as Agricultural / Residential (AR).
4. The property is adjacent to land zoned General Commercial (Vineyards, Nassau Commons) and Agricultural-Residential with Conditional Use (Whispering Pines).
5. The property is located in the Level 1 and Level 2 Area of the 2020 State Strategies Map.
6. The property is located within the Commercial Area on the Future Land Use Map (FLUM) and part of this application requests to amend the FLUM to the Coastal Area.

## B. Land Utilization

1. The total acreage of land to be utilized for this project is approximately 61.73 +/- acres.
2. The proposed project will include 316 townhouses.
3. There will be a shared access with the existing storage center.
4. The project includes approximately 29 acres of open area which is approximately 47% of the project area.
5. The project will include the use of Best Management Practices (BMPs) and Green Technology for stormwater management.

### C. Environmental

1. The property does not contain federal wetlands as indicated on the jurisdictional determination that can be found in Appendix J.
2. The project is not located in the floodplain per FEMA map 10005C033J, dated January 06, 2005.
3. A small portion of the project is located within a Source Water Protection Area (Excellent Recharge Area) as shown on the Source Water Protection Map in Exhibit C. The proposed impervious coverage in the SWPA (Excellent Recharge Area) is less than 35% and in accordance with Chapter 89 of the Sussex County Code there are no additional limitations to the project.
4. An Environmental Assessment and Public Facilities Report was prepared and can be found in Appendix H.

### D. Traffic

1. A Support Facilities Report has been completed and is included in Appendix N.
2. A Traffic Impact Study is not required as this project is located in the Henlopen Transportation Improvement District.

### E. Civil Engineering

1. The project is located within the Tier 1 of the Sussex County Unified Sanitary Sewer District and a Sanitary Sewer Concept Evaluation was completed.
2. Drinking water and fire protection will be provided by Tidewater Utilities, Inc.
3. Electric service for this site will be provided by the Delmarva Power.

**B**

## MR-RPC Change of Zone Data Sheet

**Owner:** Janice Residential, LLC  
**Developer:** Janice CRP3, LLC  
**Engineer:** Davis, Bowen & Friedel, Inc.  
**Attorney:** Morris James, LLP

### **Project Description**

Physical Location: 32172 Janice Road Lewes, Delaware 19958  
Tax Parcel #: 3-34-5.00-153.02  
Site Acreage: 61.733 +/- acres

Current Zoning: General Commercial (C-1) and Agricultural Residential (AR)  
Proposed Zoning: Medium Density Residential Planned Community (MR-RPC)

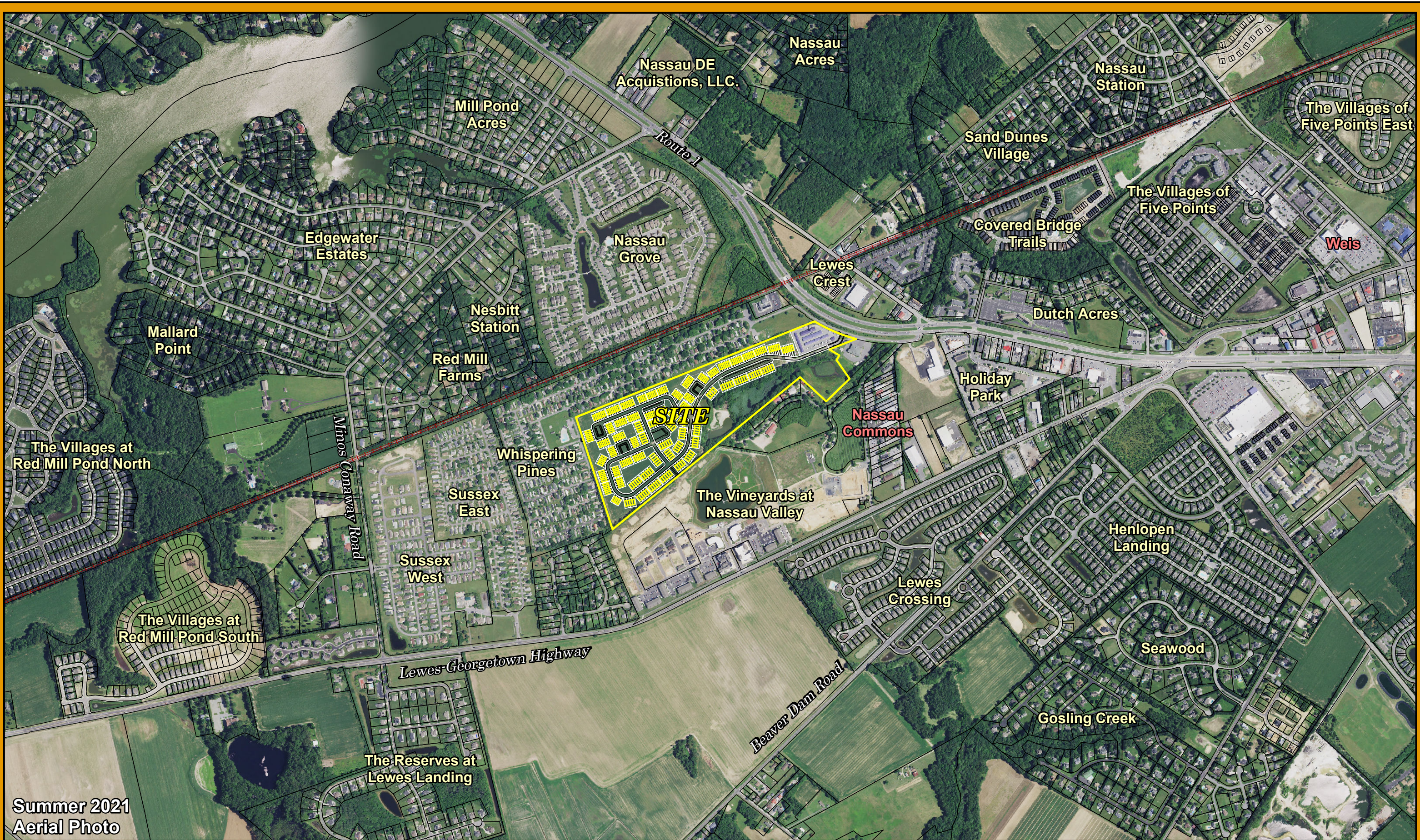
Dwelling Units: 316 Townhomes

Density: 5.12 units/acre

### **Minimum Zoning Requirements**

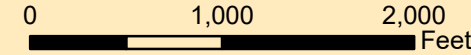
| MR:                          | Required | Proposed |
|------------------------------|----------|----------|
| Minimum Lot Area:            | 1,600 SF | 2,000 SF |
| Average Lot Area:            | 3,630 SF | 3,024 SF |
| Minimum Lot Width:           | 16 FT    | 20 FT    |
| Minimum Lot Depth            | 100 FT   | 100 FT   |
| Front Yard Setback:          | 25 FT    | 25 FT    |
| Front (Corner) Yard Setback: | 15 FT    | 15 FT    |
| Side Yard Setback:           | 10 FT    | 10 FT    |
| Rear Yard Setback:           | 15 FT    | 15 FT    |
| Maximum Building Height:     | 42 FT    | 42 FT    |

C

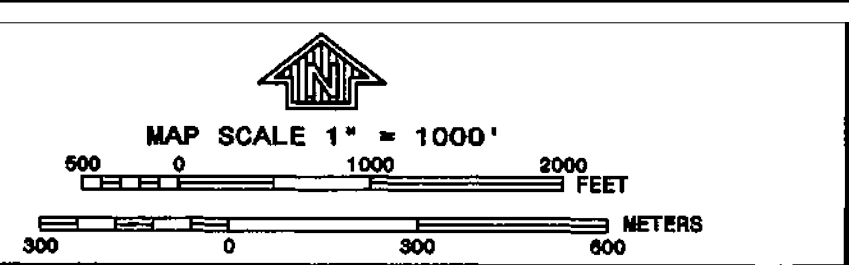
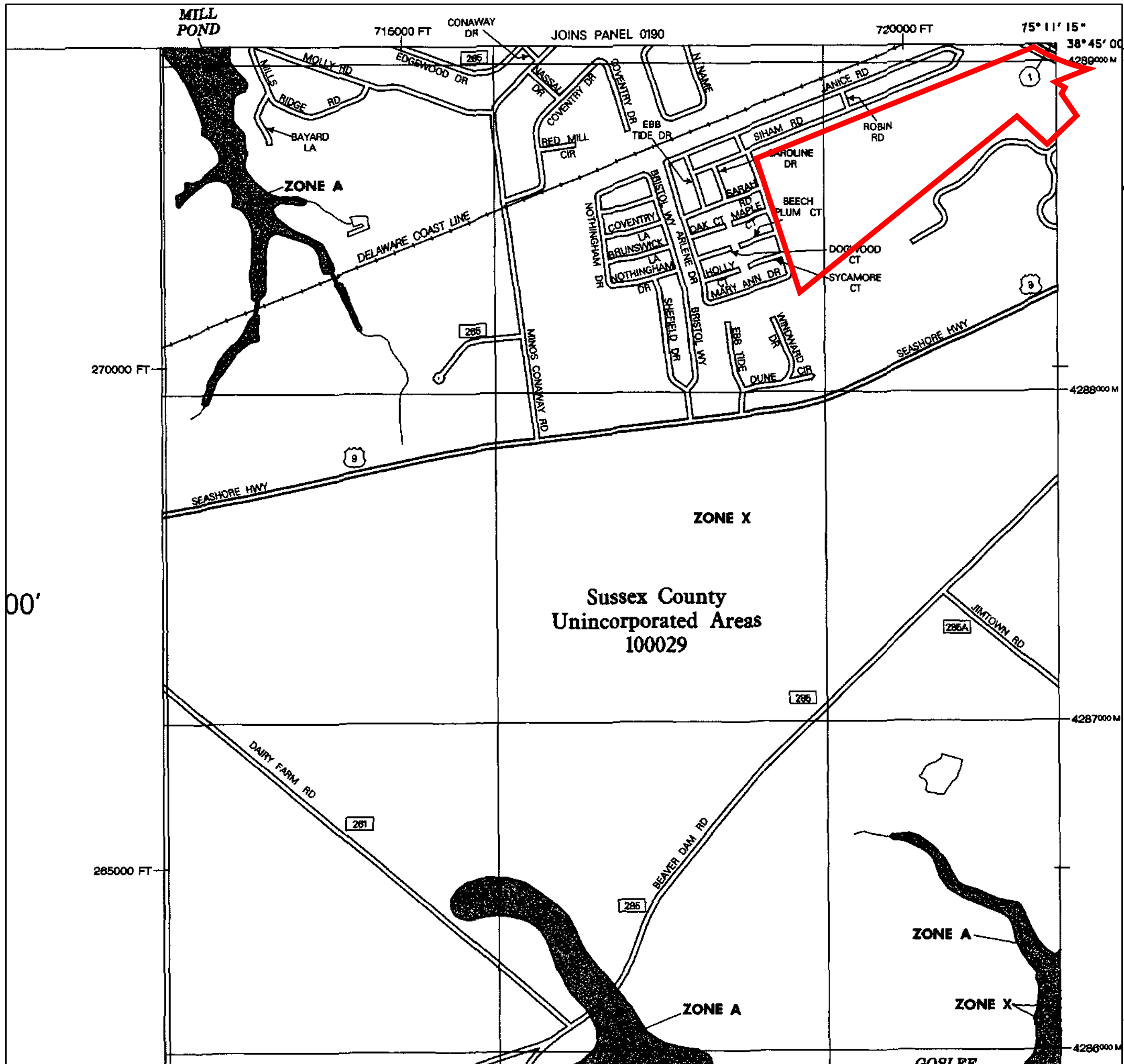


## Surrounding Communities Map

Vintners Reserve  
Sussex County, Delaware







**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0330J**

**FIRM  
FLOOD INSURANCE RATE MAP  
SUSSEX COUNTY,  
DELAWARE  
AND INCORPORATED AREAS**

**PANEL 330 OF 660**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

| COMMUNITY     | NUMBER | PANEL | SUFFIX |
|---------------|--------|-------|--------|
| SUSSEX COUNTY | 100029 | 0330  | J      |

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



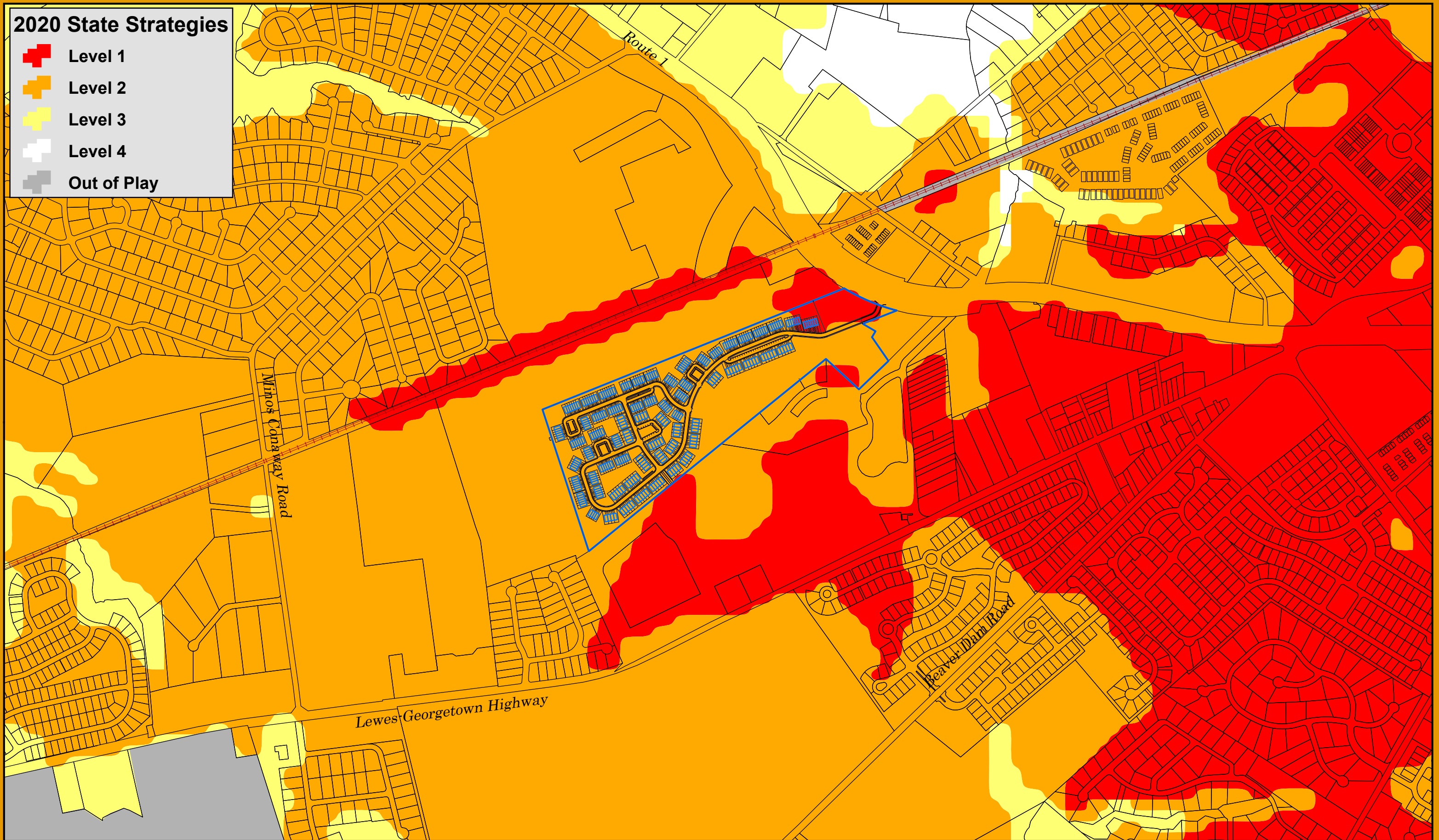
**MAP NUMBER  
10005C0330J**

**MAP REVISED  
JANUARY 6, 2005**

Federal Emergency Management Agency

# 2020 State Strategies

-  Level 1
-  Level 2
-  Level 3
-  Level 4
-  Out of Play



Sources:  
Tax Parcels per Sussex County



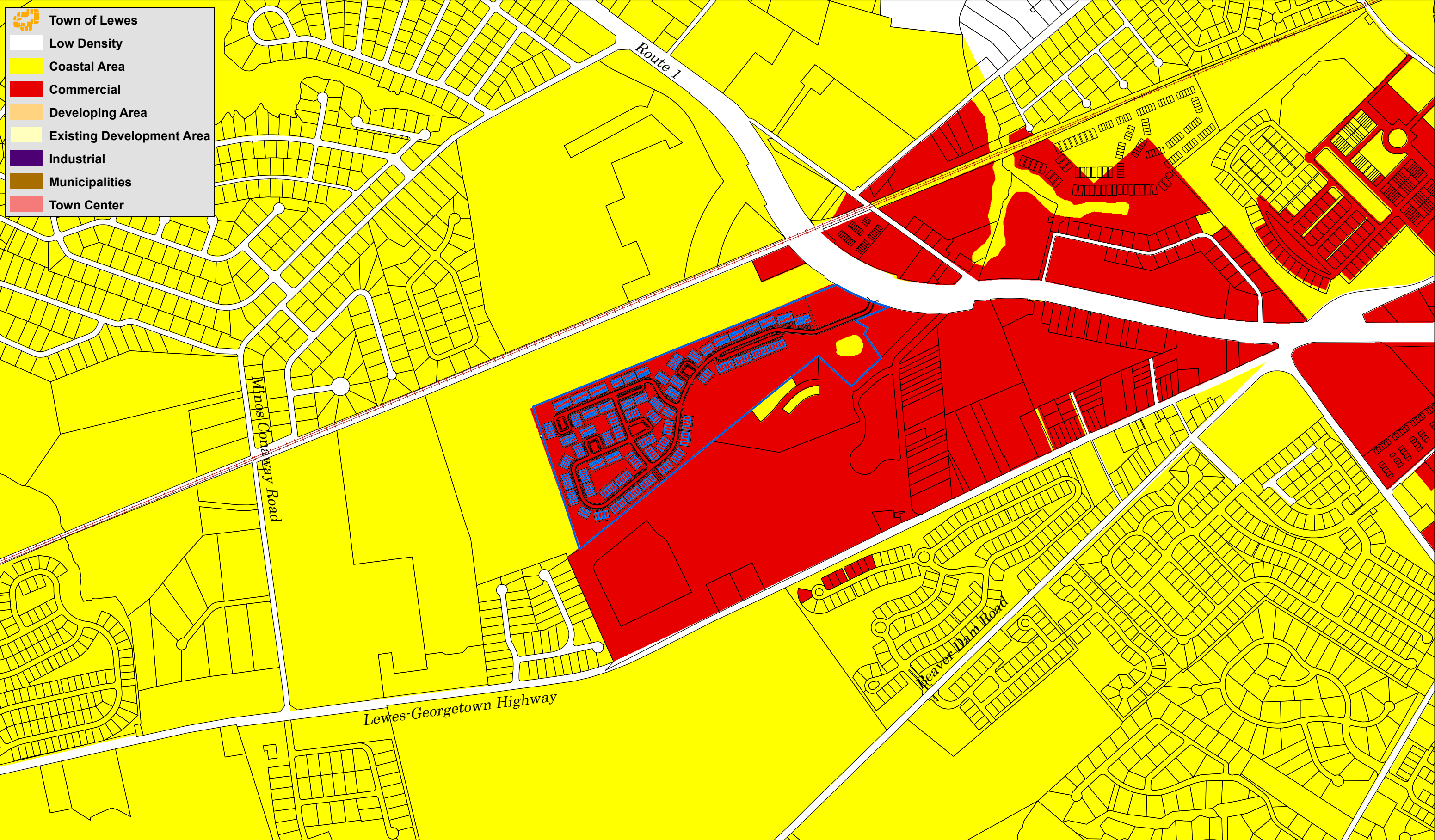
January 2023










## 2020 State Strategies

### Vintners Reserve

Sussex County, Delaware





-  Town of Lewes
-  Low Density
-  Coastal Area
-  Commercial
-  Developing Area
-  Existing Development Area
-  Industrial
-  Municipalities
-  Town Center

Sources:  
Tax Parcels per Sussex County

January 2023



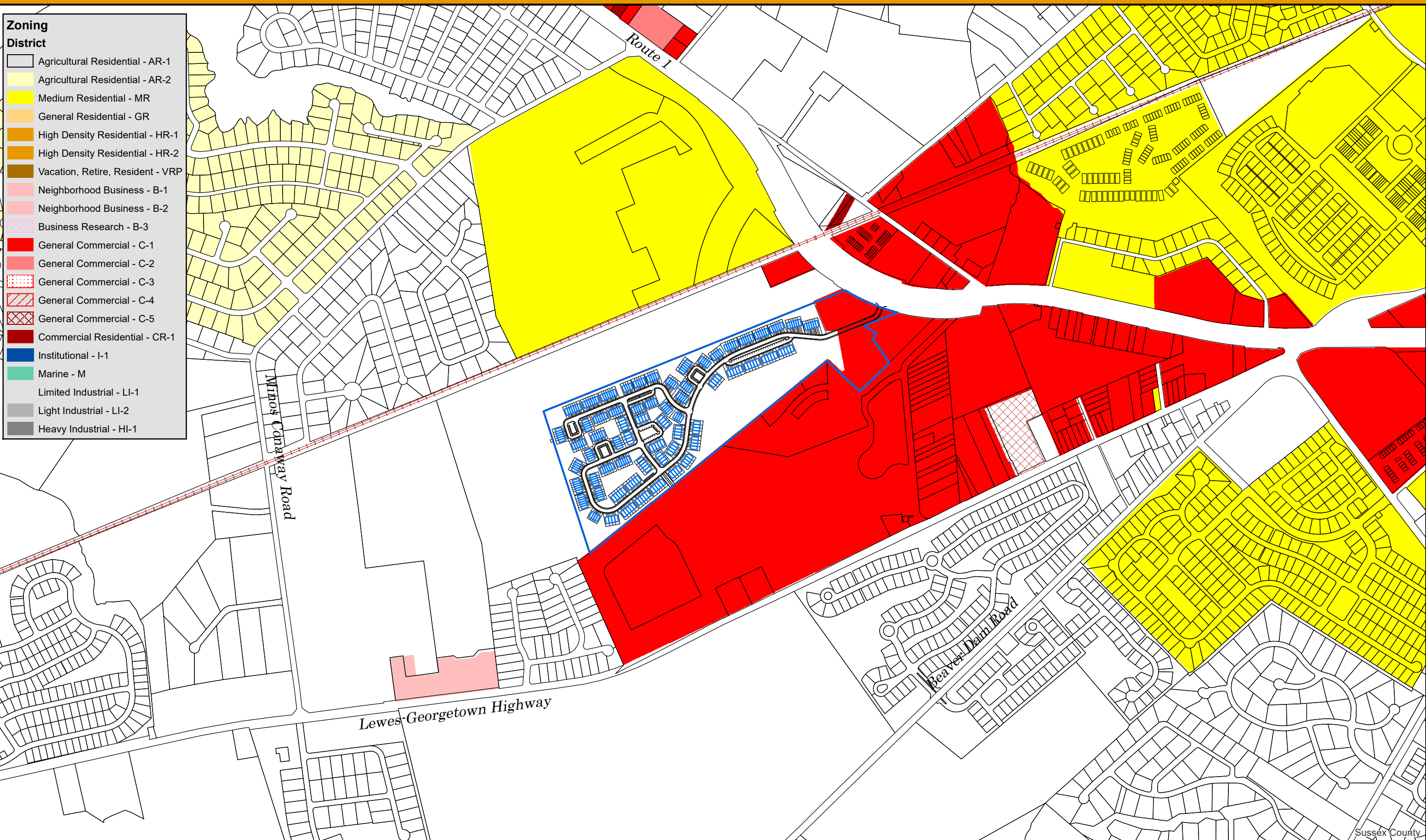
## Sussex County 2045 Future Land Use Map

### Vintners Reserve

Sussex County, Delaware



- Zoning District**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Neighborhood Business - B-1
  - Neighborhood Business - B-2
  - Business Research - B-3
  - General Commercial - C-1
  - General Commercial - C-2
  - General Commercial - C-3
  - General Commercial - C-4
  - General Commercial - C-5
  - Commercial Residential - CR-1
  - Institutional - I-1
  - Marine - M
  - Limited Industrial - LI-1
  - Light Industrial - LI-2
  - Heavy Industrial - HI-1



Sources:  
Tax Parcels per Sussex County

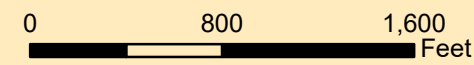
January 2023



# Sussex County Zoning Map

## Vintners Reserve

Sussex County, Delaware





Spring 1992  
Aerial Photo

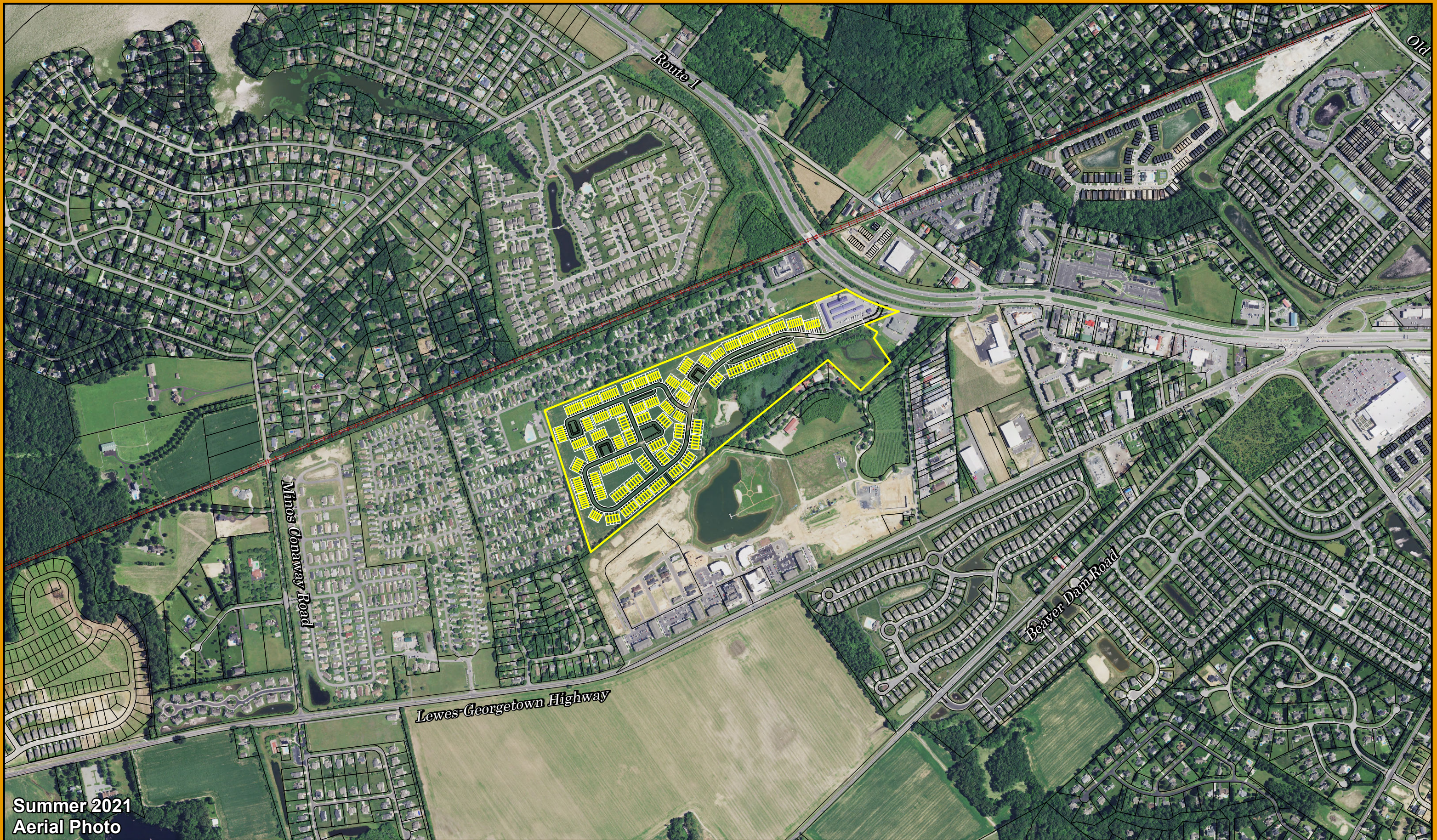
Sources:  
Tax Parcels per Sussex County



**1992 Aerial Photo**  
**Vintners Reserve**  
Sussex County, Delaware

0 800 1,600  
Feet





Summer 2021  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



January 2023

# 2021 Aerial Photo

Vintners Reserve  
Sussex County, Delaware

0 800 1,600  
Feet

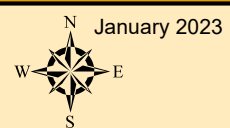


-  100-YR Flood Plain
-  NWI Wetlands
-  State Mapped Wetlands
-  State 2' Contours

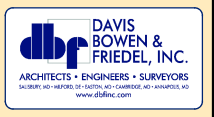


Summer 2021  
Aerial Photo

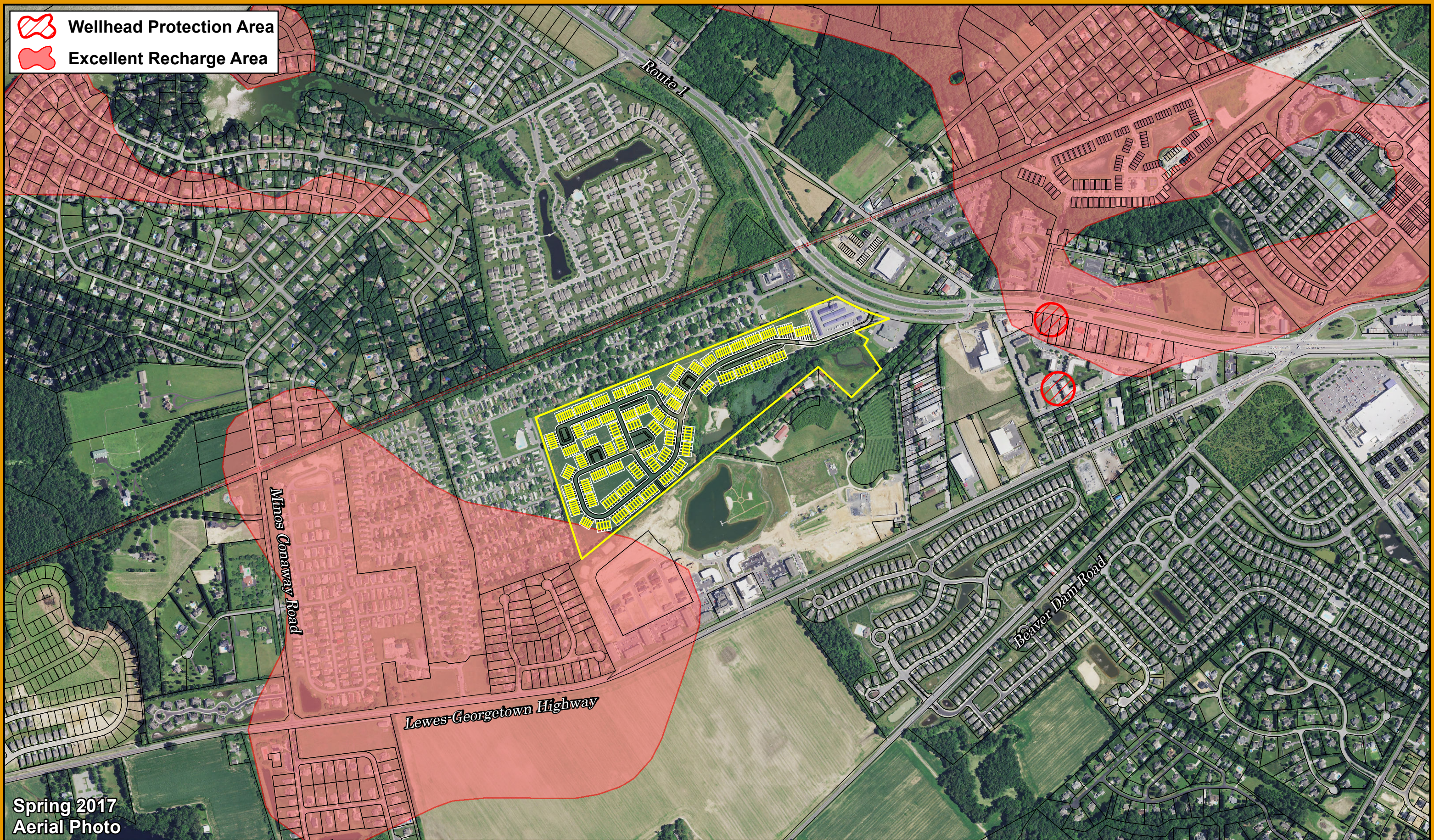
Sources:  
Tax Parcels per Sussex County



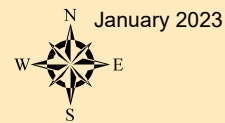
**Environmental Map**  
Vintners Reserve  
Sussex County, Delaware



-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017  
Aerial Photo



January 2023

Sources:  
Tax Parcels per Sussex County

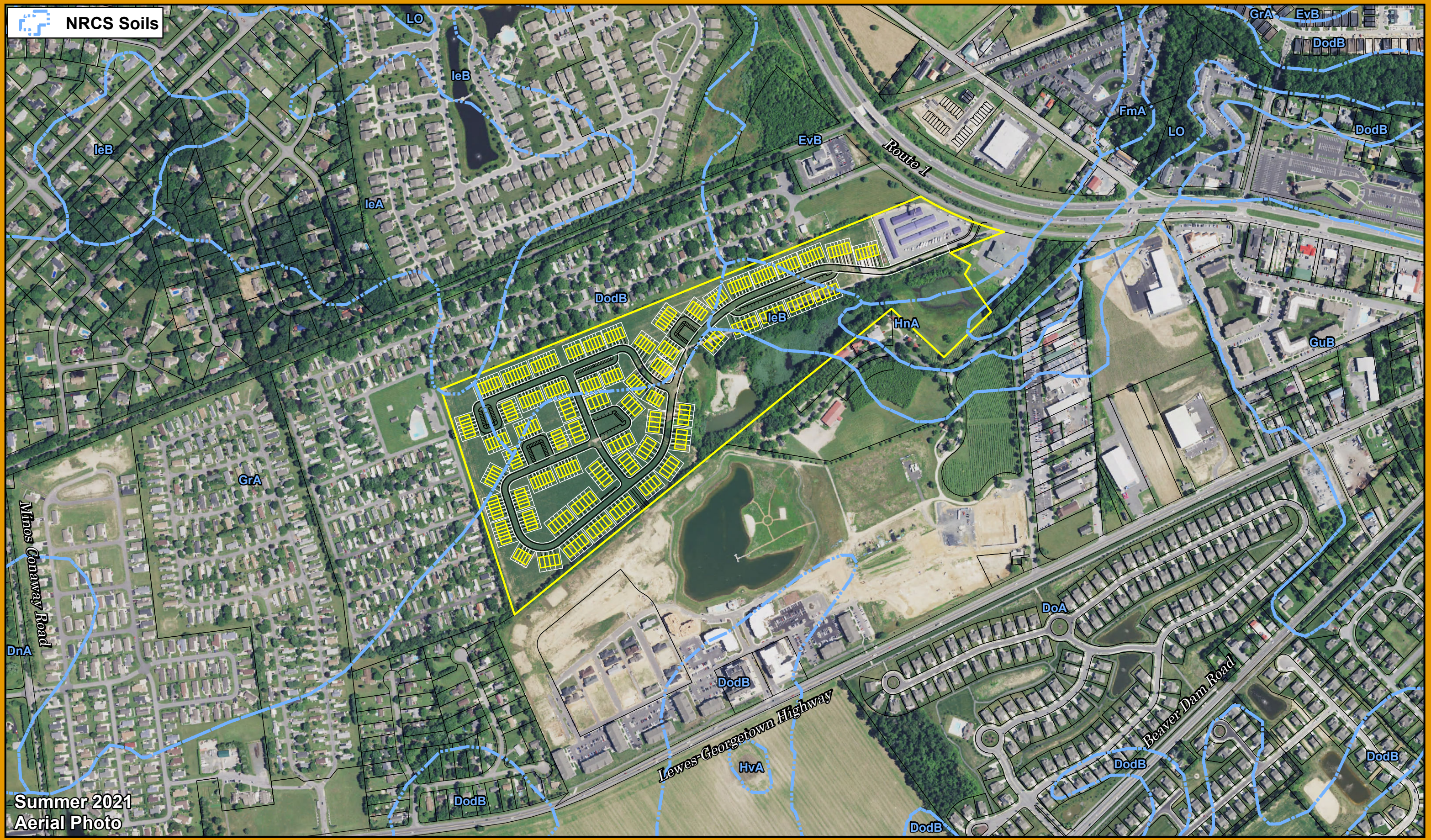
## Source Water Protection Areas

**Vintners Reserve**  
Sussex County, Delaware





 NRCS Soils



Summer 2021  
Aerial Photo

Sources:  
Tax Parcels per Sussex County

January 2023



### NCRS Soil Survey

Vintners Reserve  
Sussex County, Delaware



D



**VINTNERS RESERVE**  
RESIDENTIAL COMMUNITY  
Sussex County, Delaware



# VINTNERS RESERVE

SUSSEX COUNTY, DELAWARE

## CONCEPTUAL SITE PLAN

SCALE: N/A  
 December 22, 2022  
 DBF #3808B001.D01

**dbf** DAVIS  
 BOWEN &  
 FRIEDEL, INC.  
 ARCHITECTS • ENGINEERS • SURVEYORS

**E**

# RITTER FARM

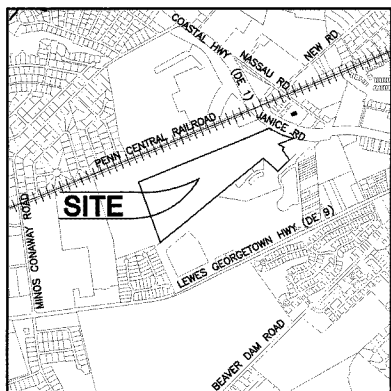
## TITLE SHEET

### LEWES AND REHOBOTH HUNDRED

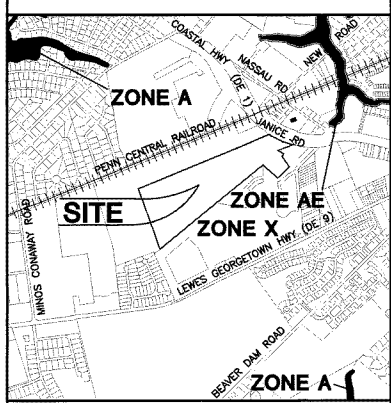
### CITY OF LEWES, SUSSEX COUNTY, DELAWARE

SEPTEMBER 2022  
 DBF PROJECT NO. 3808A21

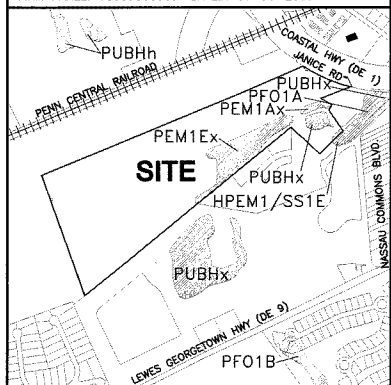
| INDEX OF SHEETS               |       |
|-------------------------------|-------|
| MINOR SUBDIVISION TITLE SHEET | MS-01 |
| MINOR SUBDIVISION SITE PLAN   | MS-02 |



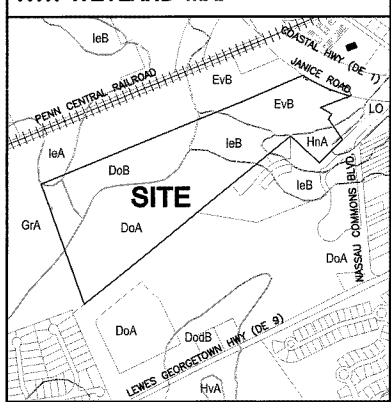
LOCATION MAP SCALE: 1" = 2000'



FEMA FLOOD MAP SCALE: 1" = 2000'



NWI WETLAND MAP SCALE: 1" = 1000'

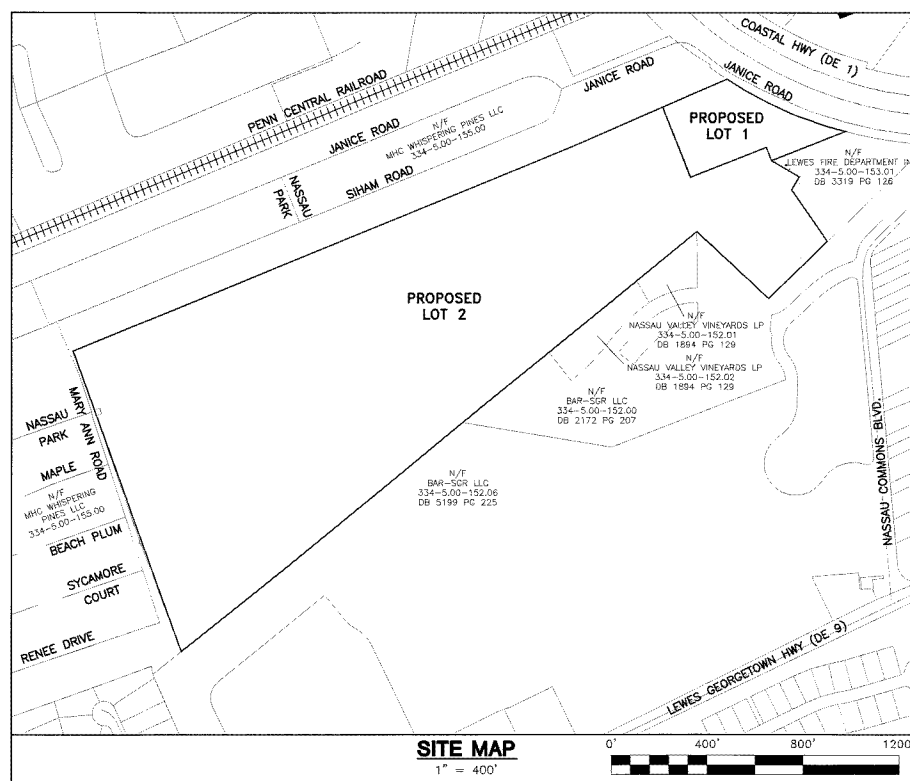


SOILS MAP SCALE: 1" = 1000'

| SYMBOL | SOILS DATA   |
|--------|--|
| GRA    | GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (TYPE B)       |
| IaA    | INGLESIDE LOAMY SAND, 0 TO 2 PERCENT SLOPES (TYPE A) |
| IaB    | INGLESIDE LOAMY SAND, 2 TO 5 PERCENT SLOPES (TYPE A) |
| EvB    | EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (TYPE B)  |
| HnA    | HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE B) |
| DoA    | DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE A)    |
| DoB    | DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES (TYPE A)    |

#### DATA COLUMN

TAX MAP ID: 3-34-5.00-153.00  
 DEED REFERENCE: DB: 3319 PG: 126  
 DATUM:  
 HORIZONTAL: NAD 83 (DE STATE PLANE)  
 VERTICAL: NAVD 88  
 LAND USE:  
 EXISTING: COMMERCIAL BUSINESS  
 PROPOSED: COMMERCIAL BUSINESS  
 ZONING:  
 EXISTING: C-1 (GENERAL COMMERCIAL)  
 AR-1 (AGRICULTURAL RESIDENTIAL)  
 PROPOSED: C-1 (GENERAL COMMERCIAL)  
 AR-1 (AGRICULTURAL RESIDENTIAL)  
 AREAS:  
 EXISTING SITE: 65.169± ACRES  
 SITE AREA:  
 PROPOSED SITE:  
 LOT 1 - EXISTING COMMERCIAL BUSINESS 3.436± ACRES  
 LOT 2 - RESIDUAL LANDS 61.733± ACRES  
 TOTAL SITE AREA 65.169± ACRES  
 UTILITIES:  
 SEWER PROVIDER: PUBLIC (SUSSEX COUNTY)  
 WATER PROVIDER: PUBLIC (TIDEWATER UTILITIES, INC.)  
 FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0330J DATED JANUARY 06, 2005. FLOOD ZONE X (MINIMAL FLOODING)  
 STATE STRATEGIES MAP: INVESTMENT LEVEL 1 & 2  
 FIRE DISTRICT: 82ND  
 SCHOOL DISTRICT: CAPE HENLOPEN  
 ELECTION DISTRICT: 3RD  
 PROPERTY OWNER:  
 AAA STORAGE LIMITED PARTNERSHIP  
 22114 RITTER LN.  
 HARBESON, DE 19951  
 PROPERTY DEVELOPER:  
 JANICE CRP'S LLC  
 4750 OWINGS MILL BLVD.  
 OWINGS MILL, MD 21117  
 CONTACT: JON HOFFMAN  
 (CHESAPEAKE REALTY PARTNERS)  
 PHONE: 410-356-9900 EXT. 755  
 ENGINEER:  
 DAVIS, BOWEN, & FRIEDEL, INC.  
 RING W. LARDNER, P.E.  
 1 PARK AVENUE  
 MILFORD, DE 19963  
 PHONE: 302-424-1441  
 FAX: 302-424-0430



#### LEGEND

|                                  |  |
|----------------------------------|--|
| EXISTING BOUNDARY/RIGHT-OF-WAY   |  |
| CENTERLINE/BASELINE & STATIONING |  |
| EXISTING ADJACENT PROPERTY LINE  |  |
| PROPOSED BOUNDARY/PROPERTY LINE  |  |
| PROPOSED/PERMANENT EASEMENTS     |  |

#### DELDOT GENERAL NOTES

- THIS MINOR COMMERCIAL RECORD PLAN - SATISFIES THE DEPARTMENT'S RECORDATION REQUIREMENTS AND ARE BASED ON THE PARCEL'S LOCATION. NO COMMITMENTS ARE STATED OR IMPLIED BY DELDOT THROUGH THE ISSUANCE OF THIS LETTER WITH RESPECT TO: ENTRANCE LOCATION(S), ACCESS CONFIGURATIONS, AUXILIARY LANES AND/OR ROADWAY IMPROVEMENTS WHICH WILL BE EVALUATED AND REQUIRED AS NECESSARY AT THE TIME OF ENTRANCE CONSTRUCTION PLAN REVIEW OR APPROVAL FOR THE SITE.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING, RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- ONCE ANY TRAFFIC WARRANTS ARE MET, IT SHALL BE THE PROPERTY OWNER'S RESPONSIBILITY TO CONSTRUCT ANY AND ALL AUXILIARY LANES AS ASSOCIATED WITH ANY PROPOSED ENTRANCE LOCATIONS ON JANICE ROAD (SCR14B).
- A TRAFFIC STUDY MAY BE REQUIRED AT ANY TIME THE AGGREGATE TOTAL OF TRIPS FROM THESE 2 SUBDIVIDED PARCELS EXCEEDS THE THRESHOLDS REQUIRING ADDITIONAL ANALYSIS, IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL OR ANY COUNTY / LOCAL ORDINANCES. IT SHALL BE THE PROPERTY OWNER'S RESPONSIBILITY TO FUND, DESIGN AND IMPLEMENT ANY IMPROVEMENTS IDENTIFIED BY THIS STUDY, AT DELDOT'S DISCRETION.
- A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED AS SHOWN ON THIS PLAN.

#### CERTIFICATION OF OWNERSHIP:

I, Laura Ritter HEREBY CERTIFY THAT AAA STORAGE LIMITED PARTNERSHIP IS THE LEGAL OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN, AND THAT THE RECORD MAJOR/MINOR LAND DEVELOPMENT PLAN HEREOF WAS MADE AT ITS DIRECTION; THAT I ACKNOWLEDGE THE SAME TO BE ITS ACT AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND ZONING CODE OF SUSSEX COUNTY.

Laura Ritter  
 AAA STORAGE LIMITED PARTNERSHIP  
 DATE: 12/1/22

#### CERTIFICATION OF ACCURACY:

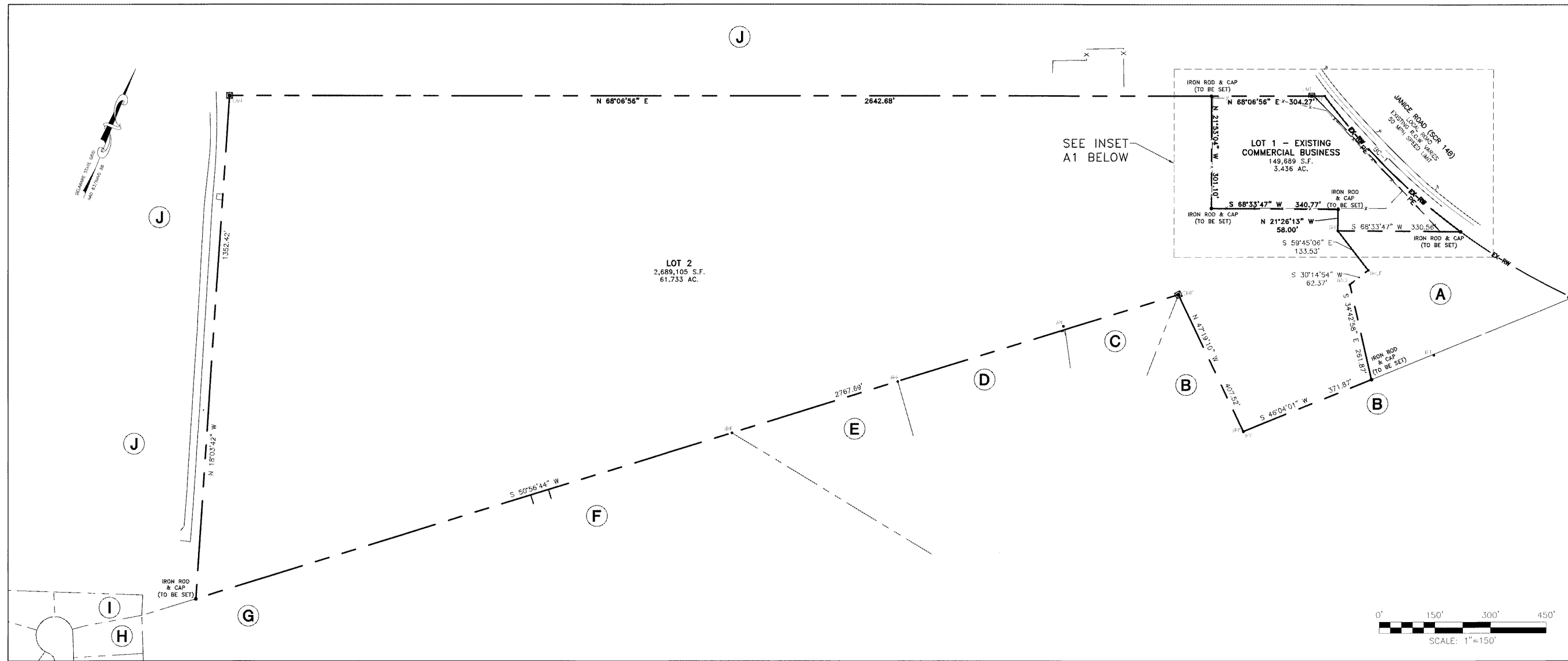
I, RING W. LARDNER, P.E., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER (LAND SURVEYOR) IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES, AND IN ACCORDANCE WITH THE TOWN OF MIDDLETOWN SUBDIVISION REGULATIONS AND ZONING CODE.

Ring W. Lardner  
 RING W. LARDNER, P.E.  
 LICENSE #15647  
 DATE: NOV 30 2022

**dbf** DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS  
 SALISBURY, MARYLAND (410) 543-8091  
 MILFORD, DELAWARE (302) 424-1441  
 EASTON, MARYLAND (410) 770-4744

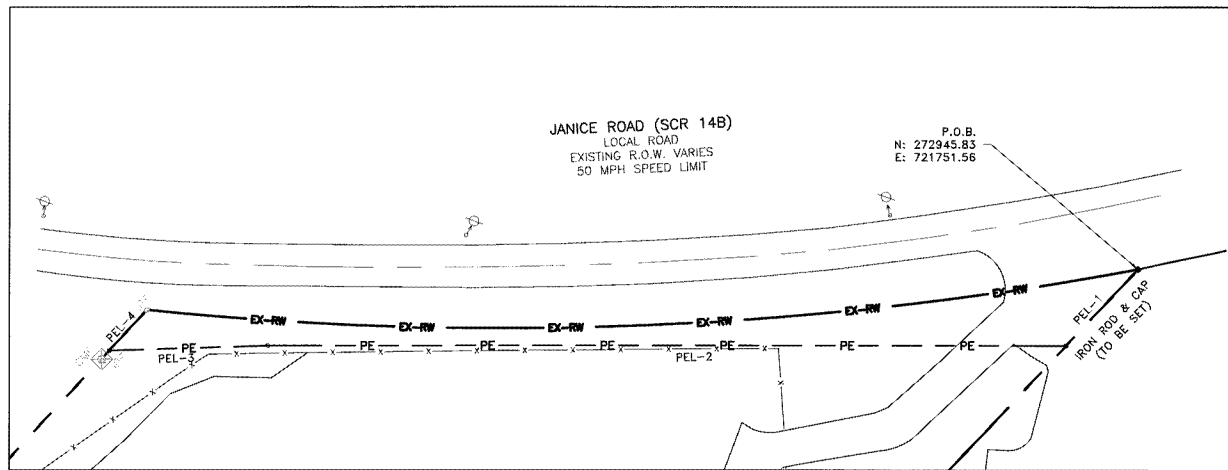
Revisions:  
 2022-11-21:  
 DELDOT COMMENTS  
 2022-11-28:  
 P&Z COMMENTS

MS-01



**ADJACENT PROPERTY OWNERS**

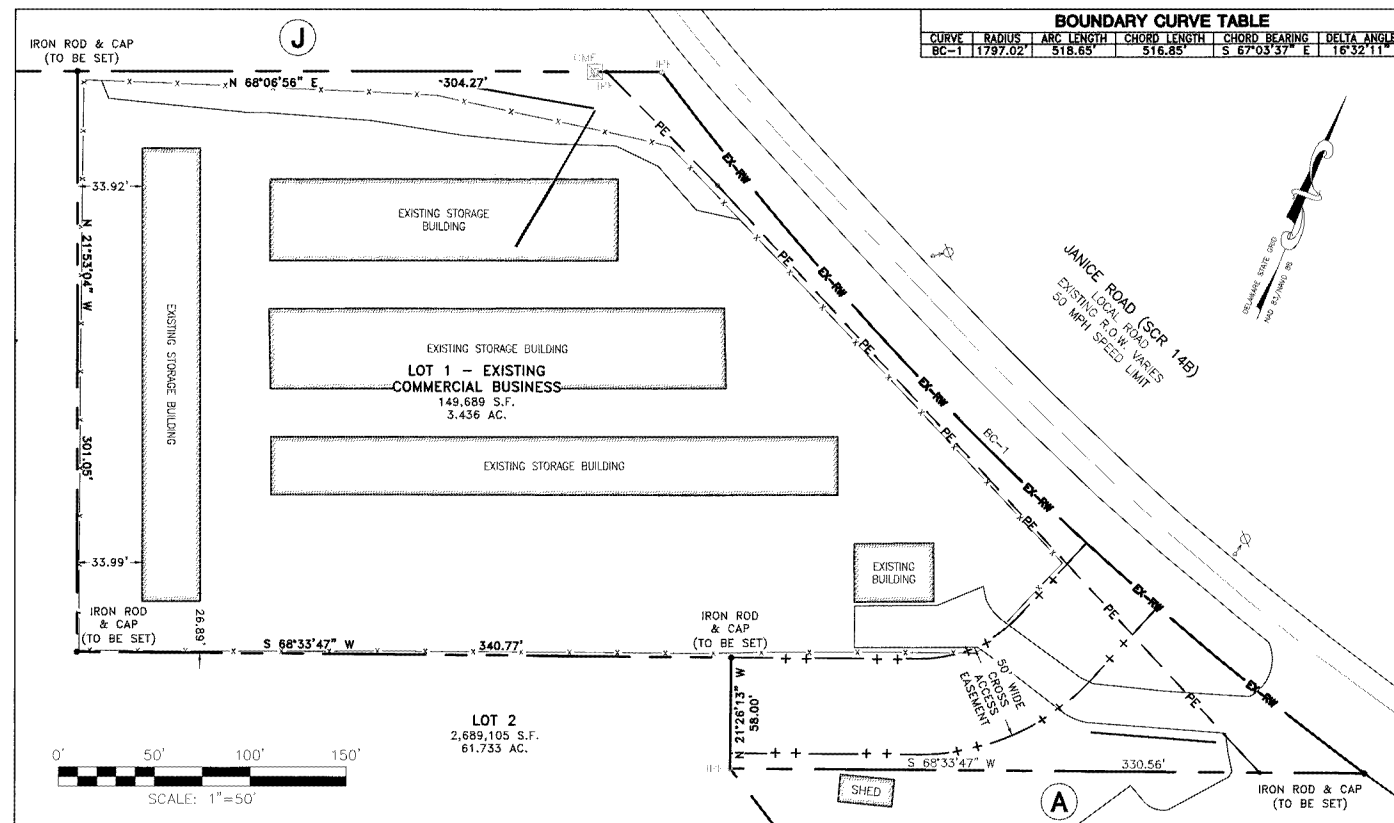
| PARCEL# | OWNER  | DEED    | PG     | ZONING |
|---------|--|---------|--------|--------|
| A       | 334-5.00-153.01 LEWES FIRE DEPARTMENT INC.     | DB 3319 | PG 126 | C-1    |
| B       | 334-5.00-152.00 BAR-SGR LLC                    | DB 2172 | PG 207 | C-1    |
| C       | 334-5.00-152.01 NASSAU VALLEY VINEYARDS LP     | DB 1894 | PG 129 | C-1    |
| D       | 334-5.00-152.02 NASSAU VALLEY VINEYARDS LP     | DB 1894 | PG 129 | C-1    |
| E       | 334-5.00-152.03 NASSAU VALLEY VINEYARD LP      | DB 1894 | PG 129 | C-1    |
| F       | 334-5.00-152.06 BAR-SGR LLC                    | DB 5199 | PG 225 | C-1    |
| G       | 334-5.00-152.12 FERNGOOD HOLDINGS AT VINEYARDS | DB 5270 | PG 285 | C-1    |
| H       | 334-5.00-287.00 ADRIANE PINZARU & LEAH GREER   | DB 3520 | PG 84  | AR-1   |
| I       | 334-5.00-288.00 WES R FRIEDLAUF                | DB 3097 | PG 208 | AR-1   |
| J       | 334-5.00-155.00 MHC WHISPERING PINES LLC       | DB 0    | PG 0   | AR-1   |
| K       | 334-5.00-155.02 SUSSEX COUNTY                  | DB 2106 | PG 3   | AR-1   |
| L       | 334-5.00-154.00 LEWES SENIOR CITIZENS CENTER   | DB 0    | PG 0   | C-1    |



**DELDOT PERMANENT EASEMENT**

SCALE: 1"=50'

| LINE  | BEARING       | DISTANCE |
|-------|---------------|----------|
| PEL-1 | S 68°33'47" W | 54.64'   |
| PEL-2 | N 64°22'58" W | 415.33'  |
| PEL-3 | N 68°26'52" W | 82.81'   |
| PEL-4 | N 68°06'56" E | 28.75'   |



| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| BC-1  | 11797.02' | 518.65'    | 516.85'      | S 67°03'37" E | 16°32'11"   |

**INSET A1**

SCALE: 1"=50'



ARCHITECTS ENGINEERS SURVEYORS  
 SUSSEX, MARYLAND  
 DELAWARE, DELAWARE  
 (302) 841-1441  
 (302) 775-7474



MINOR SUBDIVISION SITE PLAN

**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-11-21:  
 DELDOT COMMENTS  
 2022-11-28:  
 P&Z COMMENTS

Date: SEPTEMBER 2022  
 Scale: AS NOTED  
 Dwn.By: DEG  
 Proj.No.: 3808A21  
 Dwg.No.:

**MS-02**

**Tax Parcel Number: 334-5.00-153.00**

**PREPARED BY:**

Rosenberg Martin Greenberg LLP  
25 S. Charles Street, 21<sup>st</sup> Floor  
Baltimore, Maryland 21201  
Attn: Jennifer E. Zohorsky, Esq.

**AFTER RECORDATION PLEASE RETURN TO:**

BAIRD MANDALAS BROCKSTEDT FEDERICO & CARDEA LLC  
1413 Savannah Road, Suite 1  
Lewes, Delaware 19958

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 21 day of December, 2022 by and between **AAA STORAGE LIMITED PARTNERSHIP**, a Delaware limited partnership ("Grantor"), and **LEWES STORAGE LLC**, a Delaware limited liability company ("Grantee"), having an address of 4750 Owings Mills Boulevard, Owings Mills, Maryland 21117.

WITNESSETH, that in consideration of **ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, in fee simple, as sole owner, all that piece or parcel of land, together with the improvements, rights, privileges and appurtenances thereunto belonging, situate in Sussex County, Delaware (the "Property"), which is more particularly described on Exhibit A, attached hereto.

BEING a part of that parcel of land, which by deed dated November 22, 1999, and recorded among the Land Records of Sussex County, Delaware in Book 2442, Page 016, was conveyed from Bert Frederick Ritter and Bradley James Ritter to AAA Storage Limited Partnership.

TO HAVE AND TO HOLD the Property in fee simple, together with all rights, privileges, easements and appurtenances thereunto belonging or appertaining to the Grantee, its successors and assigns, forever.

AND the Grantor covenants that they will warrant specially the Property, and will execute such further assurances thereof as may be requisite.



IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed instrument, as of the day and year first above written, to be executed, acknowledged and delivered for the purposes herein contained.

AAA STORAGE LIMITED PARTNERSHIP,  
a Delaware limited partnership

By: Bradley J Ritter (SEAL)  
Name: Bradley J Ritter  
Title: General Partner

STATE OF DELAWARE  
COUNTY OF SUSSEX, TO WIT:

I HEREBY CERTIFY that on this 21 day of December, 2022, before me, a Notary Public to and for the State and County aforesaid, personally appeared Bradley J. Ritter, and acknowledged himself to be the General Partner of AAA STORAGE LIMITED PARTNERSHIP, and that he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing his name and the name of the aforementioned entity by himself and in the capacity set forth above.

IN WITNESS MY Hand and Notarial Seal.

Mackenzie M. Peet (SEAL)  
NOTARY PUBLIC

My Commission Expires:

N/A

7 Mackenzie M. Peet  
Attorney at Law, Notary  
DE Bar ID # 6692  
Perpetual Commission  
Unified Notarial Acts, 29 Del. C. § 5 Sec 4323(a)(3)

**Tax Parcel Number: 334-5.00-153.00**

**EXHIBIT A**  
**Legal Description**

**BEING** all that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of Janice Road (SCR 14B), and being located in the Lewes & Rehoboth Hundred, Sussex County, Delaware, being shown as Lot 1 on a plat titled "Ritter Farm, Minor Subdivision", prepared by Davis, Bowen & Friedel, Inc., dated September 2022, last revised November 28, 2022, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Plot Book 386, Page 58; said piece or parcel being more particularly described as follows:

**BEGINNING** at a point formed by the intersection of the southwesterly right-of-way line of said Janice Road with the southeasterly line of the lands of, now or formerly, MHC Whispering Pines, LLC, being identified as tax parcel 334-5.00-155.00, thence,

1) leaving said MHC Whispering Pines lands and running by and with said Janice Road, with the arc of a curve deflecting to the left having an arc length of 518.65 feet, a radius of 1,797.02 feet and a chord bearing and distance of South 67 degrees 03 minutes 37 seconds East 516.85 feet, to an iron rod with cap set at a point on the northerly line of the lands of, now or formerly, Lewes Fire Department, Inc., as recorded in said Office of the Recorder of Deeds in Deed Book 3319, Page 126; thence,

2) leaving said Janice Road and running by and with said Lewes Fire Department lands South 68 degrees 33 minutes 47 seconds West 330.56 feet to an iron pipe found at a point, thence,

3) leaving said Lewes Fire Department lands and running through the lands of, now or formerly, AAA Storage Limited Partnership, as recorded in said Office of the Recorder of Deeds in Deed Book 3319, Page 126, the following three courses and distances, North 21 degrees 26 minutes 13 seconds West 58.00 feet to an iron rod with cap set at a point, thence running,

4) South 68 degrees 33 minutes 47 seconds West 340.77 feet to an iron rod with cap set at a point, thence running,

5) North 21 degrees 53 minutes 04 seconds West 301.10 feet to an iron rod with cap set at a point on the southeasterly line of the aforesaid MHC Whispering Pines lands, thence,

6) running by and with said MHC lands, North 68 degrees 06 minutes 56 seconds East 304.27 feet, passing over a concrete monument found at 269.49 feet, to the point and place of beginning.

**CONTAINING 3.436** acres of land, more or less.

**Tax Parcel Number: 334-5.00-153.02**

**PREPARED BY:**

Rosenberg Martin Greenberg LLP  
25 S. Charles Street, 21<sup>st</sup> Floor  
Baltimore, Maryland 21201  
Attn: Jennifer E. Zohorsky, Esq.

**AFTER RECORDATION PLEASE RETURN TO:**

BAIRD MANDALAS BROCKSTEDT FEDERICO & CARDEA LLC  
1413 Savannah Road, Suite 1  
Lewes, Delaware 19958

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 21 day of December, 2022 by and between **AAA STORAGE LIMITED PARTNERSHIP**, a Delaware limited partnership ("Grantor"), and **JANICE RESIDENTIAL LLC**, a Delaware limited liability company ("Grantee"), having an address of 4750 Owings Mills Boulevard, Owings Mills, Maryland 21117.

WITNESSETH, that in consideration of **TWELVE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$12,500,000.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, in fee simple, as sole owner, all that piece or parcel of land, together with the improvements, rights, privileges and appurtenances thereunto belonging, situate in Sussex County, Delaware (the "Property"), which is more particularly described on Exhibit A, attached hereto.

BEING a part of that parcel of land, which by deed dated November 22, 1999, and recorded among the Land Records of Sussex County, Delaware in Book 2442, Page 016, was conveyed from Bert Frederick Ritter and Bradley James Ritter to AAA Storage Limited Partnership.

TO HAVE AND TO HOLD the Property in fee simple, together with all rights, privileges, easements and appurtenances thereunto belonging or appertaining to the Grantee, its successors and assigns, forever.

AND the Grantor covenants that they will warrant specially the Property, and will execute such further assurances thereof as may be requisite.

8) South 21 degrees 26 minutes 13 seconds East 58.00 feet to an iron pipe found a point on the northerly line of the aforesaid Lewes Fire Department lands; thence,

9) running by and with said Lewes Fire Department lands, the following three courses and distances, South 59 degrees 45 minutes 06 seconds East 133.53 feet to an iron rod with cap found at a point, thence running,

10) South 30 degrees 14 minutes 54 seconds West 62.37 feet to an iron rod with cap found at a point, thence running,

11) South 34 degrees 42 minutes 58 seconds East 261.87 feet to the point and place of beginning.

**CONTAINING 61.733** acres of land, more or less.

**TOGETHER WITH** a 50 feet wide cross access easement, as shown on the Minor Subdivision Site Plan recorded of record at Book 386, Page 58.

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed instrument, as of the day and year first above written, to be executed, acknowledged and delivered for the purposes herein contained.

AAA STORAGE LIMITED PARTNERSHIP,  
a Delaware limited partnership

By: Bradley J Ritter (SEAL)  
Name: Bradley J Ritter  
Title: General Partner

STATE OF DELAWARE  
COUNTY OF SUSSEX, TO WIT:

I HEREBY CERTIFY that on this 21 day of December, 2022, before me, a Notary Public to and for the State and County aforesaid, personally appeared Bradley J. Ritter, and acknowledged himself to be the General Partner of AAA STORAGE LIMITED PARTNERSHIP, and that he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing his name and the name of the aforementioned entity by himself and in the capacity set forth above.

IN WITNESS MY Hand and Notarial Seal.

Mackenzie M. Peet (SEAL)  
NOTARY PUBLIC

My Commission Expires:

N/A

Mackenzie M. Peet  
Attorney at Law, Notary  
DE Bar ID # 6692  
Perpetual Commission  
Modified Notarial Acts, 29 Del. C. § Sec. 4323(a)(3)

## “EXHIBIT A”

**BEING** all that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of, but not adjacent to, Janice Road (SCR 14B), and being located in the Lewes & Rehoboth Hundred, Sussex County, Delaware, being shown as Lot 2 on a plat titled “Ritter Farm, Minor Subdivision”, prepared by Davis, Bowen & Friedel, Inc., dated September 2022, last revised November 28, 2022, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Plot Book 386, Page 58; said piece or parcel being more particularly described as follows:

**BEGINNING** at an iron rod with cap set at a point formed by the intersection of the westerly line of the lands of, now or formerly, Lewes Fire Department, Inc., as recorded in said Office of the Recorder of Deeds in Deed Book 3319, Page 126, with the northwesterly line of the lands of, now or formerly, BAR-SGR LLC, as recorded in said Office of the Recorder of Deeds in Deed Book 2172, Page 207, thence,

1) leaving said Lewes Fire Department lands and running by and with said BAR-SGR lands the following two courses and distances, South 46 degrees 04 minutes 01 seconds West 371.87 feet to an iron pipe found at a point, thence running,

2) North 47 degrees 19 minutes 10 seconds West 407.52 feet to a concrete monument found at a point on the easterly line of Nassau Valley Vineyard LP, as recorded in said Office of the Recorder of Deeds in Deed Book 1894, Page 129, thence,

3) leaving said BAR-SGR lands and running by and with said Nassau Valley lands, also running by and with said BAR-SGR lands, and other lands of, now or formerly, BAR-SGR LLC, as recorded in said Office of the Recorder of Deeds in Deed Book 5199, Page 225, South 50 degrees 56 minutes 44 seconds West 2,767.69 feet to a point on the easterly line of the lands of, now or formerly, MHC Whispering Pines LLC, being identified as tax parcel 334-5.00-155.00, passing over iron rods found at 789.83 feet and 1,257.16 feet, thence,

4) leaving said other BAR-SGR lands and running by and with said MHC Whispering Pines lands the following two courses and distances, North 18 degrees 03 minutes 42 seconds West 1,352.42 feet to a concrete monument found at a point, thence running,

5) North 68 degrees 06 minutes 56 seconds East 2,642.68 feet to an iron rod with cap set at a point, thence,

6) leaving said MHC Whispering Pines lands and running through the lands of, now or formerly, AAA Storage Limited Partnership, as recorded in said Office of the Recorder of Deeds in Deed Book 3319, Page 126, the following three courses and distances, South 21 degrees 53 minutes 04 seconds East 301.10 feet to an iron rod with cap set at a point, thence running,

7) North 68 degrees 33 minutes 47 seconds East 340.77 feet to an iron rod with cap set at a point, thence running,

F



May 21, 2021

**Via: Email ([jamie.whitehouse@sussexcountype.gov](mailto:jamie.whitehouse@sussexcountype.gov))**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Commercial Area and Coastal Area  
Requested: Coastal Area  
Sussex County Tax Parcel No. 334-5.00-153.00 (the "Property")

Dear Jamie,

This firm represents AAA Storage Limited Partnership, the owner of the above-referenced Property along Janice Road at the foot of the Nassau Bridge on Coastal Highway (Route 1). The Property consists of a little more than sixty-one (61) acres and includes two (2) primary uses. The front of the Property is presently improved with a self-storage facility and the balance of the Property is farmed.

On Sussex County's Comprehensive Zoning Map, the Property is split-zoned with the area along Janice Road being located within the C-1 General Commercial District (C-1 District) and the balance of the Property being located within the AR-1 Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan shows the entirety of the Property as being within a Commercial Area except for a pond on the Property which is shown as being within a Coastal Area.

This request to modify the Future Land Use Map seeks to change the designation of the Commercial Area of the Property so that the entirety of the Property would be shown as being in the Coastal Area on the Future Land Use Map.

The changing of this Property's designation on the Future Land Use Map will allow it to be used more consistently with the surrounding area. More specifically, pursuant to Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories, the Commercial Area does not envisage any residential uses beyond the AR-1 District but instead provides exclusively for Commercial and Business uses. In contrast, the requested Coastal Area allows for both residential and commercial/business uses.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 2**

A quick review of the area shows the consistency of allowing for both commercial and residential uses on this parcel. Along the entirety of the Property's northern and western boundaries is the Whispering Pines manufactured home community. Along much of the Property's southern boundary is the Vineyards at Nassau a mixed-use property containing both residential and commercial uses. However, the commercial uses are situated along the Lewes-Georgetown Highway (Route 9) and not along the Vineyards' boundary with this Property which areas are intended for residential use. The residential uses continue with other communities in close proximity including Sea Spray Village, Sussex East, Nassau Grove and the Reserve at Sandbar.

The configuration of the Vineyards is consistent with the overall theme of this area which has commercial and business uses situated along the primary corridors (Route 1 and Route 9) with residential uses being located beyond (or inside) those uses. The goal of this requested change to the Future Land Use Map is identical to the character of this area as it seeks to allow for commercial and business uses along Janice Road while allowing for residential uses adjacent to the existing residential uses on the neighboring properties.

Not only is this proposed change consistent with good land use and planning, it also matches the current configuration of both the County's Comprehensive Zoning Map and its Future Land Use Map. First, the County's Comprehensive Zoning Map shows much of the immediate area as being within the C-1 District which permits residential uses. For example, the Vineyards at Nassau is all zoned as being part of the C-1 District. Second, to the immediate north of this Property is Whispering Pines—a conditional use manufactured home (residential) community use. Immediately north of Whispering Pines is the Nassau Grove community which lies within the Medium Density Residential District, another residential use.

The Future Land Use Map shows this entire Nassau area as being within either a Commercial Area or a Coastal Area. As the Property is already within one of the County's seven (7) Growth Areas, the question is not whether this Property should be located within a Growth Area but the appropriateness of the designated Growth Area. As discussed previously, the Coastal Area is more consistent with the character of this area as extending commercial uses well back from Janice Road and between the existing residential uses would certainly be out of character with the use and configuration of those properties. Further, it is unlikely that the County has need for commercial areas extending that far from Janice Road.

The requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and nature of the uses in this area and will not have an adverse effect on adjacent properties. In fact, the requested amendment will a positive effect as it will allow for uses that are consistent with the existing uses in place or planned for the adjacent properties.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

File #: \_\_\_\_\_

## Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

32172 Janice Road Lewes, DE 19958

**Type of Conditional Use Requested:**

N/A

**Tax Map #:** 334-5.00-153.00

**Size of Parcel(s):** 61.73

**Current Zoning:** AR-C1

**Proposed Zoning:** MR-RPC

**Size of Building:** TBD

**Land Use Classification:** Commercial

**Water Provider:** Tidewater

**Sewer Provider:** Sussex County

**Applicant Information**

**Applicant Name:** Janice CRP3 LLC

**Applicant Address:** 4750 Owings Mill Blvd.

**City:** Owings Mill

**State:** MD

**Zip Code:** 21117

**Phone #:** \_\_\_\_\_

**E-mail:** jhoffman@chesapeakepartners.com

**Owner Information**

**Owner Name:** AAA Storage Limited Partnership

**Owner Address:** 22114 Ritter Lane

**City:** Harbeson

**State:** DE

**Zip Code:** 19951

**Phone #:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Davis, Bowen & Friedel, Inc.

**Agent/Attorney/Engineer Address:** 1 Park Avenue

**City:** Milford

**State:** DE

**Zip Code:** 19963

**Phone #:** (302) 422-1441

**E-mail:** rwl@dbfinc.com



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 10/7/2022

Signature of Owner



Date: 10/7/22

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_

# Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

## Application Information:

Site Address: 32172 Janice Road Lewes, DE 19958

Parcel #: 334-5.00-153.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Davis, Bowen & Friedel, Inc. (Ring Lardner)

Owner Name: AAA Storage Limited Partnership

## Type of Application:

- Conditional Use:   
Change of Zone:   
Subdivision:   
Board of Adjustment:

Date Submitted: 9/30/22

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

LEGAL DESCRIPTION

AAA STORAGE LIMITED PARTNERSHIP

PORTION OF 334-5.00-153.00

ZONED AR-1 AND C-1

September 28, 2022

**BEING** all that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of, but not adjacent to, Janice Road (SCR 14B), 70 feet wide, and being located in the Lewes & Rehoboth Hundred, Sussex County, Delaware, as shown on a plat prepared by Davis, Bowen & Friedel, Inc., dated September 2022; said piece or parcel being more particularly described as follows:

**BEGINNING** at a point on the southerly line of the lands of, now or formerly, MHC Whispering Pines LLC, being identified as Tax Parcel 334-5.00-155.00, said point bears South 68 degrees 06 minutes 56 seconds West 304.27 feet from a point formed by the intersection of the southwesterly right-of-way line of said Janice Road with the southerly line of said MHC lands, thence,

1) leaving said MHC lands and through the lands of, now or formerly, AAA Storage Limited Partnership, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3319, Page 126, the following three courses and distances, South 21 degrees 53 minutes 04 seconds East 301.10 feet to a point, thence running,

2) North 68 degrees 33 minutes 47 seconds East 340.77 feet to a point, thence running,

3) South 21 degrees 26 minutes 13 seconds East 58.00 feet to a point on the northerly line of the lands of, now or formerly, Lewes Fire Department, Inc. as recorded in the Office of Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3319, Page 126, thence,

4) running by and with said Lewes Fire Department lands the following three courses and distances, South 59 degrees 45 minutes 06 seconds East 133.53 feet to a point, thence running,

5) South 30 degrees 14 minutes 54 seconds West 62.37 feet to a point, thence running,

6) South 34 degrees 42 minutes 58 seconds East 261.87 feet to a point on the southerly line of the lands of, now or formerly BAR-SGR, LLC as recorded in the Office of Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 2172, Page 207, thence,

7) leaving said Lewes Fire Department lands, and running by and with said BAR-SGR LLC lands the following two courses and distances, South 46 degrees 04 minutes 01 seconds West 371.87 feet to an iron pipe found at a point, thence running,

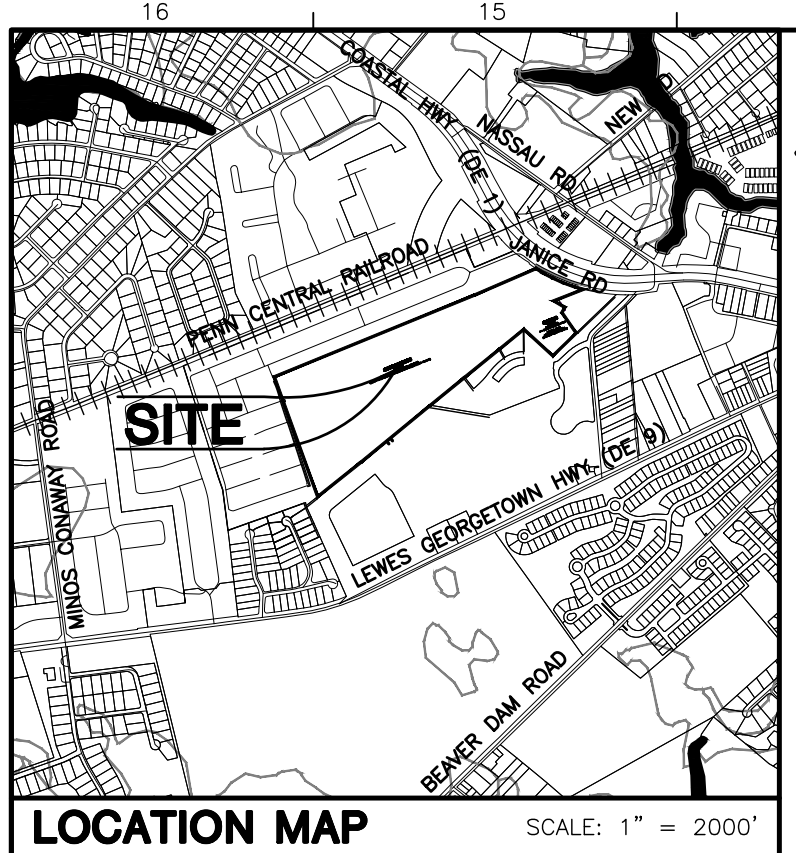
8) North 47 degrees 19 minutes 10 seconds West 407.52 feet to a point, to a concrete monument found at a point on the northwesterly line of Nassau Valley Vineyard LP, as recorded in said Office of the Recorder of Deeds in Deed Book 1894, Page 129, thence,

7) leaving said BAR-SGR lands and running by and with said Nassau Valley lands, also running by and with said BAR-SGR lands, and other lands of, now or formerly, BAR-SGR LLC, as recorded in said Office of the Recorder of Deeds in Deed Book 5199, Page 225, South 50 degrees 56 minutes 44 seconds West 2,767.69 feet to a point on the easterly line of the lands of said MHC lands, passing over iron rods found at 789.83 feet and 1,257.16 feet, thence,

8) leaving said other BAR-SGR lands and running by and with said MHC lands, the following two courses and distances, North 18 degrees 03 minutes 42 seconds West 1,352.42 feet to a concrete monument found at a point, thence running,

9) North 68 degrees 06 minutes 56 seconds East 2,642.58 feet to the point and place of beginning; **CONTAINING 61.733** acres of land, more or less.



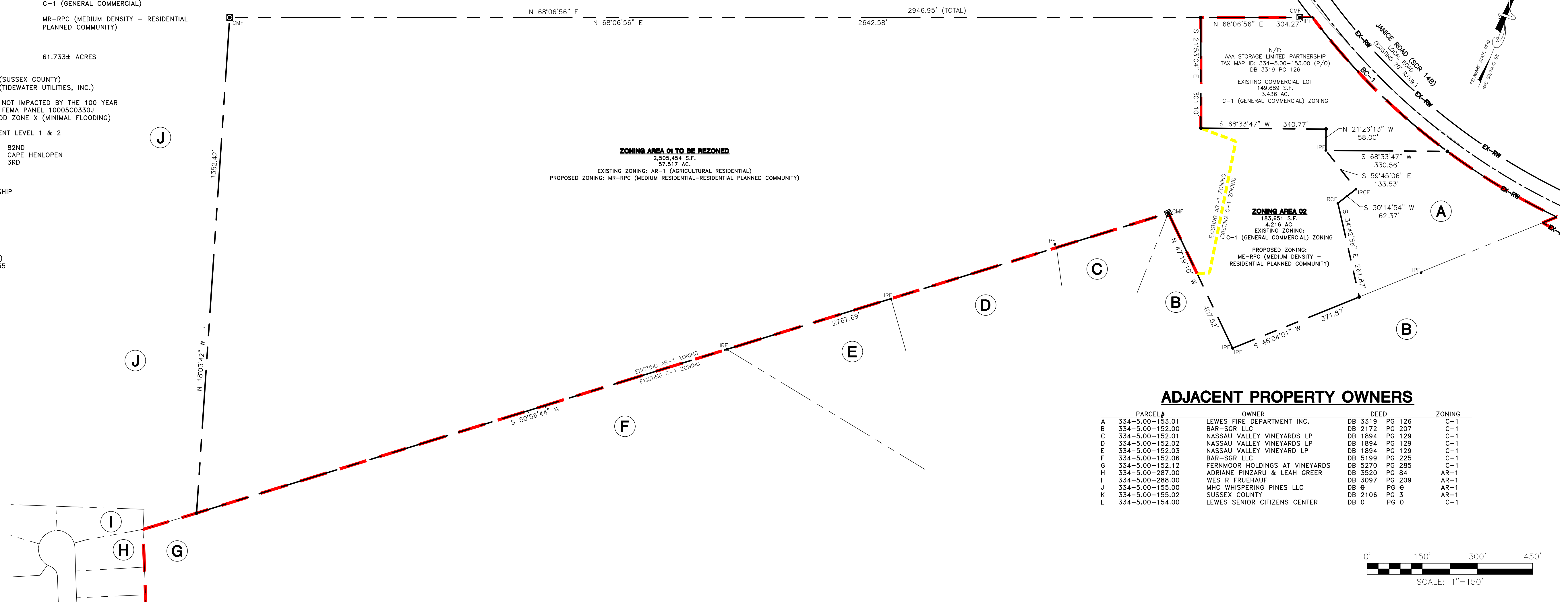


**DATA COLUMN**

TAX MAP ID: 3-34-5.00-153.00  
 DEED REFERENCE: DB: 3319 PG: 126  
 DATUM: HORIZONTAL: NAD 83 (DE STATE PLANE) VERTICAL: NAVD 88  
 LAND USE EXISTING: AGRICULTURE PROPOSED: RESIDENTIAL  
 ZONING EXISTING: AR (AGRICULTURAL / RESIDENTIAL) C-1 (GENERAL COMMERCIAL) PROPOSED: MR-RPC (MEDIUM DENSITY - RESIDENTIAL PLANNED COMMUNITY)  
 AREAS: EXISTING SITE AREA: 61.733± ACRES  
 UTILITIES: SEWER PROVIDER: PUBLIC (SUSSEX COUNTY) WATER PROVIDER: PUBLIC (TIDEWATER UTILITIES, INC.)  
 FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 100050330J DATED JANUARY 06, 2005. FLOOD ZONE X (MINIMAL FLOODING)  
 STATE STRATEGIES MAP: INVESTMENT LEVEL 1 & 2  
 FIRE DISTRICT: 82ND SCHOOL DISTRICT: CAPE HENLOPEN ELECTION DISTRICT: 3RD  
 PROPERTY OWNER: AAA STORAGE LIMITED PARTNERSHIP 22114 RITTER LN. HARBESON, DE 19951  
 PROPERTY DEVELOPER: JANICE CRP3 LLC 4750 OWINGS MILL BLVD. OWINGS MILL, MD 21117 CONTACT: JON HOFFMAN (CHESAPEAKE REALTY PARTNERS) PHONE: 410-356-9900 EXT. 755  
 ENGINEER: DAVIS, BOWEN & FRIEDEL, INC. RING W. LARDNER, P.E. 1 PARK AVENUE MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430

**BOUNDARY CURVE TABLE**

| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| BC-1  | 11797.02' | 518.65'    | 516.85'      | S 67°03'57" E | 16°32'11"   |



**ADJACENT PROPERTY OWNERS**

| PARCEL #          | OWNER                          | DEED           | ZONING |
|-------------------|--------------------------------|----------------|--------|
| A 334-5.00-153.01 | LEWES FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 PG 225 | C-1    |
| G 334-5.00-152.12 | FERNMOOR HOLDINGS AT VINEYARDS | DB 5270 PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE FINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0 PG 0      | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWES SENIOR CITIZENS CENTER   | DB 0 PG 0      | C-1    |

**LEGEND**

|                                    |  |       |
|------------------------------------|--|-------|
| EXISTING BOUNDARY/RIGHT-OF-WAY     |  | EX-RW |
| EXISTING ZONING BOUNDARY           |  |       |
| EXISTING ZONING BOUNDARY TO REMOVE |  |       |
| PROPOSED REZONING BOUNDARY         |  |       |
| EXISTING ADJACENT PROPERTY LINE    |  |       |

**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1 PARK AVENUE  
 MILFORD, DELAWARE 19963  
 (302) 424-1441  
 (410) 770-4744

**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 Date: **SEPTEMBER 2022**  
 Scale: **1" = 150'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.: **RZ-01**

P:\Chesapeake Realty\3808A21 - Ritter Farm\Design\Plan Subdivision\3808A21 - REZONING PLAN.dwg Sep 30, 2022 - 5:58am larr

# VINTNERS RESERVE RESIDENTIAL PLANNED COMMUNITY (RPC) PRELIMINARY SUBDIVISION PLAN LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE DBF PROJECT NO. 3808B001 SEPTEMBER 2022

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| PRELIMINARY SITE PLAN             | PL-04 |
| PRELIMINARY SITE PLAN             | PL-05 |
| PRELIMINARY SITE PLAN             | PL-06 |
| PRELIMINARY SITE PLAN             | PL-07 |
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| PRELIMINARY UTILITY PLAN          | PL-19 |

### CERTIFICATION OF OWNERSHIP:

I, \_\_\_\_\_ HEREBY CERTIFY THAT \_\_\_\_\_ IS THE LEGAL OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN, AND THAT THE RECORD MAJOR/MINOR LAND DEVELOPMENT PLAN HEREOF WAS MADE AT ITS DIRECTION; THAT I ACKNOWLEDGE THE SAME TO BE ITS ACT AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND ZONING CODE OF SUSSEX COUNTY.

JANICE CRP3, LLC \_\_\_\_\_ DATE \_\_\_\_\_

### DEVELOPER'S STATEMENT:

WE, THE UNDERSIGNED, CERTIFY THAT WE ARE THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO ORDINANCE.

JANICE CRP3 LLC  
4750 OWINGS MILL BLVD.  
OWINGS MILL, MD 21117  
CONTACT: JON HOFFMAN  
(CHESAPEAKE REALTY PARTNERS)  
PHONE: 410-356-9900 ext. 755

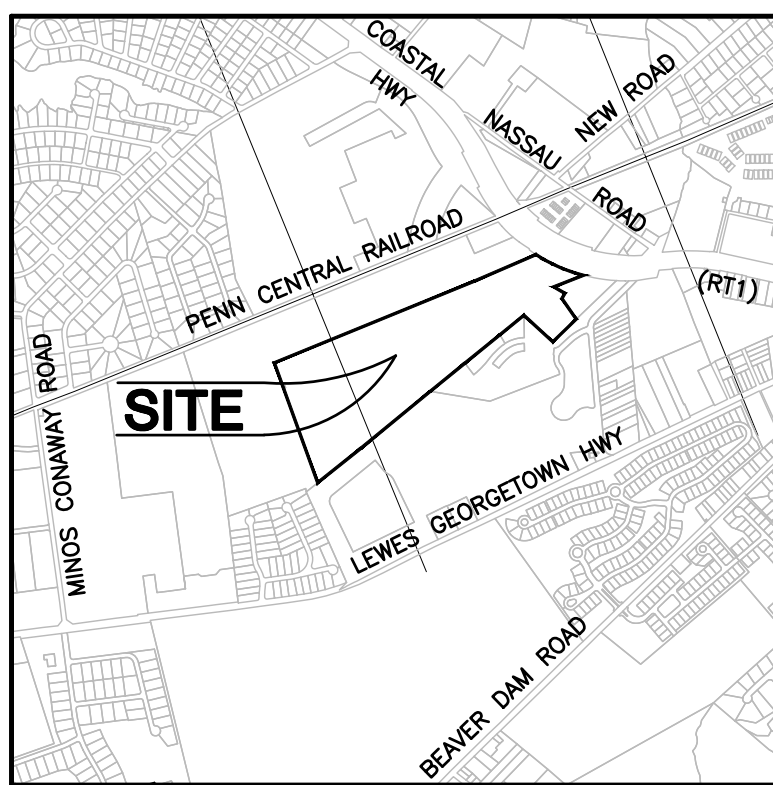
### CERTIFICATION OF ACCURACY:

I, RING W. LARDNER, P.E., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER (LAND SURVEYOR) IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES, AND IN ACCORDANCE WITH THE TOWN OF MIDDLETOWN SUBDIVISION REGULATIONS AND ZONING CODE.

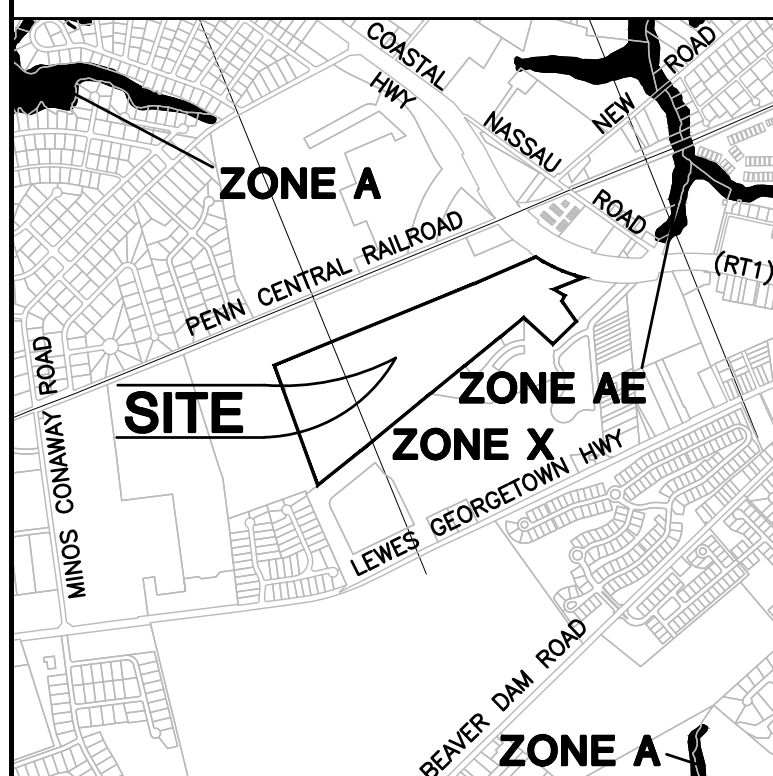
RING W. LARDNER, P.E.  
LICENSE #15647 \_\_\_\_\_ DATE \_\_\_\_\_

### GENERAL NOTES:

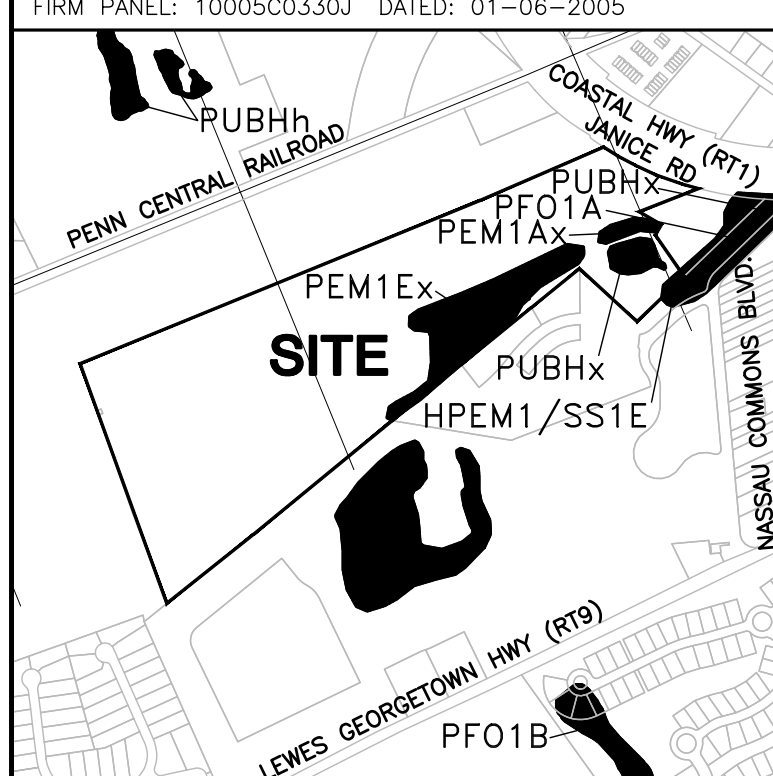
- 1) ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT) STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND WILL BE SUBJECT TO ITS APPROVAL.
- 2) SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- 3) THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- 4) ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. EACH UNIT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCEL. HORSESHOE DRIVEWAYS WILL NOT BE PERMITTED.
- 5) ALL MATERIALS AND WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS AND SPECIFICATIONS, DATED AUGUST 2001.
- 6) ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
- 7) A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- 8) MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- 9) ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION)
- 10) ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL, SHALL BE NCHRP - 350 APPROVED, AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- 11) DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- 12) "PAVEMENT MARKING MATERIAL WILL MATCH EXISTING, DURABLE MARKINGS (I.E. THERMO, EPOXY) WILL BE REQUIRED FOR NEW STRIPING, IF THEY EXIST IN THE FIELD."
- 13) ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- 14) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- 15) THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- 16) NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- 17) AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- 18) THE FINAL OVERLAY OF HOT MIX - TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS CONDUCTED WITHOUT THE COUNTY KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.
- 19) THERE ARE NO JURISDICTIONAL WETLANDS ON THIS PROPERTY.
- 20) THE PARCEL IS PARTIALLY LOCATED IN AN EXCELLENT RECHARGE AREA AND WILL COMPLY WITH CHAPTER 89 OF THE SUSSEX COUNTY CODE.
- 21) THIS PROJECT IS SUBJECT TO DEED RESTRICTIONS AND WILL BE RECORDED IN A SEPARATE DOCUMENT.



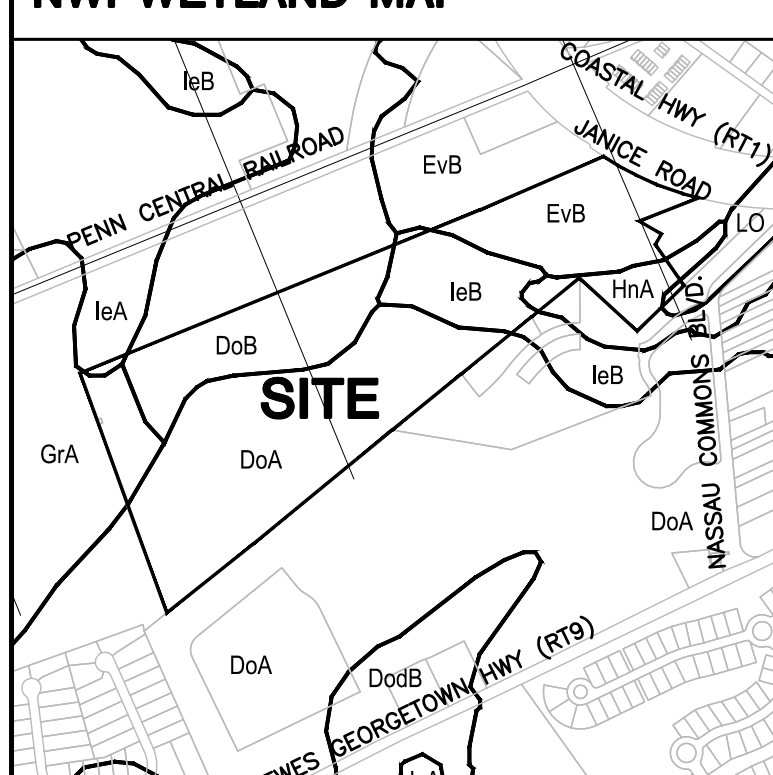
LOCATION MAP SCALE: 1" = 2000'



FEMA FLOOD MAP SCALE: 1" = 2000'  
FIRM PANEL: 10005C0330J DATED: 01-06-2005



NWI WETLAND MAP SCALE: 1" = 1000'

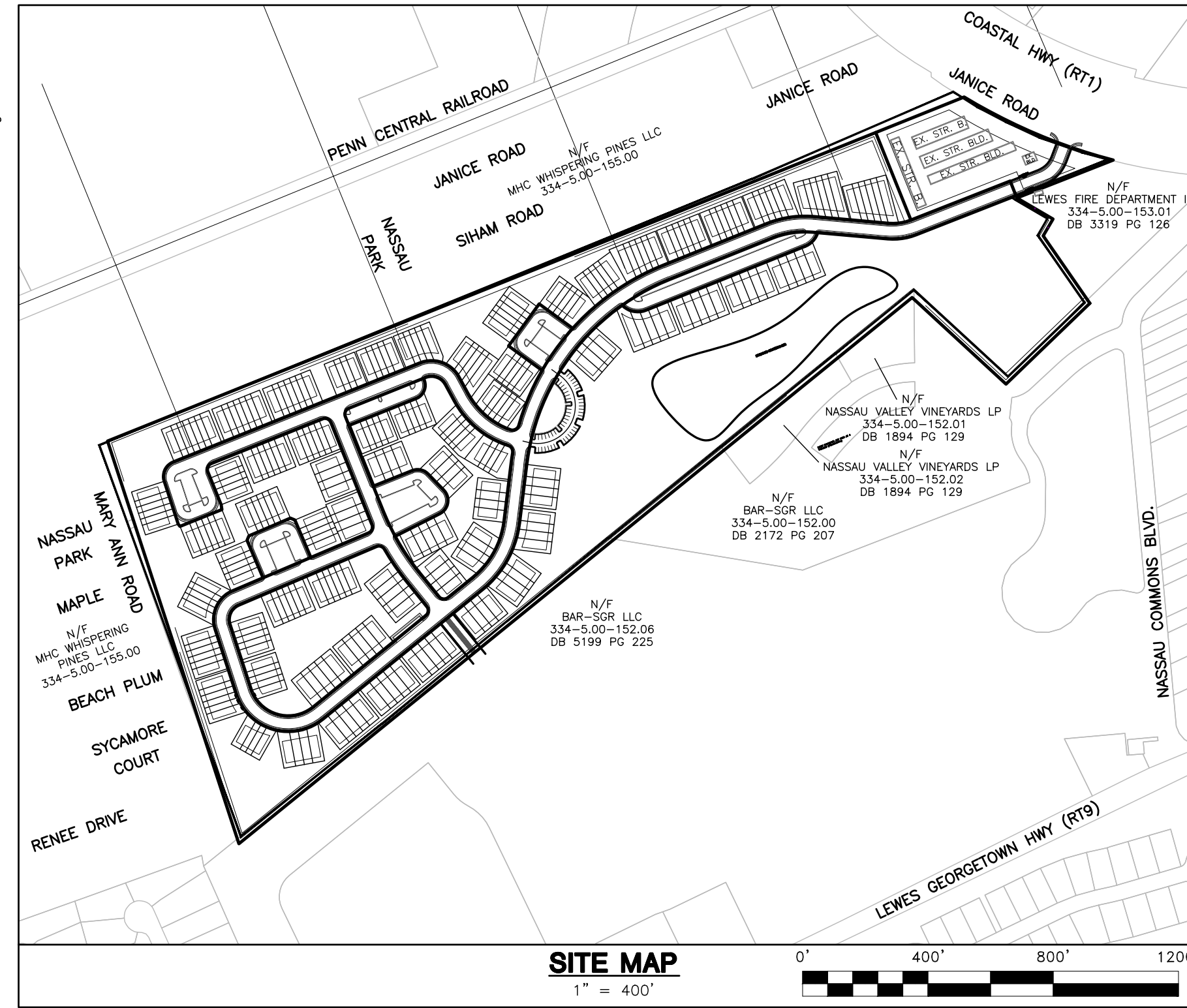


SOILS MAP SCALE: 1" = 1000'

| SYMBOL | SOILS DATA   |
|--------|--|
| GrA    | GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (TYPE B)       |
| IeA    | INGLESIDE LOAMY SAND, 0 TO 2 PERCENT SLOPES (TYPE A) |
| IeB    | INGLESIDE LOAMY SAND, 2 TO 5 PERCENT SLOPES (TYPE A) |
| EvB    | EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (TYPE B)  |
| HnA    | HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE B) |
| DoA    | DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE A)    |
| DoB    | DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES (TYPE A)    |

### DATA COLUMN

|  |  |
|--|--|
| TAX MAP ID:                                | 3-34-5.00-153.02   |
| DEED REFERENCE:                            | DB: 3319 PG: 126   |
| DATUM:                                     | NAD 83 (DE STATE PLANE)  |
| HORIZONTAL:                                | NAVD 88  |
| VERTICAL:                                  |  |
| LAND USE                                   | VACANT (BORROW PIT)  |
| EXISTING:                                  | TOWNHOUSE COMMUNITY  |
| PROPOSED:                                  | 316 UNITS  |
| TOWNHOUSE UNITS:                           | 316 UNITS  |
| DENSITY ALLOWABLE:                         | 61.733 ACRES (GROSS AREA)<br>LESS WETLANDS: 0.00 ACRES<br>LESS 25%: 15.433 ACRES<br>46.300 ACRES (NET DEVELOPABLE AREA)<br>46.300 X 12 DU / AC = 555 UNITS<br>(316 DU + 61.733 AC)<br>5.12 UNITS PER AC. |
| PROPOSED:                                  | (316 DU + 61.733 AC)<br>5.12 UNITS PER AC.   |
| ZONING                                     | C-1 (GENERAL COMMERCIAL)   |
| EXISTING:                                  | AR-1 (AGRICULTURAL RESIDENTIAL)  |
| PROPOSED:                                  | MR-RPC (MEDIUM-DENSITY RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY)  |
| BULK AND AREA CALCULATIONS                 |  |
| FRONT SETBACK:                             | 25 FT.   |
| FRONT CORNER SETBACK:                      | 15 FT.   |
| REAR SETBACK:                              | 15 FT.   |
| COMBINED FRONT AND REAR:                   | 40 FT.   |
| SIDE SETBACK:                              | 10 FT.   |
| BUILDING HEIGHT:                           | 42 FT.   |
| LOT WIDTH:                                 | 16 FT.   |
| LOT LENGTH:                                | 100 FT.  |
| LOT AREA:                                  | 1,600 S.F.   |
| AVERAGE LOT AREA:                          | 3,630 S.F.   |
| PARKING:                                   | 2 PER UNIT<br>632 SPACES   |
| REQUIRED                                   | 25 FT.<br>15 FT.<br>15 FT.<br>40 FT.<br>10 FT.<br>42 FT.<br>20 FT.<br>100 FT.<br>2,000 S.F.<br>3,024 S.F.<br>2 PER UNIT<br>632 SPACES AND<br>196 OVERFLOW SPACES   |
| PROPOSED                                   | 25 FT.<br>15 FT.<br>15 FT.<br>40 FT.<br>10 FT.<br>42 FT.<br>20 FT.<br>100 FT.<br>2,000 S.F.<br>3,024 S.F.<br>2 PER UNIT<br>632 SPACES AND<br>196 OVERFLOW SPACES   |
| AREAS:                                     |  |
| EXISTING SITE                              | 61.733 AC.   |
| SITE AREA:                                 |  |
| PROPOSED SITE                              |  |
| LOT AREA:                                  | 21,935 AC.   |
| RIGHT-OF-WAY:                              | 10,496 AC.   |
| ACCESS EASEMENT:                           | 0.161 AC.  |
| OPEN SPACE (TOTAL)                         | 29,141 AC.   |
| OPEN SPACE A                               | 1,315 AC.  |
| OPEN SPACE B                               | 1,353 AC.  |
| OPEN SPACE C                               | 0.152 AC.  |
| OPEN SPACE D                               | 1,615 AC.  |
| OPEN SPACE E                               | 0.050 AC.  |
| OPEN SPACE F                               | 2,384 AC.  |
| OPEN SPACE G                               | 2,001 AC.  |
| OPEN SPACE H                               | 0.884 AC.  |
| OPEN SPACE I                               | 0.214 AC.  |
| OPEN SPACE J                               | 2,554 AC.  |
| OPEN SPACE K                               | 9,893 AC.  |
| OPEN SPACE L                               | 4,826 AC.  |
| OPEN SPACE M                               |  |
| TOTAL SITE AREA                            | 61.733 AC.   |
| UTILITIES                                  |  |
| SEWER PROVIDER:                            | PUBLIC (SUSSEX COUNTY)   |
| WATER PROVIDER:                            | PUBLIC (TIDEWATER UTILITIES, INC.)   |
| PROPOSED BUILDING CONSTRUCTION:            | WOOD/CONCRETE BLOCK  |
| FLOODPLAIN -                               | THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0330J DATED JANUARY 06, 2005. FLOOD ZONE X (MINIMAL FLOODING)  |
| STATE STRATEGIES MAP:                      | INVESTMENT LEVEL 1 & 2   |
| TRANSPORTATION IMPROVEMENT DISTRICT (TID): | HENLOPEN   |
| FIRE DISTRICT:                             | 82ND   |
| SCHOOL DISTRICT:                           | CAPE HENLOPEN  |
| ELECTION DISTRICT:                         | 3RD  |
| PROPERTY OWNER / DEVELOPER:                | JANICE CRP3 LLC<br>4750 OWINGS MILL BLVD.<br>OWINGS MILL, MD 21117<br>CONTACT: JON HOFFMAN<br>PHONE: 410-356-9900 EXT. 755   |
| ENGINEER:                                  | DAVIS, BOWEN, & FRIEDEL, INC.<br>RING LARDNER, P.E.<br>1 PARK AVENUE<br>MILFORD, DE 19963<br>PHONE: 302-424-1441<br>FAX: 302-424-0430  |



SITE MAP  
1" = 400'

### LEGEND

| EXISTING                     | PROPOSED  |
|------------------------------|---|
| BOUNDARY LINE                | RIGHT-OF-WAY / BOUNDARY LINE  |
| ADJACENT PROPERTY OWNER      | EASEMENT  |
| EASEMENT                     | FORESTED BUFFER   |
| CONTOUR                      | WETLANDS BUFFER   |
| CATCH BASIN, STORM PIPE      | STREAM BUFFER   |
| SANITARY SEWER MANHOLE, PIPE | CATCH BASIN, STORM PIPE, STORM MANHOLE, LABELS                      |
| WATER MAIN                   | SWALE   |
| FIRE HYDRANT ASSEMBLY        | SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE |
| UTILITY POLE                 | WATER MAIN, TEE W/ VALVES, PIPE SIZE                                |
| SIGN                         | FIRE HYDRANT ASSEMBLY   |
| FENCE                        | TREE LINE   |
| TREE                         | PAVEMENT / FULL DEPTH TYPE I  |
| TREE LINE                    | CONCRETE SIDEWALK   |
| WETLANDS                     | FENCE   |
| PAVEMENT                     |   |

LOT AREA TABLE with columns for LOT, SQ. FT., ACRES, and multiple lot area entries.

LOT CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

LOT CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

RIGHT-OF-WAY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

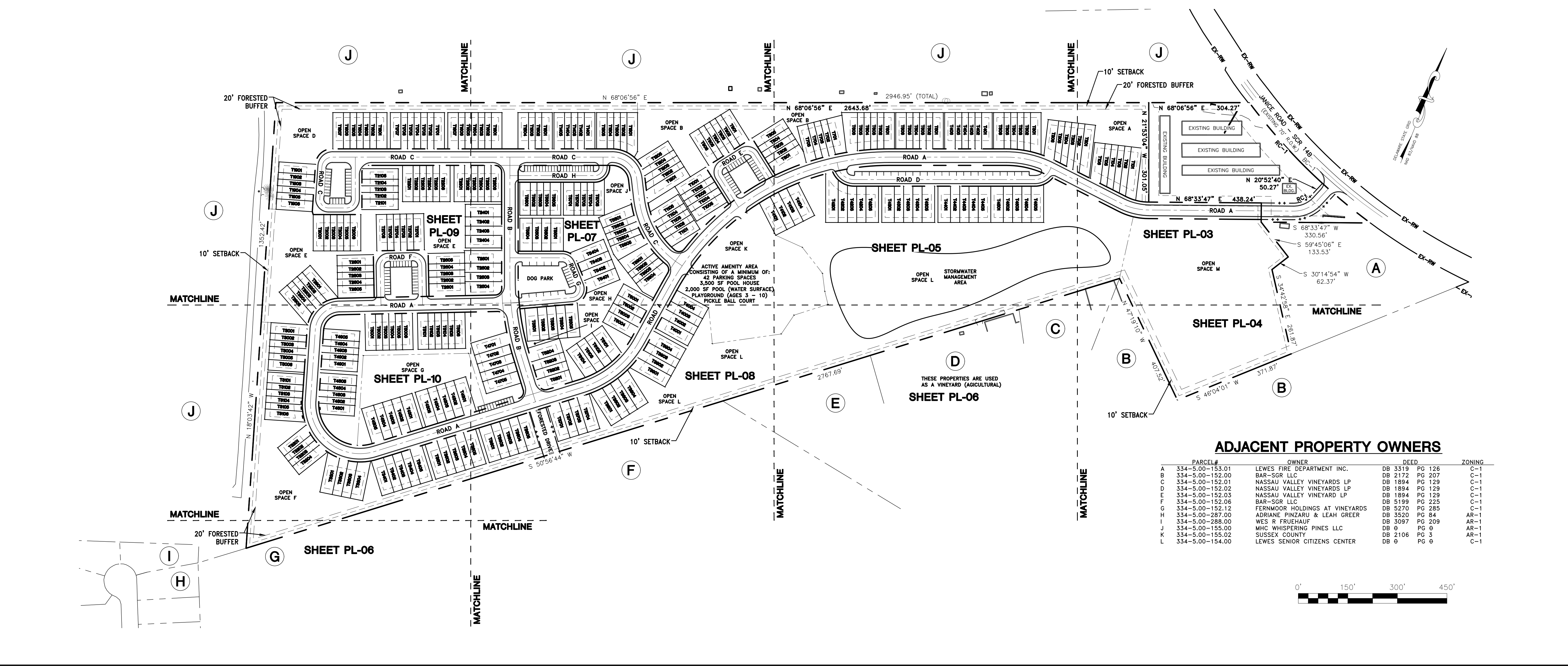
RIGHT-OF-WAY LINE TABLE with columns for LINE, BEARING, and DISTANCE.

LOT LINE TABLE with columns for LINE, BEARING, and DISTANCE.

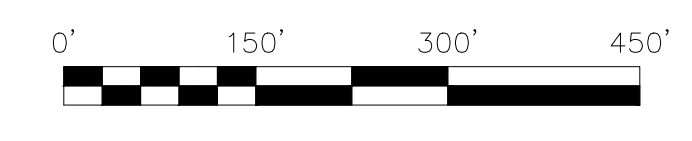
JANICE ROAD RIGHT-OF-WAY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

RIGHT-OF-WAY TIE-LINE CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.

EXISTING BOUNDARY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, and DELTA ANGLE.



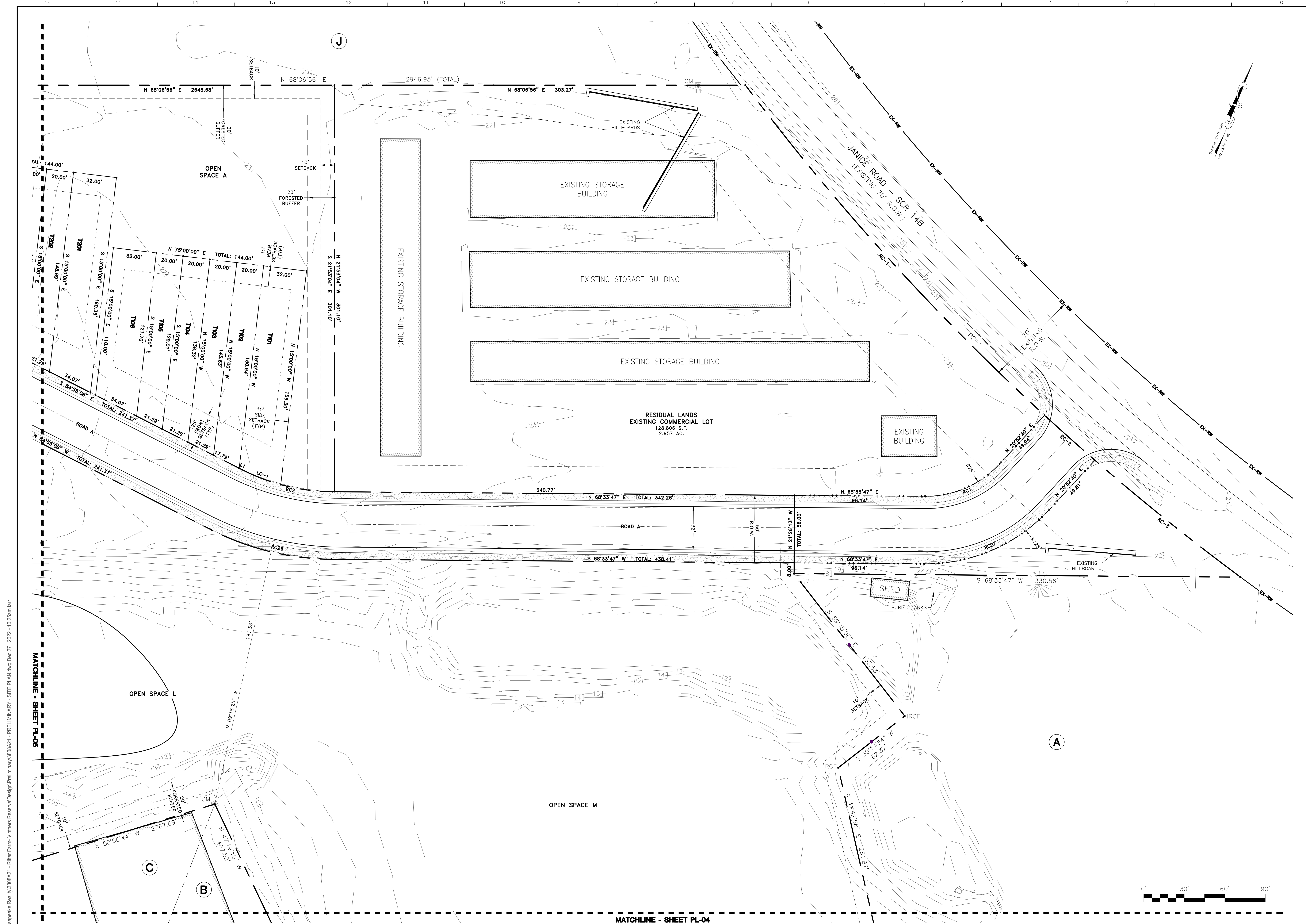
ADJACENT PROPERTY OWNERS table listing parcel numbers, owners, deed information, and zoning.



DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

VINTNERS RESERVE LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE

Revisions: 2022-12-27 OWNER AND P&Z COMMENTS Date: SEPTEMBER 2022 Scale: 1" = 150' Down By: DEG Proj. No.: 3808A21 Dwg. No.: PL-02



P:\Chesapeake Realty\3808A21 - Ritter Farm - Vintners Reserve\Design\Preliminary\3808A21 - PRELIMINARY - SITE PLAN.dwg Dec 27, 2022 - 10:25am lrr

MATCHLINE - SHEET PL-05

MATCHLINE - SHEET PL-04

**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS ENGINEERS SURVEYORS

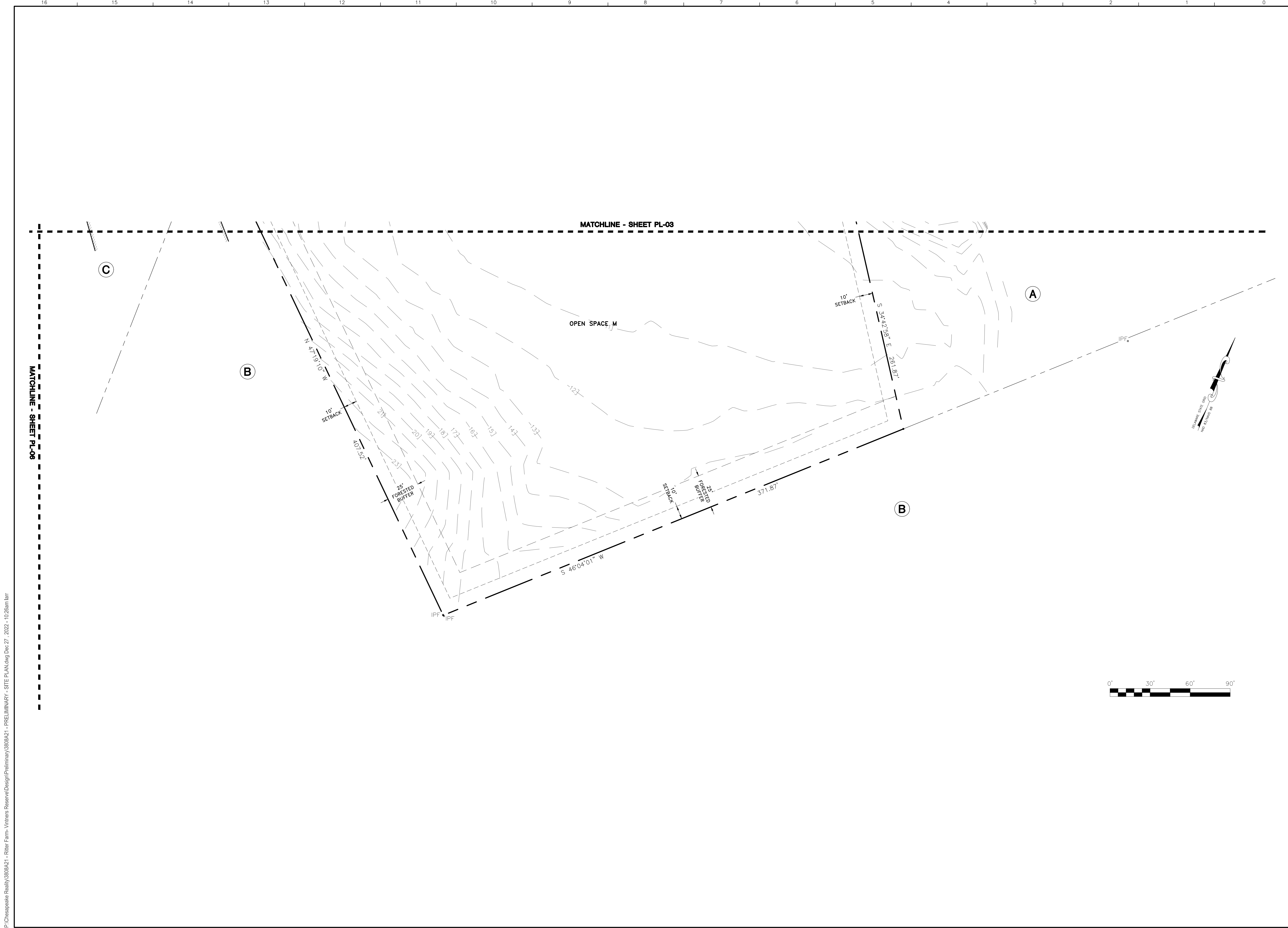
GALLERY, WILMINGTON (302) 442-9900  
OFFICE, WILMINGTON (302) 442-1441  
OFFICE, DELAWARE (302) 442-1441  
OFFICE, MARYLAND (410) 770-4744

**VINTNERS RESERVE  
LEWES AND REHOBOTH HUNDRED  
CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

|                                   |                |
|-----------------------------------|----------------|
| Revisions:                        |                |
| 2022-12-27 OWNER AND P&Z COMMENTS |                |
| Date:                             | SEPTEMBER 2022 |
| Scale:                            | 1" = 30'       |
| Drawn By:                         | DEG            |
| Proj. No.:                        | 3808A21        |
| Dwg. No.:                         | PL-03          |

PL-03

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MATCHLINE - SHEET PL-08

MATCHLINE - SHEET PL-03

**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 MARKET STREET, SUITE 200  
 WILMINGTON, DELAWARE 19801  
 (302) 422-1441  
 (410) 770-4744

PRELIMINARY SITE PLAN

**VINTNERS RESERVE  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

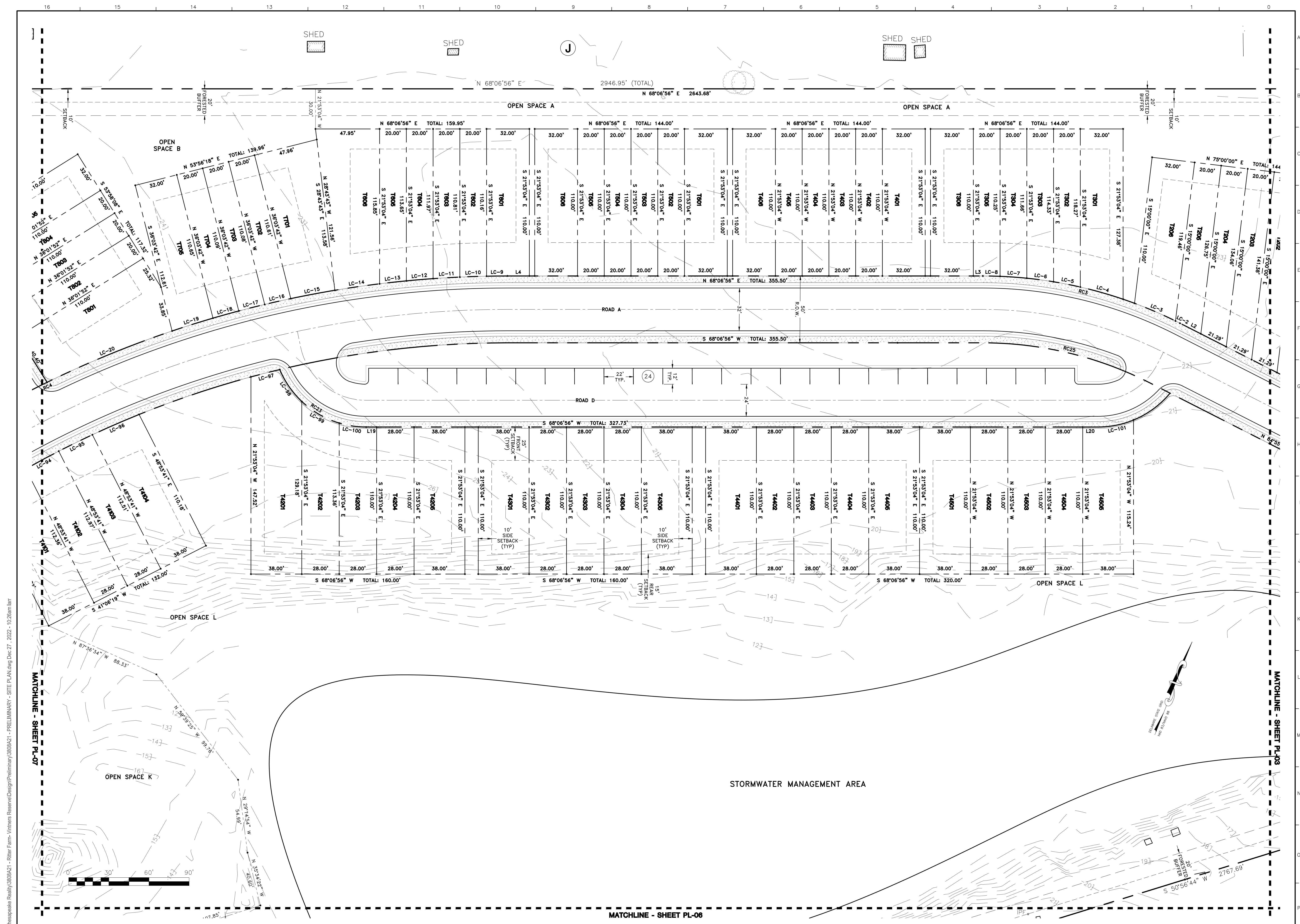
Date: **SEPTEMBER 2022**

Scale: **1" = 30'**

Dwn. By: **DEG**

Proj. No.: **3808A21**

Dwg. No.: **PL-04**



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ARCHITECTS ENGINEERS SURVEYORS  
**DAVIS, BOWEN & FRIEDEL, INC.**  
 1000 MARKET STREET  
 WILMINGTON, DELAWARE 19801  
 EASTON, MARYLAND 21829  
 (302) 424-1441  
 (410) 770-4744

**VINTNERS RESERVE**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

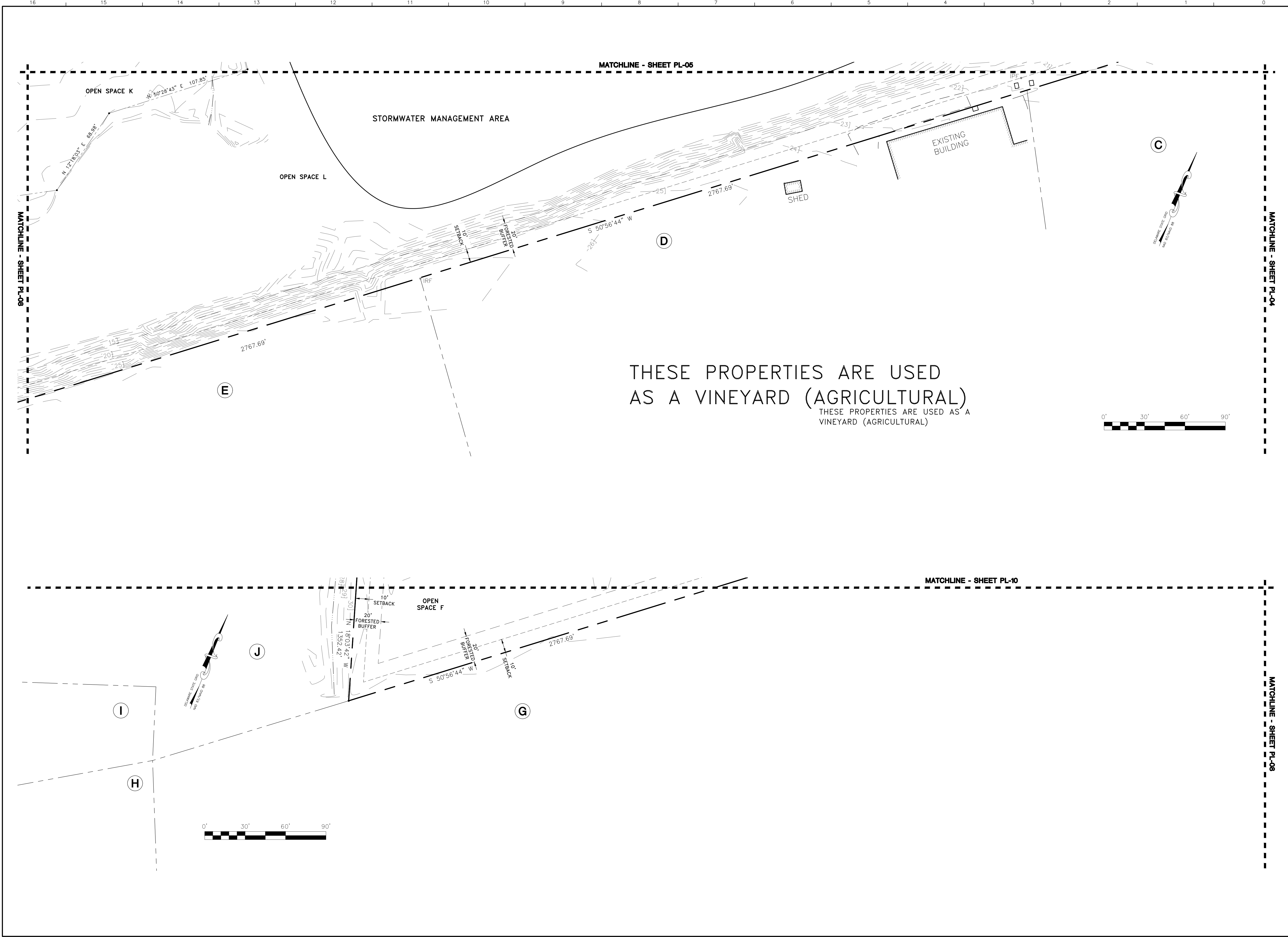
Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**  
 Scale: **1" = 30'**  
 Own. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.: **PL-05**

**PL-05**

PRELIMINARY SITE PLAN

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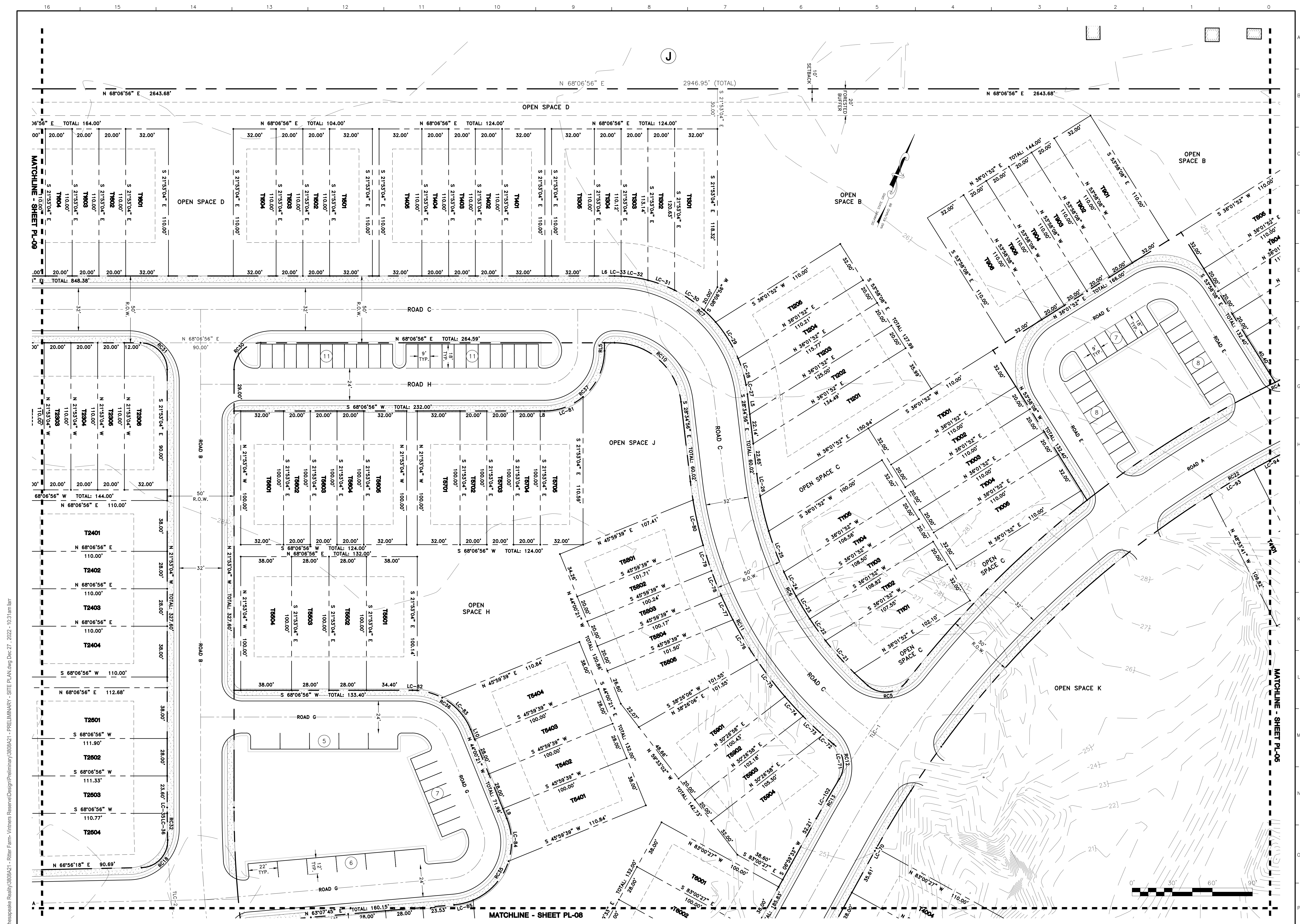
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 CALDWELL, MARYLAND (410) 443-8900  
 MILFORD, DELAWARE (302) 442-1441  
 EASTON, MARYLAND (410) 770-4744

**VINTNERS RESERVE**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**  
 Scale: **1" = 30'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.: **PL-06**

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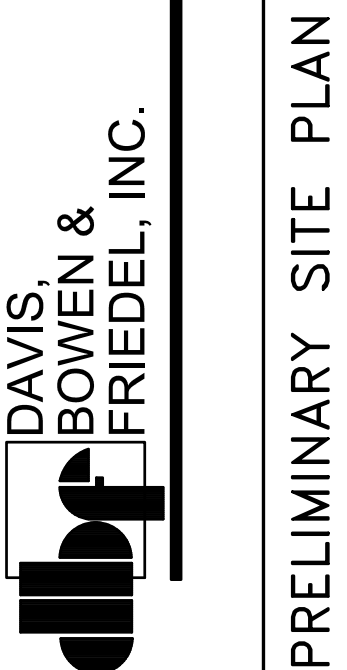


MATCHLINE - SHEET PL-09

MATCHLINE - SHEET PL-06

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 (410) 770-4744



PRELIMINARY SITE PLAN

**VINTNERS RESERVE  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**  
 Scale: **1" = 30'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.:

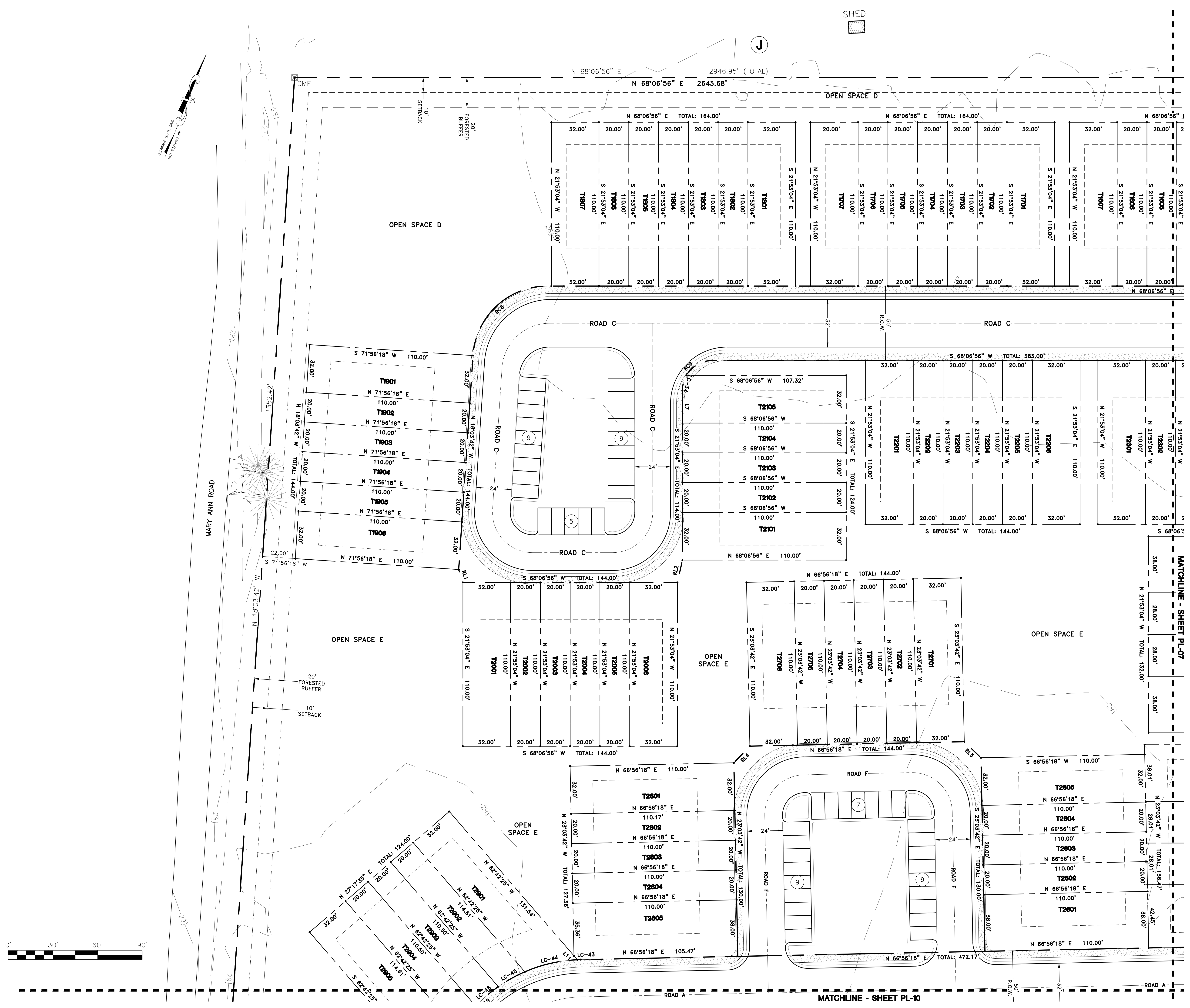
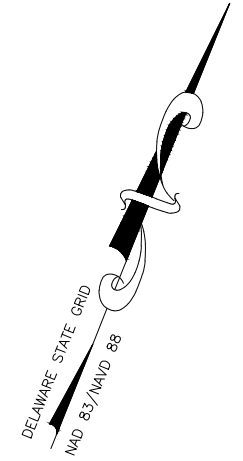
**PL-07**

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MATCHLINE - SHEET PL-10

MATCHLINE - SHEET PL-07

# VINTNERS RESERVE LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE

Revisions:  
2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**

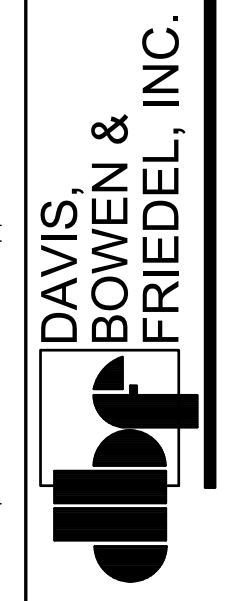
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Down By: **DEG**

Proj. No.: **3808A21**

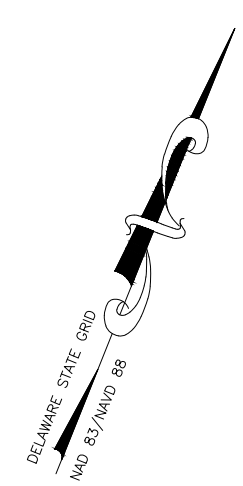
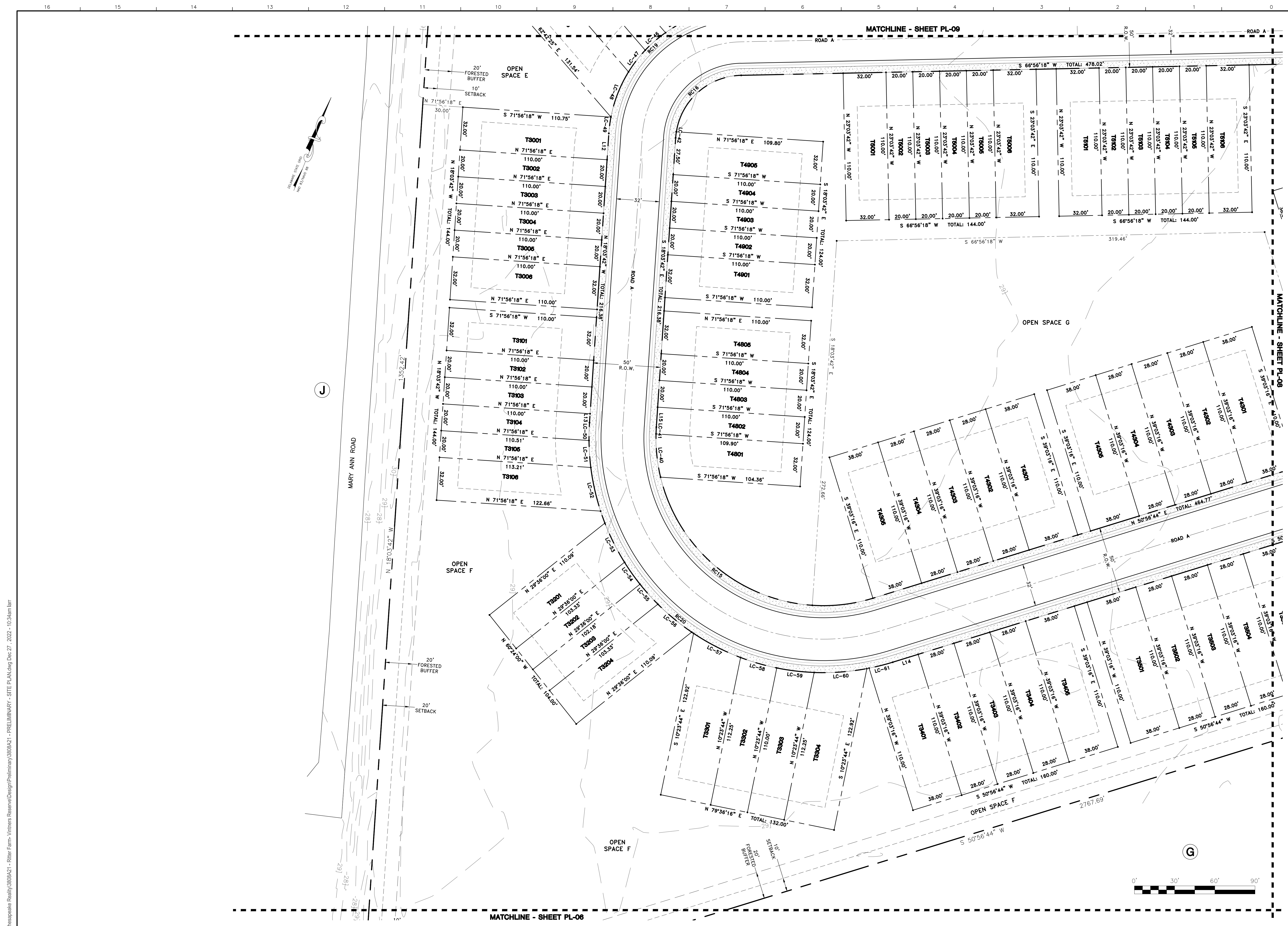
Dwg. No.: **PL-09**

## PL-09



**DAVIS, BOWEN & FRIEDEL, INC.**  
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EASTON, MARYLAND (410) 770-4744

PRELIMINARY SITE PLAN



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MATCHLINE - SHEET PL-08

MATCHLINE - SHEET PL-09

**VINTNERS RESERVE  
LEWES AND REHOBOTH HUNDRED  
CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

DATE: **SEPTEMBER 2022**  
SCALE: **1" = 30'**  
OWN. BY: **DEG**  
PROJ. NO.: **3808A21**  
DWG. NO.: **PL-10**

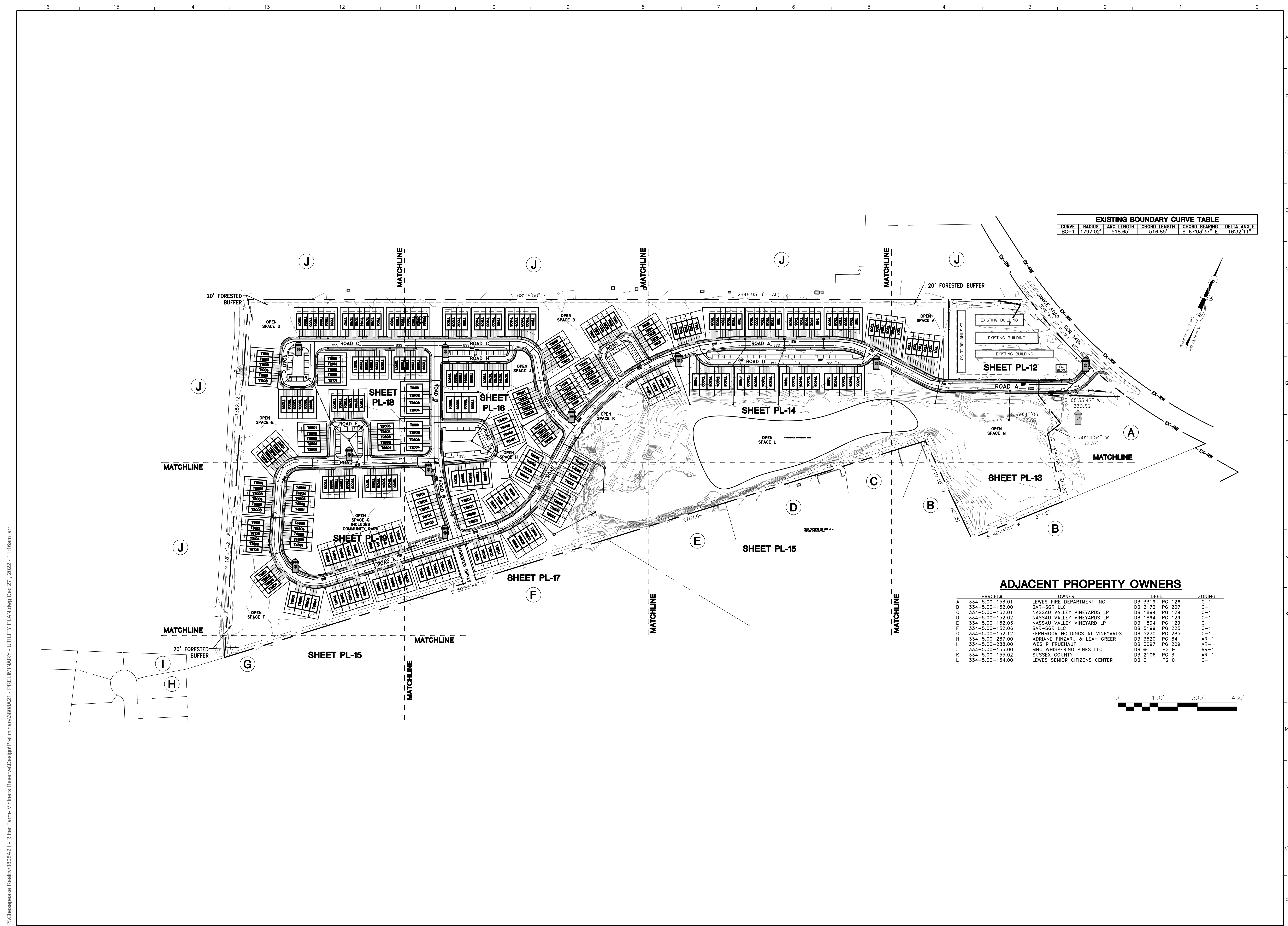
Revisions:  
2022-12-27 OWNER AND P&Z COMMENTS

Revisions:  
2022-12-27 OWNER AND P&Z COMMENTS

ARCHITECTS ENGINEERS SURVEYORS  
  
**DAVIS, BOWEN & FRIEDEL, INC.**  
 1000 W. MARKET STREET  
 WILMINGTON, DELAWARE 19801  
 (302) 422-1441  
 (302) 422-1441  
 (410) 770-4744

PRELIMINARY SITE PLAN

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| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| BC-1  | 11797.02' | 518.65'    | 516.85'      | S 67°03'57" E | 16°32'11"   |

**ADJACENT PROPERTY OWNERS**

| PARCEL#           | OWNER                          | DEED    | PG     | ZONING |
|-------------------|--------------------------------|---------|--------|--------|
| A 334-5.00-153.01 | LEWES FIRE DEPARTMENT INC.     | DB 3319 | PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 | PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 | PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 | PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 | PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 | PG 225 | C-1    |
| G 334-5.00-152.12 | FERNMOOR HOLDINGS AT VINEYARDS | DB 5270 | PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE PINZARU & LEAH GREER   | DB 3520 | PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 | PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0    | PG 0   | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 | PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWES SENIOR CITIZENS CENTER   | DB 0    | PG 0   | C-1    |



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**VINTNERS RESERVE  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

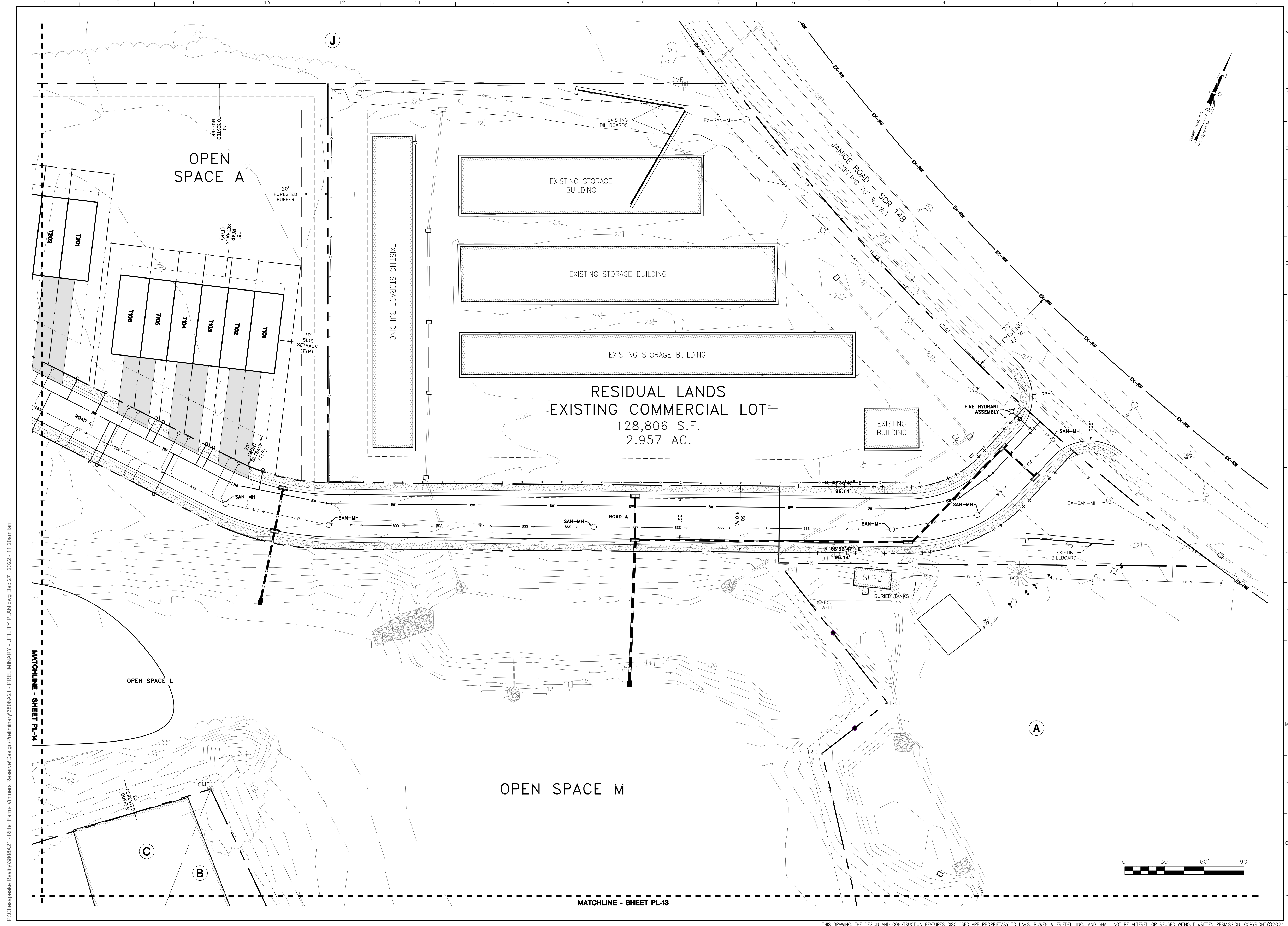
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Scale: **1" = 150'**

Drawn By: **DEG**

Proj. No.: **3808A21**

Dwg. No.: **PL-11**



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MATCHLINE - SHEET PL-14

MATCHLINE - SHEET PL-13

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PRELIMINARY UTILITY PLAN

**VINTNERS RESERVE  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

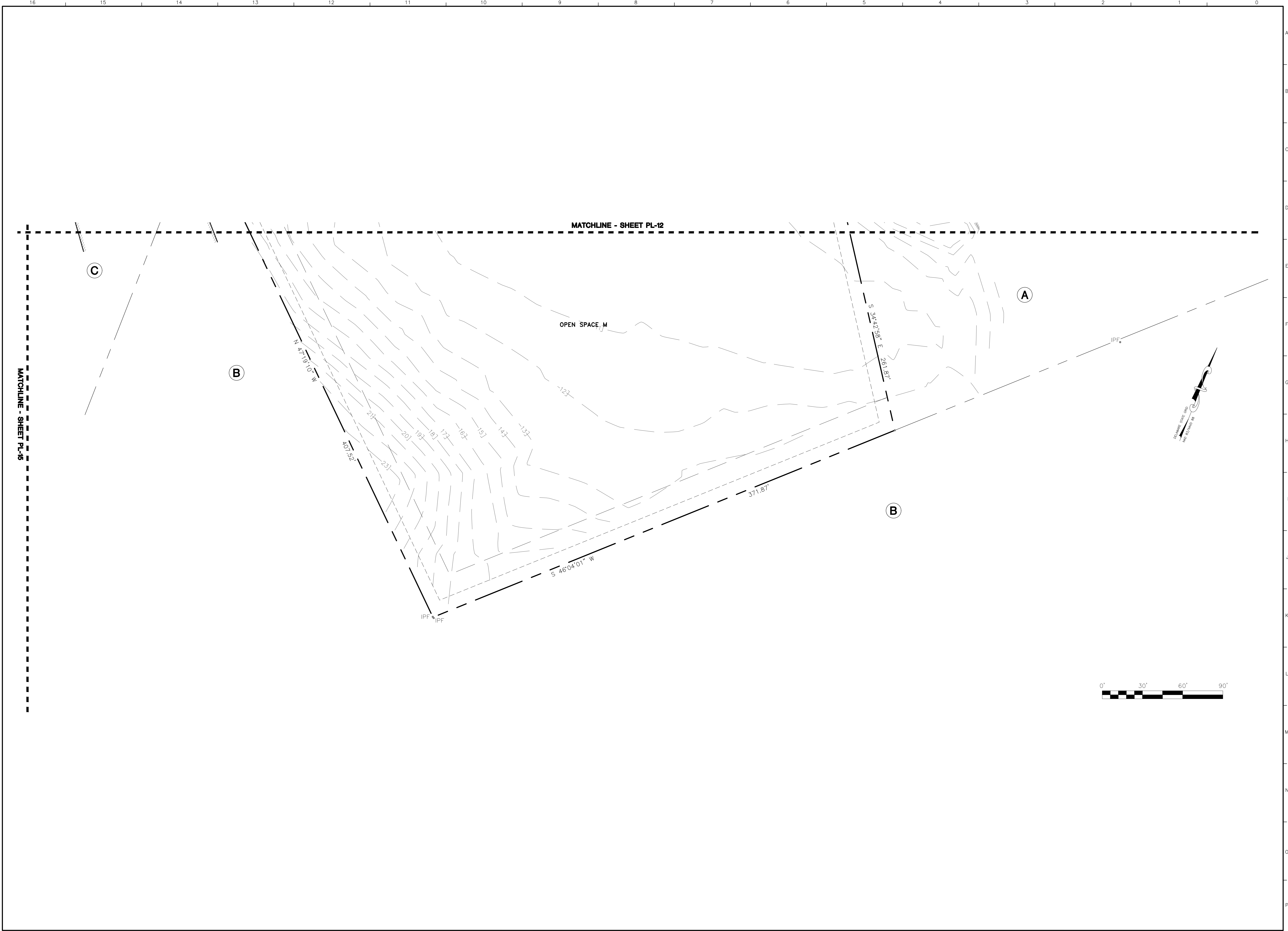
Revisions:

|            |                |
|------------|----------------|
| Date:      | SEPTEMBER 2022 |
| Scale:     | 1" = 30'       |
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| Proj. No.: | 3808A21        |
| Dwg. No.:  | PL-12          |

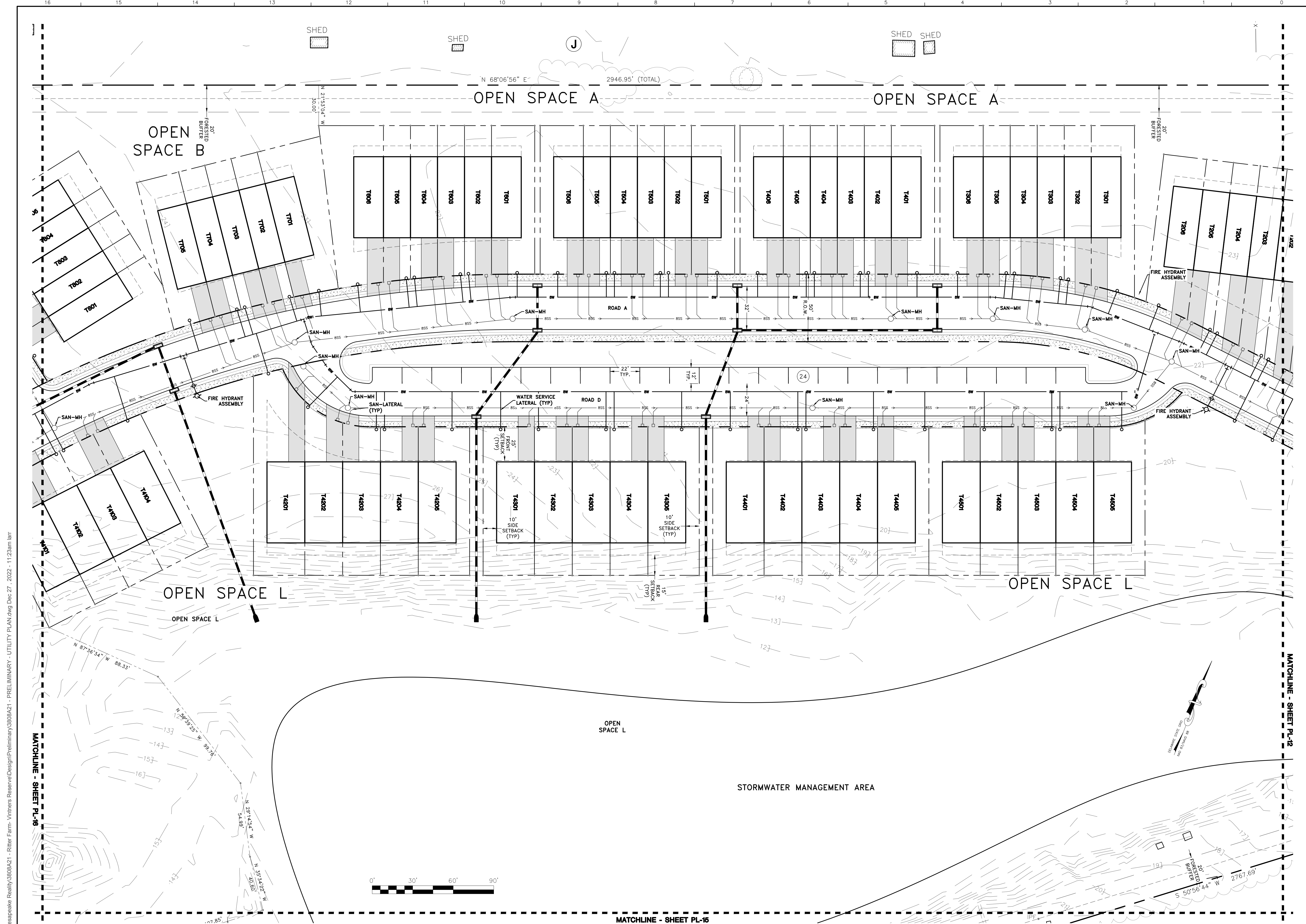
**PL-12**

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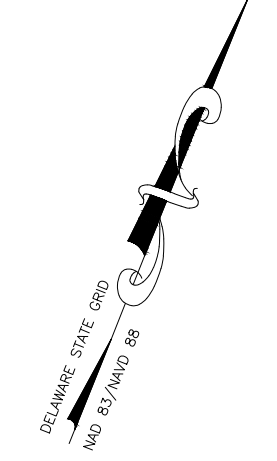
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|  <p><b>DAVIS, BOWEN &amp; FRIEDEL, INC.</b><br/>ARCHITECTS ENGINEERS SURVEYORS</p> | <p><b>PRELIMINARY UTILITY PLAN</b></p> |
| <p><b>VINTNERS RESERVE<br/>LEWES AND REHOBOTH HUNDRED<br/>CITY OF LEWES, SUSSEX COUNTY, DELAWARE</b></p>  |  |
| <p>Revisions:<br/><b>2022-12-27 OWNER AND P&amp;Z COMMENTS</b></p>  |  |
| <p>Date: <b>SEPTEMBER 2022</b></p>  |  |
| <p>Scale: <b>1" = 30'</b></p>   |  |
| <p>Dwn. By: <b>DEG</b></p>  |  |
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| <p>Dwg. No.: <b>PL-13</b></p>   |  |



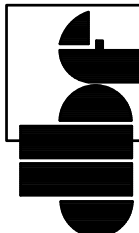
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MATCHLINE - SHEET PL-16

MATCHLINE - SHEET PL-12



MATCHLINE - SHEET PL-15


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PRELIMINARY UTILITY PLAN

**VINTNERS RESERVE**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

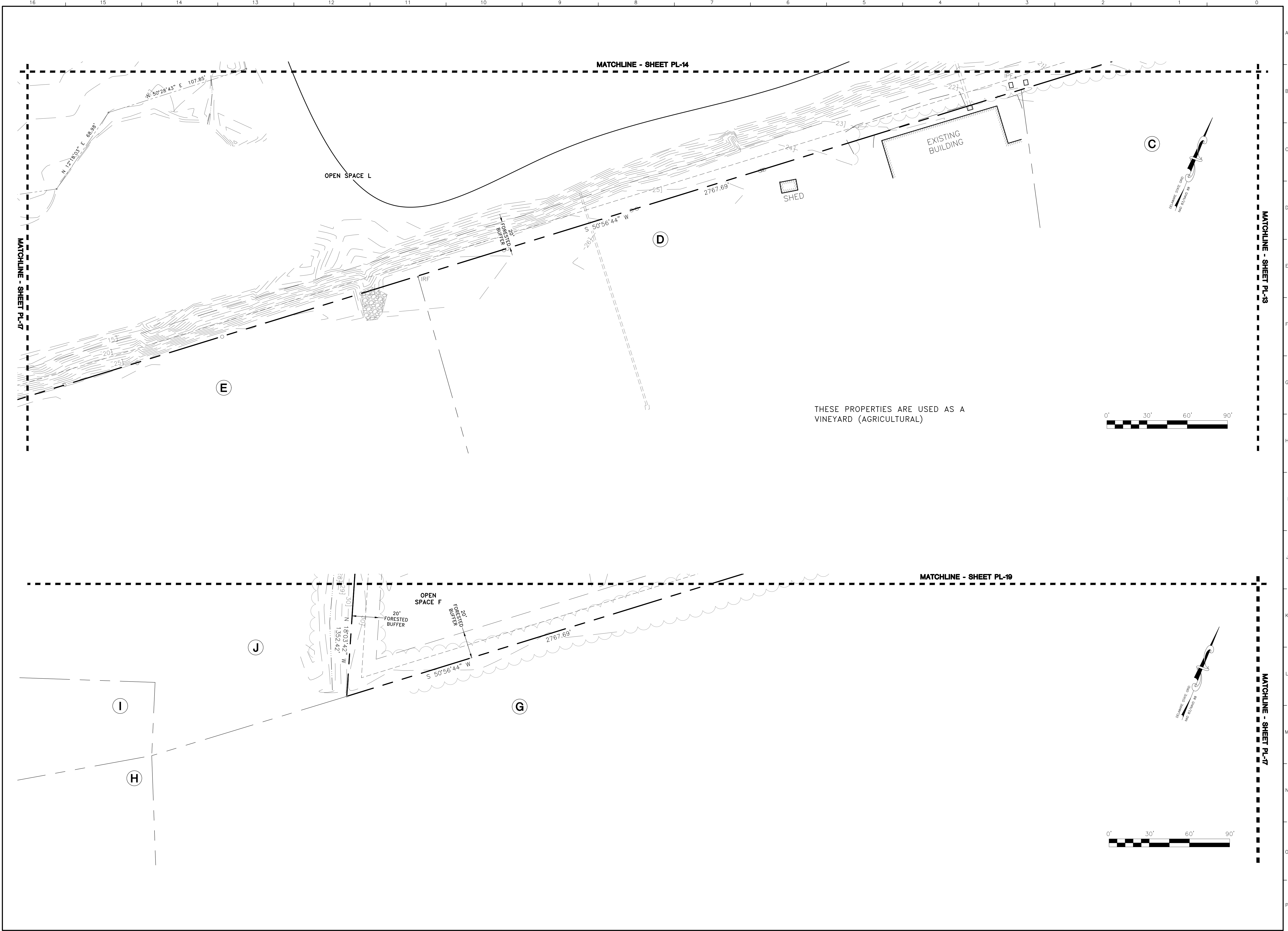
Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**  
 Scale: **1" = 30'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.:

**PL-14**

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MATCHLINE - SHEET PL-7

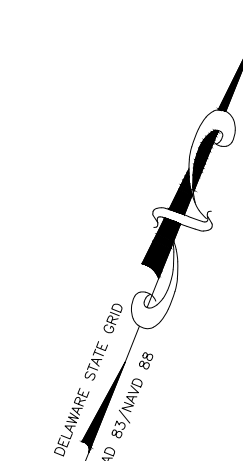
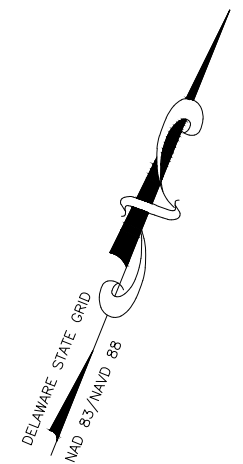
MATCHLINE - SHEET PL-14

MATCHLINE - SHEET PL-18

MATCHLINE - SHEET PL-19

MATCHLINE - SHEET PL-17

THESE PROPERTIES ARE USED AS A VINEYARD (AGRICULTURAL)

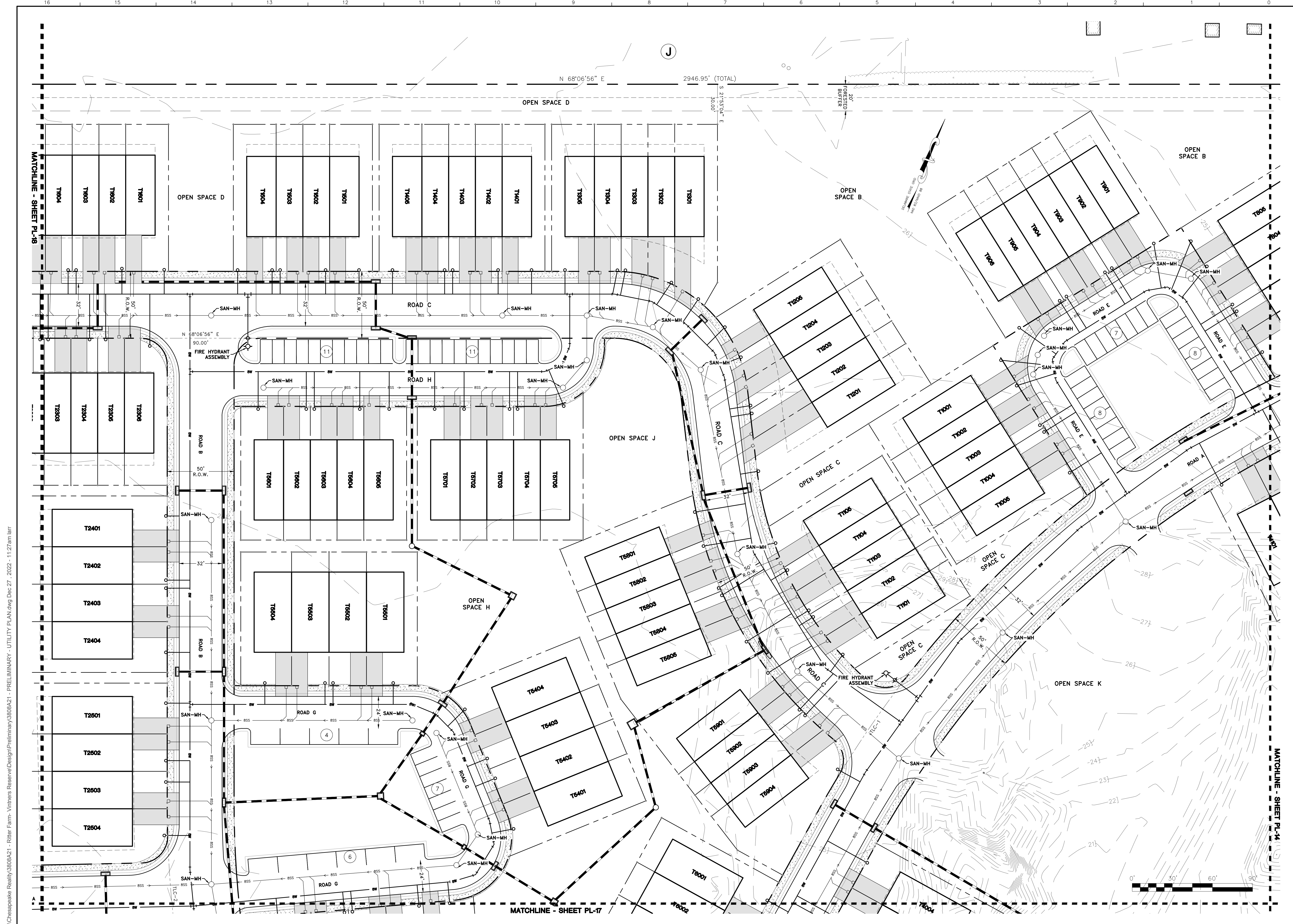


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**VINTNERS RESERVE  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

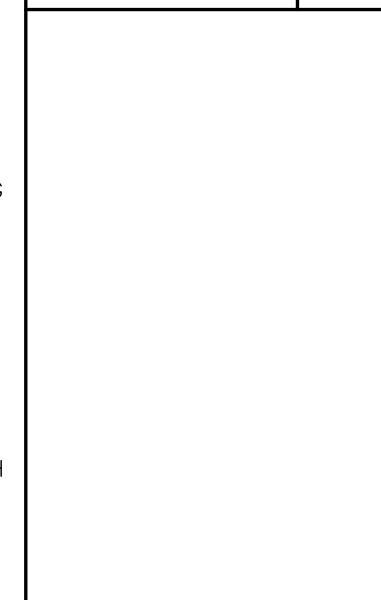
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| Date:      | SEPTEMBER 2022                    |
| Scale:     | 1" = 30'                          |
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| Proj. No.: | 3808A21                           |
| Dwg. No.:  | PL-15                             |





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 (410) 770-4744



**VINTNERS RESERVE  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

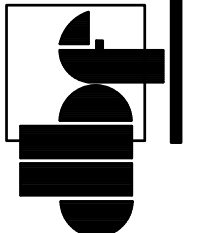
Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: AUGUST 2022  
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 Dwn.By: DEG  
 Proj.No.: 3808A21  
 Dwg.No.: PL-16

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PRELIMINARY UTILITY PLAN

**VINTNERS RESERVE**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**

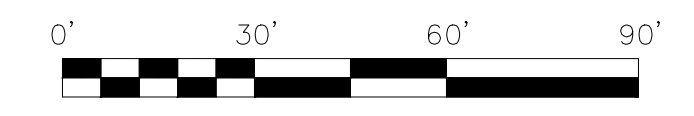
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Dwn. By: **DEG**

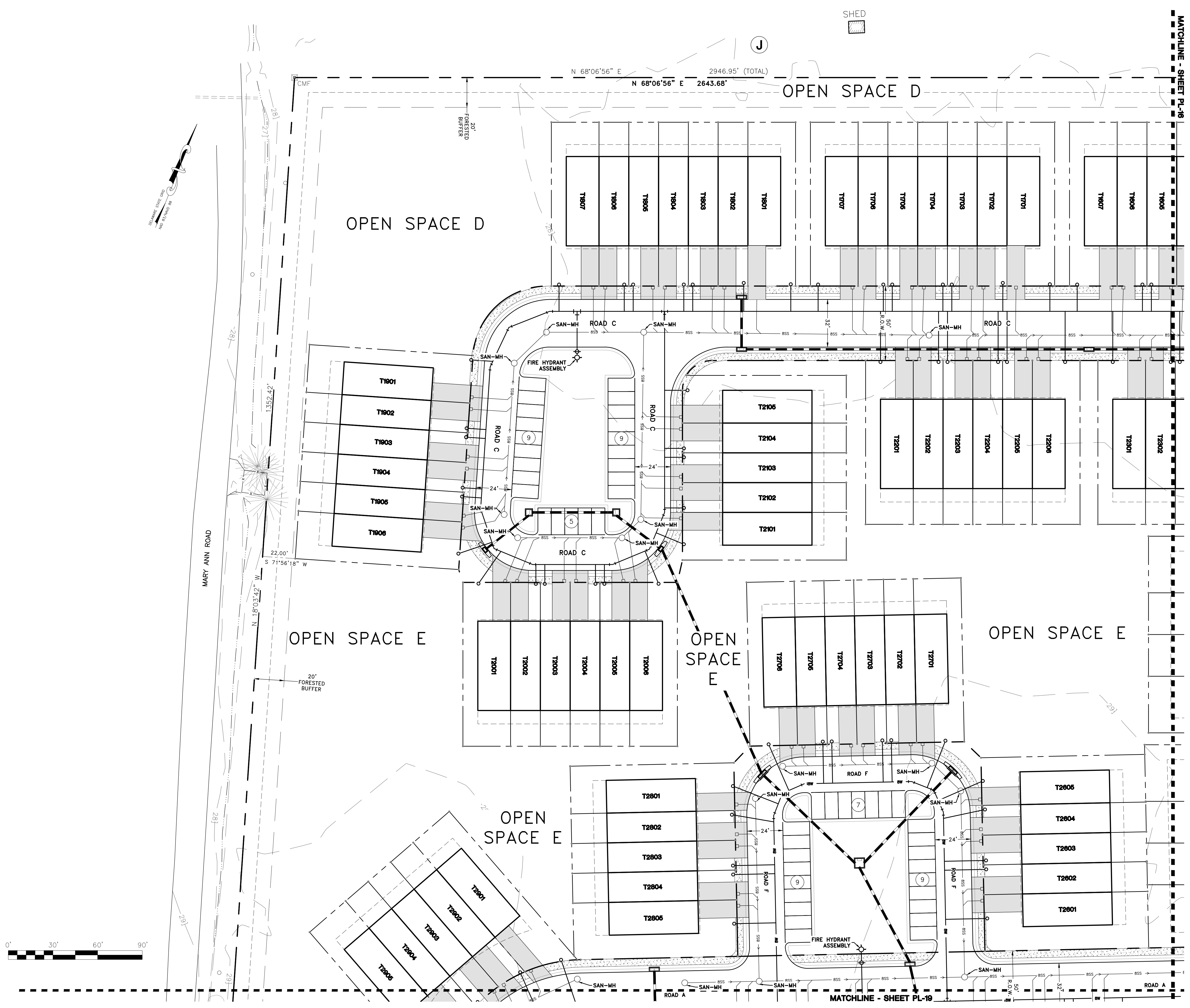
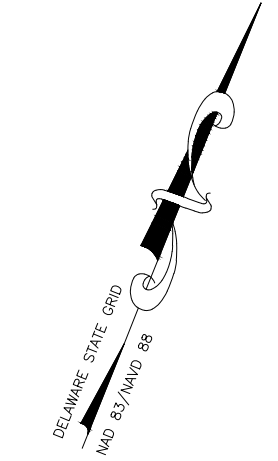
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Dwg. No.:

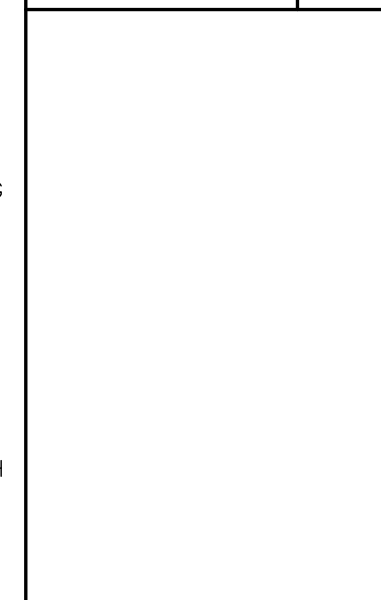
**PL-17**



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 (410) 770-4744



**VINTNERS RESERVE  
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 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**

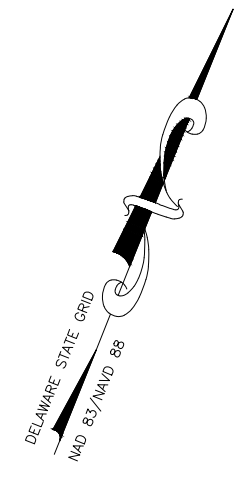
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Drawn By: **DEG**

Proj. No.: **3808A21**

Dwg. No.: **PL-18**

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MATCHLINE - SHEET PL-18

MATCHLINE - SHEET PL-17

MATCHLINE - SHEET PL-16

**VINTNERS RESERVE  
LEWES AND REHOBOTH HUNDRED  
CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS ENGINEERS SURVEYORS  
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EASTON, MARYLAND (410) 770-4744

PRELIMINARY UTILITY PLAN

Revisions:  
2022-12-27 OWNER AND P&Z COMMENTS

Date: **SEPTEMBER 2022**

Scale: 1" = 30'

Dwn. By: **ACM**

Proj. No.: **3808A21**

Dwg. No.:

**PL-19**

# RITTER FARM

## PRELIMINARY SITE PLAN

### LEWES AND REHOBOTH HUNDRED

#### CITY OF LEWES, SUSSEX COUNTY, DELAWARE

#### DBF PROJECT NO. 3808A21

SEPTEMBER 2022

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| PRELIMINARY SITE PLAN OVERVIEW    | PL-02 |
| PRELIMINARY SITE PLAN             | PL-03 |
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| PRELIMINARY UTILITY PLAN          | PL-12 |
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| PRELIMINARY UTILITY PLAN          | PL-18 |
| PRELIMINARY UTILITY PLAN          | PL-19 |

#### CERTIFICATION OF OWNERSHIP:

I, \_\_\_\_\_ HEREBY CERTIFY THAT \_\_\_\_\_ IS THE LEGAL OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN, AND THAT THE RECORD MAJOR/MINOR LAND DEVELOPMENT PLAN HEREOF WAS MADE AT ITS DIRECTION; THAT I ACKNOWLEDGE THE SAME TO BE ITS ACT AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND ZONING CODE OF SUSSEX COUNTY.

AAA STORAGE LIMITED PARTNERSHIP \_\_\_\_\_ DATE \_\_\_\_\_

#### DEVELOPER'S STATEMENT:

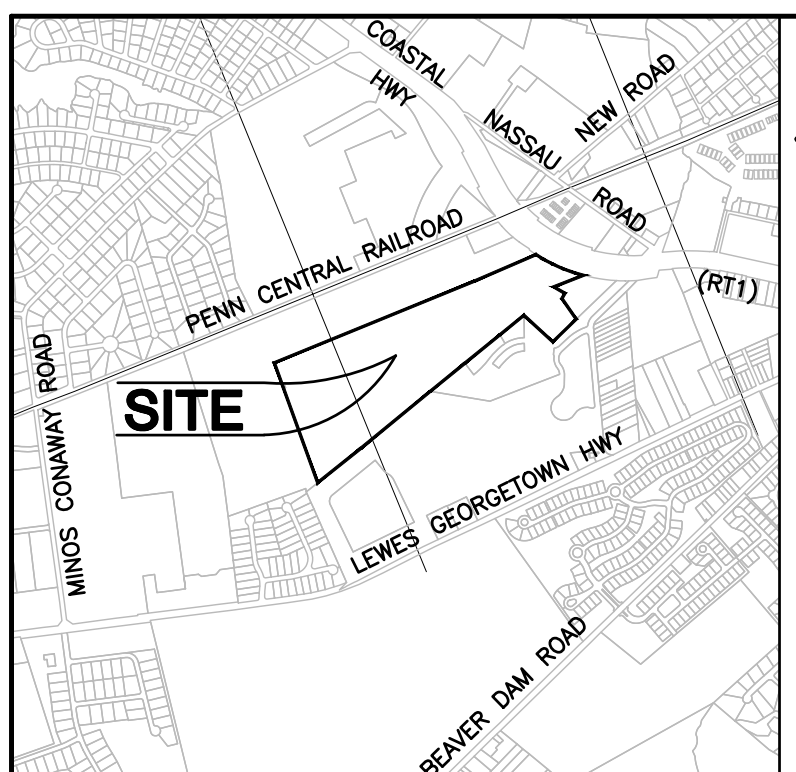
WE, THE UNDERSIGNED, CERTIFY THAT WE ARE THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO ORDINANCE.

JANICE CRP3 LLC  
4750 OWINGS MILL BLVD.  
OWINGS MILL, MD 21117  
CONTACT: JON HOFFMAN  
(CHESAPEAKE REALTY PARTNERS)  
PHONE: 410-356-9900 ext. 755

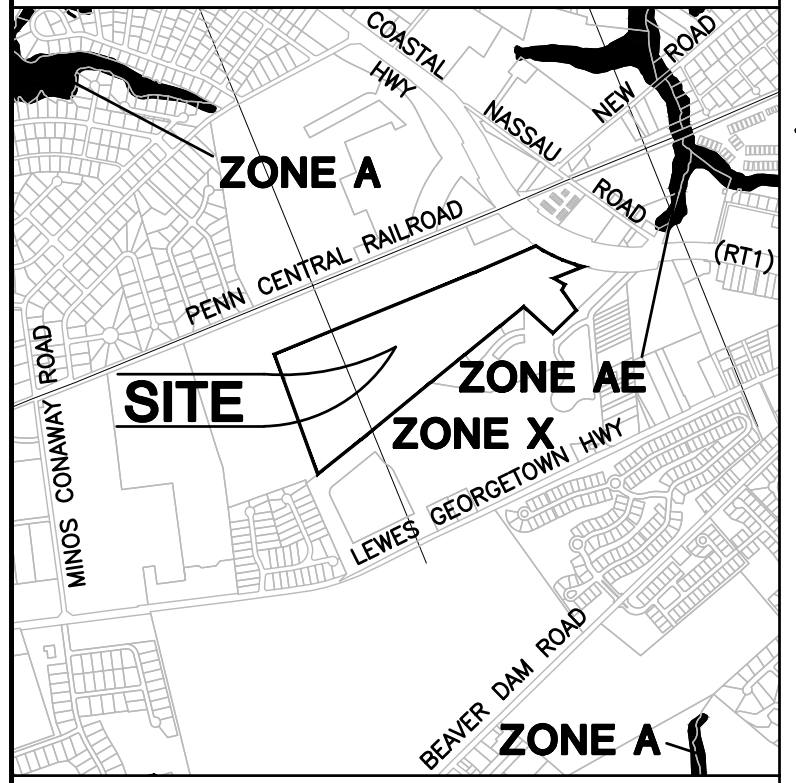
#### CERTIFICATION OF ACCURACY:

I, RING W. LARDNER, P.E., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER (LAND SURVEYOR) IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES, AND IN ACCORDANCE WITH THE TOWN OF MIDDLETOWN SUBDIVISION REGULATIONS AND ZONING CODE.

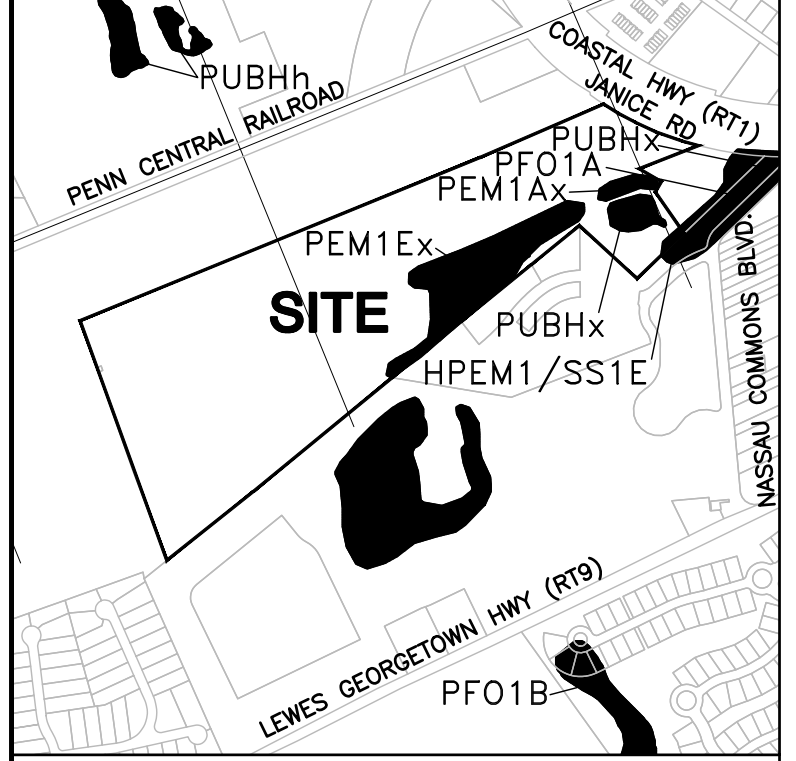
RING W. LARDNER, P.E.  
LICENSE #15647 \_\_\_\_\_ DATE \_\_\_\_\_



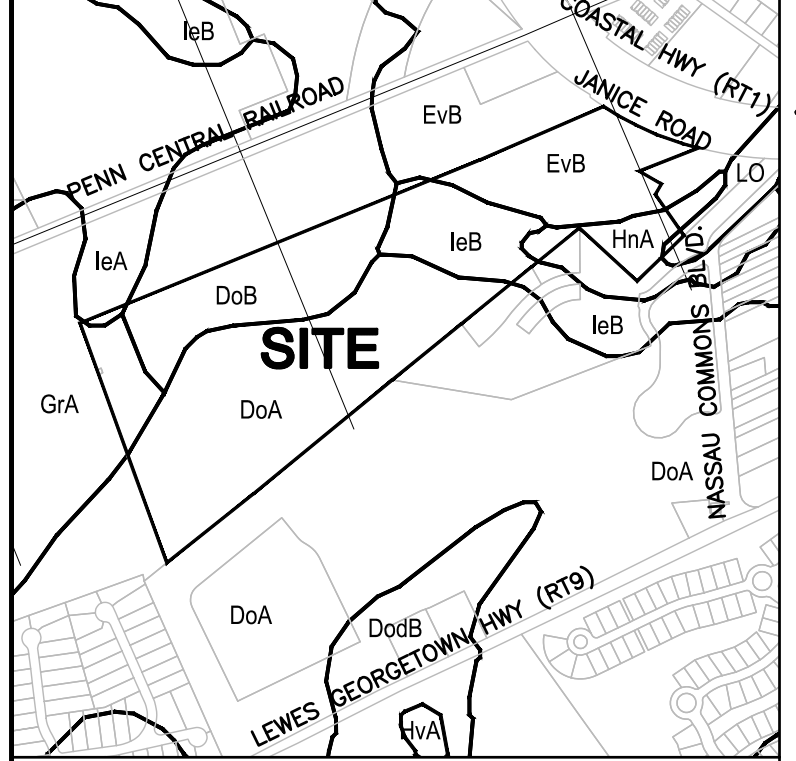
LOCATION MAP SCALE: 1" = 2000'



FEMA FLOOD MAP SCALE: 1" = 2000'  
FIRM PANEL: 10005C0330J DATED: 01-06-2005



NWI WETLAND MAP SCALE: 1" = 1000'



SOILS MAP SCALE: 1" = 1000'

**SYMBOL SOILS DATA**

|     |  |
|-----|--|
| GrA | GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (TYPE B)       |
| IeA | INGLESIDE LOAMY SAND, 0 TO 2 PERCENT SLOPES (TYPE A) |
| IeB | INGLESIDE LOAMY SAND, 2 TO 5 PERCENT SLOPES (TYPE A) |
| EvB | EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (TYPE B)  |
| HnA | HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE B) |
| DoA | DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (TYPE A)    |
| DoB | DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES (TYPE A)    |

#### DATA COLUMN

|  |   |
|--|---|
| TAX MAP ID:                            | 3-34-5.00-153.00  |
| DEED REFERENCE:                        | DB: 3319 PG: 126  |
| DATUM:                                 | NAD 83 (DE STATE PLANE)   |
| HORIZONTAL:                            | NAVD 88   |
| VERTICAL:                              |   |
| LAND USE                               |   |
| EXISTING:                              | VACANT (BORROW PIT)   |
| PROPOSED:                              | TOWNHOUSE COMMUNITY   |
| TOWNHOUSE UNITS:                       | 316 UNITS   |
| DENSITY                                |   |
| MAXIMUM:                               | 12 UNITS PER AC.  |
| PROPOSED:                              | (316 DU ÷ 61.733 AC)<br>5.12 UNITS PER AC.  |
| ZONING                                 |   |
| EXISTING:                              | C-1 (GENERAL COMMERCIAL)<br>AR-1 (AGRICULTURAL RESIDENTIAL)                                       |
| PROPOSED:                              | C-1 (GENERAL COMMERCIAL)<br>MR-RPC (MEDIUM-DENSITY RESIDENTIAL-<br>RESIDENTIAL PLANNED COMMUNITY) |
| BULK AND AREA CALCULATIONS             |   |
| FRONT SETBACK:                         | REQUIRED 25 FT. PROPOSED 25 FT.   |
| SIDE SETBACK:                          | REQUIRED 10 FT. PROPOSED 10 FT.   |
| REAR SETBACK:                          | REQUIRED 15 FT. PROPOSED 15 FT.   |
| BUILDING HEIGHT:                       | REQUIRED 42 FT. PROPOSED 42 FT.   |
| LOT WIDTH:                             | REQUIRED 16 FT. PROPOSED 20 FT.   |
| LOT LENGTH:                            | REQUIRED 100 FT. PROPOSED 100 FT.   |
| LOT AREA:                              | REQUIRED 1,600 S.F. PROPOSED 2,000 S.F.   |
| AVERAGE LOT AREA:                      | REQUIRED 3,630 S.F. PROPOSED 2,971 S.F.   |
| PARKING:                               | REQUIRED 2 PER UNIT PROPOSED 2 PER UNIT<br>632 SPACES AND 232 OVERFLOW SPACES                     |
| AREAS:                                 |   |
| EXISTING SITE                          | 61.733 AC.  |
| SITE AREA:                             |   |
| PROPOSED SITE                          | 21.550 AC.  |
| LOT AREA:                              | 10.692 AC.  |
| RIGHT-OF-WAY:                          | 29.491 AC.  |
| OPEN SPACE (TOTAL)                     |   |
| (INCLUDES 2.140 AC. ACTIVE OPEN SPACE) |   |
| OPEN SPACE A                           | 1.315 AC.   |
| OPEN SPACE B                           | 1.353 AC.   |
| OPEN SPACE C                           | 0.152 AC.   |
| OPEN SPACE D                           | 1.715 AC.   |
| (INCLUDES 0.296 AC. POCKET PARK)       |   |
| OPEN SPACE E                           | 1.902 AC.   |
| OPEN SPACE F                           | 2.340 AC.   |
| OPEN SPACE G                           | 2.809 AC.   |
| (INCLUDES 1.844 AC. COMMUNITY PARK)    |   |
| OPEN SPACE H                           | 0.884 AC.   |
| OPEN SPACE I                           | 0.050 AC.   |
| OPEN SPACE J                           | 0.214 AC.   |
| OPEN SPACE K                           | 0.291 AC.   |
| OPEN SPACE L                           | 11.641 AC.  |
| OPEN SPACE M                           | 4.826 AC.   |
| TOTAL SITE AREA                        | 61.733 AC.  |

|                                 |                                    |
|---------------------------------|------------------------------------|
| UTILITIES                       |                                    |
| SEWER PROVIDER:                 | PUBLIC (SUSSEX COUNTY)             |
| WATER PROVIDER:                 | PUBLIC (TIDEWATER UTILITIES, INC.) |
| PROPOSED BUILDING CONSTRUCTION: | WOOD/CONCRETE BLOCK                |

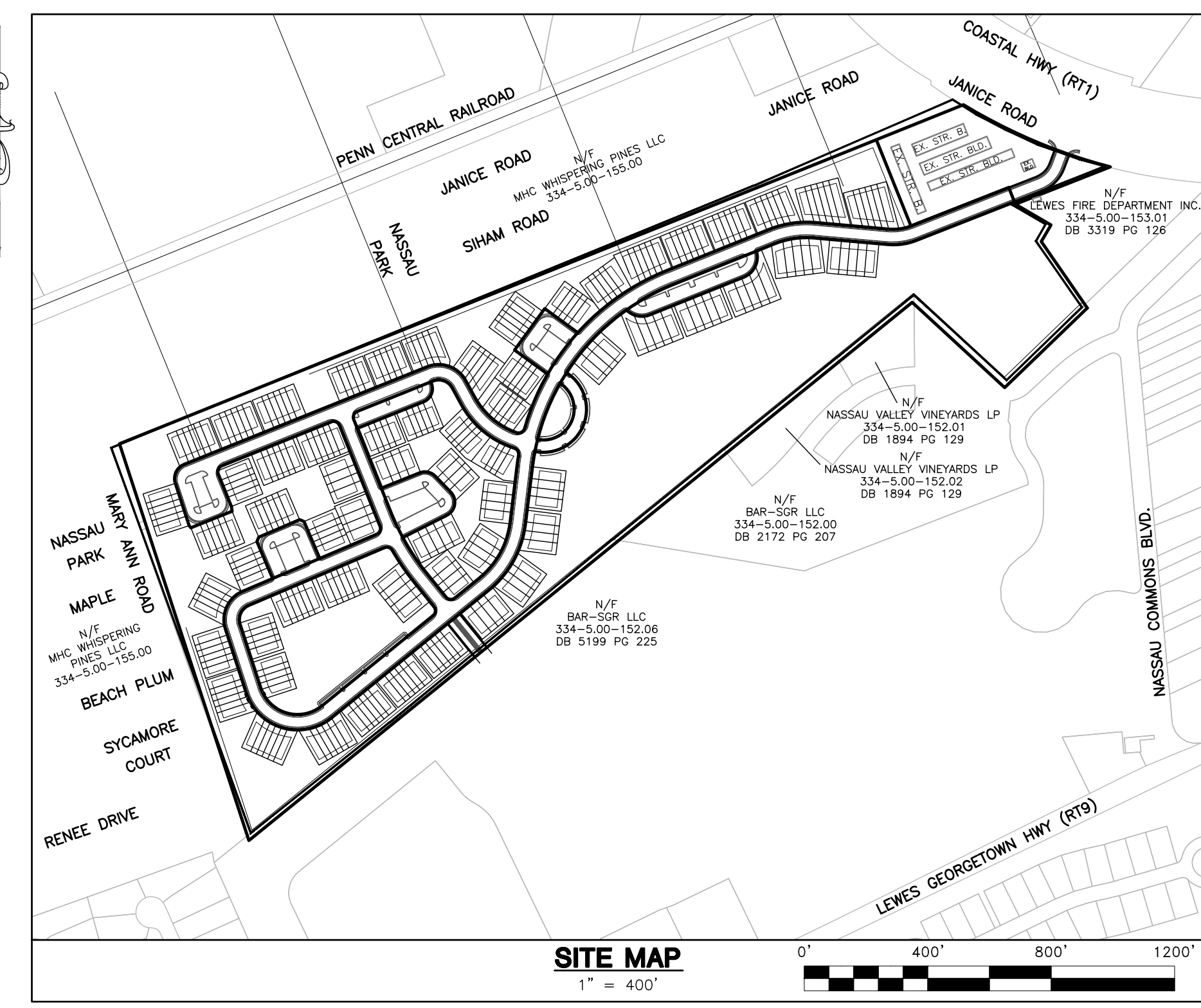
FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0330J DATED JANUARY 06, 2005. FLOOD ZONE X (MINIMAL FLOODING)

|  |               |
|--|---------------|
| STATE STRATEGIES MAP: INVESTMENT LEVEL 1 & 2 |               |
| FIRE DISTRICT:                               | 82ND          |
| SCHOOL DISTRICT:                             | CAPE HENLOPEN |
| ELECTION DISTRICT:                           | 3RD           |

PROPERTY OWNER:  
AAA STORAGE LIMITED PARTNERSHIP  
22114 RITTER LN.  
HARBESON, DE 19951

PROPERTY DEVELOPER:  
JANICE CRP3 LLC  
4750 OWINGS MILL BLVD.  
OWINGS MILL, MD 21117  
CONTACT: JON HOFFMAN  
(CHESAPEAKE REALTY PARTNERS)  
PHONE: 410-356-9900 EXT. 755

ENGINEER:  
DAVIS, BOWEN, & FRIEDEL, INC.  
RING LARDNER, P.E.  
1 PARK AVENUE  
MILFORD, DE 19963  
PHONE: 302-424-1441  
FAX: 302-424-0430



SITE MAP 1" = 400'

#### LEGEND

| EXISTING                     | PROPOSED  |
|------------------------------|---|
| BOUNDARY LINE                | BOUNDARY LINE   |
| ADJACENT PROPERTY OWNER      | RIGHT-OF-WAY / BOUNDARY LINE  |
| EASEMENT                     | EASEMENT  |
| CONTOUR                      | FORESTED BUFFER   |
| CATCH BASIN, STORM PIPE      | WETLANDS BUFFER   |
| SANITARY SEWER MANHOLE, PIPE | STREAM BUFFER   |
| WATER MAIN                   | CATCH BASIN, STORM PIPE, STORM MANHOLE, LABELS                      |
| FIRE HYDRANT ASSEMBLY        | SWALE   |
| UTILITY POLE                 | SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE |
| SIGN                         | WATER MAIN, TEE W/ VALVES, PIPE SIZE                                |
| FENCE                        | FIRE HYDRANT ASSEMBLY   |
| TREE                         | TREE LINE   |
| TREE LINE                    | PAVEMENT / FULL DEPTH TYPE I  |
| WETLANDS                     | CONCRETE SIDEWALK   |
| PAVEMENT                     | FENCE   |

#### GENERAL NOTES:

- ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT) STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND WILL BE SUBJECT TO ITS APPROVAL.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. EACH UNIT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCEL. HORSESHOE DRIVEWAYS WILL NOT BE PERMITTED.
- ALL MATERIALS AND WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS AND SPECIFICATIONS, DATED AUGUST 2001.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS' RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION)
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL, SHALL BE NCHRP - 350 APPROVED, AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- "PAVEMENT MARKING MATERIAL WILL MATCH EXISTING. DURABLE MARKINGS (I.E. THERMO, EPOXY) WILL BE REQUIRED FOR NEW STRIPING, IF THEY EXIST IN THE FIELD."
- ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- THE FINAL OVERLAY OF HOT MIX - TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS CONDUCTED WITHOUT THE COUNTY KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.

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MILFORD, DELAWARE (302) 424-1441  
EASTON, MARYLAND (410) 770-4744

Revisions:

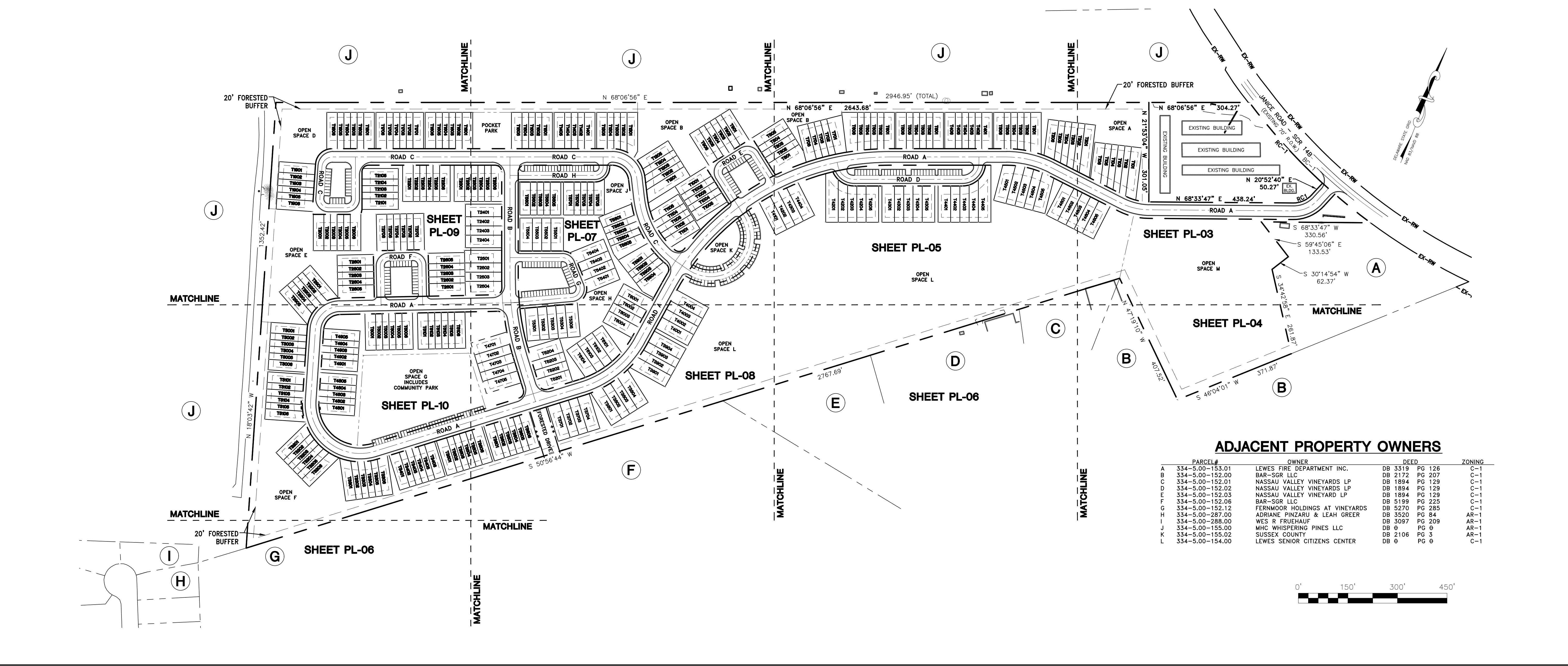
PL-01

LOT AREA TABLE with columns for LOT, SQ. FT., ACRES, and multiple lot area entries.

LOT CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE, and multiple curve entries.

RIGHT-OF-WAY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE, and multiple curve entries.

RIGHT-OF-WAY LINE TABLE with columns for LINE, BEARING, DISTANCE, and multiple line entries.



JANICE ROAD RIGHT-OF-WAY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE, and multiple curve entries.

RIGHT-OF-WAY TIE-LINE CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE, and multiple curve entries.

EXISTING BOUNDARY CURVE TABLE with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE, and multiple curve entries.

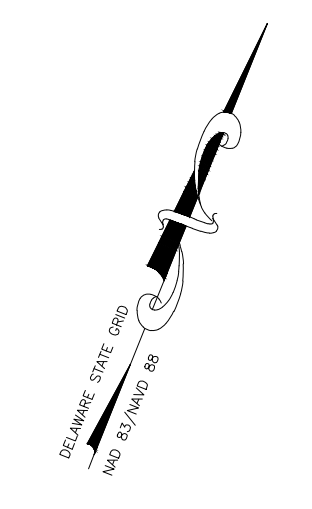
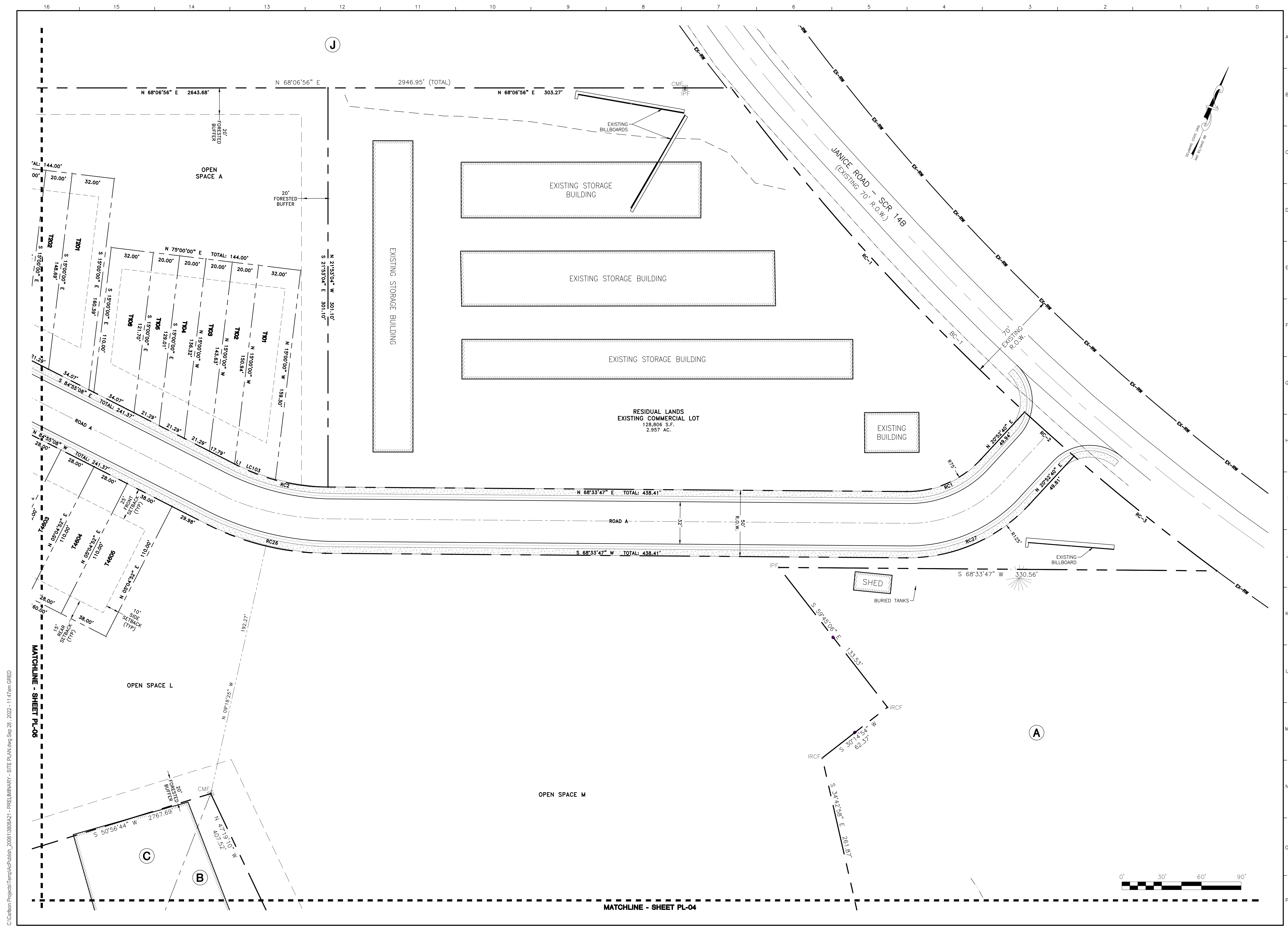
ADJACENT PROPERTY OWNERS table with columns for PARCEL#, OWNER, DEED, ZONING, and multiple owner entries.

DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS. PRELIMINARY SITE PLAN OVERVIEW.

BITTER FARM LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE. Date: SEPTEMBER 2022. Scale: 1" = 150'. Dwn. By: DEG. Proj. No.: 3808A21. Dwg. No.: PL-02.

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 FAX: 302.424.1414  
 EASTON, MARYLAND  
 TEL: 410.770.4744

PRELIMINARY SITE PLAN

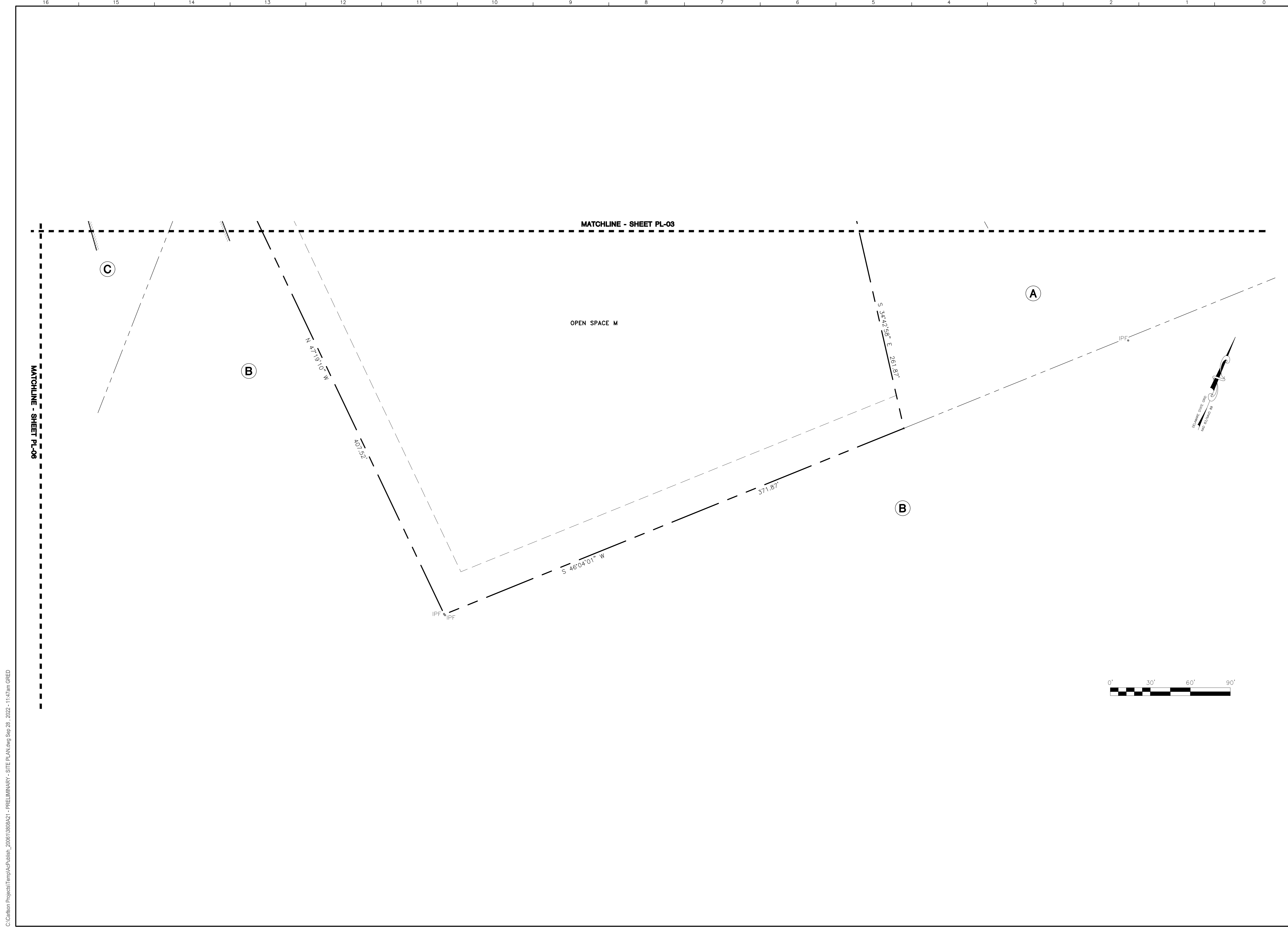
**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

|                             |
|-----------------------------|
| Revisions:                  |
| Date: <b>SEPTEMBER 2022</b> |
| Scale: <b>1" = 30'</b>      |
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| Dwg. No.: <b>PL-03</b>      |

**PL-03**

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PRELIMINARY SITE PLAN

**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **SEPTEMBER 2022**

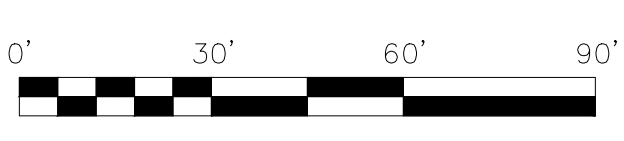
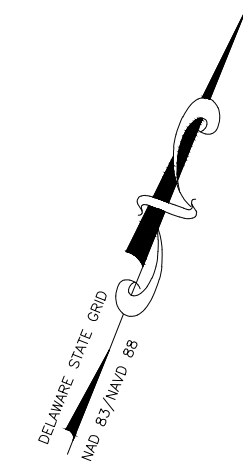
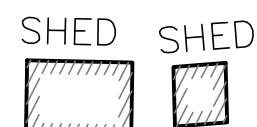
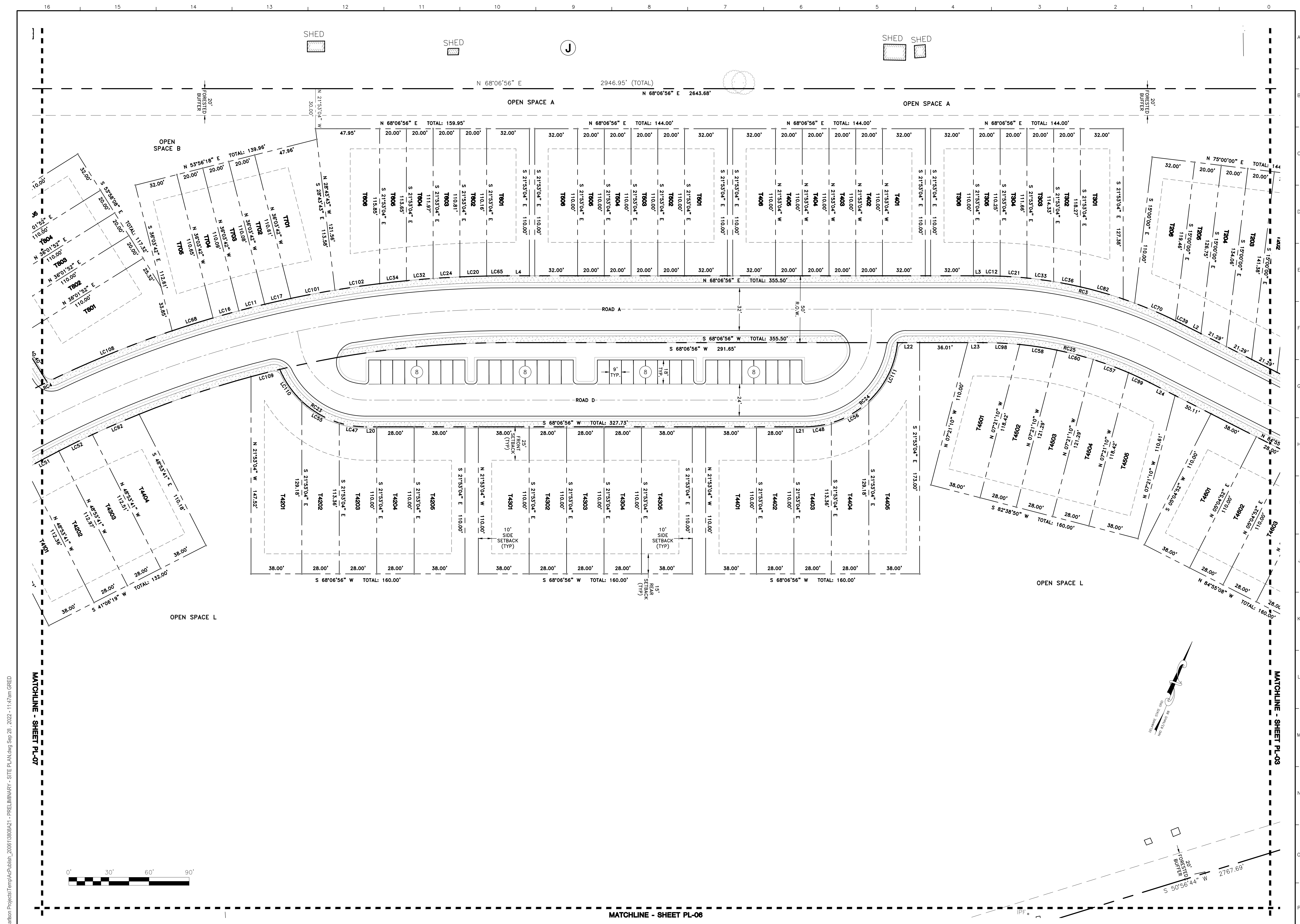
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Drawn By: **DEG**

Proj. No.: **3808A21**

Dwg. No.: **PL-04**





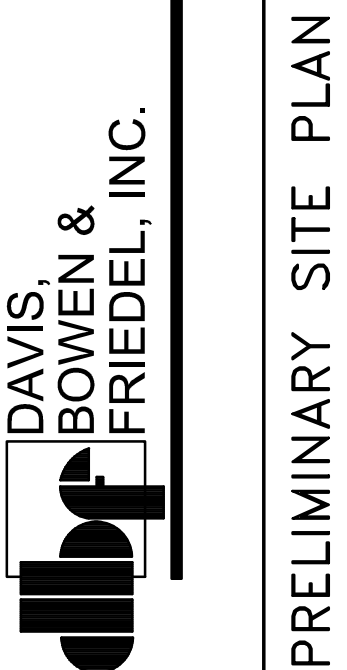
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MATCHLINE - SHEET PL-07

MATCHLINE - SHEET PL-03

MATCHLINE - SHEET PL-06

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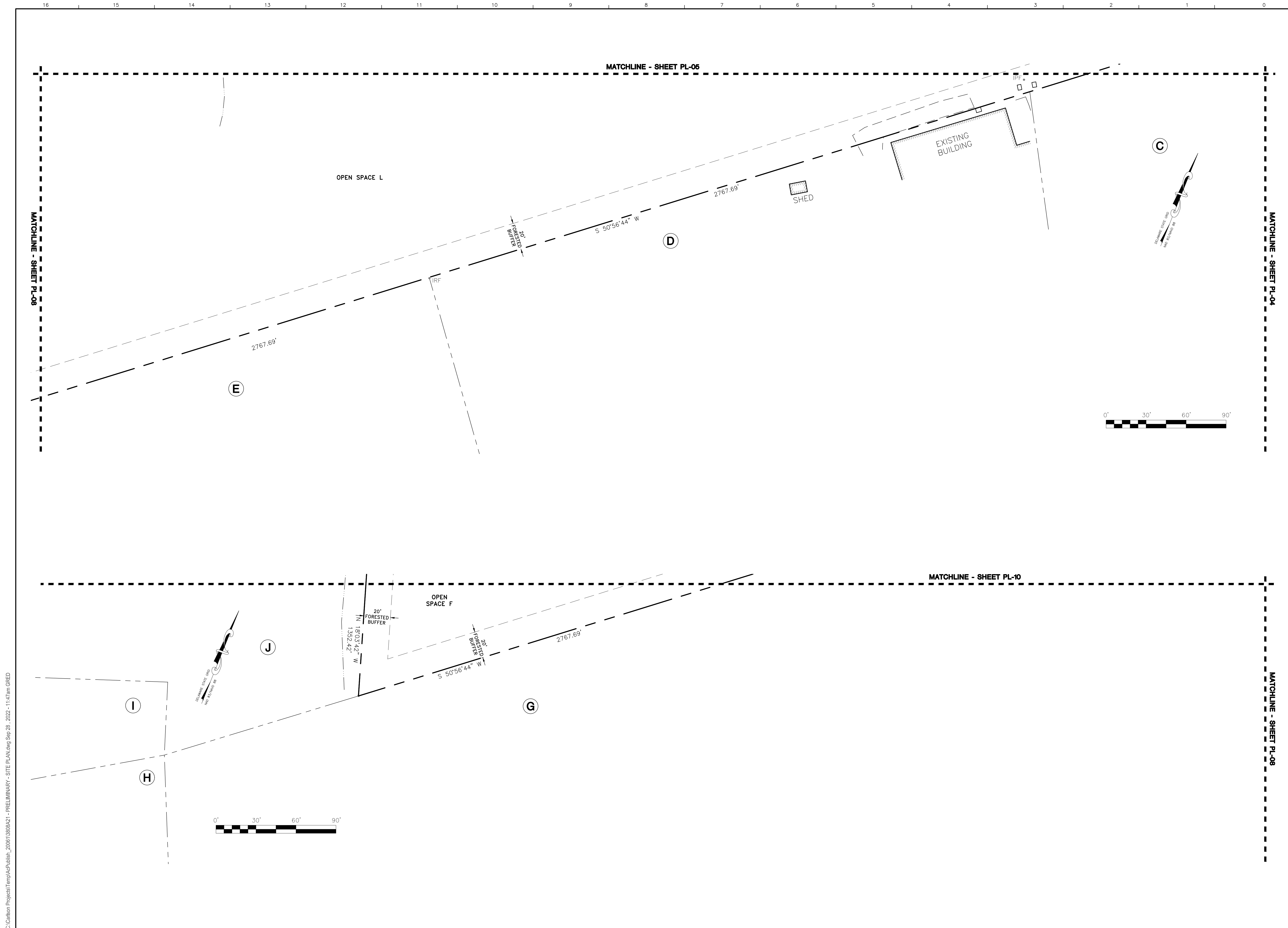
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**ITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

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**PL-05**



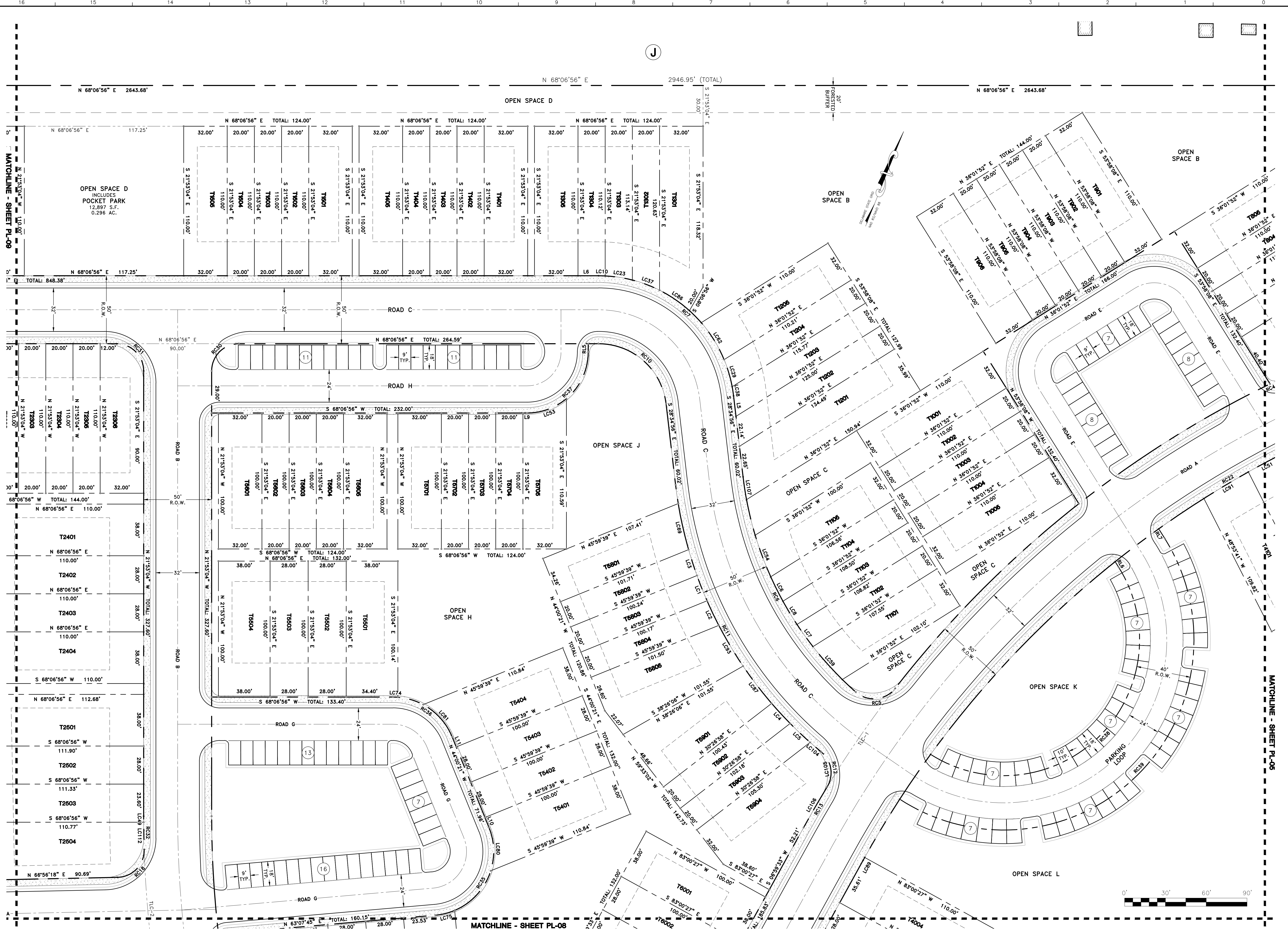
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 WILMINGTON, DELAWARE 19801  
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 (410) 770-4744

**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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MATCHLINE - SHEET PL-09

MATCHLINE - SHEET PL-06

MATCHLINE - SHEET PL-08

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**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
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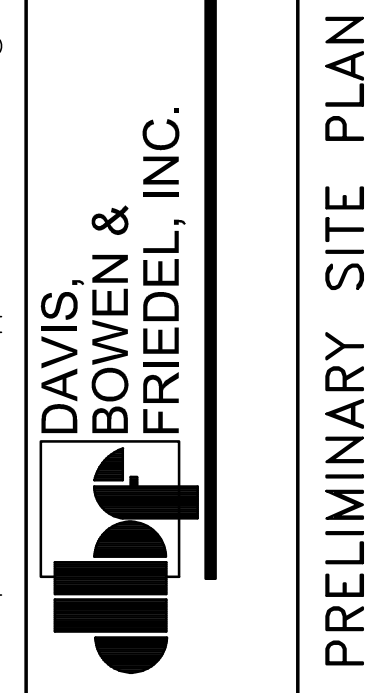
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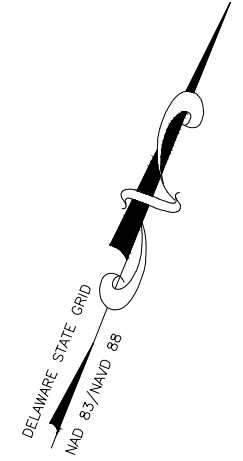
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**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

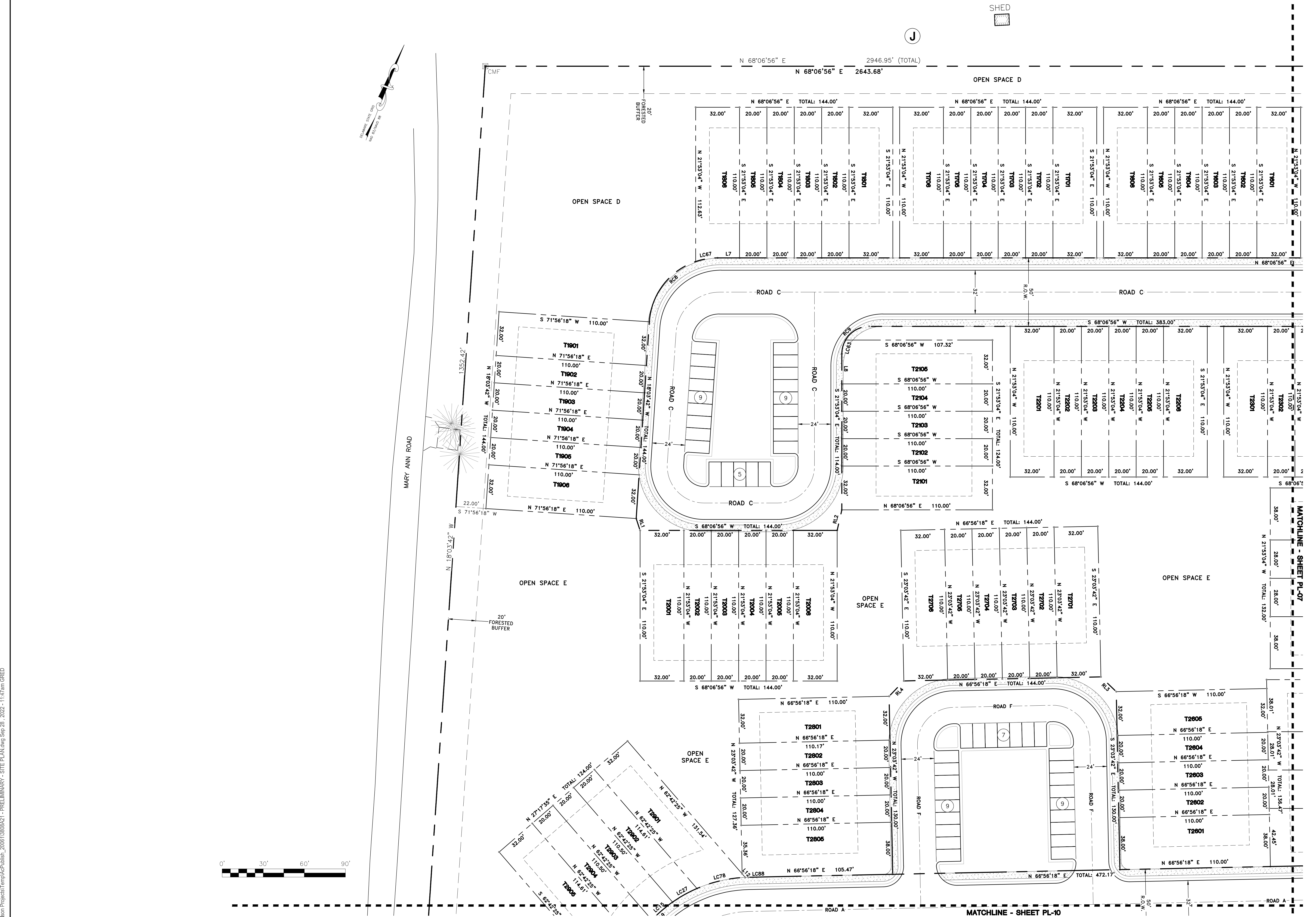
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**PL-08**





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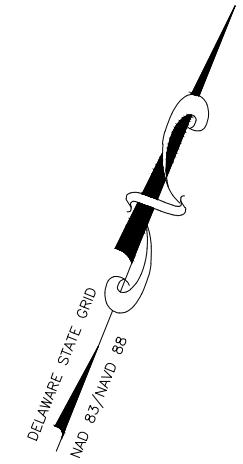
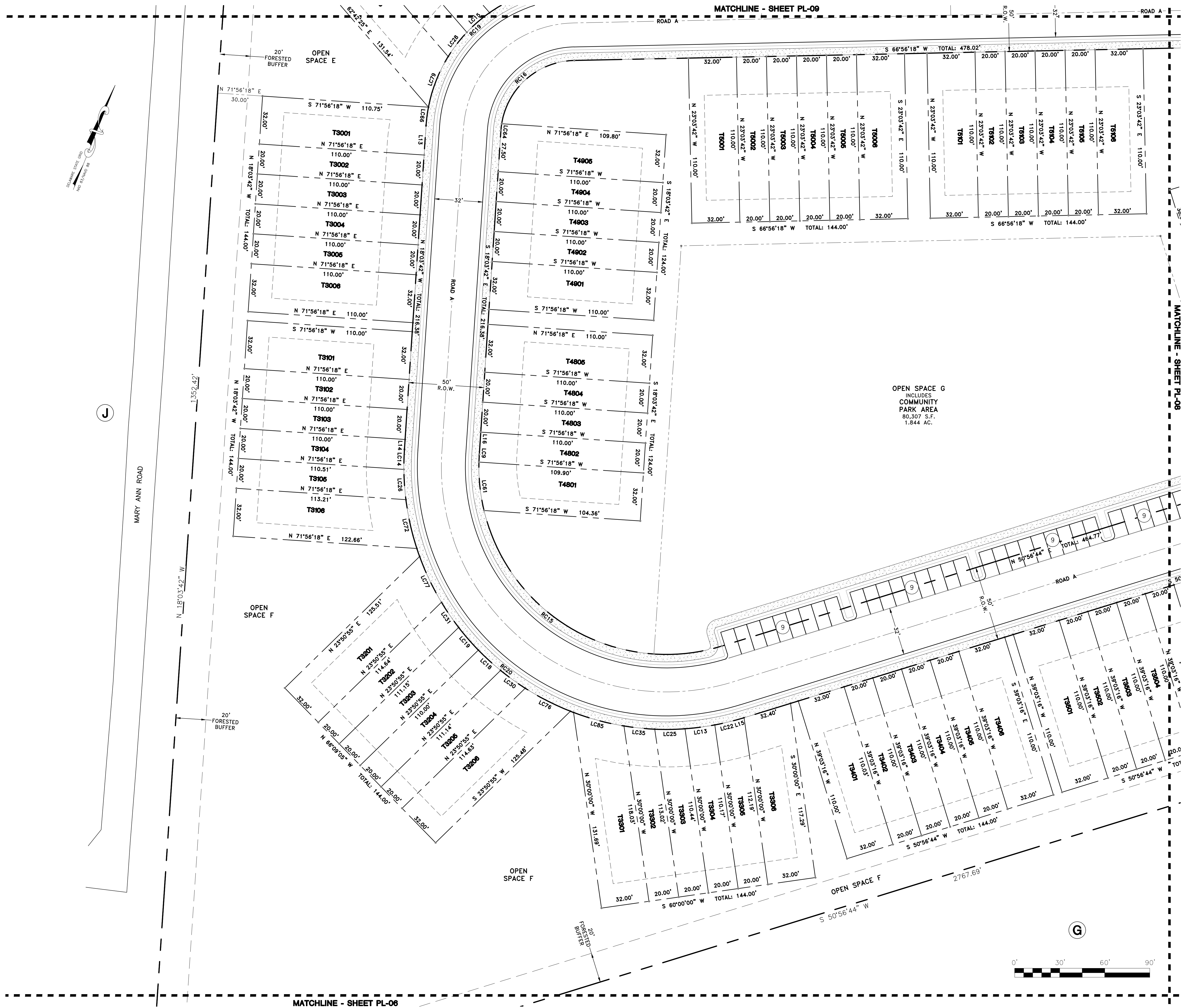
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# BITTER FARM LEWES AND REHOBOTH HUNDRED CITY OF LEWES, SUSSEX COUNTY, DELAWARE

Revisions:  
Date: **SEPTEMBER 2022**  
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Dwn. By: **DEG**  
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Dwg. No.:

## PL-09

PRELIMINARY SITE PLAN



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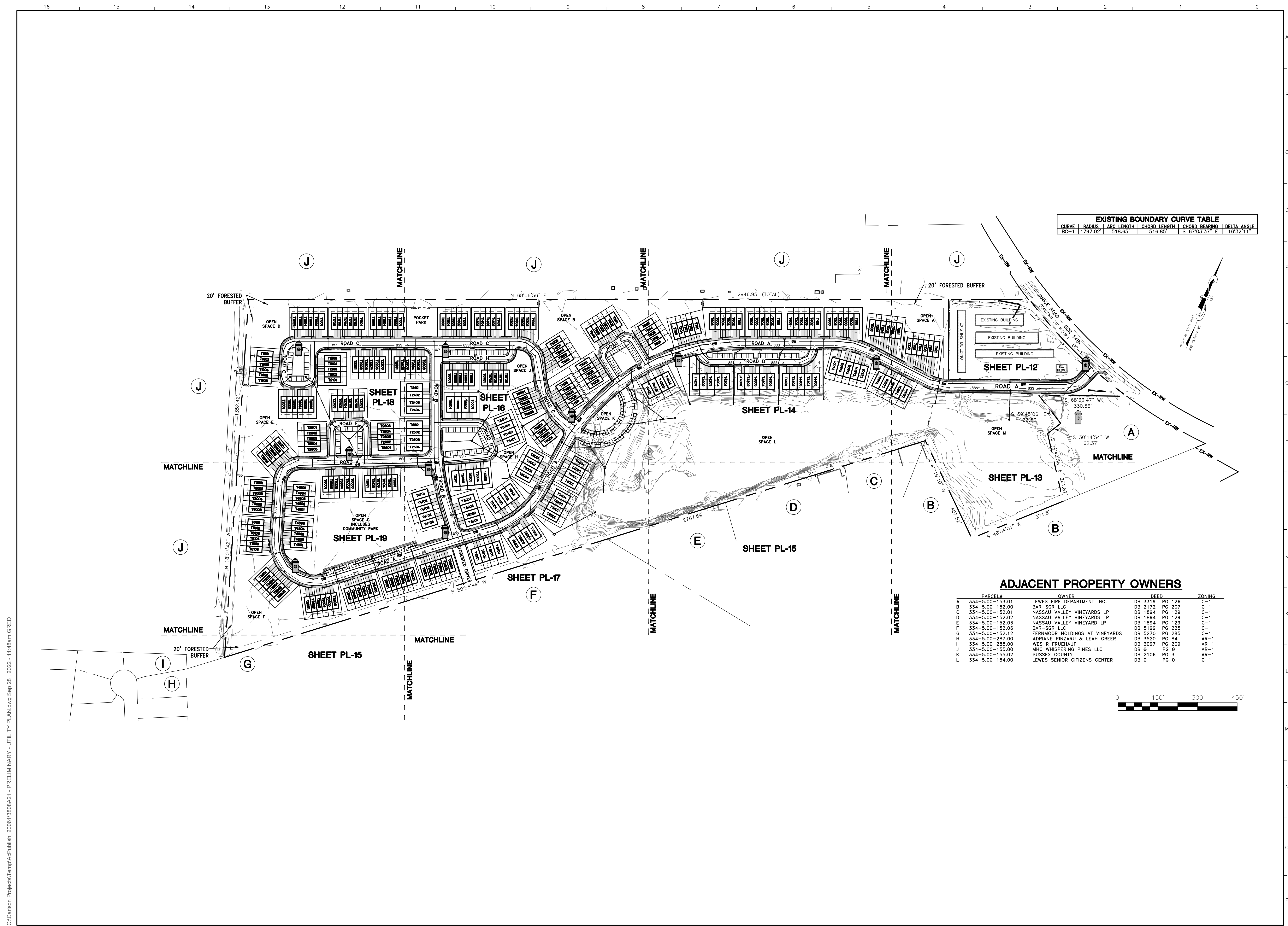
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 SUITE 200  
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PRELIMINARY SITE PLAN

**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE

Revisions:

|            |                |
|------------|----------------|
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| Scale:     | 1" = 30'       |
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| Proj. No.: | 3808A21        |
| Dwg. No.:  | PL-10          |



| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| BC-1  | 11797.02' | 518.65'    | 518.85'      | S 67°03'57" E | 16°32'11"   |

**ADJACENT PROPERTY OWNERS**

| PARCEL#           | OWNER                          | DEED           | ZONING |
|-------------------|--------------------------------|----------------|--------|
| A 334-5.00-153.01 | LEWES FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 PG 225 | C-1    |
| G 334-5.00-152.12 | FERNMOOR HOLDINGS AT VINEYARDS | DB 5270 PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE PINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0 PG 0      | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWES SENIOR CITIZENS CENTER   | DB 0 PG 0      | C-1    |

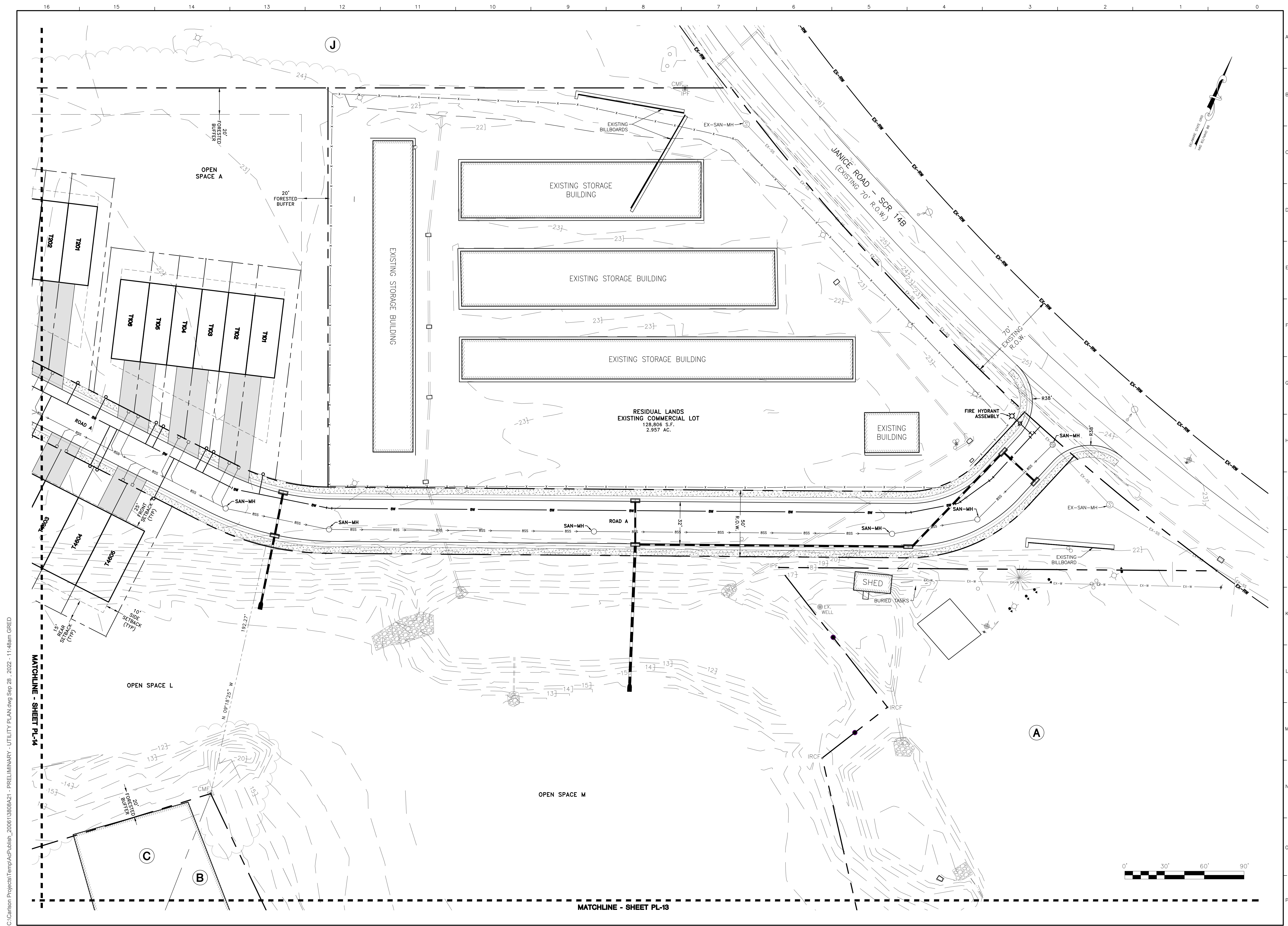
**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 MARKET STREET, SUITE 200  
 WILMINGTON, DELAWARE 19801  
 (302) 424-1441  
 (410) 770-4744

**BITTER FARM  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **SEPTEMBER 2022**  
 Scale: **1" = 150'**  
 Dwn. By: **DEG**  
 Proj. No.: **3808A21**  
 Dwg. No.: **PL-11**

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PRELIMINARY UTILITY PLAN

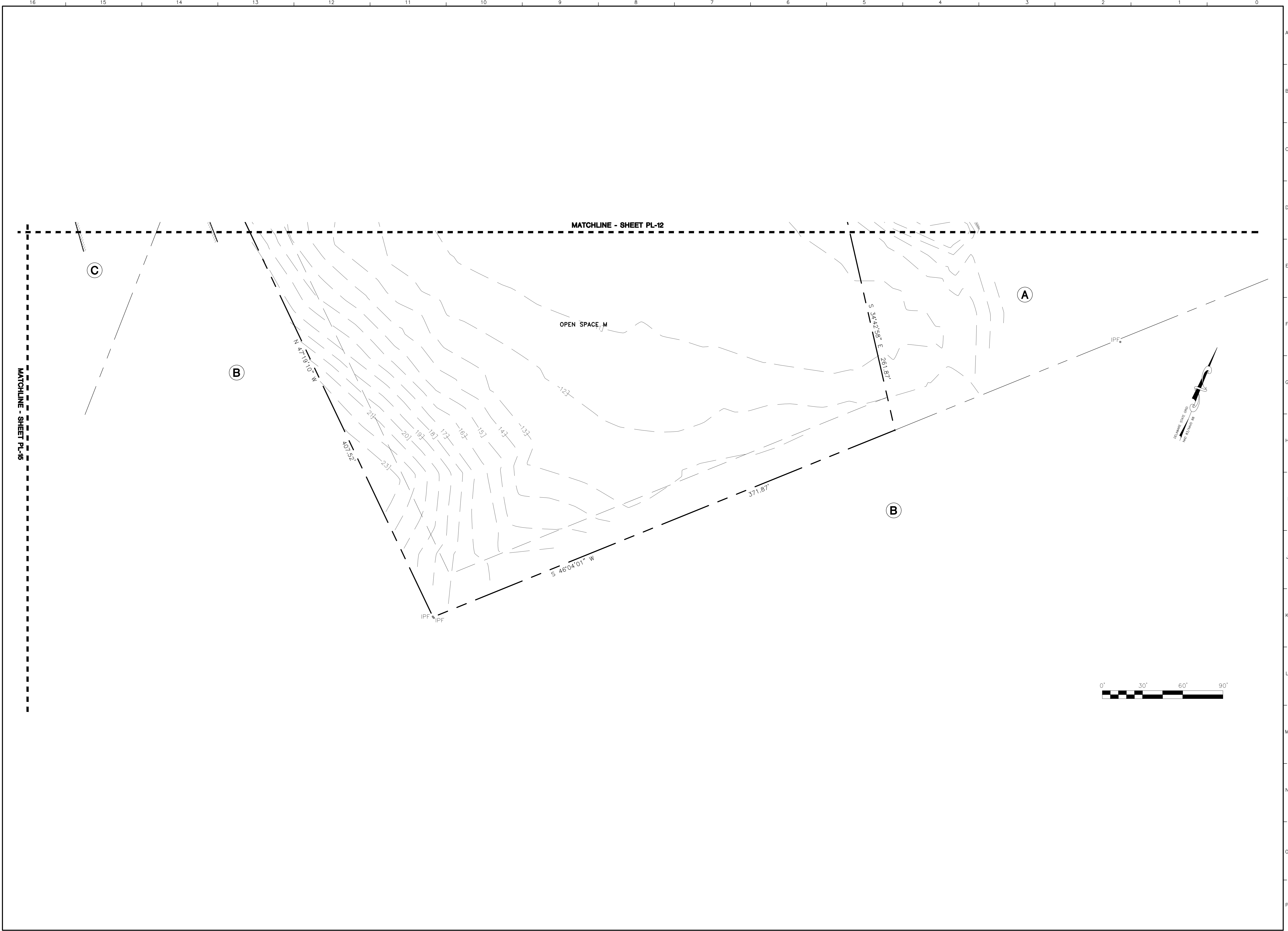
**ITTER FARM**  
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**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

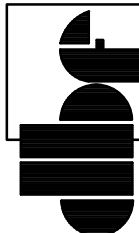
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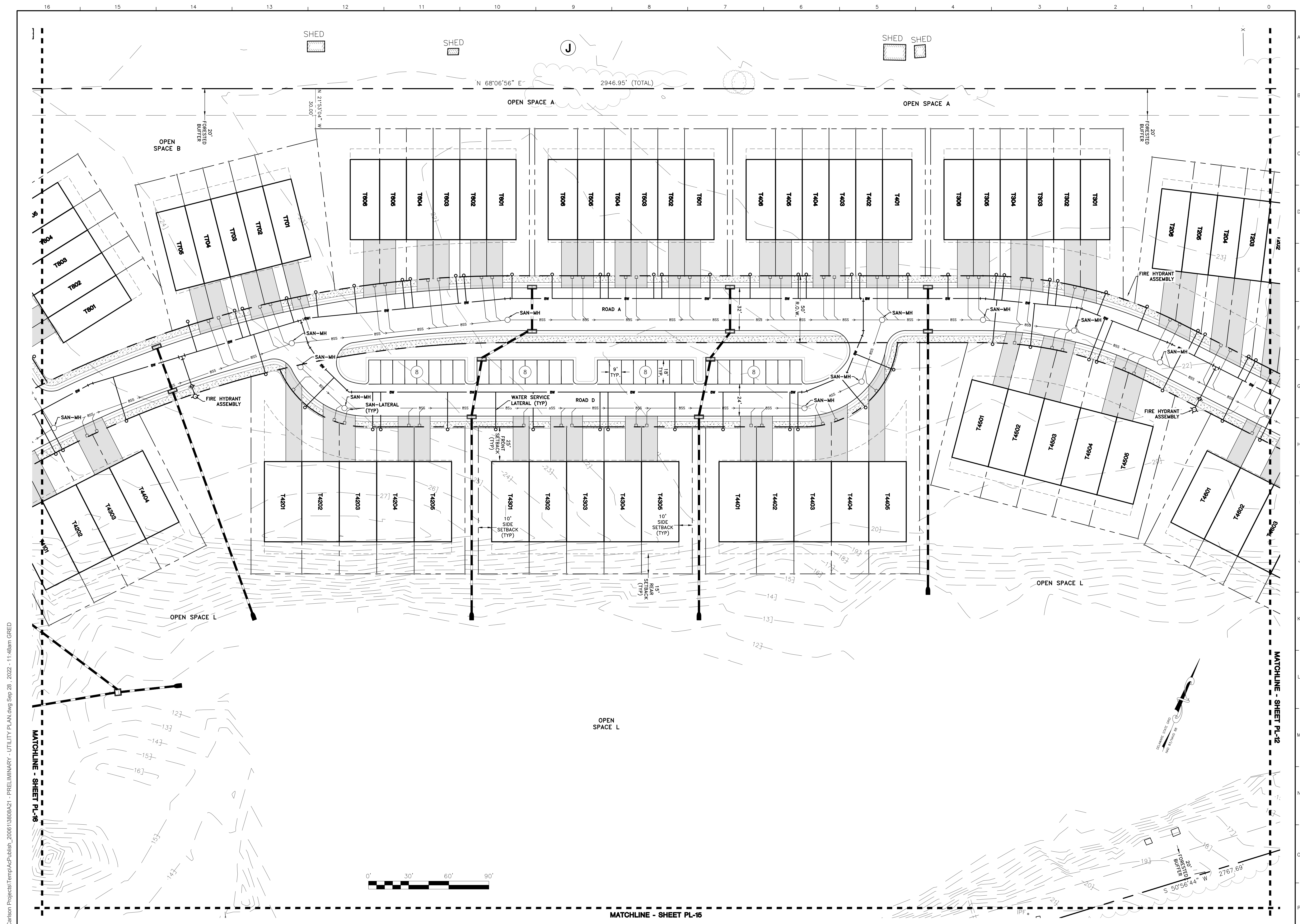



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PRELIMINARY UTILITY PLAN

**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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| Revisions:                  |
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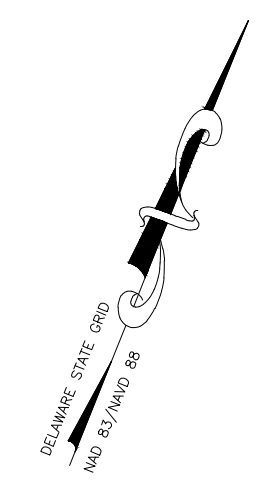
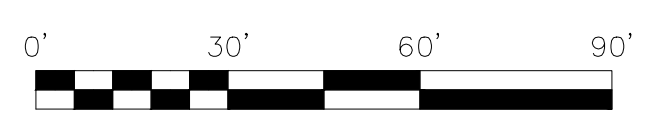
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PRELIMINARY UTILITY PLAN

**ITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
  
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 Proj. No.: **3808A21**  
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**PL-14**



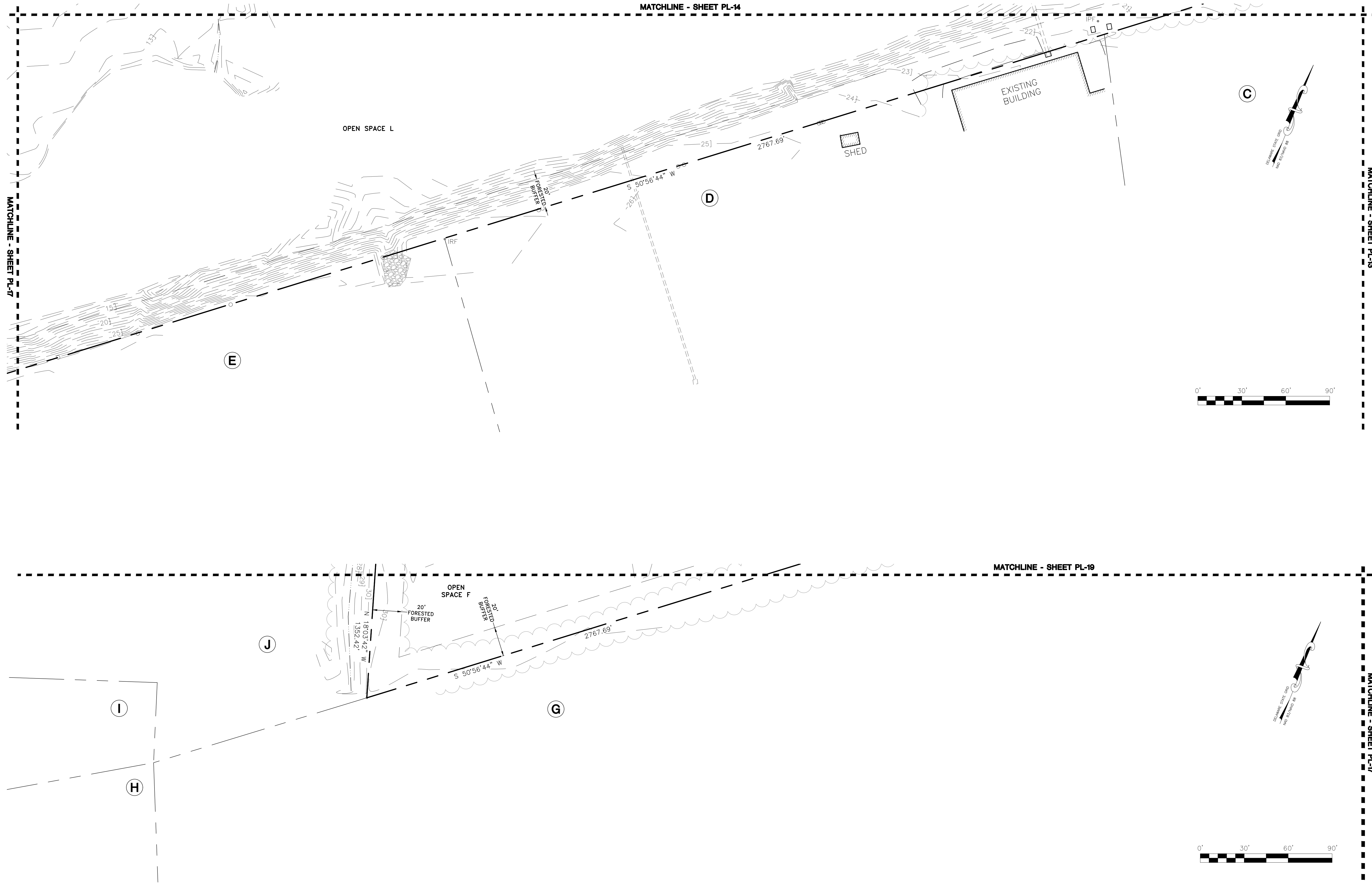
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MATCHLINE - SHEET PL-16

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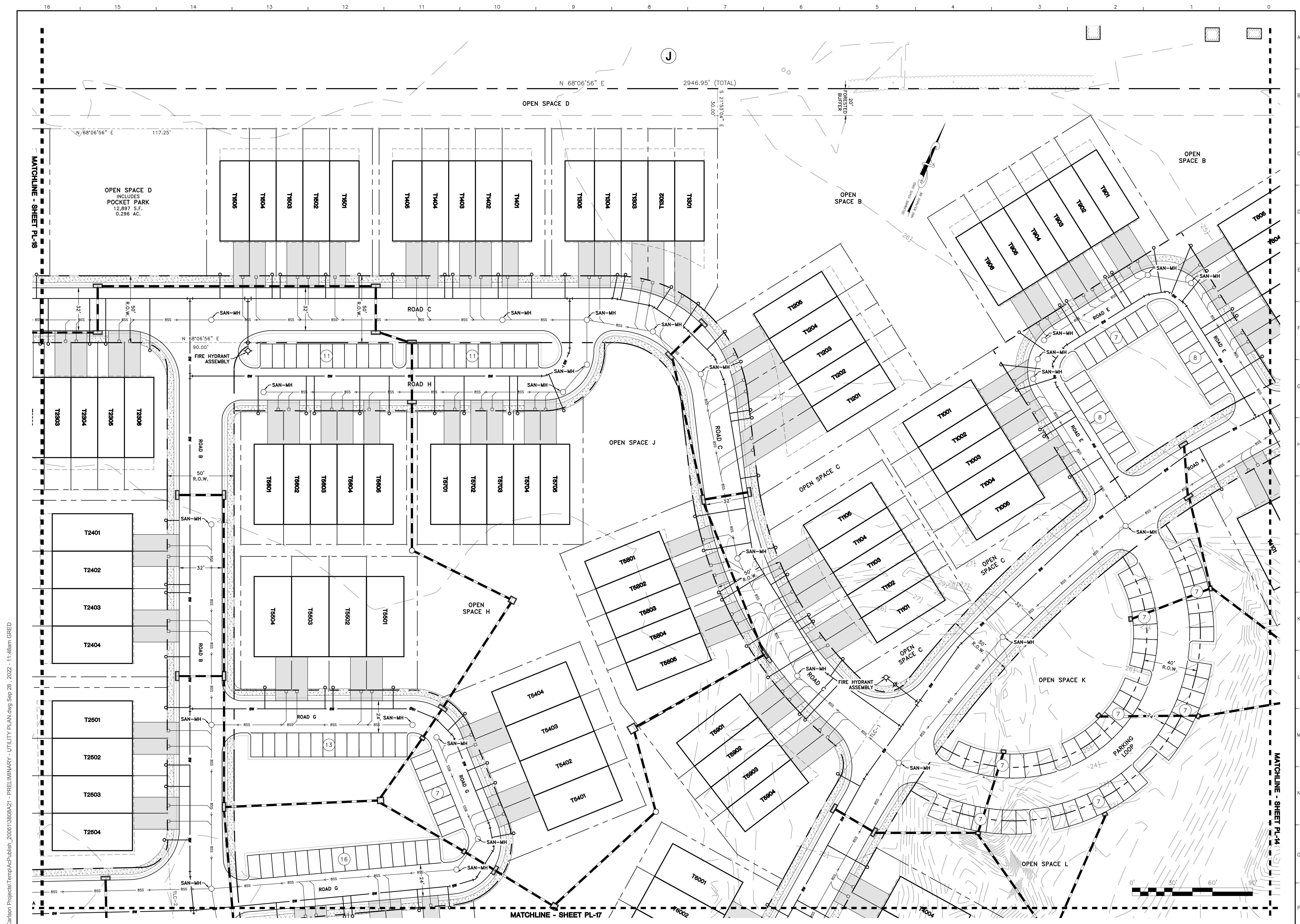
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PRELIMINARY UTILITY PLAN

**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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**PL-15**



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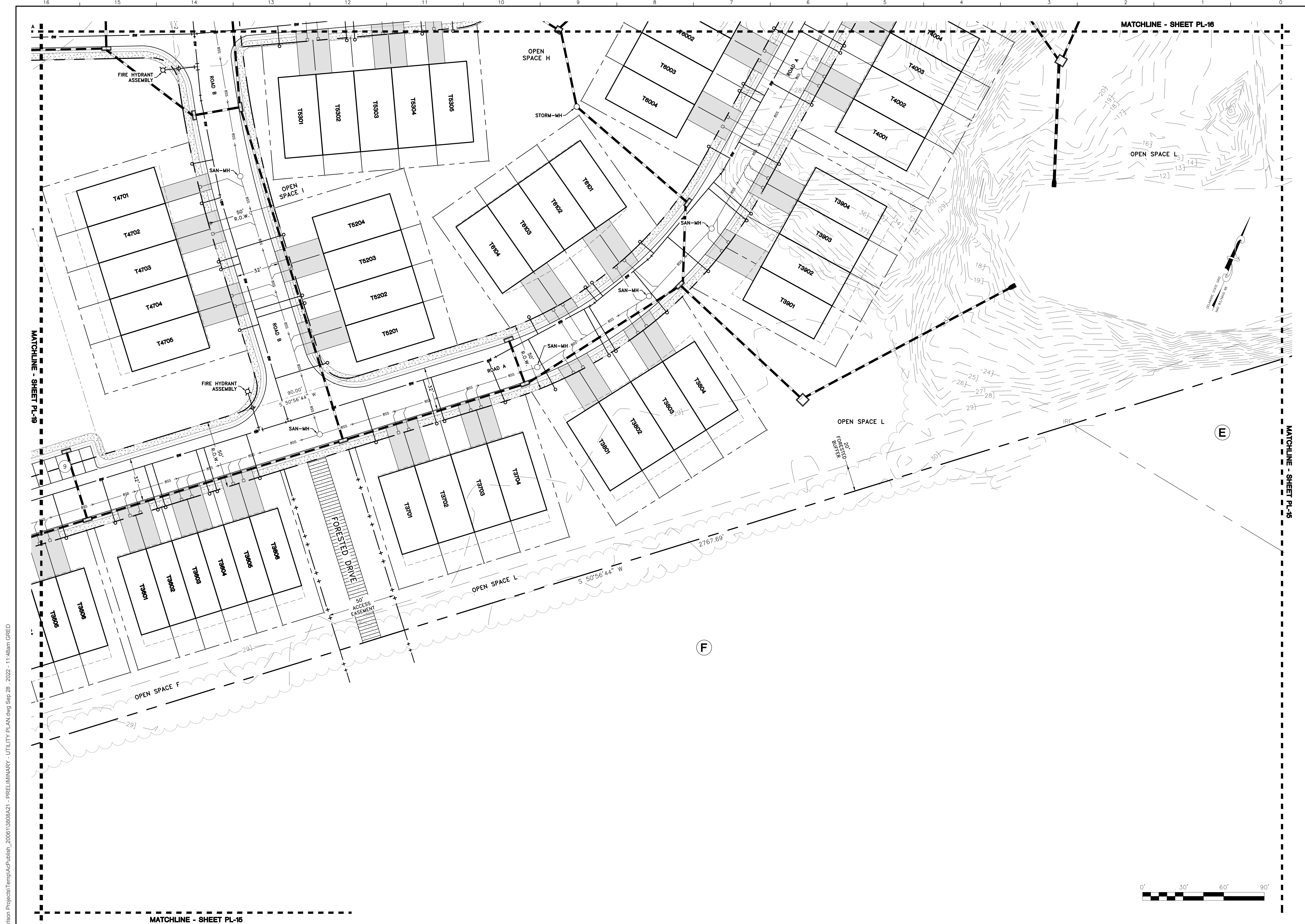
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**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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**PL-16**

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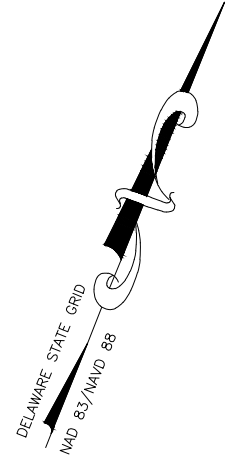
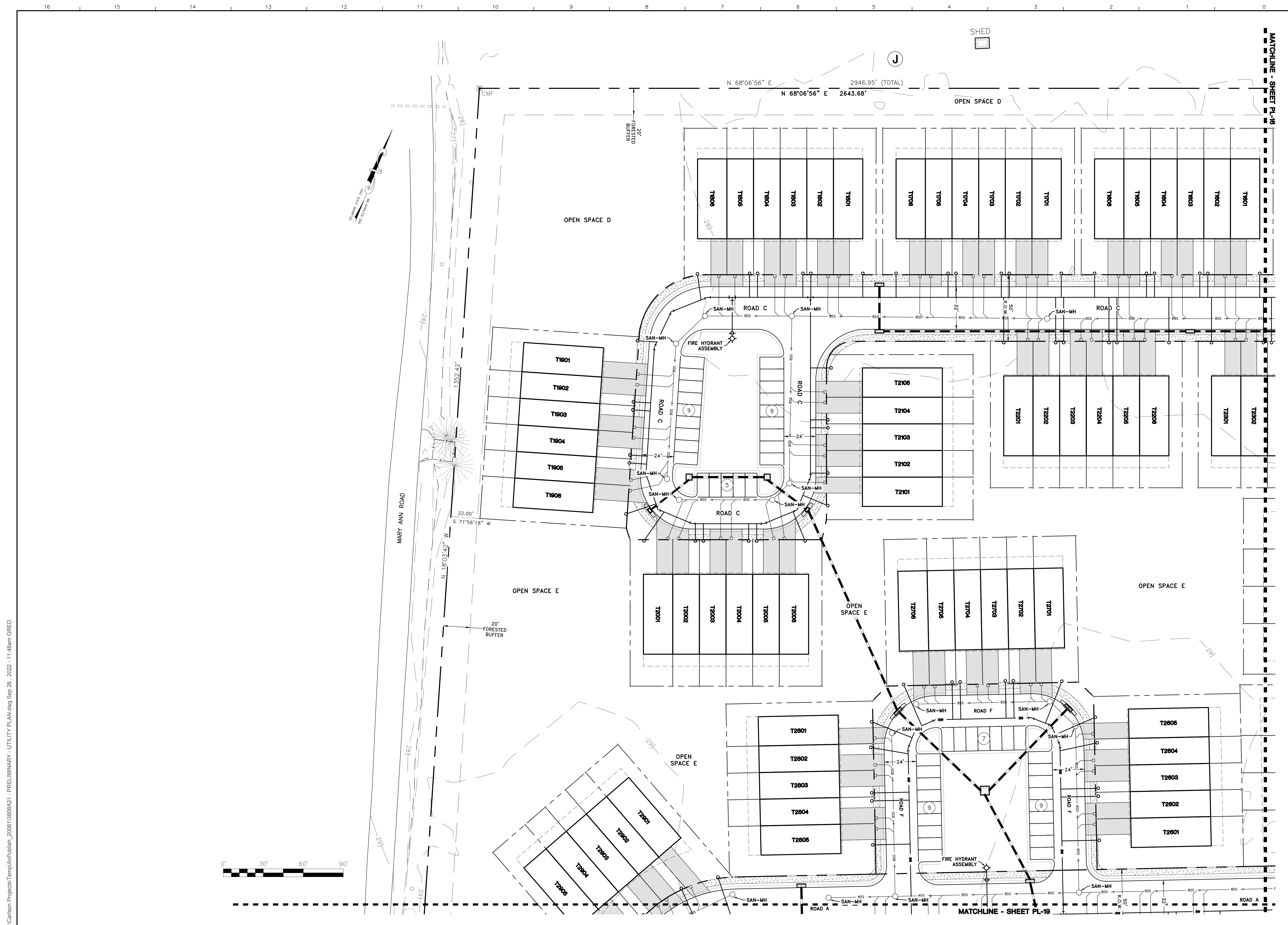
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PRELIMINARY UTILITY PLAN

**BITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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PRELIMINARY UTILITY PLAN

**RITTER FARM**  
**LEWES AND REHOBOTH HUNDRED**  
**CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **SEPTEMBER 2022**

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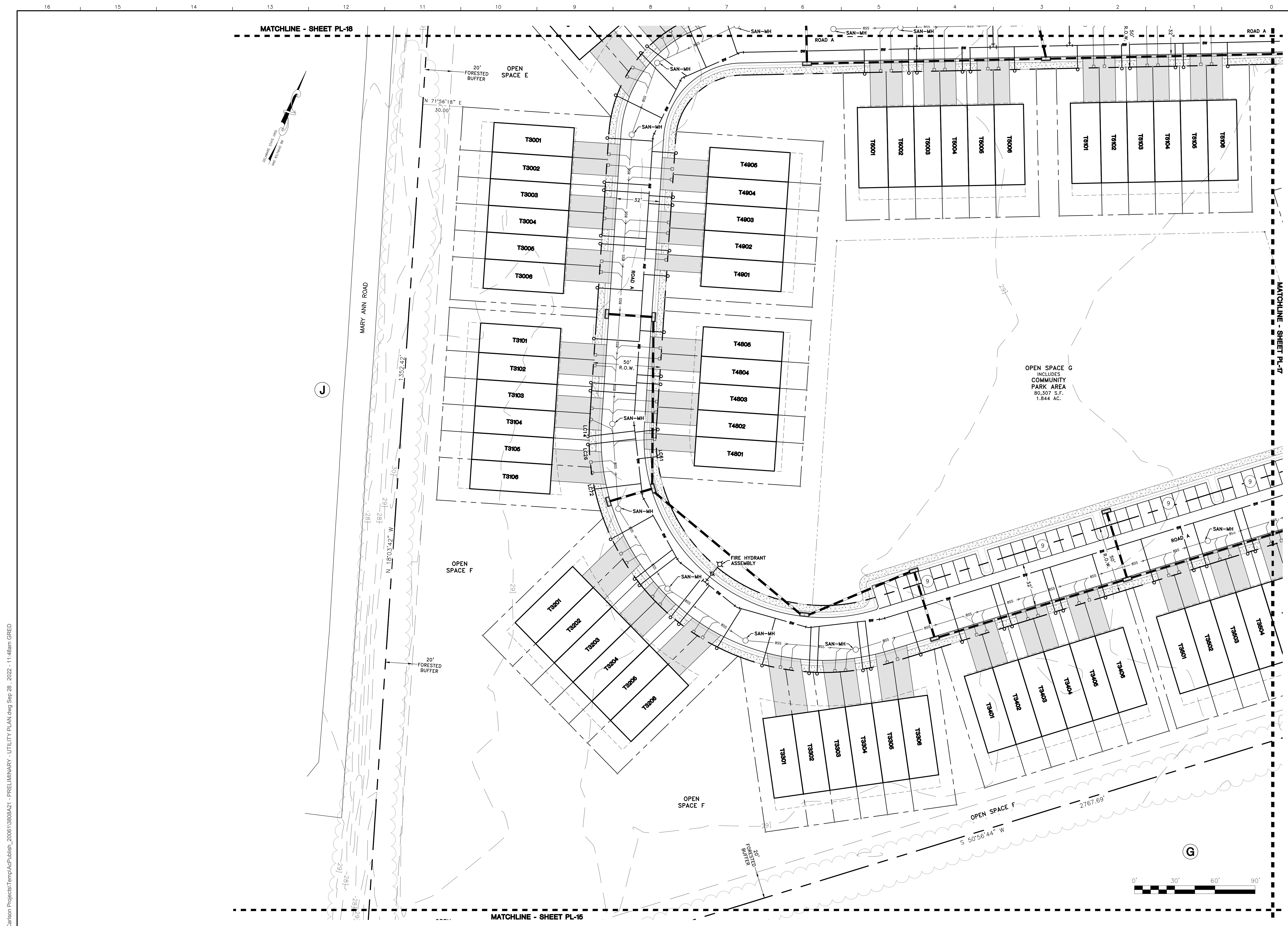
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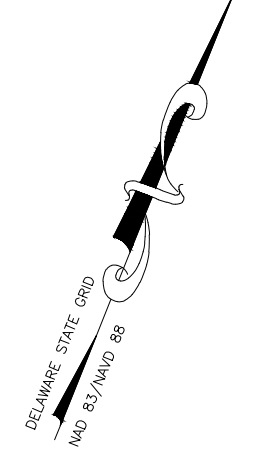
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**BITTER FARM  
 LEWES AND REHOBOTH HUNDRED  
 CITY OF LEWES, SUSSEX COUNTY, DELAWARE**

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December 22, 2022

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: Vintners Reserve  
Chapter 99-9C Response  
Tax Map # 334-5.00-153.02  
DBF#3808B001

*Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP*

Dear Mr. Whitehouse,

On behalf of our client, Janice CRP3, LLC, we are pleased to provide you with our careful considerations of the following items in Sussex County Chapter 99-9C:

- 1. Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
  - a. The project is adjacent to the Vineyards and Whispering Pines.
  - b. The project strives to minimize grading as much as possible.
  - c. The proposed project is located within an area primarily used for residential purposes.
  
- 2. Minimal use of wetlands and floodplains.**
  - a. The property does not contain wetlands.
  
  - b. The property is not located within the 100-year floodplain.

**3. Preservation of natural and historical features.**

- a. A small portion of the site is located within an excellent recharge area that will primarily consist of grass areas.
- b. There are no historical features on this property.

**4. Preservation of open space and scenic views.**

- a. Active open space is provided in the form of unorganized play areas, a dog park and a pool house and pool.
- b. A landscape buffer is being added adjacent to Whispering Pines and the Vineyards.

**5. Minimization of tree, vegetation, and soil removal and grade changes.**

- a. There are minimal wooded areas on the site and additional trees are being planted as part of the buffer.
- b. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements and to ensure proper lot drainage.
- c. The site will be “balanced,” which will minimize the need for soil to be removed or hauled to the site.

**6. Screening of objectionable features from neighboring properties and roadways.**

- a. The site will not contain objectionable features and will provide a 20’ forested buffer along Whispering Pines and the Vineyards.

**7. Provision for water supply.**

- a. Tidewater Utilities, Inc. will supply all homes with central water and provide water for fire protection.

**8. Provision for sewage disposal.**

- a. Sussex County Council will provide sanitary sewer conveyance and treatment for the proposed project. The property is located within a Tier One area of the Unified Sanitary Sewer District.

**9. Prevention of pollution of surface and groundwater.**

- a. Best Available Technologies (BATs) will be used during the design and construction of the property.
- b. Best Management Practices (BMPs) will be used during the design and construction of the property.
- c. The site will utilize Green Technology where feasible for the project.

**10. Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding, and design of drainage so that groundwater recharge is maximized.**

- a. The stormwater management areas will be designed to meet all local, state, and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants leaving the site during construction.

**11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.**

- a. The interior of the project contains sidewalks on both sides of the streets providing pedestrian connection throughout the site.
- b. The road design will conform to Sussex County standards and specifications and will be turned over to the property owner's association(s) for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project and designed by the electric provider.

**12. Effect on area property values.**

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development of Vintners Reserve.

**13. Preservation and conservation of farmland.**

- a. This property is in Level 1 and 2 investment areas that are designated for growth. The size and location of the parcel does not make it viable to be maintained in agricultural use as this area continues to develop.

**14. Effect on schools, public buildings, and community facilities.**

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the public school system.

**15. Effect on area roadways and public transportation.**

- a. The project is located in the Henlopen Transportation Improvement District.
- b. Janice Road will be improved as part of the Cave Neck Road Grade Separated Interchange (GSI).
- c. A full movement access will be allowed on Janice Road and reviewed and approved as part of DelDOT's process.
- d. The interior streets will be designed to Sussex County standards and specifications.

**16. Compatibility with other area land uses.**

- a. The project conforms to the designated zoning for the property and is consistent with the surrounding land uses as mentioned above.
- b. The proposed gross density of the project is 5.12 dwelling units per acre of land.
- c. The density of Whispering Pines is 6.13 units per acre and the density of the Vineyards is 11.94 units per acre.

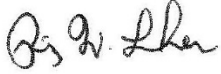
**17. Effect on area waterways.**

- a. The subdivision will provide water quality treatment in accordance with the Sediment and Stormwater Regulations.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

Letter: Vintners Reserve Chapter 99 Response  
December 22, 2022  
Page 5

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at 424-1441

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

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cc: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLP

H

December 22, 2022

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse, Director of Planning

Re: Vintners Reserve  
Tax Parcel No: 3-34-5.00-153.02  
DBF #3808B001

Dear Mr. Whitehouse,

On behalf of our client, Janice CRP3, LLC, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Area, Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. **The proposed improvements will meet or exceed the state regulations for quality and quantity control of stormwater. We intend to use a constructed wetland as well as other Green Technology to meet the quality and quantity requirements. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. The project will provide pre-treatment for hydrocarbons or metals generated from automotive traffic within the site.***
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. **The proposed project is within Tidewater's CPCN and it has provided a willing and able letter. The estimated average for the project is 79,000 GPD and estimated peak use of 237,000 GPD.***
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems. **The proposed project will discharge wastewater to an existing gravity sewer manhole as identified in the Sanitary Sewer Concept Evaluation.***


- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system. The project is located within the Henlopen Transportation Improvement District. The district was designed for this growth.*
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas. There are no records of federally listed endangered or threatened species or their critical habitats listed on this site.*
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site. There are no wetlands on this site.*
- (g) *Provisions for open space as defined in §115-4. The proposed project incorporates active and passive open space amenities. Active open spaces areas consist of a pocket park, community park, dog park, pool house and pool.*
- (h) *A description of provisions for public and private infrastructure. The Developer will improve Janice Road in accordance with DeDOT's rules and regulations. The Developer will also construct the water and sewer mains internally in the project that will be owned and maintained by a public utility. Besides the water and sewer system, all other internal utilities and roadways will be constructed by the Developer and privately maintained.*
- (i) *Economic, recreational, or other benefits. The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community. There are numerous recreational activities provided within the site.*
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places. The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.*
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan. The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.*
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.*



Letter: Vintners Reserve Public Facilities Report  
December 22, 2022  
Page 3

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

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- Public Facilities Report.docx

Cc: David Hutt, Morris James LLP  
Jon Hoffman, Janice CRP3, LLC

1

December 27, 2022

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Georgetown Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, Planning Director

Re: Ritter Farm (2022-02)  
TAC Comment Response  
DBF# 3808B001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Janice CRP3, LLC., we are pleased to submit our formal response to the TAC comments provided to us on December 8, 2022. We have listed each agency as submitted to our office.

**United States Department of Agriculture, Thelon D. Savage**

We have read the report and are familiar with the soils on site.

**Delaware Department of Agriculture, Taryn Davidson**

We have read the comments from the Delaware Forest Service and will select native species for plantings.

The proposed TAC comments did not require a revision to the preliminary plan set.

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at 424-1441

Letter: Ritter Farm – TAC Response  
December 27, 2022  
Page 2

Sincerely,  
DAVIS, BOWEN & FRIEDEL INC.

A handwritten signature in black ink, appearing to read "Ring W. Lardner". The signature is written in a cursive style with a large initial "R".

Ring W. Lardner, P.E.  
Principal

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Cc: Janice CRP3, LLC  
David Hutt, Morris James

J



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT  
100 PENN SQUARE EAST  
PHILADELPHIA PENNSYLVANIA 19107-3390

February 11, 2022

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2021-00821-85  
AAA Storage Lewes SX  
Center coordinates (38.746988°, -75.193053°)

Edward Launay  
Environmental Resources, Incorporated  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Launay:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on December 10, 2021 for a determination of Federal jurisdiction by this office. The site associated with your request is located at an approximately 65 acre parcel at 32172 Janice Road on tax map parcel 334-5.00-153.00 in Lewes, Sussex County, Delaware.

The findings of this AJD are documented in the **enclosed** AJD Form. The findings are also depicted on the **enclosed** plan(s) identified as "RITTER FARM LEWES REHOBOTH HUNDRED TOWN OF LEWES, SUSSEX COUNTY, DELAWARE", prepared by Davis, Bowen & Friedel, Incorporated, July 1, 2021, unrevised, 3 sheets.

A Department of the Army permit is required for work or structures in "navigable waters of the United States" pursuant to Section 10 the Rivers and Harbors Act (RHA) of 1899 and the discharge of dredged or fill material into "waters of the United States" pursuant to Section 404 of the Clean Water Act (CWA). Any proposal to perform these activities within areas of Federal jurisdiction requires prior approval by this office.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to

reevaluate and modify this AJD at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

You may request an administrative appeal of this AJD if you **do not** accept this determination. **Enclosed** you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Ms. Naomi J. Handell  
Regulatory Program Manager (CENAD-PD-OR)  
North Atlantic Division, U.S. Army Corps of Engineers  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5 and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by

**April 14, 2022.**

If you have any questions regarding this matter, please contact Michael D. Yost at (267) 240-5278 or michael.d.yost@usace.army.mil.

Sincerely,

Todd A. Hoernemann  
Section Chief, Application Section I

Enclosures

cc:  
Wetlands and Subaqueous Lands Section, DDNREC  
Wetlands Branch, USEPA Region III

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 8, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OPR-2021-00821-85**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Delaware County/parish/borough: Sussex City: Lewes  
Center coordinates of site (lat/long in degree decimal format): Lat. 38.746988° N, Long. 75.193053° W.  
Universal Transverse Mercator: 483223.824257, 4288717.814347

Name of nearest waterbody: Black Hog Gut

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Old Mill Creek

Name of watershed or Hydrologic Unit Code (HUC): 020402070604

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: February 8, 2022

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.  
Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: **Not Applicable.****

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **The approximatley 61.17 acre site contains approximatley 8.57 acres of aquatic resources (waters and wetlands) as a result of on-going borrow operations. Based off of aerial photoagraphic imagery and topographic maps dating back to 1954, the site was previously agricultural fields until borrow was needed for the construction of Route 1. The borrow site appears between the 1961 and 1968 aerial images.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.



**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: .

Summarize rationale supporting determination: .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .

Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.



(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): .
- Wetland fringe. Characteristics: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width): .
- Vegetation type/percent cover. Explain: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

### C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain: .  
 Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): **The aquatic resources do not meet the definition of waters of the United States as clarified in the preamble of the November 13, 1986 Federal Register (51 FR 41217).**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters’ study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Fiarmonth Quadrangle 1:2400, 1954, 1984 and 2019.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name:Lewes, Delaware.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):Lewes 1954, 1961, 1968, 1992, 2002 and 2012.  
or  Other (Name & Date):Wetland Report October 8, 2021.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The 65.17 acres site is composed of 46.55 acres of agriculture fields and 8.92 acres of developed upland area which includes a mini storage facility, shop building and associated equipment yard, stormwater management facility and upland forest bordering a long standing borrow pit. The borrow pit operations area including uplands encompasses approximately 9.7 acres. The borrow pit has been in operation since the mid 1960's. It was likely used to provide earthen fill for the State Route 1 (SRI) elevated earthen railroad overpass located directly north east of the subject site. Local borrow pits were routinely excavated at locations where elevated bridges and crossings were constructed by DelDOT as part of modern SRI construction improvements.

Areas associated with the 9.7 acre borrow pit operation include a machinery operations area for borrow removal and stockpiling from the 1.35 acre active borrow area. Additionally there is a 4.94 acre area of vegetated wetland, largely dominated by *Phragmites australis* with a fringe of scrub shrub vegetation. A second area at the easterly end of the borrow area supports a 2.28 acre wetland meadow.

The entire borrow pit area is within a well-defined excavated depression with steep slopes. The north east side of the parcel provides an ephemeral swale that connects to an offsite channel that drains under Route 1. The offsite channel parcel also appears to be part of some borrow activity based off of 1984 USGS Topographic Survey. The offsite channel eventually connects to Black Hog Gut on the north east side of Route 1.

Additionally, a stormwater pond located to the north and east of the borrow area appears in aerial imagery between 1992 and 2002 and is constructed wholly in uplands.

The aquatic resources do not meet the definition of waters of the United States as clarified in the preamble of the November 13, 1986 Federal Register (51 FR 41217)..

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

|                                     |  |                   |
|-------------------------------------|--|-------------------|
| Applicant: AAA Storage              | File Number: NAP-2021-00821-85                                     | Date: 2/11/2022   |
| Attached is:                        |  | See Section below |
| <input type="checkbox"/>            | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                 |
| <input type="checkbox"/>            | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                 |
| <input type="checkbox"/>            | PERMIT DENIAL  | C                 |
| <input checked="" type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION                              | D                 |
| <input type="checkbox"/>            | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                 |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Philadelphia District  
ATTN: CENAP-OPR  
Wanamaker Building, 100 Penn Square East  
Philadelphia, PA 19107-3390  
Telephone: (215) 656-6728  
E-mail: NAPREGULATORY@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Ms. Naomi J. Handell  
Regulatory Program Manager (CENAD-PD-OR) U.S. Army Corps of Engineers Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, New York 11252-6700  
Telephone: (917) 790-8523  
E-mail: Naomi.J.Handell@usace.army.mil

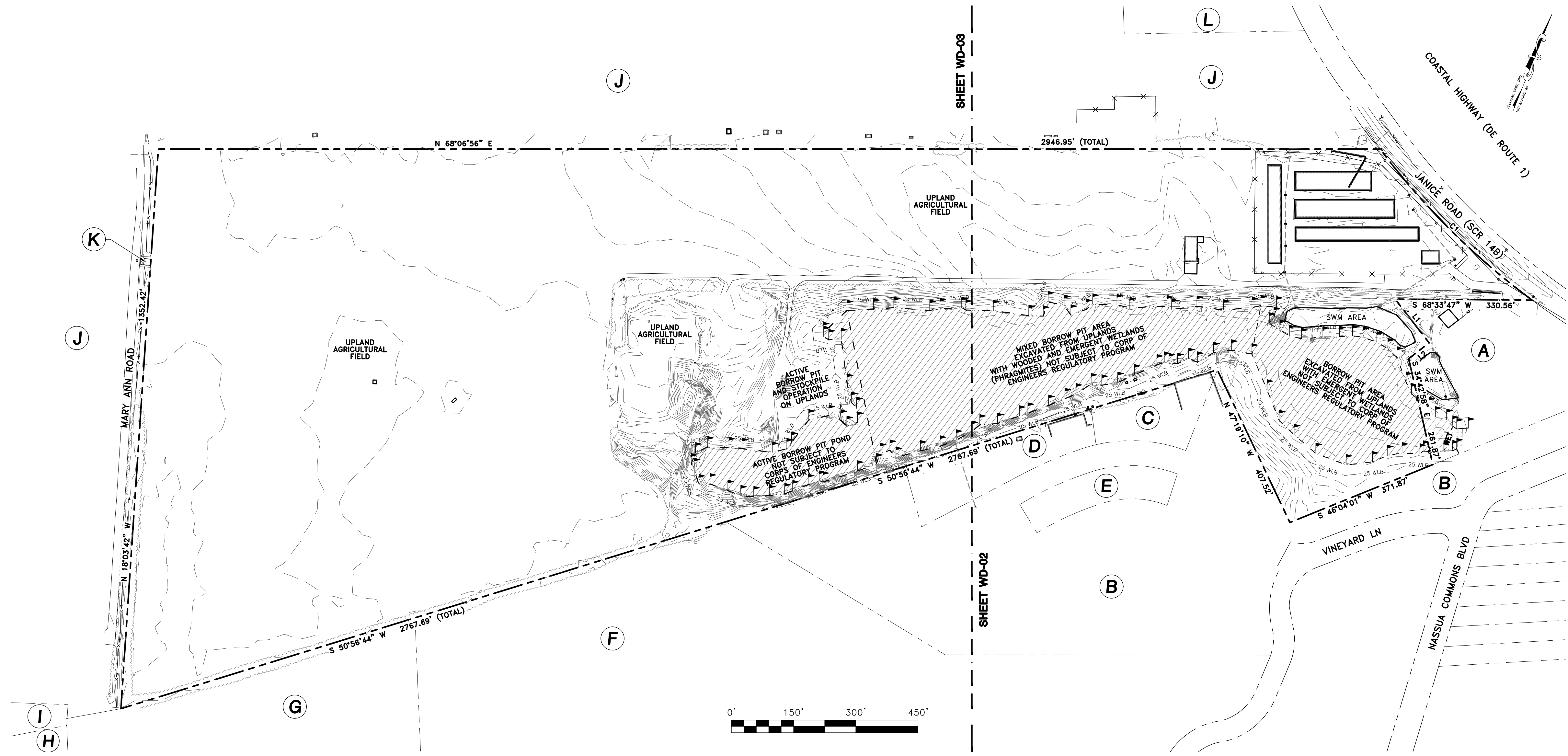
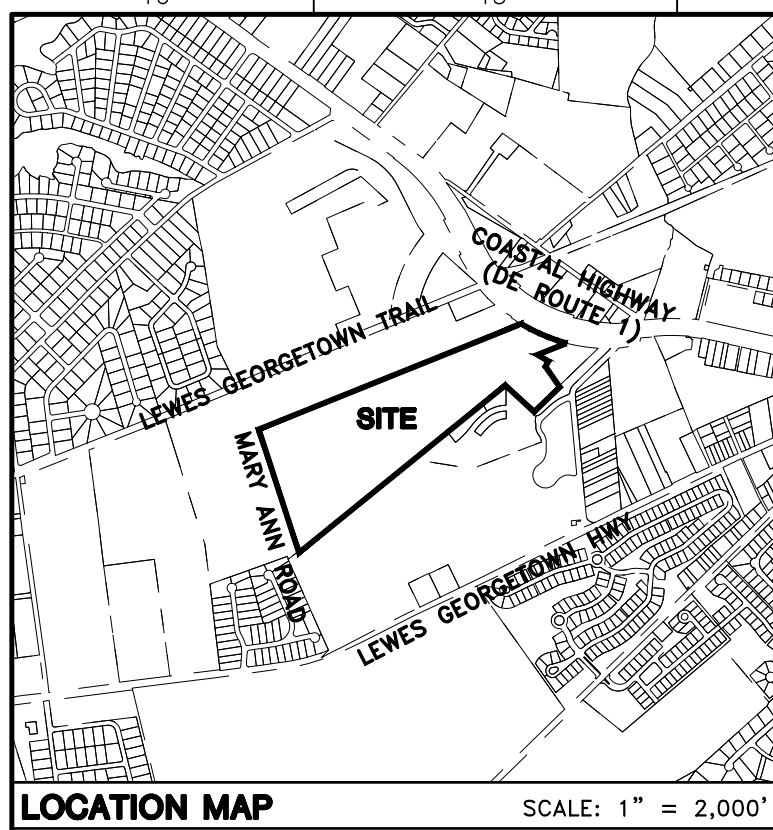
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

# BOUNDARY OF WATERS OF U.S. SUBJECT TO CORP OF ENGINEERS REGULATORY PROGRAM



### DATA COLUMN

TAX MAP ID: 334-5.00-153.00  
 DEED REFERENCE: DB 3319 PG 126  
 DATUM: NAVD 88  
 VERTICAL: NAD 83 (DE STATEPLANE)  
 HORIZONTAL:  
 ZONING: C-1 (GENERAL COMMERCIAL)  
 EXISTING:  
 AREA: 65.1697± ACRES  
 TOTAL SITE AREA:  
 PROPERTY OWNER/DEVELOPER:  
 AAA STORAGE LIMITED PARTNERSHIP  
 22114 RITTER LN.  
 HARBESON, DE 19951  
 PHONE: 302-XXX-XXXX  
 FAX: 302-XXX-XXXX  
 ENGINEER:  
 DAVIS, BOWEN & FRIEDEL, INC.  
 RING LARONER, P.E.  
 1 PARK AVENUE  
 MILFORD, DE 19963  
 PHONE: 302-424-1441  
 FAX: 302-424-0430

| PROPERTY LINE TABLE |               |          |  |
|---------------------|---------------|----------|--|
| LINE                | BEARING       | DISTANCE |  |
| L1                  | S 59°45'06" E | 135.55'  |  |
| L2                  | S 30°14'54" W | 62.37'   |  |

| PROPERTY CURVE TABLE |          |            |              |               |             |
|----------------------|----------|------------|--------------|---------------|-------------|
| CURVE                | RADIUS   | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
| C1                   | 1797.02' | 518.65'    | 516.85'      | S 67°03'37" E | 16°32'11"   |

### AREA TABLE

|   |                          |                  |
|---|--------------------------|------------------|
| ACTIVE BORROW PIT & STOCKPILE OPERATION ON UPLANDS  | 49,242 SQ. FT.           | 1.13 AC.         |
| ACTIVE BORROW PIT POND AND OPERATIONAL AREA   | 58,975 SQ. FT.           | 1.35 AC.         |
| MIXED BORROW PIT AREA EXCAVATED FROM UPLANDS WITH WOODED AND EMERGENT WETLANDS (PHRAGMITES) | 215,304 SQ. FT.          | 4.94 AC.         |
| BORROW PIT AREA EXCAVATED FROM UPLANDS WITH EMERGENT WETLANDS                               | 99,338 SQ. FT.           | 2.28 AC.         |
| UPLAND AGRICULTURAL FIELDS  | 2,027,755 SQ. FT.        | 46.55 AC.        |
| OTHER DEVELOPED & UNDEVELOPED UPLANDS   | 388,181 SQ. FT.          | 8.92 AC.         |
| <b>TOTAL SITE AREA</b>  | <b>2,838,794 SQ. FT.</b> | <b>65.17 AC.</b> |

### ADJACENT PROPERTY OWNERS

| PARCEL#           | OWNER                          | DEED           | ZONING |
|-------------------|--------------------------------|----------------|--------|
| A 334-5.00-153.01 | LEWIS FIRE DEPARTMENT INC.     | DB 3319 PG 126 | C-1    |
| B 334-5.00-152.00 | BAR-SGR LLC                    | DB 2172 PG 207 | C-1    |
| C 334-5.00-152.01 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| D 334-5.00-152.02 | NASSAU VALLEY VINEYARDS LP     | DB 1894 PG 129 | C-1    |
| E 334-5.00-152.03 | NASSAU VALLEY VINEYARD LP      | DB 1894 PG 129 | C-1    |
| F 334-5.00-152.06 | BAR-SGR LLC                    | DB 5199 PG 225 | C-1    |
| G 334-5.00-152.12 | FERNWOOD HOLDINGS AT VINEYARDS | DB 5270 PG 285 | C-1    |
| H 334-5.00-287.00 | ADRIANE PINZARU & LEAH GREER   | DB 3520 PG 84  | AR-1   |
| I 334-5.00-288.00 | WES R FRUEHAUF                 | DB 3097 PG 209 | AR-1   |
| J 334-5.00-155.00 | MHC WHISPERING PINES LLC       | DB 0 PG 0      | AR-1   |
| K 334-5.00-155.02 | SUSSEX COUNTY                  | DB 2106 PG 3   | AR-1   |
| L 334-5.00-154.00 | LEWIS SENIOR CITIZENS CENTER   | DB 0 PG 0      | C-1    |

### SHEET INDEX

|                                     |       |
|-------------------------------------|-------|
| BOUNDARY OR WATER OF U.S. OVERVIEW  | WD-01 |
| BORROW PIT DELINEATION PLAN & TABLE | WD-02 |
| BORROW PIT DELINEATION PLAN & TABLE | WD-03 |

### WETLANDS STATEMENT

I, EDWARD M. LAUNAY, PWS, STATE THAT THERE ARE NO WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM PRESENT ON THIS PROPERTY AS DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND ITS SUPPLEMENTAL GUIDANCE INCLUDING THE ATLANTIC AND GULF COAST REGIONAL SUPPLEMENT (VERSION 2.0) AND THE 2020 NAVIGABLE WATERS PROTECTION RULE. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, SENIOR PWS NO. 875  
 SOCIETY OF WETLANDS SCIENTISTS  
 CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B

### LEGEND

- WATERS OR WETLANDS WITHIN BORROW PIT EXCAVATED FROM UPLANDS NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
- WETLAND FLAG AND LABEL
- PROPERTY LINE
- EXISTING WOODS LINE
- EXISTING TOPOGRAPHIC CONTOUR
- BOUNDARY OF BORROW PIT AREA WETLANDS NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM

**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 MARKET STREET  
 MILFORD, DELAWARE 19963  
 (302) 424-1441  
 (410) 770-4714

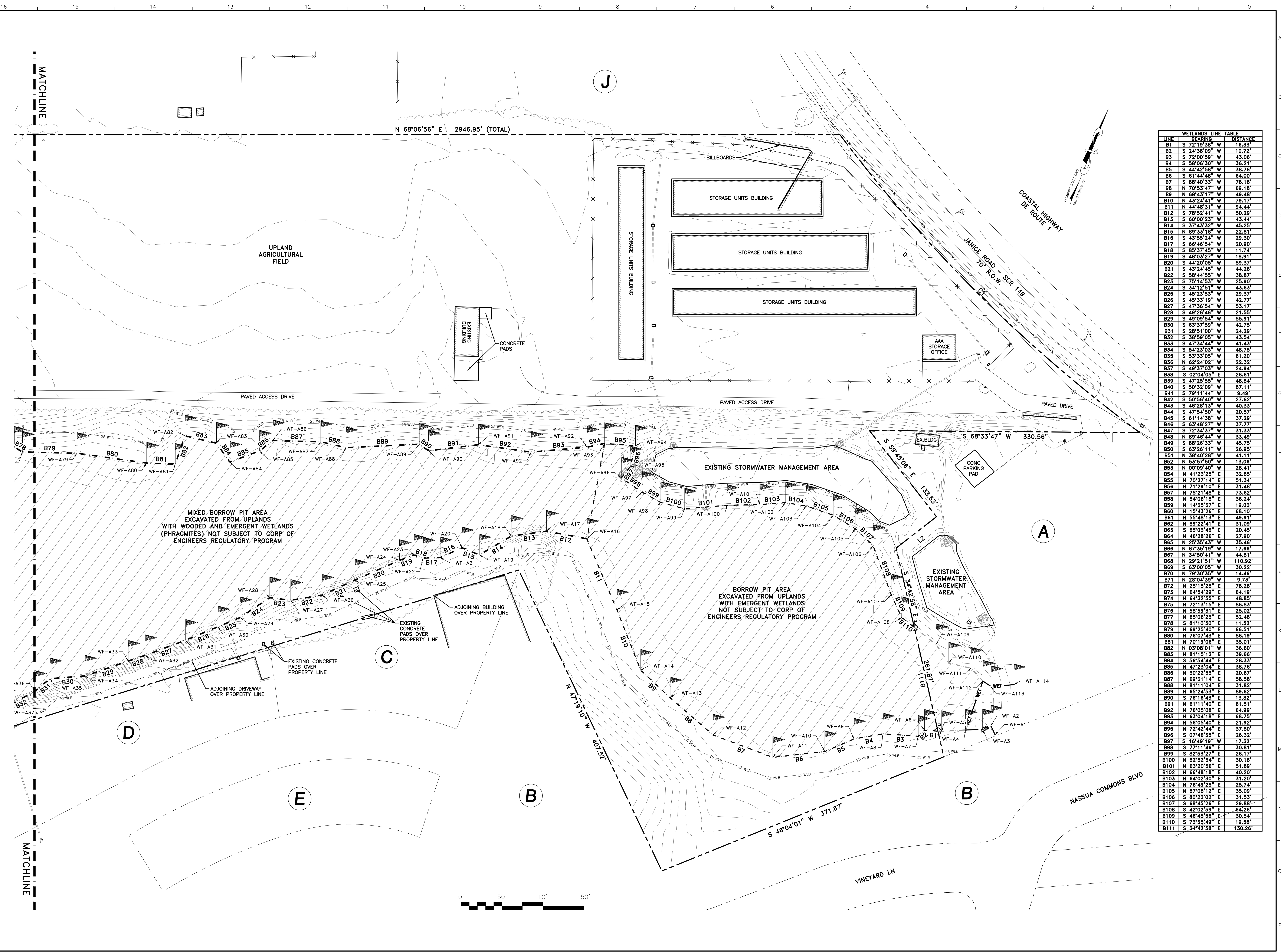
**RITTER FARM**  
**LEWIS REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 150'  
 Dwn. By: DEG  
 Proj. No.: P3808A21  
 Dwg. No.:

**WD-01**

\\MLO\Civil\Chesapeake Realty\3808A21 - Ritter Farm\Design\Wetland Delineation.dwg Sep. 13, 2021 - 8:40am GREED



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| B1   | S 72°19'58" W | 16.53    |
| B2   | S 24°58'09" W | 10.72    |
| B3   | S 72°00'59" W | 43.06    |
| B4   | S 58°06'30" W | 36.21    |
| B5   | S 44°42'58" W | 38.76    |
| B6   | S 61°44'48" W | 64.00    |
| B7   | S 68°40'33" W | 78.18    |
| B8   | N 70°53'47" W | 69.18    |
| B9   | S 68°43'17" W | 49.48    |
| B10  | N 43°24'41" W | 79.17    |
| B11  | N 44°48'31" W | 94.44    |
| B12  | S 78°52'41" W | 50.29    |
| B13  | S 60°00'23" W | 43.44    |
| B14  | S 37°43'32" W | 45.25    |
| B15  | N 89°33'18" W | 22.81    |
| B16  | S 43°55'24" W | 29.30    |
| B17  | S 58°44'55" W | 38.87    |
| B18  | S 65°37'45" W | 11.74    |
| B19  | S 48°03'27" W | 18.91    |
| B20  | S 44°20'05" W | 59.37    |
| B21  | S 43°24'45" W | 44.26    |
| B22  | S 58°44'55" W | 38.87    |
| B23  | S 75°14'53" W | 25.90    |
| B24  | S 34°12'51" W | 43.63    |
| B25  | S 45°23'53" W | 29.37    |
| B26  | S 45°33'19" W | 42.77    |
| B27  | S 47°36'54" W | 55.17    |
| B28  | S 49°28'46" W | 21.55    |
| B29  | S 49°09'54" W | 55.91    |
| B30  | S 63°37'59" W | 42.75    |
| B31  | S 28°51'00" W | 24.29    |
| B32  | S 38°59'05" W | 43.54    |
| B33  | S 47°34'44" W | 41.43    |
| B34  | S 44°23'03" W | 48.75    |
| B35  | S 53°33'05" W | 61.20    |
| B36  | N 62°24'02" W | 22.32    |
| B37  | S 49°37'03" W | 24.94    |
| B38  | S 02°04'05" E | 26.51    |
| B39  | S 17°25'55" W | 48.84    |
| B40  | S 50°32'09" W | 87.11    |
| B41  | S 79°11'44" W | 9.49     |
| B42  | S 50°56'40" W | 27.82    |
| B43  | S 48°28'13" W | 40.33    |
| B44  | S 17°54'50" W | 20.57    |
| B45  | S 61°14'38" W | 37.29    |
| B46  | S 63°48'27" W | 37.77    |
| B47  | S 72°34'37" W | 31.33    |
| B48  | N 89°46'44" W | 33.49    |
| B49  | S 88°28'33" W | 45.73    |
| B50  | S 63°26'11" W | 26.95    |
| B51  | N 38°40'28" W | 41.11    |
| B52  | N 53°57'50" W | 13.06    |
| B53  | N 00°09'40" W | 28.41    |
| B54  | N 41°23'25" W | 32.85    |
| B55  | N 70°27'14" E | 51.84    |
| B56  | N 71°29'10" E | 31.48    |
| B57  | N 75°21'48" E | 73.62    |
| B58  | N 54°06'18" E | 36.24    |
| B59  | N 14°35'57" E | 19.03    |
| B60  | N 15°43'26" E | 68.10    |
| B61  | N 55°48'13" E | 49.91    |
| B62  | N 89°22'41" E | 31.09    |
| B63  | S 85°03'46" E | 20.45    |
| B64  | N 48°28'26" E | 27.90    |
| B65  | N 25°35'43" W | 35.46    |
| B66  | N 67°35'19" W | 17.66    |
| B67  | N 34°50'41" W | 44.81    |
| B68  | N 29°21'51" W | 110.92   |
| B69  | S 63°00'05" W | 30.22    |
| B70  | N 79°50'35" W | 14.46    |
| B71  | N 28°04'39" W | 9.73     |
| B72  | N 25°15'28" E | 78.28    |
| B73  | N 64°54'29" E | 64.19    |
| B74  | N 64°32'55" E | 48.85    |
| B75  | N 72°13'15" E | 86.83    |
| B76  | N 58°59'51" E | 25.02    |
| B77  | N 65°06'23" E | 52.48    |
| B78  | S 81°10'50" E | 11.52    |
| B79  | N 69°25'40" E | 66.51    |
| B80  | N 78°07'43" E | 86.19    |
| B81  | N 70°19'06" E | 35.01    |
| B82  | N 03°08'01" W | 36.60    |
| B83  | N 81°15'12" E | 39.66    |
| B84  | S 58°54'44" E | 28.33    |
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| B93  | N 63°04'18" E | 68.75    |
| B94  | N 56°05'40" E | 21.92    |
| B95  | N 72°42'44" E | 37.80    |
| B96  | S 07°46'55" E | 29.32    |
| B97  | S 18°49'19" W | 17.32    |
| B98  | S 77°11'46" E | 30.81    |
| B99  | S 82°53'27" E | 26.17    |
| B100 | N 82°52'34" E | 30.18    |
| B101 | N 63°20'56" E | 51.89    |
| B102 | N 68°48'18" E | 40.20    |
| B103 | N 64°02'30" E | 31.20    |
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| B105 | N 87°08'12" E | 35.09    |
| B106 | S 80°23'02" E | 31.53    |
| B107 | S 68°45'28" E | 24.28    |
| B108 | S 42°02'59" E | 64.28    |
| B109 | S 46°45'56" E | 30.54    |
| B110 | N 73°35'49" E | 19.58    |
| B111 | S 34°42'58" E | 130.26   |

DAVIS, BOWEN & FRIEDEL, INC.  
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 1300 MARKET STREET  
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 (302) 421-1411  
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 (410) 770-4714

**BITTER FARM**  
**LEWES REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

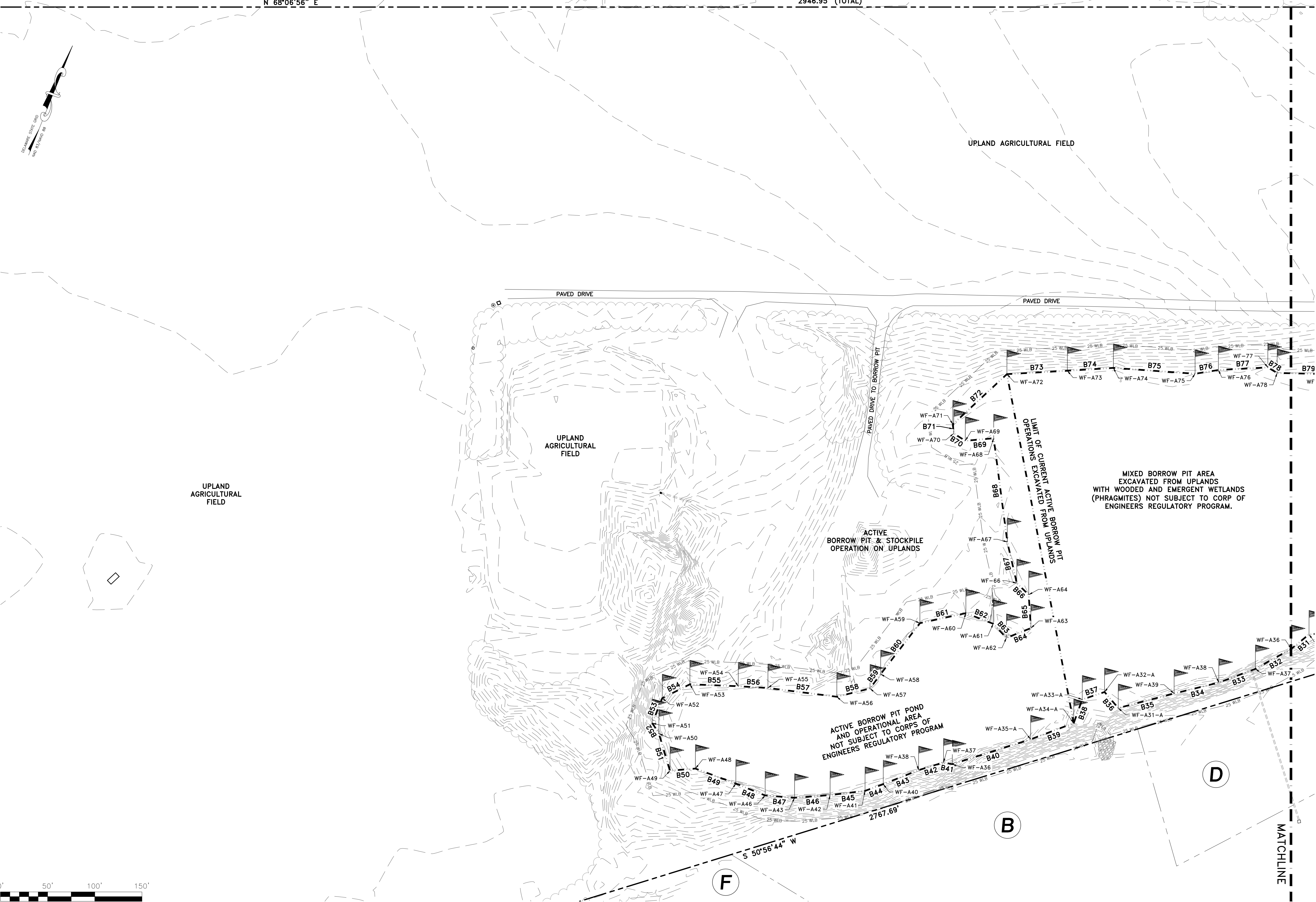
Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
 2021-09-10 WETLANDS DELINEATOR COMMENTS

Date: JULY 2021  
 Scale: 1" = 50'  
 Dwn.By: DEG  
 Proj.No.: P3808A21  
 Dwg.No.: WD-02

**WD-02**

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| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| B1   | S 72°19'58" W | 16.33    |
| B2   | S 24°38'09" W | 10.72    |
| B3   | S 72°00'59" W | 43.06    |
| B4   | S 58°06'30" W | 36.21    |
| B5   | S 44°42'58" W | 38.76    |
| B6   | S 61°44'48" W | 64.00    |
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| B12  | S 78°52'41" W | 50.29    |
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| B17  | S 66°46'54" W | 20.90    |
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| B33  | S 47°34'44" W | 41.43    |
| B34  | S 54°23'03" W | 48.75    |
| B35  | S 53°33'05" W | 61.20    |
| B36  | N 62°24'02" W | 22.32    |
| B37  | S 49°37'03" W | 24.94    |
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| B68  | N 29°21'51" W | 110.92   |
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| B77  | N 65°06'23" E | 52.48    |
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| B79  | N 69°25'40" E | 66.51    |
| B80  | N 76°07'43" E | 86.19    |
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| B82  | N 03°08'01" W | 36.60    |
| B83  | N 81°15'12" E | 39.66    |
| B84  | S 56°54'44" E | 28.33    |
| B85  | N 47°23'04" E | 38.76    |
| B86  | N 30°22'53" E | 20.67    |
| B87  | N 69°31'14" E | 58.58    |
| B88  | N 81°11'04" E | 31.82    |
| B89  | N 65°24'53" E | 89.62    |
| B90  | S 76°16'43" E | 13.82    |
| B91  | N 61°11'40" E | 61.51    |
| B92  | N 76°05'08" E | 64.99    |
| B93  | N 63°04'18" E | 68.75    |
| B94  | N 56°05'40" E | 21.92    |
| B95  | N 72°42'44" E | 37.80    |
| B96  | S 07°46'35" E | 26.32    |
| B97  | S 18°49'19" W | 17.32    |
| B98  | S 77°11'46" E | 30.81    |
| B99  | S 82°53'27" E | 26.17    |
| B100 | N 82°52'34" E | 30.18    |
| B101 | N 63°20'56" E | 51.89    |
| B102 | S 68°45'24" E | 28.88    |
| B103 | S 42°02'59" E | 64.26    |
| B104 | S 46°45'56" E | 30.54    |
| B105 | S 73°35'49" E | 19.58    |
| B111 | S 34°42'58" E | 130.26   |



**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 MARKET STREET, SUITE 200  
 WILMINGTON, DELAWARE 19801  
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**BITTER FARM**  
**LEWES REHOBETH HUNDRED**  
**TOWN OF LEWES, SUSSEX COUNTY, DELAWARE**

Revisions:  
 2021-08-04 WETLANDS DELINEATOR COMMENTS  
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 Proj. No.: P3808A21  
 Dwg. No.:

**WD-03**

BORROW PIT DELINEATION PLAN & TABLE

\\MLO\Civil\Chesapeake Realty\3808A21 - Ritter Farm\Design\Wetland Delineation.dwg Sep. 13. 2021 - 8:41am GRED

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**K**

December 22, 2022

*Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP*

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: **Vintners Reserve**  
Chapter 89-7 Excellent Groundwater Recharge Area Response  
Tax Map No.: 3-34-5.00-153.02  
DBF #: 3808B001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Janice CRP3, LLC, we are pleased to demonstrate that the proposed development, Vintners Reserve provides careful consideration of the following items in Sussex County Chapter 89-7:

A. Except as otherwise noted in this chapter, within zoning districts established under Article II of Chapter 115:

- 1. The requirements of this chapter do not impose any limitations upon land development, provided the impervious cover of any portion of the tax parcel located within the excellent recharge area is 35% or less.**
  - a. The impervious cover of the proposed development within the excellent recharge area is less than 35%.
- 2. Impervious cover of that portion of a tax parcel within the excellent groundwater recharge area which is greater than 35% but no more than 60% is allowed, provided the applicant demonstrates through an environmental assessment report prepared by a registered professional geologist or registered professional engineer familiar with the hydrogeologic characteristics of Sussex County and using a climatic water budget that will insure that post-development recharge quantity will meet or exceed the existing (predevelopment) recharge quantity. Beneficial efforts to mitigate**

**discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**

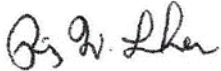
- a. The impervious cover of the proposed development within the excellent recharge area is less than 35%.

**3. For all new construction where the impervious surfaces exceed 60% or where the level of post-development recharge is less than predevelopment recharge, all structures shall be required to discharge roof drains into underground recharge systems or into permeable surfaces that allow the discharges to infiltrate into the ground. Efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**

- a. The impervious cover of the proposed development within the excellent recharge area is less than 35%.

On behalf of our client, we thank you for your review and consideration of this response. Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [rwl@dbfinc.com](mailto:rwl@dbfinc.com).

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

*P:\Chesapeake Reality\380&A21 - Ritter Farm- Vintners Reserve\Documents\P&Z\BOOKLET\2023-01-03 Final P&Z Booklet\K - Chapter 99 Response.docx*

Cc: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLP

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

July 22, 2021

Jamie Whitehouse, AICP  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

RE: PLUS review 2021-06-15; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map to move one parcel from the Commercial Area to the Coastal Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

**Office of State Planning Coordination – Contact Dorothy Morris 739-3090**

This parcel is surrounded by Coastal area and is currently slated for a higher use, commercial. It is also within levels 1 and 2 according to the Strategies for State Policies and Spending. The state has no objections to the amendment as written.

Please note that not objecting to the amendment does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development will need to be reviewed for state comments.

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

- This amendment would facilitate the development of the balance of a property served by Janice Road. Janice Road, at present, is effectively a cul-de-sac, with public access only on Delaware Route 1.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901  
Phone (302)739-3090 · Fax (302) 739-5661 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

- DelDOT presently is developing plans for the Minos Conaway Grade Separated Intersection (GSI). The GSI, in part, will convert Janice Road to a service road, increasing traffic on the road but providing a connection north to Minos Conaway Road and thereby improving access to properties along Janice Road. Information on that effort is available at <https://delDOT.gov/projects/index.shtml?dc=details&projectNumber=T201612501>
- Separate from the Minos Conaway GSI, one of the projects identified as part of the Henlopen Transportation Improvement District (TID) is to make Nassau Commons Boulevard a public road and improve it to meet DelDOT's Local Road standards. That project would provide a public connection from Janice Road to US Route 9.
- The subject land is in the Henlopen TID and DelDOT will evaluate specific development proposals for the subject land when they are submitted for consistency with the land use assumptions used to develop the TID. Development consistent with those assumptions would not require a Traffic Impact Study. In the absence of a DelDOT project to build the Nassau Commons Boulevard improvement mentioned above, DelDOT may task the developer in that regard in exchange for credit against their TID fees.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

- Sussex County proposes to rezone one parcel from Commercial Area to Coastal Area. DNREC reviewers have no comments, concerns, or objections specific to environmental features on the site.

**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric archaeological potential is low. While there are well-drained soils, most of the parcel is not within favorable distance to a water source, nor are there any comparable sites nearby. The part of the parcel that was within favorable distance has now been turned into a pond and other ground disturbance has occurred.
- Historic archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination

December 22, 2022

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: Vintners Reserve  
PLUS Review 2021-12-06 Response  
Tax Map # 334-5.00-153.02  
DBF#3808B001

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Dear Mr. Whitehouse,

On behalf of our client Janice CRP3, LLC, we offer the following in response to the State's comments:

### **Strategies for State Policies and Spending**

*Currently this parcel is within the commercial area according to the Sussex County comprehensive plan. In June 2021 the applicant sought a comp plan amendment to change the Future Land use map from Commercial to Coastal. The state had no objection to this amendment, but it is my understanding that the amendment has not been approved at this time. This amendment must be approved for the Ritter farm project to move forward.*

*With that said, this parcel is located in a Level 2 according to the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas, provided Sussex County makes the proposed amendment and the proposed development meets the county codes.*

**We have read the above comments and the comprehensive plan amendment will be heard concurrently with the project. We further recognize that the site is within a Level 2 investment area.**

## **Code Requirements/Agency Permitting Requirements**

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

- *The site access on Janice Road (Sussex Road 14B) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*
- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017). The Project Coordination Meeting held on November 8, 2021 is not sufficient for this purpose.*
- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*
- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,704 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 105 and 132, respectively. Therefore, a TIS would normally be required.*

*The subject development is located in the Henlopen Transportation Improvement District (TID). The traffic projections for the TID assumed development of the subject land with 81 single-family detached houses which, using the (ITE) Trip Generation Manual, would generate 62 and 83 weekday morning and evening peak hour trip ends, respectively. Because the rules for determining consistency with the TID allow up to 49 additional weekday peak hour trip ends, the proposed development is consistent with the TID and a separate TIS is not required.*

*As authorized in Section 2.2.2.4 of the DelDOT Development Coordination Manual, DelDOT will require that the developer participate in the TID rather than do any off-site improvements that might be warranted beyond their entrance. In accordance with Section 2.4 of the Manual, the applicant will be required to sign an agreement and pay a*

*fee of per lot. The fee may be paid separately for each lot but is subject to a surcharge if it is not paid for the entire plan at once.*

*In part, the TID agreement will provide that the applicant may receive credit against their fee for construction planned as part of the TID. Entrance construction is generally not considered eligible for such credit.*

*DelDOT asks that the applicant contact their Subdivision Manager for this part of the county, Mr. Derek Sapp, for routine matters regarding the agreement. Mr. Yates may be reached at [Derek.Sapp@delaware.gov](mailto:Derek.Sapp@delaware.gov) or (302)760-4803. As necessary, the applicant may also contact Ms. Sarah Coakley, a Principal Planner in DelDOT's Regional System Planning Section who manages DelDOT's TID program. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.*

*Apart from the TID, DelDOT is developing a capital project to grade-separate the intersection of Delaware Route 1 and Minos Conaway Road (Sussex Road 265). That project, scheduled for construction, beginning in Fiscal Year 2023 and ending in Fiscal Year 2025, will include improvements to Janice Road that will need to be coordinated with the site entrance construction.*

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Janice Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Janice Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" This is the minimum standard width. Coordination with DelDOT's Division of Transportation Solutions will be needed regarding the specific rights-of-way needed to accommodate DelDOT's planned improvements to Janice Road.*
- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot-wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot-wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*
- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
  - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*

- *Depiction of all existing entrances within 300 feet of the site entrance.*
- *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. The November 2017 record plan for Phase 3 of Vineyards at Nassau Valley includes a 50-foot-wide access easement about 500 feet from the north end of the two developments common property line. DelDOT anticipates recommending that Sussex County require an interconnection.*
- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. If a frontage SUP or sidewalk is not included in the Minos Conaway Road project, DelDOT would require its construction in exchange for credit toward the TID fee.*
- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Janice Road.*
- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**We have read DelDOT's comments and will comply with their rules and regulations.**

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

***Wetlands***

*Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site. While the application does not indicate that a wetlands delineation has been completed, a wetland buffer is shown on the preliminary plan. The preliminary plan avoids disturbance to these areas.*

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply as described below.*
- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may need to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers triggers additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification).*

*Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.*

*Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>*

*State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.*

*Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

**We have received confirmation from the U.S. Army Corps of Engineers that there are no non-tidal jurisdictional wetlands on this parcel.**

***Vegetated Buffer Zones***

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.*

*Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.*

*Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

**The project will comply with all required buffers.**

***Stormwater Management***

*This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's Sediment and Stormwater Regulations.*

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this*



*project, the plan review agency is the Sussex Conservation District.*

- *Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*
- *Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

*Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.*

*Website: <https://www.sussexconservation.org/>*

*General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.*

*E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).*

*Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>*

**We are aware of the stormwater regulations and will follow the requirements for submission to the district.**

### ***Excellent Groundwater Recharge Area***

*An Excellent Groundwater Recharge Area is located on the southwest corner portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.*

- *The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.*

*Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.*

*Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>*

**We are aware of the small portion of this site located within the excellent groundwater recharge and this area will not have more than 35% impervious coverage.**

### ***Wastewater permits – Large Systems***

*Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.*

- *If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee to notify the Large Systems Branch.*

*Contact: DNREC Large Systems Branch at (302) 739-9948.*

*Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>*

**We thank you for the information.**

### ***Nutrient Management Plan***

*This project proposes open space, the acreage of which is yet to be determined.*

- *A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.*

*Contact: Delaware Department of Agriculture's Nutrient Management Program at (302)*

*698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>*

**A nutrient management plan will be prepared if nutrients will be applied.**

### ***State Historic Preservation Office – Contact Carlton Hall 736-7400***

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are no known historic resources on the parcel. Historic aerials and topographic maps do not show anything on the parcel for the past hundred years. By 1992, there is significant ground disturbance on the parcel. As there are no known historic resources on the parcel and historic aerials show disturbance on the parcel, there is low potential for historic archaeological sites on the parcel.*

**We thank SHPO for their comments.**

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

*At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:*

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 foot spacing on center.*
- *Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.*

Fire Protection Features:

- *For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan*

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Janice Road must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.*
- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

Gas Piping and System Information:

- *Provide type of fuel proposed and show locations of bulk containers on plan.*

Required Notes:

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *Proposed Use*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Townhouse 2-hr separation wall details shall be shown on site plans*
- *Provide Road Names, even for County Roads.*

**We thank the fire marshal for their comments and will comply with the Fire Prevention Regulations.**

**Recommendations/Additional Information**

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

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

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Janice Road.*
- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*
- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of*

March 21, 2019 and March 16, 2021. The notes can be found at  
<https://www.deldot.gov/Business/subdivisions/>

We thank DelDOT for the additional comments and will comply with the department's rules and regulations.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

***Wetlands***

- *As proposed for this project, do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.*

*Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.  
Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>*

*State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

As note earlier, this project does not contain non-tidal wetlands.

***Vegetated Buffer Zones***

- *Expand the 25-foot buffer to no less than 100 feet from the edge of wetlands and ponds to protect water quality and to provide an additional margin of safety for flooding.*
- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*

- *Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**The project does not contain wetlands and therefore buffers are not required.**

### ***Stormwater Management***

- *Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.*
- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

**We thank DNREC for the additional comments.**

### ***Drainage***

- *All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.*
- *Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.*
- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*
- *Contact: DNREC Drainage Program at (302) 855-1930.*  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

**We thank DNREC for the additional comments regarding drainage.**

### ***Water Quality (Pollution Control Strategies)***

- *This site lies within the Broadkill Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.*
- *Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.*
- *Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.*
- *Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.*
- *Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.*

*Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>*

**The project will comply with TMDLs and / or the PCS as necessary.**

### ***Excellent Groundwater Recharge Area***

- *For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.*

*Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.  
Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>*

**The impervious area within the recharge area will be less than 35% as required by the Sussex County code.**

### ***Mosquitoes***

- *The project will be impacted by mosquitoes due to its location near large expanses of freshwater wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.*

- *If necessary, arrange for long-term mosquito control services through a private company licensed in this area of specialty. In some cases, the DNREC Mosquito Control Section may be able to provide these services free of charge.*

Contact: DNREC Division of Fish and Wildlife, Mosquito Control Section at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

**We thank DNREC for the additional comments.**

### ***Additional Sustainable Practices***

- *Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.*
- *Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.*
- *Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.*
- *Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.*
- *Install electric vehicle charging stations for your residents. Increasingly, residents will expect EV charging. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).*
- *Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).*



- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

We thank DNREC for the additional information.

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- *Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings.*
- *The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:*  
<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>
- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.*

We thank the fire marshal for the additional comments.

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

- *DSHA supports the subdivision plan for 313 townhomes on 61 acres along Janice Road in Sussex County. This proposal is located in a great location with high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed. While the rezoning will result in a relatively low density of 5 units per acre, townhomes are often more affordable to the many county residents who work in the coastal resort economy.*
- *This site is also located within a DSHA-defined “Area of Opportunity” which are strong, high value markets, with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. Unfortunately, these same areas contain little affordable housing. The need for housing affordable, particularly in the coastal resort area, is acute and well documented. For well over 10 years, the gap between the highest earners and the average wage group has grown. Compounded with wages not increasing proportionally to housing costs, many residents were already experiencing housing insecurity by the beginning of 2020. The*

*onset of the COVID pandemic then exposed the inequity of those hardest hit, increased the number of residents experiencing housing insecurity, and placed those already struggling into dire housing circumstances.*

- *Community opposition has been particularly aggressive in the Lewes-Rehoboth area which has often delayed the availability of more affordable housing options or prevented them being built altogether – which has exacerbated the housing insecurity experienced by so many county households. Approving this subdivision plan will permit residents to live close to their jobs, gain access to the resources and benefits this area provides, and begin to mitigate the housing insecurity experienced by so many county residents.*

**We thank DSHA for the additional comments.**

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- *The parcel is located within an area of minimal flood concern (1000 year or greater); however, this is expected to increase over the next 30 years. First Street Foundation rates the community risk level of 3, which suggests a major risk from flooding, combining risks associated between residential properties, commercial properties, critical infrastructure facilities, social infrastructure facilities and roads, between now and the next 30 years.*

*The county has a population density of 265.20 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block has a total population of 531 people, though with development, this will certainly change. Adjacent blocks bring the area to a total population of 1546, primarily adults.*

*The parcel is located within the County's evacuation zone C; directly across the street from Zone B. According to FEMA's National Risk Index, the parcel is considered relatively low for natural hazards. Both its social vulnerability and community resilience is currently rated as relatively moderate.*

*In terms of energy use and consumption, the region utilizes electricity as the predominant fuel type, with liquid propane coming in second, and natural gas as a close third. As such, the parcel has a photovoltaic power potential of 1505 kWh per kWp. DEMA strongly encourages the use of renewable energies and high efficiency appliances and utilities. As such, should solar panels be utilized, we recommend an optimum tilt of the photovoltaic modules to be at approximately 35 degrees. In terms of utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery back up systems for sump pumps to reduce potential water damage from power failure.*

*Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roof where applicable*

*and allowable, and the like.*

**We thank DEMA for the additional information.**

If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at [rw1@dbfinc.com](mailto:rw1@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.

Sincerely,  
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.  
Principal

P:\Chesapeake Reality\3808A21 - Ritter Farm- Vintners Reserve\Documents\P&Z\BOOKLET\2022-12-22 Second P&Z Draft\K - PLUS Comment Response Letter.docx

CC: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLC

## David C. Hutt

---

**From:** Bulkilvish, Samantha (OMB) <Samantha.Bulkilvish@delaware.gov>  
**Sent:** Thursday, September 29, 2022 3:42 PM  
**To:** Ring Lardner; Morris, Dorothy (OMB)  
**Cc:** Jamie Whitehouse; David C. Hutt  
**Subject:** RE: Ritter Farm PLUS Review 2021-12-06

Ring,

David and I are in agreement that the project would not have to come back through PLUS. Please let me know if you have any more questions.

Best,  
Samantha

**Samantha Bulkilvish, AICP**, Planner V  
Delaware Office of State Planning Coordination  
(302)672-5137 | <https://stateplanning.delaware.gov>

**From:** Ring Lardner <rw@dbfinc.com>  
**Sent:** Thursday, September 29, 2022 9:32 AM  
**To:** Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Cc:** Bulkilvish, Samantha (OMB) <Samantha.Bulkilvish@delaware.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Hutt, David C. (DHutt@morrisjames.com) <DHutt@morrisjames.com>  
**Subject:** Ritter Farm PLUS Review 2021-12-06

Dorothy,

Good Morning! On December 15, 2021, the Ritter Farm was reviewed by PLUS as 2021-12-06. Since that review we have made some changes to the road layout, lot layout and sizes of the lots. The new plan is 316 units (increase of 3) on the same 61 acres of land. We have reviewed the PLUS comments and do not believe they will change or additional comments would be needed as the changes are within the same "footprint" as the original review.

Please find attached an updated preliminary subdivision plan for your review and we are requesting your concurrence that a new PLUS review is not required for these changes. Please let me know if you have any questions or need additional information.

Thanks,  
Ring

**Ring W. Lardner, P.E.**  
President/Sr. Civil Engineer

**Davis, Bowen & Friedel, Inc.**  
Email: [rw@dbfinc.com](mailto:rw@dbfinc.com)  
Office: 302-424-1441 | Cell: 302-632-9779  
1 Park Ave., Milford, DE 19963  
[www.dbfinc.com](http://www.dbfinc.com) | [Facebook](#) | [LinkedIn](#) | [Instagram](#) | [Twitter](#) | [YouTube](#)

M



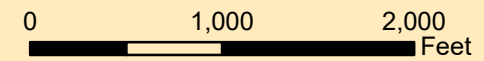
Summer 2021  
Aerial Photo

Sources:  
Tax Parcels per Sussex County

January 2023



**Surrounding Density Map**  
Vintners Reserve  
Sussex County, Delaware



N



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

January 3, 2023

Ring W. Lardner, P.E., President/Sr. Civil Engineer  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

Dear Mr. Lardner:

I'm writing to confirm that the Delaware Department of Transportation (DelDOT) anticipates that the Vintners Reserve (fka Ritter Farms) development will be required to participate in the Henlopen Transportation Improvement District, instead of conducting an individual Traffic Impact Study and making off-site transportation improvement contributions. This is based on project coordination meetings with the applicant in fall of 2022. Per the TID agreement, as long as the peak hour trip generation of the proposed development stays within 49 peak hour trips of the number of peak hour trips generated by the 81 single-family detached units in the 2018 TID land use forecast, TID participation will be required. The owner/developer will be required to enter into the Henlopen TID Infrastructure Recoupment Agreement, have this agreement recorded, and refer to it on their record plan. It is also anticipated that a Traffic Operational Analysis will be required to determine the specific entrance layout on Janice Rd.

If you have any questions or comments, please contact me at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302)760-2236.

Sincerely,

A handwritten signature in cursive script that reads "Sarah C Coakley".

Sarah Coakley, AICP  
Principal Planner

SC: sc

cc: Chase Phillips, Planner II, Sussex County Department of Planning and Zoning







STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

December 15, 2021

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Janice CRP3 LLC** proposed land use application, which we received on December 3, 2021. This application is for an approximately 60.65-acre parcel (Tax Parcel: 334-5.00-153.00). The subject land is located on the south side of Firehouse Road (Sussex Road 14B) about 560 ft west of the intersection with Nassau Commons Boulevard. The subject land is currently split zoned AR-1 (Agriculture Residential) and C-1 (General Commercial), with a proposed rezoning of AR-1 portion to MR (Medium-Density Residential) for existing self-storage and 313 multi-family housing.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Firehouse Road from Nassau Road (Sussex Road 266B) to the end of the road, is 2,077 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and/or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. For that reason, the applicant will be required to pay a fee per dwelling in lieu of doing a TIS and making off-site improvements in accordance therewith. Any improvements required by DelDOT beyond the site entrance construction will be creditable toward the fee.



Mr. Jamie Whitehouse

Page 2 of 2

December 15, 2021

The applicant should contact Ms. Sarah Coakley, a principal planner in DeIDOT's Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.

If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Fumato, at [Annamaria.Fumato@delaware.gov](mailto:Annamaria.Fumato@delaware.gov), if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Janice CRP3 LLC, Applicant  
Ring Lardner, Applicant  
Sussex Reviewer, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Fumato, Project Engineer, Development Coordination

| Final FY23 to FY28 Capital Transportation Program                               |  |                |   |          |        |        |      |            |       |
|---|--|----------------|---|----------|--------|--------|------|------------|-------|
| Final Project Implementation For Prioritized Projects                           |  |                |   |          |        |        |      |            |       |
| Denotes Projects in construction or going to advertisement in the next 6 months |  | PE<br>ROW<br>C | Preliminary Engineering<br>Right-of-Way Acquisition<br>Construction |          |        |        |      |            |       |
| New Projects added to FY23 - FY28 CTP   |  |                |   |          |        |        |      |            |       |
| Applied Enhanced Project Prioritization Method for Score                        |  |                |   |          |        |        |      |            |       |
| Changes in projects from December meeting                                       |  |                |   |          |        |        |      |            |       |
| Fast Track Fund Program w/ Sussex County  |  |                |   |          |        |        |      |            |       |
| Rank  | Project Name   | FY23           | FY24  | FY25     | FY26   | FY27   | FY28 | County     | Score |
| 32  | <b>HEP SC, SR 1 and SR 16 Grade Separated Intersection</b>   | PE/C           | PE/C  | C        |        |        |      | Sussex     | 0.494 |
| 33  | SR 1 and Cave Neck Road Grade Separated Intersection   | PE/ROW         | ROW/C   | C        | C      |        |      | Sussex     | 0.488 |
| 34  | US 9 and Minos Conaway Intersection Improvement  |                | PE  | PE       | ROW    | C      | C    | Sussex     | 0.488 |
| 35  | <b>Newark Regional Transportation Center</b>   | C              | C   |          |        |        |      | New Castle | 0.484 |
| 36  | SR 1 Widening, SR 273 to Tybouts Corner  | PE             | PE  | PE/ROW   | PE/ROW | ROW    |      | New Castle | 0.483 |
| 37  | <b>SR 273 and Chapman Road Intersection Improvements</b>   | C              |   |          |        |        |      | New Castle | 0.480 |
| 38  | US 40 & SR 896 Grade Separated Intersection  | PE/ROW         | PE/C  | C        | C      |        |      | New Castle | 0.479 |
| 39  | N427, Cedar Lane Road, Marl Pit Road, to Boyds Corner Road   |                |   | ROW      | C      | C      |      | New Castle | 0.479 |
| 40  | Old Capital Trail, Newport Road to Stanton Road  | PE             | PE/ROW  | PE/ROW/C | C      | C      |      | New Castle | 0.476 |
| 41  | NCC Transit Center   | PE             | PE/ROW  | ROW      |        |        |      | New Castle | 0.473 |
| 42  | <b>SR 72, McCoy Road to SR 71</b>  | C              | C   |          |        |        |      | New Castle | 0.465 |
| 43  | 12 St. Connector   |                | PE  | PE       | ROW    | C      | C    | New Castle | 0.463 |
| 44  | <b>HSIP SC, 24 at Camp Arrow Head Rd &amp; SR 24 at Robinsonville Rd/Angola Rd Intersection Improvements</b> | C              | C   |          |        |        |      | Sussex     | 0.449 |
| 45  | Brenford Road (SR 13 to DE 42: Lynnburly Woods Road)   |                |   |          |        | PE     | PE   | Kent       | 0.449 |
| 46  | Realignment of Old Orchard Road at Westcoats Corner  | PE/C           | C   | C        | C      |        |      | Sussex     | 0.449 |
| 47  | SR 8, Connector from Commerce Way to SR 8  | PE             | ROW   | ROW/C    | C      |        |      | Kent       | 0.441 |
| 48  | Tyler McConnell Bridge, SR 141, Montchanin Rd. to Alapocas Dr.   |                |   |          |        |        | PE   | New Castle | 0.439 |
| 49  | N15, Boyds Corner Road, Cedar Lane Road to US 13   | PE             | PE/ROW  | ROW      |        |        | C    | New Castle | 0.438 |
| 50  | North Millsboro Bypass, US113 to SR24  | PE/ROW/C       | C   | C        |        |        |      | Sussex     | 0.437 |
| 51  | HSIP NCC, Old Baltimore Pike and Salem Church Road   |                |   | PE       | PE     | PE/ROW | C    | New Castle | 0.428 |
| 52  | SR 54 Multi-modal Improvements (Blue Beard Trail to Monroe Ave.)   |                |   | PE       | PE     | ROW    | ROW  | Sussex     | 0.426 |
| 53  | SR 1, Minos Conaway Grade Separated Intersection   | ROW            | C   | C        | C      |        |      | Sussex     | 0.425 |
| 54  | Walnut Street, 3rd Street to 16th Street   | PE/ROW         | PE/C  | C        |        |        |      | New Castle | 0.423 |
| 55  | SR 2 (Kirkwood Hwy) and Harmony Rd Intersection Improvements   |                | PE  | PE       | ROW    | C      |      | New Castle | 0.423 |
| 56  | <b>Plantations Road Improvements, SR 24 to US 9</b>  | PE/C           | PE/C  | PE/C     |        |        |      | Sussex     | 0.421 |
| 57  | US 13: I-495 to PA Line  |                |   | PE       | PE     | ROW    | ROW  | New Castle | 0.421 |
| 58  | SR 4, Ogletown Stanton Road/SR 7, Christiana Stanton Road Phase I, Stanton Split                             | PE             | PE/ROW  | PE/ROW   | ROW/C  | C      | C    | New Castle | 0.419 |
| 59  | South State Street/Plaindealing Road/Woodlytown Road Intersection Improvements                               |                |   | PE       | PE     | ROW    | ROW  | Kent       | 0.415 |
| 60  | Irish Hill Road Upgrade (US 13 to Glen Forest Road)  |                |   |          |        | PE     | PE   | Kent       | 0.415 |
| 61  | <b>SR 24, Love Creek to Mulberry Knoll</b>   | C              | C   |          |        |        |      | Sussex     | 0.414 |
| 62  | 4th Street, Walnut Street to Adams Street  | PE/ROW         | PE  | C        | C      |        |      | New Castle | 0.405 |

CTP DEVELOPMENT PLAN

Printed: 2/25/2022 10:43 AM

|     | A        | B      | C   | D        | F               | G          | H                       | I               | K                | O                | P              | Q                | R                | S              | T                | U                | V              | W                | X                | Y              | Z                | AA               | AB             | AC               | AD               | AE             | AF               |
|-----|----------|--------|---|----------|-----------------|------------|-------------------------|-----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|
|     | Priority | County | Project Title   | P6       | Category        | Class      | Family                  | Phase           | Current Estimate | FY23 State Spend | FY23 Fed Spend | FY23 Other Spend | FY24 State Spend | FY24 Fed Spend | FY24 Other Spend | FY25 State Spend | FY25 Fed Spend | FY25 Other Spend | FY26 State Spend | FY26 Fed Spend | FY26 Other Spend | FY27 State Spend | FY27 Fed Spend | FY27 Other Spend | FY28 State Spend | FY28 Fed Spend | FY28 Other Spend |
| 619 | 64       | Kent   | <b>K104, Kenton Rd. SR8 to Chestnut Grove Rd. Total</b>   |          |                 |            |                         |                 | 33,388,297       | 60,000           | 12,740,000     | -                | -                | 12,500,000     | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                |
| 621 | 64       | Kent   | Interim Improvements at Kenton Road and Greentree Drive   | 21-01106 | Road Systems    | Collectors | Collectors              | C Total         | 1,000,000        | 180,000          | 720,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 622 | 64       | Kent   | <b>Interim Improvements at Kenton Road and Greentree Drive Total</b>                            |          |                 |            |                         |                 | 1,000,000        | 180,000          | 720,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 624 | 25       | Kent   | NE Front Street Rehoboth Blvd to SR 1   | 18-00014 | Road Systems    | Collectors | Collectors              | PE Total        | 871,230          | -                | 619,754        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 626 | 25       | Kent   | NE Front Street Rehoboth Blvd to SR 1   | 18-00014 | Road Systems    | Collectors | Collectors              | ROW Total       | 900,000          | -                | -              | -                | 450,000          | -              | -                | -                | -              | -                | 450,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 628 | 25       | Kent   | NE Front Street Rehoboth Blvd to SR 1   | 18-00014 | Road Systems    | Collectors | Collectors              | C Total         | 4,500,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | 500,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 629 | 25       | Kent   | <b>NE Front Street Rehoboth Blvd to SR 1 Total</b>  |          |                 |            |                         |                 | 6,271,230        | 619,754          | -              | -                | 450,000          | -              | -                | -                | -              | -                | 950,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 631 | 78       | Kent   | North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.)                         | 21-20002 | Road Systems    | Collectors | Collectors              | PE Total        | 500,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              |                  |
| 633 | 78       | Kent   | North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.)                         | 21-20002 | Road Systems    | Collectors | Collectors              | ROW Total       | 200,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 635 | 78       | Kent   | North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.)                         | 21-20002 | Road Systems    | Collectors | Collectors              | C Total         | 2,500,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 636 | 78       | Kent   | <b>North Main St. Smyrna - Shoulders (Duck Creek Parkway to Glenwood Ave.) Total</b>            |          |                 |            |                         |                 | 3,200,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 638 | 68       | Kent   | Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.)   | 21-20003 | Road Systems    | Collectors | Collectors              | PE Total        | 750,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 640 | 68       | Kent   | Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.)   | 21-20003 | Road Systems    | Collectors | Collectors              | ROW Total       | 800,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 642 | 68       | Kent   | Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.)   | 21-20003 | Road Systems    | Collectors | Collectors              | C Total         | 8,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 643 | 68       | Kent   | <b>Peachtree Run Rd. (Voshells Mill Rd. to Irish Hill Rd.) Total</b>                            |          |                 |            |                         |                 | 9,550,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | 250,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 645 | 104      | Kent   | SR 1, Scarborough Road C-D Roads  | 18-00294 | Road Systems    | Collectors | Collectors              | PE Total        | 850,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 647 | 104      | Kent   | SR 1, Scarborough Road C-D Roads  | 18-00294 | Road Systems    | Collectors | Collectors              | ROW Total       | 1,200,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 649 | 104      | Kent   | SR 1, Scarborough Road C-D Roads  | 18-00294 | Road Systems    | Collectors | Collectors              | C Total         | 31,000,000       | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 650 | 104      | Kent   | <b>SR 1, Scarborough Road C-D Roads Total</b>   |          |                 |            |                         |                 | 33,050,000       | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 652 | 66       | Kent   | West Street, New Burton Road to North Street  | 14-00190 | Road Systems    | Collectors | Collectors              | PE Total        | 400,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 654 | 66       | Kent   | West Street, New Burton Road to North Street  | 14-00190 | Road Systems    | Collectors | Collectors              | ROW Total       | 250,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 656 | 66       | Kent   | West Street, New Burton Road to North Street  | 14-00190 | Road Systems    | Collectors | Collectors              | C Total         | 650,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 657 | 66       | Kent   | <b>West Street, New Burton Road to North Street Total</b>                                       |          |                 |            |                         |                 | 1,300,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | 400,000          | -              | -                | -                | -              | -                | -                | -              |                  |
| 659 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | PE Total        | 521,222          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 661 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | C Total         | 4,618,232        | 547,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 663 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | Contingency Tot | 641,392          | 43,000           | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 665 | SOGR     | Kent   | Dover Facility Renovations  | 16-51367 | Transit Systems | Facilities | Transit Facilities      | Maintenance Tot | 266,538          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 666 | SOGR     | Kent   | <b>Dover Facility Renovations Total</b>   |          |                 |            |                         |                 | 6,047,384        | 590,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 668 | SOGR     | Kent   | Dover Bus Canopy Solar Panels   | 21-90820 | Transit Systems | Facilities | Transit Facilities      | PE Total        | 250,000          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 670 | SOGR     | Kent   | Dover Bus Canopy Solar Panels   | 21-90820 | Transit Systems | Facilities | Transit Facilities      | C Total         | 2,700,000        | 540,000          | 2,160,000      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 672 | SOGR     | Kent   | Dover Bus Canopy Solar Panels   | 21-90820 | Transit Systems | Facilities | Transit Facilities      | Contingency Tot | 150,000          | 30,000           | 120,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 673 | SOGR     | Kent   | <b>Dover Bus Canopy Solar Panels Total</b>  |          |                 |            |                         |                 | 3,100,000        | 570,000          | 2,280,000      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 677 | SOGR     | Kent   | Transit Vehicle Expansion (6) 35' Electric Buses KC FY18  | 07-22400 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 5,459,828        | 876,839          | 2,988,405      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 678 | SOGR     | Kent   | <b>Transit Vehicle Expansion (6) 35' Electric Buses KC FY18 Total</b>                           |          |                 |            |                         |                 | 5,459,828        | 876,839          | 2,988,405      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 680 | SOGR     | Kent   | Preventive Maintenance - Kent County  | 07-30223 | Transit Systems | Vehicles   | Transit Admin           | Procurement Tot | 715,800          | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | -              | -                | 95,400           | 23,900         | -                | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           |
| 681 | SOGR     | Kent   | <b>Preventive Maintenance - Kent County Total</b>   |          |                 |            |                         |                 | 715,800          | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           | -                | -              | -                | 95,400           | 23,900         | -                | -                | 95,400         | 23,900           | -                | 95,400         | 23,900           |
| 684 | SOGR     | Kent   | Transit Vehicle Replacement (6) CAWS KC FY21  | 14-11022 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 1,183,188        | 234,318          | 937,270        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 685 | SOGR     | Kent   | <b>Transit Vehicle Replacement (6) CAWS KC FY21 Total</b>                                       |          |                 |            |                         |                 | 1,183,188        | 234,318          | 937,270        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 687 | SOGR     | Kent   | Transit Vehicle Replacement (7) 29' LF KC FY22  | 20-11011 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 3,729,424        | 745,885          | 2,983,539      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 688 | SOGR     | Kent   | <b>Transit Vehicle Replacement (7) 29' LF KC FY22 Total</b>                                     |          |                 |            |                         |                 | 3,729,424        | 745,885          | 2,983,539      | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 690 | SOGR     | Kent   | Transit Vehicle Replacement Paratransit Buses KC Program  | 07-22405 | Transit Systems | Vehicles   | Transit Vehicles        | Procurement Tot | 15,350,000       | 477,020          | 1,908,080      | -                | 474,000          | 1,896,000      | -                | 310,400          | 1,241,600      | -                | 510,000          | 1,651,200      | -                | 173,000          | 452,000        | -                | 720,000          | 2,419,200      |                  |
| 691 | SOGR     | Kent   | <b>Transit Vehicle Replacement Paratransit Buses KC Program Total</b>                           |          |                 |            |                         |                 | 15,350,000       | 477,020          | 1,908,080      | -                | 474,000          | 1,896,000      | -                | 310,400          | 1,241,600      | -                | 510,000          | 1,651,200      | -                | 173,000          | 452,000        | -                | 720,000          | 2,419,200      |                  |
| 692 | SOGR     | Kent   | <b>Transit Vehicle Replacement Paratransit Buses KC Program Total</b>                           |          |                 |            |                         |                 | 347,409,455      | 8,631,790        | 40,119,368     | 23,900           | 2,478,518        | 45,807,065     | 23,900           | 5,260,400        | 43,837,000     | 23,900           | 11,460,000       | 30,246,600     | 23,900           | 4,248,000        | 40,922,400     | 23,900           | 2,345,000        | 9,389,600      | 23,900           |
| 694 | 21       | Sussex | Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.)              | 21-20006 | Road Systems    | Arterials  | Arterials               | PE Total        | 800,000          | -                | -              | -                | 400,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 696 | 21       | Sussex | Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.)              | 21-20006 | Road Systems    | Arterials  | Arterials               | ROW Total       | 1,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 698 | 21       | Sussex | Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.)              | 21-20006 | Road Systems    | Arterials  | Arterials               | C Total         | 7,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 699 | 21       | Sussex | <b>Dewey Beach Pedestrian and ADA Improvements (SR 1 from Anchors Way to Bayard Ave.) Total</b> |          |                 |            |                         |                 | 8,800,000        | -                | -              | -                | 400,000          | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 701 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | PE Total        | 3,794,865        | -                | 220,000        | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 703 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | ROW Total       | 9,000,000        | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 705 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | C Total         | 29,000,000       | -                | 11,500,000     | -                | -                | -              | -                | -                | -              | -                | 5,000,000        | -              | -                | -                | -              | -                | -                | -              |                  |
| 707 | 32       | Sussex | HEP SC, SR 1 and SR 16 Grade Separated Intersection   | 14-00044 | Road Systems    | Arterials  | Safety Improvement Proj | Utilities Total | 337,917          | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              | -                | -                | -              |                  |
| 708 | 32       | Sussex | <b>HEP SC, SR 1 and SR 16 Grade Separated Intersection Total</b>                                |          |                 |            |                         |                 | 42,132,782       | -                | 11,720,000     | -                | -                | -              | -                | -                | -              | -                | 5,000,000        | -              | -                | -                | -              | -                | -                | -              |                  |
| 710 | 50       | Sussex | North Millsboro Bypass, US 113 to SR24  | 14-00503 | Road Systems    | Arterials  | Arterials               | PE Total        | 11,897,705       | 692,952          | 2,771,809      |                  |                  |                |                  |                  |                |                  |                  |                |                  |                  |                |                  |                  |                |                  |

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Tax Parcel Numbers:

Prepared By and Return To:  
David C. Hutt, Esquire  
Morris James, LLP  
P.O. Box 690  
Georgetown, DE 19947

**DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND  
RESTRICTIONS FOR VINTNERS RESERVE**

This DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR VINTNERS RESERVE (the "Declaration") is made effective this day of \_\_\_\_\_, 2023 (the "Effective Date"), by \_\_\_\_\_, a \_\_\_\_\_, of \_\_\_\_\_ (hereinafter referred to as the "Declarant").

1. Intent of Submission and Description of Property. Declarant, as holder of legal title to the land herein described, hereby submits certain real property located in \_\_\_\_\_, Sussex County, Delaware, described in Exhibit "A" annexed hereto (hereinafter referred to as the "Land"), to the provisions of the Delaware Uniform Common Interest Unit Ownership Act, 25 *Del. C.* Section 81-101, *et seq.* (hereinafter referred to as the "Act"), in order to create a planned community under the Act with respect to the Land; and to the easements, restrictions, covenants, conditions, liens and charges set forth herein. The Land being submitted with this Declaration is commonly known as \_\_\_\_\_ consisting at this time of the \_\_\_\_\_ building lots designated as Lot Nos. \_\_\_ through \_\_\_ inclusive; the interior streets; and the parcels of real estate identified as Open Space, (open space, stormwater management and amenity area); all as shown and identified on the \_\_\_\_\_ Major Subdivision Plan, prepared by \_\_\_\_\_, dated \_\_\_\_\_, as amended, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware (the "Recorder" or "Recorder's Office") on \_\_\_\_\_ in Plat Book \_\_\_, Page \_\_\_, as may hereafter be amended (the "Record Plan").

The Land is approved for \_\_\_\_\_ building lots, all of which are being submitted to the Act and this Declaration as described above upon recordation of this Declaration with the Recorder's Office.

2. Definitions. The terms used in this Declaration and in the accompanying Bylaws shall have the following meanings:

(a) "Act" means the Delaware Uniform Common Interest Unit Ownership Act, Title 25, *Delaware Code*, Section 81-101, *et seq.*, as amended.

(b) “Architectural Board” or “\_\_\_\_\_ Architectural Board” means the \_\_\_\_\_ Architectural Board, which has jurisdiction over design and development guidelines in the Planned Community pursuant this Declaration.

(c) “Association” means all of the Unit Owners acting as a group in accordance with the Bylaws, which shall be incorporated as “\_\_\_\_\_ PROPERTY OWNERS ASSOCIATION, INC.”, a Delaware non-profit nonstock corporation.

(d) “Buildings” means the residential structures constructed or to be constructed and intended to be used for residential purposes (including leasing of Units for residential purposes) or for any other lawful purpose or for any combination of such uses.

(e) “Bylaws” means such governing regulations as are adopted pursuant to the Act for the regulation and management of the Planned Community, including such amendments thereof as may be adopted from time to time that are recorded with the Recorder’s Office.

(f) “Common Areas” means and includes the definition thereof as set forth in Section 81-103(8) of the Act and as defined in this Declaration Specifically, it includes, the private streets in the Planned Community, the stormwater management ponds, amenity areas, open space, buffer, and entrance, as shown on the Record Plan, and any other real property owned, leased or maintained by the Association for the common use and enjoyment of the Owners, all improvements, subject to any public utility easements now of record or to be given in the future either by the Declarant or the Board for sanitary and storm sewer use, water line, electric, telephone and cable television transmission lines, fuel oil and gas, and sewage lift/pump stations or other similar necessary or desirable utility functions and subject to any conservation easements now of record or to be given in the future either by the Declarant or the Executive Board.

(g) “Common Expenses” means and includes but is not necessarily limited to the following:

(1) All sums lawfully assessed against the Unit Owners by the Executive Board;

(2) Expenses of administration, maintenance, repair of the private streets or roadways and Common Areas within the Planned Community, including repair and replacement reserves as may be established;

(3) Expenses for maintenance of landscaping and provisions for landscaping the Common Areas, and if approved by the Executive Board, the Lawn Area; including, but not limited to, mowing, as determined by the Executive Board;

(4) Expenses agreed upon as Common Expenses by the Unit Owners;

(5) Expenses declared Common Expenses by the provisions of the Act, this Declaration, or the Bylaws;

(6) Premiums for insurance policies required to be purchased by the Executive Board pursuant to the Bylaws; and

(7) All valid charges against the Planned Community as a whole.

(h) “Common Profits” means and includes all revenues over expenses, gains realized from activities or investments over and above expenditures therefor.

(i) “Dealer” means any party who, in the regular course of business, purchases one or more Unit in the Planned Community solely for the purpose of constructing improvements upon such Unit for resale; and by way of illustration and not limitation, shall initially include

\_\_\_\_\_

(j) “Declarant” means \_\_\_\_\_, a \_\_\_\_\_, of \_\_\_\_\_

(k) “Declarant Control Period” “Declarant Control Period” shall mean and refer, pursuant to § 81-303 of the Act, to the period beginning on the date of recordation of this Declaration and ending on the date which is the earlier of (a) sixty (60) days after the date on which seventy-five percent (75%) or more of the proposed Units have been conveyed to Unit Owners other than Declarant or Dealer; (b) two (2) years after Declarant has ceased to offer Units for residential purposes for sale in the ordinary course of business; (c) two (2) years after any right to add new Units for residential purposes was last exercised; (d) at such time as may be required by applicable Laws; or (e) the day Declarant, after giving written notice to the Owners, records an instrument voluntarily surrendering all rights to control activities of the Association.

(l) “Declaration” means this document by which the Declarant submits the Planned Community to the provisions of the Act, and all amendments thereof.

(m) “Easement Agreements” mean, individually and collectively, those certain easement agreements described in Exhibit “C” annexed hereto, and any and all amendments to any of the foregoing Easement Agreements.

(n) “Executive Board” means and includes the definition thereof as set forth in Section 81-103(22) of the Act.

(o) “Land” means the real property more particularly described in Exhibit “A” attached hereto, expressly excepting and excluding the Buildings or other improvements thereon.

(p) “Lawn Area” shall mean and refer to, collectively, (i) any portion of the front, side or rear (if applicable) yard areas of any Unit that contains grass, shrubs, bushes, trees or other planted materials and (ii) the land between the back of the curb adjacent to such Unit and any sidewalk adjacent to such Unit.

(q) “Majority” or “Majority of Unit Owners” means the Unit Owners of more than fifty percent (50%) of the aggregated interest of the Units.



(r) “Managing Agent” means a professional managing agent employed by the Declarant or Executive Board to perform such duties and services as the Declarant or Executive Board shall authorize in conformance with this Declaration and the Bylaws.

(s) “Planned Community” means the Land and the Buildings and all other improvements and structures to be constructed thereon owned in fee simple, and all easements, rights and appurtenances belonging thereto which have been or are intended to be submitted to the provisions of the Act.

(t) “Property” means the Land and the Buildings and all other improvements and structures thereon owned in fee simple, and all easements, rights and appurtenances belonging thereto which have been or are intended to be submitted to the provisions of the Act, and all articles of personal property intended for use in connection therewith.

(u) “Recorded” means that an instrument has been duly entered of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

(v) “Recorder” or “Recorder’s Office” means the Office of the Recorder of Deeds, in and for Sussex County, Delaware, located in Georgetown, Delaware.

(w) “Revocation” means an instrument signed by all the Unit Owners and by all holders of liens against the Units by which the Property is removed from the provisions of the Act.

(x) “Rules and Regulations” means such rules and regulations as may be adopted from time to time by the Declarant or Executive Board in accordance with Section 81-320 of the Act that are deemed necessary for the enjoyment of the Planned Community, provided they are not in conflict with the Act, this Declaration, or the Bylaws.

(y) “Unit” means a legally subdivided lot on the Land established pursuant to the Record Plan improved with or to be improved with \_\_\_\_\_, as further defined by Section 81-103 (48) of the Act.

(z) “Unit Designation” means the number, letter or combination thereof designating a Unit on the Record Plan.

(aa) “Unit Owner” or “Owner” means any natural person, corporation, partnership, association, trust or other legal entity or any combination thereof, which owns title to a Unit including without limitation Declarant or a Dealer, but expressly excluding those having such interest in a Unit merely as security for the performance of an obligation.

3. Name of Planned Community. This Planned Community shall be known as \_\_\_\_\_, or such other name as Declarant shall determine appropriate, in Declarant’s sole subjective and absolute discretion, and it shall be a Planned Community as defined in Section 81-103(33) of the Act.

4. The Association of Unit Owners.

(a) Authority. The Association shall manage the use, maintenance, repair, replacement and modification of the Common Areas. The Association shall be governed by its Bylaws.

(b) Powers.

(1) The Association shall have all of the powers, authority and duties permitted pursuant to Section 81-302 of the Act, including but not limited to those powers necessary and proper to manage the use, maintenance, repair, replacement and modification of the Common Areas.

(2) Any Common Expenses benefitting fewer than all of the Units, including fees for services provided by the Association to occupants of individual Units, must be assessed exclusively against the Units benefitted based on their use and consumption of services, the costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

(3) The Association may assign its future income, including its rights to receive Common Expense assessments, only by the affirmative vote of a Majority of Unit Owners, at a meeting called for that purpose.

(4) The Association may regulate the display of American flags or political signs within the Planned Community to the extent permitted under Section 81-320 of the Act.

(5) The Association may delegate to the \_\_\_\_\_ Architectural Board the power to establish and enforce construction and design criteria and aesthetic standards pursuant to Section 22 of this Declaration in the manner provided in Section 81-320 of the Act, subject to the Special Declarant Rights as defined and reserved herein.

(c) Declarant Control. The Declarant shall have all the powers reserved in Section 81-303(c) of the Act to appoint and remove officers and members of the Executive Board.

(d) Votes and Interests of Unit Owners. The portion of the votes to which each Unit Owner is entitled shall be one (1) vote for each Unit, as further provided in the Bylaws, out of the total number of Units submitted to the Act. Each Unit Owner shall be liable for a fraction of the Common Expenses which fraction is one out of the number of Units submitted to the Act. The maximum number of Units that may be submitted to the Act is \_\_\_\_\_.

5. Annexation Into Other Jurisdictions. All or any portion of the Property may be annexed, at any time and from time to time, within and into any one or more towns, municipalities, villages, cities and the like by Declarant without the consent of any Unit Owner, the Association, or any other Person for a period of twenty (20) years from the date of recordation of this Declaration; provided, however, that if Declarant is delayed in the improvement and development of the Property on account of a sewer, water, or building permit moratorium, or any other similar moratorium, or any other cause or event beyond Declarant's control, then the aforesaid twenty

(20)-year period shall be extended by a period of time equal to the length of the delays or an additional three (3) years, whichever is greater. All or any portion of the Property which may be annexed as provided above shall be subject to all applicable taxes and other fees or assessments that may be imposed or assessed by any such town, municipality, village, city or the like.

6. Common Areas.

(a) Conveyance. The Declarant upon completion of the Record Plan requirements relative to the Common Areas shall convey title to the same to the Association subject to the provisions of this Section 6.

(b) Changes. For so long as Declarant owns any Unit or any interest in the Property, Declarant shall have the right, but not the obligation, to make the following improvements and changes to the Common Areas and to any or all Units or any other property owned by Declarant: (1) installation and maintenance of any improvements in and to any Common Area, (2) installation and maintenance of the whole or parts of any utility system or facility, and (3) installation of security and/or refuse facilities.

(c) Title. Declarant shall have the right, in its sole discretion, at any time and from time to time, to grant and convey to the Association any Common Areas and any other property owned by the Declarant contained within the Planned Community, which Common Areas and other property shall be subject to the lien of taxes not yet due and payable, all covenants, agreements, easements, restrictions, and other instruments of record, utility easements serving or otherwise encumbering the Planned Community, and any exceptions which would be disclosed by an accurate survey or physical inspection of such Common Areas or other property. The Association shall be obligated to accept from Declarant any such grant and conveyance of any such Common Areas or other property.

7. Utilities and Related Facilities. Declarant, or any affiliate of Declarant, may own all or any part of any water mains, water laterals, valves, meter pits and meters, and appurtenances; stormwater drainage culverts, swales, pipes, and appurtenances, including specifically, any siltation and/or retention ponds as required by any federal, state or local agency; irrigation well, distribution lines, sprinkler heads and appurtenances; television cable and its various attendant services, telephone service to include teletype, computer, telex, news service, or computer or any like instrument used in the transmission, reception or retrieval of messages, facts, or information, gas or other utility lines and wires (individually and collectively, the "Utility Systems"), serving the Planned Community. Notwithstanding the foregoing, Declarant, or any such affiliate, owning the Utility Systems, or any part thereof, shall have the right but not the obligation, to make any part or all of the Utility Systems a part of the Common Areas or, at any time and from time to time, grant and convey any part or all of the Utility Systems to the Association, a club, a municipality, public authority, governmental authority, public service district, or private utility operator, any such conveyance being subject to the reservation of an easement right in the same as provided for in Section 12 of this Declaration. The Association shall be obligated to accept from Declarant any such grant and conveyance of any such Utility Systems.

8. Unit Owners' Easements of Enjoyment. Every Unit Owner shall have a non-

exclusive right and easement of enjoyment, in common with others entitled to the use thereof, in and to the Common Areas and such right and easement shall be appurtenant to, and not separable from, a Unit, and shall pass with the title to every Unit subject to the following provisions:

(a) Suspension of Rights. The right of the Declarant or the Association to suspend a Unit Owner's voting rights and right to use any of the Common Areas for a period in which the Unit Owner is in default in the payment of any assessment, fee, penalty, interest or any other charge outstanding. Additionally, such rights may be suspended by notice from the Executive Board for such a period not to exceed ninety (90) days for any single and nonrecurring infraction of the Association's published rules and regulations or breach of or default under any of the covenants or provisions of the Declaration. If any such infraction, breach or default is continuous or recurring, then such rights may be suspended for a period commencing on the date the Unit Owner is given notice of the cause for such suspension and ending not more than ninety (90) days after the date such infraction, breach or default ceases or is remedied;

(b) Utility Rights Included. The Declarant's rights with respect to the Utility Systems (the "Declarant's Utility Rights"), including, but not limited to, those set forth in Section 7 and in Section 12;

(c) Dedication to Public Authority. The right of the Association, subject to the Declarant's Utility Rights, to dedicate or transfer all or any part of the Common Areas to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members of the Association. No such transfer or dedication except for the dedications or transfer of utility easements by the Association or any dedication or transfer made in the exercise of the Declarant's Utility Rights, shall be effective unless approved by more than sixty-seven percent (67%) of the votes entitled to be cast by all of the Unit Owners;

(d) Reservations. The rights and reservations of the parties holding rights under easements.

(e) Other. Other rights of the Declarant set forth in this Declaration.

9. Notice of Agricultural Use. THE PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE OR PRODUCE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THE PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

10. Restrictions Upon Unit Owners' Rights. All titles, leaseholds, and other interests in, and all liens upon, the Planned Community shall be held subject to the following:

(a) Outconveyances. The right of the Declarant and of the Association to dedicate, transfer or convey all or any of the Common Areas, with or without consideration, to any successor association of Unit Owners, governmental body, district, agency or authority, or to any public or private utility.

(b) Easements. Easements and rights-of-way for the benefit of the Declarant and Dealer or any applicable governmental body, district, agency or other authority with regulatory control, authority and jurisdiction through, under, over and across the Common Areas, for the installation, maintenance and inspection of lines and appurtenances for the Utility Systems including but not limited to utilities, signage, wastewater collection, treatment and disposal system, public or private water, storm sewer, drainage, electric, fuel oil, gas and other utilities and services, specifically including any telephone, television, irrigation or lawn-sprinkler systems or facility, and the right of the Declarant to grant and reserve easements and right-of-way through, over and upon and across the Units and/or Common Areas for the completion of the Buildings and other improvements, for the operation and maintenance of the Common Areas, and for the benefit of the Unit Owners.

(c) Parking and Ingress. The right of invitees of the Declarant or any Dealer or a Unit Owner to use any parking lots and other necessary portions of the Common Areas for ingress and egress.

(d) Penalties. The right of the Association to provide penalties and suspend the rights of any Unit Owner for any period during which any assessment remains unpaid and for any infraction of this Declaration, the Bylaws or the Rules and Regulations.

(e) Rules and Regulations. The right of the Declarant and the Association, respectively and from time to time, to establish Rules and Regulations, to fix and collect assessments consistent with the Bylaws, and to fix fees, charges and penalties.

(f) Allocation of Common Expenses. The obligation of the Association to assess Common Expenses benefitting fewer than all of the Units, including fees for services provided by the Association to occupants of individual Units, exclusively against the Units benefitted based on their use and consumption of services; to assess the costs of insurance in proportion to risk; and to assess the costs of utilities in proportion to usage.

11. Additional Structures. Neither the Association nor any Unit Owner or any group of Unit Owners shall, without the prior written approval of Declarant and the Architectural Board, allow or cause any structure or other improvement to be placed in or on the Common Areas.

12. Easements for Declarant and Dealers. During the period that Declarant or any Dealer owns any Common Areas, or owns any Unit primarily for the purpose of sale, Declarant and such Dealer shall have an alienable and transferable right and easement on, over, through, under and across the Common Areas for the purpose of constructing or improving Units, any improvements to the Common Areas, and for installing, maintaining, repairing and replacing such other improvements to the Planned Community (including portions of the Common Areas) as are contemplated by this Declaration; or as Declarant or Dealer, in its absolute and sole discretion,

deems in the best interest of the Planned Community, including without limitation any improvements or changes permitted and described in this Declaration, and for the purpose of doing all things reasonably necessary and proper in connection therewith, provided that in no event shall Declarant or any Dealer have the obligation to do any of the foregoing.

13. Easement for Utilities/Utility Systems. There is hereby reserved for the benefit of Declarant, each Dealer, and the Association the power to grant and accept easements to and from any private or public authority, agency, public service district, public or private utility or other person upon, over, under and across (1) all the Common Areas or (2) any area on any Unit intended for improvement as a single-family dwelling ten feet (10') in width along the interior side of the perimeter boundary lines of the subdivision, and five feet (5') in width along the boundary lines of each Unit for a total easement width of at least ten feet (10') along a lot line common to two (2) Units, for the purpose of installing, replacing, repairing, maintaining and using Utility Systems or drainage. For so long as Declarant or any Dealer owns any portion of the Common Areas or owns any Unit primarily for the purpose of sale, the Association may not grant or accept any such easement without the prior written consent of Declarant and any applicable Dealer. To the extent feasible, all systems, utilities and facilities throughout the Planned Community shall be located underground. All of such easements shall be deemed to include permission (1) to erect and maintain pipes, lines, manholes, pumps and other necessary equipment and facilities, (2) to cut and remove any trees, bushes or shrubbery, (3) to grade, excavate or fill, or (4) to take any other similar action reasonably necessary to provide economical and safe installation, maintenance, repair, replacement and use. This easement shall include a right of ingress reasonably necessary to provide economical and safe installation, maintenance, repair, replacement and use of the irrigation system for each Unit. No building, structure or other permanent obstruction of any kind whatsoever shall be placed on or in the easement described above.

14. Delegation of Unit Owner's Rights. A Unit Owner may delegate to the Unit Owner's family members, tenants, and invitees, in accordance with the Bylaws and the Rules and Regulations and not otherwise, the Unit Owner's respective right to enjoyment of the Common Areas.

15. Access. Each Unit Owner, by accepting title to any Unit, waives all rights of uncontrolled and unlimited access, ingress and egress to and from such Unit, and acknowledges and agrees that such access, ingress and egress of such Unit to and from the streets, sidewalks, walkways, and trails, if applicable, located within the Planned Community may be suspended from time to time and at any time, provided that pedestrian and vehicular access to and from such Unit shall be permitted, in such manner and at such place as shall be determined by Declarant and the Association, at all times, subject to the Rules and Regulations and the terms of this Declaration and the Bylaws.

16. Easements for Association. The Association shall have a general right and easement for the benefit of the Association, its directors, officers, agents and employees, including, but not limited to, any Managing Agent and any employees of such Managing Agent, to enter upon and into any Unit or any portion thereof in the performance of their respective duties. Except in the event of emergencies, this right and easement is to be exercised only during normal business hours and then, whenever practicable, only upon advance notice to the Unit Owner.

17. Maintenance Easement. Subject to the other terms of this Declaration, the Declarant, each Dealer, and the Association shall have the right and easement to enter upon any unimproved portions of any Unit, including without limitation each Lawn Area, for the purpose of mowing, removing, clearing, cutting or pruning underbrush, weeds, stumps or other unsightly growth and removing trash, so as to maintain reasonable standards of health, fire safety and appearance within the Planned Community; provided that such rights and easements shall not impose any duty or obligation upon the Declarant, any Dealer, or the Association to perform any such actions. Furthermore, there is hereby reserved for the benefit of the Declarant, each Dealer, and the Association a right and easement, but not an obligation, to enter upon any unimproved portions of Units located within twenty feet (20') from the water's edge of any pond or other body of water within the Planned Community for the purpose of mowing such area and keeping same clear and free from unsightly growth and trash, as well as for the purpose of maintaining such body of water, such maintenance to include, without limitation, dredging and the maintenance of reasonable water quality standards.

18. Environmental Easement. The Declarant, each Dealer, and the Association shall each have an alienable, transferable and perpetual right and easement on, over and across all unimproved portions of the Common Areas and Units for the purposes of taking any action necessary to effect compliance with environmental rules, regulations and procedures from time to time promulgated or instituted by the Executive Board or by any governmental entity, such right and easement to include, without limitation, the right to implement erosion control procedures and practices, the right to drain standing water, and the right to dispense pesticides.

19. Wells and Effluent. The Declarant or the Association shall have an alienable, transferable and perpetual right and easement to (1) pump water from ponds and other bodies of water located within the Planned Community for the purpose of irrigating any portions of the Planned Community, for fire control, and for any other purposes, and (2) drill, install, locate, maintain, and use wells, pumping stations, water towers, siltation basins and tanks, and related water and sewer treatment facilities and systems within the Common Areas.

20. No Partition. There shall be no judicial partition of the Planned Community or any part thereof, nor shall any person acquiring any interest in the Planned Community or any part thereof seek any such judicial partition unless the Planned Community has been removed from the provisions of this Declaration.

21. Jurisdiction. Notice is hereby given of the restriction that as to any portion of any Unit within the Planned Community which may contain submerged land or other critical areas, all activities on or over and all uses of such land or other critical areas are subject to the jurisdiction of the United States of America or the State of Delaware. A Unit Owner is liable for any damages to, any inappropriate or unpermitted uses of, and any duties or responsibilities concerning any portion of the Unit Owner's respective property which is submerged land, wetlands or other critical area.

22. Architectural Control. Except for Units owned by the Declarant or any Dealer, and subject to any rights reserved pursuant to Section 26 of this Declaration, each Unit shall be

occupied and used subject to the following architectural restrictions and controls:

(a) Authority. The Declarant or Executive Board shall have the authority and standing, on behalf of the Association to enforce in courts of competent jurisdiction decisions of the Architectural Board established in Section 22(b) of this Declaration. This Section may not be amended without the Declarant's written consent so long as the Declarant owns any property within the Planned Community. No alteration, modification or construction, which term shall include within its definition, changing the exterior appearance of any building, wall, fence or other structural improvement, staking, clearing, excavation, grading and other site work or removal of plants, trees or shrubs, shall take place except in strict compliance with this Section, until the requirements thereof have been fully met, and until the approval of the Architectural Board has been obtained.

(b) Architectural Board. The Architectural Board shall prepare and shall promulgate design and development guidelines and application and review procedures, all as part of the Design Standards and Guidelines (the "Standards") and may establish reasonable fees for review of such construction, modification, addition, or other alteration requested by any Unit Owner. The Standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to the location of structures upon property, foundations, size, length, design of structures, driveway and parking requirements and landscaping requirements. Upon request of a Unit Owner, the Architectural Board shall make a copy of the Standards available to such Unit Owner for review. Unless otherwise provided in this Declaration, the guidelines and procedures shall be those of the Declarant or Association and the Architectural Board shall have sole and full authority to prepare and to amend the Standards. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant, and who shall serve until such time as their successors are designated by the Declarant. At such time as Declarant deems appropriate, the Executive Board of the Association shall have the right to appoint a maximum of two (2) additional members to the Architectural Board. At no time shall the Architectural Board have less than three (3) members nor more than five (5) members. Sixty (60) days after seventy- five percent (75%) of all Units within the Planned Community have been developed, improved and conveyed to purchasers in the normal course of development and sale, the Executive Board shall appoint all members of the Architectural Board. The Declarant may, at its option, delegate to the Executive Board, its right to appoint one (1) or more members of the Architectural Board. The Declarant shall retain an absolute veto over any decision by the Architectural Board so long as Declarant or any Dealer owns any Unit, or Common Area within the Planned Community.

(c) Meeting and Decisions of the Architectural Board. The Architectural Board shall establish times, dates and frequency of meetings. A quorum of a simple majority of the members shall be required to review and take action on applications for approval. The Architectural Board shall appoint a secretary who shall prepare minutes of each Architectural Board meeting including all decisions of the Architectural Board. If the Architectural Board fails to approve or deny an application within thirty (30) days of receipt of the complete application by



and payment of fees to the Architectural Board, the party making the submission for approval shall deliver written notice to the Architectural Board of its failure to act, and, if approval is not granted or denied within fifteen (15) days thereafter, the plans and specifications shall be deemed to be denied. It is further specifically provided that if any proposed application for action will affect drainage of stormwater, such application shall include a certification of non-effect of said plans from a professional engineer licensed in the State of Delaware.

(d) No Waiver of Future Approvals. The approval of the Architectural Board of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of such Architectural Board, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specification, drawings, or matter subsequently or additionally submitted for approval or consent.

(e) Variance. The Architectural Board may authorize variances from compliance with any of the provisions of the \_\_\_\_\_ Standards when circumstances such as topography, natural obstructions, hardship or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of the Declaration, or (c) prevent the Architectural Board from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

(f) Review and Control by the \_\_\_\_\_ Architectural Board. No building outside attached shower, fence, wall, deck, patio, bulkhead, retaining wall, swimming pool, basketball hoop/court, tennis court, septic system, parking area, garage, and/or paving for driveways or garages, or other any other structure of any kind, other than those constructed by Declarant or a Dealer, shall be erected, placed or altered nor shall a building permit from Sussex County for such improvement or construction for such improvement be applied for on any improved or unimproved property in the Planned Community until all fees to the Association have been paid and complete sets of building plans and elevations, specifications, and site plan (showing the proposed location of such building, drives and parking areas, etc.) shall have been reviewed and approved in writing by the Architectural Board. The number of plans required shall be established by the Architectural Board with the intention that there shall be at least one (1) complete set of plans and specification for each member of the Architectural Board and one (1) additional set for the Association's files, although the Architectural Board reserves the right to accept digital plans in lieu of paper sets. In reviewing such materials, the Architectural Board shall consider such things as aesthetic appearance, harmony with surrounding improvements, compliance with this Declaration and any additional criteria adopted by the Architectural Board as part of the \_\_\_\_\_ Standards. Approval or disapproval of plans, locations or specifications may be based by the Architectural Board upon any ground incorporated within the \_\_\_\_\_ Standards including purely aesthetic considerations, which in the sole discretion of the Architectural Board, shall be sufficient. No painting, staining, changes in color, finish materials or alteration to the exterior facade of any structure shall be undertaken until approval has been obtained in writing from the Architectural Board. This

provision shall not apply to repainting the same color.

(g) No Liability. Neither Declarant nor any Dealer nor any member of the Architectural Board shall be responsible or liable in any way for any defects in any plans or specifications approved by the Declarant or the Architectural Board, nor for any structural defects in any work done according to such plans and specifications approved by the Declarant or the Architectural Board. Further, neither Declarant nor any member of the Architectural Board shall be liable for damages to anyone submitting plans or specifications for approval under this Section, or to any Unit Owner of property affected by this Declaration by reason of mistake in judgment, negligence, or non-feasance arising out of or in connection with the approval or disapproval of or failure to approve or disapprove of any such plans or specifications. Every person who submits plans or specifications, and every Unit Owner of any Unit agrees, that such Unit Owner will not bring any action or suit against Declarant, any Dealer, or any member of the Architectural Board, to recover for any such damage. No approval of plans, location or specification shall be construed as representing or implying that such plans, specification or standards will, if followed, result in a properly designed residence. Such approvals and standards shall in no event be construed as representing or guaranteeing that any residence or improvement hereto will be built in a good workmanlike manner. The Unit Owner shall have sole responsibility for compliance with approved plans and does hereby hold the Architectural Board and the Declarant harmless for any failure thereof caused by the Unit Owner's architect or builder.

(h) Objectives. Architectural and design review shall be directed towards attaining the following objectives for the Planned Community, and the Declarant or Association may adopt reasonable standards, rules, and regulations deemed necessary or convenient in attaining such objectives:

(1) Preventing excessive or unsightly grading, indiscriminate earth moving or clearing of property, or removal of trees and vegetation which could cause disruption of natural water courses or alter natural or designed land forms.

(2) Ensuring that the location and configuration of structures are visually harmonious with the terrain, with the vegetation of the residential Unit and with surrounding residential Units and structures, and do not unnecessarily block scenic views from existing structures, walks or roads or tend to dominate any general development or natural landscape.

(3) Ensuring that the architectural design of structures and their materials and colors are visually harmonious with the Planned Community's overall appearance, history and cultural heritage, with natural land forms and native vegetation, and with Planned Community plans approved by the Declarant, or by a governmental or public authority, if any, for the areas in which the structures are proposed to be located.

(4) Ensuring that the Planned Community structure, building or landscaping complies with the provisions of this Declaration.

23. Restriction on Alienation of Units. A Unit may not be conveyed pursuant to a time-sharing agreement described in Section 81-103(47) of the Act. A Unit may not be leased or rented for a term of less than fourteen (14) days. Except for Units owned by the Declarant or any Dealer, all leases and rental agreements shall be in writing and subject to the reasonable requirements of the Executive Board.

24. Use Restrictions. In order to protect property values and the community spirit with in \_\_\_\_\_, and to protect the appearance and beauty of the vegetation, topography, or other natural features within the Planned Community, the following controls are hereby established with respect to each Unit except for Units owned by the Declarant or any Dealer:

(a) Residential Use Only. The Unit Owners in the Planned Community acknowledge and recognize the Planned Community is a community planned to achieve the goals and objectives of providing an environment for families to live and enjoy the peace and quiet of an attractive and distinctive residential community. In order to achieve a neighborhood of serenity and peaceful use, the Unit Owners agree and covenant that the homes in the Planned Community shall only be used for single-family residential purposes exclusively. No business activity of any kind, including by example but not limited to, rooming house, boarding house, gift shop, antique shop, professional office or beauty/barber shop or the like or any trade of any kind whatsoever including yard sales, garage sales or the like shall be carried on upon any Unit or in any structure on a Unit; provided, however, that nothing contained herein shall be construed so as to prohibit home offices so long as no stock in trade is kept or commodities sold, there are no employees, patrons, customers or clients and no signs. Nothing herein shall be construed to prevent the Declarant or any Dealer from constructing dwellings to be sold or leased, from showing Units, dwellings or models for the purpose of selling or leasing a Unit or dwelling shown for another or from placing and maintaining signs, structures, storage places, facilities and offices it deems necessary. Nothing herein shall prohibit the Association from authorizing one or more, not to exceed two, community-wide yard sales per year, consistent with any rules and regulations promulgated by the Association.

(b) Fences, Boundary Walls, Boundary Line Hedges and Shrubberies. Fences, boundary walls, boundary line hedges and shrubberies shall only be permitted if the following requirements are met:

(1) Fences, boundary walls, boundary line hedges and shrubberies shall be prohibited within the front yard area of the Units and, shall not be closer to the Unit's front property line than one-half (1/2) of the length of the side property line of the Unit. The height of any such fence or boundary wall along the side of a unit shall not exceed five feet (5'-0"). Material, color, type and style of fence or boundary wall, shall be limited to those which are viewed by the Architectural Board to be aesthetically pleasing when installed in a residential setting. The Architectural Board shall endeavor to maintain consistency in fence and boundary wall design and appearance within the Planned Community.

(2) Prior written approval shall be obtained from the Architectural Board.

(3) Any fence, boundary wall, boundary line hedge or shrubbery along the side or rear of any Unit shall not extend over any Utility System or easement on said Unit and shall be set outside of any drainage swale(s). Any fence or boundary wall shall not exceed five feet (5') in height. The heights or elevations of any fence or wall shall be measured from the existing elevations of the Unit.

(c) Pools, Hot Tubs. No above-ground swimming pools whatsoever shall be erected or allowed to remain in the Planned Community. "Hot tubs", "jacuzzis", in-ground pools and the like along with their related equipment and fences shall be prohibited except when placed in the area at the rear of a dwelling and within lines measured and running in a parallel line from each rear corner of such dwelling to the rear lot lines and only after obtaining prior written approval of the Architectural Board.

(d) Temporary Structures, Vehicles, Boats and Trailers. Except as may otherwise be provided in this Declaration, no structure of a temporary character shall be placed upon any Unit at any time; provided, however, that this prohibition shall not apply to shelters approved by the Declarant or any Dealer and used by a contractor during construction of a dwelling, it being clearly understood that the latter temporary shelters may not, at any time, be used for residence or remain on the Unit after completion of construction. No trailer, mobile home, double-wide, park model trailer, motor home, tent, barn, camper, bus, or other similar vehicle, out-building, structure, boat or trailer shall be placed, kept or parked on any Unit or on any portion of the Common Areas, except (1) as may be stored within the enclosed garage.

(e) Mining and Drilling Prohibition. No oil or natural gas drilling, refining, quarrying or mining operations of any kind shall be permitted upon or in any Unit, and no derrick or other structure designed for use in boring for oil or natural gas shall be stored, erected, maintained or permitted in the Planned Community.

(f) Use and Height Restrictions. No structure shall be erected, placed or permitted to remain on any Unit in excess of three (3) stories in height, and in no instance shall any structure exceed forty-two feet (42') in height above the first-floor finished elevation. There shall be no more than one dwelling per Unit. No dwelling shall be erected or used in any way which is less than One Thousand Five Hundred (1,500) square feet of enclosed floor area exclusive of basements, decks, stairs, porches, breezeways, carports, garages, terraces, and the like.

(g) Setbacks and Building Lines. Each dwelling which shall be erected on any Unit shall be situated on such Unit in accordance with the building and setback lines established by Declarant and authorized by Sussex County zoning regulations and the \_\_\_\_\_, or such other Municipal Administrative body having jurisdiction over the Planned Community. No structure shall be placed on or over any easement on any Unit, and in no case shall a structure be placed within a drainage swale. The applicable Dealer shall determine, at its sole discretion, placement of all dwellings, garages and accessory uses. The Declarant shall have the power and authority to promulgate and publish setback requirements for each Unit. In certain cases, the Declarant or Association may require a Unit Owner to seek a variance from Sussex County, the \_\_\_\_\_, or such other municipal administrative body having jurisdiction over the Planned Community, if applicable, and necessary to protect important trees,

vistas or to preserve aesthetic value.

(h) Restriction on Materials.

(1) All structures constructed or placed on any Unit shall be built of good quality and new material, and no used structures or old structures or parts thereof shall be relocated or placed on any such Unit.

(2) No structures constructed or placed on any Unit shall have an exterior finish of cinder block, grooved plywood, T1-11, or plywood above grade.

(3) All roofing shall be made of asphalt shingles a material similar thereto that has been approved by the Architectural Board (except painted metal accent roofing is allowed if approved by the Architectural Board).

(4) All driveways and parking areas shall be made of hot mix asphalt or such other material as may be approved by the Architectural Board.

(i) Mobile Home Restriction. No mobile home, trailer, doublewide, manufactured, or similar type structure shall be permitted, placed or constructed on any Unit in the Planned Community.

(j) Re-Building Requirement. Any dwelling or out-building on any Unit which may be destroyed in whole or in part by fire, windstorm or any other cause or act of God must be rebuilt and the structure restored to the previous condition or better, within nine (9) months or such shorter period of time as may be reasonable; all debris must be removed within fourteen (14) days.

(k) Elevation and Drainage Changes. Except as a result of the construction of any Building by Declarant or a Dealer, no changes in the elevation, topography or drainage characteristics of the Planned Community shall be made so as to materially affect the surface elevation or natural drainage of surrounding Units and without the prior written approval of the Declarant or Architectural Board. Nor shall any fill be used to extend any property into any state or federal wetlands, to increase the size of a Unit by filling in water it abuts, or to fill in any waterway, wetland or storm drainage area of the Planned Community for any purpose whatsoever.

(l) Tree Removal. The removal of trees, shrubs and other plant material shall be limited to removal of those materials essential for house construction and driveway installation only. The Architectural Board shall further have the authority to require any Unit Owner removing a tree in violation of this clause to replace the same with a tree of the same species or a different species with a caliper of two inches (2") or greater at such Unit Owner's cost and expense.

(m) Clothesline. No clothesline or drying yards shall be located upon any Unit in the Planned Community, nor shall towels, blankets or the like be hung or placed on the front or rear porch, decks, railing or fences or any dwelling or Unit, except with the written permission of the Declarant or Architectural Board. Permission may be granted by the Declarant or Architectural

Board when the clothesline, drying yard, or other exposure of clothesline to the air for drying can be effected behind shrubbery, trellis or another type of screen so as not to be seen from another Unit or Common Area, including, but not limited to, streets or roadways in the Planned Community.

(n) Sewer and Water System. No surface toilets or septic tanks shall be permitted in the Planned Community (other than those utilized by the Declarant or any Dealer). A purchaser of a Unit assumes responsibility for attaching water connections, plumbing fixtures, dishwashers, toilets and sewage disposal system to the central sewer and water systems of the Planned Community.

(o) Garbage/Trash Disposal. Each Unit Owner shall provide garbage and trash receptacles or similar facilities in accordance with reasonable standards established by the Declarant or the Association. All garbage, trash and other refuse shall be kept in tight, enclosed trash receptacles with lids and removed from the Units at reasonably frequent intervals. Such trash receptacles shall be kept in clean, sanitary and enclosed areas within the Unit's garage, hidden from view, excepting that such trash receptacles may be placed temporarily at street/curb side on the regular day of collection or after 5:00 p.m. on the day immediately prior to the day of collection; provided that all such trash receptacles must be removed from the street/curb side and once again hidden from view by 5:00 pm on the day of collection. Each Unit Owner shall take all reasonable steps to prevent such Owner's garbage and refuse from omitting odors that would reasonably annoy any other Unit Owner. The Declarant or Association may from time to time adopt rules and regulations for the sorting of garbage and trash into separate receptacles or other handling according to the nature of the materials or otherwise to aid in recycling or other processes with beneficial impact on the environment. No garbage or trash incinerator shall be permitted. No burning, burying or other disposal of garbage or trash on any Unit or within the Planned Community shall be permitted. The Declarant or Association may from time to time adopt rules and regulations, including designation of the persons and methods, for garbage/trash collections and disposal, and all Unit Owners shall be bound thereby. Unit Owners and the Association shall use professional commercial garbage and trash removal services.

(p) Sign Controls. No signs of any character shall be erected on any Unit, placed in the window of any dwelling or structure located on a Unit, or displayed to the public in any manner on any Unit; provided that after the first two (2) years of the Declarant Control Period that one temporary real estate sign not exceeding twelve inches by eighteen inches (12" x 18") in area may be placed and maintained on the lawn of any Unit in the case of any dwelling placed upon the market for sale or rent. Any such temporary real estate sign shall be removed within five (5) days of the settlement of the sale or rental of such dwelling. This restriction shall not apply to signs used by the Declarant or any Dealer to identify and advertise the subdivision as a whole, nor to Declarant or Dealer's respective signs for selling Units and/or houses. In addition, this restriction shall not apply to For Sale signs which shall be permitted as set forth in the Bylaws and pursuant to any Rules and Regulations adopted by the Executive Board.

(q) Natural Buffer Zone and Wetlands. No Unit Owner and no Unit Owner's family, guests, tenants, agents or employees shall disturb any natural buffer zone or wetlands in any manner and/or for any reason. Unit Owners of Units adjoining and/or including a natural

buffer zone or wetlands shall be responsible for advising their contractor or subcontractors of the natural buffer zone or wetlands and will ensure no encroachment or clearing of said area. If a natural buffer zone or wetlands is disturbed, the Unit Owner responsible shall be required to pay all costs incurred by the Declarant and the Association, including reasonable attorney's fees and costs, as a result of its attempt to restore the area to its natural state.

(r) Exclusion of Above Ground Utilities. All electrical service, wires, pipes, lines, telephone, cable television (CATV) lines and utility services of any type shall be placed in appropriate underground as possible and no outside electrical lines shall be placed overhead. No exposed or exterior radio or television transmission or receiving antenna shall be erected, placed or maintained on any part of the Planned Community except as set forth hereinafter in section 24(dd) and those master facilities approved by the Declarant, provided, however, that the normal service pedestals, etc., used in conjunction with such underground utilities shall be permitted within the Planned Community. Overhead utilities shall be permitted during the construction period and until utility companies can place them underground.

(s) Junk or Disabled Vehicles. No stripped, partially wrecked, unlicensed or invalidly licensed, disabled or junk motor vehicle, or part thereof, shall be permitted to be parked or kept in the Planned Community except as may be stored within the enclosed garage. The following activities are prohibited: vehicle repair, bodywork, oil change, engine maintenance and the like except cleaning and washing Unit Owners' own vehicles; no vehicles shall be maintained on jacks or blocks except temporary usage for emergency tire change.

(t) Perimeter Access. There shall be no access to any Unit on the perimeter of the Planned Community except from designated roads within the Planned Community; provided, however, that Declarant reserves the right to construct and operate temporary construction roads during the construction and development period.

(u) Rentals. The Declarant or Association may from time to time adopt rules and regulations pertaining to the rental of dwellings. Unit Owners of rented dwellings shall be personally liable for the failure of a tenant or any invitee of a tenant to abide by rules and regulations pertaining to the use or occupancy of the Planned Community.

(v) Accessory Structures.

(1) No accessory structure shall be constructed upon any Unit, except an exterior attached shower, mailbox, doghouse, birdhouse, garage, swing set or similar play structure, or basketball/hoop attached to the front of a garage or to a free standing pole or individual flagpole of aluminum, steel or other material that has been approved as to nature, size, location and material in writing by the Architectural Board prior to installation or construction.

(2) All mailboxes shall be as designed and installed by the Declarant or applicable Dealer. Mailbox structures may be found acceptable, by special exception, only if they are uniform and after concise plans for same have been submitted to and reviewed by the \_\_\_\_\_ Architectural Board.

(3) Garages and exterior attached showers shall conform in appearance to the style of the dwelling and shall have the same exterior and roof materials and colors as the dwelling.

(4) No structure except a mailbox and/or flagpole shall be placed closer to the front Unit boundary than the closer of the rear line of the dwelling or of the front line of the garage.

(5) Other than flag pole for the display of the American flag described in Section 4(b), there shall be no more than two (2) flag poles, which shall be no longer than 5' (five feet) in length and must be attached to the front porch or garage.

(6) All accessory structures shall be constructed in accordance with all applicable laws.

(7) The provisions of this Section shall not apply to any accessory structures constructed by Declarant or any Dealer.

(w) Landscaping. Unit Owners are encouraged to provide landscaping for their Units; provided, however, that Declarant reserves the right to reasonably restrict the placement of landscaping, fences or other impediments to the enjoyment of views. No vegetable garden shall be located in the area between the front Unit line and the front of the dwelling. Grasses, lawn growth or weeds shall be limited to a maximum of four inches (4") in height. Declarant reserves the right to enter onto any Unit after notice and an opportunity to maintain landscaping and grass height, and cut any grass, lawn or weeds which continues to exceed four inches (4") in height after said notice, and to assess the cost to the Unit Owner thereof, collected in any manner permitted the by the Declaration or Bylaws for assessments.

(x) Special Hazards. Each Unit Owner accepts and assumes all the risks and hazards of Unit Ownership or occupancy attendant to the Unit Ownership of such Unit Owner's Unit, including but not limited to its proximity to any Common Area or any bodies of water in or near the Planned Community, and agrees hereby to hold the Declarant and each Dealer and the Association harmless and shall indemnify the Declarant or the Association for all losses, costs and expenses, including attorney's fees for all such risks and hazards. Specifically, the Declarant does hereby disclaim any and all liability for any property damage or personal injury resulting from acts, activity or erosion along the bank of all ditches, streams, other bodies of water or watercourses located in the Planned Community.

(y) Traffic Regulations. The Declarant and the Association may from time to time adopt additional rules and regulations pertaining to vehicular and pedestrian traffic in the Planned Community as it or they deem appropriate and necessary.

(z) Alteration of Common Areas. No person shall alter in any way any Common Areas except with the written permission of the Declarant and the Association.



(aa) Easements and Encroachments. No Building or part of a Building, including porches or projections of any kind, shall be erected so as to extend over or across any of the building lines as hereinafter established. Provided, however, if any portion of any Common Area unintentionally encroaches upon a Unit or any part thereof, whether by settlement or otherwise, a valid easement for the encroachment and for the maintenance of same, so long as it stands, shall and does exist. If any portion of improvements to a Unit or Units unintentionally encroaches upon another Unit or any portion thereof, whether by settlement or otherwise, a valid easement for encroachment and for the maintenance of same, so long as it stands, shall and does exist. In the event any improvement or part thereof is partially or totally destroyed and then rebuilt, any encroachment of any Common Area upon a Unit or Units or encroachment of a Unit or Units upon any Common Area or upon an adjoining Unit or Units resulting because of such rebuilding, shall be permitted, and a valid easement shall exist for the maintenance of such encroachments so long as the same stand. Such encroachments and easements shall not be considered or determined to be encumbrances either on any Common Area or any Unit or Units, and no Unit Owner shall be entitled to damages or injunctive relief because of the construction, re-construction or maintenance thereof.

(bb) Pets. No animals, livestock, birds, or fowl shall be kept or maintained on any part of the Planned Community except animals commonly recognized as domestic pets, such as dogs, cats, pet fish and birds, which may be housed on a Unit in reasonable numbers (not to exceed three) as pets for the pleasure and use of the Unit Owner but not for any commercial use or purpose. All animals must be fenced or shall be kept on a lead or leash when they are off the Unit Owner's Unit and must be under the Unit Owner's control at all times. No animal shall become a nuisance to other resident by barking or other acts and the Unit Owner is responsible for removing his or her animal from the property of another. The Unit Owner of any animal is responsible for and liable for any happenstance or accident which may occur in connection with or arising from a loose, uncontrolled or vicious animal. Non-Unit Owners (e.g. renters or lessees) may not keep any pets without the prior written approval of the Unit Owner and any such approval must be filed with the Association.

(cc) Hazardous Materials. No toxic or hazardous substances as defined by environmental law shall be used, disposed, stored or released on any Unit or in the Planned Community except for use with an outdoor grill in a tank holding thirty (30) pounds or less of natural gas or propane.

(dd) Satellite Dishes. Installation of antennas, including satellite dishes, shall be governed by this Section and such other additional reasonable rules and regulations regarding the location and screening of any such items that the Executive Board shall impose from time to time. The Federal Communications Commission (the "FCC") adopted a rule effective October 14, 1996 (the "FCC Rule"), preempting certain restrictions concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (collectively, "Antennas"). The requirements set forth in this Section are generally consistent with the FCC Rule; however, because the FCC Rule is subject to change or modification, the Executive Board reserves the right to amend and modify any requirements governing installation, maintenance, and use of Antennas, which may be more restrictive than as set forth herein and which may, in the discretion of the Executive Board, be applied retroactively. Antennas not

covered by the FCC Rule, including satellite dishes in excess of one (1) meter in diameter, shall not be installed on the exterior portions of any Unit or dwelling without prior written approval as required by Section 22 of this Declaration. Antennas situated entirely within a dwelling, and not visible from the exterior are permitted. Antennas covered by the FCC Rule, including satellite dishes of one (1) meter or less in diameter, are permitted within a Unit, provided such Antennas shall not be visible from the front elevation of the Unit; provided, however, that nothing herein requires installation of such an Antenna in a location from which an acceptable quality signal cannot be received, as certified in writing by a licensed installer or which causes an unreasonable delay or cost increase in such installation.

(ee) Completion of Construction. Once the construction of any building or structure on a Unit by a party other than a Dealer or Declarant has commenced, such construction shall proceed without delay and shall be completed in accordance with the time line established by the Unit Owner and the \_\_\_\_\_ Architectural Board, except where such completion is impossible or would result in great hardship to the Unit Owner or a Dealer due to strikes, fires or national emergencies or natural calamities. Cessation of work, whether such work be construction or demolition work, once started and before completion thereof for a continuous period of sixty (60) days shall be prima facie evidence of an intent to abandon the work in its partially completed or demolished state and shall be deemed to be a public and private nuisance. The Declarant and Architectural Board shall have the power to seek and demand an injunction from the Court of Chancery of the State of Delaware to compel the completion or demolition of the work within sixty (60) days.

25. Members of the Executive Board. The names of the first members of the Executive Board of the Association, to serve until their successors are chosen and qualified pursuant to the Bylaws, are:

- (a)
- (b)
- (c)

26. Special Declarant Rights.

(a) The Declarant reserves the following rights (individually and collectively, the "Special Declarant Rights"), for Declarant and for Dealers; and for other third parties, including, but not limited to any Unit Owner, pursuant to one or more partial and limited non-exclusive assignments by Declarant of any such right or rights that are executed and acknowledged by Declarant and such third parties and recorded in the Recorder's Office:

- (1) The right to complete or make improvements indicated on the Record Plan;
- (2) The right to maintain sales offices, management offices, storage sheds/trailers and model homes on Units or the Common Areas, provided that Declarant or Dealer may relocate any such facility located on a Unit to any other Unit in the Planned Community from time-to-time to the extent described in the following table:

|  | <b>NUMBER</b>        | <b>SIZE</b>                                 | <b>LOCATION</b>   |
|--|----------------------|---|---|
| <b>Model Homes</b>                     | Four per each Dealer | Per home plan prepared by applicable Dealer | On Unit designated by Declarant   |
| <b>Construction Management Offices</b> | One per each Dealer  | Trailer of a size determined by Dealer      | On Unit or on the portions of the Common Area designated by Declarant   |
| <b>Storage Sheds/ Trailers</b>         | Two per each Dealer  | Trailer/shed of a size determined by Dealer | On Unit or on the portions of the Common Area designated by Declarant   |
| <b>Sales Offices</b>                   | One per each Dealer  | Determined by Dealer                        | Within Model Home, or if no Model Home has been constructed by a Dealer, then in a trailer of a size determined by Dealer |

(3) The right to maintain signs in the Planned Community to advertise the Planned Community, including marketing signs for each Dealer on Units and Common Areas as determined by each Dealer;

(4) The right to maintain signs on the Property to advertise the sales of homes as follows: (i) a sign in front of each model home with a size of up to 24 inches by 18 inches, a brochure box and sign on each Unit available for sale with a size of up to 24 inches by 18 inches, and (ii) other signs on Units deemed necessary by Declarant;

(5) The right to conduct sales business and construction activities on the Property or in the Planned Community;

(6) The right to use and to permit others to use, easements through the Common Areas as may reasonably be necessary for the purpose of discharging the Declarant's obligations under the Act and this Declaration;

(7) The right of Declarant to grant and convey one or more conservation easements or other similar agreements on or with respect to portions of the Common Areas in favor of the Sussex County Land Trust or similar non-profit entity or organization to protect and/or preserve environmentally sensitive areas or habitats on such portions of the Common Areas;

(8) The right of Declarant to adopt and establish written guidelines for the size, design, materials, location, duration and other criteria for signs or advertising devices of any

kind or character from time to time (the “Signage/Advertising Guidelines”), including the right to prohibit the right of an Unit Owner other than a Dealer from displaying any “for sale” or similar signage during the first two (2) years of the Declarant Control Period pursuant to § 81-320 (c) of the Act;

(9) The right of Declarant and any Dealer to add to, remove, or otherwise modify or alter the landscaping, trees, and any other physical features or characteristics of any portion of the Property owned by Declarant or a Dealer from time to time, including but not limited to any such property that is adjacent to, in the general vicinity of, or otherwise visible from any Unit Owner’s Unit, including but not limited to changing the location, configuration, size, or other features or characteristics of any Units or Common Areas; and Declarant and each Dealer shall not have any liability, duty or obligation to any such Owner or any third parties as a result of such modifications, including but not limited to any alterations in the physical view from such Unit Owner’s Unit, whether resulting from or attributable to the presence, absence or re-configuration of other dwellings, structures, trees, landscape, amenities, or any other improvements or betterments or any modifications thereto (collectively the “Protected Development Rights”);

(10) The right of Declarant to modify the \_\_\_\_\_ Standards from time to time during the Declarant Control Period. Any such approved modifications shall become effective upon adoption, subject to exceptions and exemptions for existing or pending construction pursuant to the prior \_\_\_\_\_ Standards then in effect when contracts were entered into between (a) Declarant or a Dealer and its third-party homebuyers or (b) an Owner with its construction contractor(s);

(11) The right to appoint or remove any officer of the Association or any members of the Executive Board during the Declarant Control Period;

(12) The right to control any construction, design review, or aesthetic standards committee or process;

(13) The right to attend meetings of the Association and, except to the extent deemed to be an executive session of the Executive Board, pursuant to Section 81-103 (45) of the Act; and

(14) The right of access to the records of the Association to the same extent as a Unit Owner.

(b) Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument signed by Declarant, any Special Declarant Rights may be exercised by Declarant or any assignee thereof as evidenced by a written assignment recorded in the Recorder’s Office for the period from the date of this Declaration through the date thirty (30) years thereafter.

27. Units Subject to Declaration, Bylaws, Record Plan, Reservation and Declaration of Easements, Licenses and Agreements, and Rules and Regulations. All present and future Unit Owners, lessees, mortgagees, tenants and occupants of Units shall be subject to and shall comply with the provisions of the following: this Declaration, the Bylaws, the Record Plan, and any Rules

and Regulations for the Planned Community (individually and collectively, the “Governing Documents”). The acceptance of a deed of conveyance or other transfer documents or the entering into of a lease or the entering into occupancy of any Unit shall constitute an agreement that the provisions of the Governing Documents are accepted and ratified by such Unit Owner, tenant or occupant, and all of such provisions shall be deemed and taken to be enforceable equitable servitudes and covenants running with the Land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited at length in each and every such document.

28. Enforcement. The Declarant, the Association, and any Unit Owner shall have the right to enforce, by any proceedings at law or in equity, all of the restrictions, conditions, covenants, easements, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Declarant, the Association, or any Unit Owner to enforce any covenant or restriction herein contained shall in no event be deemed as a waiver of the right to do so thereafter. The Declarant and the Association shall have the right to adopt reasonable rules and regulations for enforcing the provisions hereof or any other rule or regulation, including the right to set and collect fines which shall be liens against Units.

29. Severability. Invalidation of any covenants or restrictions or any term, phrase or clause of this Declaration by the adjudication of any court or tribunal shall in no way affect the other provisions hereof which are hereby declared to be severable and which shall remain in full force and effect.

30. Assignment and Delegation. The Declarant shall have the right to assign to any one (1) or more persons, firms, corporations, partnerships or associations, any and all rights, powers, titles, easements and estates reserved or given to the Declarant in this Declaration. Further, the Declarant reserves the right to convey, assign or delegate to the Association, and the Association shall accept, any or all of the Declarant’s rights and obligations set forth in this Declaration.

31. Irrevocable Power of Attorney. Notwithstanding any provision to the contrary contained in this Declaration or the Bylaws, Declarant hereby reserves for itself, its successors, transferees and assigns, for a period of twenty (20) years from the date the first Unit is conveyed to an Unit Owner that is not the Declarant, or until it conveys title to all of the Units whichever occurs first, the right to execute on behalf of the Association and all contract purchasers, Unit Owners, mortgage holders, mortgagees, and other lien holders or parties claiming a legal or equitable interest in any portion of the Property, including without limitations, any Unit or the Common Areas, any agreements, documents, amendments or supplements to this Declaration and the Bylaws which may be required by FNMA, FHA, VA, FHLMC, GNMA, Sussex County, Delaware, any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Association, Common Areas, Property, any Unit, any public or private utility company designated by Declarant, any institutional lender or title insurance company designated by Declarant, or as may be required to comply with the federal Fair Housing Act, or to comply with other applicable laws or to correct any typographical or clerical errors or correct any ambiguity in the text of this Declaration or the Bylaws; together with any and all other documents, instruments or agreements, including by way of illustration and not limitation; deeds, transfer tax

affidavits, agreements, closing statements, with respect to any of the rights, title and authorizations, and acts reserved by or provided to Declarant under this Declaration or the Bylaws; or as otherwise expressly reserved by or granted to Declarant hereunder.

(a) By acceptance of a deed to any Unit or by the acceptance of any other legal or equitable interest in any portion of the Property, including without limitations, the Units or Common Areas, each and every such contract purchaser, Unit Owner, mortgage holder, mortgagee or other lien holder or party having a legal or equitable interest in any portion of the Property, including without limitations, any Unit or the Common Areas does automatically and irrevocably name, constitute, appoint and confirm Declarant, its successors, transferees and assigns, as attorney-in-fact for the purpose of executing any and all such agreement, document, amendment, supplement and other instrument(s) necessary to effect the foregoing rights, duties and obligations subject to the limitations set forth herein.

(b) No such agreement, document, amendment, supplement or other instrument that adversely affects the value of a Unit, or substantially increases the financial obligations of an Unit Owner, or reserves any additional or special privileges for Declarant not previously reserved, shall be made without the prior written consent of the affected Unit Owner(s) and all mortgagees of any mortgage encumbering the Units owned by the affected Unit Owner(s). Any such agreement, document, amendment, supplement or instrument which adversely affects the priority or validity of any mortgage that encumbers any Unit or the Common Areas shall not be made without the prior written consent of all such mortgagees.

(c) The power of attorney aforesaid is expressly declared and acknowledged to be coupled with an interest in the subject matter hereof and the same shall run with the title to the Property, including, without limitations, each Unit and the Common Areas, shall be binding upon the heirs, personal representatives, successors, transferees and assigns of any of the foregoing parties. Further, said power of attorney shall not be affected by the death or disability of any principal and is intended to deliver all right, title and interest of the principal in and to said power of attorney. Said power of attorney shall be vested in Declarant, its successors, transferees and assigns for a period of twenty (20) years from the date the first Unit is conveyed to an Unit Owner that is not Declarant, or until Declarant conveys title to the last Unit, whichever occurs first. Each Unit Owner covenants and agrees to execute and deliver to Declarant an irrevocable power of attorney coupled with an interest in form and content consistent with this Section to be recorded in the Recorder's Office at the Unit Owner's sole cost which shall run with and bind the Unit for a period of twenty (20) years as specified above.

(d) To accomplish the foregoing, each Unit Owner covenants and agrees, by acceptance of a deed to its Unit, to execute, acknowledge and deliver an Irrevocable Power of Attorney Coupled with an Interest substantially in the form and content of Exhibit "B" attached hereto and made a part hereof (the "POA") to supplement (and not in place of) the foregoing POA; provided, however, in the event any Unit Owner neglects or fails to execute and deliver such POA, then by acceptance of, together with the recordation of a deed to its Unit, each Unit Owner has affirmatively acknowledged and granted to Declarant the foregoing POA, which shall be deemed to have been incorporated in and made a part of such deed.

32. Duration and Amendments.

(a) Amendment. The Association or its successors, by and with the vote or written consent of sixty-seven percent (67%) of the then Unit Owners, shall have the power to waive, abandon, terminate, modify, alter, change, amend, eliminate or add to these restrictions and this Declaration at any time hereafter. Any such waiver, abandonment, termination, modification, alteration, change, amendment, elimination, or additions shall take effect when a copy thereof, executed and acknowledged by the Association or its successors in accord with the usual form of execution and acknowledgment of deeds, together with the written consents of the requisite number of Unit Owners or by a certificate by the Association verified under oath by the President thereof, or in the case of his/her absence or inability, by any Vice President thereof, setting forth the time, manner and result of the taking of the vote of the members, have been filed for record with the Recorder, and the same shall thereafter remain in effect in perpetuity unless otherwise provided. Notwithstanding the foregoing, such vote or consent shall not be required for amendments by the Executive Board in accordance with Section 81-217(i) of the Act, or by the Declarant in accordance with sections 81-217(k) and (1) of the Act. Notwithstanding the foregoing, provisions in this Declaration creating Special Declarant Rights which have not expired may not be amended without the consent of the Declarant. Furthermore, during the period that Declarant owns any Common Areas, or any Unit primarily for the purpose of sale, no waiver, abandonment, termination, modification, alteration, change, amendment, elimination, or additions to this Declaration shall take effect without the consent of the Declarant.

(b) Effectiveness of Amendments. Any amendment made pursuant to this Section shall be effective only upon recordation or at such alternate date as shall be specified in the amendment. Every Unit Owner or occupant, by accepting a conveyance or occupancy of a Unit shall be deemed to have agreed to be bound by such amendments as are permitted hereby, and to agree further that, if requested to do so by Declarant, such will consent to the amendment of this Declaration or any other instruments relating to the Planned Community.

(c) Power of Attorney. Declarant is hereby granted an irrevocable power of attorney coupled with an interest to amend this Declaration as provided in this Section and to take all other action convenient or necessary to give effect to any or all of the rights reserved to Declarant in this Declaration. Every party accepting an interest in any part of the Property, whether it be title, a lien, or any other interest, and whether it be transferred by a deed, a mortgage, a judgment, a last will and testament, or otherwise, shall thereby specifically accept the reservation of Declarant's rights as provided in this Declaration, and shall also thereby grant to Declarant this irrevocable power of attorney coupled with an interest. The Declarant may require that a party accepting any such interest in the Property shall execute a separate and written power of attorney coupled with an interest in the form set forth in the attached Exhibit "B" and record it in the Office of the Recorder of Deeds of Sussex County, Delaware. However, the power of attorney coupled with an interest provided by this paragraph shall be deemed fully granted to Declarant when any such interest is acquired, whether or not such separate and written power of attorney coupled with an interest is executed and recorded.

33. Dedication of Common Areas. Except as may otherwise be provided in this Declaration, every road, body of water, Common Area, Utility System, and other amenity within the Planned Community is private, and neither the Declarant's recording of any instrument or plan,

or any other act of the Declarant with respect to the Property is, or is intended to be, or shall be construed to be, a dedication to the public of any part of the Planned Community except as may otherwise be provided herein. The use and enjoyment of every part of the Planned Community is reserved to the Declarant; to those who, from time to time, are a Unit Owner; and to the invitees thereof. Such use shall be subject to such rules and regulations as may be prescribed by the Declarant or the Association, as the case may be.

34. Time is of the Essence. It is agreed that time is of the essence with regard to the provisions of this Declaration.

35. Remedies for Violation of Restrictions. Except as may otherwise be provided in this Declaration, in the event of a violation or breach of any of these restrictions by an Unit Owner or agent of an Unit Owner, by an occupant or agent of an occupant, or by another party, then the Unit Owners of Units in the Planned Community, the Declarant and the Association, or any of them, jointly or severally, shall have the right to proceed at law or in equity to compel compliance therewith, or to prevent the violation or breach thereof. In addition to the foregoing, the Declarant and the Association shall have the right, whenever any improvement or structure is built or placed in violation of this Declaration, to enter upon the property where such violation exists, and summarily abate or remove the same at the expense of the Unit Owner, if after thirty (30) days written notice of such violation, it shall not have been corrected by the Unit Owner. The Association is hereby granted a perpetual easement across each Unit for the purpose of enforcing its right under this Section, and no such entry and abatement or removal shall be deemed a trespass. The Association may also maintain such watchmen and erect, maintain and control, at its discretion, such gate houses, or adopt at its discretion other measures to enforce the rights mentioned in this Declaration, and such watchmen or gate houses shall not constitute the creation or maintenance of a nuisance or obstruction nor constitute any limitation or annulment of the grant of free and uninterrupted use of the Common Areas, including streets and roadways, of Unit Owners. The failure to enforce any rights, reservation, restriction or condition contained in this Declaration, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. Should any person employ counsel to enforce any of the foregoing covenants, conditions, reservations or restrictions, because of a breach of the same, all costs incurred in such enforcement, including a reasonable fee for counsel, shall be paid by the Unit Owner of such Unit or Units in breach thereof. The Declarant shall not in any way or manner be liable or responsible for any violation of these restrictions by any person other than itself.

36. Internal Resolution of Complaints. The Association shall follow the procedures outlined in the Bylaws regarding complaints (the "Internal Complaint Procedure"):

(a) An Owner or other interested person may present a common interest community complaint to the Association (a "CIC Complaint"). The Association may present a CIC Complaint to an Owner or other interested person. Whoever presents a CIC Complaint is the "Complainant." Whoever the CIC Complaint seeks a response from is the "Respondent." An Owner shall not be charged a fee to participate in the Internal Complaint Procedure, unless the Association determines the process is being abused.



(b) The CIC Complaint shall be on the CIC Complaint Form attached to this Declaration as Exhibit “D,” or be substantially similar to the CIC Complaint Form. The Association shall provide a copy of the form to the Owner upon request, or otherwise make the form generally available.

(c) The Complainant shall deliver the completed CIC Complaint, including all required supporting information to the Respondent as set forth herein. The Respondent shall mark on the CIC Form the date the CIC Complaint is received, and shall mark the date of receipt on copies of the CIC Form if requested by the Complainant. For the purposes of the Internal Complaint Procedure a party makes “delivery” in one of the following ways;

(1) hand delivery by or to an Owner to the current address, in person, or by services such as FedEx, UPS or other delivery service that creates a record of delivery; or

(2) registered or certified mail, return receipt requested; or USPS “delivery confirmation,” at the address provided by the Association or the Owner.

If an Owner delivers a CIC Complaint to the Association, the Association shall participate in this internal dispute resolution procedure.

(d) The Respondent shall deliver written acknowledgment of receipt of a CIC Complaint within fourteen (14) days of receipt by any of the means described in this Section 36.

(e) Any specific documentation required in support of the CIC Complaint must be delivered with the CIC Complaint, and must be described in the CIC Complaint. This documentation may include:

(1) the Declaration;

(2) the Bylaws;

(3) any Rules and Regulations of the Association;

(4) any other governing document of the Association;

and, if needed for the issue in dispute:

(5) notice letters, correspondence;

(6) bills;

(7) checks;

(8) photographs; and

(9) any other document or evidence that supports the CIC Complaint, or is relevant to the matter complained about.

The Association will make available a copy of the governing documents to an Owner upon request, including the Certificate of Incorporation, Declaration, Bylaws, Rules and Regulations, all as amended from time to time, or any other documents creating or governing the Association and other relevant books and records of the Association. If the Complainant relies upon any law or regulation applicable to the CIC Complaint, they shall provide that information, and describe the desired action or resolution in the CIC Complaint.

(f) A party to a CIC Complaint may submit a written request to the other party, to meet and confer in an effort to resolve the CIC Complaint. If the Association is the Respondent, the Executive Board shall promptly designate a member of the Executive Board to meet and confer. The parties shall meet promptly at a mutually convenient time and place, informally explain their positions to each other; and confer in good faith in an effort to resolve the CIC Complaint. A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the Executive Board's designee on behalf of the Association. The agreement binds the parties and is judicially enforceable if it is signed by the parties; is not in conflict with law or the governing documents of the Association; and is either consistent with the authority granted by the Executive Board to its designee or the agreement is ratified by the Executive Board.

(g) If the CIC Complaint is not resolved through the "meet and confer" in Section 36(f) above or requires additional information, the Respondent, if it is the Association, shall review the CIC Complaint at the next Association meeting, and within ten (10) days thereafter, make a reasonable, efficient, and timely request for any additional information that is necessary for the Owner to provide in order to continue processing the CIC Complaint. An Owner who is a Respondent may request additional information within twenty (20) days of receipt of the CIC Complaint.

(h) The Respondent will provide the requested information, if any, within ten (10) days of the request, unless there are unforeseen circumstances. If there are unforeseen circumstances the Respondent must notify the Complainant when the information will be provided.

(i) The Respondent shall respond to and act upon the CIC Complaint within twenty (20) days after the Complainant provides the information requested, or the time expires.

(j) The Association shall notify the Owner a reasonable time before, of the date, time, and location at which the Association will consider the CIC Complaint. For purposes of this paragraph, "reasonable time" means not less than seven (7) days prior to the date for consideration of the CIC Complaint or at a convenient time for both the Association and the Owner. The Association will deliver notice of the date, time, and location for consideration of the CIC Complaint to the Owner by the delivery means described in this Section 36.

(k) The Association shall permit the Owner a full opportunity to explain the Owner's position and evidence, and to question witnesses, Association members, employees or representatives. The Association may ask the Owner questions, and question others.

(l) Each party shall treat the other with dignity, respect and civility. Neither party need tolerate rudeness, name calling, or disrespect. Either party may call a ten (10) minute recess in the meeting for this reason.

(m) No later than fourteen (14) business days after consideration of the CIC Complaint, the Association shall make its final determination of the CIC Complaint in writing. The Association shall deliver written notice of the final determination to the Owner.

(n) The notice of final determination shall be dated with the date of issuance and include:

(1) the written final determination with an explanation of the decision;

(2) specific quotation of the Associations declaration, bylaws, rules or other governing documents, or

(3) a reference to an applicable law or, regulation or rule that led to the final determination of the Association;

(4) any supporting documents, correspondence, and other materials related to the final decision;

that led to the final determination, as well as:

(5) the registration number for the Association, if any; and

(6) the name and license number of the community manager, if any.

(o) The notice of final determination shall inform the Owner of the right to submit the Association's final determination to the Delaware Department of Justice's Office of the Ombudsperson for the Common Interest Community in substantially the following form:

You have the right to file a notice of final adverse determination with the Common Interest Community Ombudsperson in accordance with 29 *Del. C.* §2544 (9), (10).

The notice to the Ombudsperson:

- must be filed within (30) days of the date of the final adverse decision;
- must be in writing on a "Contact/Complaint" form provided by the Office of the Common Interest Community Ombudsperson ("Ombudsperson") (available at the website of the Ombudsperson or by calling the number below);
- must include copies of any Required Information listed in the Contact/Complaint form and supporting documents, correspondence and other materials related to the decision; and

- must be accompanied by a thirty-five dollar (\$35) filing fee (unless waived by the Ombudsperson for good cause).

You may contact the Office of the Ombudsperson at any of the following:

Delaware Department of Justice  
Office of the Common Interest Community Ombudsperson  
820 N. French Street  
Wilmington, DE 19801  
Telephone: (302) 577-8400  
Email: Common.Interest.Community.Ombudsperson@state.de.us.

37. Rule Against Perpetuities. In the event that any of the provisions hereof are declared void by a court of competent jurisdiction by reason of the period of time herein stated for which the same shall be effective, then in that event such term shall be reduced to a period of time which shall not violate the rule against perpetuities or any other law of the State of Delaware, and such provision shall be fully effective for said reduced period of time.

38. Utility Contracts Notice. The Declarant has or will negotiate and enter into contracts with such utility company, or companies, or governmental agencies, as Declarant may deem appropriate for the purpose of supplying utilities to said subdivision, including, but not necessarily limited to telephone service, water, sewer, cable television, gas and any other utility which is deemed desirable by the Declarant, on behalf of the individual Unit Owners and residents of the Planned Community and the Association. The individual Unit Owners and residents of the Planned Community and the Association shall be bound by such contracts and shall pay all such fees, assessments, charges, rates, or tariffs required by such contracts.

39. Waiver. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

40. Gender. The use of the masculine gender in this Declaration shall be deemed to refer to the feminine gender and the neuter gender and the use of the singular shall be deemed to refer to the plural, and vice versa, whenever the context so requires.

41. Run With the Land: Successors and Assigns. This Declaration shall run with the real property submitted to this Declaration and which shall be binding upon all parties having any right, title, lien or other interest in the Land or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each Unit Owner thereof Whenever Declarant is referred to herein, such reference shall also refer to its successors and assigns.

42. Notices. Notices required pursuant to this Declaration shall be given in accordance with Section 81-127 of the Act.

IN WITNESS WHEREOF, \_\_\_\_\_, a Delaware limited liability company, has caused these presents to be signed this \_\_\_\_ day of \_\_\_\_\_, 2020.

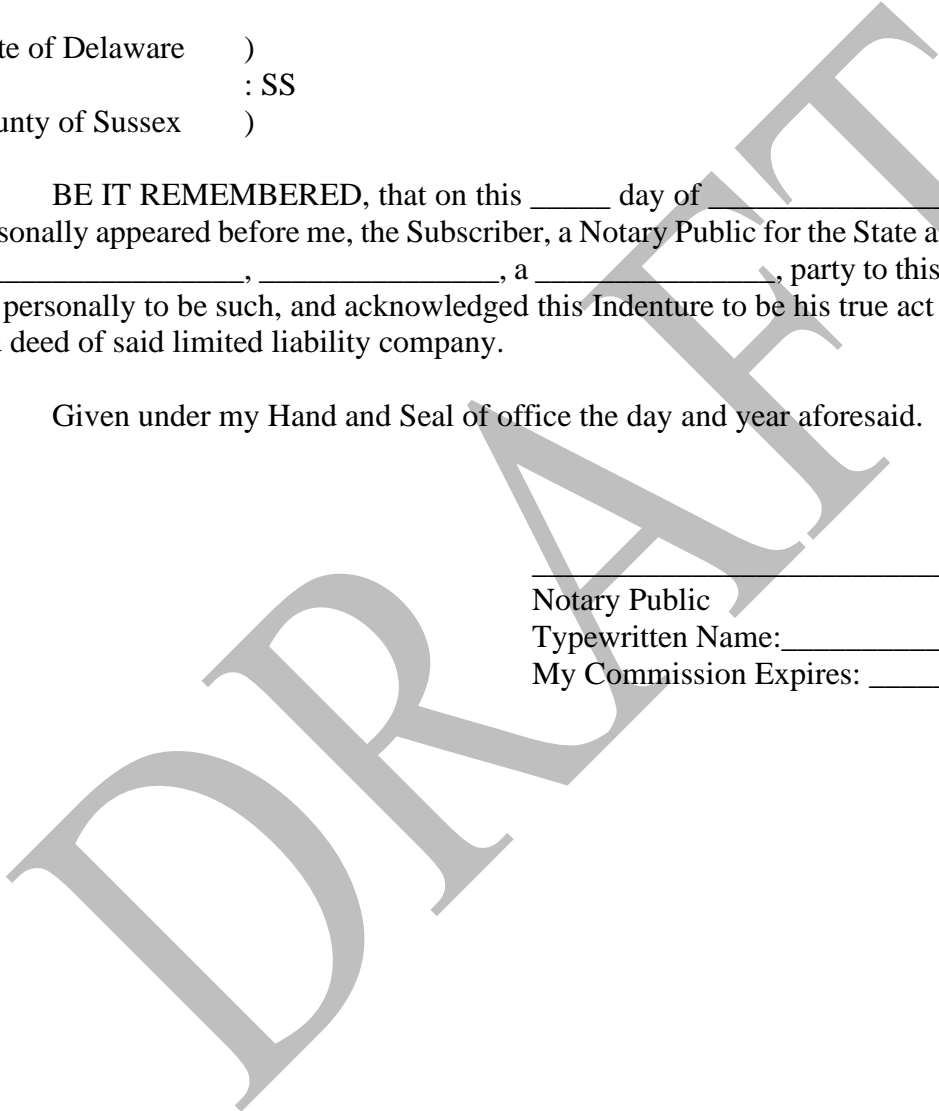
\_\_\_\_\_  
By: \_\_\_\_\_

State of Delaware     )  
                                  : SS  
County of Sussex     )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, A.D. 2022, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, \_\_\_\_\_, \_\_\_\_\_, a \_\_\_\_\_, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his true act and deed and the act and deed of said limited liability company.

Given under my Hand and Seal of office the day and year aforesaid.

\_\_\_\_\_  
Notary Public  
Typewritten Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



P

**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: **Davis, Bowen & Friedel**

Date: 7/13/2021

Reviewed by: **Chris Calio**

Agreement #: **1178**

Project Name: **Ritter Farm**

Tax Map & Parcel(s): **334-5.00-153.00**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **250**

Pump Station(s) Impacted: **PS 207 & PS 210**

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **MH 834**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage): **N/A**

Current Zoning: **AR-1** Zoning Proposed: **AR-1**

Acreage: **61.39**



**Additional Information: The storage area is currently zoned C-1 with the remaining lands zoned AR-1. I have based the EDU number on the AR-1 zoning with 5 EDU's included for amenities.**

**\* No capacity is guaranteed until System Connection Fees are paid**

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher





A Middlesex Water Company Affiliate

December 23, 2022

Davis, Bowen, & Friedel, Inc.  
Attn: Ring Lardner  
1 Park Ave.  
Milford, DE 19963

**RE: Willing & Able Letter – Vintners Reserve**

Dear Mr. Lardner:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No.334-5.00-153.02. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in black ink that reads "Kelly R. Bailey". The signature is written in a cursive style and is positioned above a thin horizontal line.

Kelly Bailey  
Manager of Contract Administration



A PHI Company

---

Millsboro District Office

Telephone: (302) 934-3357  
Fax: (302) 934-3306

700 E. Dupont Hwy.  
Millsboro, De 19966

July 26, 2021

Davis, Bowen & Friedel, Inc  
Attn: Janet M. Lardner  
1 Park Ave. Milford, DE 19963

Re: AAA Storage - Ritter Farm, Tax Map 334-5.00-153.00

Dear Henlopen Properties:

This is to confirm that Delmarva Power is the electric service provider and has electric service in the vicinity of the above mentioned parcel in Lewes, De.

Depending upon the nature of electric service requested, facilities may have to be extended or increased from our present facilities into the parcel. This increase could be at customer expense.

Once an "Application for Electrical Service" has been received, along with load information, engineering can commence and exact details of how the load will be supplied can be developed.

Please contact me at 302-934-3351 if I can be of any further assistance.

Sincerely,

*Brett Jones*

Brett Jones  
Engineering Fieldman  
Millsboro District



July 19, 2021

Janet Lardner  
Davis, Bowen & Friedel, Inc.  
1 Park Avenue  
Milford, DE 19963

Re: Natural Gas Service / AAA Storage -Ritter Farm / Tax Parcel ID: 334-5.00-153.00/ SR 1 /  
Rehoboth Beach, DE

Mrs. Lardner:

Chesapeake Utilities has existing natural gas infrastructure located along Rte 9/ Lewes Georgetown Highway and SR 1 & Jingle Shell Way. Both gas main locations are in close proximity to the AAA-Ritter farm single family residential project on SR1 in Rehoboth Beach, DE Tax Parcel ID: 334-5.00-153.00.

Prior to the execution of a final Natural Gas Agreement, Chesapeake Utilities is required to complete an engineering design, construction estimate and overall economic analysis to ensure the feasibility and ROI of the project's overall infrastructure build-out.

Upon execution of the Natural Gas Agreement, Chesapeake Utilities will move forward with final internal approvals and begin the scheduling of construction to extend gas service to the project.

Please feel free to reach me with any questions and I look forward to working with you.

Respectfully,

A handwritten signature in blue ink that reads "Kelley".

Kelley Gabbard  
Chesapeake Utilities  
Natural Gas Sales  
500 Energy Lane  
Dover, DE 19901



October 29, 2021

Attention:  
Davis, Bowen & Friedel, Inc  
1 Park Ave  
Milford, DE 19963

RE: Letter of availability:  
Property currently known as Ritter Farm/ Subject to change with name of Development  
32172 Janice Road  
Lewes, DE 19958  
Tax Map 334-5.00-153.00

Davis, Bowen & Friedel, Inc:

This correspondence is to certify that Xfinity cable, internet, & phone services are available or can be made available to the property described above in sufficient capacity to service a residential development located at , Property currently known as Ritter Farm/ Subject to change with name of Development, 32172 Janice Road Lewes, DE 19958 - Tax Map 334-5.00-153.00

In order for Comcast to provide service to any single family, mixed-use or commercial buildings, Comcast will need to have an Installation and Services Agreement (residential) and/or a Right-of-Entry/Access Agreement (commercial) executed in order to define the responsibilities of the agreeing parties and to begin construction.

Should you have any questions or need more information, I can be contacted at (410) 241-3703 or at [Richard\\_Kerfoot@comcast.com](mailto:Richard_Kerfoot@comcast.com). Thank you.  
Sincerely,

***Rick Kerfoot***

Rick Kerfoot  
Construction Supervisor  
6465 Hobbs Rd.  
Salisbury, MD 21804

Verizon Delaware LLC  
Outside Plant Engineering  
2 S. Industrial Lane  
Milford, Delaware 19963



November 14, 2017

Henlopen Properties  
C/O Davis, Bowen, and & Friedel, Inc.  
1 Park Ave  
Milford, De 19963

Project: AAA Storage - Ritter Farm

To Henlopen Properties:

In reference to the above-mentioned Development, Ritter Farm, and subject to applicable laws, franchises, regulations and tariffs, Verizon, Delaware Inc. will supply communication service at the Development if we receive the proper information, easements and payments needed such as:

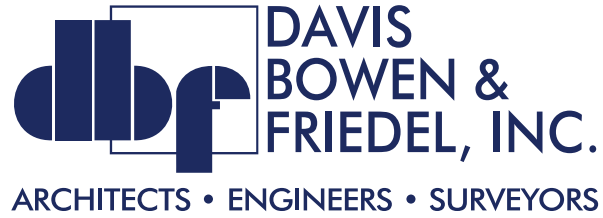
1. One full set of paper development plans at no cost to Verizon.
2. Mailing addresses for each building when they become available to start to establish the 911 database.
3. Documentation granting all required rights-of-way and easements at no cost to Verizon.
4. Where applicable, payment in full of required advance construction payment based on estimated costs. The actual cost to you will depend on such factors as lot size, the proximity of existing feeder facilities, the existing feeder capacity, terrain and other environmental conditions (e.g., railroads, waterways). Please contact Verizon if you require a more precise estimate of construction costs for the Development.

Additionally, circumstances not currently known to Verizon may hinder or impede the installation of communication services and Verizon reserves the right to react to such circumstances in its discretion. Should you need any additional information, please do not hesitate to contact me.

Sincerely,  
Verizon

*Lee Clausen*

Lee Clausen  
Verizon Network Engineer



*IMPROVING OUR COMMUNITIES.  
SHAPING THE WORLD AROUND US.  
**CREATING VALUE BY DESIGN.***

1 Park Avenue  
Milford, DE 19963  
(302) 424-1441

601 East Main Street, Suite 100  
Salisbury, MD 21804  
(410) 543-9091

106 Washington Street, Suite 103  
Easton, MD 21601  
(410) 770-4744

[www.dbfinc.com](http://www.dbfinc.com)

December 22, 2022

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI  
Planning and Zoning Director

Re: Vintners Reserve  
PLUS Review 2021-12-06 Response  
Tax Map # 334-5.00-153.02  
DBF#3808B001

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

RECEIVED

DEC 28 2022

SUSSEX COUNTY  
PLANNING & ZONING

Dear Mr. Whitehouse,

On behalf of our client Janice CRP3, LLC, we offer the following in response to the State's comments:

**Strategies for State Policies and Spending**

*Currently this parcel is within the commercial area according to the Sussex County comprehensive plan. In June 2021 the applicant sought a comp plan amendment to change the Future Land use map from Commercial to Coastal. The state had no objection to this amendment, but it is my understanding that the amendment has not been approved at this time. This amendment must be approved for the Ritter farm project to move forward.*

*With that said, this parcel is located in a Level 2 according to the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas, provided Sussex County makes the proposed amendment and the proposed development meets the county codes.*

**We have read the above comments and the comprehensive plan amendment will be heard concurrently with the project. We further recognize that the site is within a Level 2 investment area.**

## Code Requirements/Agency Permitting Requirements

### Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The site access on Janice Road (Sussex Road 14B) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*
- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017). The Project Coordination Meeting held on November 8, 2021 is not sufficient for this purpose.*
- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*
- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,704 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 105 and 132, respectively. Therefore, a TIS would normally be required.*

*The subject development is located in the Henlopen Transportation Improvement District (TID). The traffic projections for the TID assumed development of the subject land with 81 single-family detached houses which, using the (ITE) Trip Generation Manual, would generate 62 and 83 weekday morning and evening peak hour trip ends, respectively. Because the rules for determining consistency with the TID allow up to 49 additional weekday peak hour trip ends, the proposed development is consistent with the TID and a separate TIS is not required.*

*As authorized in Section 2.2.2.4 of the DelDOT Development Coordination Manual, DelDOT will require that the developer participate in the TID rather than do any off-site improvements that might be warranted beyond their entrance. In accordance with Section 2.4 of the Manual, the applicant will be required to sign an agreement and pay a*



*fee of per lot. The fee may be paid separately for each lot but is subject to a surcharge if it is not paid for the entire plan at once.*

*In part, the TID agreement will provide that the applicant may receive credit against their fee for construction planned as part of the TID. Entrance construction is generally not considered eligible for such credit.*

*DelDOT asks that the applicant contact their Subdivision Manager for this part of the county, Mr. Derek Sapp, for routine matters regarding the agreement. Mr. Yates may be reached at [Derek.Sapp@delaware.gov](mailto:Derek.Sapp@delaware.gov) or (302)760-4803. As necessary, the applicant may also contact Ms. Sarah Coakley, a Principal Planner in DelDOT's Regional System Planning Section who manages DelDOT's TID program. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.*

*Apart from the TID, DelDOT is developing a capital project to grade-separate the intersection of Delaware Route 1 and Minos Conaway Road (Sussex Road 265). That project, scheduled for construction, beginning in Fiscal Year 2023 and ending in Fiscal Year 2025, will include improvements to Janice Road that will need to be coordinated with the site entrance construction.*

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Janice Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Janice Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" This is the minimum standard width. Coordination with DelDOT's Division of Transportation Solutions will be needed regarding the specific rights-of-way needed to accommodate DelDOT's planned improvements to Janice Road.*
- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot-wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot-wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*
- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
  - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*

- *Depiction of all existing entrances within 300 feet of the site entrance.*
- *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. The November 2017 record plan for Phase 3 of Vineyards at Nassau Valley includes a 50-foot-wide access easement about 500 feet from the north end of the two developments common property line. DelDOT anticipates recommending that Sussex County require an interconnection.*
- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. If a frontage SUP or sidewalk is not included in the Minos Conaway Road project, DelDOT would require its construction in exchange for credit toward the TID fee.*
- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Janice Road.*
- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**We have read DelDOT's comments and will comply with their rules and regulations.**

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

***Wetlands***

*Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site. While the application does not indicate that a wetlands delineation has been completed, a wetland buffer is shown on the preliminary plan. The preliminary plan avoids disturbance to these areas.*

- *If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply as described below.*
- *Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may need to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers triggers additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification).*

*Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.  
Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>*

*State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

**We have received confirmation from the U.S. Army Corps of Engineers that there are no non-tidal jurisdictional wetlands on this parcel.**

***Vegetated Buffer Zones***

- *The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.*

*Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

**The project will comply with all required buffers.**

***Stormwater Management***

*This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's Sediment and Stormwater Regulations.*

- *A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this*

*project, the plan review agency is the Sussex Conservation District.*

- *Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*
- *Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

*Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.*

*Website: <https://www.sussexconservation.org/>*

*General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.*

*E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).*

*Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>*

**We are aware of the stormwater regulations and will follow the requirements for submission to the district.**

### ***Excellent Groundwater Recharge Area***

*An Excellent Groundwater Recharge Area is located on the southwest corner portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.*

- *The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.*

*Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.*

*Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>*

**We are aware of the small portion of this site located within the excellent groundwater recharge and this area will not have more than 35% impervious coverage.**

***Wastewater permits – Large Systems***

*Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.*

- *If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee to notify the Large Systems Branch.*

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

**We thank you for the information.**

***Nutrient Management Plan***

*This project proposes open space, the acreage of which is yet to be determined.*

- *A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.*

Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

**A nutrient management plan will be prepared if nutrients will be applied.**

***State Historic Preservation Office – Contact Carlton Hall 736-7400***

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are no known historic resources on the parcel. Historic aerials and topographic maps do not show anything on the parcel for the past hundred years. By 1992, there is significant ground disturbance on the parcel. As there are no known historic resources on the parcel and historic aerials show disturbance on the parcel, there is low potential for historic archaeological sites on the parcel.*

**We thank SHPO for their comments.**

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

*At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:*

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 foot spacing on center.*
- *Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.*

Fire Protection Features:

- *For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan*

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Janice Road must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.*
- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

Gas Piping and System Information:

- *Provide type of fuel proposed and show locations of bulk containers on plan.*

Required Notes:

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *Proposed Use*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Townhouse 2-hr separation wall details shall be shown on site plans*
- *Provide Road Names, even for County Roads.*

**We thank the fire marshal for their comments and will comply with the Fire Prevention Regulations.**

Recommendations/Additional Information

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Janice Road.*
- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*
- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of*

March 21, 2019 and March 16, 2021. The notes can be found at  
<https://www.deldot.gov/Business/subdivisions/>

We thank DelDOT for the additional comments and will comply with the department's rules and regulations.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

***Wetlands***

- *As proposed for this project, do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.*

*Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.*

*Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>*

*State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.*

*Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

As note earlier, this project does not contain non-tidal wetlands.

***Vegetated Buffer Zones***

- *Expand the 25-foot buffer to no less than 100 feet from the edge of wetlands and ponds to protect water quality and to provide an additional margin of safety for flooding.*
- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*



- *Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

The project does not contain wetlands and therefore buffers are not required.

### **Stormwater Management**

- *Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.*
- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

We thank DNREC for the additional comments.

### **Drainage**

- *All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.*
- *Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.*
- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

We thank DNREC for the additional comments regarding drainage.

### ***Water Quality (Pollution Control Strategies)***

- *This site lies within the Broadkill Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.*
- *Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.*
- *Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.*
- *Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.*
- *Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.*

*Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>*

**The project will comply with TMDLs and / or the PCS as necessary.**

### ***Excellent Groundwater Recharge Area***

- *For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.*

*Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.  
Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>*

**The impervious area within the recharge area will be less than 35% as required by the Sussex County code.**

### ***Mosquitoes***

- *The project will be impacted by mosquitoes due to its location near large expanses of freshwater wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.*

- *If necessary, arrange for long-term mosquito control services through a private company licensed in this area of specialty. In some cases, the DNREC Mosquito Control Section may be able to provide these services free of charge.*

Contact: DNREC Division of Fish and Wildlife, Mosquito Control Section at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

We thank DNREC for the additional comments.

### ***Additional Sustainable Practices***

- *Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.*
- *Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.*
- *Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.*
- *Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.*
- *Install electric vehicle charging stations for your residents. Increasingly, residents will expect EV charging. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).*
- *Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).*

- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

We thank DNREC for the additional information.

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- *Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings.*
- *The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:  
<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>*
- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.*

We thank the fire marshal for the additional comments.

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

- *DSHA supports the subdivision plan for 313 townhomes on 61 acres along Janice Road in Sussex County. This proposal is located in a great location with high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed. While the rezoning will result in a relatively low density of 5 units per acre, townhomes are often more affordable to the many county residents who work in the coastal resort economy.*
- *This site is also located within a DSHA-defined “Area of Opportunity” which are strong, high value markets, with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. Unfortunately, these same areas contain little affordable housing. The need for housing affordable, particularly in the coastal resort area, is acute and well documented. For well over 10 years, the gap between the highest earners and the average wage group has grown. Compounded with wages not increasing proportionally to housing costs, many residents were already experiencing housing insecurity by the beginning of 2020. The*

*onset of the COVID pandemic then exposed the inequity of those hardest hit, increased the number of residents experiencing housing insecurity, and placed those already struggling into dire housing circumstances.*

- *Community opposition has been particularly aggressive in the Lewes-Rehoboth area which has often delayed the availability of more affordable housing options or prevented them being built altogether – which has exacerbated the housing insecurity experienced by so many county households. Approving this subdivision plan will permit residents to live close to their jobs, gain access to the resources and benefits this area provides, and begin to mitigate the housing insecurity experienced by so many county residents.*

**We thank DSHA for the additional comments.**

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- *The parcel is located within an area of minimal flood concern (1000 year or greater); however, this is expected to increase over the next 30 years. First Street Foundation rates the community risk level of 3, which suggests a major risk from flooding, combining risks associated between residential properties, commercial properties, critical infrastructure facilities, social infrastructure facilities and roads, between now and the next 30 years.*

*The county has a population density of 265.20 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block has a total population of 531 people, though with development, this will certainly change. Adjacent blocks bring the area to a total population of 1546, primarily adults.*

*The parcel is located within the County's evacuation zone C; directly across the street from Zone B. According to FEMA's National Risk Index, the parcel is considered relatively low for natural hazards. Both its social vulnerability and community resilience is currently rated as relatively moderate.*

*In terms of energy use and consumption, the region utilizes electricity as the predominant fuel type, with liquid propane coming in second, and natural gas as a close third. As such, the parcel has a photovoltaic power potential of 1505 kWh per kWp. DEMA strongly encourages the use of renewable energies and high efficiency appliances and utilities. As such, should solar panels be utilized, we recommend an optimum tilt of the photovoltaic modules to be at approximately 35 degrees. In terms of utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery back up systems for sump pumps to reduce potential water damage from power failure.*

*Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roof where applicable*

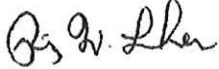
*and allowable, and the like.*

**We thank DEMA for the additional information.**

If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at [rwf@dbfinc.com](mailto:rwf@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.

Sincerely,  
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.  
Principal

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CC: Jon Hoffman, Janice CRP3, LLC  
David Hutt, Morris James, LLC

December 27, 2022

Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.  
Michael R. Wigley, AIA, LEED AP

Georgetown Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

RECEIVED

DEC 28 2022

SUSSEX COUNTY  
PLANNING & ZONING

Attn: Mr. Jamie Whitehouse, Planning Director

Re: Ritter Farm (2022-02)  
TAC Comment Response  
DBF# 3808B001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Janice CRP3, LLC., we are pleased to submit our formal response to the TAC comments provided to us on December 8, 2022. We have listed each agency as submitted to our office.

**United States Department of Agriculture, Thelon D. Savage**

We have read the report and are familiar with the soils on site.

**Delaware Department of Agriculture, Taryn Davidson**

We have read the comments from the Delaware Forest Service and will select native species for plantings.

The proposed TAC comments did not require a revision to the preliminary plan set.

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at 424-1441

Letter: Ritter Farm – TAC Response  
December 27, 2022  
Page 2

Sincerely,  
DAVIS, BOWEN & FRIEDEL INC.



Ring W. Lardner, P.E.  
Principal

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Cc: Janice CRP3, LLC  
David Hutt, Morris James