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DIRECTOR OF PLANNING & ZONING  
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**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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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



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**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: June 23<sup>rd</sup>, 2022

Application: Ord. 22-05 Howeth Property

Applicant: J.G. Townsend Jr. & Co.  
P.O. Box 430  
Georgetown, DE 19947

Owner: J.G. Townsend Jr. & Co.  
P.O. Box 430  
Georgetown, DE 19947

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: 84 Multifamily Units and other associated site improvements

Comprehensive Land Use Plan Reference: Commercial Area & Coastal Area (subject to FLUM Amendment to change portion designated as Commercial Area to Coastal Area.)

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

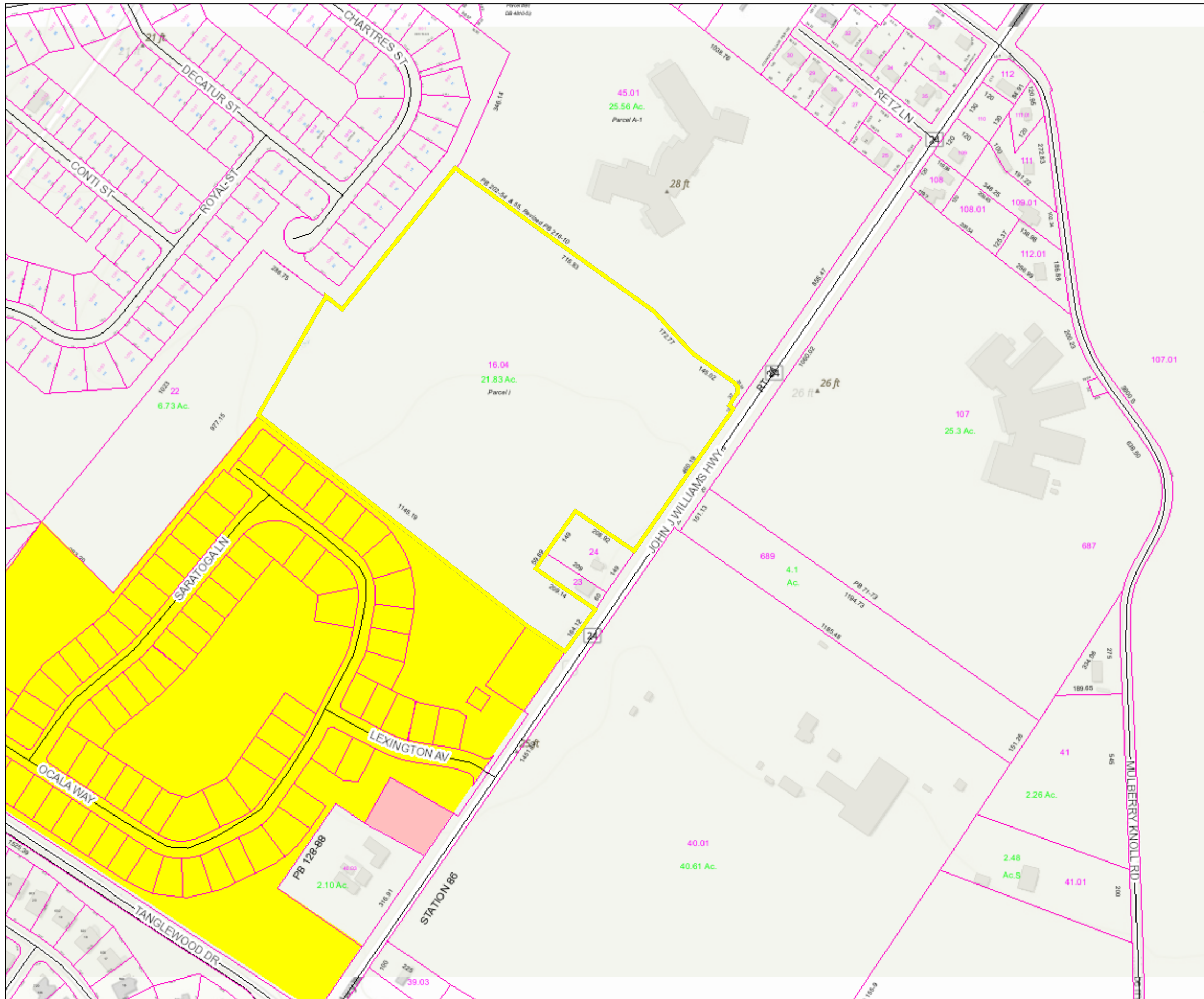
Site Area: 21.62 acres +/-

Tax Map IDs.: 334-12.00-16.04





# Sussex County



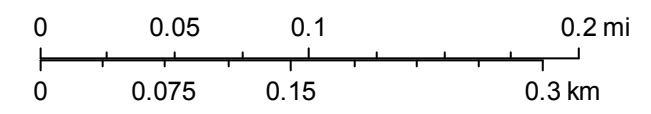
<b>PIN:</b>	334-12.00-16.04
<b>Owner Name</b>	TOWNSEND J G JR CO
<b>Book</b>	0
<b>Mailing Address</b>	PO BOX 430
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NW/RT 24
<b>Description 2</b>	SW/RT 284
<b>Description 3</b>	PARCEL 1
<b>Land Code</b>	

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- polygonLayer

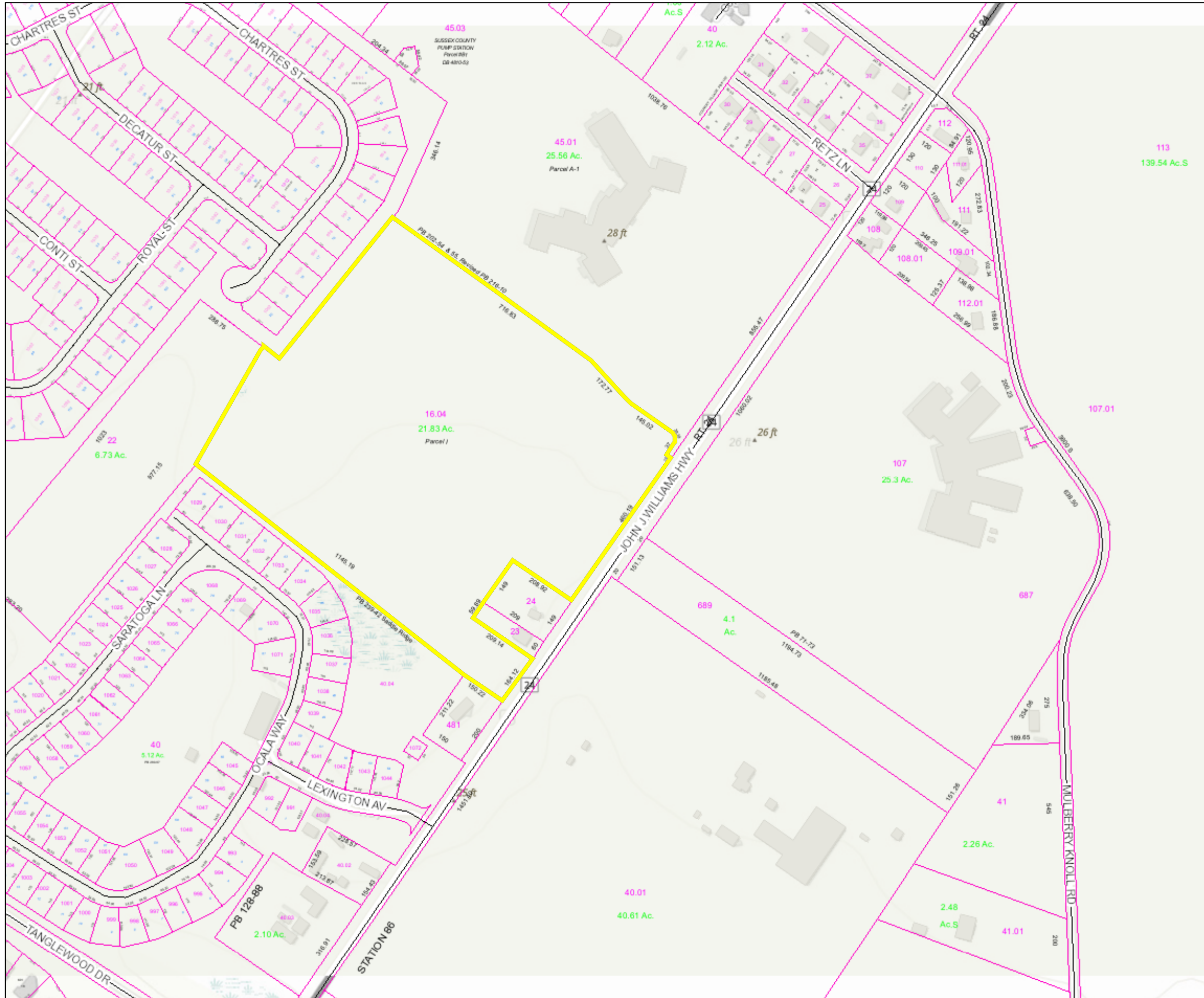
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  - Tax Parcels
  - Streets

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# Sussex County



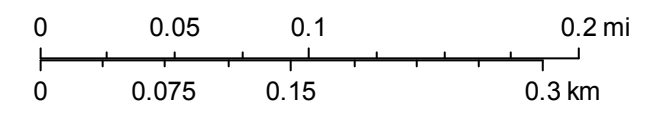
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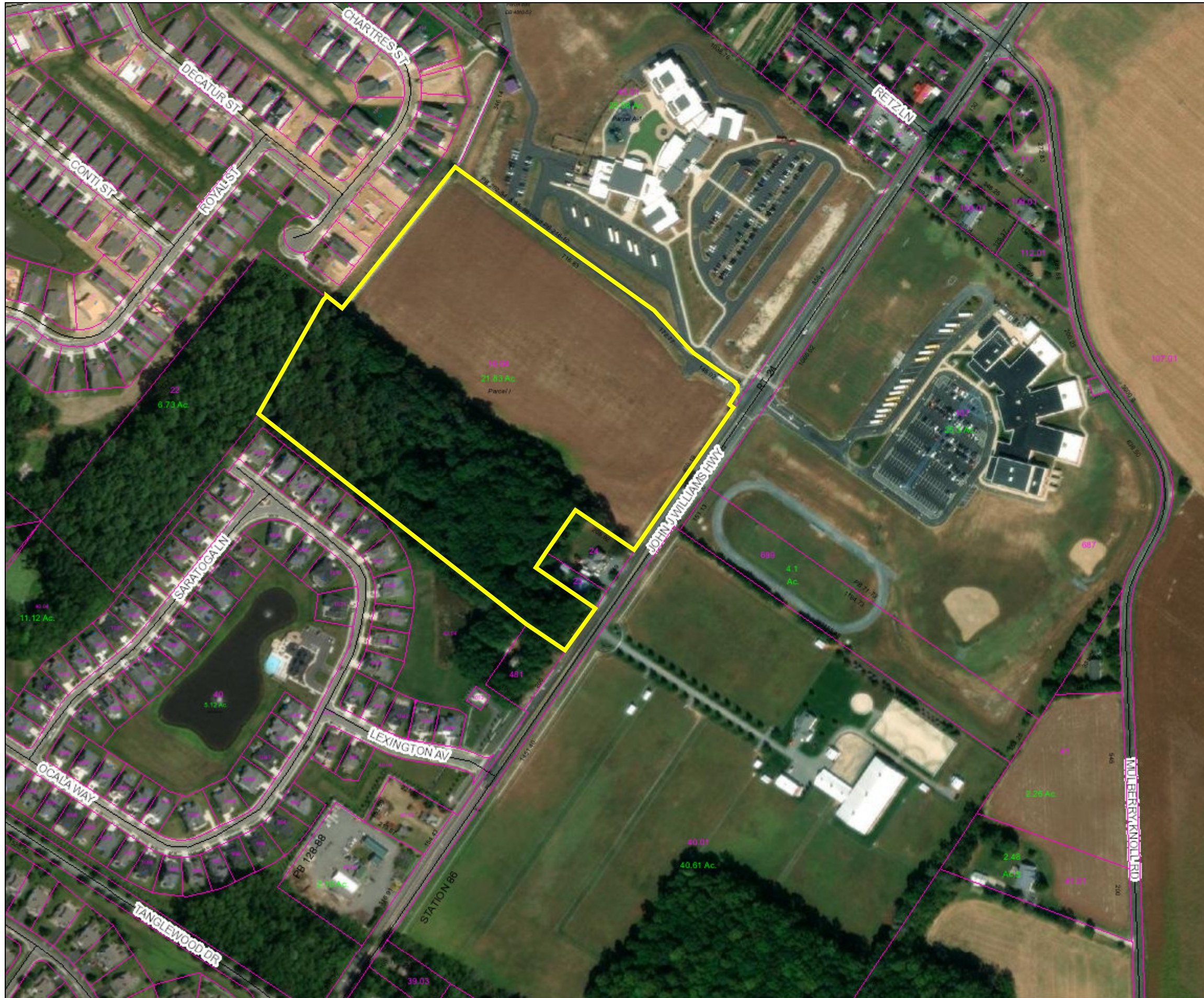
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  - Tax Parcels
  - Streets
  - County Boundaries

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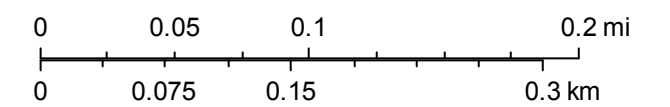
# Sussex County



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<b>Owner Name</b>	TOWNSEND J G JR CO
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<b>Mailing Address</b>	PO BOX 430
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<b>Description</b>	NW/RT 24
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<b>Land Code</b>	

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

1:4,514



Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
BEAMER EDWARD JR	TORI J HOOPER	19110 CHARTRES ST	LEWES	DE	19958	334-12.00-1000.00
WALTERS JOHN H	CHERYL A JUSTISON	28290 SARATOGA LN	LEWES	DE	19958	334-18.00-1016.00
ZIMMER RICHARD	JOANNE ZIMMER	21055 DECATUR ST	LEWES	DE	19958	334-12.00-1017.00
POTTS DONALD J	JOAN F POTTS	19268 CHARTRES ST	LEWES	DE	19958	334-12.00-1105.00
PARADYSZ RONALD W	<Null>	21109 CONTI ST	LEWES	DE	19958	334-12.00-1045.00
ULRICH WILLIAM KIRK	JEAN MARIE ULRICH	21159 CONTI ST	LEWES	DE	19958	334-12.00-1037.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1337.00
STANLEY THOMAS RUSSELL	TAMARA KRYSTAL STANLEY	28240 SARATOGA LN	LEWES	DE	19958	334-18.00-1023.00
OSWINKLE AUSTIN DAVID	MEGHAN M MCGLOIN	28282 SARATOGA LN	LEWES	DE	19958	334-18.00-1017.00
LEWIS EILEEN LINDA	DIXIE ANN MARIE LEWIS	21208 DAUPHINE ST	LEWES	DE	19958	334-12.00-1324.00
RICOTTA JOHN J	GLORIA D RICOTTA	2018 HILYER PL NW	WASHINGTON	DC	20009	334-18.00-1058.00
HOFFMAN JOHN M	GEORGIANA HOFFMAN	5 ROBIN DR	HOCKESSIN	DE	19707	334-18.00-1002.00
SPANGLER MICHAEL LYNN	JUDITH ROSE SEIBERT	22463 OCALA WAY	LEWES	DE	19958	334-18.00-1038.00
RUSHTON THOMAS JOSEPH IV	DOREEN DANIELLE RUSHTON	128 KESTREL RD	MOUNTAIN TOP	PA	18707	334-18.00-997.00
RONALD MARK H & MARY ANN RONALD	TRUSTEES	205 RODNEY ST	REHOBOTH BEACH	DE	19971	334-18.00-40.01
MEDOFF STEVEN LANDERS	ELEONORA MEDOFF	19119 CHARTRES ST	LEWES	DE	19958	334-12.00-1013.00
CAMPIONE THOMAS J	BARBARA ANN CAMPIONE	21045 DECATUR ST	LEWES	DE	19958	334-12.00-1019.00
PERONTI BETTINA MARIE	<Null>	19358 ROYAL ST	LEWES	DE	19958	334-12.00-1063.00
MANTARRO VICTOR J	AIPING WANG	22449 OCALA WAY	LEWES	DE	19958	334-18.00-1035.00
LUCKING BERNADETTE M	<Null>	21016 DECATUR ST	LEWES	DE	19958	334-12.00-1027.00
SPIERING SUSAN COWAN	BRIAN THOMAS SPIERING	19388 ROYAL STREET	LEWES	DE	19958	334-12.00-1070.00
FEUERSTEIN ROBERT A	PHYLLIS LEVINE-FEUERSTEIN	19392 ROYAL ST	LEWES	DE	19958	334-12.00-1071.00
ORLOWSKI LIDIA TTEE REV TR	ANTHONY F CINQUEGRANI TTEE REV TR	21202 DAUPHINE ST	LEWES	DE	19958	334-12.00-1326.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1331.00
GRAHAM DENNIS RAYMOND	PATRICIA ANNE GRAHAM	8565 DANBURY BLVD APT 202	NAPLES	FL	34120	334-12.00-1108.00
WEIBEL EMILY LYNN	<Null>	19214 CHARTRES ST	LEWES	DE	19958	334-12.00-1119.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1263.00
CHANEY RENEE BETH	<Null>	18781 BETHPAGE DR	LEWES	DE	19958	334-12.00-1088.00
PLEBANI THOMAS J	CLAUDETTE MARIE PLEBANI	19146 CHARTRES ST	LEWES	DE	19958	334-12.00-990.00
TOCCI ANTHONY TTEE	REV LIV TR	19224 CHARTRES ST	LEWES	DE	19958	334-12.00-1117.00
KENNEDY ROGER LEE TTEE ANN B KENNEDY	TTEE OF ROGER KENNEDY TR	19329 ROYAL ST	LEWES	DE	19958	334-12.00-1087.00
AMATO SUSAN M	<Null>	19367 ROYAL ST	LEWES	DE	19958	334-12.00-1097.00
OLSEN WILLIAM RICHARD JR	MARIE ELIZABETH OLSEN	19368 ROYAL ST	LEWES	DE	19958	334-12.00-1065.00
GULINO RAYMOND	OLGA GULINO	23030 BOURBON CIR	LEWES	DE	19958	334-12.00-1102.00
WARREN SAMUEL LESLIE	MARILYN ANN BLOCK	23016 BOURBON CIR	LEWES	DE	19958	334-12.00-1076.00
LEONARDI THOMAS J	DOROTHY C LEONARDI	28245 SARATOGA LN	LEWES	DE	19958	334-18.00-1063.00
JONES WILLIAM R	BONNIE M JONES	19134 CHARTRES ST	LEWES	DE	19958	334-12.00-994.00
SCANLON ELLEN	KEVIN SCANLON	19353 ROYAL ST	LEWES	DE	19958	334-12.00-1094.00
BROCKETT-LALETAS BARBARA	ERNEST LALETAS	615 PEPPERBUSH CT	WILMINGTON	DE	19808	334-12.00-1100.00
BINGNEAR JAMES WARNER	PAMELA JANE BINGNEAR	19109 CHARTRES ST	LEWES	DE	19958	334-12.00-1081.00
HCA MODEL FUND 2018-15 TEXAS LLC	<Null>	17950 PRESTON RD STE 300	DALLAS	TX	75252	334-12.00-1003.00
STERNBERG DENIS	<Null>	19266 CHARTRES ST	LEWES	DE	19958	334-12.00-1106.00
DINKA RICHARD J	CORA DINKA	28251 SARATOGA LN	LEWES	DE	19958	334-18.00-1062.00
FINNERTY JOHN MARK	<Null>	22605 OCALA WAY	LEWES	DE	19958	334-18.00-1007.00
LEINBACH STEPHANIE	<Null>	22513 OCALA WAY	LEWES	DE	19958	334-18.00-993.00

MAGRATH PAUL	LINSEY ANN MAGRATH	21216 DAUPHINE ST	LEWES	DE	19958	334-12.00-1320.00
SLATIN MARK R	KATHERINE SLATIN	21214 DAUPHINE ST	LEWES	DE	19958	334-12.00-1321.00
DUNNING KEITH	THERESA CAROL DUNNING	21212 DAUPHINE ST	LEWES	DE	19958	334-12.00-1322.00
BURNS STANLEY J	MARILYN S BURNS	23236 BOURBON CIR	LEWES	DE	19958	334-12.00-1333.00
BERARD GARY ARTHUR TTEE	SARAH KERR CONWAY TTEE DEUX BEAUX FILS T	22616 OCALA WAY	LEWES	DE	19958	334-18.00-1014.00
FADER DOLORES M TTEE LIV TR	<Null>	2104 WILLIAMSBURG CT	WILMINGTON	DE	19810	334-12.00-1024.00
STRAUSS EDWARD J	ANITA C STRAUSS	19213 CHARTRES ST	LEWES	DE	19958	334-12.00-1026.00
GONSKI RANDOLPH	LYNNE GONSKI	11 STIRES WAY	PITTSTOWN	NJ	8867	334-12.00-1047.00
HILL GLENN ALAN	MARGARET MARY HILL	19374 ROYAL ST	LEWES	DE	19958	334-12.00-1066.00
KOST MONIKA LILLIAN	DENISE MARIE SAMIDE	27 WHITSON RD	HUNTINGTON STATION	NY	11746	334-12.00-1067.00
YACUCCI ANN	<Null>	19255 CHARTRES ST	LEWES	DE	19958	334-12.00-1079.00
TODD GEORGE S	JEFFREY A BAKER	223 NORTHERN OAK ST	MIDDLETOWN	DE	19709	334-12.00-1080.00
MAMMARELLA JOSEPH	<Null>	22402 OCALA WAY	LEWES	DE	19958	334-18.00-1028.00
FOX THOMAS E	PATRICIA A FOX	37 GLENLAWN AVE	SEA CLIFF	NY	11579	334-18.00-1042.00
MURRAY THOMAS A	PAUL A PAOLINI	16822 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1043.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-17.03
NEGRAN THOMAS J	MARK WOROSILO	19124 CHARTRES ST	LEWES	DE	19958	334-12.00-997.00
ZIELINSKI WILLIAM THOMAS JR	CATHERINE L ZIELINSKI	21048 DECATUR ST	LEWES	DE	19958	334-12.00-1032.00
TAYLOR DAVID M TTEE	DENA K TAYLOR TTEE JT REV TR	22634 OCALA WAY	LEWES	DE	19958	334-18.00-1012.00
TURNER DONNA RICHARDS	DAVID ROBERT TURNER JR	19263 CHARTRES ST	LEWES	DE	19958	334-12.00-1077.00
WILSON PAUL GEORGE	SHERRY ANN WILSON	23006 BOURBON CIR	LEWES	DE	19958	334-12.00-1073.00
MIDWINTER GREGORY Y DREW R MIDWINTER	JOHN L MIDWINTER ALYSON MARTIN ETAL6	15 OAKLAWN DR	BARKHAMSTED	CT	6063	334-18.00-1006.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.04
DENTON TRACY A	BRENDA LEE WELSH	21211 DAUPHINE ST	LEWES	DE	19958	334-12.00-1381.00
GOOD DUANE	REBECCA GOODMAN	19303 ROYAL ST	LEWES	DE	19958	334-12.00-1082.00
SEANOR ROBERT	DARLENE A SEANOR	19339 ROYAL ST	LEWES	DE	19958	334-12.00-1090.00
RANAZZO JOSEPH	JOHN HENRY CARTY	19227 CHARTRES ST	LEWES	DE	19958	334-12.00-1046.00
BROODER BRANDEN MICHAEL	ALISON VALK WOOLWORTH	22570 OSCALA WAY	LEWES	DE	19958	334-18.00-1053.00
RYCHLESKI RAYMOND JOSEPH	KRYSTLE SMITH RYCHLESKI	16845 LEXINGTON AVE	LEWES	DE	19958	334-18.00-992.00
NIEMKIEWICZ JOHN	IRENE WYBAR NIEMKIEWICZ	22516 OCALA WAY	LEWES	DE	19958	334-18.00-1048.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.05
TOWNSEND J G JR CO	<Null>	PO BOX 430	GEORGETOWN	DE	19947	334-12.00-16.04
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-45.01
ADLER KEVIN ROSS	LEONARD S ADLER TTEE REV LIV TR	12500 PARK POTOMAC AVE #509N	POTOMAC	MD	20854	334-12.00-1069.00
ANFUSO ANTHONY	ELLEN ANFUSO	22429 OCALA WAY	LEWES	DE	19958	334-18.00-1033.00
MANENTE JOSEPH N	MICHAEL J MIREIDER	19149 CHARTRES ST	LEWES	DE	19958	334-12.00-1009.00
PETRINO ALEXANDER DAMIAN	MICHAEL JOHN YOUSKO	22528 OCALA WAY	LEWES	DE	19958	334-18.00-1049.00
BURNS MAUREEN ANN TTEE	JOHN AND MAUREEN BURNS REV TR	19120 CHARTRES ST	LEWES	DE	19958	334-12.00-998.00
WENDOLOWSKI JOSEPH SR	ANGELA MARIE WENDOLOWSKI	21138 CONTI ST	LEWES	DE	19958	334-12.00-1054.00
MARTIN STEVE JOHN	JENNIFER TIRRELL MARTIN	48 WYNDOM CIR	HOCKESSIN	DE	19707	334-12.00-1059.00
CRNKOVICH WILLIAM JOHN	DONNA WHEELER CRNKOVICH	21222 DAUPHINE ST	LEWES	DE	19958	334-12.00-1318.00
USINGER JON ANDREW	LUANNE CAROL USINGER	21229 DAUPHINE ST	LEWES	DE	19958	334-12.00-1374.00
SUTCLIFFE JOYCE DARKOCH	<Null>	22459 OCALA WAY	LEWES	DE	19958	334-18.00-1037.00
GREEN EDMUND L TTEE	REV LIV TR	22500 OCALA WAY	LEWES	DE	19958	334-18.00-1046.00
WOLLINS JONATHAN S	PEGGY S WOLLINS	22423 OCALA WAY	LEWES	DE	19958	334-18.00-1032.00
HOINOWSKI JOSHUA C	GRACE MARIE HOINOWSKI	28246 SARATOGA LN	LEWES	DE	19958	334-18.00-1022.00

KROLL WILLIAM G	REGINA L KROLL	22625 OCALA WAY	LEWES	DE	19958	334-18.00-1010.00
NOWELL MELISSA ANN	<Null>	21023 DECATUR ST	LEWES	DE	19958	334-12.00-1022.00
OLEARY DANIEL STEVEN	KAREN MARY OLEARY	21143 CONTI ST	LEWES	DE	19958	334-12.00-1040.00
SFERRELLA SHEILA M	CINDY S WEDEL	756 NEWBERRY RD	NASHVILLE	TN	37205	334-12.00-1312.00
STOWELL THOMAS	JULIE PENNY-STOWELL	21217 DAUPHINE ST	LEWES	DE	19958	334-12.00-1379.00
DUBOIS MICHAEL BRUCE	ROBERTA ANN DUBOIS	73 ELMONT RD	HAMILTON	NJ	8610	334-12.00-1098.00
BASKIN JEFFRY VICTOR	BARBARA ANNE BASKIN	19201 CHARTRES ST	LEWES	DE	19958	334-12.00-1023.00
FALLON KATHERINE MOORE	<Null>	19256 CHARTRES ST	LEWES	DE	19958	334-12.00-1109.00
AMIANO ROBERT JOSEPH	LISA G AMIANO	22561 OCALA WAY	LEWES	DE	19958	334-18.00-1001.00
HAMPSON RICHARD JOHN SR	ERICA HAMPSON	34 MANOR AVWE	POMPTON PLAINS	NJ	7444	334-18.00-1020.00
BOEMIO MARK A	LINDA MARIE BOEMIO	22435 OCALA WAY	LEWES	DE	19958	334-18.00-1034.00
ASCH MITCHELL H	CAROL R ASCH	960 FELL ST UNIT 516	BALTIMORE	MD	21231	334-12.00-1078.00
AYERS CARL E	REGINA AYERS	21219 DAUPHINE ST	LEWES	DE	19958	334-12.00-1378.00
MILLS CHERIE W TTEE	<Null>	22438 OCALA WAY	LEWES	DE	19958	334-18.00-1070.00
SPONG CHRISTOPHER G TTEE REV	IRINA GORBASHEVA TTEE LIV TR	22589 OCALA WAY	LEWES	DE	19958	334-18.00-1005.00
PLA WILFRED LOUIS	KAREN MAURIE PLA	19144 CHARTRES ST	LEWES	DE	19958	334-12.00-991.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-984.00
CACCESE ANTHONY GERARD II	LAURA HOLZ CACCESE	19270 CHARTRES ST	LEWES	DE	19958	334-12.00-1104.00
GEARHART HENRY R	MARY K GEARHART	28217 SARATOGA LN	LEWES	DE	19958	334-18.00-1067.00
LYNCH EDWARD J	MARY LYNCH P	28212 SARATOGA LN	LEWES	DE	19958	334-18.00-1027.00
KITTKA STEVEN J	LYNNE A KITTKA	22456 OCALA WAY	LEWES	DE	19958	334-18.00-1071.00
ROTH EDWARD MICHAEL III	CAROL MARIE ROTH	19234 CHARTRES ST	LEWES	DE	19958	334-12.00-1114.00
BARROW PAUL F	JOAN A BARROW	19347 ROYAL ST	LEWES	DE	19958	334-12.00-1092.00
GARNEAU PETER B TTEE	DENNIS R RODRIGUEZ TTEE REV LIV TR	21147 CONTI ST	LEWES	DE	19958	334-12.00-1039.00
ANUSZEWSKI ALFRED	MI KING ANUSZEWSKI	21131 CONTI ST	LEWES	DE	19958	334-12.00-1042.00
COOPER ROBERT D	SUZANNE A COOPER	22494 OCALA WAY	LEWES	DE	19958	334-18.00-1045.00
HANKIN-BERNSTEIN MELANIE	<Null>	28226 SARATOGA LN	LEWES	DE	19958	334-18.00-1025.00
WANG TAMMY	<Null>	22576 OCALA WAY	LEWES	DE	19958	334-18.00-1054.00
SMITH BRIAN	DONNA SMITH	22584 OCALA WAY	LEWES	DE	19958	334-18.00-1055.00
REPKO MARK R	PATRICIA A REPKO	22453 OCALA WAY	LEWES	DE	19958	334-18.00-1036.00
SOTO DALE LEE	KAREN H SOTO	22562 OCALA WAY	LEWES	DE	19958	334-18.00-1052.00
MAXEY ROBERT D	SUZANNE ACEE MAXEY	4293 VIRIDIAN TERR	MONROVIA	MD	21770	334-18.00-1059.00
ALMACY NANCY S TTEE LIV TR	<Null>	19116 CHARTRES ST	LEWES	DE	19958	334-12.00-999.00
DEFAZIO THOMAS J	CLAIRE I DEFAZIO	19150 CHARTRES ST	LEWES	DE	19958	334-12.00-989.00
GRANT LAYMEN R TTEE KATHLEEN P GRANT	TTEE OF LRG AND KPG TR	19361 ROYAL ST	LEWES	DE	19958	334-12.00-1096.00
DEVITA LORIANNE	JOHN FRANK DEVITA JR	456 RED FOX RD	WAYNE	PA	19087	334-12.00-1051.00
SMALLEY MARK DAVID TTEE	PATRICIA STAKER SMALLEY TTEE LIV TR	21226 DAUPHINE ST	LEWES	DE	19958	334-12.00-1316.00
SPRAGUE WILLIAM LAWRENCE	MARY CANDACE ETSON-SPRAGUE	21218 DAUPHINE ST	LEWES	DE	19958	334-12.00-1319.00
EMERICK MATTHEW D	KIMBERLY L EMERICK	22471 OCALA WAY	LEWES	DE	19958	334-18.00-1039.00
MILLER ROBIN	RAYMOND MILLER	22415 OCALA WAY	LEWES	DE	19958	334-18.00-1031.00
NETTO JOSE	<Null>	36378 TALL GRASS CT	LEWES	DE	19958	334-12.00-23.00
DUNAWAY KENNETH HUDNALL	SUSAN CARSON TRUESDELL	19248 CHARTRES ST	LEWES	DE	19958	334-12.00-1111.00
KOHLER ROBERT JOSEPH JR	NANCY L KOHLER	16839 LEXINGTON AVE	LEWES	DE	19958	334-18.00-991.00
MCKEON GEORGE	MARY MCKEON	22611 OCALA WAY	LEWES	DE	19958	334-18.00-1008.00
ZHANG SHUNLI	YONGHONG LI	678 HAMPTON HILLS DR	CAMDEN	DE	19934	334-18.00-1029.00
SESTAK JOSEPH P	KAREN A SESTAK	22510 OCALA WAY	LEWES	DE	19958	334-18.00-1047.00

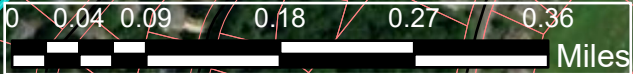
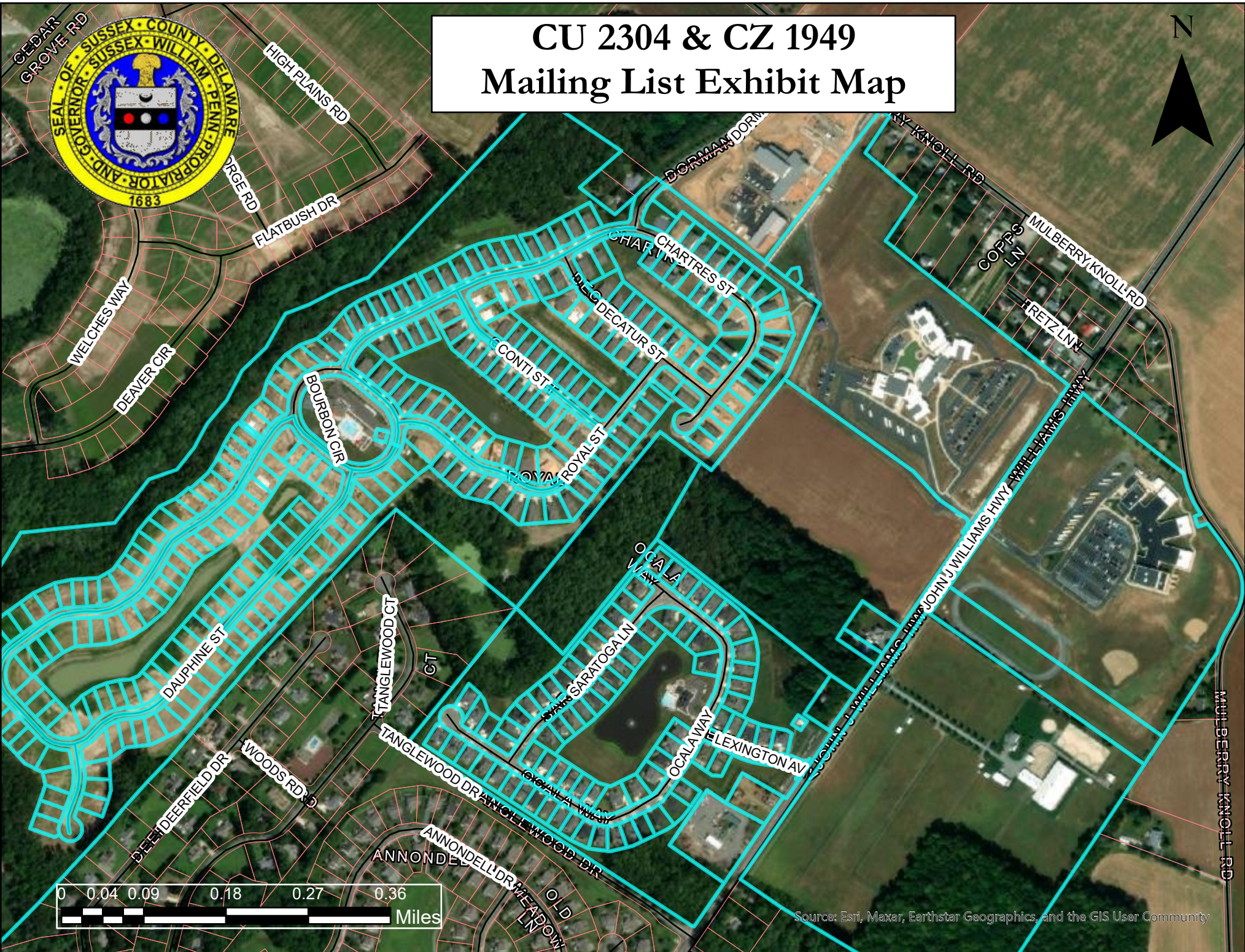


K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-17.05
POWELL WALLACE & ANNA CHRISTINE	<Null>	27992 POSSUM POINT RD	MILLSBORO	DE	19966	334-18.00-40.02
MASTROSIMONE WILLIAM	SHARON J MATROSIMONE	19204 CHARTRES ST	LEWES	DE	19958	334-12.00-1121.00
SHAFFER STEPHEN E	SHARON DIANE SHAFFER	21028 DECATUR ST	LEWES	DE	19958	334-12.00-1029.00
BOWEN WAYNE D	BARBARA E BOWEN	21036 DECATUR ST	LEWES	DE	19958	334-12.00-1030.00
RICE LAWRENCE M JR	<Null>	22422 OCALA WAY	LEWES	DE	19958	334-18.00-1068.00
KEISER STEPHEN KRAIG II	RAUL MICHAEL REYES	19162 CHARTRES ST	LEWES	DE	19958	334-12.00-986.00
TURNER EDWARD MAUNEY	IRIS GRISARD TURNER	19244 CHARTRES ST	LEWES	DE	19958	334-12.00-1112.00
DEBONTE CORNELIUS JR TTEE	BARBARA P DEBONTE TTEE REV TR	19240 CHARTRES ST	LEWES	DE	19958	334-12.00-1113.00
REIMAN SCOTT F	SOPHIA M SHUPE	19230 CHARTRES ST	LEWES	DE	19958	334-12.00-1115.00
STEIN DAVID IRWIN	DIAN G STEIN	19220 CHARTRES ST	LEWES	DE	19958	334-12.00-1118.00
MEATH MICHAEL FREDERICK	SUSAN ELIZABETH MEATH	19382 ROYAL ST	LEWES	DE	19958	334-12.00-1068.00
COLES GAIL R	<Null>	4581 BELMONT DR	EMMAUS	PA	18049	334-12.00-1314.00
TSYVINE ROMAN	TATYANA TSYVINE	23128 BOURBON CIR	LEWES	DE	19958	334-12.00-1327.00
PETRAKIS KAREN MARIE	<Null>	21233 DAUPHINE ST	LEWES	DE	19958	334-12.00-1372.00
NEENAN JOSEPH J	JEANNE MARIE PAVIA	21039 DECATUR ST	LEWES	DE	19958	334-12.00-1020.00
FAGAN NANCY E	JANICE I ANDINO	26 HIGHWOOD DR	DUMONT	NJ	7628	334-12.00-1021.00
BASSO RICHARD EDWARD	MARIE F BASSO	23214 BOURBON CIR	LEWES	DE	19958	334-12.00-1332.00
PRINCIOTTA ANTHONY JOHN TTEE FAM TR	MARY ELIZABETH PRINCIOTTA TTEE FAM TR	21209 DAUPHINE ST	LEWES	DE	19958	334-12.00-1382.00
MACRINI PAMELA	GREGG WOOLSTON	1516 MAX WAY	FISHKILL	NY	12524	334-18.00-998.00
OBRIEN DANIEL	<Null>	PO BOX 53	MOUNT GRETN	PA	17064	334-18.00-1015.00
LEVIN ROBERT G	KAREN LEVIN	28237 SARATOGA LN	LEWES	DE	19958	334-18.00-1064.00
VON VORYS JONI DIANE	<Null>	22428 OCALA WAY	LEWES	DE	19958	334-18.00-1069.00
ZANIN ANDREA	JOAN HELEN CAHILL	9310 ADELAIDE DR	BETHESDA	MD	20817	334-12.00-1093.00
KIRBY DAVID G	JANICE ANN KIRBY	19362 ROYAL ST	LEWES	DE	19958	334-12.00-1064.00
JOHNSON KEVIN ROBERT	JANET LEE ROBINSON-JOHNSON	23014 BOURBON CIR	LEWES	DE	19958	334-12.00-1075.00
ARMSTRONG MERRILL FREDERICK JR	JACQUELINE CORBIN-ARMSTRONG	23026 BOURBON CIR	LEWES	DE	19958	334-12.00-1103.00
SANDERS DEBRA L	FRANK L MISITI JR	113 VICTORY BLVD	STATE COLLEGE	PA	16803	334-12.00-1107.00
SALTIEL PAUL J	<Null>	68 HENNING TER	DENVILLE	NJ	7834	334-12.00-1110.00
WINSTON RICKY KEITH	SHANNON KATHLEEN WINSTON	73 LAKE AVE	REHOBOTH BEACH	DE	19971	334-12.00-1120.00
MINTEER MARY HELEN	<Null>	19198 CHARTRES ST	LEWES	DE	19958	334-12.00-1122.00
BERNARD CAROL F	DAVID R BAKER	28265 SARATOGA LN	LEWES	DE	19958	334-18.00-1060.00
MCGUCKIN BRIAN G	<Null>	16816 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1044.00
FERRERAS MARIA LOUISE	LOUISE F VEATCH	2788 THAXTON LN	OAKTON	VA	22124	334-12.00-1041.00
BOURNIQUE RICHARD F	LAURIE A BOURNIQUE	21118 CONTI ST	LEWES	DE	19958	334-12.00-1050.00
MORGAN DARRELL PETER	DARLENE BELLE MORGAN	23010 BOURBON CIR	LEWES	DE	19958	334-12.00-1074.00
GOODCOFF DAVID	CHERRIE GOODCOFF	86 AVENUE OF THE OAKS	CLIFTON PARK	NY	12065	334-12.00-1380.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.00
BURROUGHS WILLIAM G III	CHRISTINA S BURROUGHS	21234 DAUPHINE ST	LEWES	DE	19958	334-12.00-1313.00
ROTTIERS ARTHUR JOHN	MARY E ROTTIERS	21210 DAUPHINE ST	LEWES	DE	19958	334-12.00-1323.00
BULLEN LOIS ANNE	<Null>	21204 DAUPHINE ST	LEWES	DE	19958	334-12.00-1325.00
HEILMANN JENNIFER BENFORD TTEE REV TR	<Null>	23088 BOURBON CIR	LEWES	DE	19958	334-12.00-1329.00
CORRIGAN PATRICK V	<Null>	21231 DAUPHINE ST	LEWES	DE	19958	334-12.00-1373.00
BEEBE CRAIG ALAN	ERINANN FRANCIS MARTIN BEEBE	PO BOX 249	NASSAU	DE	19969	334-12.00-24.00
SEMENDINGER DANIEL JOSEPH	AIDA LUISA SANCHEZ	22590 OCALA WAY	LEWES	DE	19958	334-18.00-1056.00
STEAKLEY BRUCE L	CARYN S STEAKLEY	22629 OCALA WAY	LEWES	DE	19958	334-18.00-1011.00

BATTILANA RUSSELL A	CHRISTINE BATTILANA	28259 SARATOGA LN	LEWES	DE	19958	334-18.00-1061.00
MCCONNELL ANDREW R	<Null>	20062 JOHN J WILLIAMS HWY	LEWES	DE	19958	334-12.00-481.00
FEESER WENDI S	JUDITH L FORSTER	28283 SARATOGA LN	LEWES	DE	19958	334-18.00-1057.00
MUNROE JUDITH MARION	RICHARD PATRICK FURTADO	19343 ROYAL ST	LEWES	DE	19958	334-12.00-1091.00
SOUZA JAMES	DOREEN SOUZA	21110 CONTI ST	LEWES	DE	19958	334-12.00-1048.00
BELL RICHARD RESSLER JR	DELIA TI-MEI WAN	21112 CONTI ST	LEWES	DE	19958	334-12.00-1049.00
MERKERT WAYNE CHARLES TTEE OF MERKERT	PROTECTION TR	2 MILLS RD	SUFFERN	NY	10901	334-12.00-1123.00
GORDON JENNIFER M	<Null>	19132 CHARTRES ST	LEWES	DE	19958	334-12.00-995.00
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BENENATI ROBERT WARREN	CHRISTAL LAINE BENENATI	19102 CHARTRES ST	LEWES	DE	19958	334-12.00-1002.00
MICHNYA JAYME S	LAURA E MICHNYA	22407 OCALA WAY	LEWES	DE	19958	334-18.00-1030.00
LANG THOMAS C & NANCY B	<Null>	14 DEERFIELD LN	REHOBOTH BEACH	DE	19971	334-12.00-22.00
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SHARP DOUGLAS	XIANGCI SHARP	21056 DECATUR ST	LEWES	DE	19958	334-12.00-1033.00
SCHINDEWOLF CRAIG W	ROSEMARIE SCHINDEWOLF	21169 CONTI ST	LEWES	DE	19958	334-12.00-1035.00
WALLACE STEPHEN RODNEY	JUDY D WALLACE	19161 CHARTES ST	LEWES	DE	19958	334-12.00-1006.00
JIMENEZ EDWARD C	ELIA JIMENEZ	21123 CONTI ST	LEWES	DE	19958	334-12.00-1043.00
RICHARDSON PEGGY	<Null>	303 E RAYMOND AVE	ALEXANDRIA	VA	22301	334-12.00-1034.00
KERR MARTIN JAMES	NANCY JILL KERR	21160 CONTI ST	LEWES	DE	19958	334-12.00-1058.00
PEER KENNETH M	DEBORAH PEER	261 VREELAND AVE	MIDLAND PARK	NJ	7432	334-18.00-995.00
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BREYER CHARLES A	<Null>	19128 CHARTRES ST	LEWES	DE	19958	334-12.00-996.00
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MEREDITH JEFFREY KEITH SR TTEE	MARY JANE MEREDITH TTEE REV TR	135 VILLAGE DR	SEAFORD	DE	19973	334-18.00-40.03
DALEY RALPH	MARY DALEY	28276 SARATOGA LN	LEWES	DE	19958	334-18.00-1018.00
SEMINARA MARY R	KATHLEEN MAREK	21163 CONTI ST	LEWES	DE	19958	334-12.00-1036.00
O'NEIL MARK	CAROL A O'NEIL	21153 CONTI ST	LEWES	DE	19958	334-12.00-1038.00
HOYT TRACIE	KIMBERLY ANN GILLESPIE	21144 CONTI ST	LEWES	DE	19958	334-12.00-1055.00
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LYNCH THOMAS J III TTEE	THOMAS J KAREN MILLS-LYNCH FAM TR	21042 DECATUR ST	LEWES	DE	19958	334-12.00-1031.00
HALL LISA K TTEE REV TR	<Null>	19338 ROYAL ST	LEWES	DE	19958	334-12.00-1061.00
FLEMING ROBERT ALAN	<Null>	21113 CONTI ST	LEWES	DE	19958	334-12.00-1044.00
HCA MODEL FUND 2018-15 TEXAS LLC	<Null>	17950 PRESTON RD STE 300	DALLAS	TX	75252	334-12.00-1004.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1268.00
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VINCENT KATELYN M	<Null>	28270 SARATOGA LN	LEWES	DE	19958	334-18.00-1019.00
FRICKE GLENN L	CAROL A OLIVER	19123 CHARTRES ST	LEWES	DE	19958	334-12.00-1012.00
MEYER FREDERICK W	ALICE M MEYER	22536 OCALA WAY	LEWES	DE	19958	334-18.00-1050.00
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-689.00
GOUGH NICOLE FRANCES	<Null>	28220 SARATOGA LN	LEWES	DE	19958	334-18.00-1026.00
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-107.00

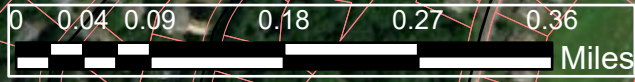
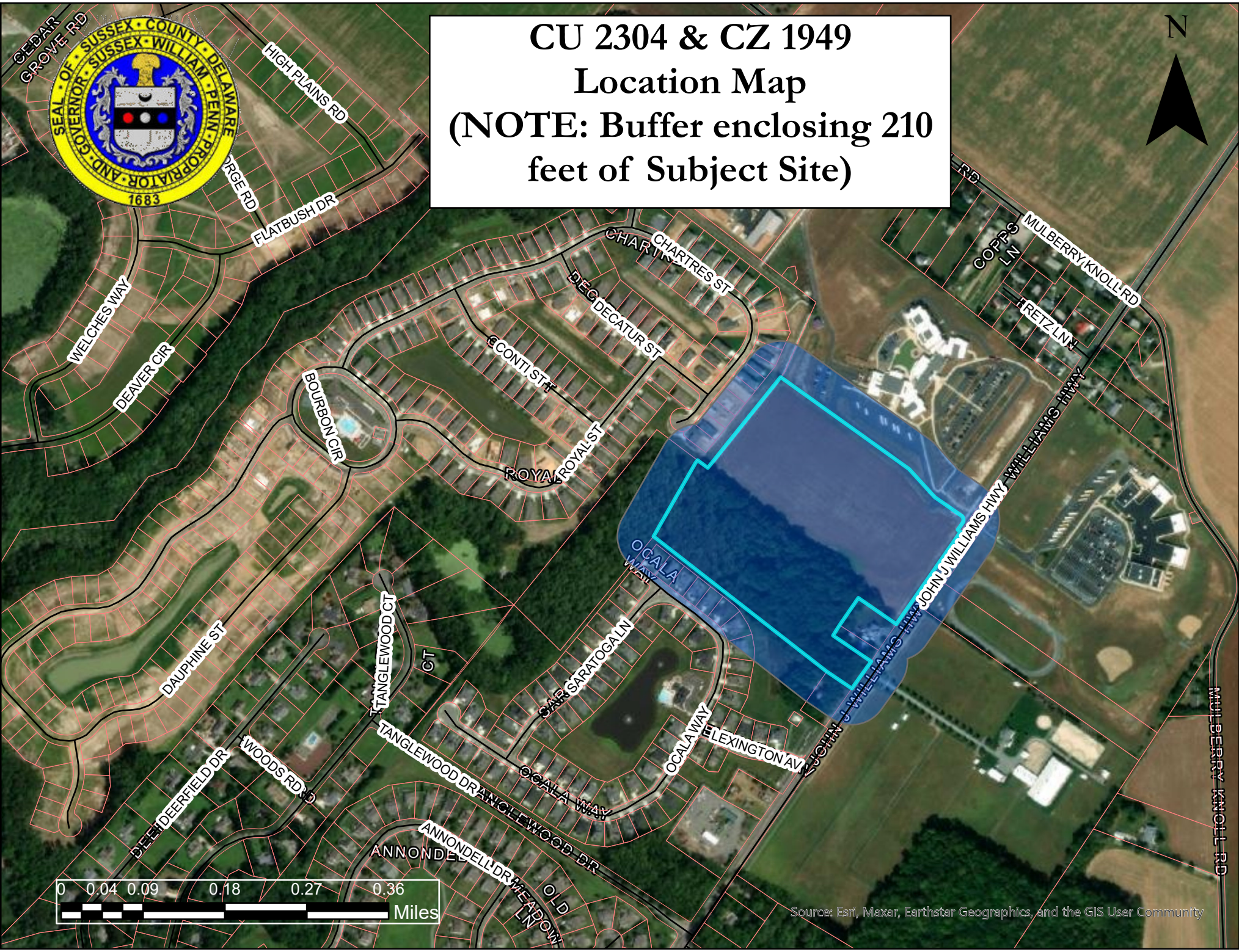
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CHRIST SCOTT EDWIN	DIANE MARIE CHRIST	21128 CONTI ST	LEWES	DE	19958	334-12.00-1052.00
ATTENBERGER RAYMOND E	LORRAINE ATTENBERGER	21134 CONTI ST	LEWES	DE	19958	334-12.00-1053.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1315.00
STACK CRISTINA M	DOREEN J SOUSA	32 BARBARY LN	COLUMBUS	NJ	8022	334-12.00-1371.00
GIUGLIANO JOSEPH LOUIS	ELAINE FRANCES GIUGLIANO	21227 DAUPHINE ST	LEWES	DE	19958	334-12.00-1375.00
DOHERTY JAMES R	KIMBERLY K DOHERTY	16 NEPONSET RD	WILMINGTON	DE	19810	334-18.00-1000.00
SB SADDLE RIDGE LLC	<Null>	20184 PHILLIPS ST	REHOBOTH BEACH	DE	19971	334-18.00-1041.00
SNEERINGER JEFFREY C	JAMES P HANDAKAS	19157 CHARTRES ST	LEWES	DE	19958	334-12.00-1007.00
ANSELM PATER W	CORINNE ANN RELLO ANSELM	30 LOCUST AVE	WHITE PLAINS	NY	10605	334-18.00-1021.00
PHAM THANH X	TUYET NGOC J TRAM	22533 OCALA WAY	LEWES	DE	19958	334-18.00-996.00
ROOS ROBERT	JOYCE ROOS	21069 DECATUR ST	LEWES	DE	19958	334-12.00-1015.00
DONOVAN PATRICK L	GARY R GRAHAM	21049 DECATUR ST	LEWES	DE	19958	334-12.00-1018.00
HENSHAW ROBERT ARTHUR	KAARINA ORVOKKI HENSHAW	19315 ROYAL ST	LEWES	DE	19958	334-12.00-1084.00
SOZIO DIANE	PATRICIA ANN HUTCHINSON	19319 ROYAL ST	LEWES	DE	19958	334-12.00-1085.00
RYAN NANCY JANE	RORY JAY RYAN	19323 ROYAL ST	LEWES	DE	19958	334-12.00-1086.00
MARSDEN JOSEPH	JUDITH MARSDEN	19337 ROYAL ST	LEWES	DE	19958	334-12.00-1089.00
SAMAHA MICHEL RAMEZ	LAURA LEE SAMAHA	23002 BOURBON CIR	LEWES	DE	19958	334-12.00-1072.00
BONNES JAMES H TTEE	LIV TR	21150 CONTI ST	LEWES	DE	19958	334-12.00-1056.00
VANBLARCOM JEFFREY TALIAFERRO	JENNIFER LOUISE VANBLARCOM	PO BOX 321	LEWES	DE	19958	334-12.00-1116.00
MORAWSKI LEONARD M	MARGARET MORAWSKI	22575 OCALA WAY	LEWES	DE	19958	334-18.00-1003.00

# CU 2304 & CZ 1949 Mailing List Exhibit Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**CU 2304 & CZ 1949  
Location Map  
(NOTE: Buffer enclosing 210  
feet of Subject Site)**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

May 21, 2021

**Via: Email ([jamie.whitehouse@sussexcountype.gov](mailto:jamie.whitehouse@sussexcountype.gov))**

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

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Commercial Area and Coastal Area  
Requested: Coastal Area  
Sussex County Tax Parcel No. 334-12.00-16.04 (the "Property")

Dear Jamie,

This firm represents J.G. Townsend, Jr. & Co., the owner of the above-referenced Property along John J. Williams Highway (Route 24). The Property consists of a little more than twenty-one (21) acres and is presently used for agricultural purposes.

On Sussex County's Comprehensive Zoning Map, the Property is shown as being within an Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan shows the Property as being within two land use classifications as the Property contains areas designated as a Commercial Area and areas designated as a Coastal Area.

This request to modify the Future Land Use Map seeks to change the designation of the Commercial Area of the Property so that the entirety of the Property would be shown as being in the Coastal Area on the Future Land Use Map.

The changing of this Property's designation on the Future Land Use Map will allow it to be used more consistently with the surrounding area. This property was the subject of a pre-application meeting for a project that was reviewed by the Office of State Planning Coordination on December 4, 2020 known as the Howeth Property. In addition, DelDOT provided its SFR for the Howeth Property. A copy of the PLUS report (mistakenly dated January 17, 2020 instead of January 17, 2021) is enclosed with this letter.

**Jamie Whitehouse**

**May 21, 2021**

**Page 2**

During the pre-application meeting with the Sussex County Planning & Zoning Department about the Howeth Property and the requested change of zoning classification for the Property from the AR-1 District to the Medium Density Residential District (MR District), the staff indicated that this change of zone application would not be consistent with Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories found within the Comprehensive Plan. The inconsistency is that the Commercial Area does not envisage any residential uses beyond the AR-1 District but instead provides exclusively for Commercial and Business uses. In contrast, the requested Coastal Area designation allows for both residential and commercial/business uses.

A quick review of the area shows the consistency of allowing for residential uses on this parcel. Along both the northern and western boundaries of the Property are residential uses. To the north is the Belle Terre residential community and to the west is the Saddle Ridge community. The other uses in the immediate area are the Cape Henlopen School Districts elementary and middle school campuses (Love Creek Elementary School and Beacon Middle School). Another use to the east of the Property is the new location for Troop 7 of the Delaware State Police.

The requested change to the Future Land Use Map is not only consistent with good land use and planning, but it also matches the current configuration of both the County's Comprehensive Zoning Map and its Future Land Use Map. First, the County's Comprehensive Zoning Map shows the adjacent property to the west (Saddle Ridge) as being in an MR District. The other adjacent properties' zoning classifications are the AR-1 District and are used for the aforementioned Cape Henlopen School District elementary and middle schools.

The Future Land Use Map shows this entire area as being within either a Commercial Area or a Coastal Area. As the Property is already within two (2) of the County's seven (7) Growth Areas, the question is not whether this Property should be located within a Growth Area but the appropriateness of the designated Growth Area. As discussed previously, the Coastal Area is more consistent with the character of this area as it allows for the residential uses similar to those on the adjacent properties.

The requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and nature of the uses in this area and will not have an adverse effect on adjacent properties.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosure





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

January 17, 2020

Cliff Mumford  
Davis, Bowen & Friedel, Inc.  
1 Park Ave  
Milford, DE 19963

RE: PLUS review 2020-12-04; Howeth Property

Dear Mr. Mumford:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed plans for the Howeth Property project. According to the information received you are seeking review of a proposed 84 unit subdivision on 21.62 acres along Rt. 24 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 Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have 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 John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. As necessary, the existing access there must be improved.

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

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 598 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates 594 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 40 and 51, respectively. Therefore, a TIS would normally be required.

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

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

The subject land fronts on a segment of Delaware Route 24 that DelDOT anticipates improving through their project: SR 24, Love Creek to Mulberry Knoll, Contract No. T201212201. This project is scheduled for construction starting in the spring of 2022. DelDOT is presently acquiring rights-of-way and easements. Rights-of-way and easements in excess of the standard dedications described below are compensable. But for the TID, the developer would be required to contribute toward that contract but such contributions will be addressed in their TID fees.

- 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 Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT's plans for the SR 24 project discussed above currently include a five-foot sidewalk along the site frontage. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build this sidewalk along their frontage. Sidewalk construction, if required, would be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.
- Section 3.5.4.4 of the Manual addresses requirements for accessways. An accessway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring an accessway to connect the internal streets to SR 24 in the area between the proposed pool and Tax Parcel No. 334-12.00-24.00.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DTC anticipates requiring far side bus stops, including 8-foot by 17-foot shelter pads on both sides of Route 24 at the school entrances.

Bus stop construction, if required, may be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build entrance improvements. This matter should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

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

**Concerns Identified Within the Development Footprint**

**Natural Areas**

The entire forested area on the site lies within Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.

**Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands within the forested area of the site. The project application confirms the presence of 2.09 acres of wetlands. Preliminary plans propose a 50-foot buffer from wetland areas.

- If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.

- For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WLSL/Consultant%20List.pdf>
- Contact: U.S. Army Corps of Engineers (Dover Office) at  
[DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.  
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

### **Vegetated Buffer Zones**

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

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

### **Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency, the Sussex Conservation District, prior to any land disturbing activity taking place on the site.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

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

Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D soils (poorly drained) have been identified within the forested area on the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

### **Drainage Concerns Documented**

There are three reported drainage concerns on the proposed site location from 2010. The concerns were regarding standing water in wetland areas on the rear of the property, with the water draining from adjacent property. No solution has been reported.

### **Nutrient Management Plan**

This project proposes open space of 11.42 acres, exceeding the threshold of 10 acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

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

Sussex County (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Groundwater Discharges Section at (302) 739-9948.  
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

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

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

**Fire Protection Water Requirements:**

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

**Fire Protection Features:**

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

**Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

**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 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 plan presented does not show the easement by which the subject land has access through the Love Creek Elementary School campus but the plan suggests that the easement addresses only the area near Route 24, where access is proposed. DelDOT anticipates that the proposed entrance will be congested at the beginning and end of each school day. Accordingly, DelDOT recommends that the developer pursue an expanded easement and connect to the school driveway in the area of Block 14 as well.

Further regarding the easement through the school campus, DelDOT, recommends in accordance with Section 3.5 of the Manual, that the developer pursue access through the school campus and Delaware State Police Troop 7 to Mulberry Knoll Road (Sussex Road 284).

- DelDOT recommends that the head-in parking proposed near the mailboxes and pool be changed to parallel parking to eliminate the need for residents to back out onto a relatively busy street.



- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

**Old Growth Forest**

The preliminary plan proposes an 84-unit subdivision on 21.62 acres along Route 24 in Sussex County, which includes the elimination of 4.26 of 9.26 acres of forest on the site. An analysis of historical data indicates that the forest area has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- Avoid removing forested areas for development to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Natural Areas**

- Reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and cutting of forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.
- The developer could also investigate dedicating forested areas on the site as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.
- Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

**Delaware Ecological Network**

The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**State of Delaware Rare, Threatened, or Endangered Species**

The following animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area. Likewise, the natural habitats for these species also exist on this site, consisting of deciduous or mixed deciduous-coniferous woodlands with wetlands for breeding.

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier	Federal Status
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	Amphibian	S1	E	1	
<i>Hyla gratiosa</i>	Barking Treefrog	Amphibian	S1	E	1	
<i>Hyla chrysoscelis</i>	Cope’s Gray Treefrog	Amphibian	S2		2	

Please visit the following website for definitions on the specified State Rank, state Status, and Global Ranking: <http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.

- To minimize negative impacts to these species, we recommend that natural habitats of forest and wetlands be conserved to the maximum extent practicable.
- For threatened or endangered turtles and salamanders located in proposed developments containing forest habitat and wetlands, design the development to exclude traditional street curb and gutter systems. Instead, utilize vegetated swales or other road curbing (such as Cape Cod curbing) that allows small animals to climb out of the roadbed. This is preferred over steep, vertical curbing.
- Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.

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

### **Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of freshwater forested wetlands to protect water quality.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

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

### **General Drainage Recommendations**

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>

### **Additional Sustainable Practices**

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- For the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy.

Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/eef](http://www.de.gov/eef).

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

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

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

**Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062**

- A pair of companion bus stops are needed, each far-side of the intersection with the schools. Both stops should be Type 2 17'x8' shelter pads and placed at least 50' from the intersection.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- 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](http://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.

**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,

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

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04**

WHEREAS, on May 21<sup>st</sup>, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 334-12.00-16.04 from a Commercial Area to the Coastal Area.

WHEREAS, the Parcel comprises 21.62 +/- acres of land, lying and being within Lewes & Rehoboth Hundred, and located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). (“The Property”)

WHEREAS, The Property is designated as being within both the Commercial Area and the Coastal Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

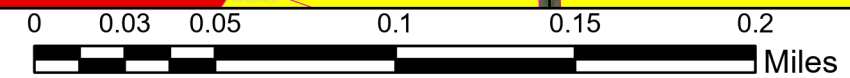
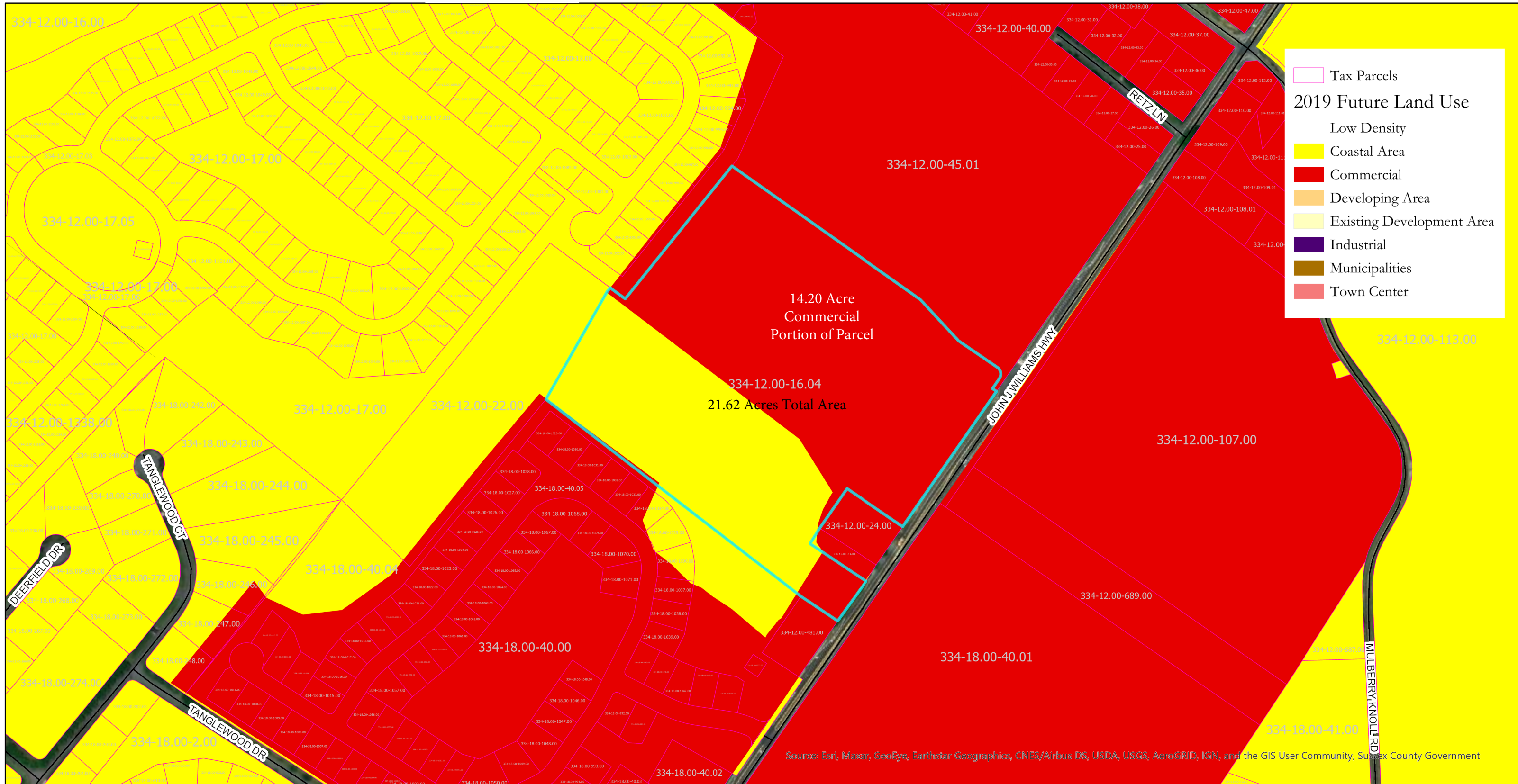
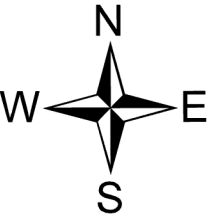
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change a portion of the parcel currently classified as Commercial Area designation of Sussex County Parcel No. 334-12.00-16.04 from the Commercial Area to the Coastal Area. The portion of Sussex County Parcel No. 334-12.00-16.04 so changed is identified in Exhibit A, attached hereto and incorporated herein.

**Section 2.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



# Sussex County





# HOWETH PROPERTY

*now known as School Lane*

## PLANNED RESIDENTIAL COMMUNITY

Sussex County, Delaware

2261J013.C01

JUNE 2022



2045 FLUM Amendment: Commercial/Coastal to Coastal  
Planning Commission Public Hearing: June 23, 2022  
County Council Public Hearing: July 26, 2022

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16. Sussex County Addressing Approval – Subdivision and road names
17. Sussex County Sewer Service Concept Evaluation
18. Environmental Resources, Inc. Review for Wildlife

## Executive Summary

### A. Land Use & Zoning

1. The community's name, School Lane, and the road names, Brittingham Court, Mariner Row, and Shields Drive have been approved for use in the subdivision by Sussex County Mapping & Addressing. The approval letter is provided as Exhibit 16.
2. The property is located on John J. Williams Highway (DE Route 24, SCR 024) approximately 1,500' from the intersection with Mulberry Knoll Road (SCR 284). The property is bounded on the north by Belle Terre Subdivision, on the east by Love Creek Elementary School, on the south by Route 24, and on the west by the Saddle Ridge subdivision.
3. The Owner of the parcel is J.G. Townsend Jr. & Co.
4. The property is currently zoned Agricultural Residential AR-1
5. The proposed community will be governed by a homeowner's association and by-laws
6. The property is in Investment Level Areas 2 & 3 of the 2020 State Strategies Map.
7. The property is shown as Coastal Area and Commercial Area on the 2045 Future Land Use Map (FLUM) in the 2019 Comprehensive Plan. An amendment to the FLUM was submitted to Sussex County on May 21, 2021, to revise the map from Commercial Area and Coastal Area to only Coastal Area.
8. The FLUM was presented to PLUS by the County on June 23, 2021, and the county received comments from the Office of State Planning on July 22, 2021. A copy of those response comments can be found in Exhibit 13.

### B. Land Utilization

1. The total acreage of the project is 21.62 acres.
2. The proposed community is designed as a residential multi-family community in accordance with Chapter 115 of the Sussex County Code.

3. The maximum number of units proposed is 84 townhouse units or 3.9 units per acre based on total acreage.
4. The proposed community will have a single entrance that connects to the signalized Love Creek Elementary School entrance.
5. The proposed community is subject to a 10-foot building setback from the rear and side property lines. A 20-foot landscape buffer will be provided along the northern, eastern, and western property lines, and around the two outparcels along Route 24 to a point where the landscape buffer intersects with the 50-foot wetlands buffer
6. The proposed community consists of active and passive open space.
  - a. The active open space area consists of a pool, bathhouse, and shared-use path.
  - b. The passive open space area consists of stormwater management, buffers, and other open areas.
7. The project was presented to P.L.U.S. on December 16, 2020, and comments were received from the Office of State Planning on January 17, 2021. A copy of our response can be found in Exhibit 6.

### C. Environmental

1. The property contains wetlands.
2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.
3. The property is not located within a wellhead protection area as defined by DNREC mapping.
4. The project is located in a “good” groundwater recharge area as defined by DNREC mapping
5. The existing property is located within the Rehoboth Bay Watershed. The project through meeting the Stormwater Regulations adopted in 2019 will reduce nitrogen, phosphorus, and bacteria from the proposed development.

### D. Traffic

1. A Support Facilities Report was completed for this project. DelDOT noted that the subject parcel is located in the Henlopen TID and will be required to pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements.

#### E. Civil Engineering

1. The internal roads will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
3. Drinking water and fire protection water will be provided by Tidewater Utilities, Inc. A Willing & Able letter is provided in Exhibit 13.
4. Sanitary sewer transmission and treatment will be provided by Sussex County Council. A sewer service concept evaluation (SSCE) was completed by Sussex County and is provided as Exhibit 17.
5. The stormwater management system will meet all State, County, and Conservation District requirements through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by Lewes Volunteer Fire Company, Station 82.
7. Electricity will be provided by Delaware Electric Cooperative. A Willing & Able letter is provided in Exhibit 15
8. Natural Gas will be provided by Chesapeake Utilities. A Willing & Able letter is provided in Exhibit 14.
9. The parcels are located in the Cape Henlopen School District.

#### County Code Compliance

1. Preliminary Land Use Service Response Letter
2. Chapter 89 Source Water Protection Response Letter
3. Chapter 115 Environmental Assessment and Public Facilities Evaluation Report

School Lane  
Data Sheet

**Owner:** JG Townsend, Jr. & Co.  
**Developer:** JG Townsend, Jr. & Co.  
**Engineer:** Davis, Bowen & Friedel, Inc.  
**Legal Services:** Morris James LLP.

**Project Description**

Physical Location: 1500'± to the West side of the intersection of Mulberry Knoll Road (SCR 284) and John J. Williams Highway (SCR 24)  
Tax Parcel #: 334-12.00-16.04  
Acreage: 21.62 +/- Acres  
Current Zoning: AR-1 (Agricultural Residential)  
Proposed Zoning: MR (Medium-Density Residential) – Conditional Use  
Single Family Units: 84

<b><u>Land Use</u></b>	<b><u>Acreage (+/- Acres)</u></b>
Impervious	7.93 (37%)
Roads / Sidewalks / Parking / Driveways	3.91
Buildings	3.82
Pool and Pool House	0.20
Total Open Space	13.89
Active Open Space	1.36
Passive Open Space	12.53

**Net Site Area:** 21.62 +/- Acres

**Minimum Zoning Requirements**

Minimum Lot Area: 1,600 SQ. FT.  
Min. Average Lot Area: 3,630 SQ. FT.  
  
Minimum Lot Width: 16 FT  
Front Yard Setback: 40 FT (from SR 24)  
Front/Rear Yard Setback: 40 FT (aggregate)  
  
Side Yard Setback: 10 FT  
Rear Yard Setback: 10 FT  
Maximum Building Height: 42 FT

**Proposed Zoning Requirements**

Minimum Lot Area: 3,080 SQ. FT.  
Average Lot Area: 3,634 SQ. FT.  
Maximum Lot Area: 4,600 SQ. FT.  
Minimum Lot Width: 28 FT  
Front Yard Setback: 40 FT (from SR 24)  
Front/Rear Yard Setback: 45 FT (aggregate)  
Front Setback: 20 FT (internal)  
Side Yard Setback: 20 FT  
Rear Yard Setback: 20 FT  
Maximum Building Height: 42 FT

# HOWETH PROPERTY

## LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

### PRELIMINARY PLAN

#### DBF # 2261J013

#### DECEMBER, 2020

### GENERAL NOTES:

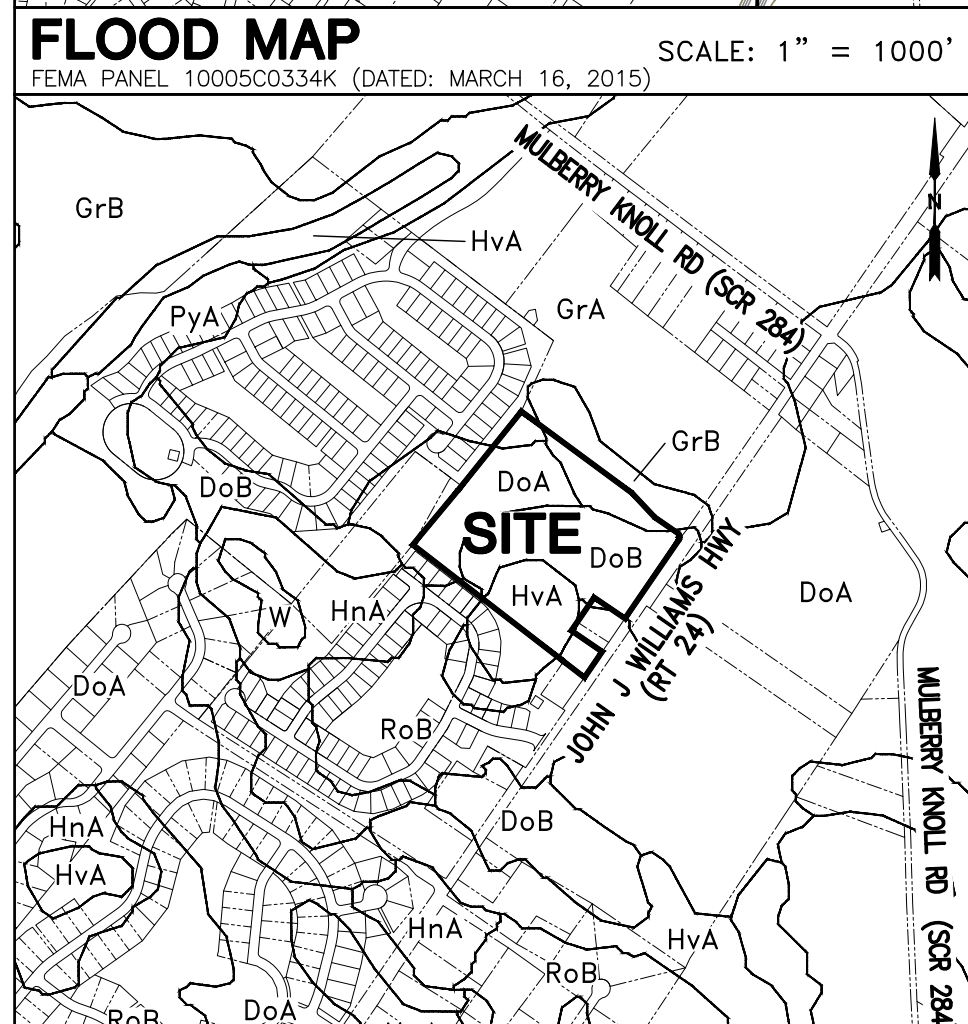
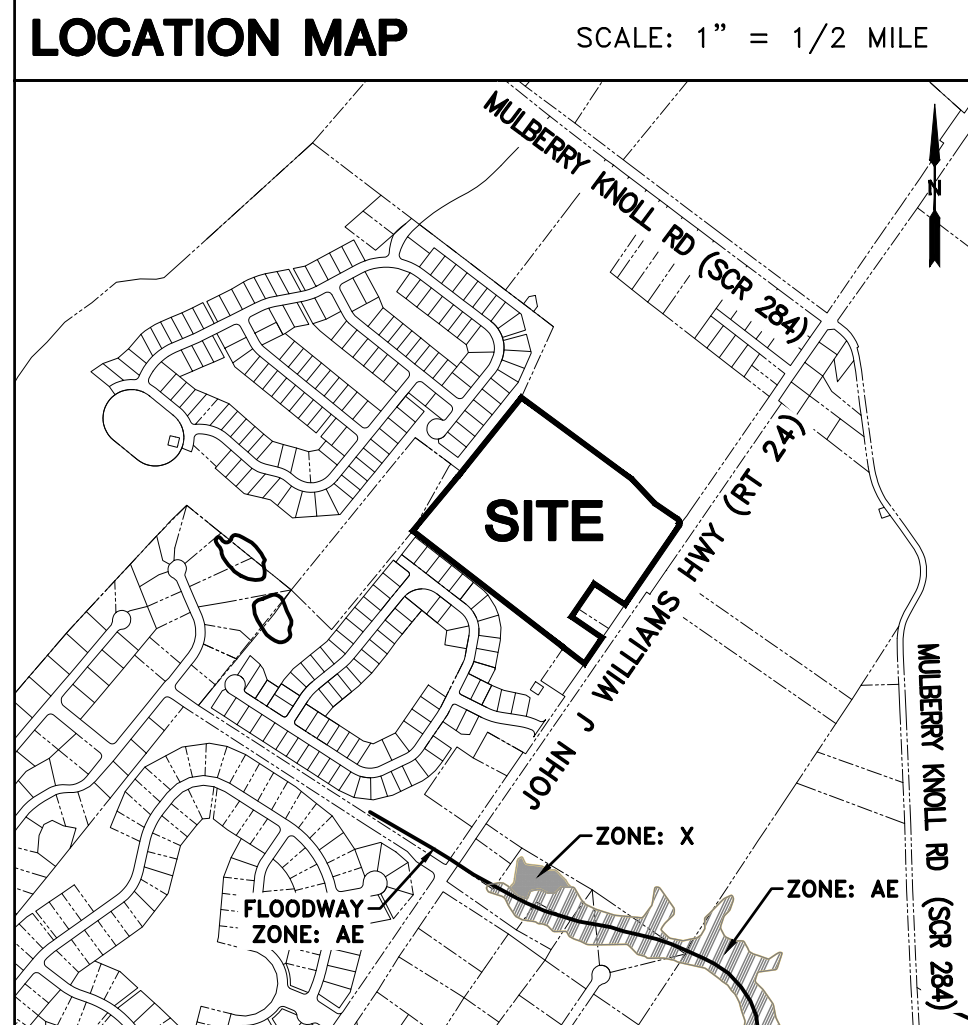
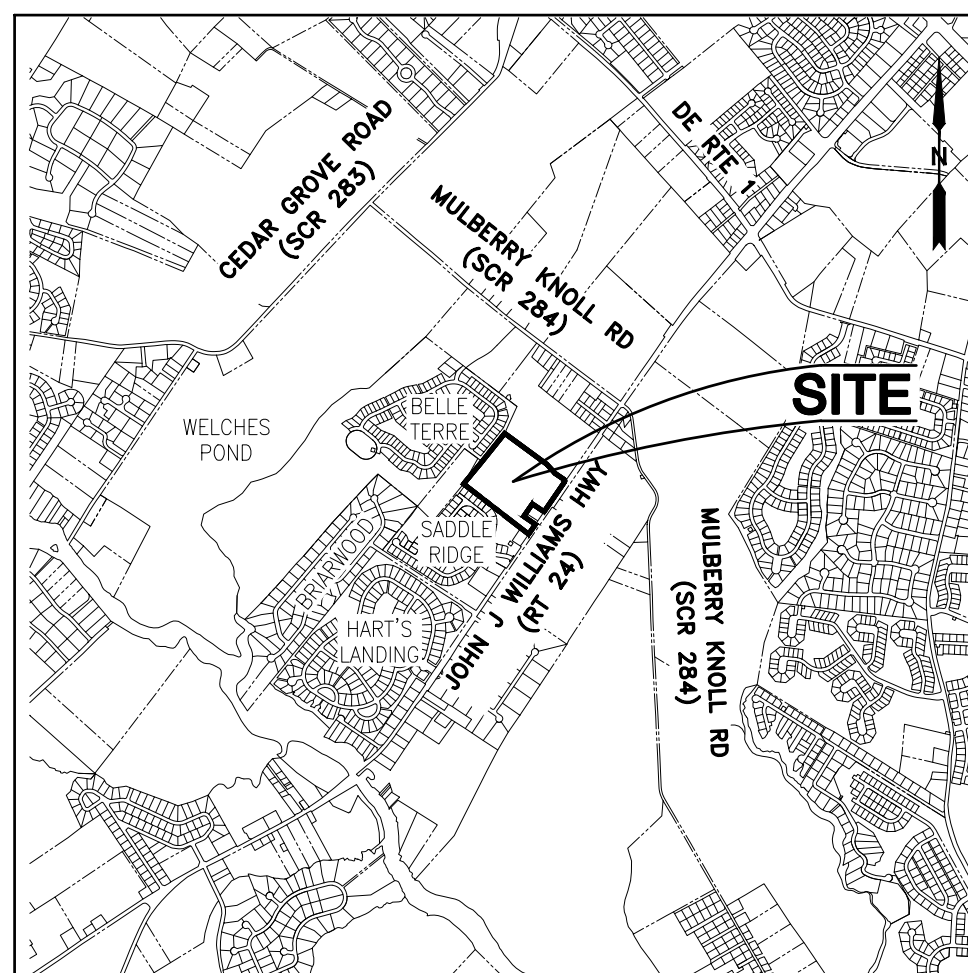
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM).
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK 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 UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY INFORMATION, EXISTING UTILITIES, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A BOUNDARY SURVEY PERFORMED BY ATLANTIC SURVEYING AND MAPPING LLC, DATED FEBRUARY 11, 2018 AND INFORMATION FOUND AT THE RECORDER OF DEEDS OFFICE FOR SUSSEX COUNTY. ADDITIONAL FIELD RUN SURVEYS WERE COMPLETED BY DAVIS, BOWEN, & FRIEDEL, INC. IN JANUARY 2021.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA OR AN EXCELLENT RECHARGE AREA.
- THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.
- 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 DESIGNATED BY THE 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.
- FOR RESTRICTIONS AND COVENANTS BINDING THIS SUBDIVISION REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, DATED \_\_\_\_\_.
- FOR THE MAINTENANCE AND OPERATION OF STREET AND ROAD IMPROVEMENTS, SURFACE DRAINAGE FACILITIES, EROSION AND SEDIMENT CONTROL FACILITIES, SANITARY SEWER FACILITIES, WATER SUPPLY FACILITIES, FORESTED BUFFER STRIPS OR OTHER IMPROVEMENTS WHICH MAY BE APPLICABLE REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS.
- ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND/OR UTILITY EASEMENT. ALL PERIMETER LOT LINES SHALL HAVE TEN (10) FOOT EASEMENTS ALONG THE INTERIOR SIDE OF THE PERIMETER BOUNDARY.

### OPEN SPACE MANAGEMENT PLAN:

- ALL COMMON AREAS COVERED WITH GRASS SHALL BE PERIODICALLY MAINTAINED ON A BASIS DETERMINED BY THE HOMEOWNER'S ASSOCIATION.
- ALL ACTIVE OPEN SPACE AMENITIES SHALL BE INSPECTED ANNUALLY TO ENSURE THEY ARE SAFE FOR PLAY AND REPAIRED AS REQUIRED.
- ALL ACTIVE OPEN SPACE AMENITIES ARE PRIVATE AND FOR THE USE OF RESIDENTS AND THEIR GUESTS AND ARE TO BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION.
- ALL SWM AREAS WILL BE MAINTAINED IN ACCORDANCE WITH DESIGN AND SPECIFICATIONS FOR THE SPECIFIC SWM AREA. THIS INFORMATION WILL BE PROVIDED TO THE HOMEOWNER'S ASSOCIATION PRIOR TO TURNOVER.

### LEGEND

EXISTING	PROPOSED
RIGHT-OF-WAY	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	PROPERTY LINE
EASEMENT	SETBACK
CONTOUR	EASEMENT
CATCH BASIN, STORM PIPE	BUFFER
SANITARY SEWER MANHOLE, PIPE	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
WATER MAIN	WATER MAIN, TEE W/ VALVES, PIPE SIZE
FIRE HYDRANT ASSEMBLY	FIRE HYDRANT ASSEMBLY
UTILITY POLE	TREE LINE
SIGN	PAVEMENT
FENCE	SIDEWALK
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	

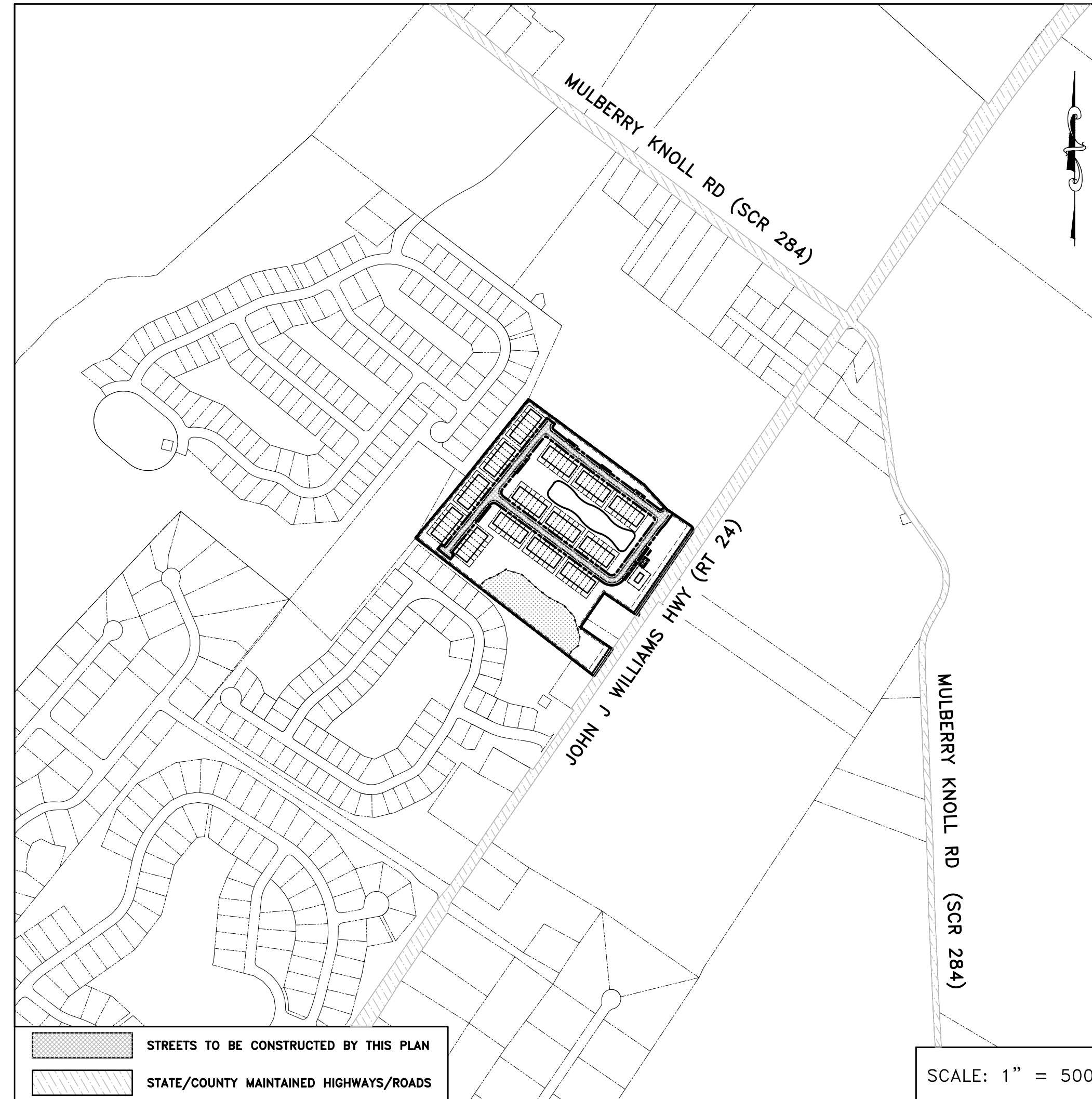


SCALE: 1" = 1000'

GrA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES  
 GrB: GREENWICH LOAM, 2 TO 5 PERCENT SLOPES  
 DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 DoB: DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES  
 HnA: HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 HnA: HURLUCK SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 FmB: FORT MOTT LOAMY SAND, 2 TO 5 PERCENT SLOPES  
 PyA: PINEYNECK LOAM, 0 TO 2 PERCENT SLOPES  
 L0: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED  
 M0: MANAWKIN MUCK, FREQUENTLY FLOODED  
 B0: BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL  
 W: WATER

### DATA COLUMN

TAX MAP ID:	334-12.00-16.04
DEED REFERENCE:	DB 387/176, PB 216/10
DATUM:	NAVD 88
VERTICAL:	NAD 83 (DE STATE PLANE)
HORIZONTAL:	
LAND USE	AGRICULTURAL
EXISTING:	MULTIFAMILY RESIDENTIAL (TOWNHOMES)
PROPOSED:	CONDITIONAL USE
ZONING	
EXISTING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED:	MR (MEDIUM-DENSITY RESIDENTIAL)
UNITS	
TOWNHOMES:	84
TYPICAL SIZE:	28' X 70' (1,960 S.F.)
DENSITY	
MAXIMUM:	4.0 UNITS/ACRE
PROPOSED:	3.9 UNITS/ACRE
BUILDING SETBACKS	
FRONT SETBACK:	40 FT.
SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
MINIMUM AVERAGE LOT AREA:	3,630 SQ. FT.
PROPOSED AVERAGE LOT AREA:	3,634 SQ. FT.
MAXIMUM REQUIREMENTS	
BUILDING HEIGHT:	42 FT. (2 STORIES)
PARKING REQUIREMENTS	
MINIMUM:	168 (2 PER UNIT UNDER 3 BEDROOM)
PROPOSED:	225 (2.7 PER UNIT)
AREAS	
EXISTING SITE:	
SITE AREA:	21.62 AC.
WETLANDS:	2.09 AC.
IMPERVIOUS AREAS	
ROAD AND CURB:	1.82 AC.
SIDEWALK:	0.66 AC.
BUILDINGS:	3.82 AC.
DRIVEWAYS:	1.16 AC.
POOL AND POOL HOUSE:	0.20 AC.
PARKING:	0.27 AC.
TOTAL:	7.95 AC. (0.36%)
WOODLANDS:	
EXISTING:	9.26 AC.
TO BE REMOVED:	4.35 AC.
TOTAL REMAINING:	4.91 AC.
OPEN SPACE:	
SWM:	1.04 AC.
WOODS & WETLANDS:	4.91 AC.
LANDSCAPE BUFFER (NEW TREES):	0.61 AC.
POOL AND POOL HOUSE:	0.20 AC.
OTHER OPEN AREAS:	7.13 AC.
TOTAL:	13.89 AC. (0.64%)
UTILITIES	
SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
WATER PROVIDER:	PUBLIC (TIDEWATER UTILITIES)
PROPOSED BUILDING CONSTRUCTION:	WOOD FRAMED/ CONCRETE BLOCK
WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.	
FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.	
STATE STRATEGIES MAP: INVESTMENT LEVELS 2 AND 3	
THIS PROPERTY IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).	
THIS PROPERTY IS LOCATED 1,500'± TO THE WEST OF THE INTERSECTION OF MULBERRY KNOLL ROAD (SCR 284) AND JOHN J. WILLIAMS HIGHWAY (SCR 024).	
JOHN J. WILLIAMS HIGHWAY POSTED SPEED LIMIT: 45 M.P.H.	



STREETS TO BE CONSTRUCTED BY THIS PLAN  
 STATE/COUNTY MAINTAINED HIGHWAYS/ROADS

SCALE: 1" = 500'

### SHEET INDEX

PRELIMINARY - TITLE SHEET	PRE-01
PRELIMINARY - SITE PLAN	PRE-02
PRELIMINARY - UTILITY PLAN	PRE-03

### OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE BY MY DIRECTION AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

### 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.

### WETLANDS 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(c)(8), Wetlands of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CECW-OR, 9-26-1990, RGL 90-77/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THERE ARE STATE REGULATED WETLANDS ON THIS SITE. THE BOUNDARY OF STATE REGULATED WETLANDS HAS BEEN DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-084.

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

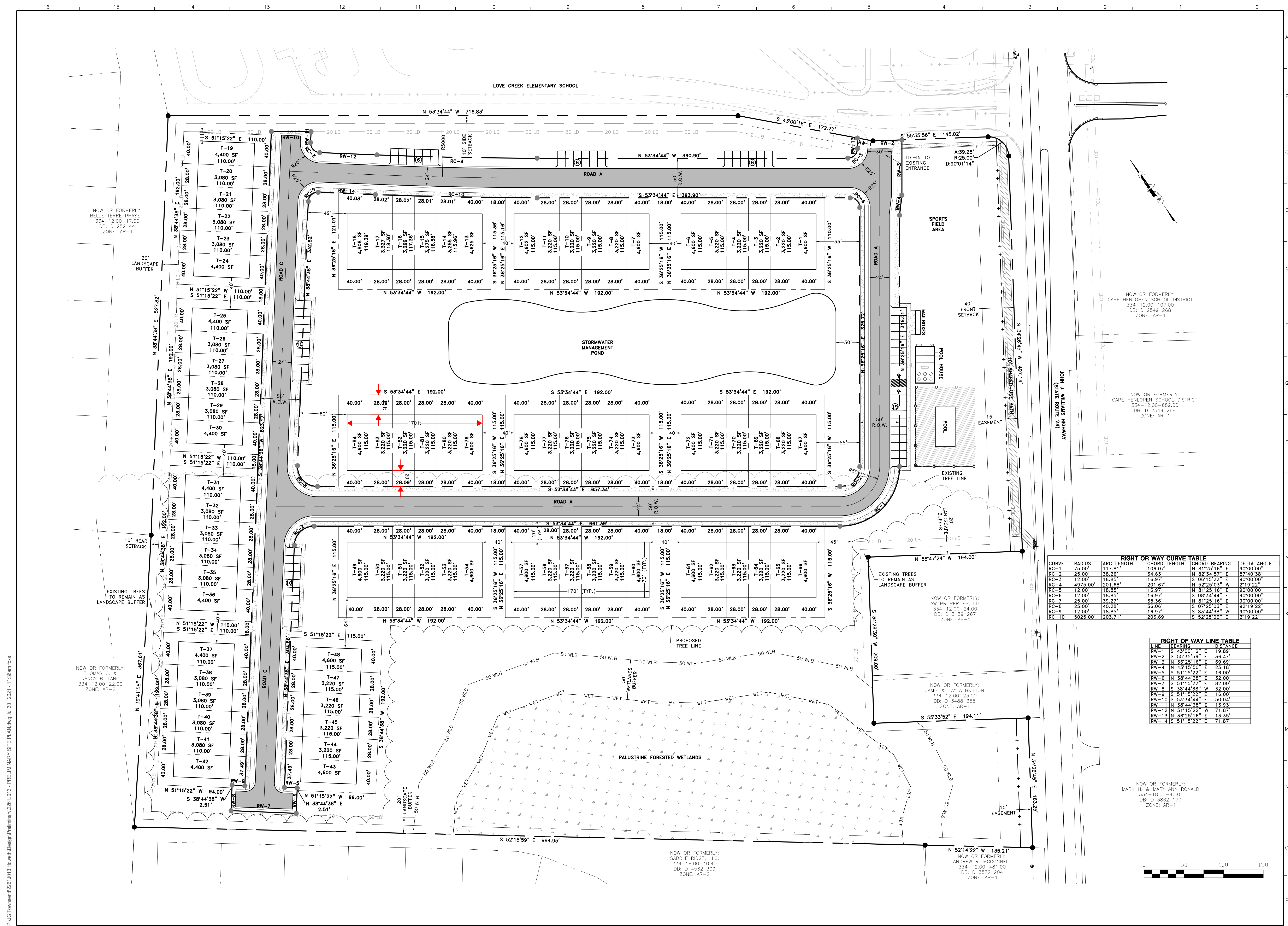
SALISBURY, MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 424-1441  
 EASTON, MARYLAND (410) 770-4744

JG TOWNSEND JR. & CO. DATE  
 P.O. BOX 430  
 GEORGETOWN, DE. 19947

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

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



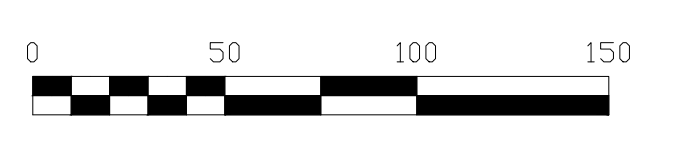


**RIGHT OF WAY CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC-1	75.00'	117.81'	106.07'	N 81°25'16" E	90°00'00"
RC-2	25.00'	38.26'	34.63'	N 82°34'57" E	87°40'38"
RC-3	12.00'	18.85'	16.97'	S 08°15'22" E	90°00'00"
RC-4	4975.00'	201.68'	201.67'	N 52°25'03" W	2°19'22"
RC-5	12.00'	18.85'	16.97'	N 81°25'16" E	90°00'00"
RC-6	12.00'	18.85'	16.97'	S 08°15'22" E	90°00'00"
RC-7	25.00'	39.27'	35.36'	N 81°25'16" E	90°00'00"
RC-8	25.00'	40.28'	36.06'	S 07°25'03" E	92°19'22"
RC-9	12.00'	18.85'	16.97'	S 83°44'38" W	90°00'00"
RC-10	5025.00'	203.71'	203.69'	S 52°25'03" E	2°19'22"

**RIGHT OF WAY LINE TABLE**

LINE	BEARING	DISTANCE
RW-1	S 43°00'16" E	19.89'
RW-2	S 55°35'56" E	36.47'
RW-3	S 36°25'16" E	69.69'
RW-4	N 43°15'50" E	25.18'
RW-5	S 51°15'22" E	16.00'
RW-6	S 38°44'38" W	32.00'
RW-7	S 51°15'22" E	82.00'
RW-8	S 38°44'38" W	32.00'
RW-9	S 51°15'22" E	16.00'
RW-10	S 53°34'44" E	50.04'
RW-11	N 38°44'38" W	13.93'
RW-12	S 51°15'22" W	71.87'
RW-13	S 36°25'16" E	13.35'
RW-14	S 51°15'22" E	71.87'



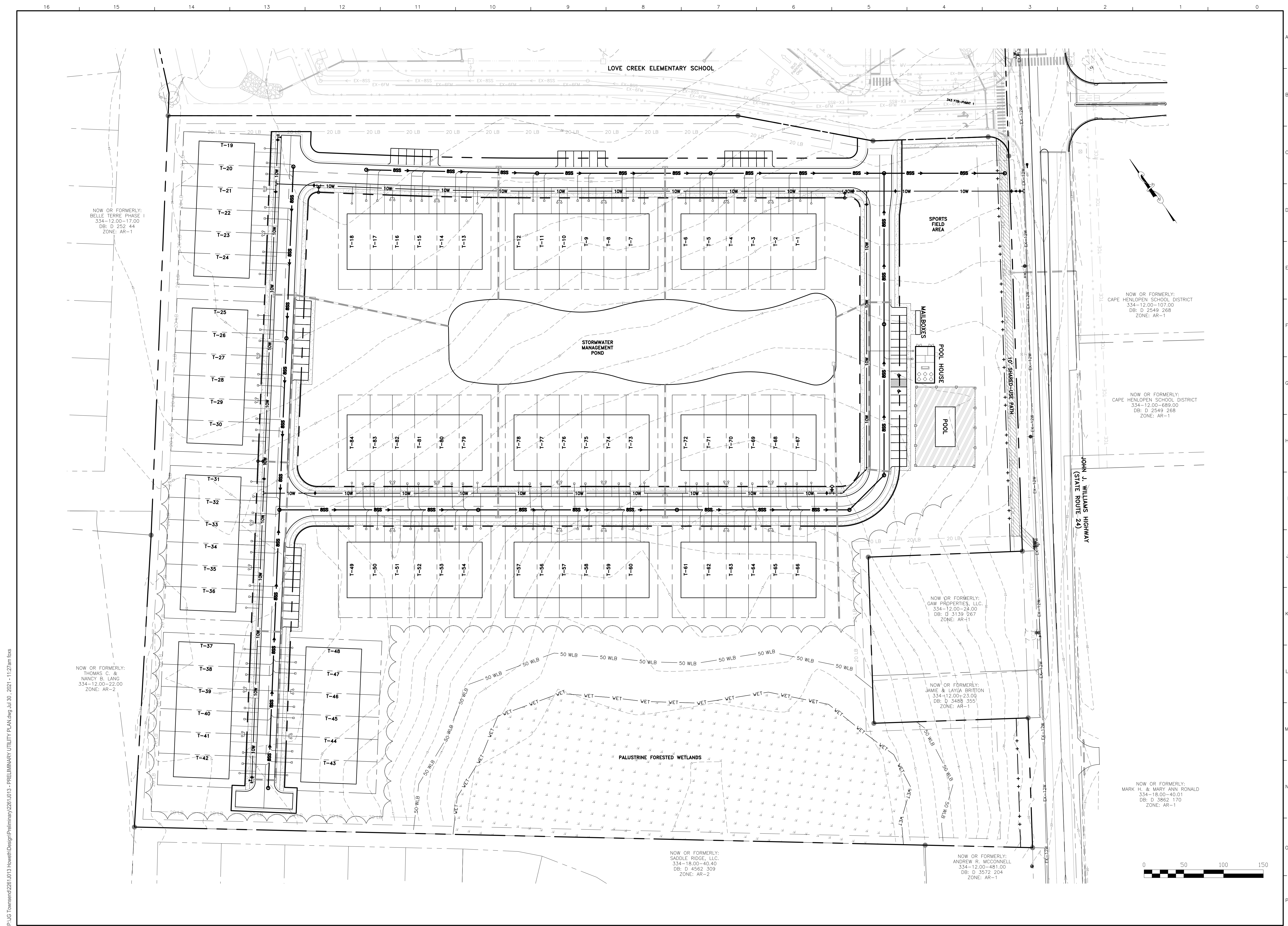
**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 W. MARKET STREET  
 MILFORD, DELAWARE 19968  
 (302) 432-2800  
 (302) 432-1441  
 EASTON, MARYLAND  
 (410) 770-4744

**HOWETH PROPERTY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE**

Revisions:  
 Date: **DECEMBER, 2020**  
 Scale: **1" = 50'**  
 Dwn.By: **DEG**  
 Proj.No.: **2261J013**  
 Dwg.No.: **PRE-02**

P:\UG Townsend\2261J013 Howeth\Design\Preliminary\2261J013 - PRELIMINARY SITE PLAN.dwg, Jul 30, 2021 - 11:38am foxs

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NOW OR FORMERLY:  
BELLE TERRE PHASE I  
334-12.00-17.00  
DB: D 252 44  
ZONE: AR-1

NOW OR FORMERLY:  
THOMAS C. &  
NANCY B. LANG  
334-12.00-22.00  
ZONE: AR-2

LOVE CREEK ELEMENTARY SCHOOL

STORMWATER  
MANAGEMENT  
POND

SPORTS  
FIELD  
AREA

MAILBOXES  
POOL HOUSE  
POOL

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-689.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
GAW PROPERTIES, LLC  
334-12.00-24.00  
DB: D 3139 267  
ZONE: AR-1

NOW OR FORMERLY:  
JAMIE & LAYLA BRITTON  
334-12.00-23.00  
DB: D 3488 355  
ZONE: AR-1

NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-19.00-40.01  
DB: D 3862 170  
ZONE: AR-1

NOW OR FORMERLY:  
SADDLE RIDGE, LLC  
334-18.00-40.40  
DB: D 4562 309  
ZONE: AR-2

NOW OR FORMERLY:  
ANDREW R. MCCONNELL  
334-12.00-481.00  
DB: D 3572 204  
ZONE: AR-1



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

PRELIMINARY UTILITY PLAN

**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **DECEMBER, 2020**

Scale: **1" = 50'**

Dwn. By: **DEG**

Proj. No.: **2261J013**

Dwg. No.: **PRE-03**

P:\UG Townsend\2261\013 Howeth\Design\Preliminary\2261J013 - PRELIMINARY UTILITY PLAN.dwg, Jul 30, 2021 - 11:27am, fous

professional seal

BOUNDARY OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM  
LANDS OF J. G. TOWNSEND, Jr. & Co.  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE  
334-12.00-16.04

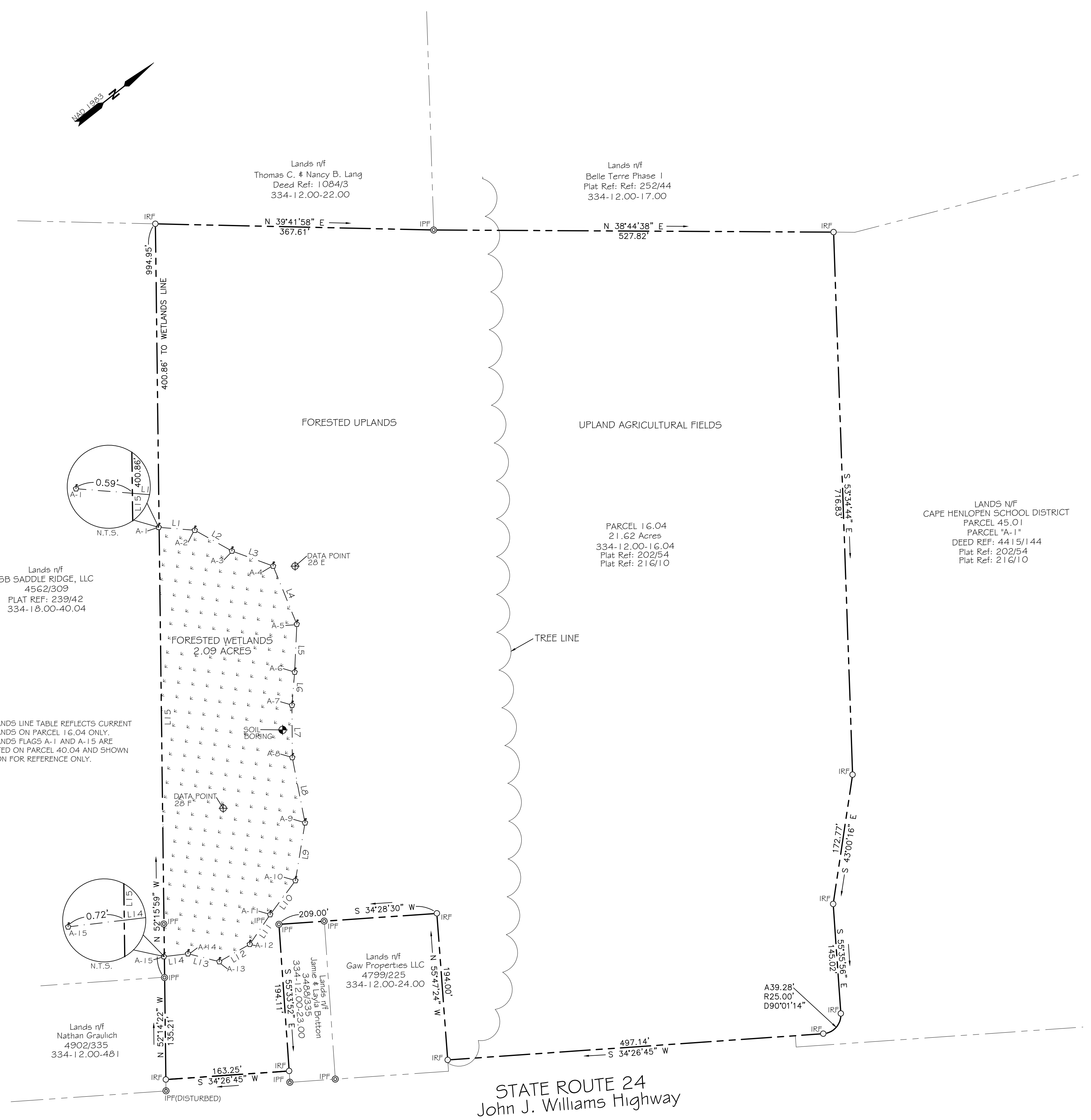
Project:

Revisions

Surveyed By: V. Walch PLS  
Prepared By: M.C.S.  
Checked By: V. Walch PLS  
Job #: A180707

Date: 2/11/18

Scale: 1" = 80'



NOTE:  
WETLANDS LINE TABLE REFLECTS CURRENT WETLANDS ON PARCEL 16.04 ONLY. WETLANDS FLAGS A-1 AND A-15 ARE LOCATED ON PARCEL 40.04 AND SHOWN HEREON FOR REFERENCE ONLY.

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 90-7/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 DNR TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

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

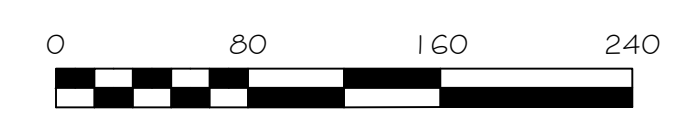
Legend

- Wetlands Flag  $\delta$
- Iron Rebar Found  $\circ$
- Iron Pipe Found  $\ominus$
- Palustrine Forested Wetlands 90,982 S.F. 2.09 Acres

- Notes:
- Parcel 16.04 Called Residual Parcel "1" on Plat 202/54 and Plat 216/10
  - Tax Map: 334-12.00-16.04

LINE	BEARING	DISTANCE
L1	N 43°00'23" E	47.18'
L2	N 67°38'48" E	56.24'
L3	N 58°33'43" E	57.98'
L4	S 73°43'11" E	82.76'
L5	S 49°01'18" E	63.39'
L6	S 46°56'10" E	43.85'
L7	S 51°53'05" E	69.12'
L8	S 62°36'43" E	87.78'
L9	S 42°08'16" E	77.41'
L10	S 14°56'27" E	55.93'
L11	S 17°04'39" E	47.57'
L12	S 08°43'56" W	46.22'
L13	S 52°35'25" W	42.72'
L14	S 31°34'50" W	31.36'
L15	N 52°15'59" W	566.82'

ACREAGE TABLE	
UPLAND AGRICULTURAL FIELDS	10.90 ACRES±
FORESTED UPLANDS	8.63 ACRES±
PALUSTRINE FORESTED WETLANDS	2.09 ACRES±
TOTAL SITE AREA	21.62 ACRES±





**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 MARKET STREET  
 WILMINGTON, DELAWARE 19801  
 (302) 424-1441  
 (410) 770-4744

PRELIMINARY SITE PLAN

**HOWETH PROPERTY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE**

Revisions:

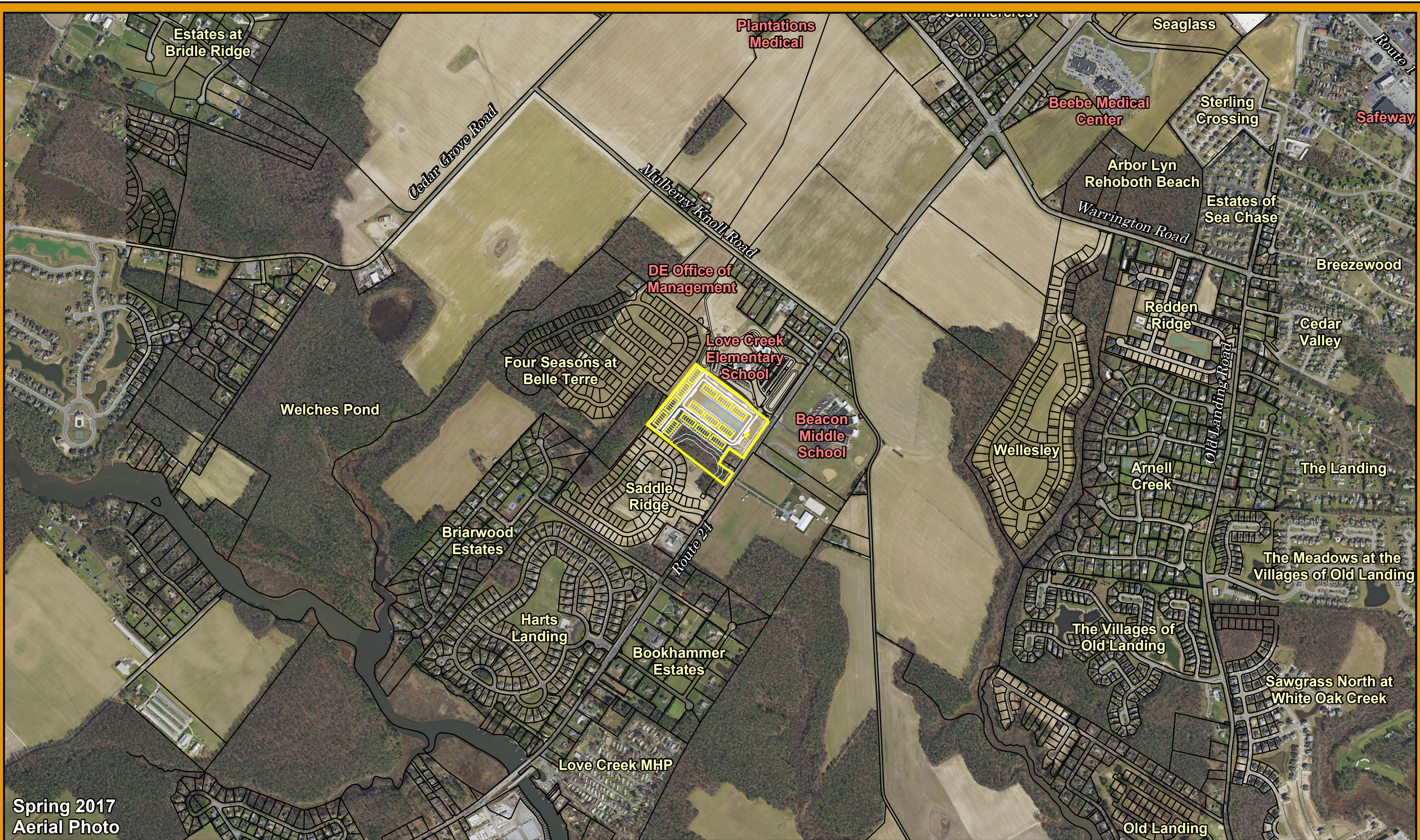
Date: **DECEMBER, 2020**  
 Scale: **1" = 50'**  
 Dwn. By: **DEG**  
 Proj. No.: **2261J013**  
 Dwg. No.:

**PRE-02**

V:\Studio\_3D Modeling\Howeth\_2261J013 PRELIMINARY SITE PLAN.dwg, Jan 27, 2022, 4:25pm mczk

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT ©2020





Spring 2017  
Aerial Photo

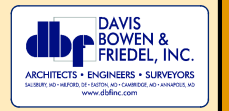
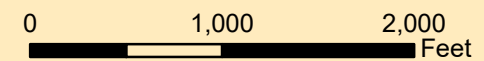
Sources:  
Tax Parcels per Sussex County



April 2022

## Surrounding Communities Map

Howeth Property  
Sussex County, Delaware

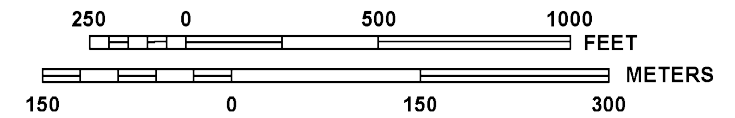


75°09'22.5"  
38°43'07.5"

JOINS PANEL 0332 735000 FT



MAP SCALE 1" = 500'



NFIP

PANEL 0334K

# FIRM

FLOOD INSURANCE RATE MAP  
SUSSEX COUNTY,  
DELAWARE  
AND INCORPORATED AREAS

PANEL 334 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0334	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.

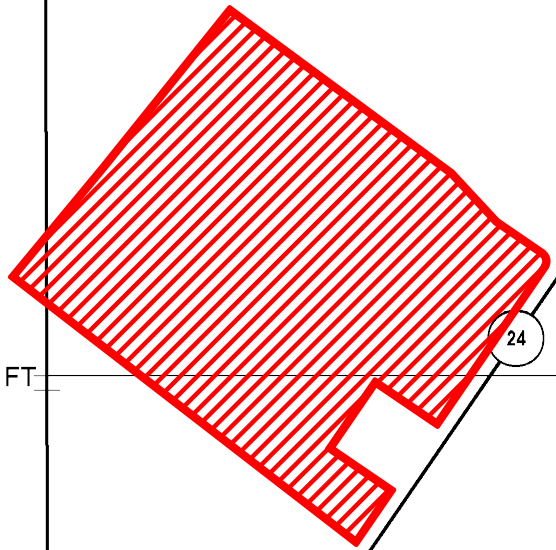


MAP NUMBER  
10005C0334K

MAP REVISED  
MARCH 16, 2015

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM



24

MULBERRY HU2114+  
KNOLL ROAD

EVENTERS WAY

GREENER TRAIL LANE

WINIFRED WAY

WILLIAMS WAY

ZONE AE  
(EL 5)

ZONE AE  
(EL 5)

TALL OAKS COURT

WINCHELSEA COURT

COURT

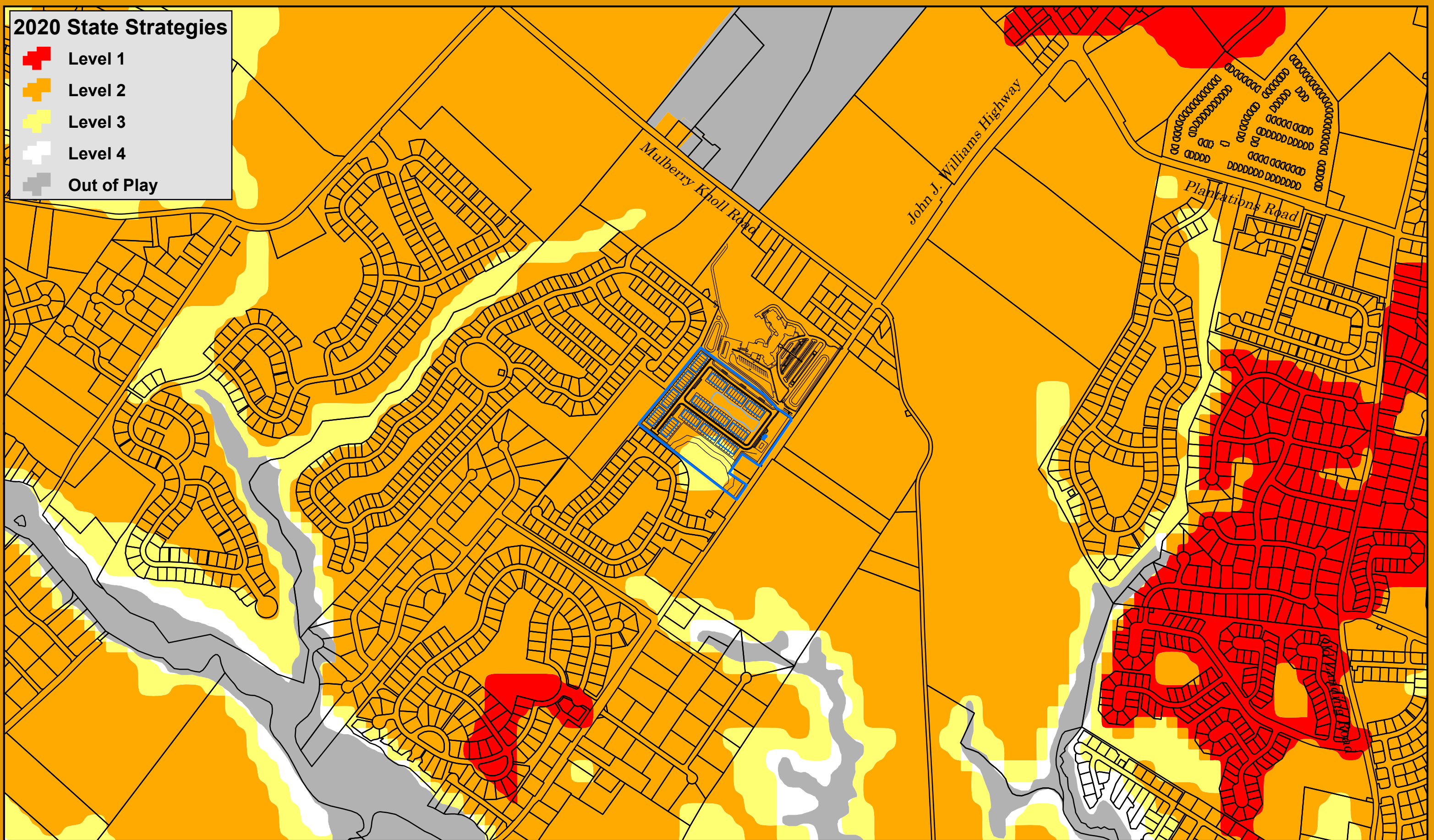
Branch

ROAD

260000 FT

# 2020 State Strategies

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



Sources:  
Tax Parcels per Sussex County



April 2022

## 2020 State Strategies

### Howeth Property

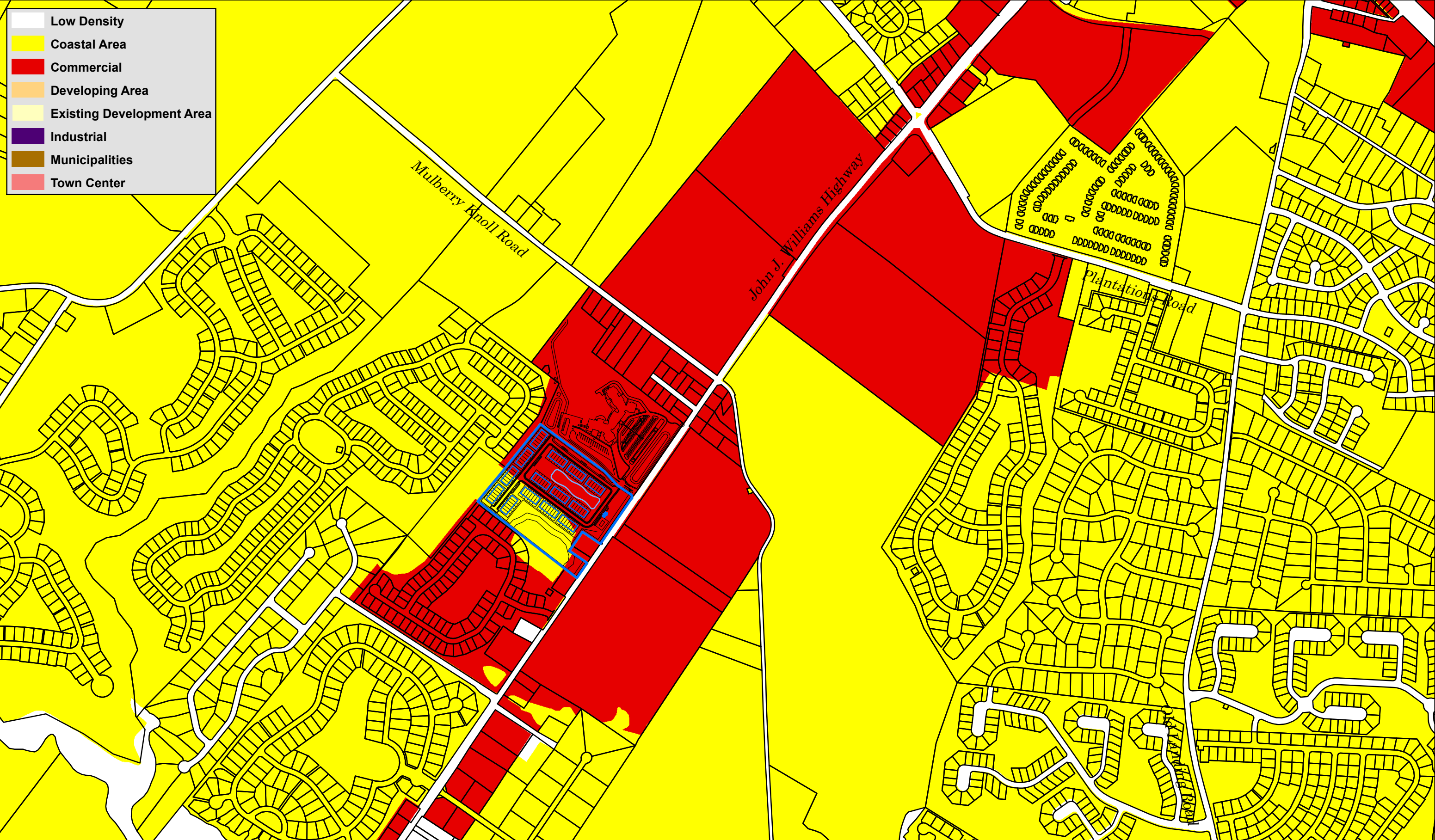
Sussex County, Delaware

0 800 1,600 Feet





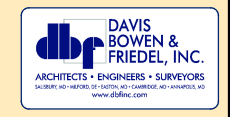
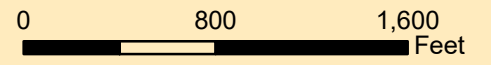
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



## Sussex County 2045 Future Land Use Map

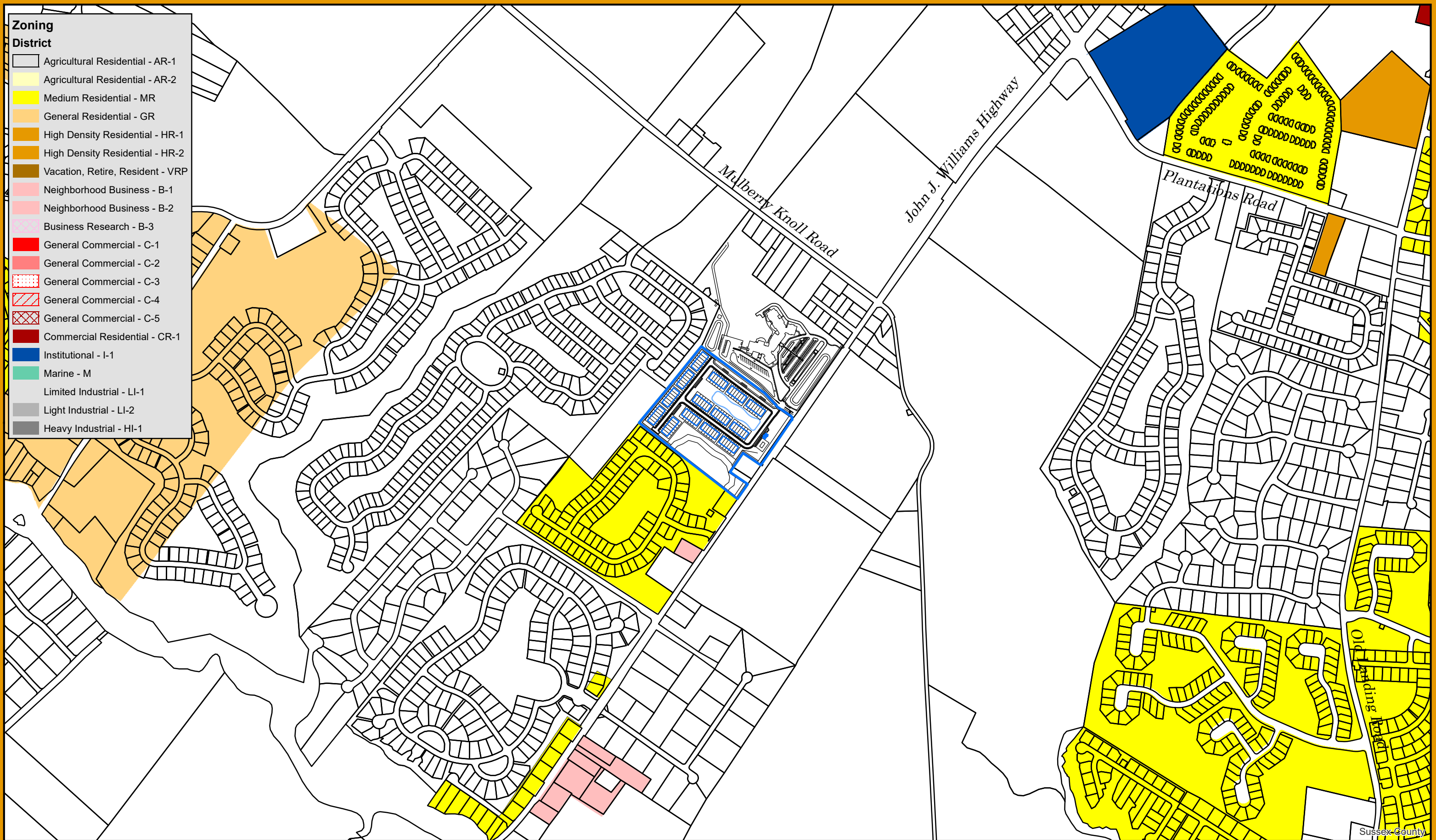
### Howeth Property

Sussex County, Delaware



**Zoning District**

[Light Yellow]	Agricultural Residential - AR-1
[Yellow]	Agricultural Residential - AR-2
[Light Orange]	Medium Residential - MR
[Orange]	General Residential - GR
[Dark Orange]	High Density Residential - HR-1
[Brown]	High Density Residential - HR-2
[Dark Brown]	Vacation, Retire, Resident - VRP
[Light Pink]	Neighborhood Business - B-1
[Pink]	Neighborhood Business - B-2
[Light Purple]	Business Research - B-3
[Red]	General Commercial - C-1
[Light Red]	General Commercial - C-2
[Red with dots]	General Commercial - C-3
[Red with diagonal lines]	General Commercial - C-4
[Red with cross-hatch]	General Commercial - C-5
[Dark Red]	Commercial Residential - CR-1
[Blue]	Institutional - I-1
[Light Green]	Marine - M
[Light Gray]	Limited Industrial - LI-1
[Medium Gray]	Light Industrial - LI-2
[Dark Gray]	Heavy Industrial - HI-1



Sources:  
Tax Parcels per Sussex County



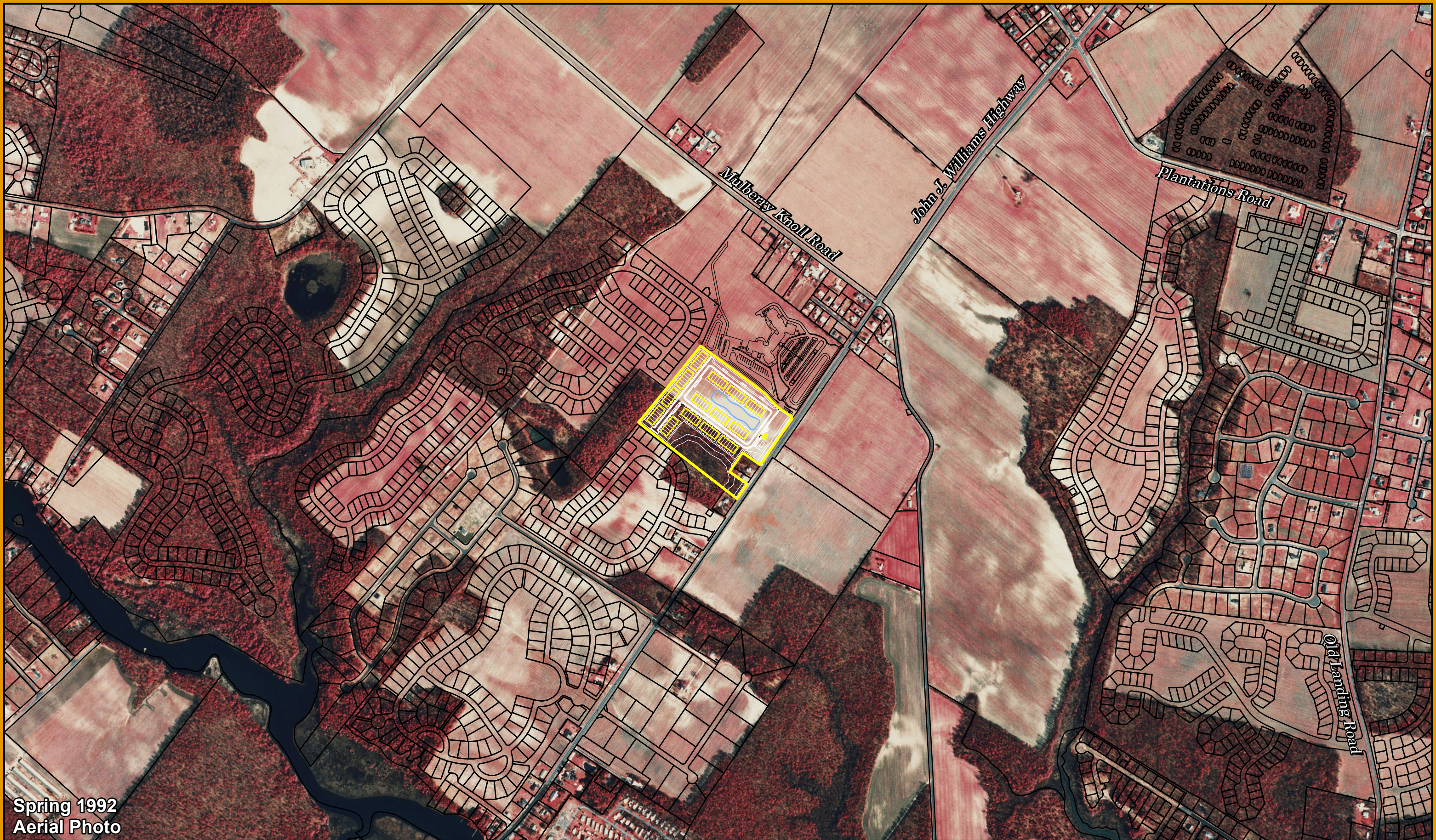
April 2022

# Sussex County Zoning Map

**Howeth Property**  
Sussex County, Delaware



Sussex County

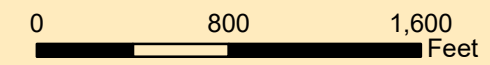


Spring 1992  
Aerial Photo



Sources:  
Tax Parcels per Sussex County

**1992 Aerial Photo**  
**Howeth Property**  
Sussex County, Delaware





Spring 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



**2017 Aerial Photo**  
**Howeth Property**  
Sussex County, Delaware

0 800 1,600  
Feet



-  100-YR Flood Plain
-  NWI Wetlands
-  State Mapped Wetlands
-  State 2' Contours

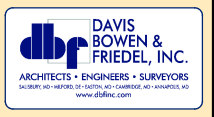
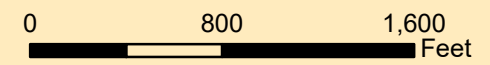




Spring 2017  
Aerial Photo

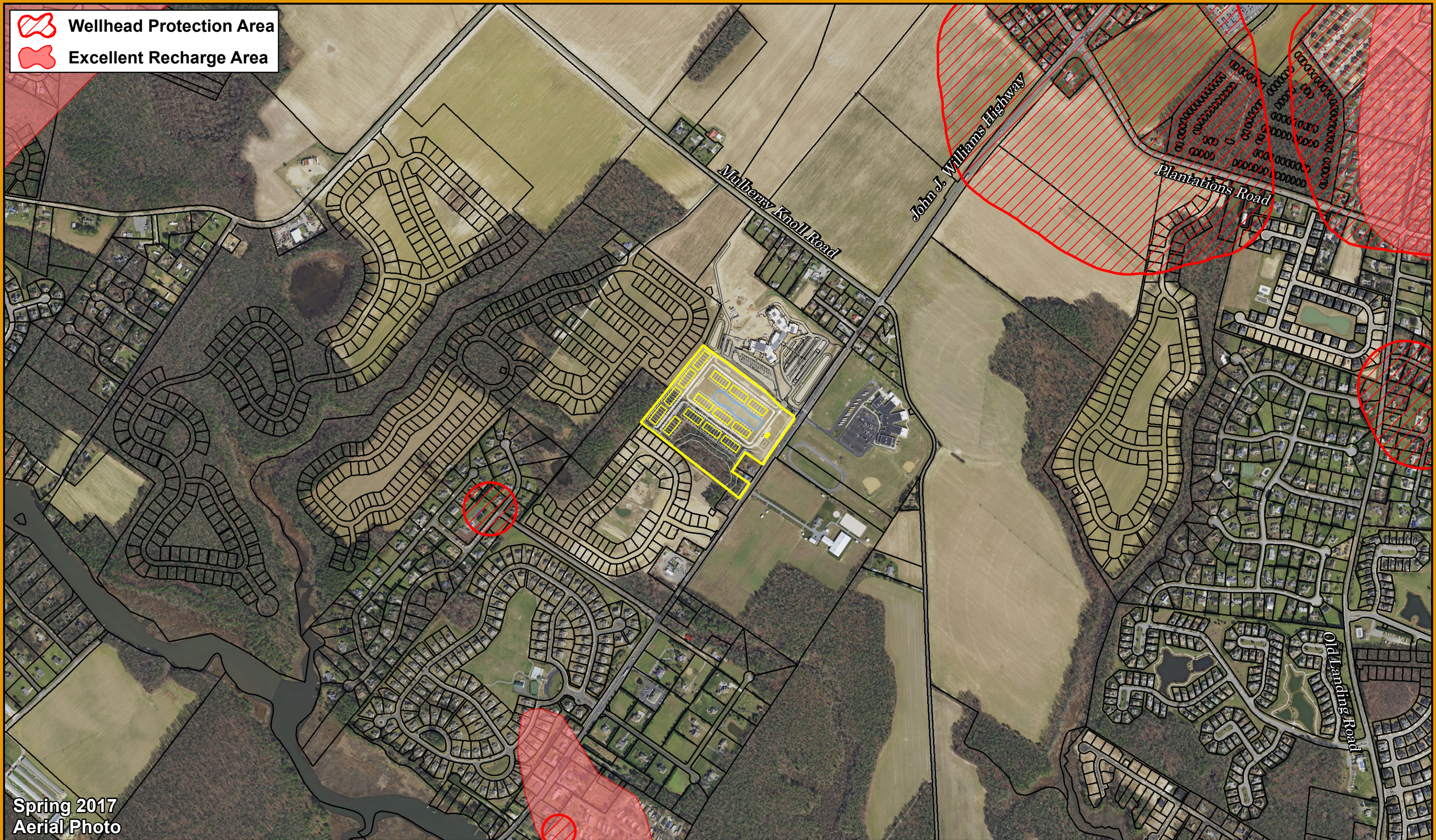
Sources:  
Tax Parcels per Sussex County



**Environmental Map**  
Howeth Property  
Sussex County, Delaware



-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017  
Aerial Photo



Sources:  
Tax Parcels per Sussex County

## Source Water Protection Areas

**Howeth Property**  
Sussex County, Delaware

0                      800                      1,600  
Feet



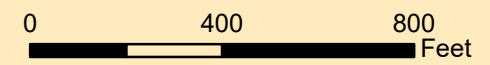


Spring 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



**NCRS Soil Survey**  
**Howeth Property**  
Sussex County, Delaware



# 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**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**

84 Multifamily Dwellings per 115-31

Tax Map #: 334-12.00-16.04Size of Parcel(s): 21.62 acresCurrent Zoning: ARProposed Zoning: MR

Size of Building: \_\_\_\_\_

Land Use Classification: Multi-familyWater Provider: Tidewater UtilitiesSewer Provider: Sussex County**Applicant Information**Applicant Name: J.G. Townsend Jr. & Co.Applicant Address: P.O. Box 430City: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-2525E-mail: paul@jgtownsend.com**Owner Information**Owner Name: J.G. Townsend Jr. & Co.Owner Address: P.O. Box 430City: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-2525E-mail: paul@jgtownsend.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.Agent/Attorney/Engineer Address: 1 Park AveCity: MilfordState: DEZip Code: 19963Phone #: (302) 424-1441E-mail: cdm@dbfinc.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- \_\_\_ Completed Application
- \_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- \_\_\_ Provide Fee \$500.00
- \_\_\_ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- \_\_\_ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- \_\_\_ DeIDOT Service Level Evaluation Request Response
- \_\_\_ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

### Signature of Applicant/Agent/Attorney

*Chris Myer*

Date: 7/21/21

### Signature of Owner

*Jeff* President

Date: 7/21/21

### 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: \_\_\_\_\_

# 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**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**

**Tax Map #:** 334-12.00-16.04 **Size of Parcel(s):** 21.62 acres

**Current Zoning:** AR-1 **Proposed Zoning:** MR **Size of Building:** \_\_\_\_\_

**Land Use Classification:** Multi-family

**Water Provider:** Tidewater Utilities **Sewer Provider:** Sussex County

**Applicant Information**

Applicant Name: J.G. Townsend Jr. & Co.

Applicant Address: P.O. Box 430

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com

**Owner Information**

Owner Name: J.G. Townsend Jr. & Co.

Owner Address: P.O. Box 430

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.

Agent/Attorney/Engineer Address: 1 Park Ave

City: Milford State: DE Zip Code: 19963

Phone #: (302) 424-1441 E-mail: cdm@dbfinc.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ Completed Application

\_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

\_\_\_ Provide Fee \$500.00

\_\_\_ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

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\_\_\_ DeIDOT Service Level Evaluation Request Response

\_\_\_ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

### Signature of Applicant/Agent/Attorney

\_\_\_\_\_ *C. J. [Signature]*

Date: 7/21/2021

### Signature of Owner

\_\_\_\_\_ *[Signature], President*

Date: 7/21/21

### 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: \_\_\_\_\_

LEGAL DESCRIPTION

Lands of J.G. Townsend Jr. & Co.

TAX PARCEL #334-12.00-16.04

July 22, 2021

**ALL** that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, as depicted on a survey entitled "Boundary of Waters of the United States including Wetlands Subject to Corps of Engineers Regulatory Program" of the Lands of J.G. Townsend, Jr., & Co., prepared by Atlantic Surveying and Mapping, dated February 11, 2018, fronting on the northwesterly side of John J. Williams Highway (State Route 24), and being more particularly bounded and described as follows, to wit:

**BEGINNING** at an iron rod found on the northwesterly right of way line of John J Williams Highway (State Route 24), said point being located at the northeastern corner of lands of, now or formerly, Andrew McConnell as recorded in said Office of the Recorder of Deeds in Deed Book 5048 Page 30 and being identified as tax parcel 334-12.00-481.00, marking a common corner between said McConnell lands and this parcel; thence,

1) leaving said State right of way and running by and with said McConnell lands, North 52 degrees 14 minutes 22 seconds West, 135.21 feet to an iron pipe found, being a common corner of said McConnell lands and land now or formerly of Saddle Ridge Property Owners Association Inc., Sussex County Tax Parcel 334-18.00-40.04, thence,

2) leaving said McConnell lands and running by and with said Saddle Ridge lands North 52 degrees 15 minutes 59 seconds West, 994.95 feet to an iron rod found, marking a common corner for this parcel and said Saddle Ridge lands on the southwesterly line of lands now or formerly of Thomas Lang, Sussex County Tax Parcel 334-12.00-22.00, thence,

3) leaving said Saddle Ridge lands and turning and running with said Lang lands North 39 degrees 41 minutes 58 seconds East, 367.61 feet to an iron pipe found at a common corner of said Lang lands and lands now or formerly of K. Hovnanian's Four Seasons at Belle Terre LLC, Sussex County Tax Parcel 334-12.00-17.00, on the northwesterly line of this parcel, thence,

4) leaving said Lang lands and running by and with said K. Hovnanian lands North 38 degrees 44 minutes 38 seconds 527.82 feet to an iron rod found on the southeasterly line of said K. Hovnanian lands and a common corner for this parcel and lands now or formerly of the Cape Henlopen School District (CHSD), Sussex County Tax Parcel 334-12.00-45.01, thence,

5) leaving said K Hovnanian lands and turning and running with lands of CHSD the following four (4) courses and distances: 1) South 53 degrees 34 minutes 44 seconds

East, 716.83 feet to an iron rod found; 2) South 43 degrees 00 minutes 16 seconds East, 172.77 feet to an iron rod found; 3) South 55 degrees 35 minutes 56 seconds East, 145.02 feet to an iron rod found; 4) with the arc of a curve deflecting to the right having an arc length of 39.28 feet, a radius of 25.00 feet and a chord bearing and distance of North 10 degrees 34 minutes 35 seconds West 35.37 feet to an iron rod found on the northwesterly right of way line of John J. Williams Highway, thence,

6) leaving said CHSD lands and running by and with the northwesterly right of way line of John J. Williams Highway South 34 degrees 26 minutes 45 seconds West, 497.14 feet to an iron rod found along the northeasterly line of lands now or formerly of Craig Alan Beebe, Sussex County Tax Parcel 334-12.00-24.00, thence,

7) leaving said right of way and turning and running by and with the lands of Beebe the following two courses: 1) North 55 degrees 47 minutes 24 seconds West, 194.00 feet to an iron rod found; 2) South 34 degrees 32 minutes 06 minutes West 149.00 feet to an iron pipe found at a common corner between lands of Beebe and lands now or formerly of Jamie Britton, Sussex County Tax Parcel 334-12.00-23.00, thence,

8) leaving said Beebe lands and continuing by and with said Britton lands the following two (2) courses and distances: 1) South 34 degrees 26 minutes 09 seconds West, 59.89 feet to an iron pipe found; 2) South 55 degrees 33 minutes 52 minutes East, 194.11 feet to an iron rod found along the northwesterly right of way of State Route 24, thence,

9) leaving said Britton lands and turning and running by and with said State Route 24 South 34 degrees 26 minutes 45 seconds West 163.25 feet to the point and place of beginning,

**CONTAINING** 21.62 acres of land, more or less.

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

July 30, 2021

**Revised: May 13, 2022**

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Response to PLUS Review 2021-12-04  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

We have read and reviewed the comments provided during the PLUS Review of the Project on December 16, 2020 and received from the Office of State Planning dated January 17, 2021. We offer the following item-by-item response narrative for your review:

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

*This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have other priorities for the near future. We encourage you to design the site with respect for the environmental features which are present.*

**We recognize that the project is in both Investment Levels 2 and 3. We understand Level 2 & 3 areas are anticipated growth areas. The site has been designed with respect to the environmental features located on the parcel.**

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

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

- *The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at*

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. As necessary, the existing access there must be improved.

The entrance to the subdivision will be from a previously installed connection point along the entrance road to Love Creek Elementary School. The traffic from this parcel was factored into the design of the Love Creek Elementary School signalized intersection. A Record plan will be submitted to DeIDOT for issuance of a "Letter of No Objection".

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).

A pre-submittal meeting was held on January 6, 2022.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

#### Acknowledged

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

We are familiar with the fees required for submittals to DeIDOT.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 598 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DeIDOT calculates 594 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 40 and 51, respectively. Therefore, a TIS would normally be required.

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

The developer should contact Ms. Sarah Coakley, a principal planner in DeIDOT's

Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.

The subject land fronts on a segment of Delaware Route 24 that DelDOT anticipates improving through their project: SR 24, Love Creek to Mulberry Knoll, Contract No. T201212201. This project is scheduled for construction starting in the spring of 2022. DelDOT is presently acquiring rights-of-way and easements. Rights-of-way and easements in excess of the standard dedications described below are compensable. But for the TID, the developer would be required to contribute toward that contract but such contributions will be addressed in their TID fees.

During the pre-submittal meeting it was agreed that the developer will be required to enter into a signal agreement and a TID Developer Infrastructure Recoupment Agreement.

- 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 Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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.**"

The existing right-of-way as measured from centerline of the road is 40', therefore no dedication is required. The existing right-of-way will be dimensioned on the final subdivision and record plans.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

A 15-foot permanent easement has been shown on the Site plan.

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.



The above items will be provided on the Record plan.

- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT's plans for the SR 24 project discussed above currently include a five-foot sidewalk along the site frontage. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build this sidewalk along their frontage. Sidewalk construction, if required, would be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.*

As per the pre-submittal meeting, The TID fee covers the installation of pedestrian facilities along the frontage and is part of DelDOT's SR24 improvement project.

- *Section 3.5.4.4 of the Manual addresses requirements for accessways. An accessway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring an accessway to connect the internal streets to SR 24 in the area between the proposed pool and Tax Parcel No. 334-12.00-24.00.*

An additional access point from the internal sidewalk to the frontage path will be considered during the construction plan design phase.

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DTC anticipates requiring far side bus stops, including 8-foot by 17-foot shelter pads on both sides of Route 24 at the school entrances. Bus stop construction, if required, may be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.*

As per the pre-submittal meeting this will not be required by the developer and should be part of the SR 24 project.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.*

Storm water management facilities have been sited greater than 20-feet from the dedicated right-of-way.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may*

*require the developer to build entrance improvements. This matter should be discussed at the Pre-Submittal Meeting.*

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**Existing utilities have been shown on the plans. No utility relocations are anticipated at this time.**

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

#### **Concerns Identified Within the Development Footprint**

##### ***Natural Areas***

*The entire forested area on the site lies within Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.*

- *Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.*

**Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.**

##### ***Wetlands***

*Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands within the forested area of the site. The project application confirms the presence of 2.09 acres of wetlands. Preliminary plans propose a 50-foot buffer from wetland areas.*

- *If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.*

**No wetland disturbance is proposed.**

- *For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>*
- *Contact: U.S. Army Corps of Engineers (Dover Office) at  
[DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.  
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>*

A wetland delineation has been performed for this property and a JD letter issued by the Corps.

### ***Vegetated Buffer Zones***

*Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.*

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

A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands. This area will be mostly existing forest.

### ***Stormwater Management***

*This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.*

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

A Sediment and Stormwater Management plan will be submitted to the Sussex Conservation District as part of the plan approval process.

- *Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*

An NOI will be filed with DNREC for this project.

- *Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

A pre-application meeting will be conducted with SCD prior to submitting plans.

- *Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>*

- *General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**We will work with SCD to develop a plan that meets their requirements.**

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

*Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.*

- *This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.*
- *Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>*

**The stormwater management design will utilize best management practices to meet SCD water quality standards.**

### ***Hydrologic Soils Group***

*Hydrologic Soil Group A/D soils (poorly drained) have been identified within the forested area on the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*

*Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.*

- *Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**This site will utilize 48-hour extended detention ponds to treat and manage stormwater runoff. A soils investigation is underway for this site and will be included in the stormwater management report to be submitted to SCD as part of their plan approval process.**

### ***Drainage Concerns Documented***

*There are three reported drainage concerns on the proposed site location from 2010. The concerns were regarding standing water in wetland areas on the rear of the property, with the water draining from adjacent property. No solution has been reported.*

**Positive drainage will be provided throughout the site through site grading and using grassed swales with drainage inlets and pipes to convey water to the stormwater management pond.**

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

*This project proposes open space of 11.42 acres, exceeding the threshold of 10 acres for nutrient management.*

- *A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.*
- *Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>*

**Acknowledged.**

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

*Sussex County (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.*

- *It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.*
- *Contact: DNREC Groundwater Discharges Section at (302) 739-9948. Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>*

**A gravity sewer collection and conveyance system is proposed for this site. Construction plans will be submitted to DNREC and Sussex County Engineering for approval.**

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

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

#### Fire Protection Water Requirements:

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

#### Fire Protection Features:

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

#### Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must*

*be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout 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.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

*Gas Piping and System Information:*

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

*Required Notes:*

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

**DBF thanks the Fire Marshal’s office for providing the above information. We will work with the fire marshal’s office to develop a plan that meets all their requirements for plan approval.**

***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 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 plan presented does not show the easement by which the subject land has access through the Love Creek Elementary School campus but the plan suggests that the*

*easement addresses only the area near Route 24, where access is proposed. DelDOT anticipates that the proposed entrance will be congested at the beginning and end of each school day. Accordingly, DelDOT recommends that the developer pursue an expanded easement and connect to the school driveway in the area of Block 14 as well.*

*Further regarding the easement through the school campus, DelDOT, recommends in accordance with Section 3.5 of the Manual, that the developer pursue access through the school campus and Delaware State Police Troop 7 to Mulberry Knoll Road (Sussex Road 284).*

**Access through the school campus and Troop 7 has been requested and was denied.**

- *DelDOT recommends that the head-in parking proposed near the mailboxes and pool be changed to parallel parking to eliminate the need for residents to back out onto a relatively busy street.*

**The internal subdivision streets will not be busy enough that one could not back out of a parking space. Rehoboth Avenue has head in parking, and it is much busier than this location.**

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.*

**No substations are proposed.**

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

**Acknowledged.**

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

**Acknowledged.**

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

**Concerns Identified Within the Development Footprint**

**Old Growth Forest**

*The preliminary plan proposes an 84-unit subdivision on 21.62 acres along Route 24 in Sussex County, which includes the elimination of 4.26 of 9.26 acres of forest on the site. An analysis of historical data indicates that the forest area has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.*

- *Avoid removing forested areas for development to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water*

*quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.*

**Tree clearing has been minimized as much as possible with respect to the requested density. Further attempts to minimize tree clearing will be made during the construction plan phase of the project.**

- *A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.*

**This information will be taken into consideration. Approximately 4.9 acres of woods are being preserved.**

- *To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.*

**Acknowledged.**

- *Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### **Natural Areas**

- *Reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and cutting of forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.*

**Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.**

- *The developer could also investigate dedicating forested areas on the site as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*

**We will contact DNREC if the developer or HOA decides to pursue this option.**

- *Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>*

### **Delaware Ecological Network**

*The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.*



- *Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.*

Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.

- *Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### **State of Delaware Rare, Threatened, or Endangered Species**

*The following animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area. Likewise, the natural habitats for these species also exist on this site, consisting of deciduous or mixed deciduous-coniferous woodlands with wetlands for breeding.*

<b>Scientific Name</b>	<b>Common Name</b>	<b>Taxon</b>	<b>State Rank</b>	<b>State Status</b>	<b>SGCN Tier</b>	<b>Federal Status</b>
<i>Ambystoma tigrinum</i>	<i>Eastern Tiger Salamander</i>	<i>Amphibian</i>	<i>S1</i>	<i>E</i>	<i>1</i>	
<i>Hyla gratiosa</i>	<i>Barking Treefrog</i>	<i>Amphibian</i>	<i>S1</i>	<i>E</i>	<i>1</i>	
<i>Hyla chrysoscelis</i>	<i>Cope's Gray Treefrog</i>	<i>Amphibian</i>	<i>S2</i>		<i>2</i>	

*Please visit the following website for definitions on the specified State Rank, state Status, and Global Ranking: <http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.*

- *To minimize negative impacts to these species, we recommend that natural habitats of forest and wetlands be conserved to the maximum extent practicable.*

Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.

- *For threatened or endangered turtles and salamanders located in proposed developments containing forest habitat and wetlands, design the development to exclude traditional street curb and gutter systems. Instead, utilize vegetated swales or other road curbing (such as Cape Cod curbing) that allows small animals to climb out of the roadbed. This is preferred over steep, vertical curbing.*

Rolled (mountable) curbing is proposed for the internal streets.

- *Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.*

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

### ***Vegetated Buffer Zones***

- *Incorporate a 100-foot vegetated buffer zone from the edge of freshwater forested wetlands to protect water quality.*
- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*
- *In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

**A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands. This area will be mostly existing forest.**

- *Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### ***Stormwater Management***

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

**The stormwater management design will utilize best management practices to meet SCD water quality standards.**

### ***General Drainage Recommendations***

- *All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or*

*the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.*

**No ditches are proposed to be cleaned as part of this project. If it is necessary to clean the ditches to ensure positive drainage the appropriate authorities will be notified.**

- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*

**No upstream areas are draining through this site. The project will be evaluated to ensure no adverse impact is created to downstream conveyances.**

- *Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.*
- *Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.*
- *Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>*

**DBF thanks the DNREC Drainage Section for their comments and will take them into consideration during the construction plan phase of the design.**

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

- *Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.*
- *For the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/eef](http://www.de.gov/eef).*
- *Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.*

- *Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.*

**These comments will be taken into consideration during the construction plan phase of the design.**

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

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

**DBF thanks the Fire Marshal's office for providing the above information. We will work with the fire marshal's office to develop a plan that meets all their requirements for plan approval.**

**Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062**

- *A pair of companion bus stops are needed, each far-side of the intersection with the schools. Both stops should be Type 2 17'x8' shelter pads and placed at least 50' from the intersection.*

**As per the pre-submittal meeting this will not be required by the developer and should be part of the SR 24 project.**

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- *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](http://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.*

**DBF thanks the Sussex County Housing office for their comments. The developer has been made aware of Sussex County's "Affordable Housing Support Policy" and will contact the Community Development & Housing Department if they wish to pursue those opportunities.**

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

P:\JG Townsend\2261J013 School Lane\Docs\P&Z\Booklets\First Draft\X-6\_HOWETH\_PLUS Comment Response Letter.docx

Cc: David L. Edgell, AICP, Office of State Planning

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

January 26, 2022

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **School Lane** (fka Howeth Property)  
Chapter 89: Source Water Protection  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

On behalf of our client, J.G. Townsend Jr. & Co., we are submitting this letter demonstrating that the project will comply with Chapter 89 Source Water Protection of the Sussex County Code. The above parcel of land is not located within the Excellent Groundwater Recharge Area, or the Wellhead Protection Area as depicted on DNREC's maps.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
*DAVIS, BOWEN & FRIEDEL, INC.*



Cliff Mumford, P.E.  
Associate

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

July 30, 2021

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

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

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.* The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of grass lined swales and 48-hour wet extended detention basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.* The proposed project is located in Tidewater Utilities franchise area, and they hold the Certificate of Public Necessity (CPCN). Tidewater has a 12" water main along the project frontage for connection. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 21,000 gallons per day and a peak use of 63,000 gallons per day.
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the*

*quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub along the frontage of SR24.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*  
As stated by DelDOT in the PLUS comments dated December 16, 2020, this project is located within the Henlopen TID and will be required to pay a fee per dwelling unit. DBF is working with DelDOT to finalize the contribution amount and mitigate impacts to the roadway system.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* As stated in the PLUS review comments the Eastern Tiger Salamander, the Barking Treefrog, and the Cope's Gray Treefrog have been documented within the project area. The Eastern Tiger Salamander and the Barking Treefrog are listed on DNREC's website of endangered species, the Cope's Gray Treefrog is listed as a rare species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*  
No wetlands are proposed to be disturbed as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and multi-use sports field.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will also construct a shared-use path or sidewalk along the frontage of SR24, which is approximately 500' long. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* A future land use map amendments has been submitted to the Office of State Planning to change the future land use of this parcel from commercial to residential. If that is successful the proposed application and mitigation measures will comply with the current Sussex County



**Comprehensive Plan.**

- (1) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan as mentioned in item K.*

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch

23 November 2020

SUBJECT: Approved Jurisdictional Determination CENAP-OPR-2020-664-23  
Project Name: J.G. Townsend, Jr. and Company  
Coordinates: Lat. 38.713215°N/-75.154150°W

Thomas D. Nobile  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Nobile:

This approved jurisdictional determination (AJD) is provided in response to your request of September 10, 2020 on behalf of J.G. Townsend, Jr., and Company for a Corps of Engineers determination of federal jurisdiction as it relates to a site located at Tax Map Parcel 334-12.00-16.04, Lewes and Rehoboth Hundred, Sussex County, Delaware.

The findings of this AJD are documented in the enclosed AJD Form. The findings are also depicted on a site plan prepared by Atlantic Surveying and Mapping LLC, dated February 11, 2018, and titled: Boundary of Waters of the United States Including Wetlands Subject to Corps of Engineers Regulatory Program, Lands of J.G. Townsend, Jr. & Co., Lewes and Rehoboth Hundred, Sussex County, Delaware, 334-12.00-16.04, one sheet.

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

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

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

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

Mr. James W. Haggerty  
Regulatory Program Manage (CENAD-PD-OR)  
United States Army Corps of Engineers, North Atlantic Division  
Fort Hamilton Military Community, Bldg. 301, General Lee Avenue  
Brooklyn, NY 11252-6700  
James.W.Haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 24 January 2020.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at (302) 736-9764, or by email at [john.g.brundage@usace.army.mil](mailto:john.g.brundage@usace.army.mil).

Sincerely,

BRUNDAGE.JOH  
N.G.122915746  
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Digitally signed by  
BRUNDAGE.JOHN.G.12291  
57465  
Date: 2020.11.23 15:10:27  
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John G. Brundage  
Senior Staff Biologist  
Regulatory Branch

Enclosures



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

January 20, 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 **J.G. Townsend Jr. & Co.** rezoning application, which we received on December 17, 2020. This application is for an approximately 21.83-acre parcel (Tax Parcel: 334-12.00-16.04). The subject land is located on the northwest side of Delaware Route 24, approximately 1,400 feet southwest of Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium Density Residential) to develop 84 townhomes (multi-family low-rise housing).

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 84 townhomes would generate 594 vehicle trips per day, 40 vehicle trips during the morning peak hour, and 51 vehicle trips during the evening peak hour. These numbers of trips meet DeIDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DeIDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it. For residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to



Mr. Jamie Whitehouse

Page 2 of 2

January 20, 2021

pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements in accordance therewith. The proposed development is consistent with the LUTP, therefore, the developer will be required to pay the TID fee as stated above. Any improvements required by DeIDOT beyond the site entrance construction will be creditable toward the fee.

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

A review of TIS completed in the last five years found that a TIS was completed for the Belle Terre development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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 Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

Enclosure

cc: J.G. Townsend Jr. & Co., 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  
Sarah Coakley, Principal Planner, Regional Systems Planning  
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  
Annamaria Furmato, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN  
SECRETARY

June 23, 2016

Ms. Betty Tustin  
The Traffic Group, Inc.  
104 Kenwood Court  
Berlin, MD 21811

Dear Ms. Tustin

The enclosed Traffic Impact Study (TIS) review letter for the **Belle Terre** residential development (Tax Parcels 334-12.00-17.00, 18.00, 19.00 and 20.00) has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel  
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Frank Kea, Solutions IPEM  
Ms. Constance C. Holland, Office of State Planning Coordination  
Mr. Lawrence Lank, Sussex County Planning and Zoning  
Ms. Janelle Cornwell, Sussex County Planning and Zoning  
Mr. Andrew Parker, McCormick Taylor, Inc.  
DelDOT Distribution

## DelDOT Distribution

Annie Cordo, Deputy Attorney General  
Robert McCleary, Director, Transportation Solutions (DOTS)  
Drew Boyce, Director, Planning  
Mark Luszcz, Chief Traffic Engineer, Traffic, DOTS  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Peter Haag, Traffic Studies Manager, Traffic, DOTS  
Alastair Probert, South District Engineer, South District  
Gemez Norwood, South District Public Works Manager, South District  
Jay Sammons, South District Permit Supervisor, South District  
Steve Sisson, Sussex Subdivision Coordinator, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Mark Galipo, Traffic Engineer, Traffic, DOTS  
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning  
Claudy Joinville, Project Engineer, Development Coordination  
Scott Johnson, Subdivision Manager, Development Coordination



June 23, 2016

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1655  
Traffic Impact Study Services  
**Task No. 1 Subtask 16A – Belle Terre**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Belle Terre residential development prepared by The Traffic Group, Inc. (TTG), dated February 2016. This review was assigned as Task Number 1 (Subtask 16A). TTG prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TIS evaluates the impacts of the Belle Terre residential development, proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. The proposed development would include 200 single-family detached houses and 178 townhouses on approximately 124 acres of land. One full access point is proposed on Mulberry Knoll Road, which will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists. Construction is anticipated to be complete by 2023.

The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).





The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.



Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 & Mulberry Knoll Road	Unsignalized	2015 Existing AM & Saturday (Case 1); 2023 AM, PM & Saturday without and with Belle Terre (Case 2 & 3); 2023 AM, PM & Saturday with Belle Terre and DelDOT Improvements (Case 3)
Delaware Route 24 & Plantation Road / Warrington Road	Signalized	2023 PM & Saturday without and with Belle Terre (Case 2 & 3)

The unsignalized intersection of Delaware Route 24 and Mulberry Knoll Road exhibits LOS deficiencies during existing and future conditions, even with the improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project. These planned improvements consist of adding separate left-turn lanes on the Delaware Route 24 approaches. Without Belle Terre or any roadway improvements, the anticipated LOS deficiencies would occur on the northbound and southbound Mulberry Knoll Road approaches, and the expected worst-case 95<sup>th</sup> percentile queue length is 170 feet for the southbound approach during the future summer Saturday peak hour.

Analysis of the intersection of Delaware Route 24 and Mulberry Knoll Road with the proposed Belle Terre development traffic included (but without any intersection improvements) indicates that delays and queue lengths for the southbound Mulberry Knoll Road approach would increase significantly. Under this scenario, the projected 95<sup>th</sup> percentile queue lengths for southbound Mulberry Knoll Road are 635 feet during the AM peak hour, 415 feet during the PM peak hour, and 500 feet during the summer Saturday peak hour. Analyzed with the improvements included in DelDOT's SR 24, Love Creek to Mulberry Knoll Road project, significant delays on the southbound Mulberry Knoll Road approach would persist and the projected 95<sup>th</sup> percentile queue lengths for the southbound approach would be 600 feet, 395 feet, and 455 feet during those same three peak hours.

Based on previous traffic studies at the intersection of Delaware Route 24 and Mulberry Knoll Road, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. However, based on the capacity analysis included in the TIS, it appears that the installation of a traffic signal at the intersection of Delaware Route 24 and Mulberry Knoll Road would mitigate the LOS deficiencies that would occur with the Belle Terre development traffic included. To address these LOS deficiencies, the developer should improve the intersection, and should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal at this intersection, as described below in Item Nos. 2 and 3.



The signalized intersection of Delaware Route 24 and Plantation Road/Warrington Road exhibits LOS deficiencies during future conditions with and without Belle Terre during the PM and summer Saturday peak hours. Acceptable LOS would be achieved for all future cases with the improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project. These planned improvements include the addition of a second through lane along both directions of Delaware Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The SR 24, Mulberry Knoll Road to SR 1 Project is scheduled for construction in FY 18 and 19.

Per the State of Delaware Preliminary Land Use Service (PLUS) comments dated September 22, 2015, DelDOT recommends that the developer obtain a right-of-way to replace the existing easement for the driveway by which the site would have access to Mulberry Knoll Road.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should construct the site entrance on Mulberry Knoll Road. This proposed entrance driveway would replace the existing unpaved residential driveway located approximately 1,800 feet northwest of the intersection of Delaware Route 24 and Mulberry Knoll Road, labeled as Dorman Farm Lane in the Site Location Map on Page 10. The proposed configuration is shown in the table below:

<b>Approach</b>	<b>Current Configuration</b>	<b>Proposed Configuration</b>
Northbound Mulberry Knoll Road	One through lane (allowing left turns onto unpaved driveway)	One shared through/left-turn lane and one bypass lane
Southbound Mulberry Knoll Road	One through lane (allowing right turns onto unpaved driveway)	One through lane and one right-turn lane
Eastbound Site Entrance	Approach does not exist (except for unpaved driveway)	One shared left/right-turn lane

Based on earlier coordination between the developer and DelDOT, the initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes / bypass lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.



Approach	Left-Turn or Bypass Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	105-foot full-width bypass lane, plus 75-foot tapers	N/A
Southbound Mulberry Knoll Road	N/A	190 feet
Eastbound Site Entrance	N/A	N/A

It is noted that the construction and use of the proposed site entrance driveway providing access to Mulberry Knoll Road will require use of an existing easement through the property on the northeast side of the proposed development. DelDOT recommends that the developer obtain a right-of-way to replace this existing easement. This driveway could also have an impact on access to the proposed Delaware State Police (DSP) Troop 7 site, to be located just to the south on Mulberry Knoll Road. The Belle Terre developer must coordinate with DelDOT's Development Coordination Section and the owner of the adjacent property (DSP site), as the design details for access to both the Belle Terre site and the DSP site will need to be determined during the site plan review process.

2. The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared through/left-turn lane and one right-turn lane
Eastbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane
Westbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final design details including final turn-lane lengths during the site plan review process. The design of this intersection must accommodate DelDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project*.

Approach	Left-Turn Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	TBD *
Eastbound Delaware Route 24	400 feet **	125 feet ***
Westbound Delaware Route 24	125 feet **	125 feet ***

\* Due to existing constraints including buildings on the northwest corner of the intersection, no initial turn-lane length is provided. Design details and length of the southbound right-turn lane must be determined during the site plan review process.

\*\* turn-lane length per concept plans for DelDOT's *SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project*.

\*\*\* indicates existing turn lane length; final length to be determined by DelDOT during site plan review process

Should DelDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project* advance to construction prior to improvements being made by the developer at the intersection of Delaware Route 24 and Mulberry Knoll Road, the developer should coordinate with DelDOT regarding an equitable share contribution toward the DelDOT project. The amount of the contribution should be determined through coordination with DelDOT's Development Coordination Section. In this situation, there could still be additional improvements that the developer would be responsible for at this intersection after the DelDOT project is constructed (possibly including but not limited to signalization of the intersection if a traffic signal is not included as part of the DelDOT project).

3. The developer should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal for the intersection of Delaware Route 24 and Mulberry Knoll Road. The agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. The developer should coordinate with DelDOT regarding design details and implementation of the traffic signal. The agreement should provide for installation and activation of the signal at DelDOT's discretion. One or more other developers may enter into a traffic signal agreement for this intersection as well.
4. The following bicycle and pedestrian improvements should be included:
  - a. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of the right-turn lane added to southbound Mulberry Knoll Road at the site entrance.
  - b. Adjacent to the right-turn lane added to southbound Mulberry Knoll Road at the site entrance, a minimum of a five foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.



- c. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
- d. Utility covers should be made flush with the pavement.
- e. If a clubhouse or other community facility is constructed as shown on the conceptual site plan, bike parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- f. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be considered within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards.
- g. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to eliminate vehicular overhang onto the sidewalk.
- h. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
- i. A multi-use pedestrian/bicycle connection should be constructed between the proposed Belle Terre development and the proposed Love Creek Elementary School. The developer should coordinate with DelDOT and representatives of the Love Creek Elementary School and the adjacent Saddle Ridge residential development regarding the potential for direct pedestrian/bicycle connections between the developments and the proposed elementary school. The pedestrian/bicycle connection(s) between these properties should not be adjacent to Mulberry Knoll Road or Delaware Route 24.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at [http://www.deldot.gov/information/pubs\\_forms/manuals/de\\_mutcd/index.shtml](http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml). For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DelDOT’s Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at [Adam.Weiser@state.de.us](mailto:Adam.Weiser@state.de.us).



Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (302) 738-0203 or through e-mail at [ajparker@mtmail.biz](mailto:ajparker@mtmail.biz) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, P.E., PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** February 2016

**Prepared by:** The Traffic Group, Inc. (TTG)

**Prepared for:** Arcaro Ventures D., LLC

**Tax parcel:** 334-12.00-17.00, 18.00, 19.00 and 20.00

**Generally consistent with DeIDOT's *Development Coordination Manual*:** Yes

**Project Description and Background**

**Description:** The proposed residential development would include 200 single-family detached houses and 178 townhouses.

**Location:** The Belle Terre residential development is proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. A site location map is included on Page 10.

**Amount of land to be developed:** approximately 123.75 acres of land

**Land use approval(s) needed:** Subdivision approval. The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

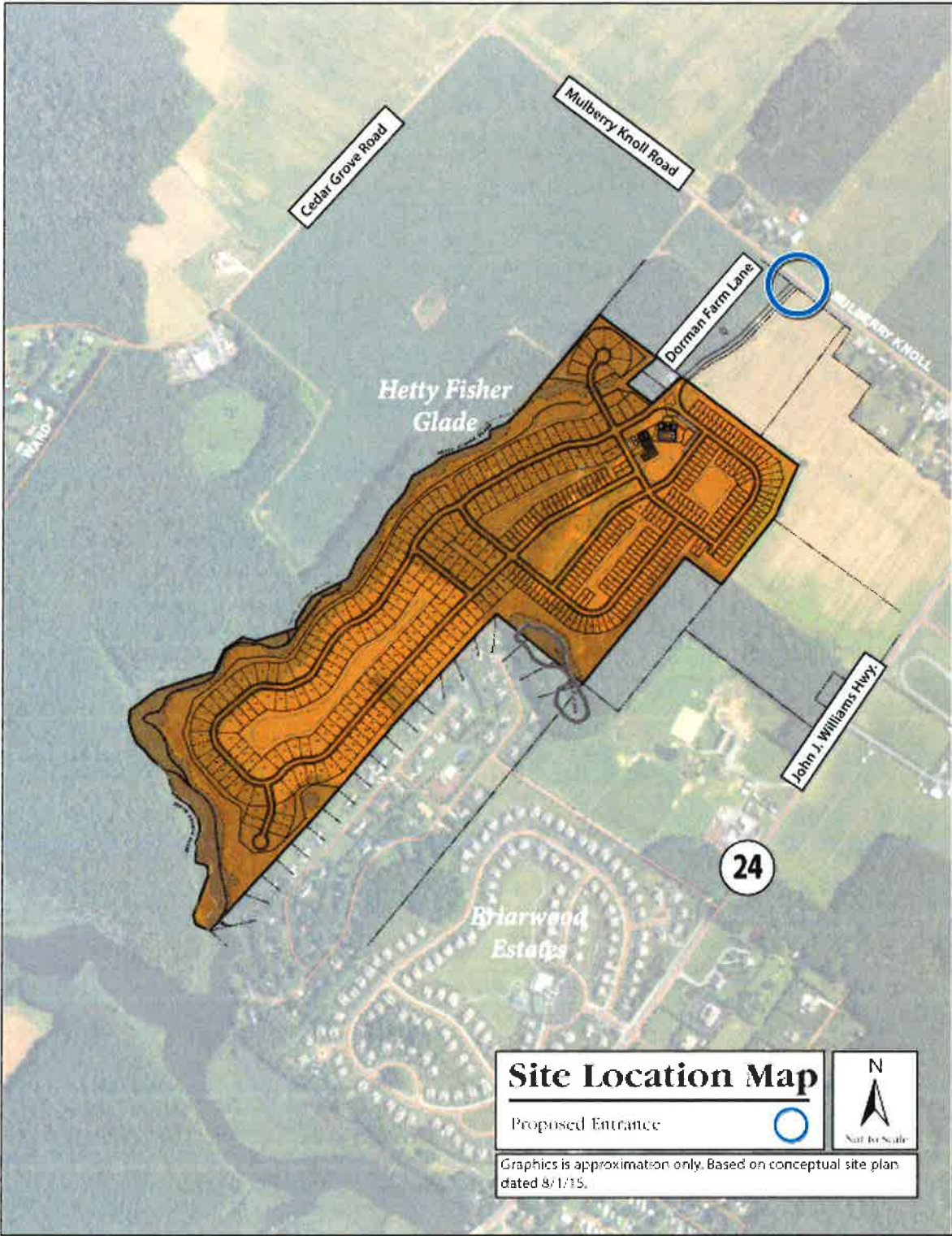
**Proposed completion date:** 2023

**Proposed access locations:** One full access point is proposed on Mulberry Knoll Road. The proposed access will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists.

**Daily Traffic Volumes (per DeIDOT Traffic Summary 2014):**

- 2014 Average Annual Daily Traffic on Mulberry Knoll Road: 668 vpd





## **2015 Delaware Strategies for State Policies and Spending**

**Location with respect to the Strategies for State Policies and Spending Map of Delaware:**  
The proposed Belle Terre development is located within an Investment Level 2 area.

### *Investment Level 2*

Investment Level 2 Areas are areas prepared for growth and where the state can make cost-effective infrastructure investments for schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 2 Areas serve as transition areas between Level 1 and the state's more open, less populated areas.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Belle Terre residential development is located within an Investment Level 2 area, and is to be developed as 200 single-family detached homes and 178 townhomes. This type of development is generally consistent with the character of Investment Level 2 areas, where a mix of housing options is encouraged. The Delaware Route 24 corridor is becoming increasingly developed and is characteristic of Investment Level 2 areas, as it links the commercial SR 1 corridor and beach resort area with rural Sussex County. DelDOT plans to make improvements along the Delaware Route 24 corridor and DART recently added a new year-round bus route to accommodate the continuing growth. A new elementary school is also proposed adjacent to the Belle Terre development to serve the growing area, which is another sign of Investment Level 2 type development. The proposed development appears to generally comply with the policies stated in the 2015 "Strategies for State Policies and Spending."

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan Update, June 2008)*

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed development parcel is within the Environmentally Sensitive Developing Area (categorized as a Growth Area).

Growth Areas, including the Environmentally Sensitive Developing Area, are designed to accommodate concentrated levels of development. The Environmentally Sensitive Developing Area has been designated by Sussex County for large areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays). This designation recognizes two characteristics of these areas. First, these regions are among the most desirable locations in Sussex County for new housing, as reflected in new construction data and real estate prices. Second, these regions contain ecologically important wetlands and other coastal lands that help absorb floodwaters and provide extensive habitat for native flora and fauna. These areas also have great impacts upon the water quality of the bays and inlets and upon natural habitats.

The challenge in these regions is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets that: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates reasonable. The County has major initiatives to extend public sewer service to replace failing on-site systems in many of these areas. Very careful control of stormwater runoff is an extremely important concern to keep sediment and other pollutants out of the inland bays.

The following major guidelines should apply to future growth in Environmentally Sensitive Developing Areas:

*Permitted Uses* – Environmentally Sensitive Developing Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Environmentally Sensitive 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 to arterial roads. Careful mixtures of homes with light commercial 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. Industrial zones are regulated by the Delaware Coastal Zone Act, which restrict heavy industry and bulk transfer.

*Densities* – The Environmentally Sensitive Developing Areas function as an “overlay” area to several underlying zoning districts. It may be advisable for legal reasons to convert this overlay area into regular zoning districts, while maintaining the current standards. Most of the Environmental Sensitive Developing Areas should continue to allow 2 homes per acre. The option should exist to go up to 4 units per acre if the developer uses optional density bonuses. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.

The County may also consider an additional layer of protection in the Environmentally Sensitive Developing Areas. Tidal wetland area could be subtracted from the total tract size so that “net” tract size is used as the basis for calculating how much development is allowed.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

*Infrastructure* – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre.

**Proposed Development’s Compatibility with Comprehensive Plan:** The proposed Belle Terre residential development is planned to be developed as a mix of housing with 200 single-family detached homes and 178 townhomes. The proposed development appears to comply with the characteristics of Growth Areas in general as well as the *Permitted Uses* for the Environmentally Sensitive Developing Area.

The site is currently zoned AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay. The purpose of the Medium-Density Residential District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. Permitted uses include detached single family dwellings but not manufactured homes. Multifamily dwelling structures and townhomes may be permitted as conditional uses, pending approval through the Sussex County site plan review process.

While the uses proposed for this site appear to be permitted in the Multi-Density Residential District, there are specific regulations that must be followed for each type of use. In particular, there are regulations and densities pertaining to the proposed housing that need to be met and/or approved through the Sussex County site plan review process. As such, this development raises questions regarding consistency with the Sussex County Comprehensive Plan, and thus requires additional discussion.

#### **Relevant Projects in the DelDOT Capital Transportation Program**

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).

The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T201111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Ninth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 200 Single-Family Detached Homes (ITE Land Use Code 210)
- 178 Townhouses/Condominiums (ITE Land Use Code 230)

Table 1  
BELLE TERRE PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			SAT Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
200 single-family detached houses	38	112	150	123	73	196	101	86	187
178 townhouses/condominiums	14	68	82	64	32	96	51	43	94
<b>TOTAL TRIPS</b>	<b>52</b>	<b>180</b>	<b>232</b>	<b>187</b>	<b>105</b>	<b>292</b>	<b>152</b>	<b>129</b>	<b>281</b>

Table 2  
BELLE TERRE DAILY TRIP GENERATION

Land Use	Weekday Daily			Saturday Daily		
	In	Out	Total	In	Out	Total
200 single-family detached houses	994	994	1988	967	967	1934
178 townhouses/condominiums	531	531	1062	536	536	1072
<b>TOTAL TRIPS</b>	<b>1525</b>	<b>1525</b>	<b>3050</b>	<b>1503</b>	<b>1503</b>	<b>3006</b>

**Overview of TIS**

**Intersections examined:**

- 1) Mulberry Knoll Road & Proposed Site Access
- 2) Delaware Route 24 & Mulberry Knoll Road
- 3) Delaware Route 24 & Warrington Road / Plantation Road
- 4) Delaware Route 24 & Bryn Mawr Drive
- 5) Delaware Route 24 & Rehoboth Mall Back Entrance
- 6) Delaware Route 24 & Delaware Route 1
- 7) Mulberry Knoll Road & Cedar Grove Road
- 8) Plantation Road & Cedar Grove Road / Postal Lane
- 9) Postal Lane & Oak Lane / Bethpage Drive

10) Delaware Route 1 & Postal Lane / Melson Road

**Conditions examined:**

- 1) 2015 existing conditions (Case 1)
- 2) 2023 without Belle Terre residential development (Case 2)
- 3) 2023 with Belle Terre residential development (Case 3)

**Peak hours evaluated:** Weekday morning and evening and Saturday mid-day peak hours

**Committed developments considered:**

- 1) Love Creek Elementary School (720 student elementary school)
- 2) Pelican Landing (87,800 square-foot shopping center)
- 3) Saddle Ridge a.k.a. Windswept (81 single-family detached homes)
- 4) Osprey Point (170 single-family detached homes, 180 townhomes)
- 5) Arbor-Lyn (80 townhomes, 60 apartments, 60 single-family detached homes)
- 6) Redden Ridge (84 single-family detached homes)
- 7) Delaware State Police Troop 7

**Intersection Descriptions**

1) **Mulberry Knoll Road & Proposed Site Access**

**Type of Control:** proposed two-way stop-controlled (T-intersection)

**Northbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane

**Southbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/right-turn lane

**Eastbound approach:** (Proposed Site Access) existing residential driveway (gravel), proposed one shared left/right-turn lane, stop-controlled

2) **Delaware Route 24 & Mulberry Knoll Road**

**Type of Control:** two-way stop-controlled (four-leg intersection)

**Northbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled

**Southbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled

**Eastbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

**Westbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

- 3) **Delaware Route 24 & Plantation Road/Warrington Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Warrington Road) one left-turn lane, one through lane and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane
  
- 4) **Delaware Route 24 and Bryn Mawr Drive**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Southbound approach:** (Bryn Mawr Drive) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one left-turn lane and two through lanes  
**Westbound approach:** (DE Route 24) two through lanes and one right-turn lane
  
- 5) **Delaware Route 24 & Rehoboth Mall Back Entrance**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Rehoboth Mall) one shared through/left-turn lane and one right-turn lane  
**Southbound approach:** (Hudson Way) one shared through/left-turn lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane
  
- 6) **Delaware Route 24 & Delaware Route 1**  
**Type of Control:** signalized three-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one bus/bike/downstream-right-turn lane  
**Southbound approach:** (DE Route 1) one u-turn lane, three through lanes, and one bus/bike/right-turn lane  
**Eastbound approach:** (DE Route 24) two left-turn lanes and two right-turn lanes
  
- 7) **Mulberry Knoll Road & Cedar Grove Road**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (Cedar Grove Road) one shared through/right-turn lane  
**Westbound approach:** (Cedar Grove Road) one shared through/left-turn lane



- 8) **Plantation Road & Cedar Grove Road / Postal Lane**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Eastbound approach:** (Cedar Grove Road) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 9) **Postal Lane & Oak Lane / Bethpage Drive**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Bethpage Drive) one shared through/left-turn and one right-turn lane, stop-controlled  
**Southbound approach:** (Oak Lane) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 10) **Delaware Route 1 & Postal Lane / Melson Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one right-turn lane  
**Southbound approach:** (DE Route 1) one left-turn lane, three through lanes, and one right-turn lane  
**Eastbound approach:** (Postal Lane) two left-turn lanes, one through lane and one right-turn lane  
**Westbound approach:** (Melson Road) two left-turn lanes, one through lane and one right-turn lane

### **Safety Evaluation**

**Crash Data:** Crash data was obtained for November 5, 2012 through November 5, 2015 for Delaware Route 24 from Mulberry Knoll Road to SR 1 and for Cedar Grove Road/Postal Lane from Mulberry Knoll Road to SR 1.

Along the Cedar Grove Road/Postal Lane corridor, the crash data request returned a total of 55 crashes for the three-year period. Of the 55 total crashes, 10 crashes (18%) resulted in personal injury. There were no fatal crashes and two alcohol-related crashes, one of which resulted in personal injury. There was one crash involving a motorcycle and zero crashes involving pedestrians/bicyclists. The most common types of crashes were rear-end crashes (36%), angle crashes (25%) and single-vehicle crashes (18%). The majority of crashes occurred during daylight (76%) with dry pavement conditions (52%). The primary contributing circumstances

include driver inattention/distraction/fatigue (24%), following too close (15%) and failure to yield the right-of-way (13%). 22 of the 55 total crashes (40%) occurred at the dog-leg intersection at Plantation Road. This intersection has since been realigned to a signalized four-leg intersection, which should improve safety at the intersection.

Along the Delaware Route 24 corridor, the crash data request returned a total of 123 crashes for the three-year period. Of the 123 total crashes, 23 crashes (19%) resulted in personal injury. There was one fatal crash that was alcohol-related. The most common types of crashes were rear-end crashes (49%) and angle crashes (27%), and 7% of crashes involved a single vehicle. The majority of crashes occurred during daylight (68%) with dry pavement conditions (78%). The primary contributing circumstances include driver inattention/distraction/fatigue (40%), failure to yield the right-of-way (14%), following too close (13%), and disregarding a traffic signal (8%). Of the 123 total crashes, 103 (84%) occurred at intersections along the study corridor. A breakdown of crashes by intersection along Delaware Route 24 is as follows:

- Delaware Route 24 & Mulberry Knoll Road
  - 14 crashes reported (including 1 fatality)
- Delaware Route 24 & Plantation Road / Warrington Road
  - 32 crashes reported
- Delaware Route 24 & Rehoboth Mall Back Entrance
  - 14 crashes reported
- Delaware Route 24 & Delaware Route 1
  - 43 crashes reported

**Sight Distance:** With generally straight and flat roadways, and few potential visual obstructions, sight distance is adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were observed during field observations in the area.

### **Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** The Delaware Transit Corporation (DTC) operates a seasonal DART bus route (Route 207) and a new year-round bus route (Route 215), effective February 2016, in the study area. Route 207 serves Rehoboth / Long Neck / Pot-Nets from mid-May to mid-September. Route 215 runs between Rehoboth/Lewes and Millsboro via Delaware Route 24 with two round-trips in the morning and three in the afternoon. The nearest bus stops are at the Beebe Medical Center to the east and near the Love Creek Bridge to the west.

**Planned transit service:** TTG stated that a representative from the DTC was contacted regarding existing and planned service in the area, and that no transit related facilities were requested.

**Existing bicycle and pedestrian facilities:** According to DelDOT's Sussex County Bicycle Map, Mulberry Knoll Road is not identified as a bicycle route. Mulberry Knoll Road is a local road with 11' travel lanes and no shoulders. Nearby, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway, but it has no designated bike lanes near the

proposed development. According to the bicycle level of service (BLOS) calculator developed by the *League of Illinois Bicyclists*, Mulberry Knoll Road operates at BLOS F, while Delaware Route 24 operates at BLOS A. Statewide Bicycle Route 1 runs along Plantation Road and Warrington Road, crossing Delaware Route 24. Delaware Route 1 is a High-Traffic Connector Bicycle Route that includes a shared bus/bike/right-turn lane in both directions.

There are no existing pedestrian facilities at or near the proposed development. Mulberry Knoll Road is a local road with 11' lanes, no shoulders, and no sidewalks. Delaware Route 24 is a major collector with 12' lanes, 10' shoulders and no sidewalks near the proposed development. East of Mulberry Knoll Road, there is a section of disconnected sidewalks and bike lanes on either side of Delaware Route 24 near the Beebe Health Campus. The SR 1 Pedestrian Improvements Project has connected pre-existing sidewalk segments in the study area along both sides of Delaware Route 1, and a new crosswalk was installed across the Delaware Route 24 approach to the intersection with Delaware Route 1. The proposed development and internal roadway system is located in an existing farm field and wooded area.

**Planned bicycle and pedestrian facilities:** TTG contacted Mr. Anthony Aglio with DelDOT's Division of Planning via email on November 19, 2015 regarding planned or requested bicycle and pedestrian facilities in the area of this proposed development. Mr. Agilo requested that Mulberry Knoll Road be reconstructed in accordance with DelDOT's local road standards, and for a pedestrian connection from the proposed Belle Terre residential development to the proposed Love Creek Elementary School that is not adjacent to the roadway. The proposed elementary school is located immediately southeast of Belle Terre, with access proposed via Delaware Route 24 across from Beacon Middle School.

It is noted that DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project will include new sidewalk and bike lanes along both sides of Delaware Route 24 from Delaware Route 1 to just west of the intersection with Plantation Road/Warrington Road. Also, concept plans for the SR 24, Love Creek to Mulberry Knoll Road Project show future sidewalk being added along both sides of Delaware Route 24 from Love Creek Pines Lane to Spencer Lane/Williams Way along with bike lanes throughout the project area. DelDOT's SR 1 Pedestrian Improvements Project is anticipated to be complete in the summer of 2016.

### **Previous Comments**

All comments from DelDOT's Scoping Letter, Traffic Count Review, Preliminary TIS (PTIS) Review and other correspondence appear to have been addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For unsignalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data (using 3% HV where actual HV percentages were not available). For future conditions, the TIS assumed future HV equal to existing HV at some intersections. At other intersections, they assumed

future HV equal to existing HV or 3%, whichever was greater. The TIS also assumed 3% HV for future movements to and from the proposed site access points. McCormick Taylor assumed future HV to be the same as existing HV at all intersections, unless existing HV% for a particular movement was less than 3%, in which case 3% was used. McCormick Taylor assumed 3% HV for future movements to and from the proposed site access point.

- 2) For existing conditions, the TIS and McCormick Taylor determined, for each intersection, overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF for all intersections other than the proposed site entrance. At that location, the TIS assumed a PHF of 0.80 while McCormick Taylor assumed a PHF of 0.88.
- 3) For analyses of all signalized intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pcphpl per DelDOT's Development Coordination Manual.
- 4) The HCS analyses included in the TIS did not always reflect the lane widths observed in the field by McCormick Taylor. McCormick Taylor's HCS analyses incorporated our field-measured lane widths.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) The TIS generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses. In most cases, McCormick Taylor conservatively input no RTOR volumes for existing and future conditions analyses, but did analyze right-turn movements as overlapping protected left-turn phases. McCormick Taylor did input RTOR volumes for the intersection of SR 1 and Postal Lane, where a majority of right turns were made on red.

Table 3  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>1</sup> Two-Way Stop Control (T-intersection) Mulberry Knoll Road & Proposed Site Access	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
2023 without Belle Terre (Case 2)						
Eastbound Site Entrance	A (9.7)	A (9.4)	A (9.3)	A (9.5)	A (9.3)	A (9.3)
Northbound Mulberry Knoll Road - Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.4)	B (7.4)
2023 with Belle Terre (Case 3) <sup>2</sup>						
Eastbound Site Entrance	B (12.0)	B (12.7)	B (12.3)	B (11.2)	B (11.4)	B (11.2)
Northbound Mulberry Knoll Road - Left	A (7.7)	A (8.0)	A (7.8)	A (7.6)	A (7.9)	A (7.8)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> For Case 3, the TIS assumed the intersection would have a shared lane on all three approaches. McCormick Taylor assumed separate turn lanes on the northbound and southbound Mulberry Knoll Road approaches, as warranted by DelDOT's Auxiliary Lane Worksheet.

Table 4A  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>3</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.9)	B (10.5)	A (9.5)	A (8.9)	B (10.5)	A (9.6)
Westbound DE Route 24 – Left	B (11.4)	A (9.7)	B (10.7)	A (11.5)	A (9.3)	B (10.9)
Northbound Mulberry Road	E (37.1)	D (29.6)	C (24.1)	E (38.4)	D (29.7)	D (25.6)
Southbound Mulberry Road	C (21.0)	C (24.0)	E (39.7)	C (21.6)	C (24.9)	E (49.1)
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (9.6)	B (11.7)	B (10.6)	A (9.7)	B (12.0)	B (10.8)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (76.8)	F (61.4)	E (38.4)	F (84.5)	F (61.5)	E (46.3)
Southbound Mulberry Road	E (47.4)	F (69.7)	F (134.7)	F (53.1)	F (77.4)	F (305.9)
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (92.9)	F (84.3)	E (45.9)	F (104.5)	F (87.9)	F (64.9)
Southbound Mulberry Road <sup>5</sup>	F (1757.5)	F (1178.1)	F (2492.0)	F (1981.4)	F (1260.4)	F (4146.1)
2023 with Belle Terre (Case 3) With DelDOT Improvements <sup>6</sup>						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (74.1)	F (69.5)	D (33.8)	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>7</sup>	F (1347.0)	F (954.2)	F (1418.9)	F (1452.3)	F (977.7)	F (1808.2)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Manual count data was not provided for summer Saturday. The TIS assumed PHF = 0.95; McCormick Taylor used the default PHF = 0.92.

<sup>5</sup> For Case 3, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Rd. are as follows: approx. 25 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 20 vehicles during the summer Saturday peak hour.

<sup>6</sup> Improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project (State Contract No. T201212201) include the addition of exclusive left-turn lanes along the eastbound and westbound DE Route 24 approaches.

<sup>7</sup> For Case 3 with DelDOT improvements, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 24 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 18 vehicles during the summer Saturday peak hour.

Table 4B  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day <sup>9</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 1 <sup>10</sup>						
Eastbound DE Route 24 – Left	N/A	N/A	N/A	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	N/A	N/A	N/A	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	N/A	N/A	N/A	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>11</sup>	N/A	N/A	N/A	F (568.1)	F (341.2)	F (792.7)

Signalized Intersection <sup>8</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 2 <sup>12</sup>	C (32.7)	D (38.6)	D (37.1)	C (34.9) <sup>13</sup>	D (38.4) <sup>14</sup>	D (37.0) <sup>15</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> Manual count data was not provided for summer Saturday. McCormick Taylor used the default PHF = 0.92.

<sup>10</sup> Improvement Option 1 includes the DelDOT project improvements (State Contract No. T201212201) that would add eastbound and westbound left-turn lanes on Delaware Route 24, plus the addition of a right-turn lane on the southbound Mulberry Knoll Road approach.

<sup>11</sup> For Case 3 with Improvement Option 1, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 10 vehicles during the AM peak hour, 6 vehicles during the PM peak hour, and 9 vehicles during the summer Saturday peak hour.

<sup>12</sup> Improvement Option 2 includes developer-proposed improvements consisting of converting the TWSC intersection to a signal controlled intersection, to go along with the DelDOT project improvements that would add eastbound and westbound left-turn lanes on Delaware Route 24. The TIS and McCormick Taylor assumed protected-permitted phasing for the Delaware Route 24 left-turn phases and permissive phasing for the Mulberry Knoll Road approaches.

<sup>13</sup> AM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 50 vehicles (1,250 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 18 vehicles for WB DE Route 24, and 14 vehicles for SB Mulberry Knoll Road.

<sup>14</sup> PM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 25 vehicles for EB DE Route 24, 59 vehicles (1,475 feet) for WB DE Route 24 (adjacent signal at Plantation Road is approximately 3,000 feet east of Mulberry Knoll Road), and 11 vehicles for SB Mulberry Knoll Road.

<sup>15</sup> Summer Saturday peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 58 vehicles (1,460 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 25 vehicles for WB DE Route 24, and 11 vehicles for SB Mulberry Knoll Road.

Table 5  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>16</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Warrington Road / Plantation Road</b>						
2015 Existing (Case 1)	C (28.1)	D (45.0)	D (50.3)	C (25.6)	D (40.0)	D (46.3)
2023 without Belle Terre (Case 2)	D (38.5)	E (76.9)	F (83.5)	D (35.5)	E (70.7)	E (75.4)
2023 with Belle Terre (Case 3)	D (41.7)	F (87.6)	F (89.9)	D (38.3)	F (80.1)	F (81.4)
2023 with Belle Terre (Case 3) <i>With DelDOT Improvements</i> <sup>17</sup>	C (27.3)	D (38.0)	D (45.4)	C (27.6)	D (36.3)	D (43.9)

<sup>16</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>17</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a second through lane along both directions of DE Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The TIS assumed protected-permitted phasing for the DE Route 24 left-turn phases. McCormick Taylor assumed protected-prohibited phasing for the DE Route 24 left-turn phases due to the dual opposing through lanes.



Table 6  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>18</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Bryn Mawr Drive</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.5)	-	A (9.9)	A (9.5)	-
Southbound Bryn Mawr Drive	A (8.7)	B (11.2)	-	B (12.3)	B (14.8)	-
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.8)	-	A (10.0)	A (9.9)	-
Southbound Bryn Mawr Drive	A (8.9)	B (11.6)	-	B (12.3)	C (15.8)	-
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (8.7)	B (10.1)	-	B (10.1)	B (10.1)	-
Southbound Bryn Mawr Drive	A (8.9)	B (12.4)	-	B (12.6)	C (16.7)	-

<sup>18</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 7  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016*  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>19</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Rehoboth Mall Back Entrance</b>						
2015 Existing (Case 1)	A (7.5)	A (9.8)	A (9.1)	B (11.1)	B (15.4)	B (14.8)
2023 without Belle Terre (Case 2)	A (7.5)	A (9.9)	A (9.1)	B (11.2)	B (15.7)	B (14.9)
2023 with Belle Terre (Case 3)	A (7.6)	A (10.0)	A (9.1)	B (11.3)	B (15.8)	B (15.0)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>20</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Delaware Route 24</b> <sup>21, 22</sup>						
2015 Existing (Case 1)	B (19.5)	C (23.5)	C (21.7)	C (25.4)	C (32.3)	C (33.4)
2023 without Belle Terre (Case 2)	B (19.5)	C (25.3)	C (29.0)	C (25.8)	D (35.4)	D (41.5)
2023 with Belle Terre (Case 3)	C (20.2)	C (27.3)	C (31.0)	C (26.4)	D (37.4)	D (43.3)
2023 with Belle Terre (Case 3) <i>With DelDOT SR 24 Improvements</i> <sup>23</sup>	B (18.8)	C (24.5)	C (28.6)	C (25.0)	C (34.2)	D (41.0)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>21</sup> A new crosswalk will be installed across the SR 24 leg of the intersection as part of DelDOT's SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements Project (State Contract No. T200612501). The pedestrian clearance time for this crossing is less than the southbound SR 1 green time during peak hours, and thus no impact is expected on peak hour traffic operations as a result of the new crosswalk.

<sup>22</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.

<sup>23</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a third left-turn lane on the eastbound Delaware Route 24 approach.

Table 9  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Cedar Grove Road &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Westbound Cedar Grove Road - Left	A (8.1)	A (7.5)	A (7.4)	A (8.1)	A (7.5)	A (7.5)
Northbound Mulberry Knoll Road	A (8.8)	A (8.9)	A (8.0)	A (8.8)	A (9.2)	A (8.3)
2023 without Belle Terre (Case 2)						
Westbound Cedar Grove Road - Left	A (8.3)	A (7.6)	A (7.6)	A (8.4)	A (7.6)	A (7.5)
Northbound Mulberry Knoll Road	A (8.7)	A (8.2)	A (7.7)	A (9.2)	A (8.5)	A (8.3)
2023 with Belle Terre (Case 3)						
Westbound Cedar Grove Road - Left	A (8.5)	A (7.8)	A (7.7)	A (8.5)	A (7.9)	A (7.8)
Northbound Mulberry Knoll Road	B (12.4)	A (8.2)	A (8.4)	B (12.6)	A (8.7)	A (8.5)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 10  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>25</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Plantation Road &amp; Cedar Grove Road / Postal Lane</b>						
2015 Existing (Case 1)	B (17.0)	B (16.5)	B (16.1)	B (14.4)	B (13.7)	B (13.8)
2023 without Belle Terre (Case 2)	B (18.9)	B (18.6)	B (17.7)	B (15.9)	B (15.7)	B (15.4)
2023 with Belle Terre (Case 3)	C (20.2)	C (20.3)	B (19.2)	B (16.9)	B (17.1)	B (16.7)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Postal Lane &amp; Oak Lane / Bethpage Drive</b>						
2015 Existing (Case 1)						
Eastbound Postal Lane – Left	A (7.4)	A (7.8)	-	A (7.4)	A (7.9)	-
Westbound Postal Lane – Left	A (8.1)	A (7.9)	-	A (8.1)	A (7.7)	-
Northbound Bethpage Dr – Left/Thru	B (13.2)	B (14.7)	-	B (13.2)	B (13.8)	-
Northbound Bethpage Dr – Right	A (8.7)	A (8.7)	-	A (8.7)	A (8.6)	-
Southbound Oak Lane	B (12.1)	B (11.9)	-	B (10.5)	A (8.4)	-
2023 without Belle Terre (Case 2)						
Eastbound Postal Lane – Left	A (7.5)	A (7.9)	-	A (7.5)	A (8.0)	-
Westbound Postal Lane – Left	A (8.3)	A (8.0)	-	A (8.3)	A (0.1)	-
Northbound Bethpage Dr – Left/Thru	B (14.2)	C (16.2)	-	B (14.3)	C (15.1)	-
Northbound Bethpage Dr – Right	A (9.2)	A (8.9)	-	A (9.2)	A (8.8)	-
Southbound Oak Lane	B (12.9)	B (12.7)	-	B (11.1)	A (9.0)	-
2023 with Belle Terre (Case 3)						
Eastbound Postal Lane – Left	A (7.5)	A (8.1)	-	A (7.5)	A (8.1)	-
Westbound Postal Lane – Left	A (8.4)	A (8.1)	-	A (8.5)	A (7.9)	-
Northbound Bethpage Dr – Left/Thru	C (15.3)	C (17.9)	-	C (15.4)	C (16.5)	-
Northbound Bethpage Dr – Right	A (9.7)	A (9.0)	-	A (9.7)	A (9.0)	-
Southbound Oak Lane	B (13.7)	B (13.7)	-	B (11.9)	A (9.5)	-

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>27</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Postal Lane / Melson Road</b> <sup>28</sup>						
2015 Existing (Case 1)	B (17.5)	B (19.1)	-	C (23.8)	C (29.3)	-
2023 without Belle Terre (Case 2)	B (19.1)	C (21.1)	-	C (25.7)	C (32.7)	-
2023 with Belle Terre (Case 3)	C (22.5)	C (22.3)	-	C (28.9)	C (33.8)	-

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>28</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.



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

NICOLE MAJESKI  
 SECRETARY

**MEMORANDUM**

**TO:** Steve McCabe, Sussex County Review Coordinator

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** January 4, 2022

**SUBJECT: Howeth Property  
 (Protocol Tax Parcels # 334-12.00-16.04)  
 Area Wide Study Fee (AWSF) and Off-site Improvements**

The proposed development would have warranted an AWS fee. However, per Section 2.2.2.4 of the Development Coordination Manual, if a development is located within a Transportation Improvement District (TID) and is consistent with the Land Use and Transportation Plan for that TID, then under certain conditions DelDOT may require participation in the TID in lieu of conducting a TIS and making improvements based on the TIS. Howeth Property is located in the Henlopen TID, and the trip generation of the proposed development is sufficiently similar to the trip generation used in the TID traffic analysis. Therefore, participation in the TID is required. The owner / developer shall enter into the Henlopen TID infrastructure recoupment agreement and pay the TID fee prior to issuance of the building permits. Credit against TID fees owed for required frontage improvements will be determined, documented, and granted, in accordance with the terms of this infrastructure recoupment agreement.

1. The TID fees for the proposed 84 units of low-rise multi-family housing would be as follows:

Numbers and Types of Dwellings	Fee Paid by Phase	Fee Paid by Lot
84 units of low-rise multi-family housing	\$325,550	\$341,796

2. Due to DelDOT's planned CTP project on Delaware Route 24, frontage improvements are not required for the proposed development.





Mr. Steve McCabe

January 4, 2022

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If you have any additional questions or comments, please let me know.

CJ:km

cc: Nick Hammonds, Jack Lingo Asset Management, LLC  
Cliff Mumford, Davis, Bowen & Friedel, Inc.  
Michael Simmons, Chief of Project Development South, DOTS  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Chris Sylvester, Traffic Studies Manager, DelDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS  
James Argo, Sussex County Plan Reviewer, South District  
Derek Sapp, Subdivision Manager, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

May 21, 2021

**Via: Email ([jamie.whitehouse@sussexcountype.gov](mailto:jamie.whitehouse@sussexcountype.gov))**

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

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Commercial Area and Coastal Area  
Requested: Coastal Area  
Sussex County Tax Parcel No. 334-12.00-16.04 (the "Property")

Dear Jamie,

This firm represents J.G. Townsend, Jr. & Co., the owner of the above-referenced Property along John J. Williams Highway (Route 24). The Property consists of a little more than twenty-one (21) acres and is presently used for agricultural purposes.

On Sussex County's Comprehensive Zoning Map, the Property is shown as being within an Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan shows the Property as being within two land use classifications as the Property contains areas designated as a Commercial Area and areas designated as a Coastal Area.

This request to modify the Future Land Use Map seeks to change the designation of the Commercial Area of the Property so that the entirety of the Property would be shown as being in the Coastal Area on the Future Land Use Map.

The changing of this Property's designation on the Future Land Use Map will allow it to be used more consistently with the surrounding area. This property was the subject of a pre-application meeting for a project that was reviewed by the Office of State Planning Coordination on December 4, 2020 known as the Howeth Property. In addition, DelDOT provided its SFR for the Howeth Property. A copy of the PLUS report (mistakenly dated January 17, 2020 instead of January 17, 2021) is enclosed with this letter.

**Jamie Whitehouse**

**May 21, 2021**

**Page 2**

During the pre-application meeting with the Sussex County Planning & Zoning Department about the Howeth Property and the requested change of zoning classification for the Property from the AR-1 District to the Medium Density Residential District (MR District), the staff indicated that this change of zone application would not be consistent with Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories found within the Comprehensive Plan. The inconsistency is that the Commercial Area does not envisage any residential uses beyond the AR-1 District but instead provides exclusively for Commercial and Business uses. In contrast, the requested Coastal Area designation allows for both residential and commercial/business uses.

A quick review of the area shows the consistency of allowing for residential uses on this parcel. Along both the northern and western boundaries of the Property are residential uses. To the north is the Belle Terre residential community and to the west is the Saddle Ridge community. The other uses in the immediate area are the Cape Henlopen School Districts elementary and middle school campuses (Love Creek Elementary School and Beacon Middle School). Another use to the east of the Property is the new location for Troop 7 of the Delaware State Police.

The requested change to the Future Land Use Map is not only consistent with good land use and planning, but it also matches the current configuration of both the County's Comprehensive Zoning Map and its Future Land Use Map. First, the County's Comprehensive Zoning Map shows the adjacent property to the west (Saddle Ridge) as being in an MR District. The other adjacent properties' zoning classifications are the AR-1 District and are used for the aforementioned Cape Henlopen School District elementary and middle schools.

The Future Land Use Map shows this entire area as being within either a Commercial Area or a Coastal Area. As the Property is already within two (2) of the County's seven (7) Growth Areas, the question is not whether this Property should be located within a Growth Area but the appropriateness of the designated Growth Area. As discussed previously, the Coastal Area is more consistent with the character of this area as it allows for the residential uses similar to those on the adjacent properties.

The requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and nature of the uses in this area and will not have an adverse effect on adjacent properties.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosure



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

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

RE: PLUS review 2021-06-17; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

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

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

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

The Future Land use of parcel 334-12.00-16.04 is currently split with portion of the parcel identified as Commercial and a portion of the parcel identified as Coastal. Sussex County is seeking to amend the Future Land Use of this parcel to bring the entire parcel under one proposed land use, which would be the Coastal area.

Parcel 334-12.00-16.04 is within Level 2 and 3 according to the 2020 Strategies for State Policies and Spending and was reviewed on several occasions, most recently through PLUS 2020-12-04. Comments regarding this project have been submitted to the County; however, we had no objections to the development of this parcel. If the County determines that the commercial area is not feasible in this area or that changing this designation to Coastal would better fit the counties vision for the area, the Office of State Planning has no objections to this amendment.

With that said, having no objection to this amendment does not change PLUS comments relating to the development of this site. The comments sent under PLUS 2020-12-04 remain relevant. If the site plan changes, it may be required to be seen through PLUS. If this amendment is approved and it results in a change to the site plan reviewed through PLUS, the developer should contact this office to determine if an additional review is required.

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

- This amendment would facilitate the development of the Howeth Property. This development was reviewed at PLUS in December 2020. While DelDOT has discussed development of the subject land with the developer's engineer since then, they have not begun DelDOT's plan review process.

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

- Sussex County proposes to rezone one parcel (334-12.00-16.04) to Coastal Area. A portion of the parcel is currently zoned Commercial; the remainder of the parcel is already zoned Coastal Area. The Love Creek Natural Area lies on the southwest half of the site, however, the zoning of this area of concern would not be changed.
- For future development consideration, the forested portion of the parcel contains habitat suitable for the barking treefrog (*Hyla gratiosa*, State Rank S1, State Status E, and SGCN Tier 1) and the Eastern tiger salamander (*Ambystoma tigrinum*, State Rank S1, State Status E, and SGCN Tier 1), and should be preserved.

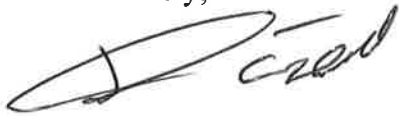
**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric archaeological potential is low. The parcel is mostly well-drained soils but is too far away from a historic water source to be favorable. No comparable sites.
- Historic archaeological potential is low to moderate. There may be remains associated with a structure that appears to be just off parcel to the north/north east. But most remains would likely be due to field scatter from 19<sup>th</sup> century farming practices since half of the parcel has been in agriculture.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

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

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

Sincerely,

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

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



A Middlesex Water Company Affiliate

05/06/2022

Davis, Bowen, & Friedel, Inc.  
Attn: Cliff Mumford  
1 Park Avenue  
Milford, DE 19963

**RE: Willing & Able Letter – School Lane Subdivision (Parcel Number 334-12.00-16.04)**

Dear Mr. Mumford,

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No. 334-12.00-16.04. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

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

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Bailey".

Kelly R. Bailey  
Manager, Contract Administration

cc: Brian Carbaugh, P.E., Tidewater Utilities, Inc.





May 4, 2022

Mr. Clifton Mumford  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

Re: Natural Gas Service / School Lane Subdivision- DBF No.: 2261J013.C01 / John J. Williams Hwy and Mulberry Knoll Rd. (Tax Parcel ID: 334-12.00-16.04 / Lewes, DE 19958

Mr. Mumford:

Chesapeake Utilities has existing natural gas infrastructure located along John J. Williams Hwy adjacent to the proposed School Lane Subdivision project in Lewes, DE.

The location of the gas main is directly across John J. Williams Hwy and well positioned to provide gas service to Tax Parcel ID: 334-12.00-16.04.

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

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

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

Respectfully,

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

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



DELAWARE ELECTRIC CO-OP

"We Keep the Lights On"

P.O. Box 600  
14198 Sussex Highway  
Greenwood, Delaware 19950  
302-349-9090

[www.delaware.coop](http://www.delaware.coop)

May 16, 2022

Davis Bowen & Friedel, Inc.  
Attn: Cliff Mumford  
1 Park Ave  
Milford, DE 19963

Re: School Lane Subdivision  
Willing & Able Letter  
Lewes, DE 19958

Dear Mr. Mumford:

This letter confirms that the land southwest to the intersection of John J Williams Highway and Mulberry Knoll Road is within our service area. We have adequate electric capacity to serve the development School Lane Subdivision. 3Ø Electric service out of our Angola substation is available for tax parcel 34-12.00-16.04 and will not need to be extended to the subject site. As electric facilities are requested, they will be installed in accordance with our current Terms and Conditions.

If you should have any additional questions or comments, please feel free to contact me at 302-349-0723.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Shockley'.

Ryan Shockley  
Manager of Engineering

## MAPPING & ADDRESSING

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

January 25, 2022

Cliff Mumford, P.E.  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

RE: Proposed Subdivision Name(s)

Our department has reviewed the name(s) submitted for your proposed subdivision located on parcel 334-12.00-16.04 in Lewes, DE. In reviewing the proposed name(s) the following has been approved for this subdivision:

## SCHOOL LANE

Should you have any questions please contact the Sussex County Geographic Information Department at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC:  
Christin Scott, Planning & Zoning



**GEOGRAPHIC INFORMATION  
OFFICE**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

April 20, 2022

Cliff Mumford, P.E.  
Associate/Sr. Civil Engineer  
Davis, Bowen & Friedel, Inc.

RE: School Lane Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **School Lane**, located on parcel 334-12.00-16.04 in Lewes, DE 19958. Based on our review the following proposed street name(s) have been **approved**:

Brittingham Ct	Mariner Row	Shields Dr
----------------	-------------	------------

Use only road names **approved** and issued by this office on letterhead or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **School Lane** please forward a digital copy of the recorded site plan to my attention for the purpose of addressing. Should you have any questions, please contact the **Geographic Information Office** at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC: Christin Scott, Office of Planning & Zoning



**ENGINEERING DEPARTMENT**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

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

Applicant: **Davis, Bowen & Friedel, Inc.** Attn: **Cliff Mumford, P.E.**

Date: 2/16/2022

Reviewed by: **Chris Calio**

Agreement #: **1198**

Project Name: **School Lane (fka: Howeth Property)**

Tax Map & Parcel(s): **334-12.00-16.04**

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

Proposed EDUs: **89 (84 townhouses + 5 pool & pool house)**

Pump Station(s) Impacted: **PS 402, PS 400**

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

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

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **334-12.00-23.00 & 24.00**

Connection Point(s): **8" gravity from MH 8. Pdf of asbuilt attached.**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

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

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



Acreage: 21.62

Additional Information: [Click or tap here to enter text.](#)

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

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

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

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

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

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

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher

June 10, 2022

ERI Project No. 0004-0459

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

Mr. Cliff Mumford, PE.  
Davis Bowen & Friedel, Inc.  
601 East Main Street, Suite 100  
Salisbury, MD 21804

**RE: Howeth Property  
Environmental Review for Wildlife Habitat Considerations  
Tax Map No.: 334-12.00-16.04  
Lewes – Rehoboth Hundred, Sussex County, Delaware**

Dear Mr. Whitehouse and Mr. Mumford,

Environmental Resources, Inc. (ERI) was first involved with this 21.62 acre property in regard to delineating the boundary of an isolated palustrine forest wetland that occupies 2.09 acres along the southwest property line. This wetland is part of a wetland which occupies part of the abutting Saddle Ridge residential community. This wetland area is topographically isolated within a closed depression. A total of 10.90 acres of the Howeth property is active agricultural land and 8.63 acres is forested uplands. This letter will also provide information related to the absence of any federally listed threatened or endangered species subject to the Endangered Species Act of 1973.

ERI consulted with the U.S. Army Corps of Engineers in regard to the boundary of wetlands on the Howeth property and whether or not these wetlands were subject to the Corps Regulatory Program as defined by Section 404 of the Clean Water Act of 1972. In their Approved Jurisdictional Determination Letter (CENAP-OPR-2020-664-23) issued 23 November 2020, the Corps determined that the wetlands on the Howeth property were not federally regulated (see attached).

In accordance with the Department of Natural Resources and Environmental Control (DNREC) Wetland Mapping, the wetlands on the Howeth property are also not state regulated. As such, impacts to these wetlands are also not regulated by Sussex County and there is no requirement for a buffer.

As shown on the "Preliminary Plan for the Howeth Property" dated December 2020 as prepared by Davis, Bowen & Freidel, Inc. (DBF), no impact to this 2.09 acre forested wetland area is proposed and a voluntary 50 foot forested buffer has been specified. Based on the proposed limits of disturbance, actual buffer widths are greater than 75 feet. Of the upland and wetland forest currently on the site, 4.91 acres will be retained primarily within the existing isolated wetland and the forest area immediately surrounding it. The proposed project has been designed taking into consideration the retention of valuable natural areas within the project site.

ERI consulted with the U.S. Fish and Wildlife Service (Service) with respect to the occurrence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973 (ESA). In their letter of June 9, 2022, the Service concluded that there are no records of any federally listed threatened or endangered species on this property (see attached). This confirms the results of observations ERI conducted on this property.

I do want to mention that the USFWS letter did provide information that a proposed candidate species, the Monarch Butterfly (*Danaus plexippus*) has been designated throughout the entire project vicinity. This species has no critical habitats designated and it is not yet listed as a protected species. In addition, this is a transitory species which has very specific habitat requirements which include an abundance of milkweed to be present on a property. The required vegetation does not occur on the subject site as the field area proposed for development is active agricultural land.

During the PLUS Review conducted by the Office of State Planning for this project, DNREC's Division of Fish and Wildlife provided comments about three state rare species which have been documented to occur within the project vicinity. They are the eastern tiger salamander (*Ambystoma tigrinum*), barking tree frog (*Hyla gratiosa*), and Cope's grey tree frog (*Hyla chrysocelis*). Each of these amphibian species is globally secure and in more abundance in more southerly coastal plain states near the heart of their range. They are not ESA protected species.

Based upon past DNREC comments regarding documented habitats for these species contained in past PLUS review comments for the nearby Fieldstone (aka Grove at Love Creek), Saddle Ridge, and Belle Terre residential communities, the isolated coastal ponds known as Welches Pond and Hetty Fisher Pond are the actual breeding areas for these species (see attached figure). All three of these subdivisions have been recently approved by Sussex County and they are largely developed. The longstanding Briarwood residential community contains about half of the 3.0 acre Hetty Fisher Pond, with the remainder within the Saddle Ridge project. The Saddle Ridge, Belle Terre and Fieldstone projects all incorporated buffers put in place to minimize impacts to Hetty Fisher Pond and Welches Pond and the habitat area of the three state rare amphibians. Due to the age of the Briarwood subdivision most of the part of Hetty Fisher Pond within the subdivision is impacted since it is actually part of residential lots.



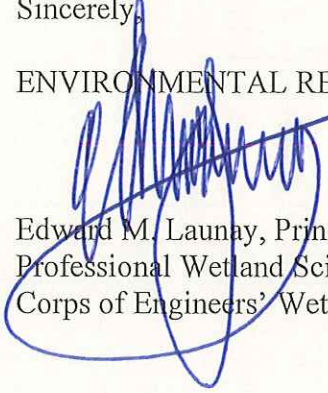
In relation to the Howeth property, Hetty Fisher Pond is more than 740 feet away (southwest). In relation to Welches Pond, it is 3.000 feet away (west). Intervening developed areas of land occur between the Howeth property and Welches Pond. The unregulated forested wetlands, voluntary buffer and forest being retained on the Howeth property will adjoin other undisturbed forest buffers around Hetty Fisher Pond. These were provided as part of the Belle Terre and Saddle Ridge subdivisions.

Although it is more than 700 feet away, habitat for amphibian species that may use Hetty Fisher Pond will be provided by the Howeth property as it is proposed. Accordingly, it is my opinion the development of the Howeth project will not adversely impact amphibian species of state concern. The applicant has incorporated an appropriate and adequate measure of habitat preservation as part of the project plan for development. No federally listed threatened or endangered species are present. All on site wetlands will remain undisturbed with buffers well in excess of 50 feet.

Upon review of this report, I am available at your convenience should you have any comments or concerns.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

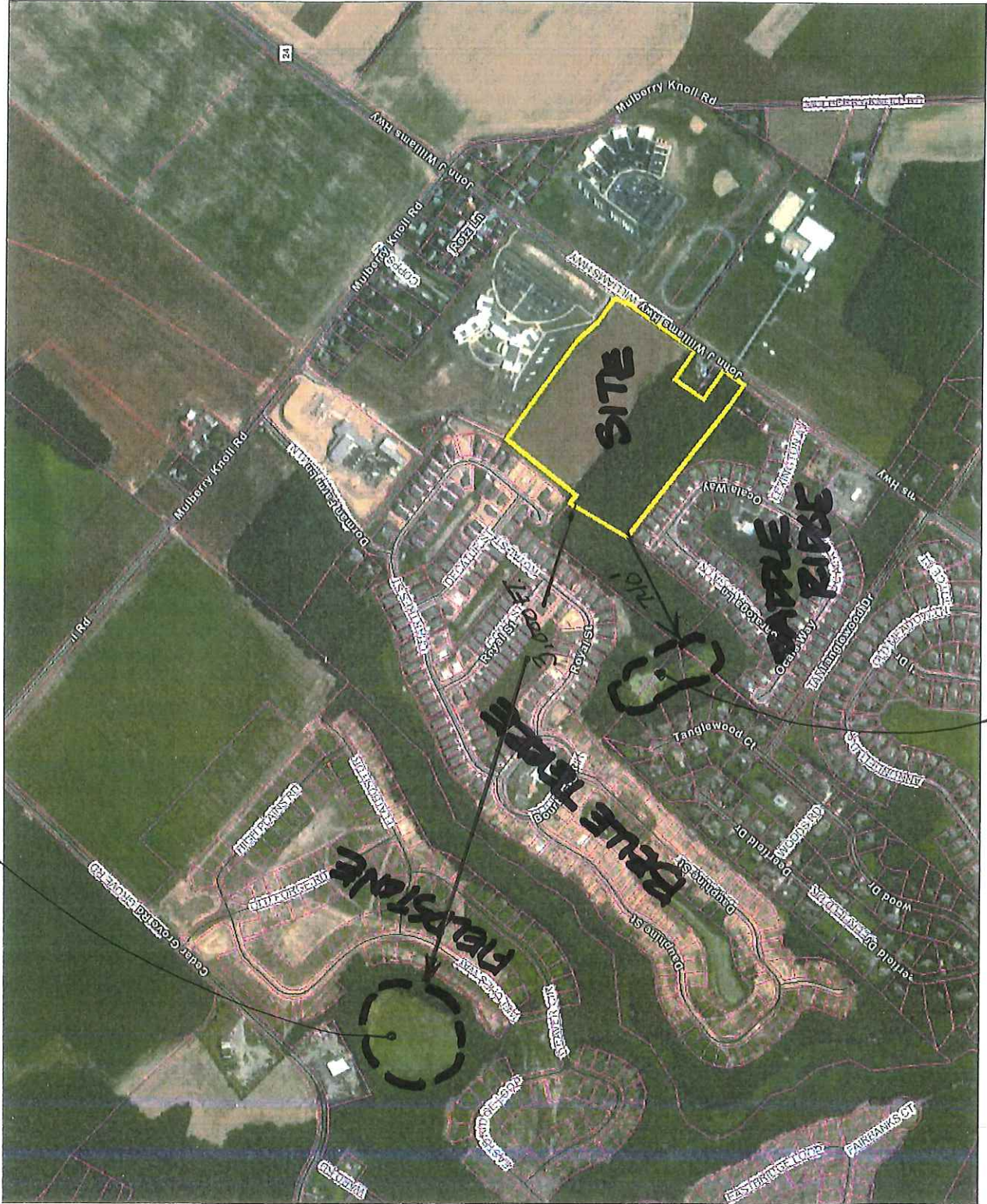


Edward M. Launay, Principal  
Professional Wetland Scientist No. 875, Society of Wetland Scientists  
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B

WELCHES POND



Sussex County



PIN: 334-12.00-16.04

Owner Name TOWNSEND J G JR  
CO

Book 0

Mailing Address PO BOX 430

City GEORGETOWN

State DE

Description NW/RT 24

Description 2 SW/RT 284

Description 3 PARCEL 1

Land Code

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch

23 November 2020

SUBJECT: Approved Jurisdictional Determination CENAP-OPR-2020-664-23  
Project Name: J.G. Townsend, Jr. and Company  
Coordinates: Lat. 38.713215°N/-75.154150°W

Thomas D. Nobile  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Nobile:

This approved jurisdictional determination (AJD) is provided in response to your request of September 10, 2020 on behalf of J.G. Townsend, Jr., and Company for a Corps of Engineers determination of federal jurisdiction as it relates to a site located at Tax Map Parcel 334-12.00-16.04, Lewes and Rehoboth Hundred, Sussex County, Delaware.

The findings of this AJD are documented in the enclosed AJD Form. The findings are also depicted on a site plan prepared by Atlantic Surveying and Mapping LLC, dated February 11, 2018, and titled: Boundary of Waters of the United States Including Wetlands Subject to Corps of Engineers Regulatory Program, Lands of J.G. Townsend, Jr. & Co., Lewes and Rehoboth Hundred, Sussex County, Delaware, 334-12.00-16.04, one sheet.

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

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

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

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

Mr. James W. Haggerty  
Regulatory Program Manage (CENAD-PD-OR)  
United States Army Corps of Engineers, North Atlantic Division  
Fort Hamilton Military Community, Bldg. 301, General Lee Avenue  
Brooklyn, NY 11252-6700  
James.W.Haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 24 January 2020.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at (302) 736-9764, or by email at john.g.brundage@usace.army.mil.

Sincerely,

BRUNDAGE.JOH  
N.G.122915746  
5

Digitally signed by  
BRUNDAGE.JOH.N.G.12291  
57465  
Date: 2020.11.23 15:10:27  
-05'00'

John G. Brundage  
Senior Staff Biologist  
Regulatory Branch

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



In Reply Refer To:  
Project Code: 2022-0052606  
Project Name: Howeth Property Residential Community

June 09, 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: 2022-0052606

Event Code: None

Project Name: Howeth Property Residential Community

Project Type: Residential Construction

Project Description: Construct a residential subdivision 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/@38.7143551,-75.15417177308464,14z>



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 Fisheries<sup>1</sup>, 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
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ 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: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	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.

FRESHWATER FORESTED/SHRUB WETLAND

- [Palustrine](#)
-

## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

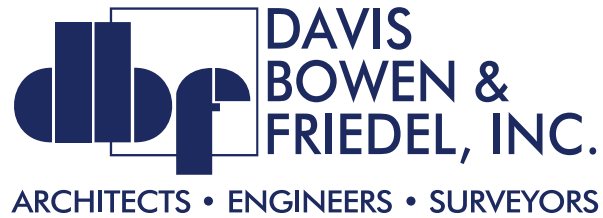
City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637



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Salisbury, MD 21804  
(410) 543-9091

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Easton, MD 21601  
(410) 770-4744

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

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

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

**All sections related to your project must be completed.** Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

**REQUESTED REVIEW: Check one**

Comprehensive Plan Pre-Update Review  
**Complete Sections 1 and 3 only**

Comprehensive Plan or Update  
**Complete Sections 1 and 3 only**

Comprehensive Plan Amendment  
**Complete Sections 1 and 2 only**

Municipal Ordinance Review  
**Complete Sections 1 and 2 only**

**Date of most recently certified comprehensive plan:**

---

**Link to most recently certified comprehensive plan, if available:**

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

---

**Preliminary Land Use Service (PLUS) Application  
 Pre-Update Review Request  
 Municipal Comprehensive Plans  
 Comprehensive Plan Amendments  
 Municipal Ordinances  
 Delaware Office of State Planning Coordination**

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

**SECTION 1: MUNICIPAL INFORMATION**

<b>Name of Municipality:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

<b>Application prepared by:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>



**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

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

**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL  
ORDINANCE DESCRIPTION**

**Please describe the submission.**



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

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

RE: PLUS review 2021-06-17; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

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

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

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

The Future Land use of parcel 334-12.00-16.04 is currently split with portion of the parcel identified as Commercial and a portion of the parcel identified as Coastal. Sussex County is seeking to amend the Future Land Use of this parcel to bring the entire parcel under one proposed land use, which would be the Coastal area.

Parcel 334-12.00-16.04 is within Level 2 and 3 according to the 2020 Strategies for State Policies and Spending and was reviewed on several occasions, most recently through PLUS 2020-12-04. Comments regarding this project have been submitted to the County; however, we had no objections to the development of this parcel. If the County determines that the commercial area is not feasible in this area or that changing this designation to Coastal would better fit the counties vision for the area, the Office of State Planning has no objections to this amendment.

With that said, having no objection to this amendment does not change PLUS comments relating to the development of this site. The comments sent under PLUS 2020-12-04 remain relevant. If the site plan changes, it may be required to be seen through PLUS. If this amendment is approved and it results in a change to the site plan reviewed through PLUS, the developer should contact this office to determine if an additional review is required.

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

- This amendment would facilitate the development of the Howeth Property. This development was reviewed at PLUS in December 2020. While DelDOT has discussed development of the subject land with the developer's engineer since then, they have not begun DelDOT's plan review process.

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

- Sussex County proposes to rezone one parcel (334-12.00-16.04) to Coastal Area. A portion of the parcel is currently zoned Commercial; the remainder of the parcel is already zoned Coastal Area. The Love Creek Natural Area lies on the southwest half of the site, however, the zoning of this area of concern would not be changed.
- For future development consideration, the forested portion of the parcel contains habitat suitable for the barking treefrog (*Hyla gratiosa*, State Rank S1, State Status E, and SGCN Tier 1) and the Eastern tiger salamander (*Ambystoma tigrinum*, State Rank S1, State Status E, and SGCN Tier 1), and should be preserved.

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

- Prehistoric archaeological potential is low. The parcel is mostly well-drained soils but is too far away from a historic water source to be favorable. No comparable sites.
- Historic archaeological potential is low to moderate. There may be remains associated with a structure that appears to be just off parcel to the north/north east. But most remains would likely be due to field scatter from 19<sup>th</sup> century farming practices since half of the parcel has been in agriculture.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

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

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

Sincerely,

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

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

## Elliott Young

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, June 16, 2022 8:26 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, June 16, 2022 - 8:26am

Name: Christine Sutton

Email address: christine@smashboxdesigns.com Phone number: 6789824129

Subject: MR zoning change at Love Creek Elementary

Message:

I am writing today to express my concerns regarding the application to change the zoning of the property adjacent to Love Creek Elementary School (C/Z 1949 and C/U 2304) from AR-1 to MR. Not only is this an extreme example of the further overdevelopment of Sussex County, but the additional traffic this would add to Love Creek Elementary School, poses a significant safety threat to our elementary students, teachers, staff, and parents. Having Beacon Middle School on one side of Rt 24 and Love Creek Elementary on the other, already makes that area exhaustingly congested. Destroying 4 acres of forest to add an additional neighborhood would absolutely go too far and be detrimental to the community. Allowing that neighborhood to share an entrance with Love Creek Elementary is frankly an unacceptable and poorly thought out plan that places unnecessary hardships and hazards on every Love Creek and Beacon family and staff member.

As is, vehicles start lining up on both sides of Rt 24, 45 minutes prior to the dismissal of both Love Creek and Beacon. Add in school buses and the ongoing road construction that is scheduled to continue well into the future, and you have a nightmare on your hands. I cannot think of a worse proposal, nor a bigger disservice and disappointment to our community. As a parent, I urge you to reject this zone change application and protect the safety of our children. As a taxpayer and voter, I respectfully insist that the members of Planning and Zoning deny this request and honor their commitment to be good stewards of our land, infrastructure, and resources. Thank you for your time and consideration of this most urgent and frustrating matter.

Sincerely,  
Christine Sutton

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

## Lauren DeVore

---

**From:** Bill McNamee <noreply@forms.email>  
**Sent:** Tuesday, June 14, 2022 9:32 PM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Multi Family Property Proposal - Love Creek

**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.

Name: Bill McNamee  
Email: bill.mcnamee@gmail.com  
Phone: 8564660569  
Subject: Multi Family Property Proposal - Love Creek

Message: It has come to my attention that an application has been submitted regarding a request to change the current AR-1 zone for the property on RT24, next to Love Creek Elementary School. In addition to the overcrowding of Sussex County due to overdevelopment, increased traffic, and infrastructure that cannot handle any more development, this particular change, if allowed, would pose a severe safety risk to our elementary school children (two of which are mine) and the staff that work in the school. The increased traffic, that will utilize the current entrance to Love Creek, is a smoking gun, waiting to go off. Buses and parents dropping and picking up their children already have to deal with dangerous traffic and significant delays. Rather than change the zoning, the P&Z should find a way to ensure this and many other AR-1 parcels are maintained and preserved. Once you change zoning and the property is developed, there is no getting it back. I, and I'm sure, many if not all of the parents, teachers, and staff of Love Creek Elementary and Beacon Middle School across the street, strongly oppose this request. All of the decision-makers in this County were selected to ensure the people and property of Sussex County are protected. Please act in the best interest of our children and the children of the future. Do not let the Developers strong-arm or coerce members of the P&Z Committee. At the end of the day, we will vote to ensure people are put in office to protect our children and the land God gave us.

RECEIVED

Opposition  
Exhibit

JUN 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 12:32 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 12:31pm

Name: Kate Huff  
Email address: katehuff31@gmail.com  
Phone number: 30254621265  
Subject: LCE

Message: Please do not allow a shared entrance with LCE and the new condos going in. This intersection is already a nightmare. I'm not sure the line will be able to take additional cars. Teachers are already out there trying to keep the enormous line under control, so why add additional cars?

**Opposition  
Exhibit**

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 1:16 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 1:16pm

Name: Jessica Benson  
Email address: clatwjl@yahoo.com  
Phone number: +1 832-368-2318  
Subject: Multi family housing proposal in the lot next to Love Creek  
Message:

I am writing to ask that the application that has been submitted regarding a request to change the current AR-1 zone for the property next to Love Creek Elementary on Rt 24 be denied. As a member of this community and a parent of children that attend this school, I can tell you that it is already a very dangerous intersection, especially during the school year at drop off and pick up time. Adding a MultiFamily development in that lot, with a shared entrance, would make traffic exponentially worse as well as pose a safety threat to our children. Please do not approve the zoning change.

**Opposition  
Exhibit**

RECEIVED

JUN 16 2022

SUSSEX COUNTY  
PLANNING & ZONING



**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 1:29 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 1:29pm

Name: Christopher Benson  
Email address: christopher.k.benson@gmail.com Phone number: 713-818-6750  
Subject: Zoning change application for lot next to Love Creek  
Message:

I am writing to ask that the application that has been submitted regarding a request to change the current AR-1 zone for the property next to Love Creek Elementary on Rt 24 be denied. As a member of this community and a parent of children that attend this school, I can tell you that it is already a very dangerous, congested intersection, especially during the school year at drop off and pick up time. Adding a MultiFamily development right next to an elementary school with a shared entrance would only exacerbate this already problematic intersection as well as pose a threat to our children. Please do not approve this zoning change request.

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Opposition  
Exhibit

Ashley Paugh *CW 2304, CZ 1949, Ordinance Re: 334-12.00-16.04*

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Sunday, July 17, 2022 11:08 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

RECEIVED

Submitted on Sunday, July 17, 2022 - 11:08am

JUL 18 2022

Name: Nancy Guerin  
Email address: bbobgranmom05@gmail.com  
Phone number: 410-375-7290  
Subject: Townhome Project Planned Along Route 24

SUSSEX COUNTY  
PLANNING & ZONING

Message: Mr. Wheatley, I attended the June 23 hearing concerning the Townhome Project Along Route 24. The Townsend lawyer, Mr. Hutt, presented several mapes showing several developments that surround schools. I asked the question as to "how many of the developments shared their driveway access with the school". You had said that was a good question and you would look into it. I was wondering if you had the opportunity to do that, and what you found. Thank you for the opportunity to share my concern about the above development. Nancy Guerin

Received after  
PZC Public Hearing  
before  
CC Public Hearing

before

Opposition  
Exhibit

July 11, 2022

To: The Sussex County Planning and Zoning Committee

Re: Parcel number 334-12.00-22.00; potential for easement violation

To whom it may concern:

Received after  
PZC Public Hearing  
before  
CC Public Hearing

We are the owners of Sussex County parcel number 334-12.00-22.00 (the "Lang Parcel"). The Lang Parcel is approximately 6.7265 acres of real property near Love Creek Elementary School and Beacon Middle School, and borders (a) the Saddle Ridge community, (b) the Four Seasons at Belle Terre community, and (c) the approximately 22-acre parcel of real property proposed to be rezoned and developed into the School Lane community (the "School Lane Parcel"). It is our understanding that the owners of the School Lane Parcel seek to, among other actions, (i) rezone the School Lane Parcel from AR-1 (agricultural-residential) to MR (medium-density residential), (ii) develop the School Lane Parcel into an 84-unit multifamily housing community, and (iii) revise the applicable Sussex County future land-use map designation with respect to the School Lane Parcel.

It is our further understanding that a public hearing has been scheduled by the Sussex County Council, to take place on Monday, July 26, 2022, with respect to the proposed rezoning and development of the School Lane Parcel. In advance of that public hearing, we wanted to express our concerns with respect to the School Lane Parcel, specifically as it relates to the Lang Parcel, and the potential for a violation of an easement that currently burdens the School Lane Parcel in favor of the Lang Parcel.

When we purchased the Lang Parcel, we did so with the purchase of a related easement across the School Lane Parcel that benefits the Lang Parcel (the "Easement"). The Easement is approximately 12.5' wide, and runs northwest/southeast across the middle of the School Lane Parcel, from Route 24 to the Lang Parcel. The Easement is intended to, among other benefits, provide the Lang Parcel with access, ingress and egress to a public road (i.e, Route 24). Without the Easement, the Lang Parcel would be land-locked. For ease of reference, we have attached certain documents that evidence the Easement, and describe it in more detail. We would be happy to provide you with any other information that would be helpful to your review.

We want to ensure that the Easement, including our rights related to it, is not overlooked in the consideration of the proposed rezoning and development of the School Lane Parcel. As of the writing of this letter, it appears that the proposed plans for the School Lane community to be developed on the School Lane Parcel would result in the building of structures and infrastructures - both permanent and impermanent - directly over the Easement. Per the current plans, such encroaching structures and infrastructures over the Easement would include approximately 20 two-story townhomes, 2 roadways, multiple driveways and parking spaces, and various landscaping. Should the School Lane Parcel be rezoned and developed per these plans, our Easement would be violated; our access, ingress and egress rights from the Lang Parcel to a public road would be breached and eliminated; and the Lang Parcel would become land-locked.

We hope to be in attendance at the public hearing on July 26th, but wanted to express our concerns as soon as possible.

Much thanks for your consideration and assistance.

Best regards,  
Tom and Nancy Lang



Thomas C. Lang and Nancy B. Lang  
Mailing address: 14 Deerfield Lane, Rehoboth Beach, DE 19971

RECEIVED  
JUL 11 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Email: [tlangsail2@gmail.com](mailto:tlangsail2@gmail.com)

Phone: 302-226-3536

**This Deed, made this**9<sup>th</sup> day of May

in the year of

our LORD one thousand nine hundred and Eighty

BETWEEN, HARRY LYNCH, JR. and WILLIAM F. LYNCH II, of 813 Augusta Road, West Over Hills, Wilmington, Delaware 19807, parties of the first part,

-AND-

M.  
EDGAR/DOWNS, JR. and ENOCINGIA O. DOWNS, his wife, of R.D. #5, Box B-34, Georgetown, Delaware 19947, as tenants by the entirety with right of survivorship, and not as tenants in common, parties of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00)----- lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said part of the second part,

**ALL** that certain lot, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, as will more fully and largely appear as follows, to-wit:

BEGINNING at a point lying 1115.02 feet Northwest of an iron pipe lying on the Northwesterly side of County Road 24 (50 foot wide); thence, along these lands North 47° 30' 37" East 58.26 feet to an iron pipe, said pipe being a corner for these lands and lands now or formerly of Robert T. Dorman; thence along these lands and lands now or formerly of Dorman, North 45° 37' 14" West 288.75 feet to a "Blaze" mark on a 24 inch tree, said tree being a corner for these lands; thence along these lands and lands now or formerly of Dorman South 46° 52' 12" West 1023.00 feet to an iron pipe, said pipe being a corner for these lands and a corner for lands now or formerly of Robert T. Dorman and a corner for lands now or formerly of Charles E. Dorman, etux, and a corner for lands now or formerly of Ebe Roy Dorman; thence along these lands and lands of Ebe Roy Dorman South 43° 09' 49" East 283.20 feet to an iron pipe, said pipe being a corner for these lands and lands now or formerly of Ebe Roy Dorman North 46° 58' 14" East 667.75 feet to a wood fence post; thence continuing a bearing of North 47° 30' 37" East 309.40 feet along these lands and lands now or formerly of J.G. Townsend, Jr. and Company, home to the place of beginning, said to contain 6.7265 acres of land, be the same more or less.

BEING the same land conveyed to Harry W. Lynch by deed of John C. Lank, etux dated October 12, 1927 and filed of record in The Office of The Recorder of Deeds, Georgetown, Sussex County, Delaware in Deed Book 268, Page 385.

WOLHAR AND MOORE  
ATTORNEYS AT LAW  
FACE & PINE STREETS  
P. O. BOX 334  
GEORGETOWN, DELAWARE 19947

In Witness Whereof, The said parties of the first part have hereunto set their hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

[Handwritten signature]

HARRY LYNCH, JR. (Seal)
WILLIAM F. LYNCH, II (Seal)

PURCHASERS REPORT MADE THIS 9th DAY OF May 1980 ASSESSMENT DIVISION OF SUSSEX COUNTY

STATE OF DELAWARE, SUSSEX County.

BE IT REMEMBERED, that on this 9th day of May in the year of our Lord one thousand nine hundred and Eighty personally came before me, a Notary Public in and for the State and County aforesaid, HARRY LYNCH, JR. and WILLIAM F. LYNCH, II

STATE OF DELAWARE REALTY TRANSFER TAX RECEIVED 300.00

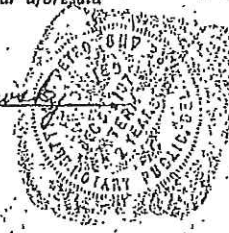
Parties to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

RECEIVED MAY 21 3 27 PM '80 RECORDS OF DEEDS SUSSEX COUNTY

Betty Ann Peterson Notary Public

WOLHAR AND MOORE ATTORNEYS AT LAW RACE & PINE STREETS P. O. BOX 384 GEORGETOWN, DELAWARE 19947



Vertical handwritten notes on the right margin: D. Wolhar & Moore, Atty, 6/11/80

6199

1007 / 352

JOHN G. TOWNSEND, JR. and Company, of Millsboro,  
Delaware, 19966, party of the first part,

AND

EDGAR DOWNS, JR. and ENOCINGIA O. DOWNS, his wife,  
of R.D. 5, Box B34, Georgetown, Delaware 19947, parties  
of the second part,

WHEREAS, the Grantor is seized in fee simple in  
possession of a parcel of land located on the northwesterly  
right of way line of County Road #24 (50 foot wide) in Lewes  
and Rehoboth Hundred, said property being more fully described  
in Exhibit "A" attached hereto and made a part hereof;

WHEREAS, there is some question regarding if there  
are other tracts of land owned by Grantor which may or may  
not have been used for access; and

WHEREAS, the Grantor has agreed in consideration  
of the sum of One Dollar (\$1.00) of the grantee releasing  
his right of way over any other lands of the Grantor which  
may or may not have been used in the past for access in the  
manner hereafter expressed, to grant to him such right of  
way over the new path as hereinafter expressed:

NOW THIS INDENTURE WITNESSETH as follows:

1. GRANT OF NEW RIGHT OF WAY: In pursuance of  
the said agreement, the Grantor hereby grants to the Grantee  
full and free liberty in common with all other persons entitled  
to the like, liberty of passing and repassing, at all times  
along the new right of way for any purpose connected with  
the use and enjoyment of the said land of the Grantee.  
To hold the said right of way hereby granted to the Grantee,  
his heirs and assigns, as an easement appurtenant to the  
said land.

2. RELEASE OF OLD RIGHT OF WAY: In further  
pursuance of the said agreement, the Grantee hereby releases  
to the Grantor all the right of easement of way over any  
other lands of the Grantor which may or may not have been  
used in the past for access as appurtenant to his land  
or otherwise howsoever. To hold the said right or easement  
herein before expressed to be hereby released to the Grantor  
his heirs and assigns, to the intent that the same may  
be extinguished.

*Wolhar and Moore*  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 368  
Georgetown, Delaware 19947

1007 / 363

RIGHT OF WAY

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, as more fully described as follows, to-wit:

BEGINNING at an iron pipe lying on the Northwesterly side of County Road #24, said pipe lying 25.7 feet from the centerline of the aforesaid Route and being a corner for these lands and lands now or formerly of Charles H. Richards; thence along these lands North 47° 48' 08" West 1115.02 feet to a point, said point being a corner for these lands; thence North 47° 30' 37" East 12.55 feet to a point; said point being 45.71 feet Southwest of an iron pipe; thence South 47° 48' 08" East 1113.86 feet along these lands and other lands of this Grantor said point lying on the Northwesterly side of County Road #24 (50 foot wide); thence along the aforesaid side of County Road #24 in a Southwesterly direction 12.50 feet home to the place of beginning, said to contain 0.3198 acres of land, be the same more or less, as will more fully and at large appear upon reference to a plot prepared by Edward H. Richardson Associates, Inc. dated November 28, 1979 and revised on April 29, 1980, of record in The Office of The Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plot Book 20, Page 134.

EXHIBIT "A"

*Wolbar and Moore*  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 564  
Georgetown, Delaware 19947



1007 / 354

IN WITNESS WHEREOF, THE said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

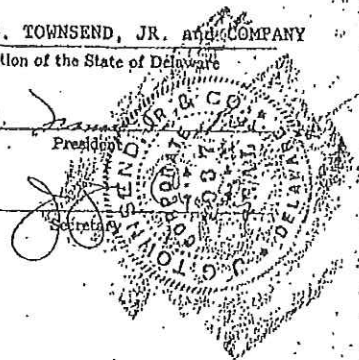
Signed, sealed, and delivered in the presence of:

Henry W. Beck

JOHN G. TOWNSEND, JR. and COMPANY  
A Corporation of the State of Delaware

By J. G. Townsend, Jr.  
President

Attest [Signature]  
Secretary



PURCHASERS REPORT MADE  
THIS 21st DAY OF May, 1980  
ASSESSMENT DIVISION OF SUSSEX COUNTY

STATE OF DELAWARE }  
COUNTY OF SUSSEX } SS.

BE IT REMEMBERED, That on this 15th day of May 1980, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, J. G. Townsend, Jr.

John G. Townsend, Jr. and Company, a corporation of the State of Delaware, party of 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 corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

GIVEN under my hand and seal of office, the day and year aforesaid.

[Signature]  
Notary Public



RECEIVED  
MARY ANN McCABE  
MAY 21 3 34 PM '80  
RECORDER OF DEEDS  
SUSSEX COUNTY

Wolhar and Moore  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 504  
Georgetown, Delaware 19947

*Wolhar & Moore, atty. 6/14/80*

# This Deed, made this

day of September in the year of  
our LORD one thousand nine hundred and eighty-one

BETWEEN, EDGAR M. DOWNS, JR. and ENOCINCIA O.  
DOWNS, his wife, of R.D. 5, Box  
B-34, Georgetown, Delaware 19947,  
parties of the first part,

- and -

THOMAS C. LANG and NANCY B. LANG,  
his wife, as Tenants by the Entirety  
with the right of survivorship and  
not as Tenants in Common, of R.D. 3,  
Box 341, Kennett Square, Pennsylvania  
19348, parties of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of  
the sum of ONE DOLLAR (\$1.00)-----lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grant s  
and convey s unto the said part of the second part,

**ALL** THAT CERTAIN lot, piece  
or parcel of land, lying and being situate in Lewes and Rehoboth  
Hundred, Sussex County, Delaware, as will more fully and largely  
appear as follows, to wit:

BEGINNING at a point lying 1115.02 feet North-  
west of an iron pipe lying on the Northwesterly side of County  
Road 24 (50 foot wide): thence, along these lands North 47° 30'  
37" East 58.26 feet to an iron pipe, said pipe being a corner  
for these lands and lands now or formerly of Robert T. Dorman,  
North 45° 37' 14" West 288.75 feet to a "Blaze" mark on a 24  
inch tree, said tree being a corner for these lands; thence along  
these lands and lands now or formerly of Dorman South 46° 52'  
12" West 1023.00 feet to an iron pipe, said iron pipe being a  
corner for these lands and a corner for lands now or formerly  
of Robert T. Dorman and a corner for lands now or formerly  
of Charles E. Dorman, et ux., and a corner for lands now or  
formerly of Ebe Roy Dorman; thence along these lands and lands  
of Ebe Roy Dorman South 43° 09' 49" East 283.20 feet to an iron  
pipe, said pipe being a corner for these lands and lands now or  
formerly of Ebe Roy Dorman North 46° 58' 14" East 667.75 feet to  
a wood fence post; thence continuing a bearing of North 47° 30'  
37" East 309.40 feet along these lands and lands now or formerly  
of J. G. Townsend, Jr. and Company, home to the place of beginning,  
said to contain 6.7265 acres of land, be the same more or less.

BEING the same lands conveyed unto Edgar M.  
Downs, Jr. and Enocincia O. Downs, his wife, by Deed of Harry  
Lynch, Jr. and William F. Lynch, II, dated May 9, 1980 and recorded  
in the Office of the Recorder of Deeds, in and for Sussex County,  
at Georgetown, Delaware in Deed book 1007, Page 350

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

[Handwritten signatures of witnesses]

Edgar M. Downs Jr. (Seal)
EDGAR M. DOWNS, JR.
Enocincia O. Downs (Seal)
ENOCINCIA O. DOWNS
(Seal)
(Seal)

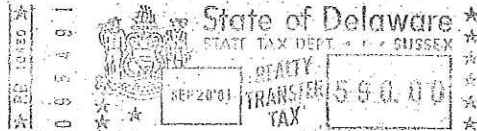
STATE OF DELAWARE,
SUSSEX

County

ss. PURCHASERS REPORT MADE
29 DAY OF Sept 1981
ASSESSMENT DIVISION OF SUSSEX COUNTY

BE IT REMEMBERED, that on this 26 day of
September in the year of our Lord one thousand nine hundred and
eighty-one personally came before me, a Notary Public in and for the State and
County aforesaid,

EDGAR M. DOWNS, JR. and ENOCINCIA O. DOWNS,
his wife,



Parties to this Indenture, known to me personally to be such, and they
acknowledge this Indenture to be their Deed.

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

RECEIVED
MARY ANN MCCABE
SEP 28 10 12 AM '01
RECORDER OF DEEDS
SUSSEX COUNTY

Notary Public
WOLHAR AND MOORE
ATTORNEYS AT LAW
RACE & PINE STREETS
P. O. BOX 364
GEORGETOWN, DELAWARE 19947



LINE NEW OR  
SITE OF  
ROBERT T. JOHNSON  
(1872 305/504)

THE NEW SET OF  
SITE OF A SURVEYOR  
IN THE FENCE LINES  
ESTABLISHED

CONRAD G. PAULS & ASSOC  
(1872 210/505)

LAND NEW OR  
SITE OF  
EST. BY JOHNSON  
(1872 305/504)  
(1872 210/505)

WOODS "BLADE"  
LINE NEW OR  
TO OLD COURSE

TRAIL LINE AT  
EDGE TO MAPS  
(1872/1874)

LINE NEW OR  
SITE OF  
J.B. TOWNSEND JR. & COMPANY  
(1872 107/504)

(OPEN FIELD)

(WOODS AREA)

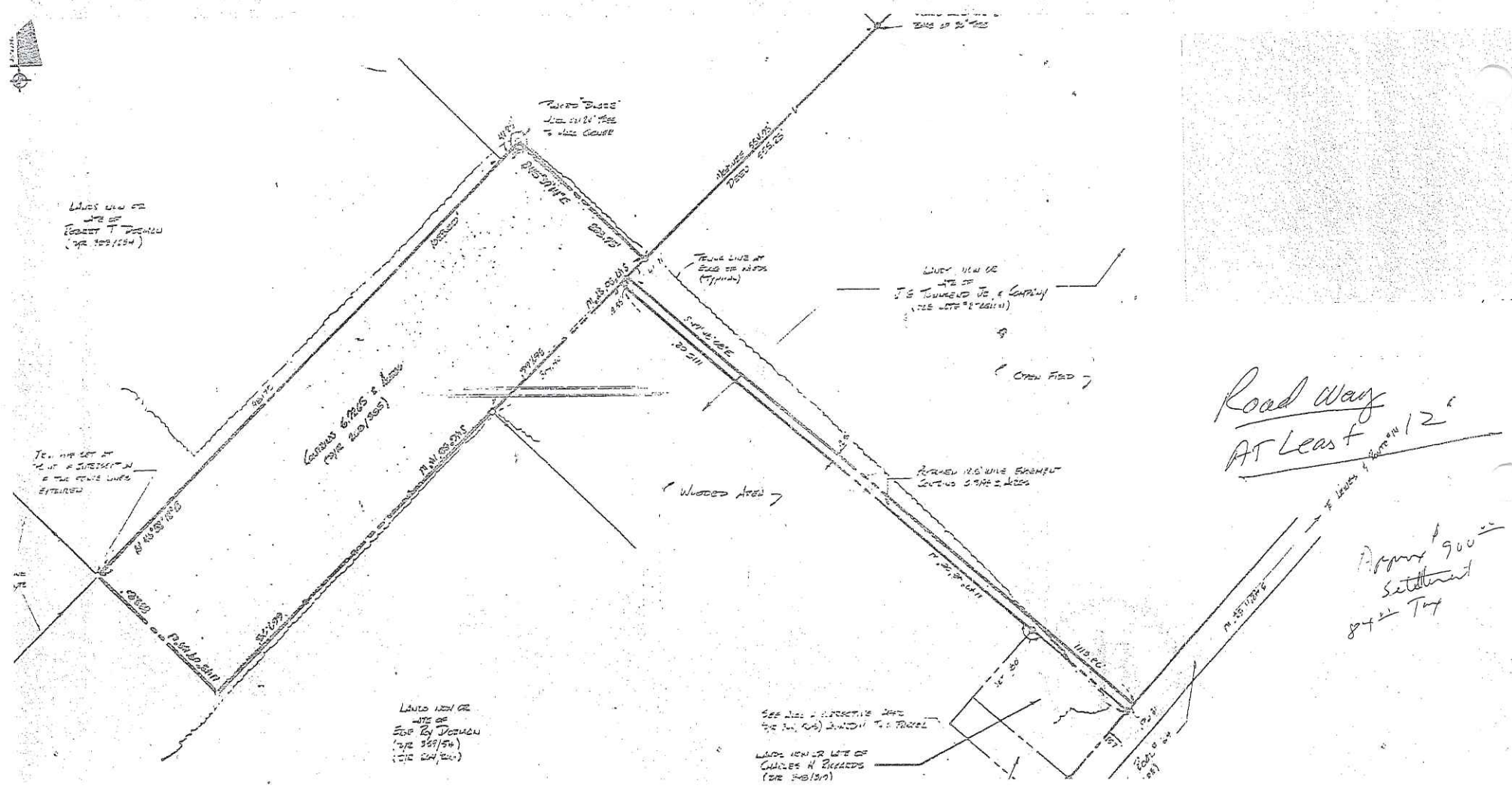
ROBERT T. JOHNSON  
CONRAD G. PAULS & ASSOC

Road Way  
AT Least 12'

Approx 900  
Settlement  
84<sup>th</sup> Tr

SEE ALSO A SURVEYOR'S LINE  
THE NEW OR SITE OF JOHNSON T. T. PAULS

LAND NEW OR SITE OF  
CHARLES H. BULLOCK  
(1872 305/504)





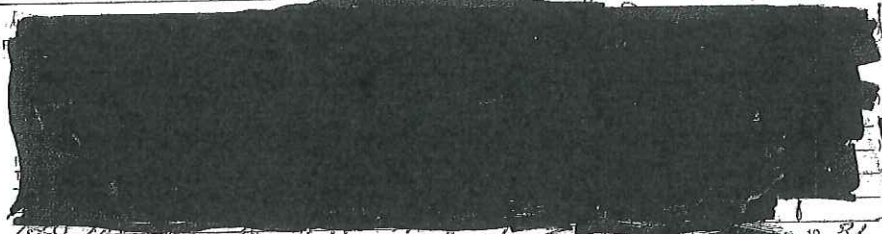
# New Dimensions Realtors

Index Contract Standard Plan  
Approved by Sussex County Board

Intersection Routes 1 and 9  
P.O. Box 412  
Leves, Delaware 19958  
302-645-7722

## CONTRACT OF PURCHASE AND SALE

- SELLER(S) Edgar M. & Emelina Downs  
of Georgetown DE 19827 Office \_\_\_\_\_  
Telephone No. Residence \_\_\_\_\_  
herby agrees to sell and convey unto \_\_\_\_\_
- PURCHASER(S) Thomas C. & Nancy B. Lang  
of Rx 341 RD #3 Kennett Sq, Pa 19348 Office \_\_\_\_\_  
Telephone No. Residence \_\_\_\_\_
- DESCRIPTION Purchase(s) hereby agree to purchase from Seller(s) the property identified as:  
Parcel being Prop. 6.716 Acres W. Side of Rt 24 with full  
right of way located in Leves Rehoboth Hundred  
Leves DE Sussex County



- SETTLEMENT Final settlement shall be completed on or before the 21 day of September 19 81  
at which time possession shall be given. It is expressly understood and agreed that if a longer time is necessary to secure a survey,  
or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable  
time to effect these conditions.
- TRANSFER TAX & COSTS A 1.000 % transfer tax is to be equally divided between Seller(s) and Purchaser(s). Seller(s) shall  
pay for deed preparation. Purchaser(s) shall pay all other settlement charges and lending costs including survey. N/A
- TERMITE Termite inspection by a licensed inspector is to be accomplished at the expense of the N/A  
Should there be evidence of active termite or any wood destroying infestation, and/or damage is discovered, Seller(s) shall have the  
option of correcting same at Seller(s) expense. Otherwise, Purchaser(s) may declare this agreement null and void, in which case all  
deposit monies shall be refunded.
- FORFEITURES Should the Purchaser(s) fail to make payments and/or settlement as specified above, the sums paid on account shall  
be retained by the Seller(s), who may elect to accept such sums either as liquidated damages or as part payment on the purchase  
price. In the event of forfeiture of the deposit, the Seller(s) shall allow the Agent one-half thereof, but not more than said commission,  
as a compensation for his services. If either Purchaser(s) or Seller(s) default under this Contract of Purchase and Sale, such defaulting  
party shall be liable for the commission of Agent, and any expenses incurred by the non-defaulting party, including attorneys fees  
in connection with this transaction and the enforcement of subject Contract of Purchase and Sale.
- PRORATIONS Taxes, special assessments, fuel, rent, water, sewer and other fixed charges are to be prorated as of day of settlement.
- FIXTURES All drapery rods, curtain rods, shades, blinds, window screens, awnings, storm windows and doors, landscaping, TV  
antenna, built-in appliances, pipes and air fixed installations belonging to the Seller(s) upon the premises shall remain and be  
included in this sale.
- TITLE Title is to be good and marketable, clear of all liens and encumbrances, except restrictions of record and existing easements.  
In case the title is found defective, the deposit money will be refunded and all legal expenses involved will be paid by the Seller(s).
- RISK The risk of loss or damage to the said premises by fire, windstorm or other casualty until settlement is assumed by the Seller(s).
- INSPECTION Purchaser(s) represent that an inspection satisfactory to Purchaser(s) has been made of the property and Purchaser(s)  
agree to accept the property in its present condition except as may be otherwise provided herein.
- SPECIAL TERMS Contingent upon Purchase Money Mortgage being granted  
at 12% interest and Purchasers obtain loan of \$100,000  
at interest not to exceed 15%. Also when there  
is a late copy of the deed and Purchaser permits  
the deed to be deposited contract is in full force.
- AGENCY It is further understood and agreed that the Agent(s) herein named is/are acting as Agent only, and have no liability to  
either party for the performance of any term or covenant of this agreement, or for damages for non-performance thereof.
- COMMISSION Purchaser(s) and Seller(s) agree that Agent was responsible for procuring this contract, and Seller(s) agree to pay for  
services rendered a commission of 1.000 % of the purchase price, payable on or before settlement date.
- BINDING COVENANTS This agreement shall be binding not only upon the parties themselves, but upon their heirs, executors,  
administrators, successors or assigns as well. This Contract of Purchase and Sale constitutes the entire agreement among the  
parties and may not be modified or changed except by written instrument executed by all of the parties.

IN WITNESS WHEREOF, the Purchaser(s) and Seller(s) have hereunto set their hands and seals.

<u>Edgar M. Downs</u> Witness	<u>Thomas C. Lang</u> (SEAL) Purchaser	<u>Aug 26, 1981</u> Date and Time
<u>As to / with</u> Witness	<u>Nancy B. Lang</u> (SEAL) Purchaser	<u>Aug 26, 1981</u> Date and Time
_____ (SEAL) Witness	_____ (SEAL) Seller	_____ (SEAL) Date and Time
_____ (SEAL) Witness	_____ (SEAL) Seller	_____ (SEAL) Date and Time

Deposit Received \$ \_\_\_\_\_  Check  Cash \$ \_\_\_\_\_  Other \_\_\_\_\_ Agent \_\_\_\_\_

This signature constitutes receipt of deposit. Effective Date of Contract \_\_\_\_\_

MR. THOMAS C. LANG  
MRS. NANCY B. LANG

No. 4967  
DATE Aug 26 19 81 02-13/311 BR. 012

PAY TO THE ORDER OF New Dimensions Broker \$ 50.00  
Edgar and Nancy DOLLARS

DELAWARE TRUST COMPANY  
Wilmington, Delaware

FOR Nancy B. Lang

0311001311 2180977 11 4967





Thomas & Nancy Lang  
ID 627940  
Parcel 334-12.00-22.00

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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



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



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: June 23<sup>rd</sup>, 2022

Application: CZ 1949 J.G. Townsend Jr. & Co.

Applicant: J.G. Townsend Jr. & Co.  
P.O. Box 430  
Georgetown, DE 19947

Owner: J.G. Townsend Jr. & Co.  
P.O. Box 430  
Georgetown, DE 19947

Site Location: The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284).

Current Zoning: AR-1 – Agricultural Residential District

Proposed Zoning: MR – Medium Density Residential District

Comprehensive Land Use Plan Reference: Commercial Area & Coastal Area (FLUM Amendment proposal to change the Commercial Area portion to Coastal Area.)

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Sussex County

Water: Tidewater Utilities

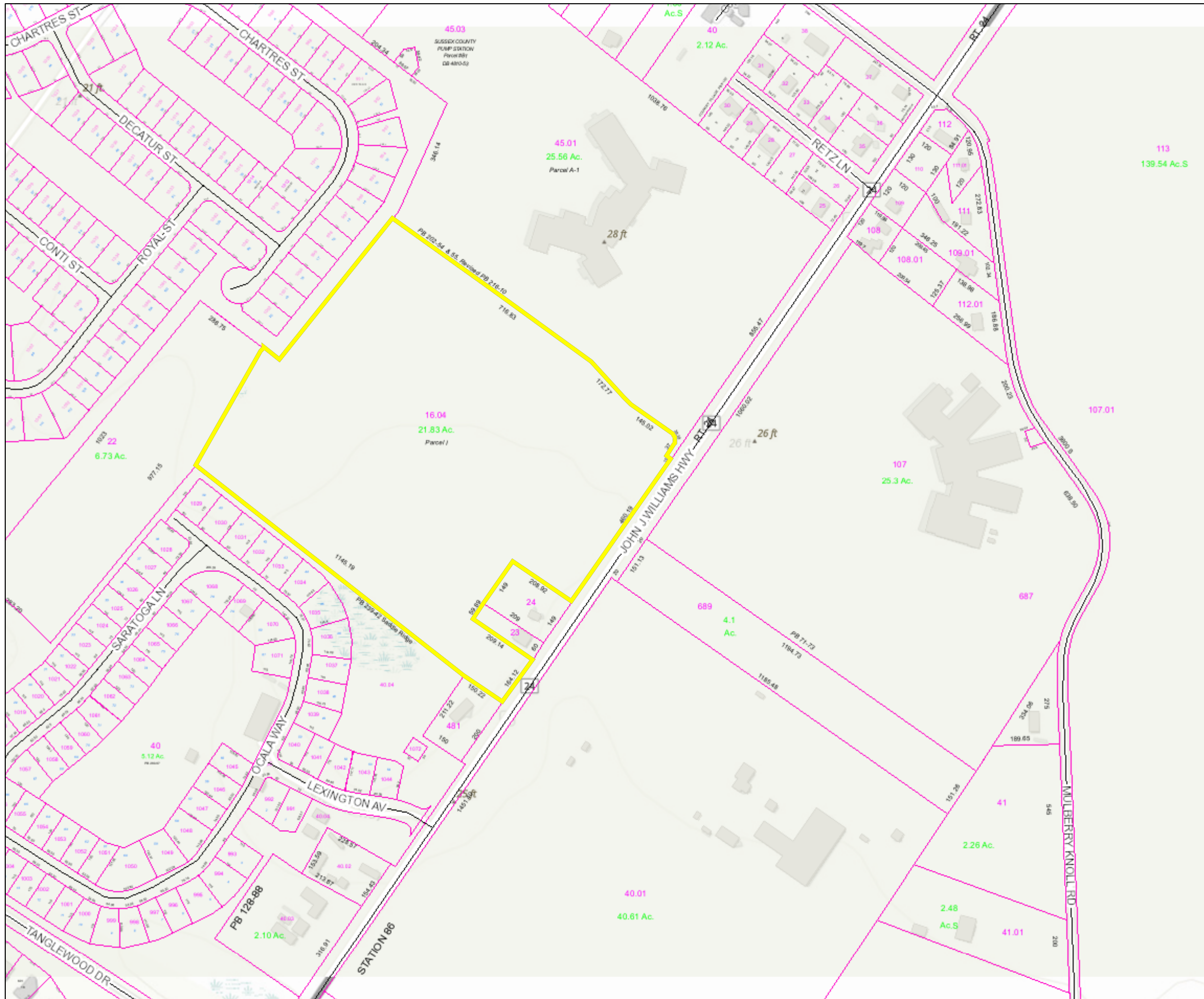
Site Area: 21.62 acres +/-

Tax Map ID.: 334-12.00-16.04





# Sussex County



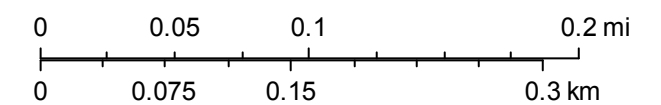
<b>PIN:</b>	334-12.00-16.04
<b>Owner Name</b>	TOWNSEND J G JR CO
<b>Book</b>	0
<b>Mailing Address</b>	PO BOX 430
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NW/RT 24
<b>Description 2</b>	SW/RT 284
<b>Description 3</b>	PARCEL 1
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

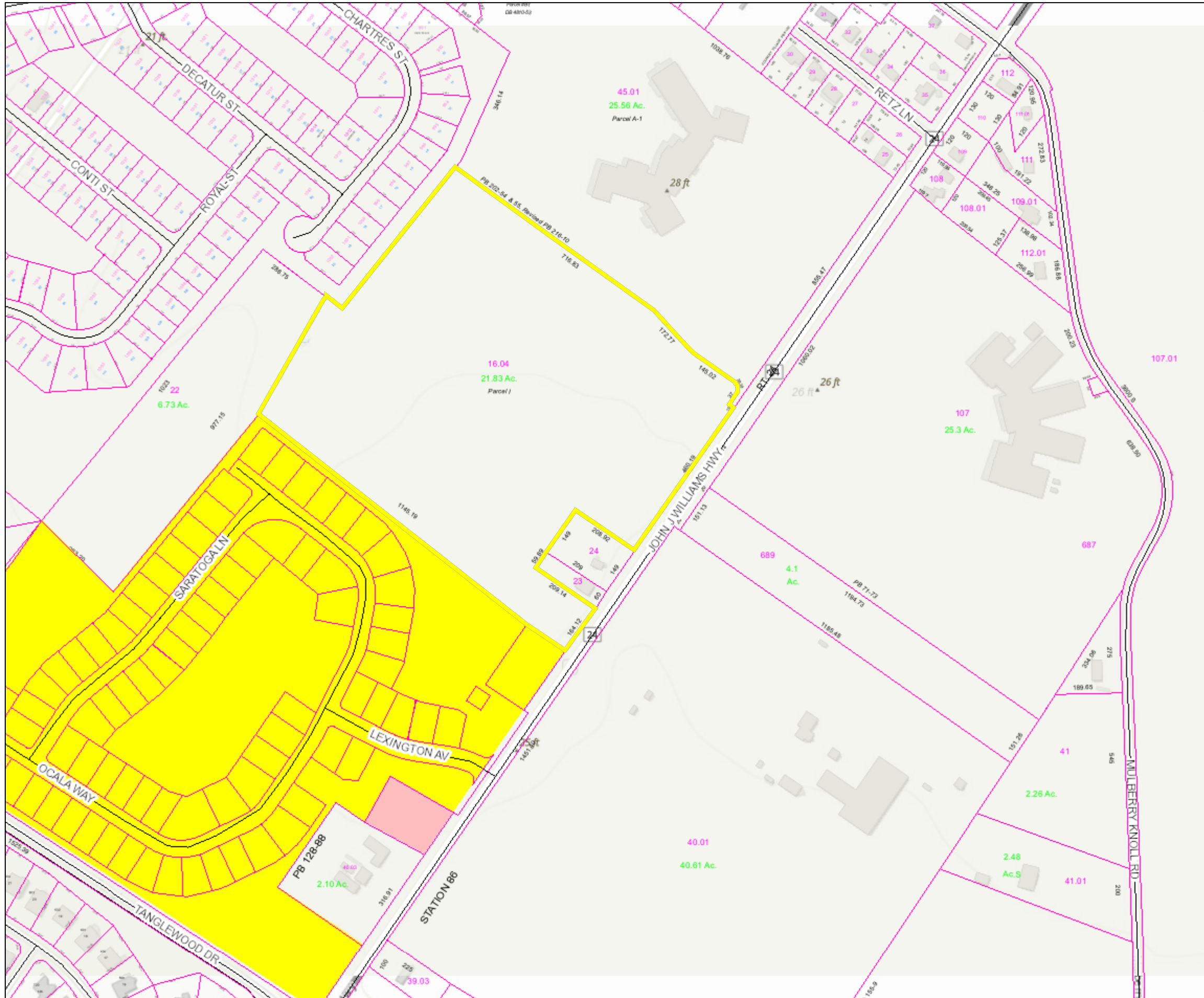
  - Override 1
  - Tax Parcels
  - Streets
  - County Boundaries

1:4,514





# Sussex County



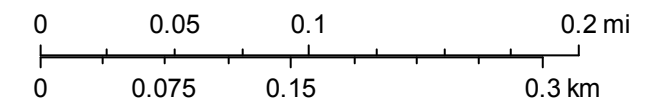
<b>PIN:</b>	334-12.00-16.04
<b>Owner Name</b>	TOWNSEND J G JR CO
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<b>Description 3</b>	PARCEL 1
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

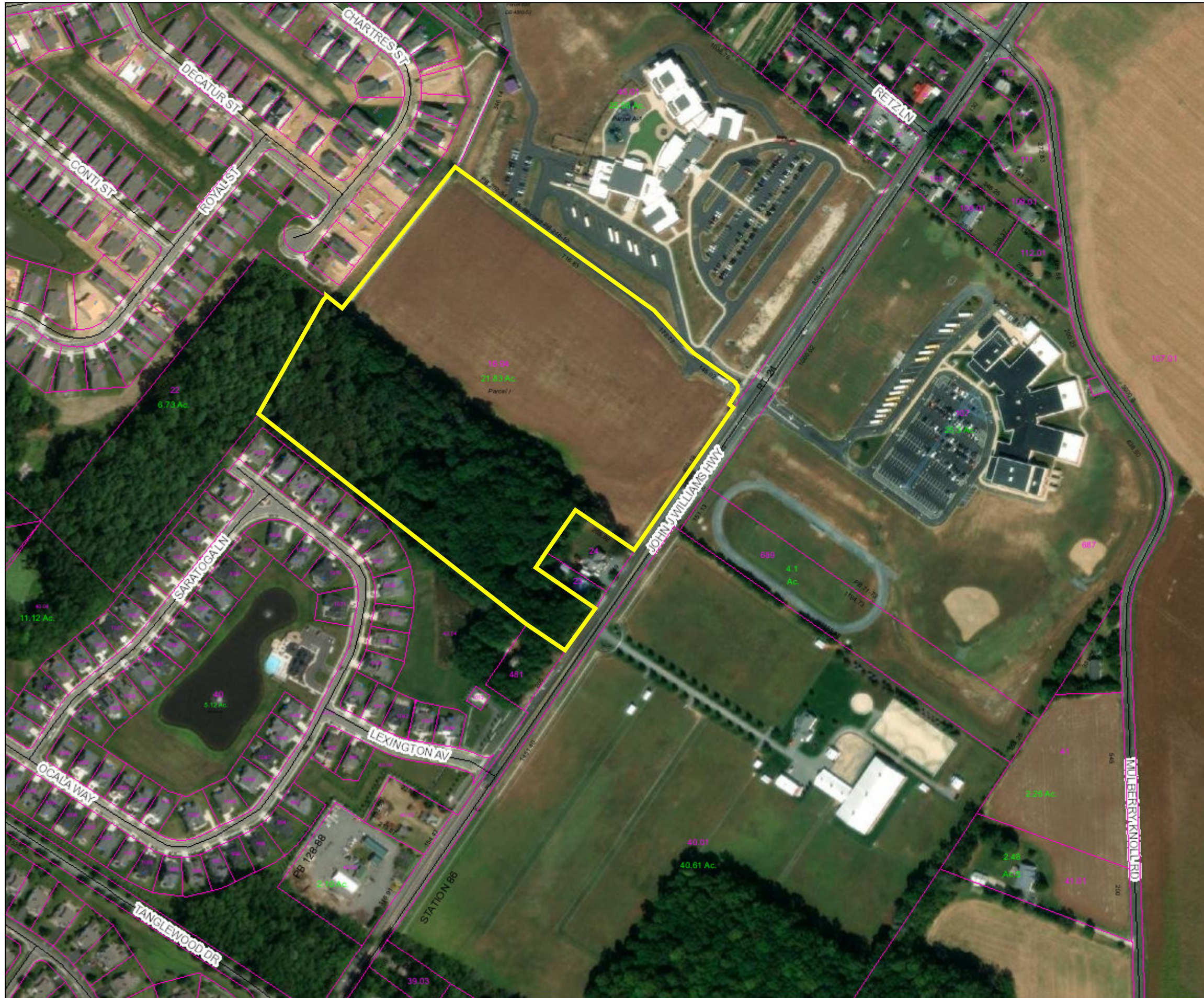
Override 1
- Tax Parcels
- Streets

1:4,514





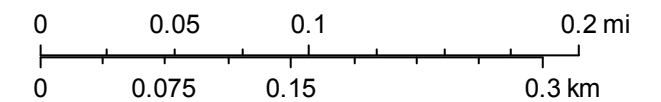
# Sussex County



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<b>Owner Name</b>	TOWNSEND J G JR CO
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<b>Mailing Address</b>	PO BOX 430
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NW/RT 24
<b>Description 2</b>	SW/RT 284
<b>Description 3</b>	PARCEL 1
<b>Land Code</b>	

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

1:4,514





# Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.



FEMA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



May 23, 2022

### Effective Flood Hazard Areas

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Base Flood Elevation
- LiMWA
- Cross Sections
- Transect

### Preliminary Flood Hazard

- A
- AE
- AE, FLOODWAY
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

### Contours

- INDEX
- DEPRESSION
- HIDDEN
- INTERVAL

Flood Zone (at Point):  X

FEMA Issued Flood Map:  10005C0334K

Map Date:  3/16/2015

Subwatershed (HUC12):  Herring Creek-Rehoboth Bay

Tax Parcel:  334-12.00-16.04

Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
BEAMER EDWARD JR	TORI J HOOPER	19110 CHARTRES ST	LEWES	DE	19958	334-12.00-1000.00
WALTERS JOHN H	CHERYL A JUSTISON	28290 SARATOGA LN	LEWES	DE	19958	334-18.00-1016.00
ZIMMER RICHARD	JOANNE ZIMMER	21055 DECATUR ST	LEWES	DE	19958	334-12.00-1017.00
POTTS DONALD J	JOAN F POTTS	19268 CHARTRES ST	LEWES	DE	19958	334-12.00-1105.00
PARADYSZ RONALD W	<Null>	21109 CONTI ST	LEWES	DE	19958	334-12.00-1045.00
ULRICH WILLIAM KIRK	JEAN MARIE ULRICH	21159 CONTI ST	LEWES	DE	19958	334-12.00-1037.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1337.00
STANLEY THOMAS RUSSELL	TAMARA KRYSTAL STANLEY	28240 SARATOGA LN	LEWES	DE	19958	334-18.00-1023.00
OSWINKLE AUSTIN DAVID	MEGHAN M MCGLOIN	28282 SARATOGA LN	LEWES	DE	19958	334-18.00-1017.00
LEWIS EILEEN LINDA	DIXIE ANN MARIE LEWIS	21208 DAUPHINE ST	LEWES	DE	19958	334-12.00-1324.00
RICOTTA JOHN J	GLORIA D RICOTTA	2018 HILYER PL NW	WASHINGTON	DC	20009	334-18.00-1058.00
HOFFMAN JOHN M	GEORGIANA HOFFMAN	5 ROBIN DR	HOCKESSIN	DE	19707	334-18.00-1002.00
SPANGLER MICHAEL LYNN	JUDITH ROSE SEIBERT	22463 OCALA WAY	LEWES	DE	19958	334-18.00-1038.00
RUSHTON THOMAS JOSEPH IV	DOREEN DANIELLE RUSHTON	128 KESTREL RD	MOUNTAIN TOP	PA	18707	334-18.00-997.00
RONALD MARK H & MARY ANN RONALD	TRUSTEES	205 RODNEY ST	REHOBOTH BEACH	DE	19971	334-18.00-40.01
MEDOFF STEVEN LANDERS	ELEONORA MEDOFF	19119 CHARTRES ST	LEWES	DE	19958	334-12.00-1013.00
CAMPIONE THOMAS J	BARBARA ANN CAMPIONE	21045 DECATUR ST	LEWES	DE	19958	334-12.00-1019.00
PERONTI BETTINA MARIE	<Null>	19358 ROYAL ST	LEWES	DE	19958	334-12.00-1063.00
MANTARRO VICTOR J	AIPING WANG	22449 OCALA WAY	LEWES	DE	19958	334-18.00-1035.00
LUCKING BERNADETTE M	<Null>	21016 DECATUR ST	LEWES	DE	19958	334-12.00-1027.00
SPIERING SUSAN COWAN	BRIAN THOMAS SPIERING	19388 ROYAL STREET	LEWES	DE	19958	334-12.00-1070.00
FEUERSTEIN ROBERT A	PHYLLIS LEVINE-FEUERSTEIN	19392 ROYAL ST	LEWES	DE	19958	334-12.00-1071.00
ORLOWSKI LIDIA TTEE REV TR	ANTHONY F CINQUEGRANI TTEE REV TR	21202 DAUPHINE ST	LEWES	DE	19958	334-12.00-1326.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1331.00
GRAHAM DENNIS RAYMOND	PATRICIA ANNE GRAHAM	8565 DANBURY BLVD APT 202	NAPLES	FL	34120	334-12.00-1108.00
WEIBEL EMILY LYNN	<Null>	19214 CHARTRES ST	LEWES	DE	19958	334-12.00-1119.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1263.00
CHANEY RENEE BETH	<Null>	18781 BETHPAGE DR	LEWES	DE	19958	334-12.00-1088.00
PLEBANI THOMAS J	CLAUDETTE MARIE PLEBANI	19146 CHARTRES ST	LEWES	DE	19958	334-12.00-990.00
TOCCI ANTHONY TTEE	REV LIV TR	19224 CHARTRES ST	LEWES	DE	19958	334-12.00-1117.00
KENNEDY ROGER LEE TTEE ANN B KENNEDY	TTEE OF ROGER KENNEDY TR	19329 ROYAL ST	LEWES	DE	19958	334-12.00-1087.00
AMATO SUSAN M	<Null>	19367 ROYAL ST	LEWES	DE	19958	334-12.00-1097.00
OLSEN WILLIAM RICHARD JR	MARIE ELIZABETH OLSEN	19368 ROYAL ST	LEWES	DE	19958	334-12.00-1065.00
GULINO RAYMOND	OLGA GULINO	23030 BOURBON CIR	LEWES	DE	19958	334-12.00-1102.00
WARREN SAMUEL LESLIE	MARILYN ANN BLOCK	23016 BOURBON CIR	LEWES	DE	19958	334-12.00-1076.00
LEONARDI THOMAS J	DOROTHY C LEONARDI	28245 SARATOGA LN	LEWES	DE	19958	334-18.00-1063.00
JONES WILLIAM R	BONNIE M JONES	19134 CHARTRES ST	LEWES	DE	19958	334-12.00-994.00
SCANLON ELLEN	KEVIN SCANLON	19353 ROYAL ST	LEWES	DE	19958	334-12.00-1094.00
BROCKETT-LALETAS BARBARA	ERNEST LALETAS	615 PEPPERBUSH CT	WILMINGTON	DE	19808	334-12.00-1100.00
BINGNEAR JAMES WARNER	PAMELA JANE BINGNEAR	19109 CHARTRES ST	LEWES	DE	19958	334-12.00-1081.00
HCA MODEL FUND 2018-15 TEXAS LLC	<Null>	17950 PRESTON RD STE 300	DALLAS	TX	75252	334-12.00-1003.00
STERNBERG DENIS	<Null>	19266 CHARTRES ST	LEWES	DE	19958	334-12.00-1106.00
DINKA RICHARD J	CORA DINKA	28251 SARATOGA LN	LEWES	DE	19958	334-18.00-1062.00
FINNERTY JOHN MARK	<Null>	22605 OCALA WAY	LEWES	DE	19958	334-18.00-1007.00
LEINBACH STEPHANIE	<Null>	22513 OCALA WAY	LEWES	DE	19958	334-18.00-993.00

MAGRATH PAUL	LINSEY ANN MAGRATH	21216 DAUPHINE ST	LEWES	DE	19958	334-12.00-1320.00
SLATIN MARK R	KATHERINE SLATIN	21214 DAUPHINE ST	LEWES	DE	19958	334-12.00-1321.00
DUNNING KEITH	THERESA CAROL DUNNING	21212 DAUPHINE ST	LEWES	DE	19958	334-12.00-1322.00
BURNS STANLEY J	MARILYN S BURNS	23236 BOURBON CIR	LEWES	DE	19958	334-12.00-1333.00
BERARD GARY ARTHUR TTEE	SARAH KERR CONWAY TTEE DEUX BEAUX FILS T	22616 OCALA WAY	LEWES	DE	19958	334-18.00-1014.00
FADER DOLORES M TTEE LIV TR	<Null>	2104 WILLIAMSBURG CT	WILMINGTON	DE	19810	334-12.00-1024.00
STRAUSS EDWARD J	ANITA C STRAUSS	19213 CHARTRES ST	LEWES	DE	19958	334-12.00-1026.00
GONSKI RANDOLPH	LYNNE GONSKI	11 STIRES WAY	PITTSTOWN	NJ	8867	334-12.00-1047.00
HILL GLENN ALAN	MARGARET MARY HILL	19374 ROYAL ST	LEWES	DE	19958	334-12.00-1066.00
KOST MONIKA LILLIAN	DENISE MARIE SAMIDE	27 WHITSON RD	HUNTINGTON STATION	NY	11746	334-12.00-1067.00
YACUCCI ANN	<Null>	19255 CHARTRES ST	LEWES	DE	19958	334-12.00-1079.00
TODD GEORGE S	JEFFREY A BAKER	223 NORTHERN OAK ST	MIDDLETOWN	DE	19709	334-12.00-1080.00
MAMMARELLA JOSEPH	<Null>	22402 OCALA WAY	LEWES	DE	19958	334-18.00-1028.00
FOX THOMAS E	PATRICIA A FOX	37 GLENLAWN AVE	SEA CLIFF	NY	11579	334-18.00-1042.00
MURRAY THOMAS A	PAUL A PAOLINI	16822 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1043.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-17.03
NEGRAN THOMAS J	MARK WOROSILO	19124 CHARTRES ST	LEWES	DE	19958	334-12.00-997.00
ZIELINSKI WILLIAM THOMAS JR	CATHERINE L ZIELINSKI	21048 DECATUR ST	LEWES	DE	19958	334-12.00-1032.00
TAYLOR DAVID M TTEE	DENA K TAYLOR TTEE JT REV TR	22634 OCALA WAY	LEWES	DE	19958	334-18.00-1012.00
TURNER DONNA RICHARDS	DAVID ROBERT TURNER JR	19263 CHARTRES ST	LEWES	DE	19958	334-12.00-1077.00
WILSON PAUL GEORGE	SHERRY ANN WILSON	23006 BOURBON CIR	LEWES	DE	19958	334-12.00-1073.00
MIDWINTER GREGORY Y DREW R MIDWINTER	JOHN L MIDWINTER ALYSON MARTIN ETAL6	15 OAKLAWN DR	BARKHAMSTED	CT	6063	334-18.00-1006.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.04
DENTON TRACY A	BRENDA LEE WELSH	21211 DAUPHINE ST	LEWES	DE	19958	334-12.00-1381.00
GOOD DUANE	REBECCA GOODMAN	19303 ROYAL ST	LEWES	DE	19958	334-12.00-1082.00
SEANOR ROBERT	DARLENE A SEANOR	19339 ROYAL ST	LEWES	DE	19958	334-12.00-1090.00
RANAZZO JOSEPH	JOHN HENRY CARTY	19227 CHARTRES ST	LEWES	DE	19958	334-12.00-1046.00
BROODER BRANDEN MICHAEL	ALISON VALK WOOLWORTH	22570 OSCALA WAY	LEWES	DE	19958	334-18.00-1053.00
RYCHLESKI RAYMOND JOSEPH	KRYSTLE SMITH RYCHLESKI	16845 LEXINGTON AVE	LEWES	DE	19958	334-18.00-992.00
NIEMKIEWICZ JOHN	IRENE WYBAR NIEMKIEWICZ	22516 OCALA WAY	LEWES	DE	19958	334-18.00-1048.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.05
TOWNSEND J G JR CO	<Null>	PO BOX 430	GEORGETOWN	DE	19947	334-12.00-16.04
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-45.01
ADLER KEVIN ROSS	LEONARD S ADLER TTEE REV LIV TR	12500 PARK POTOMAC AVE #509N	POTOMAC	MD	20854	334-12.00-1069.00
ANFUSO ANTHONY	ELLEN ANFUSO	22429 OCALA WAY	LEWES	DE	19958	334-18.00-1033.00
MANENTE JOSEPH N	MICHAEL J MIREIDER	19149 CHARTRES ST	LEWES	DE	19958	334-12.00-1009.00
PETRINO ALEXANDER DAMIAN	MICHAEL JOHN YOUSKO	22528 OCALA WAY	LEWES	DE	19958	334-18.00-1049.00
BURNS MAUREEN ANN TTEE	JOHN AND MAUREEN BURNS REV TR	19120 CHARTRES ST	LEWES	DE	19958	334-12.00-998.00
WENDOLOWSKI JOSEPH SR	ANGELA MARIE WENDOLOWSKI	21138 CONTI ST	LEWES	DE	19958	334-12.00-1054.00
MARTIN STEVE JOHN	JENNIFER TIRRELL MARTIN	48 WYNDOM CIR	HOCKESSIN	DE	19707	334-12.00-1059.00
CRNKOVICH WILLIAM JOHN	DONNA WHEELER CRNKOVICH	21222 DAUPHINE ST	LEWES	DE	19958	334-12.00-1318.00
USINGER JON ANDREW	LUANNE CAROL USINGER	21229 DAUPHINE ST	LEWES	DE	19958	334-12.00-1374.00
SUTCLIFFE JOYCE DARKOCH	<Null>	22459 OCALA WAY	LEWES	DE	19958	334-18.00-1037.00
GREEN EDMUND L TTEE	REV LIV TR	22500 OCALA WAY	LEWES	DE	19958	334-18.00-1046.00
WOLLINS JONATHAN S	PEGGY S WOLLINS	22423 OCALA WAY	LEWES	DE	19958	334-18.00-1032.00
HOINOWSKI JOSHUA C	GRACE MARIE HOINOWSKI	28246 SARATOGA LN	LEWES	DE	19958	334-18.00-1022.00

KROLL WILLIAM G	REGINA L KROLL	22625 OCALA WAY	LEWES	DE	19958	334-18.00-1010.00
NOWELL MELISSA ANN	<Null>	21023 DECATUR ST	LEWES	DE	19958	334-12.00-1022.00
OLEARY DANIEL STEVEN	KAREN MARY OLEARY	21143 CONTI ST	LEWES	DE	19958	334-12.00-1040.00
SFERRELLA SHEILA M	CINDY S WEDEL	756 NEWBERRY RD	NASHVILLE	TN	37205	334-12.00-1312.00
STOWELL THOMAS	JULIE PENNY-STOWELL	21217 DAUPHINE ST	LEWES	DE	19958	334-12.00-1379.00
DUBOIS MICHAEL BRUCE	ROBERTA ANN DUBOIS	73 ELMONT RD	HAMILTON	NJ	8610	334-12.00-1098.00
BASKIN JEFFRY VICTOR	BARBARA ANNE BASKIN	19201 CHARTRES ST	LEWES	DE	19958	334-12.00-1023.00
FALLON KATHERINE MOORE	<Null>	19256 CHARTRES ST	LEWES	DE	19958	334-12.00-1109.00
AMIANO ROBERT JOSEPH	LISA G AMIANO	22561 OCALA WAY	LEWES	DE	19958	334-18.00-1001.00
HAMPSON RICHARD JOHN SR	ERICA HAMPSON	34 MANOR AVWE	POMPTON PLAINS	NJ	7444	334-18.00-1020.00
BOEMIO MARK A	LINDA MARIE BOEMIO	22435 OCALA WAY	LEWES	DE	19958	334-18.00-1034.00
ASCH MITCHELL H	CAROL R ASCH	960 FELL ST UNIT 516	BALTIMORE	MD	21231	334-12.00-1078.00
AYERS CARL E	REGINA AYERS	21219 DAUPHINE ST	LEWES	DE	19958	334-12.00-1378.00
MILLS CHERIE W TTEE	<Null>	22438 OCALA WAY	LEWES	DE	19958	334-18.00-1070.00
SPONG CHRISTOPHER G TTEE REV	IRINA GORBASHEVA TTEE LIV TR	22589 OCALA WAY	LEWES	DE	19958	334-18.00-1005.00
PLA WILFRED LOUIS	KAREN MAURIE PLA	19144 CHARTRES ST	LEWES	DE	19958	334-12.00-991.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-984.00
CACCESE ANTHONY GERARD II	LAURA HOLZ CACCESE	19270 CHARTRES ST	LEWES	DE	19958	334-12.00-1104.00
GEARHART HENRY R	MARY K GEARHART	28217 SARATOGA LN	LEWES	DE	19958	334-18.00-1067.00
LYNCH EDWARD J	MARY LYNCH P	28212 SARATOGA LN	LEWES	DE	19958	334-18.00-1027.00
KITTKA STEVEN J	LYNNE A KITTKA	22456 OCALA WAY	LEWES	DE	19958	334-18.00-1071.00
ROTH EDWARD MICHAEL III	CAROL MARIE ROTH	19234 CHARTRES ST	LEWES	DE	19958	334-12.00-1114.00
BARROW PAUL F	JOAN A BARROW	19347 ROYAL ST	LEWES	DE	19958	334-12.00-1092.00
GARNEAU PETER B TTEE	DENNIS R RODRIGUEZ TTEE REV LIV TR	21147 CONTI ST	LEWES	DE	19958	334-12.00-1039.00
ANUSZEWSKI ALFRED	MI KING ANUSZEWSKI	21131 CONTI ST	LEWES	DE	19958	334-12.00-1042.00
COOPER ROBERT D	SUZANNE A COOPER	22494 OCALA WAY	LEWES	DE	19958	334-18.00-1045.00
HANKIN-BERNSTEIN MELANIE	<Null>	28226 SARATOGA LN	LEWES	DE	19958	334-18.00-1025.00
WANG TAMMY	<Null>	22576 OCALA WAY	LEWES	DE	19958	334-18.00-1054.00
SMITH BRIAN	DONNA SMITH	22584 OCALA WAY	LEWES	DE	19958	334-18.00-1055.00
REPKO MARK R	PATRICIA A REPKO	22453 OCALA WAY	LEWES	DE	19958	334-18.00-1036.00
SOTO DALE LEE	KAREN H SOTO	22562 OCALA WAY	LEWES	DE	19958	334-18.00-1052.00
MAXEY ROBERT D	SUZANNE ACEE MAXEY	4293 VIRIDIAN TERR	MONROVIA	MD	21770	334-18.00-1059.00
ALMACY NANCY S TTEE LIV TR	<Null>	19116 CHARTRES ST	LEWES	DE	19958	334-12.00-999.00
DEFAZIO THOMAS J	CLAIRE I DEFAZIO	19150 CHARTRES ST	LEWES	DE	19958	334-12.00-989.00
GRANT LAYMEN R TTEE KATHLEEN P GRANT	TTEE OF LRG AND KPG TR	19361 ROYAL ST	LEWES	DE	19958	334-12.00-1096.00
DEVITA LORIANNE	JOHN FRANK DEVITA JR	456 RED FOX RD	WAYNE	PA	19087	334-12.00-1051.00
SMALLEY MARK DAVID TTEE	PATRICIA STAKER SMALLEY TTEE LIV TR	21226 DAUPHINE ST	LEWES	DE	19958	334-12.00-1316.00
SPRAGUE WILLIAM LAWRENCE	MARY CANDACE ETSON-SPRAGUE	21218 DAUPHINE ST	LEWES	DE	19958	334-12.00-1319.00
EMERICK MATTHEW D	KIMBERLY L EMERICK	22471 OCALA WAY	LEWES	DE	19958	334-18.00-1039.00
MILLER ROBIN	RAYMOND MILLER	22415 OCALA WAY	LEWES	DE	19958	334-18.00-1031.00
NETTO JOSE	<Null>	36378 TALL GRASS CT	LEWES	DE	19958	334-12.00-23.00
DUNAWAY KENNETH HUDNALL	SUSAN CARSON TRUESDELL	19248 CHARTRES ST	LEWES	DE	19958	334-12.00-1111.00
KOHLER ROBERT JOSEPH JR	NANCY L KOHLER	16839 LEXINGTON AVE	LEWES	DE	19958	334-18.00-991.00
MCKEON GEORGE	MARY MCKEON	22611 OCALA WAY	LEWES	DE	19958	334-18.00-1008.00
ZHANG SHUNLI	YONGHONG LI	678 HAMPTON HILLS DR	CAMDEN	DE	19934	334-18.00-1029.00
SESTAK JOSEPH P	KAREN A SESTAK	22510 OCALA WAY	LEWES	DE	19958	334-18.00-1047.00

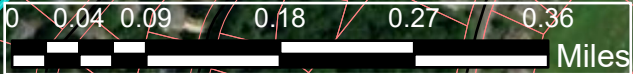
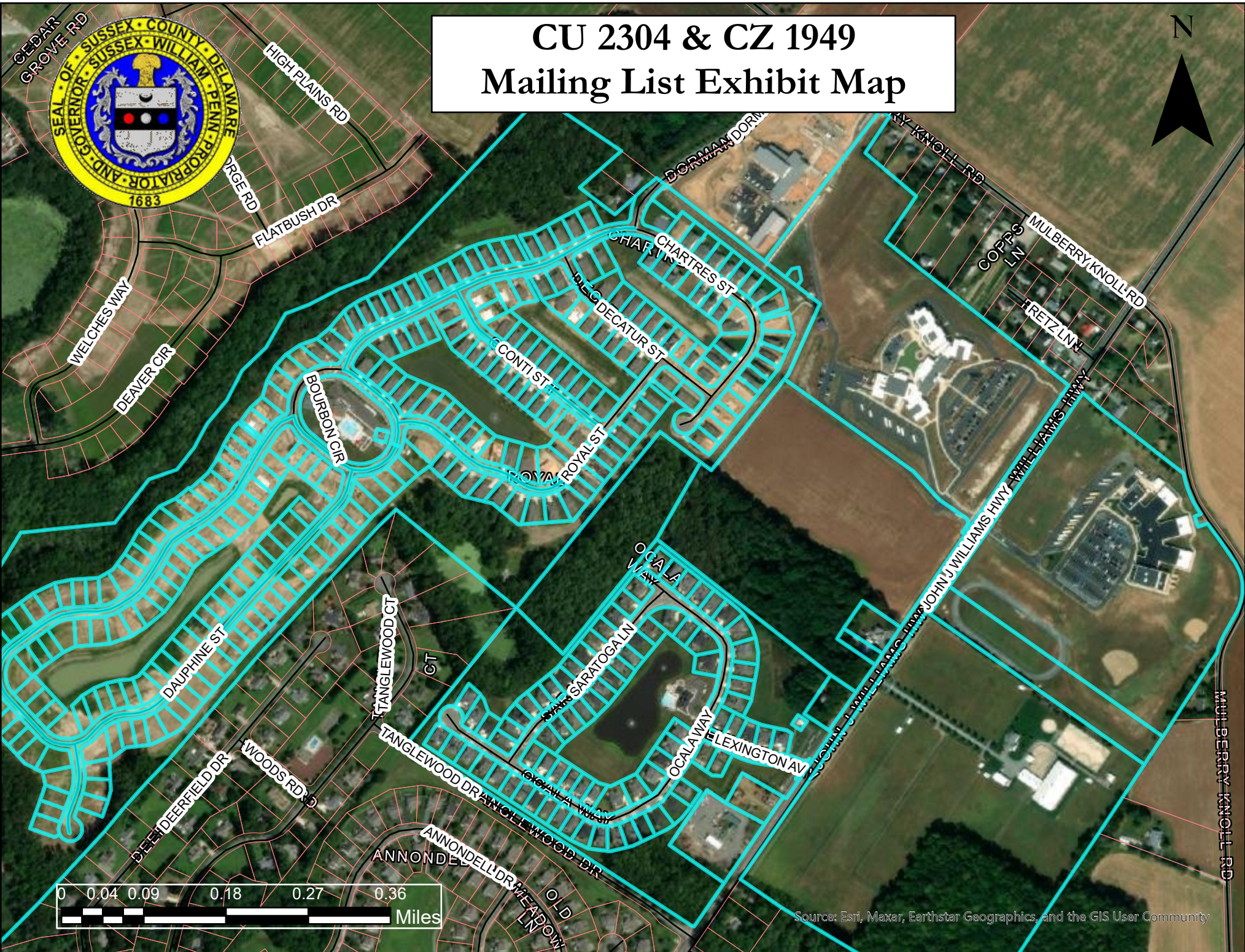


K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-17.05
POWELL WALLACE & ANNA CHRISTINE	<Null>	27992 POSSUM POINT RD	MILLSBORO	DE	19966	334-18.00-40.02
MASTROSIMONE WILLIAM	SHARON J MATROSIMONE	19204 CHARTRES ST	LEWES	DE	19958	334-12.00-1121.00
SHAFFER STEPHEN E	SHARON DIANE SHAFFER	21028 DECATUR ST	LEWES	DE	19958	334-12.00-1029.00
BOWEN WAYNE D	BARBARA E BOWEN	21036 DECATUR ST	LEWES	DE	19958	334-12.00-1030.00
RICE LAWRENCE M JR	<Null>	22422 OCALA WAY	LEWES	DE	19958	334-18.00-1068.00
KEISER STEPHEN KRAIG II	RAUL MICHAEL REYES	19162 CHARTRES ST	LEWES	DE	19958	334-12.00-986.00
TURNER EDWARD MAUNEY	IRIS GRISARD TURNER	19244 CHARTRES ST	LEWES	DE	19958	334-12.00-1112.00
DEBONTE CORNELIUS JR TTEE	BARBARA P DEBONTE TTEE REV TR	19240 CHARTRES ST	LEWES	DE	19958	334-12.00-1113.00
REIMAN SCOTT F	SOPHIA M SHUPE	19230 CHARTRES ST	LEWES	DE	19958	334-12.00-1115.00
STEIN DAVID IRWIN	DIAN G STEIN	19220 CHARTRES ST	LEWES	DE	19958	334-12.00-1118.00
MEATH MICHAEL FREDERICK	SUSAN ELIZABETH MEATH	19382 ROYAL ST	LEWES	DE	19958	334-12.00-1068.00
COLES GAIL R	<Null>	4581 BELMONT DR	EMMAUS	PA	18049	334-12.00-1314.00
TSYVINE ROMAN	TATYANA TSYVINE	23128 BOURBON CIR	LEWES	DE	19958	334-12.00-1327.00
PETRAKIS KAREN MARIE	<Null>	21233 DAUPHINE ST	LEWES	DE	19958	334-12.00-1372.00
NEENAN JOSEPH J	JEANNE MARIE PAVIA	21039 DECATUR ST	LEWES	DE	19958	334-12.00-1020.00
FAGAN NANCY E	JANICE I ANDINO	26 HIGHWOOD DR	DUMONT	NJ	7628	334-12.00-1021.00
BASSO RICHARD EDWARD	MARIE F BASSO	23214 BOURBON CIR	LEWES	DE	19958	334-12.00-1332.00
PRINCIOTTA ANTHONY JOHN TTEE FAM TR	MARY ELIZABETH PRINCIOTTA TTEE FAM TR	21209 DAUPHINE ST	LEWES	DE	19958	334-12.00-1382.00
MACRINI PAMELA	GREGG WOOLSTON	1516 MAX WAY	FISHKILL	NY	12524	334-18.00-998.00
OBRIEN DANIEL	<Null>	PO BOX 53	MOUNT GRETN	PA	17064	334-18.00-1015.00
LEVIN ROBERT G	KAREN LEVIN	28237 SARATOGA LN	LEWES	DE	19958	334-18.00-1064.00
VON VORYS JONI DIANE	<Null>	22428 OCALA WAY	LEWES	DE	19958	334-18.00-1069.00
ZANIN ANDREA	JOAN HELEN CAHILL	9310 ADELAIDE DR	BETHESDA	MD	20817	334-12.00-1093.00
KIRBY DAVID G	JANICE ANN KIRBY	19362 ROYAL ST	LEWES	DE	19958	334-12.00-1064.00
JOHNSON KEVIN ROBERT	JANET LEE ROBINSON-JOHNSON	23014 BOURBON CIR	LEWES	DE	19958	334-12.00-1075.00
ARMSTRONG MERRILL FREDERICK JR	JACQUELINE CORBIN-ARMSTRONG	23026 BOURBON CIR	LEWES	DE	19958	334-12.00-1103.00
SANDERS DEBRA L	FRANK L MISITI JR	113 VICTORY BLVD	STATE COLLEGE	PA	16803	334-12.00-1107.00
SALTIEL PAUL J	<Null>	68 HENNING TER	DENVILLE	NJ	7834	334-12.00-1110.00
WINSTON RICKY KEITH	SHANNON KATHLEEN WINSTON	73 LAKE AVE	REHOBOTH BEACH	DE	19971	334-12.00-1120.00
MINTEER MARY HELEN	<Null>	19198 CHARTRES ST	LEWES	DE	19958	334-12.00-1122.00
BERNARD CAROL F	DAVID R BAKER	28265 SARATOGA LN	LEWES	DE	19958	334-18.00-1060.00
MCGUCKIN BRIAN G	<Null>	16816 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1044.00
FERRERAS MARIA LOUISE	LOUISE F VEATCH	2788 THAXTON LN	OAKTON	VA	22124	334-12.00-1041.00
BOURNIQUE RICHARD F	LAURIE A BOURNIQUE	21118 CONTI ST	LEWES	DE	19958	334-12.00-1050.00
MORGAN DARRELL PETER	DARLENE BELLE MORGAN	23010 BOURBON CIR	LEWES	DE	19958	334-12.00-1074.00
GOODCOFF DAVID	CHERRIE GOODCOFF	86 AVENUE OF THE OAKS	CLIFTON PARK	NY	12065	334-12.00-1380.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.00
BURROUGHS WILLIAM G III	CHRISTINA S BURROUGHS	21234 DAUPHINE ST	LEWES	DE	19958	334-12.00-1313.00
ROTTIERS ARTHUR JOHN	MARY E ROTTIERS	21210 DAUPHINE ST	LEWES	DE	19958	334-12.00-1323.00
BULLEN LOIS ANNE	<Null>	21204 DAUPHINE ST	LEWES	DE	19958	334-12.00-1325.00
HEILMANN JENNIFER BENFORD TTEE REV TR	<Null>	23088 BOURBON CIR	LEWES	DE	19958	334-12.00-1329.00
CORRIGAN PATRICK V	<Null>	21231 DAUPHINE ST	LEWES	DE	19958	334-12.00-1373.00
BEEBE CRAIG ALAN	ERINANN FRANCIS MARTIN BEEBE	PO BOX 249	NASSAU	DE	19969	334-12.00-24.00
SEMENDINGER DANIEL JOSEPH	AIDA LUISA SANCHEZ	22590 OCALA WAY	LEWES	DE	19958	334-18.00-1056.00
STEAKLEY BRUCE L	CARYN S STEAKLEY	22629 OCALA WAY	LEWES	DE	19958	334-18.00-1011.00

BATTILANA RUSSELL A	CHRISTINE BATTILANA	28259 SARATOGA LN	LEWES	DE	19958	334-18.00-1061.00
MCCONNELL ANDREW R	<Null>	20062 JOHN J WILLIAMS HWY	LEWES	DE	19958	334-12.00-481.00
FEESER WENDI S	JUDITH L FORSTER	28283 SARATOGA LN	LEWES	DE	19958	334-18.00-1057.00
MUNROE JUDITH MARION	RICHARD PATRICK FURTADO	19343 ROYAL ST	LEWES	DE	19958	334-12.00-1091.00
SOUZA JAMES	DOREEN SOUZA	21110 CONTI ST	LEWES	DE	19958	334-12.00-1048.00
BELL RICHARD RESSLER JR	DELIA TI-MEI WAN	21112 CONTI ST	LEWES	DE	19958	334-12.00-1049.00
MERKERT WAYNE CHARLES TTEE OF MERKERT	PROTECTION TR	2 MILLS RD	SUFFERN	NY	10901	334-12.00-1123.00
GORDON JENNIFER M	<Null>	19132 CHARTRES ST	LEWES	DE	19958	334-12.00-995.00
TULIO JAMES EDWARD	IRIS ORTIZ TULIO	19106 CHARTRES ST	LEWES	DE	19958	334-12.00-1001.00
BENENATI ROBERT WARREN	CHRISTAL LAINE BENENATI	19102 CHARTRES ST	LEWES	DE	19958	334-12.00-1002.00
MICHNYA JAYME S	LAURA E MICHNYA	22407 OCALA WAY	LEWES	DE	19958	334-18.00-1030.00
LANG THOMAS C & NANCY B	<Null>	14 DEERFIELD LN	REHOBOTH BEACH	DE	19971	334-12.00-22.00
LEMASZEWSKI ROBERT J	EVELYN M LEMASZEWSKI	16844 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1040.00
SHARP DOUGLAS	XIANGCI SHARP	21056 DECATUR ST	LEWES	DE	19958	334-12.00-1033.00
SCHINDEWOLF CRAIG W	ROSEMARIE SCHINDEWOLF	21169 CONTI ST	LEWES	DE	19958	334-12.00-1035.00
WALLACE STEPHEN RODNEY	JUDY D WALLACE	19161 CHARTES ST	LEWES	DE	19958	334-12.00-1006.00
JIMENEZ EDWARD C	ELIA JIMENEZ	21123 CONTI ST	LEWES	DE	19958	334-12.00-1043.00
RICHARDSON PEGGY	<Null>	303 E RAYMOND AVE	ALEXANDRIA	VA	22301	334-12.00-1034.00
KERR MARTIN JAMES	NANCY JILL KERR	21160 CONTI ST	LEWES	DE	19958	334-12.00-1058.00
PEER KENNETH M	DEBORAH PEER	261 VREELAND AVE	MIDLAND PARK	NJ	7432	334-18.00-995.00
EDMONDSON BERNARD ANTHONY	DONNA SMITH EDMONDSON	19375 ROYAL ST	LEWES	DE	19958	334-12.00-1099.00
LUICCI THOMAS JOSEPH JR	LORI ROBIN LUICCI	21022 DECATUR ST	LEWES	DE	19958	334-12.00-1028.00
BREYER CHARLES A	<Null>	19128 CHARTRES ST	LEWES	DE	19958	334-12.00-996.00
AULT RICHARD W	BRETT C YOUMANS	19143 CHARTRES ST	LEWES	DE	19958	334-12.00-1010.00
MEREDITH JEFFREY KEITH SR TTEE	MARY JANE MEREDITH TTEE REV TR	135 VILLAGE DR	SEAFORD	DE	19973	334-18.00-40.03
DALEY RALPH	MARY DALEY	28276 SARATOGA LN	LEWES	DE	19958	334-18.00-1018.00
SEMINARA MARY R	KATHLEEN MAREK	21163 CONTI ST	LEWES	DE	19958	334-12.00-1036.00
O'NEIL MARK	CAROL A O'NEIL	21153 CONTI ST	LEWES	DE	19958	334-12.00-1038.00
HOYT TRACIE	KIMBERLY ANN GILLESPIE	21144 CONTI ST	LEWES	DE	19958	334-12.00-1055.00
EICK NANCY T TTEE	REV LIV TR	21154 CONTI ST	LEWES	DE	19958	334-12.00-1057.00
LEONARD JAMES P	DONNA M LEONARD	22551 OCALA WAY	LEWES	DE	19958	334-18.00-999.00
NAU PAMELA JOYCE TTEE REV LIV TR	<Null>	22552 OCALA WAY	LEWES	DE	19958	334-18.00-1051.00
KING MARIE P TTEE REV TR	<Null>	19158 CHARTRES ST	LEWES	DE	19958	334-12.00-987.00
HOATSON MARK EDWARD	MARIA CECILIA HOATSON	19357 ROYAL ST	LEWES	DE	19958	334-12.00-1095.00
LYNCH THOMAS J III TTEE	THOMAS J KAREN MILLS-LYNCH FAM TR	21042 DECATUR ST	LEWES	DE	19958	334-12.00-1031.00
HALL LISA K TTEE REV TR	<Null>	19338 ROYAL ST	LEWES	DE	19958	334-12.00-1061.00
FLEMING ROBERT ALAN	<Null>	21113 CONTI ST	LEWES	DE	19958	334-12.00-1044.00
HCA MODEL FUND 2018-15 TEXAS LLC	<Null>	17950 PRESTON RD STE 300	DALLAS	TX	75252	334-12.00-1004.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1268.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1338.00
VINCENT KATELYN M	<Null>	28270 SARATOGA LN	LEWES	DE	19958	334-18.00-1019.00
FRICKE GLENN L	CAROL A OLIVER	19123 CHARTRES ST	LEWES	DE	19958	334-12.00-1012.00
MEYER FREDERICK W	ALICE M MEYER	22536 OCALA WAY	LEWES	DE	19958	334-18.00-1050.00
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-689.00
GOUGH NICOLE FRANCES	<Null>	28220 SARATOGA LN	LEWES	DE	19958	334-18.00-1026.00
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-107.00

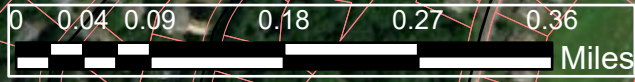
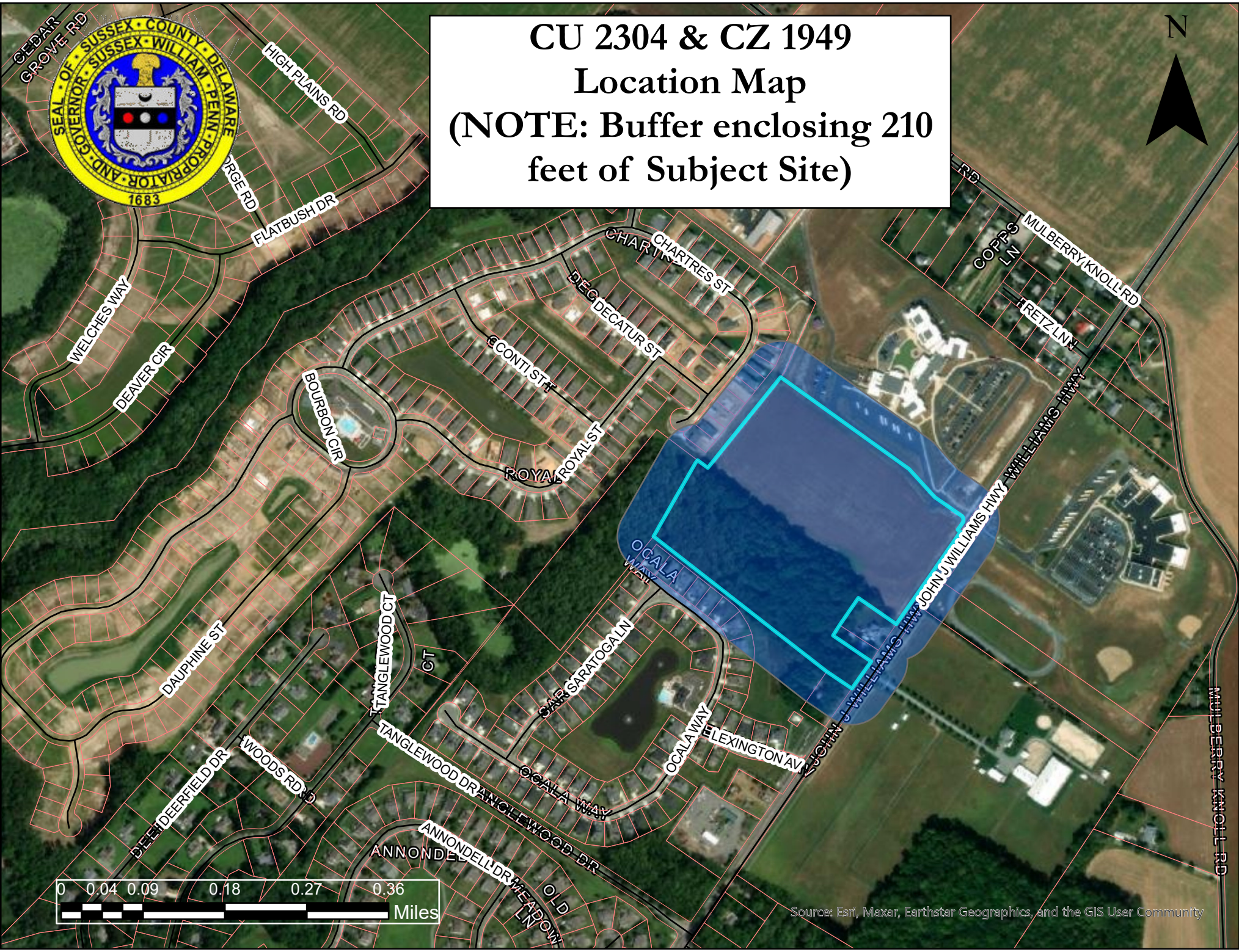
KARASINSKI THOMAS J	JOAN KARASINSKI	28223 SARATOGA LN	LEWES	DE	19958	334-18.00-1066.00
HARRELL MICHAEL TTEE LIV TR	PETER SIPE TTEE LIV TR	19129 CHARTRES ST	LEWES	DE	19958	334-12.00-1011.00
CHRIST SCOTT EDWIN	DIANE MARIE CHRIST	21128 CONTI ST	LEWES	DE	19958	334-12.00-1052.00
ATTENBERGER RAYMOND E	LORRAINE ATTENBERGER	21134 CONTI ST	LEWES	DE	19958	334-12.00-1053.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1315.00
STACK CRISTINA M	DOREEN J SOUSA	32 BARBARY LN	COLUMBUS	NJ	8022	334-12.00-1371.00
GIUGLIANO JOSEPH LOUIS	ELAINE FRANCES GIUGLIANO	21227 DAUPHINE ST	LEWES	DE	19958	334-12.00-1375.00
DOHERTY JAMES R	KIMBERLY K DOHERTY	16 NEPONSET RD	WILMINGTON	DE	19810	334-18.00-1000.00
SB SADDLE RIDGE LLC	<Null>	20184 PHILLIPS ST	REHOBOTH BEACH	DE	19971	334-18.00-1041.00
SNEERINGER JEFFREY C	JAMES P HANDAKAS	19157 CHARTRES ST	LEWES	DE	19958	334-12.00-1007.00
ANSELM PATER W	CORINNE ANN RELLO ANSELM	30 LOCUST AVE	WHITE PLAINS	NY	10605	334-18.00-1021.00
PHAM THANH X	TUYET NGOC J TRAM	22533 OCALA WAY	LEWES	DE	19958	334-18.00-996.00
ROOS ROBERT	JOYCE ROOS	21069 DECATUR ST	LEWES	DE	19958	334-12.00-1015.00
DONOVAN PATRICK L	GARY R GRAHAM	21049 DECATUR ST	LEWES	DE	19958	334-12.00-1018.00
HENSHAW ROBERT ARTHUR	KAARINA ORVOKKI HENSHAW	19315 ROYAL ST	LEWES	DE	19958	334-12.00-1084.00
SOZIO DIANE	PATRICIA ANN HUTCHINSON	19319 ROYAL ST	LEWES	DE	19958	334-12.00-1085.00
RYAN NANCY JANE	RORY JAY RYAN	19323 ROYAL ST	LEWES	DE	19958	334-12.00-1086.00
MARSDEN JOSEPH	JUDITH MARSDEN	19337 ROYAL ST	LEWES	DE	19958	334-12.00-1089.00
SAMAHA MICHEL RAMEZ	LAURA LEE SAMAHA	23002 BOURBON CIR	LEWES	DE	19958	334-12.00-1072.00
BONNES JAMES H TTEE	LIV TR	21150 CONTI ST	LEWES	DE	19958	334-12.00-1056.00
VANBLARCOM JEFFREY TALIAFERRO	JENNIFER LOUISE VANBLARCOM	PO BOX 321	LEWES	DE	19958	334-12.00-1116.00
MORAWSKI LEONARD M	MARGARET MORAWSKI	22575 OCALA WAY	LEWES	DE	19958	334-18.00-1003.00

# CU 2304 & CZ 1949 Mailing List Exhibit Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**CU 2304 & CZ 1949  
Location Map  
(NOTE: Buffer enclosing 210  
feet of Subject Site)**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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: Ms. Lauren DeVore, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and applicant  
Date: May 23, 2022  
RE: Staff Analysis for C/Z 1949 J.G. Townsend Jr. & Co.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1949 Route 54 Limited Partnership to be reviewed during the June 23, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 334-12.00-16.04 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). The parcel consists of 21.62 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 "X" Flood Zone "Areas determined to be outside of the 100-year floodplain."

The property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to all requirements as provided for as part of any subsequent Transportation Improvement District Agreement including payment of any required fees and related improvements as may be deemed necessary by the County and DeDOT.

### 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 of "Commercial Area" and "Coastal Area." The properties to the south (including on the opposite side of Route 24 (John J. Williams Highway), the properties to the southwest (to include the entire Saddle Ridge Subdivision) and the properties to the northeast along Route 24 all have a land use designation of "Commercial Area." The properties to the southeast and to the northwest to include the adjacent lands of the Four Seasons at Belle Terre Subdivision also contain the land use designation of "Coastal Area."



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).

Conversely, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas (Sussex County Comprehensive Plan, 4-17).

### 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 Medium Density Residential (MR) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25). However, the Medium Density Residential (MR) District is not listed as an Applicable Zoning District within the “Commercial Area.”

However, it should be noted that there is a related Application to amend the Future Land Use Map which has been submitted in conjunction with this application (Ordinance No. 21-13) to amend the Commercial portion of the property to the Coastal Area.

The property is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, northeast and south of the subject property are zoned Agricultural Residential (AR-1) District. The properties located to the southwest of the subject site are zoned Medium Density Residential (MR) District. There is also a single parcel to the southwest that is zoned Neighborhood Business (B-1) District.

### Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been four (4) Change of Zone applications within a 0.25-mile radius of the application site. The first application is for Change of Zone No. 1737 Robert & Julie Norwood for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) District. The application was recommended denial by the Planning and Zoning Commission at their meeting of Thursday, November 14, 2013, and the Application was

subsequently withdrawn. The second application is for Change of Zone No. 1742 Seaside Communities, RDC, LLC for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC). The application was approved by the Sussex County Council at their meeting of Tuesday, September 30, 2014, and the change was adopted through Ordinance No. 2366. The third application is for Change of Zone No. 1800 Sussex Real Estate Partners, LLC for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC). The application was recommended denial by the Planning and Zoning Commission at their meeting of Thursday, August 25, 2016, and the Application was subsequently withdrawn. The last application was for Change of Zone No. 1901 Mary and Victor Rico for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The Sussex County Council denied this proposal at their meeting of Tuesday, February 18, 2020.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District could be considered as being consistent with the land use, area zoning and surrounding uses.

<b>Change of Zone Applications (w/in a 0.25 mile radius of the subject site)*</b>								
<b>Application Number</b>	<b>Application Name</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>P&amp;Z Decision</b>	<b>P&amp;Z Decision Date</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
CZ 1737	Robert & Julie Norwood	AR-1	CR-1	Recommended Denial	11/14/2013	Withdrawn on 3/25/14	N/A	N/A
CZ 1742	Seaside Communities, RDC, LLC	AR-1	MR-RPC	Recommended Approval	5/22/2014	Approved	9/30/2014	2366
CZ 1800	Sussex Real Estate Partners, LLC	AR-1	MR-RPC	Recommended Denial	8/25/2016	Withdrawn on 9/1/16	N/A	N/A
CZ 1901	Mary and Victor Rico	AR-1	MR	Recommended Denial	1/9/2020	Denied	2/18/2020	N/A



July 31, 2021

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

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Zoning Map Amendment  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

On behalf of our client J.G. Townsend, we are respectfully submitting an application for a Zoning Map Amendment for the above reference parcel to be considered by Sussex County Council. The property is located on the north side of John J. Williams Highway (State Route 24), adjacent to Love Creek Elementary School. There is a stub for the site access along the entrance to the elementary school that was provided for the future development of this parcel.

The property is currently zoned AR-1. The requested zoning is MR (Medium Density Residential). The zoning change is required along with a Conditional Use, which is being submitted concurrently to the application to allow townhomes. The adjacent subdivision, known as Saddle Ridge, is zoned MR. The attached site plan consists of 84 townhomes, SWM facilities, pool house, and pool. Enclosed with this submission are the following:

- *Planning and Zoning Commission Application*
- *Two (2) copies of the Preliminary Plan*
- *Two (2) copies of the Wetlands Survey & Existing Conditions Plan*
- *Legal Description*
- *Application Fee in the amount of \$500*
- *SFR Response*
- *Mailing List Application Form*
- *PLUS Response Letter (via email)*

Letter: Howeth Property  
July 30, 2021  
Page 2

Electronic copies of the plans will be provided via email. Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

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



Cliff Mumford, P.E.  
Associate

*p:\jg townsend\2261j013 howeth\docs\p&z\2021-07-22 cu-cz-major sub\rezoning cover letter.docx*

File #: CZ 1949  
20211466

**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

John J. Williams Highway, Adjacent to Love Creek Elementary School

Type of Conditional Use Requested:

Tax Map #: 334-12.00-16.04 Size of Parcel(s): 21.62 acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: \_\_\_\_\_

Land Use Classification: Multi-family

Water Provider: Tidewater Utilities Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: J.G. Townsend Jr. & Co.

Applicant Address: P.O. Box 430

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com

**Owner Information**

Owner Name: J.G. Townsend Jr. & Co.

Owner Address: P.O. Box 430

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.

Agent/Attorney/Engineer Address: 1 Park Ave

City: Milford State: DE Zip Code: 19963

Phone #: (302) 424-1441 E-mail: cdm@dbfinc.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - o Provide a PDF of Plans (may be e-mailed to a staff member)
  - o 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) *10 days before hearing*

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

*[Handwritten Signature]*

Date: 7/21/2021

### Signature of Owner

*[Handwritten Signature]*, President

Date: 7/21/21

### 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: \_\_\_\_\_

## 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: John J. Williams Highway, Adjacent to Love Creek Elementary

Parcel #: 334-12.00-16.04

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Cliff Mumford, P.E.

Owner Name: J.G. Townsend Jr. & Co.

### Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted: 7/23/21

### For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33020188-0060 Lindsey S 08/02/2021 09:48AM

PERMITS / INSPECTIONS  
CHANGE OF ZONE - FEE  
2021 Item: 202111466|2015 500.00

	500.00
Subtotal	500.00
Total	500.00
CHECK	500.00
Check Number 003433	
Change due	0.00

Paid by: DAVIS BOWEN & FRIEDEL INC.

Davis Bowen & Friedel Inc.		3433
P.O. Box 601		Georgetown, DE 19947
DATE: August 22, 2021		
PAY TO THE ORDER OF: Sussex County Council		\$ 500.00
Five Hundred & No/100 & 00/100		
MAY 2021		
BY: [Signature]		

Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT

**Introduced 11/09/21**

**Council District 3 – Schaeffer  
Tax I.D. No. 334-12.00-16.04  
911 Address: None Available**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS**

**WHEREAS, on the 30<sup>th</sup> day of July 2021, a zoning application, denominated Change of Zone No. 1949 was filed on behalf of J.G. Townsend Jr. & Co.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1949 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, 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 MR Medium Density Residential District 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24) approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R 284) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 21.62 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

## LEGAL DESCRIPTION

Lands of J.G. Townsend Jr. & Co.

TAX PARCEL #334-12.00-16.04

July 22, 2021

**ALL** that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, as depicted on a survey entitled "Boundary of Waters of the United States including Wetlands Subject to Corps of Engineers Regulatory Program" of the Lands of J.G. Townsend, Jr., & Co., prepared by Atlantic Surveying and Mapping, dated February 11, 2018, fronting on the northwesterly side of John J. Williams Highway (State Route 24), and being more particularly bounded and described as follows, to wit:

**BEGINNING** at an iron rod found on the northwesterly right of way line of John J Williams Highway (State Route 24), said point being located at the northeastern corner of lands of, now or formerly, Andrew McConnell as recorded in said Office of the Recorder of Deeds in Deed Book 5048 Page 30 and being identified as tax parcel 334-12.00-481.00, marking a common corner between said McConnell lands and this parcel; thence,

1) leaving said State right of way and running by and with said McConnell lands, North 52 degrees 14 minutes 22 seconds West, 135.21 feet to an iron pipe found, being a common corner of said McConnell lands and land now or formerly of Saddle Ridge Property Owners Association Inc., Sussex County Tax Parcel 334-18.00-40.04, thence,

2) leaving said McConnell lands and running by and with said Saddle Ridge lands North 52 degrees 15 minutes 59 seconds West, 994.95 feet to an iron rod found, marking a common corner for this parcel and said Saddle Ridge lands on the southwesterly line of lands now or formerly of Thomas Lang, Sussex County Tax Parcel 334-12.00-22.00, thence,

3) leaving said Saddle Ridge lands and turning and running with said Lang lands North 39 degrees 41 minutes 58 seconds East, 367.61 feet to an iron pipe found at a common corner of said Lang lands and lands now or formerly of K. Hovnanion's Four Seasons at Belle Terre LLC, Sussex County Tax Parcel 334-12.00-17.00, on the northwesterly line of this parcel, thence,

4) leaving said Lang lands and running by and with said K. Hovnanion lands North 38 degrees 44 minutes 38 seconds 527.82 feet to an iron rod found on the southeasterly line of said K. Hovnanian lands and a common corner for this parcel and lands now or formerly of the Cape Henlopen School District (CHSD), Sussex County Tax Parcel 334-12.00-45.01, thence,

5) leaving said K Hovnanian lands and turning and running with lands of CHSD the following four (4) courses and distances: 1) South 53 degrees 34 minutes 44 seconds



East, 716.83 feet to an iron rod found; 2) South 43 degrees 00 minutes 16 seconds East, 172.77 feet to an iron rod found; 3) South 55 degrees 35 minutes 56 seconds East, 145.02 feet to an iron rod found; 4) with the arc of a curve deflecting to the right having an arc length of 39.28 feet, a radius of 25.00 feet and a chord bearing and distance of North 10 degrees 34 minutes 35 seconds West 35.37 feet to an iron rod found on the northwesterly right of way line of John J. Williams Highway, thence,

6) leaving said CHSD lands and running by and with the northwesterly right of way line of John J. Williams Highway South 34 degrees 26 minutes 45 seconds West, 497.14 feet to an iron rod found along the northeasterly line of lands now or formerly of Craig Alan Beebe, Sussex County Tax Parcel 334-12.00-24.00, thence,

7) leaving said right of way and turning and running by and with the lands of Beebe the following two courses: 1) North 55 degrees 47 minutes 24 seconds West, 194.00 feet to an iron rod found; 2) South 34 degrees 32 minutes 06 minutes West 149.00 feet to an iron pipe found at a common corner between lands of Beebe and lands now or formerly of Jamie Britton, Sussex County Tax Parcel 334-12.00-23.00, thence,

8) leaving said Beebe lands and continuing by and with said Britton lands the following two (2) courses and distances: 1) South 34 degrees 26 minutes 09 seconds West, 59.89 feet to an iron pipe found; 2) South 55 degrees 33 minutes 52 minutes East, 194.11 feet to an iron rod found along the northwesterly right of way of State Route 24, thence,

9) leaving said Britton lands and turning and running by and with said State Route 24 South 34 degrees 26 minutes 45 seconds West 163.25 feet to the point and place of beginning,

**CONTAINING** 21.62 acres of land, more or less.



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

January 20, 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 **J.G. Townsend Jr. & Co.** rezoning application, which we received on December 17, 2020. This application is for an approximately 21.83-acre parcel (Tax Parcel: 334-12.00-16.04). The subject land is located on the northwest side of Delaware Route 24, approximately 1,400 feet southwest of Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium Density Residential) to develop 84 townhomes (multi-family low-rise housing).

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 84 townhomes would generate 594 vehicle trips per day, 40 vehicle trips during the morning peak hour, and 51 vehicle trips during the evening peak hour. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it. For residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to



Mr. Jamie Whitehouse  
Page 2 of 2  
January 20, 2021

pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements in accordance therewith. The proposed development is consistent with the LUTP, therefore, the developer will be required to pay the TID fee as stated above. Any improvements required by DelDOT beyond the site entrance construction will be creditable toward the fee.

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

A review of TIS completed in the last five years found that a TIS was completed for the Belle Terre development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

cc: J.G. Townsend Jr. & Co., 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  
Sarah Coakley, Principal Planner, Regional Systems Planning  
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  
Annamaria Fumato, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



June 23, 2016

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1655  
Traffic Impact Study Services  
**Task No. 1 Subtask 16A – Belle Terre**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Belle Terre residential development prepared by The Traffic Group, Inc. (TTG), dated February 2016. This review was assigned as Task Number 1 (Subtask 16A). TTG prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TIS evaluates the impacts of the Belle Terre residential development, proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. The proposed development would include 200 single-family detached houses and 178 townhouses on approximately 124 acres of land. One full access point is proposed on Mulberry Knoll Road, which will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists. Construction is anticipated to be complete by 2023.

The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).



The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.



Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 & Mulberry Knoll Road	Unsignalized	2015 Existing AM & Saturday (Case 1); 2023 AM, PM & Saturday without and with Belle Terre (Case 2 & 3); 2023 AM, PM & Saturday with Belle Terre and DelDOT Improvements (Case 3)
Delaware Route 24 & Plantation Road / Warrington Road	Signalized	2023 PM & Saturday without and with Belle Terre (Case 2 & 3)

The unsignalized intersection of Delaware Route 24 and Mulberry Knoll Road exhibits LOS deficiencies during existing and future conditions, even with the improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project. These planned improvements consist of adding separate left-turn lanes on the Delaware Route 24 approaches. Without Belle Terre or any roadway improvements, the anticipated LOS deficiencies would occur on the northbound and southbound Mulberry Knoll Road approaches, and the expected worst-case 95<sup>th</sup> percentile queue length is 170 feet for the southbound approach during the future summer Saturday peak hour.

Analysis of the intersection of Delaware Route 24 and Mulberry Knoll Road with the proposed Belle Terre development traffic included (but without any intersection improvements) indicates that delays and queue lengths for the southbound Mulberry Knoll Road approach would increase significantly. Under this scenario, the projected 95<sup>th</sup> percentile queue lengths for southbound Mulberry Knoll Road are 635 feet during the AM peak hour, 415 feet during the PM peak hour, and 500 feet during the summer Saturday peak hour. Analyzed with the improvements included in DelDOT's SR 24, Love Creek to Mulberry Knoll Road project, significant delays on the southbound Mulberry Knoll Road approach would persist and the projected 95<sup>th</sup> percentile queue lengths for the southbound approach would be 600 feet, 395 feet, and 455 feet during those same three peak hours.

Based on previous traffic studies at the intersection of Delaware Route 24 and Mulberry Knoll Road, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. However, based on the capacity analysis included in the TIS, it appears that the installation of a traffic signal at the intersection of Delaware Route 24 and Mulberry Knoll Road would mitigate the LOS deficiencies that would occur with the Belle Terre development traffic included. To address these LOS deficiencies, the developer should improve the intersection, and should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal at this intersection, as described below in Item Nos. 2 and 3.



The signalized intersection of Delaware Route 24 and Plantation Road/Warrington Road exhibits LOS deficiencies during future conditions with and without Belle Terre during the PM and summer Saturday peak hours. Acceptable LOS would be achieved for all future cases with the improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project. These planned improvements include the addition of a second through lane along both directions of Delaware Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The SR 24, Mulberry Knoll Road to SR 1 Project is scheduled for construction in FY 18 and 19.

Per the State of Delaware Preliminary Land Use Service (PLUS) comments dated September 22, 2015, DelDOT recommends that the developer obtain a right-of-way to replace the existing easement for the driveway by which the site would have access to Mulberry Knoll Road.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should construct the site entrance on Mulberry Knoll Road. This proposed entrance driveway would replace the existing unpaved residential driveway located approximately 1,800 feet northwest of the intersection of Delaware Route 24 and Mulberry Knoll Road, labeled as Dorman Farm Lane in the Site Location Map on Page 10. The proposed configuration is shown in the table below:

<b>Approach</b>	<b>Current Configuration</b>	<b>Proposed Configuration</b>
Northbound Mulberry Knoll Road	One through lane (allowing left turns onto unpaved driveway)	One shared through/left-turn lane and one bypass lane
Southbound Mulberry Knoll Road	One through lane (allowing right turns onto unpaved driveway)	One through lane and one right-turn lane
Eastbound Site Entrance	Approach does not exist (except for unpaved driveway)	One shared left/right-turn lane

Based on earlier coordination between the developer and DelDOT, the initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes / bypass lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.

Approach	Left-Turn or Bypass Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	105-foot full-width bypass lane, plus 75-foot tapers	N/A
Southbound Mulberry Knoll Road	N/A	190 feet
Eastbound Site Entrance	N/A	N/A

It is noted that the construction and use of the proposed site entrance driveway providing access to Mulberry Knoll Road will require use of an existing easement through the property on the northeast side of the proposed development. DeIDOT recommends that the developer obtain a right-of-way to replace this existing easement. This driveway could also have an impact on access to the proposed Delaware State Police (DSP) Troop 7 site, to be located just to the south on Mulberry Knoll Road. The Belle Terre developer must coordinate with DeIDOT's Development Coordination Section and the owner of the adjacent property (DSP site), as the design details for access to both the Belle Terre site and the DSP site will need to be determined during the site plan review process.

- The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared through/left-turn lane and one right-turn lane
Eastbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane
Westbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DeIDOT's Development Coordination Section to determine final design details including final turn-lane lengths during the site plan review process. The design of this intersection must accommodate DeIDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project*.





Approach	Left-Turn Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	TBD *
Eastbound Delaware Route 24	400 feet **	125 feet ***
Westbound Delaware Route 24	125 feet **	125 feet ***

\* Due to existing constraints including buildings on the northwest corner of the intersection, no initial turn-lane length is provided. Design details and length of the southbound right-turn lane must be determined during the site plan review process.

\*\* turn-lane length per concept plans for DelDOT's SR 24, *Love Creek Bridge to Mulberry Knoll Road Improvements Project*.

\*\*\* indicates existing turn lane length; final length to be determined by DelDOT during site plan review process

Should DelDOT's SR 24, *Mulberry Knoll Road to SR 1 Improvement Project* advance to construction prior to improvements being made by the developer at the intersection of Delaware Route 24 and Mulberry Knoll Road, the developer should coordinate with DelDOT regarding an equitable share contribution toward the DelDOT project. The amount of the contribution should be determined through coordination with DelDOT's Development Coordination Section. In this situation, there could still be additional improvements that the developer would be responsible for at this intersection after the DelDOT project is constructed (possibly including but not limited to signalization of the intersection if a traffic signal is not included as part of the DelDOT project).

3. The developer should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal for the intersection of Delaware Route 24 and Mulberry Knoll Road. The agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. The developer should coordinate with DelDOT regarding design details and implementation of the traffic signal. The agreement should provide for installation and activation of the signal at DelDOT's discretion. One or more other developers may enter into a traffic signal agreement for this intersection as well.
4. The following bicycle and pedestrian improvements should be included:
  - a. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of the right-turn lane added to southbound Mulberry Knoll Road at the site entrance.
  - b. Adjacent to the right-turn lane added to southbound Mulberry Knoll Road at the site entrance, a minimum of a five foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.

- c. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
- d. Utility covers should be made flush with the pavement.
- e. If a clubhouse or other community facility is constructed as shown on the conceptual site plan, bike parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- f. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be considered within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards.
- g. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to eliminate vehicular overhang onto the sidewalk.
- h. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
- i. A multi-use pedestrian/bicycle connection should be constructed between the proposed Belle Terre development and the proposed Love Creek Elementary School. The developer should coordinate with DelDOT and representatives of the Love Creek Elementary School and the adjacent Saddle Ridge residential development regarding the potential for direct pedestrian/bicycle connections between the developments and the proposed elementary school. The pedestrian/bicycle connection(s) between these properties should not be adjacent to Mulberry Knoll Road or Delaware Route 24.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at [http://www.deldot.gov/information/pubs\\_forms/manuals/de\\_mutcd/index.shtml](http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml). For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DelDOT’s Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at [Adam.Weiser@state.de.us](mailto:Adam.Weiser@state.de.us).



Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DeIDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (302) 738-0203 or through e-mail at [ajparker@mtmail.biz](mailto:ajparker@mtmail.biz) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, P.E., PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** February 2016

**Prepared by:** The Traffic Group, Inc. (TTG)

**Prepared for:** Arcaro Ventures D., LLC

**Tax parcel:** 334-12.00-17.00, 18.00, 19.00 and 20.00

**Generally consistent with DelDOT's *Development Coordination Manual*:** Yes

**Project Description and Background**

**Description:** The proposed residential development would include 200 single-family detached houses and 178 townhouses.

**Location:** The Belle Terre residential development is proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. A site location map is included on Page 10.

**Amount of land to be developed:** approximately 123.75 acres of land

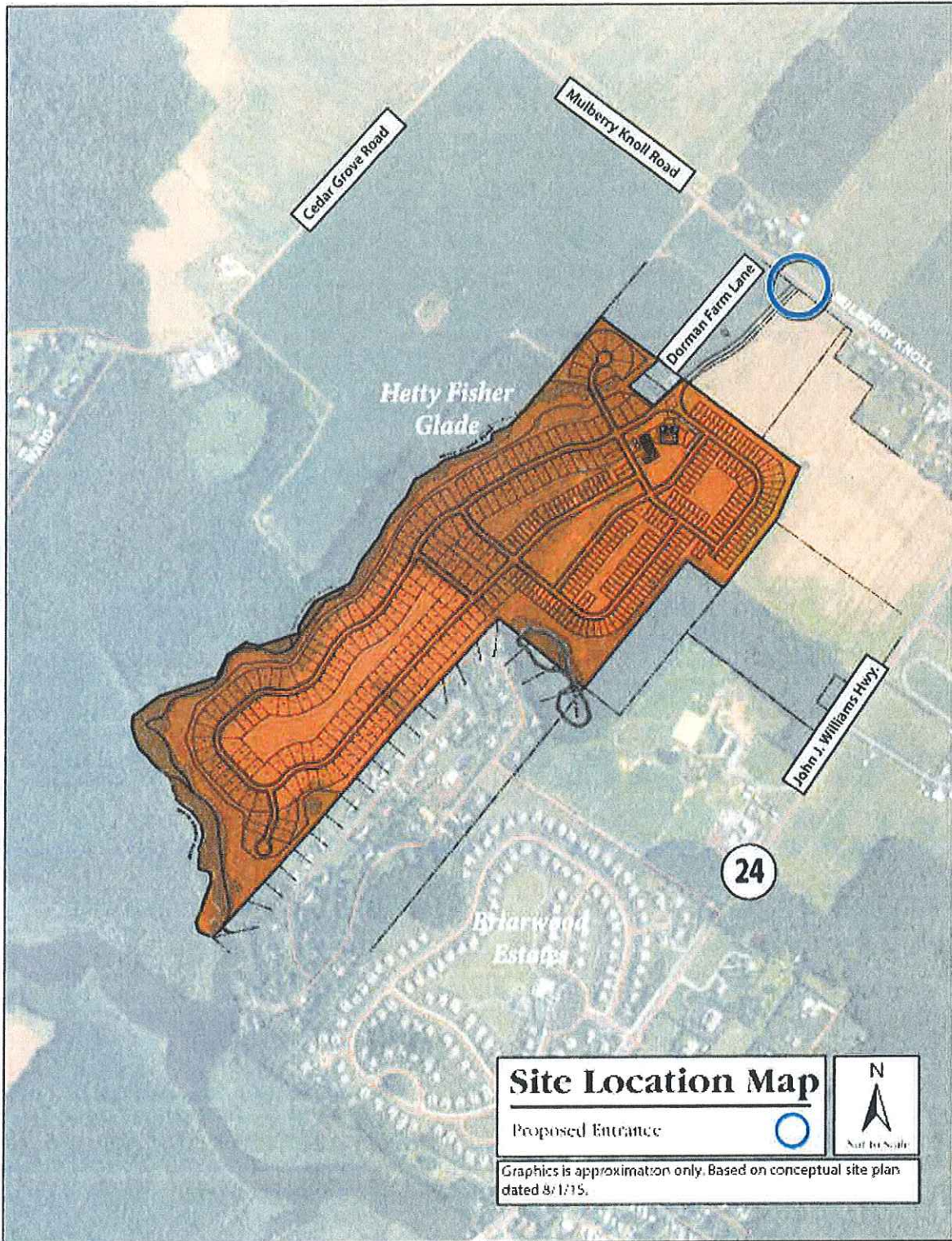
**Land use approval(s) needed:** Subdivision approval. The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

**Proposed completion date:** 2023

**Proposed access locations:** One full access point is proposed on Mulberry Knoll Road. The proposed access will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists.

**Daily Traffic Volumes (per DelDOT Traffic Summary 2014):**

- 2014 Average Annual Daily Traffic on Mulberry Knoll Road: 668 vpd



## **2015 Delaware Strategies for State Policies and Spending**

**Location with respect to the Strategies for State Policies and Spending Map of Delaware:**  
The proposed Belle Terre development is located within an Investment Level 2 area.

### *Investment Level 2*

Investment Level 2 Areas are areas prepared for growth and where the state can make cost-effective infrastructure investments for schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 2 Areas serve as transition areas between Level 1 and the state's more open, less populated areas.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Belle Terre residential development is located within an Investment Level 2 area, and is to be developed as 200 single-family detached homes and 178 townhomes. This type of development is generally consistent with the character of Investment Level 2 areas, where a mix of housing options is encouraged. The Delaware Route 24 corridor is becoming increasingly developed and is characteristic of Investment Level 2 areas, as it links the commercial SR 1 corridor and beach resort area with rural Sussex County. DelDOT plans to make improvements along the Delaware Route 24 corridor and DART recently added a new year-round bus route to accommodate the continuing growth. A new elementary school is also proposed adjacent to the Belle Terre development to serve the growing area, which is another sign of Investment Level 2 type development. The proposed development appears to generally comply with the policies stated in the 2015 "Strategies for State Policies and Spending."

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan Update, June 2008)*

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed development parcel is within the Environmentally Sensitive Developing Area (categorized as a Growth Area).

Growth Areas, including the Environmentally Sensitive Developing Area, are designed to accommodate concentrated levels of development. The Environmentally Sensitive Developing Area has been designated by Sussex County for large areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays). This designation recognizes two characteristics of these areas. First, these regions are among the most desirable locations in Sussex County for new housing, as reflected in new construction data and real estate prices. Second, these regions contain ecologically important wetlands and other coastal lands that help absorb floodwaters and provide extensive habitat for native flora and fauna. These areas also have great impacts upon the water quality of the bays and inlets and upon natural habitats.

The challenge in these regions is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets that: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates reasonable. The County has major initiatives to extend public sewer service to replace failing on-site systems in many of these areas. Very careful control of stormwater runoff is an extremely important concern to keep sediment and other pollutants out of the inland bays.

The following major guidelines should apply to future growth in Environmentally Sensitive Developing Areas:

*Permitted Uses* – Environmentally Sensitive Developing Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Environmentally Sensitive 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 to arterial roads. Careful mixtures of homes with light commercial 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. Industrial zones are regulated by the Delaware Coastal Zone Act, which restrict heavy industry and bulk transfer.

*Densities* – The Environmentally Sensitive Developing Areas function as an “overlay” area to several underlying zoning districts. It may be advisable for legal reasons to convert this overlay area into regular zoning districts, while maintaining the current standards. Most of the Environmental Sensitive Developing Areas should continue to allow 2 homes per acre. The option should exist to go up to 4 units per acre if the developer uses optional density bonuses. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.

The County may also consider an additional layer of protection in the Environmentally Sensitive Developing Areas. Tidal wetland area could be subtracted from the total tract size so that “net” tract size is used as the basis for calculating how much development is allowed.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

*Infrastructure* – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre.

**Proposed Development’s Compatibility with Comprehensive Plan:** The proposed Belle Terre residential development is planned to be developed as a mix of housing with 200 single-family detached homes and 178 townhomes. The proposed development appears to comply with the characteristics of Growth Areas in general as well as the *Permitted Uses* for the Environmentally Sensitive Developing Area.

The site is currently zoned AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay. The purpose of the Medium-Density Residential District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. Permitted uses include detached single family dwellings but not manufactured homes. Multifamily dwelling structures and townhomes may be permitted as conditional uses, pending approval through the Sussex County site plan review process.

While the uses proposed for this site appear to be permitted in the Multi-Density Residential District, there are specific regulations that must be followed for each type of use. In particular, there are regulations and densities pertaining to the proposed housing that need to be met and/or approved through the Sussex County site plan review process. As such, this development raises questions regarding consistency with the Sussex County Comprehensive Plan, and thus requires additional discussion.

#### **Relevant Projects in the DeIDOT Capital Transportation Program**

DeIDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).

The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.



The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Ninth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 200 Single-Family Detached Homes (ITE Land Use Code 210)
- 178 Townhouses/Condominiums (ITE Land Use Code 230)

Table 1  
BELLE TERRE PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			SAT Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
200 single-family detached houses	38	112	150	123	73	196	101	86	187
178 townhouses/condominiums	14	68	82	64	32	96	51	43	94
<b>TOTAL TRIPS</b>	<b>52</b>	<b>180</b>	<b>232</b>	<b>187</b>	<b>105</b>	<b>292</b>	<b>152</b>	<b>129</b>	<b>281</b>

Table 2  
BELLE TERRE DAILY TRIP GENERATION

Land Use	Weekday Daily			Saturday Daily		
	In	Out	Total	In	Out	Total
200 single-family detached houses	994	994	1988	967	967	1934
178 townhouses/condominiums	531	531	1062	536	536	1072
<b>TOTAL TRIPS</b>	<b>1525</b>	<b>1525</b>	<b>3050</b>	<b>1503</b>	<b>1503</b>	<b>3006</b>

**Overview of TIS**

**Intersections examined:**

- 1) Mulberry Knoll Road & Proposed Site Access
- 2) Delaware Route 24 & Mulberry Knoll Road
- 3) Delaware Route 24 & Warrington Road / Plantation Road
- 4) Delaware Route 24 & Bryn Mawr Drive
- 5) Delaware Route 24 & Rehoboth Mall Back Entrance
- 6) Delaware Route 24 & Delaware Route 1
- 7) Mulberry Knoll Road & Cedar Grove Road
- 8) Plantation Road & Cedar Grove Road / Postal Lane
- 9) Postal Lane & Oak Lane / Bethpage Drive

10) Delaware Route 1 & Postal Lane / Melson Road

**Conditions examined:**

- 1) 2015 existing conditions (Case 1)
- 2) 2023 without Belle Terre residential development (Case 2)
- 3) 2023 with Belle Terre residential development (Case 3)

**Peak hours evaluated:** Weekday morning and evening and Saturday mid-day peak hours

**Committed developments considered:**

- 1) Love Creek Elementary School (720 student elementary school)
- 2) Pelican Landing (87,800 square-foot shopping center)
- 3) Saddle Ridge a.k.a. Windswept (81 single-family detached homes)
- 4) Osprey Point (170 single-family detached homes, 180 townhomes)
- 5) Arbor-Lyn (80 townhomes, 60 apartments, 60 single-family detached homes)
- 6) Redden Ridge (84 single-family detached homes)
- 7) Delaware State Police Troop 7

**Intersection Descriptions**

- 1) **Mulberry Knoll Road & Proposed Site Access**  
**Type of Control:** proposed two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane  
**Southbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/right-turn lane  
**Eastbound approach:** (Proposed Site Access) existing residential driveway (gravel), proposed one shared left/right-turn lane, stop-controlled
  
- 2) **Delaware Route 24 & Mulberry Knoll Road**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled  
**Southbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

- 3) **Delaware Route 24 & Plantation Road/Warrington Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Warrington Road) one left-turn lane, one through lane and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane
  
- 4) **Delaware Route 24 and Bryn Mawr Drive**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Southbound approach:** (Bryn Mawr Drive) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one left-turn lane and two through lanes  
**Westbound approach:** (DE Route 24) two through lanes and one right-turn lane
  
- 5) **Delaware Route 24 & Rehoboth Mall Back Entrance**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Rehoboth Mall) one shared through/left-turn lane and one right-turn lane  
**Southbound approach:** (Hudson Way) one shared through/left-turn lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane
  
- 6) **Delaware Route 24 & Delaware Route 1**  
**Type of Control:** signalized three-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one bus/bike/downstream-right-turn lane  
**Southbound approach:** (DE Route 1) one u-turn lane, three through lanes, and one bus/bike/right-turn lane  
**Eastbound approach:** (DE Route 24) two left-turn lanes and two right-turn lanes
  
- 7) **Mulberry Knoll Road & Cedar Grove Road**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (Cedar Grove Road) one shared through/right-turn lane  
**Westbound approach:** (Cedar Grove Road) one shared through/left-turn lane

- 8) **Plantation Road & Cedar Grove Road / Postal Lane**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Eastbound approach:** (Cedar Grove Road) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 9) **Postal Lane & Oak Lane / Bethpage Drive**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Bethpage Drive) one shared through/left-turn and one right-turn lane, stop-controlled  
**Southbound approach:** (Oak Lane) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 10) **Delaware Route 1 & Postal Lane / Melson Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one right-turn lane  
**Southbound approach:** (DE Route 1) one left-turn lane, three through lanes, and one right-turn lane  
**Eastbound approach:** (Postal Lane) two left-turn lanes, one through lane and one right-turn lane  
**Westbound approach:** (Melson Road) two left-turn lanes, one through lane and one right-turn lane

### Safety Evaluation

**Crash Data:** Crash data was obtained for November 5, 2012 through November 5, 2015 for Delaware Route 24 from Mulberry Knoll Road to SR 1 and for Cedar Grove Road/Postal Lane from Mulberry Knoll Road to SR 1.

Along the Cedar Grove Road/Postal Lane corridor, the crash data request returned a total of 55 crashes for the three-year period. Of the 55 total crashes, 10 crashes (18%) resulted in personal injury. There were no fatal crashes and two alcohol-related crashes, one of which resulted in personal injury. There was one crash involving a motorcycle and zero crashes involving pedestrians/bicyclists. The most common types of crashes were rear-end crashes (36%), angle crashes (25%) and single-vehicle crashes (18%). The majority of crashes occurred during daylight (76%) with dry pavement conditions (52%). The primary contributing circumstances

include driver inattention/distraction/fatigue (24%), following too close (15%) and failure to yield the right-of-way (13%). 22 of the 55 total crashes (40%) occurred at the dog-leg intersection at Plantation Road. This intersection has since been realigned to a signalized four-leg intersection, which should improve safety at the intersection.

Along the Delaware Route 24 corridor, the crash data request returned a total of 123 crashes for the three-year period. Of the 123 total crashes, 23 crashes (19%) resulted in personal injury. There was one fatal crash that was alcohol-related. The most common types of crashes were rear-end crashes (49%) and angle crashes (27%), and 7% of crashes involved a single vehicle. The majority of crashes occurred during daylight (68%) with dry pavement conditions (78%). The primary contributing circumstances include driver inattention/distraction/fatigue (40%), failure to yield the right-of-way (14%), following too close (13%), and disregarding a traffic signal (8%). Of the 123 total crashes, 103 (84%) occurred at intersections along the study corridor. A breakdown of crashes by intersection along Delaware Route 24 is as follows:

- Delaware Route 24 & Mulberry Knoll Road
  - 14 crashes reported (including 1 fatality)
- Delaware Route 24 & Plantation Road / Warrington Road
  - 32 crashes reported
- Delaware Route 24 & Rehoboth Mall Back Entrance
  - 14 crashes reported
- Delaware Route 24 & Delaware Route 1
  - 43 crashes reported

**Sight Distance:** With generally straight and flat roadways, and few potential visual obstructions, sight distance is adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were observed during field observations in the area.

### **Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** The Delaware Transit Corporation (DTC) operates a seasonal DART bus route (Route 207) and a new year-round bus route (Route 215), effective February 2016, in the study area. Route 207 serves Rehoboth / Long Neck / Pot-Nets from mid-May to mid-September. Route 215 runs between Rehoboth/Lewes and Millsboro via Delaware Route 24 with two round-trips in the morning and three in the afternoon. The nearest bus stops are at the Beebe Medical Center to the east and near the Love Creek Bridge to the west.

**Planned transit service:** TTG stated that a representative from the DTC was contacted regarding existing and planned service in the area, and that no transit related facilities were requested.

**Existing bicycle and pedestrian facilities:** According to DelDOT's Sussex County Bicycle Map, Mulberry Knoll Road is not identified as a bicycle route. Mulberry Knoll Road is a local road with 11' travel lanes and no shoulders. Nearby, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway, but it has no designated bike lanes near the

proposed development. According to the bicycle level of service (BLOS) calculator developed by the *League of Illinois Bicyclists*, Mulberry Knoll Road operates at BLOS F, while Delaware Route 24 operates at BLOS A. Statewide Bicycle Route 1 runs along Plantation Road and Warrington Road, crossing Delaware Route 24. Delaware Route 1 is a High-Traffic Connector Bicycle Route that includes a shared bus/bike/right-turn lane in both directions.

There are no existing pedestrian facilities at or near the proposed development. Mulberry Knoll Road is a local road with 11' lanes, no shoulders, and no sidewalks. Delaware Route 24 is a major collector with 12' lanes, 10' shoulders and no sidewalks near the proposed development. East of Mulberry Knoll Road, there is a section of disconnected sidewalks and bike lanes on either side of Delaware Route 24 near the Beebe Health Campus. The SR 1 Pedestrian Improvements Project has connected pre-existing sidewalk segments in the study area along both sides of Delaware Route 1, and a new crosswalk was installed across the Delaware Route 24 approach to the intersection with Delaware Route 1. The proposed development and internal roadway system is located in an existing farm field and wooded area.

**Planned bicycle and pedestrian facilities:** TTG contacted Mr. Anthony Aglio with DelDOT's Division of Planning via email on November 19, 2015 regarding planned or requested bicycle and pedestrian facilities in the area of this proposed development. Mr. Agilo requested that Mulberry Knoll Road be reconstructed in accordance with DelDOT's local road standards, and for a pedestrian connection from the proposed Belle Terre residential development to the proposed Love Creek Elementary School that is not adjacent to the roadway. The proposed elementary school is located immediately southeast of Belle Terre, with access proposed via Delaware Route 24 across from Beacon Middle School.

It is noted that DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project will include new sidewalk and bike lanes along both sides of Delaware Route 24 from Delaware Route 1 to just west of the intersection with Plantation Road/Warrington Road. Also, concept plans for the SR 24, Love Creek to Mulberry Knoll Road Project show future sidewalk being added along both sides of Delaware Route 24 from Love Creek Pines Lane to Spencer Lane/Williams Way along with bike lanes throughout the project area. DelDOT's SR 1 Pedestrian Improvements Project is anticipated to be complete in the summer of 2016.

### **Previous Comments**

All comments from DelDOT's Scoping Letter, Traffic Count Review, Preliminary TIS (PTIS) Review and other correspondence appear to have been addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For unsignalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data (using 3% HV where actual HV percentages were not available). For future conditions, the TIS assumed future HV equal to existing HV at some intersections. At other intersections, they assumed

future HV equal to existing HV or 3%, whichever was greater. The TIS also assumed 3% HV for future movements to and from the proposed site access points. McCormick Taylor assumed future HV to be the same as existing HV at all intersections, unless existing HV% for a particular movement was less than 3%, in which case 3% was used. McCormick Taylor assumed 3% HV for future movements to and from the proposed site access point.

- 2) For existing conditions, the TIS and McCormick Taylor determined, for each intersection, overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF for all intersections other than the proposed site entrance. At that location, the TIS assumed a PHF of 0.80 while McCormick Taylor assumed a PHF of 0.88.
- 3) For analyses of all signalized intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pcphpl per DelDOT's Development Coordination Manual.
- 4) The HCS analyses included in the TIS did not always reflect the lane widths observed in the field by McCormick Taylor. McCormick Taylor's HCS analyses incorporated our field-measured lane widths.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) The TIS generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses. In most cases, McCormick Taylor conservatively input no RTOR volumes for existing and future conditions analyses, but did analyze right-turn movements as overlapping protected left-turn phases. McCormick Taylor did input RTOR volumes for the intersection of SR 1 and Postal Lane, where a majority of right turns were made on red.



Table 3  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>1</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
2023 without Belle Terre (Case 2)						
Eastbound Site Entrance	A (9.7)	A (9.4)	A (9.3)	A (9.5)	A (9.3)	A (9.3)
Northbound Mulberry Knoll Road - Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.4)	B (7.4)
2023 with Belle Terre (Case 3) <sup>2</sup>						
Eastbound Site Entrance	B (12.0)	B (12.7)	B (12.3)	B (11.2)	B (11.4)	B (11.2)
Northbound Mulberry Knoll Road - Left	A (7.7)	A (8.0)	A (7.8)	A (7.6)	A (7.9)	A (7.8)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> For Case 3, the TIS assumed the intersection would have a shared lane on all three approaches. McCormick Taylor assumed separate turn lanes on the northbound and southbound Mulberry Knoll Road approaches, as warranted by DelDOT's *Auxiliary Lane Worksheet*.

Table 4A  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>3</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.9)	B (10.5)	A (9.5)	A (8.9)	B (10.5)	A (9.6)
Westbound DE Route 24 – Left	B (11.4)	A (9.7)	B (10.7)	A (11.5)	A (9.3)	B (10.9)
Northbound Mulberry Road	E (37.1)	D (29.6)	C (24.1)	E (38.4)	D (29.7)	D (25.6)
Southbound Mulberry Road	C (21.0)	C (24.0)	E (39.7)	C (21.6)	C (24.9)	E (49.1)
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (9.6)	B (11.7)	B (10.6)	A (9.7)	B (12.0)	B (10.8)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (76.8)	F (61.4)	E (38.4)	F (84.5)	F (61.5)	E (46.3)
Southbound Mulberry Road	E (47.4)	F (69.7)	F (134.7)	F (53.1)	F (77.4)	F (305.9)
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (92.9)	F (84.3)	E (45.9)	F (104.5)	F (87.9)	F (64.9)
Southbound Mulberry Road <sup>5</sup>	F (1757.5)	F (1178.1)	F (2492.0)	F (1981.4)	F (1260.4)	F (4146.1)
2023 with Belle Terre (Case 3) With DeIDOT Improvements <sup>6</sup>						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (74.1)	F (69.5)	D (33.8)	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>7</sup>	F (1347.0)	F (954.2)	F (1418.9)	F (1452.3)	F (977.7)	F (1808.2)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Manual count data was not provided for summer Saturday. The TIS assumed PHF = 0.95; McCormick Taylor used the default PHF = 0.92.

<sup>5</sup> For Case 3, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Rd. are as follows: approx. 25 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 20 vehicles during the summer Saturday peak hour.

<sup>6</sup> Improvements planned as part of DeIDOT's SR 24, Love Creek to Mulberry Knoll Road Project (State Contract No. T201212201) include the addition of exclusive left-turn lanes along the eastbound and westbound DE Route 24 approaches.

<sup>7</sup> For Case 3 with DeIDOT improvements, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 24 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 18 vehicles during the summer Saturday peak hour.

Table 4B  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day <sup>9</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 1 <sup>10</sup>						
Eastbound DE Route 24 – Left	N/A	N/A	N/A	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	N/A	N/A	N/A	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	N/A	N/A	N/A	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>11</sup>	N/A	N/A	N/A	F (568.1)	F (341.2)	F (792.7)

Signalized Intersection <sup>8</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 2 <sup>12</sup>	C (32.7)	D (38.6)	D (37.1)	C (34.9) <sup>13</sup>	D (38.4) <sup>14</sup>	D (37.0) <sup>15</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> Manual count data was not provided for summer Saturday. McCormick Taylor used the default PHF = 0.92.

<sup>10</sup> Improvement Option 1 includes the DelDOT project improvements (State Contract No. T201212201) that would add eastbound and westbound left-turn lanes on Delaware Route 24, plus the addition of a right-turn lane on the southbound Mulberry Knoll Road approach.

<sup>11</sup> For Case 3 with Improvement Option 1, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 10 vehicles during the AM peak hour, 6 vehicles during the PM peak hour, and 9 vehicles during the summer Saturday peak hour.

<sup>12</sup> Improvement Option 2 includes developer-proposed improvements consisting of converting the TWSC intersection to a signal controlled intersection, to go along with the DelDOT project improvements that would add eastbound and westbound left-turn lanes on Delaware Route 24. The TIS and McCormick Taylor assumed protected-permitted phasing for the Delaware Route 24 left-turn phases and permissive phasing for the Mulberry Knoll Road approaches.

<sup>13</sup> AM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 50 vehicles (1,250 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 18 vehicles for WB DE Route 24, and 14 vehicles for SB Mulberry Knoll Road.

<sup>14</sup> PM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 25 vehicles for EB DE Route 24, 59 vehicles (1,475 feet) for WB DE Route 24 (adjacent signal at Plantation Road is approximately 3,000 feet east of Mulberry Knoll Road), and 11 vehicles for SB Mulberry Knoll Road.

<sup>15</sup> Summer Saturday peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 58 vehicles (1,460 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 25 vehicles for WB DE Route 24, and 11 vehicles for SB Mulberry Knoll Road.

Table 5  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>16</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
Delaware Route 24 & Warrington Road / Plantation Road 2015 Existing (Case 1)	C (28.1)	D (45.0)	D (50.3)	C (25.6)	D (40.0)	D (46.3)
2023 without Belle Terre (Case 2)	D (38.5)	E (76.9)	F (83.5)	D (35.5)	E (70.7)	E (75.4)
2023 with Belle Terre (Case 3)	D (41.7)	F (87.6)	F (89.9)	D (38.3)	F (80.1)	F (81.4)
2023 with Belle Terre (Case 3) With DelDOT Improvements <sup>17</sup>	C (27.3)	D (38.0)	D (45.4)	C (27.6)	D (36.3)	D (43.9)

<sup>16</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>17</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a second through lane along both directions of DE Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The TIS assumed protected-permitted phasing for the DE Route 24 left-turn phases. McCormick Taylor assumed protected-prohibited phasing for the DE Route 24 left-turn phases due to the dual opposing through lanes.

Table 6  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>18</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Bryn Mawr Drive</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.5)	-	A (9.9)	A (9.5)	-
Southbound Bryn Mawr Drive	A (8.7)	B (11.2)	-	B (12.3)	B (14.8)	-
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.8)	-	A (10.0)	A (9.9)	-
Southbound Bryn Mawr Drive	A (8.9)	B (11.6)	-	B (12.3)	C (15.8)	-
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (8.7)	B (10.1)	-	B (10.1)	B (10.1)	-
Southbound Bryn Mawr Drive	A (8.9)	B (12.4)	-	B (12.6)	C (16.7)	-

<sup>18</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 7  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>19</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Rehoboth Mall Back Entrance</b>						
2015 Existing (Case 1)	A (7.5)	A (9.8)	A (9.1)	B (11.1)	B (15.4)	B (14.8)
2023 without Belle Terre (Case 2)	A (7.5)	A (9.9)	A (9.1)	B (11.2)	B (15.7)	B (14.9)
2023 with Belle Terre (Case 3)	A (7.6)	A (10.0)	A (9.1)	B (11.3)	B (15.8)	B (15.0)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>20</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
Delaware Route 1 & Delaware Route 24 <sup>21, 22</sup>						
2015 Existing (Case 1)	B (19.5)	C (23.5)	C (21.7)	C (25.4)	C (32.3)	C (33.4)
2023 without Belle Terre (Case 2)	B (19.5)	C (25.3)	C (29.0)	C (25.8)	D (35.4)	D (41.5)
2023 with Belle Terre (Case 3)	C (20.2)	C (27.3)	C (31.0)	C (26.4)	D (37.4)	D (43.3)
2023 with Belle Terre (Case 3) With DelDOT SR 24 Improvements <sup>23</sup>	B (18.8)	C (24.5)	C (28.6)	C (25.0)	C (34.2)	D (41.0)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>21</sup> A new crosswalk will be installed across the SR 24 leg of the intersection as part of DelDOT's SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements Project (State Contract No. T200612501). The pedestrian clearance time for this crossing is less than the southbound SR 1 green time during peak hours, and thus no impact is expected on peak hour traffic operations as a result of the new crosswalk.

<sup>22</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.

<sup>23</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a third left-turn lane on the eastbound Delaware Route 24 approach.

Table 9  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Cedar Grove Road &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Westbound Cedar Grove Road - Left	A (8.1)	A (7.5)	A (7.4)	A (8.1)	A (7.5)	A (7.5)
Northbound Mulberry Knoll Road	A (8.8)	A (8.9)	A (8.0)	A (8.8)	A (9.2)	A (8.3)
2023 without Belle Terre (Case 2)						
Westbound Cedar Grove Road - Left	A (8.3)	A (7.6)	A (7.6)	A (8.4)	A (7.6)	A (7.5)
Northbound Mulberry Knoll Road	A (8.7)	A (8.2)	A (7.7)	A (9.2)	A (8.5)	A (8.3)
2023 with Belle Terre (Case 3)						
Westbound Cedar Grove Road - Left	A (8.5)	A (7.8)	A (7.7)	A (8.5)	A (7.9)	A (7.8)
Northbound Mulberry Knoll Road	B (12.4)	A (8.2)	A (8.4)	B (12.6)	A (8.7)	A (8.5)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 10  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>25</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
Plantation Road & Cedar Grove Road / Postal Lane 2015 Existing (Case 1)	B (17.0)	B (16.5)	B (16.1)	B (14.4)	B (13.7)	B (13.8)
2023 without Belle Terre (Case 2)	B (18.9)	B (18.6)	B (17.7)	B (15.9)	B (15.7)	B (15.4)
2023 with Belle Terre (Case 3)	C (20.2)	C (20.3)	B (19.2)	B (16.9)	B (17.1)	B (16.7)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Postal Lane &amp; Oak Lane / Bethpage Drive</b>						
2015 Existing (Case 1)						
Eastbound Postal Lane – Left	A (7.4)	A (7.8)	-	A (7.4)	A (7.9)	-
Westbound Postal Lane – Left	A (8.1)	A (7.9)	-	A (8.1)	A (7.7)	-
Northbound Bethpage Dr – Left/Thru	B (13.2)	B (14.7)	-	B (13.2)	B (13.8)	-
Northbound Bethpage Dr – Right	A (8.7)	A (8.7)	-	A (8.7)	A (8.6)	-
Southbound Oak Lane	B (12.1)	B (11.9)	-	B (10.5)	A (8.4)	-
2023 without Belle Terre (Case 2)						
Eastbound Postal Lane – Left	A (7.5)	A (7.9)	-	A (7.5)	A (8.0)	-
Westbound Postal Lane – Left	A (8.3)	A (8.0)	-	A (8.3)	A (0.1)	-
Northbound Bethpage Dr – Left/Thru	B (14.2)	C (16.2)	-	B (14.3)	C (15.1)	-
Northbound Bethpage Dr – Right	A (9.2)	A (8.9)	-	A (9.2)	A (8.8)	-
Southbound Oak Lane	B (12.9)	B (12.7)	-	B (11.1)	A (9.0)	-
2023 with Belle Terre (Case 3)						
Eastbound Postal Lane – Left	A (7.5)	A (8.1)	-	A (7.5)	A (8.1)	-
Westbound Postal Lane – Left	A (8.4)	A (8.1)	-	A (8.5)	A (7.9)	-
Northbound Bethpage Dr – Left/Thru	C (15.3)	C (17.9)	-	C (15.4)	C (16.5)	-
Northbound Bethpage Dr – Right	A (9.7)	A (9.0)	-	A (9.7)	A (9.0)	-
Southbound Oak Lane	B (13.7)	B (13.7)	-	B (11.9)	A (9.5)	-

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>27</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Postal Lane / Melson Road</b> <sup>28</sup>						
2015 Existing (Case 1)	B (17.5)	B (19.1)	-	C (23.8)	C (29.3)	-
2023 without Belle Terre (Case 2)	B (19.1)	C (21.1)	-	C (25.7)	C (32.7)	-
2023 with Belle Terre (Case 3)	C (22.5)	C (22.3)	-	C (28.9)	C (33.8)	-

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>28</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.



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

NICOLE MAJESKI  
 SECRETARY

**MEMORANDUM**

**TO:** Steve McCabe, Sussex County Review Coordinator

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** January 4, 2022

**SUBJECT: Howeth Property  
 (Protocol Tax Parcels # 334-12.00-16.04)  
 Area Wide Study Fee (AWSF) and Off-site Improvements**

The proposed development would have warranted an AWS fee. However, per Section 2.2.2.4 of the Development Coordination Manual, if a development is located within a Transportation Improvement District (TID) and is consistent with the Land Use and Transportation Plan for that TID, then under certain conditions DelDOT may require participation in the TID in lieu of conducting a TIS and making improvements based on the TIS. Howeth Property is located in the Henlopen TID, and the trip generation of the proposed development is sufficiently similar to the trip generation used in the TID traffic analysis. Therefore, participation in the TID is required. The owner / developer shall enter into the Henlopen TID infrastructure recoupment agreement and pay the TID fee prior to issuance of the building permits. Credit against TID fees owed for required frontage improvements will be determined, documented, and granted, in accordance with the terms of this infrastructure recoupment agreement.

1. The TID fees for the proposed 84 units of low-rise multi-family housing would be as follows:

Numbers and Types of Dwellings	Fee Paid by Phase	Fee Paid by Lot
84 units of low-rise multi-family housing	\$325,550	\$341,796

2. Due to DelDOT's planned CTP project on Delaware Route 24, frontage improvements are not required for the proposed development.



Mr. Steve McCabe

January 4, 2022

Page 2 of 2

If you have any additional questions or comments, please let me know.

CJ:km

cc: Nick Hammonds, Jack Lingo Asset Management, LLC  
Cliff Mumford, Davis, Bowen & Friedel, Inc.  
Michael Simmons, Chief of Project Development South, DOTS  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Chris Sylvester, Traffic Studies Manager, DelDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS  
James Argo, Sussex County Plan Reviewer, South District  
Derek Sapp, Subdivision Manager, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/26/2022**

APPLICATION: **CZ 1949 J.G. Townsend Jr. & Co.**

APPLICANT: **J.G. Townsend Jr. & Co.**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-12.00-16.04**

LOCATION: **Lying on the west side of John J. Williams Highway (Rt. 24),  
approximately 0.25 mile southwest of Mulberry Knoll Road  
(SCR 284).**

NO. OF UNITS: **Upzone from AR-1 to MR**

GROSS  
ACREAGE: **21.62**


SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Already Completed, See Attached**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

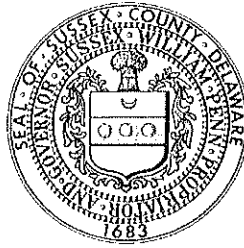
  
\_\_\_\_\_  
John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher

**ENGINEERING DEPARTMENT**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

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

Applicant: Davis, Bowen & Friedel, Inc. Attn: Cliff Mumford, P.E.

Date: 2/16/2022

Reviewed by: Chris Calio

Agreement #:1198

Project Name: School Lane (fka: Howeth Property)

Tax Map & Parcel(s): 334-12.00-16.04

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

Proposed EDUs: 89 (84 townhouses + 5 pool & pool house)

Pump Station(s) Impacted: PS 402, PS 400

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

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

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):334-12.00-23.00 & 24.00

Connection Point(s): 8" gravity from MH 8. Pdf of asbuilt attached.

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

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

Current Zoning: AR-1 Zoning Proposed: MR





Acreage: **21.62**

Additional Information: [Click or tap here to enter text.](#)

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

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

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

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

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

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

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher

July 30, 2021

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

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

Dear Mr. Whitehouse:

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

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of grass lined swales and 48-hour wet extended detention basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.*
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. The proposed project is located in Tidewater Utilities franchise area, and they hold the Certificate of Public Necessity (CPCN). Tidewater has a 12" water main along the project frontage for connection. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 21,000 gallons per day and a peak use of 63,000 gallons per day.*
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the*

*quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub along the frontage of SR24.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*  
As stated by DelDOT in the PLUS comments dated December 16, 2020, this project is located within the Henlopen TID and will be required to pay a fee per dwelling unit. DBF is working with DelDOT to finalize the contribution amount and mitigate impacts to the roadway system.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* As stated in the PLUS review comments the Eastern Tiger Salamander, the Barking Treefrog, and the Cope's Gray Treefrog have been documented within the project area. The Eastern Tiger Salamander and the Barking Treefrog are listed on DNREC's website of endangered species, the Cope's Gray Treefrog is listed as a rare species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*  
No wetlands are proposed to be disturbed as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and multi-use sports field.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will also construct a shared-use path or sidewalk along the frontage of SR24, which is approximately 500' long. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* A future land use map amendments has been submitted to the Office of State Planning to change the future land use of this parcel from commercial to residential. If that is successful the proposed application and mitigation measures will comply with the current Sussex County

**Comprehensive Plan.**

- (1) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan as mentioned in item K.*

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

# HOWETH PROPERTY LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE PRELIMINARY PLAN DBF # 2261J013 DECEMBER, 2020

## GENERAL NOTES:

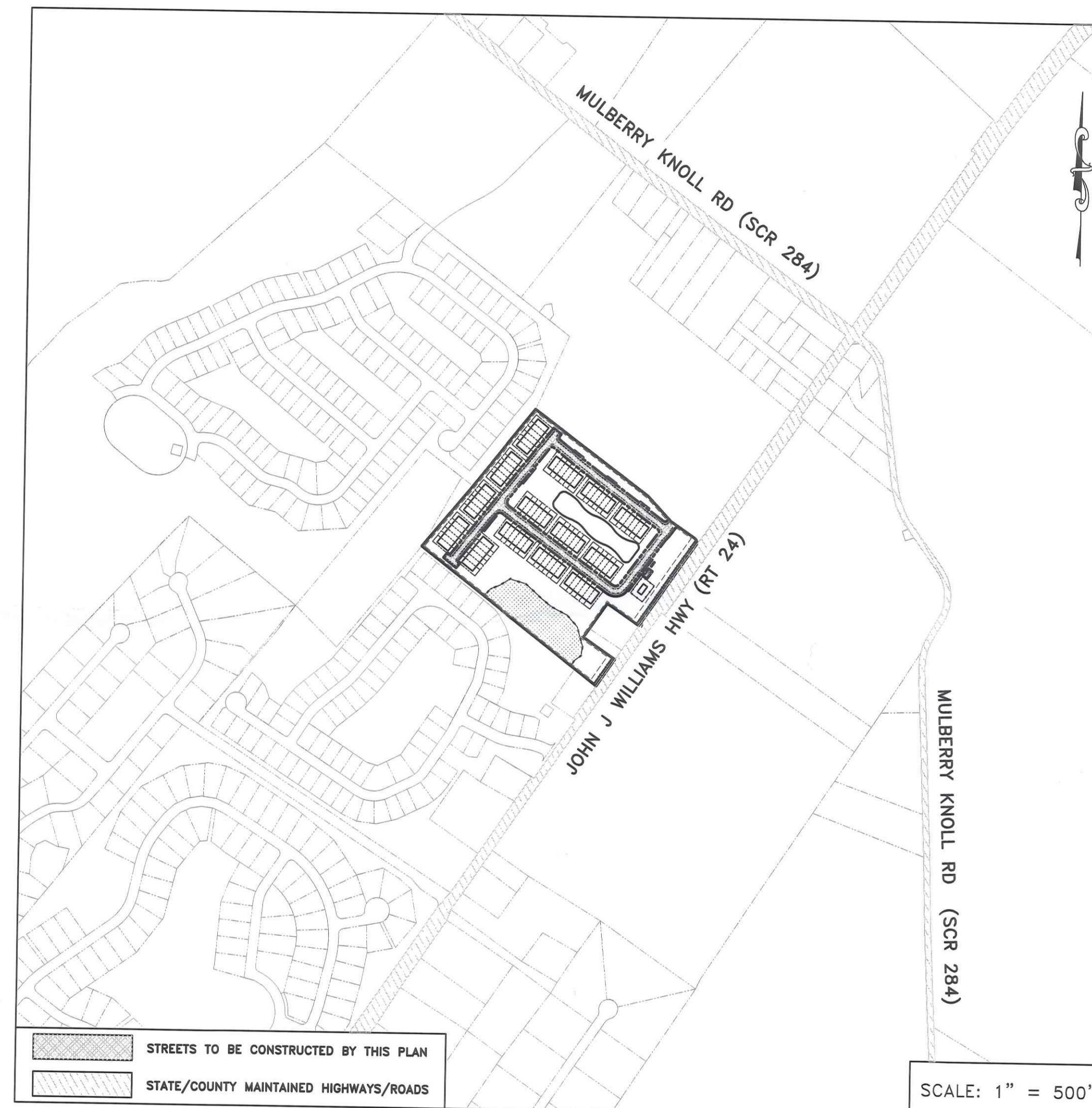
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM).
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK 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 UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY INFORMATION, EXISTING UTILITIES, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A BOUNDARY SURVEY PERFORMED BY ATLANTIC SURVEYING AND MAPPING LLC, DATED FEBRUARY 11, 2018 AND INFORMATION FOUND AT THE RECORDER OF DEEDS OFFICE FOR SUSSEX COUNTY. ADDITIONAL FIELD RUN SURVEYS WERE COMPLETED BY DAVIS, BOWEN, & FRIEDEL, INC. IN JANUARY 2021.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA OR AN EXCELLENT RECHARGE AREA.
- THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.
- UTILITY EASEMENTS DEPICTED HEREON REPRESENT, TO THE GREATEST EXTENT PERMITTED BY LAW, PRIVATE EASEMENTS FOR THE EXCLUSIVE USE AND BENEFIT OF 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.
- FOR RESTRICTIONS AND COVENANTS BINDING THIS SUBDIVISION REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, DATED \_\_\_\_\_.
- FOR THE MAINTENANCE AND OPERATION OF STREET AND ROAD IMPROVEMENTS, SURFACE DRAINAGE FACILITIES, EROSION AND SEDIMENT CONTROL FACILITIES, SANITARY SEWER FACILITIES, WATER SUPPLY FACILITIES, FORESTED BUFFER STRIPS OR OTHER IMPROVEMENTS WHICH MAY BE APPLICABLE REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS.
- ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND/OR UTILITY EASEMENT. ALL PERIMETER LOT LINES SHALL HAVE TEN (10) FOOT EASEMENTS ALONG THE INTERIOR SIDE OF THE PERIMETER BOUNDARY.

## OPEN SPACE MANAGEMENT PLAN:

- ALL COMMON AREAS COVERED WITH GRASS SHALL BE PERIODICALLY MAINTAINED ON A BASIS DETERMINED BY THE HOMEOWNER'S ASSOCIATION.
- ALL ACTIVE OPEN SPACE AMENITIES SHALL BE INSPECTED ANNUALLY TO ENSURE THEY ARE SAFE FOR PLAY AND REPAIRED AS REQUIRED.
- ALL ACTIVE OPEN SPACE AMENITIES ARE PRIVATE AND FOR THE USE OF RESIDENTS AND THEIR GUESTS AND ARE TO BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION.
- ALL SWM AREAS WILL BE MAINTAINED IN ACCORDANCE WITH DESIGN AND SPECIFICATIONS FOR THE SPECIFIC SWM AREA. THIS INFORMATION WILL BE PROVIDED TO THE HOMEOWNER'S ASSOCIATION PRIOR TO TURNOVER.

## LEGEND

EXISTING	PROPOSED
RIGHT-OF-WAY	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	PROPERTY LINE
EASEMENT	SETBACK
CONTOUR	EASEMENT
CATCH BASIN, STORM PIPE	BUFFER
SANITARY SEWER MANHOLE, PIPE	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
WATER MAIN	WATER MAIN, TEE W/ VALVES, PIPE SIZE
FIRE HYDRANT ASSEMBLY	FIRE HYDRANT ASSEMBLY
UTILITY POLE	TREE LINE
SIGN	PAVEMENT
FENCE	SIDEWALK
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	



### SHEET INDEX

PRELIMINARY - TITLE SHEET	PRE-01
PRELIMINARY - SITE PLAN	PRE-02
PRELIMINARY - UTILITY PLAN	PRE-03

## DATA COLUMN

TAX MAP ID:	334-12.00-16.04
DEED REFERENCE:	DB 387/176, PB 216/10
DATUM:	NAVD 88
VERTICAL:	NAD 83 (DE STATE PLANE)
HORIZONTAL:	
LAND USE EXISTING:	AGRICULTURAL MULTIFAMILY RESIDENTIAL (TOWNHOMES)
PROPOSED:	CONDITIONAL USE
ZONING EXISTING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED:	MR (MEDIUM-DENSITY RESIDENTIAL)
UNITS TOWNHOMES:	84
TYPICAL SIZE:	28' X 70' (1,960 S.F.)
DENSITY MAXIMUM:	4.0 UNITS/ACRE
PROPOSED:	3.9 UNITS/ACRE
BUILDING SETBACKS FRONT SETBACK:	40 FT.
SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
MINIMUM AVERAGE LOT AREA:	3,630 SQ. FT.
PROPOSED AVERAGE LOT AREA:	3,634 SQ. FT.
MAXIMUM REQUIREMENTS BUILDING HEIGHT:	42 FT. (2 STORIES)
PARKING REQUIREMENTS MINIMUM:	188 (2 PER UNIT UNDER 3 BEDROOM)
PROPOSED:	225 (2.7 PER UNIT)
AREAS EXISTING SITE:	
SITE AREA:	21.62 AC.
WETLANDS:	2.09 AC.
IMPERVIOUS AREAS ROAD AND CURB:	1.82 AC.
SIDEWALK:	0.86 AC.
BUILDINGS:	3.82 AC.
DRIVEWAYS:	1.16 AC.
POOL AND POOL HOUSE:	0.20 AC.
PARKING:	0.27 AC.
TOTAL:	7.93 AC. (0.36%)
WOODLANDS EXISTING:	9.26 AC.
TO BE REMOVED:	4.35 AC.
TOTAL REMAINING:	4.91 AC.
OPEN SPACE:	
SWM:	1.04 AC.
WOODS & WETLANDS:	4.91 AC.
LANDSCAPE BUFFER (NEW TREES):	0.51 AC.
POOL AND POOL HOUSE:	0.20 AC.
OTHER OPEN AREAS:	7.13 AC.
TOTAL:	13.89 AC. (0.64%)
UTILITIES SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
WATER PROVIDER:	PUBLIC (TIDEWATER UTILITIES)
PROPOSED BUILDING CONSTRUCTION:	WOOD FRAMED/ CONCRETE BLOCK
WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.	
FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.	
STATE STRATEGIES MAP: INVESTMENT LEVELS 2 AND 3	
THIS PROPERTY IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).	
THIS PROPERTY IS LOCATED 1,500'± TO THE WEST OF THE INTERSECTION OF MULBERRY KNOLL ROAD (SCR 284) AND JOHN J. WILLIAMS HIGHWAY (SCR 024).	
JOHN J. WILLIAMS HIGHWAY POSTED SPEED LIMIT: 45 M.P.H.	
PROPERTY OWNER/DEVELOPER JG TOWNSEND JR. & CO. PAUL TOWNSEND, PRESIDENT P.O. BOX 430 GEORGETOWN, DE. 19947 302-856-2525 FAX: 302-855-0922	
ENGINEER: DAVIS, BOWEN & FRIEDEL, INC. CLIFTON D. MUMFORD, P.E. 1 PARK AVE. MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430	

## OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE BY MY DIRECTION AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

## 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.

## WETLANDS STATEMENT

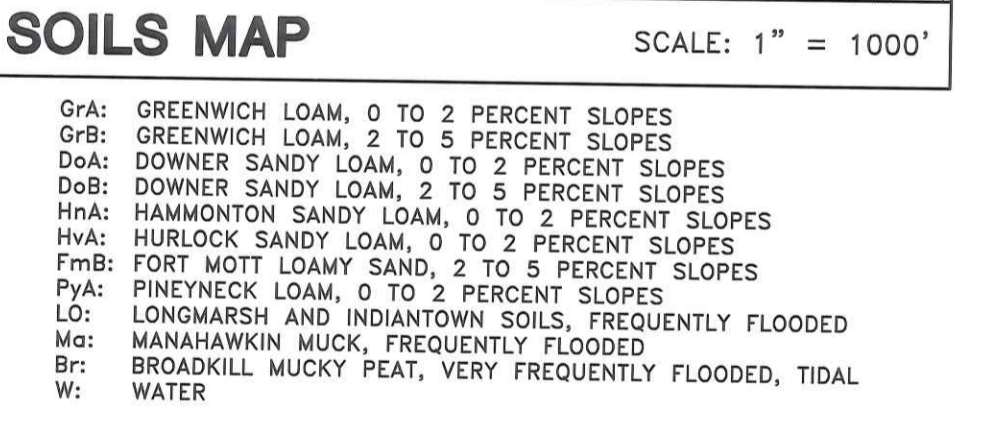
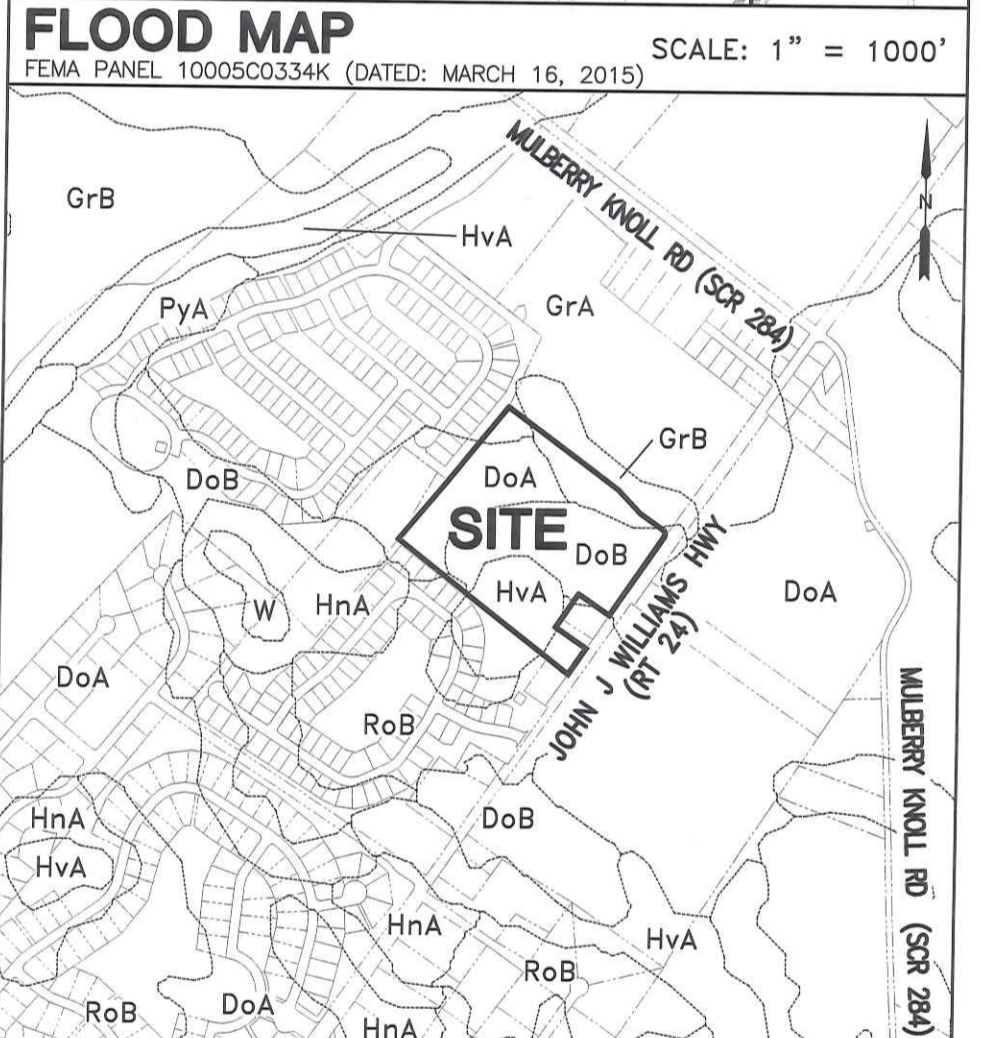
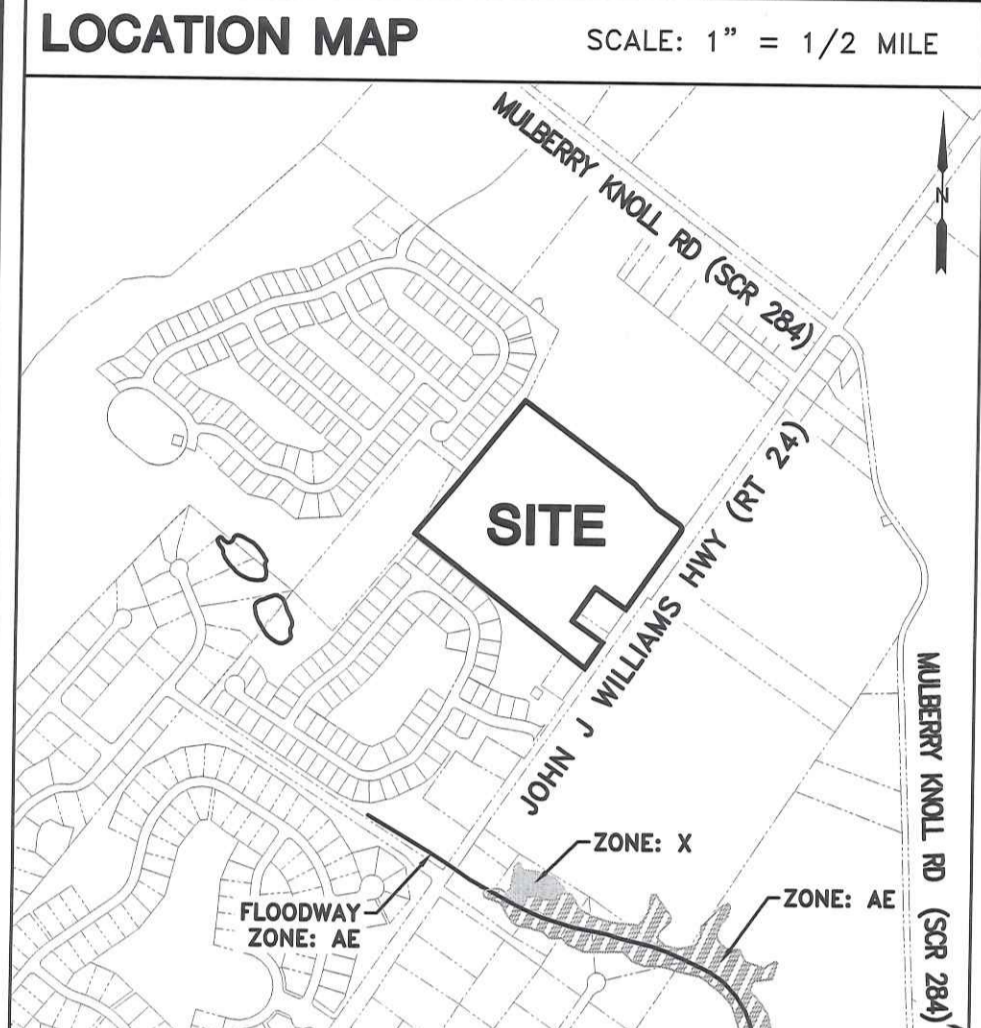
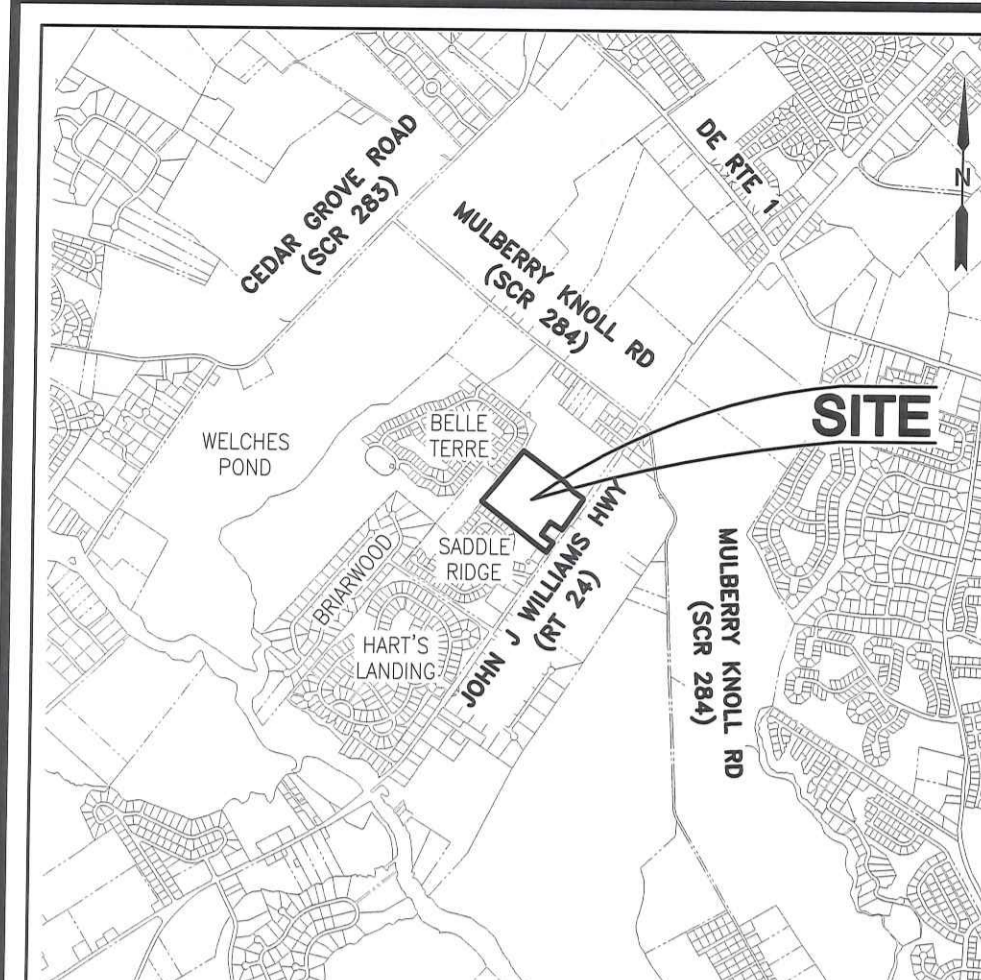
I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION 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 Definition/CECW-OR, 9-26-1990, R/L 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.

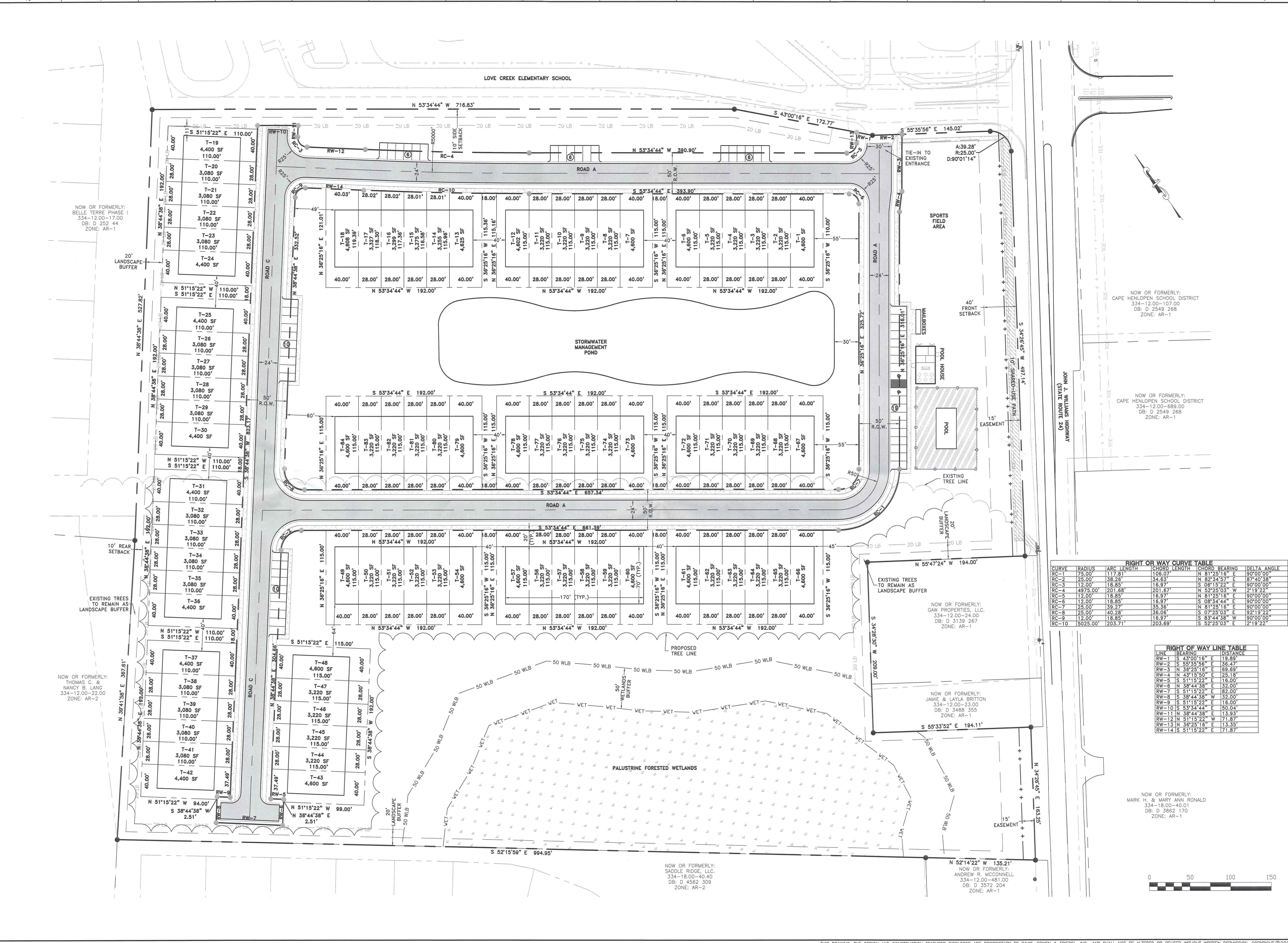
THERE ARE STATE REGULATED WETLANDS ON THIS SITE. THE BOUNDARY OF STATE REGULATED WETLANDS HAS BEEN DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-084.

JG TOWNSEND JR. & CO. DATE

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

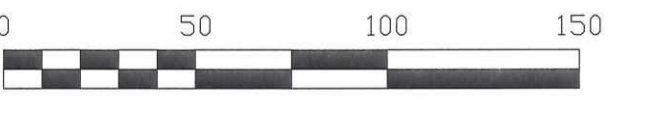
EDWARD M. LAUNAY, PWS No. 875 DATE  
SOCIETY OF WETLANDS SCIENTISTS  
CORPS OF ENGINEERS, CERTIFIED WETLAND  
DELINEATOR WDCP93MDC9100368



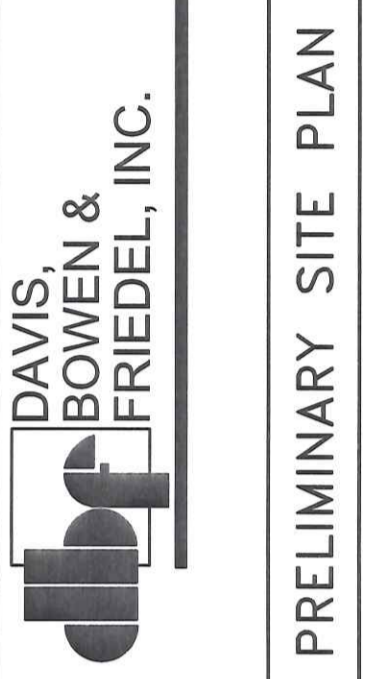


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC-1	75.00'	117.81'	106.07'	N 81°25'16" E	90°00'00"
RC-2	25.00'	36.28'	34.63'	N 82°34'57" E	87°40'38"
RC-3	12.00'	18.85'	18.97'	S 08°15'22" E	90°00'00"
RC-4	4975.00'	201.68'	201.67'	N 52°25'03" W	2°19'22"
RC-5	12.00'	18.85'	18.97'	N 81°25'16" E	90°00'00"
RC-6	12.00'	18.85'	18.97'	S 08°15'22" E	90°00'00"
RC-7	25.00'	36.27'	35.36'	N 81°25'16" E	90°00'00"
RC-8	25.00'	40.28'	36.08'	S 07°25'03" E	92°18'22"
RC-9	12.00'	18.85'	18.97'	S 85°44'38" W	90°00'00"
RC-10	5025.00'	203.71'	203.69'	S 52°25'03" E	2°19'22"

LINE	BEARING	DISTANCE
RW-1	S 43°00'16" E	19.89'
RW-2	S 55°35'56" E	36.47'
RW-3	N 36°25'16" E	69.69'
RW-4	N 43°15'50" E	25.18'
RW-5	S 51°15'22" E	16.00'
RW-6	N 38°44'38" E	32.00'
RW-7	S 51°15'22" E	82.00'
RW-8	S 38°44'38" W	32.00'
RW-9	S 51°15'22" E	16.00'
RW-10	S 53°34'44" E	50.04'
RW-11	N 38°44'38" E	13.93'
RW-12	S 51°15'22" W	71.87'
RW-13	N 36°25'16" E	13.33'
RW-14	S 51°15'22" E	71.87'



ARCHITECTS ENGINEERS SURVEYORS  
 SUSSEX COUNTY, DELAWARE  
 EASTON, MARYLAND  
 (410) 543-9001  
 (410) 770-7744



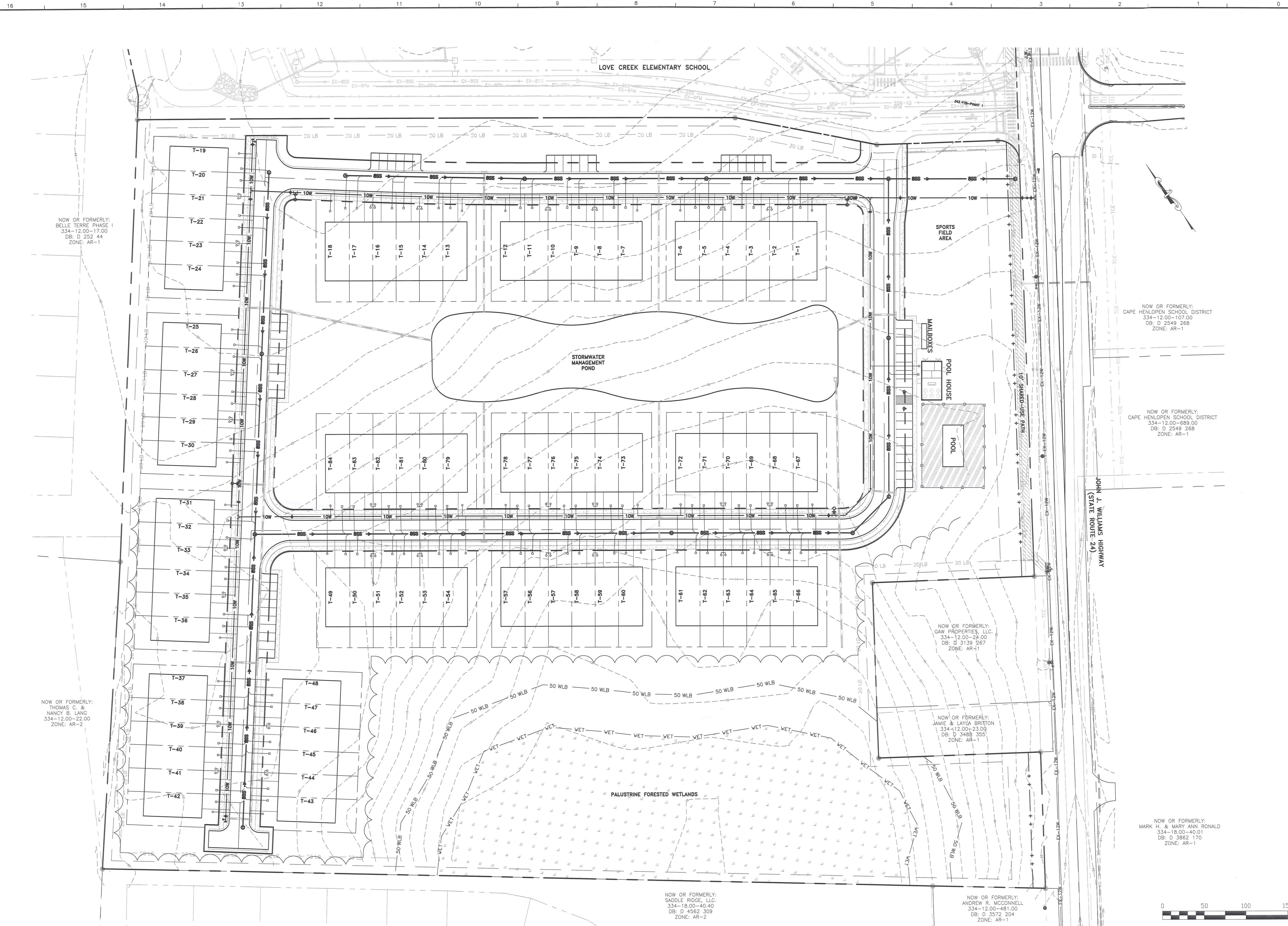
# PRELIMINARY SITE PLAN

## HOWETH PROPERTY LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

Revisions:

Date: DECEMBER, 2020  
 Scale: 1" = 50'  
 Dwn.By: DEG  
 Proj.No.: 2261J013  
 Dwg.No.:

PRE-02



NOW OR FORMERLY:  
BELLE TERRE PHASE I  
334-12.00-17.00  
DB: D 252 44  
ZONE: AR-1

NOW OR FORMERLY:  
THOMAS C. &  
NANCY B. LANG  
334-12.00-22.00  
ZONE: AR-2

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-689.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
GAW PROPERTIES, LLC.  
334-12.00-24.00  
DB: D 3139 267  
ZONE: AR-1

NOW OR FORMERLY:  
JAMIE & LAYIA BRITTON  
334-12.00-23.00  
DB: D 3488 355  
ZONE: AR-1

NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-18.00-40.01  
DB: D 3862 170  
ZONE: AR-1

NOW OR FORMERLY:  
SADDLE RIDGE, LLC.  
334-18.00-40.40  
DB: D 4562 309  
ZONE: AR-2

NOW OR FORMERLY:  
ANDREW R. MCCONNELL  
334-12.00-481.00  
DB: D 3572 204  
ZONE: AR-1



ARCHITECTS ENGINEERS SURVEYORS  
DAVIS, BOWEN & FRIEDEL, INC.  
SUSSEX, MARYLAND  
EASTON, MARYLAND  
(410) 543-0011  
(410) 770-7744

**PRELIMINARY UTILITY PLAN**

**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:

Date: DECEMBER, 2020  
Scale: 1" = 50'  
Dwn.By: DEG  
Proj.No.: 2261J013  
Dwg.No.: **PRE-03**

# HOWETH PROPERTY

*now known as School Lane*

## PLANNED RESIDENTIAL COMMUNITY

Sussex County, Delaware

2261J013.C01

JUNE 2022



Change of Zone #1949: AR-1 to MR  
Planning Commission Public Hearing: June 23, 2022  
County Council Public Hearing: July 26, 2022



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- C. Preliminary Site Plan
- D. Boundary & Wetlands Plan
- E. Color Rendering
- F. Color Rendering on Aerial Photograph

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  - a. Surrounding Communities Map
  - b. FEMA Firmette
  - c. 2020 State Strategies
  - d. Sussex County Future Land Use Map
  - e. Sussex County Zoning Map
  - f. 1992 Aerial Photo
  - g. 2017 Aerial Photo
  - h. Environmental Map
  - i. Sourcewater Protection Area Map
  - j. NRCS Soil Survey
- 2. Conditional - Use Application
- 3. Rezoning Application
- 4. Legal Description
- 5. Preliminary Land Use Services (PLUS) Response
- 6. Chapter 89 Source Water Protection Response Letter
- 7. Environmental Assessment and Public Facility Evaluation Report
- 8. Approved Jurisdictional Determination Letter
- 9. DelDOT SFR Response

10. DeIDOT AWSF Memo
11. Future Land-Use Map Amendment Letter
12. Preliminary Land Use Service (PLUS) Response to FLUM Amendment
13. Tidewater Utilities Willing & Able Letter
14. Chesapeake Utilities Willing & Able Letter
15. Delaware Electric Coop Willing & Able Letter
16. Sussex County Addressing Approval – Subdivision and road names
17. Sussex County Sewer Service Concept Evaluation
18. Environmental Resources, Inc. Review for Wildlife

## Executive Summary

### A. Land Use & Zoning

1. The community's name, School Lane, and the road names, Brittingham Court, Mariner Row, and Shields Drive have been approved for use in the subdivision by Sussex County Mapping & Addressing. The approval letter is provided as Exhibit 16.
2. The property is located on John J. Williams Highway (DE Route 24, SCR 024) approximately 1,500' from the intersection with Mulberry Knoll Road (SCR 284). The property is bounded on the north by Belle Terre Subdivision, on the east by Love Creek Elementary School, on the south by Route 24, and on the west by the Saddle Ridge subdivision.
3. The Owner of the parcel is J.G. Townsend Jr. & Co.
4. The property is currently zoned Agricultural Residential AR-1
5. The proposed community will be governed by a homeowner's association and by-laws
6. The property is in Investment Level Areas 2 & 3 of the 2020 State Strategies Map.
7. The property is shown as Coastal Area and Commercial Area on the 2045 Future Land Use Map (FLUM) in the 2019 Comprehensive Plan. An amendment to the FLUM was submitted to Sussex County on May 21, 2021, to revise the map from Commercial Area and Coastal Area to only Coastal Area.
8. The FLUM was presented to PLUS by the County on June 23, 2021, and the county received comments from the Office of State Planning on July 22, 2021. A copy of those response comments can be found in Exhibit 13.

### B. Land Utilization

1. The total acreage of the project is 21.62 acres.
2. The proposed community is designed as a residential multi-family community in accordance with Chapter 115 of the Sussex County Code.

3. The maximum number of units proposed is 84 townhouse units or 3.9 units per acre based on total acreage.
4. The proposed community will have a single entrance that connects to the signalized Love Creek Elementary School entrance.
5. The proposed community is subject to a 10-foot building setback from the rear and side property lines. A 20-foot landscape buffer will be provided along the northern, eastern, and western property lines, and around the two outparcels along Route 24 to a point where the landscape buffer intersects with the 50-foot wetlands buffer
6. The proposed community consists of active and passive open space.
  - a. The active open space area consists of a pool, bathhouse, and shared-use path.
  - b. The passive open space area consists of stormwater management, buffers, and other open areas.
7. The project was presented to P.L.U.S. on December 16, 2020, and comments were received from the Office of State Planning on January 17, 2021. A copy of our response can be found in Exhibit 6.

### C. Environmental

1. The property contains wetlands.
2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.
3. The property is not located within a wellhead protection area as defined by DNREC mapping.
4. The project is located in a “good” groundwater recharge area as defined by DNREC mapping
5. The existing property is located within the Rehoboth Bay Watershed. The project through meeting the Stormwater Regulations adopted in 2019 will reduce nitrogen, phosphorus, and bacteria from the proposed development.

### D. Traffic

1. A Support Facilities Report was completed for this project. DelDOT noted that the subject parcel is located in the Henlopen TID and will be required to pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements.

#### E. Civil Engineering

1. The internal roads will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
3. Drinking water and fire protection water will be provided by Tidewater Utilities, Inc. A Willing & Able letter is provided in Exhibit 13.
4. Sanitary sewer transmission and treatment will be provided by Sussex County Council. A sewer service concept evaluation (SSCE) was completed by Sussex County and is provided as Exhibit 17.
5. The stormwater management system will meet all State, County, and Conservation District requirements through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by Lewes Volunteer Fire Company, Station 82.
7. Electricity will be provided by Delaware Electric Cooperative. A Willing & Able letter is provided in Exhibit 15
8. Natural Gas will be provided by Chesapeake Utilities. A Willing & Able letter is provided in Exhibit 14.
9. The parcels are located in the Cape Henlopen School District.

#### County Code Compliance

1. Preliminary Land Use Service Response Letter
2. Chapter 89 Source Water Protection Response Letter
3. Chapter 115 Environmental Assessment and Public Facilities Evaluation Report

School Lane  
Data Sheet

**Owner:** JG Townsend, Jr. & Co.  
**Developer:** JG Townsend, Jr. & Co.  
**Engineer:** Davis, Bowen & Friedel, Inc.  
**Legal Services:** Morris James LLP.

**Project Description**

Physical Location: 1500'± to the West side of the intersection of Mulberry Knoll Road (SCR 284) and John J. Williams Highway (SCR 24)  
Tax Parcel #: 334-12.00-16.04  
Acreage: 21.62 +/- Acres  
Current Zoning: AR-1 (Agricultural Residential)  
Proposed Zoning: MR (Medium-Density Residential) – Conditional Use  
Single Family Units: 84

<b><u>Land Use</u></b>	<b><u>Acreage (+/- Acres)</u></b>
Impervious	7.93 (37%)
Roads / Sidewalks / Parking / Driveways	3.91
Buildings	3.82
Pool and Pool House	0.20
Total Open Space	13.89
Active Open Space	1.36
Passive Open Space	12.53

**Net Site Area:** 21.62 +/- Acres

**Minimum Zoning Requirements**

Minimum Lot Area: 1,600 SQ. FT.  
Min. Average Lot Area: 3,630 SQ. FT.  
  
Minimum Lot Width: 16 FT  
Front Yard Setback: 40 FT (from SR 24)  
Front/Rear Yard Setback: 40 FT (aggregate)  
  
Side Yard Setback: 10 FT  
Rear Yard Setback: 10 FT  
Maximum Building Height: 42 FT

**Proposed Zoning Requirements**

Minimum Lot Area: 3,080 SQ. FT.  
Average Lot Area: 3,634 SQ. FT.  
Maximum Lot Area: 4,600 SQ. FT.  
Minimum Lot Width: 28 FT  
Front Yard Setback: 40 FT (from SR 24)  
Front/Rear Yard Setback: 45 FT (aggregate)  
Front Setback: 20 FT (internal)  
Side Yard Setback: 20 FT  
Rear Yard Setback: 20 FT  
Maximum Building Height: 42 FT

# HOWETH PROPERTY

## LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

### PRELIMINARY PLAN

#### DBF # 2261J013

#### DECEMBER, 2020

### GENERAL NOTES:

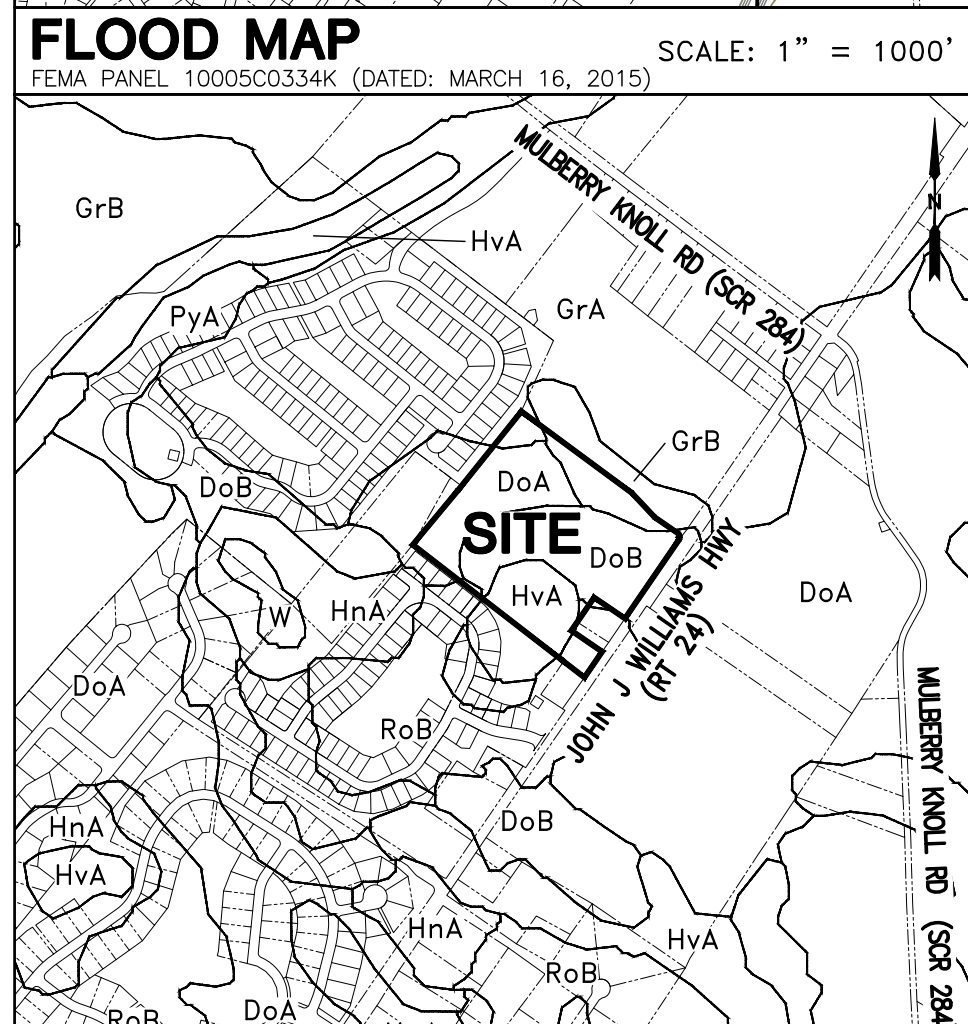
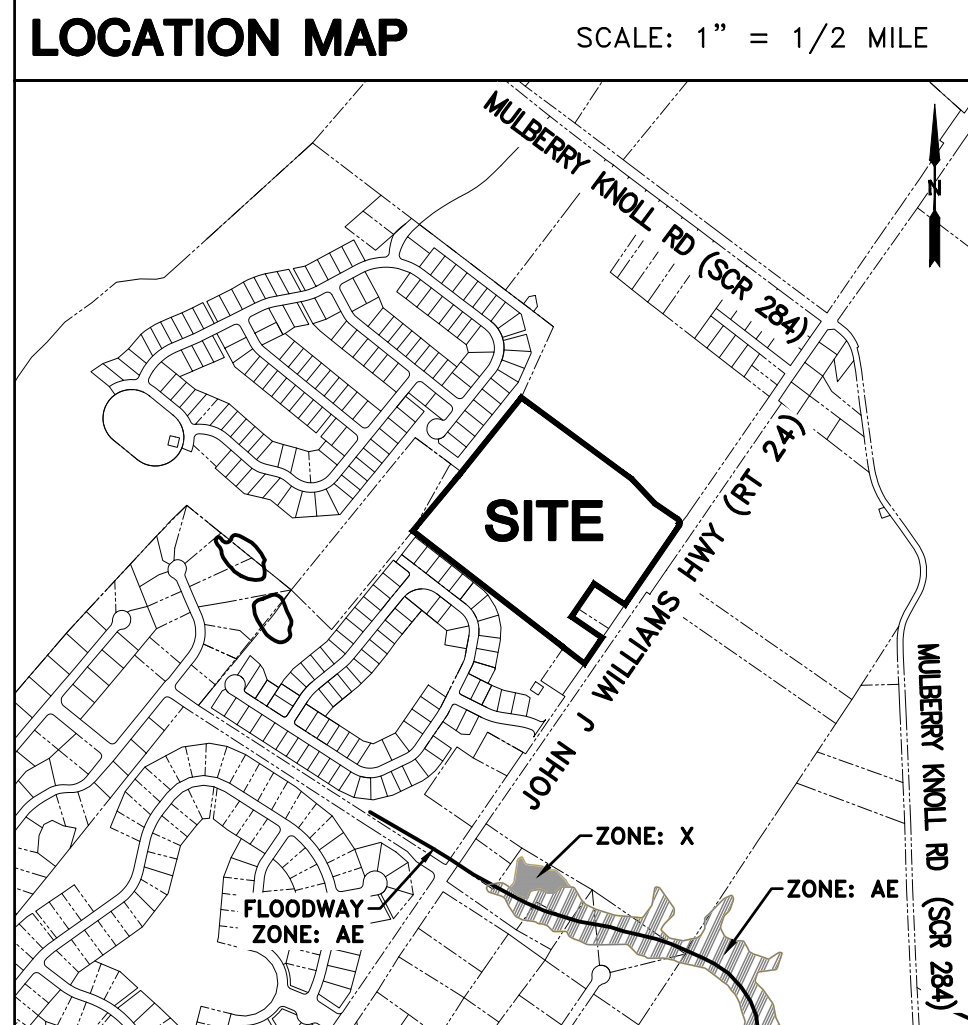
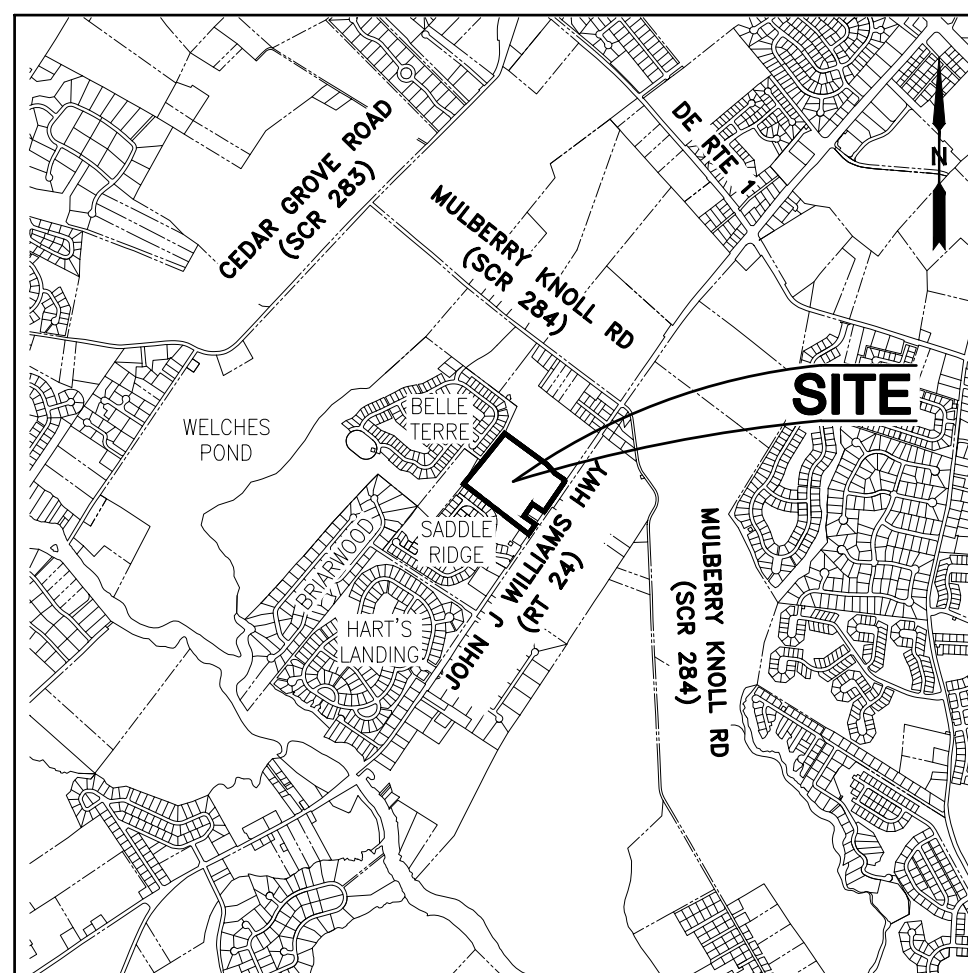
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM).
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK 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 UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY INFORMATION, EXISTING UTILITIES, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A BOUNDARY SURVEY PERFORMED BY ATLANTIC SURVEYING AND MAPPING LLC, DATED FEBRUARY 11, 2018 AND INFORMATION FOUND AT THE RECORDER OF DEEDS OFFICE FOR SUSSEX COUNTY. ADDITIONAL FIELD RUN SURVEYS WERE COMPLETED BY DAVIS, BOWEN, & FRIEDEL, INC. IN JANUARY 2021.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA OR AN EXCELLENT RECHARGE AREA.
- THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.
- 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 DESIGNATED BY THE 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.
- FOR RESTRICTIONS AND COVENANTS BINDING THIS SUBDIVISION REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, DATED \_\_\_\_\_.
- FOR THE MAINTENANCE AND OPERATION OF STREET AND ROAD IMPROVEMENTS, SURFACE DRAINAGE FACILITIES, EROSION AND SEDIMENT CONTROL FACILITIES, SANITARY SEWER FACILITIES, WATER SUPPLY FACILITIES, FORESTED BUFFER STRIPS OR OTHER IMPROVEMENTS WHICH MAY BE APPLICABLE REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS.
- ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND/OR UTILITY EASEMENT. ALL PERIMETER LOT LINES SHALL HAVE TEN (10) FOOT EASEMENTS ALONG THE INTERIOR SIDE OF THE PERIMETER BOUNDARY.

### OPEN SPACE MANAGEMENT PLAN:

- ALL COMMON AREAS COVERED WITH GRASS SHALL BE PERIODICALLY MAINTAINED ON A BASIS DETERMINED BY THE HOMEOWNER'S ASSOCIATION.
- ALL ACTIVE OPEN SPACE AMENITIES SHALL BE INSPECTED ANNUALLY TO ENSURE THEY ARE SAFE FOR PLAY AND REPAIRED AS REQUIRED.
- ALL ACTIVE OPEN SPACE AMENITIES ARE PRIVATE AND FOR THE USE OF RESIDENTS AND THEIR GUESTS AND ARE TO BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION.
- ALL SWM AREAS WILL BE MAINTAINED IN ACCORDANCE WITH DESIGN AND SPECIFICATIONS FOR THE SPECIFIC SWM AREA. THIS INFORMATION WILL BE PROVIDED TO THE HOMEOWNER'S ASSOCIATION PRIOR TO TURNOVER.

### LEGEND

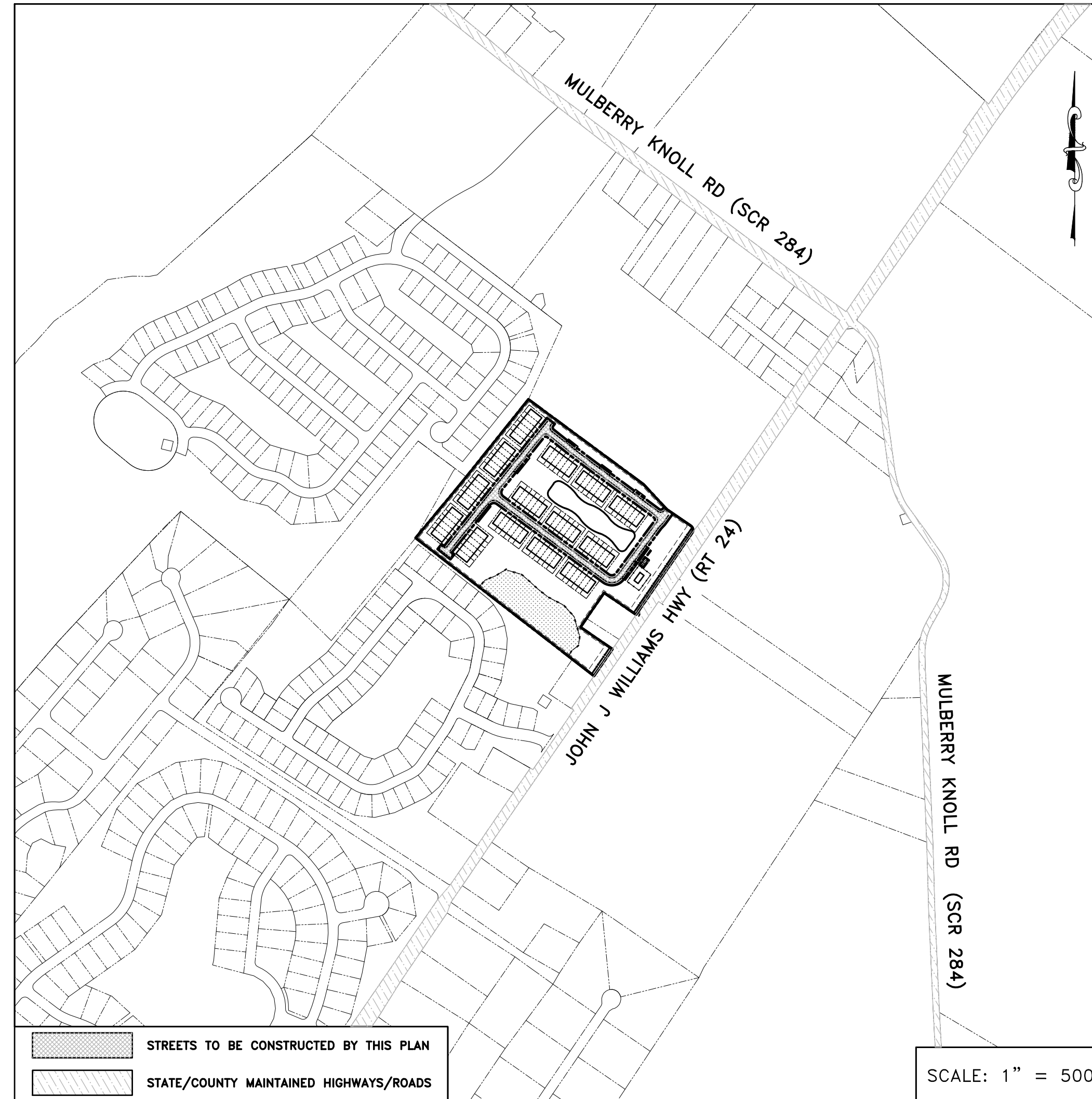
EXISTING	PROPOSED
RIGHT-OF-WAY	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	PROPERTY LINE
EASEMENT	SETBACK
CONTOUR	EASEMENT
CATCH BASIN, STORM PIPE	BUFFER
SANITARY SEWER MANHOLE, PIPE	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
WATER MAIN	WATER MAIN, TEE W/ VALVES, PIPE SIZE
FIRE HYDRANT ASSEMBLY	FIRE HYDRANT ASSEMBLY
UTILITY POLE	TREE LINE
SIGN	PAVEMENT
FENCE	SIDEWALK
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	



GrA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES  
 GrB: GREENWICH LOAM, 2 TO 5 PERCENT SLOPES  
 DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 DoB: DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES  
 HnA: HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 HnB: HURLOCK SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 FmB: FORT MOTT LOAMY SAND, 2 TO 5 PERCENT SLOPES  
 PyA: PINEYNECK LOAM, 0 TO 2 PERCENT SLOPES  
 L0: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED  
 M0: MANAWKIN MUCK, FREQUENTLY FLOODED  
 Br: BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL  
 W: WATER

### DATA COLUMN

TAX MAP ID: 334-12.00-16.04  
 DEED REFERENCE: DB 387/176, PB 216/10  
 DATUM:  
 VERTICAL: NAVD 88  
 HORIZONTAL: NAD 83 (DE STATE PLANE)  
 LAND USE  
 EXISTING: AGRICULTURAL  
 PROPOSED: MULTIFAMILY RESIDENTIAL (TOWNHOMES)  
 CONDITIONAL USE  
 ZONING  
 EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
 PROPOSED: MR (MEDIUM-DENSITY RESIDENTIAL)  
 UNITS  
 TOWNHOMES: 84  
 TYPICAL SIZE: 28' X 70' (1,960 S.F.)  
 DENSITY  
 MAXIMUM: 4.0 UNITS/ACRE  
 PROPOSED: 3.9 UNITS/ACRE  
 BUILDING SETBACKS  
 FRONT SETBACK: 40 FT.  
 SIDE SETBACK: 10 FT.  
 REAR SETBACK: 10 FT.  
 MINIMUM AVERAGE LOT AREA: 3,630 SQ. FT.  
 PROPOSED AVERAGE LOT AREA: 3,634 SQ. FT.  
 MAXIMUM REQUIREMENTS  
 BUILDING HEIGHT: 42 FT. (2 STORIES)  
 PARKING REQUIREMENTS  
 MINIMUM: 168 (2 PER UNIT UNDER 3 BEDROOM)  
 PROPOSED: 225 (2.7 PER UNIT)  
 AREAS  
 EXISTING SITE:  
 SITE AREA: 21.62 AC.  
 WETLANDS: 2.09 AC.  
 IMPERVIOUS AREAS  
 ROAD AND CURB: 1.82 AC.  
 SIDEWALK: 0.66 AC.  
 BUILDINGS: 3.82 AC.  
 DRIVEWAYS: 1.16 AC.  
 POOL AND POOL HOUSE: 0.20 AC.  
 PARKING: 0.27 AC.  
 TOTAL: 7.95 AC. (0.36%)  
 WOODLANDS:  
 EXISTING: 9.26 AC.  
 TO BE REMOVED: 4.35 AC.  
 TOTAL REMAINING: 4.91 AC.  
 OPEN SPACE:  
 SWM: 1.04 AC.  
 WOODS & WETLANDS: 4.91 AC.  
 LANDSCAPE BUFFER (NEW TREES): 0.61 AC.  
 POOL AND POOL HOUSE: 0.20 AC.  
 OTHER OPEN AREAS: 7.13 AC.  
 TOTAL: 13.89 AC. (0.64%)  
 UTILITIES  
 SEWER PROVIDER: PUBLIC (SUSSEX COUNTY)  
 WATER PROVIDER: PUBLIC (TIDEWATER UTILITIES)  
 PROPOSED BUILDING CONSTRUCTION: WOOD FRAMED/ CONCRETE BLOCK  
 WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.  
 FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.  
 STATE STRATEGIES MAP: INVESTMENT LEVELS 2 AND 3  
 THIS PROPERTY IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).  
 THIS PROPERTY IS LOCATED 1,500'± TO THE WEST OF THE INTERSECTION OF MULBERRY KNOLL ROAD (SCR 284) AND JOHN J. WILLIAMS HIGHWAY (SCR 024).  
 JOHN J. WILLIAMS HIGHWAY POSTED SPEED LIMIT: 45 M.P.H.



STREETS TO BE CONSTRUCTED BY THIS PLAN  
 STATE/COUNTY MAINTAINED HIGHWAYS/ROADS

### SHEET INDEX

PRELIMINARY - TITLE SHEET	PRE-01
PRELIMINARY - SITE PLAN	PRE-02
PRELIMINARY - UTILITY PLAN	PRE-03

### OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE BY MY DIRECTION AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

### 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.

### WETLANDS 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(c)(8), Wetlands of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CECW-OR, 9-26-1990, RGL 90-77/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THERE ARE STATE REGULATED WETLANDS ON THIS SITE. THE BOUNDARY OF STATE REGULATED WETLANDS HAS BEEN DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-084.

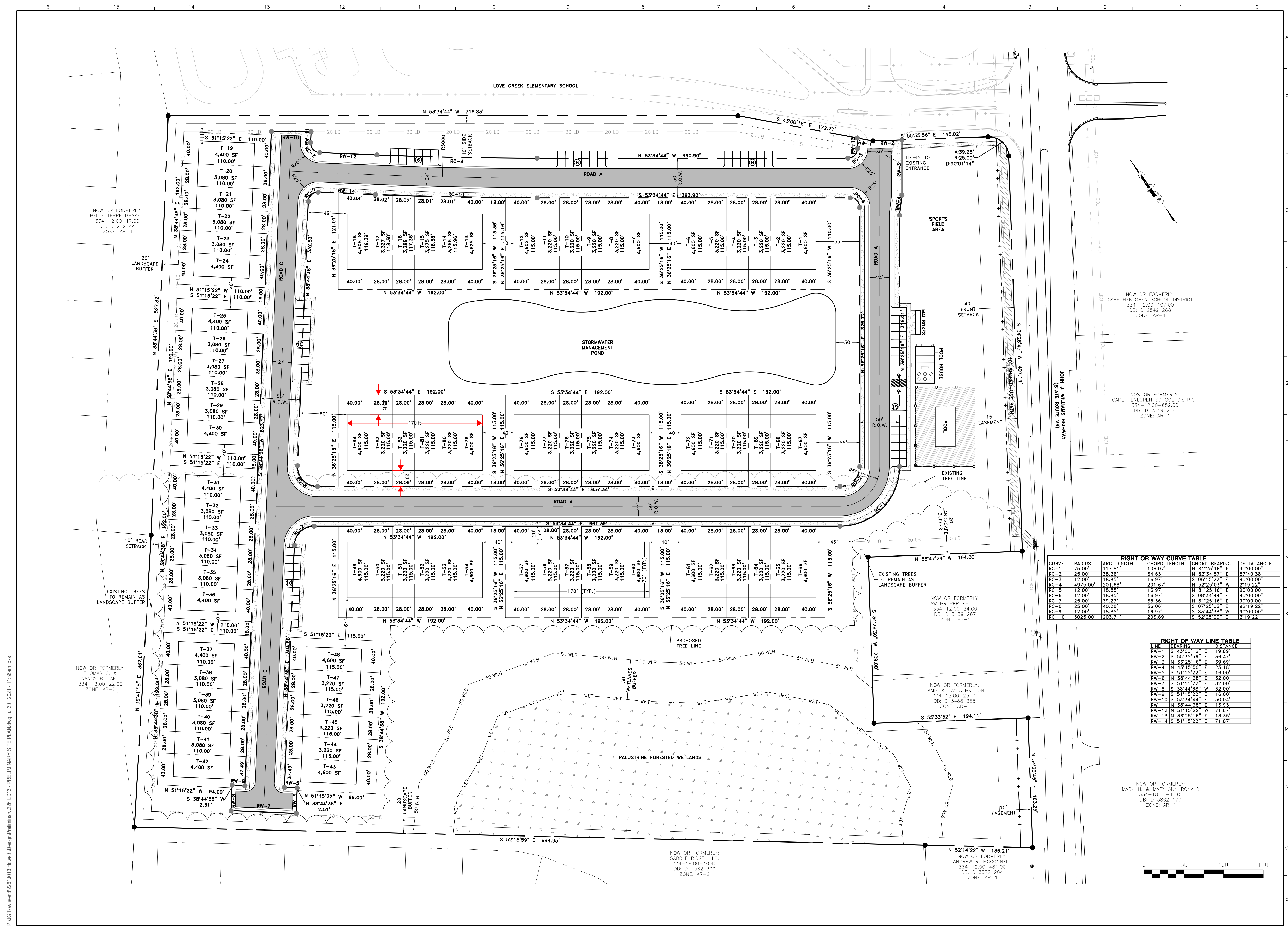
**dbf** DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS, ENGINEERS & SURVEYORS

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

JG TOWNSEND JR. & CO. DATE  
 P.O. BOX 430  
 GEORGETOWN, DE. 19947

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

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

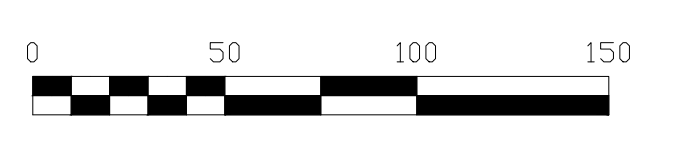


**RIGHT OF WAY CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC-1	75.00'	117.81'	106.07'	N 81°25'16" E	90°00'00"
RC-2	25.00'	38.26'	34.63'	N 82°34'57" E	87°40'38"
RC-3	12.00'	18.85'	16.97'	S 08°15'22" E	90°00'00"
RC-4	4975.00'	201.68'	201.67'	N 52°25'03" W	2°19'22"
RC-5	12.00'	18.85'	16.97'	N 81°25'16" E	90°00'00"
RC-6	12.00'	18.85'	16.97'	S 08°15'22" E	90°00'00"
RC-7	25.00'	39.27'	35.36'	N 81°25'16" E	90°00'00"
RC-8	25.00'	40.28'	36.06'	S 07°25'03" E	92°19'22"
RC-9	12.00'	18.85'	16.97'	S 83°44'38" W	90°00'00"
RC-10	5025.00'	203.71'	203.69'	S 52°25'03" E	2°19'22"

**RIGHT OF WAY LINE TABLE**

LINE	BEARING	DISTANCE
RW-1	S 43°00'16" E	19.89'
RW-2	S 55°35'56" E	36.47'
RW-3	S 36°25'16" E	69.69'
RW-4	N 43°15'50" E	25.18'
RW-5	S 51°15'22" E	16.00'
RW-6	S 38°44'38" W	32.00'
RW-7	S 51°15'22" E	82.00'
RW-8	S 38°44'38" W	32.00'
RW-9	S 51°15'22" E	16.00'
RW-10	S 53°34'44" E	50.04'
RW-11	N 38°44'38" W	13.93'
RW-12	S 51°15'22" W	71.87'
RW-13	S 36°25'16" E	13.35'
RW-14	S 51°15'22" E	71.87'



DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
GALLERY: WILMINGTON (302) 442-8800  
MILFORD, DELAWARE (302) 442-1441  
EASTON, MARYLAND (410) 770-4744

**PRELIMINARY SITE PLAN**

**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **DECEMBER, 2020**

Scale: **1" = 50'**

Drawn By: **DEG**

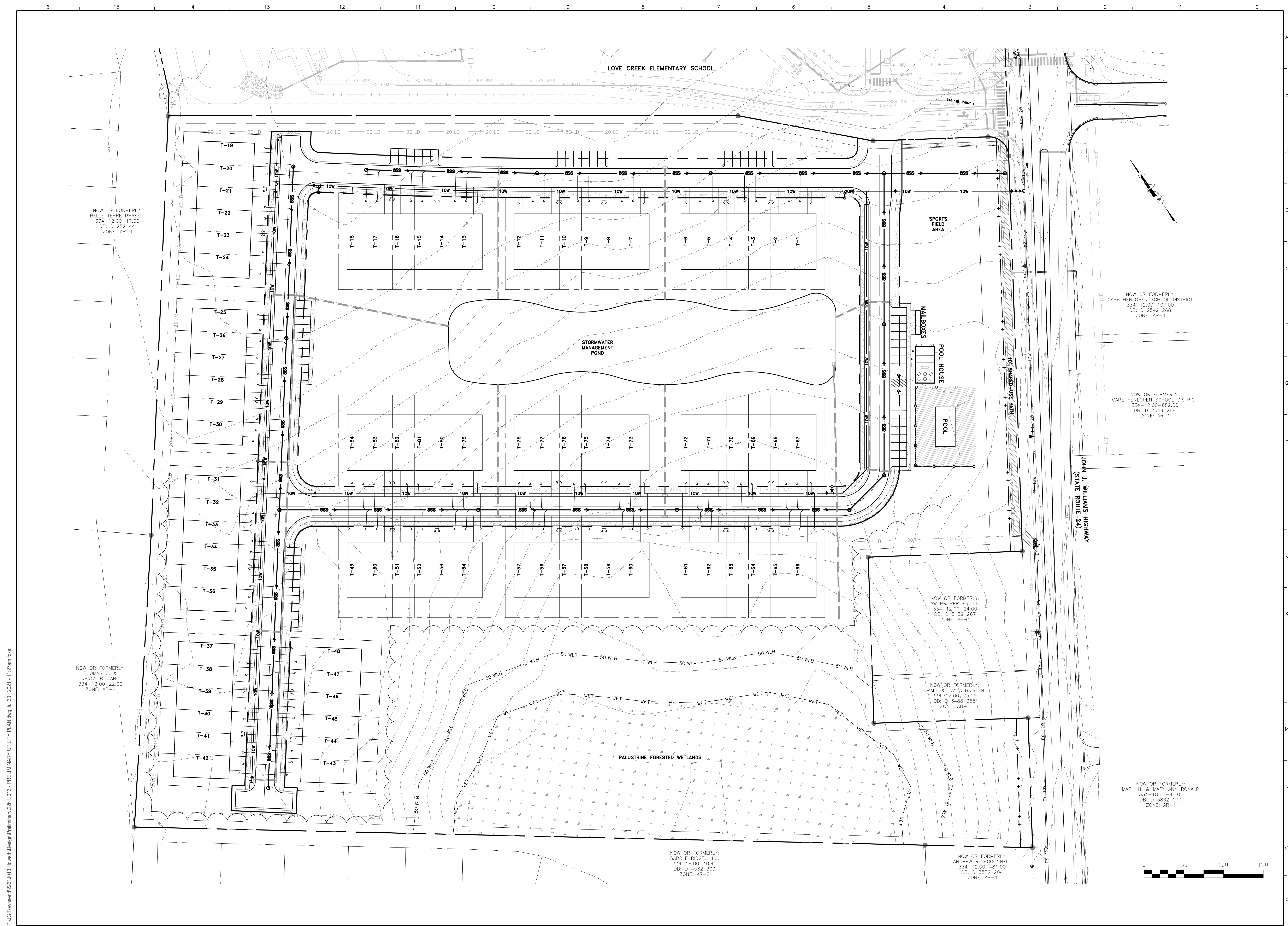
Proj.No.: **2261J013**

Dwg.No.: **PRE-02**

P:\UG Townsend\2261J013 Howeth\Design\Preliminary\2261J013 - PRELIMINARY SITE PLAN.dwg, Jul 30, 2021 - 11:38am foxs

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NOW OR FORMERLY:  
BELLE TERRE PHASE I  
334-12.00-17.00  
DB: D 252 44  
ZONE: AR-1

NOW OR FORMERLY:  
THOMAS C. &  
NANCY B. LANG  
334-12.00-22.00  
ZONE: AR-2

LOVE CREEK ELEMENTARY SCHOOL

STORMWATER  
MANAGEMENT  
POND

SPORTS  
FIELD  
AREA

MAILBOXES

POOL HOUSE

POOL

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-689.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
GAW PROPERTIES, LLC  
334-12.00-24.00  
DB: D 3139 267  
ZONE: AR-1

NOW OR FORMERLY:  
JAMIE & LAVIA BRITTON  
334-12.00-23.00  
DB: D 3488 355  
ZONE: AR-1

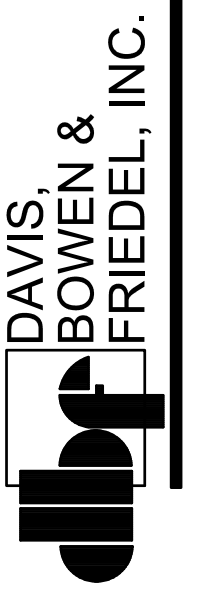
NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-19.00-40.01  
DB: D 3862 170  
ZONE: AR-1

NOW OR FORMERLY:  
SADDLE RIDGE, LLC  
334-18.00-40.40  
DB: D 4562 309  
ZONE: AR-2

NOW OR FORMERLY:  
ANDREW R. MCCONNELL  
334-12.00-481.00  
DB: D 3572 204  
ZONE: AR-1

P:\UG Townsend\2261\013 Howeth\Design\Preliminary\2261J013 - PRELIMINARY UTILITY PLAN.dwg, Jul 30, 2021 - 11:27am, fous

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



PRELIMINARY UTILITY PLAN

# HOWETH PROPERTY LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

Revisions:

Date: DECEMBER, 2020

Scale: 1" = 50'

Dwn. By: DEG

Proj. No.: 2261J013

Dwg. No.: PRE-03



professional seal

BOUNDARY OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM  
LANDS OF J. G. TOWNSEND, Jr. & Co.  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE  
334-12.00-16.04

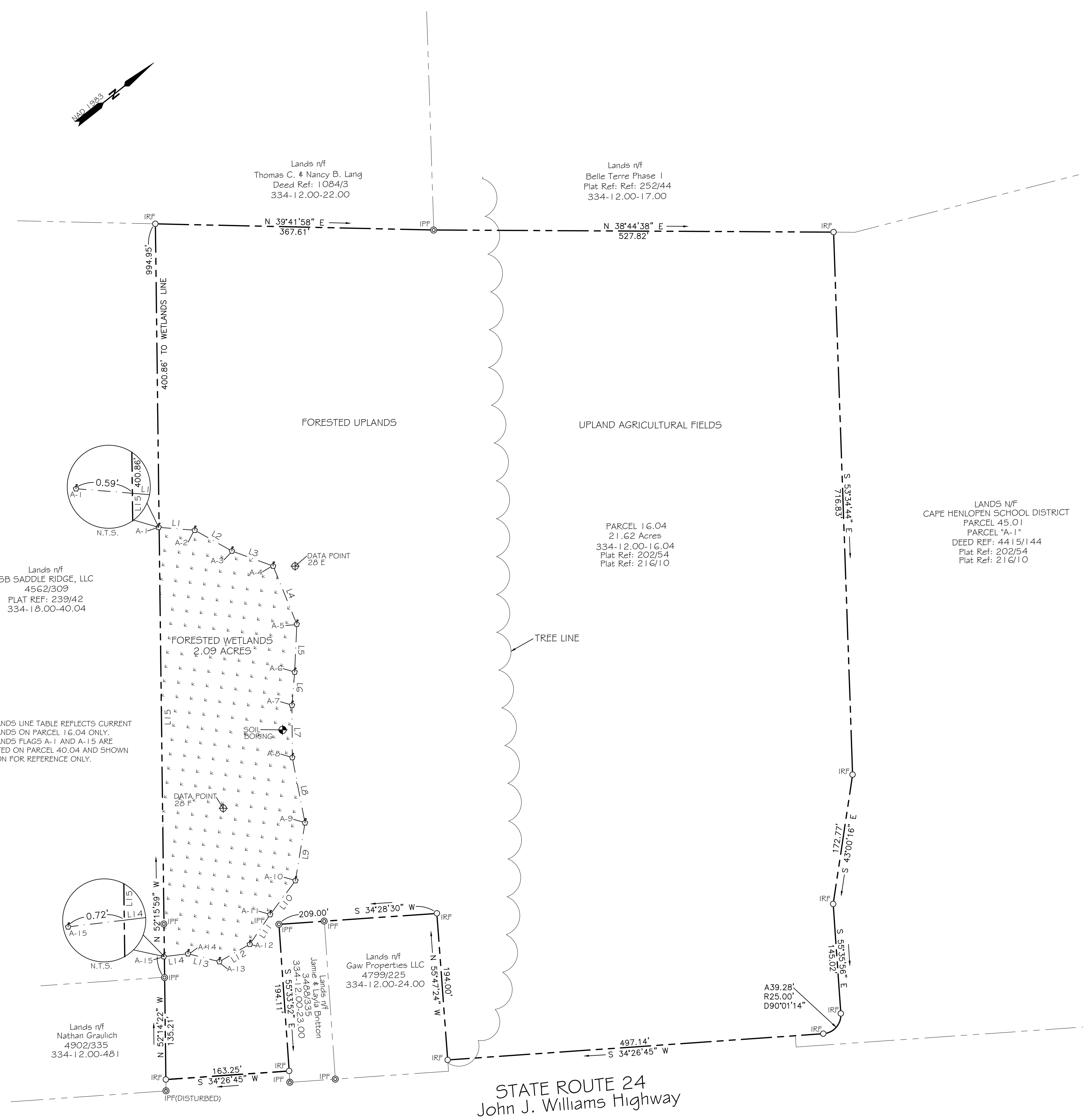
Project:

Revisions

Surveyed By: V. Walch PLS  
Prepared By: M.C.S.  
Checked By: V. Walch PLS  
Job #: A180707

Date: 2/11/18

Scale: 1" = 80'



NOTE:  
WETLANDS LINE TABLE REFLECTS CURRENT WETLANDS ON PARCEL 16.04 ONLY. WETLANDS FLAGS A-1 AND A-15 ARE LOCATED ON PARCEL 40.04 AND SHOWN HEREON FOR REFERENCE ONLY.

**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 90-7/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 MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, PWS No. 875 Date \_\_\_\_\_  
SOCIETY OF WETLANDS SCIENTISTS  
CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDPC93MD0510036B

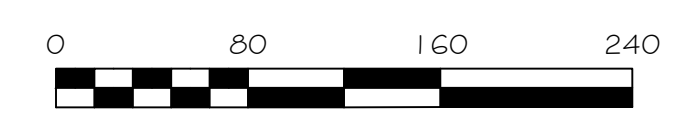
**Legend**

- Wetlands Flag  $\delta$
- Iron Rebar Found  $\circ$
- Iron Pipe Found  $\otimes$
- Palustrine Forested Wetlands  $\left[ \begin{array}{c} \text{K} \\ \text{K} \\ \text{K} \\ \text{K} \\ \text{K} \end{array} \right]$   
90,982 S.F.  
2.09 Acres

- Notes:
- Parcel 16.04 Called Residual Parcel "1" on Plat 202/54 and Plat 216/10
  - Tax Map: 334-12.00-16.04

LINE	BEARING	DISTANCE
L1	N 43°00'23" E	47.18'
L2	N 67°38'48" E	56.24'
L3	N 58°33'43" E	57.98'
L4	S 73°43'11" E	82.76'
L5	S 49°01'18" E	63.39'
L6	S 46°56'10" E	43.85'
L7	S 51°53'05" E	69.12'
L8	S 62°36'43" E	87.78'
L9	S 42°08'16" E	77.41'
L10	S 14°56'27" E	55.93'
L11	S 17°04'39" E	47.57'
L12	S 08°43'56" W	46.22'
L13	S 52°35'25" W	42.72'
L14	S 31°34'50" W	31.36'
L15	N 52°15'59" W	566.82'

ACREAGE TABLE	
UPLAND AGRICULTURAL FIELDS	10.90 ACRES±
FORESTED UPLANDS	8.63 ACRES±
PALUSTRINE FORESTED WETLANDS	2.09 ACRES±
TOTAL SITE AREA	21.62 ACRES±



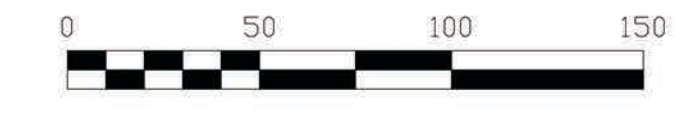


**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 W. MARKET ST., SUITE 200  
 WILMINGTON, DELAWARE 19801  
 (302) 424-1441  
 (410) 770-4744

**HOWETH PROPERTY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE**

Revisions:  
 Date: **DECEMBER, 2020**  
 Scale: **1" = 50'**  
 Dwn. By: **DEG**  
 Proj. No.: **2261J013**  
 Dwg. No.: **PRE-02**

PRELIMINARY SITE PLAN



NOW OR FORMERLY:  
 MARK H. & MARY ANN RONALD  
 334-12.00-40.01  
 DB: D 3862 170  
 ZONE: AR-1

NOW OR FORMERLY:  
 JAMIE & LAYLA BRITTON  
 334-12.00-23.00  
 DB: D 3488 355  
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 GAW PROPERTIES, LLC.  
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 CAPE HENLOPEN SCHOOL DISTRICT  
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 DB: D 2549 268  
 ZONE: AR-1

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 CAPE HENLOPEN SCHOOL DISTRICT  
 334-12.00-689.00  
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 SADDLE RIDGE, LLC.  
 334-12.00-40.40  
 DB: D 4562 309  
 ZONE: AR-2

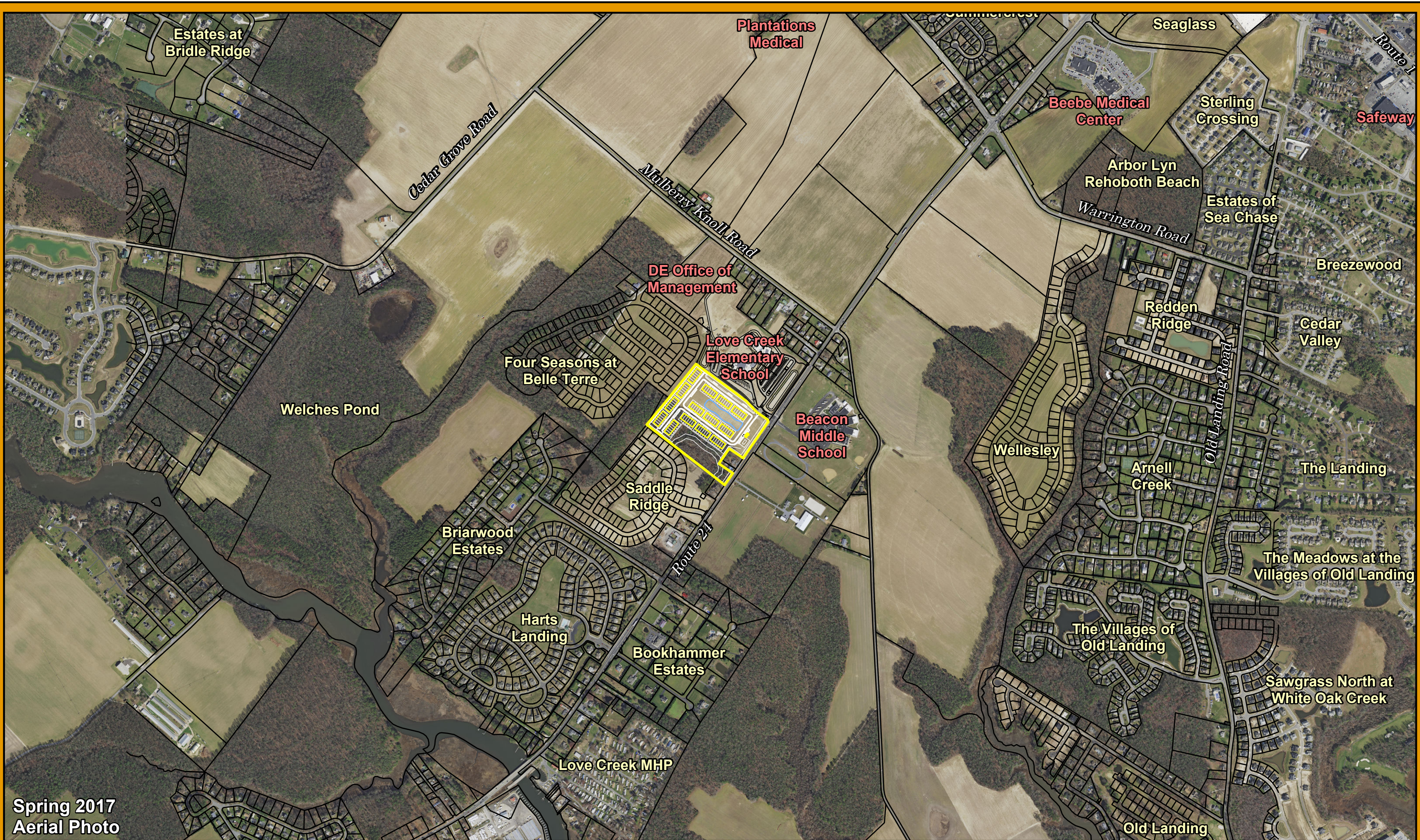
NOW OR FORMERLY:  
 ANDREW R. MCCONNELL  
 334-12.00-481.00  
 DB: D 3572 204  
 ZONE: AR-1

NOW OR FORMERLY:  
 BELLE TERRE PHASE I  
 334-12.00-17.00  
 DB: D 252 44  
 ZONE: AR-1

NOW OR FORMERLY:  
 THOMAS C. &  
 NANCY B. LANG  
 334-12.00-22.00  
 ZONE: AR-2

V:\Studio\_3D Modeling\Howeth\_2261J013 PRELIMINARY SITE PLAN.dwg, Jan 27, 2022, 4:25pm mczk





Spring 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



April 2022

## Surrounding Communities Map

Howeth Property  
Sussex County, Delaware



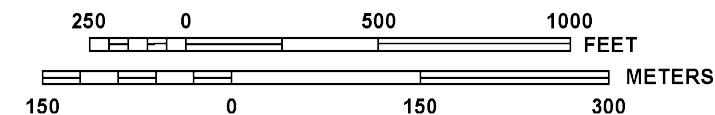
75°09'22.5"  
38°43'07.5"

JOINS PANEL 0332

735000 FT



MAP SCALE 1" = 500'



NFIP

PANEL 0334K

# FIRM

## FLOOD INSURANCE RATE MAP

### SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS

#### PANEL 334 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0334	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.

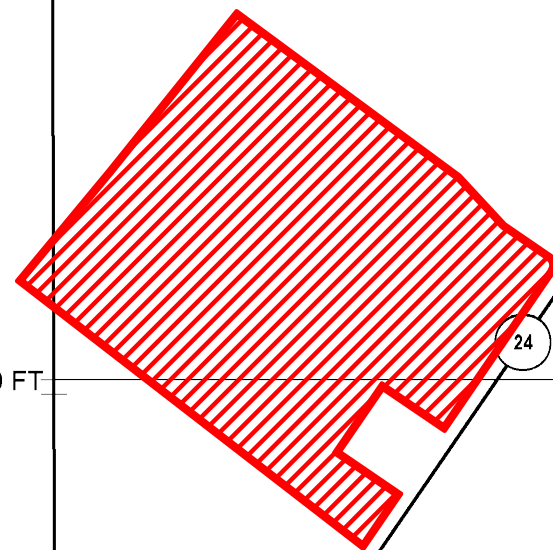


MAP NUMBER  
10005C0334K

MAP REVISED  
MARCH 16, 2015

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM



24

MULBERRY HU2114 +  
KNOLL ROAD

EVENTERS WAY

GREENER TRAIL LANE

WINIFRED WAY

WILLIAMS WAY

ZONE AE  
(EL 5)

ZONE AE  
(EL 5)

TALL OAKS COURT

WINCHELSEA COURT

COURT

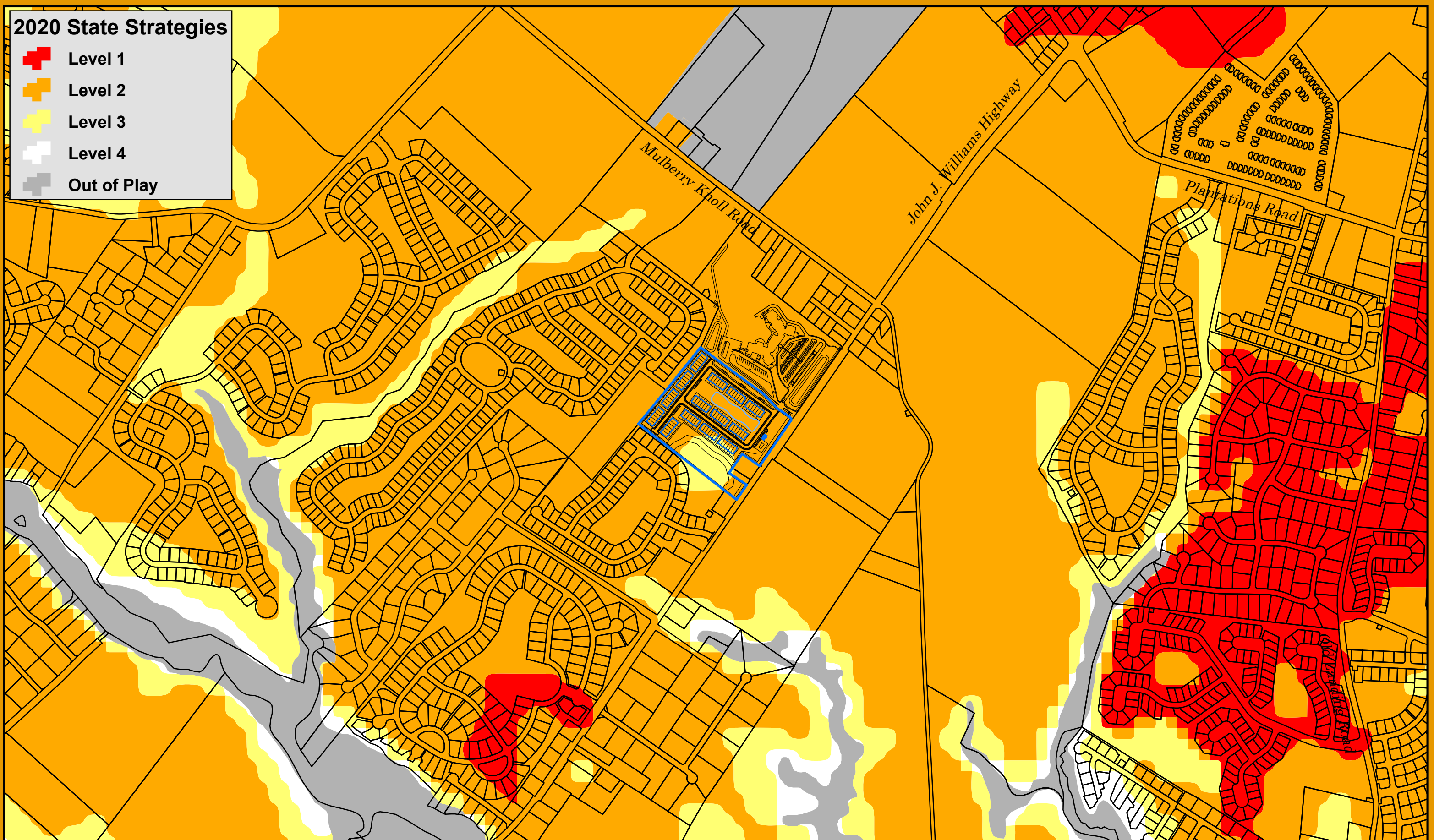
Branch

ROAD

260000 FT

# 2020 State Strategies

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



Sources:  
Tax Parcels per Sussex County



April 2022

## 2020 State Strategies

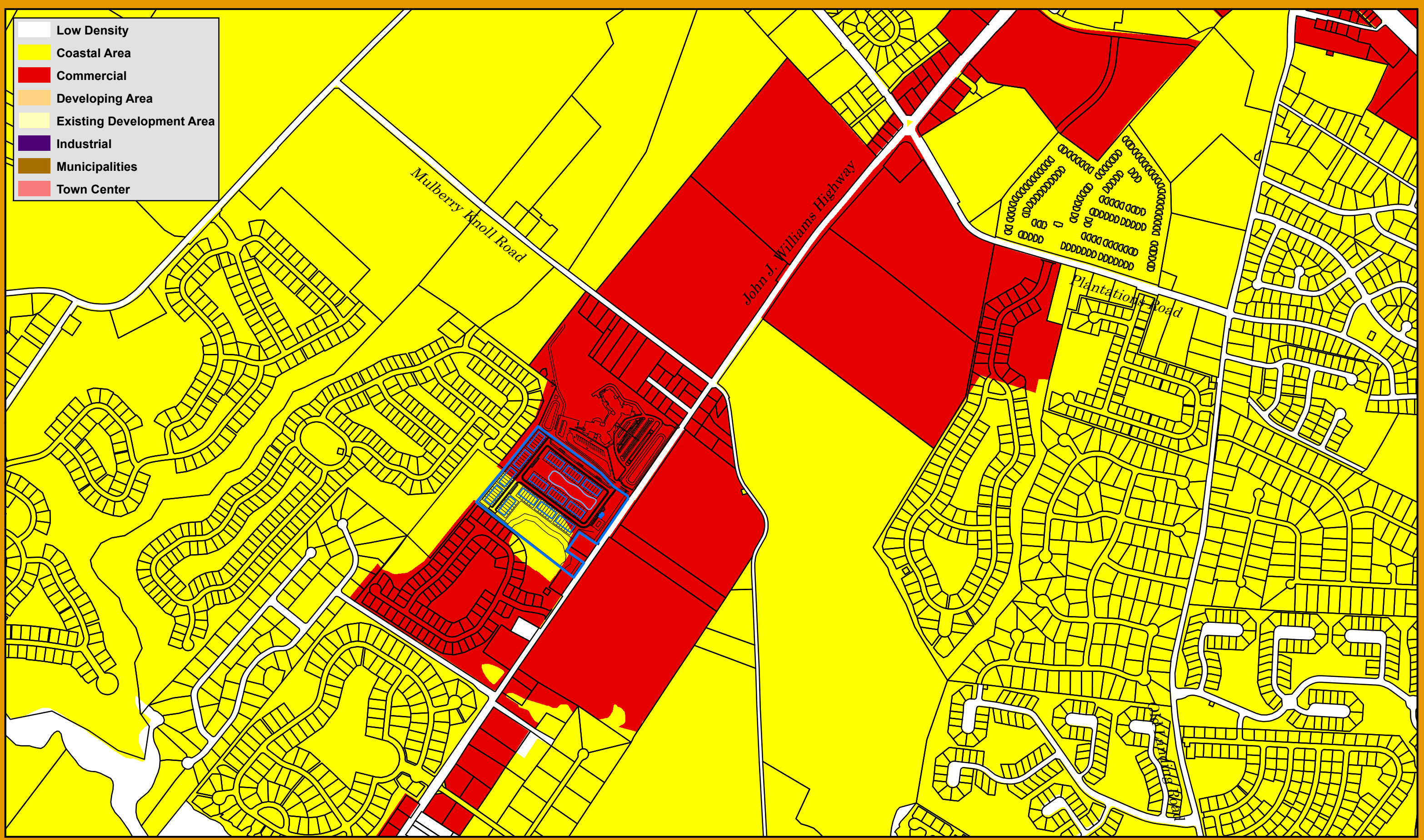
### Howeth Property

Sussex County, Delaware

0 800 1,600 Feet



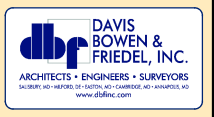
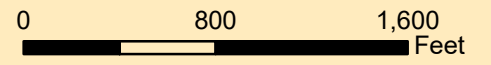
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



## Sussex County 2045 Future Land Use Map

### Howeth Property

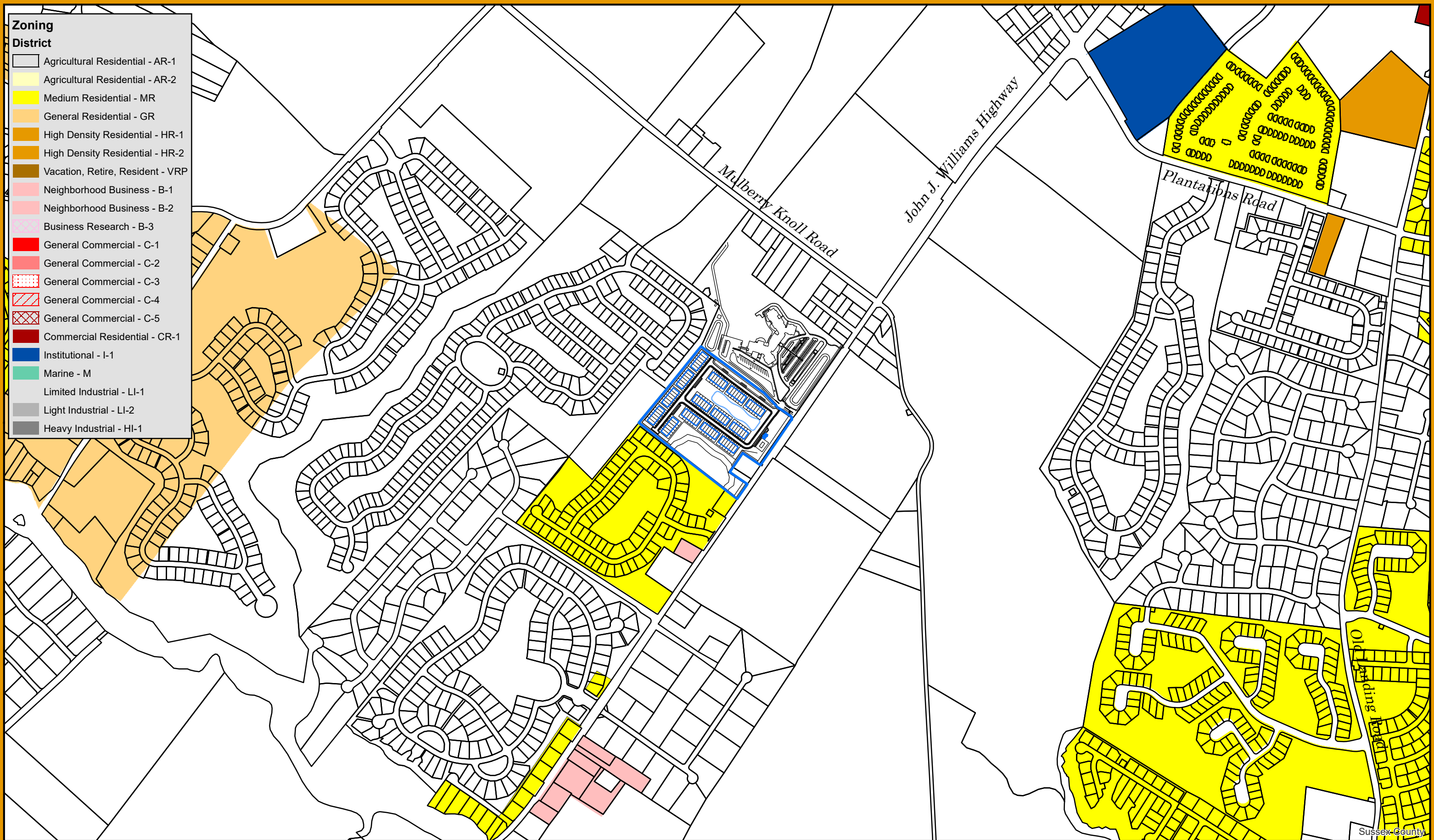
Sussex County, Delaware

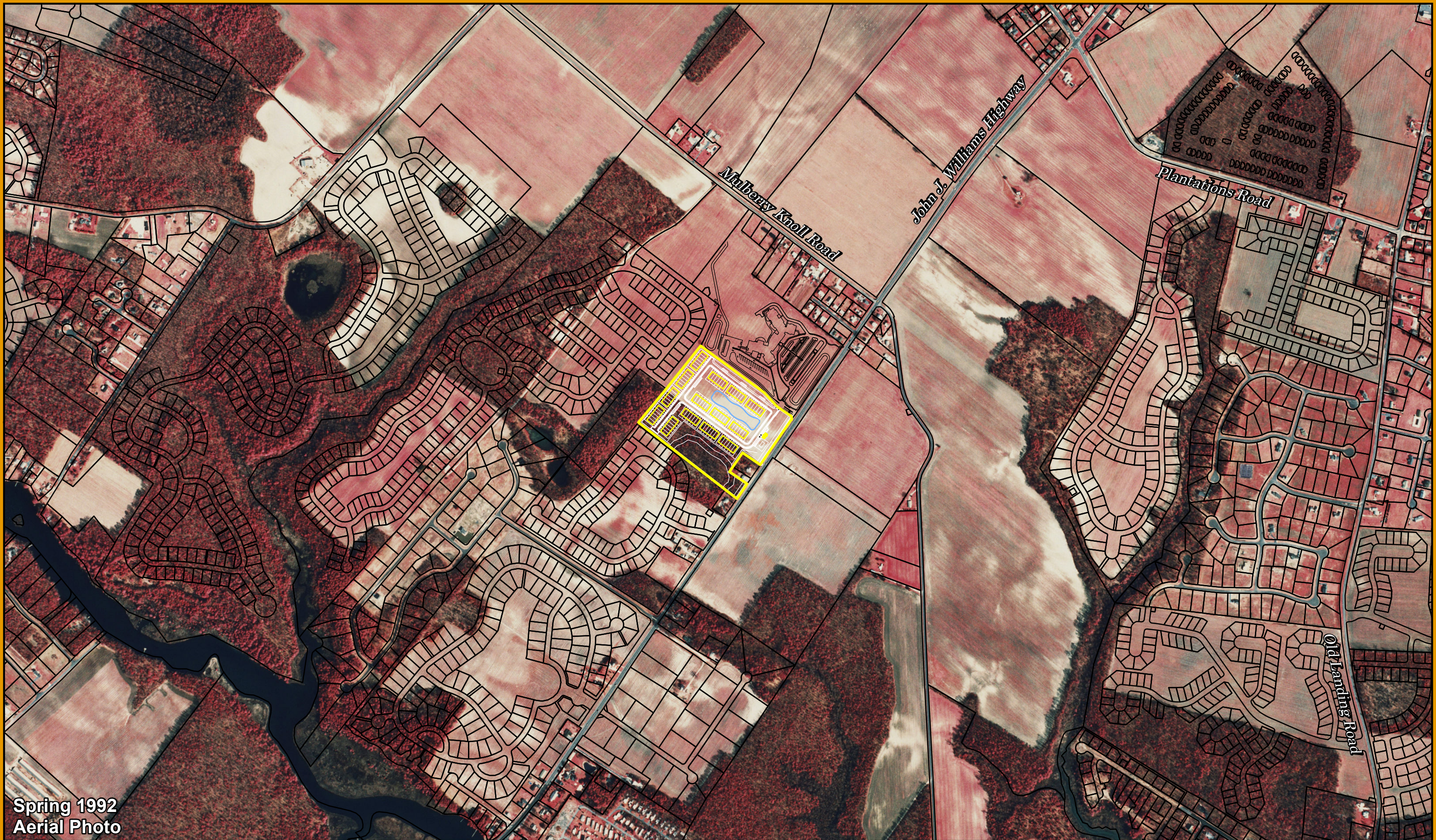




**Zoning District**

[Light Yellow]	Agricultural Residential - AR-1
[Yellow]	Agricultural Residential - AR-2
[Light Orange]	Medium Residential - MR
[Orange]	General Residential - GR
[Dark Orange]	High Density Residential - HR-1
[Brown]	High Density Residential - HR-2
[Dark Brown]	Vacation, Retire, Resident - VRP
[Light Pink]	Neighborhood Business - B-1
[Pink]	Neighborhood Business - B-2
[Light Purple]	Business Research - B-3
[Red]	General Commercial - C-1
[Light Red]	General Commercial - C-2
[Red with dots]	General Commercial - C-3
[Red with diagonal lines]	General Commercial - C-4
[Red with cross-hatch]	General Commercial - C-5
[Dark Red]	Commercial Residential - CR-1
[Blue]	Institutional - I-1
[Light Green]	Marine - M
[Light Gray]	Limited Industrial - LI-1
[Medium Gray]	Light Industrial - LI-2
[Dark Gray]	Heavy Industrial - HI-1





Spring 1992  
Aerial Photo



April 2022

Sources:  
Tax Parcels per Sussex County

## 1992 Aerial Photo

**Howeth Property**  
Sussex County, Delaware

0 800 1,600  
Feet





Spring 2017  
Aerial Photo



April 2022

Sources:  
Tax Parcels per Sussex County

## 2017 Aerial Photo

**Howeth Property**  
Sussex County, Delaware

0 800 1,600  
Feet




-  100-YR Flood Plain
-  NWI Wetlands
-  State Mapped Wetlands
-  State 2' Contours



Spring 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County

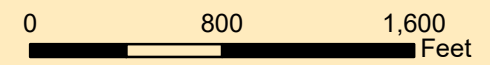

April 2022



## Environmental Map

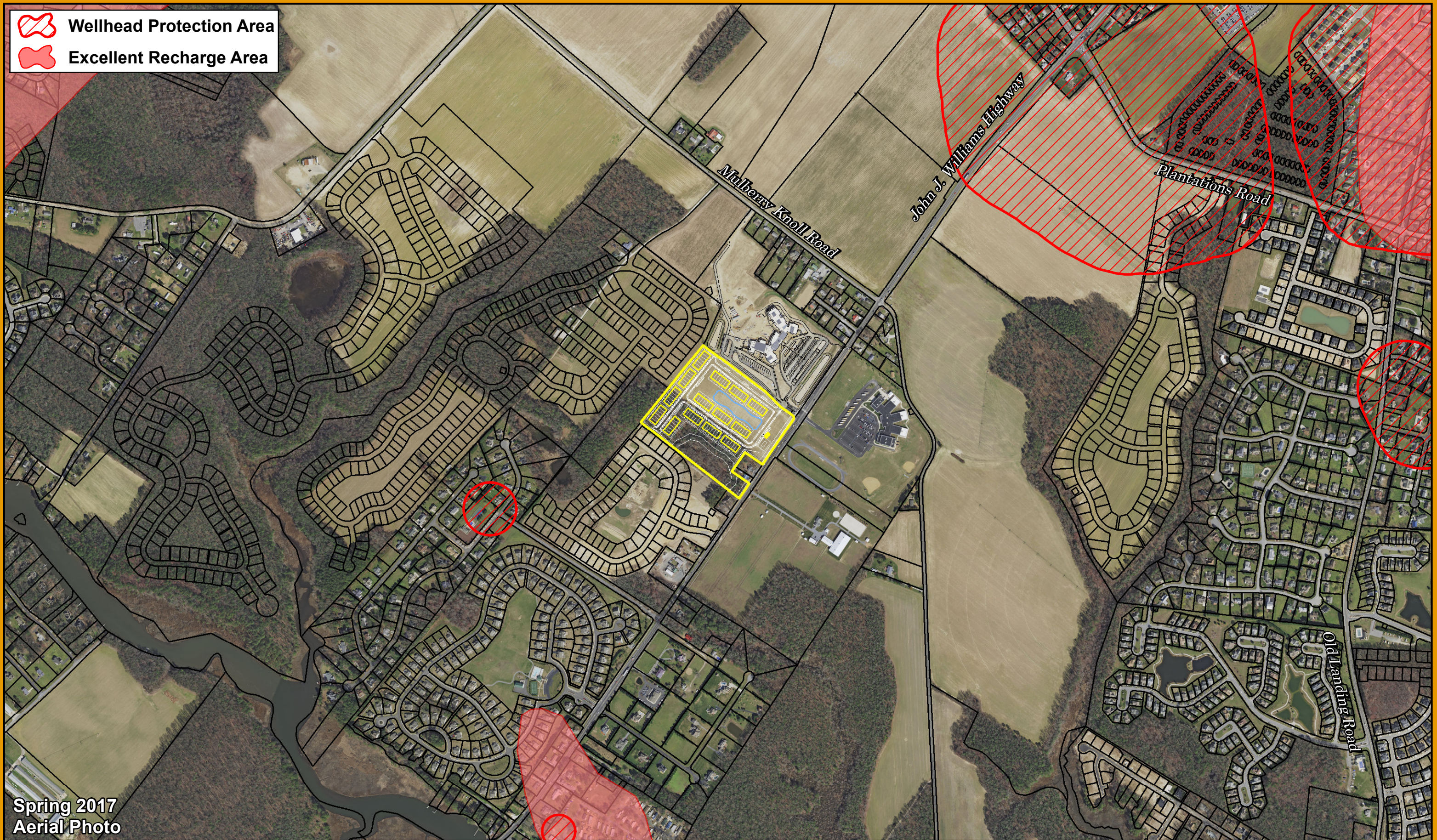
### Howeth Property

Sussex County, Delaware

**DAVIS  
BOWEN &  
FRIEDEL, INC.**  
ARCHITECTS • ENGINEERS • SURVEYORS  
MEMBER OF THE DAVIS GROUP  
[www.dbfinc.com](http://www.dbfinc.com)

-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017  
Aerial Photo



Sources:  
Tax Parcels per Sussex County

## Source Water Protection Areas

**Howeth Property**  
Sussex County, Delaware

0                      800                      1,600  
Feet





Spring 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County

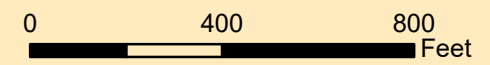


April 2022

# NCRS Soil Survey

## Howeth Property

Sussex County, Delaware



# 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**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**

84 Multifamily Dwellings per 115-31

Tax Map #: 334-12.00-16.04Size of Parcel(s): 21.62 acresCurrent Zoning: ARProposed Zoning: MR

Size of Building: \_\_\_\_\_

Land Use Classification: Multi-familyWater Provider: Tidewater UtilitiesSewer Provider: Sussex County**Applicant Information**Applicant Name: J.G. Townsend Jr. & Co.Applicant Address: P.O. Box 430City: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-2525E-mail: paul@jgtownsend.com**Owner Information**Owner Name: J.G. Townsend Jr. & Co.Owner Address: P.O. Box 430City: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-2525E-mail: paul@jgtownsend.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.Agent/Attorney/Engineer Address: 1 Park AveCity: MilfordState: DEZip Code: 19963Phone #: (302) 424-1441E-mail: cdm@dbfinc.com

# Check List for Sussex County Planning & Zoning Applications

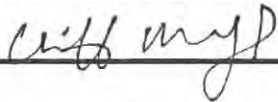
The following shall be submitted with the application

- \_\_\_ Completed Application
- \_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- \_\_\_ Provide Fee \$500.00
- \_\_\_ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- \_\_\_ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- \_\_\_ DeIDOT Service Level Evaluation Request Response
- \_\_\_ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.


I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

### Signature of Applicant/Agent/Attorney



Date: 7/21/21

### Signature of Owner

 President

Date: 7/21/21

### 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: \_\_\_\_\_



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**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**

**Tax Map #:** 334-12.00-16.04 **Size of Parcel(s):** 21.62 acres

**Current Zoning:** AR-1 **Proposed Zoning:** MR **Size of Building:** \_\_\_\_\_

**Land Use Classification:** Multi-family

**Water Provider:** Tidewater Utilities **Sewer Provider:** Sussex County

**Applicant Information**

Applicant Name: J.G. Townsend Jr. & Co.

Applicant Address: P.O. Box 430

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com

**Owner Information**

Owner Name: J.G. Townsend Jr. & Co.

Owner Address: P.O. Box 430

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.

Agent/Attorney/Engineer Address: 1 Park Ave

City: Milford State: DE Zip Code: 19963

Phone #: (302) 424-1441 E-mail: cdm@dbfinc.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ Completed Application

\_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property

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- 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

\_\_\_\_\_ *C. J. [Signature]*

Date: 7/21/2021

### Signature of Owner

\_\_\_\_\_ *[Signature], President*

Date: 7/21/21

### 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: \_\_\_\_\_

LEGAL DESCRIPTION

Lands of J.G. Townsend Jr. & Co.

TAX PARCEL #334-12.00-16.04

July 22, 2021

**ALL** that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, as depicted on a survey entitled "Boundary of Waters of the United States including Wetlands Subject to Corps of Engineers Regulatory Program" of the Lands of J.G. Townsend, Jr., & Co., prepared by Atlantic Surveying and Mapping, dated February 11, 2018, fronting on the northwesterly side of John J. Williams Highway (State Route 24), and being more particularly bounded and described as follows, to wit:

**BEGINNING** at an iron rod found on the northwesterly right of way line of John J Williams Highway (State Route 24), said point being located at the northeastern corner of lands of, now or formerly, Andrew McConnell as recorded in said Office of the Recorder of Deeds in Deed Book 5048 Page 30 and being identified as tax parcel 334-12.00-481.00, marking a common corner between said McConnell lands and this parcel; thence,

1) leaving said State right of way and running by and with said McConnell lands, North 52 degrees 14 minutes 22 seconds West, 135.21 feet to an iron pipe found, being a common corner of said McConnell lands and land now or formerly of Saddle Ridge Property Owners Association Inc., Sussex County Tax Parcel 334-18.00-40.04, thence,

2) leaving said McConnell lands and running by and with said Saddle Ridge lands North 52 degrees 15 minutes 59 seconds West, 994.95 feet to an iron rod found, marking a common corner for this parcel and said Saddle Ridge lands on the southwesterly line of lands now or formerly of Thomas Lang, Sussex County Tax Parcel 334-12.00-22.00, thence,

3) leaving said Saddle Ridge lands and turning and running with said Lang lands North 39 degrees 41 minutes 58 seconds East, 367.61 feet to an iron pipe found at a common corner of said Lang lands and lands now or formerly of K. Hovnanian's Four Seasons at Belle Terre LLC, Sussex County Tax Parcel 334-12.00-17.00, on the northwesterly line of this parcel, thence,

4) leaving said Lang lands and running by and with said K. Hovnanian lands North 38 degrees 44 minutes 38 seconds 527.82 feet to an iron rod found on the southeasterly line of said K. Hovnanian lands and a common corner for this parcel and lands now or formerly of the Cape Henlopen School District (CHSD), Sussex County Tax Parcel 334-12.00-45.01, thence,

5) leaving said K Hovnanian lands and turning and running with lands of CHSD the following four (4) courses and distances: 1) South 53 degrees 34 minutes 44 seconds

East, 716.83 feet to an iron rod found; 2) South 43 degrees 00 minutes 16 seconds East, 172.77 feet to an iron rod found; 3) South 55 degrees 35 minutes 56 seconds East, 145.02 feet to an iron rod found; 4) with the arc of a curve deflecting to the right having an arc length of 39.28 feet, a radius of 25.00 feet and a chord bearing and distance of North 10 degrees 34 minutes 35 seconds West 35.37 feet to an iron rod found on the northwesterly right of way line of John J. Williams Highway, thence,

6) leaving said CHSD lands and running by and with the northwesterly right of way line of John J. Williams Highway South 34 degrees 26 minutes 45 seconds West, 497.14 feet to an iron rod found along the northeasterly line of lands now or formerly of Craig Alan Beebe, Sussex County Tax Parcel 334-12.00-24.00, thence,

7) leaving said right of way and turning and running by and with the lands of Beebe the following two courses: 1) North 55 degrees 47 minutes 24 seconds West, 194.00 feet to an iron rod found; 2) South 34 degrees 32 minutes 06 minutes West 149.00 feet to an iron pipe found at a common corner between lands of Beebe and lands now or formerly of Jamie Britton, Sussex County Tax Parcel 334-12.00-23.00, thence,

8) leaving said Beebe lands and continuing by and with said Britton lands the following two (2) courses and distances: 1) South 34 degrees 26 minutes 09 seconds West, 59.89 feet to an iron pipe found; 2) South 55 degrees 33 minutes 52 minutes East, 194.11 feet to an iron rod found along the northwesterly right of way of State Route 24, thence,

9) leaving said Britton lands and turning and running by and with said State Route 24 South 34 degrees 26 minutes 45 seconds West 163.25 feet to the point and place of beginning,

**CONTAINING** 21.62 acres of land, more or less.

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

July 30, 2021

**Revised: May 13, 2022**

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Response to PLUS Review 2021-12-04  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

We have read and reviewed the comments provided during the PLUS Review of the Project on December 16, 2020 and received from the Office of State Planning dated January 17, 2021. We offer the following item-by-item response narrative for your review:

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

*This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have other priorities for the near future. We encourage you to design the site with respect for the environmental features which are present.*

**We recognize that the project is in both Investment Levels 2 and 3. We understand Level 2 & 3 areas are anticipated growth areas. The site has been designed with respect to the environmental features located on the parcel.**

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

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

- *The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at*

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. As necessary, the existing access there must be improved.

The entrance to the subdivision will be from a previously installed connection point along the entrance road to Love Creek Elementary School. The traffic from this parcel was factored into the design of the Love Creek Elementary School signalized intersection. A Record plan will be submitted to DelDOT for issuance of a "Letter of No Objection".

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).

A pre-submittal meeting was held on January 6, 2022.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

#### Acknowledged

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

We are familiar with the fees required for submittals to DelDOT.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 598 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates 594 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 40 and 51, respectively. Therefore, a TIS would normally be required.

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

The developer should contact Ms. Sarah Coakley, a principal planner in DelDOT's

*Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.*

*The subject land fronts on a segment of Delaware Route 24 that DelDOT anticipates improving through their project: SR 24, Love Creek to Mulberry Knoll, Contract No. T201212201. This project is scheduled for construction starting in the spring of 2022. DelDOT is presently acquiring rights-of-way and easements. Rights-of-way and easements in excess of the standard dedications described below are compensable. But for the TID, the developer would be required to contribute toward that contract but such contributions will be addressed in their TID fees.*

**During the pre-submittal meeting it was agreed that the developer will be required to enter into a signal agreement and a TID Developer Infrastructure Recoupment Agreement.**

- *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 Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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.**"*

**The existing right-of-way as measured from centerline of the road is 40', therefore no dedication is required. The existing right-of-way will be dimensioned on the final subdivision and record plans.**

- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*

**A 15-foot permanent easement has been shown on the Site plan.**

- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
  - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*
  - *Depiction of all existing entrances within 450 feet of the entrance on Route 24.*
  - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

The above items will be provided on the Record plan.

- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT's plans for the SR 24 project discussed above currently include a five-foot sidewalk along the site frontage. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build this sidewalk along their frontage. Sidewalk construction, if required, would be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.*

As per the pre-submittal meeting, The TID fee covers the installation of pedestrian facilities along the frontage and is part of DelDOT's SR24 improvement project.

- *Section 3.5.4.4 of the Manual addresses requirements for accessways. An accessway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring an accessway to connect the internal streets to SR 24 in the area between the proposed pool and Tax Parcel No. 334-12.00-24.00.*

An additional access point from the internal sidewalk to the frontage path will be considered during the construction plan design phase.

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DTC anticipates requiring far side bus stops, including 8-foot by 17-foot shelter pads on both sides of Route 24 at the school entrances. Bus stop construction, if required, may be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.*

As per the pre-submittal meeting this will not be required by the developer and should be part of the SR 24 project.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.*

Storm water management facilities have been sited greater than 20-feet from the dedicated right-of-way.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may*



*require the developer to build entrance improvements. This matter should be discussed at the Pre-Submittal Meeting.*

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**Existing utilities have been shown on the plans. No utility relocations are anticipated at this time.**

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

#### **Concerns Identified Within the Development Footprint**

##### ***Natural Areas***

*The entire forested area on the site lies within Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.*

- *Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.*

**Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.**

##### ***Wetlands***

*Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands within the forested area of the site. The project application confirms the presence of 2.09 acres of wetlands. Preliminary plans propose a 50-foot buffer from wetland areas.*

- *If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.*

**No wetland disturbance is proposed.**

- *For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>*
- *Contact: U.S. Army Corps of Engineers (Dover Office) at  
[DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.  
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>*

A wetland delineation has been performed for this property and a JD letter issued by the Corps.

### ***Vegetated Buffer Zones***

*Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.*

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

A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands. This area will be mostly existing forest.

### ***Stormwater Management***

*This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.*

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

A Sediment and Stormwater Management plan will be submitted to the Sussex Conservation District as part of the plan approval process.

- *Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*

An NOI will be filed with DNREC for this project.

- *Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

A pre-application meeting will be conducted with SCD prior to submitting plans.

- *Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>*

- *General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**We will work with SCD to develop a plan that meets their requirements.**

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

*Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.*

- *This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.*
- *Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>*

**The stormwater management design will utilize best management practices to meet SCD water quality standards.**

### ***Hydrologic Soils Group***

*Hydrologic Soil Group A/D soils (poorly drained) have been identified within the forested area on the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*

*Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.*

- *Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**This site will utilize 48-hour extended detention ponds to treat and manage stormwater runoff. A soils investigation is underway for this site and will be included in the stormwater management report to be submitted to SCD as part of their plan approval process.**

### ***Drainage Concerns Documented***

*There are three reported drainage concerns on the proposed site location from 2010. The concerns were regarding standing water in wetland areas on the rear of the property, with the water draining from adjacent property. No solution has been reported.*

**Positive drainage will be provided throughout the site through site grading and using grassed swales with drainage inlets and pipes to convey water to the stormwater management pond.**

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

*This project proposes open space of 11.42 acres, exceeding the threshold of 10 acres for nutrient management.*

- *A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.*
- *Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>*

**Acknowledged.**

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

*Sussex County (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.*

- *It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.*
- *Contact: DNREC Groundwater Discharges Section at (302) 739-9948. Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>*

**A gravity sewer collection and conveyance system is proposed for this site. Construction plans will be submitted to DNREC and Sussex County Engineering for approval.**

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

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

#### Fire Protection Water Requirements:

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

#### Fire Protection Features:

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

#### Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must*

*be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout 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.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

*Gas Piping and System Information:*

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

*Required Notes:*

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

**DBF thanks the Fire Marshal’s office for providing the above information. We will work with the fire marshal’s office to develop a plan that meets all their requirements for plan approval.**

***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 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 plan presented does not show the easement by which the subject land has access through the Love Creek Elementary School campus but the plan suggests that the*

*easement addresses only the area near Route 24, where access is proposed. DelDOT anticipates that the proposed entrance will be congested at the beginning and end of each school day. Accordingly, DelDOT recommends that the developer pursue an expanded easement and connect to the school driveway in the area of Block 14 as well.*

*Further regarding the easement through the school campus, DelDOT, recommends in accordance with Section 3.5 of the Manual, that the developer pursue access through the school campus and Delaware State Police Troop 7 to Mulberry Knoll Road (Sussex Road 284).*

**Access through the school campus and Troop 7 has been requested and was denied.**

- *DelDOT recommends that the head-in parking proposed near the mailboxes and pool be changed to parallel parking to eliminate the need for residents to back out onto a relatively busy street.*

**The internal subdivision streets will not be busy enough that one could not back out of a parking space. Rehoboth Avenue has head in parking, and it is much busier than this location.**

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.*

**No substations are proposed.**

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

**Acknowledged.**

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

**Acknowledged.**

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

**Concerns Identified Within the Development Footprint**

**Old Growth Forest**

*The preliminary plan proposes an 84-unit subdivision on 21.62 acres along Route 24 in Sussex County, which includes the elimination of 4.26 of 9.26 acres of forest on the site. An analysis of historical data indicates that the forest area has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.*

- *Avoid removing forested areas for development to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water*

*quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.*

**Tree clearing has been minimized as much as possible with respect to the requested density. Further attempts to minimize tree clearing will be made during the construction plan phase of the project.**

- *A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.*

**This information will be taken into consideration. Approximately 4.9 acres of woods are being preserved.**

- *To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.*

**Acknowledged.**

- *Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### **Natural Areas**

- *Reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and cutting of forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.*

**Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.**

- *The developer could also investigate dedicating forested areas on the site as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*

**We will contact DNREC if the developer or HOA decides to pursue this option.**

- *Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>*

### **Delaware Ecological Network**

*The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.*

- *Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.*

Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.

- *Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### **State of Delaware Rare, Threatened, or Endangered Species**

*The following animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area. Likewise, the natural habitats for these species also exist on this site, consisting of deciduous or mixed deciduous-coniferous woodlands with wetlands for breeding.*

<b>Scientific Name</b>	<b>Common Name</b>	<b>Taxon</b>	<b>State Rank</b>	<b>State Status</b>	<b>SGCN Tier</b>	<b>Federal Status</b>
<i>Ambystoma tigrinum</i>	<i>Eastern Tiger Salamander</i>	<i>Amphibian</i>	<i>S1</i>	<i>E</i>	<i>1</i>	
<i>Hyla gratiosa</i>	<i>Barking Treefrog</i>	<i>Amphibian</i>	<i>S1</i>	<i>E</i>	<i>1</i>	
<i>Hyla chrysoscelis</i>	<i>Cope's Gray Treefrog</i>	<i>Amphibian</i>	<i>S2</i>		<i>2</i>	

*Please visit the following website for definitions on the specified State Rank, state Status, and Global Ranking: <http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.*

- *To minimize negative impacts to these species, we recommend that natural habitats of forest and wetlands be conserved to the maximum extent practicable.*

Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.

- *For threatened or endangered turtles and salamanders located in proposed developments containing forest habitat and wetlands, design the development to exclude traditional street curb and gutter systems. Instead, utilize vegetated swales or other road curbing (such as Cape Cod curbing) that allows small animals to climb out of the roadbed. This is preferred over steep, vertical curbing.*

Rolled (mountable) curbing is proposed for the internal streets.

- *Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.*

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



### ***Vegetated Buffer Zones***

- *Incorporate a 100-foot vegetated buffer zone from the edge of freshwater forested wetlands to protect water quality.*
- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*
- *In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

**A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands. This area will be mostly existing forest.**

- *Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### ***Stormwater Management***

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

**The stormwater management design will utilize best management practices to meet SCD water quality standards.**

### ***General Drainage Recommendations***

- *All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or*

*the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.*

**No ditches are proposed to be cleaned as part of this project. If it is necessary to clean the ditches to ensure positive drainage the appropriate authorities will be notified.**

- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*

**No upstream areas are draining through this site. The project will be evaluated to ensure no adverse impact is created to downstream conveyances.**

- *Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.*
- *Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.*
- *Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>*

**DBF thanks the DNREC Drainage Section for their comments and will take them into consideration during the construction plan phase of the design.**

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

- *Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.*
- *For the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/eef](http://www.de.gov/eef).*
- *Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.*

- *Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.*

*These comments will be taken into consideration during the construction plan phase of the design.*

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

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

*DBF thanks the Fire Marshal's office for providing the above information. We will work with the fire marshal's office to develop a plan that meets all their requirements for plan approval.*

**Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062**

- *A pair of companion bus stops are needed, each far-side of the intersection with the schools. Both stops should be Type 2 17'x8' shelter pads and placed at least 50' from the intersection.*

*As per the pre-submittal meeting this will not be required by the developer and should be part of the SR 24 project.*

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- *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](http://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.*

**DBF thanks the Sussex County Housing office for their comments. The developer has been made aware of Sussex County's "Affordable Housing Support Policy" and will contact the Community Development & Housing Department if they wish to pursue those opportunities.**

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,

DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

P:\JG Townsend\2261J013 School Lane\Docs\P&Z\Booklets\First Draft\X-6\_HOWETH\_PLUS Comment Response Letter.docx

Cc: David L. Edgell, AICP, Office of State Planning

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

January 26, 2022

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **School Lane** (fka Howeth Property)  
Chapter 89: Source Water Protection  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

On behalf of our client, J.G. Townsend Jr. & Co., we are submitting this letter demonstrating that the project will comply with Chapter 89 Source Water Protection of the Sussex County Code. The above parcel of land is not located within the Excellent Groundwater Recharge Area, or the Wellhead Protection Area as depicted on DNREC's maps.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
*DAVIS, BOWEN & FRIEDEL, INC.*



Cliff Mumford, P.E.  
Associate

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

July 30, 2021

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

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

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.* The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of grass lined swales and 48-hour wet extended detention basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.* The proposed project is located in Tidewater Utilities franchise area, and they hold the Certificate of Public Necessity (CPCN). Tidewater has a 12" water main along the project frontage for connection. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 21,000 gallons per day and a peak use of 63,000 gallons per day.
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the*

*quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub along the frontage of SR24.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*  
As stated by DelDOT in the PLUS comments dated December 16, 2020, this project is located within the Henlopen TID and will be required to pay a fee per dwelling unit. DBF is working with DelDOT to finalize the contribution amount and mitigate impacts to the roadway system.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* As stated in the PLUS review comments the Eastern Tiger Salamander, the Barking Treefrog, and the Cope's Gray Treefrog have been documented within the project area. The Eastern Tiger Salamander and the Barking Treefrog are listed on DNREC's website of endangered species, the Cope's Gray Treefrog is listed as a rare species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*  
No wetlands are proposed to be disturbed as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and multi-use sports field.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will also construct a shared-use path or sidewalk along the frontage of SR24, which is approximately 500' long. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* A future land use map amendments has been submitted to the Office of State Planning to change the future land use of this parcel from commercial to residential. If that is successful the proposed application and mitigation measures will comply with the current Sussex County

**Comprehensive Plan.**

- (1) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan as mentioned in item K.*

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch

23 November 2020

SUBJECT: Approved Jurisdictional Determination CENAP-OPR-2020-664-23  
Project Name: J.G. Townsend, Jr. and Company  
Coordinates: Lat. 38.713215°N/-75.154150°W

Thomas D. Nobile  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Nobile:

This approved jurisdictional determination (AJD) is provided in response to your request of September 10, 2020 on behalf of J.G. Townsend, Jr., and Company for a Corps of Engineers determination of federal jurisdiction as it relates to a site located at Tax Map Parcel 334-12.00-16.04, Lewes and Rehoboth Hundred, Sussex County, Delaware.

The findings of this AJD are documented in the enclosed AJD Form. The findings are also depicted on a site plan prepared by Atlantic Surveying and Mapping LLC, dated February 11, 2018, and titled: Boundary of Waters of the United States Including Wetlands Subject to Corps of Engineers Regulatory Program, Lands of J.G. Townsend, Jr. & Co., Lewes and Rehoboth Hundred, Sussex County, Delaware, 334-12.00-16.04, one sheet.

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

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

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

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

Mr. James W. Haggerty  
Regulatory Program Manage (CENAD-PD-OR)  
United States Army Corps of Engineers, North Atlantic Division  
Fort Hamilton Military Community, Bldg. 301, General Lee Avenue  
Brooklyn, NY 11252-6700  
James.W.Haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 24 January 2020.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at (302) 736-9764, or by email at john.g.brundage@usace.army.mil.

Sincerely,

BRUNDAGE.JOH  
N.G.122915746  
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John G. Brundage  
Senior Staff Biologist  
Regulatory Branch

Enclosures



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

January 20, 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 **J.G. Townsend Jr. & Co.** rezoning application, which we received on December 17, 2020. This application is for an approximately 21.83-acre parcel (Tax Parcel: 334-12.00-16.04). The subject land is located on the northwest side of Delaware Route 24, approximately 1,400 feet southwest of Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium Density Residential) to develop 84 townhomes (multi-family low-rise housing).

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 84 townhomes would generate 594 vehicle trips per day, 40 vehicle trips during the morning peak hour, and 51 vehicle trips during the evening peak hour. These numbers of trips meet DeIDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DeIDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it. For residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to



Mr. Jamie Whitehouse

Page 2 of 2

January 20, 2021

pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements in accordance therewith. The proposed development is consistent with the LUTP, therefore, the developer will be required to pay the TID fee as stated above. Any improvements required by DeIDOT beyond the site entrance construction will be creditable toward the fee.

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

A review of TIS completed in the last five years found that a TIS was completed for the Belle Terre development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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 Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

Enclosure

cc: J.G. Townsend Jr. & Co., 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  
Sarah Coakley, Principal Planner, Regional Systems Planning  
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  
Annamaria Furmato, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN  
SECRETARY

June 23, 2016

Ms. Betty Tustin  
The Traffic Group, Inc.  
104 Kenwood Court  
Berlin, MD 21811

Dear Ms. Tustin

The enclosed Traffic Impact Study (TIS) review letter for the **Belle Terre** residential development (Tax Parcels 334-12.00-17.00, 18.00, 19.00 and 20.00) has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel  
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Frank Kea, Solutions IPEM  
Ms. Constance C. Holland, Office of State Planning Coordination  
Mr. Lawrence Lank, Sussex County Planning and Zoning  
Ms. Janelle Cornwell, Sussex County Planning and Zoning  
Mr. Andrew Parker, McCormick Taylor, Inc.  
DelDOT Distribution

## DelDOT Distribution

Annie Cordo, Deputy Attorney General  
Robert McCleary, Director, Transportation Solutions (DOTS)  
Drew Boyce, Director, Planning  
Mark Luszcz, Chief Traffic Engineer, Traffic, DOTS  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Peter Haag, Traffic Studies Manager, Traffic, DOTS  
Alastair Probert, South District Engineer, South District  
Gemez Norwood, South District Public Works Manager, South District  
Jay Sammons, South District Permit Supervisor, South District  
Steve Sisson, Sussex Subdivision Coordinator, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Mark Galipo, Traffic Engineer, Traffic, DOTS  
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning  
Claudy Joinville, Project Engineer, Development Coordination  
Scott Johnson, Subdivision Manager, Development Coordination



June 23, 2016

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1655  
Traffic Impact Study Services  
**Task No. 1 Subtask 16A – Belle Terre**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Belle Terre residential development prepared by The Traffic Group, Inc. (TTG), dated February 2016. This review was assigned as Task Number 1 (Subtask 16A). TTG prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TIS evaluates the impacts of the Belle Terre residential development, proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. The proposed development would include 200 single-family detached houses and 178 townhouses on approximately 124 acres of land. One full access point is proposed on Mulberry Knoll Road, which will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists. Construction is anticipated to be complete by 2023.

The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).



The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.





Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 & Mulberry Knoll Road	Unsignalized	2015 Existing AM & Saturday (Case 1); 2023 AM, PM & Saturday without and with Belle Terre (Case 2 & 3); 2023 AM, PM & Saturday with Belle Terre and DelDOT Improvements (Case 3)
Delaware Route 24 & Plantation Road / Warrington Road	Signalized	2023 PM & Saturday without and with Belle Terre (Case 2 & 3)

The unsignalized intersection of Delaware Route 24 and Mulberry Knoll Road exhibits LOS deficiencies during existing and future conditions, even with the improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project. These planned improvements consist of adding separate left-turn lanes on the Delaware Route 24 approaches. Without Belle Terre or any roadway improvements, the anticipated LOS deficiencies would occur on the northbound and southbound Mulberry Knoll Road approaches, and the expected worst-case 95<sup>th</sup> percentile queue length is 170 feet for the southbound approach during the future summer Saturday peak hour.

Analysis of the intersection of Delaware Route 24 and Mulberry Knoll Road with the proposed Belle Terre development traffic included (but without any intersection improvements) indicates that delays and queue lengths for the southbound Mulberry Knoll Road approach would increase significantly. Under this scenario, the projected 95<sup>th</sup> percentile queue lengths for southbound Mulberry Knoll Road are 635 feet during the AM peak hour, 415 feet during the PM peak hour, and 500 feet during the summer Saturday peak hour. Analyzed with the improvements included in DelDOT's SR 24, Love Creek to Mulberry Knoll Road project, significant delays on the southbound Mulberry Knoll Road approach would persist and the projected 95<sup>th</sup> percentile queue lengths for the southbound approach would be 600 feet, 395 feet, and 455 feet during those same three peak hours.

Based on previous traffic studies at the intersection of Delaware Route 24 and Mulberry Knoll Road, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. However, based on the capacity analysis included in the TIS, it appears that the installation of a traffic signal at the intersection of Delaware Route 24 and Mulberry Knoll Road would mitigate the LOS deficiencies that would occur with the Belle Terre development traffic included. To address these LOS deficiencies, the developer should improve the intersection, and should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal at this intersection, as described below in Item Nos. 2 and 3.



The signalized intersection of Delaware Route 24 and Plantation Road/Warrington Road exhibits LOS deficiencies during future conditions with and without Belle Terre during the PM and summer Saturday peak hours. Acceptable LOS would be achieved for all future cases with the improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project. These planned improvements include the addition of a second through lane along both directions of Delaware Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The SR 24, Mulberry Knoll Road to SR 1 Project is scheduled for construction in FY 18 and 19.

Per the State of Delaware Preliminary Land Use Service (PLUS) comments dated September 22, 2015, DelDOT recommends that the developer obtain a right-of-way to replace the existing easement for the driveway by which the site would have access to Mulberry Knoll Road.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should construct the site entrance on Mulberry Knoll Road. This proposed entrance driveway would replace the existing unpaved residential driveway located approximately 1,800 feet northwest of the intersection of Delaware Route 24 and Mulberry Knoll Road, labeled as Dorman Farm Lane in the Site Location Map on Page 10. The proposed configuration is shown in the table below:

<b>Approach</b>	<b>Current Configuration</b>	<b>Proposed Configuration</b>
Northbound Mulberry Knoll Road	One through lane (allowing left turns onto unpaved driveway)	One shared through/left-turn lane and one bypass lane
Southbound Mulberry Knoll Road	One through lane (allowing right turns onto unpaved driveway)	One through lane and one right-turn lane
Eastbound Site Entrance	Approach does not exist (except for unpaved driveway)	One shared left/right-turn lane

Based on earlier coordination between the developer and DelDOT, the initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes / bypass lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.



Approach	Left-Turn or Bypass Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	105-foot full-width bypass lane, plus 75-foot tapers	N/A
Southbound Mulberry Knoll Road	N/A	190 feet
Eastbound Site Entrance	N/A	N/A

It is noted that the construction and use of the proposed site entrance driveway providing access to Mulberry Knoll Road will require use of an existing easement through the property on the northeast side of the proposed development. DelDOT recommends that the developer obtain a right-of-way to replace this existing easement. This driveway could also have an impact on access to the proposed Delaware State Police (DSP) Troop 7 site, to be located just to the south on Mulberry Knoll Road. The Belle Terre developer must coordinate with DelDOT's Development Coordination Section and the owner of the adjacent property (DSP site), as the design details for access to both the Belle Terre site and the DSP site will need to be determined during the site plan review process.

2. The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared through/left-turn lane and one right-turn lane
Eastbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane
Westbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final design details including final turn-lane lengths during the site plan review process. The design of this intersection must accommodate DelDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project*.

Approach	Left-Turn Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	TBD *
Eastbound Delaware Route 24	400 feet **	125 feet ***
Westbound Delaware Route 24	125 feet **	125 feet ***

\* Due to existing constraints including buildings on the northwest corner of the intersection, no initial turn-lane length is provided. Design details and length of the southbound right-turn lane must be determined during the site plan review process.

\*\* turn-lane length per concept plans for DelDOT's *SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project*.

\*\*\* indicates existing turn lane length; final length to be determined by DelDOT during site plan review process

Should DelDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project* advance to construction prior to improvements being made by the developer at the intersection of Delaware Route 24 and Mulberry Knoll Road, the developer should coordinate with DelDOT regarding an equitable share contribution toward the DelDOT project. The amount of the contribution should be determined through coordination with DelDOT's Development Coordination Section. In this situation, there could still be additional improvements that the developer would be responsible for at this intersection after the DelDOT project is constructed (possibly including but not limited to signalization of the intersection if a traffic signal is not included as part of the DelDOT project).

3. The developer should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal for the intersection of Delaware Route 24 and Mulberry Knoll Road. The agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. The developer should coordinate with DelDOT regarding design details and implementation of the traffic signal. The agreement should provide for installation and activation of the signal at DelDOT's discretion. One or more other developers may enter into a traffic signal agreement for this intersection as well.
4. The following bicycle and pedestrian improvements should be included:
  - a. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of the right-turn lane added to southbound Mulberry Knoll Road at the site entrance.
  - b. Adjacent to the right-turn lane added to southbound Mulberry Knoll Road at the site entrance, a minimum of a five foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.



- c. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
- d. Utility covers should be made flush with the pavement.
- e. If a clubhouse or other community facility is constructed as shown on the conceptual site plan, bike parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- f. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be considered within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards.
- g. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to eliminate vehicular overhang onto the sidewalk.
- h. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
- i. A multi-use pedestrian/bicycle connection should be constructed between the proposed Belle Terre development and the proposed Love Creek Elementary School. The developer should coordinate with DelDOT and representatives of the Love Creek Elementary School and the adjacent Saddle Ridge residential development regarding the potential for direct pedestrian/bicycle connections between the developments and the proposed elementary school. The pedestrian/bicycle connection(s) between these properties should not be adjacent to Mulberry Knoll Road or Delaware Route 24.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at [http://www.deldot.gov/information/pubs\\_forms/manuals/de\\_mutcd/index.shtml](http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml). For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DelDOT’s Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at [Adam.Weiser@state.de.us](mailto:Adam.Weiser@state.de.us).



Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (302) 738-0203 or through e-mail at [ajparker@mtmail.biz](mailto:ajparker@mtmail.biz) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, P.E., PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** February 2016

**Prepared by:** The Traffic Group, Inc. (TTG)

**Prepared for:** Arcaro Ventures D., LLC

**Tax parcel:** 334-12.00-17.00, 18.00, 19.00 and 20.00

**Generally consistent with DeIDOT's *Development Coordination Manual*:** Yes

**Project Description and Background**

**Description:** The proposed residential development would include 200 single-family detached houses and 178 townhouses.

**Location:** The Belle Terre residential development is proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. A site location map is included on Page 10.

**Amount of land to be developed:** approximately 123.75 acres of land

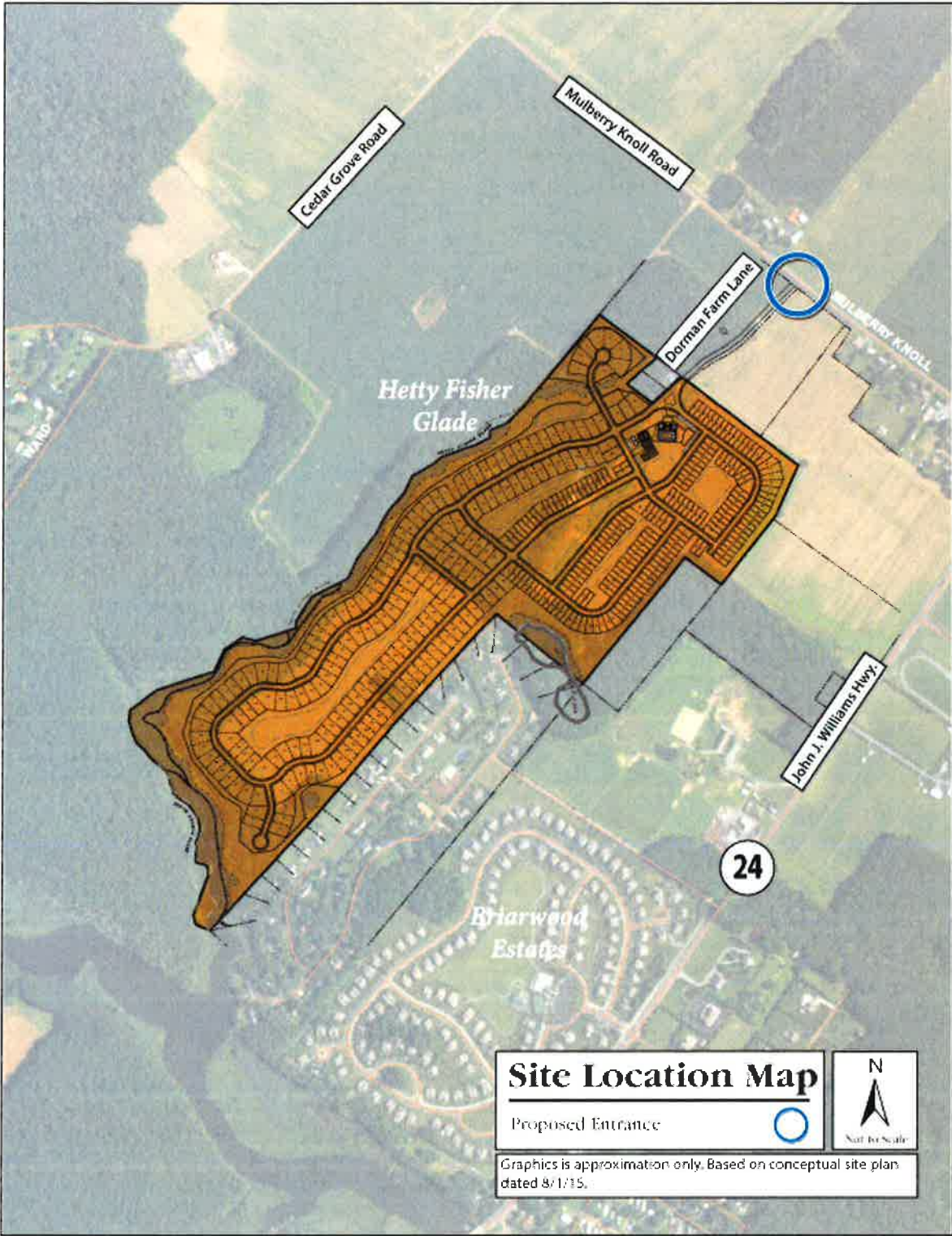
**Land use approval(s) needed:** Subdivision approval. The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

**Proposed completion date:** 2023

**Proposed access locations:** One full access point is proposed on Mulberry Knoll Road. The proposed access will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists.

**Daily Traffic Volumes (per DeIDOT Traffic Summary 2014):**

- 2014 Average Annual Daily Traffic on Mulberry Knoll Road: 668 vpd





## **2015 Delaware Strategies for State Policies and Spending**

**Location with respect to the Strategies for State Policies and Spending Map of Delaware:**  
The proposed Belle Terre development is located within an Investment Level 2 area.

### *Investment Level 2*

Investment Level 2 Areas are areas prepared for growth and where the state can make cost-effective infrastructure investments for schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 2 Areas serve as transition areas between Level 1 and the state's more open, less populated areas.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Belle Terre residential development is located within an Investment Level 2 area, and is to be developed as 200 single-family detached homes and 178 townhomes. This type of development is generally consistent with the character of Investment Level 2 areas, where a mix of housing options is encouraged. The Delaware Route 24 corridor is becoming increasingly developed and is characteristic of Investment Level 2 areas, as it links the commercial SR 1 corridor and beach resort area with rural Sussex County. DelDOT plans to make improvements along the Delaware Route 24 corridor and DART recently added a new year-round bus route to accommodate the continuing growth. A new elementary school is also proposed adjacent to the Belle Terre development to serve the growing area, which is another sign of Investment Level 2 type development. The proposed development appears to generally comply with the policies stated in the 2015 "Strategies for State Policies and Spending."

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan Update, June 2008)*

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed development parcel is within the Environmentally Sensitive Developing Area (categorized as a Growth Area).

Growth Areas, including the Environmentally Sensitive Developing Area, are designed to accommodate concentrated levels of development. The Environmentally Sensitive Developing Area has been designated by Sussex County for large areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays). This designation recognizes two characteristics of these areas. First, these regions are among the most desirable locations in Sussex County for new housing, as reflected in new construction data and real estate prices. Second, these regions contain ecologically important wetlands and other coastal lands that help absorb floodwaters and provide extensive habitat for native flora and fauna. These areas also have great impacts upon the water quality of the bays and inlets and upon natural habitats.

The challenge in these regions is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets that: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates reasonable. The County has major initiatives to extend public sewer service to replace failing on-site systems in many of these areas. Very careful control of stormwater runoff is an extremely important concern to keep sediment and other pollutants out of the inland bays.

The following major guidelines should apply to future growth in Environmentally Sensitive Developing Areas:

*Permitted Uses* – Environmentally Sensitive Developing Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Environmentally Sensitive 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 to arterial roads. Careful mixtures of homes with light commercial 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. Industrial zones are regulated by the Delaware Coastal Zone Act, which restrict heavy industry and bulk transfer.

*Densities* – The Environmentally Sensitive Developing Areas function as an “overlay” area to several underlying zoning districts. It may be advisable for legal reasons to convert this overlay area into regular zoning districts, while maintaining the current standards. Most of the Environmental Sensitive Developing Areas should continue to allow 2 homes per acre. The option should exist to go up to 4 units per acre if the developer uses optional density bonuses. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.

The County may also consider an additional layer of protection in the Environmentally Sensitive Developing Areas. Tidal wetland area could be subtracted from the total tract size so that “net” tract size is used as the basis for calculating how much development is allowed.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

*Infrastructure* – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre.

**Proposed Development’s Compatibility with Comprehensive Plan:** The proposed Belle Terre residential development is planned to be developed as a mix of housing with 200 single-family detached homes and 178 townhomes. The proposed development appears to comply with the characteristics of Growth Areas in general as well as the *Permitted Uses* for the Environmentally Sensitive Developing Area.

The site is currently zoned AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay. The purpose of the Medium-Density Residential District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. Permitted uses include detached single family dwellings but not manufactured homes. Multifamily dwelling structures and townhomes may be permitted as conditional uses, pending approval through the Sussex County site plan review process.

While the uses proposed for this site appear to be permitted in the Multi-Density Residential District, there are specific regulations that must be followed for each type of use. In particular, there are regulations and densities pertaining to the proposed housing that need to be met and/or approved through the Sussex County site plan review process. As such, this development raises questions regarding consistency with the Sussex County Comprehensive Plan, and thus requires additional discussion.

#### **Relevant Projects in the DelDOT Capital Transportation Program**

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).

The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T201111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Ninth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 200 Single-Family Detached Homes (ITE Land Use Code 210)
- 178 Townhouses/Condominiums (ITE Land Use Code 230)

Table 1  
BELLE TERRE PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			SAT Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
200 single-family detached houses	38	112	150	123	73	196	101	86	187
178 townhouses/condominiums	14	68	82	64	32	96	51	43	94
<b>TOTAL TRIPS</b>	<b>52</b>	<b>180</b>	<b>232</b>	<b>187</b>	<b>105</b>	<b>292</b>	<b>152</b>	<b>129</b>	<b>281</b>

Table 2  
BELLE TERRE DAILY TRIP GENERATION

Land Use	Weekday Daily			Saturday Daily		
	In	Out	Total	In	Out	Total
200 single-family detached houses	994	994	1988	967	967	1934
178 townhouses/condominiums	531	531	1062	536	536	1072
<b>TOTAL TRIPS</b>	<b>1525</b>	<b>1525</b>	<b>3050</b>	<b>1503</b>	<b>1503</b>	<b>3006</b>

**Overview of TIS**

**Intersections examined:**

- 1) Mulberry Knoll Road & Proposed Site Access
- 2) Delaware Route 24 & Mulberry Knoll Road
- 3) Delaware Route 24 & Warrington Road / Plantation Road
- 4) Delaware Route 24 & Bryn Mawr Drive
- 5) Delaware Route 24 & Rehoboth Mall Back Entrance
- 6) Delaware Route 24 & Delaware Route 1
- 7) Mulberry Knoll Road & Cedar Grove Road
- 8) Plantation Road & Cedar Grove Road / Postal Lane
- 9) Postal Lane & Oak Lane / Bethpage Drive

10) Delaware Route 1 & Postal Lane / Melson Road

**Conditions examined:**

- 1) 2015 existing conditions (Case 1)
- 2) 2023 without Belle Terre residential development (Case 2)
- 3) 2023 with Belle Terre residential development (Case 3)

**Peak hours evaluated:** Weekday morning and evening and Saturday mid-day peak hours

**Committed developments considered:**

- 1) Love Creek Elementary School (720 student elementary school)
- 2) Pelican Landing (87,800 square-foot shopping center)
- 3) Saddle Ridge a.k.a. Windswept (81 single-family detached homes)
- 4) Osprey Point (170 single-family detached homes, 180 townhomes)
- 5) Arbor-Lyn (80 townhomes, 60 apartments, 60 single-family detached homes)
- 6) Redden Ridge (84 single-family detached homes)
- 7) Delaware State Police Troop 7

**Intersection Descriptions**

**1) Mulberry Knoll Road & Proposed Site Access**

**Type of Control:** proposed two-way stop-controlled (T-intersection)

**Northbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane

**Southbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/right-turn lane

**Eastbound approach:** (Proposed Site Access) existing residential driveway (gravel), proposed one shared left/right-turn lane, stop-controlled

**2) Delaware Route 24 & Mulberry Knoll Road**

**Type of Control:** two-way stop-controlled (four-leg intersection)

**Northbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled

**Southbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled

**Eastbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

**Westbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

- 3) **Delaware Route 24 & Plantation Road/Warrington Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Warrington Road) one left-turn lane, one through lane and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane
  
- 4) **Delaware Route 24 and Bryn Mawr Drive**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Southbound approach:** (Bryn Mawr Drive) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one left-turn lane and two through lanes  
**Westbound approach:** (DE Route 24) two through lanes and one right-turn lane
  
- 5) **Delaware Route 24 & Rehoboth Mall Back Entrance**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Rehoboth Mall) one shared through/left-turn lane and one right-turn lane  
**Southbound approach:** (Hudson Way) one shared through/left-turn lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane
  
- 6) **Delaware Route 24 & Delaware Route 1**  
**Type of Control:** signalized three-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one bus/bike/downstream-right-turn lane  
**Southbound approach:** (DE Route 1) one u-turn lane, three through lanes, and one bus/bike/right-turn lane  
**Eastbound approach:** (DE Route 24) two left-turn lanes and two right-turn lanes
  
- 7) **Mulberry Knoll Road & Cedar Grove Road**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (Cedar Grove Road) one shared through/right-turn lane  
**Westbound approach:** (Cedar Grove Road) one shared through/left-turn lane

- 8) **Plantation Road & Cedar Grove Road / Postal Lane**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Eastbound approach:** (Cedar Grove Road) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 9) **Postal Lane & Oak Lane / Bethpage Drive**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Bethpage Drive) one shared through/left-turn and one right-turn lane, stop-controlled  
**Southbound approach:** (Oak Lane) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 10) **Delaware Route 1 & Postal Lane / Melson Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one right-turn lane  
**Southbound approach:** (DE Route 1) one left-turn lane, three through lanes, and one right-turn lane  
**Eastbound approach:** (Postal Lane) two left-turn lanes, one through lane and one right-turn lane  
**Westbound approach:** (Melson Road) two left-turn lanes, one through lane and one right-turn lane

### **Safety Evaluation**

**Crash Data:** Crash data was obtained for November 5, 2012 through November 5, 2015 for Delaware Route 24 from Mulberry Knoll Road to SR 1 and for Cedar Grove Road/Postal Lane from Mulberry Knoll Road to SR 1.

Along the Cedar Grove Road/Postal Lane corridor, the crash data request returned a total of 55 crashes for the three-year period. Of the 55 total crashes, 10 crashes (18%) resulted in personal injury. There were no fatal crashes and two alcohol-related crashes, one of which resulted in personal injury. There was one crash involving a motorcycle and zero crashes involving pedestrians/bicyclists. The most common types of crashes were rear-end crashes (36%), angle crashes (25%) and single-vehicle crashes (18%). The majority of crashes occurred during daylight (76%) with dry pavement conditions (52%). The primary contributing circumstances



include driver inattention/distraction/fatigue (24%), following too close (15%) and failure to yield the right-of-way (13%). 22 of the 55 total crashes (40%) occurred at the dog-leg intersection at Plantation Road. This intersection has since been realigned to a signalized four-leg intersection, which should improve safety at the intersection.

Along the Delaware Route 24 corridor, the crash data request returned a total of 123 crashes for the three-year period. Of the 123 total crashes, 23 crashes (19%) resulted in personal injury. There was one fatal crash that was alcohol-related. The most common types of crashes were rear-end crashes (49%) and angle crashes (27%), and 7% of crashes involved a single vehicle. The majority of crashes occurred during daylight (68%) with dry pavement conditions (78%). The primary contributing circumstances include driver inattention/distraction/fatigue (40%), failure to yield the right-of-way (14%), following too close (13%), and disregarding a traffic signal (8%). Of the 123 total crashes, 103 (84%) occurred at intersections along the study corridor. A breakdown of crashes by intersection along Delaware Route 24 is as follows:

- Delaware Route 24 & Mulberry Knoll Road
  - 14 crashes reported (including 1 fatality)
- Delaware Route 24 & Plantation Road / Warrington Road
  - 32 crashes reported
- Delaware Route 24 & Rehoboth Mall Back Entrance
  - 14 crashes reported
- Delaware Route 24 & Delaware Route 1
  - 43 crashes reported

**Sight Distance:** With generally straight and flat roadways, and few potential visual obstructions, sight distance is adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were observed during field observations in the area.

### **Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** The Delaware Transit Corporation (DTC) operates a seasonal DART bus route (Route 207) and a new year-round bus route (Route 215), effective February 2016, in the study area. Route 207 serves Rehoboth / Long Neck / Pot-Nets from mid-May to mid-September. Route 215 runs between Rehoboth/Lewes and Millsboro via Delaware Route 24 with two round-trips in the morning and three in the afternoon. The nearest bus stops are at the Beebe Medical Center to the east and near the Love Creek Bridge to the west.

**Planned transit service:** TTG stated that a representative from the DTC was contacted regarding existing and planned service in the area, and that no transit related facilities were requested.

**Existing bicycle and pedestrian facilities:** According to DelDOT's Sussex County Bicycle Map, Mulberry Knoll Road is not identified as a bicycle route. Mulberry Knoll Road is a local road with 11' travel lanes and no shoulders. Nearby, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway, but it has no designated bike lanes near the

proposed development. According to the bicycle level of service (BLOS) calculator developed by the *League of Illinois Bicyclists*, Mulberry Knoll Road operates at BLOS F, while Delaware Route 24 operates at BLOS A. Statewide Bicycle Route 1 runs along Plantation Road and Warrington Road, crossing Delaware Route 24. Delaware Route 1 is a High-Traffic Connector Bicycle Route that includes a shared bus/bike/right-turn lane in both directions.

There are no existing pedestrian facilities at or near the proposed development. Mulberry Knoll Road is a local road with 11' lanes, no shoulders, and no sidewalks. Delaware Route 24 is a major collector with 12' lanes, 10' shoulders and no sidewalks near the proposed development. East of Mulberry Knoll Road, there is a section of disconnected sidewalks and bike lanes on either side of Delaware Route 24 near the Beebe Health Campus. The SR 1 Pedestrian Improvements Project has connected pre-existing sidewalk segments in the study area along both sides of Delaware Route 1, and a new crosswalk was installed across the Delaware Route 24 approach to the intersection with Delaware Route 1. The proposed development and internal roadway system is located in an existing farm field and wooded area.

**Planned bicycle and pedestrian facilities:** TTG contacted Mr. Anthony Aglio with DelDOT's Division of Planning via email on November 19, 2015 regarding planned or requested bicycle and pedestrian facilities in the area of this proposed development. Mr. Agilo requested that Mulberry Knoll Road be reconstructed in accordance with DelDOT's local road standards, and for a pedestrian connection from the proposed Belle Terre residential development to the proposed Love Creek Elementary School that is not adjacent to the roadway. The proposed elementary school is located immediately southeast of Belle Terre, with access proposed via Delaware Route 24 across from Beacon Middle School.

It is noted that DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project will include new sidewalk and bike lanes along both sides of Delaware Route 24 from Delaware Route 1 to just west of the intersection with Plantation Road/Warrington Road. Also, concept plans for the SR 24, Love Creek to Mulberry Knoll Road Project show future sidewalk being added along both sides of Delaware Route 24 from Love Creek Pines Lane to Spencer Lane/Williams Way along with bike lanes throughout the project area. DelDOT's SR 1 Pedestrian Improvements Project is anticipated to be complete in the summer of 2016.

### **Previous Comments**

All comments from DelDOT's Scoping Letter, Traffic Count Review, Preliminary TIS (PTIS) Review and other correspondence appear to have been addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For unsignalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data (using 3% HV where actual HV percentages were not available). For future conditions, the TIS assumed future HV equal to existing HV at some intersections. At other intersections, they assumed

future HV equal to existing HV or 3%, whichever was greater. The TIS also assumed 3% HV for future movements to and from the proposed site access points. McCormick Taylor assumed future HV to be the same as existing HV at all intersections, unless existing HV% for a particular movement was less than 3%, in which case 3% was used. McCormick Taylor assumed 3% HV for future movements to and from the proposed site access point.

- 2) For existing conditions, the TIS and McCormick Taylor determined, for each intersection, overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF for all intersections other than the proposed site entrance. At that location, the TIS assumed a PHF of 0.80 while McCormick Taylor assumed a PHF of 0.88.
- 3) For analyses of all signalized intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pcphpl per DelDOT's Development Coordination Manual.
- 4) The HCS analyses included in the TIS did not always reflect the lane widths observed in the field by McCormick Taylor. McCormick Taylor's HCS analyses incorporated our field-measured lane widths.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) The TIS generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses. In most cases, McCormick Taylor conservatively input no RTOR volumes for existing and future conditions analyses, but did analyze right-turn movements as overlapping protected left-turn phases. McCormick Taylor did input RTOR volumes for the intersection of SR 1 and Postal Lane, where a majority of right turns were made on red.

Table 3  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>1</sup> Two-Way Stop Control (T-intersection) Mulberry Knoll Road & Proposed Site Access	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
2023 without Belle Terre (Case 2)						
Eastbound Site Entrance	A (9.7)	A (9.4)	A (9.3)	A (9.5)	A (9.3)	A (9.3)
Northbound Mulberry Knoll Road - Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.4)	B (7.4)
2023 with Belle Terre (Case 3) <sup>2</sup>						
Eastbound Site Entrance	B (12.0)	B (12.7)	B (12.3)	B (11.2)	B (11.4)	B (11.2)
Northbound Mulberry Knoll Road - Left	A (7.7)	A (8.0)	A (7.8)	A (7.6)	A (7.9)	A (7.8)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> For Case 3, the TIS assumed the intersection would have a shared lane on all three approaches. McCormick Taylor assumed separate turn lanes on the northbound and southbound Mulberry Knoll Road approaches, as warranted by DelDOT's Auxiliary Lane Worksheet.

Table 4A  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>3</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.9)	B (10.5)	A (9.5)	A (8.9)	B (10.5)	A (9.6)
Westbound DE Route 24 – Left	B (11.4)	A (9.7)	B (10.7)	A (11.5)	A (9.3)	B (10.9)
Northbound Mulberry Road	E (37.1)	D (29.6)	C (24.1)	E (38.4)	D (29.7)	D (25.6)
Southbound Mulberry Road	C (21.0)	C (24.0)	E (39.7)	C (21.6)	C (24.9)	E (49.1)
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (9.6)	B (11.7)	B (10.6)	A (9.7)	B (12.0)	B (10.8)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (76.8)	F (61.4)	E (38.4)	F (84.5)	F (61.5)	E (46.3)
Southbound Mulberry Road	E (47.4)	F (69.7)	F (134.7)	F (53.1)	F (77.4)	F (305.9)
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (92.9)	F (84.3)	E (45.9)	F (104.5)	F (87.9)	F (64.9)
Southbound Mulberry Road <sup>5</sup>	F (1757.5)	F (1178.1)	F (2492.0)	F (1981.4)	F (1260.4)	F (4146.1)
2023 with Belle Terre (Case 3) With DelDOT Improvements <sup>6</sup>						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (74.1)	F (69.5)	D (33.8)	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>7</sup>	F (1347.0)	F (954.2)	F (1418.9)	F (1452.3)	F (977.7)	F (1808.2)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Manual count data was not provided for summer Saturday. The TIS assumed PHF = 0.95; McCormick Taylor used the default PHF = 0.92.

<sup>5</sup> For Case 3, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Rd. are as follows: approx. 25 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 20 vehicles during the summer Saturday peak hour.

<sup>6</sup> Improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project (State Contract No. T201212201) include the addition of exclusive left-turn lanes along the eastbound and westbound DE Route 24 approaches.

<sup>7</sup> For Case 3 with DelDOT improvements, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 24 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 18 vehicles during the summer Saturday peak hour.

Table 4B  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day <sup>9</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 1 <sup>10</sup>						
Eastbound DE Route 24 – Left	N/A	N/A	N/A	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	N/A	N/A	N/A	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	N/A	N/A	N/A	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>11</sup>	N/A	N/A	N/A	F (568.1)	F (341.2)	F (792.7)

Signalized Intersection <sup>8</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 2 <sup>12</sup>	C (32.7)	D (38.6)	D (37.1)	C (34.9) <sup>13</sup>	D (38.4) <sup>14</sup>	D (37.0) <sup>15</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> Manual count data was not provided for summer Saturday. McCormick Taylor used the default PHF = 0.92.

<sup>10</sup> Improvement Option 1 includes the DelDOT project improvements (State Contract No. T201212201) that would add eastbound and westbound left-turn lanes on Delaware Route 24, plus the addition of a right-turn lane on the southbound Mulberry Knoll Road approach.

<sup>11</sup> For Case 3 with Improvement Option 1, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 10 vehicles during the AM peak hour, 6 vehicles during the PM peak hour, and 9 vehicles during the summer Saturday peak hour.

<sup>12</sup> Improvement Option 2 includes developer-proposed improvements consisting of converting the TWSC intersection to a signal controlled intersection, to go along with the DelDOT project improvements that would add eastbound and westbound left-turn lanes on Delaware Route 24. The TIS and McCormick Taylor assumed protected-permitted phasing for the Delaware Route 24 left-turn phases and permissive phasing for the Mulberry Knoll Road approaches.

<sup>13</sup> AM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 50 vehicles (1,250 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 18 vehicles for WB DE Route 24, and 14 vehicles for SB Mulberry Knoll Road.

<sup>14</sup> PM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 25 vehicles for EB DE Route 24, 59 vehicles (1,475 feet) for WB DE Route 24 (adjacent signal at Plantation Road is approximately 3,000 feet east of Mulberry Knoll Road), and 11 vehicles for SB Mulberry Knoll Road.

<sup>15</sup> Summer Saturday peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 58 vehicles (1,460 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 25 vehicles for WB DE Route 24, and 11 vehicles for SB Mulberry Knoll Road.

Table 5  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>16</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Warrington Road / Plantation Road</b>						
2015 Existing (Case 1)	C (28.1)	D (45.0)	D (50.3)	C (25.6)	D (40.0)	D (46.3)
2023 without Belle Terre (Case 2)	D (38.5)	E (76.9)	F (83.5)	D (35.5)	E (70.7)	E (75.4)
2023 with Belle Terre (Case 3)	D (41.7)	F (87.6)	F (89.9)	D (38.3)	F (80.1)	F (81.4)
2023 with Belle Terre (Case 3) <i>With DelDOT Improvements</i> <sup>17</sup>	C (27.3)	D (38.0)	D (45.4)	C (27.6)	D (36.3)	D (43.9)

<sup>16</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>17</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a second through lane along both directions of DE Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The TIS assumed protected-permitted phasing for the DE Route 24 left-turn phases. McCormick Taylor assumed protected-prohibited phasing for the DE Route 24 left-turn phases due to the dual opposing through lanes.

Table 6  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>18</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Bryn Mawr Drive</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.5)	-	A (9.9)	A (9.5)	-
Southbound Bryn Mawr Drive	A (8.7)	B (11.2)	-	B (12.3)	B (14.8)	-
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.8)	-	A (10.0)	A (9.9)	-
Southbound Bryn Mawr Drive	A (8.9)	B (11.6)	-	B (12.3)	C (15.8)	-
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (8.7)	B (10.1)	-	B (10.1)	B (10.1)	-
Southbound Bryn Mawr Drive	A (8.9)	B (12.4)	-	B (12.6)	C (16.7)	-

<sup>18</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 7  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>19</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Rehoboth Mall Back Entrance</b>						
2015 Existing (Case 1)	A (7.5)	A (9.8)	A (9.1)	B (11.1)	B (15.4)	B (14.8)
2023 without Belle Terre (Case 2)	A (7.5)	A (9.9)	A (9.1)	B (11.2)	B (15.7)	B (14.9)
2023 with Belle Terre (Case 3)	A (7.6)	A (10.0)	A (9.1)	B (11.3)	B (15.8)	B (15.0)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>20</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Delaware Route 24</b> <sup>21, 22</sup>						
2015 Existing (Case 1)	B (19.5)	C (23.5)	C (21.7)	C (25.4)	C (32.3)	C (33.4)
2023 without Belle Terre (Case 2)	B (19.5)	C (25.3)	C (29.0)	C (25.8)	D (35.4)	D (41.5)
2023 with Belle Terre (Case 3)	C (20.2)	C (27.3)	C (31.0)	C (26.4)	D (37.4)	D (43.3)
2023 with Belle Terre (Case 3) <i>With DelDOT SR 24 Improvements</i> <sup>23</sup>	B (18.8)	C (24.5)	C (28.6)	C (25.0)	C (34.2)	D (41.0)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>21</sup> A new crosswalk will be installed across the SR 24 leg of the intersection as part of DelDOT's SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements Project (State Contract No. T200612501). The pedestrian clearance time for this crossing is less than the southbound SR 1 green time during peak hours, and thus no impact is expected on peak hour traffic operations as a result of the new crosswalk.

<sup>22</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.

<sup>23</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a third left-turn lane on the eastbound Delaware Route 24 approach.

Table 9  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Cedar Grove Road &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Westbound Cedar Grove Road - Left	A (8.1)	A (7.5)	A (7.4)	A (8.1)	A (7.5)	A (7.5)
Northbound Mulberry Knoll Road	A (8.8)	A (8.9)	A (8.0)	A (8.8)	A (9.2)	A (8.3)
2023 without Belle Terre (Case 2)						
Westbound Cedar Grove Road - Left	A (8.3)	A (7.6)	A (7.6)	A (8.4)	A (7.6)	A (7.5)
Northbound Mulberry Knoll Road	A (8.7)	A (8.2)	A (7.7)	A (9.2)	A (8.5)	A (8.3)
2023 with Belle Terre (Case 3)						
Westbound Cedar Grove Road - Left	A (8.5)	A (7.8)	A (7.7)	A (8.5)	A (7.9)	A (7.8)
Northbound Mulberry Knoll Road	B (12.4)	A (8.2)	A (8.4)	B (12.6)	A (8.7)	A (8.5)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 10  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>25</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Plantation Road &amp; Cedar Grove Road / Postal Lane</b>						
2015 Existing (Case 1)	B (17.0)	B (16.5)	B (16.1)	B (14.4)	B (13.7)	B (13.8)
2023 without Belle Terre (Case 2)	B (18.9)	B (18.6)	B (17.7)	B (15.9)	B (15.7)	B (15.4)
2023 with Belle Terre (Case 3)	C (20.2)	C (20.3)	B (19.2)	B (16.9)	B (17.1)	B (16.7)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Postal Lane &amp; Oak Lane / Bethpage Drive</b>						
2015 Existing (Case 1)						
Eastbound Postal Lane – Left	A (7.4)	A (7.8)	-	A (7.4)	A (7.9)	-
Westbound Postal Lane – Left	A (8.1)	A (7.9)	-	A (8.1)	A (7.7)	-
Northbound Bethpage Dr – Left/Thru	B (13.2)	B (14.7)	-	B (13.2)	B (13.8)	-
Northbound Bethpage Dr – Right	A (8.7)	A (8.7)	-	A (8.7)	A (8.6)	-
Southbound Oak Lane	B (12.1)	B (11.9)	-	B (10.5)	A (8.4)	-
2023 without Belle Terre (Case 2)						
Eastbound Postal Lane – Left	A (7.5)	A (7.9)	-	A (7.5)	A (8.0)	-
Westbound Postal Lane – Left	A (8.3)	A (8.0)	-	A (8.3)	A (0.1)	-
Northbound Bethpage Dr – Left/Thru	B (14.2)	C (16.2)	-	B (14.3)	C (15.1)	-
Northbound Bethpage Dr – Right	A (9.2)	A (8.9)	-	A (9.2)	A (8.8)	-
Southbound Oak Lane	B (12.9)	B (12.7)	-	B (11.1)	A (9.0)	-
2023 with Belle Terre (Case 3)						
Eastbound Postal Lane – Left	A (7.5)	A (8.1)	-	A (7.5)	A (8.1)	-
Westbound Postal Lane – Left	A (8.4)	A (8.1)	-	A (8.5)	A (7.9)	-
Northbound Bethpage Dr – Left/Thru	C (15.3)	C (17.9)	-	C (15.4)	C (16.5)	-
Northbound Bethpage Dr – Right	A (9.7)	A (9.0)	-	A (9.7)	A (9.0)	-
Southbound Oak Lane	B (13.7)	B (13.7)	-	B (11.9)	A (9.5)	-

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>27</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Postal Lane / Melson Road</b> <sup>28</sup>						
2015 Existing (Case 1)	B (17.5)	B (19.1)	-	C (23.8)	C (29.3)	-
2023 without Belle Terre (Case 2)	B (19.1)	C (21.1)	-	C (25.7)	C (32.7)	-
2023 with Belle Terre (Case 3)	C (22.5)	C (22.3)	-	C (28.9)	C (33.8)	-

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>28</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.



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

NICOLE MAJESKI  
 SECRETARY

**MEMORANDUM**

**TO:** Steve McCabe, Sussex County Review Coordinator

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** January 4, 2022

**SUBJECT: Howeth Property  
 (Protocol Tax Parcels # 334-12.00-16.04)  
 Area Wide Study Fee (AWSF) and Off-site Improvements**

The proposed development would have warranted an AWS fee. However, per Section 2.2.2.4 of the Development Coordination Manual, if a development is located within a Transportation Improvement District (TID) and is consistent with the Land Use and Transportation Plan for that TID, then under certain conditions DelDOT may require participation in the TID in lieu of conducting a TIS and making improvements based on the TIS. Howeth Property is located in the Henlopen TID, and the trip generation of the proposed development is sufficiently similar to the trip generation used in the TID traffic analysis. Therefore, participation in the TID is required. The owner / developer shall enter into the Henlopen TID infrastructure recoupment agreement and pay the TID fee prior to issuance of the building permits. Credit against TID fees owed for required frontage improvements will be determined, documented, and granted, in accordance with the terms of this infrastructure recoupment agreement.

1. The TID fees for the proposed 84 units of low-rise multi-family housing would be as follows:

Numbers and Types of Dwellings	Fee Paid by Phase	Fee Paid by Lot
84 units of low-rise multi-family housing	\$325,550	\$341,796

2. Due to DelDOT's planned CTP project on Delaware Route 24, frontage improvements are not required for the proposed development.



Mr. Steve McCabe

January 4, 2022

Page 2 of 2

If you have any additional questions or comments, please let me know.

CJ:km

cc: Nick Hammonds, Jack Lingo Asset Management, LLC  
Cliff Mumford, Davis, Bowen & Friedel, Inc.  
Michael Simmons, Chief of Project Development South, DOTS  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Chris Sylvester, Traffic Studies Manager, DelDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS  
James Argo, Sussex County Plan Reviewer, South District  
Derek Sapp, Subdivision Manager, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination



May 21, 2021

**Via: Email ([jamie.whitehouse@sussexcountype.gov](mailto:jamie.whitehouse@sussexcountype.gov))**

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

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Commercial Area and Coastal Area  
Requested: Coastal Area  
Sussex County Tax Parcel No. 334-12.00-16.04 (the "Property")

Dear Jamie,

This firm represents J.G. Townsend, Jr. & Co., the owner of the above-referenced Property along John J. Williams Highway (Route 24). The Property consists of a little more than twenty-one (21) acres and is presently used for agricultural purposes.

On Sussex County's Comprehensive Zoning Map, the Property is shown as being within an Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan shows the Property as being within two land use classifications as the Property contains areas designated as a Commercial Area and areas designated as a Coastal Area.

This request to modify the Future Land Use Map seeks to change the designation of the Commercial Area of the Property so that the entirety of the Property would be shown as being in the Coastal Area on the Future Land Use Map.

The changing of this Property's designation on the Future Land Use Map will allow it to be used more consistently with the surrounding area. This property was the subject of a pre-application meeting for a project that was reviewed by the Office of State Planning Coordination on December 4, 2020 known as the Howeth Property. In addition, DelDOT provided its SFR for the Howeth Property. A copy of the PLUS report (mistakenly dated January 17, 2020 instead of January 17, 2021) is enclosed with this letter.

**Jamie Whitehouse**

**May 21, 2021**

**Page 2**

During the pre-application meeting with the Sussex County Planning & Zoning Department about the Howeth Property and the requested change of zoning classification for the Property from the AR-1 District to the Medium Density Residential District (MR District), the staff indicated that this change of zone application would not be consistent with Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories found within the Comprehensive Plan. The inconsistency is that the Commercial Area does not envisage any residential uses beyond the AR-1 District but instead provides exclusively for Commercial and Business uses. In contrast, the requested Coastal Area designation allows for both residential and commercial/business uses.

A quick review of the area shows the consistency of allowing for residential uses on this parcel. Along both the northern and western boundaries of the Property are residential uses. To the north is the Belle Terre residential community and to the west is the Saddle Ridge community. The other uses in the immediate area are the Cape Henlopen School Districts elementary and middle school campuses (Love Creek Elementary School and Beacon Middle School). Another use to the east of the Property is the new location for Troop 7 of the Delaware State Police.

The requested change to the Future Land Use Map is not only consistent with good land use and planning, but it also matches the current configuration of both the County's Comprehensive Zoning Map and its Future Land Use Map. First, the County's Comprehensive Zoning Map shows the adjacent property to the west (Saddle Ridge) as being in an MR District. The other adjacent properties' zoning classifications are the AR-1 District and are used for the aforementioned Cape Henlopen School District elementary and middle schools.

The Future Land Use Map shows this entire area as being within either a Commercial Area or a Coastal Area. As the Property is already within two (2) of the County's seven (7) Growth Areas, the question is not whether this Property should be located within a Growth Area but the appropriateness of the designated Growth Area. As discussed previously, the Coastal Area is more consistent with the character of this area as it allows for the residential uses similar to those on the adjacent properties.

The requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and nature of the uses in this area and will not have an adverse effect on adjacent properties.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosure



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

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

RE: PLUS review 2021-06-17; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

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

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

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

The Future Land use of parcel 334-12.00-16.04 is currently split with portion of the parcel identified as Commercial and a portion of the parcel identified as Coastal. Sussex County is seeking to amend the Future Land Use of this parcel to bring the entire parcel under one proposed land use, which would be the Coastal area.

Parcel 334-12.00-16.04 is within Level 2 and 3 according to the 2020 Strategies for State Policies and Spending and was reviewed on several occasions, most recently through PLUS 2020-12-04. Comments regarding this project have been submitted to the County; however, we had no objections to the development of this parcel. If the County determines that the commercial area is not feasible in this area or that changing this designation to Coastal would better fit the counties vision for the area, the Office of State Planning has no objections to this amendment.

With that said, having no objection to this amendment does not change PLUS comments relating to the development of this site. The comments sent under PLUS 2020-12-04 remain relevant. If the site plan changes, it may be required to be seen through PLUS. If this amendment is approved and it results in a change to the site plan reviewed through PLUS, the developer should contact this office to determine if an additional review is required.

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

- This amendment would facilitate the development of the Howeth Property. This development was reviewed at PLUS in December 2020. While DelDOT has discussed development of the subject land with the developer's engineer since then, they have not begun DelDOT's plan review process.

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

- Sussex County proposes to rezone one parcel (334-12.00-16.04) to Coastal Area. A portion of the parcel is currently zoned Commercial; the remainder of the parcel is already zoned Coastal Area. The Love Creek Natural Area lies on the southwest half of the site, however, the zoning of this area of concern would not be changed.
- For future development consideration, the forested portion of the parcel contains habitat suitable for the barking treefrog (*Hyla gratiosa*, State Rank S1, State Status E, and SGCN Tier 1) and the Eastern tiger salamander (*Ambystoma tigrinum*, State Rank S1, State Status E, and SGCN Tier 1), and should be preserved.

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

- Prehistoric archaeological potential is low. The parcel is mostly well-drained soils but is too far away from a historic water source to be favorable. No comparable sites.
- Historic archaeological potential is low to moderate. There may be remains associated with a structure that appears to be just off parcel to the north/north east. But most remains would likely be due to field scatter from 19<sup>th</sup> century farming practices since half of the parcel has been in agriculture.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

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

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

Sincerely,

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

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



A Middlesex Water Company Affiliate

05/06/2022

Davis, Bowen, & Friedel, Inc.  
Attn: Cliff Mumford  
1 Park Avenue  
Milford, DE 19963

**RE: Willing & Able Letter – School Lane Subdivision (Parcel Number 334-12.00-16.04)**

Dear Mr. Mumford,

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No. 334-12.00-16.04. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

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

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Bailey".

Kelly R. Bailey  
Manager, Contract Administration

cc: Brian Carbaugh, P.E., Tidewater Utilities, Inc.



May 4, 2022

Mr. Clifton Mumford  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

Re: Natural Gas Service / School Lane Subdivision- DBF No.: 2261J013.C01 / John J. Williams Hwy and Mulberry Knoll Rd. (Tax Parcel ID: 334-12.00-16.04 / Lewes, DE 19958

Mr. Mumford:

Chesapeake Utilities has existing natural gas infrastructure located along John J. Williams Hwy adjacent to the proposed School Lane Subdivision project in Lewes, DE.

The location of the gas main is directly across John J. Williams Hwy and well positioned to provide gas service to Tax Parcel ID: 334-12.00-16.04.

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

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

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

Respectfully,

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

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





DELAWARE ELECTRIC CO-OP

"We Keep the Lights On"

P.O. Box 600  
14198 Sussex Highway  
Greenwood, Delaware 19950  
302-349-9090

[www.delaware.coop](http://www.delaware.coop)

May 16, 2022

Davis Bowen & Friedel, Inc.  
Attn: Cliff Mumford  
1 Park Ave  
Milford, DE 19963

Re: School Lane Subdivision  
Willing & Able Letter  
Lewes, DE 19958

Dear Mr. Mumford:

This letter confirms that the land southwest to the intersection of John J Williams Highway and Mulberry Knoll Road is within our service area. We have adequate electric capacity to serve the development School Lane Subdivision. 3Ø Electric service out of our Angola substation is available for tax parcel 34-12.00-16.04 and will not need to be extended to the subject site. As electric facilities are requested, they will be installed in accordance with our current Terms and Conditions.

If you should have any additional questions or comments, please feel free to contact me at 302-349-0723.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Shockley', is written above the printed name.

Ryan Shockley  
Manager of Engineering

## MAPPING & ADDRESSING

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

January 25, 2022

Cliff Mumford, P.E.  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

RE: Proposed Subdivision Name(s)

Our department has reviewed the name(s) submitted for your proposed subdivision located on parcel 334-12.00-16.04 in Lewes, DE. In reviewing the proposed name(s) the following has been approved for this subdivision:

## SCHOOL LANE

Should you have any questions please contact the Sussex County Geographic Information Department at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC:  
Christin Scott, Planning & Zoning



**GEOGRAPHIC INFORMATION  
OFFICE**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

April 20, 2022

Cliff Mumford, P.E.  
Associate/Sr. Civil Engineer  
Davis, Bowen & Friedel, Inc.

RE: School Lane Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **School Lane**, located on parcel 334-12.00-16.04 in Lewes, DE 19958. Based on our review the following proposed street name(s) have been **approved**:

Brittingham Ct	Mariner Row	Shields Dr
----------------	-------------	------------

Use only road names **approved** and issued by this office on letterhead or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **School Lane** please forward a digital copy of the recorded site plan to my attention for the purpose of addressing. Should you have any questions, please contact the **Geographic Information Office** at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC: Christin Scott, Office of Planning & Zoning



**ENGINEERING DEPARTMENT**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

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

Applicant: **Davis, Bowen & Friedel, Inc.** Attn: **Cliff Mumford, P.E.**

Date: 2/16/2022

Reviewed by: **Chris Calio**

Agreement #: **1198**

Project Name: **School Lane (fka: Howeth Property)**

Tax Map & Parcel(s): **334-12.00-16.04**

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

Proposed EDUs: **89 (84 townhouses + 5 pool & pool house)**

Pump Station(s) Impacted: **PS 402, PS 400**

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

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

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **334-12.00-23.00 & 24.00**

Connection Point(s): **8" gravity from MH 8. Pdf of asbuilt attached.**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

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

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



Acreage: 21.62

Additional Information: [Click or tap here to enter text.](#)

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

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

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

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

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

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

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher

June 10, 2022

ERI Project No. 0004-0459

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

Mr. Cliff Mumford, PE.  
Davis Bowen & Friedel, Inc.  
601 East Main Street, Suite 100  
Salisbury, MD 21804

**RE: Howeth Property  
Environmental Review for Wildlife Habitat Considerations  
Tax Map No.: 334-12.00-16.04  
Lewes – Rehoboth Hundred, Sussex County, Delaware**

Dear Mr. Whitehouse and Mr. Mumford,

Environmental Resources, Inc. (ERI) was first involved with this 21.62 acre property in regard to delineating the boundary of an isolated palustrine forest wetland that occupies 2.09 acres along the southwest property line. This wetland is part of a wetland which occupies part of the abutting Saddle Ridge residential community. This wetland area is topographically isolated within a closed depression. A total of 10.90 acres of the Howeth property is active agricultural land and 8.63 acres is forested uplands. This letter will also provide information related to the absence of any federally listed threatened or endangered species subject to the Endangered Species Act of 1973.

ERI consulted with the U.S. Army Corps of Engineers in regard to the boundary of wetlands on the Howeth property and whether or not these wetlands were subject to the Corps Regulatory Program as defined by Section 404 of the Clean Water Act of 1972. In their Approved Jurisdictional Determination Letter (CENAP-OPR-2020-664-23) issued 23 November 2020, the Corps determined that the wetlands on the Howeth property were not federally regulated (see attached).

In accordance with the Department of Natural Resources and Environmental Control (DNREC) Wetland Mapping, the wetlands on the Howeth property are also not state regulated. As such, impacts to these wetlands are also not regulated by Sussex County and there is no requirement for a buffer.

As shown on the "Preliminary Plan for the Howeth Property" dated December 2020 as prepared by Davis, Bowen & Freidel, Inc. (DBF), no impact to this 2.09 acre forested wetland area is proposed and a voluntary 50 foot forested buffer has been specified. Based on the proposed limits of disturbance, actual buffer widths are greater than 75 feet. Of the upland and wetland forest currently on the site, 4.91 acres will be retained primarily within the existing isolated wetland and the forest area immediately surrounding it. The proposed project has been designed taking into consideration the retention of valuable natural areas within the project site.

ERI consulted with the U.S. Fish and Wildlife Service (Service) with respect to the occurrence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973 (ESA). In their letter of June 9, 2022, the Service concluded that there are no records of any federally listed threatened or endangered species on this property (see attached). This confirms the results of observations ERI conducted on this property.

I do want to mention that the USFWS letter did provide information that a proposed candidate species, the Monarch Butterfly (*Danaus plexippus*) has been designated throughout the entire project vicinity. This species has no critical habitats designated and it is not yet listed as a protected species. In addition, this is a transitory species which has very specific habitat requirements which include an abundance of milkweed to be present on a property. The required vegetation does not occur on the subject site as the field area proposed for development is active agricultural land.

During the PLUS Review conducted by the Office of State Planning for this project, DNREC's Division of Fish and Wildlife provided comments about three state rare species which have been documented to occur within the project vicinity. They are the eastern tiger salamander (*Ambystoma tigrinum*), barking tree frog (*Hyla gratiosa*), and Cope's grey tree frog (*Hyla chrysocelis*). Each of these amphibian species is globally secure and in more abundance in more southerly coastal plain states near the heart of their range. They are not ESA protected species.

Based upon past DNREC comments regarding documented habitats for these species contained in past PLUS review comments for the nearby Fieldstone (aka Grove at Love Creek), Saddle Ridge, and Belle Terre residential communities, the isolated coastal ponds known as Welches Pond and Hetty Fisher Pond are the actual breeding areas for these species (see attached figure). All three of these subdivisions have been recently approved by Sussex County and they are largely developed. The longstanding Briarwood residential community contains about half of the 3.0 acre Hetty Fisher Pond, with the remainder within the Saddle Ridge project. The Saddle Ridge, Belle Terre and Fieldstone projects all incorporated buffers put in place to minimize impacts to Hetty Fisher Pond and Welches Pond and the habitat area of the three state rare amphibians. Due to the age of the Briarwood subdivision most of the part of Hetty Fisher Pond within the subdivision is impacted since it is actually part of residential lots.

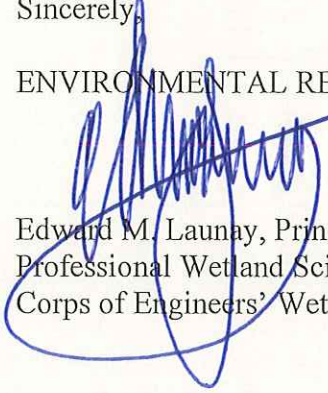
In relation to the Howeth property, Hetty Fisher Pond is more than 740 feet away (southwest). In relation to Welches Pond, it is 3.000 feet away (west). Intervening developed areas of land occur between the Howeth property and Welches Pond. The unregulated forested wetlands, voluntary buffer and forest being retained on the Howeth property will adjoin other undisturbed forest buffers around Hetty Fisher Pond. These were provided as part of the Belle Terre and Saddle Ridge subdivisions.

Although it is more than 700 feet away, habitat for amphibian species that may use Hetty Fisher Pond will be provided by the Howeth property as it is proposed. Accordingly, it is my opinion the development of the Howeth project will not adversely impact amphibian species of state concern. The applicant has incorporated an appropriate and adequate measure of habitat preservation as part of the project plan for development. No federally listed threatened or endangered species are present. All on site wetlands will remain undisturbed with buffers well in excess of 50 feet.

Upon review of this report, I am available at your convenience should you have any comments or concerns.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



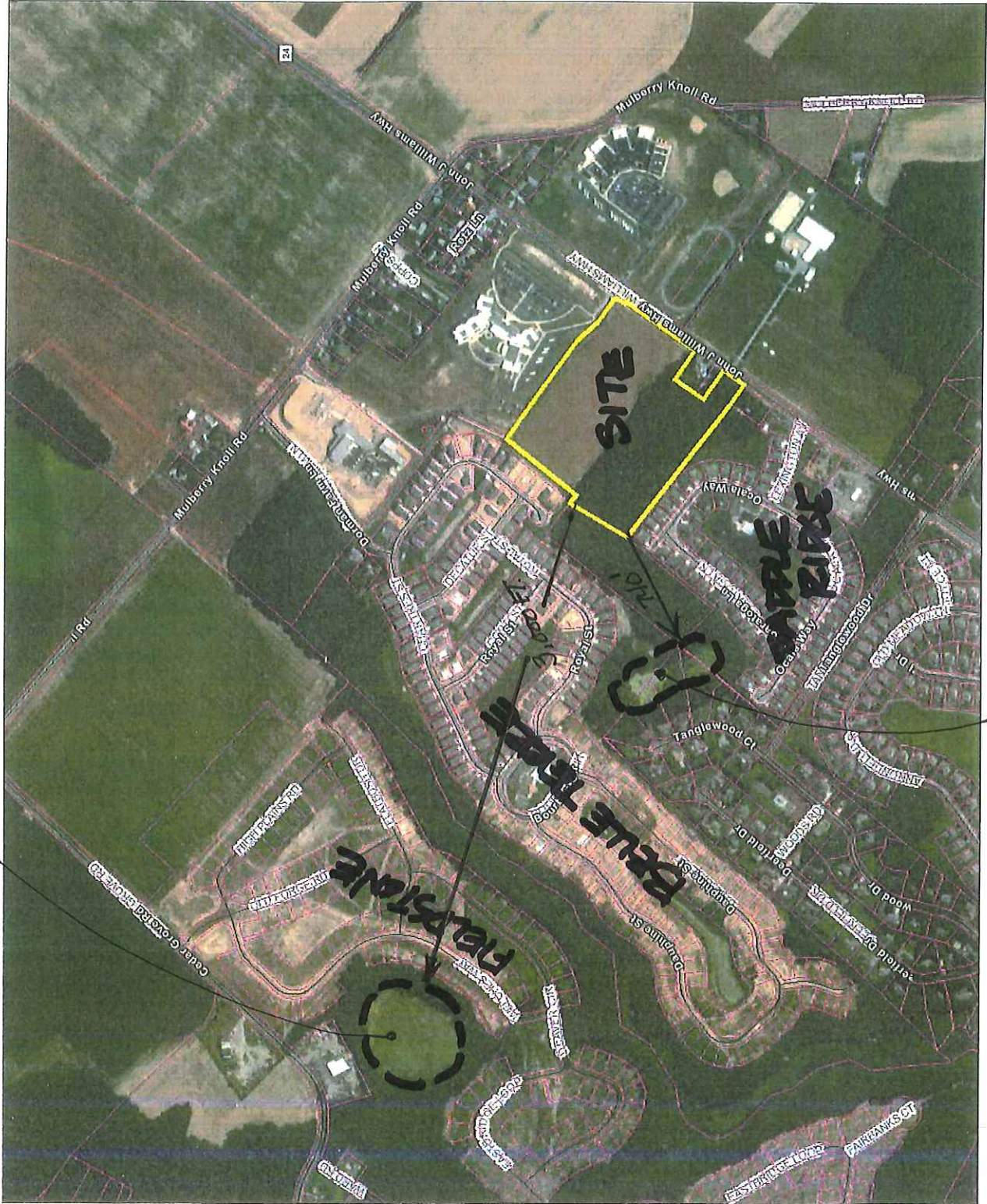
Edward M. Launay, Principal  
Professional Wetland Scientist No. 875, Society of Wetland Scientists  
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B



WELCHES POND



Sussex County



PIN: 334-12.00-16.04

Owner Name TOWNSEND J G JR  
CO

Book 0

Mailing Address PO BOX 430

City GEORGETOWN

State DE

Description NW/RT 24

Description 2 SW/RT 284

Description 3 PARCEL 1

Land Code

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch

23 November 2020

SUBJECT: Approved Jurisdictional Determination CENAP-OPR-2020-664-23  
Project Name: J.G. Townsend, Jr. and Company  
Coordinates: Lat. 38.713215°N/-75.154150°W

Thomas D. Nobile  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Nobile:

This approved jurisdictional determination (AJD) is provided in response to your request of September 10, 2020 on behalf of J.G. Townsend, Jr., and Company for a Corps of Engineers determination of federal jurisdiction as it relates to a site located at Tax Map Parcel 334-12.00-16.04, Lewes and Rehoboth Hundred, Sussex County, Delaware.

The findings of this AJD are documented in the enclosed AJD Form. The findings are also depicted on a site plan prepared by Atlantic Surveying and Mapping LLC, dated February 11, 2018, and titled: *Boundary of Waters of the United States Including Wetlands Subject to Corps of Engineers Regulatory Program, Lands of J.G. Townsend, Jr. & Co., Lewes and Rehoboth Hundred, Sussex County, Delaware, 334-12.00-16.04*, one sheet.

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

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

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

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

Mr. James W. Haggerty  
Regulatory Program Manage (CENAD-PD-OR)  
United States Army Corps of Engineers, North Atlantic Division  
Fort Hamilton Military Community, Bldg. 301, General Lee Avenue  
Brooklyn, NY 11252-6700  
James.W.Haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 24 January 2020.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at (302) 736-9764, or by email at john.g.brundage@usace.army.mil.

Sincerely,

BRUNDAGE.JOH  
N.G.122915746  
5

Digitally signed by  
BRUNDAGE.JOH.N.G.12291  
57465  
Date: 2020.11.23 15:10:27  
-05'00'

John G. Brundage  
Senior Staff Biologist  
Regulatory Branch

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



In Reply Refer To:  
Project Code: 2022-0052606  
Project Name: Howeth Property Residential Community

June 09, 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: 2022-0052606

Event Code: None

Project Name: Howeth Property Residential Community

Project Type: Residential Construction

Project Description: Construct a residential subdivision 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/@38.7143551,-75.15417177308464,14z>



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 Fisheries<sup>1</sup>, 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"> <li>▪ 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: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a></p>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## **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.

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## 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.

FRESHWATER FORESTED/SHRUB WETLAND

- [Palustrine](#)
-

## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

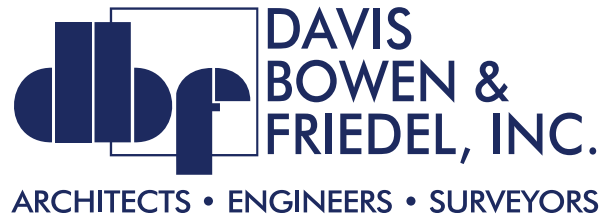
City: Selbyville

State: DE

Zip: 19975

Email: [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637



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

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Salisbury, MD 21804  
(410) 543-9091

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

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

### Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

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

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

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

PLUS Number (to be completed by OSPC): 2020-12-04  
Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2/3

1. Project Title/Name:

2. Location ( please be specific):

3. Parcel Identification #:

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

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

6. Owner's Name:

Address:

City: State: Zip:

Phone: Fax: Email:

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

Address:

City: State: Zip:

Phone: Fax: Email:

8. Project Designer/Engineer:

Address:

City: State: Zip:

Phone: Fax: Email:

9. Please Designate a Contact Person, including phone number, for this Project:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Date

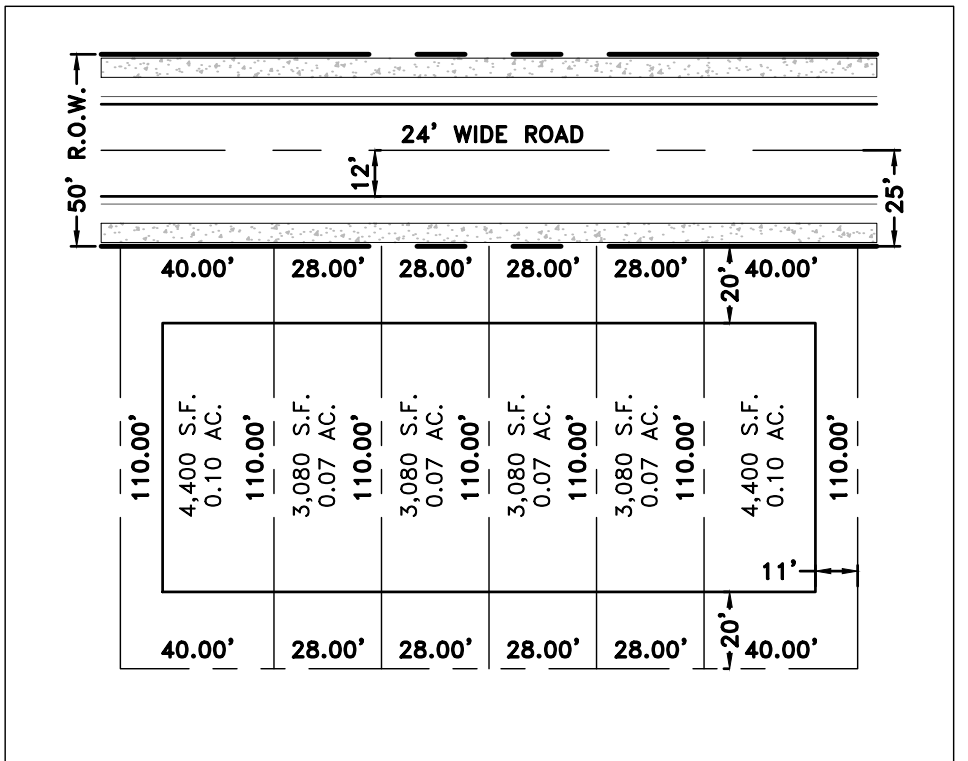
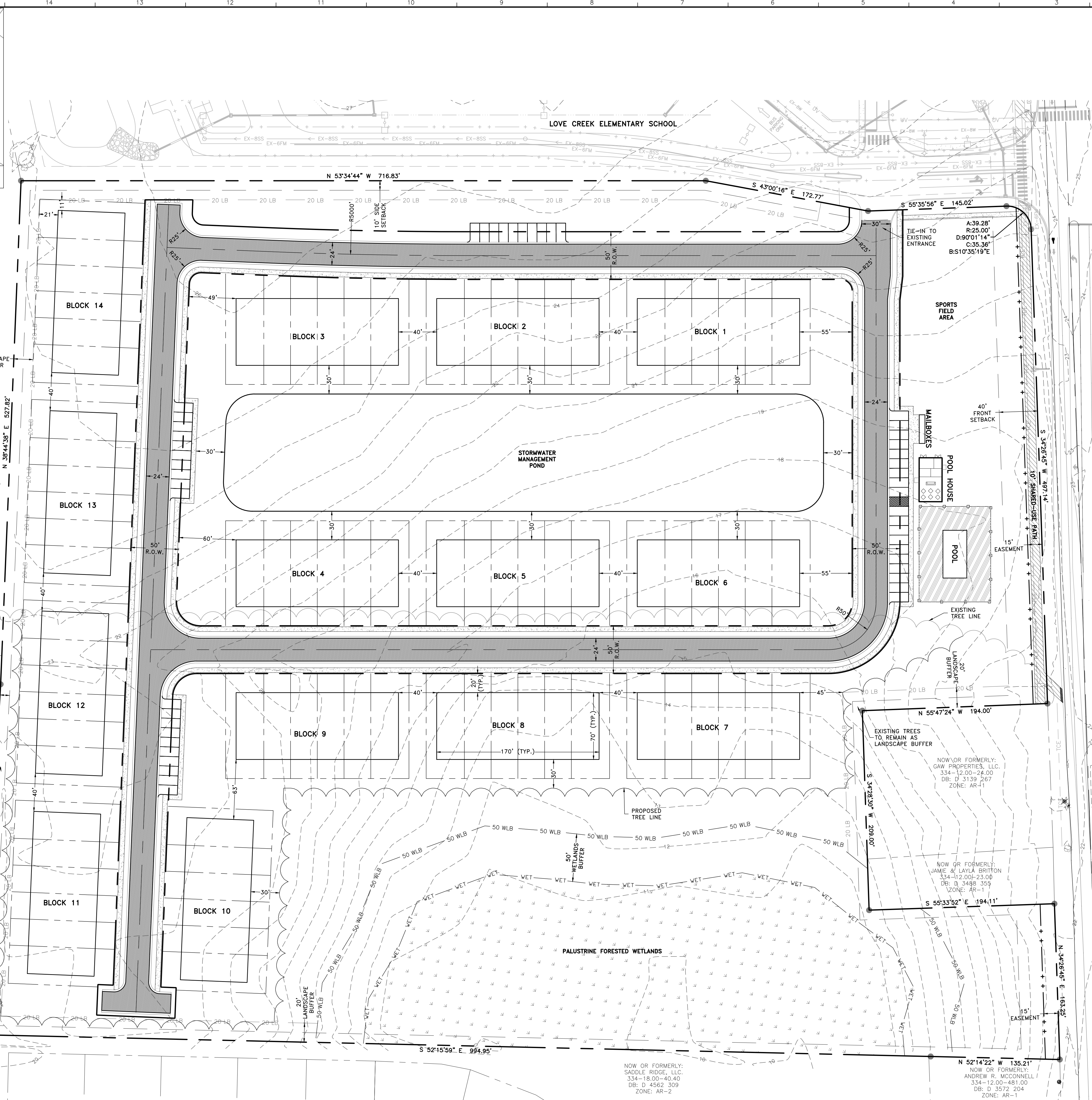
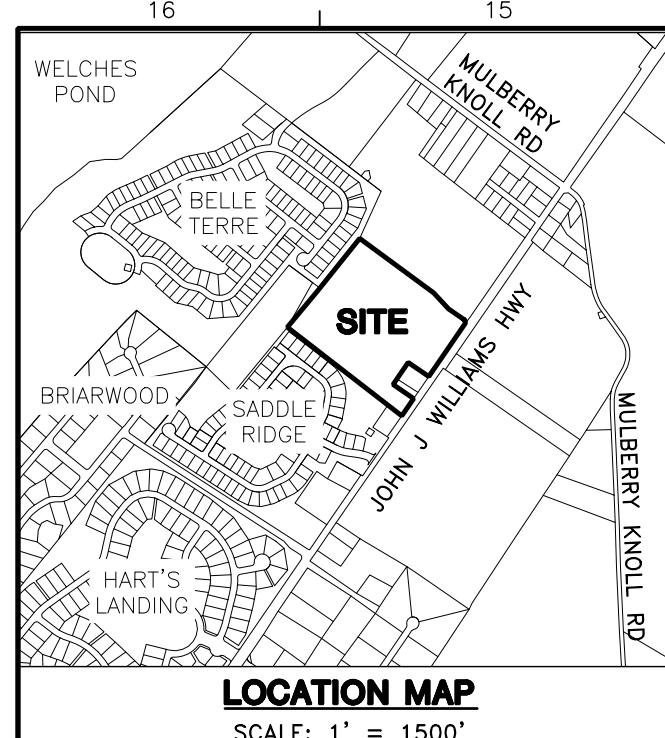
\_\_\_\_\_  
Signature of Person completing form  
(If different than property owner)

\_\_\_\_\_  
Date

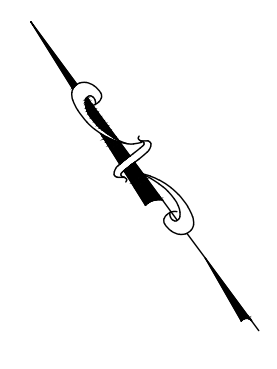
**Signed application must be received before application is scheduled for PLUS review.**

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





**STANDARD FEE SIMPLE TOWNHOUSE**  
SCALE: 1" = 50'



NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-889.00  
DB: D 2549 268  
ZONE: AR-1

**DATA COLUMN**

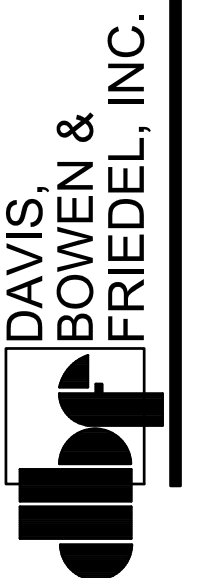
TAX MAP NUMBER:	334-12.00-16.04
SITE AREA:	21.62 ACRES
EX. WOODS:	9.28± ACRES
REMAINING WOODS:	5.00± ACRES
EX. WETLANDS:	2.09± ACRES
EX. ZONING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PR. ZONING:	MR (MEDIUM-DENSITY RESIDENTIAL)
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL (TOWNHOMES) - CONDITIONAL USE
SETBACKS:	FRONT - 20' CORNER - 15' (ONE SIDE) SIDE YARD - 10' REAR YARD - 20'
UNITS PROPOSED:	14 SIX-UNIT BUILDINGS 84 TOWNHOUSES
DENSITY:	3.9 UNITS/ACRE
WETLAND DELINEATION AS PROVIDED BY:	ENVIRONMENTAL RESOURCES, INC. 38173 DUPONT BLVD. P.O. BOX 169 SELBYVILLE, DELAWARE 19975 PHONE: 302-436-9637
PROPERTY OWNER/DEVELOPER:	J.G. TOWNSEND JR. & CO. PAUL TOWNSEND, PRESIDENT P.O. BOX 430 GEORGETOWN, DE, 19947 PHONE: 302-856-2525 FAX: 302-855-0922
ENGINEER:	DAVIS, BOWEN & FRIEDEL, INC. RING LADNER, P.E. 1 PARK AVENUE MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-242-0430

NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-18.00-40.01  
DB: D 3562 309  
ZONE: AR-1



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ARCHITECTS ENGINEERS SURVEYORS  
DAVIS, BOWEN & FRIEDEL, INC.  
MILFORD, DELAWARE  
EASTON, MARYLAND



CONCEPT PLAN

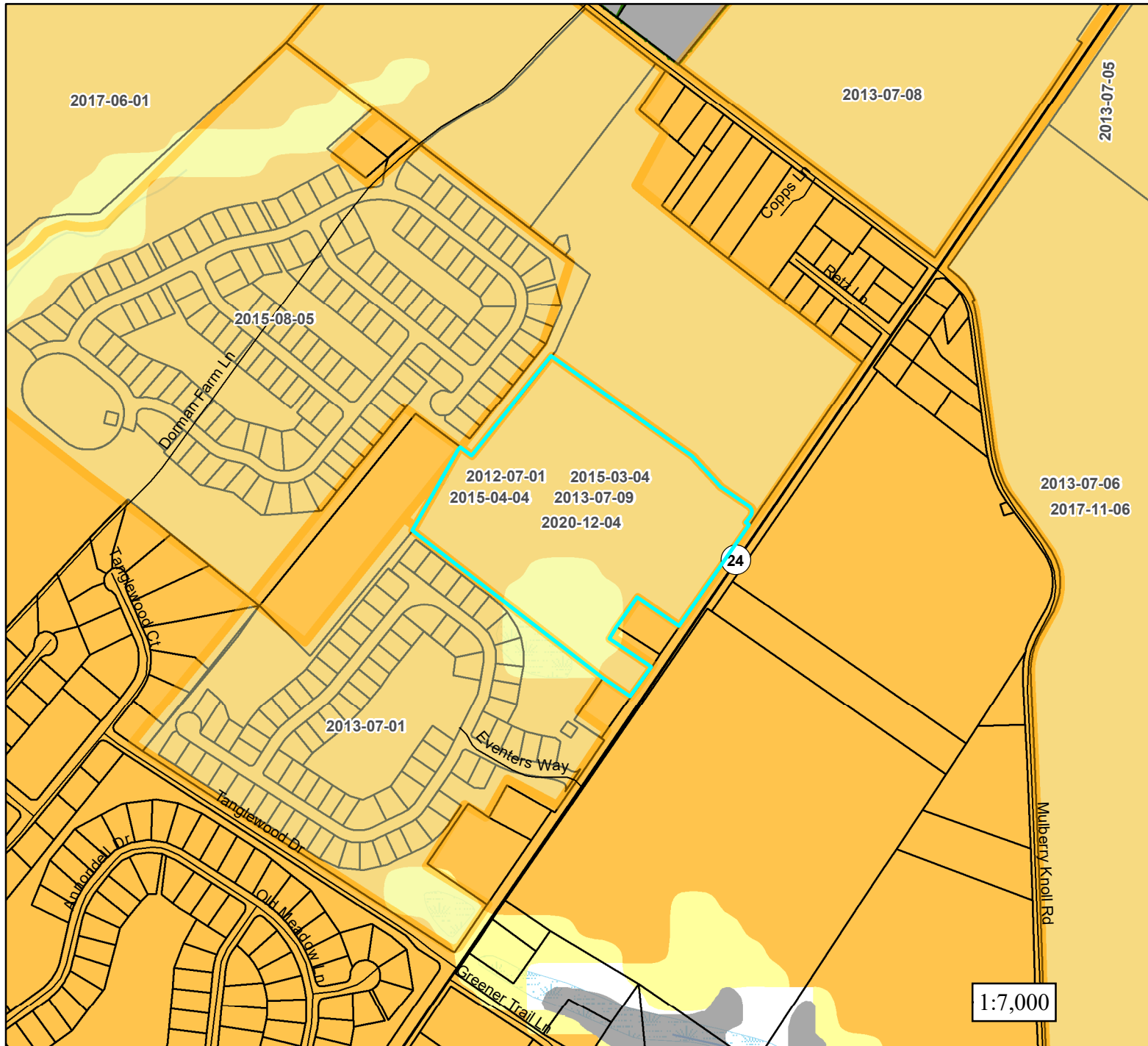
**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:	
Date:	DECEMBER, 2020
Scale:	1"=50'
Dwn.By:	SHF
Proj.No.:	2261J013
Dwg.No.:	CP-01

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# Preliminary Land Use Service (PLUS)

Howeth Property  
2020-12-04



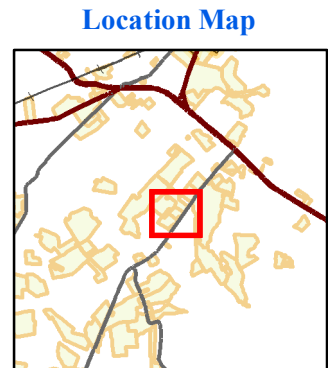
**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews

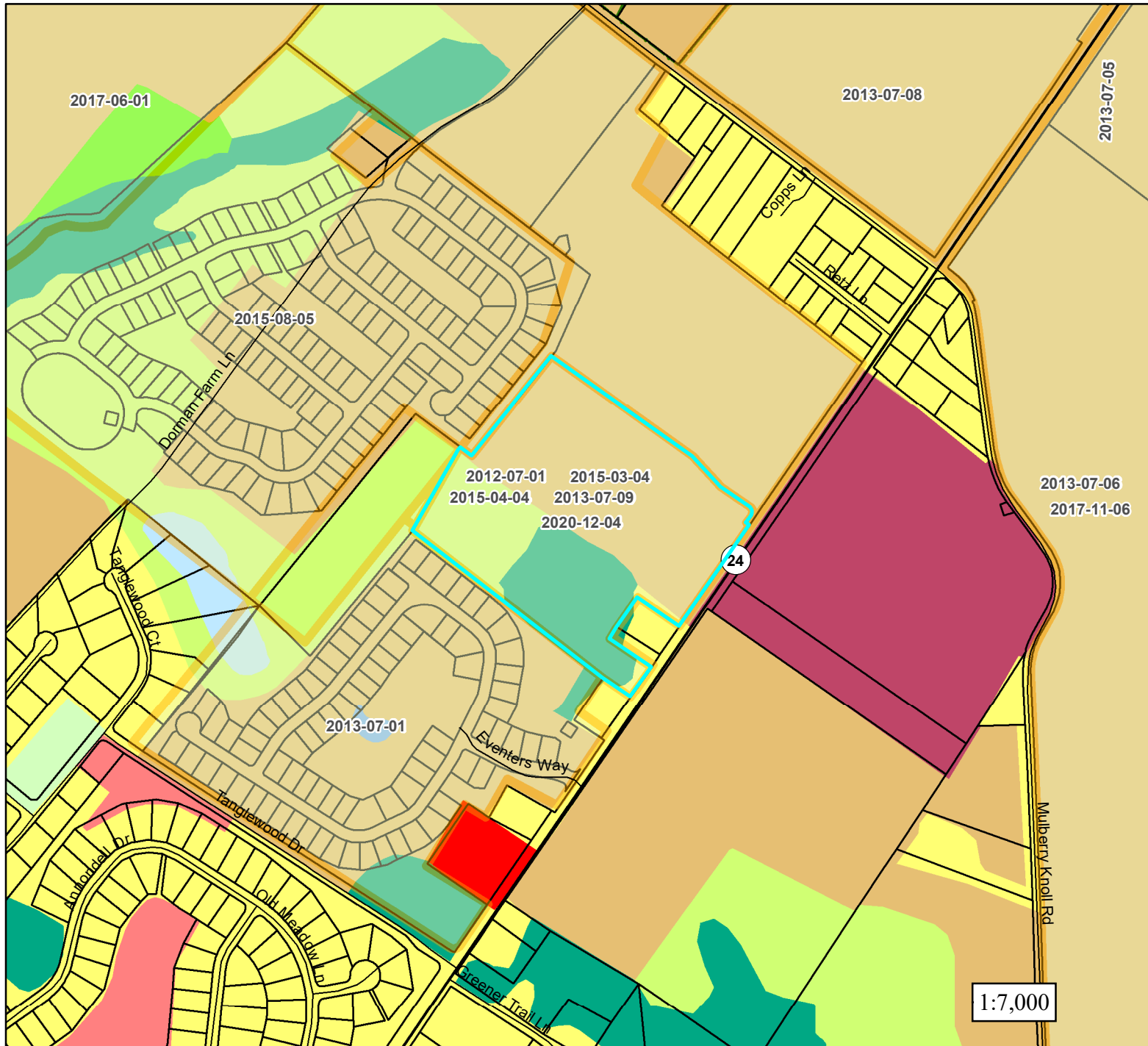
**2020 State Strategies**  
Strategy Level

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



# Preliminary Land Use Service (PLUS)

**Howeth Property**  
2020-12-04



**Legend**

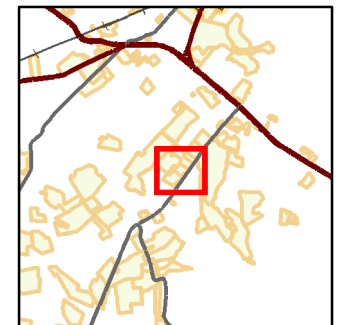
**2012 Land Use**  
**LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas**  
**type**

- Comp Plans
- All Other PLUS Reviews

## Location Map



# Preliminary Land Use Service (PLUS)



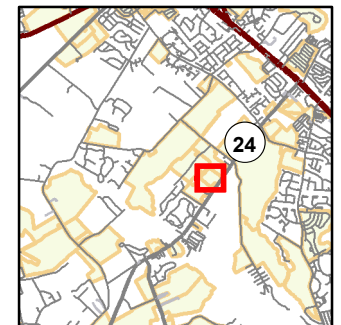
**Howeth Property**  
2020-12-04

**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews

## Location Map





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

January 17, 2020

Cliff Mumford  
Davis, Bowen & Friedel, Inc.  
1 Park Ave  
Milford, DE 19963

RE: PLUS review 2020-12-04; Howeth Property

Dear Mr. Mumford:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed plans for the Howeth Property project. According to the information received you are seeking review of a proposed 84 unit subdivision on 21.62 acres along Rt. 24 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 Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have 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 John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. As necessary, the existing access there must be improved.

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

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 598 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates 594 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 40 and 51, respectively. Therefore, a TIS would normally be required.

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

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

The subject land fronts on a segment of Delaware Route 24 that DelDOT anticipates improving through their project: SR 24, Love Creek to Mulberry Knoll, Contract No. T201212201. This project is scheduled for construction starting in the spring of 2022. DelDOT is presently acquiring rights-of-way and easements. Rights-of-way and easements in excess of the standard dedications described below are compensable. But for the TID, the developer would be required to contribute toward that contract but such contributions will be addressed in their TID fees.

- 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 Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT's plans for the SR 24 project discussed above currently include a five-foot sidewalk along the site frontage. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build this sidewalk along their frontage. Sidewalk construction, if required, would be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.
- Section 3.5.4.4 of the Manual addresses requirements for accessways. An accessway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring an accessway to connect the internal streets to SR 24 in the area between the proposed pool and Tax Parcel No. 334-12.00-24.00.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DTC anticipates requiring far side bus stops, including 8-foot by 17-foot shelter pads on both sides of Route 24 at the school entrances.

Bus stop construction, if required, may be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.delDOT.gov/Business/subdivisions/index.shtml>. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build entrance improvements. This matter should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

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

#### **Concerns Identified Within the Development Footprint**

##### **Natural Areas**

The entire forested area on the site lies within Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.

##### **Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands within the forested area of the site. The project application confirms the presence of 2.09 acres of wetlands. Preliminary plans propose a 50-foot buffer from wetland areas.

- If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.



- For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Contact: U.S. Army Corps of Engineers (Dover Office) at [DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.  
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

### **Vegetated Buffer Zones**

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

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

### **Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency, the Sussex Conservation District, prior to any land disturbing activity taking place on the site.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

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

Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D soils (poorly drained) have been identified within the forested area on the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

### **Drainage Concerns Documented**

There are three reported drainage concerns on the proposed site location from 2010. The concerns were regarding standing water in wetland areas on the rear of the property, with the water draining from adjacent property. No solution has been reported.

### **Nutrient Management Plan**

This project proposes open space of 11.42 acres, exceeding the threshold of 10 acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

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

Sussex County (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Groundwater Discharges Section at (302) 739-9948.  
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

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

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

**Fire Protection Water Requirements:**

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

**Fire Protection Features:**

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

**Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

**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 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 plan presented does not show the easement by which the subject land has access through the Love Creek Elementary School campus but the plan suggests that the easement addresses only the area near Route 24, where access is proposed. DelDOT anticipates that the proposed entrance will be congested at the beginning and end of each school day. Accordingly, DelDOT recommends that the developer pursue an expanded easement and connect to the school driveway in the area of Block 14 as well.

Further regarding the easement through the school campus, DelDOT, recommends in accordance with Section 3.5 of the Manual, that the developer pursue access through the school campus and Delaware State Police Troop 7 to Mulberry Knoll Road (Sussex Road 284).

- DelDOT recommends that the head-in parking proposed near the mailboxes and pool be changed to parallel parking to eliminate the need for residents to back out onto a relatively busy street.

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

**Old Growth Forest**

The preliminary plan proposes an 84-unit subdivision on 21.62 acres along Route 24 in Sussex County, which includes the elimination of 4.26 of 9.26 acres of forest on the site. An analysis of historical data indicates that the forest area has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- Avoid removing forested areas for development to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Natural Areas**

- Reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and cutting of forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.
- The developer could also investigate dedicating forested areas on the site as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.
- Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

**Delaware Ecological Network**

The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**State of Delaware Rare, Threatened, or Endangered Species**

The following animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area. Likewise, the natural habitats for these species also exist on this site, consisting of deciduous or mixed deciduous-coniferous woodlands with wetlands for breeding.

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier	Federal Status
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	Amphibian	S1	E	1	
<i>Hyla gratiosa</i>	Barking Treefrog	Amphibian	S1	E	1	
<i>Hyla chrysoscelis</i>	Cope’s Gray Treefrog	Amphibian	S2		2	

Please visit the following website for definitions on the specified State Rank, state Status, and Global Ranking: <http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.

- To minimize negative impacts to these species, we recommend that natural habitats of forest and wetlands be conserved to the maximum extent practicable.
- For threatened or endangered turtles and salamanders located in proposed developments containing forest habitat and wetlands, design the development to exclude traditional street curb and gutter systems. Instead, utilize vegetated swales or other road curbing (such as Cape Cod curbing) that allows small animals to climb out of the roadbed. This is preferred over steep, vertical curbing.
- Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.

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

### **Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of freshwater forested wetlands to protect water quality.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be decided as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

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

### **General Drainage Recommendations**

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>

### **Additional Sustainable Practices**

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- For the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy.



Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/ceif](http://www.de.gov/ceif).

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

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

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

**Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062**

- A pair of companion bus stops are needed, each far-side of the intersection with the schools. Both stops should be Type 2 17'x8' shelter pads and placed at least 50' from the intersection.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- 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](http://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.

**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

## Elliott Young

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, June 16, 2022 8:26 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, June 16, 2022 - 8:26am

Name: Christine Sutton

Email address: christine@smashboxdesigns.com Phone number: 6789824129

Subject: MR zoning change at Love Creek Elementary

Message:

I am writing today to express my concerns regarding the application to change the zoning of the property adjacent to Love Creek Elementary School (C/Z 1949 and C/U 2304) from AR-1 to MR. Not only is this an extreme example of the further overdevelopment of Sussex County, but the additional traffic this would add to Love Creek Elementary School, poses a significant safety threat to our elementary students, teachers, staff, and parents. Having Beacon Middle School on one side of Rt 24 and Love Creek Elementary on the other, already makes that area exhaustingly congested. Destroying 4 acres of forest to add an additional neighborhood would absolutely go too far and be detrimental to the community. Allowing that neighborhood to share an entrance with Love Creek Elementary is frankly an unacceptable and poorly thought out plan that places unnecessary hardships and hazards on every Love Creek and Beacon family and staff member.

As is, vehicles start lining up on both sides of Rt 24, 45 minutes prior to the dismissal of both Love Creek and Beacon. Add in school buses and the ongoing road construction that is scheduled to continue well into the future, and you have a nightmare on your hands. I cannot think of a worse proposal, nor a bigger disservice and disappointment to our community. As a parent, I urge you to reject this zone change application and protect the safety of our children. As a taxpayer and voter, I respectfully insist that the members of Planning and Zoning deny this request and honor their commitment to be good stewards of our land, infrastructure, and resources. Thank you for your time and consideration of this most urgent and frustrating matter.

Sincerely,  
Christine Sutton

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

## Lauren DeVore

---

**From:** Bill McNamee <noreply@forms.email>  
**Sent:** Tuesday, June 14, 2022 9:32 PM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Multi Family Property Proposal - Love Creek

**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.

Name: Bill McNamee  
Email: bill.mcnamee@gmail.com  
Phone: 8564660569  
Subject: Multi Family Property Proposal - Love Creek

Message: It has come to my attention that an application has been submitted regarding a request to change the current AR-1 zone for the property on RT24, next to Love Creek Elementary School. In addition to the overcrowding of Sussex County due to overdevelopment, increased traffic, and infrastructure that cannot handle any more development, this particular change, if allowed, would pose a severe safety risk to our elementary school children (two of which are mine) and the staff that work in the school. The increased traffic, that will utilize the current entrance to Love Creek, is a smoking gun, waiting to go off. Buses and parents dropping and picking up their children already have to deal with dangerous traffic and significant delays. Rather than change the zoning, the P&Z should find a way to ensure this and many other AR-1 parcels are maintained and preserved. Once you change zoning and the property is developed, there is no getting it back. I, and I'm sure, many if not all of the parents, teachers, and staff of Love Creek Elementary and Beacon Middle School across the street, strongly oppose this request. All of the decision-makers in this County were selected to ensure the people and property of Sussex County are protected. Please act in the best interest of our children and the children of the future. Do not let the Developers strong-arm or coerce members of the P&Z Committee. At the end of the day, we will vote to ensure people are put in office to protect our children and the land God gave us.

RECEIVED

Opposition  
Exhibit

JUN 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 12:32 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 12:31pm

Name: Kate Huff  
Email address: katehuff31@gmail.com  
Phone number: 30254621265  
Subject: LCE

Message: Please do not allow a shared entrance with LCE and the new condos going in. This intersection is already a nightmare. I'm not sure the line will be able to take additional cars. Teachers are already out there trying to keep the enormous line under control, so why add additional cars?

Opposition  
Exhibit

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JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 1:16 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 1:16pm

Name: Jessica Benson  
Email address: clatwjl@yahoo.com  
Phone number: +1 832-368-2318  
Subject: Multi family housing proposal in the lot next to Love Creek  
Message:

I am writing to ask that the application that has been submitted regarding a request to change the current AR-1 zone for the property next to Love Creek Elementary on Rt 24 be denied. As a member of this community and a parent of children that attend this school, I can tell you that it is already a very dangerous intersection, especially during the school year at drop off and pick up time. Adding a MultiFamily development in that lot, with a shared entrance, would make traffic exponentially worse as well as pose a safety threat to our children. Please do not approve the zoning change.

**Opposition  
Exhibit**

RECEIVED

JUN 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 1:29 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 1:29pm

Name: Christopher Benson  
Email address: christopher.k.benson@gmail.com Phone number: 713-818-6750  
Subject: Zoning change application for lot next to Love Creek  
Message:

I am writing to ask that the application that has been submitted regarding a request to change the current AR-1 zone for the property next to Love Creek Elementary on Rt 24 be denied. As a member of this community and a parent of children that attend this school, I can tell you that it is already a very dangerous, congested intersection, especially during the school year at drop off and pick up time. Adding a MultiFamily development right next to an elementary school with a shared entrance would only exacerbate this already problematic intersection as well as pose a threat to our children. Please do not approve this zoning change request.

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Opposition  
Exhibit

**FINDINGS OF FACT & CONDITONS OF APPROVAL**  
(Proposed)

**Applicant  
Exhibit**

**HOWETH PROPERTY**  
**n/k/a SCHOOL LANE**  
CU#2304



**FILE COPY**

*Received at Public  
Hearing 6.23.2022*

1. This is an application for a conditional use to develop 21.62± acres with eighty-four (84) multifamily dwellings (townhouses) on a property located in Lewes and Rehoboth Hundred, Sussex County, being situated 1,500± to the West side of the intersection of Mulberry Knoll Road (Sussex County Road 284) and John J. Williams Highway (Delaware Route 24), also being known as Tax Parcel 334-12.00-16.04 (the “Property”).

2. The Property is owned by the applicant, J.G. Townsend, Jr. & Co.

3. The Property is presently used for agricultural purposes.

4. The Property is the subject of a Change of Zone Application (CZ 1949) seeking to change the designation of the Property on Sussex County’s comprehensive zoning map from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District).

5. In the 2019 Sussex County Comprehensive Plan update, the Property is identified for purposes of future land use as being part of the Coastal Area and part of the Commercial Area, both of which are “Growth Areas.” Simultaneous with this change of zone application, the applicant is requesting an amendment to the 2045 Future Land Use Map so that the entire Property would be shown as being within the Coastal Area. The proposed project is consistent with the guidelines for projects within the Coastal Area. The 2019 Comprehensive Plan and its Future Land Use Map approved by Sussex County Council identifies the Coastal Area as a Growth Area where “[a] range of housing types should be permitted..., including single-family homes, townhouses, and multi-family units.” In addition, the Property is served by central water and sewer, near commercial uses and employment centers, located along a main road, SR 24 (a Major Collector).

6. The properties that surround this Property are also in the Coastal Area and Commercial Areas.

7. The 2020 Delaware Strategies for State Policies and Spending identify the Property as being located primarily in an Investment Level 2 area with a small portion of the Property being located in Investment Level 3. According to Delaware’s Strategies for State Policies and Spending, “[i]n Investment Level 2 Areas, like Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities...Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable.”



8. The Property is not within a floodplain based upon FEMA Map Number 10005C0334K, dated March 16, 2015, as it is in an area designated as Zone “X,” which is an area determined to be outside the 500-year floodplain.

9. There are wetlands located on the Property and a minimum 50-foot buffer is proposed from the delineated wetlands.

10. The Property is not located within a Source Water Protection Area (Wellhead Protection Area or Excellent Recharge Area) as those items are defined in Chapter 89 of the Sussex County Code.

11. Potable water will be provided to the Property by Tidewater Utilities, Inc.

12. Sussex County Engineering identified the Property as being in a Tier 1 Sewer District Area located within the Sussex County Unified Sanitary Sewer District and will collect, treat and dispose of sanitary sewerage from the site.

13. Sussex County’s Engineering Department has indicated that adequate wastewater capacity is available for the 84 multifamily (townhouse) unit project.

14. Through Tidewater Utilities, Inc. and Sussex County adequate public water and sewage treatment is available to support the proposed project.

15. DelDOT responded to the Service Level Evaluation Request and, pursuant to its Memorandum of Understanding for Land Development Coordination with Sussex County, found that the proposed multifamily (townhouse) conditional use project would have been determined to have a Minor impact on the local area roadways and that the Developer would have been permitted to pay an Area-Wide Study Fee in lieu of doing a Traffic Impact Study. However, the Property is located within the Henlopen Transportation Improvement District (TID) and therefore will be required to enter into an infrastructure recoupment agreement and pay the TID per unit fee, prior to the issuance of building permits.

16. As the site plan is finalized, DelDOT’s approval will be required to provide for safe vehicular and pedestrian movement onto School Lane and John J. Williams Highway.

17. As a part of final site plan approval, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from the development and use of the Property.

18. The 2019 Comprehensive Plan and its Future Land Use Map approved by Sussex County Council identifies the Coastal Area as a Growth Area where “[a] range of housing types should be permitted..., including single-family homes, townhouses, and multi-family units.”

19. In addition, the 2019 Sussex County Comprehensive Plan update states that,

...medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density.

20. The proposed project creates additional residential housing options at a density of 3.9 units per acre, an appropriate density in an area served by County sewer and central water, which is near a significant number of commercial uses and employment centers, is in keeping with the character of the area, situated along a main road—a Major Collector (John J. Williams Highway), at a signalized entrance, where DelDOT has ongoing projects on the Capital Transportation Program consistent with the purpose of both the MR (Medium-Density Residential District) and the Coastal Area designation on the Comprehensive Plan.

This recommendation of approval is subject to the following proposed conditions:

- A. The maximum number of multifamily units shall not exceed 84.
- B. Any entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements and time periods.
- C. The site will be served with public sanitary sewer via a connection to the Sussex County regional wastewater transmission, treatment and disposal Unified District facilities. The applicant shall comply with all requirements and specifications of the County Engineering Department.
- D. The site will be served with public water for both potable and fire protection use via connection to Tidewater Utilities, Inc.
- E. Street naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- F. Interior street design shall meet or exceed Sussex County's street design requirements.
- G. Sidewalks shall be placed on both sides of the streets except Road A and shall connect with multi-modal paths as required by DelDOT.
- H. 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.

- I. A twenty-foot (20') landscaped buffer shall be installed along the northern, eastern, and western property lines and along the two outparcels along Route 24 to a point where the landscape buffer intersects with the 50-foot wetlands buffer. The wetlands and their buffer shall be the twenty-foot (20') landscaped buffer for the remainder of the Property.
- J. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the site. These "Limits of Disturbance" shall be clearly marked on the site itself.
- K. The recreational amenities for the project shall include a pool, bathhouse and shared-use path, which shall be completed on or before the issuance of the 7<sup>th</sup> Building Permit (42 units at 6 units/building).
- L. The applicant, its successors and/or assigns, shall cause a property owners association to be formed and be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- M. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no construction activities at the site on Sundays. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- N. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- O. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- P. The Final Site Plan shall depict or note these conditions and shall be subject to the review and approval of the Planning and Zoning Commission.

Ashley Paugh **CJU 2304, CZ 1949, Ordinance Re: 334-12.00-16.04**

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Sunday, July 17, 2022 11:08 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

RECEIVED

Submitted on Sunday, July 17, 2022 - 11:08am

JUL 18 2022

Name: Nancy Guerin  
Email address: bbobgranmom05@gmail.com  
Phone number: 410-375-7290

SUSSEX COUNTY  
PLANNING & ZONING

Subject: Townhome Project Planned Along Route 24

Message: Mr. Wheatley, I attended the June 23 hearing concerning the Townhome Project Along Route 24. The Townsend lawyer, Mr. Hutt, presented several maps showing several developments that surround schools. I asked the question as to "how many of the developments shared their driveway access with the school". You had said that was a good question and you would look into it. I was wondering if you had the opportunity to do that, and what you found. Thank you for the opportunity to share my concern about the above development. Nancy Guerin

Opposition  
Exhibit

July 11, 2022

To: The Sussex County Planning and Zoning Committee

Re: Parcel number 334-12.00-22.00; potential for easement violation

To whom it may concern:

Received after  
PZC Public Hearing  
before  
CC Public Hearing

We are the owners of Sussex County parcel number 334-12.00-22.00 (the "Lang Parcel"). The Lang Parcel is approximately 6.7265 acres of real property near Love Creek Elementary School and Beacon Middle School, and borders (a) the Saddle Ridge community, (b) the Four Seasons at Belle Terre community, and (c) the approximately 22-acre parcel of real property proposed to be rezoned and developed into the School Lane community (the "School Lane Parcel"). It is our understanding that the owners of the School Lane Parcel seek to, among other actions, (i) rezone the School Lane Parcel from AR-1 (agricultural-residential) to MR (medium-density residential), (ii) develop the School Lane Parcel into an 84-unit multifamily housing community, and (iii) revise the applicable Sussex County future land-use map designation with respect to the School Lane Parcel.

It is our further understanding that a public hearing has been scheduled by the Sussex County Council, to take place on Monday, July 26, 2022, with respect to the proposed rezoning and development of the School Lane Parcel. In advance of that public hearing, we wanted to express our concerns with respect to the School Lane Parcel, specifically as it relates to the Lang Parcel, and the potential for a violation of an easement that currently burdens the School Lane Parcel in favor of the Lang Parcel.

When we purchased the Lang Parcel, we did so with the purchase of a related easement across the School Lane Parcel that benefits the Lang Parcel (the "Easement"). The Easement is approximately 12.5' wide, and runs northwest/southeast across the middle of the School Lane Parcel, from Route 24 to the Lang Parcel. The Easement is intended to, among other benefits, provide the Lang Parcel with access, ingress and egress to a public road (i.e, Route 24). Without the Easement, the Lang Parcel would be land-locked. For ease of reference, we have attached certain documents that evidence the Easement, and describe it in more detail. We would be happy to provide you with any other information that would be helpful to your review.

We want to ensure that the Easement, including our rights related to it, is not overlooked in the consideration of the proposed rezoning and development of the School Lane Parcel. As of the writing of this letter, it appears that the proposed plans for the School Lane community to be developed on the School Lane Parcel would result in the building of structures and infrastructures - both permanent and impermanent - directly over the Easement. Per the current plans, such encroaching structures and infrastructures over the Easement would include approximately 20 two-story townhomes, 2 roadways, multiple driveways and parking spaces, and various landscaping. Should the School Lane Parcel be rezoned and developed per these plans, our Easement would be violated; our access, ingress and egress rights from the Lang Parcel to a public road would be breached and eliminated; and the Lang Parcel would become land-locked.

We hope to be in attendance at the public hearing on July 26th, but wanted to express our concerns as soon as possible.

Much thanks for your consideration and assistance.

Best regards,  
Tom and Nancy Lang



Thomas C. Lang and Nancy B. Lang  
Mailing address: 14 Deerfield Lane, Rehoboth Beach, DE 19971

RECEIVED  
JUL 11 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Email: [tlangail2@gmail.com](mailto:tlangail2@gmail.com)

Phone: 302-226-3536

**This Deed, made this**9<sup>th</sup> day of May

in the year of

our LORD one thousand nine hundred and Eighty

BETWEEN, HARRY LYNCH, JR. and WILLIAM F. LYNCH II, of 813 Augusta Road, West Over Hills, Wilmington, Delaware 19807, parties of the first part,

-AND-

M.  
EDGAR/DOWNS, JR. and ENOCINCIA O. DOWNS, his wife, of R.D. #5, Box B-34, Georgetown, Delaware 19947, as tenants by the entirety with right of survivorship, and not as tenants in common, parties of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00)----- lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto, the said part of the second part,

**ALL** that certain lot, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, as will more fully and largely appear as follows, to-wit:

BEGINNING at a point lying 1115.02 feet Northwest of an iron pipe lying on the Northwesterly side of County Road 24 (50 foot wide); thence, along these lands North 47° 30' 37" East 58.26 feet to an iron pipe, said pipe being a corner for these lands and lands now or formerly of Robert T. Dorman; thence along these lands and lands now or formerly of Dorman, North 45° 37' 14" West 288.75 feet to a "Blaze" mark on a 24 inch tree, said tree being a corner for these lands; thence along these lands and lands now or formerly of Dorman South 46° 52' 12" West 1023.00 feet to an iron pipe, said pipe being a corner for these lands and a corner for lands now or formerly of Robert T. Dorman and a corner for lands now or formerly of Charles E. Dorman, et ux, and a corner for lands now or formerly of Ebe Roy Dorman; thence along these lands and lands of Ebe Roy Dorman South 43° 09' 49" East 283.20 feet to an iron pipe, said pipe being a corner for these lands and lands now or formerly of Ebe Roy Dorman North 46° 58' 14" East 667.75 feet to a wood fence post; thence continuing a bearing of North 47° 30' 37" East 309.40 feet along these lands and lands now or formerly of J.G. Townsend, Jr. and Company, home to the place of beginning, said to contain 6.7265 acres of land, be the same more or less.

BEING the same land conveyed to Harry W. Lynch by deed of John C. Lank, et ux dated October 12, 1927 and filed of record in The Office of The Recorder of Deeds, Georgetown, Sussex County, Delaware in Deed Book 268, Page 385.

WOLHAR AND MOORE  
ATTORNEYS AT LAW  
FACE & PINE STREETS  
P. O. BOX 354  
GEORGETOWN, DELAWARE 19947

In Witness Whereof, The said parties of the first part have hereunto set the hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

[Handwritten signature]

HARRY LYNCH, JR. (Seal)
WILLIAM F. LYNCH, II (Seal)

PURCHASERS REPORT MADE THIS 21st DAY OF May 1980 ASSESSMENT DIVISION OF SUSSEX COUNTY

STATE OF DELAWARE, SUSSEX County ss.

BE IT REMEMBERED, that on this 9th day of May in the year of our Lord one thousand nine hundred and Eighty personally came before me, a Notary Public in and for the State and County aforesaid, HARRY LYNCH, JR. and WILLIAM F. LYNCH, II

STATE OF DELAWARE REALTY TRANSFER TAX 360.00

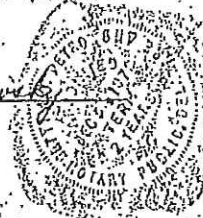
Parties to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

RECEIVED MAY 21 3 27 PM '80 RECORDER OF DEEDS SUSSEX COUNTY

WOLHAR AND MOORE ATTORNEYS AT LAW RACE & PINE STREETS P. O. BOX 384 GEORGETOWN, DELAWARE 19947

Betty Ann Peterson Notary Public



Handwritten signature and date 6/11/80



6199

1007 / 352

JOHN G. TOWNSEND, JR. and Company, of Millsboro,  
Delaware, 19966, party of the first part,

AND

EDGAR DOWNS, JR. and ENOCINGIA O. DOWNS, his wife,  
of R.D. 5, Box B34, Georgetown, Delaware 19947, parties  
of the second part,

WHEREAS, the Grantor is seized in fee simple in  
possession of a parcel of land located on the northwesterly  
right of way line of County Road #24 (50 foot wide) in Lewes  
and Rehoboth Hundred, said property being more fully described  
in Exhibit "A" attached hereto and made a part hereof;

WHEREAS, there is some question regarding if there  
are other tracts of land owned by Grantor which may or may  
not have been used for access; and

WHEREAS, the Grantor has agreed in consideration  
of the sum of One Dollar (\$1.00) of the grantee releasing  
his right of way over any other lands of the Grantor which  
may or may not have been used in the past for access in the  
manner hereafter expressed, to grant to him such right of  
way over the new path as hereinafter expressed:

NOW THIS INDENTURE WITNESSETH as follows:

1. GRANT OF NEW RIGHT OF WAY: In pursuance of  
the said agreement, the Grantor hereby grants to the Grantee  
full and free liberty in common with all other persons entitled  
to the like, liberty of passing and repassing, at all times  
along the new right of way for any purpose connected with  
the use and enjoyment of the said land of the Grantee.  
To hold the said right of way hereby granted to the Grantee,  
his heirs and assigns, as an easement appurtenant to the  
said land.

2. RELEASE OF OLD RIGHT OF WAY: In further  
pursuance of the said agreement, the Grantee hereby releases  
to the Grantor all the right of easement of way over any  
other lands of the Grantor which may or may not have been  
used in the past for access as appurtenant to his land  
or otherwise howsoever. To hold the said right or easement  
herein before expressed to be hereby released to the Grantor  
his heirs and assigns, to the intent that the same may  
be extinguished.

*Wolbar and Moore*  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 304  
Georgetown, Delaware 19947

1007 / 353

RIGHT OF WAY

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, as more fully described as follows, to-wit:

BEGINNING at an iron pipe lying on the Northwesterly side of County Road #24, said pipe lying 25.7 feet from the centerline of the aforesaid Route and being a corner for these lands and lands now or formerly of Charles H. Richards; thence along these lands North 47° 48' 08" West 1115.02 feet to a point, said point being a corner for these lands; thence North 47° 30' 37" East 12.55 feet to a point; said point being 45.71 feet Southwest of an iron pipe; thence South 47° 48' 08" East 1113.86 feet along these lands and other lands of this Grantor said point lying on the Northwesterly side of County Road #24 (50 foot wide); thence along the aforesaid side of County Road #24 in a Southwesterly direction 12.50 feet home to the place of beginning, said to contain 0.3198 acres of land, be the same more or less, as will more fully and at large appear upon reference to a plot prepared by Edward H. Richardson Associates, Inc. dated November 28, 1979 and revised on April 29, 1980, of record in The Office of The Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plot Book 20, Page 134.

EXHIBIT "A"

Wolhar and Moore  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 564  
Georgetown, Delaware 19947

1007 / 354

IN WITNESS WHEREOF, THE said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

Signed, sealed, and delivered in the presence of:

Henry W. Beck

JOHN G. TOWNSEND, JR. and COMPANY  
A Corporation of the State of Delaware

By J. G. Townsend, Jr.  
President

Attest [Signature]  
Secretary



PURCHASERS REPORT MADE  
THIS 2nd DAY OF May 1980  
ASSESSMENT DIVISION OF SUSSEX COUNTY

STATE OF DELAWARE  
COUNTY OF SUSSEX

SS.

BE IT REMEMBERED, That on this 15th day of May 1980, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, J. G. Townsend, Jr.

John G. Townsend, Jr. and Company, a corporation of the State of Delaware, party of 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 corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

GIVEN under my hand and seal of office, the day and-year aforesaid.

[Signature]  
Notary Public



RECEIVED  
MARY ANN McCABE  
MAY 21 3 34 PM '80  
RECORDER OF DEEDS  
SUSSEX COUNTY

Wolhar and Moore  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 364  
Georgetown, Delaware 19827

*Wolhar & Moore atty 6/11/80*

**This Deed, made this**

day of September in the year of  
our LORD one thousand nine hundred and eighty-one

**BETWEEN,** EDGAR M. DOWNS, JR. and ENOCINCIA O.  
DOWNS, his wife, of R.D. 5, Box  
B-34, Georgetown, Delaware 19947,  
parties of the first part,

- and -

THOMAS C. LANG and NANCY B. LANG,  
his wife, as Tenants by the Entirety  
with the right of survivorship and  
not as Tenants in Common, of R.D. 3,  
Box 341, Kennett Square, Pennsylvania  
19348, parties of the second part,

**Witnesseth,** That the said parties of the first part, for and in consideration of  
the sum of ONE DOLLAR (\$1.00)-----lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grant s  
and convey s unto the said part of the second part,

**ALL** THAT CERTAIN lot, piece  
or parcel of land, lying and being situate in Lewes and Rehoboth  
Hundred, Sussex County, Delaware, as will more fully and largely  
appear as follows, to wit:

BEGINNING at a point lying 1115.02 feet North-  
west of an iron pipe lying on the Northwesterly side of County  
Road 24 (50 foot wide): thence, along these lands North 47° 30'  
37" East 58.26 feet to an iron pipe, said pipe being a corner  
for these lands and lands now or formerly of Robert T. Dorman,  
North 45° 37' 14" West 288.75 feet to a "Blaze" mark on a 24  
inch tree, said tree being a corner for these lands; thence along  
these lands and lands now or formerly of Dorman South 46° 52'  
12" West 1023.00 feet to an iron pipe, said iron pipe being a  
corner for these lands and a corner for lands now or formerly  
of Robert T. Dorman and a corner for lands now or formerly  
of Charles E. Dorman, et ux., and a corner for lands now or  
formerly of Ebe Roy Dorman; thence along these lands and lands  
of Ebe Roy Dorman South 43° 09' 49" East 283.20 feet to an iron  
pipe, said pipe being a corner for these lands and lands now or  
formerly of Ebe Roy Dorman North 46° 58' 14" East 667.75 feet to  
a wood fence post; thence continuing a bearing of North 47° 30'  
37" East 309.40 feet along these lands and lands now or formerly  
of J. G. Townsend, Jr. and Company, home to the place of beginning,  
said to contain 6.7265 acres of land, be the same more or less.

BEING the same lands conveyed unto Edgar M.  
Downs, Jr. and Enocincia O. Downs, his wife, by Deed of Harry  
Lynch, Jr. and William F. Lynch, II, dated May 9, 1980 and recorded  
in the Office of the Recorder of Deeds, in and for Sussex County,  
at Georgetown, Delaware in Deed book 1007, Page 350

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

[Handwritten signatures and witness lines]

Edgar M. Downs Jr. (Seal)
EDGAR M. DOWNS, JR.
Enocincia O. Downs (Seal)
ENOCINCIA O. DOWNS
(Seal)
(Seal)

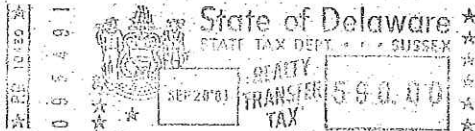
STATE OF DELAWARE, SUSSEX

County

PURCHASERS REPORT MADE
29 DAY OF Sept 1981
ASSESSMENT DIVISION OF SUSSEX COUNTY

BE IT REMEMBERED, that on this 26 day of September in the year of our Lord one thousand nine hundred and eighty-one personally came before me, a Notary Public in and for the State and County aforesaid,

EDGAR M. DOWNS, JR. and ENOCINCIA O. DOWNS, his wife,



Parties to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

[Handwritten signature and Notary Public text]

RECEIVED MARY ANN MCCABE SEP 28 10 12 AM '81 RECORDER OF DEEDS SUSSEX COUNTY

WOLHAR AND MOORE ATTORNEYS AT LAW RACE & PINE STREETS P. O. BOX 364 GEORGETOWN, DELAWARE 19947



LINES AND OR  
SITE OF  
ROBERT T. DEWANE  
(178 100/104)

THE MEET OF  
EAT A INTERSECTION  
OF THE STAIRS LINES  
EXHIBITED

LINES AND OR  
SITE OF  
EAT BY DEWANE  
(178 100/104)

REAR "BASE"  
LINE WITH TIES  
TO WALL CORNER

TRAIL LINE AT  
EDGE OF WOODS  
(TYPICAL)

LINES AND OR  
SITE OF  
J.S. THURMEYER JR. & COMPANY  
(SEE LOTS 100-104)

( OPEN FIELD )

( WOODS AREA )

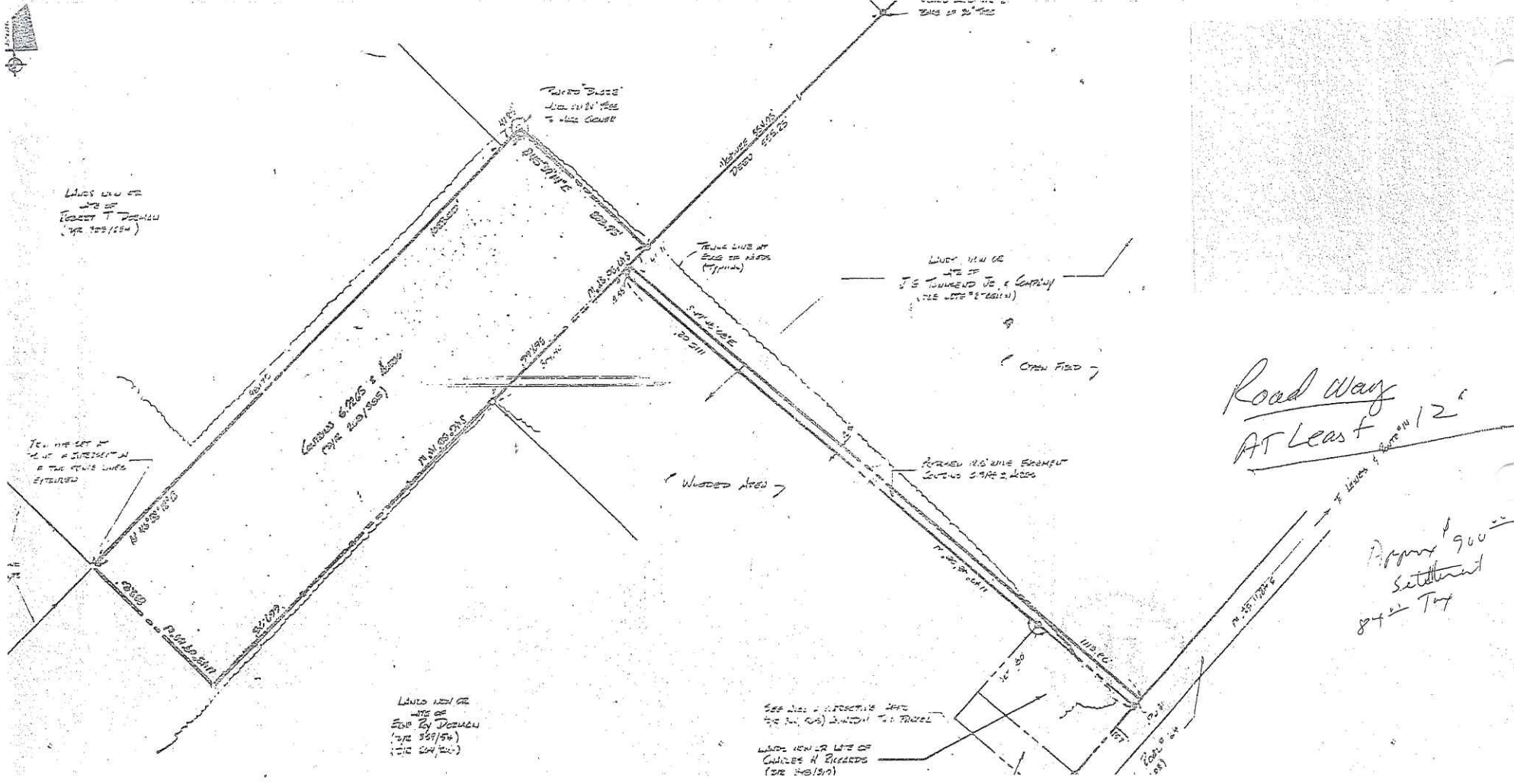
REAR W.C. LINE EXHIBIT  
SEE LOTS 100-104

Road Way  
AT Least 12'

Approx 900'  
Settlement  
84' Top

SEE ALSO A REFERENCE LINE  
TO THE ROAD BOUNDARY TO THE TRAIL

LINES AND OR  
SITE OF  
GARDNER H. BROWN  
(178 100/104)





# New Dimensions Realtors

Leases Contract Standard Form  
Approved by Sussex County Board of Realtors

Intersection Routes 1 and 9  
P.O. Box 412  
Leaves, Delaware 19958  
302-645-7222

## CONTRACT OF PURCHASE AND SALE

1. SELLER(S) Edgar M. & Encarnacion Downes  
 of Georgetown DE 19947 Office \_\_\_\_\_  
 Telephone No. Residence \_\_\_\_\_  
 hereby agrees to sell and convey unto

2. PURCHASER(S) Thomas C. and Nancy B. Lang  
 of 18234 RD 33 Kennett Sq, Pa 19348 Office \_\_\_\_\_  
 Telephone No. Residence \_\_\_\_\_

3. DESCRIPTION Purchaser(s) hereby agree to purchase from Seller(s) the property identified as:  
Parcel being App. 6.7263 Acres W. Side of Rt 21 with 2 1/2  
Right of Way located in Leaves Rehoboth parished  
Leaves DE Sussex County



- If a commitment for financing as set out above cannot be obtained on or before Sept 19 81, this contract shall become null and void and all deposit monies shall be returned to Purchaser.
5. SETTLEMENT Final settlement shall be completed on or before the 21 day of September 19 81, at which time possession shall be given. It is expressly understood and agreed that if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable time to effect these conditions.
6. TRANSFER TAX & COSTS A 1.00 % transfer tax is to be equally divided between Seller(s) and Purchaser(s). Seller(s) shall pay for deed preparation. Purchaser(s) shall pay all other settlement charges and lending costs including survey.
7. TERMITE Termite inspection by a licensed inspector is to be accomplished at the expense of the NA. Should there be evidence of active termite or any wood destroying infestation, and/or damage is discovered, Seller(s) shall have the option of correcting same at Seller(s)' expense; Otherwise, Purchaser(s) may declare this agreement null and void, in which case all deposit monies shall be refunded.
8. FORFEITURES Should the Purchaser(s) fail to make payments and/or settlement as specified above, the sums paid on account shall be retained by the Seller(s), who may elect to accept such sums either as liquidated damages or as part payment on the purchase price. In the event of forfeiture of the deposit, the Seller(s) shall allow the Agent one-half thereof, but not more than said commission, as a compensation for his services. If either Purchaser(s) or Seller(s) default under this Contract of Purchase and Sale, such defaulting party shall be liable for the commission of Agent, and any expenses incurred by the non-defaulting party, including attorneys fees in connection with this transaction and the enforcement of subject Contract of Purchase and Sale.
9. PRORATIONS Taxes, special assessments, fuel, rent, water, sewer and other fixed charges are to be prorated as of day of settlement.
10. FIXTURES All drapery rods, curtain rods, shades, blinds, window screens, awnings, storm windows and doors, landscaping, TV antenna, built-in appliances, stoves and air fixed installations belonging to the Seller(s) upon the premises shall remain and be included in this sale.
11. TITLE Title is to be good and marketable, clear of all liens and encumbrances, except restrictions of record and existing easements. In case title is found defective, the deposit money will be refunded and all legal expenses involved will be paid by the Seller(s).
12. RISK The risk of loss or damage to the said premises by fire, windstorm or other casualty until settlement is assumed by the Seller(s).
13. INSPECTION Purchaser(s) represent that an inspection satisfactory to Purchaser(s) has been made of the property and Purchaser(s) agree to accept the property in its present condition except as may be otherwise provided herein.
14. SPECIAL TERMS Contingent upon Purchase Money Mortgage being granted at 12% interest and Purchaser's obligation loan of \$10,000 at interest not to exceed 15%. Also when these above contingencies are met and Purchaser permits the add'l prom. deposit contract as in full force.
15. AGENCY It is further understood and agreed that the Agent(s) herein named is/are acting as Agent only, and have no liability to either party for the performance of any term or covenant of this agreement, or for damages for non-performance thereof.
16. COMMISSION Purchaser(s) and Seller(s) agree that Agent was responsible for procuring this contract, and Seller(s) agree to pay for services rendered a commission of 2.00 % of the purchase price, payable on or before settlement date.
17. BINDING COVENANTS This agreement shall be binding not only upon the parties themselves but upon their heirs, executors, administrators, successors or assigns as well. This Contract of Purchase and Sale constitutes the entire agreement among the parties and may not be modified or changed except by written instrument executed by all of the parties.

IN WITNESS WHEREOF, the Purchaser(s) and Seller(s) have hereunto set their hands and seals.

Thomas C. Lang (SEAL) Aug 26, 1981  
 Purchaser Date and Time

Nancy B. Lang (SEAL) Aug 26, 1981  
 Purchaser Date and Time

\_\_\_\_\_  
 Witness Seller Date and Time

\_\_\_\_\_  
 Witness Seller Date and Time

Deposit Received \$ \_\_\_\_\_  Check  Cash \$ \_\_\_\_\_  Other \_\_\_\_\_ Agent \_\_\_\_\_

This signature constitutes receipt of deposit. Effective Date of Contract \_\_\_\_\_

MR. THOMAS C. LANG  
 MRS. NANCY B. LANG

No. 4967  
 DATE Aug 26 19 81 62-13/311  
 BR. 012

PAY TO THE ORDER OF New Dimensions (Corporation) \$ 50.00  
Forty and 00/100 DOLLARS

DELAWARE TRUST COMPANY  
 Wilmington, Delaware

FOR Nancy B. Lang

⑆031100131⑆ 218-977 1# 4967

FOOR ORIGINAL



LANDS NOW BE  
SITE OF  
CONCRETE TOWER  
(DE 200/218)

LANDS NOW BE  
SITE OF  
CONCRETE TOWER  
(DE 200/218)

LANDS NOW BE  
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CONCRETE TOWER  
(DE 200/218)

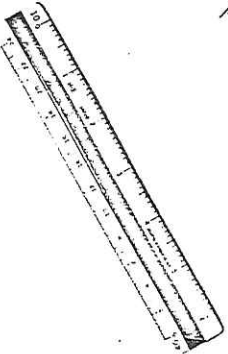
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CONCRETE TOWER  
(DE 200/218)

LANDS NOW BE  
SITE OF  
CONCRETE TOWER  
(DE 200/218)



NOTES: 1. This plan is based upon deed records noted  
there (D/R) as recorded in the Recorder of Deeds office  
in Sussex County, and on physical evidence found as  
noted.  
2. Deed records listed for this parcel are as  
follows: 218, 219, 220, 221, 222, 223, 224, 225, 226,  
227, 228, 229, 230, 231, 232, 233, 234, 235,  
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996, 997, 998, 999, 1000.

KEY: 1. FOUND MARKS  
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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 APPLICABLE.

APPROVED

2033 MAY 20 1934

D.W. [Signature]  
5/21/80  
3-24-12-72  
EDWARD H. RICHARDSON ASSOCIATES, INC.

Plan of Property of  
"Harry W. Lynch, Jr. and William F. Lynch"  
Lands and Buildings Unit  
Sussex County - Delaware

EDWARD H. RICHARDSON ASSOCIATES, INC.  
CONSULTING ENGINEERS NEWARK, DELAWARE

APPROVED BY: [Signature]

THIS DRAWING AND THE DESIGN PLANS FOR CONSTRUCTION THEREOF ARE  
SUBMITTED TO SUSSEX COUNTY RECORDERS AND SHALL NOT BE RECORDED  
UNLESS APPROVED BY SUSSEX COUNTY RECORDERS. THESE PLANS SHALL NOT BE RECORDED  
UNLESS APPROVED BY SUSSEX COUNTY RECORDERS.

SCALE 1" = 100'  
DESIGNED BY: [Signature]  
DATE: 5/21/80  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
FILE NO.: [Signature]  
SHEET NO.: 1 of 1

Map of  
Sussex County  
Delaware





Thomas & Nancy Lang  
ID 627940  
Parcel 334-12.00-22.00

**Christin Scott**

---

**From:** Rachel Bender <rbender2018@gmail.com>  
**Sent:** Thursday, July 7, 2022 9:09 AM  
**To:** Planning and Zoning  
**Subject:** Concerned parent (Townhome project planned along Route 24)

Opposition  
Exhibit

**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.

To whom it may concern:

My name is Rachel Bender and my kids will be attending Love creek Elementary School. I'm writing because the plan to build a new townhome development next to the school and having them share an entrance would create horrible traffic and other issues. Parents are extremely concerned about this possibility. There already is an **extreme** amount of traffic during pick up and drop off and adding another development that would share the same busy entrance would be horrible. This is not fair to parents and students of the school. Drop off and pick up times will be delayed and it'll cause more traffic on the road itself. Please stop this project and rethink it!!

Received after  
PZC Public Hearing  
before  
CC Public Hearing

To Whom it may concern.

In regard to:

**C/Z 1949 J.G. Townsend Jr. & Co.**  
**C/U 2304 J.G. Townsend Jr. & Co**

I would like to have my comment read please at the Planning and Zoning Public Hearing, Thursday, June 23<sup>rd</sup> 5 PM.

As parents of children who attend Love Creek Elementary and homeowners in the Saddle Ridge neighborhood adjacent to Love Creek Elementary, we can tell you first-hand about the heavy traffic along Rt. 24 as Beacon and Love Creek Schools open and close.

Despite the fact that this subdivision is located in the Henlopen Transportation Improvement District, I believe for the safety of Love Creek students, parent drivers and bus drivers, a Traffic Impact Study of the school access lane needs to be done. As you know, there is only one exit and one entrance into Love Creek Elementary and the proposed 84 Unit Townhouse Development. Per the plan, Love Creek and the proposed Townhome Development will be sharing this single entrance/exit. What safety impact will the expected 598 vehicle trips from the townhouses have on this single entrance/exit?

A copy of the February 2016 Traffic Impact study Of Belle Terre is included in the file, but how could this address school traffic since Love Creek Elementary opened in Fall of 2017? There are several reasons we should consider requiring a new study:

1. Since 2016, there has been approximately 15% growth in population in Lewes and Rehoboth Beach. Not to mention the abundance of new growth along Rt. 24 presently and currently planned/approved.
2. Concern of transmission of Covid on the school bus has caused an increase in the number of parents dropping off and picking up their children from Love Creek and Beacon. Covid has given many parents the opportunity to work from home and thus has also increased the number of parent drop-offs & pick-ups. This increase in Covid-related traffic needs to be considered in a traffic plan.
3. Re-districting has caused longer bus rides for some students. Parents have opted to drop off and pick up their children instead of enduring long bus rides.
4. Overall school safety. With 84 Townhomes within 100 yards of the school, will Love Creek have to increase their safety protocols? A lot more people not affiliated with the school will be within walking distance. With school safety being a major concern in the United States currently, will it be easier to clearly protect the school grounds from being trespassed on?
5. Construction traffic. With the slowdown of housing units possibly in the future, how long will it take to sell and build 84 townhomes. How will this prolonged construction traffic affect an already melting pot of traffic at the intersection?

As parents of Love Creek students and homeowners who use Rt. 24 many times daily, I respectfully disagree that this is a safe, productive, and well thought out traffic plan for this development and the school. I also have never personally seen a development and a public school share the same entrance and exit.

Again, I kindly request a new up to date Traffic Impact Study to be done. In my opinion, an 84 Townhome development would cause unforeseen issues, delays, confusion, and accidents, at this entrance / exit point. Not to mention, any potential dangers that could arise when emergency vehicles need to enter or exit into the school or the proposed townhome Development.

Opposition  
Exhibit



FILE COPY

Received at Public Hearing  
6.23.2022

Opposition  
Exhibit



**FILE COPY**  
*Received 6.23.22  
at Public Hearing.*

**PLEASE HELP TO PROTECT THE  
LOVE CREEK NATURAL FOREST  
IN BETWEEN SADDLE RIDGE  
SUBDIVISION AND PROPOSED  
TOWNHOUSE SUBDIVISION**

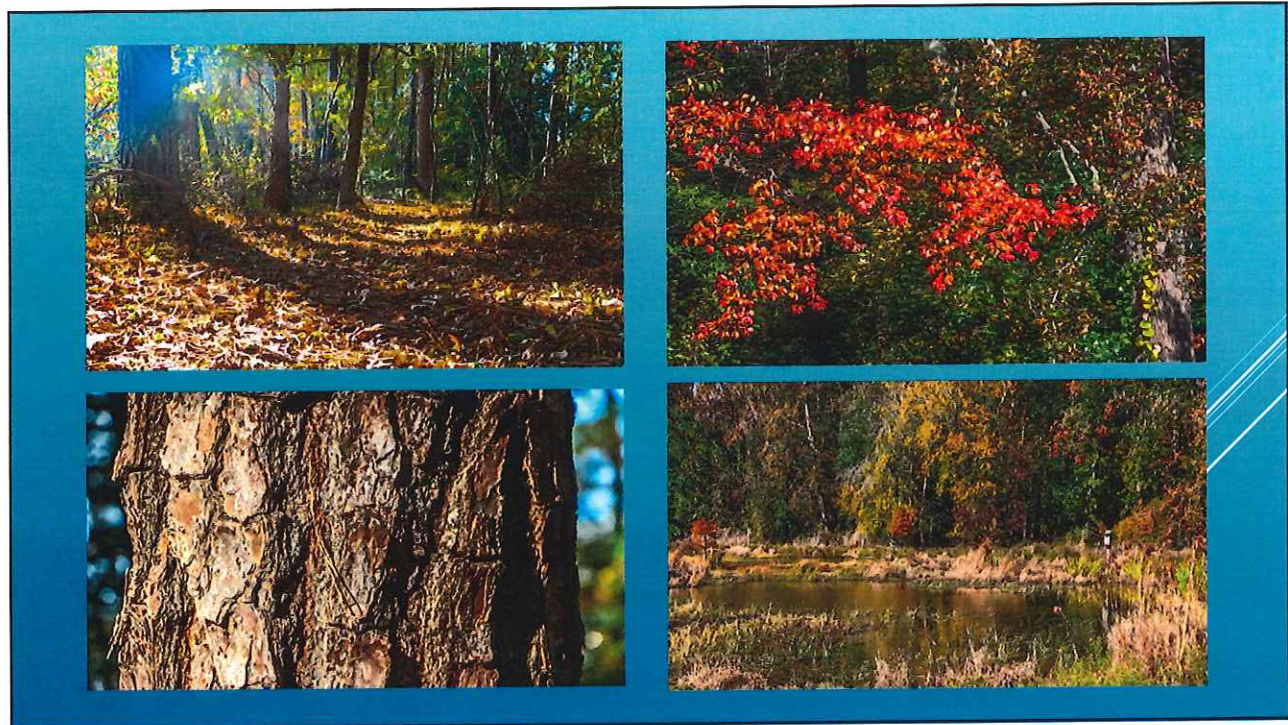
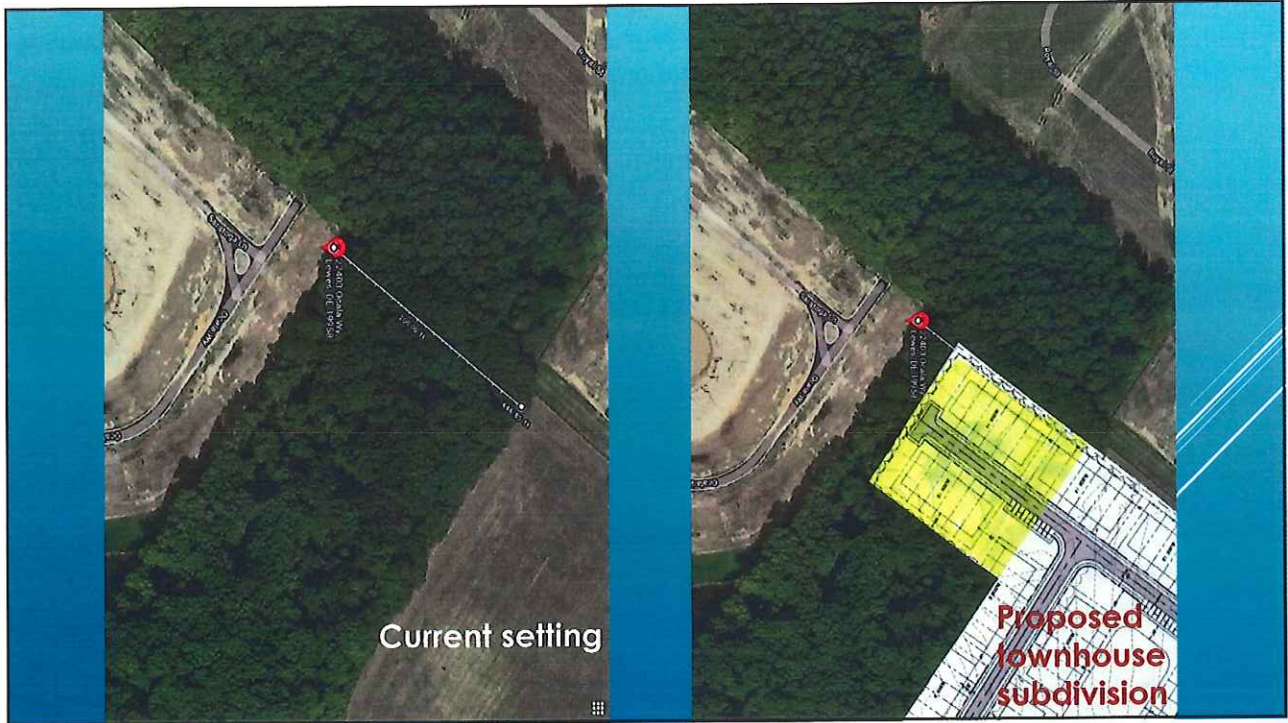
**Saddle Ridge Community Residents**



**This is a small piece of survived forest within surrounding communities and lies within the Inland Bays Watershed. It is roughly 5 acres of old growth forest with significant ecological and geological importance.**

**There is a natural pond at one end and a wetland at the other end, which offers an unique environment for animals, birds(including Bald Eagles), and even three amphibians that are on the State of DE Rare, Threatened or Endangered Species list. Removing this forest would delete the continuance of the natural habitat between the pond and the wetland.**

**(All photos below were taken from our backyards)**













**PLEASE HELP TO PROTECT THIS SMALL PIECE OF VALUABLE FOREST!**

**Deers are walking, red foxes are wondering, bald eagles are nesting and soaring, and birds are singing. This small piece of forest is full of life!**

**PLEASE HELP TO SAVE THE ENDANGERED HOMES OF THESE BEAUTIFUL CREATURES!**

# PLANNING DIVISION CHARGES FOR SERVICES FROM JULY 1, 2022

		Fee from July 1, 2022
<b>Administrative Application Fees</b>		
Minor Subdivision (2 - 5 lots) (Note: First subdivision on parcel to add 1 lot has no charge)		\$200 plus \$20 per lot
Minor Lot Line Adjustment	\$	150
Lot Consolidation	\$	150
Administrative Variance	\$	50
Home Occupation / Prof Office / Home-Based Contractor/Acc Dwelling Verification Letters	\$	150
Second and Each Subsequent Review		\$150.00 (for performance bond releases)
<b>Board of Adjustment</b>		
Dimensional Variance for Individual residential lot or use	\$	500
Dimensional Variance for other residential (e.g., apartments and condominiums, nursing home, day care, churches, blanket requests for residential developments, and other nonresidential uses in residential zoning districts) and nonresidential lot or use	\$	500
Special Use	\$	500
Appeal of decision by an administrative officer or agency regarding the interpretation of a zoning provision	\$	600
1 to 3 Variances	\$	500
4 to 6 Variances	\$	500
7 to 9 Variances	\$	600
10 or more Variances	\$	800
Code Interpretation or Admin Appeal	\$	500
Variance Modification Request (within 1 yr of approval)	\$	500
<b>Comprehensive Plan / Zoning Map Amendment (CZ/Z) (but not RPCs)</b>		
CZ / Z Pre-Application Meeting		no charge
CZ / Z Petition to Amend Comp Plan & Zoning Map	\$	1,000
Amendment to Zoning Ordinance	\$	1,000
<b>Conditional Use with Site Plans</b>		
CU Pre-Application Meeting		no charge
Small Scale CU Application Processing Fee**	\$	500
CU Application Processing Fee		\$1,000 plus \$50 per dwelling unit
Business Commercial Industrial & Other Buildings		\$1000, but note \$100 per 1000 SF capped at \$5,000 per phase at Site Plan Stage
Final Plan Review Fee		
<b>Major Record Plan (i.e. Major subdivision/RPC Application)</b>		
Residential subdivision or land development		\$1000 plus \$50 per dwelling unit
SP / SL Pre-Application Meeting		no charge
Final Plan Review Fee		no charge
<b>Miscellaneous Fees</b>		
Certificate of Use or Zoning Verification	\$	150
Re-advertising / Posting Fee (Postponement at Applicant's Request)		full cost of original legal ad
Temporary Removable Vendor permits	\$	100
<b>Resubdivision or Revised Record Plan (where additional lots are added or application expiration extended or where plan is revised)</b>		
Residential		\$1000 plus \$50 per additional dwelling unit
Nonresidential		\$1,000
Plan expiration extension		\$1,000
<b>Site Plan (S) - "by right" applications within an approved Zoning District"</b>		
S Pre-Application Meeting		no charge
Business Commercial Industrial & Other Buildings (hospitals, schools and institutional buildings and structures are exempt including places of worship)		\$100 per 1,000 SF capped at \$5,000 per phase
Final Plan Review Fee		
<b>Subdivision Standard Appeal</b>		
Appeal from any finding, decision or recommendation of the Department with regard to subdivision standards affecting an individual residential lot or use	\$	3,000
Appeal from any finding, decision or recommendation of the Department with regard to subdivision standards affecting other residential and nonresidential lots or uses	\$	3,000
Revised Landscape Plan	\$	500
Record Plan Modification (i.e. changing amenities and/or design after initial recordation)	\$	1,000
Sunset Plan Review/determination as to whether substantially underway status (including CU's)	\$	1,000

\*\* Small Scale Conditional Uses are those Conditional Use applications where the proposed conditional use is to operate as an accessory/ancillary manner to a dwellinghouse on the parcel. Fees are calculated upon gross external floor area of buildings - the sum of the gross horizontal areas of all of the floors of a building measured from the exterior faces of the exterior walls.

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 23<sup>rd</sup>, 2022

Application: CU 2304 J.G. Townsend Jr. & Co.

Applicant: J.G. Townsend Jr. & Co.  
P.O. Box 430  
Georgetown, DE 19947

Owner: J.G. Townsend Jr. & Co.  
P.O. Box 430  
Georgetown, DE 19947

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: 84 Multifamily Units and other associated site improvements

Comprehensive Land Use Plan Reference: Commercial Area & Coastal Area (subject to FLUM Amendment to change portion designated as Commercial Area to Coastal Area.)

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

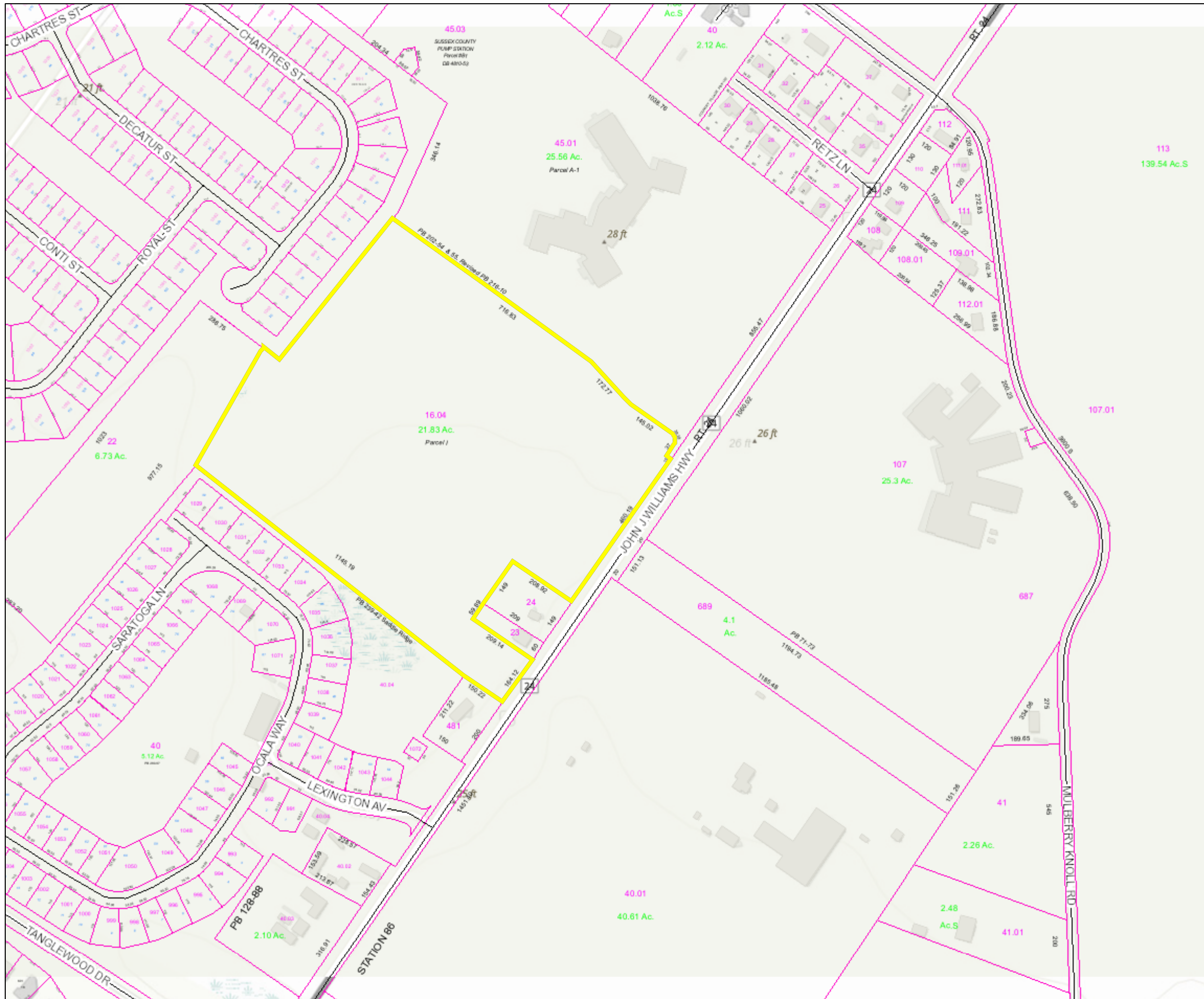
Site Area: 21.62 acres +/-

Tax Map IDs.: 334-12.00-16.04





# Sussex County



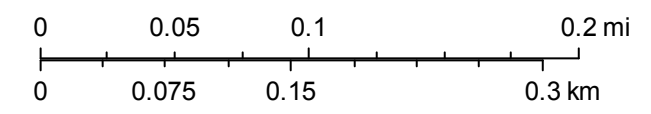
<b>PIN:</b>	334-12.00-16.04
<b>Owner Name</b>	TOWNSEND J G JR CO
<b>Book</b>	0
<b>Mailing Address</b>	PO BOX 430
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NW/RT 24
<b>Description 2</b>	SW/RT 284
<b>Description 3</b>	PARCEL 1
<b>Land Code</b>	

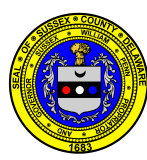
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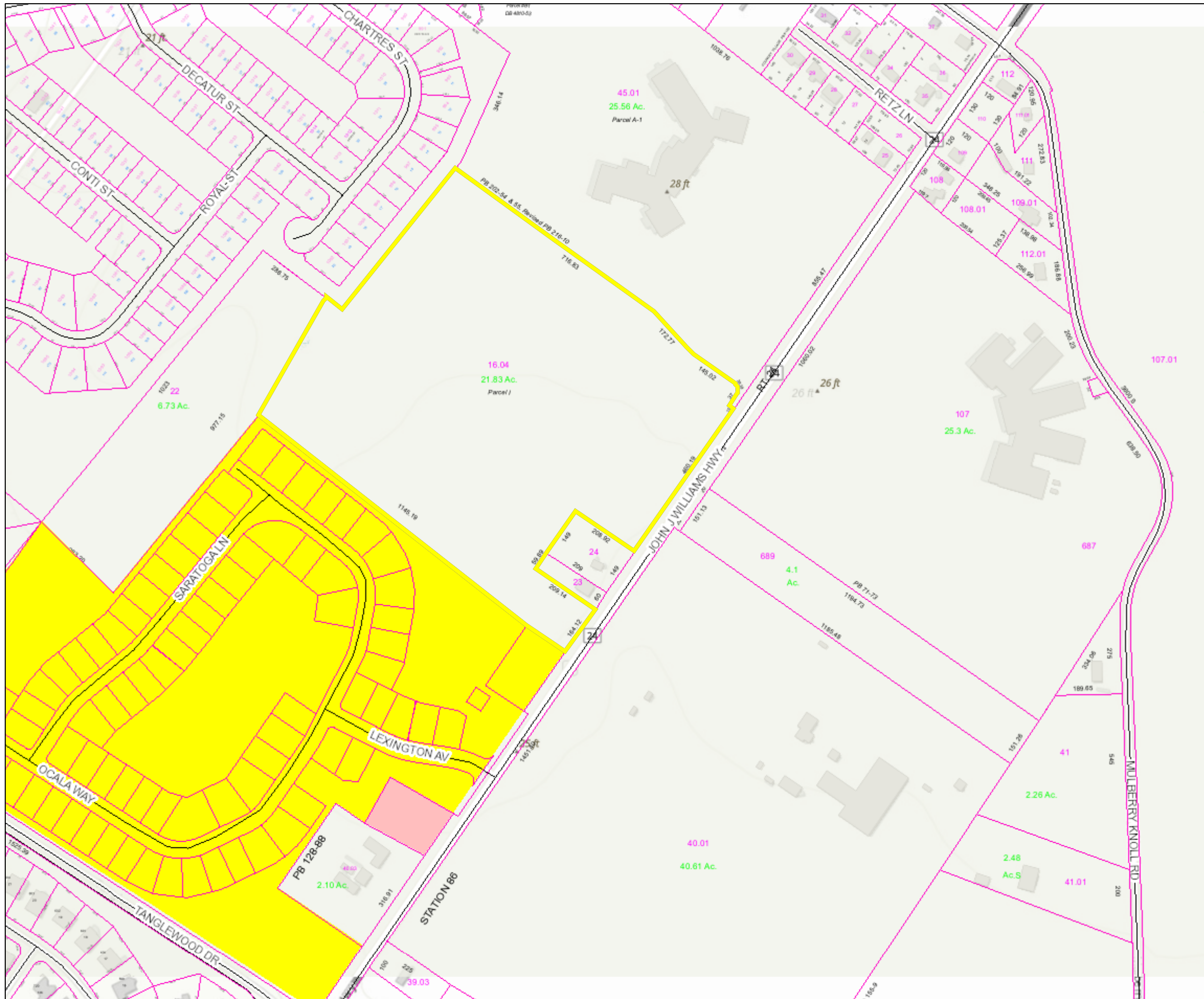
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  - Tax Parcels
  - Streets
  - County Boundaries

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# Sussex County



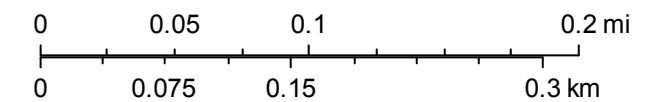
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<b>Owner Name</b>	TOWNSEND J G JR CO
<b>Book</b>	0
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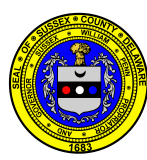
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  - Override 1
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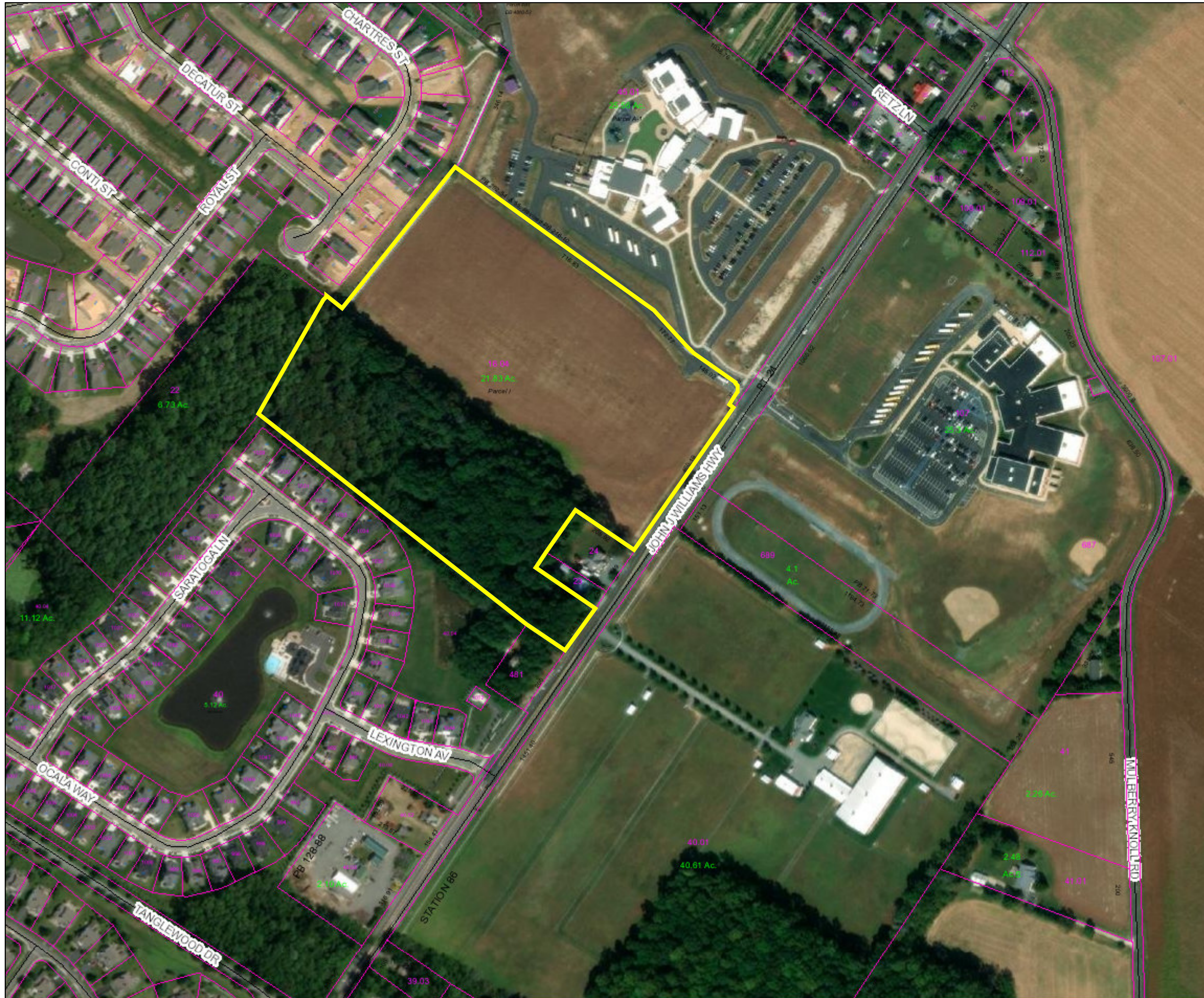
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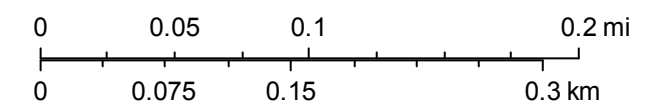
# Sussex County



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- Override 1
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1:4,514





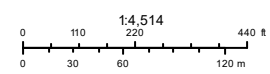


# Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.



FEMA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



May 23, 2022

### Effective Flood Hazard Areas

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Base Flood Elevation
- LiMWA
- Cross Sections
- Transect

### Preliminary Flood Hazard

- A
- AE
- AE, FLOODWAY
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

### Contours

- INDEX
- DEPRESSION
- HIDDEN
- INTERVAL

Flood Zone (at Point):  X

FEMA Issued Flood Map:  10005C0334K

Map Date:  3/16/2015

Subwatershed (HUC12):  Herring Creek-Rehoboth Bay

Tax Parcel:  334-12.00-16.04

Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
BEAMER EDWARD JR	TORI J HOOPER	19110 CHARTRES ST	LEWES	DE	19958	334-12.00-1000.00
WALTERS JOHN H	CHERYL A JUSTISON	28290 SARATOGA LN	LEWES	DE	19958	334-18.00-1016.00
ZIMMER RICHARD	JOANNE ZIMMER	21055 DECATUR ST	LEWES	DE	19958	334-12.00-1017.00
POTTS DONALD J	JOAN F POTTS	19268 CHARTRES ST	LEWES	DE	19958	334-12.00-1105.00
PARADYSZ RONALD W	<Null>	21109 CONTI ST	LEWES	DE	19958	334-12.00-1045.00
ULRICH WILLIAM KIRK	JEAN MARIE ULRICH	21159 CONTI ST	LEWES	DE	19958	334-12.00-1037.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1337.00
STANLEY THOMAS RUSSELL	TAMARA KRYSTAL STANLEY	28240 SARATOGA LN	LEWES	DE	19958	334-18.00-1023.00
OSWINKLE AUSTIN DAVID	MEGHAN M MCGLOIN	28282 SARATOGA LN	LEWES	DE	19958	334-18.00-1017.00
LEWIS EILEEN LINDA	DIXIE ANN MARIE LEWIS	21208 DAUPHINE ST	LEWES	DE	19958	334-12.00-1324.00
RICOTTA JOHN J	GLORIA D RICOTTA	2018 HILYER PL NW	WASHINGTON	DC	20009	334-18.00-1058.00
HOFFMAN JOHN M	GEORGIANA HOFFMAN	5 ROBIN DR	HOCKESSIN	DE	19707	334-18.00-1002.00
SPANGLER MICHAEL LYNN	JUDITH ROSE SEIBERT	22463 OCALA WAY	LEWES	DE	19958	334-18.00-1038.00
RUSHTON THOMAS JOSEPH IV	DOREEN DANIELLE RUSHTON	128 KESTREL RD	MOUNTAIN TOP	PA	18707	334-18.00-997.00
RONALD MARK H & MARY ANN RONALD	TRUSTEES	205 RODNEY ST	REHOBOTH BEACH	DE	19971	334-18.00-40.01
MEDOFF STEVEN LANDERS	ELEONORA MEDOFF	19119 CHARTRES ST	LEWES	DE	19958	334-12.00-1013.00
CAMPIONE THOMAS J	BARBARA ANN CAMPIONE	21045 DECATUR ST	LEWES	DE	19958	334-12.00-1019.00
PERONTI BETTINA MARIE	<Null>	19358 ROYAL ST	LEWES	DE	19958	334-12.00-1063.00
MANTARRO VICTOR J	AIPING WANG	22449 OCALA WAY	LEWES	DE	19958	334-18.00-1035.00
LUCKING BERNADETTE M	<Null>	21016 DECATUR ST	LEWES	DE	19958	334-12.00-1027.00
SPIERING SUSAN COWAN	BRIAN THOMAS SPIERING	19388 ROYAL STREET	LEWES	DE	19958	334-12.00-1070.00
FEUERSTEIN ROBERT A	PHYLLIS LEVINE-FEUERSTEIN	19392 ROYAL ST	LEWES	DE	19958	334-12.00-1071.00
ORLOWSKI LIDIA TTEE REV TR	ANTHONY F CINQUEGRANI TTEE REV TR	21202 DAUPHINE ST	LEWES	DE	19958	334-12.00-1326.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1331.00
GRAHAM DENNIS RAYMOND	PATRICIA ANNE GRAHAM	8565 DANBURY BLVD APT 202	NAPLES	FL	34120	334-12.00-1108.00
WEIBEL EMILY LYNN	<Null>	19214 CHARTRES ST	LEWES	DE	19958	334-12.00-1119.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1263.00
CHANEY RENEE BETH	<Null>	18781 BETHPAGE DR	LEWES	DE	19958	334-12.00-1088.00
PLEBANI THOMAS J	CLAUDETTE MARIE PLEBANI	19146 CHARTRES ST	LEWES	DE	19958	334-12.00-990.00
TOCCI ANTHONY TTEE	REV LIV TR	19224 CHARTRES ST	LEWES	DE	19958	334-12.00-1117.00
KENNEDY ROGER LEE TTEE ANN B KENNEDY	TTEE OF ROGER KENNEDY TR	19329 ROYAL ST	LEWES	DE	19958	334-12.00-1087.00
AMATO SUSAN M	<Null>	19367 ROYAL ST	LEWES	DE	19958	334-12.00-1097.00
OLSEN WILLIAM RICHARD JR	MARIE ELIZABETH OLSEN	19368 ROYAL ST	LEWES	DE	19958	334-12.00-1065.00
GULINO RAYMOND	OLGA GULINO	23030 BOURBON CIR	LEWES	DE	19958	334-12.00-1102.00
WARREN SAMUEL LESLIE	MARILYN ANN BLOCK	23016 BOURBON CIR	LEWES	DE	19958	334-12.00-1076.00
LEONARDI THOMAS J	DOROTHY C LEONARDI	28245 SARATOGA LN	LEWES	DE	19958	334-18.00-1063.00
JONES WILLIAM R	BONNIE M JONES	19134 CHARTRES ST	LEWES	DE	19958	334-12.00-994.00
SCANLON ELLEN	KEVIN SCANLON	19353 ROYAL ST	LEWES	DE	19958	334-12.00-1094.00
BROCKETT-LALETAS BARBARA	ERNEST LALETAS	615 PEPPERBUSH CT	WILMINGTON	DE	19808	334-12.00-1100.00
BINGNEAR JAMES WARNER	PAMELA JANE BINGNEAR	19109 CHARTRES ST	LEWES	DE	19958	334-12.00-1081.00
HCA MODEL FUND 2018-15 TEXAS LLC	<Null>	17950 PRESTON RD STE 300	DALLAS	TX	75252	334-12.00-1003.00
STERNBERG DENIS	<Null>	19266 CHARTRES ST	LEWES	DE	19958	334-12.00-1106.00
DINKA RICHARD J	CORA DINKA	28251 SARATOGA LN	LEWES	DE	19958	334-18.00-1062.00
FINNERTY JOHN MARK	<Null>	22605 OCALA WAY	LEWES	DE	19958	334-18.00-1007.00
LEINBACH STEPHANIE	<Null>	22513 OCALA WAY	LEWES	DE	19958	334-18.00-993.00

MAGRATH PAUL	LINSEY ANN MAGRATH	21216 DAUPHINE ST	LEWES	DE	19958	334-12.00-1320.00
SLATIN MARK R	KATHERINE SLATIN	21214 DAUPHINE ST	LEWES	DE	19958	334-12.00-1321.00
DUNNING KEITH	THERESA CAROL DUNNING	21212 DAUPHINE ST	LEWES	DE	19958	334-12.00-1322.00
BURNS STANLEY J	MARILYN S BURNS	23236 BOURBON CIR	LEWES	DE	19958	334-12.00-1333.00
BERARD GARY ARTHUR TTEE	SARAH KERR CONWAY TTEE DEUX BEAUX FILS T	22616 OCALA WAY	LEWES	DE	19958	334-18.00-1014.00
FADER DOLORES M TTEE LIV TR	<Null>	2104 WILLIAMSBURG CT	WILMINGTON	DE	19810	334-12.00-1024.00
STRAUSS EDWARD J	ANITA C STRAUSS	19213 CHARTRES ST	LEWES	DE	19958	334-12.00-1026.00
GONSKI RANDOLPH	LYNNE GONSKI	11 STIRES WAY	PITTSTOWN	NJ	8867	334-12.00-1047.00
HILL GLENN ALAN	MARGARET MARY HILL	19374 ROYAL ST	LEWES	DE	19958	334-12.00-1066.00
KOST MONIKA LILLIAN	DENISE MARIE SAMIDE	27 WHITSON RD	HUNTINGTON STATION	NY	11746	334-12.00-1067.00
YACUCCI ANN	<Null>	19255 CHARTRES ST	LEWES	DE	19958	334-12.00-1079.00
TODD GEORGE S	JEFFREY A BAKER	223 NORTHERN OAK ST	MIDDLETOWN	DE	19709	334-12.00-1080.00
MAMMARELLA JOSEPH	<Null>	22402 OCALA WAY	LEWES	DE	19958	334-18.00-1028.00
FOX THOMAS E	PATRICIA A FOX	37 GLENLAWN AVE	SEA CLIFF	NY	11579	334-18.00-1042.00
MURRAY THOMAS A	PAUL A PAOLINI	16822 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1043.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-17.03
NEGRAN THOMAS J	MARK WOROSILO	19124 CHARTRES ST	LEWES	DE	19958	334-12.00-997.00
ZIELINSKI WILLIAM THOMAS JR	CATHERINE L ZIELINSKI	21048 DECATUR ST	LEWES	DE	19958	334-12.00-1032.00
TAYLOR DAVID M TTEE	DENA K TAYLOR TTEE JT REV TR	22634 OCALA WAY	LEWES	DE	19958	334-18.00-1012.00
TURNER DONNA RICHARDS	DAVID ROBERT TURNER JR	19263 CHARTRES ST	LEWES	DE	19958	334-12.00-1077.00
WILSON PAUL GEORGE	SHERRY ANN WILSON	23006 BOURBON CIR	LEWES	DE	19958	334-12.00-1073.00
MIDWINTER GREGORY Y DREW R MIDWINTER	JOHN L MIDWINTER ALYSON MARTIN ETAL6	15 OAKLAWN DR	BARKHAMSTED	CT	6063	334-18.00-1006.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.04
DENTON TRACY A	BRENDA LEE WELSH	21211 DAUPHINE ST	LEWES	DE	19958	334-12.00-1381.00
GOOD DUANE	REBECCA GOODMAN	19303 ROYAL ST	LEWES	DE	19958	334-12.00-1082.00
SEANOR ROBERT	DARLENE A SEANOR	19339 ROYAL ST	LEWES	DE	19958	334-12.00-1090.00
RANAZZO JOSEPH	JOHN HENRY CARTY	19227 CHARTRES ST	LEWES	DE	19958	334-12.00-1046.00
BROODER BRANDEN MICHAEL	ALISON VALK WOOLWORTH	22570 OSCALA WAY	LEWES	DE	19958	334-18.00-1053.00
RYCHLESKI RAYMOND JOSEPH	KRYSTLE SMITH RYCHLESKI	16845 LEXINGTON AVE	LEWES	DE	19958	334-18.00-992.00
NIEMKIEWICZ JOHN	IRENE WYBAR NIEMKIEWICZ	22516 OCALA WAY	LEWES	DE	19958	334-18.00-1048.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.05
TOWNSEND J G JR CO	<Null>	PO BOX 430	GEORGETOWN	DE	19947	334-12.00-16.04
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-45.01
ADLER KEVIN ROSS	LEONARD S ADLER TTEE REV LIV TR	12500 PARK POTOMAC AVE #509N	POTOMAC	MD	20854	334-12.00-1069.00
ANFUSO ANTHONY	ELLEN ANFUSO	22429 OCALA WAY	LEWES	DE	19958	334-18.00-1033.00
MANENTE JOSEPH N	MICHAEL J MIREIDER	19149 CHARTRES ST	LEWES	DE	19958	334-12.00-1009.00
PETRINO ALEXANDER DAMIAN	MICHAEL JOHN YOUSKO	22528 OCALA WAY	LEWES	DE	19958	334-18.00-1049.00
BURNS MAUREEN ANN TTEE	JOHN AND MAUREEN BURNS REV TR	19120 CHARTRES ST	LEWES	DE	19958	334-12.00-998.00
WENDOLOWSKI JOSEPH SR	ANGELA MARIE WENDOLOWSKI	21138 CONTI ST	LEWES	DE	19958	334-12.00-1054.00
MARTIN STEVE JOHN	JENNIFER TIRRELL MARTIN	48 WYNDOM CIR	HOCKESSIN	DE	19707	334-12.00-1059.00
CRNKOVICH WILLIAM JOHN	DONNA WHEELER CRNKOVICH	21222 DAUPHINE ST	LEWES	DE	19958	334-12.00-1318.00
USINGER JON ANDREW	LUANNE CAROL USINGER	21229 DAUPHINE ST	LEWES	DE	19958	334-12.00-1374.00
SUTCLIFFE JOYCE DARKOCH	<Null>	22459 OCALA WAY	LEWES	DE	19958	334-18.00-1037.00
GREEN EDMUND L TTEE	REV LIV TR	22500 OCALA WAY	LEWES	DE	19958	334-18.00-1046.00
WOLLINS JONATHAN S	PEGGY S WOLLINS	22423 OCALA WAY	LEWES	DE	19958	334-18.00-1032.00
HOINOWSKI JOSHUA C	GRACE MARIE HOINOWSKI	28246 SARATOGA LN	LEWES	DE	19958	334-18.00-1022.00

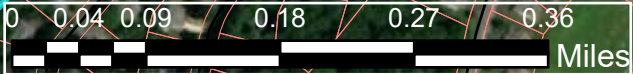
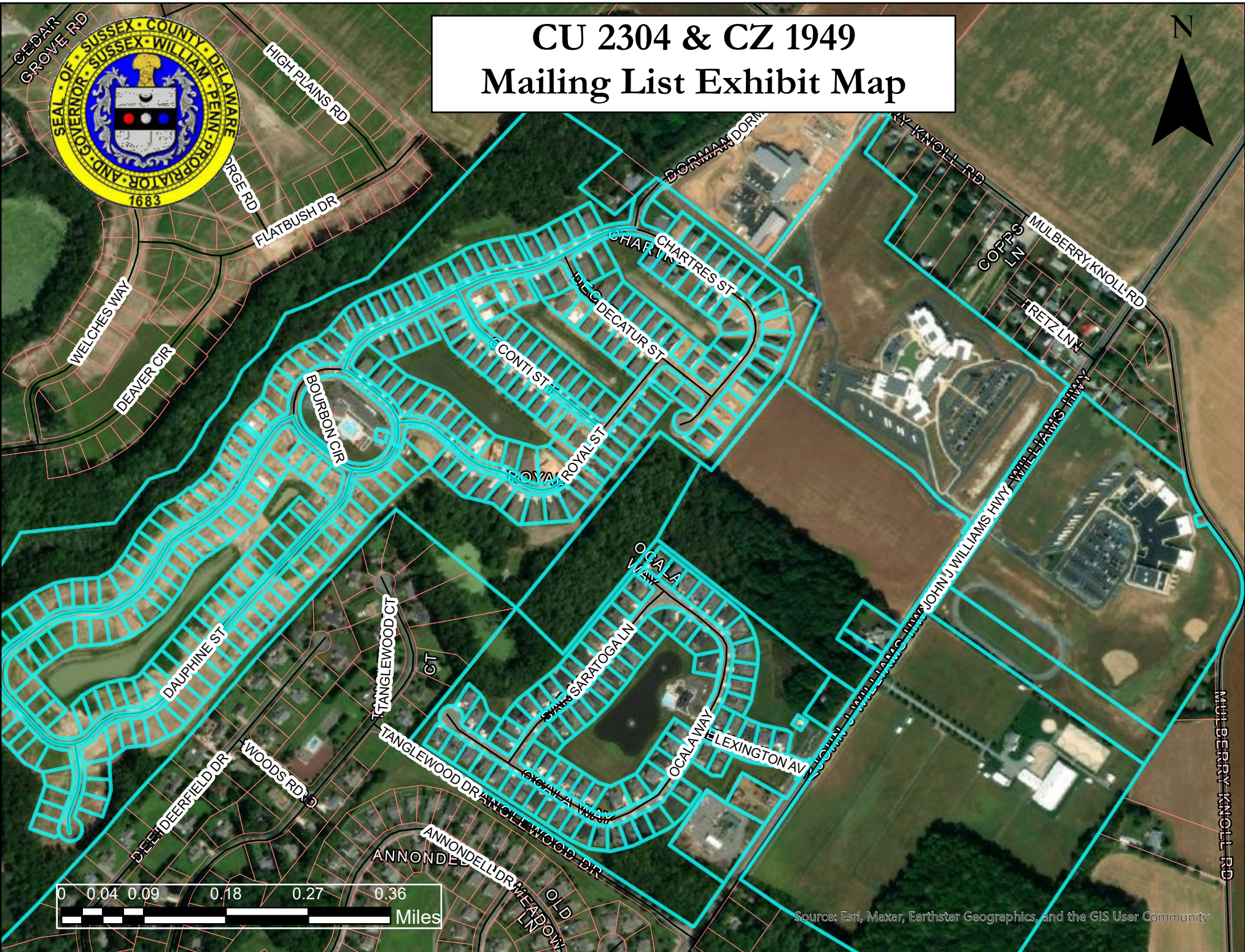
KROLL WILLIAM G	REGINA L KROLL	22625 OCALA WAY	LEWES	DE	19958	334-18.00-1010.00
NOWELL MELISSA ANN	<Null>	21023 DECATUR ST	LEWES	DE	19958	334-12.00-1022.00
OLEARY DANIEL STEVEN	KAREN MARY OLEARY	21143 CONTI ST	LEWES	DE	19958	334-12.00-1040.00
SFERRELLA SHEILA M	CINDY S WEDEL	756 NEWBERRY RD	NASHVILLE	TN	37205	334-12.00-1312.00
STOWELL THOMAS	JULIE PENNY-STOWELL	21217 DAUPHINE ST	LEWES	DE	19958	334-12.00-1379.00
DUBOIS MICHAEL BRUCE	ROBERTA ANN DUBOIS	73 ELMONT RD	HAMILTON	NJ	8610	334-12.00-1098.00
BASKIN JEFFRY VICTOR	BARBARA ANNE BASKIN	19201 CHARTRES ST	LEWES	DE	19958	334-12.00-1023.00
FALLON KATHERINE MOORE	<Null>	19256 CHARTRES ST	LEWES	DE	19958	334-12.00-1109.00
AMIANO ROBERT JOSEPH	LISA G AMIANO	22561 OCALA WAY	LEWES	DE	19958	334-18.00-1001.00
HAMPSON RICHARD JOHN SR	ERICA HAMPSON	34 MANOR AVWE	POMPTON PLAINS	NJ	7444	334-18.00-1020.00
BOEMIO MARK A	LINDA MARIE BOEMIO	22435 OCALA WAY	LEWES	DE	19958	334-18.00-1034.00
ASCH MITCHELL H	CAROL R ASCH	960 FELL ST UNIT 516	BALTIMORE	MD	21231	334-12.00-1078.00
AYERS CARL E	REGINA AYERS	21219 DAUPHINE ST	LEWES	DE	19958	334-12.00-1378.00
MILLS CHERIE W TTEE	<Null>	22438 OCALA WAY	LEWES	DE	19958	334-18.00-1070.00
SPONG CHRISTOPHER G TTEE REV	IRINA GORBASHEVA TTEE LIV TR	22589 OCALA WAY	LEWES	DE	19958	334-18.00-1005.00
PLA WILFRED LOUIS	KAREN MAURIE PLA	19144 CHARTRES ST	LEWES	DE	19958	334-12.00-991.00
K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-984.00
CACCESE ANTHONY GERARD II	LAURA HOLZ CACCESE	19270 CHARTRES ST	LEWES	DE	19958	334-12.00-1104.00
GEARHART HENRY R	MARY K GEARHART	28217 SARATOGA LN	LEWES	DE	19958	334-18.00-1067.00
LYNCH EDWARD J	MARY LYNCH P	28212 SARATOGA LN	LEWES	DE	19958	334-18.00-1027.00
KITTKA STEVEN J	LYNNE A KITTKA	22456 OCALA WAY	LEWES	DE	19958	334-18.00-1071.00
ROTH EDWARD MICHAEL III	CAROL MARIE ROTH	19234 CHARTRES ST	LEWES	DE	19958	334-12.00-1114.00
BARROW PAUL F	JOAN A BARROW	19347 ROYAL ST	LEWES	DE	19958	334-12.00-1092.00
GARNEAU PETER B TTEE	DENNIS R RODRIGUEZ TTEE REV LIV TR	21147 CONTI ST	LEWES	DE	19958	334-12.00-1039.00
ANUSZEWSKI ALFRED	MI KING ANUSZEWSKI	21131 CONTI ST	LEWES	DE	19958	334-12.00-1042.00
COOPER ROBERT D	SUZANNE A COOPER	22494 OCALA WAY	LEWES	DE	19958	334-18.00-1045.00
HANKIN-BERNSTEIN MELANIE	<Null>	28226 SARATOGA LN	LEWES	DE	19958	334-18.00-1025.00
WANG TAMMY	<Null>	22576 OCALA WAY	LEWES	DE	19958	334-18.00-1054.00
SMITH BRIAN	DONNA SMITH	22584 OCALA WAY	LEWES	DE	19958	334-18.00-1055.00
REPKO MARK R	PATRICIA A REPKO	22453 OCALA WAY	LEWES	DE	19958	334-18.00-1036.00
SOTO DALE LEE	KAREN H SOTO	22562 OCALA WAY	LEWES	DE	19958	334-18.00-1052.00
MAXEY ROBERT D	SUZANNE ACEE MAXEY	4293 VIRIDIAN TERR	MONROVIA	MD	21770	334-18.00-1059.00
ALMACY NANCY S TTEE LIV TR	<Null>	19116 CHARTRES ST	LEWES	DE	19958	334-12.00-999.00
DEFAZIO THOMAS J	CLAIRE I DEFAZIO	19150 CHARTRES ST	LEWES	DE	19958	334-12.00-989.00
GRANT LAYMEN R TTEE KATHLEEN P GRANT	TTEE OF LRG AND KPG TR	19361 ROYAL ST	LEWES	DE	19958	334-12.00-1096.00
DEVITA LORIANNE	JOHN FRANK DEVITA JR	456 RED FOX RD	WAYNE	PA	19087	334-12.00-1051.00
SMALLEY MARK DAVID TTEE	PATRICIA STAKER SMALLEY TTEE LIV TR	21226 DAUPHINE ST	LEWES	DE	19958	334-12.00-1316.00
SPRAGUE WILLIAM LAWRENCE	MARY CANDACE ETSON-SPRAGUE	21218 DAUPHINE ST	LEWES	DE	19958	334-12.00-1319.00
EMERICK MATTHEW D	KIMBERLY L EMERICK	22471 OCALA WAY	LEWES	DE	19958	334-18.00-1039.00
MILLER ROBIN	RAYMOND MILLER	22415 OCALA WAY	LEWES	DE	19958	334-18.00-1031.00
NETTO JOSE	<Null>	36378 TALL GRASS CT	LEWES	DE	19958	334-12.00-23.00
DUNAWAY KENNETH HUDNALL	SUSAN CARSON TRUESDELL	19248 CHARTRES ST	LEWES	DE	19958	334-12.00-1111.00
KOHLER ROBERT JOSEPH JR	NANCY L KOHLER	16839 LEXINGTON AVE	LEWES	DE	19958	334-18.00-991.00
MCKEON GEORGE	MARY MCKEON	22611 OCALA WAY	LEWES	DE	19958	334-18.00-1008.00
ZHANG SHUNLI	YONGHONG LI	678 HAMPTON HILLS DR	CAMDEN	DE	19934	334-18.00-1029.00
SESTAK JOSEPH P	KAREN A SESTAK	22510 OCALA WAY	LEWES	DE	19958	334-18.00-1047.00

K HOVNIANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-17.05
POWELL WALLACE & ANNA CHRISTINE	<Null>	27992 POSSUM POINT RD	MILLSBORO	DE	19966	334-18.00-40.02
MASTROSIMONE WILLIAM	SHARON J MATROSIMONE	19204 CHARTRES ST	LEWES	DE	19958	334-12.00-1121.00
SHAFFER STEPHEN E	SHARON DIANE SHAFFER	21028 DECATUR ST	LEWES	DE	19958	334-12.00-1029.00
BOWEN WAYNE D	BARBARA E BOWEN	21036 DECATUR ST	LEWES	DE	19958	334-12.00-1030.00
RICE LAWRENCE M JR	<Null>	22422 OCALA WAY	LEWES	DE	19958	334-18.00-1068.00
KEISER STEPHEN KRAIG II	RAUL MICHAEL REYES	19162 CHARTRES ST	LEWES	DE	19958	334-12.00-986.00
TURNER EDWARD MAUNEY	IRIS GRISARD TURNER	19244 CHARTRES ST	LEWES	DE	19958	334-12.00-1112.00
DEBONTE CORNELIUS JR TTEE	BARBARA P DEBONTE TTEE REV TR	19240 CHARTRES ST	LEWES	DE	19958	334-12.00-1113.00
REIMAN SCOTT F	SOPHIA M SHUPE	19230 CHARTRES ST	LEWES	DE	19958	334-12.00-1115.00
STEIN DAVID IRWIN	DIAN G STEIN	19220 CHARTRES ST	LEWES	DE	19958	334-12.00-1118.00
MEATH MICHAEL FREDERICK	SUSAN ELIZABETH MEATH	19382 ROYAL ST	LEWES	DE	19958	334-12.00-1068.00
COLES GAIL R	<Null>	4581 BELMONT DR	EMMAUS	PA	18049	334-12.00-1314.00
TSYVINE ROMAN	TATYANA TSYVINE	23128 BOURBON CIR	LEWES	DE	19958	334-12.00-1327.00
PETRAKIS KAREN MARIE	<Null>	21233 DAUPHINE ST	LEWES	DE	19958	334-12.00-1372.00
NEENAN JOSEPH J	JEANNE MARIE PAVIA	21039 DECATUR ST	LEWES	DE	19958	334-12.00-1020.00
FAGAN NANCY E	JANICE I ANDINO	26 HIGHWOOD DR	DUMONT	NJ	7628	334-12.00-1021.00
BASSO RICHARD EDWARD	MARIE F BASSO	23214 BOURBON CIR	LEWES	DE	19958	334-12.00-1332.00
PRINCIOTTA ANTHONY JOHN TTEE FAM TR	MARY ELIZABETH PRINCIOTTA TTEE FAM TR	21209 DAUPHINE ST	LEWES	DE	19958	334-12.00-1382.00
MACRINI PAMELA	GREGG WOOLSTON	1516 MAX WAY	FISHKILL	NY	12524	334-18.00-998.00
OBRIEN DANIEL	<Null>	PO BOX 53	MOUNT GRETN	PA	17064	334-18.00-1015.00
LEVIN ROBERT G	KAREN LEVIN	28237 SARATOGA LN	LEWES	DE	19958	334-18.00-1064.00
VON VORYS JONI DIANE	<Null>	22428 OCALA WAY	LEWES	DE	19958	334-18.00-1069.00
ZANIN ANDREA	JOAN HELEN CAHILL	9310 ADELAIDE DR	BETHESDA	MD	20817	334-12.00-1093.00
KIRBY DAVID G	JANICE ANN KIRBY	19362 ROYAL ST	LEWES	DE	19958	334-12.00-1064.00
JOHNSON KEVIN ROBERT	JANET LEE ROBINSON-JOHNSON	23014 BOURBON CIR	LEWES	DE	19958	334-12.00-1075.00
ARMSTRONG MERRILL FREDERICK JR	JACQUELINE CORBIN-ARMSTRONG	23026 BOURBON CIR	LEWES	DE	19958	334-12.00-1103.00
SANDERS DEBRA L	FRANK L MISITI JR	113 VICTORY BLVD	STATE COLLEGE	PA	16803	334-12.00-1107.00
SALTIEL PAUL J	<Null>	68 HENNING TER	DENVILLE	NJ	7834	334-12.00-1110.00
WINSTON RICKY KEITH	SHANNON KATHLEEN WINSTON	73 LAKE AVE	REHOBOTH BEACH	DE	19971	334-12.00-1120.00
MINTEER MARY HELEN	<Null>	19198 CHARTRES ST	LEWES	DE	19958	334-12.00-1122.00
BERNARD CAROL F	DAVID R BAKER	28265 SARATOGA LN	LEWES	DE	19958	334-18.00-1060.00
MCGUCKIN BRIAN G	<Null>	16816 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1044.00
FERRERAS MARIA LOUISE	LOUISE F VEATCH	2788 THAXTON LN	OAKTON	VA	22124	334-12.00-1041.00
BOURNIQUE RICHARD F	LAURIE A BOURNIQUE	21118 CONTI ST	LEWES	DE	19958	334-12.00-1050.00
MORGAN DARRELL PETER	DARLENE BELLE MORGAN	23010 BOURBON CIR	LEWES	DE	19958	334-12.00-1074.00
GOODCOFF DAVID	CHERRIE GOODCOFF	86 AVENUE OF THE OAKS	CLIFTON PARK	NY	12065	334-12.00-1380.00
SADDLE RIDGE PROPERTY OWNERS	ASSOCIATION INC	17563 NASSAU COMMONS BLVD STE 3	LEWES	DE	19958	334-18.00-40.00
BURROUGHS WILLIAM G III	CHRISTINA S BURROUGHS	21234 DAUPHINE ST	LEWES	DE	19958	334-12.00-1313.00
ROTTIERS ARTHUR JOHN	MARY E ROTTIERS	21210 DAUPHINE ST	LEWES	DE	19958	334-12.00-1323.00
BULLEN LOIS ANNE	<Null>	21204 DAUPHINE ST	LEWES	DE	19958	334-12.00-1325.00
HEILMANN JENNIFER BENFORD TTEE REV TR	<Null>	23088 BOURBON CIR	LEWES	DE	19958	334-12.00-1329.00
CORRIGAN PATRICK V	<Null>	21231 DAUPHINE ST	LEWES	DE	19958	334-12.00-1373.00
BEEBE CRAIG ALAN	ERINANN FRANCIS MARTIN BEEBE	PO BOX 249	NASSAU	DE	19969	334-12.00-24.00
SEMENDINGER DANIEL JOSEPH	AIDA LUISA SANCHEZ	22590 OCALA WAY	LEWES	DE	19958	334-18.00-1056.00
STEAKLEY BRUCE L	CARYN S STEAKLEY	22629 OCALA WAY	LEWES	DE	19958	334-18.00-1011.00

BATTILANA RUSSELL A	CHRISTINE BATTILANA	28259 SARATOGA LN	LEWES	DE	19958	334-18.00-1061.00
MCCONNELL ANDREW R	<Null>	20062 JOHN J WILLIAMS HWY	LEWES	DE	19958	334-12.00-481.00
FEESER WENDI S	JUDITH L FORSTER	28283 SARATOGA LN	LEWES	DE	19958	334-18.00-1057.00
MUNROE JUDITH MARION	RICHARD PATRICK FURTADO	19343 ROYAL ST	LEWES	DE	19958	334-12.00-1091.00
SOUZA JAMES	DOREEN SOUZA	21110 CONTI ST	LEWES	DE	19958	334-12.00-1048.00
BELL RICHARD RESSLER JR	DELIA TI-MEI WAN	21112 CONTI ST	LEWES	DE	19958	334-12.00-1049.00
MERKERT WAYNE CHARLES TTEE OF MERKERT	PROTECTION TR	2 MILLS RD	SUFFERN	NY	10901	334-12.00-1123.00
GORDON JENNIFER M	<Null>	19132 CHARTRES ST	LEWES	DE	19958	334-12.00-995.00
TULIO JAMES EDWARD	IRIS ORTIZ TULIO	19106 CHARTRES ST	LEWES	DE	19958	334-12.00-1001.00
BENENATI ROBERT WARREN	CHRISTAL LAINE BENENATI	19102 CHARTRES ST	LEWES	DE	19958	334-12.00-1002.00
MICHNYA JAYME S	LAURA E MICHNYA	22407 OCALA WAY	LEWES	DE	19958	334-18.00-1030.00
LANG THOMAS C & NANCY B	<Null>	14 DEERFIELD LN	REHOBOTH BEACH	DE	19971	334-12.00-22.00
LEMASZEWSKI ROBERT J	EVELYN M LEMASZEWSKI	16844 LEXINGTON AVE	LEWES	DE	19958	334-18.00-1040.00
SHARP DOUGLAS	XIANGCI SHARP	21056 DECATUR ST	LEWES	DE	19958	334-12.00-1033.00
SCHINDEWOLF CRAIG W	ROSEMARIE SCHINDEWOLF	21169 CONTI ST	LEWES	DE	19958	334-12.00-1035.00
WALLACE STEPHEN RODNEY	JUDY D WALLACE	19161 CHARTES ST	LEWES	DE	19958	334-12.00-1006.00
JIMENEZ EDWARD C	ELIA JIMENEZ	21123 CONTI ST	LEWES	DE	19958	334-12.00-1043.00
RICHARDSON PEGGY	<Null>	303 E RAYMOND AVE	ALEXANDRIA	VA	22301	334-12.00-1034.00
KERR MARTIN JAMES	NANCY JILL KERR	21160 CONTI ST	LEWES	DE	19958	334-12.00-1058.00
PEER KENNETH M	DEBORAH PEER	261 VREELAND AVE	MIDLAND PARK	NJ	7432	334-18.00-995.00
EDMONDSON BERNARD ANTHONY	DONNA SMITH EDMONDSON	19375 ROYAL ST	LEWES	DE	19958	334-12.00-1099.00
LUICCI THOMAS JOSEPH JR	LORI ROBIN LUICCI	21022 DECATUR ST	LEWES	DE	19958	334-12.00-1028.00
BREYER CHARLES A	<Null>	19128 CHARTRES ST	LEWES	DE	19958	334-12.00-996.00
AULT RICHARD W	BRETT C YOUMANS	19143 CHARTRES ST	LEWES	DE	19958	334-12.00-1010.00
MEREDITH JEFFREY KEITH SR TTEE	MARY JANE MEREDITH TTEE REV TR	135 VILLAGE DR	SEAFORD	DE	19973	334-18.00-40.03
DALEY RALPH	MARY DALEY	28276 SARATOGA LN	LEWES	DE	19958	334-18.00-1018.00
SEMINARA MARY R	KATHLEEN MAREK	21163 CONTI ST	LEWES	DE	19958	334-12.00-1036.00
O'NEIL MARK	CAROL A O'NEIL	21153 CONTI ST	LEWES	DE	19958	334-12.00-1038.00
HOYT TRACIE	KIMBERLY ANN GILLESPIE	21144 CONTI ST	LEWES	DE	19958	334-12.00-1055.00
EICK NANCY T TTEE	REV LIV TR	21154 CONTI ST	LEWES	DE	19958	334-12.00-1057.00
LEONARD JAMES P	DONNA M LEONARD	22551 OCALA WAY	LEWES	DE	19958	334-18.00-999.00
NAU PAMELA JOYCE TTEE REV LIV TR	<Null>	22552 OCALA WAY	LEWES	DE	19958	334-18.00-1051.00
KING MARIE P TTEE REV TR	<Null>	19158 CHARTRES ST	LEWES	DE	19958	334-12.00-987.00
HOATSON MARK EDWARD	MARIA CECILIA HOATSON	19357 ROYAL ST	LEWES	DE	19958	334-12.00-1095.00
LYNCH THOMAS J III TTEE	THOMAS J KAREN MILLS-LYNCH FAM TR	21042 DECATUR ST	LEWES	DE	19958	334-12.00-1031.00
HALL LISA K TTEE REV TR	<Null>	19338 ROYAL ST	LEWES	DE	19958	334-12.00-1061.00
FLEMING ROBERT ALAN	<Null>	21113 CONTI ST	LEWES	DE	19958	334-12.00-1044.00
HCA MODEL FUND 2018-15 TEXAS LLC	<Null>	17950 PRESTON RD STE 300	DALLAS	TX	75252	334-12.00-1004.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1268.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1338.00
VINCENT KATELYN M	<Null>	28270 SARATOGA LN	LEWES	DE	19958	334-18.00-1019.00
FRICKE GLENN L	CAROL A OLIVER	19123 CHARTRES ST	LEWES	DE	19958	334-12.00-1012.00
MEYER FREDERICK W	ALICE M MEYER	22536 OCALA WAY	LEWES	DE	19958	334-18.00-1050.00
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-689.00
GOUGH NICOLE FRANCES	<Null>	28220 SARATOGA LN	LEWES	DE	19958	334-18.00-1026.00
CAPE HENLOPEN SCHOOL DISTRICT	<Null>	1270 KINGS HWY	LEWES	DE	19958	334-12.00-107.00

KARASINSKI THOMAS J	JOAN KARASINSKI	28223 SARATOGA LN	LEWES	DE	19958	334-18.00-1066.00
HARRELL MICHAEL TTEE LIV TR	PETER SIPE TTEE LIV TR	19129 CHARTRES ST	LEWES	DE	19958	334-12.00-1011.00
CHRIST SCOTT EDWIN	DIANE MARIE CHRIST	21128 CONTI ST	LEWES	DE	19958	334-12.00-1052.00
ATTENBERGER RAYMOND E	LORRAINE ATTENBERGER	21134 CONTI ST	LEWES	DE	19958	334-12.00-1053.00
K HOVNANIAN'S FOUR SEASONS	AT BELLE TERRE LLC	2499 S DUPONT HWY STE G	SMYRNA	DE	19977	334-12.00-1315.00
STACK CRISTINA M	DOREEN J SOUSA	32 BARBARY LN	COLUMBUS	NJ	8022	334-12.00-1371.00
GIUGLIANO JOSEPH LOUIS	ELAINE FRANCES GIUGLIANO	21227 DAUPHINE ST	LEWES	DE	19958	334-12.00-1375.00
DOHERTY JAMES R	KIMBERLY K DOHERTY	16 NEPONSET RD	WILMINGTON	DE	19810	334-18.00-1000.00
SB SADDLE RIDGE LLC	<Null>	20184 PHILLIPS ST	REHOBOTH BEACH	DE	19971	334-18.00-1041.00
SNEERINGER JEFFREY C	JAMES P HANDAKAS	19157 CHARTRES ST	LEWES	DE	19958	334-12.00-1007.00
ANSELM PATER W	CORINNE ANN RELLO ANSELM	30 LOCUST AVE	WHITE PLAINS	NY	10605	334-18.00-1021.00
PHAM THANH X	TUYET NGOC J TRAM	22533 OCALA WAY	LEWES	DE	19958	334-18.00-996.00
ROOS ROBERT	JOYCE ROOS	21069 DECATUR ST	LEWES	DE	19958	334-12.00-1015.00
DONOVAN PATRICK L	GARY R GRAHAM	21049 DECATUR ST	LEWES	DE	19958	334-12.00-1018.00
HENSHAW ROBERT ARTHUR	KAARINA ORVOKKI HENSHAW	19315 ROYAL ST	LEWES	DE	19958	334-12.00-1084.00
SOZIO DIANE	PATRICIA ANN HUTCHINSON	19319 ROYAL ST	LEWES	DE	19958	334-12.00-1085.00
RYAN NANCY JANE	RORY JAY RYAN	19323 ROYAL ST	LEWES	DE	19958	334-12.00-1086.00
MARSDEN JOSEPH	JUDITH MARSDEN	19337 ROYAL ST	LEWES	DE	19958	334-12.00-1089.00
SAMAHA MICHEL RAMEZ	LAURA LEE SAMAHA	23002 BOURBON CIR	LEWES	DE	19958	334-12.00-1072.00
BONNES JAMES H TTEE	LIV TR	21150 CONTI ST	LEWES	DE	19958	334-12.00-1056.00
VANBLARCOM JEFFREY TALIAFERRO	JENNIFER LOUISE VANBLARCOM	PO BOX 321	LEWES	DE	19958	334-12.00-1116.00
MORAWSKI LEONARD M	MARGARET MORAWSKI	22575 OCALA WAY	LEWES	DE	19958	334-18.00-1003.00

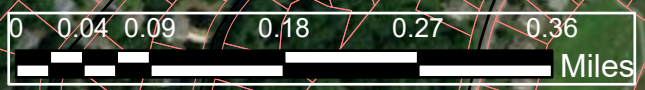
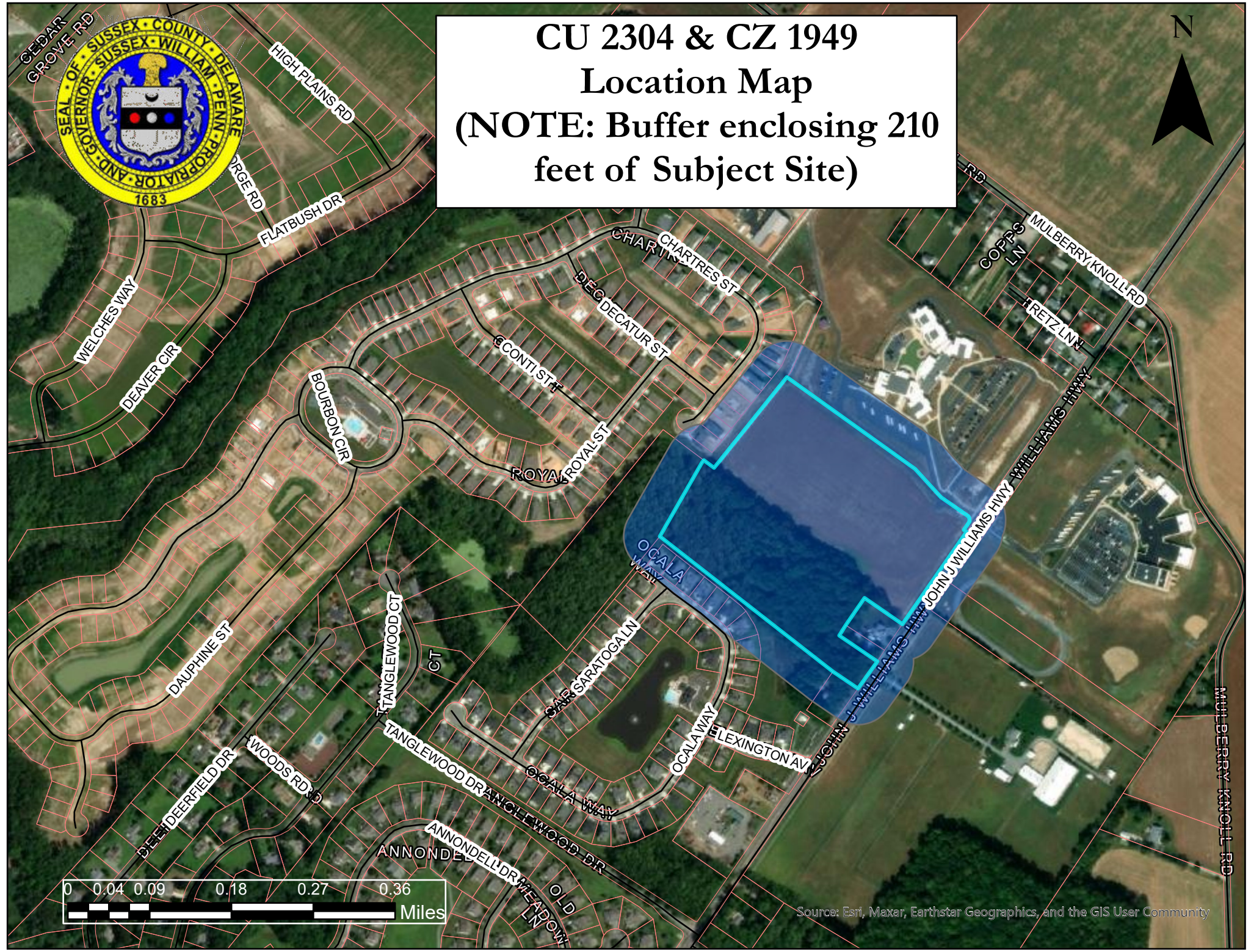
# CU 2304 & CZ 1949 Mailing List Exhibit Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



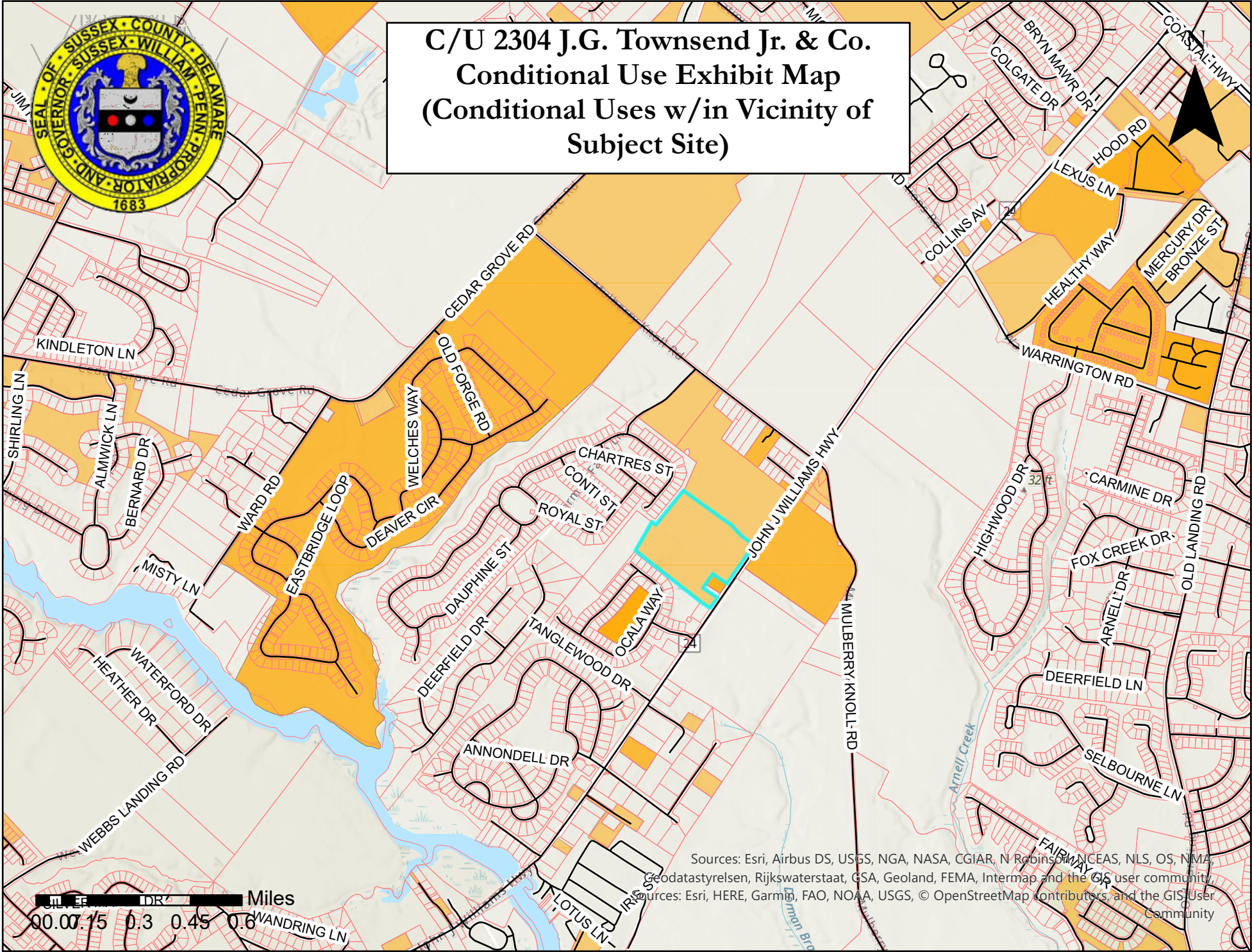
**CU 2304 & CZ 1949  
Location Map  
(NOTE: Buffer enclosing 210  
feet of Subject Site)**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



**C/U 2304 J.G. Townsend Jr. & Co.  
Conditional Use Exhibit Map  
(Conditional Uses w/in Vicinity of  
Subject Site)**



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NIMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community.  
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: May 23, 2022  
RE: Staff Analysis for C/U 2304 J.G. Townsend Jr. & Co.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2304 J.G. Townsend Jr. & Co. to be reviewed during the June 23, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 334-12.00-16.04 to allow for eighty-four (84) multifamily units and other associated site improvements. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). The parcel consists of 21.62 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 "X" Flood Zone "Areas determined to be outside of the 100-year floodplain."

The property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to all requirements as provided for as part of any subsequent Transportation Improvement District Agreement including payment of any required fees and related improvements as may be deemed necessary by the County and DelDOT.

### 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 of "Commercial Area" and "Coastal Area." The properties to the south (including on the opposite side of Route 24 (John J. Williams Highway), the properties to the southwest (to include the entire Saddle Ridge Subdivision) and the properties to the northeast along Route 24 all have a land use designation of "Commercial Area." The properties to the southeast and to the northwest to include the adjacent lands of the Four Seasons at Belle Terre Subdivision also contain the land use designation of "Coastal Area."

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).

Conversely, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas (Sussex County Comprehensive Plan, 4-17).

### 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 Medium Density Residential (MR) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25). However, the Medium Density Residential (MR) District is not listed as an Applicable Zoning District within the “Commercial Area.”

However, it should be noted that there is a related Application to amend the Future Land Use Map which has been submitted in conjunction with this application (Ordinance No. 21-13) to amend the Commercial portion of the property to the Coastal Area.

The property is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, northeast and south of the subject property are zoned Agricultural Residential (AR-1) District. The properties located to the southwest of the subject site are zoned Medium Density Residential (MR) District. There is also a single parcel to the southwest that is zoned Neighborhood Business (B-1) District.

### Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been six (6) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application is for C/U 392 Gwen Dickerson for the provision of a beauty salon within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, December 2, 1976. The second application is for C/U 2016 Cape Henlopen School District to allow for the establishment of an elementary school to be located within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, June 16, 2015, and the change was adopted through Ordinance No. 2402. The third application is for C/U 2059 Julie Norwood

for the provision of a beauty salon within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, October 25, 2016, and the change was adopted through Ordinance No. 2478. The fourth application is for C/U 2240 Tidewater Utilities Inc. to allow for the construction of an Elevated Storage Tank within the Agricultural Residential (AR-1) District. The Application was subsequently withdrawn. The fifth application is for C/U 2246 Bee Wise, LLC to allow for the creation of a Real Estate Business within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, June 8, 2021, and the change was adopted through Ordinance No. 2275. The sixth application is for C/U 2318 V&M LLC to permit a convenience store and office building within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, May 17, 2022, and the change was adopted.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of eighty-four (84) multifamily units and other ancillary improvements in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

<b>Conditional Use Applications (w/in a 0.25 mile radius of the subject site)*</b>								
<b>Application Number</b>	<b>Application Name</b>	<b>Current Zoning</b>	<b>Proposed Use</b>	<b>P&amp;Z Decision</b>	<b>P&amp;Z Decision Date</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
C/U 392	Gwen Dickerson	AR-1	Beauty Salon	N/A	N/A	Approved	12/28/1976	N/A
C/U 2016	Cape Henlopen School District	AR-1	Elementary School	Recommended Approval	5/7/2015	Approved	6/16/2015	2402
C/U 2059	Julie Norwood	AR-1	Beauty Salon	Recommended Approval	11/17/2016	Approved	10/25/2016	2478
C/U 2240	Tidewater Utilities, Inc.	AR-1	Elevated Storage Tank	Recommended Approval	10/22/2020	Approved	11/10/2020	2751
C/U 2246	Bee Wise, LLC	AR-1	Real Estate Business	Recommended Approval	4/22/2021	Approved	6/8/2021	2775
C/U 2318	V&M, LLC	AR-1	Convenience store and office building	Recommended Approval	4/28/2022	Approved	5/17/2022	?

July 31, 2021

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

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Zoning Map Amendment  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

On behalf of our client J.G. Townsend, we are respectfully submitting an application for a Zoning Map Amendment for the above reference parcel to be considered by Sussex County Council. The property is located on the north side of John J. Williams Highway (State Route 24), adjacent to Love Creek Elementary School. There is a stub for the site access along the entrance to the elementary school that was provided for the future development of this parcel.

The property is currently zoned AR-1. The requested zoning is MR (Medium Density Residential). The zoning change is required along with a Conditional Use, which is being submitted concurrently to the application to allow townhomes. The adjacent subdivision, known as Saddle Ridge, is zoned MR. The attached site plan consists of 84 townhomes, SWM facilities, pool house, and pool. Enclosed with this submission are the following:

- *Planning and Zoning Commission Application*
- *Two (2) copies of the Preliminary Plan*
- *Two (2) copies of the Wetlands Survey & Existing Conditions Plan*
- *Legal Description*
- *Application Fee in the amount of \$500*
- *SFR Response*
- *Mailing List Application Form*
- *PLUS Response Letter (via email)*

Letter: Howeth Property  
July 30, 2021  
Page 2

Electronic copies of the plans will be provided via email. Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

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



Cliff Mumford, P.E.  
Associate

*p:\jg townsend\2261j013 howeth\docs\p&z\2021-07-22 cu-cz-major sub\rezoning cover letter.docx*

## 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**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**

84 Multifamily Dwellings per 115-31

**Tax Map #:** 334-12.00-16.04

**Size of Parcel(s):** 21.62 acres

**Current Zoning:** AR

**Proposed Zoning:** MR

**Size of Building:** \_\_\_\_\_

**Land Use Classification:** Multi-family

**Water Provider:** Tidewater Utilities

**Sewer Provider:** Sussex County

**Applicant Information**

**Applicant Name:** J.G. Townsend Jr. & Co.

**Applicant Address:** P.O. Box 430

**City:** Georgetown

**State:** DE

**Zip Code:** 19947

**Phone #:** (302) 856-2525

**E-mail:** paul@jgtownsend.com

**Owner Information**

**Owner Name:** J.G. Townsend Jr. & Co.

**Owner Address:** P.O. Box 430

**City:** Georgetown

**State:** DE

**Zip Code:** 19947

**Phone #:** (302) 856-2525

**E-mail:** paul@jgtownsend.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.

**Agent/Attorney/Engineer Address:** 1 Park Ave

**City:** Milford

**State:** DE

**Zip Code:** 19963

**Phone #:** (302) 424-1441

**E-mail:** cdm@dbfinc.com





# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DeIDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required) - 10 days before hearing

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

*[Handwritten Signature]*

Date: 7/21/21

### Signature of Owner

*[Handwritten Signature]* President

Date: 7/21/21

### For office use only:

Date Submitted: 7/30/21

Fee: \$500.00 Check #: 3432

Staff accepting application: NT

Application & Case #: C02304

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_

**Mailing List Application Form**  
For Applications Requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application, a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

**Application Information:**

Site Address: John J. Williams Highway, Adjacent to Love Creek Elementary

Parcel #: 334-12.00-16.04

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Cliff Mumford, P.E.

Owner Name: J.G. Townsend Jr. & Co.

**Type of Application:**

- Conditional Use:
- Change of Zone:
- Subdivision:
- Board of Adjustment:

Date Submitted: 7/23/21

**For office use only:**

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33020188-0059 Lindsay S 08/02/2021 09:46AM

PERMITS / INSPECTIONS  
CONDITIONAL USE - FEE  
2021 Item: 202111463|Z010 500.00

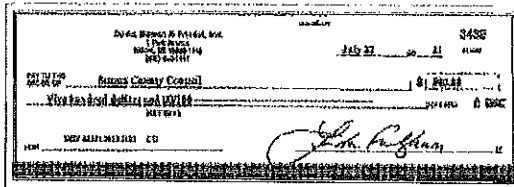
-----  
500.00

Subtotal 500.00  
Total 500.00

CHECK 500.00  
Check Number 003432

-----  
Change due 0.00

Paid by: DAVIS BOWEN & FRIEDEL INC.



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT

## LEGAL DESCRIPTION

Lands of J.G. Townsend Jr. & Co.

TAX PARCEL #334-12.00-16.04

July 22, 2021

**ALL** that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, as depicted on a survey entitled "Boundary of Waters of the United States including Wetlands Subject to Corps of Engineers Regulatory Program" of the Lands of J.G. Townsend, Jr., & Co., prepared by Atlantic Surveying and Mapping, dated February 11, 2018, fronting on the northwesterly side of John J. Williams Highway (State Route 24), and being more particularly bounded and described as follows, to wit:

**BEGINNING** at an iron rod found on the northwesterly right of way line of John J Williams Highway (State Route 24), said point being located at the northeastern corner of lands of, now or formerly, Andrew McConnell as recorded in said Office of the Recorder of Deeds in Deed Book 5048 Page 30 and being identified as tax parcel 334-12.00-481.00, marking a common corner between said McConnell lands and this parcel; thence,

1) leaving said State right of way and running by and with said McConnell lands, North 52 degrees 14 minutes 22 seconds West, 135.21 feet to an iron pipe found, being a common corner of said McConnell lands and land now or formerly of Saddle Ridge Property Owners Association Inc., Sussex County Tax Parcel 334-18.00-40.04, thence,

2) leaving said McConnell lands and running by and with said Saddle Ridge lands North 52 degrees 15 minutes 59 seconds West, 994.95 feet to an iron rod found, marking a common corner for this parcel and said Saddle Ridge lands on the southwesterly line of lands now or formerly of Thomas Lang, Sussex County Tax Parcel 334-12.00-22.00, thence,

3) leaving said Saddle Ridge lands and turning and running with said Lang lands North 39 degrees 41 minutes 58 seconds East, 367.61 feet to an iron pipe found at a common corner of said Lang lands and lands now or formerly of K. Hovnanion's Four Seasons at Belle Terre LLC, Sussex County Tax Parcel 334-12.00-17.00, on the northwesterly line of this parcel, thence,

4) leaving said Lang lands and running by and with said K. Hovnanion lands North 38 degrees 44 minutes 38 seconds 527.82 feet to an iron rod found on the southeasterly line of said K. Hovnanian lands and a common corner for this parcel and lands now or formerly of the Cape Henlopen School District (CHSD), Sussex County Tax Parcel 334-12.00-45.01, thence,

5) leaving said K Hovnanian lands and turning and running with lands of CHSD the following four (4) courses and distances: 1) South 53 degrees 34 minutes 44 seconds

East, 716.83 feet to an iron rod found; 2) South 43 degrees 00 minutes 16 seconds East, 172.77 feet to an iron rod found; 3) South 55 degrees 35 minutes 56 seconds East, 145.02 feet to an iron rod found; 4) with the arc of a curve deflecting to the right having an arc length of 39.28 feet, a radius of 25.00 feet and a chord bearing and distance of North 10 degrees 34 minutes 35 seconds West 35.37 feet to an iron rod found on the northwesterly right of way line of John J. Williams Highway, thence,

6) leaving said CHSD lands and running by and with the northwesterly right of way line of John J. Williams Highway South 34 degrees 26 minutes 45 seconds West, 497.14 feet to an iron rod found along the northeasterly line of lands now or formerly of Craig Alan Beebe, Sussex County Tax Parcel 334-12.00-24.00, thence,

7) leaving said right of way and turning and running by and with the lands of Beebe the following two courses: 1) North 55 degrees 47 minutes 24 seconds West, 194.00 feet to an iron rod found; 2) South 34 degrees 32 minutes 06 minutes West 149.00 feet to an iron pipe found at a common corner between lands of Beebe and lands now or formerly of Jamie Britton, Sussex County Tax Parcel 334-12.00-23.00, thence,

8) leaving said Beebe lands and continuing by and with said Britton lands the following two (2) courses and distances: 1) South 34 degrees 26 minutes 09 seconds West, 59.89 feet to an iron pipe found; 2) South 55 degrees 33 minutes 52 minutes East, 194.11 feet to an iron rod found along the northwesterly right of way of State Route 24, thence,

9) leaving said Britton lands and turning and running by and with said State Route 24 South 34 degrees 26 minutes 45 seconds West 163.25 feet to the point and place of beginning,

**CONTAINING** 21.62 acres of land, more or less.

**Introduced 10/26/21**

**Council District 3 - Schaeffer  
Tax I.D. No. 334-12.00-16.04  
911 Address: None Available**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS**

**WHEREAS, on the 30th of July 2021, a conditional use application, denominated Conditional Use No. 2304 was filed on behalf of J.G. Townsend Jr. & Co.; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2304 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use 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, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article 115, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2304 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24) approximately 0.25 mile southwest of Mulberry Knoll Rd. (S.C.R 284) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 21.62 acres, more or less**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



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

January 20, 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 **J.G. Townsend Jr. & Co.** rezoning application, which we received on December 17, 2020. This application is for an approximately 21.83-acre parcel (Tax Parcel: 334-12.00-16.04). The subject land is located on the northwest side of Delaware Route 24, approximately 1,400 feet southwest of Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium Density Residential) to develop 84 townhomes (multi-family low-rise housing).

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 84 townhomes would generate 594 vehicle trips per day, 40 vehicle trips during the morning peak hour, and 51 vehicle trips during the evening peak hour. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it. For residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to



Mr. Jamie Whitehouse  
Page 2 of 2  
January 20, 2021

pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements in accordance therewith. The proposed development is consistent with the LUTP, therefore, the developer will be required to pay the TID fee as stated above. Any improvements required by DelDOT beyond the site entrance construction will be creditable toward the fee.

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

A review of TIS completed in the last five years found that a TIS was completed for the Belle Terre development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

cc: J.G. Townsend Jr. & Co., 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  
Sarah Coakley, Principal Planner, Regional Systems Planning  
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  
Annamaria Fumato, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination





June 23, 2016

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1655  
Traffic Impact Study Services  
**Task No. 1 Subtask 16A – Belle Terre**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Belle Terre residential development prepared by The Traffic Group, Inc. (TTG), dated February 2016. This review was assigned as Task Number 1 (Subtask 16A). TTG prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TIS evaluates the impacts of the Belle Terre residential development, proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. The proposed development would include 200 single-family detached houses and 178 townhouses on approximately 124 acres of land. One full access point is proposed on Mulberry Knoll Road, which will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists. Construction is anticipated to be complete by 2023.

The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).



The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.



Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 & Mulberry Knoll Road	Unsignalized	2015 Existing AM & Saturday (Case 1); 2023 AM, PM & Saturday without and with Belle Terre (Case 2 & 3); 2023 AM, PM & Saturday with Belle Terre and DelDOT Improvements (Case 3)
Delaware Route 24 & Plantation Road / Warrington Road	Signalized	2023 PM & Saturday without and with Belle Terre (Case 2 & 3)

The unsignalized intersection of Delaware Route 24 and Mulberry Knoll Road exhibits LOS deficiencies during existing and future conditions, even with the improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project. These planned improvements consist of adding separate left-turn lanes on the Delaware Route 24 approaches. Without Belle Terre or any roadway improvements, the anticipated LOS deficiencies would occur on the northbound and southbound Mulberry Knoll Road approaches, and the expected worst-case 95<sup>th</sup> percentile queue length is 170 feet for the southbound approach during the future summer Saturday peak hour.

Analysis of the intersection of Delaware Route 24 and Mulberry Knoll Road with the proposed Belle Terre development traffic included (but without any intersection improvements) indicates that delays and queue lengths for the southbound Mulberry Knoll Road approach would increase significantly. Under this scenario, the projected 95<sup>th</sup> percentile queue lengths for southbound Mulberry Knoll Road are 635 feet during the AM peak hour, 415 feet during the PM peak hour, and 500 feet during the summer Saturday peak hour. Analyzed with the improvements included in DelDOT's SR 24, Love Creek to Mulberry Knoll Road project, significant delays on the southbound Mulberry Knoll Road approach would persist and the projected 95<sup>th</sup> percentile queue lengths for the southbound approach would be 600 feet, 395 feet, and 455 feet during those same three peak hours.

Based on previous traffic studies at the intersection of Delaware Route 24 and Mulberry Knoll Road, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. However, based on the capacity analysis included in the TIS, it appears that the installation of a traffic signal at the intersection of Delaware Route 24 and Mulberry Knoll Road would mitigate the LOS deficiencies that would occur with the Belle Terre development traffic included. To address these LOS deficiencies, the developer should improve the intersection, and should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal at this intersection, as described below in Item Nos. 2 and 3.



The signalized intersection of Delaware Route 24 and Plantation Road/Warrington Road exhibits LOS deficiencies during future conditions with and without Belle Terre during the PM and summer Saturday peak hours. Acceptable LOS would be achieved for all future cases with the improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project. These planned improvements include the addition of a second through lane along both directions of Delaware Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The SR 24, Mulberry Knoll Road to SR 1 Project is scheduled for construction in FY 18 and 19.

Per the State of Delaware Preliminary Land Use Service (PLUS) comments dated September 22, 2015, DelDOT recommends that the developer obtain a right-of-way to replace the existing easement for the driveway by which the site would have access to Mulberry Knoll Road.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should construct the site entrance on Mulberry Knoll Road. This proposed entrance driveway would replace the existing unpaved residential driveway located approximately 1,800 feet northwest of the intersection of Delaware Route 24 and Mulberry Knoll Road, labeled as Dorman Farm Lane in the Site Location Map on Page 10. The proposed configuration is shown in the table below:

<b>Approach</b>	<b>Current Configuration</b>	<b>Proposed Configuration</b>
Northbound Mulberry Knoll Road	One through lane (allowing left turns onto unpaved driveway)	One shared through/left-turn lane and one bypass lane
Southbound Mulberry Knoll Road	One through lane (allowing right turns onto unpaved driveway)	One through lane and one right-turn lane
Eastbound Site Entrance	Approach does not exist (except for unpaved driveway)	One shared left/right-turn lane

Based on earlier coordination between the developer and DelDOT, the initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes / bypass lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.

Approach	Left-Turn or Bypass Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	105-foot full-width bypass lane, plus 75-foot tapers	N/A
Southbound Mulberry Knoll Road	N/A	190 feet
Eastbound Site Entrance	N/A	N/A

It is noted that the construction and use of the proposed site entrance driveway providing access to Mulberry Knoll Road will require use of an existing easement through the property on the northeast side of the proposed development. DeIDOT recommends that the developer obtain a right-of-way to replace this existing easement. This driveway could also have an impact on access to the proposed Delaware State Police (DSP) Troop 7 site, to be located just to the south on Mulberry Knoll Road. The Belle Terre developer must coordinate with DeIDOT's Development Coordination Section and the owner of the adjacent property (DSP site), as the design details for access to both the Belle Terre site and the DSP site will need to be determined during the site plan review process.

- The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared through/left-turn lane and one right-turn lane
Eastbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane
Westbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DeIDOT's Development Coordination Section to determine final design details including final turn-lane lengths during the site plan review process. The design of this intersection must accommodate DeIDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project*.



Approach	Left-Turn Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	TBD *
Eastbound Delaware Route 24	400 feet **	125 feet ***
Westbound Delaware Route 24	125 feet **	125 feet ***

\* Due to existing constraints including buildings on the northwest corner of the intersection, no initial turn-lane length is provided. Design details and length of the southbound right-turn lane must be determined during the site plan review process.

\*\* turn-lane length per concept plans for DelDOT's SR 24, *Love Creek Bridge to Mulberry Knoll Road Improvements Project*.

\*\*\* indicates existing turn lane length; final length to be determined by DelDOT during site plan review process

Should DelDOT's SR 24, *Mulberry Knoll Road to SR 1 Improvement Project* advance to construction prior to improvements being made by the developer at the intersection of Delaware Route 24 and Mulberry Knoll Road, the developer should coordinate with DelDOT regarding an equitable share contribution toward the DelDOT project. The amount of the contribution should be determined through coordination with DelDOT's Development Coordination Section. In this situation, there could still be additional improvements that the developer would be responsible for at this intersection after the DelDOT project is constructed (possibly including but not limited to signalization of the intersection if a traffic signal is not included as part of the DelDOT project).

3. The developer should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal for the intersection of Delaware Route 24 and Mulberry Knoll Road. The agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. The developer should coordinate with DelDOT regarding design details and implementation of the traffic signal. The agreement should provide for installation and activation of the signal at DelDOT's discretion. One or more other developers may enter into a traffic signal agreement for this intersection as well.
4. The following bicycle and pedestrian improvements should be included:
  - a. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of the right-turn lane added to southbound Mulberry Knoll Road at the site entrance.
  - b. Adjacent to the right-turn lane added to southbound Mulberry Knoll Road at the site entrance, a minimum of a five foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.

- c. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
- d. Utility covers should be made flush with the pavement.
- e. If a clubhouse or other community facility is constructed as shown on the conceptual site plan, bike parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- f. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be considered within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards.
- g. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to eliminate vehicular overhang onto the sidewalk.
- h. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
- i. A multi-use pedestrian/bicycle connection should be constructed between the proposed Belle Terre development and the proposed Love Creek Elementary School. The developer should coordinate with DelDOT and representatives of the Love Creek Elementary School and the adjacent Saddle Ridge residential development regarding the potential for direct pedestrian/bicycle connections between the developments and the proposed elementary school. The pedestrian/bicycle connection(s) between these properties should not be adjacent to Mulberry Knoll Road or Delaware Route 24.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at [http://www.deldot.gov/information/pubs\\_forms/manuals/de\\_mutcd/index.shtml](http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml). For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DelDOT’s Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at [Adam.Weiser@state.de.us](mailto:Adam.Weiser@state.de.us).



Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DeIDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (302) 738-0203 or through e-mail at [ajparker@mtmail.biz](mailto:ajparker@mtmail.biz) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, P.E., PTOE  
Project Manager

Enclosure



**General Information**

**Report date:** February 2016

**Prepared by:** The Traffic Group, Inc. (TTG)

**Prepared for:** Arcaro Ventures D., LLC

**Tax parcel:** 334-12.00-17.00, 18.00, 19.00 and 20.00

**Generally consistent with DelDOT's *Development Coordination Manual*:** Yes

**Project Description and Background**

**Description:** The proposed residential development would include 200 single-family detached houses and 178 townhouses.

**Location:** The Belle Terre residential development is proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. A site location map is included on Page 10.

**Amount of land to be developed:** approximately 123.75 acres of land

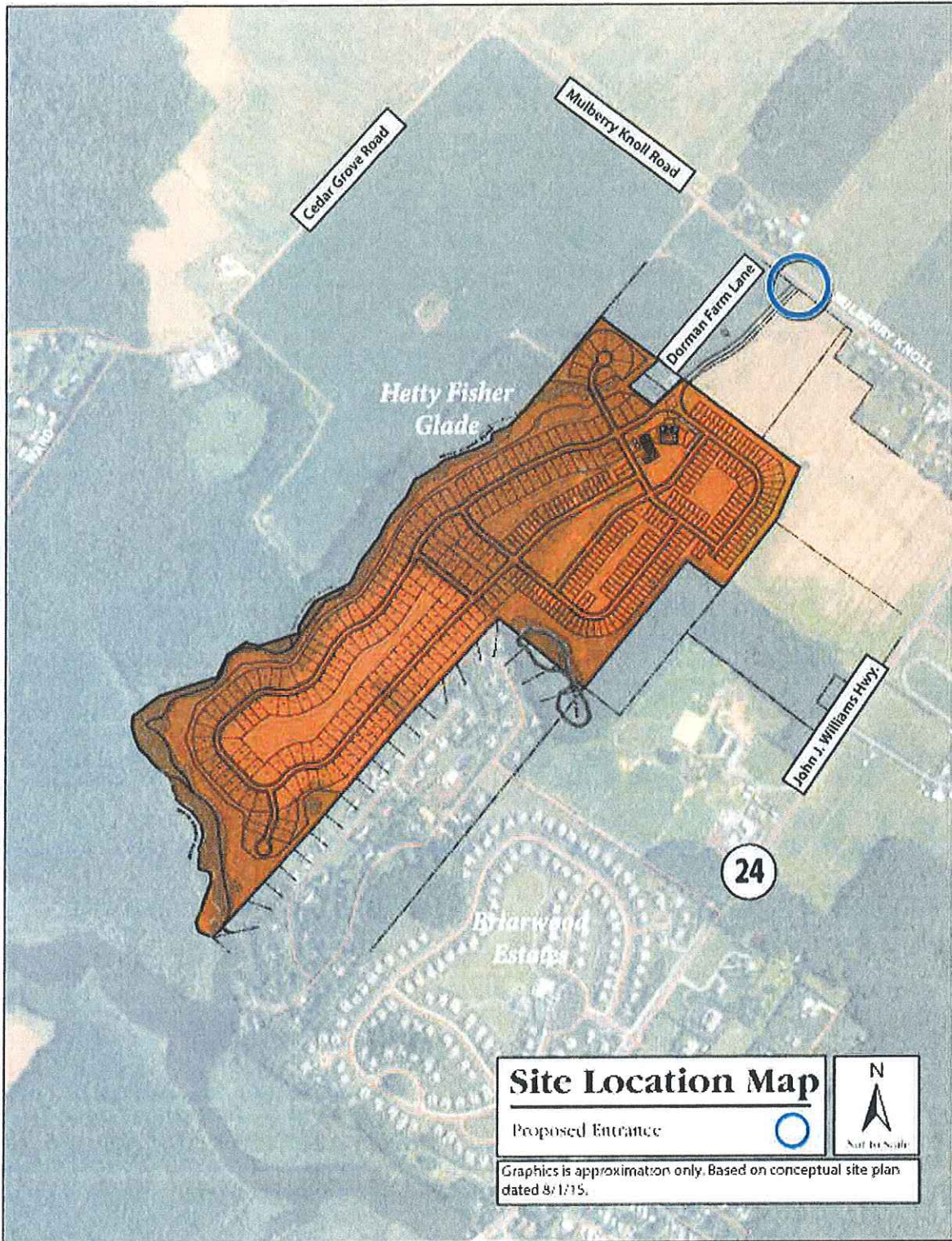
**Land use approval(s) needed:** Subdivision approval. The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

**Proposed completion date:** 2023

**Proposed access locations:** One full access point is proposed on Mulberry Knoll Road. The proposed access will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists.

**Daily Traffic Volumes (per DelDOT Traffic Summary 2014):**

- 2014 Average Annual Daily Traffic on Mulberry Knoll Road: 668 vpd



## **2015 Delaware Strategies for State Policies and Spending**

**Location with respect to the Strategies for State Policies and Spending Map of Delaware:**  
The proposed Belle Terre development is located within an Investment Level 2 area.

### *Investment Level 2*

Investment Level 2 Areas are areas prepared for growth and where the state can make cost-effective infrastructure investments for schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 2 Areas serve as transition areas between Level 1 and the state's more open, less populated areas.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Belle Terre residential development is located within an Investment Level 2 area, and is to be developed as 200 single-family detached homes and 178 townhomes. This type of development is generally consistent with the character of Investment Level 2 areas, where a mix of housing options is encouraged. The Delaware Route 24 corridor is becoming increasingly developed and is characteristic of Investment Level 2 areas, as it links the commercial SR 1 corridor and beach resort area with rural Sussex County. DelDOT plans to make improvements along the Delaware Route 24 corridor and DART recently added a new year-round bus route to accommodate the continuing growth. A new elementary school is also proposed adjacent to the Belle Terre development to serve the growing area, which is another sign of Investment Level 2 type development. The proposed development appears to generally comply with the policies stated in the 2015 "Strategies for State Policies and Spending."

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan Update, June 2008)*

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed development parcel is within the Environmentally Sensitive Developing Area (categorized as a Growth Area).

Growth Areas, including the Environmentally Sensitive Developing Area, are designed to accommodate concentrated levels of development. The Environmentally Sensitive Developing Area has been designated by Sussex County for large areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays). This designation recognizes two characteristics of these areas. First, these regions are among the most desirable locations in Sussex County for new housing, as reflected in new construction data and real estate prices. Second, these regions contain ecologically important wetlands and other coastal lands that help absorb floodwaters and provide extensive habitat for native flora and fauna. These areas also have great impacts upon the water quality of the bays and inlets and upon natural habitats.

The challenge in these regions is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets that: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates reasonable. The County has major initiatives to extend public sewer service to replace failing on-site systems in many of these areas. Very careful control of stormwater runoff is an extremely important concern to keep sediment and other pollutants out of the inland bays.

The following major guidelines should apply to future growth in Environmentally Sensitive Developing Areas:

*Permitted Uses* – Environmentally Sensitive Developing Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Environmentally Sensitive 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 to arterial roads. Careful mixtures of homes with light commercial 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. Industrial zones are regulated by the Delaware Coastal Zone Act, which restrict heavy industry and bulk transfer.

*Densities* – The Environmentally Sensitive Developing Areas function as an “overlay” area to several underlying zoning districts. It may be advisable for legal reasons to convert this overlay area into regular zoning districts, while maintaining the current standards. Most of the Environmental Sensitive Developing Areas should continue to allow 2 homes per acre. The option should exist to go up to 4 units per acre if the developer uses optional density bonuses. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.

The County may also consider an additional layer of protection in the Environmentally Sensitive Developing Areas. Tidal wetland area could be subtracted from the total tract size so that “net” tract size is used as the basis for calculating how much development is allowed.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

*Infrastructure* – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre.

**Proposed Development’s Compatibility with Comprehensive Plan:** The proposed Belle Terre residential development is planned to be developed as a mix of housing with 200 single-family detached homes and 178 townhomes. The proposed development appears to comply with the characteristics of Growth Areas in general as well as the *Permitted Uses* for the Environmentally Sensitive Developing Area.

The site is currently zoned AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay. The purpose of the Medium-Density Residential District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. Permitted uses include detached single family dwellings but not manufactured homes. Multifamily dwelling structures and townhomes may be permitted as conditional uses, pending approval through the Sussex County site plan review process.

While the uses proposed for this site appear to be permitted in the Multi-Density Residential District, there are specific regulations that must be followed for each type of use. In particular, there are regulations and densities pertaining to the proposed housing that need to be met and/or approved through the Sussex County site plan review process. As such, this development raises questions regarding consistency with the Sussex County Comprehensive Plan, and thus requires additional discussion.

#### **Relevant Projects in the DeIDOT Capital Transportation Program**

DeIDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).

The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Ninth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 200 Single-Family Detached Homes (ITE Land Use Code 210)
- 178 Townhouses/Condominiums (ITE Land Use Code 230)

Table 1  
BELLE TERRE PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			SAT Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
200 single-family detached houses	38	112	150	123	73	196	101	86	187
178 townhouses/condominiums	14	68	82	64	32	96	51	43	94
<b>TOTAL TRIPS</b>	<b>52</b>	<b>180</b>	<b>232</b>	<b>187</b>	<b>105</b>	<b>292</b>	<b>152</b>	<b>129</b>	<b>281</b>

Table 2  
BELLE TERRE DAILY TRIP GENERATION

Land Use	Weekday Daily			Saturday Daily		
	In	Out	Total	In	Out	Total
200 single-family detached houses	994	994	1988	967	967	1934
178 townhouses/condominiums	531	531	1062	536	536	1072
<b>TOTAL TRIPS</b>	<b>1525</b>	<b>1525</b>	<b>3050</b>	<b>1503</b>	<b>1503</b>	<b>3006</b>

**Overview of TIS**

**Intersections examined:**

- 1) Mulberry Knoll Road & Proposed Site Access
- 2) Delaware Route 24 & Mulberry Knoll Road
- 3) Delaware Route 24 & Warrington Road / Plantation Road
- 4) Delaware Route 24 & Bryn Mawr Drive
- 5) Delaware Route 24 & Rehoboth Mall Back Entrance
- 6) Delaware Route 24 & Delaware Route 1
- 7) Mulberry Knoll Road & Cedar Grove Road
- 8) Plantation Road & Cedar Grove Road / Postal Lane
- 9) Postal Lane & Oak Lane / Bethpage Drive

10) Delaware Route 1 & Postal Lane / Melson Road

**Conditions examined:**

- 1) 2015 existing conditions (Case 1)
- 2) 2023 without Belle Terre residential development (Case 2)
- 3) 2023 with Belle Terre residential development (Case 3)

**Peak hours evaluated:** Weekday morning and evening and Saturday mid-day peak hours

**Committed developments considered:**

- 1) Love Creek Elementary School (720 student elementary school)
- 2) Pelican Landing (87,800 square-foot shopping center)
- 3) Saddle Ridge a.k.a. Windswept (81 single-family detached homes)
- 4) Osprey Point (170 single-family detached homes, 180 townhomes)
- 5) Arbor-Lyn (80 townhomes, 60 apartments, 60 single-family detached homes)
- 6) Redden Ridge (84 single-family detached homes)
- 7) Delaware State Police Troop 7

**Intersection Descriptions**

- 1) **Mulberry Knoll Road & Proposed Site Access**  
**Type of Control:** proposed two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane  
**Southbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/right-turn lane  
**Eastbound approach:** (Proposed Site Access) existing residential driveway (gravel), proposed one shared left/right-turn lane, stop-controlled
  
- 2) **Delaware Route 24 & Mulberry Knoll Road**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled  
**Southbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane



- 3) **Delaware Route 24 & Plantation Road/Warrington Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Warrington Road) one left-turn lane, one through lane and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane
  
- 4) **Delaware Route 24 and Bryn Mawr Drive**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Southbound approach:** (Bryn Mawr Drive) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one left-turn lane and two through lanes  
**Westbound approach:** (DE Route 24) two through lanes and one right-turn lane
  
- 5) **Delaware Route 24 & Rehoboth Mall Back Entrance**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Rehoboth Mall) one shared through/left-turn lane and one right-turn lane  
**Southbound approach:** (Hudson Way) one shared through/left-turn lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane
  
- 6) **Delaware Route 24 & Delaware Route 1**  
**Type of Control:** signalized three-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one bus/bike/downstream-right-turn lane  
**Southbound approach:** (DE Route 1) one u-turn lane, three through lanes, and one bus/bike/right-turn lane  
**Eastbound approach:** (DE Route 24) two left-turn lanes and two right-turn lanes
  
- 7) **Mulberry Knoll Road & Cedar Grove Road**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (Cedar Grove Road) one shared through/right-turn lane  
**Westbound approach:** (Cedar Grove Road) one shared through/left-turn lane

- 8) **Plantation Road & Cedar Grove Road / Postal Lane**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Eastbound approach:** (Cedar Grove Road) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 9) **Postal Lane & Oak Lane / Bethpage Drive**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Bethpage Drive) one shared through/left-turn and one right-turn lane, stop-controlled  
**Southbound approach:** (Oak Lane) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 10) **Delaware Route 1 & Postal Lane / Melson Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one right-turn lane  
**Southbound approach:** (DE Route 1) one left-turn lane, three through lanes, and one right-turn lane  
**Eastbound approach:** (Postal Lane) two left-turn lanes, one through lane and one right-turn lane  
**Westbound approach:** (Melson Road) two left-turn lanes, one through lane and one right-turn lane

### Safety Evaluation

**Crash Data:** Crash data was obtained for November 5, 2012 through November 5, 2015 for Delaware Route 24 from Mulberry Knoll Road to SR 1 and for Cedar Grove Road/Postal Lane from Mulberry Knoll Road to SR 1.

Along the Cedar Grove Road/Postal Lane corridor, the crash data request returned a total of 55 crashes for the three-year period. Of the 55 total crashes, 10 crashes (18%) resulted in personal injury. There were no fatal crashes and two alcohol-related crashes, one of which resulted in personal injury. There was one crash involving a motorcycle and zero crashes involving pedestrians/bicyclists. The most common types of crashes were rear-end crashes (36%), angle crashes (25%) and single-vehicle crashes (18%). The majority of crashes occurred during daylight (76%) with dry pavement conditions (52%). The primary contributing circumstances

include driver inattention/distraction/fatigue (24%), following too close (15%) and failure to yield the right-of-way (13%). 22 of the 55 total crashes (40%) occurred at the dog-leg intersection at Plantation Road. This intersection has since been realigned to a signalized four-leg intersection, which should improve safety at the intersection.

Along the Delaware Route 24 corridor, the crash data request returned a total of 123 crashes for the three-year period. Of the 123 total crashes, 23 crashes (19%) resulted in personal injury. There was one fatal crash that was alcohol-related. The most common types of crashes were rear-end crashes (49%) and angle crashes (27%), and 7% of crashes involved a single vehicle. The majority of crashes occurred during daylight (68%) with dry pavement conditions (78%). The primary contributing circumstances include driver inattention/distraction/fatigue (40%), failure to yield the right-of-way (14%), following too close (13%), and disregarding a traffic signal (8%). Of the 123 total crashes, 103 (84%) occurred at intersections along the study corridor. A breakdown of crashes by intersection along Delaware Route 24 is as follows:

- Delaware Route 24 & Mulberry Knoll Road
  - 14 crashes reported (including 1 fatality)
- Delaware Route 24 & Plantation Road / Warrington Road
  - 32 crashes reported
- Delaware Route 24 & Rehoboth Mall Back Entrance
  - 14 crashes reported
- Delaware Route 24 & Delaware Route 1
  - 43 crashes reported

**Sight Distance:** With generally straight and flat roadways, and few potential visual obstructions, sight distance is adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were observed during field observations in the area.

#### **Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** The Delaware Transit Corporation (DTC) operates a seasonal DART bus route (Route 207) and a new year-round bus route (Route 215), effective February 2016, in the study area. Route 207 serves Rehoboth / Long Neck / Pot-Nets from mid-May to mid-September. Route 215 runs between Rehoboth/Lewes and Millsboro via Delaware Route 24 with two round-trips in the morning and three in the afternoon. The nearest bus stops are at the Beebe Medical Center to the east and near the Love Creek Bridge to the west.

**Planned transit service:** TTG stated that a representative from the DTC was contacted regarding existing and planned service in the area, and that no transit related facilities were requested.

**Existing bicycle and pedestrian facilities:** According to DelDOT's Sussex County Bicycle Map, Mulberry Knoll Road is not identified as a bicycle route. Mulberry Knoll Road is a local road with 11' travel lanes and no shoulders. Nearby, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway, but it has no designated bike lanes near the

proposed development. According to the bicycle level of service (BLOS) calculator developed by the *League of Illinois Bicyclists*, Mulberry Knoll Road operates at BLOS F, while Delaware Route 24 operates at BLOS A. Statewide Bicycle Route 1 runs along Plantation Road and Warrington Road, crossing Delaware Route 24. Delaware Route 1 is a High-Traffic Connector Bicycle Route that includes a shared bus/bike/right-turn lane in both directions.

There are no existing pedestrian facilities at or near the proposed development. Mulberry Knoll Road is a local road with 11' lanes, no shoulders, and no sidewalks. Delaware Route 24 is a major collector with 12' lanes, 10' shoulders and no sidewalks near the proposed development. East of Mulberry Knoll Road, there is a section of disconnected sidewalks and bike lanes on either side of Delaware Route 24 near the Beebe Health Campus. The SR 1 Pedestrian Improvements Project has connected pre-existing sidewalk segments in the study area along both sides of Delaware Route 1, and a new crosswalk was installed across the Delaware Route 24 approach to the intersection with Delaware Route 1. The proposed development and internal roadway system is located in an existing farm field and wooded area.

**Planned bicycle and pedestrian facilities:** TTG contacted Mr. Anthony Aglio with DelDOT's Division of Planning via email on November 19, 2015 regarding planned or requested bicycle and pedestrian facilities in the area of this proposed development. Mr. Agilo requested that Mulberry Knoll Road be reconstructed in accordance with DelDOT's local road standards, and for a pedestrian connection from the proposed Belle Terre residential development to the proposed Love Creek Elementary School that is not adjacent to the roadway. The proposed elementary school is located immediately southeast of Belle Terre, with access proposed via Delaware Route 24 across from Beacon Middle School.

It is noted that DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project will include new sidewalk and bike lanes along both sides of Delaware Route 24 from Delaware Route 1 to just west of the intersection with Plantation Road/Warrington Road. Also, concept plans for the SR 24, Love Creek to Mulberry Knoll Road Project show future sidewalk being added along both sides of Delaware Route 24 from Love Creek Pines Lane to Spencer Lane/Williams Way along with bike lanes throughout the project area. DelDOT's SR 1 Pedestrian Improvements Project is anticipated to be complete in the summer of 2016.

### **Previous Comments**

All comments from DelDOT's Scoping Letter, Traffic Count Review, Preliminary TIS (PTIS) Review and other correspondence appear to have been addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For unsignalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data (using 3% HV where actual HV percentages were not available). For future conditions, the TIS assumed future HV equal to existing HV at some intersections. At other intersections, they assumed

future HV equal to existing HV or 3%, whichever was greater. The TIS also assumed 3% HV for future movements to and from the proposed site access points. McCormick Taylor assumed future HV to be the same as existing HV at all intersections, unless existing HV% for a particular movement was less than 3%, in which case 3% was used. McCormick Taylor assumed 3% HV for future movements to and from the proposed site access point.

- 2) For existing conditions, the TIS and McCormick Taylor determined, for each intersection, overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF for all intersections other than the proposed site entrance. At that location, the TIS assumed a PHF of 0.80 while McCormick Taylor assumed a PHF of 0.88.
- 3) For analyses of all signalized intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pcphpl per DelDOT's Development Coordination Manual.
- 4) The HCS analyses included in the TIS did not always reflect the lane widths observed in the field by McCormick Taylor. McCormick Taylor's HCS analyses incorporated our field-measured lane widths.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) The TIS generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses. In most cases, McCormick Taylor conservatively input no RTOR volumes for existing and future conditions analyses, but did analyze right-turn movements as overlapping protected left-turn phases. McCormick Taylor did input RTOR volumes for the intersection of SR 1 and Postal Lane, where a majority of right turns were made on red.

Table 3  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>1</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
2023 without Belle Terre (Case 2)						
Eastbound Site Entrance	A (9.7)	A (9.4)	A (9.3)	A (9.5)	A (9.3)	A (9.3)
Northbound Mulberry Knoll Road - Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.4)	B (7.4)
2023 with Belle Terre (Case 3) <sup>2</sup>						
Eastbound Site Entrance	B (12.0)	B (12.7)	B (12.3)	B (11.2)	B (11.4)	B (11.2)
Northbound Mulberry Knoll Road - Left	A (7.7)	A (8.0)	A (7.8)	A (7.6)	A (7.9)	A (7.8)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> For Case 3, the TIS assumed the intersection would have a shared lane on all three approaches. McCormick Taylor assumed separate turn lanes on the northbound and southbound Mulberry Knoll Road approaches, as warranted by DelDOT's *Auxiliary Lane Worksheet*.

Table 4A  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>3</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.9)	B (10.5)	A (9.5)	A (8.9)	B (10.5)	A (9.6)
Westbound DE Route 24 – Left	B (11.4)	A (9.7)	B (10.7)	A (11.5)	A (9.3)	B (10.9)
Northbound Mulberry Road	E (37.1)	D (29.6)	C (24.1)	E (38.4)	D (29.7)	D (25.6)
Southbound Mulberry Road	C (21.0)	C (24.0)	E (39.7)	C (21.6)	C (24.9)	E (49.1)
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (9.6)	B (11.7)	B (10.6)	A (9.7)	B (12.0)	B (10.8)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (76.8)	F (61.4)	E (38.4)	F (84.5)	F (61.5)	E (46.3)
Southbound Mulberry Road	E (47.4)	F (69.7)	F (134.7)	F (53.1)	F (77.4)	F (305.9)
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (92.9)	F (84.3)	E (45.9)	F (104.5)	F (87.9)	F (64.9)
Southbound Mulberry Road <sup>5</sup>	F (1757.5)	F (1178.1)	F (2492.0)	F (1981.4)	F (1260.4)	F (4146.1)
2023 with Belle Terre (Case 3) With DeIDOT Improvements <sup>6</sup>						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (74.1)	F (69.5)	D (33.8)	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>7</sup>	F (1347.0)	F (954.2)	F (1418.9)	F (1452.3)	F (977.7)	F (1808.2)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Manual count data was not provided for summer Saturday. The TIS assumed PHF = 0.95; McCormick Taylor used the default PHF = 0.92.

<sup>5</sup> For Case 3, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Rd. are as follows: approx. 25 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 20 vehicles during the summer Saturday peak hour.

<sup>6</sup> Improvements planned as part of DeIDOT's SR 24, Love Creek to Mulberry Knoll Road Project (State Contract No. T201212201) include the addition of exclusive left-turn lanes along the eastbound and westbound DE Route 24 approaches.

<sup>7</sup> For Case 3 with DeIDOT improvements, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 24 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 18 vehicles during the summer Saturday peak hour.

Table 4B  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day <sup>9</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 1 <sup>10</sup>						
Eastbound DE Route 24 – Left	N/A	N/A	N/A	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	N/A	N/A	N/A	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	N/A	N/A	N/A	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>11</sup>	N/A	N/A	N/A	F (568.1)	F (341.2)	F (792.7)

Signalized Intersection <sup>8</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 2 <sup>12</sup>	C (32.7)	D (38.6)	D (37.1)	C (34.9) <sup>13</sup>	D (38.4) <sup>14</sup>	D (37.0) <sup>15</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> Manual count data was not provided for summer Saturday. McCormick Taylor used the default PHF = 0.92.

<sup>10</sup> Improvement Option 1 includes the DelDOT project improvements (State Contract No. T201212201) that would add eastbound and westbound left-turn lanes on Delaware Route 24, plus the addition of a right-turn lane on the southbound Mulberry Knoll Road approach.

<sup>11</sup> For Case 3 with Improvement Option 1, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 10 vehicles during the AM peak hour, 6 vehicles during the PM peak hour, and 9 vehicles during the summer Saturday peak hour.

<sup>12</sup> Improvement Option 2 includes developer-proposed improvements consisting of converting the TWSC intersection to a signal controlled intersection, to go along with the DelDOT project improvements that would add eastbound and westbound left-turn lanes on Delaware Route 24. The TIS and McCormick Taylor assumed protected-permitted phasing for the Delaware Route 24 left-turn phases and permissive phasing for the Mulberry Knoll Road approaches.

<sup>13</sup> AM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 50 vehicles (1,250 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 18 vehicles for WB DE Route 24, and 14 vehicles for SB Mulberry Knoll Road.

<sup>14</sup> PM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 25 vehicles for EB DE Route 24, 59 vehicles (1,475 feet) for WB DE Route 24 (adjacent signal at Plantation Road is approximately 3,000 feet east of Mulberry Knoll Road), and 11 vehicles for SB Mulberry Knoll Road.

<sup>15</sup> Summer Saturday peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 58 vehicles (1,460 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 25 vehicles for WB DE Route 24, and 11 vehicles for SB Mulberry Knoll Road.



Table 5  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>16</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
Delaware Route 24 & Warrington Road / Plantation Road 2015 Existing (Case 1)	C (28.1)	D (45.0)	D (50.3)	C (25.6)	D (40.0)	D (46.3)
2023 without Belle Terre (Case 2)	D (38.5)	E (76.9)	F (83.5)	D (35.5)	E (70.7)	E (75.4)
2023 with Belle Terre (Case 3)	D (41.7)	F (87.6)	F (89.9)	D (38.3)	F (80.1)	F (81.4)
2023 with Belle Terre (Case 3) With DelDOT Improvements <sup>17</sup>	C (27.3)	D (38.0)	D (45.4)	C (27.6)	D (36.3)	D (43.9)

<sup>16</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>17</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a second through lane along both directions of DE Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The TIS assumed protected-permitted phasing for the DE Route 24 left-turn phases. McCormick Taylor assumed protected-prohibited phasing for the DE Route 24 left-turn phases due to the dual opposing through lanes.

Table 6  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>18</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Bryn Mawr Drive</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.5)	-	A (9.9)	A (9.5)	-
Southbound Bryn Mawr Drive	A (8.7)	B (11.2)	-	B (12.3)	B (14.8)	-
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.8)	-	A (10.0)	A (9.9)	-
Southbound Bryn Mawr Drive	A (8.9)	B (11.6)	-	B (12.3)	C (15.8)	-
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (8.7)	B (10.1)	-	B (10.1)	B (10.1)	-
Southbound Bryn Mawr Drive	A (8.9)	B (12.4)	-	B (12.6)	C (16.7)	-

<sup>18</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 7  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>19</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Rehoboth Mall Back Entrance</b>						
2015 Existing (Case 1)	A (7.5)	A (9.8)	A (9.1)	B (11.1)	B (15.4)	B (14.8)
2023 without Belle Terre (Case 2)	A (7.5)	A (9.9)	A (9.1)	B (11.2)	B (15.7)	B (14.9)
2023 with Belle Terre (Case 3)	A (7.6)	A (10.0)	A (9.1)	B (11.3)	B (15.8)	B (15.0)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>20</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
Delaware Route 1 & Delaware Route 24 <sup>21, 22</sup>						
2015 Existing (Case 1)	B (19.5)	C (23.5)	C (21.7)	C (25.4)	C (32.3)	C (33.4)
2023 without Belle Terre (Case 2)	B (19.5)	C (25.3)	C (29.0)	C (25.8)	D (35.4)	D (41.5)
2023 with Belle Terre (Case 3)	C (20.2)	C (27.3)	C (31.0)	C (26.4)	D (37.4)	D (43.3)
2023 with Belle Terre (Case 3) With DelDOT SR 24 Improvements <sup>23</sup>	B (18.8)	C (24.5)	C (28.6)	C (25.0)	C (34.2)	D (41.0)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>21</sup> A new crosswalk will be installed across the SR 24 leg of the intersection as part of DelDOT's SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements Project (State Contract No. T200612501). The pedestrian clearance time for this crossing is less than the southbound SR 1 green time during peak hours, and thus no impact is expected on peak hour traffic operations as a result of the new crosswalk.

<sup>22</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.

<sup>23</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a third left-turn lane on the eastbound Delaware Route 24 approach.

Table 9  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Cedar Grove Road &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Westbound Cedar Grove Road - Left	A (8.1)	A (7.5)	A (7.4)	A (8.1)	A (7.5)	A (7.5)
Northbound Mulberry Knoll Road	A (8.8)	A (8.9)	A (8.0)	A (8.8)	A (9.2)	A (8.3)
2023 without Belle Terre (Case 2)						
Westbound Cedar Grove Road - Left	A (8.3)	A (7.6)	A (7.6)	A (8.4)	A (7.6)	A (7.5)
Northbound Mulberry Knoll Road	A (8.7)	A (8.2)	A (7.7)	A (9.2)	A (8.5)	A (8.3)
2023 with Belle Terre (Case 3)						
Westbound Cedar Grove Road - Left	A (8.5)	A (7.8)	A (7.7)	A (8.5)	A (7.9)	A (7.8)
Northbound Mulberry Knoll Road	B (12.4)	A (8.2)	A (8.4)	B (12.6)	A (8.7)	A (8.5)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 10  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>25</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
Plantation Road & Cedar Grove Road / Postal Lane 2015 Existing (Case 1)	B (17.0)	B (16.5)	B (16.1)	B (14.4)	B (13.7)	B (13.8)
2023 without Belle Terre (Case 2)	B (18.9)	B (18.6)	B (17.7)	B (15.9)	B (15.7)	B (15.4)
2023 with Belle Terre (Case 3)	C (20.2)	C (20.3)	B (19.2)	B (16.9)	B (17.1)	B (16.7)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Postal Lane &amp; Oak Lane / Bethpage Drive</b>						
2015 Existing (Case 1)						
Eastbound Postal Lane – Left	A (7.4)	A (7.8)	-	A (7.4)	A (7.9)	-
Westbound Postal Lane – Left	A (8.1)	A (7.9)	-	A (8.1)	A (7.7)	-
Northbound Bethpage Dr – Left/Thru	B (13.2)	B (14.7)	-	B (13.2)	B (13.8)	-
Northbound Bethpage Dr – Right	A (8.7)	A (8.7)	-	A (8.7)	A (8.6)	-
Southbound Oak Lane	B (12.1)	B (11.9)	-	B (10.5)	A (8.4)	-
2023 without Belle Terre (Case 2)						
Eastbound Postal Lane – Left	A (7.5)	A (7.9)	-	A (7.5)	A (8.0)	-
Westbound Postal Lane – Left	A (8.3)	A (8.0)	-	A (8.3)	A (0.1)	-
Northbound Bethpage Dr – Left/Thru	B (14.2)	C (16.2)	-	B (14.3)	C (15.1)	-
Northbound Bethpage Dr – Right	A (9.2)	A (8.9)	-	A (9.2)	A (8.8)	-
Southbound Oak Lane	B (12.9)	B (12.7)	-	B (11.1)	A (9.0)	-
2023 with Belle Terre (Case 3)						
Eastbound Postal Lane – Left	A (7.5)	A (8.1)	-	A (7.5)	A (8.1)	-
Westbound Postal Lane – Left	A (8.4)	A (8.1)	-	A (8.5)	A (7.9)	-
Northbound Bethpage Dr – Left/Thru	C (15.3)	C (17.9)	-	C (15.4)	C (16.5)	-
Northbound Bethpage Dr – Right	A (9.7)	A (9.0)	-	A (9.7)	A (9.0)	-
Southbound Oak Lane	B (13.7)	B (13.7)	-	B (11.9)	A (9.5)	-

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>27</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Postal Lane / Melson Road</b> <sup>28</sup>						
2015 Existing (Case 1)	B (17.5)	B (19.1)	-	C (23.8)	C (29.3)	-
2023 without Belle Terre (Case 2)	B (19.1)	C (21.1)	-	C (25.7)	C (32.7)	-
2023 with Belle Terre (Case 3)	C (22.5)	C (22.3)	-	C (28.9)	C (33.8)	-

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>28</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.





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

NICOLE MAJESKI  
 SECRETARY

**MEMORANDUM**

**TO:** Steve McCabe, Sussex County Review Coordinator

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** January 4, 2022

**SUBJECT: Howeth Property  
 (Protocol Tax Parcels # 334-12.00-16.04)  
 Area Wide Study Fee (AWSF) and Off-site Improvements**

The proposed development would have warranted an AWS fee. However, per Section 2.2.2.4 of the Development Coordination Manual, if a development is located within a Transportation Improvement District (TID) and is consistent with the Land Use and Transportation Plan for that TID, then under certain conditions DelDOT may require participation in the TID in lieu of conducting a TIS and making improvements based on the TIS. Howeth Property is located in the Henlopen TID, and the trip generation of the proposed development is sufficiently similar to the trip generation used in the TID traffic analysis. Therefore, participation in the TID is required. The owner / developer shall enter into the Henlopen TID infrastructure recoupment agreement and pay the TID fee prior to issuance of the building permits. Credit against TID fees owed for required frontage improvements will be determined, documented, and granted, in accordance with the terms of this infrastructure recoupment agreement.

1. The TID fees for the proposed 84 units of low-rise multi-family housing would be as follows:

Numbers and Types of Dwellings	Fee Paid by Phase	Fee Paid by Lot
84 units of low-rise multi-family housing	\$325,550	\$341,796

2. Due to DelDOT's planned CTP project on Delaware Route 24, frontage improvements are not required for the proposed development.



Mr. Steve McCabe

January 4, 2022

Page 2 of 2

If you have any additional questions or comments, please let me know.

CJ:km

cc: Nick Hammonds, Jack Lingo Asset Management, LLC  
Cliff Mumford, Davis, Bowen & Friedel, Inc.  
Michael Simmons, Chief of Project Development South, DOTS  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Chris Sylvester, Traffic Studies Manager, DelDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS  
James Argo, Sussex County Plan Reviewer, South District  
Derek Sapp, Subdivision Manager, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/26/2022**

APPLICATION: **CU 2304 J.G. Townsend Jr. & Co.**

APPLICANT: **J.G. Townsend Jr. & Co.**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-12.00-16.04**

LOCATION: **Lying on the west side of John J. Williams Highway (Rt. 24),  
approximately 0.25 mile southwest of Mulberry Knoll Road  
(SCR 284).**

NO. OF UNITS: **84 multifamily units and amenities.**

GROSS  
ACREAGE: **21.62**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Already Completed, See Attached**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

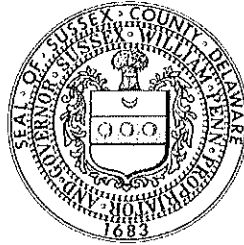


John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher

**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW  
  
(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.gov  
  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

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

Applicant: Davis, Bowen & Friedel, Inc. Attn: Cliff Mumford, P.E.

Date: 2/16/2022

Reviewed by: Chris Calio

Agreement #:1198

Project Name: School Lane (fka: Howeth Property)

Tax Map & Parcel(s): 334-12.00-16.04

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

Proposed EDUs: 89 (84 townhouses + 5 pool & pool house)

Pump Station(s) Impacted: PS 402, PS 400

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

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

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):334-12.00-23.00 & 24.00

Connection Point(s): 8" gravity from MH 8. Pdf of asbuilt attached.

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

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

Current Zoning: AR-1 Zoning Proposed: MR



Acreage: **21.62**

Additional Information: [Click or tap here to enter text.](#)

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

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

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

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

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

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

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher

July 30, 2021

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

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

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of grass lined swales and 48-hour wet extended detention basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.*
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. The proposed project is located in Tidewater Utilities franchise area, and they hold the Certificate of Public Necessity (CPCN). Tidewater has a 12" water main along the project frontage for connection. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 21,000 gallons per day and a peak use of 63,000 gallons per day.*
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the*

*quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub along the frontage of SR24.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*  
As stated by DelDOT in the PLUS comments dated December 16, 2020, this project is located within the Henlopen TID and will be required to pay a fee per dwelling unit. DBF is working with DelDOT to finalize the contribution amount and mitigate impacts to the roadway system.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* As stated in the PLUS review comments the Eastern Tiger Salamander, the Barking Treefrog, and the Cope's Gray Treefrog have been documented within the project area. The Eastern Tiger Salamander and the Barking Treefrog are listed on DNREC's website of endangered species, the Cope's Gray Treefrog is listed as a rare species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*  
No wetlands are proposed to be disturbed as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and multi-use sports field.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will also construct a shared-use path or sidewalk along the frontage of SR24, which is approximately 500' long. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* A future land use map amendments has been submitted to the Office of State Planning to change the future land use of this parcel from commercial to residential. If that is successful the proposed application and mitigation measures will comply with the current Sussex County



**Comprehensive Plan.**

- (1) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan as mentioned in item K.*

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

# HOWETH PROPERTY

## LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

### PRELIMINARY PLAN

#### DBF # 2261J013

#### DECEMBER, 2020

### GENERAL NOTES:

- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM).
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK 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 UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY INFORMATION, EXISTING UTILITIES, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A BOUNDARY SURVEY PERFORMED BY ATLANTIC SURVEYING AND MAPPING LLC, DATED FEBRUARY 11, 2018 AND INFORMATION FOUND AT THE RECORDER OF DEEDS OFFICE FOR SUSSEX COUNTY. ADDITIONAL FIELD RUN SURVEYS WERE COMPLETED BY DAVIS, BOWEN, & FRIEDEL, INC. IN JANUARY 2021.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA OR AN EXCELLENT RECHARGE AREA.
- THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.
- UTILITY EASEMENTS DEPICTED HEREON REPRESENT, TO THE GREATEST EXTENT PERMITTED BY LAW, PRIVATE EASEMENTS FOR THE EXCLUSIVE USE AND BENEFIT OF 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.
- FOR RESTRICTIONS AND COVENANTS BINDING THIS SUBDIVISION REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, DATED \_\_\_\_\_.
- FOR THE MAINTENANCE AND OPERATION OF STREET AND ROAD IMPROVEMENTS, SURFACE DRAINAGE FACILITIES, EROSION AND SEDIMENT CONTROL FACILITIES, SANITARY SEWER FACILITIES, WATER SUPPLY FACILITIES, FORESTED BUFFER STRIPS OR OTHER IMPROVEMENTS WHICH MAY BE APPLICABLE REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS.
- ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND/OR UTILITY EASEMENT. ALL PERIMETER LOT LINES SHALL HAVE TEN (10) FOOT EASEMENTS ALONG THE INTERIOR SIDE OF THE PERIMETER BOUNDARY.

### OPEN SPACE MANAGEMENT PLAN:

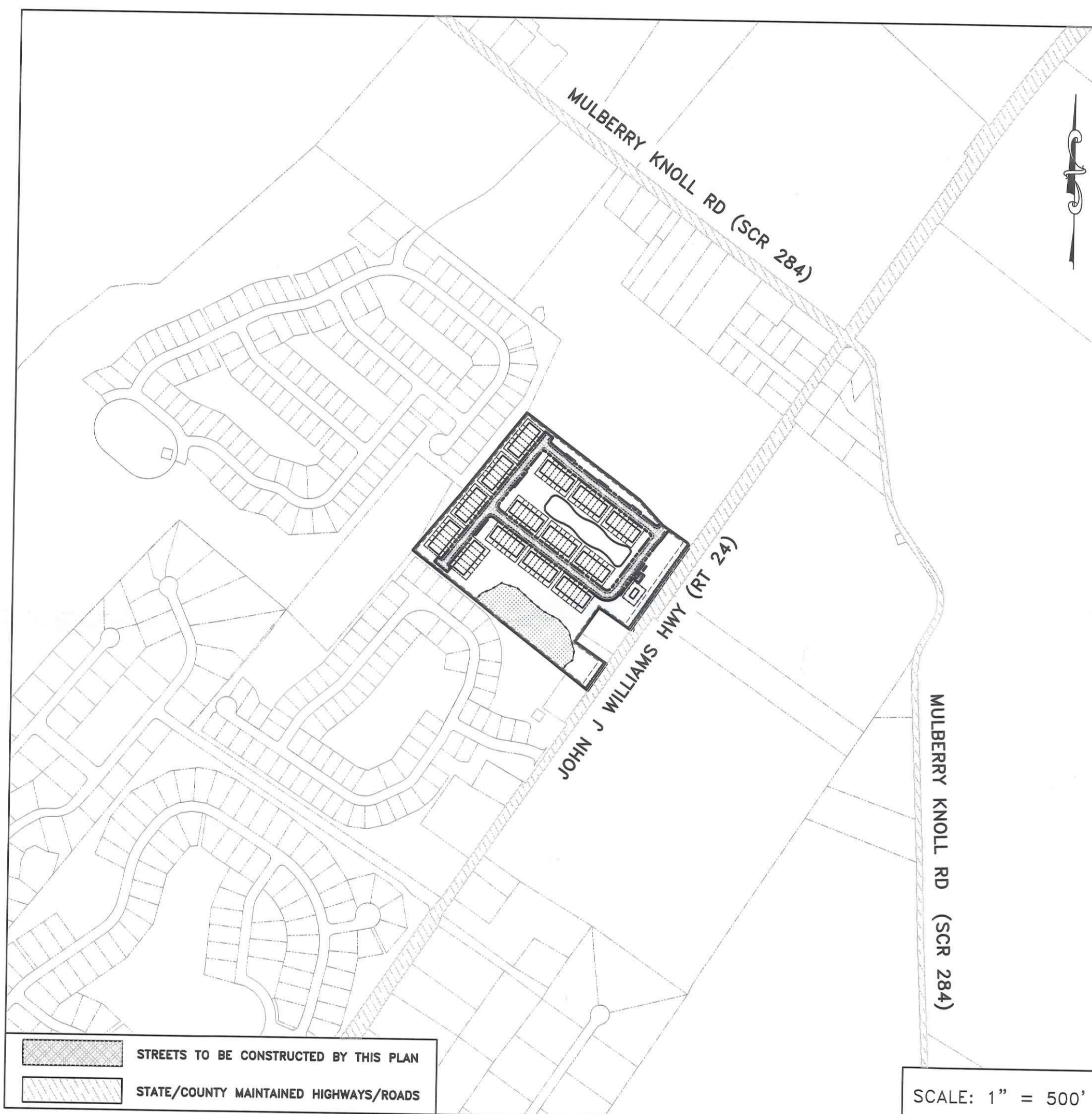
- ALL COMMON AREAS COVERED WITH GRASS SHALL BE PERIODICALLY MAINTAINED ON A BASIS DETERMINED BY THE HOMEOWNER'S ASSOCIATION.
- ALL ACTIVE OPEN SPACE AMENITIES SHALL BE INSPECTED ANNUALLY TO ENSURE THEY ARE SAFE FOR PLAY AND REPAIRED AS REQUIRED.
- ALL ACTIVE OPEN SPACE AMENITIES ARE PRIVATE AND FOR THE USE OF RESIDENTS AND THEIR GUESTS AND ARE TO BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION.
- ALL SWM AREAS WILL BE MAINTAINED IN ACCORDANCE WITH DESIGN AND SPECIFICATIONS FOR THE SPECIFIC SWM AREA. THIS INFORMATION WILL BE PROVIDED TO THE HOMEOWNER'S ASSOCIATION PRIOR TO TURNOVER.

### LEGEND

EXISTING	PROPOSED
RIGHT-OF-WAY	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	PROPERTY LINE
EASEMENT	SETBACK
CONTOUR	EASEMENT
CATCH BASIN, STORM PIPE	BUFFER
SANITARY SEWER MANHOLE, PIPE	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
WATER MAIN	WATER MAIN, TEE W/ VALVES, PIPE SIZE
FIRE HYDRANT ASSEMBLY	FIRE HYDRANT ASSEMBLY
UTILITY POLE	TREE LINE
SIGN	PAVEMENT
FENCE	SIDEWALK
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	

### DATA COLUMN

TAX MAP ID:	334-12.00-16.04
DEED REFERENCE:	DB 387/176, PB 216/10
DATUM:	
VERTICAL:	NAVD 88
HORIZONTAL:	NAD 83 (DE STATE PLANE)
LAND USE EXISTING:	AGRICULTURAL MULTIFAMILY RESIDENTIAL (TOWNHOMES)
PROPOSED:	CONDITIONAL USE
ZONING EXISTING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED:	MR (MEDIUM-DENSITY RESIDENTIAL)
UNITS TOWNHOMES:	84
TYPICAL SIZE:	28' X 70' (1,960 S.F.)
DENSITY MAXIMUM:	4.0 UNITS/ACRE
PROPOSED:	3.9 UNITS/ACRE
BUILDING SETBACKS FRONT SETBACK:	40 FT.
SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
MINIMUM AVERAGE LOT AREA:	3,630 SQ. FT.
PROPOSED AVERAGE LOT AREA:	3,634 SQ. FT.
MAXIMUM REQUIREMENTS BUILDING HEIGHT:	42 FT. (2 STORIES)
PARKING REQUIREMENTS MINIMUM:	188 (2 PER UNIT UNDER 3 BEDROOM)
PROPOSED:	225 (2.7 PER UNIT)
AREAS EXISTING SITE:	
SITE AREA:	21.62 AC.
WETLANDS:	2.09 AC.
IMPERVIOUS AREAS ROAD AND CURB:	1.82 AC.
SIDEWALK:	0.86 AC.
BUILDINGS:	3.82 AC.
DRIVEWAYS:	1.16 AC.
POOL AND POOL HOUSE:	0.20 AC.
PARKING:	0.27 AC.
TOTAL:	7.93 AC. (0.36%)
WOODLANDS EXISTING:	9.26 AC.
TO BE REMOVED:	4.35 AC.
TOTAL REMAINING:	4.91 AC.
OPEN SPACE:	
SWM:	1.04 AC.
WOODS & WETLANDS:	4.91 AC.
LANDSCAPE BUFFER (NEW TREES):	0.61 AC.
POOL AND POOL HOUSE:	0.20 AC.
OTHER OPEN AREAS:	7.13 AC.
TOTAL:	13.89 AC. (0.64%)
UTILITIES SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
WATER PROVIDER:	PUBLIC (TIDWATER UTILITIES)
PROPOSED BUILDING CONSTRUCTION:	WOOD FRAMED/ CONCRETE BLOCK
WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.	
FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.	
STATE STRATEGIES MAP: INVESTMENT LEVELS 2 AND 3	
THIS PROPERTY IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).	
THIS PROPERTY IS LOCATED 1,500'± TO THE WEST OF THE INTERSECTION OF MULBERRY KNOLL ROAD (SCR 284) AND JOHN J. WILLIAMS HIGHWAY (SCR 024).	
JOHN J. WILLIAMS HIGHWAY POSTED SPEED LIMIT: 45 M.P.H.	
PROPERTY OWNER/DEVELOPER JG TOWNSEND JR. & CO. PAUL TOWNSEND, PRESIDENT P.O. BOX 430 GEORGETOWN, DE. 19947 302-856-2525 FAX: 302-855-0922	
ENGINEER: DAVIS, BOWEN & FRIEDEL, INC. CLIFTON D. MUMFORD, P.E. 1 PARK AVE. MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430	



### SHEET INDEX

PRELIMINARY - TITLE SHEET	PRE-01
PRELIMINARY - SITE PLAN	PRE-02
PRELIMINARY - UTILITY PLAN	PRE-03

### OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE BY MY DIRECTION AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

### 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.

### WETLANDS STATEMENT

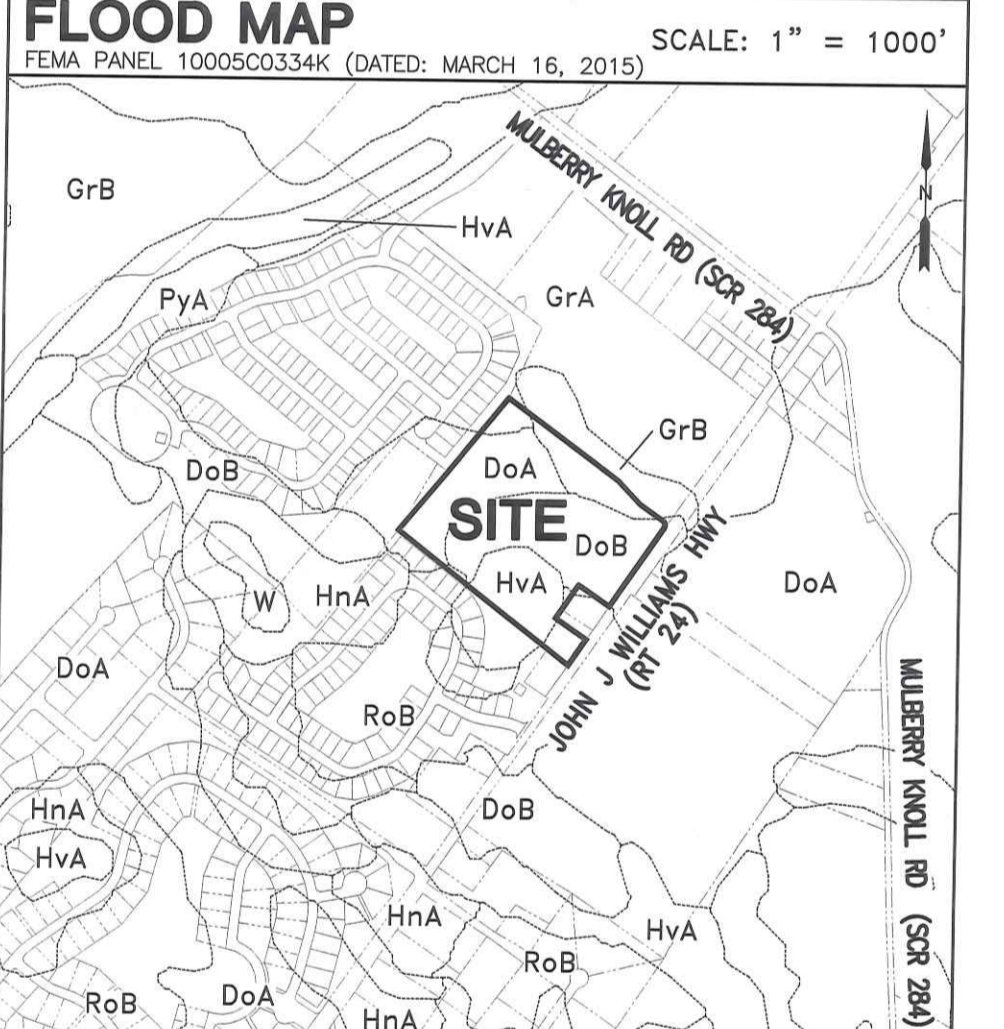
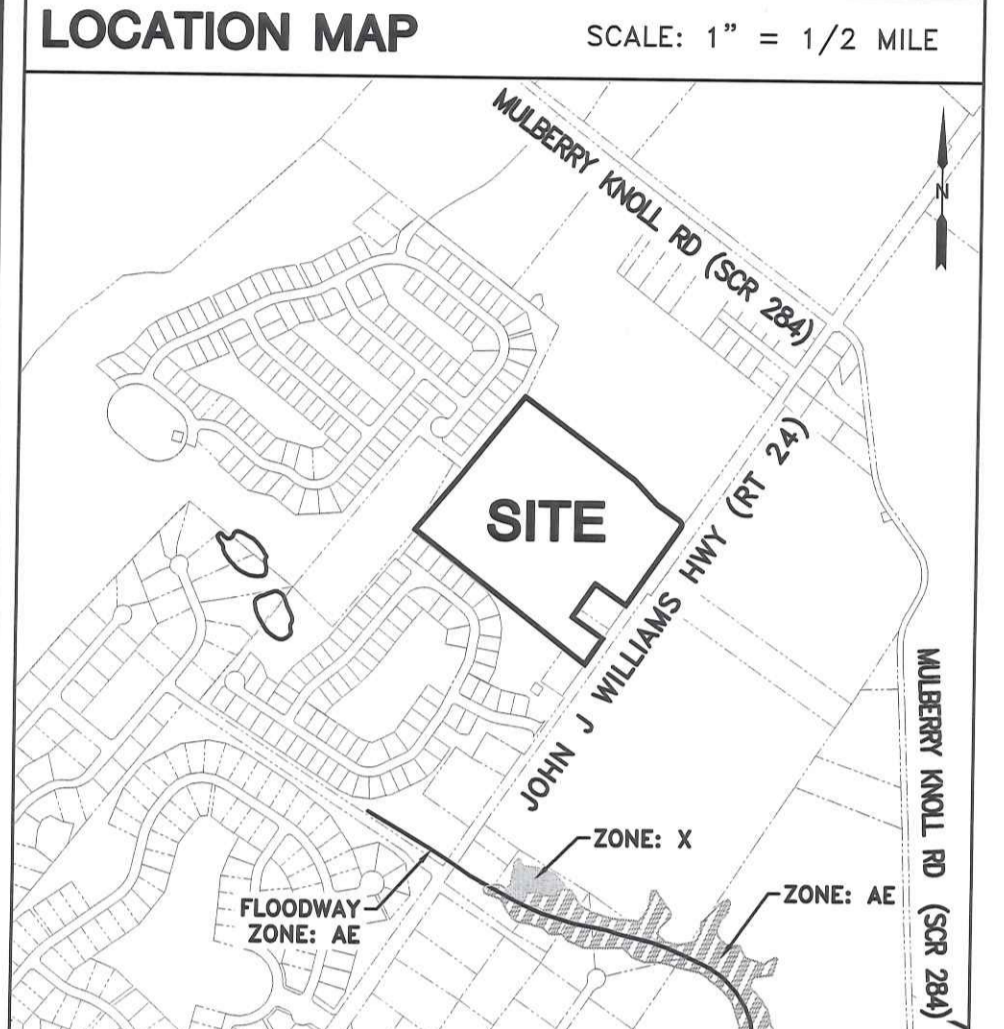
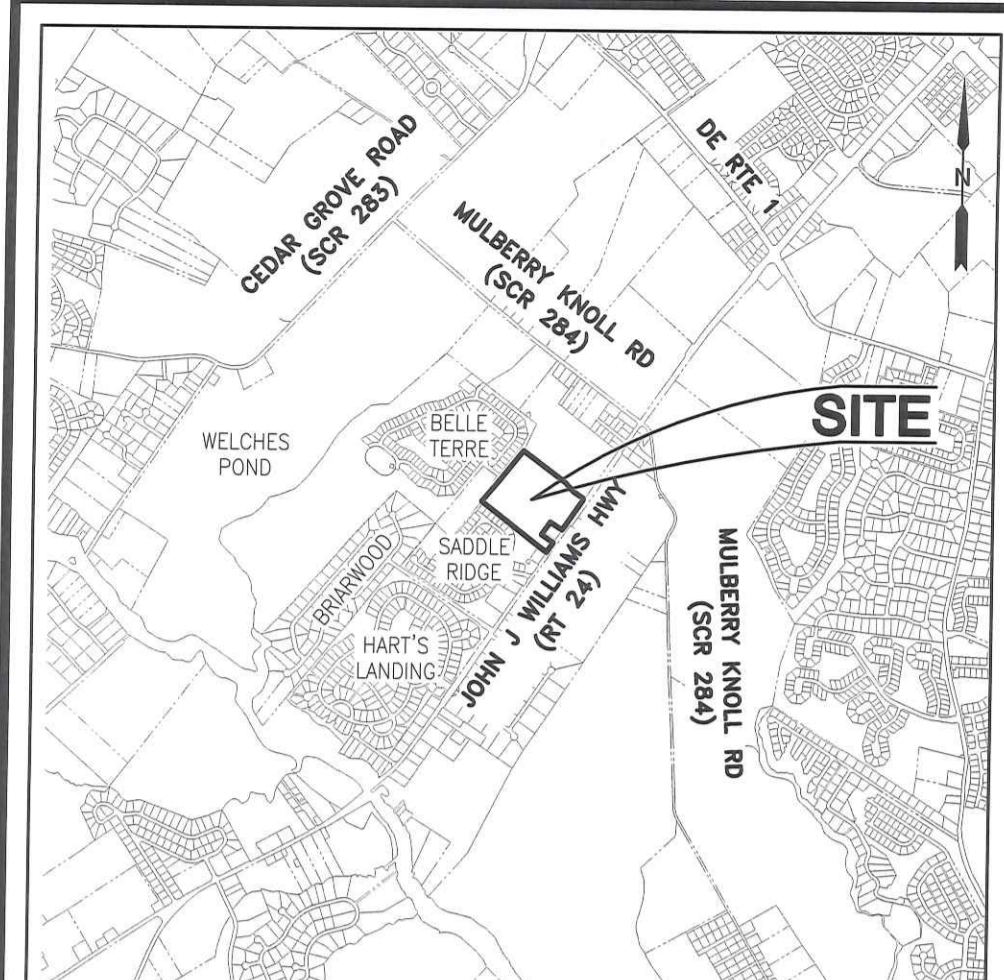
I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION 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 Definition/CECW-OR, 9-26-1990, R/L 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.

THERE ARE STATE REGULATED WETLANDS ON THIS SITE. THE BOUNDARY OF STATE REGULATED WETLANDS HAS BEEN DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-084.

JG TOWNSEND JR. & CO. P.O. BOX 430 GEORGETOWN, DE. 19947 DATE \_\_\_\_\_

DAVIS, BOWEN & FRIEDEL, INC. BY CLIFTON D. MUMFORD, P.E. DATE \_\_\_\_\_

EDWARD M. LAUNAY, PWS No. 875 SOCIETY OF WETLANDS SCIENTISTS CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDCEP93MDC91003589 DATE \_\_\_\_\_

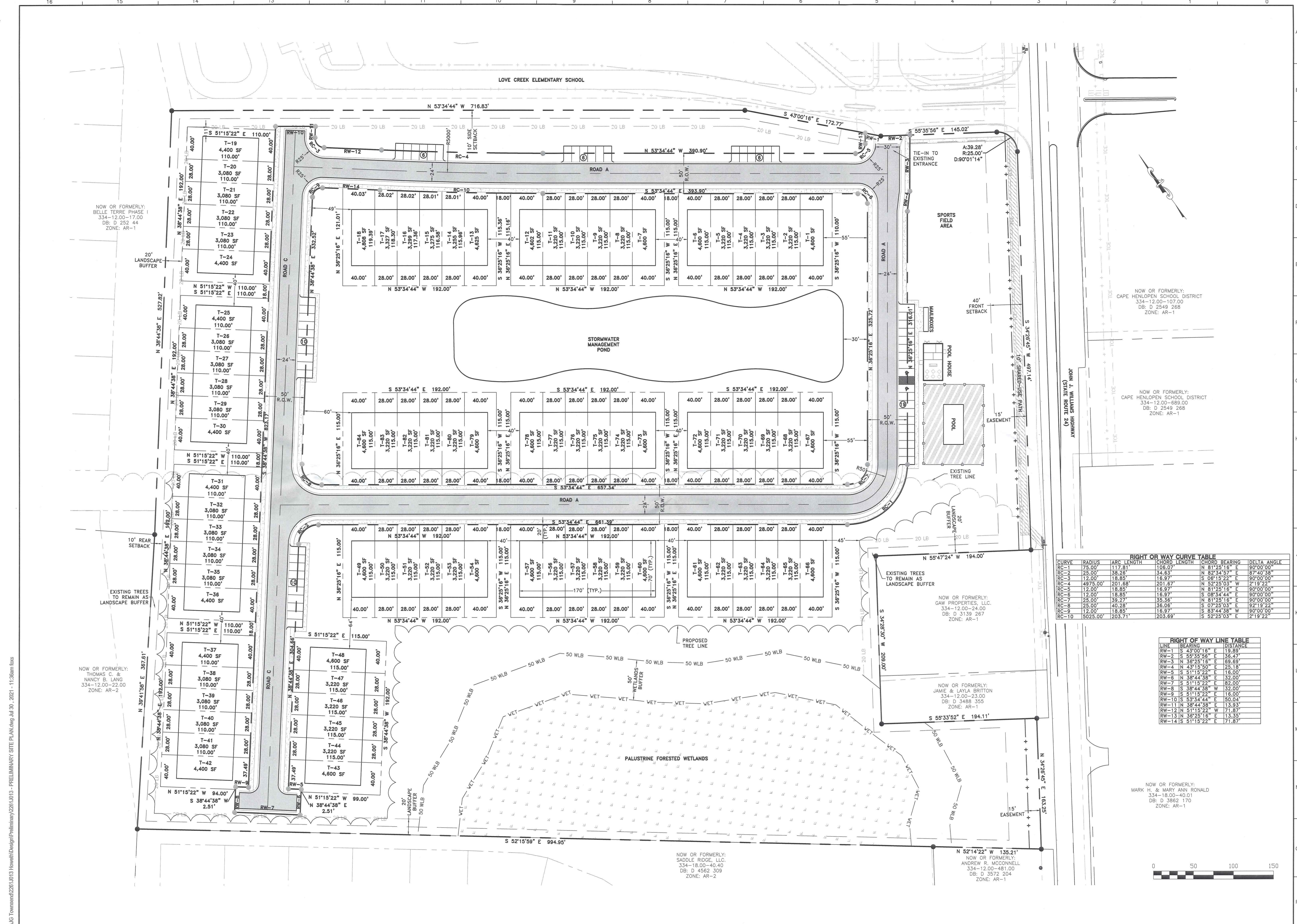


**SOILS MAP** SCALE: 1" = 1000'

GrB: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES  
 GrB: GREENWICH LOAM, 2 TO 5 PERCENT SLOPES  
 DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 DoB: DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES  
 HnA: HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 HnA: HAMMONTON SANDY LOAM, 2 TO 5 PERCENT SLOPES  
 HnA: HURLOCK SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 HnA: HURLOCK SANDY LOAM, 2 TO 5 PERCENT SLOPES  
 FmB: FORT MOTT LOAMY SAND, 2 TO 5 PERCENT SLOPES  
 PyA: PINEYNECK LOAM, 0 TO 2 PERCENT SLOPES  
 LQ: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED  
 Mq: MANAHAWKIN MUCK, FREQUENTLY FLOODED  
 Bt: BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL  
 W: WATER

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

SALISBURY, MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 424-1441  
 EASTON, MARYLAND (410) 770-1744



NOW OR FORMERLY:  
BELLE TERRE PHASE I  
334-12.00-17.00  
DB: D 252 44  
ZONE: AR-1

20'  
LANDSCAPE  
BUFFER

10' REAR  
SETBACK

NOW OR FORMERLY:  
THOMAS C. &  
NANCY B. LANG  
334-12.00-22.00  
ZONE: AR-2

NOW OR FORMERLY:  
SADDLE RIDGE, LLC  
334-18.00-40.40  
DB: D 4562 309  
ZONE: AR-2

N 52°14'22" W 135.21'  
NOW OR FORMERLY:  
ANDREW R. MCCONNELL  
334-12.00-481.00  
DB: D 3572 204  
ZONE: AR-1

NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-18.00-40.01  
DB: D 3862 170  
ZONE: AR-1

**RIGHT OF WAY CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC-1	75.00'	117.81'	106.07'	N 81°25'16" E	90°00'00"
RC-2	25.00'	38.26'	34.63'	N 82°34'57" E	87°40'38"
RC-3	112.00'	18.85'	18.97'	S 08°15'22" E	90°00'00"
RC-4	4975.00'	201.68'	201.67'	N 52°25'03" W	2°19'22"
RC-5	12.00'	18.85'	18.97'	N 81°25'16" E	90°00'00"
RC-6	12.00'	18.85'	18.97'	S 08°15'22" E	90°00'00"
RC-7	25.00'	38.27'	35.36'	N 81°25'16" E	90°00'00"
RC-8	25.00'	40.28'	36.06'	S 07°25'03" W	92°18'22"
RC-9	12.00'	18.85'	18.97'	S 85°44'38" W	90°00'00"
RC-10	5025.00'	203.71'	203.69'	S 52°25'03" E	2°19'22"

**RIGHT OF WAY LINE TABLE**

LINE	BEARING	DISTANCE
RW-1	S 43°00'16" E	19.89'
RW-2	S 55°35'56" E	36.47'
RW-3	N 36°25'16" E	69.69'
RW-4	N 43°15'50" E	25.18'
RW-5	S 51°15'22" E	16.00'
RW-6	N 38°44'38" E	32.00'
RW-7	S 51°15'22" E	82.00'
RW-8	S 38°44'38" W	32.00'
RW-9	S 51°15'22" E	16.00'
RW-10	S 53°34'44" E	50.04'
RW-11	N 38°44'38" E	13.93'
RW-12	S 51°15'22" W	71.87'
RW-13	N 36°25'16" E	13.33'
RW-14	S 51°15'22" E	71.87'



**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

ARCHITECTS ENGINEERS SURVEYORS  
**DAVIS, BOWEN & FRIEDEL, INC.**  
SUSSEX COUNTY, DELAWARE  
(410) 545-9001  
FAX (410) 545-9002  
EASTON, MARYLAND  
(410) 770-7744

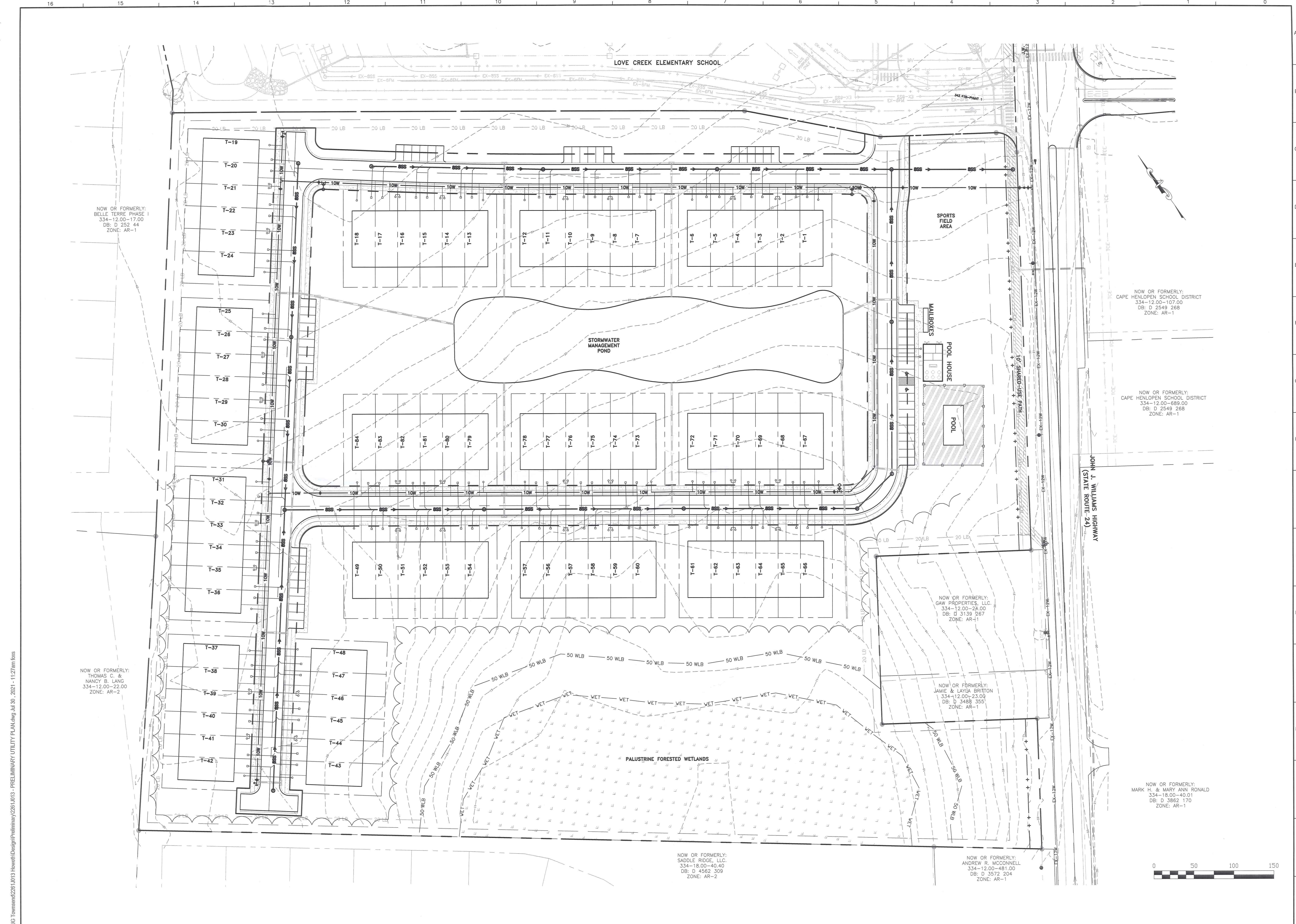
PRELIMINARY SITE PLAN

Revisions:

Date: DECEMBER, 2020  
Scale: 1" = 50'  
Dwn.By: DEG  
Proj.No.: 2261J013  
Dwg.No.:

**PRE-02**

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NOW OR FORMERLY:  
BELLE TERRE PHASE I  
334-12.00-17.00  
DB: D 252 44  
ZONE: AR-1

NOW OR FORMERLY:  
THOMAS C. &  
NANCY B. LANG  
334-12.00-22.00  
ZONE: AR-2

LOVE CREEK ELEMENTARY SCHOOL

STORMWATER  
MANAGEMENT  
POND

SCHOOL HOUSE  
POOL

SPORTS  
FIELD  
AREA

PALUSTRINE FORESTED WETLANDS

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-689.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
GAW PROPERTIES, LLC.  
334-12.00-24.00  
DB: D 3139 267  
ZONE: AR-1

NOW OR FORMERLY:  
JAMIE & LAVIA BRITTON  
334-12.00-23.00  
DB: D 3488 355  
ZONE: AR-1

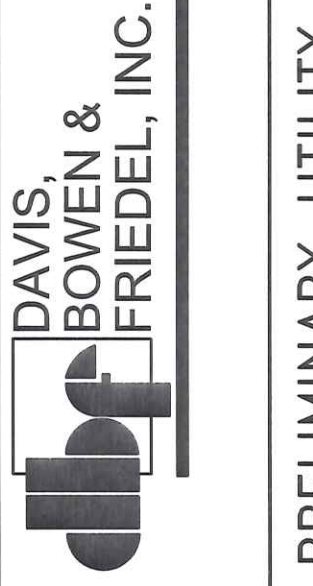
NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-18.00-40.01  
DB: D 3862 170  
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334-12.00-481.00  
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ARCHITECTS ENGINEERS SURVEYORS  
DAVIS, BOWEN & FRIEDEL, INC.  
SUSSEX, MARYLAND  
EASTON, MARYLAND  
(410) 543-0001  
(410) 770-7744



PRELIMINARY UTILITY PLAN

**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:
Date: DECEMBER, 2020
Scale: 1" = 50'
Dwn.By: DEG
Proj.No.: 2261J013
Dwg.No.: PRE-03

P:\UG Townsend\2261\013 Howeth\Design\2261J013 - PRELIMINARY UTILITY PLAN.dwg, Jul 30, 2021 - 11:27am fox

# HOWETH PROPERTY

*now known as School Lane*

## PLANNED RESIDENTIAL COMMUNITY

Sussex County, Delaware

2261J013.C01

JUNE 2022



Conditional Use #2304

Planning Commission Public Hearing: June 23, 2022

County Council Public Hearing: July 26, 2022

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- B. Data Column
- C. Preliminary Site Plan
- D. Boundary & Wetlands Plan
- E. Color Rendering
- F. Color Rendering on Aerial Photograph

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  - a. Surrounding Communities Map
  - b. FEMA Firmette
  - c. 2020 State Strategies
  - d. Sussex County Future Land Use Map
  - e. Sussex County Zoning Map
  - f. 1992 Aerial Photo
  - g. 2017 Aerial Photo
  - h. Environmental Map
  - i. Sourcewater Protection Area Map
  - j. NRCS Soil Survey
- 2. Conditional - Use Application
- 3. Rezoning Application
- 4. Legal Description
- 5. Preliminary Land Use Services (PLUS) Response
- 6. Chapter 89 Source Water Protection Response Letter
- 7. Environmental Assessment and Public Facility Evaluation Report
- 8. Approved Jurisdictional Determination Letter
- 9. DelDOT SFR Response

10. DeIDOT AWSF Memo
11. Future Land-Use Map Amendment Letter
12. Preliminary Land Use Service (PLUS) Response to FLUM Amendment
13. Tidewater Utilities Willing & Able Letter
14. Chesapeake Utilities Willing & Able Letter
15. Delaware Electric Coop Willing & Able Letter
16. Sussex County Addressing Approval – Subdivision and road names
17. Sussex County Sewer Service Concept Evaluation
18. Environmental Resources, Inc. Review for Wildlife

## Executive Summary

### A. Land Use & Zoning

1. The community's name, School Lane, and the road names, Brittingham Court, Mariner Row, and Shields Drive have been approved for use in the subdivision by Sussex County Mapping & Addressing. The approval letter is provided as Exhibit 16.
2. The property is located on John J. Williams Highway (DE Route 24, SCR 024) approximately 1,500' from the intersection with Mulberry Knoll Road (SCR 284). The property is bounded on the north by Belle Terre Subdivision, on the east by Love Creek Elementary School, on the south by Route 24, and on the west by the Saddle Ridge subdivision.
3. The Owner of the parcel is J.G. Townsend Jr. & Co.
4. The property is currently zoned Agricultural Residential AR-1
5. The proposed community will be governed by a homeowner's association and by-laws
6. The property is in Investment Level Areas 2 & 3 of the 2020 State Strategies Map.
7. The property is shown as Coastal Area and Commercial Area on the 2045 Future Land Use Map (FLUM) in the 2019 Comprehensive Plan. An amendment to the FLUM was submitted to Sussex County on May 21, 2021, to revise the map from Commercial Area and Coastal Area to only Coastal Area.
8. The FLUM was presented to PLUS by the County on June 23, 2021, and the county received comments from the Office of State Planning on July 22, 2021. A copy of those response comments can be found in Exhibit 13.

### B. Land Utilization

1. The total acreage of the project is 21.62 acres.
2. The proposed community is designed as a residential multi-family community in accordance with Chapter 115 of the Sussex County Code.



3. The maximum number of units proposed is 84 townhouse units or 3.9 units per acre based on total acreage.
4. The proposed community will have a single entrance that connects to the signalized Love Creek Elementary School entrance.
5. The proposed community is subject to a 10-foot building setback from the rear and side property lines. A 20-foot landscape buffer will be provided along the northern, eastern, and western property lines, and around the two outparcels along Route 24 to a point where the landscape buffer intersects with the 50-foot wetlands buffer
6. The proposed community consists of active and passive open space.
  - a. The active open space area consists of a pool, bathhouse, and shared-use path.
  - b. The passive open space area consists of stormwater management, buffers, and other open areas.
7. The project was presented to P.L.U.S. on December 16, 2020, and comments were received from the Office of State Planning on January 17, 2021. A copy of our response can be found in Exhibit 6.

### C. Environmental

1. The property contains wetlands.
2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.
3. The property is not located within a wellhead protection area as defined by DNREC mapping.
4. The project is located in a “good” groundwater recharge area as defined by DNREC mapping
5. The existing property is located within the Rehoboth Bay Watershed. The project through meeting the Stormwater Regulations adopted in 2019 will reduce nitrogen, phosphorus, and bacteria from the proposed development.

### D. Traffic

1. A Support Facilities Report was completed for this project. DelDOT noted that the subject parcel is located in the Henlopen TID and will be required to pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements.

#### E. Civil Engineering

1. The internal roads will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
3. Drinking water and fire protection water will be provided by Tidewater Utilities, Inc. A Willing & Able letter is provided in Exhibit 13.
4. Sanitary sewer transmission and treatment will be provided by Sussex County Council. A sewer service concept evaluation (SSCE) was completed by Sussex County and is provided as Exhibit 17.
5. The stormwater management system will meet all State, County, and Conservation District requirements through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by Lewes Volunteer Fire Company, Station 82.
7. Electricity will be provided by Delaware Electric Cooperative. A Willing & Able letter is provided in Exhibit 15
8. Natural Gas will be provided by Chesapeake Utilities. A Willing & Able letter is provided in Exhibit 14.
9. The parcels are located in the Cape Henlopen School District.

#### County Code Compliance

1. Preliminary Land Use Service Response Letter
2. Chapter 89 Source Water Protection Response Letter
3. Chapter 115 Environmental Assessment and Public Facilities Evaluation Report

School Lane  
Data Sheet

**Owner:** JG Townsend, Jr. & Co.  
**Developer:** JG Townsend, Jr. & Co.  
**Engineer:** Davis, Bowen & Friedel, Inc.  
**Legal Services:** Morris James LLP.

**Project Description**

Physical Location: 1500'± to the West side of the intersection of Mulberry Knoll Road (SCR 284) and John J. Williams Highway (SCR 24)  
Tax Parcel #: 334-12.00-16.04  
Acreage: 21.62 +/- Acres  
Current Zoning: AR-1 (Agricultural Residential)  
Proposed Zoning: MR (Medium-Density Residential) – Conditional Use  
Single Family Units: 84

<b><u>Land Use</u></b>	<b><u>Acreage (+/- Acres)</u></b>
Impervious	7.93 (37%)
Roads / Sidewalks / Parking / Driveways	3.91
Buildings	3.82
Pool and Pool House	0.20
Total Open Space	13.89
Active Open Space	1.36
Passive Open Space	12.53

**Net Site Area:** 21.62 +/- Acres

**Minimum Zoning Requirements**

Minimum Lot Area: 1,600 SQ. FT.  
Min. Average Lot Area: 3,630 SQ. FT.  
  
Minimum Lot Width: 16 FT  
Front Yard Setback: 40 FT (from SR 24)  
Front/Rear Yard Setback: 40 FT (aggregate)  
  
Side Yard Setback: 10 FT  
Rear Yard Setback: 10 FT  
Maximum Building Height: 42 FT

**Proposed Zoning Requirements**

Minimum Lot Area: 3,080 SQ. FT.  
Average Lot Area: 3,634 SQ. FT.  
Maximum Lot Area: 4,600 SQ. FT.  
Minimum Lot Width: 28 FT  
Front Yard Setback: 40 FT (from SR 24)  
Front/Rear Yard Setback: 45 FT (aggregate)  
Front Setback: 20 FT (internal)  
Side Yard Setback: 20 FT  
Rear Yard Setback: 20 FT  
Maximum Building Height: 42 FT

# HOWETH PROPERTY

## LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

### PRELIMINARY PLAN

#### DBF # 2261J013

#### DECEMBER, 2020

### GENERAL NOTES:

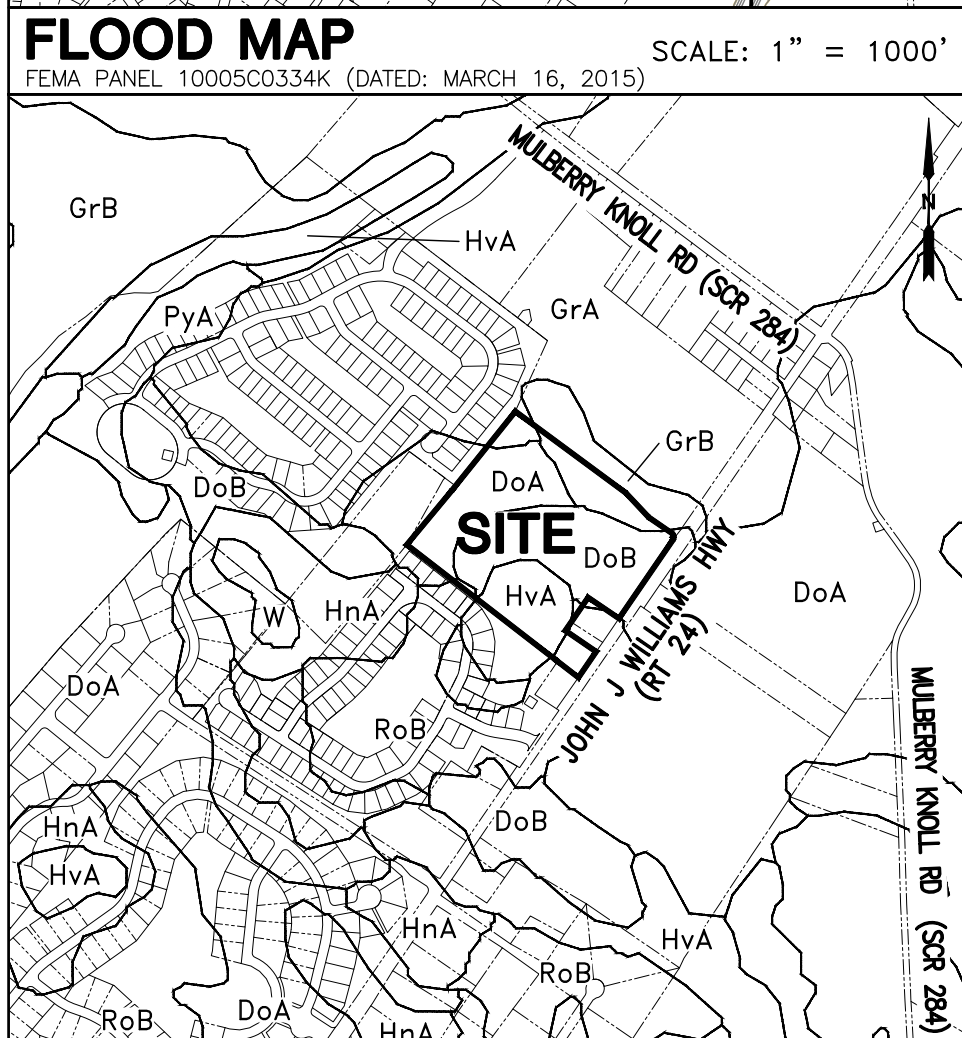
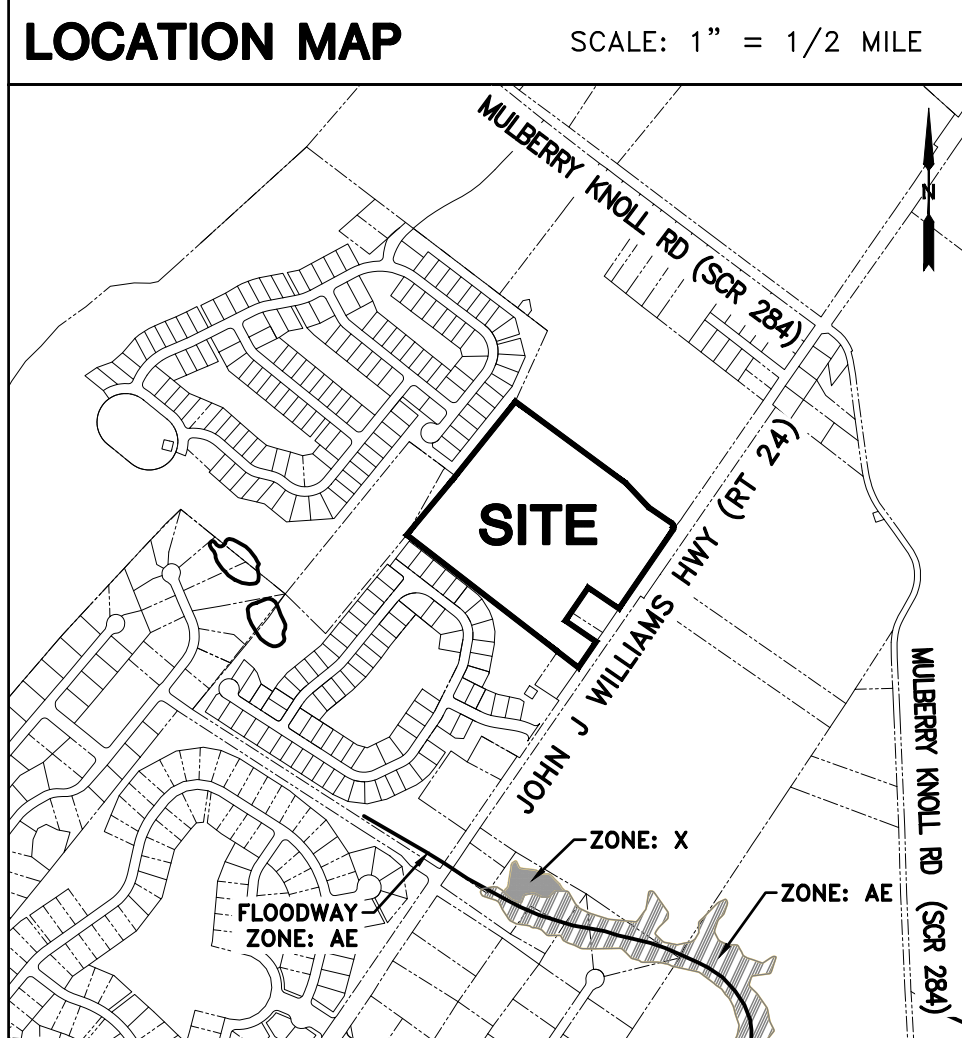
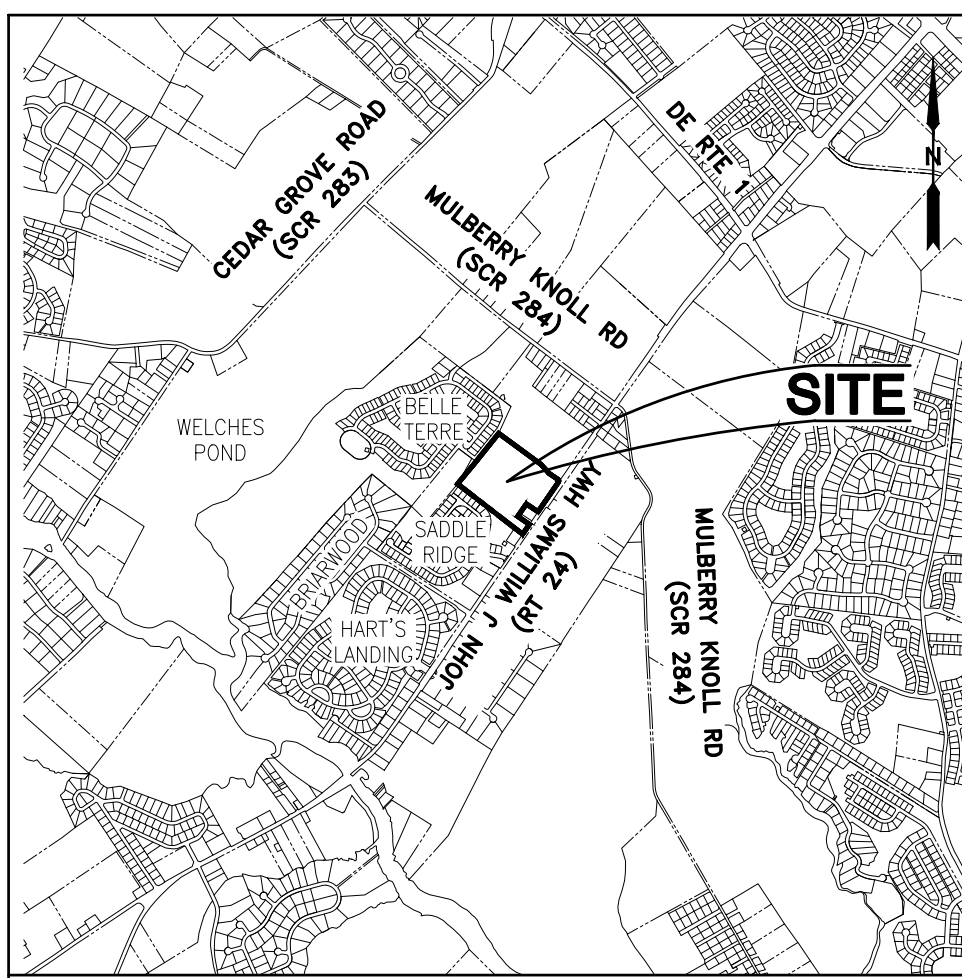
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM).
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK 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 UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY INFORMATION, EXISTING UTILITIES, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A BOUNDARY SURVEY PERFORMED BY ATLANTIC SURVEYING AND MAPPING LLC, DATED FEBRUARY 11, 2018 AND INFORMATION FOUND AT THE RECORDER OF DEEDS OFFICE FOR SUSSEX COUNTY. ADDITIONAL FIELD RUN SURVEYS WERE COMPLETED BY DAVIS, BOWEN, & FRIEDEL, INC. IN JANUARY 2021.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA OR AN EXCELLENT RECHARGE AREA.
- THIS SITE IS NOT IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.
- 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 DESIGNATED BY THE 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.
- FOR RESTRICTIONS AND COVENANTS BINDING THIS SUBDIVISION REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, DATED \_\_\_\_\_.
- FOR THE MAINTENANCE AND OPERATION OF STREET AND ROAD IMPROVEMENTS, SURFACE DRAINAGE FACILITIES, EROSION AND SEDIMENT CONTROL FACILITIES, SANITARY SEWER FACILITIES, WATER SUPPLY FACILITIES, FORESTED BUFFER STRIPS OR OTHER IMPROVEMENTS WHICH MAY BE APPLICABLE REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS.
- ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND/OR UTILITY EASEMENT. ALL PERIMETER LOT LINES SHALL HAVE TEN (10) FOOT EASEMENTS ALONG THE INTERIOR SIDE OF THE PERIMETER BOUNDARY.

### OPEN SPACE MANAGEMENT PLAN:

- ALL COMMON AREAS COVERED WITH GRASS SHALL BE PERIODICALLY MAINTAINED ON A BASIS DETERMINED BY THE HOMEOWNER'S ASSOCIATION.
- ALL ACTIVE OPEN SPACE AMENITIES SHALL BE INSPECTED ANNUALLY TO ENSURE THEY ARE SAFE FOR PLAY AND REPAIRED AS REQUIRED.
- ALL ACTIVE OPEN SPACE AMENITIES ARE PRIVATE AND FOR THE USE OF RESIDENTS AND THEIR GUESTS AND ARE TO BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION.
- ALL SWM AREAS WILL BE MAINTAINED IN ACCORDANCE WITH DESIGN AND SPECIFICATIONS FOR THE SPECIFIC SWM AREA. THIS INFORMATION WILL BE PROVIDED TO THE HOMEOWNER'S ASSOCIATION PRIOR TO TURNOVER.

### LEGEND

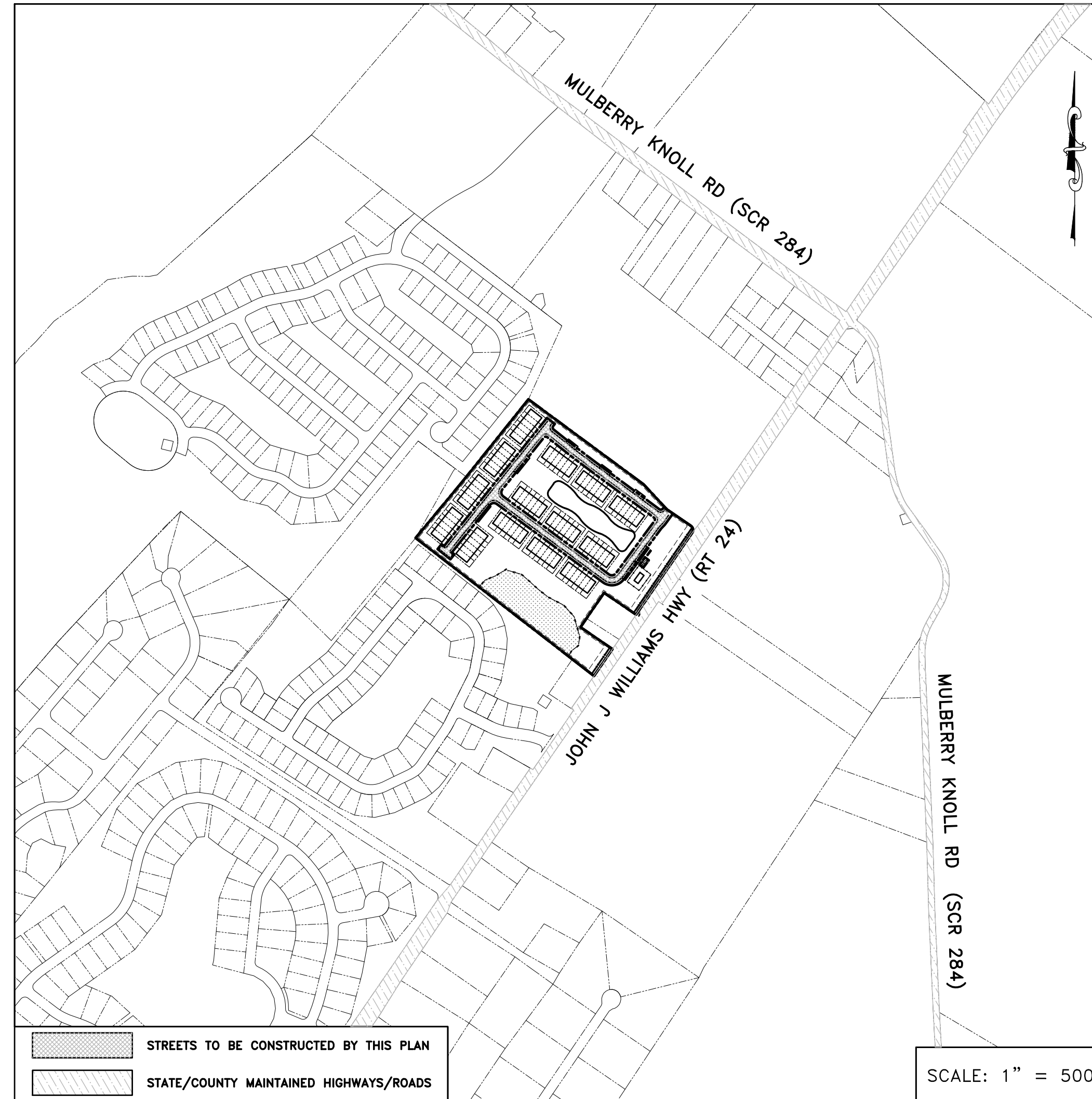
EXISTING	PROPOSED
RIGHT-OF-WAY	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	PROPERTY LINE
EASEMENT	SETBACK
CONTOUR	EASEMENT
CATCH BASIN, STORM PIPE	BUFFER
SANITARY SEWER MANHOLE, PIPE	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
WATER MAIN	WATER MAIN, TEE W/ VALVES, PIPE SIZE
FIRE HYDRANT ASSEMBLY	FIRE HYDRANT ASSEMBLY
UTILITY POLE	TREE LINE
SIGN	PAVEMENT
FENCE	SIDEWALK
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	



GrA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES  
 GrB: GREENWICH LOAM, 2 TO 5 PERCENT SLOPES  
 DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 DoB: DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES  
 HnA: HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 HnB: HURLUCK SANDY LOAM, 0 TO 2 PERCENT SLOPES  
 FmB: FORT MOTT LOAMY SAND, 2 TO 5 PERCENT SLOPES  
 PyA: PINEYNECK LOAM, 0 TO 2 PERCENT SLOPES  
 L0: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED  
 M0: MANAWKIN MUCK, FREQUENTLY FLOODED  
 Br: BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL WATER  
 W: WATER

### DATA COLUMN

TAX MAP ID:	334-12.00-16.04
DEED REFERENCE:	DB 387/176, PB 216/10
DATUM:	
VERTICAL:	NAVD 88
HORIZONTAL:	NAD 83 (DE STATE PLANE)
LAND USE	
EXISTING:	AGRICULTURAL
PROPOSED:	MULTIFAMILY RESIDENTIAL (TOWNHOMES) CONDITIONAL USE
ZONING	
EXISTING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED:	MR (MEDIUM-DENSITY RESIDENTIAL)
UNITS	
TOWNHOMES:	84
TYPICAL SIZE:	28' X 70' (1,960 S.F.)
DENSITY	
MAXIMUM:	4.0 UNITS/ACRE
PROPOSED:	3.9 UNITS/ACRE
BUILDING SETBACKS	
FRONT SETBACK:	40 FT.
SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
MINIMUM AVERAGE LOT AREA:	3,630 SQ. FT.
PROPOSED AVERAGE LOT AREA:	3,634 SQ. FT.
MAXIMUM REQUIREMENTS	
BUILDING HEIGHT:	42 FT. (2 STORIES)
PARKING REQUIREMENTS	
MINIMUM:	168 (2 PER UNIT UNDER 3 BEDROOM)
PROPOSED:	225 (2.7 PER UNIT)
AREAS	
EXISTING SITE:	
SITE AREA:	21.62 AC.
WETLANDS:	2.09 AC.
IMPERVIOUS AREAS	
ROAD AND CURB:	1.82 AC.
SIDEWALK:	0.66 AC.
BUILDINGS:	3.82 AC.
DRIVEWAYS:	1.16 AC.
POOL AND POOL HOUSE:	0.20 AC.
PARKING:	0.27 AC.
TOTAL:	7.95 AC. (0.36%)
WOODLANDS:	
EXISTING:	9.26 AC.
TO BE REMOVED:	4.35 AC.
TOTAL REMAINING:	4.91 AC.
OPEN SPACE:	
SWM:	1.04 AC.
WOODS & WETLANDS:	4.91 AC.
LANDSCAPE BUFFER (NEW TREES):	0.61 AC.
POOL AND POOL HOUSE:	0.20 AC.
OTHER OPEN AREAS:	7.13 AC.
TOTAL:	13.89 AC. (0.64%)
UTILITIES	
SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
WATER PROVIDER:	PUBLIC (TIDEWATER UTILITIES)
PROPOSED BUILDING CONSTRUCTION:	WOOD FRAMED/ CONCRETE BLOCK
WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.	
FLOODPLAIN - THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0334K, DATED MARCH 16, 2015.	
STATE STRATEGIES MAP: INVESTMENT LEVELS 2 AND 3	
THIS PROPERTY IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).	
THIS PROPERTY IS LOCATED 1,500'± TO THE WEST OF THE INTERSECTION OF MULBERRY KNOLL ROAD (SCR 284) AND JOHN J. WILLIAMS HIGHWAY (SCR 024).	
JOHN J. WILLIAMS HIGHWAY POSTED SPEED LIMIT: 45 M.P.H.	
PROPERTY OWNER/DEVELOPER	JG TOWNSEND JR. & CO. PAUL TOWNSEND, PRESIDENT P.O. BOX 430 GEORGETOWN, DE. 19947 302-856-2525 FAX: 302-855-0922
ENGINEER:	DAVIS, BOWEN & FRIEDEL, INC. CLIFTON D. MUMFORD, P.E. 1 PARK AVE. MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430



### SHEET INDEX

PRELIMINARY - TITLE SHEET	PRE-01
PRELIMINARY - SITE PLAN	PRE-02
PRELIMINARY - UTILITY PLAN	PRE-03

### OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE BY MY DIRECTION AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

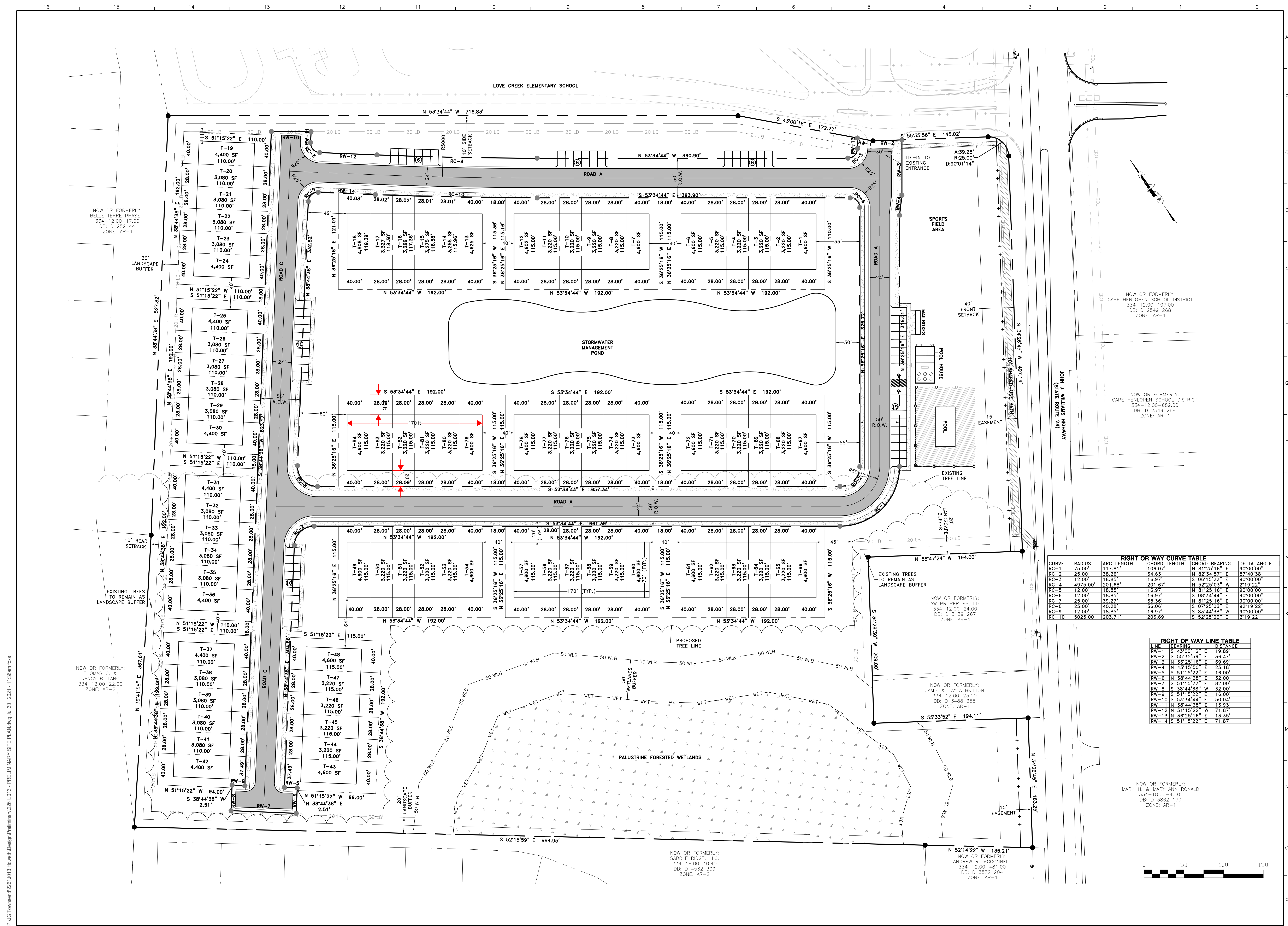
### ENGINEER'S STATEMENT

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.

### WETLANDS 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(c)(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 90-77/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THERE ARE STATE REGULATED WETLANDS ON THIS SITE. THE BOUNDARY OF STATE REGULATED WETLANDS HAS BEEN DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-084.



**RIGHT OF WAY CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC-1	75.00'	117.81'	106.07'	N 81°25'16" E	90°00'00"
RC-2	25.00'	38.26'	34.63'	N 82°34'57" E	87°40'38"
RC-3	12.00'	18.85'	16.97'	S 08°15'22" E	90°00'00"
RC-4	4975.00'	201.68'	201.67'	N 52°25'03" W	2°19'22"
RC-5	12.00'	18.85'	16.97'	N 81°25'16" E	90°00'00"
RC-6	12.00'	18.85'	16.97'	S 08°15'22" E	90°00'00"
RC-7	25.00'	39.27'	35.36'	N 81°25'16" E	90°00'00"
RC-8	25.00'	40.28'	36.06'	S 07°25'03" E	92°19'22"
RC-9	12.00'	18.85'	16.97'	S 83°44'38" W	90°00'00"
RC-10	5025.00'	203.71'	203.69'	S 52°25'03" E	2°19'22"

**RIGHT OF WAY LINE TABLE**

LINE	BEARING	DISTANCE
RW-1	S 43°00'16" E	19.89'
RW-2	S 55°35'56" E	36.47'
RW-3	S 36°25'16" E	69.69'
RW-4	N 43°15'50" E	25.18'
RW-5	S 51°15'22" E	16.00'
RW-6	S 38°44'38" W	32.00'
RW-7	S 51°15'22" E	82.00'
RW-8	S 38°44'38" W	32.00'
RW-9	S 51°15'22" E	16.00'
RW-10	S 53°34'44" E	50.04'
RW-11	N 38°44'38" W	13.93'
RW-12	S 51°15'22" W	71.87'
RW-13	S 36°25'16" E	13.35'
RW-14	S 51°15'22" E	71.87'



DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
GALLERY: WILMINGTON (302) 442-8800  
MILFORD, DELAWARE (302) 442-1441  
EASTON, MARYLAND (410) 770-4744

**PRELIMINARY SITE PLAN**

**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **DECEMBER, 2020**

Scale: **1" = 50'**

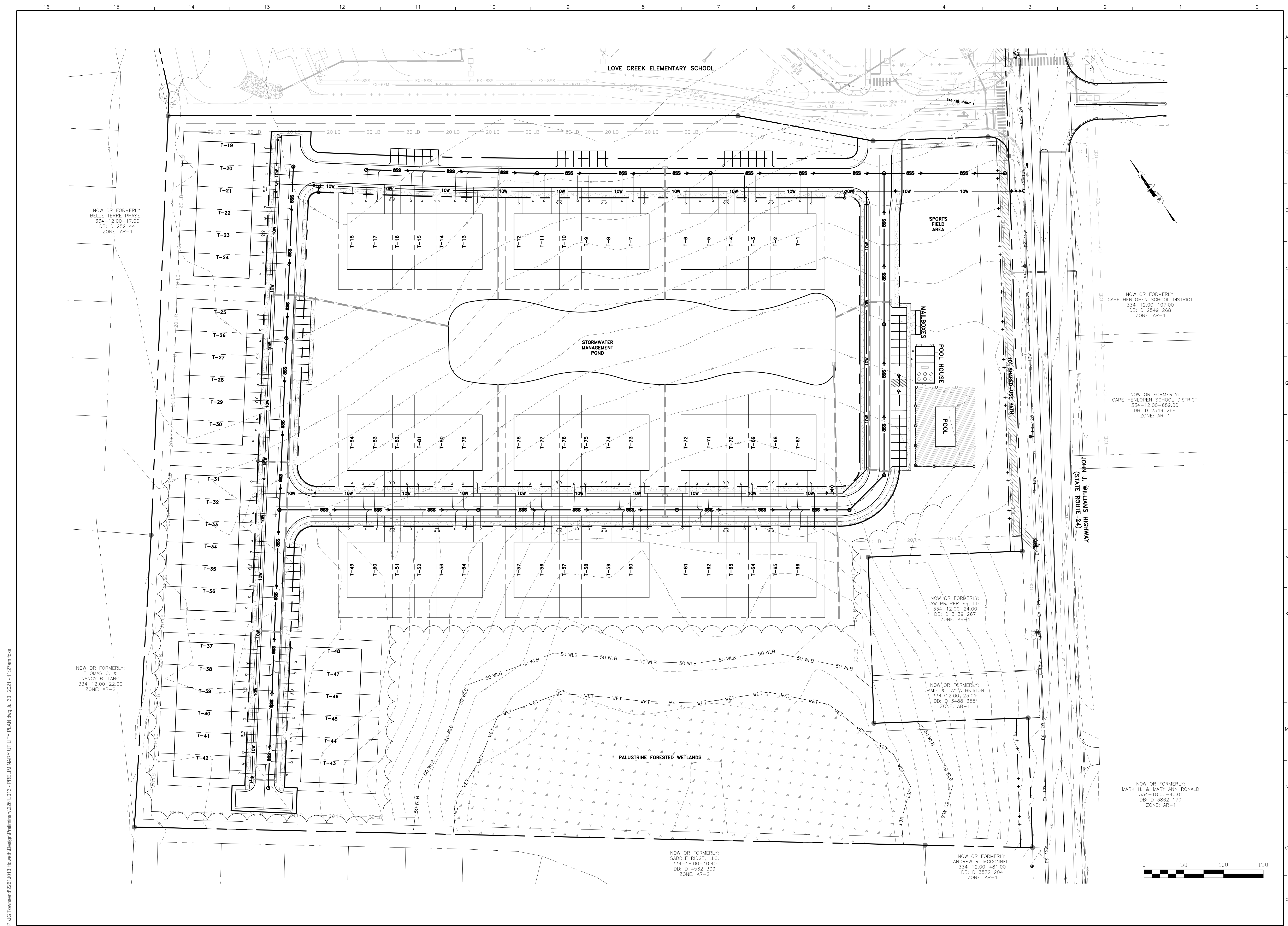
Drawn By: **DEG**

Proj.No.: **2261J013**

Dwg.No.: **PRE-02**

P:\UG Townsend\2261J013 Howeth\Design\Preliminary\2261J013 - PRELIMINARY SITE PLAN.dwg, Jul 30, 2021 - 11:38am fms

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NOW OR FORMERLY:  
BELLE TERRE PHASE I  
334-12.00-17.00  
DB: D 252 44  
ZONE: AR-1

NOW OR FORMERLY:  
THOMAS C. &  
NANCY B. LANG  
334-12.00-22.00  
ZONE: AR-2

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-689.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
GAW PROPERTIES, LLC  
334-12.00-24.00  
DB: D 3139 267  
ZONE: AR-1

NOW OR FORMERLY:  
JAMIE & LAVIA BRITTON  
334-12.00-23.00  
DB: D 3488 355  
ZONE: AR-1

NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-19.00-40.01  
DB: D 3862 170  
ZONE: AR-1

NOW OR FORMERLY:  
SADDLE RIDGE, LLC  
334-18.00-40.40  
DB: D 4562 309  
ZONE: AR-2

NOW OR FORMERLY:  
ANDREW R. MCCONNELL  
334-12.00-481.00  
DB: D 3572 204  
ZONE: AR-1

P:\UG Townsend\261\013 Howeth\Design\Preliminary\261J013 - PRELIMINARY UTILITY PLAN.dwg, Jul 30, 2021 - 11:27am, fous

DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
COLUMBIA, MARYLAND (410) 653-8900  
MILFORD, DELAWARE (302) 432-1441  
EASTON, MARYLAND (410) 770-4744

**HOWETH PROPERTY**  
**LEWES AND REHOBOTH HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

PRELIMINARY UTILITY PLAN

Revisions:

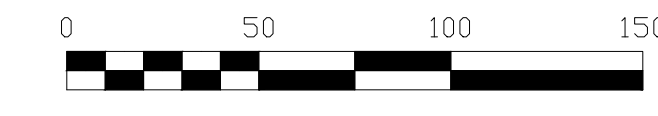
Date: **DECEMBER, 2020**

Scale: **1" = 50'**

Dwn. By: **DEG**

Proj. No.: **2261J013**

Dwg. No.: **PRE-03**



professional seal

BOUNDARY OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM  
LANDS OF J. G. TOWNSEND, Jr. & Co.  
LEWIS & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE  
334-12.00-16.04

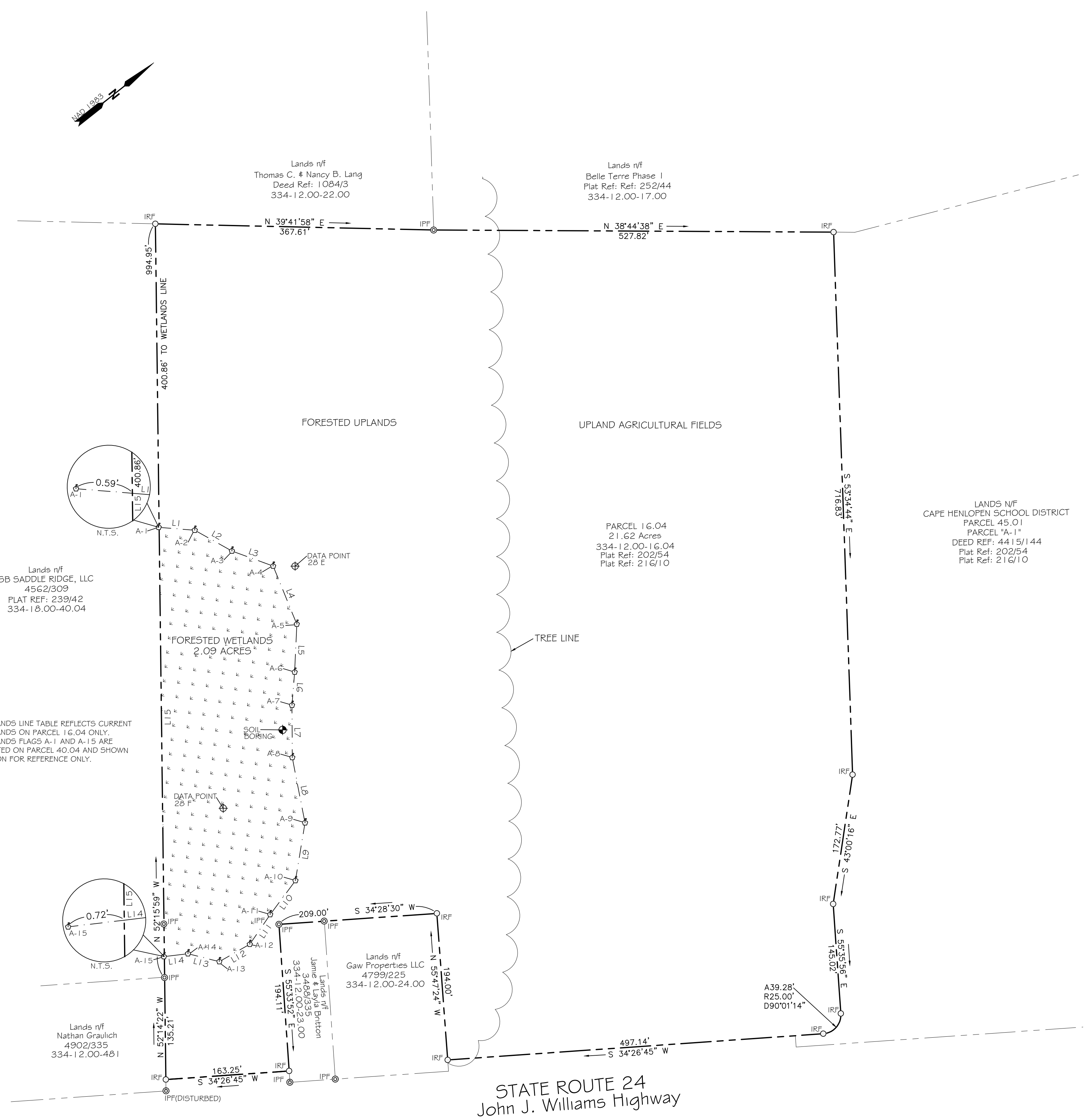
Project:

Revisions

Surveyed By: V. Walch PLS  
Prepared By: M.C.S.  
Checked By: V. Walch PLS  
Job #: A180707

Date: 2/11/18

Scale: 1" = 80'



NOTE:  
WETLANDS LINE TABLE REFLECTS CURRENT WETLANDS ON PARCEL 16.04 ONLY. WETLANDS FLAGS A-1 AND A-15 ARE LOCATED ON PARCEL 40.04 AND SHOWN HEREON FOR REFERENCE ONLY.

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 90-7/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 MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

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

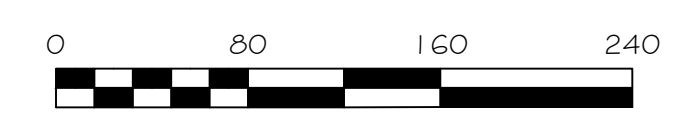
Legend

- Wetlands Flag  $\delta$
- Iron Rebar Found  $\circ$
- Iron Pipe Found  $\ominus$
- Palustrine Forested Wetlands 90,982 S.F. 2.09 Acres

- Notes:
- Parcel 16.04 Called Residual Parcel "1" on Plat 202/54 and Plat 216/10
  - Tax Map: 334-12.00-16.04

LINE	BEARING	DISTANCE
L1	N 43°00'23" E	47.18'
L2	N 67°38'48" E	56.24'
L3	N 58°33'43" E	57.98'
L4	S 73°43'11" E	82.76'
L5	S 49°01'18" E	63.39'
L6	S 46°56'10" E	43.85'
L7	S 51°53'05" E	69.12'
L8	S 62°36'43" E	87.78'
L9	S 42°08'16" E	77.41'
L10	S 14°56'27" E	55.93'
L11	S 17°04'39" E	47.57'
L12	S 08°43'56" W	46.22'
L13	S 52°35'25" W	42.72'
L14	S 31°34'50" W	31.36'
L15	N 52°15'59" W	566.82'

ACREAGE TABLE	
UPLAND AGRICULTURAL FIELDS	10.90 ACRES±
FORESTED UPLANDS	8.63 ACRES±
PALUSTRINE FORESTED WETLANDS	2.09 ACRES±
TOTAL SITE AREA	21.62 ACRES±





**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 W. MARKET ST., SUITE 200  
 WILMINGTON, DELAWARE 19801  
 (302) 424-1441  
 (410) 770-4744

PRELIMINARY SITE PLAN

**HOWETH PROPERTY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE**

Revisions:

Date: **DECEMBER, 2020**  
 Scale: **1" = 50'**  
 Dwn. By: **DEG**  
 Proj. No.: **2261J013**  
 Dwg. No.:

**PRE-02**



V:\Studio\_3D Modeling\Howeth\_2261J013 PRELIMINARY SITE PLAN.dwg, Jan 27, 2022, 4:25pm mczk

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LOVE CREEK  
ELEMENTARY SCHOOL

BEACON  
MIDDLE SCHOOL

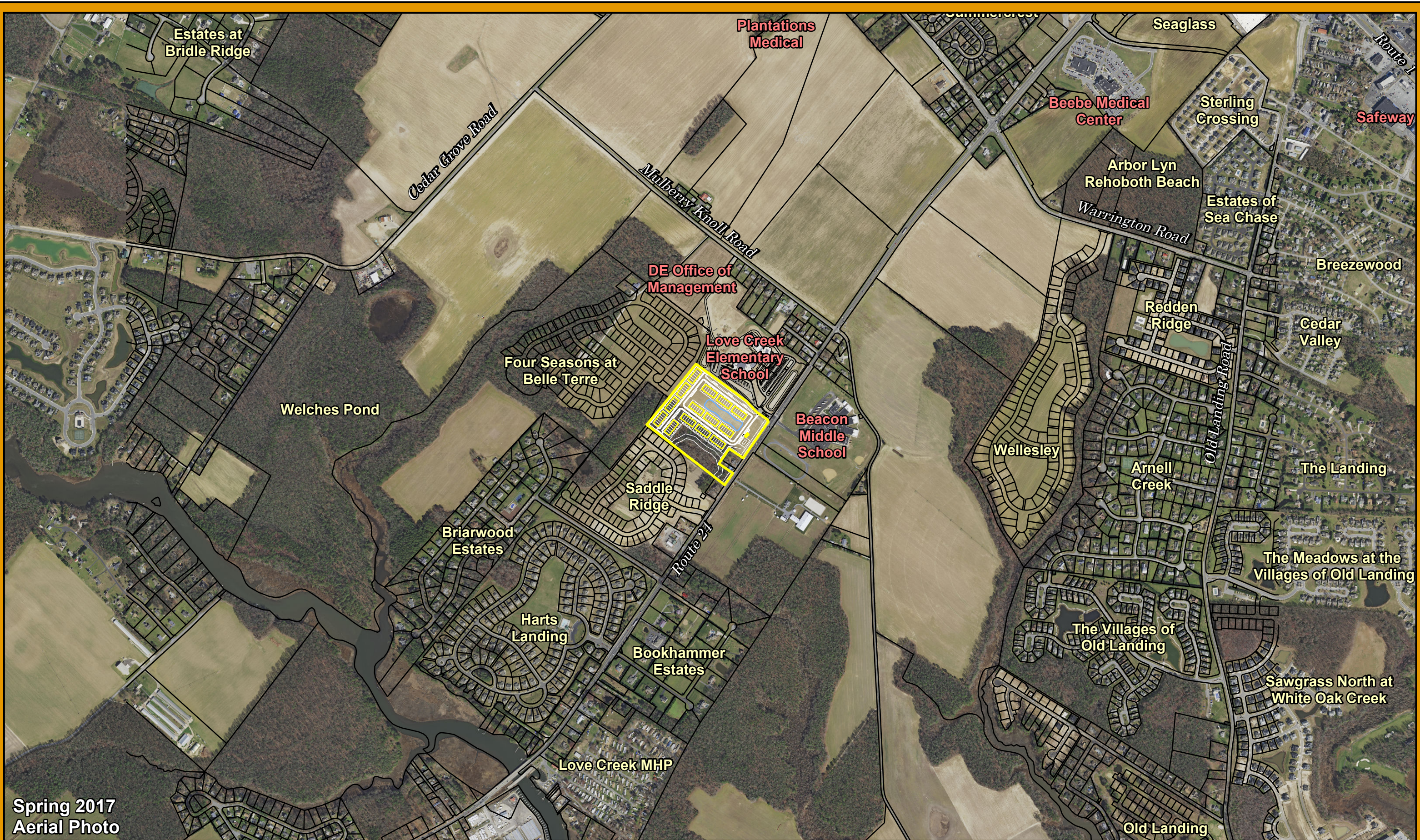
SADDLE RIDGE  
COMMUNITY

JOHN J. WILLIAMS HIGHWAY (STATE ROUTE 24)

PALUSTRINE FOREST WETLANDS

STORMWATER  
MANAGEMENT  
POND

SPORTS  
FIELD  
AREA



Spring 2017  
Aerial Photo

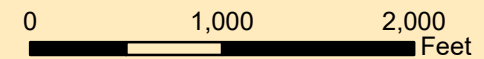
Sources:  
Tax Parcels per Sussex County



April 2022

## Surrounding Communities Map

Howeth Property  
Sussex County, Delaware



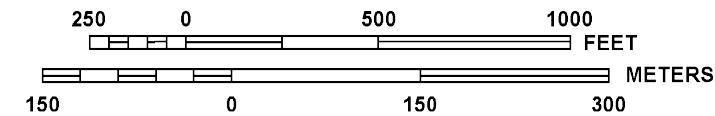
75°09'22.5"  
38°43'07.5"

JOINS PANEL 0332

735000 FT



MAP SCALE 1" = 500'



NFIP

PANEL 0334K

# FIRM

FLOOD INSURANCE RATE MAP  
SUSSEX COUNTY,  
DELAWARE  
AND INCORPORATED AREAS

PANEL 334 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0334	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.

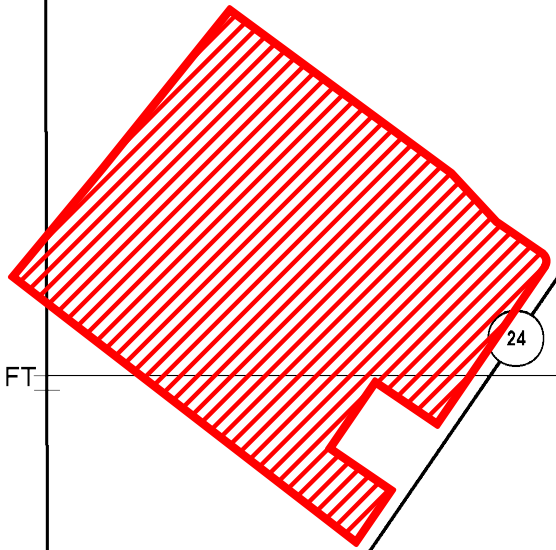


MAP NUMBER  
10005C0334K

MAP REVISED  
MARCH 16, 2015

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM



24

MULBERRY HU2114 +  
KNOLL ROAD

EVENTERS WAY

GREENER TRAIL LANE

WINIFRED WAY

WILLIAMS WAY

ZONE AE  
(EL 5)

ZONE AE  
(EL 5)

TALL OAKS COURT

WINCHELSEA COURT

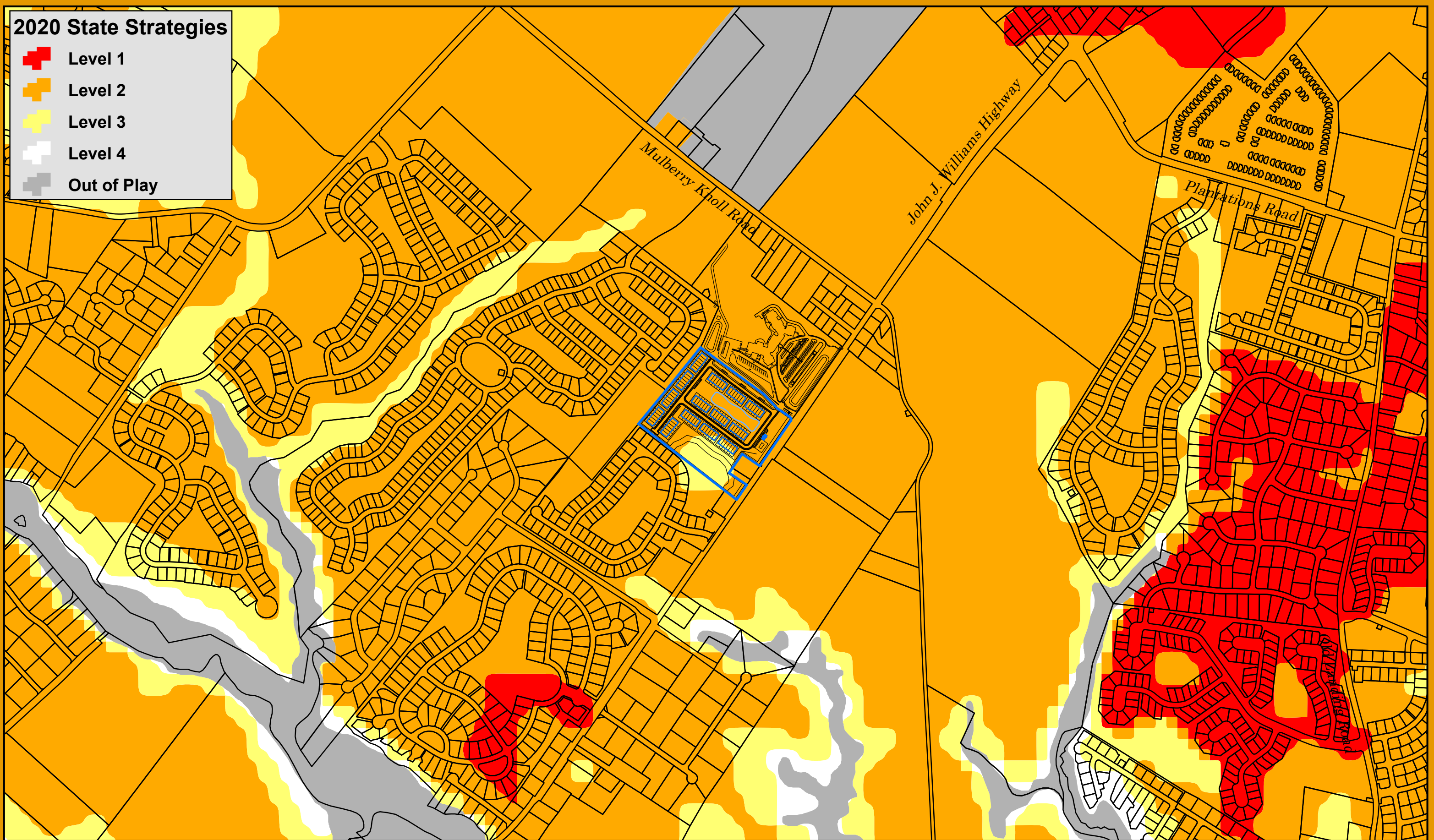
COURT

Branch

ROAD

# 2020 State Strategies

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



Sources:  
Tax Parcels per Sussex County



April 2022

## 2020 State Strategies

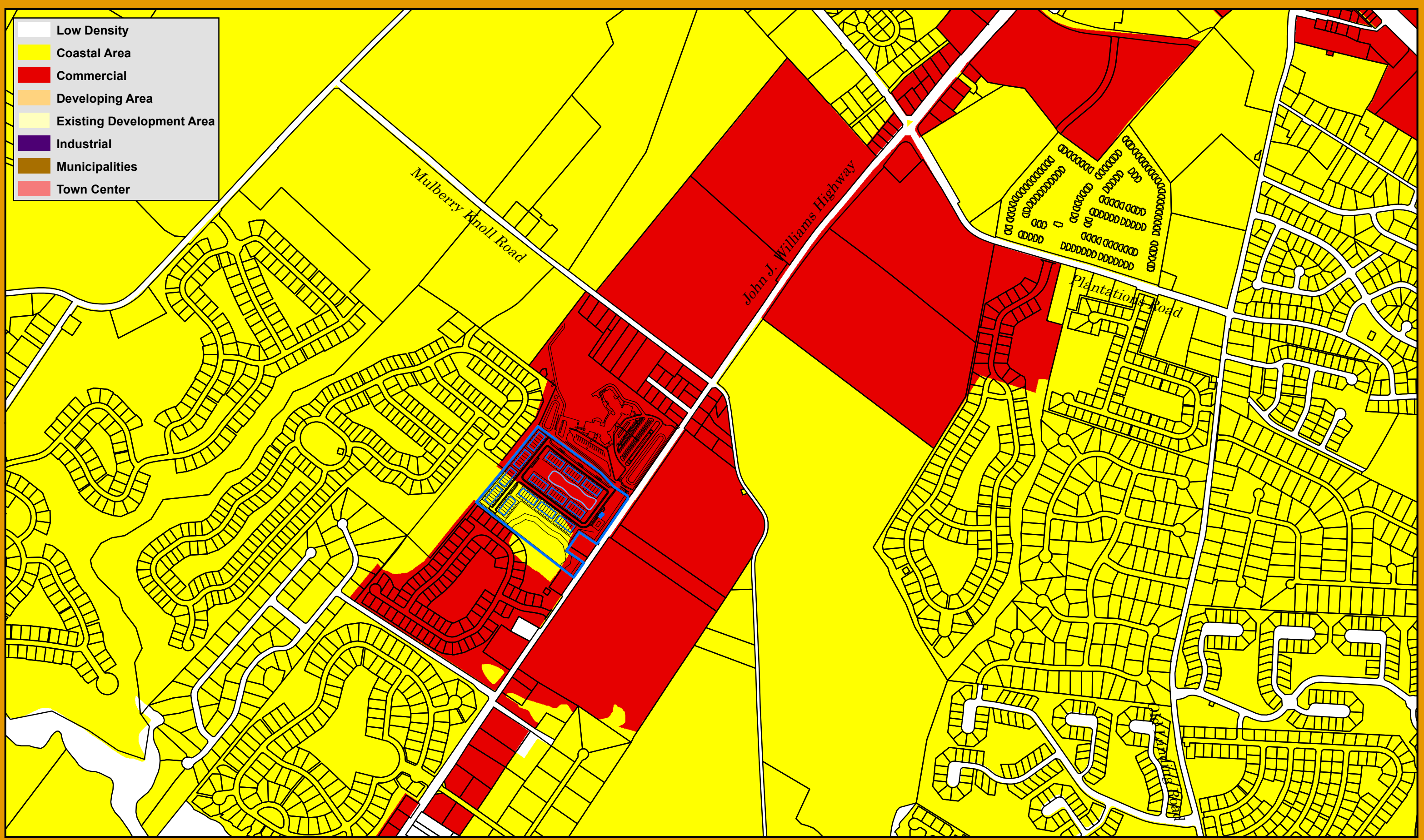
### Howeth Property

Sussex County, Delaware

0 800 1,600 Feet



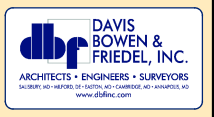
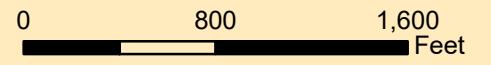
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



## Sussex County 2045 Future Land Use Map

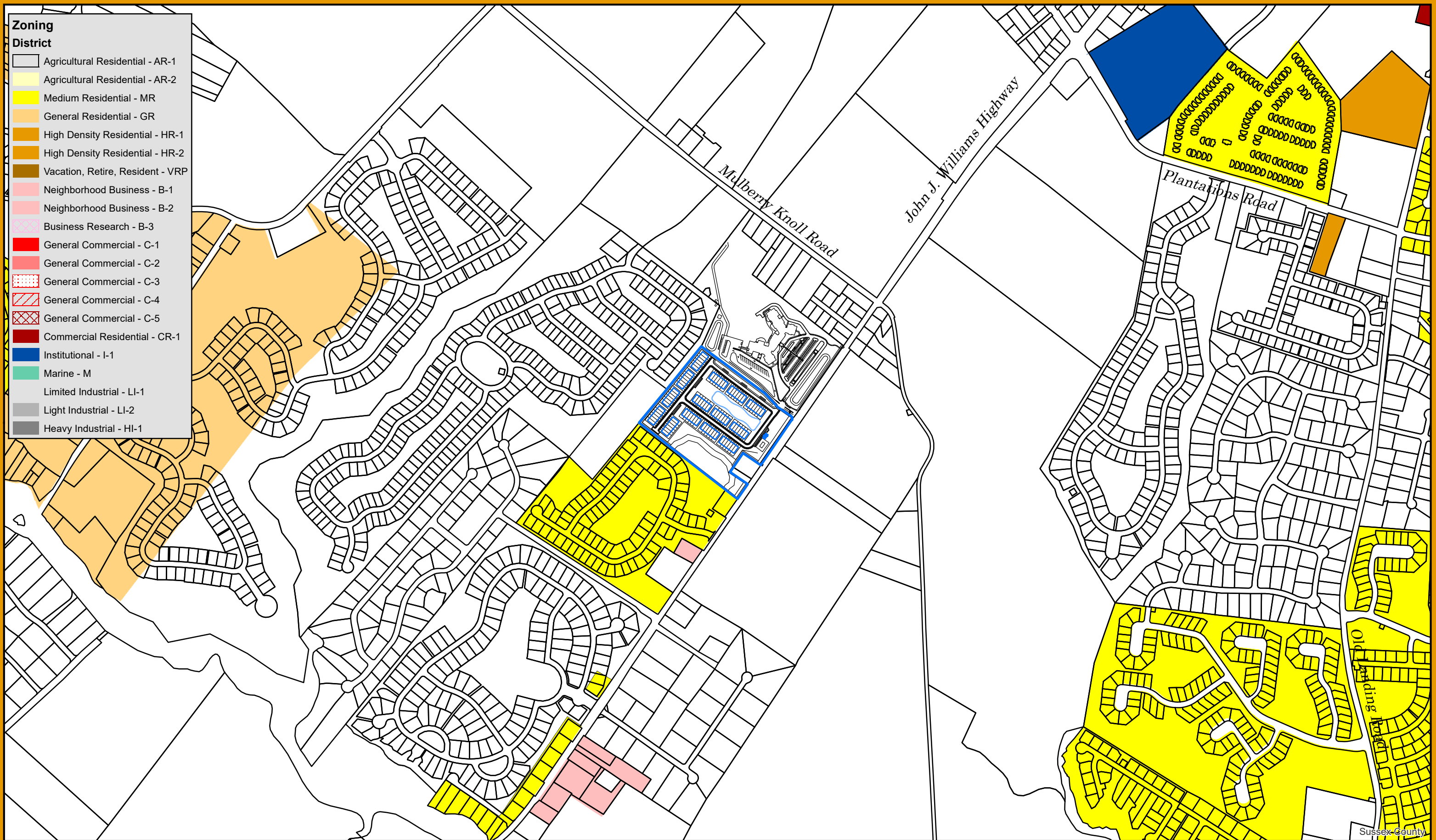
### Howeth Property

Sussex County, Delaware



**Zoning District**

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



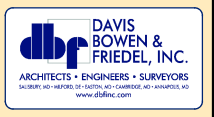
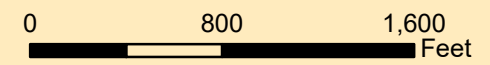
Sources:  
Tax Parcels per Sussex County

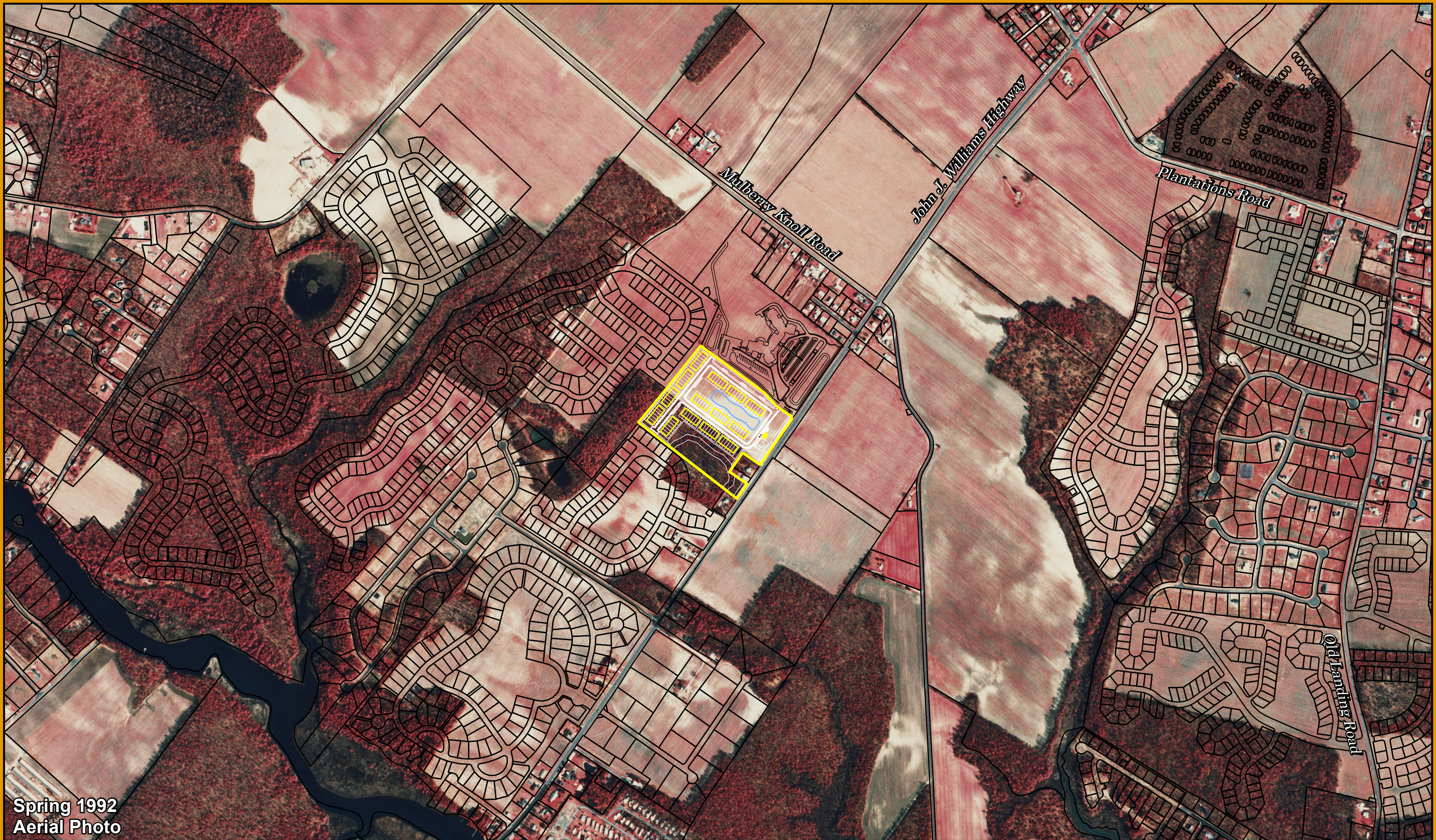
April 2022

# Sussex County Zoning Map

## Howeth Property

Sussex County, Delaware





Spring 1992  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



**1992 Aerial Photo**  
**Howeth Property**  
Sussex County, Delaware

0 800 1,600  
Feet





Spring 2017  
Aerial Photo



Sources:  
Tax Parcels per Sussex County

## 2017 Aerial Photo

**Howeth Property**  
Sussex County, Delaware

0 800 1,600  
Feet





-  100-YR Flood Plain
-  NWI Wetlands
-  State Mapped Wetlands
-  State 2' Contours

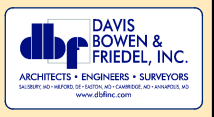


Spring 2017  
Aerial Photo

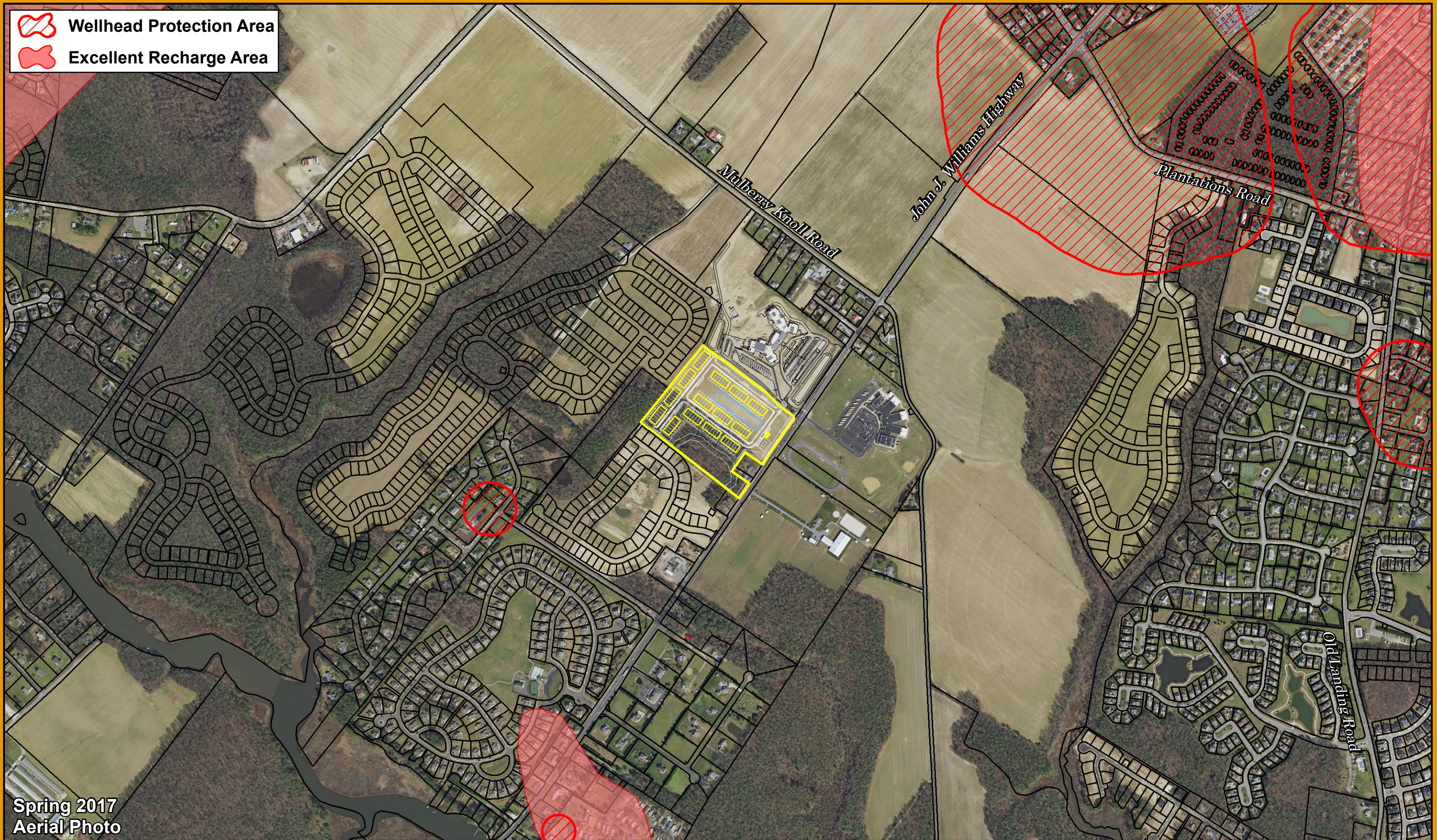
Sources:  
Tax Parcels per Sussex County



**Environmental Map**  
**Howeth Property**  
Sussex County, Delaware



-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017  
Aerial Photo



April 2022

## Source Water Protection Areas

Howeth Property  
Sussex County, Delaware

Sources:  
Tax Parcels per Sussex County

0 800 1,600  
Feet





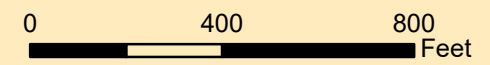
Spring 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



### NCRS Soil Survey

**Howeth Property**  
Sussex County, Delaware



# 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**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**

84 Multifamily Dwellings per 115-31

Tax Map #: 334-12.00-16.04Size of Parcel(s): 21.62 acresCurrent Zoning: ARProposed Zoning: MR

Size of Building: \_\_\_\_\_

Land Use Classification: Multi-familyWater Provider: Tidewater UtilitiesSewer Provider: Sussex County**Applicant Information**Applicant Name: J.G. Townsend Jr. & Co.Applicant Address: P.O. Box 430City: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-2525E-mail: paul@jgtownsend.com**Owner Information**Owner Name: J.G. Townsend Jr. & Co.Owner Address: P.O. Box 430City: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-2525E-mail: paul@jgtownsend.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.Agent/Attorney/Engineer Address: 1 Park AveCity: MilfordState: DEZip Code: 19963Phone #: (302) 424-1441E-mail: cdm@dbfinc.com

# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- \_\_\_ Completed Application
- \_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- \_\_\_ Provide Fee \$500.00
- \_\_\_ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- \_\_\_ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- \_\_\_ DeIDOT Service Level Evaluation Request Response
- \_\_\_ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

### Signature of Applicant/Agent/Attorney

\_\_\_\_\_ *Cathy Myer*

Date: 7/21/21

### Signature of Owner

\_\_\_\_\_ *Jeffrey ... President*

Date: 7/21/21

### 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: \_\_\_\_\_

# 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**

John J. Williams Highway, Adjacent to Love Creek Elementary School

**Type of Conditional Use Requested:**
**Tax Map #:** 334-12.00-16.04 **Size of Parcel(s):** 21.62 acres
**Current Zoning:** AR-1 **Proposed Zoning:** MR **Size of Building:** \_\_\_\_\_

**Land Use Classification:** Multi-family
**Water Provider:** Tidewater Utilities **Sewer Provider:** Sussex County
**Applicant Information**
Applicant Name: J.G. Townsend Jr. & Co.Applicant Address: P.O. Box 430City: Georgetown State: DE Zip Code: 19947Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com
**Owner Information**
Owner Name: J.G. Townsend Jr. & Co.Owner Address: P.O. Box 430City: Georgetown State: DE Zip Code: 19947Phone #: (302) 856-2525 E-mail: paul@jgtownsend.com
**Agent/Attorney/Engineer Information**
Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., Cliff Mumford, P.E.Agent/Attorney/Engineer Address: 1 Park AveCity: Milford State: DE Zip Code: 19963Phone #: (302) 424-1441 E-mail: cdm@dbfinc.com

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- 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.

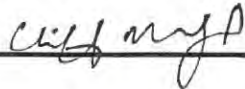
\_\_\_ DeIDOT Service Level Evaluation Request Response

\_\_\_ 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: 7/21/2021

### Signature of Owner

\_\_\_\_\_ 

Date: 7/21/21

### 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: \_\_\_\_\_

LEGAL DESCRIPTION

Lands of J.G. Townsend Jr. & Co.

TAX PARCEL #334-12.00-16.04

July 22, 2021

**ALL** that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, as depicted on a survey entitled "Boundary of Waters of the United States including Wetlands Subject to Corps of Engineers Regulatory Program" of the Lands of J.G. Townsend, Jr., & Co., prepared by Atlantic Surveying and Mapping, dated February 11, 2018, fronting on the northwesterly side of John J. Williams Highway (State Route 24), and being more particularly bounded and described as follows, to wit:

**BEGINNING** at an iron rod found on the northwesterly right of way line of John J Williams Highway (State Route 24), said point being located at the northeastern corner of lands of, now or formerly, Andrew McConnell as recorded in said Office of the Recorder of Deeds in Deed Book 5048 Page 30 and being identified as tax parcel 334-12.00-481.00, marking a common corner between said McConnell lands and this parcel; thence,

1) leaving said State right of way and running by and with said McConnell lands, North 52 degrees 14 minutes 22 seconds West, 135.21 feet to an iron pipe found, being a common corner of said McConnell lands and land now or formerly of Saddle Ridge Property Owners Association Inc., Sussex County Tax Parcel 334-18.00-40.04, thence,

2) leaving said McConnell lands and running by and with said Saddle Ridge lands North 52 degrees 15 minutes 59 seconds West, 994.95 feet to an iron rod found, marking a common corner for this parcel and said Saddle Ridge lands on the southwesterly line of lands now or formerly of Thomas Lang, Sussex County Tax Parcel 334-12.00-22.00, thence,

3) leaving said Saddle Ridge lands and turning and running with said Lang lands North 39 degrees 41 minutes 58 seconds East, 367.61 feet to an iron pipe found at a common corner of said Lang lands and lands now or formerly of K. Hovnanian's Four Seasons at Belle Terre LLC, Sussex County Tax Parcel 334-12.00-17.00, on the northwesterly line of this parcel, thence,

4) leaving said Lang lands and running by and with said K. Hovnanian lands North 38 degrees 44 minutes 38 seconds 527.82 feet to an iron rod found on the southeasterly line of said K. Hovnanian lands and a common corner for this parcel and lands now or formerly of the Cape Henlopen School District (CHSD), Sussex County Tax Parcel 334-12.00-45.01, thence,

5) leaving said K Hovnanian lands and turning and running with lands of CHSD the following four (4) courses and distances: 1) South 53 degrees 34 minutes 44 seconds



East, 716.83 feet to an iron rod found; 2) South 43 degrees 00 minutes 16 seconds East, 172.77 feet to an iron rod found; 3) South 55 degrees 35 minutes 56 seconds East, 145.02 feet to an iron rod found; 4) with the arc of a curve deflecting to the right having an arc length of 39.28 feet, a radius of 25.00 feet and a chord bearing and distance of North 10 degrees 34 minutes 35 seconds West 35.37 feet to an iron rod found on the northwesterly right of way line of John J. Williams Highway, thence,

6) leaving said CHSD lands and running by and with the northwesterly right of way line of John J. Williams Highway South 34 degrees 26 minutes 45 seconds West, 497.14 feet to an iron rod found along the northeasterly line of lands now or formerly of Craig Alan Beebe, Sussex County Tax Parcel 334-12.00-24.00, thence,

7) leaving said right of way and turning and running by and with the lands of Beebe the following two courses: 1) North 55 degrees 47 minutes 24 seconds West, 194.00 feet to an iron rod found; 2) South 34 degrees 32 minutes 06 minutes West 149.00 feet to an iron pipe found at a common corner between lands of Beebe and lands now or formerly of Jamie Britton, Sussex County Tax Parcel 334-12.00-23.00, thence,

8) leaving said Beebe lands and continuing by and with said Britton lands the following two (2) courses and distances: 1) South 34 degrees 26 minutes 09 seconds West, 59.89 feet to an iron pipe found; 2) South 55 degrees 33 minutes 52 minutes East, 194.11 feet to an iron rod found along the northwesterly right of way of State Route 24, thence,

9) leaving said Britton lands and turning and running by and with said State Route 24 South 34 degrees 26 minutes 45 seconds West 163.25 feet to the point and place of beginning,

**CONTAINING** 21.62 acres of land, more or less.

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

July 30, 2021

**Revised: May 13, 2022**

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Response to PLUS Review 2021-12-04  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

We have read and reviewed the comments provided during the PLUS Review of the Project on December 16, 2020 and received from the Office of State Planning dated January 17, 2021. We offer the following item-by-item response narrative for your review:

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

*This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have other priorities for the near future. We encourage you to design the site with respect for the environmental features which are present.*

**We recognize that the project is in both Investment Levels 2 and 3. We understand Level 2 & 3 areas are anticipated growth areas. The site has been designed with respect to the environmental features located on the parcel.**

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

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

- *The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at*

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. As necessary, the existing access there must be improved.

The entrance to the subdivision will be from a previously installed connection point along the entrance road to Love Creek Elementary School. The traffic from this parcel was factored into the design of the Love Creek Elementary School signalized intersection. A Record plan will be submitted to DeIDOT for issuance of a "Letter of No Objection".

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).

A pre-submittal meeting was held on January 6, 2022.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

#### Acknowledged

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

We are familiar with the fees required for submittals to DeIDOT.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 598 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DeIDOT calculates 594 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 40 and 51, respectively. Therefore, a TIS would normally be required.

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

The developer should contact Ms. Sarah Coakley, a principal planner in DeIDOT's

*Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at [Sarah.Coakley@delaware.gov](mailto:Sarah.Coakley@delaware.gov) or (302) 760-2236.*

*The subject land fronts on a segment of Delaware Route 24 that DelDOT anticipates improving through their project: SR 24, Love Creek to Mulberry Knoll, Contract No. T201212201. This project is scheduled for construction starting in the spring of 2022. DelDOT is presently acquiring rights-of-way and easements. Rights-of-way and easements in excess of the standard dedications described below are compensable. But for the TID, the developer would be required to contribute toward that contract but such contributions will be addressed in their TID fees.*

**During the pre-submittal meeting it was agreed that the developer will be required to enter into a signal agreement and a TID Developer Infrastructure Recoupment Agreement.**

- *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 Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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.**"*

**The existing right-of-way as measured from centerline of the road is 40', therefore no dedication is required. The existing right-of-way will be dimensioned on the final subdivision and record plans.**

- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*

**A 15-foot permanent easement has been shown on the Site plan.**

- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
  - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*
  - *Depiction of all existing entrances within 450 feet of the entrance on Route 24.*
  - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

The above items will be provided on the Record plan.

- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT's plans for the SR 24 project discussed above currently include a five-foot sidewalk along the site frontage. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build this sidewalk along their frontage. Sidewalk construction, if required, would be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.*

As per the pre-submittal meeting, The TID fee covers the installation of pedestrian facilities along the frontage and is part of DelDOT's SR24 improvement project.

- *Section 3.5.4.4 of the Manual addresses requirements for accessways. An accessway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring an accessway to connect the internal streets to SR 24 in the area between the proposed pool and Tax Parcel No. 334-12.00-24.00.*

An additional access point from the internal sidewalk to the frontage path will be considered during the construction plan design phase.

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DTC anticipates requiring far side bus stops, including 8-foot by 17-foot shelter pads on both sides of Route 24 at the school entrances. Bus stop construction, if required, may be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.*

As per the pre-submittal meeting this will not be required by the developer and should be part of the SR 24 project.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.*

Storm water management facilities have been sited greater than 20-feet from the dedicated right-of-way.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may*

*require the developer to build entrance improvements. This matter should be discussed at the Pre-Submittal Meeting.*

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**Existing utilities have been shown on the plans. No utility relocations are anticipated at this time.**

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

#### **Concerns Identified Within the Development Footprint**

##### ***Natural Areas***

*The entire forested area on the site lies within Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.*

- *Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.*

**Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.**

##### ***Wetlands***

*Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands within the forested area of the site. The project application confirms the presence of 2.09 acres of wetlands. Preliminary plans propose a 50-foot buffer from wetland areas.*

- *If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.*

**No wetland disturbance is proposed.**

- *For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>*
- *Contact: U.S. Army Corps of Engineers (Dover Office) at  
[DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.  
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>*

A wetland delineation has been performed for this property and a JD letter issued by the Corps.

### ***Vegetated Buffer Zones***

*Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.*

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

A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands. This area will be mostly existing forest.

### ***Stormwater Management***

*This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.*

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

A Sediment and Stormwater Management plan will be submitted to the Sussex Conservation District as part of the plan approval process.

- *Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*

An NOI will be filed with DNREC for this project.

- *Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

A pre-application meeting will be conducted with SCD prior to submitting plans.

- *Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>*

- *General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**We will work with SCD to develop a plan that meets their requirements.**

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

*Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.*

- *This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.*
- *Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>*

**The stormwater management design will utilize best management practices to meet SCD water quality standards.**

### ***Hydrologic Soils Group***

*Hydrologic Soil Group A/D soils (poorly drained) have been identified within the forested area on the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*

*Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.*

- *Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**This site will utilize 48-hour extended detention ponds to treat and manage stormwater runoff. A soils investigation is underway for this site and will be included in the stormwater management report to be submitted to SCD as part of their plan approval process.**

### ***Drainage Concerns Documented***

*There are three reported drainage concerns on the proposed site location from 2010. The concerns were regarding standing water in wetland areas on the rear of the property, with the water draining from adjacent property. No solution has been reported.*

**Positive drainage will be provided throughout the site through site grading and using grassed swales with drainage inlets and pipes to convey water to the stormwater management pond.**



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

*This project proposes open space of 11.42 acres, exceeding the threshold of 10 acres for nutrient management.*

- *A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.*
- *Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>*

**Acknowledged.**

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

*Sussex County (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.*

- *It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.*
- *Contact: DNREC Groundwater Discharges Section at (302) 739-9948. Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>*

**A gravity sewer collection and conveyance system is proposed for this site. Construction plans will be submitted to DNREC and Sussex County Engineering for approval.**

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

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

#### **Fire Protection Water Requirements:**

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

#### **Fire Protection Features:**

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

#### **Accessibility:**

- *All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must*

*be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout 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.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

*Gas Piping and System Information:*

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

*Required Notes:*

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

**DBF thanks the Fire Marshal’s office for providing the above information. We will work with the fire marshal’s office to develop a plan that meets all their requirements for plan approval.**

***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 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 plan presented does not show the easement by which the subject land has access through the Love Creek Elementary School campus but the plan suggests that the*

*easement addresses only the area near Route 24, where access is proposed. DelDOT anticipates that the proposed entrance will be congested at the beginning and end of each school day. Accordingly, DelDOT recommends that the developer pursue an expanded easement and connect to the school driveway in the area of Block 14 as well.*

*Further regarding the easement through the school campus, DelDOT, recommends in accordance with Section 3.5 of the Manual, that the developer pursue access through the school campus and Delaware State Police Troop 7 to Mulberry Knoll Road (Sussex Road 284).*

**Access through the school campus and Troop 7 has been requested and was denied.**

- *DelDOT recommends that the head-in parking proposed near the mailboxes and pool be changed to parallel parking to eliminate the need for residents to back out onto a relatively busy street.*

**The internal subdivision streets will not be busy enough that one could not back out of a parking space. Rehoboth Avenue has head in parking, and it is much busier than this location.**

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.*

**No substations are proposed.**

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

**Acknowledged.**

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

**Acknowledged.**

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

**Concerns Identified Within the Development Footprint**

**Old Growth Forest**

*The preliminary plan proposes an 84-unit subdivision on 21.62 acres along Route 24 in Sussex County, which includes the elimination of 4.26 of 9.26 acres of forest on the site. An analysis of historical data indicates that the forest area has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.*

- *Avoid removing forested areas for development to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water*

*quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.*

**Tree clearing has been minimized as much as possible with respect to the requested density. Further attempts to minimize tree clearing will be made during the construction plan phase of the project.**

- *A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.*

**This information will be taken into consideration. Approximately 4.9 acres of woods are being preserved.**

- *To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.*

**Acknowledged.**

- *Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### **Natural Areas**

- *Reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and cutting of forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.*

**Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.**

- *The developer could also investigate dedicating forested areas on the site as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*

**We will contact DNREC if the developer or HOA decides to pursue this option.**

- *Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>*

### **Delaware Ecological Network**

*The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.*

- *Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.*

Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.

- *Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### **State of Delaware Rare, Threatened, or Endangered Species**

*The following animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area. Likewise, the natural habitats for these species also exist on this site, consisting of deciduous or mixed deciduous-coniferous woodlands with wetlands for breeding.*

<b>Scientific Name</b>	<b>Common Name</b>	<b>Taxon</b>	<b>State Rank</b>	<b>State Status</b>	<b>SGCN Tier</b>	<b>Federal Status</b>
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	Amphibian	S1	E	1	
<i>Hyla gratiosa</i>	Barking Treefrog	Amphibian	S1	E	1	
<i>Hyla chrysoscelis</i>	Cope's Gray Treefrog	Amphibian	S2		2	

*Please visit the following website for definitions on the specified State Rank, state Status, and Global Ranking: <http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.*

- *To minimize negative impacts to these species, we recommend that natural habitats of forest and wetlands be conserved to the maximum extent practicable.*

Nearly Five acres of woods are being preserved and a forested buffer is being planted along three sides of the property. A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands.

- *For threatened or endangered turtles and salamanders located in proposed developments containing forest habitat and wetlands, design the development to exclude traditional street curb and gutter systems. Instead, utilize vegetated swales or other road curbing (such as Cape Cod curbing) that allows small animals to climb out of the roadbed. This is preferred over steep, vertical curbing.*

Rolled (mountable) curbing is proposed for the internal streets.

- *Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.*

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

### ***Vegetated Buffer Zones***

- *Incorporate a 100-foot vegetated buffer zone from the edge of freshwater forested wetlands to protect water quality.*
- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*
- *In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

**A 50' wetlands buffer is being provided with most lots being located greater than 100' from the wetlands. This area will be mostly existing forest.**

- *Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

### ***Stormwater Management***

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

**The stormwater management design will utilize best management practices to meet SCD water quality standards.**

### ***General Drainage Recommendations***

- *All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or*

*the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.*

**No ditches are proposed to be cleaned as part of this project. If it is necessary to clean the ditches to ensure positive drainage the appropriate authorities will be notified.**

- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*

**No upstream areas are draining through this site. The project will be evaluated to ensure no adverse impact is created to downstream conveyances.**

- *Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.*
- *Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.*
- *Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>*

**DBF thanks the DNREC Drainage Section for their comments and will take them into consideration during the construction plan phase of the design.**

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

- *Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.*
- *For the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/eef](http://www.de.gov/eef).*
- *Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.*

- *Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.*

**These comments will be taken into consideration during the construction plan phase of the design.**

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

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

**DBF thanks the Fire Marshal's office for providing the above information. We will work with the fire marshal's office to develop a plan that meets all their requirements for plan approval.**

**Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062**

- *A pair of companion bus stops are needed, each far-side of the intersection with the schools. Both stops should be Type 2 17'x8' shelter pads and placed at least 50' from the intersection.*

**As per the pre-submittal meeting this will not be required by the developer and should be part of the SR 24 project.**

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- *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](http://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.*

**DBF thanks the Sussex County Housing office for their comments. The developer has been made aware of Sussex County's "Affordable Housing Support Policy" and will contact the Community Development & Housing Department if they wish to pursue those opportunities.**

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,

DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

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

January 26, 2022

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **School Lane** (fka Howeth Property)  
Chapter 89: Source Water Protection  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

On behalf of our client, J.G. Townsend Jr. & Co., we are submitting this letter demonstrating that the project will comply with Chapter 89 Source Water Protection of the Sussex County Code. The above parcel of land is not located within the Excellent Groundwater Recharge Area, or the Wellhead Protection Area as depicted on DNREC's maps.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
*DAVIS, BOWEN & FRIEDEL, INC.*



Cliff Mumford, P.E.  
Associate

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

July 30, 2021

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

Attn: Jamie Whitehouse, AICP, MRTPI  
Director

Re: **Howeth Property**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 334-12.00-16.04  
DBF #: 2261J013

Dear Mr. Whitehouse:

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

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.* The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of grass lined swales and 48-hour wet extended detention basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.* The proposed project is located in Tidewater Utilities franchise area, and they hold the Certificate of Public Necessity (CPCN). Tidewater has a 12" water main along the project frontage for connection. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 21,000 gallons per day and a peak use of 63,000 gallons per day.
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the*

*quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub along the frontage of SR24.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*  
As stated by DelDOT in the PLUS comments dated December 16, 2020, this project is located within the Henlopen TID and will be required to pay a fee per dwelling unit. DBF is working with DelDOT to finalize the contribution amount and mitigate impacts to the roadway system.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* As stated in the PLUS review comments the Eastern Tiger Salamander, the Barking Treefrog, and the Cope's Gray Treefrog have been documented within the project area. The Eastern Tiger Salamander and the Barking Treefrog are listed on DNREC's website of endangered species, the Cope's Gray Treefrog is listed as a rare species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*  
No wetlands are proposed to be disturbed as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and multi-use sports field.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will also construct a shared-use path or sidewalk along the frontage of SR24, which is approximately 500' long. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* A future land use map amendments has been submitted to the Office of State Planning to change the future land use of this parcel from commercial to residential. If that is successful the proposed application and mitigation measures will comply with the current Sussex County

**Comprehensive Plan.**

- (1) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan as mentioned in item K.*

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.

A handwritten signature in blue ink that reads "Cliff Mumford".

Cliff Mumford, P.E.  
Associate



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch

23 November 2020

SUBJECT: Approved Jurisdictional Determination CENAP-OPR-2020-664-23  
Project Name: J.G. Townsend, Jr. and Company  
Coordinates: Lat. 38.713215°N/-75.154150°W

Thomas D. Nobile  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Nobile:

This approved jurisdictional determination (AJD) is provided in response to your request of September 10, 2020 on behalf of J.G. Townsend, Jr., and Company for a Corps of Engineers determination of federal jurisdiction as it relates to a site located at Tax Map Parcel 334-12.00-16.04, Lewes and Rehoboth Hundred, Sussex County, Delaware.

The findings of this AJD are documented in the enclosed AJD Form. The findings are also depicted on a site plan prepared by Atlantic Surveying and Mapping LLC, dated February 11, 2018, and titled: Boundary of Waters of the United States Including Wetlands Subject to Corps of Engineers Regulatory Program, Lands of J.G. Townsend, Jr. & Co., Lewes and Rehoboth Hundred, Sussex County, Delaware, 334-12.00-16.04, one sheet.

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

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

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

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

Mr. James W. Haggerty  
Regulatory Program Manager (CENAD-PD-OR)  
United States Army Corps of Engineers, North Atlantic Division  
Fort Hamilton Military Community, Bldg. 301, General Lee Avenue  
Brooklyn, NY 11252-6700  
James.W.Haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 24 January 2020.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at (302) 736-9764, or by email at [john.g.brundage@usace.army.mil](mailto:john.g.brundage@usace.army.mil).

Sincerely,

BRUNDAGE.JOH  
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John G. Brundage  
Senior Staff Biologist  
Regulatory Branch

Enclosures



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

January 20, 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 **J.G. Townsend Jr. & Co.** rezoning application, which we received on December 17, 2020. This application is for an approximately 21.83-acre parcel (Tax Parcel: 334-12.00-16.04). The subject land is located on the northwest side of Delaware Route 24, approximately 1,400 feet southwest of Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium Density Residential) to develop 84 townhomes (multi-family low-rise housing).

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 84 townhomes would generate 594 vehicle trips per day, 40 vehicle trips during the morning peak hour, and 51 vehicle trips during the evening peak hour. These numbers of trips meet DeIDOT's warrants for requiring a Traffic Impact Study (TIS).

However, the subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DeIDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it. For residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to





Mr. Jamie Whitehouse

Page 2 of 2

January 20, 2021

pay a fee per dwelling unit in lieu of doing a TIS and making off-site improvements in accordance therewith. The proposed development is consistent with the LUTP, therefore, the developer will be required to pay the TID fee as stated above. Any improvements required by DeIDOT beyond the site entrance construction will be creditable toward the fee.

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

A review of TIS completed in the last five years found that a TIS was completed for the Belle Terre development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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 Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

Enclosure

cc: J.G. Townsend Jr. & Co., 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  
Sarah Coakley, Principal Planner, Regional Systems Planning  
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  
Annamaria Furmato, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN  
SECRETARY

June 23, 2016

Ms. Betty Tustin  
The Traffic Group, Inc.  
104 Kenwood Court  
Berlin, MD 21811

Dear Ms. Tustin

The enclosed Traffic Impact Study (TIS) review letter for the **Belle Terre** residential development (Tax Parcels 334-12.00-17.00, 18.00, 19.00 and 20.00) has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel  
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Frank Kea, Solutions IPEM  
Ms. Constance C. Holland, Office of State Planning Coordination  
Mr. Lawrence Lank, Sussex County Planning and Zoning  
Ms. Janelle Cornwell, Sussex County Planning and Zoning  
Mr. Andrew Parker, McCormick Taylor, Inc.  
DelDOT Distribution

## DelDOT Distribution

Annie Cordo, Deputy Attorney General  
Robert McCleary, Director, Transportation Solutions (DOTS)  
Drew Boyce, Director, Planning  
Mark Luszcz, Chief Traffic Engineer, Traffic, DOTS  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Peter Haag, Traffic Studies Manager, Traffic, DOTS  
Alastair Probert, South District Engineer, South District  
Gemez Norwood, South District Public Works Manager, South District  
Jay Sammons, South District Permit Supervisor, South District  
Steve Sisson, Sussex Subdivision Coordinator, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Mark Galipo, Traffic Engineer, Traffic, DOTS  
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning  
Claudy Joinville, Project Engineer, Development Coordination  
Scott Johnson, Subdivision Manager, Development Coordination



June 23, 2016

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1655  
Traffic Impact Study Services  
**Task No. 1 Subtask 16A – Belle Terre**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Belle Terre residential development prepared by The Traffic Group, Inc. (TTG), dated February 2016. This review was assigned as Task Number 1 (Subtask 16A). TTG prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TIS evaluates the impacts of the Belle Terre residential development, proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. The proposed development would include 200 single-family detached houses and 178 townhouses on approximately 124 acres of land. One full access point is proposed on Mulberry Knoll Road, which will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists. Construction is anticipated to be complete by 2023.

The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).



The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.

The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T20111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.



Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 & Mulberry Knoll Road	Unsignalized	2015 Existing AM & Saturday (Case 1); 2023 AM, PM & Saturday without and with Belle Terre (Case 2 & 3); 2023 AM, PM & Saturday with Belle Terre and DelDOT Improvements (Case 3)
Delaware Route 24 & Plantation Road / Warrington Road	Signalized	2023 PM & Saturday without and with Belle Terre (Case 2 & 3)

The unsignalized intersection of Delaware Route 24 and Mulberry Knoll Road exhibits LOS deficiencies during existing and future conditions, even with the improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project. These planned improvements consist of adding separate left-turn lanes on the Delaware Route 24 approaches. Without Belle Terre or any roadway improvements, the anticipated LOS deficiencies would occur on the northbound and southbound Mulberry Knoll Road approaches, and the expected worst-case 95<sup>th</sup> percentile queue length is 170 feet for the southbound approach during the future summer Saturday peak hour.

Analysis of the intersection of Delaware Route 24 and Mulberry Knoll Road with the proposed Belle Terre development traffic included (but without any intersection improvements) indicates that delays and queue lengths for the southbound Mulberry Knoll Road approach would increase significantly. Under this scenario, the projected 95<sup>th</sup> percentile queue lengths for southbound Mulberry Knoll Road are 635 feet during the AM peak hour, 415 feet during the PM peak hour, and 500 feet during the summer Saturday peak hour. Analyzed with the improvements included in DelDOT's SR 24, Love Creek to Mulberry Knoll Road project, significant delays on the southbound Mulberry Knoll Road approach would persist and the projected 95<sup>th</sup> percentile queue lengths for the southbound approach would be 600 feet, 395 feet, and 455 feet during those same three peak hours.

Based on previous traffic studies at the intersection of Delaware Route 24 and Mulberry Knoll Road, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. However, based on the capacity analysis included in the TIS, it appears that the installation of a traffic signal at the intersection of Delaware Route 24 and Mulberry Knoll Road would mitigate the LOS deficiencies that would occur with the Belle Terre development traffic included. To address these LOS deficiencies, the developer should improve the intersection, and should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal at this intersection, as described below in Item Nos. 2 and 3.



The signalized intersection of Delaware Route 24 and Plantation Road/Warrington Road exhibits LOS deficiencies during future conditions with and without Belle Terre during the PM and summer Saturday peak hours. Acceptable LOS would be achieved for all future cases with the improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project. These planned improvements include the addition of a second through lane along both directions of Delaware Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The SR 24, Mulberry Knoll Road to SR 1 Project is scheduled for construction in FY 18 and 19.

Per the State of Delaware Preliminary Land Use Service (PLUS) comments dated September 22, 2015, DelDOT recommends that the developer obtain a right-of-way to replace the existing easement for the driveway by which the site would have access to Mulberry Knoll Road.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should construct the site entrance on Mulberry Knoll Road. This proposed entrance driveway would replace the existing unpaved residential driveway located approximately 1,800 feet northwest of the intersection of Delaware Route 24 and Mulberry Knoll Road, labeled as Dorman Farm Lane in the Site Location Map on Page 10. The proposed configuration is shown in the table below:

<b>Approach</b>	<b>Current Configuration</b>	<b>Proposed Configuration</b>
Northbound Mulberry Knoll Road	One through lane (allowing left turns onto unpaved driveway)	One shared through/left-turn lane and one bypass lane
Southbound Mulberry Knoll Road	One through lane (allowing right turns onto unpaved driveway)	One through lane and one right-turn lane
Eastbound Site Entrance	Approach does not exist (except for unpaved driveway)	One shared left/right-turn lane

Based on earlier coordination between the developer and DelDOT, the initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes / bypass lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.



Approach	Left-Turn or Bypass Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	105-foot full-width bypass lane, plus 75-foot tapers	N/A
Southbound Mulberry Knoll Road	N/A	190 feet
Eastbound Site Entrance	N/A	N/A

It is noted that the construction and use of the proposed site entrance driveway providing access to Mulberry Knoll Road will require use of an existing easement through the property on the northeast side of the proposed development. DelDOT recommends that the developer obtain a right-of-way to replace this existing easement. This driveway could also have an impact on access to the proposed Delaware State Police (DSP) Troop 7 site, to be located just to the south on Mulberry Knoll Road. The Belle Terre developer must coordinate with DelDOT's Development Coordination Section and the owner of the adjacent property (DSP site), as the design details for access to both the Belle Terre site and the DSP site will need to be determined during the site plan review process.

2. The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Mulberry Knoll Road	One shared left/through/right-turn lane	One shared through/left-turn lane and one right-turn lane
Eastbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane
Westbound Delaware Route 24	One shared through/left-turn lane and one right-turn lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final design details including final turn-lane lengths during the site plan review process. The design of this intersection must accommodate DelDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project*.



Approach	Left-Turn Lane	Right-Turn Lane
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	TBD *
Eastbound Delaware Route 24	400 feet **	125 feet ***
Westbound Delaware Route 24	125 feet **	125 feet ***

\* Due to existing constraints including buildings on the northwest corner of the intersection, no initial turn-lane length is provided. Design details and length of the southbound right-turn lane must be determined during the site plan review process.

\*\* turn-lane length per concept plans for DelDOT's *SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project*.

\*\*\* indicates existing turn lane length; final length to be determined by DelDOT during site plan review process

Should DelDOT's *SR 24, Mulberry Knoll Road to SR 1 Improvement Project* advance to construction prior to improvements being made by the developer at the intersection of Delaware Route 24 and Mulberry Knoll Road, the developer should coordinate with DelDOT regarding an equitable share contribution toward the DelDOT project. The amount of the contribution should be determined through coordination with DelDOT's Development Coordination Section. In this situation, there could still be additional improvements that the developer would be responsible for at this intersection after the DelDOT project is constructed (possibly including but not limited to signalization of the intersection if a traffic signal is not included as part of the DelDOT project).

3. The developer should enter into a traffic signal agreement with DelDOT regarding the design and construction of a traffic signal for the intersection of Delaware Route 24 and Mulberry Knoll Road. The agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. The developer should coordinate with DelDOT regarding design details and implementation of the traffic signal. The agreement should provide for installation and activation of the signal at DelDOT's discretion. One or more other developers may enter into a traffic signal agreement for this intersection as well.
4. The following bicycle and pedestrian improvements should be included:
  - a. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of the right-turn lane added to southbound Mulberry Knoll Road at the site entrance.
  - b. Adjacent to the right-turn lane added to southbound Mulberry Knoll Road at the site entrance, a minimum of a five foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.



- c. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
- d. Utility covers should be made flush with the pavement.
- e. If a clubhouse or other community facility is constructed as shown on the conceptual site plan, bike parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- f. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be considered within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards.
- g. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to eliminate vehicular overhang onto the sidewalk.
- h. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
- i. A multi-use pedestrian/bicycle connection should be constructed between the proposed Belle Terre development and the proposed Love Creek Elementary School. The developer should coordinate with DelDOT and representatives of the Love Creek Elementary School and the adjacent Saddle Ridge residential development regarding the potential for direct pedestrian/bicycle connections between the developments and the proposed elementary school. The pedestrian/bicycle connection(s) between these properties should not be adjacent to Mulberry Knoll Road or Delaware Route 24.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at [http://www.deldot.gov/information/pubs\\_forms/manuals/de\\_mutcd/index.shtml](http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml). For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DelDOT’s Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at [Adam.Weiser@state.de.us](mailto:Adam.Weiser@state.de.us).



Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (302) 738-0203 or through e-mail at [ajparker@mtmail.biz](mailto:ajparker@mtmail.biz) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, P.E., PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** February 2016

**Prepared by:** The Traffic Group, Inc. (TTG)

**Prepared for:** Arcaro Ventures D., LLC

**Tax parcel:** 334-12.00-17.00, 18.00, 19.00 and 20.00

**Generally consistent with DeIDOT's *Development Coordination Manual*:** Yes

**Project Description and Background**

**Description:** The proposed residential development would include 200 single-family detached houses and 178 townhouses.

**Location:** The Belle Terre residential development is proposed to be located south of Mulberry Knoll Road (Sussex Road 284) and west of Delaware Route 24 (John J. Williams Highway / Sussex Road 24) in Sussex County, Delaware. A site location map is included on Page 10.

**Amount of land to be developed:** approximately 123.75 acres of land

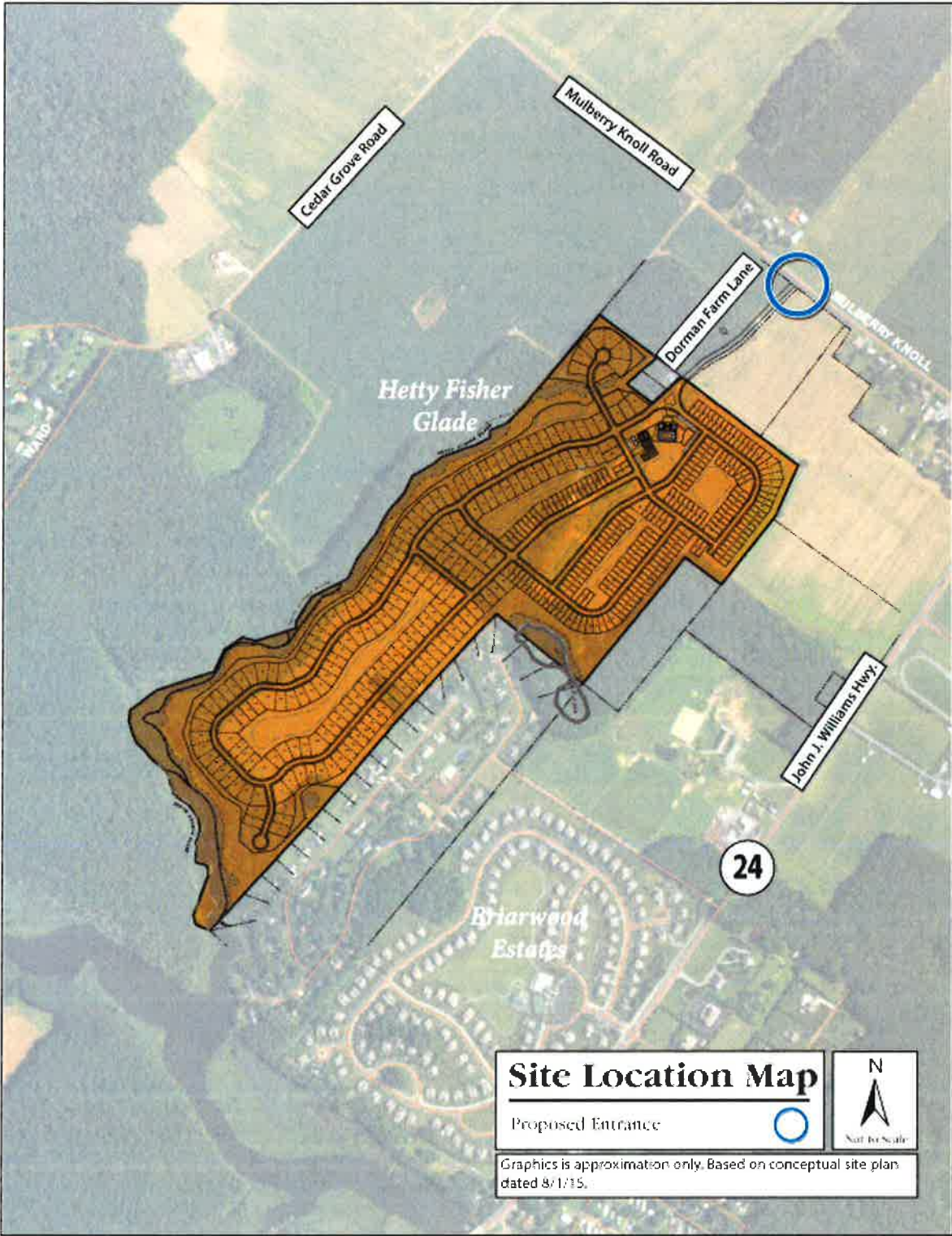
**Land use approval(s) needed:** Subdivision approval. The land is currently zoned as AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay.

**Proposed completion date:** 2023

**Proposed access locations:** One full access point is proposed on Mulberry Knoll Road. The proposed access will require use of an existing easement through the property on the northeast side of the proposed development. No direct access to the parcel currently exists.

**Daily Traffic Volumes (per DeIDOT Traffic Summary 2014):**

- 2014 Average Annual Daily Traffic on Mulberry Knoll Road: 668 vpd



## **2015 Delaware Strategies for State Policies and Spending**

**Location with respect to the Strategies for State Policies and Spending Map of Delaware:**  
The proposed Belle Terre development is located within an Investment Level 2 area.

### *Investment Level 2*

Investment Level 2 Areas are areas prepared for growth and where the state can make cost-effective infrastructure investments for schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 2 Areas serve as transition areas between Level 1 and the state's more open, less populated areas.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Belle Terre residential development is located within an Investment Level 2 area, and is to be developed as 200 single-family detached homes and 178 townhomes. This type of development is generally consistent with the character of Investment Level 2 areas, where a mix of housing options is encouraged. The Delaware Route 24 corridor is becoming increasingly developed and is characteristic of Investment Level 2 areas, as it links the commercial SR 1 corridor and beach resort area with rural Sussex County. DelDOT plans to make improvements along the Delaware Route 24 corridor and DART recently added a new year-round bus route to accommodate the continuing growth. A new elementary school is also proposed adjacent to the Belle Terre development to serve the growing area, which is another sign of Investment Level 2 type development. The proposed development appears to generally comply with the policies stated in the 2015 "Strategies for State Policies and Spending."

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan Update, June 2008)*

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed development parcel is within the Environmentally Sensitive Developing Area (categorized as a Growth Area).

Growth Areas, including the Environmentally Sensitive Developing Area, are designed to accommodate concentrated levels of development. The Environmentally Sensitive Developing Area has been designated by Sussex County for large areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays). This designation recognizes two characteristics of these areas. First, these regions are among the most desirable locations in Sussex County for new housing, as reflected in new construction data and real estate prices. Second, these regions contain ecologically important wetlands and other coastal lands that help absorb floodwaters and provide extensive habitat for native flora and fauna. These areas also have great impacts upon the water quality of the bays and inlets and upon natural habitats.

The challenge in these regions is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets that: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates reasonable. The County has major initiatives to extend public sewer service to replace failing on-site systems in many of these areas. Very careful control of stormwater runoff is an extremely important concern to keep sediment and other pollutants out of the inland bays.

The following major guidelines should apply to future growth in Environmentally Sensitive Developing Areas:

*Permitted Uses* – Environmentally Sensitive Developing Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Environmentally Sensitive 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 to arterial roads. Careful mixtures of homes with light commercial 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. Industrial zones are regulated by the Delaware Coastal Zone Act, which restrict heavy industry and bulk transfer.

*Densities* – The Environmentally Sensitive Developing Areas function as an “overlay” area to several underlying zoning districts. It may be advisable for legal reasons to convert this overlay area into regular zoning districts, while maintaining the current standards. Most of the Environmental Sensitive Developing Areas should continue to allow 2 homes per acre. The option should exist to go up to 4 units per acre if the developer uses optional density bonuses. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.

The County may also consider an additional layer of protection in the Environmentally Sensitive Developing Areas. Tidal wetland area could be subtracted from the total tract size so that “net” tract size is used as the basis for calculating how much development is allowed.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

*Infrastructure* – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre.

**Proposed Development’s Compatibility with Comprehensive Plan:** The proposed Belle Terre residential development is planned to be developed as a mix of housing with 200 single-family detached homes and 178 townhomes. The proposed development appears to comply with the characteristics of Growth Areas in general as well as the *Permitted Uses* for the Environmentally Sensitive Developing Area.

The site is currently zoned AR-1 (Agricultural Residential) within Sussex County, and the developer proposes to rezone the land to MR (Multi-Density Residential District) with an RPC (Residential Planned Community) overlay. The purpose of the Medium-Density Residential District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. Permitted uses include detached single family dwellings but not manufactured homes. Multifamily dwelling structures and townhomes may be permitted as conditional uses, pending approval through the Sussex County site plan review process.

While the uses proposed for this site appear to be permitted in the Multi-Density Residential District, there are specific regulations that must be followed for each type of use. In particular, there are regulations and densities pertaining to the proposed housing that need to be met and/or approved through the Sussex County site plan review process. As such, this development raises questions regarding consistency with the Sussex County Comprehensive Plan, and thus requires additional discussion.

#### **Relevant Projects in the DelDOT Capital Transportation Program**

DelDOT currently has five relevant projects in the study area. The first project is the Cedar Grove/Postal Lane Intersection Realignment Project at Plantation Road, which was recently completed and opened to traffic. Prior to this project, Postal Lane (Sussex Road 283) intersected Plantation Road (Sussex Road 275) approximately 150' north of the intersection with Cedar Grove Road (also Sussex Road 283). This project realigned the two offset stop-controlled T-intersections to create one four-leg intersection controlled by a traffic signal. The project included separate left-turn, through and right-turn lanes on each leg of the intersection, bicycle lanes, sidewalks, and street lighting. Construction of this project was completed in early 2015.

The next two projects described below involve improvements on Delaware Route 24, with one project from Love Creek to Mulberry Knoll Road and the other from Mulberry Knoll Road to Delaware Route 1 (Sussex Road 14).

The SR 24, Mulberry Knoll Road to SR 1 Improvement Project (State Contract No. T200411209) involves the widening of Delaware Route 24 to facilitate the continuation of the existing four-lane section with auxiliary turn lanes to west of Plantation Road, where it will tie in to the existing roadway section. The southbound Plantation Road approach and northbound Warrington Road approach will also be widened to provide one left turn-lane, one shared through/left-turn lane, one through lane, and one right-turn lane on each approach. The project also includes the addition of a third left-turn lane on the eastbound approach of Delaware Route 24 at the Delaware Route 1 intersection. For this project, preliminary engineering is complete, right-of-way acquisition is currently underway, and construction is scheduled for FY 18 and 19.



The SR 24, Love Creek Bridge to Mulberry Knoll Road Improvements Project (State Contract No. T201212201) consists of safety and operational improvements on Delaware Route 24, including but not limited to the addition of separate left-turn lanes along the Delaware Route 24 approaches to the Mulberry Knoll Road intersection, turn lane modifications at the Beacon Middle School entrance, and adding bike lanes in along some sections. Earlier versions of this project had included widening Delaware Route 24 to include two through lanes in each direction, but the widening is no longer proposed. Based on previous traffic studies at the Mulberry Knoll Road intersection, DelDOT had determined that a traffic signal was not warranted at that time and a signal was not included as part of the DelDOT improvements project. This project is currently in the conceptual design phase with right-of-way acquisition scheduled for FY 18 and 19 and construction scheduled for FY 20 and 21.

The SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements project (State Contract No. T200612501) has enhanced pedestrian safety in the beach area by providing sidewalks along Delaware Route 1 along with new pedestrian crossings of Delaware Route 1 at numerous locations. At the Delaware Route 24 intersection, the SR 1 Pedestrian Improvements project includes adding sidewalk along northbound and southbound Delaware Route 1, along with a new crosswalk and pedestrian signals across the west leg (SR 24) of the intersection. This project was just completed in June 2016.

The Plantation Road Improvements, SR 24 to US 9 Project (State Contract No. T201111201) will provide operational improvements along Plantation Road from Delaware Route 24 to US Route 9. The project will include adding and modifying turn lanes, bypass lanes, and various intersection improvements and safety improvements. The preliminary engineering phase is scheduled to begin in FY 17 with construction to begin in FY 22 at the earliest.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Ninth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 200 Single-Family Detached Homes (ITE Land Use Code 210)
- 178 Townhouses/Condominiums (ITE Land Use Code 230)

Table 1  
BELLE TERRE PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			SAT Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
200 single-family detached houses	38	112	150	123	73	196	101	86	187
178 townhouses/condominiums	14	68	82	64	32	96	51	43	94
<b>TOTAL TRIPS</b>	<b>52</b>	<b>180</b>	<b>232</b>	<b>187</b>	<b>105</b>	<b>292</b>	<b>152</b>	<b>129</b>	<b>281</b>

Table 2  
BELLE TERRE DAILY TRIP GENERATION

Land Use	Weekday Daily			Saturday Daily		
	In	Out	Total	In	Out	Total
200 single-family detached houses	994	994	1988	967	967	1934
178 townhouses/condominiums	531	531	1062	536	536	1072
<b>TOTAL TRIPS</b>	<b>1525</b>	<b>1525</b>	<b>3050</b>	<b>1503</b>	<b>1503</b>	<b>3006</b>

**Overview of TIS**

**Intersections examined:**

- 1) Mulberry Knoll Road & Proposed Site Access
- 2) Delaware Route 24 & Mulberry Knoll Road
- 3) Delaware Route 24 & Warrington Road / Plantation Road
- 4) Delaware Route 24 & Bryn Mawr Drive
- 5) Delaware Route 24 & Rehoboth Mall Back Entrance
- 6) Delaware Route 24 & Delaware Route 1
- 7) Mulberry Knoll Road & Cedar Grove Road
- 8) Plantation Road & Cedar Grove Road / Postal Lane
- 9) Postal Lane & Oak Lane / Bethpage Drive

10) Delaware Route 1 & Postal Lane / Melson Road

**Conditions examined:**

- 1) 2015 existing conditions (Case 1)
- 2) 2023 without Belle Terre residential development (Case 2)
- 3) 2023 with Belle Terre residential development (Case 3)

**Peak hours evaluated:** Weekday morning and evening and Saturday mid-day peak hours

**Committed developments considered:**

- 1) Love Creek Elementary School (720 student elementary school)
- 2) Pelican Landing (87,800 square-foot shopping center)
- 3) Saddle Ridge a.k.a. Windswept (81 single-family detached homes)
- 4) Osprey Point (170 single-family detached homes, 180 townhomes)
- 5) Arbor-Lyn (80 townhomes, 60 apartments, 60 single-family detached homes)
- 6) Redden Ridge (84 single-family detached homes)
- 7) Delaware State Police Troop 7

**Intersection Descriptions**

**1) Mulberry Knoll Road & Proposed Site Access**

**Type of Control:** proposed two-way stop-controlled (T-intersection)

**Northbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane

**Southbound approach:** (Mulberry Knoll Road) existing one through lane, proposed one shared through/right-turn lane

**Eastbound approach:** (Proposed Site Access) existing residential driveway (gravel), proposed one shared left/right-turn lane, stop-controlled

**2) Delaware Route 24 & Mulberry Knoll Road**

**Type of Control:** two-way stop-controlled (four-leg intersection)

**Northbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled

**Southbound approach:** (Mulberry Knoll Road) one shared left/through/right-turn lane, stop-controlled

**Eastbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

**Westbound approach:** (DE Route 24) one shared through/left-turn lane and one right-turn lane

- 3) **Delaware Route 24 & Plantation Road/Warrington Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Warrington Road) one left-turn lane, one through lane and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, one through lane and one right-turn lane
  
- 4) **Delaware Route 24 and Bryn Mawr Drive**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Southbound approach:** (Bryn Mawr Drive) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (DE Route 24) one left-turn lane and two through lanes  
**Westbound approach:** (DE Route 24) two through lanes and one right-turn lane
  
- 5) **Delaware Route 24 & Rehoboth Mall Back Entrance**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Rehoboth Mall) one shared through/left-turn lane and one right-turn lane  
**Southbound approach:** (Hudson Way) one shared through/left-turn lane and one right-turn lane  
**Eastbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane  
**Westbound approach:** (DE Route 24) one left-turn lane, two through lanes, and one right-turn lane
  
- 6) **Delaware Route 24 & Delaware Route 1**  
**Type of Control:** signalized three-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one bus/bike/downstream-right-turn lane  
**Southbound approach:** (DE Route 1) one u-turn lane, three through lanes, and one bus/bike/right-turn lane  
**Eastbound approach:** (DE Route 24) two left-turn lanes and two right-turn lanes
  
- 7) **Mulberry Knoll Road & Cedar Grove Road**  
**Type of Control:** two-way stop-controlled (T-intersection)  
**Northbound approach:** (Mulberry Knoll Road) one shared left/right-turn lane, stop-controlled  
**Eastbound approach:** (Cedar Grove Road) one shared through/right-turn lane  
**Westbound approach:** (Cedar Grove Road) one shared through/left-turn lane

- 8) **Plantation Road & Cedar Grove Road / Postal Lane**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Southbound approach:** (Plantation Road) one left-turn lane, one through lane, and one right-turn lane  
**Eastbound approach:** (Cedar Grove Road) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 9) **Postal Lane & Oak Lane / Bethpage Drive**  
**Type of Control:** two-way stop-controlled (four-leg intersection)  
**Northbound approach:** (Bethpage Drive) one shared through/left-turn and one right-turn lane, stop-controlled  
**Southbound approach:** (Oak Lane) one shared left/through/right-turn lane, stop-controlled  
**Eastbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane  
**Westbound approach:** (Postal Lane) one left-turn lane, one through lane, and one right-turn lane
- 10) **Delaware Route 1 & Postal Lane / Melson Road**  
**Type of Control:** signalized four-leg intersection  
**Northbound approach:** (DE Route 1) two left-turn lanes, three through lanes, and one right-turn lane  
**Southbound approach:** (DE Route 1) one left-turn lane, three through lanes, and one right-turn lane  
**Eastbound approach:** (Postal Lane) two left-turn lanes, one through lane and one right-turn lane  
**Westbound approach:** (Melson Road) two left-turn lanes, one through lane and one right-turn lane

### **Safety Evaluation**

**Crash Data:** Crash data was obtained for November 5, 2012 through November 5, 2015 for Delaware Route 24 from Mulberry Knoll Road to SR 1 and for Cedar Grove Road/Postal Lane from Mulberry Knoll Road to SR 1.

Along the Cedar Grove Road/Postal Lane corridor, the crash data request returned a total of 55 crashes for the three-year period. Of the 55 total crashes, 10 crashes (18%) resulted in personal injury. There were no fatal crashes and two alcohol-related crashes, one of which resulted in personal injury. There was one crash involving a motorcycle and zero crashes involving pedestrians/bicyclists. The most common types of crashes were rear-end crashes (36%), angle crashes (25%) and single-vehicle crashes (18%). The majority of crashes occurred during daylight (76%) with dry pavement conditions (52%). The primary contributing circumstances

include driver inattention/distraction/fatigue (24%), following too close (15%) and failure to yield the right-of-way (13%). 22 of the 55 total crashes (40%) occurred at the dog-leg intersection at Plantation Road. This intersection has since been realigned to a signalized four-leg intersection, which should improve safety at the intersection.

Along the Delaware Route 24 corridor, the crash data request returned a total of 123 crashes for the three-year period. Of the 123 total crashes, 23 crashes (19%) resulted in personal injury. There was one fatal crash that was alcohol-related. The most common types of crashes were rear-end crashes (49%) and angle crashes (27%), and 7% of crashes involved a single vehicle. The majority of crashes occurred during daylight (68%) with dry pavement conditions (78%). The primary contributing circumstances include driver inattention/distraction/fatigue (40%), failure to yield the right-of-way (14%), following too close (13%), and disregarding a traffic signal (8%). Of the 123 total crashes, 103 (84%) occurred at intersections along the study corridor. A breakdown of crashes by intersection along Delaware Route 24 is as follows:

- Delaware Route 24 & Mulberry Knoll Road
  - 14 crashes reported (including 1 fatality)
- Delaware Route 24 & Plantation Road / Warrington Road
  - 32 crashes reported
- Delaware Route 24 & Rehoboth Mall Back Entrance
  - 14 crashes reported
- Delaware Route 24 & Delaware Route 1
  - 43 crashes reported

**Sight Distance:** With generally straight and flat roadways, and few potential visual obstructions, sight distance is adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were observed during field observations in the area.

### **Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** The Delaware Transit Corporation (DTC) operates a seasonal DART bus route (Route 207) and a new year-round bus route (Route 215), effective February 2016, in the study area. Route 207 serves Rehoboth / Long Neck / Pot-Nets from mid-May to mid-September. Route 215 runs between Rehoboth/Lewes and Millsboro via Delaware Route 24 with two round-trips in the morning and three in the afternoon. The nearest bus stops are at the Beebe Medical Center to the east and near the Love Creek Bridge to the west.

**Planned transit service:** TTG stated that a representative from the DTC was contacted regarding existing and planned service in the area, and that no transit related facilities were requested.

**Existing bicycle and pedestrian facilities:** According to DelDOT's Sussex County Bicycle Map, Mulberry Knoll Road is not identified as a bicycle route. Mulberry Knoll Road is a local road with 11' travel lanes and no shoulders. Nearby, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway, but it has no designated bike lanes near the

proposed development. According to the bicycle level of service (BLOS) calculator developed by the *League of Illinois Bicyclists*, Mulberry Knoll Road operates at BLOS F, while Delaware Route 24 operates at BLOS A. Statewide Bicycle Route 1 runs along Plantation Road and Warrington Road, crossing Delaware Route 24. Delaware Route 1 is a High-Traffic Connector Bicycle Route that includes a shared bus/bike/right-turn lane in both directions.

There are no existing pedestrian facilities at or near the proposed development. Mulberry Knoll Road is a local road with 11' lanes, no shoulders, and no sidewalks. Delaware Route 24 is a major collector with 12' lanes, 10' shoulders and no sidewalks near the proposed development. East of Mulberry Knoll Road, there is a section of disconnected sidewalks and bike lanes on either side of Delaware Route 24 near the Beebe Health Campus. The SR 1 Pedestrian Improvements Project has connected pre-existing sidewalk segments in the study area along both sides of Delaware Route 1, and a new crosswalk was installed across the Delaware Route 24 approach to the intersection with Delaware Route 1. The proposed development and internal roadway system is located in an existing farm field and wooded area.

**Planned bicycle and pedestrian facilities:** TTG contacted Mr. Anthony Aglio with DelDOT's Division of Planning via email on November 19, 2015 regarding planned or requested bicycle and pedestrian facilities in the area of this proposed development. Mr. Agilo requested that Mulberry Knoll Road be reconstructed in accordance with DelDOT's local road standards, and for a pedestrian connection from the proposed Belle Terre residential development to the proposed Love Creek Elementary School that is not adjacent to the roadway. The proposed elementary school is located immediately southeast of Belle Terre, with access proposed via Delaware Route 24 across from Beacon Middle School.

It is noted that DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project will include new sidewalk and bike lanes along both sides of Delaware Route 24 from Delaware Route 1 to just west of the intersection with Plantation Road/Warrington Road. Also, concept plans for the SR 24, Love Creek to Mulberry Knoll Road Project show future sidewalk being added along both sides of Delaware Route 24 from Love Creek Pines Lane to Spencer Lane/Williams Way along with bike lanes throughout the project area. DelDOT's SR 1 Pedestrian Improvements Project is anticipated to be complete in the summer of 2016.

### **Previous Comments**

All comments from DelDOT's Scoping Letter, Traffic Count Review, Preliminary TIS (PTIS) Review and other correspondence appear to have been addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For unsignalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data (using 3% HV where actual HV percentages were not available). For future conditions, the TIS assumed future HV equal to existing HV at some intersections. At other intersections, they assumed

future HV equal to existing HV or 3%, whichever was greater. The TIS also assumed 3% HV for future movements to and from the proposed site access points. McCormick Taylor assumed future HV to be the same as existing HV at all intersections, unless existing HV% for a particular movement was less than 3%, in which case 3% was used. McCormick Taylor assumed 3% HV for future movements to and from the proposed site access point.

- 2) For existing conditions, the TIS and McCormick Taylor determined, for each intersection, overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF for all intersections other than the proposed site entrance. At that location, the TIS assumed a PHF of 0.80 while McCormick Taylor assumed a PHF of 0.88.
- 3) For analyses of all signalized intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pcphpl per DelDOT's Development Coordination Manual.
- 4) The HCS analyses included in the TIS did not always reflect the lane widths observed in the field by McCormick Taylor. McCormick Taylor's HCS analyses incorporated our field-measured lane widths.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) The TIS generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses. In most cases, McCormick Taylor conservatively input no RTOR volumes for existing and future conditions analyses, but did analyze right-turn movements as overlapping protected left-turn phases. McCormick Taylor did input RTOR volumes for the intersection of SR 1 and Postal Lane, where a majority of right turns were made on red.



Table 3  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>1</sup> Two-Way Stop Control (T-intersection) Mulberry Knoll Road & Proposed Site Access	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
2023 without Belle Terre (Case 2)						
Eastbound Site Entrance	A (9.7)	A (9.4)	A (9.3)	A (9.5)	A (9.3)	A (9.3)
Northbound Mulberry Knoll Road - Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.4)	B (7.4)
2023 with Belle Terre (Case 3) <sup>2</sup>						
Eastbound Site Entrance	B (12.0)	B (12.7)	B (12.3)	B (11.2)	B (11.4)	B (11.2)
Northbound Mulberry Knoll Road - Left	A (7.7)	A (8.0)	A (7.8)	A (7.6)	A (7.9)	A (7.8)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> For Case 3, the TIS assumed the intersection would have a shared lane on all three approaches. McCormick Taylor assumed separate turn lanes on the northbound and southbound Mulberry Knoll Road approaches, as warranted by DelDOT's Auxiliary Lane Worksheet.

Table 4A  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>3</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>	Weekday AM	Weekday PM	Saturday Mid-Day <sup>4</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.9)	B (10.5)	A (9.5)	A (8.9)	B (10.5)	A (9.6)
Westbound DE Route 24 – Left	B (11.4)	A (9.7)	B (10.7)	A (11.5)	A (9.3)	B (10.9)
Northbound Mulberry Road	E (37.1)	D (29.6)	C (24.1)	E (38.4)	D (29.7)	D (25.6)
Southbound Mulberry Road	C (21.0)	C (24.0)	E (39.7)	C (21.6)	C (24.9)	E (49.1)
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (9.6)	B (11.7)	B (10.6)	A (9.7)	B (12.0)	B (10.8)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (76.8)	F (61.4)	E (38.4)	F (84.5)	F (61.5)	E (46.3)
Southbound Mulberry Road	E (47.4)	F (69.7)	F (134.7)	F (53.1)	F (77.4)	F (305.9)
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (92.9)	F (84.3)	E (45.9)	F (104.5)	F (87.9)	F (64.9)
Southbound Mulberry Road <sup>5</sup>	F (1757.5)	F (1178.1)	F (2492.0)	F (1981.4)	F (1260.4)	F (4146.1)
2023 with Belle Terre (Case 3) With DelDOT Improvements <sup>6</sup>						
Eastbound DE Route 24 – Left	A (9.8)	B (12.7)	B (11.2)	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	B (12.1)	B (10.5)	B (11.7)	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	F (74.1)	F (69.5)	D (33.8)	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>7</sup>	F (1347.0)	F (954.2)	F (1418.9)	F (1452.3)	F (977.7)	F (1808.2)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Manual count data was not provided for summer Saturday. The TIS assumed PHF = 0.95; McCormick Taylor used the default PHF = 0.92.

<sup>5</sup> For Case 3, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Rd. are as follows: approx. 25 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 20 vehicles during the summer Saturday peak hour.

<sup>6</sup> Improvements planned as part of DelDOT's SR 24, Love Creek to Mulberry Knoll Road Project (State Contract No. T201212201) include the addition of exclusive left-turn lanes along the eastbound and westbound DE Route 24 approaches.

<sup>7</sup> For Case 3 with DelDOT improvements, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 24 vehicles during the AM peak hour, 16 vehicles during the PM peak hour, and 18 vehicles during the summer Saturday peak hour.

Table 4B  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day <sup>9</sup>
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 1 <sup>10</sup>						
Eastbound DE Route 24 – Left	N/A	N/A	N/A	A (9.8)	B (13.0)	B (11.5)
Westbound DE Route 24 – Left	N/A	N/A	N/A	B (12.2)	B (10.1)	B (12.0)
Northbound Mulberry Road	N/A	N/A	N/A	F (79.1)	F (69.1)	E (36.7)
Southbound Mulberry Road <sup>11</sup>	N/A	N/A	N/A	F (568.1)	F (341.2)	F (792.7)

Signalized Intersection <sup>8</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Mulberry Knoll Road</b>						
2023 with Belle Terre (Case 3) With Improvement Option 2 <sup>12</sup>	C (32.7)	D (38.6)	D (37.1)	C (34.9) <sup>13</sup>	D (38.4) <sup>14</sup>	D (37.0) <sup>15</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> Manual count data was not provided for summer Saturday. McCormick Taylor used the default PHF = 0.92.

<sup>10</sup> Improvement Option 1 includes the DelDOT project improvements (State Contract No. T201212201) that would add eastbound and westbound left-turn lanes on Delaware Route 24, plus the addition of a right-turn lane on the southbound Mulberry Knoll Road approach.

<sup>11</sup> For Case 3 with Improvement Option 1, the 95<sup>th</sup> percentile queue lengths for SB Mulberry Knoll Road are as follows: approx. 10 vehicles during the AM peak hour, 6 vehicles during the PM peak hour, and 9 vehicles during the summer Saturday peak hour.

<sup>12</sup> Improvement Option 2 includes developer-proposed improvements consisting of converting the TWSC intersection to a signal controlled intersection, to go along with the DelDOT project improvements that would add eastbound and westbound left-turn lanes on Delaware Route 24. The TIS and McCormick Taylor assumed protected-permitted phasing for the Delaware Route 24 left-turn phases and permissive phasing for the Mulberry Knoll Road approaches.

<sup>13</sup> AM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 50 vehicles (1,250 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 18 vehicles for WB DE Route 24, and 14 vehicles for SB Mulberry Knoll Road.

<sup>14</sup> PM peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 25 vehicles for EB DE Route 24, 59 vehicles (1,475 feet) for WB DE Route 24 (adjacent signal at Plantation Road is approximately 3,000 feet east of Mulberry Knoll Road), and 11 vehicles for SB Mulberry Knoll Road.

<sup>15</sup> Summer Saturday peak hour 95<sup>th</sup> percentile queue lengths are as follows: approx. 58 vehicles (1,460 feet) for EB DE Route 24 (adjacent signal at Beacon Middle School is approximately 1250 feet west of Mulberry Knoll Road), 25 vehicles for WB DE Route 24, and 11 vehicles for SB Mulberry Knoll Road.

Table 5  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>16</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Warrington Road / Plantation Road</b>						
2015 Existing (Case 1)	C (28.1)	D (45.0)	D (50.3)	C (25.6)	D (40.0)	D (46.3)
2023 without Belle Terre (Case 2)	D (38.5)	E (76.9)	F (83.5)	D (35.5)	E (70.7)	E (75.4)
2023 with Belle Terre (Case 3)	D (41.7)	F (87.6)	F (89.9)	D (38.3)	F (80.1)	F (81.4)
2023 with Belle Terre (Case 3) <i>With DelDOT Improvements</i> <sup>17</sup>	C (27.3)	D (38.0)	D (45.4)	C (27.6)	D (36.3)	D (43.9)

<sup>16</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>17</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a second through lane along both directions of DE Route 24 and the addition of a shared through/left-turn lane on both the northbound Warrington Road approach and the southbound Plantation Road approach. The TIS assumed protected-permitted phasing for the DE Route 24 left-turn phases. McCormick Taylor assumed protected-prohibited phasing for the DE Route 24 left-turn phases due to the dual opposing through lanes.

Table 6  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>18</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Bryn Mawr Drive</b>						
2015 Existing (Case 1)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.5)	-	A (9.9)	A (9.5)	-
Southbound Bryn Mawr Drive	A (8.7)	B (11.2)	-	B (12.3)	B (14.8)	-
2023 without Belle Terre (Case 2)						
Eastbound DE Route 24 – Left	A (8.6)	B (9.8)	-	A (10.0)	A (9.9)	-
Southbound Bryn Mawr Drive	A (8.9)	B (11.6)	-	B (12.3)	C (15.8)	-
2023 with Belle Terre (Case 3)						
Eastbound DE Route 24 – Left	A (8.7)	B (10.1)	-	B (10.1)	B (10.1)	-
Southbound Bryn Mawr Drive	A (8.9)	B (12.4)	-	B (12.6)	C (16.7)	-

<sup>18</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 7  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>19</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 24 &amp; Rehoboth Mall Back Entrance</b>						
2015 Existing (Case 1)	A (7.5)	A (9.8)	A (9.1)	B (11.1)	B (15.4)	B (14.8)
2023 without Belle Terre (Case 2)	A (7.5)	A (9.9)	A (9.1)	B (11.2)	B (15.7)	B (14.9)
2023 with Belle Terre (Case 3)	A (7.6)	A (10.0)	A (9.1)	B (11.3)	B (15.8)	B (15.0)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>20</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Delaware Route 24</b> <sup>21, 22</sup>						
2015 Existing (Case 1)	B (19.5)	C (23.5)	C (21.7)	C (25.4)	C (32.3)	C (33.4)
2023 without Belle Terre (Case 2)	B (19.5)	C (25.3)	C (29.0)	C (25.8)	D (35.4)	D (41.5)
2023 with Belle Terre (Case 3)	C (20.2)	C (27.3)	C (31.0)	C (26.4)	D (37.4)	D (43.3)
2023 with Belle Terre (Case 3) <i>With DelDOT SR 24 Improvements</i> <sup>23</sup>	B (18.8)	C (24.5)	C (28.6)	C (25.0)	C (34.2)	D (41.0)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>21</sup> A new crosswalk will be installed across the SR 24 leg of the intersection as part of DelDOT's SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements Project (State Contract No. T200612501). The pedestrian clearance time for this crossing is less than the southbound SR 1 green time during peak hours, and thus no impact is expected on peak hour traffic operations as a result of the new crosswalk.

<sup>22</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.

<sup>23</sup> Improvements planned as part of DelDOT's SR 24, Mulberry Knoll Road to SR 1 Project (State Contract No. T200411209) include the addition of a third left-turn lane on the eastbound Delaware Route 24 approach.

Table 9  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup> Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Cedar Grove Road &amp; Mulberry Knoll Road</b>						
2015 Existing (Case 1)						
Westbound Cedar Grove Road - Left	A (8.1)	A (7.5)	A (7.4)	A (8.1)	A (7.5)	A (7.5)
Northbound Mulberry Knoll Road	A (8.8)	A (8.9)	A (8.0)	A (8.8)	A (9.2)	A (8.3)
2023 without Belle Terre (Case 2)						
Westbound Cedar Grove Road - Left	A (8.3)	A (7.6)	A (7.6)	A (8.4)	A (7.6)	A (7.5)
Northbound Mulberry Knoll Road	A (8.7)	A (8.2)	A (7.7)	A (9.2)	A (8.5)	A (8.3)
2023 with Belle Terre (Case 3)						
Westbound Cedar Grove Road - Left	A (8.5)	A (7.8)	A (7.7)	A (8.5)	A (7.9)	A (7.8)
Northbound Mulberry Knoll Road	B (12.4)	A (8.2)	A (8.4)	B (12.6)	A (8.7)	A (8.5)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 10  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>25</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Plantation Road &amp; Cedar Grove Road / Postal Lane</b>						
2015 Existing (Case 1)	B (17.0)	B (16.5)	B (16.1)	B (14.4)	B (13.7)	B (13.8)
2023 without Belle Terre (Case 2)	B (18.9)	B (18.6)	B (17.7)	B (15.9)	B (15.7)	B (15.4)
2023 with Belle Terre (Case 3)	C (20.2)	C (20.3)	B (19.2)	B (16.9)	B (17.1)	B (16.7)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
PEAK HOUR LEVELS OF SERVICE (LOS)  
based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Two-Way Stop Control (four-leg intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Postal Lane &amp; Oak Lane / Bethpage Drive</b>						
2015 Existing (Case 1)						
Eastbound Postal Lane – Left	A (7.4)	A (7.8)	-	A (7.4)	A (7.9)	-
Westbound Postal Lane – Left	A (8.1)	A (7.9)	-	A (8.1)	A (7.7)	-
Northbound Bethpage Dr – Left/Thru	B (13.2)	B (14.7)	-	B (13.2)	B (13.8)	-
Northbound Bethpage Dr – Right	A (8.7)	A (8.7)	-	A (8.7)	A (8.6)	-
Southbound Oak Lane	B (12.1)	B (11.9)	-	B (10.5)	A (8.4)	-
2023 without Belle Terre (Case 2)						
Eastbound Postal Lane – Left	A (7.5)	A (7.9)	-	A (7.5)	A (8.0)	-
Westbound Postal Lane – Left	A (8.3)	A (8.0)	-	A (8.3)	A (0.1)	-
Northbound Bethpage Dr – Left/Thru	B (14.2)	C (16.2)	-	B (14.3)	C (15.1)	-
Northbound Bethpage Dr – Right	A (9.2)	A (8.9)	-	A (9.2)	A (8.8)	-
Southbound Oak Lane	B (12.9)	B (12.7)	-	B (11.1)	A (9.0)	-
2023 with Belle Terre (Case 3)						
Eastbound Postal Lane – Left	A (7.5)	A (8.1)	-	A (7.5)	A (8.1)	-
Westbound Postal Lane – Left	A (8.4)	A (8.1)	-	A (8.5)	A (7.9)	-
Northbound Bethpage Dr – Left/Thru	C (15.3)	C (17.9)	-	C (15.4)	C (16.5)	-
Northbound Bethpage Dr – Right	A (9.7)	A (9.0)	-	A (9.7)	A (9.0)	-
Southbound Oak Lane	B (13.7)	B (13.7)	-	B (11.9)	A (9.5)	-

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
PEAK HOUR LEVELS OF SERVICE (LOS)  
*based on Traffic Impact Study for Belle Terre  
Report dated February 2016  
Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>27</sup>	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid-Day	Weekday AM	Weekday PM	Saturday Mid-Day
<b>Delaware Route 1 &amp; Postal Lane / Melson Road</b> <sup>28</sup>						
2015 Existing (Case 1)	B (17.5)	B (19.1)	-	C (23.8)	C (29.3)	-
2023 without Belle Terre (Case 2)	B (19.1)	C (21.1)	-	C (25.7)	C (32.7)	-
2023 with Belle Terre (Case 3)	C (22.5)	C (22.3)	-	C (28.9)	C (33.8)	-

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>28</sup> The TIS assumed Arrival Type 4 for all SR 1 traffic in their analysis. McCormick Taylor assumed the default Arrival Type 3 for all movements.



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

NICOLE MAJESKI  
 SECRETARY

**MEMORANDUM**

**TO:** Steve McCabe, Sussex County Review Coordinator

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** January 4, 2022

**SUBJECT: Howeth Property  
 (Protocol Tax Parcels # 334-12.00-16.04)  
 Area Wide Study Fee (AWSF) and Off-site Improvements**

The proposed development would have warranted an AWS fee. However, per Section 2.2.2.4 of the Development Coordination Manual, if a development is located within a Transportation Improvement District (TID) and is consistent with the Land Use and Transportation Plan for that TID, then under certain conditions DelDOT may require participation in the TID in lieu of conducting a TIS and making improvements based on the TIS. Howeth Property is located in the Henlopen TID, and the trip generation of the proposed development is sufficiently similar to the trip generation used in the TID traffic analysis. Therefore, participation in the TID is required. The owner / developer shall enter into the Henlopen TID infrastructure recoupment agreement and pay the TID fee prior to issuance of the building permits. Credit against TID fees owed for required frontage improvements will be determined, documented, and granted, in accordance with the terms of this infrastructure recoupment agreement.

1. The TID fees for the proposed 84 units of low-rise multi-family housing would be as follows:

Numbers and Types of Dwellings	Fee Paid by Phase	Fee Paid by Lot
84 units of low-rise multi-family housing	\$325,550	\$341,796

2. Due to DelDOT's planned CTP project on Delaware Route 24, frontage improvements are not required for the proposed development.



Mr. Steve McCabe

January 4, 2022

Page 2 of 2

If you have any additional questions or comments, please let me know.

CJ:km

cc: Nick Hammonds, Jack Lingo Asset Management, LLC  
Cliff Mumford, Davis, Bowen & Friedel, Inc.  
Michael Simmons, Chief of Project Development South, DOTS  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Chris Sylvester, Traffic Studies Manager, DelDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS  
James Argo, Sussex County Plan Reviewer, South District  
Derek Sapp, Subdivision Manager, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

May 21, 2021

**Via: Email ([jamie.whitehouse@sussexcountype.gov](mailto:jamie.whitehouse@sussexcountype.gov))**

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

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Commercial Area and Coastal Area  
Requested: Coastal Area  
Sussex County Tax Parcel No. 334-12.00-16.04 (the "Property")

Dear Jamie,

This firm represents J.G. Townsend, Jr. & Co., the owner of the above-referenced Property along John J. Williams Highway (Route 24). The Property consists of a little more than twenty-one (21) acres and is presently used for agricultural purposes.

On Sussex County's Comprehensive Zoning Map, the Property is shown as being within an Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan shows the Property as being within two land use classifications as the Property contains areas designated as a Commercial Area and areas designated as a Coastal Area.

This request to modify the Future Land Use Map seeks to change the designation of the Commercial Area of the Property so that the entirety of the Property would be shown as being in the Coastal Area on the Future Land Use Map.

The changing of this Property's designation on the Future Land Use Map will allow it to be used more consistently with the surrounding area. This property was the subject of a pre-application meeting for a project that was reviewed by the Office of State Planning Coordination on December 4, 2020 known as the Howeth Property. In addition, DelDOT provided its SFR for the Howeth Property. A copy of the PLUS report (mistakenly dated January 17, 2020 instead of January 17, 2021) is enclosed with this letter.

**Jamie Whitehouse**

**May 21, 2021**

**Page 2**

During the pre-application meeting with the Sussex County Planning & Zoning Department about the Howeth Property and the requested change of zoning classification for the Property from the AR-1 District to the Medium Density Residential District (MR District), the staff indicated that this change of zone application would not be consistent with Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories found within the Comprehensive Plan. The inconsistency is that the Commercial Area does not envisage any residential uses beyond the AR-1 District but instead provides exclusively for Commercial and Business uses. In contrast, the requested Coastal Area designation allows for both residential and commercial/business uses.

A quick review of the area shows the consistency of allowing for residential uses on this parcel. Along both the northern and western boundaries of the Property are residential uses. To the north is the Belle Terre residential community and to the west is the Saddle Ridge community. The other uses in the immediate area are the Cape Henlopen School Districts elementary and middle school campuses (Love Creek Elementary School and Beacon Middle School). Another use to the east of the Property is the new location for Troop 7 of the Delaware State Police.

The requested change to the Future Land Use Map is not only consistent with good land use and planning, but it also matches the current configuration of both the County's Comprehensive Zoning Map and its Future Land Use Map. First, the County's Comprehensive Zoning Map shows the adjacent property to the west (Saddle Ridge) as being in an MR District. The other adjacent properties' zoning classifications are the AR-1 District and are used for the aforementioned Cape Henlopen School District elementary and middle schools.

The Future Land Use Map shows this entire area as being within either a Commercial Area or a Coastal Area. As the Property is already within two (2) of the County's seven (7) Growth Areas, the question is not whether this Property should be located within a Growth Area but the appropriateness of the designated Growth Area. As discussed previously, the Coastal Area is more consistent with the character of this area as it allows for the residential uses similar to those on the adjacent properties.

The requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and nature of the uses in this area and will not have an adverse effect on adjacent properties.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosure





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

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

RE: PLUS review 2021-06-17; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

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

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

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

The Future Land use of parcel 334-12.00-16.04 is currently split with portion of the parcel identified as Commercial and a portion of the parcel identified as Coastal. Sussex County is seeking to amend the Future Land Use of this parcel to bring the entire parcel under one proposed land use, which would be the Coastal area.

Parcel 334-12.00-16.04 is within Level 2 and 3 according to the 2020 Strategies for State Policies and Spending and was reviewed on several occasions, most recently through PLUS 2020-12-04. Comments regarding this project have been submitted to the County; however, we had no objections to the development of this parcel. If the County determines that the commercial area is not feasible in this area or that changing this designation to Coastal would better fit the counties vision for the area, the Office of State Planning has no objections to this amendment.

With that said, having no objection to this amendment does not change PLUS comments relating to the development of this site. The comments sent under PLUS 2020-12-04 remain relevant. If the site plan changes, it may be required to be seen through PLUS. If this amendment is approved and it results in a change to the site plan reviewed through PLUS, the developer should contact this office to determine if an additional review is required.

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

- This amendment would facilitate the development of the Howeth Property. This development was reviewed at PLUS in December 2020. While DelDOT has discussed development of the subject land with the developer's engineer since then, they have not begun DelDOT's plan review process.

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

- Sussex County proposes to rezone one parcel (334-12.00-16.04) to Coastal Area. A portion of the parcel is currently zoned Commercial; the remainder of the parcel is already zoned Coastal Area. The Love Creek Natural Area lies on the southwest half of the site, however, the zoning of this area of concern would not be changed.
- For future development consideration, the forested portion of the parcel contains habitat suitable for the barking treefrog (*Hyla gratiosa*, State Rank S1, State Status E, and SGCN Tier 1) and the Eastern tiger salamander (*Ambystoma tigrinum*, State Rank S1, State Status E, and SGCN Tier 1), and should be preserved.

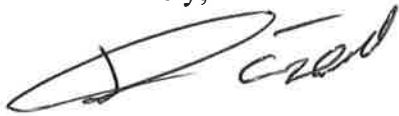
**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric archaeological potential is low. The parcel is mostly well-drained soils but is too far away from a historic water source to be favorable. No comparable sites.
- Historic archaeological potential is low to moderate. There may be remains associated with a structure that appears to be just off parcel to the north/north east. But most remains would likely be due to field scatter from 19<sup>th</sup> century farming practices since half of the parcel has been in agriculture.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

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

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

Sincerely,

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

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



A Middlesex Water Company Affiliate

05/06/2022

Davis, Bowen, & Friedel, Inc.  
Attn: Cliff Mumford  
1 Park Avenue  
Milford, DE 19963

**RE: Willing & Able Letter – School Lane Subdivision (Parcel Number 334-12.00-16.04)**

Dear Mr. Mumford,

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No. 334-12.00-16.04. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

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

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Bailey".

Kelly R. Bailey  
Manager, Contract Administration

cc: Brian Carbaugh, P.E., Tidewater Utilities, Inc.



May 4, 2022

Mr. Clifton Mumford  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

Re: Natural Gas Service / School Lane Subdivision- DBF No.: 2261J013.C01 / John J. Williams Hwy and Mulberry Knoll Rd. (Tax Parcel ID: 334-12.00-16.04 / Lewes, DE 19958

Mr. Mumford:

Chesapeake Utilities has existing natural gas infrastructure located along John J. Williams Hwy adjacent to the proposed School Lane Subdivision project in Lewes, DE.

The location of the gas main is directly across John J. Williams Hwy and well positioned to provide gas service to Tax Parcel ID: 334-12.00-16.04.

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

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

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

Respectfully,

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

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



DELAWARE ELECTRIC CO-OP

"We Keep the Lights On"

P.O. Box 600  
14198 Sussex Highway  
Greenwood, Delaware 19950  
302-349-9090

[www.delaware.coop](http://www.delaware.coop)

May 16, 2022

Davis Bowen & Friedel, Inc.  
Attn: Cliff Mumford  
1 Park Ave  
Milford, DE 19963

Re: School Lane Subdivision  
Willing & Able Letter  
Lewes, DE 19958

Dear Mr. Mumford:

This letter confirms that the land southwest to the intersection of John J Williams Highway and Mulberry Knoll Road is within our service area. We have adequate electric capacity to serve the development School Lane Subdivision. 3Ø Electric service out of our Angola substation is available for tax parcel 34-12.00-16.04 and will not need to be extended to the subject site. As electric facilities are requested, they will be installed in accordance with our current Terms and Conditions.

If you should have any additional questions or comments, please feel free to contact me at 302-349-0723.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Shockley'.

Ryan Shockley  
Manager of Engineering

## MAPPING & ADDRESSING

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

January 25, 2022

Cliff Mumford, P.E.  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

RE: Proposed Subdivision Name(s)

Our department has reviewed the name(s) submitted for your proposed subdivision located on parcel 334-12.00-16.04 in Lewes, DE. In reviewing the proposed name(s) the following has been approved for this subdivision:

## SCHOOL LANE

Should you have any questions please contact the Sussex County Geographic Information Department at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC:  
Christin Scott, Planning & Zoning



**GEOGRAPHIC INFORMATION  
OFFICE**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

April 20, 2022

Cliff Mumford, P.E.  
Associate/Sr. Civil Engineer  
Davis, Bowen & Friedel, Inc.

RE: School Lane Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **School Lane**, located on parcel 334-12.00-16.04 in Lewes, DE 19958. Based on our review the following proposed street name(s) have been **approved**:

Brittingham Ct	Mariner Row	Shields Dr
----------------	-------------	------------

Use only road names **approved** and issued by this office on letterhead or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **School Lane** please forward a digital copy of the recorded site plan to my attention for the purpose of addressing. Should you have any questions, please contact the **Geographic Information Office** at 302-855-1176.

Sincerely,

Brian L. Tolley  
GIS Specialist II

CC: Christin Scott, Office of Planning & Zoning





**ENGINEERING DEPARTMENT**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

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

Applicant: **Davis, Bowen & Friedel, Inc.** Attn: **Cliff Mumford, P.E.**

Date: 2/16/2022

Reviewed by: **Chris Calio**

Agreement #: **1198**

Project Name: **School Lane (fka: Howeth Property)**

Tax Map & Parcel(s): **334-12.00-16.04**

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

Proposed EDUs: **89 (84 townhouses + 5 pool & pool house)**

Pump Station(s) Impacted: **PS 402, PS 400**

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

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

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **334-12.00-23.00 & 24.00**

Connection Point(s): **8" gravity from MH 8. Pdf of asbuilt attached.**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

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

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



Acreage: 21.62

Additional Information: [Click or tap here to enter text.](#)

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

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

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

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

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

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

CC: John Ashman  
Jordan Dickerson  
Christine Fletcher

June 10, 2022

ERI Project No. 0004-0459

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

Mr. Cliff Mumford, PE.  
Davis Bowen & Friedel, Inc.  
601 East Main Street, Suite 100  
Salisbury, MD 21804

**RE: Howeth Property  
Environmental Review for Wildlife Habitat Considerations  
Tax Map No.: 334-12.00-16.04  
Lewes – Rehoboth Hundred, Sussex County, Delaware**

Dear Mr. Whitehouse and Mr. Mumford,

Environmental Resources, Inc. (ERI) was first involved with this 21.62 acre property in regard to delineating the boundary of an isolated palustrine forest wetland that occupies 2.09 acres along the southwest property line. This wetland is part of a wetland which occupies part of the abutting Saddle Ridge residential community. This wetland area is topographically isolated within a closed depression. A total of 10.90 acres of the Howeth property is active agricultural land and 8.63 acres is forested uplands. This letter will also provide information related to the absence of any federally listed threatened or endangered species subject to the Endangered Species Act of 1973.

ERI consulted with the U.S. Army Corps of Engineers in regard to the boundary of wetlands on the Howeth property and whether or not these wetlands were subject to the Corps Regulatory Program as defined by Section 404 of the Clean Water Act of 1972. In their Approved Jurisdictional Determination Letter (CENAP-OPR-2020-664-23) issued 23 November 2020, the Corps determined that the wetlands on the Howeth property were not federally regulated (see attached).

In accordance with the Department of Natural Resources and Environmental Control (DNREC) Wetland Mapping, the wetlands on the Howeth property are also not state regulated. As such, impacts to these wetlands are also not regulated by Sussex County and there is no requirement for a buffer.

As shown on the "Preliminary Plan for the Howeth Property" dated December 2020 as prepared by Davis, Bowen & Freidel, Inc. (DBF), no impact to this 2.09 acre forested wetland area is proposed and a voluntary 50 foot forested buffer has been specified. Based on the proposed limits of disturbance, actual buffer widths are greater than 75 feet. Of the upland and wetland forest currently on the site, 4.91 acres will be retained primarily within the existing isolated wetland and the forest area immediately surrounding it. The proposed project has been designed taking into consideration the retention of valuable natural areas within the project site.

ERI consulted with the U.S. Fish and Wildlife Service (Service) with respect to the occurrence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973 (ESA). In their letter of June 9, 2022, the Service concluded that there are no records of any federally listed threatened or endangered species on this property (see attached). This confirms the results of observations ERI conducted on this property.

I do want to mention that the USFWS letter did provide information that a proposed candidate species, the Monarch Butterfly (*Danaus plexippus*) has been designated throughout the entire project vicinity. This species has no critical habitats designated and it is not yet listed as a protected species. In addition, this is a transitory species which has very specific habitat requirements which include an abundance of milkweed to be present on a property. The required vegetation does not occur on the subject site as the field area proposed for development is active agricultural land.

During the PLUS Review conducted by the Office of State Planning for this project, DNREC's Division of Fish and Wildlife provided comments about three state rare species which have been documented to occur within the project vicinity. They are the eastern tiger salamander (*Ambystoma tigrinum*), barking tree frog (*Hyla gratiosa*), and Cope's grey tree frog (*Hyla chrysocelis*). Each of these amphibian species is globally secure and in more abundance in more southerly coastal plain states near the heart of their range. They are not ESA protected species.

Based upon past DNREC comments regarding documented habitats for these species contained in past PLUS review comments for the nearby Fieldstone (aka Grove at Love Creek), Saddle Ridge, and Belle Terre residential communities, the isolated coastal ponds known as Welches Pond and Hetty Fisher Pond are the actual breeding areas for these species (see attached figure). All three of these subdivisions have been recently approved by Sussex County and they are largely developed. The longstanding Briarwood residential community contains about half of the 3.0 acre Hetty Fisher Pond, with the remainder within the Saddle Ridge project. The Saddle Ridge, Belle Terre and Fieldstone projects all incorporated buffers put in place to minimize impacts to Hetty Fisher Pond and Welches Pond and the habitat area of the three state rare amphibians. Due to the age of the Briarwood subdivision most of the part of Hetty Fisher Pond within the subdivision is impacted since it is actually part of residential lots.

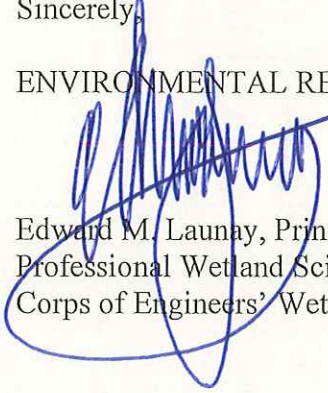
In relation to the Howeth property, Hetty Fisher Pond is more than 740 feet away (southwest). In relation to Welches Pond, it is 3.000 feet away (west). Intervening developed areas of land occur between the Howeth property and Welches Pond. The unregulated forested wetlands, voluntary buffer and forest being retained on the Howeth property will adjoin other undisturbed forest buffers around Hetty Fisher Pond. These were provided as part of the Belle Terre and Saddle Ridge subdivisions.

Although it is more than 700 feet away, habitat for amphibian species that may use Hetty Fisher Pond will be provided by the Howeth property as it is proposed. Accordingly, it is my opinion the development of the Howeth project will not adversely impact amphibian species of state concern. The applicant has incorporated an appropriate and adequate measure of habitat preservation as part of the project plan for development. No federally listed threatened or endangered species are present. All on site wetlands will remain undisturbed with buffers well in excess of 50 feet.

Upon review of this report, I am available at your convenience should you have any comments or concerns.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



Edward M. Launay, Principal  
Professional Wetland Scientist No. 875, Society of Wetland Scientists  
Corps of Engineers' Wetland Delineator Certification No. WD93MD0510036B

WELCHES POND



Sussex County



PIN: 334-12.00-16.04

Owner Name TOWNSEND J G JR  
CO

Book 0

Mailing Address PO BOX 430

City GEORGETOWN

State DE

Description NW/RT 24

Description 2 SW/RT 284

Description 3 PARCEL 1

Land Code

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch

23 November 2020

SUBJECT: Approved Jurisdictional Determination CENAP-OPR-2020-664-23  
Project Name: J.G. Townsend, Jr. and Company  
Coordinates: Lat. 38.713215°N/-75.154150°W

Thomas D. Nobile  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Nobile:

This approved jurisdictional determination (AJD) is provided in response to your request of September 10, 2020 on behalf of J.G. Townsend, Jr., and Company for a Corps of Engineers determination of federal jurisdiction as it relates to a site located at Tax Map Parcel 334-12.00-16.04, Lewes and Rehoboth Hundred, Sussex County, Delaware.

The findings of this AJD are documented in the enclosed AJD Form. The findings are also depicted on a site plan prepared by Atlantic Surveying and Mapping LLC, dated February 11, 2018, and titled: Boundary of Waters of the United States Including Wetlands Subject to Corps of Engineers Regulatory Program, Lands of J.G. Townsend, Jr. & Co., Lewes and Rehoboth Hundred, Sussex County, Delaware, 334-12.00-16.04, one sheet.

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

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

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

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

Mr. James W. Haggerty  
Regulatory Program Manage (CENAD-PD-OR)  
United States Army Corps of Engineers, North Atlantic Division  
Fort Hamilton Military Community, Bldg. 301, General Lee Avenue  
Brooklyn, NY 11252-6700  
James.W.Haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 24 January 2020.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at (302) 736-9764, or by email at john.g.brundage@usace.army.mil.

Sincerely,

BRUNDAGE.JOH  
N.G.122915746  
5

Digitally signed by  
BRUNDAGE.JOH.N.G.12291  
57465  
Date: 2020.11.23 15:10:27  
-05'00'

John G. Brundage  
Senior Staff Biologist  
Regulatory Branch

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



In Reply Refer To:  
Project Code: 2022-0052606  
Project Name: Howeth Property Residential Community

June 09, 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: 2022-0052606

Event Code: None

Project Name: Howeth Property Residential Community

Project Type: Residential Construction

Project Description: Construct a residential subdivision 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/@38.7143551,-75.15417177308464,14z>



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 Fisheries<sup>1</sup>, 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"> <li>▪ 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: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a></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.

FRESHWATER FORESTED/SHRUB WETLAND

- [Palustrine](#)
-



## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

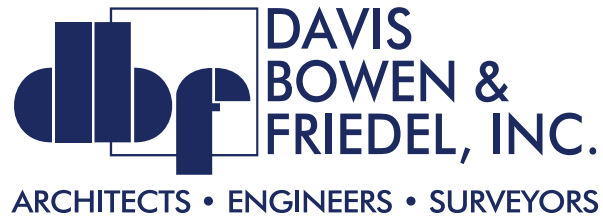
City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637



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(410) 770-4744

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

### Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

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

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

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

PLUS Number (to be completed by OSPC): 2020-12-04  
Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2/3

1. Project Title/Name:

2. Location ( please be specific):

3. Parcel Identification #: \_\_\_\_\_ 4. County or Local Jurisdiction Name: where project is located: \_\_\_\_\_

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

6. Owner's Name:

Address:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

Address:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

8. Project Designer/Engineer:

Address:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

9. Please Designate a Contact Person, including phone number, for this Project:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

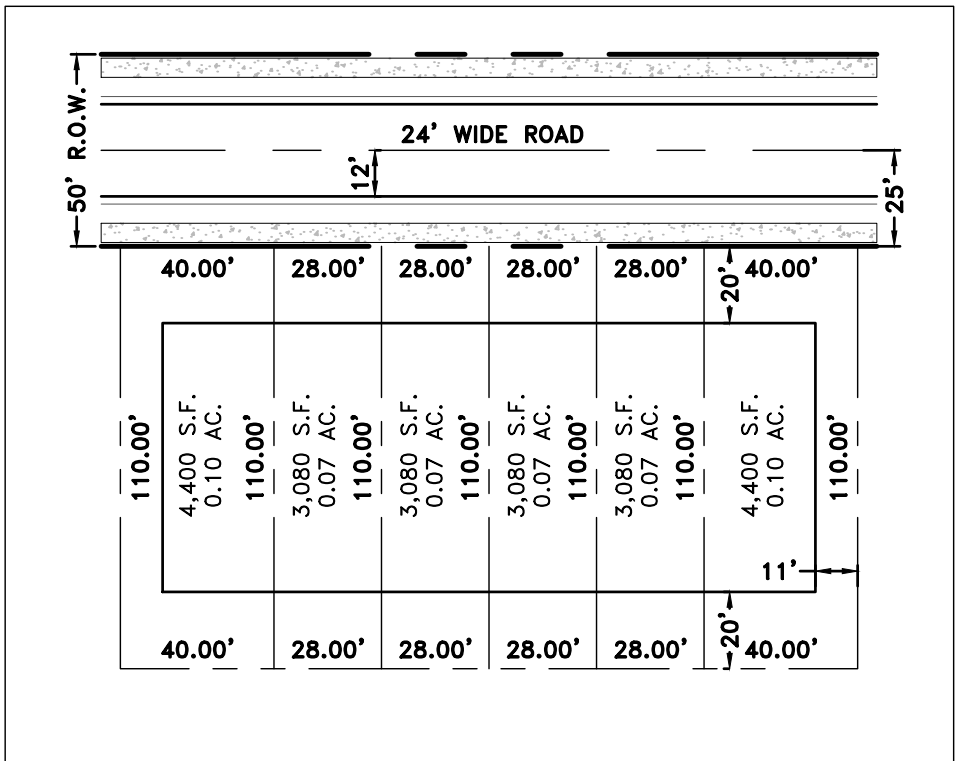
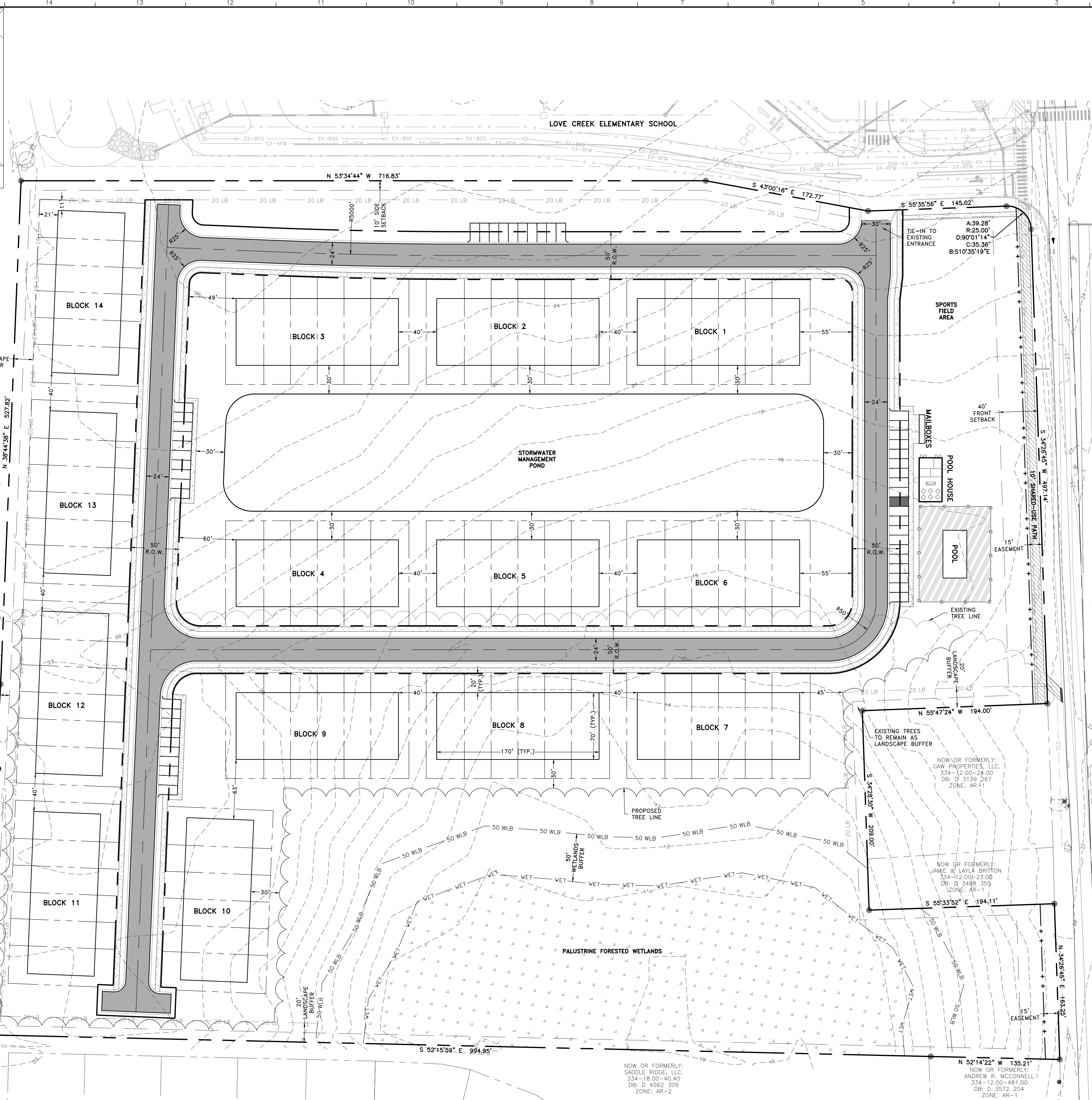
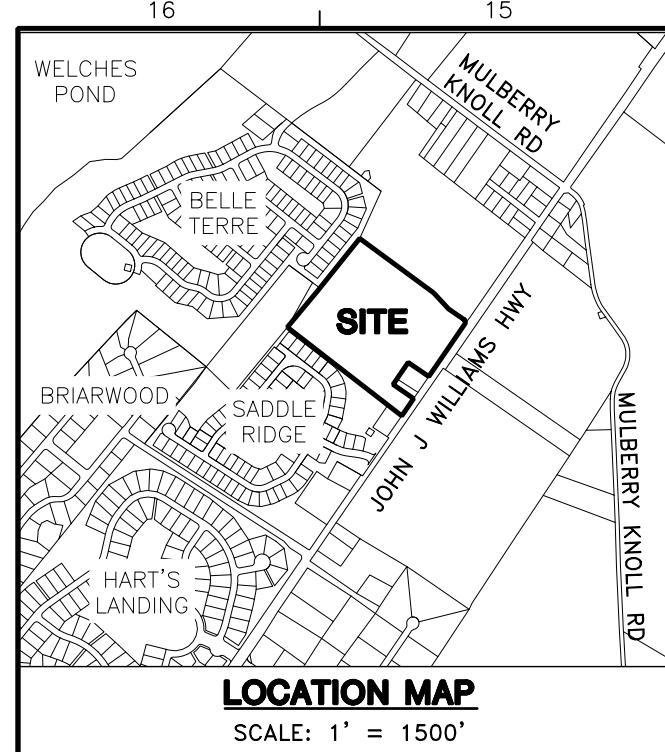
\_\_\_\_\_  
Date

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

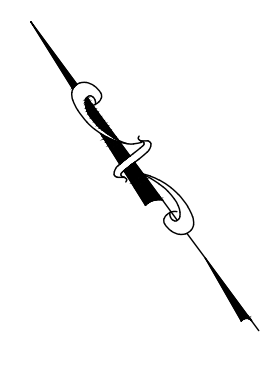
\_\_\_\_\_  
Date

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

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



**STANDARD FEE SIMPLE TOWNHOUSE**  
SCALE: 1" = 50'



NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-107.00  
DB: D 2549 268  
ZONE: AR-1

NOW OR FORMERLY:  
CAPE HENLOPEN SCHOOL DISTRICT  
334-12.00-889.00  
DB: D 2549 268  
ZONE: AR-1

**DATA COLUMN**

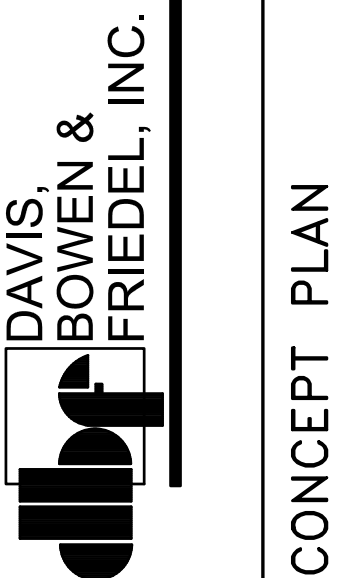
TAX MAP NUMBER:	334-12.00-16.04
SITE AREA:	21.62 ACRES
EX. WOODS:	9.28± ACRES
REMAINING WOODS:	5.00± ACRES
EX. WETLANDS:	2.09± ACRES
EX. ZONING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PR. ZONING:	MR (MEDIUM-DENSITY RESIDENTIAL)
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL (TOWNHOMES) - CONDITIONAL USE
SETBACKS:	FRONT - 20' CORNER - 15' (ONE SIDE) SIDE YARD - 10' REAR YARD - 20'
UNITS PROPOSED:	14 SIX-UNIT BUILDINGS 84 TOWNHOUSES
DENSITY:	3.9 UNITS/ACRE
WETLAND DELINEATION AS PROVIDED BY:	ENVIRONMENTAL RESOURCES, INC. 38173 DUPONT BLVD. P.O. BOX 169 SELBYVILLE, DELAWARE 19975 PHONE: 302-436-9637
PROPERTY OWNER/DEVELOPER:	J.G. TOWNSEND JR. & CO. PAUL TOWNSEND, PRESIDENT P.O. BOX 430 GEORGETOWN, DE, 19947 PHONE: 302-856-2525 FAX: 302-855-0922
ENGINEER:	DAVIS, BOWEN & FRIEDEL, INC. RING LADNER, P.E. 1 PARK AVENUE MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-242-0430

NOW OR FORMERLY:  
MARK H. & MARY ANN RONALD  
334-18.00-40.01  
DB: D 3562 309  
ZONE: AR-1



P:\UG Townsend\2261\0113 Howeth\Design\Preliminary\Sketch Plan\2261\0113-CONCEPT PLAN.dwg, Dec 01, 2020 - 3:53pm foxs

ARCHITECTS ENGINEERS SURVEYORS  
DAVIS, BOWEN & FRIEDEL, INC.  
MILFORD, DELAWARE  
EASTON, MARYLAND



CONCEPT PLAN

**HOWETH PROPERTY  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:	
Date:	DECEMBER, 2020
Scale:	1"=50'
Dwn.By:	SHF
Proj.No.:	2261J013
Dwg.No.:	CP-01

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# Preliminary Land Use Service (PLUS)



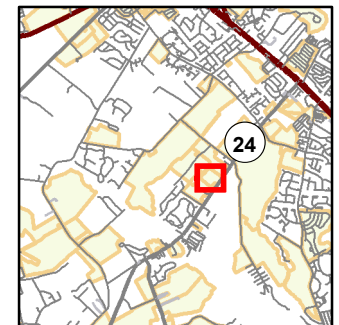
**Howeth Property**  
2020-12-04

**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews

**Location Map**





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

January 17, 2020

Cliff Mumford  
Davis, Bowen & Friedel, Inc.  
1 Park Ave  
Milford, DE 19963

RE: PLUS review 2020-12-04; Howeth Property

Dear Mr. Mumford:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed plans for the Howeth Property project. According to the information received you are seeking review of a proposed 84 unit subdivision on 21.62 acres along Rt. 24 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 Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have 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 John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. As necessary, the existing access there must be improved.

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

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 598 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates 594 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 40 and 51, respectively. Therefore, a TIS would normally be required.

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

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

The subject land fronts on a segment of Delaware Route 24 that DelDOT anticipates improving through their project: SR 24, Love Creek to Mulberry Knoll, Contract No. T201212201. This project is scheduled for construction starting in the spring of 2022. DelDOT is presently acquiring rights-of-way and easements. Rights-of-way and easements in excess of the standard dedications described below are compensable. But for the TID, the developer would be required to contribute toward that contract but such contributions will be addressed in their TID fees.

- 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 Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT's plans for the SR 24 project discussed above currently include a five-foot sidewalk along the site frontage. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build this sidewalk along their frontage. Sidewalk construction, if required, would be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.
- Section 3.5.4.4 of the Manual addresses requirements for accessways. An accessway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring an accessway to connect the internal streets to SR 24 in the area between the proposed pool and Tax Parcel No. 334-12.00-24.00.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DTC anticipates requiring far side bus stops, including 8-foot by 17-foot shelter pads on both sides of Route 24 at the school entrances.

Bus stop construction, if required, may be compensable through a reduction in the TID fee. This matter should be discussed at the Pre-Submittal Meeting.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.delDOT.gov/Business/subdivisions/index.shtml>. Depending on the schedules of the construction of the SR 24 project and the proposed development, DelDOT may require the developer to build entrance improvements. This matter should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

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

#### **Concerns Identified Within the Development Footprint**

##### **Natural Areas**

The entire forested area on the site lies within Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.

##### **Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands within the forested area of the site. The project application confirms the presence of 2.09 acres of wetlands. Preliminary plans propose a 50-foot buffer from wetland areas.

- If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.

- For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Contact: U.S. Army Corps of Engineers (Dover Office) at [DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.  
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

### **Vegetated Buffer Zones**

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

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

### **Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency, the Sussex Conservation District, prior to any land disturbing activity taking place on the site.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

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

Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.  
Website: <https://www.sussexconservation.org/>

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D soils (poorly drained) have been identified within the forested area on the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).  
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

### **Drainage Concerns Documented**

There are three reported drainage concerns on the proposed site location from 2010. The concerns were regarding standing water in wetland areas on the rear of the property, with the water draining from adjacent property. No solution has been reported.

### **Nutrient Management Plan**

This project proposes open space of 11.42 acres, exceeding the threshold of 10 acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

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

Sussex County (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Groundwater Discharges Section at (302) 739-9948.  
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

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

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

**Fire Protection Water Requirements:**

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

**Fire Protection Features:**

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

**Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.



Gas Piping and System Information:

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

Required Notes:

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

**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 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 plan presented does not show the easement by which the subject land has access through the Love Creek Elementary School campus but the plan suggests that the easement addresses only the area near Route 24, where access is proposed. DelDOT anticipates that the proposed entrance will be congested at the beginning and end of each school day. Accordingly, DelDOT recommends that the developer pursue an expanded easement and connect to the school driveway in the area of Block 14 as well.

Further regarding the easement through the school campus, DelDOT, recommends in accordance with Section 3.5 of the Manual, that the developer pursue access through the school campus and Delaware State Police Troop 7 to Mulberry Knoll Road (Sussex Road 284).

- DelDOT recommends that the head-in parking proposed near the mailboxes and pool be changed to parallel parking to eliminate the need for residents to back out onto a relatively busy street.

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

**Old Growth Forest**

The preliminary plan proposes an 84-unit subdivision on 21.62 acres along Route 24 in Sussex County, which includes the elimination of 4.26 of 9.26 acres of forest on the site. An analysis of historical data indicates that the forest area has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- Avoid removing forested areas for development to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Natural Areas**

- Reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and cutting of forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.
- The developer could also investigate dedicating forested areas on the site as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.
- Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

**Delaware Ecological Network**

The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**State of Delaware Rare, Threatened, or Endangered Species**

The following animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area. Likewise, the natural habitats for these species also exist on this site, consisting of deciduous or mixed deciduous-coniferous woodlands with wetlands for breeding.

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier	Federal Status
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	Amphibian	S1	E	1	
<i>Hyla gratiosa</i>	Barking Treefrog	Amphibian	S1	E	1	
<i>Hyla chrysoscelis</i>	Cope’s Gray Treefrog	Amphibian	S2		2	

Please visit the following website for definitions on the specified State Rank, state Status, and Global Ranking: <http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.

- To minimize negative impacts to these species, we recommend that natural habitats of forest and wetlands be conserved to the maximum extent practicable.
- For threatened or endangered turtles and salamanders located in proposed developments containing forest habitat and wetlands, design the development to exclude traditional street curb and gutter systems. Instead, utilize vegetated swales or other road curbing (such as Cape Cod curbing) that allows small animals to climb out of the roadbed. This is preferred over steep, vertical curbing.
- Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.

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

### **Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of freshwater forested wetlands to protect water quality.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be decided as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

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

### **General Drainage Recommendations**

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>

### **Additional Sustainable Practices**

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- For the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy.

Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/ceif](http://www.de.gov/ceif).

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

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

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

**Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062**

- A pair of companion bus stops are needed, each far-side of the intersection with the schools. Both stops should be Type 2 17'x8' shelter pads and placed at least 50' from the intersection.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- 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](http://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.

**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

## Elliott Young

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, June 16, 2022 8:26 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, June 16, 2022 - 8:26am

Name: Christine Sutton  
Email address: christine@smashboxdesigns.com Phone number: 6789824129  
Subject: MR zoning change at Love Creek Elementary

**Message:**

I am writing today to express my concerns regarding the application to change the zoning of the property adjacent to Love Creek Elementary School (C/Z 1949 and C/U 2304) from AR-1 to MR. Not only is this an extreme example of the further overdevelopment of Sussex County, but the additional traffic this would add to Love Creek Elementary School, poses a significant safety threat to our elementary students, teachers, staff, and parents. Having Beacon Middle School on one side of Rt 24 and Love Creek Elementary on the other, already makes that area exhaustingly congested. Destroying 4 acres of forest to add an additional neighborhood would absolutely go too far and be detrimental to the community. Allowing that neighborhood to share an entrance with Love Creek Elementary is frankly an unacceptable and poorly thought out plan that places unnecessary hardships and hazards on every Love Creek and Beacon family and staff member.

As is, vehicles start lining up on both sides of Rt 24, 45 minutes prior to the dismissal of both Love Creek and Beacon. Add in school buses and the ongoing road construction that is scheduled to continue well into the future, and you have a nightmare on your hands. I cannot think of a worse proposal, nor a bigger disservice and disappointment to our community. As a parent, I urge you to reject this zone change application and protect the safety of our children. As a taxpayer and voter, I respectfully insist that the members of Planning and Zoning deny this request and honor their commitment to be good stewards of our land, infrastructure, and resources. Thank you for your time and consideration of this most urgent and frustrating matter.

Sincerely,  
Christine Sutton

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING



## Lauren DeVore

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**From:** Bill McNamee <noreply@forms.email>  
**Sent:** Tuesday, June 14, 2022 9:32 PM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Multi Family Property Proposal - Love Creek

**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.

Name: Bill McNamee  
Email: bill.mcnamee@gmail.com  
Phone: 8564660569  
Subject: Multi Family Property Proposal - Love Creek

Message: It has come to my attention that an application has been submitted regarding a request to change the current AR-1 zone for the property on RT24, next to Love Creek Elementary School. In addition to the overcrowding of Sussex County due to overdevelopment, increased traffic, and infrastructure that cannot handle any more development, this particular change, if allowed, would pose a severe safety risk to our elementary school children (two of which are mine) and the staff that work in the school. The increased traffic, that will utilize the current entrance to Love Creek, is a smoking gun, waiting to go off. Buses and parents dropping and picking up their children already have to deal with dangerous traffic and significant delays. Rather than change the zoning, the P&Z should find a way to ensure this and many other AR-1 parcels are maintained and preserved. Once you change zoning and the property is developed, there is no getting it back. I, and I'm sure, many if not all of the parents, teachers, and staff of Love Creek Elementary and Beacon Middle School across the street, strongly oppose this request. All of the decision-makers in this County were selected to ensure the people and property of Sussex County are protected. Please act in the best interest of our children and the children of the future. Do not let the Developers strong-arm or coerce members of the P&Z Committee. At the end of the day, we will vote to ensure people are put in office to protect our children and the land God gave us.

RECEIVED

Opposition  
Exhibit

JUN 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 12:32 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 12:31pm

Name: Kate Huff  
Email address: katehuff31@gmail.com  
Phone number: 30254621265  
Subject: LCE

Message: Please do not allow a shared entrance with LCE and the new condos going in. This intersection is already a nightmare. I'm not sure the line will be able to take additional cars. Teachers are already out there trying to keep the enormous line under control, so why add additional cars?

Opposition  
Exhibit

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 1:16 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 1:16pm

Name: Jessica Benson  
Email address: clatwjl@yahoo.com  
Phone number: +1 832-368-2318  
Subject: Multi family housing proposal in the lot next to Love Creek  
Message:

I am writing to ask that the application that has been submitted regarding a request to change the current AR-1 zone for the property next to Love Creek Elementary on Rt 24 be denied. As a member of this community and a parent of children that attend this school, I can tell you that it is already a very dangerous intersection, especially during the school year at drop off and pick up time. Adding a MultiFamily development in that lot, with a shared entrance, would make traffic exponentially worse as well as pose a safety threat to our children. Please do not approve the zoning change.

**Opposition  
Exhibit**

RECEIVED

JUN 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Lauren DeVore**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 15, 2022 1:29 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 15, 2022 - 1:29pm

Name: Christopher Benson  
Email address: christopher.k.benson@gmail.com Phone number: 713-818-6750  
Subject: Zoning change application for lot next to Love Creek  
Message:

I am writing to ask that the application that has been submitted regarding a request to change the current AR-1 zone for the property next to Love Creek Elementary on Rt 24 be denied. As a member of this community and a parent of children that attend this school, I can tell you that it is already a very dangerous, congested intersection, especially during the school year at drop off and pick up time. Adding a MultiFamily development right next to an elementary school with a shared entrance would only exacerbate this already problematic intersection as well as pose a threat to our children. Please do not approve this zoning change request.

RECEIVED  
JUN 16 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Opposition  
Exhibit

**FINDINGS OF FACT & CONDITONS OF APPROVAL**  
(Proposed)

**Applicant  
Exhibit**

**HOWETH PROPERTY**  
**n/k/a SCHOOL LANE**  
CU#2304



**FILE COPY**

*Received at Public  
Hearing 6.23.2022*

1. This is an application for a conditional use to develop 21.62± acres with eighty-four (84) multifamily dwellings (townhouses) on a property located in Lewes and Rehoboth Hundred, Sussex County, being situated 1,500± to the West side of the intersection of Mulberry Knoll Road (Sussex County Road 284) and John J. Williams Highway (Delaware Route 24), also being known as Tax Parcel 334-12.00-16.04 (the “Property”).

2. The Property is owned by the applicant, J.G. Townsend, Jr. & Co.

3. The Property is presently used for agricultural purposes.

4. The Property is the subject of a Change of Zone Application (CZ 1949) seeking to change the designation of the Property on Sussex County’s comprehensive zoning map from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District).

5. In the 2019 Sussex County Comprehensive Plan update, the Property is identified for purposes of future land use as being part of the Coastal Area and part of the Commercial Area, both of which are “Growth Areas.” Simultaneous with this change of zone application, the applicant is requesting an amendment to the 2045 Future Land Use Map so that the entire Property would be shown as being within the Coastal Area. The proposed project is consistent with the guidelines for projects within the Coastal Area. The 2019 Comprehensive Plan and its Future Land Use Map approved by Sussex County Council identifies the Coastal Area as a Growth Area where “[a] range of housing types should be permitted..., including single-family homes, townhouses, and multi-family units.” In addition, the Property is served by central water and sewer, near commercial uses and employment centers, located along a main road, SR 24 (a Major Collector).

6. The properties that surround this Property are also in the Coastal Area and Commercial Areas.

7. The 2020 Delaware Strategies for State Policies and Spending identify the Property as being located primarily in an Investment Level 2 area with a small portion of the Property being located in Investment Level 3. According to Delaware’s Strategies for State Policies and Spending, “[i]n Investment Level 2 Areas, like Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities...Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable.”

8. The Property is not within a floodplain based upon FEMA Map Number 10005C0334K, dated March 16, 2015, as it is in an area designated as Zone “X,” which is an area determined to be outside the 500-year floodplain.

9. There are wetlands located on the Property and a minimum 50-foot buffer is proposed from the delineated wetlands.

10. The Property is not located within a Source Water Protection Area (Wellhead Protection Area or Excellent Recharge Area) as those items are defined in Chapter 89 of the Sussex County Code.

11. Potable water will be provided to the Property by Tidewater Utilities, Inc.

12. Sussex County Engineering identified the Property as being in a Tier 1 Sewer District Area located within the Sussex County Unified Sanitary Sewer District and will collect, treat and dispose of sanitary sewerage from the site.

13. Sussex County’s Engineering Department has indicated that adequate wastewater capacity is available for the 84 multifamily (townhouse) unit project.

14. Through Tidewater Utilities, Inc. and Sussex County adequate public water and sewage treatment is available to support the proposed project.

15. DelDOT responded to the Service Level Evaluation Request and, pursuant to its Memorandum of Understanding for Land Development Coordination with Sussex County, found that the proposed multifamily (townhouse) conditional use project would have been determined to have a Minor impact on the local area roadways and that the Developer would have been permitted to pay an Area-Wide Study Fee in lieu of doing a Traffic Impact Study. However, the Property is located within the Henlopen Transportation Improvement District (TID) and therefore will be required to enter into an infrastructure recoupment agreement and pay the TID per unit fee, prior to the issuance of building permits.

16. As the site plan is finalized, DelDOT’s approval will be required to provide for safe vehicular and pedestrian movement onto School Lane and John J. Williams Highway.

17. As a part of final site plan approval, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from the development and use of the Property.

18. The 2019 Comprehensive Plan and its Future Land Use Map approved by Sussex County Council identifies the Coastal Area as a Growth Area where “[a] range of housing types should be permitted..., including single-family homes, townhouses, and multi-family units.”

19. In addition, the 2019 Sussex County Comprehensive Plan update states that,

...medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density.

20. The proposed project creates additional residential housing options at a density of 3.9 units per acre, an appropriate density in an area served by County sewer and central water, which is near a significant number of commercial uses and employment centers, is in keeping with the character of the area, situated along a main road—a Major Collector (John J. Williams Highway), at a signalized entrance, where DelDOT has ongoing projects on the Capital Transportation Program consistent with the purpose of both the MR (Medium-Density Residential District) and the Coastal Area designation on the Comprehensive Plan.

This recommendation of approval is subject to the following proposed conditions:

- A. The maximum number of multifamily units shall not exceed 84.
- B. Any entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements and time periods.
- C. The site will be served with public sanitary sewer via a connection to the Sussex County regional wastewater transmission, treatment and disposal Unified District facilities. The applicant shall comply with all requirements and specifications of the County Engineering Department.
- D. The site will be served with public water for both potable and fire protection use via connection to Tidewater Utilities, Inc.
- E. Street naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- F. Interior street design shall meet or exceed Sussex County's street design requirements.
- G. Sidewalks shall be placed on both sides of the streets except Road A and shall connect with multi-modal paths as required by DelDOT.
- H. 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.

- I. A twenty-foot (20') landscaped buffer shall be installed along the northern, eastern, and western property lines and along the two outparcels along Route 24 to a point where the landscape buffer intersects with the 50-foot wetlands buffer. The wetlands and their buffer shall be the twenty-foot (20') landscaped buffer for the remainder of the Property.
- J. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the site. These "Limits of Disturbance" shall be clearly marked on the site itself.
- K. The recreational amenities for the project shall include a pool, bathhouse and shared-use path, which shall be completed on or before the issuance of the 7<sup>th</sup> Building Permit (42 units at 6 units/building).
- L. The applicant, its successors and/or assigns, shall cause a property owners association to be formed and be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- M. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no construction activities at the site on Sundays. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- N. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- O. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- P. The Final Site Plan shall depict or note these conditions and shall be subject to the review and approval of the Planning and Zoning Commission.



Ashley Paugh **CJU 2304, CZ 1949, Ordinance Re: 334-12.00-16.04**

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Sunday, July 17, 2022 11:08 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

RECEIVED

Submitted on Sunday, July 17, 2022 - 11:08am

JUL 18 2022

Name: Nancy Guerin  
Email address: bbobgranmom05@gmail.com  
Phone number: 410-375-7290

SUSSEX COUNTY  
PLANNING & ZONING

Subject: Townhome Project Planned Along Route 24

Message: Mr. Wheatley, I attended the June 23 hearing concerning the Townhome Project Along Route 24. The Townsend lawyer, Mr. Hutt, presented several maps showing several developments that surround schools. I asked the question as to "how many of the developments shared their driveway access with the school". You had said that was a good question and you would look into it. I was wondering if you had the opportunity to do that, and what you found. Thank you for the opportunity to share my concern about the above development. Nancy Guerin

Opposition  
Exhibit

July 11, 2022

To: The Sussex County Planning and Zoning Committee

Re: Parcel number 334-12.00-22.00; potential for easement violation

To whom it may concern:

Received after  
PZC Public Hearing  
before  
CC Public Hearing

We are the owners of Sussex County parcel number 334-12.00-22.00 (the "Lang Parcel"). The Lang Parcel is approximately 6.7265 acres of real property near Love Creek Elementary School and Beacon Middle School, and borders (a) the Saddle Ridge community, (b) the Four Seasons at Belle Terre community, and (c) the approximately 22-acre parcel of real property proposed to be rezoned and developed into the School Lane community (the "School Lane Parcel"). It is our understanding that the owners of the School Lane Parcel seek to, among other actions, (i) rezone the School Lane Parcel from AR-1 (agricultural-residential) to MR (medium-density residential), (ii) develop the School Lane Parcel into an 84-unit multifamily housing community, and (iii) revise the applicable Sussex County future land-use map designation with respect to the School Lane Parcel.

It is our further understanding that a public hearing has been scheduled by the Sussex County Council, to take place on Monday, July 26, 2022, with respect to the proposed rezoning and development of the School Lane Parcel. In advance of that public hearing, we wanted to express our concerns with respect to the School Lane Parcel, specifically as it relates to the Lang Parcel, and the potential for a violation of an easement that currently burdens the School Lane Parcel in favor of the Lang Parcel.

When we purchased the Lang Parcel, we did so with the purchase of a related easement across the School Lane Parcel that benefits the Lang Parcel (the "Easement"). The Easement is approximately 12.5' wide, and runs northwest/southeast across the middle of the School Lane Parcel, from Route 24 to the Lang Parcel. The Easement is intended to, among other benefits, provide the Lang Parcel with access, ingress and egress to a public road (i.e, Route 24). Without the Easement, the Lang Parcel would be land-locked. For ease of reference, we have attached certain documents that evidence the Easement, and describe it in more detail. We would be happy to provide you with any other information that would be helpful to your review.

We want to ensure that the Easement, including our rights related to it, is not overlooked in the consideration of the proposed rezoning and development of the School Lane Parcel. As of the writing of this letter, it appears that the proposed plans for the School Lane community to be developed on the School Lane Parcel would result in the building of structures and infrastructures - both permanent and impermanent - directly over the Easement. Per the current plans, such encroaching structures and infrastructures over the Easement would include approximately 20 two-story townhomes, 2 roadways, multiple driveways and parking spaces, and various landscaping. Should the School Lane Parcel be rezoned and developed per these plans, our Easement would be violated; our access, ingress and egress rights from the Lang Parcel to a public road would be breached and eliminated; and the Lang Parcel would become land-locked.

We hope to be in attendance at the public hearing on July 26th, but wanted to express our concerns as soon as possible.

Much thanks for your consideration and assistance.

Best regards,  
Tom and Nancy Lang

*Thomas C. Lang*  
*Nancy B. Lang*

Thomas C. Lang and Nancy B. Lang  
Mailing address: 14 Deerfield Lane, Rehoboth Beach, DE 19971

RECEIVED  
JUL 11 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Email: [tlangsail2@gmail.com](mailto:tlangsail2@gmail.com)

Phone: 302-226-3536

**This Deed, made this**9<sup>th</sup> day of May

in the year of

our LORD one thousand nine hundred and Eighty

BETWEEN, HARRY LYNCH, JR. and WILLIAM F. LYNCH II, of 813 Augusta Road, West Over Hills, Wilmington, Delaware 19807, parties of the first part,

-AND-

M.  
EDGAR/DOWNS, JR. and ENOCINCIA O. DOWNS, his wife, of R.D. #5, Box B-34, Georgetown, Delaware 19947, as tenants by the entirety with right of survivorship, and not as tenants in common, parties of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00)----- lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto, the said part of the second part,

**ALL** that certain lot, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, as will more fully and largely appear as follows, to-wit:

BEGINNING at a point lying 1115.02 feet Northwest of an iron pipe lying on the Northwesterly side of County Road 24 (50 foot wide); thence, along these lands North 47° 30' 37" East 58.26 feet to an iron pipe, said pipe being a corner for these lands and lands now or formerly of Robert T. Dorman; thence along these lands and lands now or formerly of Dorman, North 45° 37' 14" West 288.75 feet to a "Blaze" mark on a 24 inch tree, said tree being a corner for these lands; thence along these lands and lands now or formerly of Dorman South 46° 52' 12" West 1023.00 feet to an iron pipe, said pipe being a corner for these lands and a corner for lands now or formerly of Robert T. Dorman and a corner for lands now or formerly of Charles E. Dorman, et ux, and a corner for lands now or formerly of Ebe Roy Dorman; thence along these lands and lands of Ebe Roy Dorman South 43° 09' 49" East 283.20 feet to an iron pipe, said pipe being a corner for these lands and lands now or formerly of Ebe Roy Dorman North 46° 58' 14" East 667.75 feet to a wood fence post; thence continuing a bearing of North 47° 30' 37" East 309.40 feet along these lands and lands now or formerly of J.G. Townsend, Jr. and Company, home to the place of beginning, said to contain 6.7265 acres of land, be the same more or less.

BEING the same land conveyed to Harry W. Lynch by deed of John C. Lank, et ux dated October 12, 1927 and filed of record in The Office of The Recorder of Deeds, Georgetown, Sussex County, Delaware in Deed Book 268, Page 385.

WOLHAR AND MOORE  
ATTORNEYS AT LAW  
FACE & PINE STREETS  
P. O. BOX 354  
GEORGETOWN, DELAWARE 19947

In Witness Whereof, The said parties of the first part have hereunto set the hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

[Handwritten signature]

HARRY LYNCH, JR. (Seal)
WILLIAM F. LYNCH, II (Seal)

PURCHASERS REPORT MADE THIS 21st DAY OF May 1980 ASSESSMENT DIVISION OF SUSSEX COUNTY

STATE OF DELAWARE, SUSSEX County, ss.

BE IT REMEMBERED, that on this 9th day of May in the year of our Lord one thousand nine hundred and Eighty personally came before me, a Notary Public in and for the State and County aforesaid, HARRY LYNCH, JR. and WILLIAM F. LYNCH, II

State of Delaware REALTY TRANSFER TAX 360.00

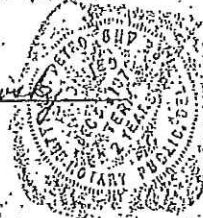
Parties to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

RECEIVED MAY 21 3 27 PM '80 RECORDER OF DEEDS SUSSEX COUNTY

WOLHAR AND MOORE ATTORNEYS AT LAW RACE & PINE STREETS P. O. BOX 384 GEORGETOWN, DELAWARE 19947

Betty Ann Peterson Notary Public



Handwritten signature and date 6/11/80

6199

1007 / 352

JOHN G. TOWNSEND, JR. and Company, of Millsboro,  
Delaware, 19966, party of the first part,

AND

EDGAR DOWNS, JR. and ENOCINGIA O. DOWNS, his wife,  
of R.D. 5, Box B34, Georgetown, Delaware 19947, parties  
of the second part,

WHEREAS, the Grantor is seized in fee simple in  
possession of a parcel of land located on the northwesterly  
right of way line of County Road #24 (50 foot wide) in Lewes  
and Rehoboth Hundred, said property being more fully described  
in Exhibit "A" attached hereto and made a part hereof;

WHEREAS, there is some question regarding if there  
are other tracts of land owned by Grantor which may or may  
not have been used for access; and

WHEREAS, the Grantor has agreed in consideration  
of the sum of One Dollar (\$1.00) of the grantee releasing  
his right of way over any other lands of the Grantor which  
may or may not have been used in the past for access in the  
manner hereafter expressed, to grant to him such right of  
way over the new path as hereinafter expressed:

NOW THIS INDENTURE WITNESSETH as follows:

1. GRANT OF NEW RIGHT OF WAY: In pursuance of  
the said agreement, the Grantor hereby grants to the Grantee  
full and free liberty in common with all other persons entitled  
to the like, liberty of passing and repassing, at all times  
along the new right of way for any purpose connected with  
the use and enjoyment of the said land of the Grantee.  
To hold the said right of way hereby granted to the Grantee,  
his heirs and assigns, as an easement appurtenant to the  
said land.

2. RELEASE OF OLD RIGHT OF WAY: In further  
pursuance of the said agreement, the Grantee hereby releases  
to the Grantor all the right of easement of way over any  
other lands of the Grantor which may or may not have been  
used in the past for access as appurtenant to his land  
or otherwise howsoever. To hold the said right or easement  
herein before expressed to be hereby released to the Grantor  
his heirs and assigns, to the intent that the same may  
be extinguished.

*Wolbar and Moore*  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 304  
Georgetown, Delaware 19947

1007 / 353

RIGHT OF WAY

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, as more fully described as follows, to-wit:

BEGINNING at an iron pipe lying on the Northwesterly side of County Road #24, said pipe lying 25.7 feet from the centerline of the aforesaid Route and being a corner for these lands and lands now or formerly of Charles H. Richards; thence along these lands North 47° 48' 08" West 1115.02 feet to a point, said point being a corner for these lands; thence North 47° 30' 37" East 12.55 feet to a point; said point being 45.71 feet Southwest of an iron pipe; thence South 47° 48' 08" East 1113.86 feet along these lands and other lands of this Grantor said point lying on the Northwesterly side of County Road #24 (50 foot wide); thence along the aforesaid side of County Road #24 in a Southwesterly direction 12.50 feet home to the place of beginning, said to contain 0.3198 acres of land, be the same more or less, as will more fully and at large appear upon reference to a plot prepared by Edward H. Richardson Associates, Inc. dated November 28, 1979 and revised on April 29, 1980, of record in The Office of The Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plot Book 20, Page 134.

EXHIBIT "A"

Wolhar and Moore  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 564  
Georgetown, Delaware 19947

1007 / 354

IN WITNESS WHEREOF, THE said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

Signed, sealed, and delivered in the presence of:

Henry W. Beck

JOHN G. TOWNSEND, JR. and COMPANY  
A Corporation of the State of Delaware

By J. G. Townsend, Jr.  
President

Attest [Signature]  
Secretary



PURCHASERS REPORT MADE  
THIS 2nd DAY OF May 1980  
ASSESSMENT DIVISION OF SUSSEX COUNTY

STATE OF DELAWARE  
COUNTY OF SUSSEX

SS.

BE IT REMEMBERED, That on this 15th day of May 1980, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, J. G. Townsend, Jr.

John G. Townsend, Jr. and Company, a corporation of the State of Delaware, party of 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 corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

GIVEN under my hand and seal of office, the day and-year aforesaid.

[Signature]  
Notary Public

RECEIVED  
MARY ANN MCGABE  
MAY 21 3 34 PM '80  
RECORDER OF DEEDS  
SUSSEX COUNTY

Wolhar and Moore  
Attorneys at Law  
Race & Pine Streets  
P. O. Box 364  
Georgetown, Delaware 19827

*Wolhar & Moore atty 6/11/80*



**This Deed, made this**

day of September in the year of  
our LORD one thousand nine hundred and eighty-one

**BETWEEN,** EDGAR M. DOWNS, JR. and ENOCINCIA O.  
DOWNS, his wife, of R.D. 5, Box  
B-34, Georgetown, Delaware 19947,  
parties of the first part,

- and -

THOMAS C. LANG and NANCY B. LANG,  
his wife, as Tenants by the Entirety  
with the right of survivorship and  
not as Tenants in Common, of R.D. 3,  
Box 341, Kennett Square, Pennsylvania  
19348, parties of the second part,

**Witnesseth,** That the said parties of the first part, for and in consideration of  
the sum of ONE DOLLAR (\$1.00)-----lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grant s  
and convey s unto the said part of the second part,

**ALL** THAT CERTAIN lot, piece  
or parcel of land, lying and being situate in Lewes and Rehoboth  
Hundred, Sussex County, Delaware, as will more fully and largely  
appear as follows, to wit:

BEGINNING at a point lying 1115.02 feet North-  
west of an iron pipe lying on the Northwesterly side of County  
Road 24 (50 foot wide): thence, along these lands North 47° 30'  
37" East 58.26 feet to an iron pipe, said pipe being a corner  
for these lands and lands now or formerly of Robert T. Dorman,  
North 45° 37' 14" West 288.75 feet to a "Blaze" mark on a 24  
inch tree, said tree being a corner for these lands; thence along  
these lands and lands now or formerly of Dorman South 46° 52'  
12" West 1023.00 feet to an iron pipe, said iron pipe being a  
corner for these lands and a corner for lands now or formerly  
of Robert T. Dorman and a corner for lands now or formerly  
of Charles E. Dorman, et ux., and a corner for lands now or  
formerly of Ebe Roy Dorman; thence along these lands and lands  
of Ebe Roy Dorman South 43° 09' 49" East 283.20 feet to an iron  
pipe, said pipe being a corner for these lands and lands now or  
formerly of Ebe Roy Dorman North 46° 58' 14" East 667.75 feet to  
a wood fence post; thence continuing a bearing of North 47° 30'  
37" East 309.40 feet along these lands and lands now or formerly  
of J. G. Townsend, Jr. and Company, home to the place of beginning,  
said to contain 6.7265 acres of land, be the same more or less.

BEING the same lands conveyed unto Edgar M.  
Downs, Jr. and Enocincia O. Downs, his wife, by Deed of Harry  
Lynch, Jr. and William F. Lynch, II, dated May 9, 1980 and recorded  
in the Office of the Recorder of Deeds, in and for Sussex County,  
at Georgetown, Delaware in Deed book 1007, Page 350

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

[Handwritten signatures and witness lines]

Edgar M. Downs Jr. (Seal)
EDGAR M. DOWNS, JR.
Enocincia O. Downs (Seal)
ENOCINCIA O. DOWNS (Seal)
(Seal)

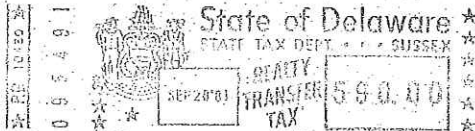
STATE OF DELAWARE, SUSSEX

County

PURCHASERS REPORT MADE 29 DAY OF Sept 1981 ASSESSMENT DIVISION OF SUSSEX COUNTY

BE IT REMEMBERED, that on this 26 day of September in the year of our Lord one thousand nine hundred and eighty-one personally came before me, a Notary Public in and for the State and County aforesaid,

EDGAR M. DOWNS, JR. and ENOCINCIA O. DOWNS, his wife,



Parties to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

[Handwritten signature and Notary Public text]

RECEIVED MARY ANN MCCABE SEP 28 10 12 AM '81 RECORDER OF DEEDS SUSSEX COUNTY

WOLHAR AND MOORE ATTORNEYS AT LAW RACE & PINE STREETS P. O. BOX 364 GEORGETOWN, DELAWARE 19947





# New Dimensions Realtors

Leases Contract Standard Form  
Approved by Sussex County Board of Realtors

Intersection Routes 1 and 9  
P.O. Box 412  
Leaves, Delaware 19958  
302-645-7722

## CONTRACT OF PURCHASE AND SALE

1. SELLER(S) Edgar M. & Encarnacion Downes  
 of Georgetown DE 19947 Office \_\_\_\_\_  
 Telephone No. Residence \_\_\_\_\_  
 hereby agrees to sell and convey unto

2. PURCHASER(S) Thomas C. and Nancy B. Lang  
 of 18234 RD 33 Kennett Sq, Pa 19348 Office \_\_\_\_\_  
 Telephone No. Residence \_\_\_\_\_

3. DESCRIPTION Purchaser(s) hereby agree to purchase from Seller(s) the property identified as:  
Parcel being app. 6.7263 Acres W. Side of Rt 21 with 2 1/2  
Right of Way located in Leaves Rehoboth Hundred  
Leaves DE Sussex County



- If a commitment for financing as set out above cannot be obtained on or before Sept 19 81, this contract shall become null and void and all deposit monies shall be returned to Purchaser.
5. SETTLEMENT Final settlement shall be completed on or before the 21 day of September 19 81, at which time possession shall be given. It is expressly understood and agreed that if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable time to effect these conditions.
6. TRANSFER TAX & COSTS A Two % transfer tax is to be equally divided between Seller(s) and Purchaser(s). Seller(s) shall pay for deed preparation. Purchaser(s) shall pay all other settlement charges and lending costs including survey.
7. TERMITE Termite inspection by a licensed inspector is to be accomplished at the expense of the NA. Should there be evidence of active termite or any wood destroying infestation, and/or damage is discovered, Seller(s) shall have the option of correcting same at Seller(s)' expense; Otherwise, Purchaser(s) may declare this agreement null and void, in which case all deposit monies shall be refunded.
8. FORFEITURES Should the Purchaser(s) fail to make payments and/or settlement as specified above, the sums paid on account shall be retained by the Seller(s), who may elect to accept such sums either as liquidated damages or as part payment on the purchase price. In the event of forfeiture of the deposit, the Seller(s) shall allow the Agent one-half thereof, but not more than said commission, as a compensation for his services. If either Purchaser(s) or Seller(s) default under this Contract of Purchase and Sale, such defaulting party shall be liable for the commission of Agent, and any expenses incurred by the non-defaulting party, including attorneys fees in connection with this transaction and the enforcement of subject Contract of Purchase and Sale.
9. PRORATIONS Taxes, special assessments, fuel, rent, water, sewer and other fixed charges are to be prorated as of day of settlement.
10. FIXTURES All drapery rods, curtain rods, shades, blinds, window screens, awnings, storm windows and doors, landscaping, TV antenna, built-in appliances, Wires and other fixed installations belonging to the Seller(s) upon the premises shall remain and be included in this sale.
11. TITLE Title is to be good and marketable, clear of all liens and encumbrances, except restrictions of record and existing easements. In case title is found defective, the deposit money will be refunded and all legal expenses involved will be paid by the Seller(s).
12. RISK The risk of loss or damage to the said premises by fire, windstorm or other casualty until settlement is assumed by the Seller(s).
13. INSPECTION Purchaser(s) represent that an inspection satisfactory to Purchaser(s) has been made of the property and Purchaser(s) agree to accept the property in its present condition except as may be otherwise provided herein.
14. SPECIAL TERMS Contingent upon Purchase Money Mortgage being granted at 12% interest and Purchaser's obligation loan of \$10,000 at interest not to exceed 15%. Also when these above contingencies are met and Purchaser permits the add'l prom. deposit contract as in full force.
15. AGENCY It is further understood and agreed that the Agent(s) herein named is/are acting as Agent only, and have no liability to either party for the performance of any term or covenant of this agreement, or for damages for non-performance thereof.
16. COMMISSION Purchaser(s) and Seller(s) agree that Agent was responsible for procuring this contract, and Seller(s) agree to pay for services rendered a commission of 2% of the purchase price, payable on or before settlement date.
17. BINDING COVENANTS This agreement shall be binding not only upon the parties themselves but upon their heirs, executors, administrators, successors or assigns as well. This Contract of Purchase and Sale constitutes the entire agreement among the parties and may not be modified or changed except by written instrument executed by all of the parties.

IN WITNESS WHEREOF, the Purchaser(s) and Seller(s) have hereunto set their hands and seals.

Thomas C. Lang (SEAL) Aug 26, 1981  
 Purchaser Date and Time

Nancy B. Lang (SEAL) Aug 26, 1981  
 Purchaser Date and Time

\_\_\_\_\_  
 Witness Seller Date and Time

\_\_\_\_\_  
 Witness Seller Date and Time

Deposit Received \$ \_\_\_\_\_  Check  Cash \$ \_\_\_\_\_  Other \_\_\_\_\_ Agent \_\_\_\_\_

This signature constitutes receipt of deposit. Effective Date of Contract \_\_\_\_\_

MR. THOMAS C. LANG  
 MRS. NANCY B. LANG

No. 4967  
 DATE Aug 26 19 81 62-13/311  
 BR. 012

PAY TO THE ORDER OF New Dimensions Broker \$ 50.00  
Soft and 10/100 DOLLARS

DELAWARE TRUST COMPANY  
 Wilmington, Delaware

FOR Nancy B. Lang

⑆031100131⑆ 218-977 1# 4967





Thomas & Nancy Lang  
ID 627940  
Parcel 334-12.00-22.00

**Christin Scott**

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**From:** Rachel Bender <rbender2018@gmail.com>  
**Sent:** Thursday, July 7, 2022 9:09 AM  
**To:** Planning and Zoning  
**Subject:** Concerned parent (Townhome project planned along Route 24)

Opposition  
Exhibit

**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.

To whom it may concern:

My name is Rachel Bender and my kids will be attending Love creek Elementary School. I'm writing because the plan to build a new townhome development next to the school and having them share an entrance would create horrible traffic and other issues. Parents are extremely concerned about this possibility. There already is an **extreme** amount of traffic during pick up and drop off and adding another development that would share the same busy entrance would be horrible. This is not fair to parents and students of the school. Drop off and pick up times will be delayed and it'll cause more traffic on the road itself. Please stop this project and rethink it!!

Received after  
PZC Public Hearing  
before  
CC Public Hearing

To Whom it may concern.

In regard to:

**C/Z 1949 J.G. Townsend Jr. & Co.**  
**C/U 2304 J.G. Townsend Jr. & Co**

I would like to have my comment read please at the Planning and Zoning Public Hearing, Thursday, June 23<sup>rd</sup> 5 PM.

As parents of children who attend Love Creek Elementary and homeowners in the Saddle Ridge neighborhood adjacent to Love Creek Elementary, we can tell you first-hand about the heavy traffic along Rt. 24 as Beacon and Love Creek Schools open and close.

Despite the fact that this subdivision is located in the Henlopen Transportation Improvement District, I believe for the safety of Love Creek students, parent drivers and bus drivers, a Traffic Impact Study of the school access lane needs to be done. As you know, there is only one exit and one entrance into Love Creek Elementary and the proposed 84 Unit Townhouse Development. Per the plan, Love Creek and the proposed Townhome Development will be sharing this single entrance/exit. What safety impact will the expected 598 vehicle trips from the townhouses have on this single entrance/exit?

A copy of the February 2016 Traffic Impact study Of Belle Terre is included in the file, but how could this address school traffic since Love Creek Elementary opened in Fall of 2017? There are several reasons we should consider requiring a new study:

1. Since 2016, there has been approximately 15% growth in population in Lewes and Rehoboth Beach. Not to mention the abundance of new growth along Rt. 24 presently and currently planned/approved.
2. Concern of transmission of Covid on the school bus has caused an increase in the number of parents dropping off and picking up their children from Love Creek and Beacon. Covid has given many parents the opportunity to work from home and thus has also increased the number of parent drop-offs & pick-ups. This increase in Covid-related traffic needs to be considered in a traffic plan.
3. Re-districting has caused longer bus rides for some students. Parents have opted to drop off and pick up their children instead of enduring long bus rides.
4. Overall school safety. With 84 Townhomes within 100 yards of the school, will Love Creek have to increase their safety protocols? A lot more people not affiliated with the school will be within walking distance. With school safety being a major concern in the United States currently, will it be easier to clearly protect the school grounds from being trespassed on?
5. Construction traffic. With the slowdown of housing units possibly in the future, how long will it take to sell and build 84 townhomes. How will this prolonged construction traffic affect an already melting pot of traffic at the intersection?

As parents of Love Creek students and homeowners who use Rt. 24 many times daily, I respectfully disagree that this is a safe, productive, and well thought out traffic plan for this development and the school. I also have never personally seen a development and a public school share the same entrance and exit.

Again, I kindly request a new up to date Traffic Impact Study to be done. In my opinion, an 84 Townhome development would cause unforeseen issues, delays, confusion, and accidents, at this entrance / exit point. Not to mention, any potential dangers that could arise when emergency vehicles need to enter or exit into the school or the proposed townhome Development.

Opposition  
Exhibit



FILE COPY

Received at Public Hearing  
6.23.2022



Opposition  
Exhibit



**FILE COPY**  
*Received 6.23.22  
at Public Hearing.*

**PLEASE HELP TO PROTECT THE  
LOVE CREEK NATURAL FOREST  
IN BETWEEN SADDLE RIDGE  
SUBDIVISION AND PROPOSED  
TOWNHOUSE SUBDIVISION**

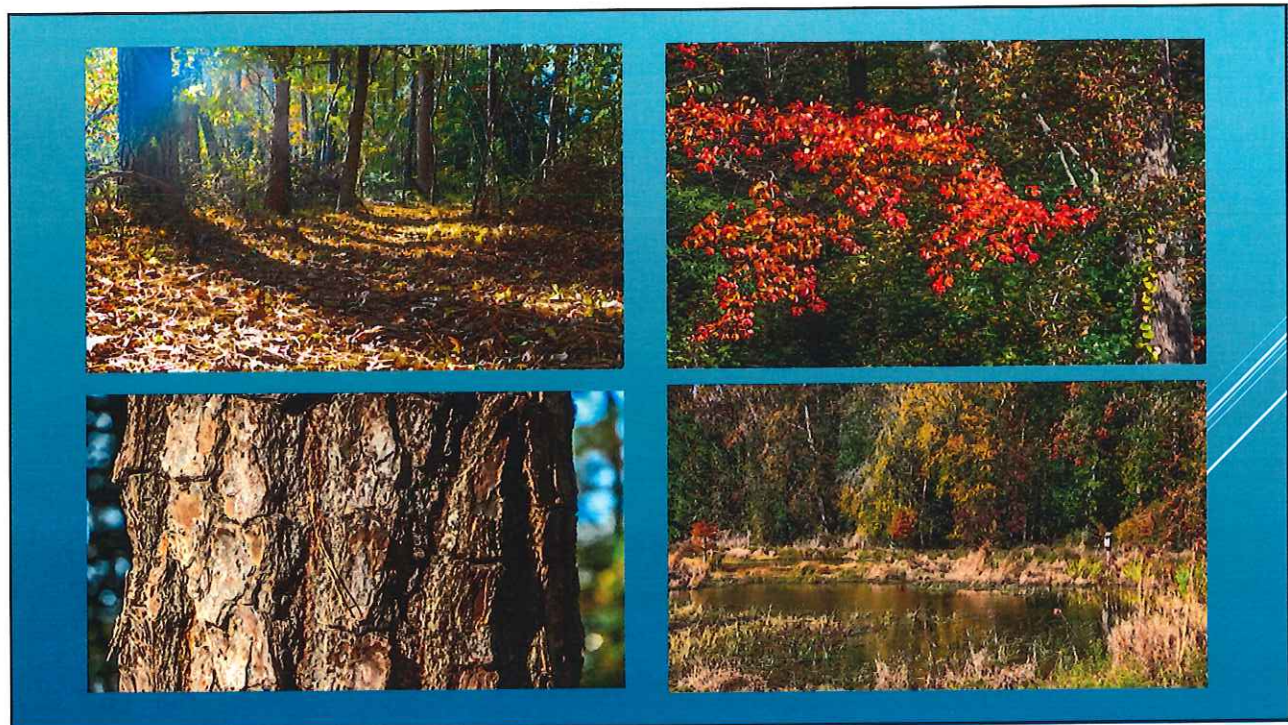
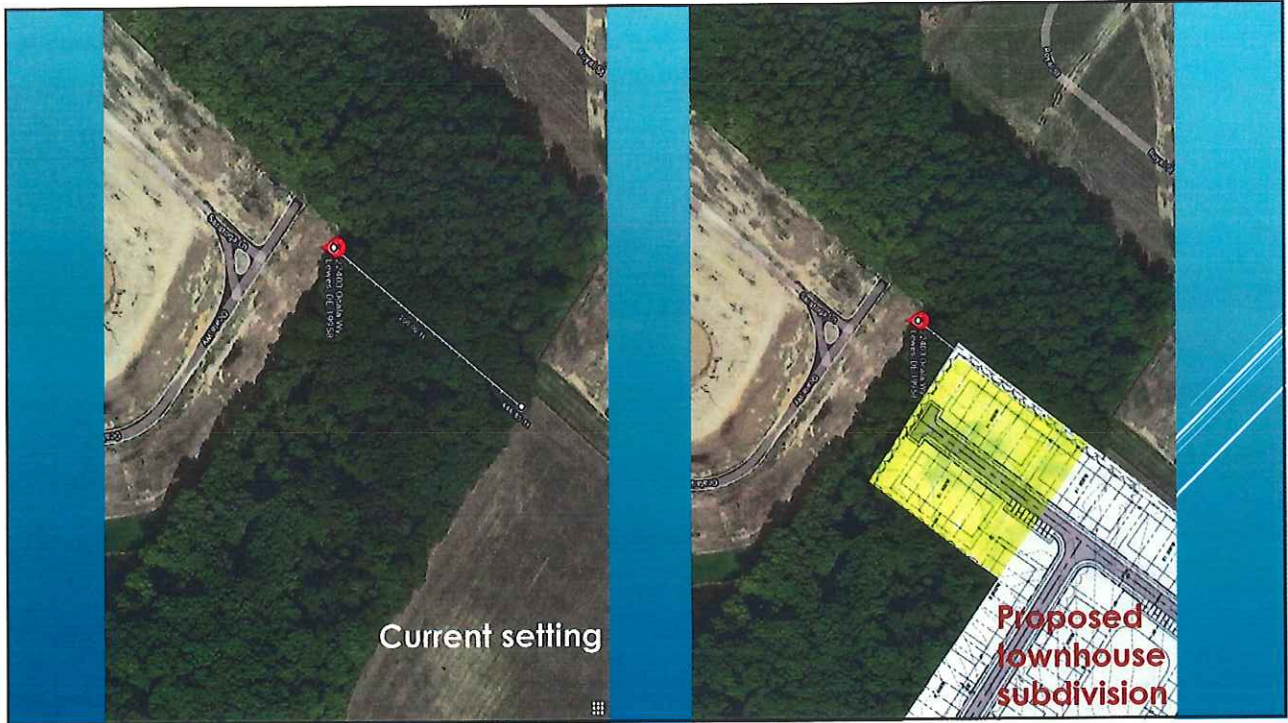
**Saddle Ridge Community Residents**



**This is a small piece of survived forest within surrounding communities and lies within the Inland Bays Watershed. It is roughly 5 acres of old growth forest with significant ecological and geological importance.**

**There is a natural pond at one end and a wetland at the other end, which offers an unique environment for animals, birds(including Bald Eagles), and even three amphibians that are on the State of DE Rare, Threatened or Endangered Species list. Removing this forest would delete the continuance of the natural habitat between the pond and the wetland.**

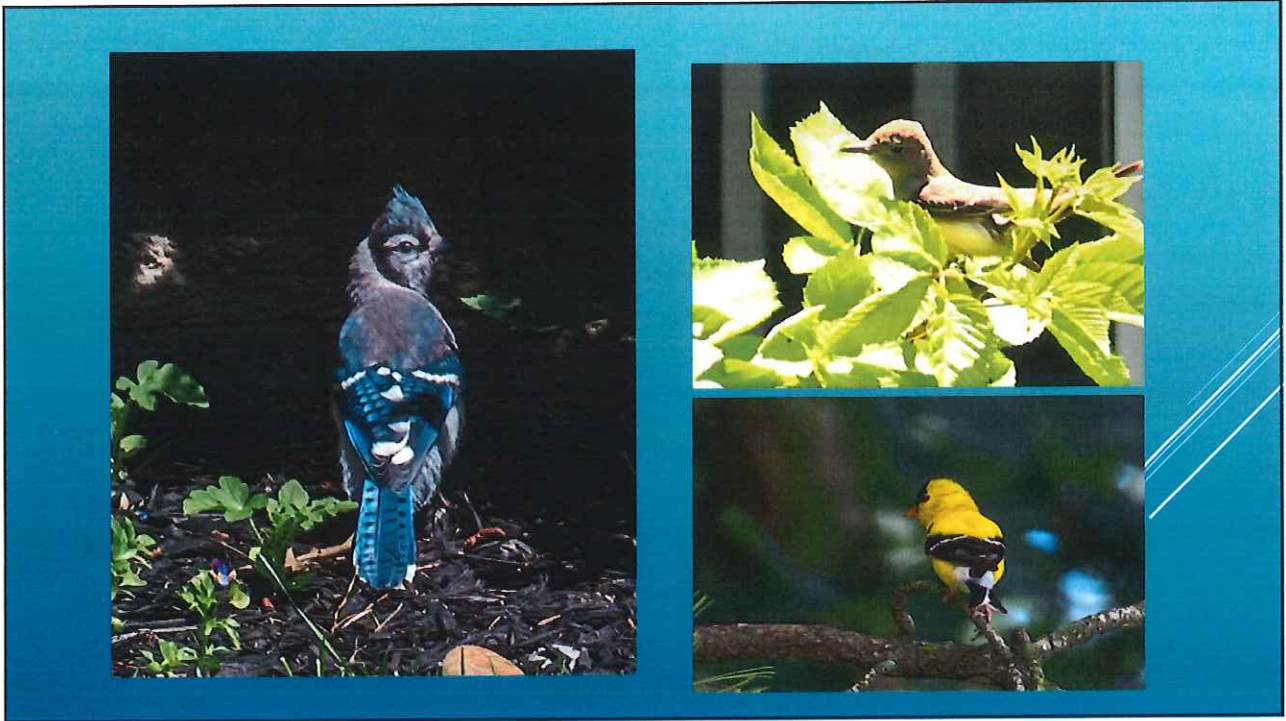
**(All photos below were taken from our backyards)**











**PLEASE HELP TO PROTECT THIS SMALL PIECE OF VALUABLE FOREST!**

**Deers are walking, red foxes are wondering, bald eagles are nesting and soaring, and birds are singing. This small piece of forest is full of life!**

**PLEASE HELP TO SAVE THE ENDANGERED HOMES OF THESE BEAUTIFUL CREATURES!**

# PLANNING DIVISION CHARGES FOR SERVICES FROM JULY 1, 2022

Fee from July 1, 2022	
<b>Administrative Application Fees</b>	
Minor Subdivision (2 - 5 lots) (Note: First subdivision on parcel to add 1 lot has no charge)	\$200 plus \$20 per lot
Minor Lot Line Adjustment	\$ 150
Lot Consolidation	\$ 150
Administrative Variance	\$ 50
Home Occupation / Prof Office / Home-Based Contractor/Acc Dwelling Verification Letters	\$ 150
Second and Each Subsequent Review	\$150.00 (for performance bond releases)
<b>Board of Adjustment</b>	
Dimensional Variance for Individual residential lot or use	\$ 500
Dimensional Variance for other residential (e.g., apartments and condominiums, nursing home, day care, churches, blanket requests for residential developments, and other nonresidential uses in residential zoning districts) and nonresidential lot or use	\$ 500
Special Use	\$ 500
Appeal of decision by an administrative officer or agency regarding the interpretation of a zoning provision	\$ 600
1 to 3 Variances	\$ 500
4 to 6 Variances	\$ 500
7 to 9 Variances	\$ 600
10 or more Variances	\$ 800
Code Interpretation or Admin Appeal	\$ 500
Variance Modification Request (within 1 yr of approval)	\$ 500
<b>Comprehensive Plan / Zoning Map Amendment (CZ/Z) (but not RPCs)</b>	
CZ / Z Pre-Application Meeting	no charge
CZ / Z Petition to Amend Comp Plan & Zoning Map	\$ 1,000
Amendment to Zoning Ordinance	\$ 1,000
<b>Conditional Use with Site Plans</b>	
CU Pre-Application Meeting	no charge
Small Scale CU Application Processing Fee**	\$ 500
CU Application Processing Fee	\$1,000 plus \$50 per dwelling unit
Business Commercial Industrial & Other Buildings	\$1000, but note \$100 per 1000 SF capped at \$5,000 per phase at Site Plan Stage
Final Plan Review Fee	\$5,000 per phase at Site Plan Stage
<b>Major Record Plan (i.e. Major subdivision/RPC Application)</b>	
Residential subdivision or land development	\$1000 plus \$50 per dwelling unit
SP / SL Pre-Application Meeting	no charge
Final Plan Review Fee	no charge
<b>Miscellaneous Fees</b>	
Certificate of Use or Zoning Verification	\$ 150
Re-advertising / Posting Fee (Postponement at Applicant's Request)	full cost of original legal ad
Temporary Removable Vendor permits	\$ 100
<b>Resubdivision or Revised Record Plan (where additional lots are added or application expiration extended or where plan is revised)</b>	
Residential	\$1000 plus \$50 per additional dwelling unit
Nonresidential	\$1,000
Plan expiration extension	\$1,000
<b>Site Plan (S) - "by right" applications within an approved Zoning District"</b>	
S Pre-Application Meeting	no charge
Business Commercial Industrial & Other Buildings (hospitals, schools and Institutional buildings and structures are exempt including places of worship)	\$100 per 1,000 SF capped at \$5,000 per phase
Final Plan Review Fee	-
<b>Subdivision Standard Appeal</b>	
Appeal from any finding, decision or recommendation of the Department with regard to subdivision standards affecting an Individual residential lot or use	\$ 3,000
Appeal from any finding, decision or recommendation of the Department with regard to subdivision standards affecting other residential and nonresidential lots or uses	\$ 3,000
Revised Landscape Plan	\$ 500
Record Plan Modification (i.e. changing amenities and/or design after initial recordation)	\$ 1,000
Sunset Plan Review/determination as to whether substantially underway status (including CU's)	\$ 1,000

\*\* Small Scale Conditional Uses are those Conditional Use applications where the proposed conditional use is to operate as an accessory/ancillary manner to a dwellinghouse on the parcel. Fees are calculated upon gross external floor area of buildings - the sum of the gross horizontal areas of all of the floors of a building measured from the exterior faces of the exterior walls.