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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

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



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
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Sussex County Planning & Zoning Commission

AGENDA

June 9, 2022

5:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – May 12, 2022

Other Business

Mountaire NPW System KH
Preliminary Site Plan

(S-22-11) Wyoming Millworks – Milton Facility Expansion KH
Preliminary Site Plan

Lands of James Burton HW
Minor Subdivision off a 24-ft Easement

Lands of Dennis Paquette KS
Minor Subdivision off of a 50-ft Easement

Lands of Sunshine Drive, LLC BM
Minor Subdivision off of a 50-ft Easement

Lands of Yoder Properties, LLC BM
Minor Subdivision off of a 50-ft Easement

(2019-29) Scenic Manor Subdivision KS
Request to Amend Conditions of Approval

(2021-04) Autumndale (F.K.A. Autumdale & Fairmont) HW
Request to Amend Conditions of Approval

(2021-05) Turnberry (F.K.A. Unity Branch) HW
Request to Amend Conditions of Approval



(2021-11) Lightship Cove (F.K.A. Fisher Road) HW
Request to Amend Conditions of Approval

(2021-12) Miralon (F.K.A. Cool Spring) KH
Request to Amend Conditions of Approval

Old Business

2021-06 – Coral Lakes (F.K.A. Coral Crossing) KS
A Coastal Area cluster subdivision to divide 152.32 acres +/- into 315 single family lots to be located on a certain parcel of land and lying and being in Indian River Hundred, Sussex County. The property is located on the southwest side of Robinsonville Road (S.C.R 277) approximately 0.65 mile south of Kendale Road (S.C.R. 287) Tax Parcels: 234-6.00-67.00 & 84.00. Zoning: AR-1 (Agricultural Residential District).

C/U 2352 CB Lewes, LLC KS
An Ordinance to grant a Conditional Use of land in an MR Medium-Density Residential District to amend the conditions of approval of C/U 1845 (Ordinance No. 2106) to increase the number of permitted multifamily units from 168 to 198 for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 18.08 acres, more or less. The property is lying on the northeast side of Plantations Road (Rt. 1D), 850 feet northwest of Robinsonville Road (S.C.R. 271). 911 Address: N/A. Tax Parcel: 334-6.00-504.02

C/Z 1946 Ronald & Candice Gray HW
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.564 acres, more or less. The property is lying on the west side of Roxana Road (Rt. 17), approximately 0.69-miles northeast of the intersection of Roxanna Road and Daisey Road (S.C.R. 370) 911 Address: N/A. Tax Parcel: 134-15.00-20.12.

C/U 2293 Ronald & Candice Gray HW
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for 703 storage units and outdoor storage for boats and RV's to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 8.424 acres, more or less. The property is lying on the west side of Roxana Road (Rt. 17), approximately 0.68-miles northeast of the intersection of Roxanna Road and Daisey Road (S.C.R. 370). 911 Address: N/A. Tax Parcel: 134-15.00-20.06.

C/U 2294 Horsey Family, LLC KH
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for the expansion of C/U 1741 (Ordinance 2021) for the expansion of a borrow pit to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 62.204 acres, more or less. The property is lying on the east side of Asbury Road (S.C.R. 446), approximately 0.35 mile south of County Seat Highway (Rt. 9). 911 Address: N/A. Tax Parcel: 231-21.00-21.00.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45, 115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM.

Public Hearings

C/U 2295 Bones & Sons Heating & Air

KH

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for indoor and outdoor storage of heating and cooling equipment to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 4.03 acres, more or less. The property is lying on the east side of Conrail Road (S.C.R. 546), approximately 606 feet south of the intersection of Hearn's Pond Rd (S.C.R. 544). 911 Address: 22135 Conrail Road, Seaford, DE. Tax Parcel: 331-3.00-129.07.

C/U 2296 Michael Milligan

KH

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a towing business to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 3.078 acres, more or less. The property is lying on the east side of Justice Farm Road (S.C.R. 449A), approximately 0.31 mile south of Johnson Road (S.C.R. 447). 911 Address: 31531 Justice Farm Road, Laurel. Tax Parcel: 232-19.00-12.02.

C/Z 1957 Ronicca Payton

KH

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a B-1 Neighborhood Business District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.28 acres, more or less. The property is lying on the east side of Front Street (S.C.R. 38B), approximately 200-feet south of Washington St. (S.C.R. 225C). 911 Address: 8465 Front Street, Lincoln, DE. Tax Parcel: 230-6.17-19.00.

C/Z 1958 Boardwalk Development, LLC

KS

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 21.32 acres, more or less. The property is lying on the north and northeast side of Banks Road (S.C.R. 298), approximately 0.49-mile southeast of John J. Williams Highway (Rt. 24). 911 Address: N/A. Tax Parcel: 234-17.00-165.00.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 2, 2022 at 11:00 a.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

-MEETING DETAILS-

The meeting will be streamed live at: <https://sussexcountyde.gov/council-chamber-broadcast>

The County provides a dial-in telephone number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in by telephone should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1 302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items listed under Public Hearings on this agenda.

The Planning & Zoning Commission meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:00 P.M on Wednesday, June 8, 2022.

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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: May 17th, 2022

RE: Other Business for the June 9th, 2022, Planning Commission Meeting

This memo provides background for the Planning Commission to consider as a part of the Other Business to be reviewed during the June 9th, 2022, Meeting of the Planning & Zoning Commission.

Still Waters, Phase 11 of The Peninsula on Indian River Bay

KS

Final Site Plan

This is a Final Site Plan for the construction of 79 single family condo units as Phase 11 of the Residential Planned Community (RPC) of The Peninsula on Indian River Bay. The plan features a centrally located stormwater management facility, sidewalks that connect to the existing shared path, an emergency access easement to a connecting street, and other site improvements. Ordinance No. 2690 amended the original conditions of approval for the RPC to allow for the increase in single family condo units that are presented in the plan. The Final Site Plan complies with the Zoning Code, Conditions of Approval, and the Master Plan for the community. Tax Parcel: 234-30.00-317.00 & 317.02 and 234-30.00-318.00 through 365.00. Zoning: MR- RPC (Medium Density, Residential Planned Community). Staff are in receipt of all agency approvals.

Mountaire NPW System

KH

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of Mountaire NPW System, a water treatment plant within the existing Mountaire facility. The proposed improvements are for the purpose of supporting of the overall operations of industrial poultry processing at Mountaire facility. The industrial uses in the Plan include a plant structure, four (4) 500,000-gallon water storage tanks, a "Maganese Greensans Backwash Recovery Tank", a "Maganese Greensans Filter," and other ancillary structures including a pump station and generator. The improvements would occupy approximately (3.5) acres within the interior of the existing plant complex. The parcel is located on the south side of John J. Williams Highway (Route 24) approximately (0.28) miles east of the intersection of John J. Williams Highway (Route 24) and Hollyville Road (S.C.R. 305). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning District: HI-1(Heavy Industrial Zoning District.) Tax Parcel: 234-32.00-117.00. Staff are awaiting agency approvals. If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.



Richard Tilghman Preliminary Site Plan

HW

Preliminary Site Plan

This is a Preliminary Site Plan for CU 2254 (Ordinance No. 2794) for a proposed 780 square foot pole building to be used as an auto glass tinting shop. The property is located on the north side of West Line Road (S.C.R. 512). The plan complies with the Sussex County Zoning Code and all conditions of approval that have been established by the Commission. Tax Parcel: 532-19.00-52.00. Zoning District: GR (General Residential) Zoning District. Staff are in receipt of all agency approvals and request final approvals to be made by staff upon the receipt of all agency approvals.

(S-22-11) Wyoming Millworks – Milton Facility Expansion

KH

Preliminary Site Plan

This is a Preliminary Site Plan for the site formerly known as Baker Industrial Park for the development of a 5,000 square foot office building, 5,000 square foot retail building, three (3) 9,600 square foot lumber warehouses, associated parking and other site improvements totaling 38,800 square feet of gross leasable floor area. The property is located on the west side of Gravel Hill Road (S.C.R. 248/Route 30). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning District: HI-1 (Heavy Industrial Zoning District.) Tax Parcel: 235-19.00-23.01. If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

(2019-29) Scenic Manor (F.K.A. Estates at Mulberry Knoll)

KS

Request to Amend Conditions of Approval

Following discussions with the Applicant, it has been identified that the Conditions of Approval generate a potential conflicting requirement with the Henlopen Transportation Improvement District (TID) Infrastructure Recoupment Agreement entered into with the County and DelDOT. A request has been received to modify Condition “R” to delete the current language and substitute the following, *“the Applicant shall comply with all of the terms and conditions of the Henlopen Transportation Improvement District Infrastructure Recoupment Agreement date March 7, 2022, incorporated herein by reference.”* The Preliminary Subdivision Plan for the subdivision was approved by the Planning and Zoning Commission at their meeting of Thursday, April 22, 2021. This AR-1 cluster subdivision proposes three-hundred and nineteen (319) single-family lots on 166.83 acres +/- and is located on the east and west side of Mulberry Knoll Road (S.C.R. 284). Tax Parcel: 334-18.00-43.00.

(2021-04) Autumndale (F.K.A. Autumndale & Fairmont)

HW

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request to amend Conditions of Approval of the Preliminary Subdivision Plan for Autumndale (F.K.A. Fairmont) (2021-04) as approved by the Planning & Zoning Commission at their meeting of Thursday, January 27, 2022. The Commission last reviewed this request at their meeting of Thursday, May 12, 2022, and took no action. This AR-1 cluster subdivision proposes one-hundred and four (104) single-family lots on 73.905 acres +/- and is located on the south side of Hollyville Road (S.C.R. 48), approximately 0.43 mile southwest of the intersection of Harbeson Road (Rt. 5) and Hollyville Road. Tax Parcel: 234-10.00-14.00. Zoning: AR-1 (Agricultural Residential District).

(2021-05) Turnberry (F.K.A. Unity Branch)

HW

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request to amend Conditions of Approval of the Preliminary Subdivision Plan for Turnberry (F.K.A. Unity Branch) (2021-05) as approved by the Planning & Zoning Commission at their meeting of Thursday, January 27, 2022. The Commission last reviewed this request at their meeting of Thursday, May 12, 2022, and took no action. This AR-1 cluster subdivision proposes one-hundred and ninety-six (196) single-family lots on 135.524 acres +/- and is located on the east and southeast side of Hollyville Road, approximately 0.8 miles south of Hurdle Ditch Road (S.C.R. 290). Tax Parcels: 234-16.00-1.01, 1.02, 3.00, 4.00 and 5.00. Zoning: AR-1 (Agricultural Residential District).

(2021-11) Lightship Cove (F.K.A. Fisher Road)

HW

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request to amend Conditions of Approval for the Preliminary Subdivision Plan for Lightship Cove (F.K.A. Fisher Road) (2021-11) as approved by the Planning and Zoning commission at their meeting of Thursday, December 9, 2021. The Commission last reviewed this request at their meeting of Thursday, May 12, 2022, and took no action. This AR-1 cluster subdivision proposes ninety-seven (97) single-family lots on 48.93 acres +/- and is located on the south side of Fisher Road (S.C.R. 262). Tax Parcel: 334-10.00-69.00. Zoning: AR-1 (Agricultural Residential District).

(2021-12) Miralon (F.K.A. Cool Spring)

KH

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request to amend Conditions of Approval of the Preliminary Subdivision Plan for Miralon (F.K.A. Cool Spring) (2021-12) as approved by the Planning & Zoning Commission at their meeting of Thursday, January 27, 2022. The Commission last reviewed this request at their meeting of Thursday, May 12, 2022, and took no action. This AR-1 cluster subdivision proposes one-hundred and forty-four (144) single-family lots on 72.02 acres +/- and is located on the northeast side of Cool Spring Road (S.C.R. 290). Tax Parcels: 234-5.00-37.00. Zoning: AR-1 (Agricultural Residential District).

Headwater Cove Amenities Plan

Preliminary Amenities Plan

This is an Amenities Plan for the construction of a 4,425 square foot clubhouse, multiuse courts, mailboxes, a fenced pool, parking, and other site improvements for the Headwater Cove residential subdivision. Headwater Cove (2017-19) received Final Subdivision Plan approval from the Planning and Zoning Commission at their meeting of April 11th, 2019. The subdivision created 163 single family lots. Staff note that a portion of the multi-use courts is permitted to exist within the 50-foot buffer. Additionally, the interconnectivity easement was slightly relocated to the north; however, it is consistent with the original condition that was set as it is still “within the vicinity of the pool and parking lot area. The Preliminary Amenities Plan complies with the Sussex County Zoning Code and all conditions of approval for the subdivision. Tax Parcel: 234-11.00-66.00. Zoning: AR-1. Staff are in receipt of all agency approvals; therefore, the plan is eligible for preliminary and final approvals.

Lands of RDL Properties, LLC

BM

Minor Subdivision off a 20-foot easement

This is a Minor Subdivision Plan for the creation of two (2) additional lots and residual lands off of a 20' wide ingress/egress access easement. Proposed Lot 1 consists of approximately 0.58 +/- acres;

Proposed Lot 2 consists of approximately 0.39 +/- acres; the residual lands will consist of approximately 0.90 +/- acres. The property is located on the east side of Charley's Run, a private road south of Fred Hudson Road (S.C.R. 360). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 134-13.00-87.00. Zoning: MR (Medium Residential District). If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

Lands of Timothy & Jessica Tice

BM

Minor Subdivision off a 20-foot easement

This is a Minor Subdivision Plan for the creation of one (1) additional lot and residual lands off of a 20' wide ingress/egress access easement. Proposed Lot 1 consists of approximately 0.076 +/- acres and the residual lands will consist of approximately 1.16 +/- acres. The property is located on the east side of Charley's Run, a private road south of Fred Hudson Road (S.C.R. 360). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 134-13.00-86.00. Zoning: MR (Medium Residential District). If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

Lands of Four C's

KS

Minor Subdivision off a 30-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus residual lands off of a 30-foot access easement. Proposed 1 will be 0.4594 acres +/-, Lot 2 will be 0.7178 acres +/-, The residual parcel will be 0.5953 acres +/-, The property is located on the north side of New Road (S.C.R. 266). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 335-8.00-146.00. Zoning: AR-1 (Agricultural Residential). Staff are awaiting agency approvals. If the Commission desires to act favorably, final approvals are requested to be made my staff.

Lands of Sunshine Drive, LLC

BM

Minor Subdivision off a 50-foot easement

This is a Minor Subdivision Plan to propose the creation of one additional lot and residual lands off of a 50' wide ingress/egress access easement. Proposed Lot 1 consists of approximately 0.97 +/- acres; Proposed Lot 2 consists of approximately 1.00 +/- acres; the residual land will consist of approximately 1.96 +/- acres. The property is located on the west side of Marsh Road (S.C.R. 521). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 231-7.00-38.01. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Lands of Dennis Paquette

KS

Minor Subdivision off a 50-ft easement

This is a Minor Subdivision Plan for the subdivision of a 23.856 acre +/- parcel of land into one (1) lot and residual lands off a proposed 50-foot ingress/egress easement. Proposed Lot 1 consists of 6.871 acres +/- and the residual lands consist of 16.985 acres +/-, The property is located on the northwest side of Ponder Road (S.C.R. 232). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 230-20.00-14.03. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals and request Final by Staff.

Lands of Yoder Properties, LLC

BM

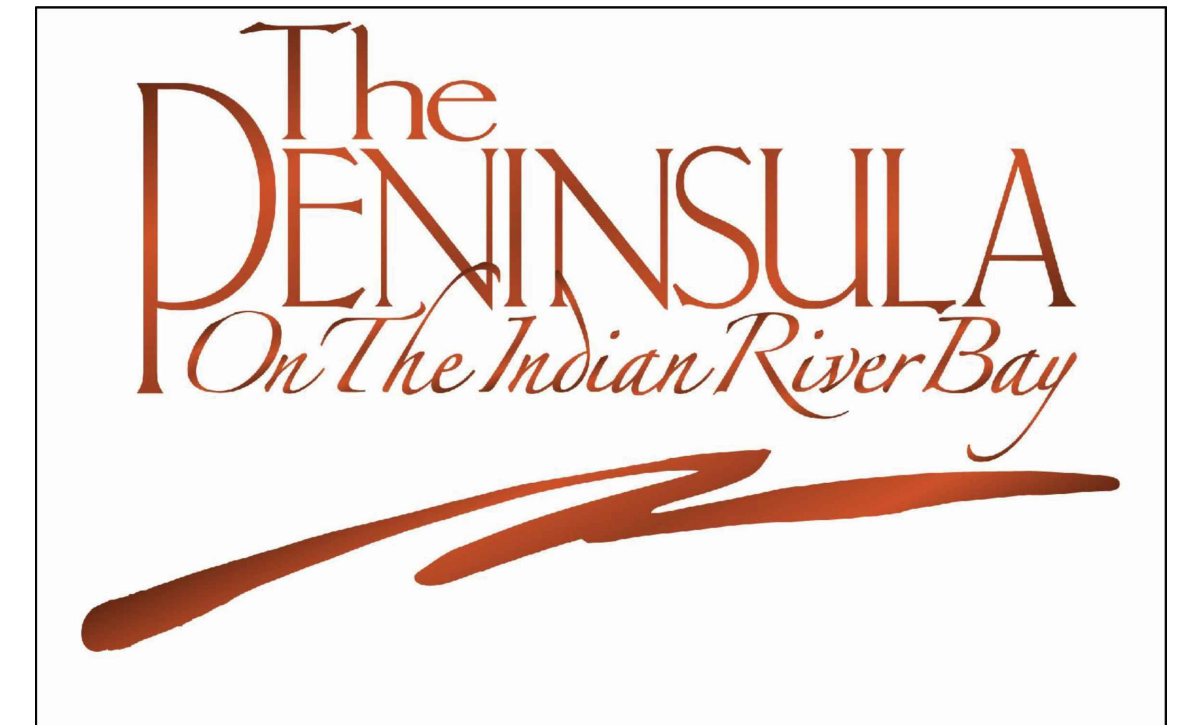
Minor Subdivision off a 50-foot easement

This is a Minor Subdivision Concept Plan to propose the subdivision of an 8.5 acres +/- parcel into three (3) lots and residual lands. The lots will be located off of a proposed 50' wide ingress/egress access easement over an existing paved road. Proposed Lot 1 and Proposed Lot 2 each consist of approximately 1.3 acres +/-; Proposed Lot 3 consists of approximately 3.2 acres +/-; the residual land consists of approximately 2.7 acres +/- . The property is located on the west side of Saint Johnstown Road (S.C.R. 600). This is a concept plan only and a formal subdivision plan will be submitted upon approval of the concept plan. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 430-5.00-23.00.



- PER ORDINANCE NO.2690
(MAXIMUM SINGLE-FAMILY LOTS ALLOWED = 358)
- EXISTING
SINGLE FAMILY LOTS-----312
- PER ORDINANCE NO.2690 REVISED CONDITIONS
(MAXIMUM SINGLE-FAMILY DETACHED CONDOMINIUMS ALLOWED = 388 471)
- PROPOSED(STILLWATER)
SINGLE FAMILY DETACHED CONDOMINIUMS----79
- EXISTING
SINGLE FAMILY DETACHED CONDOMINIUMS--388
- PER ORDINANCE NO.2690
(MAXIMUM SINGLE-FAMILY ATTACHED TOWN HOUSES ALLOWED = 270)
- EXISTING
SINGLE FAMILY ATTACHED TOWN HOUSES--270
- PER ORDINANCE NO.2690 REVISED CONDITIONS
(MAXIMUM MULTI-FAMILY UNITS ALLOWED = 378 295)
- EXISTING
MULTI-FAMILY UNITS-----295
- PER ORDINANCE NO. 2690
(MAXIMUM TOTAL UNITS ALLOWED = 1394)
- TOTAL UNITS-----1344

- EXISTING CONDITIONS**
(CONDITION 1 OF ORDINANCE 2690)
1. THE MAXIMUM NUMBER OF UNITS SHALL NOT EXCEED 1,394 UNITS COMPRISED, AS FOLLOWS:
 - A. 358 SINGLE-FAMILY LOTS
 - B. 388 SINGLE-FAMILY DETACHED CONDOMINIUMS
 - C. 270 SINGLE-FAMILY ATTACHED TOWNHOUSES
 - D. 378 MULTI-FAMILY UNITS
- PROPOSED CONDITIONS**
(REVISION TO CONDITION 1 OF ORDINANCE 2690)
1. THE MAXIMUM NUMBER OF UNITS SHALL NOT EXCEED 1,394 UNITS COMPRISED, AS FOLLOWS:
 - A. 358 SINGLE-FAMILY LOTS
 - B. 471 SINGLE-FAMILY DETACHED CONDOMINIUMS
 - C. 270 SINGLE-FAMILY ATTACHED TOWNHOUSES
 - D. 295 MULTI-FAMILY UNITS

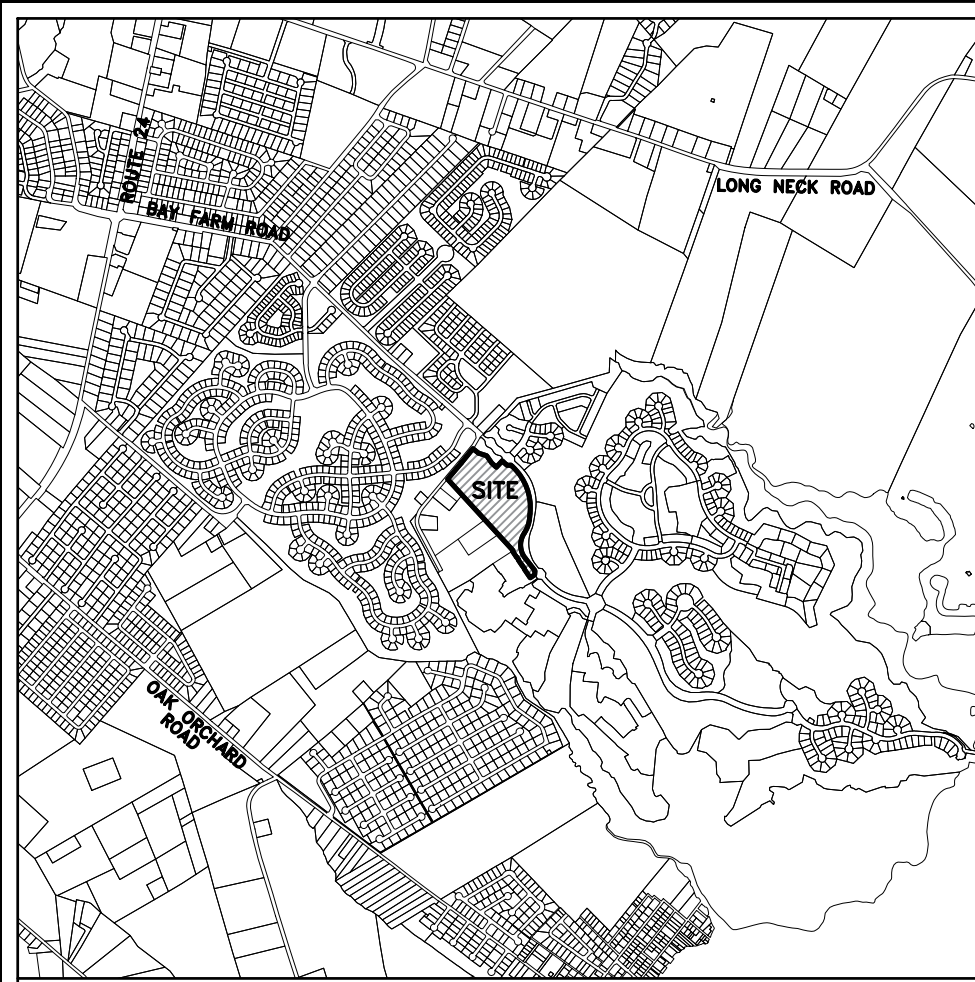


PHASE 11 - STILL WATERS

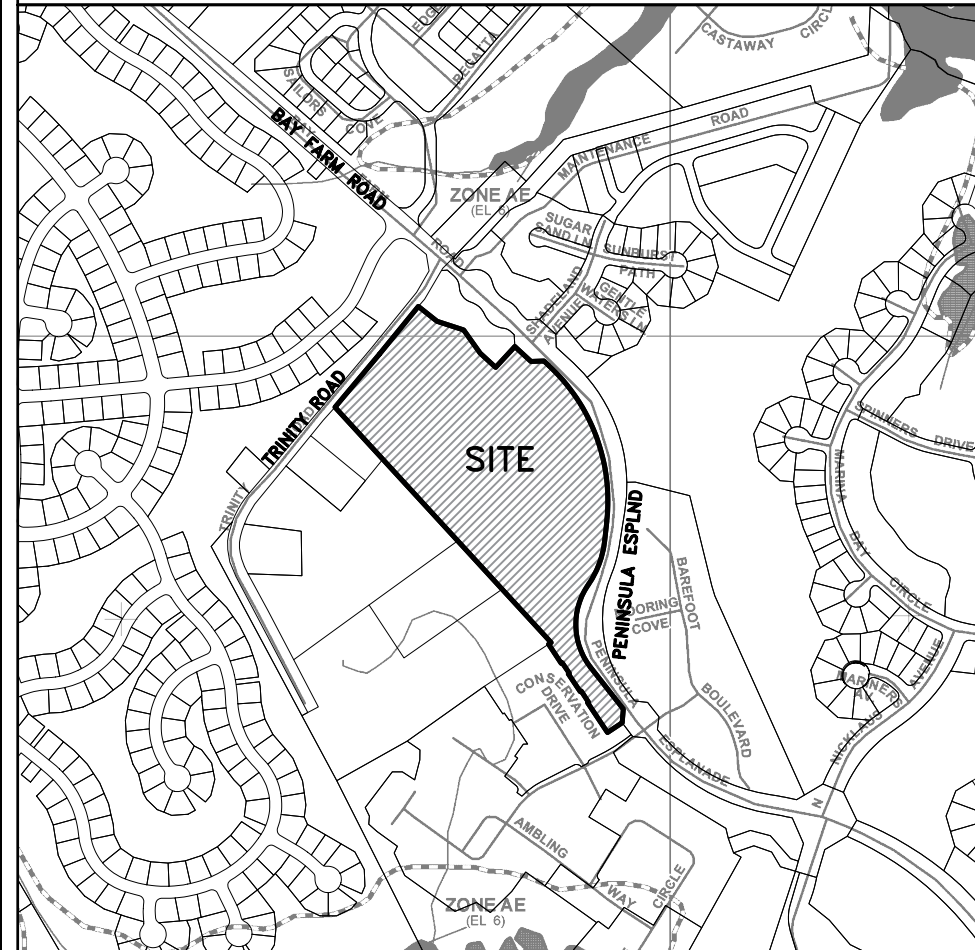
THE PENINSULA ON INDIAN RIVER BAY INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE RECORD PLAN SUBDIVISION 2021-2

AUGUST, 2021

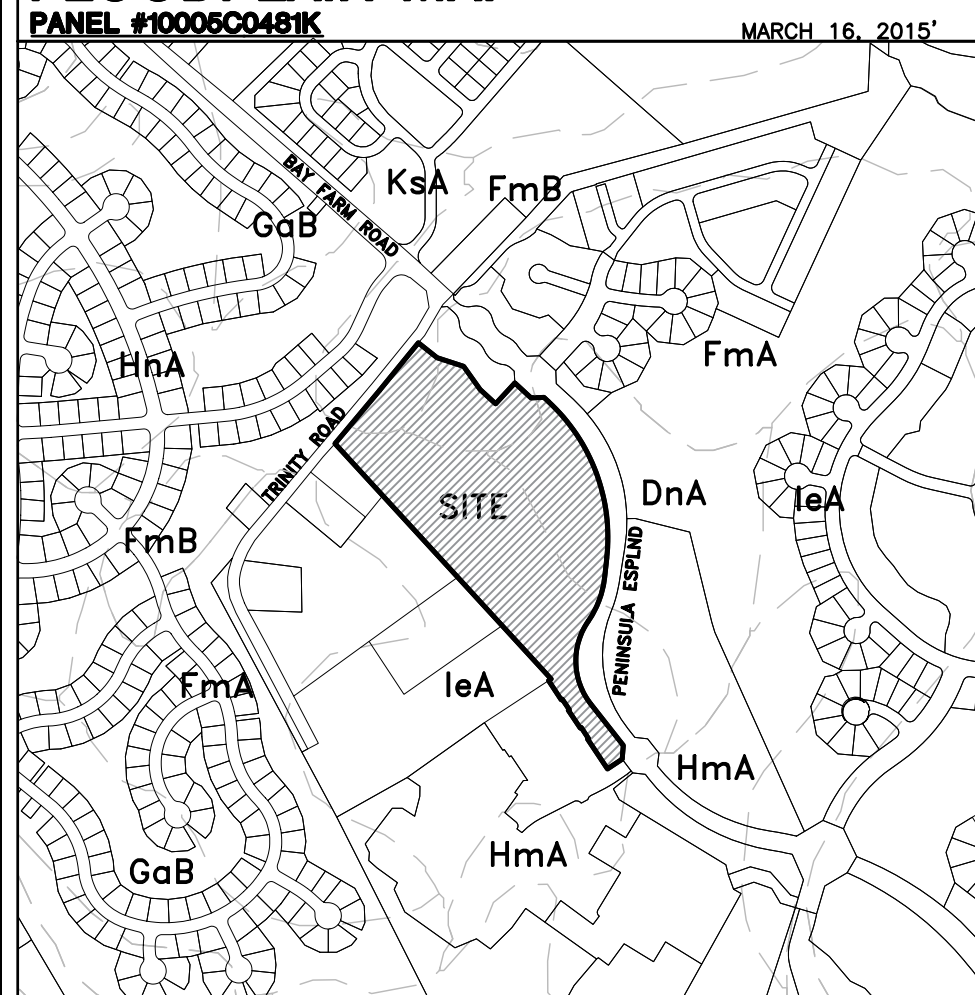
DBF # 1319A052



LOCATION MAP SCALE: 1" = 1/2 MILE



FLOODPLAIN MAP SCALE: 1" = 800'



SOILS MAP SCALE: 1" = 800'

DATA COLUMN

TAX MAP ID: 2-34-30.00-317.00, 317.01 & 317.02
2-34-30.00-318.00 THRU 365.00

DEED REF: D 4942/337

DATUM:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83(DE STATE PLANE)

LAT/LON:
#1 IRON ROD WITH CAP SET
BENCHMARK: NORTH WEST SIDE
LAT: 224,770.65 LON: 723,644.57
#2 IRON ROD WITH CAP SET
BENCHMARK: NORTH WEST SIDE
LAT: 225,137.96 LON: 723,900.06

EXISTING ZONING: MR-RPC(MEDIUM DENSITY RESIDENTIAL/
RESIDENTIAL PLANNED COMMUNITY)

PROPOSED USE: RESIDENTIAL DEVELOPMENT

TOTAL PROPOSED SITE AREA: 20.531 ACRES

PROPOSED UNITS: 79 SINGLE FAMILY (CONDO OWNERSHIP)

DENSITY:
MAXIMUM: 4.0 UNITS PER ACRE
PROPOSED: 3.9 UNITS PER ACRE

PROPOSED CONSTRUCTION: WOOD/CONCRETE BLOCK

AREAS:
PARCEL A: 1.991 AC
PARCEL B: 1.895 AC
PARCEL C: 3.359 AC
PARCEL D: 0.805 AC
PARCEL E: 2.009 AC
PARCEL F: 2.231 AC
PARCEL G: 2.479 AC
PARCEL H: 0.603 AC
PARCEL I: 1.146 AC
PARCEL J: 1.115 AC

EASEMENT AREA: 2.798 AC

TOTAL SITE AREA: 20.531 AC

IMPERVIOUS AREAS:
PAVEMENT(STREETS): 1.630 AC
SIDEWAYS: 0.307 AC
DRIVEWAYS: 0.751 AC
BUILDINGS: 6.229 AC

TOTAL IMPERVIOUS AREAS: 8.917 (43.4%)

SETBACK REQUIREMENTS
SINGLE FAMILY
FRONT YARD: 10 FT. (20' AGG. FRONT AND REAR)
SIDE YARD: 10 FT.
REAR YARD: 10 FT.

BUILDING HEIGHT: 42 FT. MAX. 3-1/2 STORIES

PARKING
REQUIRED: 2 SPACES PER FAMILY UNIT (79 TOTAL)
PROVIDED: 158 SPACES

UTILITIES:
SANITARY SEWER: SUSSEX COUNTY SEWER (LONG NECK SANITARY SEWER DISTRICT)

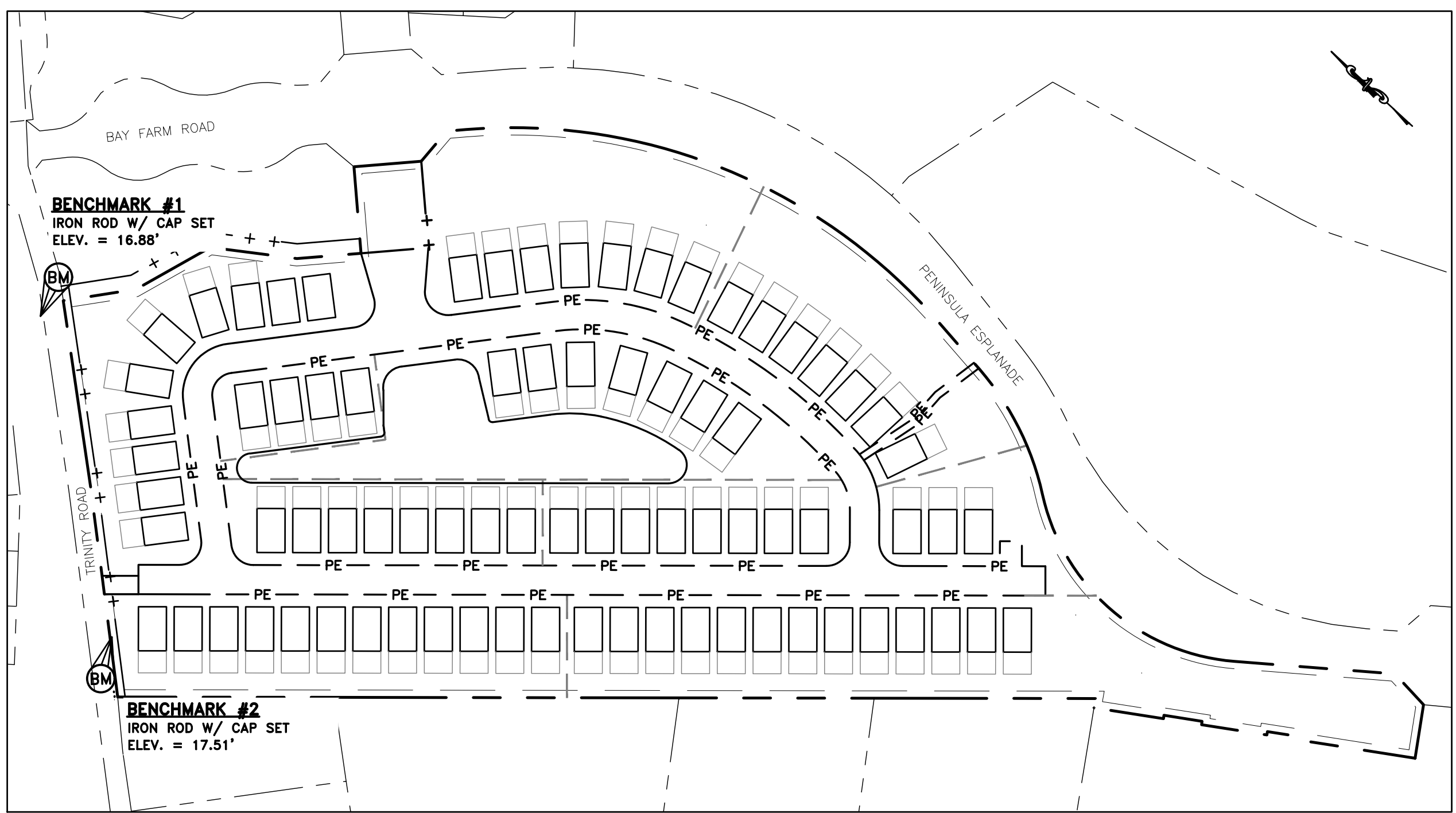
WATER SUPPLY: TIDEWATER UTILITIES INC.

FLOOD HAZARD MAP: THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0481K (DATED MARCH 16, 2015).

OWNER/DEVELOPER:
OA-BP MARINA BAY-LAKESIDE, LLC.
GREG TOBIAS
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19871
GREG@OACOMPANIES.COM

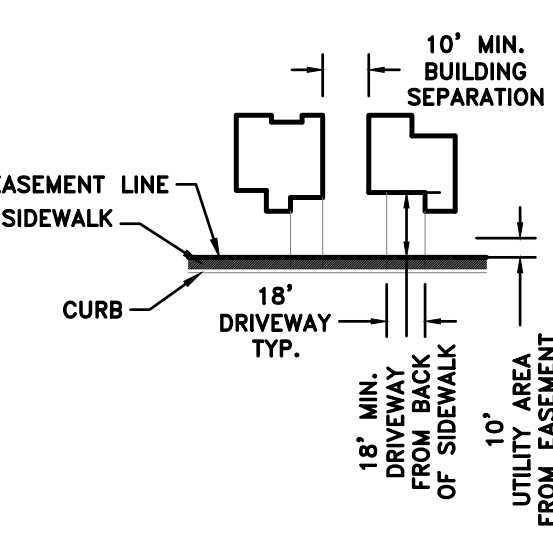
ENGINEER:
DAVIS, BOWEN & FRIEDEL, INC.
CLIFTON D. MUMFORD, P.E.
1 PARK AVENUE
MILFORD, DE 19963
PHONE:(302) 424-1441
FAX:(302) 424-0430
CDM@DBFINC.COM

RECORD PLANS	
RECORD PLAN - TITLE SHEET	V-100
RECORD PLAN	V-101
RECORD PLAN - TYPICAL SECTIONS	V-102



LEGEND

---	PROPERTY BOUNDARY LINE	##	PROPERTY LABEL
---	PROPOSED PARCEL LINE	●	IRON ROD WITH CAP SET
---	PROPOSED BUILDING SETBACK LINE	■	CONCRETE MONUMENT SET
---	PROPOSED EASEMENT LINE	○	PROPERTY CORNER LOCATE
---	EXISTING PROPERTY LINE		
---	EXISTING EASEMENT LINE		



TYPICAL SINGLE FAMILY DETAIL

GENERAL NOTES:

- STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY SHOWN ON THIS PLAN ARE PRIVATE AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- ACCESS TO ALL LOTS SHALL BE PROVIDED FROM THE PRIVATE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0481K, DATED MARCH 16, 2015; THE ENTIRE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE "X" (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- THE BOUNDARY INFORMATION SHOWN IN THESE PLANS ARE BASED ON FIELD SURVEYS PERFORMED BY McCrone, Inc.
- TOPOGRAPHIC SURVEY DATA PROVIDED BY DAVIS, BOWEN, & FRIEDEL, INC.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- UTILITY EASEMENTS DEPICTED HEREON REPRESENT, TO THE GREATEST EXTENT PERMITTED BY LAW, PRIVATE EASEMENTS FOR THE EXCLUSIVE USE AND BENEFIT OF THOSE UTILITY COMPANIES AND/OR OTHER PROVIDERS OF SERVICES TO THE DEVELOPMENT AS MAY BE DESIGNED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- IN ADDITION TO EASEMENTS SHOWN ON THIS PLAN, A TEN (10) FOOT WIDE BLANKET EASEMENT ALONG THE FRONT ACCESS EASEMENT IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY AND DRAINAGE USE, UNLESS NOTED OTHERWISE ON THE PLANS.
- UNLESS OTHERWISE DESIGNATED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, STORM DRAIN EASEMENTS DEPICTED HEREON REPRESENTS PRIVATE EASEMENTS TO ACCESS THE STORM DRAINS FOR THE SOLE PURPOSE OF MAINTAINING AND REPAIRING SUCH STORM DRAINS, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- NO BOUNDARY TREATMENT/FENCING IS PROPOSED.
- ANY ADDITIONAL ACCESSORY STRUCTURES ASSOCIATED WITH THE MULTIFAMILY DWELLINGS SHALL BE SUBJECT TO SITE PLAN REVIEW.
- THE OWNER SHALL CAUSE TO BE FORMED A HOMEOWNERS' ASSOCIATION TO BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE STREETS, ROADS, BUFFERS, STORMWATER MANAGEMENT FACILITIES, AND OTHER COMMON AREAS. IN ADDITION, THE ASSOCIATION SHALL MAINTAIN THE CEMETERIES LOCATED WITHIN THE PROJECT. ACCESS TO THE CEMETERIES SHALL NOT BE DENIED TO FAMILY MEMBERS OF THE PERSONS INTERRED IN THE CEMETERIES.
- THE COMMON AREA WILL NOT INCLUDE, AMONG OTHER THINGS, THE GOLF COURSE PARCEL, CLUBHOUSE OR OTHER RECREATION FACILITIES.
- THE HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE RESIDENTIAL PROPERTIES, HOMEOWNERS' ASSOCIATION PROPERTIES AND ROAD RIGHT-OF-WAY WITHIN THE PROJECT. THE HOMEOWNERS' ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES THAT CONVEY STORMWATER FROM THESE THREE AREAS THROUGH THE GOLF COURSE PROPERTIES. HOWEVER, MAINTENANCE OF THE PORTION OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE GOLF COURSE SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE GOLF COURSE PROPERTIES. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN A SATISFACTORY CONDITION AS REQUIRED BY SUSSEX COUNTY, DELAWARE AND IN ACCORDANCE WITH THE DEVELOPER'S RESTRICTIVE COVENANTS ON GOLF COURSE PROPERTIES ENTERED INTO BY AND BETWEEN THE DEVELOPER AND THE HOMEOWNERS' ASSOCIATION (THE "GOLF COURSE COVENANTS"). SHOULD THE OWNER OR OWNERS OF THE GOLF COURSE PROPERTIES DEFAULT IN THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES, THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RIGHT TO MAINTAIN THE FACILITIES SUBJECT TO THE TERMS AND CONDITIONS OF THE GOLF COURSE COVENANTS.
- A 5' EASEMENT FROM THE CENTER OF ALL WATER MAINS IS HEREBY GRANTED TO TIDEWATER UTILITIES, INC. THE EASEMENT INCLUDES ALL WATER MAINS, FIRE HYDRANTS, AND APPURTENANCES AND SHALL BE 5' ON EITHER SIDE OF THE PIPE TO ALLOW TIDEWATER UTILITIES, INC. TO PERFORM MAINTENANCE ON THEIR WATER DISTRIBUTION SYSTEM.

CONDITIONS OF APPROVAL (ORDINANCE NO. 1573)

- (Ordinance 2584, approved by County Council on October 8, 2019 amended Condition #1)
(Ordinance 2690, approved by County Council on December 7, 2021 amended Condition #1)
- The maximum number of units shall not exceed 1,394 units comprised, as follows:
358 Single-Family Lots
471 Single-Family Detached Condominiums
270 Single-Family Attached Town Houses
295 Multi-Family Units
 - Residential building permits shall not exceed 300 per year.
 - Commercial building area shall not exceed 10,250 square feet within this project.
 - Site plan review shall be required for each phase of development.
 - An underground gas storage facility for service to this project shall only be permitted subject to approval by the Office of the State Fire Marshal, and other agencies with jurisdiction, and subject to site plan approval by the Commission. The facility shall be no less than 50' from adjacent properties.
 - The interior street design shall be in accordance with or exceed Sussex County street design requirements. Street design shall include curbs, sidewalks, and street lighting. Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscaping design for the project.
 - All entrances, inter-sections, roadway improvements, and multi-modal facilities required by DeIDOT shall be completed by the applicant as required by DeIDOT in its letter of April 23, 2002, or in accordance with any further modification required by DeIDOT.
 - The Applicant, its successors, or assigns, shall operate and maintain a community shuttle bus service to shopping areas and connecting to bus stops operated by DART. The service and location shall be subject to review and comment by DART and DeIDOT and subject to site plan review by the Commission. The service and any related improvements shall be completed within 12 months of the issuance of the first building permit.
 - Within one (1) year of the approval of the master plan, the applicant shall coordinate with the State, County, and other local emergency planning offices in the development and implementation of an emergency evacuation procedure for the project.
 - Recreational facilities, e.g., tennis courts, swimming pool, community buildings, pathways, trails, and beaches shall be constructed and open to use by the residents within two (2) years of the issuance of the first building permit.
 - The RPC shall be served by an existing or an extended Sussex County sanitary sewer district.
 - The RPC shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. If it is determined that additional areas are required for stormwater management, parking, or other use, the additional area shall be taken from lot areas, not designated Federal or State wetlands or open space areas.
 - State wetlands shall not be included in individual lots. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits.
 - No piers, docks, boat ramps, or other water related recreational facilities shall be permitted adjacent to Emily's Gut.
 - No individual boat docks or boat launching facilities for motorized boats shall be permitted except a community water taxi.
 - No on-site or individual storage of motorized boats, personal watercraft, trailers, or campers shall be permitted.
 - The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of the streets, roads, buffers, stormwater management facilities, and other common areas. In addition, the association shall maintain the cemeteries located within the project. Access to the cemeteries shall not be denied to family members of persons interred in the cemeteries.
 - The Applicant, its successors, and assigns shall operate the stormwater management facilities and the golf course in a manner consistent with the Best Management Practices (BMPs) set forth in the applicants exhibits submitted as part of the record including implementation of a stormwater facility management program.
 - No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except such site work for which a (continued) permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DeIDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.
 - Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.

SUSSEX CONSERVATION DISTRICT

ENGINEER'S STATEMENT

I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I AM A REGISTERED 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.

DATE _____
DAVIS, BOWEN & FRIEDEL, INC.
by CLIFTON D. MUMFORD, P.E. DATE _____

OWNER'S STATEMENT

I, GREG TOBIAS, MANAGING MEMBER OF OCEAN ATLANTIC-BP INVESTORS AND MANAGER OF OA-BP MARINA BAY-LAKESIDE, LLC., HEREBY CERTIFY THAT OA-BP MARINA BAY-LAKESIDE, LLC. IS THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN; THAT THIS SUBDIVISION PLAN THEREOF WAS MADE AT THEIR DIRECTION; THAT ALL STREETS SHOWN HEREON ARE TO BE PRIVATE RIGHT-OF-WAYS AND ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION; THAT ALL PROPOSED STREET CONTROL MONUMENTS WILL BE SET AT THE LOCATIONS SHOWN, AND THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND DESIRE THIS PLAN BE RECORDED ACCORDING TO LAW.

CHAIRMAN OR SECRETARY OF THE COMMISSION
SIGNATURE _____ DATE _____
PRESIDENT OF THE SUSSEX COUNTY COUNCIL
SIGNATURE _____ DATE _____
GREG TOBIAS, MANAGER DATE _____

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

V-100

PROPOSED CURVE TABLE FOR BOUNDARY

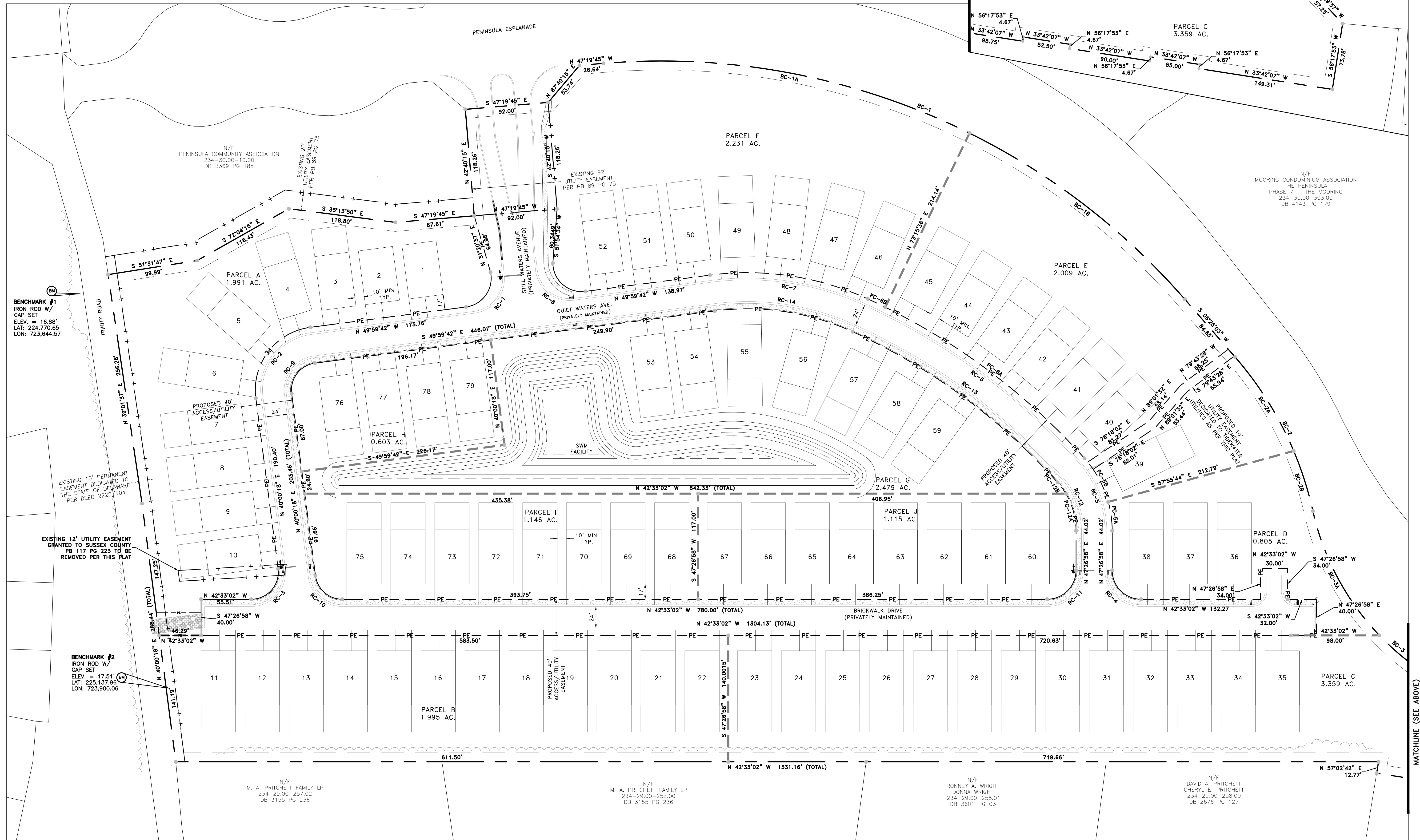
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
BC-1	768.00'	720.43'	694.30'	S 20°27'21" E	53°44'49"
BC-1A	768.00'	417.49'	412.37'	S 31°45'21" E	31°08'48"
BC-1B	768.00'	302.94'	300.98'	N 04°52'57" W	22°36'01"
BC-2	389.00'	193.25'	191.47'	S 20°38'58" W	28°7'50"
BC-2A	389.00'	123.26'	122.75'	N 15°29'42" E	18°09'18"
BC-2B	389.00'	69.90'	69.90'	N 29°43'37" E	10°18'32"
BC-3	291.00'	371.02'	346.40'	S 01°38'39" E	73°03'04"
BC-3A	291.00'	158.07'	156.14'	N 19°19'10" E	31°07'25"
BC-3B	291.00'	212.95'	208.23'	S 17°12'22" E	41°55'59"

PROPOSED CURVE TABLE FOR ACCESS EASEMENT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC-1	32.00'	52.99'	47.14'	S 82°33'46" W	94°53'05"
RC-2	70.00'	109.96'	98.99'	S 85°00'18" W	90°00'00"
RC-3	30.00'	51.02'	45.09'	N 88°43'38" E	97°26'40"
RC-4	32.00'	50.27'	45.25'	N 02°26'58" E	90°00'00"
RC-5	120.00'	87.72'	85.78'	S 26°50'30" W	41°52'57"
RC-6	750.00'	299.99'	297.89'	N 06°12'21" W	23°32'45"
RC-7	320.00'	178.81'	176.49'	S 33°59'13" E	32°00'58"
RC-8	32.00'	53.91'	47.76'	N 01°43'57" W	96°31'29"
RC-9	30.00'	47.12'	42.43'	N 85°00'18" E	90°00'00"
RC-10	30.00'	43.23'	39.58'	S 01°16'22" E	82°33'20"
RC-11	32.00'	50.27'	45.25'	S 87°33'02" E	90°00'00"
RC-12	80.00'	58.48'	57.19'	S 26°30'30" W	41°52'57"
RC-13	690.00'	283.56'	281.57'	S 06°12'21" E	23°32'45"
RC-14	280.00'	156.46'	154.43'	N 33°59'13" W	32°00'58"

PROPOSED CURVE TABLE FOR LOTS

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
PC-SA	120.00'	32.21'	32.11'	S 39°45'37" W	15°22'42"
PC-5B	120.00'	55.51'	55.02'	N 18°49'09" E	26°30'15"
PC-6A	750.00'	278.44'	276.76'	S 05°11'56" E	21°51'15"
PC-6B	750.00'	21.55'	21.55'	N 17°07'58" W	11°41'30"
PC-12A	80.00'	43.03'	42.51'	N 32°02'31" E	30°48'54"
PC-12B	80.00'	15.45'	15.43'	N 11°06'03" E	11°04'03"



BENCHMARK #1
IRON ROD W/
CAP SET
ELEV. = 16.88'
LAT: 224,770.65
LON: 723,644.57

BENCHMARK #2
IRON ROD W/
CAP SET
ELEV. = 17.51'
LAT: 225,137.96
LON: 723,900.06

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
CALVERTON, MARYLAND (410) 543-8800
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

**PHASE 11 - STILL WATERS
THE PENINSULA ON THE INDIAN RIVER BAY
SUSSEX COUNTY, DELAWARE**

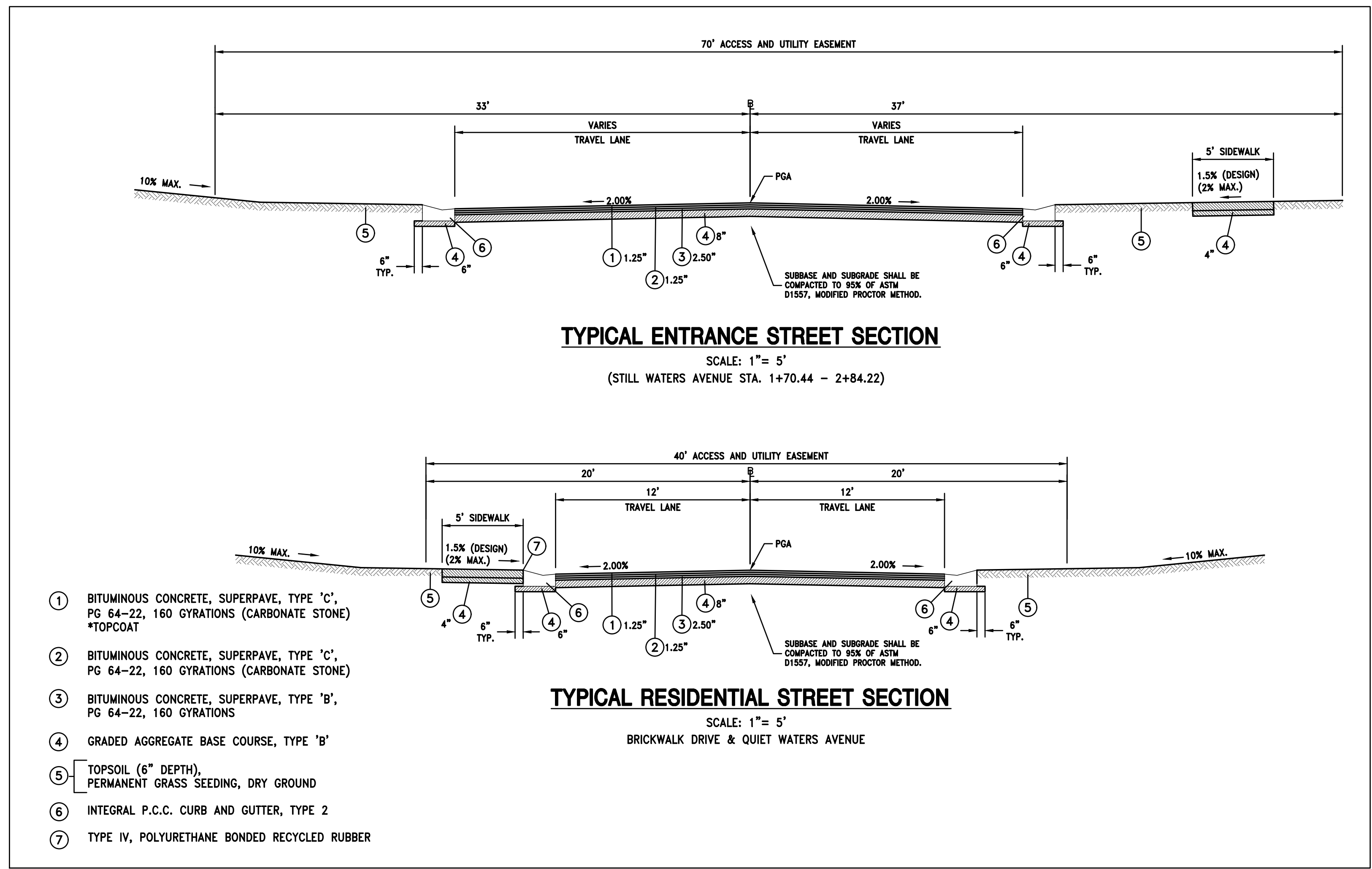
Revisions:
2022-03-23: SCD
2022-04-07: TUI
2022-04-12: SCD

Date: DECEMBER, 2021
Scale: 1" = 50'
Dwn.By: BJM
Proj.No.: 1319A052
Dwg.No.:

V-101



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P:\Ocean Atlantic\Stillwater\Design\1319A017 - RECORD PLAN TYPICAL SECTIONS.dwg, Apr 12, 2022 - 4:00pm BART

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 1000 MARKET STREET
 MILFORD, DELAWARE 19968
 (302) 424-1441
 (410) 770-4714

RECORD PLAN TYPICAL SECTIONS

**PHASE 11 - STILL WATERS
 THE PENINSULA ON THE INDIAN RIVER BAY
 SUSSEX COUNTY, DELAWARE**

Revisions:	SCD
2022-03-23:	TUI
2022-04-07:	SCF
2022-04-12:	SCD

Date:	DECEMBER, 2021
Scale:	1" = 5'
Dwn.By:	TCB
Proj.No.:	1319A052
Dwg.No.:	V-102

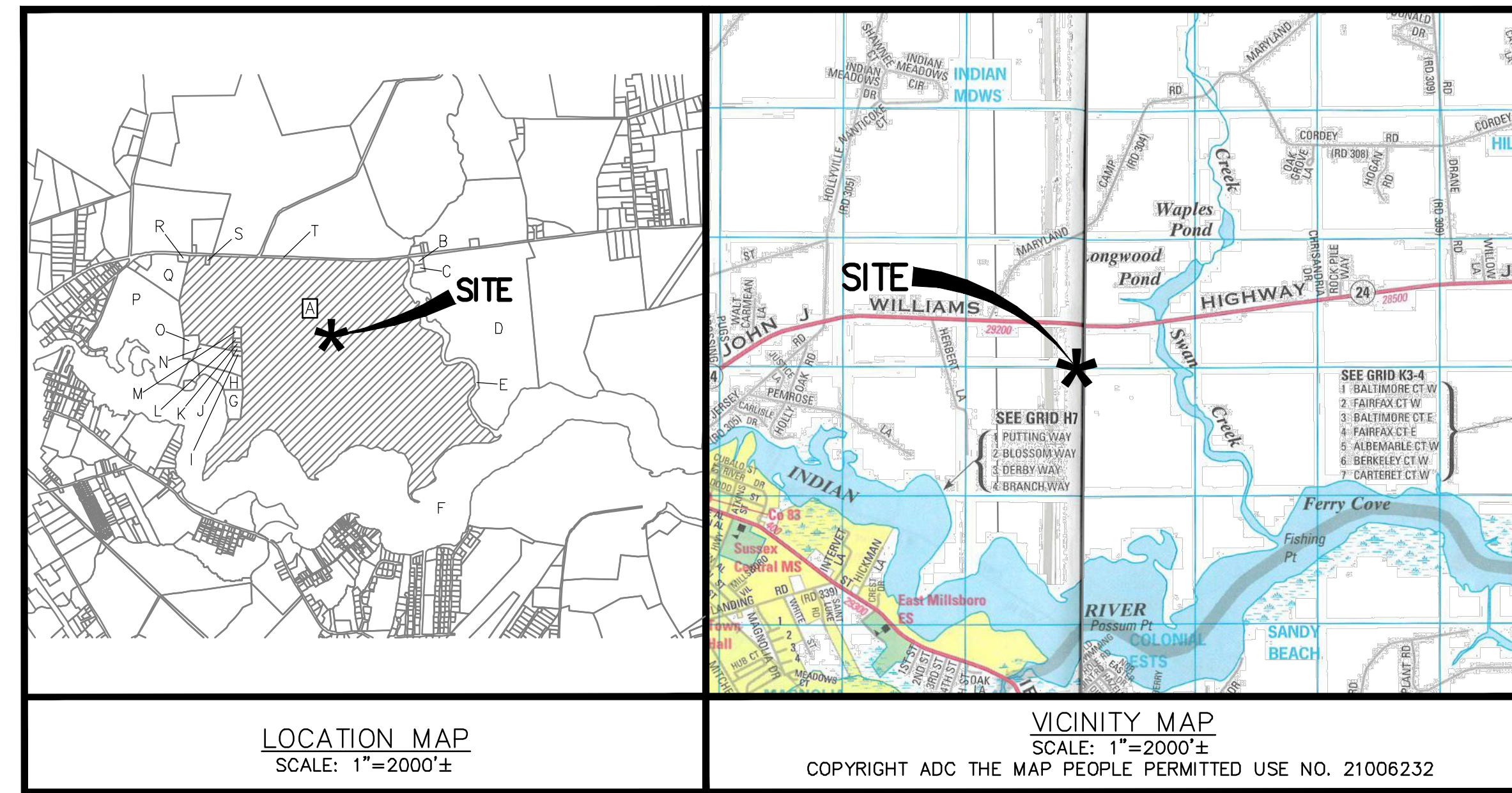


MASTER STORMWATER MANAGEMENT PLAN: WATER TREATMENT PLANT SUBMITTAL (WTP)

I, ROBERT S. KANE HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF DELAWARE, LICENSE NO. 13538, EXPIRATION DATE 06/30/2022.

SITE DATA

- OWNER REPRESENTATIVE/DEVELOPER:
MOUNTAIRE FARMS OF DELAWARE, INC.
SCOTT HEVNER
29005 JOHN J. WILLIAMS HIGHWAY
MILLSBORO, DE 19966
(302) 934-3092
SHEVNER@MOUNTAIRE.COM
- SITE WORK ENGINEER:
McCRONE
119 NAYLOR MILL ROAD, SUITE 3
SALISBURY, MD 21801
CONTACT: ROBERT KANE, P.E.
(410) 548-1492
FAX (410) 548-2055
- TAX MAP 234-32.00-117.00
TOTAL AREA = 639.00 AC ±
PROJECT AREA (NET DEVELOPMENT AREA) = 35.68 AC ±
DEED REF.: 2794/135
- CURRENT ZONING: HI-1 HEAVY INDUSTRIAL
- PROPERTY IS LOCATED IN FLOOD ZONE X (SHADED) - AREAS OF 0.5% ANNUAL CHANCE FLOOD PER FEMA FIRM MAP NUMBER 10005C0457K EFFECTIVE 3/16/2015.
- THE BOUNDARY SURVEY HEREON WAS BASED ON A PLAN ENTITLED "TOPO RECORD SURVEY FOR THE LANDS OF MOUNTAIRE FARMS OF DELAWARE, INC.", DATED NOVEMBER 21, 2018 AND PREPARED BY McCRONE AND RECORDED IN THE LAND RECORDS OF SUSSEX COUNTY, DELAWARE. HORIZONTAL DATUM IS DELAWARE STATE PLANE COORDINATE SYSTEM NAD 83/2007 AND VERTICAL DATUM IS NAVD 88.
- SOIL TYPE:
Psa - PEPPERBOX-ROSEDALE COMPLEX
- WATER FOR THE PROJECT SITE IS TO BE SUPPLIED BY ONSITE POTABLE WELLS.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- SETBACK REQUIREMENTS
FRONT YARD = 50'
SIDE YARD = 20'
REAR YARD = 20' OR 40' ADJACENT TO RESIDENTIAL PROPERTY
- GROUND WATER RECHARGE AREA IS MODERATELY WELL DRAINED.
- BUILDING/TANK HEIGHT:
WATER TREATMENT PLANT: 35'
250,000 GAL WATER TANK (2): 32'
500,000 GAL WATER TANK (2): 32'
CHEMICAL STORAGE TANKS (3): 15'
UF BACKWASH RECOVERY SYSTEM: 9'
MANGANESE GREENSAND BACKWASH RECOVERY TANK: 40'
- PARKING:
LOADING SPACES: (2) 12' X 40'
- NO WETLANDS ARE PRESENT WITHIN THE LOD OF THE PROJECT.
- THE PROJECT LOD IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
- IMPERVIOUS COVERAGE WITHIN LOD: ±2.31 AC/ 55%



PROPERTY OWNER DATA LEGEND

- A. MOUNTAIRE FARMS OF DELAWARE INC, TAX MAP 234-32.00-117.00; BOOK 2794 PAGE 135
- B. CLARK MAYOLA "FOR LIFE", TAX MAP: 234-33.00-8.00; BOOK 3996 PAGE 145
- C. CLARK MAYOLA "FOR LIFE", TAX MAP: 234-33.00-7.02; BOOK 3996 PAGE 145
- D. FERRY COVE LLC, TAX MAP: 234-33.00-8.00; BOOK 2889 PAGE 287
- E. SWAN CREEK
- F. INDIAN RIVER
- G. MOUNTAIRE FARMS OF DELAWARE INC, TAX MAP: 234-32.00-116.00; BOOK 2794 PAGE 135
- H. MURRAY RANDY K, TAX MAP: 234-32.00-115.00; BOOK 4711 PAGE 246
- I. TAYLOR PATSY & LINCOLN TAYLOR, TAX MAP: 234-32.00-114.00; BOOK 2062 PAGE 119
- J. BURTON FAY E, TAX MAP: 234-32.00-113.02; BOOK 2062 PAGE 214
- K. WISE PRESTON LEROY, TAX MAP: 234-32.00-113.03; BOOK 831 PAGE 12
- L. WISE MARTHA V JUNIOR LEE, TAX MAP: 234-32.00-113.00; BOOK 2638 PAGE 90
- M. REID DONNA M & JAMES A, TAX MAP: 234-32.00-113.04; BOOK 3569 PAGE 265
- N. MURRAY RANDY K, TAX MAP: 234-32.00-113.01; BOOK 4711 PAGE 240
- O. MURRAY RANDY K, TAX MAP: 234-32.00-111.00; BOOK 4711 PAGE 243
- P. J. Y. PARKER FAMILY LIMITED, TAX MAP: 234-32.00-110.00; BOOK 4488 PAGE 90
- Q. JOHNSON STANLEY L, TAX MAP: 234-32.00-109.00; BOOK 4860 PAGE 253
- R. JOHNSON ROBERT A, TAX MAP: 234-32.00-108.00; BOOK 4882 PAGE 347
- S. MOUNTAIRE FARMS OF DELAWARE INC, TAX MAP: 234-32.00-107.00; BOOK 2794 PAGE 135
- T. JOHN J WILLIAMS HIGHWAY

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- C2 GENERAL NOTES
- C3 OVERALL EXISTING CONDITIONS
- C4 OVERALL PROPOSED CONDITIONS
- C5 PRECONSTRUCTION DRAINAGE AREA MAP
- C6 POST CONSTRUCTION DRAINAGE AREA MAP
- C7 EXISTING CONDITIONS (WTP)
- C8 SITE & GRADING PLAN (WTP)
- C8.1 SITE PLAN DETAILS
- C9 EROSION & SEDIMENT CONTROL PLAN
- C9.1 EROSION & SEDIMENT CONTROL DETAILS
- C9.2 EROSION & SEDIMENT CONTROL DETAILS
- C10 POST CONSTRUCTION MANAGEMENT PLAN
- C10.1 POST CONSTRUCTION PROFILES
- C10.2 STORMWATER DETAILS
- C11 FIRE MARSHAL PLAN

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASEMENT LINE	---	---
SETBACK LINE	---	---
HIGH POINT LABEL	x HP: 100.01	x HP:
LOW POINT LABEL	x LP: 100.01	x LP: 100.01
SPOT ELEV. LABEL	x 100.01	x 100.01
FLOW ARROW	→	→
MAJOR CONTOUR	---25---	[25]
MINOR CONTOUR	---24---	[24]
EDGE OF GRAVEL	---	---
EDGE OF DIRT ROAD	---	---
GRAVEL HATCH	---	---
BUILDING OUTLINE	---	---
STORM PIPE	SD	SD
CATCH BASIN	---	---
STORM MANHOLE	---	---
GRAVEL PAVE	---	---
POND OUTLINE	---	---
ROAD CENTERLINE	---	---
IRRIGATION TRACK	---	---
LIMITS OF DISTURBANCE	---	---
LIMITS OF DISTURBANCE/SILT FENCE	---	---
SILT FENCE	---	---
STORM DRAIN INLET PROTECTION	---	---

REV. #	DATE	DESCRIPTION

McCRONE
ENGINEERS ■ SURVEYORS ■ PLANNERS
ANNAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY ■ DELAWARE

119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
(410) 548-1492

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www.mccrone-engineers.com

DATE:	04-18-2022
JOB NUMBER:	D2210032
SCALE:	NONE
DRAWN BY:	EC
DESIGNED BY:	EC
APPROVED BY:	RK
PHASE:	

OWNER / DEVELOPER CERTIFICATE

I HEREBY CERTIFY THAT THE CONSTRUCTION PLANS ARE BEING SUBMITTED WITH MY FULL KNOWLEDGE AND CONSENT AND IS IN ACCORDANCE WITH MY DESIRES AS OWNER / DEVELOPER.

NAME (PRINT) _____ TITLE _____

SIGNATURE _____ DATE _____

OWNER'S NAME: MOUNTAIRE FARMS OF DELAWARE, INC.
ADDRESS: 29005 JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
TELEPHONE: (302) 934-3092

SITE DESIGNER CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

ROBERT KANE, P.E. _____ DATE _____
McCRONE
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
PHONE # 410-548-1492
FAX # 410-548-2055

COVER SHEET
MASTER SWM PLAN
FOR
MOUNTAIRE FARMS OF DELAWARE, INC.
MILLSBORO FACILITY
MILLSBORO, SUSSEX COUNTY, DELAWARE
Prepared For: MOUNTAIRE FARMS OF DELAWARE, INC.

C:\MOUNTAIRE_MASTER\PC01_FLESC1_COVER.DWG - ELIZABETH_CELVO - 6/2/2022 1:24 PM

EXCAVATION AND EMBANKMENT:

- EXCAVATION AND EMBANKMENT SHALL CONSIST OF THE REMOVAL AND FINAL DISPOSAL, AS FURTHER SPECIFIED, OF ALL MATERIALS EXCEPT THOSE SPECIFIED UNDER CLEARING AND GRUBBING AND TRENCH EXCAVATION TAKEN FROM WITHIN THE LIMITS OF THE WORK CONTRACTED FOR AND NECESSARY FOR THE PREPARATION AND CONSTRUCTION OF VARIOUS ELEMENTS OF THE WORK, ON THE LINES AND GRADES SHOWN ON THE PLANS, PROFILES, AND CROSS-SECTIONS OR AS DIRECTED. IT SHALL INCLUDE THE GRADING AND COMPACTING OF THE EMBANKMENT, AND THE CLEANING AND SLOPING OF THE EMBANKMENT, AND CUT SLOPES TO THE REQUIRED LINES AND GRADES. EXCAVATION ALSO INCLUDES THE SALVAGING AND STOCKPILING OF TOPSOIL FOR REUSE, THE BACK FILLING OF AREAS WHEN UNSUITABLE MATERIAL HAS BEEN REMOVED, THE FINAL DRESSING OF THE SLOPES, DITCHES AND SHOULDERS, AND THE REMOVAL AND DISPOSAL OF ALL MATERIAL NOT OTHERWISE PROVIDED FOR SO THAT THE PROJECT WILL BE COMPLETED IN A NEAT AND WORKMANLIKE MANNER.
 - EXCAVATION SHALL BE MADE IN ACCORDANCE WITH THESE SPECIFICATIONS, CITY OF MILFORD & SCD STANDARDS AND SPECIFICATIONS AND IN REASONABLY CLOSE CONFORMITY WITH THE LINES, GRADES, AND TYPICAL CROSS-SECTIONS SHOWN ON THE PLANS OR ESTABLISHED BY THE ENGINEER, AND NO ALLOWANCE WILL BE MADE FOR MATERIAL EXCAVATED BEYOND OR BELOW SUCH LINES AND GRADES UNLESS IT HAS BEEN SO ORDERED. ALL SUITABLE MATERIAL REMOVED AS EXCAVATION SHALL BE USED IN THE FORMATION OF EMBANKMENTS, SLOPES, ETC., BEFORE SECURING OR HAULING ANY BORROW UNLESS SPECIFICALLY APPROVED BY THE SOIL ENGINEER. NO UNSUITABLE MATERIAL OF ANY DESCRIPTION WILL BE ALLOWED IN THE FORMATION OF EMBANKMENTS. ALL SLOPES OF CUTS AND EMBANKMENTS, DITCHES, WATERWAYS, SHALL BE CLEANED AND CLEARED OF OBSTRUCTION AND SHALL BE LEFT IN A NEAT AND TRIMMED CONDITION.
 - PRIOR TO THE GENERAL GRADING OPERATION, THE CONTRACTOR SHALL REMOVE TOPSOIL FROM AREAS AS REQUIRED FOR EACH PROJECT, AND STOCKPILE IT AS DESIGNATED ON THE PLANS FOR REUSE OF THE TOPSOIL IS SUITED FOR REUSE. SILT FENCE SHALL BE PLACED AROUND THE AREAS OF THE STOCKPILE.
 - COMPACTION SHALL BE ATTAINED BY APPROVED ROLLERS OR COMPACTORS. THE USE OF OTHER SUITABLE COMPACTION EQUIPMENT MAY BE APPROVED FOR WORK UNDER THIS SECTION PROVIDED SUCH EQUIPMENT IS CONSTRUCTED AND OPERATED SO THAT THE REQUIREMENTS OF THESE SPECIFICATIONS ARE FULLY MET.
 - COMPACTION OR ROLLING SHALL START AT THE EDGES AND PROGRESS TOWARD THE CENTER OF THE EMBANKMENT, AND SHALL CONTINUE UNTIL EACH LAYER IS THOROUGHLY AND UNIFORMLY COMPACTED TO THE FULL WIDTH OF THE EMBANKMENT AND TO 95% OR MORE OF THE LABORATORY MAXIMUM DENSITY ON THE SAME SOILS, AS DETERMINED BY THE STANDARD PROCTOR TEST AASHTO T99. ANY AREAS, ESPECIALLY IN SHARP DEPRESSIONS, TRENCH BACK FILLS, AND AROUND CULVERTS, INACCESSIBLE TO THESE METHODS OF COMPACTION SHALL BE BUILT IN CONTINUOUS HORIZONTAL LAYERS NOT MORE THAN 8" IN THICKNESS. LOOSE MEASUREMENT, AND SHALL BE THOROUGHLY TAMPED AND COMPACTED BY HAND OPERATED EQUIPMENT TO THE SPECIFIED DENSITY.
 - THE DETERMINATION OF COMPLIANCE WITH FIELD COMPACTION REQUIREMENTS AS SPECIFIED HEREIN SHALL BE IN ACCORDANCE WITH THE FOLLOWING AASHTO TEST METHODS:
 - AASHTO T 191, MODIFIED OR OTHER APPROVED METHOD: FIELD DENSITY TESTS WILL BE EXPRESSED AS A PERCENTAGE OF THE MAXIMUM DENSITY MADE ON THE SAME SOILS.
 - AASHTO T 99, METHOD C: DETERMINATION OF MAXIMUM DENSITY AND OPTIMUM MOISTURE CONTENT.
 - AASHTO T 224, MODIFIED: COARSE PARTICLE CORRECTION METHOD.
- THE MOISTURE CONTENT OF THE SOIL AT THE TIME OF COMPACTION SHALL BE WITHIN 2 PERCENTAGE POINTS OF THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY AASHTO T 99, METHOD C. IF THE MOISTURE CONTENT IS NOT WITHIN 2 PERCENTAGE POINTS OF OPTIMUM THE SOIL SHALL EITHER BE MOISTENED OR DRIED AND THOROUGHLY MIXED BEFORE COMPACTION.
- THE SUBGRADE SHALL BE PROPERLY SHAPED AND UNIFORMLY AND THOROUGHLY COMPACTED IN CONFORMITY WITH THE LINES AND GRADES AS SHOWN ON THE PLANS AND/OR AS ESTABLISHED IN THE FIELD BEFORE ANY SUBBASE, BASE OR SURFACING MATERIAL IS PLACED. THE SUBGRADE SHALL BE FREE FROM BOULDERS, LARGER ROCKS, MUCK, VEGETATION, OR OTHER MATERIALS THAT WOULD PROVE DETRIMENTAL TO THE ROAD. DEPRESSIONS THAT DEVELOP DURING THE ROLLING SHALL BE FILLED WITH SUITABLE MATERIAL AND THE SUBGRADE SHALL BE ROLLED UNTIL NO DEPRESSIONS DEVELOP. WHERE EXCAVATION TO THE FINISHED GRADED SECTION RESULTS IN A SUBGRADE OR SLOPES ON UNSUITABLE SOIL, THE GEOTECHNICAL ENGINEER MAY REQUIRE THE CONTRACTOR TO REMOVE THE UNSUITABLE MATERIALS AND BACK FILL TO THE FINISHED GRADED SECTION WITH APPROVED MATERIAL.
 - WHEN DIRECTED, TEST ROLLING SHALL BE PERFORMED UPON THE PREPARED SUBGRADE PRIOR TO THE PLACEMENT OF ANY BASE OR SUBBASE MATERIAL. TEST ROLLING SHALL BE PERFORMED WITH SELF-PROPELLED EQUIPMENT, WHICH SHALL BE OF THE SIZE, TYPE AND WEIGHT THAT WILL REVEAL ANY SOFT, YIELDING, OR SPONGY AREAS. THE EQUIPMENT SHALL BE RUN LONGITUDINALLY SO THAT THERE SHALL NOT BE OVER 18" OF UNROLLED AREA BETWEEN THE TIRE STRIPS. IF, IN THE OPINION OF THE GEOTECHNICAL ENGINEER, THERE ARE AREAS TO BE REMOVED OR UNDERCUT, THEY MAY BE ORDERED EXCAVATED AND REPLACED. HOWEVER, AS DETERMINED BY THE GEOTECHNICAL ENGINEER, AREAS THAT BECOME SOFT OR SPONGY DUE TO THE CONTRACTOR'S METHODS OF OPERATION SHALL BE REMOVED AND/OR REPAIRED AT THE CONTRACTOR'S EXPENSE.
 - THE SUBGRADE MUST BE MAINTAINED IN SUCH CONDITION THAT IT WILL DRAIN. ALL FACILITIES NECESSARY FOR COMPLETE DRAINAGE OF THE CONSTRUCTION AREAS SHALL BE PROVIDED AND MAINTAINED BY THE CONTRACTOR. IN NO CASE SHALL VEHICLES BE ALLOWED TO TRAVEL IN A SINGLE TRACK AND FORM RUTS IN THE SUBGRADE, AND IF ANY SHARP IRREGULARITIES ARE FORMED, THE SUBGRADE SHALL BE SCARIFIED AND RECOMPACTED.
 - APPROVAL OF SUBGRADES - NO SUBBASE OR BASE MATERIALS SHALL BE PLACED UNTIL THE SUBGRADE HAS BEEN APPROVED, BY A LICENSED SOILS ENGINEER AND THE CITY OF MILFORD INSPECTOR.
 - ALL SURPLUS MATERIALS EXCAVATED AND SUITABLE WASTE OF EVERY DESCRIPTION SHALL BE USED IN OR TO WIDEN EMBANKMENTS, FLATTEN SLIDE SLOPES, OR BE DEPOSITED IN SUCH PLACES AS MAY BE DIRECTED; OR THIS MATERIAL AND ALL OTHER MATERIALS NOT PERMITTED IN THE EMBANKMENTS, ETC., SHALL BE HAULED FROM WITHIN THE LIMITS OF THE SITE AND DISPOSED OF AS PER STATE, FEDERAL AND LOCAL CRITERIA.

SITE BENCHMARKS

BENCHMARK - BM-9 CAPPED PIPE PHASE 1 NORTHING - 216113.0130 EASTING - 701646.9800 ELEV - 27.8950	BENCHMARK - BM-5 MAG NAIL PHASE 1 NORTHING - 217936.2080 EASTING - 700114.3130 ELEV - 22.2330
BENCHMARK - BM-8 SPIKE PHASE 1 NORTHING - 216682.3400 EASTING - 701309.7560 ELEV - 27.9210	BENCHMARK - BM-4 MAG NAIL PHASE 1 & 2 NORTHING - 218340.3750 EASTING - 700287.5390 ELEV - 20.0820
BENCHMARK - BM-7 X-MARK PHASE 1 NORTHING - 216880.1250 EASTING - 701104.5810 ELEV - 19.43	BENCHMARK - BM-3 MAG NAIL PHASE 3 NORTHING - 218896.4250 EASTING - 699426.6640 ELEV - 21.1260
BENCHMARK - BM-6 NAIL PHASE 1 NORTHING - 217500.4520 EASTING - 700898.0600 ELEV - 21.3890	BENCHMARK - BM-2 CAPPED PIPE PHASE 3 NORTHING - 218965.5260 EASTING - 698519.1790 ELEV - 22.0880
	BENCHMARK - BM-1 CAPPED PIPE PHASE 3 NORTHING - 219005.9510 EASTING - 697278.2410 ELEV - 22.7620

CONSTRUCTION NOTES:

- THESE DRAWINGS SHOW INFORMATION OBTAINED FROM THE AVAILABLE RECORDS REGARDING PIPES, CONDUITS, TELEPHONE LINES, AND OTHER STRUCTURES AND CONDITIONS WHICH EXIST ALONG THE LINES OF WORK AT AND BELOW THE SURFACE OF THE GROUND. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITIES FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION BEING SHOWN ONLY FOR THE CONVENIENCE OF THE CONTRACTOR WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, TELEPHONE LINES AND OTHER STRUCTURES.
- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, THE LOCAL BUILDING CODES AND REGULATIONS.
- WATER LINES WILL BE INSTALLED AT A DEPTH THAT WILL PROVIDE 36" MIN. COVER OVER THE PIPES BELOW PROPOSED GRADE UNLESS SHOWN OTHERWISE ON THESE PLANS OR DIRECTED OTHERWISE BY THE ENGINEER IN THE FIELD.
- ALL DISTURBED AREAS SHALL BE SMOOTHLY GRADED TO PROMOTE POSITIVE DRAINAGE AND STABILIZED WITH SOD OR TOPSOIL, SEED AND MULCH. IF SETTLEMENT OCCURS, TOPSOIL, SEEDING AND MULCH SHALL BE REPEATED UNTIL SETTLEMENT SUBSIDES. (SEE EROSION AND SEDIMENT CONTROL DETAILS AND SPECIFICATIONS.)
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL COORDINATE ALL CONSTRUCTION PHASES WITH THEM:

McCRONE	1-410-548-1492
MISS UTILITIES	1-800-282-8555
SUSSEX COUNTY CONSERVATION DISTRICT	1-302-856-2105
- SHOULD ANY DAMAGE OCCUR TO EXISTING UTILITIES, IT SHALL BE REPAIRED SOLELY AT THE CONTRACTOR'S EXPENSE.
- ALL DRAINAGE STRUCTURES AND TRENCHES SHALL REMAIN FUNCTIONAL DURING CONSTRUCTION.
- THE OWNER IS RESPONSIBLE FOR THE ACQUISITION OF ALL EASEMENTS, BOTH TEMPORARY AND PERMANENT.
- ALL WATER VALVES, BOXES AND HYDRANTS SHALL BE SET AND ADJUSTED TO FINISHED GRADE.
- TRENCHES SHALL NOT REMAIN OPEN OVERNIGHT WITHOUT CITY APPROVAL. IF IT IS NECESSARY FOR TRENCHES TO REMAIN OPEN, STEEL PLATES CAPABLE OF BEARING TRAFFIC SHALL BE USED TO COMPLETELY COVER THE TRENCH OPENINGS.
- WHEN IT IS IMPOSSIBLE TO OBTAIN THE MINIMAL 10 FOOT HORIZONTAL AND/OR 18 INCH VERTICAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER, THE OFFICE OF DRINKING WATER MUST SPECIFICALLY APPROVE ANY VARIANCE SUPPORTED BY DATA FROM THE DESIGN ENGINEER.
- WHEREVER SEWER OR WATER MAINS OR SERVICES RUN PARALLEL TO EACH OTHER, A MINIMUM HORIZONTAL SEPARATION OF 10' SHALL BE PROVIDED.
- THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS.
- ANY PROPERTY LINE MONUMENTATION DISTURBED DURING CONSTRUCTION SHALL BE REPLACED SOLELY AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL VERIFY EXISTING INVERTS PRIOR TO CONSTRUCTION OF UNDERGROUND UTILITIES. TEST PITTING OF EXISTING LINES PRIOR TO CONSTRUCTION, IF NECESSARY, SHALL BE COORDINATED WITH THE OWNER.
- ALL EXISTING UTILITIES SHALL REMAIN UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL VERIFY HORIZONTAL AND VERTICAL SURVEY CONTROL PRIOR TO STAKING OUT FOR CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH WORK.
- SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
- UTILITY GROUND SURFACE PROFILES, MANHOLE, CLEANOUT TOP ELEVATIONS, ETC., AND CROSSING PIPE ELEVATIONS ARE APPROXIMATE. REFER TO GRADING PLANS FOR GROUND SURFACE ELEVATIONS. INSTALL RIMS, LIDS, ETC. FLUSH WITH FINAL GRADE.
- THE CONTRACTOR SHALL PROVIDE CONSTRUCTION STAKEOUT SERVICES BY A QUALIFIED, INDEPENDENT, LICENSED DELAWARE PROFESSIONAL LAND SURVEYOR. THE ENGINEER OF RECORD IS RESPONSIBLE FOR THE SUSSEX CONSERVATION DISTRICT AND STORM WATER MANAGEMENT RECORD DRAWINGS.
- SHOULD ANY WORDS OR NUMBERS THAT ARE NECESSARY FOR A CLEAR UNDERSTANDING OF THE WORK BE ILLEGIBLE OR OMITTED, OR SHOULD AN ERROR OR DISCREPANCY OCCUR IN ANY OF THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOT PROCEED WITH THAT PORTION OF THE WORK UNTIL CLARIFICATION IS RECEIVED. IN THE EVENT THE CONTRACTOR PROCEEDS WITHOUT SO NOTIFYING THE ENGINEER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF CORRECTING SAME, INCLUDING ANY RESULTING DAMAGE.
- THE CONTRACTOR ACKNOWLEDGES AND WARRANTS THAT THEY HAVE CLOSELY EXAMINED ALL THE CONTRACT DOCUMENTS, THAT THEY ARE SUITABLE AND SUFFICIENT TO ENABLE THE CONTRACTOR TO COMPLETE THE WORK IN A TIMELY MANNER FOR THE CONTRACT SUM, AND THAT THEY INCLUDE ALL WORK, WHETHER OR NOT SHOWN OR DESCRIBED WHICH REASONABLY MAY BE INFERRED TO BE REQUIRED OR USEFUL OF THE COMPLETION OF THE WORK IN FULL COMPLIANCE WITH ALL APPLICABLE CODES, LAWS, ORDINANCES AND RESOLUTIONS.

SEDIMENT AND STORMWATER CONSTRUCTION NOTES:

- THE DNREC SEDIMENT AND STORMWATER MANAGEMENT PROGRAM MUST BE NOTIFIED IN WRITING FIVE (5) DAYS PRIOR TO COMMENCING WITH CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
- REVIEW AND OR APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE SEDIMENT AND STORMWATER REGULATIONS, NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY DNREC.
- FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED FOR ALL PERIMETER SEDIMENT CONTROLS, SOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WITHIN 14 CALENDAR DAYS UNLESS MORE RESTRICTIVE FEDERAL REQUIREMENTS APPLY.
- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- AT ANY TIME A DEWATERING OPERATION IS USED, IT SHALL BE PREVIOUSLY APPROVED BY THE AGENCY CONSTRUCTION SITE REVIEWER FOR A NON-EROSIVE POINT OF DISCHARGE, AND A DEWATERING PERMIT SHALL BE APPROVED BY THE DNREC WELL PERMITTING BRANCH.
- APPROVED PLANS REMAIN VALID FOR 5 YEARS FROM THE DATE OF APPROVAL.
- POST CONSTRUCTION VERIFICATION DRAWINGS ARE TO BE SUBMITTED TO THE DISTRICT WITHIN 60-DAYS OF STORMWATER MANAGEMENT FACILITY COMPLETION.
- APPROVAL OF A SEDIMENT AND STORMWATER PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
- THE NOTICE OF INTENT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER A NPDES GENERAL PERMIT FOR THIS PROJECT HAS BEEN SUBMITTED FOR APPROVAL. AT ANY TIME THE OWNERSHIP FOR THIS PROJECT CHANGES, A TRANSFER OF AUTHORIZATION OR A CO-PERMITTEE APPLICATION MUST BE SUBMITTED TO DNREC. THE PERMITTEE OF RECORD SHALL NOT BE RELIEVED OF THEIR RESPONSIBILITIES UNTIL A NOTICE OF TERMINATION HAS BEEN PROCESSED BY DNREC.
- THE OWNER SHALL BE FAMILIAR WITH AND COMPLY WITH ALL ASPECTS OF THE NPDES CONSTRUCTION GENERAL PERMIT NO# _____, INCLUDING, BUT NOT LIMITED TO, PERFORMING WEEKLY SITE INSPECTIONS DURING CONSTRUCTION AND AFTER RAIN EVENTS, AND MAINTAINING WRITTEN LOGS OF THESE INSPECTIONS.
- BEFORE ANY EARTHWORK OR EXCAVATION TAKES PLACE, THE CONTRACTOR SHALL CALL MISS UTILITY AT 811 OR 1.800.282.8555 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION, TO HAVE ALL EXISTING UTILITIES MARKED ONSITE.
- THE CONTRACTOR SHALL AT ALL TIMES PROTECT AGAINST SEDIMENT OF DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SIDE. PERIMETER CONTROLS SHALL BE CHECKED DAILY AND ADJUSTED AND/OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENT FROM LEAVING THE SITE. ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT HAS REACHED HALF OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR ALTER MEASURES IN TIMES OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY SITE REVIEWER.
- BEST AVAILABLE TECHNOLOGY (BAT) SHALL BE EMPLOYED TO MANAGE TURBID DISCHARGES IN ACCORDANCE WITH REQUIREMENTS OF 7. DEL C. CH 60, REGULATIONS GOVERNING THE CONTROL OF WATER POLLUTION, SECTION 9.1.02, KNOWN AS SPECIAL CONDITIONS FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES AND DEPARTMENT POLICIES, PROCEDURES, AND GUIDANCE.
- DOCUMENTATION OF SOIL TESTING AND MATERIALS USED FOR TEMPORARY OR PERMANENT STABILIZATION INCLUDING BUT NOT LIMITED TO SOIL TEST RESULTS, SEED TAGS, SOIL AMENDMENT TAGS, ETC. SHALL BE PROVIDED TO THE DEPARTMENT OR DELEGATED AGENCY TO VERIFY THAT THE PERMANENT OR TEMPORARY STABILIZATION HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLAN AND THE STANDARDS AND SPECIFICATIONS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION. THE DEPARTMENT OF THE DELEGATED AGENCY SHALL HAVE THE DISCRETION TO REQUIRE ADDITIONAL SOIL TESTING AND REAPPLICATION OF PERMANENT OR TEMPORARY STABILIZATION IN ACCORDANCE WITH THE SPECIFICATION PROVIDED WITHIN THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.

I ROBERT S. KANE HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF DELAWARE, LICENSE NO. 13538, EXPIRATION DATE 06/30/2022.

REVISIONS	
REV. #	DESCRIPTION

McCRONE
ENGINEERS • SURVEYORS • PLANNERS
ANNAPOLIS • CENTREVILLE • ELKTON • SALISBURY • DELAWARE

115 WALKER ROAD, SUITE 6
SALISBURY, MD 21781
410-548-1492

www.mccrone-engineers.com

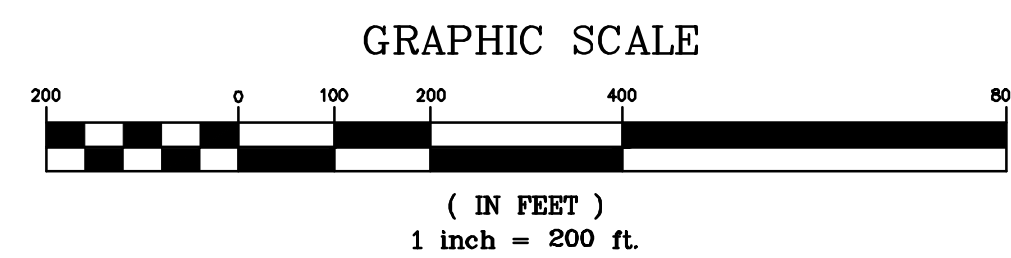
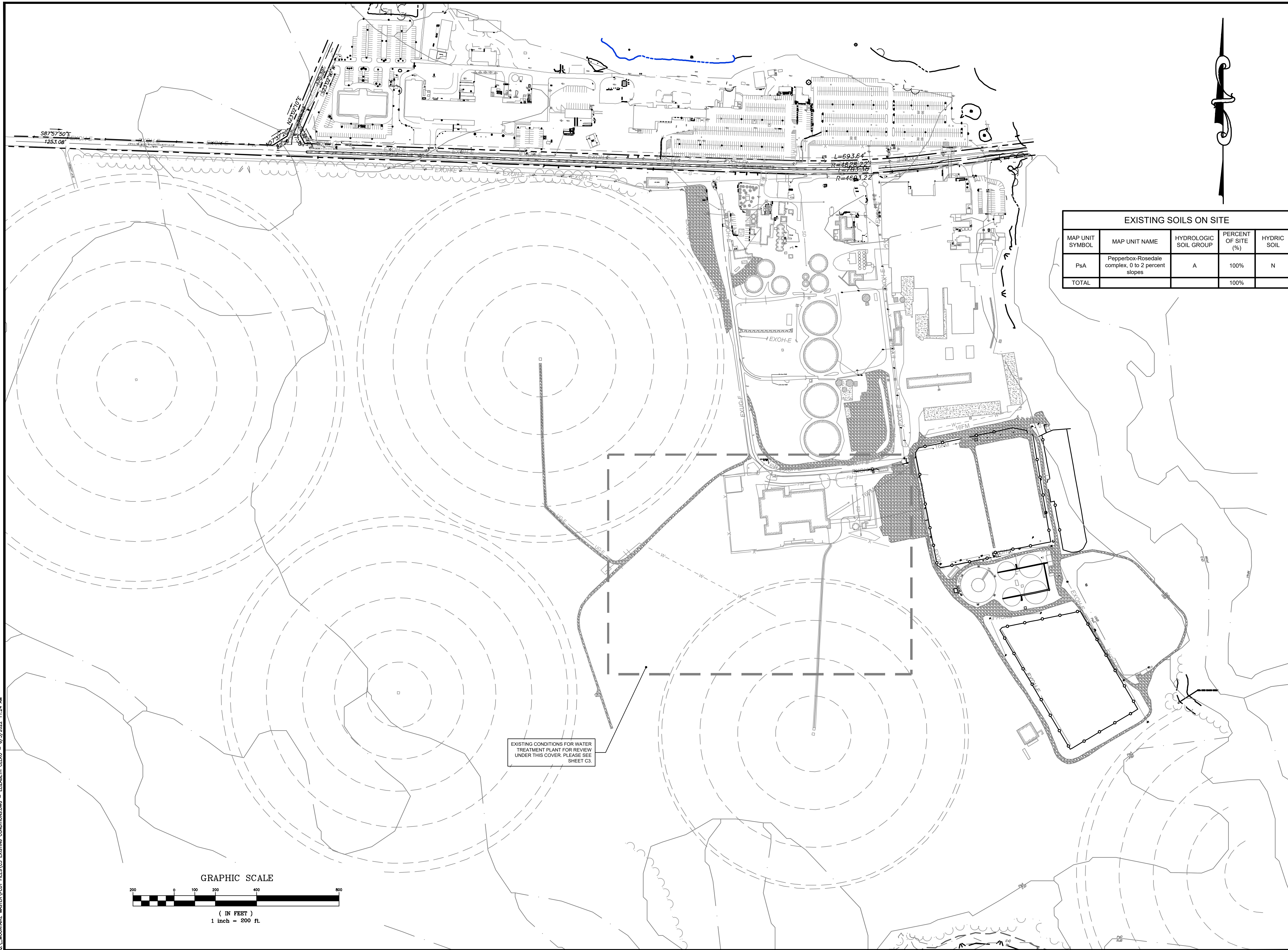
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DATE:	04-18-2022
JOB NUMBER:	D2210032
SCALE:	NONE
DRAWN BY:	EC
DESIGNED BY:	EC
APPROVED BY:	
PHASE:	RK

GENERAL NOTES
MASTER SWM PLAN
FOR
MOUNTAINE FARMS OF DELAWARE, INC.
MILLSBORO FACILITY
MILLSBORO, SUSSEX COUNTY, DELAWARE
Prepared For: MOUNTAINE FARMS OF DELAWARE, INC.

C:\MOUNTAINE MASTER\PROJECT FILES\GENERAL NOTES.DWG - ELIZABETH_GELBO - 4/18/2022 11:24 AM

C:\MOUNTAINE MASTER\PL01 FILES\C3 EXISTING CONDITIONS.DWG - ELIZABETH CELVO - 6/7/2022 11:24 AM



EXISTING SOILS ON SITE				
MAP UNIT SYMBOL	MAP UNIT NAME	HYDROLOGIC SOIL GROUP	PERCENT OF SITE (%)	HYDRIC SOIL
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	A	100%	N
TOTAL			100%	



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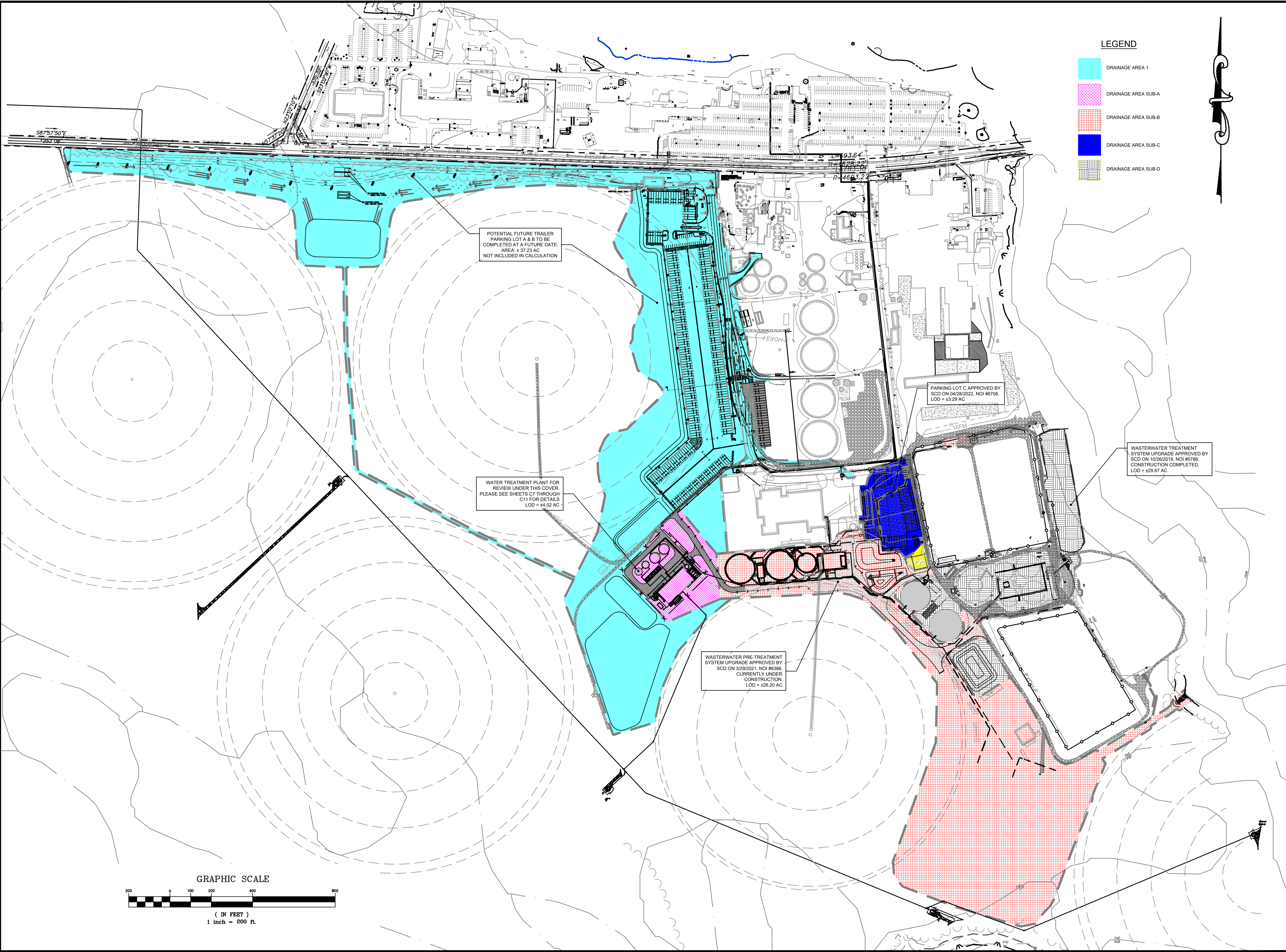
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SCALE:	1" = 200'
DRAWN BY:	EC
DESIGNED BY:	EC
APPROVED BY:	RK
PHASE:	

OVERALL EXISTING CONDITIONS
MASTER SWM PLAN
 FOR
MOUNTAINE FARMS OF DELAWARE, INC.
MILLSBORO FACILITY
 MILLSBORO, SUSSEX COUNTY, DELAWARE
 Prepared For: MOUNTAINE FARMS OF DELAWARE, INC.

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REV. #	DATE	DESCRIPTION

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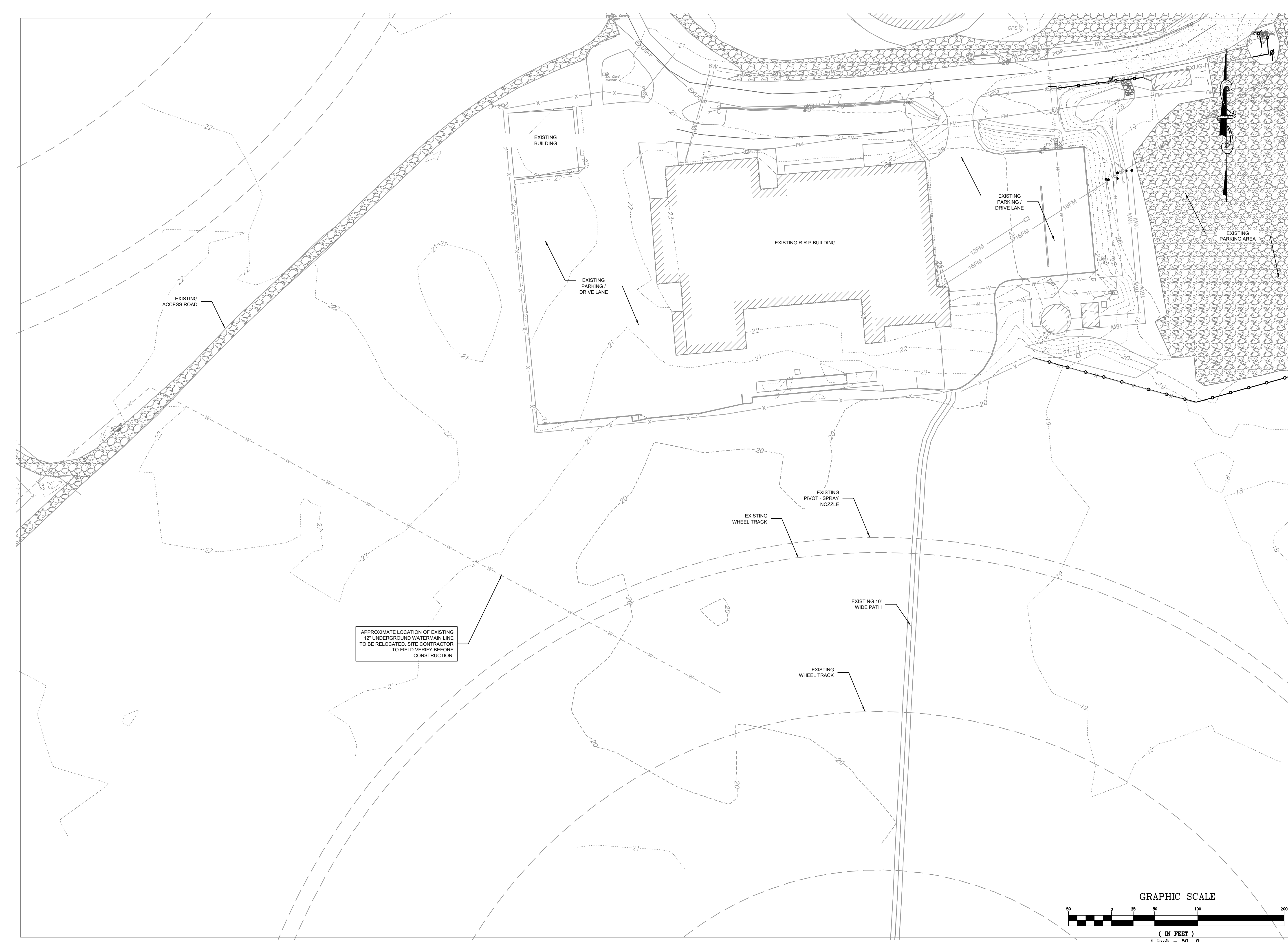
119 W. MARKET STREET, SUITE 6
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 (410) 541-1402
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DATE:	04-18-2022
JOB NUMBER:	D2210032
SCALE:	1" = 200'
DRAWN BY:	EC
DESIGNED BY:	EC
APPROVED BY:	RK
PHASE:	

OVERALL PROPOSED CONDITIONS
MASTER SWM PLAN
 FOR
MOUNTAINE FARMS OF DELAWARE, INC.
MILLSBORO FACILITY
 MILLSBORO, SUSSEX COUNTY, DELAWARE
 Prepared For: MOUNTAINE FARMS OF DELAWARE, INC.

SHEET NO.: **C4**

PLOT CODE: PERM-WHITE 208 INCHES (1.0mm)
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 PERM-WHITE 208 INCHES (1.0mm)
 PERM-WHITE 208 INCHES (1.0mm)



NO.	REVISIONS	DATE

BEARING
CONSTRUCTION CO.

805 SHINE SMITH RD
SUDLERSVILLE, MARYLAND 21168
TEL(410) 356-6100 FAX(410) 356-6574

GMB
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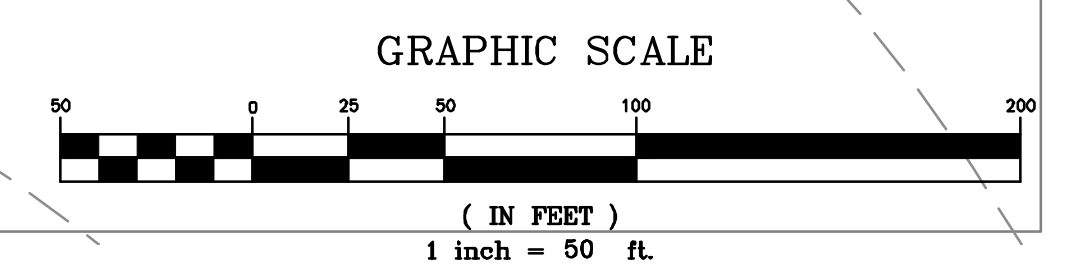
EXISTING CONDITIONS (WTP)
MONTAIRE WATER
TREATMENT PLANT
DESIGN-BUILD
MILLSBORO, DELAWARE

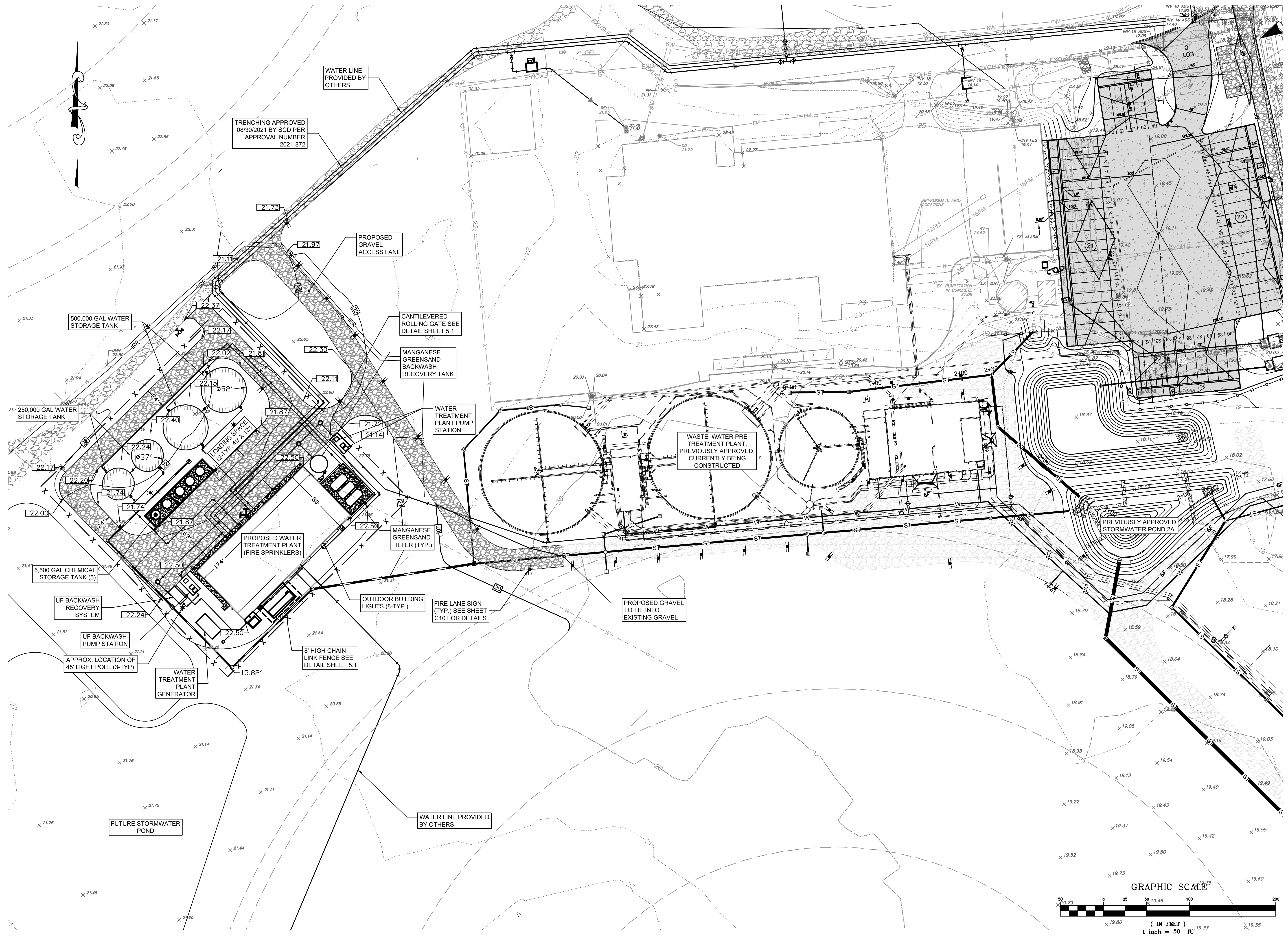
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I, ROBERT S. KANE, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF DELAWARE, LICENSE NO. 13538, EXPIRATION DATE 06/30/2022.

SCALE : 1"=50'
DESIGN BY : RC
DRAWN BY : RC
CHECKED BY : RK
GMB FILE :
DATE : 07/01/21

SHEET NO.
C7





NO.	REVISIONS	DATE

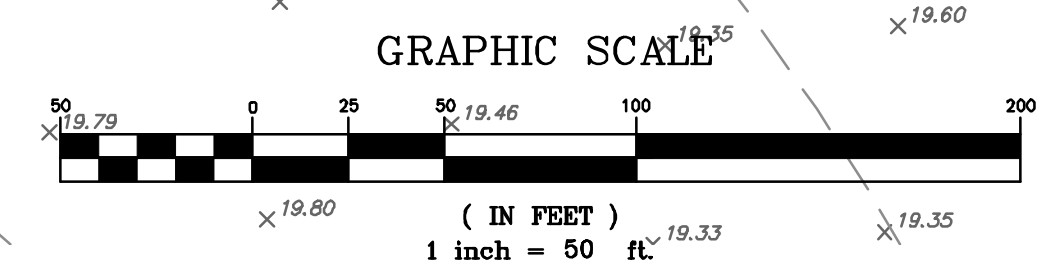


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SITE & GRADING PLAN (WTP)
 MOUNTAIRE WATER TREATMENT PLANT
 DESIGN-BUILD
 MILLSBORO, DELAWARE

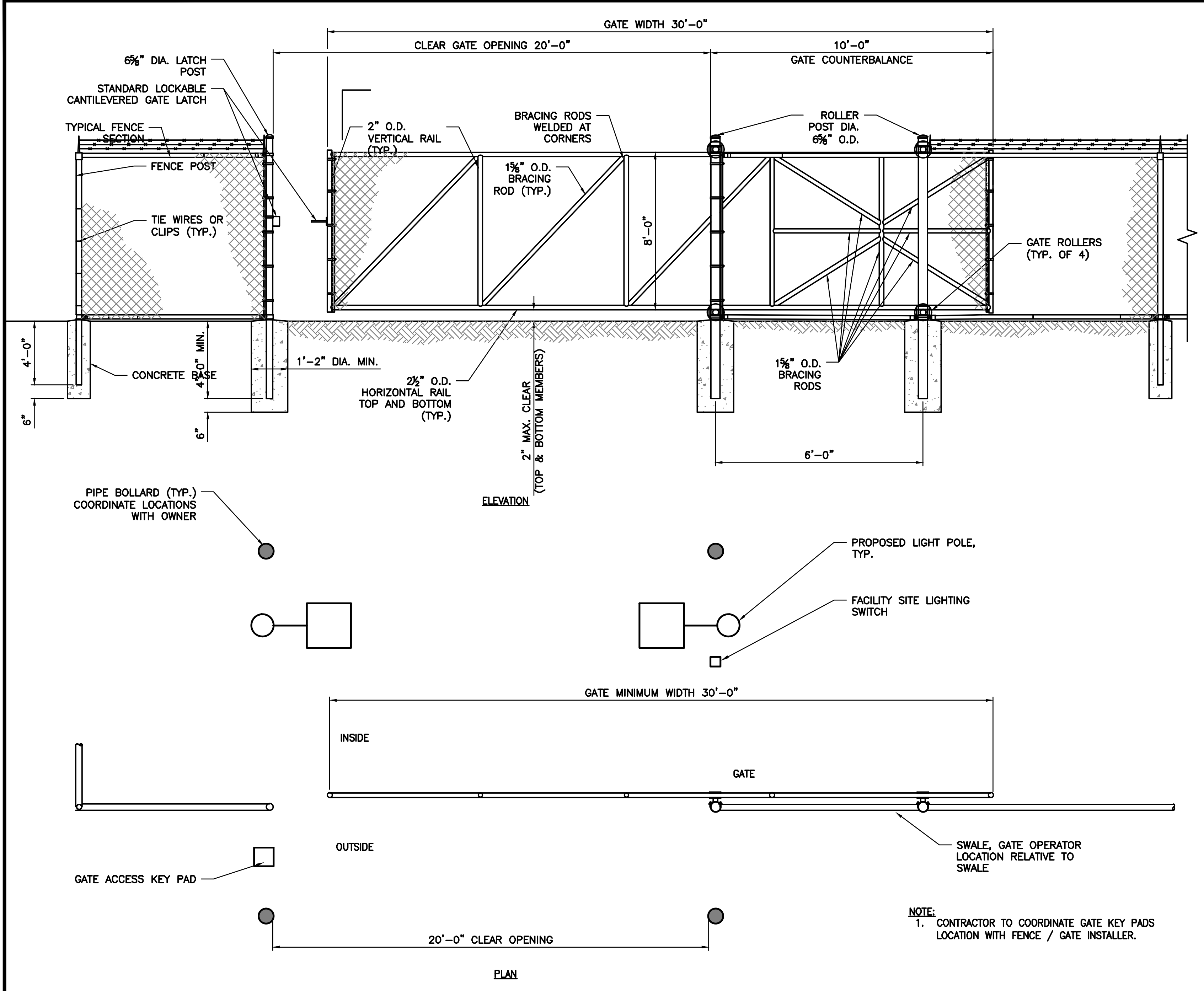
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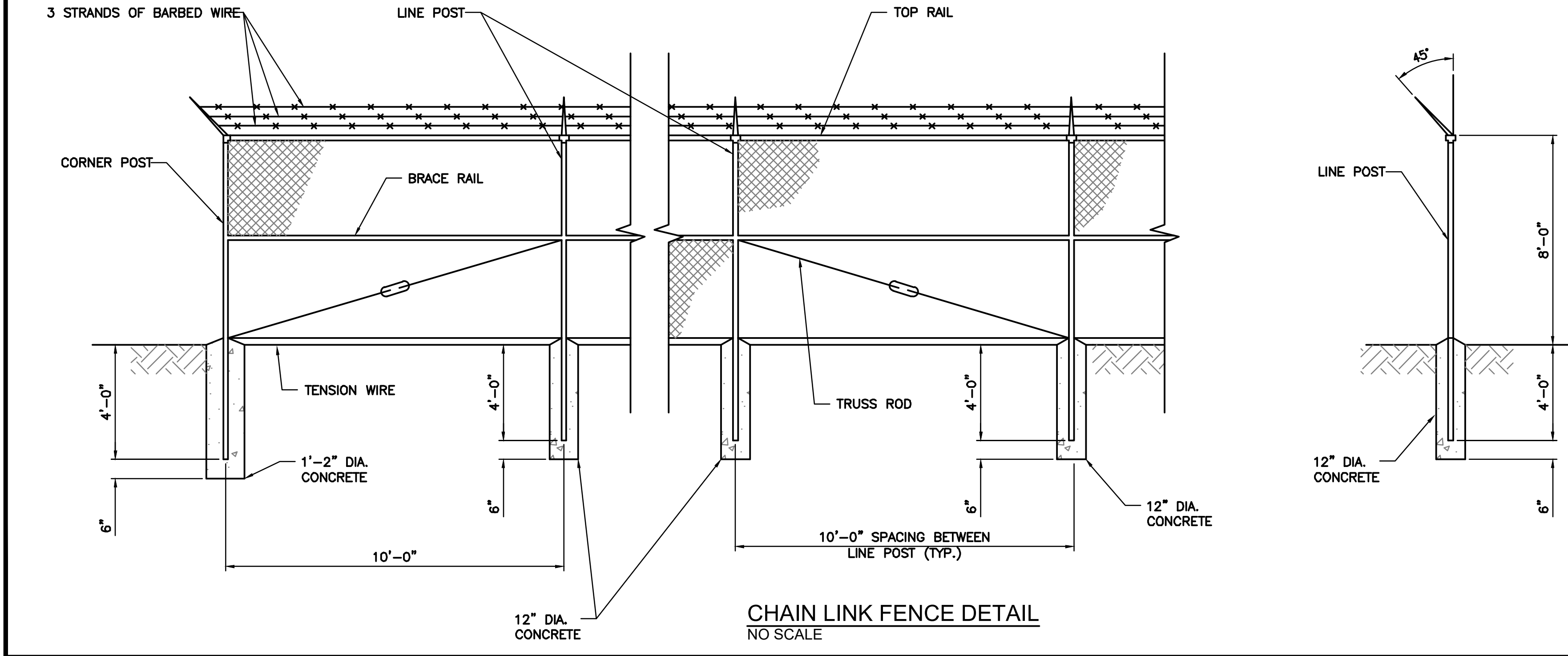
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DATE	: 07/01/21	

PLOT CODE: PLOT SIZE: 214 INCHES (54mm) PLOT: RED 208 INCHES (53mm) PLOT: BLUE 207 INCHES (53mm) PLOT: GREEN 207 INCHES (53mm) PLOT: YELLOW 207 INCHES (53mm) PLOT: WHITE 208 INCHES (53mm)



NOTE:
1. CONTRACTOR TO COORDINATE GATE KEY PADS LOCATION WITH FENCE / GATE INSTALLER.

CANTILEVERED ROLLING GATE FENCE DETAIL
NO SCALE



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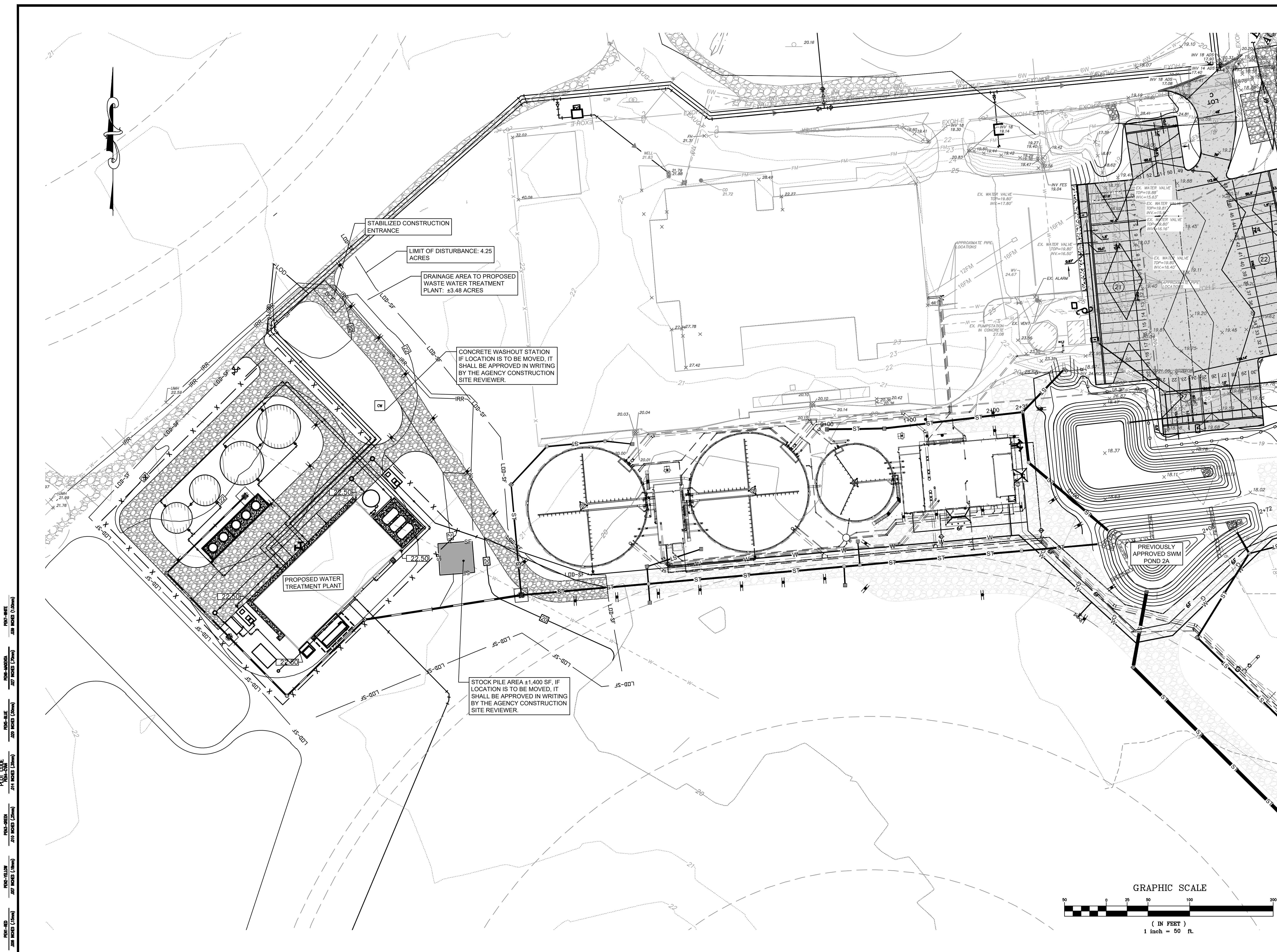
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SITE PLAN DETAILS
MOUNTAINE WATER
TREATMENT PLANT
DESIGN-BUILD
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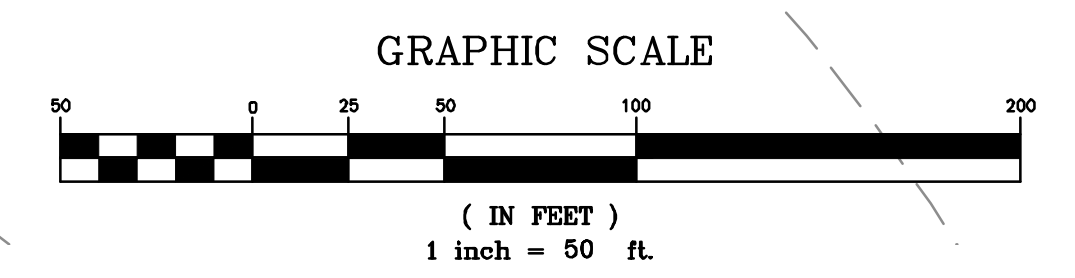
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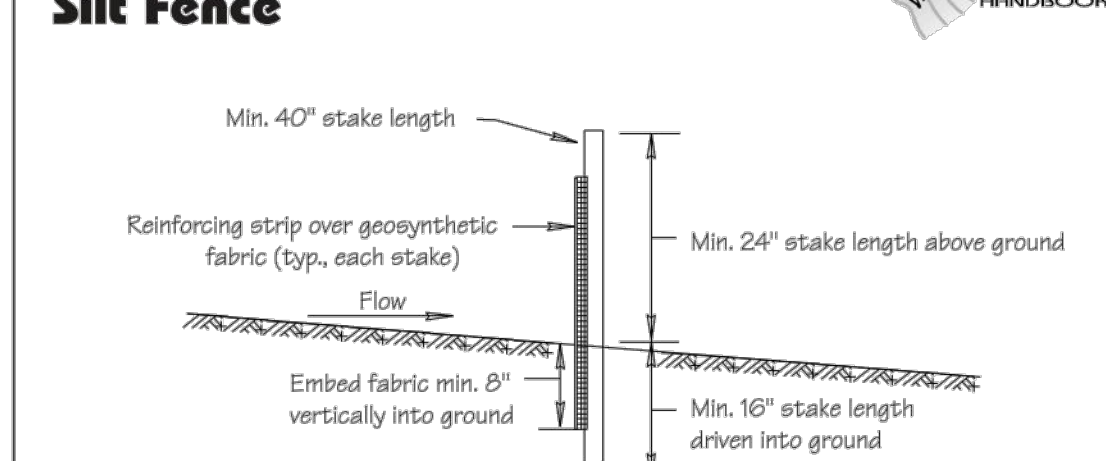
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SCALE : 1"=50'	SHEET NO. C9
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DATE : 07/01/21	

PLOT CODE: 200 INCHES (1.0mm)
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Standard Detail & Specifications Silt Fence



Section

Min. 40" stake length

Reinforcing strip over geosynthetic fabric (typ., each stake)

Min. 24" stake length above ground

Min. 16" stake length driven into ground

Embed fabric min. 8" vertically into ground

Plan

Ends placed upslope to contain runoff

6' Max.

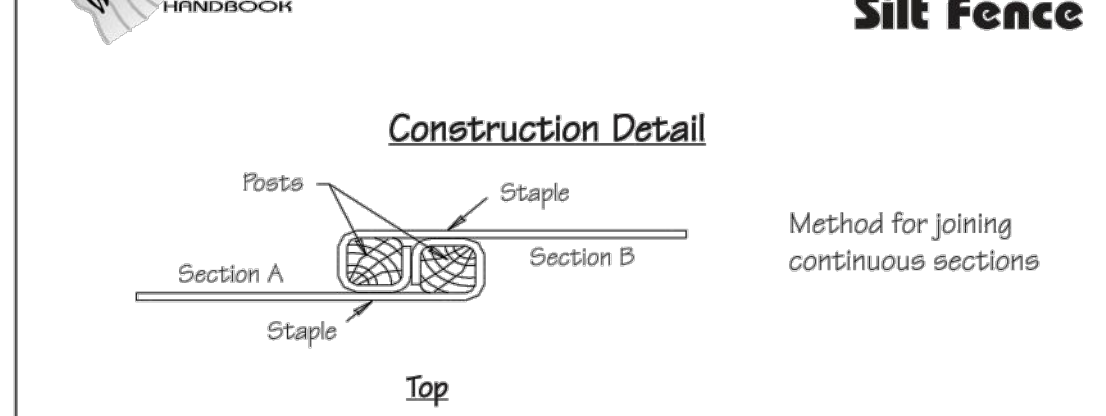
2" x 2" wooden post (Typ.)

DATA: Max. controlled slope

Source: Adapted from MD Sids. & Specs. for ESC	Symbol: SF	Detail No. DE-ESC-3.1.2.1 Sheet 1 of 2
--	-------------------	--

1 Effective February 2019

Standard Detail & Specifications Silt Fence



Construction Notes:

- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
- When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
- Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

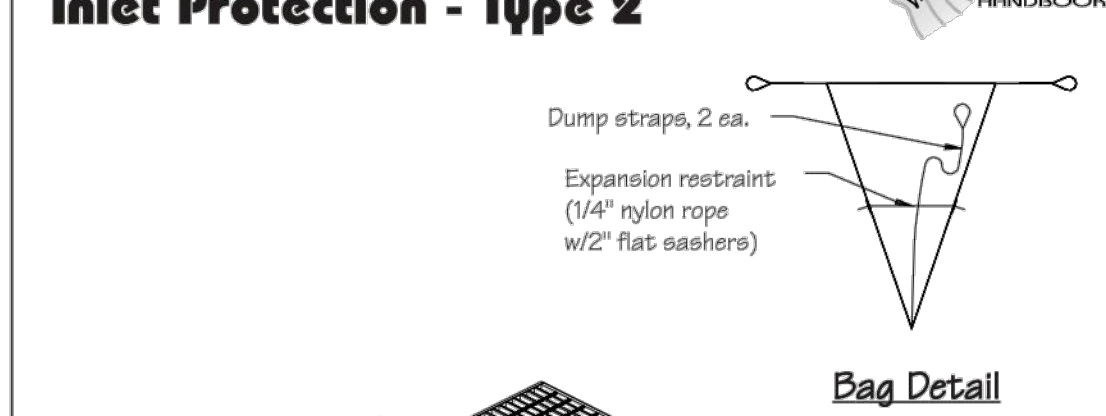
Materials:

- Stakes: Steel (either T or U) or 2" x 2" hardwood
- Geosynthetic Fabric: Type GD-I
- Reinforcing strip: Wooden lath or plastic strip

Source: Adapted from MD Sids. & Specs. for ESC	Symbol: SF	Detail No. DE-ESC-3.1.2.1 Sheet 2 of 2
--	-------------------	--

2 Effective February 2019

Standard Detail & Specifications Inlet Protection - Type 2



Bag Detail

Dump straps, 2 ea.

Expansion restraint (1/4" nylon rope w/2" flat washers)

Dump strap

1" rebar for bag removal from inlet

GD-III geotextile inlet insert

DEPTH = D

WIDTH = W

NOTE: Pre-manufactured products installed in accordance with manufacturer's recommendations may be used as an equivalent substitute with Departmental approval.

Perspective

Source: Adapted from ACF Products, Inc.	Symbol: IP-2	Detail No. DE-ESC-3.1.5.2 Sheet 1 of 2
---	---------------------	--

3 Effective February 2019

Standard Detail & Specifications Inlet Protection - Type 2

Notes:

- This practice shall only be used in situations in which Inlet Protection - Type 1 cannot be used due to site constraints. These include, but are not limited to partially completed parking areas, streets, roads, etc.
- It may be necessary to transition from Type 1 to Type 2 Inlet Protection as construction proceeds.
- For areas where there is a concern for oil run-off or spills, insert shall meet one of the above specifications with an oil-absorbent pillow or shall be made completely from an oil-absorbent material with a woven pillow.

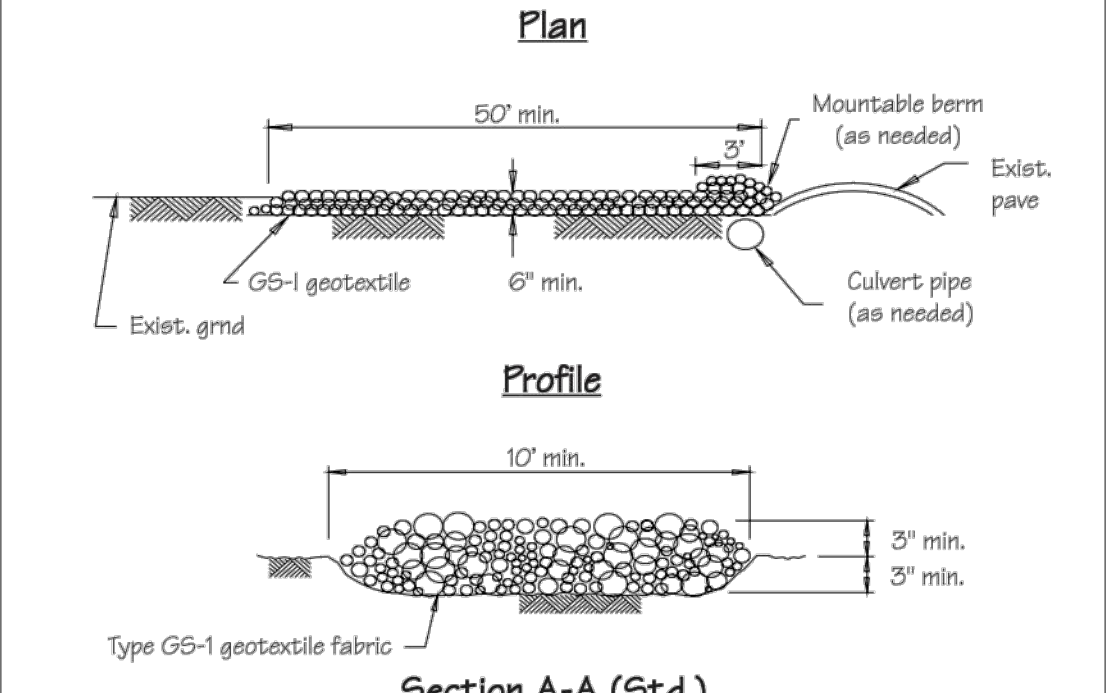
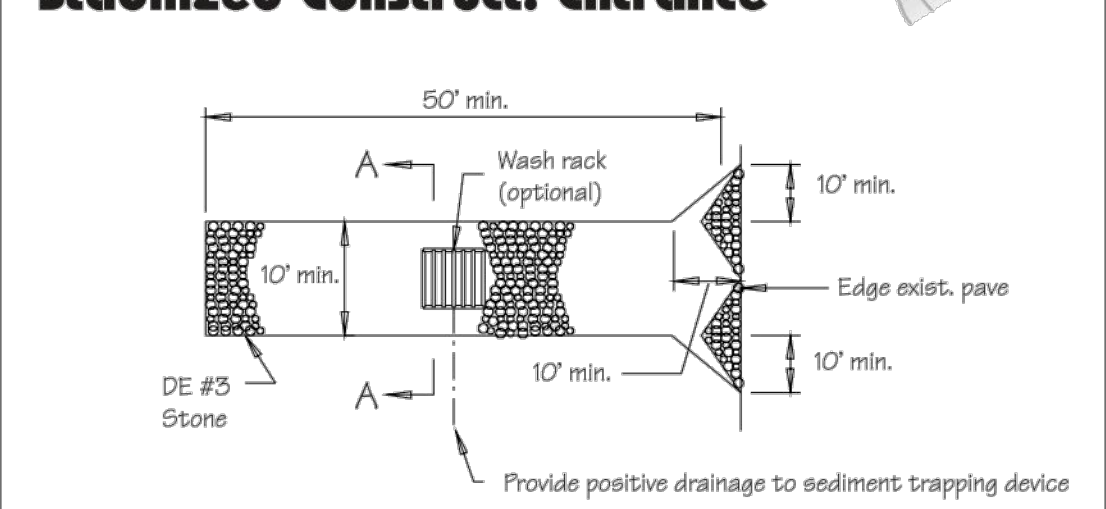
Materials:

The geotextile inlet insert shall meet or exceed the specifications of Type GD-III geotextile in accordance with Appendix A-3 of the Delaware Erosion & Sediment Control Handbook.

Source: Adapted from ACF Products, Inc.	Symbol: IP-2	Detail No. DE-ESC-3.1.5.2 Sheet 2 of 2
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4 Effective February 2019

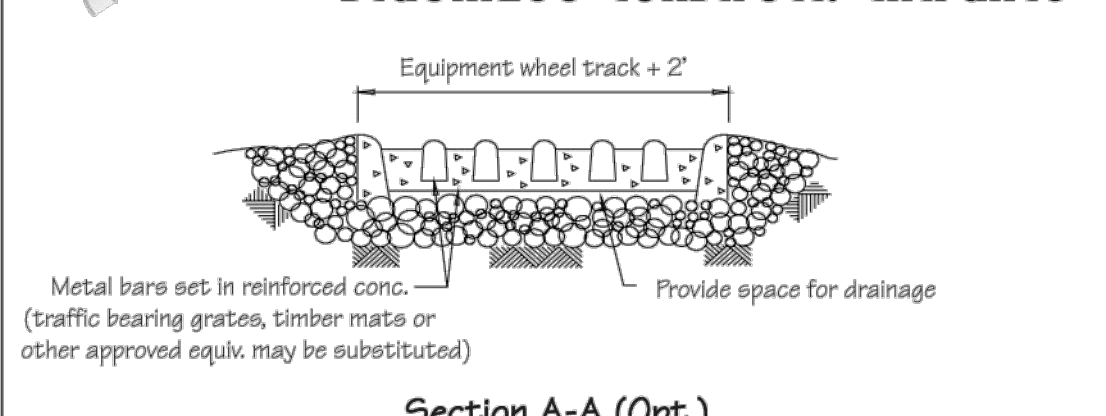
Standard Detail & Specifications Stabilized Construct. Entrance



Source: Adapted from VA ESC Handbook	Symbol: SCE	Detail No. DE-ESC-3.4.7 Sheet 1 of 2
--------------------------------------	--------------------	--

5 Effective February 2019

Standard Detail & Specifications Stabilized Construct. Entrance



Construction Notes:

- Stone size - Use DE #3 stone.
- Length - As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum length would apply).
- Thickness - Not less than size (6) inches.
- Width - Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
- Geotextile - Type GS-I; placed over the entire area prior to placing of stone.
- Surface Water - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
- Maintenance - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
- Washing - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
- Inspection - Periodic inspection and needed maintenance shall be provided after each rain.

Source: Adapted from VA ESC Handbook	Symbol: SCE	Detail No. DE-ESC-3.4.7 Sheet 2 of 2
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6 Effective February 2019

Standard Detail & Specifications Dust Control

Temporary Methods:

- Mulches - See **DE-ESC-3.4.5**, Standard Detail and Specifications for Mulching.
- Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
- Adhesives - Use on mineral soils only (not effective on muck soils). Keep traffic off these areas. The following table may be used for general guidance.

Type of Emulsion	Water Dilution	Type of Nozzle	Apply Gal./Ac.
Latex emulsion	12.5:1	Fine spray	235
Resin-in-water emulsion	4:1	Fine spray	300
Acrylic emulsion (non-traffic)	7:1	Coarse spray	450
Acrylic emulsion (traffic)	3.5:1	Coarse spray	350

- Tillage - For emergency temporary treatment, scarify the soil surface to prevent or reduce the amount of blowing dust until a more appropriate solution can be implemented. Begin the tillage operation on the windward side of the site using a chisel-type plow for best results.
- Sprinkling - Sprinkle site with water until the surface is moist. Repeat as needed.
- Calcium Chloride - Apply as flakes or granular material with a spreader at a rate that will keep the soil surface moist. Re-apply as necessary.
- Barriers - Place barriers such as solid board fences, snow fences, hay bales, etc. at right angles to the prevailing air currents at intervals of approx. 10X their height.

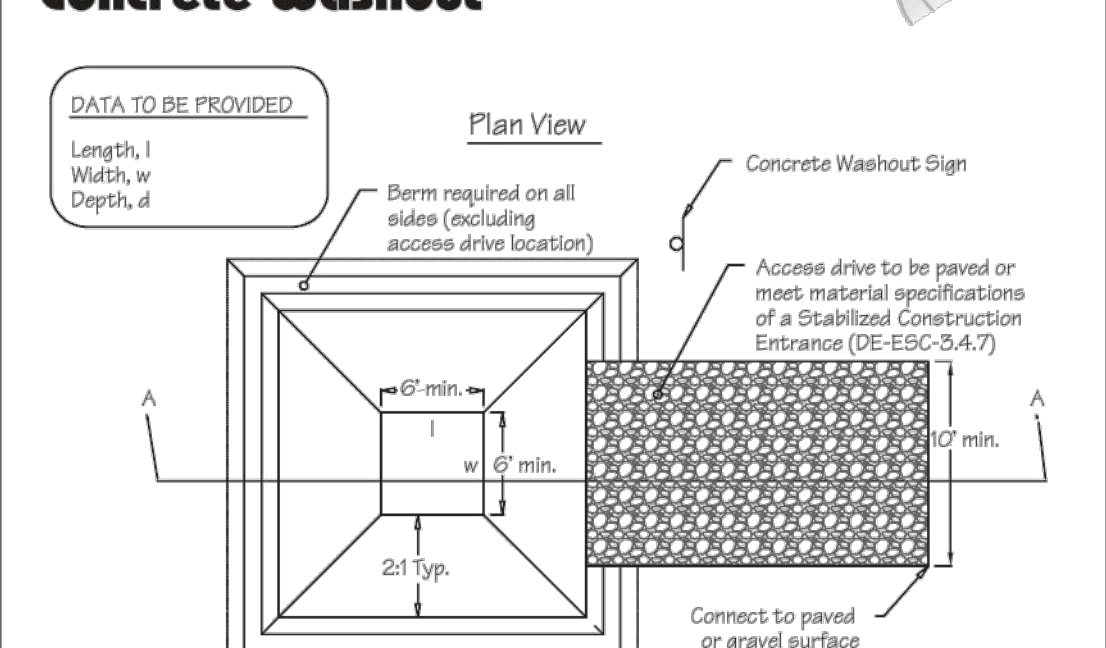
Permanent Methods:

- Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
- Stone - Apply layer of crushed stone or coarse gravel to protect soil surface.

Source: Adapted from VA ESC Handbook	Symbol: DC	Detail No. DE-ESC-3.4.8 Sheet 1 of 1
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7 Effective February 2019

Standard Detail & Specifications Concrete Washout



Alternate Liner Option

10 mil polyethylene liner

Compact Berm with liner overlapped with a sandbag or concrete block anchor

Undisturbed or compacted earth

Compacted Berm with liner keyed underneath (or see sandbag option below)

2% slope

Paved or gravel access drive to connect to solid surface

NOTE: Prefabricated concrete washout option not shown.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: CW	Detail No. DE-ESC-3.6.2 Sheet 1 of 2
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8 Effective February 2019

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DATE : 07/01/21

SHEET NO.
C9.1

PRINT-WHITE 200 INCHES (1.0mm)
PRINT-AMBER 207 INCHES (1.7mm)
PRINT-BLUE 200 INCHES (1.0mm)
PRINT-YELLOW 207 INCHES (1.7mm)
PRINT-RED 200 INCHES (1.0mm)

Standard Detail & Specifications

Concrete Washout

Construction Notes:

1. Locate washout area a minimum of 50 feet from open channels, storm drain inlets, wetlands or waterbodies.
2. Locate washout area so that it is accessible to concrete equipment (service with a minimum 10 foot wide gravel accessway), but so it is not in a highly active construction area causing accidental damage.
3. Minimum dimensions for prefabricated units are 4 feet by 4 feet by 1 foot deep with a minimum 4mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 6 feet by 6 feet by 3 feet deep, with a minimum 10mil polyethylene liner, 2:1 side slopes, and a 1 foot high by 1 foot wide compacted fill berm.
4. The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overlap with sandbags or concrete blocks to hold in place.
5. Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
6. Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
7. Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: CW	Detail No. DE-ESC-3.6.2 Sheet 2 of 2
--	----------------------	---

Effective February 2019

1

Standard Detail & Specifications

Soil Stockpile

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: SP	Detail No. DE-ESC-3.7.3 Sheet 1 of 2
--	----------------------	---

Effective February 2019

2

Standard Detail & Specifications

Soil Stockpile

Construction Notes:

1. Locate stockpiles so that they are 50 feet from any storm drain inlet, open channel, wetland or waterbody. Redirect any concentrated flow around the stockpile using an approved erosion and sediment control measure.
2. Secure the perimeter of the stockpile with an approved erosion and sediment control perimeter device.
3. If stockpile is to remain inactive for more than 14 calendar days, the stockpile must be vegetated. Follow the temporary vegetation specifications. The vegetation chosen shall last the duration of the stockpile; the stockpile shall be restabilized if the temporary vegetation dies or erosion results.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: SP	Detail No. DE-ESC-3.7.3 Sheet 2 of 2
--	----------------------	---

Effective February 2019

3

PLOT CODE: PLOT-001 204 INCHES (1.0mm) PERI-RED
 PLOT CODE: PLOT-002 204 INCHES (1.0mm) PERI-YELLOW
 PLOT CODE: PLOT-003 210 INCHES (1.2mm) PERI-ORANGE
 PLOT CODE: PLOT-004 214 INCHES (1.6mm) PERI-BLUE
 PLOT CODE: PLOT-005 227 INCHES (2.0mm) PERI-MAGENTA
 PLOT CODE: PLOT-006 227 INCHES (2.0mm) PERI-WHITE

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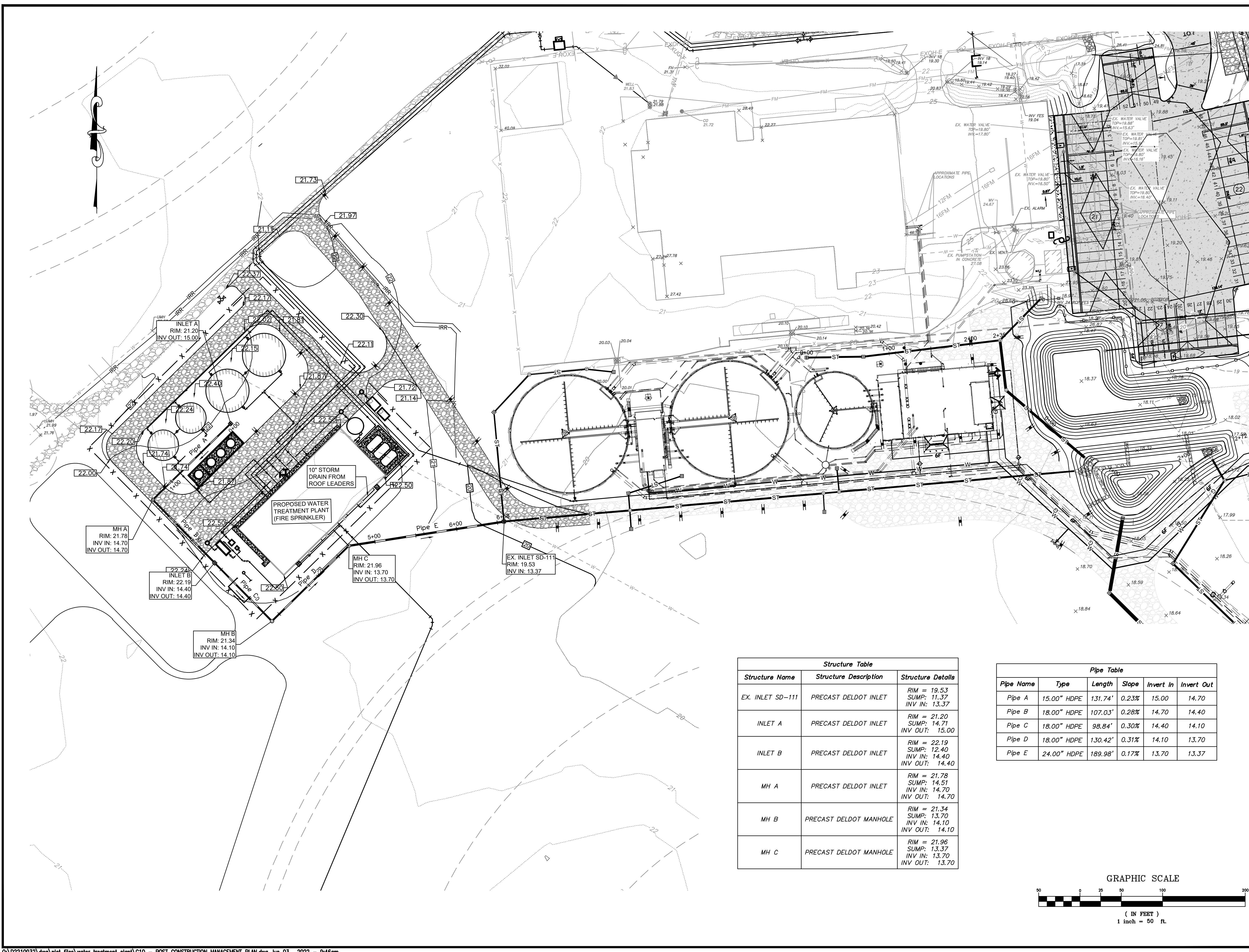
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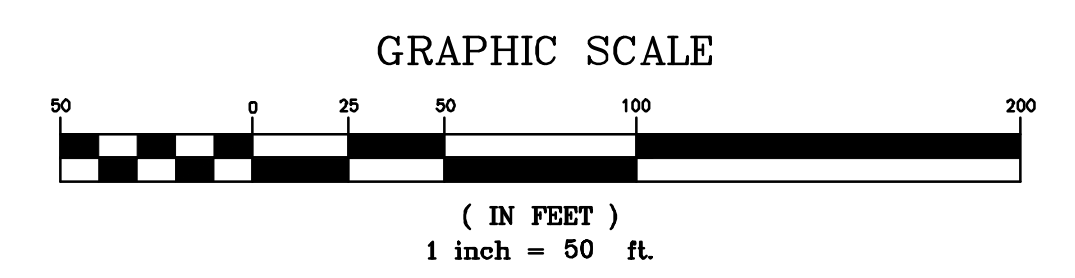
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Structure Table		
Structure Name	Structure Description	Structure Details
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INLET A	PRECAST DELDOT INLET	RIM = 21.20 SUMP: 14.71 INV OUT: 15.00
INLET B	PRECAST DELDOT INLET	RIM = 22.19 SUMP: 12.40 INV IN: 14.40 INV OUT: 14.40
MH A	PRECAST DELDOT INLET	RIM = 21.78 SUMP: 14.51 INV IN: 14.70 INV OUT: 14.70
MH B	PRECAST DELDOT MANHOLE	RIM = 21.34 SUMP: 13.70 INV IN: 14.10 INV OUT: 14.10
MH C	PRECAST DELDOT MANHOLE	RIM = 21.96 SUMP: 13.37 INV IN: 13.70 INV OUT: 13.70

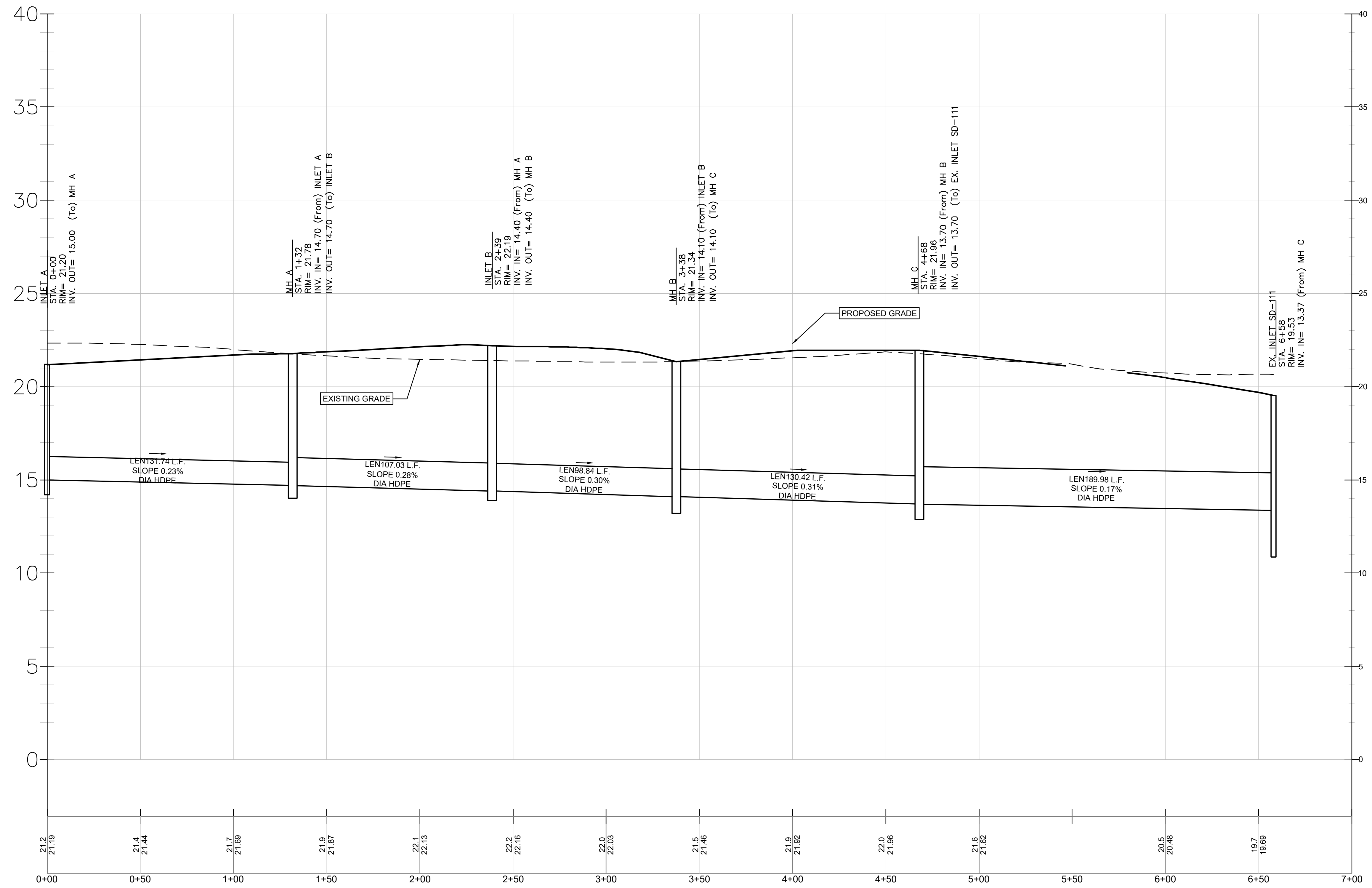
Pipe Table					
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Pipe B	18.00" HDPE	107.03'	0.28%	14.70	14.40
Pipe C	18.00" HDPE	98.84'	0.30%	14.40	14.10
Pipe D	18.00" HDPE	130.42'	0.31%	14.10	13.70
Pipe E	24.00" HDPE	189.98'	0.17%	13.70	13.37



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CHECKED BY	: RK		
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Profile View of Proposed Inlet A to Inlet C



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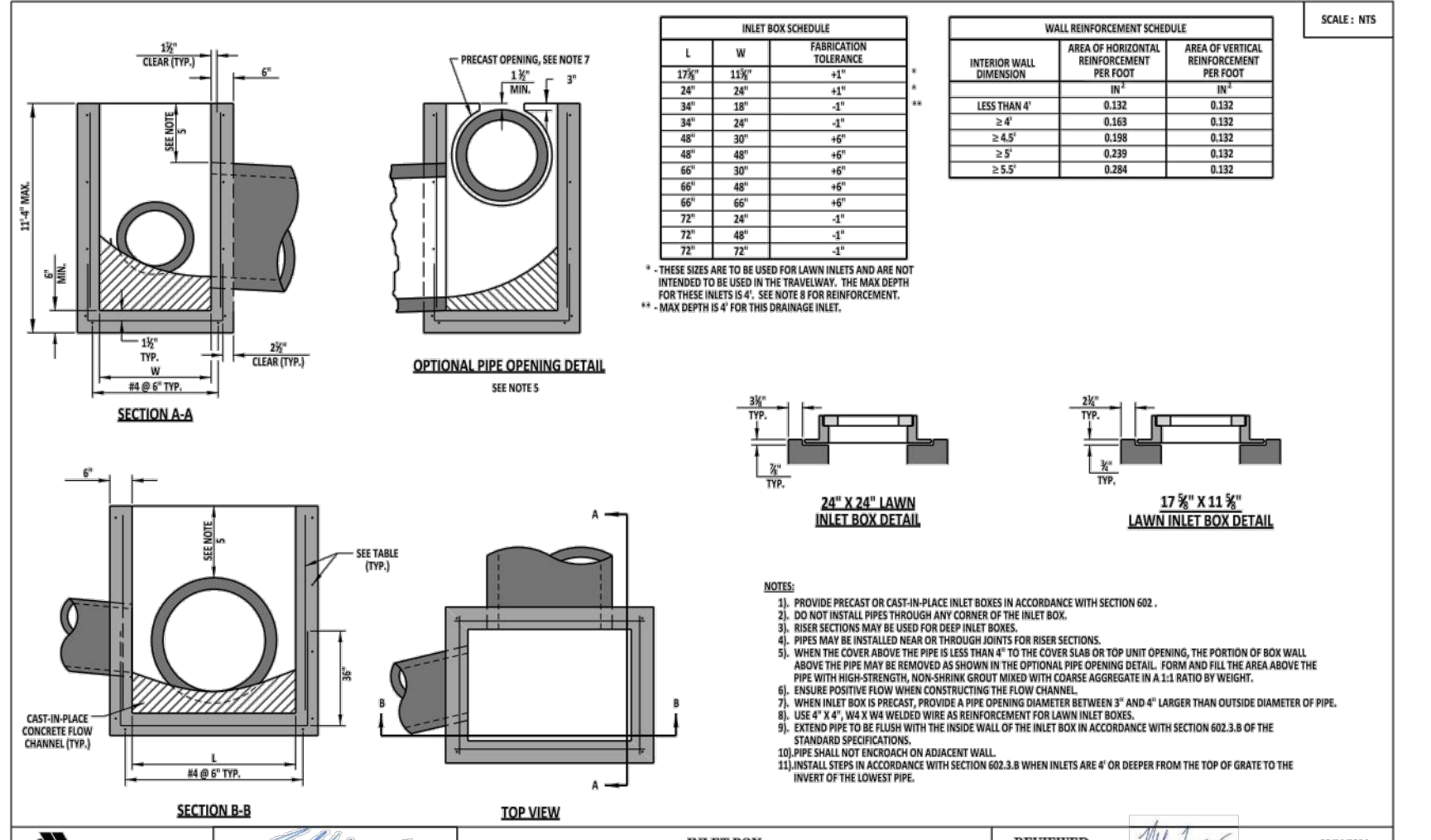
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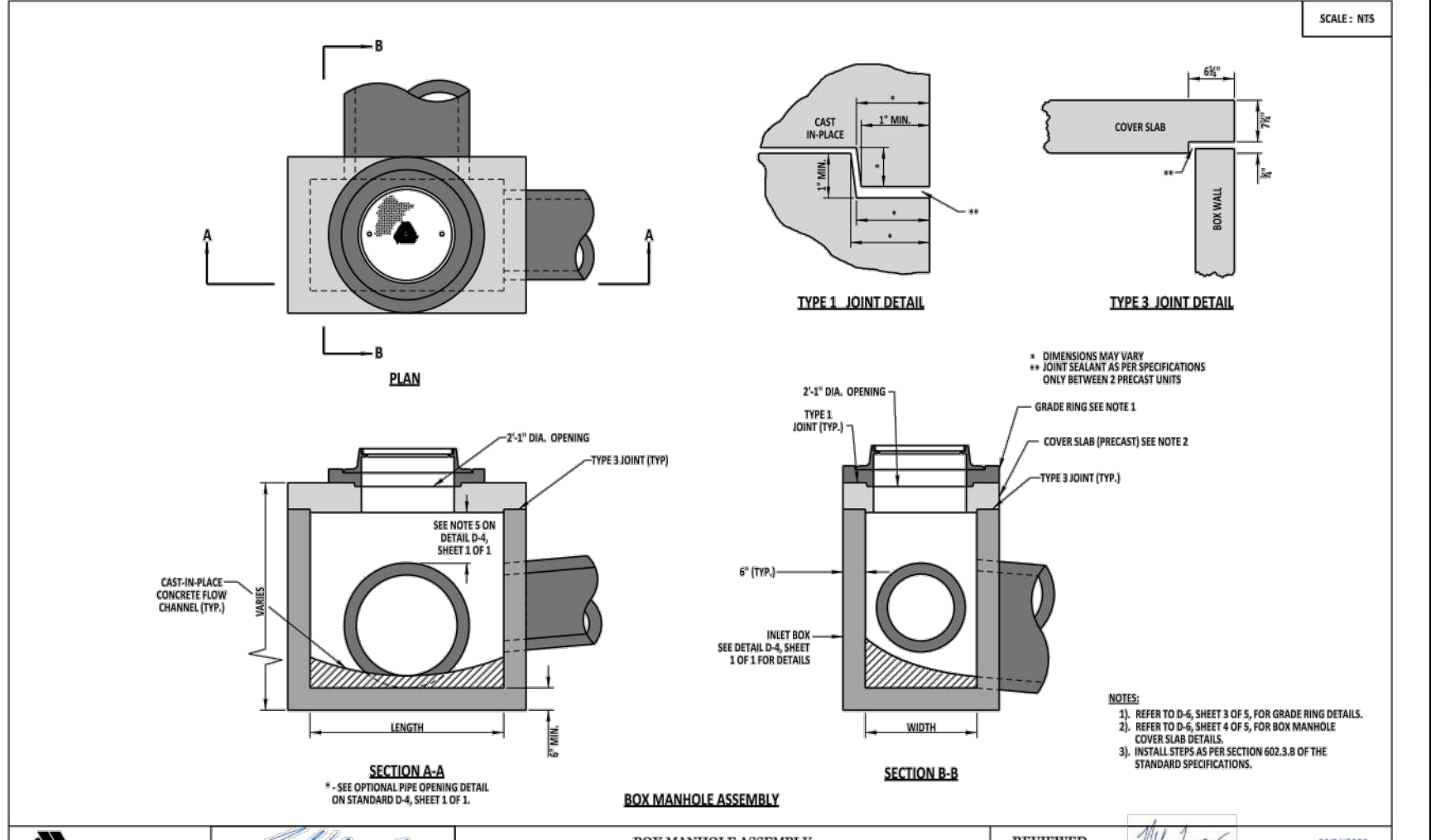
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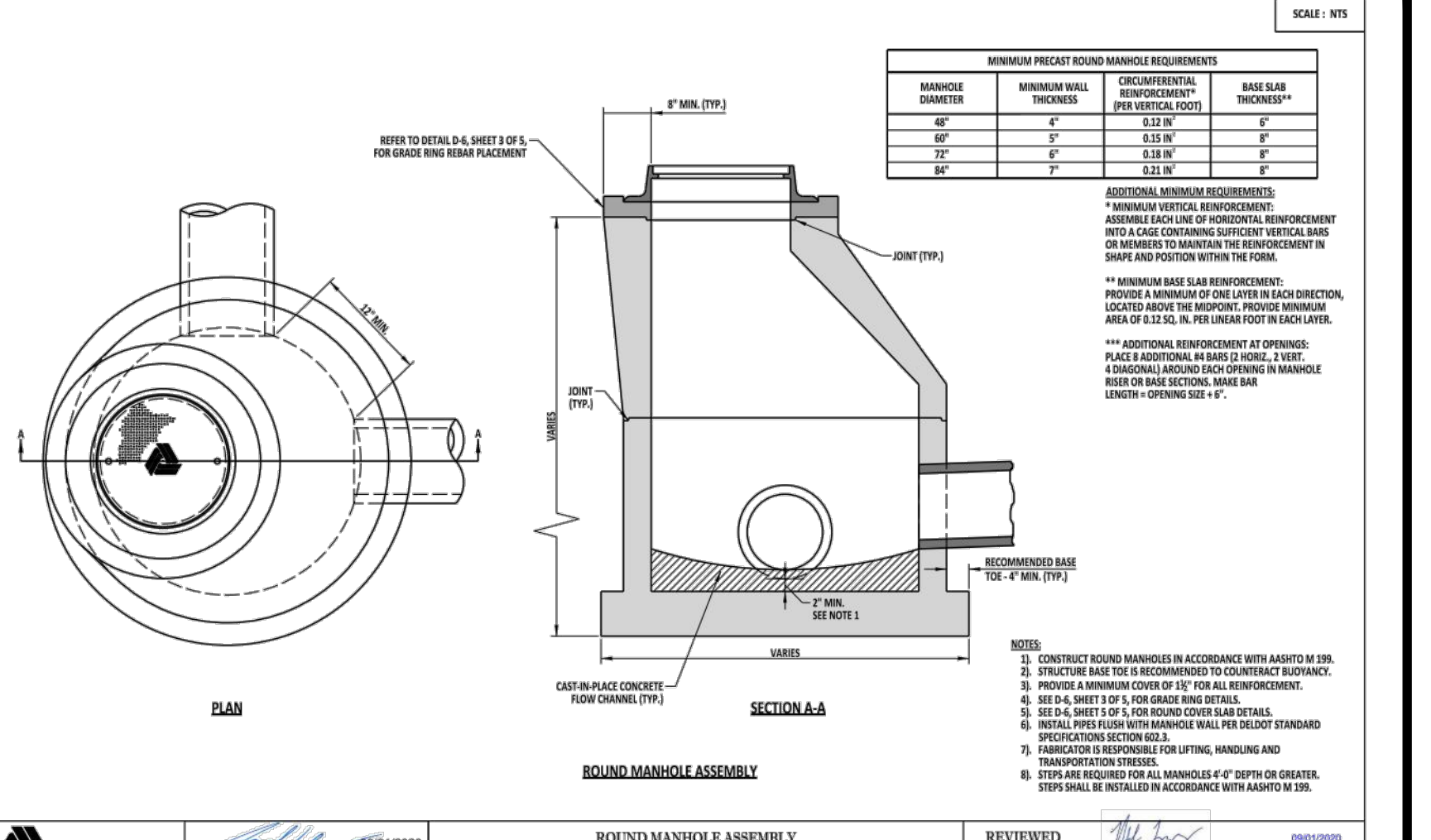
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1



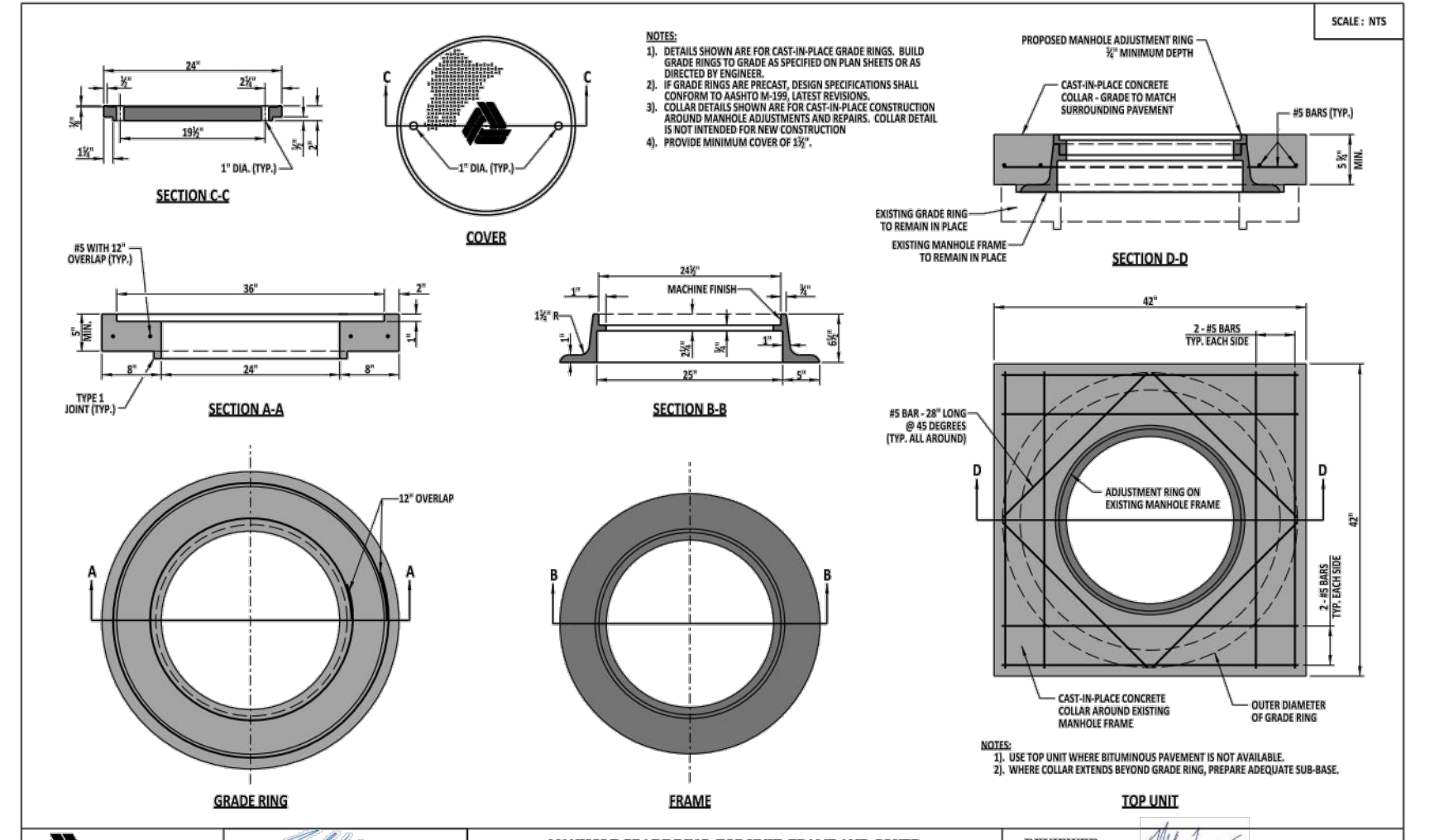
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2



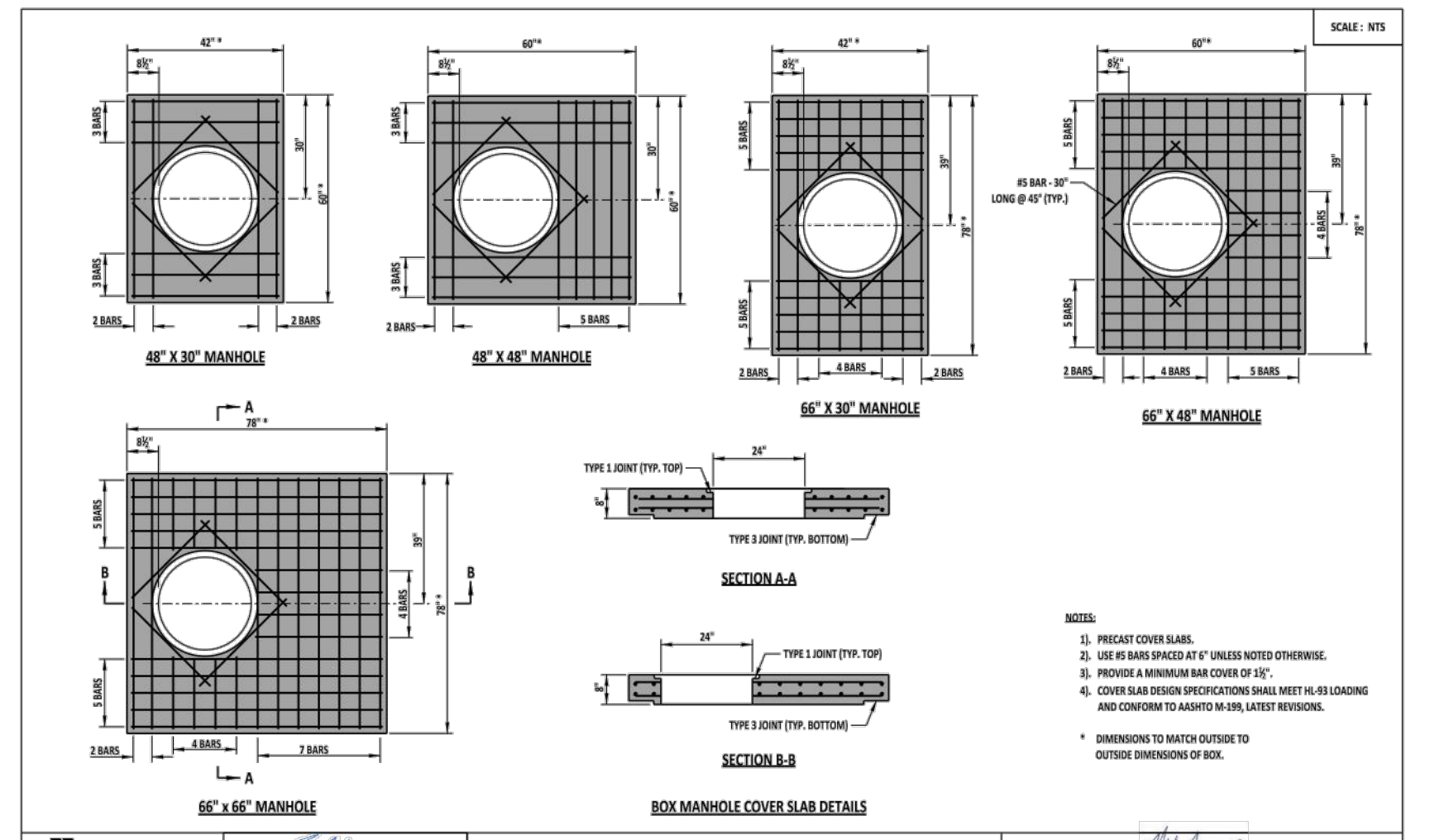
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3



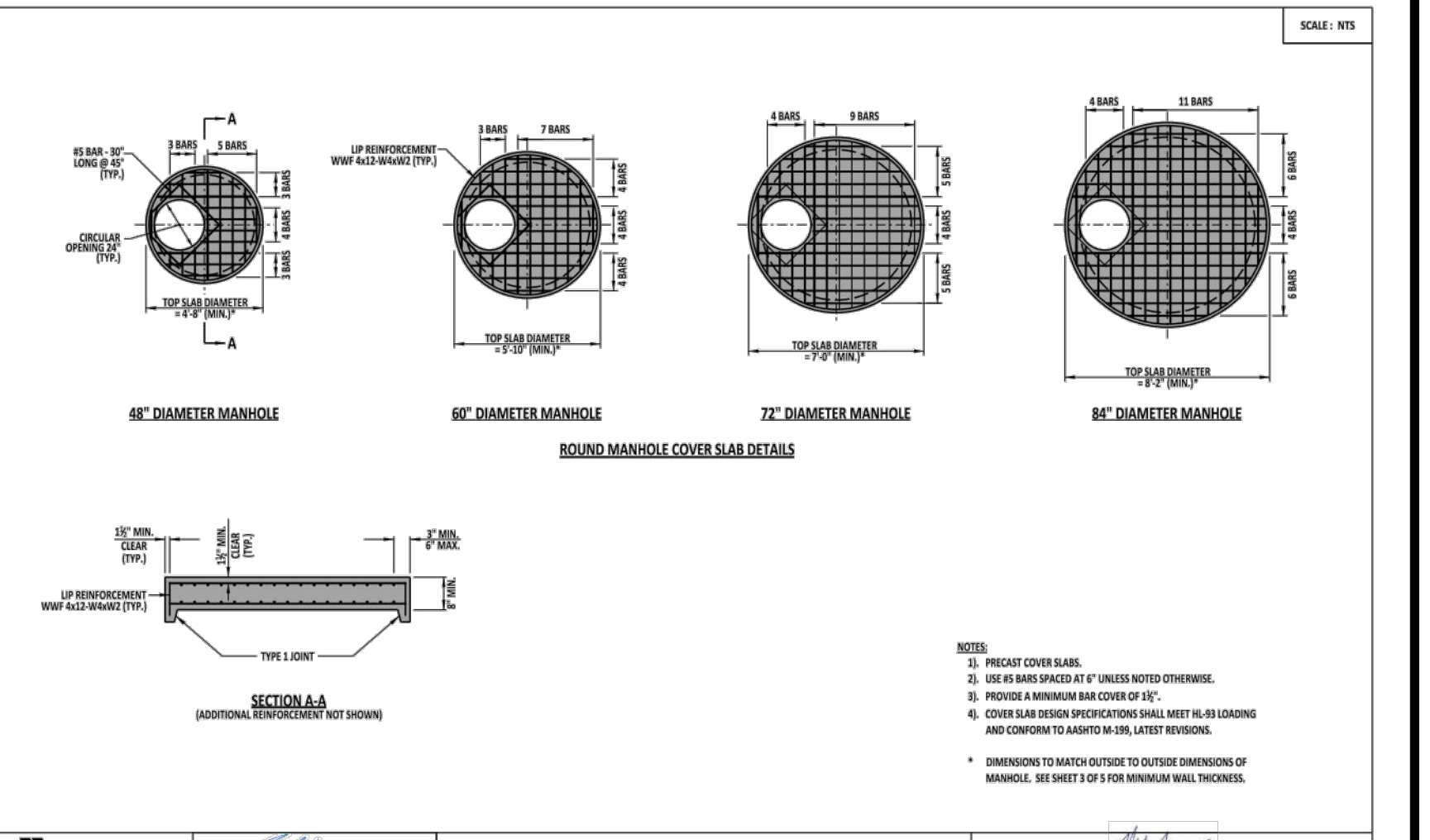
DeIDOT	RECOMMENDED	STANDARD NO. D-4 (2020)	SHT. 3 OF 5	APPROVED
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4



DeIDOT	RECOMMENDED	STANDARD NO. D-4 (2020)	SHT. 4 OF 5	APPROVED
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5



DeIDOT	RECOMMENDED	STANDARD NO. D-4 (2020)	SHT. 5 OF 5	APPROVED
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6

PLOT CODE: 2024-001 (3x4 inches) | 2024-002 (3x6 inches) | 2024-003 (4x6 inches) | 2024-004 (4x8 inches) | 2024-005 (5x7 inches) | 2024-006 (5x8 inches) | 2024-007 (6x9 inches) | 2024-008 (6x10 inches) | 2024-009 (8x10 inches) | 2024-010 (8x12 inches)

NO.	REVISIONS	DATE

BEARING CONSTRUCTION CO.
 805 SHINE SMITH RD
 SUDBURYVILLE, MARYLAND 21686
 TEL: (410) 556-6100 FAX: (410) 556-6574

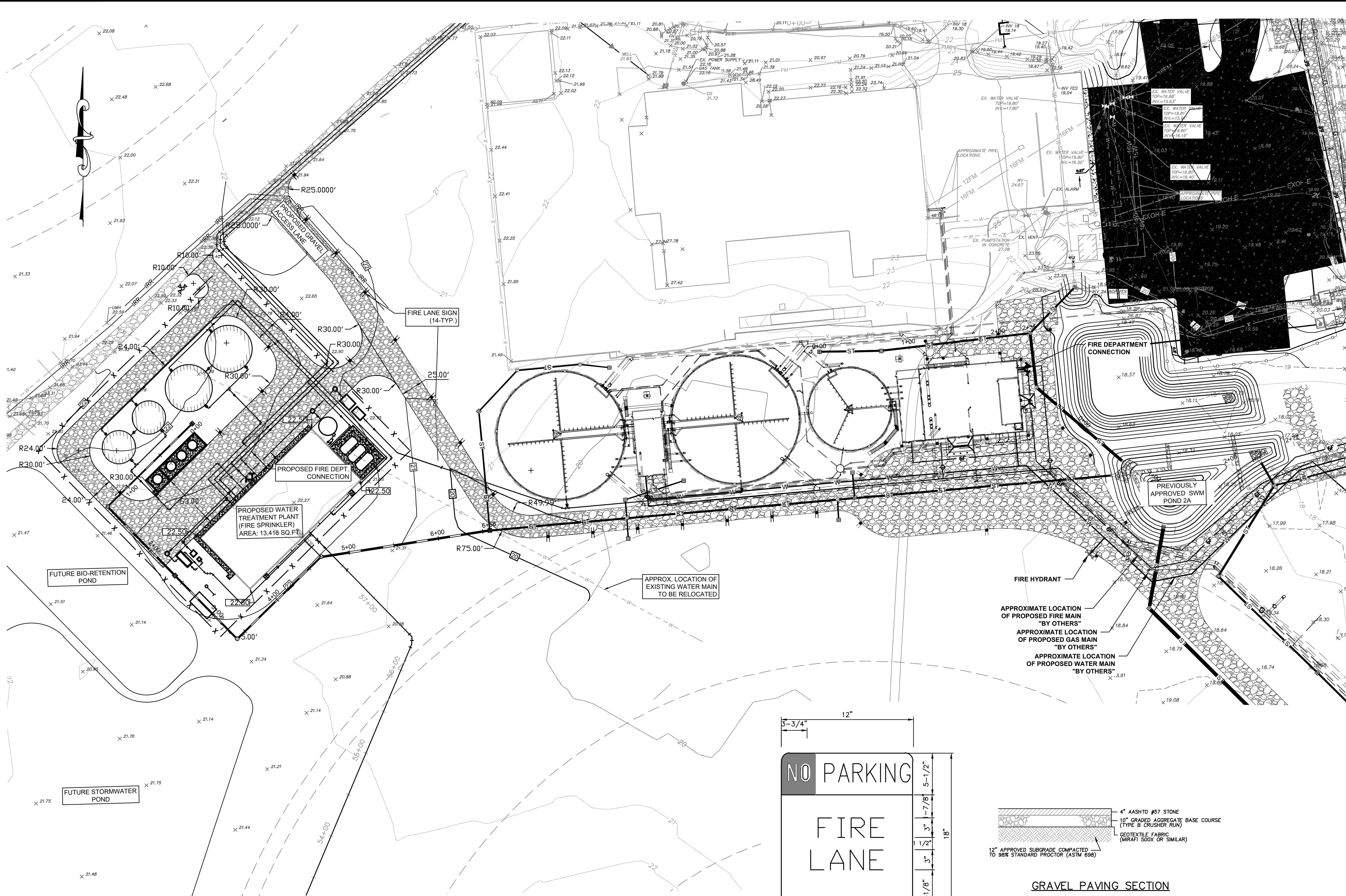
GMB ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3118, FAX 410-548-5790
 www.gmbnet.com
 © COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

POST CONSTRUCTION DETAILS
 MOUNTAINE WATER
 TREATMENT PLANT
 DESIGN-BUILD
 MILLSBORO, DELAWARE

McCRONE ENGINEERS ■ SURVEYORS ■ PLANNERS
 ANNAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY
 119 WAYLOR MELL ROAD, SUITE 6
 SALISBURY, MD 21801
 (410) 584-1492

I, ROBERT S. KANE HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF DELAWARE, LICENSE NO. 13536, EXPIRATION DATE 06/30/2022

SCALE : 1"=50'	SHEET NO.
DESIGN BY : RC	C10.2
DRAWN BY : RC	
CHECKED BY : RK	
GMB FILE :	
DATE : 07/01/21	



NO.	REVISIONS	DATE

BEARING
CONSTRUCTION CO.

805 SHINE SMITH RD
SUDLERSVILLE, MARYLAND 21168
TEL(410) 358-6100 FAX(410) 358-6574

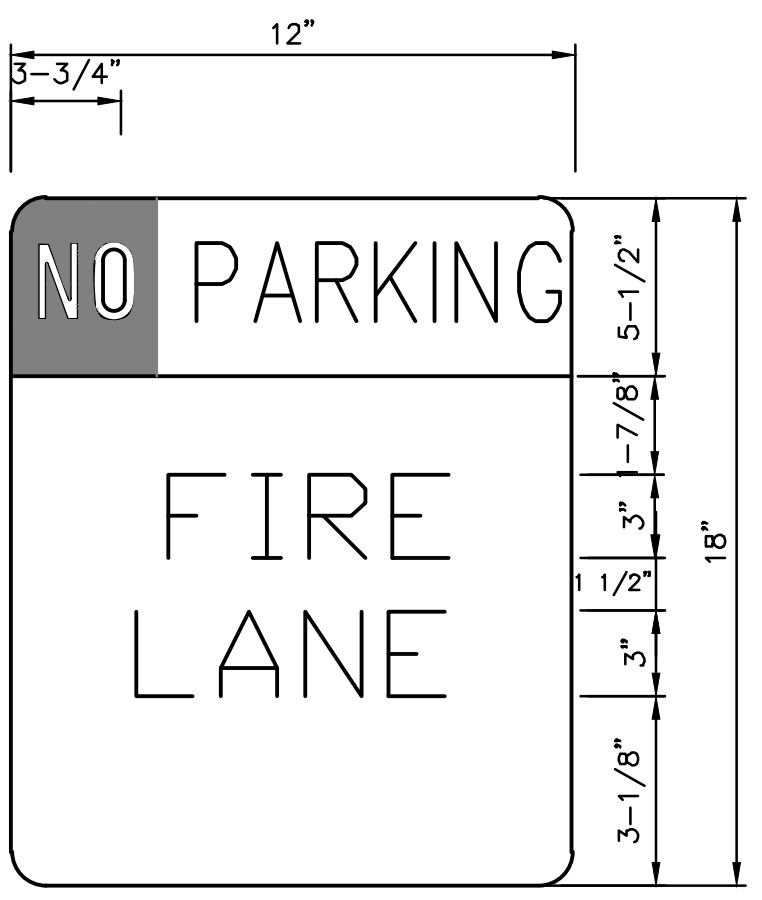
GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY - BALTIMORE - SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-6790
www.gmbnet.com
© COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

**FIRE MARSHALL PLAN
MOUNTAIRE WATER
TREATMENT PLANT
DESIGN-BUILD
MILLSBORO, DELAWARE**

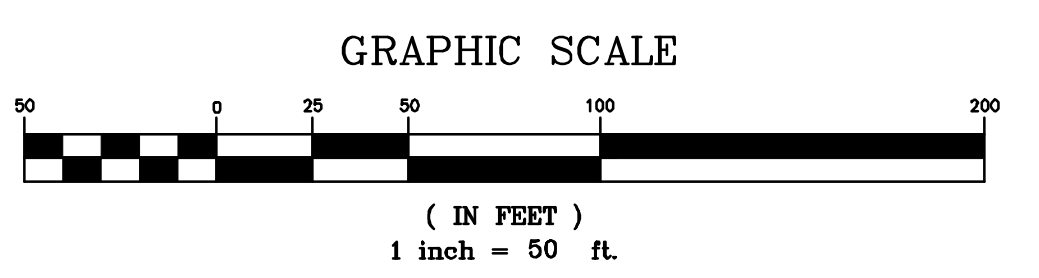
McCRONE
ENGINEERS • SURVEYORS • PLANNERS
ANNAPOLIS • CENTREVILLE • ELKTON • SALISBURY
119 WYOMING AVE. SUITE 100
SALISBURY, MD 21801
(410) 548-4492
www.mccrone-engineering.com

I, ROBERT S. KANE, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF DELAWARE, LICENSE NO. 13538, EXPIRATION DATE 06/30/2022

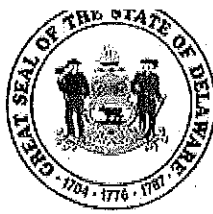
- NOTES:**
1. WATER TREATMENT PLANT BUILDING HEIGHT = 35 1/2 STORIES
 2. CONSTRUCTION TYPE = PRECAST CONCRETE FRAME WITH STEEL JOIST ROOF
 3. SECOND FLOOR MEZZANINE LOCATED ABOVE CHEMICAL ROOM, OFFICE AND ELECTRICAL ROOM
 4. LOCK BOX REQUIRED, CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF BOX ON THE BUILDING



- FIRE LANE SIGN NOTES:**
1. The sign shall have a white acotchilite background with red acotchilite letters except for the word "no", which shall have the color scheme reversed. N.T.S.
 2. All lettering shall be 3 inches in height except for the word "parking" which shall be 2 inches in height.
 3. Signs shall be posted 50' apart or as assigned by the office of the Fire Chief.
 4. Signs shall be posted at least 6' high and not more than 8'.



SCALE : 1"=50'	SHEET NO. C11
DESIGN BY : RC	
DRAWN BY : RC	
CHECKED BY : RK	
GMB FILE :	
DATE : 07/01/21	



STATE OF DELAWARE
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF MAINTENANCE AND OPERATIONS
 SOUTH DISTRICT
 23697 Dupont Blvd
 Georgetown, DE 19947

COMMERCIAL ENTRANCE PERMIT

District Sussex Phone No. 443-880-3695

Issued To Richard Tilghman Permit No. SC-0017-22CM

Business Name Be Cool Window Tint

APPROVED FOR AN ESTIMATED VALUE OF TRAFFIC OF 8 AVERAGE DAILY TRAFFIC

LOCATION: 8227 W Line rd
Delmar, DE, 19940

TAX PARCEL NO.: 532-19.00-51.00

On 05/11/2022 an inspection of the above entrance was made and was found to be in compliance with the Division of Maintenance Operations, Traffic & Safety Standards, and plans approved by

Should this property be sold, or the size or type of the business be changed to which there is an increase in volume of traffic, the entrance will require a review by the District Permit Office. (South District (302)853-1340). At such time a design change may be required, or new permit will be issued accordingly.

The property owner is responsible for the repair of any deficiencies within the entrance for a period of one year from the date of this commercial entrance permit.

By copy of this letter the 150% security offered to the Division of Maintenance & Operations to guarantee the construction of the entrance is hereby released.

Type of security Furnished:

Security ID:

Date Approved : 05/11/2022 Approved By : James A. Smith

District Permit Supervisor



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

NICOLE MAJESKI
SECRETARY

November 19, 2021

Richard Tilghman
Be Cool Window Tinting
827 W Line Rd
Delmar, Delaware 19940

SUBJECT: Authorization to Apply for a Permit for Entrance Construction
Be Cool Window Tinting
Tax Parcel # 532-19.00-52.00
SCR00512-WALLER RD
Little Creek (Sussex) Hundred, Sussex

Dear Richard Tilghman:

The Delaware Department of Transportation (DelDOT) has reviewed your request, dated October 25, 2021, to obtain a Letter of No Contention (LONC) to use an existing commercial building and site entrance for the above referenced project. In coordination with the South District Public Works Office we have determined that your project will require some modifications or enhancements to meet current regulatory requirements. We have therefore determined that this project is eligible to obtain a Permit for Entrance Construction (PEC) to make these modifications. The PEC will include a list of items that must be addressed, as well as requirements for bonding to perform work, where needed, within the State of Delaware right-of-way (ROW). This approval shall be valid for a period of **one (1) year**.

Please note: Your Permit for Entrance Construction must be obtained from the South District Public Works Office, before you can start any construction.

The following conditions are provided with this response letter:

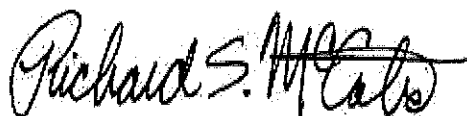
- 1) Site shall have access from the existing entrance located on West Line Road (SCR 512).
- 2) Only the modifications/construction or traffic pattern changes that are itemized and authorized under the PEC will be permitted. Please coordinate with the DelDOT Public Works Office regarding the scope, location and limits of the following items, as well any other items listed in the PEC:
 - a) Improve existing residential entrance with the following parameters:

- i. Locate center of entrance as far away as possible from property's western property line to provide the maximum spacing from the existing residential driveway of Tax Map Parcel: 532-19.00-51.00.
 - ii. Entrance radii per DeIDOT Standard Construction Detail No. C-3.
 - iii. 24' entrance pavement throat width.
 - iv. Entrance length per DeIDOT Standard Construction Detail No. C-3.
 - v. Utilize DeIDOT Development Coordination Manual Section 5.6 for pavement section selection and follow the asphalt pavement tie-in detail.
- b) Owner should contact Area 1 to have ditch cleaned out to achieve positive drainage and to have existing HDPE pipe unburied.
- c) Replace and/or extend existing culvert if necessary, with pipe material as specified in DeIDOT Design Guidance Memorandum Number 1-20 with the minimum size of 15", due to entrance widening.
- d) DeIDOT reserves the right to review, modify or revoke this authorization letter and PEC and require additional entrance upgrades in the future if proposed activities create traffic conflicts, safety concerns or operational issues.
- e) The property owner is responsible to:
- a. Submit information to DeIDOT, regarding any future operational or site changes, (including but not limited to: rezoning, site layout changes, changes in use, entrance modifications, expanded/additional uses, new uses, etc.). Changes of this nature may alter the flow and/or volume of traffic and could require a new PEC, LONC or formal review for Approvals and/or Permits.
 - b. Establish and maintain clear sight lines at the entrance. There shall be no placement of structures, signs, objects, items for sale or parking of vehicles within State ROW or entrance limits. Shrubbery, Plantings, trees and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited.
 - f) The property owner and applicant are responsible to coordinate with DeIDOT Outdoor Advertising & Roadside Control at (302) 853-1327, for information on obtaining specific permits for sign installation on private property. Permits for Utilities construction within State right-of-way require separate permit applications please contact DeIDOT's South District at (302) 853-1345.

The Department would like to thank you for your submittal.

Please contact the South District Public Works Office at (302) 853-1340, for their assistance in obtaining the PEC. No construction or modification listed under Item 2 is allowed in advance of the DeIDOT Public Works Office issuance of the Permit for Entrance Construction.

Sincerely,



R. Stephen McCabe
Sussex County Review Coordinator,
Development Coordination

Be Cool Window Tinting
Richard Tilghman
Page 3
November 19, 2021

cc: Richard Tilghman, Be Cool Window Tinting
Jamie Whitehouse, Sussex County Planning & Zoning Commission
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
Scott Rust, South District Public Works manager
William Kirsch, South District Entrance Permit Supervisor
James Argo, South District Project Reviewer
Wendy L. Polasko, P.E., Subdivision Engineer
John Andrescavage, Sussex County Reviewer



OFFICE OF THE STATE FIRE MARSHAL

Technical Services

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2021-04-208166-BLD-01
Status: Approved as Submitted

Tax Parcel Number: 532-19.00-52.00
Date: 09/14/2021

Project	
Be Cool Window Tinting Be Cool Window Tinting Richard Tilghman Property	8227 West Line Road Delmar DE 19940

Scope of Project	
Number of Stories: 1 Square Footage: 780 Construction Class: V (000) Wood Frame Fire District: 74 - Delmar Volunteer Fire Dept Inc	Occupant Load Inside: 2 Occupancy Code: 9790

Applicant
Richard Tilghman 8227 West Line Road Delmar, DE 19940

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: 2021-04-208166-BLD-01

Tax Parcel Number: 532-19.00-52.00

Status: Approved as Submitted

Date: 09/14/2021

PROJECT COMMENTS

- | | |
|---------------|---|
| 2000 A | <p>This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) dated August 11, 2006. 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. These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. Project work must be started within one year from the issuance of the permit, otherwise, the permit will be terminated.</p> |
| 2500 A | <p>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.</p> |
| 2710 A | <p>The following items will be field verified by this Agency at the time of final inspection:</p> |
| 2338 A | <p>Door assemblies in fire barriers shall be of an approved type with the appropriate fire protection rating for the location in which they are installed and shall comply with NFPA 80. Fire doors shall be self closing or automatic closing in accordance with 7.2.1.8 and, where used within the means of egress, shall comply with the provisions of 7.2.1. 2000 NFPA 101, Section 8.2.3.2.1.</p> |
| 2030 A | <p>Doors shall be non keyed from the inside (NFPA 101, Section 7.2.1.5.2, ed 2006). This can be a lever, knob, thumb latch, or panic bar. NFPA 101, Section 7.2.1.5.4 (2000 ed.).</p> |
| 2104 A | <p>Interior finish on walls and ceilings shall be Class A, B, or C in storage areas, and shall be Class A or B in exit enclosures as required by another section of the code. NFPA 101, Section 42.3.3.3 (2006 ed), (NFPA 101, Section 42.3.3.2 2000 ed.). If finishes other than drywall and paint are proposed, provide this Agency with manufacturer's specifications.</p> |
| 2118 A | <p>Interior finish on walls and ceilings in exits and corridors shall be Class A or B</p> |

Flamespread Rating, and in office areas Class A, B, or C. If finishes other than drywall and paint are proposed, provide this Agency with manufacturer's specifications. 2006 NFPA 101, Section 38.3.3.2.

2070 A Provide emergency lighting designed and installed to illuminate the paths of travel to the exits, the exits themselves, and the exit discharge. The emergency lighting shall be arranged to provide the required illumination automatically in the event of any interruption of normal lighting, Such as any failure of public utility or other outside electrical power supply; opening of a circuit breaker or fuse; Or any manual act(s), including accidental opening of a switch controlling normal lighting facilities. (2006 NFPA 101, Section 7 9.2.3).

2080 A Provide illuminated exit/directional signs. (2006 NFPA 101, Section 7.10).

2210 A Provide portable fire extinguishers (DSFPR Part V, Section 1 9.1). A multipurpose (A:B:C) with at least a 2A:10B:C rating shall be provided (NFPA 10). All portable fire extinguishers shall be serviced on an annual basis (every 12 months) by an individual licensed under the provisions of the DSFPR, Part III, Chapter 2. The list of current, licensed fire extinguisher companies is found on our web site www.statefiremarshal.delaware.gov.

2220 A All electrical work shall comply with the provisions of the National Electrical Code (NFPA 70). It will be required to pass an electrical inspection by an approved electrical inspection agency: American Inspection Agency (877-242-1300); or Building Inspection Underwriters (302-266-9057); or First State Inspection Agency (800-468-7338); or Middle Department Inspection Agency (800-222-6342); or National Code Inspection Agency (302-349-9020); or United Inspection Agency (215-542-9977).

2600 A At the time of final inspection, the individual or firm responsible for the original submission of plans shall provide an Architectural/Engineering grade plan of the building footprint, on an 8 1/2"x11" sheet that will detail the following: (a) Name, address, location of building;

2606 A (g) Name and phone number of personnel responsible (owner and/or manager) for responding during emergencies.

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.



October 20, 2021

Mr. Richard and Kelsey Tilghman
Via email: richieltilghman@yahoo.com

**RE: Auto Glass Tinting Shop – Conditional Use
Exemption from the Delaware Sediment and Stormwater Regulations
TM# 532-19.00-52.00**

Dear Mr. Tilghman,

The Sussex Conservation District has reviewed the plan for the above referenced site. The District concurs with the information provided and agrees that the total disturbance is less than 5,000 square feet and is therefore exempt from obtaining a sediment and stormwater plan.

Please contact the District if site conditions change or if the area of disturbance exceeds 5,000 square feet to discuss permitting requirements. If you have any questions or concerns, please contact the District at 302-856-2105.

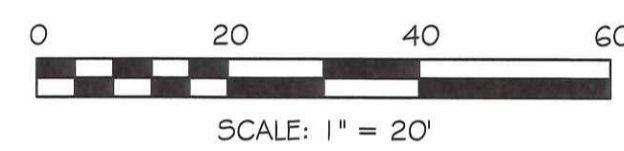
Sincerely,

Jessica L. Watson

Jessica L. Watson
Program Manager



VICINITY MAP

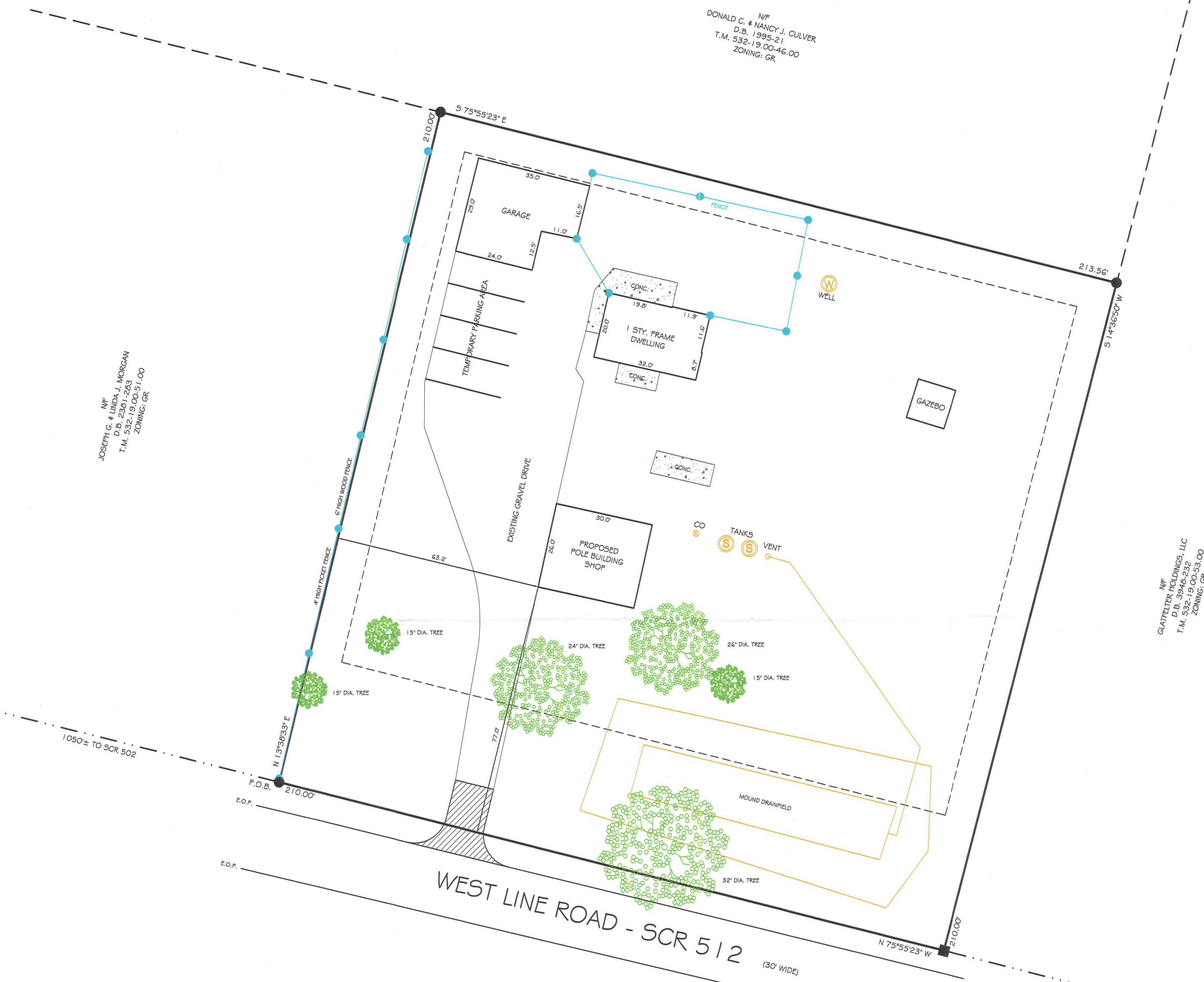


DATA COLUMN:

T.M.# 532-19.00-52.00
 ZONING: GR GENERAL RESIDENTIAL
 SETBACK REQUIREMENTS:
 FRONT: 40'
 SIDE: 10'
 REAR: 10'
 OWNER: RICHARD L., JR. & KELSEY DICKERSON TILGHMAN
 SITE ADDRESS: 8227 WEST LINE ROAD, DELMAR, DE. 19940
 TRACT AREA: 1.021 ACRES ±
 ACCESS: S.C.R. 512 (WEST LINE ROAD)
 PROPOSED BUILDING AREA: 780 SQ. FT. ±
 PROPOSED BUILDING HEIGHT: 10' ±
 PROPOSED USE: AUTO GLASS TINTING SHOP
 WATER AND SEWER: INDIVIDUAL ON-SITE
 OWNER SHALL COMPLY WITH ALL DELDOT ENTRANCE AND ROADWAY IMPROVEMENT REQUIREMENTS
 BUILDINGS ARE "NON CONFORMING"
 GAZEBO IS "NON PERMANENT" NOT ATTACHED TO GROUND
 PER FIRM MAP 10005C00575L DATED 6/20/2018 PARCEL IS NOT IN A FLOOD ZONE
 PER THE NATIONAL WETLANDS INVENTORY MAP THIS PARCEL HAS NO WETLANDS

FIRE MARSHAL NOTES:

MAX HEIGHT: 3 STORIES, 42 FEET
 CONSTRUCTION TYPE: NFPA TYPE: VB (POLE SHED METAL SIDING)
 ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PROTECTION REGULATIONS.
 PROPOSED USE: AUTO ACCESSORY STORE
 PROPOSED BUILDING AREA: 780 SQ. FT. ±
 LOCATION OF FIRE LANES, THEIR WIDTHS, AND THEIR MARKINGS, FIRE LANE SIGNS, WORDING AND 4" LINES OF DEMARCATION, AND YELLOW PAINTED CURBING ARE TO BE SHOWN ON THE PLAN WHERE APPLICABLE.
 THE BUILDING SHALL BE ACCESSIBLE TO EMERGENCY APPARATUS
 A MINIMUM OF 50% OF THE BUILDING SHALL BE ACCESSIBLE BY EMERGENCY SERVICES PERSONNEL



JOSEPH G. & LINDA J. MORGAN
 D.B. 3195-232
 T.M. 532-19.00-51.00
 ZONING: GR

DONALD C. & NANCY J. CULVER
 D.B. 1995-21
 T.M. 532-19.00-46.00
 ZONING: GR

GLATFELTER HOLDINGS, LLC
 D.B. 3196-232
 T.M. 532-19.00-33.00
 ZONING: GR

SUSSEX COUNTY CONDITIONS OF APPROVAL:

- A. THE USE SHALL BE LIMITED TO A GLASS-TINTING BUSINESS. NO OTHER USES OR SALES SHALL OCCUR ON THE PROPERTY.
- B. THE GLASS-TINTING OPERATION SHALL ONLY OCCUR WITHIN THE EXISTING POLE BUILDING, AND ALL MATERIALS SHALL BE STORED WITHIN THE BUILDING.
- C. THE HOURS OF OPERATION SHALL BE LIMITED TO 7:00 A.M. UNTIL 5:00 P.M.
- D. SIGNAGE SHALL BE LIMITED TO ONE LIGHTED SIGN ALONG THE ROADWAY NOT TO EXCEED THIRTY-TWO (32) SQUARE FEET IN SIZE.
- E. ALL PARKING AREAS SHALL BE SHOWN ON THE FINAL SITE PLAN AND CLEARLY MARKED ON THE SITE ITSELF.
- F. ALL ENTRANCES SHALL BE SUBJECT TO ALL DELDOT REQUIREMENTS.
- G. FAILURE TO COMPLY WITH ANY OF THESE CONDITIONS OF APPROVAL SHALL BE GROUNDS FOR TERMINATION OF THIS CONDITIONAL USE APPROVAL.
- H. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

LEGEND:

- FENCE
- TREE
- SEPTIC TANK ACCESS
- CLEAN OUT
- WELL
- PAVED ENTRANCE

MONUMENTATION

- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- IRON ROD (FOUND)

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN

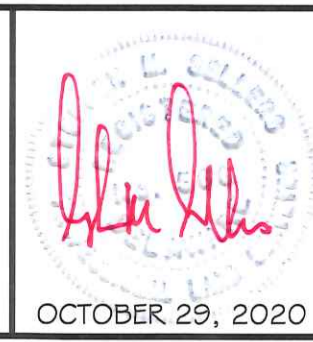
I, STEPHEN M. SELLERS, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY 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.

Stephen M. Sellers 5/17/2022
 STEPHEN M. SELLERS, PLS 566 DATE

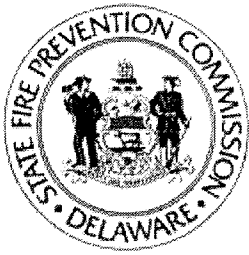
DATE	REVISION
10-15-2021	COUNTY COMMENTS
11-01-2021	COUNTY COMMENTS
05-17-2022	ADDED PAVED ENTRANCE

CONDITIONAL USE No. 2254 FOR
 AUTO GLASS TINTING SHOP
 LANDS OF
RICHARD L., JR. & KELSEY R. DICKERSON
TILGHMAN

MILNER LEWIS, INC.
 LAND SURVEYING
 1560 MIDDLEFORD RD.
 SEAFORD, DELAWARE 19973
 PH: 302-629-9695 FAX: 302-629-2391



HUNDRED	LITTLE CREEK	COUNTY	SUSSEX
STATE	DELAWARE	DRAWN BY	SMS
REF.	4632-74	FILE NO.	TILGHMAN 532-19-52
OCTOBER 29, 2020			



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

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-209681-MJS-01
Status: Approved as Submitted

Tax Parcel Number: 235-19.00-23.00
Date: 03/02/2022

Project

Wyoming Millwork Facility Expansion

23001 Tracks End Lane
Milton DE 19968

Wyoming Millwork Property - 23000 Tracks End Lane

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 85 - Milton Fire Dept

Occupant Load Inside:

Occupancy Code: 9790

Applicant

David Heatwole
PO Box 2
Harrington, DE 19952

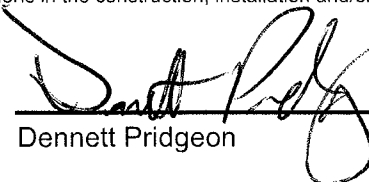
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

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:


Dennett Pridgeon

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-209681-MJS-01

Tax Parcel Number: 235-19.00-23.00

Status: Approved as Submitted

Date: 03/02/2022

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.
- 1014 A** Per Fire Flow Table 1, the following occupancies: Storage, Industrial, and Mercantile Shall not exceed 5,000 aggregate gross square footage; and Shall have a minimum setback of 15' from all property lines and 15' setback from exposure hazards on the same property; OR Shall not exceed 10,000 aggregate square footage; and Shall have a minimum setback of 25' from all property lines and 15' setback from exposure hazards on the same property.
- 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).
- 1405 A** Where emergency services have to utilize access roadways to reach designated fire lanes, such access roadways shall be constructed to meet the minimum engineering specifications and/or requirements pursuant to the Delaware Department of Transportation or local jurisdictions for paved roadways. All access roadways shall be paved and be a minimum of 20 feet clear width for two-way traffic and 14 feet clear width for one-way traffic. The paved width of access roadway shall be measured from the edge of parking spaces, or face of curb for vertical curb and back of curb for mountable curb, or edge of pavement if there is no curbing. (DSFPR Regulation 705, Chapter 5, Section 5).
- 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).

1415 A Fire Department access shall be provided to all otherwise inaccessible gated communities, subdivisions, developments, gated commercial properties or property by any other name through the use of a system or device as required by the Delaware State Fire Prevention Regulations and approved by the Office of the State Fire Marshal after consultation with the local Fire Chief. (DSFPR Regulation 705, Chapter 2, Section 2.6.2). Please provide specifications for the device. Include how the system works, where the device will be located, and a letter from the Fire Chief accepting the layout.

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.

1190 A Separate plan submittal is required for the building(s) proposed for this project.

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.



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

NICOLE MAJESKI
SECRETARY

May 26, 2022

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

SUBJECT: Letter of No Objection to Recordation
Wyoming Millworks Milton Facility Expansion
Tax Parcel # 235-19.00-23.01
Rt.30 Gravel Hill Road (SCR248)
BroadKill Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Site Plan, dated April 11, 2022 (signed by the Engineer and Owner on May 20, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded 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.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's [Development Coordination Manual](#) and submitted to the Development Coordination Section for review and approval.

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.

Wyoming Millworks Milton Facility Expansion
Mr. Jamie Whitehouse
Page 2
May 26, 2022

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.

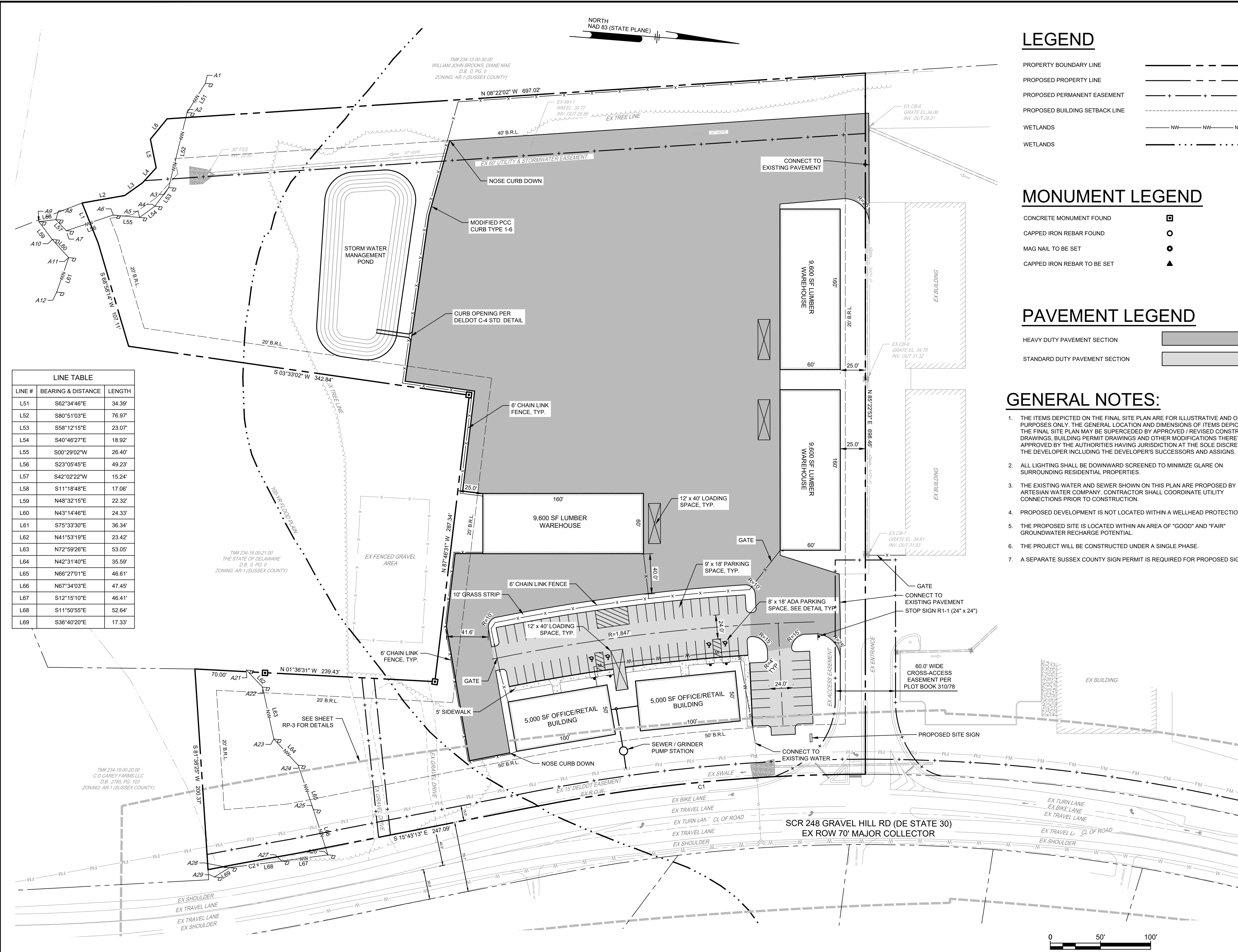
If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



Wendy L. Polasko, P.E.
Subdivision Engineer
Development Coordination

cc: David Failing, Mill Investments II, LLC
Dave Heatwole, SiteWorks Engineering, LLC.
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
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Mark Galipo, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
James Kelley, JMT
R. Stephen McCabe, Sussex County Review Coordinator
Derek Sapp, Subdivision Manager, Development Coordination



LINE #	BEARING & DISTANCE	LENGTH
L51	S62°34'46"E	34.39'
L52	S80°51'03"E	76.97'
L53	S58°12'15"E	23.07'
L54	S40°46'27"E	18.92'
L55	S00°29'02"W	26.40'
L56	S23°05'45"E	49.23'
L57	S42°02'22"W	15.24'
L58	S11°18'48"E	17.06'
L59	N48°32'15"E	22.32'
L60	N43°14'46"E	24.33'
L61	S75°33'30"E	36.34'
L62	N41°53'19"E	23.42'
L63	N72°59'26"E	53.05'
L64	N42°31'40"E	35.59'
L65	N66°27'01"E	46.61'
L66	N67°34'03"E	47.45'
L67	S12°15'10"E	46.41'
L68	S11°50'55"E	52.64'
L69	S36°40'20"E	17.33'

CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	328.39'	1694.79'	011°06'07"	327.88'	S10°10'10"E
C2	87.45'	3711.38'	001°21'00"	87.45'	S15°01'08"E

LINE #	BEARING & DISTANCE	LENGTH
L1	S63°25'52"W	43.18'
L2	N14°28'18"W	43.05'
L3	N39°59'27"W	22.03'
L4	N52°31'05"W	20.07'
L5	S73°58'45"W	29.06'
L6	N55°09'57"W	26.28'

WETLANDS STATEMENT

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM, AND STATE REGULATED WETLANDS AND SUBAQUEOUS LANDS SUBJECT TO REGULATION BY THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL UNDER TITLE 7 CHAPTERS 66 AND 72 OF THE DELAWARE CODE. ROUTINE LEVEL ON-SITE EVALUATIONS WERE CONDUCTED AUGUST 12 & 16, 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, WETLANDS AND SUBAQUEOUS LANDS WITHIN THE SUBJECT PROPERTY. NO STATE REGULATED WETLANDS ARE PRESENT WITHIN THE SUBJECT PROPERTY.

KENNETH W. REDINGER, PROFESSIONAL WETLAND SCIENTIST #2126 DATE
 BOX 479 | HORTONTOWN, VIRGINIA 23395
 PHONE: (757) 894-7032 | EMAIL: KWREDINGER@GMAIL.COM

LEGEND

- PROPERTY BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED PERMANENT EASEMENT
- PROPOSED BUILDING SETBACK LINE
- WETLANDS

MONUMENT LEGEND

- CONCRETE MONUMENT FOUND
- CAPPED IRON REBAR FOUND
- MAG NAIL TO BE SET
- CAPPED IRON REBAR TO BE SET

PAVEMENT LEGEND

- HEAVY DUTY PAVEMENT SECTION
- STANDARD DUTY PAVEMENT SECTION

GENERAL NOTES:

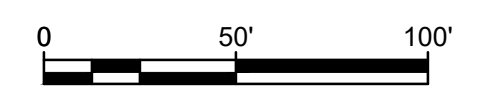
- THE ITEMS DEPICTED ON THE FINAL SITE PLAN ARE FOR ILLUSTRATIVE AND OUTLINE PURPOSES ONLY. THE GENERAL LOCATION AND DIMENSIONS OF ITEMS DEPICTED ON THE FINAL SITE PLAN MAY BE SUPERCEDED BY APPROVED / REVISED CONSTRUCTION DRAWINGS, BUILDING PERMIT DRAWINGS AND OTHER MODIFICATIONS THERETO APPROVED BY THE AUTHORITIES HAVING JURISDICTION AT THE SOLE DISCRETION OF THE DEVELOPER INCLUDING THE DEVELOPER'S SUCCESSORS AND ASSIGNS.
- ALL LIGHTING SHALL BE DOWNWARD SCREENED TO MINIMIZE GLARE ON SURROUNDING RESIDENTIAL PROPERTIES.
- THE EXISTING WATER AND SEWER SHOWN ON THIS PLAN ARE PROPOSED BY ARTESIAN WATER COMPANY. CONTRACTOR SHALL COORDINATE UTILITY CONNECTIONS PRIOR TO CONSTRUCTION.
- PROPOSED DEVELOPMENT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
- THE PROPOSED SITE IS LOCATED WITHIN AN AREA OF "GOOD" AND "FAIR" GROUNDWATER RECHARGE POTENTIAL.
- THE PROJECT WILL BE CONSTRUCTED UNDER A SINGLE PHASE.
- A SEPARATE SUSSEX COUNTY SIGN PERMIT IS REQUIRED FOR PROPOSED SIGNAGE.

SITE DATA:

- TAX MAP NUMBER: 235-19.00-23.01
- OWNER: MILL INVESTMENTS II LLC
- GROSS AREA / NET DEVELOPMENT AREA: 9.553 ACRES
- EXISTING & PROPOSED LOTS: 1 EXISTING - 1 PROPOSED
- DEVELOPER NAME: MILL INVESTMENTS II LLC
- PROPERTY ADDRESS: 23000 TRACKS END LANE MILTON, DE 19968
- GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY
- HUNDREDCOUNTY: BROADKILL HUNDRED / SUSSEX COUNTY
- ZONING: HI-1 (HEAVY INDUSTRIAL)
- PRESENT USE: TILLED CROPS
- PROPOSED USE: LUMBER YARD / WAREHOUSE / RETAIL
- THE PROPERTY HAS A FUTURE LAND USE DESIGNATION OF "INDUSTRIAL AREA" PER SUSSEX COUNTY'S 2019 COMPREHENSIVE PLAN UPDATE.
- GROSS LEASABLE FLOOR AREA: 38,800 SF
- REQUIRED HI-1 SETBACKS (B.R.L.): FRONT: 50-FEET SIDE: 20-FEET REAR: 20-FEET (40 WHEN ADJACENT TO AR-1)
- MAXIMUM HEIGHT REQUIREMENT: PROPOSED HEIGHT: 125-FEET <125-FEET
- REQUIRED PARKING: OFFICE SPACE (1 SPACE / 200 SF OF FLOOR AREA) OFFICE SPACE FLOOR AREA = 5,000 SF REQUIRED PARKING = 25 SPACES RETAIL SPACE (1 / 200 SF OF FLOOR AREA PLUS 1 SPACE FOR EACH 2 EMPLOYEES, LARGEST SHIFT) RETAIL FLOOR AREA = 5,000 SF RETAIL EMPLOYEES (LARGEST SHIFT) = 6 REQUIRED PARKING = 28 SPACES LUMBERYARD / WAREHOUSE (1 FOR EVERY 2 EMPLOYEES ON THE MAJOR SHIFT) EMPLOYEES ON MAJOR SHIFT (14) REQUIRED PARKING = 7 SPACES PARKING SPACES REQUIRED = 60 SPACES PARKING SPACES PROVIDED = 63 SPACES ADA ACCESSIBLE SPACES REQUIRED = 3 SPACES ADA ACCESSIBLE SPACES PROVIDED = 4 SPACES
- LOADING SPACE REQUIRED: 4 SPACES LOADING SPACED PROVIDED: 4 SPACES
- WATER SUPPLIER: ARTESIAN WATER COMPANY
- SANITARY SEWER PROVIDER: ARTESIAN WATER COMPANY
- PROJECT DATUM: HORIZONTAL: NAD 83 VERTICAL: NAVD88
- FEMA FLOOD MAP: PER FEMA FLOOD MAP 100050C01651, 100050C01641 EFFECTIVE 1/6/2005, A PORTION OF THE SITE IS WITHIN FLOOD ZONE "A" AND SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
- POSTED SPEED LIMIT FOR GRAVEL HILL RD (SCR 248): 50 MPH
- 2020 STATE INVESTMENT AREA: LEVEL 3
- LATITUDE AND LONGITUDE STATE PLAN COORDINATES: LATITUDE: N 38° 46' 30" LONGITUDE: W 75° 20' 34"
- NON-TIDAL WETLAND AREA: 0.465 ACRES TIDAL WETLAND AREA: 0.000 ACRES
- PROPOSED DISCHARGE LOCATION: BRITTINGHAM BRANCH
- PROXIMITY TO T.I.D.: NOT WITHIN AN IDENTIFIED TID
- LIMIT OF DISTURBANCE: 6.9 ACRES
- WATERSHED: BROADKILL RIVER
- IMPERVIOUS AREA (PERCENT OF SITE): 5.328 ACRES (55.6%)

DELDOT RECORD PLAN NOTES

- REVISED MARCH 21, 2019
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
 - NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
 - 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.
 - PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH, (TITLE 17 §131), DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
 - THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
 - ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
 - TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.



SURVEY NOTES:

- BOUNDARY SURVEY: SITEWORKS ENGINEERING, LLC
- SURVEY DATUM: HORIZONTAL - NAD83 VERTICAL - NAVD88
- REFERENCES: PLOT BOOK 310, PAGE 78
- NOTE: THIS PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY OTHER THAN AS SHOWN. A TITLE SEARCH WAS NOT PERFORMED.

SITEWORKS ENGINEERING
 RECORD PLAN
 PO BOX 2, 19 COMMERC ST., HARRINGTON, DE 19952 Phone: (803) 841-7901

MILTON FACILITY EXPANSION
 TAX PARCEL NO. 235-19.00-23.01
 SCR 248 (GRAVEL HILL RD) DE STATE 30
 BROAD KILL HUNDRED, SUSSEX COUNTY, DELAWARE

ISSUE / REVISION BLOCK
 2/9/22 - SUSSEX COUNTY
 2/9/22 - FIRE MARSHAL
 4/11/22 - DELDOT
 4/12/22 - SUSSEX CONSERVATION DISTRICT
 5/20/22 - SUSSEX CONSERVATION DISTRICT
 5/31/22 - SUSSEX COUNTY

SCALE PROJECT # DRAWN BY
 1" = 50' 2160-WML DMH
 DRAWING NUMBER

RP-2

Planning & Zoning Commission Minutes

April 22, 2021

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Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/U 2246 for Bee Wise, LLC for the reasons and conditions stated in the motion. Motion carried 5 - 0.

2019-29 Scenic Manor (F.K.A. Estates at Mulberry Knoll)

A cluster subdivision to divide 166.8 acres +/- into 319 single-family lots to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County. The property is lying on the east and west sides of Mulberry Knoll Rd. (S.C.R. 284), approximately 0.67 mile south of John J. Williams Hwy. (Route 24). Tax Parcel: 334-18.00-43.00. Zoning District: AR-1 (Agricultural Residential District).

The Commission discussed this application which has been deferred since April 8, 2021.

Mr. Mears moved that the Commission grant preliminary approval for Subdivision **2019-29** for **Scenic Manor, formerly known as the Estate at Mulberry Knoll** based upon the record made during the public hearing and for the following reasons:


1. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. According to the Plan, the Coastal Area is a Growth Area where single-family homes in clustered subdivisions are appropriate.
2. The Applicant is seeking approval of a subdivision within the AR-1 Zoning District and Coastal Area according to the Sussex County Comprehensive Plan.
3. The subdivision will have no more than 319 lots on 166.8 acres. This density does not exceed the maximum density that is permitted in the AR-1 zone.
4. All lots will be at least 7,500 square feet in size.
5. Based upon the record and with the conditions of approval this subdivision will not have an adverse impact on the neighboring properties or area roadways.
6. The proposed subdivision meets the purpose and standards of the Subdivision Code and the applicant has addressed the requirements of Section 99-9C of the Code.
7. The homes and amenities are clustered on the most environmentally suitable portions of the site and avoid wetlands and waterways. The subdivision will also include approximately 80 acres of open space which represents approximately 48% of the site.
8. The proposed development complies with the Coastal Area Requirements in the Sussex County Zoning Code. The Applicant has performed a wetland delineation and has submitted an Environmental Assessment and Public Facilities Evaluation Report and the subdivision was designed in accordance with the results of both reports.
9. The Applicant retained Edward Otter, Inc. to perform an archeological investigation of the property that included field work, archival research and laboratory analysis. This research did not reveal anything that could affect the development of this site. One of the conditions of this approval will be that a copy of the Final Archeological Report prepared by Edward Otter, Inc. shall be sent to the State Historical Preservation Office.
10. The project will be served by a central water system.
11. Sussex County will provide central sewer to the project.
12. The development complies with the Sussex County Comprehensive Plan as a low density, single-family dwelling subdivision.
13. This development will be part of the Henlopen Transportation Improvement District. Based on the financial contributions of that participation and the road improvements currently underway along Route 24 and including the intersection with Mulberry Knoll Road, the existing Levels of

Planning & Zoning Commission Minutes

April 22, 2021

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Service on area roadways will not be degraded as a result of this subdivision. In many cases, these factors will contribute to improved Levels of Service according to the TIS Review Letter provided by DelDOT.

14. This preliminary approval is subject to the following:
- a. There shall be no more than 319 lots within the subdivision.
 - b. The subdivision shall be served by a central water system for potable water and fire protection.
 - c. The site shall be served by central sewer as part of the Sussex County sewer system.
 - d. The developer shall establish a homeowners association responsible for the maintenance of streets, buffers, stormwater management facilities and other common areas.
 - e. 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 Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities. The system shall be maintained and operated using Best Management Practices.
 - f. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this subdivision. This buffer shall utilize existing forest or similar vegetation as much as possible with limited disturbance.
 - g. The development shall comply with all DelDOT entrance and roadway improvement requirements, including the requirements of the Henlopen Transportation Improvement District.
 - h. Street design shall meet or exceed Sussex County standards.
 - i. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - j. Construction, site work and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays. No Sunday hours are permitted.
 - k. The Applicant shall coordinate with the local school district regarding the location of a school bus stop. The location and details of this area shall be shown on the Final Site Plan.
 - l. The development shall be served by its own on-site amenities including a clubhouse that is at least 3,000 square feet in size, an outdoor pool and two children's playgrounds that are on each side of Mulberry Knoll Road. As requested by the Applicant, and subject to any required State and Federal approvals, a kayak launching area shall be permitted. No motorized vessels shall use any dock associated with this development.
 - m. All amenities shall be completed and open for use prior to the issuance of the 140th residential building permit.
 - n. As stated by the Applicant, there shall be a buffer that is at least 50 feet wide from all tidal waters and tidal wetlands. In addition, there shall not be any disturbance of trees or other vegetation within these buffer areas and the required silt fencing shall be upland of these buffer areas to avoid disturbance.
 - o. There shall be sidewalks on both sides of all streets and the sidewalk system shall connect with DelDOT's multi-modal path.
 - p. As stated by the Applicant, a system of fully-shielded and downward screened streetlighting shall be provided.
 - q. The Developer shall coordinate with DelDOT for a safe crossing of Mulberry Knoll Road between the two sections of this subdivision. The Developer shall indicate the means of safe crossing on the Final Site Plan, and no homes shall be constructed on the west side of Mulberry Knoll Road until those safety measures are installed.
 -  (r) No residential building permits shall be issued until the Route 24 and Mulberry Knoll Road intersection is signalized as part of DelDOT Contract No. T201212201 and as referenced in

Planning & Zoning Commission Minutes

April 22, 2021

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JMT's February 10, 2021 Traffic Impact Study Review Letter.

- s. The Final Site Plan shall include a Landscape Plan confirming all landscaping to be provided, the preservation of all buffer areas, and the forested areas that will be preserved.
- t. A copy of the Final Archeological Report prepared by Edward Otter, Inc. shall be sent to the State Historical Preservation Office prior to the submission of a Final Site Plan.
- u. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- v. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried to approve Subdivision 2019-29 for Scenic Manor, formerly known as the Estate at Mulberry Knoll for the reasons and conditions stated in the motion. Motion carried 4 – 1 with Ms. Stevenson dissenting.

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

2020-15 – The Estuary at Oyster Rock

A standard subdivision to divide 28.80 acres +/- into 21 single-family lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the north side of Sandbar Court, which is within the existing Oyster Rock subdivision, and accessed from the northwest side of Oyster Rocks Road approximately 0.61-mile northeast of Coastal Highway (Rt. 1). Tax Parcel: 235-16.00-45.01. Zoning District: AR-1 (Agricultural Residential District).

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's Preliminary Subdivision Plan, a copy of the Applicant's Chapter 99.9.C response, a copy of the Applicant's exhibit book, a copy of the soil feasibility study, a copy of the DelDOT comments received from TAC including the USDA soils comments, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and no correspondence in support of or in opposition to the Application and zero mail returns.

The Commission found that Mr. John Sergovic, Esq. was present on behalf of the Applicants, John and Judy Vincent; that also present are Mr. John Vincent and Mr. Robert Nash, Merestone Consultants; that Roger Rose, Chief Engineer was unable to attend the hearing due to illness; that this property is a landlocked parcel; that the Applicant has come to an agreement with Association at Oyster Rock to get access and to become part of the Oyster Rock Subdivision; that the Wetlands will not be disturbed and that there will be setbacks from the Federal Wetlands.

Mr. Robertson stated that there is extensive information in the record for this Application in the reports submitted by Mr. Rose.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support of and one person who spoke in opposition to the Application.

The Commission found that Mr. James Muir spoke in opposition to the Application. Mr. Muir stated that he has some concerns about water pressure when 21 homes are tied into Tidewater; that this property

Tax Parcel No.: 334-18.00-43.00
Subdivision No.:
Prepared by/Return To:
 Delaware Department of Transportation
 Division of Planning
 For overnight 800 Bay Road,
 Dover, DE 19901
 Or
 Regular Mail P.O. Box 778
 Dover, DE 19901

Henlopen Transportation Improvement District
Infrastructure Recoupment Agreement

This Infrastructure Recoupment Agreement (this "Agreement") is made as of this 7 day of MARCH, 2022, by and between the Delaware Department of Transportation (hereinafter referred to as "DeIDOT"), Sussex County, a municipal corporation of the State of Delaware (hereinafter referred to as the **County**), and MKR Land Investment LLC, a Delaware corporation, its heirs, successors and assigns (hereinafter referred to as "**Developer**").

WITNESSETH:

WHEREAS, DeIDOT and the County in overseeing the coordination of land use and transportation require construction of various transportation improvements relating to the various anticipated land development projects in accordance with Title 17, Chapter 5, § 507 of the Delaware Code; and

WHEREAS, DeIDOT and the County have established the Henlopen Transportation Improvement District (the "**Henlopen TID**"), as outlined in the "Agreement Regarding Henlopen Transportation Improvement District," executed by both parties on October 30, 2020; and

WHEREAS, the **County** shall set up a fund (hereinafter referred to as the "**Henlopen TID Fund**") to help fund the planned transportation improvements in lieu of developments preparing a traffic impact study and either phasing their development projects and/or constructing offsite transportation improvements; and

WHEREAS, the **Developer** is willing to contribute to the Henlopen TID Fund in recognition of the benefits the new transportation improvements will bring its property, and in order to immediately proceed with the construction and development of its property; and

WHEREAS, said property is located on Mulberry Knoll Road, Sussex County, Delaware, being Sussex County Tax Parcel 334-18.00-43.00 consisting of 166.83 acres, more or less, as shown on Exhibit "A" (hereinafter referred to as the "**Property**").

NOW, THEREFORE, for valuable consideration, the receipt and adequacy of which is hereby acknowledged, and intending to be legally bound, the parties agree as follows:

I. Traffic Impact Study

The **Developer** shall not be required to perform a traffic impact study and, in lieu thereof, shall contribute to the Henlopen TID Fund as set forth in this Agreement.

II. Right-of-Way (R/W) Dedication

Dedication of rights-of-way in lieu of some or all of the required fee shall be by agreement between the **Developer** and **DeIDOT**, with payment of the fee being required if any party is not amenable to the proposed dedication. The value of the rights-of-way to be dedicated shall be determined in accordance with **DeIDOT** policies and regulations. The creditable area shall be determined based on highway plans acceptable to **DeIDOT** and shall exclude the standard dedications provided in **DeIDOT's Development Coordination Manual**, rights-of-way for any proposed subdivision streets, and any lands needed to accommodate the site entrance. The form of credit agreement to be utilized in the event of a right-of-way dedication in lieu of some or all of the fee is attached to this Agreement as Exhibit "C".

III. Transportation Improvement Funding

A. Henlopen Transportation Improvement District Fund – The **County** shall create and administer a separate account, the Henlopen TID Fund, to make timely payments to **DeIDOT**, for all engineering professionals and contractors performing work on the Henlopen TID transportation improvements. Subject to the provisions of this Agreement, contributions (defined below) to the Henlopen TID Fund will be made by the **Developer** and by other property owners who execute recoupment agreements in substantially the same form as this Agreement, and by **DeIDOT**, as required.

B. Contributions To The Fund

1. **Contribution Rates** –The established rates for the Henlopen TID are listed on Exhibit "B". Subject to the limitations set forth below, the **Developer** shall contribute to the Henlopen TID Fund (hereinafter, the "contribution" or "contributions"), in amounts consistent with the established rates, for the **Property** described on the attached Exhibit "A," which amounts shall be adjusted annually as set forth in paragraph D below. Once contributions for a specific development are paid in full, the **Developer** shall have no further obligations under this Agreement for that development.
2. **Contribution Timing** - Contributions shall be made at the time of **Developer** application to the **County** for a building permit for the **Property**. The parties acknowledge and agree that no building permits for a building or project located on the **Property** shall be issued until such time as the contributions to the Henlopen TID Fund associated with the particular building or project phase have been made. Where a project involves residential houses, no building permit for a particular unit shall be issued until the contribution for that unit has been made. For a non-residential building, where contributions are to be made on a square foot basis, no building permit for a particular building shall be issued until the contribution for such building has been made.
3. **Property Rezoning** - If the **Property** is rezoned from its current zoning designation, or development plans change, future contributions shall be paid in accordance with the use then being made of the **Property**. For example, if a portion of the **Property** is developed residentially, but then the balance of the **Property** is developed for non-residential purposes, the contributions for the residential portion shall be paid at the residential rates, and the non-residential portions based on the appropriate non-residential rates.
4. **Contribution Notification** - In the event **Developer** has elected to execute this Recoupment Agreement, any final site plan for development of lands of said **Developer** subject to contribution hereunder shall contain a statement or note that the issuing of a building permit

is contingent upon paying the then applicable portion of the contribution into the Henlopen TID Fund as provided in the Recoupment Agreement for the **Property**.

- C. **Developer Design/Build Credit** - Design and/or construction of physical improvements in lieu of some or all of the required fee shall be by agreement between the **Developer**, **DeIDOT**, and the **County**, with payment of the fee being required if any party is not amenable to the proposed construction. If a **Developer** seeks to design and/or construct physical improvements in lieu of paying into the Henlopen TID Fund, the **Developer** shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DeIDOT**. Credit toward the fee shall be based on the **Developer's** payments to the selected contractor. Design and/or construction of improvements required by **DeIDOT** and the **County** as part of the development's entrance construction or on-site infrastructure, e.g. subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance, shall not be creditable toward the fee. At their discretion, **DeIDOT** and the **County** may require improvements beyond the site entrance to correct an unsafe condition that they find would be created or worsened by the proposed development. Such improvements may include, but are not limited to, the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage. In that case, the cost of that work shall be determined by **DeIDOT**, using the Shared-Use Path and Sidewalk Fee Calculation Form for those items and current comparable contract bid prices as a guide for other items, and shall be creditable toward the fee. The form of credit agreement to be utilized in the event of a design and/or construction in lieu of some or all of the fee is attached to this Agreement as Exhibit "D".
- D. **Escalation** - While transportation improvement projects await construction funding, the costs of constructing the project will escalate at the rate of inflation for highway construction projects. The amounts to be paid by the **Developer**, therefore, shall be subject to an increase of up to four percent (4%) per year, not compounded, beginning on January 31, 2021 and increasing by the established amount on January 31 of each year thereafter. The actual amount of the increase shall be set by **DeIDOT** in January of each year based upon the change in the Consumer Price Index (CPI) for Delaware Region during the previous year. The established rate of increase shall not exceed four percent (4%) in any one year and escalation shall only apply to contributions unpaid on January 31 of each year.

IV. Property Owner Benefits

- A. **No Individual Off-Site Improvements** - **Developer** shall have no obligation for design or construction of any off-site road improvements and **Developer's** obligation for the contributions prescribed in this Agreement shall be in lieu of any and all individual off-site road projects which might otherwise be required by **DeIDOT** or the **County** as a condition for approval of the development of the **Property**.
- B. **No Individual Traffic Impact Study** - No Individual Traffic Impact Study will be required as a separate cost for individual developments participating in this Agreement, as a condition of approval by **DeIDOT** or the **County**.
- C. **Cost Savings** - Costs for off-site improvements are expected to be reduced due to the proposed comprehensive approach, the cost sharing and the large size of the projects.
- D. **Timing** - Completion of those off-site road improvements to be undertaken by **DeIDOT** as part of the Henlopen TID shall not be a condition of **DeIDOT** or **County** approval or issuance of permits in connection with **Developer's** development of the **Property**. All other **County** or **DeIDOT** development plan, entrance approval, and permitting requirements still apply.

V. Administration of the Agreement

- A. **Existing Record Plan Requirements** – Should existing Record Plan transportation improvement requirements conflict with this agreement, **DelDOT**, the **County**, and the **Developer** shall work together to expedite the modification(s) to the Record Plan notes. The revision will be a ministerial review, incorporating the Henlopen TID participation into the Record Plan notes. The **DelDOT** and the **County** review fees for this reconciliation will be considered satisfied from the initial Record Plan Review fees. For any other changes requiring a resubdivision plan and review, the associated fees will be the responsibility of the legal owner.
- B. **Amendments** – This Agreement shall not be modified, changed, or supplemented, nor may any of the obligations and rights be waived, except by a written instrument signed by all parties.
- C. **Notices** – Whenever a notice is to be given or a document is to be delivered to one of the parties hereunder, it shall be in writing and addressed and delivered to:

Developer: MKR Land Investment LLC
ATT: Shawn Pyle
260 Hopewell Road
Churchville, MD 21028

DelDOT: Director, Division of Planning
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

County: Sussex County Administrator
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

- D. **Succession of Agreement** – This Agreement shall bind and benefit the parties hereto, their successors and assigns: and shall be a covenant running with the **Property** described in this Agreement.
- E. **Recordation of Agreement** – The **Developer** shall record a notice of this Agreement, so as to put potential future purchasers of the **Property** on notice of the obligations created by this Agreement.
- F. **Termination of Agreement** – **Developer's** obligations under this Agreement shall terminate once all fees identified in this Agreement have been paid in full. Notwithstanding anything herein to the contrary, payment of a contribution for a specific lot or structure shall relieve that lot or structure from any other obligation under this Agreement. However, that lot or structure shall remain a beneficiary of this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written above.

Developer:

MKR Land Investment LLC,
a Delaware corporation

By: Shawn Pyle, Managing Member

By: M (SEAL)
Managing Member

STATE OF MARYLAND :
: SS.
COUNTY OF HARFORD :

BE IT REMEMBERED, that on this 7th day of MARCH, 2022, before me, a notary public, the undersigned personally appeared, SHAWN PYLE, who acknowledged himself to be a Managing Member of MKR Land Investment LLC, a Delaware corporation, Developer, and that he is authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Sharon M. Harding
Notary Public
My Commission Expires: MARCH 23, 2022
Notary Registration Number: _____

Sussex County, Delaware:

By: [Signature] (SEAL)

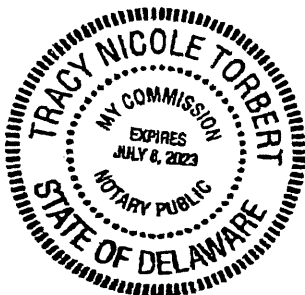
Name: MICHAEL VINCENT
President of Council

STATE OF DELAWARE :
: SS.

COUNTY OF SUSSEX:

BE IT REMEMBERED, that on this 29th day of MARCH, 2022, before me, a notary public, the undersigned personally appeared, Michael Vincent, who acknowledged himself to be the President of Council for the Government of Sussex County, and that he as such President of Council is authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



[Signature]
Notary Public
My Commission Expires: 7/8/23

Delaware Department of Transportation:

By: [Signature] (SEAL)
Name: Nicole Majeski
Title: Secretary



STATE OF DELAWARE :
: SS.
COUNTY OF KENT :

BE IT REMEMBERED, that on this 21 day of March, 2022, before me, a notary public, the undersigned personally appeared, Nicole Majeski, who acknowledged herself to be the Secretary for the Delaware Department of Transportation, and that she as such Secretary is authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Beth A McGee
Notary Public
My Commission Expires: 8/31/22

Approved as to form:

By: [Signature]
Title: Deputy Attorney General
George T. Haas

Exhibit A

Map of individual property subject to agreement

Sussex County

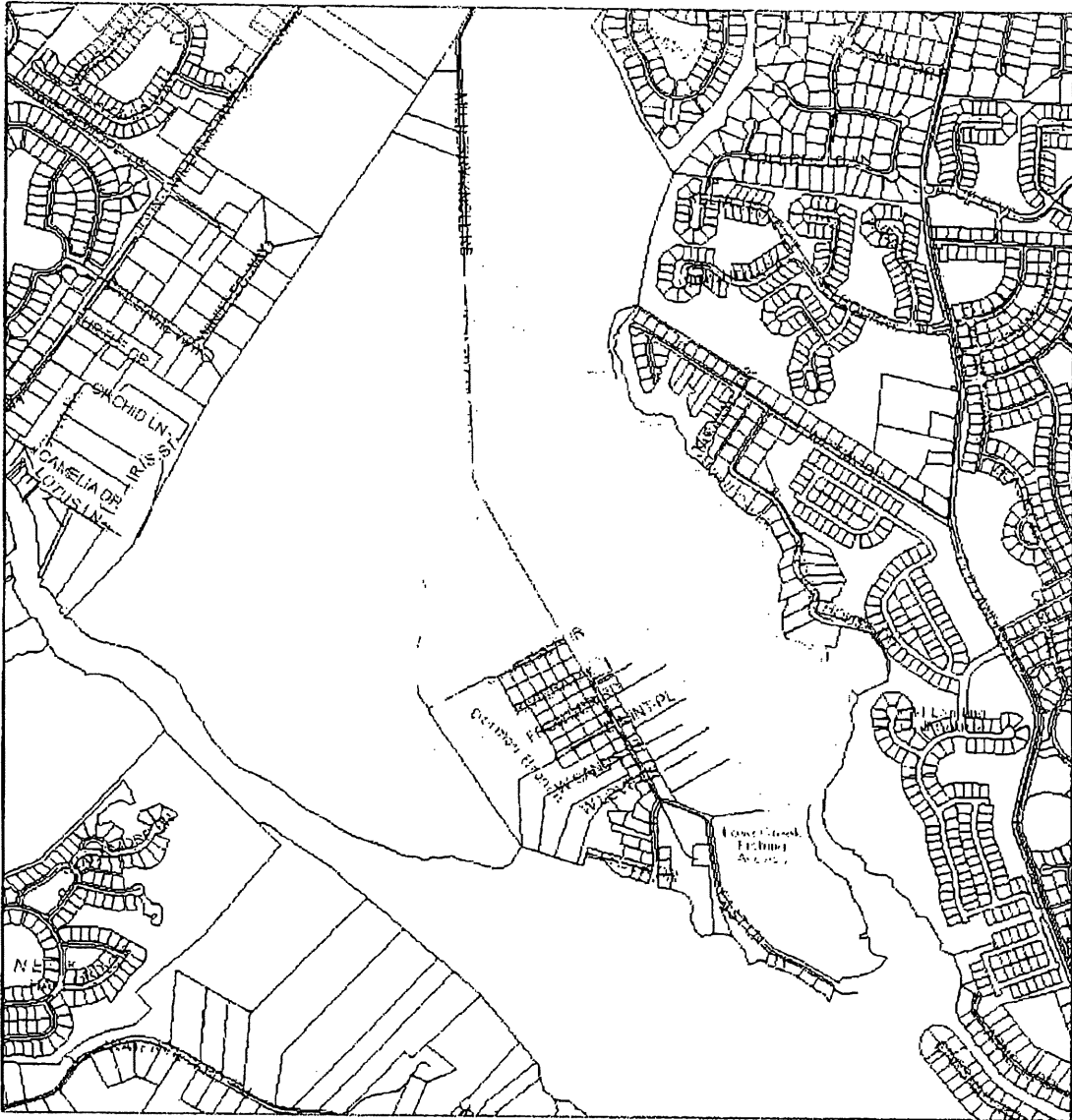


Exhibit B

Henlopen Transportation Improvement District

Initial Contribution Rates

Residential Rates	
Single family detached residential	\$4,900 per unit by phase
	\$5,145 per unit by lot
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase
	\$4,013 per unit by lot
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase
	\$2,984 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft
Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.	

Current Contribution Rates

Residential Rates	
Single family detached residential	\$5,166 per unit by phase
	\$5,424 per unit by lot
Multi-family residential, low-rise, 1-2 floors	\$4,030 per unit by phase
	\$4,231 per unit by lot
Multi-family residential, mid-rise, 3 or more floors	\$2,996 per unit by phase
	\$3,145 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	\$3.03 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.55 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	\$4.08 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.61 per sq ft
200 or more trips per 1,000 SF GFA	\$5.13 per sq ft
Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.	

Exhibit C

Henlopen TID Recoupment Credit Agreement- ROW Dedication

Agreement No. _____

Development Project

- Development Name _____
- Developer _____
- Total Required Financial Contribution for Development _____
(per Recoupment Agreement)

Henlopen TID Project

- Name of Project _____
- Section of Project _____
(Attach plan)
- Acreage of Right-of-way provided _____
- Total Estimated Cost of Right-of-way Dedication _____
(Attach cost estimate)

Recoupment Calculation

Estimated Cost of Dedication Required for Development	\$ _____
Estimated Cost of Dedication Eligible for Recoupment	\$ _____
TOTAL	\$ _____

(Attach breakout plan)

***Note - Total must equal Total Estimated Cost of Right-of-way Dedication**

Agreement

For dedicating additional right-of-way for the above named Henlopen TID Project, the above named development is credited the following amount toward the Henlopen TID Fund required contribution.
\$ _____

Developer Date

Sussex County Date

Delaware Department of Transportation Date

Exhibit D

Henlopen TID Recoupment Credit Agreement - Construction

Agreement No. _____

Development Project

- Development Name _____
- Developer _____
- Total Required Financial Contribution for Development _____
(per Recoupment Agreement)

Henlopen TID Project

- Name of Project _____
- Section of Project _____
(Attach plan)
- Items Constructed _____
- Total Estimated Cost of Section to be Constructed _____
(Attach cost estimate)

Recoupment Calculation

Estimated Cost of Items Required for Development	\$ _____
Estimated Cost of Items Required for Other Developments	\$ _____
Estimated Cost of Items Eligible for Recoupment	\$ _____
TOTAL	\$ _____

(Attach breakout plan)

**Note - Total must equal Total Estimated Cost of Construction*

Agreement

For performing construction work on the above named Henlopen TID Project, the above named development is credited the following amount toward the Henlopen TID Fund required contribution.
\$ _____

Developer Date

Sussex County Date

Delaware Department of Transportation Date

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

April 23, 2021

Mr. Phillip L. Tolliver, P.E.
Morris & Ritchie Associates, Inc.
18 Boulden Circle, Suite 36
New Castle, DE 19720

By email to: ptolliver@mragta.com

Re: Notice of Decision letter for the Preliminary Subdivision Plan for Scenic Manor (2019-29) (F.K.A. Estates at Mulberry Knoll) for the construction of a three hundred and nineteen (319) lot cluster subdivision located on and with access from the east and west sides of Mulberry Knoll Road (S.C.R. 284)
Tax Parcel: 334-18.00-43.00

Dear Mr. Tolliver,

At their meeting of **Thursday, April 22, 2021** the Planning & Zoning Commission **approved** the **Preliminary Subdivision Plan for Scenic Manor (2019-29) (F.K.A. Estates at Mulberry Knoll)** for the creation of a cluster subdivision to consist of a total of 319 lots located on and with access from the east and west sides of Mulberry Knoll Road (S.C.R. 284). The project is also located within the newly established Henlopen Transportation Improvement District (TID) and will be subject to all related impact fees to be paid for local road improvements in lieu of a Traffic Impact Study (TIS). This major subdivision application was submitted prior to the approval of the Henlopen TID. However, the applicant has decided to opt in to the TID which includes satisfying all related requirements. The property is located in the Agricultural Residential (AR-1) Zoning District and lies within the Coastal Area Future Land Use designation per Sussex County's 2019 Comprehensive Plan.

The Preliminary Subdivision Plan is valid for three (3) years from the date of Planning Commission decision. A Final Subdivision Plan shall be approved within three (3) years of the date of approval of the Preliminary Plan or the action of the Planning Commission shall be deemed canceled. Unless an extension is granted, approval shall be rendered null and void if substantial construction is not commenced within five (5) years of the date of recordation of the final plat.

As part of their motion, the Planning Commission acted to approve the development subject to the following conditions (which shall be clearly annotated on the Revised Preliminary and Final Subdivision Plans):

- A. There shall be no more than 319 lots within the subdivision.
- B. The subdivision shall be served by a central water system for potable water and fire protection.
- C. The site shall be served by central sewer as part of the Sussex County sewer system.



- D. The developer shall establish a homeowner's association responsible for the maintenance of streets, buffers, stormwater management facilities and other common areas.
- E. 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 Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities. The system shall be maintained and operated using Best Management Practices.
- F. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this subdivision. This buffer shall utilize forest or similar vegetation as much as possible with limited disturbance.
- G. The development shall comply with all DelDOT entrance and roadway improvement requirements, including the requirements of the Henlopen Transportation Improvement District.
- H. Street design shall meet or exceed Sussex County standards.
- I. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- J. Construction, site work and deliveries shall only occur on the site between the hours of 8:00AM through 5:00PM, Monday through Friday, and 8:00AM and 2:00PM on Saturdays. No Sunday hours are permitted.
- K. The Applicant shall coordinate with the local school district regarding the location of a school bus stop. The location and details of this area shall be shown on the Final Site Plan.
- L. The development shall be served by its own on-site amenities including a clubhouse that is at least 3,000 square feet in size, an outdoor pool and two children's playgrounds that are on each side of Mulberry Knoll Road. As requested by the Applicant, and subject to any required State and Federal approvals, a kayak launching area shall be permitted. No motorized vessels shall use any dock associated with this development.
- M. All amenities shall be completed and open for use prior to the issuance of the 140th residential building permit.
- N. As stated by the Applicant, there shall be a buffer that is at least 50 feet wide from all tidal waters and tidal wetlands. In addition, there shall not be any disturbance of trees or other vegetation within these buffer areas and the required silt fencing shall be upland of these buffer areas to avoid disturbance.
- O. There shall be sidewalks on both sides of all streets and the sidewalk system shall connect with DelDOT's multimodal path.
- P. As stated by the Applicant, a system of fully-shielded and downward screened streetlighting shall be provided.
- Q. The Developer shall coordinate with DelDOT for a safe crossing of Mulberry Knoll Road between the two sections of this subdivision. The Developer shall indicate the means of safe crossing on the Final Site Plan, and no homes shall be constructed on the west side of Mulberry Knoll Road until those safety measures are installed.
- R. No residential building permits shall be issued until the Route 24 and Mulberry Knoll Road intersection is signalized as part of DelDOT Contract No. T201212201 and as referenced in JMT's February 10, 2021 Traffic Impact Study Review Letter.
- S. The Final Site Plan shall include a Landscape Plan confirming all landscaping to be provided, the preservation of all buffer areas, and the forested areas that will be preserved.

- T. A copy of the Final Archeological Report prepared by Edward Otter, Inc. shall be sent to the State Historical Preservation Office prior to the submission of a Final Site Plan.
- U. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- V. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Final Subdivision Plan must comply with the County's Subdivision Code, including submission of agency approval letters to the Planning and Zoning Office. The agency approvals required for Final Subdivision Plan approval include but are not limited to: the Sussex Conservation District, Office of the State Fire Marshal, Sussex County Engineering Department, Sussex County Mapping and Addressing Department, Office of Drinking Water (Public Health) and the Delaware Department of Transportation (DelDOT).

Once all agency approvals have been obtained, please submit a minimum of **one (1) full-size (24 " x 36")** and **one (1) electronic PDF copy** of a Final Subdivision Plan to the Planning and Zoning Office for consideration on the next available agenda for Planning Commission. It is recommended that **two (2) copies** of a check print are first submitted to staff for review.

Please note that a \$10.00 per lot fee will be required to be paid prior to the approval of any Final Subdivision Plan. For 319 lots, the fee is \$3,190.00.

Please feel free to contact me during business hours with any question from 8:30 AM – 4:30 PM, Monday through Friday, at 302-855-7878.

Sincerely,



Ms. Lauren DeVore
Planner III

CC: Andy Wright, Chief Code Official – Building Code
John Ashman, Director of Utility Planning & Design – Engineering – Utility Planning
Susan Isaacs, Engineering Project Coordinator – Engineering – Public Works

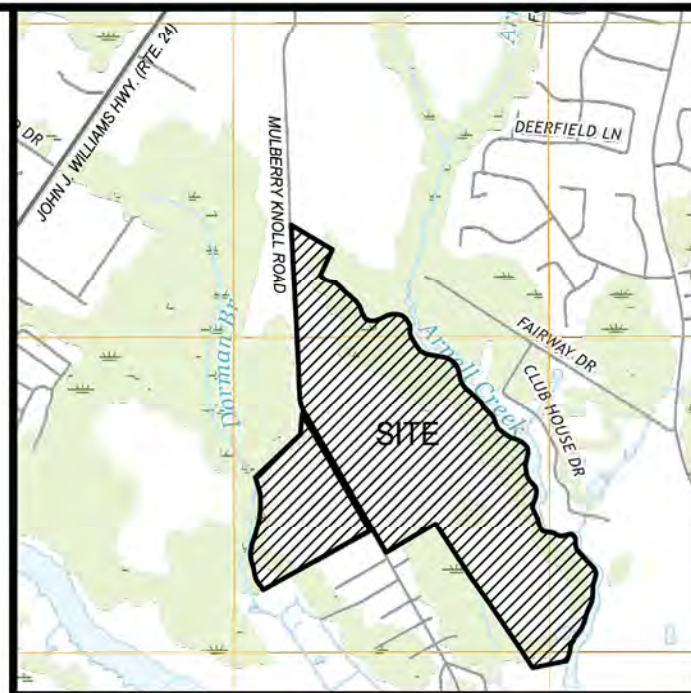
SCENIC MANOR

SUSSEX COUNTY, DELAWARE

PRELIMINARY PLANS

AR-1 CLUSTER

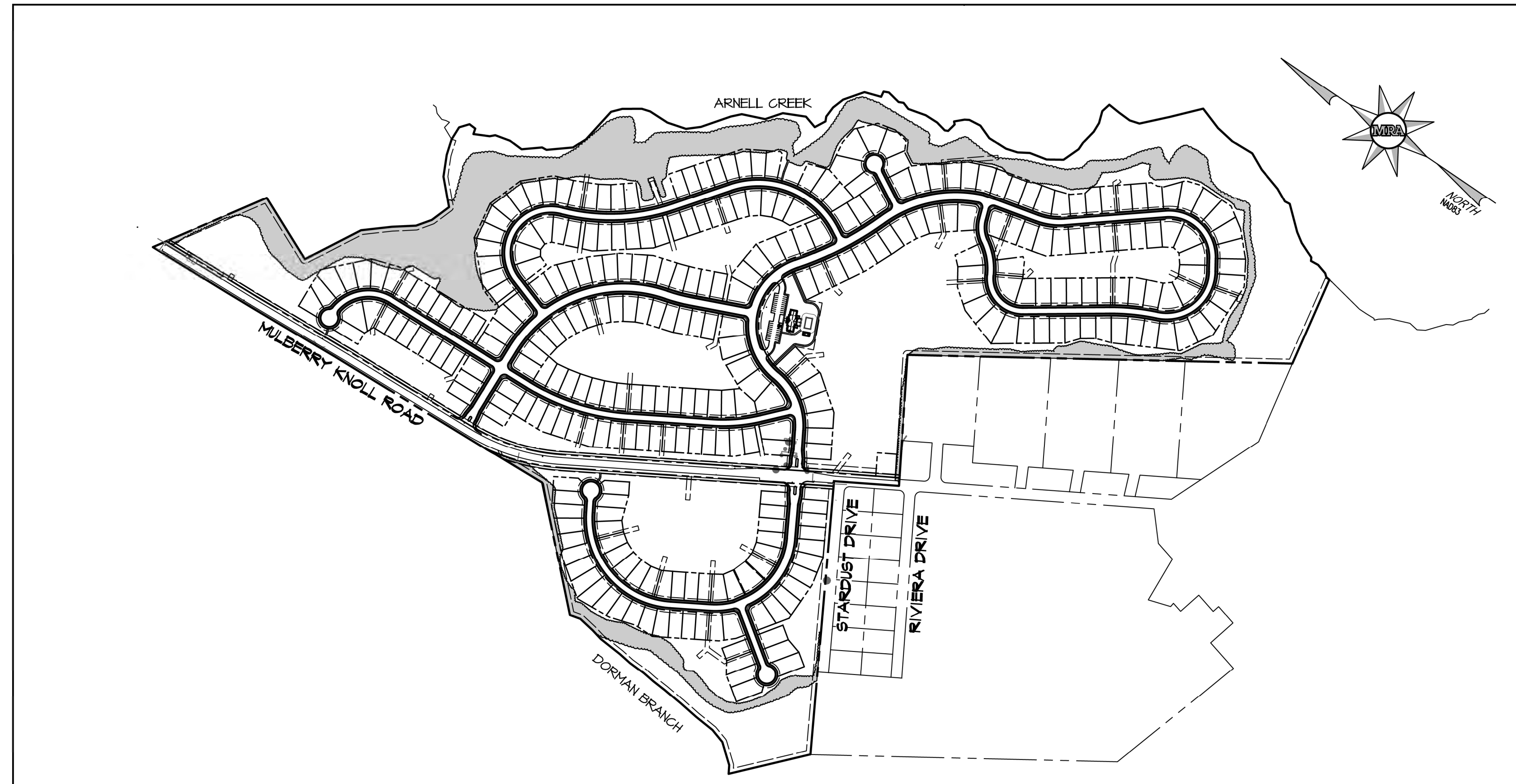
SUSSEX COUNTY PLANNING # XXXX



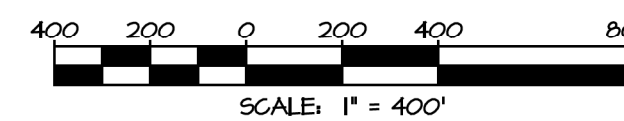
LOCATION MAP
SCALE: 1" = 2000'

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED RM LINE
- PROPOSED LOT LINE
- PROPOSED BUILDING SETBACK LINE
- 44 --- EXISTING CONTOURS
- 44 --- PROPOSED CONTOURS
- ① PROPOSED LOT NUMBER
- EXISTING HOODLANDS LINE
- HOODLAND PRESERVATION LINE



SITE OVERVIEW
SCALE: 1" = 400'



PROJECT TEAM

- DEVELOPER:** M&R LAND INVESTMENT, LLC
MR. JOHN RICHARDSON
260 HOPKELL ROAD
CHURCHVILLE, MD 21028
- LAND PLANNERS, CIVIL ENGINEER:** MORRIS & RITCHIE ASSOCIATES, INC.
18 BOULDEN CIRCLE, SUITE 36
NEW CASTLE, DE 19720
ATTN: MR. PHILLIP L. TOLLIVER, P.E.
- SURVEYOR:** MORRIS & RITCHIE ASSOCIATES, INC.
8 WEST MARKET STREET
GEORGETOWN, DE 19341
ATTN: MR. GARY POWERS
- ENVIRONMENTAL CONSULTANT:** GEO-TECHNOLOGY ASSOCIATES, INC.
3445 BOX HILL CORPORATE CENTER DRIVE, SUITE A
ASBINGSON, MD 21009
ATTN: MR. ANDY STANSFIELD
- GEOTECHNICAL ENGINEER:** GEO-TECHNOLOGY ASSOCIATES, INC.
21133 STERLING AVENUE, SUITE 7
GEORGETOWN, DE 19341
ATTN: MR. GREG SAUTER
- TRAFFIC CONSULTANT:** THE TRAFFIC GROUP
9400 FRANKLIN SQUARE DR. - SUITE H
BALTIMORE, MD 21236
ATTN: MR. JOE CALOGGERO, P.E.
- ATTORNEY:** FIGLIA, WILLARD, STEVENS & SCHAB, P.A.
20248 BAY VISTA ROAD #203
REHOBOTH BEACH, DE 19371
ATTN: MR. JAMES A. FIGLIA, JR.

INDEX OF DRAWINGS

- 1 - PRELIMINARY TITLE SHEET
- 2 - PRELIMINARY GENERAL NOTES & DETAILS
- 3 - OVERALL PRELIMINARY PLAN
- 4 - PRELIMINARY PLAN
- 5 - PRELIMINARY PLAN
- 6 - PRELIMINARY PLAN
- 7 - PRELIMINARY PLAN
- 8 - PRELIMINARY PLAN
- 9 - PRELIMINARY PLAN
- 10 - PRELIMINARY PLAN
- 11 - PRELIMINARY PLAN
- 12 - PRELIMINARY PLAN
- 13 - PRELIMINARY PLAN
- 14 - PRELIMINARY PLAN
- 15 - PRELIMINARY PLAN

OWNER / DEVELOPER CERTIFICATION

I, UNDERSIGNED, AS OWNER AND DEVELOPER OF THE PROPERTY SHOWN HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

MR. JOHN RICHARDSON DATE
M&R LAND INVESTMENT, LLC

WETLANDS STATEMENT

GEO-TECHNOLOGY ASSOCIATES, INC. (GTA) 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. GTA'S REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1981 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. THE LIMITS OF THE WETLANDS WERE EVALUATED IN THE FIELD BY GTA PERSONNEL USING BEST PROFESSIONAL JUDGEMENT. NO WETLANDS OR WATERWAYS WERE OBSERVED WITHIN THE BOUNDARIES OF THIS PLAN. NO STATE OR FEDERAL JURISDICTIONAL APPROVAL WAS OBTAINED FOR THIS PROPERTY.

ANDY STANSFIELD DATE
GEO-TECHNOLOGY ASSOCIATES, INC.

ENGINEER'S CERTIFICATION

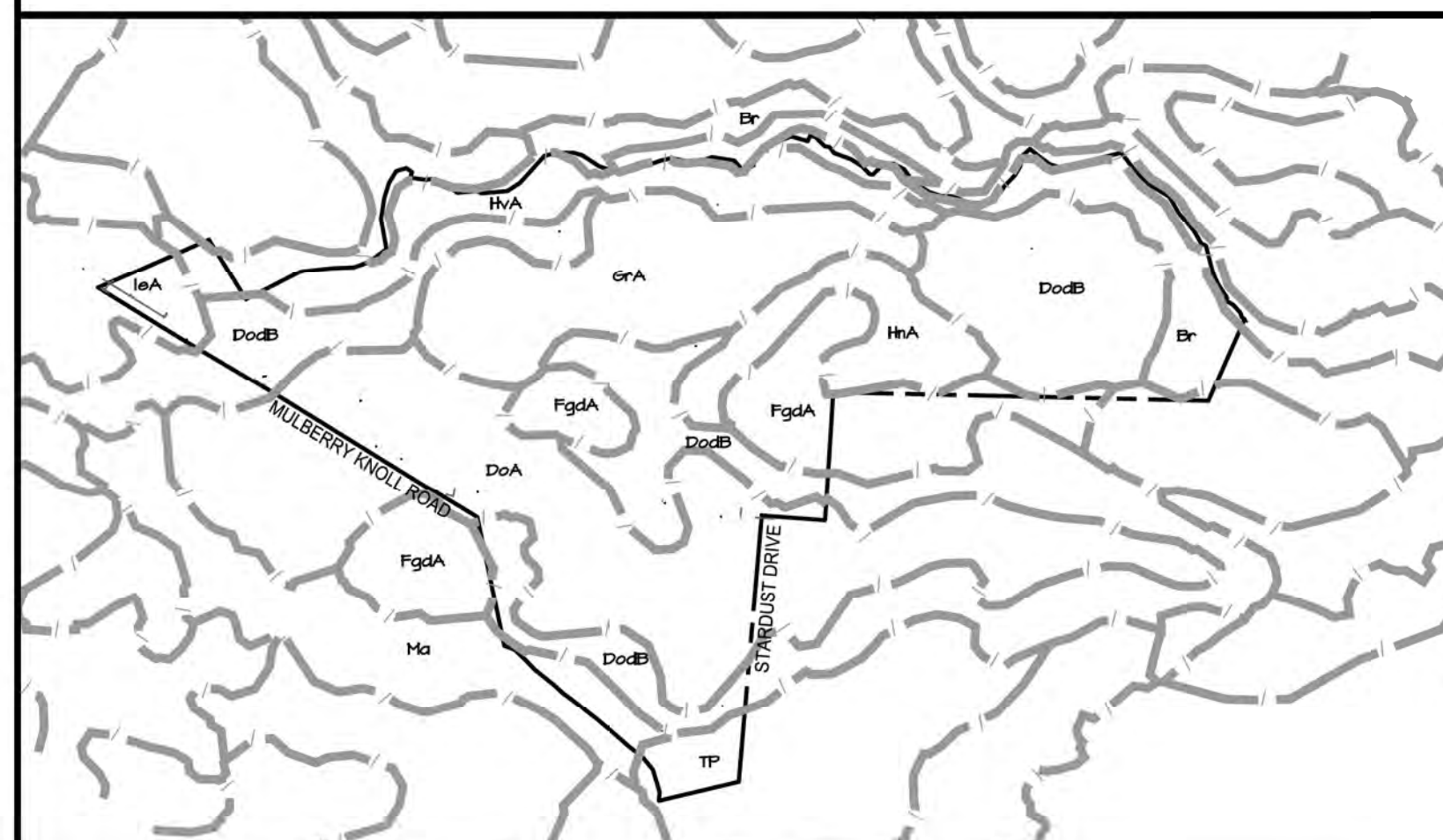
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE PROPOSED MANNER AND LAYOUT OF THE SUBDIVISION.

PHILLIP L. TOLLIVER, P.E. DATE
DE LICENSE NO. #12484

PLAN APPROVALS

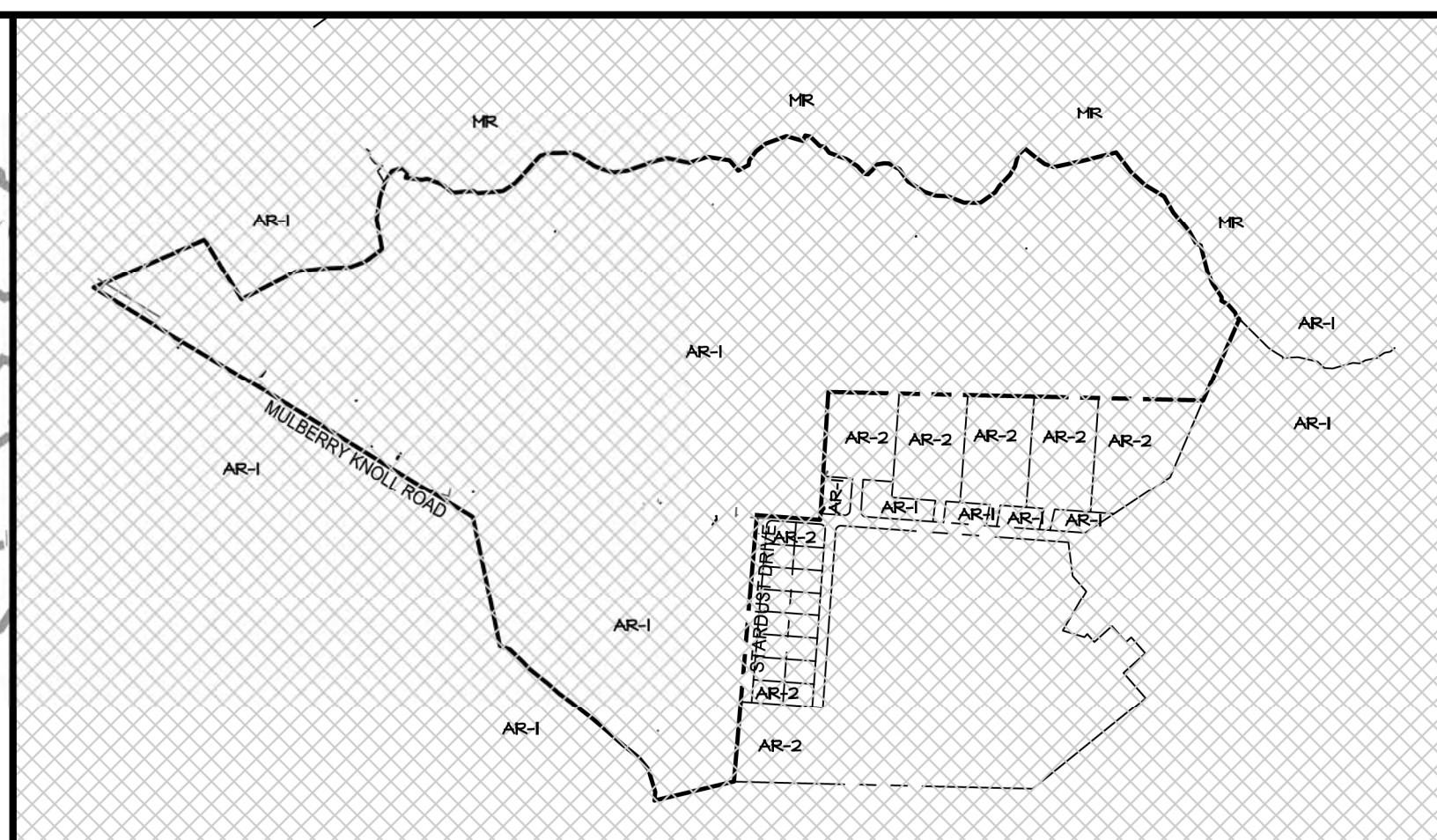
APPROVED BY: CHAIRMAN OR SECRETARY DATE
SUSSEX COUNTY PLANNING AND ZONING COMMISSION

APPROVED BY: PRESIDENT DATE
SUSSEX COUNTY PLANNING



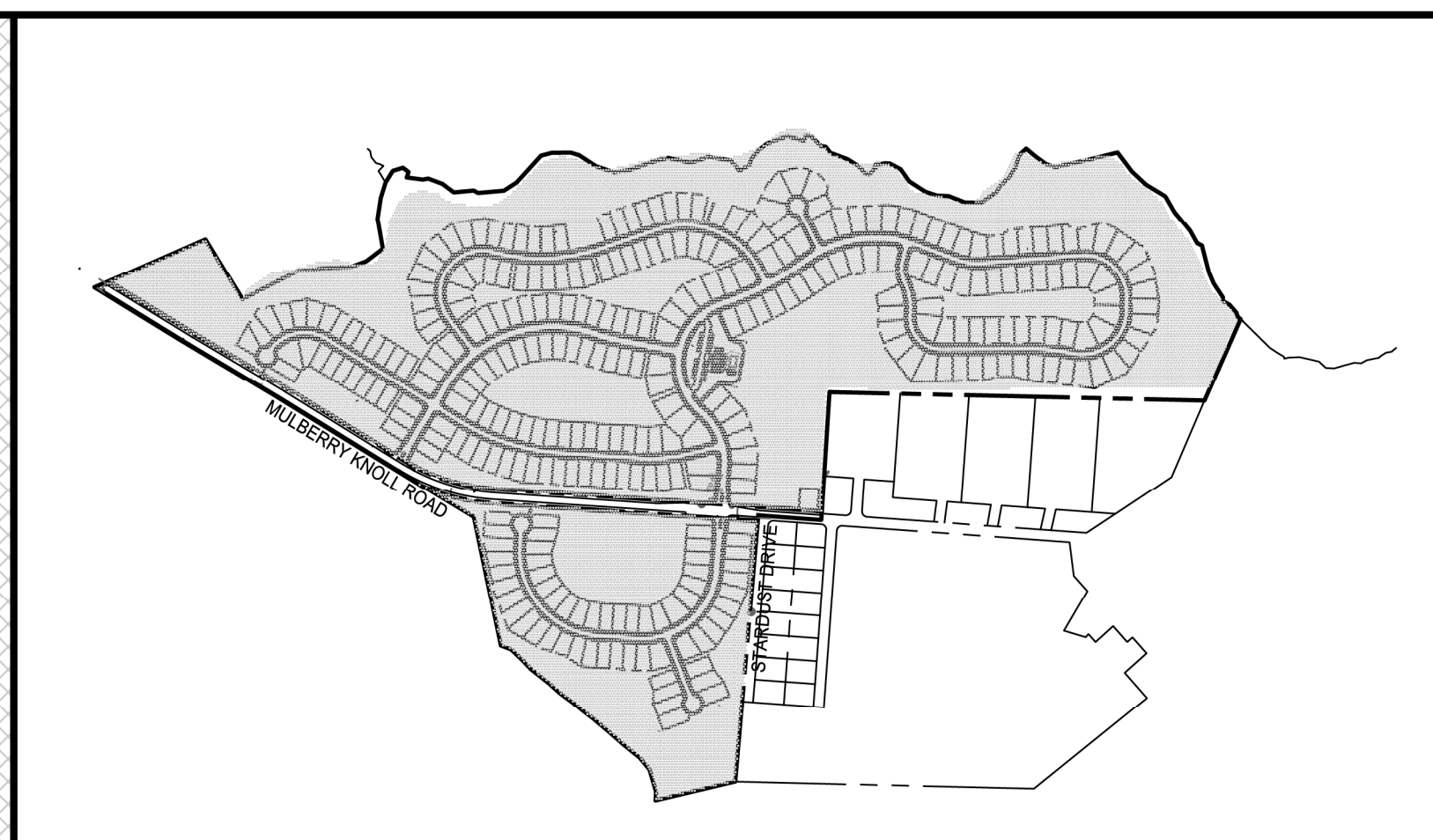
SOILS MAP
SCALE: 1" = 800'

DnA, DnB - DONNER LOAMY SAND
FmA - FORT MOTT LOAMY SAND
Lc - LONGMARSH AND INDIANTOWN SOILS
PpA - PERPPERBOX LOAMY SAND



ZONING MAP
SCALE: 1" = 800'

COASTAL AREA (FORMERLY ESDD02)
AR-1 - AGRICULTURAL RESIDENTIAL
AR-2 - AGRICULTURAL RESIDENTIAL
MR - MEDIUM RESIDENTIAL

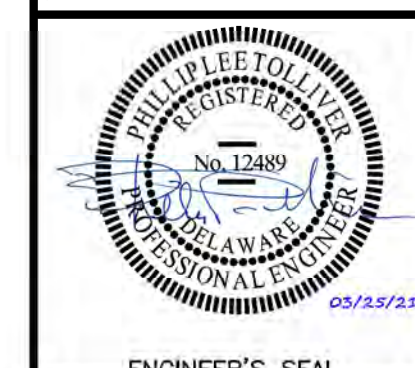


PHASING MAP
SCALE: 1" = 800'

THE PROJECT WILL BE APPROVED AS A SINGLE PHASE PROJECT WITH SIX (6) OPERATIONAL BREAKS FOR PURPOSES OF BONDING, BENEFICIAL OCCUPANCY INSPECTION, RELEASE OF USE AND OCCUPANCY PERMITS.



MORRIS & RITCHIE ASSOCIATES, INC.
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TITLE SHEET
PRELIMINARY PLAN
FOR
SCENIC MANOR

DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: AS NOTED
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 1 OF 15

G:\20572-Mulberry-Knoll\PLANNING\PRELIMINARY\PLAT\20572_PRELIM_TITL_SHEET.dwg, 3/25/2021 2:35:45 PM, Copyright 2021, Morris & Ritchie Associates, Inc.

CONSTRUCTION NOTES

- CONTRACTOR SHALL NOTIFY "MISS UTILITY" AT (1-800-282-8555) AT LEAST (3) WORKING DAYS PRIOR TO EXCAVATION, TO HAVE EXISTING UNDERGROUND UTILITIES LOCATED AND MARKED.
- ALL MATERIALS & WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS & SPECIFICATIONS.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS, AND PROPER SPECIFICATIONS.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
 - A. SCHIFF LAND DEVELOPMENT CO., LLC 302-348-8014
 - B. SUSSEX COUNTY ENGINEERING DEPARTMENT 302-855-7110
 - C. TIDEWATER UTILITIES 302-445-8000
 - D. SUSSEX CONSERVATION DISTRICT 302-856-2105
 - E. DNREC 302-856-5468
 - F. COMCAST 804-562-3401
 - G. DELAWARE ELECTRIC COOPERATIVE 302-344-5911
 - H. DELMARVA POWER 610-891-2444
 - I. MEDIAMON 804-562-3401
 - J. VERIZON 302-422-1464
- CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ALL PROPOSED UTILITIES ARE TO BE CONSTRUCTED WITHIN THE ROADWAY OR EASEMENT RIGHT-OF-WAY. DISTURBED AREAS BEYOND THE EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- INFORMATION SHOWN HEREON IS BASED UPON GIS DATA OBTAINED THROUGH THE STATE OF DELAWARE GIS WEBSITE (FIRSTMAP.DELAWARE.OPERATEDATA.ARCGIS.COM) AND DOES NOT REPRESENT FIELD RUN TOPOGRAPHIC OR BOUNDARY SURVEY. SITE LAYOUT IS SUBJECT TO REVISION PENDING FIELD SURVEY.
- EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLANS ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. NO GUARANTEE IS MADE OR IMPLIED REGARDING THE ACCURACY OR COMPLETENESS THEREOF. CONTRACTOR IS RESPONSIBLE FOR THE VERIFICATION OF DEPTH, SIZE AND MATERIAL OF ALL UNDERGROUND UTILITIES TO HIS OWN SATISFACTION BEFORE BEGINNING ANY EXCAVATION OR UTILITY INSTALLATION. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL SHOWN OR NOT SHOWN EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITIES BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE.
- DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED, AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC IN ALL WORK AREAS.
- ROUGH GRADING SHALL BE COMPLETE PRIOR TO THE CONSTRUCTION OF WATER & SEWER SYSTEMS.
- CONTRACTOR SHALL ADJUST TO FINISH GRADE AS NECESSARY ANY VALVE BOXES, MANHOLES, CATCH BASINS ETC., PRIOR TO PLACING PAVING.
- CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF UTILITIES, STORMDRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
- CONTRACTOR TO MAINTAIN MINIMUM OF 3.0 FEET OF COVER OVER ALL NEW WATER LINES AS MEASURED FROM TOP OF PIPE TO FINISHED GRADE, UNLESS OTHERWISE NOTED.
- SEWER LINES SHALL HAVE MINIMUM VERTICAL CLEARANCE OF 10 INCHES FROM WATER MAINS AT GROUND LEVEL AND MINIMUM VERTICAL CLEARANCE BETWEEN SEWER AND WATER MAINS. SEWER LINES SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 12 INCHES FROM OTHER UTILITIES. IF THESE CLEARANCES CANNOT BE MAINTAINED, THEN PROVISIONS FOR PROPERLY ENCASED THE PIPE IN CONCRETE MUST BE PROVIDED.
- LATERALS SHALL BE 6 INCHES IN DIAMETER, WITH VERTICAL CLEANSOUTS OF 6 INCHES IN DIAMETER, AND TO HAVE A MINIMUM OF 3" OF COVER FROM SUSSEX COUNTY CLEANOUT TO MAIN LINE. CLEANSOUTS SHALL BE LOCATED AT EDGE OF RIGHT-OF-WAY.
- ALL GRAVITY SEWER PIPES SHALL BE PVC SDR 35, FOR PIPE SLOPES SEE FINAL CONSTRUCTION DRAWINGS FOR SANITARY SEWER PROFILES.
- MATERIAL OF CONSTRUCTION FOR SEWER FORCE MAINS SHALL BE AS NOTED ON THE FINAL CONSTRUCTION DRAWINGS, FORCE MAIN SHALL BE INSTALLED AS PROFILED TO PREVENT FORMATION OF UNANTICIPATED HIGH POINTS IN THE INSTALLATION.
- ALL SEWER LINES MUST BE SUCCESSFULLY TESTED ACCORDING TO SUSSEX COUNTY ORDINANCE 38, SECTION 5.01, 1-4, ON PAGE 515 THROUGH 518, ACCEPTANCE TESTING, PRIOR TO FINAL ACCEPTANCE.
- ALL SANITARY SEWER SYSTEM CONSTRUCTION PERFORMED SHALL BE IN ACCORDANCE WITH SUSSEX COUNTY ORDINANCE 38, THESE PLANS AND ALL APPLICABLE CONSTRUCTION PERMITS.
- ALL DROP MANHOLES TO BE 5'-0" IN DIAMETER.
- FITTINGS SHOWN ON THE PLANS ILLUSTRATE ANTICIPATED ANGLE OF DEFLECTION. THIS INFORMATION IS SHOWN FOR GENERAL INFORMATION AND IS NOT GUARANTEED. ACTUAL ANGLE MAY VARY DUE TO FIELD CONDITIONS. USE OF ADDITIONAL FITTINGS SHALL BE AUTHORIZED BY THE ENGINEER.
- THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
- ALL DISTURBED AREAS IN THE STATED RIGHT OF WAY, BUT NOT IN THE PAVEMENT SECTION MUST BE TOPSOILED (6" MINIMUM), FERTILIZED, MULCHED, AND SEEDED.
- ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE PLACED IN ACCORDANCE WITH THE MUTCD MANUAL, MOST CURRENT EDITION.
- ALL PROPOSED STORM DRAIN DESIGNATED AS "RCCP" IS TO BE REINFORCED CONCRETE CIRCULAR PIPE, MEETING AASHTO M-110 SPECIFICATIONS. SEE FINAL CONSTRUCTION PLAN PROFILES FOR SPECIFIC PIPE CLASS.
- ALL LENGTHS OF SANITARY SEWER PIPE ARE MEASURED HORIZONTALLY FROM CENTER LINES OF INLETS, MANHOLES OR FITTINGS. ALL LENGTHS OF STORM DRAIN PIPE ARE MEASURED HORIZONTALLY FROM EDGE OF STRUCTURE TO EDGE OF STRUCTURE. ACTUAL TRUE LENGTHS OF PIPES ARE TO BE DETERMINED IN THE FIELD.
- WHERE SPECIFIED, HOPE STORM DRAIN PIPE SHALL BE ADS N-12 (SMOOTH INTERIOR) PIPE WITH ADS PRO-LINK HT (BELL/BELL COUPLER) FOR WATER TIGHT CONNECTIONS. REFER TO PLAN AND PROFILES FOR MATERIALS USED.
- ALL EMBEDMENT MATERIALS USED FOR BEDDINGS, HAUNCHING, AND INITIAL BACKFILL FOR HOPE PIPE SHALL CONFIRM TO AASHTO SECTION 30 AND ASTM D-2321 AS PER MANUFACTURER INSTALLATION REQUIREMENTS. CONTRACTOR SHALL ENSURE THAT PROPER LINE AND GRADE IS ESTABLISHED WITHIN TRENCH BEDDING PRIOR TO PLACEMENT OF PIPE AND THAT PROPER MATERIALS ARE USED AND COMPACTION IS ACHIEVED DURING HAUNCHING AND INITIAL BACKFILL. A GEOTECHNICAL ENGINEER SHALL BE RETAINED TO VERIFY SUITABILITY OF MATERIALS USED AND PROPER COMPACTION. ANY DEVIATION IN LINE AND GRADE OR OBVIOUS JOINT SEPARATION SHALL BE CORRECTED PRIOR TO ESTABLISHMENT OF FINAL SUBGRADE AND PAVEMENT SURFACE. THE CONTRACTOR SHALL TAKE EVERY CARE TO ENSURE CORRECT PIPE INSTALLATION.
- UNLESS OTHERWISE SPECIFIED ALL ROADWAY INLETS SHALL HAVE A TYPE I INLET GRATE AND TYPE 5 TOP UNIT PER DELDOT STANDARDS, CURRENT REVISION.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE.

SUSSEX COUNTY CONSTRUCTION NOTES:

- ROADWAY STAKEOUTS:
 - A. RIGHT-OF-WAY STAKES SHALL BE OFFSET A MINIMUM OF FIVE (5) FEET OUTSIDE THE RIGHT-OF-WAY.
 - B. STATION NUMBERS TO BE INDICATED ON EACH SIDE OF THE STAKE.
 - C. THE CENTERLINE ROADWAY CUT AND CUT-LINE SHALL BE LOCATED ON THE SIDE OF THE STAKE WHICH FACES THE CENTERLINE, ALSO A "CL" DESIGNATION SHALL BE INCLUDED.
 - D. THE SNALE CUT AND CUT-LINE SHALL BE INDICATED ON THE OUTSIDE OF THE STAKE, WHILE ALSO CONTAINING A "SM" DESIGNATION.
- THE CONTRACTOR SHALL PROVIDE TWO (2) WORKING DAYS NOTICE TO THE COUNTY INSPECTOR PRIOR TO PAVING. AT THIS TIME, THE INSPECTOR MAY REQUIRE THE CONTRACTOR COMPLETE RELATED OR UNRELATED WORK ITEMS BEFORE PAVING MAY BEGIN.
- SURFACE TREATMENT SHALL NOT BE APPLIED. (SURFACE TREATMENT NOT USED)
 - A. AFTER NOVEMBER 1 OR PRIOR TO APRIL 1; OR
 - B. WHEN THE TEMPERATURE IS BELOW 50° F; OR
 - C. ON ANY WET OR FROZEN SURFACE.
- HOT MIX SHALL NOT BE APPLIED.
 - A. WHEN THE TEMPERATURE IS BELOW 40° F; OR
 - B. ON ANY WET OR FROZEN SURFACE.
- FOR ALL WOODED AREAS, A SUFFICIENT AREA BEYOND THE RIGHT-OF-WAY SHALL BE CLEARED AND GRUBBED TO ALLOW PROPER GRADING OF THE ROADWAY SNALE BACKSLOPES.
- ALL DISTURBED AREAS MUST BE STABILIZED WITH 4 INCHES OF TOPSOIL, SEED, AND MULCH.

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.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- 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.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS, SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 11 §93), DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

GENERAL NOTES:

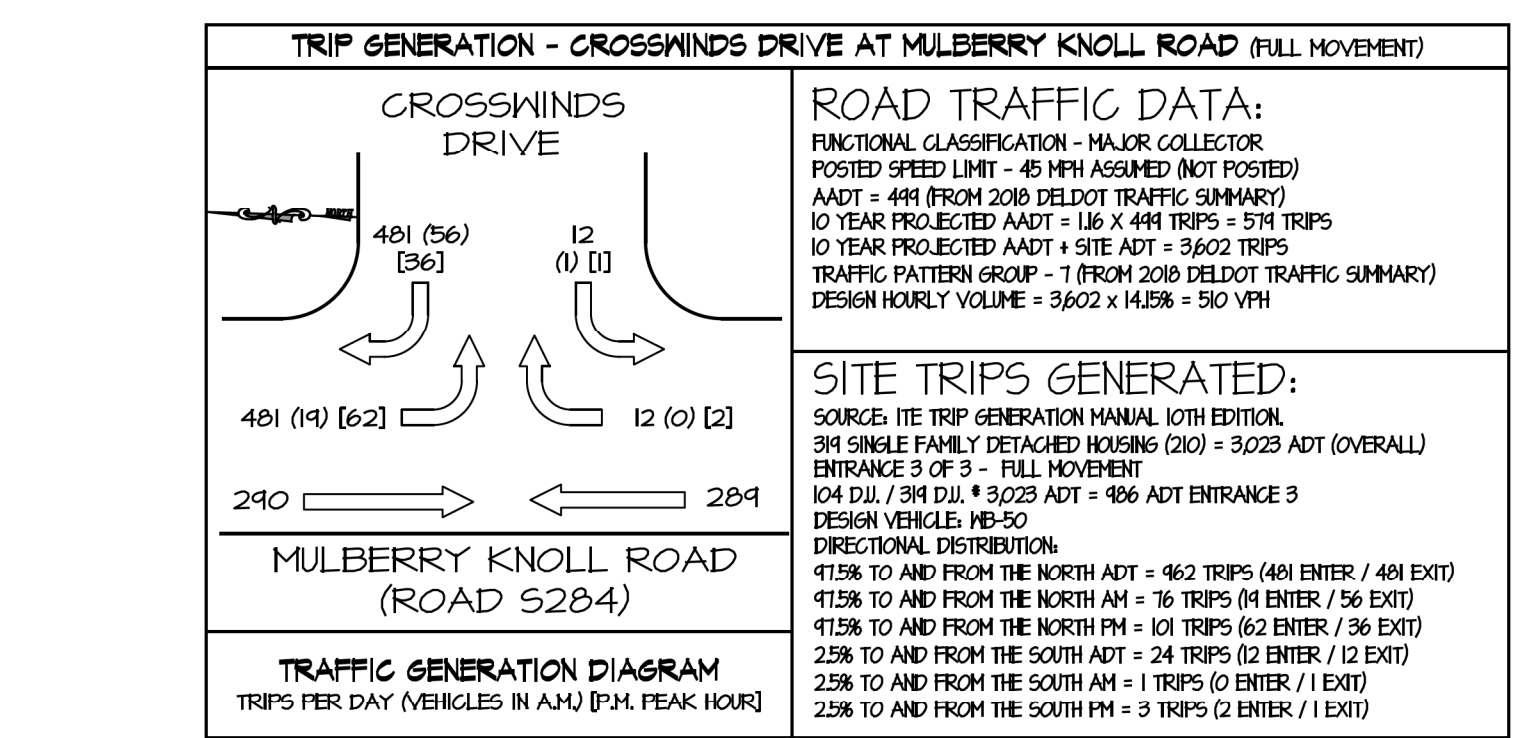
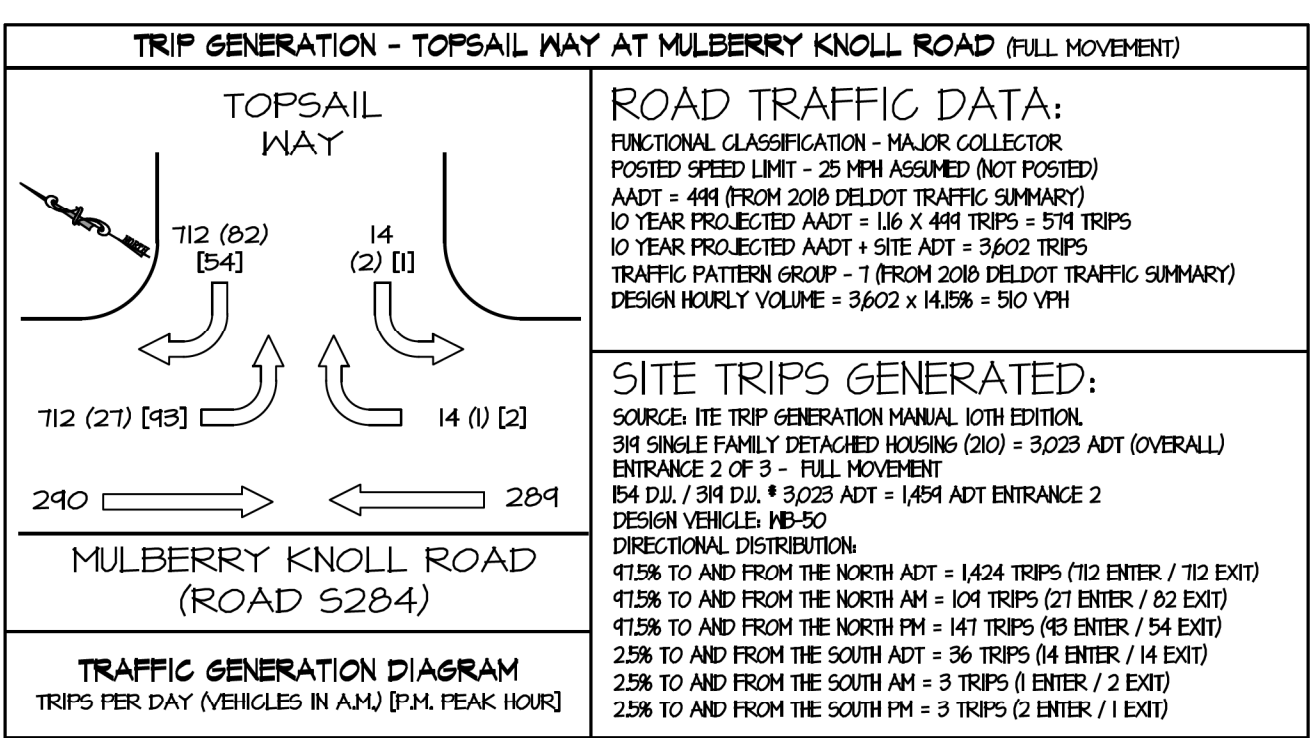
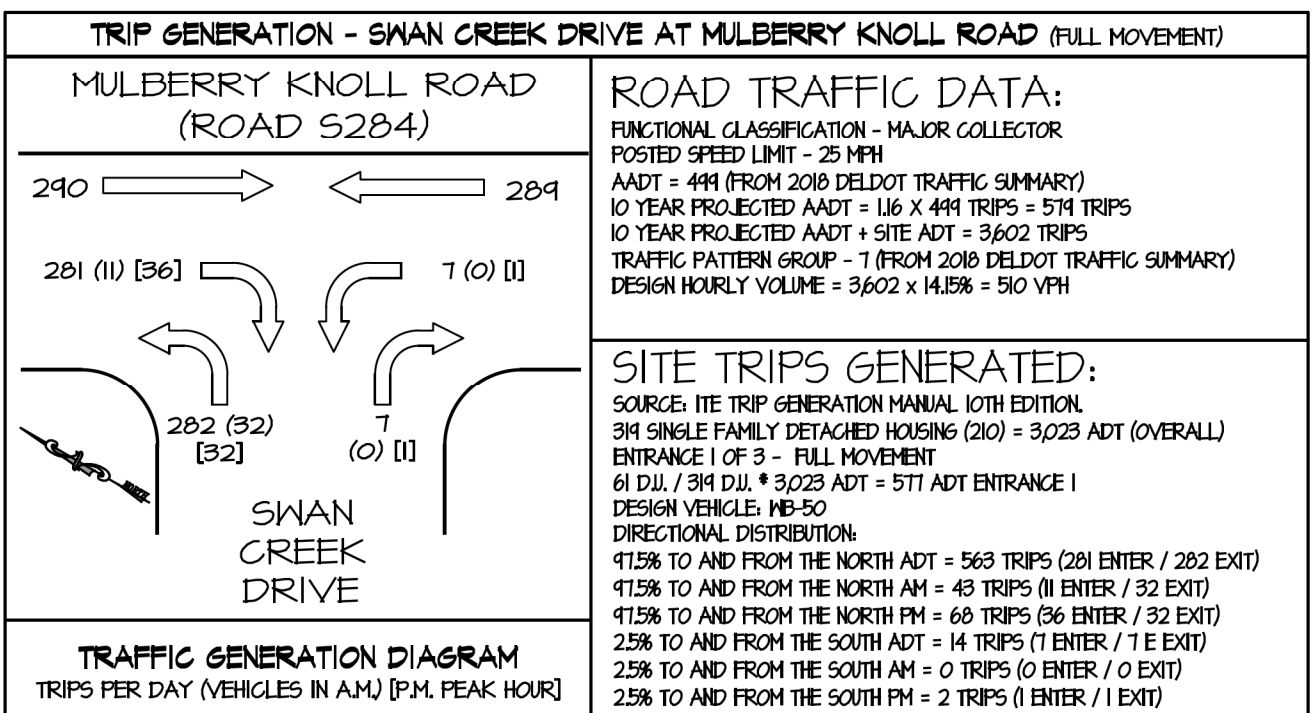
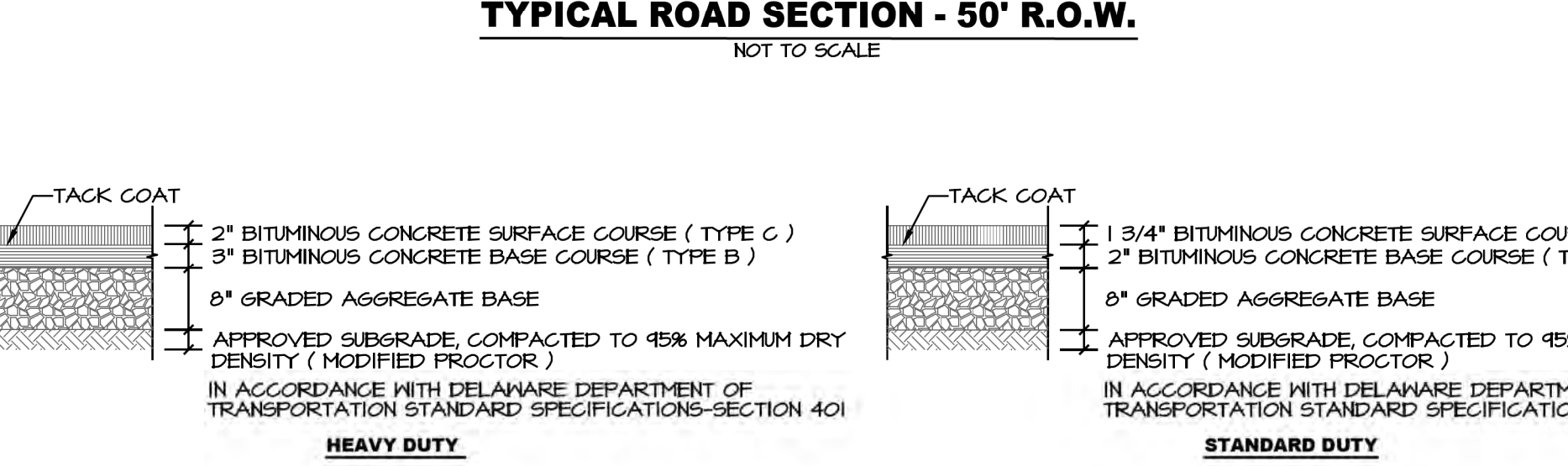
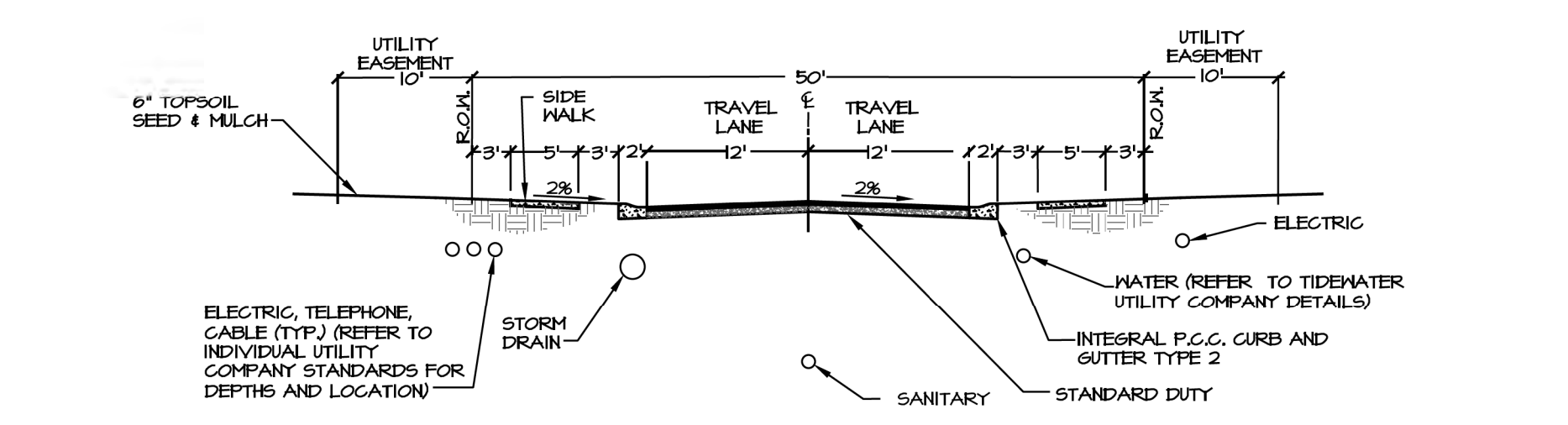
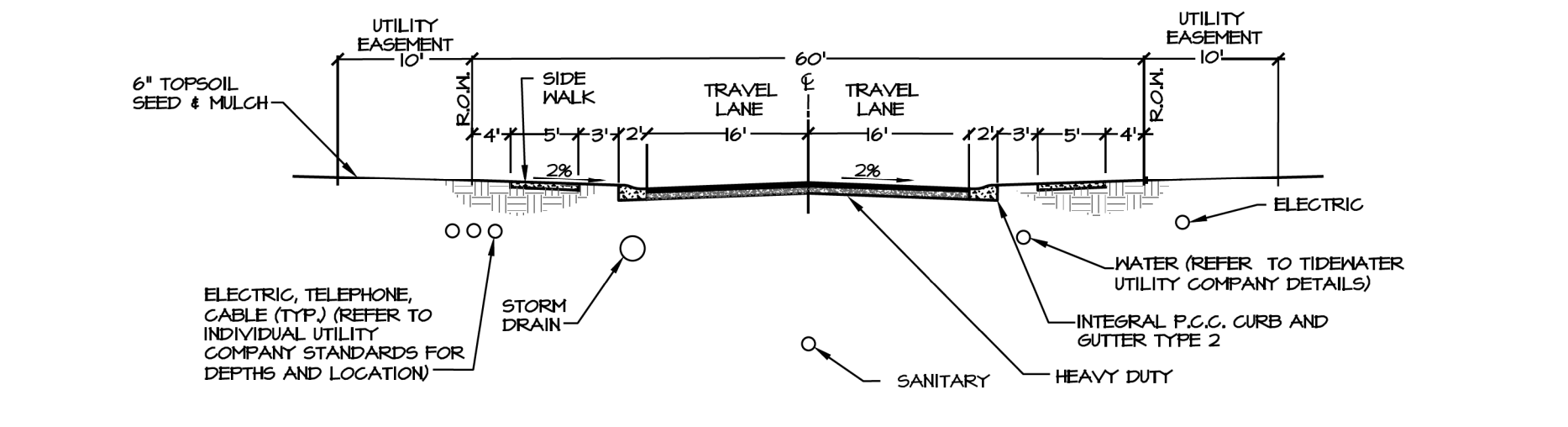
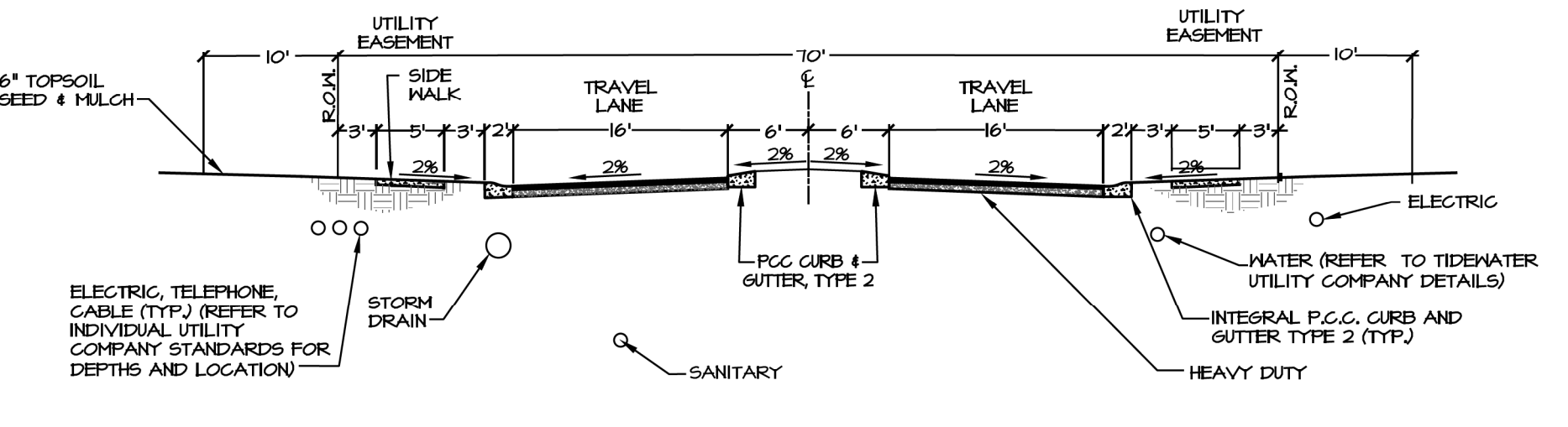
- SUBDIVISION STREETS ARE TO REMAIN PRIVATE AND ARE TO BE CONSTRUCTED IN ACCORDANCE WITH SUSSEX COUNTY REGULATIONS.
- MAINTENANCE OF THE STREET WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER AND OR HOME OWNER'S ASSOCIATION. THE STATE AND SUSSEX COUNTY ASSUMES NO RESPONSIBILITY FOR FUTURE MAINTENANCE OF THE STREETS.
- ACCESS TO ALL LOTS IS TO BE FROM SUBDIVISION STREETS OR DRIVE ACCESS LOOPS.
- MAINTENANCE OF THE STORM WATER MANAGEMENT AREAS WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER AND OR HOMEOWNER'S ASSOCIATION.
- THE PROPOSED ENTRANCES/EXITS ARE CONCEPTUAL ONLY AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.

PROJECT PHASING

PHASE I - 6 YEARS
 TOTAL PROJECT BUILDOUT - 6 YEARS
 ESTIMATED PROJECT COMPLETION DATE - DECEMBER 2026
 THE PROJECT IS BE APPROVED AS A SINGLE PHASE PROJECT, WITH SIX (6) OPERATIONAL BREAKS FOR PURPOSES OF BONDING, BENEFICIAL OCCUPANCY INSPECTION, RELEASE OF USE AND OCCUPANCY PERMITS.

SITE DATA

- PROJECT NAME: SCENIC MANOR
- TAX PARCEL: 334-10-00-43-00
- SITE ADDRESS: 20535 MULBERRY KNOLL ROAD LEWES, DE 19458
- OWNER INFORMATION: THOMAS BEST AND SONS, INC. 32258 JANICE ROAD LEWES, DE 19458
- DEVELOPER: MKR LAND INVESTMENT, LLC ATTN: MR. JOHN RICHARDSON 260 HOPKELL ROAD CHARCVILLE, MD 21028
- ZONING: EXISTING: AR-1 * PROP. ZONING: AR-1 * NOTE: SITE IS LOCATED ENTIRELY WITH COASTAL AREA GROWTH ZONE
- DEVELOPMENT OPTION: AR-1 - CLUSTER DESIGN
- SITE ACREAGE: 166.83 AC. ±
- LAND USE: EXISTING: AGRICULTURAL PROPOSED: RESIDENTIAL - SINGLE FAMILY DETACHED MIN. LOT AREA 1500 SF
- BULK AREA STANDARDS (AR-1 CLUSTER DEVELOPMENT OPTION)
 - MIN. FRONT YARD 25'
 - MIN. SIDE YARD 10'
 - MIN. REAR YARD 10'
 - MIN. LOT WIDTH 60'
 - MIN. LOT AREA 7500 SF
 - MAX. BLDG. HT. 42'
 - MIN. OPEN SPACE 30%
 - MAX. DENSITY 2.170 DU/AC.
- DEVELOPMENT DENSITY COMPUTATIONS:
 - GROSS SITE AREA: 166.83 AC. ±
 - BASE SITE AREA: 20.14 AC. ±
 - WETLANDS: 20.14 AC. ±
 - GROSS SITE AREA: 146.64 AC. ±
- ALLOWABLE DWELLING UNITS:
 - GROSS SITE AREA * ALLOWABLE DENSITY = ALLOWABLE DUJ 146.64 AC. X 2.170 DUJ / AC. = 319.4 DUJ.
- PROPOSED DENSITY: 319 DUJ / 146.64 AC. ± = 2.175 DUJ/AC.
- SITE AREA BREAKDOWN:
 - RESIDENTIAL LOTS = 65.04 AC. ±
 - DELDOT R.O.W. = 4.71 AC. ±
 - PRIVATE R.O.W. = 16.54 AC. ±
 - PUMP STATION * = 0.22 AC. ±
 - OPEN SPACE = 80.21 AC. ±
 - TOTAL SITE ACREAGE = 166.83 AC. ±
- OPEN SPACE AREAS:
 - REQUIRED [SECTION 115-25B(2)]: 30% X 166.83 AC. ± = 50.05 AC. ±
 - PROPOSED: 80.21 AC. ± / 166.83 AC. ± = 48.1 %
- WATER SERVICE: PUBLIC (TIDEWATER UTILITY COMPANY)
- SANITARY SEWER: PUBLIC (SUSSEX COUNTY)
- PROPOSED LOTS: 319 SINGLE FAMILY LOTS
- PARKING ANALYSIS*:
 - PARKING REQUIRED: 319 5FD X 2 5P/DU = 638 5P
 - PARKING PROVIDED: 319 5FD X 2 5P/DU = 638 5P
- *NOTE: PARKING ANALYSIS PROVIDED FOR RESIDENTIAL LOT AREAS ONLY; ANALYSIS FOR ACTIVE RECREATION / CLUBHOUSE AREA TO BE INCLUDED AS PART OF SITE PLAN PACKAGE TO BE PROVIDED UNDER SEPARATE COVER.
- A PRELIMINARY WETLAND EVALUATION WAS PERFORMED BY GEO-TECHNOLOGY ASSOCIATES, INC. (GTA) IN JULY 2014. BASED ON THIS REVIEW, IT IS GTA'S PROFESSIONAL OPINION THAT THERE ARE JURISDICTIONAL "WATERS OF THE U.S.", INCLUDING WETLANDS PRESENT WITHIN THE SUBJECT SITE AS SHOWN BY THIS PLAN.
- A PORTION OF THIS SITE LIES WITHIN FLOOD ZONE AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND FLOOD ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM THE 1% ANNUAL CHANCE FLOOD) PER FEMA FLOOD INSURANCE RATE MAP MAP 10005C0394C EFFECTIVE MARCH 16, 2015.
- NO CHURCHES, SCHOOLS, OR COMMERCIAL USE AREAS PROPOSED ON THIS SITE.

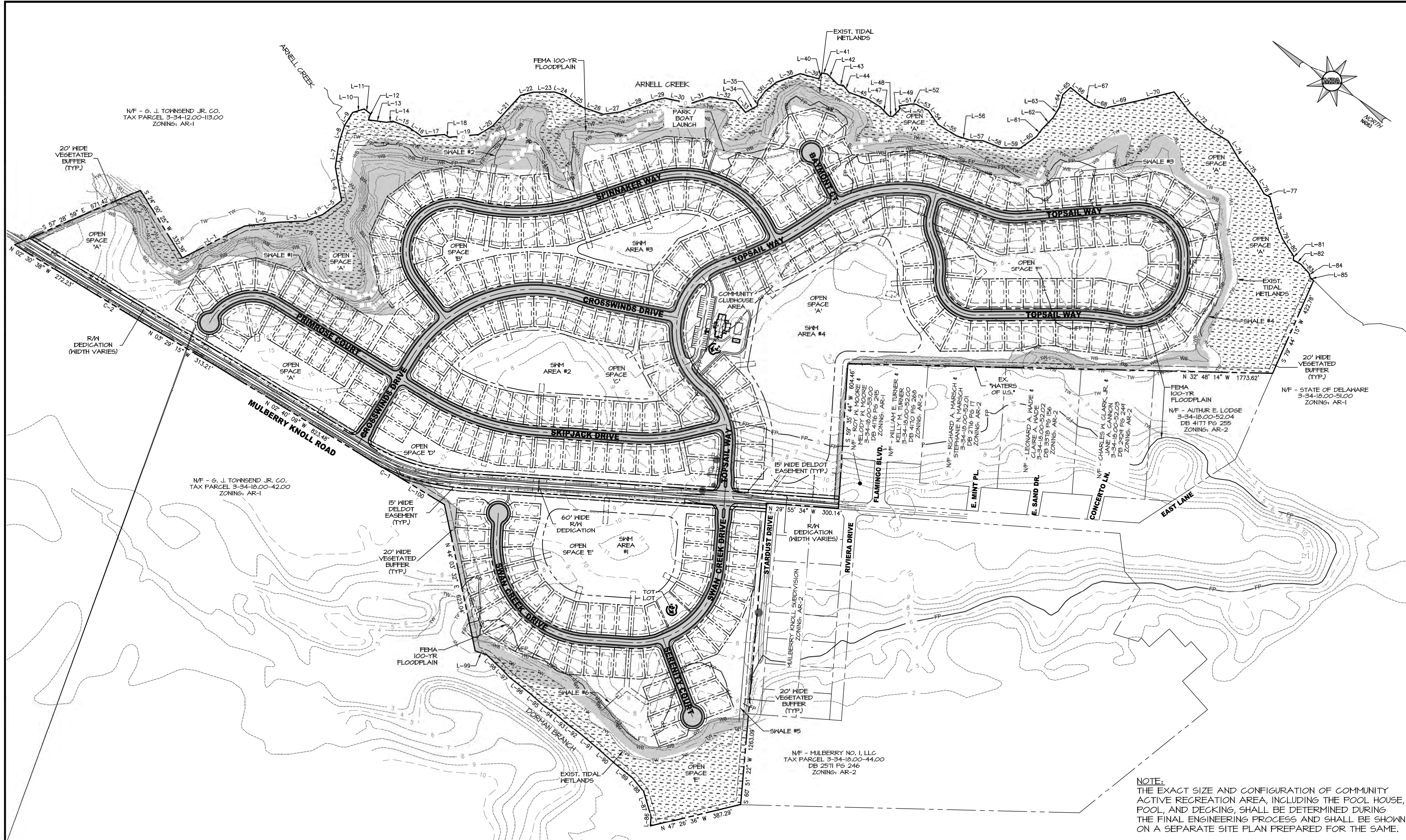


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GENERAL NOTES & DETAILS PRELIMINARY PLAT FOR SCENIC MANOR

ENGINEER'S SEAL: LEWIS & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: AS NOTED
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY:
		SHEET: 2 OF 15

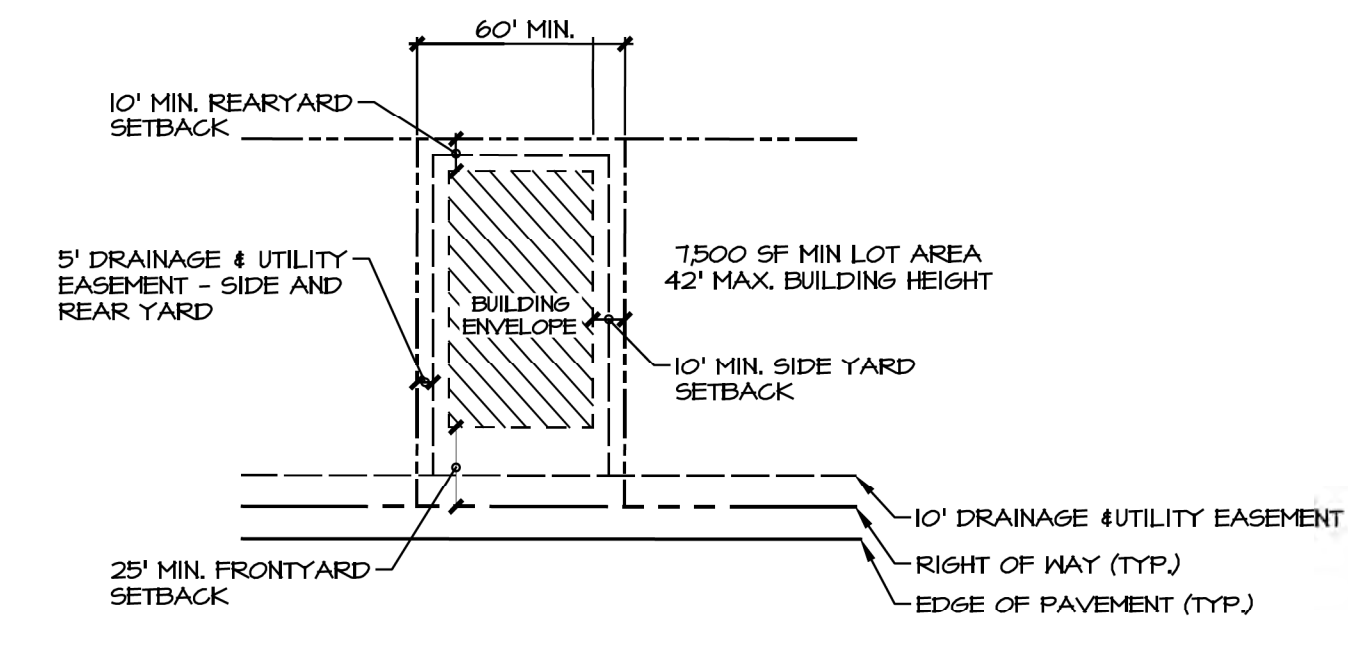


PROPERTY LINE TABLE			PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L-1	S 61° 14' 44" E	240.83'	L-51	S 43° 44' 54" E	44.36'
L-2	S 40° 26' 16" E	143.56'	L-52	S 06° 54' 41" E	51.28'
L-3	S 36° 40' 08" E	102.60'	L-53	S 20° 18' 24" N	70.48'
L-4	S 54° 06' 46" E	71.52'	L-54	S 01° 52' 03" E	40.84'
L-5	S 70° 47' 04" E	48.61'	L-55	S 16° 14' 57" E	55.93'
L-6	N 45° 38' 01" E	143.84'	L-56	S 31° 19' 21" E	56.42'
L-7	N 64° 39' 20" E	100.72'	L-57	S 13° 00' 54" E	82.96'
L-8	N 73° 23' 01" E	75.71'	L-58	S 33° 13' 48" E	71.44'
L-9	N 81° 58' 14" E	64.32'	L-59	S 64° 06' 08" E	84.48'
L-10	S 50° 37' 05" E	50.32'	L-60	S 04° 30' 57" E	31.05'
L-11	S 09° 08' 35" N	33.08'	L-61	S 14° 53' 35" E	64.28'
L-12	S 74° 39' 57" N	26.26'	L-62	N 81° 43' 18" E	47.14'
L-13	S 26° 22' 36" E	76.34'	L-63	N 11° 14' 48" E	56.68'
L-14	S 45° 00' 34" E	26.00'	L-64	S 76° 30' 23" E	43.78'
L-15	S 13° 41' 03" E	72.04'	L-65	S 04° 54' 43" N	56.95'
L-16	S 02° 34' 16" N	61.03'	L-66	S 01° 55' 12" N	61.95'
L-17	S 34° 16' 44" E	44.64'	L-67	S 16° 14' 42" E	46.62'
L-18	S 05° 07' 24" E	23.25'	L-68	S 11° 14' 48" E	142.70'
L-19	S 34° 18' 12" E	122.40'	L-69	S 18° 21' 34" N	112.22'
L-20	S 66° 16' 20" E	70.54'	L-70	S 08° 18' 54" N	40.54'
L-21	S 81° 39' 38" E	71.27'	L-71	S 02° 55' 14" E	106.46'
L-22	S 48° 35' 16" E	53.21'	L-72	S 25° 49' 08" N	86.41'
L-23	S 34° 24' 44" E	40.11'	L-73	S 16° 04' 15" N	114.93'
L-24	S 16° 34' 44" E	40.30'	L-74	S 26° 04' 55" N	61.72'
L-25	S 01° 12' 58" E	44.40'	L-75	S 06° 57' 25" E	25.30'
L-26	S 15° 24' 17" E	84.83'	L-76	S 41° 06' 01" N	184.27'
L-27	S 41° 46' 14" E	64.64'	L-77	S 33° 02' 06" N	54.05'
L-28	S 53° 09' 30" E	146.15'	L-78	S 22° 24' 30" N	74.84'
L-29	S 45° 54' 44" E	50.46'	L-79	S 61° 00' 02" N	16.37'
L-30	S 22° 20' 50" E	110.34'	L-80	S 04° 47' 44" E	37.25'
L-31	S 52° 32' 58" E	85.62'	L-81	S 15° 06' 08" N	50.38'
L-32	S 25° 35' 04" E	107.81'	L-82	S 34° 24' 42" N	18.66'
L-33	S 15° 38' 26" N	63.00'	L-83	S 07° 15' 33" N	18.57'
L-34	S 62° 16' 10" E	55.95'	L-84	N 54° 52' 00" E	40.00'
L-35	N 64° 09' 44" E	22.42'	L-85	N 34° 16' 11" E	110.58'
L-36	S 86° 34' 14" E	52.41'	L-86	N 16° 24' 25" E	71.61'
L-37	S 71° 56' 17" E	58.55'	L-87	N 04° 47' 07" E	47.03'
L-38	S 53° 31' 36" E	104.28'	L-88	N 07° 16' 24" E	45.11'
L-39	S 18° 23' 50" E	74.75'	L-89	N 05° 46' 48" E	43.20'
L-40	N 81° 00' 41" E	26.76'	L-90	N 03° 24' 31" E	67.65'
L-41	S 24° 03' 14" E	24.63'	L-91	N 02° 24' 05" E	58.10'
L-42	S 10° 28' 45" N	62.72'	L-92	N 02° 13' 34" E	78.75'
L-43	S 24° 44' 32" E	23.04'	L-93	N 07° 47' 46" E	62.64'
L-44	S 17° 31' 31" N	35.47'	L-94	N 04° 09' 42" E	112.85'
L-45	S 14° 04' 36" E	85.44'	L-95	N 12° 21' 34" E	54.57'
L-46	S 01° 52' 12" E	61.75'	L-96	N 04° 01' 50" E	71.80'
L-47	S 12° 03' 31" N	50.64'	L-97	N 13° 53' 34" N	51.81'
L-48	S 25° 35' 10" E	15.84'	L-98	N 02° 55' 25" N	252.24'
L-49	S 78° 55' 43" E	42.45'			
L-50	N 43° 33' 08" E	13.41'			

PROPERTY CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C-1	005° 09' 41"	471.43'	42.22'	21.12'	N 05° 12' 00" N	42.21'
C-2	000° 58' 36"	23,063.66'	343.17'	146.54'	N 02° 54' 56" N	343.16'

PROPOSED OPEN SPACE SUMMARY			
AREA	SHM FACILITIES	ACTIVE OPEN SPACE	PASSIVE OPEN SPACE*
A	8.63 AC. ±	1.83 AC. ±	50.44 AC. ±
B	1.48 AC. ±	---	2.85 AC. ±
C	3.66 AC. ±	---	4.48 AC. ±
D	---	---	2.20 AC. ±
E	4.10 AC. ±	0.24 AC. ±	15.41 AC. ±
F	---	---	2.32 AC. ±
TOTAL	17.87 AC. ±	2.07 AC. ±	78.20 AC. ±

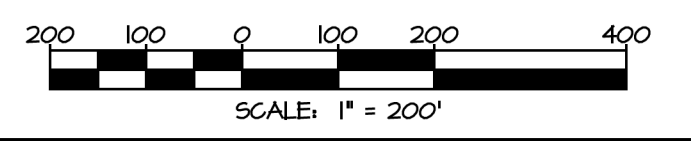
*NOTE: PASSIVE OPEN SPACE AREA ACREAGE ARE INCLUSIVE OF SHM FACILITY ACREAGE, WHERE APPLICABLE.



TYPICAL LAYOUT SINGLE FAMILY LOT (VARIABLE WIDTHS)

NOT TO SCALE!

NOTE: THE EXACT SIZE AND CONFIGURATION OF COMMUNITY ACTIVE RECREATION AREA, INCLUDING THE POOL HOUSE, POOL, AND DECKING, SHALL BE DETERMINED DURING THE FINAL ENGINEERING PROCESS AND SHALL BE SHOWN ON A SEPARATE SITE PLAN PREPARED FOR THE SAME.



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 (302) 326-2200
 FAX: (302) 326-2399
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OVERALL PRELIMINARY PLAT FOR SCENIC MANOR

LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REVISED LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: 1" = 200'
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 3 OF 15



KEY MAP
SCALE: 1"=300'

CURVE TABLE

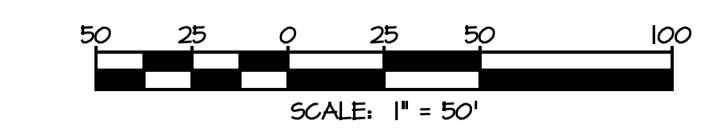
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C54	434.40'	175.00'	142.22°	N 89° 18' 04" E	331.15'
C55	558.51'	225.00'	142.22°	N 89° 18' 04" E	425.77'
C56	536.32'	925.00'	033.22°	S 38° 11' 51" E	528.84'
C57	507.33'	875.00'	033.22°	S 38° 11' 51" E	500.25'

LINE TABLE

LINE #	LENGTH	DIRECTION
L10	50.32'	S 50° 37' 05" E
L11	33.08'	S 03° 08' 35" W
L14	26.00'	S 45° 00' 34" E
L18	23.25'	S 05° 07' 24" E
L24	40.30'	S 16° 34' 49" E

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER AREA
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL



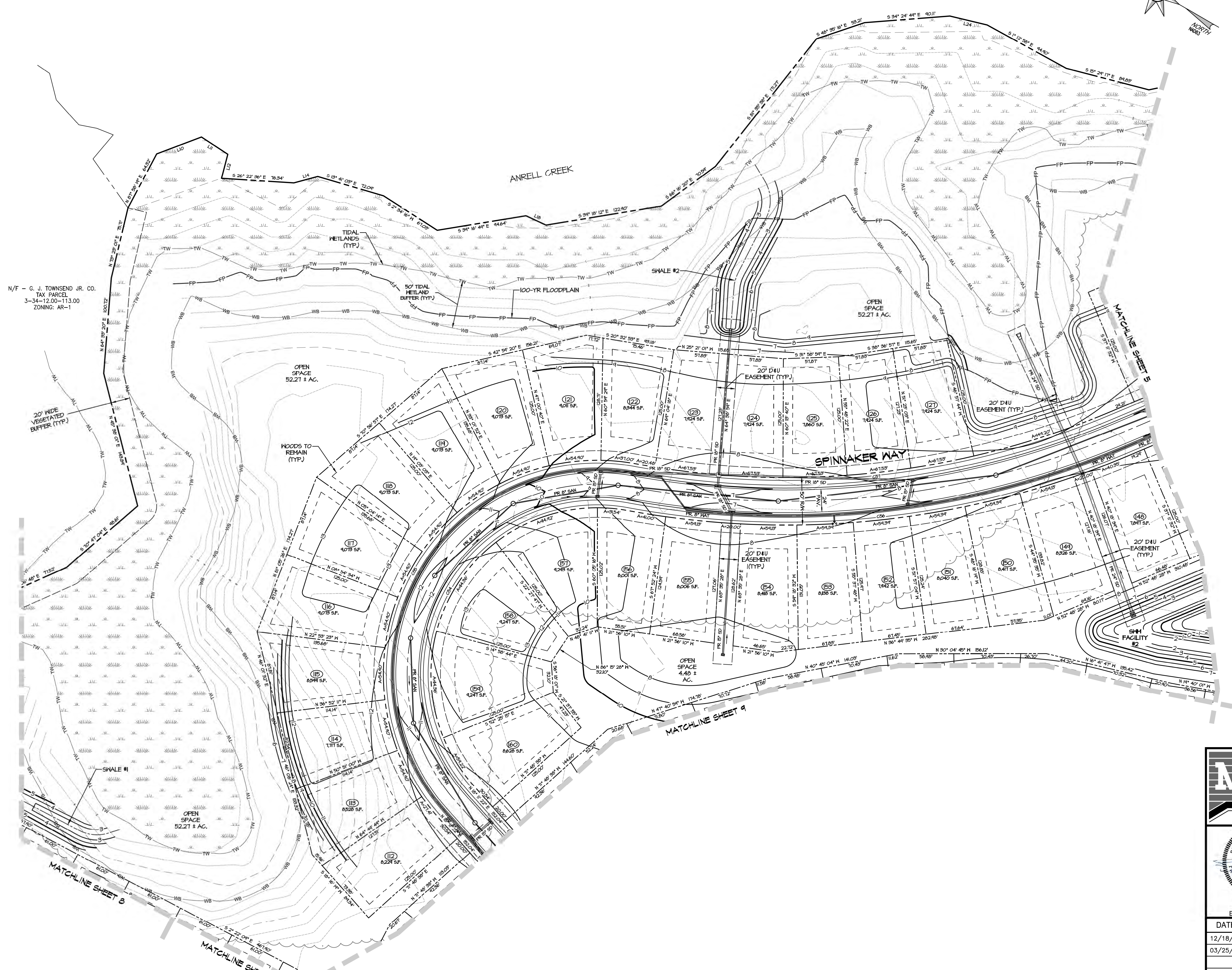
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PRELIMINARY PLAT
FOR
SCENIC MANOR

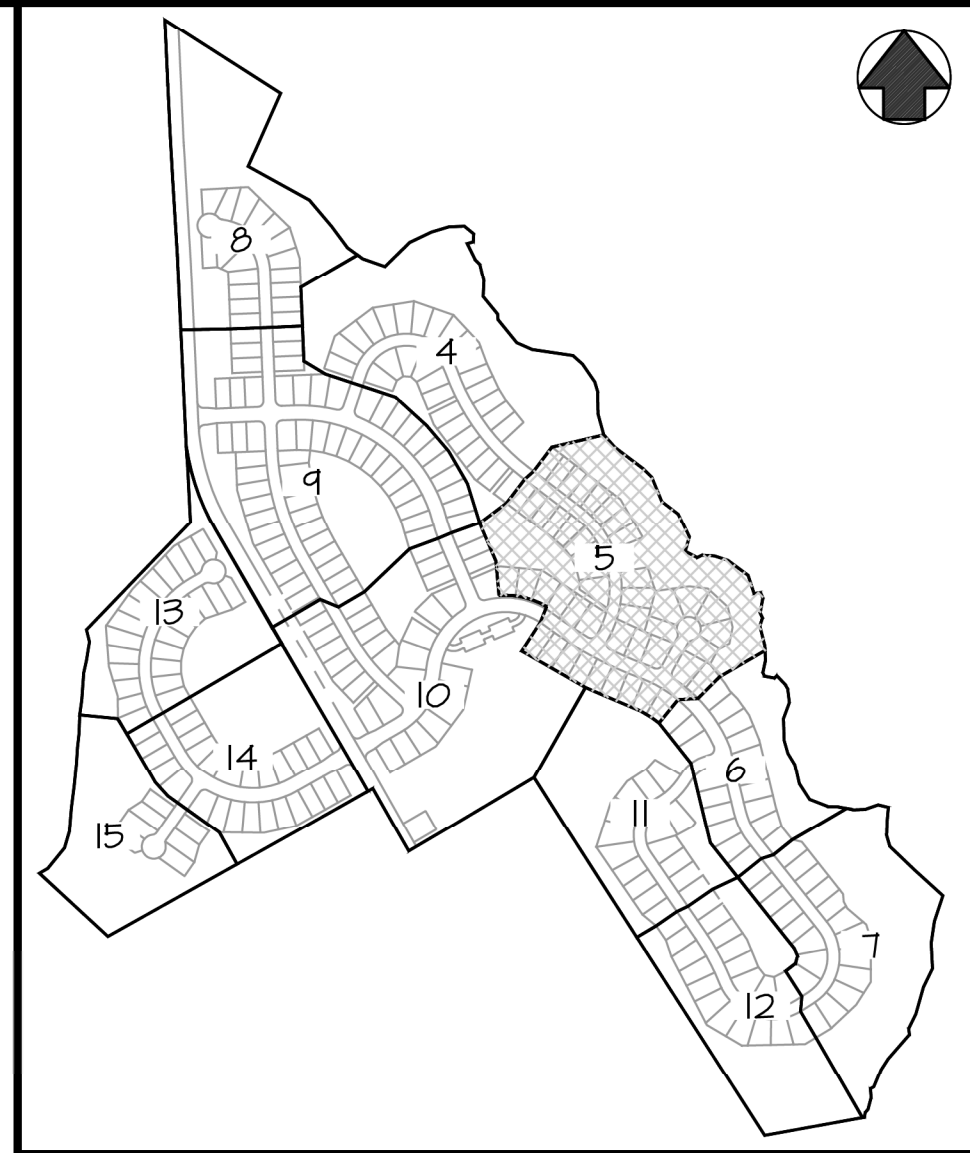
DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: 1"= 50'
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 4 OF 15

PLAT

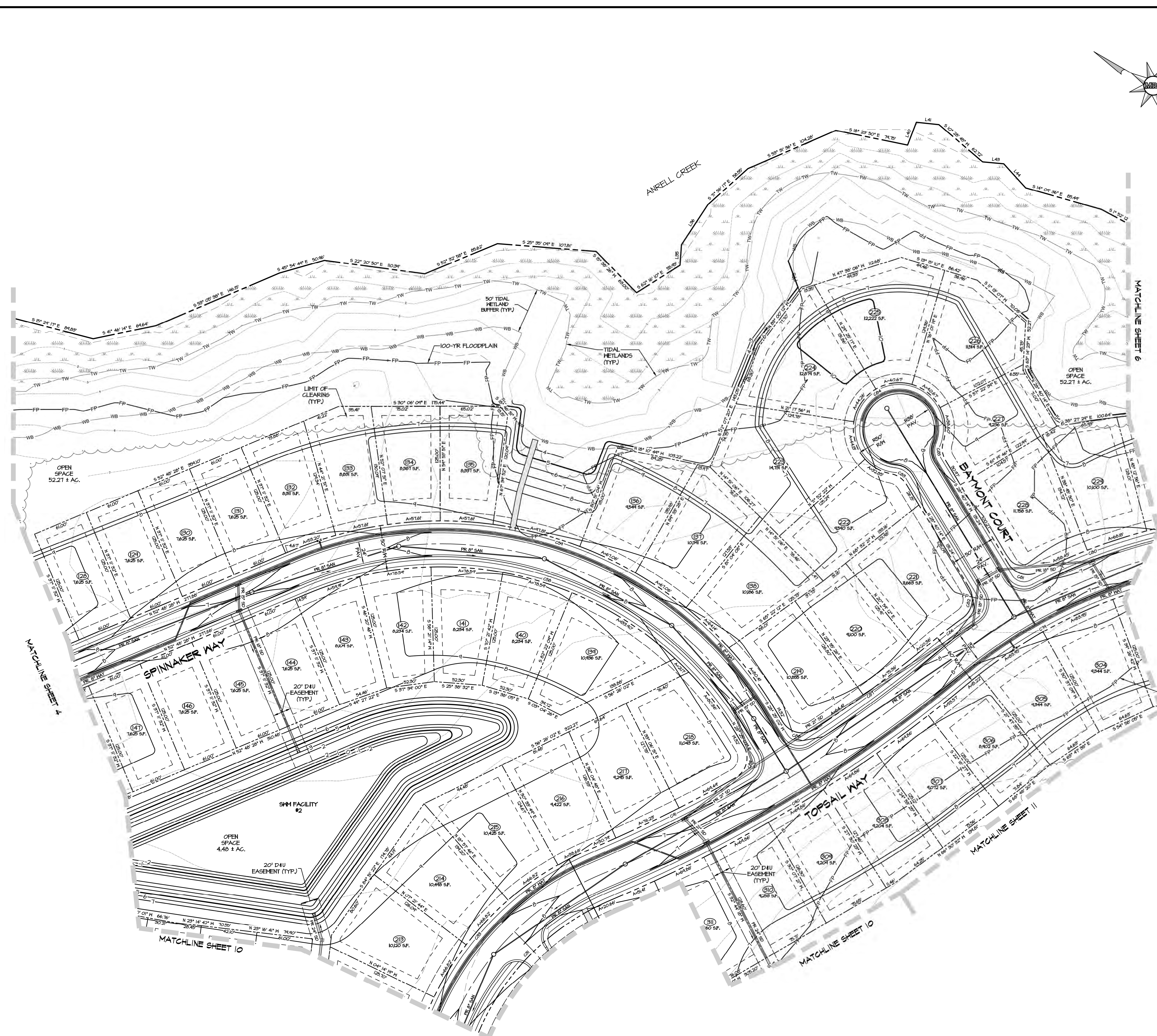
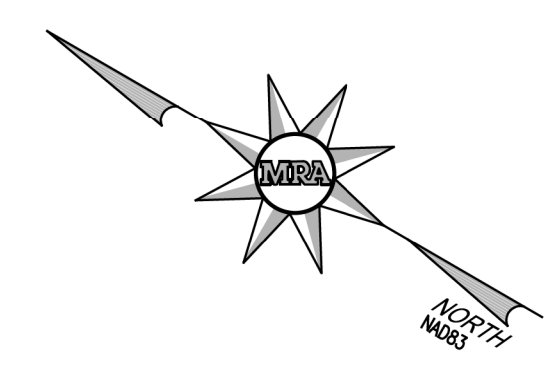


N/F - G. J. TOWNSEND JR. CO.
TAX PARCEL
3-34-12.00-113.00
ZONING: AR-1

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KEY MAP
SCALE: 1"=800'

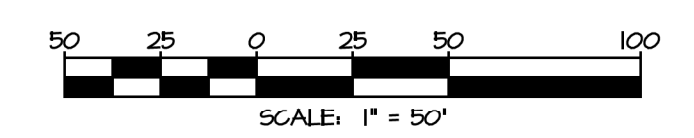


LINE TABLE		
LINE #	LENGTH	DIRECTION
L35	22.42	N 64° 03' 49" E
L36	52.41	S 86° 34' 19" E
L40	26.76	N 81° 00' 41" E
L41	24.63	S 24° 03' 19" E
L43	23.04	S 24° 49' 32" E
L44	35.47	S 17° 37' 31" W

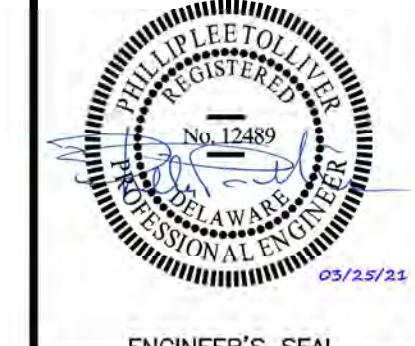
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C31	573.33'	270.00'	121.66°	S 66° 26' 53" W	471.52'
C33	297.46'	330.00'	051.65°	N 78° 32' 34" W	287.49'
C58	531.62'	375.00'	081.23°	S 12° 11' 43" E	488.21'
C59	602.50'	425.00'	081.23°	S 12° 11' 43" E	553.30'
C79	429.15'	545.00'	045.12°	S 47° 14' 55" E	418.15'
C80	372.07'	605.00'	035.24°	S 39° 09' 33" E	366.24'
C81	37.28'	25.00'	085.45°	S 14° 03' 13" E	33.92'
C82	37.28'	25.00'	085.45°	N 71° 23' 40" E	33.92'
C83	21.03'	25.00'	048.19°	N 04° 34' 32" E	20.41'
C84	241.19'	50.00'	276.38°	S 61° 19' 46" E	66.67'
C85	21.03'	25.00'	048.19°	S 52° 45' 55" W	20.41'
C86	41.45'	605.00'	003.93°	S 67° 50' 39" E	41.44'
C88	40.24'	24.78'	093.03°	S 17° 34' 27" E	35.96'
C89	40.24'	24.78'	093.03°	N 74° 24' 31" E	35.96'
C90	456.28'	1530.00'	017.09°	N 61° 15' 49" W	454.59'
C91	176.51'	1470.00'	006.88°	N 58° 09' 36" W	176.40'

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL



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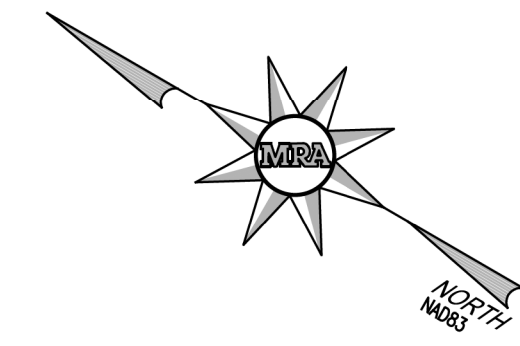


PRELIMINARY PLAT
 FOR
SCENIC MANOR

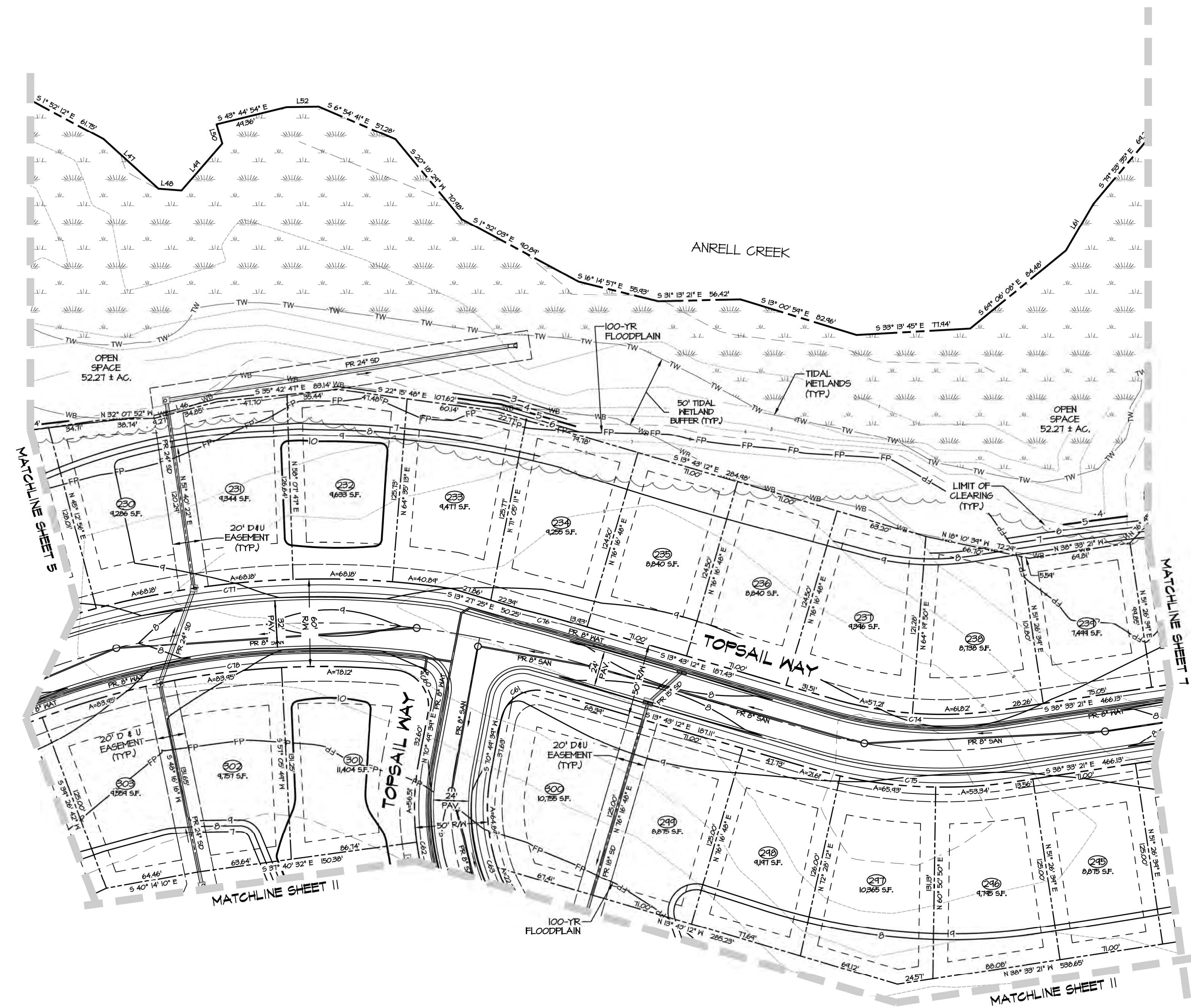
DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: 1"= 50'
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 5 OF 15

PLAT

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KEY MAP
SCALE: 1"=300'

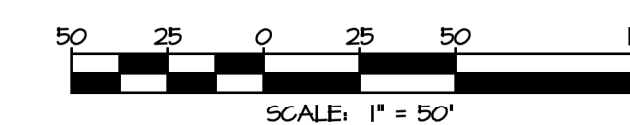


CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C60	41.68'	25.00'	095.52	N 23° 04' 07" E	37.02'
C61	41.65'	25.00'	095.45	N 61° 26' 47" W	37.00'
C62	121.96'	175.00'	039.93	N 50° 51' 42" E	119.51'
C63	87.12'	125.00'	039.93	N 50° 51' 42" E	85.36'
C74	119.04'	270.00'	025.26	S 26° 09' 33" E	118.07'
C75	140.88'	325.00'	024.84	S 26° 08' 16" E	139.78'
C76	32.09'	600.00'	003.06	S 15° 15' 08" E	32.09'
C77	372.07'	605.00'	035.24	S 39° 09' 33" E	366.24'
C78	429.15'	545.00'	045.12	S 47° 14' 55" E	418.15'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L47	50.69	S 12° 03' 31" W
L48	15.84	S 25° 35' 10" E
L50	13.99	N 43° 33' 08" E
L52	21.92	S 30° 50' 24" E
L61	37.05	S 89° 30' 57" E

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
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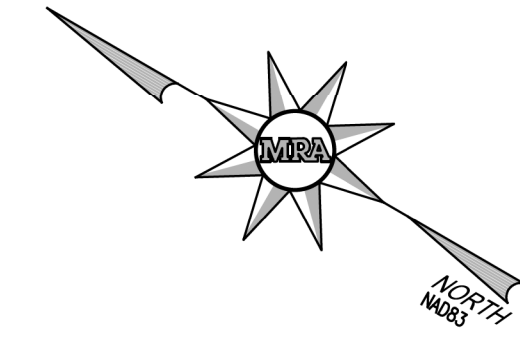


PRELIMINARY PLAT
FOR
SCENIC MANOR

ENGINEER'S SEAL LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: 1"= 50'
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 6 OF 15

PLAT



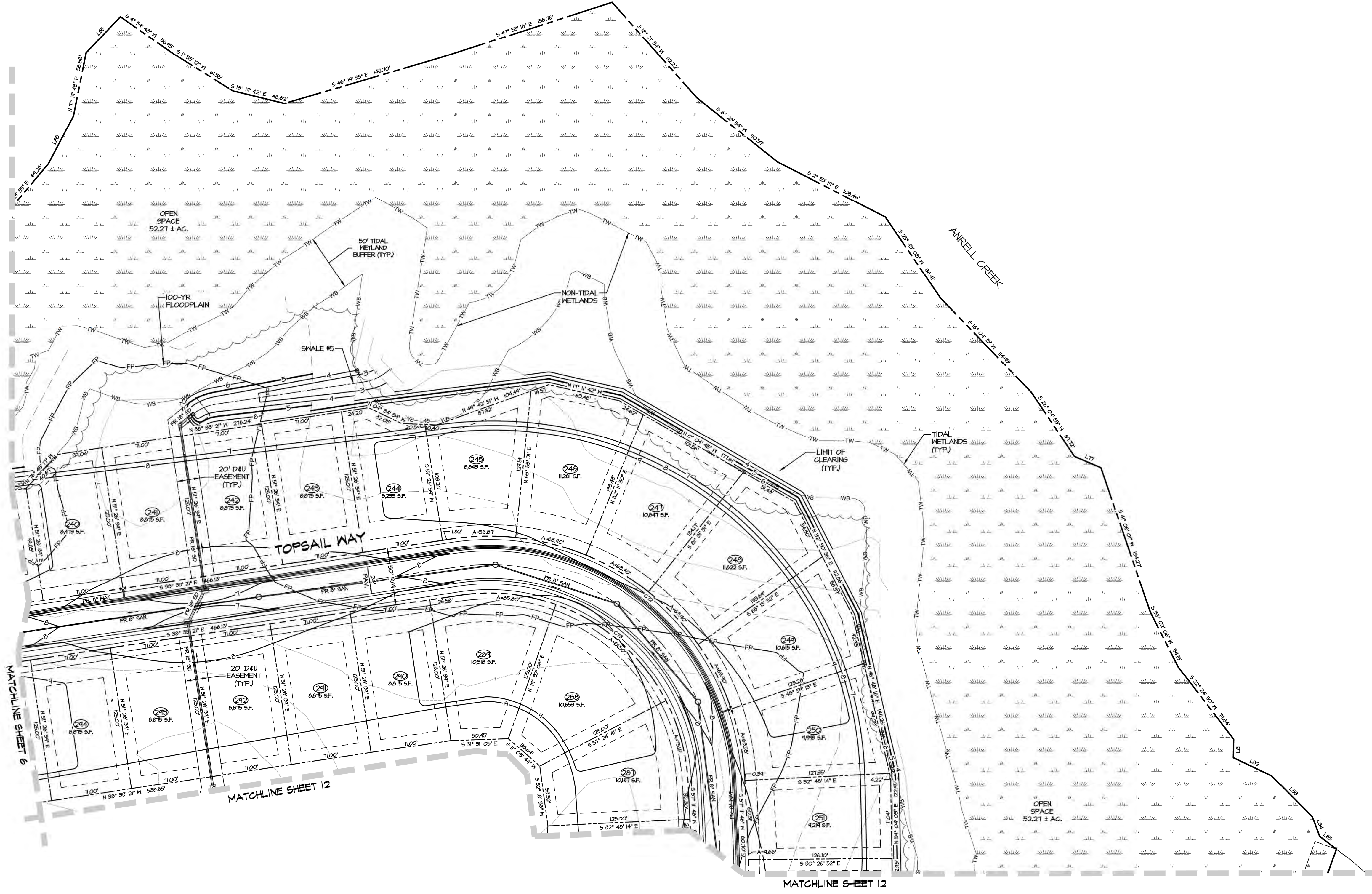
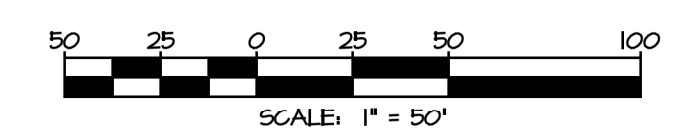
KEY MAP
SCALE: 1"=800'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C72	376.02'	225.00'	095.75°	S 09° 19' 13" W	333.76'
C73	292.46'	175.00'	095.75°	S 09° 19' 13" W	259.59'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L63	47.19	N 87° 43' 18" E
L65	43.78	S 76° 30' 23" E
L77	25.30	S 06° 57' 25" E
L81	16.37	S 61° 00' 02" W
L82	37.25	S 04° 47' 44" E
L83	50.38	S 15° 06' 08" W
L84	18.66	S 39° 24' 42" W
L85	18.57	S 07° 15' 33" W

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
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- PROPOSED SETBACK LINE
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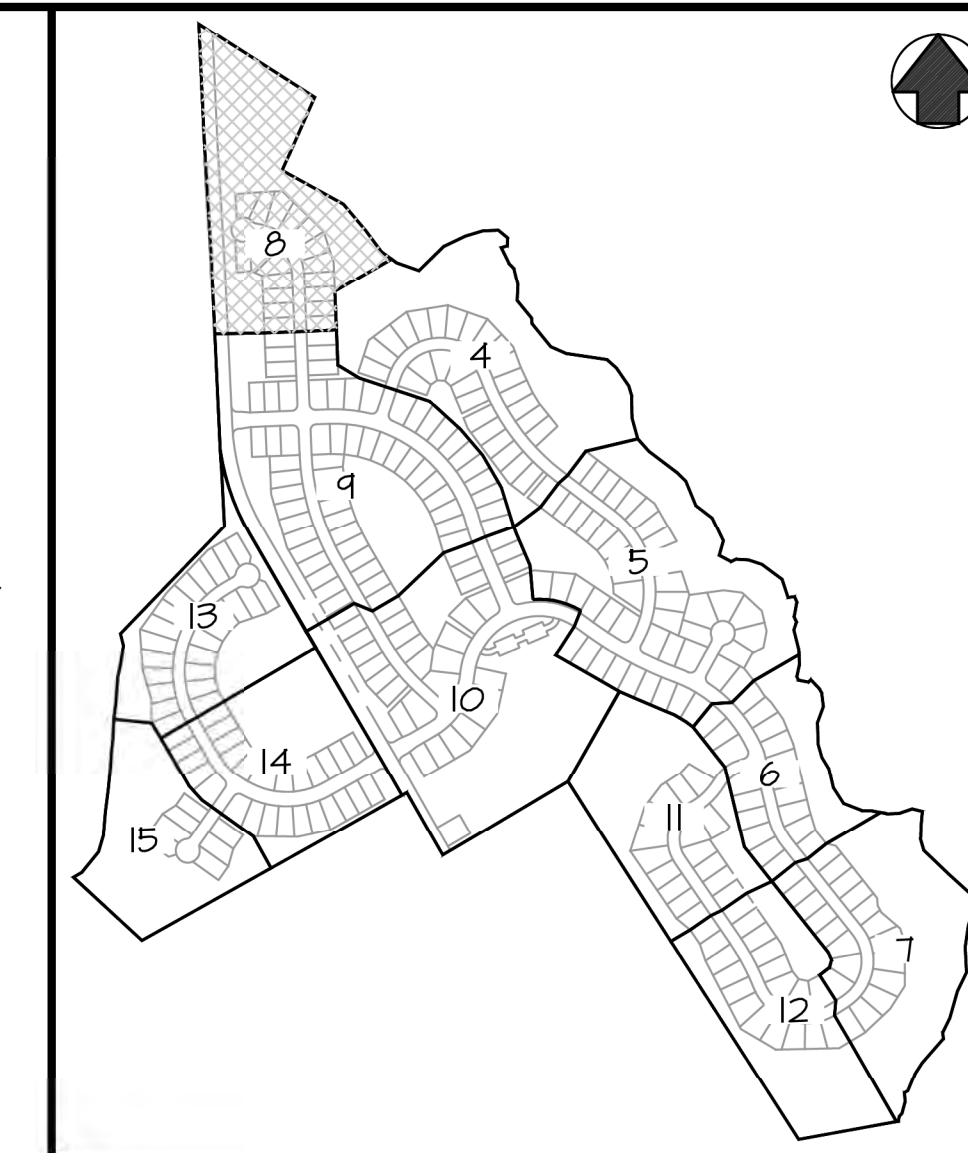
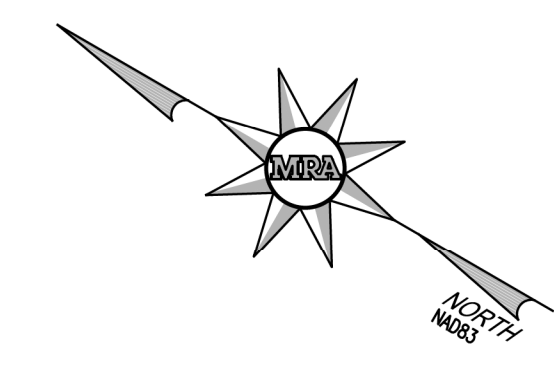
PRELIMINARY PLAT
FOR
SCENIC MANOR

DATE	REVISIONS	JOB NO.: 20572
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	SCALE: 1"= 50'
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 7 OF 15

PLAT

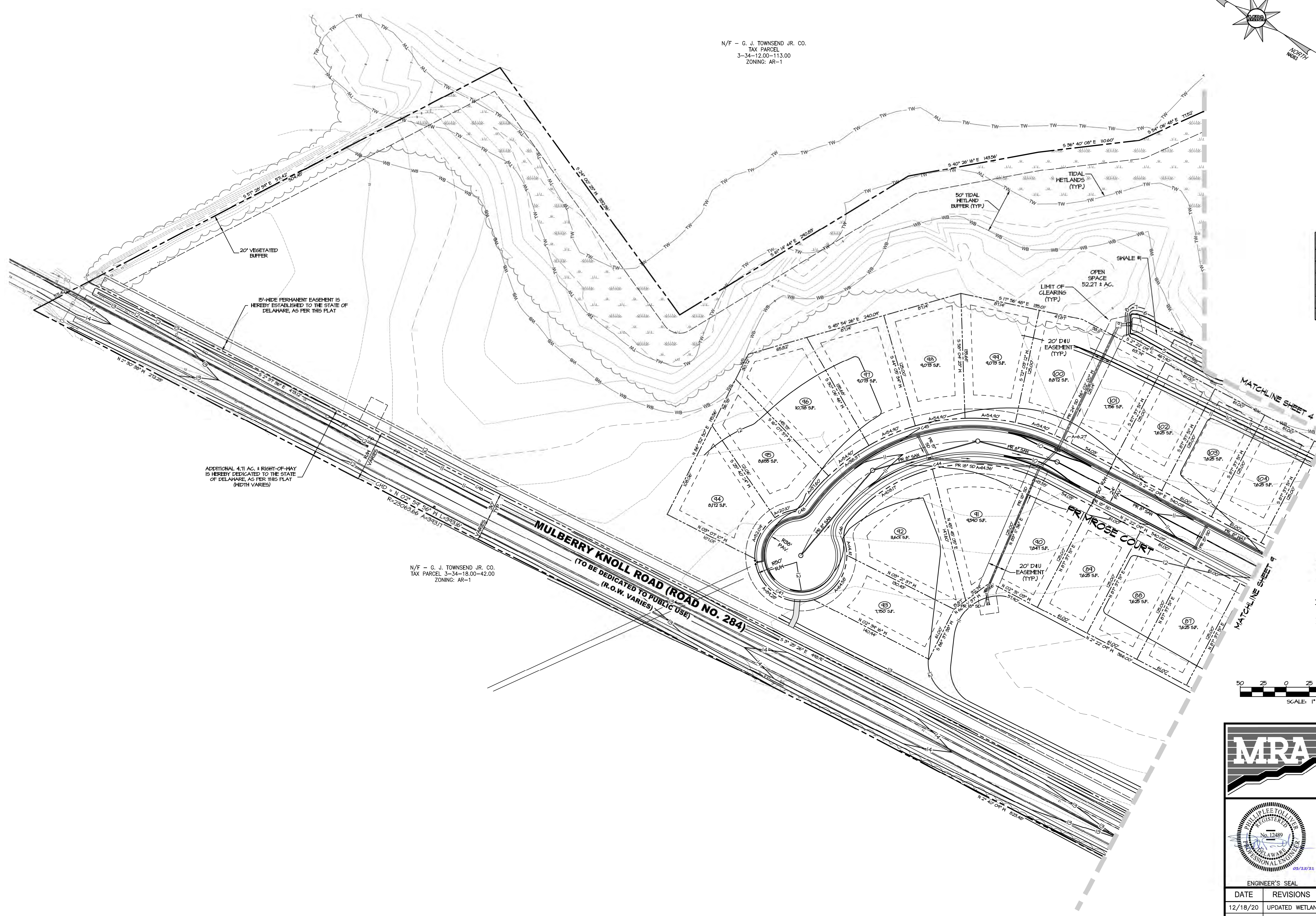
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N/F - G. J. TOWNSEND JR. CO.
 TAX PARCEL
 3-34-12.00-113.00
 ZONING: AR-1



KEY MAP
 SCALE: 1"=800'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C44	236.08'	175.00'	077.29°	S 41° 00' 57" E	218.58'
C45	318.37'	225.00'	081.07°	N 42° 54' 18" W	292.47'
C46	24.95'	25.00'	057.18°	N 71° 44' 55" E	23.93'
C47	240.46'	50.00'	275.54°	N 00° 55' 55" E	67.21'
C48	18.39'	25.00'	042.15°	N 62° 22' 06" W	17.98'

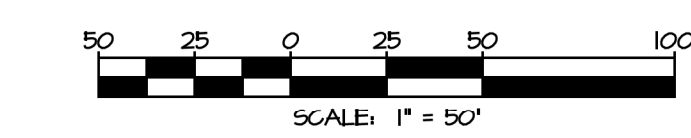


ADDITIONAL 4.71 AC. RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT (WIDTH VARIES)

N/F - G. J. TOWNSEND JR. CO.
 TAX PARCEL 3-34-18.00-42.00
 ZONING: AR-1

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
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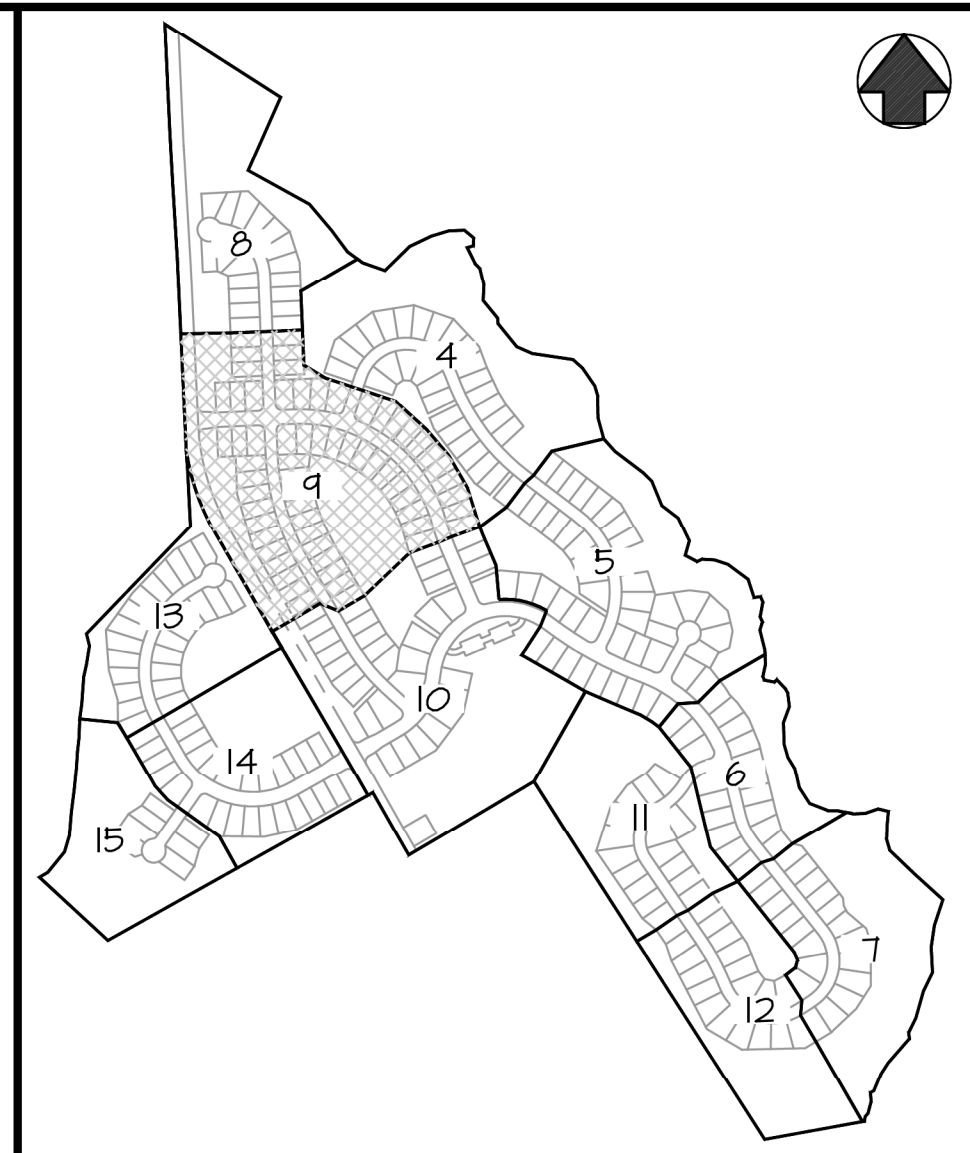
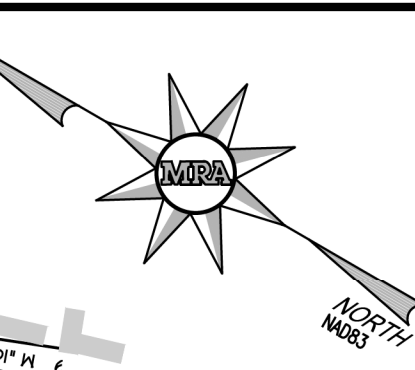


PRELIMINARY PLAT
 FOR
SCENIC MANOR

DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: 1"= 50'
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 8 OF 15

PLAT

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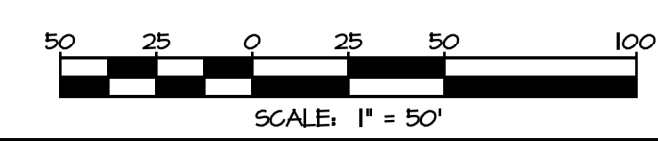
KEY MAP
SCALE: 1"=800'

LINE #	LENGTH	DIRECTION
L200	12.63	N 87° 37' 51" E
L201	40.31	S 85° 14' 38" E
L202	11.19	N 87° 37' 51" E
L203	40.31	N 80° 30' 21" E

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C38	121.37'	830.00'	008.38	S 19° 05' 20" E	121.27'
C39	112.60'	770.00'	008.38	N 19° 05' 20" W	112.50'
C40	39.14'	25.00'	089.71	S 47° 30' 49" E	35.27'
C41	40.48'	25.00'	092.76	N 41° 14' 58" E	36.20'
C42	39.27'	25.00'	090.00	S 42° 37' 51" W	35.36'
C43	39.27'	25.00'	090.00	S 47° 22' 09" E	35.36'
C49	177.91'	630.00'	016.18	S 84° 16' 43" E	177.32'
C50	770.70'	570.00'	077.47	N 53° 38' 03" W	713.32'
C51	577.63'	630.00'	052.53	N 41° 09' 58" W	557.61'
C52	37.29'	25.19'	084.83	N 61° 00' 02" E	33.98'
C53	37.29'	25.19'	084.83	S 24° 37' 17" E	33.98'
C92	498.35'	1025.00'	027.86	S 16° 17' 51" E	493.46'
C93	474.04'	975.00'	027.86	N 16° 17' 51" W	469.39'
C94	39.32'	24.88'	090.54	S 47° 22' 09" E	35.36'
C95	39.90'	23.70'	096.45	N 42° 37' 51" E	35.36'
C99	442.66'	920.00'	027.57	S 16° 26' 32" E	438.40'
C101	39.72'	920.00'	002.47	S 03° 53' 42" E	39.72'
C102	371.81'	980.00'	021.74	S 19° 21' 28" E	369.59'
C104	42.22'	477.93'	005.06	N 05° 12' 00" W	42.21'

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL

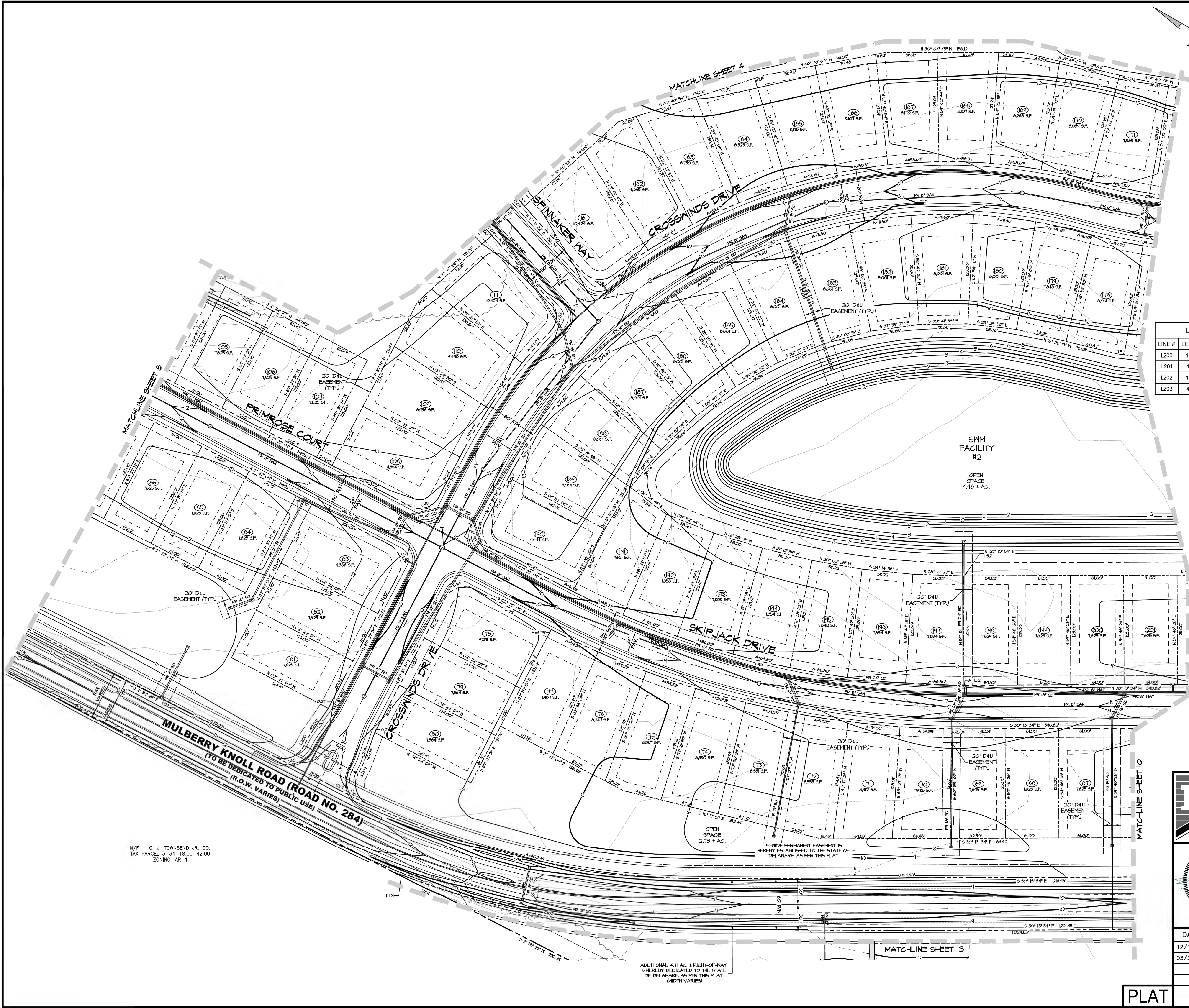


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PRELIMINARY PLAT
 FOR
SCENIC MANOR

DATE	REVISIONS	JOB NO.:
12/18/20	UPDATED WETLANDS AND LOT CONFIGURATION	20572
03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	SCALE: 1"= 50'
		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 9 OF 15



N/F - G. J. TOWNSEND JR. CO.
 TAX PARCEL 3-34-18.00-42.00
 ZONING: AR-1

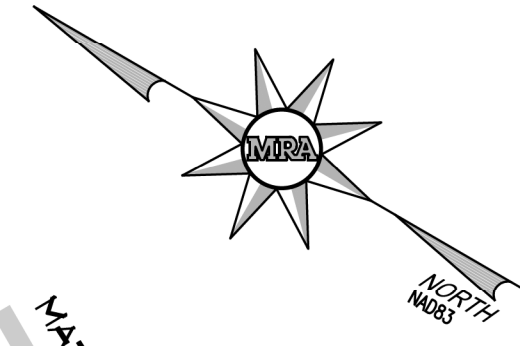
ADDITIONAL 4.71 AC. ± RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT (WIDTH VARIES)

PLAT



KEY MAP
SCALE: 1"=800'

* NOTE:
THE EXACT SIZE AND CONFIGURATION OF COMMUNITY ACTIVE RECREATION AREA, INCLUDING CLUBHOUSE, POOL, AND DECKING, SHALL BE DETERMINED DURING THE FINAL ENGINEERING PROCESS AND SHALL BE SHOWN ON A SEPARATE SITE PLAN PREPARED FOR THE SAME.



LINE #	LENGTH	DIRECTION
L204	30.00	S 59° 46' 26" W
L205	40.31	S 66° 53' 56" W
L206	30.00	S 59° 46' 26" W
L207	40.31	S 52° 38' 56" W
L208	36.49	S 59° 35' 44" W

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C24	39.27'	25.00'	090.00	S 14° 46' 26" W	35.36'
C25	39.27'	25.00'	090.00	N 75° 13' 34" W	35.36'
C26	30.45'	270.00'	006.46	S 56° 32' 35" W	30.43'
C27	43.97'	25.00'	100.77	S 02° 55' 40" W	38.52'
C28	44.85'	25.00'	102.79	S 81° 09' 00" W	39.07'
C29	311.93'	330.00'	054.16	S 32° 41' 42" W	300.44'
C30	116.66'	270.00'	024.76	S 17° 23' 36" W	115.76'
C31	573.33'	270.00'	121.66	S 66° 26' 53" W	471.52'
C32	297.72'	330.00'	051.69	S 31° 57' 50" W	287.72'
C33	297.46'	330.00'	051.65	N 78° 32' 34" W	287.49'
C34	35.38'	25.00'	081.09	S 17° 15' 56" W	32.50'
C35	35.38'	25.00'	081.09	S 63° 49' 18" E	32.50'
C36	233.07'	775.00'	017.23	S 38° 50' 30" E	232.19'
C37	218.03'	725.00'	017.23	N 38° 50' 30" W	217.21'
C38	121.37'	830.00'	008.38	S 19° 05' 20" E	121.27'
C39	112.60'	770.00'	008.38	N 19° 05' 20" W	112.50'

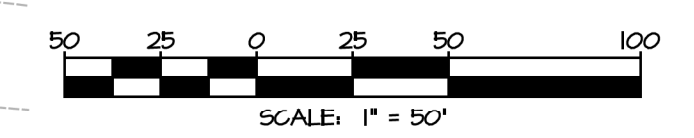
LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
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- PROPOSED BITUMINOUS WALKING TRAIL

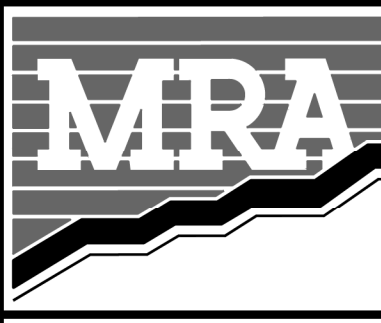
N/F - WILLIAM E. TURNER & KELLY W. TURNER
3-34-18.00-53.00
DB 4176 PG 268
ZONING: AR-2

N/F - ROY W. MOORE & MELODY W. MOORE
3-34-18.00-53.00
DB 4176 PG 295
ZONING: AR-1

0.21 AC. ± TO BE DEDICATED TO SUSSEX COUNTY FOR SANITARY SEWER PUMP STATION



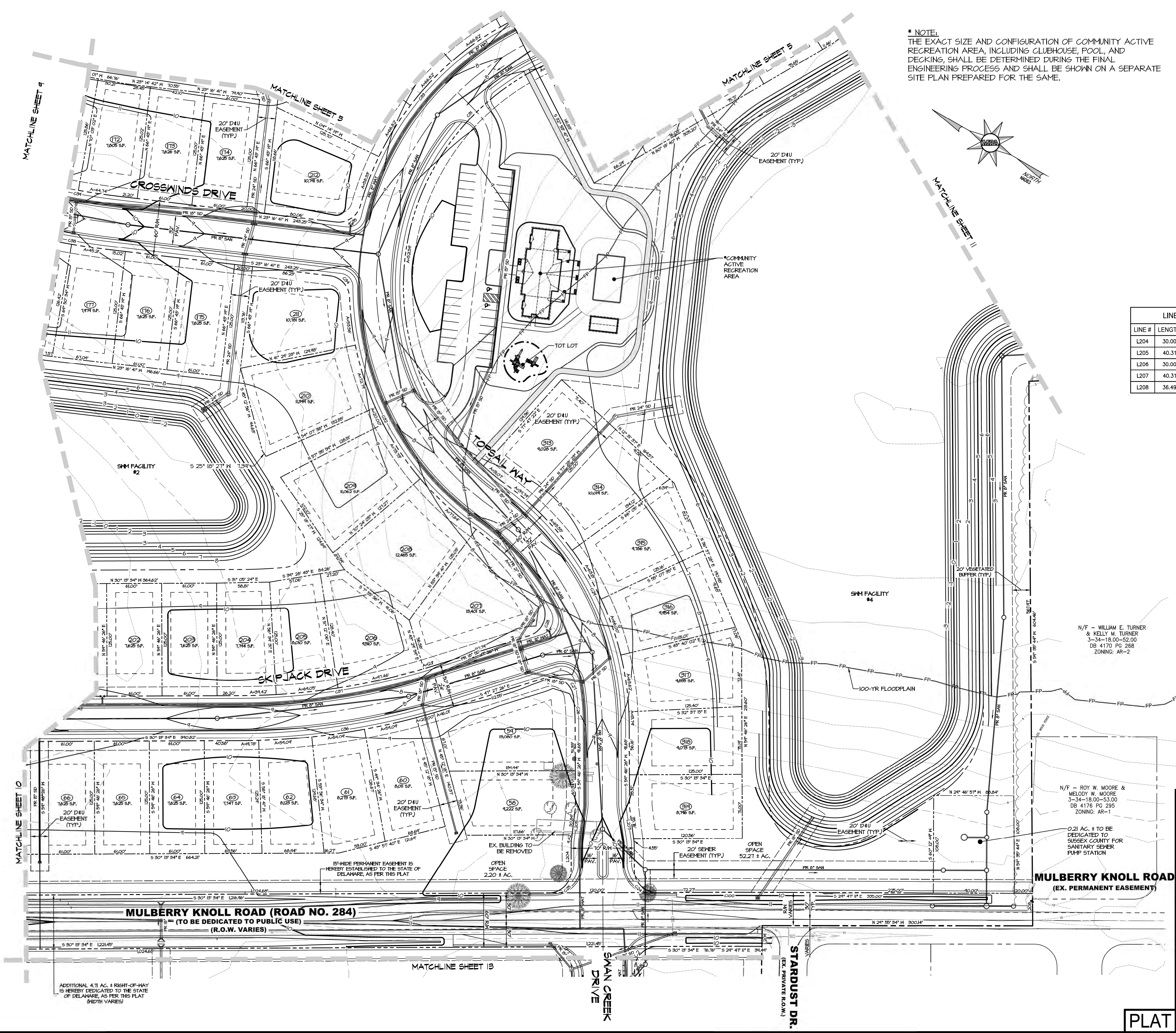
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		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 10 OF 15

PLAT



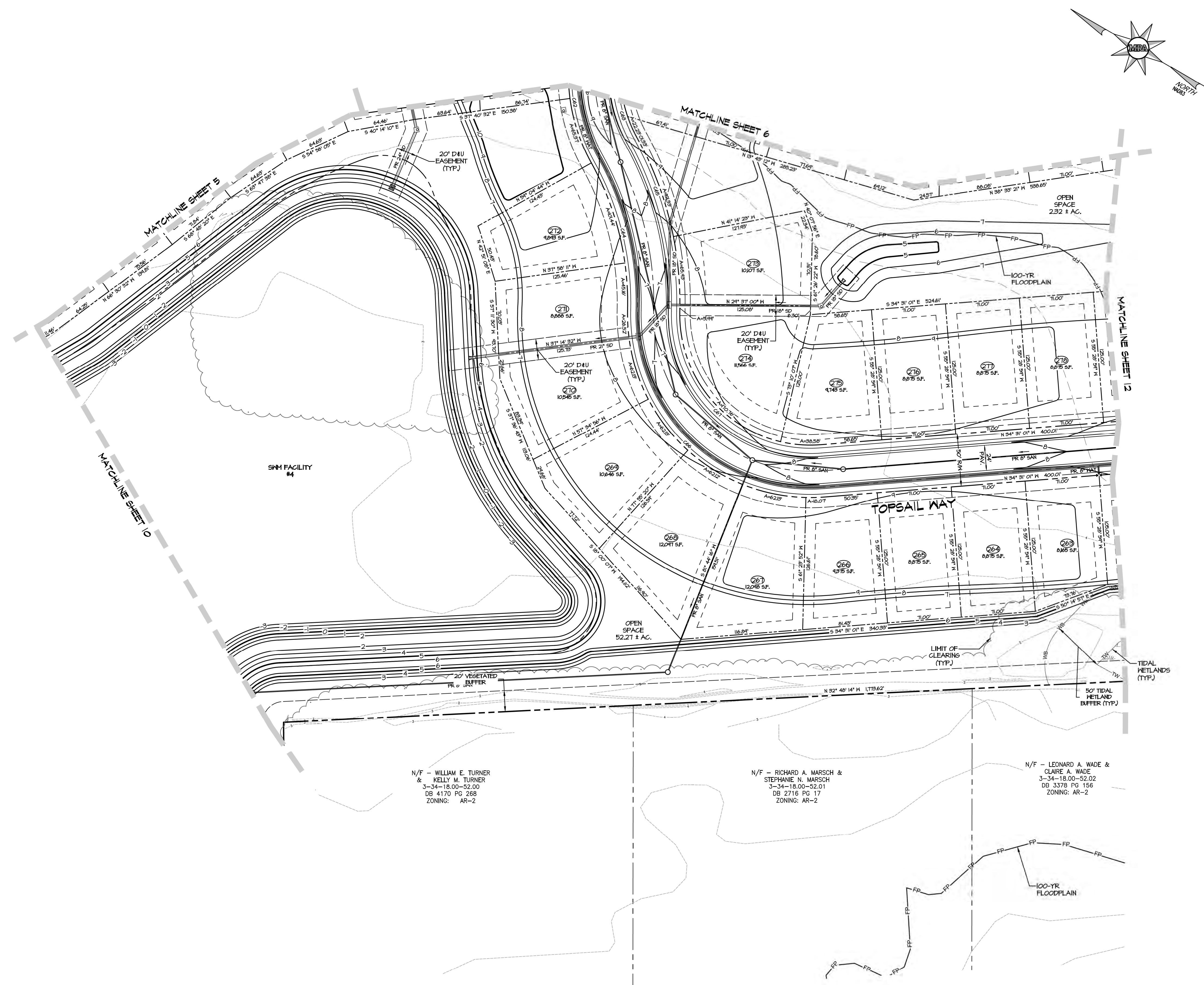
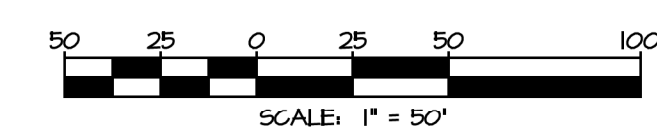


KEY MAP
SCALE: 1"=800'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C62	121.96'	175.00'	039.93	N 50° 51' 42" E	119.51'
C63	87.12'	125.00'	039.93	N 50° 51' 42" E	85.36'
C64	146.60'	275.00'	030.54	N 48° 10' 04" E	144.87'
C65	173.25'	325.00'	030.54	N 48° 10' 04" E	171.21'
C66	293.08'	175.00'	095.96	N 13° 27' 40" E	260.01'
C67	209.34'	125.00'	095.96	N 13° 27' 40" E	185.72'

LEGEND

- EXISTING PROPERTY LINE
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- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL



N/F - WILLIAM E. TURNER
& KELLY M. TURNER
3-34-18.00-52.00
DB 4170 PG 268
ZONING: AR-2

N/F - RICHARD A. MARSCH &
STEPHANIE N. MARSCH
3-34-18.00-52.01
DB 2716 PG 17
ZONING: AR-2

N/F - LEONARD A. WADE &
CLAIRE A. WADE
3-34-18.00-52.02
DB 3378 PG 156
ZONING: AR-2



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PRELIMINARY PLAT
FOR
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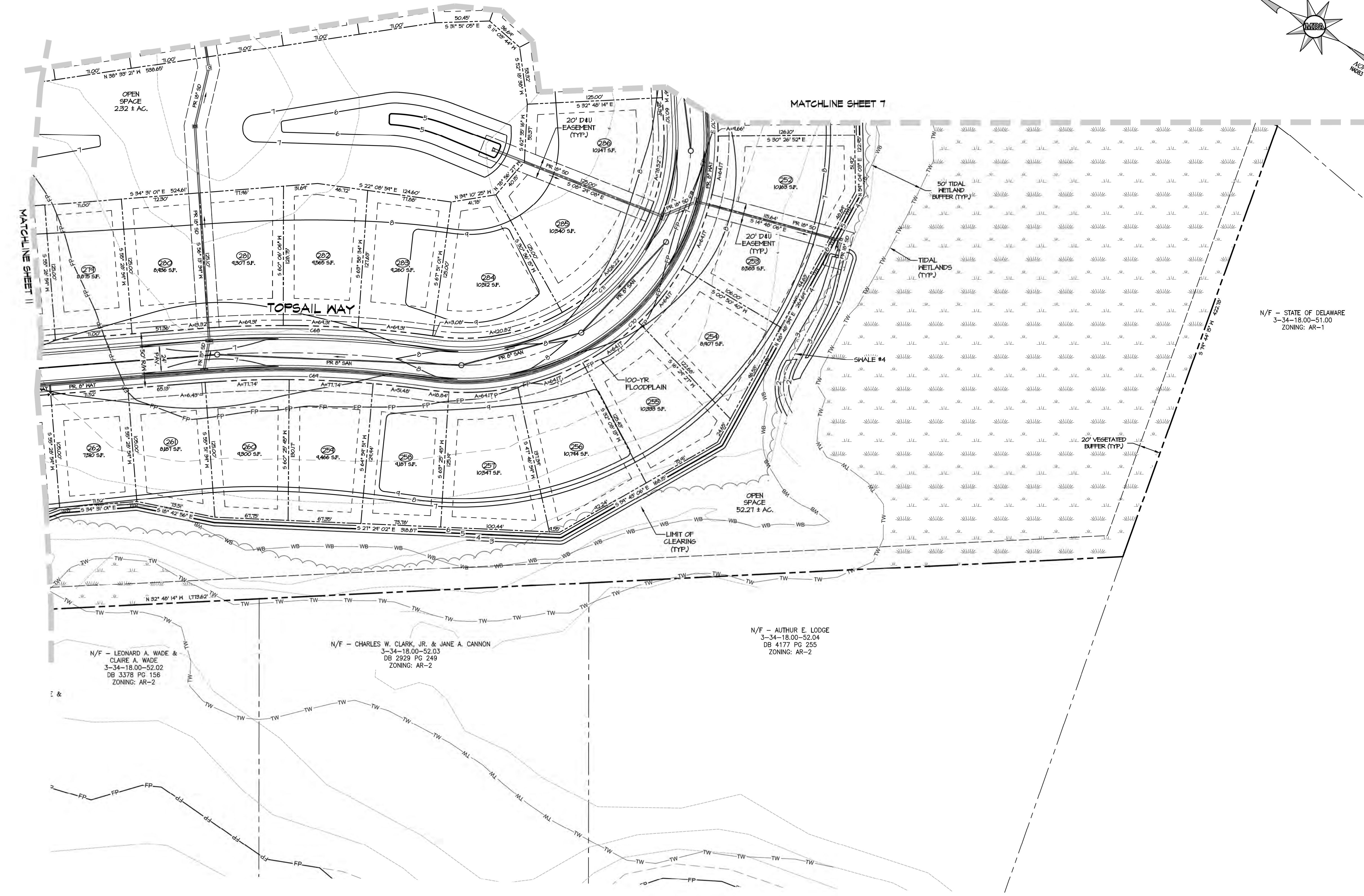
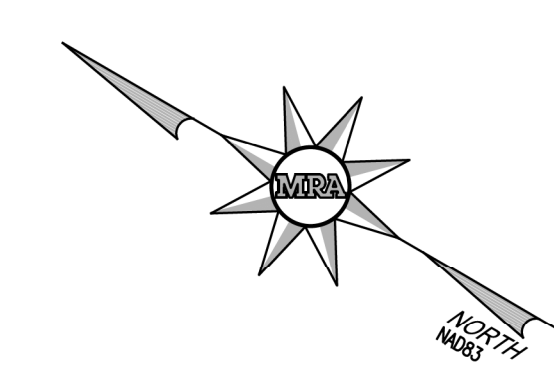
DATE	REVISIONS	JOB NO.: 20572
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03/25/21	REV. LOT CONFIGURATION TO ELIMINATE BUFFER OVERLAP	DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 11 OF 15

PLAT



KEY MAP
SCALE: 1"=800'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C68	224.33'	1025.00'	012.54	N 28° 14' 50" W	223.88'
C69	213.38'	975.00'	012.54	N 28° 14' 50" W	212.96'
C70	413.54'	235.00'	100.83	N 72° 23' 26" W	362.21'
C71	325.55'	185.00'	100.83	N 72° 23' 26" W	285.14'



N/F - STATE OF DELAWARE
3-34-18.00-51.00
ZONING: AR-1

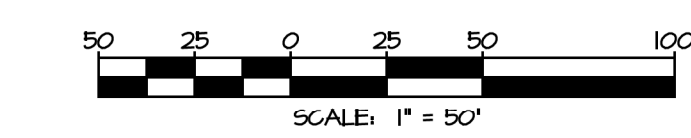
N/F - LEONARD A. WADE &
CLAIRE A. WADE
3-34-18.00-52.02
DB 3378 PG 156
ZONING: AR-2

N/F - CHARLES W. CLARK, JR. & JANE A. CANNON
3-34-18.00-52.03
DB 2929 PG 249
ZONING: AR-2

N/F - ARTHUR E. LODGE
3-34-18.00-52.04
DB 4177 PG 255
ZONING: AR-2

LEGEND

- EXISTING PROPERTY LINE
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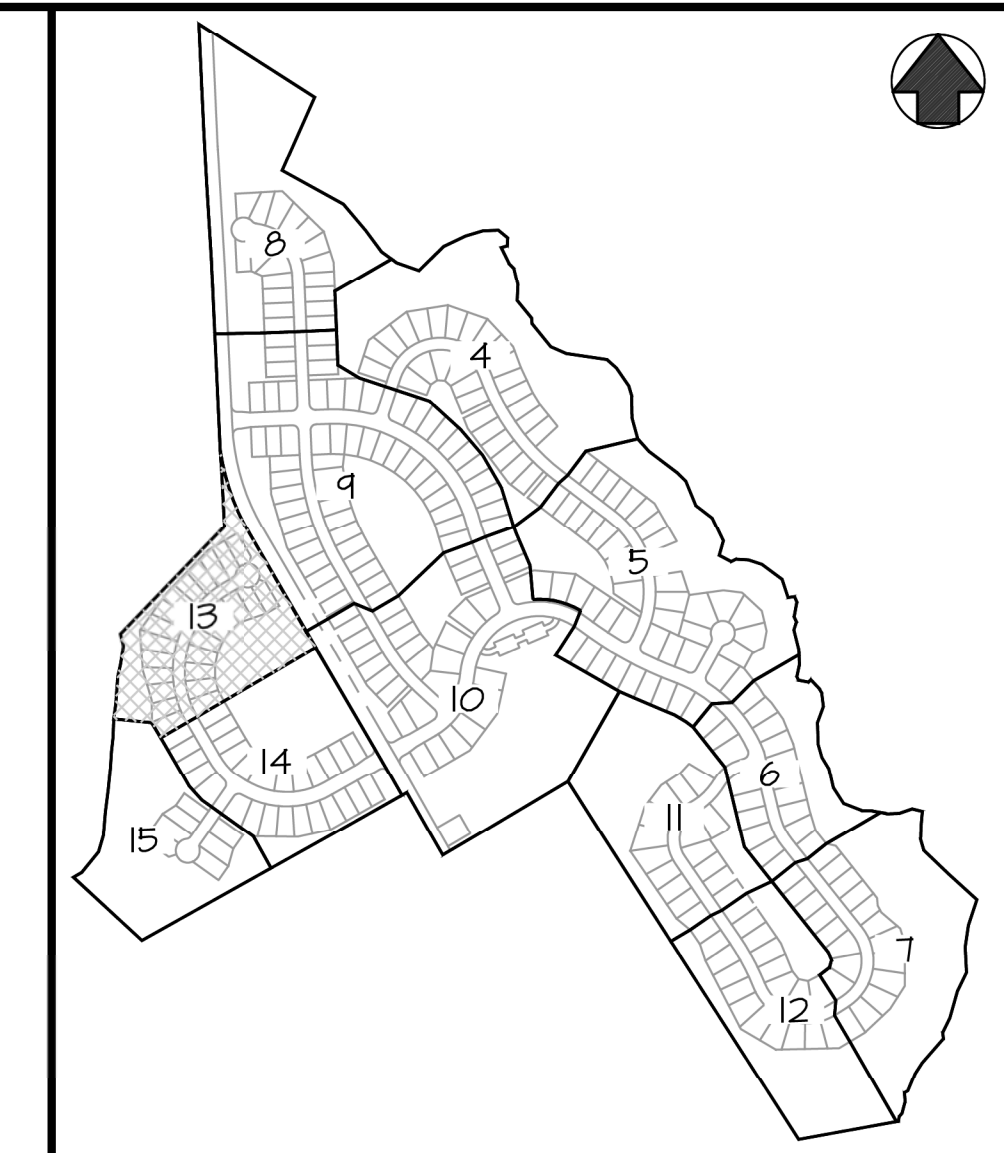
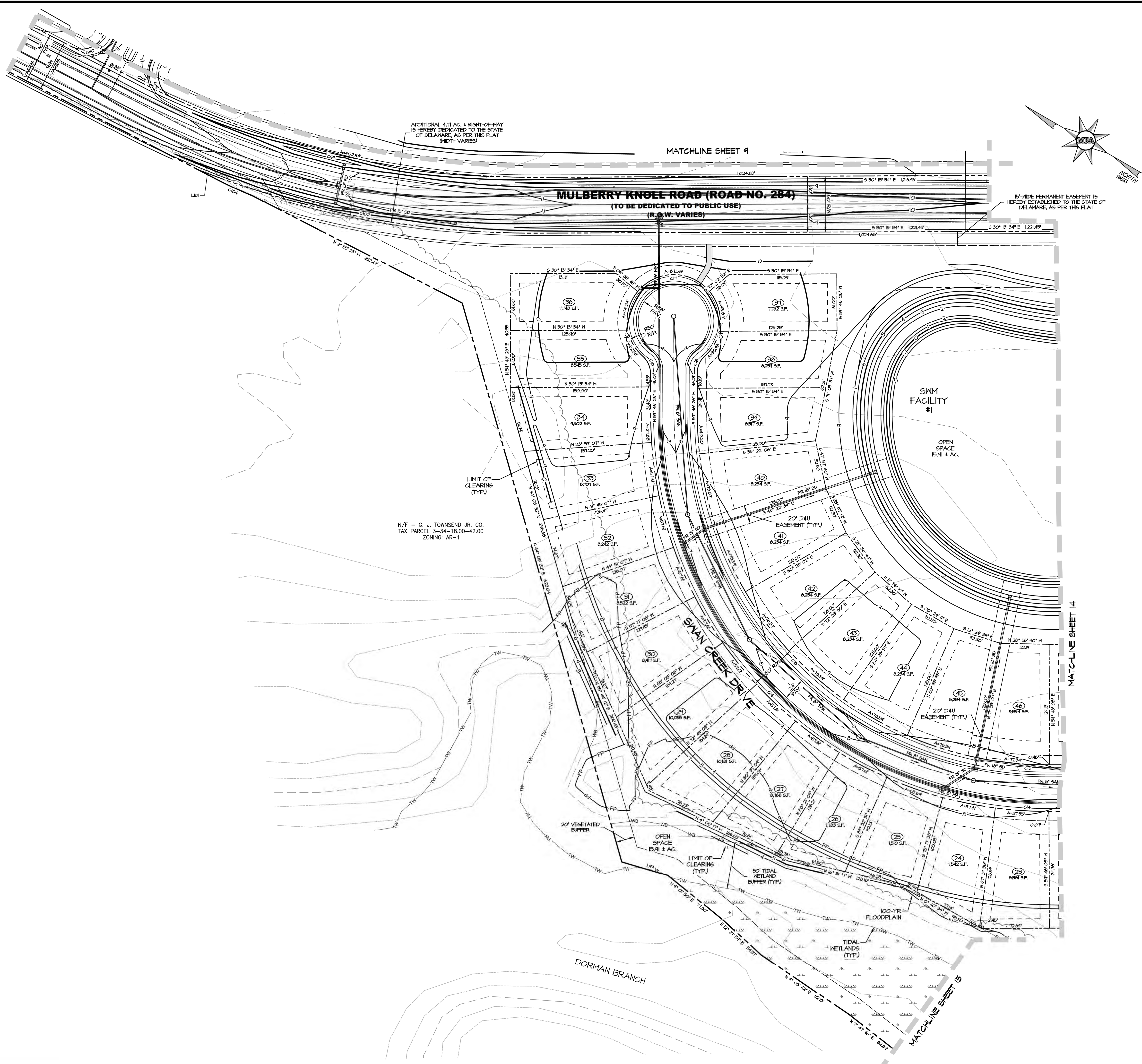


PRELIMINARY PLAT
FOR
SCENIC MANOR

ENGINEER'S SEAL LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

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		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 12 OF 15

PLAT



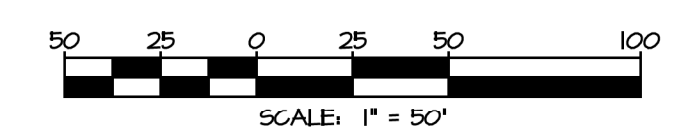
KEY MAP
SCALE: 1"=800'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C14	667.62'	425.00'	090.00	N 14° 46' 17" E	601.07'
C15	589.08'	375.00'	090.00	N 14° 46' 17" E	530.35'
C16	21.03'	25.00'	048.19	S 83° 52' 07" W	20.41'
C17	241.19'	50.00'	276.38	S 30° 13' 34" E	66.67'
C18	21.03'	25.00'	048.19	N 35° 40' 44" E	20.41'
C40	39.14'	25.00'	089.71	S 47° 30' 49" E	35.27'
C41	40.48'	25.00'	092.76	N 41° 14' 58" E	36.20'
C99	442.66'	920.00'	027.57	S 16° 26' 32" E	438.40'
C101	39.72'	920.00'	002.47	S 03° 53' 42" E	39.72'
C102	371.81'	980.00'	021.74	S 19° 21' 26" E	369.59'
C104	42.22'	477.93'	005.06	N 05° 12' 00" W	42.21'

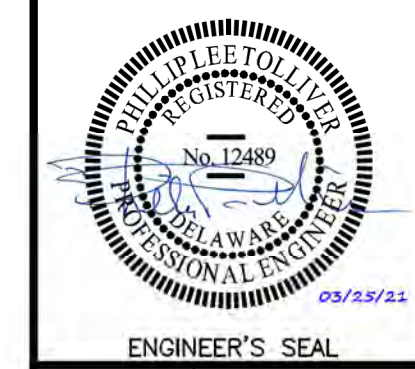
LINE TABLE		
LINE #	LENGTH	DIRECTION
L99	51.18	N 13° 53' 34" W
L101	823.48	N 02° 40' 09" W

LEGEND

- EXISTING PROPERTY LINE
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		DATE: 12/02/19
		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 13 OF 15

PLAT

G:\20572-Mulberry Knoll\PLANNING\PRELIMINARY\PLAT\20572_PRELIM PLANS.dwg, 3/25/2021 2:40:08 PM, Copyright 2021 Morris & Ritchie Associates, Inc.



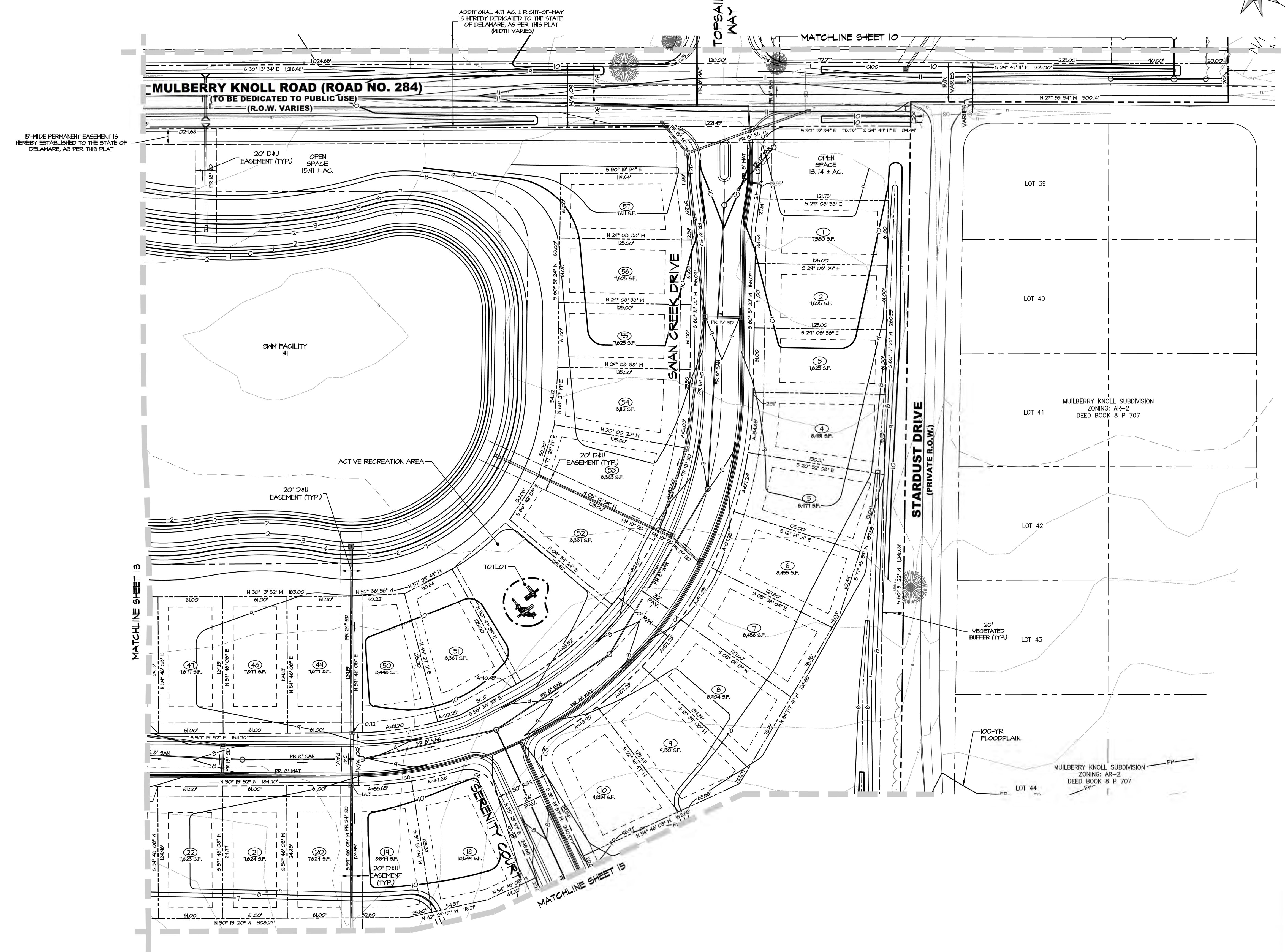
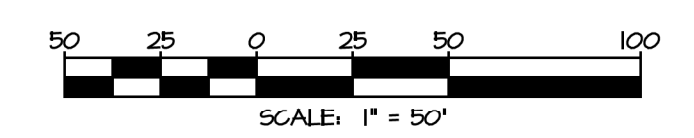
KEY MAP
SCALE: 1"=500'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	39.27'	25.00'	090.00°	N 14° 46' 26" E	35.36'
C2	39.17'	25.24'	088.90°	N 75° 13' 34" W	35.36'
C4	390.00'	380.00'	058.80°	N 89° 44' 31" W	373.11'
C5	36.84'	25.00'	084.43°	S 77° 26' 46" W	33.59'
C6	35.50'	24.89'	081.72°	N 05° 24' 19" W	32.56'
C7	103.44'	325.00'	018.24°	N 39° 20' 55" W	103.00'
C8	103.51'	364.81'	016.26°	N 38° 08' 14" W	103.16'
C14	667.62'	425.00'	090.00°	N 14° 46' 17" E	601.07'
C15	589.08'	375.00'	090.00°	N 14° 46' 17" E	530.35'
C24	39.27'	25.00'	090.00°	S 14° 46' 26" W	35.36'
C25	39.27'	25.00'	090.00°	N 75° 13' 34" W	35.36'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L208	36.49'	S 59° 35' 44" W
L209	1263.09'	S 60° 51' 22" W
L210	30.45'	S 59° 46' 26" W
L211	40.94'	S 67° 36' 36" W
L212	30.45'	N 59° 46' 26" E
L213	39.68'	S 53° 21' 57" W

LEGEND

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15'-WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED TO THE STATE OF DELAWARE, AS PER THIS PLAT

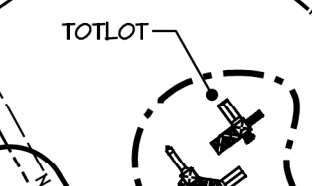
ADDITIONAL 4.71 AC. ± RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT (WIDTH VARIES)

20' D4U EASEMENT (TYP.)
OPEN SPACE
15.41 ± AC.

OPEN SPACE
13.74 ± AC.

SWM FACILITY

ACTIVE RECREATION AREA



20' VEGETATED BUFFER (TYP.)

100-YR FLOODPLAIN



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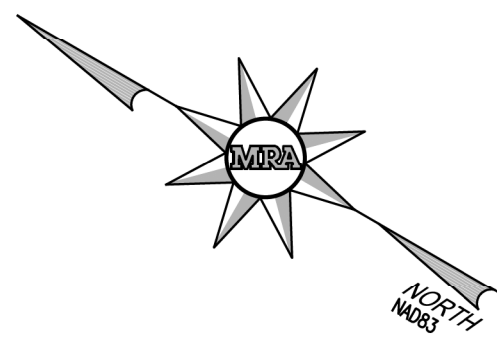


PRELIMINARY PLAT
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SCENIC MANOR

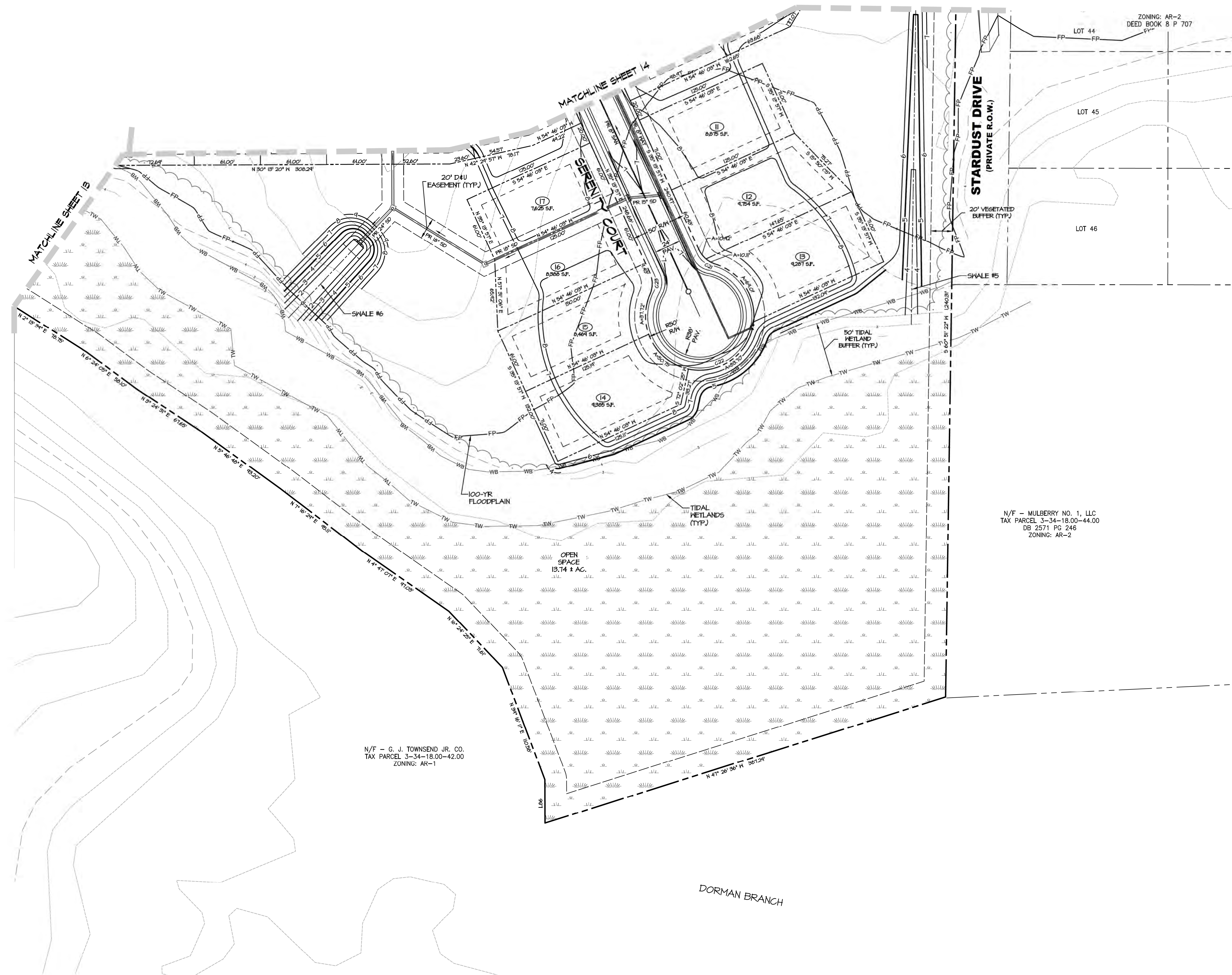
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		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 14 OF 15

PLAT



KEY MAP
SCALE: 1"=300'



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C21	21.03'	25.00'	048.19	S 11° 08' 16" W	20.41'
C22	241.19'	50.00'	276.38	N 54° 46' 03" W	66.67'
C23	21.03'	25.00'	048.19	N 59° 19' 39" E	20.41'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L86	40.00'	N 59° 52' 00" E

LEGEND

- EXISTING PROPERTY LINE
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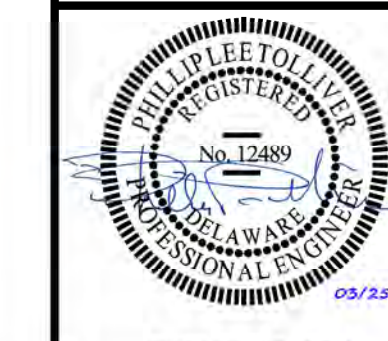


N/F - G. J. TOWNSEND JR. CO.
TAX PARCEL 3-34-18.00-42.00
ZONING: AR-1

N/F - MULBERRY NO. 1, LLC
TAX PARCEL 3-34-18.00-44.00
DB 2571 PG 246
ZONING: AR-2



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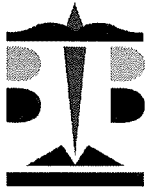


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		DRAWN BY: CJF
		DESIGN BY: CJF
		REVIEW BY: PLT
		SHEET: 15 OF 15

PLAT



BAIRD
MANDALAS
BROCKSTEDT LLP

Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

June 3, 2022

VIA EMAIL ONLY

Department of Planning and Zoning
Attn: Director Jamie Whitehouse
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Request to amend Conditions of Approval for Autumndale (2021-04);
Turnberry (2021-05); Lightship Cove (2021-11); Miralon (2021-12)

Dear Commissioners:

Please accept this letter that provides additional information for the Commission's consideration of the Developer's requests to amend Conditions of Approval regarding Autumndale (2021-04); Turnberry (2021-05); Lightship Cove (2021-11); and Miralon (2021-12).

Streetlighting Conditions

At the Commission's request, our team contacted Delaware Electric Co-Op ("DEC") regarding the Condition of Approval requiring Developer to provide, "A system of fully shielded and downward screened streetlighting."

This Condition was imposed on Autumndale (as Condition I), Turnberry (as Condition H), Lightship Cove (as Condition H) and Miralon (Condition H).

DEC agreed that the language used in the Condition should be amended to read, "A streetlighting system that provides lighting in the downward direction with minimal uplighting shall be provided." Please find the attached correspondence, as *Exhibit A*, from DEC's Vice President of Engineering, Troy Dickerson, confirming the same.

Pathway Conditions

We also respectfully request that the Commission review the attached preliminary plats, as *Exhibit B*, with respect to conditions imposed on the Developer for installation of pathways around the stormwater ponds because at the May 12, 2022 Commission Meeting it was suggested that the Developer proffered pathways to be installed *around* the stormwater ponds. That is a misstatement of fact.

Autumndale

With respect to Autumndale, the paperless packet and preliminary plat show a path cutting through the rear of the lots, in the vicinity of the stormwater ponds, but without making a loop around the ponds. Condition K requires the Developer to install a pathway *around* the central pond. It remains unclear whether the Commission is requiring the Developer to install the pathway proffered on the Site Plan or if the Commission intended to require the Developer to install a pathway *around* that centrally located stormwater pond. The Developer respectfully requests that the Commission only require the Developer to install a pathway like the pathway shown on the Site Plan instead of requiring a pathway to be installed *around* the centrally located stormwater pond.

Lightship Cove

In terms of Lightship Cove, the paperless packet and preliminary plat did not show a pathway *around* the stormwater ponds. During the November 18, 2022 Public Hearing, Commissioner Stevenson expressed her preference for a pathway to be installed around the central stormwater pond, and Condition J required the Applicant to install a pathway *around* the central pond. The preliminary plat submitted for the public hearing confirms that no pathway was proposed around the central stormwater pond. The preliminary plat was amended to add the pathway around the central stormwater pond. See the original and amended plat attached as *Exhibit B*. In light of the amendment to the preliminary plat, Developer withdraws its request to amend Condition J, as the preliminary plan was updated to include the pathway.

Miralon

In terms of Miralon, the paperless packet and preliminary plat did not propose any pathways *around* the stormwater ponds. The Commission imposed Condition of Approval I, requiring Developer to install a pathway *around* the ponds in the front of the Subdivision. As stated in Developer's March 14, 2022 letter to the Commission, there are a total of six stormwater ponds proposed in Miralon, and three to four ponds are located towards the front of the community. Significantly, the number of proposed stormwater ponds is subject to change because the site has not gone through final engineering. Also, it remains unclear what

stormwater ponds the Commission considers to be in the *front* of the subdivision. For these reasons, and all the reasons stated in the Developer's March 14, 2022 letter, the Developer respectfully requests amendment to or deletion of Condition I because it is not clear which ponds require installation of pathways and whether those ponds will even remain on the final site plan. If the Commission decides to amend Condition I, the Developer respectfully requests that the Commission only require a pathway proposed partially in the woods and around Wet Pond 1, as further detailed in *Exhibit C*.

Turnberry

The installation of pathways around stormwater ponds is not a Condition of Approval for Turnberry.

Thank you for your consideration of the Developer's requests to amend and/or delete these Conditions of Approval imposed on Autumndale, Turnberry, Lightship Cove, and Miralon.

Sincerely,

/s/ Mackenzie M Peet

Mackenzie M. Peet, Esq.

Enclosures:

Exhibit A – DEC Correspondence

Exhibit B – Preliminary Plats

Exhibit C – Miralon Pathway

Cc:

Jon Horner, Esquire

Tim Green

Jason Palkewicz, PE

Jim Eriksen, PE

Troy Dickerson, PE

EXHIBIT A
DEC Correspondence

Mackenzie Peet

From: Jim Eriksen <jeriksen@solutionsipem.com>
Sent: Friday, May 27, 2022 11:54 AM
To: Dickerson, Troy; Tim Green
Cc: Mackenzie Peet; Jason Palkewicz
Subject: RE: Street Lighting Conditions from Sussex County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Troy. We will propose that language to the County and provide copies of our correspondence for confirmation.

Jim Eriksen, PE | Principal of Engineering |

Solutions IPEM | 303 N. Bedford Street | Georgetown, DE 19947 | ph 302.297.9215 |

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Friday, May 27, 2022 11:39 AM
To: Tim Green <tgreen@schellbrothers.com>; Jim Eriksen <jeriksen@solutionsipem.com>
Cc: Mackenzie Peet <Mackenzie@bmbde.com>; Jason Palkewicz <jpalkewicz@solutionsipem.com>
Subject: RE: Street Lighting Conditions from Sussex County

Jim,

That language would be appropriate. We did hear back from our manufacturers. Nothing that we currently buy is dark sky compliant. The biggest reason why is that the lights we buy are 5000k and to be dark sky compliant, they need to be under 3000k. Our issue is that when we started installing LED's 8 years ago, 5000k is all that was available and we've just stuck with that. We've done a lot of replacements in developments from HPS to LED because people wanted the whiter light versus the yellow light. Outside of that, LED's minimize uplighting in general, and that was verified.

Thanks!

Troy W. Dickerson, P.E.
Vice President of Engineering
Voice: (302) 349-3125
Cell: (302) 535-9048
Fax: (302) 349-5891
tdickerson@delaware.coop



DELAWARE ELECTRIC CO-OP

"We Keep the Lights On"

From: Tim Green
Sent: Friday, May 27, 2022 7:54 AM
To: Jim Eriksen <jeriksen@solutionsipem.com>; Dickerson, Troy <TDickerson@delaware.coop>
Cc: Mackenzie Peet <Mackenzie@bmbde.com>; Jason Palkewicz <jpalkewicz@solutionsipem.com>
Subject: RE: Street Lighting Conditions from Sussex County

Seems logical to me.

From: Jim Eriksen <jeriksen@solutionsipem.com>
Sent: Thursday, May 26, 2022 3:00 PM
To: Dickerson, Troy <TDickerson@delaware.coop>
Cc: Mackenzie Peet <Mackenzie@bmbde.com>; Jason Palkewicz <jpalkewicz@solutionsipem.com>; Tim Green <tgreen@schellbrothers.com>
Subject: RE: Street Lighting Conditions from Sussex County

Troy,

Has Ryan heard back from the light vendors? I believe he was going to reach out to see if they have literature that would allow them to say the fixtures comply with the county's requirement.

Assuming there is nothing available from the vendors that would allow us to comply, I believe the only additional information we really would need would be some alternate language we can propose to the County. I do not know that they are necessarily intended to request dark-sky compliant bulbs. Based on your response, I think that this may simply be a case where they have been using the same language without anyone realizing that modern/LED fixtures would not technically comply with the condition.

If we were to simplify the condition to read "A street lighting system that provides lighting in a downward direction with minimal uplighting shall be provided" would that work for everyone?

Thanks,

Jim Eriksen, PE | Principal of Engineering |

Solutions IPEM | 303 N. Bedford Street | Georgetown, DE 19947 | ph 302.297.9215 |

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Thursday, May 26, 2022 2:40 PM
To: Jim Eriksen <jeriksen@solutionsipem.com>
Cc: Mackenzie Peet <Mackenzie@bmbde.com>; Jason Palkewicz <jpalkewicz@solutionsipem.com>; Tim Green <tgreen@schellbrothers.com>
Subject: RE: Street Lighting Conditions from Sussex County

Jim,

From the email that I sent to Ann Margaret, do you need anything else from me at this time?

Troy W. Dickerson, P.E.
Vice President of Engineering
Voice: (302) 349-3125
Cell: (302) 535-9048
Fax: (302) 349-5891
tdickerson@delaware.coop



DELAWARE ELECTRIC CO-OP

"We Keep the Lights On"

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From: Jim Eriksen <jeriksen@solutionsipem.com>

Sent: Wednesday, May 18, 2022 4:29 PM

To: Dickerson, Troy <TDickerson@delaware.coop>

Cc: Mackenzie Peet <Mackenzie@bmbde.com>; Jason Palkewicz <jpalkewicz@solutionsipem.com>; Tim Green <tgreen@schellbrothers.com>

Subject: Street Lighting Conditions from Sussex County

Hi Troy,

We recently brought a couple of subdivisions named Turnberry and Autumndale within your service areas before Sussex County Planning Commission. We received a list of conditions of approval for the preliminary subdivision plan that included some verbiage for street lighting. The condition is "Condition H" in the attached letter. It reads "A system of fully shielded and downward screened streetlighting shall also be provided." Identical verbiage is seen in the Autumndale conditions.

It is my understanding that DEC does not provide lighting that meets this condition. Would you be able to provide confirmation that this is the case? Also, would you be able to provide some verbiage that we could use to describe a similar-style light that DEC does provide?

Thanks for your help. Please let me know if you need anything else from me.

Thanks,

Jim Eriksen, PE | Principal of Engineering |

Solutions IPEM | 303 N. Bedford Street | Georgetown, DE 19947 | ph 302.297.9215 |

Mackenzie Peet

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Tuesday, May 24, 2022 9:50 AM
To: Tim Green; Greenlee, Paul; Shockley, Ryan; Book, Rob
Cc: Jim Eriksen; Mackenzie Peet; Jason Palkewicz; Ann-Margaret Donato
Subject: Re: Street Lighting Conditions from Sussex County

Follow Up Flag: Follow up
Flag Status: Completed

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Good Morning,

This is blowing up too fast with me being on vacation Friday, Executive Leadership Training yesterday and today, calls from P&Z and the County, and then the Cape Gazette article coming out yesterday.

The county's requirement says "fully shielded and downward screened. I don't know what their expectation is with that statement as I've not seen that statement before. Does this mean "Dark Sky Compliant"? Or does their statement mean something else.

Our old lights that were installed were high pressure sodium, which was a light bulb installed at the base of the fixture that shined light 360 degrees. On the inside of the fixture, at the top, there was a refractor that directed light towards the ground in the appropriate lighting pattern. With the high pressure sodium, there is a lot of light pollution with up lighting.

Fast forward to LED light fixtures. The LED's are installed on the inside top of the fixture. The LED's are positioned in a way that they only shine in a downward direction without the use of a refractor. So by design, there is minimal if any uplighting.

Ryan and I had a conversation this morning after we saw the Cape Gazette article. He is reaching out to our lighting vendors today to see what they have to say about the county's requirement. Maybe fully shielded and downward screened doesn't mean Dark Sky Compliant and they have literature stating that they meet the requirement the county has put in their comments.

Ryan can reply back to all once he hears back from our lighting vendors.

Thanks!

Troy W Dickerson, P.E.
V.P. of Engineering
Voice: (302) 349-3125
Cell: (302) 535-9048
tdickerson@delaware.coop

Please excuse any spelling or grammatical errors as this message was sent from a mobile device.

On May 24, 2022, at 8:22 AM, Tim Green <tgreen@schellbrothers.com> wrote:

Jim,

We previously reached out to DEC on this matter, and it was confirmed they do not provide a light that complies with this condition of approval.

Copying Ann Margaret as I believe she spoke to a DEC representative.

Thanks

Tim

From: Jim Eriksen <jeriksen@solutionsipem.com>

Sent: Tuesday, May 24, 2022 6:52 AM

To: Troy Dickerson - Delaware Electric Cooperative (TDickerson@decoop.com)
<tdickerson@decoop.com>

Cc: Mackenzie Peet <Mackenzie@bmbde.com>; Jason Palkewicz <jpalkewicz@solutionsipem.com>; Tim Green <tgreen@schellbrothers.com>

Subject: Re: Street Lighting Conditions from Sussex County

Hi Troy,

Have you had a chance to look into this? Please let me know if you need anything from us.

Thanks,

Jim

On May 18, 2022 4:28 PM, Jim Eriksen <jeriksen@solutionsipem.com> wrote:

Hi Troy,

We recently brought a couple of subdivisions named Turnberry and Autumndale within your service areas before Sussex County Planning Commission. We received a list of conditions of approval for the preliminary subdivision plan that included some verbiage for street lighting. The condition is "Condition H" in the attached letter. It reads "A system of fully shielded and downward screened streetlighting shall also be provided." Identical verbiage is seen in the Autumndale conditions.

It is my understanding that DEC does not provide lighting that meets this condition. Would you be able to provide confirmation that this is the case? Also, would you be able to provide some verbiage that we could use to describe a similar-style light that DEC does provide?

Thanks for your help. Please let me know if you need anything else from me.

Thanks,

Jim Eriksen, PE | Principal of Engineering |

Solutions IPEM | 303 N. Bedford Street | Georgetown, DE 19947 | ph
302.297.9215 |

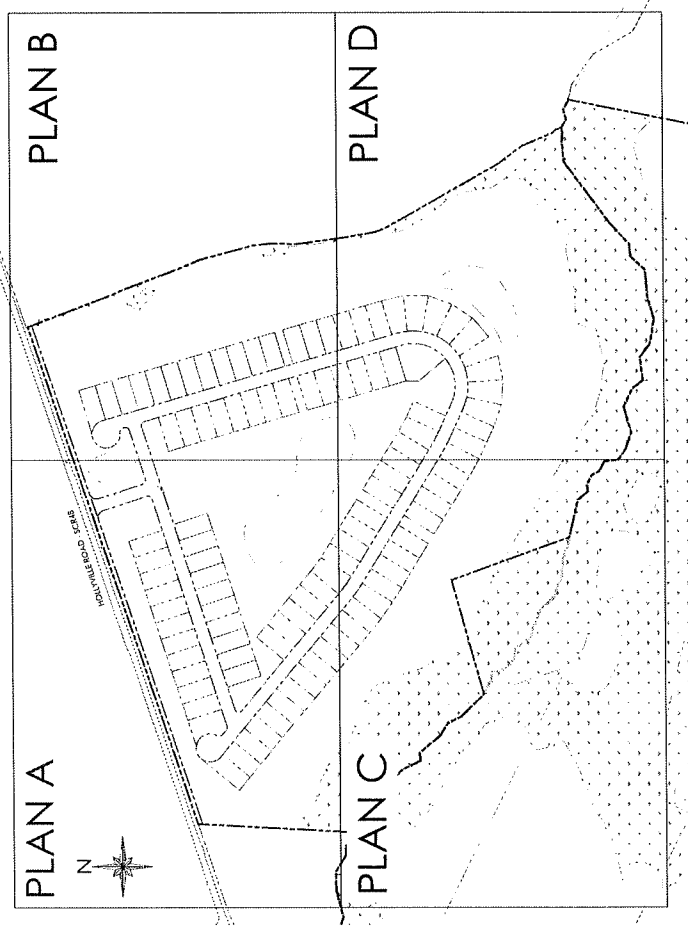
EXHIBIT B
Preliminary Plats

PRELIMINARY PLAT FOR AUTUMDALE

FORMERLY KNOWN AS FAIRMONT
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE
FOR
HOLLYVILLE BUYER, LLC
COUNTY PROJECT NUMBER: 2021-04

LEGEND

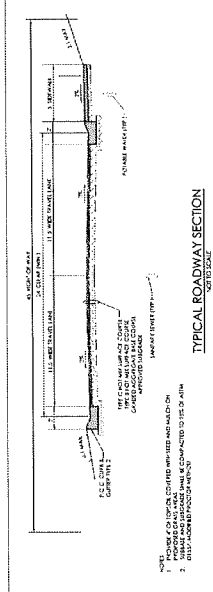
EXISTING	PROPOSED
ACQUIRY LINE	ACQUIRY LINE
SEWER LINE	SEWER LINE
ROW LINE	ROW LINE
CONTOUR	CONTOUR
SPOT ELEVATION	SPOT ELEVATION
ROAD CENTERLINE	ROAD CENTERLINE
EDGE OF CONCRETE	EDGE OF CONCRETE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
CURB	CURB
BELOTT PAVEMENT HATCH	BELOTT PAVEMENT HATCH
SEWER HATCH	SEWER HATCH
TRAIL	TRAIL
EDGE OF POOD	EDGE OF POOD
WETLAND	WETLAND
FLOODPLAIN	FLOODPLAIN
CURB INLET	CURB INLET
*KID INLET	*KID INLET
STORM PIPE	STORM PIPE
SANITARY MANHOLE	SANITARY MANHOLE
SANITARY PIPE	SANITARY PIPE
FORCE MAIN	FORCE MAIN
WATER PIPE	WATER PIPE
FIRE HYDRANT	FIRE HYDRANT
IRREG LINE	IRREG LINE



SITE
1" = 200'

PRELIMINARY PLAT

- PROPOSED
- EXISTING
- WETLAND
- FLOODPLAIN
- CONTOUR
- ROW LINE



NOTES:

- THE PLAT AND ALL INFORMATION CONTAINED HEREIN SHALL BE THE PROPERTY OF THE ENGINEER AND SHALL REMAIN HIS PROPERTY. NO PART OF THIS PLAT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
- THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND THE SITE TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS AND IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION NOT OBTAINED FROM HIS VISUAL INSPECTIONS.
- THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND THE SITE TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS AND IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION NOT OBTAINED FROM HIS VISUAL INSPECTIONS.
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solutions

1015 W. MARKET STREET
SUITE 200
FAIRMONT, DE 19936
TEL: 410-326-1111
WWW.SOLUTIONSINC.COM

DATE: 08/25/21
BY: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION
1	08/25/21	REVISIONS PER ARCHITECT REVIEW LETTER DATED 04/23/2021

VICINITY MAP
SCALE: 1" = 200'

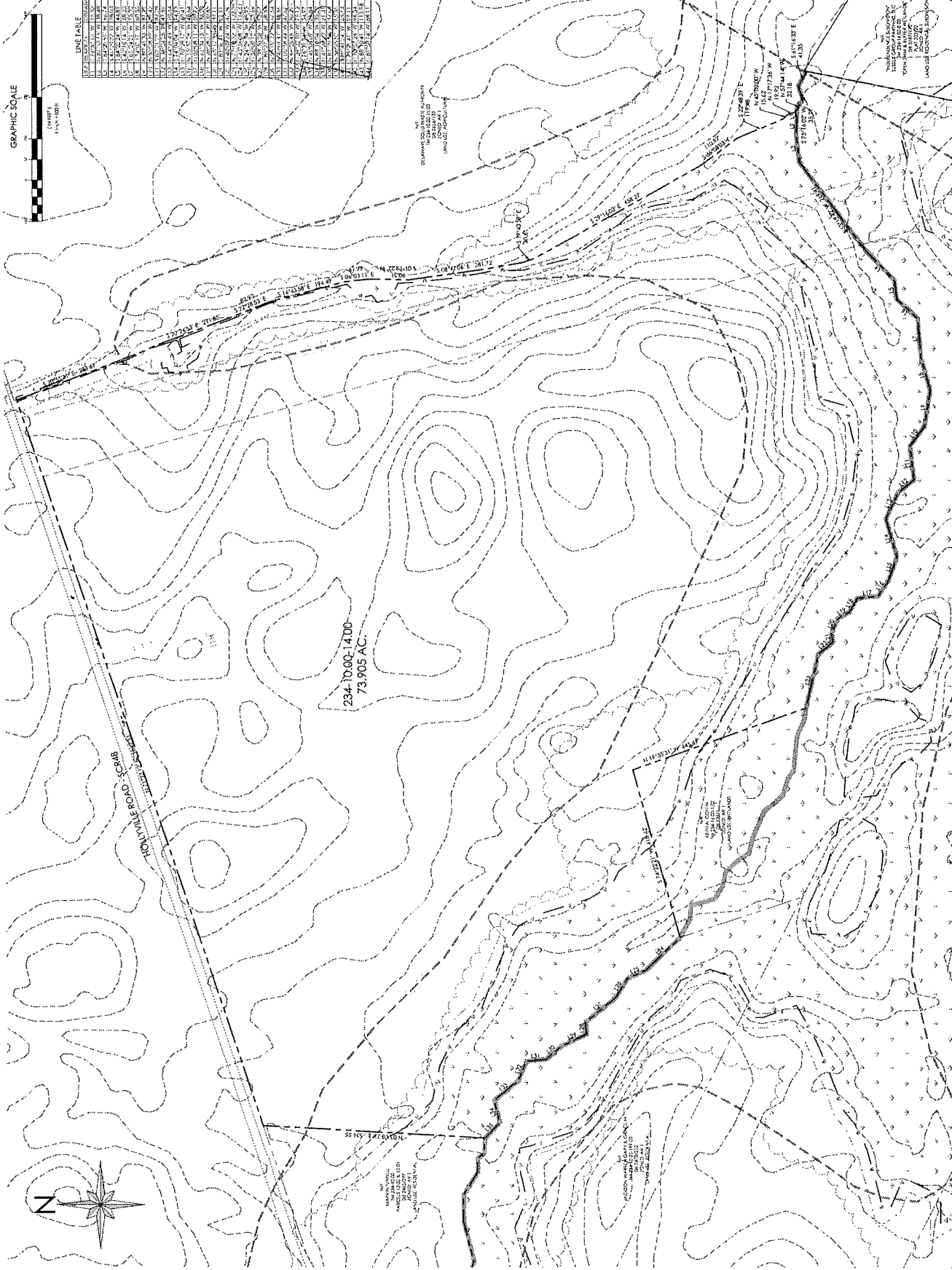
COVER SHEET

FOR
AUTUMDALE
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

DATE: 10-13-2020
DRAWN BY: AS BROWN
CHECKED BY: [Signature]

Sheet No.: _____
File Name: _____
Drawing No.: _____

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 10/23/2020



GRAPHIC SCALE
 1" = 500'
 1" = 1000'
 1" = 1500'
 1" = 2000'
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 1" = 3000'
 1" = 3500'
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 1" = 10000'

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THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

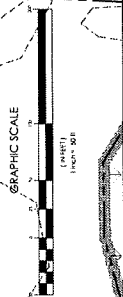
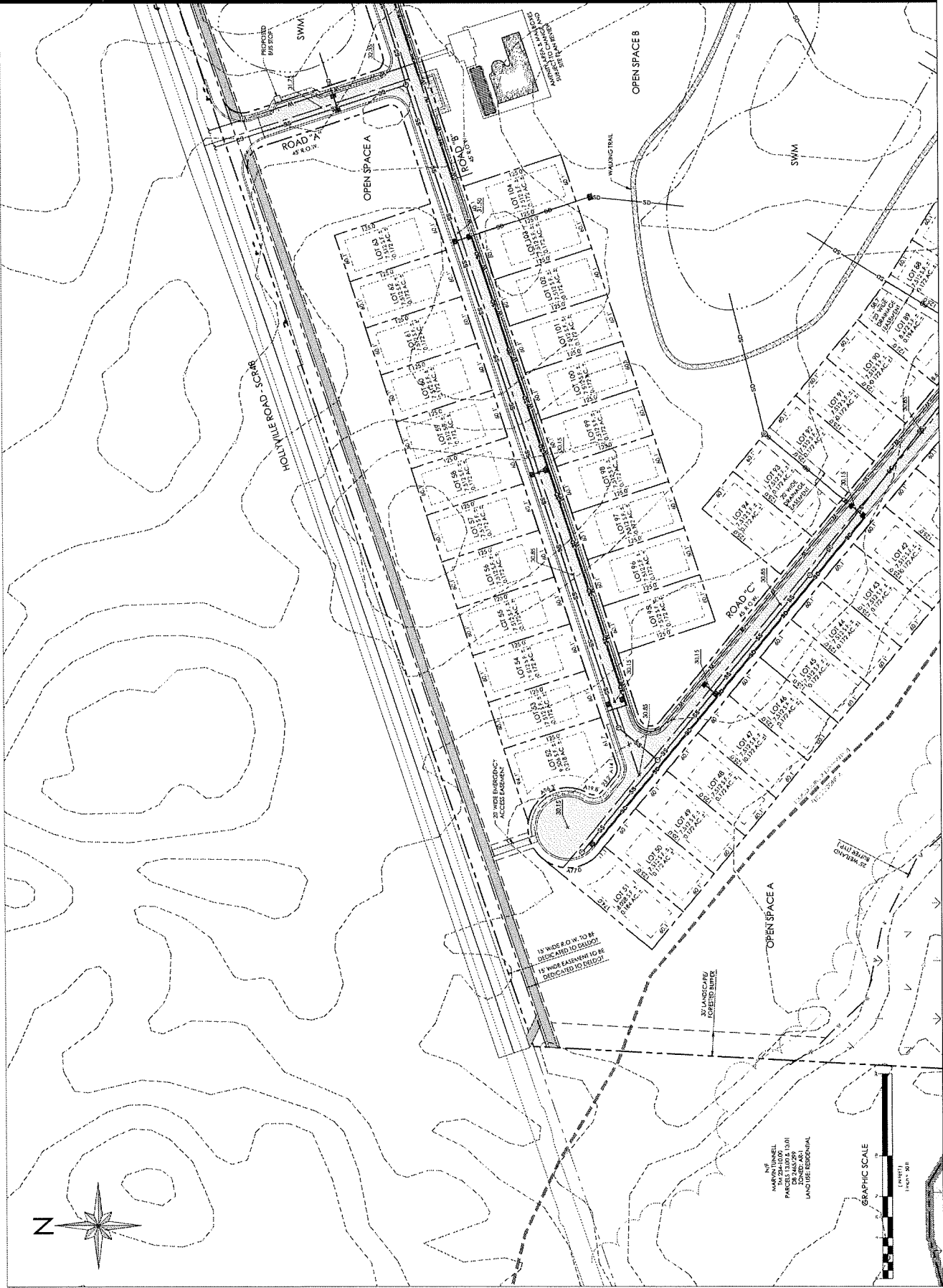
ALL RIGHTS RESERVED
 SUSSEX COUNTY, DELAWARE
 ENGINEER: ...
 10/23/2020
 10/23/2020
 10/23/2020
 10/23/2020

PRELIMINARY PLAT A
 FOR
AUTUMDALE
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

NO.	DATE	REVISIONS
1	02/21/21	REVISIONS PER AGENCY REVIEW DATED 02/25/2021



Martin Binnett
 Professional Engineer
 State of Delaware
 License No. 13002
 Mechanical Engineering



BY: MARTIN BINNETT
 DATE: 10/13/2020
 PROJECT: AUTUMDALE

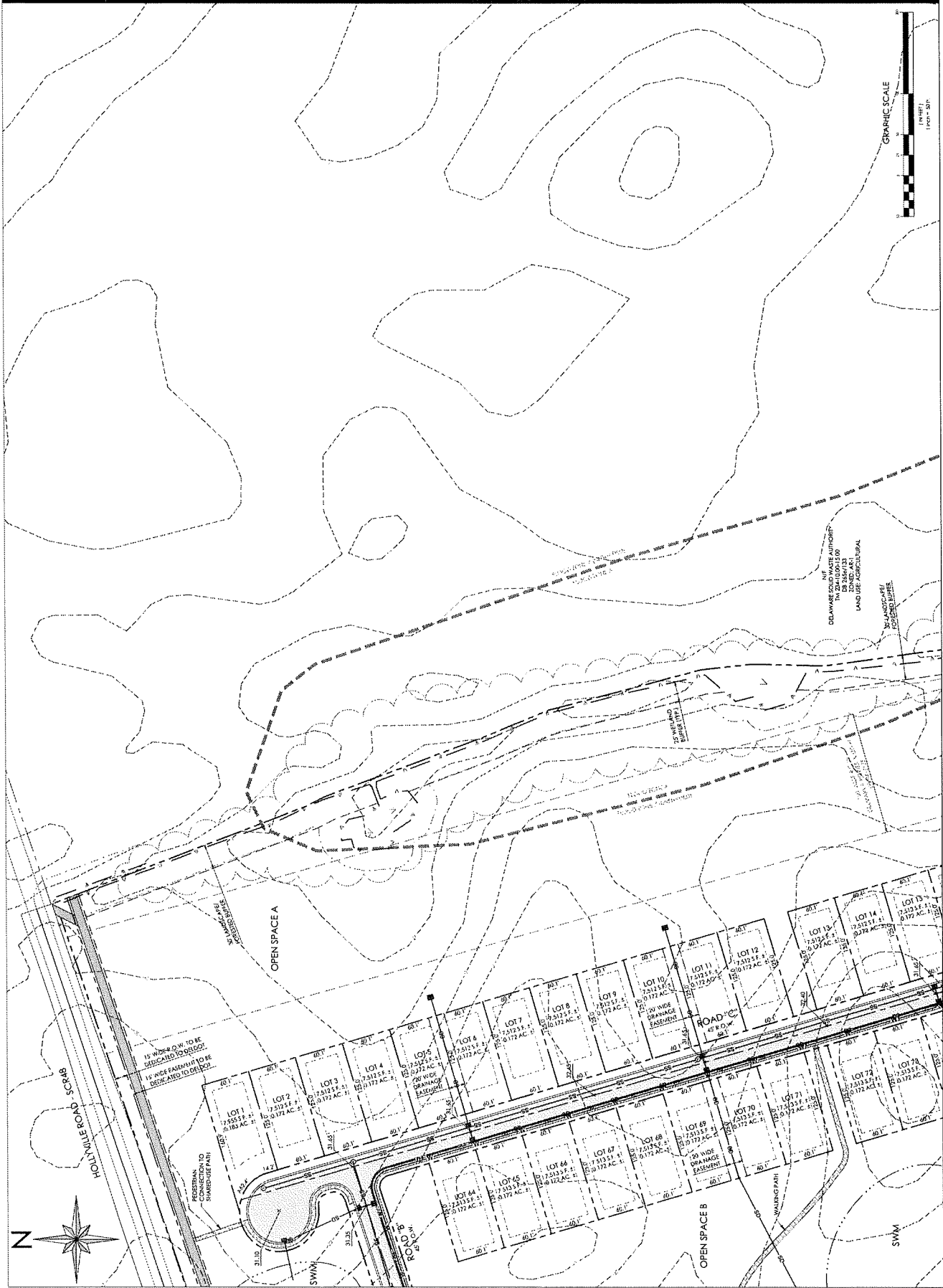
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Date:	10-13-2009
Drawn by:	PP
Checked by:	PP
Reviewed by:	PP
Approved by:	PP

PRELIMINARY PLAT B
for
AUTUMDALE
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

NO.	DATE	DESCRIPTION
1	8/25/21	REVISIONS PER AGENCY REVIEW DATED 8/25/21



Surveyed by:
Checked by:
Approved by:



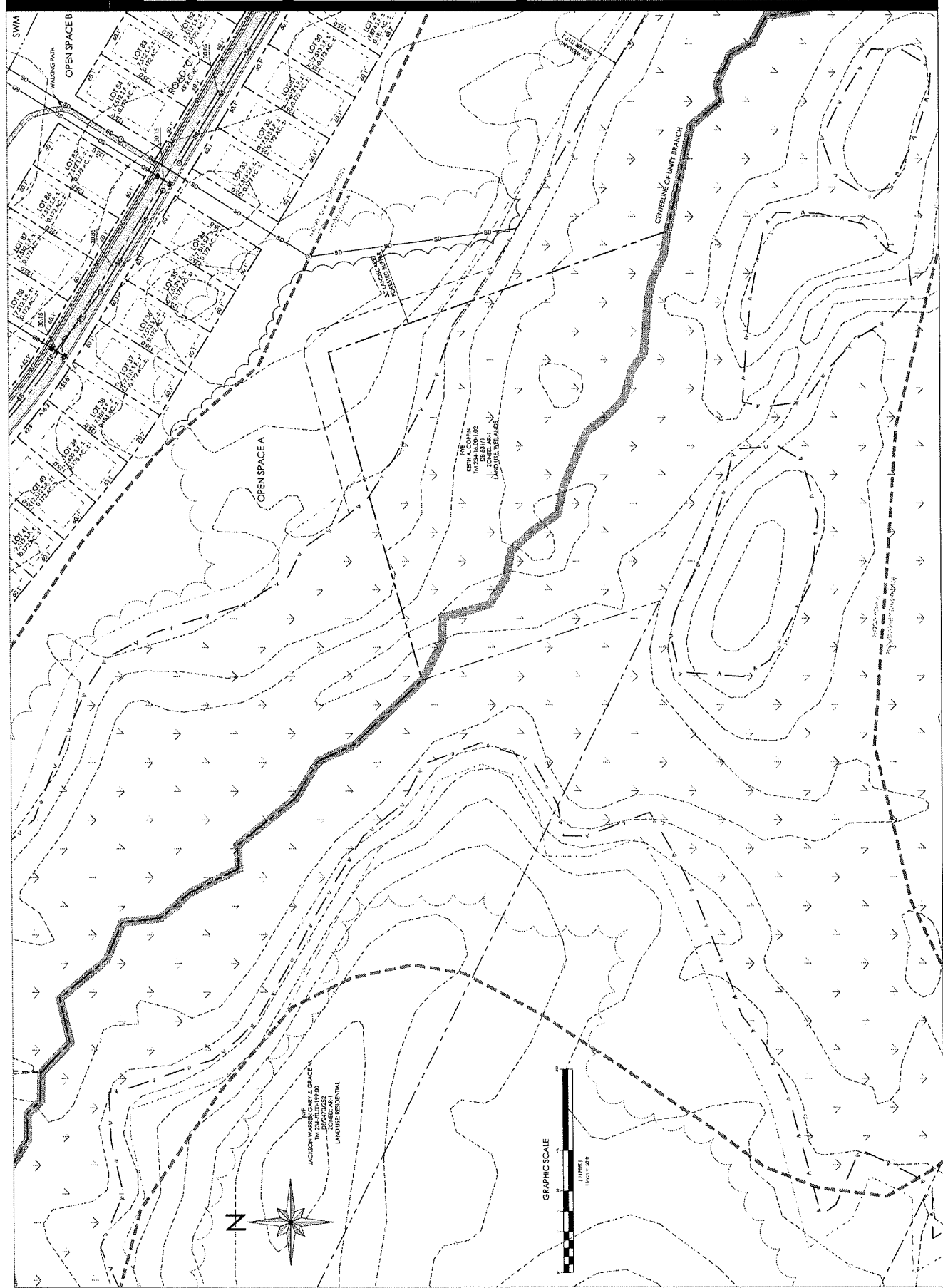
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BY	1907
NO.	1-00
REV.	1018
DATE	10-13-2020
NO.	5

PRELIMINARY PLAT C
 FOR
AUTUMDALE
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

NO.	DATE	REVISIONS PER AGENCY REVIEW LETTER DATED 04/27/2021
1	03/23/21	



DECEASED
 REVISIONS PER AGENCY REVIEW LETTER DATED 04/27/2021



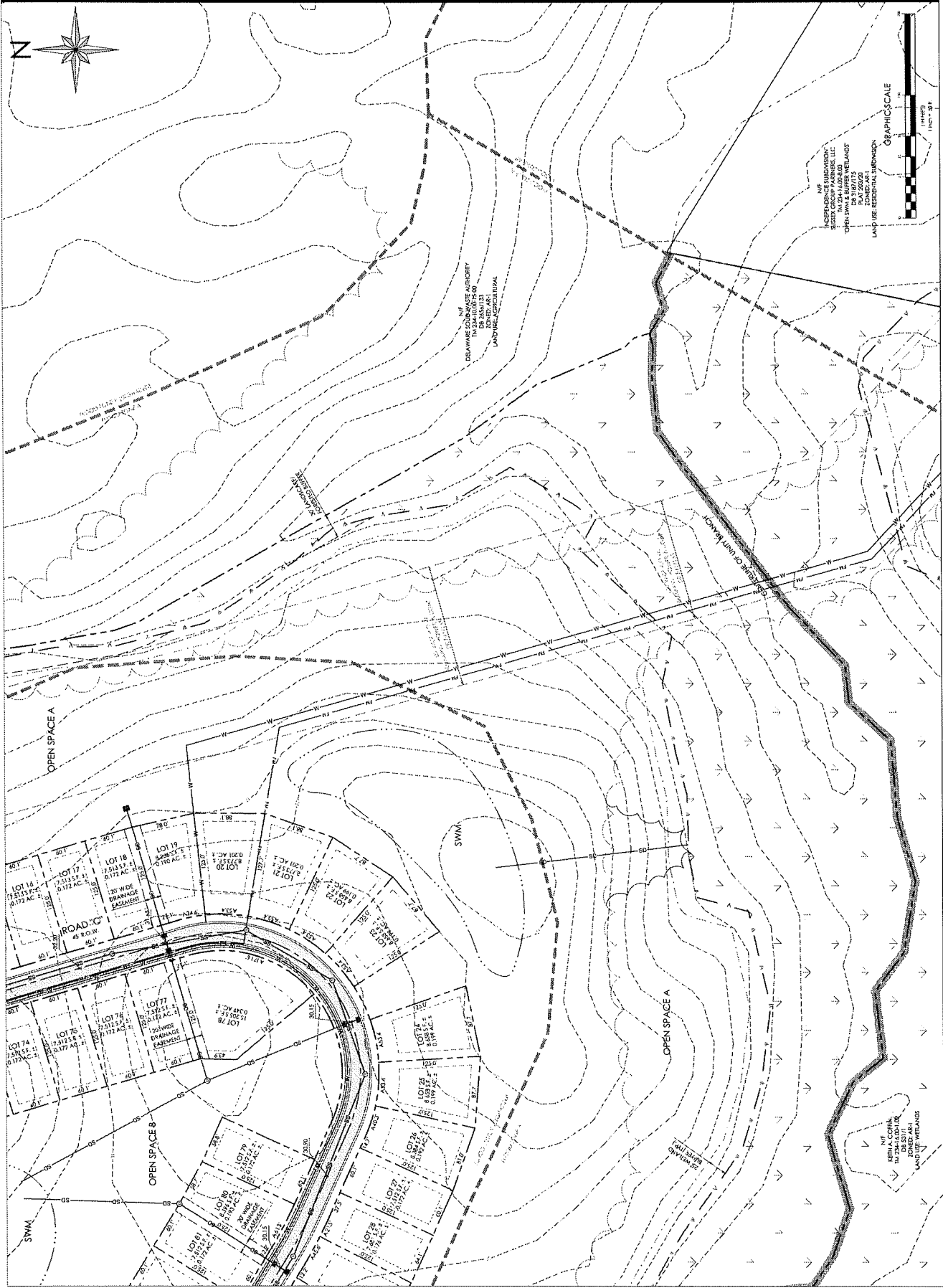
DATE: 10/13/2020
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: [Number]



NO.	DATE	DESCRIPTION
1	8/23/21	REVISIONS PER AGENCY REVIEW DATED 8/23/2021

PRELIMINARY PLAT
 FOR
AUTUMDALE
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

NO.	DATE	DESCRIPTION
1	10/13/2020	10/13/2020
2	10/13/2020	10/13/2020
3	10/13/2020	10/13/2020
4	10/13/2020	10/13/2020
5	10/13/2020	10/13/2020



GRAPHIC SCALE
 1" = 50'
 1" = 100'
 1" = 200'
 1" = 400'

STATE OF DELAWARE
 SUSSEX COUNTY
 AUTUMDALE
 PREPARED FOR: HOLLYVILLE BUYER, LLC

DELAWARE CONDUIT AUTHORITY
 10000 DELAWARE AVENUE
 WILMINGTON, DE 19804

OPEN SPACE A
 OPEN SPACE B

LOT 14
 0.172 AC

LOT 15
 0.172 AC

LOT 16
 0.172 AC

LOT 17
 0.172 AC

LOT 18
 0.172 AC

LOT 19
 0.172 AC

LOT 20
 0.172 AC

PRELIMINARY PLAT FOR MIRALON

AKA COOL SPRING
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE
SUSSEX COUNTY PROJECT #2021-12

SITE DATA:

OWNER: ELSE WALLS/OTD (PERSEED)
1223 WICHITAN AVE
CHICAGO, IL 60603

DEVELOPER: SCHIEL BROTHERS, LLC
REHOBOTH BEACH, DE 19371
1000 W. CHAS. SCHIEL

ENGINEER: SOLUTIONS PERIODO STREET
1000 W. CHAS. SCHIEL
REHOBOTH BEACH, DE 19371

LAND PLANNER: CONTACT: JASON PAULWICK, PE

- TAX MAP: 23A-0037.00
- DEED REFERENCE: 278/248
- PLAT REFERENCE: 20732
- EXISTING ZONING: A-1
- PROPOSED USE: A-1, CLUSTER
- ADJACENT LOTS: 200, 111, 112
- MIN. LOT AREA: 200 S.F.
- MIN. LOT WIDTH: 60'
- MAXIMUM BUILDING HEIGHT: 42'
- FRONT YARD: 2.25' (15' ON CORNERS)
- REAR YARD: 10'
- SETBACKS: AS SHOWN HEREIN ARE AS PROVIDED BY SUSSEX COUNTY
- FLOOD ZONE: PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE
- WATER SUPPLY: ARTESIAN WATER COMPANY
- SANITARY SEWER: ARTESIAN WATER COMPANY
- SOIL CLASSIFICATION: SANDY LOAM - HYDROLOGIC SOIL GROUP A
- INVA. FRONT MINIMUM COMPLEX - HYDROLOGIC SOIL GROUP A
- INVA. INSIDE (DAMPY SAND) - HYDROLOGIC SOIL GROUP A
- BOUNDARY SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS PERI. LLC.
- GROSS AREA: 722 AC.
- ALLOWABLE (NET) 2 DU/AC - 722 AC = 1444 (1.44 DU/AC)
- AREAS:
 - OPEN SPACE AREA: 24 AC. (3.3%)
 - NON-TIDAL WETLANDS AREA: 10 AC. (1.4%)
 - WOODLAND TO BE REMOVED: 63 AC. (8.7%)
 - WOODLAND TO REMAIN: 2.5 AC. (0.3%)
 - AGRICULTURAL USE: 11.48 DU/AC
- SITE IS LOCATED IN THE FAIR GROUND/WATER RECHARGE AREA.
- PROPERTY IS LOCATED IN A LOW DENSITY PROTECTION AREA.
- THE PROPERTY DOES NOT CONTAIN TIDAL OR NON-TIDAL WETLANDS.
- ALL PROPOSED LOTS SHALL HAVE ACCESS TO INTERNAL BIRD/VEGETATION ROADS ONLY.
- THIS PROJECT IS NOT LOCATED WITHIN ANY TRANSPORTATION CORRIDOR.
- NO OTHER REGULATIONS ARE PRESENTLY IN EFFECT FOR AGRICULTURAL PURPOSES. SEE PLANS FOR LOCATIONS.

PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE

WATER SUPPLY: ARTESIAN WATER COMPANY

SANITARY SEWER: ARTESIAN WATER COMPANY

SOIL CLASSIFICATION: SANDY LOAM - HYDROLOGIC SOIL GROUP A

INVA. FRONT MINIMUM COMPLEX - HYDROLOGIC SOIL GROUP A

INVA. INSIDE (DAMPY SAND) - HYDROLOGIC SOIL GROUP A

BOUNDARY SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS PERI. LLC.

GROSS AREA: 722 AC.

ALLOWABLE (NET) 2 DU/AC - 722 AC = 1444 (1.44 DU/AC)

AREAS: OPEN SPACE AREA: 24 AC. (3.3%)

NON-TIDAL WETLANDS AREA: 10 AC. (1.4%)

WOODLAND TO BE REMOVED: 63 AC. (8.7%)

WOODLAND TO REMAIN: 2.5 AC. (0.3%)

AGRICULTURAL USE: 11.48 DU/AC

SITE IS LOCATED IN THE FAIR GROUND/WATER RECHARGE AREA.

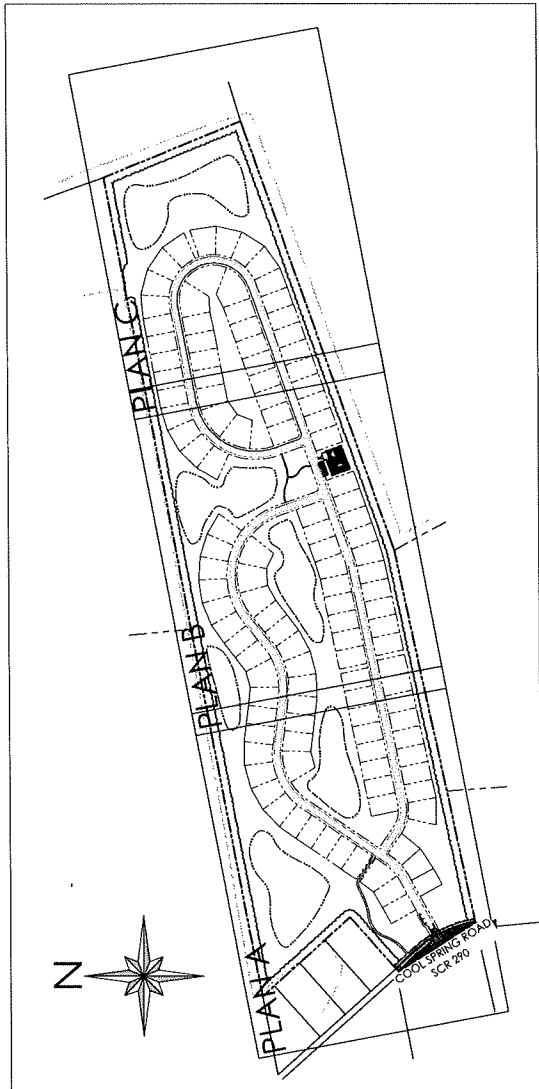
PROPERTY IS LOCATED IN A LOW DENSITY PROTECTION AREA.

THE PROPERTY DOES NOT CONTAIN TIDAL OR NON-TIDAL WETLANDS.

ALL PROPOSED LOTS SHALL HAVE ACCESS TO INTERNAL BIRD/VEGETATION ROADS ONLY.

THIS PROJECT IS NOT LOCATED WITHIN ANY TRANSPORTATION CORRIDOR.

NO OTHER REGULATIONS ARE PRESENTLY IN EFFECT FOR AGRICULTURAL PURPOSES. SEE PLANS FOR LOCATIONS.



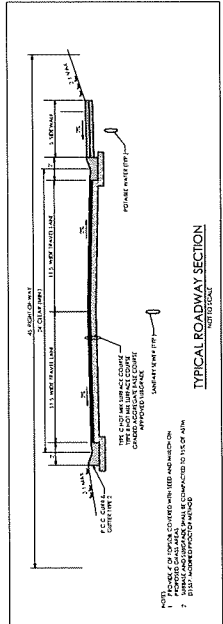
KEY PLAN
SCALE: 1" = 200'

PRELIMINARY PLAT

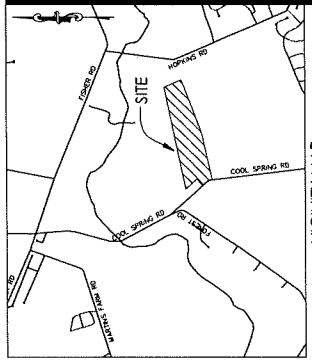
1. PRELIMINARY PLAT COVER SHEET
2. EXISTING CONDITIONS PLAN
3. PRELIMINARY PLAT - PLAN A
4. PRELIMINARY PLAT - PLAN B
5. PRELIMINARY PLAT - PLAN C

NOTES:

1. ALL LOTS SHALL BE MAINTAINED AS AGRICULTURAL USE UNLESS OTHERWISE INDICATED BY THE OWNER.
2. THE PROPERTY IS LOCATED IN A LOW DENSITY PROTECTION AREA. THE PROPERTY DOES NOT CONTAIN TIDAL OR NON-TIDAL WETLANDS.
3. THE PROPERTY DOES NOT CONTAIN TIDAL OR NON-TIDAL WETLANDS.
4. ALL PROPOSED LOTS SHALL HAVE ACCESS TO INTERNAL BIRD/VEGETATION ROADS ONLY.
5. THIS PROJECT IS NOT LOCATED WITHIN ANY TRANSPORTATION CORRIDOR.
6. NO OTHER REGULATIONS ARE PRESENTLY IN EFFECT FOR AGRICULTURAL PURPOSES. SEE PLANS FOR LOCATIONS.
7. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
8. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
9. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
10. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
11. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
12. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
13. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
14. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
15. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
16. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
17. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
18. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
19. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.
20. THE PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO OUTSIDE THE FLOOD ZONE.



TYPICAL ROADWAY SECTION
SCALE: 1" = 12"



VICINITY MAP
SCALE: 1" = 2,000'

LEGEND

EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
SEWER LINE	SEWER LINE
R.O.W. LINE	R.O.W. LINE
CONTOUR	CONTOUR
SPOT ELEVATION	SPOT ELEVATION
ROAD CENTERLINE	ROAD CENTERLINE
EDGE OF CONCRETE	EDGE OF CONCRETE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
CURB	CURB
SEED OF PAVEMENT HATCH	SEED OF PAVEMENT HATCH
SEWER HATCH	SEWER HATCH
TREELINE	TREELINE
TRAIL	TRAIL
EDGE OF POND	EDGE OF POND
CURB INLET	CURB INLET
YARD INLET	YARD INLET
STORM MANHOLE	STORM MANHOLE
STORM PIPE	STORM PIPE
SANITARY MANHOLE	SANITARY MANHOLE
SANITARY PIPE	SANITARY PIPE
WATER PIPE	WATER PIPE
TREE LINE	TREE LINE

NO.	DATE	DESCRIPTION
1	5/4/21	LOT WIDTH ADJUSTMENTS
2	7/17/21	REVISIONS PER AGENCIES REVIEW DATED 7/17/21
3	9/27/21	COMMITMENT NAME CHANGE

PRELIMINARY PLAT COVER SHEET
FOR
MIRALON
AKA COOL SPRING
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Sheet No.:	1
File Name:	20210410-1010
Date:	5/4/21
Scale:	AS SHOWN
Project:	MIRALON
Client:	OTD
Approved By:	



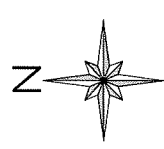
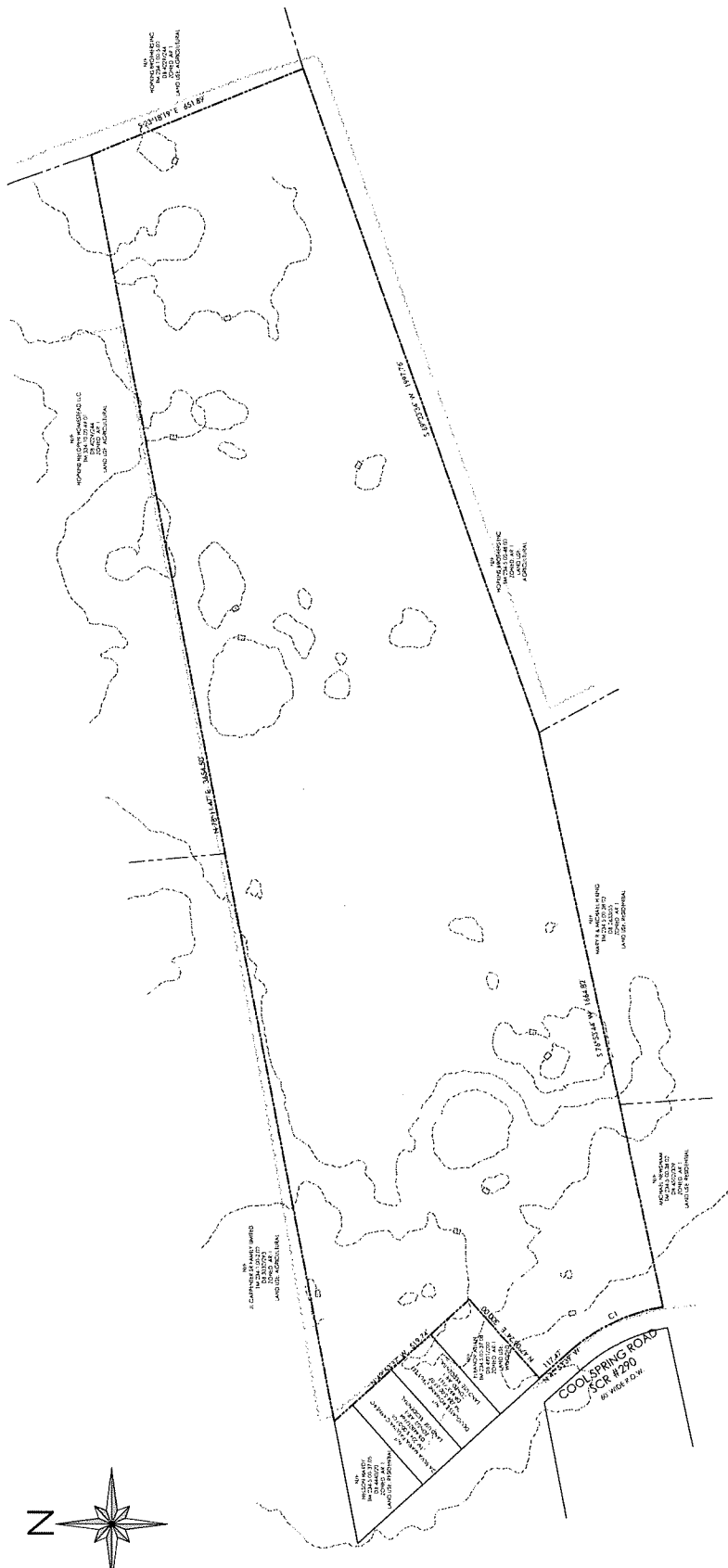
STATE OF DELAWARE
JASON PAULWICK, PE
1010
1010

EXISTING CONDITIONS PLAN
 FOR
MIRALON
 AKA COOL SPRING
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

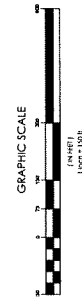
NO.	DATE	DESCRIPTION
1	5/4/21	LOT WIDTH ADJUSTMENTS
2	7/15/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/15/21
3	9/28/21	COMMUNITY NAME CHANGE

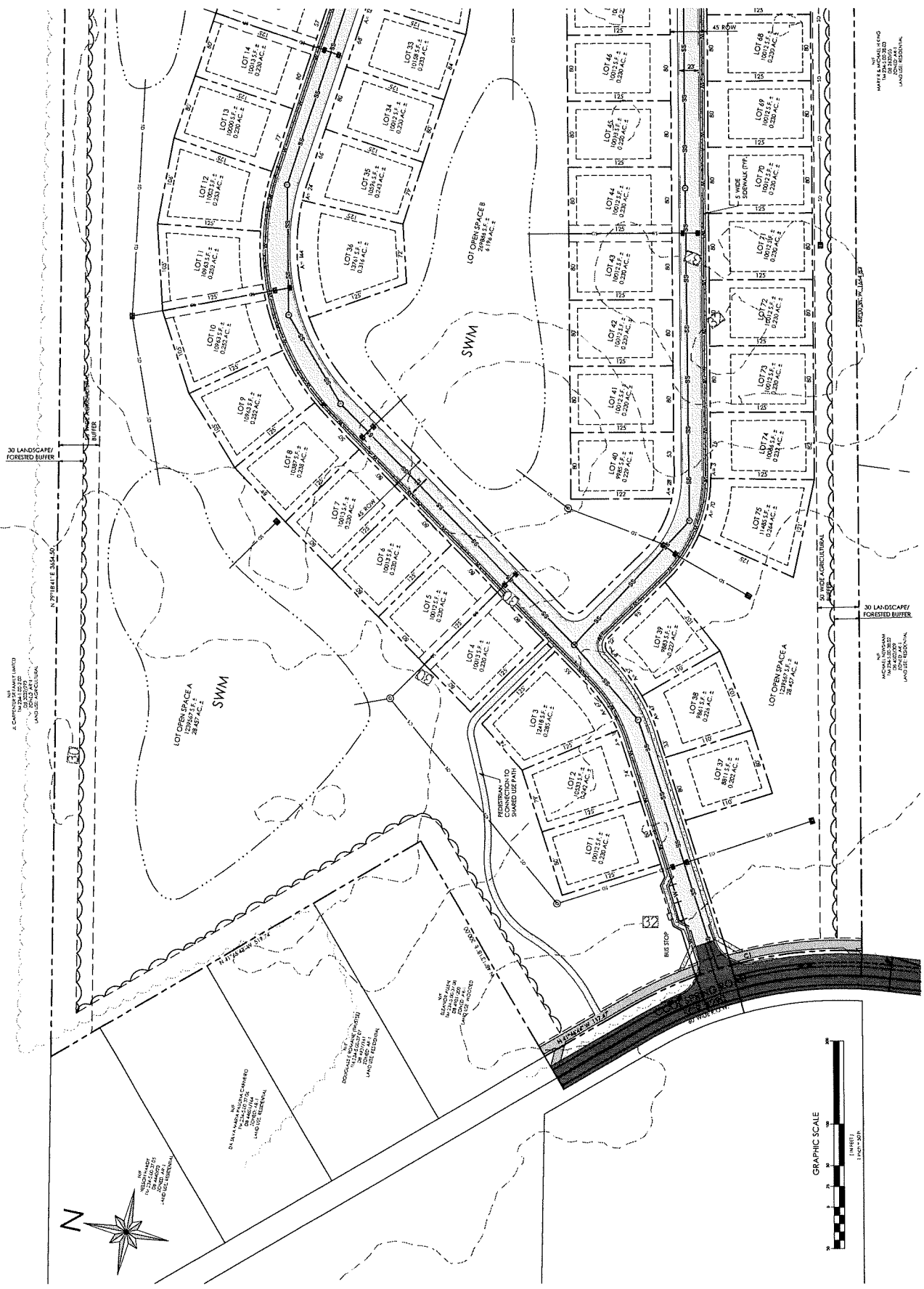


CONSULTING ENGINEER
 1200 N. WILSON ROAD
 SUITE 200
 DELEWARE, DE 19810
 302-438-1100
 www.mwe.com



CITY OF LEWES, DELAWARE
 ENGINEER
 1200 N. WILSON ROAD
 SUITE 200
 DELEWARE, DE 19810
 302-438-1100
 www.mwe.com





FILE NUMBER: 20200000000000

STATION No.:

NO.	DATE	DESCRIPTION
1	5/21/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/1/21
2	7/1/21	COMMITMENT NAME CHANGE
3	7/27/21	

APPROVED BY: [Signature]

DATE: 7/27/21

PROJECT NO. 20000000000000

SCALE: 1" = 20'

DATE: 7/27/21

PRELIMINARY PLAN - PLAN A
 FOR
MIRALON
 AKA COOL SPRING
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/1/21
2	7/1/21	COMMITMENT NAME CHANGE
3	7/27/21	



Michael Norman
 Professional Engineer
 License No. 10000000000000
 State of Delaware

PRELIMINARY PLAT - PLAN B
 FOR
MIRALON
 AKA COOL SPRING
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	REVISIONS / DESCRIPTION
1	5/4/23	REVISIONS PER AGENCY REVIEW DATED 7/8/21
2	7/12/23	COMMUNITY NAME CHANGE
3	9/29/23	

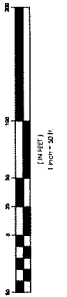
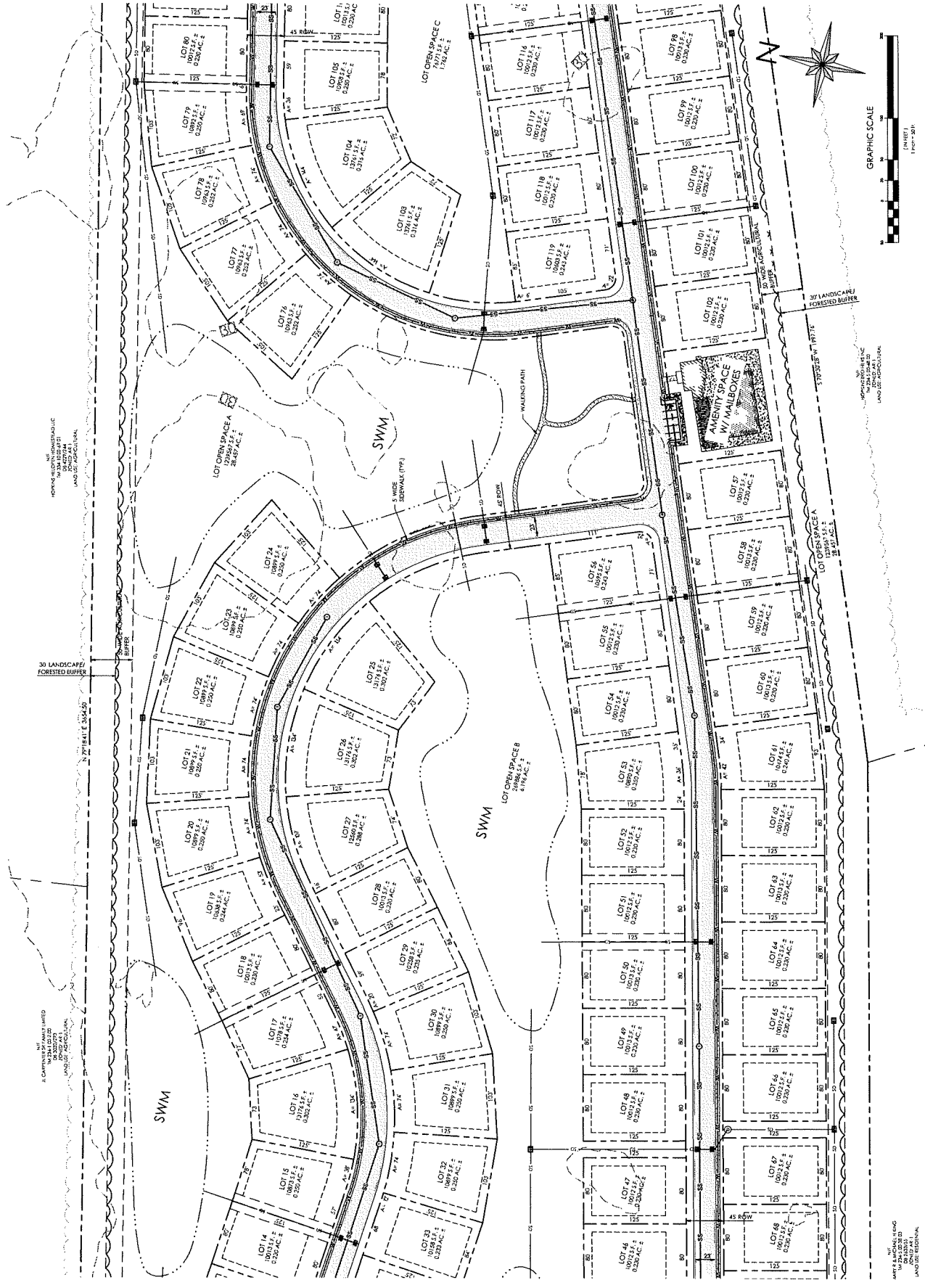


 David H. ...

 Professional Engineer

 License No. 00883

 State of Delaware



30' LANDSCAPE FORESTED BUFFER
 5' WIDE SERVICE (PVP)
 45' ROW
 WALKING PATH
 30' LANDSCAPE FORESTED BUFFER
 30' LANDSCAPE FORESTED BUFFER

30' LANDSCAPE FORESTED BUFFER
 5' WIDE SERVICE (PVP)
 45' ROW
 WALKING PATH
 30' LANDSCAPE FORESTED BUFFER
 30' LANDSCAPE FORESTED BUFFER

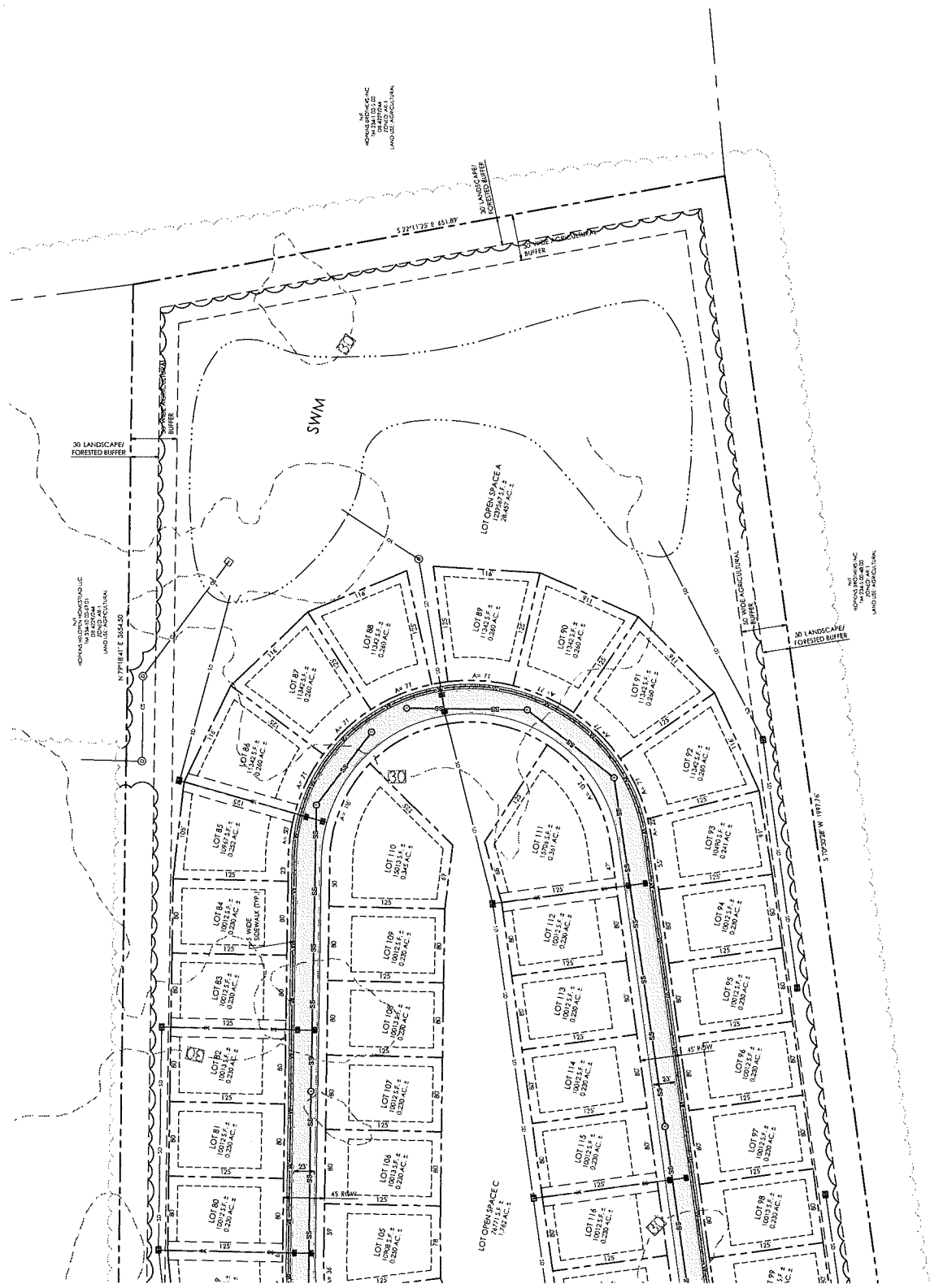
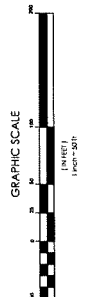
30' LANDSCAPE FORESTED BUFFER
 5' WIDE SERVICE (PVP)
 45' ROW
 WALKING PATH
 30' LANDSCAPE FORESTED BUFFER
 30' LANDSCAPE FORESTED BUFFER

PRELIMINARY PLAT - PLAN C
 FOR
MIRALON
 AKA COOL SPRING
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/21	LOT WITH ADJUSTMENTS
2	7/15/21	REVISIONS PER AGENCY REVIEW DATED 7/15/21
3	7/15/21	COMMUNITY NAME CHANGE

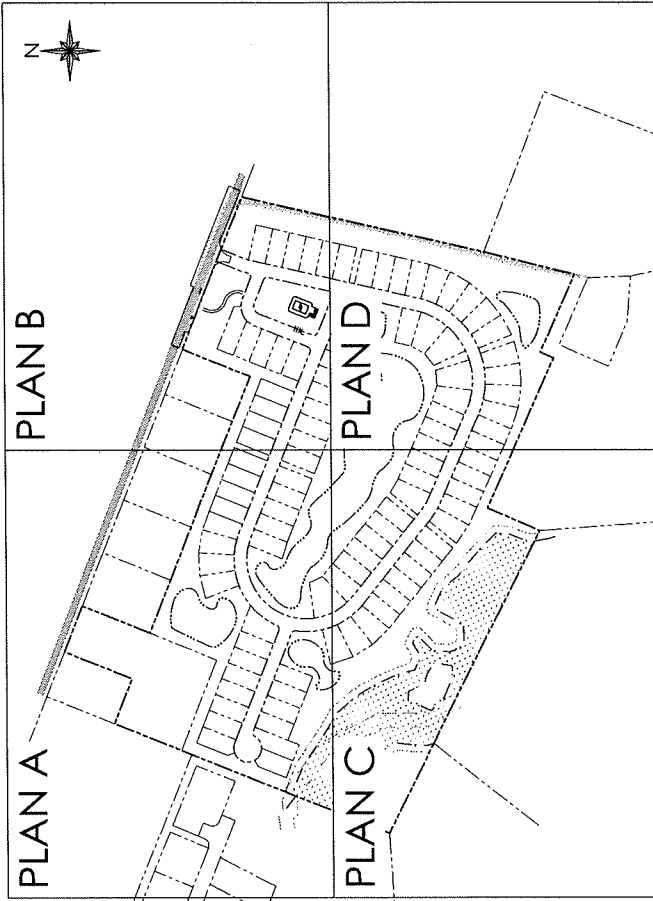


Prepared by: [Name]
 Date: [Date]
 Title: [Title]
 License No.: [Number]



PRELIMINARY PLAT FOR LIGHTSHIP COVE

LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE



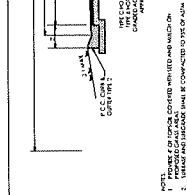
SITE
1" = 200'

LEGEND

EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
ESSENTIAL USE	ESSENTIAL USE
SEPARATE LINE	N/A
BOUNDARY LINE	N/A
CONTOUR	N/A
SPOT ELEVATION	N/A
ROAD CENTERLINE	N/A
EDGE OF CONCRETE	N/A
EDGE OF PAVEMENT	N/A
CURB	N/A
CREDIT PAVEMENT LATCH	N/A
GRAVEL LATCH	N/A
SEWERALS	N/A
SEWERALS HATCH	N/A
TWAIL	N/A
EDGE OF WETLAND	N/A
WETLAND	N/A
FLOODPLAIN	N/A
CURB INLET	N/A
YARD INLET	N/A
STORM PIPE	N/A
SEWER MANHOLE	N/A
SANITARY PIPE	N/A
WATER PIPE	N/A
TREE LINE	N/A

PRELIMINARY PLAT

- CONCRETE
- ESSENTIAL USE PLAN
- PERMANENT EASEMENT
- PERMANENT EASEMENT
- PERMANENT EASEMENT
- PERMANENT EASEMENT



TYPICAL ROADWAY SECTION
NOT TO SCALE

NOTES:

- ALL CHANGES TO THIS PLAT SHALL BE MADE IN WRITING AND SHALL BE MAINTAINED BY THE OWNER OF THE PROPERTY.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF ENVIRONMENTAL CONTROL.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF AGRICULTURE AND FORESTRY.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF SOCIAL SERVICES.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF EDUCATION.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF CORRECTIONS.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF STATE.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF TREASURY.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF GENERAL SERVICES.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF INFORMATION TECHNOLOGY.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF PROFESSIONAL REGULATION.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF PUBLIC SAFETY.
- THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

SITE DATA:

OWNER: LANEY & COMPANY

DEVELOPER: LANEY & COMPANY

DESIGNER: LANEY & COMPANY

CONTRACT NO.: 2021-001

PROJECT NO.: 2021-001

DATE: 5/24/21

SCALE: 1" = 200'

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

APPROVED:

DATE: 5/24/21

PROJECT: LIGHTSHIP COVE

SCALE: 1" = 200'

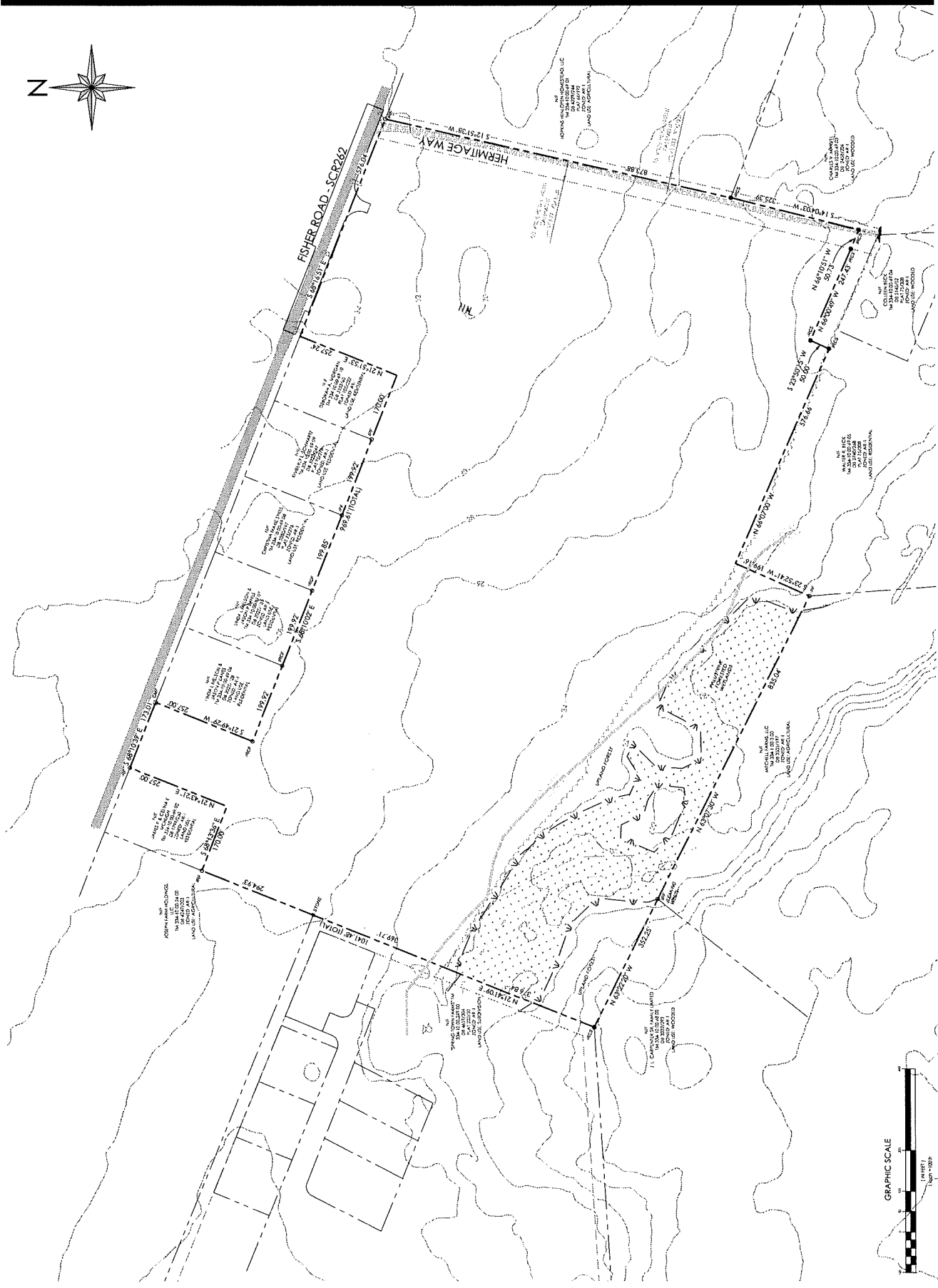
REVISIONS

NO.	DATE	DESCRIPTION
1	5/24/21	GENERAL REVISIONS
2	5/24/21	GENERAL REVISIONS

EXISTING CONDITIONS
 FOR
LIGHTSHIP COVE
 LEWIS & REBOOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/03	REVISION PER AGENCY COMMENT DATED MAY 21, 2003
2	9/24/03	GENERAL REVISION

PROFESSIONAL SEAL
 [Signature]
 CIVIL ENGINEER
 STATE OF DELAWARE
 LICENSE NO. [Number]
 EXPIRES [Date]
 [Firm Name]
 [Address]
 [Phone Number]





selecons

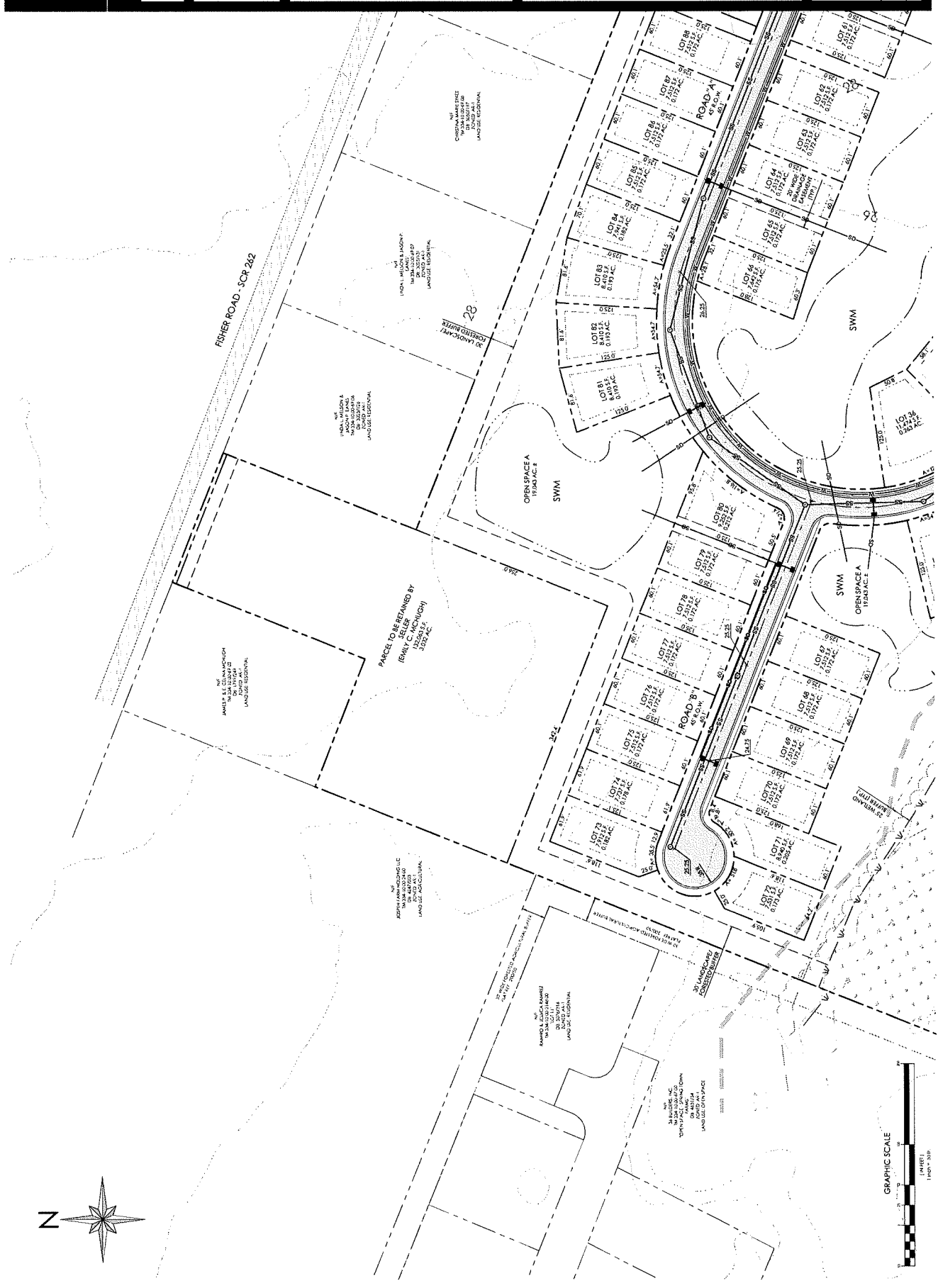
1200 Market Street
 Suite 200
 Philadelphia, PA 19102
 Tel: 215-563-8800
 Fax: 215-563-8801
 www.selecons.com

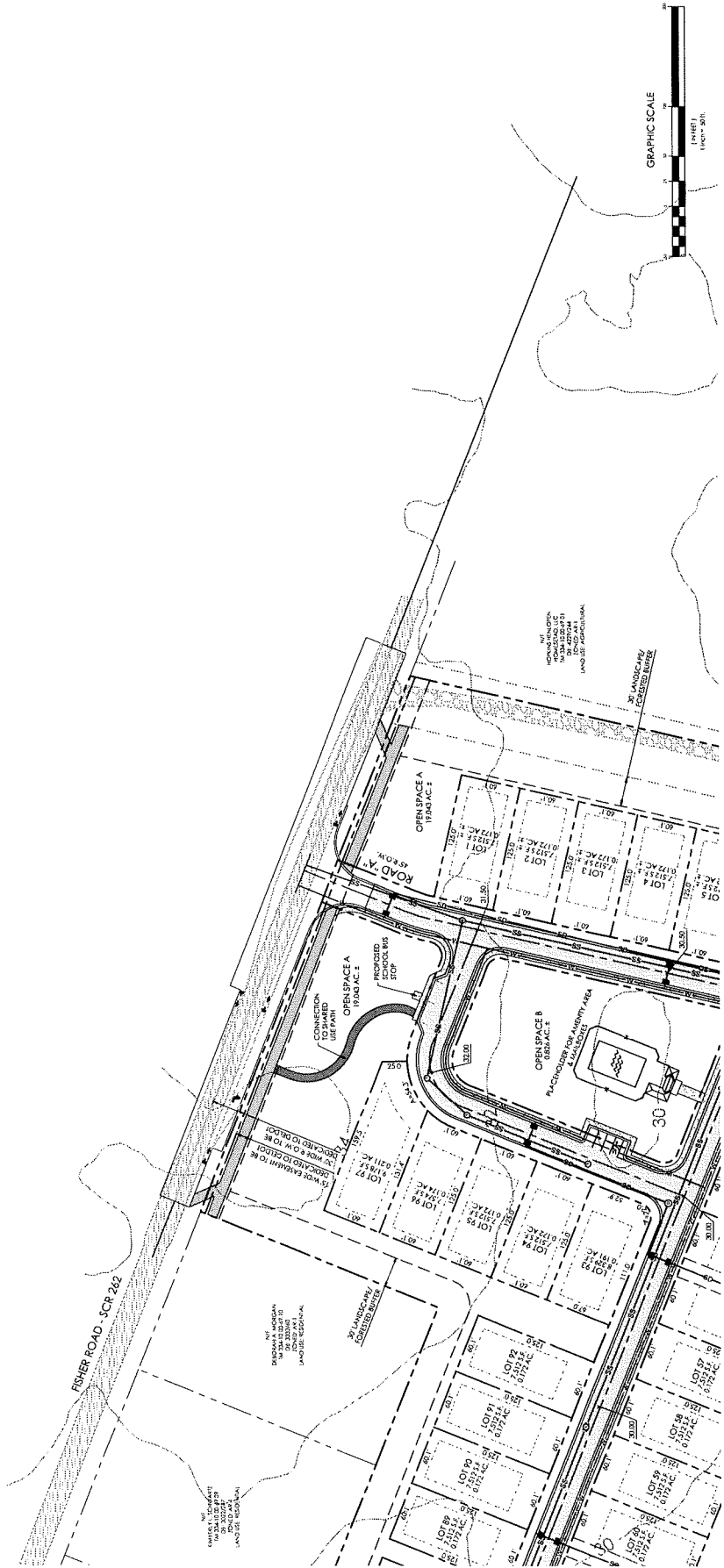


NO.	DATE	DESCRIPTION
1	5/27/21	REVISION PER ARCHITECT COMMENT LETTER DATED MAY 21, 2021
2	9/27/21	GENERAL REVISIONS

PRELIMINARY PLAT A
 for
LIGHTSHIP COVE
 LEWIS & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

1:2000-2003
 30049
 1-93
 1818
 1818
 Approved By: [Signature]
 Sheet No.: 3
 File Name: 2006-PLANS-010





Sheet No.:	4
Date:	12-08-2020
Drawn by:	1818
Checked by:	1818
Scale:	1"=50'
Author:	2020
Project:	2020
Client:	2020

PRELIMINARY PLAT B
 for
LIGHTSHIP COVE
 LEWIS & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/21	REVISION FOR AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/21/21	CORRECTIVE REVISION



DELAWARE SURVEYORS
 12/15/2021
 12/15/2021
 12/15/2021
 12/15/2021

PRELIMINARY PLAT C

FOR LIGHTSHIP COVE

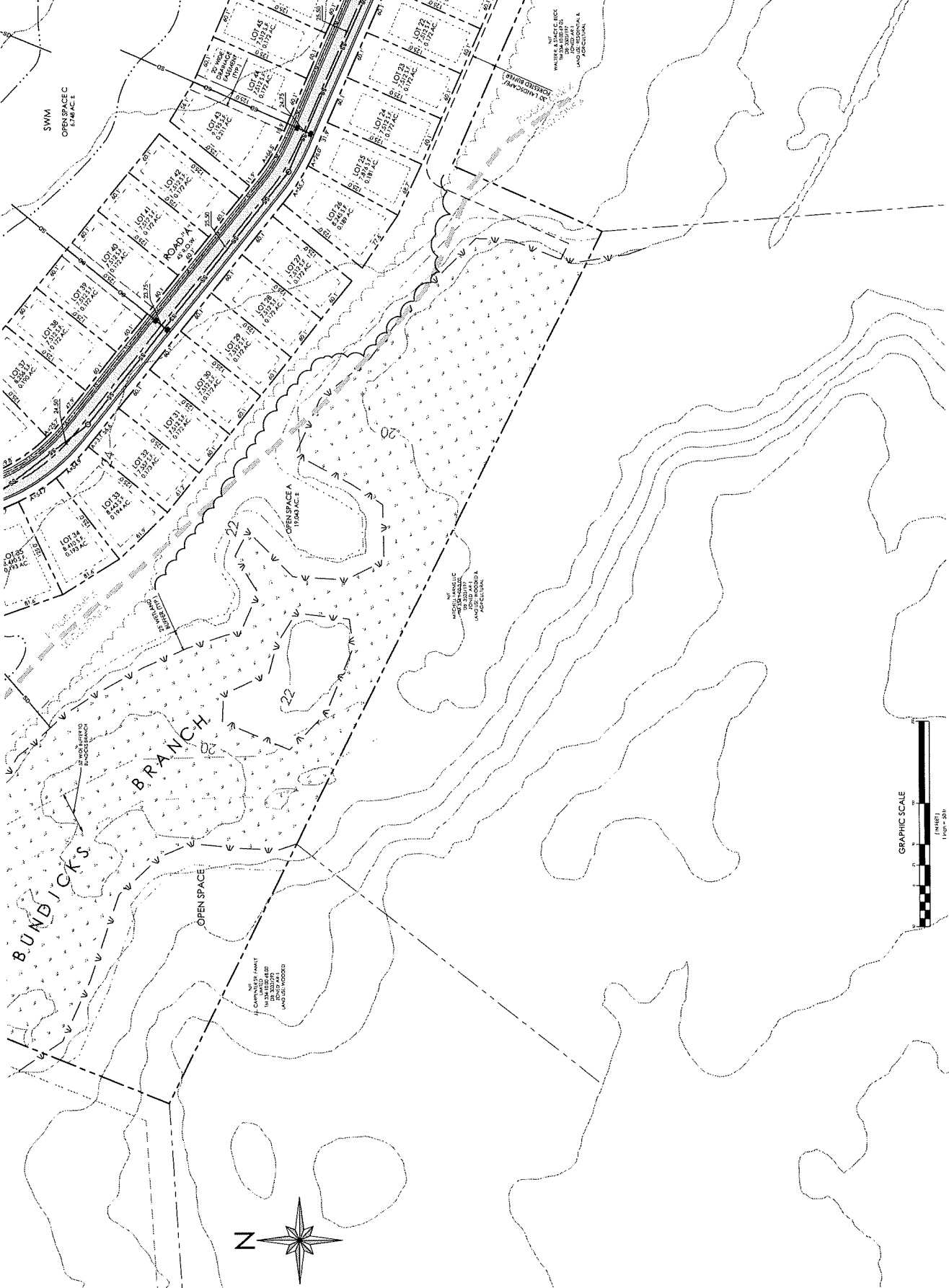
LEWIS & REHOBOTH HUNDRED

SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/21	ORIGINA REVISION
2	5/21/21	REVISION PER AGENCY COMMENTS LETTER DATED MAY 21, 2021



1888
1888
1888

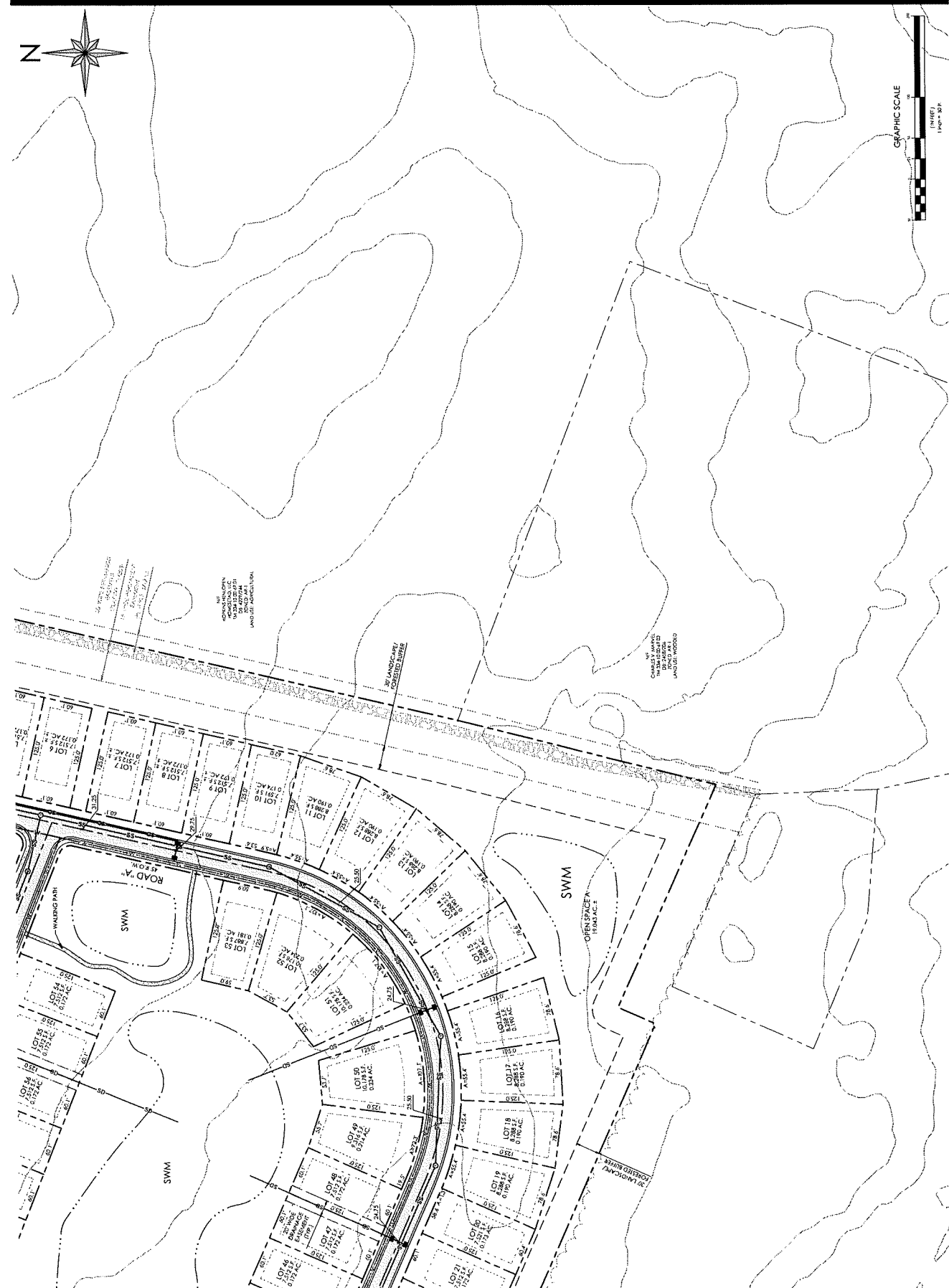


SHEET NO. 6
 FILE NO. 2006PLANS-010
 DATE: 12/08/2006
 DRAWN BY: JHB
 CHECKED BY: JHB
 PROJECT: LIGHTSHIP COVE
 FOR: LEWIS & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/21	REVISION PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	CORRECT REVISIONS



COMPANY: [Name]
 ADDRESS: [Address]
 PHONE: [Phone]
 FAX: [Fax]





PLANNING & ZONING COMMISSION
 HARRISBURG, PENNSYLVANIA
 SUSSEX COUNTY, PENNSYLVANIA
 JANE VANDERKAM, AICP, PHD
 COMMISSIONER

December 10, 2023
 Mr. John P. Hines, Esq.
 300 North Bedford Street
 Georgetown, DE 19357
 By email to: john@hineslaw.com

Re: **Final Site Plan** for the **Lightship Cove** (MS21-113) (P&Z) located on the corner of Sussex and Delaware Counties, Delaware County, Pennsylvania, as shown on the attached site plan. The site plan is submitted to the Planning Commission for review and approval. The Planning Commission will hold a public hearing on the site plan on December 10, 2023, at 7:00 PM.

Due to: **Final Site Plan**
 The Planning Commission will hold a public hearing on the site plan on December 10, 2023, at 7:00 PM. The Planning Commission will hold a public hearing on the site plan on December 10, 2023, at 7:00 PM. The Planning Commission will hold a public hearing on the site plan on December 10, 2023, at 7:00 PM.

As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

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 C. Receive and review the site plan.
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 C. Receive and review the site plan.
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 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

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 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

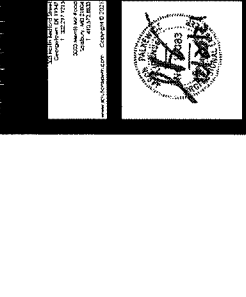
As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
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 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.

As part of the public hearing, the Planning Commission will:
 A. Receive and review the site plan.
 B. Receive and review the site plan.
 C. Receive and review the site plan.
 D. Receive and review the site plan.
 E. Receive and review the site plan.



NO.	DATE	DESCRIPTION
1	5/24/21	REVIEWS PER AGENCY COMMENTS DATED MAY 21, 2021
2	7/14/21	CORRECTIONAL REVISIONS
3	1/27/21	APPROVED CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL
FOR
LIGHTSHIP COVE
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

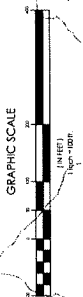
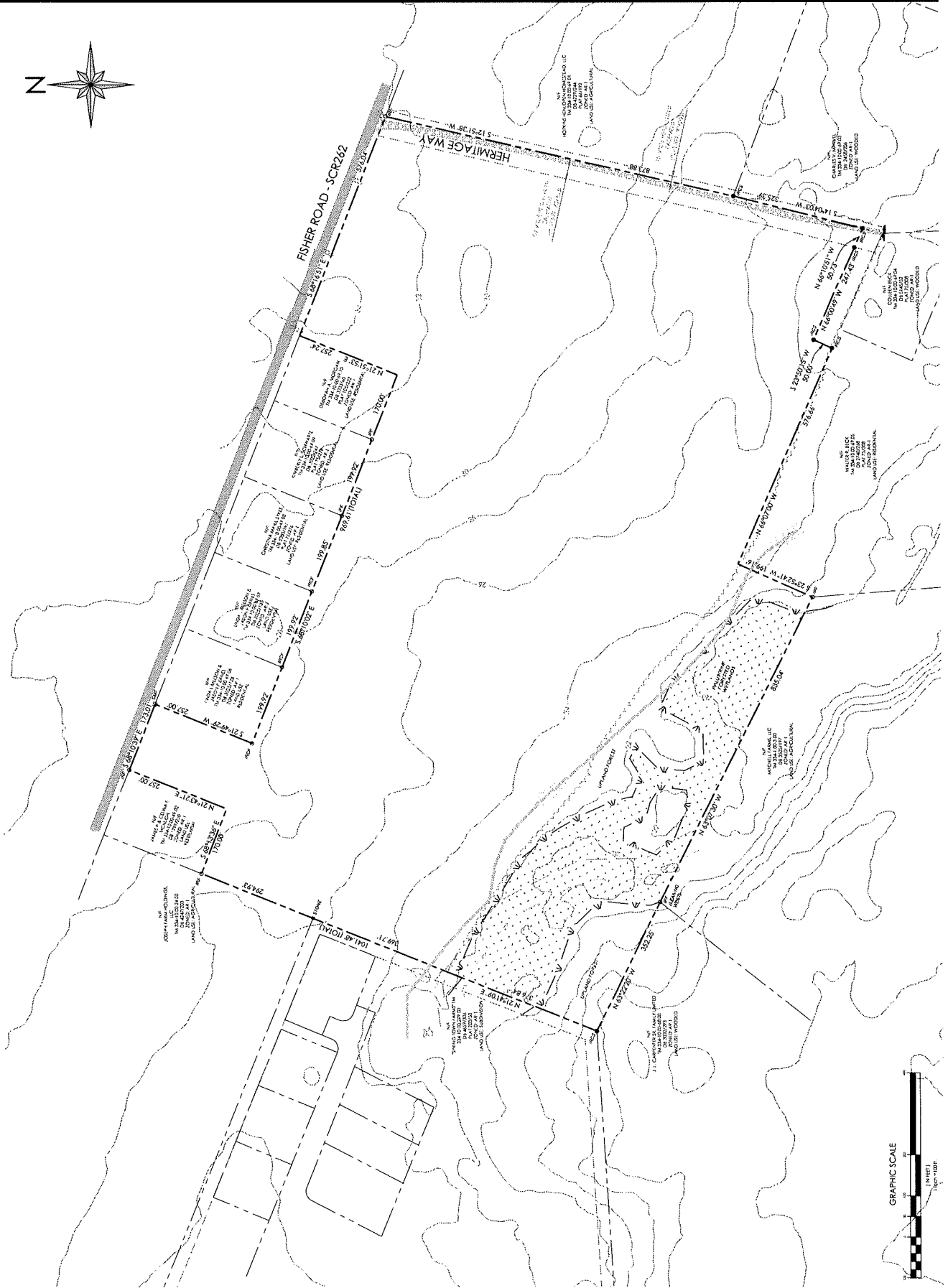
Sheet No: 2
 Date: 12-09-2023
 File Name: Cover.dwg
 User: jvanderkam
 Time: 11:18 AM
 Date: 12-09-2023
 User: jvanderkam

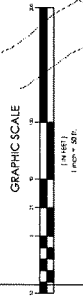
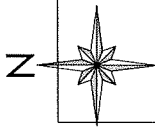
FOR
 EXISTING CONDITIONS
LIGHTSHIP COVE
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/21/21	REVISION PER AGENT COMMENT LETTER DATED MAY 21, 2021
2	7/21/21	GENERAL REVISIONS
3	12/20/21	ADDED COMMENTS OR APPROVAL



David M. Smith
 Professional Engineer
 License No. 10104
 State of Delaware
 1000 North DuPont Highway
 Suite 100
 Lewes, Delaware 19658
 Phone: 302-338-1111
 Fax: 302-338-1112
 Email: david@smithengineering.com





FILE NUMBER: 2008-0001-0001
 SHEET NO.: 4

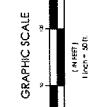
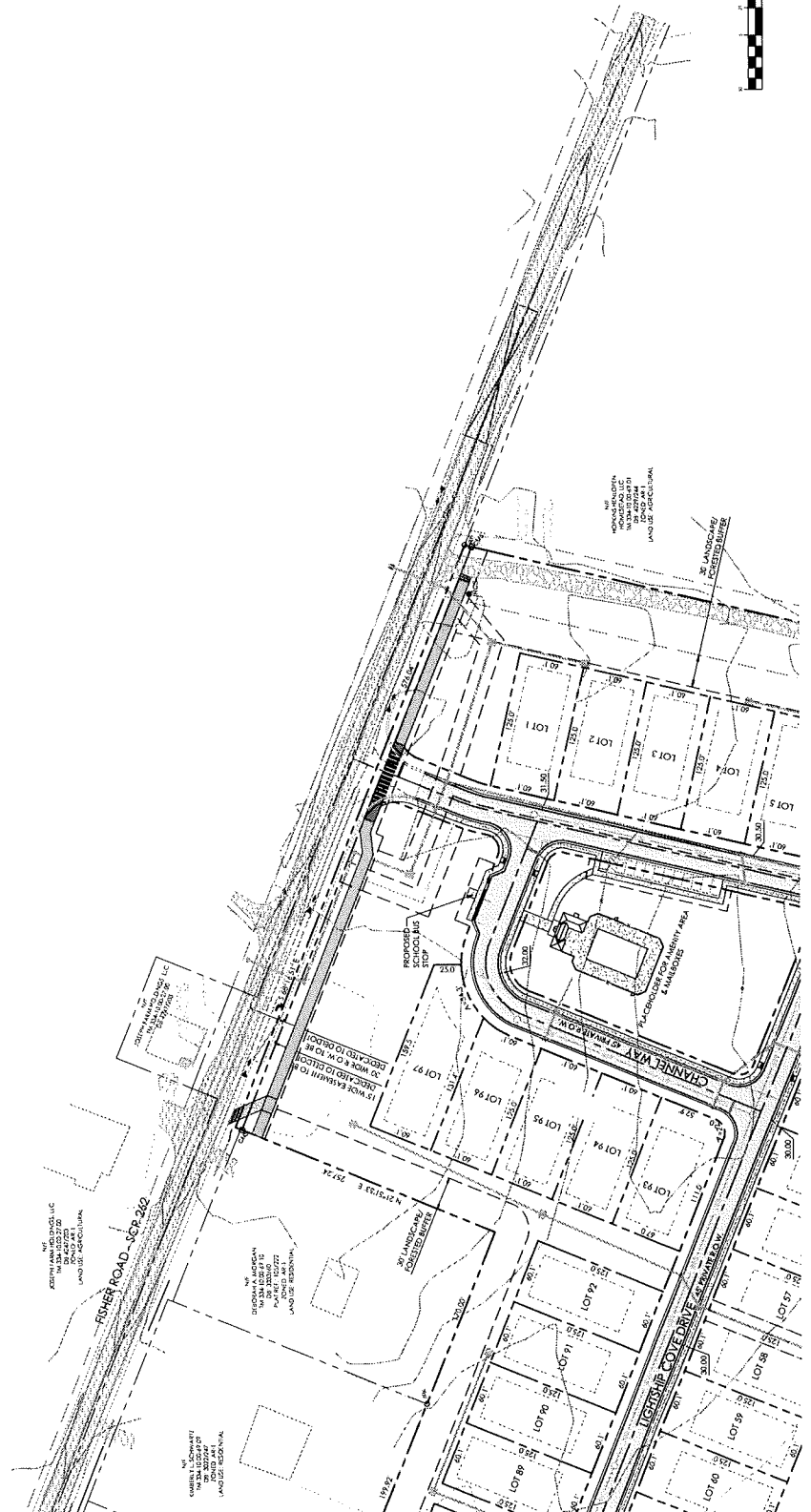
DATE	12-09-2020
PROJECT	2008-0001-0001
SCALE	1"=50'
DATE	11/18/21
REVISION	
DATE	11/18/21
REVISION	
DATE	11/18/21
REVISION	
DATE	11/18/21
REVISION	

PRELIMINARY PLAN A
 FOR
LIGHTSHIP COVE
 LEMES & REHOOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENTS DATED MAY 21, 2021
2	9/24/21	GRAPHICAL REVISIONS
3	12/17/21	ADDED COMMENTS OF APPROVAL



JOHN J. ANDERSON, LLC
 1000 W. MARKET STREET, SUITE 200
 DEWESBORO, NC 27838
 TEL: 704.271.1111
 FAX: 704.271.1112
 WWW.JOHNANDERSONLLC.COM



Street No. 5

THE NUMBER 5000 PLANS 5-00

12-09-2003	2003	1-30	1818
12-09-2003	2003	1-30	1818
12-09-2003	2003	1-30	1818
12-09-2003	2003	1-30	1818

PRELIMINARY PLAT B
 for
LIGHTSHIP COVE
 for
 LEWIS & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENTS DATED MAY 21, 2021
2	9/24/21	ORIGINAL REVISION
3	12/20/21	ADDED COMMENTS OF APPROVAL



Professional Seal
 License No. 12345
 State of Delaware
 Surveyor/Engineer
 Name: [Name]
 Date: [Date]

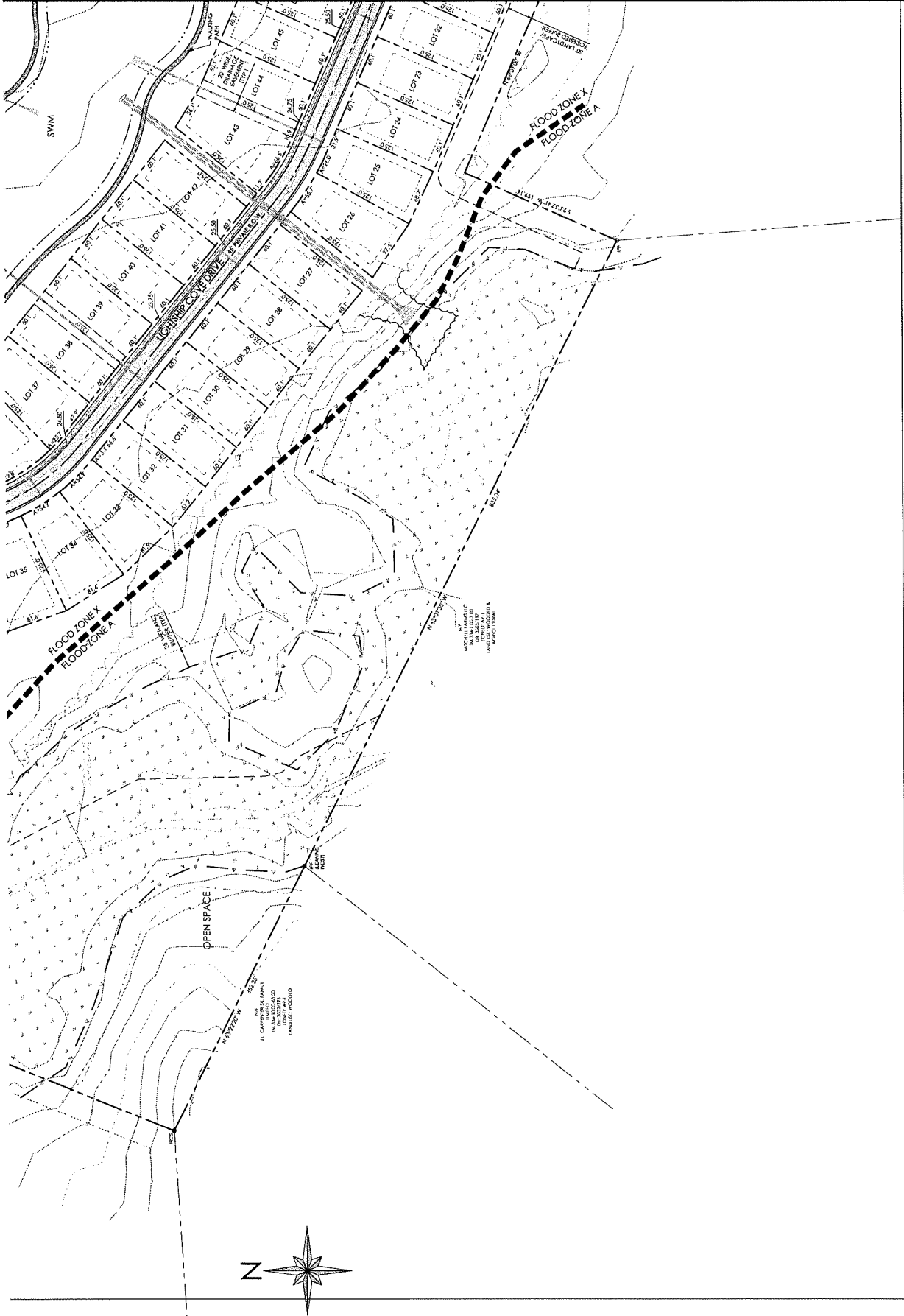
Sheet No.:	0
File Number:	2006-04-05
Date:	12-08-2003
Scale:	1"=50'
Drawn by:	10/18
Checked by:	10/18
Approved by:	10/18

PRELIMINARY PLAT C
 FOR
LIGHTSHIP COVE
 LEWIS & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

NO.	DATE	DESCRIPTION
1	5/24/21	REVISION PER AGENCY COMMENTS DATED MAY 21, 2021
2	7/21/21	GENERAL REVISIONS
3	12/20/21	ADDED COMMENTS OF APPROVAL



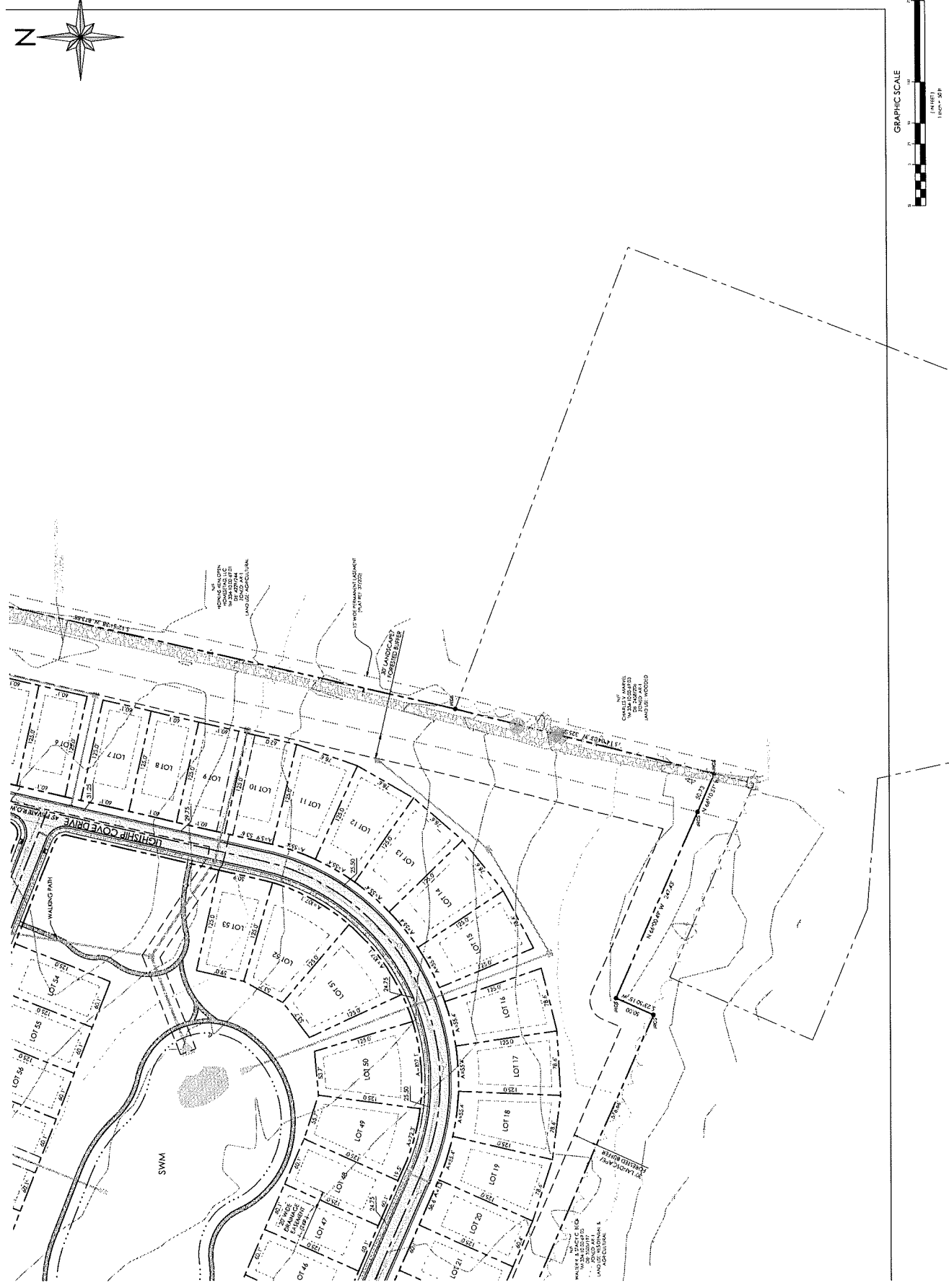
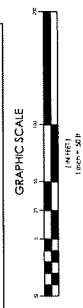
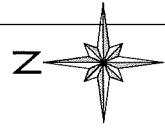
Delaware State Board of Professional Engineers
 State of Delaware
 12/20/21
 No. 10000



NO.	DATE	DESCRIPTION
1	5/24/21	REVISION PER AGENCY COMMENTS DATED MAY 21, 2021
2	9/24/21	CIBRAL REVISIONS
3	12/20/21	ADDED COMMENTS OF APPROVAL



DELAWARE STATE SURVEYOR
 JOHN J. HARRIS
 1000 MARKET STREET, SUITE 200
 DELEWARE, DE 19801
 302.441.1234
 www.dssurveyor.com

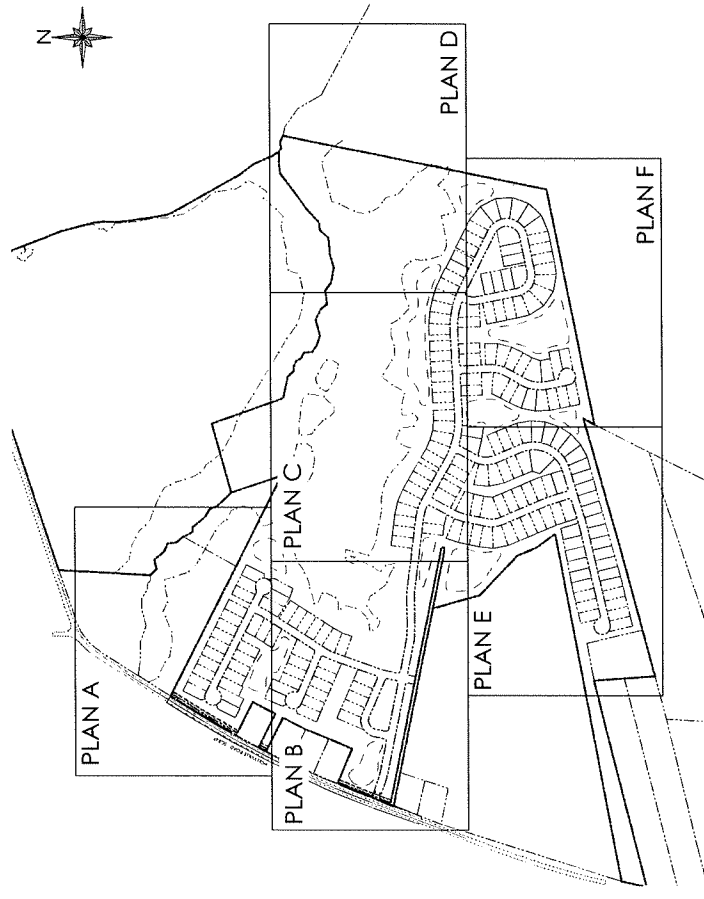
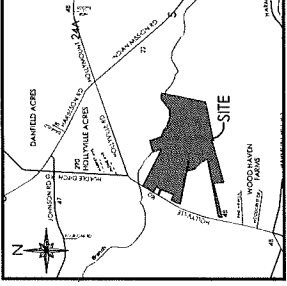


PRELIMINARY PLAT FOR TURNBERRY

FORMERLY KNOWN AS UNITY
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE
FOR
HOLLYVILLE BUYER, LLC
SUSSEX COUNTY REFERENCE NO.: 2021-05

LEGEND

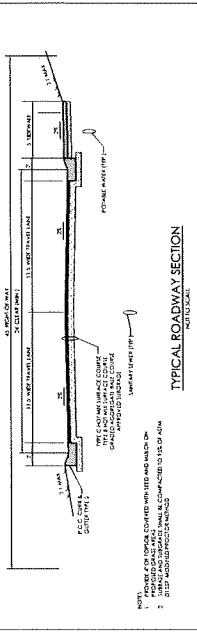
EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
SEWER LINE	SEWER LINE
ROW LINE	ROW LINE
CONTOUR	CONTOUR
SPOT ELEVATION	SPOT ELEVATION
ROAD CENTRELINE	ROAD CENTRELINE
EDGE OF CONCRETE	EDGE OF CONCRETE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
CURB	CURB
BIPOLOT PAVEMENT HATCH	BIPOLOT PAVEMENT HATCH
SEWERAL	SEWERAL
SEWERAL HATCH	SEWERAL HATCH
TRAIL	TRAIL
EDGE OF POND	EDGE OF POND
EDGE OF WELAND	EDGE OF WELAND
FLOODPLAIN	FLOODPLAIN
CURB INLET	CURB INLET
PAVING INLET	PAVING INLET
STORM PIPE	STORM PIPE
SANITARY MANHOLE	SANITARY MANHOLE
SANITARY PIPE	SANITARY PIPE
FIRECEMANN	FIRECEMANN
WATER PIPE	WATER PIPE
FREE HYDRANT	FREE HYDRANT
TRAIL LINE	TRAIL LINE



SITE
1" = 300'

PRELIMINARY PLAT

- COVER SHEET
- LEGEND
- PRELIMINARY PLAT A
- PRELIMINARY PLAT B
- PRELIMINARY PLAT C
- PRELIMINARY PLAT D
- PRELIMINARY PLAT E
- PRELIMINARY PLAT F



NOTES:
1. THE PLAT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.
2. THE PLAT IS SUBJECT TO THE DELAWARE CONVEYANCE ACT AND THE DELAWARE CONVEYANCE ACT REGULATIONS.
3. THE PLAT IS SUBJECT TO THE DELAWARE CONVEYANCE ACT AND THE DELAWARE CONVEYANCE ACT REGULATIONS.

NOTES:

- THE PLAT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.
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- THE PLAT IS SUBJECT TO THE DELAWARE CONVEYANCE ACT AND THE DELAWARE CONVEYANCE ACT REGULATIONS.

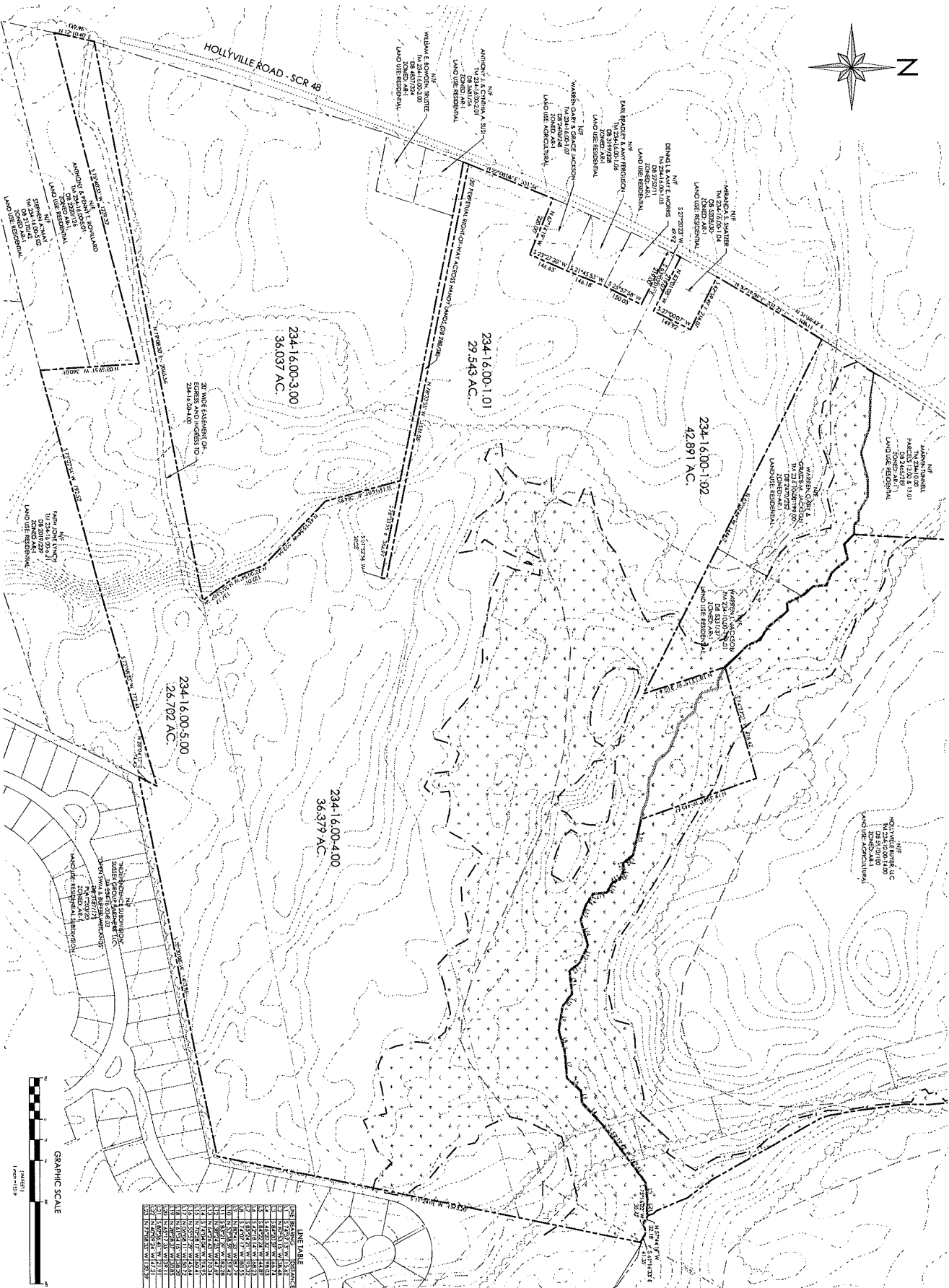
COVER SHEET
FOR
TURNBERRY
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

NO.	DATE	DESCRIPTION
1	8/20/21	REVISED PER AGENCY REVIEW DATED 8/21/21
2	9/15/21	REVISED PER AGENCY REVIEW DATED 9/15/21



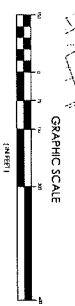
SOLICITORS
SUSSEX COUNTY, DELAWARE
101-16-2000
101-16-2000
101-16-2000
101-16-2000

FIG. NUMBER: COVER-02
101-16-2000
AS SHOWN
101-16-2000
101-16-2000
101-16-2000



LINE TABLE

NO.	DESCRIPTION	DATE
1	EXISTING CONDITIONS	10-16-2020
2	REVISIONS	8/20/21
3	REVISIONS	9/7/21

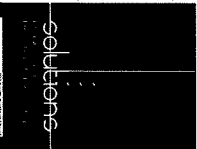
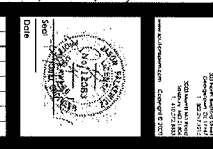


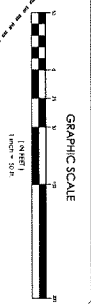
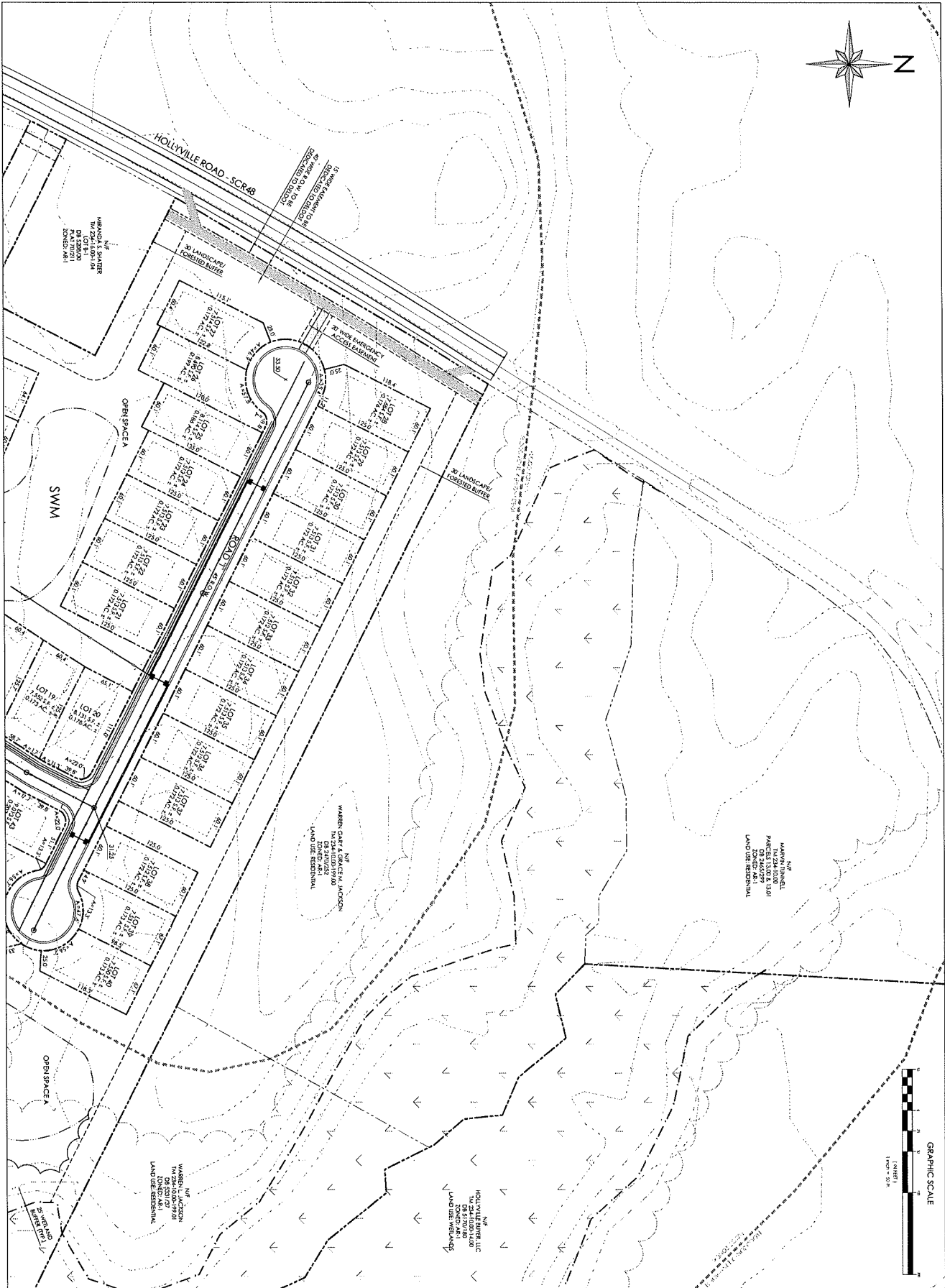
Project No: 20076
Date: 10-16-2020
Scale: 1"=100'
Drawn by: HIB
Designed by: HIB
Approved by: [Signature]

EXISTING CONDITIONS
for
TURNBERRY
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

REVISIONS

NO.	DATE	DESCRIPTION
1	8/20/21	REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21
2	9/7/21	REMOVE PARCEL 234-16-00-19-00





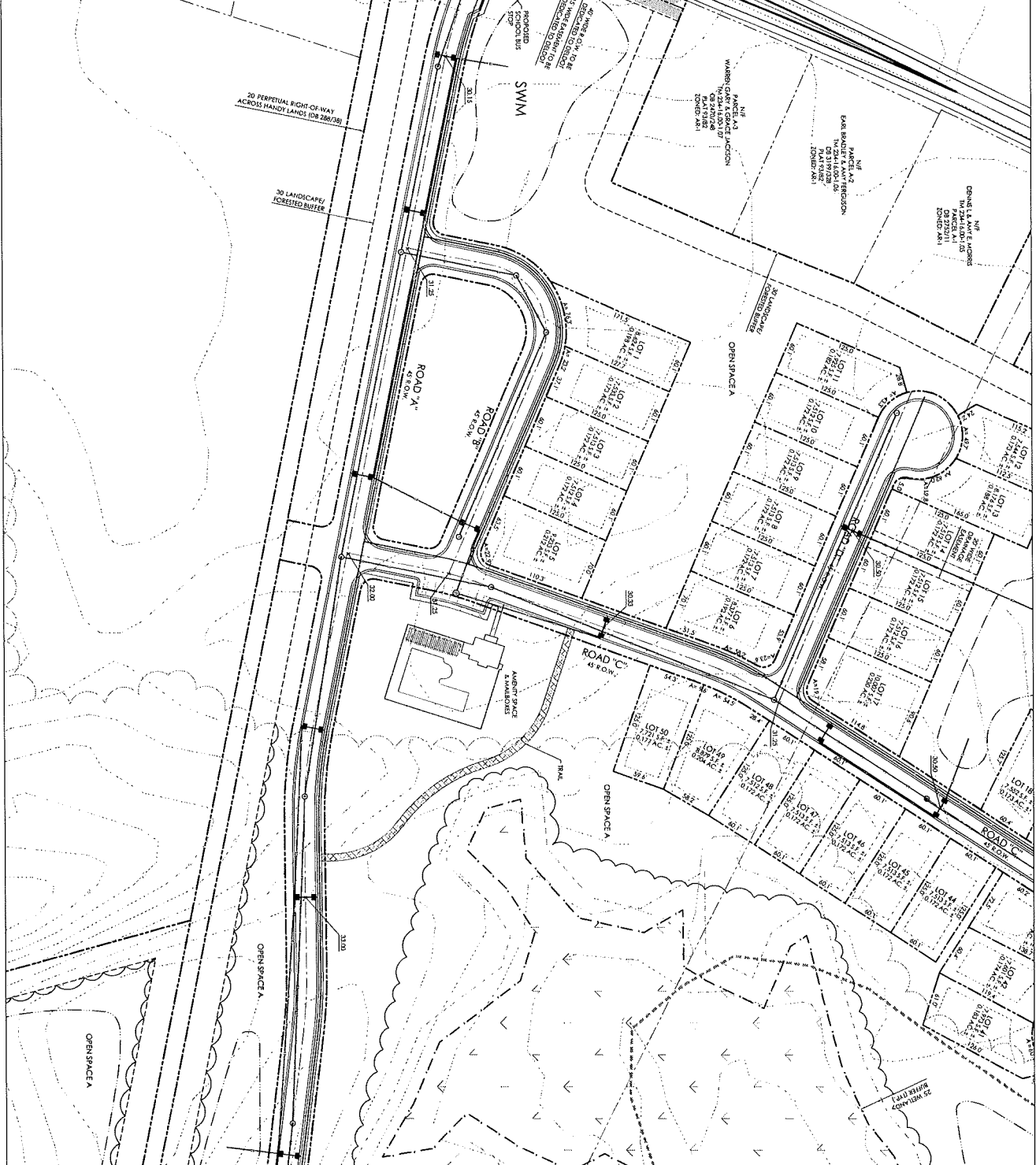
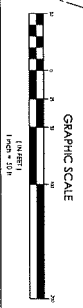
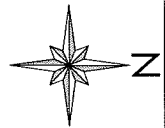
Site Name	3
Sheet No.	3
Date	10-16-2020
Author	200374
Scale	1"=50'
Checked by	1818
Designed by	1818
Approved by	1818

PRELIMINARY PLAT A
 for
TURNBERRY
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

REVISIONS	
NO.	DATE
1	8/20/21
2	9/9/21



solutions
 Surveying & Mapping
 1000 ...
 ...
 ...



GRAPHIC SCALE
 0 10 20 30 40 50
 FEET

WILLIAM E. SONDEN, ARCHITECT
 1000 N. MARKET ST.
 DE 19801
 ZONED: MBI

ANIMON, L.L.C. (CONTRIA & SUB)
 1000 N. MARKET ST.
 DE 19801
 ZONED: MBI

PROPOSED SWM
 40' MIN. G.W. FROM
 EXISTING SWM
 10' MIN. FROM EXISTING
 ROAD RIGHT-OF-WAY
 10' MIN. FROM EXISTING
 STRUCTURE

20 PERPETUAL RIGHT-OF-WAY
 ACROSS HANDY LANDS (DB 286/38)

30 LANDSCAPE/
 FORESTED BUFFER

ROAD A
 45' R.O.W.

ROAD B
 45' R.O.W.

ROAD C
 45' R.O.W.

ROAD D
 45' R.O.W.

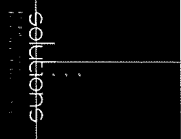
ROAD E
 45' R.O.W.

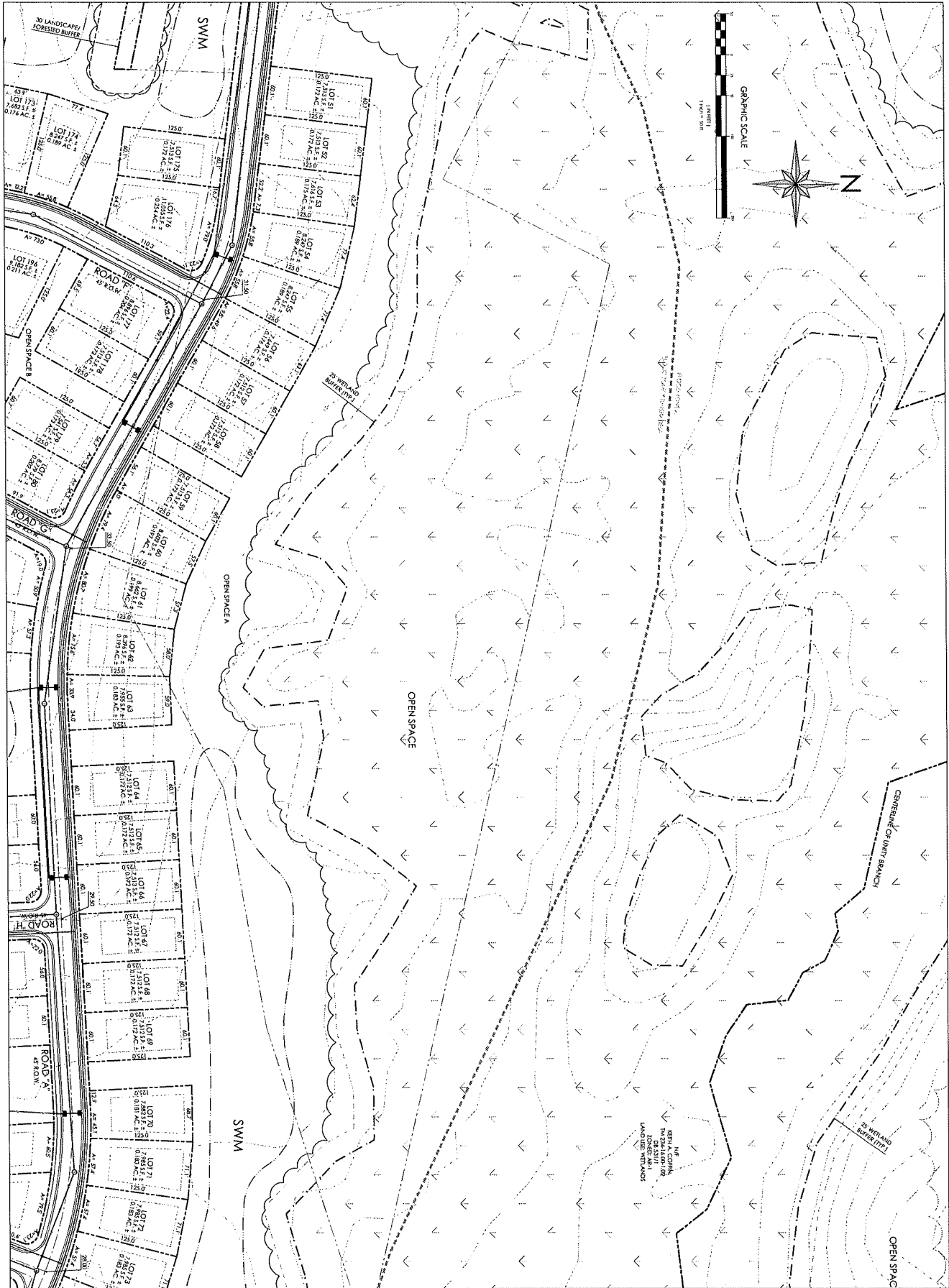
ROAD F
 45' R.O.W.

DATE	10-16-2020
DESIGNER	WILLIAM E. SONDEN
SCALE	1" = 50'
DRAWN BY	HRB
CHECKED BY	HRB
APPROVED BY	

PRELIMINARY PLAT B
 for
TURNBERRY
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

REVISIONS	
NO.	DESCRIPTION
1	REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21
2	REMOVE PARCEL 234-10-09-199.00





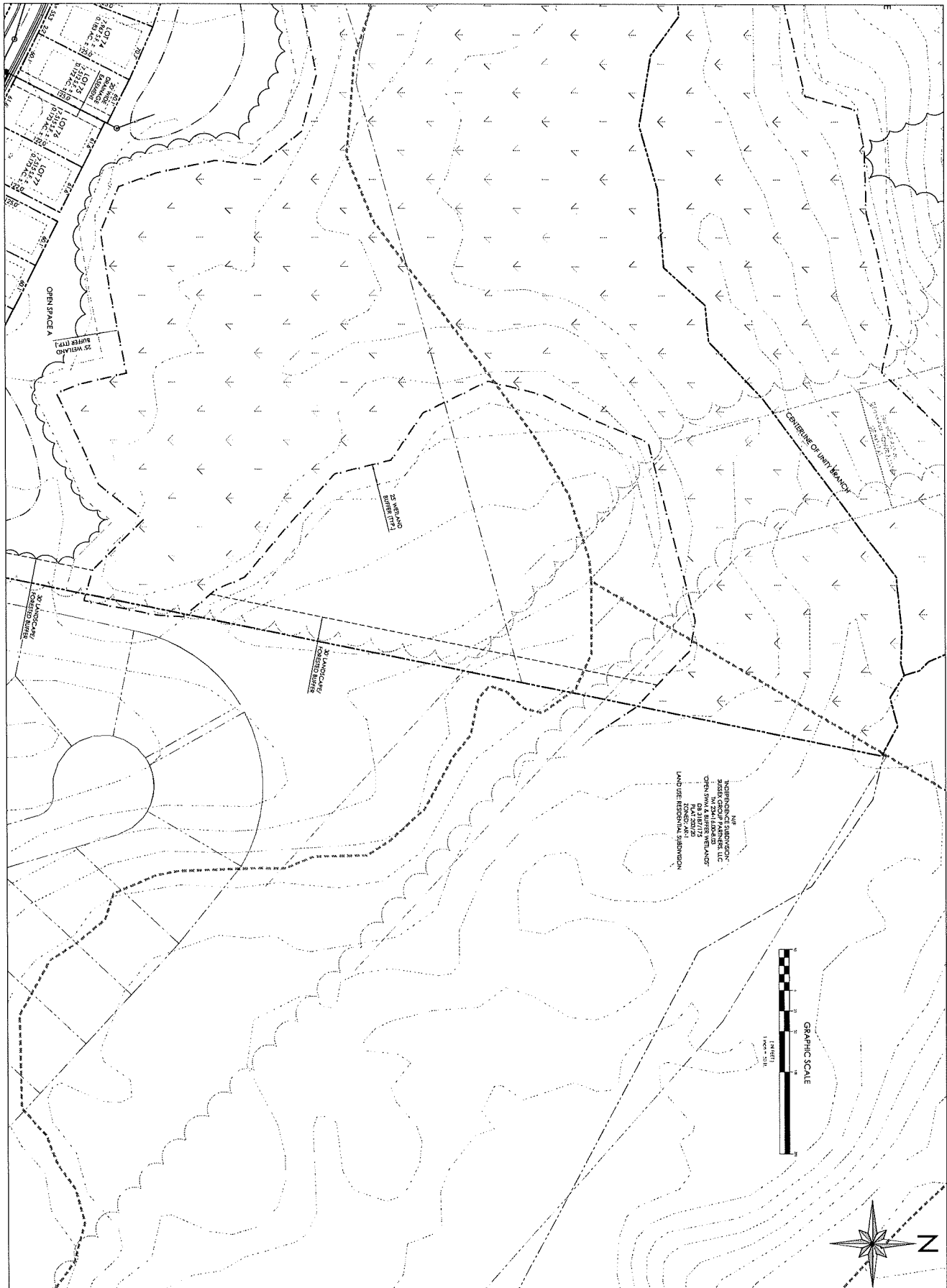
Date: 10-16-2020
 Plot Number: 20074
 Code: 1-30
 Drawn By: 1818
 Checked By: 1818
 Approved By: 5

PRELIMINARY PLAT C
 for
TURNBERRY
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

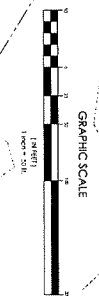
REVISIONS	
NO.	DATE
1	8/20/21
2	7/9/21

REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21
 REMOVE PARCEL 234-10-00-199-00

solitons
 1300 N. MARKET STREET
 WILMINGTON, DE 19802
 TEL: 302.441.1000
 WWW.SOLITONS.COM



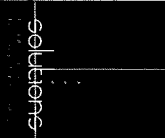
NIP
 INDEPENDENCE SUBDIVISION
 SUSSEX COUNTY, DELAWARE
 OPEN SPACE A BUFFER (TWB)
 P.L. 2017/20
 LAND USE RESOLUTION SUBDIVISION

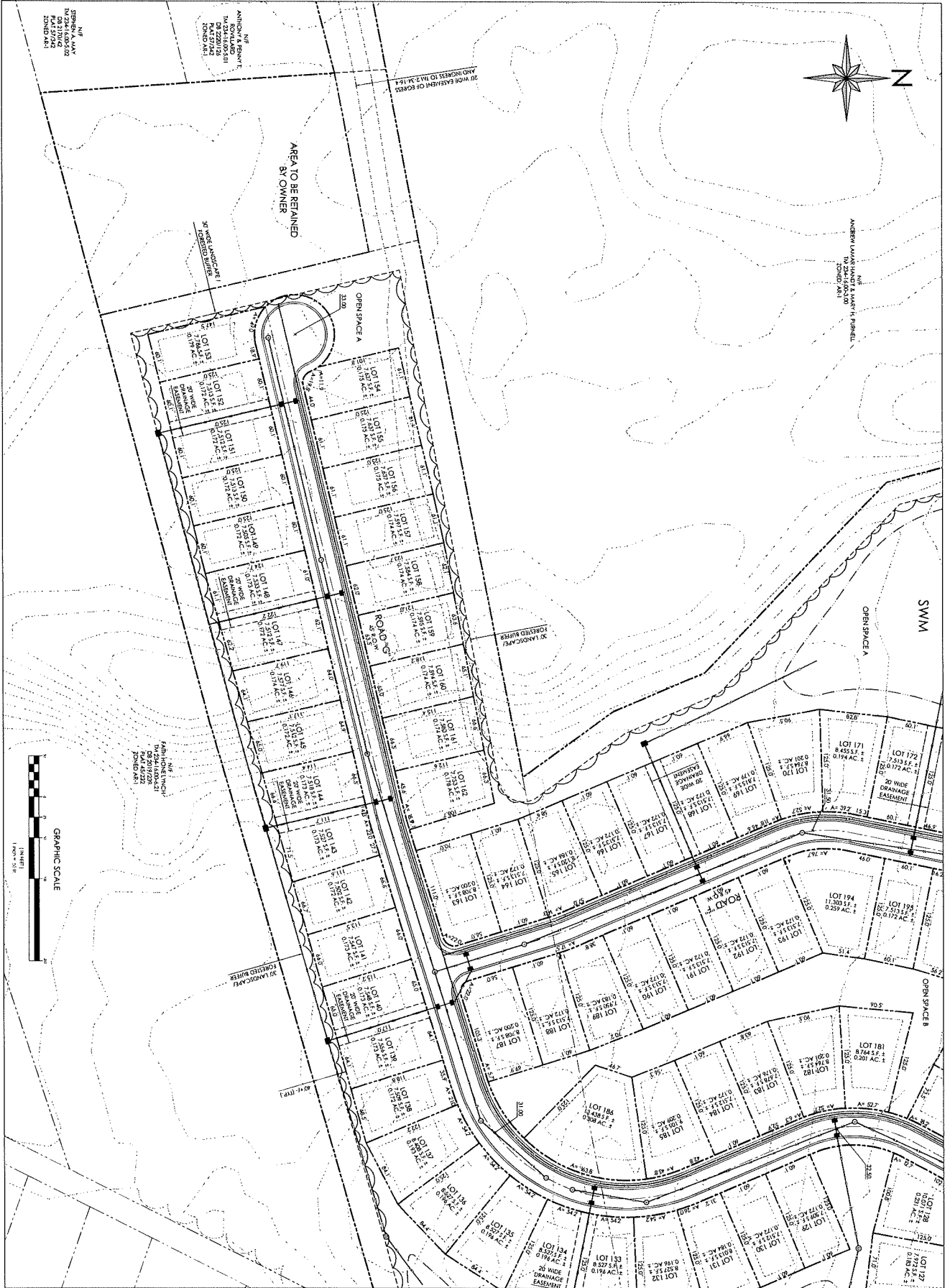


DATE	10-16-2020
DESIGNER	20076
SCALE	1"=50'
DRAWN BY	HHB
CHECKED BY	HHB
APPROVED BY	HHB
PROJECT NO.	6

PRELIMINARY PLAT D
 for
TURNBERRY
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

REVISIONS		DESCRIPTION
NO.	DATE	
1	8/20/21	REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21
2	9/9/21	REVOLVE PARCEL 224-10.00-199.00

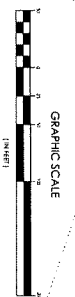
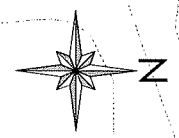




N/A
 PREPARED BY
 DATE
 ZONED R-1

N/A
 PREPARED BY
 DATE
 ZONED R-1

AREA TO BE RETAINED BY OWNER



GRAPHIC SCALE

PRELIMINARY PLAT

TURNBERRY

SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

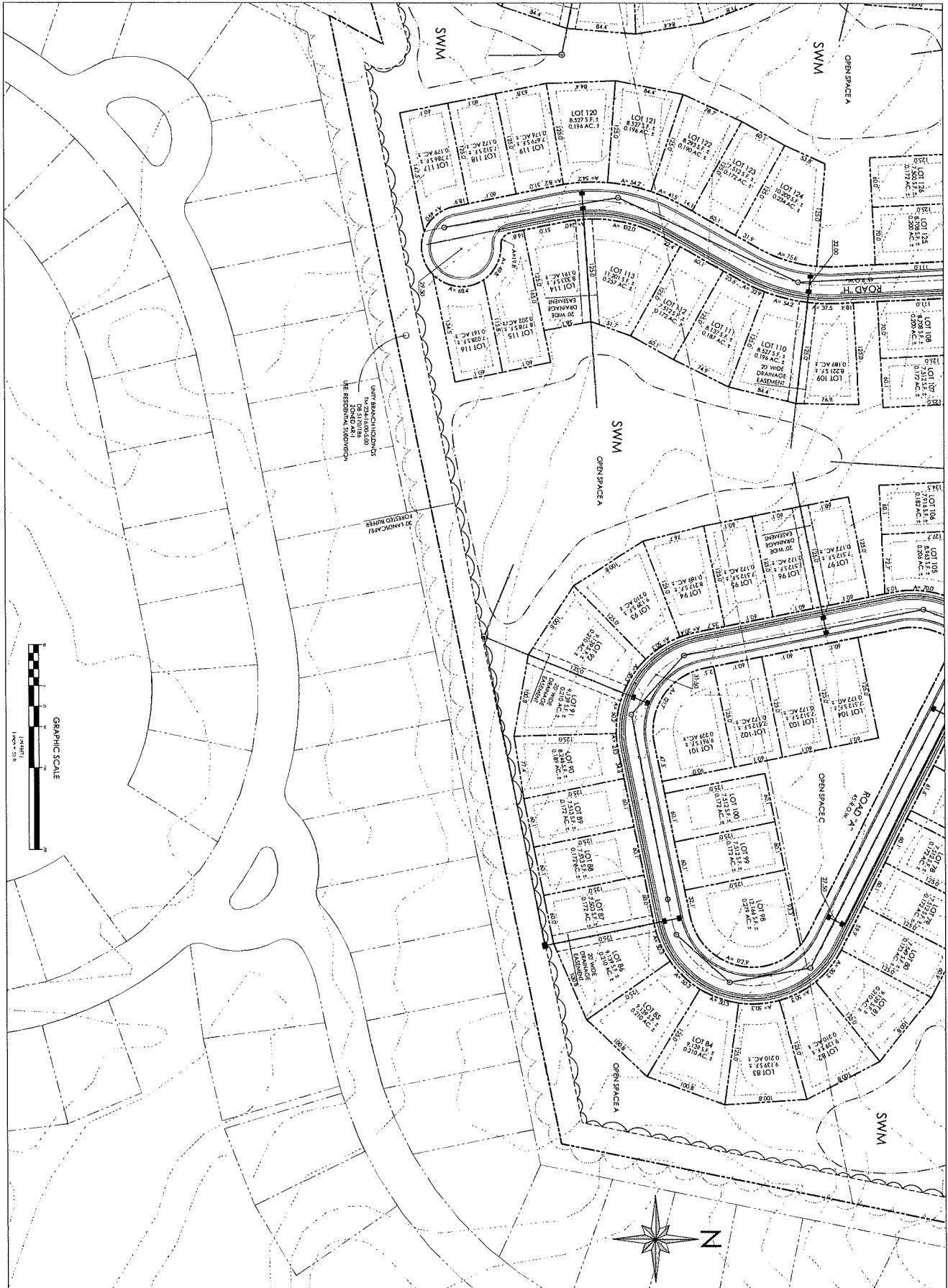
NO.	DATE	REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21	DESCRIPTION
1	8/20/21		
2	9/6/21		REMOVE PARCEL 234-10-00-119-00



SOLTECH
 2021

SOLTECH
 2021

Date	10-16-2020
Job Number	20076
Scale	1"=50'
Drawn by	BBB
Designed by	BBB
Approved by	



File Number:	8
Project No.:	20076
Date:	10-16-2020
Scale:	1"=50'
Drawn by:	PHB
Designed by:	PHB
Approved by:	JR

PRELIMINARY PLAT F
 for
TURNBERRY
 SUSSEX COUNTY, DELAWARE
 Prepared for: HOLLYVILLE BUYER, LLC

REVISIONS		
NO.	DATE	DESCRIPTION
1	8/20/21	REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21
2	9/9/21	REMOVE PARCEL 234-10-00-199.00

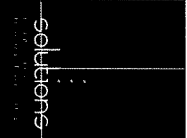
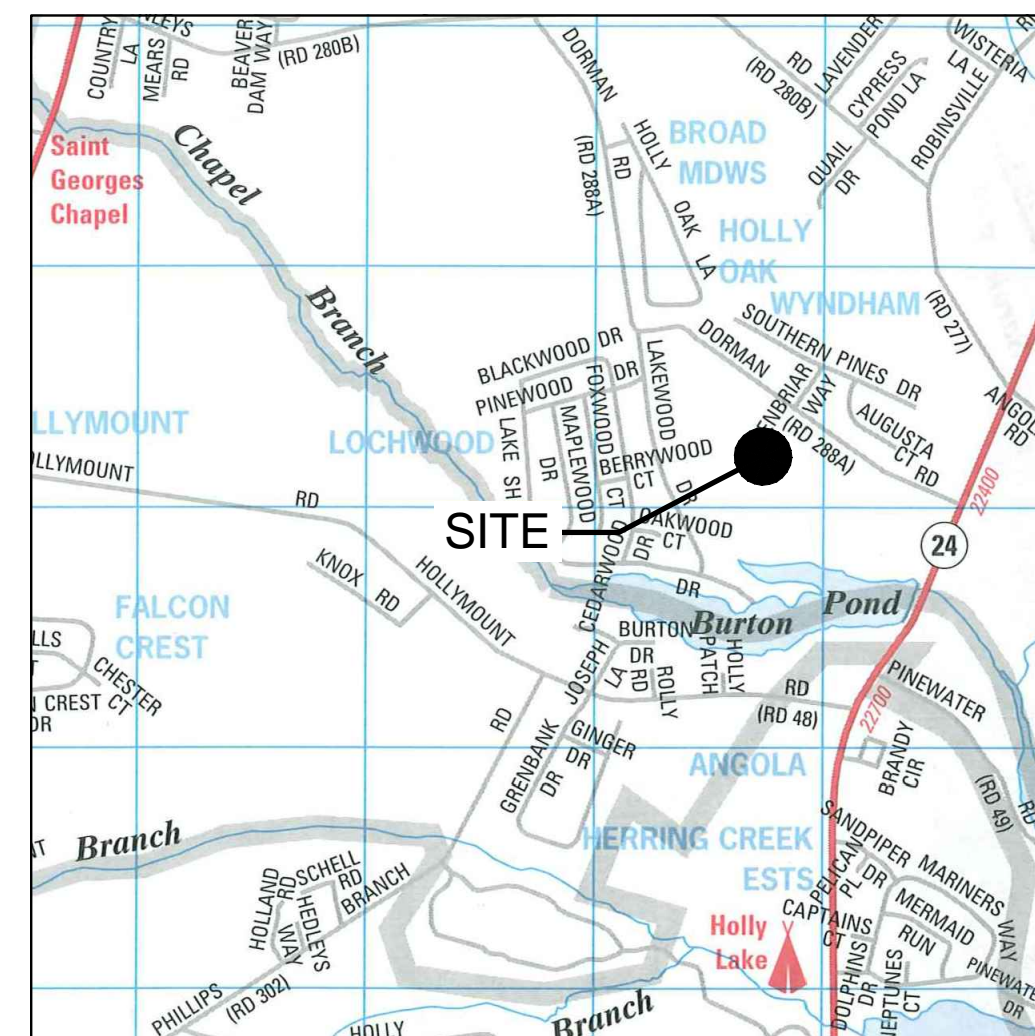
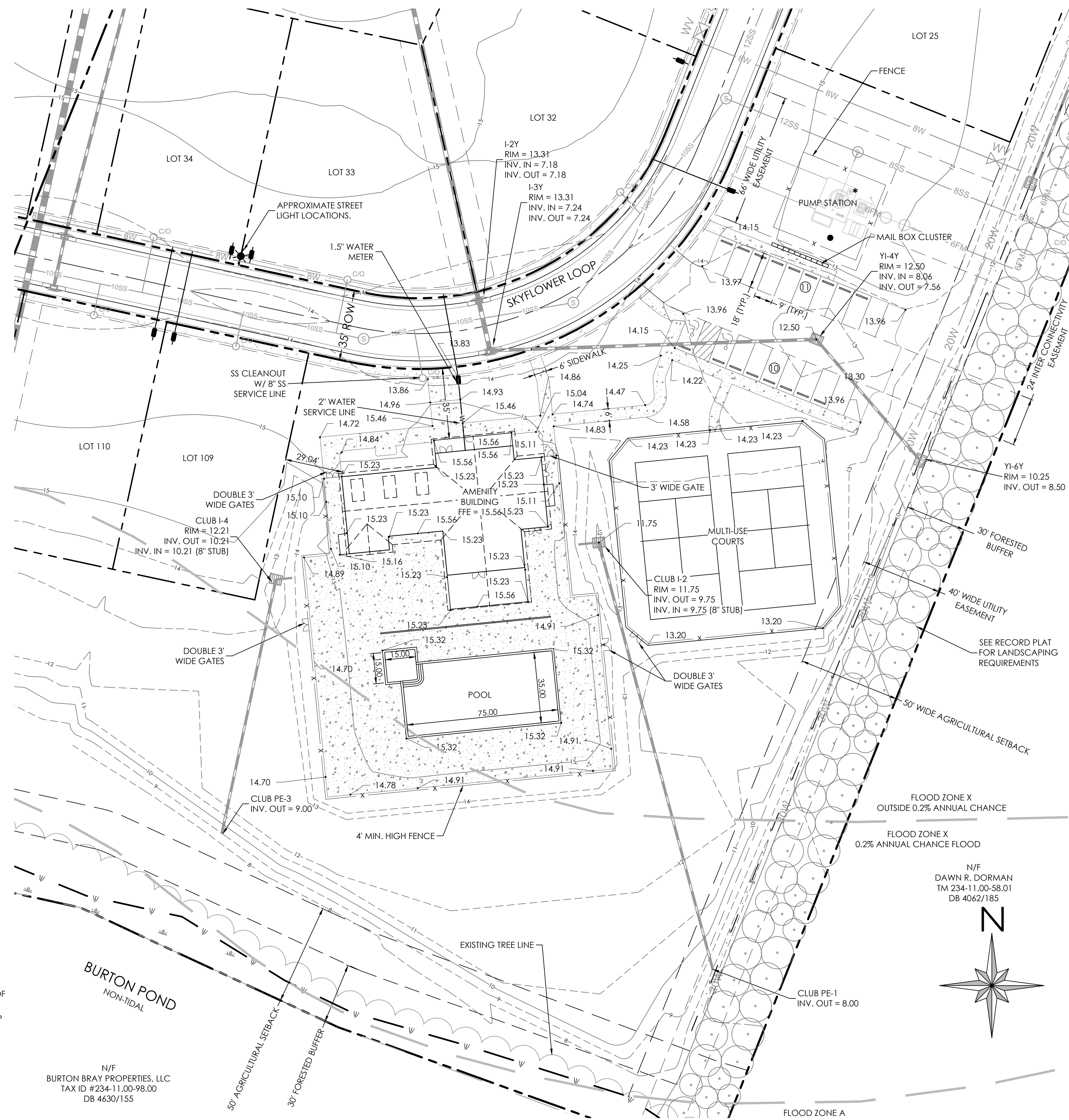


EXHIBIT C
Miralon Pathway

AMENITY SITE PLAN FOR HEADWATER COVE

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE



VICINITY MAP
SCALE: 1" = 2,000'

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASEMENT/BUFFER LINE	---	---
R.O.W. LINE	---	---
SPOT ELEV. LABEL	+ 19.25	27.00
MAJOR CONTOUR	---	---
MINOR CONTOUR	---	---
WETLANDS	W	N/A
ROAD CENTERLINE	---	---
EDGE OF CONCRETE	---	---
EDGE OF PAVEMENT	---	---
PAVEMENT HATCH	N/A	[Hatch]
BUILDING	N/A	[Hatch]
CURB AND GUTTER	---	---
SIDEWALK	---	---
SIDEWALK HATCH	[Hatch]	[Hatch]
EDGE OF POND	---	---
STORM MANHOLE	⊙	⊙
CURB INLET	⊞	N/A
STORM PIPE	---	---
SANITARY MANHOLE	⊙	N/A
SANITARY PIPE	SS	SS
SANITARY CLEANOUT	⊙ C/O	⊙ C/O
WATER PIPE	W	W
FENCE	N/A	x
SIGN	N/A	+
FIRE HYDRANT	⊕	N/A

SITE DATA:

OWNER/
DEVELOPER/
APPLICANT:
HEADWATER COVE CRP3, LLC
4750 OWINGS MILLS BLVD
OWINGS MILLS, MD 21117
SUITE P-130
PHONE: 410-356-9900
CONTACT: JOHN HOFFMAN

ENGINEER/
LAND PLANNER:
SOLUTIONS IPEM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JIM ERIKSEN, PE

- TAX MAP 234-11.00, PARCELS 58.00, 66.00, & 66.01
- EXISTING/ PROPOSED ZONING: AR-1
- PROPOSED USE: AMENITY BUILDING, POOL AND PARKING
MAXIMUM BUILDING HEIGHT: 42'
- FLOOD ZONE:
THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X. (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN); ZONE X SHADED (AREAS OF 0.2% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD); ZONE A (SPECIAL FLOOD HAZARD AREA SUBJECT TO THE FLOODING BY THE 1% ANNUAL CHANCE FLOOD - NO BASE FLOOD ELEVATIONS DETERMINED) PER FIRM MAP NUMBERS 1000SC0340K & 1000SC0341K, REVISED MARCH 16, 2015.
- WATER SUPPLY: TIDEWATER UTILITIES, INC.
- SANITARY SEWER: SUSSEX COUNTY - ANGOLA SANITARY SEWER DISTRICT
- PROJECT DATUM:
HORIZONTAL: DELAWARE STATE PLANE NAD 83
VERTICAL: NAVD 88
- AUTOMATIC SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
- TYPE OF CONSTRUCTION: NFPA TYPE V (000)
- 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 PLANS.
- A LOCK BOX CONTAINING KEYS FOR FIRE DEPARTMENT ACCESS TO THE BUILDINGS ARE REQUIRED, CONTACT THE LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF THE BOX ON THE BUILDING.
- PROPOSED BUILDING: 4,425± S.F. CLUBHOUSE
PROPOSED POOL AREA: 2,794± S.F.
- PARKING REQUIRED: N/A
PARKING PROVIDED: 21 TOTAL (2 HANDICAP SPACES)
- THE AMENITY AREA AND FACILITIES ARE FOR THE RESIDENCES OF HEADWATER COVE AND SUBJECT TO HOA DOCUMENTS.
- FENCING FOR MULTI-PURPOSE COURTS IS SUBJECT TO SEPARATE APPROVAL AND PERMITTING.
- WETLANDS DEPICTED ON THIS PLAN ARE CLASSIFIED AS FEDERAL 404 WETLANDS.

NOTES:

- THE FENCE AROUND THE POOL SHALL BE A MINIMUM OF HEIGHT OF FOUR (4) FEET AND CONSTRUCTED OF BLACK ALUMINUM.
- LIGHTING FOR THE RECREATIONAL FACILITIES AND PARKING SHALL BE COORDINATED BETWEEN DE COOP AND THE DEVELOPER.
- THE SITE AMENITIES SHALL BE FOR RESIDENTS/MEMBERS OF THE HOMEOWNERS ASSOCIATION AND AUTHORIZED GUESTS ONLY.
- FINAL/DETAILED DRAINAGE OF THE POOL DECK IS TO BE DONE BY OTHERS ON A SEPARATE PLAN.
- FINAL LANDSCAPING AND AESTHETIC HARDSCAPING IMPROVEMENTS SHALL BE DONE BY OTHERS.
- WATER METER & CLEANOUT SHALL BE INSTALLED W/ PHASE 2 IMPROVEMENTS.

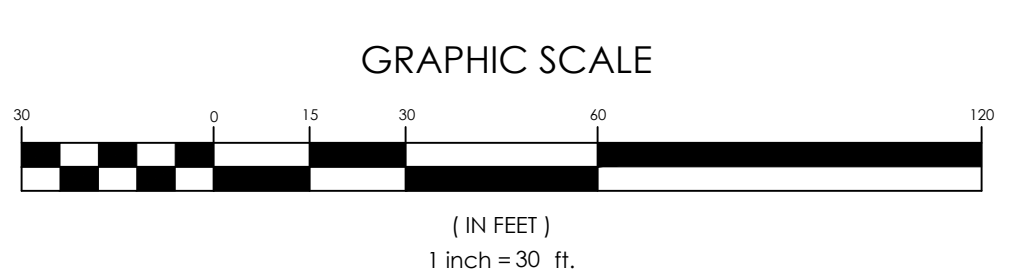
N/F
BURTON BRAY PROPERTIES, LLC
TAX ID #234-11.00-98.00
DB 4630/155

solutions
IPEM, LLC
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215
3033 Manitt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2018

JAMES R. ERIKSEN
LICENSE
Professional Engineer
Seal 1/26/22
Date

NO.	DATE	DESCRIPTION

AMENITY SITE PLAN
for
HEADWATER COVE
SUSSEX COUNTY, DELAWARE
Prepared for: HEADWATER COVE CRP3, LLC

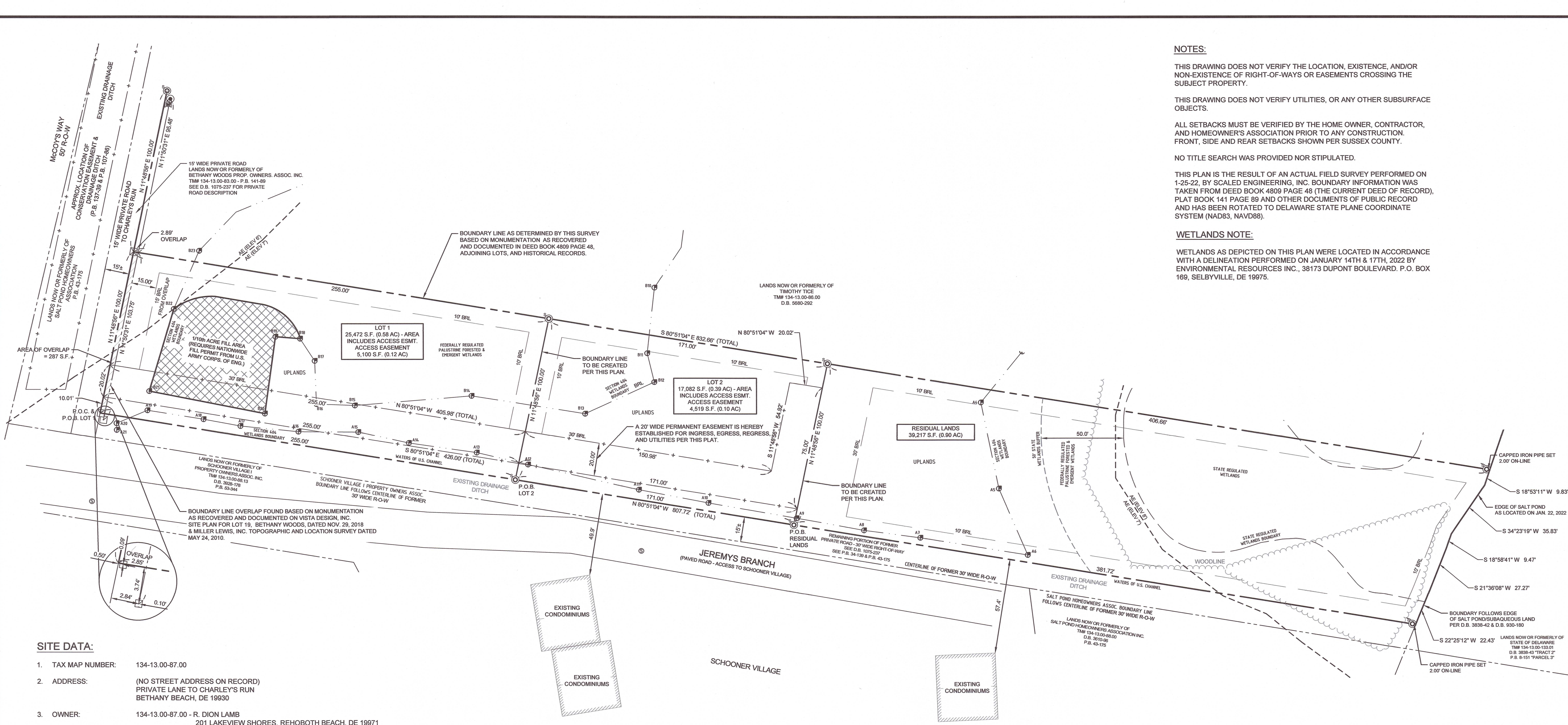


WETLAND STATEMENT
I, Edward M. Launoy, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC GULF COAST REGIONAL SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE [33 CFR 328.3(a)(8), Waters of the U.S., Definition/CECW-CR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CECW-CR, 9-26-1990, RGL 90-7/CECW-CR, 3-4-1992, Clarification and Interpretation of the 1987 Manual]. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.
3/26/2022
Date
EDWARD M. LAUNOY, PWS No. 875
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS,
CERTIFIED WETLAND DELINEATOR WDCP93MD05100368

DEVELOPER'S CERTIFICATION
THE DEVELOPER, HEADWATER COVE CRP3, LLC, HEREBY CERTIFIES THAT THESE DRAWINGS HAVE BEEN APPROVED.
JON HOFFMAN
DATE 03/16/2022

Date:	1/26/2022
Job Number:	G17026
Scale:	1"=30'
Drawn By:	JPR
Designed By:	JPR
Approved By:	JRE

Sheet No.: 1
File Name: HWC-AmenitySitePlan



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 UTILITIES, OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION PRIOR TO ANY CONSTRUCTION. FRONT, SIDE AND REAR SETBACKS SHOWN PER SUSSEX COUNTY.

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 1-25-22, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 4809 PAGE 48 (THE CURRENT DEED OF RECORD), PLAT BOOK 141 PAGE 89 AND OTHER DOCUMENTS OF PUBLIC RECORD AND HAS BEEN ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83, NAVD88).

WETLANDS NOTE:

WETLANDS AS DEPICTED ON THIS PLAN WERE LOCATED IN ACCORDANCE WITH A DELINEATION PERFORMED ON JANUARY 14TH & 17TH, 2022 BY ENVIRONMENTAL RESOURCES INC., 38173 DUPONT BOULEVARD, P.O. BOX 169, SELBYVILLE, DE 19975.

- SITE DATA:**
- TAX MAP NUMBER: 134-13.00-87.00
 - ADDRESS: (NO STREET ADDRESS ON RECORD) PRIVATE LANE TO CHARLEY'S RUN BETHANY BEACH, DE 19930
 - OWNER: 134-13.00-87.00 - R. DION LAMB 201 LAKEVIEW SHORES, REHOBOTH BEACH, DE 19971
 - ZONING: EXISTING: MR (MEDIUM-DENSITY RESIDENTIAL) PROPOSED: MR (MEDIUM-DENSITY RESIDENTIAL)
 - USE: EXISTING: SINGLE FAMILY RESIDENTIAL PROPOSED: LOTS 1 & 2 - SINGLE-FAMILY RESIDENTIAL RESIDUAL LANDS - SINGLE-FAMILY RESIDENTIAL
 - BUILDING SETBACKS (FOR PROPOSED LOTS): FRONT 30' (15' CORNER LOT SIDE STREET) SIDE 10' REAR 10'
 - LOT REQUIREMENTS: AREA 10,000 S.F. (0.23 ACRE) WIDTH 75' DEPTH 100'
 - TOTAL NUMBER OF LOTS: EXISTING: 1 PROPOSED: 3 (INCLUDING THE RESIDUAL)
 - AREA: EXISTING 134-13.00-87.00: 81,771 S.F. (1.88 AC) PROPOSED LOT 1: 25,472 S.F. (0.58 AC) ACCESS ESMT. INCLUDED ACCESS EASEMENT 5,100 S.F. (0.12 AC) PROPOSED LOT 2: 17,082 S.F. (0.39 AC) ACCESS ESMT. INCLUDED ACCESS EASEMENT: 4,519 S.F. (0.10 AC) PROPOSED (RESIDUAL): 39,217 S.F. (0.90 AC)
 - AREA AFFECTED BY ADJUSTMENT: 1.88 AC
 - POSTED SPEED LIMIT: SPEED LIMIT NOT POSTED
 - SEWER PROVIDER: SUSSEX COUNTY
 - WATER PROVIDER: SUSSEX SHORES
 - THIS PROPERTY IS 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 10005C0512K REVISED MARCH 16, 2015 (ZONE AE, EL 8', 7' & 8').
 - WETLANDS EXIST ON SITE PER THE U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY AND DNREC STATE REGULATED WETLANDS MAP INDEX. SEE WETLANDS NOTE.
 - PROXIMITY TO DELDOT TID AREA: SITE IS ±7 MILES OUTSIDE OF THE HENLOPEN TID
 - RECHARGE AREA: FAIR

WETLAND STATEMENT

I, Edward M. Launay, PWS, STATE 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, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8), Waters of the U.S. Definition/CEC-W-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CEC-W-OR, 9-26-1990, RCL 90-7/CEC-W-OR, 3-4-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THE BOUNDARY OF STATE REGULATED WETLANDS ON THIS SITE IS SHOWN IN ACCORDANCE WITH DNREC MAP NO. DNR-024

EDWARD M. LAUNAY, PWS No. 875 SOCIETY OF WETLANDS SCIENTISTS CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDCP93MD05100368

Date: 5/19/2022

OWNER CERTIFICATION:

I, THE UNDERSIGNED, 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.

R. DION LAMB 201 LAKEVIEW SHORES REHOBOTH BEACH, DE 19971

DATE



SURVEYOR CERTIFICATION:

I, RYAN M. PHIFER, 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.

RYAN M. PHIFER, P.L.S. DE No. 829 DATE: 5/19/2022

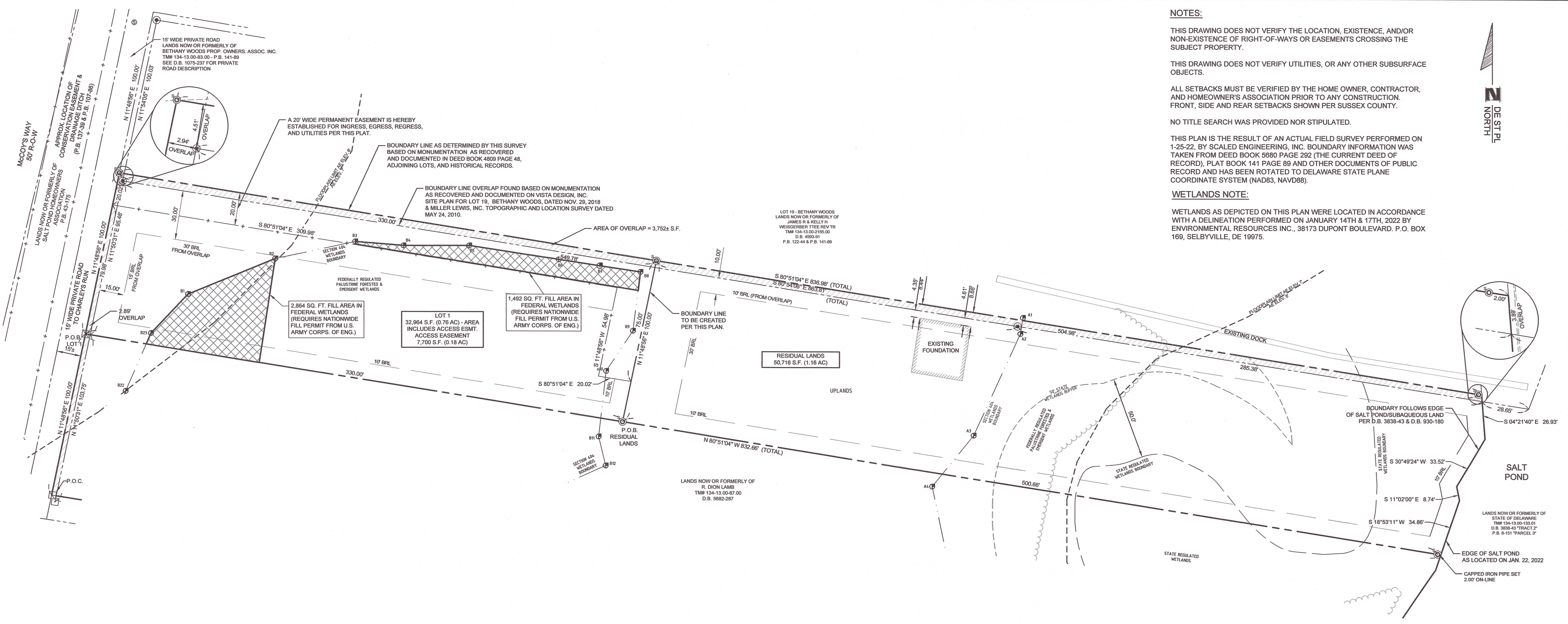
- LEGEND:**
- CONCRETE MONUMENT FOUND
 - CAPPED IRON REBAR FOUND
 - CAPPED IRON PIPE SET
 - EXISTING SUBJECT BOUNDARY LINE
 - PROPOSED BOUNDARY LINE
 - ADJOINER BOUNDARY LINE
 - BUILDING RESTRICTION LINE
 - CORPS OF ENGINEERS SECTION 404 WETLAND BOUNDARY/FLAG
 - STATE (DNREC) REGULATED WETLAND BOUNDARY/FLAG (MAP# 024)
 - 50' STATE (DNREC) REGULATED WETLANDS BUFFER
 - FLOODPLAIN LIMIT
 - WOODLINE
 - WATER METER / VALVE
 - SEWER MANHOLE
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - EASEMENT LINE
 - PROPOSED AREA TO BE FILLED

SCALED ENGINEERING
20246 Coastal Highway
Rehoboth Beach, DE 19871
Phone: (302) 227-7808

PREPARED FOR
RDL PROPERTIES, LLC
FOR PROPERTY KNOWN AS
PARCEL NO. 2 - DEED BOOK 4809, PAGE 49
TAX MAP # 134-13.00-87.00
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

DATE: 1-26-22
SCALE: 1" = 30'
DRAWN BY: JRE
PROJECT NO. CRXC003

MINOR SUBDIVISION PLAN



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 UTILITIES, OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION PRIOR TO ANY CONSTRUCTION. FRONT, SIDE AND REAR SETBACKS SHOWN PER SUSSEX COUNTY.

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

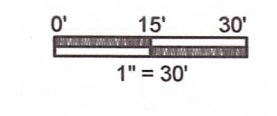
THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 1-25-22, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 5680 PAGE 292 (THE CURRENT DEED OF RECORD), PLAT BOOK 141 PAGE 89 AND OTHER DOCUMENTS OF PUBLIC RECORD AND HAS BEEN ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83, NAVD88).

WETLANDS NOTE:

WETLANDS AS DEPICTED ON THIS PLAN WERE LOCATED IN ACCORDANCE WITH A DELINEATION PERFORMED ON JANUARY 14TH & 17TH, 2022 BY ENVIRONMENTAL RESOURCES INC., 38173 DUPONT BOULEVARD, P.O. BOX 169, SELBYVILLE, DE 19975.



- SITE DATA:**
- TAX MAP NUMBER: 134-13.00-86.00
 - ADDRESS: (NO STREET ADDRESS ON RECORD)
PRIVATE LANE TO CHARLEY'S RUN
BETHANY BEACH, DE 19930
 - OWNER: 134-13.00-86.00 - TIMOTHY TICE
39528 WATERWORKS COURT, BETHANY BEACH, DE 19930
 - ZONING: EXISTING: MR (MEDIUM-DENSITY RESIDENTIAL)
PROPOSED: MR (MEDIUM-DENSITY RESIDENTIAL)
 - USE: EXISTING: SINGLE FAMILY RESIDENTIAL
PROPOSED: LOT 1 - SINGLE-FAMILY RESIDENTIAL
RESIDUAL LANDS - SINGLE-FAMILY RESIDENTIAL
 - BUILDING SETBACKS (FOR PROPOSED LOTS):
FRONT 30' (15' CORNER LOT SIDE STREET)
SIDE 10'
REAR 10'
 - LOT REQUIREMENTS: AREA 10,000 S.F. (0.23 ACRE)
WIDTH 75'
DEPTH 100'
 - TOTAL NUMBER OF LOTS: EXISTING: 1
PROPOSED: 2 (INCLUDING THE RESIDUAL)
 - AREA: EXISTING 134-13.00-87.00: 83,680 S.F. (1.92 AC)
PROPOSED LOT 1: 32,964 S.F. (0.76 AC) ACCESS ESMT. INCLUDED
ACCESS EASEMENT: 7,700 S.F. (0.18 AC)
PROPOSED (RESIDUAL): 50,716 S.F. (1.16 AC)
 - AREA AFFECTED BY ADJUSTMENT: 1.92 AC
 - POSTED SPEED LIMIT: SPEED LIMIT NOT POSTED
 - SEWER PROVIDER: SUSSEX COUNTY
 - WATER PROVIDER: SUSSEX SHORES
 - THIS PROPERTY IS 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 10005C0512K REVISED MARCH 16, 2015 (ZONE AE, EL 6', 7' & 8').
 - WETLANDS EXIST ON SITE PER THE U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY AND DNREC STATE REGULATED WETLANDS MAP INDEX. SEE WETLANDS NOTE.
 - PROXIMITY TO DELDOT TID AREA: SITE IS ±7 MILES OUTSIDE OF THE HENLOPEN TID
 - RECHARGE AREA: FAIR



WETLAND STATEMENT

I, Edward M. Launay, PWS, STATE 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, 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 90-7CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THE BOUNDARY OF STATE REGULATED WETLANDS ON THIS SITE IS SHOWN IN ACCORDANCE WITH DNREC MAP No. DNR-024

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

Date: 5/9/2022

OWNER CERTIFICATION:

I, THE UNDERSIGNED, 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. I CERTIFY THAT TITLE 17, SECTION 530 IS APPLICABLE TO THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN BY VIRTUE OF:

TIMOTHY TICE
39528 WATERWORKS COURT
BETHANY BEACH, DE 19930

DATE

- LEGEND:**
- CONCRETE MONUMENT FOUND
 - CAPPED IRON REBAR FOUND
 - CAPPED IRON PIPE SET
 - EXISTING SUBJECT BOUNDARY LINE
 - PROPOSED BOUNDARY LINE
 - ADJOINER BOUNDARY LINE
 - BRL BUILDING RESTRICTION LINE
 - CORPS OF ENGINEERS SECTION 404 WETLAND BOUNDARY/FLAG
 - STATE (DNREC) REGULATED WETLAND BOUNDARY/FLAG (MAP# 024)
 - 50' STATE (DNREC) REGULATED WETLAND BUFFER
 - FLOODPLAIN LIMIT
 - WOODLINE
 - WATER METER / VALVE
 - SEWER MANHOLE
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - EASEMENT LINE
 - PROPOSED AREA TO BE FILLED



SURVEYOR CERTIFICATION:

I, RYAN M. PHIFER, 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.

RYAN M. PHIFER, P.L.S. DE No. 829

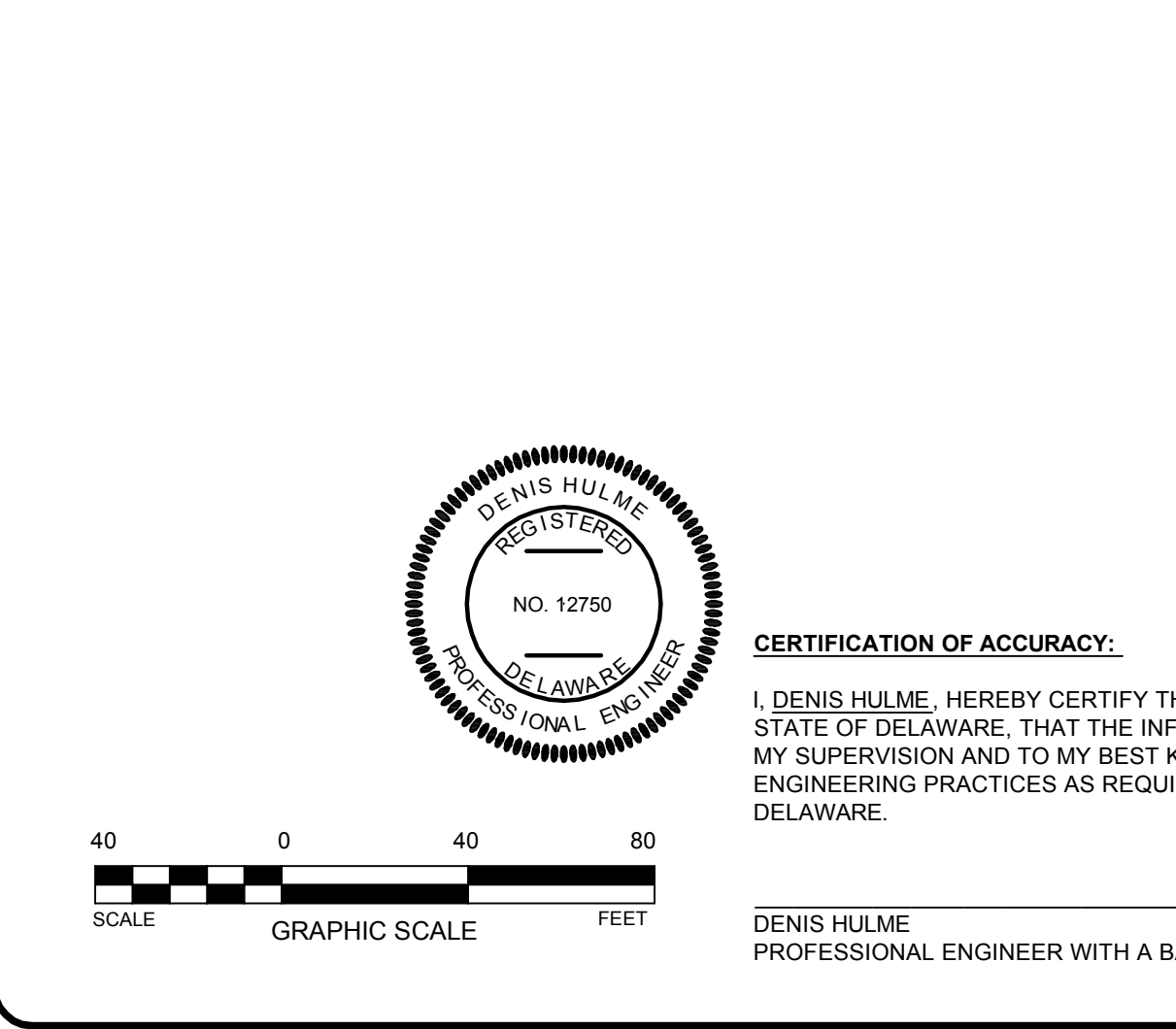
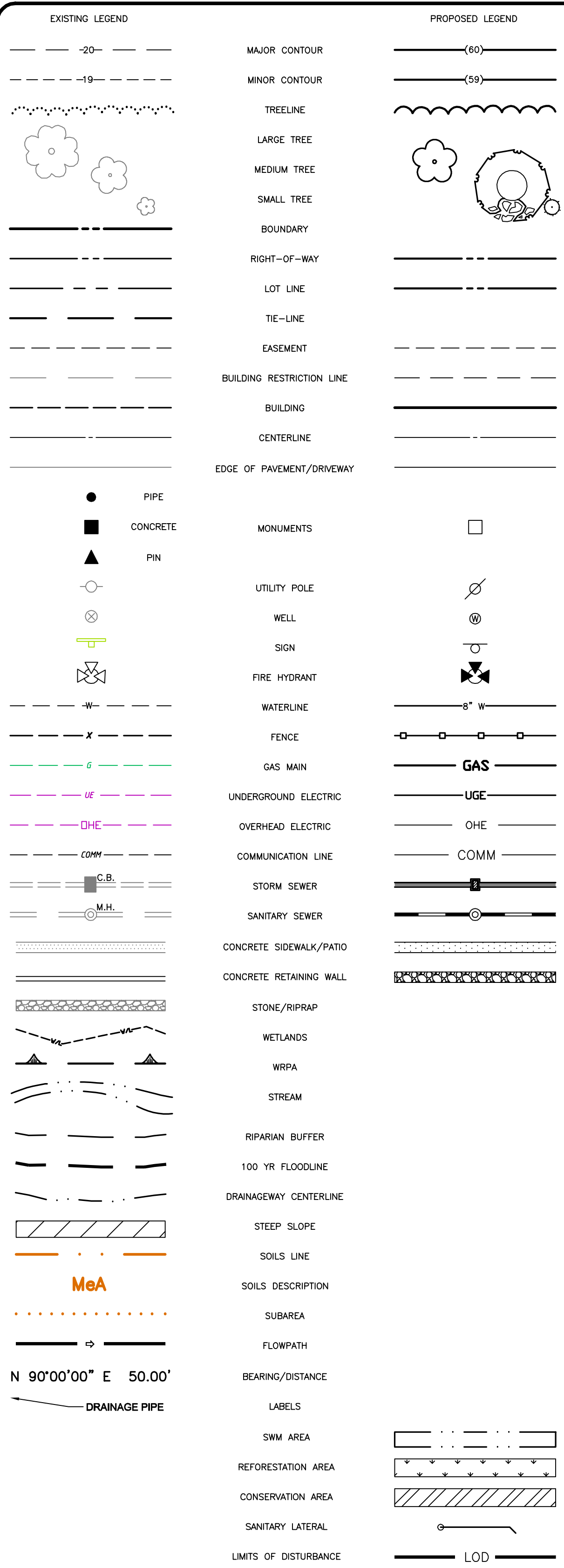
Date: 5/9/2022

PREPARED FOR
TIMOTHY & JESSICA TICE
FOR PROPERTY KNOWN AS
PARCEL NO. 1 - DEED BOOK 4809, PAGE 49
TAX MAP # 134-13.00-86.00
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

DATE: 1-26-22
SCALE: 1" = 30'
DRAWN BY: JRE
PROJECT NO. CRXC003

SCALED ENGINEERING
Scaled Engineering, Inc.
20246 Coastal Highway
Rehoboth Beach, DE 19871
Phone: (302) 227-7808

MINOR SUBDIVISION PLAN



CERTIFICATION OF ACCURACY:
 I, DENIS HULME, 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.

 DENIS HULME
 PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING

 DATE

OWNERS CERTIFICATION:
 I, CHARLES MESSINA, CERTIFY THAT FOUR C'S PROPERTY, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN. THAT THE PLAN IS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

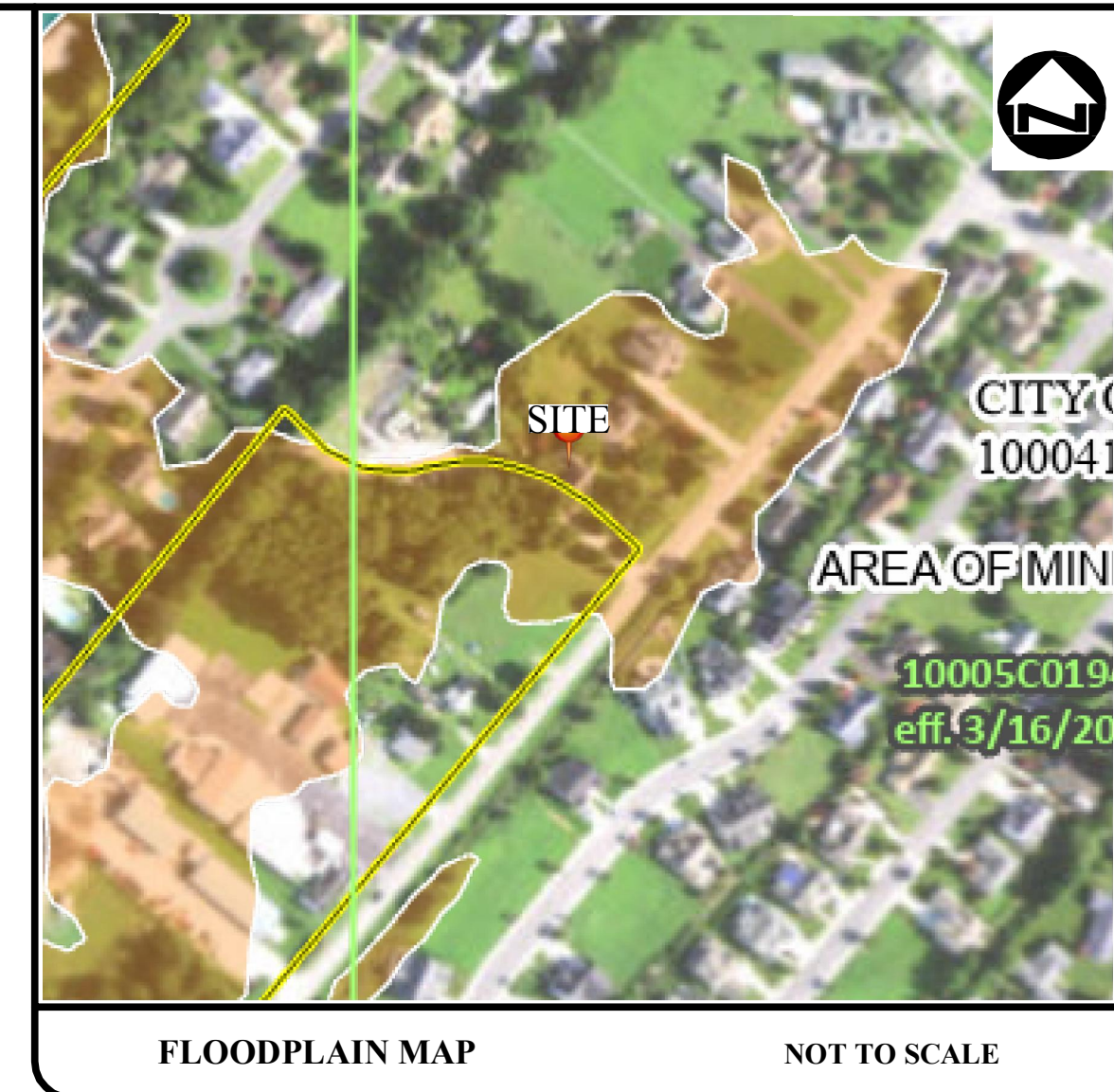
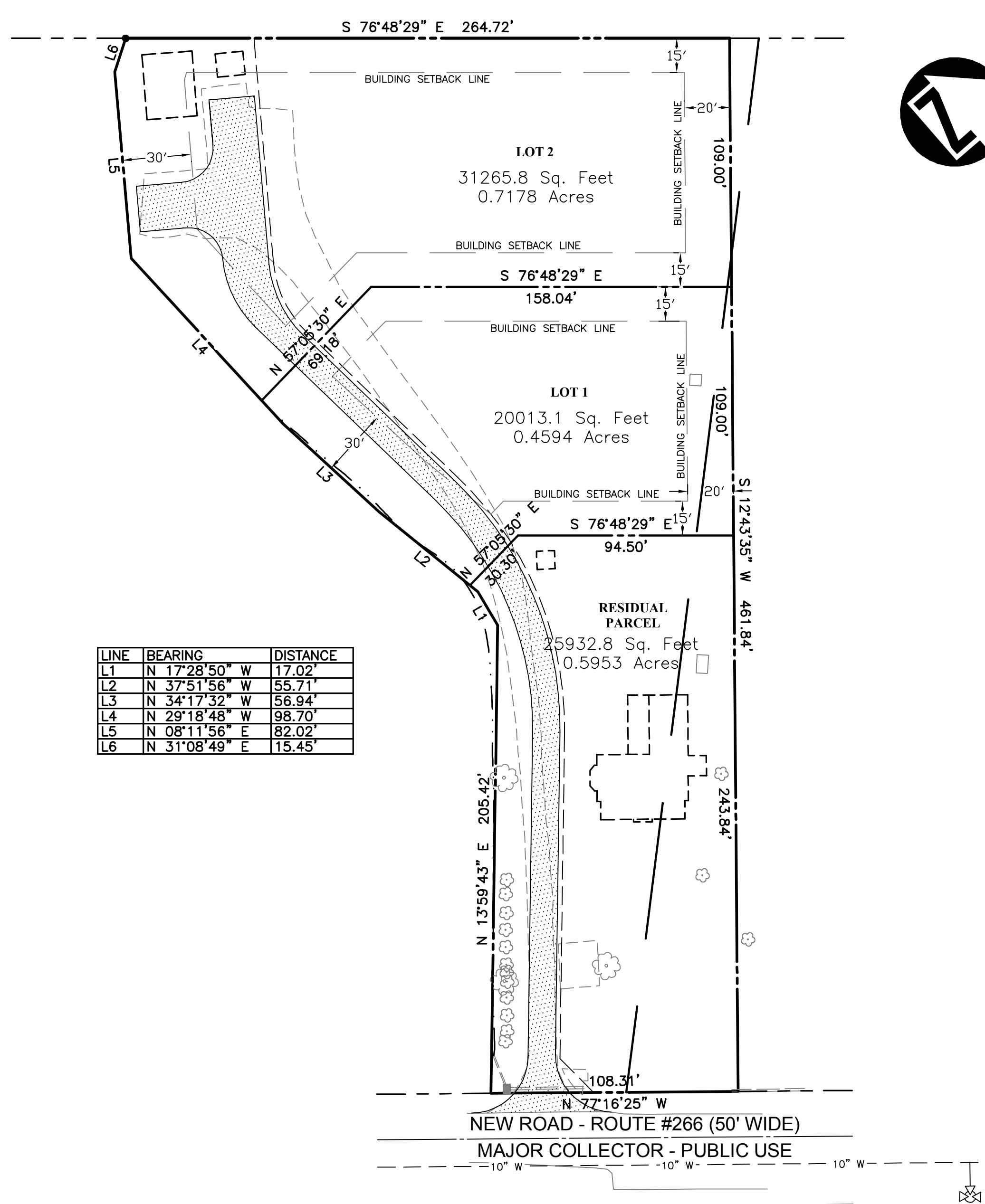
 CHARLES MESSINA
 FOUR C'S PROPERTY, LLC

 DATE

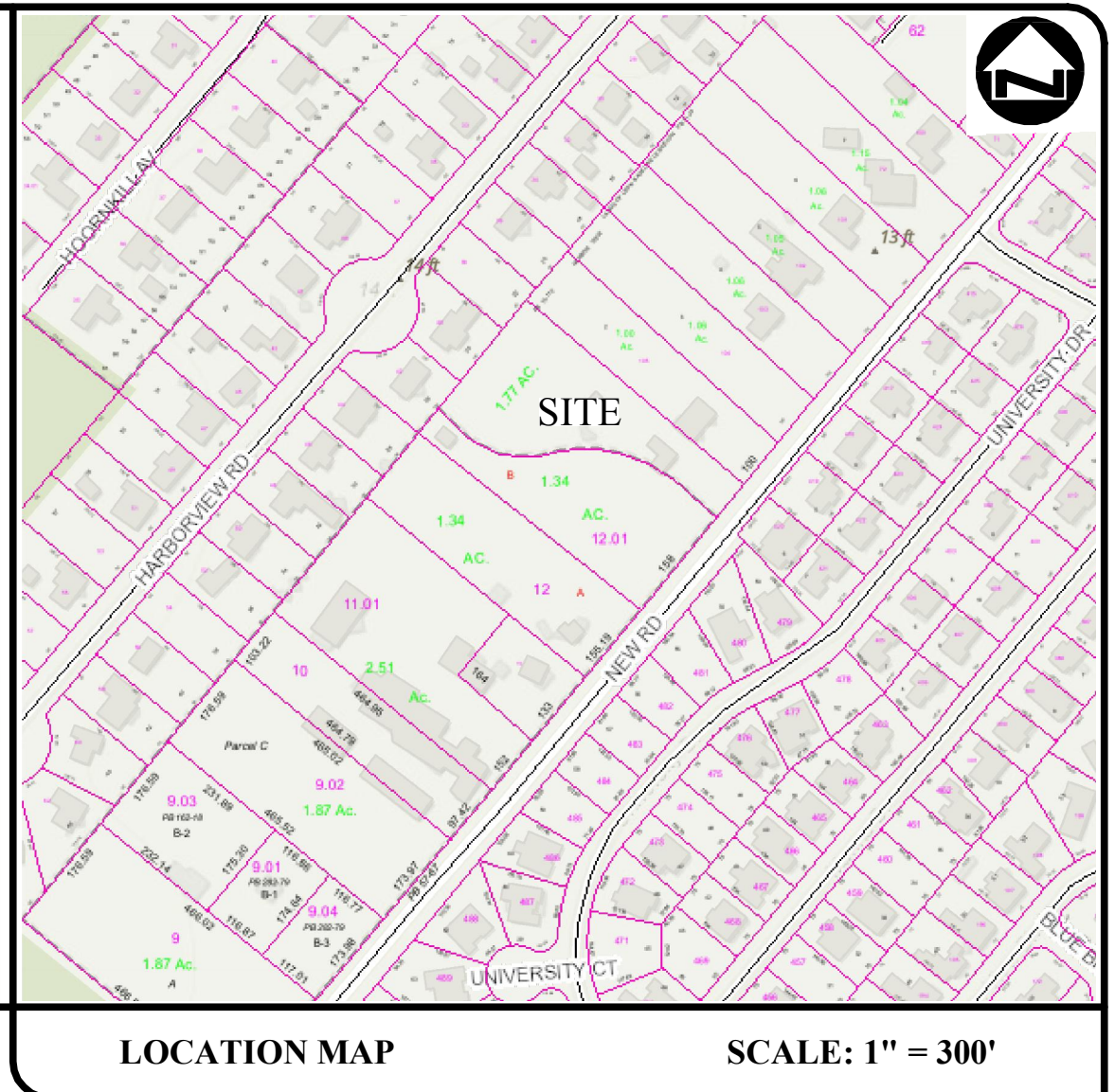
OWNERS CERTIFICATION:
 I, CAROLYN MESSINA, CERTIFY THAT FOUR C'S PROPERTY, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN. THAT THE PLAN IS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

 CAROLYN MESSINA
 FOUR C'S PROPERTY, LLC

 DATE

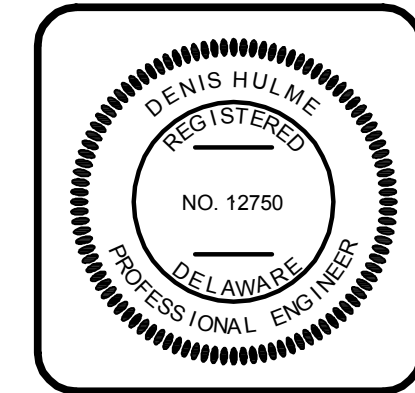


FLOODPLAIN MAP NOT TO SCALE



LOCATION MAP SCALE: 1" = 300'

- PLAN DATA:**
- OWNERS: FOUR C'S PROPERTY LLC (C/O CHARLES & CAROLYN MESSINA) 3681 S LITTLE CREEK RD DOVER, DE 19901
 - PLANNING OFFICE FILE NO.:
 - TAX PARCEL NUMBER: 335-8.00-146.00
 - ZONING: AR-1
 - BUILDING SETBACKS: FRONT: 40' (FRONTAGE ON STATE MAINTAINED ROAD) 30' (FRONTAGE ALONG AN EASEMENT) SIDE: 15' (5' FOR ACCESSORY STRUCTURE) REAR: 20' (5' FOR ACCESSORY STRUCTURE)
 - EXISTING LOTS: 1
 - PROPOSED LOTS: 3
 - GROSS ACREAGE: 1.7725 AC.
 - EXISTING USE: RESIDENTIAL
 - PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 - PROPERTY ADDRESS: RESIDUAL: 132 NEW ROAD, LEWES, DE 19958 LOT 1: TBA LOT 2: TBA
 - AREAS: RESIDUAL: 0.5953 ACRES LOT 1: 0.4594 ACRES LOT 2: 0.7178 ACRES
 - MINIMUM LOT SIZE PERMITTED: 20,000 S.F. (0.4591 AC.)
 - MAXIMUM BUILDING HEIGHT: 42'
 - MONUMENTS: FOUND: 1 PLACED: 0
 - WATER: LEWES PUBLIC WORKS
 - SEWER: LEWES PUBLIC WORKS
 - FLOOD PLAIN: SITE IS IMPACTED BY THE 100-YEAR FLOODPLAIN PER F.E.M.A. PANEL #10005C0193K & 194K DATED 3/18/15 THE SITE IS LOCATED WITHIN AREAS OF MINIMAL FLOOD HAZARD ZONE X AND AN AREA LABELED 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD W/AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE (SEE FLOODPLAIN MAP)
 - WETLANDS: UPLAND OR NON-TIDAL WETLANDS EXIST ON THIS PARCEL PER THE STATE REGULATED WETLANDS MAP
 - FRONTAGE ROAD: NEW ROAD, SCR266, 25 MPH
 - RESIDUAL FRONTAGE: 108.31 FEET
 - GROWTH ZONE: INVESTMENT LEVEL 1
 - TID: N/A
 - NO DEBRIS WILL BE BURIED ON THIS SITE.
 - ALL ENTRANCE DESIGNS SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO THEIR REVIEW AND APPROVAL AND ISSUANCE OF AN ENTRANCE 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 OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
 - LOT 1 AND 2 SHALL HAVE ACCESS TO SCR266 VIA THE 30-FOOT WIDE INGRESS/EGRESS EASEMENT.
 - ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.



WOODIN + ASSOCIATES
 Civil, Mechanical Engineers
 Land Planners + Land Surveyors
 111 Parrott Drive
 Suite D
 Middletown, DE 19709
 Tel: 302-376-7300
 Fax: 302-378-1134

RECORD MINOR SUBDIVISION PLAN
 FOR PROJECT KNOWN AS
132 NEW ROAD
 LEWES & REHOBETH HUNDRED - SUSSEX COUNTY - STATE OF DELAWARE

DATE	REVISION	BY

DESIGN	DDH	JLB	DDH	DATE	SCALE
DRAFT				03/24/22	1" = 40'
APPROVED					
SHEET	1	OF	1		

THIS DRAWING, THE DESIGN AND DIGITAL FILES ARE PROPRIETARY TO WOODIN + ASSOCIATES, LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.



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

NICOLE MAJESKI
SECRETARY

March 25, 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
Sunshine Minor Sub**
Tax Parcel # 231-7.00-38.01
SCR00521-MARSH ROAD
Nanticoke Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated January 10, 2022 (last revised March 24, 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

Sunshine Minor Sub
Mr. Jamie Whitehouse
Page 2
March 25, 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: Kevin Ellis, Pennoni Associates, Inc.
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



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

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-210252-MIS-01

Tax Parcel Number: 231-7.00-38.01

Status: Approved as Submitted

Date: 04/19/2022

Project

Sunshine Subdivision

17689 Sunshine Drive
Georgetown DE 19947

Sunshine Drive LLC

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 77 - Georgetown Fire Co Inc

Occupant Load Inside:

Occupancy Code: 9601

Applicant

Alan Decktor
18072 Davidson Drive
Milton, DE 19968

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: 2022-04-210252-MIS-01

Tax Parcel Number: 231-7.00-38.01

Status: Approved as Submitted

Date: 04/19/2022

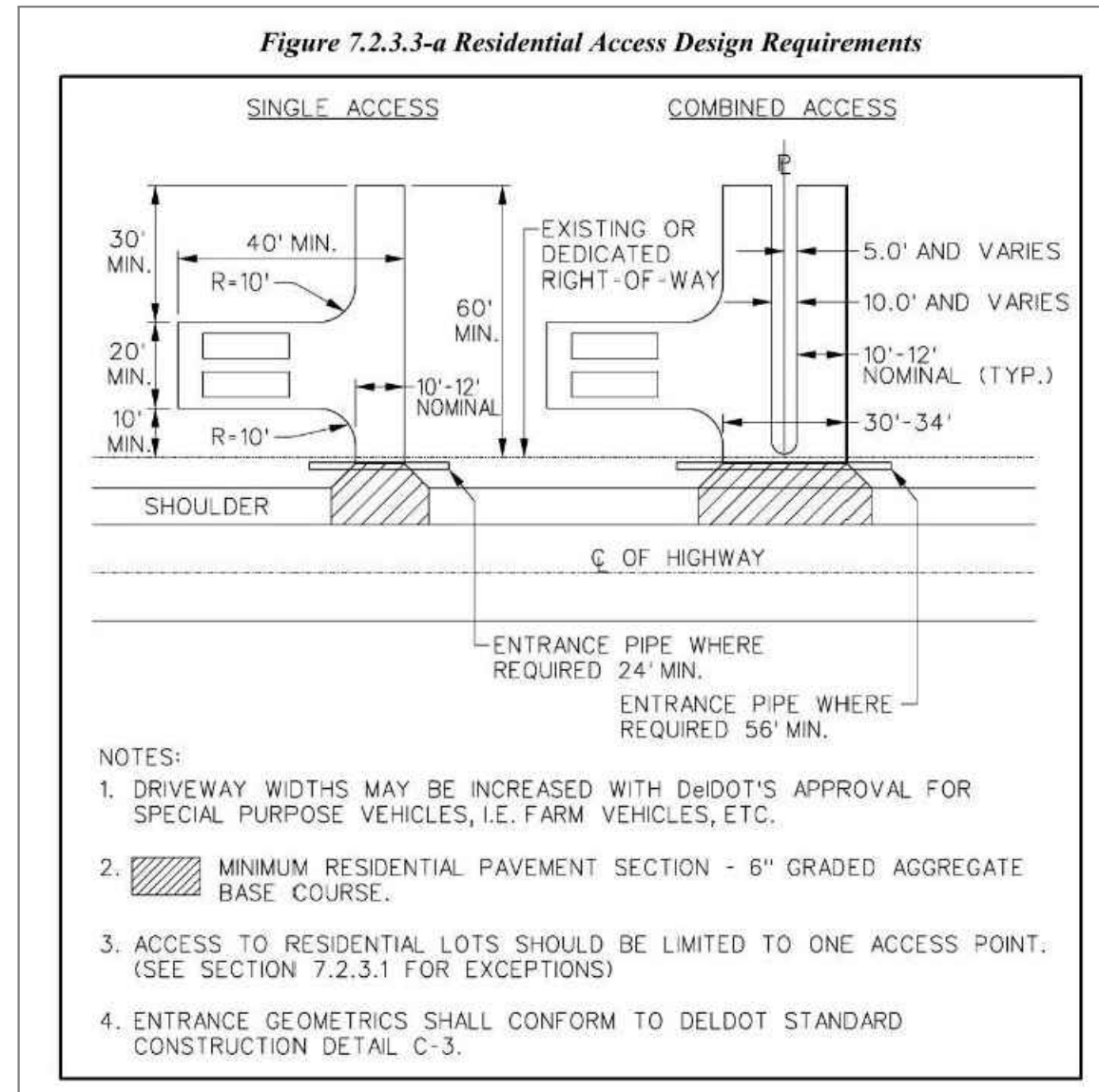
PROJECT COMMENTS

- 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.
- 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.
- 1190 A** Separate plan submittal is required for the building(s) proposed for this project.
- 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.
- 1501 A** If there are any questions about the above referenced comments please feel

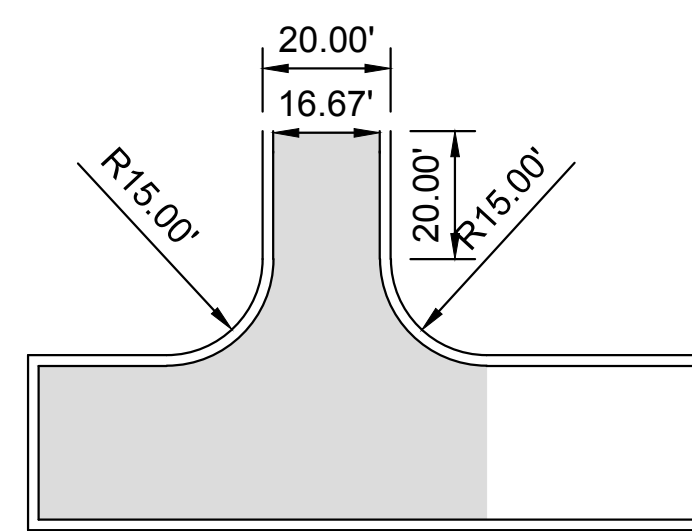
free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

SITE DATA:

- TAX MAP NUMBERS: 231-7-00-38.01
- OWNER INFO: SUNSHINE DRIVE LLC, 2014 MILFORD HARRINGTON HIGHWAY, MILFORD, DE 19963, 302-593-2266, DEED: BK: 5603, PG: 204
- SITE ADDRESS: 17689 & 17703 SUNSHINE DRIVE (OFF MARSH ROAD), GEORGETOWN, DE 19947, NANTICOKE HUNDRED
- EXISTING TOTAL ACREAGE: 5.00 ACRES
- PROPOSED ACREAGE:
 - LOT 1: 42,312 SF 0.97± ACRES
 - LOT 2: 43,560 SF 1.00± ACRES
 - RESIDUAL LANDS: 85,372 SF 1.96± ACRES
 - TOTAL: 171,190 SF 3.93± ACRES
- TOTAL NUMBER OF LOTS: 1 EXISTING, 3 PROPOSED
- MONUMENTS FOUND: 2
- MONUMENTS TO BE SET: 7
- FUTURE LAND USE AREA: RESIDENTIAL / COMMERCIAL
- EXISTING ZONING: AR-1, AGRICULTURAL / RESIDENTIAL
- PROPOSED ZONING: AR-1, AGRICULTURAL / RESIDENTIAL
- PRESENT USE: RESIDENTIAL
- PROPOSED USE: RESIDENTIAL
- SEWER PROVIDER: ON-SITE PRIVATE SEPTIC
- WATER PROVIDER: ON-SITE PRIVATE WELL
- DISTANCE TO NEAREST INTERSECTION: 1,150 FEET N-E (SEASHORE HIGHWAY)
- PROXIMITY TO (TID): N/A
- POSTED SPEED LIMIT: 30 MPH (MARSH ROAD)
- BUILDING RESTRICTION LINES: AR-1 (115-25 C)
 - FRONT - 30 FEET
 - SIDE - 15 FEET
 - REAR - 20 FEET
 - CORNER - 15 FEET
- MAXIMUM BUILDING HEIGHT: (115-25D) 42 FEET MAX.
- STATE INVESTMENT AREA: LEVEL 4
- COMPREHENSIVE PLAN: LOW DENSITY
- SCHOOL DISTRICT: GEORGETOWN
- FIRE DISTRICT: 77 (GEORGETOWN)
- LONGITUDE AND LATITUDE: BENCHMARK: #1103 MONUMENT FOUND, LONGITUDE: W075° 17' 18.29", LATITUDE: N038° 42' 34.30"
- TOTAL LOTS: 1 (AGRICULTURAL / RESIDENTIAL), 4 (AGRICULTURAL / RESIDENTIAL)
- FLOOD ZONE: THIS PROPERTY IS LOCATED ON THE FEMA INSURANCE RATE MAP NUMBER 1000502080L, MAP REVISED JUNE 20, 2018. PROPERTY LIES WITHIN ZONE X WHICH IS AN AREA LOCATED OUTSIDE THE 500 YEAR FLOOD PLAN.
- WATERSHED BASIN: DEEP CREEK, NANTICOKE RIVER, CHESAPEAKE BAY
- DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
- LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY
- WETLANDS: NONE, PER THE SITE VISIT PERFORMED BY PENNONI
- SOURCE WATER PROTECTION: LOCATED IN AN AREA OF "GOOD" GROUNDWATER RECHARGE POTENTIAL AND ARE NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA



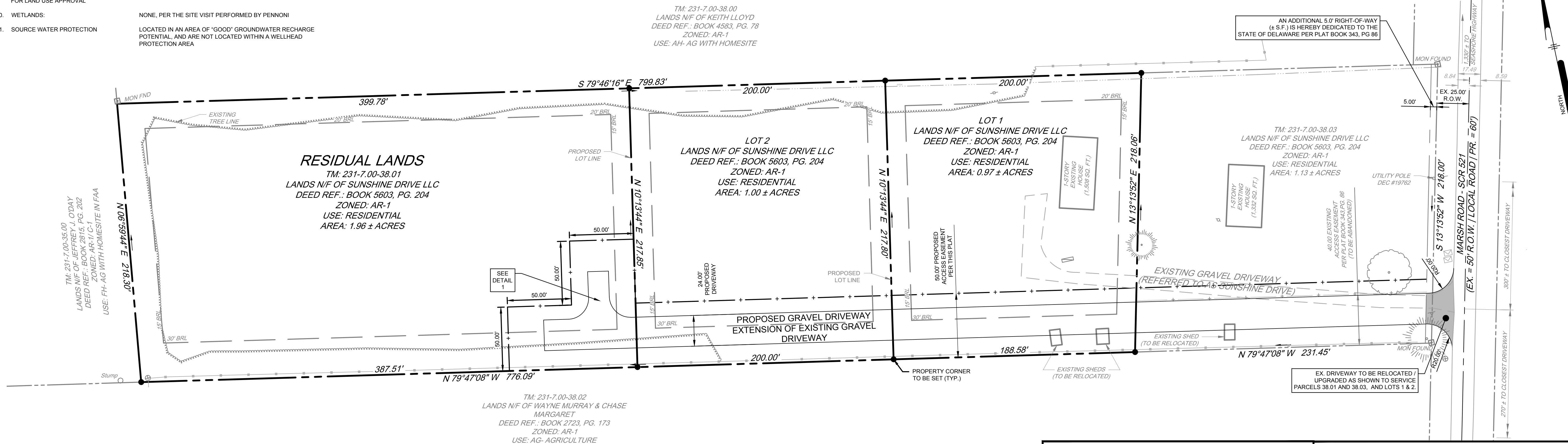
- NOTES:**
- DRIVEWAY WIDTHS MAY BE INCREASED WITH DELDOT'S APPROVAL FOR SPECIAL PURPOSE VEHICLES, I.E. FARM VEHICLES, ETC.
 - MINIMUM RESIDENTIAL PAVEMENT SECTION - 6" GRADED AGGREGATE BASE COURSE.
 - ACCESS TO RESIDENTIAL LOTS SHOULD BE LIMITED TO ONE ACCESS POINT. (SEE SECTION 7.2.3.1 FOR EXCEPTIONS)
 - ENTRANCE GEOMETRICS SHALL CONFORM TO DELDOT STANDARD CONSTRUCTION DETAIL C-3.



DETAIL - PAVING SECTION TO BE SAME AS STREET
SCALE: NOT TO SCALE

1
V-0001

TM: 231-7-00-38.00
LANDS N/F OF KEITH LLOYD
DEED REF.: BOOK 4583, PG. 78
ZONED: AR-1
USE: AH-AG WITH HOMESITE



GENERAL NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. DEED REFERENCE: 5603, PG. 204. PLAT BOOK: 343, PG. 86.
- 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, OTHER THAN THOSE SHOWN.
- THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 231-7-00-38.01 & 231-7-00-38.03
- CLASS OF SURVEY: SUBURBAN
- NO WETLAND AREAS WERE FOUND PRESENT ON THE PROPERTY, PER SITE VISIT PERFORM BY PENNONI.
- THE PROPERTY IS LOCATED IN ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 1000502080L MAP REVISED JUNE 20, 2018. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES UPON 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 DUST, NOISE, MANURE AND OTHER ODOORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE ON ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM ANY SUCH AGRICULTURAL USES AND ACTIVITIES.
- NO EXISTING DRIVEWAYS WITHIN 200' OF EXISTING DRIVEWAY
- A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED AS SHOWN ON THIS PLAT.
- THE SUBJECT PARCELS ARE LOCATED IN A "GOOD" GROUNDWATER RECHARGE AREA POTENTIAL. (§89-7)
- THE SUBJECT PARCELS ARE NOT LOCATED IN A WELLHEAD PROTECTION AREA. (§89-6)

DELDOT NOTES:

- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) 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.
- PARCELS 38.01 AND 38.03, AND LOTS 1 & 2 SHALL HAVE ACCESS TO SCR 521 VIA THE 50-FOOT WIDE INGRESS/EGRESS EASEMENT AS SHOWN ON THIS PLAT.
- PRIVATE MAINTENANCE - 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 DCM SECTION 3.3.3.



LOCATION MAP
Scale: 1" = 2000'

LEGEND

- EXISTING PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED DRIVEWAY
- RIGHT-OF-WAY LINE
- CENTERLINE OF ROAD
- PERMANENT EASEMENT
- DITCH LINE
- EXISTING TREE LINE
- EXISTING FENCE
- CAPPED IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- METAL POST FOUND

Pennonni
PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.9030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

SUNSHINE DRIVE, LLC
TAX MAP: 231-7-00-38.01
17689 & 17703 SUNSHINE DRIVE (OFF MARSH ROAD, SCR 521)
GEORGETOWN, DE 19947
NANTICOKE HUNDRED

MINOR SUBDIVISION PLAN

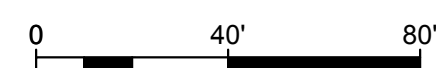
SUNSHINE DRIVE LLC
2014 MILFORD HARRINGTON HIGHWAY
MILFORD, DE 19963

NO.	DATE	REVISIONS	BY
02	2022-05-17	PER PLANNING AND ZONING COMMENTS	LAC
01	2022-03-24	PER DELDOT COMMENTS	LAC

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.

FIRE MARSHAL NOTES:

- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- TYPICAL RESIDENTIAL HOME CONSTRUCTION IS WOOD FRAME - NFPA TYPE V (000). IT IS ASSUMED THE HOUSES WILL NOT HAVE FIRE SUPPRESSION SYSTEM AND CONSTRUCTED TO BE 1 OR 2 STORIES. THIS COULD CHANGE DUE TO INDIVIDUAL HOME OWNER AND BUILDER IN THE FUTURE.



OWNER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

JAMES GRANT _____ DATE _____
SUNSHINE DRIVE, LLC
C/O JAMES GRANT
2014 MILFORD HARRINGTON HIGHWAY
MILFORD, DE 19963
JAMES@GRANTROOFING.COM
(302) 593-2266

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. THAT THE IND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY FORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AN THE APPLICABLE LAWS OF THE STATE OF DELAWARE

ALAN M. DECKTOR, PE (DE PE#17711) _____ DATE _____
PENNONI ASSOCIATES, INC
18072 DAVIDSON DRIVE MILTON, DE 19968
ADECKTOR@PENNONI.COM
302-684-8030

PROJECT: JGRN21007

DATE: 2022-01-10

DRAWING SCALE: 1"=40'

DRAWN BY: SJD

APPROVED BY: AMD

V-0001
SHEET 1 OF 1



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

NICOLE MAJESKI
SECRETARY

April 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
Paquette Minor Subdivision
Tax Parcel # 230-20.00-14.03
Ponder Road (SCR232)
Cedar Creek Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated March 2022 (signed by the Owner and Engineer on April 14, 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.



Paquette Minor Subdivision
Mr. Jamie Whitehouse
Page 2
April 20, 2022

There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT 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,

A handwritten signature in black ink that reads "Richard S. McCabe". The signature is written in a cursive style with a horizontal line through the middle of the name.

R. Stephen McCabe
Sussex County Review Coordinator
Development Coordination

cc: Cliff Mumford, Davis, Bowen & Friedel, 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 – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-210254-MIS-01
Status: Approved as Submitted

Tax Parcel Number: 230-20.00-14.03
Date: 04/13/2022

Project

Paquette Minor Subdivision
Paquette Property

Ponder Road
Ellendale DE 19941

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 75 - Ellendale Volunteer Fire Co Inc.

Occupant Load Inside:
Occupancy Code: 9601

Applicant

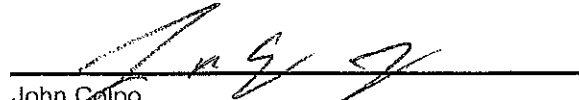
Cliff Mumford
1 Park Avenue
Milford, DE 19963

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: 2022-04-210254-MIS-01

Tax Parcel Number: 230-20.00-14.03

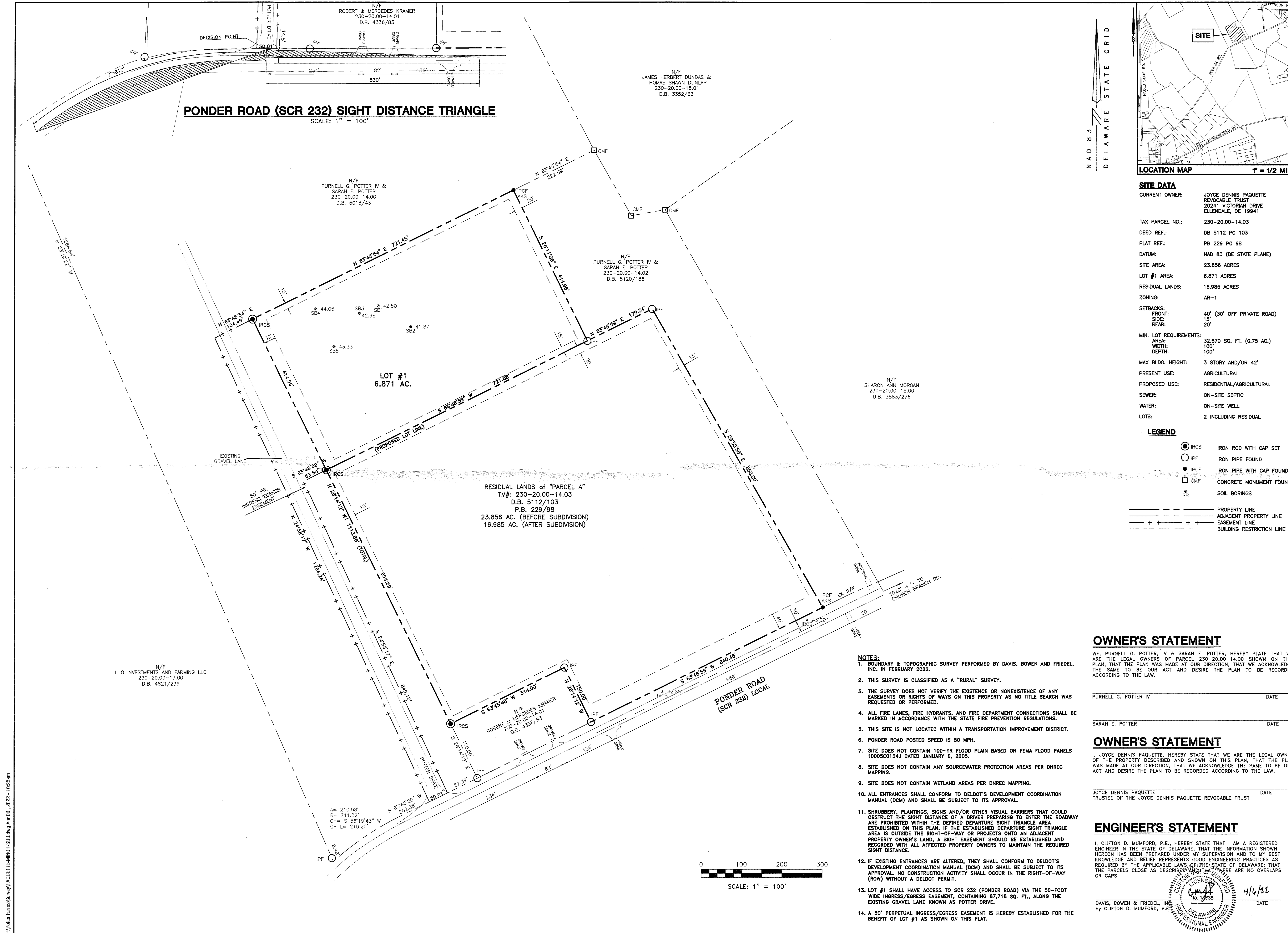
Status: Approved as Submitted

Date: 04/13/2022

PROJECT COMMENTS

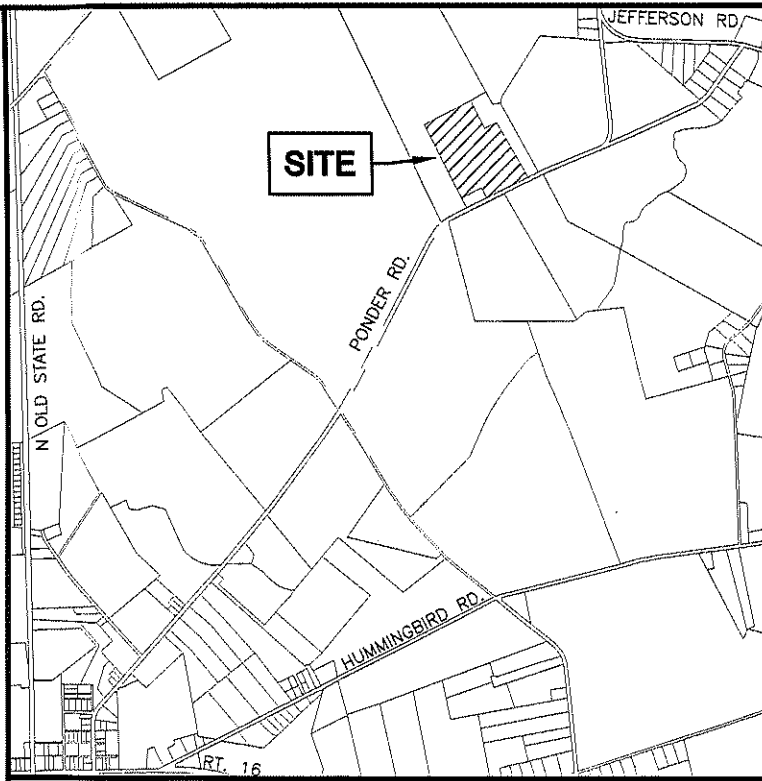
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- 1010 A** The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since 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.

P:\Ponder Farms\Survey\PAQUETTE-MINOR-SUB.dwg Apr 06, 2022 - 10:23am



PONDER ROAD (SCR 232) SIGHT DISTANCE TRIANGLE

SCALE: 1" = 100'



LOCATION MAP 1" = 1/2 MILE

SITE DATA

CURRENT OWNER:	JOYCE DENNIS PAQUETTE REVOCABLE TRUST 20241 VICTORIAN DRIVE ELLENDALE, DE 19941
TAX PARCEL NO.:	230-20.00-14.03
DEED REF.:	DB 5112 PG 103
PLAT REF.:	PB 229 PG 98
DATUM:	NAD 83 (DE STATE PLANE)
SITE AREA:	23.856 ACRES
LOT #1 AREA:	6.871 ACRES
RESIDUAL LANDS:	16.985 ACRES
ZONING:	AR-1
SETBACKS:	FRONT: 40' (30' OFF PRIVATE ROAD) SIDE: 15' REAR: 20'
MIN. LOT REQUIREMENTS:	AREA: 32,670 SQ. FT. (0.75 AC.) WIDTH: 100' DEPTH: 100'
MAX BLDG. HEIGHT:	3 STORY AND/OR 42'
PRESENT USE:	AGRICULTURAL
PROPOSED USE:	RESIDENTIAL/AGRICULTURAL
SEWER:	ON-SITE SEPTIC
WATER:	ON-SITE WELL
LOTS:	2 INCLUDING RESIDUAL

LEGEND

● IRCS	IRON ROD WITH CAP SET
○ IPF	IRON PIPE FOUND
● IPCF	IRON PIPE WITH CAP FOUND
□ CMF	CONCRETE MONUMENT FOUND
⊕	SOIL BORINGS
---	PROPERTY LINE
- - -	ADJACENT PROPERTY LINE
- · - · -	EASEMENT LINE
- + - + -	BUILDING RESTRICTION LINE

RESIDUAL LANDS of "PARCEL A"
TM#: 230-20.00-14.03
D.B. 5112/103
P.B. 229/98
23.856 AC. (BEFORE SUBDIVISION)
16.985 AC. (AFTER SUBDIVISION)

OWNER'S STATEMENT

WE, PURNELL G. POTTER, IV & SARAH E. POTTER, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF PARCEL 230-20.00-14.00 SHOWN ON THIS PLAN THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

PURNELL G. POTTER IV _____ DATE _____
SARAH E. POTTER _____ DATE _____

OWNER'S STATEMENT

I, JOYCE DENNIS PAQUETTE, HEREBY STATE THAT WE ARE THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

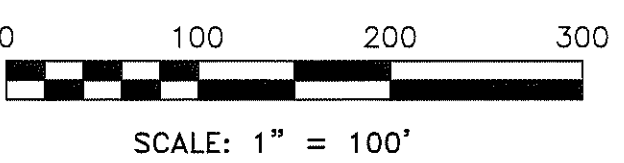
JOYCE DENNIS PAQUETTE _____ DATE _____
TRUSTEE OF THE JOYCE DENNIS PAQUETTE REVOCABLE TRUST

ENGINEER'S STATEMENT

I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I AM A REGISTERED 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; THAT THE PARCELS CLOSE AS DESCRIBED AND THAT THERE ARE NO OVERLAPS OR GAPS.

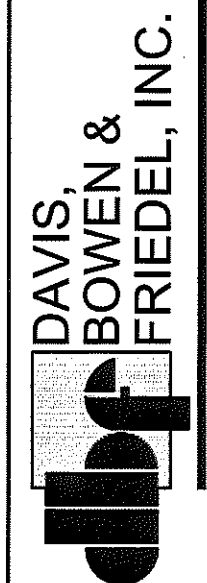
CLIFTON D. MUMFORD, P.E. _____ DATE 4/6/22
DAVIS, BOWEN & FRIEDEL, INC. PROFESSIONAL ENGINEER
by CLIFTON D. MUMFORD, P.E.

- NOTES:**
- BOUNDARY & TOPOGRAPHIC SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. IN FEBRUARY 2022.
 - THIS SURVEY IS CLASSIFIED AS A "RURAL" SURVEY.
 - THE SURVEY DOES NOT VERIFY THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS OR RIGHTS OF WAYS ON THIS PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
 - ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
 - THIS SITE IS NOT LOCATED WITHIN A TRANSPORTATION IMPROVEMENT DISTRICT.
 - PONDER ROAD POSTED SPEED IS 50 MPH.
 - SITE DOES NOT CONTAIN 100-YR FLOOD PLAIN BASED ON FEMA FLOOD PANELS 1000500134J DATED JANUARY 6, 2005.
 - SITE DOES NOT CONTAIN ANY SOURCEWATER PROTECTION AREAS PER DNREC MAPPING.
 - SITE DOES NOT CONTAIN WETLAND AREAS PER DNREC MAPPING.
 - ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) 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 SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
 - IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S 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.
 - LOT #1 SHALL HAVE ACCESS TO SCR 232 (PONDER ROAD) VIA THE 50-FOOT WIDE INGRESS/EGRESS EASEMENT, CONTAINING 87,718 SQ. FT., ALONG THE EXISTING GRAVEL LANE KNOWN AS POTTER DRIVE.
 - A 50' PERPETUAL INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED FOR THE BENEFIT OF LOT #1 AS SHOWN ON THIS PLAN.



SCALE: 1" = 100'

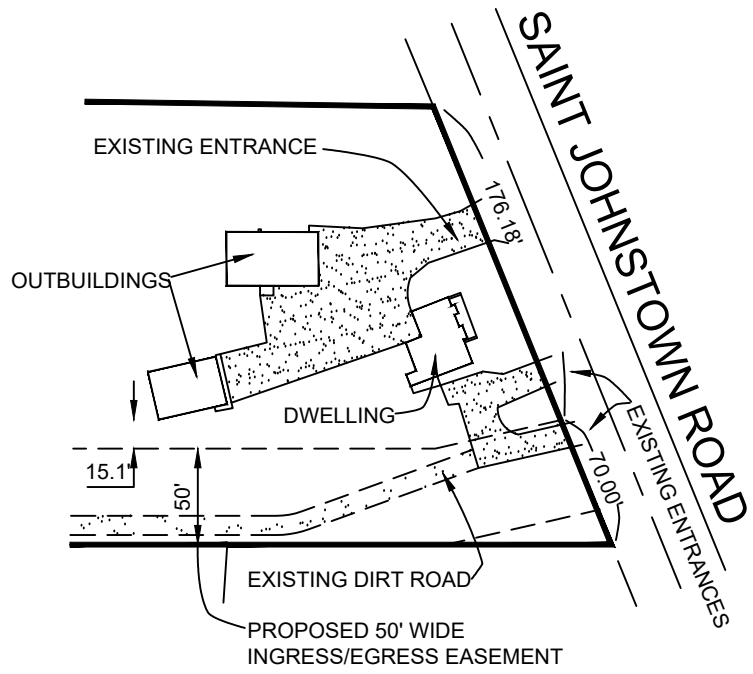
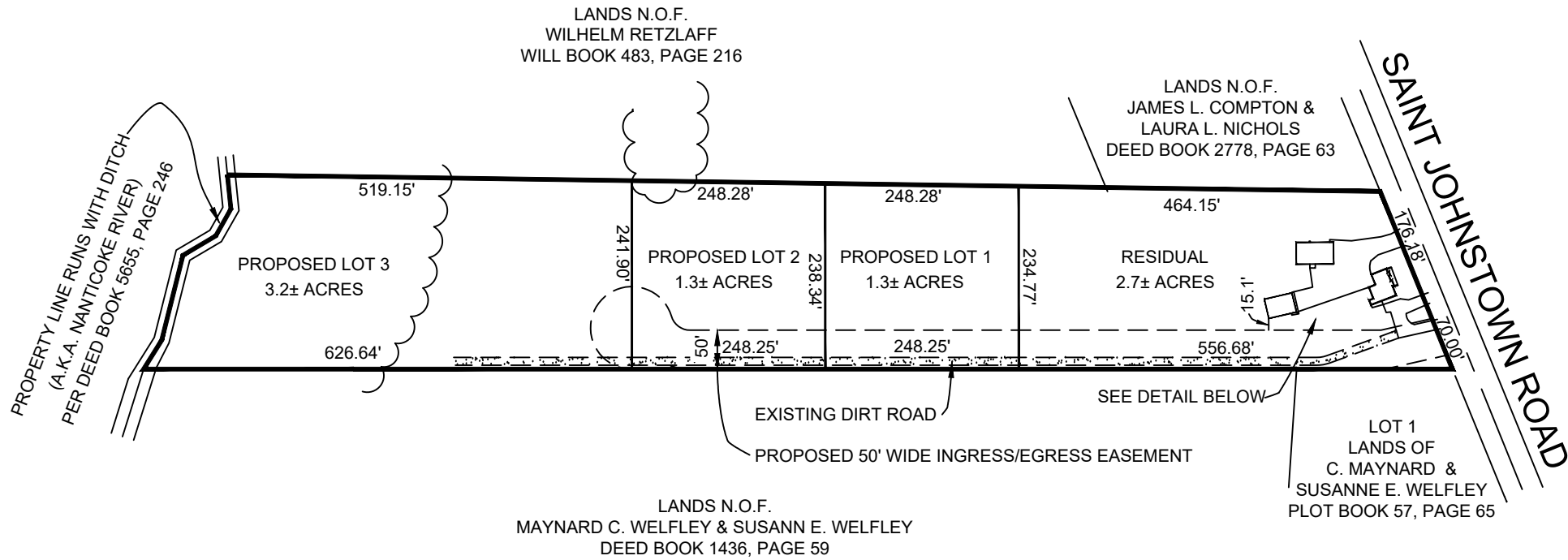
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, MARYLAND (410) 643-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744



MINOR SUBDIVISION PLAN
of the Lands of
JOYCE DENNIS PAQUETTE REVOCABLE TRUST
PONDER ROAD, ELLENDALE
CEDAR CREEK HUNDRED
SUSSEX COUNTY, DELAWARE

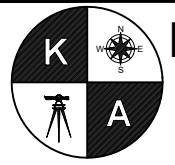
Revisions:

Date: MARCH 2022
Scale: 1"=100'
Dwn.By: KTH/CDM
Proj.No.: 4127A001
Dwg.No.:



DETAIL:
1"=100'

CONCEPT SKETCH PLAN
PREPARED FOR
YODER PROPERTIES, LLC
13404 SAINT JOHNSTOWN ROAD
AREA: 8.5± ACRES (TOTAL)
SITUATE IN: NANTICOKE HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE



Karins and Associates

ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE • GEORGETOWN, DE
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1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
2 **CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28**
3 **AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII**
4 **SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45,**
5 **115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED**
6 **RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT**
7 **(SCRIP) PROGRAM.**

8
9 WHEREAS, Sussex County Council has adopted the 2018
10 Comprehensive Development Plan (the “Plan”); and

11
12 WHEREAS, The Housing Element of the Plan contains the following
13 “Housing Vision”: To ensure the provision of decent, safe, affordable and
14 safe housing opportunities to improve communities and quality of life for
15 the residents of Sussex County; and

16
17 WHEREAS, The Housing Element of the Plan recognizes that an influx
18 of new residents in Sussex County has fueled prosperity in the County’s
19 real estate market, hospitality industry, and related economic sectors, yet
20 most housing, particularly on the eastern side of the County, is new and
21 often unaffordable to low-income families, seasonal employees, entry-
22 level workers, or recent college graduates; and

23
24 WHEREAS, The Housing Element of the Plan recognizes that “the
25 shortage of affordable housing remains a very real problem for low to
26 moderate-income households in Sussex County, including many with
27 full-time, year-round jobs; and

28
29 WHEREAS, Goal 8.2 of the Housing Element within the Plan states that
30 Sussex County should “Ensure that a diversity of housing opportunities
31 are available to meet the needs of residents of different ages, income
32 levels, abilities, national origins and household configurations”; and

33
34 WHEREAS, Objective 8.2.1 and Strategy 8.2.1.1 of the Housing Element
35 within the Plan states that Sussex County will “Affirmatively further
36 affordable and fair housing opportunities in the County to accommodate
37 the needs of all residents” and in so doing “improve the County’s SCRIP
38 and MPHU Programs to provide incentives to properly reflect the housing
39 market and incentivize developers to participate in the provision of
40 affordable housing”; and

41
42 WHEREAS, Strategy 8.2.1.3 of the Housing Element within the Plan
43 states that Sussex County should “explore ways for private developers to
44 provide multi-family and affordable housing opportunities; and

45

46 WHEREAS, Objective 8.2.3 and Strategies 8.2.3.1, 8.2.3.2 and 8.2.3.6 of
47 the Housing Element within the Plan state that Sussex County should
48 “facilitate and promote land use policies that enable an increase in the
49 supply of affordable housing in areas with adequate infrastructure” by
50 “increasing affordable housing options, including the supply of rental
51 units, near employment opportunities”; by reviewing “County code to
52 determine if there are regulatory barriers to development of affordable
53 housing”; and by “revisiting [the] zoning code to determine in districts
54 where multifamily housing is currently a conditional use, if it should be
55 made a permitted use if water and sewer are already present and available
56 on the site”; and

57

58 WHEREAS, Strategy 8.3.1.1. of the Housing Element within the Plan
59 states that Sussex County should “evaluate current County code on an on-
60 going basis to determine if any regulatory barriers exist that impede the
61 development of multi-family and affordable housing”; and

62

63 WHEREAS, this Ordinance is in furtherance of these Goals, Objectives
64 and Strategies as set forth in the of the Housing Element within the Plan;
65 and

66

67 WHEREAS, Sussex County Council commissioned a study of Housing
68 Opportunities and Market Evaluation to evaluate and recommend
69 strategies and policies designed to promote housing choice and economic
70 vitality for Sussex County’s residents and workforce; and

71

72 WHEREAS, in November of 2019, LSA, the housing consultant retained
73 by Sussex County Council, issued its Final Report on “Housing
74 Opportunities and Market Evaluation” following an eight-month
75 initiative that included input from residents, homebuilders, developers,
76 housing advocates, County staff, County Council and Planning
77 Commissioners (“the LSA Report”); and

78

79 WHEREAS, one of the primary Strategy Recommendations included in
80 the LSA Report was a recommendation to “Modify the Zoning Code to
81 promote housing affordability in the Growth Areas identified in the
82 Comprehensive Plan, including the allowance for a maximum density of
83 12 units per acre “by-right” where affordable housing units are provided;
84 and

85

86 WHEREAS, this Ordinance carries out the Goals, Objectives and
87 Strategies of the Sussex County Comprehensive Plan and the LSA
88 Report; and

89

90 WHEREAS, Sussex County Council, with the assistance of the Office of
91 Community Development and Housing, has determined that the current
92 Sussex County Rental Unit program contained in Chapter 72 of the Code
93 of Sussex County requires an update based upon lessons learned in the
94 implementation and application of that Chapter to the single rental project
95 in Sussex County that has utilized the Program; and

96
97 WHEREAS, Sussex County Council, with the assistance of the Office of
98 Community Development and Housing, has determined that the current
99 Sussex County Rental Unit program contained in Chapter 72 of the Code
100 of Sussex County should be revised to attract more affordable housing
101 developments within Sussex County; and

102
103 WHEREAS, it has been determined that this Ordinance promotes and
104 protects the health, safety, convenience, orderly growth and welfare of
105 the inhabitants of Sussex County.

106
107 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
108 **ORDAINS:**

109
110 **Section 1. The Code of Sussex County, Chapter 72, Article II, §72-16**
111 **through 72-28 is hereby amended by deleting the language in**
112 **brackets and inserting the italicized and underlined language as**
113 **follows:**

114
115 **§ 72-16 Intent.**

116
117 This chapter seeks to better protect the health, safety and welfare of
118 Sussex County's residents and workforce by stimulating the provision of
119 affordable rental housing for residents with low and moderate incomes
120 and is hereafter known as the "Sussex County Rental Program" or
121 "SCRIP" or "program."

122
123 **§ 72-17 Governmental findings.**

124
125 The Sussex County Council hereby finds that a shortage exists within the
126 County for housing for residents with low and moderate incomes.
127 Specifically, the Council finds that:

128
129 A. It is well known that Sussex County rents have inflated far beyond
130 the ability of an average wage earner to pay. It is also known that
131 federal rental assistance programs, such as the state-administered
132 Public Housing and Section 8 Housing Choice Voucher
133 Programs, are unable to completely satisfy the need for affordable
134 rental housing.

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- B. Council finds that new development is not adequately addressing the rental housing needs of the County's low- and moderate-income residents and workforce. Without influencing this trend, local employers will have a difficult time maintaining an ample workforce.

- C. Without an adequate supply of affordable rental housing in close proximity to employment and Town Centers, the County's workforce must commute a great distance for work. Not only do long commutes have a negative effect on the environment and transportation, but commuting also comes with high fuel expenses.

- D. Given the proper incentives, the private sector possesses the necessary resources and expertise to provide the type of affordable rental housing needed in Sussex County.

§ 72-18 Declaration of public policy.

The Sussex County Council hereby declares it to be the public policy of the County to:

- A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.

- B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.

- C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.

- D. Encourage developments in Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include [a minimum percentage of] affordable rental units on public water and sewer systems.

- E. Provide incentives for developers to construct affordable rental units through tools such as the density incentive and expedited review (defined below).

§ 72-19 Definitions.

The following words and phrases have the following meanings:

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APPLICANT

Any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities owning or controlling via contract qualifying land (defined below) and any transferee or successor in interest of all or part of the qualifying land pursuing the development of affordable rental housing under the SCRIP that:

- A. Submits to the County for approval or extension of approval a plan of housing development for any type of site plan review, subdivision plan or development approval (hereinafter, a "site plan") that provides for the development of affordable rental units on qualifying land in one or more subdivisions, parts of subdivisions, resubdivisions, multi-family townhouse developments or phases of development under the terms and conditions as set forth in this article.
- B. With respect to land in zones not subject to subdivision approval or site plan review, applies for building permits for the construction of affordable rental units on qualifying land under the terms and conditions as set forth in this article.

AREA MEDIAN INCOME

The midpoint family income for Sussex County, calculated each year by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.

AT ONE LOCATION

All land of the [a]Applicant if:

- A. The property lines are contiguous; or
- B. The property lines are separated only by a public or private right-of-way at any point; or
- C. The property lines are separated only by other land of the [a]Applicant and not subject to this section at the time of the submission of an application or development plan by the [a]Applicant.

[CERTIFICATE OF ELIGIBILITY

A certificate valid for a period of time, which is issued to eligible tenants by the landlord (defined below) and supplied to the Department (defined below) as further set forth within this article. This certificate must be issued before a tenant will be permitted to sign a lease agreement.]

223 [CONTROL PERIOD

224 The time a SCRP unit is subject to rental controls and occupancy
225 requirements. The control period is 30 years and begins on the date
226 of lease (defined below).]

227

228 DATE OF LEASE

229 The date of the initial lease agreement signing of an approved
230 [e]Eligible [t]Tenant for a SCRP [u]Unit.

231

232 DENSITY INCENTIVE

233 [Any increase in density pursuant to § 72-21 that allows a residential
234 development to achieve a density greater than would have been
235 possible under the applicable provisions of current and future zoning
236 ordinances and the County subdivision regulations then in effect.]

237 The density permitted by §72-21 and as a permitted use for SCRP
238 projects in Chapter 115.

239

240 DEPARTMENT

241 The Sussex County Department of Community Development and
242 Housing or its successors.

243

244 DEPARTMENT-DESIGNATED ENTITY (DDE)

245 Any agency, authority or political subdivision of the State of
246 Delaware or any other public housing development agency or
247 nonprofit housing corporation, land trust or similar entity designated
248 by the Department and approved by the County Administrator.

249

250 DIRECTOR

251 The head of the Department of Community Development and
252 Housing or head of a DDE, as applicable.

253

254 DWELLING

255 Any building, structure, or portion thereof which is occupied as, or
256 designed or intended for occupancy as, a residence; and any vacant
257 land which is offered for sale or lease for the construction or location
258 thereon of any such building, structure, or portion thereof.
259 "Dwelling" shall not include hotels, motels, motor lodges, boarding
260 and lodging houses, tourist houses, or similar structures.

261

262 ELIGIBLE INCOME

263 The levels of income designated by the County Administrator which
264 prohibit or severely limit the financial ability of persons to rent a
265 dwelling unit in Sussex County. Eligible [i]Income is low- to
266 moderate-income, defined as 30% to 80% of the area median
267 income for Sussex County adjusted for household size as defined by
268 the U.S. Department of Housing and Urban Development (HUD).

269 Income includes gross salary, wages, dividends, interest and all
270 other sources recognized by HUD from the [e]Eligible [t]Tenant and
271 all other adults (age 18 and older) who will occupy the SCRP
272 [u]Unit. Income will be verified by a copy of the filed income tax
273 returns from the previous year and any other personal and financial
274 information requested by the [l]Landlord in order to accurately
275 verify the potential tenant's qualifications and income, which may
276 include, but is not limited to, a credit history report and a criminal
277 background report on the proposed adult tenants, so long as these
278 are requirements for all leases in the housing development.

279

280 ELIGIBLE TENANT

281 Person(s):

282 A. Whose household *income is within the Eligible Income* [is of low or
283 moderate income;].

284 [B. Who has been found eligible to participate in the Sussex County
285 Rental Program; and

286 C. Who holds a valid certificate of eligibility from the landlord.]

287

288 EXPEDITED REVIEW

289 A project entering the SCRP will receive priority in the County's
290 planning and zoning process, with the Director of Planning and
291 Zoning and the County Administrator to determine the
292 [a]Applicant's placement in the list of pending applications. The
293 expedited review is provided to the [a]Applicant to assist the
294 [a]Applicant in managing, to the extent possible, the risk of changes
295 to cost, interest rates, schedule and other factors that the [a]Applicant
296 is taking on by virtue of participation in the SCRP. If an [a]Applicant
297 at any time during processing elects to withdraw from the SCRP,
298 any approvals granted for the development through the date of
299 withdrawal will be vacated and the [a]Applicant will have to
300 resubmit the project through the normal County process. A project
301 receiving expedited review does not exempt the project from the
302 County's planning and zoning process, nor guarantee approval
303 through that process.

304

305 FORECLOSURE EVENT

306 A foreclosure, deed-in-lieu of foreclosure or other court-ordered
307 sale of the rental unit or of the subdivision or development in which
308 the unit is located, subject to rental restrictions continuing in force
309 after foreclosure sale of disposition.

310

311 LANDLORD

312 The owner of the property that contains SCRP [u]Units or an entity
313 designated by the owner to manage and lease dwelling units.

314

315 QUALIFYING LAND

316 All land that:

317 A. Is owned by or under contract to the [a]Applicant; and

318 B. [Is located within a Growth Area as defined within the County's most
319 current comprehensive plan or within an Area of Opportunity as
320 defined by the Delaware State Housing Authority; and] Allows the
321 SCRP Units as a Permitted Use pursuant to Chapter 115.

322 [C. Requires the submission and approval of a site plan or, where a site
323 plan is not required, one or more building permits; and

324 D. Is served by a public water and sewer system; and

325 E. Is at one location as defined above.]

326

327 SUSSEX COUNTY RENTAL PROGRAM UNIT (SCRP UNIT)

328 A dwelling which is:

329 A. Offered for lease to [e]Eligible [t]Tenants through or pursuant to the
330 provisions of this article and any regulations promulgated
331 thereunder by the Department and approved by the County
332 Administrator; or

333 B. Leased under another government program designated by the County
334 Administrator designed to assist in the construction or occupancy of
335 affordable rental housing.

336

337 **§ 72-20 Minimum standards of eligibility for tenants.**

338

339 A. Eligible [t]Tenants must:

340

341 (1) Have proof of citizenship.

342

343 (2) Be of [e]Eligible [i]Income, as defined in § 72-19 above,
344 and be able to pay the first month's rent and any required
345 security deposit.

346

347 (3) Be employed [and live] in Sussex County for at least one
348 year preceding application to the SCRP. Sussex County
349 employers may seek waivers to this restriction from the
350 Director and County Administrator. Waivers are evaluated
351 on a case-by-case basis and are not guaranteed.

352

353 (4) Provide proof that adult tenants have not been convicted of
354 a felony and have a satisfactory credit and criminal history,
355 so long as these are requirements of all leases within the
356 proposed housing development.

357
358 (5) Occupy the SCRIP [u]Unit as the tenant's principal residence
359 during the lease period. Each [e]Eligible [t]Tenant must
360 certify before taking occupancy that the tenant will occupy
361 the SCRIP [u]Unit as the tenant's principal residence. Any
362 tenant who violates occupancy requirements will be subject
363 to eviction procedures.

364
365 B. Where necessary or advisable to achieve the objectives of this
366 chapter or to comply with state or federal housing laws, the
367 Department may propose changes to these standards for approval
368 by the County, including changes to eligibility requirements for
369 tenants as recommended by the Department.

370
371 **§ 72-21 Density and expedited review incentives.**

372
373 A. Density incentive. [Subject to meeting the requirements outlined
374 in § 72-22, a proposed development on qualifying land at one
375 location may receive a density bonus of 20%. The project entering
376 the SCRIP with the execution of a SCRIP [a]Agreement will be
377 allowed to utilize the density permitted by the zoning district in
378 which the property is located, provided that the total density,
379 including any SCRIP density bonus, shall not exceed 12 units per
380 acre.] See Permitted Uses in Chapter 115.

381
382 B. Expedited review. A project entering the SCRIP through execution
383 of an SCRIP [a]Agreement will receive expedited review, as
384 defined in § 72-19 above, through the County's Planning and
385 Zoning process.

386
387 C. Incentives will only be granted to projects submitted for new
388 development that meet all requirements of this program.

389
390 [D. To the extent necessary, Council shall amend the provisions of
391 the County's Zoning Ordinances as needed to achieve the density
392 incentives and the specific design elements (e.g., minimum lot
393 sizes, setbacks, building heights, parking requirements, etc.) of
394 approved SCRIP projects.]

395
396 **§ 72-22 Minimum standards of eligibility for SCRIP developments.**

397

398 [A. Applicants must contribute 12.5% of all units to SCRIP inventory.
399 In applying and calculating the number of affordable units within
400 a proposed development, any decimal fraction less than or equal
401 to 0.50 may be disregarded, and any decimal fraction greater than
402 0.50 shall be constructed as one unit. In the case where the total
403 number of units being constructed is four or less, the minimum
404 number of SCRIP units must be one unit.

405
406 B.] A. All parcels in the proposed project must be on qualifying land,
407 as defined in § 72-19.

408
409 [C]B. All units contributed as SCRIP [u]Units will remain at the
410 affordable rental rates specified herein [for the remainder of the
411 control period]. SCRIP [u]Units shall never be leased as market-
412 rate units [during the control period], regardless of vacancy,
413 except in accordance with § 72-23N(1).

414
415 D. SCRIP [u]Units must be fully integrated into the communities of
416 which they are a part and shall not be substantially different in
417 external appearance from market-rate units. SCRIP [u]Units shall
418 be equipped with the same basic appliances as the market rate
419 units, such as an oven, refrigerator, dishwasher, and washer and
420 dryer.

421
422 **§ 72-23 SCRIP Agreements.**

423
424 To participate in the SCRIP and secure any incentives provided for
425 herein, an [a]Applicant must execute an SCRIP [a]Agreement
426 prepared by the Department and the County Attorney. Each
427 agreement must include, at a minimum, the following information
428 and/or evidence the following agreements and any others deemed
429 necessary by the Department and the County Attorney to properly
430 implement the chapter:

431
432 A. The specific number of SCRIP [u]Units to be constructed in the
433 project. If a final site plan has not been approved when the SCRIP
434 [a]Agreement is executed, an amendment to the SCRIP
435 [a]Agreement will be made to incorporate the approved final site
436 plan.

437
438 B. [The schedule pursuant to which the SCRIP units will be
439 constructed, marketed, and delivered and explaining the
440 relationship between the delivery of market-rate units and the
441 delivery of SCRIP units (i.e., a stated number of SCRIP units to be
442 created for each market-rate unit created).] A description of how
443 the SCRIP Units will be marketed and delivered. The SCRIP Units

444 must be constructed and delivered in equal proportion to non-
445 SCRP Units within the development.

446
447 (1) Applicants [should] *shall* affirmatively market the SCR
448 [U]Units to diverse populations, and meet with the
449 surrounding residents early in the development approval
450 process.

451
452 C. Any economic risk created by changes, whether within or outside
453 of the [a]Applicant's control, in development and construction
454 costs, interest rates, processing and construction schedules,
455 permitting and any other factor impacting the [a]Applicant's costs
456 and development obligations are borne solely by the [a]Applicant.

457
458 D. Building permits, performance bonds and letters of credit.

459
460 [(1)] No building permits shall be issued in any subdivision or
461 housing development where SCR [u]Units are included until
462 the [a]Applicant executes a valid SCR [a]Agreement which
463 applies to the entire subdivision.

464
465 [(2)] If an applicant does not build the SCR units in accordance
466 with the construction schedule along with or before other
467 dwelling units the County Administrator may withhold
468 building permits or call in performance bond or letter of credit
469 from the applicant until the SCR units contained in the
470 construction schedule are built and contributed to SCR rental
471 inventory to the satisfaction of the Department.]

472
473 E. Be signed by the [a]Applicant and all other parties having an
474 interest in the property whose signatures are required for the
475 effective and binding execution of contracts conveying real
476 property. SCR [a]Agreements must be executed in a manner that
477 will enable them to be recorded in the land records of the County.
478 [If the applicant is a corporation or limited liability company, the
479 principal officers of the entity must sign the agreements
480 individually and on behalf of the corporation pursuant to a duly
481 adopted resolution.]

482
483 F. Partnerships, associations, corporations and other entities may not
484 evade the requirements of the SCR [a]Agreement through
485 voluntary dissolution, bankruptcy, or the sale or transfer of
486 qualifying land.

487
488 G. The SCR [a]Agreement may only be assigned with the prior
489 written approval of the Department and only if the proposed

490 assignee demonstrates the financial ability to fulfill all of the
491 [a]Applicant's obligations under the SCRП [a]Agreement.
492

493 H. Landlords are responsible for marketing, leasing, and determining
494 tenant eligibility for the SCRП [u]Units. [A lease agreement shall
495 not be signed unless validated by a certificate of eligibility.] A
496 landlord shall not be permitted to refuse to rent a unit to an
497 [e]Eligible [t]Tenant [without providing the Department with just
498 cause, to the Department's satisfaction, for the refusal]. *The*
499 *reasons for a refusal to rent to an Eligible Tenant shall be*
500 *documented and included in the Annual Audit and Certification*
501 *required by §72-28*
502

503 I. If the [a]Applicant is not also the builder, the relationship between
504 the [a]Applicant and the builder shall be fully disclosed to the
505 Department's satisfaction, as soon as the relationship is
506 established.
507

508 J. SCRП [u]Units must be fully integrated into the communities of
509 which they are a part (not separated geographically from the
510 market rate units and not grouped together) and shall not be
511 substantially different in external appearance from non-SCRП
512 [u]Units. When the SCRП [u]Units are a part of a phased
513 development, a proportionate number or percentage of said
514 [u]Units will be placed within each phase and/or constructed
515 within each housing type appearing in the development. The
516 planning and design of individual SCRП [u]Units must be
517 consistent with the planning and design of *non-SCRП Units (i.e.*
518 *market-rate units)* within a single project.
519

520 (1) The ratio of SCRП [u]Units by type must reflect the ratio by
521 type of market rate units, to the extent feasible. For instance,
522 if a development has 200 two-bedroom dwelling units and
523 100 one-bedroom dwelling units, the ratio of two-bedroom to
524 one-bedroom SCRП [u]Units should also be 2:1.
525

526 K. [The applicant will execute and record covenants confirming
527 that]*The SCRП Agreement shall be recorded in the Office of the*
528 *Recorder of Deeds confirming that:*
529

530 (1) The covenants *contained within it* will bind the [a]Applicant,
531 any assignee, mortgagee, or buyer and all other parties that
532 receive title to the property. In the event the mortgagee
533 acquires the property through a foreclosure or acceptance of
534 deed-in-lieu of foreclosure, the SCRП [a]Agreement

535 covenants will continue in effect. The covenants must be
536 senior to all instruments securing financing.

537
538 (2) In any deed or instrument conveying title by the [a]Applicant,
539 the property shall remain subject to all of the terms and
540 conditions contained in the SCRPs [a]Agreements by the
541 [a]Applicant required under the chapter [during the control
542 period]. The source of the SCRPs [a]Agreements and any deed
543 restrictions related thereto must be included in the public land
544 records so that they are readily identifiable in a routine title
545 search.

546
547 L. Where the [a]Applicant is a DDE, agreements will be negotiated
548 between the Department and the DDE so as to be consistent with
549 the mission, strategies, business plans and operating procedures
550 of the DDE and may, with Council approval, deviate from the
551 requirements of this chapter.

552
553 M. The SCRPs [a]Agreement requires that the [l]Landlord ensure that
554 the SCRPs [u]Units are occupied only by tenants whose [monthly]
555 *annual* income levels do not exceed the eligible income limit, and
556 shall prohibit tenants from subletting or subleasing the [u]Units.
557 [The agreement shall also require the landlord to submit a copy of
558 the initial and all renewal leases to the Director within 30 days of
559 signing the lease.]

560
561 (1) In addition, the [l]Landlord must supply the information listed
562 below in a format acceptable to the Director on an annual
563 basis:

564
565 (a) The number of SCRPs [u]Units, by bedroom count, that are
566 leased to [e]Eligible [t]Tenants and those that are vacant,
567 and the monthly rent charged for each SCRPs [u]Unit;

568
569 (b) For each SCRPs [u]Unit, the tenant's name, household size,
570 and total household income as of the date of the lease, and
571 the effective date of the lease;

572
573 (c) A statement that, to the best of the [l]Landlord's
574 information and knowledge, tenants who are leasing the
575 SCRPs [u]Units meet the eligibility criteria; and

576
577 (d) A copy of each new or revised certificate of eligibility
578 obtained since the last annual report].
579

580 (2) The Department shall audit the report and may require such
581 additional information *monthly* needed to evaluate and accept
582 the annual report.

583
584 N. The tenant must vacate the SCRIP [u]Unit if the tenant's household
585 income exceeds 80% of the area median income by 20% *at the*
586 *time of lease renewal*. The [a]Applicant must take the necessary
587 action to have the tenant vacate the SCRIP [u]Unit within six
588 months of receiving information that the tenant's household
589 income exceeds the [e]Eligible [i]Income limit.

590
591 (1) Notwithstanding the provisions of § 72-23N above, if the
592 [a]Applicant immediately designates an additional
593 comparable unit as an affordable dwelling unit to be leased
594 under the controlled rental price and requirements of the
595 SCRIP program, the tenant of such SCRIP [u]Unit referenced
596 in § 72-23N above may continue to lease such [u]Unit at the
597 market value rent.

598
599 O. The Landlord shall comply with the Annual Audit and
600 Certification Requirements of Section 72-28

601
602 **§ 72-24 SCRIP [u]Units.**

603
604 **A. Rent.**

605
606 (1) Rent shall be established and updated annually by the
607 Department based upon 25% of household income for 50% of
608 the area median income adjusted for household size and unit size
609 and shall not include trash services, parking, water and sewer
610 utilities and any other charges to be paid by the tenant.

611
612 (2) The [e]Eligible [t]Tenant must provide to the [l]Landlord income
613 tax returns (and proof of payment of any taxes owed) from the
614 previous year for all members of the household who were
615 required to file such returns. If an [e]Eligible [t]Tenant was not
616 required to file tax returns or if the [l]Landlord believes that
617 information from the previous tax returns is insufficient to
618 determine income, the [l]Landlord is authorized to request such
619 information as it deems necessary to confirm the income levels
620 of the proposed tenants.

621
622 **B. Unit and household size. Households must be placed in units**
623 **according to the following distribution:**

Unit Size (number of bedrooms)	Household Size
Efficiency	1
1	1 to 2
1 plus Den	2 to 4
2	2 to 4
2 plus Den	2 to 4
3	4 to 6
4	5 to 8

625 § 72-25 Leasing of SCRP [u]Units.

626

627 A. Leases to [e]Eligible [t]Tenants.

628

629 (1) Every SCRP [u]Unit constructed under this program must
630 be offered to all [e]Eligible [t]Tenants for lease as the
631 [e]Eligible [t]Tenant's principal residence. Notification to
632 the public of SCRP [u]Unit availability will be made by the
633 [l]Landlord and is recommended to be made by advertising
634 on DelawareHousingSearch.org *and similar sites*. The
635 Department may, but is not obligated to, provide notice of
636 SCRP [u]Unit availability through the Department's
637 website.

638

639 (2) The [l]Landlord will determine SCRP tenant eligibility
640 under § 72-20[, and lease agreements shall not be signed
641 until the tenant has received a certificate of eligibility from
642 the landlord].

643

644 (3) Annually, the Department will provide updated income
645 guidelines and rental rates to the [l]Landlord for use in
646 leasing the SCRP [u]Units.

647

648 (4) Lease agreements shall contain the same terms and
649 conditions as the lease agreements with market-rate renters
650 with the exception of the rental rates and other terms and
651 conditions as required under this article.

652

653 (5) All lease agreements of SCRP [u]Units shall cover a period
654 of one year.

655

656 (6) An [e]Eligible [t]Tenant already occupying a SCRP [u]Unit
657 [has]shall have a first-option to renew the lease agreement
658 each year, as long as the tenant maintains good standing

659 with the [l]Landlord and continues to qualify as an
660 [e]Eligible [t]Tenant. [The Department shall be notified by
661 the landlord of the intent to evict and the reasons therefor at
662 the same time the landlord first provides notice to the
663 tenant.]

664
665 B. Tenants of SCRP [u]Units shall provide an executed affidavit on
666 an annual basis certifying their continuing occupancy of the unit
667 as their principal residence. Tenants shall provide such affidavit
668 to the [l]Landlord by the date that may be specified in their lease
669 or that may otherwise be specified by the [l]Landlord.

670
671 C. In the event the tenant of an SCRP [u]Unit fails to provide his or
672 her [l]Landlord with an executed affidavit as provided for in the
673 preceding paragraph within 30 days of written request for such
674 affidavit, then the lease shall automatically terminate, become
675 null and void and the occupant shall vacate the [u]Unit within 30
676 days of written notice from the [l]Landlord.

677

678 **§ 72-26 Foreclosure or default.**

679

680 A. The [l]Landlord must provide the Department with a copy of any
681 mortgage default notification immediately upon receipt and a written
682 explanation of how the default will be remedied.

683

684 B. If a foreclosure event occurs [during the control period], the covenants
685 endure through the transfer of property [until the end of the control
686 period].

687

688 [C. If the foreclosure event occurs after the thirty-year control period, then
689 all binding restrictions of this chapter will dissolve.]

690

691 **§ 72-27 Implementation.**

692

693 Improvements to concepts, processes and rules and regulations of the
694 SCRP program will be incorporated into future amendments of this
695 article. Council views this article as a living document that will be
696 modified as needed to respond to economic, housing, development,
697 land use and other trends in the County and to best practices in
698 affordable rental programs.

699

700 **§72-28 Annual Audit and Certification.**

701

702 The Landlord shall contract with an independent Delaware Certified
703 Public Accountant that has no other relationship with the
704 Landlord/Developer/Owner/Manager to audit the Landlord's

705 Compliance with this Chapter 72, the conditions of approval for the
706 project, the terms of the SCRP Agreement, the rental of the SCRP
707 Units and the status of the Eligible Tenants (and their Eligible
708 Income) within the project. In this engagement, the Delaware
709 Certified Public Accountant will perform this obligation in
710 accordance with attestation standards established by the American
711 Institute of Certified Public Accountants. This annual audit and
712 report shall certify that the project remains in compliance with (i) all
713 of the Chapter 72 requirements and the terms of the SCRP Agreement;
714 (ii) the status of each of the SCRP Units (whether leased or vacant);
715 (iii) certification that each of the Eligible Tenants renting an SCRP
716 Unit within the project are an Eligible Tenant as of the date of the
717 annual audit and report; (iv) the status and duration of any vacancy
718 of any SCRP Unit; (v) the marketing efforts to re-let any vacant SCRP
719 Unit to an Eligible Tenant; (vi) the status of any list of Eligible
720 Tenants waiting for an SCRP Unit to come available; and (vii) such
721 other information as the Delaware Certified Public
722 Accountant and/or the Community Development and Housing Office
723 may deem appropriate and necessary. This annual audit and report
724 shall be submitted to both the Office of Planning & Zoning and the
725 Community Development & Housing Office no later than March 1 of
726 each year.

727
728 **§ 72-2[8]2 Government regulations; enforcement.**

- 729
- 730 A. The Department will maintain a list of all SCRP [u]Units
731 constructed and leased under this program, and the Council
732 hereby authorizes the County Administrator to promulgate and
733 adopt regulations and approve the various agreements/documents
734 necessary to administer this program.
- 735
- 736 B. The Director may, with Council approval, waive or modify the
737 provisions of the program if the Director finds the program in
738 conflict with state or federal housing laws.
- 739
- 740 C. This program applies to all agents, successors, and assigns of an
741 [a]Applicant. A building permit shall not be issued and a
742 preliminary plan of subdivision, development plan, or site plan
743 shall not be approved for a development that will contain
744 affordable rental units to be submitted to this program unless it
745 meets the requirements of this program. The County
746 Administrator may deny, suspend, or revoke any building or
747 occupancy permit upon finding a violation of this program. Any
748 prior approval of a preliminary or final plan of subdivision,
749 development plan or site plan may be suspended or revoked upon
750 the failure to meet any requirement of this chapter. An occupancy

751 permit shall not be issued for any building to any [a]Applicant, or
752 a successor, or assign of any [a]Applicant, for any construction
753 that does not comply with this program. The County
754 Administrator may also withhold or call in performance bond
755 funds, letters of credit, and certificates of compliance or
756 occupancy from the [a]Applicant for any violation of this
757 program.

758
759 D. In the event that the Landlord rents any of the SCRP Units at non-
760 SCR P Unit rates (i.e. market rental rates) so that the
761 proportionate share of SCRP Units versus non-SCR P Units as
762 originally approved is not maintained, the Landlord of the project
763 shall be required to pay to Sussex County the monthly market rent
764 collected from any such SCRP Unit that is rented at a non-SCR P
765 Unit Rate. Any such funds collected by Sussex County shall be
766 used for housing purposes and administered by the Sussex County
767 Office of Community Development and Housing.

768
769 D]E. The Director is authorized to pursue any available remedy, legal
770 or equitable in nature, to enforce the requirements of this program
771 or to prevent or abate a violation of this program.

772
773 [E]F. The Director may take legal action to stop or cancel any lease
774 of an SCRP [u]Unit if any party does not comply with all
775 requirements of this program. The Director may recover any
776 funds improperly obtained from the rental of a SCRP [u]Unit in
777 violation of this chapter.

778
779 [F]G. In the event of litigation to enforce the terms and conditions of
780 this chapter or any agreement or obligation under the SCRP
781 program, the Department shall be entitled to an award of legal
782 costs and fees to be collected from the party who is determined to
783 be in violation of such agreements and obligations.

784
785
786 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-**
787 **20 “Permitted Uses”, is hereby amended by inserting the italicized**
788 **and underlined language as a new subpart A.(17) thereof as follows:**

789
790 **§115-20 Permitted Uses.**

791
792 A. A building or land shall be used only for the following purposes:

793
794 ...

796 (17) A Sussex County Rental Program, or SCRP, townhouse or multi-
797 family development governed by, and subject to, Chapter 72,
798 where at least 30% of all dwelling units are SCRP Units pursuant
799 to Chapter 72. The SCRP development must satisfy the following
800 criteria:

801 (a) The site must be located within a Town Center, a Developing
802 Area, or the Coastal Area as described within the Land Use
803 Element and as shown on the Future Land Use Plan of the
804 adopted Sussex County Comprehensive Plan.

805
806 (b) The site shall be located within 2,640 feet of an existing or
807 proposed DART Route operated by the Delaware Transit
808 Corporation. In the case of a proposed DART Route, Final Site
809 Plan approval shall not be granted until the Route is in existence
810 and operated by DART.

811
812 (c) The site must be served by a central sewer system and a central
813 water system.

814
815 (d) The total maximum number of dwelling units (including both
816 SCRP Units and non-SCRP Units) that may be permitted shall be
817 determined by dividing the gross area by 3,630 square feet.
818 "Gross area" shall exclude any area designated as a tidal
819 tributary stream or tidal wetlands by § 115-193.

820 (e) There shall be a one-hundred foot wide setback around the
821 entire site, which shall incorporate the "Forested and/or
822 Landscaped Buffer Strip" identified in Section 99-4. This setback
823 shall include walking and biking trails.

824 (f) The height of any townhouse or multi-family buildings shall
825 not exceed 52 feet or four stories, whichever is greater.

826 (g) There shall be sidewalks on all streets, roadways and parking
827 areas, with interconnectivity to adjacent walkway systems.

828 (h) There must be interconnectivity with any adjacent property
829 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3.

830 (i) There shall be open space that exceeds fifty percent of the
831 gross area of the entire site. The Primary view from each
832 dwelling unit shall be directed to open space and recreational
833 amenities.

834
835 **Section 3. The Code of Sussex County, Chapter 115, Article IV, §115-**
836 **25 "Height, Area and Bulk Requirements", is hereby amended by**

837 inserting the italicized and underlined language as a new subpart G
838 thereof as follows:

839

840 **§115-25 Height, Area and Bulk Requirements.**

841

842 . . .

843

844 G. Sussex County Rental Unit development permitted by §115-20A.(17).
845 The minimum lot size, lot area per dwelling unit, open space, height and
846 setback requirements for a Sussex County Rental Unit development
847 permitted by §115-20A.(17) shall be governed by the dimensional
848 requirements set forth in that Section.

849

850 **Section 4. The Code of Sussex County, Chapter 115, Article V, §115-**
851 **29 “Permitted Uses”, is hereby amended by inserting the italicized**
852 **and underlined language as a new subpart K. thereof as follows:**

853

854 **§115-29 Permitted Uses.**

855

856 A building or land shall be used only for the following purposes:

857

858 . . .

859

860 K. A Sussex County Rental Program, or SCRP, townhouse or multi-
861 family development governed by, and subject to, Chapter 72,
862 where at least 30% of all dwelling units are SCRP Units pursuant
863 to Chapter 72. The SCRP development must satisfy the following
864 criteria:

865 (1) The site must be located within a Town Center, a Developing
866 Area, or the Coastal Area as described within the Land Use
867 Element and as shown on the Future Land Use Plan of the
868 adopted Sussex County Comprehensive Plan.

869

870 (2) The site shall be located within 2,640 feet of an existing or
871 proposed DART Route operated by the Delaware Transit
872 Corporation. In the case of a proposed DART Route, Final Site
873 Plan approval shall not be granted until the Route is in existence
874 and operated by DART.

875

876 (3) The site must be served by a central sewer system and a central
877 water system.

878

879 (4) The total maximum number of dwelling units (including both
880 SCRP Units and non-SCRP Units) that may be permitted shall be
881 determined by dividing the gross area by 3,630 square feet.
882 "Gross area" shall exclude any area designated as a tidal
883 tributary stream or tidal wetlands by § 115-193.

884 (5) There shall be a one-hundred foot wide setback around the
885 entire site, which shall incorporate the "Forested and/or
886 Landscaped Buffer Strip" identified in Section 99-4. This setback
887 shall include walking and biking trails.

888 (6) The height of any townhouse or multi-family buildings shall
889 not exceed 52 feet or four stories, whichever is greater.

890 (7) There shall be sidewalks on all streets, roadways and parking
891 areas, with interconnectivity to adjacent walkway systems.

892 (8) There must be interconnectivity with any adjacent property
893 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3.

894 (9) There shall be open space that exceeds fifty percent of the
895 gross area of the entire site. The Primary view from each
896 dwelling unit shall be directed to open space and recreational
897 amenities.

898
899 **Section 5. The Code of Sussex County, Chapter 115, Article V, §115-**
900 **34 "Height, Area and Bulk Requirements", is hereby amended by**
901 **inserting the italicized and underlined language as a new subpart D.**
902 **thereof as follows:**

903
904 **§115-34 Height, Area and Bulk Requirements.**

905
906 ...

907
908 D. Sussex County Rental Unit development permitted by §115-29K. The
909 minimum lot size, lot area per dwelling unit, open space, height and
910 setback requirements for a Sussex County Rental Unit development
911 permitted by §115-29K shall be governed by the dimensional
912 requirements set forth in that Section.

913
914

915 **Section 6. The Code of Sussex County, Chapter 115, Article VI, §115-**
916 **37 "Permitted Uses", is hereby amended by inserting the italicized**
917 **and underlined language as a new subpart C. as follows:**

918
919 **§115-37 Permitted Uses.**

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Permitted uses are as follows:

...

C. A Sussex County Rental Program, or SCRP, townhouse or multi-family development governed by, and subject to, Chapter 72, where at least 30% of all dwelling units are SCRP Units pursuant to Chapter 72. The SCRP development must satisfy the following criteria:

(1) The site must be located within a Town Center, a Developing Area, or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

(2) The site shall be located within 2,640 feet of an existing or proposed DART Route operated by the Delaware Transit Corporation. In the case of a proposed DART Route, Final Site Plan approval shall not be granted until the Route is in existence and operated by DART.

(3) The site must be served by a central sewer system and a central water system.

(4) The total maximum number of dwelling units (including both SCRP Units and non-SCRP Units) that may be permitted shall be determined by dividing the gross area by 3,630 square feet. "Gross area" shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193.

(5) There shall be a one-hundred foot wide setback around the entire site, which shall incorporate the "Forested and/or Landscaped Buffer Strip" identified in Section 99-4. This setback shall include walking and biking trails.

(6) The height of any townhouse or multi-family buildings shall not exceed 52 feet or four stories, whichever is greater.

(7) There shall be sidewalks on all streets, roadways and parking areas, with interconnectivity to adjacent walkway systems.

(8) There must be interconnectivity with any adjacent property that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3.

(9) There shall be open space that exceeds fifty percent of the gross area of the entire site. The Primary view from each dwelling unit shall be directed to open space and recreational amenities.

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Section 7. The Code of Sussex County, Chapter 115, Article VI, §115-42 “Height, Area and Bulk Requirements”, is hereby amended by inserting the italicized and underlined language as a new subpart D. thereof as follows:

§115-42 Height, Area and Bulk Requirements.

...

D. Sussex County Rental Unit development permitted by §115-37C. The minimum lot size, lot area per dwelling unit, open space, height and setback requirements for a Sussex County Rental Unit development permitted by §115-37C shall be governed by the dimensional requirements set forth in that Section.

Section 8. The Code of Sussex County, Chapter 115, Article VII, §115-45 “Permitted Uses”, is hereby amended by inserting the italicized and underlined language as a new subpart F. thereof as follows:

§115-45 Permitted Uses.

Permitted uses are as follows:

...

F. A Sussex County Rental Program, or SCRP, townhouse or multi-family development governed by, and subject to, Chapter 72, where at least 30% of all dwelling units are SCRP Units pursuant to Chapter 72. The SCRP development must satisfy the following criteria:

(1) The site must be located within a Town Center, a Developing Area, or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

(2) The site shall be located within 2,640 feet of an existing or proposed DART Route operated by the Delaware Transit Corporation. In the case of a proposed DART Route, Final Site Plan approval shall not be granted until the Route is in existence and operated by DART.

(3) The site must be served by a central sewer system and a central water system.

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(4) The total maximum number of dwelling units (including both SCRP Units and non-SCRP Units) that may be permitted shall be determined by dividing the gross area by 3,630 square feet. "Gross area" shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193.

(5) There shall be a one-hundred foot wide setback around the entire site, which shall incorporate the "Forested and/or Landscaped Buffer Strip" identified in Section 99-4. This setback shall include walking and biking trails.

(6) The height of any townhouse or multi-family buildings shall not exceed 52 feet or four stories, whichever is greater.

(7) There shall be sidewalks on all streets, roadways and parking areas, with interconnectivity to adjacent walkway systems.

(8) There must be interconnectivity with any adjacent property that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3.

(9) There shall be open space that exceeds fifty percent of the gross area of the entire site. The Primary view from each dwelling unit shall be directed to open space and recreational amenities.

Section 9. The Code of Sussex County, Chapter 115, Article VII, §115-50 "Height, Area and Bulk Requirements", is hereby amended by inserting the italicized and underlined language as a new subpart G. thereof as follows:

§115-50 Height, Area and Bulk Requirements.

...

G. Sussex County Rental Unit development permitted by §115-45F. The minimum lot size, lot area per dwelling unit, open space, height and setback requirements for a Sussex County Rental Unit development permitted by §115-45F. shall be governed by the dimensional requirements set forth in that Section.

Section 10. The Code of Sussex County, Chapter 115, Article VIII, §115-53 "Permitted Uses", is hereby amended by inserting the italicized and underlined language as a new subpart K. thereof as follows:

§115-53 Permitted Uses.

1045
1046 A building or land shall be used only for the following purposes:

1047

1048 . . .

1049

1050 K. A Sussex County Rental Program, or SCRP, townhouse or multi-
1051 family development governed by, and subject to, Chapter 72, where at
1052 least 30% of all dwelling units are SCRP Units pursuant to Chapter
1053 72. The SCRP development must satisfy the following criteria:

1054 (1) The site must be located within a Town Center, a Developing
1055 Area, or the Coastal Area as described within the Land Use Element
1056 and as shown on the Future Land Use Plan of the adopted Sussex
1057 County Comprehensive Plan.

1058

1059 (2) The site shall be located within 2,640 feet of an existing or
1060 proposed DART Route operated by the Delaware Transit
1061 Corporation. In the case of a proposed DART Route, Final Site Plan
1062 approval shall not be granted until the Route is in existence and
1063 operated by DART.

1064

1065 (3) The site must be served by a central sewer system and a central
1066 water system.

1067

1068 (4) The total maximum number of dwelling units (including both
1069 SCRP Units and non-SCRP Units) that may be permitted shall be
1070 determined by dividing the gross area by 3,630 square feet. "Gross
1071 area" shall exclude any area designated as a tidal tributary stream or
1072 tidal wetlands by § 115-193.

1073 (5) There shall be a one-hundred foot wide setback around the
1074 entire site, which shall incorporate the "Forested and/or Landscaped
1075 Buffer Strip" identified in Section 99-4. This setback shall include
1076 walking and biking trails.

1077 (6) The height of any townhouse or multi-family buildings shall
1078 not exceed 52 feet or four stories, whichever is greater.

1079 (7) There shall be sidewalks on all streets, roadways and parking
1080 areas, with interconnectivity to adjacent walkway systems.

1081 (8) There must be interconnectivity with any adjacent property
1082 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3.

1083 (9) There shall be open space that exceeds fifty percent of the
1084 gross area of the entire site. The Primary view from each dwelling
1085 unit shall be directed to open space and recreational amenities.

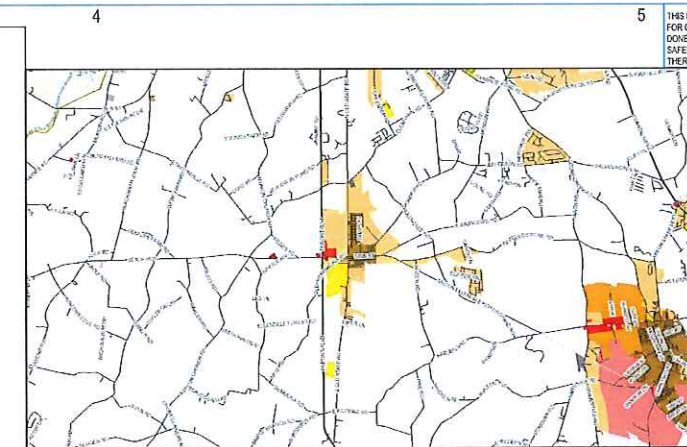
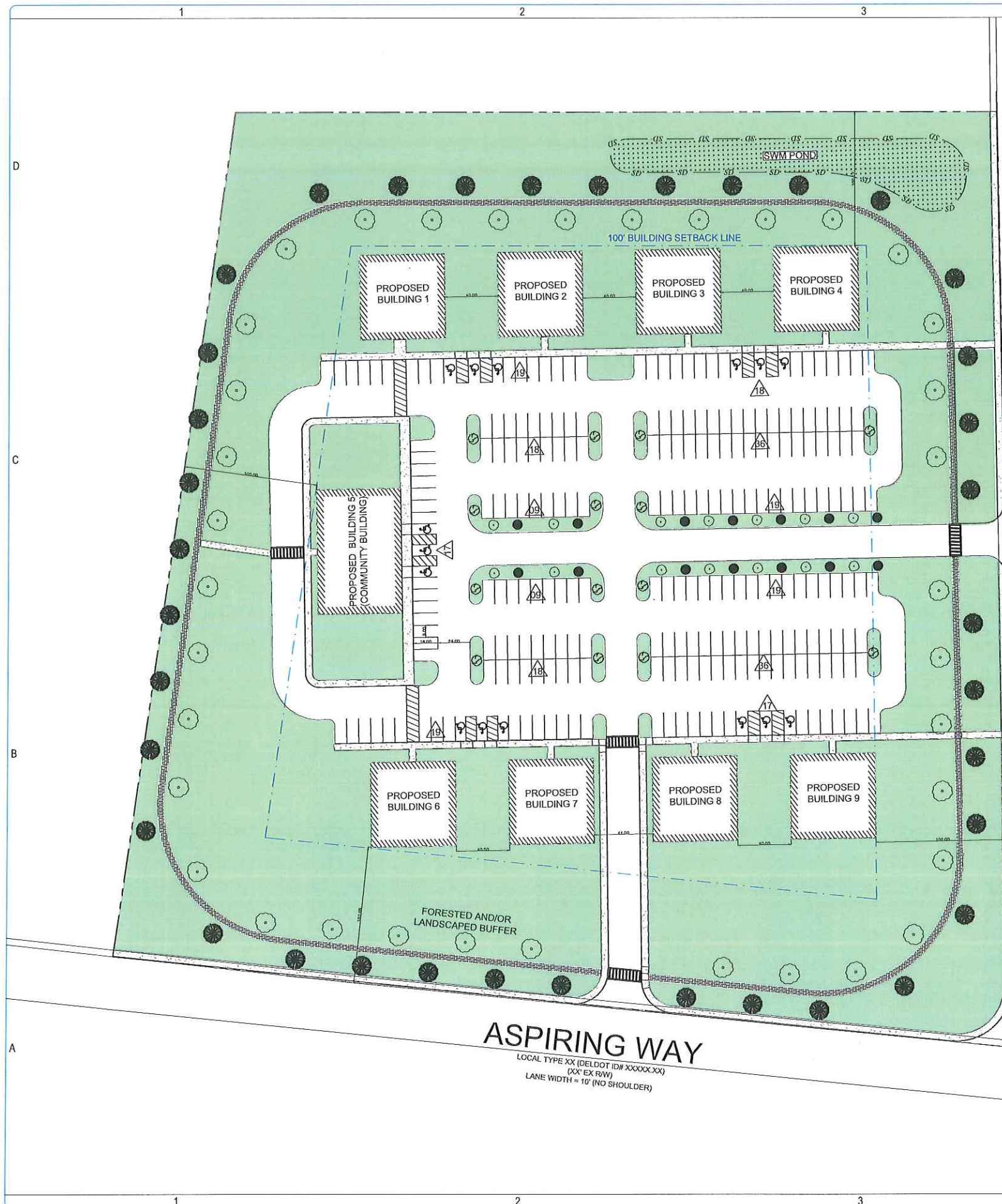
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Section 11. The Code of Sussex County, Chapter 115, Article VIII, §115-58 “Height, Area and Bulk Requirements”, is hereby amended by inserting the italicized and underlined language as a new subpart E. thereof as follows:

§115-58 Height, Area and Bulk Requirements.

...

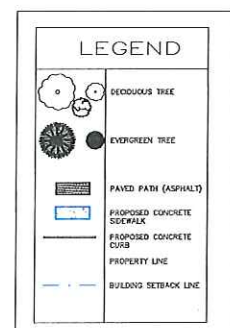
E. Sussex County Rental Unit development permitted by §115-53K. The minimum lot size, lot area per dwelling unit, open space, height and setback requirements for a Sussex County Rental Unit development permitted by §115-53K shall be governed by the dimensional requirement set forth in that Section.



VICINITY MAP
(NOT TO SCALE)

SITE DATA

SITE LOCATION: TOWN CENTER, DEVELOPING AREA, OR COASTAL AREA
 SITE LOCATION: WITHIN 2,460 FEET OF AN EXISTING OR PROPOSED DART ROUTE
 DENSITY: NOT TO EXCEED 12 UNITS/ACRE
 REQUIREMENT: 30% OF UNITS MUST BE SCRIP
 BUILDING HEIGHT: 52 FEET OR 4 STORIES (WHICHEVER IS GREATER)
 BUILDING SETBACK: 100 FEET AROUND ENTIRE SITE
 OPEN SPACE: TO EXCEED 50% OF GROSS AREA
 PEDESTRIAN: SIDEWALKS ON ALL STREETS, ROADS, AND PARKING AREAS
 UTILITIES: SERVED BY CENTRAL SEWER AND CENTRAL WATER
 PERMITTED DENSITY: 12 DU/ACRE = 120 DWELLING UNITS
 PROPOSED DENSITY: 120 DWELLING UNITS (8 BUILDINGS WITH 15 DU/BLDG)
 REQUIRED SCRIP: 30% SCRIP UNITS
 PROPOSED SCRIP: 30% (36) SCRIP UNITS
 REQUIRED PARKING: 240 PARKING SPACES (120 DU x 2 SPACES/BR = 240 SPACES)
 PROPOSED PARKING: 254 PARKING SPACES INCLUDING 15 ADA SPACES
 REQUIRED OPEN SPACE: 50% OPEN SPACE
 PROPOSED OPEN SPACE: 5.4 AC OPEN SPACE (54%)



THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE CURRENT OCCUPATIONAL SAFETY AND HEALTH ACT AND ALL RULES AND REGULATIONS THERETO AND APPURTENANT.

AECOM

NO.	DESCRIPTION	DATE	BY

SCALE: 1"=40'
 HORIZONTAL: 1"=120'
 VERTICAL: 1"=12'
 IF THIS BAR DOES NOT MEASURE 1" THEN ADJUST SCALE ACCORDINGLY

EXAMPLE SITE PLAN WORKFORCE HOUSING
 WORKFORCE HOUSING PROJECT
 SUSSEX COUNTY, DELAWARE

DRAWN BY: ERH
 DESIGNED BY: ERH
 REVIEWED BY: -
 APPROVED BY: -

ISSUE DATE: 05/24/2022
 REVISION: 0
 PROJECT NO: N/A
 SHEET NO. EX-01
 SHEET SEQUENCE: 1 OF 1

**Sussex County On-Call Planning
Affordably Priced Rental Units
GIS Spatial Analysis for Eligibility
Parcel Distribution
May 25, 2022**

Purpose

This document is a supplement to the original GIS Spatial Analysis that determined parcel eligibility for the proposed Affordably Priced Rental Units Ordinance. This supplement summarizes the breakdown of parcels, based on size, that are eligible for the proposed ordinance.

Parcel Eligibility Breakdown

The eligible parcels that were identified in the original GIS spatial analysis were further refined into parcel size groups. The table below provides a summary of the number of parcels in each parcel size range. Parcels under 1 ac. will need to be combined with at least one other parcel to meet the setback criteria in the proposed ordinance. Parcels in the 1-2 ac. grouping could meet the setback criteria however those closer to 1 ac. will need to be combined with at least one other parcel. Parcels larger than 2 ac. could be developed under the proposed ordinance as an independent parcel.

Parcel Distribution in Acres		
Parcel Size (Ac)	Number of Parcels	% of Parcels
< 1	1,910	75.8%
1-2	263	10.4%
2-5	177	7.0%
5-10	73	2.9%
10-50	76	3.0%
50-100	12	0.5%
>100	10	0.4%
Total	2,521	100.0%

**Sussex County On-Call Planning
Affordably Priced Rental Units
GIS Spatial Analysis for Eligibility
May 12, 2022**

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MAY 12 2022

SUSSEX COUNTY
PLANNING & ZONING

Purpose

The purpose of this Geospatial analysis was to determine what total area of land and the number of parcels that would be eligible for the Sussex County Rental Program (SCRP) as defined in the draft Affordably Priced Rental Units Ordinance. The following criteria, as defined in §115-20 Permitted Uses of the draft ordinance, was used in the analysis to develop a “compatibility zone” that would represent the total area of land and the number of parcels that would be eligible for the Sussex County Rental Program (SCRP). The criteria are as follows:

- Within 1/2 mile from transit route
- Able to be served by central sewer and water Tier 1 or Tier 2
- Able to be served by public water
- Preference to parcels over 1 acre to satisfy the 100’ setback
- The site must be located within a Town Center, Developing Area, Existing Developing Area, Commercial, or Coastal Area as described within the Land Use Element layer.
- Exclude any parcels currently under development, within a municipality, those with an existing conditional use, and areas within tidal wetlands

Work Flow Analysis

All analysis was ran using data from Delaware First Map and compiled in ESRI ArcPro Desktop

- Data layers were imported in and reprojected to Delaware state plane and added to the working directory

The following layers were used in the analysis:

- Wetlands
- Delaware Transit Routes
- CPCN Water
- Conditional Use
- Parcels

- Subdivision
- Sussex County Sewer
- Future Land Use
- Town Boundary

The analysis assembled data and GIS layers that resulted in an inclusion zone. These data sets included the following:

- Buffer transit routes by .5 miles output name “within halfMile (inclusive)”
- Create a query layer from Sussex County sewer tiers where only Tiers 1 and 2 are shown. The query layer is called “Tier 1 and 2 Preferred Sewer (inclusive)”
- Create a query layer from future land use where only coastal community, developing area, existing developing areas, commercial, and town center are shown. This query layer was named “land use preferred classification (inclusive)”

This inclusion zones layer was further refined by adding the CPCN data layer.

- The intersect tool was used on all inclusion layers; land use, sewer tier 1 and 2, CPCN, and within halfMile that resulted in the final inclusion zone.

Next, a layer was created to exclude areas that would not be eligible. These were classified as exclusion zones.

- Layers to be used were wetland, town boundary, subdivision, and conditional use. These layers were combined to create a layer called “exclusion zones”

Now that Inclusion zones and exclusion zone layers exist, a process to remove exclusion zones from inclusion layer was run to produce the final layer for analysis.

- The erase tool was used to cut out exclusion zones from inclusion intersect layer. The output layer name is “compatibility zone”

The final query analysis was to determine the acreage and number of parcels withing the compatibility zone which with be eligible. Queries were run on the layers to produce total acreage, parcels involved, and parcels greater than 1 acre.

- The spatial location query was used on parcels within the compatibility zone to get a count of parcels within the zone. This data was further refined to identify parcels that “have their center in” the compatibility zone. The second query was used to remove all parcels from the selection that were less than 43,560 square feet.

Based on the spatial analysis the following total land area and parcels would be eligible to be developed under the draft ordinance.

- **Parcels involved - 2,521**
- **Parcels Greater than 1 acre - 612**
- **Total area - 274,041,609 sq. ft. or 6291.12 acres**

Project Name

Project Location

Proposed Workforce Housing Units - Monthly Rent Calc

Inputs/Choosers:

Percent of Units restricted **30.0%**
 % of Gross Household Inc. Used toward Housing Cost **25.0%**
 % of Area Median Income (AMI) Used **50.0%**

Unit Size	Efficiency	1 BR	1 BR + Den	2 BR	2 BR + Den	3 BR
HH Size	1	1.5	2	3	3.5	4.5+
Fixed Rental Rate = 25% of Gross Household Income of 50% AMI Adjusted for Household Size & # of Bedrooms	\$550	\$585	\$630	\$705	\$745	\$815

Market Rents		\$1,195		\$1,450		\$1,695
--------------	--	---------	--	---------	--	---------

Discount to Market Rents		\$610		\$745		\$880
% Discount to Market Rent		51.0%		51.4%		51.9%

Sussex County 2021 AMI - affordable rents by number of people within apartment

%AMI	1 person	1.5 people	2 people	3 people	3.5 people	4 people	4.5 people	5 people	6 people	7 people	8 people
30%	\$15,800	\$22,330	\$18,050	\$21,960	\$24,230	\$26,500	\$28,770	\$31,040	\$35,580	\$40,120	\$44,660
50%	\$26,300	\$27,910	\$30,050	\$33,800	\$35,670	\$37,550	\$39,070	\$40,600	\$43,600	\$46,600	\$49,600
60%	\$31,570	\$34,170	\$36,070	\$40,570	\$42,820	\$45,060	\$46,890	\$48,700	\$52,450	\$55,900	\$59,500
70%	\$36,830	\$39,870	\$42,080	\$47,330	\$49,950	\$52,570	\$54,700	\$56,820	\$61,200	\$65,220	\$69,420
80%	\$42,100	\$45,570	\$48,100	\$54,100	\$57,100	\$60,100	\$62,525	\$64,950	\$69,950	\$74,550	\$79,350
100%	\$52,620	\$56,960	\$60,120	\$67,620	\$71,370	\$75,100	\$78,150	\$81,180	\$87,430	\$93,180	\$99,180

AMI numbers as of 4/01/21 from http://www.destatehousing.com/Renters/rentersmedia/hud_incomelimits.pdf

Project Name

Project Location

Proposed Workforce Housing Units - Monthly Rent Calc

Inputs/Choosers:

Percent of Units restricted **30.0%**
 % of Gross Household Inc. Used toward Housing Cost **25.0%**
 % of Area Median Income (AMI) Used **80.0%**

Unit Size	Efficiency	1 BR	1 BR + Den	2 BR	2 BR + Den	3 BR
HH Size	1	1.5	2	3	3.5	4.5+
Fixed Rental Rate = 25% of Gross Household Income of 80% AMI Adjusted for Household Size & # of Bedrooms	\$880	\$950	\$1,005	\$1,130	\$1,190	\$1,305

Market Rents	\$1,195	\$1,450	\$1,695
--------------	---------	---------	---------

Discount to Market Rents	\$245	\$320	\$390
% Discount to Market Rent	20.5%	22.1%	23.0%

Sussex County 2021 AMI - affordable rents by number of people within apartment

%AMI	1 person	1.5 people	2 people	3 people	3.5 people	4 people	4.5 people	5 people	6 people	7 people	8 people
30%	\$15,800	\$22,330	\$18,050	\$21,960	\$24,230	\$26,500	\$28,770	\$31,040	\$35,580	\$40,120	\$44,660
50%	\$26,300	\$27,910	\$30,050	\$33,800	\$35,670	\$37,550	\$39,070	\$40,600	\$43,600	\$46,600	\$49,600
60%	\$31,570	\$34,170	\$36,070	\$40,570	\$42,820	\$45,060	\$46,890	\$48,700	\$52,450	\$55,900	\$59,500
70%	\$36,830	\$39,870	\$42,080	\$47,330	\$49,950	\$52,570	\$54,700	\$56,820	\$61,200	\$65,220	\$69,420
80%	\$42,100	\$45,570	\$48,100	\$54,100	\$57,100	\$60,100	\$62,525	\$64,950	\$69,950	\$74,550	\$79,350
100%	\$52,620	\$56,960	\$60,120	\$67,620	\$71,370	\$75,100	\$78,150	\$81,180	\$87,430	\$93,180	\$99,180

AMI numbers as of 4/01/21 from http://www.destatehousing.com/Renters/rentersmedia/hud_incomelimits.pdf

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SUSSEX COUNTY
PLANNING & ZONING

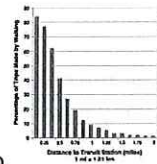
Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- Typical walking distance to transit.
- Motor vehicle speed and pedestrian safety.
- Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

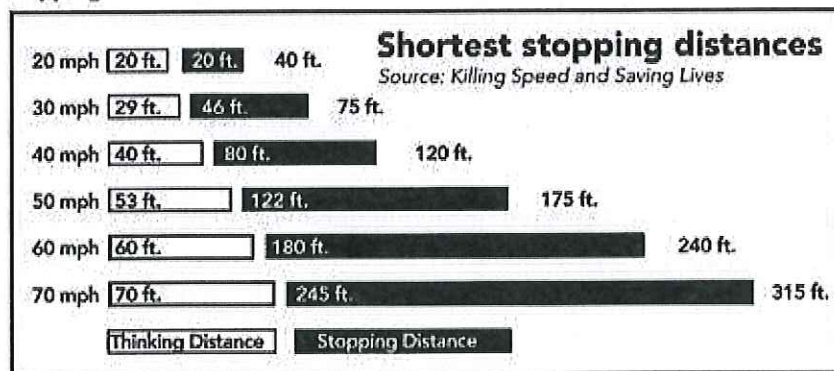
Most people are willing to walk for five to ten minutes, or approximately ¼- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ¼- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.



Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these routes are spaced 1/8- to ¼- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within ¼- to ½-mile of a transit stop.²⁰

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below).²¹ Larger vehicles, such as buses and trucks require even longer stopping distances.



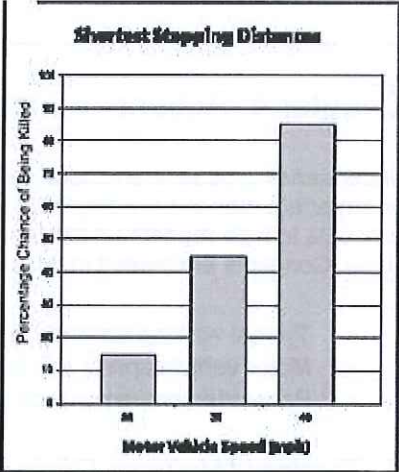
Reducing motor vehicle speeds on roadways near transit stops and stations can improve conditions for transit customers and encourage more people to walk and to use transit. Lower vehicle speeds can reduce the severity of injuries when crashes occur. When hit by a vehicle traveling at 40 miles per hour, a pedestrian has an 85% chance of being killed; at 30 miles per hour, the likelihood decreases to 45%; and at 20 miles per hour the pedestrian fatality rate is only 5% (see figure below).²¹

Several of the roadway crossing treatments described in this guide, such as median crossing islands, curb extensions, and reduced intersection turning radii, may help decrease motor vehicle speeds.

When identifying pedestrian safety issues and solutions, communities should keep in mind that pedestrians have varied characteristics (e.g., age, gender, disabilities, etc.). Different classes of pedestrians travel at different speeds, are comfortable walking different distances, and have varied levels of comfort with traffic, temperature, and time spent waiting at a transit stop. It is important for transit agencies and other partners to consider how environmental conditions impact all types of pedestrians.

C. Pedestrian Characteristics and Behavior

In addition to walking speed, pedestrians can be differentiated by spatial needs, mobility issues and cognitive abilities. It is crucial to understand the characteristics of the range of pedestrians that may be accessing transit to help develop the safest possible system.



The table below summarizes some important pedestrian characteristics to consider when making pedestrian safety improvements near transit.

Pedestrian Group	Characteristics & Behaviors
Child Pedestrians	<ul style="list-style-type: none"> • May have difficulty choosing where and deciding when it is safe to cross the street. • May have difficulty seeing (and being seen by) drivers of all types of vehicles, including buses because of less peripheral vision and shorter stature than adults. • May have difficulty judging the speed of approaching vehicles. • May need more time to cross a street than adults.
Older Pedestrians	<ul style="list-style-type: none"> • May have reduced motor skills that limit their ability to walk at certain speeds or turn their heads. • May need more time to cross a street than younger adults. • May have difficulty with orientation and understanding traffic signs, so they may need more information about how to access transit and get around safely. • May have difficulty judging the speed of approaching vehicles.
Recent Immigrants	<ul style="list-style-type: none"> • May have limited understanding of English, traffic laws, or typical roadway behaviors. • May not understand the traffic signals that indicate when to walk.

	<ul style="list-style-type: none"> • May not have the experience to know how to interact safely with drivers.
People with Disabilities (e.g., people using wheelchairs, crutches, canes, or people with visual or cognitive impairments)	<ul style="list-style-type: none"> • May be more affected by surface irregularities in the pavement and changes in slope or grade. • May need more time to cross a street than people without disabilities. • May benefit from pedestrian signal information provided in multiple formats (audible, tactile, and visual). • May have trouble seeing (and being seen) by drivers of all types of vehicles due to seated position (for people using wheelchairs). • Pedestrians who are blind or who have low vision may have trouble detecting yielding vehicles or communicating visually with drivers in crossing at unsignalized crosswalks.

Safe roadway crossing facilities should be located at the most direct crossing locations.

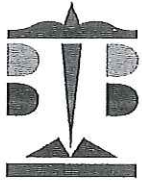
Understanding common pedestrian behavior is essential to promoting pedestrian safety near transit. Pedestrians typically take the most direct line possible to minimize the distance and time they must walk to reach their destination. Therefore, safe roadway crossing facilities should be located at the most direct crossing locations, which can subsequently make the safest location for crossing attractive to pedestrians. Poorly-designed environments often result in pedestrians using informal paths through properties and crossing roadways at locations without pedestrian safety enhancements.

Pedestrians traveling to transit stops are frequently preoccupied with reaching the stop before the bus or train arrives. As a result, pedestrians who are running late may take more risks than they typically would under normal conditions.

Pedestrians traveling to the bus or train may exhibit some of the following behaviors:

- Running to catch transit.
- Jaywalking, or crossing at locations that do not have pedestrian crossing facilities or safety enhancements.
- Walking between stopped or parked vehicles, including buses.
- Stepping into street to get around people waiting at a stop.

The safety treatments listed in Chapter 3 can help reduce the potential harmful effects of risky pedestrian behavior near transit stops.



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MANDALAS
BROCKSTEDT LLC**

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John W. Paradee
302-677-0061
www.bmbde.com
john@bmbde.com

SUSSEX COUNTY
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VIA ELECTRONIC MAIL & REGULAR MAIL

May 16, 2022

Received after
PZC Public Hearing
before
CC Public Hearing

Mr. Jamie Whitehouse
Sussex County Department of Planning
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Affordably Priced Rental Units

Dear Mr. Whitehouse:

I write to follow up on my May 9, 2022 letter regarding the above-referenced matter, reiterating my strong support for the draft Ordinance regarding "Affordably Priced Rental Units" which Sussex County is presently considering for enactment. I would also strongly suggest that new subpart A.(17)(a) which is proposed to be added to Section 115-20 of the Code, regarding "Permitted Uses" (see lines 801-804 of the draft Ordinance), be revised to include "a Commercial Area" as a permissible location for a SCRP development. The Commercial Area is not a low density area, and I believe there would be a great deal of interest and support for workforce housing in Commercial Areas, just the same as for a Town Center, a Developing Area, and/or the Coastal Area. Again, as I stated in my letter of last week, I have a number of clients who would pursue projects for affordably priced housing units if such an Ordinance were to be adopted, particularly so if such housing were permitted in Commercial Areas as well as a Town Center, a Developing Area, and/or the Coastal Area.

Thank you for your time and consideration.

Very truly yours,



John W. Paradee

JWP/lwr

cc: Mackenzie Peet, Esquire
J. Michael Riemann, P.E.
Louis J. Capano, III
Christian Hudson

Chase Phillips

MAY 12 2022

From: Kauffman, Jared D (DelDOT) <Jared.Kauffman@delaware.gov>
Sent: Thursday, May 12, 2022 8:14 AM
To: Planning and Zoning
Cc: Sisson, John (DelDOT); Theyerl, Julie (DelDOT); Smith, Catherine C (DelDOT); Cherry-Wall, Tremica (DelDOT); Williamson, William (DelDOT); Jamie Whitehouse
Subject: Comments for Sussex Ordinance Ord 22-01: Affordable Housing

SUSSEX COUNTY
PLANNING & ZONING

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Dear Planning & Zoning Commission,

Thank you for recognizing the transportation needs of lower-income residents in Sussex County and moving forward with an ordinance that encourages the development of housing that can meet their needs. While Ordinance 22-01 recognizes the key relationship between household and distance to a transit route, we believe clarifications are needed to ensure that housing is placed in locations that are built in a way that encourages residents to choose transit.

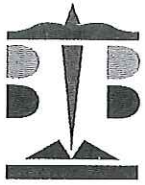
Starting on line 806, and placed in the proceeding sections, the public transit criteria state that the site, in order to qualify, shall be located within 2,640 feet (a half a mile) of an existing or proposed DART route. Within the transportation industry and literature, it is widely recognized that 1,320 feet (a quarter mile) is considered the maximum walkable range for most people choosing transit, and a half mile for those who realistically have no other option than to take transit. Additionally, clarification is needed on the measurements for the true walking distance of residents. While a site's boundary line may be within range for qualification, it is possible for a site to place housing within the development in such a way as to create significant additional walking distance beyond the agreed limit. We want to ensure that housing isn't placed a significant distance away from the property line and that non-direct pedestrian pathways are discouraged. Concurrent to what is being measured, how the measurement is being calculated also needs to be defined because the current language does not clarify whether distance is being measured by the actual pedestrian pathway or a direct line between the housing unit and bus stop.

Since distance to a bus stop from someone's home, including how direct the pathway is, has a significant impact on encouraging or discouraging someone to take transit, DTC suggests clarifying the distance in relation to the workforce housing units. Specifically, DTC suggests clarifying that the closest workforce housing unit should be no greater than a quarter mile from the bus stop, and the furthest workforce housing unit no greater than a half mile. Additionally, to mitigate the potential for creating a significant additional walking distance due to serpentine paths or pedestrian barriers, DTC suggests clarifying that the measurement follow the actual pedestrian pathway within the site, instead of a direct line to the bus stop.

Finally, because of the significant distances between some existing bus stops, DTC suggests amending the language so that a bus stop itself is the thing to which the housing units are being measured, instead of the bus route. The Route 215 is a good example of how the current language could allow a development to qualify while also being located more than two miles away from the nearest bus stop.

Again, thank you for recognizing this issue and how transit is an important aspect of finding a solution.

Jared Kauffman
DART First State
Fixed-Route Planner
119 Lower Beech St #100
Wilmington, DE 19805



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BROCKSTEDT LLC

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john@bmbde.com

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SUPPORT EXHIBIT

VIA ELECTRONIC MAIL & REGULAR MAIL

May 9, 2022

Mr. Jamie Whitehouse
Sussex County Department of Planning
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Affordably Priced Rental Units

Dear Mr. Whitehouse:

I write to express my strong support for the draft Ordinance regarding "Affordably Priced Rental Units" which Sussex County is presently considering for enactment. I wanted to make sure that both the Planning & Zoning Commission and the County Council are aware that there is very serious interest on the part of the real estate development community in the passage of a "workforce housing" Ordinance – indeed, I have a number of clients who would pursue projects for affordably priced housing units if such an Ordinance were to be adopted. For this reason, I wholeheartedly encourage the Planning & Zoning Commission and the County Council to proceed promptly with enactment of the proposed Ordinance regarding "Affordably Priced Rental Units".

Thank you for your time and consideration.

Very truly yours,



John W. Paraded

JWP/lwr

cc: Mackenzie Peet, Esquire
J. Michael Riemann, P.E.
Louis J. Capano, III
Christian Hudson

Jamie Whitehouse

From: Preston Schell <preston@oacompanies.com>
Sent: Tuesday, May 10, 2022 2:32 PM
To: Jamie Whitehouse
Cc: robert.wheatley@sussexcountyde.gov
Subject: Affordably Priced Rental Units - revised ordinances
Attachments: Restricted Unit Rents - Sussex County - 50% AMI.xlsx; Restricted Unit Rents - Sussex County - 80% AMI.xlsx

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PLANNING & ZONING

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Jamie,

Please submit the below comments into the record for the Planning and Zoning Commission hearing held on April 28, 2022 on proposed amendments to the Sussex County Rental Program.

In general, the changes are excellent and the program is far more viable and more likely to be utilized by developers to expand upon the amount of affordable workforce housing in eastern Sussex County.

I have the following comments to the proposed updated SCRP code provisions:

§72-24 A.(1) – I thought this was going to be updated to 25% of 80% of AMI? This still says 50% of AMI? If that doesn't get changed, the program won't work. I couldn't get this ordinance to work when it only mandated 12.5% of the rental units be priced at 25% of 50% of AMI. If I now have to do 30% of the units priced at 25% of 50% of AMI, it doesn't work times 2.5x now. Also, now you are mixing low income housing (30%-60% of AMI) with market rate housing. It will work better if you are mixing workforce housing (80%-120% of AMI) with market rate housing. This is probably an oversight but, if not, this will kill the program and no developer will be able to afford to use it. See the last two attachments. At 80%, the discount to market rents in the 113 corridor area is about 20-25%. At 50% of AMI, the discount is over 50% - this is low income housing at this point, not workforce housing. If this doesn't change, all the County's other efforts on this front are mute – the program is dead on arrival.

§115-20 A.(17)(b) – At this time, this makes it so the program cannot be used south of the Rehoboth Bay (along the Rt 26, Rt 54, Rt 20 and Rt 17). DART has no service in this area at this time. I suggest this section be modified to read that should a project be located south of the Rehoboth/Indian River bays and east of Rt 113, the location qualifies if it is located within 2,640 of a proposed DART route scheduled to be in operation within the next five years. You can't cut out half the coastal area that also needs workforce housing because DART has opted to not provide bus transportation there yet.

§115-20 A.(17)(e) – I would change the last sentence of this clause to read "may include walking and biking trails." We often put our walking trails around a central pond. Mandating the walking trails be in the setback buffer, adjacent to adjoining properties (likely already developed), will anger the neighbors more so than had those trails been internal to the site. I don't think you should say they can't be in those buffers... just may be. Right now, even if I have a great location for my trail system internal to the site, the way it is worded I "shall" (ie. have to) locate it within this setback buffer.

§115-20 A.(17)(g) – I suggest this be reworded to "there shall be connected sidewalks in front of all buildings, with interconnectivity to walking trails and adjacent walkway systems." You don't want a situation like we had at Ashton Oaks where the sidewalk is on the far side of a street or parking aisle where there is no building. It creates impervious area for no reason. No one will use it. Also, the unnecessary expense detracts from the affordability of the remaining 70% of the units.

§115-20 A.(17)(h) and §115-29 K.(8) – I want to make sure this change does not mandate that a SCRP site be located next to a property zoned C-1, CR-1, C-2, C-3, C-5, C-5, B-1, B-2 or B-3 but simply mandates that should a SCRP project be adjacent to this zoning that interconnectivity be provided. If that is the case, this is fine.

§115-20 A.(17)(i) and §115-29 K.(17)(9) – not sure all units should have to have a primary view directed to open space and recreational amenities. That's what I do with my buildings in all my projects, but there are some good building designs with internal hallways (mine are external and open to the elements) in which it is impossible for all units to have views of open space (because there are units on both the parking and non-parking side of the building). I'm not sure you should exclude those buildings from consideration.

I saw some comments in the newspaper recently stating that these projects should be permitted outside of growth zones and on properties without available public sewer. I disagree with that. There is plenty of land that meets the criteria outlined and it should be kept in place. These high density apartment projects should absolutely not be in level 4 areas without nearby available services, amenities and public transportation. Also, keep the 100' setback ... it will make these applications more acceptable to the adjacent property owners. The 50% open space may be a tad aggressive and make it difficult to hit the targeted 12 units-per-acre density. I might reduce that to 40%.

Thanks for working on this and good luck with it. So long as that first change I mention above is made, this is a great ordinance and will go a long way to addressing our workforce housing shortage in the eastern part of Sussex County.

Thanks,

Preston

Preston Schell
Ocean Atlantic Companies
18949 Coastal Hwy, Suite 301
Rehoboth Beach, DE 19971
ph: 302-227-6115
preston@oacompanies.com



THE COMMONWEALTH COMPANIES

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Middleton, WI 53562
www.commonwealthco.net

SUPPORT EXHIBIT

RECEIVED

May 4, 2022

MAY 04 2022

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

SUSSEX COUNTY
PLANNING & ZONING

RE: Comments on Ordinance to Amend the Code of Sussex County Regarding Affordably Priced Rental Units and the Sussex County Rental Unit (SCRUP) Program

Dear Sussex County Commissioners,

My name is Matt Padron and I represent Commonwealth Development Corporation, a national developer of high-quality rental housing designed to be affordable to working families and seniors. I am writing to express our very strong support for the proposed affordable housing Ordinance and to respectfully urge its rapid passage and enactment. Commonwealth is new to Delaware, but I myself have worked on affordable housing projects in the state for years with another organization and upon joining Commonwealth, was excited to explore the potential to bring our company's resources to develop new affordable housing to support the local workforce in Sussex County.

I regret that I was unable to attend the Planning and Zoning Commission Meeting on April 28 due to an unavoidable scheduling conflict, but I have reviewed the proposed Ordinance and listened to the full discussion of that meeting and I can confirm now as a developer that should this Ordinance pass, my organization will absolutely jump on it and make immediate use of the provisions of the Ordinance to pursue the new affordable housing development opportunities that would be made possible through its passage. Indeed, we have an exciting new affordable housing project in pre-development and under consideration for funding now just outside of Lewes and Rehoboth for which passage of this Ordinance would help clear the way for rapid development.

We have long been aware of the tremendous need for new affordable homes in the County, but a combination of high costs, limited availability, and restrictive zoning of suitable land has been an obstacle that has been difficult to overcome until now. The proposed Ordinance allowing affordable multifamily housing development by right on a large number of parcels is a potential game changer that will do much to remove these obstacles and make significant new affordable housing creation possible. One of the most challenging parts of real estate development—and in particular, affordable housing development—is the unpredictable and lengthy nature of the entitlements process and the financial, legal, and political ramifications that can arise from any need for zoning relief. This Ordinance eliminates much of this unpredictability, allowing for a



THE COMMONWEALTH COMPANIES

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straightforward and clear path to obtaining necessary approvals on a wide variety of potential sites in the County. In addition to reducing development costs and helping to ensure financial feasibility of projects, this Ordinance will make it easier to enter into agreements with sellers of applicable parcels, as many of the uncertainties of timing around entitlements and potential zoning relief would be eliminated. Furthermore, the development of affordable housing frequently relies upon a complex set of financing sources with funding agencies, lenders, and investors giving considerable weight to having permissive zoning in place. This Ordinance would enact that for many potential sites, streamlining the overall funding process and making these sites more attractive when applying for competitive funding sources.

Commonwealth Development sincerely appreciates the Commission's and County's desire for developer input into this Ordinance and is grateful for your concern that the Ordinance be truly beneficial to new affordable housing development. We would certainly value reducing the setback requirements and open space requirements as suggested during the April 28 meeting, but even exactly as written in its current form, this Ordinance is truly a significant advancement to efforts to promptly create new affordable housing in Sussex County and our greatest concern would be any undue delay in its passage and enactment. Should the ordinance be passed in the near future, it will be of instant benefit in expediting our proposed development near Lewes and will allow us to immediately begin working to confidently secure additional sites for new affordable housing development in Sussex County. This Ordinance tackles a challenging problem head on and as a developer of affordable housing, Commonwealth Development Corporation wholeheartedly supports and respectfully urges its rapid passage.

Thank you, again, for the opportunity to participate in this discussion and please do not hesitate to reach out at any time if you have any questions.

Sincerely,

Matthew F. Padron
Vice President of Development
1400 Harrisburg Pike #7806
Lancaster, PA 17604
202.556.9882
m.padron@commonwealthco.net



RECEIVED

MAY 02 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

The Honorable Mike Vincent
President, Sussex County Council
2 The Circle
PO Box 589
Georgetown, DE 19947

Mr. Robert Wheatly
Chairman, Sussex County Planning
And Zoning Commission

Dear Council President Vincent and P&Z Chairman Wheatly:

The Sussex Economic Development Action Committee is pleased to unanimously endorse the recently introduced ordinance to amend the Code of Sussex County dealing with Affordable Rental Units and the Sussex County Rental Unit Program (SCRIP). The Council is to be commended for taking this giant step forward to address the housing problem in Sussex County that is reaching catastrophic levels.

The proposal does make giant strides in beginning the process of making rental units more available and affordable and, through these changes it makes in our present code and program, will make it easier for the private sector to develop more of these projects while making them far more affordable to large numbers of Sussex Countians facing housing shortages and housing costs out of their reach. Moreover, the changes proposed will go a long way in assisting the residents of our County to live where they work.

We support this legislation as proposed but we do have some suggestions that may improve what you are trying to accomplish. These suggestions are from our membership:

- 1) Employed for one year and live here a year. Bridgeville adopted an Affordable Housing Ordinance modeled after the County's Ordinance. They addressed the residency issue by allowing only current residents of Bridgeville to apply to rent or buy the first three months that a unit is available. After three months, any resident of Sussex County could rent or buy it. Every time a unit became available the unit was only available to a current Bridgeville resident for that three-month period and then to the open market.
- 2) One hundred (100) feet set back from neighboring properties. The one hundred feet seems a little too much unless it is tied to the height of the rental unit.
- 3) 50% of the land must be in open space. With the price of land that either has sewer and water already available or available nearby, this could affect the number of units built thus opening the development of adjacent land to similar development, a sprawl-type effect, if you will.
- 4) All units must have a primary view of open space or recreational amenities. We understand the reason for this requirement and make no comment; and

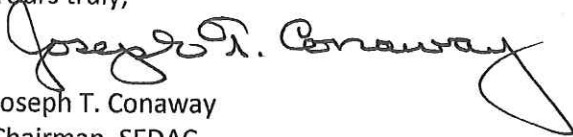
- 5) Eligibility of an individual is left to the landlord with the County having oversight. This is a good requirement and should speed up the rental of these units. With the County having final say, we are confident that problems will be at a minimum. You may want to look at some third-party appeal process if the County rejects an applicant.

As we have said, this is a giant first step and honors a commitment made by the Council but now it's time to begin to discuss how we make projects that can be purchased available as affordable housing.

We urge the Planning and Zoning Commission to recommend this Ordinance to the County Council for approval and we further urge the Sussex County Council to approve it.

Thank you. And, as always, SEDAC stands ready to assist you in your efforts to bring housing and jobs to Sussex County.

Yours truly,



Joseph T. Conaway

Joseph T. Conaway
Chairman, SEDAC

CC: Sussex County Council
Sussex County Planning and Zoning Commission
Todd Lawson, Sussex County Administrator
Jamie Whitehouse, Director Sussex County P&Z

Lauren DeVore

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, April 28, 2022 3:39 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, April 28, 2022 - 3:38pm

SUPPORT EXHIBIT

Name: Mindy Lyle

Email address: mindylyle@comcast.net

Phone number: 571-212-4735

Subject: Affordable Housing Ordinance

Message: I am writing in support of the Affordable Housing Ordinance. This Ordinance is essential to make the county more attractive to those seeking full-time employment and to businesses who have a consistent need for staff. I would also encourage you to consider including workforce ownership opportunities as you move forward.

Cc: Andrew Sharp; Bill Pfaff; Bob Wheatley; Bobbi Barends; Bobby Horsey; Brian McGlinchey; Brian Shannon; Bruce o'connor; Caroline Antony; Casey Kenton; Catherine Bassett; Charlie Timmons; Chris Baker; Christ Moody; Chris Weeks; Dave Speicher; david.l.wilson@delaware.gov; David Baker; David Root; Derrick Southard; dona troyer; Doug Liberman; Ed Lewandowski; Ernie Felici; Fred Dean; Gavin Short; George Beckerman; geraldhocker@gmail.com; Gus Mergenthaler; Helen Hoart; hfortunato@melvinjoseph.com; Jack Riddle; Jamie; Jacob Owens; Jared Shelton; Heun, Jean (US - Delaware); JDenney; Jerry Espositi; J Martin; Jim Provo; Joe Conaway; John Jones; jlrieley@hotmail.com; John Rieley; Jordan Schulties; Josh Mastrangelo; Karen Swain; Katie Tabeling; kelly Jansen; kelly.jansen@impactgraphix302.com; Kevin Yingling; Lauren Swain /Sussex SB; Lauren Weaver; Laurence Corrigan; Lillian Harrison; Lorri Grayson; Mark H. Davidson; Mary Dupont; Matt Robinson; Mike Vanderslice; Mike Vincent; Pat Ryan; Pete Keenan; Preston Schell; Ray Sander; Rob Eps; robert.m.nicholson@gmail.com; Robert Tunnell III; Bob Ruggio; Ruth Briggs King; Sara Pletcher; sarah gilmour; sgilmour@pathways-2-success.org; scott thomas; Sheldon Hudson; Stephanie Moody; Tom Thunstrom; tom.weaver@yourdelawarepi.com; Tom Weaver; Trish Newcomer; Walt Bryan; walt@foto-bug.com; Zach Evans
Subject: Re: from Chairman Joe

I just finished reading the proposed Ordinance and take issue with a few items, in particular, line 347, requiring any tenant to be previously employed for one full year in the County (that's an unnecessary disqualifier), and line 353, no felony record. (DUI's are a felony). This is another onerous requirement.

All in all, most of the language is based on finding the Qualifying Land, which would first and foremost need central water & sewer. We all know that the opportunities to build on land nearest Town centers are prohibitively expensive, or do not have central utilities (i.e Seaford area). I think it also puts too much of a burden on the prospective LandLord, and would actually inhibit what it is trying to create.

My opinion only.

Respectfully,

Sandra Ware / REALTOR since Jan '97 / Senior Advisor
Berkshire Hathaway HS Gallo Realty Commercial Division
37230 Rehoboth Avenue Ext. Rehoboth Beach, DE 19971
O 302.227.6101 / M 302.542.0900
Sandra@CommercialDE.com

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From: Gerard L. Esposito <espoenterprisesllc@gmail.com>

Sent: Thursday, April 21, 2022 8:19 AM

To: Sandra Ware <sandra@commercialde.com>; Linda Price <director@georgetowncoc.com>

Cc: Andrew Sharp <asharp@delawareindependent.com>; William Pfaff <william.pfaff@sussexcountyde.gov>; Bob Wheatley <bob@rcwheatley.com>; Bobbi Barends <bobbi.barends@dtcc.edu>; Bobby Horsey <bobbydgh@aol.com>; Brian McGlinchey <brianmcglinchey@me.com>; Brian Shannon <bgshannon@msn.com>; bruce o'connor <aboconnor@middlesexwater.com>; Caroline Antony <caroline@sussexpainrelief.com>; Casey Kenton <ckenton@i-realty.com>; Catherine Bassett <cbassett@mountaire.com>; Charlie Timmons <ctimmons@abcdelaware.com>; Chris Baker <cbaker@geolyn.com>; Christ Moody <Cmoody@dtcc.edu>; Chris Weeks <cweeks@beckermorgan.com>; Dave Speicher <davespeicherjr@gmail.com>; david.l.wilson@delaware.gov; David Baker <bakerudel@comcast.net>; David Root <dgroot@udel.edu>; Derrick Southard <dsouthard@ncall.org>; dona troyer <dona.troyer@sussexvt.k12.de.us>; Doug Liberman <dliberman@larsonengineering.net>; Ed Lewandowski <edlew@udel.edu>; Ernie Felici <ernie@herringpoint.com>; Fred Dean <fred@deanteamsells.com>; Gavin Short <gshortm@icloud.com>; George Beckerman <george@hoartbeckerman.com>; geraldhocker@gmail.com; Gus Mergenthaler <gus.mergenthaler@tetrattech.com>; Helen Hoart <helen@hoartbeckerman.com>; hfortunato@melvinjoseph.com; Jack Riddle <jack.riddle@communitybankdelaware.com>; Jamie <jamieb@millsboro.org>; Jacob Owens <jowens@delawarebusinesstimes.com>; Jared Shelton <jshelton@chpk.com>; Heun, Jean (US - Delaware) <jean.heun@fiserv.com>; JDenney <jdenney@corradoconstruction.com>; J Martin <jmartin@chpk.com>; Jim Provo <james.provo@sba.gov>; Joe Conaway <jconaway@hotmail.com>; John Jones <johnbjones@yahoo.com>; jlrieley@hotmail.com; John Rielely <jlrieley@sussexcountyde.gov>; Jordan Schulties <jordan.schulties@delaware.gov>; Josh Mastrangelo <jmastrangelo@cmfa.com>; Karen Swain <karen.swain@dtcc.edu>; Katie Tabeling <ktabeling@delawarebusinesstimes.com>; kelly Jansen <kelly.jansen@yourdelawarepi.com>; kelly.jansen@impactgraphix302.com; Kevin Yingling <kevin@decoop.com>; Lauren Swain /Sussex SB <lauren.swain@delaware.gov>; Lauren Weaver <Lauren@thequietresorts.com>; Laurence Corrigan <laurence.corrigan@cj.state.de.us>; Lillian Harrison <harrison.ltd@gmail.com>; Lorri Grayson <lgrayson@ggabuilds.com>; Mark H. Davidson <mdavidson@pennoni.com>; Mary Dupont <marykdupont@gmail.com>; Matt Robinson <mjrobins@udel.edu>; Mike Vanderslice <mvanderslice@envalliance.com>; Michael H. Vincent <mvincent@sussexcountyde.gov>; Pat Ryan <pryan@solutionsipem.com>; Pete Keenan <obkeen@verizon.net>; Preston Schell <preston@oacompanies.com>; Ray Sander <raymondjsander@gmail.com>; Rob Eps <rob@jadel.org>; robert.m.nicholson@gmail.com; Robert Tunnell III <rtunnell@potnets.com>; Bob Ruggio <rruggio.del@gmail.com>; Ruth Briggs King <ruth.briggsking@state.de.us>; Sara Pletcher <spletcher@milford-de.gov>; sarah gilmour <sarahgilmour@verizon.net>; sgilmour@pathways-2-success.org; scott thomas <scottT@visitsoutherndelaware.com>; Sheldon Hudson <sheldon@millsboro.org>; Stephanie Moody <smoody@scaor.com>; Tom Thunstrom <tom.thunstrom@gmail.com>; tom.weaver@yourdelawarepi.com; Tom Weaver <tom.weaver@impactgraphix302.com>; Trisha Newcomer <tbooth@seafordde.com>; Walt Bryan <walt@waltbryan.com>; walt@foto-bug.com; Zach Evans <zevans@mountaire.com>

Subject: RE: from Chairman Joe

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.

I agree with Sandra's observations, and would add a supporting comment about central water and sewer. Most non-municipal or non-County central water and sewer "districts" don't put infrastructure in the ground until they have an actual customer. Unlike government utilities, who can build capacity using public funds with or without paying customers, private utilities usually can't build for future growth—whether for workforce housing or not. Requiring that utility availability for the "Qualifying Land" could be prohibitive.

Jerry E.

Sent from Mail for Windows

From: Sandra Ware

Sent: Wednesday, April 20, 2022 10:25 AM

To: Linda Price

PLANNING & ZONING COMMISSION

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



Sussex County

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sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: June 9th, 2022

Application: CU 2295 Bones & Sons Heating & Air

Applicant: Bones & Sons Heating & Air
22135 Conrail Rd
Seaford, Delaware 19973

Owner: Carl & Tiffany Bone
22135 Conrail Rd
Seaford, Delaware 19973

Site Location: The site is on the east side of Conrail Road (S.C.R. 546), south of the intersection of Hearn's Pond Rd (S.C.R. 544).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: District 1 - Vincent

School District: Seaford School District

Fire District: Seaford Fire Company

Sewer: On-site septic systems

Water: On-site well

TID: Not Applicable

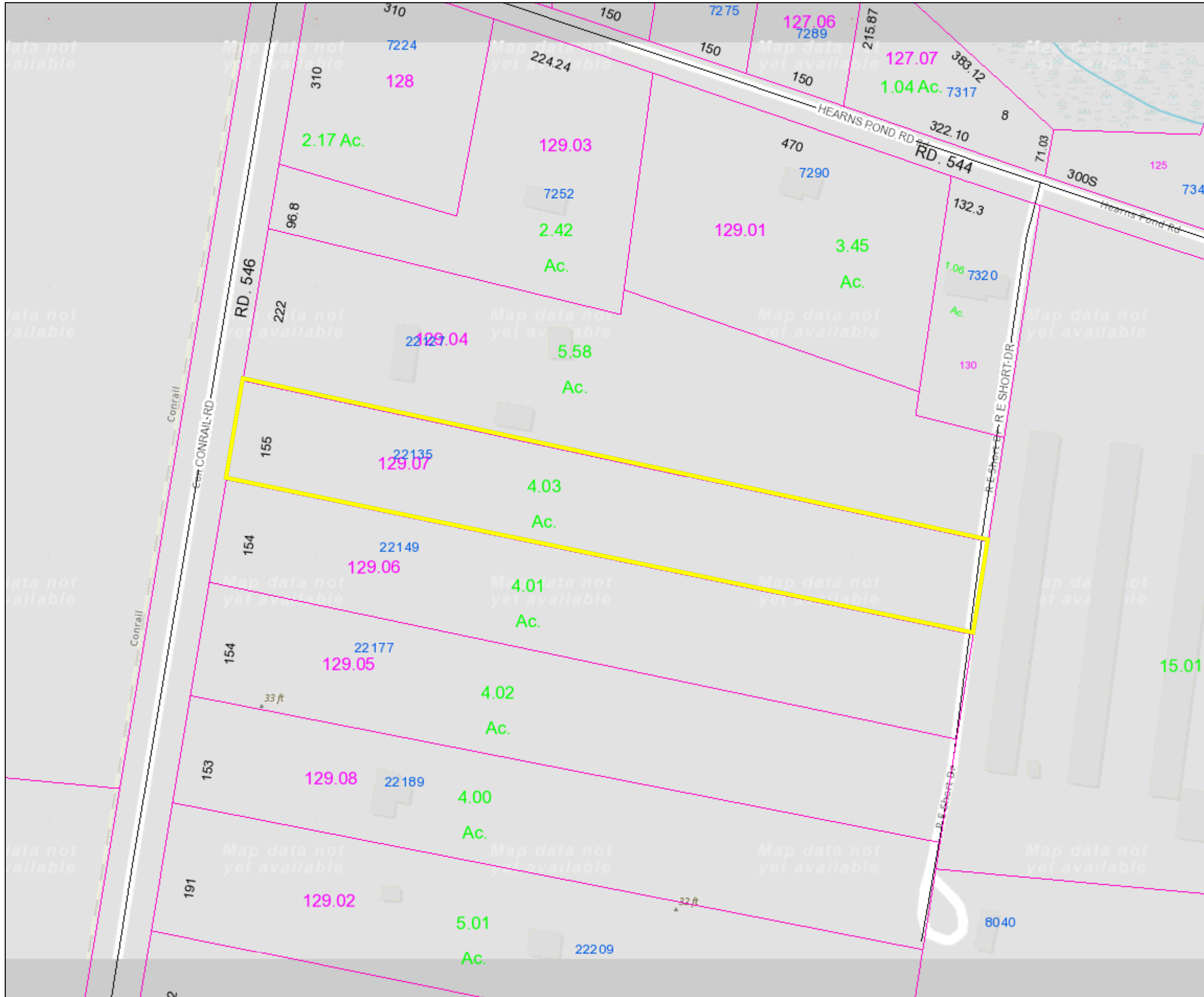
Site Area: 4.03 acres +/-

Tax Map ID: 331-3.00-129.07





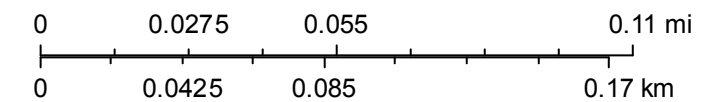
Sussex County

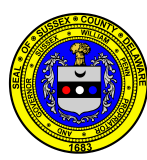


PIN:	331-3.00-129.07
Owner Name	BONE CARL V
Book	5379
Mailing Address	22135 CONRAIL RD
City	SEAFORD
State	DE
Description	E/RT 546
Description 2	606' S/RT 544
Description 3	N/A
Land Code	

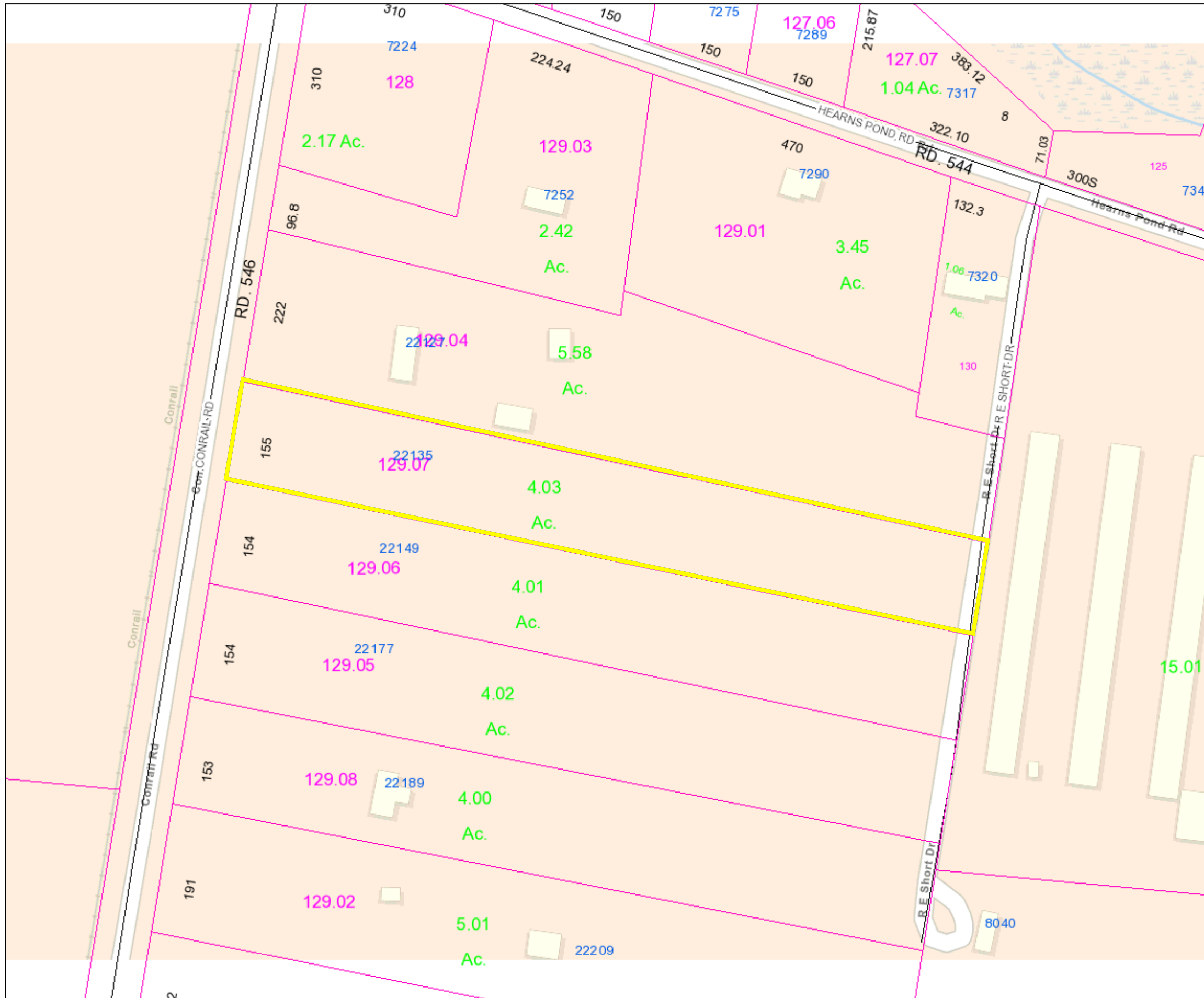
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- Tax Parcels
- 911 Address
- Streets

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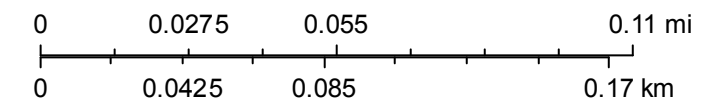
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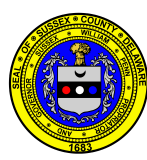


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- County Boundaries

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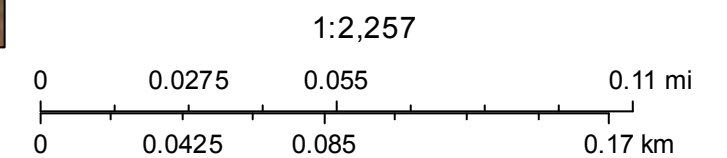


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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries



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



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mx. Jesse Lindenberg, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: May 9th, 2022
RE: Staff Analysis for CU 2295 Bones & Sons Heating & Air

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2295 Bones & Sons Heating & Air to be reviewed during the May 12th, 2022, Planning and Zoning 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: 331-3.00-129.07, to allow for indoor and outdoor storage of heating and cooling equipment, to be located at 22135 Conrail Road Seaford, Delaware. The property is lying on the east side of Conrail Road (S.C.R. 546), approximately 606 feet south of the intersection of Hearn Pond Road (S.C.R. 544). The parcel consists of 4.03 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Developing Area." The parcels to the north, south, and east also have a Future Land Use Map designation of "Developing Area." The parcels to the west, across Conrail Road (S.C.R. 546) have a Future Land Use Map designation of "Low Density."

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, south, and east of the subject property are zoned Agricultural Residential (AR-1) District.



The parcel west of the subject property, on the opposite side of Conrail Road (S.C.R. 546), is also zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been two (2) Conditional Use applications within a one (1) mile radius of the application site. The first application was Conditional Use No. 1516 for Michael & Heather Kirby to allow for an auto detailing business to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was denied by the Sussex County Council on Tuesday, December 18th, 2008. The second application was Conditional Use No. 1783 for Allen's Hatchery, Inc. to allow for a railroad loop within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, April 24th, 2008; and this change was adopted through Ordinance No. 1969.

Based on the analysis provided, the Conditional use to allow for indoor and outdoor storage of heating and cooling equipment in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

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

22135 Conrail Rd Seaford, DE 19973

Type of Conditional Use Requested:

On site storage of heating and cooling equipment for our HVAC company

Tax Map #: 331-3.00-129.07

Size of Parcel(s): 4.03 acres

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 50 x 30 foot

Land Use Classification: Residential

Water Provider: private on site "well"

Sewer Provider: private on site "septic"

Applicant Information

Applicant Name: Bones & Sons Heating & Air/ Tiffany Bone

Applicant Address: 22135 Conrail Rd

City: Seaford

State: DE

Zip Code: 19973

Phone #: (302) 387-5991

E-mail: bonesandsons@yahoo.com

Owner Information

Owner Name: Carl & Tiffany Bone

Owner Address: 22135 Conrail Rd

City: Seaford

State: DE

Zip Code: 19973

Phone #: (302) 362-3238

E-mail: t.kennedy77@yahoo.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



Date: 5-29-21

Signature of Owner

Date: _____

For office use only:

Date Submitted: 05/28/2021

Fee: \$500.00 Check #: 2555

Staff accepting application: _____

Application & Case #: CU 2225 / 202109753

Location of property: Conrail Road (22135), Seaford E/

TMP: 331-3.00-129.07

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

May 9, 2022

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 **Bones and Sons Heating and Air** proposed land use application, which we received on April 12, 2022. This application is for an approximately 4.03-acre parcel (Tax Parcel: 331-3.00-129.07). The subject land is located on the east side of Conrail Road (Sussex Road 546) approximately 630 feet south of the intersection with Hearn's Pond Road (Sussex Road 544). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to use indoor and outdoor storage of equipment for a heating and cooling business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Conrail Road from Cannon Road (Delaware Route 18) to Ross Station Road (Sussex Road 543), is 712 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

Mr. Jamie Whitehouse

Page 2 of 2

May 9, 2022

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

Please contact Ms. Annamaria Furfato, at Annamaria.Furfato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Bones and Sons Heating and Air, Applicant
Jesse Lindenberg, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Matthew Schlitter, South District Public Works Engineer, 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
Annamaria Furfato, 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: **5/13/2022**

APPLICATION: **CU 2295 Bones & Sons Heating & Air**

APPLICANT: **Bones & Sons Heating & Air**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **331-3.00-129.07**

LOCATION: **Lying on the east side of Conrail Road (SCR 546), south of the intersection of Hearn's Pond Road (SCR 544)**

NO. OF UNITS: **Indoor and outdoor storage of heating and cooling equipment.**

GROSS
ACREAGE: **4.03 +/-**

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**

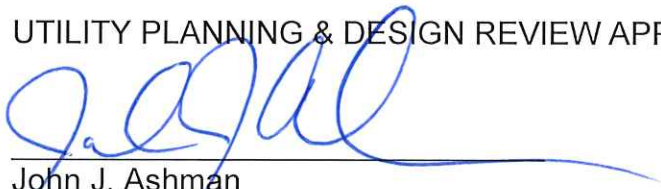
(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(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? **No**
- 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 Conditional Use is within the boundary of the Growth and Annexation area of the City of Seaford. Contact the City in referenced to the availability of sanitay sewer and/or 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.**

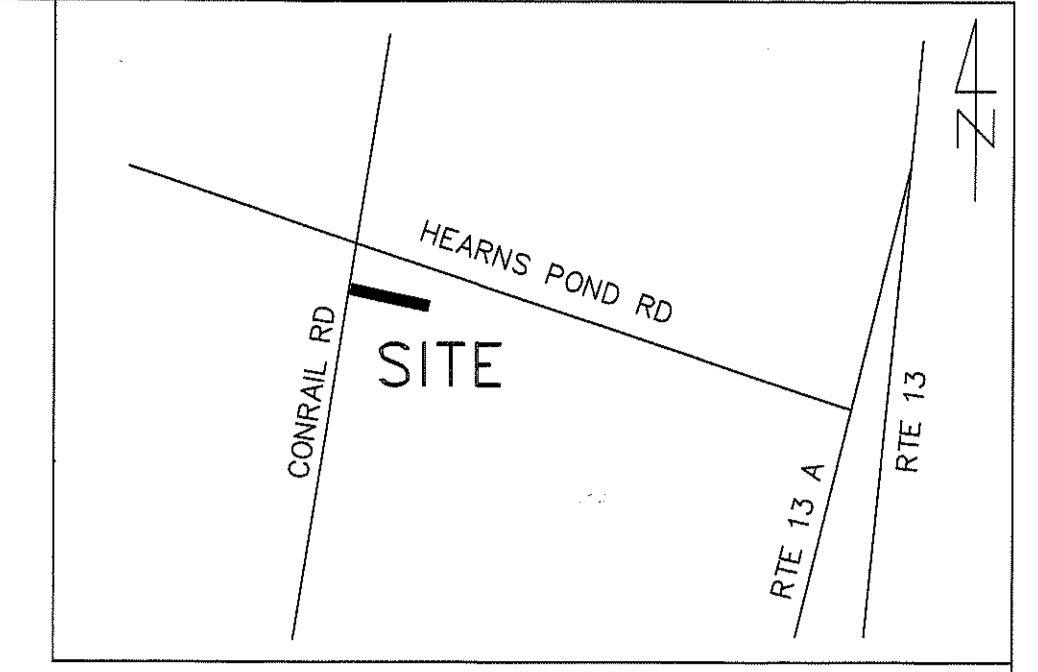
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



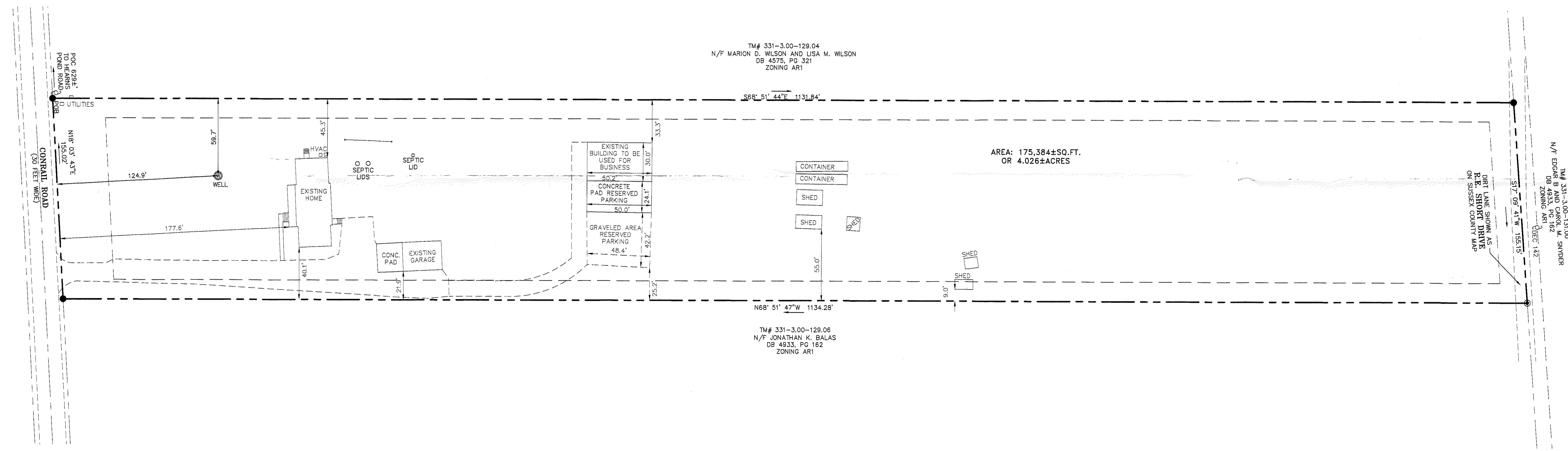
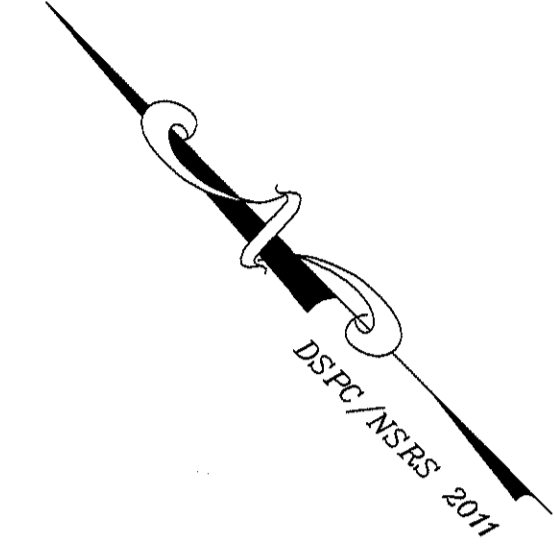
John J. Ashman
Sr. Manager of Utility Planning & Design Review

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

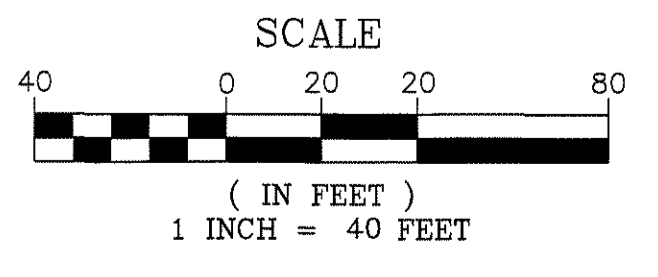
PLAN DATA:
 1. TITLE REFERENCED TO: TM# 331-3.00-129.07, DB 5379, PG 329, DB 1733 PG 70
 22135 CONRAIL RD, SEAFORD, DE 19973,
 LANDS OF ROBERT O. AND SANH T. ROOD,
 SEAFORD HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
 3. THIS PLAN 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 AR, AND SETBACKS ARE: FRONT-40, SIDE-15,
 AND REAR-20.



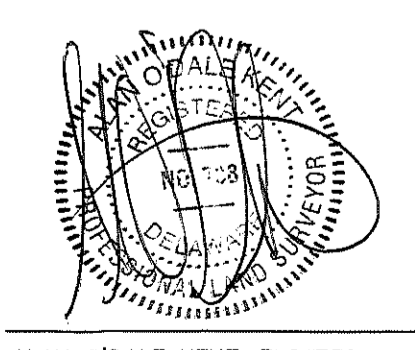
LOCATION MAP
 NOT TO SCALE



LEGEND:
 ● RAILROAD SPIKE FOUND
 ○ CAPPED IRON PIN FOUND
 ⊙ CAPPED IRON PIN SET
 — PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE



SURVEYOR'S CERTIFICATION
 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, PLS#738
 ALAN O KENT LAND SURVEYING LLC
 9505 SUSSEX STREET
 SEAFORD, DE 19973

[Signature]
 DATE

JOB # 2021136 THIS IS A SUBURBAN CLASS SURVEY

DATE OF PLAN 06 APR 2021	BOUNDARY SURVEY PLAN AND CONDITIONAL USE REQUEST OF THE LANDS NOW OR FORMERLY OF CARL V. BONE AND TIFFANY BONE PREPARED BY ALAN O KENT LAND SURVEYING 9505 SUSSEX STREET SEAFORD, DE 19973 (302) 745-1735
DATE OF LAST FIELD WORK 24 FEB 2021	

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: June 9th, 2022

Application: CU 2296 Michael Milligan

Applicant: Michael Milligan
31531 Jestice Farm Road
Laurel, DE 19956

Owner: Michael Milligan
31531 Jestice Farm Road
Laurel, DE 19956

Site Location: 31531 Jestice Farm Road, Laurel, DE 19956

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

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

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: Septic

Water: Well

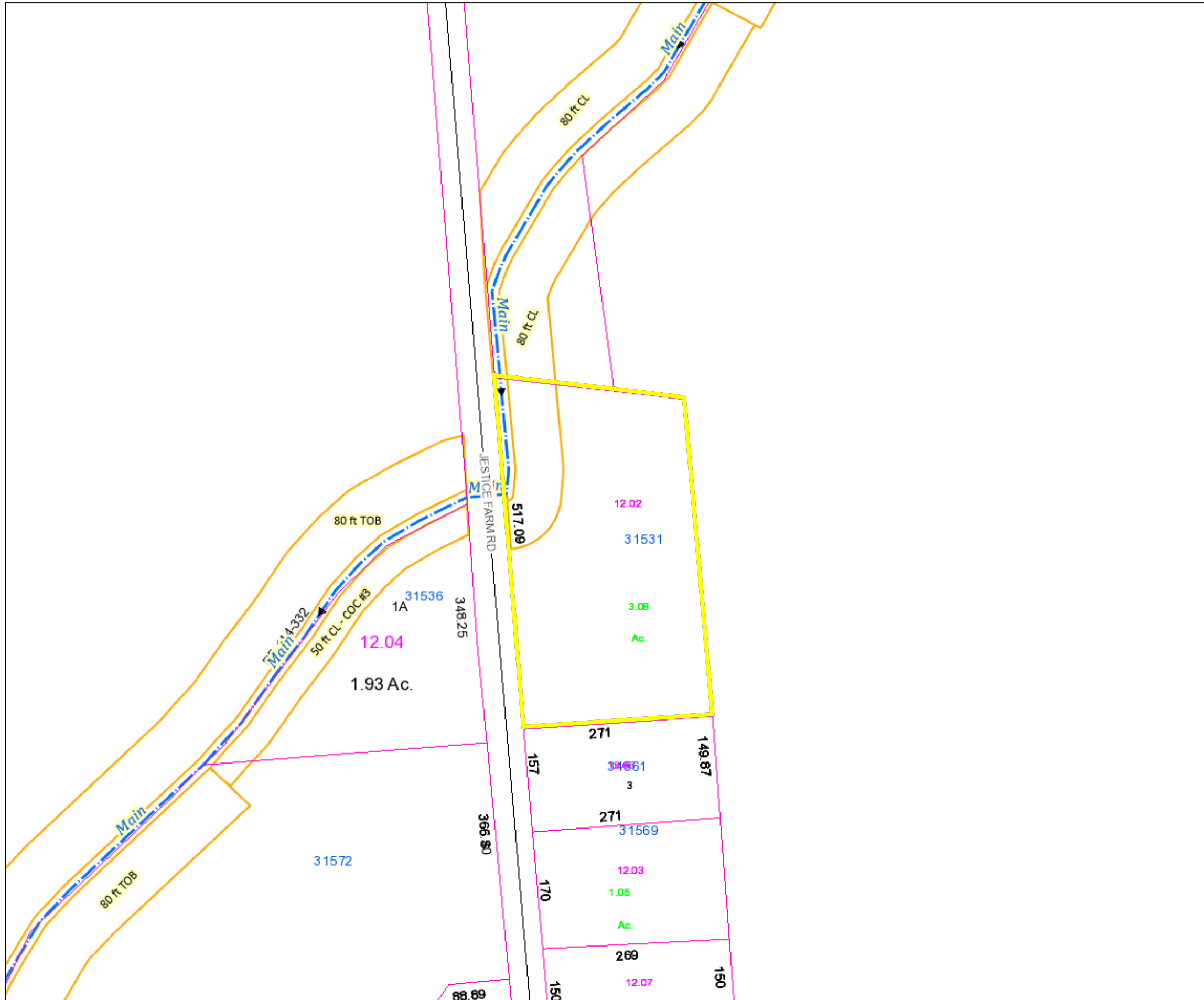
Site Area: 3.078 acres +/-

Tax Map ID.: 232-19.00-12.02





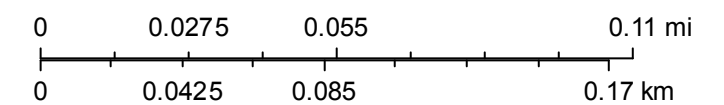
Sussex County



PIN:	232-19.00-12.02
Owner Name	MILLIGAN MICHAEL R
Book	3331
Mailing Address	31531 JESTICE FARM RD
City	LAUREL
State	DE
Description	E/S RD 449
Description 2	1050' S RD 447
Description 3	N/A
Land Code	

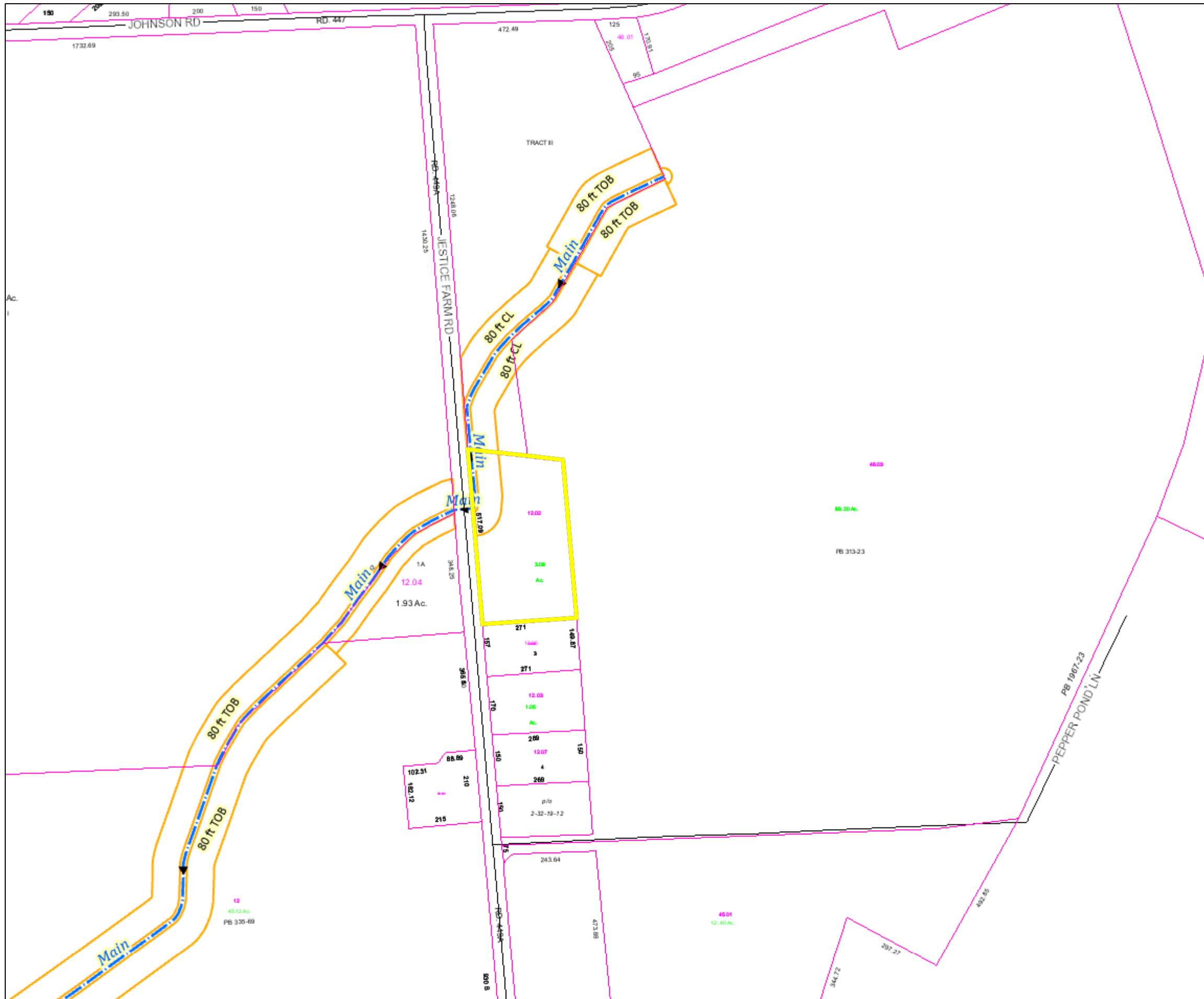
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 - Override 1 ⋯ Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Special Access ROW** +
- Extent of Right-of-Way** ⋯
- Municipal Boundaries** ⋯
- TID** ⋯
- Tax Ditch Segments**
 - Tax Ditch Channel —
 - DeIDOT Maintained —
 - HOA Maintained —
 - Pipe - DeIDOT —
 - Pipe - Tax Ditch —
 - Pipe - Private —
 - Pond Feature ⋯

1:2,257





Sussex County



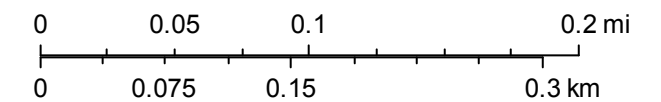
PIN:	232-19.00-12.02
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Mailing Address	31531 JESTICE FARM RD
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Description	E/S RD 449
Description 2	1050' S RD 447
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514





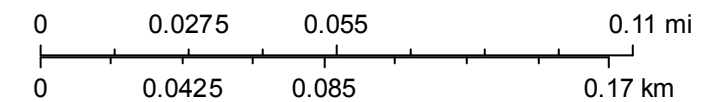
Sussex County



PIN:	232-19.00-12.02
Owner Name	MILLIGAN MICHAEL R
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Description	E/S RD 449
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Land Code	

- polygonLayer**
 - Override 1 + Special Access ROW
 - Override 1 - Extent of Right-of-Way
 - Override 1 - Municipal Boundaries
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature

1:2,257



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 and Zoning Commission Members
From: Mrs. Christin Scott, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 6th, 2022
RE: Staff Analysis for CU 2296 Michael Milligan

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2296 Michael Milligan to be reviewed during the June 9th, 2022, Planning and Zoning 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: 232-19.00-12.02, to allow for a towing business, to be located at 31531 Jestice Farm Road, Laurel, Delaware. The property is lying on the east side of Jestice Farm Road (S.C.R. 449A), approximately 0.31 mile south of Johnson Road (S.C.R. 447). The parcel consists of 3.078 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Low Density." The parcels to the north, south, east, and west also have a Future Land Use Map designation of "Low Density."

As outlined within the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing 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 Areas should be 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 be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses. (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, south, east, and west of the subject property are also zoned Agricultural Residential (AR-1) District.



Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there has been one (1) Conditional Use application within a one (1) mile radius of the application site. Conditional Use No. 2178 for Steven & Carrie Coleman to allow for a welding and fabricating business to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, July 19, 2019, through Ordinance No. 2667.

Based on the analysis provided, the Conditional use to allow for a towing business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

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

31531 Jestice Farm Rd Laurel DE 19956

Type of Conditional Use Requested:

Towing
Tax Map #: 232-19.00-12.02 Size of Parcel(s): _____

Current Zoning: Res. Proposed Zoning: Bus/Comm Size of Building: _____

Land Use Classification: _____

Water Provider: well Sewer Provider: septic

Applicant Information

Applicant Name: Michael Mulligan
Applicant Address: 31531 Jestice Farm Rd
City: Laurel State: DE Zip Code: 19956
Phone #: 302-381-2135 E-mail: starr.trans@yahoo.com

Owner Information

Owner Name: "
Owner Address: "
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.

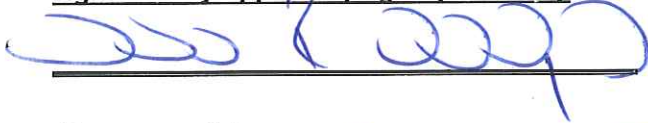
DeDOT Service Level Evaluation Request Response

- ___ 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: 11/30/20

Signature of Owner



Date: 11/30/20

For office use only:

Date Submitted: 7/11/21

Fee: \$500.00 Check #: 2021

Staff accepting application: NT

Application & Case #: W 2296

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

JENNIFER COHAN
SECRETARY

November 10, 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 **Michael Milligan** conditional use application, which we received on October 12, 2020. This application is for an approximately 3.08-acre parcel (Tax Parcel: 232-19.00-12.02). The subject land is located on the east side of Jestice Farm Road (Sussex Road 449A), approximately 1,100 feet south of the intersection of Jestice Farm Road and Johnson Road (Sussex Road 447). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the property to operate a towing business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Jestice Farm Road where the subject land is located is 451 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be diminutive in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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.



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/13/2022**

APPLICATION: **CU 2296 Michael Milligan**

APPLICANT: **Michael Milligan**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **232-19.00-12.02**

LOCATION: **31531 Jestice Farm Road, Laurel, DE 19956**

NO. OF UNITS: **Towing Business**

GROSS
ACREAGE: **3.078 +/-**

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 4**
- (3). Is wastewater capacity available for the project? **No** 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.

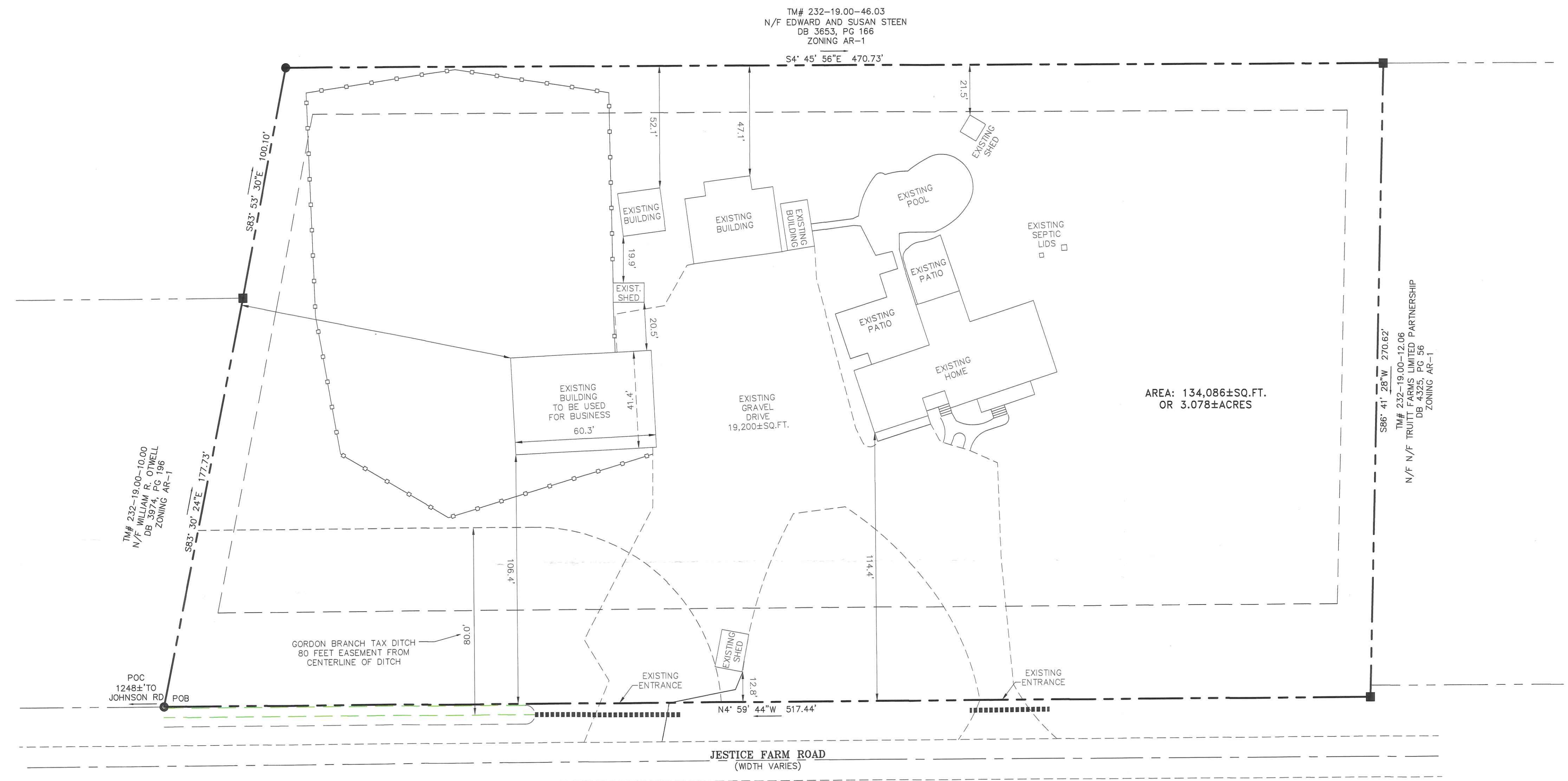
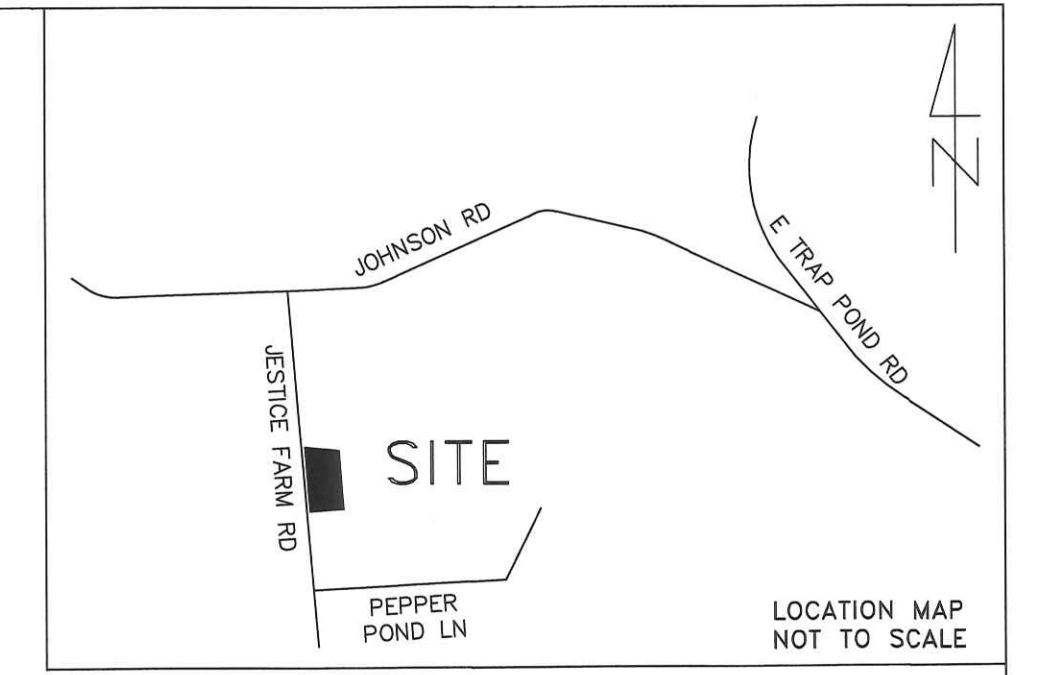
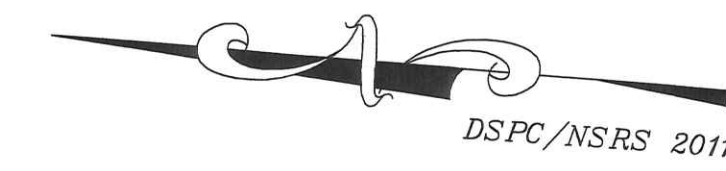
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this 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
No Permit Tech Assigned



AREA: 134,086±SQ.FT.
OR 3.078±ACRES

TM# 232-19.00-10.00
N/F WILLIAM R. OTWELL
DB 3874, PG 196
ZONING AR-1

TM# 232-19.00-46.03
N/F EDWARD AND SUSAN STEEN
DB 3653, PG 166
ZONING AR-1

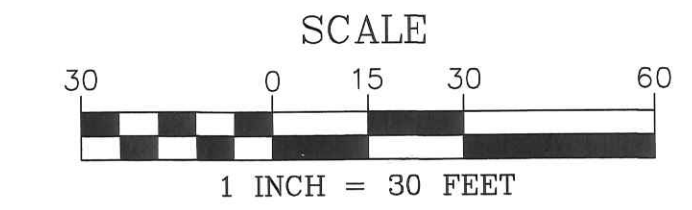
TM# 232-19.00-12.06
N/F TRUITT FARMS LIMITED PARTNERSHIP
DB 4325, PG 56
ZONING AR-1

TM# 232-19.00-10.00
N/F WILLIAM R. OTWELL
DB 3874, PG 196
ZONING AR-1

TM# 232-19.00-12.04
N/F BEVERLY L. AND KIRK CLARY
DB 4741, PG 229
ZONING AR-1

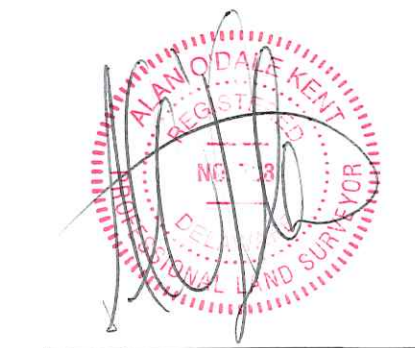
TM# 232-19.00-12.00
N/F EDWARD M. AND SUSAN L. STEEN
DB 4279, PG 89
ZONING AR-1

- LEGEND:
- AXEL FOUND
 - CONCRETE MONUMENT FOUND
 - IRON PIPE FOUND
 - PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE
 - - - ROAD CROWN
 - - - ROAD EDGE
 - ▬▬▬▬▬▬▬▬▬▬ EXISTING CULVERT PIPE



SURVEYOR'S CERTIFICATION

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.



29 JUNE 2021

ALAN O'DALE KENT, PLS#738
ALAN O KENT LAND SURVEYING LLC
9505 SUSSEX STREET
SEAFORD, DE 19973

DATE

JOB # 2021234

THIS IS A SUBURBAN CLASS SURVEY

PLAN DATA:
1. TITLE REFERENCED TO: TM# 232-19.00-12.02, DB 3331, PG 12
31531 JESTICE FARM ROAD, LAUREL, DE 19956
LANDS OF EDWARD JESTICE AND ROBIN JESTICE
SEAFORD 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 AR, AND SETBACKS ARE: FRONT-40, SIDE-15, AND REAR-20.

DATE OF PLAN	27 JUN 2021
DATE OF LAST FIELD WORK	25 JUN 2021

BOUNDARY SURVEY PLAN AND CONDITIONAL USE REQUEST OF THE LANDS NOW OR FORMERLY OF MICHAEL R. MILLIGAN

PREPARED BY
ALAN O KENT LAND SURVEYING
9505 SUSSEX STREET
SEAFORD, DE 19973
(302) 745-1735

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



Sussex County

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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: June 9th, 2022

Application: C/Z 1957 Ronicca Payton

Applicant: Ronicca Payton
8465 Front Street
Lincoln, DE 19960

Owner: Ronicca Payton
8465 Front Street
Lincoln, DE 19960

Site Location: Lying on the east side of Front Street (S.C.R. 38B), approximately 200 feet south of the intersection of Washington Steet (S.C.R. 225C) and Front Street.

Current Zoning: Neighborhood Business (B-1) District

Proposed Zoning: Agricultural Residential (AR-1) District

Comprehensive Land Use Plan Reference: Commercial

Councilmanic District: Mr. Hopkins

School District: Milford School District

Fire District: Ellendale Fire Co.

Sewer: Private Septic

Water: Well

Site Area: 0.28 Ac. +/-

Tax Map ID.: 230-6.17-19.00





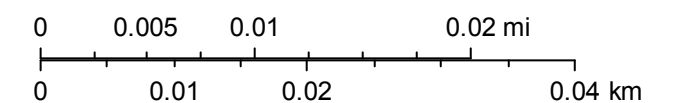
Sussex County



PIN:	230-6.17-19.00
Owner Name	PAYTON RONICCA J
Book	3868
Mailing Address	8465 FRONT ST
City	LINCOLN
State	DE
Description	BUTLER R R AVE
Description 2	E/RT 38 B INT
Description 3	N/RT 225 B
Land Code	

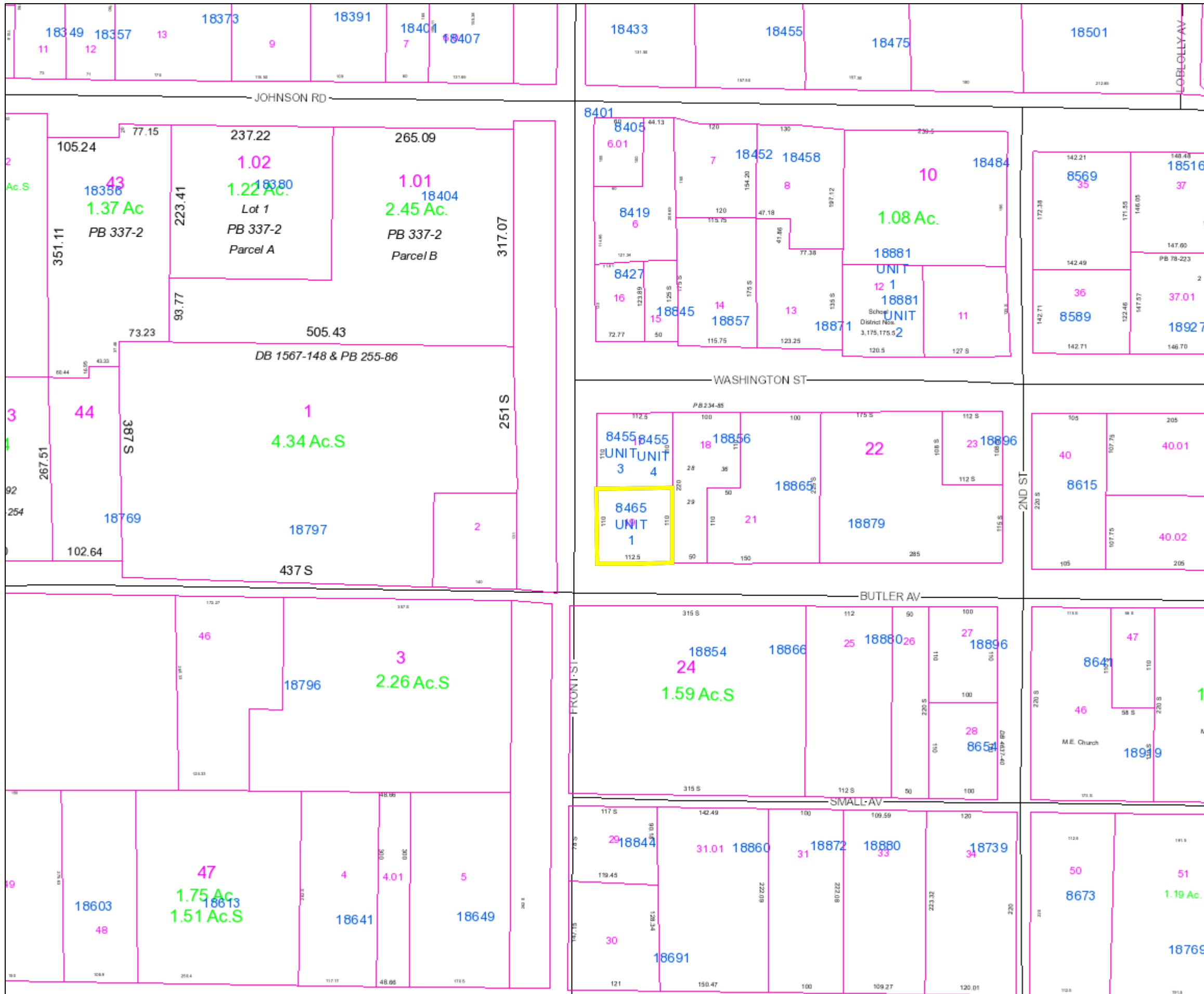
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- polygonLayer**
Override 1
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- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
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- AE
- AO
- OPEN WATER
- VE

1:564





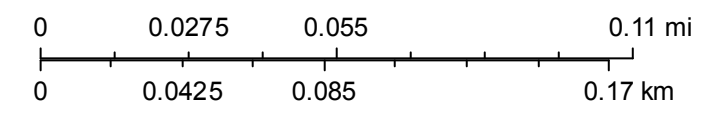
Sussex County



PIN:	230-6.17-19.00
Owner Name	PAYTON RONICCA J
Book	3868
Mailing Address	8465 FRONT ST
City	LINCOLN
State	DE
Description	BUTLER R R AVE
Description 2	E/RT 38 B INT
Description 3	N/RT 225 B
Land Code	

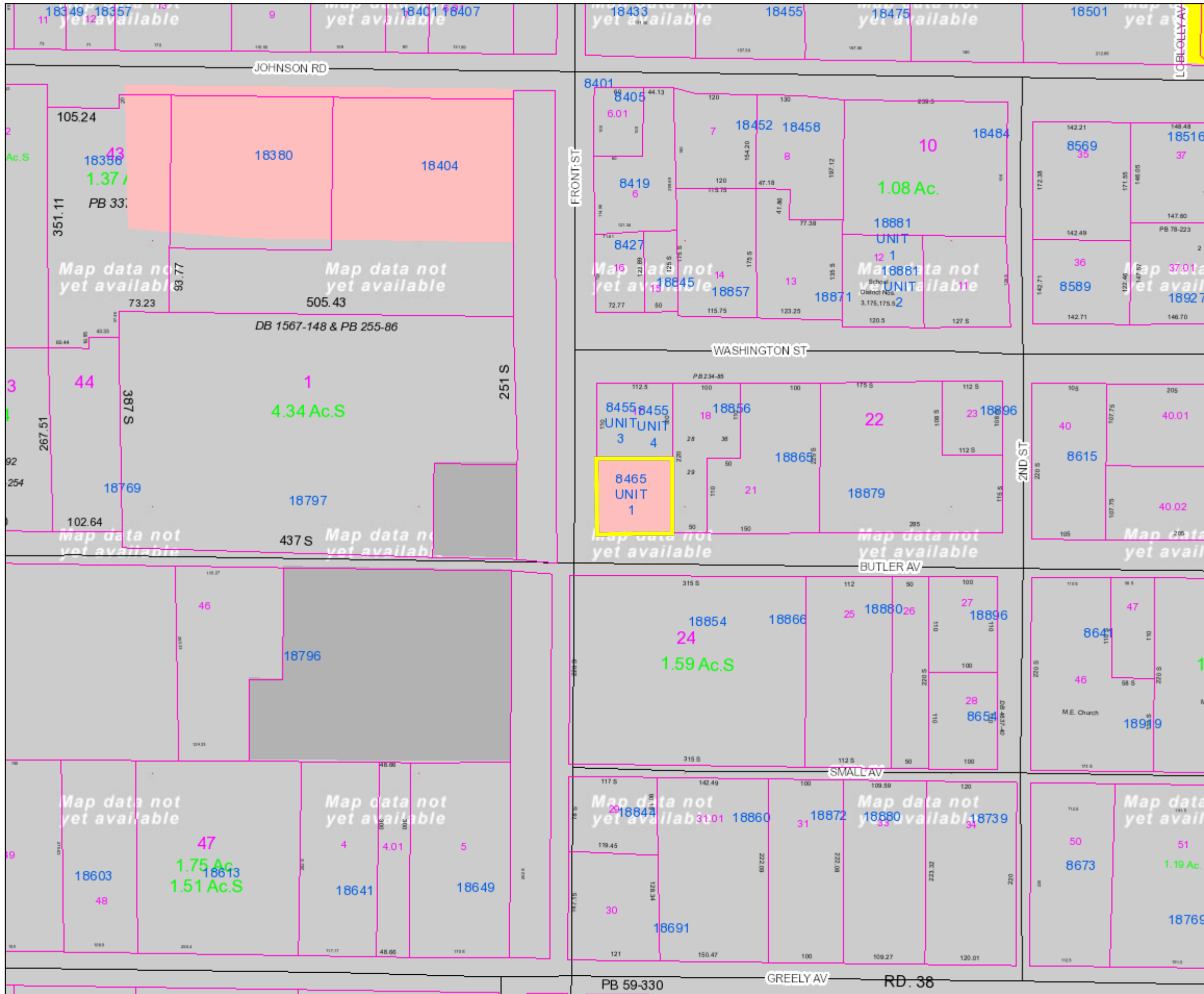
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- - - 911 Address
- Streets
- - - County Boundaries
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE

1:2,257





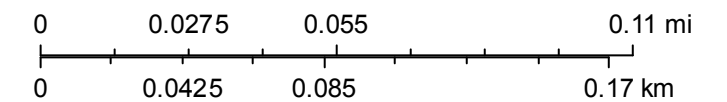
Sussex County



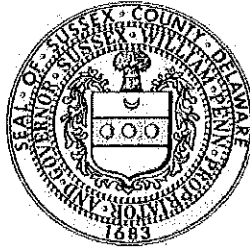
PIN:	230-6.17-19.00
Owner Name	PAYTON RONICCA J
Book	3868
Mailing Address	8465 FRONT ST
City	LINCOLN
State	DE
Description	BUTLER R R AVE
Description 2	E/RT 38 B INT
Description 3	N/RT 225 B
Land Code	

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



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



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: June 1, 2022
RE: Staff Analysis for CZ 1957 Ronicca Payton

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1957 Ronicca Paton to be reviewed during the June 9 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 230-6.17-19.00 to allow for a change of zone from a Neighborhood Business District (B-1) to an Agricultural Residential District (AR-1). The property is lying on the east side of Front Street (S.C.R. 38B) approximately 200-feet south of the intersection of Washington Steet (S.C.R. 225C) and Front Street. The parcel to be rezoned contains 0.28 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 "Commercial." The properties to the north, south, east, have the land use designation of Low Density as well as one outlier of Developing area directly to the east.

Vicinities designated to be within the Commercial Area are generally concentrations of retail and services uses along arterial roadways and highways. These areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared toward vehicular traffic. The Commercial Area designation does not include many medium or large-scale commercial uses that are larger in scale and higher in intensity. The Comprehensive Plan notes that mixed use development may be appropriate in these areas.

The property is zoned Neighborhood Business (B-1) Zoning District. Adjacent parcels to the north, south, and west are zoned Agricultural Residential (AR-1) Zoning District. The properties to the west are zoned Agricultural Residential (AR-1) Zoning District and Light Industrial (LI-2) 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 Agricultural Residential Zoning District (AR-1) is listed as an applicable zoning district in the "Commercial Area."



Since 2011, there has been zero (0) Change of Zone applications within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Neighborhood Business Zoning District (B-1) to an Agricultural Residential Zoning District (AR-1) 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

8465 Front St. Unit 1 Lincoln, DE

Type of Conditional Use Requested:

Tax Map #: 2-30-6-17-19.00 Size of Parcel(s): 0.28 ac.

Current Zoning: B1 Proposed Zoning: AR1 Size of Building: _____

Land Use Classification: CO

Water Provider: well Sewer Provider: septic system

Applicant Information

Applicant Name: Ronicca J. Payton

Applicant Address: 8465 Front Street Ln

City: Lincoln State: DE Zip Code: 19960

Phone #: 302-236-9281 E-mail: hairwego@comcast.net

Owner Information

Owner Name: Same as Above

Owner Address: _____

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: _____



Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 8465 Unit 1 Front St.
Lincoln, DE 19960

Parcel #: 230-6.17-19.00

Site Address: _____

Parcel #: _____

Applicant Name: Ronicea J. Payton

Owner Name: Ronicea Payton

Type of Application:

Conditional Use: _____

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: 10/5/21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/13/2022**

APPLICATION: **CZ 1957 Ronicca Payton**

APPLICANT: **Ronicca Payton**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **230-6.17-19.00**

LOCATION: **Lying on the east side of Front Street (SCR 38B),
approximately 200 feet south of the intersection with
Washington Street (SCR 225C)**

NO. OF UNITS: **Downzoning from B-1 to AR-1**

GROSS
ACREAGE: **0.28 +/-**

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? **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 **Choose an item.** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- 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 Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this 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
No Permit Tech Assigned



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

NICOLE MAJESKI
SECRETARY

February 17, 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 **Ronicca Payton** proposed land use application, which we received on February 15, 2021. This application is for an approximately 0.2828- acre parcel (Tax Parcel: 230-6.17-19.00). The subject land is located on the northeast intersection of Butler Avenue and Front Street. The subject land is currently zoned B-1 (Neighborhood Business District) with a proposed zoning of AR-1 (Agriculture Residential) and proposed conditional use approvals for multifamily housing with 3 proposed units and a one-chair Hair Salon in one of the units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment Butler Road where the subject land is located, which is from Greentop Road to North Old Street Road, is 197 vehicles per day. The segment of Front Street where the subject land is located, which is from Johnson Road to Railroad Avenue, is 932 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

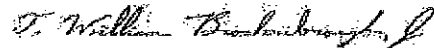


Mr. Jamie Whitehouse
Page 2 of 2
February 17, 2021

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

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

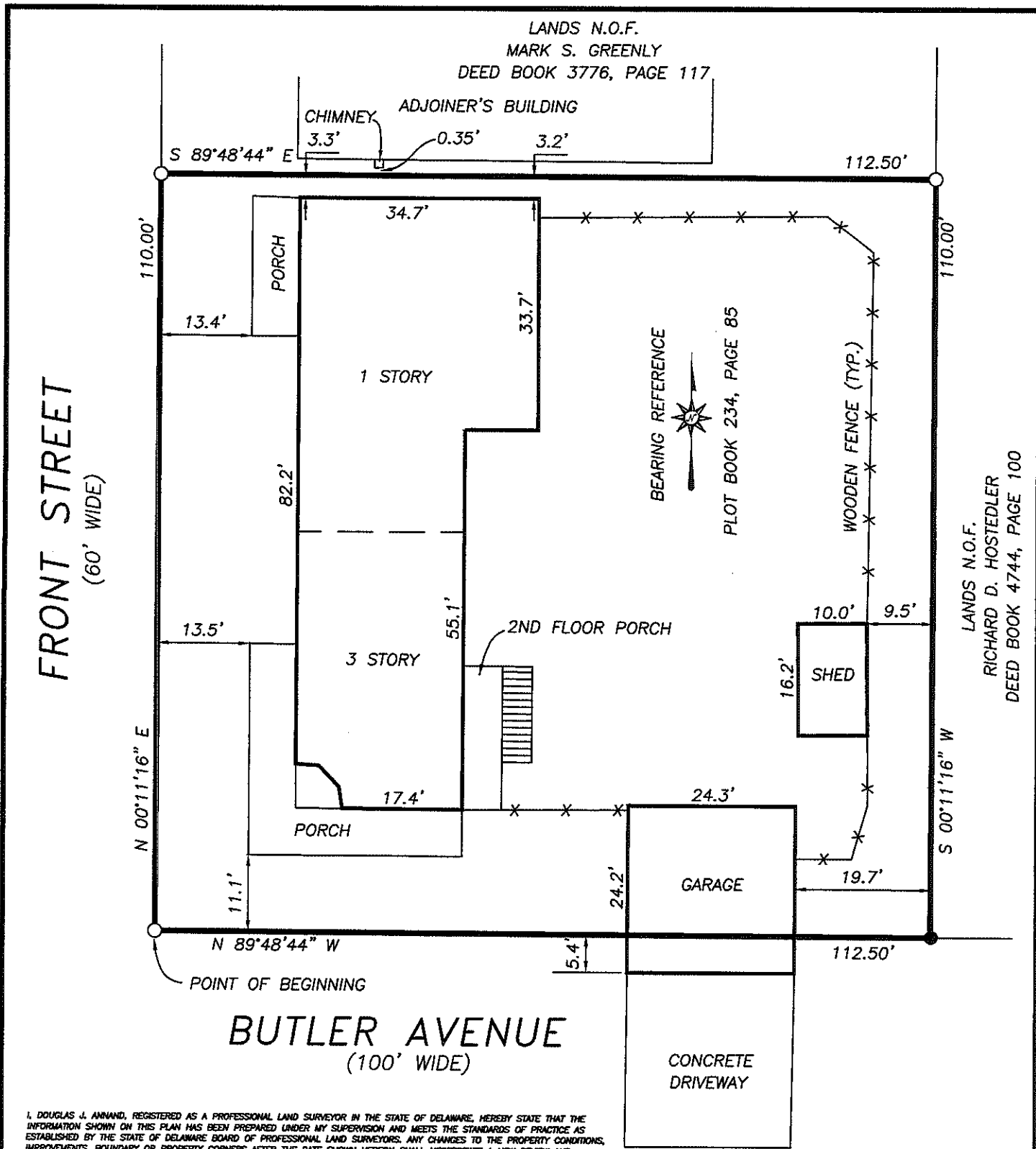
Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Ronicca Payton, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, 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



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3868, PAGE 78

BOUNDARY SURVEY PLAN

PREPARED FOR

RONICCA J. PAYTON

FOR PROPERTY KNOWN AS
8465 FRONT STREET
TOWN OF LINCOLN
SITUATED IN
CEDAR CREEK HUNDRED
SUSSEX COUNTY
STATE OF DELAWARE
AREA: 12,375 SQ. FT.
SCALE: 1" = 20'
DATE: OCTOBER 4, 2020

[Signature]
DOUGLAS J. ANNAND, PLS-622

LEGEND:

- FOUND IRON BAR
- SET IRON PIPE

Prepared By
DOUGLAS J. ANNAND
PROFESSIONAL LAND SURVEYOR
10027 NORTH OLD STATE ROAD
LINCOLN, DELAWARE 19960
PHONE: (302) 448-0320
douglasannand7@gmail.com

I Kelly Greenly, reside
at 18848 Washington Street Lincoln, DE and live
within 200 feet of Ronicca Payton at 8465 Front Street, Lincoln
DE.

I have no objection to the rezoning of said property. I understand
that it will be rezoned from a B1 neighborhood business zoning to
an AR1 residential / agricultural zoning.

Sign: Kelly M. Greenly

Date: 10-3-21

I Shelly A. Adstedler, reside
at 18856 Washington Street Lincoln De. and live
within 200 feet of Ronicca Payton at 8465 Front Street, Lincoln
DE.


I have no objection to the rezoning of said property. I understand
that it will be rezoned from a B1 neighborhood business zoning to
an AR1 residential / agricultural zoning.

Sign: Shelly Adstedler

Date: Oct 2, 2021

I Frank Brooke Clendaniel, reside
at 18854 BUTLER AVENUE and live
within 200 feet of Ronicca Payton at 8465 Front Street, Lincoln
DE.

I have no objection to the rezoning of said property. I understand
that it will be rezoned from a B1 neighborhood business zoning to
an AR1 residential / agricultural zoning.

Sign: 

Date: 09-17-2021

I Frank Clendaniel Inc. Richard Clendaniel ^{President}, reside
at Butter Ave Lincoln De 19962 and live
within 200 feet of Ronicca Payton at 8465 Front Street, Lincoln
DE.

I have no objection to the rezoning of said property. I understand
that it will be rezoned from a B1 neighborhood business zoning to
an AR1 residential / agricultural zoning.

Sign: Richard M Clendaniel
President

Date: 9/25/21

I Richard M Clendaniel Jr, reside
at Butler Ave Lincoln De 19960 and live
within 200 feet of Ronicca Payton at 8465 Front Street, Lincoln
DE.

I have no objection to the rezoning of said property. I understand
that it will be rezoned from a B1 neighborhood business zoning to
an AR1 residential / agricultural zoning.

Sign: Richard M Clendaniel Jr

Date: 9/25/21

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: June 9th, 2022

Application: C/Z 1958 Boardwalk Development, LLC

Applicant: Boardwalk Development, LLC
28855 Lewes Georgetown Highway, Suite B
Lewes, DE 19958

Owner: Boardwalk Development, LLC
28855 Lewes Georgetown Highway, Suite B
Lewes, DE 19958

Site Location: lying on the north and northeast side of Banks Road (S.C.R. 298,
approximately 0.49 mile southeast of John J. Williams Highway (Rt.
24)

Current Zoning: General Residential (GR) District

Proposed Zoning: General Residential - Residential Planned Community (GR-RPC)
District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaeffer

School District: Indian River School District

Fire District: Indian River Volunteer Fire Department

Sewer: Sussex County

Water: Tidewater

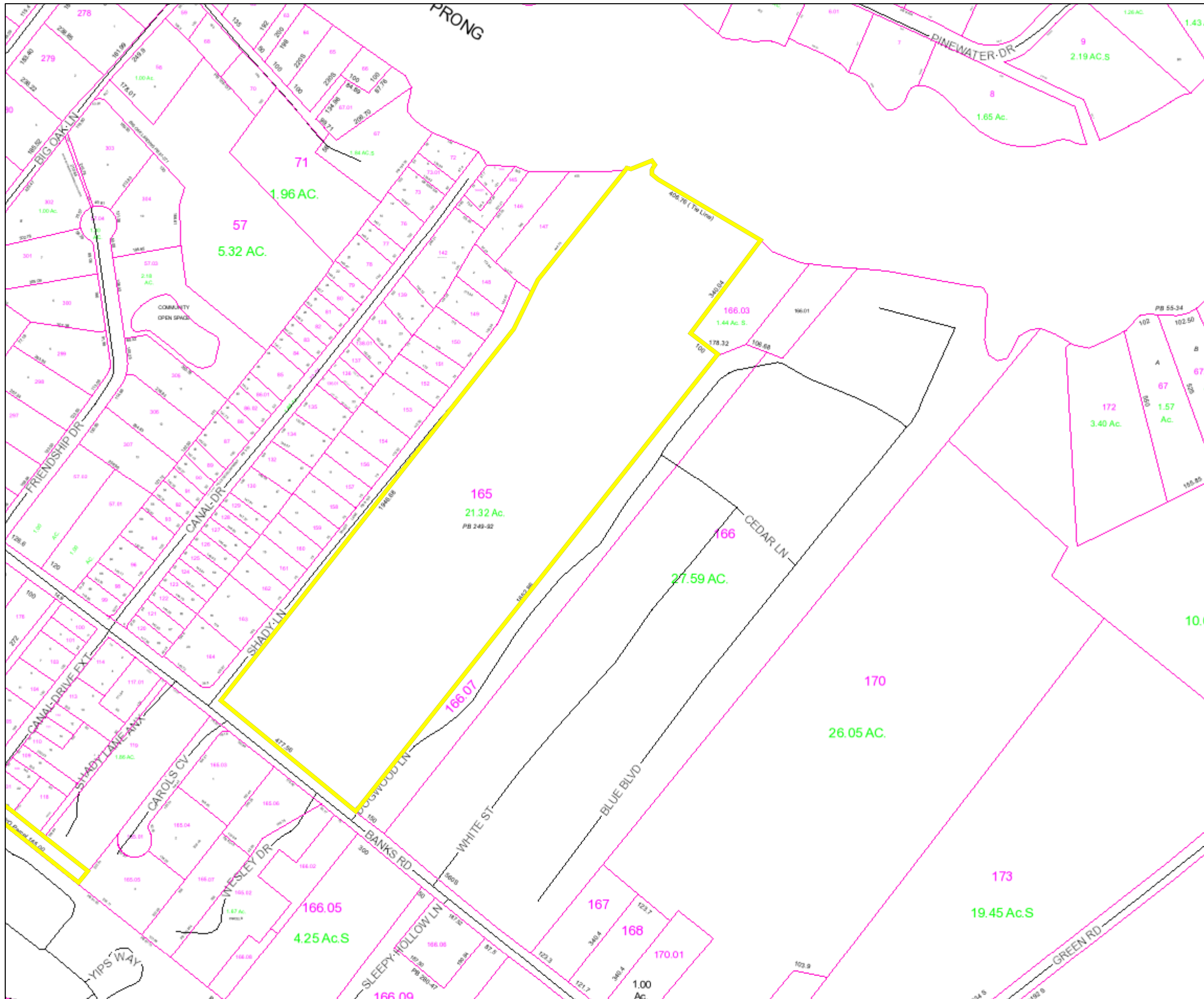
Site Area: 21.32 acres +/-

Tax Map ID.: 234-17.00-165.00





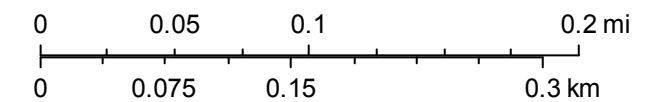
Sussex County



PIN:	234-17.00-165.00
Owner Name	BOARDWALK DEVELOPMENT LLC
Book	4747
Mailing Address	16165 ROCKPORT DR
City	LEWES
State	DE
Description	WATERVIEW FARMS
Description 2	N/A
Description 3	N/A
Land Code	

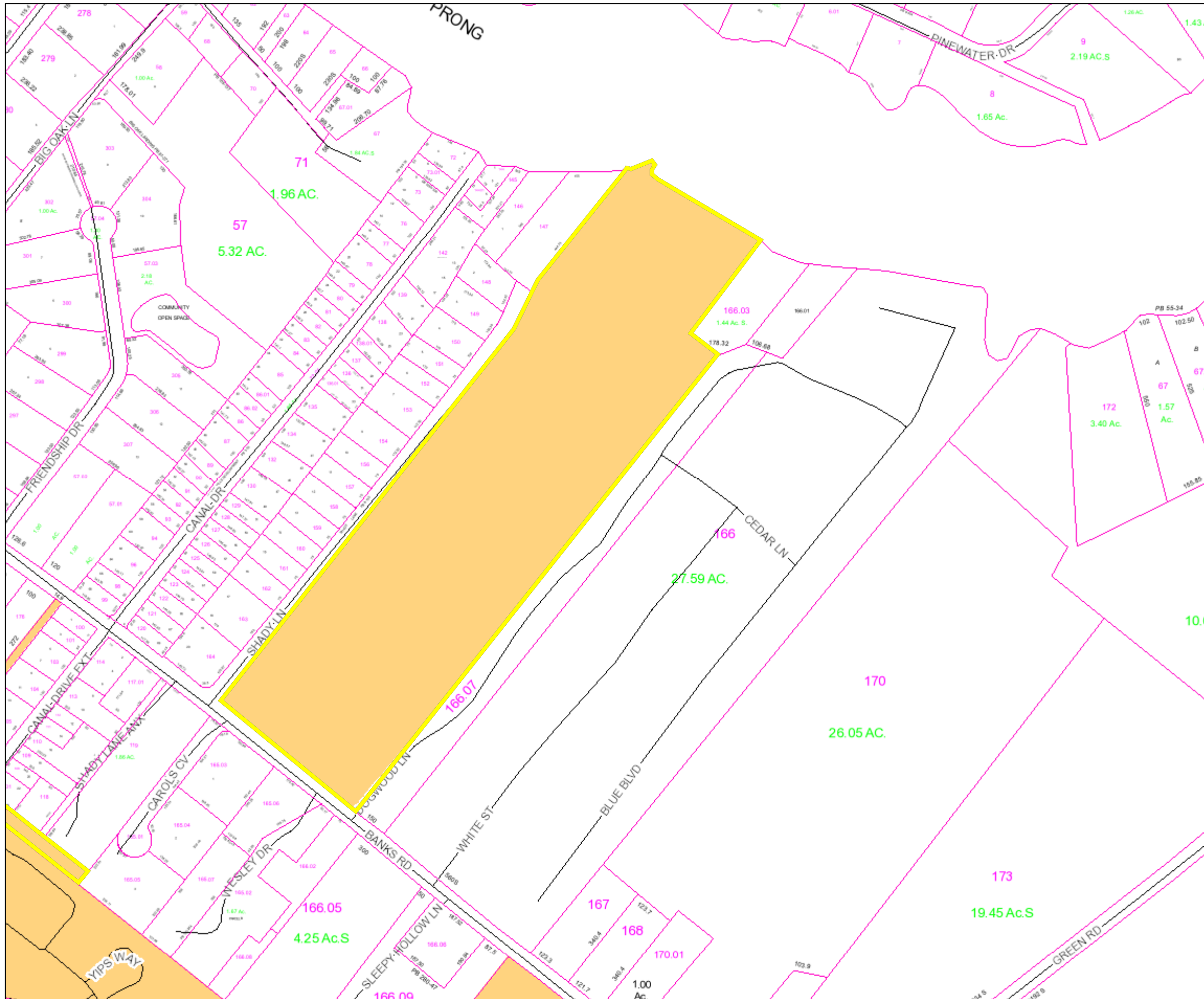
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 - Override 1 — Pipe - DeIDOT
 - Override 1 — Pipe - Tax Ditch
 - Tax Parcels — Pipe - Private
 - Streets — Pond Feature
 - County Boundaries — Special Access ROW
 - Extent of Right-of-Way
- Tax Ditch Segments**
 - Tax Ditch Channel — Municipal Boundaries
 - DeIDOT Maintained — TID

1:4,514





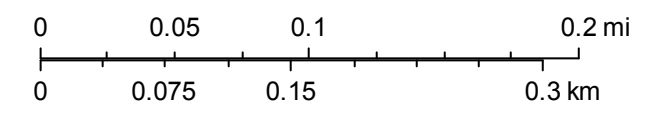
Sussex County



PIN:	234-17.00-165.00
Owner Name	BOARDWALK DEVELOPMENT LLC
Book	4747
Mailing Address	16165 ROCKPORT DR
City	LEWES
State	DE
Description	WATERVIEW FARMS
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer
 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- Streets

1:4,514





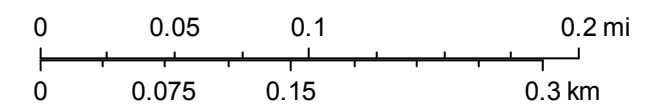
Sussex County



PIN:	234-17.00-165.00
Owner Name	BOARDWALK DEVELOPMENT LLC
Book	4747
Mailing Address	16165 ROCKPORT DR
City	LEWES
State	DE
Description	WATERVIEW FARMS
Description 2	N/A
Description 3	N/A
Land Code	

polygonLayer	HOA Maintained
Override 1	Pipe - DeIDOT
polygonLayer	Pipe - Tax Ditch
Override 1	Pipe - Private
⋯ Tax Parcels	Pond Feature
— Streets	Special Access ROW
⋯ County Boundaries	Extent of Right-of-Way
Tax Ditch Segments	Municipal Boundaries
— Tax Ditch Channel	TID
— DeIDOT Maintained	

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: Mrs. Christin Scott, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and applicant
Date: May 23, 2022
RE: Staff Analysis for C/Z 1958 Boardwalk Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1958 Boardwalk Development, LLC to be reviewed during the June 9, 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 234-17.00-165.00 to allow for a change of zone from a General Residential (GR) District to a General Residential District, Residential Planned Community (GR-RPC) District. The property is lying on the north and northeast side of Banks Road (S.C.R. 298), approximately 0.49 mile southeast of John J. Williams Highway (Route 24). The property consists of 21.32 acres +/-.

Further Site Considerations

Per County records, there do not appear to be any Tax Ditches or related Tax Ditch rights-of-way (ROW) on the subject property. The property is located within the "A," "AE," and "0.2 Percent Annual Chance" Flood Zone.

There is a Wellhead Protection Area located on the southeastern portion of the site. The property is located within an area of "fair" Groundwater Recharge Potential.

The subject property is not located within any established Transportation Improvement District (TID).

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation "Coastal Area." The properties to properties to the east and west and on the opposite side of Banks Road all contain the Future Land Use designation of "Coastal Area." The majority of the properties which border the Rehoboth Bay and surround the subject site are also contain the "Coastal Area" Future Land Use Map designation. The northern portion of the property is bordered by a tidal body of water known as the Hopkins Prong.



As outlined in 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, 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 all 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. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

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 Residential (GR) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

The property is zoned General Residential (GR) District. The adjacent parcels to the southeast, northwest and on the opposite side of Banks Road are zoned Agricultural Residential (AR-1) District. However, there is a large portion of the property which lies beyond these properties to the south that is zoned General Residential (GR) District.

Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been no Change of Zone Applications within a 1-mile radius of the Application site.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Residential (GR) District to a General Residential District, Residential Planned Community (GR-RPC) could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C21958
200 202114896

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

RECEIVED

OCT 08 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

north side of Banks Road (S.C.R. 298), 1/2 mile east of Rt.24

Type of Conditional Use Requested:

Tax Map #: 2-34-17, Parcel 165 Size of Parcel(s): ~~21.26 ac.~~ 21.32 ac.

Current Zoning: AR-1 GR Proposed Zoning: GR/RPC Size of Building: _____

Land Use Classification: Mixed Residential Areas

Water Provider: Tidewater Sewer Provider: Sussex County

Applicant Information

Applicant Name: Boardwalk Development, LLC

Applicant Address: 28855 Lewes Georgetown Highway, Suite B

City: Lewes State: DE Zip Code: 19958

Phone #: (302) 430-4060 E-mail: joe@reedventures.net

Owner Information

Owner Name: Boardwalk Development, LLC

Owner Address: 28855 Lewes Georgetown Highway, Suite B

City: Lewes State: DE Zip Code: 19958

Phone #: (302) 430-4060 E-mail: joe@reedventures.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.

Agent/Attorney/Engineer Address: 18 Chestnut Street

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 855-0810 E-mail: ken@axeng.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DeIDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 10/8/21

Signature of Owner



Date: 10/8/21

For office use only:

Date Submitted: 10/8/2021
Staff accepting application: JW
Location of property: _____

Fee: \$500.00 Check #: 1472
Application & Case #: 2020 2021/4896

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

March 18, 2022

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 **Boardwalk Development, LLC** proposed land use application, which we received on February 28, 2022. This application is for an approximately 21.32-acre parcel (Tax Parcel: 234-17.00-165.00). The subject land is located on the north side of Banks Road (Sussex Road 298) about 2,400 feet southeast of the intersection with John J. Williams Highway (State Road 24). The subject land is currently zoned GR (General Residential), with a proposed zoning of GR-RPC (General Residential) with a Residential Planned Community overlay, to build 54 age-restricted single-family detached houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the section of Banks Road, from John J Williams Highway to Long Neck Road (State Route 23), is 3,921 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse

Page 2 of 2

March 18, 2022

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

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Boardwalk Development, LLC, Applicant
Christin Scott, Sussex County Planning & Zoning
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, 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
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: **5/13/2022**

APPLICATION: **CZ 1958 Boardwalk Development, LLC**

APPLICANT: **Boardwalk Development, LLC**

FILE NO: **HC-1.08**

TAX MAP &
PARCEL(S): **234-17.00-165.00**

LOCATION: **Lying on the north and northeast side of Banks Rd. (SCR 298),
approximately 0.49 mile southeast of John J. Williams Hwy.
(Rt. 24).**

NO. OF UNITS: **Upzone from GR to GR-RPC**

GROSS
ACREAGE: **21.32 +/-**

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: **This parcel is located in the Sussex County Unified Sanitary Sewer District Herring Creek Area.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Nicole Messeck



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 22, 2017

Mr. Ken Christenbury, P.E.
Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947

RE: PLUS review 2017-05-04; CreekrIDGE RPC

Dear Ken:

Thank you for meeting with State agency planners on May 24, 2017 to discuss the proposed plans for the CreekrIDGE RPC project. According to the information received you are seeking review of a rezoning of 21.26 acres from AR-1 to GR-RPC and a site plan for a 54 unit subdivision along Banks Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located in Investment Level 3 according to the *Strategies for State Policies and Spending*. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future. We encourage you to design the site with respect for the environmental features which are present.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Banks Road (Sussex Road 298) must be designed and built in accordance with DelDOT's Development Coordination Manual (formerly the Standards and Regulations for Subdivision Streets and State Highway Access), which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.
- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. DelDOT anticipates that the proposed development would generate 182 vehicle trip ends per day on weekdays (somewhat less than the 200 trips on the PLUS application) and 15 vehicle trip ends during the weekday evening peak hour of Banks Road. Therefore the proposed development does not meet those warrants and a TIS is not required.
- Per Section 2.3.2 of the Development Coordination Manual, DelDOT may require a Traffic Operational Analysis (TOA) for a development generating 200 or more vehicle trip ends per day if they identify a potential problem in the operation of a site access. Because DelDOT anticipates that the proposed development would generate 182 vehicle trip ends per day on weekdays (somewhat less than the 200 trips on the PLUS application) a TOA will not be required.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf. DelDOT anticipates having more detailed comments to offer at that time.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Banks Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the right-of-way centerline on Banks Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Banks Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat."**

- As per the Delaware Strategies for State Policies and Spending, this development is primarily in Investment Level 3. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility, which this one does not. If the project does not abut to an existing facility, it will be at the Subdivision Engineer's discretion. No fee in lieu of construction will be required. The requirement or lack thereof should be addressed at the Pre-Submittal Meeting mentioned above but it is likely that DelDOT will require a Shared Use Path.
- In accordance with Section 3.8 of the Development Coordination Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Banks Road.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Executive Summary

Development of this parcel will result in increased impervious surface and new sources of greenhouse gas emissions. Opportunities exist to reduce the environmental impact on-site through appropriate use of pollution control strategies, reduced tree clearing and nature-based infrastructure. DNREC would like to see increased buffers and considerations of the existing flood plain and wellhead protection area. DNREC has outlined a number of best management practices to assist in protecting these resources and the overall health of the community.

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. We encourage the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be found at www.de.gov/cleantransportation). It is further recommended that an abundant use of native vegetation and shade trees throughout the landscape, as well as pervious pavement and green infrastructure, where practicable, to absorb carbon dioxide, protect water quality and provide relief to residents on hot days.

The following pages provide information about applicable regulations and detailed recommendations associated with this project, from various DNREC Divisions. DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

Water Quality and TMDLs.

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets call for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; *State of Delaware Surface Water Quality Standards, as amended July 11, 2004*) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs:
<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>
- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>.

Background information about the PCS with guidance documents and mapping tools can be retrieved here:

http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

- A nutrient management plan is required under the *Delaware Nutrient Management Law (3 Del.C., Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or, view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

Flood Management

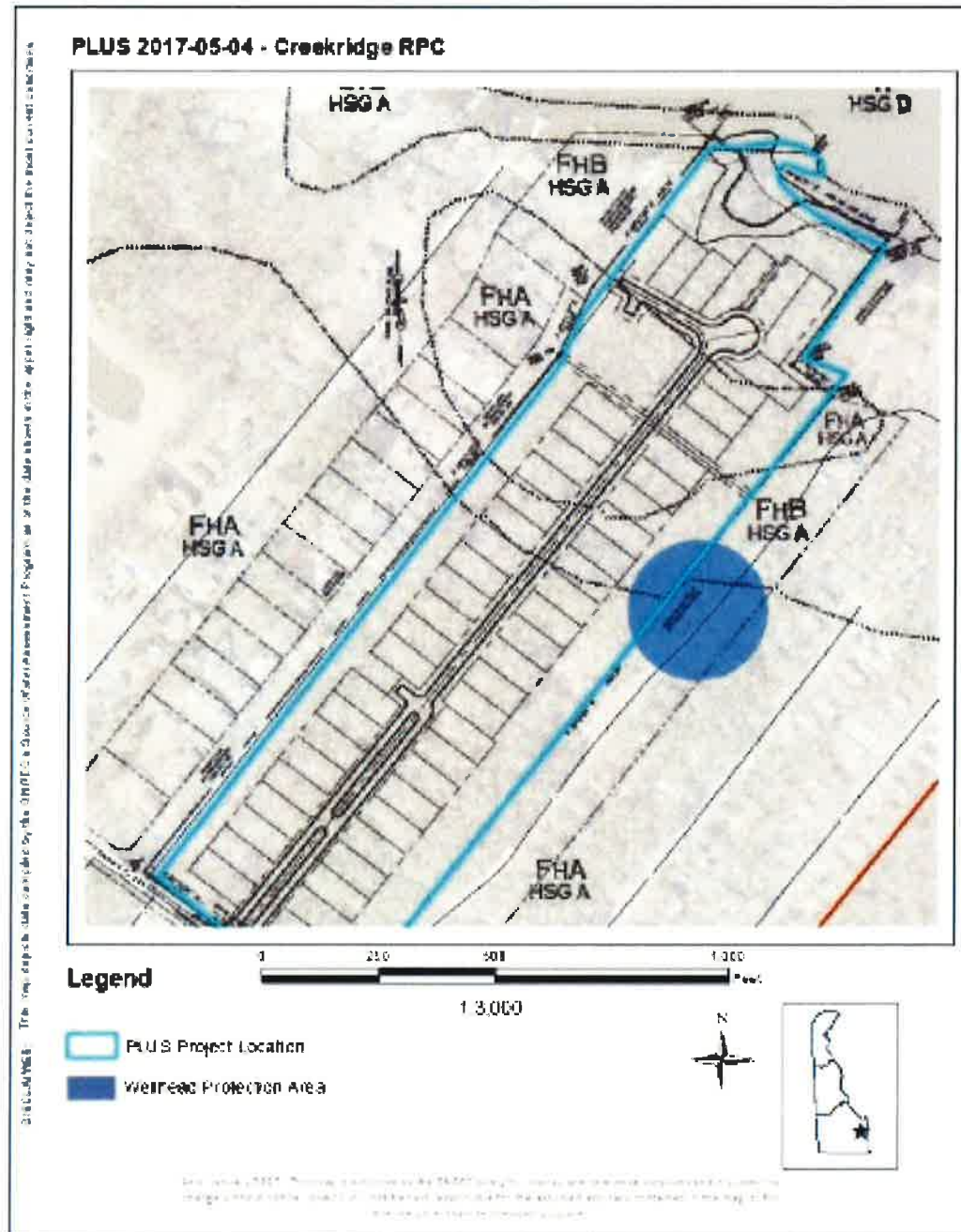
- The topography on the site plan shows one lot fully below elevation 6 as well as portions of several other lots. This lot is not designated in the floodplain per FEMA’s effective floodplain boundary. Sussex County’s floodplain ordinance does require land below the base flood elevation to be permitted as if it were in the floodplain. Any development that occurs on land below the base flood elevation would have to meet the County’s floodplain regulations. DNREC We discourage filling these naturally occurring flood fringe areas as it has the unintended consequence of pushing floodwater somewhere else and adversely effecting adjacent property. DNREC encourages leaving the low lying areas undeveloped so flood water has a place to go and doesn’t put structures and the public at risk.

Water Supply

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take four weeks to process, which allows the necessary time for technical review and advertising.
- A Potential Contamination Source exists in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations.
 - Baywood Spray Irrigation located within 1000 feet of the proposed project

Source Water Protection

- DNREC has determined that the project falls partially within a wellhead protection area for Sussex County (see map). The wellhead protection area protects a well owned by Shawn's Hideaway.
- Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where land use activities or impervious cover may adversely affect the quantity and quality of ground water moving toward such wells.
 - DNREC appreciates the developer's efforts to not develop within the wellhead.



Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management

should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris. • Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> • Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO),

	<p>and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2).</p> <ul style="list-style-type: none"> • Maintain recordkeeping and reporting requirements.
<p>7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles</p>	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Tank Management

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 *Del.C., Chapter 60*; 7 *Del.C., Chapter 74* and *DE Admin. Code 1351*, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.
- Per the UST Regulations: Part E, § 1. Reporting Requirements: Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department’s 24-hour Release Hot Line (800) 662-8802; and
 - The DNREC Tank Management Section (302) 395-2500.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the DNREC Tank Management Section.
- For more information, go to: <http://www.dnrec.delaware.gov/tanks/Pages/default.aspx> or contact Ross D. Elliott with further questions at (302) 395-2500, or Ross.Elliott@state.de.us

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is no known archaeological site or National Register listed property, on this parcel. However, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or

burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources and plan to avoid those sites or areas.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at the following: www.achp.gov.

Delaware State Fire Marshall's Office – Contact John Rudd 739-4394

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

• **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

• **Accessibility:**

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

• **Gas Piping and System Information:**

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

• **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans

- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/information/business/subdivisions/>
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of July 20, 2016. The notes can be found at http://www.deldot.gov/information/business/subdivisions/Sheet_Notes.doc?073116

Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352

Flooding and Sea Level Rise

- The planned development lies within an area that will be subject to direct and permanent inundation from sea level rise (<http://de.gov/slrmmap>).

Sea levels in Delaware have risen by about a foot over the past by sea level rise of 1.5 meters. In the short-term, sea level rise on this parcel, combined with periodic coastal flooding events, may result in repetitive flood damage to roads and significant difficulties maintaining storm water, drainage and other infrastructure. In the long-term, this increased flood and inundation risk could result in costly public and private flood abatement and drainage projects and an eventual abandonment of structures.

- Lots within flood prone areas should be eliminated.

- Any structures that are built within an area mapped as both floodplain and sea level rise zone should be constructed with 18 inches of freeboard plus additional freeboard to accommodate future sea levels.
- Access roads should be designed to be flood resilient for the entirety of your project's design life span. This includes ensuring that the roadway functions for the 1% chance flood plus anticipated future sea level rise.¹

Fish and Wildlife

- This project would require the removal of more than half of the forest within the parcel. DNREC strongly recommends that the site plan be reconfigured in order to minimize the amount of tree clearing necessary. DNREC recommends a 100-foot buffer be left between the development and Hopkins Prong. This buffer should not be a maintained lawn area, and should not contain lot lines or infrastructure. It is also recommended that the buffer area be comprised of the existing vegetation or planted with Delaware native species of trees, shrubs, grasses or wildflowers.

Request for Site Survey

- Additionally, in order to provide more informed comments, DNREC requests the opportunity to conduct a survey to evaluate habitat and determine the potential for species of conservation concern. Please note that DNREC scientists have extensive knowledge of the flora and fauna of the state. The survey will be conducted at no expense to the landowner. In the event that authorizations will be needed from DNREC's Coastal Management Program and/or Wetlands and Subaqueous Lands Section, they will require complete and up to date info from the Wildlife Species and Conservation Research Program as part of their review. Therefore, allowing access to the site will increase the efficiency of the State authorization process. Please contact Kate Fleming at (302) 735-8658 or Kate.Fleming@state.de.us to schedule the site visit.

Recycling

- Though it may not be the case here, some residents have expressed concerns about the storage of trash and recycling containers in high density communities. Those involved with the planning of new facilities should give consideration to space for collection of recyclables. The Universal Recycling Law (7 *Del.C.*, §6053) requires all waste service providers to provide recycling collection to their residential customers including providing a recycling cart. For more information or assistance related to recycling requirements, benefits, tools, and assistance, please contact Bill Miller at (302) 739-9403 or bill.miller@state.de.us.

¹ NOAA (National Oceanic and Atmospheric Administration). (2014). Mean Sea Level Trend, Lewes, DE. Retrieved from http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8557380.

DNREC Delaware Coastal Programs. (2012). Preparing for Tomorrow's High Tide: Sea Level Rise Vulnerability Assessment for the State of Delaware. Dover, DE: Department of Natural Resources and Environmental Control. Retrieved from <http://www.dnrec.delaware.gov/coastal/Pages/SLR/DelawareSLRVulnerabilityAssessment.aspx>

Additional information on TMDLs and water quality

- Compliance with the specified TMDL nutrient and bacterial reduction requirements specified for the Inland Bays watershed can be facilitated by adherence to the strategies and requirements described in the Inland Bays PCS, and the implementation of the following recommended BMPs, which would:
 - Preserve and/or maintain as much of the existing forested area as possible. Given the environmental sensitivity (e.g., water quality and wildlife habitat) of the greater Inland Bays watershed, the Division of Watershed Stewardship strongly opposes the applicant's apparent plan to remove most of the existing forestland in this parcel to accommodate this development. DNREC believes that the developer should scale-back the extent of this development and make greater effort to retain/preserve more of the existing forestland than they have currently proposed. Moreover we further suggest additional native tree, shrub and/or native herbaceous vegetation plantings in areas of open space, wherever possible. Additionally, removing forest cover (which appears to be the applicant's intent) to accommodate a stormwater management pond is not considered an environmentally acceptable practice and should be avoided.
 - Conduct a United States Army Corps of Engineers (USACE) approved wetlands delineation by contacting a qualified soils scientist (Delaware licensed Class D soil scientist) to map the soils in this parcel. DNREC strongly discourages building on hydric soils as these soils provide benefits for water quality and flood protection. A list of qualified soil scientists can be obtained from Ground Water Discharges branch; the GWDB can be reached by phone at 739-9947. Also, please contact the Subaqueous Land section to schedule an evaluation/delineation of the tidal wetlands in this parcel. The Subaqueous Lands section can be reached by phone at (302) 739-9378.
 - Maintain a vegetated buffer of at least 100 feet from the adjoining wetlands and waterbodies. Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. Wetland and Stream Buffer Requirements – A Review. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish this aforementioned 100-foot buffer width (planted in native vegetation) from all waterbodies (including ponds & hydric soils) and all non-tidal and tidal wetlands (i.e., a USACE approved field wetlands delineation for non-tidal wetlands and State approved wetlands delineation for tidal wetlands). According to information presented in the PLUS application, the applicant does not intend to maintain a buffer from the adjoining wetlands and waterbody. Not maintaining a vegetated buffer is considered an environmentally unacceptable best management practice. DNEC strongly urges the applicant reconsider their project design with the above-mentioned recommended 100-foot buffer width

- Also, based on information presented in the PLUS application, a wetland delineation was conducted but not submitted to the State for review. The wetland delineation was also not approved by the USACE as per our recommendation.
 - Employ green-technology storm water management such as rain gardens or rainwater catchment systems as best management practices to mitigate or reduce nutrient and bacterial pollutant runoff. We strongly discourage the construction of open-water stormwater management structures, as currently proposed.
 - Use pervious paving materials, when compatible or consistent with water quality concerns in areas designated as locations of excellent recharge (e.g., well head protection areas), as determined/assessed by a DNREC hydrogeologist, instead of conventional paving materials to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for the large area designated for parking in this project.
 - Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment Protocol.” The protocol is a tool used to assess changes in nutrient loading resulting from the conversion of individual or combined land parcels to a changed land use; thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to design and implement the most effective best management practices. Please contact John Martin of the Division of Watershed Stewardship for more information on the protocol, at (302) 739-9939.

Additional information on tank management

- When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Additional information on air quality

- Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) were quantified. Table 2 – Projected Air Quality Emissions represents the potential impact the Creekridge RPC development may have on air quality.

Emissions Attributable to Creekridge RPC (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Area source emissions	1.7	0.2	0.2	0.2	6.8
Power emissions	*	0.7	2.3	*	339.9
Mobile emissions	2.5	2.6	0.1	0.0	1,596.0
Total emissions	4.2	3.5	2.6	0.2	1,942.7

**Indicates data is not available.*

Note that emissions associated with the actual construction of the subdivision, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

- New developments may emit, or cause to be emitted, additional air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
 - Emissions that form ozone and fine particulate matter;
 - The emission of greenhouse gases which are associated with climate change, and
 - The emission of air toxics.
- Site-specific recommendations for this project:
 - Inclusion of bike racks in common areas and expansion of the bicycle/pedestrian network through sidewalks and bike lanes which also promote alternative forms of transportation. There are no identified bike paths or sidewalks in the proposed plan.
 - Planting of native shade trees to clean the air of localized pollutants and cut down on energy/cooling costs.

- Work with Delaware Transit Corp to include more convenient transit access to this development.
 - The use of Recycled Content Materials (carpet, concrete, countertops, furniture, siding, of reclaimed asphalt pavement, etc.) which reduces landfill waste, is sustainable and more economically feasible than other material types. Sustainable pavements (or cool pavement choices with higher albedo) reflect 40 percent more sunlight than warm pavements which only reflect 10 percent.
 - Use of energy efficient products in construction to lessen the power source emissions of the project and costs.
 - Take advantage of compact building design to preserve open space. Open space protects animals and plants and conserves their habitat as well as moderates temperatures and combats air pollution.
 - At least two parking spaces in common areas dedicated to alternative fueled vehicle (electric vehicle (EV), hybrid electric vehicle (HEV), low emission vehicle (LEV)) use and charging.
- Native Delaware Tree Plantings: Implementation of a Green Streetscape is highly encouraged for the subdivision plan. Green streetscapes are key in reducing negative air quality impacts and beautifying existing conditions. Green infrastructure solves many environmental problems while providing a myriad of benefits for the community including the cleaner air, proper management of storm water, safe multi-modal transportation options, beautifying neighborhoods and increasing property values.
 - Native trees reduce emissions by trapping dust particles and replenishing oxygen. Every effort should be made to ensure as many original trees are preserved as possible. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs. All urban trees that are selected should be native to Delaware and preferably low VOC emitting trees. Every tree has a different biogenic emissions rate by which they release VOC's into our atmosphere. VOC's are a component of smog and when mixed with other gases in the atmosphere (nitrogen oxide or NOx) in the presence of sunlight can contribute to air pollution risks. As a general reminder, the best trees to plant are those that have a large leaf surface area at maturity, contain leaf characteristics that are amenable to particle collection from particulate matter (PM) such as those that have hairy or sticky leaves and have high transpiration rates which result in relatively high temperature reduction. White pines, Heritage River Birch, and American Beech fall within these categories and contain these characteristics and are mentioned in the landscaping plan.
 - Energy Efficiency: Constructing with only energy efficient products can help your housing units immensely, not only in terms of environmental sustainability but financially. Energy Star qualified products are up to 30 percent more energy efficient.

Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution. Providing shade for parking areas can also be of added benefit to this facility. Some approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating storm water. For more about energy efficient options, please see:

<https://www.energystar.gov/> or <https://www.epa.gov/greeningepa/energy-efficiency-epa>.

- Clean Fuel Measures: This measure helps to reduce localized air pollution by supporting the use of clean diesel powered vehicles and charging infrastructure. It would be ideal to include at least one charging station in common areas. Vehicle charging should also be an option included in the homes for accommodation of those with electric vehicles (EVs) and could be marketed as a unique selling feature. For a site map of local alternative fueling sites, please visit the Alternative Fuels Data Center website here: <http://www.afdc.energy.gov/locator/stations/>.
- Multi-modal travel: A component of improving existing air quality levels is to maximize multi-modal travel through bike lanes, sidewalks and convenient access to transit opportunities. No bike paths or sidewalks were included in the development plan. DNREC encourages the developer to improve its existing sidewalks and crosswalks and to add sharrows or bike lanes where needed to encourage multi-modal travel opportunities. (Sharrows and striping are the easiest and most cost effective option.). Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.
- Transit is also an important component of multimodal travel opportunities. GIS evaluation of the area has concluded that the nearest transit stop/facility is located to the west at the intersection of Delaware Route 24 and Holly Lake Road (Bus Route 215). It is suggested that more transit opportunities be made for local residents in the Bank Road area. For more information on DART Bus Routes in your area, please visit www.dartfirststate.com. Also, for more information on the impacts of multimodal access on air quality please see the EPA's website: <https://www3.epa.gov/otaq/>.
- Should the developer have any more questions or concerns, the DNREC Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us. The applicant is encouraged to contact DAQ to discuss the emission mitigation measures that will be incorporated into the Creekridge RPC subdivision project. We look forward to working together with you on this project to achieve our shared air quality goals.

Soils Assessment

- Based on soils survey mapping update, Fort Mott-Henlopen complex (FhA & FhB) is the primary soil mapping units mapped in the immediate vicinity of the proposed project. Fort Mott-Henlopen complex is a well-drained soil mapping unit that is considered to have few to moderate limitations for development (Figure 1).

Delaware State Fire Marshall's Office – Contact John Rudd 739-4394

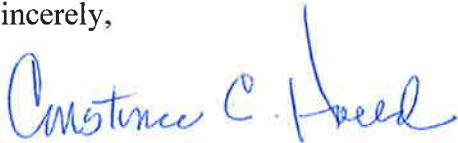
- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with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

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed with this letter.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,



Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Sussex County
Enclosure

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

May 23, 2017

Mr. Kenneth R. Christenbury, P.E.
Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947

RE: PLUS Review (PLUS 2017-05-04)

Dear Mr. Christenbury,

Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman
*Housing Coordinator &
Fair Housing Compliance Officer*



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

NOTES:

- FORESTED BUFFERS, STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- FOREST BUFFERS SHALL PRIMARILY CONSIST OF EXISTING FOREST COVER TO BE RETAINED. FINAL SITE PLAN APPROVAL SHALL INCLUDE A FOREST BUFFER PLAN PREPARED BY A CERTIFIED FORESTER OR REGISTERED LANDSCAPE ARCHITECT, IN ACCORDANCE WITH COUNTY CODE SECTION 99-24.
- ACCESS TO LOTS SHALL BE PROVIDED FROM THE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- FLOODPLAIN ZONE BOUNDARIES SHOWN WERE BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0343 K, DATED MARCH 16, 2015.
- THE BOUNDARY AND WETLAND LOCATION INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN FEBRUARY 2017. TOPOGRAPHIC INFORMATION WAS OBTAINED BY A FIELD SURVEY BY AXIOM ENGINEERING IN MARCH 2022.
- ALL SUBDIVISION LOTS SHALL HAVE FIVE-FOOT-WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF AT LEAST TEN (10) FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER BOUNDARIES OF THE SUBDIVISION SHALL BE TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY. NO BUILDING, STRUCTURE OR OTHER PERMANENT OBSTRUCTION SHALL BE PLACED IN ANY EASEMENT.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S 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.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY."
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- AT SUCH TIME THE SHARED-USE PATH IS INSTALLED ALONG THE PROPERTY FRONTAGE OF SCR 298, THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- THERE ARE NO TILLED AGRICULTURAL LANDS WITHIN 300' OF THE SUBJECT PROPERTY.
- DRAWINGS CZ-1, CZ-2, AND CZ-3, WHEN CONSTITUTE A "SKETCH PLAN" FOR THE PURPOSES OF SECTION 115-217.B OF THE ZONING ORDINANCE. IF THE PROPOSED CHANGE OF ZONE TO GR-RPC IS APPROVED BY COUNTY COUNCIL, A PRELIMINARY AND FINAL SITE PLAN WILL BE REQUIRED TO BE SUBMITTED AND APPROVED.

CONDITIONS OF APPROVAL:

- THE MAXIMUM NUMBER OF LOTS SHALL NOT EXCEED 54 SINGLE FAMILY LOTS.
- A HOMEOWNER'S ASSOCIATION SHALL BE FORMED TO PROVIDE FOR THE PERPETUAL MAINTENANCE, REPAIR AND REPLACEMENT OF BUFFERS, STORMWATER MANAGEMENT FACILITIES STREETS, AMENITIES AND OTHER COMMON AREAS.
- ALL ENTRANCES, INTERSECTIONS, INTERCONNECTIONS ROADWAYS AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S REQUIREMENTS.
- THE RPC SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT. THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS AND SPECIFICATIONS OF THE COUNTY ENGINEERING DEPARTMENT.
- HE RPC SHALL BE SERVED BY CENTRAL WATER.
- TORNWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL BE OPENED IN A MANNER WHICH IS CONSISTENT WITH BEST MANAGEMENT PRACTICES.
- INTERIOR STREET DESIGN SHALL MEET OR EXCEED SUSSEX COUNTY'S STREET DESIGN REQUIREMENTS. THERE SHALL ALSO BE SIDEWALKS ON BOTH SIDES OF ALL STREETS WITHIN THE RPC.
- NO WETLANDS SHALL BE INCLUDED WITHIN ANY INDIVIDUAL LOTS. ANY WETLAND BUFFERS REQUIRED BY SECTION 115-93(B) SHALL BE SHOWN ON THE FINAL SITE PLAN.
- AS STATED BY THE APPLICANT, ALL AMENITIES SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 27TH BUILDING PERMIT.
- A 20 FOOT WIDE VEGETATED BUFFER SHALL BE ESTABLISHED ALONG THE PERIMETER OF THE SITE. THIS MAY INCLUDE THE EXISTING TREES. TREES SHALL BE LEFT TO THE EXTENT POSSIBLE AND REMOVAL SHALL BE MINIMIZED NEXT TO THE HOPKINS PRONG.
- IF REQUESTED BY THE LOCAL SCHOOL DISTRICT, A SCHOOL BUS STOP SHALL BE PROVIDED. THE LOCATION OF THE BUS STOP AREA SHALL BE SHOWN ON THE FINAL SITE PLAN.
- ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
- THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES.
- THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN FOR ALL OF THE BUFFER AREAS, SHOWING ALL OF THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THE BUFFER AREAS.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

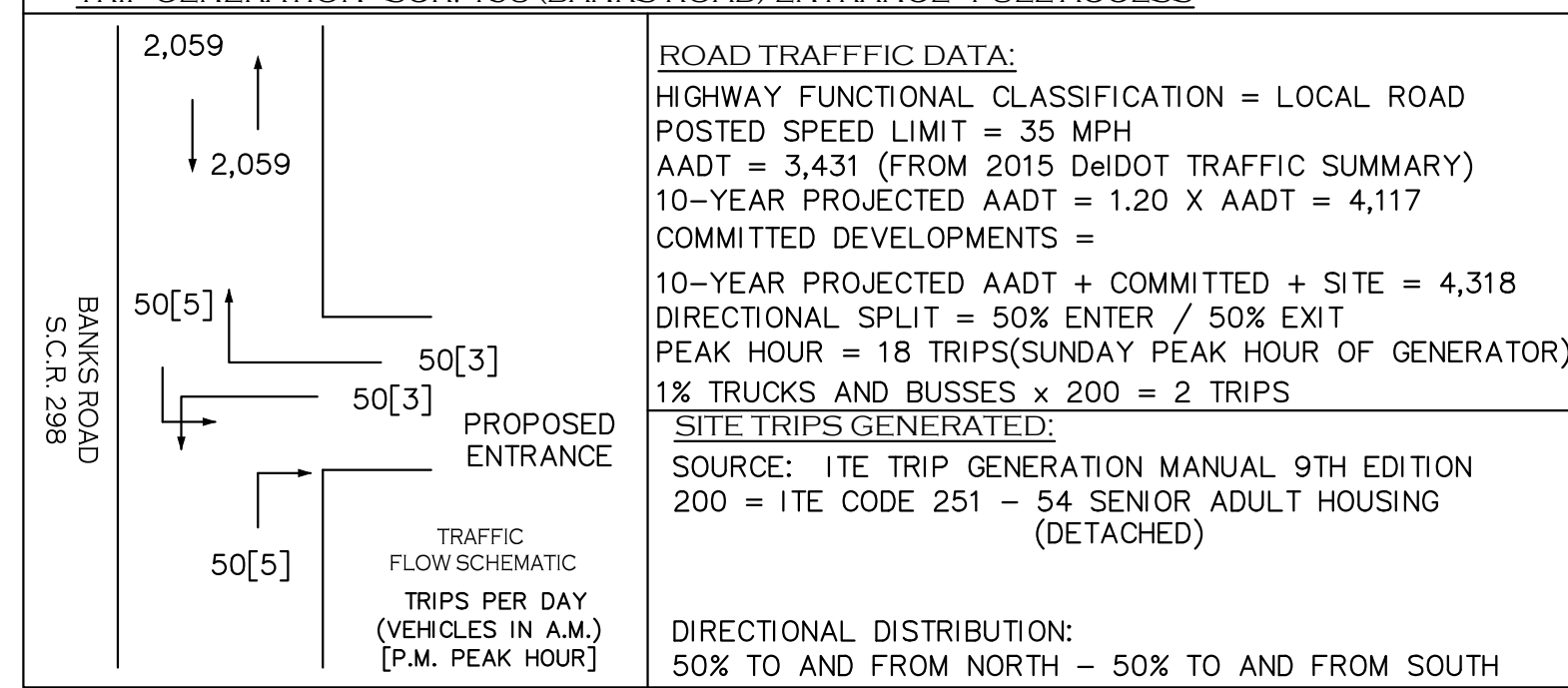
LEGEND

EX. PROPERTY LINE	CONCRETE MONUMENT FOUND
PROPOSED SUBDIVISION LINE	IRON PIPE FOUND
EX. ADJACENT PROPERTY LINES	IRON PIPE SET BENCHMARK
EX. 404 WETLANDS	FEMA FLOODPLAIN BOUNDARY
EX. MINOR CONTOUR	PR. CONTOUR
EX. MAJOR CONTOUR	PR. BUILDING RESTRICTION LINES
EX. BUILDING RESTRICTION LINES	PR. ROAD CENTERLINE
EX. ROAD CENTERLINE	PR. EASEMENT
EX. EASEMENT	PR. BUILDING
EX. BUILDING	PR. SWALE
EX. SWALE	PR. SIDEWALK
EX. SIDEWALK	PR. CURB
EX. CURB	PR. STORM SEWER CL
EX. STORM SEWER	PR. SANITARY SEWER
EX. SANITARY SEWER	PR. WOODS LINE
EX. WOODS LINE	PR. WATER LINE
EX. WATER LINE	PR. WELL
EX. WELL	HANDICAP PARKING SPACE COUNTS
TRAFFIC SIGN	PERPENDICULAR 10' X 20'
EX. ZONING BOUNDARY	DIAGONAL 9' X 18'
EX. ELECTRIC LINES UTILITIES	PROPOSED LIGHT POLES
EX. UTILITY POLES/LIGHT POLES	PR. SPOT ELEVATION
EX. FENCE	PROPOSED DRAINAGE FLOW
EX. SPOT ELEVATION	PR. INLET PROTECTION
PR. DELDOT ENTRANCE PAVING	PR. CULVERT INLET PROTECTION
PR. ROTOMILL 1 1/4" & OVERLAY	PR. ROCK OUTLET PROTECTION
SOIL BORING	PR. FOREBAY
TEST PIT	CONSTRUCTION ENTRANCE
EX. STREAM	LIMIT OF DISTURBANCE
DRAINAGE DIVIDES	SILT FENCE
TIME OF CONCENTRATION	

N.R.C.S. SOIL MAPPING UNITS:

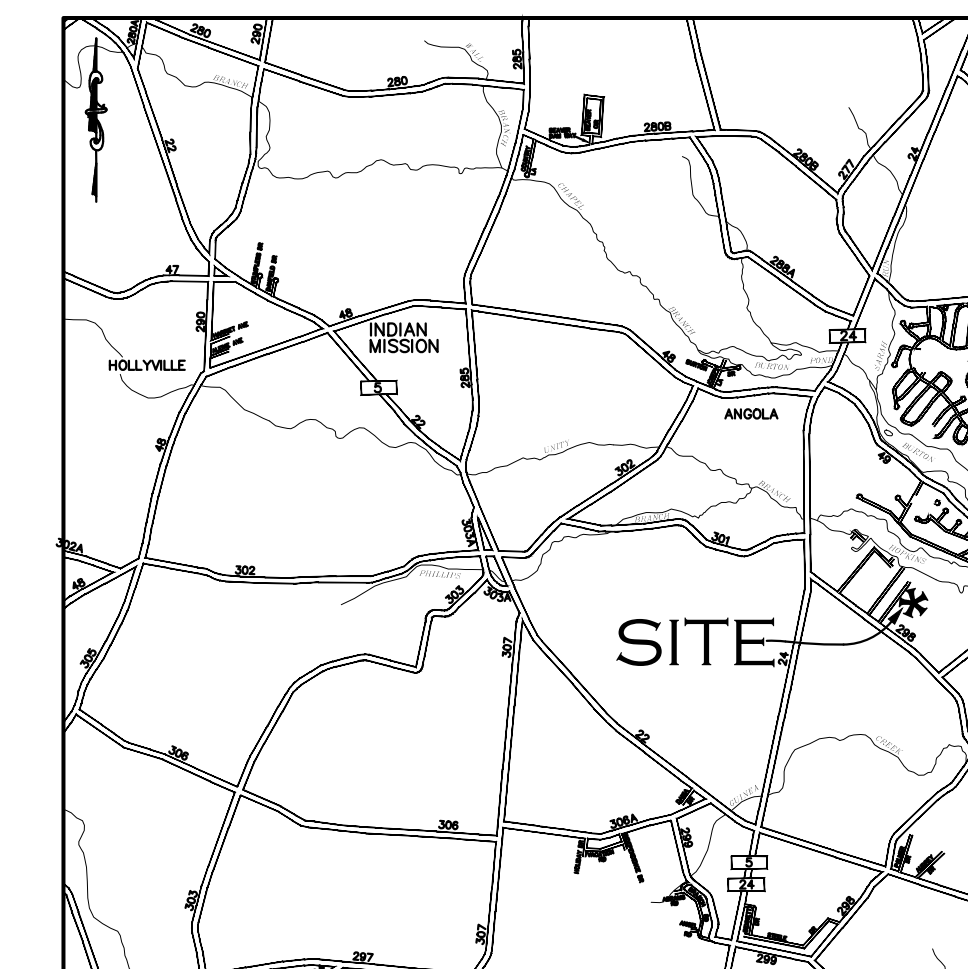
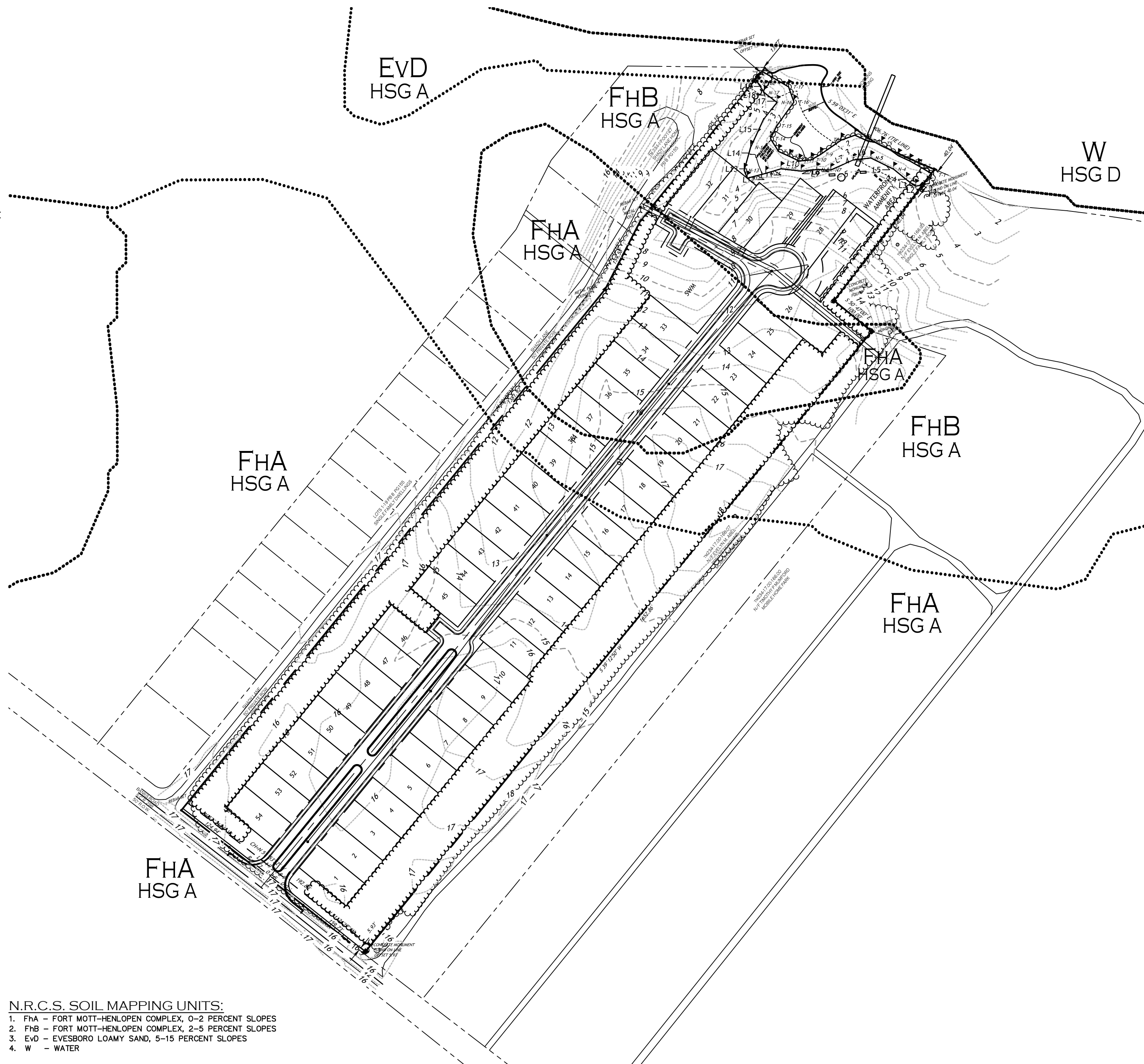
- FHA - FORT MOTT-HENLOPEN COMPLEX, 0-2 PERCENT SLOPES
- FHB - FORT MOTT-HENLOPEN COMPLEX, 2-5 PERCENT SLOPES
- EVD - EVESBORO LOAMY SAND, 5-15 PERCENT SLOPES
- W - WATER

TRIP GENERATION - SCR. 198 (BANKS ROAD) ENTRANCE - FULL ACCESS



WESTRIDGE SHORES

RESIDENTIAL PLANNED COMMUNITY



VICINITY MAP
SCALE: 1" = 1 MILE

SITE DATA:

OWNER/DEVELOPER:	BOARDWALK DEVELOPMENT, LLC C/O JOSEPH REED 28855 LEWES-GEORGETOWN HIGHWAY LEWES, DE 19958
TAX MAP	2-34-17, PARCEL 165
DEED REFERENCE	DB 4747 - PG 58 PB 249 - PG 92
STATE INVESTMENT LEVEL	3
CURRENT ZONING	GR
PROPOSED ZONING	GR-RPC
EXISTING USE	VACANT FOREST LANDS
PROPOSED USE	SINGLE FAMILY DETACHED HOUSING

REQUIRED LOT SIZE	60
MIN. WIDTH	100'
MIN. DEPTH	100'
MIN. AREA	7,500 SQ. FT.

BUILDING SETBACKS	
• FRONT	25'
• CORNER	15'
• SIDE	8"
• REAR	10'

* REDUCED SETBACKS REQUESTED WITH RPC ZONING REQUEST

PROPOSED BUILDING HEIGHT	42' MAX.
--------------------------	----------

SITE AREA CALCULATIONS:	
DEDICATION TO STATE OF DELAWARE	0.055± AC.
PRIVATE ROAD R.O.W.	2.670± AC.
LOTS	9.556± AC.
OPEN SPACE	9.035± AC. (42%)
TOTAL SITE AREA	21.316± AC.

OPEN SPACE CALCULATIONS:	
EMERGENT WETLANDS	0.479± AC.
PALUSTRINE FORESTED WETLANDS	0.478± AC.
WATERFRONT COMMUNITY AMENITY AREA	0.500± AC.
STORMWATER MANAGEMENT AREA	1.000± AC.
EXISTING UPLAND FOREST TO REMAIN	6.488± AC.
SANITARY EASEMENT	0.090± AC.
TOTAL OPEN SPACE	9.035± AC.

NET DEVELOPMENT AREA	15.946± AC. (75% OF GROSS ACREAGE)
PRESENTLY RECORDED LOTS	66 (PB 2, PAGE 88)
PRESENTLY RECORDED DENSITY	3.10 DWELLING UNITS/ACRE PER PB 2 - PG 88
PERMITTED RESIDENTIAL LOTS	69
PROPOSED RESIDENTIAL LOTS	54
PROPOSED DENSITY	2.54 DWELLING UNITS/ACRE

WATER SUPPLY	TIDEWATER UTILITIES
SEWAGE DISPOSAL	SUSSEX COUNTY

OWNER'S CERTIFICATION:

I, EDWARD M. LAUNAY, PWS, STATE 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, 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.

BOARDWALK DEVELOPMENT, LLC DATE
 C/O JOSEPH REED
 28855 LEWES-GEORGETOWN HIGHWAY
 LEWES, DE 19958
 (302) 430-4660
 JOE@REDVENTURES.NET

ENGINEER'S CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE NO. 11553 DATE

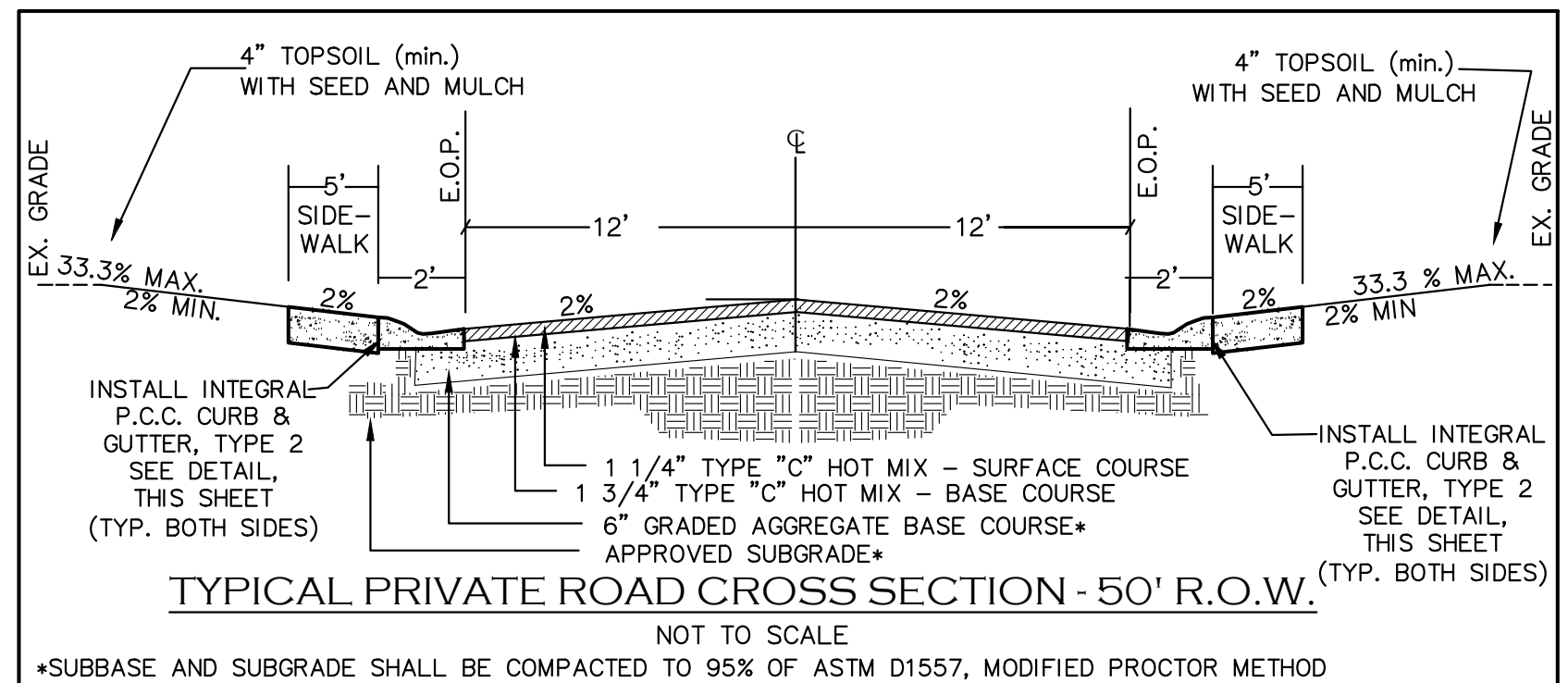
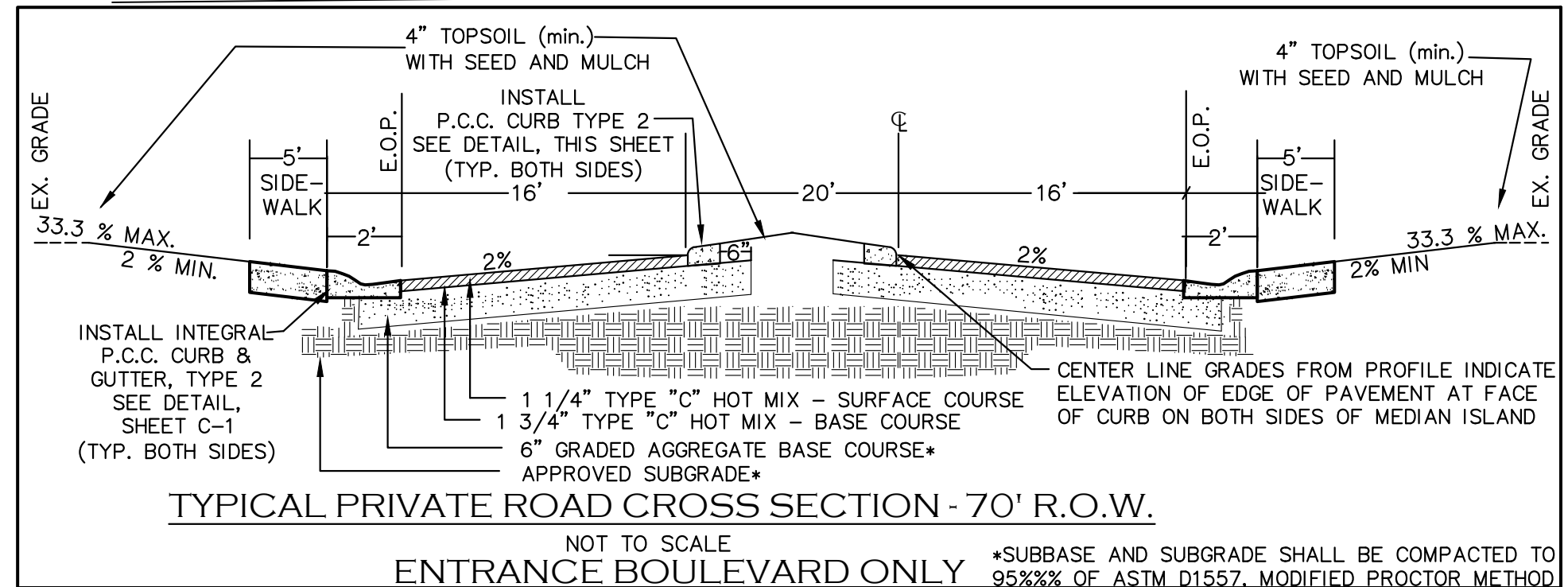
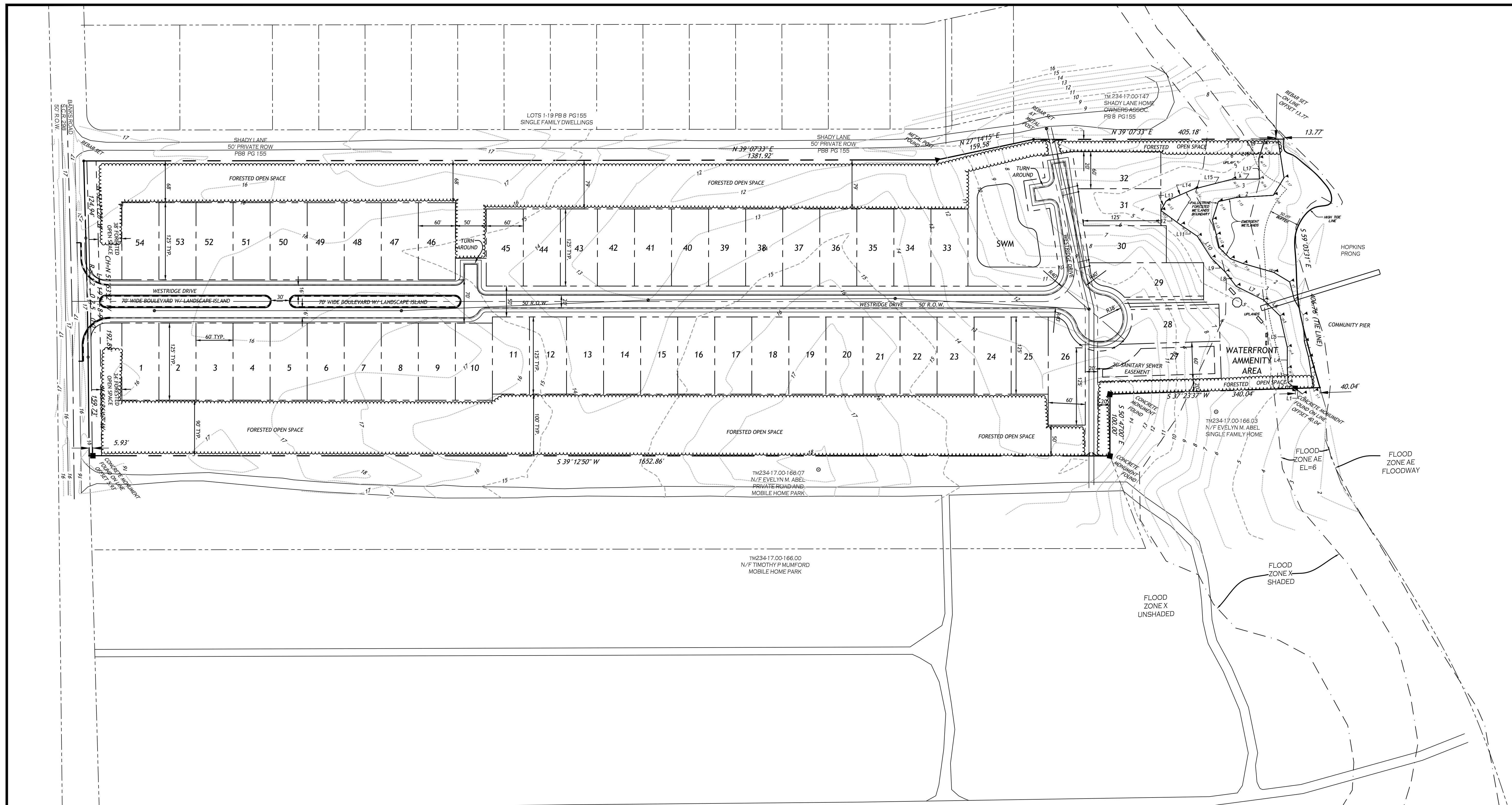
ENGINEER:	KRC
DESIGNER:	KRC
DRAWN BY:	KRC
CHECKED BY:	KRC
DATE:	3/15/2017
TAX MAP:	2-34-17, PARCEL 165

PROJECT NO: 0233-1701
 DRAWING: CZ-1
 SHEET: 1 OF 3

SKETCH PLAN COVER SHEET
 RPC SKETCH PLAN FOR
WESTRIDGE SHORES
 SCR 298 - BANKS ROAD
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET, DE 19947
 (302) 855-0810
 FAX: 855-0812
 WWW.AXIOMENGINEERING.COM

SCALE: 1" = 150' ft.
 11" x 17" 1 inch = 300 ft.

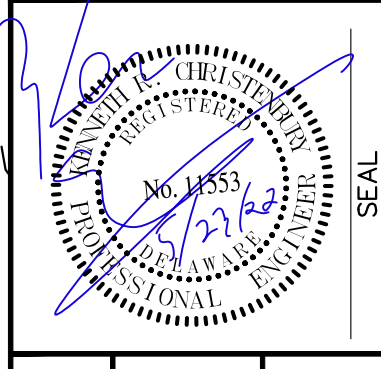


REV	DESCRIPTION	DATE	BY
1	UPDATE TOPOGRAPHY	5/23/2017	KRC
2	RESPONSE TO P & T COMMENTS	7/25/2017	KRC
3	REVISE PROJECT NAME	8/2/2017	KRC
4	REVISION OF REVISION	8/2/2017	KRC
5	REVISE PROJECT NAME	8/2/2017	KRC

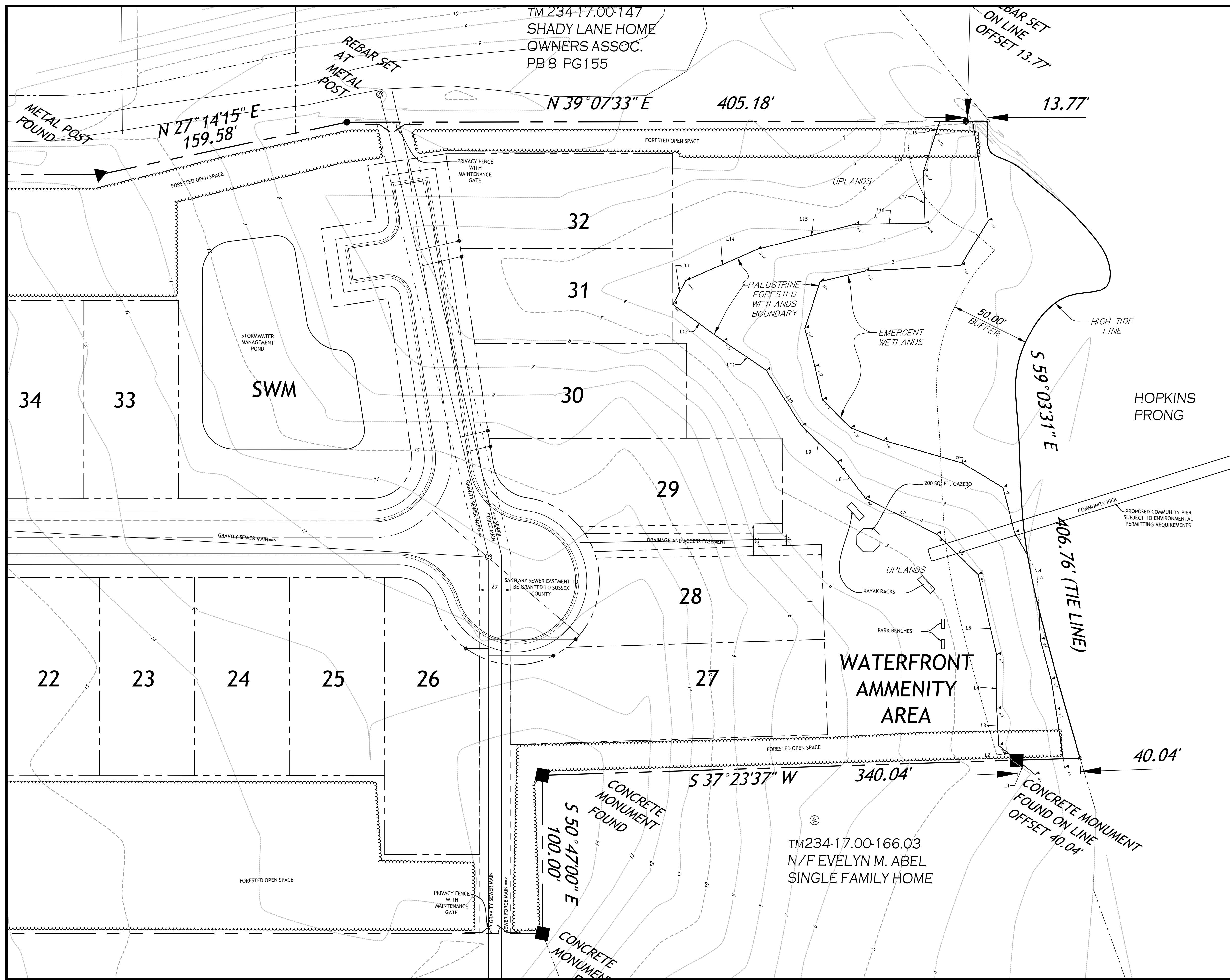
SKETCH PLAN
RPC SKETCH PLAN FOR
WESTRIDGE SHORES
SCR 298 - BANKS ROAD
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
DELSWATER, DE 19947
(302) 855-0810
FAX: 855-0812
WWW.AXIOMENGINEERING.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAWN BY:	KRC
CHECKED BY:	KRC
DATE:	3/15/2017
TAX MAP:	2-34-17, PARCEL 165



PROJECT NO:	0233-1701
DRAWING:	CZ-2
SHEET:	2 OF 3



LINE #	LENGTH	DIRECTION
L2	15.015	N77° 35' 26.99"E
L3	22.889	S53° 50' 24.68"E
L4	34.231	S50° 52' 18.97"E
L5	52.290	S63° 44' 23.09"E
L6	36.690	N83° 24' 57.27"E
L7	50.255	N65° 52' 15.99"E
L8	28.893	S88° 08' 02.55"E
L9	32.251	N84° 04' 34.96"E
L10	41.794	S83° 17' 09.94"E
L11	32.873	N73° 22' 49.52"E
L12	39.329	N75° 14' 04.02"E
L13	17.297	S22° 01' 40.20"E
L14	49.187	S15° 37' 49.23"W
L15	63.647	S24° 49' 34.41"W
L16	44.462	S38° 40' 38.85"W
L17	33.088	S52° 37' 20.08"E
L18	23.524	S32° 48' 38.24"E
L19	9.638	S32° 48' 38.24"E
L1	14.750	N76° 47' 34.24"E

SKETCH PLAN
RPC SKETCH PLAN FOR
WESTRIDGE SHORES
SCR 298 - BANKS ROAD
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
ENGINEERING L.L.C.
18 CHESTNUT STREET
DELRAND, DE 19947
(302) 855-0810
FAX: 855-0812
WWW.AXIOMENR.COM

ENGINEER: KRC
DESIGNER: KRC
DRAFTER: KRC
CHECKED BY: KRC
DATE: 3/15/2017
TAX MAP: 2-34-17, PARCEL 165

PROJECT NO: 0233-1701
DRAWING: CZ-3
SHEET: 3 OF 3

SCALE: 1" = 100' (VERTICAL)
1" = 17' (HORIZONTAL)

TM 234-17.00-147
SHADY LANE HOME OWNERS ASSOC.
PB 8 PG155

TM 234-17.00-166.03
N/F EVELYN M. ABEL
SINGLE FAMILY HOME

WESTRIDGE SHORES RPC

CHANGE OF ZONE #1958

OWNER/APPLICANT:
BOARDWALK DEVELOPMENT, LLC

INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE



PLANNING & ZONING COMMISSION

JUNE 9, 2022

SUSSEX COUNTY COUNCIL

JULY 12, 2022

 **AXIOM**
ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

 **ERI** ENVIRONMENTAL
RESOURCES, INC.

ENVIRONMENTAL ASSESSMENT
&
PUBLIC FACILITY EVALUATION REPORT

PREPARED FOR

BOARDWALK DEVELOPMENT, LLC

REGARDING THE

WESTRIDGE SHORES
RESIDENTIAL PLANNED COMMUNITY
CHANGE OF ZONE #1844 - #1958

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

P & Z COMMISSION HEARING
FEBRUARY 8, 2018 – JUNE 9, 2022

COUNTY COUNCIL HEARING
MARCH 13, 2018 – JULY 12, 2022

PREPARED BY

KENNETH R. CHRISTENBURY, P.E.

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1

EXECUTIVE SUMMARY
CHANGE OF ZONE #1844 - #1958

Boardwalk Development, LLC proposes 54 single-family dwellings on 21.32 acres (2.54 DU/Ac.) on the east side of Banks Road, ½ mile south of Delaware Route 24. It is consistent with the character and trend of development in the area and in particular its immediate neighbors. The property is bordered as follows:

North: Shady Lane of a community with a mix of mobile homes, modular homes and stick-built homes with density of 2.67+/- DU/Ac. No sidewalks in the community.

East: Hopkins Prong

South: Dogwood Lane of Shawn's Hideaway trailer park with a density of 9.32+/- DU/Ac. Shawn's Hideaway contains 142 mobile homes and 115 travel trailers on 27.59 acres. Gravel and dirt roads. No sidewalks in the community.

West: Banks Road

Westridge Shores will have 42% open space, including preservation of over 6 acres of existing forest, installation of sidewalks on both street sides, protection of the forested wetlands, large wooded buffers along property lines of adjacent communities, installation of park benches, kayak racks and a community pier, and a gazebo.

The project will be served by an expansion of the Long Neck Sanitary Sewer District and Tidewater Utilities Water Company. The project is fully compliant with County Ordinance 99-9(c) and the County's Environmentally Sensitive Developing District Overlay Zone Ordinance / Coastal Area.

The application represents a superior plan with more open space and less density than the recorded plat which is now recorded for this property in the Office of the Recorder of Deeds in Plot Book 2, Page 88.

2

PROJECT NARRATIVE

Boardwalk Development, LLC is proposing the development of 54 new detached single family lots. The project is Zoned AR-1, Agricultural-Residential (Exhibit 3 - Zoning Map), and is located in the Coastal Area (formerly Environmentally Sensitive Developing District Overlay Zone) (Exhibit 4- 2008 Comp Plan Map).

The subject property presently consists of 66 unimproved residential lots as depicted on Plat Book 2, Page 88, recorded April 17, 1956 and described in Deed Book 3372, Page 51. (Exhibit 5)

Change of Zone #1844 changed the zoning from AR-1 Agricultural/Residential to GR/RPC - General Residential District with Residential Planned Community overlay for 21.32 acres (Exhibit 6 - current Survey and Deed, CZ #1844 approved ordinance and Sketch Plan) with 54 residential lots. (Exhibit 7 - Zoning Application) and Sketch Plan (Exhibit 8). On May 27, 2017, the project was the subject of a Preliminary Land Use Service (PLUS) review. The project is located in a Level 3 area for State Strategies for Policies and Spending review (Exhibit 9). AXIOM submitted written responses to the PLUS comments on June 29, 2017 (Exhibit 10 - PLUS Response letter). On March 13, 2018, CZ #1844 was approved by Sussex County Council.

The availability of water and sewer to the property was delayed from the original 2020 projections received in the 2017 application. As a result, the RPC overlay from CZ #1844 has expired. CZ #1958 is essentially identical to the project approved under CZ #1844. Portions of this exhibit book that have been revised in support of CZ#1958 have been highlighted for clarity, the bulk of the exhibits require no updates as the project is essentially unchanged.

The site for the proposed Westridge Shores Residential Planned Community is currently vacant wooded lands. The following exhibits were prepared from publicly available data relevant to the project site:

- **Exhibit 11 - 2007 Aerial Photo Overlay**
- **Exhibit 12 - 2015 Aerial Photo Overlay**
- **Exhibit 13 - 2007 State of Delaware Land Use Map**
- **Exhibit 14 - State of Delaware Lidar Topography map**
- **Exhibit 15 - Aerial photo of Project site**
- **Exhibit 16 - Flood Insurance Rate Map**

Hopkins Prong includes a Federally regulated Floodplain, which is entirely located in lands to be owned by the project HOA (Exhibit 8 - sheet CZ-2.)

Based on the Soil Survey of Sussex County, Delaware, downloaded from the Natural Resource Conservation Service January 2017 (Exhibit QQ), the project site consists of several soil types, all associated with Hydrologic soil group A:

HSG	Soil name and Description
A	EvD Evesboro Loamy Sand, 5 to 15 percent slopes
A	FhA Fort Mott-Henlopen complex, 0 to 2 percent slopes
A	FhB Fort Mott-Henlopen complex, 2 to 5 percent slopes

The boundaries of the soil mapping units have been overlaid upon the project site area (Exhibit RR). Based on NRCS mapping, the entire site is located on well-drained soils.

PROPOSED CONDITIONS

Westridge Shores development strategy regarding Environmentally Sensitive Development District / Coastal Areas constraints includes the following design approaches:

1. Stormwater-the stormwater management included an extended detention wet stormwater management pond to be equipped with an aeration fountain for both aesthetic and environmental enhancement. Final Site Plan approval shall be subject to Sussex Conservation District review and approval.
2. Water Supply - Tidewater Utilities has indicated that they are ready and willing to provide central water to the property. - A water main extension is proposed to go to construction in Fall 2022 (See Tidewater Utilities 5/12/2022 e-mail, TAB 3)
3. Wastewater treatment- Sussex County Engineering Department has issued an e-mail that the sanitary sewer extension being installed on the property is under construction and scheduled to be operational by Spring 2023 (See Sussex County Engineering Department 2/18/2022 e-mail TAB 3).
4. Traffic - A service Level Evaluation Request was filed with the Delaware Department of Transportation. On April 44, 2017, DelDOT's response indicated that a Traffic Impact Study would not be required for the project. On March 18, 2022, DelDOT issued a SLER response to the current application with similar results. (Exhibit 20).
5. Endangered Species and Habitat- The applicant is not aware of any endangered species or habitat on the property. PLUS Comments did not indicate the presence of endangered species (Exhibit 10).
6. Wetlands- To determine the exact extent of developable land, Environmental Resources, Inc. has been contracted to delineate the extent of Federal and state wetlands or Waters of the U.S. The limits of jurisdictional Waters of the U.S. have

been shown on the Site Plan (Exhibit 8-sheet CZ-3). Except for stormwater management outfall and a portion of the proposed community dock, no development is contemplated in the site's wetlands. All residential lots are proposed on uplands.

7. Agricultural and Forest - The Site Plan proposes the retention of 6.488 acres of existing wooded areas. (Exhibit 8)

8. The site contains no Excellent Groundwater Recharge areas or Wellhead Protection Areas.

9. Infrastructure- Roads, stormwater management and open space for this proposed project shall all be maintained by a homeowner's association in perpetuity. Utilities are to be maintained by the entities that own the respective utility.

10. The site design includes several amenities. The project's internal streets include sidewalks that tie in to the project's water-front open space community area. The community area will include a community dock, kayak racks, park benches and a gazebo (Exhibit 8 - sheet CZ-3).

SUMMARY

The subject parcel is well suited to the proposed development. Central water and sewer are available to the property by 2023. Utilizing Sussex Conservation District approved Best Management Practices for stormwater management, and avoiding impacts to wetlands, the development of this parcel can proceed in an environmentally sensitive manner. The project has been designed in accordance with Chapter 99 of the Sussex County Code regarding subdivision (Exhibit 21), and the proposed construction is compatible with surrounding land uses (Exhibit 22). Draft Covenants and Restrictions have been provided to ensure the on-going needs of residents are addressed (Exhibit 23). Proposed Findings of Fact and Conditions of approval have been duplicated from the approval issued from CZ #1844. (TAB 25)

3

From: John J. Ashman
To: ken@axeng.com
Subject: RE: 2021-05-14 AXIOM Markup of WRA sewer installation plan.pdf
Date: Friday, February 18, 2022 12:37:52 PM

Ken,

No SSCE required for this one since the pipeline crosses the project and we have been coordinating the connection point.

Teal is starting construction on the Banks Road section in March and it is a one year contract.

John ← Sewer available 2023

From: ken@axeng.com <ken@axeng.com>
Sent: Thursday, February 17, 2022 6:51 PM
To: John J. Ashman <jashman@sussexcountysde.gov>
Subject: 2021-05-14 AXIOM Markup of WRA sewer installation plan.pdf

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.

John,

Will we need to file a SSCE request for Joe's property on Banks Road? Joe intends to develop 54 lots on this property.

When is the sewer scheduled to be operational?

Thank you,

Ken

Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947
Answering Service(302) 855-0810
Office 302-858-4466
Fax 855-0812

ken@axeng.com
www.axeng.com

From: [Joe Reed](#)
To: [Ken Christenbury](#)
Subject: Fwd: [EXTERNAL] Fwd: Banks Road parcel
Date: Thursday, May 12, 2022 9:34:12 AM

FYI

----- Forwarded message -----

From: **Bruce Patrick** <Bpatrick@middlesexwater.com>

Date: Thu, May 12, 2022 at 9:30 AM

Subject: RE: [EXTERNAL] Fwd: Banks Road parcel

To: Joe Reed <joe@reedventures.net>

Cc: Brent Reed <brent@reedventures.net>, Brian Carbaugh <bcarbaugh@middlesexwater.com>

Good morning Joe.

The water main is currently being designed and the design is expected to be complete this summer with construction starting in the fall. We are expecting construction to be complete by the end of the 2nd qtr. 2023.

← Water available 2023

The design includes a 12" water main along Banks Rd, from Rt. 24 to our existing system just north of Long Neck Rd.

The design alignment along Banks Rd. is generally along the south and west side of the road.

Please let me know if you need any additional information.

Thanks,

Bruce

Bruce E. Patrick, P.E., MBA

Vice President & General Manager

TIDEWATER UTILITIES, INC.

"Southern Delaware's Premier Water Company Since 1964"

Phone: 302-747-1336 Cell: 302-218-9335



bpatrick@tuiwater.com

From: Joe Reed [mailto:joe@reedventures.net]
Sent: Wednesday, May 11, 2022 4:37 PM
To: Bruce Patrick <Bpatrick@middlesexwater.com>
Cc: Brent Reed <brent@reedventures.net>
Subject: [EXTERNAL] Fwd: Banks Road parcel

EXTERNAL EMAIL: The sender of this email is joe@reedventures.net, exercise caution.

Hello Bruce,

Is there any information on timing and/or a map you can share regarding TUI's Meadows District? My preliminary approval on the Westridge Shores property expired, but I'm back on the agenda for June 9th with the same plan. The engineer, Ken Christenbury, has asked for an update on the water service.

Thanks,

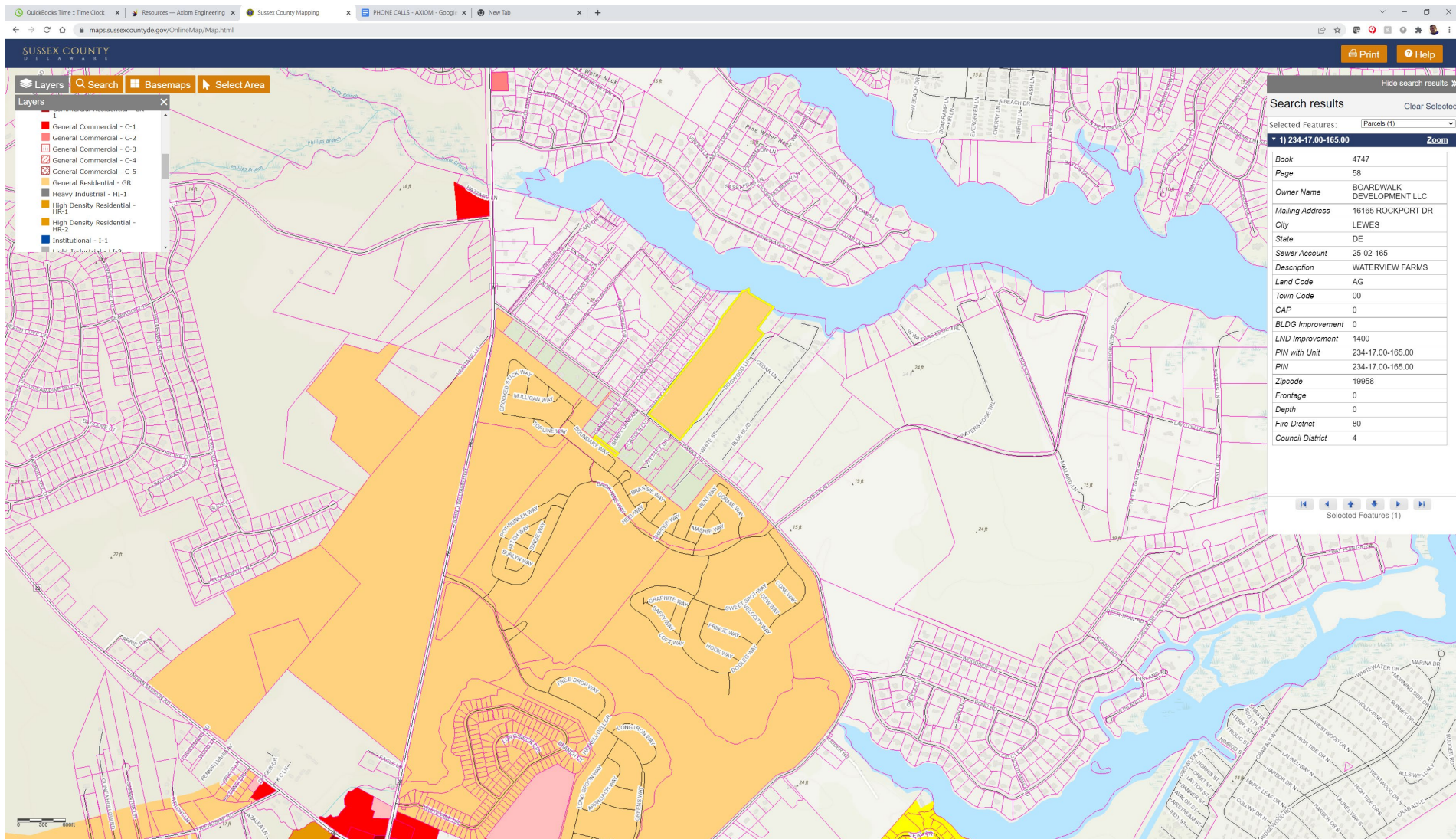
Joe

Joe Reed

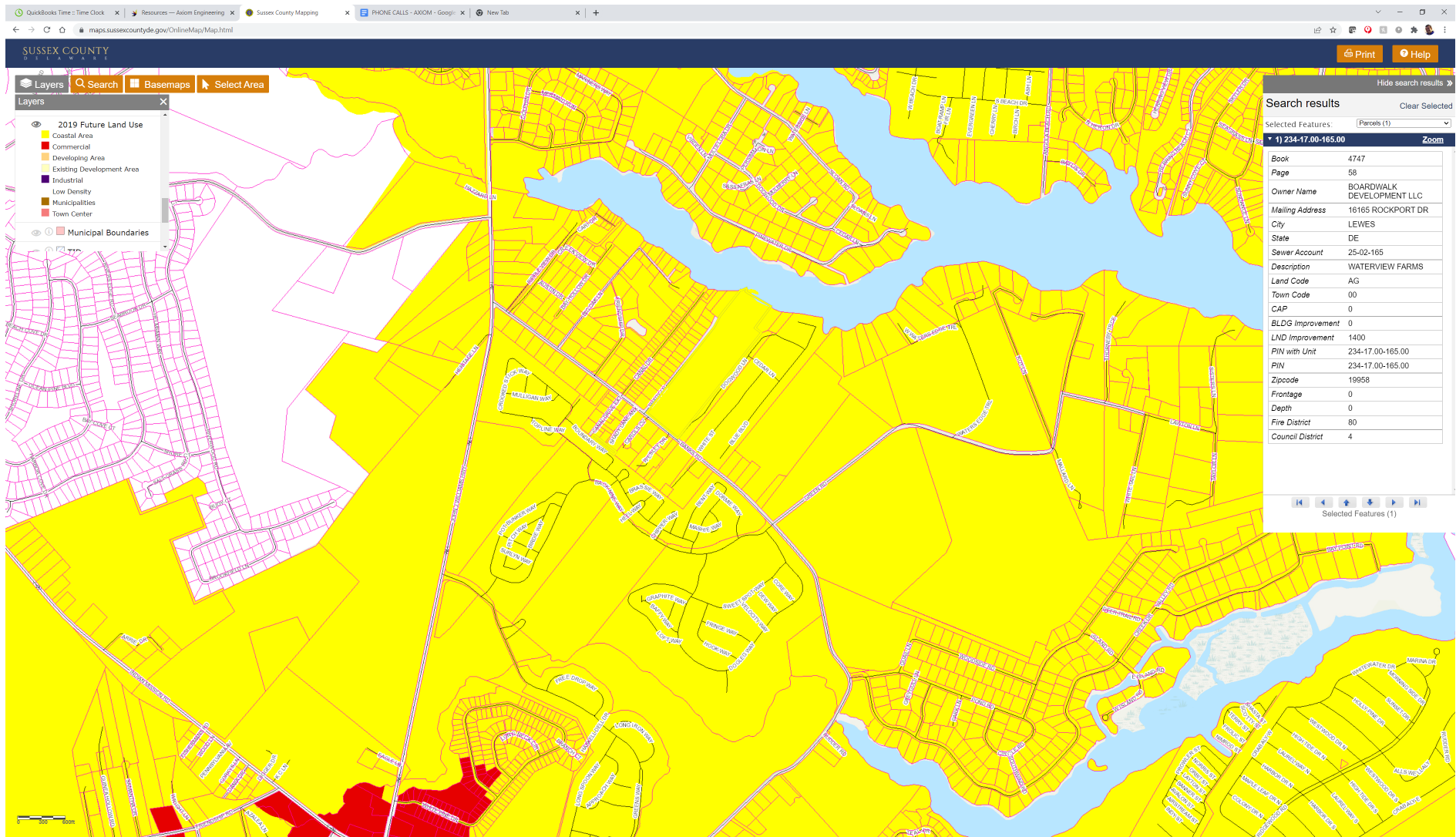
302-430-4060



4



Land is zoned GR. GR-RPC application since RPC expired in 2021



Future Land Use Map = Coastal Area

5

52587

BOOK 03372 PAGE 051

Tax Map # 2-34 17.00 165.00
PREPARED BY:
SERGOVIC & ELLIS, P.A.
9 North Front Street
Georgetown, DE 19947-0875

THIS DEED, MADE this 10 day of October, in the year of our Lord two thousand six (2006),

BETWEEN: **MADELINE RODGERS SMYTHE, ATTORNEY-IN-FACT FOR ALBERTA RODGERS**, 18 Seckelpear Road, Levittown, PA 19056, party of the first part,

-AND-

MADELINE RODGERS SMYTHE, of 18 Seckelpear Road, Levittown, PA 19056, 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) Current Lawful Money of the United States of America and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, her heirs or assigns:

ALL those certain lots, tracts, pieces or parcels of land situate in Indian River Hundred, Sussex County and State of Delaware, as designated on a plot of Waterview Farms which is now of record in the Office of the Recorder of Deeds, Sussex County, Georgetown, Delaware, in Plot Book No. 2, page 88 as follows: Lots Nos. 35, 33, 31, 29, 27, 25, 23, 21, 19 and westerly 25' of Lot 17 in Block H; Lots Nos. 19, 21, 23, 25, 27, 29, 31, 33, 35 and westerly 25' of Lot 17 in Block G; Lots Nos. 20, 22, 24, 26, 28, 30, 32, 34, 36 and westerly 25' of Lot 18 in Block G; Lots Nos. 19, 21, 23, 25, 27, 29, 31, 33, 35 and westerly 25' of Lot 17, Block F; Lots Nos. 20, 22, 24, 26, 28, 30, 32, 34, 36 and westerly 25' of Lot 18 in Block G; Lots Nos. 19, 21, 23, 25, 27, 29, 31, 33, 35 and westerly 25' of Lot 17, Block F; Lots Nos. 20, 22, 24, 26, 28, 30, 32, 34, 36 and westerly 25' of Lot 18 in Block F; Lots Nos. 19, 21, 23, 25, 27, 29, 31, 33, 35 and westerly 25' of Lot 17 in Block E; Lots Nos. 20, 22, 24, 26, 28, 30, 32, 34, 36 and westerly 25' of Lot 18 in Block E; Lots Nos. 19, 21, 23, 25, 27, 29, 31, 33, 35 and westerly 25' of Lot 17 in Block D; Lots Nos. 20, 22, 24, 26, 28, 30, 32, 34, 36 and westerly 25' of Lot 18 in Block D; Lots Nos. 19, 21, 23, 25, 27, 29 and easterly 250' of Lot 31 and westerly 25' of Lot 17 in Block C; Lots Nos. 20, 22, 24 and westerly 25' of Lot 18 in Block C; Lots Nos. 19, 21, 23, 25, 27, 29, 31, 33 and easterly 45' of Lot 35 and westerly 15' of Lot 17 in Block A; Lots Nos. 20, 22, 24, 92, 94, 96, 97, 98, 99, 95, 100 in Block K; Lots Nos. 26, 28, 30, 32, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 in Block L; Lots Nos. 34, 36, 91, 93, 95, 97 and 99 in Block M; Lots Nos. 24, 26, 28, 30, 32, 34, 36, 38, 40, 42 and 44 in Block O, together with all the streets, alleys or ways adjacent or contiguous to said lots as shown on the aforementioned plot6.

BEING the same land conveyed unto William J. Rodgers and Alberta Rodgers by a Deed of J. Paul Rodgers, et al., dated March 12, 1963 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 557, page 119. William J. Rodgers departed this life October 21, 1980 at which time the property passed unto Alberta Rodgers in its entirety by right of survivorship.

Consideration:	90.00	Exempt Code: A
County	State	Total
0.00	0.00	0.00
counter	Date: 10/13/2006	

Handwritten initials or mark.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED, IN THE PRESENCE OF:

Jennifer Perez
Witness

Alberta Rodgers by Madeline Rodgers Smythe
Alberta Rodgers by
Madeline Rodgers Smythe, AIF *Smythe P O A*

STATE OF PA :
 : SS.
COUNTY OF BUCKS :

BE IT REMEMBERED, That on this 10 day of October, 2006, in the year of our LORD, two thousand six, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, Madeline Rodgers Smythe, Attorney-in-Fact for Alberta Rodgers, party to this Indenture known to me personally to be such, and acknowledged this Indenture to be her Deed.

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

Samantha M. Simmers
Notary Public
Samantha M. Simmers
Print or Type Name
Comm. Expires: 7-16-2010

Received
OCT 16 2006

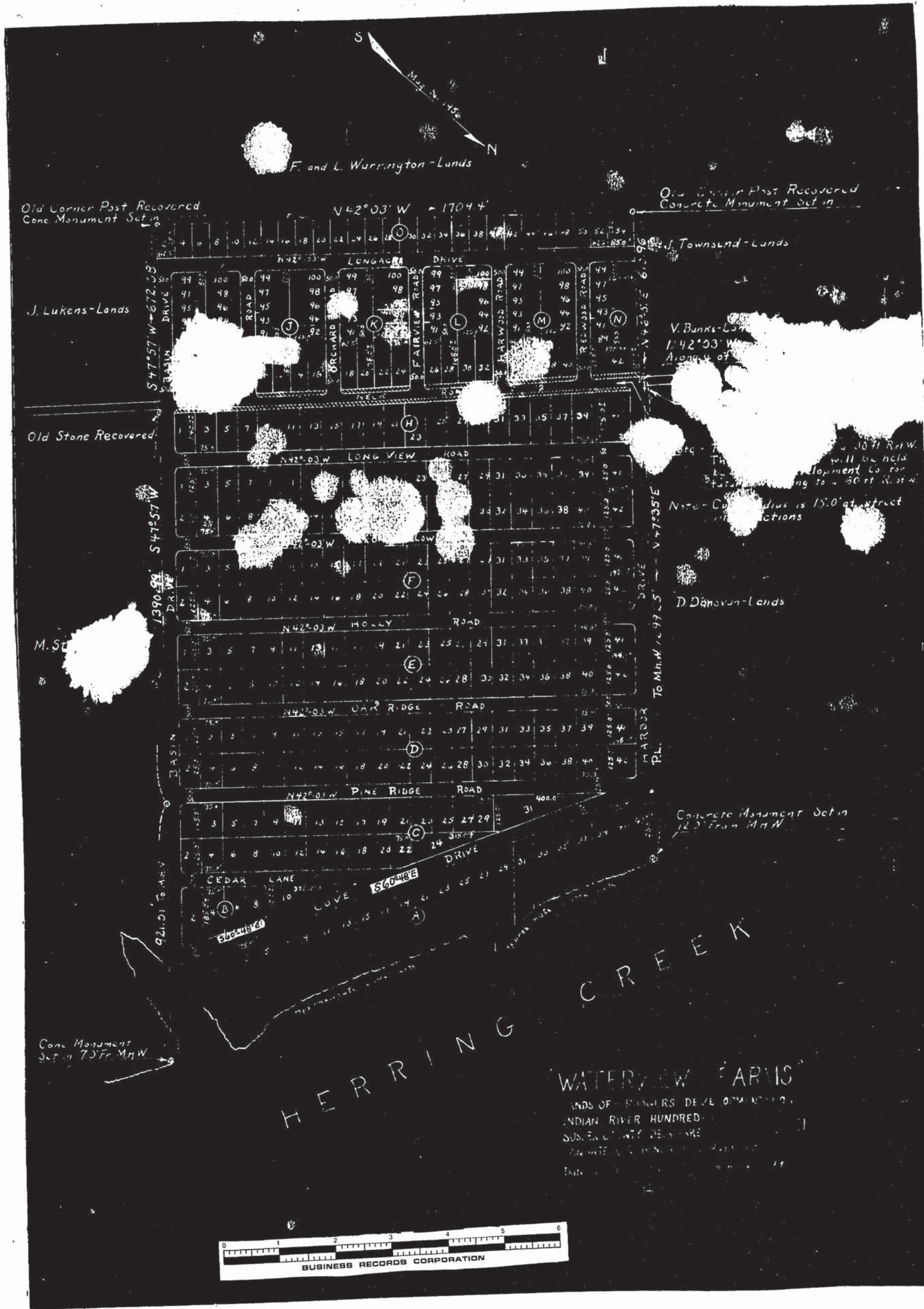
Return to:
Madeline Rodgers Smythe
18 Seckelpear Road
Levittown, PA 19056

ASSESSMENT DIVISION
OF SUSSEX CTY.

RECORDER OF DEEDS
JENNIFER GRADY
06 OCT 13 PH 1:03
SUSSEX COUNTY
DOC. PURCHARGE PAID

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
SAMANTHA M. SIMMERS, NOTARY PUBLIC
MIDDLETOWN TWP., BUCKS CO.
MY COMMISSION EXPIRES JULY 16, 2010

Plot - "Waterview Farms,"



RECEIVED FOR RECORD
 April 17, A. D. 1956
 CHARLES W. JALHOON, Recorder

BUSINESS RECORDS CORPORATION

6

PARCEL ID NO.: 234-17.00-165.00
PREPARED BY:
Parkowski, Guerke & Swayze, P.A.
19354C Miller Road
Rehoboth Beach DE 19971
File No. R17-77R/

RETURN TO:
Boardwalk Development, LLC
317 Rehoboth Avenue
Rehoboth Beach, DE 19971

THIS DEED, made this 14 day of July, A.D. 2017,

- BETWEEN -

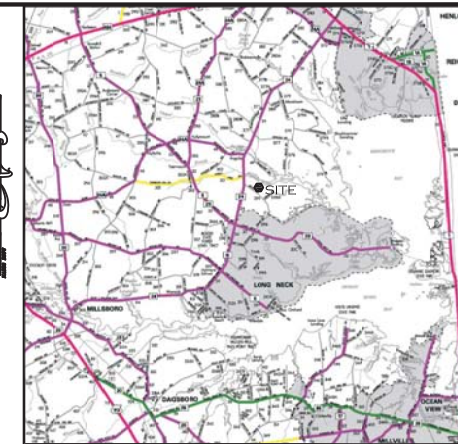
PHILIP SMYTHE, JR. of 129 Forsythia Drive North, Levittown, PA 19056;
MADELINE SMYTHE of 18 Secklepear Road, Levittown PA 19056; and NICHOLAS
BILLY CAPPARELLI A/K/A WILLIAM BILLY SMYTHE, of 8445 Las Vegas Blvd.
#2030, Las Vegas NV 89123, parties of the first part,

- AND -

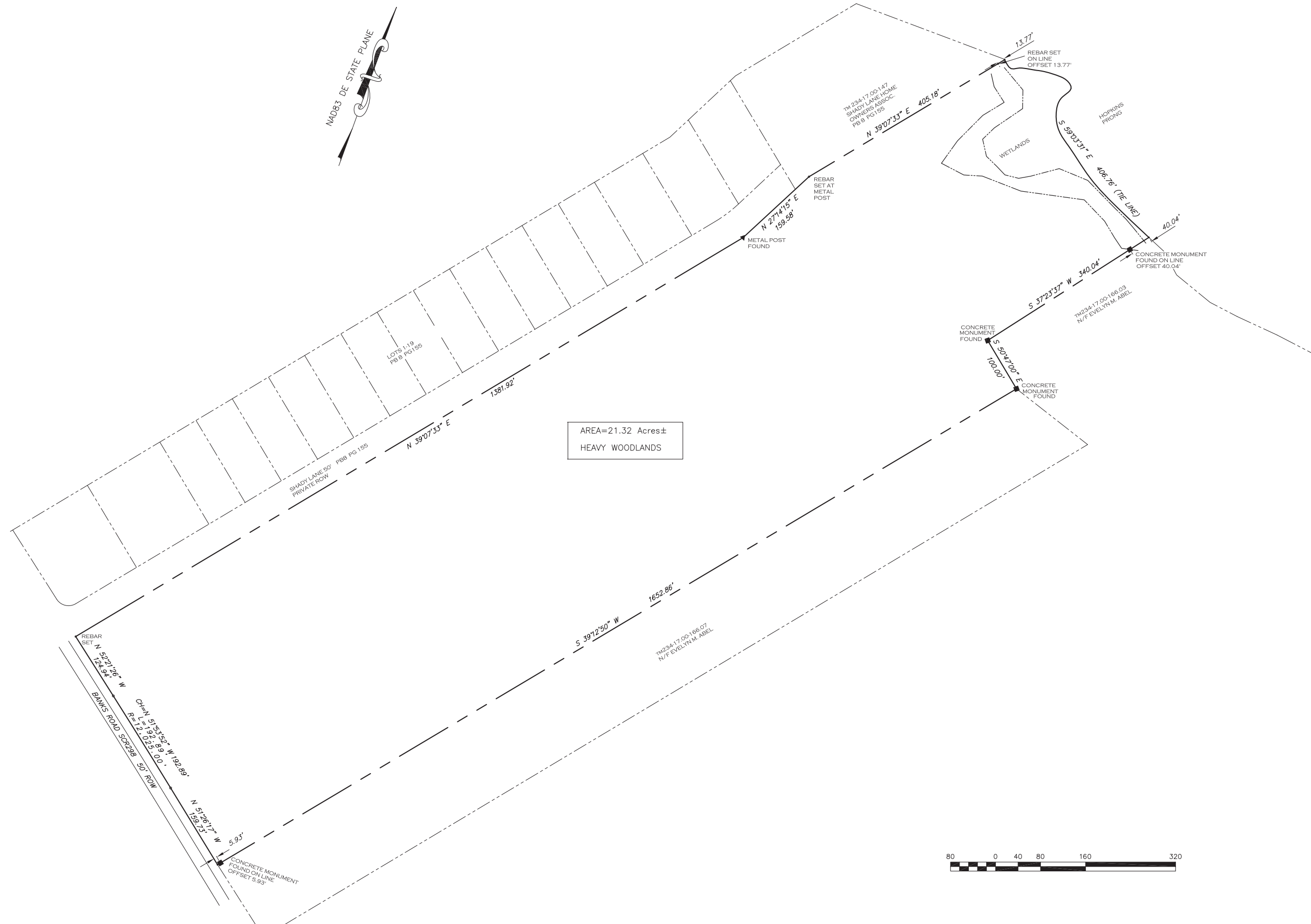
BOARDWALK DEVELOPMENT, LLC, of 317 Rehoboth Avenue, Rehoboth Beach,
DE 19971, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum
of **Seven Hundred Ninety-Nine Thousand and 00/100 Dollars (\$799,000.00)**, lawful money of
the United States of America, the receipt whereof is hereby acknowledged, hereby grant and
convey 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, piece or parcel of land situate, lying and being in Indian River
Hundred, Sussex County, State of Delaware, and being more particularly described on a
Boundary Survey of Lands of Madeline Rodgers Smythe, Banks Road, prepared by Axiom
Engineering L.L.C., dated February 2, 2017, which may be found of record in the Office of the



LOCATION MAP
SCALE: 1"=2 MILES

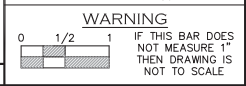


REV	DESCRIPTION OF REVISION	REVISED BY/DATE	CHECKED BY/DATE

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THEREOF AND APPURTENANT.

TAX MAP: 234-17.00-165.00

ENGINEER:	
DESIGNER:	ESW
DRAFTER:	ESW
CHECKED BY:	
DATE:	2-2-17
SCALE:	1"=80'



SEAL

AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 (302) 855-0810
 FAX: 855-0812
 EMAIL: AXIOM@AXIOM.COM
 WEB: WWW.AXIOM.COM

BOUNDARY SURVEY
 LANDS OF
MADLINE RODGERS SMYTHE
 BANKS ROAD
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:	0233-1701
DRAWING:	S
SHEET:	1 OF 1

Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plot Book 249, page 92, as follows:

BEGINNING at a rebar set on the eastern right-of-way line of Banks Road (SCR298) 50' wide at the corner of Shady Lane (50' private road); thence along Shady Lane the following three courses: North 39 degrees 07 minutes 33 seconds East for a distance of 1,381.92 feet to a metal post found; thence North 27 degrees 14 minutes 15 seconds East for a distance of 159.58 feet to a rebar set at a metal post; thence North 39 degrees 07 minutes 33 seconds East and passing through a rebar set offset 13.77 feet from the end point, for a total distance of 405.18 feet to a point at or near the waterline of Hopkins Prong; thence along or near the waterline of Hopkins Prong, various courses and distances with a tie line bearing of South 59 degrees 03 minutes 31 seconds East for a distance of 406.76 feet to the corner of lands n/f Evelyn M. Abel; thence along said lands of Abel the following three courses: South 37 degrees 23 minutes 37 seconds West passing through a concrete monument found at 40.04 feet for a total distance of 340.04 feet to a concrete monument found; thence South 50 degrees 47 minutes 00 seconds East for a distance of 100.00 feet to a concrete monument found; thence South 39 degrees 12 minutes 50 seconds West and passing through a concrete monument found offset 5.93 feet from the end point, for a total distance of 1,652.86 feet to a point on the eastern right-of-way line of Banks Road (SCR298) 50' wide; thence along said Banks Road the following three courses: North 51 degrees 26 minutes 17 seconds West for a distance of 159.73 feet to a point; thence with a curve turning to the left with an arc length of 192.89', with a radius of 12,025.00', with a chord bearing of North 51 degrees 53 minutes 52 seconds West, with a chord length of 192.89' to a point; thence North 52 degrees 21 minutes 26 seconds West for a distance of 124.94 feet to the point of beginning, containing 21.32 acres \pm .

BEING the same lands conveyed to Madeline Rodgers Smythe, by deed of Madeline Rodgers Smythe, Attorney-in-Fact for Alberta Rodgers dated October 10, 2006, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, on October 13, 2006, in Deed Book 3372, page 51. The said Madeline Rodgers Smythe departed this life on or about May 6, 2016, and by operation of law, her interest in the aforesaid property passed to Philip Smythe, Jr., Madeline Smythe and Nicholas Billy Capparelli (a/k/a William Billy Smythe), the grantees herein.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware.

IN WITNESS WHEREOF, Philip Smythe, Jr., one of the parties of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:

[Handwritten signature]

[Handwritten signature: Philip Smythe, Jr.] (SEAL)
Philip Smythe, Jr.

STATE OF Pennsylvania COUNTY OF Bucks : to-wit

BE IT REMEMBERED, that on the 14 day of July A.D. 2017, personally came before me, the subscriber, Philip Smythe, Jr., one of the parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Jennifer Supinski, Notary Public
Newtown Boro, Bucks County
My Commission Expires May 15, 2021
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

[Handwritten signature: Jennifer Supinski]
Notary Public
Printed Name: Jennifer Supinski
My Commission Expires: 5/15/21

IN WITNESS WHEREOF, Madeline Smythe, one of the parties of the first part has hereunto set her hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

[Handwritten signature]

Madeline Smythe (SEAL)
Madeline Smythe

STATE OF Pennsylvania COUNTY OF Bucks : to-wit

BE IT REMEMBERED, that on this 14 day of July, A.D. 2017, personally came before me, the subscriber, Madeline Smythe, one of the parties 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.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Jennifer Supinski, Notary Public
Newtown Boro, Bucks County
My Commission Expires May 15, 2021
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Jennifer Supinski
Notary Public
Printed Name: Jennifer Supinski
My Commission Expires: 5/15/21

Consideration: 799,000.00

County 11,985.00
State 11,985.00
Town Total 23,970.00
Received: Mary W Aus 02, 2017

IN WITNESS WHEREOF, Nicholas Billy Capparelli a/k/a William Billy Smythe, one of the parties of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:

[Handwritten signatures of witnesses]

Nicholas Billy Capparelli (SEAL)
Nicholas Billy Capparelli
AKA William Billy Smythe (SEAL)
a/k/a William Billy Smythe

STATE OF Pennsylvania, COUNTY OF Bucks : to-wit

BE IT REMEMBERED, that on this 14th day of July, A.D. 2017, personally came before me, the subscriber, Nicholas Billy Capparelli a/k/a William Billy Smythe, one of the parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Jennifer Supinski, Notary Public
Newtown Boro, Bucks County
My Commission Expires May 15, 2021
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Jennifer Supinski
Notary Public
Printed Name: Jennifer Supinski
My Commission Expires: 5/15/21

RECEIVED
AUG 02, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
AUG 02, 2017 02:26P
Sussex County
Doc. Surcharge Paid

7

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS

WHEREAS, on the 4th day of August 2017, a zoning application, denominated Change of Zone No. 1844, was filed on behalf of Boardwalk Development, LLC, aka Westridge Shores; and

WHEREAS, on the 8th day of February 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of February 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1844 be approved with conditions; and

WHEREAS, on the 13th day of March 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of GR-RPC General Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southeast corner of Shady Lane and Banks Road and being more particularly described in the attached legal description, as prepared by Axiom Engineering, LLC.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of lots shall not exceed 54 single family lots.**
- B. A homeowner's association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water.**
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be opened in a manner which is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
- H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan.**
- I. As stated by the Applicant, all amenities shall be completed prior to the issuance of the 27th building permit.**
- J. A 20 foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees. Trees shall be left to the extent possible and removal shall be minimized next to the Hopkins Prong.**
- K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**

- M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2555 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF MARCH 2018.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Boardwalk Development, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a GR-RPC General Residential District – Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 21.26 acres, more or less [located at the southeast corner of Shady Lane and Banks Road] (Tax I.D. No. 234-17.00-165.00) (911 Address: None Available).
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Ken Christenbury with Axiom Engineering, LLC and Joseph Reed, owner of Boardwalk Development, LLC, were present on behalf of the application; that the Applicant proposes 54 single family dwellings on 21.32 acres which is a 2.54 density; that the site is consistent with the character and trend of the development in the area; that Shady Lane is a community with a mix of mobile homes, modular homes, stick built homes and has a density of 2.67 dwelling units per acre; that the adjoining Dogwood Lane Development has a density of 9.32 dwelling units per acre; that there are no sidewalks in either community; that they are proposing 43% open space including preservation of 6 1/2 acres of existing forest; that there will be sidewalks on both sides of the streets; that there will be protection of the forested wetlands; that there are large wooded buffers on both sides; that to the north, the minimum buffer is 68 feet wide and widens out as it gets farther back in the project; that along the waterfront, there is a 20 foot forested buffer; and that on the south side, open space is 50 to 100 feet deep.
- C. Council also found that the project will be served by Sussex County sewer and Tidewater Utilities will provide water; that the project is in the Environmentally Sensitive Developing Area and complies with that section of Code; that there is open space with amenities along the water for the entire community; that the property currently consists of 66 unimproved lots and they are proposing 54 lots; that they are proposing a change of zone from AR-1 to GR-RPC; that the project went to PLUS; that the project is located in the Level 3 Area in State Strategies; that the site will include stormwater management ponds and the Final Site Plan approval shall be subject to the Sussex Conservation District's final approval; that the Sussex County Engineering Department will construct sewer within two years; that the

DelDOT Service Level Evaluation did not require a Traffic Impact Study; that there are no known endangered species on the parcel; that they have provided a draft of covenants; and that the property will be compatible with the surrounding area and will be an improvement to the area.

- D.** Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 9) and Conditions (10A through 10O), as amended, Council found that:
- 1.** The property is currently zoned AR-1 (Agricultural Residential District). However, both the deed to the property and a recorded plot for the property reference 66 lots within the 21.16 acre parcel. This density is similar to the density permitted within the GR Zoning District.
 - 2.** GR Zoning is also consistent with the adjoining Dogwood Lane Development, which has a density of 9.32 units per acre.
 - 3.** The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a GR-RPC. Central water will also be provided.
 - 4.** With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will maintain 43% open space, which includes 6.5 acres of existing forest. It also includes large wooded buffers on both sides of the site. There will also be amenities along the water available to the entire community.
 - 5.** The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics. This is basically in-fill development, with a density similar to what exists in the immediate area.
 - 6.** The proposed development will have a density of 2.54 units per acre, which is less than the 2.67 units per acre to the north, and the 9.32 units per acre to the south.
 - 7.** According to the County's current Comprehensive Plan, the project is in a Developing Area.
 - 8.** The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
 - 9.** No parties appeared in opposition to the application.
 - 10.** Based on the record and recommendation of the Planning & Zoning Commission, the Change of Zone is approved subject to fifteen (15) conditions (A - O), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

NOTES:

- FORESTED BUFFERS, STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- FOREST BUFFERS SHALL PRIMARILY CONSIST OF EXISTING FOREST COVER TO BE RETAINED. FINAL SITE PLAN APPROVAL SHALL INCLUDE A FOREST BUFFER PLAN PREPARED BY A CERTIFIED FORESTER OR A REGISTERED LANDSCAPE ARCHITECT, IN ACCORDANCE WITH COUNTY CODE SECTION 99-24.
- ACCESS TO LOTS SHALL BE PROVIDED FROM THE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- FLOODPLAIN ZONE BOUNDARIES SHOWN WERE BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0343 K, DATED MARCH 16, 2015.
- THE BOUNDARY AND WETLAND LOCATION INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN NOVEMBER 2013. TOPOGRAPHIC INFORMATION SHOWN WAS PROVIDED BY THE STATE OF DELAWARE. A FIELD SURVEY OF TOPOGRAPHIC INFORMATION MUST BE COMPLETED PRIOR TO PREPARATION OF CONSTRUCTION DRAWINGS.
- ALL SUBDIVISION LOTS SHALL HAVE FIVE-FOOT-WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF AT LEAST TEN (10) FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER BOUNDARIES OF THE SUBDIVISION SHALL BE TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY. NO BUILDING, STRUCTURE OR OTHER PERMANENT OBSTRUCTION SHALL BE PLACED IN ANY EASEMENT.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S 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.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK" TERMINATION POLICY.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- AT SUCH TIME THE SHARED-USE PATH IS INSTALLED ALONG THE PROPERTY FRONTAGE OF SCR 298, THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- THERE ARE NO TILLED AGRICULTURAL LANDS WITHIN 300' OF THE SUBJECT PROPERTY.
- DRAWINGS CZ-1, CZ-2, AND CZ-3, WHEN CONSTITUTE A "SKETCH PLAN" FOR THE PURPOSES OF SECTION 115-217.B OF THE ZONING ORDINANCE. IF THE PROPOSED CHANGE OF ZONE TO GR-RPC IS APPROVED BY COUNTY COUNCIL, A PRELIMINARY AND FINAL SITE PLAN WILL BE REQUIRED TO BE SUBMITTED AND APPROVED.

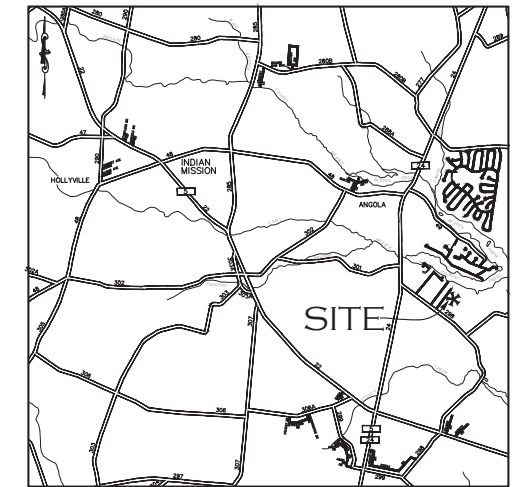
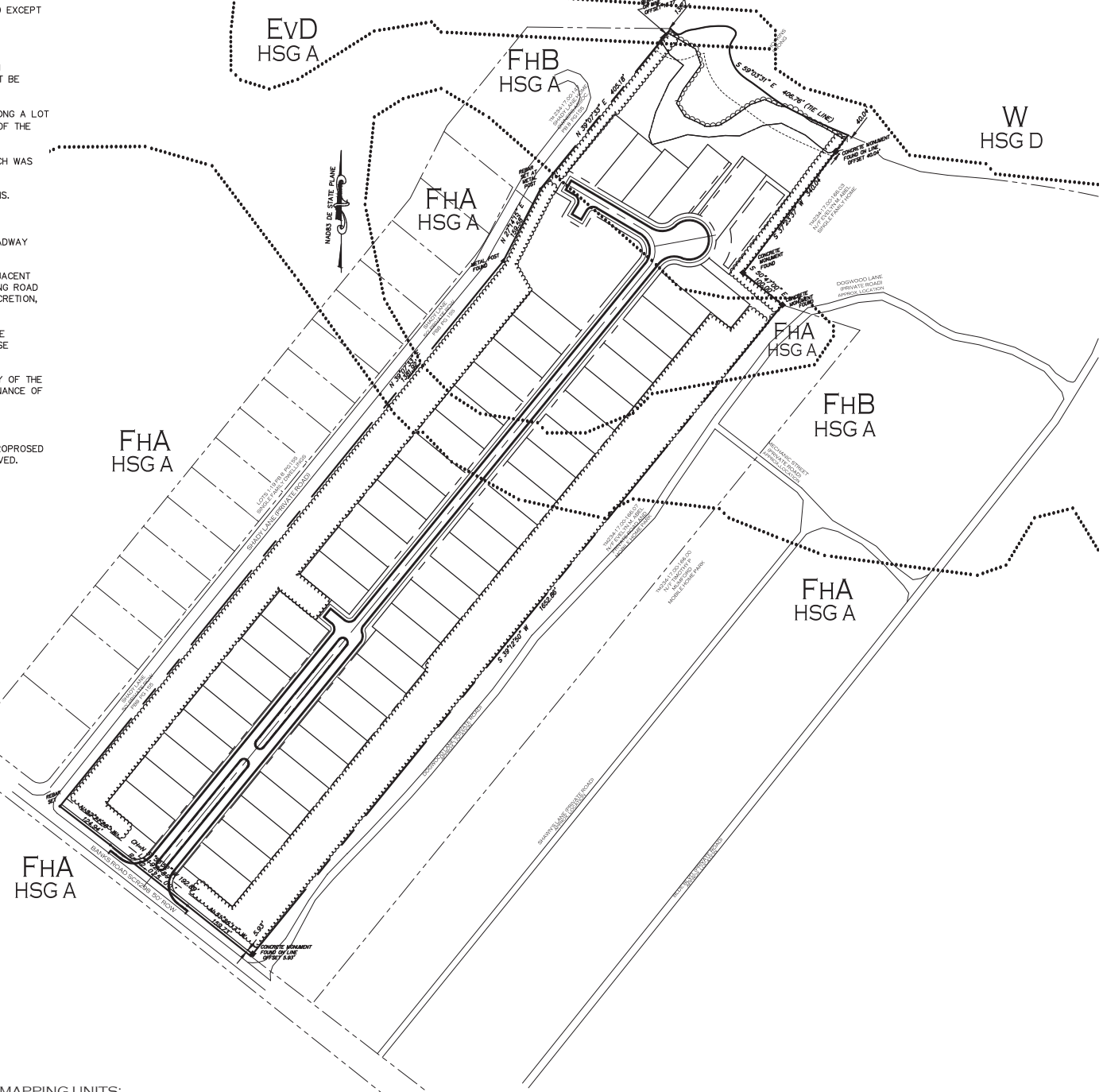
CONDITIONS OF APPROVAL - CZ #1844:

THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

- THE MAXIMUM NUMBER OF DWELLING UNITS SHALL NOT EXCEED 54.
- FINAL SITE PLAN REVIEW BY PLANNING AND ZONING SHALL BE REQUIRED.
- INTERIOR STREET DESIGN SHALL COMPLY WITH OR EXCEED SUSSEX COUNTY STANDARDS AND SHALL INCLUDE SIDEWALKS ON BOTH SIDES OF THE STREET AND STREET LIGHTING.
- ALL ENTRANCES, INTERSECTIONS, ROADWAY IMPROVEMENTS, AND MULTI-MODAL FACILITIES REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT AS REQUIRED BY DELDOT AND WITHIN THE TIME PERIODS REQUIRED.
- THE PROJECT'S AMENITY PACKAGE SHALL BE COMPLETE PRIOR TO THE ISSUANCE OF THE 27TH BUILDING PERMIT.
- ALL DWELLING UNITS SHALL BE SERVED BY A CENTRAL POTABLE DRINKING WATER SYSTEM DESIGNED AND CONSTRUCTED TO STATE STANDARDS.
- STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY REQUIREMENTS AND SHALL BE OPERATED UTILIZING BEST MANAGEMENT PRACTICES TO PROVIDE POSITIVE GROUNDWATER RECHARGE.
- NO WETLANDS SHALL BE INCLUDED IN INDIVIDUAL LOTS.
- A HOMEOWNER'S ASSOCIATION SHALL BE FORMED TO PROVIDE FOR THE PERPETUAL MAINTENANCE, REPAIR AND REPLACEMENT OF BUFFERS, STORMWATER MANAGEMENT FACILITIES, STREETS, RECREATIONAL FACILITIES AND OTHER COMMON AREAS, IN COMPLIANCE WITH DUOCIA.
- ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
- FOREST BUFFERS HAVE BEEN PROVIDED AS REQUIRED BY CHAPTER 99 OF SUSSEX COUNTY CODE.
- THE APPLICANT SHALL COORDINATE AND COOPERATE WITH THE SCHOOL DISTRICT'S TRANSPORTATION MANAGER TO ESTABLISH A SCHOOL BUS STOP AREA, IF THE SCHOOL DISTRICT REQUIRES.

WESTRIDGE SHORES

RESIDENTIAL PLANNED COMMUNITY



SITE DATA:

OWNER/DEVELOPER:	BOARDWALK DEVELOPMENT, LLC C/O JOSEPH REED 317 REHOBOTH AVENUE REHOBOTH BEACH, DE 19971
TAX MAP DEED REFERENCE:	2-34-17, PARCEL 165 DB 4747 - PG 58 PB 249 - PG 92
STATE INVESTMENT LEVEL:	3
CURRENT ZONING:	AR-1
PROPOSED ZONING:	GR-RPC
EXISTING USE:	VACANT FOREST LAND
PROPOSED USE:	SINGLE FAMILY DETACHED HOUSING

REQUIRED LOT SIZE:

• MIN. WIDTH	60'
• MIN. DEPTH	100'
• MIN. AREA	7,500 SQ. FT.

BUILDING SETBACKS:

• FRONT	25'
• CORNER	15'
• SIDE	8'
• REAR	10'

* REDUCED SETBACKS REQUESTED WITH RPC ZONING REQUEST

PROPOSED BUILDING HEIGHT: 42' MAX.

SITE AREA CALCULATIONS:

DEDICATION TO STATE OF DELAWARE	0.05± AC.
PRIVATE ROAD R.O.W.	2.67± AC.
LOTS	9.38± AC.
OPEN SPACE	9.21± AC. (43%)
TOTAL SITE AREA	21.32± AC.

OPEN SPACE CALCULATIONS:

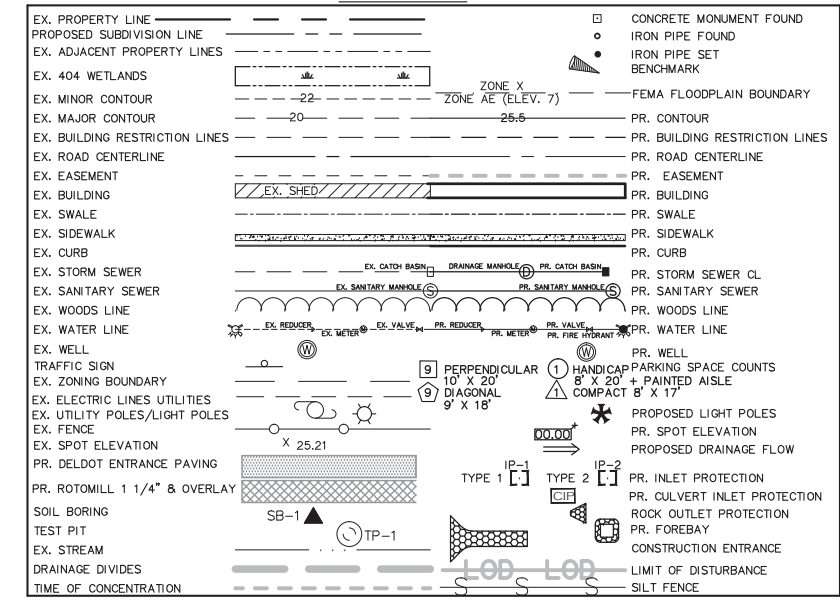
WETLANDS (TIDAL)	0.48± AC.
WETLANDS (NON-TIDAL)	0.48± AC.
STORMWATER MANAGEMENT AREA	1.00± AC.
SANITARY EASEMENT	0.09± AC.
WATERFRONT COMMUNITY AREA	0.50± AC.
EXISTING FOREST TO REMAIN	6.66± AC.

PROPERTY IS PRESENTLY 100% FORESTED
FOREST TO REMAIN 6.66± AC. (31% OF ENTIRE PARCEL)
FOREST CLEARED 14.65± AC. (69% OF ENTIRE PARCEL)

PRESENTLY RECORDED LOTS	66 (PB 2, PAGE 88)
PRESENTLY RECORDED DENSITY	3.10 DWELLING UNITS/ACRE
PERMITTED RESIDENTIAL LOTS	69
PROPOSED RESIDENTIAL LOTS	54
PROPOSED DENSITY	2.54 DWELLING UNITS/ACRE

WATER SUPPLY: TIDEWATER UTILITIES
SEWAGE DISPOSAL: SUSSEX COUNTY

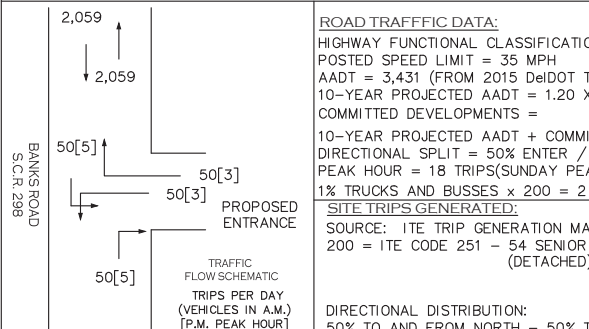
LEGEND



N.R.C.S. SOIL MAPPING UNITS:

- FHA - FORT MOTT-HENLOPEN COMPLEX, 0-2 PERCENT SLOPES
- FHB - FORT MOTT-HENLOPEN COMPLEX, 2-5 PERCENT SLOPES
- EVD - EVESBORO LOAMY SAND, 5-15 PERCENT SLOPES
- W - WATER

TRIP GENERATION - SCR. 198 (BANKS ROAD) ENTRANCE - FULL ACCESS



ROAD TRAFFIC DATA:
HIGHWAY FUNCTIONAL CLASSIFICATION = LOCAL ROAD
POSTED SPEED LIMIT = 35 MPH
AADT = 3,431 (FROM 2015 DELDOT TRAFFIC SUMMARY)
10-YEAR PROJECTED AADT = 1,20 X AADT = 4,117
COMMITTED DEVELOPMENTS =
10-YEAR PROJECTED AADT + COMMITTED + SITE = 4,318
DIRECTIONAL SPLIT = 50% ENTER / 50% EXIT
PEAK HOUR = 18 TRIPS (SUNDAY PEAK HOUR OF GENERATOR)
1 1/2 TRUCKS AND BUSES X 200 = 2 TRIPS
SITE TRIPS GENERATED:
SOURCE: ITE TRIP GENERATION MANUAL 9TH EDITION
200 = ITE CODE 251 - 54 SENIOR ADULT HOUSING (DETACHED)

DIRECTIONAL DISTRIBUTION:
50% TO AND FROM NORTH - 50% TO AND FROM SOUTH

WETLANDS CERTIFICATION:

I, EDWARD M. LAUNAY, PWS, STATE 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, 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.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAP NO. SUSSEX-095, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, DATE
PWS NO. 875 - SOCIETY OF WETLAND SCIENTISTS
USACE CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B
ENVIRONMENTAL RESOURCES, INC.
38173 DUPONT BLVD. - P.O. BOX 169 - SELBYVILLE, DE 19975
PHONE: (302) 436-9637 E-MAIL: elounay@ericonsultants.com

EQUITABLE OWNER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE EQUITABLE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN, AND THAT THE SUBDIVISION SHOWN REPRESENTS MY ACT, AND THAT I DESIRE THE PROPERTY TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS, ORDINANCES AND REGULATIONS. I HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED PLAN, AND THAT ALL RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBING ACTIVITIES WILL HAVE A SEDIMENT AND STORMWATER MANAGEMENT CERTIFICATION FROM THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. I HEREBY AUTHORIZE THE RIGHT OF ENTRY FOR PERIODIC ON SITE INSPECTIONS BY STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL COMPLIANCE PERSONNEL AND/OR AUTHORIZED AGENTS.

BOARDWALK DEVELOPMENT, LLC DATE
C/O JOSEPH REED
317 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971
(302) 430-4060
JREED@BMAX.NET

ENGINEER'S CERTIFICATION:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE NO. 11553 DATE

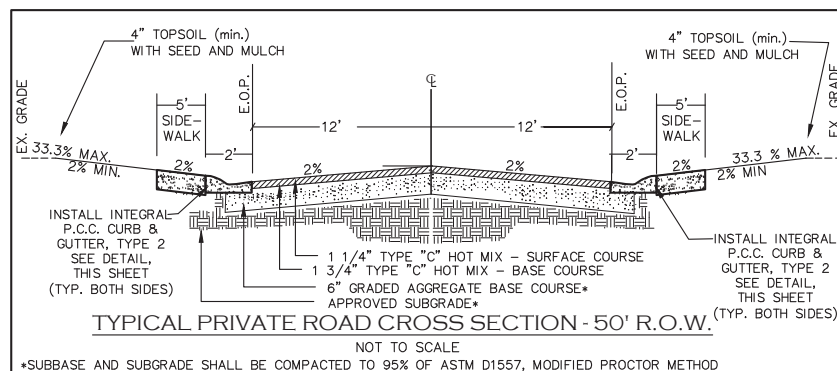
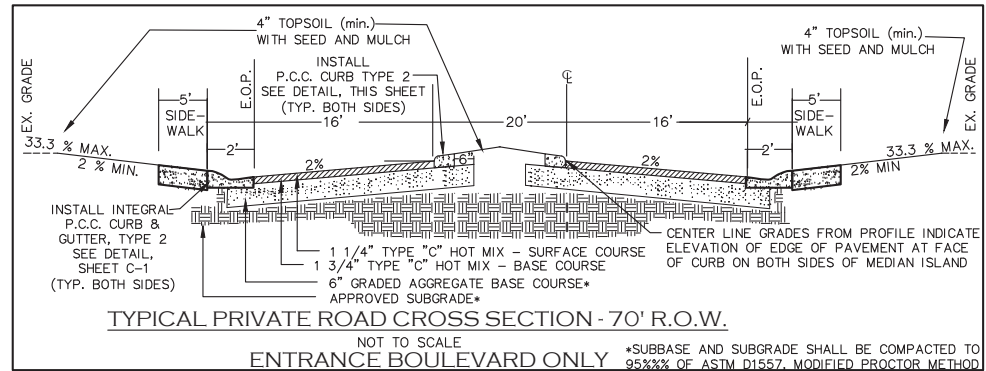
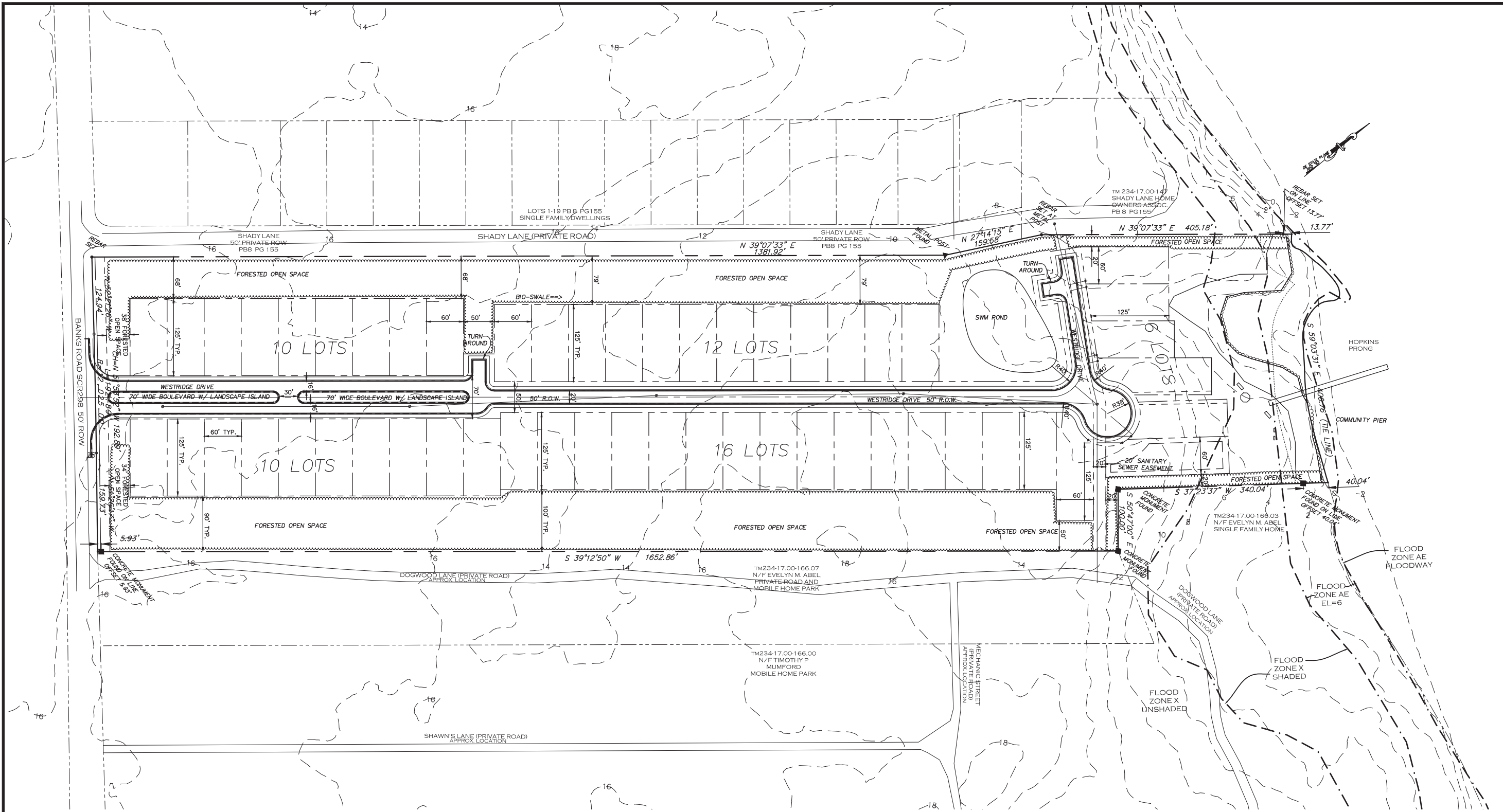
PRELIMINARY SITE PLAN
GRRPC REZONING APPLICATION FOR
WESTRIDGE SHORES
RESIDENTIAL PLANNED COMMUNITY SITE PLAN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19647
TEL: 855-0810
FAX: 855-0812
WWW.AXIOMENGINE.COM

ENGINEER: KRC
DESIGNER: KRC
DRAWN BY: KRC
CHECKED BY: KRC
DATE: 3/15/2017
TAX MAP: 2-34-17, PARCEL 165

PROJECT NO: 0233-1701
DRAWING: CZ-1
SHEET: 1 OF 3

SCALE: 1" = 1 MILE
24" x 36" 1 inch = 150 ft.
11" x 17" 1 inch = 300 ft.



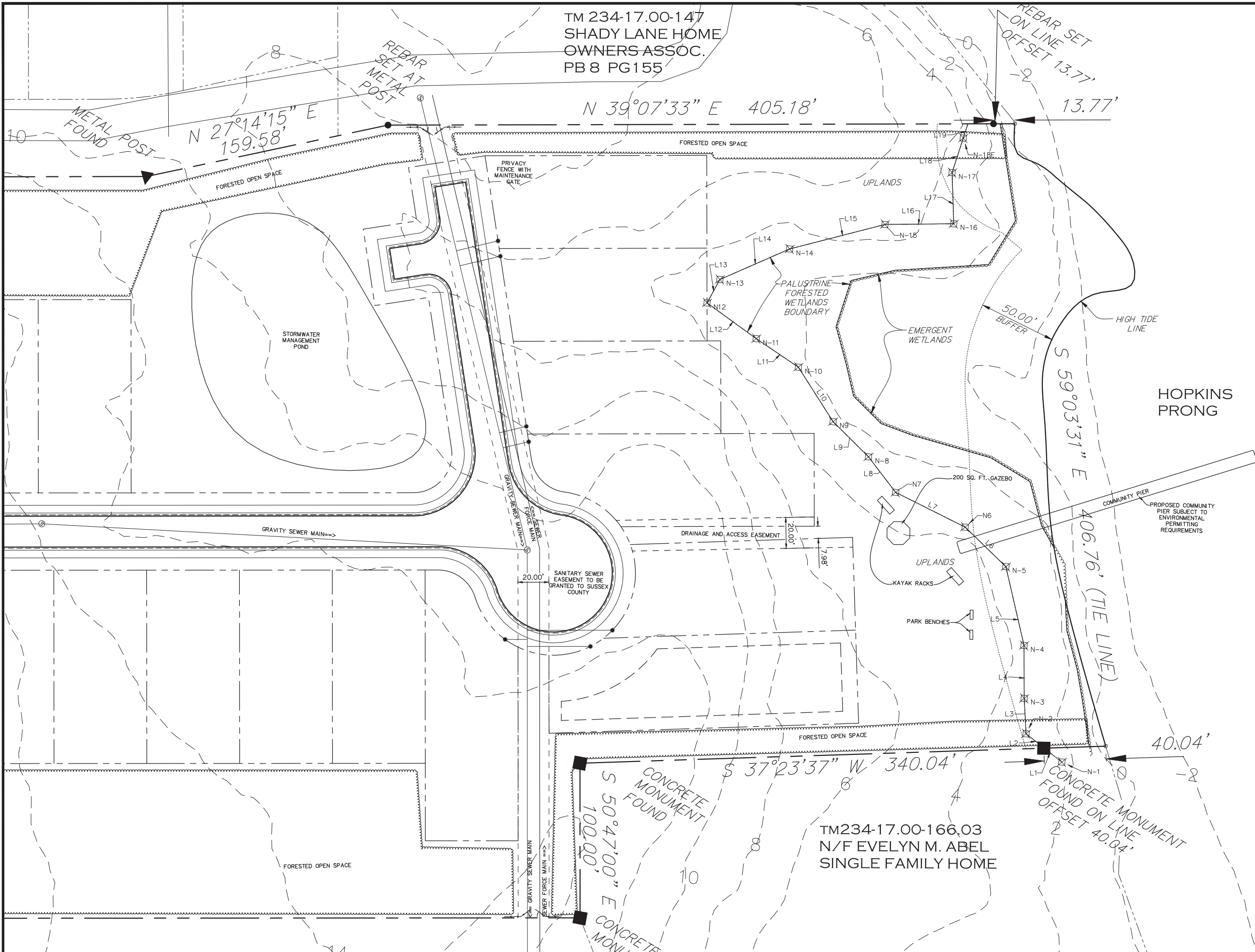
Revision table with columns for revision number, description, and date.

PRELIMINARY SITE PLAN
GR-RC REZONING APPLICATION FOR
WESTRIDGE SHORES
RESIDENTIAL PLANNED COMMUNITY SITE PLAN

AXIOM ENGINEERING L.L.C. logo and contact information including address and phone number.

Professional engineer information table including name, title, and date.

Project and drawing information table including project number, drawing name (CZ-2), and sheet number (2 OF 3).



Line #	Length	Direction
L2	15.015	N77° 35' 26.99"E
L3	22.889	S53° 50' 24.68"E
L4	34.231	S50° 52' 18.97"E
L5	52.290	S63° 44' 23.09"E
L6	36.690	N83° 24' 57.27"E
L7	50.255	N65° 52' 15.99"E
L8	28.893	S88° 08' 02.55"E
L9	32.251	N84° 04' 34.96"E
L10	41.794	S83° 17' 09.94"E
L11	32.873	N73° 22' 49.52"E
L12	39.329	N75° 14' 04.02"E
L13	17.297	S22° 01' 40.20"E
L14	49.187	S15° 37' 49.23"W
L15	63.647	S24° 49' 34.41"W
L16	44.462	S38° 40' 38.85"W
L17	33.088	S52° 37' 20.08"E
L18	23.524	S32° 48' 38.24"E
L19	9.638	S32° 48' 38.24"E
L1	14.750	N76° 47' 34.24"E

PRELIMINARY SITE PLAN
GR-RC REZONING APPLICATION FOR
WESTRIDGE SHORES
RESIDENTIAL PLANNED COMMUNITY SITE PLAN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
TEL: 302.855.0810
FAX: 302.855.0812
EMAIL: INFO@AXIOMENR.COM
WEB: WWW.AXIOMENR.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAWN BY:	KRC
CHECKED BY:	KRC
DATE:	3/15/2017
TAX MAP:	2-34-17, PARCEL 105

PROJECT NO: 0233-1701
DRAWING: CZ-3
SHEET: 3 OF 3

RESPONSE TO P & Z COMMENTS
REVISE PROJECT NAME
REVISE PROJECT NUMBER
REVISE PROJECT DATE
DESCRIPTION OF REVISION
DATE OF REVISION
BY/DATE

FOR THE RECORD, THE CONSTRUCTION MUST BE IN ACCORDANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THEREOF AND APPROPRIATE.

SEAL

D:\Vista\GVL_3D_2014\PROJECTS\0233-1701 Westridge Shores RPD\DWG\0233-1701 BASE.dwg

8

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

north side of Banks Road (S.C.R. 298), 1/2 mile east of Rt.24

Type of Conditional Use Requested:

Tax Map #: 2-34-17, Parcel 165 **Size of Parcel(s):** 21.26 ac.

Current Zoning: AR-1 **Proposed Zoning:** GR/RPC **Size of Building:** _____

Land Use Classification: Mixed Residential Areas

Water Provider: Tidewater **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Boardwalk Development, LLC
Applicant Address: 28855 Lewes Georgetown Highway, Suite B
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 430-4060 E-mail: joe@reedventures.net

Owner Information

Owner Name: Boardwalk Development, LLC
Owner Address: 28855 Lewes Georgetown Highway, Suite B
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 430-4060 E-mail: joe@reedventures.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.
Agent/Attorney/Engineer Address: 18 Chestnut Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-0810 E-mail: ken@axeng.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DeIDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 10/8/21

Signature of Owner



Date: 10/8/21

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: _____

SITE DATA:

OWNER/DEVELOPER:	BOARDWALK DEVELOPMENT, LLC C/O JOSEPH REED 28855 LEWES-GEORGETOWN HIGHWAY LEWES, DE 19958
TAX MAP DEED REFERENCE	2-34-17, PARCEL 165 DB 4747 - PG 58 PB 249 - PG 92
STATE INVESTMENT LEVEL CURRENT ZONING PROPOSED ZONING EXISTING USE PROPOSED USE	3 GR GR-RPC VACANT FOREST LANDS SINGLE FAMILY DETACHED HOUSING
REQUIRED LOT SIZE	
• MIN. WIDTH	60'
• MIN. DEPTH	100'
• MIN. AREA	7,500 SQ. FT.
BUILDING SETBACKS	
• FRONT	25**
• CORNER	15'
• SIDE	8**
• REAR	10'
* REDUCED SETBACKS REQUESTED WITH RPC ZONING REQUEST	
PROPOSED BUILDING HEIGHT	42' MAX.
<u>SITE AREA CALCULATIONS:</u>	
DEDICATION TO STATE OF DELAWARE	0.055± AC.
PRIVATE ROAD R.O.W.	2.670± AC.
LOTS	9.556± AC.
<u>OPEN SPACE</u>	<u>9.035± AC. (42%)</u>
TOTAL SITE AREA	21.316± AC.
<u>OPEN SPACE CALCULATIONS:</u>	
EMERGENT WETLANDS	0.479± AC.
PALUSTRINE FORESTED WETLANDS	0.478± AC.
WATERFRONT COMMUNITY AMMENITY AREA	0.500± AC.
STORMWATER MANAGEMENT AREA	1.000± AC.
EXISTING UPLAND FOREST TO REMAIN	6.488± AC.
<u>SANITARY EASEMENT</u>	<u>0.090± AC.</u>
TOTAL OPEN SPACE	9.035± AC
NET DEVELOPMENT AREA	15.946± AC. (75% OF GROSS ACREAGE)
PRESENTLY RECORDED LOTS	66 (PB 2, PAGE 88)
PRESENTLY RECORDED DENSITY	3.10 DWELLING UNITS/ACRE PER PB 2- PG 88
PERMITTED RESIDENTIAL LOTS	69
PROPOSED RESIDENTIAL LOTS	54
PROPOSED DENSITY	2.54 DWELLING UNITS/ACRE
WATER SUPPLY	TIDEWATER UTILITIES
SEWAGE DISPOSAL	SUSSEX COUNTY

NOTES:

- FORESTED BUFFERS, STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- FOREST BUFFERS SHALL PRIMARILY CONSIST OF EXISTING FOREST COVER TO BE RETAINED. FINAL SITE PLAN APPROVAL SHALL INCLUDE A FOREST BUFFER PLAN PREPARED BY A CERTIFIED FORESTER OR REGISTERED LANDSCAPE ARCHITECT, IN ACCORDANCE WITH COUNTY CODE SECTION 99-24.
- ACCESS TO LOTS SHALL BE PROVIDED FROM THE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- FLOODPLAIN ZONE BOUNDARIES SHOWN WERE BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0343 K, DATED MARCH 16, 2015.
- THE BOUNDARY AND WETLAND LOCATION INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN FEBRUARY 2017. TOPOGRAPHIC INFORMATION WAS OBTAINED BY A FIELD SURVEY BY AXIOM ENGINEERING IN MARCH 2022.
- ALL SUBDIVISION LOTS SHALL HAVE FIVE-FOOT-WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF AT LEAST TEN (10) FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER BOUNDARIES OF THE SUBDIVISION SHALL BE TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY. NO BUILDING, STRUCTURE OR OTHER PERMANENT OBSTRUCTION SHALL BE PLACED IN ANY EASEMENT.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S 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.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY."
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- AT SUCH TIME THE SHARED-USE PATH IS INSTALLED ALONG THE PROPERTY FRONTAGE OF SCR 298, THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- THERE ARE NO TILLED AGRICULTURAL LANDS WITHIN 300' OF THE SUBJECT PROPERTY.
- DRAWINGS CZ-1, CZ-2, AND CZ-3, WHEN CONSTITUTE A "SKETCH PLAN" FOR THE PURPOSES OF SECTION 115-217.8 OF THE ZONING ORDINANCE. IF THE PROPOSED CHANGE OF ZONE TO GR-RPC IS APPROVED BY COUNTY COUNCIL, A PRELIMINARY AND FINAL SITE PLAN WILL BE REQUIRED TO BE SUBMITTED AND APPROVED.

CONDITIONS OF APPROVAL:

- THE MAXIMUM NUMBER OF LOTS SHALL NOT EXCEED 54 SINGLE FAMILY LOTS.
- A HOMEOWNER'S ASSOCIATION SHALL BE FORMED TO PROVIDE FOR THE PERPETUAL MAINTENANCE, REPAIR AND REPLACEMENT OF BUFFERS, STORMWATER MANAGEMENT FACILITIES STREETS, AMENITIES AND OTHER COMMON AREAS.
- ALL ENTRANCES, INTERSECTIONS, INTERCONNECTIONS ROADWAYS AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S REQUIREMENTS.
- THE RPC SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT. THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS AND SPECIFICATIONS OF THE COUNTY ENGINEERING DEPARTMENT.
- HE RPC SHALL BE SERVED BY CENTRAL WATER.
- TORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL BE OPENED IN A MANNER WHICH IS CONSISTENT WITH BEST MANAGEMENT PRACTICES.
- INTERIOR STREET DESIGN SHALL MEET OR EXCEED SUSSEX COUNTY'S STREET DESIGN REQUIREMENTS. THERE SHALL ALSO BE SIDEWALKS ON BOTH SIDES OF ALL STREETS WITHIN THE RPC.
- NO WETLANDS SHALL BE INCLUDED WITHIN ANY INDIVIDUAL LOTS. ANY WETLAND BUFFERS REQUIRED BY SECTION 115-93(B) SHALL BE SHOWN ON THE FINAL SITE PLAN.
- AS STATED BY THE APPLICANT, ALL AMENITIES SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 27TH BUILDING PERMIT.
- A 20 FOOT WIDE VEGETATED BUFFER SHALL BE ESTABLISHED ALONG THE PERIMETER OF THE SITE. THIS MAY INCLUDE THE EXISTING TREES. TREES SHALL BE LEFT TO THE EXTENT POSSIBLE AND REMOVAL SHALL BE MINIMIZED NEXT TO THE HOPKINS PRONG.
- IF REQUESTED BY THE LOCAL SCHOOL DISTRICT, A SCHOOL BUS STOP SHALL BE PROVIDED. THE LOCATION OF THE BUS STOP AREA SHALL BE SHOWN ON THE FINAL SITE PLAN.
- ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
- THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES.
- THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN FOR ALL OF THE BUFFER AREAS, SHOWING ALL OF THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THE BUFFER AREAS.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

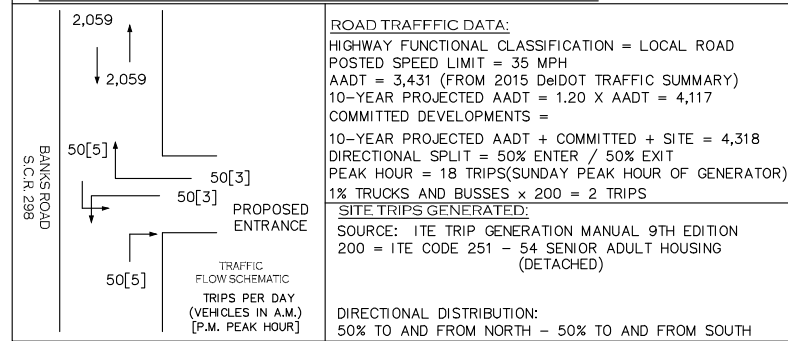
LEGEND

EX. PROPERTY LINE	CONCRETE MONUMENT FOUND
PROPOSED SUBDIVISION LINE	IRON PIPE FOUND
EX. ADJACENT PROPERTY LINES	IRON PIPE SET
EX. 404 WETLANDS	BENCHMARK
EX. MINOR CONTOUR	FEMA FLOODPLAIN BOUNDARY
EX. MAJOR CONTOUR	PR. CONTOUR
EX. BUILDING RESTRICTION LINES	PR. BUILDING RESTRICTION LINES
EX. ROAD CENTERLINE	PR. ROAD CENTERLINE
EX. EASEMENT	PR. EASEMENT
EX. BUILDING	PR. BUILDING
EX. SWALE	PR. SWALE
EX. SIDEWALK	PR. SIDEWALK
EX. CURB	PR. CURB
EX. STORM SEWER	PR. STORM SEWER CL
EX. SANITARY SEWER	PR. SANITARY SEWER
EX. WOODS LINE	PR. WOODS LINE
EX. WATER LINE	PR. WATER LINE
EX. WELL	PR. WELL
TRAFFIC SIGN	PR. HANDICAP PARKING SPACE COUNTS
EX. ZONING BOUNDARY	PR. 10' X 20' + PAINTED AISLE
EX. ELECTRIC LINES UTILITIES	PR. COMPACT 8' X 17'
EX. UTILITY POLES/LIGHT POLES	PR. PROPOSED LIGHT POLES
EX. FENCE	PR. SPOT ELEVATION
EX. SPOT ELEVATION	PR. PROPOSED DRAINAGE FLOW
PR. DELDOT ENTRANCE PAVING	PR. INLET PROTECTION
PR. ROTOMILL 1 1/4" & OVERLAY	PR. CULVERT INLET PROTECTION
SOIL BORING	PR. ROCK OUTLET PROTECTION
TEST PIT	PR. FOREBAY
EX. STREAM	PR. CONSTRUCTION ENTRANCE
DRAINAGE DIVIDES	PR. LIMIT OF DISTURBANCE
TIME OF CONCENTRATION	PR. SILT FENCE

N.R.C.S. SOIL MAPPING UNITS:

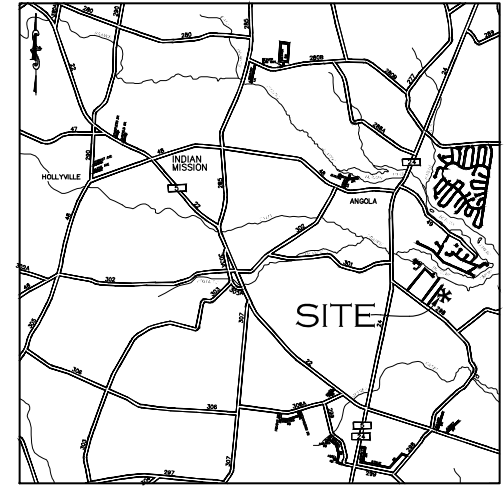
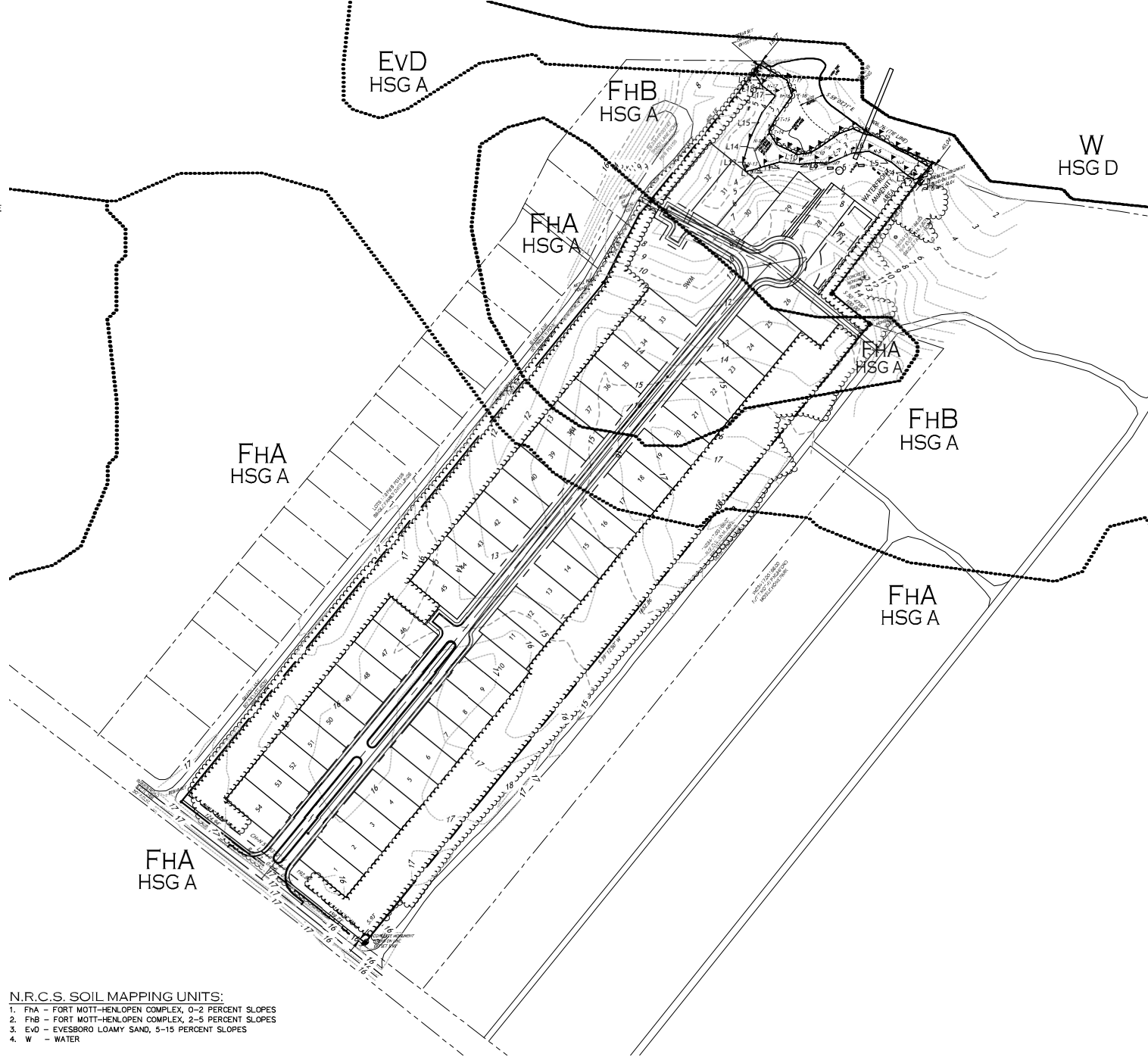
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- FHB - FORT MOTT-HENLOPEN COMPLEX, 2-5 PERCENT SLOPES
- EVD - EVESBORO LOAMY SAND, 5-15 PERCENT SLOPES
- W - WATER

TRIP GENERATION - SCR. 198 (BANKS ROAD) ENTRANCE - FULL ACCESS



WESTRIDGE SHORES

RESIDENTIAL PLANNED COMMUNITY



VICINITY MAP
SCALE: 1" = 1 MILE

SITE DATA:

OWNER/DEVELOPER: BOARDWALK DEVELOPMENT, LLC
 C/O JOSEPH REED
 28855 LEWES-GEORGETOWN HIGHWAY
 LEWES, DE 19958

TAX MAP DEED REFERENCE: 2-34-17, PARCEL 165
 DB 4747 - PG 58
 PB 249 - PG 92

STATE INVESTMENT LEVEL: 3
CURRENT ZONING: GR
PROPOSED ZONING: GR-RPC
EXISTING USE: VACANT FOREST LANDS
PROPOSED USE: SINGLE FAMILY DETACHED HOUSING

REQUIRED LOT SIZE:
 • MIN. WIDTH: 60'
 • MIN. DEPTH: 100'
 • MIN. AREA: 7,500 SQ. FT.

BUILDING SETBACKS:
 • FRONT: 25'
 • CORNER: 15'
 • SIDE: 8'
 • REAR: 10'

* REDUCED SETBACKS REQUESTED WITH RPC ZONING REQUEST

PROPOSED BUILDING HEIGHT: 42' MAX.

SITE AREA CALCULATIONS:
 DEDICATION TO STATE OF DELAWARE: 0.055+ AC.
 PRIVATE ROAD R.O.W.: 2.670+ AC.
 LOTS: 9.556+ AC.
 OPEN SPACE: 9.033+ AC. (42%)
 TOTAL SITE AREA: 21.316+ AC.

OPEN SPACE CALCULATIONS:
 EMERGENT WETLANDS: 0.479+ AC.
 PALUSTRINE FORESTED WETLANDS: 0.478+ AC.
 WATERFRONT COMMUNITY AMENITY AREA: 0.500+ AC.
 STORMWATER MANAGEMENT AREA: 1.000+ AC.
 EXISTING UPLAND FOREST TO REMAIN: 6.488+ AC.
 SANITARY EASEMENT: 0.090+ AC.
 TOTAL OPEN SPACE: 9.033+ AC.

NET DEVELOPMENT AREA: 15.946+ AC. (75% OF GROSS ACREAGE)
PRESENTLY RECORDED LOTS: 66 (PB 2, PAGE 88)
PRESENTLY RECORDED DENSITY: 3,10 DWELLING UNITS/ACRE PER PB 2- PG 88
PERMITTED RESIDENTIAL LOTS: 69
PROPOSED RESIDENTIAL LOTS: 54
PROPOSED DENSITY: 2.54 DWELLING UNITS/ACRE

WATER SUPPLY: TIDEWATER UTILITIES
SEWAGE DISPOSAL: SUSSEX COUNTY

OWNER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN, AND THAT THE SUBDIVISION SHOWN REPRESENTS MY ACT, AND THAT I DESIRE THE PROPERTY TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS, ORDINANCES AND REGULATIONS. I HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED PLAN, AND THAT ALL RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBING ACTIVITIES WILL HAVE A SEDIMENT AND STORMWATER MANAGEMENT CERTIFICATION FROM THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. I HEREBY AUTHORIZE THE RIGHT OF ENTRY FOR PERIODIC ON SITE INSPECTIONS BY STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL COMPLIANCE PERSONNEL AND/OR AUTHORIZED AGENTS.

BOARDWALK DEVELOPMENT, LLC DATE
 C/O JOSEPH REED
 28855 LEWES-GEORGETOWN HIGHWAY
 LEWES, DE 19958
 (302) 430-4060
 JOE@REEDVENTURES.NET

ENGINEER'S CERTIFICATION:

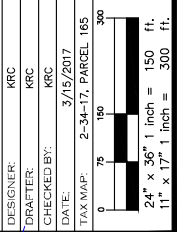
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE NO. 11533 DATE

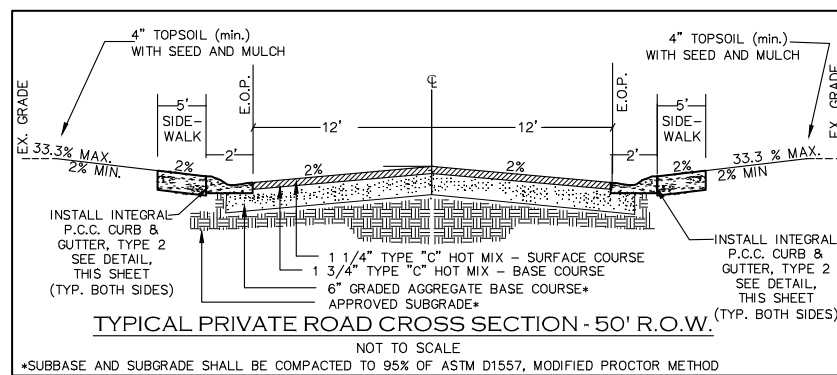
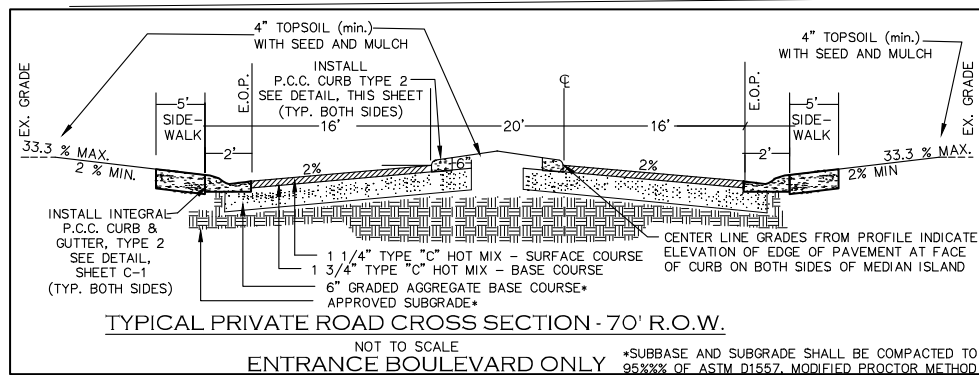
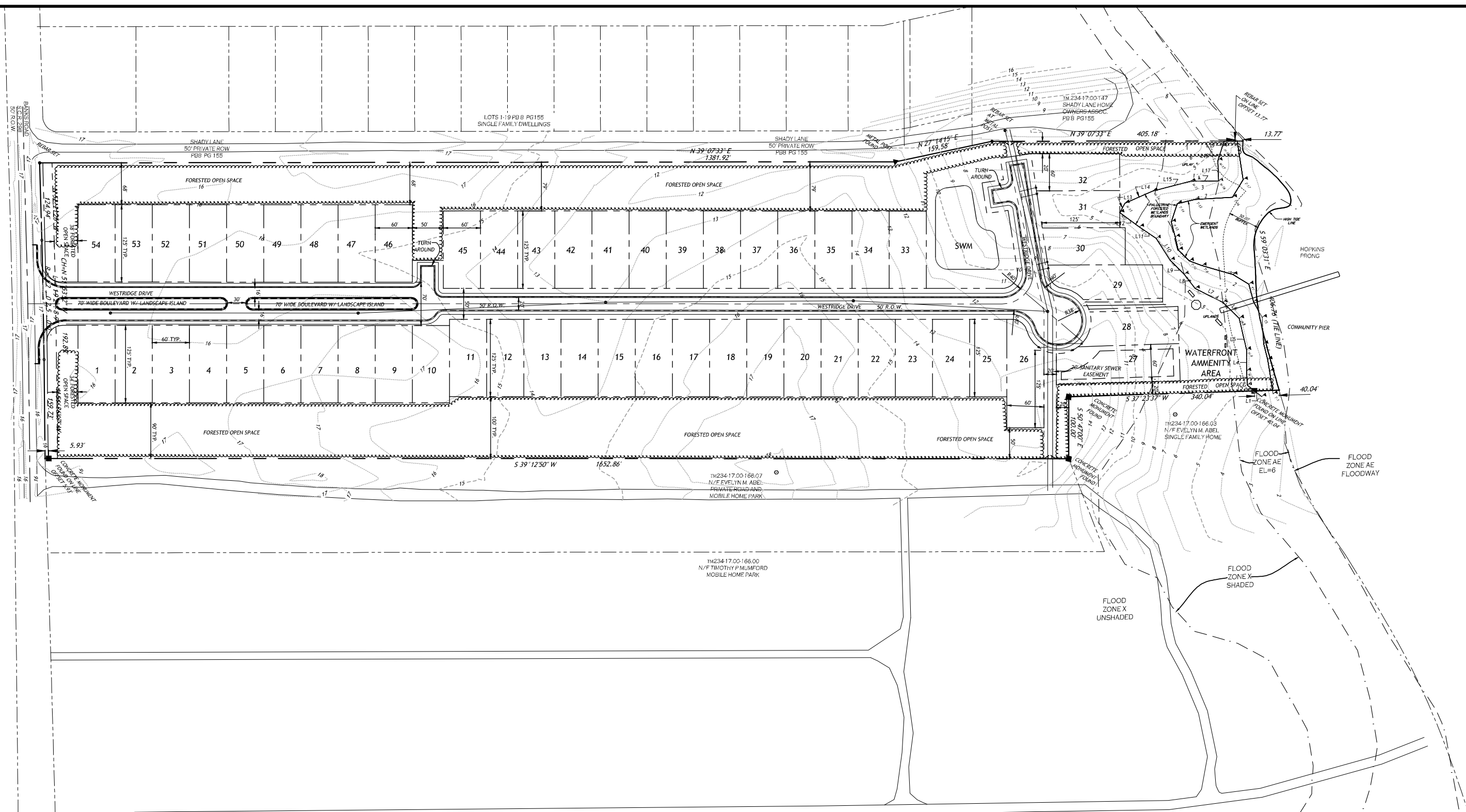
NO.	DATE	BY	DESCRIPTION
1	3/15/2017	JRC	UPDATE TO P & Z COMMENTS
2	8/27/2017	JRC	REVISE PROJECT NAME
3	8/27/2017	JRC	REVISE DESCRIPTION OF REVISION
4	8/27/2017	JRC	REVISE DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THEREOF AND APPURTENANT.

SKETCH PLAN COVER SHEET
 RPC SKETCH PLAN FOR
WESTRIDGE SHORES
 SCR 298 - BANKS ROAD
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

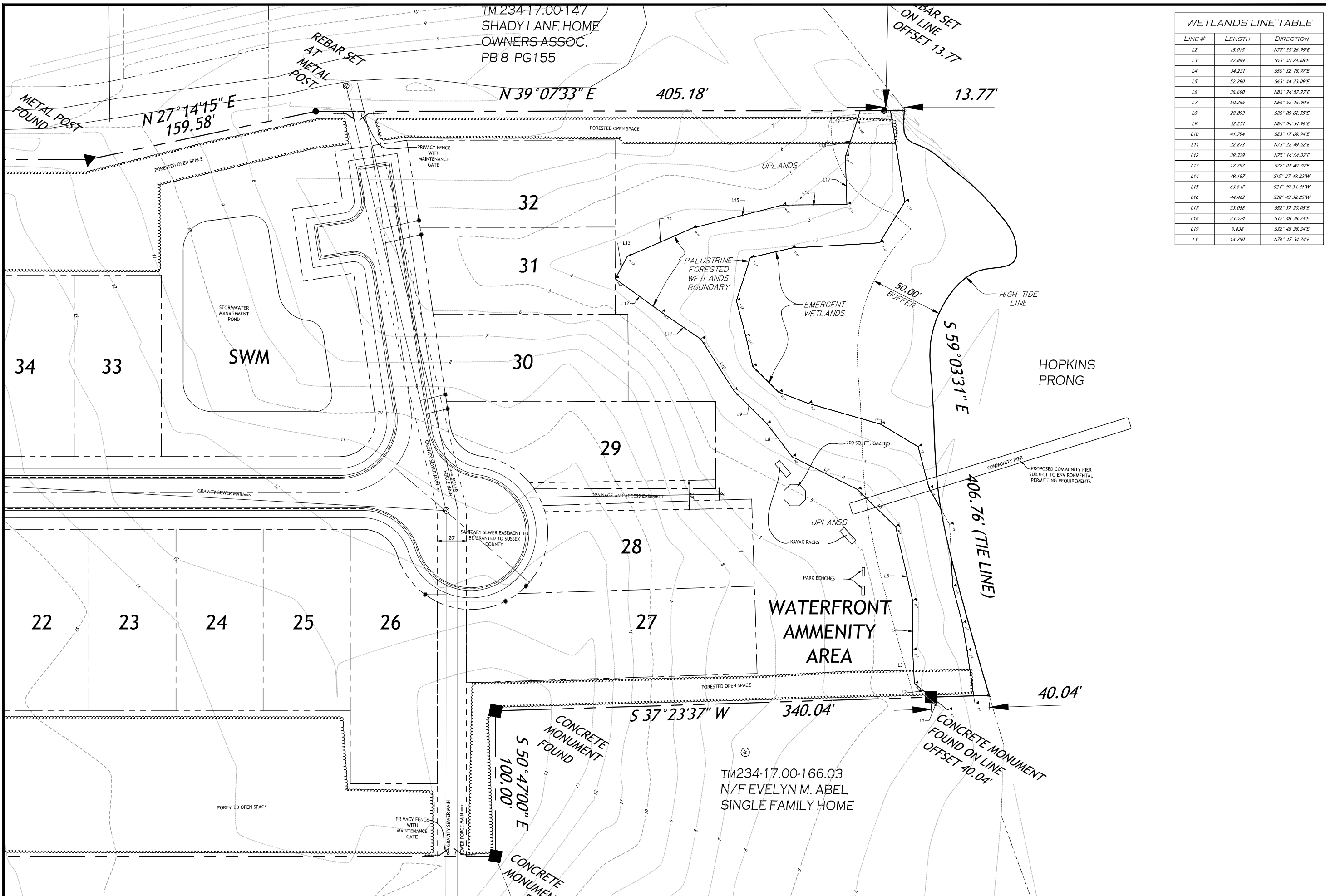
AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19647
 (302) 855-0810
 FAX: 855-0812
 WWW.AXIOMENGINE.COM
 WWW.AXIOMENGINE.COM



PROJECT NO: 0233-1701
 DRAWING: CZ-1
 SHEET: 1 OF 3



SKETCH PLAN RPC SKETCH PLAN FOR WESTRIDGE SHORES SCR 298 - BANKS ROAD INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE																	
AXIOM ENGINEERING L.L.C. 18 CHESTNUT STREET GEORGETOWN, DE 19947 (302) 855-0810 FAX: 855-0812 WWW.AXIOMENR.COM																	
ENGINEER: RRC DESIGNER: RRC DRAFTER: RRC CHECKED BY: RRC DATE: 3/15/2017 TAX MAP: 2-34-17, PARCEL 165	SCALE: 24' x 36" 1 inch = 80 ft. 11' x 17" 1 inch = 160 ft.																
PROJECT NO: 0233-1701	DRAWING: CZ-2																
SHEET: 2 OF 3																	
<table border="1"> <tr> <th>REV</th> <th>DESCRIPTION OF REVISION</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>UPDATE TO P & Z COMMENTS</td> <td>RRC</td> <td>3/15/2017</td> </tr> <tr> <td>2</td> <td>REVISE PROJECT NAME</td> <td>RRC</td> <td>3/15/2017</td> </tr> <tr> <td>3</td> <td>REV DESCRIPTION OF REVISION</td> <td>RRC</td> <td>3/15/2017</td> </tr> </table>		REV	DESCRIPTION OF REVISION	BY	DATE	1	UPDATE TO P & Z COMMENTS	RRC	3/15/2017	2	REVISE PROJECT NAME	RRC	3/15/2017	3	REV DESCRIPTION OF REVISION	RRC	3/15/2017
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1	UPDATE TO P & Z COMMENTS	RRC	3/15/2017														
2	REVISE PROJECT NAME	RRC	3/15/2017														
3	REV DESCRIPTION OF REVISION	RRC	3/15/2017														



LINE #	LENGTH	DIRECTION
L2	15.015	N77° 35' 26.99"E
L3	22.889	S53° 50' 24.68"E
L4	34.231	S50° 52' 18.97"E
L5	52.290	S63° 44' 23.09"E
L6	36.690	N83° 24' 57.27"E
L7	50.255	N65° 52' 15.99"E
L8	28.893	S88° 08' 02.55"E
L9	32.251	N84° 04' 34.96"E
L10	41.794	S83° 17' 09.94"E
L11	32.873	N73° 22' 49.52"E
L12	39.329	N75° 14' 04.02"E
L13	17.297	S22° 01' 40.20"E
L14	49.187	S15° 37' 49.23"W
L15	63.647	S24° 49' 34.41"W
L16	44.462	S38° 40' 38.85"W
L17	33.088	S52° 37' 20.08"E
L18	23.524	S32° 48' 38.24"E
L19	9.638	S32° 48' 38.24"E
L1	14.750	N76° 47' 34.24"E

ENGINEER: RRC
 DESIGNER: RRC
 DRAFTER: RRC
 CHECKED BY: RRC
 DATE: 3/15/2017
 TAX MAP: 2-34-17, PARCEL 165

PROJECT NO:
0233-1701

DRAWING:
CZ-3

SHEET:
3 OF 3

SCALE:
24" x 36" 1 inch = 80 ft.
11" x 17" 1 inch = 160 ft.

SEAL

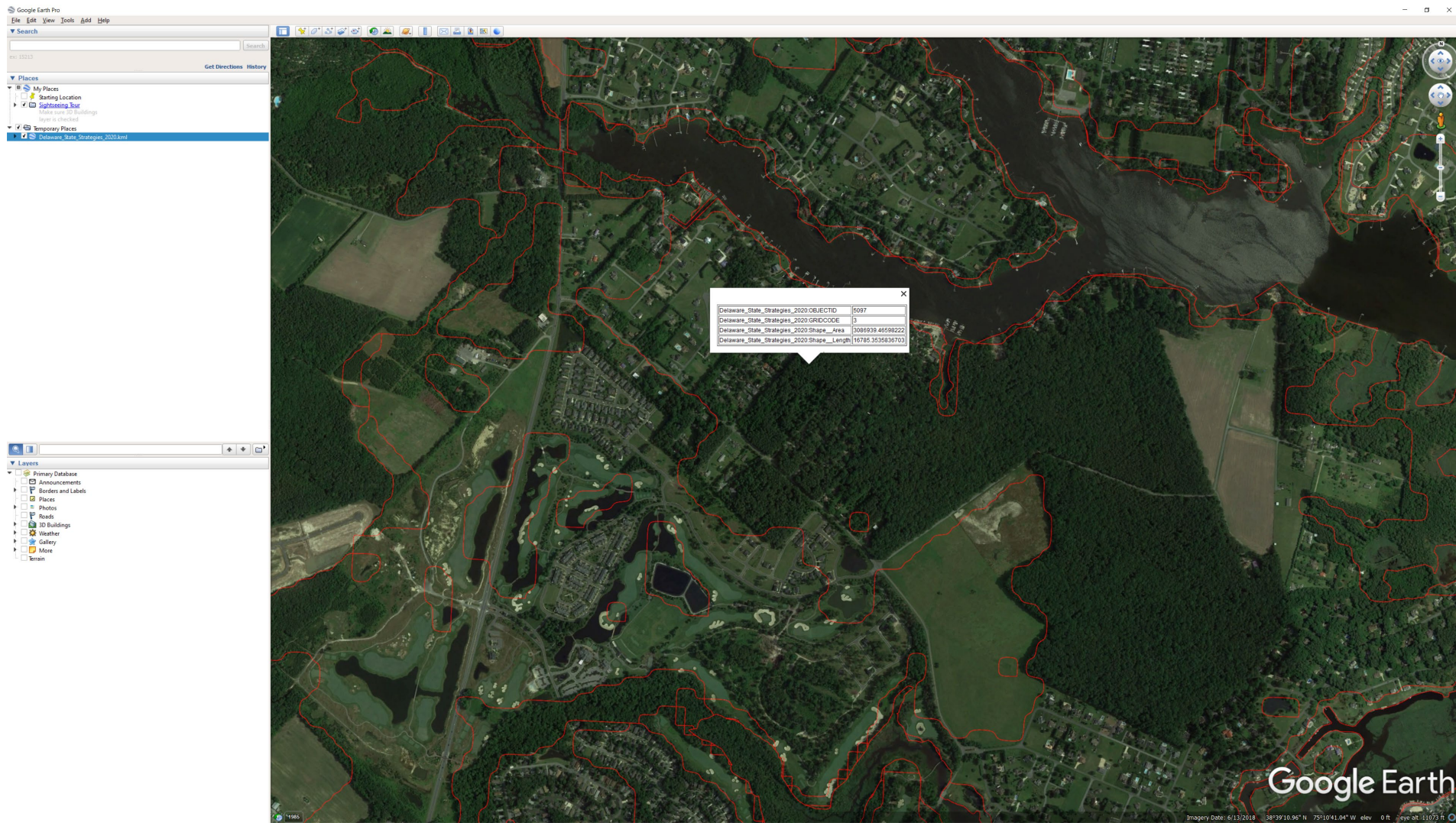
WESTRIDGE SHORES
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SKETCH PLAN
 RPC SKETCH PLAN FOR
 WESTRIDGE SHORES
 SCR 298 - BANKS ROAD
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

D:\V\1701\0233-1701 Westridge Shores RPC DWG\0233-1701-R2-1 RE-202000 PLAT.dwg

9



State Strategies Level 3 mapping

10



18 Chestnut Street
Georgetown, DE 19947
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Phone: 302 855-0810
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E-mail: axiom@axeng.com

June 29, 2017

Office of State Planning Coordination
122 William Penn Street - Suite 302
Dover, DE 19901

Attn: Constance C. Holland, AICP

RE: PLUS review 2017-05-04; Creekridge RPC

Dear Ms. Holland:

Axiom Engineering is in receipt of comments resulting from our May 24, 2017 meeting with State agency planners. Comments received are shown in black, Axiom Engineering's responses are shown underlined and printed in red.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Banks Road (Sussex Road 298) must be designed and built in accordance with DeIDOT's Development Coordination Manual (formerly the Standards and Regulations for Subdivision Streets and State Highway Access), which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.
- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. DeIDOT anticipates that the proposed development would generate 182 vehicle trip ends per day on weekdays (somewhat less than the 200 trips on the PLUS application) and 15 vehicle trip ends during the weekday evening peak hour of Banks Road. Therefore the proposed development does not meet those warrants and a TIS is not required.

Thank you for acknowledging that the project will not require a TIS.

- Per Section 2.3.2 of the Development Coordination Manual, DeIDOT may require a Traffic Operational Analysis (TOA) for a development generating 200 or more vehicle trip ends per day if they identify a potential problem in the operation of a site access. Because DeIDOT anticipates that the proposed development would generate 182 vehicle trip ends per day on weekdays (somewhat less than the 200 trips on the PLUS application) a TOA will not be required.

Thank you for acknowledging that the project will not require a TOA.

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf. DelDOT anticipates having more detailed comments to offer at that time.

Acknowledged.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Banks Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the right-of-way centerline on Banks Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

Based upon out field survey, the the project will require a 5' dedication.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Banks Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat."**

The required permanent easement will be included on the plan.

- As per the Delaware Strategies for State Policies and Spending, this development is primarily in Investment Level 3. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility, which this one does not. If the project does not abut to an existing facility, it will be at the Subdivision Engineer's discretion. No fee in lieu of construction will be required. The requirement or lack thereof should be addressed at the Pre-Submittal Meeting mentioned above but it is likely that DelDOT will require a Shared Use Path.

There are no adjacent sidewalks or Shared Use Paths on Banks Road. The applicant requests that this requirement be waived.

- In accordance with Section 3.8 of the Development Coordination Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Banks Road.

Acknowledged.



Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Executive Summary

Development of this parcel will result in increased impervious surface and new sources of greenhouse gas emissions. Opportunities exist to reduce the environmental impact on-site through appropriate use of pollution control strategies, reduced tree clearing and nature-based infrastructure. DNREC would like to see increased buffers and considerations of the existing flood plain and wellhead protection area. DNREC has outlined a number of best management practices to assist in protecting these resources and the overall health of the community.

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. We encourage the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be found at www.de.gov/cleantransportation). It is further recommended that an abundant use of native vegetation and shade trees throughout the landscape, as well as pervious pavement and green infrastructure, where practicable, to absorb carbon dioxide, protect water quality and provide relief to residents on hot days.

The following pages provide information about applicable regulations and detailed recommendations associated with this project, from various DNREC Divisions. DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

Water Quality and TMDLs.

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets call for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; *State of Delaware Surface Water Quality Standards, as amended July 11, 2004*) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs:

<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations can be reviewed here:
<http://regulations.delaware.gov/documents/November2008c.pdf>.

Background information about the PCS with guidance documents and mapping tools can be retrieved here:

http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

Sussex Conservation District procedures shall be followed in the design of the stormwater management system.

- A nutrient management plan is required under the *Delaware Nutrient Management Law (3 Del.C., Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project's open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or, view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

The project will not have nutrients applied to 10 acres of open space, no Nutrient Management plan is required.

Flood Management

- The topography on the site plan shows one lot fully below elevation 6 as well as portions of several other lots. This lot is not designated in the floodplain per FEMA's effective floodplain boundary. Sussex County's floodplain ordinance does require land below the base flood elevation to be permitted as if it were in the floodplain. Any development that occurs on land below the base flood elevation would have to meet the County's floodplain regulations. DNREC We discourage filling these naturally occurring flood fringe areas as it has the unintended consequence of pushing floodwater somewhere else and adversely effecting adjacent property. DNREC encourages leaving the low lying areas undeveloped so flood water has a place to go and doesn't put structures and the public at risk.

Construction below the base flood elevation shall be completed in accordance with Sussex County Floodplain Ordinances and the requirements of the Federal Emergency Management Agency.

Water Supply

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take four weeks to process, which allows the necessary time for technical review and advertising.
- A Potential Contamination Source exists in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations.
 - Baywood Spray Irrigation located within 1000 feet of the proposed project

The developer intends to connect to central water from Tidewater Utilities. It is not anticipated that any wells will be required on the project site.

Source Water Protection

- DNREC has determined that the project falls partially within a wellhead protection area for Sussex County (see map). The wellhead protection area protects a well owned by Shawn's Hideaway.
- Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where land use activities or impervious cover may adversely affect the quantity and quality of ground water moving toward such wells.
 - DNREC appreciates the developer's efforts to not develop within the wellhead.

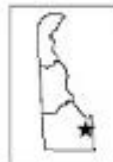
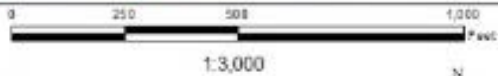
The applicant appreciates DNREC's acknowledgement that the project has been proposed with no impact to the wellhead protection area.

PLUS 2017-05-04 - Creekridge RPC



Legend

- PLUS Project Location
- Wellhead Protection Area



DISCLAIMER: This map depicts data compiled by the DWR's Source Water Assessment Program and the data shown in the upper right may not reflect the most current conditions.

April January 2017. This map is provided by the DWR solely for display and reference purposes and is subject to change without notice. DWR will not be held responsible for the assumed accuracy contained in the map or for the use other than its intended purpose.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Acknowledged.

Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none">• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.• Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none">• Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year.• Prohibit the burning of land clearing debris.• Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none">• Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and	<ul style="list-style-type: none">• Use structural/ paint coatings that are low in Volatile Organic Compounds.• Use covers on paint containers when paint containers are not in use.

Commercial Products	
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Acknowledged.

Tank Management

- If a release of a Regulated Substance occurs at the proposed project site, compliance of *7 Del.C., Chapter 60*; *7 Del.C., Chapter 74* and *DE Admin. Code 1351*, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.
- Per the UST Regulations: Part E, § 1. Reporting Requirements: Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department's 24-hour Release Hot Line (800) 662-8802; and
 - The DNREC Tank Management Section (302) 395-2500.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the DNREC Tank Management Section.
- For more information, go to: <http://www.dnrec.delaware.gov/tanks/Pages/default.aspx> or contact Ross D. Elliott with further questions at (302) 395-2500, or Ross.Elliott@state.de.us

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is no known archaeological site or National Register listed property, on this parcel. However, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources and plan to avoid those sites or areas.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at the following: www.achp.gov.

Acknowledged.



Delaware State Fire Marshall's Office – Contact John Rudd 739-4394

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

• **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

Acknowledged.

• **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Banks Road must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

What design vehicle is required to maneuver past the proposed entrance island?

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

The lots have a 30' front yard setback.

- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

The plan includes the required turn around. The cul-de-sac shown on sheet CZ-2 meets the required radius.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gates and speed bumps are not anticipated for the project.

- **Gas Piping and System Information:**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.

- **Required Notes:**
 - Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Name of Water Supplier
 - Proposed Use
 - National Fire Protection Association (NFPA) Construction Type
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - Maximum Height of Buildings (including number of stories)
 - Provide Road Names, even for County Roads

Acknowledged.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/information/business/subdivisions/>

- Please be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision date of July 20, 2016. The notes can be found at http://www.deldot.gov/information/business/subdivisions/Sheet_Notes.doc?073116

Acknowledged.

Department of Natural Resources and Environmental Control – Michael Tholstrup
735-3352

Flooding and Sea Level Rise

- The planned development lies within an area that will be subject to direct and permanent inundation from sea level rise (<http://de.gov/slrmap>).

Sea levels in Delaware have risen by about a foot over the past by sea level rise of 1.5 meters. In the short-term, sea level rise on this parcel, combined with periodic coastal flooding events, may result in repetitive flood damage to roads and significant difficulties maintaining storm water, drainage and other infrastructure. In the long-term, this increased flood and inundation risk could result in costly public and private flood abatement and drainage projects and an eventual abandonment of structures.

- Lots within flood prone areas should be eliminated.
- Any structures that are built within an area mapped as both floodplain and sea level rise zone should be constructed with 18 inches of freeboard plus additional freeboard to accommodate future sea levels.
- Access roads should be designed to be flood resilient for the entirety of your project's design life span. This includes ensuring that the roadway functions for the 1% chance flood plus anticipated future sea level rise.¹

Acknowledged.

Fish and Wildlife

- This project would require the removal of more than half of the forest within the parcel. DNREC strongly recommends that the site plan be reconfigured in order to minimize the amount of tree clearing necessary. DNREC recommends a 100-foot buffer be left between the development and Hopkins Prong. This buffer should not be a maintained lawn area, and should not contain lot lines or infrastructure. It is also recommended that the buffer area be comprised of the existing vegetation or planted with Delaware native species of trees, shrubs, grasses or wildflowers.

Acknowledged.

Request for Site Survey

- Additionally, in order to provide more informed comments, DNREC requests the opportunity to conduct a survey to evaluate habitat and determine the potential for species of conservation concern. Please note that DNREC scientists have extensive knowledge of the flora and fauna of the state. The survey will be conducted at no expense to the landowner. In the event that authorizations will be needed from DNREC's Coastal Management Program and/or Wetlands and Subaqueous Lands Section, they will require complete and up to date info from the Wildlife Species and Conservation Research Program as part of their review. Therefore, allowing access to the site will increase the efficiency of the State authorization process.

Please contact Kate Fleming at (302) 735-8658 or Kate.Fleming@state.de.us to schedule the site visit.

Acknowledged.

Recycling

- Though it may not be the case here, some residents have expressed concerns about the storage of trash and recycling containers in high density communities. Those involved with the planning of new facilities should give consideration to space for collection of recyclables. The Universal Recycling Law (7 *Del.C.*, §6053) requires all waste service providers to provide recycling collection to their residential customers including providing a recycling cart. For more information or assistance related to recycling requirements, benefits, tools, and assistance, please contact Bill Miller at (302) 739-9403 or bill.miller@state.de.us.

Acknowledged.

Additional information on TMDLs and water quality

- Compliance with the specified TMDL nutrient and bacterial reduction requirements specified for the Inland Bays watershed can be facilitated by adherence to the strategies and requirements described in the Inland Bays PCS, and the implementation of the following recommended BMPs, which would:
 - Preserve and/or maintain as much of the existing forested area as possible. Given the environmental sensitivity (e.g., water quality and wildlife habitat) of the greater Inland Bays watershed, the Division of Watershed Stewardship strongly opposes the applicant's apparent plan to remove most of the existing forestland in this parcel to accommodate this development. DNREC believes that the developer should scale-back the extent of this development and make greater effort to retain/preserve more of the existing forestland than they have currently proposed. Moreover we further suggest additional native tree, shrub and/or native herbaceous vegetation plantings in areas of open space, wherever possible. Additionally, removing forest cover (which appears to be the applicant's intent) to accommodate a stormwater management pond is not considered an environmentally acceptable practice and should be avoided.
 - Conduct a United States Army Corps of Engineers (USACE) approved wetlands delineation by contacting a qualified soils scientist (Delaware licensed Class D soil scientist) to map the soils in this parcel. DNREC strongly discourages building on hydric soils as these soils provide benefits for water quality and flood protection. A list of qualified soil scientists can be obtained from Ground Water Discharges branch; the GWDB can be reached by phone at 739-9947. Also, please contact the Subaqueous Land section to schedule an evaluation/delineation of the tidal wetlands in this

parcel. The Subaqueous Lands section can be reached by phone at (302) 739-9378.

- Maintain a vegetated buffer of at least 100 feet from the adjoining wetlands and waterbodies. Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. Wetland and Stream Buffer Requirements – A Review. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish this aforementioned 100-foot buffer width (planted in native vegetation) from all waterbodies (including ponds & hydric soils) and all non-tidal and tidal wetlands (i.e., a USACE approved field wetlands delineation for non-tidal wetlands and State approved wetlands delineation for tidal wetlands). According to information presented in the PLUS application, the applicant does not intend to maintain a buffer from the adjoining wetlands and waterbody. Not maintaining a vegetated buffer is considered an environmentally unacceptable best management practice. DNEC strongly urges the applicant reconsider their project design with the above-mentioned recommended 100-foot buffer width

Acknowledged.

- Also, based on information presented in the PLUS application, a wetland delineation was conducted but not submitted to the State for review. The wetland delineation was also not approved by the USACE as per our recommendation.
 - Employ green-technology storm water management such as rain gardens or rainwater catchment systems as best management practices to mitigate or reduce nutrient and bacterial pollutant runoff. We strongly discourage the construction of open-water stormwater management structures, as currently proposed.
 - Use pervious paving materials, when compatible or consistent with water quality concerns in areas designated as locations of excellent recharge (e.g., well head protection areas), as determined/assessed by a DNREC hydrogeologist, instead of conventional paving materials to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for the large area designated for parking in this project.
 - Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment Protocol.” The protocol is a tool used to assess changes in nutrient loading resulting from

the conversion of individual or combined land parcels to a changed land use; thus providing applicants and governmental entities with quantitative information about the project's impact(s) on baseline water quality.

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Emissions Attributable to Creekridge RPC (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Area source emissions	1.7	0.2	0.2	0.2	6.8
Power emissions	*	0.7	2.3	*	339.9
Mobile emissions	2.5	2.6	0.1	0.0	1,596.0
Total emissions	4.2	3.5	2.6	0.2	1,942.7

We strongly encourage the applicant/developer use this protocol to design and implement the most effective best management practices. Please contact John Martin of the Division of Watershed Stewardship for more information on the protocol, at (302) 739-9939.

Acknowledged.

Additional information on tank management

- When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Acknowledged.

Additional information on air quality

- Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) were quantified. Table 2 – Projected Air Quality Emissions represents the potential impact the Creekridge RPC development may have on air quality.

**Indicates data is not available.*

Note that emissions associated with the actual construction of the subdivision, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

- New developments may emit, or cause to be emitted, additional air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
 - Emissions that form ozone and fine particulate matter;
 - The emission of greenhouse gases which are associated with climate change, and
 - The emission of air toxics.

- Site-specific recommendations for this project:
 - Inclusion of bike racks in common areas and expansion of the bicycle/pedestrian network through sidewalks and bike lanes which also promote alternative forms of transportation. There are no identified bike paths or sidewalks in the proposed plan.
 - Planting of native shade trees to clean the air of localized pollutants and cut down on energy/cooling costs.
 - Work with Delaware Transit Corp to include more convenient transit access to this development.
 - The use of Recycled Content Materials (carpet, concrete, countertops, furniture, siding, of reclaimed asphalt pavement, etc.) which reduces landfill waste, is sustainable and more economically

feasible than other material types. Sustainable pavements (or cool pavement choices with higher albedo) reflect 40 percent more sunlight than warm pavements which only reflect 10 percent.

- Use of energy efficient products in construction to lessen the power source emissions of the project and costs.
- Take advantage of compact building design to preserve open space. Open space protects animals and plants and conserves their habitat as well as moderates temperatures and combats air pollution.
- At least two parking spaces in common areas dedicated to alternative fueled vehicle (electric vehicle (EV), hybrid electric vehicle (HEV), low emission vehicle (LEV)) use and charging.

Acknowledged.

- Native Delaware Tree Plantings: Implementation of a Green Streetscape is highly encouraged for the subdivision plan. Green streetscapes are key in reducing negative air quality impacts and beautifying existing conditions. Green infrastructure solves many environmental problems while providing a myriad of benefits for the community including the cleaner air, proper management of storm water, safe multi-modal transportation options, beautifying neighborhoods and increasing property values.
- Native trees reduce emissions by trapping dust particles and replenishing oxygen. Every effort should be made to ensure as many original trees are preserved as possible. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs. All urban trees that are selected should be native to Delaware and preferably low VOC emitting trees. Every tree has a different biogenic emissions rate by which they release VOC's into our atmosphere. VOC's are a component of smog and when mixed with other gases in the atmosphere (nitrogen oxide or NOx) in the presence of sunlight can contribute to air pollution risks. As a general reminder, the best trees to plant are those that have a large leaf surface area at maturity, contain leaf characteristics that are amenable to particle collection from particulate matter (PM) such as those that have hairy or sticky leaves and have high transpiration rates which result in relatively high temperature reduction. White pines, Heritage River Birch, and American Beech fall within these categories and contain these characteristics and are mentioned in the landscaping plan.

Acknowledged.

- **Energy Efficiency:** Constructing with only energy efficient products can help your housing units immensely, not only in terms of environmental sustainability but financially. Energy Star qualified products are up to 30 percent more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution. Providing shade for parking areas can also be of added benefit to this facility. Some approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating storm water. For more about energy efficient options, please see: <https://www.energystar.gov/> or <https://www.epa.gov/greeningepa/energy-efficiency-epa>.
- **Clean Fuel Measures:** This measure helps to reduce localized air pollution by supporting the use of clean diesel powered vehicles and charging infrastructure. It would be ideal to include at least one charging station in common areas. Vehicle charging should also be an option included in the homes for accommodation of those with electric vehicles (EVs) and could be marketed as a unique selling feature. For a site map of local alternative fueling sites, please visit the Alternative Fuels Data Center website here: <http://www.afdc.energy.gov/locator/stations/>.
- **Multi-modal travel:** A component of improving existing air quality levels is to maximize multi-modal travel through bike lanes, sidewalks and convenient access to transit opportunities. No bike paths or sidewalks were included in the development plan. DNREC encourages the developer to improve its existing sidewalks and crosswalks and to add sharrows or bike lanes where needed to encourage multi-modal travel opportunities. (Sharrows and striping are the easiest and most cost effective option.). Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.
- **Transit is also an important component of multimodal travel opportunities.** GIS evaluation of the area has concluded that the nearest transit stop/facility is located to the west at the intersection of Delaware Route 24 and Holly Lake Road (Bus Route 215). It is suggested that more transit opportunities be made for local residents in the Bank Road area. For more information on DART Bus Routes in your area, please visit www.dartfirststate.com. Also, for more information on the impacts of multimodal access on air quality please see the EPA's website: <https://www3.epa.gov/otaq/>.
- Should the developer have any more questions or concerns, the DNREC Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us. The applicant is encouraged to

contact DAQ to discuss the emission mitigation measures that will be incorporated into the Creekridge RPC subdivision project. We look forward to working together with you on this project to achieve our shared air quality goals.

Acknowledged.

Soils Assessment

- Based on soils survey mapping update, Fort Mott-Henlopen complex (FhA & FhB) is the primary soil mapping units mapped in the immediate vicinity of the proposed project. Fort Mott-Henlopen complex is a well-drained soil mapping unit that is considered to have few to moderate limitations for development (Figure 1).

Acknowledged.

Delaware State Fire Marshal's Office – Contact John Rudd 739-4394

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

Acknowledged.

Sussex County Housing Coordinator & Fair Housing Compliance Officer – Contact Brandy Nauman 855-7777

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate

County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

Acknowledged.

If there are any questions regarding the attached, do not hesitate to contact me at the above number or by e-mail: ken@axeng.com

Sincerely,

Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC



1 1



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REV	DESCRIPTION OF REVISION	REVISED BY/DATE	CHECKED BY/DATE

2007 AERIAL OVERLAY
 PUBLIC DATA REFERENCED TO
WESTRIDGE SHORES RPC
 FORMERLY CREEKRIDGE RPC
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

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 WEB: WWW.AXIOMENR.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	1/23/2017
TAX MAP:	TM 2-24-17, PARCEL 165

SCALE

PROJECT NO: 0233-1701
 DRAWING: CR-6
 SHEET: 6 OF 6

12

NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING.

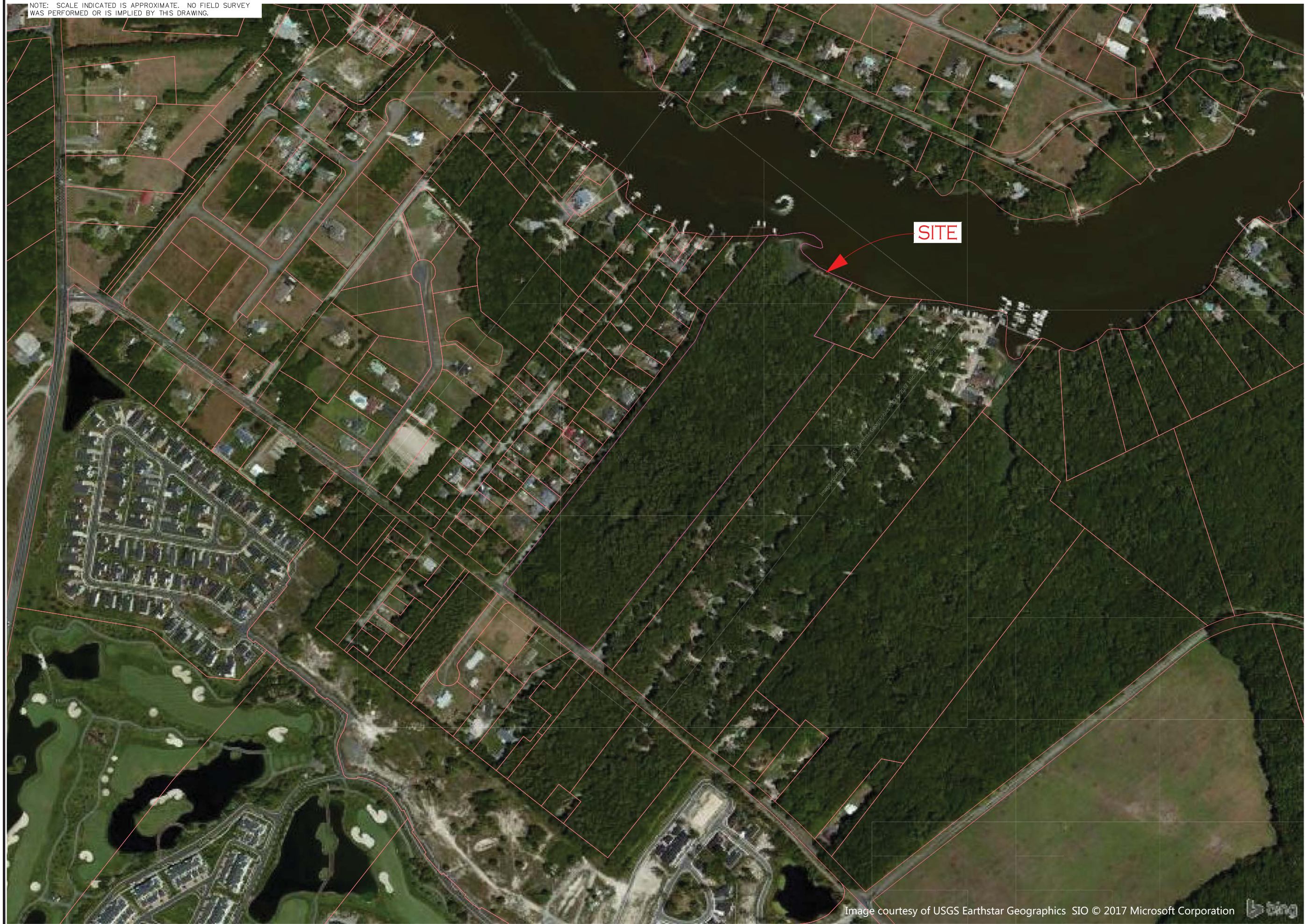



Image courtesy of USGS Earthstar Geographics SIO © 2017 Microsoft Corporation

REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE

TAXMAP & AERIAL PHOTO
 PUBLIC DATA REFERENCED TO
WESTRIDGE SHORES RPC
 FORMERLY CREEKRIDGE RPC
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE



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DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	1/23/2017
TAX MAP:	TM 2-4-17, PARCEL 165

PROJECT NO:	0233-1701
DRAWING:	CR-2
SHEET:	2 OF 6

SEAL

13

NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING.

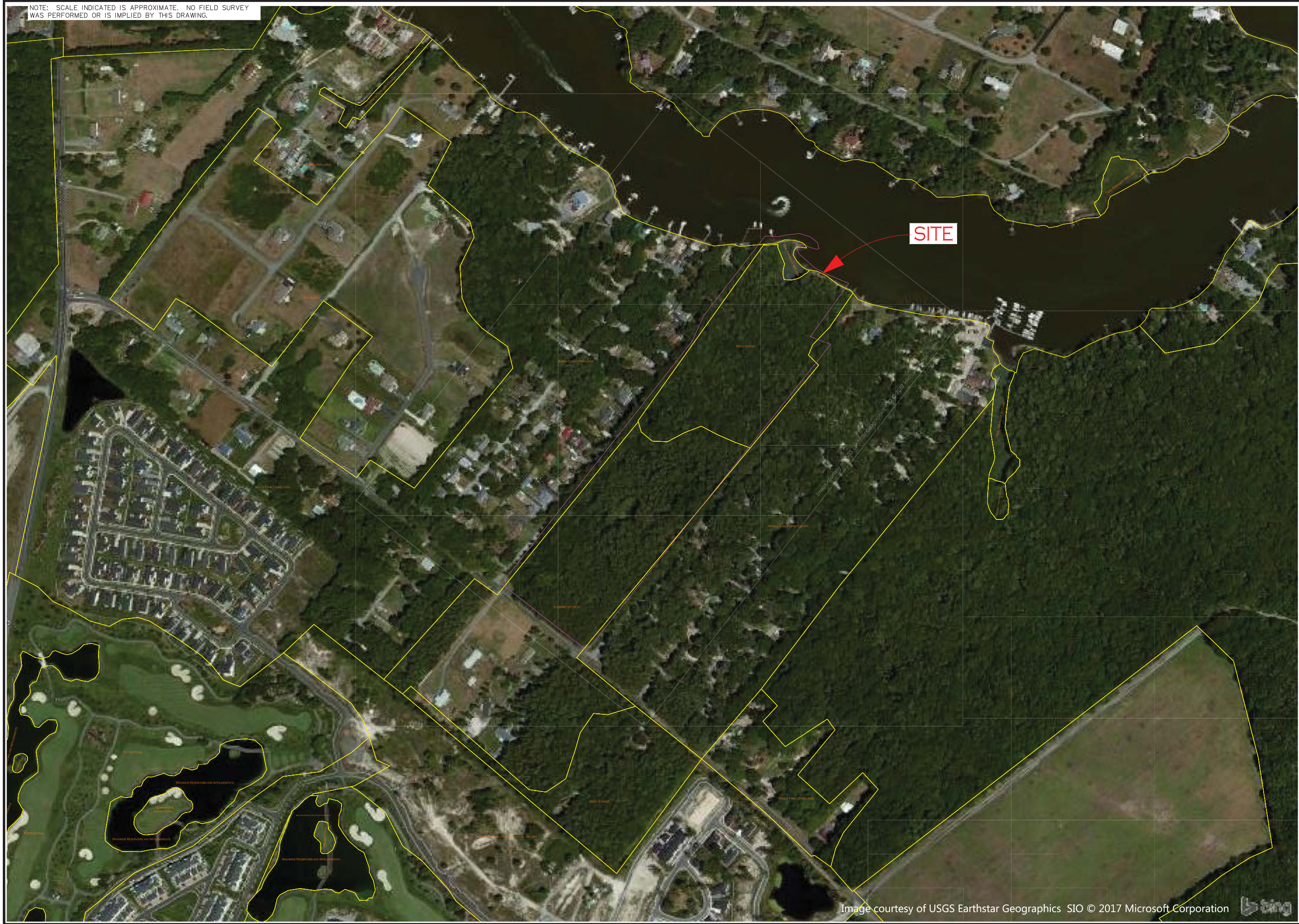


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REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE

2007 STATE LAND USE DATA
 PUBLIC DATA REFERENCED TO
WESTRIDGE SHORES RPC
 FORMERLY CREEKRIDGE RPC
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

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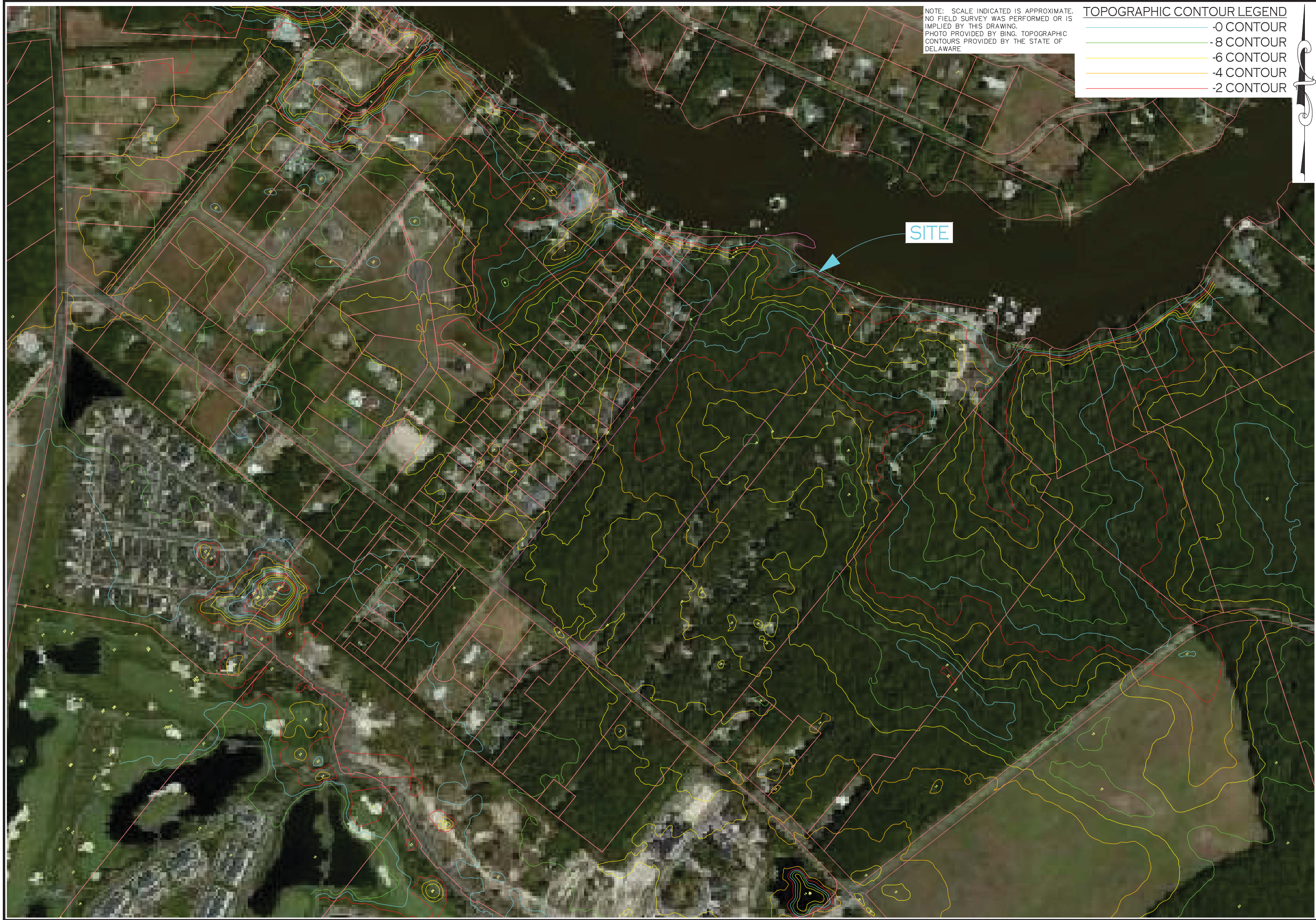
ENGINEER: KRC
 DESIGNER: KRC
 DRAFTER: KRC
 CHECKED BY: KRC
 DATE: 1/23/2017
 TAX MAP: TM 2-34-17, PARCEL 165

24" x 36" 1 inch = 200 ft.
 11" x 17" 1 inch = 400 ft.

PROJECT NO: 0233-1701
 DRAWING: CR-3
 SHEET: 3 OF 6

SEAL

14



NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING. PHOTO PROVIDED BY BING. TOPOGRAPHIC CONTOURS PROVIDED BY THE STATE OF DELAWARE

TOPOGRAPHIC CONTOUR LEGEND

	0 CONTOUR
	8 CONTOUR
	6 CONTOUR
	4 CONTOUR
	2 CONTOUR

STATE LIDAR TOPOGRAPHY
 PUBLIC DATA REFERENCED TO
WESTRIDGE SHORES RPC
 FORMERLY CREEKRIDGE RPC
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

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CHECKED BY:	KRC
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TAX MAP:	TM 2-4-17, PARCEL 165

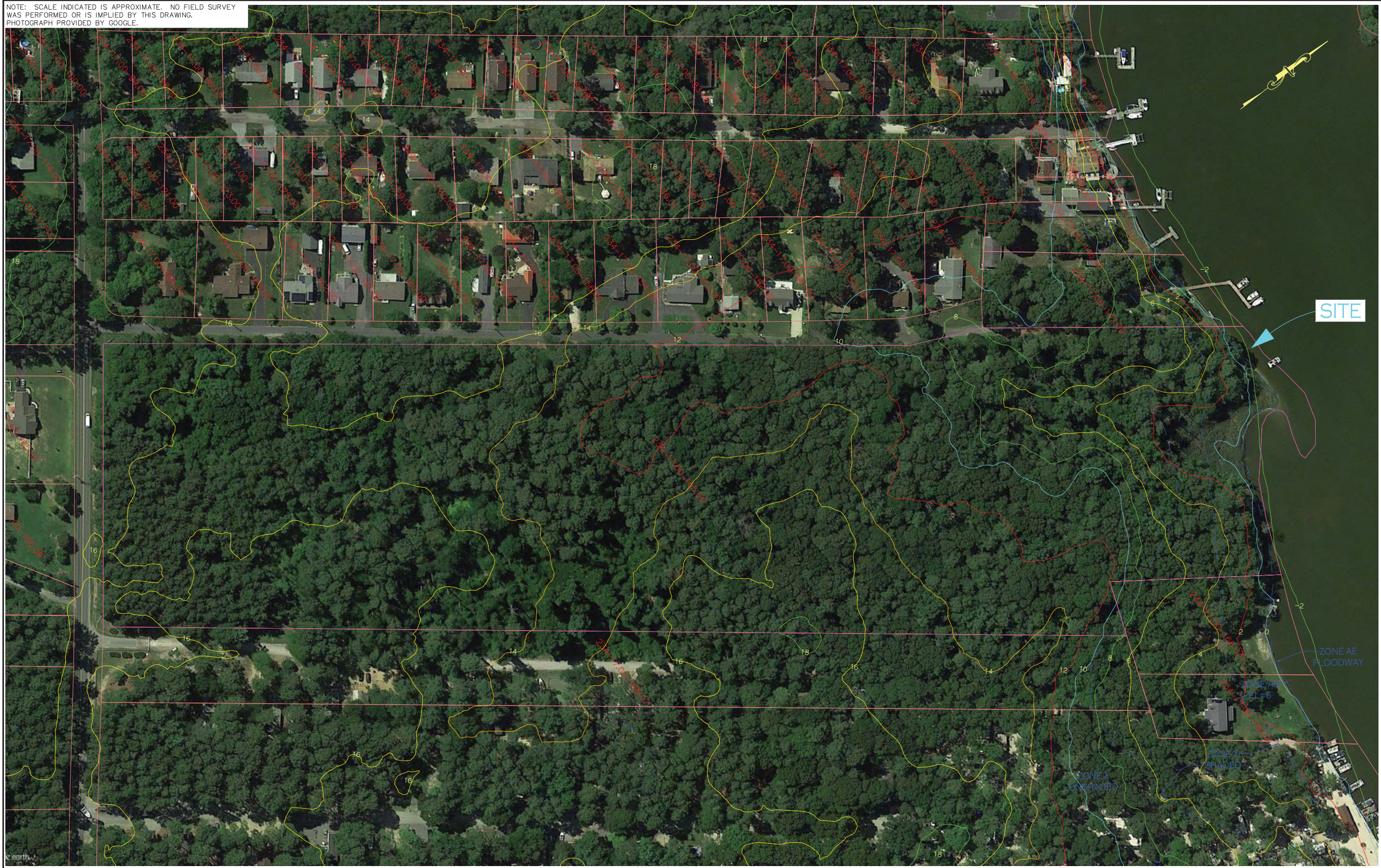
PROJECT NO:	0233-1701
DRAWING:	CR-5
SHEET:	5 OF 6

REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE

SEAL

15

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TOPOGRAPHIC CONTOUR LEGEND

	-0 CONTOUR
	-8 CONTOUR
	-6 CONTOUR
	-4 CONTOUR
	-2 CONTOUR

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REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE

SITE DETAIL
 PUBLIC DATA REFERENCED TO
WESTRIDGE SHORES RPC
 FORMERLY CREEKRIDGE RPC
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

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DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	1/23/2017
TAX MAP:	TM 2-4-17, PARCEL 165



PROJECT NO:	0233-1701
DRAWING:	CR-6
SHEET:	6 OF 6

SEAL

16

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPSZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSM0-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

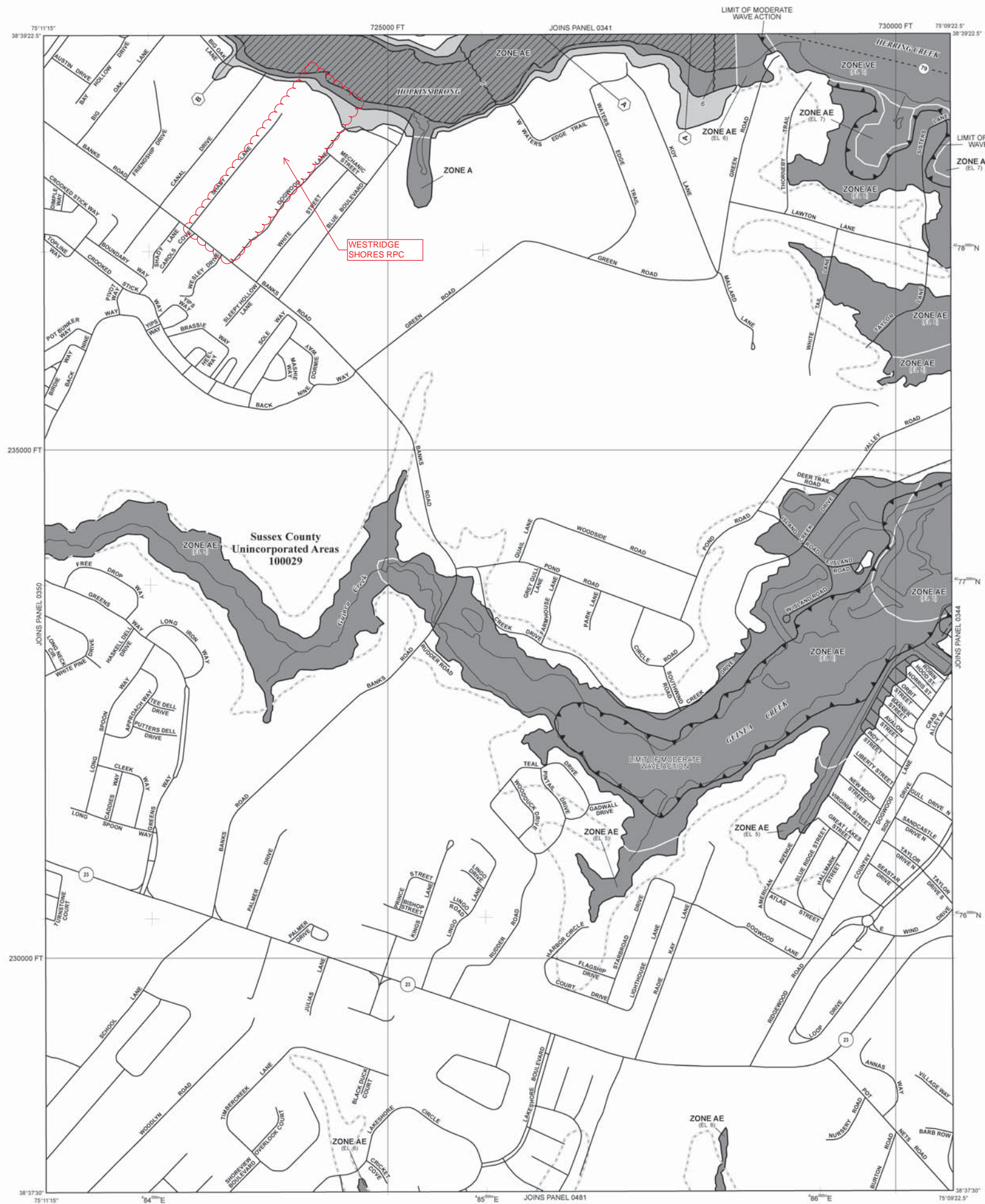
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

The AE Zone category has been divided by a **Limit of Moderate Wave Action (LMWA)**. The LMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LMWA (or between the shoreline and the LMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at <http://www.msc.fema.gov/>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/fip/>.



LEGEND

- SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**
The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A**
No Base Flood Elevations determined.
- ZONE AE**
Base Flood Elevations determined.
- ZONE AH**
Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO**
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of actual fan flooding, velocities also determined.
- ZONE AR**
Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently derelict. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99**
Areas to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V**
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE**
Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE**
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X**
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.
- OTHER AREAS**
- ZONE X**
Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D**
Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**
- OTHERWISE PROTECTED AREAS (OPAs)**
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Limit of Moderate Wave Action
- Advisory line estimating flooding extents if dunes are breached during a 0.2% annual chance flood event
- Base Flood Elevation line and value; elevation in feet*
Base Flood Elevation value where uniform within zone; elevation in feet*
- Cross section line
- Transsect line
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 100-meter Universal Transverse Mercator grid values, zone 18N
- 5000-foot grid values; Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection
- Bench mark (see explanation in Notes to Users section of this FIRM panel)
- River Mile
- MAP REPOSITORY
Refer to listing of Map Repositories on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
JUNE 16, 1994
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notes to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0343K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS

PANEL 343 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0343	K

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

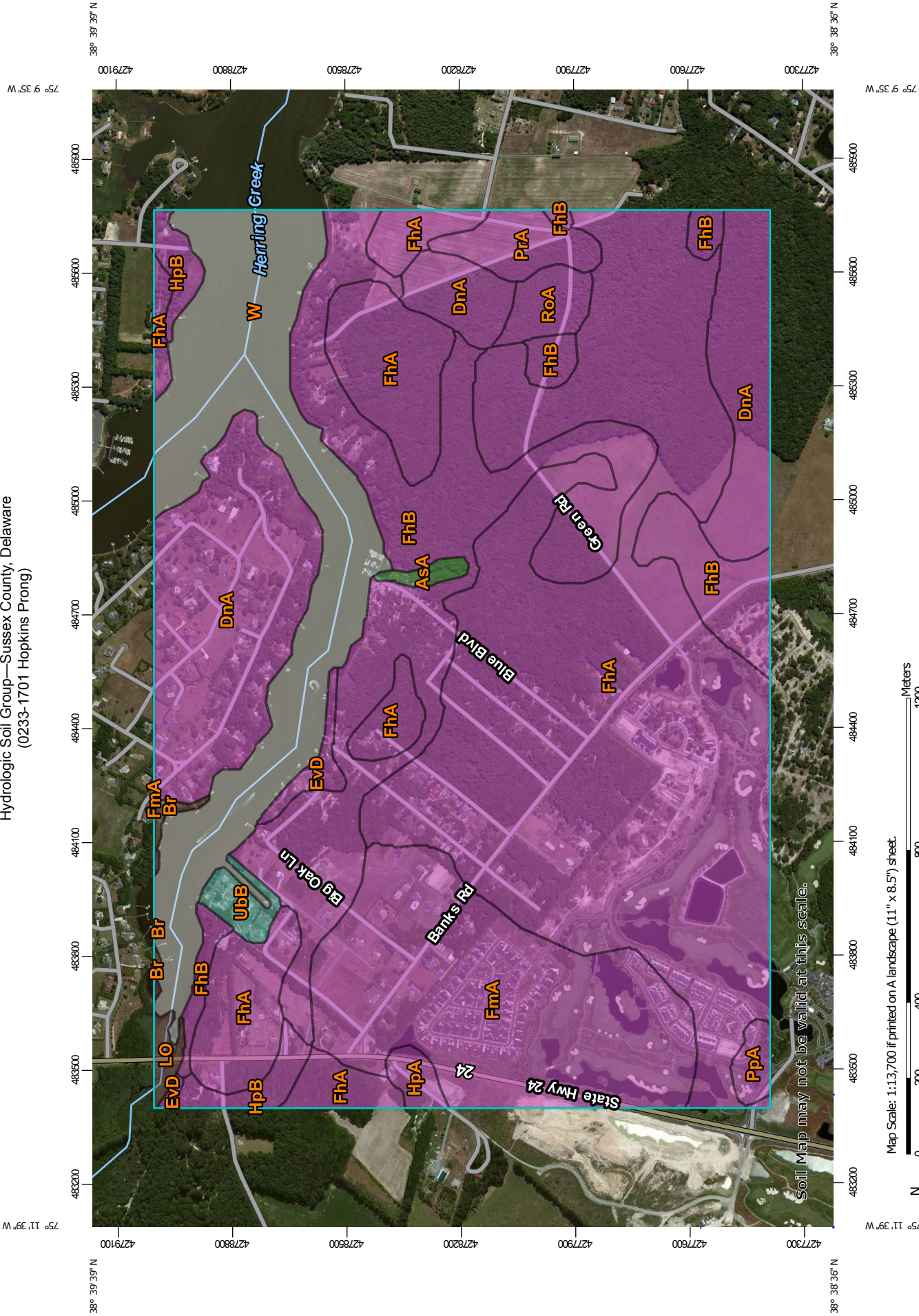
MAP NUMBER
10005C0343K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

































17

Hydrologic Soil Group—Sussex County, Delaware
(0233-1701 Hopkins Prong)



Map Scale: 1:13,700 if printed on A landscape (11" x 8.5") sheet.
 0 200 400 800 1200 Meters
 0 500 1000 2000 3000 Feet
 Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)	 C
 Area of Interest (AOI)	 C/D
Soils	 D
Soil Rating Polygons	 Not rated or not available
 A	Water Features
 A/D	 Streams and Canals
 B	Transportation
 B/D	 Rails
 C	 Interstate Highways
 C/D	 US Routes
 D	 Major Roads
 Not rated or not available	 Local Roads
Soil Rating Lines	Background
 A	 Aerial Photography
 A/D	
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	
Soil Rating Points	
 A	
 A/D	
 B	
 B/D	

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 16, Sep 22, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 17, 2010—Jul 4, 2010

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.

Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Sussex County, Delaware (DE005)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AsA	Askecksy loamy sand, 0 to 2 percent slopes	A/D	2.6	0.3%
Br	Broadkill mucky peat, very frequently flooded, tidal	B/D	2.3	0.2%
DnA	Downer loamy sand, 0 to 2 percent slopes	A	119.7	12.6%
EvD	Evesboro loamy sand, 5 to 15 percent slopes	A	5.5	0.6%
FhA	Fort Mott-Henlopen complex, 0 to 2 percent slopes	A	384.1	40.5%
FhB	Fort Mott-Henlopen complex, 2 to 5 percent slopes	A	152.8	16.1%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	A	114.8	12.1%
HpA	Henlopen loamy sand, 0 to 2 percent slopes	A	4.4	0.5%
HpB	Henlopen loamy sand, 2 to 5 percent slopes	A	12.4	1.3%
LO	Longmarsh and Indiantown soils, frequently flooded	B/D	3.4	0.4%
PpA	Pepperbox loamy sand, 0 to 2 percent slopes	A	4.5	0.5%
PrA	Pepperbox-Rockawalkin complex, 0 to 2 percent slopes	A	12.9	1.4%
RoA	Rosedale loamy sand, 0 to 2 percent slopes	A	9.0	0.9%
UbB	Udorthents, borrow area, 0 to 5 percent slopes	C	6.3	0.7%
W	Water		114.7	12.1%
Totals for Area of Interest			949.3	100.0%

Description

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.

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.

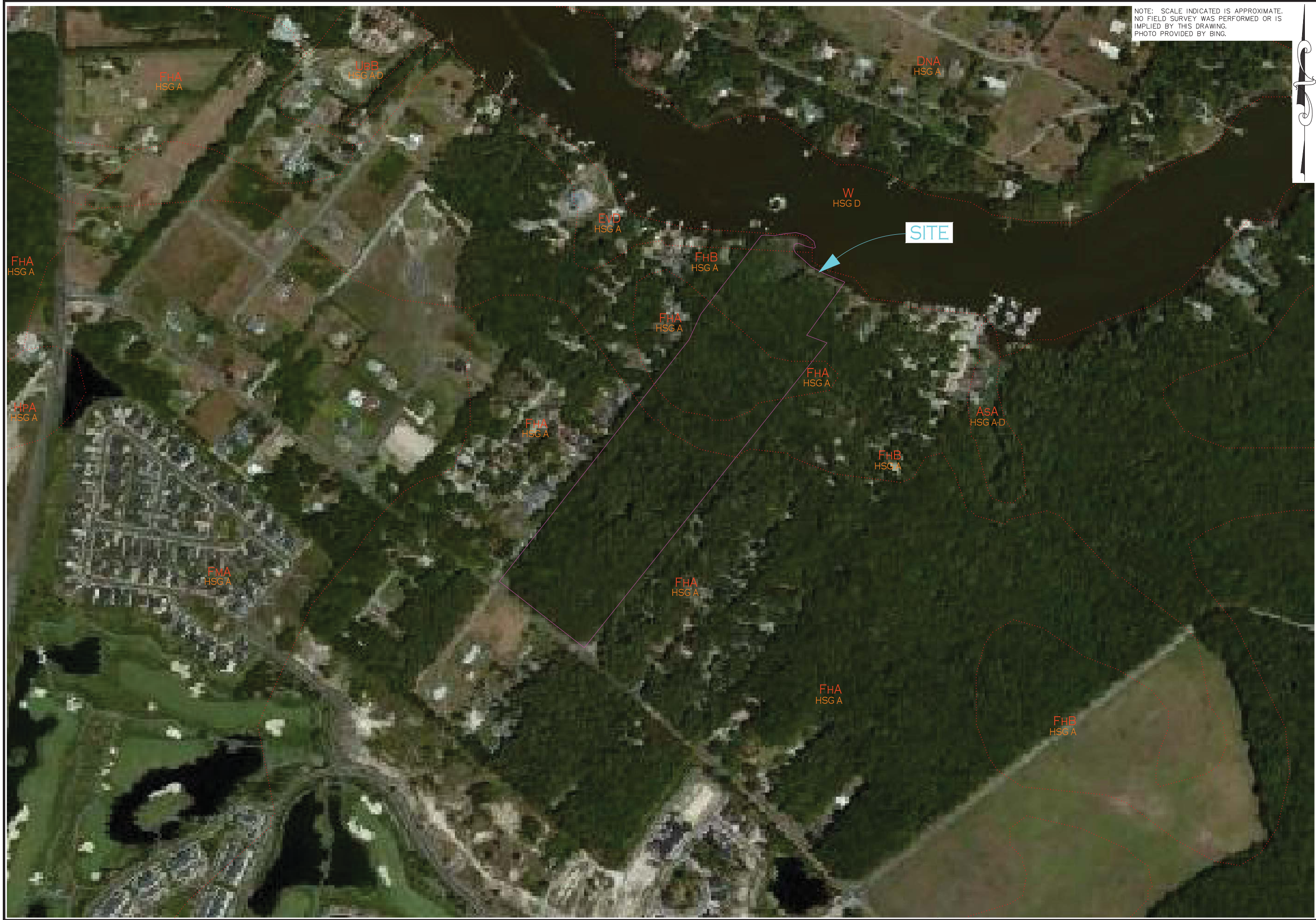
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

18



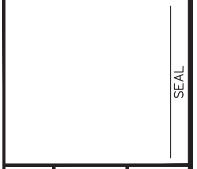
NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING. PHOTO PROVIDED BY BING.

REV	DESCRIPTION OF REVISION	REVISION DATE	BY/DATE

NRCS SOIL BOUNDARIES
 PUBLIC DATA REFERENCED TO
WESTRIDGE SHORES RPC
 FORMERLY CREEKRIDGE RPC
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19847
 (302) 855-0810
 FAX: 855-0812
 WWW.AXENG.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	1/23/2017
TAX MAP:	TM 2-4-17, PARCEL 65



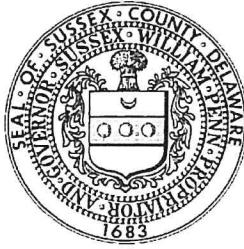
PROJECT NO: 0233-1701
 DRAWING: CR-4
 SHEET: 4 OF 6

SEAL

19

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7799



Sussex County


DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

MEMORANDUM

TO: Janelle Cornwell
Planning and Zoning Manager

FROM: John J. Ashman 
Director of Utility Planning

REF: T.A.C. COMMENTS FOR
SEPTEMBER 2017-2

DATE: September 20, 2017

Attached, please find the Engineering Department's comments for the Technical Advisory Committee for the TAC requests for the month. Any questions please feel free to call me at 856-6258.

Attachments

cc: Jayne Ellen Dickerson with attachments
Reviewer with attachments
Planning Tech with attachments
Applicant with attachments
File with attachments



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MICHAEL E. BRADY
DIRECTOR OF PUBLIC WORKS

September 20, 2017

REF: **T. A. C. COMMENTS
WESTRIDGE SHORES
LONG NECK SANITARY SEWER DISTRICT
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
234-17.00 PARCEL 165.00
PROJECT CLASS-1
AGREEMENT NO. 1075**

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

PUBLIC WORKS DIVISION COMMENTS

1. Proposed developments with private roads or projects required by the County to conform to or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. Please note that aspects of the street design presented by the proposed plan dated, March 15, 2017, do not conform to current requirements. Please contact the Division for specific information.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction on all plans.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50'.

The plans shall show and address the following items at minimum:



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, two (2) horizontal and vertical control concrete project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.
8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
10. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
11. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
12. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
13. Indicate the location of all wetlands (both state and federal), in order to facilitate compliance with County, State and Federal requirements.
14. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project bench marks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
15. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.
16. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
17. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the

Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 20653 DuPont Boulevard, Unit 5, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.


18. Provide the limits and elevations of the one-hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations base flood.
19. The right-of-way of all cul-de-sacs shall be no less than 106 feet in diameter.
20. False berms shall not be utilized to create roadside drainage swale back slopes.
21. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
22. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
23. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office, and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
24. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
25. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
26. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
27. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
28. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
29. When special studies or investigations pertain to a regulatory program of another public

agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

UTILITY PLANNING DIVISION COMMENTS

REVIEWER: ROB DAVIS
APPLICATION: WESTRIDGE SHORES
APPLICANT: BOARDWALK DEVELOPMENT, LLC
FILE NO: HC – 1.08
TAX MAP & PARCEL(S): 234-17.00 PARCEL 165.00
LOCATION: Northeast of Banks Road (Road 298) .
NO. OF UNITS: 54
GROSS ACREAGE: 21.32

COUNTY SEWER ALLOCATION
OF 4 UNITS PER ACRE



SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 4.0

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 planning area or sewer district is it in? **Sussex County Unified Sanitary Sewer District – Herring Creek Area**

(3). **Is wastewater capacity available for the project? Yes.** If not, what capacity is available? _____.

- (4). Is Ordinance 38 required? **Yes**. If yes, contact Mr. Brad Hawkes, Director of Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No**. If yes, how many? _____. Is it likely that additional SCCs will be required? **Yes**. If yes, the current System Connection Charge Rate is **\$6,360.00** per EDU. Please contact **Jayne Dickerson, Utility Permits Division** at **302 855-7719** for additional information on charges.
- (6). Location and size of lateral(s) or connection point(s):
- Sewer service has not been extended to the parcel at this time.**
- (7). Is the project capable of being annexed into a County operated 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.
- (8). Which sewer district is it adjacent to: **N/A**.
- (9). Conformity to the **Herring Creek Sewer District: Engineering Report and Environmental Review**, or undertaking an amendment will be required.
- (10). Other: **The project proposes a residential planned community of single family lots. The project is located within the boundary of the Sussex County Unified Sanitary Sewer District, Herring Creek area. Connection to the sewer system is mandatory.**

Sewer service has not been extended to the parcel at this time. The proposed connection point is to a future gravity sewer that will cross the parcel near the parcel's eastern end. A connection point could be available as early as the spring of 2020.

 **UPDATED TO SPRING 2023 - SEE TAB 3**

Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval prior to the design of the sewer system. A checklist for preparing concept plans is attached. Conformity to the approved concept plan will be required.

- (11). A concept plan is required.
 A concept plan is not required.

MAPPING & ADDRESSING

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



Sussex County

DELAWARE
sussexcountyde.gov

August 17,2017

Attn: Kenneth R. Christenbury,P.E
Axiom Engineering LLC.
18 Chestnut St.
Georgetown,De.19947

RE: Westridge Shores

I have received proposed street names for the new subdivision, **Westridge Shores** , located in Millsboro. In reviewing the proposed street name(s) the following have been **approved**:

Westridge Reach		

Use only **approved** road names that you have written confirmation for or you will be required to rerecord.

Upon final approval of **Westridge Shores**, please forward a copy of the recorded site plan to my attention. Our office would appreciate a digital copy if at all possible for the purpose of addressing. Should you have any questions, please contact the **Sussex County Addressing Department** at 302-855-1176.

Sincerely,

Terri L Dukes

Terri L Dukes
Addressing Technician II

CC: Jennifer Norwood
Planning & Zoning



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

NICOLE MAJESKI
SECRETARY

March 18, 2022

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 **Boardwalk Development, LLC** proposed land use application, which we received on February 28, 2022. This application is for an approximately 21.32-acre parcel (Tax Parcel: 234-17.00-165.00). The subject land is located on the north side of Banks Road (Sussex Road 298) about 2,400 feet southeast of the intersection with John J. Williams Highway (State Road 24). The subject land is currently zoned GR (General Residential), with a proposed zoning of GR-RPC (General Residential) with a Residential Planned Community overlay, to build 54 age-restricted single-family detached houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the section of Banks Road, from John J Williams Highway to Long Neck Road (State Route 23), is 3,921 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse

Page 2 of 2

March 18, 2022

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

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Boardwalk Development, LLC, Applicant
Christin Scott, Sussex County Planning & Zoning
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, 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
Annamaria Furmato, Project Engineer, Development Coordination

21

Compliance with Subdivision Ordinance § 99-9C

In the design and layout of Westridge Shores Residential Planned Community, the following items have been considered as required by the Subdivision Ordinance:

§ 99-C(1) Integration of the proposed subdivision into existing terrain and surrounding landscape: Westridge Shores Residential Planned Community is located adjacent to existing mobile home parks. All of the adjacent properties are buffered by variable width forest buffers a minimum of 20' wide and a maximum of 100' wide. The existing forest will be reviewed by a certified forester or registered landscape architect to determine if the existing forest should remain as is, be planted or thinned for compliance with § 99-5 Forest buffer definition

§ 99-C(2) Minimal use of wetlands and floodplains: Wetlands and floodplains are limited the shore of Hopkins Prong. All regulated wetlands and floodplains are to remain in common open space.

§ 99-C(3) Preservation of natural and historical features: 6.66 ac. of existing forest is to remain, and placed in common ownership by the community homeowner's association.

§ 99-C(4) Preservation of open space and scenic views: By utilizing the Residentail Planned Community overlay, 43% of the property, or 9.21 acres, will be preserved as common open space. 6.66 acres of existing wooded lands are included in this preserved open space.

§ 99-C(5) Minimization of tree, vegetation and soil removal and grade changes: The proposed design allows for the conservation of 6.66 acres of the existing forest land. Soil removal and grade changes will be minimized during the final design to be limited only to that which is needed to provide positive drainage and proper cover over proposed utilities.

§ 99-C(6) Screening of objectionable features from neighboring properties and roadways: The stormwater management pond will be equipped with an aeration fountain, and will not appear objectionable. As detailed above, the site will be buffered on all sides.

§ 99-C(7) Provision for water supply: Tidewater Utilities shall provide central water to the project.

§ 99-C(8) Provision for sewage disposal: The project is located in the Sussex County Unified Sanitary Sewer District - Herring Creek Area, and is scheduled to be able to connect to sewer by the year 2020.

§ 99-C(9) Prevention of pollution of surface and groundwater: The project site shall include Best Management Practices (BMPs) that will enhance surface water quality. At this time it is anticipated that the site will include a wet extended detention basin and other Sussex Conservation District (SCD) accepted facilities. In addition, the development of the site with central sanitary sewer to be provided by Sussex County minimizes negative environmental impacts.

§ 99-C(10) Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized: The retention of existing forest cover will result in a site development that minimizes erosion. During construction, SCD approved erosion and sediment control measures shall be implemented to limit sediment laden runoff from leaving the project site.

§ 99-C(11) Provision for safe vehicular and pedestrian movement within the site and to adjacent ways: Sidewalks have been proposed for the project streets, which connects to the project's waterfront open space by a pedestrian trail.

§ 99-C(12) Effect on area property values: The development of Westridge Shores with quality attached single family homes, recreational facilities and infrastructure will increase the value of the subject property, thereby likely increasing the value of

surrounding property. Also, the retention of the perimeter forest as open space will likely improve their values as well.

§ 99-C(13) Preservation and conservation of farmland: The property is not in the immediate vicinity of farmland. The development of this parcel delays the demand to develop other agricultural properties in the county into residential properties.

§ 99-C(14) Effect on schools, public buildings and community facilities: A school bus stop shelter will be provided if requested by the school district. The 54 lots proposed are anticipated to be marketed to retirees, and are likely to have a positive effect on the school district by increasing property taxes.

§ 99-C(15) Effect on area roadways and public transportation: DELDOT has issued a Service Level Evaluation response indicating that the proposed project does not require a Traffic Impact Study. Road improvements related to the entrance design will be installed as required by DeIDOT. Right-of-way dedications and permanent easements along both frontages have been indicated as required by DeIDOT.

§ 99-C(16) Compatibility with other area land uses: Westridge Shores Subdivision, as proposed, is consistent with other existing land uses in the vicinity. Westridge Shores proposed density is only 2.54 dwellings per acre. The surrounding properties are as follows:

- North: Shady Lane of a community with a mix of mobile homes, modular homes and stick-built homes with density of 2.67+/- DU/Ac. No sidewalks in the community.
- East: Hopkins Prong
- South: Dogwood Lane of Shawn's Hideaway trailer park with a density of 9.32+/- DU/Ac. Shawn's Hideaway contains 142 mobile homes and 115 travel trailers on 27.59 acres. Gravel and dirt roads. No sidewalks in the community.
- West: Banks Road

§ 99-C(17) Effect on area waterways: The preservation of much of the existing forest cover and the use of Sussex Conservation District Best Management Practices will enhance the quality of both surface and groundwater discharges from the site.

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3271 Shady Lane view east



3273 Shady Lane residence



3274 Shady Lane residence



3275 Shady Lane residence



3276 Shady Lane view west



3278 Banks Road view south



3279 Dogwood Lane entrance



3283 Shawn's Hideway street



3284 Shawn's Hideaway sample trailer



3285 Shawn's Hideaway dirt street



3286 Dogwood Lane view east



3287 Adjacent house on parcel #166.03 (Abel property)



3289 Dogwood Lane view west



3296 Dogwood Lane view east



3298 Shawn's Hideaway street



3299 Shawn's Hideaway residence



3300 Banks Road view north



3303 Banks Road residence



3304 Banks Road residence

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Tax Parcel: 234-17.00-#165

Prepared by and return to:
Boardwalk Development, LLC
317 Rehoboth Avenue
Rehoboth Beach, DE 19971

**DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS FOR
WESTRIDGE SHORES**

This Declaration of Covenants, Conditions, Easements and Restrictions is made this ____ day of January, 2018, by Boardwalk Development, LLC, a Delaware corporation (hereinafter referred to as "Developer").

RECITALS

WHEREAS, the Developer is the fee simple owner of certain real property located in Sussex County, State of Delaware, said property being more particularly described in *Exhibit "A"* attached hereto as a part hereof, also being lots 1 to 54 shown on that certain plat of the "Westridge Shores Subdivision" dated _____, recorded in the Office of the Recorder of Deeds of Sussex County in Georgetown, Delaware, in Plot Book _____ Page _____; and said real property being hereinafter referred to as the "Property"; and

WHEREAS, the Developer proposes to create on the Property an age-restricted planned community by subdividing the area into lots for single family detached houses together with certain interests set forth below in easements, leases and licenses; and

WHEREAS, the Developer imposes these covenants and restrictions in order efficiently to preserve the values and amenities in said community; and establishes the authority of a corporation to which will be delegated and assigned the powers of maintaining and administering any community facilities, common lands and recreation amenities and administering and enforcing the covenants and restrictions and levying, collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, the Developer will incorporate under the laws of the State of Delaware, as a non-profit corporation, Westridge Shores Homeowners Association, Inc., or a similarly named corporation, for the purpose of exercising the functions aforesaid; and

WHEREAS, the Developer plans to set aside certain interests in the Property and, except as may otherwise herein be provided, impose upon certain portions of the Property

the conditions that they be held as common areas, (i.e. entrance areas, common areas, roadways, etc.) in which owners of home lots will have rights and easements of use and enjoyment therein in common with others, the ultimate title of which shall be placed in the Westridge Shores Homeowners Association, Inc. or its assigns, and

WHEREAS, the Developer desires to provide a flexible and reasonable procedure for the overall development of the Property and to establish a method for the administration, maintenance, preservation, use and enjoyment of such Property, which is now submitted to this Declaration.

NOW THEREFORE, the Developer hereby declares that all of the Property, subjected to this Declaration hereafter, shall be held, mortgaged, transferred, sold, conveyed, leased, occupied and used subordinate and subject to all easements, rights of way and restrictions previously placed upon the Property as recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, by the Developer or its predecessors in title and to the following easements, restrictions, covenants, conditions, liens and charges set forth herein, which are for the purpose of protecting the value and desirability of and which shall run with the real property submitted to this Declaration and which shall be binding upon all parties having any right, title, lien or other interest in the described property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Words and terms shall have the meaning set forth below for all purposes of this Declaration unless the context shall require otherwise, and such definitions shall apply to the singular and plural forms of any such word or term.

AGE RESTRICTION – Shall mean this Development shall comply with the provisions of the Department of Housing and Urban Development Housing for Older Persons Act of 1995.

ASSESSMENT - Shall mean an Owner’s share of the Common Expenses and funding reserves.

ASSOCIATION - Shall mean Westridge Shores Homeowners Association, Inc., a Delaware membership, non-profit, non-stock corporation, its successors and assigns.

BOARD OF DIRECTORS - Shall mean the governing body of the Association, also referred to as “Board.”

BY-LAWS - Shall mean the By-Laws of the Association as amended from time to time.

COMMON AREA - Shall mean all real and personal property in the Development now or hereafter owned or leased by the Association or otherwise held for the common use and enjoyment of the Owners. The Developer shall have the right from time to time to designate as Common Area any portion of the Development and to withdraw property from such designation. Common Area is not intended for, or dedicated to, use by the general public, and the general public shall have no right to use or enjoyment thereof, provided, however, that nothing herein contained, nor any recorded plat, shall be deemed to prohibit the Developer, in its sole and absolute discretion, from conveying same to a federal, state or municipal government or to any body or agency thereof. Specifically included in the Common Area are Utility Systems not dedicated to a governmental agency or to another entity, maintenance areas, roads not dedicated to a governmental agency, swales, parking lots and spaces, green areas, fencing, sidewalks, signage, site lighting, street lighting, ponds, easement areas designated as Common Area, access easements across other real property, parks and Recreational Facility (as hereinafter defined), such other lands and/or improvements as the Developer may, in its absolute and sole discretion, make subject to this Declaration and designate as Common Area by subsequent amendment or supplement. Nothing herein contained, nor any recorded plat shall be deemed to create a Common Area, nor shall the Association or any Owner be entitled to any right, title or interest in any of the Developer's property unless and until Developer shall formally include such property in the Common Area by a supplemental or amended Declaration.

COMMON EXPENSES - Shall mean and include the actual and estimated expenses incurred by or on behalf of the Association in accordance with the provisions and intent of this Declaration and shall include amounts necessary to establish and maintain any reserve fund(s) determined to be necessary and appropriate by the Board of Directors.

DECLARATION - Shall mean this Declaration and all supplements and amendments to this Declaration recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

DEVELOPER - Shall mean Boardwalk Development, LLC, a Delaware corporation, and the successors and assigns as to all or any portion of the interests of Boardwalk Development, LLC, in the Property and the Development. By specific amendment of this Declaration, the Developer may designate the Association as its successor from such time and for such purposes as shall be stated in such amendment.

DEVELOPER'S UTILITY RIGHTS - Shall mean those legal rights to provide for utility infrastructure for the Development including the right to identify, locate, place, operate and maintain the utility infrastructure for the Development and specifically including the right to dedicate, bargain and sell and/or grant easements to effect the same.

DEVELOPMENT - Shall mean with an initial capital letter, the Property, together with all appurtenant easements, leases and licenses as they are described in this Declaration and as are enlarged, diminished or otherwise modified at any time and from time to time by amendment of this Declaration duly recorded.

DEVELOPMENT PLAT - Shall mean any plat for any portion of the Property and any such plat or amended plat which the Developer from time to time causes to be recorded in the Office of the Recorder of Deeds for Sussex County; specifically, the first plat of the Property as recorded in the Office of the Recorder of Deeds of Sussex County, at Georgetown, Delaware, in Plot Book ____ at page ____.

FORECLOSURE - Shall mean a conveyance of property pursuant to judicial foreclosure of a Mortgage or by a deed given in lieu of a judicial foreclosure.

LEASE - Shall mean any agreement for the use of property in the Development, whether oral or written, whether in exchange for payment of rent or for other or no consideration, and whether for a term of hours, days, months or years.

LOT - Shall mean and refer to any plot of land (with the exception of the Common Area), regardless of size, whether vacant or improved with a single-family detached dwelling, shown upon any recorded subdivision plat or map of the property.

MEMBER - Shall mean and refer to all of those Owners who are members of the Association as provided in Article III, Section 3.1 of this Declaration.

MORTGAGE - Shall mean a Mortgage to a person, bank, trust company, insurance company, pension fund, other commercial lender (whether organized as a corporation, partnership, or otherwise), or to an organization such as, but not limited to, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, which participates in any way in a secondary market for mortgages.

MORTGAGEE - Shall mean, when spelled with an initial capital letter, a holder of a Mortgage.

OCCUPANT - Shall mean, any person, including, without limitation, any Owner, member of an Owner's immediate family, guest, tenant or other lawful user of a Lot in the Development.

OWNER - Shall mean, when spelled with an initial capital letter, the Developer and any one or more persons or entities holding fee-simple title of record in a Lot in the Development.

PARTICIPATING BUILDER – Shall mean an entity other than the Developer that, in the ordinary course of such entity’s business, constructs residential structures on any portion of the Development, including the Lots.

PROFESSIONAL MANAGEMENT AGENT - Shall mean a professionally licensed individual or organization whose primary business is management of residential properties and who shall be capable of being bonded.

PROPERTY - Shall mean the “Property” as defined in the first Recital paragraph of this Declaration.

RECREATIONAL FACILITY - Shall mean that part of the Common Areas as will be described on a plot.

SUBDIVISION - Shall mean and refer to the Development.

UTILITY SYSTEM(S) - Shall mean and refer to the utilities, including but not limited to sewer lines, mains and appurtenances; the water mains, water laterals, valves, meter pits and meters, and appurtenances; stormwater drainage culverts, swales, pipes, and appurtenances, including specifically, any siltation and/or retention ponds as required by any federal, state or local agency; irrigation well, distribution lines, sprinkler heads and appurtenances; television cable and its various attendant services, telephone service to include teletype, computer, telex, news service, or computer or any like instrument used in the transmission, reception or retrieval of messages, facts, or information, gas, or other utility lines and wires.

ARTICLE II

PLAN OF DEVELOPMENT

Section 2.1. Plan of Development.

2.1.1. The Development shall consist of all the Property described in *Exhibit "A"* attached hereto. All property within the Development shall be subject to the covenants, easements and restrictions set forth in this Declaration. For so long as Developer owns any lot or any interest in the Property, Developer shall have the right, but not the obligation, to make improvements and changes to the Common Area and to any or all Lots or any other property owned by Developer, including but not limited to the following: (1) installation and maintenance of any improvements in and to any Common Area or Recreational Facility, (2) changes in the location of the boundaries of the Common Area, any Utility System, any Recreational Facility and any Lot owned by Developer, (3) installation and maintenance of the whole or parts of any utility system or facility; and (4) installation of security and/or refuse facilities. The Developer or Association shall have the right to collect reasonable fees and charges for activities or the use of its facilities.

2.1.2. Except as otherwise expressly stated in this Declaration, Developer reserves the right to plan, design, develop, construct, maintain and manage, as Developer deems appropriate for its purposes, the Common Area and Developer-owned Lots. This reservation of right includes, without limitation, the right to change the number, shape, size and location of Lots, the shape, size and location of Common Area, Utility Systems, Recreational Facility or any part thereof.

2.1.3. Developer shall have the right, in its sole discretion, at any time and from time to time, to convey to the Association any Common Area and any other property owned by the Developer contained within the Property or any portion or portions thereof, and such property shall be subject to the lien of taxes not yet due and payable, all easements and restrictions of record, utility easements serving or otherwise encumbering the Property and any exceptions which would be disclosed by an accurate survey or physical inspection of such parcel(s).

2.1.4. The Declarant shall retain control of such Common Areas until such time as the Declarant transfers control of the Association to the Class A Members.

Section 2.2. Age Restriction. Through this Declaration, the occupancy within this Development shall be restricted to persons 55 years of age or older in accordance with the Department of Housing and Urban Development Housing for Older Persons Act of 1995 (the "Act"). Consistent with the provisions of the Act, one or more residents of at least eighty percent (80%) of the Lots situated in the Development from time to time shall be fifty-five (55) years of age or older.

Section 2.3. Interest Subject to Plan of Development. Every grantee of a Lot or any other portion of the Development shall purchase such Lot or other property, and every holder of a mortgage or other lien, or a security interest in, a Lot or other portion of the Development shall take such title, lien or security interest with notice of the Developer's plan of development as set forth herein and other provisions of this Declaration, and no conveyance of, lien on, or security interest in a Lot or other portion of the Development shall have any effect on the right of the Developer to convey any interest therein by deed, lease, declaration, mortgage or other means or instrument to a purchaser, lender, or other party. Any provision of this Declaration to the contrary notwithstanding, the provisions of this Article II may not be abrogated, modified, rescinded, supplemented or amended or otherwise affected, in whole or in part except by Developer or with the written consent of Developer.

Section 2.4. Utilities and Related Facilities. Developer, any affiliate of Developer or contractor of Developer, may own any Utility Systems or any part of them, serving the Development. Notwithstanding the foregoing, Developer, or any affiliate, owning such system and facilities, or any part of them, shall have the right but not the obligation, to make any part or all of any such system and facilities a part of the Common Area or, at any

time and from time to time, convey any part or all of any such system and facilities to the Association, a club, a municipality, public authority, governmental agency, public service district or a public or private utility operator.

ARTICLE III

THE ASSOCIATION; MEMBERSHIP AND VOTING RIGHTS

Section 3.1. Membership. Every person or entity who is an Owner of a Lot shall be a member of the Association and shall enjoy all of the benefits of such membership. Membership shall be appurtenant to, and may not be separated from, ownership of a Lot. Conveyance of a Lot shall, without need to specifically provide therein, terminate membership of the grantor in the Association with respect to the Lot conveyed; and, by accepting the conveyance, the grantee shall be deemed to accept membership in the Association.

Section 3.2. Transfer of Membership. Every conveyance of a Lot, without need for any provision therein, shall transfer the Association membership of the grantor with respect to that Lot; and, by accepting such conveyance, the grantee shall accept Association membership with respect to that Lot. It shall be the express responsibility of the grantee to provide all required documentation, including but not limited to name, address and settlement sheet, to the Association upon acceptance of the conveyance of any Lot.

Section 3.3. Voting Rights.

3.3.1. Class A members shall be all of the owners except the Developer. Class A members shall have one vote for each Lot owned; the owners of a Lot with more than one owner shall share a single vote.

3.3.2. The sole Class B member shall be the Developer. The Class B member shall be entitled to three (3) votes for each Lot in which it holds the interest required for membership under Section 3.1. above. Class B membership shall be converted to Class A membership upon the earlier of (1) the Developer owning no Lots, or (2) December 31, 2030.

3.3.3. A vote assigned to a Lot shall be cast by one natural person, as a block, and without splitting. A corporation or other entity shall vote by a person named in a certificate signed by the President, Vice-President or person with authority, attested by the Secretary or an Assistant Secretary, and with the corporate or appropriate seal affixed. A partnership shall vote by a person named in a certificate signed by all of the general partners. In the case of a Lot with more than one party holding record title, the vote shall be cast by a person designated in a certificate signed by all of the holders of record title. No vote shall be cast by a person named in a certificate given pursuant to this paragraph until the certificate is

filed with the Secretary of the Association. Such a certificate shall remain in effect until a new certificate is filed.

3.3.4. Members may vote by a written proxy which shall be good only for the single meeting being held, and any recess or adjournments thereof, at the place and time, and on the date, stated in the proxy, and the proxy shall be filed with the Secretary before the meeting is called to order. Every proxy shall be revocable and shall automatically cease upon conveyance of the Member's Lot.

Section 3.4. Incorporation. The Developer shall establish the Association by the filing of a Certificate of Incorporation of the Association when the Developer, at its sole discretion, deems the creation of such Association is appropriate, except that the Certificate of Incorporation shall be filed by the Developer.

Section 3.5. Responsibilities of the Association. The Developer has established the Association for the purpose of maintaining and administering the Common Area; providing common services; administering and enforcing covenants, conditions and restrictions contained herein; adopting and enforcing rules and regulations; and levying, collecting and disbursing the Assessments and other charges provided for herein. The Association shall also have the power to provide, and shall provide the following:

3.5.1. Operation, care and maintenance of all Common Area, Utility Systems and Recreational Facility;

3.5.2. Insect and pest control to the extent that the Board of Directors deems it necessary or desirable, and whether or not it supplements any service provided by any government or other agency;

3.5.3. Enforcement of all covenants and restrictions affecting the Development;

3.5.4. Establish and operate the Westridge Shores Architectural Board;

3.5.5. Management, legal, accounting, information about membership and other services as may be required to achieve the highest integrity of the Association and a high level of informed participation by members;

3.5.6. Prudent insurance coverage, either independently or in common with the Developer, of the Association, of the Common Areas, of the actions taken on behalf of the Association by its directors and officers, and of such other persons, properties, and activities as the Board of Directors shall deem appropriate.

3.5.7. Maintain and preserve wooded areas, if any, in the Common Area.

3.5.8. And perform any of the functions or services delegated to the Association in any instrument applicable to the Development;

3.5.9. Any and all other services the Board of Directors deems necessary or desirable to further the interests of the Development, of the Owners, or of both.

Section 3.6. Board of Directors. Prior to full completion of the Development, the Board of Directors shall consist of three (3) directors as shall have been designated by the Developer. When one hundred percent (100%) of the proposed Lots in the Development are constructed and settled, or until December 31, 2030, whichever is sooner, the Board of Directors shall consist of five (5) directors, all of whom shall be Owners, and all of whom shall be elected at large, as established in the Bylaws of the Association. The Board of Directors shall have the power to perform all rights and duties of the Association unless otherwise specifically reserved to the Association membership in this Declaration or in the Articles of Incorporation or Bylaws of the Association.

Section 3.7. Rules and Regulations. The Board of Directors of the Association may from time to time adopt rules and regulations governing the use of Common Area, of Lots and of the Recreational Facility.

Section 3.8. Managing Agent. The Association may employ a Professional Managing Agent at a compensation to be established by the Board of Directors to perform such duties as the Board of Directors shall authorize, except that making assessments and rules and providing that any action by managing agent with respect to hiring and dismissal of personnel, opening bank accounts and designating signatories there to and enforcing rules by legal action shall require the prior written consent thereto of the Board of Directors.

Section 3.9. Limitations.

3.9.1. The Board of Directors shall have the exclusive right to initiate any form of Legal Proceedings as it deems necessary and appropriate related to the use, operation or maintenance of the Common Area, or on behalf of the Association and the welfare of the Owners, subject to the following requirements.

3.9.2. “Legal Proceedings”, as used in this Article, shall mean the institution of any form of action or suit, except the filing and enforcement of liens, the initiation of legal action for routine common expense assessment collection matters, legal actions required to enforce provisions of the Declaration, rules and regulations with respect to the Common Area or enforcement of service contracts between the Association and non-Developer contractors.

3.9.3. All claims, counterclaims, disputes and other matters in question between the Association or the Owners with the Developer arising out of or relating to the obligations of the Developer under the Declaration or any other statute, regulation, ordinance or the

defense of any claims or actions relating the Common area or the breach thereof shall be decided by arbitration in accordance with the Arbitration Rules of the American Arbitration Association then obtaining, subject to the limitations and restrictions stated in paragraphs 3.9.5 below. This Agreement so to arbitrate and any other agreement or consent to arbitrate entered into in accordance herewith as provided in this paragraph will be specifically enforceable under the laws of the State of Delaware.

3.9.4. Notice of demand for arbitration must be filed in writing with the other parties to the Declaration and with the American Arbitration Association. The demand must be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

3.9.5. All demands for arbitration and all answering statements thereto which include any monetary claim must contain a statement identifying the total sum or value in controversy as alleged by the party making such demand or answering statement and the arbitrators will not have jurisdiction, power or authority to render a monetary award in response thereto against any party which totals more than such stated amount (exclusive of interest and costs).

3.9.6. The limitations and restrictions contained in paragraph 3.9.5. may be waived in whole or in part upon written consent of the Association and Developer as to any claim, counterclaim, dispute or other matter specifically described in such consent. No consent to arbitration in respect of a specifically described claim, counterclaim, dispute or consent to arbitrate any other claim, counterclaim, dispute or other matter in question will constitute consent to arbitrate any other claim, counterclaim, dispute or other matter in question which is not specifically described in such consent or which is with any party not specifically described therein.

3.9.7. The award rendered by the arbitrators shall be final; judgment may be entered upon it in any court having jurisdiction thereof, and will not be subject to modification or appeal except to the extent permitted by Section 10 and 11 of the Federal Arbitration Act (9 U.S. C. Sections 10 and 11).

3.9.8. Due to the potential adverse financial impact of pursuing Legal Proceedings, the decision to initiate any Legal Proceedings must be made by a resolution duly adopted at a properly noticed regular or special meeting of the Association held for such purpose. Such resolution shall require the affirmative vote of the Lot owners representing not less than sixty-seven (67%) of the Class A Members and their mortgagees. If the Association shall incur or potentially be obligated as a result of such resolution to incur attorney's fees, expert fees or other costs associated with such legal proceedings totaling in excess of \$25,000 or if the amount recoverable by an attorney for the Association pursuant to a contingency fee agreement shall exceed \$50,000, then such resolution shall require the affirmative vote of the Lot owners representing not less than seventy-five (75%) of the

Class A Members and their mortgagees. Neither the Board, the Association nor the Owners shall borrow on behalf of the Association nor use any funds from reserves of the Association to pay such legal costs, but the same shall be paid from and limited to the amounts provided in the annual budget for such expenditures for the fiscal year or shall be raised by special assessment levied against the Owners for such purpose. If such Legal Proceedings are not concluded within 1 year of the date of such resolution, the continued prosecution of such Legal Proceedings 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 Legal Proceedings is not reaffirmed, the action shall be discontinued and the Board shall have no further authority to act as the attorney-in-fact for the Association in the further prosecution or defense of such Legal Proceedings but may, with the affirmative vote of a majority of the vote in the Association, act as its attorney-in-fact with respect to any settlement or compromise of such Legal Proceedings; provided the same is completed within six (6) months thereafter. If the Association, by resolution approved in accordance with this section, authorizes the Board to initiate Legal Proceedings, then the decisions relating to the conduct of the Legal Proceedings shall be made by the Board for such purposes. Any action regarding the conduct of the Legal Proceedings shall be approved by a percentage vote of seventy-five (75%) or more of the Board. Decisions regarding the conduct of any Legal Proceedings are non-delegable. Notwithstanding anything contained herein on in the Declaration to the contrary, the provisions of this Section shall not be modified or amended without Developer's written consent so long as Developer owns any property within the Development; thereafter this Section shall not be modified or amended except by a written instrument, executed by the Owners representing not less than eighty-five (85%) of the Class A Members and their mortgagees, and be recorded among the land records of Sussex County.

Section 3.10. Assignment of Obligations. At the request of the Developer, the Association shall accept assignment and delegation of any or all rights and obligations of the Developer under this Declaration.

Section 3.11. Fines. In addition to the means for enforcement provided elsewhere in this Declaration, the Association shall 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 Association shall have a lien against the Lot, as provided in this Declaration, and the Bylaws and the Certificate of Incorporation of the Association and such fine(s) shall also become the binding personal obligation of such Owner.

ARTICLE IV

PROPERTY RIGHTS IN THE COMMON AREA

Section 4.1. Owners' Easements of Enjoyment. Every Owner shall have a right and easement of enjoyment in and to the Common Area and such easement shall be appurtenant to and shall pass with the title to every Lot subject to the following provisions:

4.1.1. The right of the Developer or the Association to charge reasonable admission and other fees for the use of any facility which may be situated upon the Westridge Shores Common Area from time to time;

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

4.1.3. The Developer's Utility Rights;

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

4.1.5. The right of the Association to limit the number of guests, visitors, licensees, invitees, or lessees of Owner utilizing such Common Areas;

4.1.6. The right of the Developer and the Association to establish uniform rules and regulations pertaining to the use of such Common Areas;

4.1.7. 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 or Development) and two-thirds (2/3) of the total votes of the Members, to borrow money for the purpose of improving such Common Areas in a manner designed to promote the enjoyment and welfare of the Members and in aid thereof after conveyance of title therein to the Association, to mortgage any portion of such Common Areas;

4.1.8. The right of the Association to take such steps as are reasonable necessary to protect the property of the Association against mortgage default and foreclosures; provided, however, that the same are in conformity with the other provisions of this Declaration;

4.1.9. The right of the Association, acting by and through the Board, to grant easements, licenses or other rights of use of such Common Areas to persons or entities that are not Members of the Association 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, Property or Development;

4.1.10. The rights of parties holding rights under easements reserved; and

4.1.11. Other rights of the Developer set forth in this Declaration.

Section 4.2. Title to Common Area. The Developer hereby may convey to the Association, in such portions as may be convenient to the Developer, by limited warranty deed or deeds, any title in fee simple to the Common Area then retained by the Developer, subject, however to liens of unpaid taxes not then due and payable, to liens and encumbrances of record, to conditions shown by a survey, to conditions shown by an inspection thereof, and to the terms and provisions of this Declaration.

Section 4.3. Restrictions Upon Owners' Rights. All titles, leaseholds, and other interests in, and all liens upon, property in the Development shall be held subject to the following:

4.3.1. The right of the Developer, and of the Association, to dedicate, transfer or convey all or any of the Common Area, with or without consideration, to any successor association, governmental body, district, agency or authority, or to any public or private utility, provided that it shall promote the interests of the Owners;

4.3.2. Easements and rights-of-way through, under, over and across the Common Area, for the installation, maintenance and inspection of lines and appurtenances for the Utility Systems including but not limited to utilities, signage, wastewater collection, treatment and disposal system, public or private water, storm sewer, drainage, electric, fuel oil, gas and other utilities and services, specifically including any telephone, television, irrigation or lawn-sprinkler systems or facility, and the right of the Developer to grant and reserve easements and right-of-way through, over and upon and across the Lots and/or Common Area for the completion of the Development, for the operation and maintenance of the Common Area, and for the benefit of the Owners;

4.3.3. The right of invitees of the Developer or an Owner to use the parking lots and other necessary portions of the Common Area for ingress and egress;

4.3.4. The right of the Association to provide penalties and suspend the rights of any Owner for any period during which any Assessment remains unpaid and for any infraction of this Declaration or the Associations' published rules and regulations;

4.3.5. The right of the Developer and the Association, respectively and from time to time, to fix and collect assessments, and to fix fees, charges and penalties.

Section 4.4. Additional Structures. Neither the Association nor any Owner or any group of Owners shall, without the prior written approval of Developer and the Westridge Shores Architectural Board, allow or cause any structure or other improvement to be placed in or on the Common Area.

Section 4.5. Easements for Developer. During the period that Developer owns any Common Area, or owns any Lot primarily for the purpose of sale or that any Participating Builder has any building or improvements under construction, or has any constructed home on a Lot not sold to an independent third party home purchaser, Developer and/or Participating Builder, as applicable, shall have an alienable and transferable right and easement on, over, through, under and across the Common Area for the purpose of constructing or improving Lots, any improvements to the Common Area, and for installing, maintaining, repairing and replacing such other improvements to the Development (including the Recreational Facility and other portions of the Common Area) as are contemplated by this Declaration or as Developer or Participating Builder, in its absolute and sole discretion, deems in the best interest of the Development, including without limitation any improvements or changes permitted and described in this Declaration, and for the purpose of doing all things reasonably necessary and proper in connection therewith, provided that in no event shall Developer have the obligation to do any of the foregoing.

Section 4.6. Changes in Boundaries; Additions to Common Area. Developer shall have the right to change and realign the boundaries of the Common Area, any Lot or other portion of the Development owned by Developer, including the realignment of boundaries between adjacent Lots and Common Area.

Section 4.7. Easement for Utilities/Utility Systems. There is hereby reserved for the benefit of Developer and the Association the power to grant and accept easements to and from any private or public authority, agency, public service district, public or private utility or other person upon, over, under and across (1) all the Common Area or (2) an area on any Lot intended for improvement as a single-family dwelling ten feet (10') in width along the interior side of the perimeter boundary lines of the subdivision, and five feet (5') in width along the boundary lines of each Lot for a total easement width of at least ten feet (10') along a lot line common to two (2) Lots, for the purpose of installing, replacing, repairing, maintaining and using Utility Systems. For so long as Developer or any Participating Builder owns any portion of the Common Area or owns any Lot or has a

home under construction primarily for the purpose of sale, the Association may not grant or accept any such easement without the prior written consent of Developer and Participating Builder. To the extent feasible, all systems, utilities and facilities in the Development shall be located underground. All of such easements shall be deemed to include permission (1) to erect and maintain pipes, lines, manholes, pumps and other necessary equipment and facilities, (2) to cut and remove any trees, bushes or shrubbery, (3) to grade, excavate or fill, or (4) to take any other similar action reasonably necessary to provide economical and safe installation, maintenance, repair, replacement and use. No building, structure or other permanent obstruction of any kind whatsoever shall be placed on or in the easement described above.

Section 4.8. Sales Offices, Rental Offices, Property Management Offices and Construction Offices. Notwithstanding any provisions or restrictions herein to the contrary, there is hereby reserved for the benefit of Developer and Participating Builder, until the Developer owns no Lots or until December 31, 2030, whichever is sooner, the perpetual, alienable and transferable right and easement in and to the Development for the maintenance of signs, sales offices, rental offices, property management offices, construction offices, business offices and model or sample homes, together with such other facilities as in the sole and absolute discretion of Developer or Participating Builder may be convenient or necessary to the completion, management, rental, improvement and/or sale of homes, Lots or Common Area.

Section 4.9. Easements for Annexed Property. Not Applicable.

Section 4.10. Dedication of Roads and Alleys. The Developer may cause some or all of the roads and alleys in the Development to be dedicated to the State of Delaware as public roads and alleys at such time, and on such terms and conditions, as the Developer, in its sole and absolute discretion, deems in the best interests to the Development. Until such time as all streets, roads and alleys are dedicated as public roads, and such dedication is accepted by the State, if ever, all deeds to lots in the Development shall comply with Section 9623 of Title 9 of the Delaware Code by containing a statement that such private streets and roads are not maintained by the State.

Section 4.11. Delegation of Owner's Rights. An Owner may delegate to the Owner's family members, tenants, and invitees, in accordance with the By-Laws and the Rules and Regulations established by the Developer or Association and not otherwise, the Owner's respective right to enjoyment of the Common Area.

Section 4.12. Access. All Owners, by accepting title to Lots conveyed subject to this Declaration, waive all rights of uncontrolled and unlimited access, ingress and egress to and from such Lots and acknowledge and agree that such access, ingress and egress to and from such streets, sidewalks, and walkways, and trails located within the Development from time to time, provided that pedestrian and vehicular access to and from all Lots shall be permitted at all times, subject to the rules and regulations provided for herein.

Section 4.13. Easements for Association. The Association shall have a general right and easement for the benefit of the Association, its directors, officers, agents and employees, including but not limited to any Professional Managing Agent employed by the Association and any employees of such manager, to enter upon and into any Lot or any portion thereof in the performance of their respective duties. Except in the event of emergencies, this easement is to be exercised only during normal business hours and then, whenever practicable, only upon advance notice to the Owner or occupant, as the case may be.

Section 4.14. Maintenance Easement. Subject to the other terms of this Declaration, the Developer or the Association shall have the right and easement to enter upon any unimproved portions of any Lot for the purpose of mowing, removing, clearing, cutting or pruning underbrush, weeds, stumps or other unsightly growth and removing trash, so as to maintain reasonable standards of health, fire safety and appearance within the Development; provided that such easements shall not impose any duty or obligation upon the Developer or the Association to perform any such actions. Furthermore, there is hereby reserved for the benefit of the Developer and the Association an easement, but not an obligation, to enter upon any unimproved portions of Lots located within twenty feet (20') from the water's edge of any pond or other body of water within the Development for the purpose of mowing such area and keeping same clear and free from unsightly growth and trash, as well as for the purpose of maintaining such body of water, such maintenance to include, without limitation, dredging and the maintenance of reasonable water quality standards.

Section 4.15. Environmental Easement. The Developer or the Association shall have an alienable, transferable and perpetual right and easement on, over and across all unimproved portions of the Common Area and Lots for the purposes of taking any action necessary to effect compliance with environmental rules, regulations and procedures from time to time promulgated or instituted by the Board of Directors or by any governmental entity, such easement to include without limitation the right to implement erosion control procedures and practices, the right to drain standing water and the right to dispense pesticides.

Section 4.16. Wells and Effluent. The Developer or the Association shall have an alienable, transferable and perpetual right and easement to (1) pump water from ponds and other bodies of water located within the Development for the purpose of irrigating any portions of the Development, for fire control and for other purposes, (2) drill, install, locate, maintain and use wells, pumping stations, water towers, siltation basins and tanks and related water and sewer treatment facilities and systems within the Common Area.

Section 4.17. No Partition. There shall be no judicial partition of the Development or any part thereof, nor shall any person acquiring any interest in the Development or any part

thereof seek any such judicial partition unless the Development has been removed from the provisions of this Declaration.

Section 4.18. Jurisdiction. Notice is hereby given of the restriction that as to any portion of any Lot within the Development which may contain submerged land or other critical areas, all activities on or over and all uses of such land or other critical areas are subject to the jurisdiction of the U.S. Army Corps of Engineers and/or the State of Delaware. An Owner is liable for any damages to, any inappropriate or unpermitted uses of, and any duties or responsibilities concerning any portion of the Owner's respective property which is submerged land, wetlands or other critical area.

ARTICLE V

MAINTENANCE

Section 5.1. Association's Responsibility.

5.1.1 Subject to the Developer's rights otherwise provided in this document, the Association shall have the right to make or cause to be made alterations, modifications, improvements, repairs, maintenance and replacements to the Common Area, and to portions of buildings and lots designated herein. The cost thereof shall be assessed as Common Expenses and collected from the Owners according to their respective interests in the Common Area.

5.1.2 Except as may be herein otherwise specifically provided, the Association shall maintain, keep in good repair and replace as needed all portions of the Common Area including but not limited to, (1) all Common Area, ponds, landscaped areas, natural areas, buffer areas, stormwater management areas, surface drainage facilities, erosion and sedimentation control facilities, the Recreational Facility and all other improvements situated within the Development, (2) such Utility Systems and facilities which are a part of the Common Area and which are not maintained by the Developer, a public authority, public service district, or another public or private party. The Association shall not be liable for injury or damage to any person or property (1) caused by any cause or act of God, or an Owner or any other person, (2) resulting from any rain or other surface water which may leak or flow from any portion of the Common Area, or (3) resulting from any failure or neglect of repair by the Association. The Association shall not be liable to any Owner or invitee of an Owner for loss or damage, by theft or otherwise, of any property stored or left in or upon any portion of the Common Area or any other portion of the Development. No diminution or abatement of Assessments or any dues or charges payable to the Association shall be claimed or allowed by reason of any alleged failure of the Association to take some required action or to perform some required function, or for inconvenience or discomfort arising from the Association making improvements or repairs or from the Association taking any action to comply with any law, ordinance, order or

other directive of any court or other governmental authority, the obligation to pay such Assessments being a separate and independent covenant on the part of each Owner.

5.1.3 In the event that any maintenance, repair or replacement performed by the Developer or the Association arises out of any failure of an Owner to perform the obligations imposed by Section 5.2 or arises out of any willful or negligent act of an Owner, of a member of an Owner's family, of an Owner's invitee, or tenant, and is not covered or paid for by insurance in whole or in part, then, in either event, the Developer or the Association, may charge such Owner and all other persons responsible with the expenses, including reasonable attorney's fees and costs, incurred together with a reasonable amount to cover the cost of the time spent by the personnel of the Developer, the Association, or a property manager in arranging such maintenance, repair or replacement. No such maintenance, repair or replacement shall be undertaken by the Developer or Association, except in an emergency, without giving the Owner notice of the action required and an opportunity to undertake such action. The Developer need not undertake any such action, but may do so. In the event that the Developer undertakes such action, the Association shall promptly reimburse the Developer for the Developer's costs and expenses. The Association shall have a lien on the Lot of the responsible Owner for all such charges, costs and expense.

Section 5.2. Owner's Responsibility.

5.2.1. All maintenance and repair of structures, grass, landscaping and other improvements which are not Common Area shall be the responsibility of the Owner thereof.

5.2.2. Cutting and fertilization of the grass on the Lots shall be the responsibility of the Owner. Maintenance, repair and replacement of the irrigation system, landscape beds, flowers, shrubs and trees on the Lots shall be the responsibility of the Owner thereof.

5.2.3. The maintenance and repair of all Common Areas (including the Recreational Facility, if any, and Utility Systems) shall be the responsibility of the Association.

5.2.4. Developer shall be responsible for the maintenance and repair of structures, lawns, landscaping and other improvements on Developer-owned portions of the Property which are not Common Area.

5.2.5. The Association shall provide maintenance and repair which an Owner fails to provide and shall charge the respective Owner for the cost thereof, including an amount determined by the Association, in its sole and absolute judgment, to reimburse the Association for the time spent in arranging such maintenance or repair by personnel of the Association or of any property manager retained by the Association as well as reasonable attorney's fees and costs incurred. The Association shall have a lien on the Lot of the responsible Owner for all such charges, costs and expense. No Owner shall (1) decorate,

relocate or otherwise alter the exterior or any portion of the exterior of any structure without the prior written approval of the Westridge Shores Architectural Board, or (2) do any work which, in the reasonable opinion of the Westridge Shores Architectural Board, will jeopardize the soundness and safety of the Development, reduce the value thereof, or impair any easement or hereditament thereto, without the prior written approval of the Westridge Shores Architectural Board.

5.2.6. All maintenance of the surface area, lawns, landscaping and wooded areas, if any, in the easement areas shall be the responsibility of the Owner thereof.

5.2.7. No Owner shall modify the irrigation system on any Lot without the prior written approval of the Westridge Shores Architectural Board. The cost of any and all modifications shall be the responsibility solely of the Owner of the said Lot.

ARTICLE VI

ASSESSMENTS

Section 6.1. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents in the Property, the provision of services and facilities authorized by the Board of Directors, taxes and other expenses of the Association, and for the improvement, maintenance, repair and replacement of the Common Areas located in the Property, and for services and facilities devoted to this purpose and related to the use and enjoyment of the Common Areas; the payment of taxes and insurance premiums for the Common Areas, utility services used in or for the Common Areas; for the cost of labor, equipment, materials, management and supervision thereof; and for operating reserve funds and reserve funds for repair and replacement of the Common Areas and facilities thereon and other contingencies. Assessments also may be levied to accomplish the purpose and duties of the Association and all other costs and expenses incurred by the Association in the proper conduct of its activities; including but not limited to the maintenance, repair or replacement of any property or facilities serving or appurtenant to the Development that 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 Development.

Section 6.2. Creation of Lien and Personal Obligation of Assessments. The Developer, for itself and its successors and assigns, and for each Lot within the Development, hereby covenants, and each Owner of any Lot, by acceptance of a deed or other transfer document therefor, whether or not it shall be expressly established in such Deed or other transfer document, hereby covenants and agrees to pay the Association: (1) annual assessments or charges; (2) special assessments (including but not limited to "initial assessments" provided for below) for capital improvements, operations, repair, replacement and reserve funds, such assessments to be fixed, established and collected as hereinafter provided; and (3) fees established by the Board of Directors. The annual and

special assessments and fees, together with penalties, interest, costs and reasonable attorney's fees, shall be a charge on the land, and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment or fee, together with penalties, interest, costs, and reasonable attorney's fees, for the collection thereof, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. A personal obligation for any delinquent assessment shall not pass to the Owner's successor in title (other than as a lien on the land), unless expressly assumed by them. No assessments shall be due from any Lots owned by the Developer or any Participating Builder.

Section 6.3. Computation of Assessment.

6.3.1. Until the beginning of the next fiscal year of the Association following the first conveyance of a Lot to a Class A Member, the applicable annual assessment (if any) shall be the amount established by the Developer in its sole discretion. Thereafter, it shall be the duty of the Board of Directors, at least sixty (60) days before the beginning of the fiscal year and thirty (30) days prior to the annual meeting, to prepare a budget and determine the annual assessment covering the estimated costs of operating the Association during the coming year. The Board shall cause a copy of the budget and the amount of the annual assessment to be levied against each Lot for the following year to be delivered to each Owner at least fifteen (15) days prior to the meeting. The budget shall be approved by majority vote of the Board of Directors; provided, however, that any budget under consideration by the Board of Directors pursuant to this Section 6.3.1. that would result in an increase in the annual assessments payable by the Members in excess of the amounts permitted under Section 6.3.6. below, shall be approved by the affirmative vote of Members entitled to cast not less than sixty-seven percent (67%) of the votes of the Members present, in person or by proxy, and voting at the annual meeting or any meeting of the Association duly called for this purpose.

6.3.2. Notwithstanding the foregoing, however, in the event the Board of Directors disapproves the proposed budget or the Board of Directors fails for any reason so to determine the budget for the succeeding year, then and until such time as a budget shall have been determined as provided herein, the budget in effect for the then current year shall continue for the succeeding year or years.

6.3.3. All assessments shall be allocated equally among all Lots excepting exempt lands as hereinafter provided.

6.3.4. The initial assessments shall be as provided in Section 6.8.

6.3.5. In addition to the Annual Assessment authorized by Section 6.2. hereof, the Board of Directors of the Association may levy in any assessment year one or more special assessments applicable to that year only, for the purpose of defraying in whole or in part the cost of any construction, reconstruction, repair or replacement of a capital

improvement upon or in the Common Areas, including the necessary fixtures and personal property related thereon, and for operating the Common Areas, for which a reserve fund does not exist or is not adequate, and including operating cost overruns due to extraordinary conditions; provided that any such assessment shall have the assent of a majority of a quorum of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose and such assessments shall be subject to the limitations set forth in Section 6.3.10 of this Declaration.

6.3.6. In the year Developer withdraws from control of the Association, the Board of Directors may increase the annual assessment without limit. In subsequent years, the Board of Directors may, without the consent of the members, increase the annual assessment in an amount not to exceed twenty percent (20%) of the annual assessment for the preceding fiscal year plus the amount by which any ad valorem real estate taxes and insurance premiums payable by the Association have increased over the amount payable for the same or similar items for the previous year.

6.3.7. The maximum annual assessment may be increased above twenty percent (20%) upon approval of sixty-seven percent (67%) of the votes of the then Class A members and sixty-seven (67%) of the votes of the then Class B members, in person or by proxy at a meeting duly called for this purpose.

6.3.8. The Board of Directors may from time to time fix the annual assessment at an amount not in excess of the maximum.

6.3.9. The Board of Directors shall establish and maintain a reserve fund for replacements of the Common Area by the allocation and payment to such reserve fund of an amount to be designated from time to time by the Board of Directors. Such fund shall be conclusively deemed to be a common expense of the Association and may be deposited in any banking account institution, the accounts of which are insured by any state or an agency of the United States of America or may, in the discretion of the Board of Directors, be invested in obligations of, or fully guaranteed as to principal by the United States of America. The reserve for replacements of the Common Areas may be expended only for the purpose of effecting the replacement of the Common Areas, Utility Systems, and/or major repairs to any equipment or replacement thereof, and for start-up expenses and operating contingencies of a nonrecurring nature relating to the Common Areas. The Association may establish such other reserves for such other purposes as the Board of Directors may from time to time consider necessary or appropriate. The proportional interest of a member in any such reserve shall be considered an appurtenance of his Lot and shall not be separately withdrawn, assigned or transferred or otherwise separated from the Lot to which it ascertains and shall be deemed to be transferred with such Lot.

6.3.10. In no event shall an annual assessment or special assessment include any amount for "Community Amenities" (as such term is used in the context of 25 Del. C. Section

317) that have not been opened or made available for Class A Members and that are intended for the use of the Class A Members.

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

6.3.12. Notwithstanding anything contained in this Declaration to the contrary, in addition to any other rights and remedies available to the Association as provided herein, or at law or in equity, the Association shall have the right (but not the obligation or duty) to discontinue all or a portion of the services provided to any such Owner by the Association until such time as full payment is received as provided herein above.

Section 6.4. Effect of Nonpayment of Assessment; The Personal Obligation of the Owner; The Lien; Remedies of the Association. If any Assessment is not paid on the date when due as hereinabove provided, then such Assessment shall be deemed delinquent and together with such interest and cost of collection thereof, including reasonable attorney's fees, as hereinafter provided, continue as a lien on the Lot and any structure built thereon which shall bind such Lot in the hands of the then Owner. In addition to such lien rights, the personal obligation of the then Owner to pay such Assessment, however, shall remain his personal obligation and shall not pass to his successors in title (other than as a lien on the land) unless expressly assumed by them. If the Assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the legal interest rate authorized by 6 Del. C., Section 2301, as amended, and the Association may bring a legal action against the Owner personally obligated to pay the same or may enforce or foreclose the lien against the Lot, and in the event a judgment is obtained, such judgment shall include interest on the assessment above provided and reasonable attorney's fees, together with the costs of the action. No Owner of a Lot may waive or otherwise escape liability or the Assessment provided for herein by non-use of the Common Areas or abandonment of said Lot.

Section 6.5. Assessment Lien. The lien of the assessment provided for herein shall be subordinate to the lien of any first mortgage on the Lot. Sale or transfer of any Lot shall not affect the assessment lien. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof, provided that no Participating Builder shall be subject to any assessment.

Section 6.6. Exceptions for Assessments. The following property subject to this Declaration shall be exempt from the assessments, charges and liens created herein:

6.6.1. All properties dedicated to and accepted by a governmental body, agency or authority and devoted to public use;

6.6.2. All Common Areas;

6.6.3. All vacant Lots owned by the Developer, any successor Developer or Joseph P. Reed, and not sold or leased to third persons.

6.6.4. Section 6.7. Uniform Rate of Assessment. Both annual and special Assessments must be fixed for each Lot at the same amount as for every other Lot, and shall be collected in one installment or more, as the Board of Directors may from time to time decide.

Section 6.8. Initial Assessment. At the time the Developer conveys a Lot to the first buyer of the Lot after its construction; such first buyer shall pay to the Association an Initial Assessment set by the Developer. Initial Assessments shall be used by the Association as working capital to insure availability of cash for expected and unexpected expenditures, or to acquire equipment or service deemed necessary by the Association. Initial Assessments shall be paid in addition to regular Assessments. With respect to assessments related to “Community Amenities” (as such term is used in the context of 25 Del. C. Section 317) initial assessments may be imposed as a special assessment hereunder upon such Common Amenities becoming open or available for use by Class A Members, and may at such time include amounts for operating and replacement reserves. This section shall not apply to any Participating Builder.

ARTICLE VII

ARCHITECTURAL CONTROL

Section 7.1. Authority. The Developer or Board of Directors shall have the authority and standing, on behalf of the Association to enforce in courts of competent jurisdiction decisions of the Board established in Section 7.2 of this Article. This Article may not be amended without the Developer’s written consent so long as the Developer owns any property within the Development. No alteration, modification or construction, which term shall include within its definition, changing the exterior appearance of any building, wall, fence or other structural improvement, staking, clearing, excavation, grading and other site work or removal of plants, trees or shrubs, shall take place except in strict compliance with this Article, until the requirements thereof have been fully met, and until the approval of the Westridge Shores Architectural Board (“WSAB”) has been obtained.

Section 7.2. Westridge Shores Architectural Board.

(a) The Westridge Shores Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all

existing improvements and the open space, if any, appurtenant thereto, on all property within the Development, including landscaping and grading. In order to protect the visual integrity, architectural spirit and long-term property values of the Development, the Westridge Shores Architectural Board shall prepare and, on behalf of the Developer or Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the Westridge Shores Design Standards and Guidelines ("Westridge Shores Standards") and may establish reasonable fees for review, provided that such fees shall not be applicable to construction or alterations by a Participating Builder. Westridge Shores Standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, foundations, size, length, design of structures, driveway and parking requirements and landscaping requirements. Copies shall be available from the Westridge Shores Architectural Board for review. Unless otherwise provided in this Declaration, the guidelines and procedures shall be those of the Developer or Association and the Westridge Shores Architectural Board shall have sole and full authority to prepare and to amend the Westridge Shores Standards. The Westridge Shores Architectural Board shall make Westridge Shores Standards available to owners.

(b) The Westridge Shores Architectural Board shall initially consist of three (3) members, all appointed by the Developer, and who shall serve until such time as their successors are designated by the Developer or Board of Directors as provided below. Declarant may remove with or without cause any Westridge Shores Architectural Board member appointed by Declarant at any time by written notice to such member. At such time as Developer deems appropriate, the Board of Directors of the Association shall have the right to appoint a maximum of two (2) additional members. At no time shall the Westridge Shores Architectural Board have less than three (3) members nor more than five (5) members. At such time as one hundred percent (100%) of all property within the Development has been developed, improved or conveyed to purchasers in the normal course of development and sale, the Board of Directors shall appoint all members of the Westridge Shores Architectural Board. Thereafter, the regular term of office for each Westridge Shores Architectural Board member appointed by the Board of Directors shall be one (1) year, measured from the date of such member's appointment. Upon death or resignation of any such member, a successor or successors appointed by the Board of Directors to fill such a vacancy shall serve the remainder of the term of the former member. The Westridge Shores Architectural Board shall select its own Chairman and he, or in his absence the Vice Chairman, shall be presiding officer of its meetings. The Developer may, at its option, delegate to the Board of Directors, its right to appoint one (1) or more members of the Westridge Shores Architectural Board. Anything elsewhere contained herein to the contrary notwithstanding, the Developer shall retain an absolute veto over any decision by the Westridge Shores Architectural Board so long as Developer owns any Lot or Common Area within the Development.

Section 7.3. Meeting and Decisions of the Board. The Westridge Shores Architectural Board shall establish times, dates and frequency of meetings. A quorum of a simple majority of the members shall be required to review and take action on applications for approval. The Board shall appoint a secretary who shall prepare minutes of each Board meeting including all decisions of the Board. If the Westridge Shores Architectural Board fails to approve or deny an application within thirty (30) days of receipt of the complete application by and payment of fees to the Board, the party making the submission for approval shall deliver written notice to the Westridge Shores Architectural Board of its failure to act, and, if approval is not granted or denied within fifteen (15) days thereafter, the plans and specifications shall be deemed to be denied. It is further specifically provided that if any proposed application for action will affect drainage of stormwater, such application shall include a certification of non-effect of said plans from a professional engineer licensed in the State of Delaware.

Section 7.4. No Waiver of Future Approvals. The approval of the Westridge Shores Architectural Board of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of such Board, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specification, drawings, or matter subsequently or additionally submitted for approval or consent.

Section 7.5. Variance. The Westridge Shores Architectural Board may authorize variances from compliance with any of the provisions of the Westridge Shores Standards when circumstances such as topography, natural obstructions, hardship or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of the Declaration, or (c) prevent the Westridge Shores Architectural Board from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

Section 7.6. Review and Control by the Westridge Shores Architectural Board.

7.6.1. No building, outside attached shower, fence, wall, deck, patio, bulkhead, retaining wall, swimming pool, tennis court, septic system, parking area, garage, and/or paving for driveways or garages, or other any other structure of any kind shall be erected, placed or altered nor shall a building permit from Sussex County for such improvement or construction for such improvement be applied for on any improved or unimproved property in the Development until all fees to the Association have been paid and complete sets of building plans and elevations, specifications, and site plan (showing the proposed location of such building, drives and parking areas, etc.) shall have been reviewed and approved in writing by the Westridge Shores Architectural Board. The number of plans required shall be established by the Westridge Shores Architectural Board with the

intention that there shall be at least one (1) complete set of plans and specification for each member of the Westridge Shores Architectural Board and one (1) additional set for the Association's files. In reviewing such materials, the Westridge Shores Architectural Board shall consider such things as aesthetic appearance, harmony with surrounding improvements, compliance with this Declaration and any additional criteria adopted by the Westridge Shores Architectural Board as part of the Westridge Shores Standards. Approval or disapproval of plans, locations or specifications may be based by the Westridge Shores Architectural Board upon any ground incorporated within the Westridge Shores Standards including purely aesthetic considerations, which in the sole discretion of the Westridge Shores Architectural Board, shall be sufficient. No painting, staining, changes in color, finish materials or alteration to the exterior facade of any structure shall be undertaken until approval has been obtained in writing from the Westridge Shores Architectural Board. This provision shall not apply to repainting the same color. There shall be no submission review fees required of Developer or any Participating Builder.

7.6.2. No completed structure shall be deemed to be in compliance with this Declaration unless and until a Certificate of Compliance has been issued by the Westridge Shores Architectural Board. A Certificate of Compliance will not be unreasonably withheld if the structure is completed pursuant to the approved plans.

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

7.6.4. Architectural and design review shall be directed towards attaining the following objectives for the Development, and the Developer or Association may adopt reasonable

standards, rules, and regulations deemed necessary or convenient in attaining such objectives:

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

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

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

7.6.4.4. Ensuring that the Development structure, building or landscaping complies with the provisions of this Declaration.

7.6.4.5. Promoting building design and construction techniques that respond to energy consumption and environmental quality considerations such as heat loss, air emissions and run-off water quality.

7.6.5. The approval of the Westridge Shores Architectural Board shall not be required for matters of interior decoration only.

Section 7.7. Application Fees. The Board of Directors of the Association shall have the right to set and charge a reasonable fee for applications for home improvement alterations, additions, construction of accessory structures, garages or fences to defray architectural review costs. Participating Builder shall not be subject to such fees.

Section 7.8. Entry on a Property. The Westridge Shores Architectural Board or any of its representatives shall have the right to enter any improved lot or unimproved lot within Westridge Shores for the purpose of determining compliance with these covenants and the Westridge Shores Standards, and with decisions of the Westridge Shores Architectural Board, pending or completed, which affect that property. Entering a property for this purpose shall not be deemed trespass.

ARTICLE VIII

USE RESTRICTIONS

In order to protect the appearance and beauty of the vegetation, topography or other natural features within Westridge Shores, the following controls are hereby established.

Section 8.1. Residential Use Only.

The Owners of Lots in the Development acknowledge and recognize that Westridge Shores is a community planned to achieve the goals and objectives of providing an environment for families to live and enjoy the peace and quiet of an attractive and distinctive residential community. In order to achieve a neighborhood of serenity and peaceful use, the Owners agree and covenant that the homes in the Development shall only be used for single-family residential purposes exclusively. Occupancy shall comply with the Housing for Older Persons Act as defined in Section 2.2. No groups, except families shall reside, occupy, rent or use a dwelling in the Development. No business activity of any kind, including by example but not limited to, rooming house, boarding house, gift shop, antique shop, professional office or beauty/barber shop or the like or any trade of any kind whatsoever including yard sales, garage sales or the like shall be carried on upon any Lot or in any structure on a Lot; provided, however, that nothing contained herein shall be construed so as to prohibit home offices so long as no stock in trade is kept or commodities sold, there are no employees, patrons, customers or clients and no signs. Nothing herein shall be construed to prevent the Developer or a Participating Builder from constructing dwellings to be sold or leased, from showing Lots, dwellings or models for the purpose of selling or leasing a Lot or dwelling shown for another or from placing and maintaining signs, structures, storage places, facilities and offices it deems necessary.

Section 8.2. Fences, Boundary Wall, Boundary Line Hedge and Shrubbery. Fences, boundary walls, boundary line hedges and shrubberies shall only be permitted if the following requirements are met:

8.2.1. Fences, boundary walls, boundary line hedges and shrubberies shall be prohibited within the front yard area of the lots and in general, shall not be closer to the front of the lot than the front of the dwelling unit. The height of any such fence, boundary wall, boundary line hedge or shrubbery along the side of a unit shall not exceed eight feet (8'-0"). Material, color, type and style of fence and boundary wall shall be limited to those which are viewed by the Westridge Shores Architectural Board to be aesthetically pleasing when installed in a residential setting. The Westridge Shores Architectural Board shall endeavor to maintain consistency in fence design and appearance within the Development.

8.2.2. Prior written approval shall be obtained from the Westridge Shores Architectural Board.

8.2.3. Any fence, boundary wall, boundary line hedge or shrubbery along the side or rear of any Lot shall not extend over any Utility System or easement on said Lot, and shall not

exceed eight feet (8'). The heights or elevations of any fence or wall shall be measured from the existing elevations of the Lot.

Section 8.3. Pools, Hot tubs. No above-ground swimming pools whatsoever shall be erected or allowed to remain in the Development. "Hot tubs", "jacuzzis" and the like shall be prohibited except when placed in the area at the rear of a dwelling and within lines measured and running in a parallel line from each rear corner of such dwelling to the rear Lot lines and only after obtaining prior written approval of the Westridge Shores Architectural Board.

Section 8.4. Temporary Structures, Vehicles, Boats and Trailers. Except as may otherwise be provided in this Declaration, no structure of a temporary character shall be placed upon any Lot at any time; provided, however, that this prohibition shall not apply to shelters or other structures constructed or used by a Participating Builder, or approved by the Developer and used by a contractor during construction of a dwelling, it being clearly understood that the latter temporary shelters may not, at any time, be used for residence or remain on the Lot after completion of construction. Except for construction related trailers used by Participating Builder, no trailer, mobile home, double-wide, park model trailer, motor home, tent, barn, camper, bus, or other similar vehicle, out-building, structure, horse/livestock trailer, boat or trailer shall be placed, kept or parked on any Lot or on any portion of the Common Area, except as may be stored within the enclosed garage, at any time either temporarily or permanently unless the Developer or the Association designates one or more areas in the development for regulated storage and long-term parking.

Section 8.5. Mining and Drilling Prohibition. No oil or natural gas drilling, refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot, and no derrick or other structure designed for use in boring for oil or natural gas shall be stored, erected, maintained or permitted in the Development.

Section 8.6. Use and Height Restrictions. No structure shall be erected, placed or permitted to remain on any Lot in excess of three (3) stories in height, and in no instance shall any structure exceed forty-two feet (42') in height above the first floor finished elevation.

Section 8.7. Setbacks and Building Lines. Each dwelling which shall be erected on any Lot shall be situated on such Lot in accordance with the building and setback lines established by Developer and authorized by Sussex County zoning regulations. No structure shall be placed on or over any easement on any Lot. Developer shall determine, at its sole discretion, placement of all dwellings, garages and accessory uses. The Developer shall have the power and authority to promulgate and publish setback requirements for each Lot. In certain cases, the Developer may require an Owner to seek a variance from Sussex County Zoning Ordinance if necessary to protect important trees, vistas or to preserve aesthetic value.

Section 8.8. Restriction on Materials.

8.8.1. All structures constructed or placed on any Lot shall be built of good quality and new material, and no used structures or old buildings or parts thereof shall be relocated or placed on any such Lot.

8.8.2. No structures constructed or placed on any Lot shall have an exterior finish of cinder block, grooved plywood, T-111, or plywood above grade.

8.8.3. All roofing shall be made of tile, architectural grade asphalt shingles or a material similar thereto which has been approved by the Westridge Shores Architectural Board. The minimum roof pitch shall be 6/12.

8.8.4. All driveways and parking areas shall have a hard, dustless surface, such as asphalt, concrete, brick, paver or such similar material as may be approved by the Westridge Shores Architectural Board.

Section 8.9. Mobile Home Restriction. Except for construction related trailers used by Participating Builder, no mobile home, trailer, doublewide, manufactured, or similar type structure shall be permitted, placed or constructed on any Lot in the Development.

Section 8.10. Re-Building Requirement. Any dwelling or out-building on any Lot which may be destroyed in whole or in part by fire, windstorm or any other cause or act of God must be rebuilt and the structure restored to a natural condition, within nine (9) months or such shorter period of time as may be reasonable; all debris must be removed within fourteen (14) days.

Section 8.11. Elevation and Drainage Changes. No changes in the elevation, topography or drainage characteristics of the Development by any Owner other than a Participating Builder shall be made so as to materially affect the surface elevation or natural drainage of surrounding Lots and without the prior written approval of the Developer or Westridge Shores Architectural Board. Nor shall any fill be used to extend any property into any state or federal wetlands, to increase the size of a Lot by filling in water it abuts, or to fill in any waterway, wetland or storm drainage area of the Development for any purpose whatsoever.

Section 8.12. Tree Removal. The removal of trees, shrubs and other plant material shall be limited to removal of those materials essential for house construction and driveway installation only. The Westridge Shores Architectural Board shall further have the authority to require any Owner removing a tree in violation of this clause to replace the same with a tree of the same species or a different species with a caliper of two inches (2") or greater at such Owner's cost and expense.

Section 8.13. Clotheslines. No clothesline or drying yards shall be located upon any Lot in the Development, nor shall towels, blankets or the like be hung or placed on the front or rear porch, decks, railing or fences or any dwelling or Lot, except with the written permission of the Developer or Westridge Shores Architectural Board. Permission may be granted by the Developer or Westridge Shores Architectural Board when the clothesline, drying yard, or other exposure of clothes to the air for drying can be effected behind shrubbery, trellis or another type of screen so as not to be seen from another Lot or Common Area, including, but not limited to, streets or roadways in the Development.

Section 8.14. Sewer and Water System. No surface toilets or septic tanks shall be permitted in the Development (other than those utilized by the Developer or any Participating Builder). A purchaser of a Lot assumes responsibility for attaching water connections, plumbing fixtures, dishwashers, toilets and sewage disposal system to the central sewer and water systems of the Development.

Section 8.15. Garbage/Trash Disposal. Each Owner shall provide garbage and trash receptacles or similar facilities in accordance with reasonable standards established by the Developer or the Association, which receptacles shall be placed only at the front of the dwelling in an enclosure approved by the Developer or Association and placed adjacent to the driveway for the dwelling in a location approved by the Developer or Association. If an Owner does not have a receptacle or similar facility approved by the Developer or Association, all garbage and trash must be kept in the Owner's garage and may only be placed outside on the designated trash pick-up day for Owner's Lot. The Developer or Association may from time to time adopt rules and regulations for the sorting of garbage and trash into separate receptacles or other handling according to the nature of the materials or otherwise to aid in recycling or other processes with beneficial impact on the environment. No garbage or trash incinerator shall be permitted. No burning, burying or other disposal of garbage or trash on any Lot or within the Development shall be permitted. The Developer or Association may from time to time adopt rules and regulations, including designation of the persons and methods, for garbage/trash collections and disposal, and all Owners shall be bound thereby. Owners and the Association shall use professional commercial garbage and trash removal services. Notwithstanding the foregoing, the provisions of this Section 8.15 shall not apply to any Participating Builder.

Section 8.16. Sign Controls. No signs of any character shall be erected on any Lot, placed in the window of any dwelling or structure located on a Lot, or displayed to the public in any manner on any Lot. This restriction shall not apply to signs used by the Developer or Participating Builder to identify and advertise the subdivision as a whole, nor to Developer's or Participating Builder's signs for selling Lots and/or houses.

Section 8.17. Natural Buffer Zone. No Lot Owner and no Lot Owner's family, guests, tenants, agents or employees shall disturb any natural buffer zone in any manner and/or for any reason. Owners of Lots adjoining and/or including a natural buffer zone shall be

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

Section 8.18. Exclusion of Above Ground Utilities. All electrical service, wires, pipes, lines, telephone, cable television (CATV) lines and utility services of any type shall be placed in appropriate conduit underground as possible and no outside electrical lines shall be placed overhead. No exposed or exterior radio or television transmission or receiving antenna shall be erected, placed or maintained on any part of the Development except those master facilities approved by the Developer, provided, however, that the normal service pedestals, etc., used in conjunction with such underground utilities shall be permitted within the Development. Overhead utilities shall be permitted during the construction period and until utility companies can place them underground.

Section 8.19. Junk or Disabled Vehicles. No stripped, partially wrecked, unlicensed or invalidly licensed, disabled or junk motor vehicle or part thereof, shall be permitted to be parked or kept in the Development. The following activities are prohibited: vehicle repair, bodywork, oil change, engine maintenance and the like except cleaning and washing Owners' own vehicles; no vehicles shall be maintained on jacks or blocks except temporary usage for emergency tire change.

Section 8.20. Perimeter Access. There shall be no access to any Lot on the perimeter of the Development except from designated roads within the development; provided, however, that Developer and Participating Builder reserves the right to construct and operate temporary construction roads during the construction and development period.

Section 8.21. Rentals. The Developer or Association may from time to time adopt rules and regulations pertaining to the rental of dwellings. Owners of rented dwellings shall be personally liable for the failure of a tenant or any invitee of a tenant to abide by rules and regulations pertaining to the use or occupancy of the Development.

Section 8.22. Accessory Structures.

8.22.1 No accessory structure shall be constructed upon any Lot, except an exterior attached shower, a shed, mailbox, doghouse, birdhouse, garage, swing set or similar play structure, or to a free-standing pole or individual flagpole of aluminum, fiberglass or other material approved by the Developer or Association which has been approved in writing by the WSAB prior to installation or construction.

8.22.2 All mailboxes shall be as designed and installed by the Developer. Mailbox structures may be found acceptable, by special exception, only if they are uniform and

after concise plans for same have been submitted to and reviewed by the Westridge Shores Architectural Board.

8.22.3. Detached garages, exterior attached showers, and sheds shall conform in appearance to the style of the dwelling and shall be constructed with the same exterior siding and roofing materials and colors as the dwelling.

8.22.4. No such structure except a mailbox and/or flagpole shall be placed closer to the front Lot boundary than the closer of the rear line of the dwelling or of the front line of the garage.

8.22.5 A flagpole shall not exceed twenty four feet (24') in height.

Section 8.23. Landscaping. Owners are encouraged to provide landscaping for their Lots; provided, however, that Developer reserves the right to reasonably restrict the placement of landscaping, fences or other impediments to the enjoyment of views. No vegetable garden shall be located in the area between the front lot line and the front of the dwelling. Grasses, lawn growth or weeds shall be limited to a maximum of four inches (4") in height. Developer reserves the right to enter onto any Lot after notice and an opportunity to maintain landscaping and grass height, and cut any grass or weeds which continue to exceed four inches (4") in height after said notice, and to assess the cost to the Owner thereof, pursuant to Section 5.1.3.

Section 8.24. Special Hazards. Each Owner accepts and assumes all the risks and hazards of ownership or occupancy attendant to the ownership of such Owner's Lot, including but not limited to its proximity to any Recreational Facility or Common Area or any bodies of water in or near the Development, and agrees hereby to hold the Developer and the Association harmless and shall indemnify the Developer or the Association for all losses, costs and expenses, including attorney's fees for all such risks and hazards. Specifically, the Developer does hereby disclaim any and all liability for any property damage or personal injury resulting from acts, activity or erosion along the bank of all ditches, streams, other bodies of water or watercourses located in the Development.

Section 8.25. Traffic Regulations. The Developer and the Association may from time to time adopt additional rules and regulations pertaining to vehicular and pedestrian traffic in the Development as it or they deem appropriate and necessary.

Section 8.26. Alteration of Common Area. No person shall alter in any way any Common Area except with the written permission of the Developer or Association.

Section 8.27. Easements and Encroachments. No building or part of a building, including porches or projections of any kind, shall be erected so as to extend over or across any of the building lines as hereinafter established. Provided, however, if any portion of any Common Area unintentionally encroaches upon a Lot or any part thereof,

whether by settlement or otherwise, a valid easement for the encroachment and for the maintenance of same, so long as it stands, shall and does exist. If any portion of improvements to a Lot or Lots unintentionally encroaches upon a Lot or any portion thereof, whether by settlement or otherwise, a valid easement for encroachment and for the maintenance of same, so long as it stands, shall and does exist. In the event any improvement or part thereof is partially or totally destroyed and then rebuilt, any encroachment of any Common Area upon a Lot or Lots or encroachment of a Lot or Lots upon any Common Area or upon an adjoining Lot or Lots resulting because of such rebuilding, shall be permitted, and a valid easement shall exist for the maintenance of such encroachments so long as the same stand. Such encroachments and easements shall not be considered or determined to be encumbrances either on any Common Area or any Lot or Lots, and no Owner shall be entitled to damages or injunctive relief because of the construction, re-construction or maintenance thereof.

Section 8.28. Alteration of Building Lines in the Best Interest of Development.

Where because of size, natural terrain, or other reason it is in the best interest of the Development that any building lines be altered, the Developer may make such alteration in its sole and absolute discretion. The Developer specifically reserves the right to assign to the Westridge Shores Architectural Board this right to alter building lines.

Section 8.29. Developer, Participating Builder and Association Exempt.

None of the foregoing restrictions shall be applicable to the activities of: (a) the Developer or Participating Builder, its officers, employees, agents or assigns, in the development, marketing and sale of Lots or other parcels within the Project; or (b) the Association, its officers, employees and agents in connection with the proper maintenance, repair, replacement and improvement of the Utility Systems and/or Common Areas.

Section 8.30. Pets. No animals, livestock, birds, or fowl shall be kept or maintained on any part of the Development except animals commonly recognized as domestic pets, such as dogs, cats, pet fish and birds, which may be housed on a Lot in reasonable numbers (not to exceed three) as pets for the pleasure and use of the Owner but not for any commercial use or purpose. All animals must be fenced or shall be kept on a lead or leash when they are off the Owner's Lot and must be under the Owner's control at all times. No animal shall become a nuisance to other resident by barking or other acts and the Owner is responsible for removing his or her animal from the property of another. The Owner of any animal is responsible for and liable for any happenstance or accident which may occur in connection with or arising from a loose, uncontrolled or vicious animal. Non-owners (e.g. renters or lessees) may not keep any pets without the prior written approval of the Owner and any such approval must be filed with the Association.

Section 8.31 Storage of Toxic or Hazardous Materials. No toxic or hazardous substances as defined by environmental law shall be used, disposed, stored or released on any Lot or in the Development except for use with an outdoor grill in a tank holding thirty (30) pounds or less of natural gas or propane.

Section 8.32 Antennae and Satellite Dishes/Receivers. – Installation of antennas, including satellite dishes and receivers, 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 or 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 Common Facility without prior written approval as required by Article XIII. 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.

Section 8.33. Completion of Construction. Except for construction by a Participating Builder, once the construction of any building or structure on a Lot has commenced, such construction shall proceed without delay and shall be completed in accordance with the time line established by the Owner and the Westridge Shores Architectural Board, except where such completion is impossible or would result in great hardship to the owner of builder due to strikes, fires or national emergencies or natural calamities. Cessation of work, whether such work be construction or demolition work, once started and before completion thereof for a continuous period of sixty (60) days shall be *prima facie* evidence of an intent to abandon the work in its partially completed or demolished state and shall be deemed to be a public and private nuisance. The Developer and Westridge Shores Architectural Board shall have the power to seek and demand an injunction from the Court of Chancery of the State of Delaware to compel the completion or demolition of the work within sixty (60) days.

Section 8.34. Agricultural Notice. 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.

Section 8.35. Wetlands Notice. This site 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 IX

INSURANCE

Section 9.1. Required Coverage.

9.1.1. The Developer or the Board of Directors of the Association, or its duly-authorized agent, shall be required to obtain, maintain and pay the premiums, as a common expense, upon a special form policy of property insurance covering all the Common Areas and Utility Systems, including fixtures and building service equipment, to the extent that they are a part of the Common Areas of the Association, as well as common personal property and supplies.

9.1.2. The insurance policy shall afford, as a minimum, protection against loss or damage by fire and 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. The policy shall be in an amount equal to one hundred percent (100%) of the current replacement cost of the Common Areas (less a deductible deemed reasonable by the Board of Directors) and shall name the Association as the named insured.

Section 9.2. Individual Insurance. By virtue of taking title to a Lot, each Owner covenants and agrees with all other Owners and with the Developer and the Association that each Individual Owner shall carry blanket all-risk casualty insurance on the Lot and structures constructed on the Lot in accordance with the standards set forth in this Article. Each individual Owner further covenants and agrees that in the event of a partial loss or damage and destruction resulting in less than total destruction to the Lot and structures constructed on the Lot, the Owner shall proceed promptly to repair or to reconstruct the damaged structures in a manner consistent with the original construction. In the event that a detached single-family dwelling is totally destroyed and the Owner determines not to rebuild or to reconstruct, the Owner shall clear the Lot of all debris and return it to substantially the natural state in which it existed prior to the beginning of construction of the dwelling. The Board of Directors may impose more stringent requirements regarding the standards for rebuilding or reconstructing structures on the Lot and the standard for returning the Lot to its natural state in the event the Owner decides not to rebuild or reconstruct.

ARTICLE X

CONDEMNATION

Section 10.1 Award. Whenever all or any part of the Common Area shall be taken by any authority having the power of condemnation or eminent domain (or conveyed in lieu of or under threat of condemnation), each Owner shall be entitled to notice thereof. The award made for such taking shall be payable to the Association as Trustee for all Owners to be disbursed as follows:

Section 10.2. Approval. If the taking involves a portion of the Common Area on which improvements have been constructed, then, unless within sixty (60) days after such taking the Developer and at least seventy-five percent (75%) of the Class "A" Members of the Association shall otherwise agree, the Association shall restore or replace such improvement so taken on the remaining land included in the Common Area to the extent lands are available therefor, in accordance with plans approved by the Board of Directors of the Association. If such improvements are to be repaired or restored, the above provisions in Article IX hereof regarding the disbursement of funds in respect to casualty damage or destruction which is to be repaired shall apply. If the taking does not involve any improvements on the Common Area, or if there is a decision made not to repair or restore, or if there are net funds remaining after any such restoration or replacement is completed, then such award or net funds shall be disbursed to the Association and used for such purposes as the Board of Directors of the Association shall determine.

ARTICLE XI

MORTGAGEES RIGHTS

Section 11.1. Changes Required by Lenders. Notwithstanding any provision to the contrary contained in the Articles of Incorporation or By-Laws of the Association or this Declaration, the Developer shall have and hereby reserves the right to make modifications, additions or deletions to the Declaration, the Certificate of Incorporation and the By-Laws of the Association if such modifications, additions or deletions are required by the Veterans Administration, Federal Housing Administration, Federal Home Loan Mortgage Corporation or Federal National Mortgage Association. The Developer further reserves the right to waive in writing any exemption, right or privilege granted or reserved to the Developer by this Declaration or the Certificate of Incorporation or the By-Laws of the Association.

Section 11.2. Developer Reserved Rights. No amendment to this Declaration may remove, revoke or modify any right, reservation or privilege of the Developer without the prior written consent of the Developer.

Section 11.3. Failure to Respond. Any Mortgagee who receives a written request to approve any additions or amendments who fails to submit a response within thirty (30) days shall be deemed to have approved such request.

Section 11.4. Additional Rights of Mortgagees - Notice.

11.4.1. The Association shall promptly notify all Mortgagees who hold first mortgages on any Lot for which any assessment levied pursuant to the Declaration, or any installment thereof, becomes delinquent for a period in excess of sixty (60) days and the Association shall promptly notify said Mortgagee with respect to which any default in any other provision of this Declaration remains uncured for a period in excess of sixty (60) days following the date of such default. Any failure to give any such notice shall not affect the validity or priority of any first mortgage on any unit and the protection extended in this Declaration to the holder of any such mortgage shall not be altered, modified or diminished by reason of such failure.

11.4. 2. No suit or other proceeding may be brought to foreclose the lien for any assessment levied pursuant to this Declaration except after ten (10) days written notice to the holder of the first mortgage on the Lot which is the subject matter of such suit or proceeding.

11.4. 3. Any first mortgagee of any Lot may pay any taxes, utility charges or other charges or other charge levied against the Common Areas which are in default and which may or have become a charge or lien against any of the Common Areas and any such first mortgagee may pay any overdue premiums on any hazard insurance policy or secure new hazard insurance coverage on the lapse of any policy, with respect to the Common Areas. Any first mortgagee who advances any such payment shall be due immediate reimbursement of the amount so advanced from the Association.

ARTICLE XII

GENERAL PROVISIONS

Section 12.1. Enforcement. The Developer, the Association, and any Owner shall have the right to enforce, by any proceedings at law or in equity, all of the restrictions, conditions, covenants, easements, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Developer, the Association, or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed as a waiver of the right to do so thereafter. The Developer and the Association shall have the right to adopt reasonable rules and regulations for enforcing the provisions hereof or any other rule or regulation, including the right to set and collect fines which shall be liens against Lots.

Section 12.2. Severability. Invalidation of any covenants or restrictions or any term, phrase or clause of this Declaration by the adjudication of any court or tribunal shall in no way affect the other provision hereof which are hereby declared to be severable and which shall remain in full force and effect.

Section 12.3. Assignment and Delegation. The Developer shall have the right to assign to any one (1) or more persons, firms, corporations, partnerships or associations any and all rights, powers, titles, easements and estates reserved or given to the Developer in this Declaration. Further, the Developer reserves the right to convey, assign or delegate to the Association, and the Association shall accept, any or all of the Developer's rights and obligations set forth in this Declaration.

Section 12.4. Irrevocable Power of Attorney. The Developer is hereby granted an irrevocable power of attorney coupled with an interest to amend this Declaration as provided in this Section and to take all other action convenient or necessary to give effect to any or all of the rights reserved to Developer in this Declaration. Every party accepting an interest in any part of the Property, whether it be title, a lien, or any other interest, and whether it be transferred by a deed, a mortgage, a judgment, a last will and testament, or otherwise, shall thereby specifically accept the reservation of Developer's rights as provided in this Declaration, and shall also thereby grant to Developer this irrevocable power of attorney coupled with an interest. The Developer may require that a party accepting any such interest in the Property shall execute a separate and written power of attorney coupled with an interest and record it in the Office of the Recorder of Deeds of Sussex County, Delaware. However, the power of attorney coupled with an interest provided by this paragraph shall be deemed fully granted to Developer when any such interest is acquired, whether or not such separate and written power of attorney coupled with an interest is executed and recorded.

Section 12.5. Rights and Liabilities of Participating Builder.

(a) Participating Builder does not and shall not assume or be responsible for any liabilities, warranties or obligations which have or may accrue to Developer, including, but not limited to, any liabilities, warranties or obligations concerning any Lots, the Common Areas or Recreational Facilities, any buildings or other improvements constructed, or to be constructed, by or on behalf of, Developer.

(b) No Participating Builder makes any representation or warranty whatsoever, whether express or implied, with respect to any Lots, Common Areas, Recreational 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 Owner of any Lot expressly waives any all claims against each Participating Builder for any liabilities, warranties or obligations which may

accrue to Developer or any assignee under the Declaration or pursuant to law in connection with Developer's or any assignee's status as Developer under this Declaration.

Section 12.6. Duration and Amendments.

12.6.1. Except as may otherwise be provided in this Declaration, the Restrictions of this Declaration run with and bind the Property and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors or assigns, as the case may be, in perpetuity; subject, however, to the provision that the Developer, until all Lots in the Development have been conveyed by the Developer and the Developer has withdrawn from control of the Association, shall have the power to waive, abandon, terminate, modify, alter, change, amend, eliminate or add to these restrictions and this Declaration. Upon the Developer's conveyance of its last Lot and/or upon its withdrawal from the control of the Association, the Association or its successors, by with the vote or written consent of sixty-six percent (66%) of the then Owners of Lots, shall have the power to waive, abandon, terminate, modify, alter, change, amend, eliminate or add to these restrictions and this Declaration at any time hereafter. Any such waiver, abandonment, termination, modification, alteration, change, amendment, elimination, or additions shall take effect when a copy thereof, executed and acknowledged by the Association or its successors in accord with the usual form of execution and acknowledgment of deeds, together with the written consents of the requisite number of owners or by a certificate by the Association verified under oath by the President thereof, or in the case of his/her absence or inability, by any Vice President thereof, setting forth the time, manner and result of the taking of the vote of the members, have been filed for record in the Office of the Recorder of Deeds, in and for Sussex County, and the same shall thereafter remain in effect in perpetuity unless otherwise provided.

12.6.2. Any amendment made pursuant to this Section shall be certified by Developer as having been duly approved by Developer and, if any, by the Owners and shall be effective only upon recordation or at such alternate date as shall be specified in the amendment. Every Owner or occupant, by accepting a conveyance or occupancy of a Lot shall be deemed to have agreed to be bound by such amendments as are permitted hereby, and to agree further that, if requested to do so by Developer, such will consent to the amendment of this Declaration or any other instruments relating to the Development.

12.6.3. Developer is hereby granted an irrevocable power of attorney coupled with an interest to amend this Declaration as provided in this Section and to take all other action convenient or necessary to give effect to any or all of the rights reserved to Developer in this Declaration. Every party accepting an interest in any part of the Property, whether it be title, a lien, or any other interest, and whether it be transferred by a deed, a mortgage, a judgment, a last will and testament, or otherwise, shall thereby specifically accept the reservation of Developer's rights as provided in this Declaration, and shall also thereby grant to Developer this irrevocable power of attorney coupled with an interest. The

Developer may require that a party accepting any such interest in the Property shall execute a separate and written power of attorney coupled with an interest in a form acceptable to Developer and record it in the Office of the Recorder of Deeds of Sussex County, Delaware. However, the power of attorney coupled with an interest provided by this paragraph shall be deemed fully granted to Developer when any such interest is acquired, whether or not such separate and written power of attorney coupled with an interest is executed and recorded.

Section 12.7. Dedication of Common Area. Except as may otherwise be provided in this Declaration, every road, body of water, Common Area, Utility System, and other amenity within the Development is private, and neither the Developer's recording of any instrument or plan, or any other act of the Developer with respect to the Property is, or is intended to be, or shall be construed to be, a dedication to the public of any part of the Development except as may otherwise be provided herein. The use and enjoyment of every part of the Development is reserved to the Developer, to those who, from time to time, are Owner members of the Association and to the invitees thereof. Such use shall be subject to such rules and regulations as may be prescribed by the Developer or the Association, as the case may be.

Section 12.8. Time is of the Essence. It is agreed that time is of the essence with regard to the provisions of this Declaration.

Section 12.9. Remedies for Violation of Restrictions. Except as may otherwise be provided in this Declaration, in the event of a violation or breach of any of these restrictions by an Owner or agent of an Owner, by an occupant or agent of an occupant, or by another party, then the Owners of Lots in the Development, the Developer and the Association, or any of them, jointly or severally, shall have the right to proceed at law or in equity to compel compliance therewith, or to prevent the violation or breach thereof. In addition to the foregoing, the Developer and the Association shall have the right, whenever any improvement or structure is built or placed in violation of this Declaration, to enter upon the property where such violation exists, and summarily abate or remove the same at the expense of the Owner, if after thirty (30) days written notice of such violation, it shall not have been corrected by the Owner. The Association is hereby granted a perpetual easement across each Lot for the purpose of enforcing its right under this Section, and no such entry and abatement or removal shall be deemed a trespass. The Association may also maintain such watchmen and erect, maintain and control, at its discretion, such gate houses, or adopt at its discretion other measures to enforce the rights mentioned in this Declaration, and such watchmen or gate houses shall not constitute the creation or maintenance of a nuisance or obstruction nor constitute any limitation or annulment of the grant of free and uninterrupted use of the Common Areas, including streets and roadways, of Owners. The failure to enforce any rights, reservation, restriction or condition contained in this Declaration, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. Should any

person employ counsel to enforce any of the foregoing covenants, conditions, reservations or restrictions, because of a breach of the same, all costs incurred in such enforcement, including a reasonable fee for counsel, shall be paid by the Owner of such Lot or Lots in breach thereof. The Developer shall not in any way or manner be liable or responsible for any violation of these restrictions by any person other than itself.

Section 12.10. Rule Against Perpetuities. In the event that any of the provisions hereof are declared void by a court of competent jurisdiction by reason of the period of time herein stated for which the same shall be effective, then in that event such term shall be reduced to a period of time which shall not violate the rule against perpetuities or any other law of the State of Delaware, and such provision shall be fully effective for said reduced period of time.

Section 12.11. Binding Effect. This Declaration shall bind, and inure to the benefit of, the respective heirs, devisees, representatives, successors, successors in title and/or assigns of anyone or anything who/which purchases or takes any interest in any property which is subject to this Declaration.

IN WITNESS WHEREOF, the Developer has hereunto set its hand and seal the day and year aforesaid.

BOARDWALK DEVELOPMENT, LLC

BY: _____

Joseph P. Reed

(Seal)

STATE OF DELAWARE :
: **ss.**
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this ____ day of _____, A.D. 2018, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, Joseph P. Reed, managing member of Boardwalk Development, LLC, a limited liability company of the State of Delaware, 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 the Deed of the said limited liability company; that the signature of the Manager is in his own proper handwriting; and that the act of signing, sealing, acknowledging and delivering the

said Indenture was first duly authorized by resolution of the members of the said limited liability company.

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

NOTARY PUBLIC

COMMISSION EXPIRES:

TYPE OR PRINT NAME OF NOTARY

DRAFT

44
EXHIBIT A

*** LEGAL DESCRIPTION TO BE ATTACHED**

DRAFT

24

May 23, 2022

ERI No: 0506#0681

Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC.
18 Chestnut Street
Georgetown, DE 19947

**RE: Westridge Shores Residential Planned Community
Delineation of Regulated Wetlands &
Absence of Federally Listed Threatened and Endangered Species
Tax Map Parcel: 234-17.00-165.00
Indian River Hundred, Sussex County, Delaware**

Dear Mr. Christenbury,

Environmental Resources, Inc. (ERI) is providing this summary of findings regarding the identification of wetlands and water boundaries at Tax Map Parcel 234-34.00-17.00 located in the Indian Hundred, Sussex County, Delaware. The 21.32 acre property is the location of the proposed Westwood Shores Residential planned community. The property fronts along Banks Road (SCR 298). The rear of the property fronts along the shoreline of Hopkins Prong. ERI identified 1.1 acres of wetlands subject to the Corps of Engineers Regulatory Program (Section 404 of the Clean Water Act of 1972) on the property. The wetlands border Hopkins Prong and consist of a mix of nontidal forested wetlands and tidally influenced emergent wetlands, which is mostly common reed (*Phragmites*).

The results of ERI's investigation were consistent with State and Federal wetland guidance Maps. In accordance with DNREC Wetland Map Sussex-095, there are no State regulated wetlands on this property.

For the purposes of Section 404 of the Clean Water Act of 1972 (CWA), wetlands are defined as those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Positive evidence of hydrophytic vegetation, hydric soils, and wetland hydrology is needed for an area to be classified as wetlands. The boundary between wetlands and uplands is defined as the location where positive indicators of one of these three parameters are no longer present.

In their letter of May 18, 2018 (attached) the U.S. Army Corps of Engineers approved the wetland boundaries identified by ERI as shown on the site plans for this project. The approval letter is currently valid.

On May 23, 2022, ERI consulted with the U.S. Fish and Wildlife Service (Service) in regard to the presence of any federally listed protected under the Endangered Species Act (ESA) of 1973. There are no records for any ESA listed species or their critical habitats on this site. Recently the Service listed the Monarch Butterfly (*Danaus plexippus*) as a candidate species throughout the entire project area. No critical habitats are listed. This transitory species has specific habitat requirements that include the abundant presence of milkweed, an herbaceous plant. This plant is not found at the project location. The absence of ESA listed species was confirmed during ERI's site evaluation.

Upon your review of ERI's findings, I am available at your convenience should you have any questions.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



Edward M. Launay, Principal
PWS No. 875, Society of Wetland Scientists
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B

Enclosed: Corps PJD Letter
USFWS Consultation Letter



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

BANKS ROAD
Joseph Reed
SDG#0681

Regulatory Branch
Application Section I

MAY 16 2018

SUBJECT: CENAP-OP-R-2018-325-85 (PJD)
Project Name: Lands of Madeline Rodgers Smythe SX
Latitude and Longitude: 38.652787° N / -75.179431° W (NAD 83)

Edward M. Launay
Environmental Resources, Incorporated
38173 DuPont Boulevard
Post Office Box 169
Selbyville, Delaware 19975

Dear Mr. Launay:

This letter is written with regard to your request for verification of a preliminary jurisdictional determination. The property associated with your request is located approximately 0.5 miles southeast of the intersection of John J. Williams Highway and Banks Road, on Banks Road, Tax Map Parcel 2-34-17.00-165.00, Millsboro, Sussex County, Delaware.

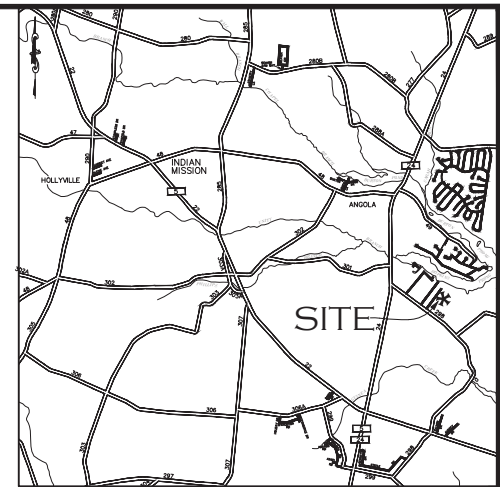
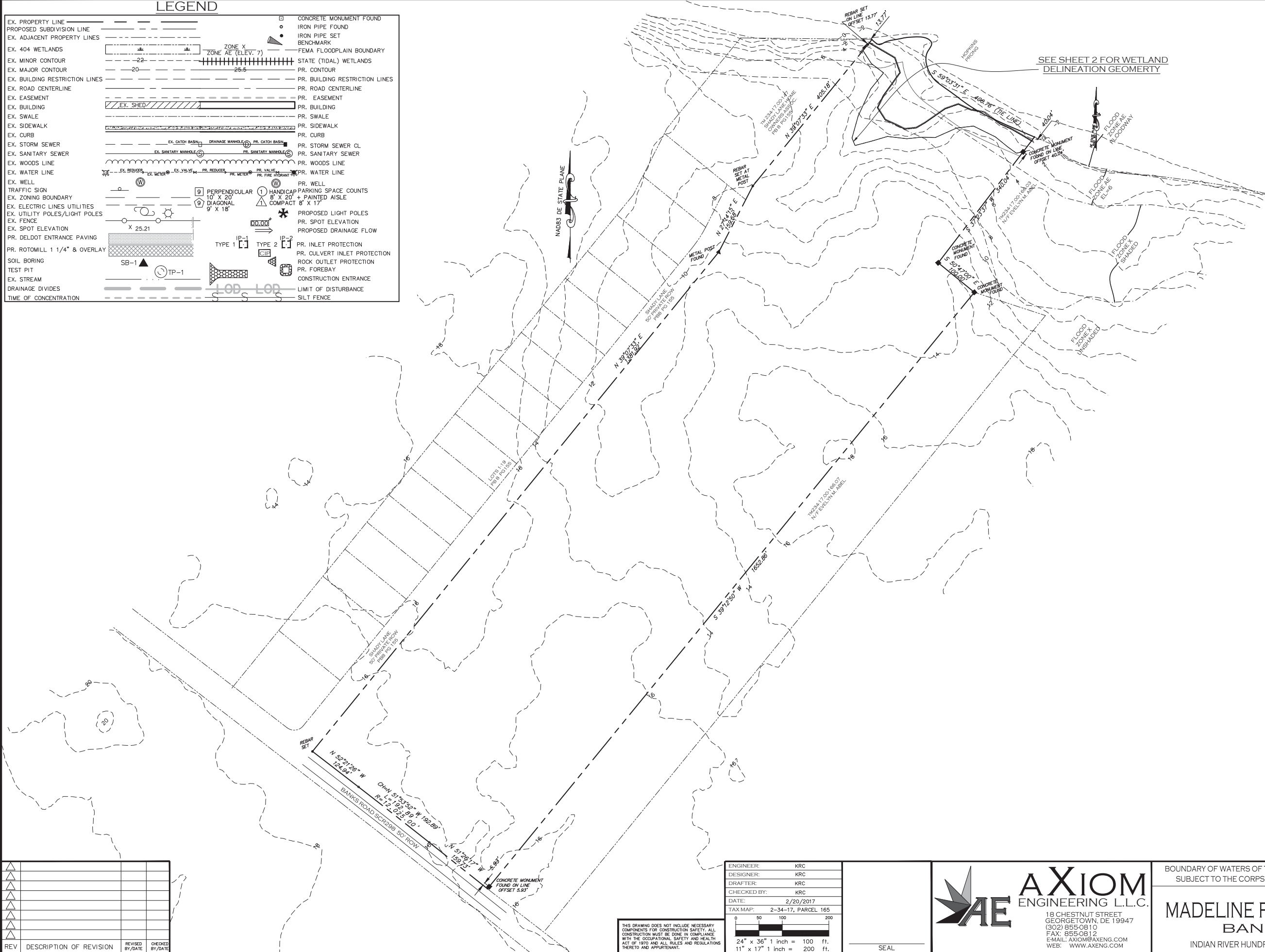
Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged and/or fill material into waters of the United States, including wetlands. Any proposal to perform the above activities within any waters of the United States, including wetlands, requires the prior approval of this office.

The plans identified on the following page depict all delineated waters and wetlands on the subject site that may be jurisdictional under Section 10 of the Rivers and Harbor Act and/or Section 404 of the Clean Water Act. This preliminary determination has been conducted to identify the location(s) of waters and wetlands that may be waters of the United States for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands, on the parcel. Preliminary JDs are advisory in nature and may not be appealed (See attached Notification of Appeal Form (Enclosure 1)); however, the applicant retains the right to request an approved Jurisdictional Determination, which may be appealed, for the site. Also enclosed (Enclosure 2) is a copy of the Preliminary

LEGEND

EX. PROPERTY LINE	CONCRETE MONUMENT FOUND
PROPOSED SUBDIVISION LINE	IRON PIPE FOUND
EX. ADJACENT PROPERTY LINES	IRON PIPE SET
EX. 404 WETLANDS	BENCHMARK
EX. MINOR CONTOUR	FEMA FLOODPLAIN BOUNDARY
EX. MAJOR CONTOUR	STATE (TIDAL) WETLANDS
EX. BUILDING RESTRICTION LINES	PR. CONTOUR
EX. ROAD CENTERLINE	PR. BUILDING RESTRICTION LINES
EX. EASEMENT	PR. ROAD CENTERLINE
EX. BUILDING	PR. EASEMENT
EX. SWALE	PR. BUILDING
EX. SIDEWALK	PR. SWALE
EX. CURB	PR. SIDEWALK
EX. STORM SEWER	PR. CURB
EX. SANITARY SEWER	PR. STORM SEWER CL
EX. WOODS LINE	PR. SANITARY SEWER
EX. WATER LINE	PR. WOODS LINE
EX. WELL	PR. WATER LINE
TRAFFIC SIGN	PR. WELL
EX. ZONING BOUNDARY	PR. HANDICAP PARKING SPACE COUNTS
EX. ELECTRIC LINES/LIGHT POLES	PR. 8' X 20' + PAINTED AISLE
EX. FENCE	PR. 9' X 18' COMPACT
EX. SPOT ELEVATION	PROPOSED LIGHT POLES
PR. DELDOT ENTRANCE PAVING	PR. SPOT ELEVATION
PR. ROTOMILL 1 1/4" & OVERLAY	PROPOSED DRAINAGE FLOW
SOIL BORING	PR. INLET PROTECTION
TEST PIT	PR. CULVERT INLET PROTECTION
EX. STREAM	PR. ROCK OUTLET PROTECTION
DRAINAGE DIVIDES	PR. FOREBAY
TIME OF CONCENTRATION	CONSTRUCTION ENTRANCE
	LIMIT OF DISTURBANCE
	SILT FENCE



VICINITY MAP
SCALE: 1" = 1 MILE

- NOTES:**
- FLOODPLAIN ZONE BOUNDARIES SHOWN WERE BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 100050343 K, DATED MARCH 16, 2015.
 - THE BOUNDARY AND WETLAND LOCATION INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN NOVEMBER 2013. TOPOGRAPHIC INFORMATION SHOWN WAS PROVIDED BY THE STATE OF DELAWARE. A FIELD SURVEY OF TOPOGRAPHIC INFORMATION MUST BE COMPLETED PRIOR TO PREPARATION OF CONSTRUCTION DRAWINGS.
 - THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.

SITE DATA:

TAX MAP	2-34-17, PARCEL 165
DEED REFERENCE	DB 3372 - PG 051
CURRENT ZONING	AR-1
EXISTING USE	VACANT
TOTAL SITE AREA	21.32± AC.

WETLANDS CERTIFICATION:
I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED ON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, 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.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAP NO. SUSSEX-095, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED ON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, 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.

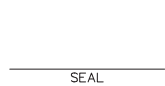
ENGINEER'S CERTIFICATION:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE No. 11553 DATE

REV	DESCRIPTION OF REVISION	REVISED BY/DATE	CHECKED BY/DATE

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO AND APPURTENANT.

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	2/20/2017
TAX MAP:	2-34-17, PARCEL 165



AXIOM ENGINEERING L.L.C.

18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXIOM.COM
WEB: WWW.AXIOM.COM

BOUNDARY OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM

PROJECT NO: 0233-1701

LANDS OF
MADELINE RODGERS SMYTHE
BANKS ROAD

INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

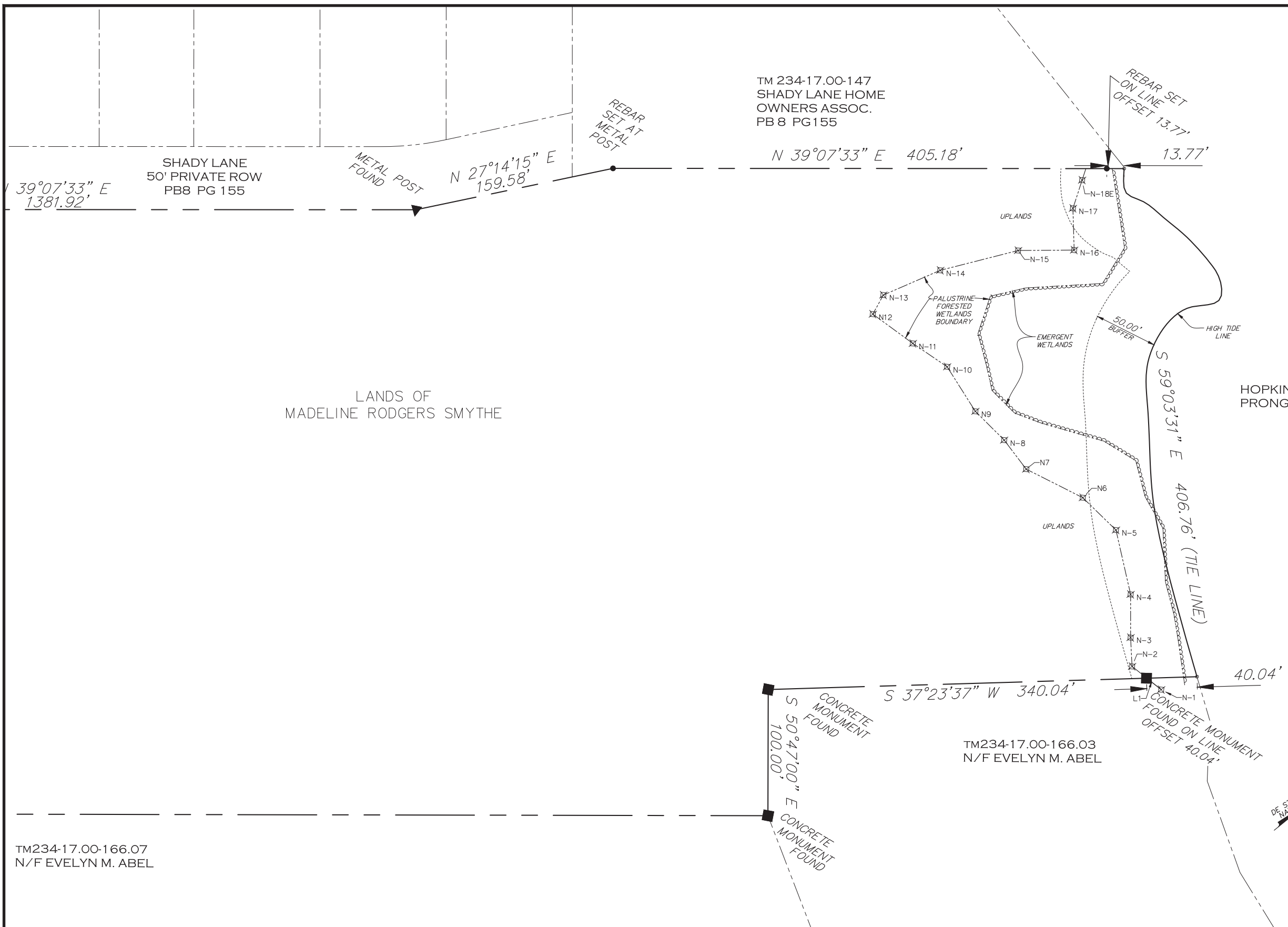
DRAWING: **WD-1**

SHEET: 1 OF 2

WETLANDS GEOMETRY

Line Table		
Line #	Length	Direction
L2	15.015	N77° 35' 26.99"E
L3	22.889	S53° 50' 24.68"E
L4	34.231	S50° 52' 18.97"E
L5	52.290	S63° 44' 23.09"E
L6	36.690	N83° 24' 57.27"E
L7	50.255	N65° 52' 15.99"E
L8	28.893	S88° 08' 02.55"E
L9	32.251	N84° 04' 34.96"E
L10	41.794	S83° 17' 09.94"E
L11	32.873	N73° 22' 49.52"E
L12	39.329	N75° 14' 04.02"E
L13	17.297	S22° 01' 40.20"E
L14	49.187	S15° 37' 49.23"W
L15	63.647	S24° 49' 34.41"W
L16	44.462	S38° 40' 38.85"W
L17	33.088	S52° 37' 20.08"E
L18	23.524	S32° 48' 38.24"E
L19	9.638	S32° 48' 38.24"E
L1	14.750	N76° 47' 34.24"E

NOTE:
LINE L1 IS A TIE LINE FROM THE CONCRETE PROPERTY CORNER MARKER TO FLAG N-1



REV	DESCRIPTION OF REVISION	REVISED BY/DATE	CHECKED BY/DATE

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO AND APPURTENANT.

ENGINEER: KRC
 DESIGNER: KRC
 DRAFTER: KRC
 CHECKED BY: KRC
 DATE: 2/20/2017
 TAX MAP: 2-34-17, PARCEL 165

0 20 40 80
 24" x 36" 1 inch = 40 ft.
 11" x 17" 1 inch = 80 ft.

AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 (302) 855-0810
 FAX: 855-0812
 E-MAIL: AXIOM@AXENG.COM
 WEB: WWW.AXENG.COM

BOUNDARY OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM

LANDS OF
MADELINE RODGERS SMYTHE
 BANKS ROAD
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:
0233-1701

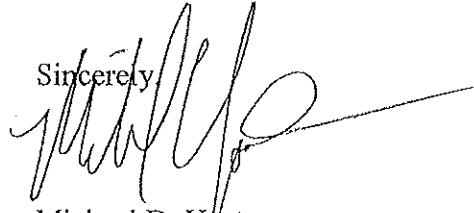
DRAWING:
WD-2

SHEET:
2 OF 2

Jurisdictional Determination Form signed by the applicant or his agent agreeing to accept a preliminary jurisdictional determination. Please be aware that for purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S.

This letter is valid for a period of five (5) years. This preliminary jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the preliminary jurisdictional determination at any time should existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete, or inaccurate.

If you have any questions regarding this matter, please contact Mr. Michael D. Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil or write to the above address.

Sincerely

Michael D. Yost
Biologist, Application Section I

SUBJECT PROPERTY: The property is located approximately 0.5 miles southeast of the intersection of John J. Williams Highway and Banks Road, on Banks Road, Tax Map Parcel 2-34-17.00-165.00, Millsboro, Sussex County, Delaware. The parcel is 21.32 acre in size with 0.48 acres of forested wetlands and 0.47 acre of emergent wetlands.

SURVEY DESCRIPTION: Plans prepared by Axiom Engineering LLC, dated February 20, 2017 and certified by Edward M. Launay on February 12, 2018 entitled: *LANDS OF~MADELINE RODGERS SMYTHE~BANKS ROAD~INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE*, 2 sheets.

COMMENTS: This determination is based on a report prepared by Environmental Resources, Incorporated, dated February 12, 2018; no site inspection was performed by this office. This determination applies only to the specific project site referenced above.

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:
Project Code: 2022-0045635
Project Name: Westwood Shores Residential Community

May 23, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Project Code: 2022-0045635

Event Code: None

Project Name: Westwood Shores Residential Community

Project Type: Residential Construction

Project Description: Construct a residential community on the upland portion of the property

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.652505399999995,-75.1797098746998,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p>	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

ESTUARINE AND MARINE DEEPWATER

- [Estuarine](#)
-

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email elaunay@ericonsultants.com

Phone: 3024369637

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AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN ~~AR-1 AGRICULTURAL RESIDENTIAL DISTRICT~~ TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS

WHEREAS, on the ~~4th day of August 2017~~, a zoning application, denominated Change of Zone No. ~~1844~~, was filed on behalf of Boardwalk Development, LLC, aka Westridge Shores; and

8TH DAY OF OCTOBER, 2021

1958

9TH DAY OF JUNE 2022

WHEREAS, on the 8th day of February 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the ~~22nd day of February 2018~~, said Planning and Zoning Commission recommended that Change of Zone No. ~~1844~~ be approved with conditions; and

1958

12TH DAY OF JULY

WHEREAS, on the 13th day of ~~March 2018~~, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

2022

2018 APPROVAL TO BE AMMENDED AS NECESSARY

GR- GENERAL

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [~~AR-1 Agricultural Residential District~~] and adding in lieu thereof the designation of GR-RPC General Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southeast corner of Shady Lane and Banks Road and being more particularly described in the attached legal description, as prepared by Axiom Engineering, LLC.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of lots shall not exceed 54 single family lots.**
- B. A homeowner's association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water.**
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be opened in a manner which is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
- H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan.**
- I. As stated by the Applicant, all amenities shall be completed prior to the issuance of the 27th building permit.**
- J. A 20 foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees. Trees shall be left to the extent possible and removal shall be minimized next to the Hopkins Prong.**
- K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**

- M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2555 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF MARCH 2018.



 ROBIN A. GRIFFITH
 CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Boardwalk Development, LLC to amend the Comprehensive Zoning Map of Sussex County from an ~~AR-1 Agricultural Residential District~~ to a GR-RPC General Residential District – Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 21.26 acres, more or less [located at the southeast corner of Shady Lane and Banks Road] (Tax I.D. No. 234-17.00-165.00) (911 Address: None Available). GR-GENERAL
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Ken Christenbury with Axiom Engineering, LLC and Joseph Reed, owner of Boardwalk Development, LLC, were present on behalf of the application; that the Applicant proposes 54 single family dwellings on 21.32 acres which is a 2.54 density; that the site is consistent with the character and trend of the development in the area; that Shady Lane is a community with a mix of mobile homes, modular homes, stick built homes and has a density of 2.67 dwelling units per acre; that the adjoining Dogwood Lane Development has a density of 9.32 dwelling units per acre; that there are no sidewalks in either community; that they are proposing 43% open space including preservation of 6 1/2 acres of existing forest; that there will be sidewalks on both sides of the streets; that there will be protection of the forested wetlands; that there are large wooded buffers on both sides; that to the north, the minimum buffer is 68 feet wide and widens out as it gets farther back in the project; that along the waterfront, there is a 20 foot forested buffer; and that on the south side, open space is 50 to 100 feet deep.
- C. Council also found that the project will be served by Sussex County sewer and Tidewater Utilities will provide water; that the project is in the ~~Environmentally Sensitive Developing Area~~ and complies with that section of Code; that there is open space with amenities along the water for the entire community; that the property ~~currently consists of 66 unimproved lots~~ and they are proposing 54 lots; that they are proposing a change of zone from ~~AR-1~~ to GR-RPC; that the project went to PLUS; that the project is located in the Level 3 Area in State Strategies; that the site will include stormwater management ponds and the Final Site Plan approval shall be subject to the Sussex Conservation District's final approval; that the Sussex County Engineering Department will construct sewer within two years; that the Coastal GR

DelDOT Service Level Evaluation did not require a Traffic Impact Study; that there are no known endangered species on the parcel; that they have provided a draft of covenants; and that the property will be compatible with the surrounding area and will be an improvement to the area.

D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 9) and Conditions (10A through 10O), as amended, Council found that:

1. The property is currently zoned ~~AR-1~~ ^{GR (General} Agricultural Residential District). However, both the deed to the property and a recorded plot for the property reference 66 lots within the 21.16 acre parcel. This density is similar to the density permitted within the GR Zoning District.
- ~~2. GR Zoning is also consistent with the adjoining Dogwood Lane Development, which has a density of 9.32 units per acre.~~
3. The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a GR-RPC. Central water will also be provided.
4. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will maintain 43% open space, which includes 6.5 acres of existing forest. It also includes large wooded buffers on both sides of the site. There will also be amenities along the water available to the entire community.
5. The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics. This is basically in-fill development, with a density similar to what exists in the immediate area.
6. The proposed development will have a density of 2.54 units per acre, which is less than the 2.67 units per acre to the north, and the 9.32 units per acre to the south.
7. According to the County's current Comprehensive Plan, the project is in a ~~Coastal Developing Area~~.
8. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
9. No parties appeared in opposition to the application.
10. Based on the record and recommendation of the Planning & Zoning Commission, the Change of Zone is approved subject to fifteen (15) conditions (A - O), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

