

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, AICP, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, Planner III; Michael Lowrey, Planner III; Chase Phillips, Planner II; Christin Scott, Planner I; Elliott Young, Planner I & Jesse Lindenberg, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: February 10th, 2022

RE: Other Business for the February 17th, 2022 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the February 17th, 2022 Meeting of the Planning & Zoning Commission.

Brookland Farm (2021-09)

HW

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request from Gulfstream Development, LLC to remove Condition J from the Brookland Farm subdivision application conditions (2021-09). This condition requires a “pervious walking path between Lots 58 and 59 of this development connecting to the stubbed point of interconnectivity within the adjacent Hamlet at Dirickson Creek [development].” Brookland Farm (2021-09) received preliminary approval from the Planning and Zoning Commission meeting on November 18th, 2021. On January 12th, 2022, staff received a formal request to remove this condition in its entirety. This AR-1 cluster subdivision that proposes 92 single-family lots is located on the east side of Bayard Road (S.C.R. 384), approximately 0.51-mile north of Zion Church Road (Route 20). Tax Parcel: 533-11.00-87.00.

Channel Pointe (F.K.A. Bishop’s Pointe & Cannon Property) (2018-18)

HW

Final Subdivision Plan

This is a Final Subdivision Plan for the establishment of seventy (70) single-family lots as a Coastal Area cluster subdivision with private roads, open space and associated amenities to include a dock, kayak launch, pool and pool house. The Revised Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, November 29, 2018. The Commission may recall that the plans were revised in order to comply with amended Conditions of Approval for previous Conditions A, D, H, and M. The property is located on the north side of Lighthouse Road (Route 54) in Selbyville. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Zoning: AR-1 (Agricultural Residential District). Tax Parcels: 533-20.00-20.00, 21.00 & 22.00 & 533-20.19-97.00. Staff are in receipt of all agency approvals.



Key Properties Group LLC

KH

Revised Site Plan

This is a Revised Commercial Site Plan for Lands of Key Properties Group, LLC for the construction of a proposed restaurant building, a 2-story addition to an existing building, additional parking and other site improvements. The property is located on the northeast east side of Coastal Highway (Rt. 1). The property is located within the Combined Highway Corridor Overlay Zone (CHCOZ). Zoning: C-1 (General Commercial District). Tax Parcels: 334-6.00-74.00 & 334-6.00-70.01. Staff are awaiting agency approvals.

Hailey's Glen (F.K.A. Kielbasa) (2017-17)

BM

Amenities Plan

This is an Amenities Plan for the construction of a proposed 1,120 square foot open-air pavilion, double-sided fireplace, and 308 square foot patio within the existing Hailey's Glen (F.K.A. Kielbasa) subdivision. The Final Subdivision Plan for the proposal was approved by the Planning and Zoning Commission at their meeting of Thursday, May 27, 2021. The property is located on the east side of Kielbasa Court within the subdivision. The Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 234-12.00-11.00. Staff are in receipt of all agency approvals.

Lands of Frank and Susan Deford

BM

Minor Subdivision off a 37-foot easement

This is a Minor Subdivision Plan for the creation of a parcel that is 0.995 acres. This proposed lot is located off an easement, that at its narrowest point, is 37.98 feet +/- . The property is located on the west side of Hartzell Road (S.C.R. 560). Staff note the presence of an existing cemetery which is neither included within the proposed lot nor the access easement. The cemetery is proposed to be marked with corner posts given the proposed establishment of the lot. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 131-13.00-40.00. Staff are in receipt of all agency approvals which include a Letter of No Objection from the Delaware Department of Agriculture. This Minor Subdivision Plan is eligible for preliminary and final approvals.

Lands of Derek T. Campbell et. al

BM

Minor Subdivision off of a 40-ft easement

This is a Minor Subdivision for the subdivision of a 1.51 acre +/- parcel of land into one (1) proposed lot consisting of 0.76 acres +/- and residual lands consisting of 0.76 acres +/- . The property will be accessed by Maple Lane with a proposed 40-ft ingress/egress access easement over the existing access. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 234-28.00-124.00. Staff are awaiting agency approvals.

Lands of Frances J. Reed

KH

Minor Subdivision off a 50-ft easement

This is a Minor Subdivision for the creation of a 41.27 acre parcel of land into one (1) proposed lot consisting of 10.08 acres +/- and residual lands consisting of 31.19 acres +/- . The property is located on the south side of Reddon Road (Route 40). It should be noted that there is an existing tax ditch on the property of which the tax ditch ROW is measured 145-ft from the centerline of the tax ditch. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 430-16.00-29.06. Staff are in receipt of all agency approvals.

GULFSTREAM DEVELOPMENT LLC

27 ATLANTIC AVENUE
OCEAN VIEW DE 19970
RJH@GULFSTREAMDE.NET

January 12, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Re: Brookland Farm
Subdivision 2021-09

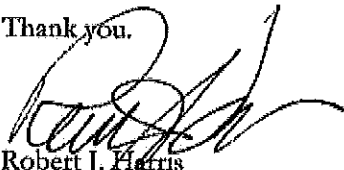
Dear Mr. Whithouse:

I have been contacted by owners of the neighboring development to Brookland Farm, The Hamlet, with a request that we not provide a pedestrian path between the two communities. This was a requirement of Condition J in our subdivision approval letter. Their concern is with the possibility of trespass onto their common areas and storm water pond, which is a major amenity in The Hamlet. If their opinion is that this is a negative for The Hamlet, then in the interest of neighborliness, I told them I would make the request.

On their behalf I am making a formal request to the Planning and Zoning Commission that this pedestrian path requirement be waived. There have been no sales of lots in Brookland Farm, and the path does not yet appear on any preliminary plat or marketing material.

If this is acceptable to the commission, please advise me and we will prepare future plats and plans without reference to this pedestrian connection.

Thank you.


Robert J. Harris
Managing member

RECEIVED

JAN 12 2022

SUSSEX COUNTY
PLANNING & ZONING

The Hamlet at Dirickson Pond
Homeowners Association
President, Edward T. Dougherty, Jr
Email etdjrdds@aol.com

January 6, 2022

Sussex County Planning and Zoning
Attention: Jamie Whitehouse
2 The Circle
P. O. Box 417
Georgetown, Delaware 19947
Phone: (302) 855-7878
Fax: (302) 854-5079

RE: Brookland Farm

Dear Mr. Whitehouse,

The Hamlet at Dirickson Pond HOA is hereby formally requesting that the county withdraw its request from the developer of Brookland Farm to install a pedestrian path or any other internal connection between the two communities.

Our community experiences trespassing and policing problems currently from the surrounding communities and it is affecting our quiet enjoyment of our properties and insurance thereof. We are a unique community in that we have a private spring fed pond that is accessed by private property and a private community clubhouse. By allowing and indeed condoning further connectivity our problems will be exasperated.

As proof of our community's dismay with the requested connectivity, we have held a community vote which is documented per the attachment. As you can see of the seventy-one respondents, seventy have voted in favor of this position. Our community is a total of ninety homes. Our community stands firmly behind this position.

You will be receiving a letter from Robert Harris, principal of the Brookland Farm development. He also supports this

RECEIVED


JAN 07 2022

SUSSEX COUNTY
PLANNING & ZONING

RECEIVED
AFTER
PUBLIC HEARING

-  [Details](#) >
- [Ballot](#) >
- [Notice](#) >
- [Voters](#) >
- [Review](#) >
- [Pay](#) >
- [Results](#)

The Hamlet at Dirickson Pond Proposed Footpath Survey

Actions 

December 30, 2021 at 4:30pm — January 5, 2022 at 4:30pm
 (MT-05:00) EASTERN TIME (US & CANADA)

Completed

63 ballots submitted of 89 eligible voters — 71%
 89 emails sent - 0 notices queued

| | | | | |
|--------|---------|-----------------|--------------|------------|
| Voters | Results | Graphed Results | Vote by Vote | Vote Audit |
|--------|---------|-----------------|--------------|------------|

Export Results 

Hamlet Footpath Survey PLURALITY

I am against the proposed footpath being constructed between the planned Gulfstream community, Brookland Farm, and the Hamlet at Dirickson Pond 62 votes (98.4%)

I am in favor of the proposed footpath joining the planned Gulfstream neighborhood, Brookland Farm, and the Hamlet at Dirickson Pond. 1 vote (1.6%)

I am against the proposed footpath being constructed between the planned Gulfstream community, Brookland Farm, and the Hamlet at Dirickson Pond wins with 98.4% of the vote.

63 votes tallied



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

February 9, 2022

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

Attn: Ms. Lauren DeVore
Planner III

RE: Channel Pointe (fka Bishop's Pointe, Cannon Property)
Final Subdivision Plan
Subdivision # 2018-18
GMB # 180022.A

Dear Ms. DeVore:

Please accept this letter as the formal response to your Staff Review Letter, dated January 26, 2022. Please note, the subdivision name has been revised and approved to "Channel Pointe". We have provided point by point responses to the Final Subdivision Plan below.

Final Subdivision Plan

Comment 1: The Landscape Plan indicates that 78 Bitter Switchgrass will be planted on the property. Please note that the Bitter Switchgrass is a perennial beach grass but is not a deciduous or evergreen tree. Please ensure that a Landscape Buffer which achieves the planting requirements set forth in §99-5 "Forested and/or Landscaped Buffer Strip" of the Sussex County Code is provided.

Response 1: *The Switchgrass is being planted in the median of the boulevard and not part of any landscape buffer.*

Comment 2: Upon further review, it appears that 44 out of the 75 proposed tree plantings are deciduous trees (59%) and that of the 31 out of the 75 proposed tree plantings are evergreen trees (41%). Please ensure that enough deciduous tree plantings are provided within the overall subdivision to achieve the 70% deciduous tree requirement under §99-5 "Forested and/or Landscaped Buffer Strip" (A) of the Sussex County Code. Since there are slightly more evergreen trees proposed to be provided, some of these trees may be removed to reach the adequate deciduous tree requirement. If the Applicant wishes to have more evergreen trees and less deciduous trees than this requirement, a separate request may be made to the Planning and Zoning Commission for their review and approval as part of a Revised Landscape Plan.

Response 2: *Please refer to Condition "D" of the Preliminary Approval, most of the perimeter of the project are areas under water, part of existing wetlands, or within the wetland buffer. Twenty-foot landscape buffers that comply with §99-5 have been added south of lots 1-5 and open space lot 3003.*

- Comment 3: Please include within the Site Data Column the required corner yard setback of 15-ft (§115-182(B)).
- Response 3:** **Corner side yard setback has been added to the Site Data Column.**
- Comment 4: Please label the Limit of Disturbance on the plans with regard to any tree clearing/preservation that will be undertaken on the site.
- Response 4:** **Limit of tree clearing/preservation has been added to the plan sheets and symbology is included in the legend.**
- Comment 5: Please include hatching or a gradient which clearly depicts the location of all sidewalks on the plans.
- Response 5:** **All sidewalks are hatched darker to provide more clarity.**
- Comment 6: Please fix the minor symbology error on Sheet No. G1.1. It appears that the lines which outline the perimeter of each road/street improvement are missing from the plans.
- Response 6:** **Symbology has been fixed.**
- Comment 7: Please add a Legend and symbology on Sheet FSP5.0 which clearly delineates the difference between and the location of the 50-ft tidal wetlands buffer line and the 20-ft voluntary non-tidal wetlands buffer line.
- Response 7:** **Symbology and labels are provided on all plan sheets.**
- Comment 8: The Site Data Column appears to reference the Environmentally Sensitive Development District Overlay Zone (ESDDOZ). Please revise this reference to read "Coastal Area."
- Response 8:** **ESDOZ has been replaced with Coastal Area.**
- Comment 9: Please include a note within the General Notes Column that all amenities shown will be subject to the submittal and approval of a separate Amenities Plan.
- Response 9:** **Note has been added to the Cover Sheet G1.0.**
- Comment 10: Please include a General Note which indicates that any signage to be proposed is subject to a separate Application and permit to be issued by the County.
- Response 10:** **Note has been added to the Cover Sheet G1.0. Signage is proposed at the intersection of Rt. 54 and Bennett Avenue, and at the circle. See Sheet FSP6.0 for locations.**
- Comment 11: Please include the overall project density within the Site Data Column. Please ensure that when calculating the permitted density that any areas designated as a tidal tributary stream or

tidal wetlands have been excluded in this calculation (§115-15.1). Assuming no tidal wetlands currently exist on the properties, 610 proposed units into 316 acres equates to a density of 1.93 dwelling units to the acre (which meets the maximum permitted density of 2 units to the acre within the AR-1 Zoning District).

Response 11: **Density calculation is shown in the Site Data Column.**

Comment 12: Please include on the plans any property offered to be reserved by deed covenant for the common use of property owners in the subdivision (§99-26(A)(11)).

Response 12: **Note has been added on the Cover Sheet G1.0.t.**

Comment 13: Please include on the plans a typical street section of the street construction design (§99-26(A)(12)).

Response 13: **Typical street sections are included on sheet FSP7.0.**

Comment 14: Please add to the plans a space for the signature of the Chairman or Secretary of the Commission and the President of the Sussex County Council (§99-26(A)(13)).

Response 14: **Signature blocks have been added on the Cover Sheet G1.0.**

Comment 15: Please add an owner's certificate, acknowledging ownership of the property and agreeing to the subdivision thereof as shown on the plat and signed by the owner or owners (§99-26(A)(14)).

Response 15: **Owner's certificate has been added to the Cover Sheet G1.0.**

Comment 16: Please include on the plans an owner's statement of dedication of streets and other public ways for dedication to public use or an owner's statement providing perpetual maintenance of private streets and other common areas (§99-26(A)(15)).

Response 16: **Owner's statement is included in the general notes on the Cover Sheet G1.0.**

Comment 17: Please add to the plans a breakdown of the organization having jurisdiction over the wetlands present on the property (ie: Army Corps of Engineers or Delaware Department of Natural Resources and Environmental Control (DNREC) or specify whether the wetlands are ephemeral in nature and therefore non-jurisdictional), the type of wetlands (tidal or non-tidal) and the acreage of wetlands by type (§99-26(A)(17)).

Response 17: **Wetlands area table has been added to the Cover Sheet G1.0.**

Comment 18: Please add to the plans a breakdown of open space by Open Space Area (ie: Open Space Area "A", "B", "C" etc.) Please include

the Open Space total as a percentage as well as the total number of acres.

Response 18: ***A breakdown of open space has been added to the Site Data Column.***

Comment 19: Please include a space for the signature of an authorized representative of the Sussex Conservation District approving the location and design of all stormwater management areas and erosion and sediment control facilities which shall be shown on the Final Site Plan (§99-26(A)(18)).

Response 19: ***The Sussex Conservation District Signature block has been added to the Cover Sheet G1.0.***

Comment 20: Please include on the plans a summary of deed restrictions application within the subdivision, including agreements for the operation and maintenance by the property owners or agency in the subdivision of street and road improvements, surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, forested buffer strips, all areas approved as open space as defined in §99-5 and other improvements deemed necessary by the Commission (§99-27(A)).

Response 20: ***A Draft of the Master Declaration of Covenants, Conditions, Easements and Restrictions is enclosed.***

Comment 21: Please ensure that the Landscape Plans are certified by a licensed landscape architect, licensed forester or forester designated by the Society of American Foresters as a "certified forester" (§99-5).

Response 21: ***Landscape plans will be signed by a licensed landscape architect.***

Comment 22: Please include within the Site Data Column that the proposed subdivision is located within an area of "good" and "excellent" Groundwater Recharge Potential (§89-6).

Response 22: ***Note has been added to the Site Data Column.***

Comment 23: Please confirm whether mail is to be centralized. If so, please show the location of any proposed community mailbox provisions on the plans.

Response 23: ***Mail will be centralized; location has been added and labeled on Sheet FSP6.0.***

Comment 24: Prior to approval of any Final Subdivision Plan, approval letters or 'no-objection' letters from the following agencies shall be submitted to the Sussex County Planning and Zoning Department

(All items in **bold** still require submittal to the Department and all items in which a check mark ✓ appear have been submitted and received by the Department):

- a. **Sussex Conservation District**
- b. **Office of the State Fire Marshal**
- c. **Delaware Department of Transportation**
- d. **Sussex County Engineering Department**
- e. **Delaware Department of Public Health – Office of Drinking Water**
- f. **Sussex County Mapping and Addressing**
 - i. **Approval for proposed Subdivision Name.**
 - ii. **Approval for proposed street names.**
- g. **Delaware Department of Natural Resources & Environmental Control – Subaqueous Lands Permit (for proposed kayak launch)**
This will be part of the Amenity Site Plan which will be submitted separately.
- h. **Approval from the local school district in relation to any bus stop provisions.**
A school bus stop will be provided at the circle as approved by the school district.
- i. **Copies of all draft or final HOA documents for the file.**

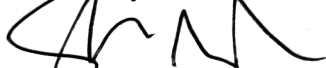
Response 24: *Please see above responses to notes “g” and “h” and enclosures below.*

The lot fee will be sent with the submittal of the final site plan for approval signatures.

Upon your review, please place the project on the next available Planning & Zoning Commission Agenda.

If you have any questions or comments, please feel free to contact me by telephone at (410) 742-3115 or by e-mail at smarsh@gmbnet.com.

Sincerely,



Stephen L. Marsh, P.E.
Senior Vice President
East Region Director of Operations

Enclosures

- Two (2) copies of the Revised Final Subdivision Plan (24x36)
- One (1) copy of the Revised Final Subdivision Plan (electronic via email)
- Sussex Conservation District Request for Final Plans Letter, dated 02/08/2022
- Office of the State Fire Marshal Permit, dated 08/26/2021
- DeIDOT Request for Final Record Plan (LONO), dated 01/14/2022

- Sussex County Engineering Department Request for Final Plans Letter, dated 02/02/2022
- Office of Drinking Water Approval Letter, dated 08/23/2021
- Mapping and Addressing Street Name Approval, dated 03/08/2021
- Mapping and Addressing Subdivision Name Approval Letter, dated 12/28/2021
- Draft Master Declaration of Covenants, Conditions, Easements and Restrictions for Channel Pointe, Baltimore Hundred, Sussex County, Delaware

cc: Carl M. Freeman Communities
Attn: Mr. Josh Mastrangelo (w/encl.)

Mr. Jim Fuqua (w/encl.)

CONDITIONS OF APPROVAL SUBDIVISION 2018-18:

- A. THERE SHALL BE NO MORE THAN 70 LOTS WITHIN THE SUBDIVISION.
- B. THE DEVELOPER SHALL ESTABLISH A HOMEOWNER'S ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF STREETS, ROADS, BUFFERS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS.
- C. THE STORMWATER MANAGEMENT SYSTEM SHALL MEET OR EXCEED THE REQUIREMENTS OF THE STATE AND COUNTY. THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX COUNTY CONSERVATION DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES.
- D. A FORESTED LANDSCAPED BUFFER OF AT LEAST 20 FEET IN DEPTH SHALL BE INSTALLED ALONG THE ENTIRE PERIMETER OF THE PROJECT, EXCEPT FOR AREAS UNDER WATER, PART OF EXISTING WETLANDS, OR WITHIN THE WETLANDS BUFFER. THIS BUFFER SHALL UTILIZE EXISTING VEGETATION. THE FINAL SITE PLAN SHALL CONTAIN A LANDSCAPE PLAN FOR ALL OF THE AREAS.
- E. THE SUBDIVISION SHALL BE SERVED BY SUSSEX COUNTY SEWER SERVICE.
- F. THE SUBDIVISION SHALL BE SERVED BY A PUBLICLY REGULATED CENTRAL WATER SYSTEM PROVIDING DRINKING WATER AND FIRE PROTECTION.
- G. THE STREET DESIGN SHALL MEET OR EXCEED SUSSEX COUNTY STANDARDS.
- H. THE DEVELOPMENT SHALL BE SERVED BY ITS OWN ON-SITE ACTIVE AMENITIES INCLUDING A DOCK, KAYAK LAUNCH, POOL AND POOL HOUSE.
- I. THE AMENITIES SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 40th RESIDENTIAL BUILDING PERMIT.
- J. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
- K. DELIVERIES AND CONSTRUCTION ACTIVITIES SHALL ONLY OCCUR BETWEEN THE HOURS OF 8:00 AM THROUGH 5:00 PM, MONDAY THROUGH FRIDAY.
- L. NO LOTS SHALL CONTAIN ANY TIDAL WETLANDS.
- M. THERE SHALL BE A BUFFER FROM ALL TIDAL WETLANDS. THE BUFFER SHALL HAVE A DEPTH OF AT LEAST 50-FEET, AND SHALL BE OUTSIDE OF ALL LOT LINES.
- N. THERE SHALL BE CONTINUED INTER CONNECTIVITY WITH MADISON AVENUE.
- O. A COVERED BUS STOP AREA SHALL BE PROVIDED NEAR THE ENTRANCE TO THE DEVELOPMENT FOR USE BY SCHOOL BUSES OR PUBLIC TRANSPORTATION.
- P. A REVISED PRELIMINARY SITE PLAN EITHER DEPICTING OR NOTING THESE CONDITIONS MUST BE SUBMITTED TO THE OFFICE OF PLANNING AND ZONING.
- Q. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

LIST OF DRAWINGS

| | |
|--------|-----------------------|
| G1.0 | COVER SHEET |
| G1.1 | KEY SHEET |
| FSP1.0 | FINAL SITE PLAN |
| FSP2.0 | FINAL SITE PLAN |
| FSP3.0 | FINAL SITE PLAN |
| FSP4.0 | FINAL SITE PLAN |
| FSP5.0 | FINAL SITE PLAN |
| FSP6.0 | FINAL SITE PLAN |
| FSP7.0 | ROAD CROSS SECTIONS |
| RP1.0 | RECORD PLAT |
| RP2.0 | RECORD PLAT |
| RP3.0 | RECORD PLAT |
| RP4.0 | RECORD PLAT |
| RP5.0 | RECORD PLAT |
| RP6.0 | RECORD PLAT |
| RP7.0 | LINE AND CURVE TABLE |
| L1.0 | LIGHTING PLAN |
| L2.0 | LANDSCAPING KEY SHEET |
| L2.1 | LANDSCAPING PLAN |
| L2.2 | LANDSCAPING PLAN |
| L2.3 | LANDSCAPING PLAN |

WETLANDS AREA TABLE:

| | |
|--|---------------|
| UPLANDS AREA: | ±38.14 ACRES |
| TOTAL WETLANDS: | ±82.63 ACRES |
| TIDAL WETLANDS SUBJECT TO USACOE REGULATORY PROGRAM (INCLUDES TIDAL POND): | ±66.3 ACRES |
| NON-TIDAL WETLANDS: | ±16.33 ACRES |
| TOTAL SITE AREA: | ±120.77 ACRES |

WETLANDS CERTIFICATION:

I, EDWARD M. LAUNAY, SPWS STATE THAT THE SUBJECT PROPERTY, TAX PARCEL 533-20.00-20.00, 533-20.00-21.00 & 533-20.00-22.00 HAS BEEN EXAMINED BY ENVIRONMENTAL RESOURCES, INC. FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND SECTION 10 WATERS), STATE REGULATED SUBAQUEOUS LANDS AND STATE REGULATED WETLANDS SUBJECT TO THE CORPS OF ENGINEERS AND DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL REGULATORY PROGRAMS AS DETERMINED BY THE APPLICABLE MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME THIS INVESTIGATION WAS CONDUCTED. THE WETLAND INFORMATION CONTAINED WITHIN THIS SET OF PLANS IS IN ACCORDANCE WITH THESE CRITERIA. THE WETLAND BOUNDARY CONTAINED WITHIN THIS PLAN SET WAS EXAMINED AND APPROVED BY THE CORPS OF ENGINEERS, JURISDICTIONAL DETERMINATION - CENAP-OP-R-2018-1014-23.

EDWARD M. LAUNAY, SENIOR PROFESSIONAL WETLAND SCIENTIST DATE
 (SPWS) NO. 875
 SOCIETY OF WETLAND SCIENTISTS
 CORPS OF ENGINEERS,
 CERTIFIED WETLAND DELINEATOR WSCP93MD05100368

CHANNEL POINTE - RESIDENTIAL

(FKA BISHOP'S POINTE / CANNON PROPERTY)



SUSSEX COUNTY, DELAWARE

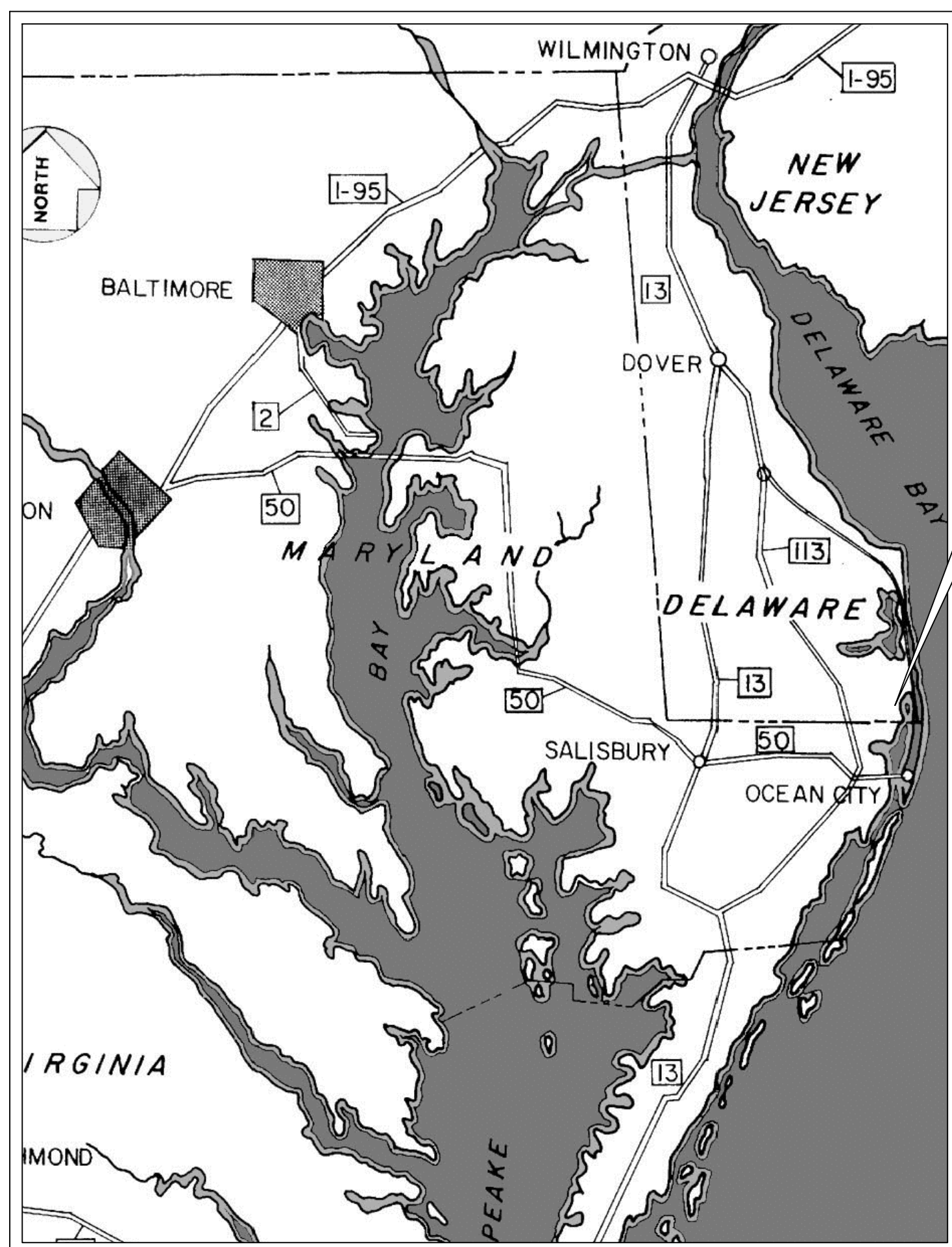
FINAL SITE PLAN AND RECORD PLAT

SUBDIVISION #2018-18

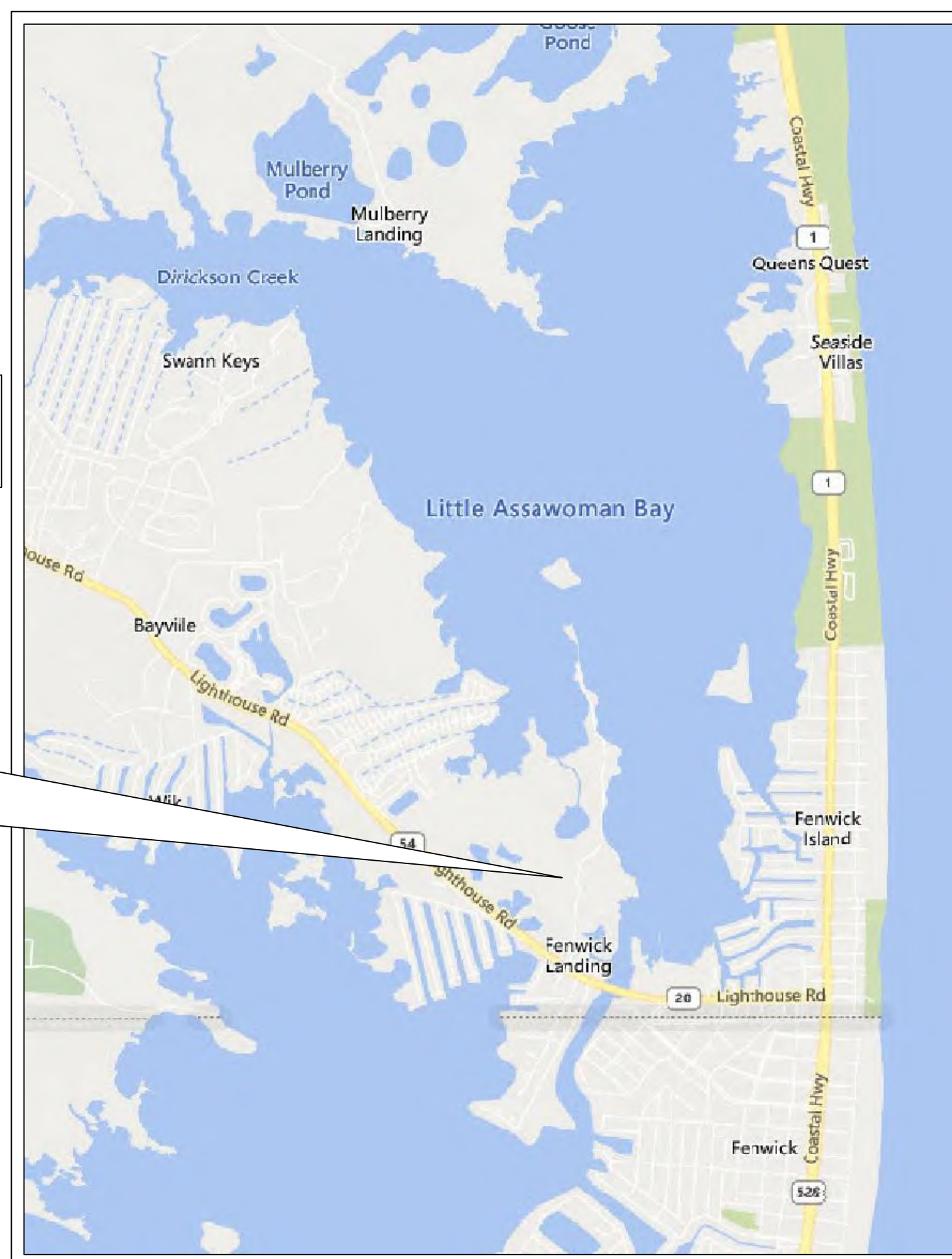
PARCELS 533-20.00-20.00, 21.00 & 22.00

and 533-20.19-97.00

GMB NO. 180022-A



VICINITY MAP
SCALE: 1" = 20 MILES



LOCATION MAP
SCALE: 1" = 2000'

OWNER / DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

JOSH MASTRANGELO DATE
 CARL M. FREEMAN COMMUNITIES
 21 GREEN VILLAGE DRIVE, SUITE 200
 OCEAN VIEW, DELAWARE 19970



GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3115, FAX 410-548-5790
 www.gmbnet.com

ENGINEER'S CERTIFICATION:

I, STEPHEN L. MARSH, P.E. HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

STEPHEN L. MARSH, P.E. DATE
 GEORGE, MILES, & BUHR, LLC.
 206 W. MAIN STREET
 SALISBURY, MD 21801

NOTES:

1. ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT. A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES. THIS PLAT AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY.
2. MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANAGEMENT FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPERS, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
4. ALL SIDEWALKS MUST BE INSTALLED IN CONJUNCTION WITH THE ROADS, AND FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
5. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY ARTESIAN WATER CO. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
6. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERS DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF VARIOUS DIAMETER GRAVITY SEWERS. THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
7. THERE IS NO ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
8. TIDAL AND NON-TIDAL WETLANDS EXIST ON THE PROPERTY.
9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
11. BOUNDARY SHOWN HEREIN PROVIDED BY STEVEN M. ADKINS LAND SURVEYING, LLC, DATED SEPT 21, 2017.
12. UNITED STATES ARMY CORPS OF ENGINEERS WETLANDS JURISDICTION NUMBER CENAP-OP-R 2018-1014-23.
13. ALL AMENITIES SHOWN WILL BE SUBJECT TO THE SUBMITTAL AND APPROVAL OF A SEPARATE AMENITIES PLAN.
14. PARTS OF THIS SUBDIVISION LIE WITHIN AN AREA OF "GOOD" AND "EXCELLENT" GROUNDWATER RECHARGE AREA.

SITE DATA:

| | |
|----------------------------------|--|
| TAX MAP #: | T.M. ID 533-20.00-20.00 |
| DEED REFERENCE: | 533-20.00-22.00 |
| OWNER: | BOOK 5056 PAGE 0 ALLIE MARIE CANNON HEIRS |
| TAX MAP #: | T.M. ID 533-20.00-21.00 |
| DEED REFERENCE: | 533-20.19-97.00 |
| OWNER: | BOOK 4781 PAGE 46 CARL M. FREEMAN COMMUNITIES, LLC |
| ZONING CLASSIFICATION: | AR-1 |
| PROPOSED ZONING: | AR CLUSTER COASTAL ZONE |
| PRESENT USE: | RESIDENTIAL, OPEN AREA & MAINTAINED VACANT LAND |
| PROPOSED USE: | SINGLE FAMILY HOMES & AMENITY COMPLEX |
| TOTAL COMBINED PARCEL AREA: | ACRES ±120.77 |
| PROPOSED DEVELOPED AREA: | ± 26.69 |
| DISTURBED SECTION 404 WETLANDS: | ± 0.00 |
| FLOOD INFORMATION: | SPECIAL FLOOD HAZARD AREA ZONE X, VE, AE 6 AND AE 5 PER FEMA MAP 10005C0654K DATED MARCH 16, 2015 |
| OPEN SPACE (INCLUDING WETLANDS): | ± 94.08 ACRES (77.90%) |
| LOT 3000 ("A"): | ± 72.79 ACRES (60.27%) WETLANDS AND BUFFERS, SWM |
| LOT 3001 ("B"): | ± 0.22 ACRES (0.22%) SWM |
| LOT 3002 ("C"): | ± 0.79 ACRES (0.65%) SWM |
| LOT 3003 ("D"): | ± 17.87 ACRES (14.80%) WETLANDS AND BUFFERS |
| LOT 3004 ("E"): | ± 2.41 ACRES (2.41%) ACTIVE RECREATION, AMENITY AREA |
| IMPERVIOUS AREA: | ± 11.22 ACRES (3000sf roofs) |
| BUILDING SETBACKS: | 60' MIN LOT WIDTH (7,500 SQUARE FEET) 25' FRONT YARD 10' SIDE YARD 15' SIDE YARD CORNER LOTS 10' REAR YARD |
| UNIT COUNT: | SINGLE FAMILY HOMES 70 |
| OVERALL DENSITY CALCULATION: | UNITS PER ACRE OF UPLANDS 1.84 |
| REQUIRED PARKING: | 140 |
| PROVIDED PARKING: | 140 |
| WATER PROVIDER: | ARTESIAN WATER COMPANY |
| SEWER PROVIDER: | SUSSEX COUNTY PUBLIC WORKS |
| PROPOSED AMENITIES: | PRIVATE MARINA (UNDER SEPARATE SITE PLAN), WITH KAYAK LAUNCH, BATHHOUSE, POOL AND POOLHOUSE, PICKLE BALL |

| | | |
|----------|----|--|
| APPROVED | BY | SUSSEX COUNTY COUNCIL PRESIDENT |
| APPROVED | BY | SUSSEX COUNTY PLANNING AND ZONING COMMISSION |
| APPROVED | BY | SUSSEX COUNTY SOIL CONSERVATION DISTRICT |

PRINTS ISSUED FOR: APPROVAL

| DATE | |
|-----------|--|
| REVISIONS | |
| NO. | |

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CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)

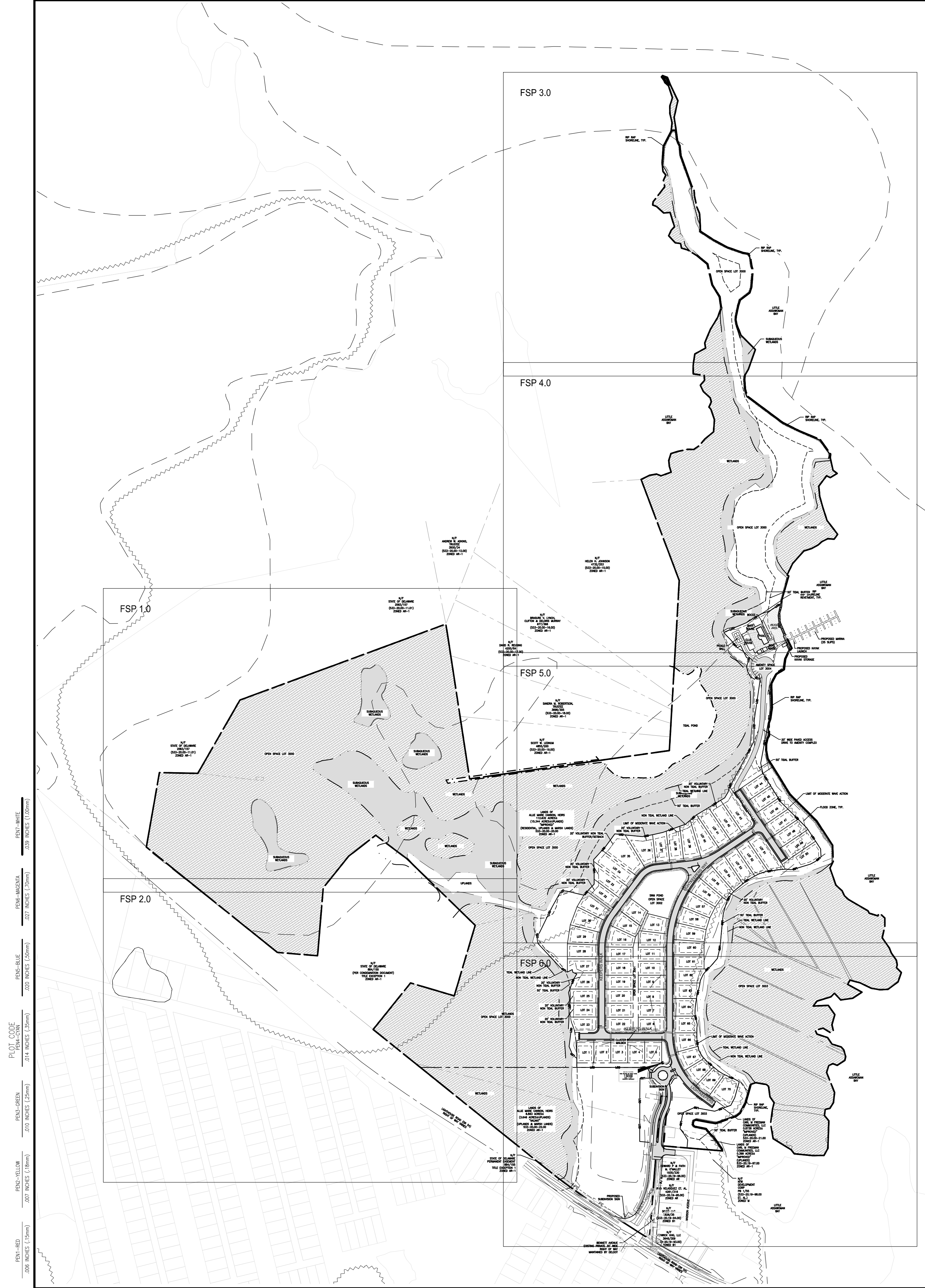
BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

SCALE: AS NOTED SHEET NO. G1.0

DESIGN BY: KK
 DRAWN BY: RLM
 CHECKED BY:
 GMB FILE: 180022
 DATE: SEPT 2021

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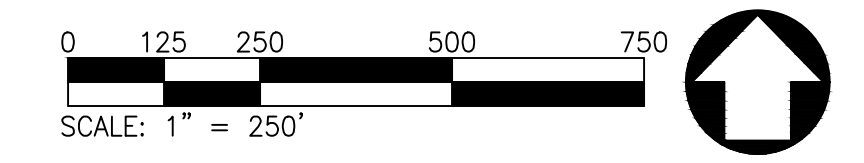
SEPTEMBER 2021



LEGEND

- EXISTING:**
- PROJECT BOUNDARY
 - PROJECT BOUNDARY / MEAN LOW WATER
 - MEAN HIGH WATER
 - BOUNDARY OF STATE REGULATED WETLANDS (DNREC)
 - BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
 - 50 FOOT TIDAL BUFFER
 - PROPOSED LOTLINES
 - PROPOSED BUILDING SETBACKS
 - NONTIDAL WETLANDS & WATERS UNDER CORPS JURISDICTION
 - TIDAL WETLANDS UNDER DNREC AND CORPS JURISDICTION
 - LIMIT OF MODERATE WAVE ACTION
 - LOD
 - LIMIT OF DISTURBANCE

PLOT CODE
 PINK-RED : 200 INCHES (50mm)
 PINK-YELLOW : 200 INCHES (50mm)
 PINK-GREEN : 200 INCHES (50mm)
 PINK-BLUE : 200 INCHES (50mm)
 PINK-WHITE : 200 INCHES (50mm)
 PINK-GRAY : 200 INCHES (50mm)



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CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)

Canal Communities

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

KEY SHEET

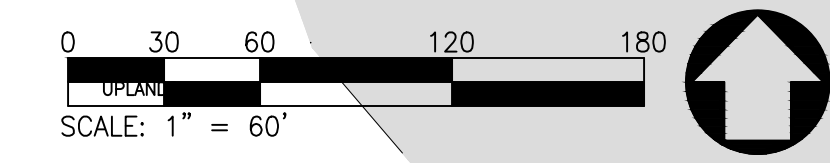
| | |
|-------------------|-------------|
| SCALE : 1" = 250' | SHEET NO. |
| DESIGN BY : KK | G1.1 |
| DRAWN BY : RLM | |
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| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

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PLOT CODE
 P180-YELLOW : 207 INCHES (526mm)
 P180-GREEN : 200 INCHES (508mm)
 P180-BLUE : 200 INCHES (508mm)
 P180-BROWN : 200 INCHES (508mm)
 P180-WHITE : 200 INCHES (508mm)



SEE SHEET FSP2.0 FOR CONTINUATION



SEE SHEET FSP5.0 FOR CONTINUATION

| |
|--|
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| CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY) BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE |
| FINAL SITE PLAN |
| SCALE : 1" = 60' |
| DESIGN BY : KK |
| DRAWN BY : RLM |
| CHECKED BY : |
| GMB FILE : 180022 |
| DATE : SEPT 2021 |
| SHEET NO. FSP1.0 |
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PEN-RED : 0.06 INCHES (1.5mm) PEN-YELLOW : 0.07 INCHES (1.8mm) PEN-GREEN : 0.10 INCHES (2.5mm) PEN-BLUE : 0.20 INCHES (5.0mm) PEN-MAGENTA : 0.27 INCHES (7.0mm) PEN-BLACK : 0.39 INCHES (1.00mm)



SEE SHEET FSP1.0 FOR CONTINUATION

SEE SHEET FSP6.0 FOR CONTINUATION

| | |
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| CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY) | |
| BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE | |
| FINAL SITE PLAN | |
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | FSP2.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

PEN-RED : 300 INCHES (75mm)
 PEN-YELLOW : 307 INCHES (78mm)
 PEN-GREEN : 310 INCHES (79mm)
 PEN-BLUE : 320 INCHES (83mm)
 PEN-MAGENTA : 327 INCHES (83mm)
 PEN-BLACK : 329 INCHES (84mm)



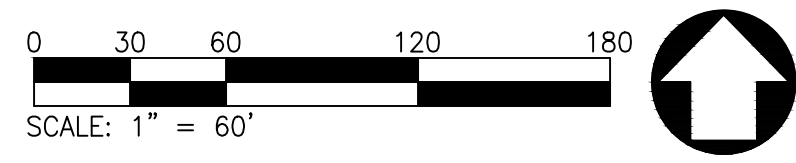
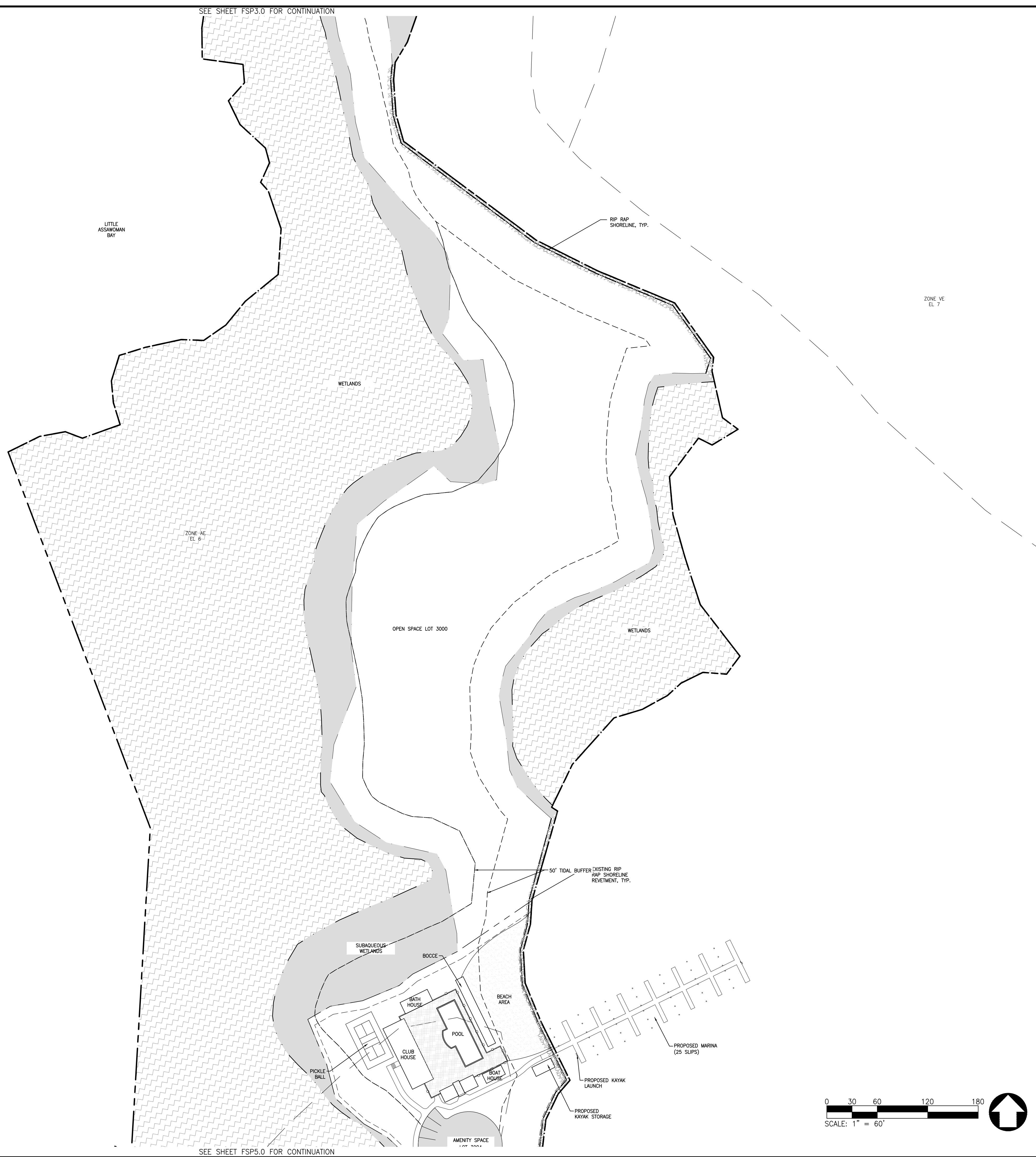
SEE SHEET FSP4.0 FOR CONTINUATION

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|--|-----------|
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| CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY) BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE | |
| FINAL SITE PLAN | |
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | FSP3.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

PLOT CODE
 P1N=RED (300 INCHES (7.62mm))
 P1M=ORANGE (307 INCHES (7.8mm))
 P1Y=GREEN (310 INCHES (7.87mm))
 P1B=BLUE (314 INCHES (8.0mm))
 P1W=WHITE (320 INCHES (8.13mm))
 P1L=LIGHT BLUE (320 INCHES (8.13mm))
 P1D=WHITE (320 INCHES (8.13mm))
 P1G=GREEN (327 INCHES (8.35mm))
 P1B=BLUE (327 INCHES (8.35mm))
 P1W=WHITE (327 INCHES (8.35mm))
 P1L=LIGHT BLUE (327 INCHES (8.35mm))
 P1D=WHITE (327 INCHES (8.35mm))
 P1G=GREEN (334 INCHES (8.57mm))
 P1B=BLUE (334 INCHES (8.57mm))
 P1W=WHITE (334 INCHES (8.57mm))
 P1L=LIGHT BLUE (334 INCHES (8.57mm))
 P1D=WHITE (334 INCHES (8.57mm))
 P1G=GREEN (341 INCHES (8.7mm))
 P1B=BLUE (341 INCHES (8.7mm))
 P1W=WHITE (341 INCHES (8.7mm))
 P1L=LIGHT BLUE (341 INCHES (8.7mm))
 P1D=WHITE (341 INCHES (8.7mm))

SEE SHEET FSP3.0 FOR CONTINUATION

SEE SHEET FSP5.0 FOR CONTINUATION



| | |
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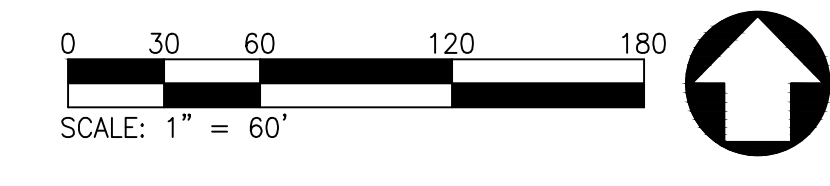
CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

COMMUNITIES
 FINAL SITE PLAN

| | |
|-------------------|-----------|
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | FSP4.0 |
| DRAWN BY : RLM | |
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| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

SEE SHEET FSP4.0 FOR CONTINUATION

SEE SHEET FSP6.0 FOR CONTINUATION

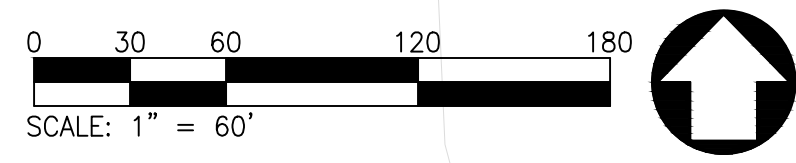


SEE SHEET FSP1.0 FOR CONTINUATION

PLOT CODE
 P18-RED (30mm) 200 INCHES (50mm)
 P18-YELLOW (30mm) 200 INCHES (50mm)
 P18-GREEN (30mm) 200 INCHES (50mm)
 P18-BLUE (30mm) 200 INCHES (50mm)
 P18-ORANGE (30mm) 200 INCHES (50mm)
 P18-INDIGO (30mm) 200 INCHES (50mm)
 P18-VIOLET (30mm) 200 INCHES (50mm)
 P18-BROWN (30mm) 200 INCHES (50mm)
 P18-PURPLE (30mm) 200 INCHES (50mm)

| | |
|--|--|
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| <p>CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY)</p> <p><i>CanMiles</i> COMMUNITIES</p> <p>BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE</p> | |
| FINAL SITE PLAN | |
| SCALE : 1" = 60' SHEET NO. DESIGN BY : KK FSP5.0 DRAWN BY : RLM CHECKED BY : GMB FILE : 180022 DATE : SEPT 2021 | |

PLOT CODE
 P1M=CONV 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)
 P1M=HLLU 1/8" = 100'-0" (32mm)



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CHANNEL POINTE
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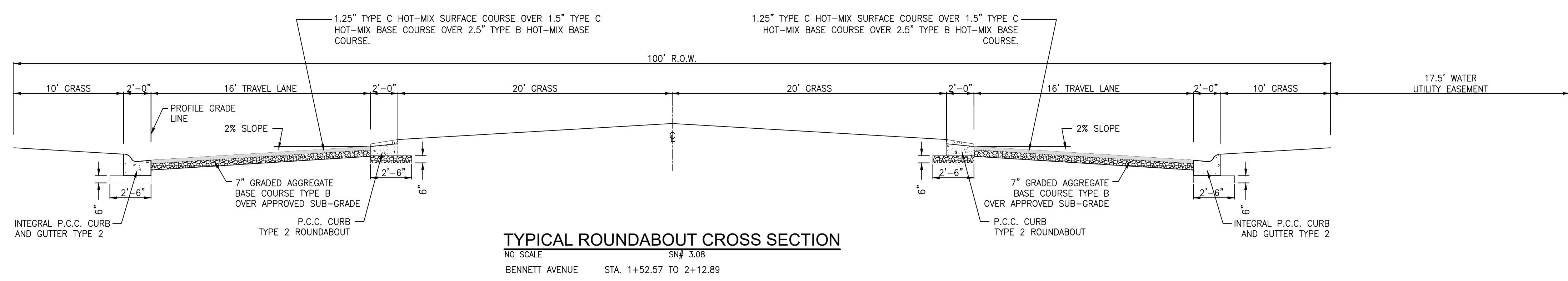
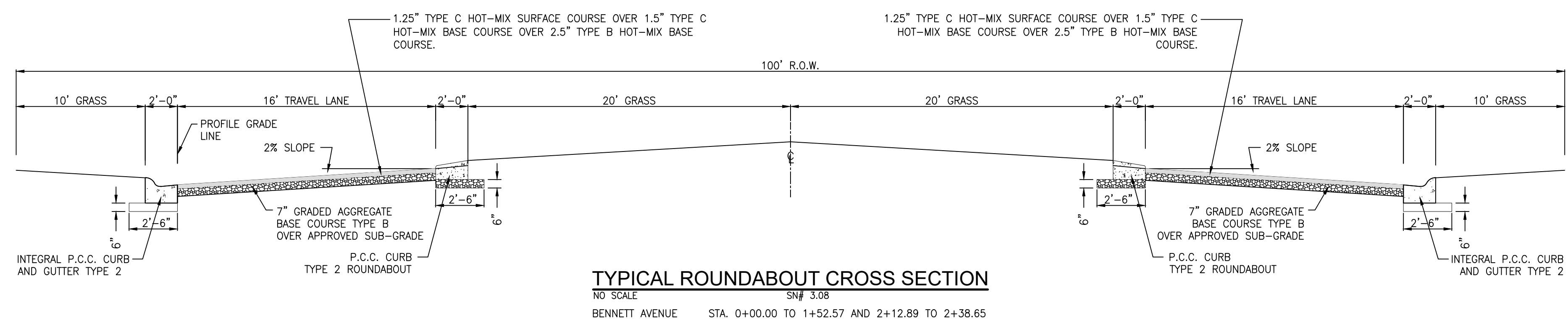
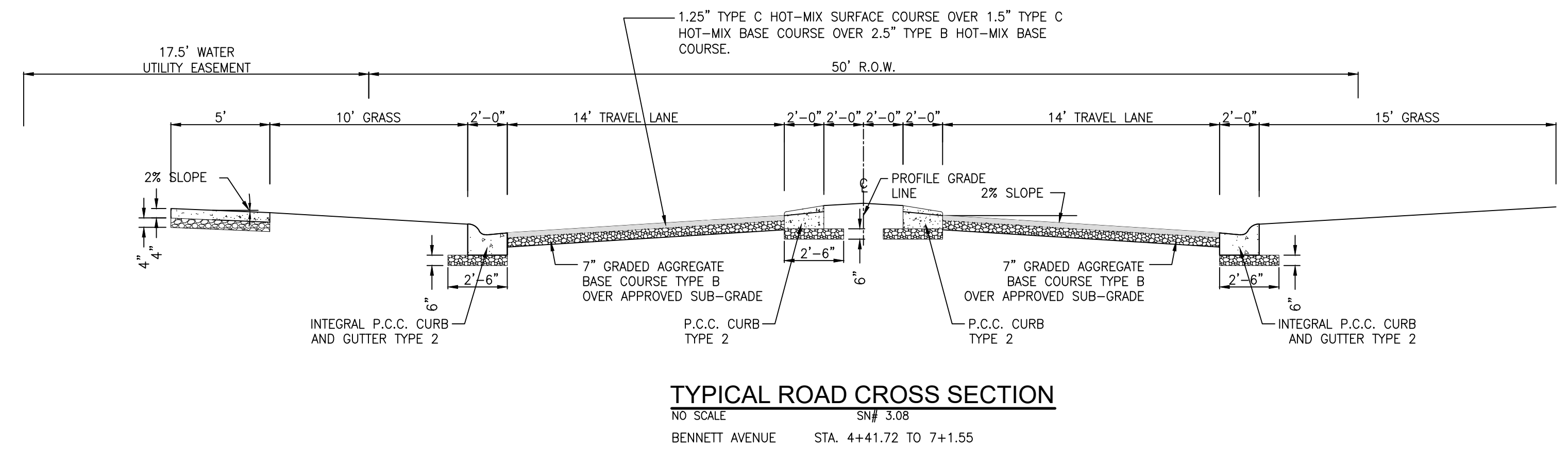
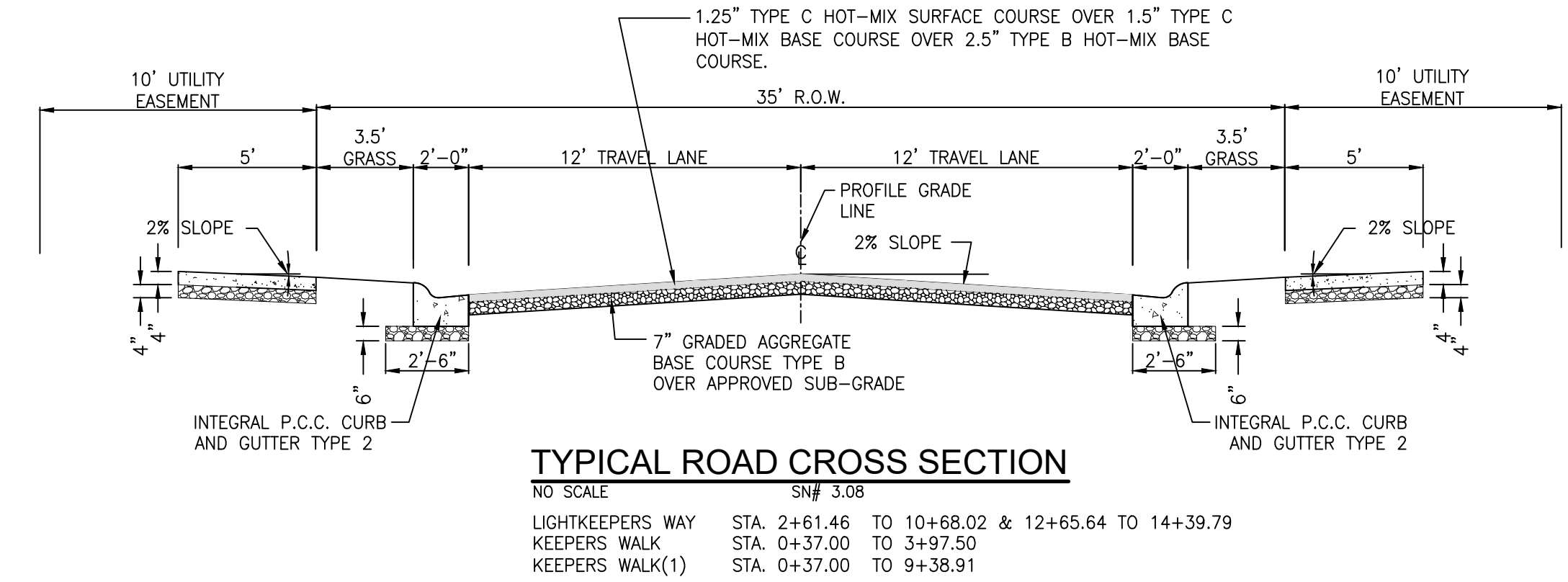
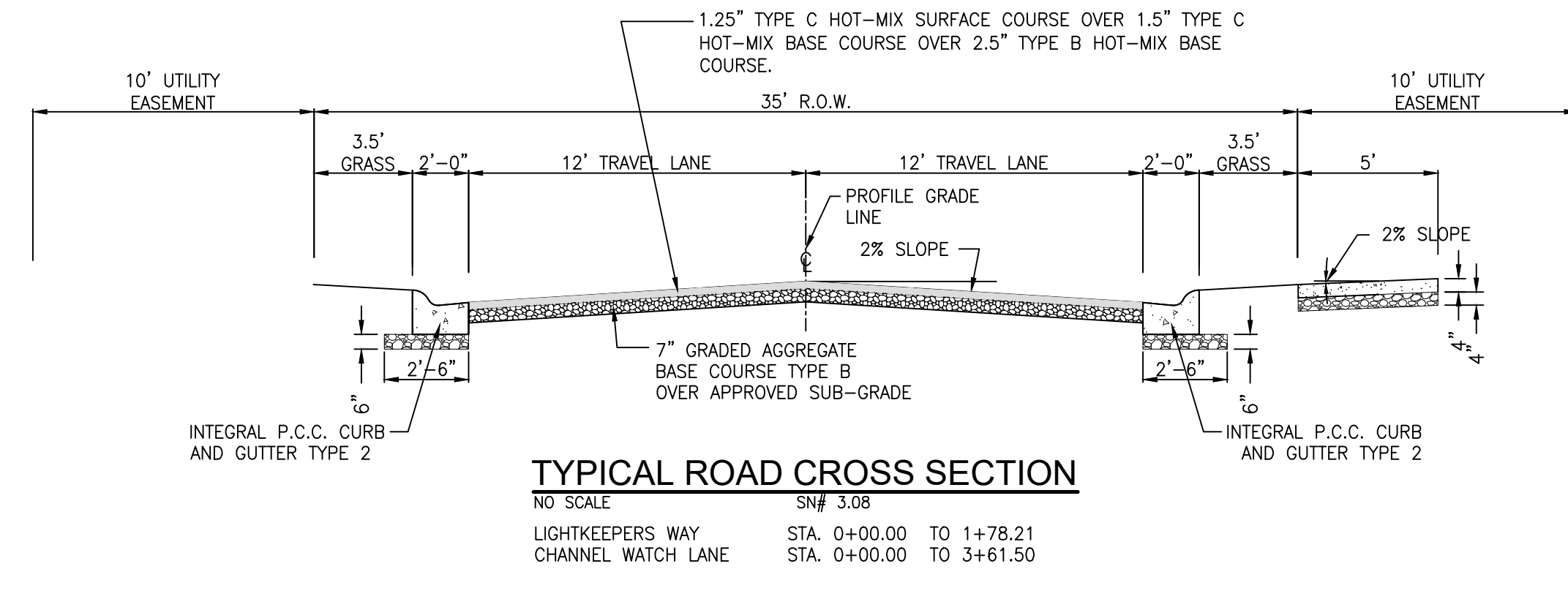
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

FINAL SITE PLAN

| | |
|-------------------|-----------|
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | FSP6.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

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SUSSEX COUNTY, DELAWARE

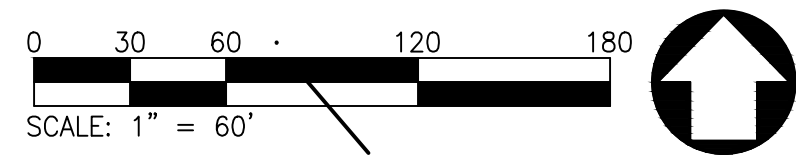
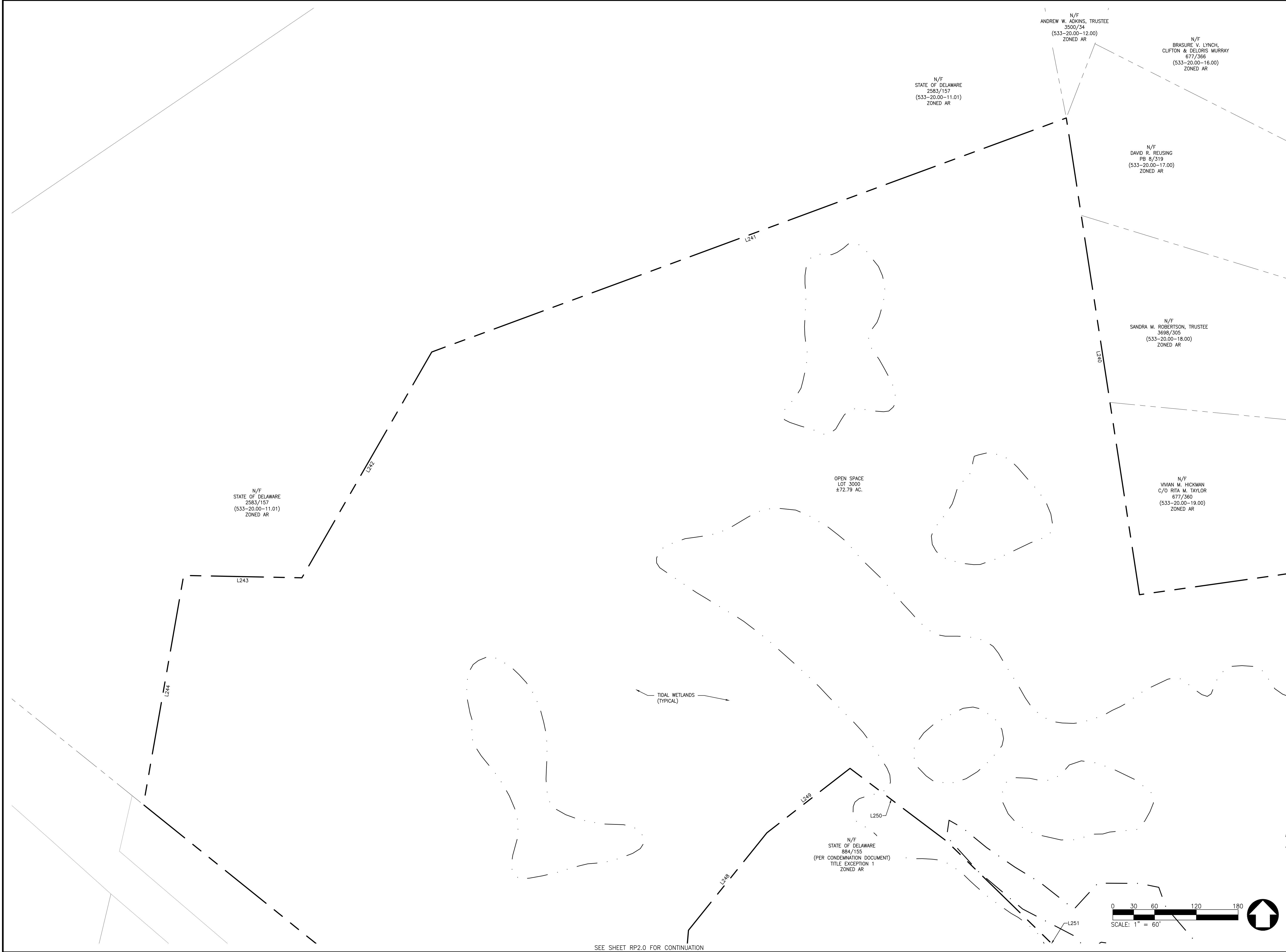
ROAD CROSS SECTIONS

| | | |
|------------|-----------|-----------|
| SCALE | AS NOTED | SHEET NO. |
| DESIGN BY | KK | FSP7.0 |
| DRAWN BY | RLM | |
| CHECKED BY | | |
| GMB FILE | 180022 | |
| DATE | SEPT 2021 | |

G:\Projects\2018\180022 Common Property\Design\Working Set\Record Plot and FSP\SP7.0_Sht Details.dwg, 2/9/2022 4:01 PM, Terry M. Gandy

PLOT CODE: PFM-COM (204 INCHES (520mm))
 PLOT CODE: PFM-GRN (200 INCHES (508mm))
 PLOT CODE: PFM-YEL (207 INCHES (526mm))
 PLOT CODE: PFM-WHT (200 INCHES (508mm))
 PLOT CODE: PFM-GRN (200 INCHES (508mm))
 PLOT CODE: PFM-COM (204 INCHES (520mm))
 PLOT CODE: PFM-WHT (200 INCHES (508mm))

| | | | | | |
|---------------------------|------------------------------|-----------------------------|-----------------------------|----------------------------|-----------------------------|
| PEN=RED 3/16" (3.18mm) | PEN=YELLOW 3/16" (3.18mm) | PEN=GREEN 3/16" (3.18mm) | PEN=BLACK 3/16" (3.18mm) | PEN=BLUE 3/16" (3.18mm) | PEN=WHITE 3/16" (3.18mm) |
|---------------------------|------------------------------|-----------------------------|-----------------------------|----------------------------|-----------------------------|



SEE SHEET RP2.0 FOR CONTINUATION

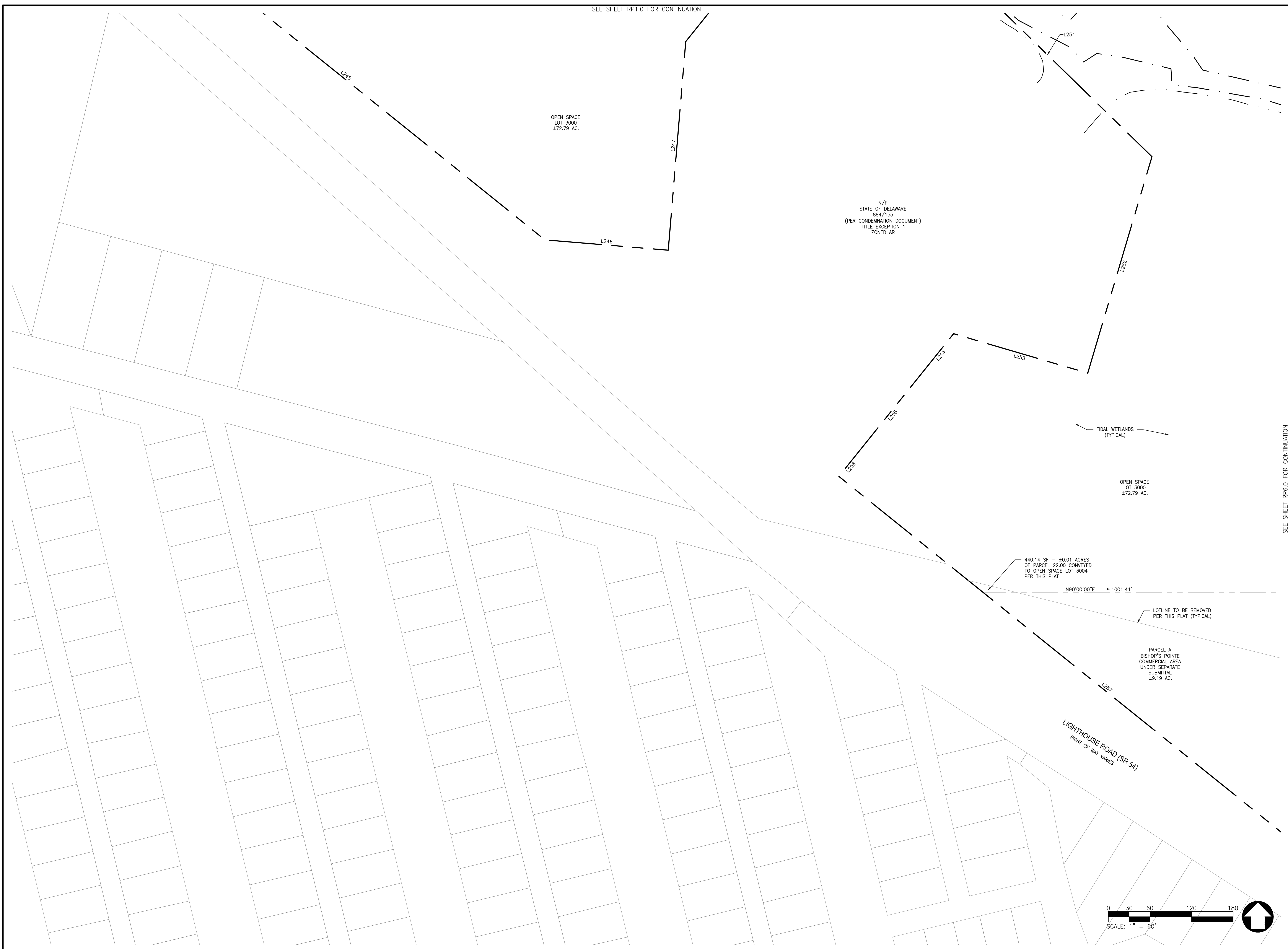
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CHANNEL POINTE
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Canal Communities
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

| | |
|------------------|--------------|
| RECORD PLAT | |
| SCALE: 1" = 60' | SHEET NO. |
| DESIGN BY: KK | RP1.0 |
| DRAWN BY: RLM | |
| CHECKED BY: | |
| GMB FILE: 180022 | |
| DATE: SEPT 2021 | |

PEN-RED 1/8" INCHES (32mm) PEN-YELLOW 1/8" INCHES (32mm) PEN-GREEN 1/8" INCHES (32mm) PEN-CYAN 1/8" INCHES (32mm) PEN-BLUE 1/8" INCHES (32mm) PEN-MAGENTA 1/8" INCHES (32mm) PRINT-SIZE 1/8" INCHES (32mm)

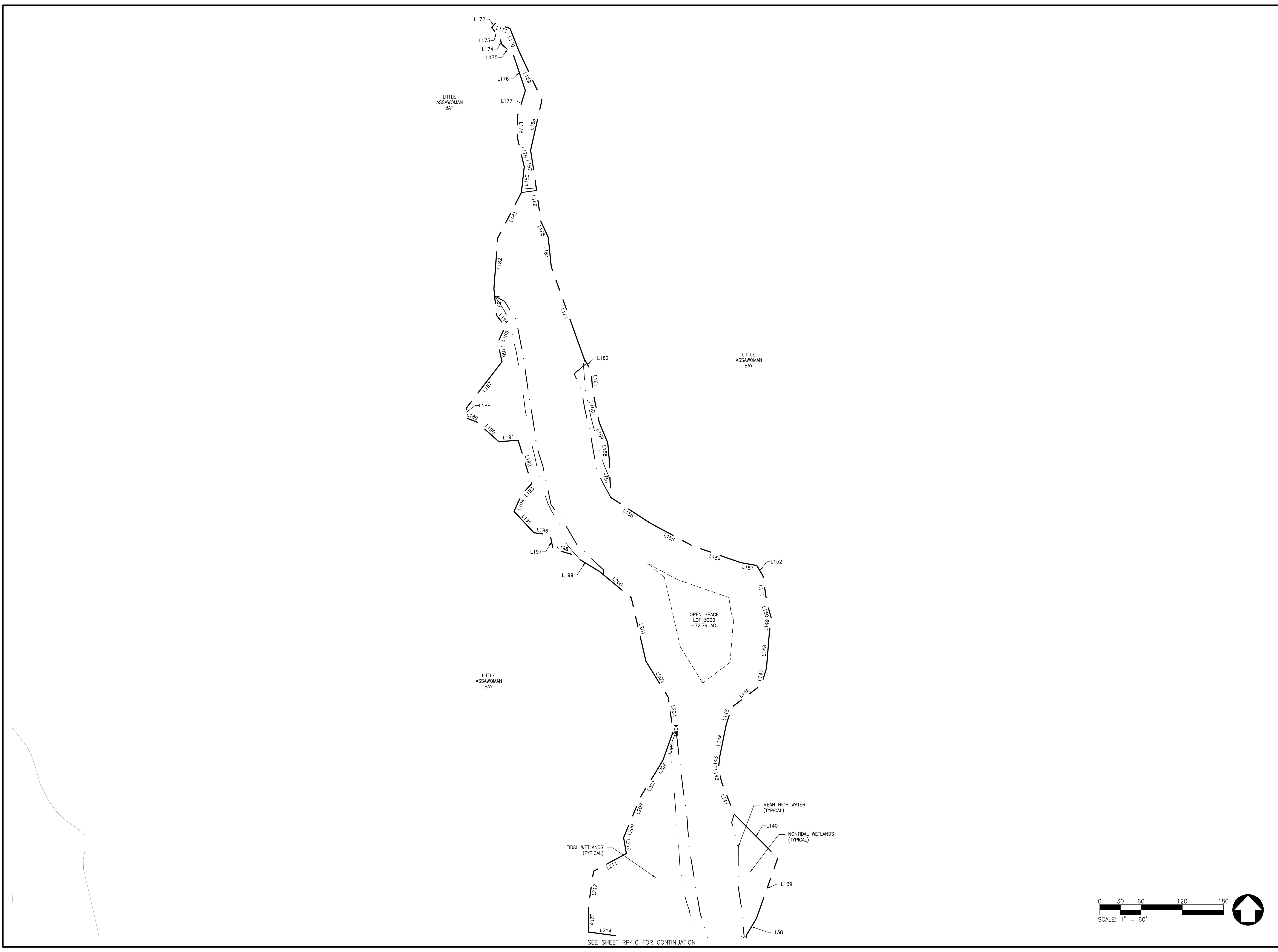
SEE SHEET RP1.0 FOR CONTINUATION



SEE SHEET RP6.0 FOR CONTINUATION

| | |
|---|-----------|
| PRINTS ISSUED FOR APPROVAL | |
| DATE | |
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|  GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY • BALTIMORE • SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-9790 www.gmbnet.com | |
| CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY) | |
|  BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE | |
| RECORD PLAT | |
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | RP2.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

PEN1=RED 1/8" (3mm) PEN2=YELLOW 3/32" (2.4mm) PEN3=GREEN 1/16" (1.6mm) PEN4=BLUE 1/32" (0.8mm) PEN5=WHITE 1/32" (0.8mm)



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CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)

Canal Communities

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

| | |
|-------------------|-----------|
| RECORD PLAT | |
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | RP3.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

PLOT CODE: P1N=RED (30th INCHES (75mm)), P1M=ORANGE (20th INCHES (50mm)), P1S=GREEN (20th INCHES (50mm)), P1T=BLUE (20th INCHES (50mm)), P1U=WHITE (30th INCHES (75mm))
 PRINT SIZE: 30th INCHES (75mm)



SEE SHEET RP3.0 FOR CONTINUATION

SEE SHEET RP5.0 FOR CONTINUATION

N/F
 HELEN H. JOHNSON
 4732/253
 (533-20.00-15.00)
 ZONED AR

N/F
 BRASURE V. LYNCH,
 CLIFTON & DELORIS MURRAY
 677/266
 (533-20.00-16.00)
 ZONED AR

N/F
 DAVID R. REUSING
 PB 8/319
 (533-20.00-17.00)
 ZONED AR



PRINTS ISSUED FOR APPROVAL

| NO. | REVISIONS | DATE |
|-----|-----------|------|
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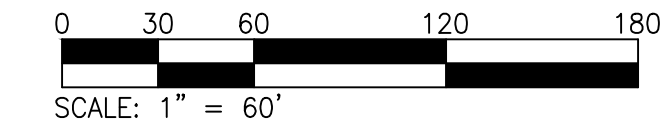
CHANNEL POINTE
(FKA BISHOP'S POINTE/CANNON PROPERTY)

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

RECORD PLAT

| | |
|-------------------|--|
| SCALE : 1" = 60' | SHEET NO. |
| DESIGN BY : KK | RP4.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | © COPYRIGHT 2021 GEORGE, MILES & BUHR, LLC |

SEE SHEET RP4.0 FOR CONTINUATION

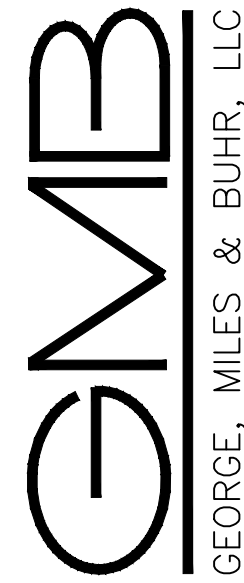


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APPROVAL

DATE

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CHANNEL POINTE
(FKA BISHOP'S POINTE/CANNON PROPERTY)



BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

RECORD PLAT

SCALE : 1" = 60'

DESIGN BY : KK

DRAWN BY : RLM

CHECKED BY :

GMB FILE : 180022

DATE : SEPT 2021

SHEET NO.

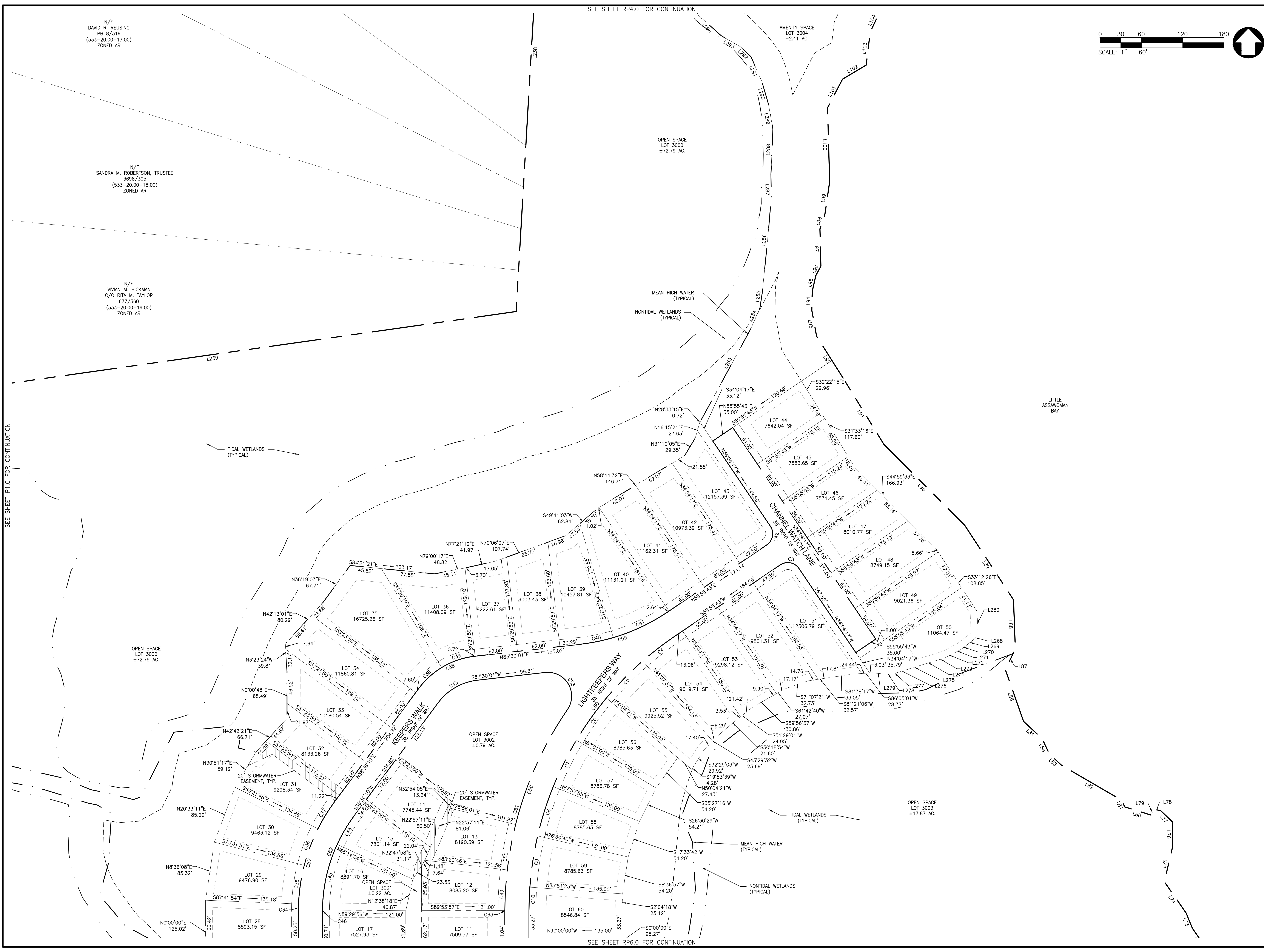
RP5.0

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PLOT CODE
PLOT-RED 1/8" (25mm)
PLOT-YELLOW 1/8" (25mm)
PLOT-ORANGE 1/8" (25mm)
PLOT-GREEN 1/8" (25mm)
PLOT-BLUE 1/8" (25mm)
PLOT-WHITE 1/8" (25mm)
PLOT-GRAY 1/8" (25mm)

SEE SHEET P1.0 FOR CONTINUATION

SEE SHEET RP6.0 FOR CONTINUATION



N/F
DAVID R. REUSING
PB 8/319
(533-20.00-17.00)
ZONED AR

N/F
SANDRA M. ROBERTSON, TRUSTEE
3698/305
(533-20.00-18.00)
ZONED AR

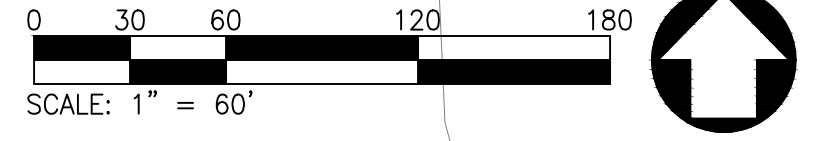
N/F
VIVIAN M. HICKMAN
C/O RITA M. TAYLOR
677/360
(533-20.00-19.00)
ZONED AR

LITTLE ASSAWAMAN BAY



SEE SHEET RP5.0 FOR CONTINUATION

SEE SHEET P2.0 FOR CONTINUATION



| | | | | | | |
|--------------------------|----------------------------|-----------------------------|-----------------------------|------------------------------|-----------------------------|-----------------------------|
| PRINT-RED 1/8" (25mm) | PRINT-BLUE 3/32" (25mm) | PRINT-BLACK 3/32" (25mm) | PRINT-GREEN 3/32" (25mm) | PRINT-YELLOW 3/32" (25mm) | PRINT-BROWN 3/32" (25mm) | PRINT-WHITE 3/32" (25mm) |
|--------------------------|----------------------------|-----------------------------|-----------------------------|------------------------------|-----------------------------|-----------------------------|

© Projects 2018 180022 Common Property (Drawings) Working Set/Record Plat and P&S (P.L.O. RECORD) P&S.dwg, 11/1/2016, Terry M. Gandy

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CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)

Canal Communities

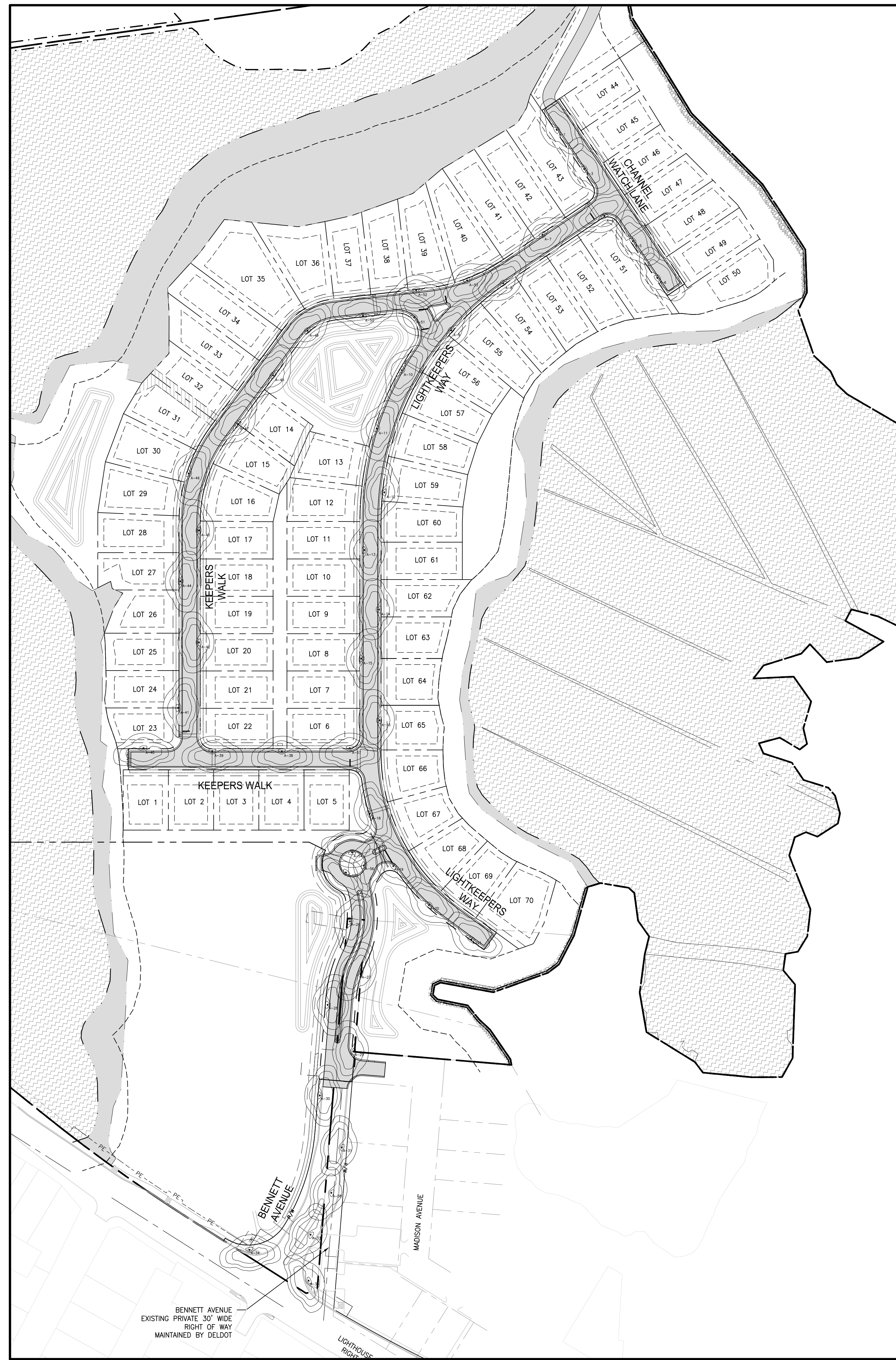
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

RECORD PLAT

SCALE : 1" = 60'
 SHEET NO. : **RP6.0**

DESIGN BY : KK
 DRAWN BY : RLM
 CHECKED BY :
 GMB FILE : 180022
 DATE : SEPT 2021

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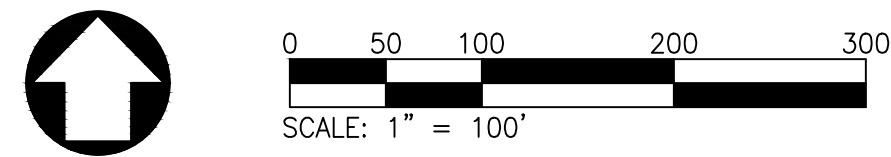


| Symbol | Label | Image | QTY | Manufacturer | Catalog Number | Description | Lamp | Number Lamps | Filename | Lumens per Lamp | Lumen Multiple | LLF | Wattage | Efficiency | Distrib/lon | Polar Plot | Notes |
|--------|-------|-------|-----|--------------|---|--|------|--------------|--------------------------------|-----------------|----------------|------|---------|------------|--|------------|-------|
| Ⓐ | A | | 48 | Holophane | GVD3 P30 50K 2X0X 6.3U1 R8 SINGLE 12 FT POLE HEIGHT | Granville Gen3, P30 Performance Package, 5000K CCT, 70CRI, Type 3 lunar optic distribution with ribs and bands | | 1 | GVD3_P01_50K_XXXX_6.3U1_R8.SLD | 6559 | 1 | 0.85 | 61 | 100% | TYPE III, MEDIUM, BUG RATING: B2-U3-S3 | | |

Note

1. All Luminaires are UL Listed & CSA Certified.
2. Suitable for Wet Location Use.
3. All poles are AASHTO rated for 90 mph wind loading.
4. All poles and lighting along right of way and residential streets will be Delaware Electric Cooperative.

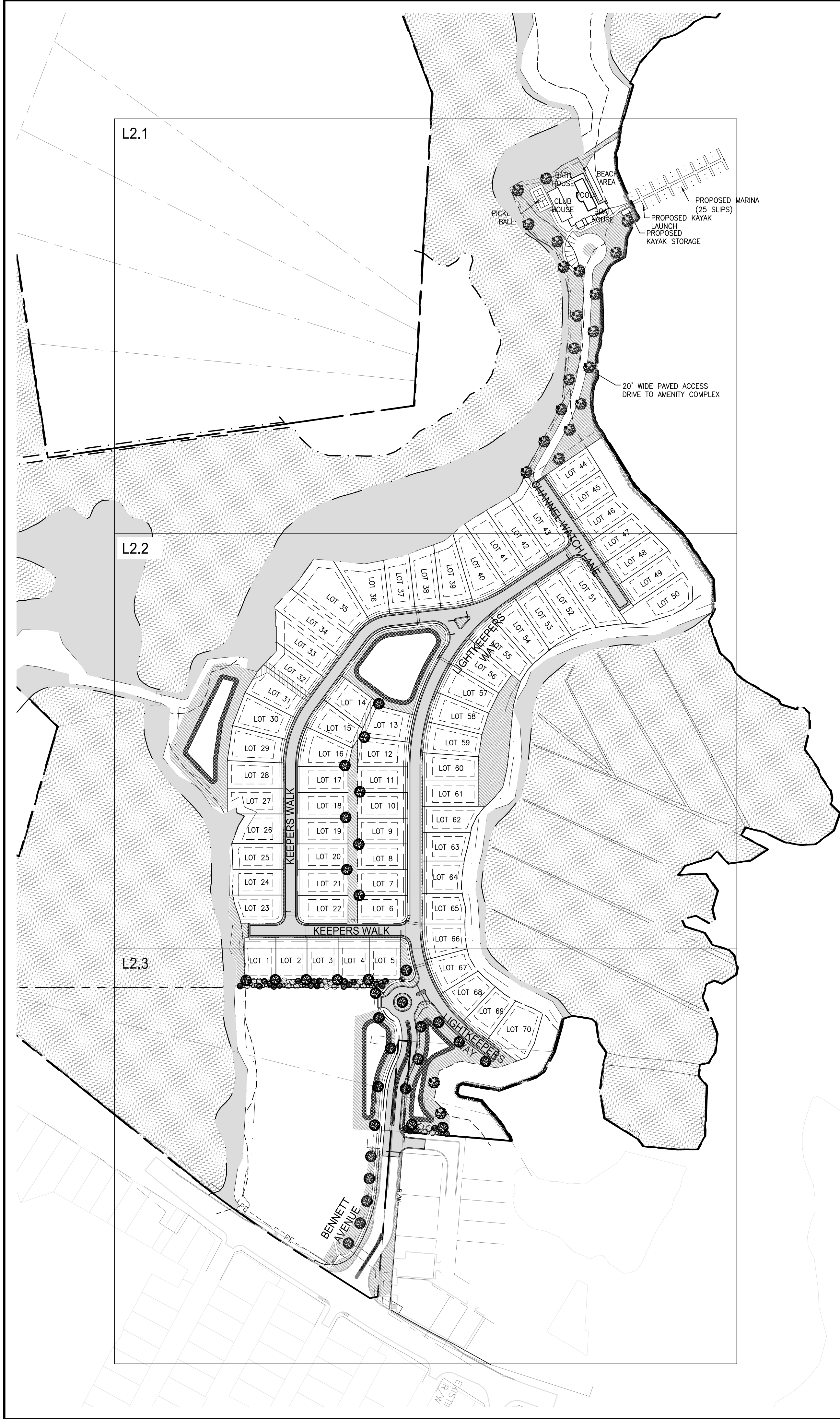
Fixture Type # 39100056--GVD3 with Lunar Optic
12 ft Pole Single 39051200 Charlestown



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|---|
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| CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY) |
| BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE |
| LIGHTING PLAN |
| SCALE : 1" = 100' DESIGN BY : KK DRAWN BY : RLM CHECKED BY : GMB FILE : 180022 DATE : SEPT 2021 |
| SHEET NO. L1.0 |
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PLOT CODE
 PNT=RED : 1/8" INCHES (3.18mm)
 PNT=ORANGE : 1/16" INCHES (1.59mm)
 PNT=GREEN : 1/32" INCHES (0.79mm)
 PNT=BLUE : 1/64" INCHES (0.39mm)
 PNT=WHITE : 1/128" INCHES (0.19mm)

PRINT-SCALE
 1" = 150'
 1" = 150'
 1" = 150'
 1" = 150'



LANDSCAPING - GENERAL NOTES:

- PLANTS SHALL CONFORM TO CURRENT "AMERICAN STANDARDS FOR NURSERY STOCK" BY AMERICAN ASSOCIATION OF NURSEYMEN (AAN). PARTICULARLY WITH REGARDS TO SITE, GROWTH AND SIZE OF BALL AND DENSITY OF BRANCH STRUCTURE.
- CONTRACTOR IS TO ENSURE CONFORMANCE TO NATIONAL AND LOCAL BUILDING CODES AND ORDINANCES.
- ALL PLANTS (B&B OR CONTAINER) SHALL BE PROPERLY IDENTIFIED BY WEATHERPROOF LABELS SECURELY ATTACHED HERETO BEFORE DELIVERY TO THE PROJECT SITE. LABELS SHALL IDENTIFY PLANTS BY NAME, SPECIES, AND SIZE. LABELS SHALL NOT BE REMOVED UNTIL THE FINAL INSPECTION BY THE OWNER'S REPRESENTATIVE.
- ANY MATERIAL AND/OR WORK MAY BE REJECTED BY THE OWNER'S REPRESENTATIVE IF IT DOES NOT MEET THE REQUIREMENTS OF THE SPECIFICATIONS. THE CONTRACTOR SHALL REMOVE ALL REJECTED MATERIAL FROM THE SITE.
- THE CONTRACTOR SHALL FURNISH ALL PLANTS IN QUANTITIES AND SIZES TO COMPLETE THE WORK AS SPECIFIED IN THE PLANT SCHEDULE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS PRIOR TO THE COMMENCEMENT OF WORK. QUANTITIES IN THE PLANT SCHEDULE ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY AND DO NOT CONSTITUTE THE FINAL COUNT.
- SUBSTITUTION IN PLANT SPECIES OR SIZE SHALL NOT BE PERMITTED EXCEPT WITH THE WRITTEN APPROVAL OF THE OWNER OR THE OWNER'S REPRESENTATIVE.
- PLANTS SHALL BE LOCATED AS SHOWN ON THE DRAWINGS AND BY SCALING OR AS DESIGNED IN THE FIELD BY THE OWNER OR THE OWNER'S REPRESENTATIVE.
- CONTRACTOR SHALL LOCATE AND MARK ALL UNDERGROUND UTILITY LINES AND IRRIGATION SYSTEMS PRIOR TO EXCAVATING PLANT BEDS OR PITS. ALL UTILITY EASEMENT AREAS WHERE NO PLANTING SHALL TAKE PLACE SHALL ALSO BE MARKED ON THE SITE PRIOR TO LOCATING AND DIGGING THE TREE PITS. IF UTILITY LINES ARE ENCOUNTERED IN EXCAVATION OF TREE PITS OTHER LOCATIONS FOR THE TREES SHALL BE SELECTED BY THE OWNER OR THE OWNER'S REPRESENTATIVE. SUCH CHANGE SHALL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COMPENSATION. NO CHANGES OF LOCATION SHALL BE MADE WITHOUT THE APPROVAL OF THE OWNER OR THE OWNER'S REPRESENTATIVE.
- ALL EQUIPMENT AND TOOLS SHALL BE PLACED SO AS NOT TO INTERFERE OR HINDER THE PEDESTRIAN AND VEHICULAR TRAFFIC FLOW.
- DURING PLANTING OPERATIONS, EXCESS AND WASTE MATERIALS SHALL BE PROMPTLY AND FREQUENTLY REMOVED FROM THIS SITE.
- ALL TREE PITS ARE TO BE EXCAVATED TO A MINIMUM DEPTH TO ALLOW THE TREE ROOT BALL TO BE A MINIMUM OF 3" HIGHER THAN FINISHED GRADE. THE TREE ROOT BALL IS TO REST ON UNDISTURBED SOIL, OR A COMPACTED BED MUST BE PREPARED FOR THE TREE ROOT BALL TO REST ON AND WHICH WILL NOT SUBSIDE CAUSING THE TREE TO SINK BELOW FINISHED GRADE. ALL TREE PITS ARE TO BE A MINIMUM OF 12" LARGER ON EVERY SIDE OF THE TREE ROOT BALL.
- THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT ALL TREE PITS, SHRUB BEDS AND PLANTERS ARE WELL DRAINED. THE LANDSCAPE CONTRACTOR WILL REPLACE ALL PLANT MATERIAL WHICH IS AFFECTED BY POOR DRAINAGE, AT NO CHARGE TO THE OWNER.
- THE TREES AND SHRUBS ARE TO BE HANDLED WITH THE BEST CARE AND ATTENTION TO ENSURE THAT THE PLANTS ARE NOT BRUISED, BROKEN, TORN, DAMAGED IN ANY WAY WHICH WILL AFFECT THE PLANTS GENERAL APPEARANCE AND WELL BEING.
- THE TREES MUST BE STAKED IN ACCORDANCE WITH ACCEPTABLE NURSERY PRACTICES TO ENSURE THAT THEY ARE SECURE IN THE GROUND AND WILL GROW STRAIGHT AND UNIFORM. THE TREES ARE TO BE WRAPPED IF THE CONTRACTOR DEEMS IT NECESSARY TO PROTECT THE TREES FROM SUN SCALD OR INSECT ATTACK.
- THE LANDSCAPE CONTRACTOR IS TO PROVIDE A ONE YEAR WARRANTY FOR ALL PLANT MATERIAL AND OTHER WORK DONE ON SITE. THIS WARRANTY WILL BEGIN AT EITHER SUBSTANTIAL COMPLETION OR AT FINAL ACCEPTANCE AS DETERMINED BY THE OWNER.
- THE CONTRACTOR IS TO SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO BE CLEAR OF DRAINAGE SWALES AND UTILITIES. FINISHED PLANTING BEDS SHALL BE GRADED SO AS NOT TO IMPEDE DRAINAGE AWAY FROM BUILDINGS.

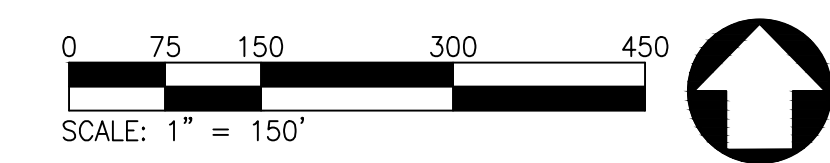
PLANTING LEGEND:

| SYM. | QTY. | COMMON NAME | BOTANICAL NAME | SIZE @ INSTALL | SPACING | NOTES |
|------|------|--------------------|-------------------------------|----------------|----------|-------------------------|
| | 33 | SYCAMORE | PLATANUS OCCIDENTALIS | 3" CALIPER | AS SHOWN | DOMINANT LEADER |
| | 22 | LOBLOLLY PINE | PINUS TAEDA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| | 19 | SWEETBAY MAGNOLIA | MAGNOLIA VIRGINIANA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| | 23 | FRINGETREE | CHIONANTHUS VIRGINICUS | 6-8' HT. | AS SHOWN | DOMINANT LEADER |
| | 22 | RED CEDAR | JUNIPERUS VIRGINIANA | 4-6' HT. | AS SHOWN | DOMINANT LEADER |
| | 78 | BITTER SWITCHGRASS | PANICUM AMARUM x 'DEWEY BLUE' | 24-36" HT. | AS SHOWN | HEALTHY, FULL, VIGOROUS |

| | | | | |
|--|------------|-----------|---|-----------------|
| | 203,042 SF | SOD | TURF TYPE TALL FESCUE | |
| | 1,900 SF | MULCH | DECORATIVE RIVER ROCK 3-5" STONE OR CRUSHED CLAMSHELL | |
| | 22,883 SF | ERNMX-17B | RIPARIAN BUFFER MIX (ERNST CONSERVATION SEED) | 20 LB. PER ACRE |

LANDSCAPE ARCHITECT'S CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF DELAWARE.

LANDSCAPE ARCHITECT _____ DATE _____



PRINTS ISSUED FOR:
 APPROVAL

| DATE | REVISIONS | NO. |
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CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

LANDSCAPING KEY SHEET

| | |
|-------------------|-------------|
| SCALE : 1" = 150' | SHEET NO. |
| DESIGN BY : KK | L2.0 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |

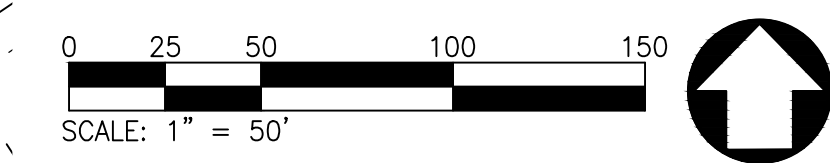
C:\Projects\2018\180022 Common Property\Drawings\Working_Site\Record Plot and FSN\2.3 Landscaping Plan.dwg, 2/9/2022 4:03 PM, Terry M. Gandy

PLOT CODE: P18-RED (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-YELLOW (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-RED (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-YELLOW (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-RED (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-YELLOW (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-RED (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm)), P18-YELLOW (20" INCHES (50mm)), P18-ORANGE (20" INCHES (50mm))

PLANTING LEGEND:

| SYM. | QTY. | COMMON NAME | BOTANICAL NAME | SIZE @ INSTALL | SPACING | NOTES |
|------|------|--------------------|-------------------------------|----------------|----------|-------------------------|
| SY | 33 | SYCAMORE | PLATANUS OCCIDENTALIS | 3" CALIPER | AS SHOWN | DOMINANT LEADER |
| LP | 22 | LOBLOLLY PINE | PINUS TAEDA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| SB | 19 | SWEETBAY MAGNOLIA | MAGNOLIA VIRGINIANA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| FT | 23 | FRINGETREE | CHIONANTHUS VIRGINICUS | 6-8' HT. | AS SHOWN | DOMINANT LEADER |
| RC | 22 | RED CEDAR | JUNIPERUS VIRGINIANA | 4-6' HT. | AS SHOWN | DOMINANT LEADER |
| BS | 78 | BITTER SWITCHGRASS | PANICUM AMARUM x 'DEWEY BLUE' | 24-36' HT. | AS SHOWN | HEALTHY, FULL, VIGOROUS |

| | | | | |
|-----------|------------|-----------|---|-----------------|
| [Pattern] | 203,042 SF | SOD | TURF TYPE TALL FESCUE | |
| [Pattern] | 1,900 SF | MULCH | DECORATIVE RIVER ROCK 3-5" STONE OR CRUSHED CLAMSHELL | |
| [Pattern] | 22,883 SF | ERNMX-178 | RIPARIAN BUFFER MIX (ERNST CONSERVATION SEED) | 20 LB. PER ACRE |



| PRINTS ISSUED FOR APPROVAL | |
|----------------------------|--|
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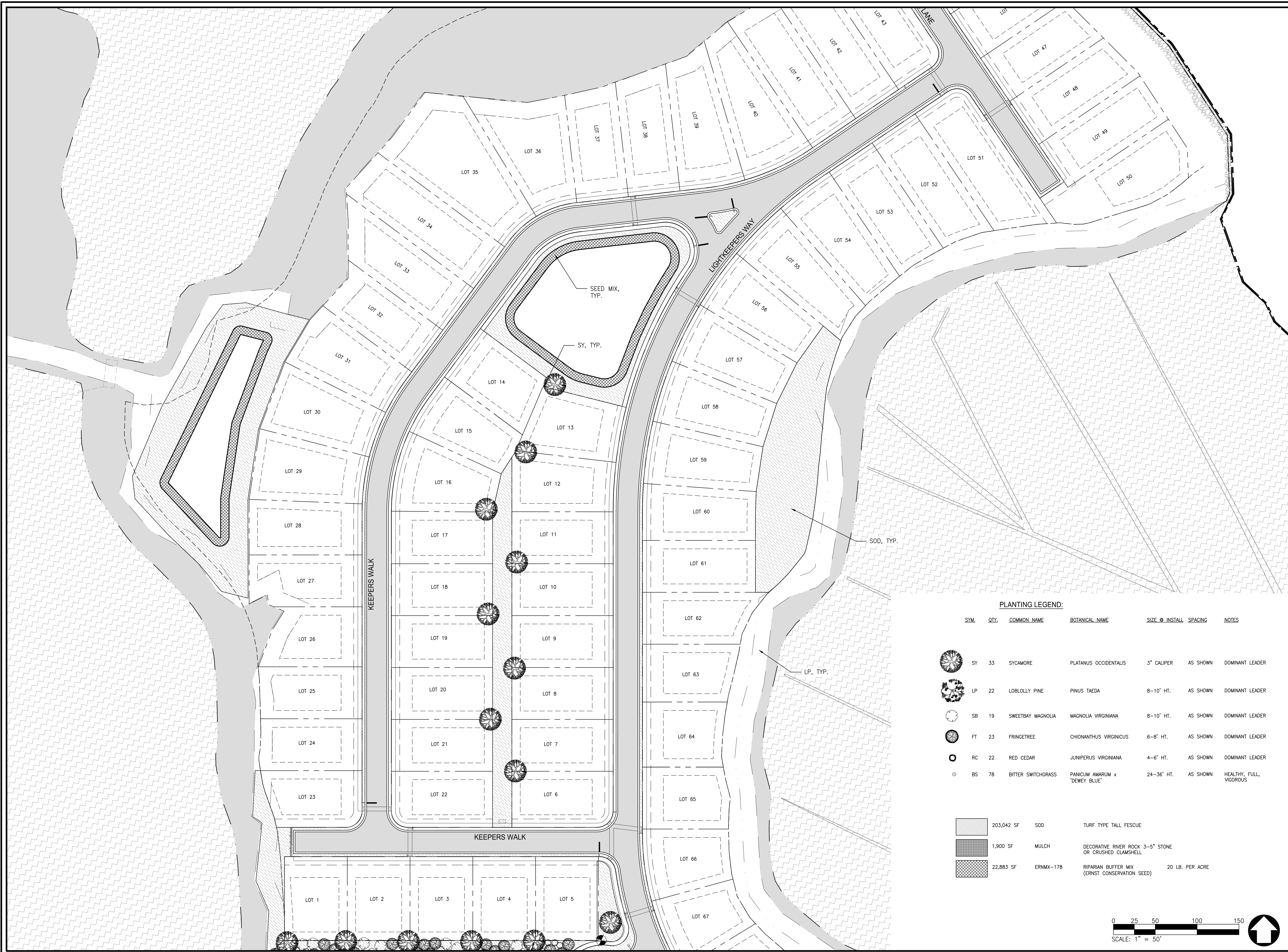
CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

LANDSCAPING PLAN

| | |
|------------------|-------------|
| SCALE: 1" = 50' | SHEET NO. |
| DESIGN BY: KK | L2.1 |
| DRAWN BY: RLM | |
| CHECKED BY: | |
| GMB FILE: 180022 | |
| DATE: SEPT 2021 | |

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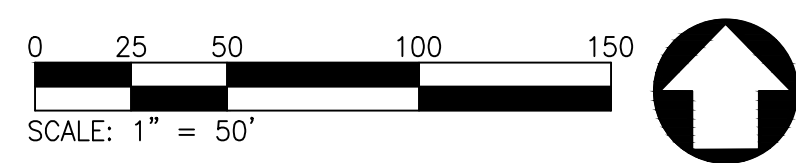
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 PNT-YELLOW 200 INCHES (50mm)
 PNT-ORANGE 200 INCHES (50mm)
 PNT-GREEN 200 INCHES (50mm)
 PNT-BLUE 200 INCHES (50mm)
 PNT-BROWN 200 INCHES (50mm)
 PNT-WHITE 200 INCHES (50mm)



PLANTING LEGEND:

| SYM. | QTY. | COMMON NAME | BOTANICAL NAME | SIZE @ INSTALL | SPACING | NOTES |
|------|------|--------------------|-------------------------------|----------------|----------|-------------------------|
| | 33 | SYCAMORE | PLATANUS OCCIDENTALIS | 3" CALIPER | AS SHOWN | DOMINANT LEADER |
| | 22 | LOBLOLLY PINE | PINUS TAEDA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| | 19 | SWEETBAY MAGNOLIA | MAGNOLIA VIRGINIANA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| | 23 | FRINGETREE | CHIONANTHUS VIRGINICUS | 6-8' HT. | AS SHOWN | DOMINANT LEADER |
| | 22 | RED CEDAR | JUNIPERUS VIRGINIANA | 4-6' HT. | AS SHOWN | DOMINANT LEADER |
| | 78 | BITTER SWITCHGRASS | PANICUM AMARUM x 'DEWEY BLUE' | 24-36" HT. | AS SHOWN | HEALTHY, FULL, VIGOROUS |

| | | | |
|--|------------|-----------|---|
| | 203,042 SF | SOD | TURF TYPE TALL FESCUE |
| | 1,900 SF | MULCH | DECORATIVE RIVER ROCK 3-5" STONE OR CRUSHED CLAMSHELL |
| | 22,883 SF | ERNMX-17B | RIPARIAN BUFFER MIX (ERNST CONSERVATION SEED) 20 LB. PER ACRE |



PRINTS ISSUED FOR:
APPROVAL

| NO. | REVISIONS | DATE |
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CHANNEL POINTE
 (FKA BISHOP'S POINTE/CANNON PROPERTY)

Canterbury
 COMMUNITIES

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

LANDSCAPING PLAN

| | |
|------------------|-----------|
| SCALE: 1" = 50' | SHEET NO. |
| DESIGN BY: KK | L2.2 |
| DRAWN BY: RLM | |
| CHECKED BY: | |
| GMB FILE: 180022 | |
| DATE: SEPT 2021 | |

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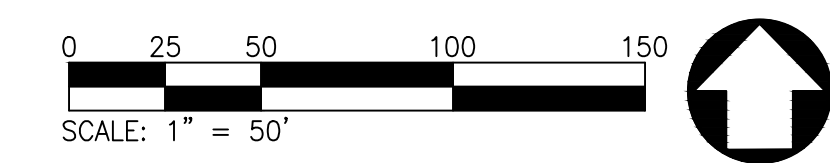
| | | | |
|---|---------------------------------|--------------------------------|---------------------------------|
| PEN=RED .008 INCHES (20mm) | PEN=GREEN .010 INCHES (25mm) | PEN=BLUE .020 INCHES (50mm) | PEN=WHITE .030 INCHES (75mm) |
| PLOT CODE PLOT-COM .014 INCHES (35mm) | PEN=GREEN .010 INCHES (25mm) | PEN=BLUE .020 INCHES (50mm) | PEN=WHITE .030 INCHES (75mm) |
| PEN=RED .008 INCHES (20mm) | PEN=GREEN .010 INCHES (25mm) | PEN=BLUE .020 INCHES (50mm) | PEN=WHITE .030 INCHES (75mm) |



PLANTING LEGEND:

| SYM. | QTY. | COMMON NAME | BOTANICAL NAME | SIZE @ INSTALL | SPACING | NOTES |
|------|------|--------------------|-------------------------------|----------------|----------|-------------------------|
| | 33 | SYCAMORE | PLATANUS OCCIDENTALIS | 3" CALIPER | AS SHOWN | DOMINANT LEADER |
| | 22 | LOBLOLLY PINE | PINUS TAEDA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| | 19 | SWEETBAY MAGNOLIA | MAGNOLIA VIRGINIANA | 8-10' HT. | AS SHOWN | DOMINANT LEADER |
| | 23 | FRINGETREE | CHIONANTHUS VIRGINICUS | 6-8' HT. | AS SHOWN | DOMINANT LEADER |
| | 22 | RED CEDAR | JUNIPERUS VIRGINIANA | 4-6' HT. | AS SHOWN | DOMINANT LEADER |
| | 78 | BITTER SWITCHGRASS | PANICUM AMARUM x 'DEWEY BLUE' | 24-36" HT. | AS SHOWN | HEALTHY, FULL, VIGOROUS |

| | | | |
|--|------------|-----------|---|
| | 203,042 SF | SOD | TURF TYPE TALL FESCUE |
| | 1,900 SF | MULCH | DECORATIVE RIVER ROCK 3-5" STONE OR CRUSHED CLAMSHELL |
| | 22,883 SF | ERNMX-178 | RIPARIAN BUFFER MIX (ERNST CONSERVATION SEED) 20 LB. PER ACRE |



| | |
|---|-------------|
| PRINTS ISSUED FOR: APPROVAL | |
| DATE | |
| REVISIONS | |
| NO. | |
| GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY • BALTIMORE • SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-9790 www.gmbnet.com | |
| CHANNEL POINTE (FKA BISHOP'S POINTE/CANNON PROPERTY) BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE | |
| LANDSCAPING PLAN | |
| SCALE : 1" = 50' | SHEET NO. |
| DESIGN BY : KK | L2.3 |
| DRAWN BY : RLM | |
| CHECKED BY : | |
| GMB FILE : 180022 | |
| DATE : SEPT 2021 | |
| © COPYRIGHT 2021 GEORGE, MILES & BUHR, LLC | |



February 01, 2022

Ms. Megan Evans
GMB
206 West Main St
Salisbury, MD 21801
mEvans@gmbnet.com

**RE: Bishop's Pointe
Final Submittal Letter**

Ms. Evans:

Sussex Conservation District has reviewed the sediment and stormwater management plans submitted for the above referenced project. The District has found the submittal to be acceptable, please provide the District with the following:

- Submit 5 sets of plans for approval.
- Submit 1 set scaled 12 x 18 for approval.
- Submit an electronic copy (PDF) of the project's complete construction set.
- Submit an electronic copy (PDF) of the Stormwater Report (and all exhibits).
- Provide a check for inspection for \$10,187.85 and maintenance fee for \$3,400. (These fees can be combined on one check.)

Please note:

- Every plan sheet is to be signed and sealed by a qualified design professional.
- The SCD Owners Certification Statement is to be signed in ink on each set of plans.
- DeIDOT Entrance Permit is required prior to scheduling a Pre-Construction meeting. (if applicable)
- DNREC Drainage Section approval is required prior to SCD final approval. (if applicable)

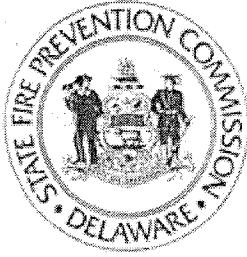
If plans are submitted with any of the above items missing, they will **not** be approved. Be advised if there are any deficiencies which cannot be addressed within 72 hours the plans will be considered withdrawn and therefore, you will need to entirely resubmit. We appreciate your cooperation in this matter as we are trying to maintain a professional and structured office to better serve you.

If ownership is going to change, the District will require a new application and two sets of plans with the new owner's information and signed certification statement. In addition, the authorization to discharge stormwater under the regulations *Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities*, must be transferred by the original owner to the new owner, please contact DNREC at 302-739-9921 for assistance.

If you have any questions or concerns regarding the aforementioned, please do not hesitate to contact the District at 302-856-2105.

Sincerely,

John Justice
John Justice



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2021-04-207929-MJS-01

Tax Parcel Number: 533-20.00-20.00

Status: Approved as Submitted

Date: 08/26/2021

Project

Bishop's Pointe
Carl M Freeman Communities LLC

Lighthouse Road and Bennett Avenue
Fenwick DE 19944

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 90 - Roxana Volunteer Fire Co

Occupant Load Inside:
Occupancy Code:

Applicant

Jesyl Silva
206 West Main Street
Salisbury, MD 21801

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:



Jefferson Cerri
Fire Protection Specialist II

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2021-04-207929-MJS-01

Tax Parcel Number: 533-20.00-20.00

Status: Approved as Submitted

Date: 08/26/2021

PROJECT COMMENTS

- | | |
|---------------|---|
| 1002 A | This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. |
| 1030 A | This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 500 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 1,000' on center. |
| 1180 A | This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies. |
| 1132 A | Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange. |
| 1232 A | All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III,Section 1.1.5.1. |
| 1332 A | The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5 10.4). |
| 1432 A | The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24, Section 7.3.3). |

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

Cathy Lyons

From: DelDot PDCA <PDCANotifications@Deldot.gov>
Sent: Friday, January 14, 2022 9:04 AM
To: CLyons@gmbnet.com; rrischel@cmfa.com; SMarsh@gmbnet.com
Cc: kevin.hickman@delaware.gov; kevin.hickman@delaware.gov
Subject: DeL呢DOT Plan Review Comments and Request Final Plans for Review Type: LONOR / Record Plan #2 for Cannon Property

Dear Mr.. Stephen Marsh,

The Department has received the LONOR / Record Plan for the above referenced project, last revised on 11/24/2021. After thorough review of this plan set and response comments we require the following modifications:

Please see comments and marked up plans in DeL呢DOT's PDCA.

Once all comments and any mark-ups have been addressed, we require that you upload the following to the PDCA for DeL呢DOT verifications: a cover letter that includes your confirmation that these requirements have been individually satisfied, and final electronic copies of the plan, with all proper signatures, through the PDCA.

If you have any questions about any these required modifications, please contact me.

Sincerely,
Mr. Kevin Hickman
Sussex County Reviewer
(302) 760-2461
kevin.hickman@delaware.gov

ENGINEERING DEPARTMENT

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

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

February 2, 2022

George, Miles & Buhr, L.L.C.
206 W. Main Street
Salisbury, MD 21801

**RE: BISHOPS POINTE (AKA CANNON PROPERTY) FENWICK ISLAND
SANITARY SEWER DISTRICT
SUSSEX COUNTY TAX MAP NUMBER 533-20.00-PARCEL 20.00
CLASS-1 AGREEMENT NO. 1101**

Dear Mr. Silva P.E.

The Sussex County Engineering Department has concluded its final review of agreement number 1101.

For FINAL approval please provide the following:

- A completed wastewater construction permit review from DNREC.
- Five (5) sets of 24" x 36"
- One soft copy set. Include all scanned signatures.
- All sheets must be signed and sealed by the Engineer/Consultant.
- All cover sheets must have the owner/developer's signature and wetland consultant signature.

After approval, one set of County approved plans will be returned for your files.

If the plans are not received within one (1) year of the date of this letter, a new review process and review fee will be required.

If you have questions, my direct number is listed below.

Sincerely,

Ken Briggs
Sussex County Engineering, Utility Planning
302-855-7820





August 23, 2021

ARTESIAN WATER COMPANY, INC.

APPROVAL TO CONSTRUCT
Artesian Southern Sussex Regional
Bishop's Pointe Connection
PWS #DE00A0323
Approval #21W115

Mr. Josh Mastrangelo
Carl M Freeman Communities, LLC
21 Village Green Drive, Suite 200
Ocean View, DE 19970

Dear Mr. Mastrangelo:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect Bishop's Pointe, formerly known as Cannon Property, to the existing main in accordance with the plans submitted by George, Miles & Buhr, LLC. The plans consist of:

1. Transmittal letter dated August 9, 2021.
2. Application for Construction of New or Existing PWS dated August 9, 2021
3. Two copies of the plans entitled "Bishop's Pointe (Formerly Known as Cannon Property)" dated August 2021.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups.

The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

I am sending one set of plans to George, Miles & Buhr, LLC. That have been signed and dated by the Office of Engineer with a copy of this Approval.

Mr. Josh Mastrangelo
Carl M. Freeman Companies, LLC
August 23, 2021
Page 2

Should you have any questions regarding this matter, please feel free to contact Bill Milliken at (302) 741-8646.

Plans reviewed by:

Sincerely,

William J. Milliken, Jr.
Engineer III
Office of Engineering

Doug Lodge, P.E.
Supervisor of Engineering
Office of Engineering

cc: Public Service Commission
Terry Gundry, George, Miles & Buhr, LLC
Kathy Garrison, Artesian Water Company, Inc.
Ashley Kunder, ODW

1. The approval is void if construction has not been started by August 23, 2022.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. This approval does not cover the structural stability of any units or parts of this project.
5. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
6. All wells, pipes, tanks, and equipment which can convey or store potable water shall be disinfected in accordance with the current AWWA procedures. Plans or specifications shall outline the procedure and include the disinfectant dosage, contact time, and method of testing the results of the procedure. (Recommended Standards for Water Works 2018 Edition 2.15)
7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.

11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
16. All water lines should be buried to a depth of at least 3 feet.
17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.
21. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
 - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
 - b. Obtain an Approval to Operate from the Office of Engineering.

Cathy Lyons

From: Terri Dukes <tdukes@sussexcountyde.gov>
Sent: Monday, March 8, 2021 3:43 PM
To: Cathy Lyons
Subject: RE: Street Name Request

Follow Up Flag: Follow up
Flag Status: Flagged

Cathy, please reference your list below.

Best Regards,
Terri

From: Cathy Lyons <CLyons@gmbnet.com>
Sent: Monday, March 8, 2021 10:52 AM
To: Terri Dukes <tdukes@sussexcountyde.gov>
Cc: Katja Kalinski <KKalinski@gmbnet.com>
Subject: Street Name Request

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.

Terri,

Good Morning. I hope all is well. We are in the preliminary / final stages of design for the Cannon Property, Subdivision #20180-18 (aka Bishops Pointe) project, located off Lighthouse Road in Fenwick Island. The owner has requested the below subdivision and street names:

Residential – Bishops Pointe/Approved
Retail/Hotel – The marketplace at Bishops Pointe

Street Names:

Public Road back to the circle – Bennett Ave (existing)
Old Salt Pot Lane or Circle / **Denied**
Salt Maker Lane/**Denied**
Lightkeeper Way/ Approved
Keepers Walk /Approved
Old Cannon Beach Road/**Denied**

I have enclosed a copy of the Preliminary Site Plan for your convenience.

Thank you,
Cathy

MAPPING & ADDRESSING

MEGAN NEHRBAS
MANAGER OF GEOGRAPHIC
INFORMATION SYSTEMS (GIS)
(302) 855-1176 T
(302) 853-5889 F



Sussex County
DELAWARE
sussexcountyde.gov

December 28, 2021

Cathy Lyons, Senior Project Coordinator
Carl M. Freeman Companies
206 W. Main St.
Salisbury, MD 21801

RE: **Proposed Subdivision Name(s)**

Dear Cathy,

Our department has reviewed the REVISED name(s) submitted for your proposed subdivision located in Selbyville (533-20.00-20.00, 21.00, & 533-20.19-97.00). In reviewing the proposed name(s) the following has been approved for this subdivision:

CHANNEL POINTE

This new name will replace the previous approved name of Bishops Pointe.

Should you have any questions please contact the **Sussex County Geographic Information Office at 302-853-5888 or 302-855-1176.**

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Planning & Zoning



Cathy Lyons

From: Tidwell Shawn <Shawn.Tidwell@irsd.k12.de.us>
Sent: Friday, February 4, 2022 12:43 PM
To: Katja Kalinski; Hudson Tami
Cc: Cathy Lyons
Subject: RE: [External] FW: New Proposed Subdivision - Bishop's Pointe - Bus Stop Provisions

The bus stop location will work.

Shawn

From: Katja Kalinski <KKalinski@gmbnet.com>
Sent: Thursday, February 3, 2022 4:31 PM
To: Tidwell Shawn <Shawn.Tidwell@irsd.k12.de.us>; Hudson Tami <tami.hudson@irsd.k12.de.us>
Cc: Cathy Lyons <CLyons@gmbnet.com>
Subject: FW: [External] FW: New Proposed Subdivision - Bishop's Pointe - Bus Stop Provisions

Good afternoon Shawn,

We have reviewed the circle as well: a 35' long bus can safely make the turn, if you are running busses over 40', we will have to move the bus stop

Out to Lighthouse Road.

Please advise.

Thank you!

Katja



Katja Kalinski
Senior Landscape Designer
206 West Main Street | Salisbury, MD | 21801
410.742.3115 | www.gmbnet.com | [Find us on facebook](#)

From: Cathy Lyons <CLyons@gmbnet.com>
Sent: Thursday, February 3, 2022 10:47 AM
To: Katja Kalinski <KKalinski@gmbnet.com>
Subject: FW: [External] FW: New Proposed Subdivision - Bishop's Pointe - Bus Stop Provisions

I received the below response from IRSD re: Cannon. Can you respond?

Thanks,
CL



Cathy Lyons
Sr. Project Coordinator
206 West Main Street | Salisbury, MD | 21801
410.742.3115 | www.gmbnet.com | Find us on [facebook](#)

From: Tidwell Shawn <Shawn.Tidwell@irsd.k12.de.us>
Sent: Thursday, February 3, 2022 10:46 AM
To: Cathy Lyons <CLyons@gmbnet.com>; Hudson Tami <tami.hudson@irsd.k12.de.us>
Subject: RE: [External] FW: New Proposed Subdivision - Bishop's Pointe - Bus Stop Provisions

Good morning,

While reviewing the plan I see that you have the bus stop on the traffic circle. I am concerned that the size of the traffic circle will not allow for the bus to safely make the turn. What provisions are in place to guarantee the circle large enough?

Shawn

From: Cathy Lyons <CLyons@gmbnet.com>
Sent: Thursday, February 3, 2022 10:06 AM
To: Tidwell Shawn <Shawn.Tidwell@irsd.k12.de.us>; Hudson Tami <tami.hudson@irsd.k12.de.us>
Subject: [External] FW: New Proposed Subdivision - Bishop's Pointe - Bus Stop Provisions

WARNING: External Email - This email originated outside of the State email system.
DO NOT CLICK links or attachments unless you recognize the sender and *are expecting* the email.

Shawn/Tami,

Good morning. I am following up on my request below and checking to see if you need any further information to provide documentation for this project.

Please feel free to contact me with any questions.

Thank you,
Cathy



Cathy Lyons
Sr. Project Coordinator
206 West Main Street | Salisbury, MD | 21801
410.742.3115 | www.gmbnet.com | Find us on [facebook](#)

From: Cathy Lyons
Sent: Thursday, January 27, 2022 2:58 PM
To: shawn.tidwell@irsd.k12.de.us; tami.hudson@irsd.k12.de.us
Subject: New Proposed Subdivision - Bishop's Pointe - Bus Stop Provisions

Good afternoon.

Our office is representing the developer of a proposed subdivision located on the north side of Route 54 in Selbyville, DE. We are required by Planning & Zoning to provide an approval by your District in relation to bus stop provisions. I

have enclosed a copy of the site plan for your review. Please respond if a bus stop is appropriate and if required at this location.

Please feel free to contact our office with any questions or comments.

Thank you,
Cathy



Cathy Lyons

Sr. Project Coordinator

206 West Main Street | Salisbury, MD | 21801

410.742.3115 | www.gmbnet.com | [Find us on facebook](#)

Tax Parcel Nos: See Attached

Prepared by and Return to:
K. William Scott, Esq.
Scott and Shuman, P.A.
33292 Coastal Highway, Suite 3
Bethany Beach, Delaware 19930

**MASTER DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR CHANNEL POINTE
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE**

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MASTER DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS

THIS MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS (this "Declaration") is made effective as of the ____ day of _____, 20__ (the "Effective Date"), by CMF Cannon L.L.C., a Delaware limited liability company (the "Declarant").

WHEREAS, pursuant to the Deed recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware (the "Recorder's Office") at Deed Book ___, Page ___, Declarant is the legal and equitable owner of those certain lots, pieces or parcels of land bounded and described on **Exhibit "A"**, attached hereto and made a part hereof (the "Property"), being a portion of the real property shown and identified on the Final Subdivision Plat for Channel Pointe prepared by George, Miles & Buhr, LLC Architects & Engineering, dated, last revised on, said plan being recorded in the Recorder's Office at Plat Book ___, Page ___, as such Plat may be subsequently supplemented or amended from time to time (collectively, as supplemented and amended, the "Master Plan"); which Property is currently designated for the construction of a residential community to be known as "Channel Pointe" on the Lots (defined below); and open spaces, storm water management areas, recreational facilities, and improvements and other amenities (collectively, with all the Lots, the "Project"); and

WHEREAS, Declarant desires to control and restrict both the construction of original structures and improvements on the Property as generally depicted on the Master Plan, as well as any modification to the original residential dwellings and other improvements that shall be built in accordance with and subject to the terms and conditions of those certain design guidelines and procedures, as the same may be established and amended from time to time by the ARC (defined in Section 6.1 below) (the "Design Guidelines"), together with the use to which all dwellings, structures, and improvements in the Project, as more fully described below, are put so as to promote and facilitate the development of a healthful, safe, harmonious, attractive and valuable residential community and for the preservation of the values and amenities in the Project. Towards this end, Declarant desires to subject the Property and Project to certain covenants, restrictions and agreements as hereinafter more particularly set forth, all of which Declarant deems to be for the benefit of the Declarant, and each Owner and their respective heirs, personal representatives, successors, assigns, and transferees.

WITNESSETH :

NOW, THEREFORE, Declarant hereby declares that the Property and Project shall be held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to the covenants, conditions, restrictions and easements set forth in this Declaration, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and Project and be binding on all parties having any right, title or interest in all or any portion of the Property and Project, as the Project may be modified from time to time in accordance with Article II hereof, their heirs, personal representatives, successors, transferees and

assigns, and which shall inure to the benefit of the Declarant, Association (as defined below) and each Owner and their respective heirs, personal representatives, successors, transferees and assigns.

ARTICLE I DEFINITIONS

1.1. “Association” shall mean and refer to the Channel Pointe Property Owners Association, Inc., a non-stock Delaware corporation, its successors and/or assigns (the “Association”), which shall manage the Project infrastructure including, but not limited to the streets, storm water management areas and all common space areas (the “Association Property”).

1.2. “Association Documents” shall mean the Articles of Incorporation and By-Laws of the Association, as amended.

1.3. “Association Member” shall mean every person, group of persons, limited liability company, corporation, partnership, trust or other legal entity, or any combination thereof, who is an Owner of any Lot that is part of the Property.

1.4. “Association Property” shall mean all areas of the Property and Project, other than and expressly excluding the Lots, as more particularly bounded and described on Exhibit “A” attached hereto and made a part hereof, together with any and all improvements and Facilities located thereon (and excluding the Lots as they may be added or reconfigured from time to time in accordance with Article II hereof).

1.5. “Property Rules and Regulations” shall mean and refer to the rules and regulations promulgated from time to time by the Association pursuant to Section 7.6 of this Declaration and any amendments or supplements thereto.

1.6. “Common Expenses” shall mean and refer to the actual and estimated expenses of operating the Association, including, without limitation, a reasonable reserve and expenses for the maintenance, repair and/or replacement of the Association Property in accordance with Article IX hereof and all annual and special assessments found to be necessary or appropriate by the Board in accordance with Article V hereof, and such other costs and expenses as may be found to be necessary or appropriate by the Board of Directors of the Association (the “Board”) pursuant to this Declaration and the Bylaws and Certificate of Incorporation of the Association.

1.7. “Community-Wide Standard” shall mean the standard of conduct, maintenance or other activity generally prevailing in connection with the Association Property. Such standard may be more specifically determined and set forth by the Board.

1.8. “Declarant” shall be CMF Cannon L.L.C., a Delaware limited liability company, its successors and assigns, but only to the extent that any of the rights, reservations, easements, interests, exemptions, privileges or powers of the Declarant are specifically assigned or transferred to any such successors or assigns by an instrument in writing.

1.9. “Declarant Control Period” shall mean the period beginning on the date of this Declaration and ending on the earliest of (a) sixty (60) days after conveyance of seventy-five

percent (75%) of the Lots that may be created on the Property to Owners other than the Declarant or a Participating Builder, or (b) two (2) years after Declarant and all Participating Builders have ceased to offer Lots for residential purposes for sale in the ordinary course of business, or (c) two (2) years after the Declarant's right to add more Lots for residential purposes on the Property was last exercised.

1.10. "Development Plans" shall mean and refer collectively to the approved site plan and plats for the Property and Project, including the Master Plan, as well as any and all amendments, modifications and extensions thereof as may be made from time to time.

1.11. "Director" shall mean each individual who is a member of the Board of Directors of the Association.

1.12. "DUCIOA" shall mean the Delaware Uniform Common Interest Ownership Act, 25 Del. C. § 81-101 et seq., as amended from time to time.

1.13. "Eligible Mortgage Holder" shall mean a holder, insurer or guarantor of a First Mortgage on a Lot or the Association Property, as applicable, who has submitted a written request for notice from the Association of amendments to this Declaration or the Association Documents, or other significant matters which would affect the interests of the Mortgagee.

1.14. "Emergency" and its various derivations shall mean any event, circumstance or condition created or arising out of the use, operation, or occupancy of any portion of the Property or Project, including, but not limited to, any Lot or the Association Property, which may, in the absence of immediate action by the Declarant, an Owner, or the Association, as applicable, and as otherwise provided under this Declaration (i) pose an immediate threat or irreparable harm to the Declarant, the Association, or any Owner or Association Member, or their respective successors, assigns, tenants, subtenants, agents, officers, directors, employees, agents, contractors, customers, visitors, licensees, invitees, guests, members and concessionaires or other third party or (ii) pose an immediate threat or irreparable harm or significant property damage to any portion of the Property or Project (including, but not limited to, any Lot, the Association Property) or to any property adjacent to the Property or Project or (iii) violate or result in the revocation of any or all authorizations, approvals, certificates or permits or other instruments or documents that are issued by and from any local, county, state or federal agency or body which govern the occupancy, use and operation of the Property or Project (including, but not limited to, any Lot, or Association Property) or (iv) invoke, create or impose civil or criminal liability upon the Declarant, the Association or any Owner or Association Member by any governmental authority or third parties as a result of the acts or omissions of the Declarant, the Association or any Owner or Association Member or (v) as reasonably determined by Declarant.

1.15. "Facilities" shall mean any and all improvements, structures and facilities or other betterments, including, by way of illustration and not limitation, (i) private and public streets, parking areas, sidewalks, active and passive recreational facilities (including, but not limited to, to the extent included in the Development Plans, any trails and walkways, marina, kayak launch, pickleball courts, bocce ball court, pool house and pool facilities), any Irrigation Facilities, entrance features or improvements, and street lighting, (ii) any and all storm water management facilities and utility services (including, but not limited to, any private community sewer system)

to the extent that Sussex County, Delaware, or any other governmental agency or third party does not assume responsibility for the maintenance, repair and replacement of the storm water management facilities, including, without limitation, drainage pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, whether such storm water management facilities are located within the Property or not, (iii) any rights-of-way, swales, culvert pipes, entry strips, signage, and entrance features or improvements that are situated within or that are appurtenant to and serve the Property, including, without limitation, any landscaping and other flora and improvements situated thereon, and (iv) any other real and personal property, facilities and equipment.

1.16. “Irrigation Facilities” shall mean and refer to any above or below ground infrastructure (including but not limited to wells, equipment, improvements, apparatus, pipes, conduits and sprinkler heads) installed by the Declarant and designed and intended to be used for the purpose of watering the landscaping located on the Property, including, but not limited to, trees, shrubs, lawns, and other vegetation located on the Lots as applicable.

1.17. “Lawn Area” shall mean and refer to any portion of the front, side or rear (if applicable) yard areas of any Lot that contains grass, shrubs, bushes, trees or other planted materials; provided, however, that any portion of a Lot which is enclosed by a wall, fence or other obstruction and which is not readily accessible to the Association as determined by the Board shall not be considered a Lawn Area.

1.18. “Laws” shall mean all statutes, laws, rules, regulations, ordinances and similar enactments or promulgations, by and from any local, county, state or federal agency or body, including, but not limited to, environmental laws and regulations and applicable zoning, subdivision, health and building codes and any and all authorizations, approvals, certificates or permits or other instruments or documents that are issued by and from any local, county, state or federal agency or body which govern the ownership, occupancy, use, or operation (including, but not limited to, any maintenance, repair and or replacement) of all or any portion of the Property or Project, including, but not limited to, the Lots or Association Property.

1.19. “Lot” shall mean any one of, and “Lots” shall mean more than one of, the residential dwelling lots in Channel Pointe initially consisting of ten (10) residential dwelling lots in Phase 1, currently approved for seventy (70) residential dwelling lots, and to consist of up to an aggregate maximum in all phases and any Expansion Area of one hundred (100) residential dwelling lots, as such Lots are established from time to time; and shall not include the Association Property, any property dedicated for public use, or other areas of the Property or Project.

1.20. “Mortgagee” shall mean the holder of any recorded mortgage encumbering one or more of the Lots or all or any portion of the Association Property. “Mortgage,” as used herein, shall mean any mortgage held by a Mortgagee. “First Mortgage,” as used herein, shall mean a Mortgage with priority over all other Mortgages. As used in this Declaration, the term “Mortgagee” shall mean any Mortgagee and shall not be limited to institutional mortgagees. As used in this Declaration, the term “institutional mortgagee” or “institutional holder” shall include banks, trust companies, insurance companies, mortgage insurance companies, savings and loan associations, trusts, mutual savings banks, credit unions, pension funds, mortgage companies, Federal National Mortgage Association (“FNMA”), Government National Mortgage Association

("GNMA"), Federal Home Loan Mortgage Corporation ("FHLMC"), all corporations and any agency or department of the United States Government or of any state or municipal government, or any other organization or entity which has a security interest in any Lot or all or any portion of the Association Property. In the event any Mortgage is insured by the Federal Housing Administration ("FHA") or guaranteed by the Department of Veterans Affairs ("VA"), then as to such mortgage the expressions "Mortgagee" and "institutional mortgagee" include the FHA or the VA as the circumstances may require, acting, respectively, through the Federal Housing Commission and the Secretary of Veterans Affairs or through other duly authorized agents.

1.21. "Owner" shall mean and refer to the record owner, whether one or more persons, group of persons, association, corporation, limited liability company, partnership, trust or other legal entity, or any combination thereof, of fee simple title to any Lot, including the Declarant, but specifically excluding those having such interest merely as security for the performance of an obligation.

1.22. "Participating Builder" refers to a person or entity other than the Declarant that, in the ordinary course of such person's or entity's business, constructs residential structures on any portion of the Property or Project, including, but not limited to, the Lots, for sale or lease to others, and by way of illustration and not limitation, Schell Brothers, L.L.C., and any such builder designated by the Declarant.

1.23. "Project" as used in this Declaration shall mean and refer to the residential community, together with the improvements erected and maintained thereon, to be known as "Channel Pointe" consisting of the Lots and Association Property and all Facilities located on any of the foregoing, all to be built on the Property.

1.24. "Property" shall mean and refer to that certain real property described on Exhibit "A" attached hereto and made a part hereof, and if Declarant so chooses to expand the scope of the Project, all of or any portion of the additional real property described in Exhibit "B" attached hereto as a part hereof, that are subjected to this Declaration from time to time by Declarant pursuant to any amendments to this Declaration (the "Expansion Property").

1.25. "Recorder's Office" shall mean and refer to the Office of the Recorder of Deeds in and for Sussex County, Delaware.

1.26. "Utilities" shall mean Artesian Water Company, Inc., Sussex County, Delaware Electric Cooperative, Inc. and Delmarva Power, their successors in interest, or such other entities that are or may become responsible for collecting, treating and disposing of sanitary sewer wastewater from, or delivering electricity, water or natural gas to, Lots or Association Property and improved areas within the Property.

ARTICLE II DECLARANT'S RIGHT TO SUBJECT PROPERTY TO DECLARATION

2.1. Property Subject to this Declaration. The Property shall be a planned community with the name of "Channel Pointe" that is held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to all of the covenants, conditions and restrictions of this Declaration.

2.2. Special Declarant Rights.

(a) The Declarant reserves the following rights for the period from the date of this Declaration through the date thirty (30) years thereafter, which rights Declarant hereby assigns to each Participating Builder (individually and collectively, the “Special Declarant Rights”):

(1) The right to complete or make improvements indicated on the Development Plans;

(2) the right to maintain sales offices, management offices, storage sheds/trailers, and models on Lots or on the Association Property, to the extent described in the following table:

| | NUMBER | SIZE | LOCATION |
|--|-------------------------------------|--|---|
| Model Homes | Five per each Participating Builder | Per home plan prepared by applicable Participating Builder | On Lot designated by Declarant |
| Construction Management Offices | One per each Participating Builder | Trailer of a size determined by Participating Builder | On Lot or on the portions of the Association Property designated by Declarant |
| Storage Sheds/ Trailers | Two per each Participating Builder | Trailer/shed of a size determined by Participating Builder | On Lot or on the portions of the Association Property designated by Declarant |
| Sales Offices | One per each Participating Builder | Determined by Participating Builder | Within Model Home, or if no Model Home has been constructed by a Participating Builder, then in a trailer of a size determined by Participating Builder at a location designated by Declarant |

provided that Declarant may relocate any such facility located on a Lot to any other Lot on the Property acceptable to the applicable Participating Builder from time-to-time;

(3) the right to maintain signs on the Property to advertise the sales of homes as follows: (i) two marketing signs per Participating Builder with a size of up to 8 feet by 12 feet in the portion of the Open Space and/or lands reserved for future phases (as

shown on the Master Plan), (ii) a sign in front of each Participating Builder's model home with a size of up to 24 inches by 18 inches, a brochure box and sign on each Lot available for sale with a size of up to 24 inches by 18 inches, and (iii) other signs on Lots deemed necessary by a Participating Builder; and

(4) the right to conduct sales business and construction activities on the Property; and

(5) the right to use and permit others to use, easements through the Association Property as may reasonably necessary for the purpose of discharging the Declarant's and Participating Builders' obligations under DUCIOA and this Declaration.

2.3. Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument signed by Declarant, any Special Declarant Rights may be exercised by the Declarant or any Participating Builder as assignee thereof for the period of time specified in DUCIOA.

2.4. Development Rights. Declarant reserves the right to further create additional and/or modify Lots and Association Property after the date of this Declaration through the date twenty-five (25) years thereafter, and in the portions of the Expansion Property now or hereafter known as Channel Pointe, all Phases, and additional phases and subphases to be determined, so that up to a maximum number of one hundred (100) Lots may be created on the Property and the Expansion Property.

ARTICLE III ASSOCIATION PROPERTY RIGHTS

3.1. Owners' Easements of Enjoyment. Every Owner shall have a non-exclusive right and easement (in common with others entitled thereto) of enjoyment in and to the use of the Association Property which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of the Association to charge reasonable and uniform admission and other fees and assessments for the use of the Association Property.

(b) The right of the Association to suspend an Owner's privileges and rights to use the Association Property and/or services provided to Owners (other than the right of an Owner to vote on any matter submitted to a vote of Owners) (i) for any period during which any assessment against such Owner's Lot remains unpaid and (ii), after notice and an opportunity for a hearing, for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; provided, however, that the obligation of such Owner to pay assessments shall continue unabated during such period of suspension of voting rights or right to utilize the Association Property.

(c) The right of the Association to dedicate, sell or transfer all or any part of the Association Property to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Association Members. No such dedication, sale or transfer shall be effective without the consent of eighty percent (80%) of the total votes of

the Association Members and eighty percent (80%) of the votes allocated to Owners other than the Declarant. Notwithstanding anything contained herein to the contrary, the Declarant shall retain control of the Association Property until such time as the Declarant or a Participating Builder has completed all improvements thereon, or until the end of the Declarant Control Period, whichever occurs later. Such transfer shall be evidenced by a deed to be recorded in the Recorder's Office and the Association shall not refuse to accept the conveyance of any such Association Property, provided the Association Property complies with all applicable Laws. Declarant shall have a limited irrevocable power of attorney coupled with an interest to consummate any such transfer to the extent necessary pursuant to Article II, Section 12.13 below.

(d) The right of the Association to establish uniform rules and regulations pertaining to the use of the Association Property.

(e) The right of the Association to provide for the exclusive use by specified Owners of certain designated parking spaces within the Association Property.

(f) The right of the Association, in accordance with its Certificate of Incorporation and Bylaws, and with the consent of the Declarant (for so long as the Declarant shall own any portion of the Property) and two-thirds (2/3) of the total votes of the Association Members, to borrow money for the purpose of improving the Association Property in a manner designed to promote the enjoyment and welfare of the Association Members and in aid thereof to mortgage any portion of the Association Property.

(g) The right of the Association to take such steps as are reasonably necessary to protect the Association Property against mortgage default and foreclosures; provided, however, that such steps are in conformity with the other provisions of this Declaration.

(h) The right of the Association, acting by and through the Board, to grant easements, licenses or other rights of use of the Association Property to persons or entities that are not Association Members for such consideration and on such terms and conditions as the Board may from time to time consider appropriate or in the best interest of the Association.

(i) The right of the Association to be the lessee of any portion or all of the Association Property and the right of the Association to enforce the terms of the lease with respect to the Association Property against such property and the Owners and their guests, visitors, licensees, invitees, or lessees.

(j) The right of the Association, acting by and through the Board, to transfer or convey portions of the Association Property for purposes of adjusting the boundary lines of one or more Lots or the Association Property; provided, however, that such transfer or conveyance has been approved, as necessary, by applicable local governmental authorities or agencies, or is otherwise in conformance with applicable Laws.

3.2. *Limitations.* Notwithstanding any other provision of this Declaration to the contrary, the Association shall have no right to suspend the right of any Association Member to use the Association Property for necessary, ordinary and reasonable vehicular and pedestrian ingress and egress to and from such Owner's Lot, or to suspend any easement, license or other property interest over the Association Property for storm water drainage, electrical energy, water,

sanitary sewer, natural gas, telephones, or similar services or utilities to the Lots. The Association Property will be available for the type of active and passive recreational and open space uses contemplated under the Development Plans and the Laws. All Owners shall have the non-exclusive right (in common with others entitled thereto) to access and make reasonable use of the Association Property as described in the approved Development Plans and the Laws both before and after they are conveyed to the Association, with the exception of those areas as may be reasonably and necessarily restricted for access because of temporary safety reasons in connection with the development of the Property or Project, subject to the terms and provisions of this Declaration. In addition, the rights of the Association, as provided above, are subject to the right of the Declarant, as more fully set forth in Section 8.1 of this Declaration, to grant easements, to utilize reserved rights and easements, and to otherwise utilize the Association Property as it deems appropriate in connection with the development of the Property and Project.

3.3. *Delegation of Use.* Any Owner may delegate, in accordance with the Bylaws and rules and regulations of the Association, such Owner's right of enjoyment to the Association Property to such Owner's family members, guests, visitors, licensees, invitees, or lessees.

ARTICLE IV ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

4.1. *Association Membership.* Every Owner of a Lot shall be a member of the Association provided, however, that any such person or group of persons, association, corporation, limited liability company, partnership, trust or other legal entity, or any combination thereof, who holds such interest solely as security for the performance of an obligation shall not be a Member solely on account of such interest. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

4.2. *Association Voting Rights.* (a) At all meetings of the Association the Owners of each Lot shall be entitled collectively to cast such vote or votes as provided for by the Certificate of Incorporation for the Association and the Bylaws of the Association, which vote or votes may be cast in person or proxy. Owners shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership.

(b) When more than one (1) person or entity are Owners of any Lot, all such persons and entities shall be Association members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot. If only one (1) of several Owners of a Lot is present at a meeting of the Association, that Owner is entitled to cast all the votes allocated to that Lot. If more than one (1) of the Owners of a Lot is present at a meeting of the Association, and any one of multiple Owners of a Lot casts a vote allocated to such Lot without protest being made promptly to the person presiding over the meeting, then there shall be deemed to be majority agreement of the Owners. Additionally, with respect to Lots that have multiple Owners, the vote of a person named in a certificate signed by all of the Owners of the Lot and filed with the Secretary of the Association as entitled to enter the vote of such Lot shall be deemed to be a vote by majority Agreement of the Owners. Such certificate shall be valid until revoked by a subsequent certificate.

(c) Whenever the approval or disapproval of an Owner is required by DUCIOA, this Declaration or the Bylaws, such approval or disapproval shall only be made by the person who would be entitled to cast the vote for the Lot at any meeting of the Association.

(d) Except where a greater number is required by DUCIOA or the Bylaws, a majority of the votes cast in person, by proxy or by ballot at a meeting of Owners where a quorum is present shall determine the outcome of any action of the Association where a vote is taken so long as the number of votes cast in favor comprise at least a majority of the number of votes required for a quorum for that meeting. Votes allocated to a parcel or Lot owned by the Association may not be cast and shall not be calculated either in a quorum or in any percentage of votes needed for any actions by the Owners.

4.3. Proxies. Each Association Member entitled to vote shall, at every meeting of the members, be entitled to vote in person or by proxy, in writing and signed by such member, but no proxy shall be voted after one (1) year from its date, unless it specifically provides for a longer period. Every proxy shall be revocable, at any time, and shall automatically cease upon conveyance of the Lot. Such right to vote shall be subject to the right of the Board to close the transfer books or to fix a record date for voting members as hereinafter provided and if the Board shall not have exercised such right, no vote shall be cast at any election for members of the Board by anyone who shall have accepted membership in the Association within ten (10) days of such election. Only one (1) Association Member vote shall be cast with respect to each Lot. In the event that members who hold title to any Lot either by the entirety, or as joint tenants, or as tenants in common, attempt to cast the vote for such Lot in conflicting ways, such vote shall be recorded as a fractional vote.

ARTICLE V COVENANT FOR MAINTENANCE ASSESSMENTS

5.1. Creation of the Lien and Personal Obligation for Assessments. There are hereby created assessments for Common Expenses as may be from time to time specifically authorized by the Board to be commenced at the time and in the manner set forth in this Article V. Subject to Section 5.6 hereof, each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (i) annual assessments and (ii) special assessments. The annual and special assessments, together with interest, costs, late fees and reasonable attorneys' fees, shall be a charge on the Lot (including all improvements thereon), and shall be a continuing lien pursuant to DUCIOA § 81-316 upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, late fees and reasonable attorneys' fees, shall also be the personal obligation of the person who was the Owner of the Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to a prior Owner's successors in title unless expressly assumed by such successors.

5.2. Purpose of Assessments.

(a) The assessments levied by the Association shall be used exclusively to (i) promote the recreation, health, safety, and welfare of the residents in the Project; (ii) for the improvement, maintenance, repair, and replacement of the Association Property (including

without limitation the Facilities and all cemeteries); (iii) for the payment of real estate taxes, assessments and utility services for the Association Property; and (iv) for management fees, administration expenses, insurance and all other costs and expenses incurred by the Association in the proper conduct of its activities, including, without limitation, reserves for replacements or contingencies and charges accruing under any cross-easement or other agreement (including, without limitation, any such agreement for the maintenance of any Association Property). The assessments may also be used for the maintenance, repair and replacement of any property or facilities serving or appurtenant to the Project which the Association is obligated or elects to maintain whether or not such property or facilities are owned by the Association or are located within the Project including, without limitation, any property or facilities which the Association is authorized to maintain pursuant to this Declaration; for grass cutting of each Lawn Area on a Lot; and other maintenance approved by the Board from time to time, if any, to any Lawn Area on a Lot.

(b) Without limiting Section 5.2(a) above, the assessments levied by the Association with respect to the Association Property shall also be used for maintenance, repair and replacement (including reserves) of any and all storm water management facilities to the extent that they are part of the Association Property and Sussex County, Delaware does not assume responsibility for the maintenance, repair and replacement of the storm water management facilities, including, without limitation, drainage pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, whether such storm water management facilities are located within the Project or not, as long as such storm water management facilities are designed to benefit or serve any portion of the Project, or are required or intended to be maintained by the Association pursuant to any easement, agreement or the direction of any governmental authority or agency. The Association shall not refuse to accept the conveyance of any such facilities from the Declarant. Such storm water management facilities may also benefit property not within the jurisdiction of the Association and the maintenance of such facilities may be set forth in a cross-easement or other agreement, in which event the Association shall maintain the facilities pursuant to such agreement.

5.3. Annual Assessments; Budgets.

(a) After the first assessment has been made by the Association, assessments must be made annually at an amount sufficient to meet the Common Expenses of the Association. Without limiting the generality of the foregoing, the Association shall, at all times, levy and collect annual assessments in sufficient amounts to (i) maintain the Association Property in accordance with sound property and facility management standards, (ii) establish necessary reserves for the future repair and replacement of any capital improvements compromising the Association Property, (iii) maintain Lawn Area on any Lot, and (iv) provide uniform refuse and trash collection. Such annual assessments shall be based on the budget adopted and ratified annually by the Association as provided in Section 5.3(b) of this Declaration. Upon resolution of the Board, installments of annual assessments may be levied and collected on a monthly, quarterly, semi-annual or annual basis. Any Owner may prepay one or more installments of any annual assessment levied by the Association without premium or penalty.

(b) The Board shall prepare a proposed budget of the Association at least sixty (60) days before the beginning of each fiscal year which shall be the calendar year and

set a date for a meeting of the Association. After the termination of the Declarant Control Period, the Board shall cause a summary of the proposed budget, and the amount of the assessments to be levied against each Lot for the following year, along with notice of the meeting of the Association Members to consider ratification of the budget not less than fourteen (14) or more than sixty (60) days after providing such summary, to be delivered to each Owner within thirty (30) days after adoption of the proposed budget. Unless at such meeting a majority of all Owners reject the proposed budget, such proposal budget is ratified as the budget for such fiscal year, whether or not a quorum is present at such meeting of the Association. Notwithstanding the foregoing, however, in the event that a majority of the membership disapproves the budget or the Board fails for any reason to determine the budget for any fiscal year of the Association, then and until such time as a budget shall have been determined as provided herein, the budget in effect for the immediately preceding fiscal year shall continue for the succeeding fiscal year.

5.4. Working Capital Contributions; Assessments Upon Conveyances. The Declarant shall establish a working capital fund for the initial and ongoing operation of the Association. Such working capital fund shall be funded by a one-time assessment of One Thousand Five Hundred Dollars (\$1,500.00), and shall be payable by the initial purchaser of each Lot from the Participating Builder at the earlier of settlement or occupancy of such Lot, and thereafter by all subsequent purchasers of the Lot for value upon settlement of each sale and conveyance of the Lot. All such working capital funds arising from the foregoing assessments upon each conveyance of a Lot may be expressly used by the Association towards the Common Expenses and to make up any budget deficits. If any annual budget deficit (defined as actual annual Association expenses exceeding Association income adjusted upwards by the amount of any annual assessments that are due and payable from Owners but remain delinquent and unpaid at the end of the applicable fiscal year) remains at the end of the Association's fiscal year for which a budget was approved by the Board during the Declarant Control Period only, after the application of all such working capital funds towards such deficit as provided above, then the Declarant may, but shall not be required, to make a nonrefundable capital contribution to the working capital fund of the Association in the amount of such remaining budget deficit. Any such capital contribution may be treated as an advance against any future assessments due from the Declarant or a loan, in the Declarant's sole discretion.

5.5. Special Assessments, Budget Amendments.

(a) In addition to the annual assessments authorized by this Article, the Association may levy, in any assessment year, a special assessment or special assessments applicable to that year only for such purposes as the Board may deem appropriate, including, without limitation, for purposes of funding, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement located upon the Association Property and all fixtures and personal property related thereto, and to meet unforeseen or special expenditures as well as any budget deficit. Any such assessment shall require ratification by Association Members under the procedures described in Section 5.3(b) of this Declaration, except that if the Board by unanimous vote determines that any special assessment is required because of conditions which, if not corrected, could constitute an Emergency or reasonably result in a threat to the health or safety of the Association Members or a significant risk of damage to the Association Property, then such special assessment may be approved by the Board without the foregoing vote of the Association Members and may be effective immediately if (i) notice of the

emergency assessment is promptly provide to all Owners and (ii) the Board spends the funds paid on account of the emergency assessment solely for the purposes described in the Board vote.

(b) The Association may also levy a special assessment against any Owner to reimburse the Association for costs incurred in bringing the Owner and/or such Owner's Lot into compliance with the provisions of this Declaration, or the Association Documents and rules and regulations of the Association, or any applicable Laws; provided, that such special assessment may only be levied upon the affirmative vote of a majority of the Board, after notice and an opportunity for a hearing has been provided to the Owner.

(c) Any amendment to a previously approved budget may be approved under the procedures described in Section 5.3(b) of this Declaration; provided, however, that after termination of the Declarant Control Period any amendment to a budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof that (i) would result in an increase in the Common Expenses of the Association in excess of fifteen percent (15%) of the budgeted amount for Common Expenses set forth in the budget for the immediately preceding fiscal year (including any increase in Common Expenses adopted in the budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof), excluding however, any increases attributable to snow removal and other seasonal related expenses which are dictated by weather related factors, cost of utilities, and insurance, or (ii) would result in an increase in the annual assessments payable by the Association Members in excess of thirty percent (30%) of the budgeted amount for annual assessments set forth in the budget for the immediately preceding fiscal year (including any increase in assessments adopted in the budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof), shall be approved by the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of Association Members present, in person or by proxy, and voting at any meeting of the Association duly called for this purpose.

5.6. *Lot Only Assessment.* Despite any provision of this Declaration to the contrary, and regardless of the ownership of such Lot, any Owner of an empty Lot (including but not limited to a Participating Builder) that does not have a home constructed on said Lot, upon the commencement of annual assessments pursuant to Section 5.9 hereof, shall be subject to an annual "Lot-Only Assessment" in the amount of Seventy-Five dollars (\$75.00) per year until the earlier of (i) sixty (60) days after the date a Certificate of Occupancy has been issued for a home on the Lot, or (ii) the date of transfer of the Lot with the newly constructed home to a purchaser; thereafter such Lot shall be subject to assessments pursuant to Section 5.9 hereof. The Lot-Only Assessment hereby imposed shall be in lieu of the regular, annual assessment imposed by this Declaration, shall be due in advance and paid annually at the start of the fiscal year or prorated for Lots annexed after the start of the fiscal year. All other assessment amounts or charges imposed in accordance with this Declaration or other governing document of the Association shall continue to be the obligation of all Owners, including purchasers of an empty Lot who are subject to a Lot-Only Assessment in accordance with this Section 5.6.

5.7. *Notice and Quorum.* Written notice of any meeting called for the purpose of establishing a special assessment or budget amendment in accordance with Section 5.5 hereof or to approve a budget increase or Special Action in accordance with Section 5.3 or Section 5.13 hereof, shall be sent to all Association Members not less than ten (10) days nor more than sixty

(60) days in advance of such meeting in accordance with the Bylaws of the Association. At the first such meeting called, the presence of Association Members or of proxies entitled to cast fifty percent (50%) of the votes of Association Members shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than ninety (90) days following the preceding meeting. Notwithstanding any contrary provision in this Declaration, quorum requirements for nomination and election of the first Board consisting of Owners shall be duly satisfied if the meeting is properly noticed in conformance with the provisions of the Bylaws and the Certificate of Incorporation of the Association.

5.8. Uniform Rate of Assessment.

(a) Except as otherwise provided in this Declaration, annual and special assessments and Lot-Only Assessments must be fixed at a uniform rate for all Lots, and may be collected in advance on a monthly or quarterly installment basis in the case of annual assessments, and on a monthly, or quarterly, semi-annual, or annual basis, as to other assessments as may be determined by the Board.

(b) In the event that the actions or activities of any Owner causes or results in increased expenses for the Association, the Board may assess such increase in expenses against the Owner and such Owner's Lot, after notice to such Owner and an opportunity for a hearing. For example, and for purposes of illustration only, the Board may assess the amount of any insurance deductible paid by the Association against any Owner and such Owner's Lot if the Association is required to pay such deductible as a result of the misuse or neglect of the Owner. Such assessment shall be a lien against the Owner's Lot and shall be payable and collectible in the same manner as any other assessments required to be paid to the Association; provided, however, that the Declarant shall not be subject to any assessment based on this Section 5.8(b).

5.9. Date of Commencement of Annual Assessments; Due Dates; Lien Docket.

Subject to Section 5.6 hereof, the annual assessments provided for herein shall commence and be payable as to each Lot upon the earlier of (i) sixty (60) days after the date a Certificate of Occupancy has been issued for a home on the Lot, or (ii) the date of transfer of the Lot with the newly constructed home to the initial purchaser of each Lot from the Participating Builder. The first annual assessment for each Lot shall be adjusted according to the number of months remaining in the calendar year. The Board shall make reasonable efforts to fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. Annual assessments shall be payable in monthly or quarterly installments on due dates that are established by the Board. The Association shall keep an assessment lien docket (the "Docket") at the registered office of the Association, which, at the date of recording hereof, is at the Channel Pointe Property Owners Association, Inc., as shown in the Certificate of Incorporation, or such other location as the Association may determine from time to time. Immediately upon an assessment becoming delinquent as herein above provided, the Treasurer of the Association or the Treasurer's designee shall cause an entry thereof to be made in the Docket, which entry shall disclose the date the entry is made, the names of the Owners of the Lot as shown in the Association's records, the number of the Lot, the amount of the delinquent assessment, and the due date and the assessment period of

the delinquent assessment. The Association may also record in the Recorder's Office a statement of lien that contains the information entered into the Docket with respect to such assessment, along with the amount paid for recording the statement and required to be paid for a termination thereof and the signature and notarized statement of an officer of the Association that the amount described in the statement of lien is correct and due and owing. Upon written request of any Owner or any attorney-at-law who certifies to the Association that such person represents an Owner of a Lot, or a prospective purchaser of a Lot or a mortgagee thereof, the Treasurer or the Treasurer's designee shall certify within ten (10) business days after receipt of such request to the inquiring Owner, attorney-at-law, prospective purchaser, or mortgagee as to the assessment status of the Lot that is the subject of the inquiry, in a written statement in form recordable in the Recorder's Office stating:

(a) Whether the current assessment(s) is paid; and/or

(b) If there are any delinquent assessments or late fees, interest or costs, all of the information entered in the Docket with respect to the Lot which is the subject of the inquiry, together with the per diem interest thereon, to be computed on each delinquent assessment from its respective due date to the date of receipt by the Association of payment thereof in full. Upon receipt by the Association of payment of any delinquent assessment, with late fees, interest and costs, if applicable, as herein above provided, the Treasurer or his designee shall enter in the Docket the date and amount of the payment received, together with the notation "Paid in Full" and, if a statement of lien was recorded in the Recorder's Office with respect to such assessment, provide a termination of such statement in recordable form. A properly executed certificate of the Association setting forth the status of assessments on a Lot shall be binding on the Association as of the date of its issuance.

5.10. *Effect of Non-Payment of Assessments; Remedies of the Association.* Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date until paid at a rate determined by the Board, up to the lesser of eighteen percent (18%) per annum or the maximum rate of interest permitted under the laws of the State of Delaware. The Association may also charge a reasonable late fee, not to exceed any limit established under applicable Laws, against any Owner (and/or such Owner's Lot) who is more than fifteen (15) days delinquent in the payment of any assessment. Additionally, the entire balance of the unpaid annual assessments for the remainder of the fiscal year may be accelerated at the option of the Board and be declared due, payable and collectible in the same manner as the delinquent portion of such annual assessment. By an Owner's acceptance of title to any Lot, each Owner shall be held to vest in the Association the right and power in its own name, to take and prosecute all actions or suits, legal, equitable, or otherwise, which may be, in the opinion of the Association, necessary or advisable for the collection of such assessments. The Association may bring an action at law against the Owner personally obligated to pay the same, and/or foreclose the lien against the Lot (and all improvements thereon). No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Association Property or abandonment of such Owner's Lot. The Owner shall also be obligated to pay all attorneys' fees, court costs and administrative costs incurred in connection with the collection of assessments if not paid when due. This Section shall not be deemed to limit or waive, and shall be without prejudice to, any and all rights, remedies, or recourses as may be available to the Association pursuant to DUCIOA or otherwise for non-payment of assessments.

5.11. *Subordination of the Lien to Mortgages.* The lien of the assessments provided for herein shall be subordinate to the lien of any Mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to a mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer, except for liens or claims for a pro-rata share of such assessments resulting from a pro-rata reallocation of such assessments to all Lots, including the mortgaged Lot. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof. No amendment to this Section shall affect the rights of the holder of any Mortgage on any Lot (or the indebtedness secured thereby) recorded prior to recordation of such amendment unless the holder thereof (or the indebtedness secured thereby) shall join in the execution of such amendment. Except where an Emergency requires an expenditure to prevent or minimize loss from further damage to, or deterioration of, the Association Property, reserves accumulated for one purpose may not be expended for any other purpose unless approved by the Board and by the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of all Association Members present, in person or by proxy, and voting at a meeting of the Association duly called for this purpose.

5.12. *Reserve Fund Budget and Contribution.* The Board shall annually consider and prepare, as applicable, a reserve fund budget which shall take into account the number and nature of the replaceable assets of the Association, the expected life of each asset, and the expected repair or replacement cost of each asset. The Board shall set the required reserve fund contribution in an amount sufficient to meet the projected reserve needs of the Association, as shown on the reserve fund budget, with respect both to amount and timing by the imposition of annual assessments over the period of the budget. The reserve fund contribution shall be fixed by the Board and included within the budget and assessment, as provided in Section 5.3. Such reserve fund contribution shall be payable as part of the general annual assessment, applicable to all Lots (except as otherwise provided in Section 5.6), to the extent such reserve fund will be utilized to replace assets which are determined by the Board to benefit substantially all Owners. Reserves may also be maintained for operating contingencies and insurance deductibles. A separate, interest-bearing reserve fund account shall be established and maintained by the Association. All reserve funds shall be expended only for the purposes collected. A copy of the reserve fund budget shall be distributed to each Owner in the same manner as the operating budget.

5.13. *Special Actions.* Any provision of this Declaration or the Association Documents to the contrary notwithstanding, after termination of the Declarant Control Period, the Board shall not be authorized to take any "Special Actions" (as defined below) without the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of all the Association Members present, in person or by proxy, and voting at a meeting of the Association duly called for this purpose. As used herein, the term "Special Actions" shall mean any and all actions taken by or on behalf of the Association, including, without limitation, commencing or maintaining any litigation, arbitration or similar proceeding, which would reasonably require the expenditure of funds in excess of Ten Thousand Dollars (\$10,000.00) in the aggregate during any fiscal year of the Association; provided, however, that the term "Special Actions" shall not be deemed to include (i) routine assessment collection actions under Article V of this Declaration, (ii) routine actions required to enforce the architectural controls set forth in Article VI of this Declaration, use restrictions set forth in Article VII of this Declaration, or any rules and regulations of the Association adopted by the Board, or (iii) any expenditure made by

the Association in accordance with any budget or budget amendment duly adopted in accordance with Article V of this Declaration, or (iv) any special assessment duly adopted in accordance with Article V of this Declaration. Each planned expenditure of more than Ten Thousand Dollars (\$10,000.00) shall require the prior approval of the Association Members in accordance with this Section. Any meeting of the Association held to approve any Special Actions under this Section shall be subject to the notice and quorum requirements set forth in Article V, Section 5.7 of this Declaration. The Association shall not borrow against or encumber any portion of the Association Property nor use any funds from reserves of the Association to pay for such Special Actions, but the same shall be paid from and limited to the amounts provided in the annual budget for such expenditures for the fiscal year and shall be raised by special assessment levied against the Association Members for such purpose. If such Special Actions are not concluded within one (1) year of the date of such resolution, the continued prosecution of such Special Actions beyond such period must be reaffirmed annually at a special meeting held for such purpose by the percentage vote of the Association as was required to adopt the original resolution. If the continued prosecution of such Special Actions are not reaffirmed, the Special Actions shall be discontinued and the Association shall have no further authority to act as the attorney-in-fact for the Association in the further prosecution or defense of such Special Actions but may, with the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of all Association Members present, in person by proxy, and voting at a meeting of the Association duly called for this purpose, act as its attorney-in-fact with respect to any settlement or compromise of such Special Actions; provided the same is completed within six (6) months thereafter. If the Association Members, by resolution approved in accordance with this Section, authorizes the Association to initiate any Special Actions, then the decisions relating to the conduct of the Special Actions shall be made by the Association and its legal counsel, consultants and others engaged or retained by the Association for such purposes. Any Special Action or other action shall comply in all respects with DUCIOA § 81-321.

ARTICLE VI ARCHITECTURAL CONTROL

6.1. *General Provisions.* In order to encourage harmonious architectural design and to protect the visual integrity, architectural spirit and long-term property values of the Lots and Association Property, the Declarant has established the Channel Pointe Architectural Review and Design Committee (the "ARC"). Subject to Article XIII hereof, no dwelling, structure, improvement, landscaping or other man-made object, including, but not limited to, buildings, tennis courts, basketball courts, children's' recreation equipment or other recreational or sporting facilities, decks, patios, porches, pool houses, below ground swimming pools, greenhouses, tool sheds, ponds, gardens, driveways, paved areas, satellite dishes, radio antennas, communications equipment or facilities, fences, walls, together with all forms or types of landscaping located on any portion of the Lots or Association Property (collectively, the "Improvements") shall be designed, constructed, maintained, altered, extended, added to, removed or otherwise modified without the express written consent and approval of the ARC. In addition and subject to Article XIII hereof, no Improvements, once approved by the ARC shall be altered, extended, added to, removed or otherwise modified, nor shall any additional structures of any nature be erected, used or maintained nor shall any exterior change or alteration be made (including, but not limited to, exterior facade color changes or change in grade or drainage) to the Improvements except in accordance with any Design Guidelines adopted by the ARC from time to time and this

Declaration, as applicable. Notwithstanding the foregoing and anything contained herein to the contrary, any Improvements marketed or sold by Declarant or by a Participating Builder or their respective assignees shall be deemed to have complied with any Design Guidelines adopted by the ARC and are presumed to have been pre-approved by the Declarant and the ARC, without the need or obligation to obtain any approvals or authorizations from either the Declarant or the ARC (the "Pre-Approval").

6.2. Design Committee. The Declarant has established the ARC which shall consist of three (3) members. The Declarant shall appoint the initial three (3) members during the first five (5) years that the ARC is in existence. Thereafter or at such earlier time that the Declarant elects, the Declarant shall appoint two (2) members (for so long as Declarant still owns a Lot) and the Board of Directors of the Association shall appoint one (1) non-Declarant member (until such time as Declarant no longer owns any Lot, whereupon the Board of Directors of the Association shall appoint all three (3) members). ARC members may be either individuals or any form of entity, including, but not limited to, a corporation, limited liability company, partnership or trust, provided all such members shall be either an Owner, a designee of the Declarant, or an architect licensed in the State of Delaware (individually an "ARC Member" and collectively the "ARC Members"). The regular term of office for each ARC Member shall be one (1) year, measured from the date of such ARC Member's appointment. Declarant may remove with or without cause any ARC Member appointed by the Declarant at any time by written notice to such appointee. A successor or successors appointed to fill such a vacancy shall serve the remainder of the term of the former ARC Member. Any ARC Member appointed by the Association may be removed only in accordance with the Bylaws of the Association. The ARC shall select its own Chairman and she/he, or in her/his absence the Vice Chairman, shall be presiding officer at its meetings. The ARC shall meet at least once in each calendar month if there are matters to be reviewed or upon call of the Chairman whenever he deems necessary in order to discharge its obligations and responsibilities hereunder, including rendering any decisions specified in this Article VI or the Design Guidelines. All meetings shall be held at the offices of the Association or at such other reasonable place as may be designated by the Chairman. A majority of the ARC Members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the ARC Members shall constitute the action of the ARC on any matter before it. The ARC shall operate in accordance with its own rules of procedure, and these rules shall be filed with the Association. The ARC shall request authorization from the Board of Directors to retain the services of consulting architects, landscape architects, community planners and/or attorneys to advise and assist the ARC in performing the design review functions herein prescribed. Any such professional must be licensed to practice its profession in the State of Delaware. The ARC shall keep accurate records of its membership and actions and shall from time to time, as warranted, notify all Owners of any change in the membership of the ARC as a result of resignations and replacements of ARC Members. The ARC may establish its own rules for the conduct of its meetings and its decision-making process which shall be adopted, promulgated, applied and enforced in a uniform and non-discriminatory manner among the Owners.

6.3. Criteria For Submission, Review and Decisions or Plans.

(a) Any request from an Owner for any Improvements shall be in writing and shall be submitted to the ARC in accordance with and pursuant to the Design Guidelines.

(b) In passing upon any plans and specifications submitted by an Owner, the ARC, in accordance with the provisions of this Declaration and the Design Guidelines, shall consider the aesthetic suitability and harmony of the Improvements to be constructed, to and with that portion of the Lot or Association Property, as applicable, on which it is proposed to be located; the comparability of the height, profile and color scheme with neighboring residences whether existent, under construction, or approved for construction; the impact of the item to be constructed on the environment, including, but not limited to, the preservation of trees and open spaces, and surface water drainage; the effect of the proposed Improvement and its planned usage and purpose, on the outlook of neighboring Lots and Association Property; and the quality of the materials to be used in construction and the proposed method of construction including, but not limited to, the effect of lighting and signage upon neighboring Lots and Association Property. No exterior colors or materials installed or approved by the ARC shall be changed through replacement, repair, redecoration, repainting or otherwise, except upon prior submission to and approval by the ARC, which approval may be withheld in the ARC's reasonable discretion. With respect to Improvements such as, but not limited to, driveways and turnarounds, fences, walls, recreational facilities, barbeques and patios, the ARC shall have the right in its absolute and sole but good faith discretion to prohibit such Improvements altogether if in the opinion of the ARC the construction and use of such Improvements will necessitate the removal of valuable trees, cause drainage problems, or have a detrimental effect on the outlook from or use of neighboring Lots or Association Property.

(c) In the event that repair, replacement or other work on Improvements becomes necessary, or the erection of any additional structures is necessary, then any such work shall, to the extent practicable, be performed so that the condition and appearance is equal to and identical to the condition and appearance of the dwelling, building, structure or improvement as originally constructed, or with respect to additional structures, the construction and appearance is in architectural harmony with the Improvements as originally built and developed under this Declaration.

(d) The ARC reserves the right to approve in advance proposed architects, builders and landscape designers.

6.4. Review Fee. Except for Improvements to be constructed by Declarant or any Participating Builder, any application to the ARC for review shall be accompanied by a reasonable application fee (as determined and published to the Owners from time to time by the ARC) to defray the cost of professional services that the ARC may reasonably incur to properly evaluate the plans and specifications (the "Plans and Specifications") provided by an Owner with respect to the Improvements which such Owner requests approval of pursuant to this Declaration and the Design Guidelines (the "Review Fee"). The initial amount of the Review Fee is One Hundred Dollars (\$100.00). The ARC may waive the Review Fee on a case by case basis if the application for any such Improvements does not require the ARC to incur any professional fees or services in connection with its review and evaluation of the Plans and Specifications. The Review Fee shall be non-refundable. All Plans and Specifications submitted to the ARC shall be retained by the ARC and shall not be returned to the applicant.

6.5. Review and Decision Process. Within sixty (60) days after the Owner has submitted all the required Plans and Specifications to the ARC, the ARC shall notify the Owner in

writing whether such Plans and Specifications are either approved or disapproved. Any disapproval or objections shall be in writing and shall be detailed and shall include an explanation for the basis or reason for such disapproval or objections, together with such reasonable changes, modification or other alterations and recommendations as appropriate or practicable that would render the Plans and Specifications acceptable to the ARC and in compliance with the review and approval criteria established under this Declaration. In the event ARC fails to approve or disapprove an Owner's submission of the Plans and Specifications in writing within the aforementioned sixty (60) day period, then the ARC's approval shall be conclusively presumed to have been granted, provided, however that the aforesaid presumption shall not be deemed a waiver of the applicable provisions of this Declaration or be deemed to be the prior written approval of the ARC under any specific provision herein. No construction of the Improvements provided for in the submitted Plans and Specifications shall be commenced until the expiration of the aforementioned sixty (60) day period or the receipt of the ARC's written approval of the Plans and Specifications, whichever occurs first.

6.6. Time for Review of Revised Plans and Specifications. In the event the ARC shall disapprove any part of the Plans and Specifications as submitted in accordance with this Article, then the Owner shall have the opportunity to revise its Plans and Specifications to incorporate such changes, modifications, additions or deletions, as applicable, and shall resubmit the revised Plans and Specifications to the ARC, if the Owner so chooses, together with an additional Review Fee and the ARC shall have forty-five (45) days within which to review such revised Plans and Specifications and to determine the Owner's compliance with the ARC's designated changes. In the event the ARC fails or neglects to advise the Owner in writing of whether or not such revised Plans and Specifications are in compliance (or non-compliance) within the aforementioned forty-five (45) day period, then ARC's approval shall be conclusively presumed to have been granted subject to the conditions provided for in paragraph (f) above applicable to such presumption. Any disapproval by the ARC of such revised and resubmitted Plans and Specification shall be communicated to the Owner in a written response in accordance with the details required for the ARC's approval as provided in paragraph (f) above.

6.7. Changes in Approved Plans and Specifications. Once the ARC has approved an Owner's Plans and Specifications and the Improvements, then the Owner shall not change, revise or otherwise modify the approved Plans and Specifications or the Improvements without first securing the ARC's written approval in the manner prescribed under this Article. ARC shall endeavor to review such changes, revisions or other modifications within a shorter period of time than the aforementioned sixty (60) day period but shall not be required to do so.

6.8. Approval for Landscaping Plans. Landscaping shall be approved by the ARC in the same manner as set forth above. In addition to all applicable foregoing guidelines no excavation shall be made, or fill, sand, gravel, crushed stone, brick, asphalt, concrete or the like be placed, set or poured on any portion of the Lots or Association Property, so as to cause any blatant and material change in the appearance of such portion of the Lots or Association Property, as applicable, from the street or from any neighboring portion of the Lots or Association Property, as applicable, unless the ARC shall first have consented in writing. No fences, walls, hedges or other barriers shall be erected on any portion of the Lots or Association Property, as applicable, without the approval of the ARC, and no existing fences, hedges or barriers shall be removed without the approval of the ARC.

6.9. Dispute Resolution Process. If any Owner believes that either the disapproval of any Plans and Specifications submitted by the Owner to the ARC or the ARC's proposed changes to such Plans and Specifications that may be required for the ARC's approval, or any of the Pre-Approvals are arbitrary and capricious, then any such Owner may request to be heard at a regular or special Board of Directors meeting to review such decision. If any Owner still believes that either the disapproval of any Plans and Specifications submitted by the Owner to the ARC or the ARC's proposed changes to such Plans and Specifications that may be required for the ARC's approval, or any of the Pre-Approvals are still arbitrary and capricious, after being heard by the Board, then any such Owner may, as its sole and exclusive remedy, submit such dispute to final and binding arbitration in accordance with the provisions of the Delaware Uniform Arbitration Act (the "Arbitration Act") and the rules of the American Arbitration Association applicable to such disputes, to the extent such rules are not inconsistent with the Arbitration Act. The fees of such arbitrator and all reasonable costs and expenses incurred by the Association and/or the ARC in defending its decision(s) shall be paid by the Owner, as applicable, unless the arbitrator specifically finds and rules that the Association and/or the ARC, as applicable, acted in an arbitrary, capricious and meritless manner, in which event the Owner, as applicable, shall not be required to reimburse the Association and/or the ARC, as applicable, for its reasonable costs and expenses. In determining any question, matter, or dispute before such arbitrator, the arbitrator shall apply the provisions of this Declaration without varying therefrom in any respect, and shall not have the power or authority to add, modify, or otherwise change any of the provisions of this Declaration, including, but not limited to, subparagraph (k) below regarding damages. The parties to any such arbitration agree to reasonably cooperate; to obtain the cooperation of their employees, agents and contractors, as applicable; to use reasonable efforts to supply as witnesses such employees, agents and contractors, as applicable; and to produce any relevant documents that may be assessed or required. In no event shall the arbitrator be authorized or empowered to award any damages or costs to the prevailing party except as expressly set forth above and in no event shall the arbitrator award any general, special, consequential or punitive damages whatsoever.

6.10. Approvals/Disapprovals. Neither the ARC, nor the ARC Members, nor the Board, nor the Declarant, their respective agents, employees, representatives, and its successors and assigns shall be liable or responsible for any damages to any Owner or to any other person submitting Plans and Specifications to the ARC for approval or to any third party by reason of a mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any Plans and Specifications. Every person who submits Plans and Specifications to the ARC for approval, as provided herein, agrees, by submission of such Plans and Specifications, and every Owner or person claiming by or through the Owner agrees, by acquiring title to any Lot or any interest in any Lot, that it shall not initiate, commence or prosecute any action, claim or suit against the ARC, the ARC Members, its agents, employees or representatives to recover any such damages, including, but not limited to, special, consequential or punitive damages with respect to any approval, denial or failure to approve any Plans and Specifications and such Owner shall indemnify and hold the ARC and the ARC Members harmless from and against any and all such damages.

ARTICLE VII USE RESTRICTIONS

Subject to Article XIII hereof and in addition to all other covenants contained herein, the use of the Lots and Association Property, is subject to the following:

7.1. *Permitted Uses.* All buildings located or erected on any Lot shall be used for residential purposes exclusively, and no building shall be erected, altered, placed or permitted to remain on any Lot other than one used for residential purposes, except that a home-based business may be maintained within such a building, provided that (i) such maintenance and use is limited to the person actually residing in such building; (ii) no employees or staff other than a person actually residing in such building are utilized; (iii) no clients or customers of such business visit such building; (iv) the number of persons, other than clients or customers, that shall visit such business and the frequency of such visits shall be kept to a reasonable minimum, as determined in the sole discretion of the Board; (v) such maintenance and use is in strict conformity with the provisions of any applicable Laws; (vi) the person utilizing such business maintains a principal place of business at a location other than such building; (vii) such business uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors and does not cause an increase of Common Expenses that can be solely and directly attributable to the business; and (viii) such business does not involve the use, storage or disposal of any materials that the United States Secretary of Transportation or the State of Delaware, Sussex County or any local governing body designates as hazardous material. Nothing contained in this Article, or elsewhere in this Declaration, shall be construed to prohibit the Declarant or a Participating Builder from using any portion of the Property or the Project, or any improvements thereon, for storage, promotional or display purposes, as “model homes,” as sales and/or construction offices, or the like.

7.2. *Prohibited Uses and Nuisances.* Except for the activities of the Declarant and any Participating Builder during the construction and development of the Property and Project, or except with the prior written approval of the Board and the Declarant, or as may be necessary in connection with reasonable and necessary repairs or maintenance to any building or the Association Property:

(a) No noxious or offensive trade or activity shall be carried out upon any portion of the Property or Project, nor shall anything be done therein or thereon which may be or become an annoyance or nuisance to the neighborhood or other Owners. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security purposes as well as outdoor speakers and associated equipment installed by any Participating Builders (as approved by the Declarant) as part of the building and improvements constructed on a Lot, shall be located, installed, maintained or replaced upon the exterior of any building or other improvements constructed upon any portion of the Property or Project.

(b) The maintenance, keeping, boarding or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited on any portion of the Property or Project or within any building or other improvement located thereon, except that this shall not prohibit the keeping of a reasonable number of dogs, cats, caged birds or other small

domestic animals as pets not to exceed four (4) provided (i) they are not kept, bred or maintained for commercial purposes; (ii) such domestic pets are not a source of annoyance or nuisance to the neighborhood or other Owners; and (iii) such pets are maintained in strict conformance with all Laws. The Board shall have the authority, after a hearing, to determine whether a particular pet is a nuisance or a source of annoyance to other Owners, and such determination shall be conclusive. Pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by all Laws. Pets shall not be permitted upon the Association Property unless accompanied by a responsible person and unless they are carried or leashed. Pets shall not be permitted upon the Property except as provided in the Property Rules and Regulations. The Board shall have the right to adopt such additional rules and regulations regarding pets as it may from time to time consider necessary or appropriate.

(c) No burning of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind shall be permitted on any portion of the Property or Project. This subsection (c) shall not be applicable to the Declarant or any Participating Builder during the construction and development of the Property or Project.

(d) Except for parking within garages, and except as herein elsewhere provided, no junk vehicle, commercial van or commercial truck (except pick-up trucks or sport utility vehicles or jeeps), unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle that would not pass applicable state inspection criteria), trailer, mobile home, camp truck, house trailer, recreational vehicle, boat or other similar vehicles, machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling or grounds and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the Association Property) shall be kept upon the Property, including any Lot or upon the public or private streets within or adjacent to the Property, nor (except for bona fide Emergencies) shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon; provided, however, any trailer, mobile home, camp truck, house trailer, recreational vehicle, boat or other similar vehicles that are either owned, rented or leased by an Owner may be temporarily kept upon the Owner's Lot (but not any adjacent portions of the public or private streets) solely with respect to either cleaning, loading or unloading any of the foregoing described vehicles, or picking up or discharge passengers therefrom for a reasonable period of time not to exceed forty eight (48) hours. This subsection (d) shall not be applicable to the Declarant or any Participating Builder during the construction and development of the Property or Project.

(e) Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection and the evening prior to such days of trash collection. Trash and garbage containers shall not be placed on the curb for trash collection any earlier than 5 p.m. on the day prior to trash collection, and must be removed from public view no later than 7 p.m. on trash collection day No incinerator shall be kept or maintained upon any portion of the Property or Project. No garbage or trash containers shall be kept on the front yard of any Lot and garbage and trash containers kept or maintained in the side or rear yard of any Lot shall be screened from public view at all times. This subsection (e) shall not be applicable to the Declarant or any Participating Builder during the construction and development of the Property or Project.

(f) No Lot shall be further divided or subdivided and no portion of any Lot (other than the entire Lot) shall be transferred or conveyed for any purpose. The provisions of this subsection shall not apply to the Declarant and, further, the provisions hereof shall not be construed to (i) prohibit the granting of any easement or right-of-way to any municipality, political subdivision, public utility or other public body or authority, or to the Association, Declarant, or any other individual or entity for any purpose, or (ii) prohibit minor boundary line adjustments between adjoining Owners or between any Owner and the owner of the Association Property, as applicable, if done in accordance with applicable Laws. Further, the provisions of this subsection shall not be deemed to preclude any Owner from granting an easement or right-of-way to any municipality, political subdivision, public utility or other public body or authority, or to the Association, to serve necessary public purposes, or from dedicating or conveying a portion of such Owner's Lot for such purposes.

(g) No tree, hedge or other landscape feature shall be planted or maintained on Association Property, rights-of-way or in a location which obstructs sight-lines for vehicular traffic on public streets or on private streets and roadways. Without limiting the generality of the foregoing, no wire or other lawn edging, fencing or other treatment shall be placed or maintained on any portion of the Property or Project which would impede the Association's ability to perform its obligations as set forth in this Declaration, or which would be inharmonious with the aesthetics of the Property and Project.

(h) No decorative lawn ornament, no structure of a temporary character, and no tent, shack, storage shed, barn, pen, kennel, run, stable, or other similar structure or building shall be erected, used or maintained on any portion of the Property or Project at any time. This subsection (h) shall not be applicable to the Declarant or any Participating Builder during the construction and development of their respective Lots. Holiday lighting and decorations shall be permitted to be placed upon the exterior portions of the Lot and residence in the manner permitted hereunder, commencing on Thanksgiving and shall be removed not later than January 15th of the following year. As a part of the Rules and Regulations, the Association may establish reasonable standards and guidelines for holiday lights and decorations, including the right to require the removal of any excessive lighting that creates a nuisance or prevents the quiet enjoyment of nearby Lot Owners.

(i) Except for entrance signs, directional signs, signs for traffic control or safety, community "theme areas" and such sales and promotional sign or signs as may be maintained by or with the written consent of the Declarant or the Association, or except as may be expressly permitted pursuant to applicable law, no signs or advertising devices of any character shall be erected, posted or displayed upon, in or about any portion of the Property or Project; provided, however, that one temporary real estate sign not exceeding twelve inches by eighteen inches (12" x 18") in area may be placed and maintained in the window or otherwise inside of the dwelling erected upon any Lot, 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. The provisions and limitations of this subsection (i) shall not apply to any institutional first mortgagee of any Lot who comes into possession of the Lot by reason of any remedies provided by law or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement, assignment or deed in lieu of

foreclosure. This subsection (i) shall not be applicable to the Declarant or any Participating Builder during the construction and development of their respective Lots.

(j) No water pipe, sewer pipe, gas pipe, drainage pipe, cable or other similar transmission line shall be installed or maintained upon any portion of the Property or Project above the surface of the ground and no wire, cable or other similar transmission line may be attached to the exterior of any structure on any portion of the Property or Project; provided, however, that such pipes, transmission lines, wires or cables providing utility services to any portion of the Property or Project (including, but not limited to, electricity, telephone, gas, water, sewer and cable television) shall be permitted. Except during periods of actual use, no hose shall be stored or placed in the front or side yard of any dwelling unless concealed or screened from public view. Agricultural wells servicing an individual Lot or any part of the Project shall be permitted subject to approvals by the ARC and all required state and local agencies regulating same.

(k) No structure, planting or other material shall be placed or permitted to remain upon any portion of the Property or Project which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard the direction or flow of any drainage channels.

(l) Vegetable gardens shall be maintained only within the rear yard of any Lot, and shall be maintained in a neat and attractive manner. No composting activities of any kind or nature shall be permitted on any portion of the Property or Project, including, but not limited to, natural composting activities. In addition, no Owner shall erect or maintain any composting piles or receptacles or containers on any portion of the Property or Project.

(m) Lawn furniture shall be used and maintained on Lots in rear yards, front porches, courtyards and/or decks only, unless otherwise determined by the Board, and shall be maintained in a neat and attractive manner.

(n) No equipment or machinery (including, without limitation, equipment or machinery for use in connection with the maintenance of any dwelling such as power washers, ladders, lawn mowers, rakes, shovels, etc.) shall be stored in the front, rear or side yard of any Lot.

(o) No Association Member shall make any private, exclusive or proprietary use of any of the Association Property and no Association Member shall engage or direct any employee of the Association on any private business of the Association Member during the hours such employee is employed by the Association, nor shall any Association Member direct, supervise or in any manner attempt to assert control over any employee of the Association.

(p) Any fence constructed upon the Property or Project shall not extend forward of the rear building line of the dwelling on any Lot upon which any such fence is erected and shall be located at minimum of at least three (3) feet from the applicable side and rear yard property lines and shall not otherwise impede or interfere with the proper drainage of any drainage swales or other drainage or storm water related facilities. No fence shall be constructed or maintained upon a Lot until the plans for the same have been approved in writing in accordance

with the provisions of Article VI herein. No fence shall be more than four feet (4') in height. Such fences shall be constructed of anodized aluminum and shall be black in color for aluminum and shall be in one of three (3) available styles of fencing that are available to choose from and have otherwise been approved in writing pursuant to Article VI herein. All other types, materials and colors of fencing are specifically prohibited, including but not limited to chain link and split rail. Notwithstanding the foregoing, this subsection (p) shall not apply to fences installed by or on behalf of the Declarant or a Participating Builder during the construction and development of the Property or Project, which in the sole opinion of the Declarant or Participating Builder, as applicable, shall be required, convenient or incidental to the Declarant's or Participating Builder's, as applicable, construction, development, marketing, leasing and sales activities within the Property or Project.

(q) Bed sheets, plastic sheets, newspapers, plastic storm windows or other similar window treatments shall not be hung or placed in or on any window on any dwelling located on any Lot.

(r) All on-Lot lighting shall be designed and mounted in accordance with the terms of the Design Guidelines and as otherwise provided under this Declaration. Any such lighting shall be generally directed in such a manner to enhance the immediate area around any dwelling on a Lot and shall not be directed toward other dwellings on adjacent Lots or properties surrounding the Property or Project, so as to be a nuisance to adjacent Owners or landowners outside of the Property or Project.

(s) No drying or airing of any clothing or bedding shall be permitted outdoors and within any Lot other than within rear yards out of public view, and clothes-hanging devices such as lines, reels, poles, frames, etc., shall be removed and stored out of sight when not in use.

(t) No garage or outbuilding properly erected on a Lot shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. No garage may be altered, modified or changed in any manner which would inhibit or in any way limit its function as a parking area for vehicles without obtaining prior written approval pursuant to Article VI of this Declaration. Notwithstanding the foregoing, any Lot owned by the Declarant or a Participating Builder upon which is situated a dwelling in which the garage has been modified to serve as living area or marketing/sales area shall be exempt from this paragraph and any grantee of the Declarant, and such grantee's successors and assigns, shall also be exempt until such time as the garage is restored or a garage is constructed on such Lot. Except when being used as an entrance or exit, garage doors shall be maintained in a closed position at all times.

(u) No flags and associated poles or other related supports shall be erected, displayed or maintained on any Lot or the Property except for flags suspended on poles or supports no longer than five (5) feet in length which are attached to the front porch or garage of a dwelling unit on such Lot and as otherwise provided pursuant to Section 7.6.

(v) No mailboxes shall be installed or permitted on any Lot. Mailboxes shall be centrally installed cluster boxes approved only by the United States Postal Service.

7.3. 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 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 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 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 Lot or dwelling without prior written approval as required by Article VI. 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 Lot, provided such Antennas shall not be visible from the front elevation of the Lot; 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.

7.4. Leasing and Transfers. All leases of dwelling units on all Lots shall (i) be for a minimum of thirty (30) days and contain provisions advising the tenant of his or her obligation to comply with all provisions of this Declaration, the Association Documents and the rules and regulations of the Association, and (ii) provide that the Association shall have the right, in addition to all other rights provided by DUCIOA and any other applicable Laws, to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, or of any other document, agreement or instrument governing the dwelling units Property or Project. The Owner(s) of a leased or rented dwelling unit on a Lot shall notify the Association in writing of the Owners' current address. The Owner(s) of a leased or rented dwelling unit on a Lot shall be jointly and severally liable with his tenant(s) to the Association to pay any claim for injury or damage to persons or property caused by any action or omission, including, without limitation, the negligence of the tenant(s). Every lease shall be subordinate to any lien filed by the Association, whether before or after such lease was entered into.

7.5. Parking. Parking within the Lots and Association Property shall be subject to the following restrictions:

(a) The Association shall be entitled to establish supplemental rules concerning parking and traffic control on any portion of the Lots and Association Property, including, without limitation, providing for reserved parking which allows the exclusive use of one or more parking spaces located upon the Association Property by one or more Owners and/or the involuntary removal of any vehicle violating the provisions of this Declaration and/or such rules.

(b) Each Owner shall comply in all respects with such supplemental rules which are not inconsistent with the provisions of this Declaration which the Board may from

time to time adopt and promulgate with respect to parking and traffic control within the Lots and Association Property, and the Board is hereby authorized to adopt such rules.

(c) Parking shall be prohibited in the turn-arounds, fire lanes and cul-de-sacs located on the Association Property as provided on the Development Plans.

7.6. Rules and Regulations. The Association shall have the right to adopt rules and regulations in accordance with § 81-320 of DUCIOA governing the use by the Owners of the Association Property and/or Lots, which rules and regulations shall not apply to any Participating Builder and which shall not be inconsistent with the provisions of this Declaration. Such rules and regulations may include the regulation of rentals in the Project and govern specific leasing standards, including, but not limited to, permitted signage or advertising, minimum lease terms and maximum number of occupants permitted to occupy a main dwelling, the display of American flags or other flags (consistent with federal law, § 81-320 of DUCIOA and Section 7.2(u) above, as applicable) and/or the display and placement of political signs (consistent with § 81-320 of DUCIOA). Any rules and regulations adopted by the Association shall be a governing document of the Association.

7.7. Exemptions. None of the restrictions and provisions set forth in Sections 7.2 through 7.7 above shall be applicable (i) to any portion of the Property or Project owned by the Declarant or a Participating Builder or to the activities of the Declarant or a Participating Builder, and their officers, employees, agents and assigns, in their development, marketing, leasing and sales activities within the Property and Project or (ii) to the Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Association Property.

7.8. Notice of Special Provisions Regarding the Property and Project.

(a) The streets designated on the Development Plans are initially intended to be private streets to be maintained by the Association. The streets must be improved to Sussex County standards and the Declarant and/or Association, as applicable, each reserves the right to convey any and all such private streets to the State of Delaware or another governmental entity.

(b) The Property contains regulated wetlands. Activities within these wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware.

ARTICLE VIII DECLARATION OF EASEMENTS AND RIGHTS

8.1. Declaration of Easements and Rights. Subject to Article XIII hereof, the following easements and rights are hereby declared or reserved:

(a) For so long as Declarant owns any Lot or any portion of the Property or Project, Declarant reserves the right to grant easements, both temporary and permanent, to all public authorities and utility companies over all or any portion of the Property or Project, including but not limited to the Utilities.

(b) Each Lot and the Association Property are hereby declared to have an easement, not exceeding one foot (1') in width, over all adjoining Lots and the Association Property for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, roof overhangs, gutters, architectural or other appendages, draining of rainwater from roofs, or any other similar cause, there shall be valid easements for the maintenance of said encroachments so long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of any Owner if said encroachment occurred due to the willful misconduct of said Owner. In the event a structure on any Lot or the Association Property is partially or totally destroyed and then repaired or rebuilt, the Owners of each Lot, and the Association agree that minor encroachments over adjoining Lots or Association Property shall be permitted and that there shall be easements for the maintenance of said encroachments so long as they shall exist.

(c) There is hereby reserved unto the Declarant and each Participating Builder (and their successors and assigns to whom such easement has been specifically assigned in writing), for the benefit of the real property shown on the Development Plans, and for the benefit of the Declarant and its agents, a non-exclusive, perpetual blanket easement upon, across, over and under the Property and Project (provided such easement does not encroach upon any building within the Property or Project or unreasonably interfere with the use and enjoyment of the Property or Project) for vehicular and pedestrian ingress and egress, curb cuts, slope, and grading easements, as well as for the installation, replacement, repair and maintenance of all utilities, including, but not limited to, water, sewer, drainage, storm water detention and/or siltation, gas, propane, cable television, telephones and electricity, and further including the right to connect to and use any such utilities which may exist or be located upon the Property or Project from time to time. By virtue of this easement, it shall be expressly permissible to erect and/or maintain the necessary poles, pipes, lines, service boxes, and other equipment on the Property or Project, to affix and maintain electrical or telephone wires and conduits, sewer and water drainage lines, propane lines, and/or Irrigation Facilities, on, above, or below any portion of the Property or Project, including any improvements constructed thereon, and to have construction vehicles, equipment and the like exercise the aforesaid right of ingress and egress over the Property or Project. There is further reserved unto the Declarant and Participating Builders the right to erect entry features, promotional and other similar items within the Property or Project provided they do not unreasonably interfere with the use, operation and enjoyment of the Property or Project. There is further reserved unto the Declarant and Participating Builders a ten-foot (10') easement for Utilities, Irrigation Facilities, Wastewater Facilities, storm water management and drainage, and for all other uses necessary or desirable to develop the Property or the Project, along the front, rear and side line of each Lot. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection. Further, without limiting the generality of the foregoing, the Declarant reserves the right to unilaterally execute and record such additional easements and agreements as may be necessary in order to give effect to the foregoing easements and other rights, which additional easements and other agreements need not be consented to or joined in by any party having an interest in the Property or Project; provided, however, that if requested by the Declarant, any party having an interest in the Property or Project shall promptly join in and execute such confirmatory easements and other agreements.

(d) The Association Property is hereby subject to a non-exclusive, perpetual easement and right of passage, for the benefit of the Association Members, for ordinary and reasonable pedestrian ingress and egress over, across and upon any sidewalk, trail or walkway (or the replacement thereof) constructed within the Association Property that may reasonably be deemed to have been constructed or intended for pedestrian use.

(e) An easement is hereby reserved to Declarant and each Participating Builder to enter the Lot and Association Property during the period of construction and sale of the Lots and Facilities located thereon, and to maintain the Property and perform such operations as in the sole opinion of Declarant or Participating Builder, as applicable, may be reasonably required, convenient or incidental to the construction of the Facilities and for the construction and sale of residences, including, without limitation, an easement for the following purposes: (i) ingress and egress to and from any and all portions of the Property and Project by trucks, construction equipment, construction personnel and the like; (ii) to construct, install, reconstruct, alter, modify, remove and replace the Facilities or any other improvements within the Property and Project; (iii) to excavate, fill and coordinate the height, grade, slope and contour of the Property and Project, and to add and remove soil from the Property; and (iv) for the conduct of all other development, construction, marketing, sales, leasing and related activities as may be deemed necessary or desirable by the Declarant and Participating Builders to implement the Development Plans, to comply with requirements imposed by Sussex County, Delaware, or any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Property or Project, and/or to comply with applicable Laws.

(f) An easement is hereby reserved to Declarant and each Participating Builder to enter the Lot and Association Property for the purpose of carrying out any obligations it may have, or assume, with respect to the curing of any defects in workmanship or materials in the Property, Project, Lots, and Association Property or the improvements thereon. There is further reserved unto the Declarant and each Participating Builder and their agents a non-exclusive easement over, across and through all of the Property and Project for the purpose of access, the storage of building supplies and materials and equipment and, without any limitation, for any and all purposes reasonably related to the completion of the development, construction, rehabilitation and repair of the Property or Project.

(g) The Declarant reserves a perpetual blanket easement and right on, over and under the Property and Project to establish, maintain, change and correct drainage of surface water in order to maintain reasonable standards of health, safety and appearance. Any provision hereof to the contrary notwithstanding, the Declarant shall have no obligation whatsoever to perform any work or to take any action regarding drainage of surface water within the Property or Project. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any gradings of the soil, or to take any other similar action as may be reasonably necessary, following which the Declarant shall restore the affected property to its original condition as near as practicable. The Declarant shall give reasonable notice of intent to take such action to all affected Owners, unless in the opinion of the Declarant an Emergency exists which precludes such notice. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection.

(h) The rights and duties of the Association and the Owners with respect to all public and/or private utilities serving and/or benefiting all or any portion of the Property or Project, including, without limitation, water, sewer, gas, propane, electricity, cable television, internet, telephones, storm drains, down spouts, yard drains, and all pipes, wires, cables, conduits, transmission lines and other related facilities and equipment (collectively, the "Utilities") shall be governed by the following:

(1) Each Lot is hereby subject to a non-exclusive perpetual easement and right of passage upon, across and under such Lot, for the benefit of the Declarant, Association and Owners of all other Lots for the installation, maintenance, repair, replacement, inspection, operation and use of all Utilities. The Owner of any Lot and the Declarant and Association shall each have the right, and they are hereby granted an easement and right of passage to the extent necessary therefor, to enter upon or have a utility company enter upon any portion of the Property or Project in which the Utilities lie, to inspect, repair, replace and generally maintain such Utilities.

(2) The right granted in subsection (1) above shall be only to the extent necessary to entitle the owner of the property serviced by the Utilities (including the Declarant as the owner of any Lot, and the Association as the owner of the Association Property) to their full and reasonable use and enjoyment of such property, and provided further that anyone exercising such right shall be responsible for restoring the surface of the easement area so used to its condition prior to such use.

(i) Each Lot is hereby subject to an easement and right of passage upon, across and under such Lot for the drainage and discharge of water from any storm drain, down spout or yard drain situated on another Lot or Association Property and the Owner of such Lot may not alter or obstruct such drainage or flow of water to the detriment of any Lot or Association Property.

(j) The Association shall have an easement to enter any portion of the Property or Project for the performance of its duties hereunder, including, without limitation, fenced, or other similar areas of the Property or Project.

(k) With respect to any step, patio, deck, downspout or yard drain or other similar structure that may benefit any Lot and is constructed by the Declarant or any Participating Builder and that may encroach upon any portion of the Association Property, there is hereby reserved for the benefit of the Lot that such step, patio, deck, downspout, drain or other structure serves, a perpetual easement for the location, maintenance, repair and use of such structure or items within the Association Property, but only to the extent that the Declarant's or Participating Builder's original construction thereof encroaches within the Association Property. The Owner of the Lot benefiting from such easement agrees to maintain such structure or item and to indemnify and hold the Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easement granted hereby.

(l) There is hereby created for the benefit of each Lot that is enclosed, in whole or in part, by any wooden, brick, stone or other similar fence and/or wall constructed by the Declarant or any Participating Builder, a perpetual easement to use any portion of the

Association Property that may be located between such fence and/or wall and the record platted lot line for such benefited Lot. The obligation to maintain such portion of the Association Property shall be that of the Owner of the benefited Lot, and the obligation to maintain such portion of the wooden, brick, stone, or other similar fencing as is located within the Association Property, and that encloses the benefited Lot, in whole or in part, shall be that of the Association, as applicable. The Owner of any Lot benefiting from the foregoing easement agrees to indemnify and hold the Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easement rights provided for herein.

(m) A mutual right and easement for utility services is hereby established for the benefit of the Declarant, all Owners, and the Association, such that no action which would in any way interfere with utility services being provided to any Owner or the Association within the Property or Project shall be taken by any Owner or the Association. If a Lot contains any utility pipes, ducts, conduits, wires or the like which are for the benefit, in whole or in part, of other Owners of Lots or the Association, then the Owner of such Lot shall promptly, at such Owner's expense, repair any damage to such utilities caused by the Owner, or such Owner's tenants, lessees, agents, guests, invitees, licensees or family members.

(n) The Association and its agents and employees, shall have an irrevocable right and an easement to enter the Lots and the Association Property for purposes of exercising the rights and fulfilling the obligations established by this Declaration.

(o) The Declarant reserves the right to modify or alter the size, number, type and location of the Association Property and the Lots and any other improvements thereon, as it deems necessary or desirable in conjunction with the development of the Property or Project. Without limiting the generality of the foregoing, the Declarant reserves the right to re-subdivide all or a portion of the Property or Project, to convey the Association Property, to modify the site plans, to construct the Facilities on the Association Property, and to take whatever other action with respect to the Association Property, Facilities and Lots as the Declarant may deem necessary or desirable.

(p) The Association is hereby granted a non-exclusive easement and right of passage on, through, over, under and across the Lots and Association Property to maintain, repair and replace any Facilities situated within the Lots or Association Property.

(q) The Association and all Lot Owners shall be required to use the sewer system, water system, and propane systems serving the Project and pay the prevailing service connection fees, rates and charges for sanitary sewage, water and propane services as more specifically set forth in the agreement(s) with the Utilities.

(r) Non-exclusive easements are hereby reserved unto the Declarant (and its successors and assigns to whom such easements have been specifically assigned in writing) and for the benefit of the Utilities who shall operate the central sewage disposal system, water system, and propane system, and shall include the construction, operation and maintenance, repair and replacement of the central sewage disposal system, water system and propane system for the Project and any additional adjacent properties as provided under this Declaration. The foregoing easements shall be broadly construed and shall include any and all of the easement rights granted

or reserved under this Declaration as may be reasonably necessary so as to enable the Declarant and the Utilities to undertake and perform all of the obligations and duties imposed under the applicable agreements or as otherwise provided in this Declaration.

(s) Notwithstanding anything contained in this Declaration to the contrary, for a period of twenty-five (25) years from the recordation of this Declaration, Declarant reserves the right to grant easements to allow adjacent properties to be serviced by the Utilities that shall service the Project subject to and in compliance with all applicable Laws (the “Additional Utilities Users”). Any such Additional Utilities Users may be assessed for their pro rata share of the actual costs and expenses of the Utilities including, but not limited to, the maintenance, repair and replacement thereof as originally determined by the Declarant or applicable Utilities.

8.2. Utilities Lien. The Declarant, for itself and its successors and assigns, and for each Lot within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed or other transfer document therefore, hereby covenants and agrees to pay the Utilities user fees periodically billed by the Utilities with respect to each Owner’s Lot. No Owner of a Lot may waive or otherwise escape any liability for wastewater, water, gas or other utility user fees.

8.3. Declaration of Deferred Water and Sewer Charges. The Declarant, for itself and its successors and assigns, and for each Lot within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed or other transfer documents therefore, hereby covenants and agrees to abide by all terms and to pay all amounts and assessments thereunder to Declarant or Declarant’s affiliate for Deferred Water and Sewer Charges.

8.4. Utilities Exemption for Assessments. As owner of any wastewater service line or other easement or license in Channel Pointe, the applicable Utilities shall not be liable or responsible for any dues or assessments to Declarant or the Association under this Declaration.

8.5. Association Easements. The Board shall have the right to grant easements, rights-of-way, licenses and similar interests over any part of the Association Property for any lawful purpose which the Board determines, in its sole discretion, to be in the best interests of the Association

ARTICLE IX MAINTENANCE

9.1. Owners’ Maintenance. Except as otherwise specifically provided in this Declaration, the Owner of each Lot shall keep the Lot, and all improvements therein or thereon, in good order and repair and free of debris in a manner and with such frequency as is consistent with good property management and the Community-Wide Standard, excluding, however, the responsibility for mowing, fertilizing, trimming, pruning and/or otherwise maintaining all or any portion of the grass, shrubs, bushes, trees and other planted materials, (but not excluding any replacements thereof, which shall be the Owner’s responsibility) as may be located within the Lawn Area, which shall be the responsibility of the Association. In the event that the Owner of such Lot shall fail to maintain the Lot in a manner consistent with good property management and the Community-Wide Standard, then the Association or its agent shall each have the right to enter upon said Lot to repair and maintain such Lot. Whenever entry is not required in an Emergency

situation, the Association shall afford the Owner reasonable notice and an opportunity to cure the problem prior to entry. All costs related to such repair and maintenance, including reasonable attorney's fees, shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V hereof. The Owner of any Lot shall be responsible for maintenance of all Irrigation Facilities located on or under such Owner's Lot and shall be responsible for the payment of all utility bills associated with the use of the Irrigation Facilities on such Owner's Lot. Irrigation Facilities will be provided on all Lots for Lawn Areas, shrubs, bushes, trees and/or other planted materials. Irrigation shall operate on a regular schedule May through September and periodically after September and depending upon weather conditions so that the Lawn Area shrubs, bushes, trees and/or other planted materials shall have a consistent appearance and are green. Lawn Areas should receive at least an inch of water every three (3) days. In the event an Owner of any Lot shall fail to maintain such Irrigation Facilities and any damage is caused to all or any portion of the Lawn Area, shrubs, bushes, trees and/or other planted materials, the Association and its agent shall have the right to enter upon said Lot to repair, maintain and restore such Irrigation Facilities and such grass, shrubs, bushes, trees and/or other planted materials. All costs related to such repair, maintenance and restoration, including reasonable attorney's fees, shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V hereof. The Association shall also have the right to enter the Lots to correct drainage. Whenever entry is not required in an Emergency situation, the Association shall afford the Owner reasonable notice and opportunity to cure the problem prior to entry. All costs related to such correction, repair or restoration, including reasonable attorneys' fees, shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V of this Declaration.

9.2. Association Maintenance.

(a) Except as otherwise specifically provided in this Declaration (e.g. for damage arising from failure of any Owner to repair, maintain and/or restore Irrigation Facilities), the Association shall be responsible for mowing, fertilizing, trimming, pruning and/or otherwise maintaining all or any portion of the grass, shrubs, bushes, trees and other planted materials, (but not any replacements thereof, which shall be Owner's responsibility) as may be located within the Lawn Area of each Lot, with such frequency and in conformity with such standards as may be established by the Board from time to time.

(b) The Association shall maintain, repair and replace the Association Property and shall keep the Association Property in good order at all times and shall arrange for grass cutting and other maintenance approved by the Board from time to time, if any, to the lawns located in exterior areas of the Lots. This obligation shall include, without limitation (i) the maintenance, repair and, as necessary, replacement of any private streets and parking areas within the Association Property, (ii) the maintenance, repair and, as necessary, replacement of any landscaping, pathways, sidewalks, trails and walkways that are constructed or installed by, or on behalf of, the Declarant or Participating Builder within the Association Property, provided that the Association shall not be obligated to maintain, repair or replace any landscaping, pathway, sidewalk, trail or walkway leader, or portion thereof, within any Lot (the maintenance, repair and replacement of any such landscaping, pathway, sidewalk, trail or walkway leader shall be the obligation of the Lot Owner, as applicable), and (iii) the removal of accumulated snow and ice from within all private streets and parking areas within the Association Property and from all Association Property pathways, sidewalks, trails, walkways, or portions thereof that are not

directly in front of a Lot. Further, the Association shall maintain, repair and replace (i) any rights-of-way, swales, culvert pipes, entry strips, signage, and entrance features or improvements that are situated within or that are appurtenant to and serve the Association Property, including, without limitation, any landscaping and other flora and improvements situated thereon, and (ii) any other real and personal property, facilities and equipment as the Association is obligated or elects to maintain pursuant to this Declaration, or any lease, easement or agreement, or the direction of any governmental authority or agency. The expenses of all such maintenance, repair and replacement of the Association Property and of the exterior of the Lots shall be a Common Expense of the Association, including, but not limited to, reserves for the maintenance, repair and replacement of any such property or improvements. The Association shall also maintain any portion of any Lot that it is obligated or elects to maintain pursuant to this Declaration, any easement or other agreement.

(c) The Association shall also have the right to enter any Lot without the consent of the Owner and/or occupant or other governing body thereof, to conduct any Emergency repairs as are necessary and for the maintenance and protection of the Association Property or any Lot that the Association is responsible for under this Declaration. The costs of such repairs shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V herein.

(d) The Association shall be responsible for the maintenance, repair and replacement of any of the Association Property which consist of storm water management area or facilities situated within the Association Property to the extent that Sussex County, Delaware or other third party does not assume the responsibility for the maintenance, repair and replacement of any storm water management area or facilities, including, without limitation, drainage pipes, culvert pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, which serve and/or benefit the Property or Project whether or not located within the Association Property if the Association is responsible therefor pursuant to any easement, agreement or the direction of any governmental authority or agency. Such responsibility may be in the form of contributing the Association's share of the maintenance costs of any such storm water management area, facility or equipment pursuant to an easement or agreement which shall be a Common Expense of the Association. The Board may enter into any such easements and/or other agreements as the Board may deem necessary or desirable for purposes of allocating and/or sharing the costs associated with the maintenance of any storm water management areas, facilities and/or equipment which serve and/or benefit the Association Property and the Lots. The Association shall not refuse to accept the conveyance of any such storm water management area, facilities or equipment from the Declarant provided such conveyance is made in compliance with all applicable Laws. Declarant shall have right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under Article XII.

9.3. Additional Maintenance Responsibilities. The Association may, in the discretion of the Board, provide additional services and/or assume additional maintenance responsibilities with respect to all or any portion of the Lots or Association Property not referenced in Section 9.2 of this Declaration. In such event, all costs of such services and/or maintenance shall be assessed only against those Owners residing within the portion of the Property or Project

receiving the additional services. This assumption of responsibility may take place either by contract or because, in the opinion of the Board, the level and quality of service or maintenance then being provided is not consistent with the Community-Wide Standard.

ARTICLE X INSURANCE

10.1. *Required Coverage.* The Board, or its duly authorized agent, shall be required to obtain, maintain and pay the premiums, as a Common Expense, upon a policy of hazard insurance covering the Association Property and any property required to be insured by the Association pursuant to any easement or lease agreement (except land, foundation, excavation and other items normally excluded from coverage) including fixtures and building service equipment, to the extent that they are a part of the Association Property or such other property which the Association may insure, as well as common personal property and supplies.

(a) The hazard insurance policy shall afford, as a minimum, protection against loss or damage by fire and all other perils normally covered by the standard extended coverage endorsement, as well as all other perils which are customarily covered with respect to projects similar in construction, location and use, including all perils normally covered by the standard "all risk" endorsement, where such is available, shall meet the requirements of DUICOA § 81-313, and shall name the Association as a named insured. The insurance should cover one hundred percent (100%) of the current replacement cost (less a reasonable deductible) of the insured property. Coverage need not include land, foundations, excavations or other items that are usually excluded from insurance coverage. Unless a higher maximum amount is required pursuant to the law of the State of Delaware, the maximum deductible amount for coverage of the Association Property is the lesser of Ten Thousand Dollars (\$10,000.00) or one percent (1%) of the policy face amount. The funds to cover this deductible amount should be included in the Association's operating reserve account.

(b) Each hazard insurance policy must be written by a hazard insurance carrier which has a current rating by the Best's Key Rating Guide of B/III or better (or its equivalent). Each insurer must be specifically licensed or authorized by law to transact business within the State of Delaware. The policy contract shall provide that no assessment may be made against the Mortgagee, and that any assessment made against others may not become a lien on the mortgaged Lot superior to the First Mortgage.

(c) The hazard insurance policy must provide that the insurance carrier shall notify the Association and each Mortgagee named in the mortgagee clause in writing at least ten (10) days before it cancels or substantially changes the Association's coverage. In addition, each Eligible Mortgage Holder shall receive timely written notice of any lapse, material modification or cancellation of any insurance policy covering the Association Property.

(d) All policies of hazard insurance must contain or have attached the standard mortgagee clause commonly accepted by private institutions as mortgage investors in the area in which the mortgaged premises are located. The following endorsements are also required: (i) an Inflation Guard Endorsement (if reasonably available); (ii) a Construction Code Endorsement if the Association Property are subject to a construction code provision which would

become operative and require changes to undamaged portions of any structures, even when only part of a structure is destroyed by an insured hazard or peril; and (iii) a Steam Boiler and Machinery Coverage Endorsement if any structure within the Association Property has central heating or cooling, which should provide for the insurer's minimum liability per accident per location to be at least equal to the lesser of Two Million Dollars (\$2,000,000.00) or the insurable value of the structure(s) housing the boiler or machinery.

(e) If the Association Property is located in a Special Flood Hazard Area designated as A, AE, AH, AO, A1-30, A-99, V, VE, or V1-30 on a Flood Insurance Rate Map, the Association must maintain a "master" or "blanket" policy of flood insurance on the Association Property. The amount of flood insurance shall be at least equal to the lesser of one hundred percent (100%) of the insurable value of all structures and improvements situated in such Special Flood Hazard Area or the maximum coverage available under the applicable National Flood Insurance Administration program. Unless a higher deductible amount is required under the laws of the State of Delaware, the maximum deductible amount for flood insurance policies shall be the lesser of Five Thousand Dollars (\$5,000.00) or one percent (1%) of the policy's face amount. The funds to cover this deductible amount should be included in the Association's operating reserve account.

(f) The Association shall obtain and maintain a comprehensive general liability policy of insurance covering all of the Association Property, public ways and any other areas that are under the Association's supervision that meets the requirements of DUCOIA § 81-313. The policy shall also cover any commercial space owned by the Association, even if such space is leased to others. The policy should provide coverage for bodily injury (including death) and property damage that results from the operation, maintenance or use of the Association Property and any legal liability that results from law suits related to employment contracts in which the Association is a party. Supplemental coverage to protect against additional risks should also be obtained, if required by a Mortgagee. Such insurance policy shall contain a "severability of interest" endorsement which shall preclude the insurer from denying the claim of an Owner because of negligent acts of the Association or other Owners. Liability coverage shall be at least One Million Dollars (\$1,000,000.00) per occurrence, for bodily injury and property damage, unless higher amounts of coverage are required by a Mortgagee. The liability policy must provide that the insurance carrier shall notify the Association in writing at least ten (10) days before it cancels or substantially modifies the Association's coverage.

10.2. Fidelity Coverage. To the extent reasonably available, blanket fidelity insurance may be maintained by the Board for all officers, directors, managers, trustees, employees and volunteers of the Association and all other persons handling or responsible for funds held or administered by the Association, whether or not they receive compensation for their services. Where the Board has delegated some or all of the responsibility for the handling of funds to a management agent, such management agent shall be covered by its own fidelity insurance policy which must provide the same coverage as fidelity insurance maintained by the Board. Except for fidelity insurance that a management agent obtains for its personnel, all other fidelity insurance policies should name the Association as the insured and should have their premiums paid as a Common Expense by the Association. Fidelity insurance obtained by a management agent shall name the Association as an additional insured. The total amount of fidelity coverage required should be sufficient to cover the maximum funds (including reserve funds) that will be in the custody of the Association or management agent at any time while the fidelity insurance policy is

in force, and should at least equal the sum of three (3) months aggregate assessments on all Lots within the Association, plus any reserves. Fidelity insurance policies should contain waivers by the insurers of all defenses based upon the exclusion of persons serving without compensation from the definition of "employees", or similar terms or expressions. The fidelity insurance policies should provide that they cannot be canceled or materially modified (including cancellation for non-payment of premium) without at least ten (10) days prior written notice to the Association.

10.3. Repair and Reconstruction of Association Property After Fire or Other Casualty. In the event of damage to or destruction of any portion of the Association Property covered by insurance payable to the Association as a result of fire or other casualty, the Board shall arrange for the prompt repair and restoration thereof; shall disburse the proceeds of all insurance policies to the contractors engaged in such repair and restoration, as appropriate; and shall otherwise comply with the requirements of DUICOA § 81-313(h). Promptly after a casualty causing damage or destruction of any portion of the Association Property for which the Association has the responsibility of maintenance, repair, and/or replacement, the Board shall obtain reliable and detailed estimates of the cost to place the damaged portions of the Association Property in as good a condition as existed prior to the casualty. Such costs may include, without limitation, professional fees and premiums for such bonds as the Board may desire.

ARTICLE XI MANAGEMENT

11.1. Management Agent. The Board may employ for the Association a management agent or manager (the "Management Agent") at a rate of compensation established by the Board to perform such duties and services as the Board shall from time to time authorize in writing, including, but not limited to, the following:

(a) to establish (with the approval of the Board) and provide for the collection of the annual maintenance assessments and any other assessments provided for in this Declaration and to provide for the enforcement of liens therefor in a manner consistent with the law and the provisions of this Declaration; and

(b) to provide for the care, upkeep, maintenance and surveillance of the Association Property; and

(c) to designate, hire and dismiss such personnel as may be required for the good working order, maintenance and efficient operation of the Association Property; and

(d) to enforce such rules and regulations and such restrictions or requirements, "house rules" or the like as may be established by the Association regarding the use of the Association Property and the Lots; and

(e) to provide such other services (including legal and accounting services) for the Association as may be consistent with law and the provisions of this Declaration.

11.2. Duration of Management Agreement. Any management agreement entered into by the Association shall provide, among other things, that such agreement may be terminated for cause by either party upon thirty (30) days written notice thereof to the other party. The term

of any such management agreement shall not exceed two (2) years; provided, however, that the term of any such management agreement may be renewable by mutual agreement of the parties for successive one (1) year periods.

Any management agreement entered into prior to expiration of the Declarant Control Period must be terminable, without cause, any time after transfer of control from the Declarant, on not less than thirty (30) nor more than ninety (90) days' notice, and no charge or penalty may be associated with such termination.

ARTICLE XII GENERAL PROVISIONS

12.1. *Association Property Responsibility.* The Association, subject to the rights of the Owners as set forth in this Declaration, shall be responsible for the exclusive management and control of the Association Property and any property, real or personal, which the Association is delegated the responsibility for pursuant to any easement or lease agreement, and all improvements thereon (including, without limitation, furnishings and equipment related thereto, private drainage facilities and common landscaped areas), and shall keep the Association Property and such other property in good, clean, attractive, and sanitary condition, order, and repair, pursuant to the terms and conditions hereof. The Association shall be obligated to accept title to any real estate or personal property offered or conveyed to the Association by the Declarant. Any such conveyance shall be made in compliance with all applicable Laws and Declarant shall have the right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under this Article XII.

12.2. *Personal Property and Real Property for Common Use.* The Association may acquire, lease, hold, and dispose of tangible and intangible personal property and real property, subject to the requirements of this Declaration. The Board, acting on behalf of the Association, will accept title to any real or personal property, leasehold, or other property interests within the Property or Project offered or conveyed to Association by the Declarant.

12.3. *Implied Rights.* The Association may exercise any other right or privilege given to it expressly by this Declaration or the Association Documents or any lease, easement or other agreement or document affecting the Association, and every other right or privilege reasonably to be implied from the existence of any right or privilege given to it herein or reasonably necessary to effectuate any such right or privilege.

12.4. *Limitation of Liability.* The Association shall not be liable to any Association Member for any failure of any services to be obtained by the Association or paid for out of the Common Expense funds, or for injury or damage to persons or property caused by the elements or resulting from water which may leak or flow from any portion of the Association Property or other property within the control or supervision of the Association, or from any wire, pipe, drain, conduit or the like. The Association shall not be liable to any Association Member for loss or damage, by theft or otherwise, of articles which may be stored upon the Association Property or other property within the control or supervision of the Association. No diminution or abatement of assessments, as herein elsewhere provided for, shall be claimed or allowed for inconvenience or discomfort arising from the making of repairs or improvements to the

Association Property or other property within the control or supervision of the Association, or from any action taken by the Association to comply with any of the provisions of this Declaration or with any Laws or with the order or directive of any municipal or other governmental authority.

12.5. Enforcement. Except as otherwise expressly provided in this Declaration to the contrary (or as provided under 10 Del. C. § 348, as amended or other applicable Laws), the Declarant, Association, or any Owner, or any Mortgagee of any Lot shall have the right to enforce, by any proceeding at law and/or in equity, all restrictions, conditions, covenants, reservations, easements, liens, charges or other obligations or terms now or hereafter imposed by the provisions of this Declaration, or the Association Documents, or any rule or regulation promulgated by the Association pursuant to its respective authority as provided in this Declaration or the Association Documents. Failure by the Declarant, Association or by any Owner or Mortgagee of any Lot to enforce any covenants or restrictions herein contained or any provision of the Association Documents or rules and regulations of the Association shall in no event be deemed a waiver of the right to do so thereafter. There shall be and there is hereby created and declared to be a conclusive presumption that any violation or breach or attempted violation or breach of any of the within covenants or restrictions or any provision of the Association Documents cannot be adequately remedied by action at law or exclusively by recovery of damages. If the Declarant, Association, or any Owner or Mortgagee of any Lot, successfully brings an action to extinguish a violation or otherwise enforce the provisions of this Declaration or the Association Documents, the costs of such action, including legal fees, shall become a binding, personal obligation of the Owner committing or responsible for such violation, and such costs shall also be a lien upon the Lot of such Owner.

Without limiting the generality of the foregoing, and in addition to any other remedies available, the Declarant or Association after reasonable written notice, in writing, provided to the Owner, may enter any Lot or Association Property to remedy any violation of the provisions of this Declaration, or the Association Documents or rules and regulations of the Association; provided, however, that the Declarant or Association may not enter the interior of any dwelling unit on a Lot except in an Emergency. The costs of such action, including reasonable attorneys' fees, shall become a binding, personal obligation of the Owner otherwise responsible for such violation and shall also be a lien upon the Lot of such Owner.

12.6. Fines. In addition to the means for enforcement provided elsewhere in this Declaration, the Declarant and Association shall each have the right to levy fines against an Owner or such Owner's guests, relatives, lessees or invitees, in the manner set forth herein, and such fines shall be collectible in the same manner as any other assessment such that the Declarant or Association, as applicable, shall have a lien against the Lot of such Owner as provided in this Declaration, and the Association Documents and such fine(s) shall also become the binding personal obligation of such Owner.

(a) Except with respect to matters pertaining to the Design Guidelines which shall be within the jurisdiction of the ARC, the Board shall be charged with determining whether there is probable cause that any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, regarding the use of the Lots, Association Property, or other Association property, are being or have been violated. The Board may delegate this authority to a duly formed Covenants Committee. In the event that the Board

or the ARC, with respect to the Design Guidelines, determines an instance of such probable cause, the Board (or the ARC, with respect to Design Guidelines) shall provide written notice to the person alleged to be in violation, and the Owner of the Lot which that person occupies or is visiting if such person is not the Owner, of the specific nature of the alleged violation and of the opportunity for a hearing before the ARC or Board, as applicable, upon a request made within seven (7) days of the sending of the notice. The notice shall also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which it continues shall be deemed a separate offense, subject to a separate fine not to exceed a reasonable amount established by the Board or the ARC, as applicable, for each offense. The amount of the fine shall be based upon the costs and inconvenience caused to the Board or the ARC and shall not be a penalty. The notice shall also specify, and it is hereby provided, that in lieu of requesting a hearing, the alleged violator or Owner may respond to the notice within seven (7) days of its sending, acknowledging in writing that the violation occurred as alleged and promising that the violation will thereafter cease and will not recur, and that such acknowledgment and promise, and performance in accordance therewith, shall terminate the enforcement activity of the Board or ARC, as applicable, with regard to such violation.

(b) If a hearing is timely requested, the Board or the ARC, as applicable, shall hold the same, and shall hear any and all defenses to the charges, including any witnesses that the alleged violator, Owner, the Board or the ARC may produce. Any party at the hearing may be represented by counsel but shall provide prior notice to the other party when electing such representation.

(c) Subsequent to any hearing, or if no hearing is timely requested and if no acknowledgment and promise is timely made, the Board or the ARC, as applicable, shall determine whether there is sufficient evidence of a violation or violations as provided herein. If the Board or the ARC, as applicable, determines that there is sufficient evidence, it may levy a fine for each violation in the amount provided herein. Such fine shall be retroactive to the date of the original notice of such violation(s).

(d) A fine pursuant to this Section shall be assessed against the Lot which the violator occupied or was visiting at the time of the violation, whether or not the violator is an Owner of that Lot, and shall be collectible in the same manner as any other assessment, including by the Association's lien rights as provided in this Declaration and the Association Documents. Nothing herein shall be construed to interfere with any right that an Owner may have to obtain from a violator occupying or visiting such Owner's Lot payment of the amount of any fine(s) assessed against that Lot.

(e) Nothing herein shall be construed as a prohibition of or limitation on the right of the Association to pursue any other means of enforcement of the provisions of this Declaration, or the Association Documents or rules and regulations of the Association, including, but not limited to, legal action for damages or any equitable action, including injunctive relief.

12.7. *Severability.* Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

12.8. Duration and Amendment. All covenants, conditions and restrictions set forth in this Declaration shall run with and bind the land and shall be perpetual unless expressly stated otherwise in this Declaration. In addition to the provisions of Section 12.9, this Declaration may be amended by an instrument signed by, or the affirmative vote of, Association Members entitled to cast not less than sixty-seven (67%) of the total votes of all Association Members and shall require the prior written consent of the Declarant (for so long as the Declarant shall own any portion of the Property or Project); provided, however, that any amendment after the Declarant control period that will affect a Participating Builder's Lots shall require the prior written consent of the Participating Builder, its successors and/or assigns so long as the Participating Builder owns any Lot, which consent shall be in the Participating Builder's sole subjective and absolute discretion. Any amendment must be recorded in the Recorder's Office.

12.9. Changes and Modifications by Declarant. The Declarant shall have the right, for a period of twenty (20) years following the date of recordation of this Declaration, without the consent or joinder of the Association Members, any Mortgagee, any Beneficiary or the Association, or any other party, to (i) modify, amend or change any of the provisions of this Declaration, as the Declarant may deem necessary or desirable, and (ii) or if such amendments are:

- (a) required by federal, state, county or local laws; or
- (b) required by any Mortgagee of all or any portion of the Property or Project; or
- (c) required by any title insurance company issuing title insurance to Owners and/or Mortgagees of same; or
- (d) required by the Federal Housing Administration, Department of Housing and Urban Development, Veterans Administration, Farmers Home Administration, Delaware State Housing Authority, Federal National Mortgage Association, Federal Home Loan Mortgage Service Corporation, GNMA or by any like public or private institution acquiring, guaranteeing or insuring mortgages or providing any type of financial assistance with respect to all or any portion of the Property or Project; or
- (e) required to correct errors or technical deficiencies or imperfections or to clarify ambiguities. Declarant also reserves the right to waive or modify any requirement as to any individual Lot or, the Association Property in general necessary to avoid any hardship resulting from unintentional noncompliance with this Declaration.

12.10. Casualty Losses. In the event of substantial damage or destruction to any of the Association Property, the Board shall give prompt written notice of such damage or destruction to the Eligible Mortgage Holders who hold First Mortgages of record on the Lots. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Lot with respect to the distribution to such Association Member of any insurance proceeds paid or payable on account of any damage or destruction of any of the Association Property.

12.11. Condemnation or Eminent Domain. In the event any part of the Association Property are made the subject matter of any condemnation or eminent domain proceeding, or is

otherwise sought to be acquired by any condemning authority, then the Board shall give prompt written notice of any such proceeding or proposed acquisition to the Eligible Mortgage Holders who hold First Mortgages of record on the Lots. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Lot with respect to the distribution to such Association Member of the proceeds of any condemnation or settlement relating to a taking of any portion of the Association Property.

12.12. Notice to Eligible Mortgage Holders; Deemed Consent.

(a) The Association shall give prompt written notice to each Eligible Mortgage Holder of (and each Owner hereby consents to, and authorizes such notice):

(1) Any condemnation loss or any casualty loss which affects a material portion of the Association Property or any Lot subject to a First Mortgage or security interest held, insured, or guaranteed by such Eligible Mortgage Holder.

(2) Any delinquency in the payment of Common Expense assessments or charges owed by an Owner whose Lot is subject to a First Mortgage or security interest held, insured, or guaranteed, by such Eligible Mortgage Holder which remains uncured for a period of sixty (60) days.

(3) Any lapse, cancellation, or material modification of any insurance policy or fidelity coverage maintained by the Association.

(4) Any other matter with respect to which Eligible Mortgage Holders are entitled to notice or to give their consent as provided in this Declaration.

(b) To be entitled to receive notice of the matters set forth in this Section, the Eligible Mortgage Holder must send a written request to the Association, stating both its name and address and the Lot or address of the Lot on which it has (or insures or guarantees) the mortgage. Any Eligible Mortgage Holder or mortgagee who is notified of any matter for which it is entitled to notice as provided herein (such notice to be delivered by certified or registered mail, return receipt requested), and which fails to respond within forty-five (45) days of receipt of such notice shall be deemed to have consented, if applicable, to the matter of which the Eligible Mortgage Holder or mortgagee was provided notice.

12.13. Declarant's Power of Attorney. Notwithstanding any provision to the contrary contained in this Declaration or the Association Documents, the Declarant hereby reserves for itself, its successors, transferees and assigns, for a period of twenty (20) years from the date the first Lot is conveyed an Owner that is not a Participating Builder or the Declarant, or until it conveys title to all of the Lots whichever occurs first, the right to execute on behalf of the Association and all contract purchasers, Owners, Association Members, Eligible Mortgage Holders, Mortgagees, and other lien holders or parties claiming a legal or equitable interest in any portion of the Property or Project, including without limitations, any Lot or the Association Property, any agreements, documents, amendments or supplements to this Declaration and the Association Documents 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, Association Property, Property, Project, any Lot, any public or private utility company designated by the Declarant, any institutional lender or title insurance company designated by the 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; 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 the Declarant under this Declaration; or as otherwise expressly reserved by or granted to Declarant hereunder.

(a) By acceptance of a deed to any Lot or by the acceptance of any other legal or equitable interest in any portion of the Property or Project, including without limitations, the Lot or Association Property, each and every such contract purchaser, Owner, Association Member, Eligible Mortgage Holder, mortgagee or other lien holder or party having a legal or equitable interest in any portion of the Property or Project, including without limitations, any Lot or the Association Property does automatically and irrevocably name, constitute, appoint and confirm the 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 which adversely affects the value of a Lot, or substantially increases the financial obligations of an Owner, or reserves any additional or special privileges for the Declarant not previously reserved, shall be made without the prior written consent of the affected Owner(s) and all Mortgagees of any Mortgage encumbering the Lots owned by the affected Owner(s). Any such agreement, document, amendment, supplement or instrument which adversely affects the priority or validity of any Mortgage that encumbers any Lot or the Association Property 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 and Project, including, without limitations, each Lot and the Association Property, 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 the Declarant, its successors, transferees and assigns for a period of twenty (20) years from the date the first Lot is conveyed to an Owner that is not a Participating Builder or Declarant, or until Declarant conveys title to the last Lot, whichever occurs first. Each 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 Owner's sole cost which shall run with and bind the Lot for a period of twenty (20) years as specified above.

(d) To accomplish the foregoing, each Owner covenants and agrees, by acceptance of a deed to its Lot from the Declarant, to execute, acknowledge and deliver an

Irrevocable Power of Attorney Coupled with an Interest substantially in the form and content of Exhibit "C" attached hereto and made a part hereof.

12.14. Successors of Declarant.

(a) Any and all rights, reservations, easements, interests, exemptions, privileges and powers of the Declarant hereunder, or any part of them, may be assigned and transferred (exclusively or non-exclusively) by the Declarant by an instrument, in writing, without notice to any Association Member or the Association, to one or more successors or assigns (hereinafter referred to as an "Assignee").

(b) Each Owner of any Lot, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed is deemed to covenant and agree to the following:

(1) Neither any Participating Builder nor Declarant shall assume or be responsible for any liabilities, warranties or obligations which have or may accrue to the other, including, but not limited to, any liabilities, warranties or obligations concerning any Lots or Association Property, any buildings or other improvements constructed, or to be constructed, by or on behalf of the other, nor shall such Lots or Association Property or any buildings or other improvements be deemed to be part of any contract, or to constitute the basis of the bargain, between Declarant and any Lot purchaser;

(2) No Participating Builder makes any representation or warranty whatsoever, whether express or implied, with respect to any Lots, Association Property, Facilities, buildings or other improvements constructed or sold by parties other than the Participating Builder, nor has any Participating Builder authorized any other party to make any such representation or warranty, and such other parties are without legal authority to enforce or make any such representation or warranty. No Participating Builder shall assume or be responsible for, and each Lot Owner expressly waives any and all claims against each Participating Builder for, any liabilities, warranties or obligations which have or may accrue to Declarant or any Assignee under the Declaration or pursuant to law in connection with Declarant's or any Assignee's status as Declarant under this Declaration, or in connection with Declarant's or any Assignee's development of all or any real property subjected, or to be subjected, to this Declaration, including, but not limited to, any liabilities, warranties or obligations concerning any Lots or the Association Property, or dwelling units or other improvements constructed, or to be constructed, by or on behalf of Declarant or any Assignee;

(3) Declarant makes no representation or warranty whatsoever, whether express or implied, with respect to any Lots or Association Property, or Facilities, buildings or other improvements constructed or sold by parties other than Declarant, nor has Declarant authorized any other party to make any such representation or warranty, and such other parties are without legal authority to enforce or make any such representation or warranty. Declarant shall not assume or be responsible for, and each Lot Owner expressly waives any and all claims against Declarant for, any liabilities, warranties or obligations which have or may accrue to any Participating Builder or any Assignee under this Declaration or pursuant to law in connection with such Participating Builder's or any Assignee's status as Declarant under this Declaration, or in connection with such Participating Builder's or any Assignee's development of

all or any real property subjected, or to be subjected, to this Declaration, including, but not limited to, any liabilities, warranties or obligations concerning any Lots, or the Association Property, or dwelling units or other improvements constructed, or to be constructed, by or on behalf of such Participating Builder or any Assignee.

12.15. *Arbitration.*

(a) Notwithstanding any provision of this Declaration or the Association Documents to the contrary, but subject to all applicable Laws, if, after good faith efforts to negotiate a satisfactory solution have failed, any dispute that cannot be resolved between (i) the Declarant (including any of the Declarant's employees, agents, or contractors) and (ii) the Association and/or any Owner or Owners, such dispute will be submitted to arbitration in accordance with this Section, unless an alternative dispute resolution procedure is agreed to by the parties to the dispute. As used in this Section 12.15(a), the term "dispute" includes any controversy or claim, including, without limitation, any claim based on contract, tort, or statute, arising out of or relating to (1) the rights or obligations of such parties under this Declaration, the Association Documents, or any rules promulgated by the Board or the ARC or (2) the design, construction, or warranty of the Association Property. Upon the request of a party to a dispute, the issue shall be adjudicated in accordance with the provisions of the Arbitration Act and the rules of the American Arbitration Association applicable to such disputes, to the extent such rules are not inconsistent with such Arbitration Act.

(b) Any party may commence the arbitration process called for in this Section by filing a written demand for arbitration in accordance with the Arbitration Act, with a copy to the other party. The arbitration shall be conducted at a location determined by the arbitrator in Delaware and will be administered in accordance with the provisions of the Arbitration Act in effect at the time of filing of the demand for arbitration, or such other rules and procedures that are agreed to by all parties. The parties covenant that they will participate in the arbitration in good faith and that they will share equally in the fees and expenses of the arbitrator.

(c) The arbitrator shall determine which is the prevailing party and shall include in the award payment by the non-prevailing party of the prevailing party's reasonable attorneys' fees and expenses. The provisions of this Section and any judgment rendered by the arbitrator may be enforced by any court of competent jurisdiction, and the party seeking enforcement shall be entitled to an award of all costs, fees and expenses, including attorneys' fees, to be paid by the party against whom enforcement is ordered.

(d) EVERY OWNER, ASSOCIATION MEMBER, MORTGAGEE, AND ALL OTHER PARTIES WITH AN INTEREST IN ANY PORTION OF THE LOTS OR ASSOCIATION PROPERTY COVENANT AND AGREE TO HAVE ALL DISPUTES DECIDED BY NEUTRAL ARBITRATION IN ACCORDANCE WITH THIS SECTION AND RELINQUISH ANY RIGHTS THAT MAY BE AVAILABLE TO HAVE SUCH MATTERS LITIGATED IN A COURT OR BY JURY TRIAL, INCLUDING JUDICIAL RIGHTS TO DISCOVERY AND APPEAL. THE REFUSAL BY A PARTY TO SUBMIT TO ARBITRATION IN ACCORDANCE WITH THIS SECTION MAY RESULT IN THE PARTY BEING COMPELLED TO ARBITRATE UNDER FEDERAL OR STATE LAW. FAILURE TO SUBMIT A DISPUTE TO ARBITRATION SHALL BE A

VIOLATION OF THESE DOCUMENTS AND SUCH PARTY SHALL BE RESPONSIBLE FOR REASONABLE ATTORNEYS' FEES, SHALL BECOME A BINDING, PERSONAL OBLIGATION OF THE PARTY OTHERWISE RESPONSIBLE FOR SUCH VIOLATION AND SHALL ALSO BE A LIEN UPON THE LOT OF SUCH PARTY.

12.16. No Dedication to Public Use. Nothing herein contained shall be construed as a dedication to public use or as an acceptance for maintenance of any portion of the Association Property by any public or municipal agency, authority, or utility and no public or municipal agency, authority or utility shall have any responsibility or liability for the maintenance or operation of any portion of the Association Property.

12.17. Declarant Reserved Rights. No amendment to this Declaration or the Association Documents may remove, revoke, or modify any right, reservation or privilege of the Declarant without the prior written consent of the Declarant or any successors or assignees of the Declarant and no amendment to this Declaration or the Association Documents may remove, revoke, or modify any right, reservation or privilege of a Participating Builder without the prior written consent of the Participating Builder.

12.18. Perpetuities. If any of the covenants, conditions, easements, restrictions, or other provisions of this Declaration shall be unlawfully void, or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the last survivor of the now living descendants of Joseph R. Biden, current President of the United States of America.

12.19. Captions and Gender. The captions contained in this Declaration are for convenience only and are not a part of this Declaration and are not intended in any way to limit or enlarge the terms and provisions of this Declaration or to aid in the construction or interpretation of this Declaration. Whenever in this Declaration the context so requires, the singular number shall include the plural and the converse, and the use of any gender shall be deemed to include all genders. The numbered paragraphs that appear within each of the Articles are sometimes referred to as "Section."

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has caused its seal to be affixed and these presents to be signed by its member hereunto duly authorized as of the Effective Date.

SEALED AND DELIVERED
IN THE PRESENCE OF:

CMF CANNON L.L.C.,
a Delaware limited liability company

By: _____ (SEAL)

DRAFT

STATE OF DELAWARE)
) SS.
COUNTY OF _____)

BE IT REMEMBERED, that on this ____ day of _____, 20__, personally came before me, the Subscriber, a Notary Public for the State of Delaware, _____, as _____ of CMF CANNON L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such and acknowledged this Indenture to be his act and deed and the act and deed of such limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public

Print Name
My Commission Expires: _____

DRAFT

EXHIBIT "A"

CHANNEL POINTE

LEGAL DESCRIPTION

[TO BE INSERTED]

DRAFT

EXHIBIT "B"

EXPANSION PROPERTY

Any and all property located within five (5) miles of such property listed on Exhibit "A" hereto.

EXHIBIT "C"

IRREVOCABLE POWER OF ATTORNEY COUPLED WITH AN INTEREST

Tax Parcel No. _____

Prepared By and Return to:
_____, Esquire

**IRREVOCABLE POWER OF ATTORNEY COUPLED WITH AN INTEREST
CHANNELPOINTE**

KNOW ALL MEN BY THESE PRESENTS that I/We, _____, owner(s) of that certain lot, piece or parcel of land, together with any improvements thereon, situate in Baltimore Hundred, Sussex County, Delaware, and known as Lot ____, Phase ____ (the "Lot") on the Final Subdivision Plat for Channel Pointe prepared by _____, dated _____, last revised on _____, said plan being recorded in the Recorder's Office at Plat Book ____, Page ____, as such Plat may be subsequently supplemented or amended from time to time (collectively, as supplemented and amended, the "Master Plan"), hereby make(s), constitute(s), and appoint(s) CMF CANNON L.L.C., a Delaware limited liability company, its successors and assigns, acting by and through its manager or authorized member or designated attorney-in-fact ("Attorney"), to be my/our true and lawful attorney, and in my/our name, place and stead and in my/our behalf, to do and execute all or any of the following acts, deeds and things, that is to say:

To do, make, file, execute, acknowledge, deliver and record any and all manner and description of instruments, agreements, plans, applications, authorizations, documents, deeds, easements, restrictions, causes of action, appeals, modifications, and amendments (collectively, the "Documents") and any other undertakings as may be required to amend, modify or otherwise change any and all Documents, of record or not of record, with respect to, applicable to, or affecting the Lot and the Project and Property (both as defined in the Master Declaration of Covenants, Conditions, Easements and Restrictions For The Community Of "Channel Pointe," dated _____, 20__, and of record in the Recorder's Office at Book _____, Page _____ (the "Master Declaration")), including, by way of example but not of limitation, (1) the Master Declaration; (2) the Certificate of Incorporation of the Association, and (3) the By-Laws of the Association, together with any and all variances, special exceptions or other zoning or subdivision actions or proceedings (and any applicable appeals), amendments, modifications or supplements thereto or thereof, and any and all instruments or documents collateral thereto, which my/our Attorney, in its sole subjective and absolute discretion, deems necessary or advisable, as provided under Sections 12.9 and 12.13 of Article XII of the Declaration, the terms of which are expressly incorporated herein by reference; provided that any such act, deed or thing shall not amend, modify or otherwise alter or change the existing property lines of the Lot and shall be undertaken and accomplished in accordance with all applicable Federal, State and County statutes,

laws, ordinances, regulations or other governmental enactments or regulations (the “Regulations”) (collectively, the “Permitted Activities”).

To do, make, execute, acknowledge, deliver and record any and all manner and description of actions, instruments, agreements, documents, amendments and any other undertakings, together with any and all amendments, modifications or supplements thereto or thereof, and any and all instruments or documents collateral thereto, which Attorney, in its sole subjective and absolute discretion, deems necessary or advisable with respect to the Permitted Activities; provided that any such Permitted Activities shall not amend, modify or otherwise alter or change the existing property lines of the Lot and shall be undertaken and accomplished in accordance with the Regulations.

To cause each or all of the Documents to be amended by filing with the Recorder's Office any and all instruments, documents and plans, together with any amendments thereto, as may be necessary, in my/our Attorney's sole subjective and absolute discretion, to correct any clerical or typographical errors, ambiguities, title questions or defects, or conflicts with or to comply with any and all applicable Regulations.

Without in any way detracting from the hereinabove authorized powers, I/we specifically request and authorize that my/our hereinabove designated true and lawful Attorney be authorized and directed to take any and all such action which it deems necessary or advisable, in its sole subjective and absolute discretion, for the purposes provided above.

Hereby giving unto my/our said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or convenient to be done for the purposes herein stated and in and about the Lot, Project or Property, as fully to all intents and purposes as I/we might or could do if personally present and acting, with full power of substitution and revocation, hereby ratifying and confirming all that my/our Attorney or substitute shall lawfully do or cause to be done by virtue hereof.

And I/we hereby, for myself/ourselves, my/our heirs, executors, administrators, successors and assigns, confirm and agree to ratify and confirm whatsoever my/our Attorney may lawfully do by virtue of these presents, it being understood that this instrument is intended to be and is an Irrevocable Power of Attorney Coupled With An Interest, and that this instrument shall bind all future owners of the Lot and shall run with and bind the Lot for period commencing on the date of recordation of the Master Declaration and ending on the later of (i) the date the Attorney no longer owns all or any portion of the Project or Property or (ii) the date which is twenty (20) years after the date that the last lot is sold by Attorney to a third party.

This Power of Attorney Coupled With An Interest is coupled with an interest and irrevocable and shall not be revoked or affected by my/our subsequent disability or incapacity, it being my/our intention that this Power of Attorney Coupled With An Interest be a durable Power of Attorney pursuant to 12 Del. C. Ch. 49, and is intended to be construed according to Delaware law.

Whenever used, the singular number shall include the plural, the plural the singular and the use of any gender shall include all genders.

IN TESTIMONY WHEREOF, I/We have hereunto set my/our hand(s) and seal(s)
this ___ day of _____, 20__.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESS _____ (SEAL)
Print Name: _____

WITNESS _____ (SEAL)
Print Name: _____

STATE OF DELAWARE)
)
_____ COUNTY) SS.

BE IT REMEMBERED, that on this ____ day of _____,
20__, personally came before me the Subscriber, a Notary Public for the State and County
aforesaid _____, parties to this foregoing Irrevocable Power of Attorney
Coupled With An Interest, known to me personally to be such, and acknowledged said Irrevocable
Power of Attorney Coupled With An Interest to be his/her/their voluntary act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

NOTARY PUBLIC

Print Name

Date Commission Expires

GENERAL NOTES:

- 1. ALL CONSTRUCTION AND MATERIALS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS...

REVISED COMMERCIAL SITE PLAN (S-17-08)

FOR PROPERTY KNOWN AS:

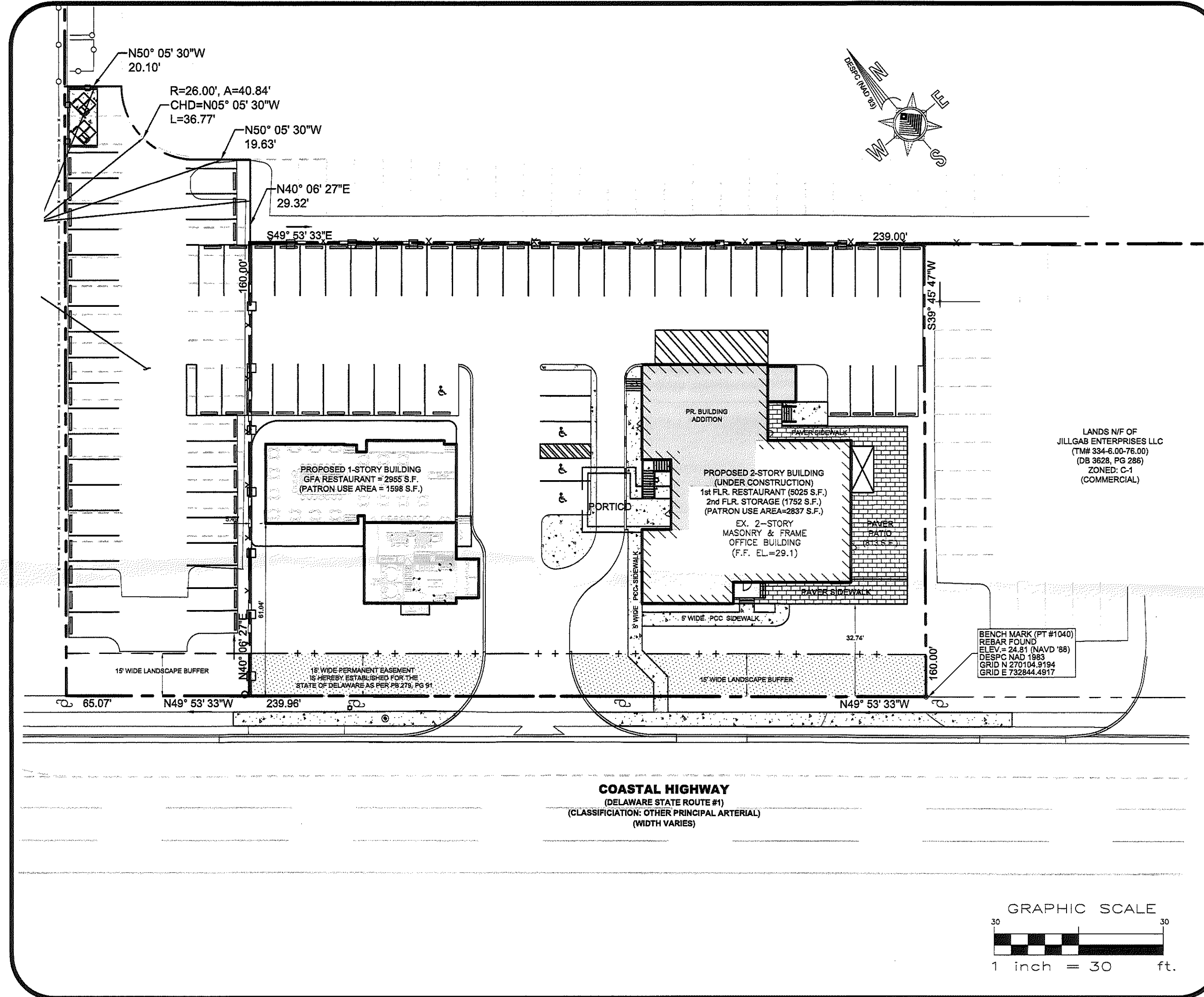
LANDS OF KEY PROPERTIES GROUP, LLC

PROJECT NOTES:

- 1. The loading berth area is designated at the rear of the building, within the aisle way, adjacent to the kitchen, deliveries are generally done in the morning while the restaurant is not open for business.

DELDOT GENERAL NOTES:

- 1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.

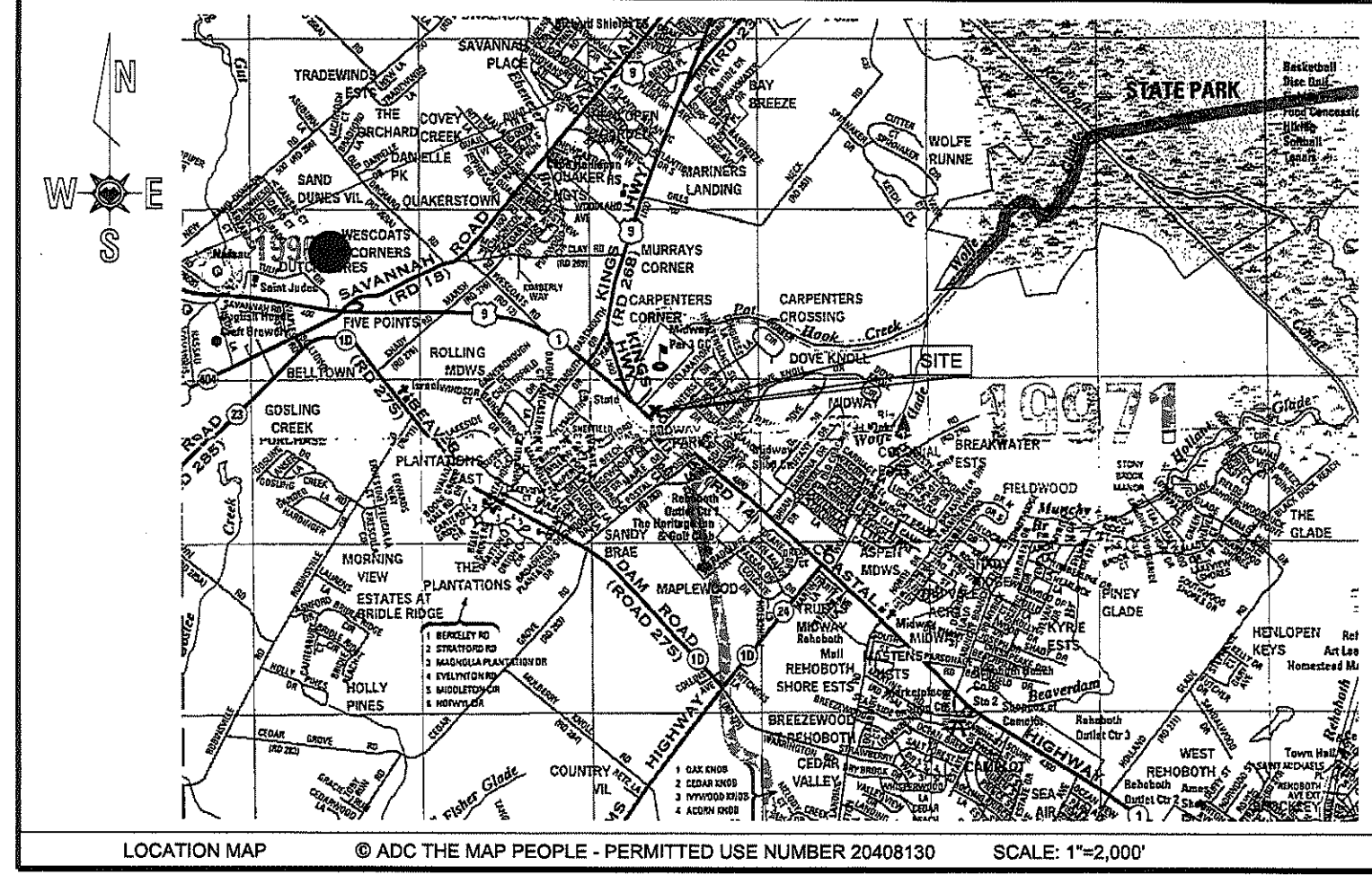


SITE LOCATION PLAN

(SCALE: 1"=30')

TAX PARCEL NO. 334-6.00-74.00 & 70.01

SITUATE IN LEWES & REHOBOTH HUNDRED NORTH REHOBOTH BAY WATERSHED SUSSEX COUNTY * STATE OF DELAWARE



LOCATION MAP © ADC THE MAP PEOPLE - PERMITTED USE NUMBER 20408130 SCALE: 1"=2,000'

PLAN DATA:

Table with 2 columns: PROPERTY DATA and ZONING/USE INFORMATION. Includes parcel ID, deed reference, zoning district, etc.

Table with 2 columns: HEIGHT, AREA & BULK TABLE and PROPOSED USE. Includes building height, lot area, and proposed use details.

Table with 2 columns: PARKING RATIONALE and LOADING SPACES. Includes details on parking spaces and loading zones.

- 1. On property fronting on highways designated by the Delaware Department of Transportation as Principle Arterials or Minor Arterials, the setback shall be measured from a point not less than 50 feet from the centerline of right-of-way.

Table with 2 columns: INVESTMENT LEVEL AREA and HIGHWAY MAINTENANCE NO. Includes investment level and highway details.

Table with 2 columns: POSTED SPEED LIMIT and SITE ADDRESS. Includes speed limit and address information.

FIRE MARSHAL NOTES: 1. NFPA BUILDING TYPE = TYPE V (WOOD FRAME). 2. FIRE SUPPRESSION= AUTOMATIC SPRINKLERS ARE PROPOSED.

SHEET INDEX: COVER PLAN AND NOTES SHEET 1 OF 3, PROPOSED SITE PLAN SHEET 2 OF 3, EXISTING CONDITIONS PLAN SHEET 3 OF 3

OWNER'S CERTIFICATION: I, ELMER FANNIN HEREBY CERTIFY THAT KEY PROPERTIES GROUP, LLC IS THE LEGAL OWNER OF THE PROPERTY SHOWN ON THIS PLAN.

ENGINEER'S CERTIFICATION: I, ROGER A. GROSS, P.E., DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE.

SITE TRAFFIC GENERATION DIAGRAM & GENERAL INFORMATION

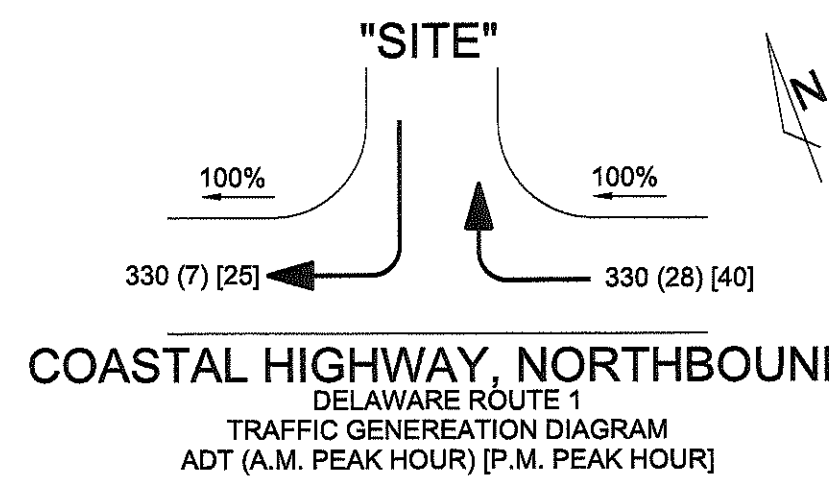


Table with 2 columns: ROAD TRAFFIC DATA and SITE TRAFFIC DATA. Includes AADT, design vehicle, and trip generation data.

OWNER'S CERTIFICATION

I, ELMER FANNIN HEREBY CERTIFY THAT KEY PROPERTIES GROUP, LLC IS THE LEGAL OWNER OF THE PROPERTY SHOWN ON THIS PLAN.

ELMER FANNIN, KEY PROPERTIES GROUP, LLC, 610 MARSHALL STREET, MILFORD, DE 19963. PHONE: (302) 285-2257 EXT.410

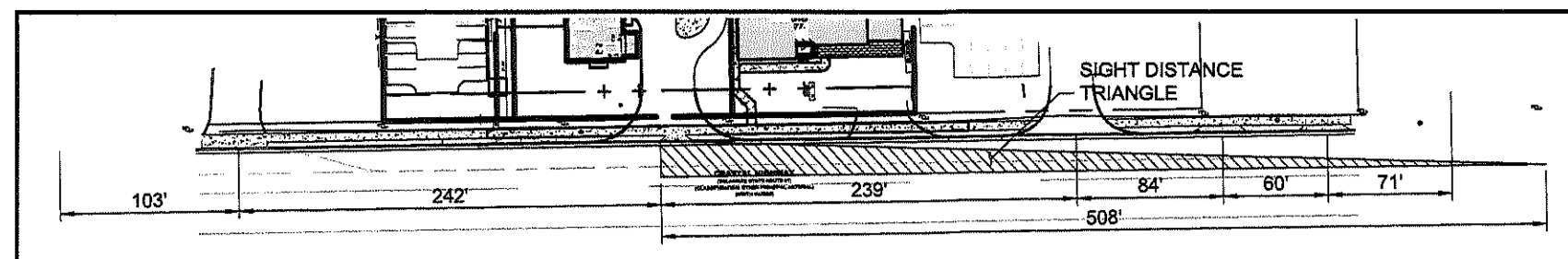
ENGINEER'S CERTIFICATION

I, ROGER A. GROSS, P.E., DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE.

ROGER A. GROSS, P.E. (DELAWARE REG. NO. 7842), MERESTONE CONSULTANTS, INC., 6215 WEST WOODMILL DRIVE, WILMINGTON, DE 19808. PHONE: (302) 226-5680

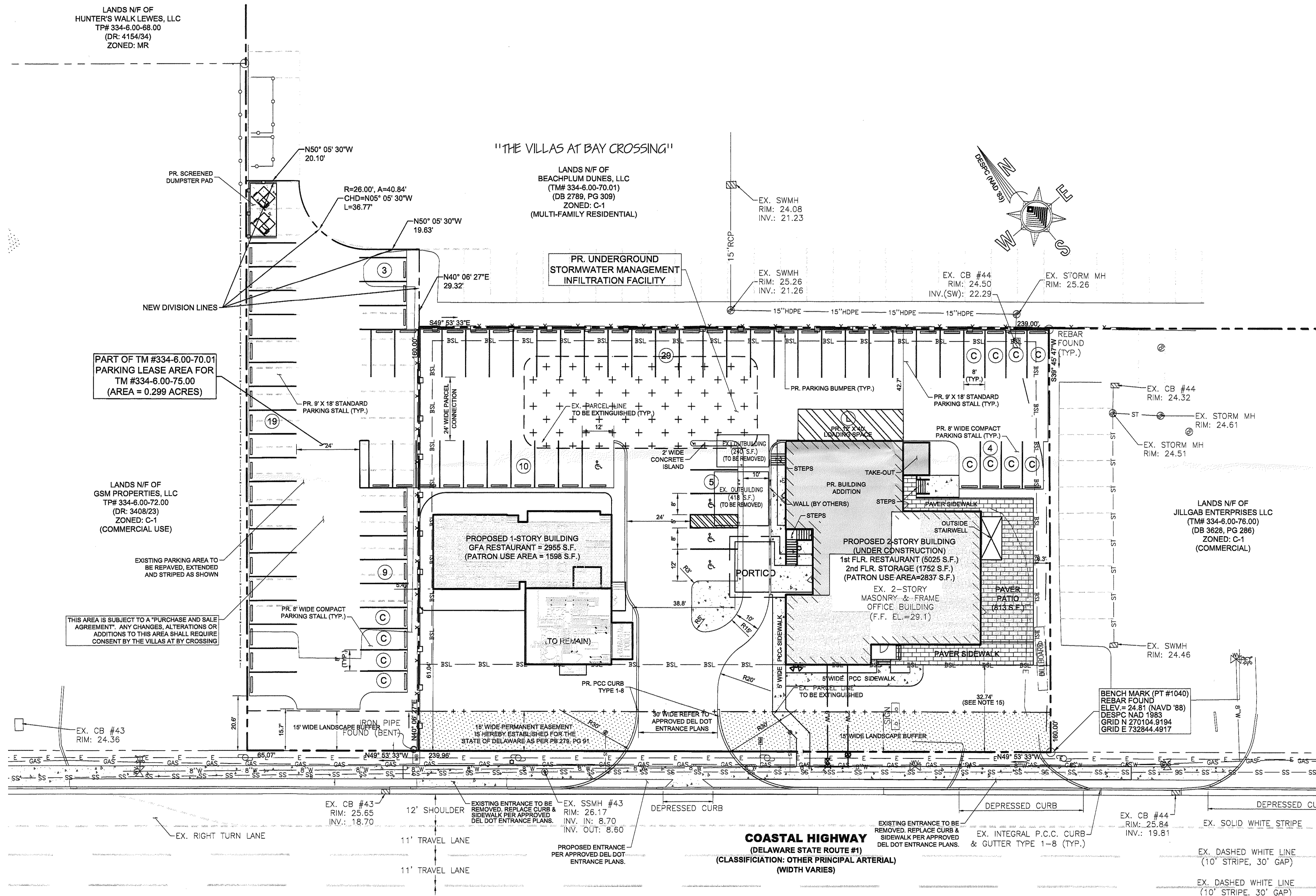


Table with 2 columns: REVISIONS and PROJECT INFORMATION. Includes dates, descriptions of revisions, and project details.



SIGHT TRIANGLE & ADJACENT ENTRANCE DETAIL
(SCALE: 1"=100')

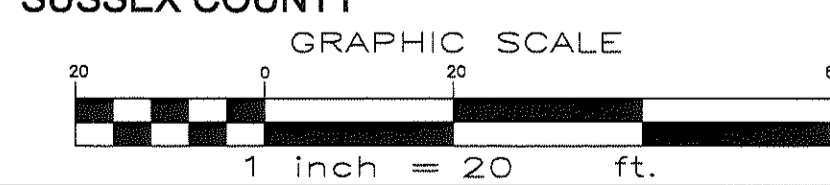
NOTE:
SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.



LEGEND

| | | |
|---------------------------------|--------|-----------|
| PROPERTY LINE | --- | --- |
| BUILDING SETBACK LINE | BSL | BSL |
| RIGHT-OF-WAY LINE | R/W | R/W |
| EASEMENT LINE | + | + |
| CENTERLINE | --- | --- |
| TREELINE | ~ ~ ~ | ~ ~ ~ |
| LIMIT OF DISTURBANCE | LOD | LOD |
| SANITARY SEWER | SS | SS |
| WATER LINE | W | W |
| STORM SEWER | SS | SS |
| ELECTRIC | E | E |
| CONTOUR | --- | --- |
| HYDRANT | ⊕ | ⊕ |
| SPOT ELEVATIONS | 118.50 | X (18.50) |
| CULVERT (W.F.E.S.) | --- | --- |
| WATER LINE | W | W |
| GAS LINE | --- | --- |
| CAPPED REBAR SET | ○ | ○ |
| IRON PIPE FOUND | ○ | ○ |
| REBAR FOUND | ○ | ○ |
| CONCRETE MONUMENT FOUND | ○ | ○ |
| SOIL BORING | ○ | ○ |
| FIRE DEPARTMENT CONNECTION | ○ | ○ |
| MAIL BOX | ○ | ○ |
| CLEAN OUT | ○ | ○ |
| PR. SITE LIGHT | ○ | ○ |
| NUMBER OF PARKING STALLS IN ROW | ○ | ○ |
| COMPACT PARKING STALL (# WIDE) | ○ | ○ |
| LOADING BERTH (12' x 40') | ○ | ○ |
| HANDICAP MARKER | ○ | ○ |
| PR. SIGN | ○ | ○ |
| PATIO | --- | --- |
| CONCRETE | --- | --- |
| LANDSCAPE BUFFER YARD | --- | --- |
| BUILDING ADDITION | --- | --- |
| PROPOSED STORMWATER FACILITY | --- | --- |

REVISED COMMERCIAL SITE PLAN (S-17-08)
PROJECT:
LANDS OF KEY PROPERTIES GROUP, LLC
 ALSO KNOWN AS:
18315, 18321, & 18327 COASTAL HIGHWAY
 SITUATE IN:
LEWES & REHOBOTH HUNDRED * SUSSEX COUNTY
 STATE OF DELAWARE
 TAX PARCEL #: 334-6.00-74.00 & 70.01
 SCALE: 1"=20'



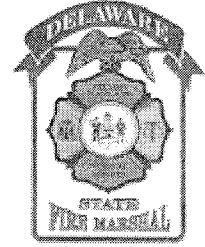
| DATE | REVISION | CHKD. | DRAWN BY: RAG | DATE: 30 SEPTEMBER 2020 | SHEET#: 2 OF 3 |
|----------|----------------------------|--------|---------------|-------------------------|----------------|
| 1/14/22 | PER SUSSEX P & Z REVIEW | T.J.K. | | | |
| 11/30/21 | PER CLIENT REVIEW | R.A.G. | | | |
| 4/20/21 | PER SUSSEX P & Z REVIEW | R.A.G. | | | |
| 1/13/21 | PATIO AREA & PARKING REQ. | R.A.G. | | | |
| 11/30/20 | PATRON AREA & PARKING REQ. | R.A.G. | | | |
| 11/12/20 | PATRON AREA | R.A.G. | | | |
| 11/06/20 | PATRON AREA | R.A.G. | | | |

MERESTONE CONSULTANTS, INC.
 ENGINEERS - PLANNERS - SURVEYORS
 5215 WEST WOODMILL DRIVE 33516 CROSSING AVENUE, UNIT 1
 WILMINGTON, DE 19808 FIVE POINTS SQUARE
 PH: 302-992-7900 LEWES, DE 19958
 FAX: 302-992-7911 PH: 302-226-5880



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2021-04-208006-MJS-01
Status: Approved as Submitted

Tax Parcel Number: 2-34-12.00-11.00
Date: 09/13/2021

Project

Hailey's Glen Amenity Area
Haileys Glen

Kielbasa Court
Lewes DE 19958

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 82 - Lewes Fire Dept Inc

Occupant Load Inside:
Occupancy Code: 9625

Applicant

Hollis Bartkovich
303 North Bedford Street
Georgetown, DE 19947

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:

Dennett Pridgeon

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2021-04-208006-MJS-01

Tax Parcel Number: 2-34-12.00-11.00

Status: Approved as Submitted

Date: 09/13/2021

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1040 A** This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.
- 2710 A** The following items will be field verified by this Agency at the time of final inspection:
- 1408 A** All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).
- 1091 A** Emergency Services Access to buildings shall comply with DSFPR Regulation 705, Chapter 5, Section 3.0.
- 1092 A** Perimeter Access is that portion of the building that is accessible by emergency services personnel and is within 100 feet of a street and capable of supporting fire ground operations. (DSFPR Regulation 705, Chapter 5, Section 1.4.1). Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, provided they do not interfere with the emergency services fire ground operations. (DSFPR Regulation 705, Chapter 5, Sections 3.5 and 4.5). If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of



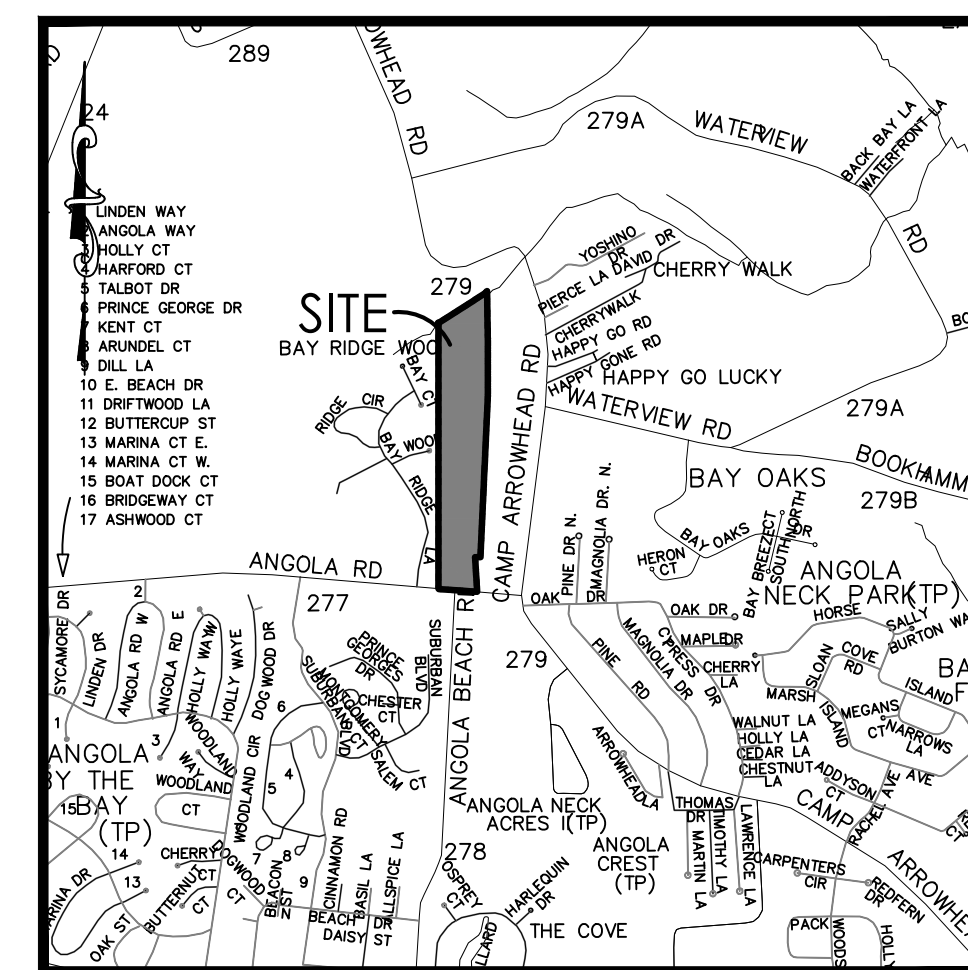
Percent of Perimeter Access. (DSFPR Regulation 705, Chapter 5, Sections 3.5.1 and 4.5.1).

- 1420 A All fire hydrants shall be marked and identified in accordance with DSFPR Regulation 705, Chapter 6, Section 2.0.**
- 1119 A All proposed fire hydrants and water mains shall be installed in accordance with the most current edition of the Delaware State Fire Prevention Regulations (DSFPR, Part II, Chapters 6 & 7).**
- 1132 A Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.**
- 1232 A All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III,Section 1.1.5.1.**
- 1233 A The fire department that responds to this location is using 5? storz fittings on the steamer.**
- 1432 A The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24, Section 7.3.3).**
- 2500 A A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.**



PRELIMINARY SITE PLAN FOR HAILEY'S GLEN AMENITY AREA

INDIAN RIVER HUNDRED - SUSSEX COUNTY, DELAWARE



VICINITY MAP
SCALE: 1" = 2,000'

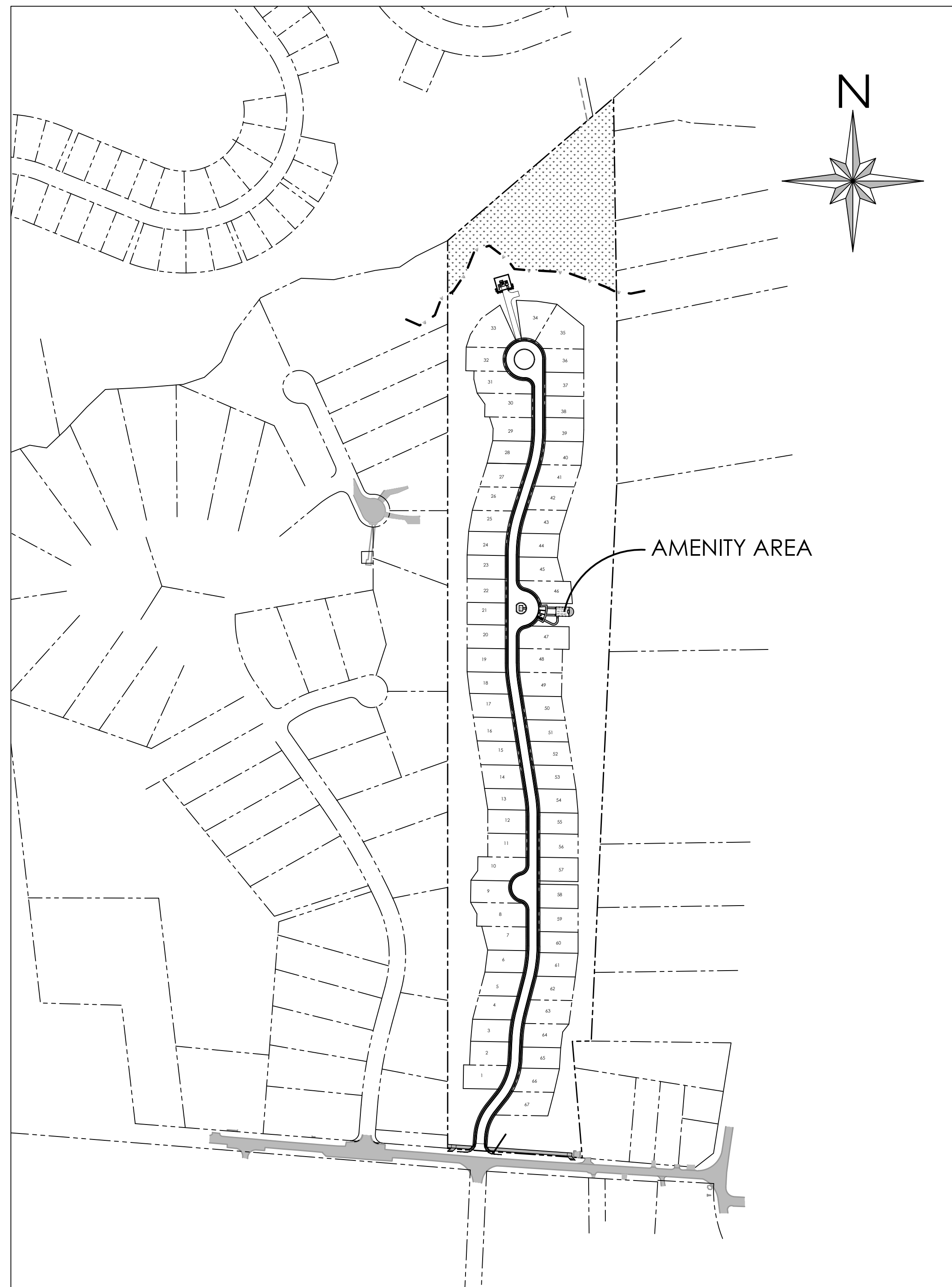
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T. 302-297-9215

3033 Manhatt Hill Road
Salisbury, MD 21804
T. 410-572-8833

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LEGEND

| | | |
|-------------------|--------------|-----------|
| PROPERTY LINE | --- | --- |
| EASEMENT LINE | - - - - - | - - - - - |
| SETBACK LINE | - - - - - | - - - - - |
| SPOT ELEV. LABEL | x 19.25 | 19.25 |
| MAJOR CONTOUR | - - - - -10- | 10 |
| MINOR CONTOUR | - - - - -7- | 7 |
| ROAD CENTERLINE | --- | --- |
| EDGE OF CONCRETE | --- | --- |
| EDGE OF PAVEMENT | --- | --- |
| EDGE OF GRAVEL | --- | N/A |
| PAINT STRIPE | --- | --- |
| CURB | --- | --- |
| PAVEMENT HATCH | ▨ | ▨ |
| CONCRETE HATCH | ▩ | ▩ |
| BUILDING OUTLINE | --- | --- |
| SIDEWALK | --- | --- |
| SIDEWALK HATCH | ▨ | ▨ |
| SIGN | ⊙ | ⊙ |
| EDGE OF WETLAND | ⊖ | N/A |
| STORM MANHOLE | ⊕ | ⊕ |
| CURB INLET | ⊗ | ⊗ |
| YARD INLET | ⊞ | ⊞ |
| STORM PIPE | ▬ | ▬ |
| RIP RAP | ▨ | ▨ |
| SANITARY MANHOLE | N/A | ⊕ |
| SANITARY CLEANOUT | N/A | ⊕/○ |
| SANITARY PIPE | N/A | SS |
| WATER VALVE | N/A | WV |
| WATER PIPE | N/A | W |
| FIRE HYDRANT | N/A | ⊕ |
| LIGHT POLE | ☆ | ☆ |



SITE MAP
SCALE: 1" = 250'

SITE DATA:

OWNER/ DEVELOPER: SCHELL BROTHERS, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
PHONE: 302-226-1994
CONTACT: TIM GREEN

ENGINEER: SOLUTIONS IPEM
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302-297-9215
CONTACT: JASON PALKIEWICZ, PE

- TAX MAP: 234-12.00-11.00
THE AMENITIES ARE LOCATED ON OPEN SPACE PARCEL A (AREA = 14.688 AC.) PER THE RECORD PLAN
- THE PARCEL IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
- THE PARCEL LIES WITHIN AN AREAS OF "GOOD" AND "FAIR" GROUNDWATER RECHARGE POTENTIAL.
- THE PARCEL DOES NOT CONTAIN ANY STATE OR FEDERAL WETLANDS
- SUSSEX COUNTY SUBDIVISION: 2017-17
- PROPOSED USE: AMENITY AREA
- EXISTING ZONING DISTRICT: AGRICULTURAL RESIDENTIAL (AR-1) (COASTAL AREA)
- PROPOSED SETBACKS:
FRONT: 25'
SIDE: 10'
REAR: 10'
- MAXIMUM BUILDING HEIGHT = 42 FEET (FOR ALL BUILDINGS)
- FLOOD ZONE:
THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE (BASE FLOOD ELEVATION DETERMINED - EL 5), PER FIRM MAP NUMBER 10005C0341K, MAP REVISED MARCH 16, 2015.
- WATER SUPPLY:
TIDEWATER UTILITIES, INC
- SANITARY SEWER:
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
- TOPOGRAPHY AND BOUNDARY SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS IPEM, LLC
- PROJECT DATUM:
HORIZONTAL: DELAWARE STATE PLAN NAD 83
VERTICAL: NAVD 88
- PARKING
REQUIRED: N/A
PROVIDED: 3 SPACES (1 H.C.) → 1 SPACE PER 374 S.F.
- THE CONSTRUCTION OF THE AMENITY AREAS SHALL NOT BE PHASED.
- HAILEY'S GLEN SUBDIVISION NET DEVELOPMENT AREA = 30.479 AC.
- PAVILION AREA/HEIGHT: 1,120 S.F./25.5 FT.*
MAILBOX PAVILION AREA/HEIGHT: 400 S.F./14 FT.*
PATIO AREA = 308 S.F.
*BUILDING HEIGHTS ARE SUBJECT CHANGE PER THE FINAL ARCHITECTURE PLANS

SHEET INDEX

| | |
|---|-----------------------------------|
| 1 | COVER SHEET |
| 2 | SITE PLAN |
| 3 | GRADING PLAN |
| 4 | FIRE MARSHAL PLAN |
| 5 | EROSION AND SEDIMENT CONTROL PLAN |

WETLAND STATEMENT

I, Edward M. Launay, PWS, STATES THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC GULF COAST REGIONAL SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8)), Waters of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

EDWARD M. LAUNAY, PWS No. 875 DATE
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS
CERTIFIED WETLAND DELINEATOR WDCP93MD05100368J

| NO. | DATE | DESCRIPTION |
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COVER SHEET
for
HAILEY'S GLEN
SUSSEX COUNTY, DELAWARE

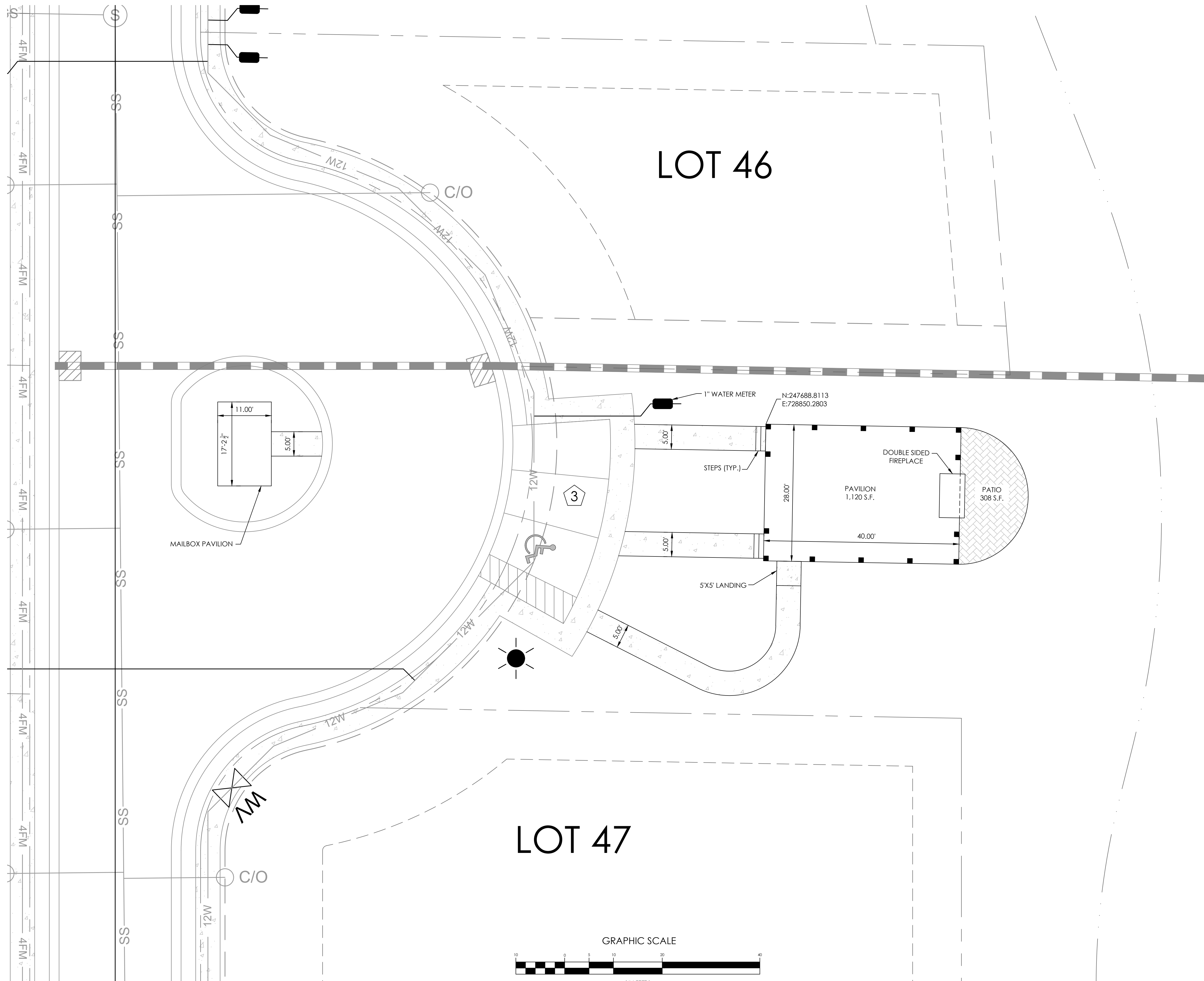
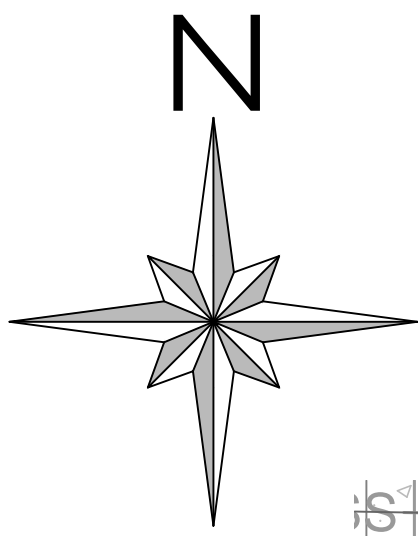
SCD HAS NO OBJECTION TO THE PROPOSED REVISION

APPROVED BY: *John Justice* DATE: 9-23-2021

| | |
|--------------|----------|
| Date: | 07-28-21 |
| Job Number: | 17039 |
| Scale: | AS NOTED |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JIP |

Sheet No.: 1

File Name: 17039 -cover



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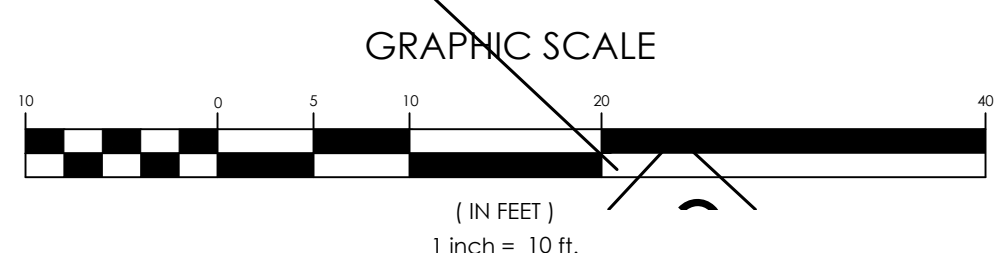
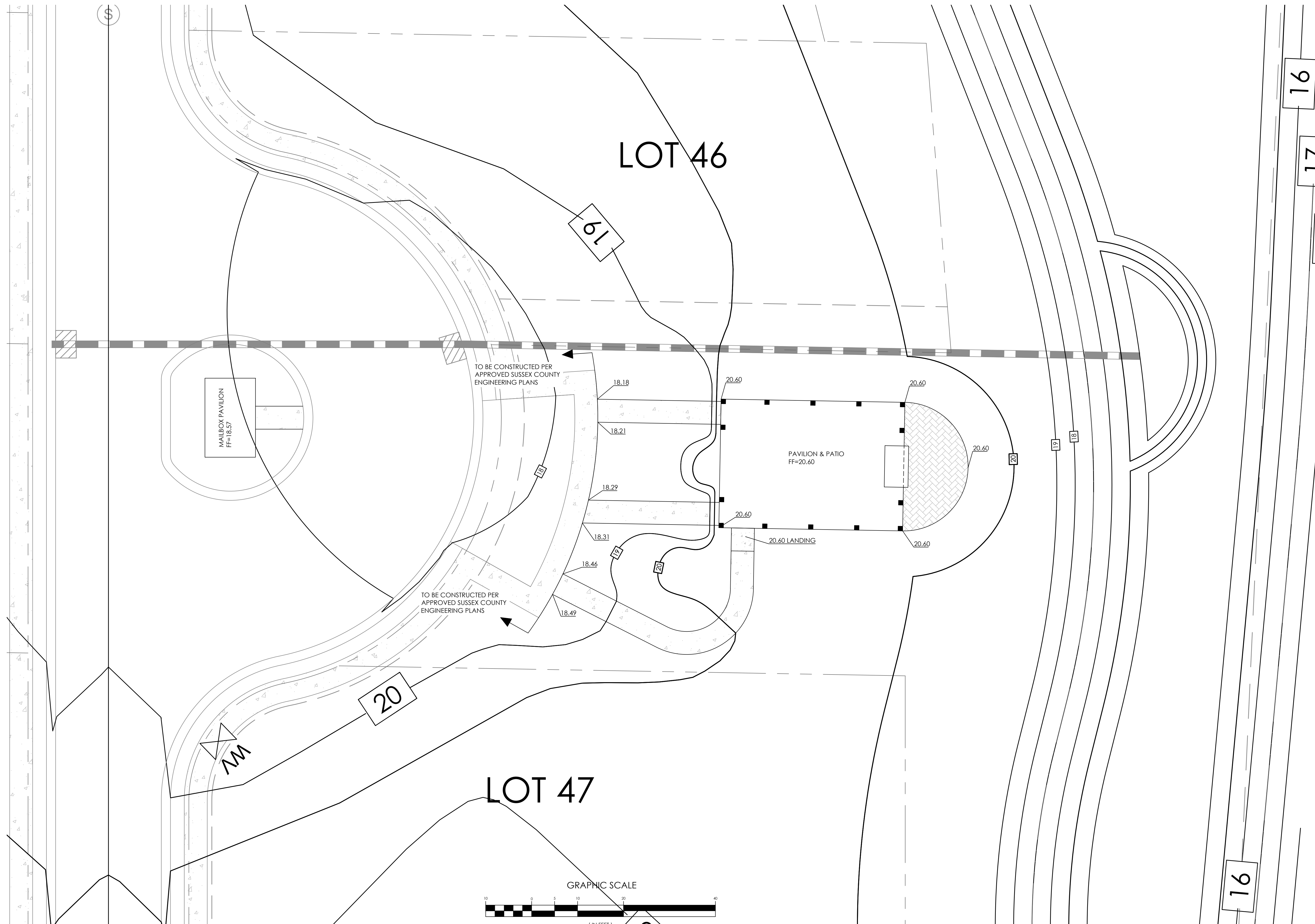
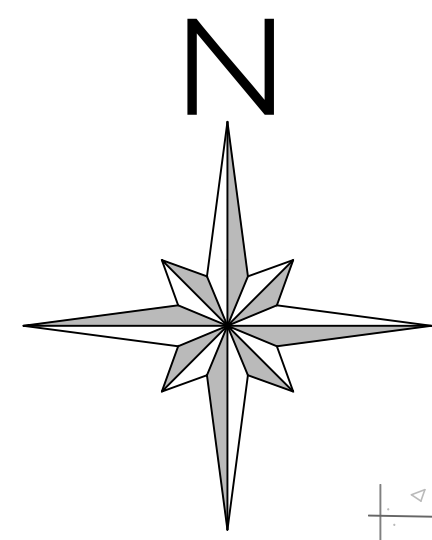
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SITE PLAN
 for
HAILEYS GLEN
 SUSSEX COUNTY, DELAWARE

| | |
|--------------|----------|
| Date: | 07-28-21 |
| Job Number: | 17039 |
| Scale: | 1"=10' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JP |

Sheet No.: **2**
 File Name: site



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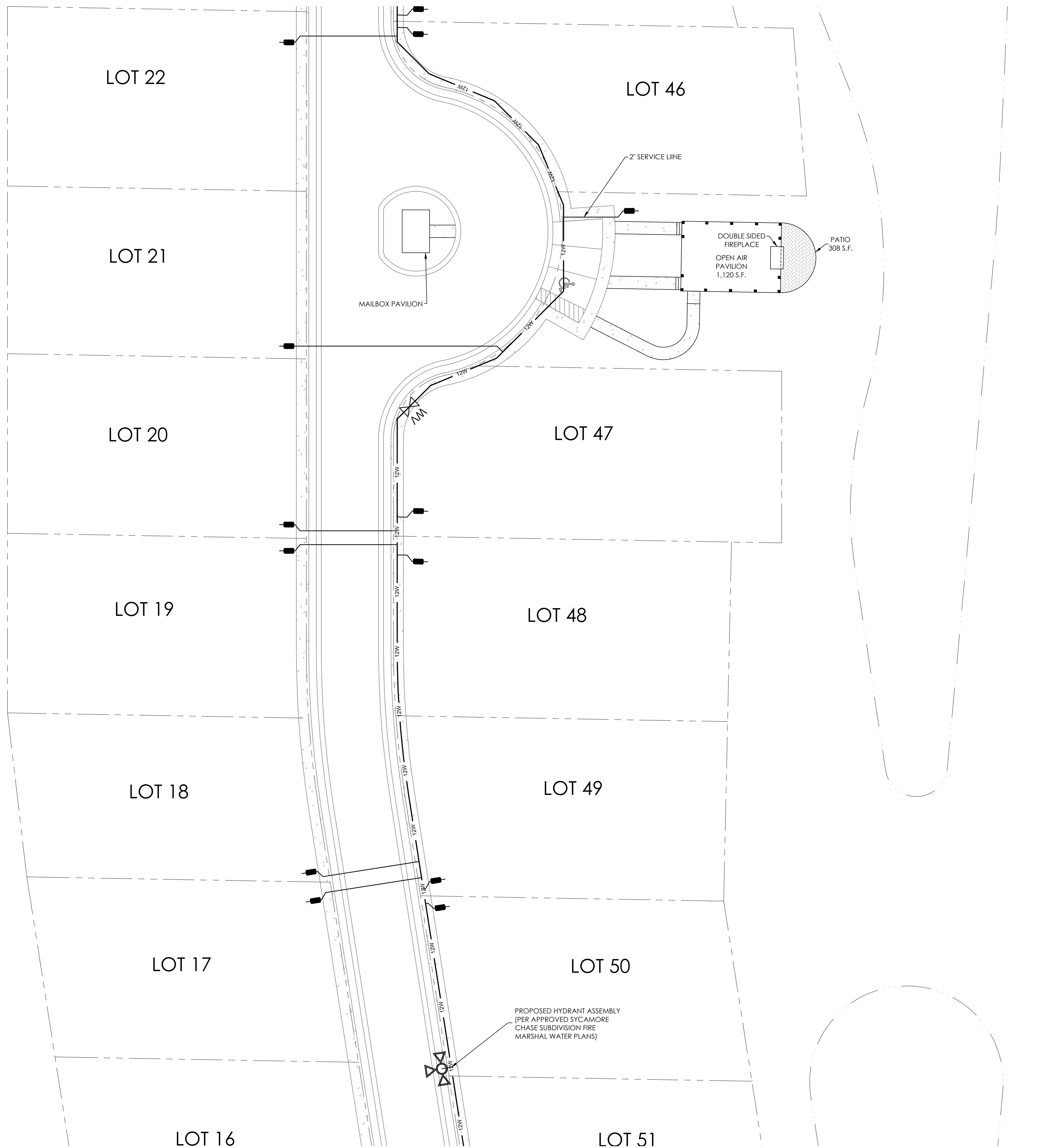
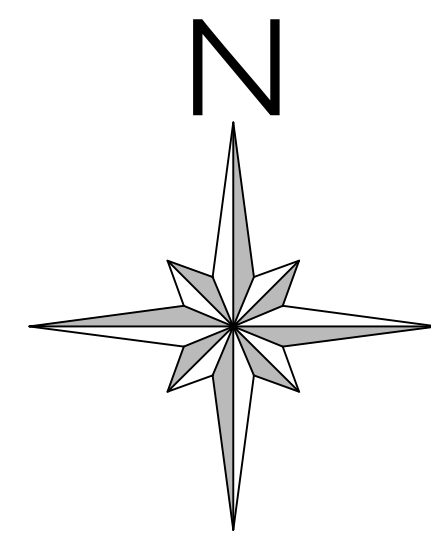
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Date _____

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GRADING PLAN
for
HAILEYS GLEN
SUSSEX COUNTY, DELAWARE

Date: 07-28-21
Job Number: 17039
Scale: 1"=10'
Drawn By: HHB
Designed By: HHB
Approved By: JIP

Sheet No.: 3
File Name: _____ site

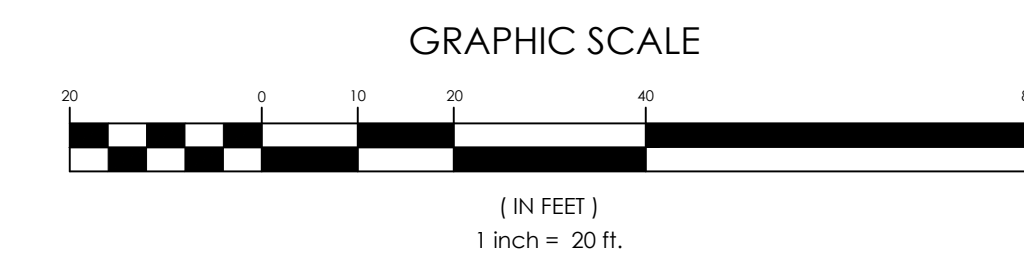


SITE DATA:

OWNER/
APPLICANT: SCHELL BROTHERS, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
PHONE: 302-226-1994
CONTACT: TIM GREEN

ENGINEER: SOLUTIONS IPEM
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302-297-9215
CONTACT: JASON PALKEWICZ, PE

- TAX MAP: 234-12.00-11.00
- PROPOSED USE: PAVILION WITH PATIO
MAILBOX PAVILION
- SUSSEX COUNTY SUBDIVISION NO.: 2017-17
- WATER SUPPLY: TIDEWATER UTILITIES
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS AND AS SHOWN ON THESE SHEETS.
- WATER FLOW - CLUBHOUSE
MAIN SIZES: 6" MINIMUM. MINIMUM CAPACITY: 100 GPM @ 20 PSI FOR 1 HOUR DURATION. HYDRANT SPACING: 800 FEET ON CENTER.
- ALL FIRE HYDRANT ASSEMBLIES SHALL BE PLACED A MAXIMUM OF 7' OFF THE EDGE OF THE PAVEMENT OR SIDEWALK.
- ALL PROPOSED FIRE HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MOST CURRENT EDITION OF THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, PART II, CHAPTERS 6 & 7).
- FIRE HYDRANTS SHALL BE COLOR CODED IN ACCORDANCE WITH THE DSFPR, PART 703, CHAPTER 3, SECTION 4.0. THIS INCLUDES BOTH COLOR CODING BONNET AND 2" REFLECTIVE TAPE AROUND THE BARREL UNDER THE TOP FLANGE.
- THE STEAM CONNECTION OF ALL FIRE HYDRANTS SHALL BE SO POSITIONED SO AS TO BE FACING THE EDGE OF STREET, OR TRAFFIC LANE (DSFPR PART 705, CHAPTER 6, SECTION 2.0 AND 2.7).
- THE AMENITY BUILDING WILL NOT BE PROTECTED BY AUTOMATIC SPRINKLERS.
- MAXIMUM BUILDING HEIGHT: 42 FEET (ONE STORY)
- BUILDING CONSTRUCTION: NFPA TYPE V (000)



REVISIONS

| NO. | DATE | DESCRIPTION |
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FIRE MARSHAL PLAN
for
HAILEYS GLEN
SUSSEX COUNTY, DELAWARE

| | |
|--------------|----------|
| Date: | 07-28-21 |
| Job Number: | 17039 |
| Scale: | 1"=20' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JIP |

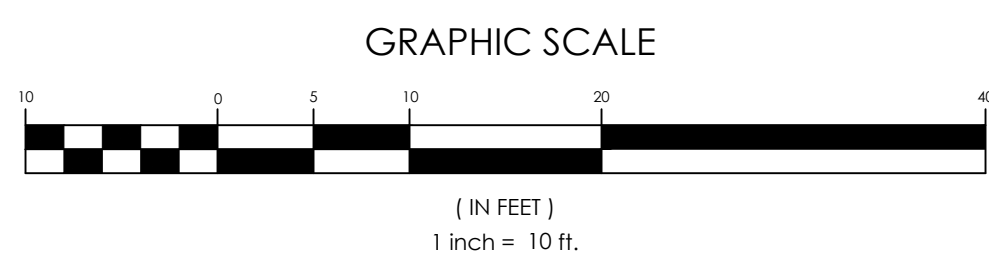
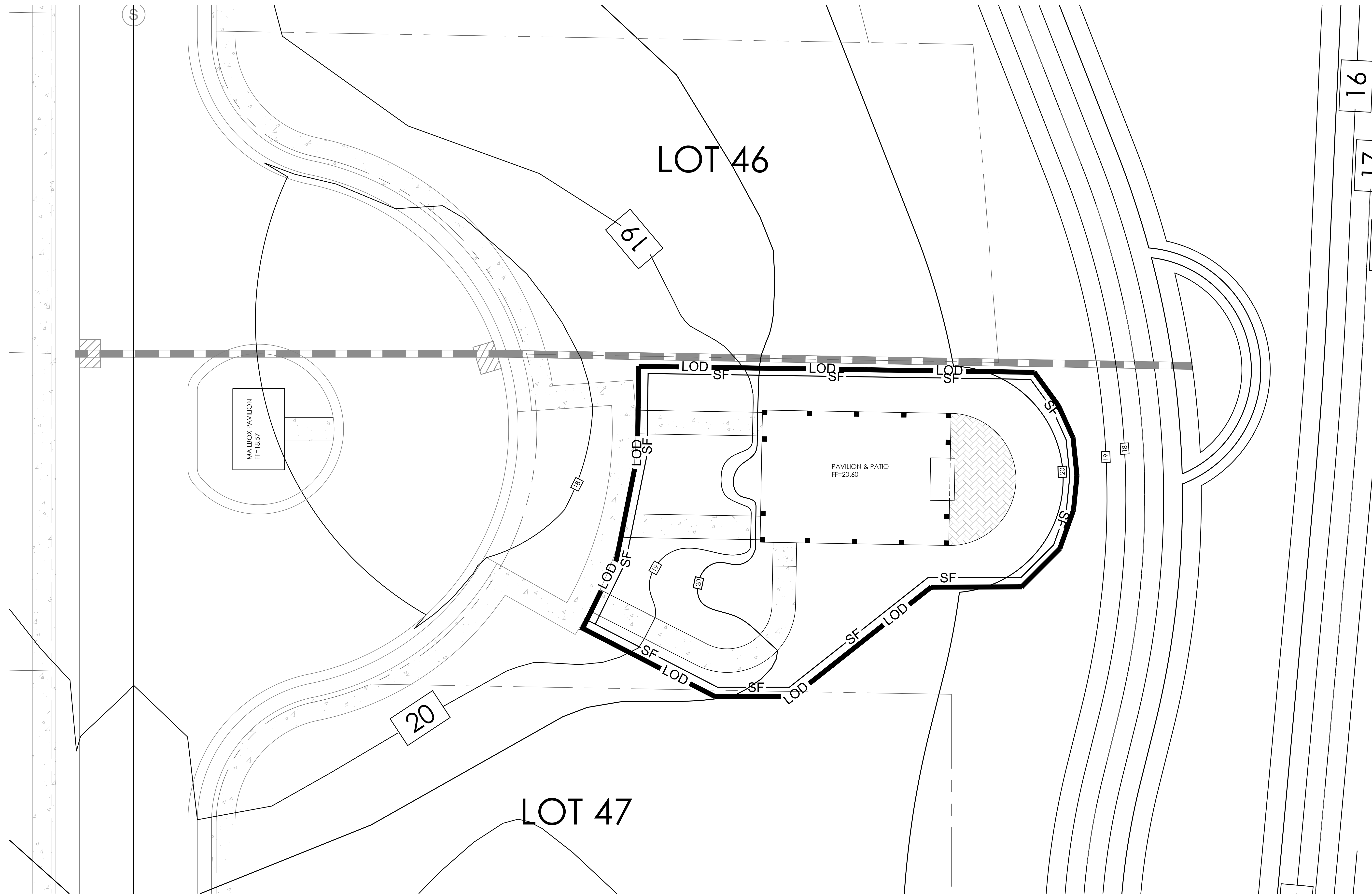
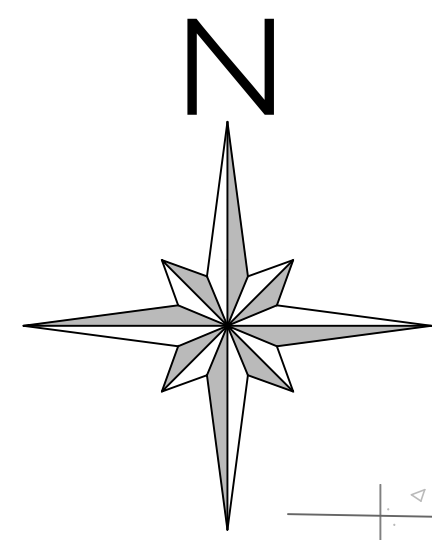
Sheet No.: **4**
File Name: site

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Seal _____
 Date _____

| NO. | DATE | REVISIONS | DESCRIPTION |
|-----|------|-----------|-------------|
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EROSION & SEDIMENT CONTROL PLAN
 for
HAILEYS GLEN
 SUSSEX COUNTY, DELAWARE

Date: 07-28-21
 Job Number: 17039
 Scale: 1"=10'
 Drawn By: HHB
 Designed By: HHB
 Approved By: JIP

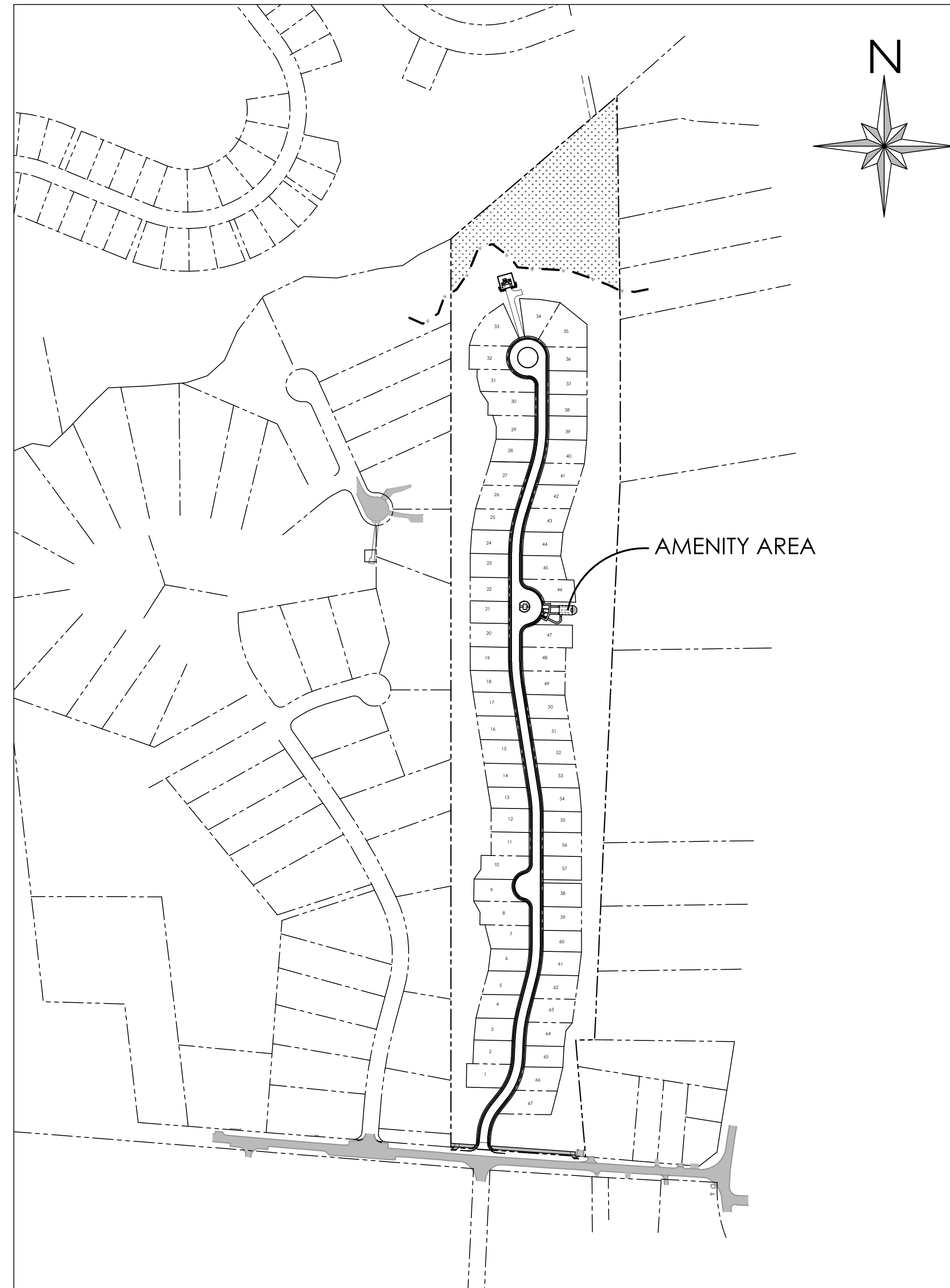
Sheet No.: **5**
 File Name: site

PRELIMINARY SITE PLAN FOR HAILEY'S GLEN (F.K.A. KIELBASA) AMENITY AREA

COUNTY PROJECT REFERENCE NO. (2017-17)
INDIAN RIVER HUNDRED - SUSSEX COUNTY, DELAWARE

LEGEND

| | | |
|-------------------|------------|---------|
| PROPERTY LINE | --- | --- |
| EASEMENT LINE | - - - - | - - - - |
| SETBACK LINE | --- | --- |
| SPOT ELEV. LABEL | x 19.25 | 19.25 |
| MAJOR CONTOUR | - - - - 10 | 10 |
| MINOR CONTOUR | - - - - 7 | 7 |
| ROAD CENTERLINE | --- | --- |
| EDGE OF CONCRETE | --- | --- |
| EDGE OF PAVEMENT | --- | --- |
| EDGE OF GRAVEL | --- | N/A |
| PAINT STRIPE | --- | --- |
| CURB | --- | --- |
| PAVEMENT HATCH | ▨ | ▨ |
| CONCRETE HATCH | ▩ | ▩ |
| BUILDING OUTLINE | --- | --- |
| SIDEWALK | --- | --- |
| SIDEWALK HATCH | ▨ | ▨ |
| SIGN | ⊙ | ⊙ |
| EDGE OF WETLAND | ⊖ | N/A |
| STORM MANHOLE | ⊕ | ⊕ |
| CURB INLET | ⊕ | ⊕ |
| YARD INLET | ⊕ | ⊕ |
| STORM PIPE | --- | --- |
| RIP RAP | ▨ | ▨ |
| SANITARY MANHOLE | N/A | ⊕ |
| SANITARY CLEANOUT | N/A | ⊕ |
| SANITARY PIPE | N/A | SS |
| WATER VALVE | N/A | WV |
| WATER PIPE | N/A | W |
| FIRE HYDRANT | N/A | ⊕ |
| LIGHT POLE | ⊕ | ⊕ |



SITE MAP
SCALE: 1" = 250'

SITE DATA:

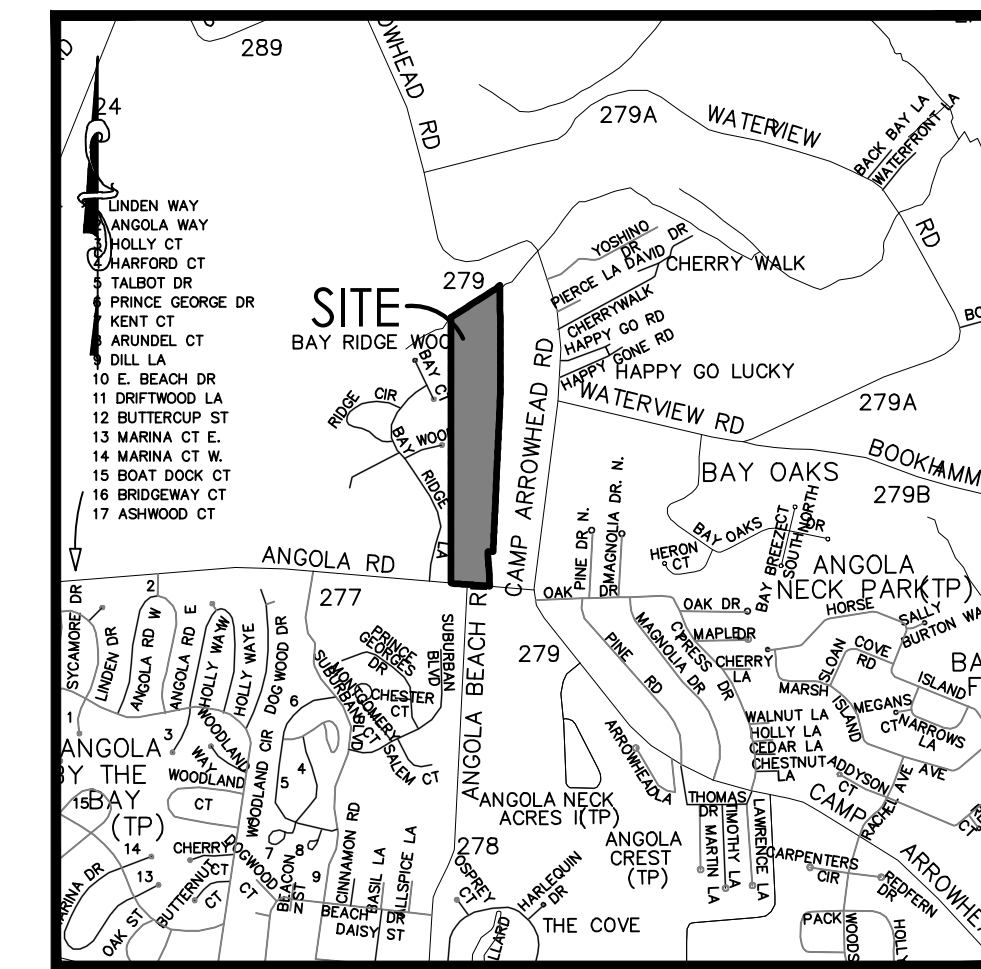
OWNER/
DEVELOPER: SCHELL BROTHERS, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
PHONE: 302-226-1994
CONTACT: TIM GREEN

ENGINEER: SOLUTIONS IPEM
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302-297-9215
CONTACT: JASON PALKEWICZ, PE

- TAX MAP: 234-12.00-11.00
THE AMENITIES ARE LOCATED ON OPEN SPACE PARCEL A (AREA = 16.688 AC.) PER THE RECORD PLAN
- THE PARCEL IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
- THE PARCEL LIES WITHIN AN AREAS OF "GOOD" AND "FAIR" GROUNDWATER RECHARGE POTENTIAL.
- EXISTING NON-TIDAL WETLANDS = 3.63 ± AC
EXISTING TIDAL WETLANDS = 0.00 AC.
- OPEN SPACE CALCULATIONS
GROSS ACREAGE = 32.949 ± ACRES
PROPOSED LOT AREA = 13.791 AC.±
PROPOSED ROW AREA = 2.470 AC.±
PROPOSED OPEN SPACE A AREA = 16.688 AC.±
16.688 / 32.366 = 51.6%
- SUSSEX COUNTY SUBDIVISION: 2017-17
- PROPOSED USE: AMENITY AREA
- EXISTING ZONING DISTRICT: AGRICULTURAL RESIDENTIAL (AR-1) (COASTAL AREA)
- PROPOSED SETBACKS:
FRONT: 25'
SIDE: 10' (15' CORNER LOT)
REAR: 10'
- MAXIMUM BUILDING HEIGHT = 42 FEET (FOR ALL BUILDINGS)
- FLOOD ZONE:
THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE (BASE FLOOD ELEVATION DETERMINED - EL 5), PER FIRM MAP NUMBER 10005C0341K, MAP REVISED MARCH 16, 2015.
- WATER SUPPLY:
TIDEWATER UTILITIES, INC
- SANITARY SEWER:
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
- TOPOGRAPHY AND BOUNDARY SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS IPEM, LLC
- PROJECT DATUM:
HORIZONTAL: DELAWARE STATE PLAN NAD 83
VERTICAL: NAVD 88
- PARKING
REQUIRED: N/A
PROVIDED: 3 SPACES (1 H.C.) → 1 SPACE PER 374 S.F.
- THE CONSTRUCTION OF THE AMENITY AREAS SHALL NOT BE PHASED.
- HAILEY'S GLEN SUBDIVISION NET DEVELOPMENT AREA = 30.479 AC.
- PAVILION AREA/HEIGHT: 1,120 S.F./25.5 FT.*
MAILBOX PAVILION AREA/HEIGHT: 400 S.F./14 FT.*
PATIO AREA = 308 S.F.
*BUILDING HEIGHTS ARE SUBJECT CHANGE PER THE FINAL ARCHITECTURE PLANS

SHEET INDEX

- COVER SHEET
- SITE PLAN
- BULK GRADING PLAN
- FIRE MARSHAL PLAN
- EROSION AND SEDIMENT CONTROL PLAN
- LANDSCAPE PLAN



VICINITY MAP
SCALE: 1" = 2,000'

solutions
INCORPORATED
Professional Engineers, LLC

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Georgetown, DE 19947
T. 302-297-9215

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Seal
Date

| NO. | DATE | DESCRIPTION |
|-----|---------|---|
| 1 | 9-29-21 | REVISIONS PER PZ COMMENTS DATED 9-28-21 |

COVER SHEET
for
HAILEY'S GLEN
SUSSEX COUNTY, DELAWARE

| | |
|--------------|----------|
| Date: | 07-28-21 |
| Job Number: | 17039 |
| Scale: | AS NOTED |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JIP |

Sheet No.: 1

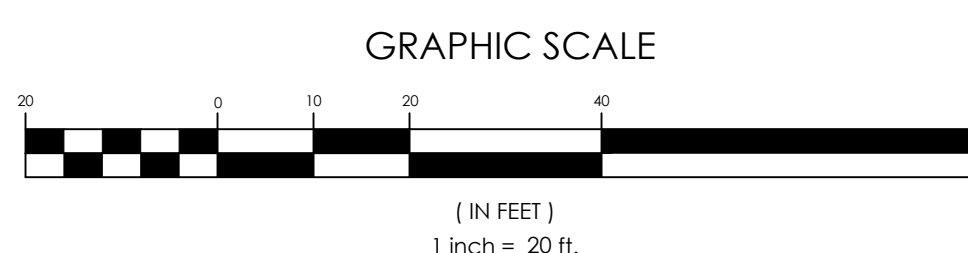
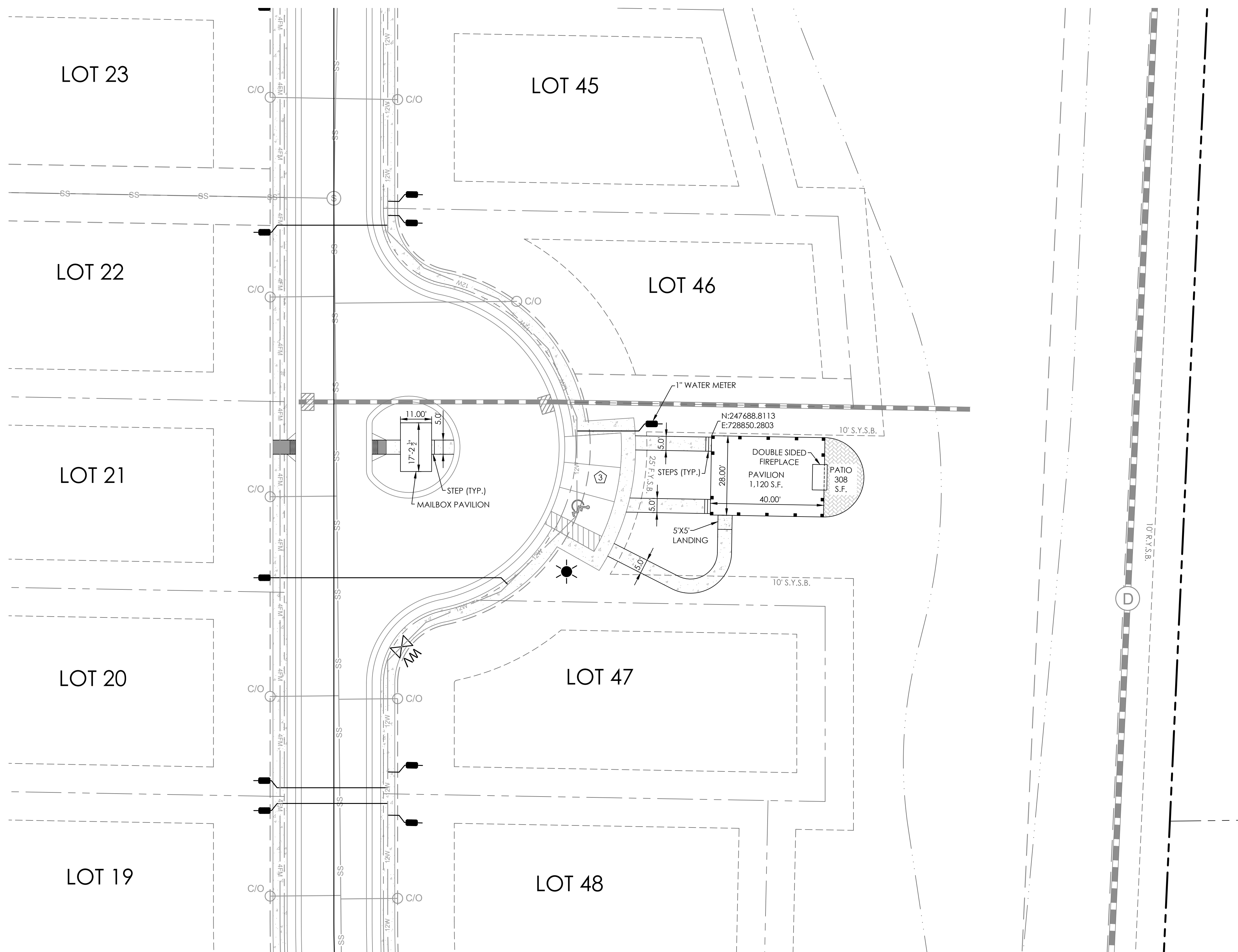
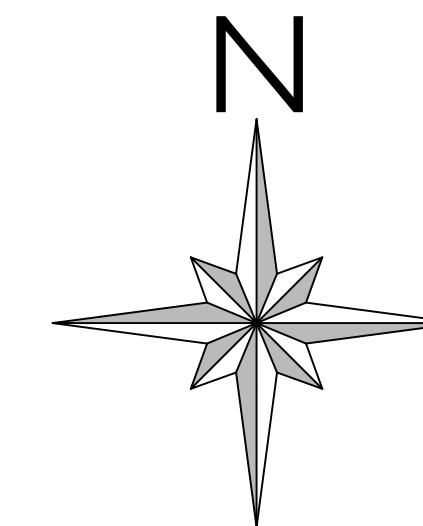
File Name: 17039-cover

WETLAND STATEMENT

I, Edward M. Launay, PWS, STATES THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC GULF COAST REGIONAL SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8)), Waters of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 COW Manual/CECW-OR, 9-26-1990, RGL 98-7/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

EDWARD M. LAUNAY, PWS No. 875
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS
CERTIFIED WETLAND DELINEATOR WD0P93MD051 00368J

DATE: 9/30/2021



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LANDSCAPE ARCHITECTURE
PLANNING & DESIGN

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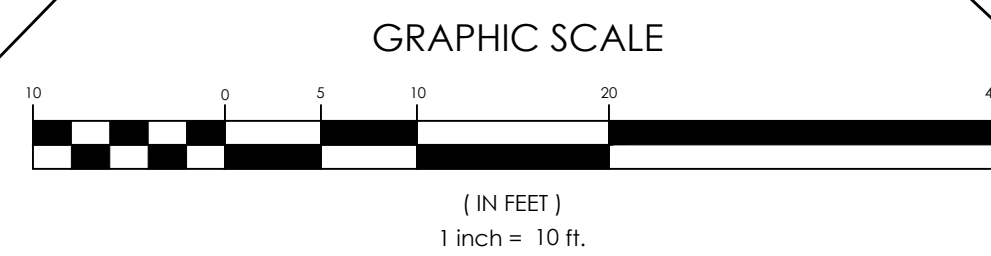
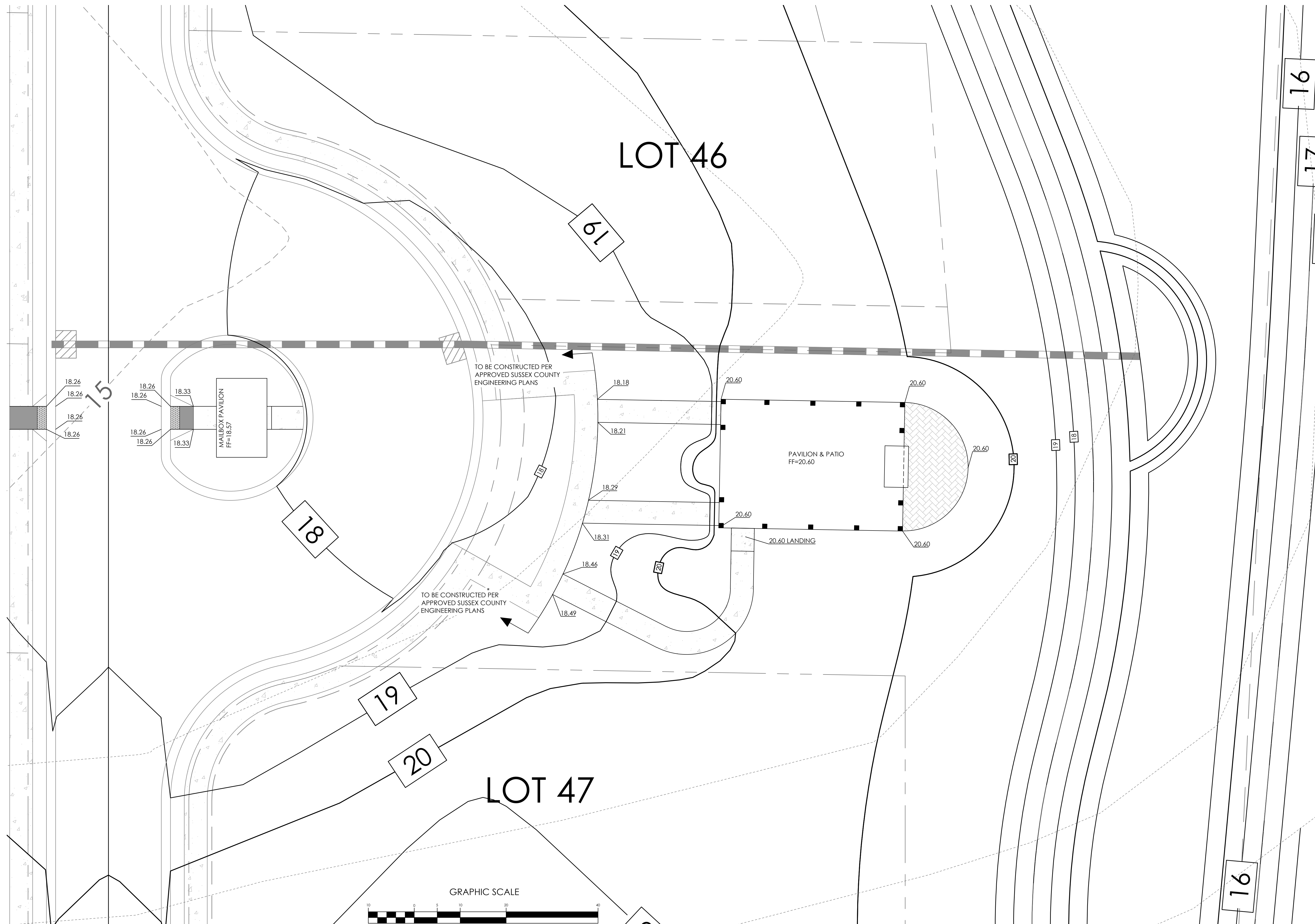
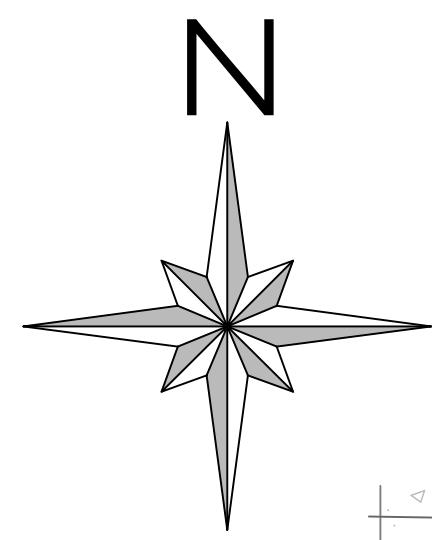


| NO. | DATE | DESCRIPTION |
|-----|---------|---|
| 1 | 9-29-21 | REVISIONS PER PZ COMMENTS DATED 9-28-21 |

SITE PLAN
for
HAILEYS GLEN
SUSSEX COUNTY, DELAWARE

| | |
|--------------|----------|
| Date: | 07-28-21 |
| Job Number: | 17039 |
| Scale: | 1"=20' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JP |

Sheet No.: **2**
File Name: site



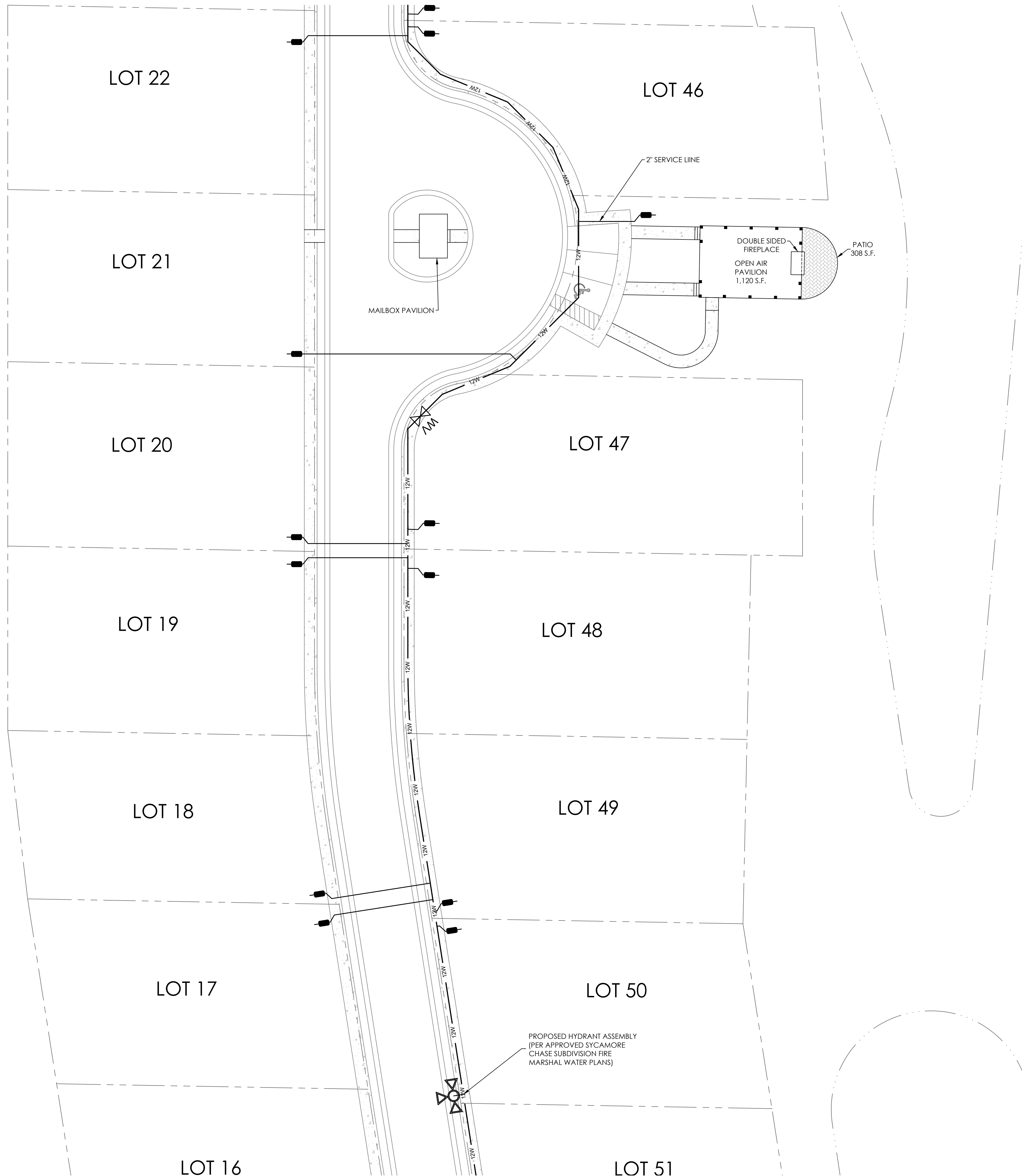
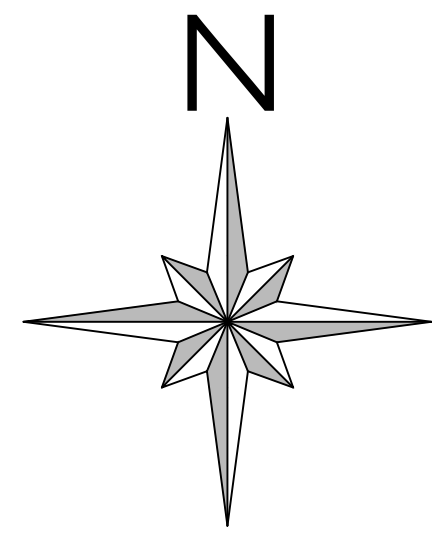
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| NO. | DATE | DESCRIPTION |
|-----|---------|---|
| 1 | 9-29-21 | REVISIONS PER PZ COMMENTS DATED 9-28-21 |

BULK GRADING PLAN
 for
HAILEYS GLEN
 SUSSEX COUNTY, DELAWARE

Date: 07-28-21
 Job Number: 17039
 Scale: 1"=10'
 Drawn By: HHB
 Designed By: HHB
 Approved By: JIP
 Sheet No.: 3
 File Name: site

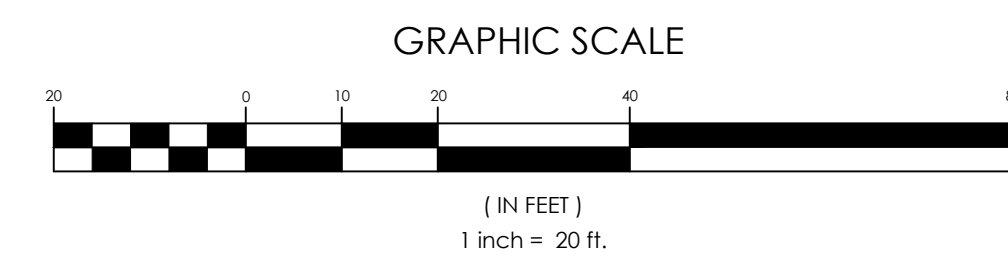


SITE DATA:

OWNER/APPLICANT: SCHELL BROTHERS, LLC
 20184 PHILLIPS STREET
 REHOBOTH BEACH, DE 19971
 PHONE: 302-226-1994
 CONTACT: TIM GREEN

ENGINEER: SOLUTIONS IPEM
 303 NORTH BEDFORD STREET
 GEORGETOWN, DE 19947
 PHONE: 302-297-9215
 CONTACT: JASON PALKEWICZ, PE

- TAX MAP: 234-12.00-11.00
- PROPOSED USE: PAVILION WITH PATIO
 MAILBOX PAVILION
- SUSSEX COUNTY SUBDIVISION NO.: 2017-17
- WATER SUPPLY: TIDEWATER UTILITIES
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS AND AS SHOWN ON THESE SHEETS.
- WATER FLOW - CLUBHOUSE
 MAIN SIZES: 6" MINIMUM. MINIMUM CAPACITY: 100 GPM @ 20 PSI FOR 1 HOUR DURATION. HYDRANT SPACING: 800 FEET ON CENTER.
- ALL FIRE HYDRANT ASSEMBLIES SHALL BE PLACED A MAXIMUM OF 7' OFF THE EDGE OF THE PAVEMENT OR SIDEWALK.
- ALL PROPOSED FIRE HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MOST CURRENT EDITION OF THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, PART II, CHAPTERS 6 & 7).
- FIRE HYDRANTS SHALL BE COLOR CODED IN ACCORDANCE WITH THE DSFPR, PART 703, CHAPTER 3, SECTION 4.0. THIS INCLUDES BOTH COLOR CODING BONNET AND 2" REFLECTIVE TAPE AROUND THE BARREL UNDER THE TOP FLANGE.
- THE STEAM CONNECTION OF ALL FIRE HYDRANTS SHALL BE SO POSITIONED SO AS TO BE FACING THE EDGE OF STREET, OR TRAFFIC LANE (DSFPR PART 705, CHAPTER 6, SECTION 2.0 AND 2.7).
- THE AMENITY BUILDING WILL NOT BE PROTECTED BY AUTOMATIC SPRINKLERS.
- MAXIMUM BUILDING HEIGHT: 42 FEET (ONE STORY)
- BUILDING CONSTRUCTION: NFPA TYPE V (000)



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INCORPORATED
 ENGINEERS & ARCHITECTS

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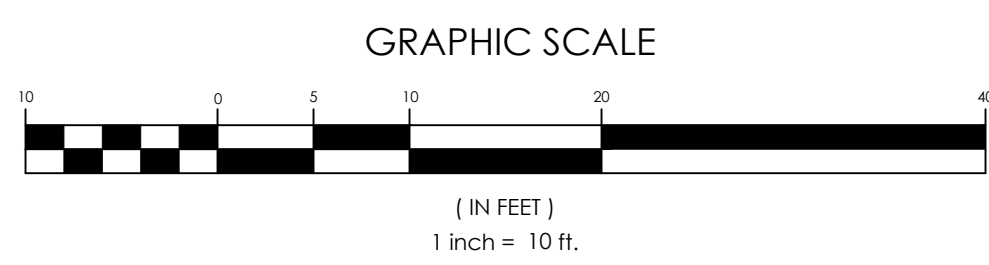
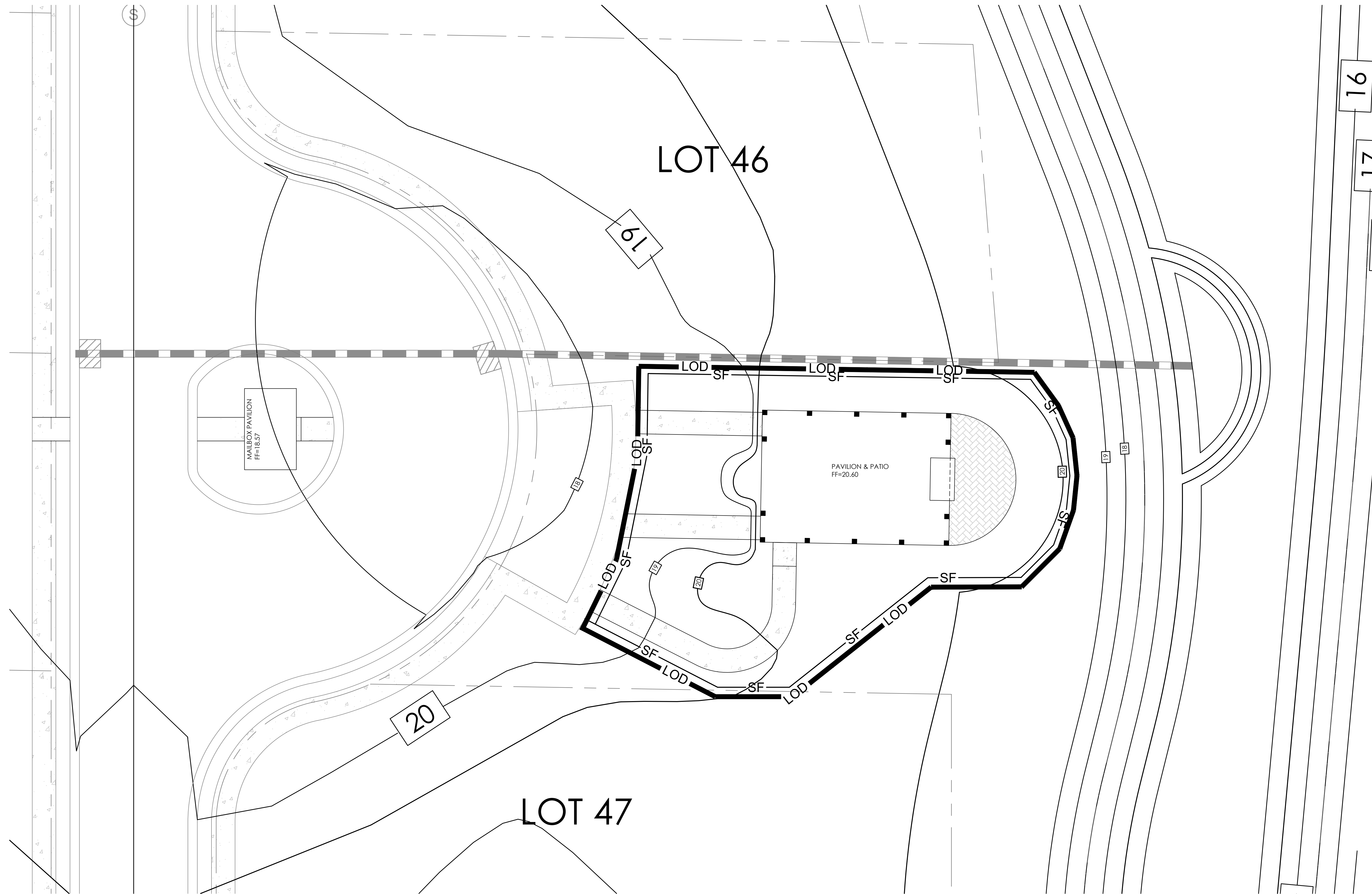
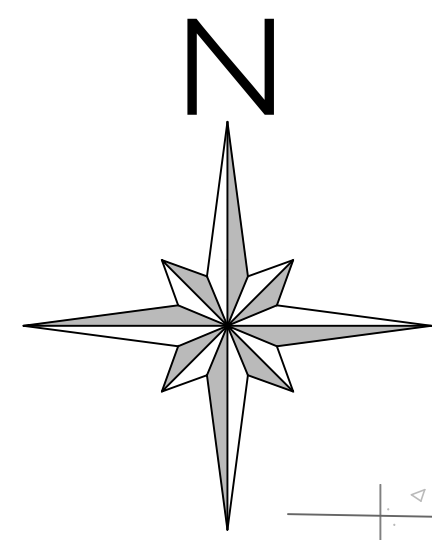
Seal
 Date

| REVISIONS | |
|-----------|---|
| NO. | DESCRIPTION |
| 1 | REVISIONS PER PZ COMMENTS DATED 9-28-21 |
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FIRE MARSHAL PLAN
 for
HAILEYS GLEN
 SUSSEX COUNTY, DELAWARE

Date: 07-28-21
 Job Number: 17039
 Scale: 1"=20'
 Drawn By: HHB
 Designed By: HHB
 Approved By: JIP

Sheet No.: **4**
 File Name: site



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 CONSULTING ENGINEERS
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Seal: 
 Date:

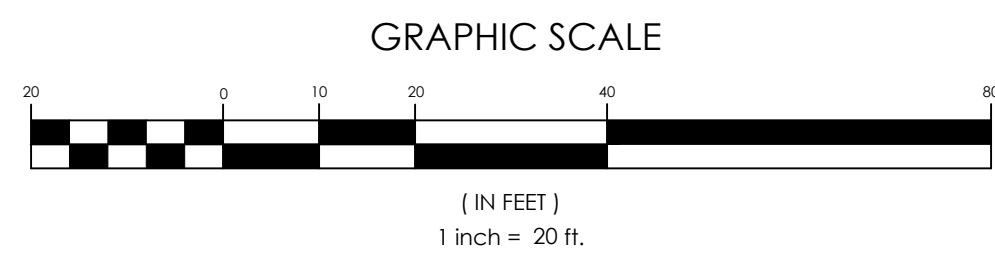
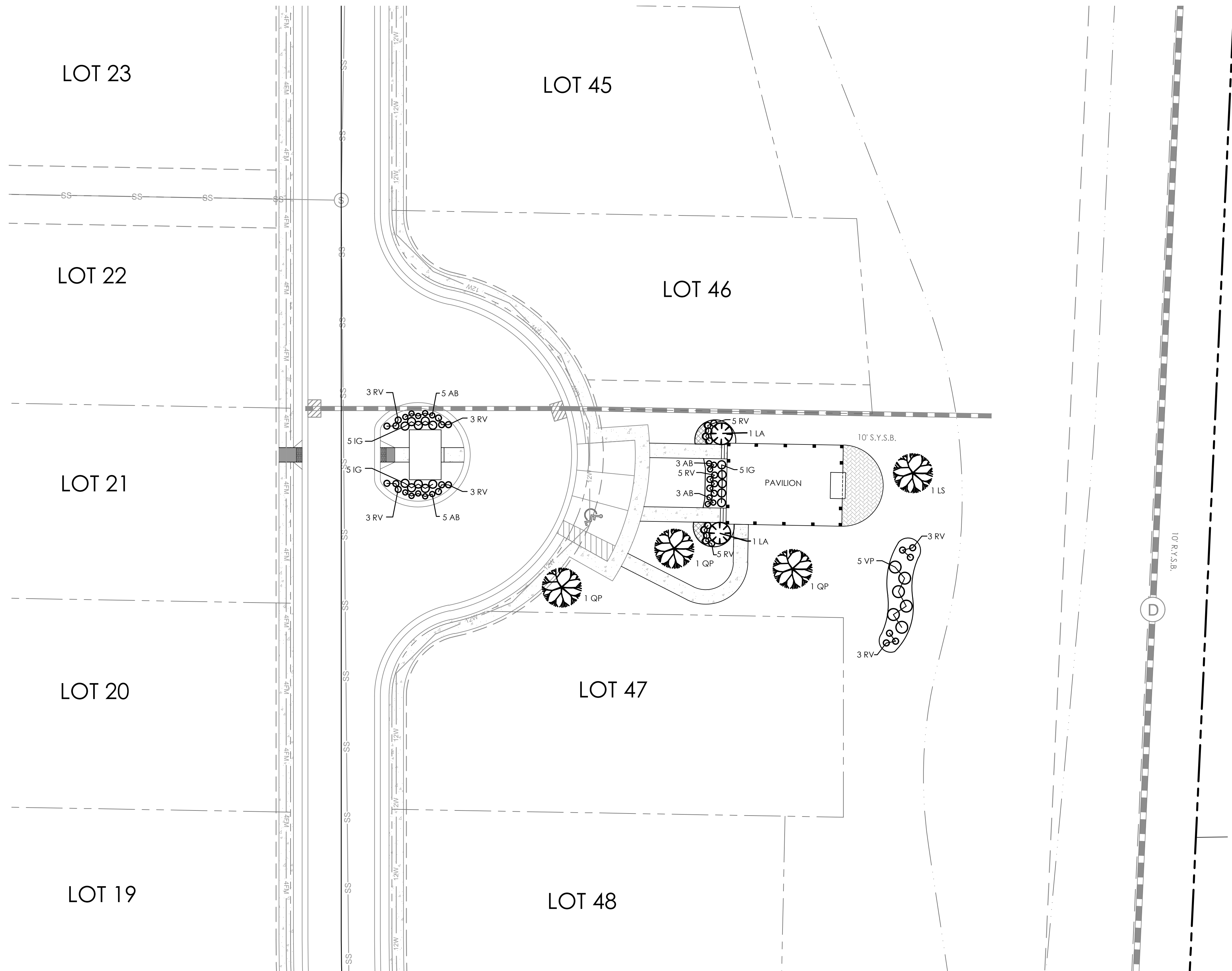
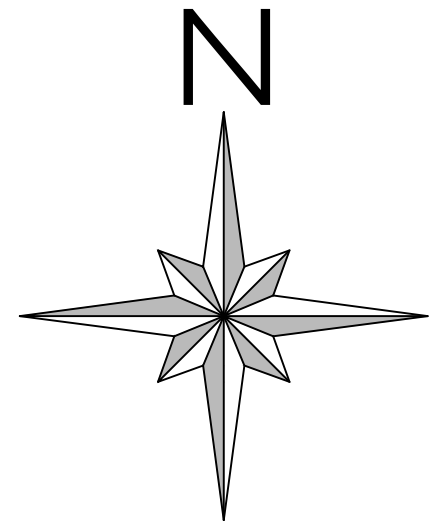
REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|---------|---|
| 1 | 9-29-21 | REVISIONS PER PZ COMMENTS DATED 9-28-21 |

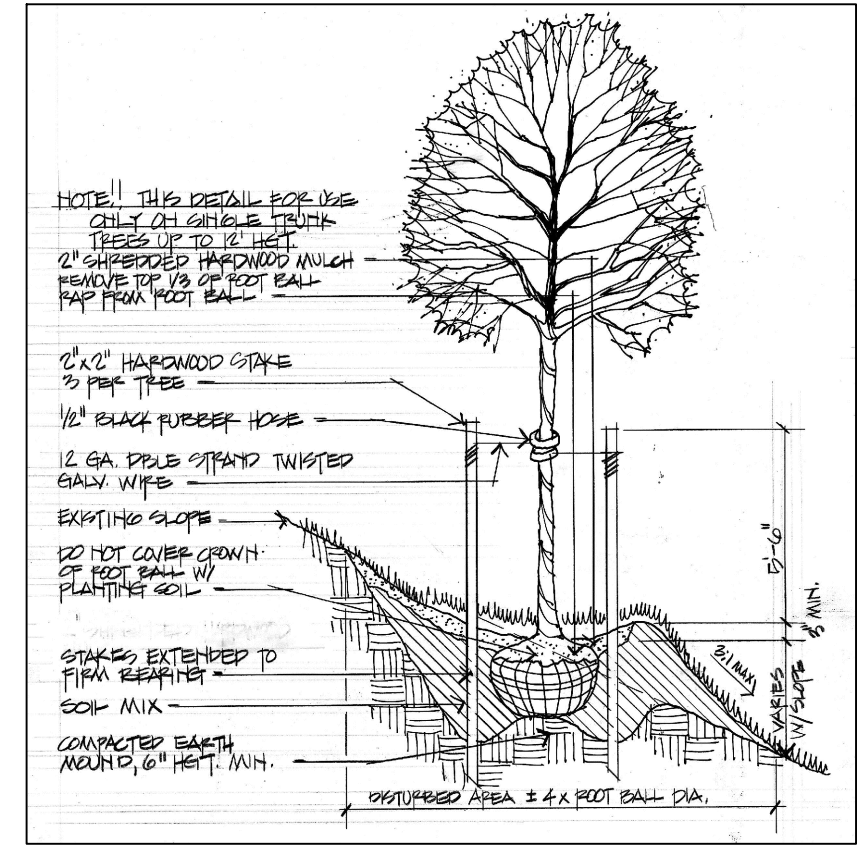
EROSION & SEDIMENT CONTROL PLAN
 for
HAILEYS GLEN
 SUSSEX COUNTY, DELAWARE

Date: 07-28-21
 Job Number: 17039
 Scale: 1"=10'
 Drawn By: HHB
 Designed By: HHB
 Approved By: JIP

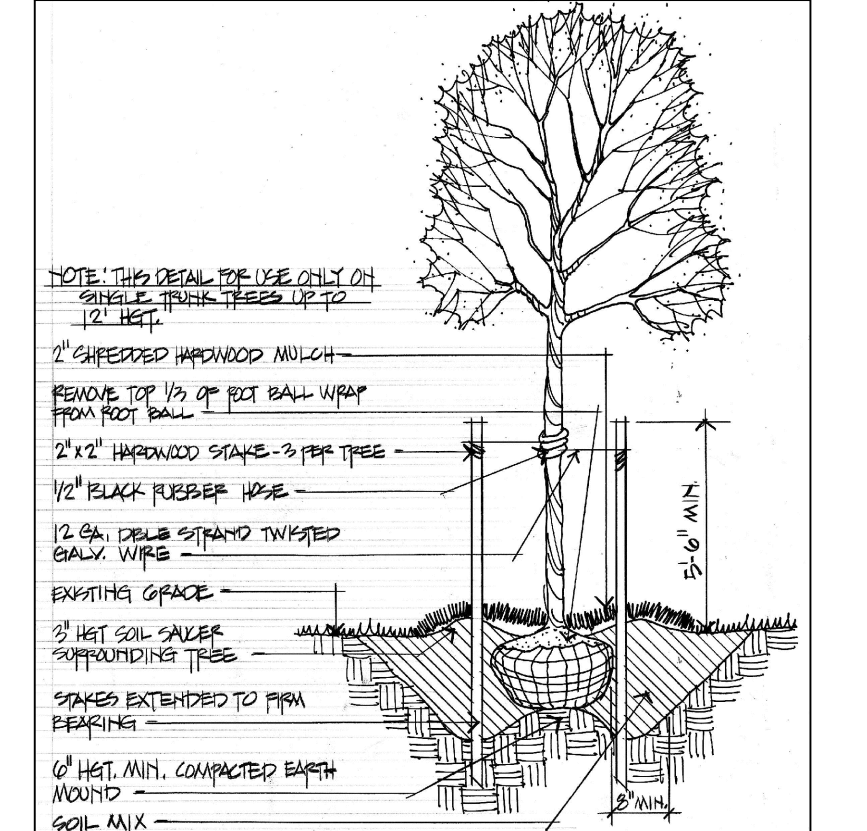
Sheet No.: **5**
 File Name: site



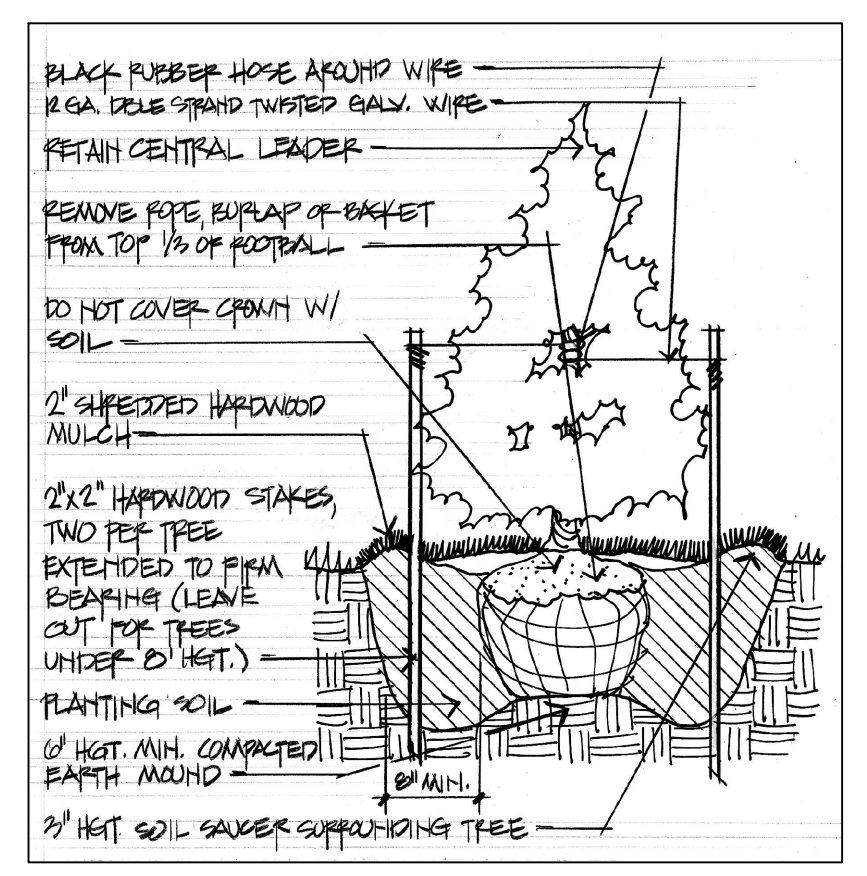
| PLANT KEY | | | |
|-----------|------|---|-------------|
| SYM. | ABB. | DESCRIPTION | SIZE |
| ☼ | LA | CRAPE MYRTLE LAGERSTROEMIA | 8-10' HT |
| ☼ | AR | SWEETGUM LIQUIDAMBAR STYRACIFLUA | 3.5-4' CAL. |
| ☼ | QP | PIN OAK QUESCUS PALUSTRIS | 2-2.5' CAL. |
| ○ | IG | INKBERRY ILEX GLABRA | 20-30" |
| ○ | AB | RED CHOKEBERRY ARONIA ARBUTIFOLIA | 18-24" |
| ○ | RV | SWAMP AZALEA RHODODENDRON VISCOSUM | 18-24" |
| ○ | VP | SUMMER SNOWFLAKE VIBURNUM VIBURNUM PLICATUM TOMENTOSUM | 24-30" |
| ▨ | AA | ANNUALS | 6" |



TREE PLANTING ON SLOPE DETAIL



DECIDUOUS TREE PLANTING DETAIL



EVERGREEN TREE PLANTING DETAIL



| REVISIONS | | DESCRIPTION |
|-----------|---------|---|
| NO. | DATE | REVISIONS PER PZ COMMENTS DATED 9-28-21 |
| 1 | 9-29-21 | |

LANDSCAPE PLAN
for
HAILEYS GLEN
SUSSEX COUNTY, DELAWARE

| | |
|--------------|----------|
| Date: | 07-28-21 |
| Job Number: | 17039 |
| Scale: | 1"=20' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JIP |

Sheet No.: 6

File Name: landscape

February 10, 2022

VIA E-MAIL

Sussex County Planning and Zoning Department
c/o Michael Lowrey
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Minor Subdivision – Frank & Susan Deford – Tax Map No. 131-13.00-40.00

To Whom It May Concern:

Our office represents the Delaware Agricultural Lands Preservation Foundation.

We wish to advise that the Foundation has no objection to the proposed subdivision as described in that certain Minor Subdivision Plan dated February 7, 2022, as prepared by Cotten Engineering LLC, and relating to proposed Lot 1 consisting of 0.955 acres. We would note that this property is subject to an Agricultural Lands Preservation Easement and any transfer of Lot 1 must be in compliance with said Preservation Easement. Furthermore, prior to the recordation of any deed transferring Lot 1, an Acknowledgement must be signed by the Grantor and Grantee pursuant to 3 Del. C. § 909.

Thank you for your attention to this matter. If there is a need to discuss any of the foregoing, please do not hesitate to give me a call.

Sincerely,

PARKOWSKI, GUERKE & SWAYZE, P.A.

/s/ Shane C. Heberling

cc: S-15-12-034T



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

NICOLE MAJESKI
SECRETARY

February 08, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

**SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Lands of Frank DeFord**
Tax Parcel # 131-13.00-40.00
SCR00560A-HARTZELL ROAD
Northwest Fork Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated January 28, 2022 (signed and sealed February 7, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other

Lands of Frank DeFord
Mr. Jamie Whitehouse
Page 2
February 08, 2022

reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

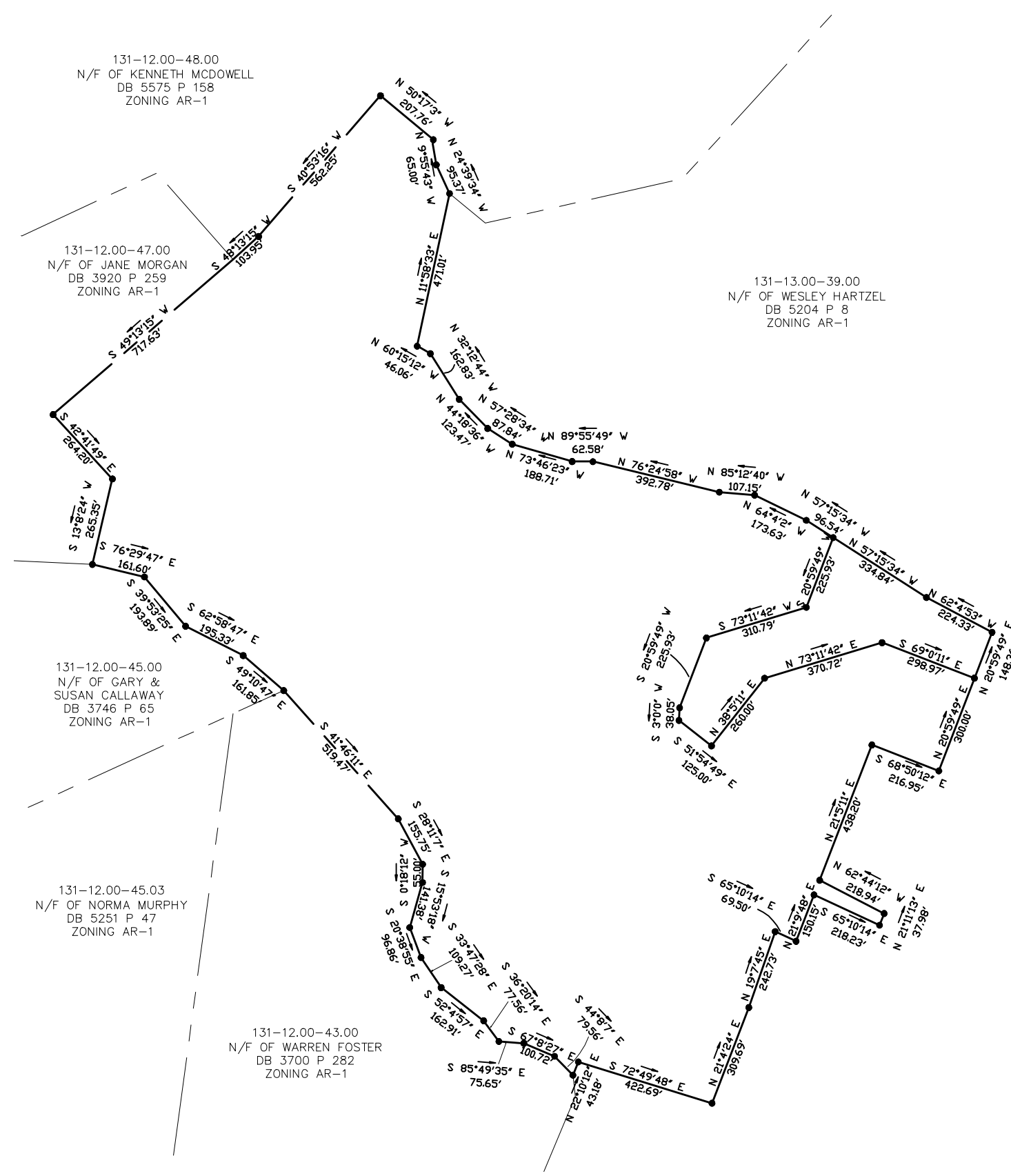
The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,

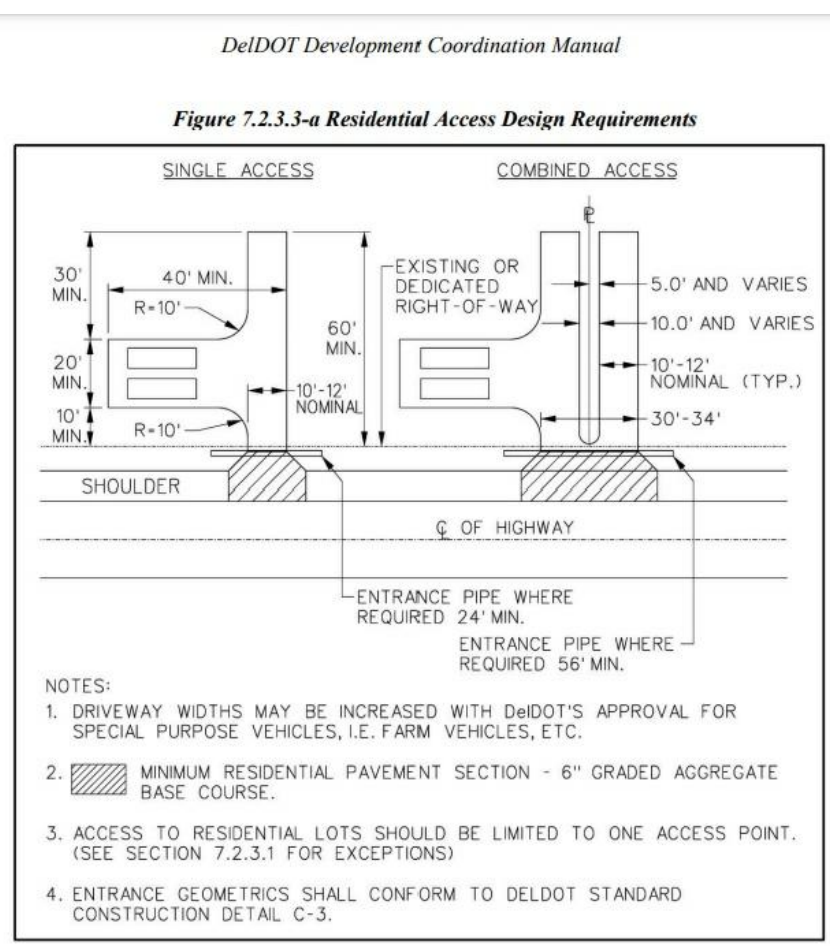


R. Stephen McCabe
Sussex County Review Coordinator
Development Coordination

cc: John Darden, Cotten Engineering, LLC
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Wendy L. Polasko, P.E., Subdivision Engineer
John Andrescavage, Sussex County Reviewer



ENTIRE SITE
1"=400'

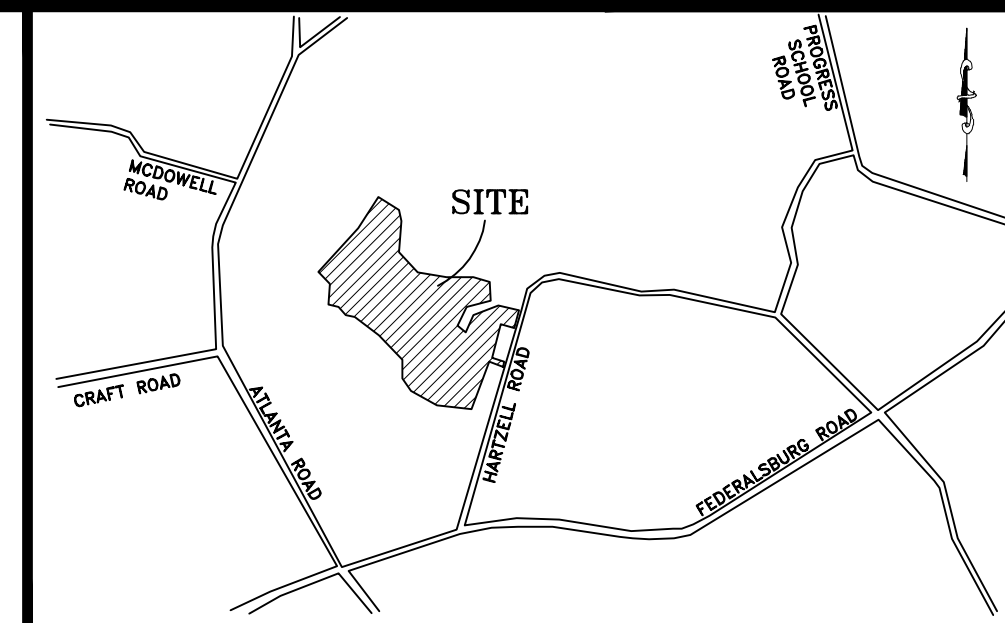
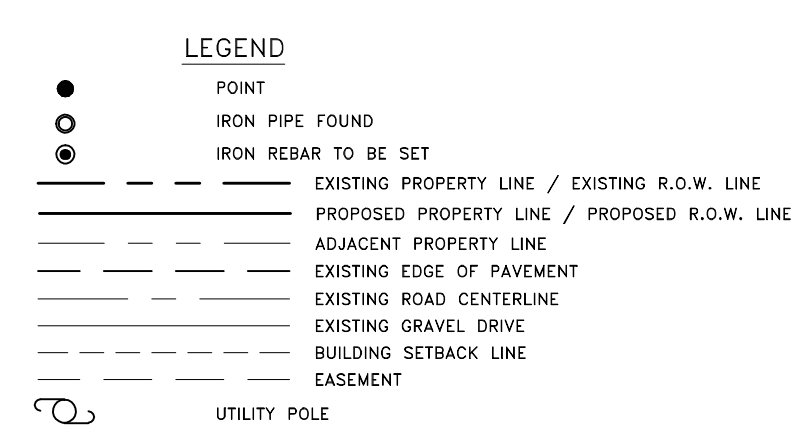


MINOR SUBDIVISION PLAN NOTES

- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- LOT 1 SHALL HAVE ACCESS TO SCR560A VIA THE PROPOSED EASEMENT FOR INGRESS/EGRESS. THE RESIDUAL LOT SHALL HAVE ACCESS TO SCR 560A VIA THE PROPOSED EASEMENT FOR INGRESS/EGRESS.
- PRIVATE STREETS WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17, SECTION 131). DELDOT ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ENTRANCES TO PRIVATE STREETS SERVING MULTIPLE RESIDENTIAL LOTS SHOULD BE PAVED, FROM THE EDGE OF THE TRAVEL LANE TO THE ROW LINE (AT A MINIMUM) WITH A DRIVEWAY/THROAT WIDTH OF 16 TO 24 FEET. REFER TO DELDOT DCIM SECTION 3.3.3.

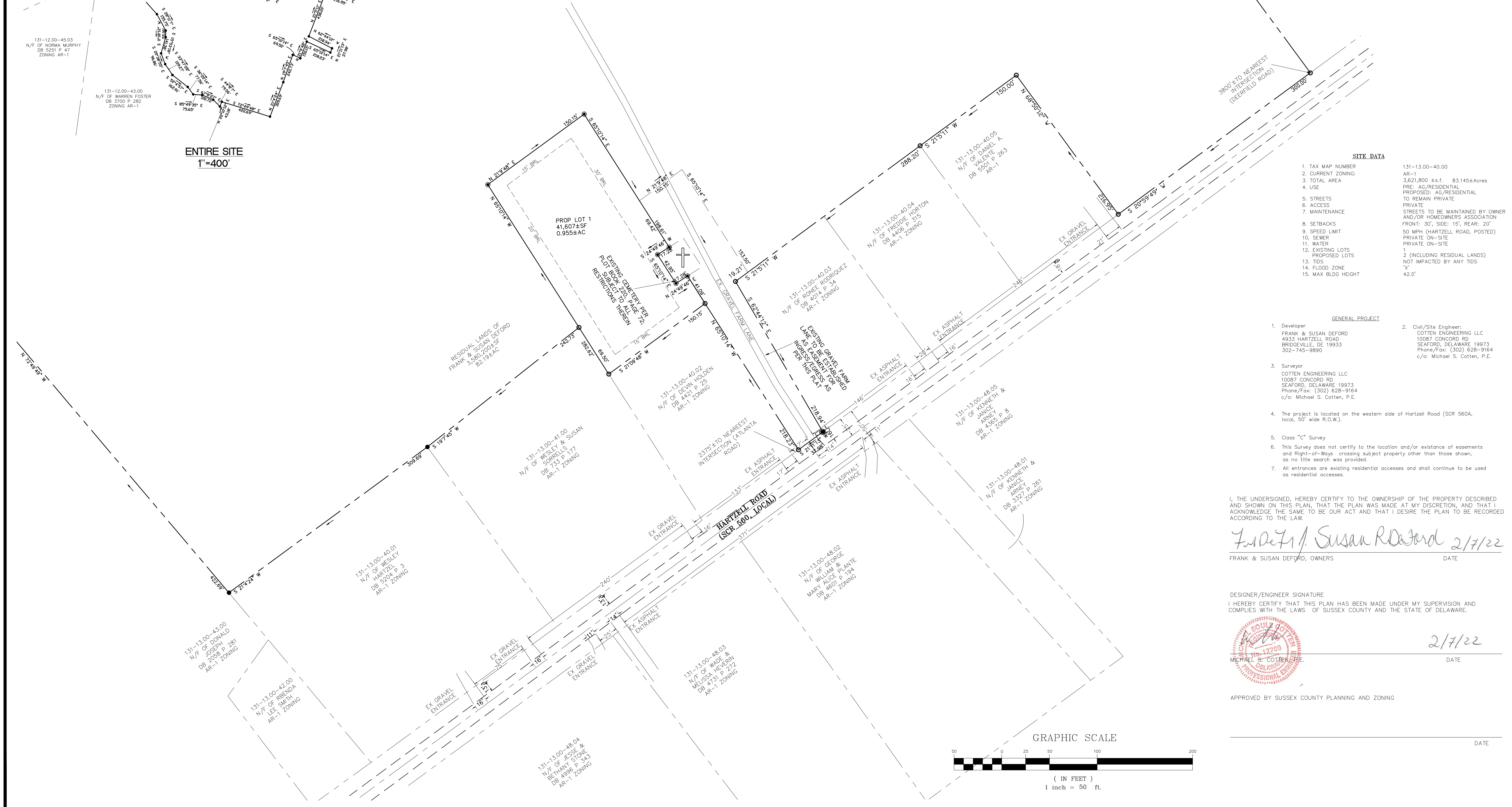
PRIOR TO ANY CONSTRUCTION ACTIVITIES, PERMITS AND/OR APPROVALS MAY BE REQUIRED FROM:

- A) SUSSEX CONSERVATION DISTRICT.....(302) 856-7219
- B) FIRE MARSHAL.....(302) 856-5298
- C) SUSSEX COUNTY UTILITY CONSTRUCTION DIVISION.....(302) 855-7717
- D) DELAWARE HEALTH & SOCIAL SERVICES-DIVISION OF HEALTH.....(302) 739-7431
- E) SUSSEX COUNTY ASSESSMENT OFFICE.....(302) 855-7824
- F) SUSSEX COUNTY PLANNING AND ZONING.....(302) 855-7878
- G) DELDOT.....(302) 853-1340
- H) DNREC.....(302) 739-5931



LOCATION MAP
1" = 1/2 MILE

- NOTES
- TITLE REFERENCED TO DEED BOOK 4462, PAGE 264.
 - SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE.
 - THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY EASEMENTS OR RIGHT-OF-WAYS AFFECTING THE PROPERTIES SHOWN HEREIN.
 - THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS ON THIS PROPERTY. NO DELINEATION WAS PERFORMED OR PROVIDED.



SITE DATA

- TAX MAP NUMBER: 131-13.00-40.00
- CURRENT ZONING: AR-1
- TOTAL AREA: 3,621,800 ± s.f. 83.145± Acres
- USE: PREL. AG/RESIDENTIAL
- STREETS: PROPOSED: AG/RESIDENTIAL TO REMAIN PRIVATE
- ACCESS: PRIVATE
- MAINTENANCE: STREETS TO BE MAINTAINED BY OWNER AND/OR HOMEOWNERS ASSOCIATION
- SETBACKS: FRONT: 30', SIDE: 15', REAR: 20'
- SPEED LIMIT: 50 MPH (HARTZELL ROAD, POSTED)
- SEWER: PRIVATE ON-SITE
- WATER: PRIVATE ON-SITE
- EXISTING LOTS: 2 (INCLUDING RESIDUAL LANDS)
- TIDS: NOT IMPACTED BY ANY TIDS
- FLOOD ZONE: 'X'
- MAX BLDG HEIGHT: 42.0'

GENERAL PROJECT

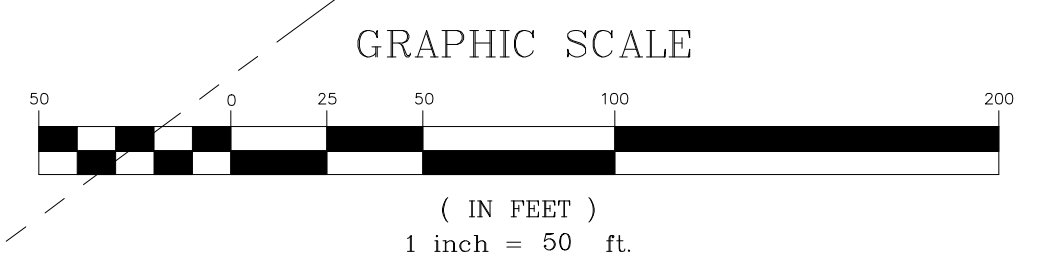
- Developer: FRANK & SUSAN DEFORD, 4933 HARTZELL ROAD, BRIDGEVILLE, DE 19933, Phone/Fax: (302) 628-9164
- Civil/Site Engineer: COTTEN ENGINEERING LLC, 10087 CONCORD RD, SEAFORD, DELAWARE 19973, Phone/Fax: (302) 628-9164, c/o: Michael S. Cotten, P.E.
- Surveyor: COTTEN ENGINEERING LLC, 10087 CONCORD RD, SEAFORD, DELAWARE 19973, Phone/Fax: (302) 628-9164, c/o: Michael S. Cotten, P.E.
- The project is located on the western side of Hartzell Road (SCR 560A, local, 50' wide R.O.W.).
- Class "C" Survey
- This Survey does not certify to the location and/or existence of easements and Right-of-Ways crossing subject property other than those shown, as no title search was provided.
- All entrances are existing residential accesses and shall continue to be used as residential accesses.

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DISCRETION, AND THAT I ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

Susan Deford 2/7/22
FRANK & SUSAN DEFORD, OWNERS DATE

DESIGNER/ENGINEER SIGNATURE
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN MADE UNDER MY SUPERVISION AND COMPLIES WITH THE LAWS OF SUSSEX COUNTY AND THE STATE OF DELAWARE.
Michael S. Cotten 2/7/22
MICHAEL S. COTTEN, P.E. DATE

APPROVED BY SUSSEX COUNTY PLANNING AND ZONING



| | | | | | | |
|---|--------------------|-----------------------------|----|----|----|----|
| # | 1. | 2. | 3. | 4. | 5. | 6. |
| | INITIAL SUBMISSION | REQUEST FOR FINAL SUBMITTAL | | | | |
| | 01/28/22 | 02/05/22 | | | | |

MINOR SUBDIVISION OF LANDS OF
FRANK + SUSAN DEFORD
COTTEN ENGINEERING LLC
CIVIL ENGINEERING, SURVEYING, ENVIRONMENTAL PLANNING
CONSULTANTS
10087 CONCORD RD
SEAFORD DE 19973
PH: (302) 628-9164
FAX: (302) 628-9164

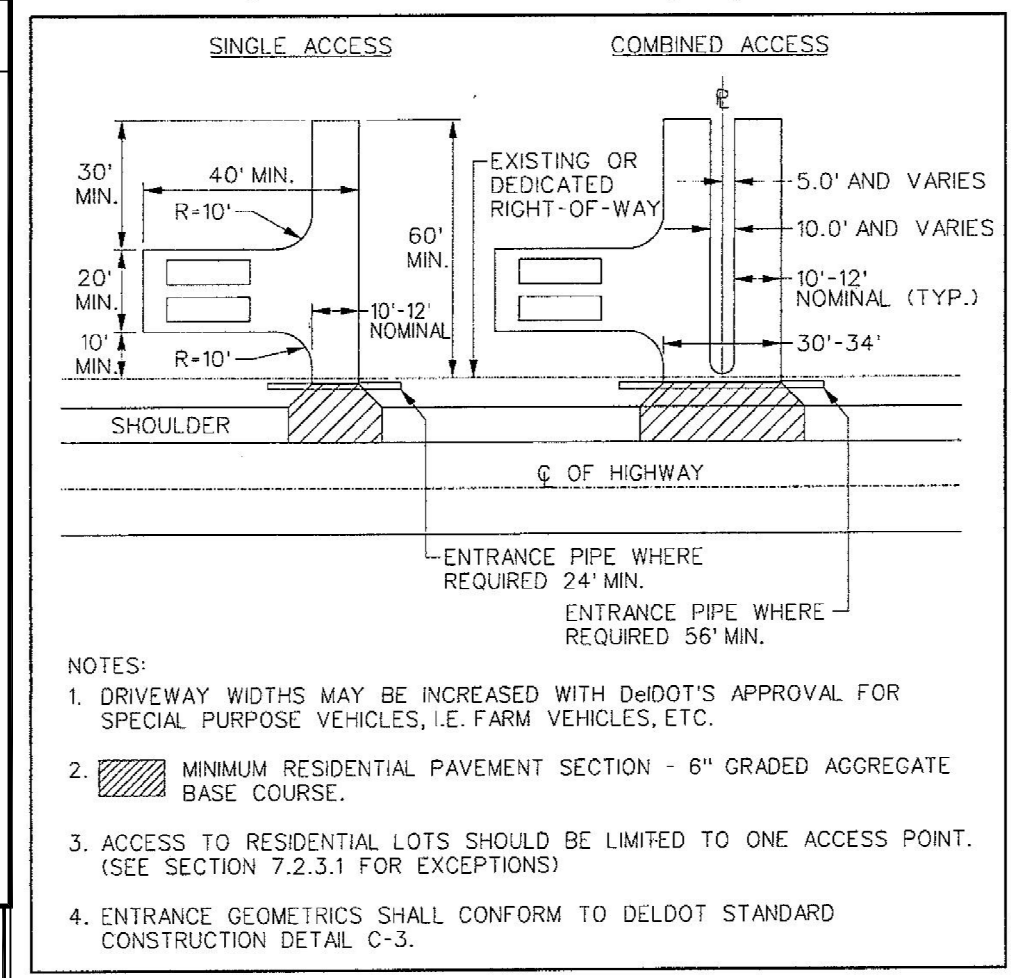
MICHAEL S. COTTEN, P.E.
LICENSE # 12769

MINOR SUBDIVISION PLAN
OF LANDS N/F OF
FRANK & SUSAN DEFORD
NW SIDE OF HARTZELL ROAD
BRIDGEVILLE, DE 19933
NORTHWEST FORK HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP # 131-13.00-40.00

| | |
|-----------|----------|
| SCALE: | AS SHOWN |
| DESIGNED: | CE |
| PLANNED: | CE |
| DRAWN: | JCD |
| APPROVED: | MC |
| JOB: | 21-661 |
| SHEET NO. | 1 OF 1 |

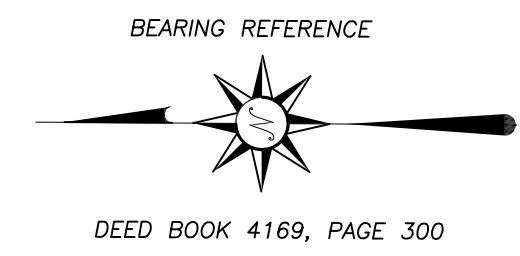
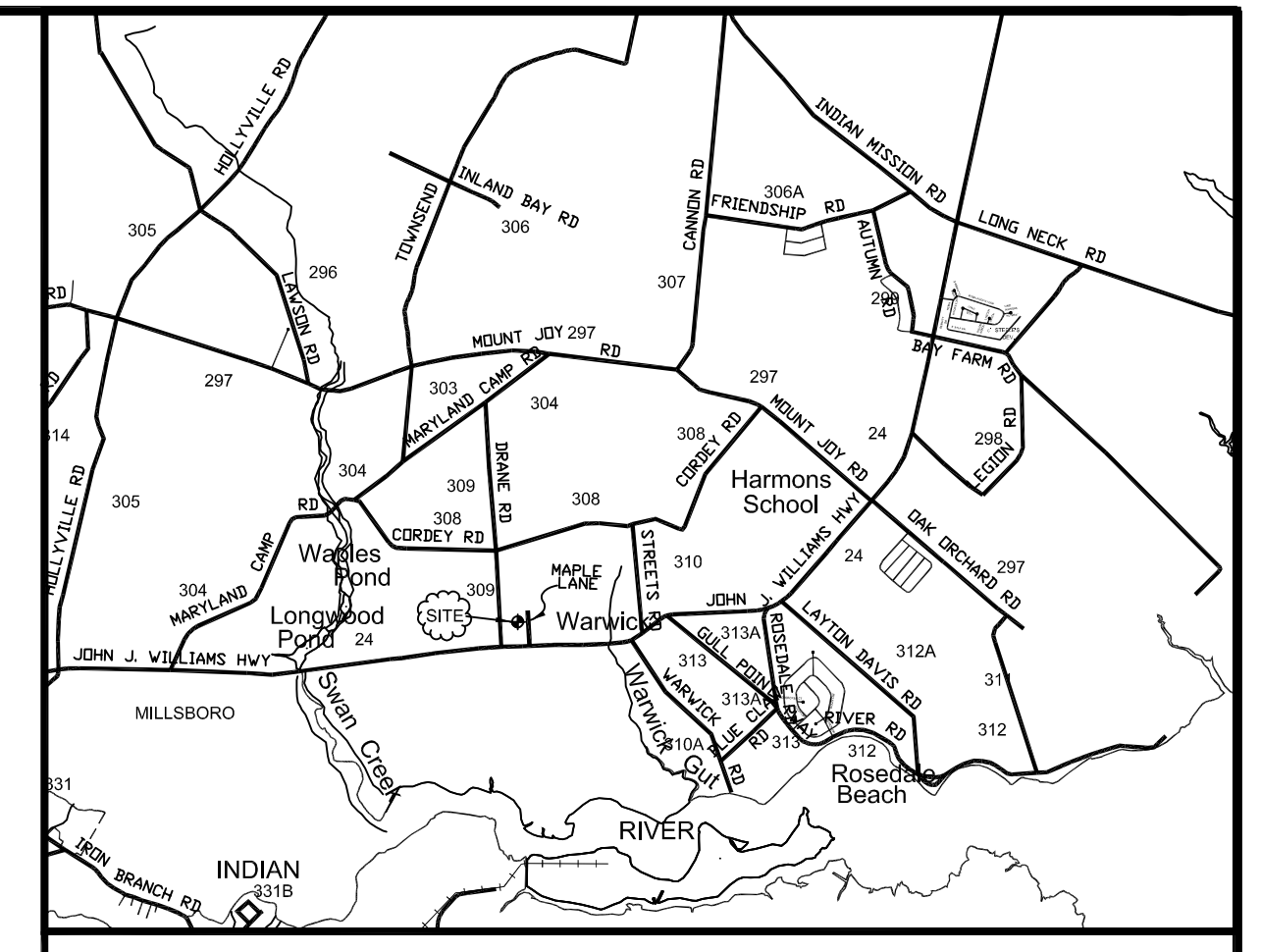
DELDOT NOTES:

- 1) ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- 2) SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- 3) LOT 1 & THE RESIDUAL LANDS SHALL HAVE ACCESS TO & FROM SCR 24 VIA THE EXISTING PRIVATE ROAD KNOWN AS MAPLE LANE, AS SHOWN HEREON.
- 4) OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
- 5) THERE ARE NO TRANSPORTATION IMPROVEMENT DISTRICTS IN THE AREA.



PRIVATE ROAD MAINTENANCE AGREEMENT:

IT IS THE RESPONSIBILITY OF DEREK T. CAMPBELL, STACEY CAMPBELL, DAREN S. CAMPBELL, MATOYA CAMPBELL-ELEY & KERMIT W. CAMPBELL, JR., AS LONG AS THEY OWN THIS PROPERTY, & FUTURE OWNERS OF LOT 1 & THE RESIDUAL LANDS TO MAINTAIN THE STONE ROAD THAT RUNS INSIDE OF THE 40' WIDE EASEMENT THAT PROVIDES INGRESS & EGRESS TO THESE LOTS SO THAT IT REMAINS PASSABLE.

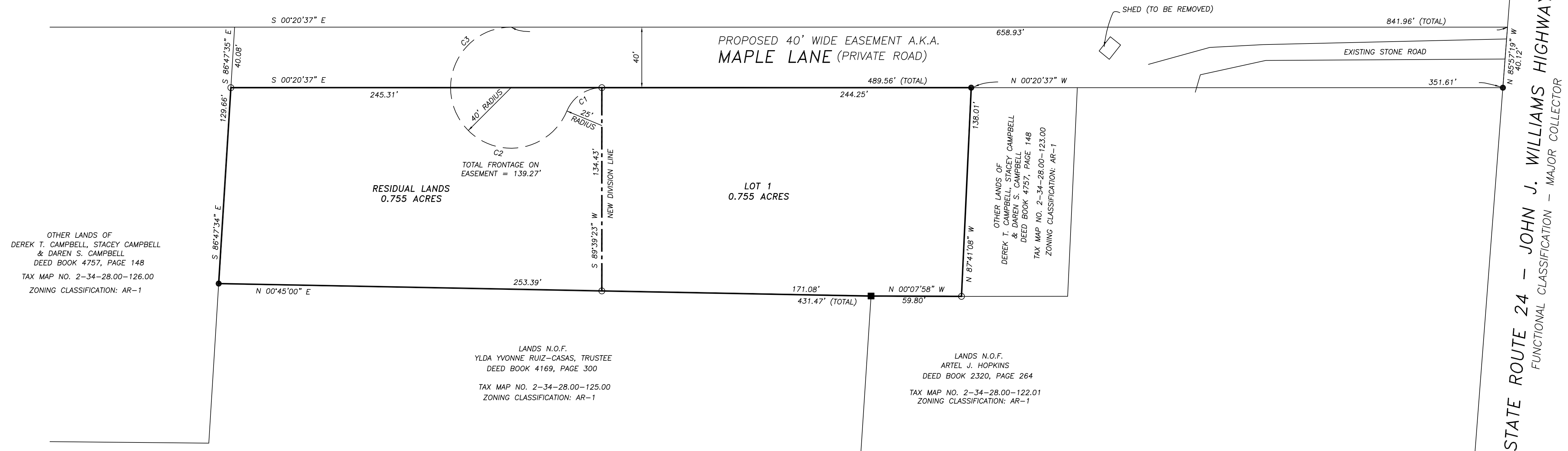


DATA COLUMN:

- 1) TAX MAP NO. 2-34-28.00-124.00 (PORTION OF)
- 2) ZONING CLASSIFICATION: AR-1
- 3) TOTAL NUMBER OF NEW LOTS - 1 + RESIDUAL
- 4) SETBACKS: FRONT - 40'
SIDE - 15'
REAR - 20'
- 5) TOTAL ACREAGE PRIOR TO SUBDIVISION - 1.510 ACRES
- 6) TOTAL ACREAGE WITHIN EACH LOT
LOT 1 - 0.755 ACRES
- 7) RESIDUAL AREA - 0.755 ACRES
- 8) RESIDUAL FRONTAGE - 245.31'
- 9) NUMBER OF PERMANENT MONUMENTS, FOUND - 3, SET - 4
- 10) TYPE OF UTILITIES - WELL & SEPTIC (ON SITE)
- 11) THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE X, OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, FEMA PANEL 10005C0476K, EFFECTIVE 03/16/2015.
- 12) PRESENT USE - AGRICULTURAL
- 13) PROPOSED USE - RESIDENTIAL
- 14) OWNERS:
DEREK T. CAMPBELL, STACEY CAMPBELL, DAREN S. CAMPBELL
MATOYA CAMPBELL-ELEY & KERMIT W. CAMPBELL, JR.
3418 YARNELL COURT
WALDORF, MD 20603
571-258-9391
dscamp48@gmail.com

CURVE DATA:

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|--------|------------|--------------|---------------|-------------|
| C1 | 25.00' | 29.40' | 27.74' | S 34°02'01" E | 67°22'48" |
| C2 | 40.00' | 109.83' | 78.45' | S 10°57'59" W | 157°22'48" |
| C3 | 40.00' | 62.83' | 56.57' | N 49°20'37" W | 90°00'00" |



AGRICULTURAL USE PROTECTION NOTE:

THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND 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 NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS.

SURVEYOR'S CERTIFICATION:

I, DOUGLAS J. ANNAND, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRINCIPALS AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DOUGLAS J. ANNAND, PLS 622 DATE

OWNER'S CERTIFICATION:

WE, THE UNDERSIGNED, DEREK T. CAMPBELL, STACEY CAMPBELL, DAREN S. CAMPBELL, MATOYA CAMPBELL-ELEY & KERMIT W. CAMPBELL, JR. ARE THE LEGAL OWNERS 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 OUR ACT AND THAT WE DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DEREK T. CAMPBELL DATE

STACEY CAMPBELL DATE

DAREN S. CAMPBELL DATE

MATOYA CAMPBELL-ELEY DATE

KERMIT W. CAMPBELL, JR. DATE

LEGEND:

- FOUND IRON BAR
- FOUND CONCRETE MONUMENT
- SET IRON PIPE
- EXISTING PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- - - EASEMENT LINE

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 4767, PAGE 142
- 3) THERE ARE NO BUILDINGS ON THE ENTIRE SITE.



PRELIMINARY MINOR SUBDIVISION SURVEY PLAN
PREPARED FOR
**DEREK T. CAMPBELL, STACEY CAMPBELL,
DAREN S. CAMPBELL, KERMIT W. CAMPBELL, JR.
& MATOYA CAMPBELL-ELEY**

SITUATED IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
SCALE: 1" = 50'
DATE: FEBRUARY 1, 2022

PREPARED BY
DOUGLAS J. ANNAND
PROFESSIONAL LAND SURVEYOR
10027 NORTH OLD STATE ROAD
LINCOLN, DELAWARE 19960
TELEPHONE: 302-448-0320
douglassannand7@gmail.com

DOUGLAS J. ANNAND, PLS 622



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

NICOLE MAJESKI
SECRETARY

January 05, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Frances J. Reed Subdivision
Tax Parcel # 430-16.00-29.06
SCR00040-REDDEN ROAD
SCR00591-APPLE TREE ROAD
Nanticoke Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated December 20, 2021 (signed by the Owner on December 28, 2021), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards.



Frances J. Reed Subdivision
Mr. Jamie Whitehouse
Page 2
January 05, 2022

Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,



R. Stephen McCabe
Sussex County Review Coordinator
Development Coordination

cc: Carlton Savage, Scaled Engineering, Inc.
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Wendy L. Polasko, P.E., Subdivision Engineer
Derek Sapp, Subdivision Manager, Development Coordination



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT –

Plan Review Number: 2021-04-209182-MIS-01

Tax Parcel Number: 430-16.00-29.06

Status: Approved as Submitted

Date: 12/28/2021

Project

Reed Subdivision

17386 Apple Tree Road
Bridgeville DE 19933

Frances Reed Property

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 72 - Bridgeville Volunteer Fire Co

Occupant Load Inside:

Occupancy Code: 9601

Applicant

Carlton Savage
20246 Coastal Hwy
Rehoboth, DE 19971

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:

Desiree McCall

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2021-04-209182-MIS-01

Tax Parcel Number: 430-16.00-29.06

Status: Approved as Submitted

Date: 12/28/2021

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1093 A** In the case of one and two-family dwellings emergency service access shall be provided in such a manner so that emergency apparatus will be able to locate within 100 feet from the street to the primary entrance. Where alleys are provided, pumpers shall be able to access all portions of the alley without strict restrictions for entrance radii. (DSFPR Regulation 705, Chapter 5, Sections 2.2 and 2.2.1).
- 1171 A** Any dead end road more than 300 feet in length shall be provided with a turn around or cul-de-sac arranged such that emergency apparatus will be able to turn around by making not more than one backing maneuver. Any turn-arounds and cul-de-sacs shall be designed in accordance with DSFPR Regulation 705, Chapter 2, Sections 2.3, 2.3.1, and 2.3.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1010 A** The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please

have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

SITE DATA:

- TAX MAP NUMBER: 430-16.00-29.06
- ADDRESS: 17386 APPLE TREE ROAD, BRIDGEVILLE, DELAWARE 19933
- OWNER: FRANCES J REED
18164 PROGRESS SCHOOL RD
BRIDGEVILLE, DELAWARE 19933
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL
PROPOSED: 3 LOT SUBDIVISION
- BUILDING SETBACKS (FOR PROPOSED LOTS):
AR-1 (AGRICULTURAL RESIDENTIAL):
FRONT 40' (APPLE TREE & REDDEN ROADS)
SIDE 15'
REAR 20'
- LOT REQUIREMENTS: AREA 32,670 S.F. (0.75 ACRE)
WIDTH 100'
DEPTH 100'
- TOTAL NUMBER OF LOTS: EXISTING: 1
PROPOSED: 2 (INCLUDING THE RESIDUAL)
- AREA: 430-16.00-29.06 - EXISTING: 1,797,692 S.F. (41.27 AC)
PROPOSED LOT 1: 439,093 S.F. (10.08 AC)
PROPOSED (RESIDUAL): 1,358,599 S.F. (31.19 AC)
- AREA AFFECTED BY ADJUSTMENT: 41.27 AC
- POSTED SPEED LIMIT: 50 MPH
- SEWER PROVIDER: ON-SITE WELL
- WATER PROVIDER: ON-SITE SEPTIC
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0280K REVISED MARCH 16, 2015 (ZONE X AND AE).
- FEDERAL WETLANDS ARE ON SITE AS SHOWN PER FWS NATIONAL WETLAND INVENTORY.
- PROXIMITY TO DELDOT TID AREA: ± 21 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- RECHARGE AREA: EXCELLENT

NOTES:

THIS DRAWING DOES NOT VERIFY THE LOCATION, EXISTENCE, AND/OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS CROSSING THE SUBJECT PROPERTY.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE AND/OR NON-EXISTENCE OF WETLANDS OR PLANT SPECIES.

THIS DRAWING DOES NOT VERIFY UTILITIES, OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION PRIOR TO ANY CONSTRUCTION.

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

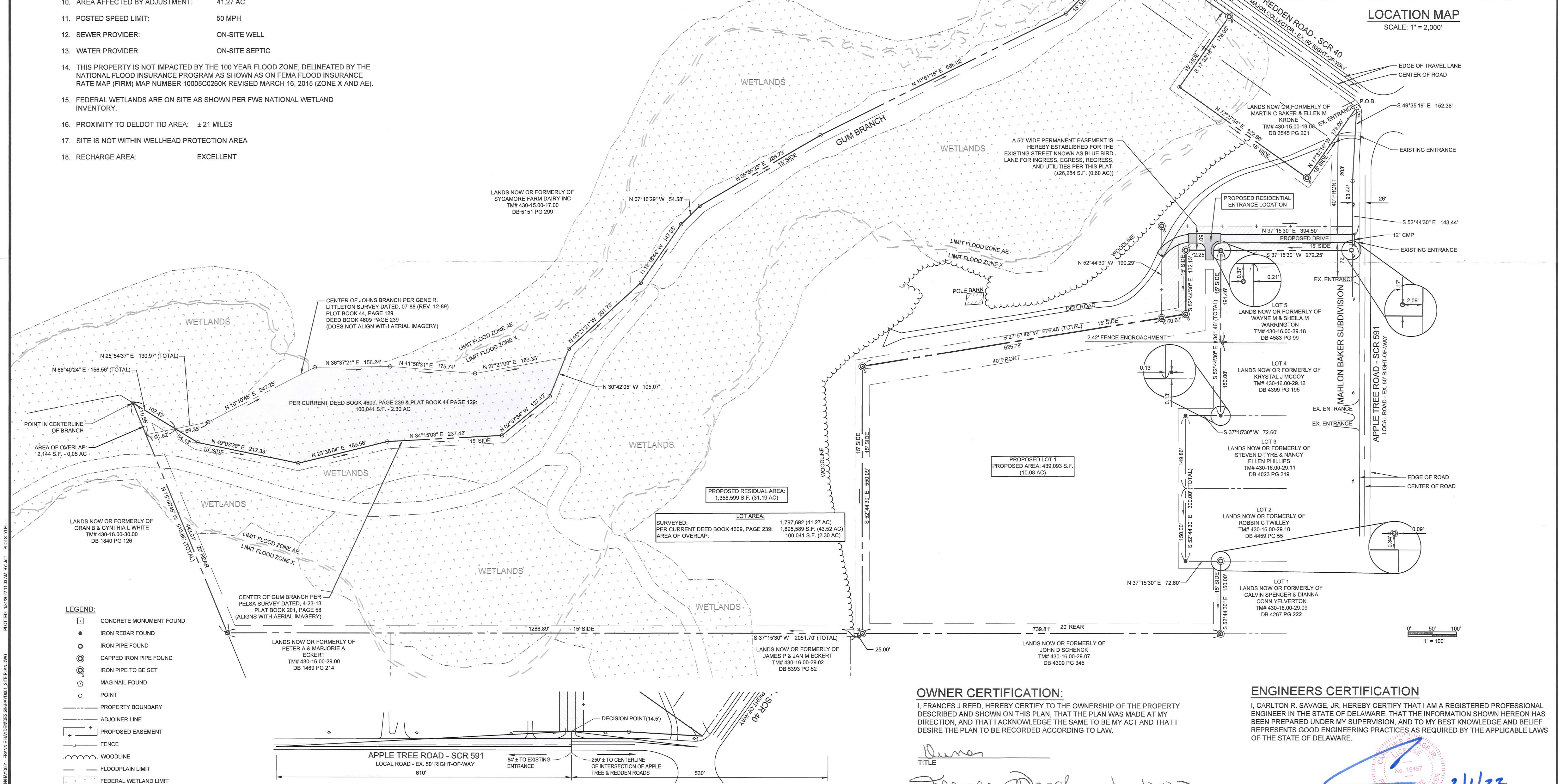
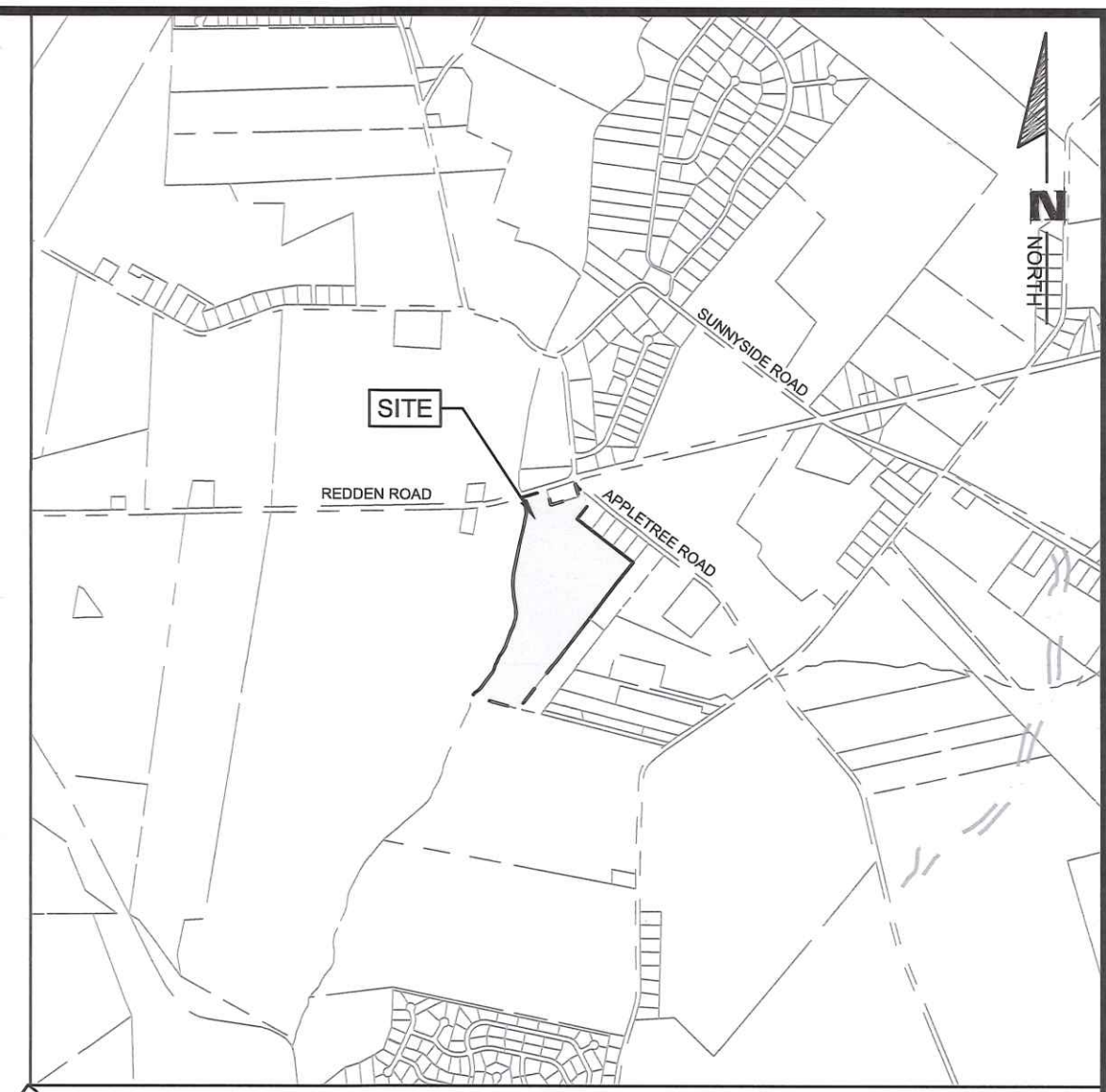
THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 3-4-21, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 4809 PAGE 239 (THE CURRENT DEED OF RECORD), PLAT BOOKS (44-129, 235-14, 67-133, 330-90, 322-37, & 201-58) AND OTHER DOCUMENTS OF PUBLIC RECORD. THIS PLAN HAS BEEN ROTATED TO DELAWARE STATE PLANE.

CLASS: RURAL

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

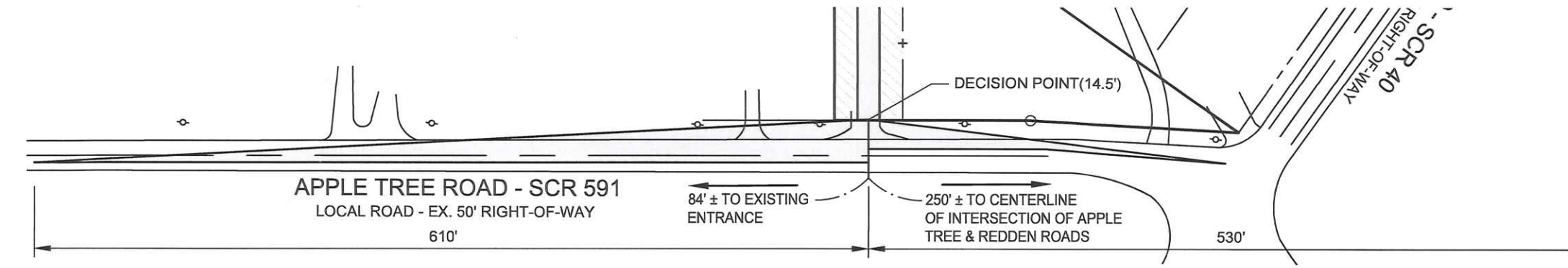
DELDOT NOTES:

- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- REFER TO DELDOT STANDARD DETAIL M-2 (2011) FOR RIGHT-OF-WAY MONUMENTS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- LOT 1, LOT 2 & LOT 3 SHALL HAVE ACCESS TO SCR 591 VIA A 50-FOOT WIDE INGRESS/EGRESS EASEMENT.



- LEGEND:**
- CONCRETE MONUMENT FOUND
 - IRON REBAR FOUND
 - IRON PIPE FOUND
 - CAPPED IRON PIPE FOUND
 - IRON PIPE TO BE SET
 - MAG NAIL FOUND
 - POINT
 - PROPERTY BOUNDARY
 - ADJOINER LINE
 - PROPOSED EASEMENT
 - FENCE
 - WOODLINE
 - FLOODPLAIN LIMIT
 - FEDERAL WETLAND LIMIT
 - BUILDING

SIGHT DISTANCE TRIANGLE



OWNER CERTIFICATION:
I, FRANCES J REED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

Frances J Reed
FRANCES J REED
18164 PROGRESS SCHOOL RD
BRIDGEVILLE, DELAWARE 19933

ENGINEERS CERTIFICATION:
I, CARLTON R. SAVAGE, JR. HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

Carlton R. Savage, Jr.
CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457)
DATE: 2/1/22

SCALED ENGINEERING
Scaled Engineering Inc.
20246 Coastal Highway
Rehoboth Beach, DE 19971
Phone: (302) 238-8680

PREPARED FOR
FRANCES J. REED
FOR PROPERTY KNOWN AS
17386 APPLE TREE ROAD, BRIDGEVILLE
TAX MAP # 430-16.00-29.06

| | |
|-------------|-----------------------------|
| 12-27-21 | REVISED PER DELDOT COMMENTS |
| 1-31-22 | REVISED PER SCP&Z COMMENTS |
| DATE: | 12-20-21 |
| SCALE: | 1" = 100' |
| DRAWN BY: | JRE |
| PROJECT NO. | HAYD001 |

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, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: 2021-27 Lands of Borders

Applicant: Matthew Borders
21767 Herons Crossing
Seaford, DE 19973

Owner: Delores Borders
32993 Herons Crossing
Seaford, DE 19973

Site Location: Lying on the east side of Herons Crossing approximately 270-feet north of Hearn's Pond Road (S.C.R. 544)

Current Zoning: Medium Residential (MR) Zoning District

Proposed Zoning: Medium Residential (MR) Zoning District

Comprehensive Land Use Plan Reference: Existing Development Area

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Seaford Volunteer Fire Department

Sewer: Septic

Water: Well

Site Area: 9.283 acres +/-

Tax Map ID.: 531-7.00-1.00



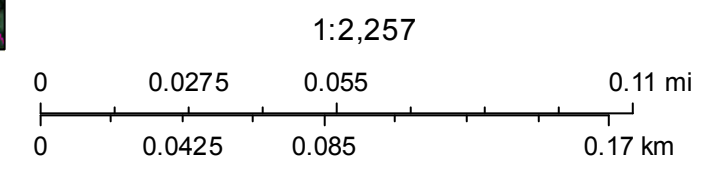


Sussex County



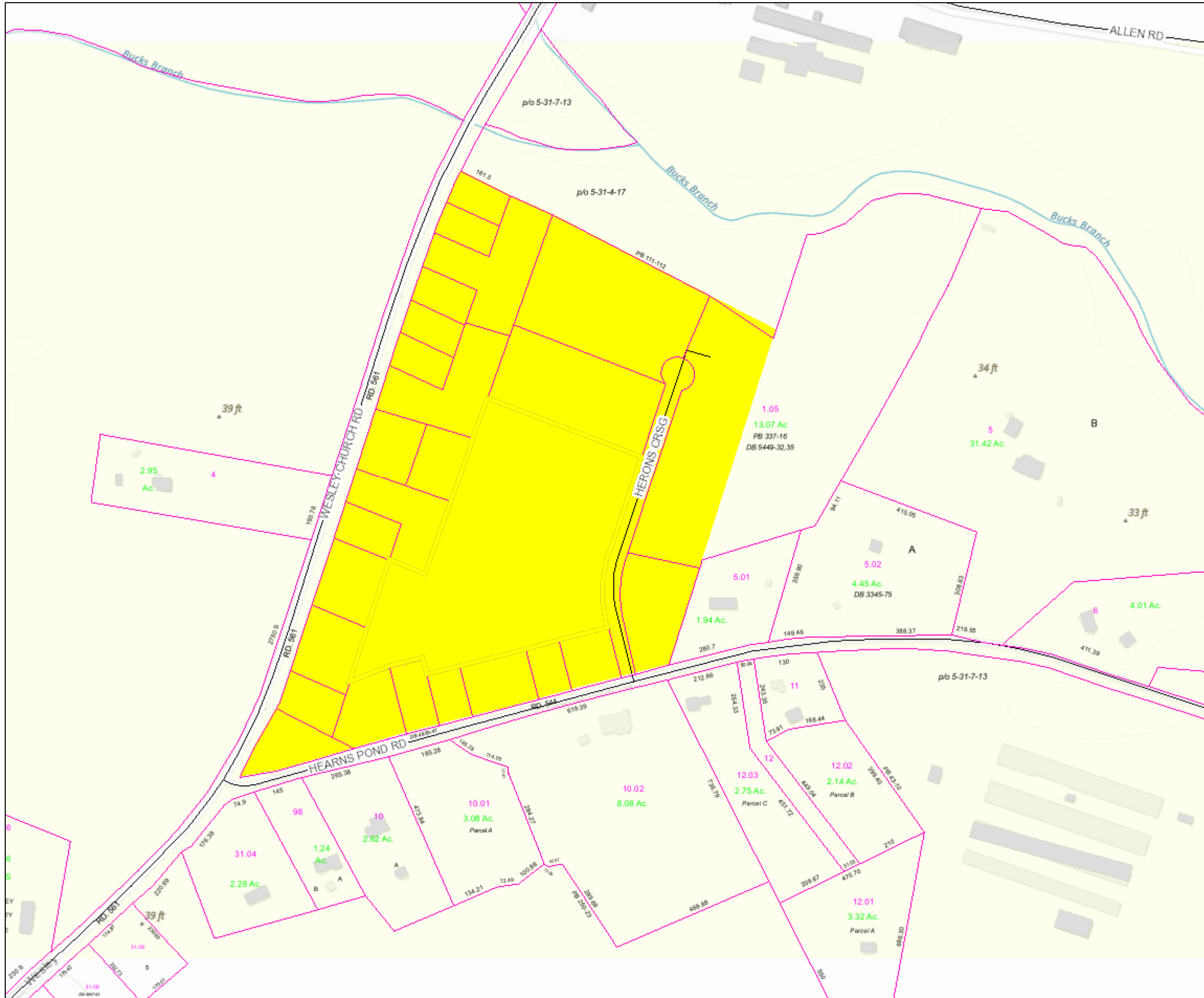
| | |
|------------------------|-----------------------|
| PIN: | 531-7.00-1.00 |
| Owner Name | BORDERS JACOB E |
| Book | 807 |
| Mailing Address | 21882 HERONS CROSSING |
| City | SEAFORD |
| State | DE |
| Description | N/RD 544 |
| Description 2 | 1180'E/RD 561 |
| Description 3 | LOT 3 REMAINING LAND |
| Land Code | |

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries





Sussex County



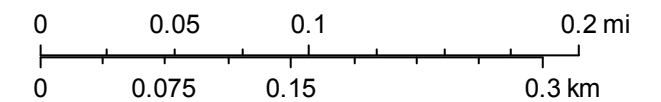
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- polygonLayer**

 - Override 1
- polygonLayer**

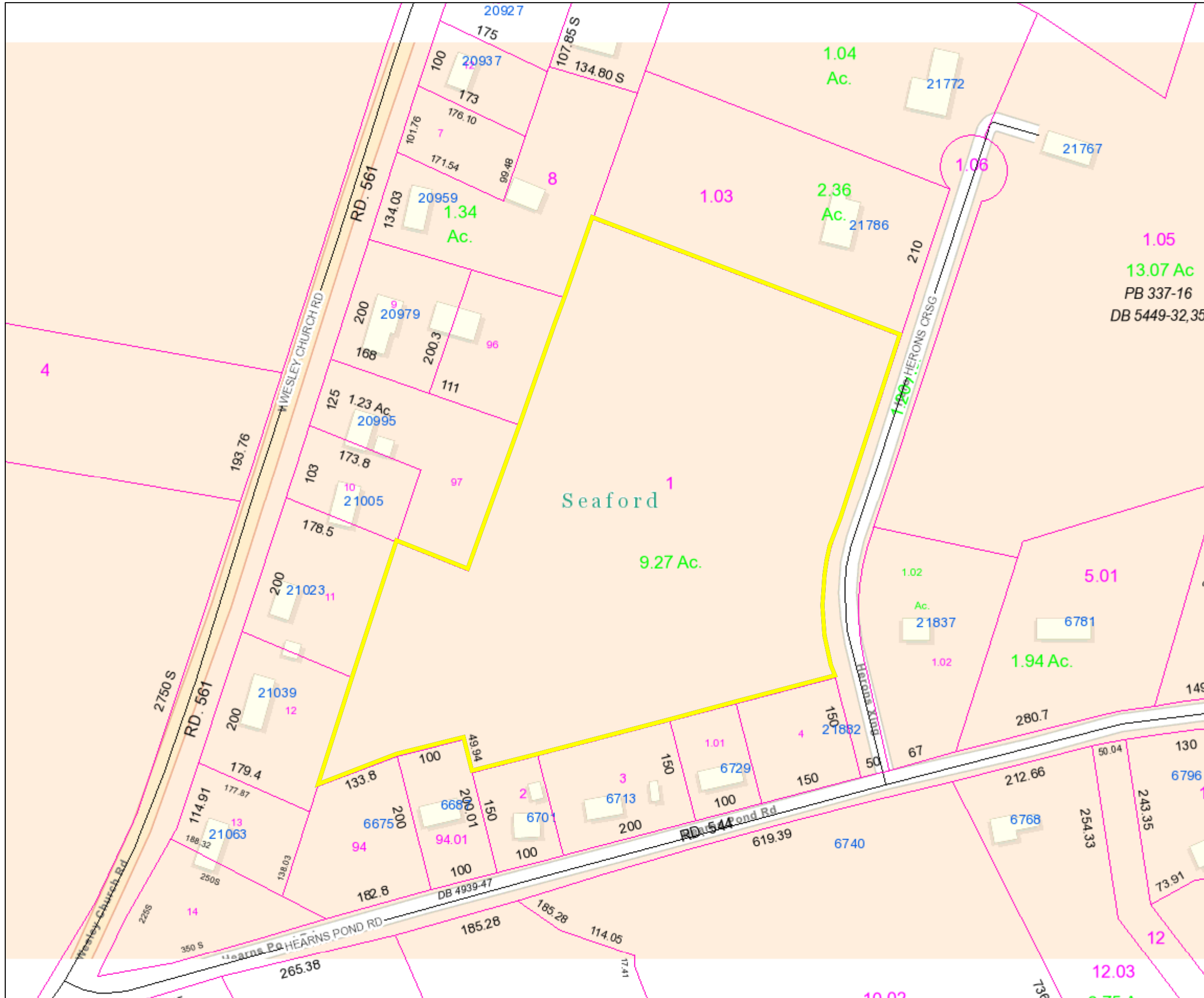
 - Override 1
- Tax Parcels
- Streets

1:4,514





Sussex County



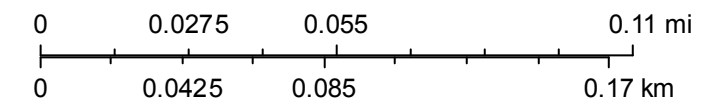
| | |
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| PIN: | 531-7.00-1.00 |
| Owner Name | BORDERS JACOB E |
| Book | 807 |
| Mailing Address | 21882 HERONS CROSSING |
| City | SEAFORD |
| State | DE |
| Description | N/RD 544 |
| Description 2 | 1180'E/RD 561 |
| Description 3 | LOT 3 REMAINING LAND |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- ⋯ Hundred Boundaries
- ⋯ County Boundaries

1:2,257



File #: 2021-27

Pre-App Date: _____

Sussex County Major Subdivision Application 202112878

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)

Standard:

Cluster:

Coastal Area:

Location of Subdivision:

Hérons Crossing (Private Drive), Seaford, DE

Proposed Name of Subdivision:

Lands of Borders

Tax Map #: 531-7.00-1.00

Total Acreage: 9.283

Zoning: MR

Density: 0.214

Minimum Lot Size: 3.733

Number of Lots: 2

Open Space Acres: n/a

Water Provider: On-Site Well

Sewer Provider: On-Site Septic

Applicant Information

Applicant Name: Matthew Borders

Applicant Address: 21767 Herons Crossing, Rd

City: Seaford

State: DE

Zip Code: 19973

Phone #: (302) 841-5002

E-mail: mattborders10@gmail.com

Owner Information

Owner Name: Delores S. Borders

Owner Address: 32993 Herons Crossing

City: Seaford

State: DE

Zip Code: 19973

Phone #: (302) 841-5002

E-mail: mattborders10@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David Heatwole

Agent/Attorney/Engineer Address: PO Box 2, 19 Commerce Street

City: Harrington

State: DE

Zip Code: 19952

Phone #: (302) 841-7901

E-mail: dave.heatwole@siteworkseng.com



Check List for Sussex County Major Subdivision Applications


The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
 - Provide compliance with Section 99-9.
 - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ✓ **Provide Fee \$500.00**
- **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.**
- n/a **PLUS Response Letter** (if required) n/a **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)
- ✓ **51% of property owners consent if applicable**

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 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: 8/30/21

Signature of Owner



Date: 8-30-21

For office use only:

Date Submitted: 8/30/21

Fee: \$500.00 Check #: 2108

Staff accepting application: NT

Application & Case #: 202112878 2021-27

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/1/2022**

APPLICATION: **2021-27 Lands of Borders**

APPLICANT: **Matthew Borders**

FILE NO: **WS-4.06**

TAX MAP &
PARCEL(S): **531-7.00-1.00**

LOCATION: **Lying on the east side of Herons Crossing, approximately 270 feet north of Hearn's Pond Road (SCR 544)**

NO. OF UNITS: **2**

GROSS
ACREAGE: **9.283**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

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? **Municipal Growth & annexation Area**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** 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? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** 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? **No**
- (8). Comments: **The proposed subdivision within the boundaries of the City of Seaford's Growth and Annexation Area. Contact the City of Seaford concerning the availability of Sewer and Water service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

TM: 5-31-7.00-1.03;
5-31-7.00-1.04;
5-31-7.00-1.05;
5-31-7.00-1.06; and,
5-31-7.00-4.00

Prepared by and Return to:
The Smith Firm, LLC
8866 Riverside Dr.
Seaford, DE 19973

**DECLARATION OF EASEMENT AND
SHARED MAINTENANCE AGREEMENT**

THIS DECLARATION OF EASEMENT AND SHARED MAINTENANCE AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2020, by **VINCENT BORDERS** and **RACHEL BORDERS**, having an address for purposes of this Agreement of 21786 Herons Crossing, Seaford, Delaware 19973,

AND

RAYMOND S. BORDERS, having an address for purposes of this Agreement of 21772 Herons Crossing, Seaford, Delaware 19973,

COPY

AND

JACOB E. BORDERS and **DOLORES S. BORDERS**, having an address for purposes of this Agreement of 21882 Herons Crossing, Seaford, Delaware 19973;

AND

MATHEW S. BORDERS and **CHELSEA L. BORDERS**, having an address for purposes of this Agreement of 21767 Herons Crossing, Seaford, Delaware 19973.

RECITALS

WHEREAS, as of the date of this Agreement, Vincent and Rachel Borders are the record owners of Sussex County tax district, map and parcel identification number 5-31-7.00-1.03; otherwise known as 21786 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 1");

WHEREAS, as of the date of this Agreement, Raymond S. Borders is the record owner of Sussex County tax district, map and parcel identification number 5-31-7.00-1.04; otherwise known as 21772 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 2");

WHEREAS, as of the date of this Agreement, Jacob E. Borders and Dolores S. Borders are the record owners of Sussex County tax district, map and parcel identification number 5-31-7.00-4.00; otherwise known as 21882 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 3");

WHEREAS, as of the date of this Agreement, Mathew S. Borders and Chelsea L. Borders are the record owners of Sussex County tax district, map and parcel identification number 5-31-7.00-1.05; otherwise known as 21767 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 4");

WHEREAS, as of the date of this Agreement, there is a 50' private right-of-way identified as Sussex County tax district, map and parcel identification number 5-31-7.00-1.06, and more fully shown on a plat placed of record in the Office of the Recorder of Deeds at Plat Book 111, Page 112 (the "ROW"); with the said ROW providing a means of ingress and egress to and from Lots 1, 2, 3 and 4 (collectively the "Properties").

WHEREAS, as of the date of this Agreement, the ROW is improved with an asphalt surface; and,

WHEREAS, as of the date of this Agreement, the ROW is owned by Jacob E. Borders and Dolores S. Borders; however, it is the intention of the said parties to convey the ROW, subject to the terms set forth herein, to Raymond S. Borders either simultaneous with the recordation of this Agreement, or shortly thereafter.

WITNESSETH

NOW THEREFORE, in consideration of the covenants and easements herein contained, and as a material condition to the conveyance to any third-party of any or all of the Properties subject hereto, as well as for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. *Grant of Easement.* The parties hereto, inclusive of the record owner of the ROW at the time this Agreement is signed and recorded, do hereby agree in their respective names and as a covenant that will run by and with the Properties hereinabove described, to forever allow the owners of the Properties, and their successors in title to enjoy a right of ingress and egress over the ROW. The easement rights herein described are appurtenant to the lands at issue, and are not in gross to any individuals named herein.

2. *Obstructions.* No owners of the Properties hereinabove described shall obstruct, impede, or otherwise interfere with each other in the reasonable use of the ROW.

3. *Maintenance.* It is hereby agreed that the owners of the Properties, along with their respective successors in title, shall share, as detailed below, in the responsibility of maintaining the ROW in a usable, neat, and uniform manner, so that the overall appearance of said ROW is in keeping with its intended use. Maintenance of the ROW shall include, at a

minimum, biennial seal coating. Upon the affirmative vote of a majority of the Properties subject hereto (each Property having a single vote), maintenance of the ROW shall also include resurfacing and other more major repairs. Notwithstanding anything contained herein or elsewhere to the contrary, maintenance of the ROW, as aforesaid, shall be paid for as follows:

(A) For so long as either Jacob E. Borders or Dolores S. Borders hold an ownership interest in Lot 3:

(i) Owners of Lot 1 - 22%

(ii) Owners of Lot 2 - 39%

(iii) Owners of Lot 3 - 0%

(iv) Owners of Lot 4 - 39%

(B) Once Jacob E. Borders and Dolores S. Borders no longer hold an ownership interest in Lot 3:

(i) Owners of Lot 1 - 20%

(ii) Owners of Lot 2 - 37%

(iii) Owners of Lot 3 - 6%

(iv) Owners of Lot 4 - 37%

4. *Claim of Contribution for Damages.* Notwithstanding the foregoing, the owners of the Properties reserve any and all legal rights to pursue all claims related to damage to the ROW or any improvement thereon, normal wear and tear excepted, due to the negligence or intentional acts of any owner or third person.

5. *Binding effect.* This Agreement shall be binding upon the owners of the Properties, as well as their respective successors, heirs, executors, administrators, and assigns. This Agreement shall be a covenant that binds and runs with the land.

6. *No Public Use.* The easement herein described is not intended for public use, nor is any such right of public use created by this Agreement.

The Lot 1 owners have set their hands and SEALS on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Vincent Borders

_____ (SEAL)
Rachel Borders

STATE OF _____, COUNTY OF _____: to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, VINCENT BORDERS and RACHEL BORDERS, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

The Lot 2 owner has set his hand and SEAL on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Raymond S. Borders

STATE OF _____, COUNTY OF _____: to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, RAYMOND S. BORDERS, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

The Lot 3 owners have set their hands and SEALS on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Jacob E. Borders

_____ (SEAL)
Dolores S. Borders

STATE OF _____, COUNTY OF _____: to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, JACOB E. BORDERS and DOLORES S. BORDERS, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

The Lot 4 owners have set their hands and SEALS on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Mathew S. Borders

_____ (SEAL)
Chelsea L. Borders

STATE OF _____, COUNTY OF _____: to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, MATHEW S. BORDERS and CHELSEA L. BORDERS, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

SITWORKS

ENGINEERING

August 30, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

**RE: Lands of Borders – Subdivision
Submission Cover Letter
Tax Parcel: 531-7.00-1.00**

Dear Mr. Whitehouse:

I am submitting the Land of Borders Subdivision application for consideration at the next available Planning and Zoning meeting. This parcel was created by the subdivision recorded under plot book 111 and page 112 and fronts a 50-foot wide, privately maintained right of way. It is my understanding that a major subdivision is required based on conversations with Planning and Zoning Staff.

In support of the Lands of Borders Subdivision, I have included the following items:

- Letter of support by the property owners directly impacted by the subdivision
- A copy of the Declaration of Easement and Maintenance Agreement for the private right of way
- A copy of the Soils Evaluation for the existing and proposed lot

The applicant requests a waiver from the County's Forested Buffer and Street Requirements.

Would you please give me a call if you have any questions or concerns, 302-841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Z:\PROJECTS\2140-BORD - Subdivision\Record Documents\Sussex County P&Z\210811 - Initial Submission\1 Lands of Borders - Cover Letter.docx

Attn: Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: Lands of Borders Subdivision
Tax Map 531-7.00-1.00

Dear Mr. Whitehouse,

We support the proposed Lands of Borders Subdivision for the parcel noted above and are agreeable to the terms of the easement and shared maintenance agreement included with the Lands of Borders Subdivision submission.

| | |
|--|--|
| <u>Dolores Borders</u> 8/30/21 | <u>Raymond S. Borders</u> 8/30/21 |
| Dolores S. Borders 21822 Herons Crossing Seaford, DE 19973 | Raymond S. Borders 21772 Herons Crossing Seaford, DE 19973 |

| | |
|---|--|
| <u>Mathew Borders</u> 8-22-21 | <u>Chelsea L. Borders</u> 8/22/21 |
| Mathew S. Borders 21767 Herons Crossing Seaford, DE 19973 | Chelsea L. Borders 21767 Herons Crossing Seaford, DE 19973 |

| | |
|---|---|
| <u>Vincent Borders</u> 8-30-21 | <u>Rachael Borders</u> 8/30/21 |
| Vincent Borders 21786 Herons Crossing Seaford, DE 19973 | Rachael Borders 21786 Herons Crossing Seaford, DE 19973 |

REFERENCE #:

565846

SITE EVALUATION
Approval Page

08/12/2021

GROUNDWATER

The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit.

Owner's Name and Address: Jacob E. & Delores S. Borders

21882 Herons Crossing
Seaford, DE 19973

Tax Map #: 5-31-7.00-1.01 P.O.
Lot #: Remaining Lands of Lot 3

Limitations of Soil Investigation for System Design

This soil investigation was conducted for a residential on-site system of up to 600 GPD capacity. For applications of this report to designs of greater capacity or alternative uses, contact the site evaluator or the Department to determine if additional field investigations are necessary.

Initial Disposal System:

Full-depth low pressure pipe (LPP) or elevated sand mound disposal system. LPP trenches to be 12" wide. The maximum slope allowed for elevated sand mound systems is 6% and 12% for percolation rates slower than 60 MPI and faster than 60 MPI, respectively, as indicated below. The designer should visit the site to verify conditions prior to design. See exhibits O and P in the 1985 regulations (amended 1/11/14).

Location of Initial Disposal System:

In the immediate vicinity of profile(s) 1 & 2 (see plot).

Depth to Limiting Zone:

41"

Replacement Disposal System:

Same as above if space permits. Otherwise, the replacement system may be a sand-lined upgrade.

Location of Replacement Disposal System:

In the immediate vicinity of profile(s) referred to above.

Depth to Limiting Zone:

Same as above.

Design Considerations and Comments or Alternatives to the Initial Disposal System:

*Changes made to property lines or configuration from those included in the attached site evaluation report may negate this approval. A new plot drawing showing the locations of the soil borings in reference to changed property lines, fixed points of reference, etc. may be required in order for the site evaluation to be re-approved.

*Maintain all isolation distances specified in Exhibit "C" in the 1985 regulations (ammended 1/11/14). The designated suitable soil area(s) appearing on the plot drawing may, in some cases, be negated or reduced due to required isolation distances.

Soils in the vicinity of SB #3 are suitable for a capping-fill LPP with a 35" limiting zone and a 30MPI estimated percolation rate.

Instructions to Property Owner

- 1. Contact a Licensed Class C System Designer.
2. A permeability rate of 30 minutes per inch has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 856-1853 or the DNREC at (302) 856-4561 in Sussex County, and (302) 739-9947 in Kent and New Castle Counties for testing information.
3. Read the attached site evaluation report for additional information.
4. Identify where the drainfield will be placed on the site and protect it from any vehicle overtravel or stockpiling of any construction materials. It is your responsibility to prevent soil compaction of the drainfield area!

PAID
\$ 75.00 08/12/2021

This report has been prepared by: [Signature] 8/12/2021
Bradley J. Cate
Eastern Shore Soil Services

License #: 2052

Field Checked _____

For Office Use Only

DNREC APPROVED

8/13/21

8/13/26

DNREC Reviewing Staff

Approval Date

Expiration Date

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

IF THERE ARE QUESTIONS REGARDING THIS REPORT CONTACT CLASS D LICENSEE
THE CLASS D LICENSEE IS RESPONSIBLE FOR ERRORS/OMISSIONS

Site Evaluation Report

Eastern Shore Soil Services
P.O. Box 411, Savanna, IL 61074 (815) 273-3550
P.O. Box 411, Georgetown, DE 19947 (302) 856-1853
esss@grics.net www.easternshoresoil.com

12-Aug-21

File #: 5293

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973
Telephone #: () - 0

Tax Map and Parcel #: 5-31-7.00-1.01 P.O. **County:** Sussex
Property Location: NW/S Herons Crossing Rd., ~150' N of CR 544
Name of Development: N/A
Lot # Remaining Lands of Lot 3 **In Tax Ditch District?:** Yes
Central Sewer Available: No **Chesapeake/Inland Bays PSN3 Area?:** No
Central Water Available: No

Date of Investigation: 3/19/21
Evaluated by Test Pits: No **Evaluated by Soil Borings:** Yes

| Profile #: | Depth to Limiting Zone: | Limiting Zone Inferred From: | Subgroup Taxon Classification: |
|-------------------|--------------------------------|-------------------------------------|---------------------------------------|
| 1 | 41" | redoximorphic features | Oxyaquic Paleudult |
| 2 | 46" | redox accumulations | Humic Hapludult |
| 3 | 35" | redox accumulations | Oxyaquic Hapludult |

Summary of Evaluation:

This site occupies a nearly level cultivated portion of a talf. Differences in depth to redoximorphic features were related to minor differences in topographic elevation. Free water observations should be considered qualitatively due to an insufficient equilibration period.

Evaluated By: Bradley J. Cate
DE License #: 2052


Site Evaluator's Signature

Note:

Information contained in this site evaluation report and shown on the accompanying plot drawing reflects current regulatory policies and procedures at the time the evaluation was conducted. Changes made to the property and to adjacent properties after the evaluation was conducted or changes in regulatory policy may preclude or modify the type or location of the recommended on-site sewage system regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate it does not guarantee a septic permit and the attached plot should not be construed as a survey. All information should be verified by interested parties prior to the transfer of the property as well as prior to design and installation of the septic system. Interpretations made in this evaluation are intended for siting and design of a septic system only and are not suitable for other uses. Unless approved by the regulatory agency(ies) this report represents only a technical opinion rendered and does not constitute an approval for siting or design of any septic system on this site.

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net

Profile #: 1
 Date of Test: 3/15/21 Soil Boring or Test Pit (1)
 Property Owner: Bjork
 Property Location: Heron's Crossing Rd Remainder of lot 3
 Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: 41" to redoximorphic features
 Soil Series Identified: Oxyquic Paleudult

| Horizon | Depth | Colors | | Mottles Desc | | | Texture | Structure | Boundary(2) Consistence |
|---------|----------|----------|-----------------------|--------------|----|------|-----------------|-----------|----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| Ap | 0 to 10 | 10YR 3/3 | / | | | | LS ^s | mg | /uf |
| E | 10 to 21 | 10YR 5/4 | / | | | | LS ^s | m | /uf |
| Bt1 | 21 to 41 | 10YR 5/6 | / | | | | SL | msbk | /uf |
| Bt2 | 41 to 51 | 10YR 5/4 | 10YR 5/2 10YR 5/6 | 12d | | | SL | msbk | /uf |
| Bt3 | 51 to 62 | 10YR 5/4 | 10YR 5/2 7.5YR 5/3 | 12d | | | SL | ~ | /uf |
| | to | | | | | | | | / |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
 43"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.


 Site Evaluator's Signature

**SOIL PROFILE
NOTES**

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: esss@gricr.net

Profile #: 2

Date of Test: 3/16/21 Soil Boring or Test Pit (1)

Property Owner: Bocoris

Property Location: Heavens Crossing Rd Remindor of Lot 3

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: 46" to rotax accumulations

Soil Series Identified: Hemic Hapludalf

| Horizon | Depth | Colors | | Mottles Desc | | | Texture | Structure | Boundary(2) Consistence |
|--|------------|-----------|-----------|--------------|----|------|---------|-----------|----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A | 0 to 9 | 10YR 5/3 | / | | | | SL | 1mjt | / cf |
| BH1 | 9 to 24 | 10YR 4/4 | / | | | | SCC | 1mshk | / fr |
| BH2 | 24 to 40 | 7.5YR 5/6 | / | | | | SL | 1cshk | / vfr |
| E ₁ B ₁ B ₂ | 40 to 46.8 | 10YR 5/4 | 90% | | | | LS | ~ | / vfr |
| | | 7.5YR 5/6 | 20% | | | | SL | ~ | / vfr |
| C1 | 46 to 50 | 10YR 5/4 | 7.5YR 5/3 | 14p | | | LS | ~ | / vfr |
| C2 | 50 to 60 | 10YR 6/4 | 10YR 5/3 | 22p | | | LS | ~ | / vfr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)

44"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.


Site Evaluator's Signature

**SOIL PROFILE
NOTES**

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 356-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ccss@grics.net

Profile #: 3
Date of Test: 3/15/21 Soil Boring or Test Pit (1)
Property Owner: Barbers
Property Location: Herons Crossing At Remainder of Lot 3
Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

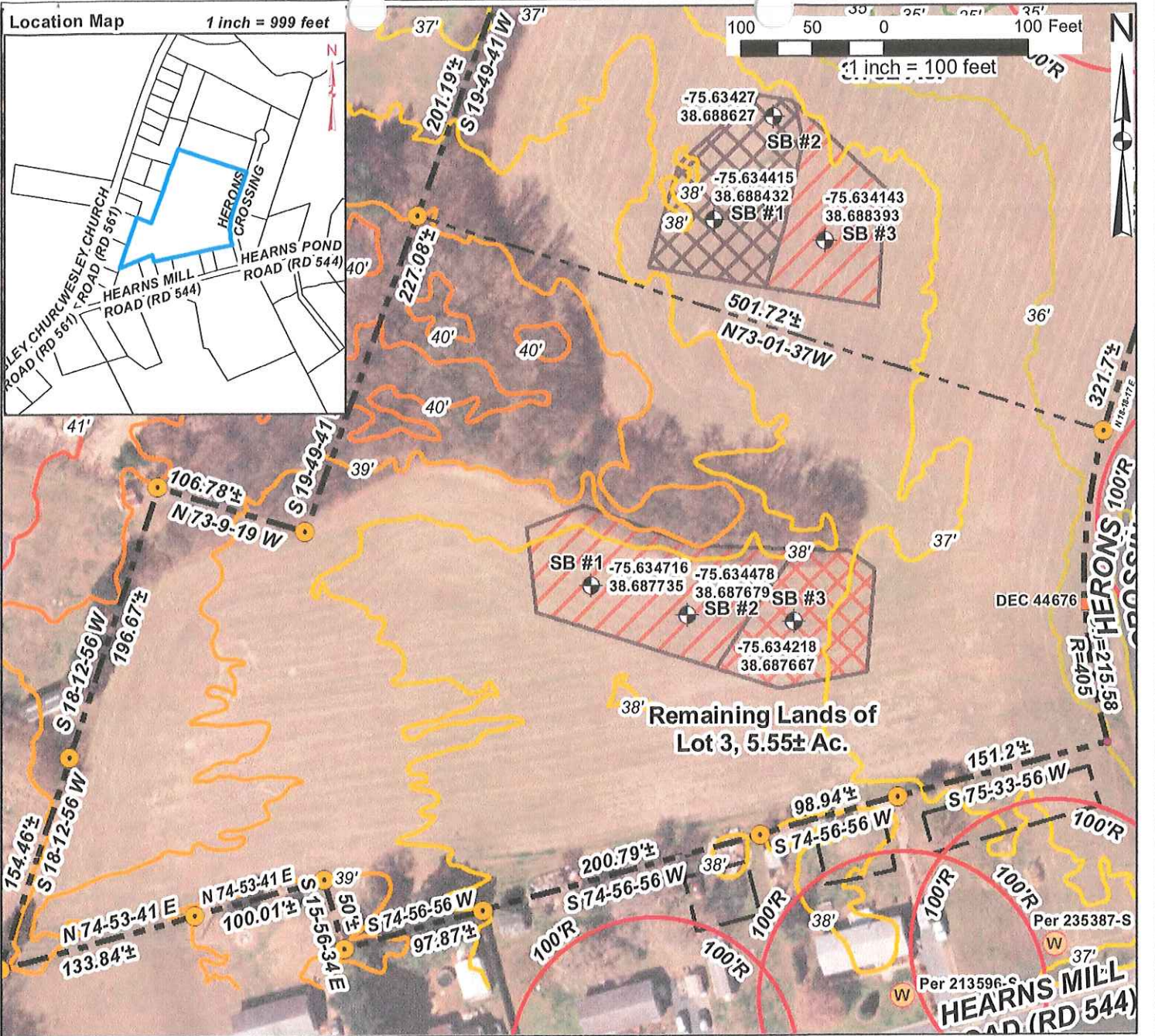
Slope: See Topo Relief: _____
Estimated Permeability: moderate
Depth to Limiting Zone: 35" to redox discontinuity
Soil Series Identified: Dry aquic Hapludult

| Horizon | Depth | Colors | | Mottles Desc | | | Texture | Structure | Boundary(2) Consistence |
|---------|----------|-----------|---------------------------------|--------------|----|------|---------------------|-----------|----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| Ap | 0 to 11 | 10YR 3/3 | / | | | | SL | large | / ufr |
| Bt1 | 11 to 15 | 10YR 4/4 | / | | | | SCL | med | / fr |
| Bt2 | 15 to 20 | 10YR 4/6 | / | | | | SCL | med | / fr |
| Bt3 | 20 to 27 | 7.5YR 4/6 | / | | | | SCL | med | / fr |
| Bt4 | 27 to 35 | 7.5YR 5/6 | / | | | | SL | ~ | / ufr |
| C | 35 to 46 | 10YR 5/6 | 5YR 5/8 10YR 5/8 10YR 5/8 | C2p C3d | | | LS | ~ | / ufr |
| Cg | 46 to 60 | 2.5Y 5/2 | 2.5Y 5/4 | C3p C5d | | | Stratified LS/SL | ~ | / ufr |
| | to | | | | | | | | |

Current Hydrology: "± to upper boundary of capillary fringe (or)
35" ± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
(2) Boundary if described from a pit.


Site Evaluator's Signature



Legend

- Well Location from Records
- Misc. Point
- Soil Boring Location
- Utility Enclosure/Pede...
- Rebar
- Property Line
- Proposed Property Line
- Approx. System Extents
- Well Arc & Radius
- Capping-Fill LPP System
- Full-depth LPP System
- Capping-Fill Gravity-fed System

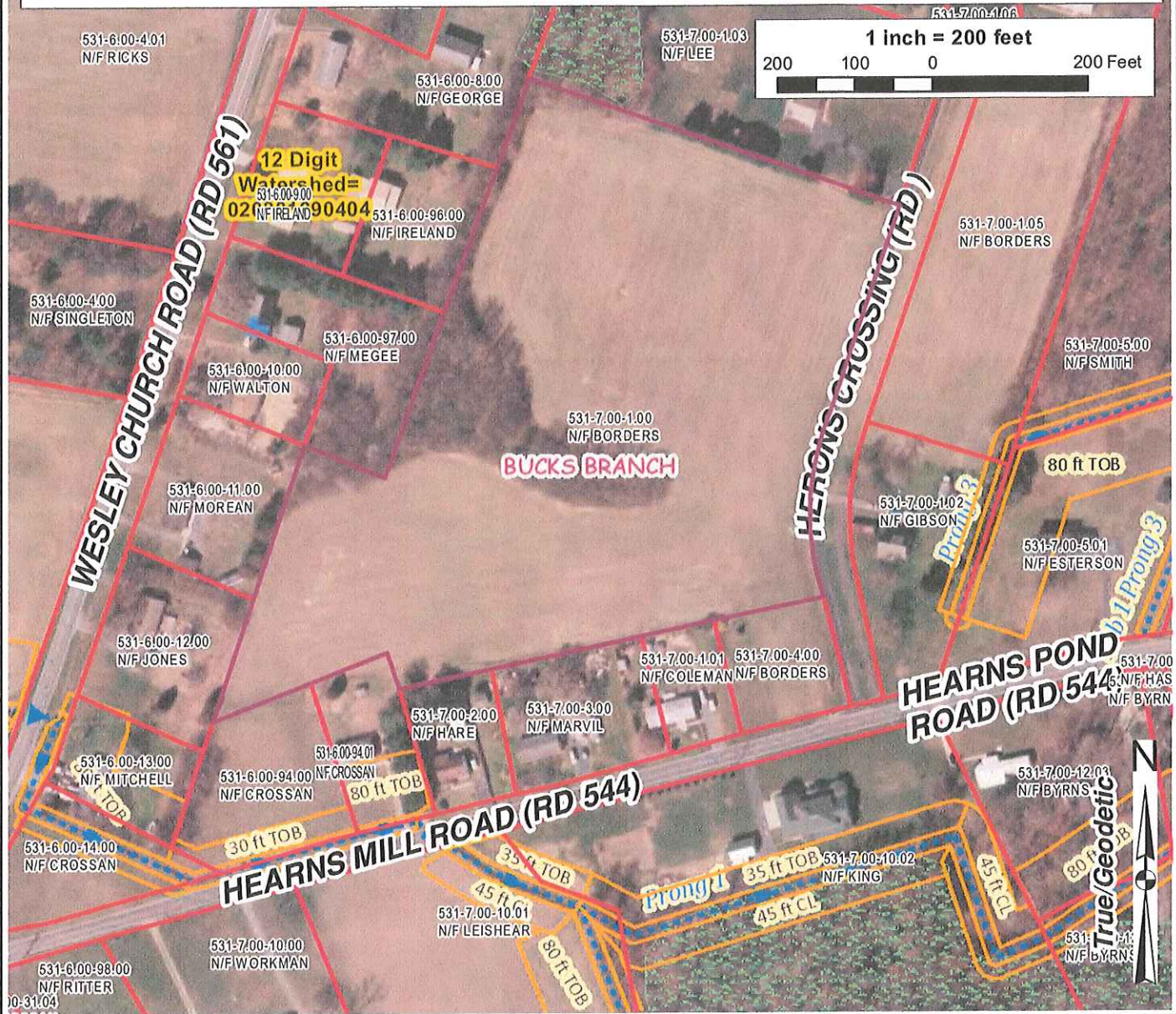
Site Evaluation Plot
N/F Jacob E. & Delores S. Borders
TM# 5-31-7.00-1.00, P.O.
Remaining Lands of Lot 3
Per Plan by Siteworks Eng.

Note: Unless otherwise shown, adjacent wells >100' from evaluated area (public wells >150'). Any ditch or swale present is ephemeral unless depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy.

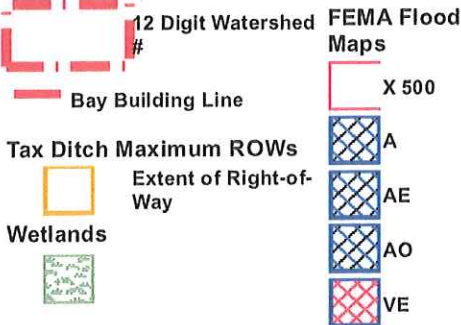
Disclaimer: This plot drawing is not represented as a survey. Boundary information has been compiled from any of the following sources: county GIS, tax map, deed, survey, recorded plot, or field located property corners. Locations of wells and septic systems are by direct observation where possible but, as with boundary information above, may include anecdotal information supplied by property owners, adjacent residents, and/or, other interested parties. This plot represents site conditions at the time of evaluation. Subsequent alteration of the site or adjacent properties may negate the validity or usefulness of the information. Elevation contours, if provided, are derived from public domain LIDAR or GIS and should be confirmed. All information should be re-verified prior to purchase or use. In some cases, features such as property lines, utility poles, transformers, etc. may be slightly at odds with aerial photography due to minor errors in GPS data collection or due to horizontal biases inherited from the aerial photography source used.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@griac.net

Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)



*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
 Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Site Evaluation Map of Additional Published Properties

(This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors.

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 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



PARID: 531-7.00-1.00
BORDERS JACOB E

Property Information

Property Location:

Unit:
City:
State:
Zip:

| | |
|------------------------|-----------------------|
| Class: | AGR-Agriculture |
| Use Code (LUC): | AG-AG |
| Town | 00-None |
| Tax District: | 531 – SEAFORD |
| School District: | 3 - SEAFORD |
| Council District: | 1-Vincent |
| Fire District: | 87-Seaford |
| Deeded Acres: | |
| Frontage: | 0 |
| Depth: | .000 |
| Irr Lot: | |
| Zoning 1: | MR-MEDIUM RESIDENTIAL |
| Zoning 2: | - |
| Plot Book Page: | 112 336/PB |
| 100% Land Value: | \$2,000 |
| 100% Improvement Value | |
| 100% Total Value | |

Legal

| | |
|-------------------|---|
| Legal Description | N/RD 544 1180'E/RD 561 LOT 3 REMAINING LAND |
|-------------------|---|

Owners

| Owner | Co-owner | Address | City | State | Zip |
|-----------------|-------------------|-----------------------|---------|-------|-------|
| BORDERS JACOB E | DOLORES S BORDERS | 21882 HERONS CROSSING | SEAFORD | DE | 19973 |

Reference #:

565845

SITE EVALUATION
Approval Page

The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit.

Owner's Name and Address: Jacob E. & Delores S. Borders

21882 Herons Crossing
Seaford, DE 19973

Tax Map #: 5-31-7.00-1.01 P.O.
Lot #: Proposed Parcel 3A

RECEIVED
08/12/2021
GROUNDWATER

Limitations of Soil Investigation for System Design

This soil investigation was conducted for a residential on-site system of up to 600 GPD capacity.

For applications of this report to designs of greater capacity or alternative uses, contact the site evaluator or the Department to determine if additional field investigations are necessary.

Initial Disposal System:

Capping-fill gravity-fed seepage bed or trench disposal system. Experience has shown that seepage trenches can have greater functional longevity under a variety of soil and site conditions. While regulation allows the use of seepage bed designs, trenches are nevertheless recommended if space permits. Trench installations are limited to slopes of 15% or less (unless designed by a professional engineer) and bed installations are limited to slopes of 2% or less. The designer should visit the site to verify conditions prior to design. See exhibits M and N in the 1985 regulations (amended 1/11/14).

Location of Initial Disposal System:

In the immediate vicinity of profile(s) 1 & 2 (see plot).

Depth to Limiting Zone:

48"

Replacement Disposal System:

Same as above if space permits. Otherwise, the replacement system may be a sand-lined upgrade.

Location of Replacement Disposal System:

In the immediate vicinity of profile(s) referred to above.

Depth to Limiting Zone:

Same as above.

Design Considerations and Comments or Alternatives to the Initial Disposal System:

*Changes made to property lines or configuration from those included in the attached site evaluation report may negate this approval. A new plot drawing showing the locations of the soil borings in reference to changed property lines, fixed points of reference, etc. may be required in order for the site evaluation to be re-approved.

*Maintain all isolation distances specified in Exhibit "C" in the 1985 regulations (amended 1/11/14). The designated suitable soil area(s) appearing on the plot drawing may, in some cases, be negated or reduced due to required isolation distances.

Soils in the vicinity of SB #3 are suitable for a full-depth LPP disposal system with a limiting zone of 44" and an estimated percolation rate of 30MPI.

Instructions to Property Owner

- 1. Contact a Licensed Class B System Designer.
2. A permeability rate of 30 minutes per inch has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 856-1853 or the DNREC at (302) 856-4561 in Sussex County, and (302) 739-9947 in Kent and New Castle Counties for testing information.
3. Read the attached site evaluation report for additional information.
4. Identify where the drainfield will be placed on the site and protect it from any vehicle overtravel or stockpiling of any construction materials. It is your responsibility to prevent soil compaction of the drainfield area!

PAID
\$ 75.00 08/12/2021

This report has been prepared by: [Signature] 8/12/2021

License #: 2052

Bradley J. Cate
Eastern Shore Soil Services

Field Checked _____

For Office Use Only

DNREC APPROVED

8/13/21

8/13/26

DNREC Reviewing Staff

Approval Date

Expiration Date

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

IF THERE ARE QUESTIONS REGARDING THIS REPORT CONTACT CLASS D LICENSEE

THE CLASS D LICENSEE IS RESPONSIBLE FOR ERRORS/OMISSIONS

Site Evaluation Report

Eastern Shore Soil Services
P.O. Box 411, Savanna, IL 61074 (815) 273-3550
P.O. Box 411, Georgetown, DE 19947 (302) 856-1853
esss@grics.net www.easternshoresoil.com

12-Aug-21

File #: 5294

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973
Telephone #: () - 0

Tax Map and Parcel #: 5-31-7.00-1.01 P.O. **County:** Sussex
Property Location: NW/S Herons Crossing Rd., ~365' N of CR 544
Name of Development: N/A
Lot # Proposed Parcel 3A **In Tax Ditch District?:** Yes
Central Sewer Available: No **Chesapeake/Inland Bays PSN3 Area?:** No
Central Water Available: No

Date of Investigation: 3/19/21
Evaluated by Test Pits: No **Evaluated by Soil Borings:** Yes

| Profile #: | Depth to Limiting Zone: | Limiting Zone Inferred From: | Subgroup Taxon Classification: |
|-------------------|--------------------------------|-------------------------------------|---------------------------------------|
| 1 | 49" | redox accumulations | Typic Hapludult |
| 2 | 48" | redoximorphic features | Typic Hapludult |
| 3 | 44" | redox accumulations | Humic Hapludult |

Summary of Evaluation:

This site occupies a nearly level cultivated portion of a talf. Differences in depth to redoximorphic features were related to minor differences in topographic elevation. Free water observations should be considered qualitatively due to an insufficient equilibration period. Regional wet season hydrology was at or above normal at the time of the site visit.

Evaluated By: Bradley J. Cate
DE License #: 2052


Site Evaluator's Signature

Note:

Information contained in this site evaluation report and shown on the accompanying plot drawing reflects current regulatory policies and procedures at the time the evaluation was conducted. Changes made to the property and to adjacent properties after the evaluation was conducted or changes in regulatory policy may preclude or modify the type or location of the recommended on-site sewage system regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate it does not guarantee a septic permit and the attached plot should not be construed as a survey. All information should be verified by interested parties prior to the transfer of the property as well as prior to design and installation of the septic system. Interpretations made in this evaluation are intended for siting and design of a septic system only and are not suitable for other uses. Unless approved by the regulatory agency(ies) this report represents only a technical opinion rendered and does not constitute an approval for siting or design of any septic system on this site.

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1833
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grica.net

Profile #: 1
 Date of Test: 3/19/21 Soil Boring or Test Pit (1)
 Property Owner: Borders
 Property Location: Parcel 3A Herons Crossing Rd
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: Sec Top Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: 49" to relax recommendations
 Soil Series Identified: Typic Hap Luult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|-----------------------|-----------------|------------------|-------------------------------------|--------------------------|----|------|-----------------------------------|------------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| <u>A_p</u> | <u>0 to 3</u> | <u>10YR 2/4</u> | <u>/</u> | | | | <u>LS</u> | <u>mgc</u> | <u>/ ybr</u> |
| <u>B₁₁</u> | <u>3 to 31</u> | <u>7.5YR 4/6</u> | <u>/</u> | | | | <u>SL+</u> | <u>"</u> | <u>/ ybr</u> |
| <u>B₁₂</u> | <u>31 to 37</u> | <u>7.5YR 5/6</u> | <u>/</u> | | | | <u>SL+</u> | <u>"</u> | <u>/ ybr</u> |
| <u>B₁₃</u> | <u>37 to 49</u> | <u>7.5YR 5/6</u> | <u>/</u> | | | | <u>LS+</u> | <u>"</u> | <u>/ ybr</u> |
| <u>BC</u> | <u>49 to 53</u> | <u>7.5YR 5/6</u> | <u>7.5YR 5/3</u> | <u>c2d</u> | | | <u>LS</u> | <u>"</u> | <u>/ ybr</u> |
| <u>C</u> | <u>53 to 60</u> | <u>7.5YR 6/6</u> | <u>10YR 5/3</u> <u>7.5YR 5/3</u> | <u>c2d</u> <u>c3d</u> | | | <u>Stratified</u> <u>LS/SL</u> | <u>"</u> | <u>/ ybr</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |

Current Hydrology: "± to upper boundary of capillary fringe (or)
1/2"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.


 Site Evaluator's Signature

**SOIL PROFILE
NOTES**

E S S S
Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savannah, IL 61074
Phone: (815) 273-3550
Email: esss@grice.net

Profile #: 2
Date of Test: 3/19/21 Soil Boring or Test Pit (1)
Property Owner: Borders
Property Location: Herons Crossing Rd Parcel 3A
Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Top Relief: _____
Estimated Permeability: moderately Rapid
Depth to Limiting Zone: 48" to redoximorphic features
Soil Series Identified: Typic Dyshelut

| Horizon | Depth | Colors | | Mottles Desc | | | Texture | Structure | Boundary(2) Consistence |
|------------|-----------------|------------------|------------------------------------|--------------|----|------|------------------------------------|---------------|----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| <u>Ap</u> | <u>0 to 14</u> | <u>10YR 4/3</u> | <u>/</u> | | | | <u>LS</u> | <u>single</u> | <u>/ ufr</u> |
| <u>B11</u> | <u>14 to 19</u> | <u>10YR 4/6</u> | <u>/</u> | | | | <u>SL</u> | <u>~</u> | <u>/ ufr</u> |
| <u>B12</u> | <u>19 to 40</u> | <u>7.5YR 5/6</u> | <u>/</u> | | | | <u>SLT</u> | <u>10S br</u> | <u>/ ufr</u> |
| <u>Bc</u> | <u>40 to 40</u> | <u>7.5YR 5/6</u> | <u>/</u> | | | | <u>LS</u> | <u>~</u> | <u>/ ufr</u> |
| <u>C</u> | <u>40 to 60</u> | <u>10YR 5/6</u> | <u>10YR 6/2</u> <u>10YR 5/8</u> | <u>c 2 p</u> | | | <u>stratified</u> <u>SLS:SL</u> | <u>~</u> | <u>/ ufr</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |

Current Hydrology: **"± to upper boundary of capillary fringe (or)**
41"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
(2) Boundary if described from a pit.


Sue Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
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 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: cess@grica.net

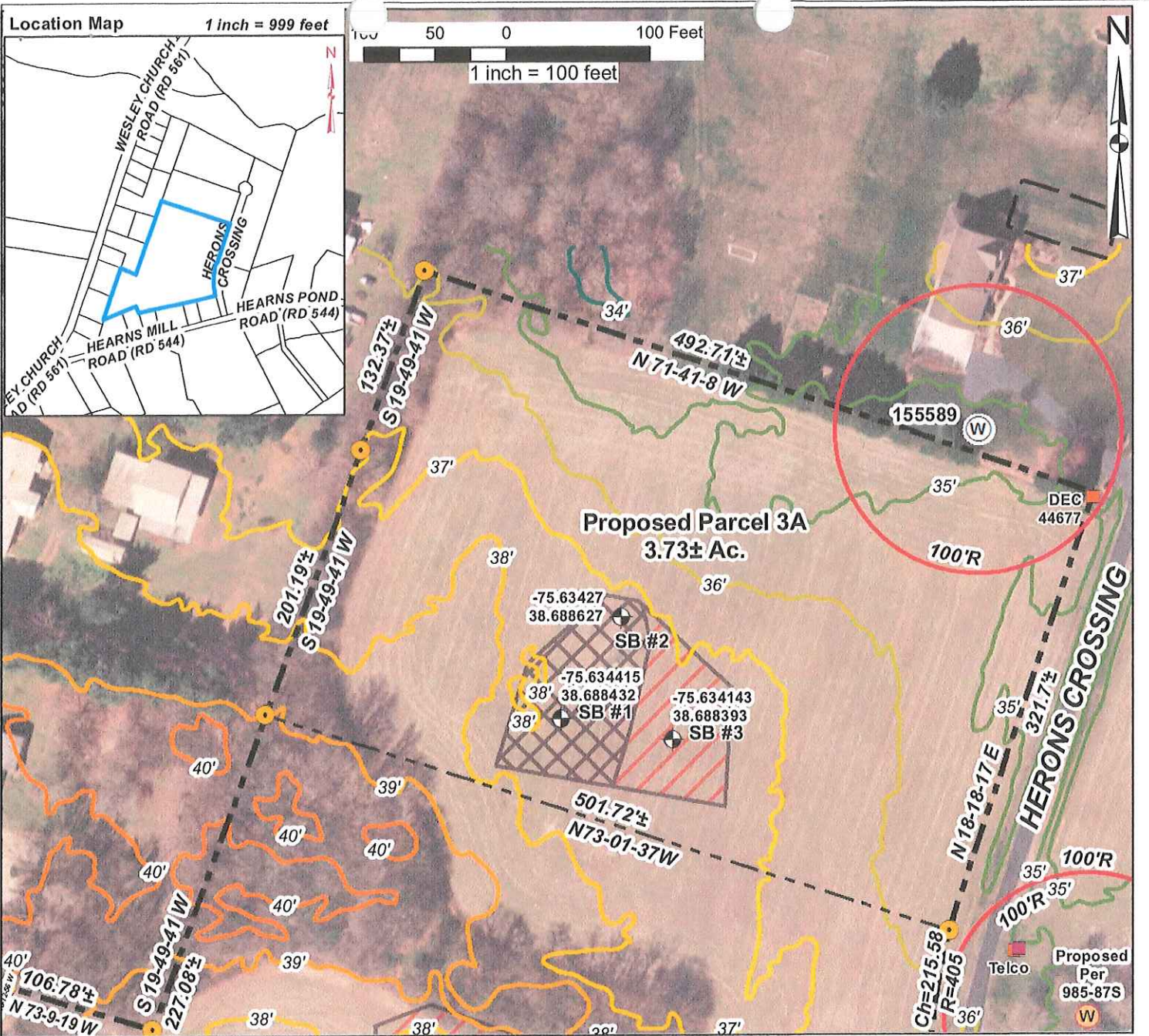
Profile #: 3
 Date of Test: 3/15/21 Soil Boring or Test Pit (1)
 Property Owner: Bardis
 Property Location: Heron's Crossing Rd Parcel 3A
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: moderate
 Depth to Limiting Zone: 44" to redox accumulations
 Soil Series Identified: Humic Hapludalf

| Horizon | Depth | Colors | | Mottles Desc | | | Texture | Structure | Boundary(2) Consistence |
|-----------------|----------|-----------|-----------------------|--------------|----|------------|---------|-----------|----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A _p | 0 to 9 | 10YR 3/3 | / | | | | SL | loose | / vfr |
| B ₁₁ | 9 to 24 | 10YR 4/4 | / | | | | SL | loose | / vfr |
| B ₁₂ | 24 to 32 | 7.5YR 4/6 | / | | | | SL | loose | / vfr |
| B ₁₃ | 32 to 36 | 7.5YR 5/6 | / | | | | SL | loose | / vfr |
| BC | 36 to 44 | 7.5YR 5/6 | / | | | | LS | ~ | / vfr |
| C ₁ | 44 to 55 | 10YR 5/6 | 7.5YR 5/6 | | | C2d | LS | ~ | / vfr |
| C ₂ | 55 to 60 | 10YR 5/6 | 10YR 5/4 7.5YR 5/6 | | | C2d C2d | LS | ~ | / vfr |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
44"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.


 Site Evaluator's Signature



Legend

- Well Location from Records
- Well-Verified
- Misc. Point
- Concrete Monument
- Soil Boring Location
- Utility
- Enclosure/Pede...
- Property Line
- Proposed Property Line
- Approx. System Extents
- Well Arc & Radius
- Full-depth LPP System
- Capping-Fill Gravity-fed System

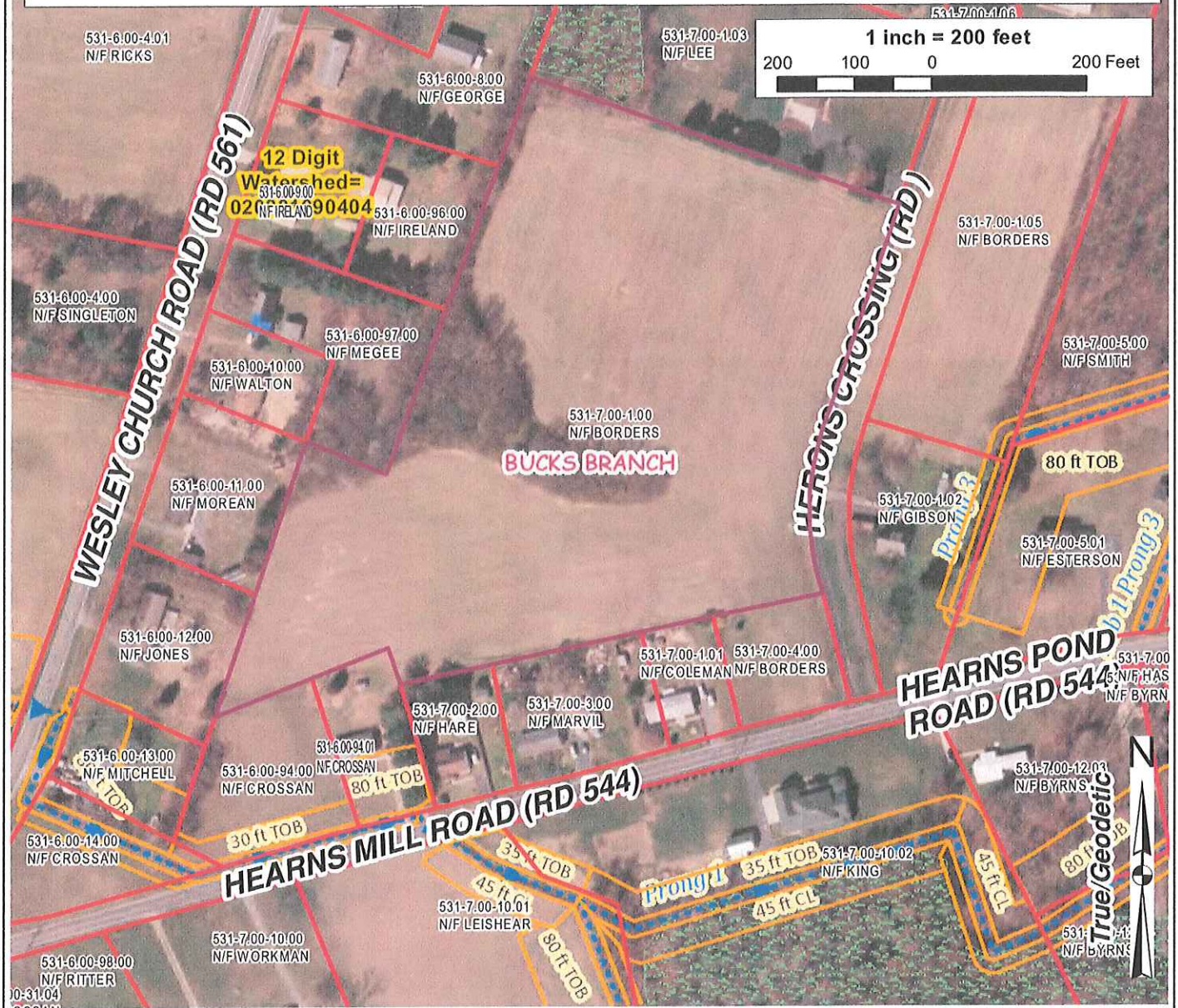
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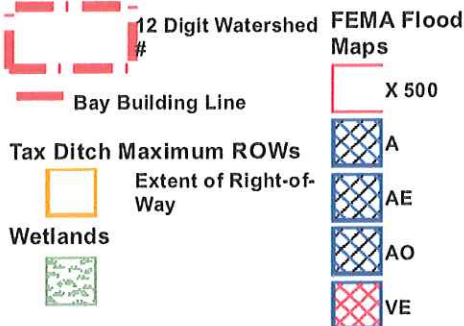
Site Evaluation Plot
N/F Jacob E. & Delores S. Borders
TM# 5-31-7.00-1.00
Proposed Parcel 3A
Per Plan by Siteworks Eng.

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Legend (if not shown on map above, does not apply to subject parcel)



*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
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 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@gnics.net

PARID: 531-7.00-1.00
BORDERS JACOB E

Property Information

Property Location:

Unit:
City:
State:
Zip:

Class: AGR-Agriculture
Use Code (LUC): AG-AG
Town: 00-None
Tax District: 531 - SEAFORD
School District: 3 - SEAFORD
Council District: 1-Vincent
Fire District: 87-Seaford
Deeded Acres:
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: MR-MEDIUM RESIDENTIAL
Zoning 2: -
Plot Book Page: 112 336/PB

100% Land Value: \$2,000
100% Improvement Value
100% Total Value

Legal

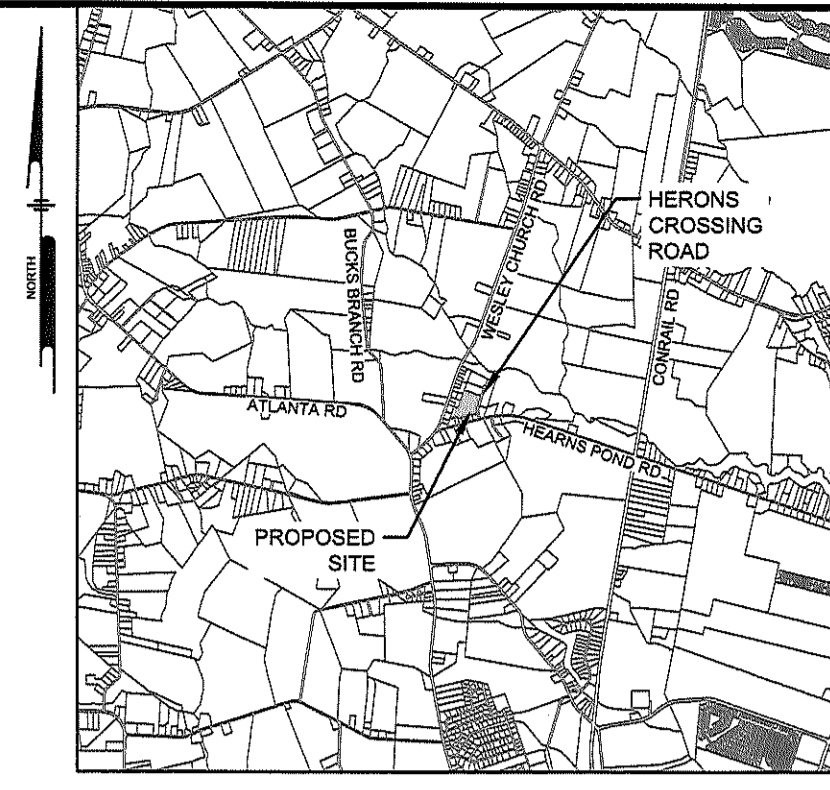
Legal Description: N/RD 544
1180'E/RD 561
LOT 3 REMAINING LAND

Owners

| Owner | Co-owner | Address | City | State | Zip |
|-----------------|-------------------|-----------------------|---------|-------|-------|
| BORDERS JACOB E | DOLORES S BORDERS | 21882 HERONS CROSSING | SEAFORD | DE | 19973 |

LANDS OF BORDERS SUBDIVISION

SUSSEX COUNTY PROJECT REFERENCE # 2021-27



LOCATION MAP
SCALE: 1" = 1 MILE

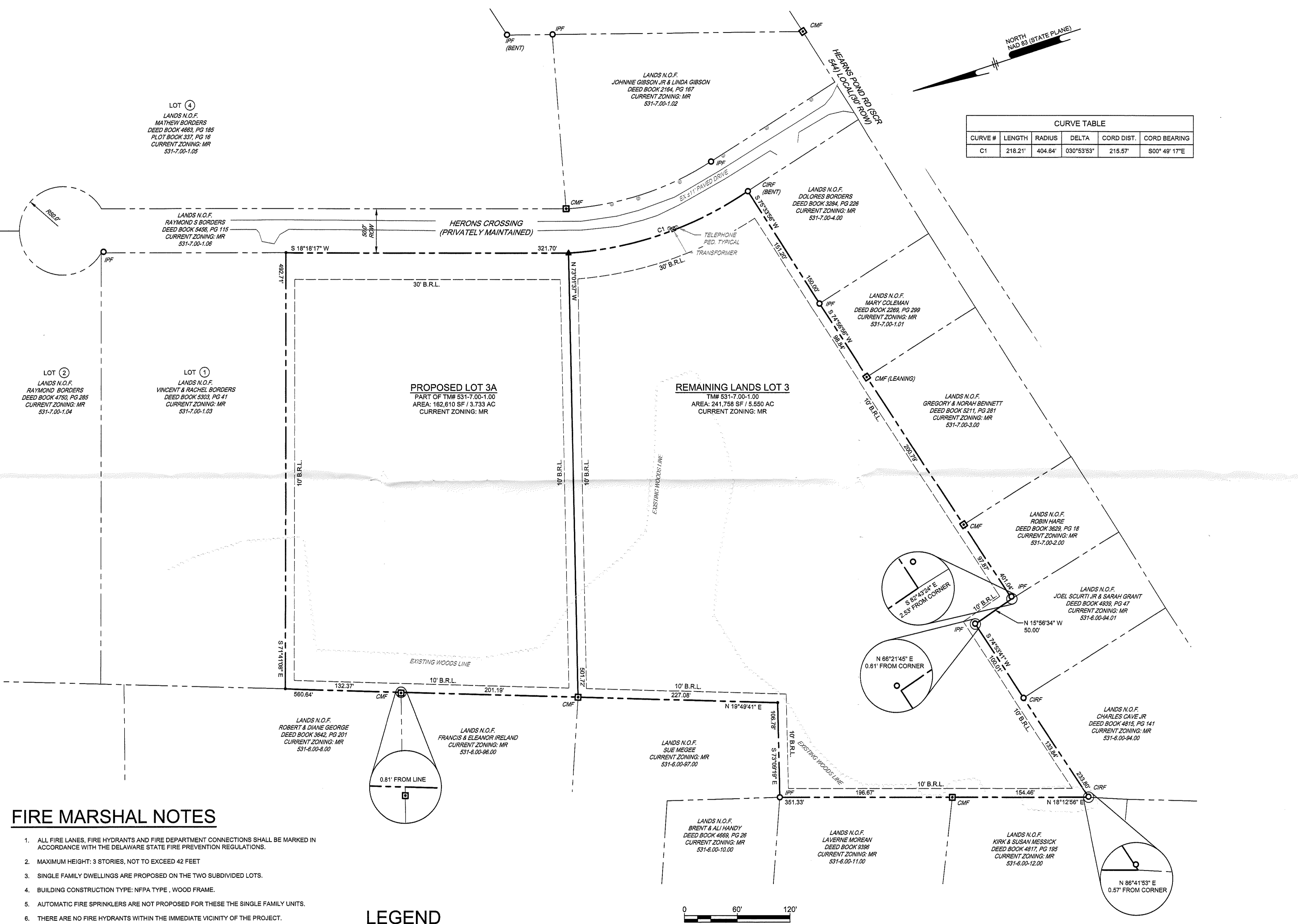
| CURVE TABLE | | | | |
|-------------|---------|---------|------------|------------|
| CURVE # | LENGTH | RADIUS | DELTA | CORD DIST. |
| C1 | 218.21' | 404.84' | 030°53'53" | 215.57' |

NOTES

- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT THREE AS SHOWN ON PLOT BOOK 111, PAGE 112 IN THE SUSSEX COUNTY RECORDER OF DEEDS CREATING ONE ADDITIONAL LOT FRONTING HERONS CROSSING ROAD, A PRIVATELY OWNED AND MAINTAINED STREET.
- PROPERTY REFERENCES: PLOT BOOK 111, PAGE 112, AND DEED BOOK 807 PAGE 335
- SURVEY CLASS: SUBURBAN
- HORIZONTAL DATUM: NAD83 - DELAWARE STATE PLANE
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OR WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
- ACCESS TO THE PROPOSED LOT 3A AND THE REMAINING LOT 3 LANDS SHALL BE FROM HERONS CROSSING, A PRIVATELY MAINTAINED 50' WIDE ROW.
- MAINTENANCE OF HERONS CROSSING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THIS SUBDIVISION, LOTS 1, 2, 3, 3A, AND 4.
- 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 NOISE, DUST, MANURE, AND OTHER ODOORS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION SHALL OCCUR IN THE RIGHT-OF-WAY WITHOUT A DELDOT PERMIT.
- THE SITE IS NOT IMPACTED BY ANY WELL HEAD PROTECTION AREA AS MAPPED BY THE DNREC ENVIRONMENTAL NAVIGATOR.
- A PORTION OF THE SITE IS LOCATED IN AN EXCELLENT RECHARGE AREA PER THE DNREC ENVIRONMENTAL NAVIGATOR.

SITE DATA

- TAX PARCEL NUMBER: 531-7.00-1.00
- EXISTING / PROPOSED ZONING: MEDIUM RESIDENTIAL (MR)
- EXISTING LOTS: 4
- PROPOSED LOTS: 1 (5 TOTAL)
- BUILDING SETBACKS: FRONT YARD: 40-FEET, SIDE YARD: 10-FEET, REAR YARD: 10-FEET
- LOT AREA PRIOR TO SUBDIVISION: 9.283 ACRES (GROSS PROPERTY AREA)
- AREA WITHIN PROPOSED STREETS: 0.000 ACRES
- PROPOSED DENSITY: 0.215 LOTS / ACRES OR 4.642 ACRES / LOT
- WETLAND AREA: 0.000 ACRES
- WATER & SEWER SERVICE: PRIVATE - ON-SITE WELL AND SEPTIC
- FLOODPLAIN - THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN PER FEMA MAP PANEL NUMBERS 10005C0250L, EFFECTIVE DATE: JUNE 20, 2018, AND 10005C0245L, EFFECTIVE DATE: JUNE 20, 2018.
- PRESENT USE: AGRICULTURAL
- PROPOSED USE: AGRICULTURAL AND RESIDENTIAL
- OWNER OF RECORD: DOLORES S. BORDERS, 21882 HERONS CROSSING RD, SEAFORD, DE 19973, PHONE (302) 841-5002
- PROXIMITY TO IDENTIFIED T.I.D.: NOT WITHIN AN IDENTIFIED T.I.D.
- POSTED SPEED LIMIT HEARNS POND RD: 35 MPH
- PROPERTY ADDRESS: 21800 HERONS CROSSING RD, SEAFORD, DE 19973



FIRE MARSHAL NOTES

- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- MAXIMUM HEIGHT: 3 STORIES, NOT TO EXCEED 42 FEET
- SINGLE FAMILY DWELLINGS ARE PROPOSED ON THE TWO SUBDIVIDED LOTS.
- BUILDING CONSTRUCTION TYPE: NFPA TYPE, WOOD FRAME.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THESE THE SINGLE FAMILY UNITS.
- THERE ARE NO FIRE HYDRANTS WITHIN THE IMMEDIATE VICINITY OF THE PROJECT.

LEGEND

- PIPE/REBAR FOUND ○
- POINT ●
- CONCRETE MONUMENT FOUND ◻
- EXPOSED IRON PIPE TO BE SET ▲
- CAPPED PROPERTY LINE ———
- PROP. PROPERTY LINE ———
- PROP. LINE ADJ. - - - - -
- UTILITY POLE x
- FENCE — x — x —

DELDOT RECORD PLAN NOTES:

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT MUST BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
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EASTERN SHORE SOIL SERVICES, INC. HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAN TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUEOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. EASTERN SHORE SOIL SERVICES' REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC AND GULF COASTAL PLAN REGION (VERSION 2.0), DATED NOVEMBER 2010. NO WETLANDS OR WATERWAYS WERE OBSERVED WITHIN THE BOUNDARIES OF THIS PLAN. NO STATE OR FEDERAL JURISDICTIONAL APPROVAL WAS OBTAINED FOR THIS PROPERTY.

BRADLEY J. CATE, CPSSo/SC DATE

ENGINEERS CERTIFICATION

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DAVID HEATWOLE, P.E. (DE LICENSE NO. #17760) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DOLORES S. BORDERS DATE
21882 HERONS CROSSING RD.
SEAFORD, DE 19973
PHONE: (302) 841-5002

LANDS OF BORDERS SUBDIVISION
TAX PARCEL NO. 531-7.00-1.00
HERONS CROSSING DRIVE (PRIVATE)
SEAFORD HUNDRED, SUSSEX COUNTY

- ISSUE / REVISION BLOCK
- 8/10/21 - SUSSEX COUNTY P&Z
- 9/14/21 - DELDOT
- 9/14/21 - FIRE MARSHAL
- 10/8/21 - SUSSEX COUNTY P&Z

SCALE: 1" = 60' PROJECT # 2145-BORD DRAWN BY DMH

DRAWING NUMBER
1
SHEET 1 OF 1

SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901
SUBDIVISION PLAN

LANDS OF BORDERS

SUBDIVISION APPLICATION

#2021-27

Owner:

**Dolores S. Borders
21882 Herons Crossing
Seaford, DE 19973**

SITWORKS
ENGINEERING

LANDS OF BORDERS

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TAB 1

LANDS OF BORDERS

PROJECT TEAM

Legal Owner

Dolores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Project Engineer & Surveyor

Siteworks Engineering, LLC.
David Heatwole, PE
Edwin Tennefoss, PE
19 Commerce St., PO 17
Harrington, DE 19952

Environmental Consultant

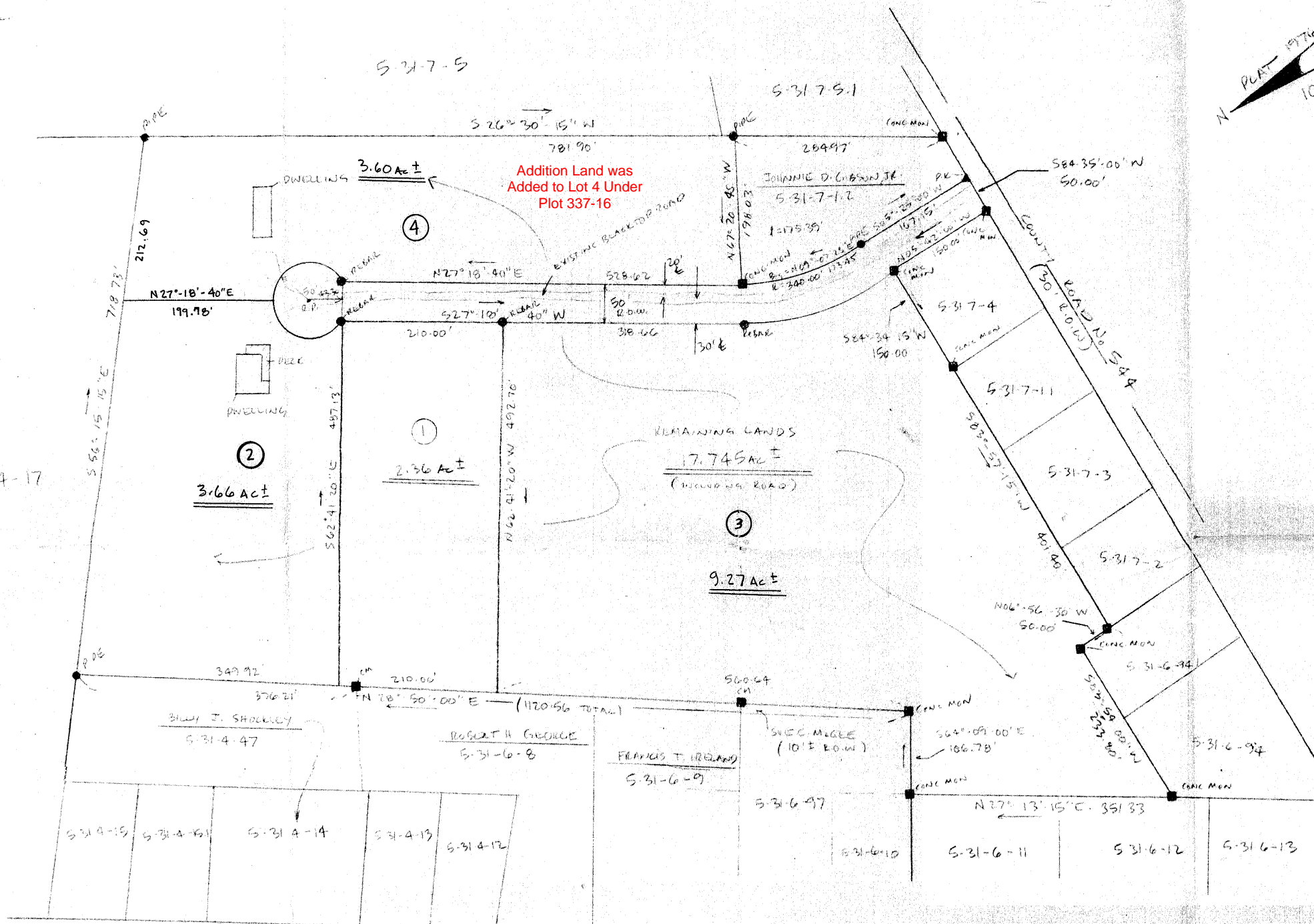
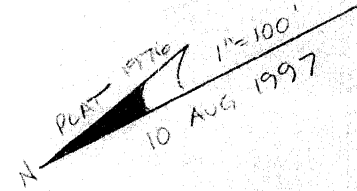
Eastern Shore Soil Services
Bradley Cate, Soil Scientist
P.O. Box 411
Georgetown, DE 19947

TAB 2

SITE DATA

| | |
|--|---|
| 1. TAX PARCEL NUMBER | 531-7.00-1.00 |
| 2. EXISTING / PROPOSED ZONING | MEDIUM RESIDENTIAL (MR) |
| 3. EXISTING LOTS | 4 |
| 4. PROPOSED LOTS | 1 (5 TOTAL) |
| 5. BUILDING SETBACKS | FRONT YARD: 40-FEET SIDE YARD: 10-FEET REAR YARD: 10-FEET |
| 6. LOT AREA PRIOR TO SUBDIVISION | 9.283 ACRES (GROSS PROPERTY AREA) |
| 7. AREA WITHIN PROPOSED STREETS | 0.000 ACRES |
| 8. PROPOSED DENSITY | 0.215 LOTS / ACRES OR 4.642 ACRES / LOT |
| 9. WETLAND AREA | 0.000 ACRES |
| 10. WATER & SEWER SERVICE | PRIVATE - ON-SITE WELL AND SEPTIC |
| 11. FLOODPLAIN - THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN PER FEMA MAP PANEL NUMBERS 10005C0250L, EFFECTIVE DATE: JUNE 20,2018, AND 10005C0245L, EFFECTIVE DATE: JUNE 20,2018. | |
| 12. PRESENT USE | AGRICULTURAL |
| 13. PROPOSED USE | AGRICULTURAL AND RESIDENTIAL |
| 14. OWNER OF RECORD | DOLORES S. BORDERS 21882 HERONS CROSSING RD SEAFORD, DE 19973 PHONE (302) 841-5002 |
| 15. PROXIMITY TO IDENTIFIED T.I.D. | NOT WITHIN AN IDENTIFIED T.I.D. |
| 16. POSTED SPEED LIMIT HEARNS POND RD | 35 MPH |
| 17. PROPERTY ADDRESS: | 21800 HERONS CROSSING RD SEAFORD, DE 19973 |

RECORDER OF DEEDS
JOHN F. BRADY
07 FEB -5 PM 12:27
SUSSEX COUNTY
DOC. SURCHARGE PAID



APPROVED
@ P&Z Comm 5-22-97
8-12-97 SA
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

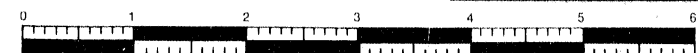
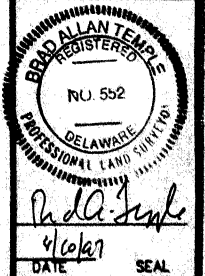
COUNTY ROAD No. 561

PLOT OF LANDS OF:
JACOB E. AND DOLORES S. BOLDERS
SITUATED IN:
SEAFORD HUNDED, SUSSEX COUNTY
STATE OF DELAWARE

| | | | |
|------------|----------|-------------|---------|
| DATE | 8-10-97 | SCALE | 1"=100' |
| JOB NO. | S-31-7-1 | DRAWN BY | BAT |
| FOLDER REF | | DESIGNED BY | |
| | | APPROVED BY | |
| DATE | | REVISION | |
| | | | |
| | | | |



Brad A. Temple
Professional Land Surveyor
Maryland & Delaware
3969 Five Friars Rd.
Salisbury MD. 21801
Maryland (410) 860 4805
Delaware (302) 629 9709



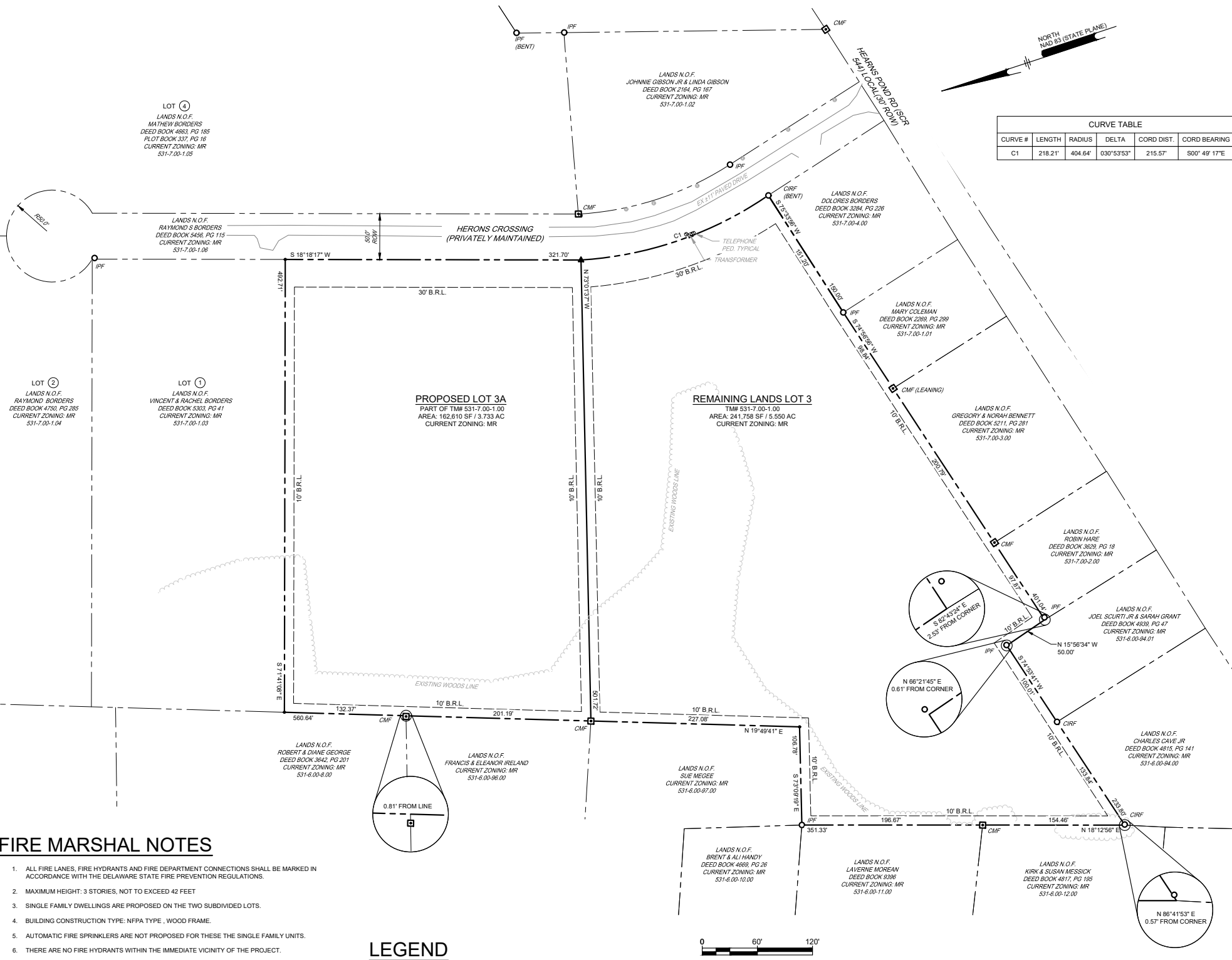
LANDS OF BORDERS SUBDIVISION

SUSSEX COUNTY PROJECT REFERENCE # 2021-27



LOCATION MAP

SCALE: 1" = 1 MILE



| CURVE TABLE | | | | | |
|-------------|---------|---------|------------|------------|--------------|
| CURVE # | LENGTH | RADIUS | DELTA | CORD DIST. | CORD BEARING |
| C1 | 218.21' | 404.64' | 030°53'53" | 215.57' | S00°49'17"E |

NOTES

- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT THREE AS SHOWN ON PLOT BOOK 111, PAGE 112 IN THE SUSSEX COUNTY RECORDER OF DEEDS CREATING ONE ADDITIONAL LOT FRONTING HERONS CROSSING ROAD, A PRIVATELY OWNED AND MAINTAINED STREET.
- PROPERTY REFERENCES: PLOT BOOK 111, PAGE 112, AND DEED BOOK 807 PAGE 335
- SURVEY CLASS: SUBURBAN
- HORIZONTAL DATUM: NAD83 - DELAWARE STATE PLANE
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OR WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
- ACCESS TO THE PROPOSED LOT 3A AND THE REMAINING LOT 3 LANDS SHALL BE FROM HERONS CROSSING, A PRIVATELY MAINTAINED 50' WIDE ROW.
- MAINTENANCE OF HERONS CROSSING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THIS SUBDIVISION, LOTS 1, 2, 3, 3A, AND 4.
- 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 NOISE, DUST, MANURE, AND OTHER ODORS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION SHALL OCCUR IN THE RIGHT-OF-WAY WITHOUT A DELDOT PERMIT.
- THE SITE IS NOT IMPACTED BY ANY WELL HEAD PROTECTION AREA AS MAPPED BY THE DNREC ENVIRONMENTAL NAVIGATOR.
- A PORTION OF THE SITE IS LOCATED IN AN EXCELLENT RECHARGE AREA PER THE DNREC ENVIRONMENTAL NAVIGATOR.

SITE DATA

- | | |
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LEGEND

- | | |
|----------------------------|-------|
| PIPE/REBAR FOUND | ○ |
| POINT | • |
| CONCRETE MONUMENT FOUND | ◻ |
| CAPPED IRON PIPE TO BE SET | ▲ |
| EX PROPERTY LINE | — |
| PROP. PROPERTY LINE | — |
| PROP. LINE ADJACENT | - - - |
| UTILITY POLE | ⊥ |
| FENCE | — x — |

DELDOT RECORD PLAN NOTES:

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DOLORES S. BORDERS DATE
21882 HERONS CROSSING RD.
SEAFORD, DE 19973
PHONE: (302) 841-5002

SITENETWORKS
ENGINEERING
 PO BOX 2, 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901
SUBDIVISION PLAN

LANDS OF BORDERS SUBDIVISION
TAX PARCEL NO. 531-7-00-1.00
HERONS CROSSING DRIVE (PRIVATE)
SEAFORD HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
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 9/14/21 - DELDOT
 9/14/21 - FIRE MARSHAL
 10/8/21 - SUSSEX COUNTY P&Z
 11/30/21 - DELDOT

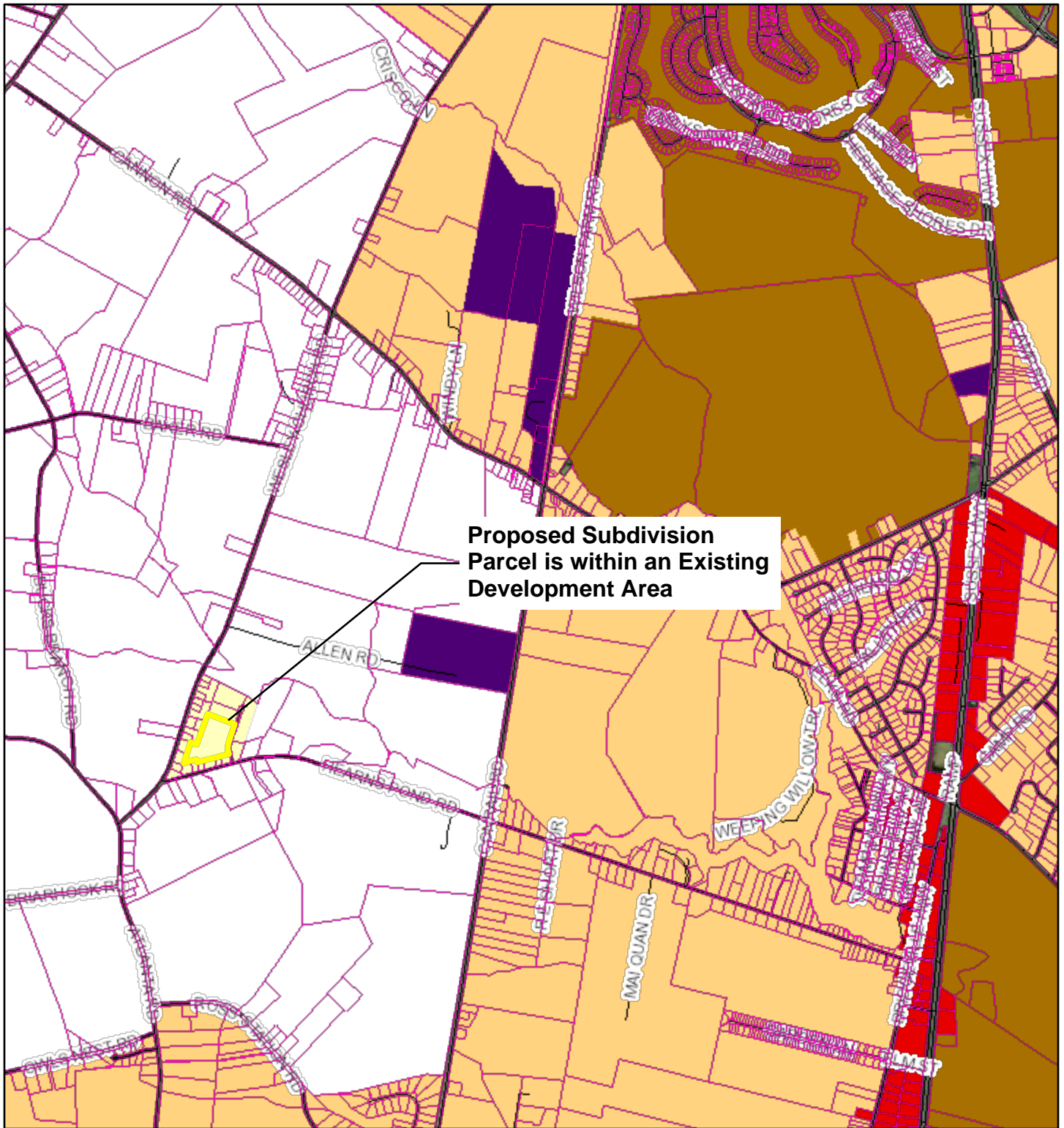
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| SCALE | PROJECT # | DRAWN BY |
| 1" = 60' | 2140-BORD | DMH |
| DRAWING NUMBER | | |

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SHEET 1 OF 1

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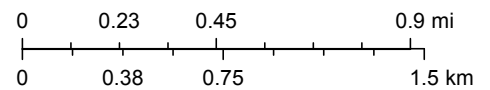
Sussex County - Future Land Use Map



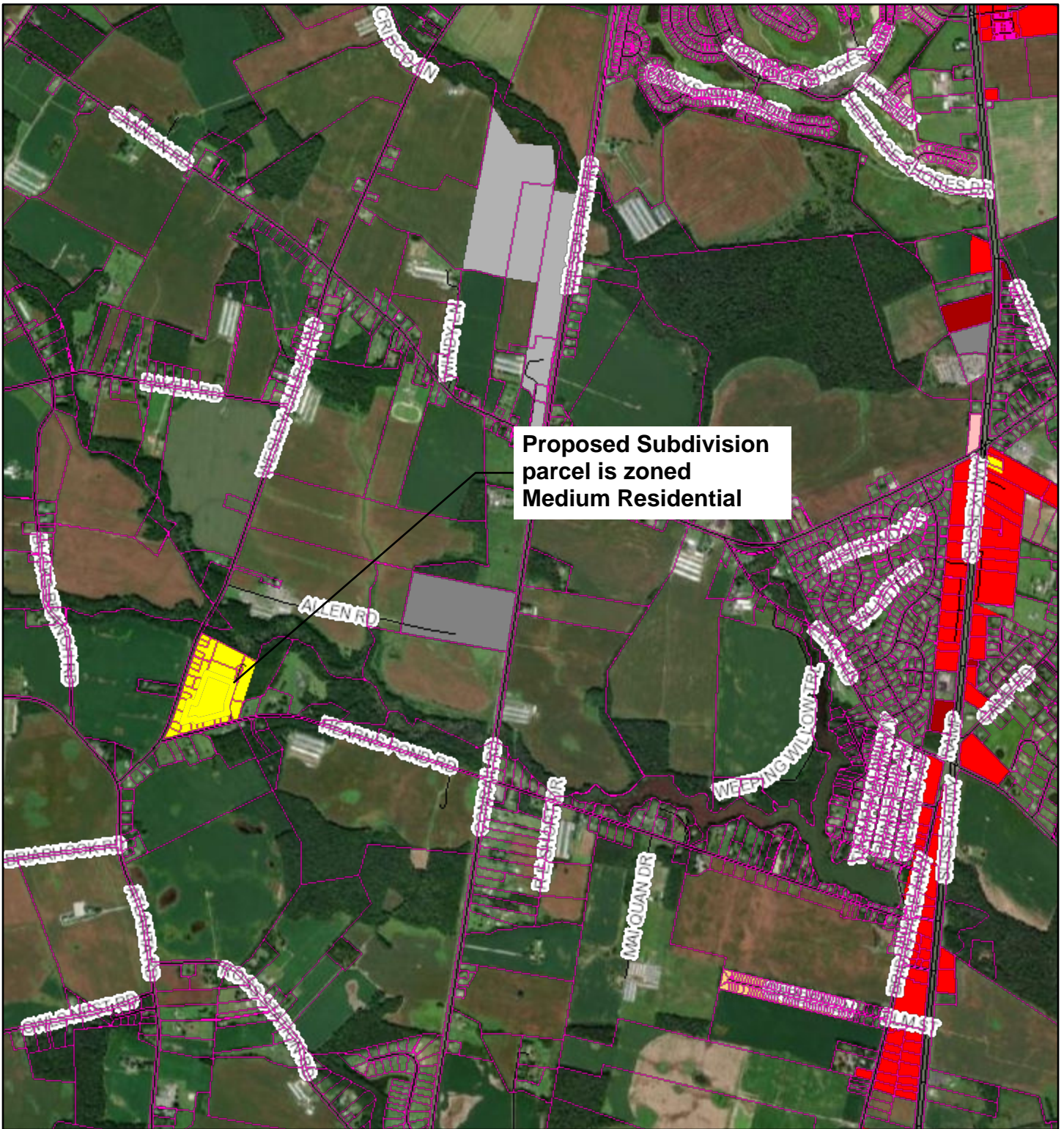
February 6, 2022

1:36,112

- Override 1
- Coastal Area
- Override 1
- Commercial
- Tax Parcels
- Developing Area
- Streets
- Existing Development Area
- County Boundaries
- Industrial
- 2019 Future Land Use
- Municipalities
- Low Density
- Town Center



Sussex County - Zoning Map

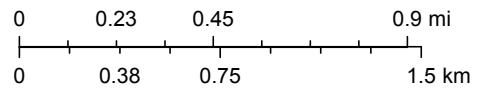


**Proposed Subdivision
parcel is zoned
Medium Residential**

February 6, 2022

1:36,112

- | | | | |
|---------------|---------------------------------|--|----------------------------------|
| | Override 1 | | Medium Residential - MR |
| | Override 1 | | General Residential - GR |
| | Tax Parcels | | High Density Residential - HR-1 |
| | Streets | | High Density Residential - HR-2 |
| Zoning | | | Vacation, Retire, Resident - VRP |
| | Agricultural Residential - AR-1 | | Neighborhood Business - B-1 |
| | Agricultural Residential - AR-2 | | Neighborhood Business - B-2 |



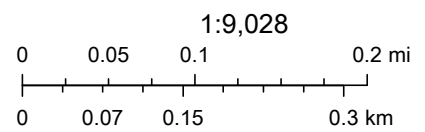
Lands of Borders - 2020 State Strategies



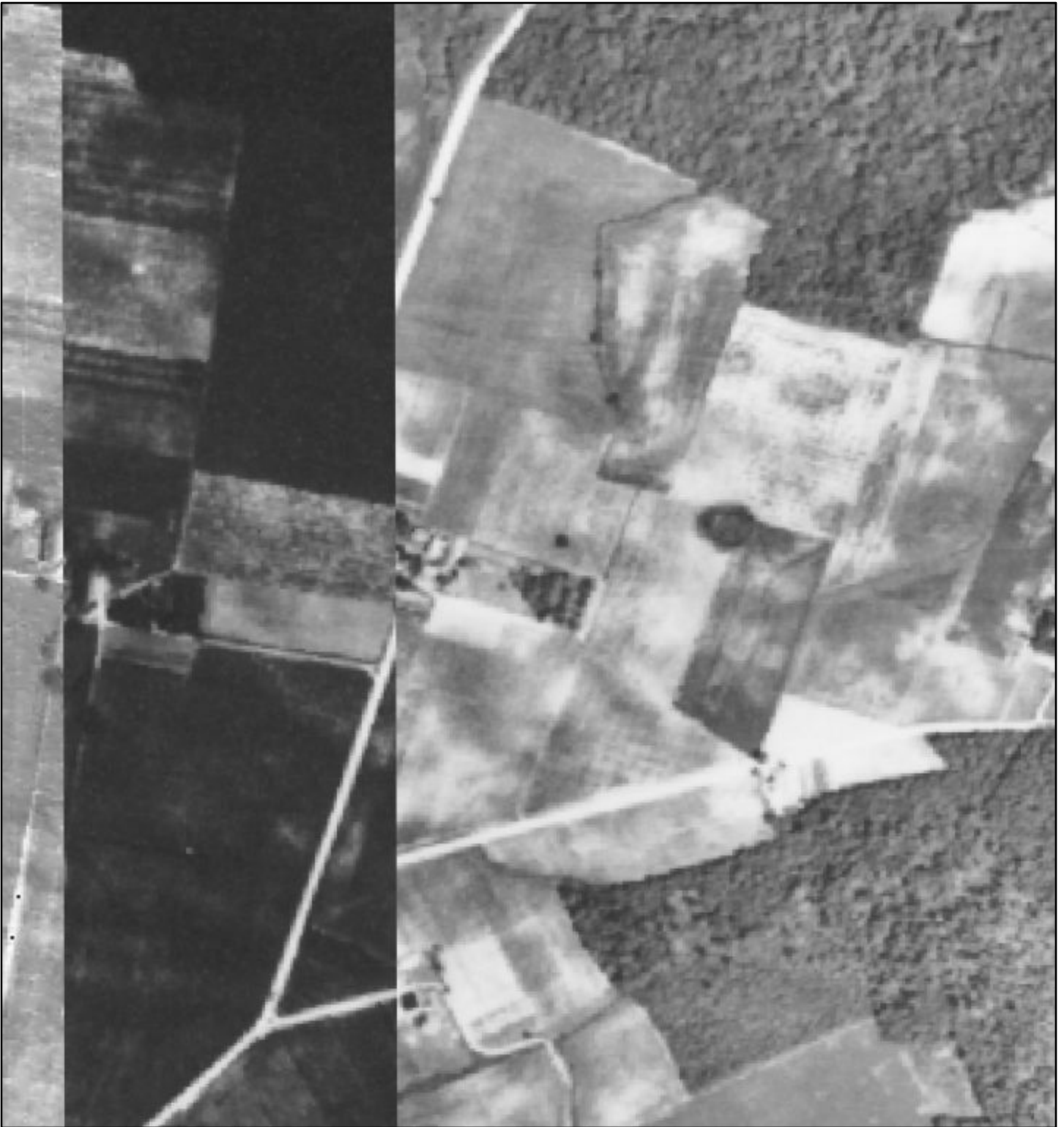
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State Strategies - 2020

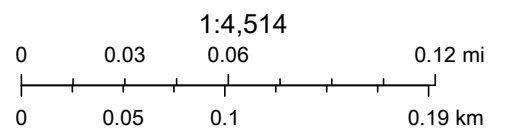
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- Out of Play



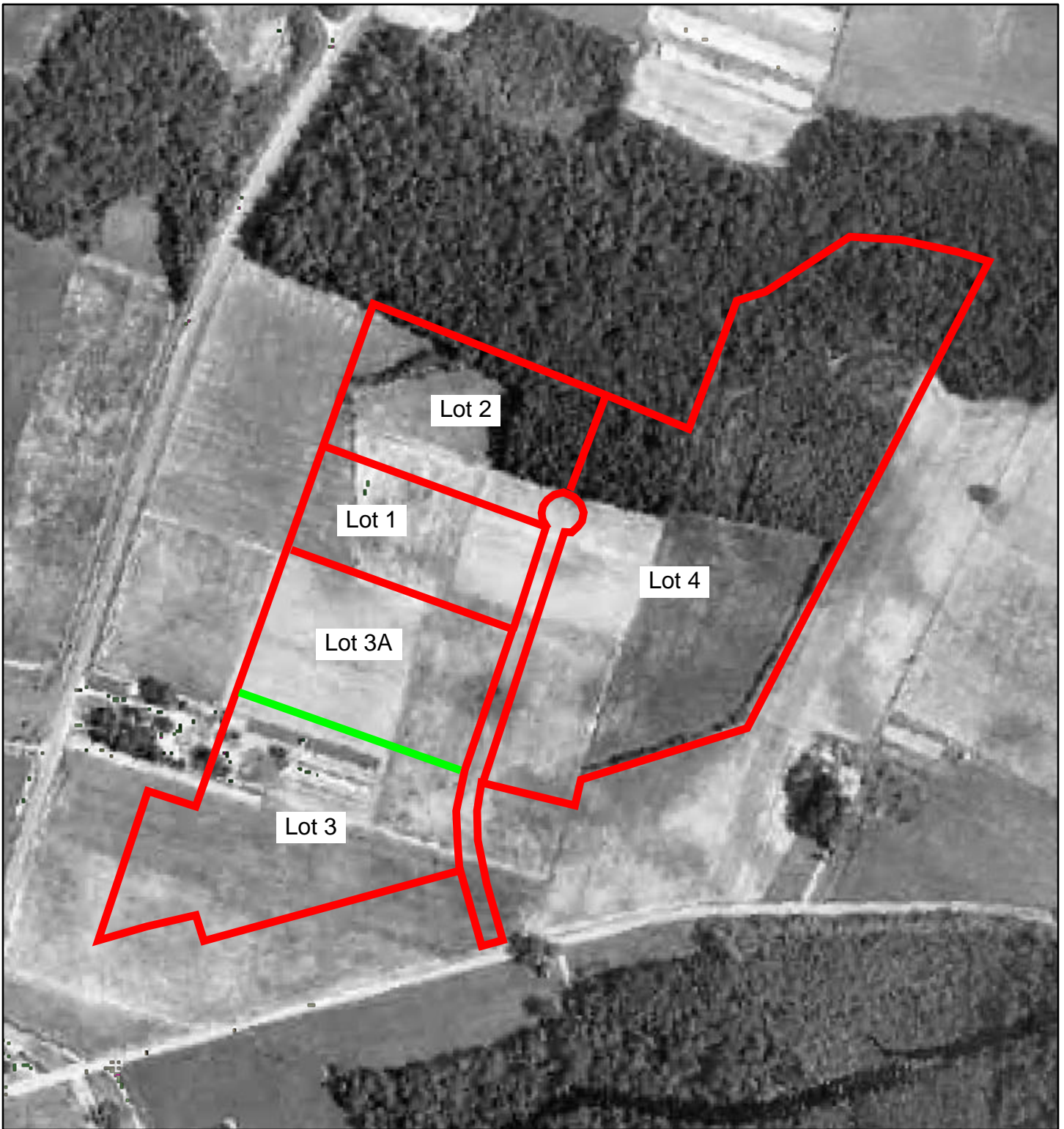
Lands of Borders - 1937 Aerial



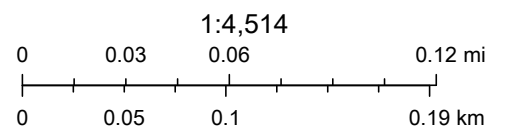
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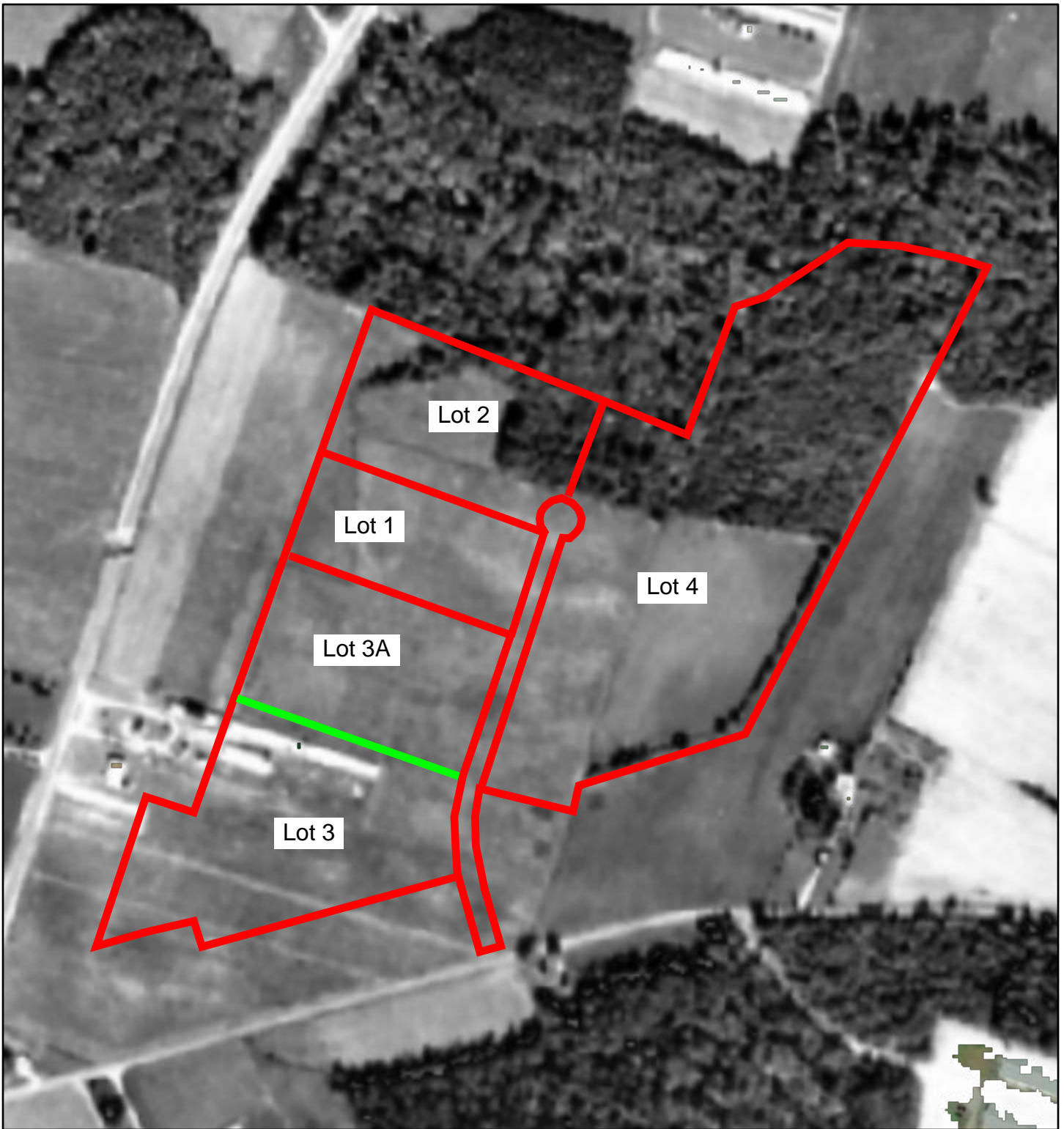
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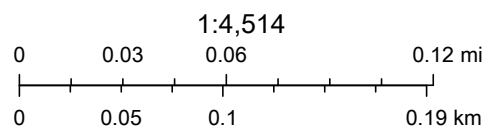
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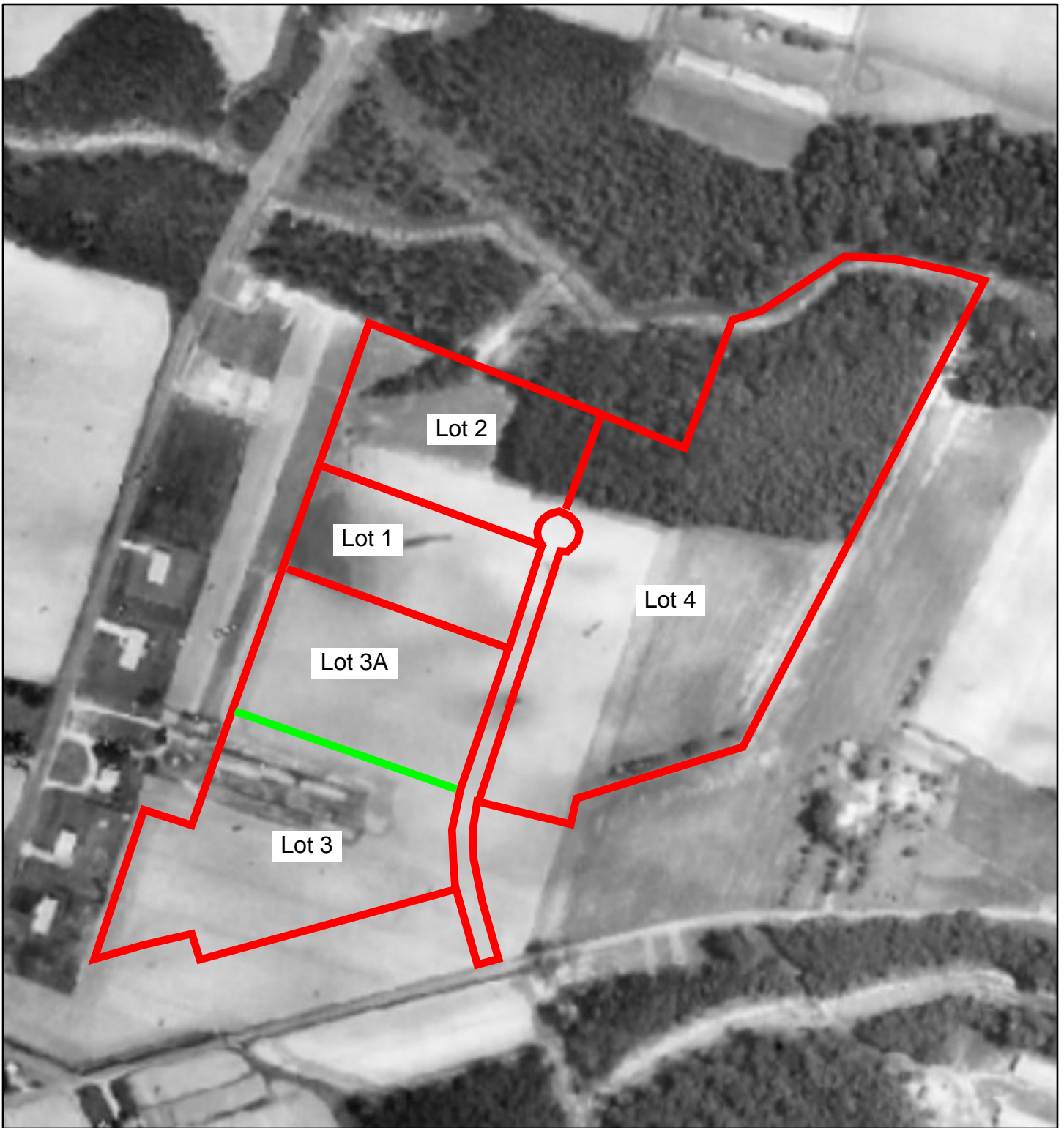
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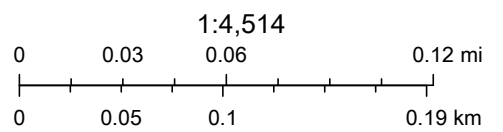
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Lands of Borders - 1968 Aerial



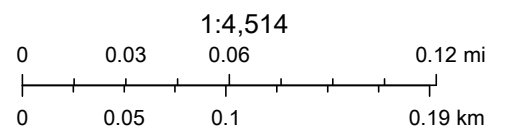
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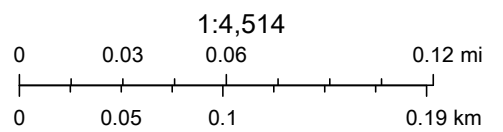
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Lands of Borders - 2002 Aerial



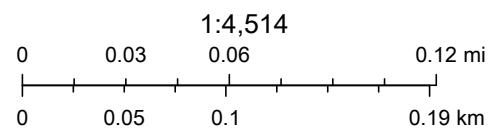
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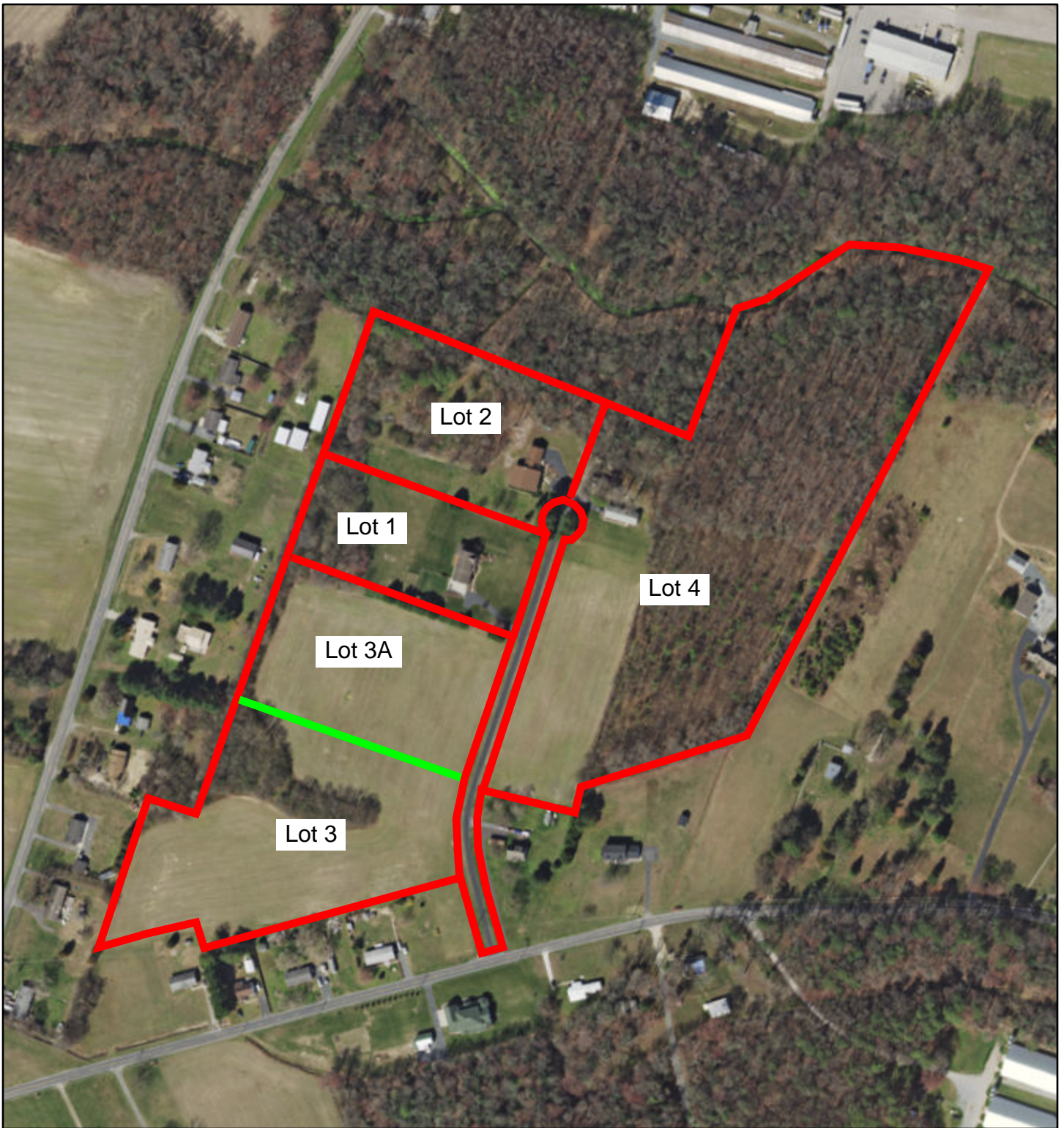
Lands of Borders - 2007 Aerial



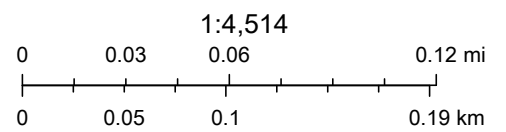
2/5/2022, 12:40:43 PM



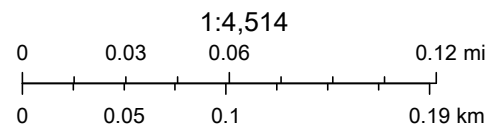
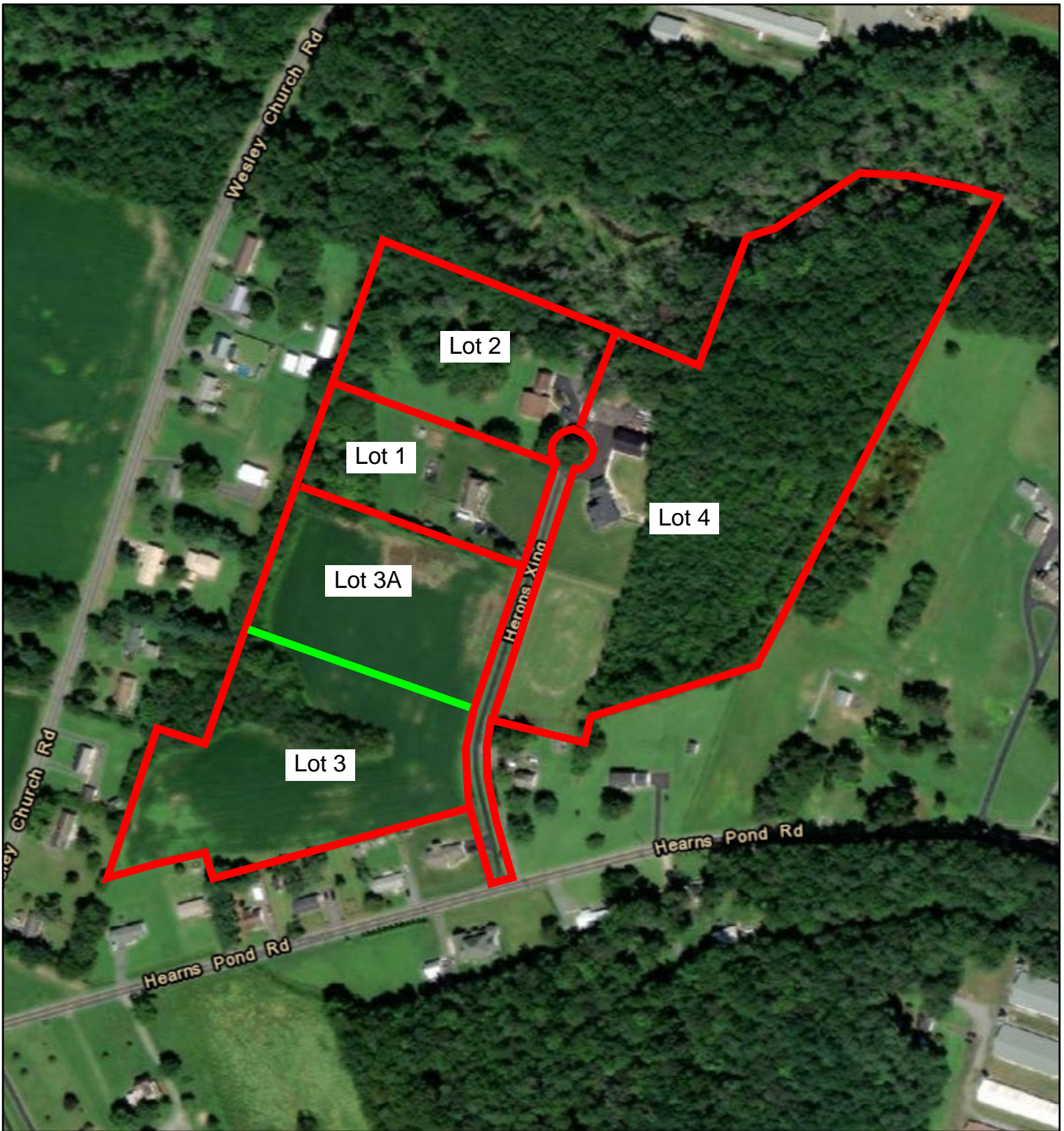
Lands of Borders - 2017 Aerial



2/5/2022, 12:39:31 PM



Lands of Borders - 2020 Aerial



TAB 3

LETTER OF TRANSMITTAL



PO Box 2
19 Commerce St
Harrington, DE 19952

TO: Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

| | | | |
|------------------|---|----------------|-----------|
| DATE | 8/11/21 8/30/21 | JOB NO. | 2140-BORD |
| ATTENTION | Mr. Jamie Whitehouse, Director | | |
| RE: | Lands of Borders – Major Subdivision | | |

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

Shop Drawings Prints Plans Samples Specifications
 Copy of Letter Change Order _____

| LIST OF ITEMS TRANSMITTED | | | |
|---------------------------|---------|-----|---|
| COPIES | DATE | NO: | DESCRIPTION |
| | 8/30/21 | 1 | Cover Letter |
| | 8/30/21 | 2 | Major Subdivision Application |
| | 8/30/21 | 3 | \$500.00 Check for Application Fee |
| | 8/30/21 | 4 | Letter of Support |
| | 8/30/21 | 5 | Site Evaluations |
| | 8/30/21 | 6 | Easement and Maintenance Agreement |
| | 8/30/21 | 7 | Lands of Borders – Subdivision Plat |
| | 8/30/21 | 8 | Original Subdivision Plat under Plot Book 111, Page 112 |
| | | | |
| | | | |

THESE ARE TRANSMITTED as checked below:

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input checked="" type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE _____ | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS

COPY TO _____

SIGNED: Dave Heatwole

Received by: _____

RECEIVED

AUG 30 2021

SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

**RE: Lands of Borders – Subdivision
Submission Cover Letter
Tax Parcel: 531-7.00-1.00**

Dear Mr. Whitehouse:

I am submitting the Land of Borders Subdivision application for consideration at the next available Planning and Zoning meeting. This parcel was created by the subdivision recorded under plot book 111 and page 112 and fronts a 50-foot wide, privately maintained right of way. It is my understanding that a major subdivision is required based on conversations with Planning and Zoning Staff.

In support of the Lands of Borders Subdivision, I have included the following items:

- Letter of support by the property owners directly impacted by the subdivision
- A copy of the Declaration of Easement and Maintenance Agreement for the private right of way
- A copy of the Soils Evaluation for the existing and proposed lot

The applicant requests a waiver from the County's Forested Buffer and Street Requirements.

Would you please give me a call if you have any questions or concerns, 302-841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Sussex County Major Subdivision 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)

Standard:
Cluster:
Coastal Area:

Location of Subdivision:

Hérons Crossing (Private Drive), Seaford, DE

Proposed Name of Subdivision:

Lands of Borders

Tax Map #: 531-7.00-1.00 Total Acreage: 9.283

Zoning: MR Density: 0.214 Minimum Lot Size: 3.733 Number of Lots: 2

Open Space Acres: n/a

Water Provider: On-Site Well Sewer Provider: On-Site Septic

Applicant Information

Applicant Name: Matthew Borders

Applicant Address: 21767 Herons Crossing, Rd

City: Seaford State: DE Zip Code: 19973

Phone #: (302) 841-5002 E-mail: mattborders10@gmail.com

Owner Information

Owner Name: Delores S. Borders

Owner Address: 32993 Herons Crossing

City: Seaford State: DE Zip Code: 19973

Phone #: (302) 841-5002 E-mail: mattborders10@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David Heatwole

Agent/Attorney/Engineer Address: PO Box 2, 19 Commerce Street

City: Harrington State: DE Zip Code: 19952

Phone #: (302) 841-7901 E-mail: dave.heatwole@siteworkseng.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- Completed Application**
- Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
 - Provide compliance with Section 99-9.
 - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- Provide Fee \$500.00**
- Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.**
- PLUS Response Letter** (if required) **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)
- 51% of property owners consent if applicable**

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 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: 8/30/21

Signature of Owner



Date: 8-30-21

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

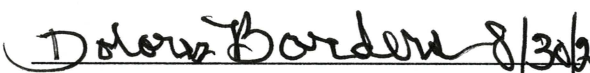
Date of PC Hearing: _____ Recommendation of PC Commission: _____

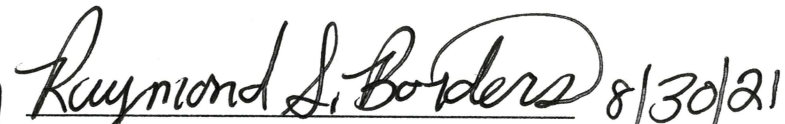
Attn: Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning
2 The Circle
P.O. Box 589
Georgetown, DE 19947


RE: Lands of Borders Subdivision
Tax Map 531-7.00-1.00


Dear Mr. Whitehouse,


We support the proposed Lands of Borders Subdivision for the parcel noted above and are agreeable to the terms of the easement and shared maintenance agreement included with the Lands of Borders Subdivision submission.



Dolores S. Borders
21822 Herons Crossing
Seaford, DE 19973
Date 8/30/21


Raymond S. Borders
21772 Herons Crossing
Seaford, DE 19973
Date 8/30/21


Mathew S. Borders
21767 Herons Crossing
Seaford, DE 19973
Date 8-22-21


Chelsea L. Borders
21767 Herons Crossing
Seaford, DE 19973
Date 8/22/21


Vincent Borders
21786 Herons Crossing
Seaford, DE 19973
Date 8-30-21


Rachael Borders
21786 Herons Crossing
Seaford, DE 19973
Date 8/30/21

Reference #:

565845

**SITE EVALUATION
Approval Page**

The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit.

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Tax Map #: 5-31-7.00-1.01 P.O.
Lot #: Proposed Parcel 3A

**RECEIVED
08/12/2021
GROUNDWATER**

Limitations of Soil Investigation for System Design

This soil investigation was conducted for a residential on-site system of up to 600 GPD capacity.

For applications of this report to designs of greater capacity or alternative uses, contact the site evaluator or the Department to determine if additional field investigations are necessary.

Initial Disposal System:

Capping-fill gravity-fed seepage bed or trench disposal system. Experience has shown that seepage trenches can have greater functional longevity under a variety of soil and site conditions. While regulation allows the use of seepage bed designs, trenches are nevertheless recommended if space permits. Trench installations are limited to slopes of 15% or less (unless designed by a professional engineer) and bed installations are limited to slopes of 2% or less. The designer should visit the site to verify conditions prior to design. See exhibits M and N in the 1985 regulations (amended 1/11/14).

Location of Initial Disposal System:

In the immediate vicinity of profile(s) 1 & 2 (see plot).

Depth to Limiting Zone:

48"

Replacement Disposal System:

Same as above if space permits. Otherwise, the replacement system may be a sand-lined upgrade.

Location of Replacement Disposal System:

In the immediate vicinity of profile(s) referred to above.

Depth to Limiting Zone:

Same as above.

Design Considerations and Comments or Alternatives to the Initial Disposal System:

*Changes made to property lines or configuration from those included in the attached site evaluation report may negate this approval. A new plot drawing showing the locations of the soil borings in reference to changed property lines, fixed points of reference, etc. may be required in order for the site evaluation to be re-approved.

*Maintain all isolation distances specified in Exhibit "C" in the 1985 regulations (amended 1/11/14). The designated suitable soil area(s) appearing on the plot drawing may, in some cases, be negated or reduced due to required isolation distances.

Soils in the vicinity of SB #3 are suitable for a full-depth LPP disposal system with a limiting zone of 44" and an estimated percolation rate of 30MPI.

Instructions to Property Owner

- Contact a Licensed Class B System Designer.
- A permeability rate of 30 minutes per inch has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 856-1853 or the DNREC at (302) 856-4561 in Sussex County, and (302) 739-9947 in Kent and New Castle Counties for testing information.
- Read the attached site evaluation report for additional information.
- Identify where the drainfield will be placed on the site and protect it from any vehicle overtravel or stockpiling of any construction materials. It is your responsibility to prevent soil compaction of the drainfield area!

**PAID
\$ 75.00 08/12/2021**

This report has been prepared by: Bradley J. Cate 8/12/2021

Bradley J. Cate
Eastern Shore Soil Services

License #: 2052

Field Checked _____

For Office Use Only

DNREC APPROVED

8/13/21

8/13/26

DNREC Reviewing Staff

Approval Date

Expiration Date

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

**IF THERE ARE QUESTIONS
REGARDING THIS REPORT
CONTACT CLASS D LICENSEE**

**THE CLASS D LICENSEE
IS RESPONSIBLE FOR
ERRORS/OMISSIONS**

Site Evaluation Report

Eastern Shore Soil Services
P.O. Box 411, Savanna, IL 61074 (815) 273-3550
P.O. Box 411, Georgetown, DE 19947 (302) 856-1853
esss@grics.net www.easternshoresoil.com

12-Aug-21

File #: 5294

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Telephone #: () - 0

Tax Map and Parcel #: 5-31-7.00-1.01 P.O. **County:** Sussex

Property Location: NW/S Herons Crossing Rd., ~365' N of CR 544

Name of Development: N/A

Lot # Proposed Parcel 3A **In Tax Ditch District?:** Yes

Central Sewer Available: No **Chesapeake/Inland Bays PSN3 Area?:** No

Central Water Available: No

Date of Investigation: 3/19/21

Evaluated by Test Pits: No **Evaluated by Soil Borings:** Yes

| <u>Profile #:</u> | <u>Depth to Limiting Zone:</u> | <u>Limiting Zone Inferred From:</u> | <u>Subgroup Taxon Classification:</u> |
|-------------------|--------------------------------|-------------------------------------|---------------------------------------|
| 1 | 49" | redox accumulations | Typic Hapludult |
| 2 | 48" | redoximorphic features | Typic Hapludult |
| 3 | 44" | redox accumulations | Humic Hapludult |

Summary of Evaluation:

This site occupies a nearly level cultivated portion of a talf. Differences in depth to redoximorphic features were related to minor differences in topographic elevation. Free water observations should be considered qualitatively due to an insufficient equilibration period. Regional wet season hydrology was at or above normal at the time of the site visit.

Evaluated By: Bradley J. Cate
DE License #: 2052


Site Evaluator's Signature

Note:
Information contained in this site evaluation report and shown on the accompanying plot drawing reflects current regulatory policies and procedures at the time the evaluation was conducted. Changes made to the property and to adjacent properties after the evaluation was conducted or changes in regulatory policy may preclude or modify the type or location of the recommended on-site sewage system regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate it does not guarantee a septic permit and the attached plot should not be construed as a survey. All information should be verified by interested parties prior to the transfer of the property as well as prior to design and installation of the septic system. Interpretations made in this evaluation are intended for siting and design of a septic system only and are not suitable for other uses. Unless approved by the regulatory agency(ies) this report represents only a technical opinion rendered and does not constitute an approval for siting or design of any septic system on this site.

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grics.net



Profile #: 1
 Date of Test: 3/19/21 Soil Boring or Test Pit (1)
 Property Owner: Borders
 Property Location: Parcel 3A Herons Crossing Rd
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Top Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: 49" to relax accumulations
 Soil Series Identified: Typic Hapludalt

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|-----------------|----------|-----------|-----------------------|---------------|----|------|--------------------|-----------|--------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A _p | 0 to B | 10YR 3/4 | / | | | | LS | mgc | / ufr |
| B ₁₁ | B to 31 | 7.5YR 4/6 | / | | | | SL+ | ~ | / ufr |
| B ₁₂ | 31 to 37 | 7.5YR 5/6 | / | | | | SL+ | ~ | / ufr |
| B ₁₃ | 37 to 49 | 7.5YR 5/6 | / | | | | LS+ | ~ | / ufr |
| BC | 49 to 53 | 7.5YR 5/6 | 7.5YR 5/3 | c2d | | | LS | ~ | / ufr |
| C | 53 to 60 | 7.5YR 6/6 | 10YR 5/3 7.5YR 5/3 | c2d c3d | | | stratified LS/L | ~ | / ufr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
 42"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: csss@grice.net



Profile #: 2
 Date of Test: 3/15/21 Soil Boring or Test Pit (1)
 Property Owner: Borders
 Property Location: Herons Crossing Rd Parcel 3A
 Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: moderately poor
 Depth to Limiting Zone: 48" to retromorphic features
 Soil Series Identified: Typic Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|-----------------|----------|-----------|----------|---------------|----|------|---|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A _p | 0 to 14 | 10YR 4/3 | / | | | | LS | single | / ufr |
| B ₁₁ | 14 to 19 | 10YR 4/6 | / | | | | SL | m | / ufr |
| B ₁₂ | 19 to 40 | 7.5YR 5/6 | / | | | | SLT | 10Sbc | / ufr |
| B _c | 40 to 48 | 7.5YR 5/6 | / | | | | LS _c | m | / ufr |
| C | 48 to 60 | 10YR 5/6 | 10YR 6/2 | C 2 P | | | Stratified S.LS _c SL _c | m | / ufr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
41"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: 3

Date of Test: 3/15/21 Soil Boring or Test Pit (1)

Property Owner: Bardors

Property Location: Horvans Crossing Rd. Parcel 3A

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Moderate

Depth to Limiting Zone: 44" to redox accumulations

Soil Series Identified: Humic Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|---------|----------|----------|----------------------|---------------|----|------|-----------------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| Ap | 0 to 9 | 1.7r3/3 | / | | | | SL ⁻ | single | / ufr |
| Bt1 | 9 to 24 | 10.7r4/4 | / | | | | SL ⁺ | massive | / ufr |
| Bt2 | 24 to 32 | 7.57r4/6 | / | | | | SEL | massive | / ufr |
| Bt3 | 32 to 36 | 7.57r5/6 | / | | | | SL ⁺ | massive | / ufr |
| Bc | 36 to 44 | 7.57r5/6 | / | | | | LS | ~ | / ufr |
| C1 | 44 to 55 | 10.7r5/6 | 7.57r5/6 | | | C2d | LS | ~ | / ufr |
| C2 | 55 to 60 | 10.7r5/6 | 10.7r5/6 7.57r5/6 | | | C2d | LS | ~ | / ufr |
| | to | | | | | | | | / |

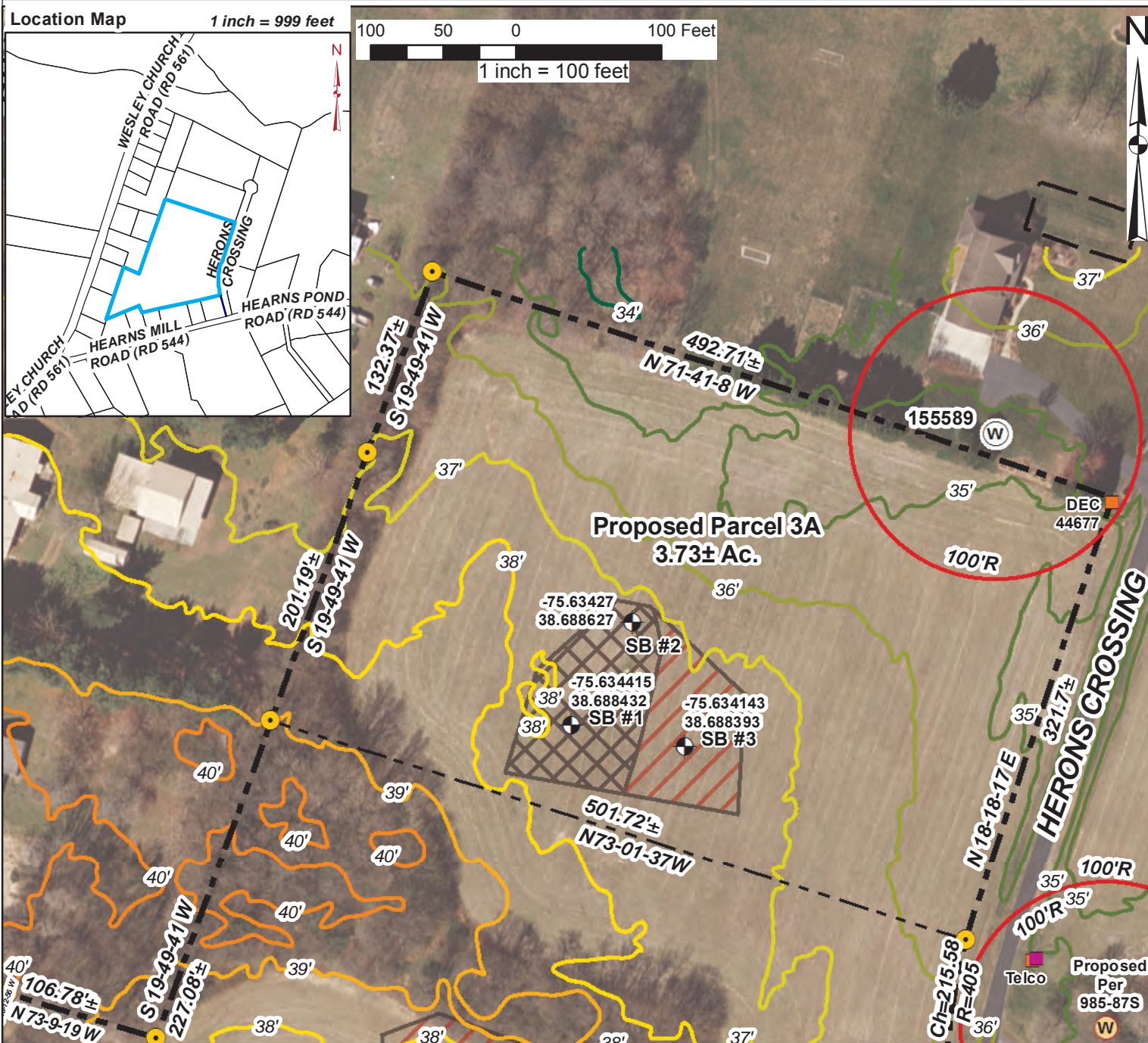
Current Hydrology: "± to upper boundary of capillary fringe (or)

44"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature



Legend

- Well Location from Records
- Well-Verified
- Misc. Point
- Concrete Monument
- Soil Boring Location
- Utility Enclosure/Pede...
- Property Line
- Proposed Property Line
- Approx. System Extents
- Well Arc & Radius
- Full-depth LPP System
- Capping-Fill Gravity-fed System

Note: Unless otherwise shown, adjacent wells >100' from evaluated area (public wells >150'). Any ditch or swale present is ephemeral unless depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy.

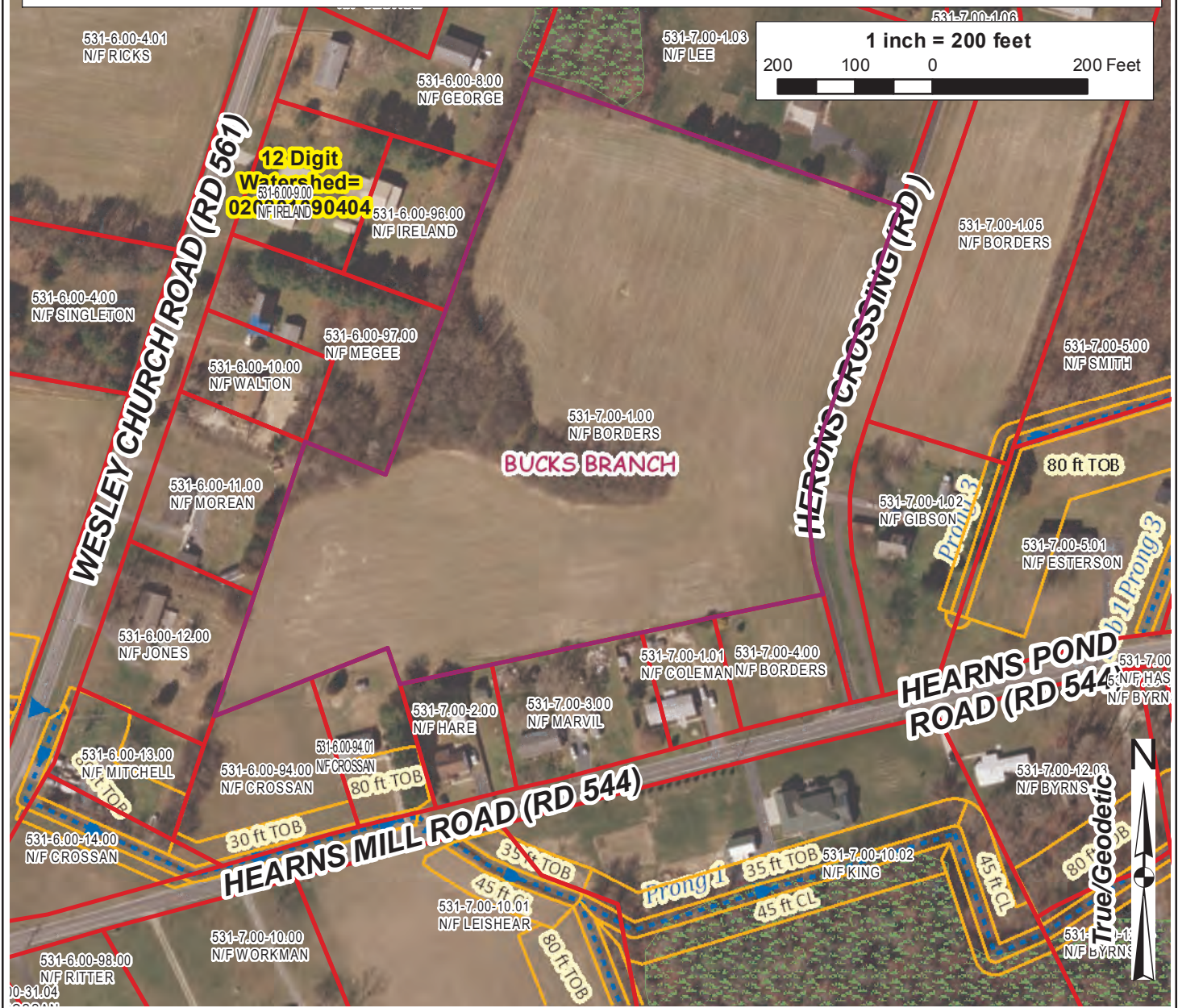
Disclaimer: This plot drawing is not represented as a survey. Boundary information has been compiled from any of the following sources: county GIS, tax map, deed, survey, recorded plot, or field located property corners. Locations of wells and septic systems are by direct observation where possible but, as with boundary information above, may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. This plot represents site conditions at the time of evaluation. Subsequent alteration of the site or adjacent properties may negate the validity or usefulness of the information. Elevation contours, if provided, are derived from public domain LIDAR or GIS and should be confirmed. All information should be re-verified prior to purchase or use. In some cases, features such as property lines, utility poles, transformers, etc. may be slightly at odds with aerial photography due to minor errors in GPS data collection or due to horizontal biases inherited from the aerial photography source used.

Site Evaluation Plot
N/F Jacob E. & Delores S. Borders
TM# 5-31-7.00-1.00
Proposed Parcel 3A
Per Plan by Siteworks Eng.

Eastern Shore Soil Services
Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grice.net



Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)

| | | | |
|--|------------------------|--|-----------------|
| | 12 Digit Watershed # | | FEMA Flood Maps |
| | Bay Building Line | | X 500 |
| | Tax Ditch Maximum ROWs | | A |
| | Extent of Right-of-Way | | AE |
| | Wetlands | | AO |
| | | | VE |

*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
 Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Site Evaluation Map of Additional Published Properties

(This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevaana, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net



PARID: 531-7.00-1.00
BORDERS JACOB E

ROLL: RP

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: AGR-Agriculture
 Use Code (LUC): AG-AG
 Town: 00-None
 Tax District: 531 – SEAFORD
 School District: 3 - SEAFORD
 Council District: 1-Vincent
 Fire District: 87-Seafood
 Deeded Acres:
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: MR-MEDIUM RESIDENTIAL
 Zoning 2: -
 Plot Book Page: 112 336/PB

100% Land Value: \$2,000
 100% Improvement Value
 100% Total Value

Legal

Legal Description: N/RD 544
 1180'E/RD 561
 LOT 3 REMAINING LAND

Owners

| Owner | Co-owner | Address | City | State | Zip |
|-----------------|-------------------|-----------------------|---------|-------|-------|
| BORDERS JACOB E | DOLORES S BORDERS | 21882 HERONS CROSSING | SEAFORD | DE | 19973 |

Reference #:

565846

**SITE EVALUATION
Approval Page**

RECEIVED

08/12/2021

GROUNDWATER

The soils on this site are approved when the following is completed in full and signed by the ~~approving authority~~. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit.

**Owner's Name
and Address:**

Jacob E. & Delores S. Borders

21882 Herons Crossing
Seaford, DE

19973

Tax Map #:

5-31-7.00-1.01 P.O.

Lot #: Remaining Lands of Lot 3

Limitations of Soil Investigation for System Design

This soil investigation was conducted for a residential on-site system of up to 600 GPD capacity.

For applications of this report to designs of greater capacity or alternative uses, contact the site evaluator or the Department to determine if additional field investigations are necessary.

Initial Disposal System:

Full-depth low pressure pipe (LPP) or elevated sand mound disposal system. LPP trenches to be 12" wide. The maximum slope allowed for elevated sand mound systems is 6% and 12% for percolation rates slower than 60 MPI and faster than 60 MPI, respectively, as indicated below. The designer should visit the site to verify conditions prior to design. See exhibits O and P in the 1985 regulations (amended 1/11/14).

Location of Initial Disposal System:

In the immediate vicinity of profile(s) 1 & 2 (see plot).

Depth to Limiting Zone:

41"

Replacement Disposal System:

Same as above if space permits. Otherwise, the replacement system may be a sand-lined upgrade.

Location of Replacement Disposal System:

In the immediate vicinity of profile(s) referred to above.

Depth to Limiting Zone:

Same as above.

Design Considerations and Comments or Alternatives to the Initial Disposal System:

*Changes made to property lines or configuration from those included in the attached site evaluation report may negate this approval. A new plot drawing showing the locations of the soil borings in reference to changed property lines, fixed points of reference, etc. may be required in order for the site evaluation to be re-approved.

*Maintain all isolation distances specified in Exhibit "C" in the 1985 regulations (amended 1/11/14). The designated suitable soil area(s) appearing on the plot drawing may, in some cases, be negated or reduced due to required isolation distances.

Soils in the vicinity of SB #3 are suitable for a capping-fill LPP with a 35" limiting zone and a 30MPI estimated percolation rate.

Instructions to Property Owner

- Contact a Licensed Class C System Designer.
- A permeability rate of 30 minutes per inch has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 856-1853 or the DNREC at (302) 856-4561 in Sussex County, and (302) 739-9947 in Kent and New Castle Counties for testing information.
- Read the attached site evaluation report for additional information.
- Identify where the drainfield will be placed on the site and protect it from any vehicle overtravel or stockpiling of any construction materials. It is your responsibility to prevent soil compaction of the drainfield area!

PAID
\$ 75.00 08/12/2021

This report has been prepared by: _____ 8/12/2021

Bradley J. Cate
Eastern Shore Soil Services

License #: 2052

Field Checked _____

For Office Use Only

DNREC APPROVED

DNREC Reviewing Staff

8/13/21

Approval Date

8/13/26

Expiration Date

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

**IF THERE ARE QUESTIONS
REGARDING THIS REPORT
CONTACT CLASS D LICENSEE**

**THE CLASS D LICENSEE
IS RESPONSIBLE FOR
ERRORS/OMISSIONS**

Site Evaluation Report

Eastern Shore Soil Services
P.O. Box 411, Savanna, IL 61074 (815) 273-3550
P.O. Box 411, Georgetown, DE 19947 (302) 856-1853
esss@grics.net www.easternshoresoil.com

12-Aug-21

File #: 5293

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Telephone #: () - 0

Tax Map and Parcel #: 5-31-7.00-1.01 P.O. **County:** Sussex

Property Location: NW/S Herons Crossing Rd., ~150' N of CR 544

Name of Development: N/A

Lot # Remaining Lands of Lot 3 **In Tax Ditch District?:** Yes

Central Sewer Available: No **Chesapeake/Inland Bays PSN3 Area?:** No

Central Water Available: No

Date of Investigation: 3/19/21

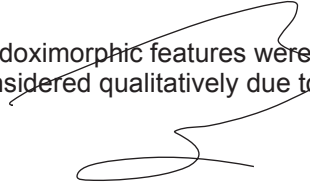
Evaluated by Test Pits: No **Evaluated by Soil Borings:** Yes

| <u>Profile #:</u> | <u>Depth to Limiting Zone:</u> | <u>Limiting Zone Inferred From:</u> | <u>Subgroup Taxon Classification:</u> |
|-------------------|--------------------------------|-------------------------------------|---------------------------------------|
| 1 | 41" | redoximorphic features | Oxyaquic Paleudult |
| 2 | 46" | redox accumulations | Humic Hapludult |
| 3 | 35" | redox accumulations | Oxyaquic Hapludult |

Summary of Evaluation:

This site occupies a nearly level cultivated portion of a talf. Differences in depth to redoximorphic features were related to minor differences in topographic elevation. Free water observations should be considered qualitatively due to an insufficient equilibration period.

Evaluated By: Bradley J. Cate
DE License #: 2052



Site Evaluator's Signature

Note:
Information contained in this site evaluation report and shown on the accompanying plot drawing reflects current regulatory policies and procedures at the time the evaluation was conducted. Changes made to the property and to adjacent properties after the evaluation was conducted or changes in regulatory policy may preclude or modify the type or location of the recommended on-site sewage system regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate it does not guarantee a septic permit and the attached plot should not be construed as a survey. All information should be verified by interested parties prior to the transfer of the property as well as prior to design and installation of the septic system. Interpretations made in this evaluation are intended for siting and design of a septic system only and are not suitable for other uses. Unless approved by the regulatory agency(ies) this report represents only a technical opinion rendered and does not constitute an approval for siting or design of any septic system on this site.

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grice.net



Profile #: 1

Date of Test: 3/15/21 Soil Boring or Test Pit (1)

Property Owner: Borjors

Property Location: Herons Crossing Rd Remainder of Lot 3

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Low Rapid

Depth to Limiting Zone: 41" to redoximorphic features

Soil Series Identified: Oxyaquic Paludic H

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|------------|-----------------|-----------------|-------------------------------------|--------------------------|----|------|------------|-------------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| <u>Ap</u> | <u>0 to 10</u> | <u>10YR 3/3</u> | <u>/</u> | | | | <u>LS+</u> | <u>mg</u> | <u>/ufr</u> |
| <u>E</u> | <u>10 to 21</u> | <u>10YR 5/4</u> | <u>/</u> | | | | <u>LS+</u> | <u>m</u> | <u>/ufr</u> |
| <u>Bt1</u> | <u>21 to 41</u> | <u>10YR 5/6</u> | <u>/</u> | | | | <u>SL</u> | <u>msbk</u> | <u>/ufr</u> |
| <u>Bt2</u> | <u>41 to 51</u> | <u>10YR 5/4</u> | <u>10YR 5/2</u> <u>10YR 5/6</u> | <u>t2d</u> | | | <u>SL</u> | <u>msbk</u> | <u>/ufr</u> |
| <u>Bt3</u> | <u>51 to 60</u> | <u>10YR 5/4</u> | <u>10YR 5/2</u> <u>7.5YR 5/3</u> | <u>c3d</u> <u>c2p</u> | | | <u>SL</u> | <u>-</u> | <u>/ufr</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |

Current Hydrology: "± to upper boundary of capillary fringe (or)

43"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: csss@grics.net



Profile #: 2
 Date of Test: 3/19/21 Soil Boring or Test Pit (1)
 Property Owner: Borders
 Property Location: Herons Crossing Rd. Remainder of Lot 3
 Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: Moderate
 Depth to Limiting Zone: 46" to relax accumulations
 Soil Series Identified: Munir Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|---------|----------|----------|----------|---------------|----|------|---------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A | 0 to 9 | 10YR2/3 | / | | | | SL | 1mjt | / uf |
| Bt1 | 9 to 24 | 10YR4/4 | / | | | | SCC- | 1mshk | / fr |
| Bt2 | 24 to 40 | 7.5YR5/6 | / | | | | SL | 1c5b2 | / ufr |
| E & Bt3 | 40 to 46 | 10YR5/4 | 90% | | | | L5 | ~ | / ufr |
| | | 7.5YR5/6 | 20% | | | | SL | ~ | / ufr |
| C1 | 46 to 50 | 10YR5/4 | 7.5YR5/3 | f4p | | | L5 | ~ | / ufr |
| C2 | 50 to 60 | 10YR6/4 | 10YR5/3 | c2p | | | L5 | ~ | / ufr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
 44"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grics.net



Profile #: 3

Date of Test: 3/15/21 Soil Boring or Test Pit (1)

Property Owner: Borders

Property Location: Heron's Crossing At Remainder of Lot 3

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: 35" to redox accumulations

Soil Series Identified: Dryaquic Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|---------|----------|-----------|----------------------|---------------|----|------|----------------------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| Ap | 0 to 11 | 10YR 3/3 | / | | | | SL | 1m gr | / vfr |
| Bt1 | 11 to 15 | 10YR 4/4 | / | | | | SLL | 1m sbk | / fr |
| Bt2 | 15 to 20 | 10YR 4/6 | / | | | | SLL | 1m sbk | / fr |
| Bt3 | 20 to 27 | 7.5YR 4/6 | / | | | | SLL | 1m sbk | / fr |
| Bt4 | 27 to 35 | 7.5YR 5/6 | / | | | | SL | ~ | / vfr |
| C | 35 to 46 | 10YR 5/6 | 5YR 5/8 10YR 5/8 | C2p C3d | | | LS | ~ | / vfr |
| Cg | 46 to 60 | 2.5Y 5/2 | 10YR 5/8 2.5Y 5/4 | C3p C5d | | | Stratified LS, SL | ~ | / vfr |
| | to | | | | | | | | |

Current Hydrology: \pm to upper boundary of capillary fringe (or)

35" \pm to free water (if applicable)

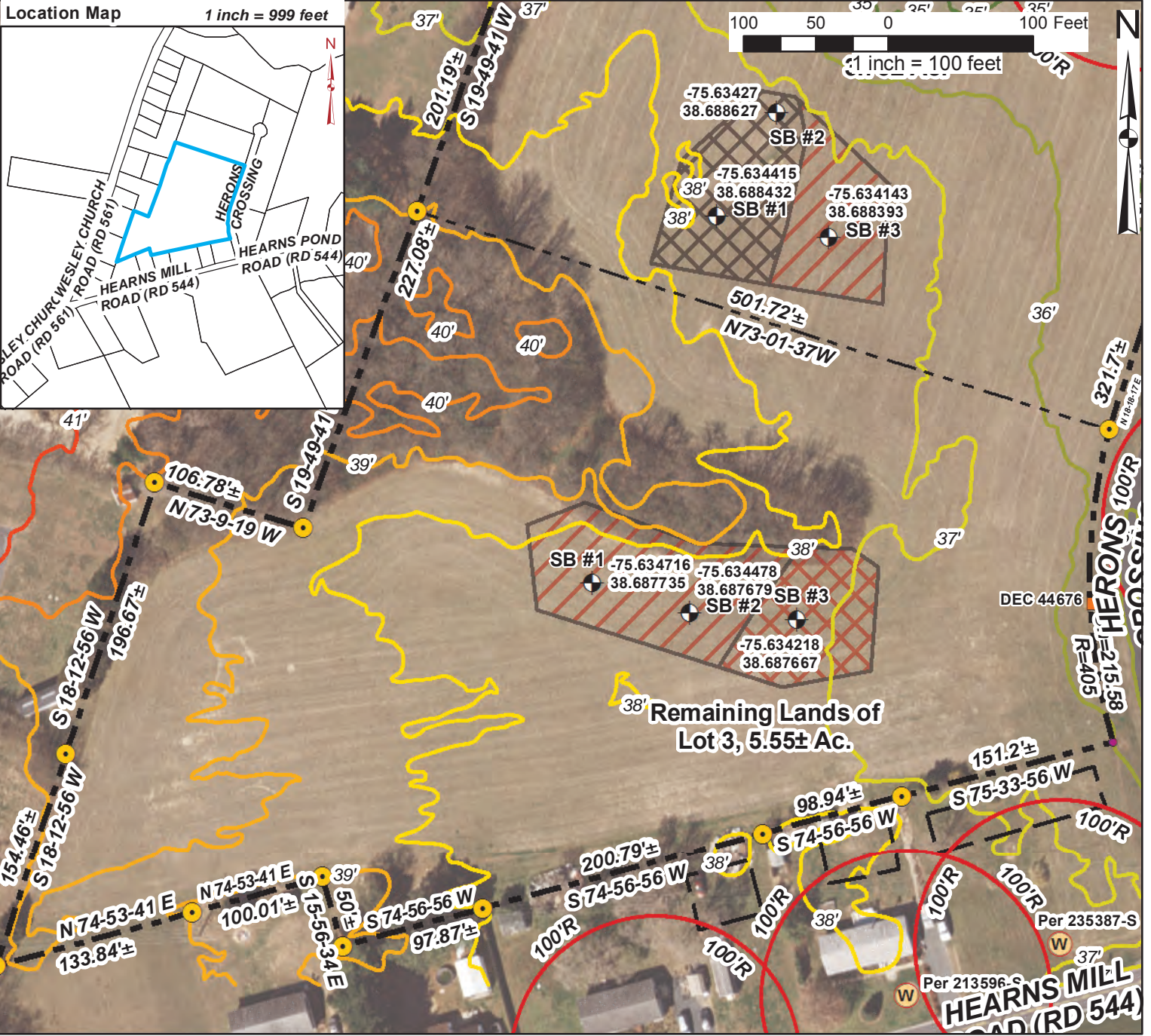
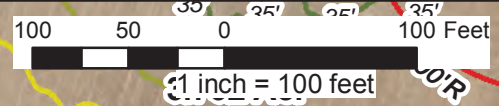
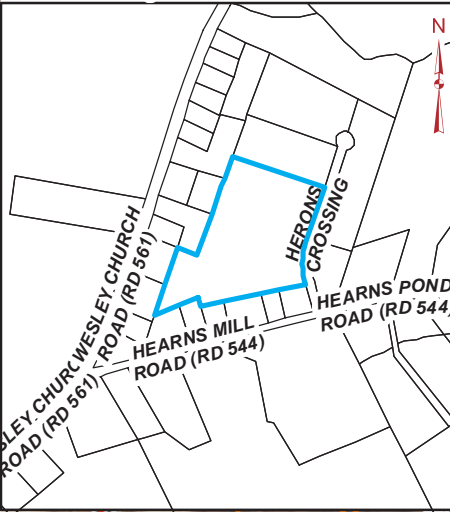
(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

Location Map

1 inch = 999 feet



Legend

- Well Location from Records
- Misc. Point
- Soil Boring Location
- Utility Enclosure/Pede...
- Rebar
- Property Line
- Proposed Property Line
- Approx. System Extents
- Well Arc & Radius
- Capping-Fill Gravity-fed System
- Capping-Fill LPP System
- Full-depth LPP System

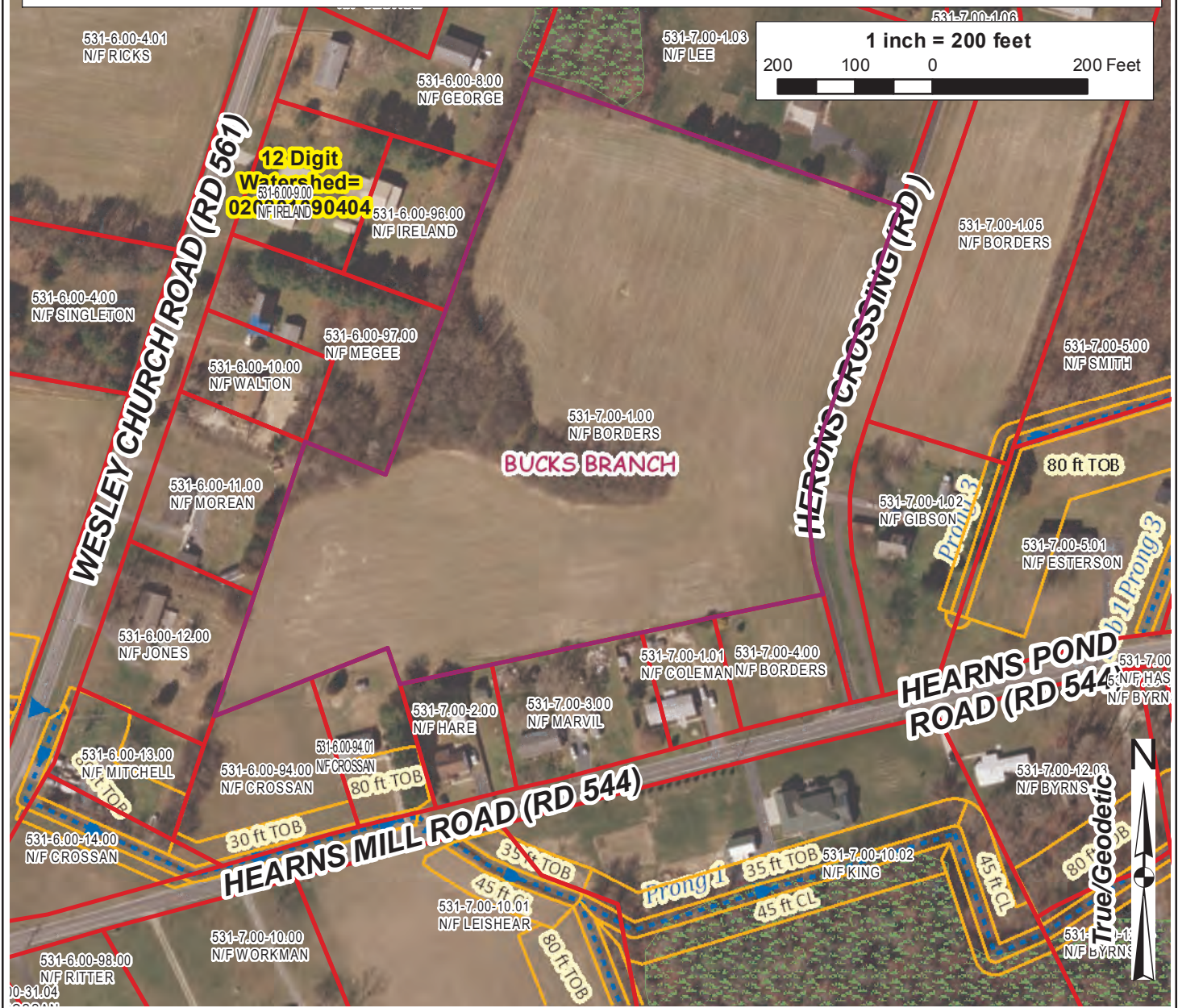
Site Evaluation Plot
N/F Jacob E. & Delores S. Borders
TM# 5-31-7.00-1.00, P.O.
Remaining Lands of Lot 3
Per Plan by Siteworks Eng.

Note: Unless otherwise shown, adjacent wells >100' from evaluated area (public wells >150'). Any ditch or swale present is ephemeral unless depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy.

Disclaimer: This plot drawing is not represented as a survey. Boundary information has been compiled from any of the following sources: county GIS, tax map, deed, survey, recorded plot, or field located property corners. Locations of wells and septic systems are by direct observation where possible but, as with boundary information above, may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. This plot represents site conditions at the time of evaluation. Subsequent alteration of the site or adjacent properties may negate the validity or usefulness of the information. Elevation contours, if provided, are derived from public domain LIDAR or GIS and should be confirmed. All information should be re-verified prior to purchase or use. In some cases, features such as property lines, utility poles, transformers, etc. may be slightly at odds with aerial photography due to minor errors in GPS data collection or due to horizontal biases inherited from the aerial photography source used.

Eastern Shore Soil Services
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 P.O. Box 411, Savanna, IL 61074
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 Email: ess@grice.net

Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)

- 12 Digit Watershed #
- Bay Building Line
- Tax Ditch Maximum ROWs
- Wetlands
- FEMA Flood Maps X 500
- FEMA Flood Maps A
- FEMA Flood Maps AE
- FEMA Flood Maps AO
- FEMA Flood Maps VE

*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
 Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Site Evaluation Map of Additional Published Properties

(This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevaana, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net

PARID: 531-7.00-1.00
BORDERS JACOB E

ROLL: RP

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: AGR-Agriculture
 Use Code (LUC): AG-AG
 Town: 00-None
 Tax District: 531 – SEAFORD
 School District: 3 - SEAFORD
 Council District: 1-Vincent
 Fire District: 87-Seafood
 Deeded Acres:
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: MR-MEDIUM RESIDENTIAL
 Zoning 2: -
 Plot Book Page: 112 336/PB

100% Land Value: \$2,000
 100% Improvement Value
 100% Total Value

Legal

Legal Description: N/RD 544
 1180'E/RD 561
 LOT 3 REMAINING LAND

Owners

| Owner | Co-owner | Address | City | State | Zip |
|-----------------|-------------------|-----------------------|---------|-------|-------|
| BORDERS JACOB E | DOLORES S BORDERS | 21882 HERONS CROSSING | SEAFORD | DE | 19973 |

TM: 5-31-7.00-1.03;
5-31-7.00-1.04;
5-31-7.00-1.05;
5-31-7.00-1.06; and,
5-31-7.00-4.00

Prepared by and Return to:
The Smith Firm, LLC
8866 Riverside Dr.
Seaford, DE 19973

**DECLARATION OF EASEMENT AND
SHARED MAINTENANCE AGREEMENT**

THIS DECLARATION OF EASEMENT AND SHARED MAINTENANCE AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2020, by **VINCENT BORDERS** and **RACHEL BORDERS**, having an address for purposes of this Agreement of 21786 Herons Crossing, Seaford, Delaware 19973,

AND

RAYMOND S. BORDERS, having an address for purposes of this Agreement of 21772 Herons Crossing, Seaford, Delaware 19973,

AND

JACOB E. BORDERS and **DOLORES S. BORDERS**, having an address for purposes of this Agreement of 21882 Herons Crossing, Seaford, Delaware 19973;

AND

MATHEW S. BORDERS and **CHELSEA L. BORDERS**, having an address for purposes of this Agreement of 21767 Herons Crossing, Seaford, Delaware 19973.

RECITALS

WHEREAS, as of the date of this Agreement, Vincent and Rachel Borders are the record owners of Sussex County tax district, map and parcel identification number 5-31-7.00-1.03; otherwise known as 21786 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 1");

WHEREAS, as of the date of this Agreement, Raymond S. Borders is the record owner of Sussex County tax district, map and parcel identification number 5-31-7.00-1.04; otherwise known as 21772 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 2");

WHEREAS, as of the date of this Agreement, Jacob E. Borders and Dolores S. Borders are the record owners of Sussex County tax district, map and parcel identification number 5-31-7.00-4.00; otherwise known as 21882 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 3");

WHEREAS, as of the date of this Agreement, Mathew S. Borders and Chelsea L. Borders are the record owners of Sussex County tax district, map and parcel identification number 5-31-7.00-1.05; otherwise known as 21767 Herons Crossing, Seaford, Delaware 19973 (hereinafter "Lot 4");

WHEREAS, as of the date of this Agreement, there is a 50' private right-of-way identified as Sussex County tax district, map and parcel identification number 5-31-7.00-1.06, and more fully shown on a plat placed of record in the Office of the Recorder of Deeds at Plat Book 111, Page 112 (the "ROW"); with the said ROW providing a means of ingress and egress to and from Lots 1, 2, 3 and 4 (collectively the "Properties").

WHEREAS, as of the date of this Agreement, the ROW is improved with an asphalt surface; and,

WHEREAS, as of the date of this Agreement, the ROW is owned by Jacob E. Borders and Dolores S. Borders; however, it is the intention of the said parties to convey the ROW, subject to the terms set forth herein, to Raymond S. Borders either simultaneous with the recordation of this Agreement, or shortly thereafter.

WITNESSETH

NOW THEREFORE, in consideration of the covenants and easements herein contained, and as a material condition to the conveyance to any third-party of any or all of the Properties subject hereto, as well as for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. *Grant of Easement.* The parties hereto, inclusive of the record owner of the ROW at the time this Agreement is signed and recorded, do hereby agree in their respective names and as a covenant that will run by and with the Properties hereinabove described, to forever allow the owners of the Properties, and their successors in title to enjoy a right of ingress and egress over the ROW. The easement rights herein described are appurtenant to the lands at issue, and are not in gross to any individuals named herein.

2. *Obstructions.* No owners of the Properties hereinabove described shall obstruct, impede, or otherwise interfere with each other in the reasonable use of the ROW.

3. *Maintenance.* It is hereby agreed that the owners of the Properties, along with their respective successors in title, shall share, as detailed below, in the responsibility of maintaining the ROW in a usable, neat, and uniform manner, so that the overall appearance of said ROW is in keeping with its intended use. Maintenance of the ROW shall include, at a

minimum, biennial seal coating. Upon the affirmative vote of a majority of the Properties subject hereto (each Property having a single vote), maintenance of the ROW shall also include resurfacing and other more major repairs. Notwithstanding anything contained herein or elsewhere to the contrary, maintenance of the ROW, as aforesaid, shall be paid for as follows:

(A) For so long as either Jacob E. Borders or Dolores S. Borders hold an ownership interest in Lot 3:

- (i) Owners of Lot 1 - 22%
- (ii) Owners of Lot 2 - 39%
- (iii) Owners of Lot 3 - 0%
- (iv) Owners of Lot 4 - 39%

(B) Once Jacob E. Borders and Dolores S. Borders no longer hold an ownership interest in Lot 3:

- (i) Owners of Lot 1 - 20%
- (ii) Owners of Lot 2 - 37%
- (iii) Owners of Lot 3 - 6%
- (iv) Owners of Lot 4 - 37%

4. *Claim of Contribution for Damages.* Notwithstanding the foregoing, the owners of the Properties reserve any and all legal rights to pursue all claims related to damage to the ROW or any improvement thereon, normal wear and tear excepted, due to the negligence or intentional acts of any owner or third person.

5. *Binding effect.* This Agreement shall be binding upon the owners of the Properties, as well as their respective successors, heirs, executors, administrators, and assigns. This Agreement shall be a covenant that binds and runs with the land.

6. *No Public Use.* The easement herein described is not intended for public use, nor is any such right of public use created by this Agreement.

The Lot 1 owners have set their hands and SEALS on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Vincent Borders

_____ (SEAL)
Rachel Borders

STATE OF _____, COUNTY OF _____ : to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, VINCENT BORDERS and RACHEL BORDERS, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

The Lot 2 owner has set his hand and SEAL on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Raymond S. Borders

STATE OF _____, COUNTY OF _____: to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, RAYMOND S. BORDERS, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

The Lot 3 owners have set their hands and SEALS on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Jacob E. Borders

_____ (SEAL)
Dolores S. Borders

STATE OF _____, COUNTY OF _____ : to-wit

BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, JACOB E. BORDERS and DOLORES S. BORDERS, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

The Lot 4 owners have set their hands and SEALS on this Agreement as of the day and year set forth below

Signed, Sealed and Delivered
in the presence of:

_____ (SEAL)
Mathew S. Borders

_____ (SEAL)
Chelsea L. Borders

STATE OF _____, COUNTY OF _____: to-wit

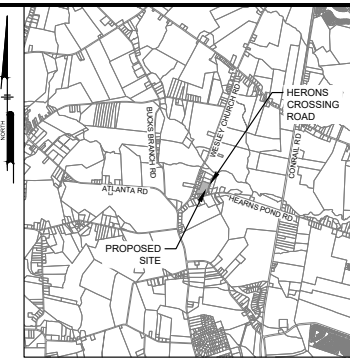
BE IT REMEMBERED, that on _____, 2020, personally came before me, the subscriber, MATHEW S. BORDERS and CHELSEA L. BORDERS, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

LANDS OF BORDERS SUBDIVISION

SUSSEX COUNTY PROJECT REFERENCE # 2021-27



LOCATION MAP
SCALE: 1" = 1 MILE

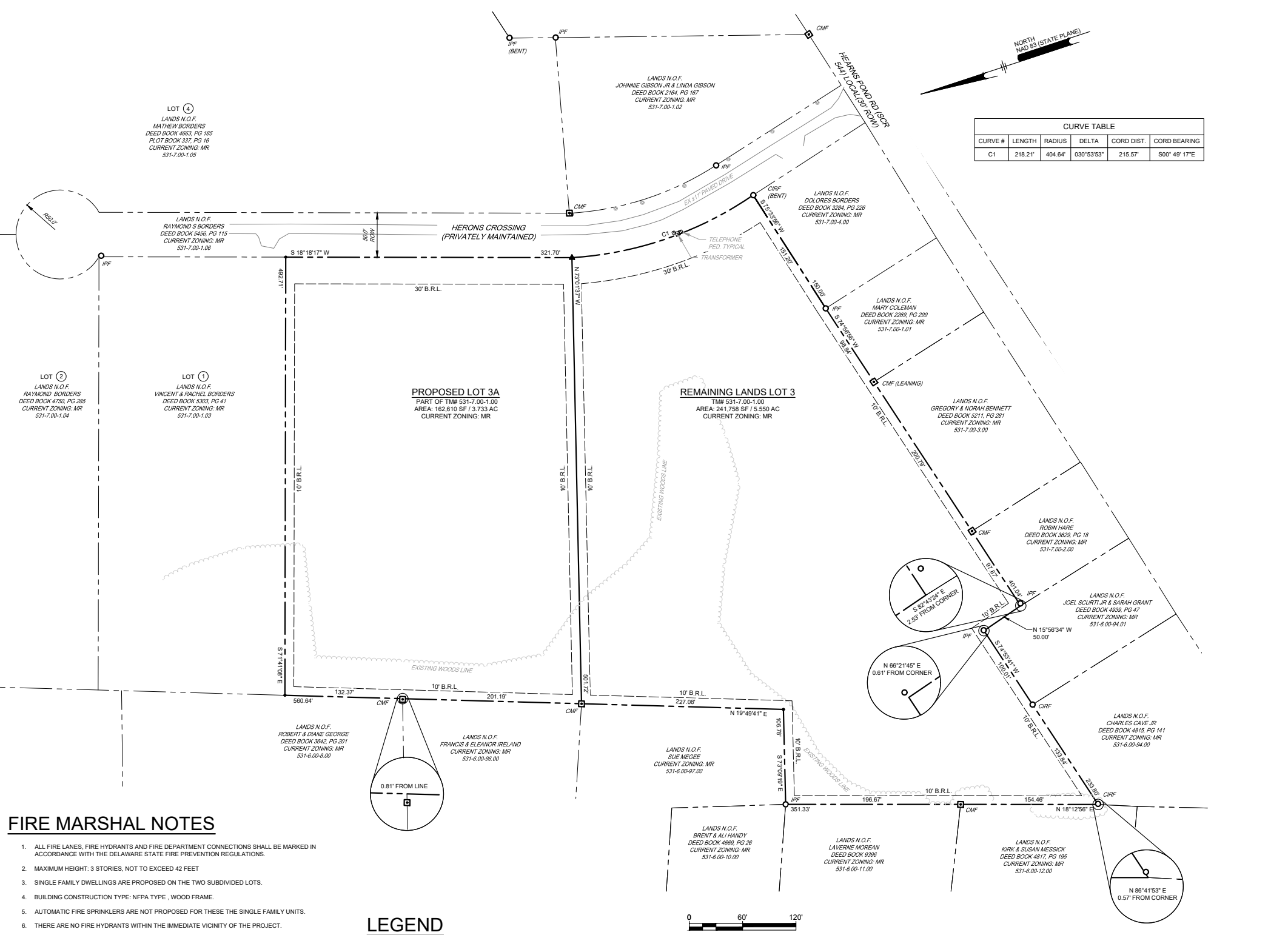
| CURVE TABLE | | | | | |
|-------------|---------|---------|------------|------------|--------------|
| CURVE # | LENGTH | RADIUS | DELTA | CORD DIST. | CORD BEARING |
| C1 | 218.21' | 404.64' | 030°53'53" | 215.57' | S00°49'17"E |

NOTES

- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT THREE AS SHOWN ON PLOT BOOK 111, PAGE 112 IN THE SUSSEX COUNTY RECORDER OF DEEDS CREATING ONE ADDITIONAL LOT FRONTING HERONS CROSSING ROAD, A PRIVATELY OWNED AND MAINTAINED STREET.
- PROPERTY REFERENCES: PLOT BOOK 111, PAGE 112, AND DEED BOOK 807 PAGE 335
- SURVEY CLASS: SUBURBAN
- HORIZONTAL DATUM: NAD83 - DELAWARE STATE PLANE
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OR WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
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SITE DATA

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| 1. TAX PARCEL NUMBER | 531-7-00-1.00 |
| 2. EXISTING / PROPOSED ZONING | MEDIUM RESIDENTIAL (MR) |
| 3. EXISTING LOTS | 4 |
| 4. PROPOSED LOTS | 1 (5 TOTAL) |
| 5. BUILDING SETBACKS | FRONT YARD: 40-FEET SIDE YARD: 10-FEET REAR YARD: 10-FEET |
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| 12. PRESENT USE | AGRICULTURAL |
| 13. PROPOSED USE | AGRICULTURAL AND RESIDENTIAL |
| 14. OWNER OF RECORD | DOLORES S. BORDERS 21882 HERONS CROSSING RD SEAFORD, DE 19973 PHONE (302) 841-5002 |
| 15. PROXIMITY TO IDENTIFIED T.I.D. | NOT WITHIN AN IDENTIFIED T.I.D. |
| 16. POSTED SPEED LIMIT HEARNS POND RD | 35 MPH |
| 17. PROPERTY ADDRESS: | 21800 HERONS CROSSING RD SEAFORD, DE 19973 |



FIRE MARSHAL NOTES

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- MAXIMUM HEIGHT: 3 STORIES, NOT TO EXCEED 42 FEET
- SINGLE FAMILY DWELLINGS ARE PROPOSED ON THE TWO SUBDIVIDED LOTS.
- BUILDING CONSTRUCTION TYPE: NFPA TYPE, WOOD FRAME.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THESE THE SINGLE FAMILY UNITS.
- THERE ARE NO FIRE HYDRANTS WITHIN THE IMMEDIATE VICINITY OF THE PROJECT.

LEGEND

- | | |
|----------------------------|-------|
| PIPE/REBAR FOUND | ○ |
| POINT | • |
| CONCRETE MONUMENT FOUND | ◻ |
| CAPPED IRON PIPE TO BE SET | ▲ |
| EX PROPERTY LINE | — |
| PROP. PROPERTY LINE | — |
| PROP. LINE ADJ. | - - - |
| UTILITY POLE | ⊥ |
| FENCE | — x — |

DELDOT RECORD PLAN NOTES:

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WETLANDS STATEMENT

EASTERN SHORE SOIL SERVICES, INC. HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAN TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUEOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. EASTERN SHORE SOIL SERVICES' REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COSTAL PLAN REGION (VERSION 2.0), DATED NOVEMBER 2010. NO WETLANDS OR WATERWAYS WERE OBSERVED WITHIN THE BOUNDARIES OF THIS PLAN. NO STATE OR FEDERAL JURISDICTIONAL APPROVAL WAS OBTAINED FOR THIS PROPERTY.

BRADLEY J. CATE, CPSSc/SC DATE

ENGINEERS CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVID HEATWOLE, P.E. (DE LICENSE NO. #17700) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DOLORES S. BORDERS DATE
21882 HERONS CROSSING RD.
SEAFORD, DE 19973
PHONE: (302) 841-5002

SITENETWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901
SUBDIVISION PLAN

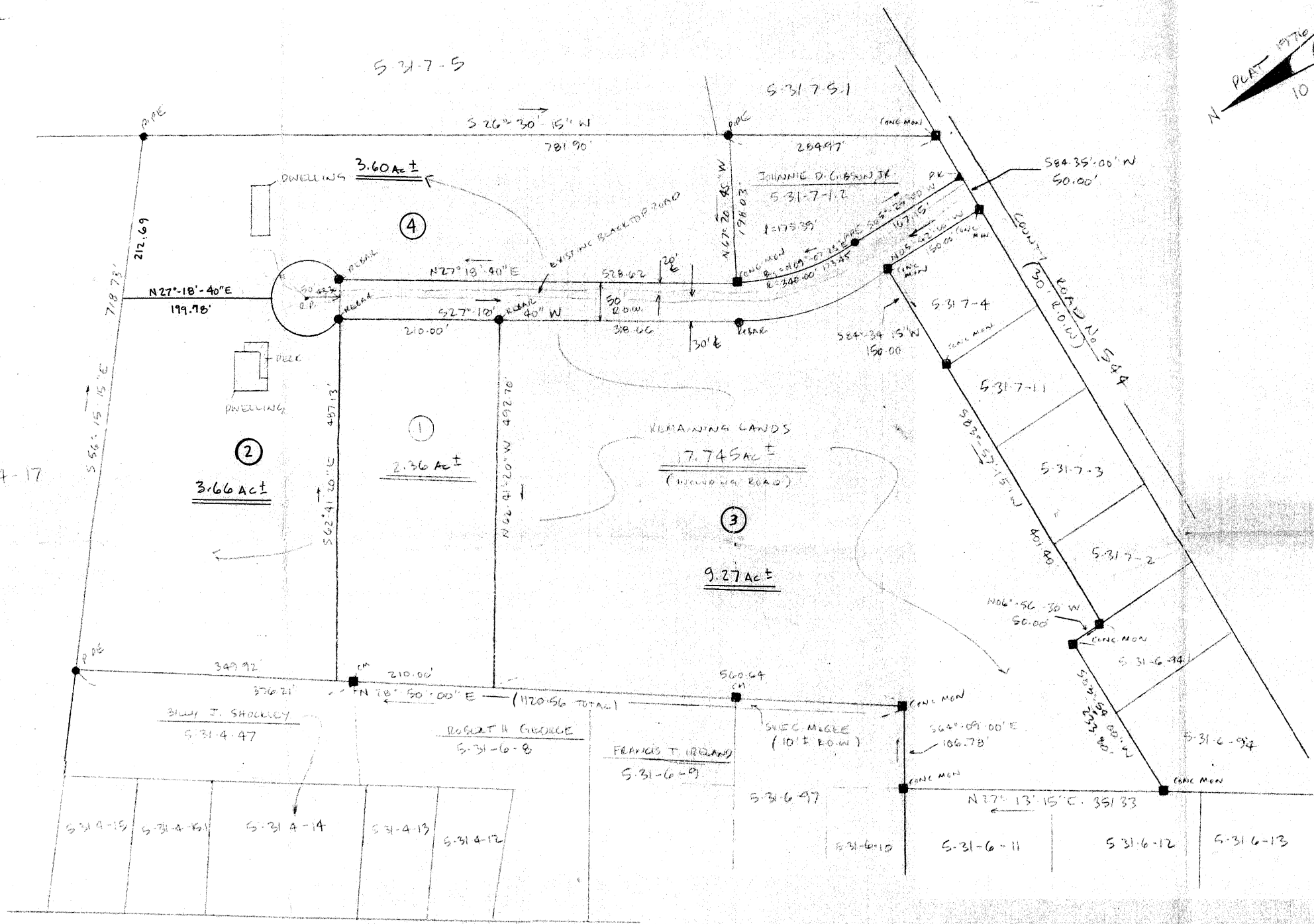
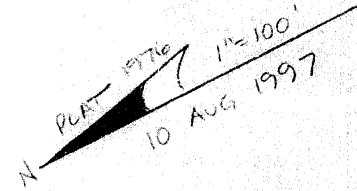
LANDS OF BORDERS SUBDIVISION
TAX PARCEL NO. 531-7-00-1.00
HERONS CROSSING DRIVE (PRIVATE)
SEAFORD HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
8/10/21 - SUSSEX COUNTY P&Z
9/14/21 - DELDOT
9/14/21 - FIRE MARSHAL
10/8/21 - SUSSEX COUNTY P&Z

| | | |
|----------------|-----------|----------|
| SCALE | PROJECT # | DRAWN BY |
| 1" = 60' | 2140-BORD | DMH |
| DRAWING NUMBER | | |

Z:\PROJECTS\BORDER\2140-BORD-Subdiv\DWG\2140-BORD-Subdiv.dwg PLOTTED: 10/8/2021 1:57 AM BY: dmh R:\STYLES\Subdiv.dwt

RECORDER OF DEEDS
JOHN F. BRADY
07 FEB -5 PM 12:27
SUSSEX COUNTY
DOC. SURCHARGE PAID



APPROVED
@ P&Z Comm 5-22-97
8-12-97 SA
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

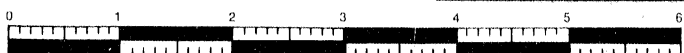
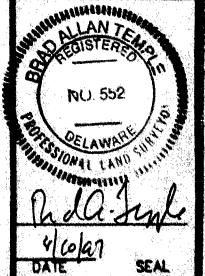
COUNTY ROAD No. 561

PLOT OF LANDS OF:
JACOB E. AND DOLORES S. BOLDERS
SITUATED IN:
SEAFORD HUNDED, SUSSEX COUNTY
STATE OF DELAWARE

| | | | |
|------------|----------|-------------|---------|
| DATE | 8-10-97 | SCALE | 1"=100' |
| JOB NO. | S-31-7-1 | DRAWN BY | BAT |
| FOLDER REF | | DESIGNED BY | |
| | | APPROVED BY | |
| DATE | | REVISION | |
| | | | |



Brad A. Temple
Professional Land Surveyor
Maryland & Delaware
3969 Five Friars Rd.
Salisbury MD. 21801
Maryland (410) 860 4805
Delaware (302) 629 9709



TAB 4

Sussex County Code Chapter 99-9C Compliance

for

Lands of Borders

Seaford Hundred
Sussex County, Delaware

Prepared By:
Siteworks Engineering, LLC
19 Commerce St.
P.O. Box 2
Harrington, DE 19952
Ph: 302-526-7022
Attn: David Heatwole, P.E.

February 2022

SUSSEX COUNTY CODE

CHAPTER 99-9C COMPLIANCE

It is the intent of this submittal to demonstrate how the proposed Lands of Borders project, meets, or exceeds, the regulatory requirements and follows the County grown objectives with regard to the Sussex County Code and Ordinances.

The project property is zoned Medium Residential (MR) and is a single lot subdivision. The existing lot is 9.2 acres, and will then become roughly two 4.64 acre parcels. The subdivision meets all requirements of the Sussex County Code.

The parcel is located off of Herons Crossing Road, a privately maintained road, and additional infrastructure is not necessary as part of this subdivision. The water and sewer service will be provided with a private well and septic respectively and will be designed and constructed in accordance with DNREC standards.

The information below is provided to address the requirements of Chapter 99-9C of the Sussex County Code:

1. Integration of the proposed subdivision into existing terrain and surrounding landscape.

The proposed development area is primarily proposed within the area previously utilized for agricultural purposes. The development is anticipated to result in minimal clearing and disturbance. The proposed grading is anticipated to maintain overall drainage patterns of the existing condition. Also, as noted previously the lot sizes are almost 5 acres so the large lot size provides a large lot size provides a natural distance buffer from surrounding properties.

2. Minimal use of wetland and flood plains.

A wetlands evaluation was performed by Eastern Shore Soil Services. After inspection of the property it was noted that there were no wetlands located on the property.

Review of the FEMA floodplain maps indicate that the entirety of the parcel is located within the limits of the areas determined to be outside the 0.2% annual chance floodplain. Therefore, no impacts to the floodplain are anticipated as a result of the proposed subdivision.

3. Preservation of natural and historical features

As noted above, there are no wetlands located on the property. We are not aware of any rare and endangered plants, animals, natural communities or historical features on the property. There was a chicken house on the property back in the 60's, but based on the aerial photos, it was removed sometime between 1968 and 1992. Therefore, there are no longer any historical features will be preserved.

4. *Preservation of open space and scenic views*

This project is again the addition of one additional lot, where each lot is still greater than 4 acres. Therefore, the open space and scenic views will be largely unaffected.

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

As this subdivision, is only adding one additional lot. They will only need to remove the trees, vegetation and soil as necessary to construct one house and appurtenances. The grade changes will also be very minor, as necessary to ensure that stormwater runs away from the house. Erosion control will be in accordance with Sussex Conservation District (SCD) regulations to erosion and loss of soil throughout the construction process.

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

We are requesting a waiver from the forested buffer requirement. There is a natural hedgerow along the back of the property which will remain in place and undisturbed. The large lot size does not change the character of the existing community and provides distance as a natural buffer. It also seems counterproductive to buffer residential area from other residential area.

7. *Provision for water supply*

There are no public utilities being installed as part of the project. Water supply will be with a private well.

8. *Provision for sewage disposal*

There will be no public sewer treatment. Treatment will be with a private septic system, which would be designed and installed per DNREC regulations. Soil evaluations have been completed and are attached. Both lots meet the requirements for a private septic system.

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

Stormwater management and erosion control measures will be installed in accordance with SCD and DNREC regulations to minimize any impact that may occur from the additional development. The best available technology methods will be used to comply with the regulations. Stormwater management will incorporate the best management practices as necessary to meet the regulations.

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 the groundwater recharge is maximized.*

Again, the best management practices and best available technology will be employed to ensure the project will meet or exceed the SCD and DNREC stormwater and erosion and sediment control regulations.

The best management practices will also be employed to minimize any potential flooding, and maximizing groundwater recharge. The project will meet or exceed the regulations required to ensure SDC stormwater approval.

11. Provision of safe vehicular and pedestrian movement within the site and to adjacent ways

The new lot has road frontage along Herons Crossing Road a private access road. This property will become part of the maintenance agreement for road. Use of Herons Crossing Road, will provide access to public roadways. The existing road has the capacity to handle the additional usage that will be caused by this project. DeIDOT has reviewed the project for conformance with entrance regulations and has provided a letter of no objection.

12. Effect on area property values

We expect that this project will have no impact on the area property values. The proposed lots are still much larger than many of the adjacent lots so it will not negatively impact those properties, and could potentially increase the value of the neighboring properties.

13. Preservation and conservation of farmland

This project will not preserve farmland. Approximately 80% of the existing 9 acre lot is farmed. The subdivision will convert the land to two approximately 4.5 acre lots. It is expected that the new houses will be built in the farmland area. It's unknown if any portion of the remaining lands will continue to be farmed.

14. Effect on schools, public buildings and community facilities

As this is only the addition of one additional lot, any impact on schools, public buildings, and community facilities would be de minimis in nature.

15. Effect on area roadways and public transportation

Again with this only being the addition of one additional lot, any impact on roadways and public transportation would be de minimis in nature. DeIDOT has already issued a Letter of No Objection and is attached in the approval section of this submission.

16. Compatibility with other area land uses

This property is completely surrounded by other residential lots. Creating an additional residential lot would be compatible and in character with the surrounding lands.

17. Effect on area waterways

We do not anticipate any impact on area waterways. As noted previously, the subdivision will comply with all stormwater and erosion and sediment control regulations so as to not create a negative impact. In fact converting the 9 acres of farmland into residential lots would actually slightly improve the water quality and reduce the amount of stormwater runoff.

January 22, 2022

Ms. Lauren DeVore, Planner III
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

**RE: 2021-27 Lands of Borders – Subdivision
Waiver Request
Tax Parcel: 531-7.00-1.00**

Dear Ms. DeVore:

I am writing to request a waiver from the forested buffer requirement in §99-16.D and from the Street Design Standards in §99-18.

The major subdivision will create two (2) single-family lots from an existing 9.28 +/- acre parcel and will not change the character of the existing community.

Would you please give me a call if you have any questions or concerns, 302-841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Z:\PROJECTS\Borders\2140-BORD - Subdivision\Record Documents\Sussex County P&Z\220122 - Approvals and Waiver Request\Lands of Borders - Waiver Request.docx

TAB 5

National Flood Hazard Layer FIRMMette



75°38'21"W 38°41'32"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

| | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE) Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| OTHER FEATURES | | Levee, Dike, or Floodwall |
| | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| MAP PANELS | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |

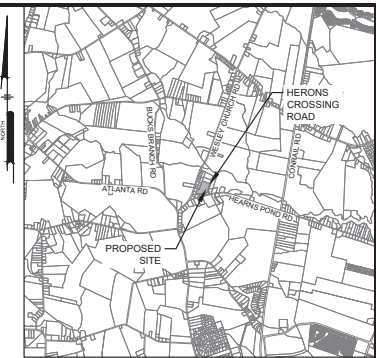
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/5/2022 at 2:10 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

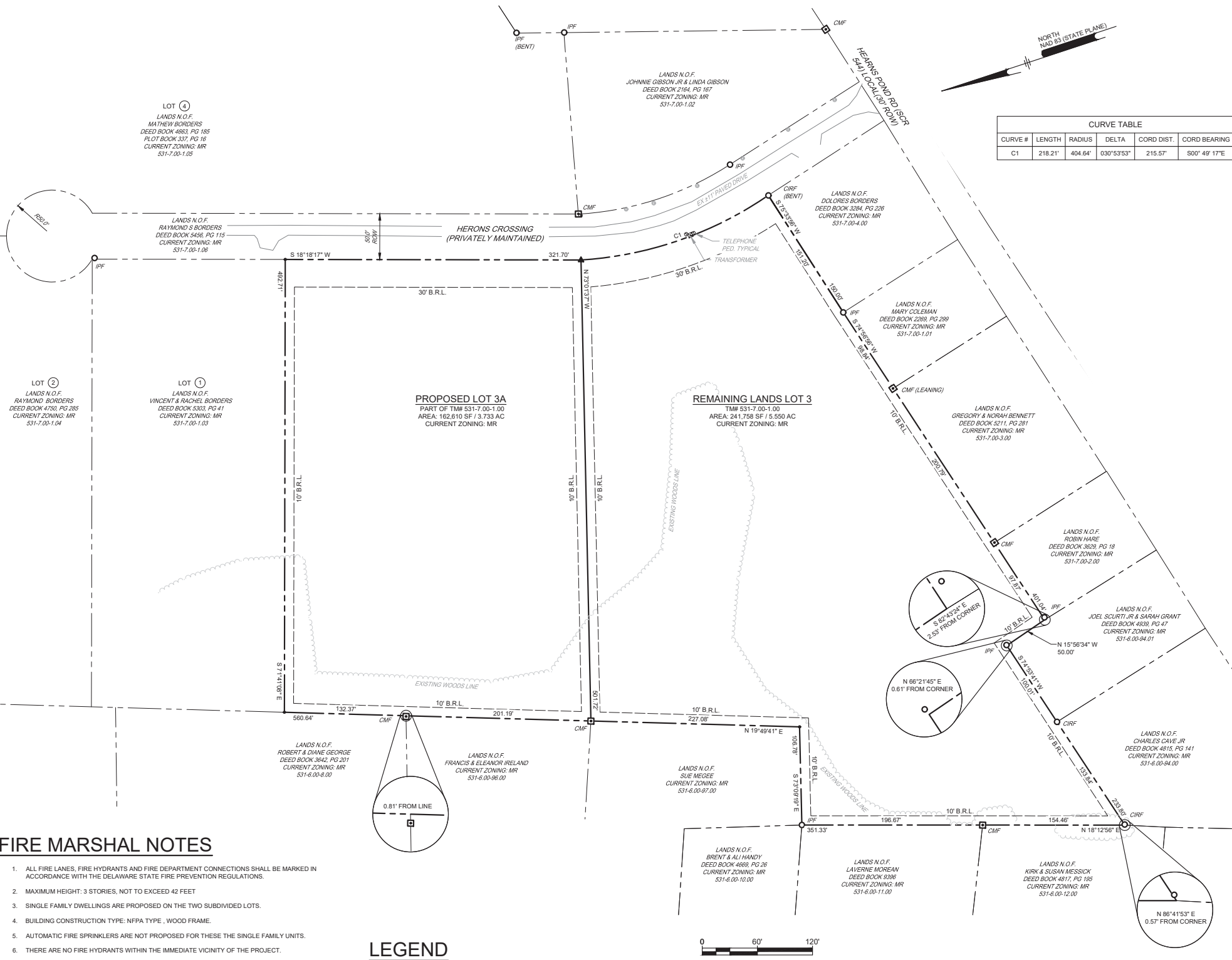
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

LANDS OF BORDERS SUBDIVISION

SUSSEX COUNTY PROJECT REFERENCE # 2021-27



LOCATION MAP
SCALE: 1" = 1 MILE



| CURVE TABLE | | | | |
|-------------|---------|---------|------------|------------|
| CURVE # | LENGTH | RADIUS | DELTA | CORD DIST. |
| C1 | 218.21' | 404.64' | 030°53'53" | 215.57' |

NOTES

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| POINT | • |
| CONCRETE MONUMENT FOUND | ◻ |
| CAPPED IRON PIPE TO BE SET | ▲ |
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- ENTRANCES TO PRIVATE STREETS SERVING MULTIPLE RESIDENTIAL LOTS SHOULD BE PAVED, FROM THE EDGE OF THE TRAVEL LANE TO THE ROW LINE (AT A MINIMUM), WITH A DRIVEWAY THROAT WIDTH OF 16 TO 24 FEET. REFER TO DELDOT DCM SECTION 3.3.3

WETLANDS STATEMENT

EASTERN SHORE SOIL SERVICES, INC. HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAN TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUEOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. EASTERN SHORE SOIL SERVICES' REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAN REGION (VERSION 2.0), DATED NOVEMBER 2010. NO WETLANDS OR WATERWAYS WERE OBSERVED WITHIN THE BOUNDARIES OF THIS PLAN. NO STATE OR FEDERAL JURISDICTIONAL APPROVAL WAS OBTAINED FOR THIS PROPERTY.

BRADLEY J. CATE, CPSSc/SC DATE 2/2/2022

ENGINEERS CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVID HEATWOLE, P.E. (DE LICENSE NO. #17760) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DOLORES S. BORDERS DATE
21882 HERONS CROSSING RD.
SEAFORD, DE 19973
PHONE: (302) 841-5002

SITENETWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901
SUBDIVISION PLAN

LANDS OF BORDERS SUBDIVISION
TAX PARCEL NO. 531-7-00-1.00
HERONS CROSSING DRIVE (PRIVATE)
SEAFORD HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
8/10/21 - SUSSEX COUNTY P&Z
9/14/21 - DELDOT
9/14/21 - FIRE MARSHAL
10/8/21 - SUSSEX COUNTY P&Z
11/30/21 - DELDOT

SCALE PROJECT # DRAWN BY
1" = 60' 2140-BORD DMH

DRAWING NUMBER
1
SHEET 1 OF 1







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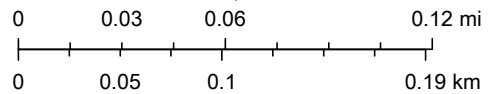
Lands of Borders - Tax Ditch Impacts



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|---|---|
|  Approx. Watershed Boundary |  Tax Ditch Channel |
|  DE_Roadways_Main - CENTER LINE |  State and County Boundaries |
|  DE_StateParcels - Sussex | |
|  Extent of Right-of-Way | |



DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Maxar

LANDS OF BORDERS



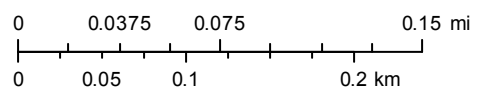
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Parcels



Groundwater Recharge Areas



GROUNDWATER RECHARGE AREAS



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Sussex County, Delaware**



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

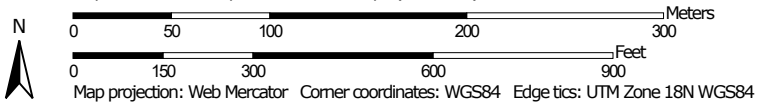
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map




Map Scale: 1:3,840 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------------|----------------|
| FadA | Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area | 13.6 | 38.4% |
| leA | Ingleside loamy sand, 0 to 2 percent slopes | 11.1 | 31.3% |
| LO | Longmarsh and Indiantown soils, frequently flooded | 2.8 | 8.0% |
| RoA | Rosedale loamy sand, 0 to 2 percent slopes | 7.6 | 21.5% |
| WddA | Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area | 0.3 | 0.9% |
| Totals for Area of Interest | | 35.4 | 100.0% |

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

Custom Soil Resource Report

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Sussex County, Delaware

FadA—Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area

Map Unit Setting

National map unit symbol: 2thvq

Elevation: 0 to 40 feet

Mean annual precipitation: 42 to 48 inches

Mean annual air temperature: 52 to 58 degrees F

Frost-free period: 180 to 220 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Fallsington, undrained, and similar soils: 48 percent

Fallsington, drained, and similar soils: 27 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fallsington, Undrained

Setting

Landform: Flats, depressions, drainageways, swales

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Talf, dip

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Parent material: Loamy fluviomarine deposits

Typical profile

Oe - 0 to 2 inches: mucky peat

A - 2 to 10 inches: sandy loam

Btg - 10 to 32 inches: sandy clay loam

BCg - 32 to 39 inches: loamy sand

Cg1 - 39 to 46 inches: sandy clay loam

Cg2 - 46 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)

Depth to water table: About 0 to 10 inches

Frequency of flooding: None

Frequency of ponding: Occasional

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.3 mmhos/cm)

Available water supply, 0 to 60 inches: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 5w

Hydrologic Soil Group: B/D

Hydric soil rating: Yes

Description of Fallsington, Drained

Setting

Landform: Depressions, swales, flats
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Dip, talf
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Parent material: Loamy fluviomarine deposits

Typical profile

Ap - 0 to 10 inches: sandy loam
Btg - 10 to 32 inches: sandy clay loam
BCg - 32 to 39 inches: loamy sand
Cg1 - 39 to 46 inches: sandy clay loam
Cg2 - 46 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 10 to 20 inches
Frequency of flooding: None
Frequency of ponding: Rare
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.3 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): 3w
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: B/D
Hydric soil rating: Yes

Minor Components

Woodstown

Percent of map unit: 9 percent
Landform: Broad interstream divides, fluviomarine terraces, flats
Landform position (three-dimensional): Tread, talf, rise
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Hammonton

Percent of map unit: 8 percent
Landform: Drainageways, flats
Landform position (three-dimensional): Dip, rise
Down-slope shape: Concave, linear
Across-slope shape: Linear
Hydric soil rating: No

Othello

Percent of map unit: 8 percent
Landform: Depressions, swales, drainageways, flats
Landform position (two-dimensional): Footslope, toeslope

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Landform position (three-dimensional): Dip, talf
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: Yes

1eA—Ingleside loamy sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qthb
Elevation: 10 to 120 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Ingleside and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ingleside

Setting

Landform: Flats, depressions, fluvio-marine terraces
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave

Typical profile

Ap - 0 to 10 inches: loamy sand
E - 10 to 15 inches: sandy loam
Bt - 15 to 33 inches: sandy loam
BC - 33 to 43 inches: sandy loam
C1 - 43 to 56 inches: loamy sand
2C2 - 56 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 5.95 in/hr)
Depth to water table: About 40 to 72 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 6.6 inches)

Interpretive groups

Land capability classification (irrigated): 1
Land capability classification (nonirrigated): 1

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Hydrologic Soil Group: A
Hydric soil rating: No

Minor Components

Evesboro

Percent of map unit: 5 percent
Landform: Dunes, knolls, flats
Landform position (three-dimensional): Rise
Hydric soil rating: No

Cedartown

Percent of map unit: 5 percent
Landform: Flats
Hydric soil rating: No

Woodstown

Percent of map unit: 5 percent
Landform: Flats, depressions, swales
Hydric soil rating: No

Hammonton

Percent of map unit: 5 percent
Landform: Flats, depressions, swales
Hydric soil rating: No

Downer

Percent of map unit: 5 percent
Landform: Flats
Landform position (three-dimensional): Rise
Hydric soil rating: No

LO—Longmarsh and Indiantown soils, frequently flooded

Map Unit Setting

National map unit symbol: 1qtj1
Elevation: 0 to 120 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: Not prime farmland

Map Unit Composition

Longmarsh and similar soils: 43 percent
Indiantown and similar soils: 37 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Longmarsh

Setting

Landform: Flood plains

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Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material
A - 2 to 19 inches: mucky loam
Cg1 - 19 to 34 inches: sandy loam
Cg2 - 34 to 80 inches: loamy sand

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 5.95 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: Frequent
Frequency of ponding: Frequent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: B/D
Hydric soil rating: Yes

Description of Indiantown

Setting

Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material
A - 2 to 25 inches: mucky silt loam
Cg - 25 to 80 inches: loamy sand

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: Frequent
Frequency of ponding: Frequent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 5w

Custom Soil Resource Report

Hydrologic Soil Group: B/D
Hydric soil rating: Yes

Minor Components

Zekiah

Percent of map unit: 10 percent
Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

Klej

Percent of map unit: 5 percent
Landform: Flats
Landform position (three-dimensional): Rise
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Manahawkin

Percent of map unit: 5 percent
Landform: Swamps, flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

RoA—Rosedale loamy sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qtjx
Elevation: 0 to 120 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Rosedale and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rosedale

Setting

Landform: Flats
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy eolian deposits over fluviomarine deposits

Typical profile

A - 0 to 9 inches: loamy sand
E - 9 to 25 inches: loamy sand
Bt - 25 to 38 inches: sandy loam
C - 38 to 68 inches: loamy sand
2Cg - 68 to 80 inches: sandy clay loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 5.95 in/hr)
Depth to water table: About 40 to 72 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.3 inches)

Interpretive groups

Land capability classification (irrigated): 2s
Land capability classification (nonirrigated): 2s
Hydrologic Soil Group: A
Hydric soil rating: No

Minor Components

Evesboro

Percent of map unit: 10 percent
Landform: Flats
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Hambrook

Percent of map unit: 5 percent
Landform: Fluvio-marine terraces, flats, depressions
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

Galloway

Percent of map unit: 5 percent
Landform: Depressions, flats
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: No

Klej

Percent of map unit: 5 percent
Landform: Flats, depressions
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

WddA—Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area

Map Unit Setting

National map unit symbol: 2thvr
Elevation: 0 to 110 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Woodstown and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Woodstown

Setting

Landform: Fluvio-marine terraces, depressions, broad interstream divides, flats
Landform position (two-dimensional): Summit, footslope
Landform position (three-dimensional): Tread, dip, talf
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Parent material: Loamy fluvio-marine deposits

Typical profile

Ap - 0 to 7 inches: sandy loam
E - 7 to 11 inches: sandy loam
Bt - 11 to 29 inches: sandy loam
BCg - 29 to 45 inches: fine sandy loam
Cg - 45 to 80 inches: loamy sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 20 to 40 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: C
Hydric soil rating: No

Minor Components

Fallsington

Percent of map unit: 6 percent
Landform: Drainageways, depressions, swales, flats
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Dip, talf
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: Yes

Hammonton

Percent of map unit: 6 percent
Landform: Flats, depressions, drainageways, broad interstream divides
Landform position (two-dimensional): Summit, footslope
Landform position (three-dimensional): Talf, dip
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

Mattapex

Percent of map unit: 4 percent
Landform: Flats, depressions, swales, broad interstream divides
Landform position (two-dimensional): Summit, footslope
Landform position (three-dimensional): Talf, dip
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

Hambrook

Percent of map unit: 4 percent
Landform: Fluvio-marine terraces, flats, depressions
Landform position (two-dimensional): Summit, footslope
Landform position (three-dimensional): Tread, talf, dip
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

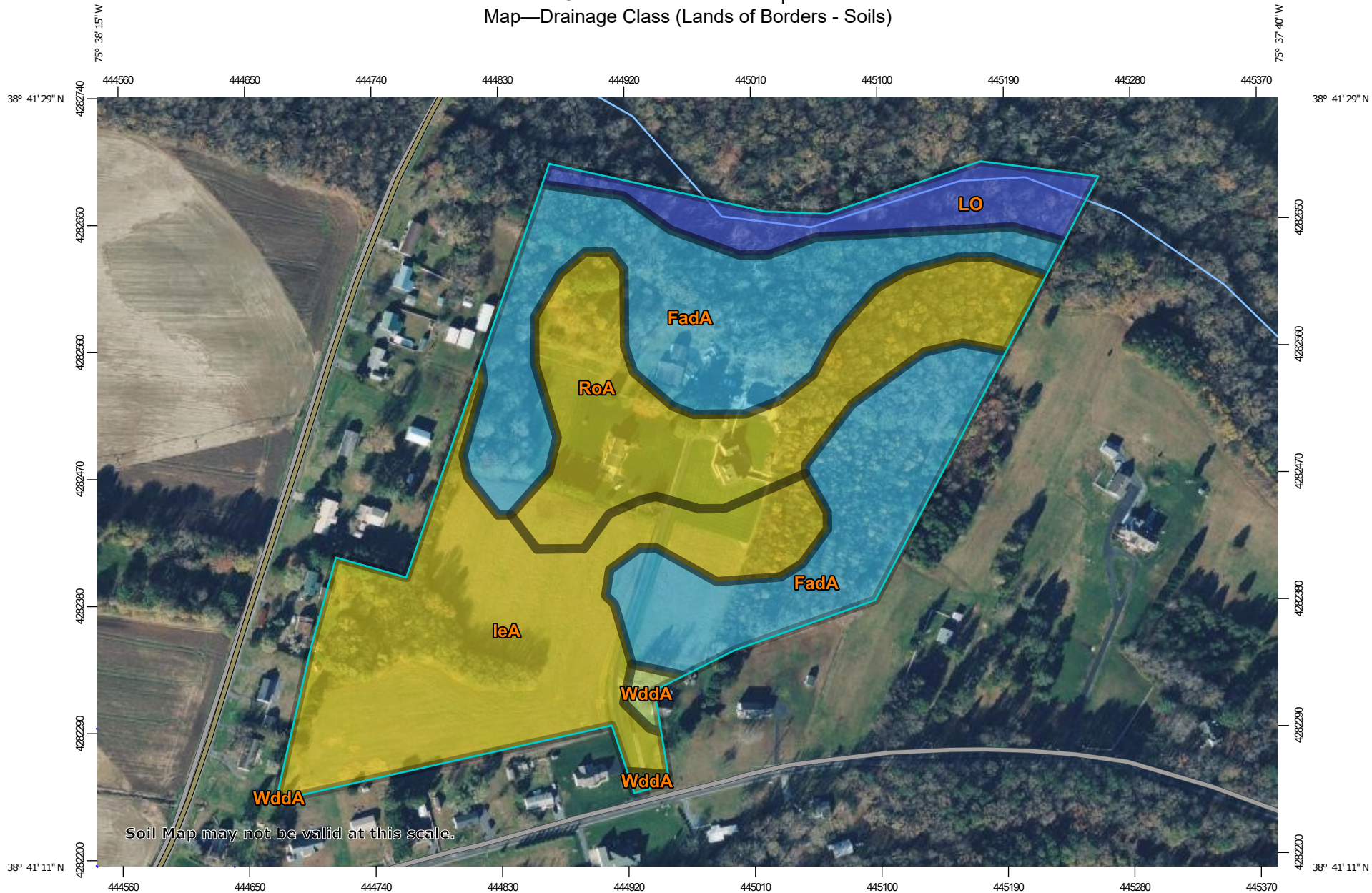
Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Drainage Class (Lands of Borders - Soils)

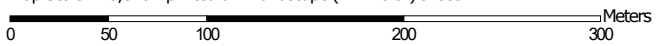
"Drainage class (natural)" refers to the frequency and duration of wet periods under conditions similar to those under which the soil formed. Alterations of the water regime by human activities, either through drainage or irrigation, are not a consideration unless they have significantly changed the morphology of the soil. Seven classes of natural soil drainage are recognized-excessively drained, somewhat excessively drained, well drained, moderately well drained, somewhat poorly drained, poorly drained, and very poorly drained. These classes are defined in the "Soil Survey Manual."

Custom Soil Resource Report

Map—Drainage Class (Lands of Borders - Soils)




Map Scale: 1:3,840 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Excessively drained
-  Somewhat excessively drained
-  Well drained
-  Moderately well drained
-  Somewhat poorly drained
-  Poorly drained
-  Very poorly drained
-  Subaqueous
-  Not rated or not available


Soil Rating Lines

-  Excessively drained
-  Somewhat excessively drained
-  Well drained
-  Moderately well drained
-  Somewhat poorly drained
-  Poorly drained
-  Very poorly drained
-  Subaqueous
-  Not rated or not available






Soil Rating Points

-  Excessively drained
-  Somewhat excessively drained
-  Well drained
-  Moderately well drained
-  Somewhat poorly drained
-  Poorly drained
-  Very poorly drained
-  Subaqueous
-  Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Drainage Class (Lands of Borders - Soils)

| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
|------------------------------------|---|-------------------------|--------------|----------------|
| FadA | Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area | Poorly drained | 13.6 | 38.4% |
| leA | Ingleside loamy sand, 0 to 2 percent slopes | Well drained | 11.1 | 31.3% |
| LO | Longmarsh and Indiantown soils, frequently flooded | Very poorly drained | 2.8 | 8.0% |
| RoA | Rosedale loamy sand, 0 to 2 percent slopes | Well drained | 7.6 | 21.5% |
| WddA | Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area | Moderately well drained | 0.3 | 0.9% |
| Totals for Area of Interest | | | 35.4 | 100.0% |

Rating Options—Drainage Class (Lands of Borders - Soils)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Hydrologic Soil Group (Lands of Borders - Soils)

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

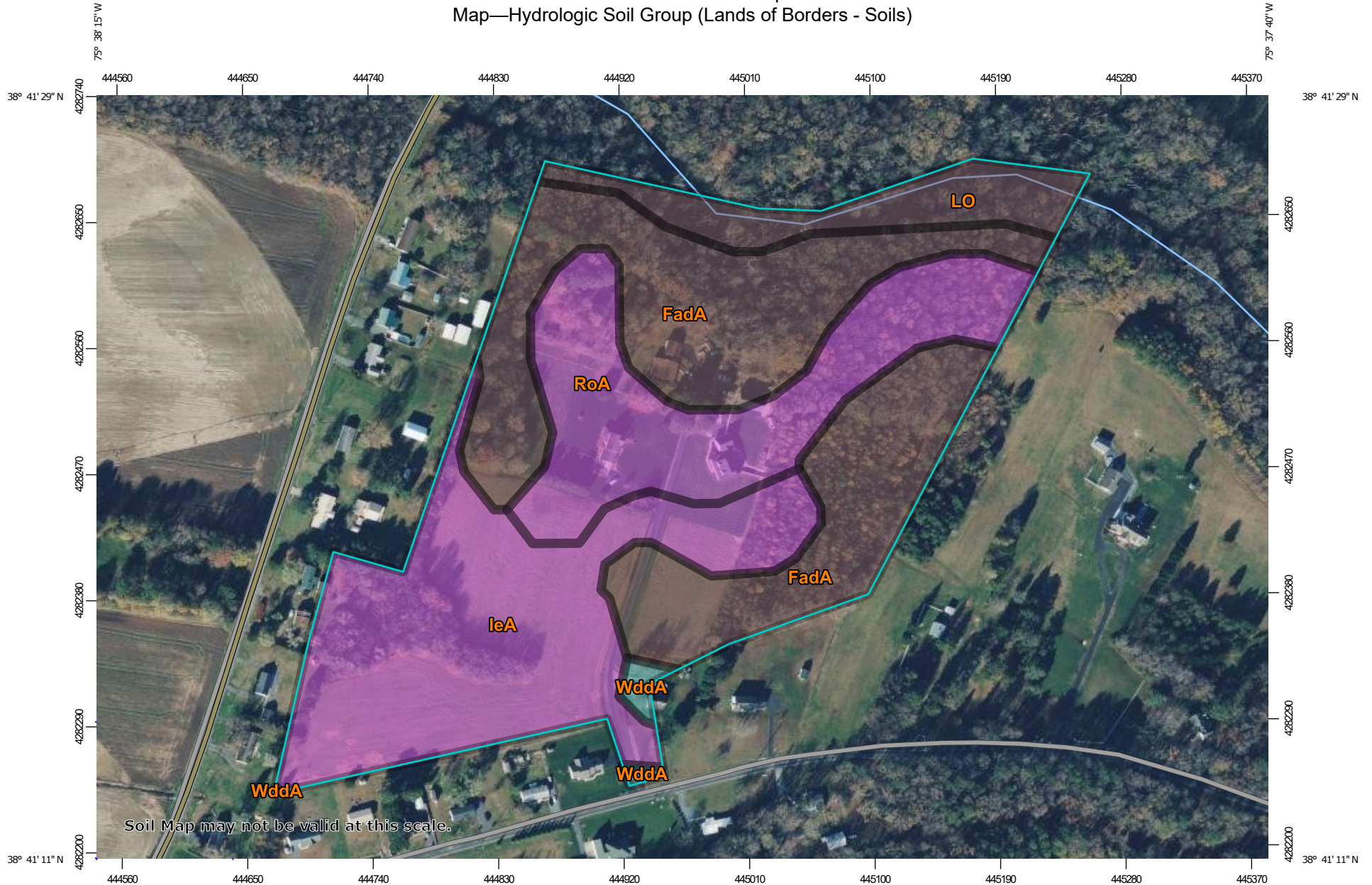
Custom Soil Resource Report

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

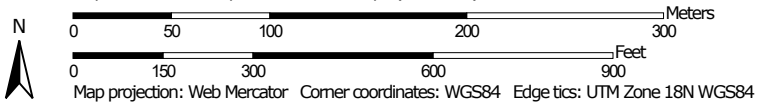
Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Custom Soil Resource Report
Map—Hydrologic Soil Group (Lands of Borders - Soils)




Map Scale: 1:3,840 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)









 Area of Interest (AOI)

Soils

Soil Rating Polygons





-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

Soil Rating Lines


-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

Soil Rating Points






-  A
-  A/D
-  B
-  B/D

-  C
-  C/D
-  D
-  Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group (Lands of Borders - Soils)

| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------|--------------|----------------|
| FadA | Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area | B/D | 13.6 | 38.4% |
| IeA | Ingleside loamy sand, 0 to 2 percent slopes | A | 11.1 | 31.3% |
| LO | Longmarsh and Indiantown soils, frequently flooded | B/D | 2.8 | 8.0% |
| RoA | Rosedale loamy sand, 0 to 2 percent slopes | A | 7.6 | 21.5% |
| WddA | Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area | C | 0.3 | 0.9% |
| Totals for Area of Interest | | | 35.4 | 100.0% |

Rating Options—Hydrologic Soil Group (Lands of Borders - Soils)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

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United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

TAB 6



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

NICOLE MAJESKI
SECRETARY

January 20, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

**SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Lands of Borders Subdivision
Tax Parcel # 531-7.00-1.00
SCR00544-HEARNS MILL ROAD
Seaford Hundred, Sussex County**

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated August 10, 2021 (last revised November 30, 2021), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other

Lands of Borders Subdivision
Mr. Jamie Whitehouse
Page 2
January 20, 2022

reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,



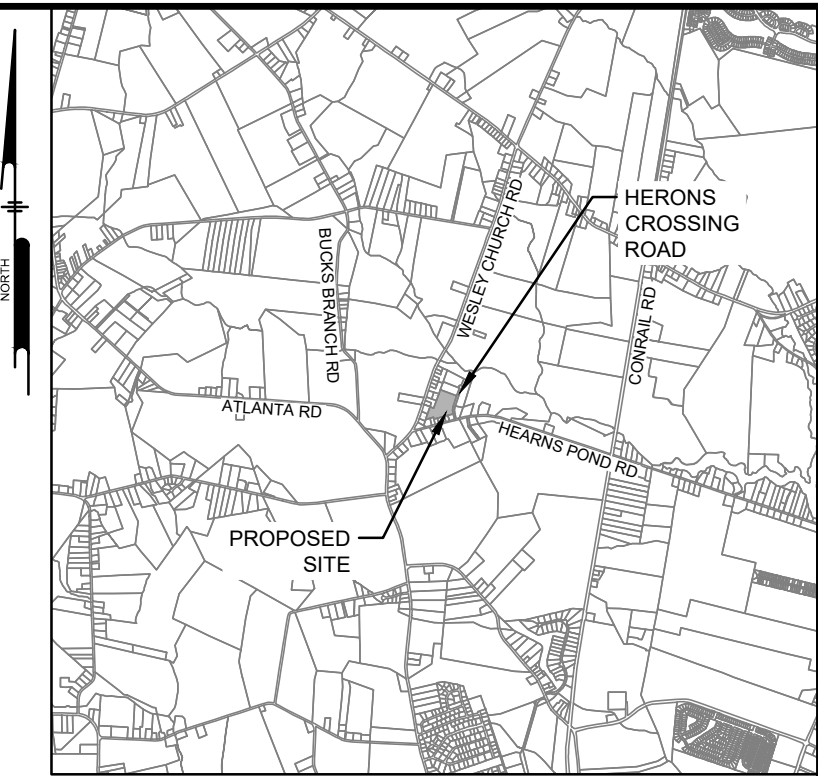
R. Stephen McCabe
Sussex County Review Coordinator
Development Coordination

cc: Dave Heatwole, SiteWorks Engineering, LLC.
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Wendy L. Polasko, P.E., Subdivision Engineer
John Andrescavage, Sussex County Reviewer

LANDS OF BORDERS SUBDIVISION

SUSSEX COUNTY PROJECT REFERENCE # 2021-27

DeIDOT
NO OBJECTION TO RECORDATION
January 20, 2022
DATE



LOCATION MAP
SCALE: 1" = 1 MILE

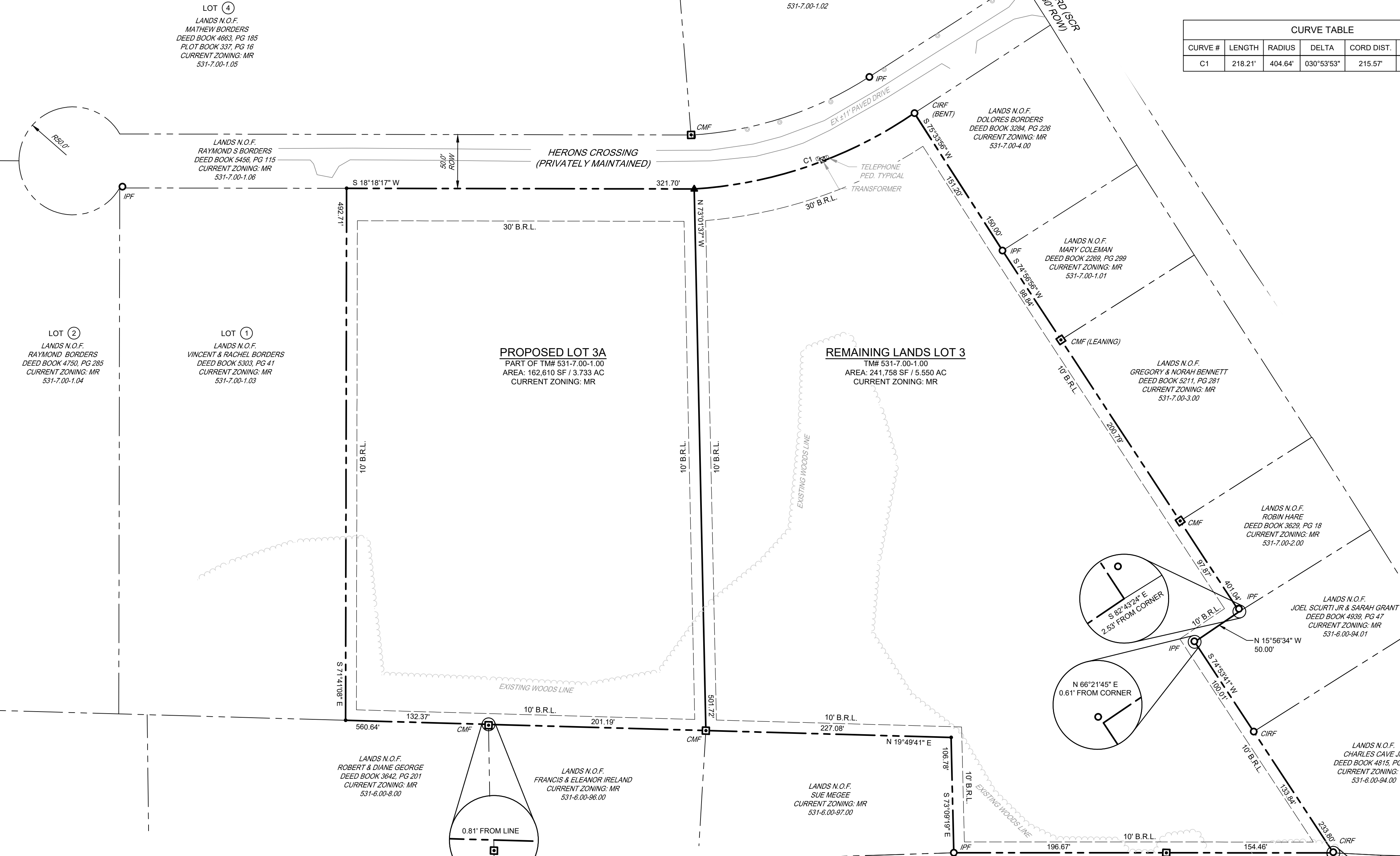
| CURVE # | LENGTH | RADIUS | DELTA | CORD DIST. | CORD BEARING |
|---------|---------|---------|------------|------------|--------------|
| C1 | 218.21' | 404.64' | 030°53'33" | 215.57' | S00°49'17"E |

NOTES

- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT THREE AS SHOWN ON PLOT BOOK 111, PAGE 112 IN THE SUSSEX COUNTY RECORDER OF DEEDS CREATING ONE ADDITIONAL LOT FRONTING HERONS CROSSING ROAD, A PRIVATELY OWNED AND MAINTAINED STREET.
- PROPERTY REFERENCES: PLOT BOOK 111, PAGE 112, AND DEED BOOK 807 PAGE 335
- SURVEY CLASS: SUBURBAN
- HORIZONTAL DATUM: NAD83 - DELAWARE STATE PLANE
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OR WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
- ACCESS TO THE PROPOSED LOT 3A AND THE REMAINING LOT 3 LANDS SHALL BE FROM HERONS CROSSING, A PRIVATELY MAINTAINED 50' WIDE ROW.
- MAINTENANCE OF HERONS CROSSING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THIS SUBDIVISION, LOTS 1, 2, 3, 3A, AND 4.
- THE PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN APPROVED. THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE, AND OTHER ODORS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION SHALL OCCUR IN THE RIGHT-OF-WAY WITHOUT A DELDOT PERMIT.
- THE SITE IS NOT IMPACTED BY ANY WELL HEAD PROTECTION AREA AS MAPPED BY THE DNREC ENVIRONMENTAL NAVIGATOR.
- A PORTION OF THE SITE IS LOCATED IN AN EXCELLENT RECHARGE AREA PER THE DNREC ENVIRONMENTAL NAVIGATOR.

SITE DATA

- | | |
|--|---|
| 1. TAX PARCEL NUMBER | 531-7.00-1.00 |
| 2. EXISTING / PROPOSED ZONING | MEDIUM RESIDENTIAL (MR) |
| 3. EXISTING LOTS | 4 |
| 4. PROPOSED LOTS | 1 (5 TOTAL) |
| 5. BUILDING SETBACKS | FRONT YARD: 40-FEET SIDE YARD: 10-FEET REAR YARD: 10-FEET |
| 6. LOT AREA PRIOR TO SUBDIVISION | 9.283 ACRES (GROSS PROPERTY AREA) |
| 7. AREA WITHIN PROPOSED STREETS | 0.000 ACRES |
| 8. PROPOSED DENSITY | 0.215 LOTS / ACRES OR 4.642 ACRES / LOT |
| 9. WETLAND AREA | 0.000 ACRES |
| 10. WATER & SEWER SERVICE | PRIVATE - ON-SITE WELL AND SEPTIC |
| 11. FLOODPLAIN - THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN PER FEMA MAP PANEL NUMBERS 10005C0250L, EFFECTIVE DATE: JUNE 20, 2018, AND 10005C0245L, EFFECTIVE DATE: JUNE 20, 2018. | |
| 12. PRESENT USE | AGRICULTURAL |
| 13. PROPOSED USE | AGRICULTURAL AND RESIDENTIAL |
| 14. OWNER OF RECORD | DOLORES S. BORDERS 21882 HERONS CROSSING RD SEAFORD, DE 19873 PHONE (302) 841-5002 |
| 15. PROXIMITY TO IDENTIFIED T.I.D. | NOT WITHIN AN IDENTIFIED T.I.D. |
| 16. POSTED SPEED LIMIT HEARNS POND RD | 35 MPH |
| 17. PROPERTY ADDRESS: | 21800 HERONS CROSSING RD SEAFORD, DE 19873 |



FIRE MARSHAL NOTES

- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- MAXIMUM HEIGHT: 3 STORIES, NOT TO EXCEED 42 FEET
- SINGLE FAMILY DWELLINGS ARE PROPOSED ON THE TWO SUBDIVIDED LOTS.
- BUILDING CONSTRUCTION TYPE: NFPA TYPE, WOOD FRAME.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THESE THE SINGLE FAMILY UNITS.
- THERE ARE NO FIRE HYDRANTS WITHIN THE IMMEDIATE VICINITY OF THE PROJECT.

DELDOT RECORD PLAN NOTES:

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS' LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- ENTRANCES TO PRIVATE STREETS SERVING MULTIPLE RESIDENTIAL LOTS SHOULD BE PAVED, FROM THE EDGE OF THE TRAVEL LANE TO THE ROW LINE (AT A MINIMUM), WITH A DRIVEWAY THROAT WIDTH OF 16 TO 24 FEET. REFER TO DELDOT DCM SECTION 3.3.3

LEGEND

- | | |
|----------------------------|-----|
| PIPE/REBAR FOUND | ○ |
| POINT | • |
| CONCRETE MONUMENT FOUND | ◻ |
| CAPPED IRON PIPE TO BE SET | ▲ |
| EX PROPERTY LINE | --- |
| PROP. PROPERTY LINE | --- |
| PROP. LINE ADJACENT | --- |
| UTILITY POLE | x |
| FENCE | --- |

WETLANDS STATEMENT

EASTERN SHORE SOIL SERVICES, INC. HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAN TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUEOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. EASTERN SHORE SOIL SERVICES' REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COSTAL PLAN REGION (VERSION 2.0), DATED NOVEMBER 2010. NO WETLANDS OR WATERWAYS WERE OBSERVED WITHIN THE BOUNDARIES OF THIS PLAN. NO STATE OR FEDERAL JURISDICTIONAL APPROVAL WAS OBTAINED FOR THIS PROPERTY.

BRADLEY J. CATE, CPSSc/SC DATE

ENGINEERS CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

David Heathcote
DAVID HEATHCOTE, P.E. (DE LICENSE NO. #17760) DATE 1/10/22
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Dolores S. Borders 1-10-2022
DOLORES S. BORDERS DATE
21882 HERONS CROSSING RD
SEAFORD, DE 19873
PHONE: (302) 841-5002

SITENETWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901
SUBDIVISION PLAN

LANDS OF BORDERS SUBDIVISION
TAX PARCEL NO. 531-7.00-1.00
HERONS CROSSING DRIVE (PRIVATE)
SEAFORD HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
8/10/21 - SUSSEX COUNTY P&Z
9/14/21 - DELDOT
9/14/21 - FIRE MARSHAL
10/8/21 - SUSSEX COUNTY P&Z
11/30/21 - DELDOT

SCALE PROJECT # DRAWN BY
1" = 60' 2140-BORD DMH
DRAWING NUMBER

1
SHEET 1 OF 1

PROJECT: 1102021-3-30 PM BY: DWH, RUSTYVILLE, SHAWN@SITENETWORKS.COM
Z:\PROJECTS\1102021-3-30 PM BY: DWH, RUSTYVILLE, SHAWN@SITENETWORKS.COM

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO Sitenetworks ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SITENETWORKS ENGINEERING, LLC.



January 21, 2022

Mr. Dave Heatwole
Siteworks Engineering
P.O. Box 2
19 Commerce Street
Harrington, DE 19952

**RE: Lands of Borders Subdivision
TM# 531-7.00-1.00 Lots 3 and 3A**

Dear Mr. Heatwole,

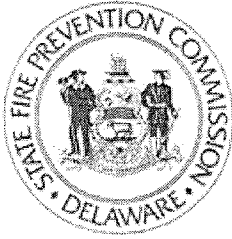
The Sussex Conservation District has reviewed the plan for the above referenced site. The District concurs with the information provided and has no objection with recordation of the two proposed lots.

A Residential Standard Plan will be needed for each lot prior to home construction. Please contact the District if you have any questions or concerns at 302-856-2105.

Sincerely,

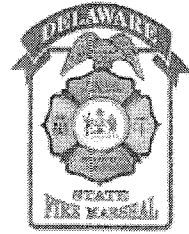
Jessica L. Watson

Jessica L. Watson
Program Manager



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2021-04-208198-MIS-01

Tax Parcel Number: 531-7.00-1.00

Status: Approved as Submitted

Date: 09/16/2021

Project

Borders Subdivision

21800 Herons Crossing Road

Dolores Borders Property

Seaford DE 19973

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 87 - Seaford Volunteer Fire Dept Inc

Occupant Load Inside:

Occupancy Code: 9601

Applicant

Dave Heatwole

34 John Andrews Drive

Harrington, DE 19952

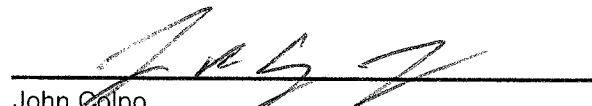
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:


John Colpo
Fire Protection Specialist

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2021-04-208198-MIS-01

Tax Parcel Number: 531-7.00-1.00

Status: Approved as Submitted

Date: 09/16/2021

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1010 A** The following water for fire protection requirements apply: **NONE. On-Site Wells Proposed.** this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

Reference #:

565845

**SITE EVALUATION
Approval Page**

The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit.

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Tax Map #: 5-31-7.00-1.01 P.O.
Lot #: Proposed Parcel 3A

**RECEIVED
08/12/2021
GROUNDWATER**

Limitations of Soil Investigation for System Design

This soil investigation was conducted for a residential on-site system of up to 600 GPD capacity.

For applications of this report to designs of greater capacity or alternative uses, contact the site evaluator or the Department to determine if additional field investigations are necessary.

Initial Disposal System:

Capping-fill gravity-fed seepage bed or trench disposal system. Experience has shown that seepage trenches can have greater functional longevity under a variety of soil and site conditions. While regulation allows the use of seepage bed designs, trenches are nevertheless recommended if space permits. Trench installations are limited to slopes of 15% or less (unless designed by a professional engineer) and bed installations are limited to slopes of 2% or less. The designer should visit the site to verify conditions prior to design. See exhibits M and N in the 1985 regulations (amended 1/11/14).

Location of Initial Disposal System:

In the immediate vicinity of profile(s) 1 & 2 (see plot).

Depth to Limiting Zone:

48"

Replacement Disposal System:

Same as above if space permits. Otherwise, the replacement system may be a sand-lined upgrade.

Location of Replacement Disposal System:

In the immediate vicinity of profile(s) referred to above.

Depth to Limiting Zone:

Same as above.

Design Considerations and Comments or Alternatives to the Initial Disposal System:

*Changes made to property lines or configuration from those included in the attached site evaluation report may negate this approval. A new plot drawing showing the locations of the soil borings in reference to changed property lines, fixed points of reference, etc. may be required in order for the site evaluation to be re-approved.

*Maintain all isolation distances specified in Exhibit "C" in the 1985 regulations (amended 1/11/14). The designated suitable soil area(s) appearing on the plot drawing may, in some cases, be negated or reduced due to required isolation distances.

Soils in the vicinity of SB #3 are suitable for a full-depth LPP disposal system with a limiting zone of 44" and an estimated percolation rate of 30MPI.

Instructions to Property Owner

- Contact a Licensed Class B System Designer.
- A permeability rate of 30 minutes per inch has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 856-1853 or the DNREC at (302) 856-4561 in Sussex County, and (302) 739-9947 in Kent and New Castle Counties for testing information.
- Read the attached site evaluation report for additional information.
- Identify where the drainfield will be placed on the site and protect it from any vehicle overtravel or stockpiling of any construction materials. It is your responsibility to prevent soil compaction of the drainfield area!

**PAID
\$ 75.00 08/12/2021**

This report has been prepared by: Bradley J. Cate 8/12/2021

Bradley J. Cate
Eastern Shore Soil Services

License #: 2052

Field Checked _____

For Office Use Only

DNREC APPROVED

8/13/21

8/13/26

DNREC Reviewing Staff

Approval Date

Expiration Date

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

**IF THERE ARE QUESTIONS
REGARDING THIS REPORT
CONTACT CLASS D LICENSEE**

**THE CLASS D LICENSEE
IS RESPONSIBLE FOR
ERRORS/OMISSIONS**

Site Evaluation Report

Eastern Shore Soil Services
P.O. Box 411, Savanna, IL 61074 (815) 273-3550
P.O. Box 411, Georgetown, DE 19947 (302) 856-1853
esss@grics.net www.easternshoresoil.com

12-Aug-21

File #: 5294

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Telephone #: () - 0

Tax Map and Parcel #: 5-31-7.00-1.01 P.O. **County:** Sussex

Property Location: NW/S Herons Crossing Rd., ~365' N of CR 544

Name of Development: N/A

Lot # Proposed Parcel 3A **In Tax Ditch District?:** Yes

Central Sewer Available: No **Chesapeake/Inland Bays PSN3 Area?:** No

Central Water Available: No

Date of Investigation: 3/19/21

Evaluated by Test Pits: No **Evaluated by Soil Borings:** Yes

| <u>Profile #:</u> | <u>Depth to Limiting Zone:</u> | <u>Limiting Zone Inferred From:</u> | <u>Subgroup Taxon Classification:</u> |
|-------------------|--------------------------------|-------------------------------------|---------------------------------------|
| 1 | 49" | redox accumulations | Typic Hapludult |
| 2 | 48" | redoximorphic features | Typic Hapludult |
| 3 | 44" | redox accumulations | Humic Hapludult |

Summary of Evaluation:

This site occupies a nearly level cultivated portion of a talf. Differences in depth to redoximorphic features were related to minor differences in topographic elevation. Free water observations should be considered qualitatively due to an insufficient equilibration period. Regional wet season hydrology was at or above normal at the time of the site visit.

Evaluated By: Bradley J. Cate
DE License #: 2052



Site Evaluator's Signature

Note:
Information contained in this site evaluation report and shown on the accompanying plot drawing reflects current regulatory policies and procedures at the time the evaluation was conducted. Changes made to the property and to adjacent properties after the evaluation was conducted or changes in regulatory policy may preclude or modify the type or location of the recommended on-site sewage system regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate it does not guarantee a septic permit and the attached plot should not be construed as a survey. All information should be verified by interested parties prior to the transfer of the property as well as prior to design and installation of the septic system. Interpretations made in this evaluation are intended for siting and design of a septic system only and are not suitable for other uses. Unless approved by the regulatory agency(ies) this report represents only a technical opinion rendered and does not constitute an approval for siting or design of any septic system on this site.

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grics.net



Profile #: 1

Date of Test: 3/19/21 Soil Boring or Test Pit (1)

Property Owner: Borders

Property Location: Parcel 3A Herons Crossing Rd

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Top Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 49" to relax accumulations

Soil Series Identified: Typic Hapludalt

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|-----------------|----------|-----------|-----------------------|---------------|----|------|--------------------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A _p | 0 to B | 10YR 3/4 | / | | | | LS | mgc | / vfr |
| B ₁₁ | B to 31 | 7.5YR 4/6 | / | | | | SL+ | " | / vfr |
| B ₁₂ | 31 to 37 | 7.5YR 5/6 | / | | | | SL+ | " | / vfr |
| B ₁₃ | 37 to 49 | 7.5YR 5/6 | / | | | | LS+ | " | / vfr |
| BC | 49 to 53 | 7.5YR 5/6 | 7.5YR 5/3 | c2d | | | LS | " | / vfr |
| C | 53 to 60 | 7.5YR 6/6 | 10YR 5/3 7.5YR 5/3 | c2d c3d | | | stratified LS/L | " | / vfr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)

42"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: csss@grice.net



Profile #: 2
 Date of Test: 3/15/21 Soil Boring or Test Pit (1)
 Property Owner: Borders
 Property Location: Herons Crossing Rd Parcel 3A
 Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: moderately poor
 Depth to Limiting Zone: 48" to retromorphic features
 Soil Series Identified: Typic Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|-----------------|----------|-----------|----------|---------------|----|------|---|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A _p | 0 to 14 | 10YR 4/3 | / | | | | LS | single | / ufr |
| B ₁₁ | 14 to 19 | 10YR 4/6 | / | | | | SL | m | / ufr |
| B ₁₂ | 19 to 40 | 7.5YR 5/6 | / | | | | SLT | 10Sbc | / ufr |
| B _c | 40 to 48 | 7.5YR 5/6 | / | | | | LS _c | m | / ufr |
| C | 48 to 60 | 10YR 5/6 | 10YR 6/2 | C 2 P | | | Stratified S.LS _c SL _c | m | / ufr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
41"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: 3

Date of Test: 3/19/21 Soil Boring or Test Pit (1)

Property Owner: Bardors

Property Location: Horvans Crossing Rd. Parcel 3A

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Moderate

Depth to Limiting Zone: 44" to redox accumulations

Soil Series Identified: Humic Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|---------|----------|----------|----------------------|---------------|----|------|-----------------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| Ap | 0 to 9 | 1.7r3/3 | / | | | | SL ⁻ | single | / ufr |
| Bt1 | 9 to 24 | 10.7r4/4 | / | | | | SL ⁺ | massive | / ufr |
| Bt2 | 24 to 32 | 7.57r4/6 | / | | | | SEL | massive | / ufr |
| Bt3 | 32 to 36 | 7.57r5/6 | / | | | | SL ⁺ | massive | / ufr |
| Bc | 36 to 44 | 7.57r5/6 | / | | | | LS | ~ | / ufr |
| C1 | 44 to 55 | 10.7r5/6 | 7.57r5/6 | | | C2d | LS | ~ | / ufr |
| C2 | 55 to 60 | 10.7r5/6 | 10.7r5/6 7.57r5/6 | | | C2d | LS | ~ | / ufr |
| | to | | | | | | | | / |

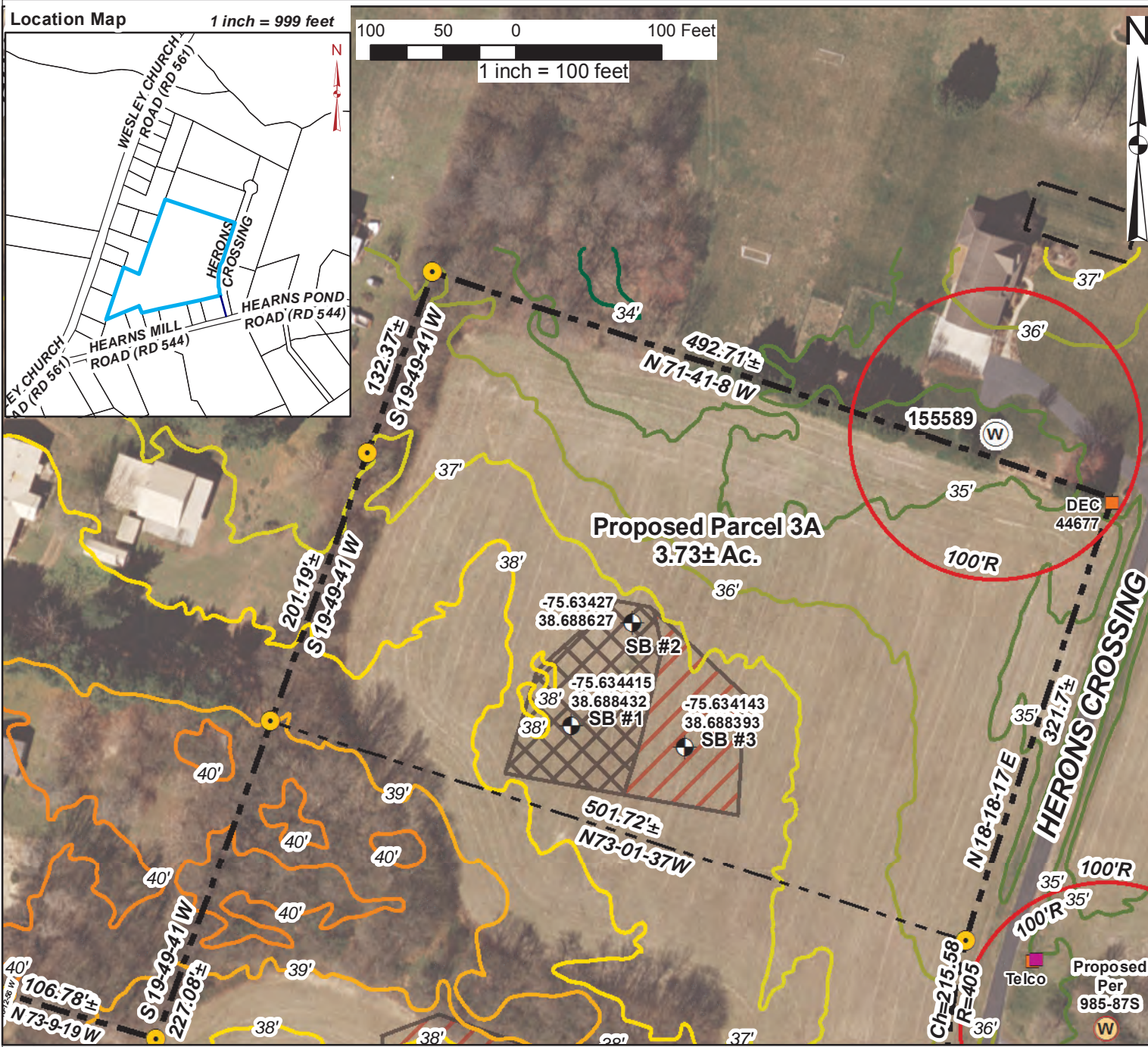
Current Hydrology: "± to upper boundary of capillary fringe (or)

44"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature



Legend

- ⊙ Well Location from Records
- Misc. Point
- Concrete Monument
- ⊕ Soil Boring Location
- Utility Enclosure/Pede...
- ⊙ Well-Verified
- Property Line
- Proposed Property Line
- Approx. System Extents
- Well Arc & Radius
- ▨ Full-depth LPP System
- ▨ Capping-Fill Gravity-fed System

Note: Unless otherwise shown, adjacent wells >100' from evaluated area (public wells >150'). Any ditch or swale present is ephemeral unless depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy.

Disclaimer: This plot drawing is not represented as a survey. Boundary information has been compiled from any of the following sources: county GIS, tax map, deed, survey, recorded plot, or field located property corners. Locations of wells and septic systems are by direct observation where possible but, as with boundary information above, may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. This plot represents site conditions at the time of evaluation. Subsequent alteration of the site or adjacent properties may negate the validity or usefulness of the information. Elevation contours, if provided, are derived from public domain LIDAR or GIS and should be confirmed. All information should be re-verified prior to purchase or use. In some cases, features such as property lines, utility poles, transformers, etc. may be slightly at odds with aerial photography due to minor errors in GPS data collection or due to horizontal biases inherited from the aerial photography source used.

Site Evaluation Plot
N/F Jacob E. & Delores S. Borders
TM# 5-31-7.00-1.00
Proposed Parcel 3A
Per Plan by Siteworks Eng.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grice.net



Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)

| | | | |
|--|------------------------|--|-----------------|
| | 12 Digit Watershed # | | FEMA Flood Maps |
| | Bay Building Line | | X 500 |
| | Tax Ditch Maximum ROWs | | A |
| | Extent of Right-of-Way | | AE |
| | Wetlands | | AO |
| | | | VE |

*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
 Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Site Evaluation Map of Additional Published Properties

(This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevaana, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net

PARID: 531-7.00-1.00
BORDERS JACOB E

ROLL: RP

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: AGR-Agriculture
 Use Code (LUC): AG-AG
 Town: 00-None
 Tax District: 531 – SEAFORD
 School District: 3 - SEAFORD
 Council District: 1-Vincent
 Fire District: 87-Seafood
 Deeded Acres:
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: MR-MEDIUM RESIDENTIAL
 Zoning 2: -
 Plot Book Page: 112 336/PB

100% Land Value: \$2,000
 100% Improvement Value
 100% Total Value

Legal

Legal Description: N/RD 544
 1180'E/RD 561
 LOT 3 REMAINING LAND

Owners

| Owner | Co-owner | Address | City | State | Zip |
|-----------------|-------------------|-----------------------|---------|-------|-------|
| BORDERS JACOB E | DOLORES S BORDERS | 21882 HERONS CROSSING | SEAFORD | DE | 19973 |

Reference #:

565846

**SITE EVALUATION
Approval Page**

RECEIVED

08/12/2021

GROUNDWATER

The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit.

**Owner's Name
and Address:**

Jacob E. & Delores S. Borders

21882 Herons Crossing
Seaford, DE

19973

Tax Map #:

5-31-7.00-1.01 P.O.

Lot #: Remaining Lands of Lot 3

Limitations of Soil Investigation for System Design

This soil investigation was conducted for a residential on-site system of up to 600 GPD capacity.

For applications of this report to designs of greater capacity or alternative uses, contact the site evaluator or the Department to determine if additional field investigations are necessary.

Initial Disposal System:

Full-depth low pressure pipe (LPP) or elevated sand mound disposal system. LPP trenches to be 12" wide. The maximum slope allowed for elevated sand mound systems is 6% and 12% for percolation rates slower than 60 MPI and faster than 60 MPI, respectively, as indicated below. The designer should visit the site to verify conditions prior to design. See exhibits O and P in the 1985 regulations (amended 1/11/14).

Location of Initial Disposal System:

In the immediate vicinity of profile(s) 1 & 2 (see plot).

Depth to Limiting Zone:

41"

Replacement Disposal System:

Same as above if space permits. Otherwise, the replacement system may be a sand-lined upgrade.

Location of Replacement Disposal System:

In the immediate vicinity of profile(s) referred to above.

Depth to Limiting Zone:

Same as above.

Design Considerations and Comments or Alternatives to the Initial Disposal System:

*Changes made to property lines or configuration from those included in the attached site evaluation report may negate this approval. A new plot drawing showing the locations of the soil borings in reference to changed property lines, fixed points of reference, etc. may be required in order for the site evaluation to be re-approved.

*Maintain all isolation distances specified in Exhibit "C" in the 1985 regulations (amended 1/11/14). The designated suitable soil area(s) appearing on the plot drawing may, in some cases, be negated or reduced due to required isolation distances.

Soils in the vicinity of SB #3 are suitable for a capping-fill LPP with a 35" limiting zone and a 30MPI estimated percolation rate.

Instructions to Property Owner

- Contact a Licensed Class C System Designer.
- A permeability rate of 30 minutes per inch has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 856-1853 or the DNREC at (302) 856-4561 in Sussex County, and (302) 739-9947 in Kent and New Castle Counties for testing information.
- Read the attached site evaluation report for additional information.
- Identify where the drainfield will be placed on the site and protect it from any vehicle overtravel or stockpiling of any construction materials. It is your responsibility to prevent soil compaction of the drainfield area!

PAID
\$ 75.00 08/12/2021

This report has been prepared by: _____ 8/12/2021

Bradley J. Cate
Eastern Shore Soil Services

License #: 2052

Field Checked _____

For Office Use Only

DNREC APPROVED

DNREC Reviewing Staff

8/13/21

Approval Date

8/13/26

Expiration Date

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

**IF THERE ARE QUESTIONS
REGARDING THIS REPORT
CONTACT CLASS D LICENSEE**

**THE CLASS D LICENSEE
IS RESPONSIBLE FOR
ERRORS/OMISSIONS**

Site Evaluation Report

Eastern Shore Soil Services
P.O. Box 411, Savanna, IL 61074 (815) 273-3550
P.O. Box 411, Georgetown, DE 19947 (302) 856-1853
esss@grics.net www.easternshoresoil.com

12-Aug-21

File #: 5293

Owner's Name and Address: Jacob E. & Delores S. Borders
21882 Herons Crossing
Seaford, DE 19973

Telephone #: () - 0

Tax Map and Parcel #: 5-31-7.00-1.01 P.O. **County:** Sussex

Property Location: NW/S Herons Crossing Rd., ~150' N of CR 544

Name of Development: N/A

Lot # Remaining Lands of Lot 3 **In Tax Ditch District?:** Yes

Central Sewer Available: No **Chesapeake/Inland Bays PSN3 Area?:** No

Central Water Available: No

Date of Investigation: 3/19/21

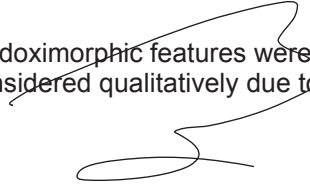
Evaluated by Test Pits: No **Evaluated by Soil Borings:** Yes

| <u>Profile #:</u> | <u>Depth to Limiting Zone:</u> | <u>Limiting Zone Inferred From:</u> | <u>Subgroup Taxon Classification:</u> |
|-------------------|--------------------------------|-------------------------------------|---------------------------------------|
| 1 | 41" | redoximorphic features | Oxyaquic Paleudult |
| 2 | 46" | redox accumulations | Humic Hapludult |
| 3 | 35" | redox accumulations | Oxyaquic Hapludult |

Summary of Evaluation:

This site occupies a nearly level cultivated portion of a talf. Differences in depth to redoximorphic features were related to minor differences in topographic elevation. Free water observations should be considered qualitatively due to an insufficient equilibration period.

Evaluated By: Bradley J. Cate
DE License #: 2052



Site Evaluator's Signature

Note:
Information contained in this site evaluation report and shown on the accompanying plot drawing reflects current regulatory policies and procedures at the time the evaluation was conducted. Changes made to the property and to adjacent properties after the evaluation was conducted or changes in regulatory policy may preclude or modify the type or location of the recommended on-site sewage system regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate it does not guarantee a septic permit and the attached plot should not be construed as a survey. All information should be verified by interested parties prior to the transfer of the property as well as prior to design and installation of the septic system. Interpretations made in this evaluation are intended for siting and design of a septic system only and are not suitable for other uses. Unless approved by the regulatory agency(ies) this report represents only a technical opinion rendered and does not constitute an approval for siting or design of any septic system on this site.

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grice.net



Profile #: 1

Date of Test: 3/15/21 Soil Boring or Test Pit (1)

Property Owner: Borjors

Property Location: Herons Crossing Rd Remainder of Lot 3

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Low Rapid

Depth to Limiting Zone: 41" to redoximorphic features

Soil Series Identified: Oxyaquic Paludic H

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|------------|-----------------|-----------------|-------------------------------------|--------------------------|----|------|------------|-------------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| <u>Ap</u> | <u>0 to 10</u> | <u>10YR 3/3</u> | <u>/</u> | | | | <u>LS+</u> | <u>mg</u> | <u>/ufr</u> |
| <u>E</u> | <u>10 to 21</u> | <u>10YR 5/4</u> | <u>/</u> | | | | <u>LS+</u> | <u>m</u> | <u>/ufr</u> |
| <u>Bt1</u> | <u>21 to 41</u> | <u>10YR 5/6</u> | <u>/</u> | | | | <u>SL</u> | <u>msbk</u> | <u>/ufr</u> |
| <u>Bt2</u> | <u>41 to 51</u> | <u>10YR 5/4</u> | <u>10YR 5/2</u> <u>10YR 5/6</u> | <u>t2d</u> | | | <u>SL</u> | <u>msbk</u> | <u>/ufr</u> |
| <u>Bt3</u> | <u>51 to 60</u> | <u>10YR 5/4</u> | <u>10YR 5/2</u> <u>7.5YR 5/3</u> | <u>c3d</u> <u>c2p</u> | | | <u>SL</u> | <u>-</u> | <u>/ufr</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |
| | <u>to</u> | | | | | | | | <u>/</u> |

Current Hydrology: "± to upper boundary of capillary fringe (or)

43"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grics.net



Profile #: 2
 Date of Test: 3/19/21 Soil Boring or Test Pit (1)
 Property Owner: Borders
 Property Location: Herons Crossing Rd. Remainder of Lot 3
 Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: Moderate
 Depth to Limiting Zone: 46" to relax accumulations
 Soil Series Identified: Munir Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|---------|----------|----------|----------|---------------|----|------|---------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| A | 0 to 9 | 10YR2/3 | / | | | | SL | 1mjt | / uf |
| Bt1 | 9 to 24 | 10YR4/4 | / | | | | SCC- | 1mshk | / fr |
| Bt2 | 24 to 40 | 7.5YR5/6 | / | | | | SL | 1CS62 | / ufr |
| E & Bt3 | 40 to 46 | 10YR5/4 | 90% | | | | L5 | ~ | / ufr |
| | | 7.5YR5/6 | 20% | | | | SL | ~ | / ufr |
| C1 | 46 to 50 | 10YR5/4 | 7.5YR5/3 | f4p | | | L5 | ~ | / ufr |
| C2 | 50 to 60 | 10YR6/4 | 10YR5/3 | c2p | | | L5 | ~ | / ufr |
| | to | | | | | | | | / |
| | to | | | | | | | | / |

Current Hydrology: "± to upper boundary of capillary fringe (or)
 44"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grics.net



Profile #: 3

Date of Test: 3/15/21 Soil Boring or Test Pit (1)

Property Owner: Borders

Property Location: Heron's Crossing At Remainder of Lot 3

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: 35" to redox accumulations

Soil Series Identified: Dryaquic Hapludult

| Horizon | Depth | Colors | | Mottles Desc. | | | Texture | Structure | Boundary(2)/ Consistence |
|---------|----------|-----------|----------------------|---------------|----|------|----------------------|-----------|-----------------------------|
| | | Matrix | Mottles | Ab. | S. | Con. | | | |
| Ap | 0 to 11 | 10YR 3/3 | / | | | | SL | 1m gr | / vfr |
| Bt1 | 11 to 15 | 10YR 4/4 | / | | | | SLL | 1m sbk | / fr |
| Bt2 | 15 to 20 | 10YR 4/6 | / | | | | SLL | 1m sbk | / fr |
| Bt3 | 20 to 27 | 7.5YR 4/6 | / | | | | SLL | 1m sbk | / fr |
| Bt4 | 27 to 35 | 7.5YR 5/6 | / | | | | SL | ~ | / vfr |
| C | 35 to 46 | 10YR 5/6 | 5YR 5/8 10YR 5/8 | C2p C3d | | | LS | ~ | / vfr |
| Cg | 46 to 60 | 2.5Y 5/2 | 10YR 5/8 2.5Y 5/4 | C3p C5d | | | Stratified LS, SL | ~ | / vfr |
| | to | | | | | | | | |

Current Hydrology: \pm to upper boundary of capillary fringe (or)

35 \pm to free water (if applicable)

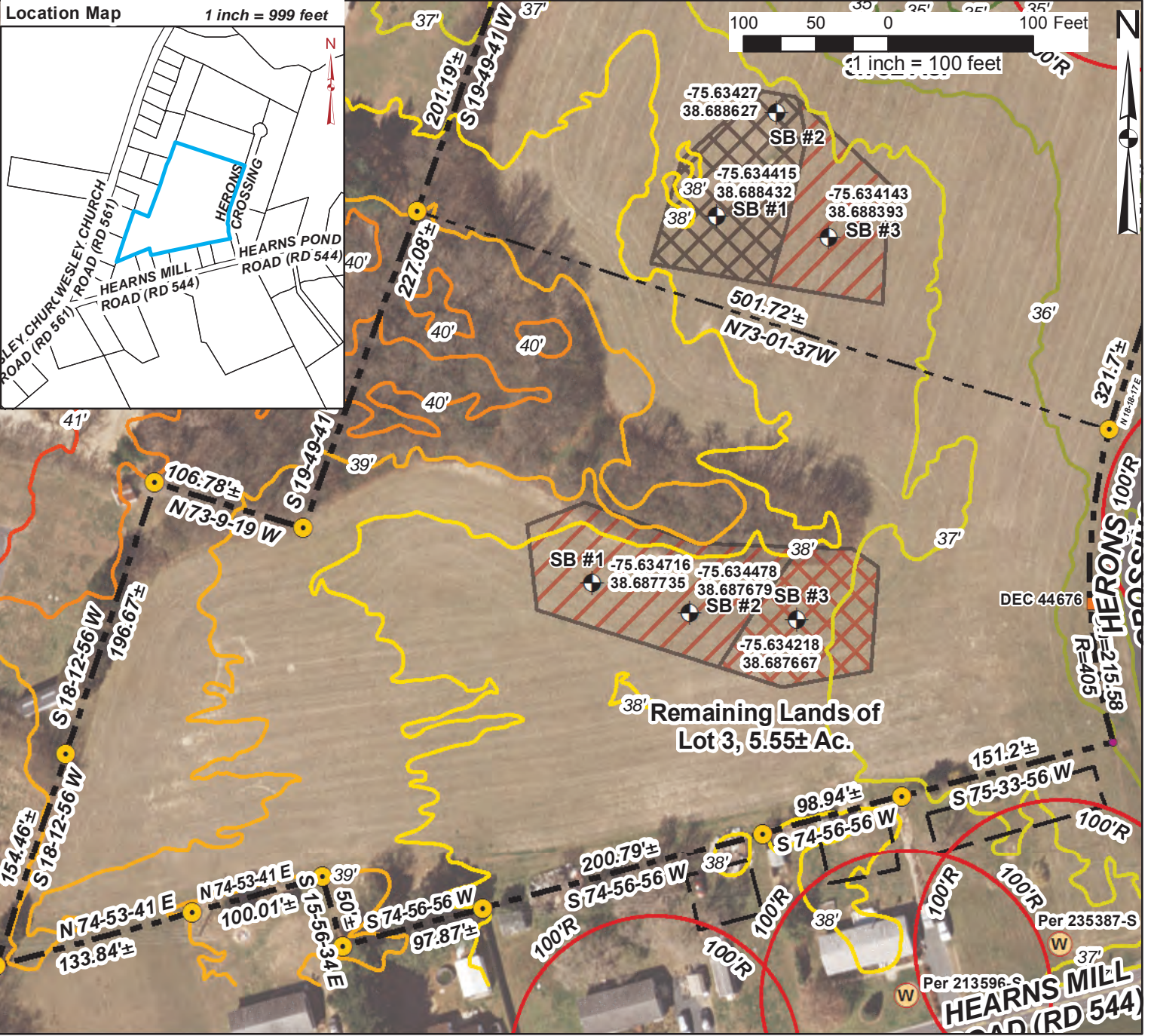
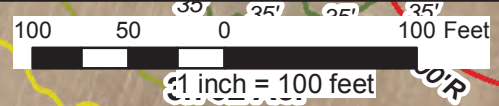
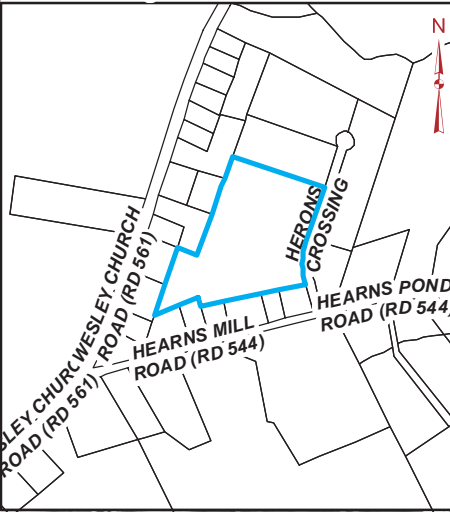
(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

Location Map

1 inch = 999 feet



Legend

- Well Location from Records
- Misc. Point
- Soil Boring Location
- Utility Enclosure/Pede...
- Rebar
- Property Line
- Proposed Property Line
- Approx. System Extents
- Well Arc & Radius
- Capping-Fill LPP System
- Full-depth LPP System
- Capping-Fill Gravity-fed System

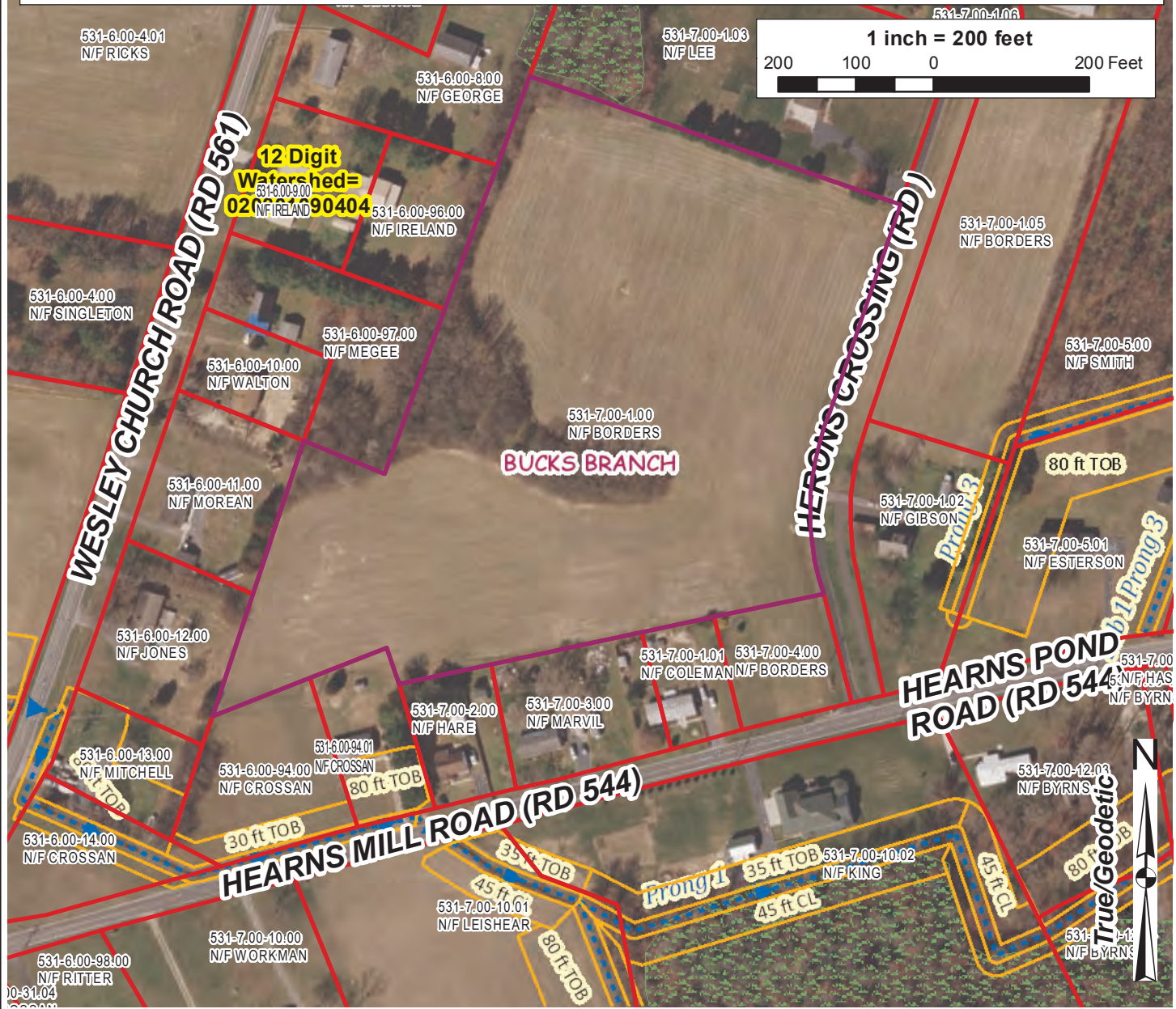
Site Evaluation Plot
N/F Jacob E. & Delores S. Borders
TM# 5-31-7.00-1.00, P.O.
Remaining Lands of Lot 3
Per Plan by Siteworks Eng.

Note: Unless otherwise shown, adjacent wells >100' from evaluated area (public wells >150'). Any ditch or swale present is ephemeral unless depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy.

Disclaimer: This plot drawing is not represented as a survey. Boundary information has been compiled from any of the following sources: county GIS, tax map, deed, survey, recorded plot, or field located property corners. Locations of wells and septic systems are by direct observation where possible but, as with boundary information above, may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. This plot represents site conditions at the time of evaluation. Subsequent alteration of the site or adjacent properties may negate the validity or usefulness of the information. Elevation contours, if provided, are derived from public domain LIDAR or GIS and should be confirmed. All information should be re-verified prior to purchase or use. In some cases, features such as property lines, utility poles, transformers, etc. may be slightly at odds with aerial photography due to minor errors in GPS data collection or due to horizontal biases inherited from the aerial photography source used.

Eastern Shore Soil Services
Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grice.net

Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)

- 12 Digit Watershed #
- Bay Building Line
- Tax Ditch Maximum ROWs
- Wetlands
- FEMA Flood Maps X 500
- A
- AE
- AO
- VE

*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
 Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Site Evaluation Map of Additional Published Properties

(This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevaana, IL 61074
 Phone: (815) 273-3550
 Email: esss@grics.net



PARID: 531-7.00-1.00
BORDERS JACOB E

ROLL: RP

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: AGR-Agriculture
 Use Code (LUC): AG-AG
 Town: 00-None
 Tax District: 531 – SEAFORD
 School District: 3 - SEAFORD
 Council District: 1-Vincent
 Fire District: 87-Seafood
 Deeded Acres:
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: MR-MEDIUM RESIDENTIAL
 Zoning 2: -
 Plot Book Page: 112 336/PB

100% Land Value: \$2,000
 100% Improvement Value
 100% Total Value

Legal

Legal Description: N/RD 544
 1180'E/RD 561
 LOT 3 REMAINING LAND

Owners

| Owner | Co-owner | Address | City | State | Zip |
|-----------------|-------------------|-----------------------|---------|-------|-------|
| BORDERS JACOB E | DOLORES S BORDERS | 21882 HERONS CROSSING | SEAFORD | DE | 19973 |

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, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: CU 2287 Danielle Roach

Applicant: Danielle Roach
22928 Pine Road
Lewes, DE 19958

Owner: Danielle Roach
22928 Pine Road
Lewes, DE 19958

Site Location: Lying on the southeast side of Pine Road approximately 0.21 miles northwest of Camp Arrowhead Road (S.C.R. 279).

Current Zoning: General Residential (GR) Zoning District

Proposed Zoning: General Residential (GR) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Department

Sewer: Sussex County

Water: Well

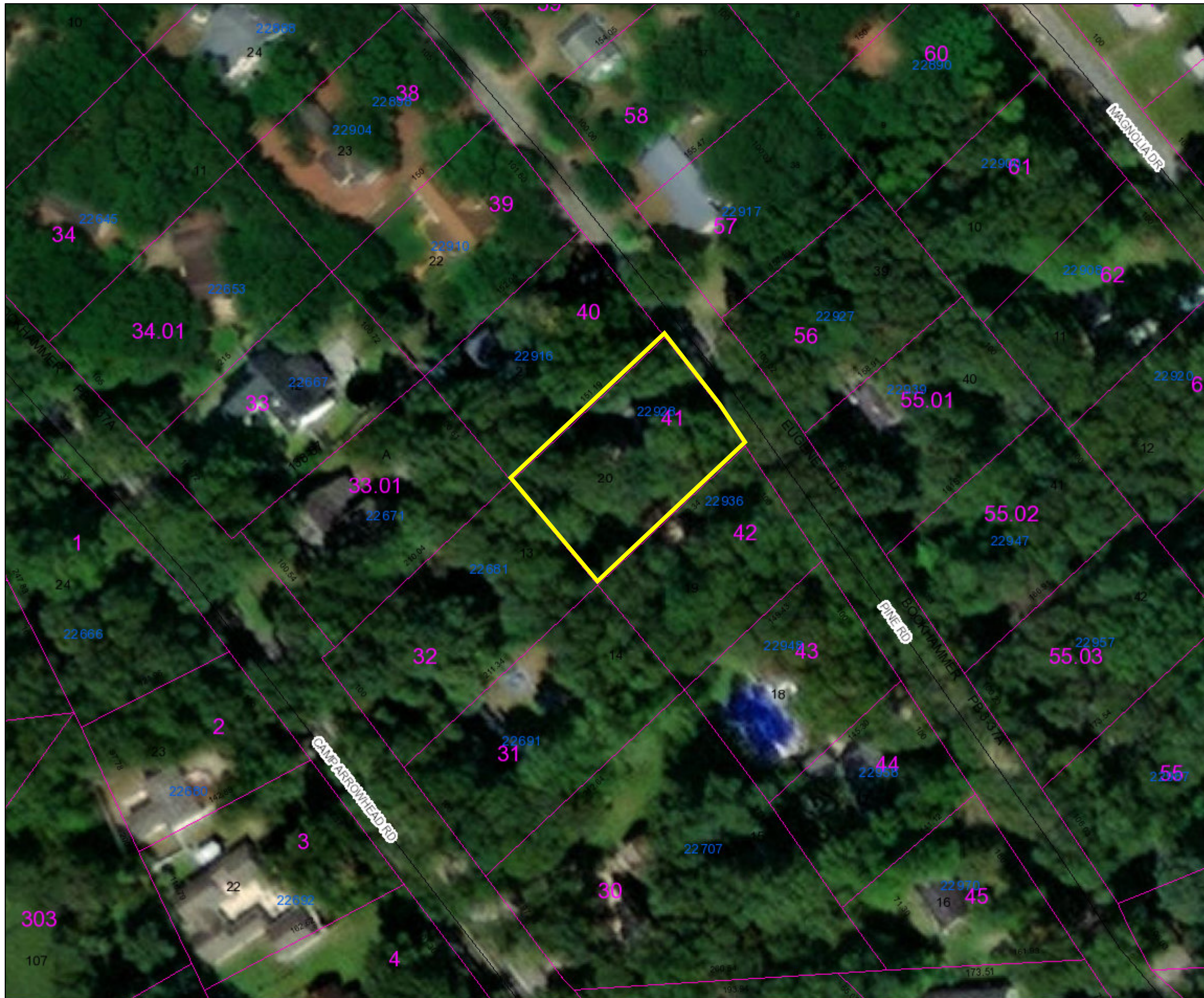
Site Area: 0.338 acres +/-

Tax Map ID.: 234-12.18-41.00





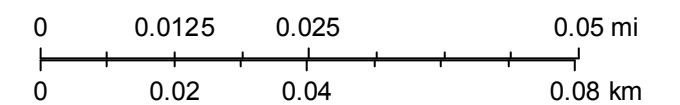
Sussex County



| | |
|------------------------|------------------|
| PIN: | 234-12.18-41.00 |
| Owner Name | ROACH DANIELLE |
| Book | 5582 |
| Mailing Address | 22928 PINE RD |
| City | LEWES |
| State | DE |
| Description | ANGOLA NECK PARK |
| Description 2 | LOT 20 |
| Description 3 | N/A |
| Land Code | |

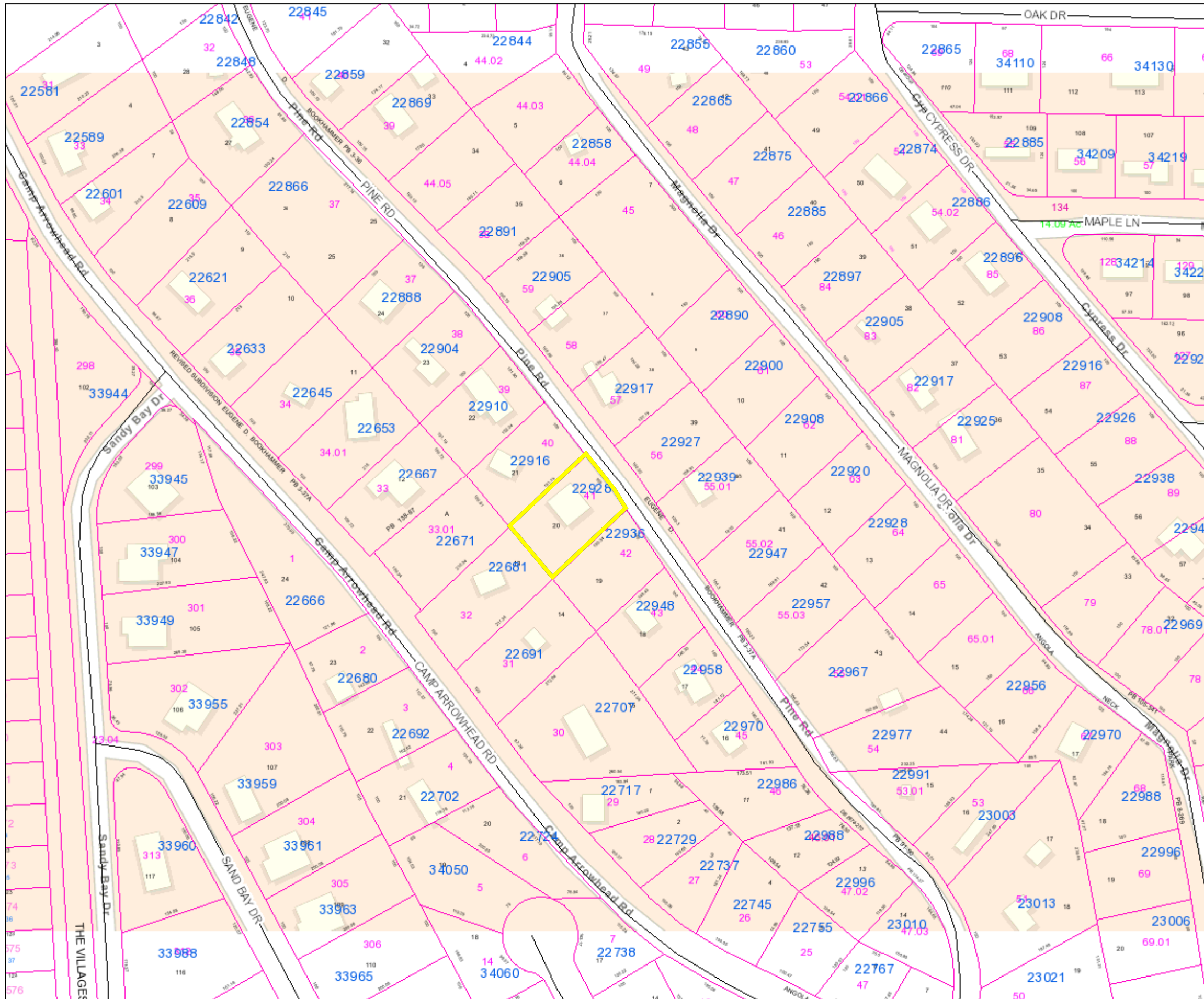
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- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128





Sussex County



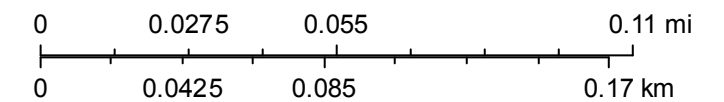
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| PIN: | 234-12.18-41.00 |
| Owner Name | ROACH DANIELLE |
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| Description | ANGOLA NECK PARK |
| Description 2 | LOT 20 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

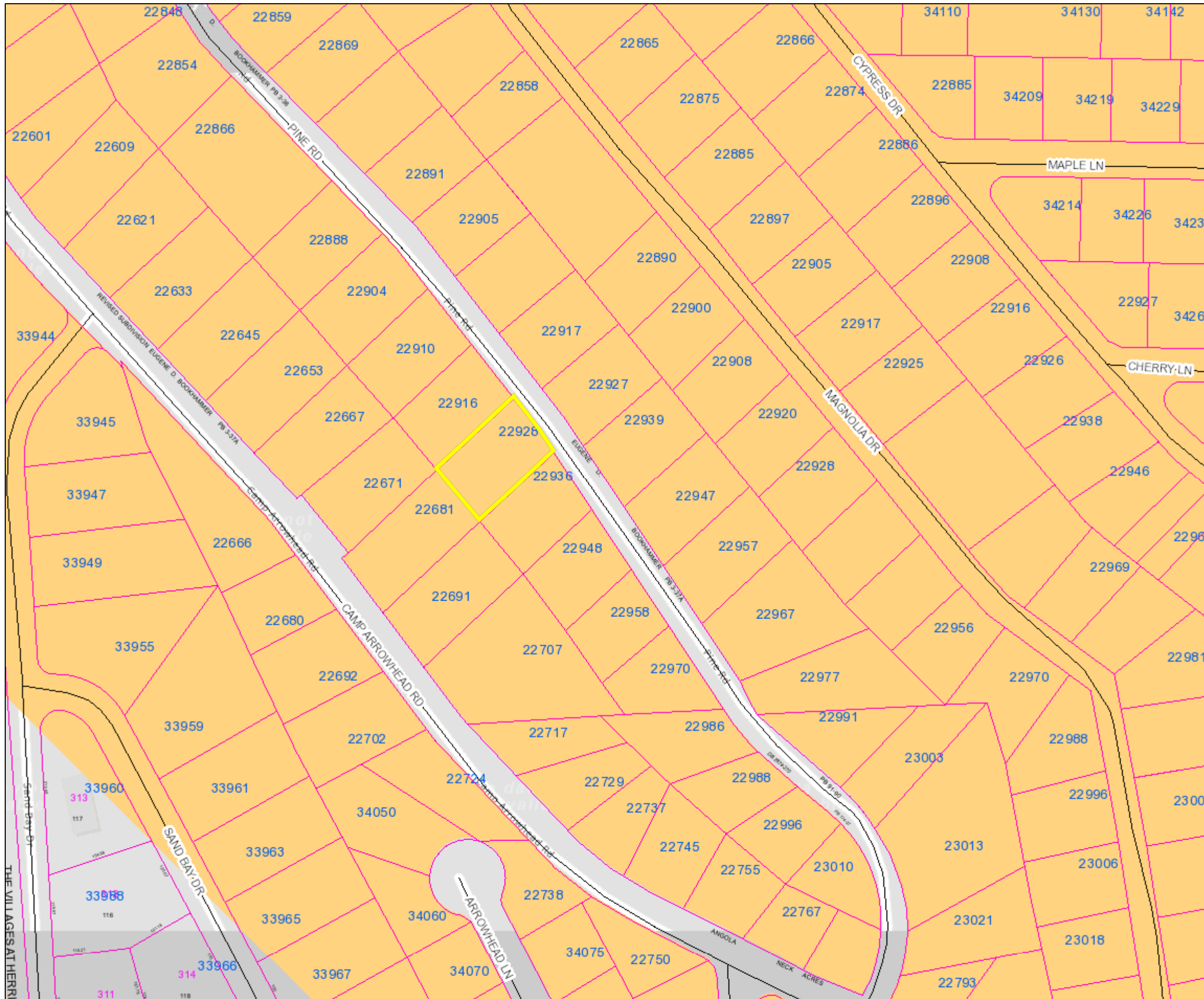
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 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

1:2,257





Sussex County



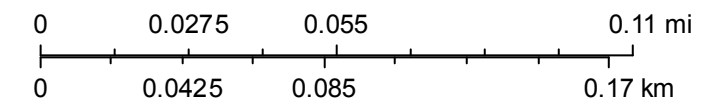
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|------------------------|------------------|
| PIN: | 234-12.18-41.00 |
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| City | LEWES |
| State | DE |
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| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

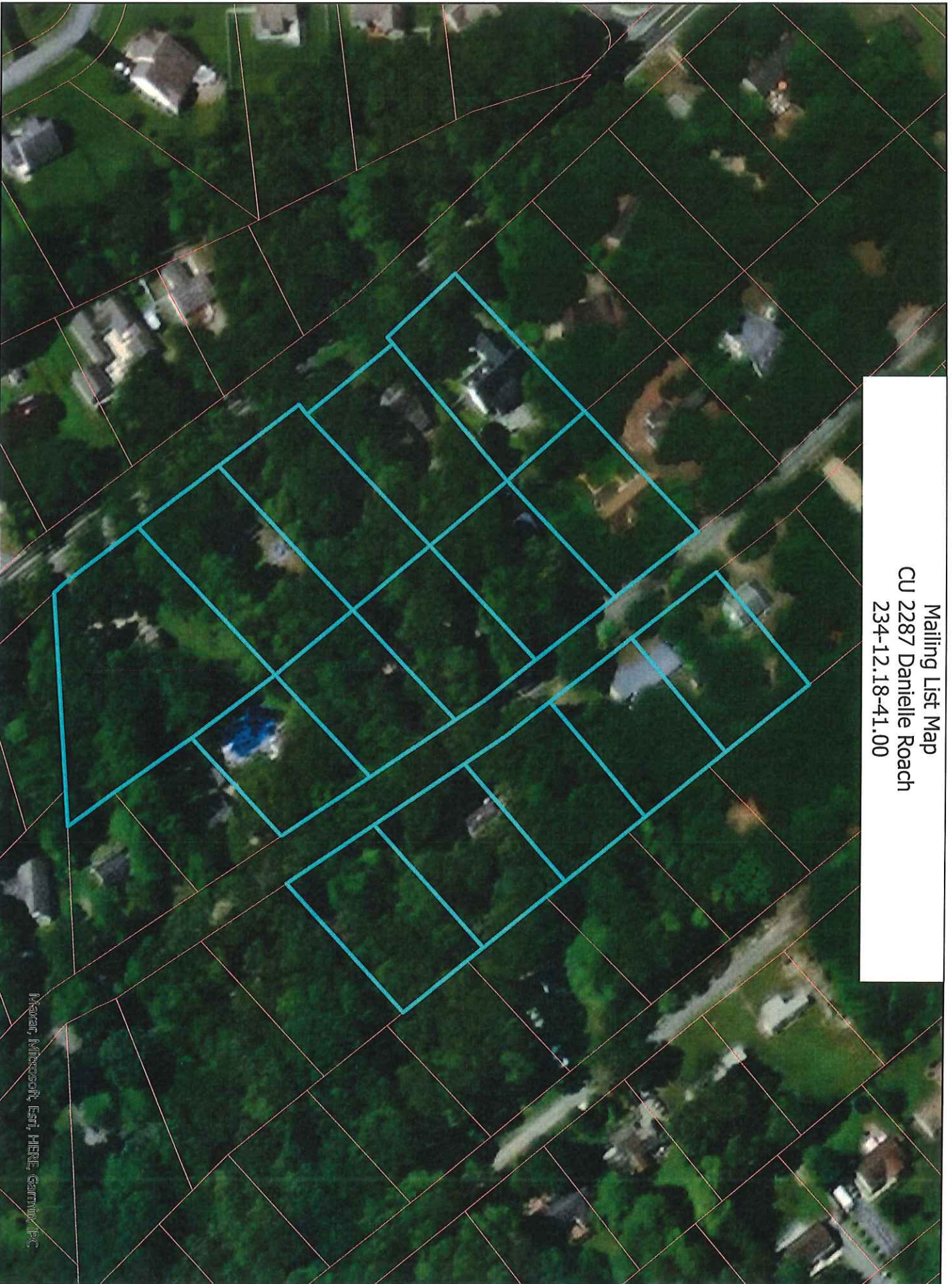
 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

1:2,257





Mailing List Map
CU 2287 Danielle Roach
234-12.18-41.00



File #: CU:22871
202108240

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 4 ✓
Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

22928 Pine Road Lewes, DE 19958

Type of Conditional Use Requested:

Storage of materials (barrels) in driveway

Tax Map #: 2-34-12.18 -11100 **Size of Parcel(s):** 14,757 square feet

Current Zoning: GR **Proposed Zoning:** _____ **Size of Building:** _____

Land Use Classification: Residential

Water Provider: Well **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Danielle Roach
Applicant Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Owner Information

Owner Name: Danielle Roach
Owner Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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

Daniell Roach

Date: 5-20-21

Signature of Owner

Daniell Roach

Date: 5-20-21

For office use only:

Date Submitted: 6/1/21

Fee: \$500.00 Check #: _____

Staff accepting application: NT

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: February 9, 2022
RE: Staff Analysis for CU 2287 Danielle Roach

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2287 Danielle Roach to be reviewed during the February 17, 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 Conditional Use for Tax Parcel: 234-12.18-41.00 for a craft business with outdoor storage. The parcel is lying on the southwest side of Pine Road, approximately .20-miles northwest of Camp Arrowhead Road (S.C.R. 279). The parcel consists of 0.34 acres +/-.

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 designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned General Residential (GR). The adjacent properties to the north, south, east, and west of the subject sites are also zoned General Residential (GR).

Since 1971, there have been 9 Conditional Use applications within a half-mile radius of the application site. Of the 9 Conditional Use applications within a half-mile radius, 7 have been approved, 1 has been denied, and 1 was withdrawn.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for a craft business with outdoor storage, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/1/2022**

APPLICATION: **CU 2287 Danielle Roach**

APPLICANT: **Danielle Roach**

FILE NO: **ANG-4.06**

TAX MAP &
PARCEL(S): **234-12.18-41.00**

LOCATION: **Lying on the southeast side of Pine Drive, approximately 0.21 miles northwest of Camp Arrowhead Road (SCR 279)**

NO. OF UNITS: **CU for a craft business with outdoor storage**

GROSS
ACREAGE: **0.338**

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 **Nicole Messeck** 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: **The change to commercial use may require an upgrade in the size (dia.) of the sewer lateral. This may also result in an increase in the EDU's charged to the parcel.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Nicole Messeck

TAX MAP AND PARCEL
#: 2-34 12.18 41.00
PREPARED BY & RETURN TO:
Berl & Feinberg, LLP
34382 Carpenter's Way, Suite 3
Dartmouth Business Center
Lewes, DE 19958
File No. 2-2822/LE

THIS DEED, made this 21st day of February, 2017,

- BETWEEN -

SHANNON THOMPSON, of 1749 S. Highland Ave. A12, Clearwater, FL 33756, party of the first part,

- AND -

DANIELLE RENKEN, of 22928 Pine Road, Lewes, DE 19958, as sole owner, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and her heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land known as Lot No. 20 in Revised Subdivision of lands of Eugene D. Bookhammer, as shown on the Plot of said lands which is recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book No. 3, Page 37, and said lot is located northwesterly from County Road No. 279, leading to Angola Neck in Indian River Hundred, Sussex County, Delaware, and being more particularly describe on a plot of survey prepared by Charles L. Coffinan, II dated July 26, 2004, as follows, to-wit:

BEGINNING at a found concrete monument set in the Southeasterly right of way line for Pine Road which is a corner for this Lot and Lot 21; thence along and with the aforesaid right of way line South 29 degrees 58 minutes 00 seconds 100.00 feet to a found concrete monument, which is a corner for this Lot and Lot 19; thence along and with the Southwesterly line of Lot 19, South 54 degrees 15 minutes 30 seconds West 148.56 feet to a found concrete monument, which is a corner for this Lot and Lots 19, 14 and 13; thence along and with the Northeasterly line of

Lot 13, North 29 degrees 35 minutes 00 seconds West 99.77 feet to a found concrete monument which is a corner for this Lot and Lots 13, 12 and 21; thence along and with the Southeasterly line of Lot 21, North 54 degrees 09 minutes 30 seconds East 147.92 feet back to the point and place of beginning, containing 14,570 square feet of land, be the same more or less, together with any and all improvements located thereon.

BEING the same land conveyed to Joel Thompson and Shannon Thompson by a Deed of Robert J. Dedrick dated February 13, 2009 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Georgetown, Delaware in Deed Book 3659, page 191.

Subsequently thereto, the said Joel Thompson departed this life intestate on or about April 27, 2010, leaving his wife, Shannon Thompson, to survive him.

SUBJECT to any and all restrictions as they may appear of record.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Barbara Gorman

Shannon Thompson (SEAL)
Shannon Thompson

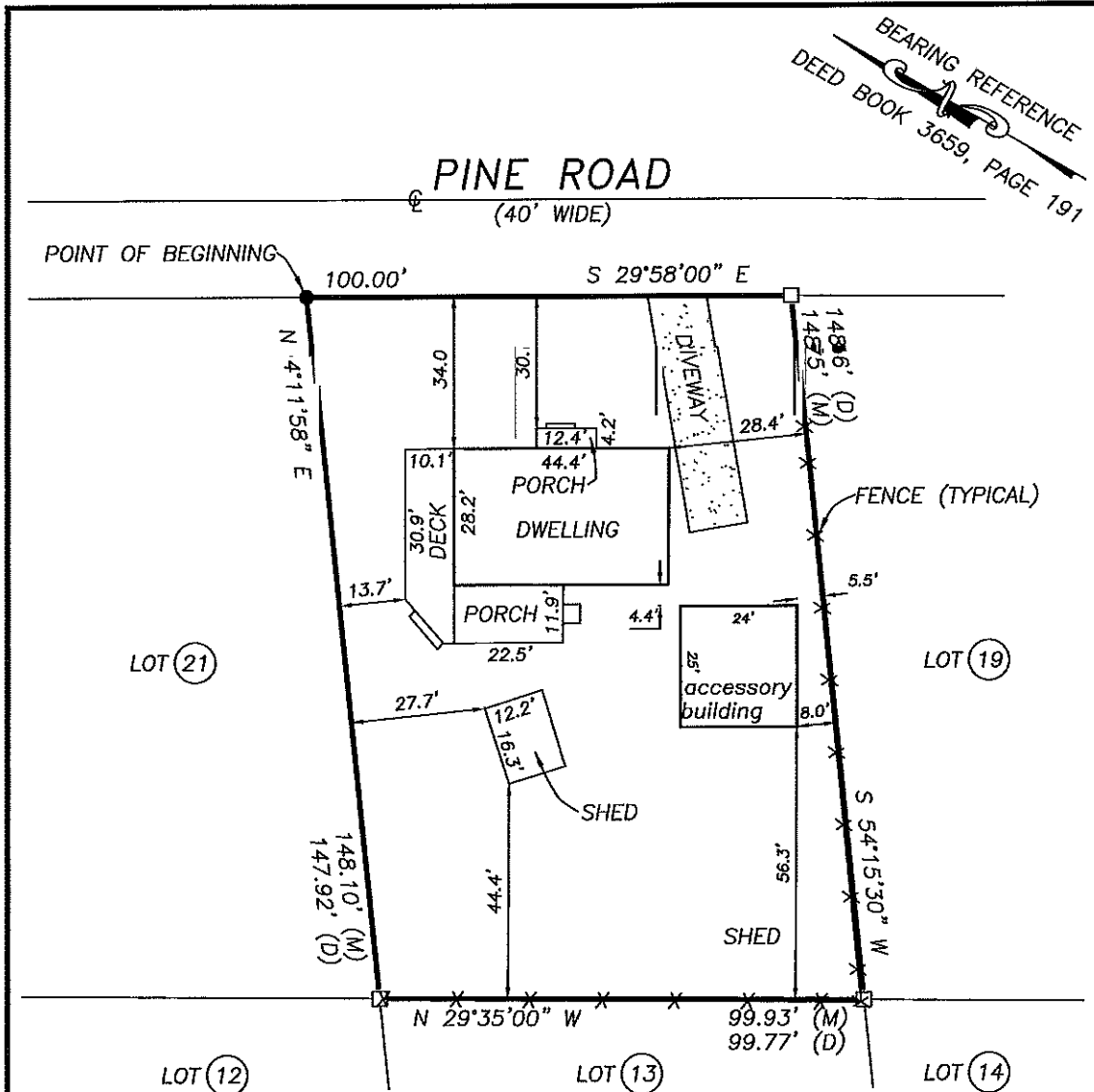
STATE OF FLORIDA, COUNTY OF Pinellas: to-wit

BE IT REMEMBERED, that on February 21, 2017, personally came before me, the subscriber, Shannon Thompson, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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



C. F. Quever
Notary Public
Printed Name: C. F. QUEVER
My Commission Expires: 06/30/19



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3659, PAGE 191
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
- 4) ZONED GR

BOUNDARY SURVEY PLAN

PREPARED FOR

DANIELLE RENKEN

FOR PROPERTY KNOWN AS
LOT 20, "REVISED SUBDIVISION OF A PART OF THE LANDS OF
EUGENE D. BOOKHAMMER"

PLOT BOOK 3, PAGE 37
(A.K.A. 22928 PINE ROAD)

SITUATED IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY
STATE OF DELAWARE

AREA: 14,757± SQ. FT.

SCALE: 1" = 30'

DATE: JANUARY 31, 2017

REVISED: FEBRUARY 6, 2017 R.B. KEMP, III, P.L.S. 541

LEGEND:

- FOUND CONCRETE MONUMENT
- SET IRON BAR
- (M) MEASURED DISTANCE
- (D) DEED DISTANCE

Prepared By
♦ ADAMS-KEMP ASSOCIATES, INC. ♦
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

PLAN NO. 170113-A

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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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: February 17th, 2022

Application: CZ 1950 Roxana Volunteer Fire Company

Applicant: Roxana Volunteer Fire Company
35943 Zion Church Road
Frankford, DE 19945

Owner: Roxana Volunteer Fire Company
35943 Zion Church Road
Frankford, DE 19945

Site Location: 36843, 36855, & 36873 Lighthouse Road, Selbyville. Lying on the northeast side of Lighthouse Road (Rt. 54) approximately 0.53-mile northwest of Bayville Road (S.C.R. 58B)

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

Proposed Zoning: Institutional (I-1) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

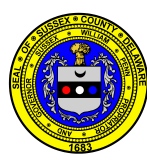
Sewer: Sussex County

Water: Artesian

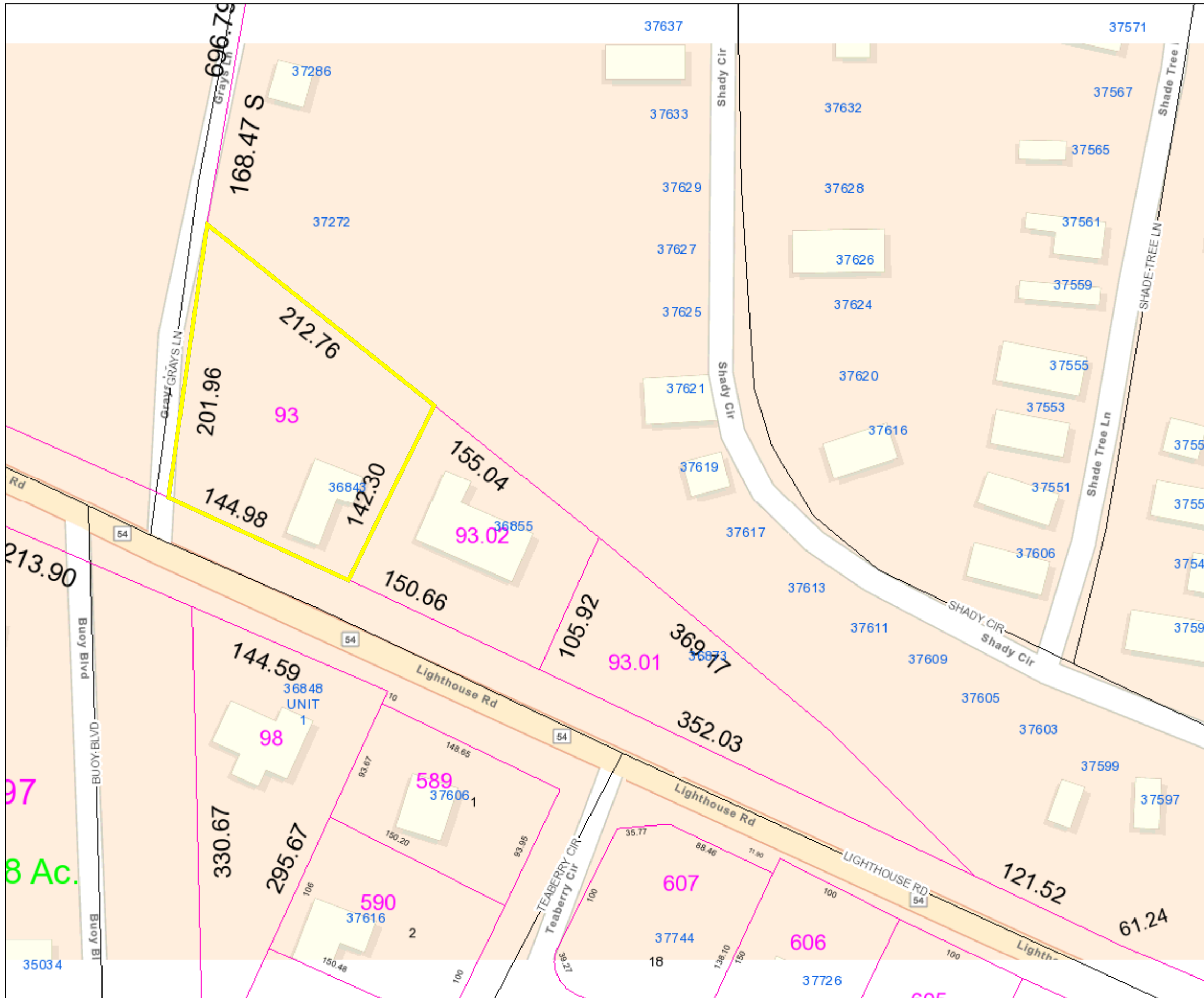
Site Area: 1.50 acres +/-

Tax Map IDs.: 533-12.00-93.00, 93.01, & 93.02





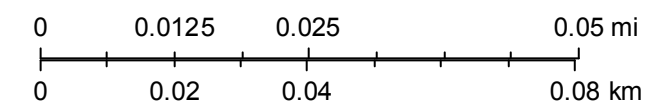
Sussex County



| | |
|------------------------|--------------------------|
| PIN: | 533-12.00-93.00 |
| Owner Name | ROXANA VOLUNTEER FIRE CO |
| Book | 2516 |
| Mailing Address | 35943 ZION CHURCH RD |
| City | FRANKFORD |
| State | DE |
| Description | NE/RT 54 |
| Description 2 | 716'NW/ENTR SWANN |
| Description 3 | KEYS |
| Land Code | |

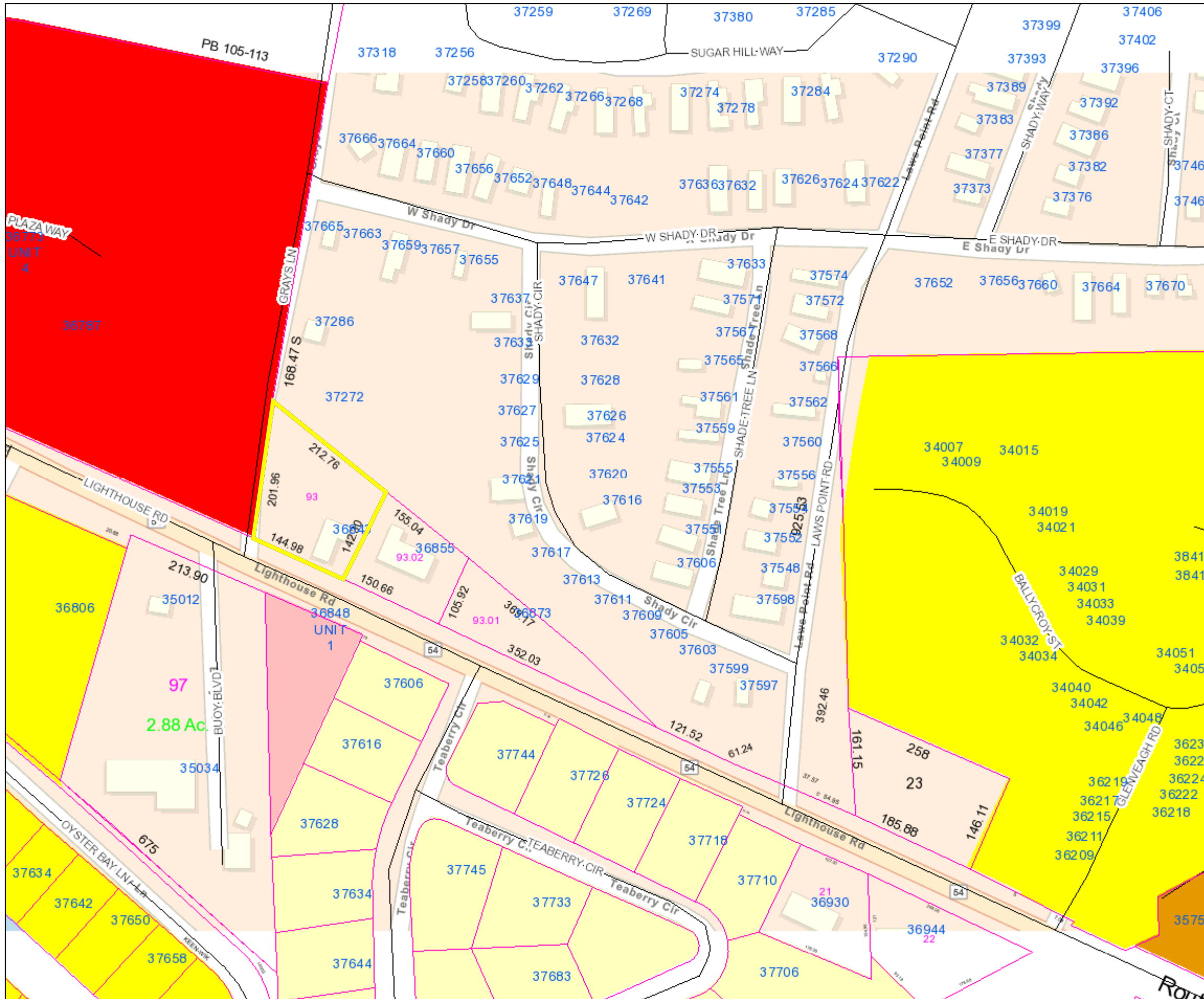
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 - Override 1
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 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

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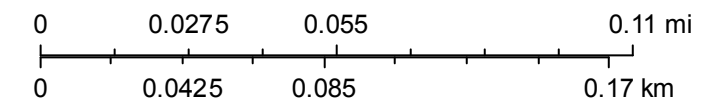
Sussex County



| | |
|------------------------|--------------------------|
| PIN: | 533-12.00-93.00 |
| Owner Name | ROXANA VOLUNTEER FIRE CO |
| Book | 2516 |
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| City | FRANKFORD |
| State | DE |
| Description | NE/RT 54 |
| Description 2 | 716'NW/ENTR SWANN |
| Description 3 | KEYS |
| Land Code | |

- | | |
|--------------|-------------|
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| | Tax Parcels |
| | 911 Address |
| | Streets |

1:2,257





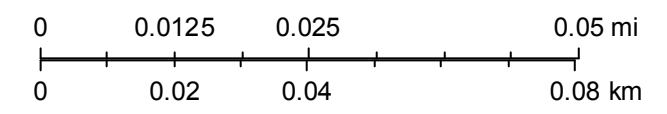
Sussex County



| | |
|------------------------|--------------------------|
| PIN: | 533-12.00-93.00 |
| Owner Name | ROXANA VOLUNTEER FIRE CO |
| Book | 2516 |
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| City | FRANKFORD |
| State | DE |
| Description | NE/RT 54 |
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| Description 3 | KEYS |
| Land Code | |

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

1:1,128



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: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: February 9, 2022
RE: Staff Analysis for CZ 1950 Roxana Fire Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1950 Roxana Fire Company to be reviewed during the February 17, 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 Parcels 533-12.00-93.00, 93.01, & 93.02 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to an Institutional (I-1) Zoning District. The properties are lying on the northeast side of Lighthouse Road (Route 54), approximately 0.53-mile northwest of Bayville Road (S.C.R. 58B). The parcels to be rezoned consist of 1.5 acres +/-.

Staff notes, a response from the Office of State Planning was obtained confirming the request is not required to go through the PLUS process.

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 subject property has a land use designation of "Coastal Area." The properties to the north, south, east and west of the subject property also contain the Future Land Use Designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the south on the opposite side of Lighthouse Road (Route 54) are zone Neighborhood Business (B-1), Agricultural Residential (AR-1 & AR-2) and Medium Residential (MR) and the adjacent properties to the west are zoned General Commercial (C-1) District. The property to the east is zoned Agricultural Residential (AR-1) Zoning District.



The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Institutional (I-1) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been sixteen (16) Change of Zone applications within a 1-mile radius of the application site. The Change of Zone applications approved include Medium Residential (MR), High Density Residential (HR-1), Commercial Residential (CR-1), Neighborhood Business (B-1), and Medium Commercial (C-2) Zoning Districts.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to an Institutional Zoning District (I-1) could be considered as being consistent with the land use, based on the size, scale, zoning and surrounding uses.

File #: CZ 1950

202112328
202112329
202112330

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

36843, 36855 + 36873 Lighthouse Rd. Selbyville DE

Type of Conditional Use Requested:

Change of Zoning

Tax Map #: 533-12.00-93.00, 93.01 + 93.02 Size of Parcel(s): 1.50 acres ±

Current Zoning: AR-1 Proposed Zoning: I-1 Size of Building: N/A

Land Use Classification:

Water Provider: Artesian Sewer Provider: Sussex County

Applicant Information

Applicant Name: Roxana Volunteer Fire Company
Applicant Address: 35943 Zion Church Rd
City: Frankford State: DE Zip Code: 19945
Phone #: 302-436-2300 E-mail: R.Hopper@Roxana90.com
Guy@Roxana90.com
Colleen@Roxana90.com

Owner Information

Owner Name: _____
Owner Address: Same
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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.

___ DelDOT 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.

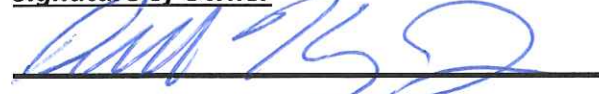
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 8/16/21

Signature of Owner



Date: 8/16/21

For office use only:

Date Submitted: 8/18/21

Fee: \$500.00 Check #: 18072

Staff accepting application: NJ

Application & Case #: CZ1950

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 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

August 13, 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 **Roxana Fire Department** proposed land use application, which we received on August 12, 2021. This application is for an approximately 1.55-acre assemblage of parcels (Tax Parcels: 533-12.00-93.00, 93.01 and 93.02). The subject parcels are located on the north side of Fenwick Road a.k.a Lighthouse Road (State Route 54). Tax parcel 533-12.00-93.00 also has frontage on the east side of Grays Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of I-1 (Institutional) to renovate or build a new firehouse.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along State Route 54 from Dukes Avenue (Sussex Road 58D) to Zion Church Road (State Route 20), are 7,769 and 9,990 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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.

Mr. Jamie Whitehouse
Page 2 of 2
August 13, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Roxana Fire Department, Applicant
Elliott Young, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, 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: **2/1/2022**

APPLICATION: **CZ 1950 Roxana Volunteer Fire Company**

APPLICANT: **Roxana Volunteer Fire Company**

FILE NO: **OM-4.05**

TAX MAP &
PARCEL(S): **533-12.00-93.00, 93.01, & 93.02**

LOCATION: **Lying on the northeast side of Lighthouse Road,
approximately 0.53 mile northwest of Bayville Road (SCR 58B)**

NO. OF UNITS: **upzone from AR-1 to I-1**

GROSS
ACREAGE: **1.50**

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? **No** 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? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

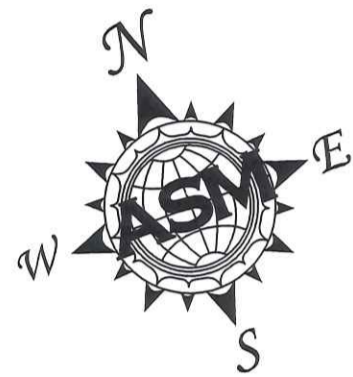
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Currently all three parcels are connected to the sewer system. The change to Institutional zoning may require and upgrade in the size (dia.) of the sewer lateral. This may also result in an increase in the EDU's charged to the parcels depending on any new construction.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren



Notes

Current Zoning - Agricultural Residential AR-1

Proposed Zoning - Institutional I-1

Plat References:

Revised Subdivision of Lands of Charles M. Walton & Betty T.
Walton - Plat Book 26 Pg 120
Revised and Reassembled Property Lines Between Ronald E. Gray,
Et al and Charles M. Walton, Et ux - Deed Book 2035 Pg 352

Deed References:

- Parcel 1 - Bk 5469 Pg 293
Bk 3684 Pg 86
- Parcel 2A - Bk 1542 Pg 235
Bk 3680 Pg 120
- Parcel 2B - Bk 2516 Pg 179
Bk 3680 Pg 110

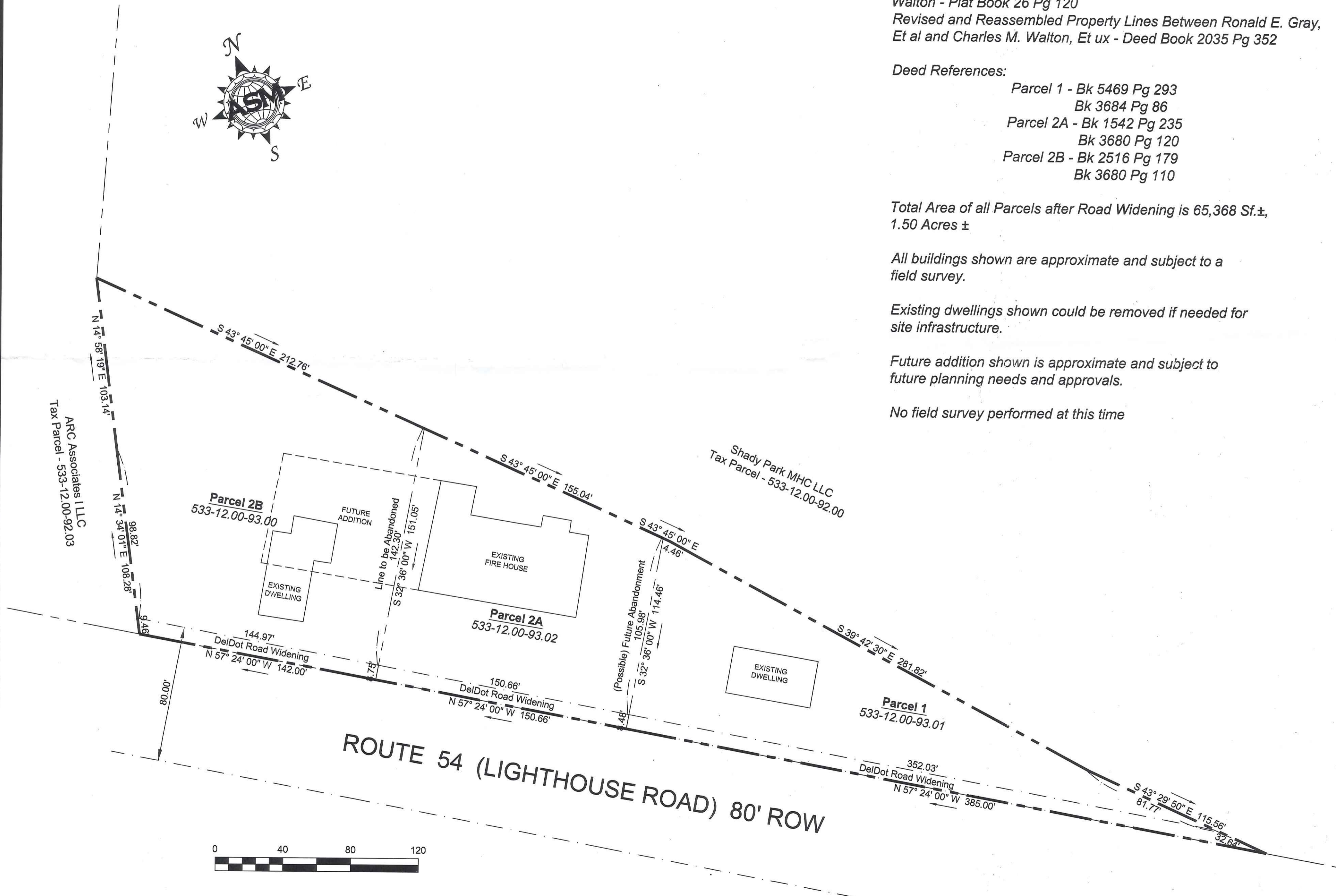
Total Area of all Parcels after Road Widening is 65,368 Sf.±,
1.50 Acres ±

All buildings shown are approximate and subject to a
field survey.

Existing dwellings shown could be removed if needed for
site infrastructure.

Future addition shown is approximate and subject to
future planning needs and approvals.

No field survey performed at this time



Project:
**Proposed Change of Zoning
Lands of Roxana Volunteer Fire Company
Baltimore Hundred, Sussex County, Delaware**
Tax Parcels - 533-12.00-93.00, 93.01 & 93.02

Prepared By: H.J.

Date: June 2021

Scale: As Shown

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: February 17th, 2022

Application: CZ 1951 Shiloh Investments

Applicant: Shiloh Investments, LLC
33712 Wescoats road, suite 5
Lewes, DE 19958

Owner: Shiloh Investments, LLC
33712 Wescoats road, suite 5
Lewes, DE 19958

Site Location: Lying on the south side of Lewes Georgetown Highway (Rt. 9) approximately 0.15-miles northeast of the intersection of Hudson Road (S.C.R. 258) and Fisher Road (S.C.R. 262).

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Milton Fire Department

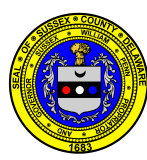
Sewer: Septic

Water: Well

Site Area: 4.17 acres +/-

Tax Map IDs.: 235-30.00-50.01





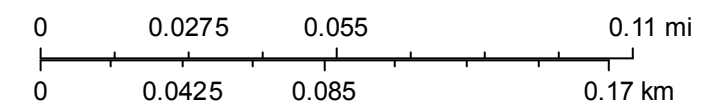
Sussex County

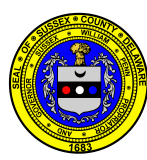


| | |
|------------------------|------------------------|
| PIN: | 235-30.00-50.01 |
| Owner Name | SHILOH INVESTMENTS LLC |
| Book | 5511 |
| Mailing Address | 33712 WESCOATS RD STE |
| City | LEWES |
| State | DE |
| Description | SE OF RT 404/9 APPR |
| Description 2 | 361 NE OF RD 262 |
| Description 3 | TRACT 2 |
| Land Code | |

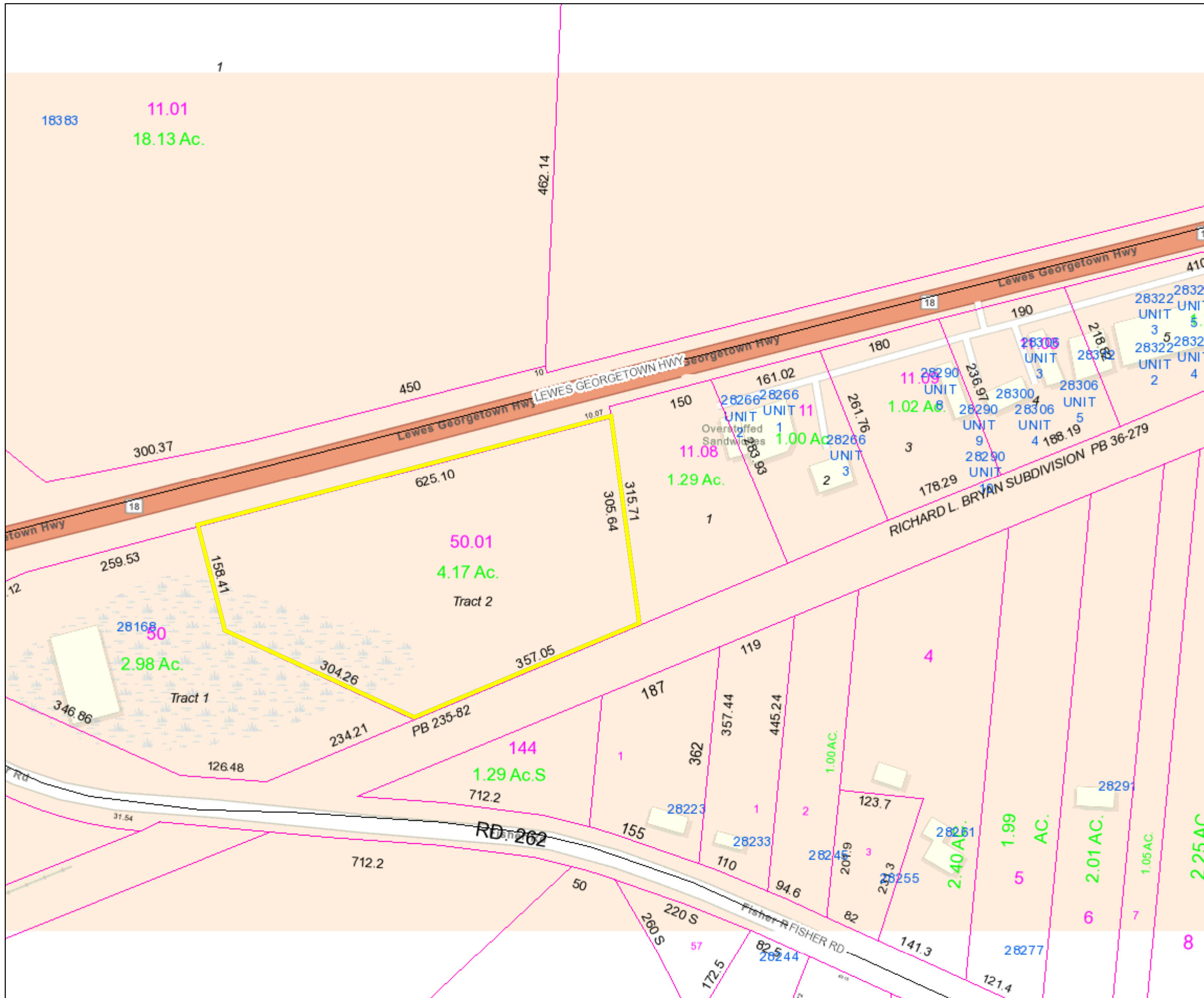
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- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





Sussex County

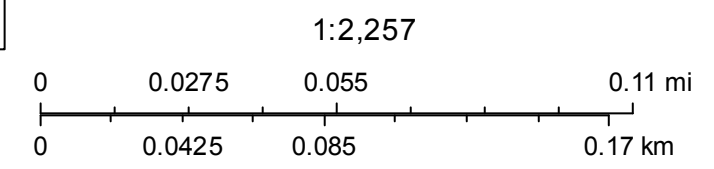


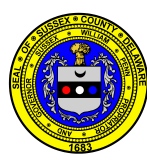
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- polygonLayer**

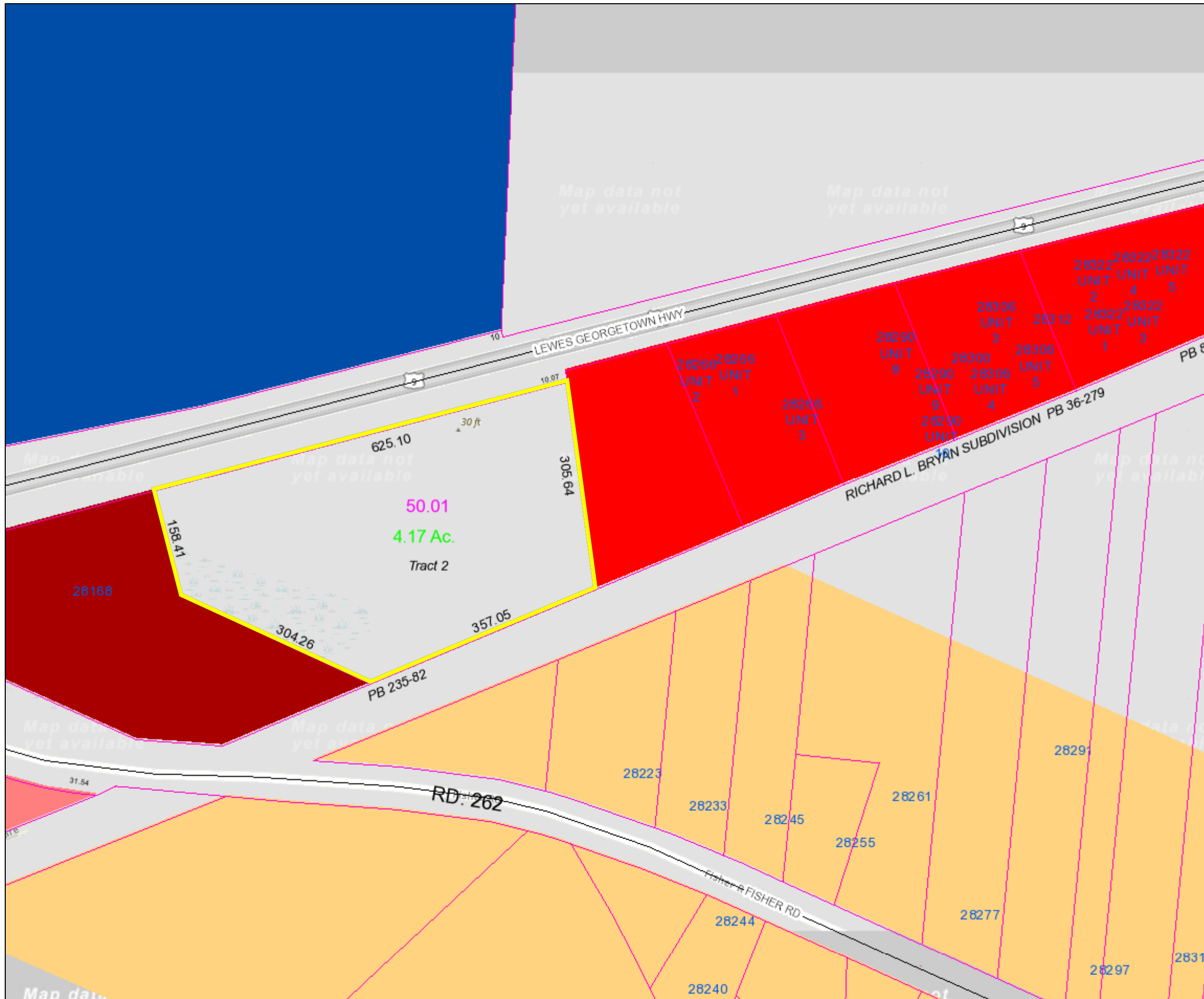
 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





Sussex County



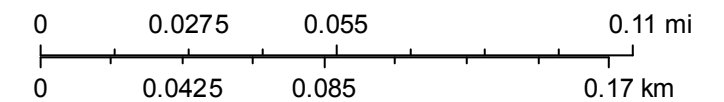
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| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





Mailing List Map
CZ 1951 Shiloh Investments, LLC
235-30.00-50.01



Cool Spring Farms

Martin Branch

VIA FM HERE GAINING PC INKAR

0 0.13 0.25 0.5 0.75 1

File #: CU:22871
202108240

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 4 ✓
Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

22928 Pine Road Lewes, DE 19958

Type of Conditional Use Requested:

Storage of materials (barrels) in driveway

Tax Map #: 2-34-12.18 -11100 **Size of Parcel(s):** 14,757 square feet

Current Zoning: GR **Proposed Zoning:** _____ **Size of Building:** _____

Land Use Classification: Residential

Water Provider: Well **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Danielle Roach
Applicant Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Owner Information

Owner Name: Danielle Roach
Owner Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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

Daniell Roach

Date: 5-20-21

Signature of Owner

Daniell Roach

Date: 5-20-21

For office use only:

Date Submitted: 6/1/21

Fee: \$500.00 Check #: _____

Staff accepting application: NT

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: February 9, 2022
RE: Staff Analysis for CZ 1951 Shiloh Investments, LLC

This memo provides background and an analysis for the Planning Commission to consider as part of application CZ 1951 to be reviewed during the February 17, 2022 Planning Commission Meeting. This analysis should be included in the record for 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 parcel 235-30.00-50.01 from an Agricultural Residential District (AR-1) to a Medium Commercial District (C-2). The parcel is located on the south side of Lewes Georgetown Highway (Route 9), approximately 0.15-miles northeast of the intersection of Hudson Road (S.C.R. 258) and Fisher Road (S.C.R. 262). The size of the property is 4.17 acres +/-.

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 property has the land use designation of "Low Density." The areas to the north are also designated "Low Density".

The adjacent parcels to the south, east and west are designated "Existing Development Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined those that address the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be for providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

As outlined in the 2018 Sussex County Comprehensive Plan, Existing Development Areas primarily consist of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are found throughout the County. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units.

The Medium Commercial (C-2) Zoning District is listed as an applicable zoning district for the Low Density Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

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



Sussex County

DELAWARE
sussexcountyde.gov

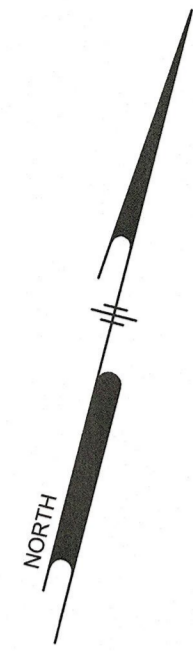
The property is currently within an Agricultural Residential (AR-1) Zoning District. The adjacent properties that lie on the east and west sides of the subject site are zoned CR-1 and C-1. The parcel to the north across Lewes Georgetown Highway is zoned Agricultural Residential (AR-1). Parcels to the south which exist on north side of Fisher Road, are zoned General Residential (GR).

Since 2011, there has been one Change of Zone application within a one-mile radius of the subject site, CZ 1866 was approved by the County Council on February 5, 2019.

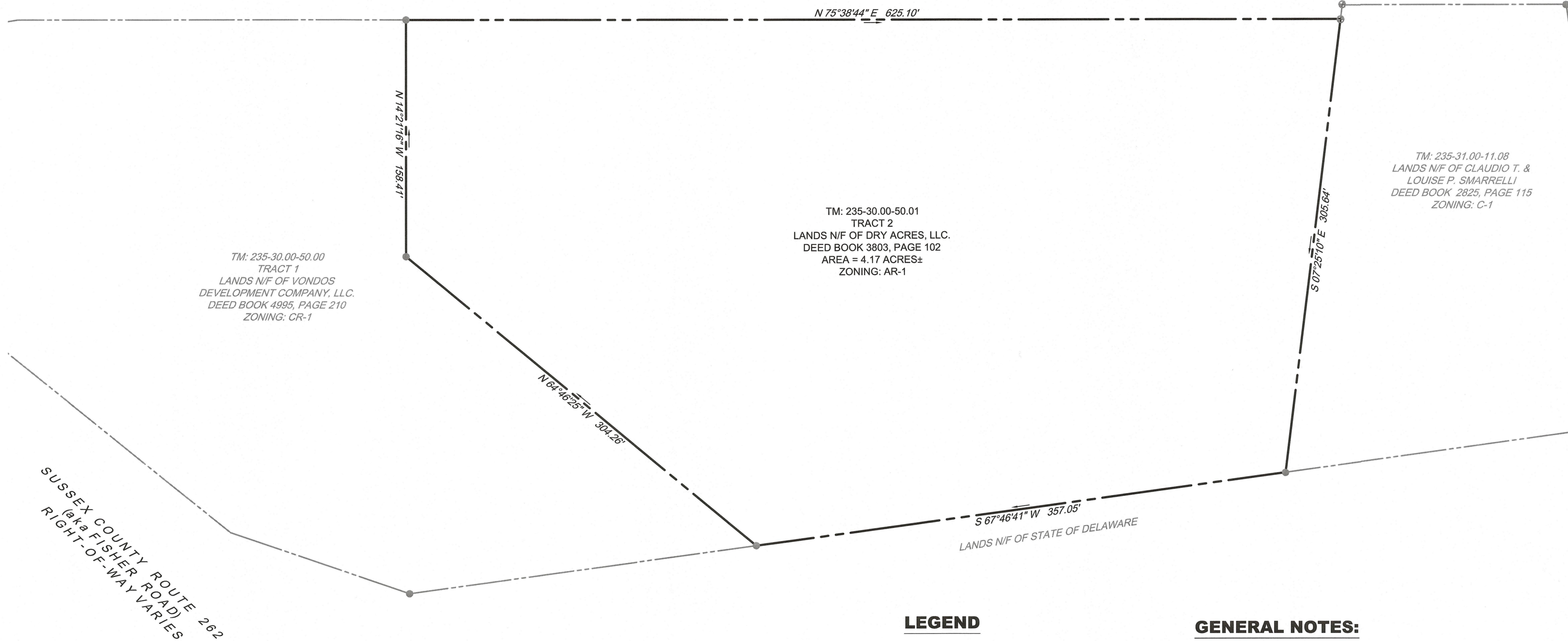
Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property to be zoned Medium Commercial (C-2) could be considered as being consistent with the land use, area zoning, and surrounding uses.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947



DELAWARE ROUTE 9
(aka LEWES - GEORGETOWN HIGHWAY)
80' RIGHT-OF-WAY

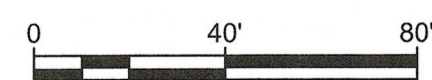


LEGEND

- PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE
- IRON PIPE FOUND
- ⊕ DISC FOUND

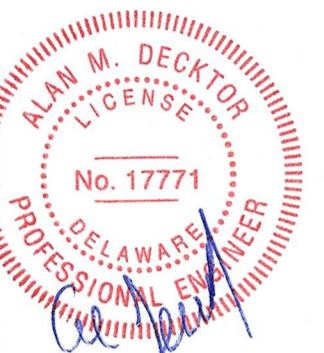
GENERAL NOTES:

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEEDS ON PUBLIC RECORD AND IS ALSO THE RESULT OF A FIELD SURVEY BY PENNONI ASSOCIATES INC. DATE OF SURVEY: NOVEMBER 22, 2019.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP 235-30.00 AS PARCEL 50.01.
4. CLASS OF SURVEY: RURAL



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK



7/20/2021

LANDS N/F OF DRY ACRES, LLC.
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

TM: 235-30.00-50.01

BOUNDARY SURVEY

WAYNE HAWKINS
16815 ISLAND FARM ROAD
MILTON, DELAWARE 19968

| # | DATE | NO. | BY |
|---|------|-----|----|
| | | | |
| | | | |
| | | | |
| | | | |

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

| | |
|---------------|------------|
| PROJECT | TACHN19002 |
| DATE | 2021-07-20 |
| DRAWING SCALE | 1" = 40' |
| DRAWN BY | KMD |
| APPROVED BY | AMD |

VR-0201
SHEET 1 OF 1

SHILOH INVESTMENTS, LLC

CASE NO. CZ1951

ZONING MAP AMENDMENT FROM AR-1 TO C-2

OWNER/DEVELOPER:

SHILOH INVESTMENTS, LLC
33712 WESCOATS ROAD, SUITE 5
LEWES, DELAWARE 19958

SHILOH INVESTMENTS, LLC
33712 WESCOATS ROAD, SUITE 5
LEWES, DELAWARE 19958

PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
ALAN DECKTOR, PE., ENV SP
ERIC WAHL, RLA
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL
SCIENTIST

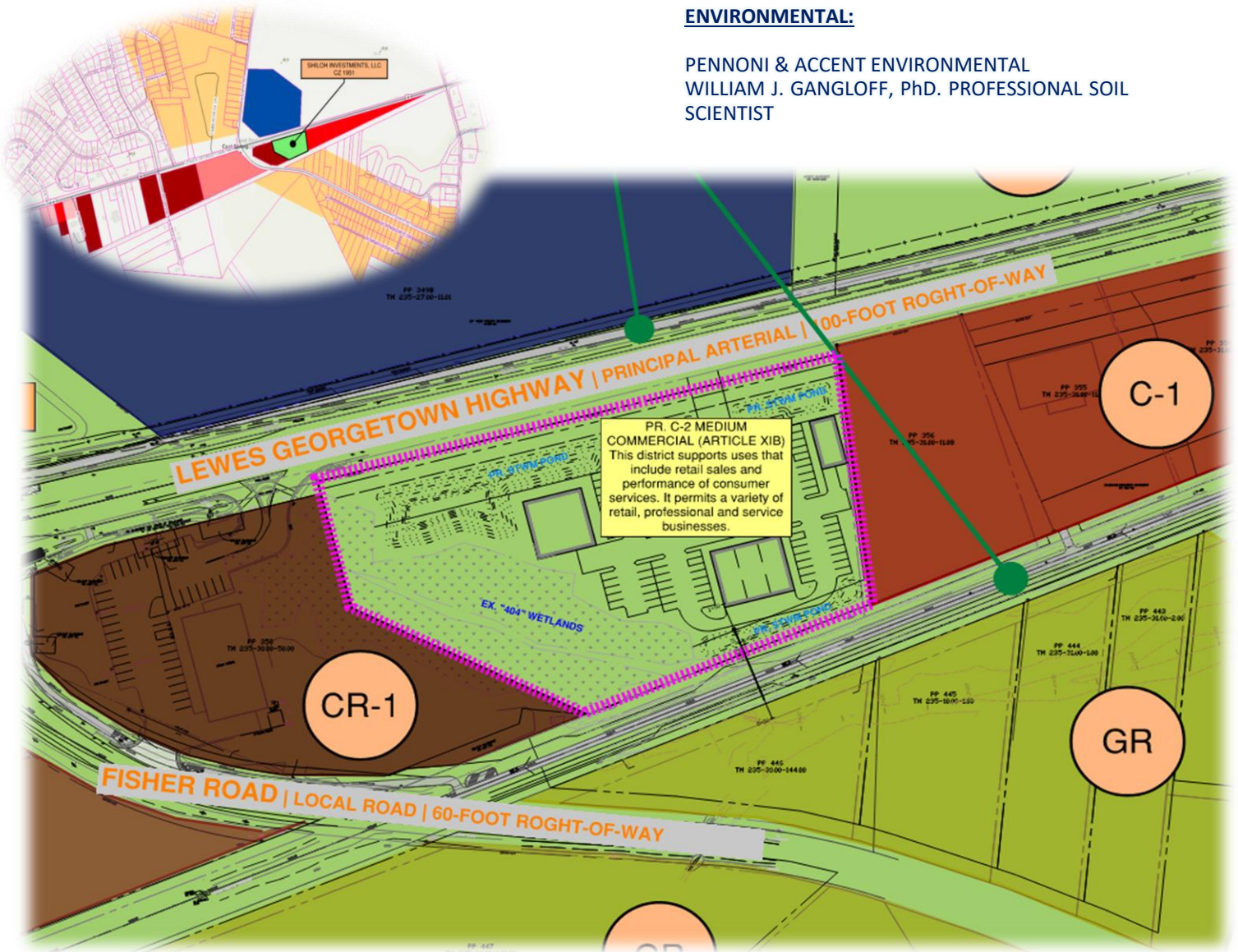


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- b. BOUNDARY PLAT
- c. DB5511 PG118 235-30.00-50.01
- d. METES AND BOUNDS DESCRIPTION

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- b. REZONING PLAN – ILLUSTRATIVE CONCEPT
- c. SUSSEX COUNTY ZONING MAP
- d. SUSSEX COUNTY CONDITIONAL USE MAP
- e. SUSSEX COUNTY 2019 FUTURE LAND USE MAP
- f. ARTESIAN WASTEWATER CPCN
- g. ARTESIAN – TIDEWATER WATER CPCN
- h. SFR RESPONSE
- i. DeIDOT DRAINAGE REQUEST APPROVAL
- j. SCD APPROVAL FOR PIPE CROSSING
- k. DeIDOT BIKE TRAIL DRAWING
- l. SUSSEX COUNTY TAX MAP

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- a. 2019 AERIAL, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, 1937 ORTHO– 2020 STATE STRATEGIES, COUNTY ZONING, LAND USE/LAND COVER, NRCS SOILS, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE POTENTIAL, USGS TOPOGRAPHIC AND AREA COMMERCIAL USES AND REZONING APPLICATIONS MAP(S)

TAB 4 FINDINGS

- a. FINDINGS OF FACT

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. Past Board Member for the On Site Septic Advisory Board for the State of Delaware. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering and construction to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.



TAB 1

APPLICATION

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

S. Side of US RT 9 360'+/- E of Fisher Road, Broadkill Hundred | Tract 2

Type of Conditional Use Requested:

N/A

Tax Map #: 235-30.00-50.01 **Size of Parcel(s):** 4.17 +/- AC

Current Zoning: AR-1 **Proposed Zoning:** C2 **Size of Building:** TBD

Land Use Classification: Low Density | Level 3 Between Existing Developing Areas and C-1 and CR-1 properties

Water Provider: PRIVATE **Sewer Provider:** PRIVATE

Applicant Information

Applicant Name: SHILOH INVESTMENTS, LLC
Applicant Address: 33712 WESCOATS ROAD, SUITE 5
City: LEWES State: DE Zip Code: 19958
Phone #: (302) 644-1400 E-mail: PDYER@LANDVENTURES.COM and MDYER@IPMEQUITIES.COM

Owner Information

Owner Name: SHILOH INVESTMENTS, LLC
Owner Address: 33712 WESCOATS ROAD, SUITE 5
City: LEWES State: DE Zip Code: 19958
Phone #: (302) 644-1400 E-mail: PDYER@LANDVENTURES.COM and MDYER@IPMEQUITIES.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: PENNONI | MR. MARK H DAVIDSON
Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE
City: MILTON State: DE Zip Code: 19960
Phone #: (302) 684-8030 E-mail: MDAVIDSON@PENNONI.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**
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- ✓ **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: 8-20-21

Signature of Owner

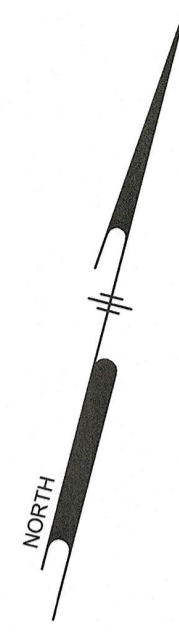


Date: 8-20-21

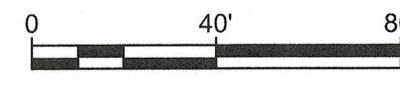
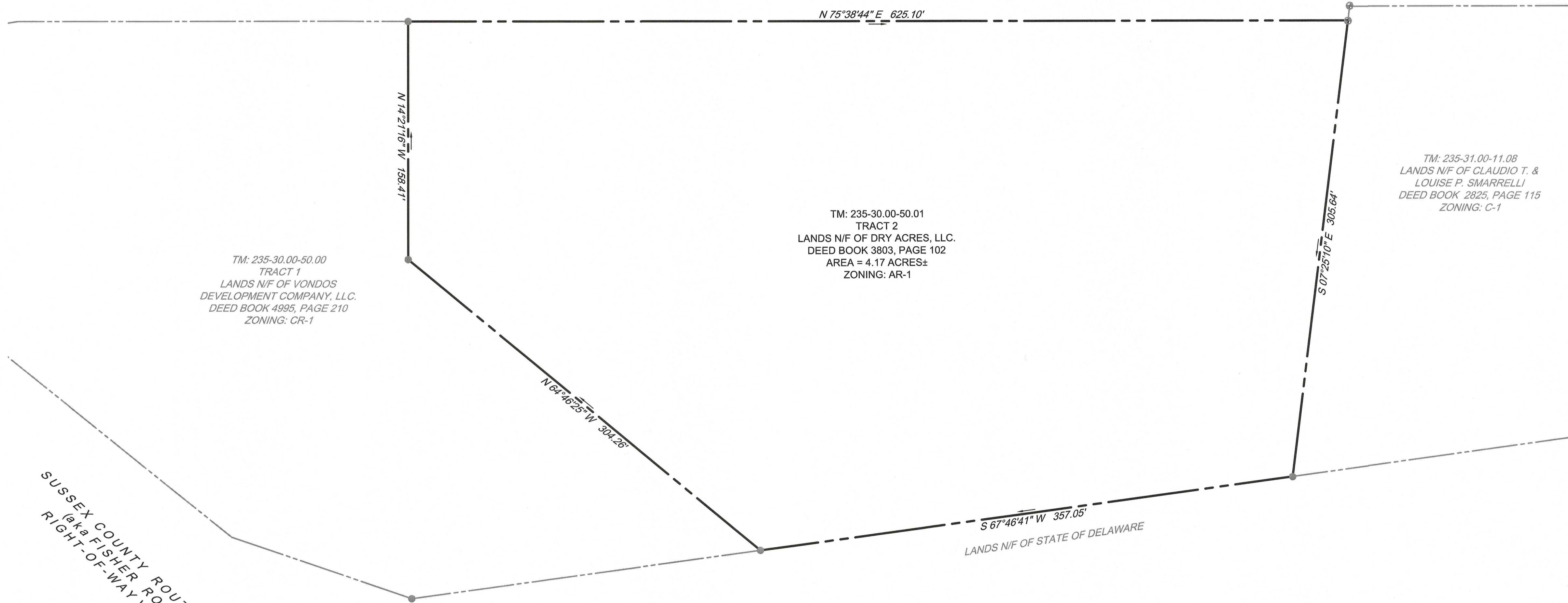
For office use only:

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: _____



DELAWARE ROUTE 9
(aka LEWES - GEORGETOWN HIGHWAY)
80' RIGHT-OF-WAY



LEGEND

- PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE
- IRON PIPE FOUND
- ⊕ DISC FOUND

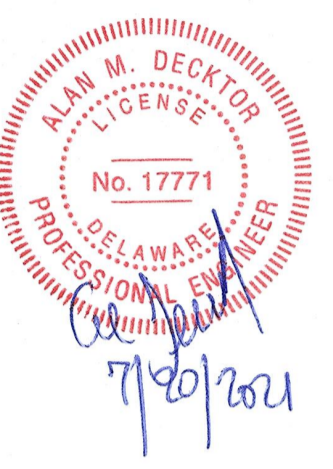
GENERAL NOTES:

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEEDS ON PUBLIC RECORD AND IS ALSO THE RESULT OF A FIELD SURVEY BY PENNONI ASSOCIATES INC. DATE OF SURVEY: NOVEMBER 22, 2019.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP 235-30.00 AS PARCEL 50.01.
4. CLASS OF SURVEY: RURAL



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK



LANDS N/F OF DRY ACRES, LLC.
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

TM: 235-30.00-50.01

BOUNDARY SURVEY

WAYNE HAWKINS
16815 ISLAND FARM ROAD
MILTON, DELAWARE 19968

| # | DATE | NO. | BY |
|---|------|-----|----|
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ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

| | |
|---------------|------------|
| PROJECT | TACHN19002 |
| DATE | 2021-07-20 |
| DRAWING SCALE | 1" = 40' |
| DRAWN BY | KMD |
| APPROVED BY | AMD |

VR-0201
SHEET 1 OF 1

U:\account\TACHN19002 - DRY ACRES, LLC\DESIGN\TACHN19002-V47.dwg PLOTTED: 7/20/2021 11:08 AM BY: Keith Davidson PLOT STYLE: Pennoni INS.dwg PROJECT STATUS: —

TAX MAP AND PARCEL #:
2-35 30.00 50.01
PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt LLC
1413 Savannah Road
Lewes, DE 19958
File No. RE21-0953/HG

THIS DEED, made this 20th day of July, 2021,

- BETWEEN -

DRY ACRES, LLC, A DELAWARE LIMITED LIABILITY COMPANY, of 16793
Island Farm lane, Milton, DE 19968, party of the first part,

- AND -

**SHILOH INVESTMENTS, LLC, A DELAWARE LIMITED LIABILITY
COMPANY**, of 33712 Wescoats Road, Suite 5, Lewes, DE 19958, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Two Hundred Twenty-Five Thousand and 00/100 Dollars (\$225,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot or parcel of land situate, lying and being in Broadkilm Hundred, Sussex County and State of Delaware, and being more particularly described as follows:

BEGINNING at a rebar set along the southern 80 foot right-of-way line of US Route 9 (SCR 018) at the corner of lands n/f Vondos Development Co. LLC; thence along said southern right-of-way line, North 75 degrees 38 minutes 44 seconds East for a distance of 625.10 feet to a Deldot disk found at a point on the property line of lands n/f Claudio T. & Louise P. Smarrelli; thence along said lands of Smarrelli, South 07 degrees 25 minutes 10 seconds East for a distance of 305.64 feet to an iron pipe found along the northern property line of lands n/f Penn Railroad (DM&V Branch); thence along said lands, South 67 degrees 46 minutes 41 seconds West for a distance of 357.05 feet to a point in United States regulated non-tidal wetlands; thence passing through said wetlands, North 64 degrees 46 minutes 25 seconds West for a distance of 304.26 feet to a point; thence continuing through said wetlands, North 14 degrees 21 minutes 16 seconds West for a distance of 158.41 feet to the place of beginning.

CONTAINING 4.17 acres± and being all of tract 2, including 1.02 acres± of Non-Tidal U.S. Wetlands along the western portion of said property and delineated as Area B as shown on a plat prepared by Axiom Engineering, LLC and recorded in the Sussex County Recorder of Deeds office on September 13, 2016 in **Plot Book 235 page 82.**

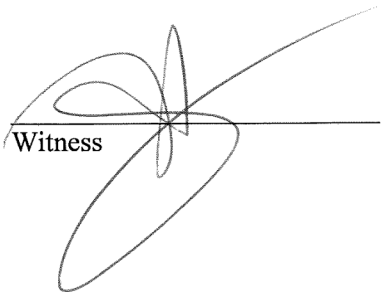
BEING part of the same lands conveyed to Dry Acres, LLC, a Delaware limited liability company from The Island Farm, Inc, a Delaware Corporation, by Deed dated June 30, 2010, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on July 2, 2010, in **Deed Book 3802, Page 102.**

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

THIS 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 noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

IN WITNESS WHEREOF, the said Dry Acres, LLC, a Delaware Limited Liability Company has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

DRY ACRES, LLC, A DELAWARE LIMITED LIABILITY COMPANY

Witness 

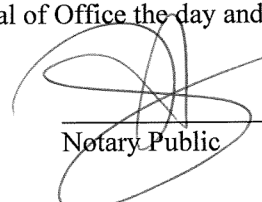

By: 
Shauna L. Thompson, President

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 20th day of July, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Shauna L. Thompson, President of Dry Acres, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said corporation; that the signature of the President is in her own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that her act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

HEIDI J. A. GILMORE
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3


Notary Public
My Commission Expires: 

METES AND BOUNDS DESCRIPTION

TRACT 2

LANDS NOW OR FORMERLY OF DRY ACRES, L.L.C.

TAX MAP 235-30.00-50.01

All that certain piece, parcel and tract lying and being situate on the south side of Lewes Georgetown Highway (U.S. Route 9), Broadkill Hundred, Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a disk found on the southerly right-of-way of U.S. Route 9 (a.k.a. Lewes Georgetown Highway), said road having a width of 80 feet, said disk being a common corner for this tract and the Lands now or formerly of Claudio T. & Louise P. Smarrelli, Trustees; thence from the point of beginning, by and with the common line between this tract and Smarrelli, **South 07 degrees, 25 minutes, 10 seconds East, 305.64 feet** to an iron pipe found on the northerly line of Lands Now or Formerly of The State Of Delaware (formerly once the Delaware Central Railroad); thence by and with the line of The State of Delaware **South 67 degrees, 46 minutes, 41 seconds West, 357.05 feet** to an iron pipe found, said iron pipe being a common corner for this tract and the Lands of Now or Formerly of Vondos Development Company, LLC (Tract 1); thence by and with the common line for this tract and the said Tract 1 the following two (2) courses and distances;

1. **North 64 degrees, 46 minutes, 25 seconds West, 304.26 feet** to an iron pipe found;
2. **North 14 degrees, 21 minutes, 16 seconds West, 158.41 feet** to an iron pipe found;

Said iron pipe located on the southerly right-of-way of U.S. Route 9; thence by and with said right-of-way, **North 75 degrees, 38 minutes, 44 seconds East, 625.10 feet to the Point of Beginning** for this description.

This tract is encumbered by a stormwater management easement running adjacent to, and parallel with TM: 235-30.00-50.00, per executed agreement of Memorandum of Understanding for stormwater management design associated with the proposed Harbeson Dollar General and its potential impacts to the existing onsite wetlands.

This tract contains 4.17 acres of land, more or less, as shown on a plat prepared by Axiom Engineering Survey, titled Minor Subdivision Plan and is Dated 03 August 2016 and recorded among the land records of Sussex County in **Plat Book 235, Page 82** et. seq.

TAB 2

EXHIBITS

I-1

PP 349B
TM 235-27.00-11.01

LEWES GEORGETOWN HIGHWAY | PRINCIPAL ARTERIAL | 100-FOOT ROIGHT-OF-WAY

PR. C-2 MEDIUM
COMMERCIAL (ARTICLE XIB)
This district supports uses that
include retail sales and
performance of consumer
services. It permits a variety of
retail, professional and service
businesses.

C-1

PP 354
TM 235-31.00-

PP 355
TM 235-31.00-11

PP 356
TM 235-31.00-11.08

EX. "404" WETLANDS

CR-1

PP 358
TM 235-30.00-50.00

FISHER ROAD | LOCAL ROAD | 60-FOOT ROIGHT-OF-WAY

GR

PP 443
TM 235-31.00-2.00

PP 444
TM 235-31.00-1.00

PP 445
TM 235-10.00-1.00

PP 446
TM 235-30.00-144.00

GR

PP 447
TM 235-30.00-143.00



LEWES TO GEORGETOWN RAILS TO TRAILS PATH

PLUS APPLICATION 2021-04-07

PR. C-2 MEDIUM COMMERCIAL (ARTICLE XIB) This district supports uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses.

PLUS APPLICATION 2020-05-02

GR

I-1

AR-1

C-1

CR-1

GR

C-2

GR

HUDSON ROAD | MINOR COLLECTOR | 80-FOOT ROIGHT-OF-WAY

LEWES GEORGETOWN HIGHWAY | PRINCIPAL ARTERIAL | 100-FOOT ROIGHT-OF-WAY

FISHER ROAD | LOCAL ROAD | 60-FOOT ROIGHT-OF-WAY

EXISTING DELDOT POND

EX. "404" WETLANDS

PR. STWMP POND

PR. STWMP POND

PR. STWMP POND

PP 349B TM 235-27.00-11.01

PP 353 TM 235-31.00-11.03

PP 354 TM 235-31.00-11.09

PP 355 TM 235-31.00-11.11

PP 356 TM 235-31.00-11.08

PP 442 TM 235-31.00-4.00

PP 443 TM 235-31.00-2.00

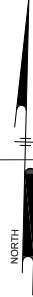
PP 444 TM 235-31.00-1.00

PP 445 TM 235-10.00-1.00

PP 446 TM 235-30.00-144.00

PP 358 TM 235-30.00-50.00

PP 447 TM 235-30.00-143.00



Pennoni
PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19668
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

place double seal here
place single seal here
place double seal here

TRACT 2 - TAX MAP 235-30.00-50.01
LEWES GEORGETOWN HIGHWAY
MILTON, DE 19668

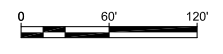
REZONING PLAN - ILLUSTRATIVE CONCEPT

SHILOH ACRES, LLC
33712 WESCOATS ROAD, SUITE 5
LEWES, DE 19688

| NO. | DATE | REVISIONS | BY |
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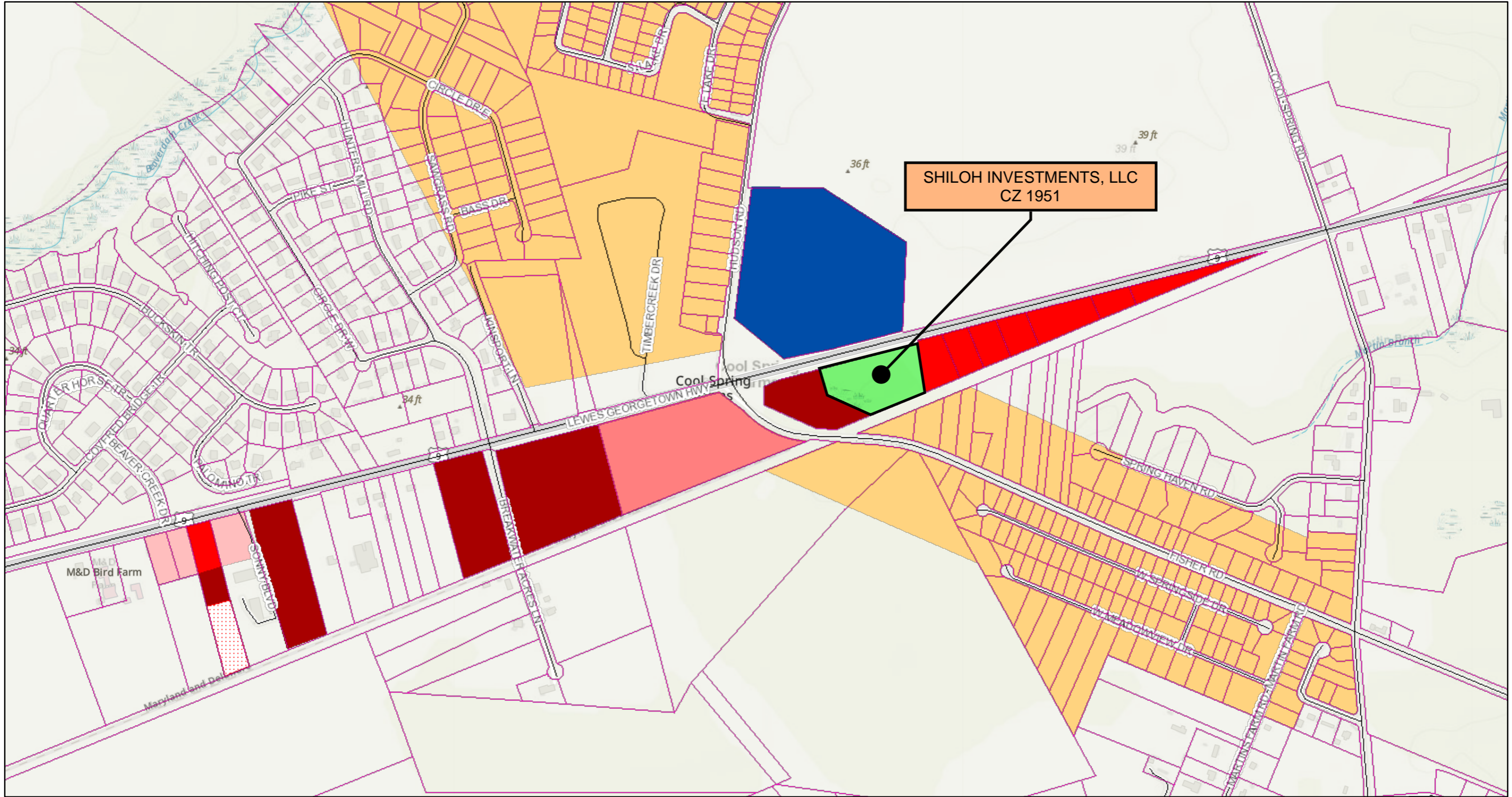
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PROJECT PDYER20000
DATE 2022-02-04
DRAWING SCALE 1"=60'
DRAWN BY MHD
APPROVED BY MHD



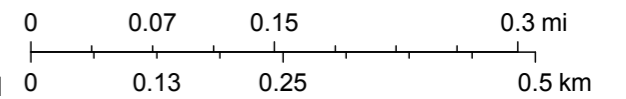
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Sussex County



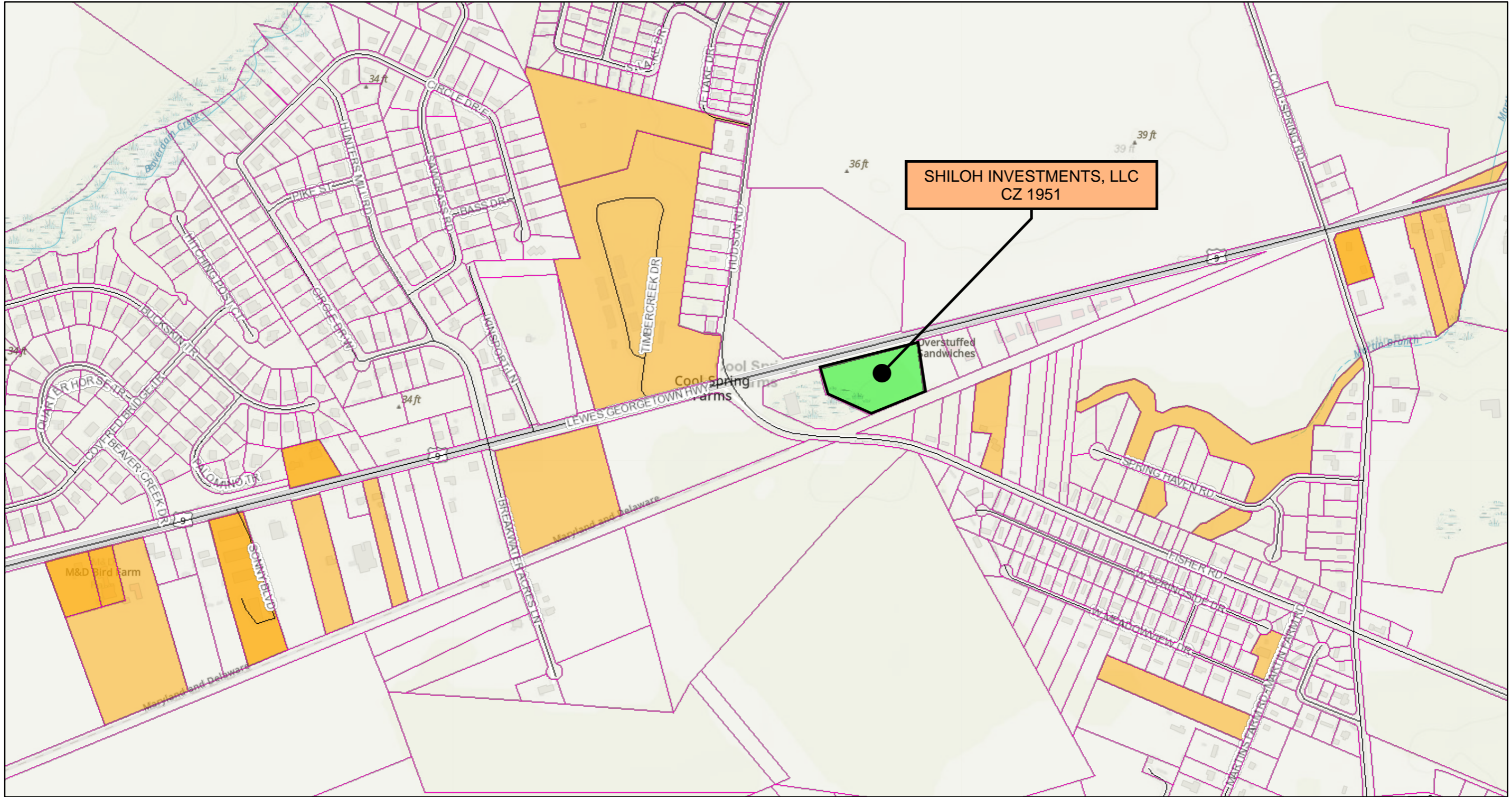
February 4, 2022

1:9,028







Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA,

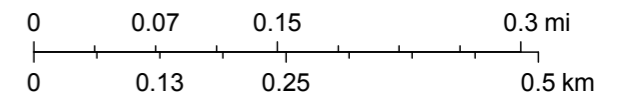
Sussex County



February 4, 2022

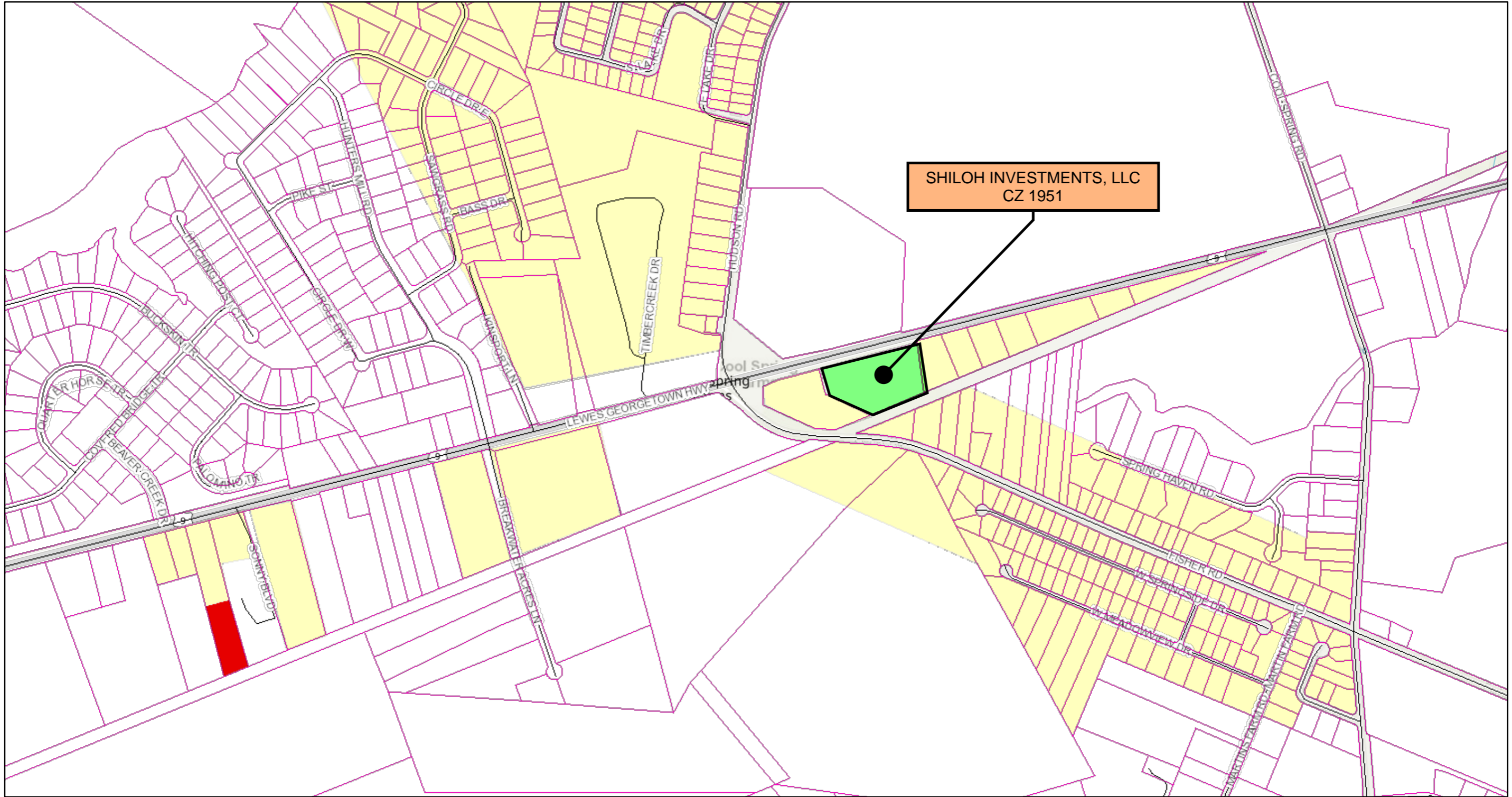
-  Tax Parcels
-  Streets
-  County Boundaries
-  Conditional Use

1:9,028



Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

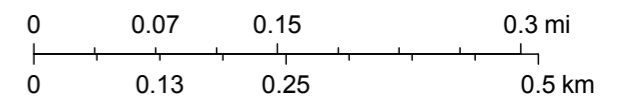
Sussex County



February 4, 2022

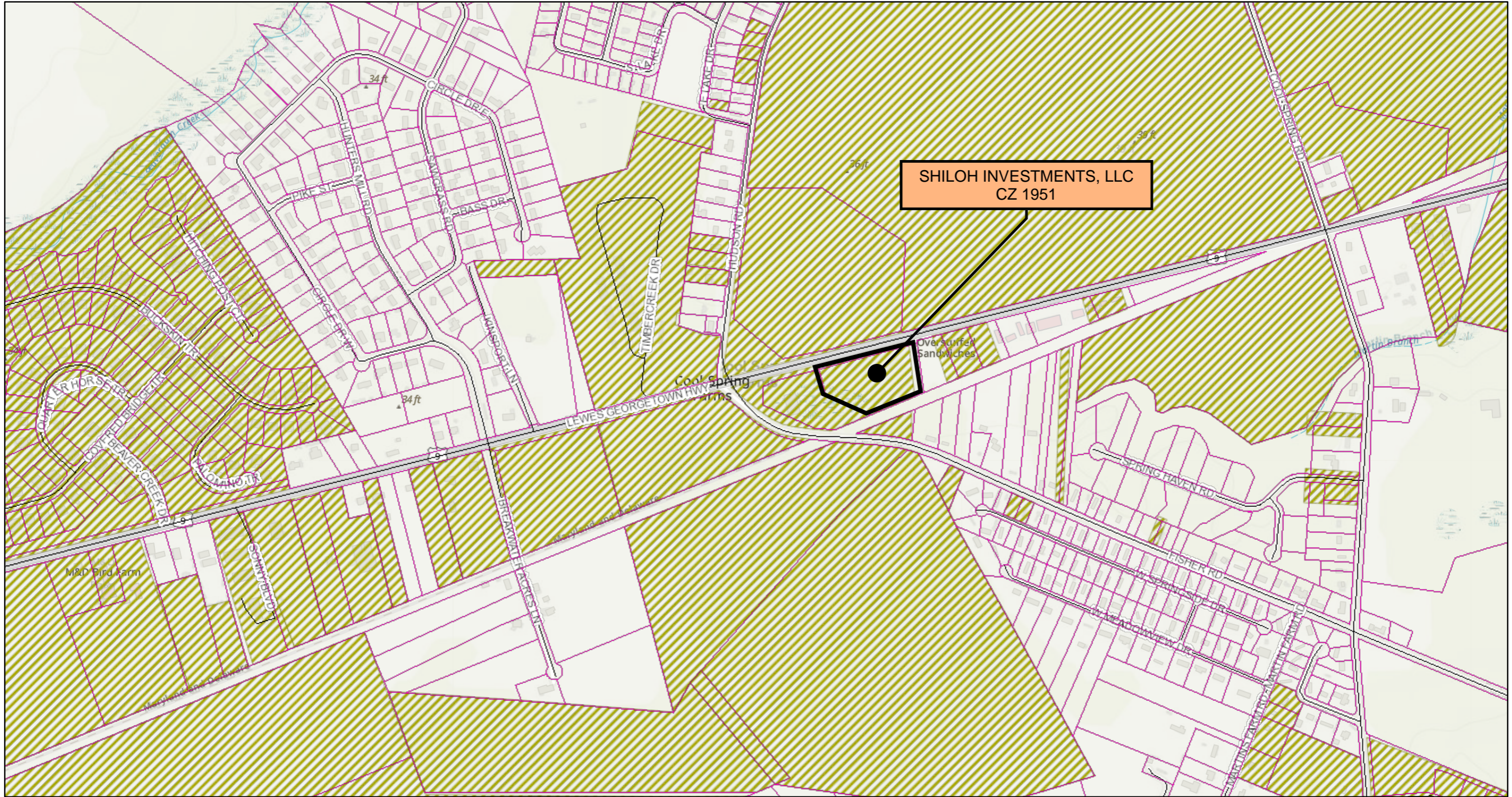
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- | | | | |
|-------------------|----------------------|---------------------------|----------------|
| Tax Parcels | 2019 Future Land Use | Commercial | Industrial |
| Streets | Low Density | Developing Area | Municipalities |
| County Boundaries | Coastal Area | Existing Development Area | Town Center |







Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

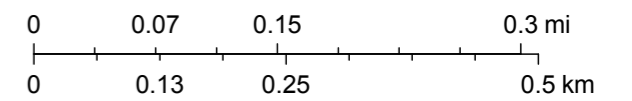
Sussex County



February 4, 2022

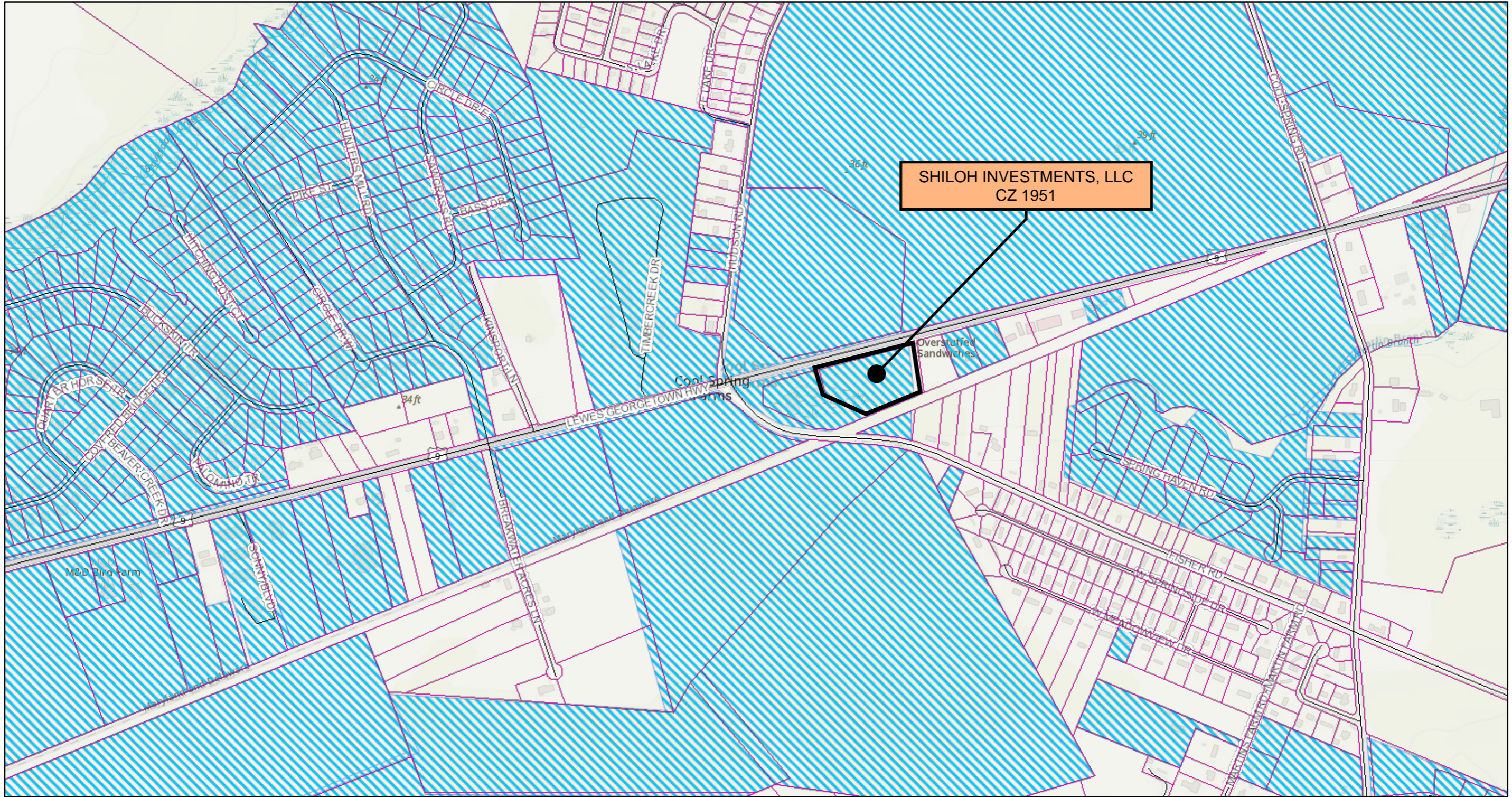
-  Tax Parcels
-  Streets
-  County Boundaries
-  Wastewater CPCN

1:9,028




Delaware Public Service Commission, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware

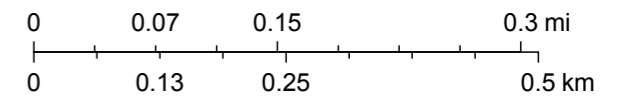
Sussex County



February 4, 2022

-  Tax Parcels
-  Streets
-  County Boundaries
-  Water CPCN

1:9,028



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

JENNIFER COHAN
SECRETARY

July 22, 2020

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 **Preston L. Dyer & Mason Dyer - 2** rezoning application, which we received on June 25, 2020. This application is for an approximately 4.17-acre parcel (Tax Parcel: 235-30.00-50.01). The subject land is located on the south side of US Route 9, approximately 650 feet southeast of the intersection of US Route 9 and Hudson Road (Sussex Road 258) / Fisher Road (Sussex Road 262). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of professional / medical office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 13,160 and 16,937 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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.



Mr. Jamie Whitehouse
Page 2 of 2
July 22, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Preston L. Dyer & Mason Dyer - 2, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, 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 Andreescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



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

NICOLE MAJESKI
SECRETARY

7 July 2021

Alan M. Decktor
Pennoni
18072 Davidson Drive
Milton, DE 19968

RE: Dry Acres LLC, TM 235-30.00-50.01, Deed Book 3803, Page 102
US Route 9, East of Fisher Road
Site Drainage Improvement on State Railroad Property

Mr. Decktor:

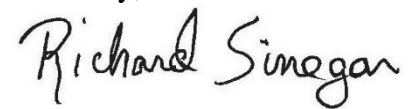
This letter is in reference to the request to add an outfall pipe from the proposed stormwater facility to a location on the southern side of the proposed Georgetown to Lewes Trail, between the proposed trail and the existing property line of the State owned parcel. The Railroad Section has evaluated this request and does not have any objection to the request provided the following conditions are met.

1. The site must still obtain all required permits and approval, including that of DelDOT's Subdivision and Sussex Conservation District (SCD). This no objection does not relieve the owner of any of those obligations and those, and other organizations, may have additional comments related to this drainage.
2. This approval is contingent upon approval from SCD and that the post-developed water surface elevation in the downstream receiving channel (south of the railroad) does not increase by more than 0.05' for 10 and 100-year storm events. DelDOT's Railroad Section would require a copy of all drainage calculations regarding the pre/post development.
3. The owner will be responsible for all cost associated with the installation of the pipe within DelDOT's property. Any pipe on DelDOT property will need to be RCP Class IV.
4. DelDOT's installation of the trail, in this location, is planned for the fall of 2021/spring of 2022. To avoid disruptions to the trail it would be recommended to have this pipe installed in conjunction with the construction of the trail. Conversations between the property owner and DelDOT will continue to determine the timing of the installation.
5. An agreement will be required between the property owner and DelDOT that states the owner will be responsible for the cost of future maintenance of the pipe, including that of maintaining pedestrian and bicycle traffic along the trail during repairs, if required. This could be accomplished through DelDOT's Record Plan process.

Please contact me if you need additional information at 302-760-4882.



Sincerely,

A handwritten signature in black ink that reads "Richard Sinegar". The signature is written in a cursive style with a large, prominent 'R' and 'S'.

Richard Sinegar
Railroad Coordinator

cc: Sonya LaGrand, DelDOT
Bill Conway, Century Engineering, Inc.
Jon Hermes, Century Engineering, Inc.

Mark H. Davidson

From: jessica.watson@sussexconservation.org
Sent: Thursday, July 22, 2021 1:41 PM
To: Alan M. Decktor
Subject: RE: Rt 9 Site with Pipe Crossing
Attachments: EX-0001-EX-0001(2021-07-19).pdf

Alan,

The plan has been approved.

Jessica

From: Alan M. Decktor <ADecktor@Pennoni.com>
Sent: Monday, July 19, 2021 1:31 PM
To: jessica.watson@sussexconservation.org
Subject: RE: Rt 9 Site with Pipe Crossing

Jessica,
See attached for added note.

Thanks

Alan M. Decktor, PE, ENV SP

Pennoni

18072 Davidson Drive | Milton, DE 19968

Direct: +1 (215) 254-7853

www.pennoni.com | ADecktor@Pennoni.com

From: jessica.watson@sussexconservation.org <jessica.watson@sussexconservation.org>
Sent: Monday, July 19, 2021 9:51 AM
To: Alan M. Decktor <ADecktor@Pennoni.com>
Subject: RE: Rt 9 Site with Pipe Crossing

Yes – please add the note. We have no objection – as long as you get all other agency approvals...which I assume is just DelDOT? Do you have approval from DelDOT?

Jessica

From: Alan M. Decktor <ADecktor@Pennoni.com>
Sent: Friday, July 16, 2021 2:33 PM
To: jessica.watson@sussexconservation.org
Subject: Rt 9 Site with Pipe Crossing

Jessica,

I have heard from Wayne Hawkins, you will sign off on a plan for the pipe crossing under the tracks which the pipe will be plugged. What do you need for this approval, attached is what I sent previously. Do I just need to add a label stating it to be plugged at this time.

Thanks.

Alan M. Decktor, PE, ENV SP

Pennoni

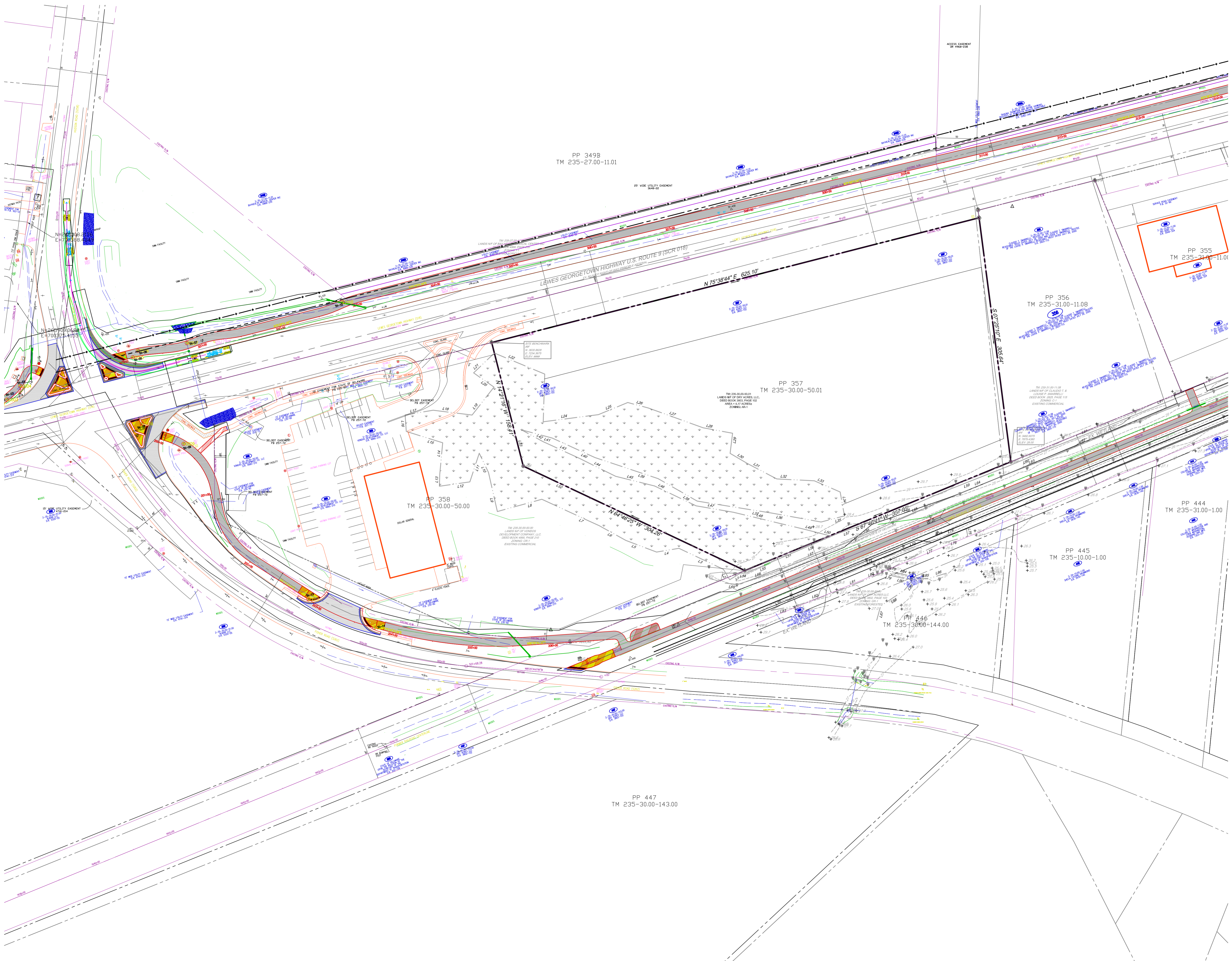
18072 Davidson Drive | Milton, DE 19968

Direct: +1 (215) 254-7853

www.pennoni.com | ADecktor@Pennoni.com



[Watch Now: High Wind Design!](#)



PP 349B
TM 235-27.00-11.01

PP 355
TM 235-31.00-11.01

PP 356
TM 235-31.00-11.08

PP 357
TM 235-30.00-50.01

PP 358
TM 235-30.00-50.00

PP 444
TM 235-31.00-1.00

PP 445
TM 235-10.00-1.00

PP 446
TM 235-30.00-144.00

PP 447
TM 235-30.00-143.00

LEWES GEORGETOWN HIGHWAY U.S. ROUTE 9 (SCR 018)

PP 358
TM 235-30.00-50.00

PP 447
TM 235-30.00-143.00

PP 446
TM 235-30.00-144.00

PP 445
TM 235-10.00-1.00

PP 444
TM 235-31.00-1.00

PP 357
TM 235-30.00-50.01

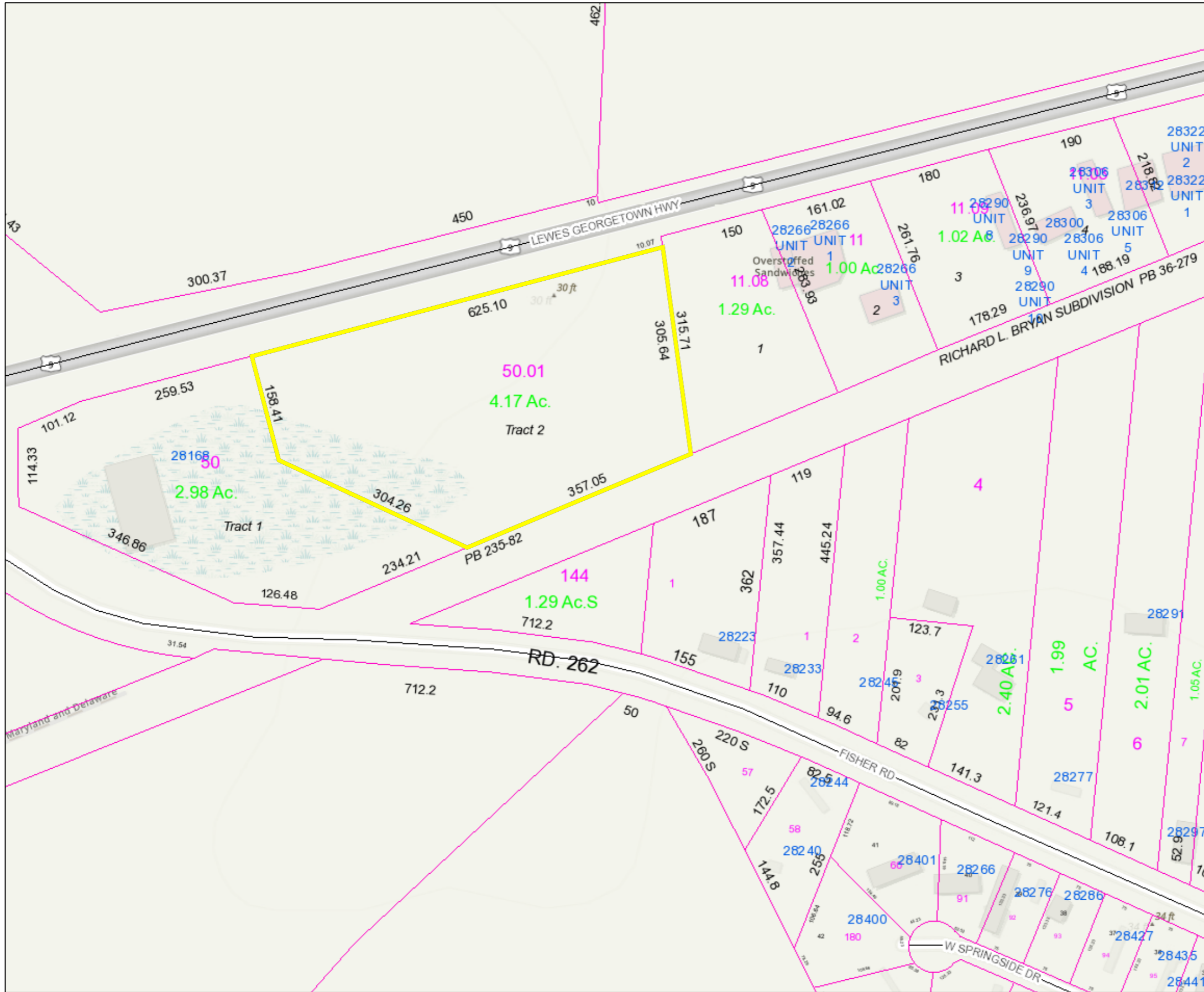
PP 356
TM 235-31.00-11.08

PP 355
TM 235-31.00-11.01

PP 349B
TM 235-27.00-11.01



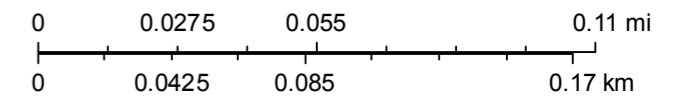
Sussex County



| | |
|------------------------|------------------------|
| PIN: | 235-30.00-50.01 |
| Owner Name | SHILOH INVESTMENTS LLC |
| Book | 5511 |
| Mailing Address | 33712 WESCOATS RD STE |
| City | LEWES |
| State | DE |
| Description | SE OF RT 404/9 APPR |
| Description 2 | 361 NE OF RD 262 |
| Description 3 | TRACT 2 |
| Land Code | |

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE

1:2,257



TAB 3

MAPS



Figure 1 of 20.

1

2019 Aerial Image

Lands N/F Shiloh Investments LLC

PDYER20000



| | |
|--|-------------------|
| | Subject Parcel |
| | Other Tax Parcels |



Figure 2 of 20.

2

2017 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 3 of 20.

3

2012 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 4 of 20.

4

2007 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 5 of 20.

5

2002 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 6 of 20.

6

1997 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 7 of 20.

7

1992 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 8 of 20.



8

1968 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000



| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



| | | | |
|--------------------------|----------------------------------|--|---|
| Figure 9 of 20. 9 | 1961 Orthophoto |  |  |
| | Lands N/F Shiloh Investments LLC | | |
| | PDYER20000 | | |



Figure 10 of 20.

10

1954 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 11 of 20.

11

1937 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 12 of 20.
12

2020 State Strategies & Investment Levels
Lands N/F Shiloh Investments LLC
PDYER20000



Investment Level

- Level 3
- Level 4 (Unshaded)
- Out Of Play

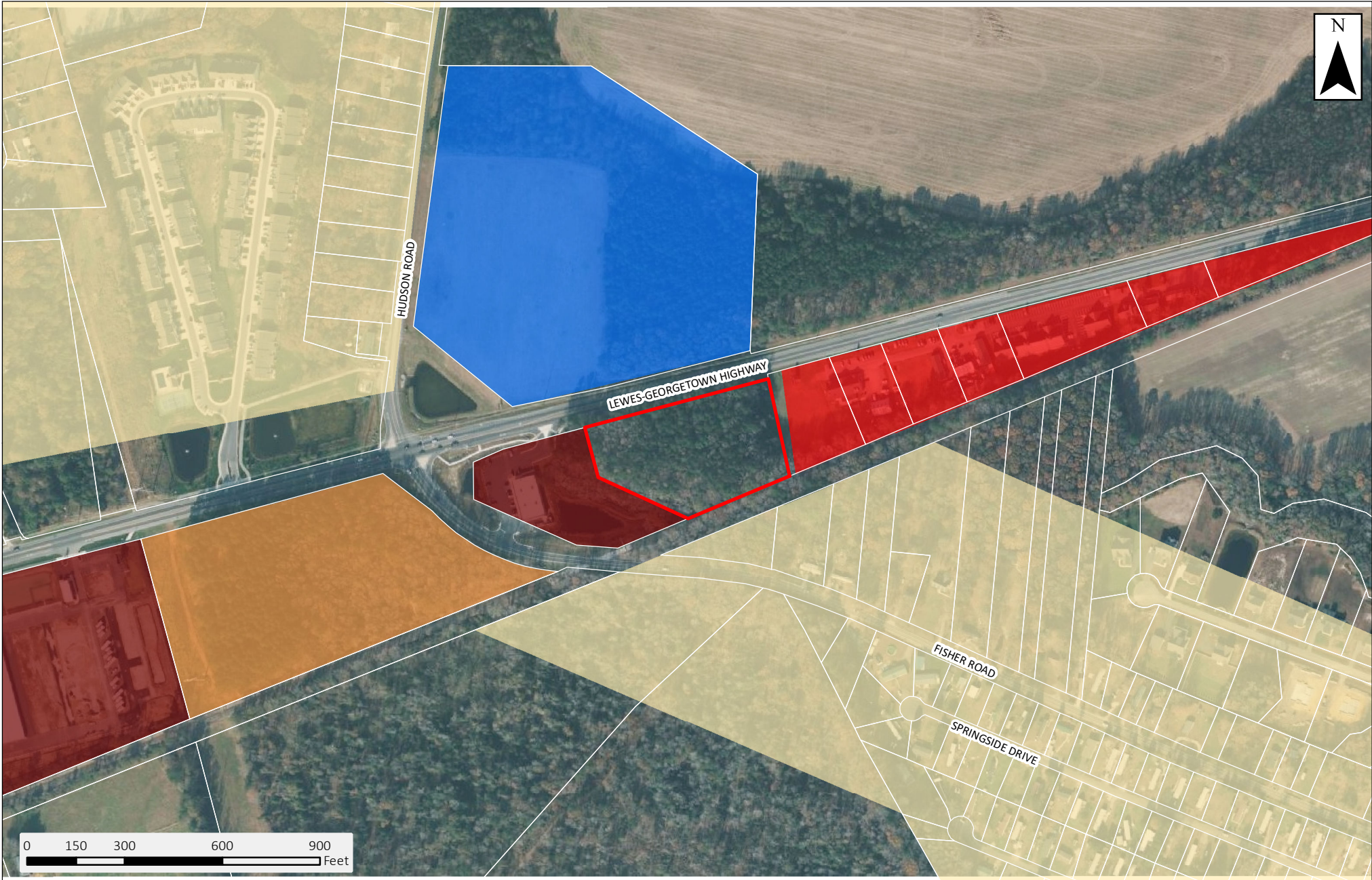


Figure 13 of 20.

13

County Zoning Map

Lands N/F Shiloh Investments LLC

PDYER20000



| | | | | | |
|--|-----------------|--|-----|--|-----|
| | AR-1 (Unshaded) | | C-1 | | GR |
| | CR-1 | | C-2 | | I-1 |

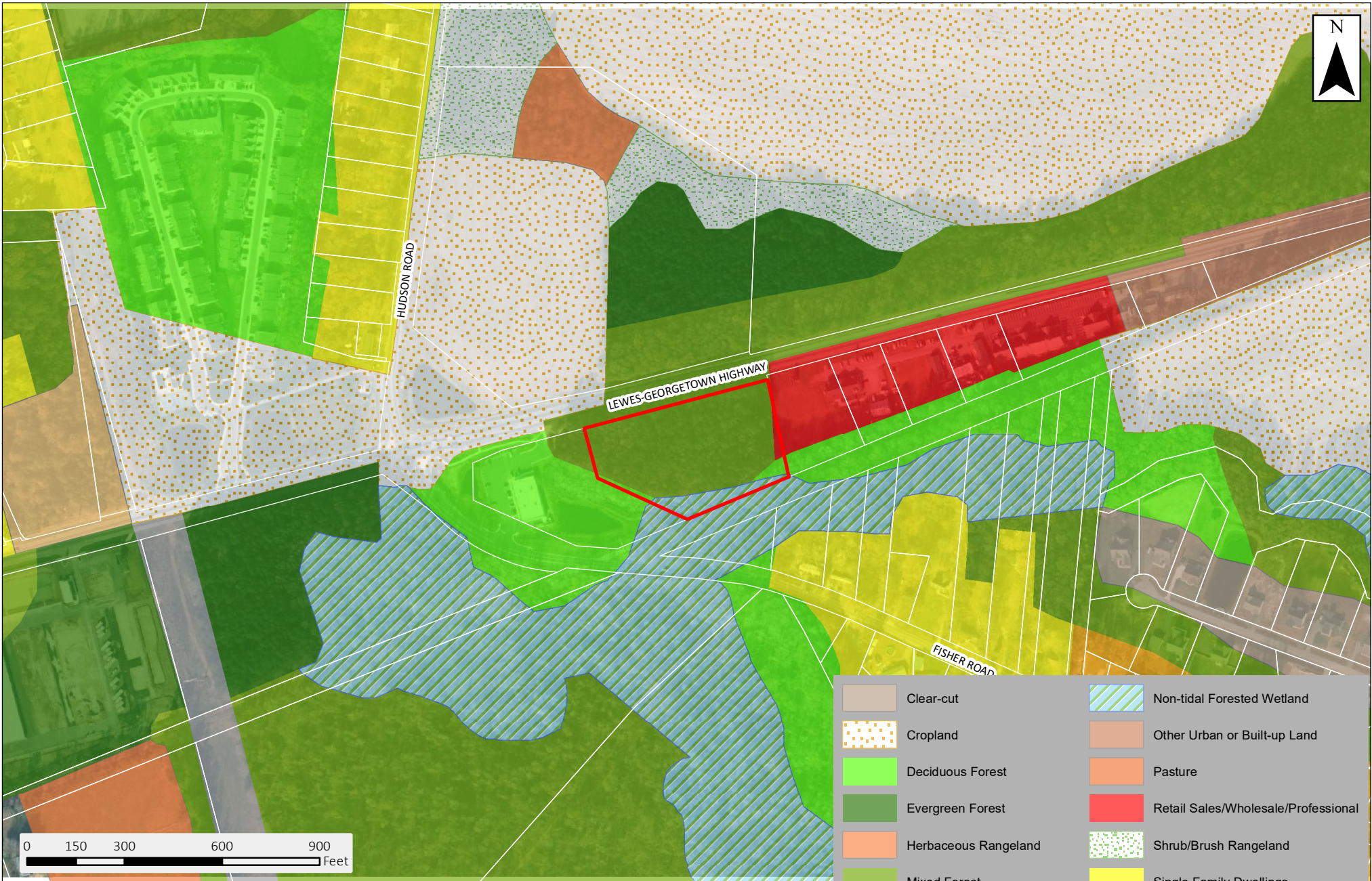


Figure 14 of 20.

14

Land Use/Land Cover

Lands N/F Shiloh Investments LLC

PDYER20000





Figure 15 of 20.
15

NRCS Soils Mapping
Lands N/F Shiloh Investments LLC
PDYER20000



Soil Types:
DoA - Downer sandy loam, Group A
HuA - Hurlock loamy sand, Group A/D
PsA - Pepperbox-Rosedale complex, Group A



Figure 16 of 20.

State Wetlands Mapping

Lands N/F Shiloh Investments LLC

PDYER20000





Figure 17 of 20.

17

FEMA Floodplain Mapping

Lands N/F Shiloh Investments LLC

PDYER20000



Flood Map reference: 10005C0310L

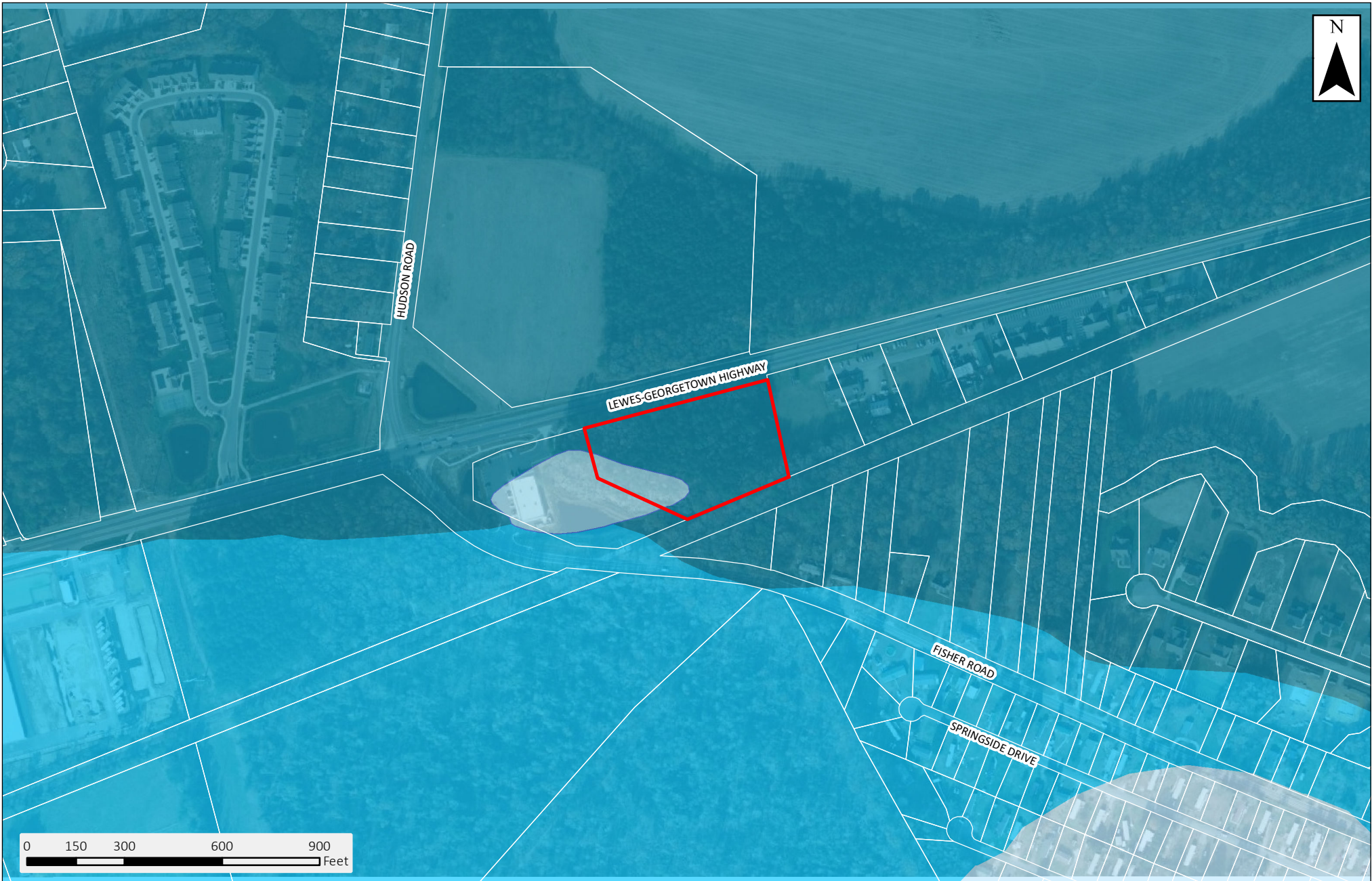
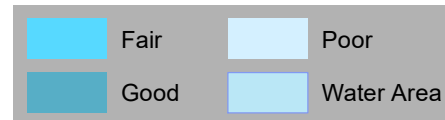


Figure 18 of 20.
18

Groundwater Recharge Potential

Lands N/F Shiloh Investments LLC
PDYER20000



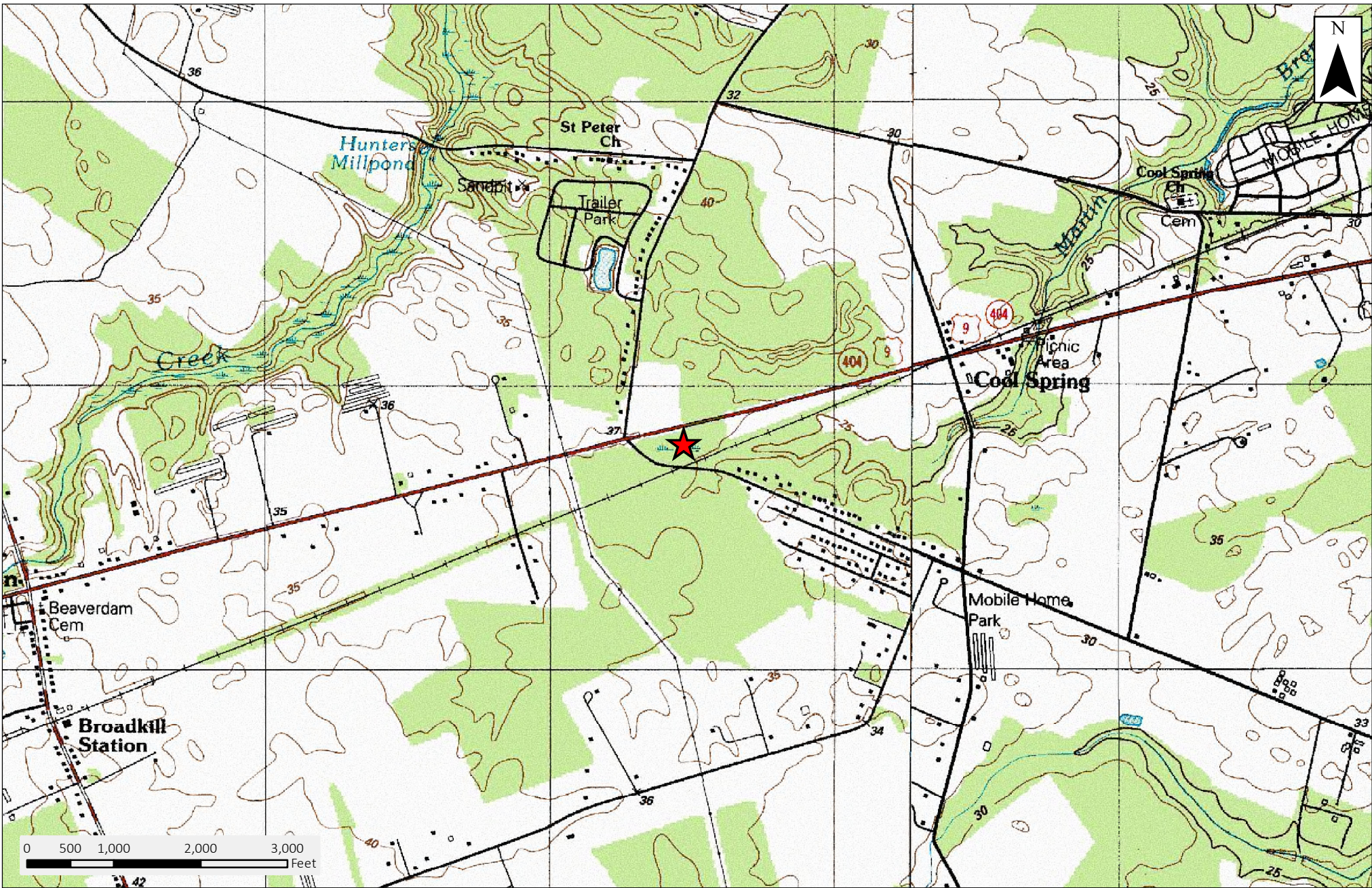


Figure 19 of 20.

19

USGS Topographic Map

Lands N/F Shiloh Investments LLC

PDYER20000



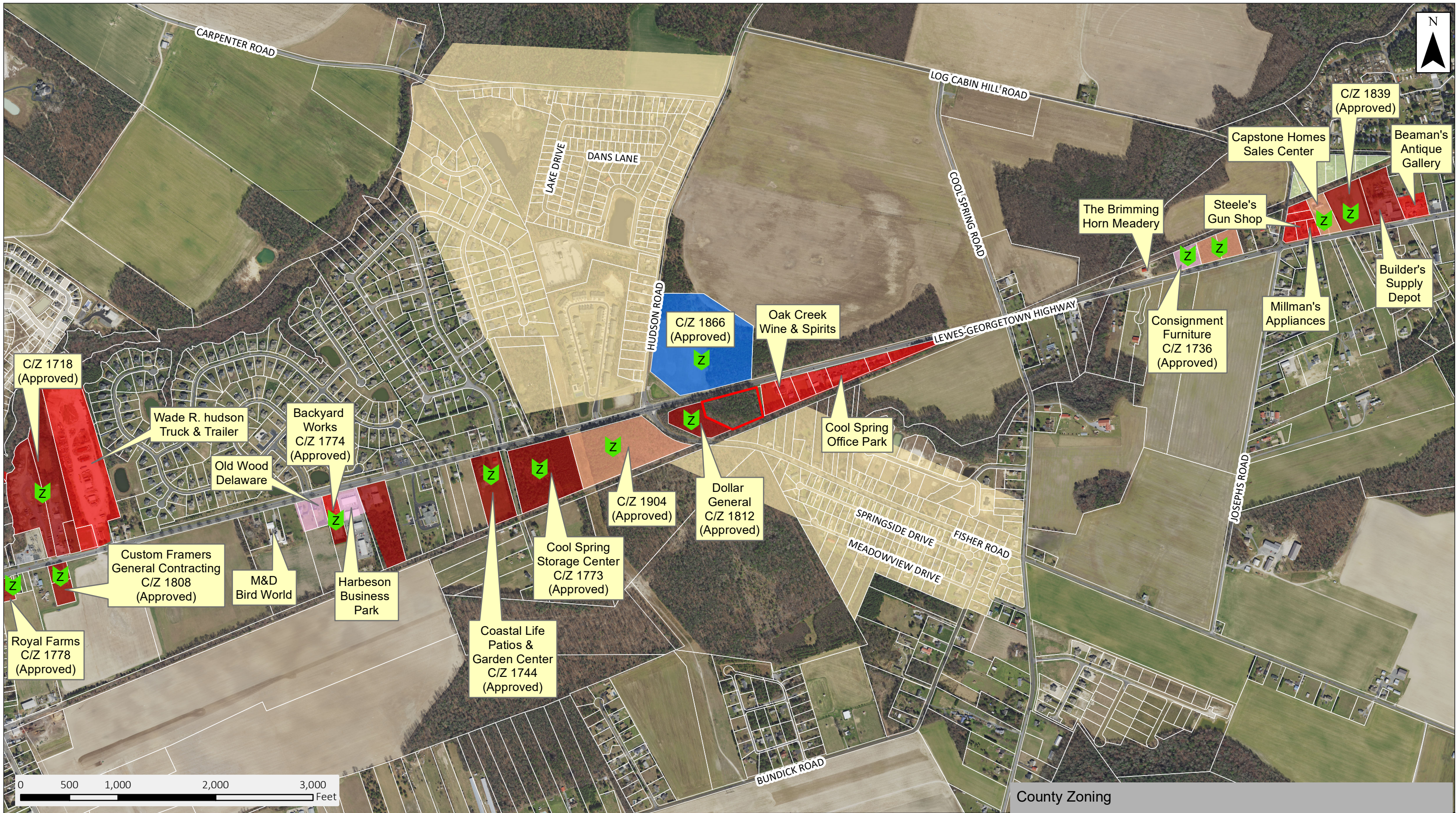


Figure 20 of 20.
20
Area Commercial Uses & Rezoning Applications
 Lands N/F of Shiloh Investments, LLC
 PDYER20000



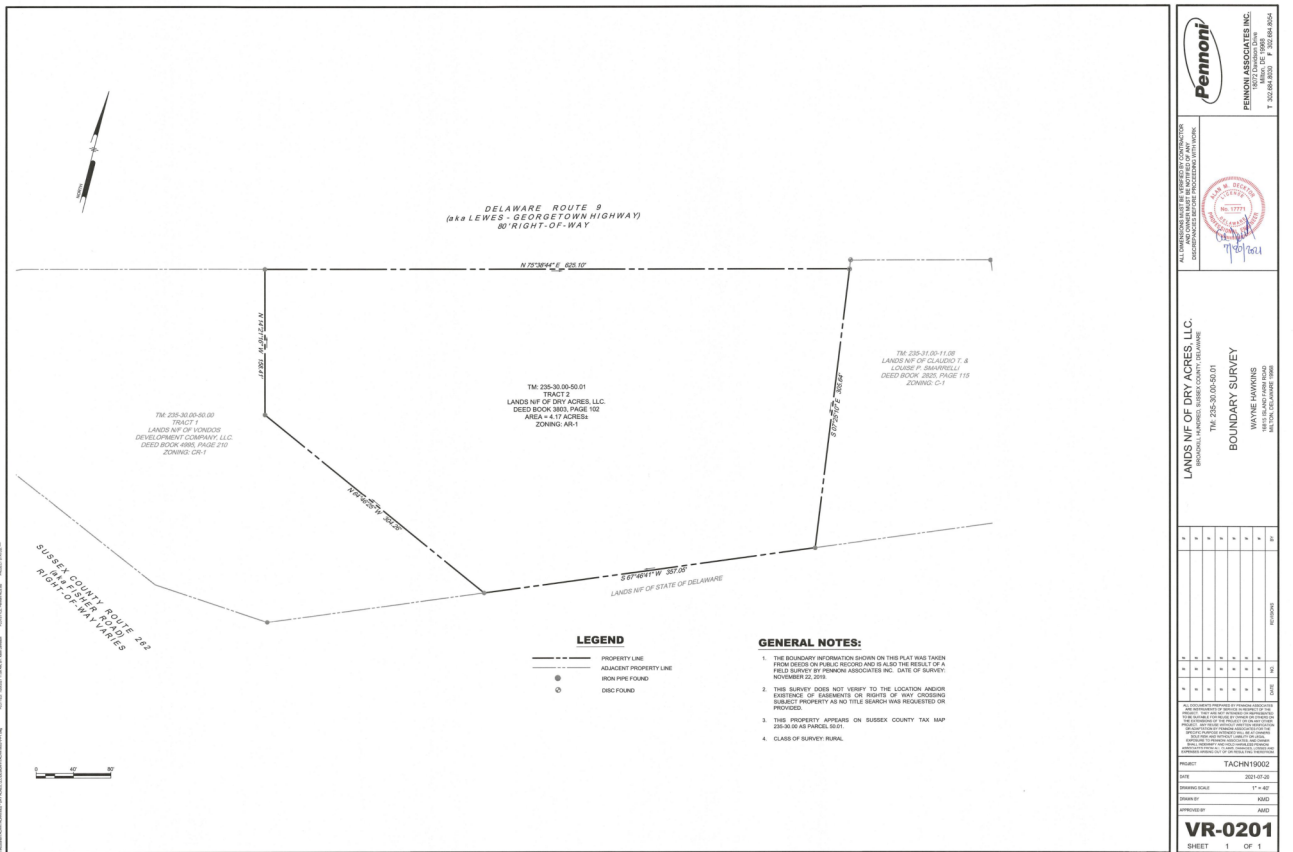
| County Zoning | | | |
|---------------|-----------------|--|------|
| | AR-1 (Unshaded) | | B-1 |
| | AR-2 | | C-1 |
| | I-1 | | CR-1 |
| | GR | | C-2 |

TAB 4

FINDINGS

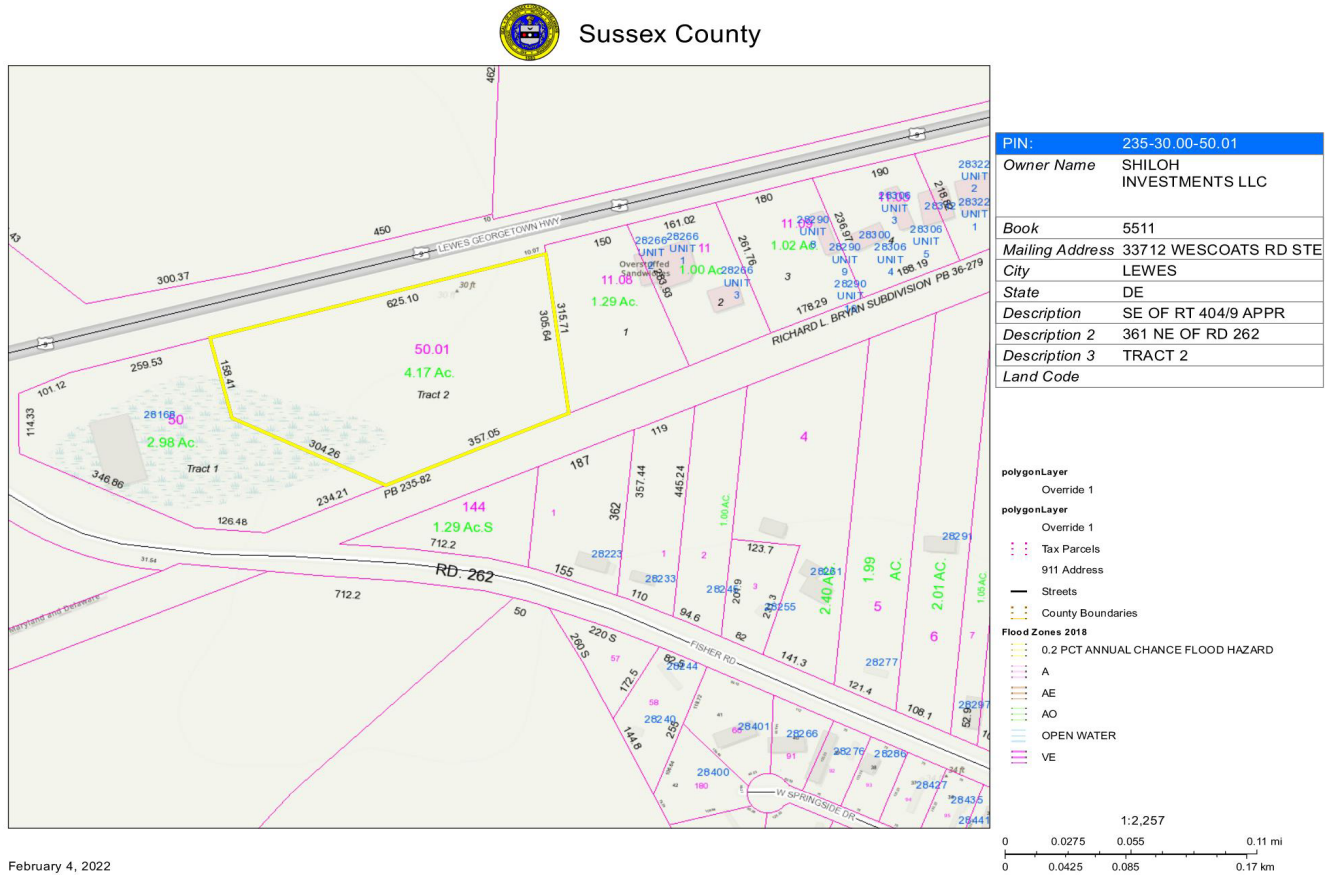
**SHILOH INVESTMENTS, LLC
CHANGE OF ZONE #1951
PROPOSED FINDINGS OF FACT**

1. This is an application to grant a rezoning of lands in a AR-1 Agricultural Residential District located on 4.17 acres, more or less in the Broadkill Hundred located on the south side of Lewes Georgetown Highway | U.S. Route 9 and 400 - feet more or less east of Fisher Road | Sussex County Route 262 to C-2, Medium Commercial District.



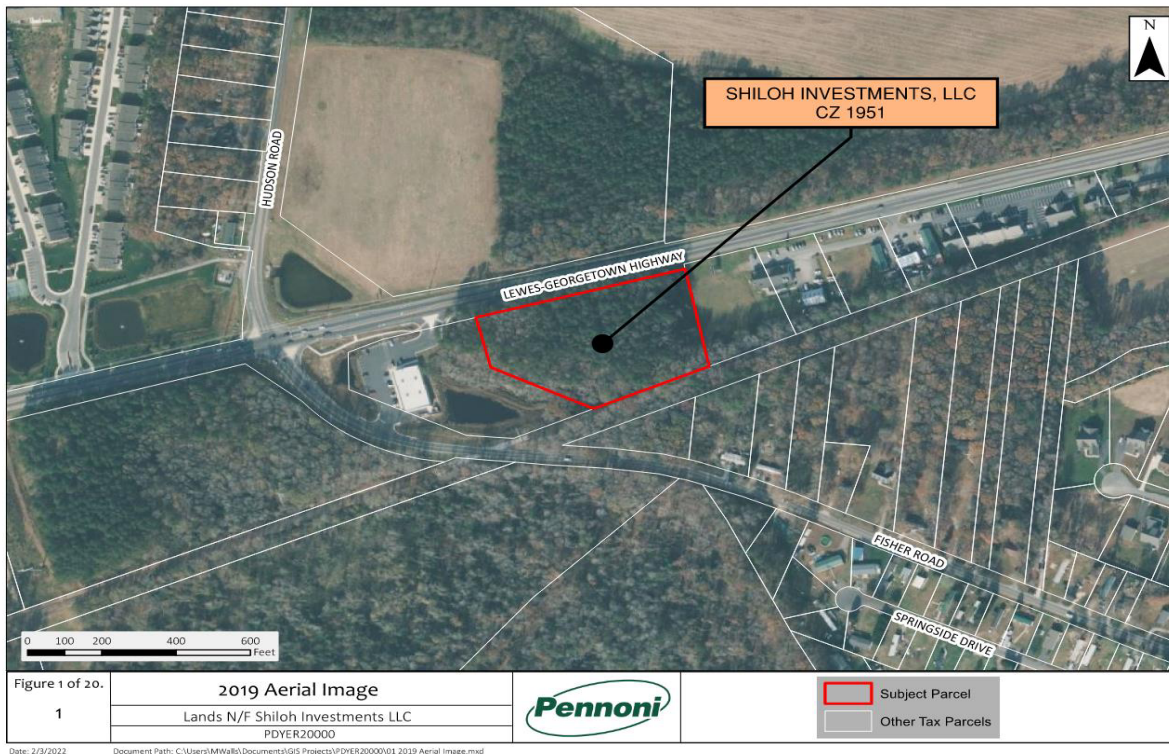
2. These properties were purchased by Shiloh Investments, LLC of which Preston L. Dyer, Mason Dyer and Robert Derrickson are the managing members.

3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 334-4.00 Parcel 34.02 & 34.03.



February 4, 2022

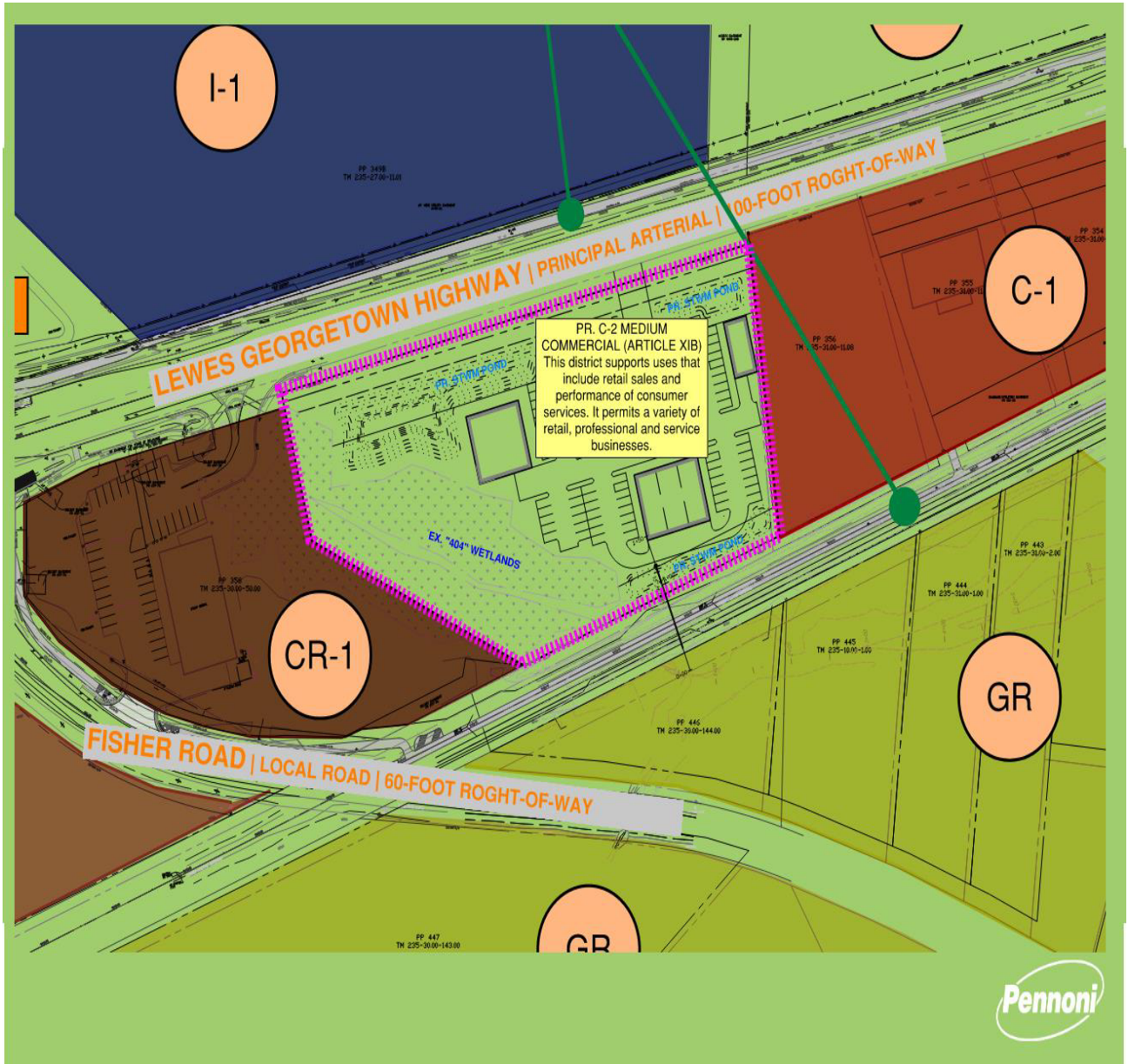
4. The properties are bordered on:
 - a. North by US Route 9 (Lewes Georgetown Highway) a Principal Arterial.
 - b. South by Delaware Rails to Trails Path and lands owned by State of Delaware.
 - c. West with existing commercial land of Dollar General - zoned CR-1.
 - d. East with existing commercial lands and uses zoned C-1.



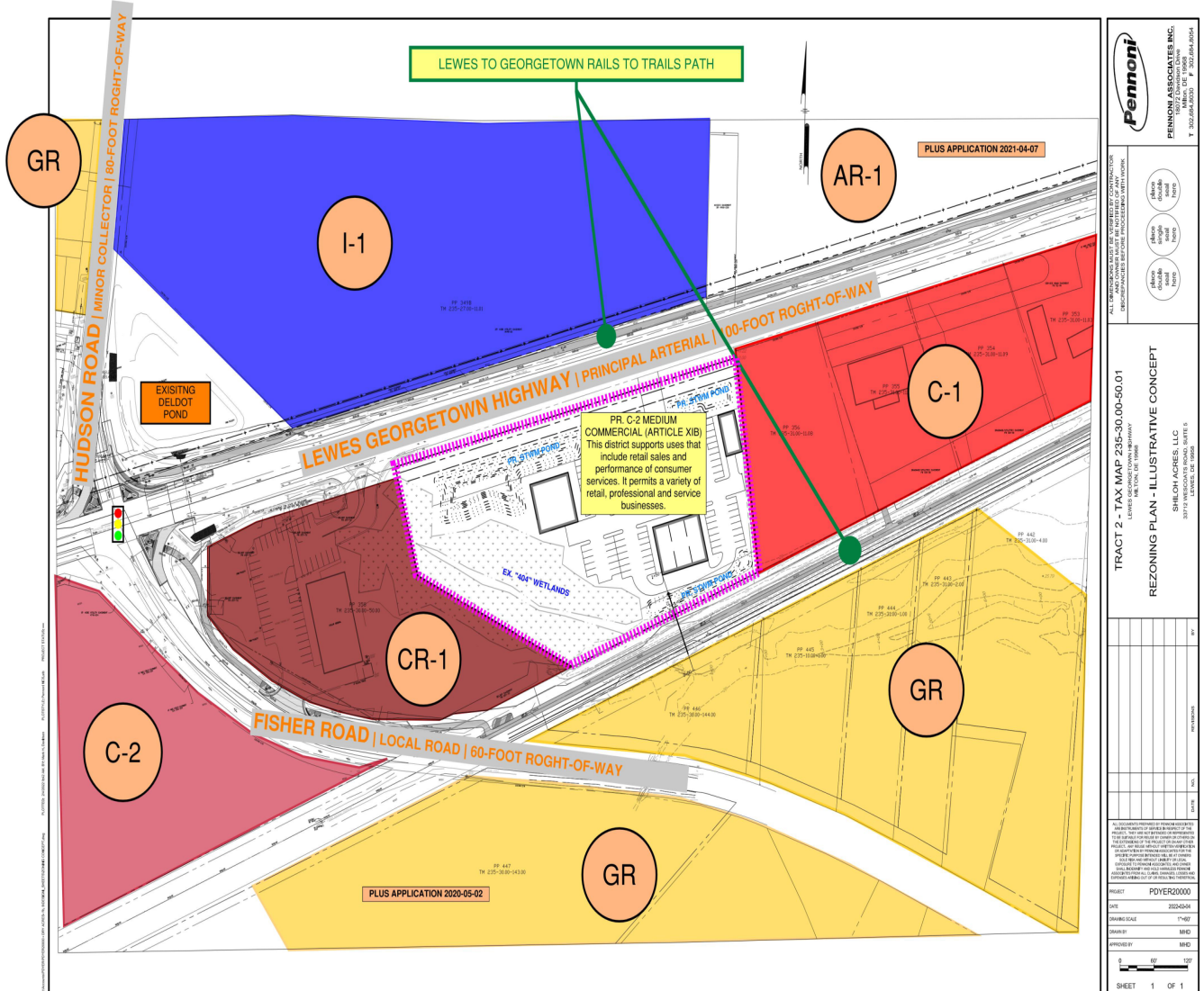
5. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.

6. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

- The granting of this application for the C-2 commercial rezoning will allow the Shiloh Investments to continue their business plan to create quality medium commercial flex space that will focus on architectural building design, floor space, adequate parking for customers, and an overall image that draws in customers from the nearby existing and future communities.

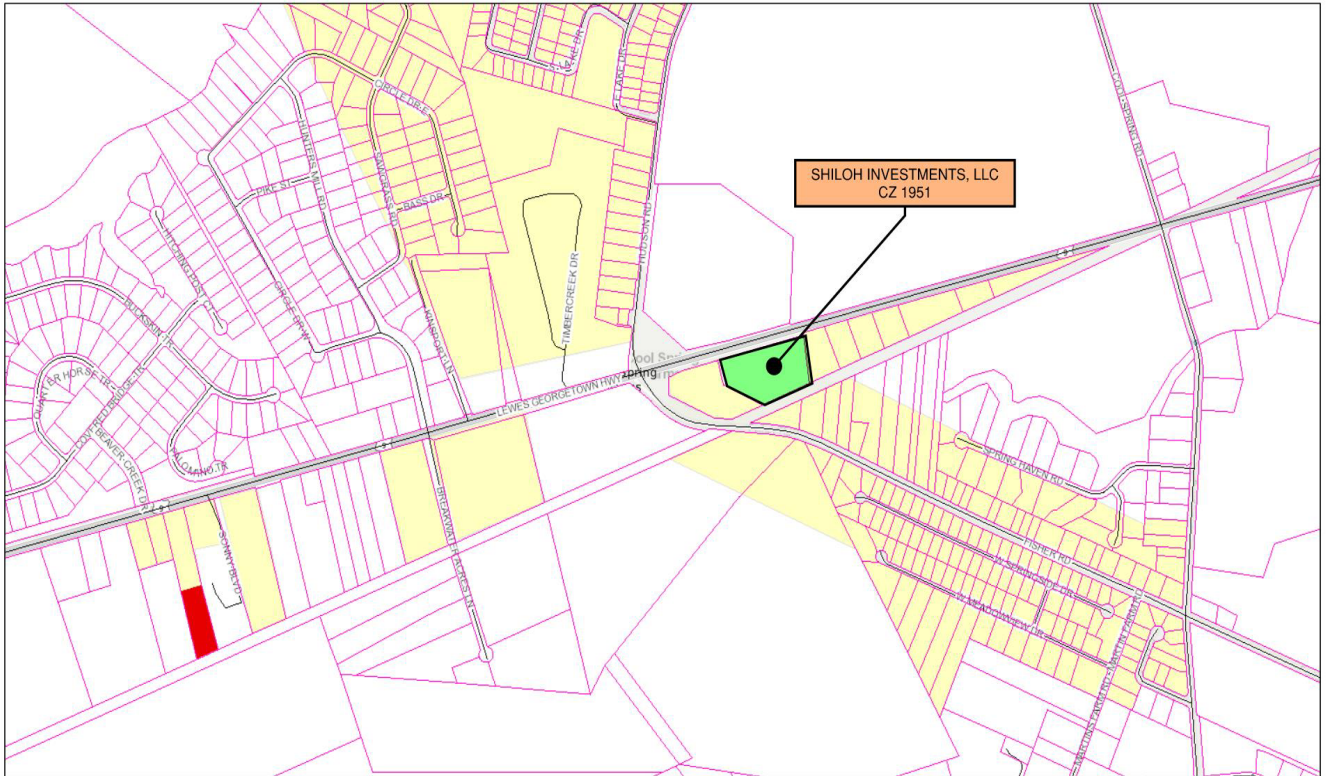


- The proposed rezoning to C-2 for this property is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for this property is identified to be in a Low-Density and is currently surrounded by Existing Developing Areas.

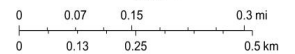
Sussex County



February 4, 2022



1:9,028



Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METINASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer either in the vicinity of the property or

planned to be installed along the frontage that will serve adjacent commercial properties, this property as well as extend to area residential communities. Certificates of Public Convenience and Necessity (CPCN) for both properties have been secured through Artesian];

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [Previously stated, Shiloh Investments want to provide a commercial development that is part of the community and provides for goods and services that are part of the community in scale. Additionally, nearby residential developments will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to a major roadway system that travels east and west to Lewes and Georgetown. Future water and sewer will be and are adjacent to the properties. This property in this location with medium commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners will work with DelDOT in the dedication of additional right-of-way along US RT 9. The proposed land use for the properties is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicles trips per day in which DelDOT determines the traffic to be “Negligible” in the context of the 2020 Sussex County/DelDOT Memorandum of Understanding for Land Development Coordination. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the

commercial development. In addition, future connection to the rails to trails pedestrian path along the existing rails-to-trails path along the rear of the property will be coordinated with DelDOT. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication, permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access points. This would increase the aesthetic benefits to the community].

The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses that are adjacent to the rails to trails path, which was once an active railroad are primarily commercial on the north and south side of US Route 9 and in most cases with residential homes on the opposite side.

Consistent with the Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail is planned to be constructed by DelDOT adjacent to this property to Hudson Park and is being designed and constructed to connect to Georgetown in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from connecting to it.

Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

| Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories | |
|---|--|
| FUTURE LAND USE PLAN CATEGORY | APPLICABLE ZONING DISTRICT |
| RURAL AREAS | |
| Low Density | Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts |

10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. Although in a Level 4 area there is no plans for public expenditures for the property. All infrastructure needs will be funded by the applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. The property is not a stand-alone commercial property as it is adjacent and in the area of many other businesses.

11. There are 404 non-tidal wetlands on the subject properties; the wetlands serve as a stormwater management system for the Dollar General Parcel; the properties are located in a Flood Zone X Unshaded; there are no historical or natural features on the property; stormwater will be onsite and use Best Management Practices for handling stormwater runoff with an approved outfall by Sussex Conservation District and DelDOT; the properties are not in any Groundwater Protection Zones;

Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown and has the CPCN's for both water and sewer for the property.

Delmarva Power & Light Company will provide sufficient energy to this property.

These properties are fortunate to have a natural gas transmission pipeline located along the frontage of the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

Verizon and Comcast are the main telecommunication providers operating in this service area.

All of these utilities ensure quality growth of development by the planning and developing of infrastructure and services in the County to complement State and local planning efforts with adequate water, sewer, electricity, natural gas, and fiber optic infrastructure to the property.

12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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(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: February 17th, 2022

Application: CZ 1952 Samantha Broadhurst

Applicant: Samantha Broadhurst
8 Meadowridge Ln.
Milton, DE 19968

Owner: Samantha Broadhurst
8 Meadowridge Ln.
Milton, DE 19968

Site Location: Lying on the west side of Dupont Boulevard (Rt. 113), approximately 0.33 miles north of Wilson Hill Rd. (S.C.R. 244).

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Ms. Green

School District: Sussex Central School District

Fire District: Georgetown Fire Department

Sewer: N/A

Water: N/A

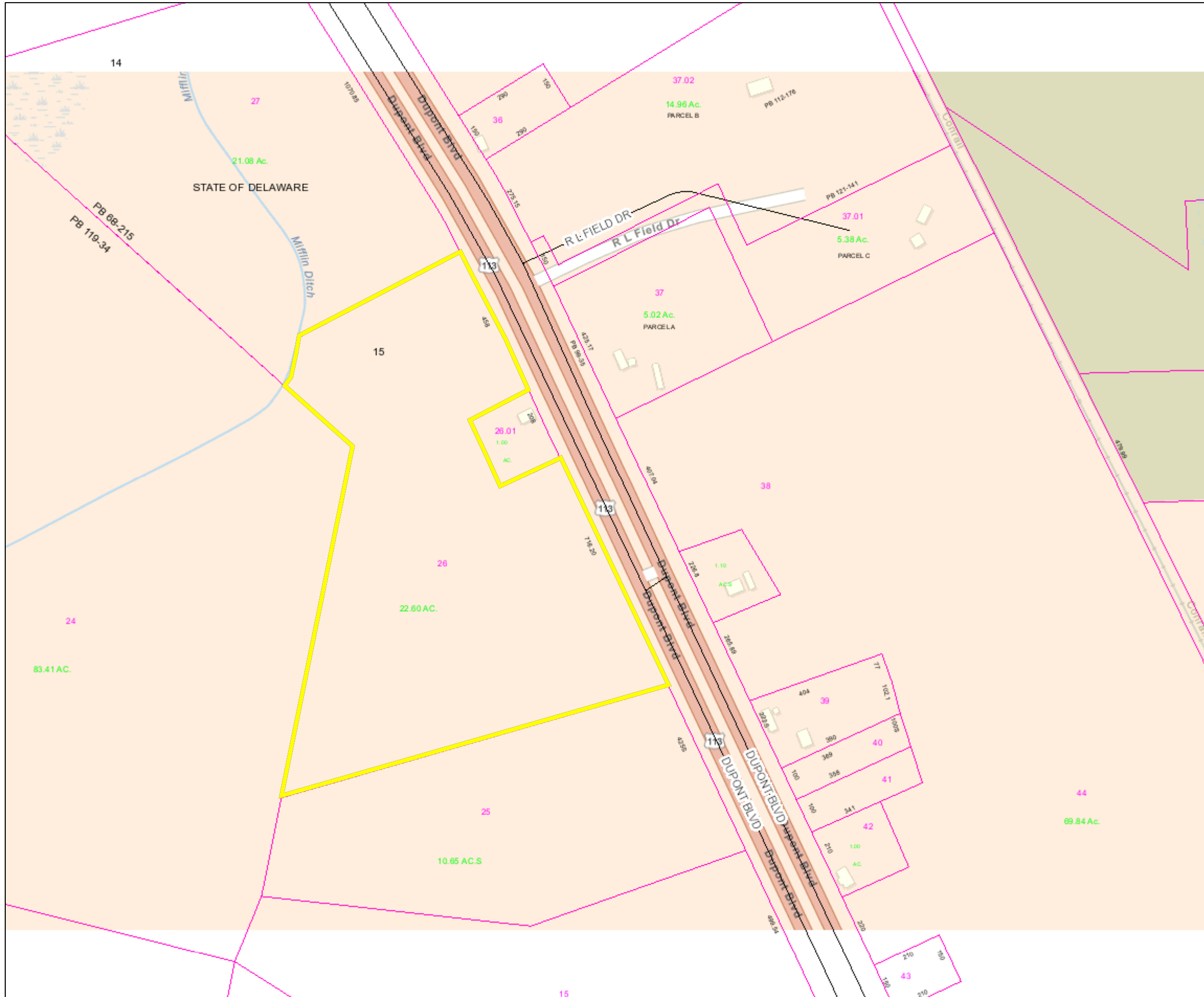
Site Area: 22.3 acres +/-

Tax Map IDs.: 135-9.00-26.00





Sussex County



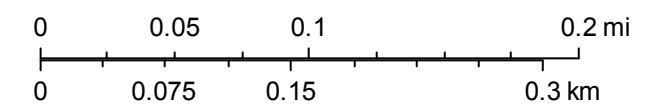
| | |
|------------------------|------------------|
| PIN: | 135-9.00-26.00 |
| Owner Name | MALAKIS NORENE |
| Book | 5341 |
| Mailing Address | 8 MEADOWRIDGE LN |
| City | MILTON |
| State | DE |
| Description | W/RT 113 |
| Description 2 | 2300' N/RT 244 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

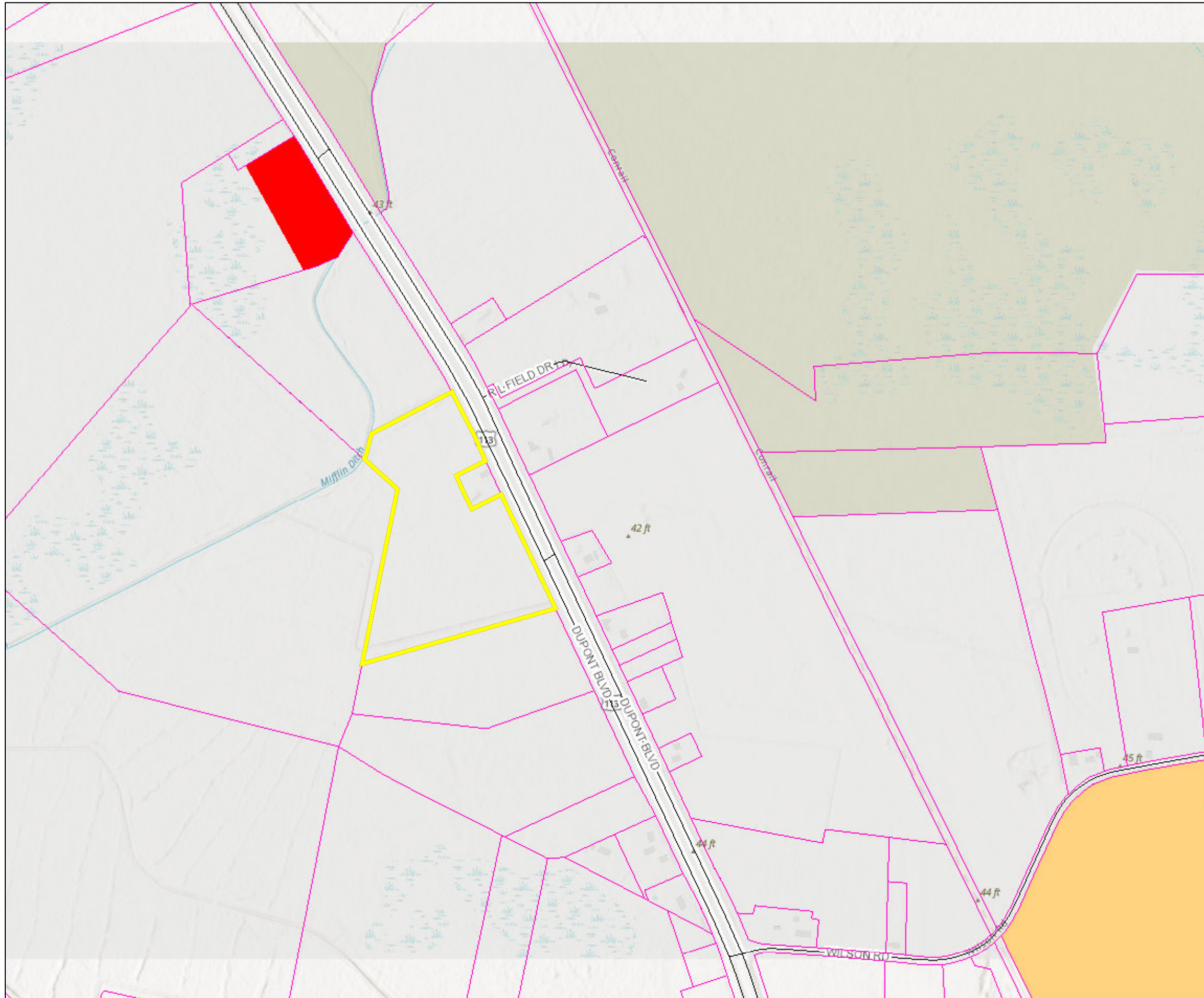
 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





Sussex County



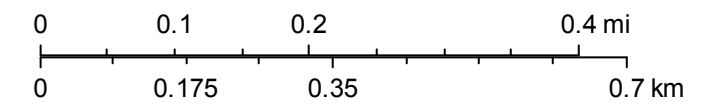
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| Book | 5341 |
| Mailing Address | 8 MEADOWRIDGE LN |
| City | MILTON |
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| Description | W/RT 113 |
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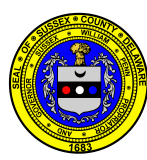
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 - Override 1
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 - Override 1
- Tax Parcels
- Streets

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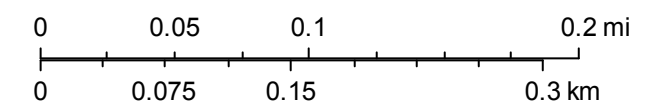
Sussex County



| | |
|------------------------|------------------|
| PIN: | 135-9.00-26.00 |
| Owner Name | MALAKIS NORENE |
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| Land Code | |

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



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: Jesse Lindenberg, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: February 9, 2022
RE: Staff Analysis for CZ 1952 Samantha Broadhurst

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1952 Samantha Broadhurst to be reviewed during the February 17, 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 135-9.00-26.00 to allow for a change of zone from an Agricultural Residential Zoning (AR-1) District to a General Commercial (C-2) Zoning District. The property is lying on the west side of Dupont Boulevard (Rt. 113), 0.58 miles north of Wilson Road (S.C.R. 244). The parcel to be rezoned contains 22.60 acres +/-.

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 subject property has a land use designation of "Low Density". The properties to the north, south, east, and west also have the land use designation of "Low Density".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, west and south are all zoned Agricultural Residential (AR-1) Zoning District. Across Dupont Boulevard (Rt. 13) the property is zoned Agricultural Residential (AR-1) Zoning District. Properties further north are zoned General Commercial (C-1) Zoning District and Commercial Residential (CR-1) Zoning District.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the General Commercial (C-2) Zoning District is listed as an applicable zoning district in the "Low Density" areas.



Since 2011, there have been two (2) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1848 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, May 15, 2018 through Ordinance No. 2576. Change of Zone 1879 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business Zoning District (B-1) was approved by the Sussex County Council on Tuesday, June 25, 2019 through Ordinance No. 2666.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a General Commercial (C-2) Zoning District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

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

Tax Map # 135-09.00-26.00

Type of Conditional Use Requested:

C2 rezoning for Billboard Use upon Approval / Conditional Use Approval
Tax Map #: 135-09.00-26.00 Size of Parcel(s): 22.3 acres

Current Zoning: ARI Proposed Zoning: C2 Size of Building: _____

Land Use Classification: _____

Water Provider: None Sewer Provider: None

Applicant Information

Applicant Name: Jamanta Broadhurst
Applicant Address: 8 meadowridge ln
City: Milton State: De Zip Code: 19968
Phone #: 302-519-8088 E-mail: jam@jacklingo.com

Owner Information

Owner Name: Jamanta Broadhurst
Owner Address: 8 meadowridge ln Milton
City: Milton State: De Zip Code: 19968
Phone #: 302-519-8088 E-mail: jam@jacklingo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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 - will Deliver

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: 6-17-2021

Signature of Owner



Date: 6-17-2021

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 778
DOVER, DELAWARE 19903

December 8, 2020

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 **Samantha Broadhurst & Norene Malakis** conditional use application, which we received on November 6, 2020. This application is for an approximately 22.60-acre parcel (Tax Parcel: 135-9.00-26.00). The subject land is located on the west side of US Route 113, approximately 2,400 feet north of Wilson Road (Sussex Road 244), north of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium-Density Commercial) to develop a commercial use.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Wilson Road to Deer Forest Road (Sussex Road 565), are 20,168 and 25,956 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of high density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area. In this area, State policies will encourage the preservation of a rural environment. The property owner

Mr. Jamie Whitehouse

Page 2 of 2

December 8, 2020

can develop an access to US Route 113 for a site generating an average of 100 vehicle trips per day or less, as determined by the latest edition of the Institute of Transportation Engineer's Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.

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 Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Samantha Broadhurst & Norene Malakis, Applicants
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Thomas Felice, Corridor Capacity Preservation Program Manager, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, 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: **2/1/2022**

APPLICATION: **CZ 1952 Samantha Broadhurst**

APPLICANT: **Samantha Broadhurst**

FILE NO: **WS-4.06**

TAX MAP &
PARCEL(S): **135-9.00-26.00**

LOCATION: **Lying on the west side of DuPont Blvd. (Rt 113),
approximately 0.33 miles north of Wilson Hill Road (SCR 244)**

NO. OF UNITS: **Upzone from AR-1 to C-2 (medium commercial)**

GROSS
ACREAGE: **22.3 +/-**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

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 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** 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: **The proposed Change of Zone is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service. The Engineering Department recommends that water and sanitary sewer service be provided by a municipality or private provider.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

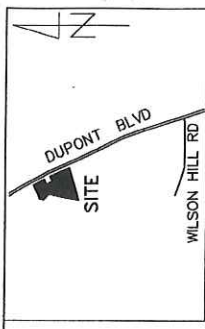


John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

PLAN DATA:

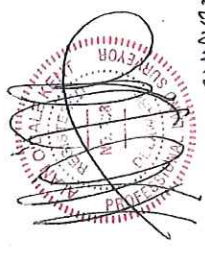
1. TITLE REFERENCED TO: TM# 135-9.00-26.00, DB 5341, PG 175, DUPONT BLVD, GEORGETOWN, DE 19947 BROAD CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN
3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR1 AND SETBACKS ARE: FRONT-40', SIDE-15', AND REAR-20'.



LEGEND:

- IRON PIPE FOUND
- CORNER NOT MARKED
- CAPPED IRON PIN SET
- CAPPED IRON PIN FOUND
- CONCRETE MONUMENT FOUND
- EXISTING PROPERTY LINE
- ADJOINING PROPERTY LINE
- BUILDING RESTRICTION LINE
- ROAD EDGE
- ROAD CENTERLINE
- TOP OF BANK
- EXISTING EASEMENT

I, ALAN O'DALE KENT REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



| | |
|--|--|
| ALAN O'DALE KENT, P.L.S.#738, DATE THIS IS A SUBURBAN SURVEY | ALAN O'DALE KENT, P.L.S.#738, DATE THIS IS A SUBURBAN SURVEY |
| BOUNDARY SURVEY | BOUNDARY SURVEY |
| DATE OF PLAN: 21 MAY 2021 | DATE OF LAST FIELD WORK: 30 APR 2021 |
| OF THE LANDS NOW OR FORMERLY OF NORENE MALAKIS AND SAMANTHA BROADHURST | PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19973 (502) 745-1735 |

