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.

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

2 THE CIRCLE I PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County
Planning & Zoning Commission

AGENDA

October 13, 2022

5:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – August 11, 2022 and August 25, 2022

Public Comment

Other Business

Americana Bayside – Bayside Hotel Phase 1B BM
Final Site Plan

C/Z 1881 Milos Haven (F.K.A Lakelynns) HW
Final Amenities Plan

Peninsula RPC – Eighteenth on the Bay (C/Z 1475, 1883 & 1936) HW
Revised Final Site Plan

S-22-10 American Storage of Delaware KS
Preliminary Site Plan

S-22-33 Milton Village Apartments KH
Preliminary Site Plan

2019-16 Estates at Milton Crossing KH
Preliminary Amenities Plan

Lands of Dale T. Crew, Sr. KH
Minor Subdivision off of a 20-ft Easement

Lands of Todd S. Morrow KH
Minor Subdivision off of a 50-ft Easement

EQUAL HOUSING OPPORTUNITY

Lands of Delnova Properties, LLC KS
Requested Determination of Minor Subdivision

Lands of Delnova Properties, LLC KS
Requested Determination of Minor Subdivision

Smith Farm District (David B. & Monica E. Smith) (S-22-08-301) KH
Consideration of Agricultural Preservation District

Old Business

2021-31 Glenwood now known as Black Oak KS
A Cluster subdivision to divide 77.24 acres +/- into one hundred and thirty-one (131) single-family lots to be located on a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County. The property is lying on the northwest side of New Road (S.C.R. 266), approximately 0.61 mile northeast of the intersection of Nassau Road (S.C.R. 266B) and New Road (S.C.R. 266). Tax Parcel: 335-7.00-6.00. Zoning: AR-1 (Agricultural Residential District).

Ord. 21- 06
AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00. The property is lying on the west side of Coastal Highway (Route 1), west of the intersection of Coastal Highway and Eagles Crest Road (S.C.R. 264). 911Address: 29763 Eagles Crest Road, Milton.

C/U 2319 Austin & Megan Embleton KH
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a tourist home, event venue, & hair salon to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 2.05 acres, more or less. The property is lying on the south side of Memory Road (S.C.R. 613), approximately 0.41-mile southeast of Shawnee Road (Rt. 36). 911 Address: 10775 Memory Road, Harrington. Tax Parcel: 430-3.00-20.08.

C/U 2321 Coastal Properties, LLC KS
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a kitchen and bathroom showroom to be located on a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 0.248 acres, more or less. The property is lying on the northeast side of Beaver Dam Road (Rt. 23), approximately 0.16-mile southwest of the intersection of Church Street and Salt Marsh Boulevard. 911 Address: 17677 Stingey Lane, Lewes. Tax Parcel: 334-5.00-196.00.

Ord. 22- 02
AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 134-17.07-173.02 (P/O). The property is lying on the east side of Kent Avenue (S.C.R. 361), approximately 350 feet north of Jefferson Bridge Road (S.C.R. 361A). 911 Address: N/A.

C/Z 1965 Kent Walston, LLC BM

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.4 acres, more or less. The property is lying on the east side of Kent Avenue (S.C.R. 361), approximately 350 feet north of Jefferson Bridge Road (S.C.R. 361A). 911 Address: N/A. Tax Parcel: 134-17.07-173.02.

C/Z 1964 Martin Property Development, LLC BM

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and a C-1 General Commercial District to an LI-2 Light Industrial District for certain parcels of land lying and being in Dagsboro Hundred, Sussex County, containing 19.71 acres more or less. The properties are lying on the west side of Delaware Avenue and on the east side of Dupont Boulevard (Route 113), approximately 0.3 mile north of Parker Road (S.C.R. 380). 911 Address: 34796, 34770, 34752, & 34708 Delaware Avenue. Tax Parcels: 433-11.00-21.00, 433-11.00-21.02

Public Hearings

2021-24 Fishers Point KH

A cluster subdivision to divide 40.657 acres +/- into forty-eight (48) single-family lots to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County. The property is lying on the west side of Revel Road (S.C.R. 410), approximately 0.23 mile north of the intersection of Revel Road (S.C.R. 410) and Lewis Road (S.C.R. 409). Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, 81.13. Zoning: AR-1 (Agricultural Residential District).

2021-32 Riverwood KH

A cluster subdivision to divide 58.6 acres +/- into one hundred and seventeen (117) single-family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the northwest side of Phillips Branch Road (S.C.R. 302), approximately 0.25 mile south of the intersection with Hollymount Road (S.C.R. 48). Tax Parcels: 234-17.00-3.00 & 234-17.00-5.00. Zoning: AR-1 (Agricultural Residential District).

C/U 2323 Leslye Brossus BM

An Ordinance to grant a Conditional Use of land in a GR General Residential District for a treehouse and yurt to be utilized for short-term rentals to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 0.26 acres, more or less. The property is lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (Route 349) and is Lot 45 within the Banks Acres Subdivision. 911 Address: 31631 Reading Street, Millville. Tax Parcel: 134-12.00-1198.00.

C/U 2324 Zachary Bedell BM

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an automotive and boat repair business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.00 acres, more or less. The property is lying on the west side of Central Avenue (S.C.R. 84), approximately 350 feet south of Substation Road (S.C.R. 366). 911 Address: 34282 Central

Avenue, Frankford, DE 19945. Tax Parcel: 134-16.00-700.02.

Additional Business

-Discussion as to 2023 Planning & Zoning Commission Schedule
-Executive Session to Discuss Pending Litigation

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 6, 2022 at 3:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

Please note: Application C/U 2333 Kent Walston, LLC was not included in the agenda for the meeting as the Applicant has requested that this application be withdrawn.

-MEETING DETAILS-

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

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

To join the meeting via telephone, please dial:

Conference Number: 1 302-394-5036

Conference Code: 570176

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

The Planning & Zoning Commission meeting materials, including the "packet", are electronically accessible on the County's website at: **https://sussexcountyde.gov/**

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:00 P.M on Wednesday, October 12, 2022.

# # # #

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.

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, AICP, Planner III; Michael Lowrey, Planner III; Chase Phillips, Planner II; Christin Scott, Planner II; Elliott Young, Planner I & Jesse Lindenberg, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: October 4th, 2022
RE: Other Business for the October 13th, 2022, Planning Commission Meeting

---

This memo provides background for the Planning Commission to consider as a part of the Other Business to be reviewed during the October 13th, 2022, Meeting of the Planning & Zoning Commission.

Americana Bayside – Bayside Hotel Phase 1B BM
Final Site Plan
This is a Final Site Plan for the Bayside Hotel, Phase 1B for a proposed sixty (60) room hotel totaling 39,517 square feet, bar, and restaurant, inground pool, Zen Garden, spa, lounge, wall fountain, outdoor seating, parking, and associated site improvements to be located on Lakeview Drive and with access off the south side of Signature Boulevard within the existing Americana Bayside Residential Planned Community (RPC). At their meeting of Thursday, May 26th, 2022, the Planning and Zoning Commission approved the Preliminary Site Plan for the proposal. A revised Master Plan (MP-15) has also been submitted as required for all Residential Planned Communities (RPC) and has been included in the Commission's packet this evening. The Final Site Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval for the RPC. Zoning District: Medium Density Residential, Residential Planned Community (MR-RPC). Tax Parcel: 533-19.00-865.01. Staff are in receipt of all agency approvals.

CZ 1881 Milos Haven (F.K.A. Lakelynns) HW
Final Amenities Plan
This is a Final amenities Plan for the Milos Haven RPC community for the construction of a proposed 263 square foot bathhouse, an in-ground pool and other site improvements. The project is located on the northeast side of Norman Lane a private street within the Milos Haven Community. The Final Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval. The Sussex County Planning and Zoning Commission approved the Preliminary Amenities Plan at their meeting of Thursday, September 8th, 2022. Tax Parcel: 134-18.00-38.00. Zoning: GR-RPC (General Residential District, Residential Planned Community). Staff are in receipt of all agency approvals.

The Peninsula RPC – Eighteenth on the Bay (C/Z 1475, 1883 & 1936) HW
Revised Final Site Plan
This is a Revised Final Site Plan for The Peninsula Residential Planned Community – Eighteenth on the Bay. Specifically, the Applicant has proposed to change previously approved Building Nos. 2 through 5, 13, and 14 containing units 301 through 331 from leasehold (rented) to subdivided lots to be held in fee simple ownership. The type and distribution of units to be provided within the RPC

remain the same, as the units are included in the 270 single-family attached townhomes which were previously approved under the original Ordinance. The units also will not exceed the total number of units permitted within the Residential Planned Community (RPC), which was capped at 1,394 units through Change of Zone No. 1883 (Ordinance No. 2690). The Revised Final Site Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcels: 234-30.00-313.00, 314, 315.01 through 315.13. Zoning: MR-RPC (Medium Density Residential, Residential Planned Community). Staff are in receipt of all agency approvals.

S-22-10 American Storage of Delaware KS

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a 75,000 square foot self-storage facility, including RV and boat storage. The plan includes landscaping along Route 1, standard parking, parking for stored vehicles, an oversized loading area, and other site improvements. The plan designates 5,000 square feet of the building to be allocated to office use. Staff note that the property is within an area designated to have Excellent Groundwater Recharge Potential; therefore, the plan is subject to approval from the Sussex County Engineer. The property is within the Combined Highway Corridor Overlay Zone. Please be advised that the applicant has formally requested to be waived from the interconnectivity requirement that would require connection to Parcel 52.01 to the northwest. Otherwise, the Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: C-1 (General Commercial). Tax Parcel: 235-23.00-51.00. Staff are awaiting agency approvals.

S-22-33 Milton Village Apartments KH

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of 296 apartment units that will be split between 10 buildings. Eight (8) buildings will house 24 units and two (2) will house 52 units. The plan includes a 6,000 square foot community club house and pool, 60 garages for residential use, parking, landscaping, a multi-modal path, stormwater management, and other site improvements. The development will be located on a 21.15-acre leased area of a 138-acre parcel that is located on the east side of Gravel Hill Road (Rt. 30) and the south side of Milton Ellendale Highway (Rt. 16). Sewer and water will be provided by Artesian, and the site will be accessed from an internal road that will connect to Route 30. It should be noted that a conceptual plan to develop the remaining 117 acres as commercial areas and an additional 400 dwellings units have been reviewed by the Office of State Planning. Included in the published packet is the conceptual Master Plan and PLUS report. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 235-14.00-77.00. Zoning: HR-1 (High Density Residential). Staff are awaiting agency approvals.

2019-16 Estates at Milton Crossing KH

Preliminary Amenities Plan

This is a Preliminary amenities Plan for the Estates at Milton Crossing (2019-16) community for the construction of a proposed 1,198 square foot pool/patio house, an in-ground pool and other site improvements. The project is located on the northwest side of Whistling Duck Way a private street within the Estates at Milton Crossing. The Preliminary Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 235-8.00-26.00 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Lands of Dale T. Crew, Sr. KH

Minor Subdivision off a 20-ft Easement

This is a Minor Subdivision Plan for the subdivision of 5.005 acre +/- parcel of land into three (3) lots and residual lands off a 20-foot ingress/egress access easement. Proposed Lot 1 consists of 0.75 acres +/-, proposed Lot 2 consists of 0.754 acres +/-, proposed Lot 3 consists of 0.75 acres +/- and the residual lands consist of 2.755 acres +/-. The property is located on the southeast side of S Union Church Road (Route 42). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 230-26.00-76.03. Staff are awaiting agency approvals. If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

Lands of Todd S. Morrow KH

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 6.658 acre +/- parcel of land into one (1) lot and residual lands off a 50-foot ingress/egress access easement. Proposed Lot 1 consists of 3.899 acres +/- and the residual lands consist of 2.76 acres +/-. The property is located on the southeast side of Shawnee Road (Route 36). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 130-6.00-19.02. Staff are in receipt of all agency approvals.

Lands of Delnova Properties, LLC

Requested Determination of Minor Subdivision KS

Following discussions with staff, the Applicant has requested the Planning & Zoning Commission review whether the proposed plan meets the requirements for review as a minor subdivision under (§99-7(C)). This Preliminary Subdivision Plan proposes the subdivision of 5.09 acre +/- parcel of land into four (4) lots and residual lands. The plan proposes access for three (3) lots off a 50-foot easement and two (2) lots from a combined access on Camp Arrowhead Road (S.C.R. 279). The combined access for the Lots 1 and Lot 2 on Camp Arrowhead Road Plan proposes road frontages of 136 feet (Lot 1) and 75 feet (Lot 2). Lots in any minor subdivision are required to have a minimum width of 150 feet under (§97-7(C)). Proposed Lot 1 consists of 0.75 acres +/-; Proposed Lot 2 consists of 1.09 acres +/-; Proposed Lot 3 consists of 0.75 acres +/-; Proposed Lot 4 consists of 0.75 acres +/-; and the residual Lot 5 consists of 1.75 acres +/-. The property is located on the east side of Camp Arrowhead Lane (Route 279). Zoning: GR (General Residential District). Tax Parcel: 234-12.00-86.00.

Lands of Delnova Properties, LLC

Requested Determination of Minor Subdivision KS

Following discussions with staff, the Applicant has requested the Planning & Zoning Commission review whether the proposed plan meets the requirements for review as a minor subdivision under (§99-7(C)). This Preliminary Subdivision Plan proposes the subdivision of a 1.96 acre +/- parcel of land into two (2) lots as well as lot line adjustments of the existing 2 related parcels and access easement parcel. The easement and related lots were approved as a Minor Subdivision by the Planning & Zoning Commission on August 11, 2016. Staff note that the meeting record indicates the Commission prescribed that "any further subdivision shall require a major subdivision." The plan proposes to subdivide Parcel 87.00, expand the area of Parcel 87.03 (Easement Lot), and decrease the area of Parcel 87.02 via lot line adjustments. Additionally, the Plan proposes combined access from Camp Arrowhead Road (S.C.R. 279) for the reconfigured Easement (Parcel 87.03) and the residual lands of Parcel 87.00. These lots would have frontages of 107 feet (87.03) and 102 feet (Residual of 87.00). Lots in any minor subdivision are required to have a minimum width of 150 feet under (§97-7(C)).

The remaining lots: Proposed Lot 1, Parcel 87.02, and Parcel 87.01 would take access via the proposed 50-foot easement on Parcel 87.03. Proposed Lot (87.03 – Easement Lot) consists of 1.59 acres +/-; Proposed Lot 1 (p/o Parcel 87.00) consists of 0.75 acres +/-; Proposed Parcel 87.00 (Residual) consists of 0.92 acres +/-; Proposed Parcel 87.02 consists of 0.75 acres +/-; No changes are proposed to Parcel 87.01. The property is located on the east side of Camp Arrowhead Lane (Route 279). Zoning: GR (General Residential District). Tax Parcels: 234-12.00-87.00, 234-12.00-87.02, & 234-12.00-87.03.

Smith Farm District (David B. & Monica E. Smith) (S-22-08-301) KH

Consideration of Agricultural Preservation District

The State of Delaware Department of Agriculture has notified the Planning & Zoning Department of a new proposed Agricultural Preservation District submitted to the Delaware Agricultural Lands Preservation Foundation. The new proposed APD comprises 309.65 Acres to be located on the west side of Blanchard Rd, approximately 0.6 mile south of Hickman Rd. Tax Parcel ID: 530-8.00-2.00. Zoning: AR-1 Agricultural Residential Zoning District

AMERICANA BAYSIDE
RESIDENTIAL PLANNED COMMUNITY

Carl M. Freeman COMMUNITIES

SUSSEX COUNTY, DELAWARE
THE INN AT BAYSIDE
HOTEL -TOWN CENTER PHASE 1B
FINAL SITE PLAN

GMB FILE NO. 97058.J / 200057

ZONING CONDITIONS

FEBRUARY 6, 2001 – AMENDED SEPTEMBER 23, 2003 AND APRIL 13, 2010

CMF BAYSIDE, L.L.C. – CHANGE OF ZONE NO. 1393

CONDITIONS

1. THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALT NOT EXCEED 1,700.

2. THE DEVELOPER MAY PROVIDE A MINIMUM OF 104 ASSISTED LIVING UNITS. REDUCTION OF ANY TYPE OF RESIDENTIAL UNITS WILL BE AT THE DISCRETION OF THE APPLICANT.

3. THE MAXIMUM SQUARE FOOTAGE OF RETAIL/OFFICE SPACE SHALL BE 170,000 SQUARE FEET. THE DEVELOPER SHALL PROVIDE A MEDICAL FACILITY.

4. RESIDENTIAL CERTIFICATES OF OCCUPANCY SHALL NOT EXCEED 200 ANNUALLY ON A CUMULATIVE BASIS.

5. SITE PLAN REVIEW FOR EACH PHASE OF DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

6. ALL ENTRANCES, INTERSECTIONS, AND ROADWAY IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT IN ACCORDANCE WITH ANY FURTHER MODIFICATIONS REQUIRED BY DELDOT, ONCE 200 CERTIFICATES OF OCCUPANCY HAVE BEEN ISSUED.

7. THE APPLICANT SHALL ESTABLISH A 60-FOOT HIGHWAY CORRIDOR OVERLAY ZONE SETBACK ALONG THE PROPERTY FRONTING ROUTE 54.

8. RECREATIONAL FACILITIES, I.E., GOLF, TENNIS COURTS, SWIMMING POOLS, ETC., SHALL BE CONSTRUCTED TO COINCIDE WITH CONSTRUCTION PHASES SCHEDULED AND SUBJECT TO REVIEW AND APPROVAL BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

9. THE RPC SHALL BE SERVED BY THE SUSSEX COUNTY SOUTH COASTAL REGIONAL WASTEWATER FACILITY PER SUSSEX COUNTY ENGINEERING DEPARTMENT REGULATIONS AND SPECIFICATIONS.

10. THE RPC SHALL BE SERVED BY A CENTRAL WATER SYSTEM PROVIDING DRINKING WATER AND FIRE PROTECTION PER APPLICABLE REGULATIONS AND APPROVAL OF THE DEPARTMENT OF NATURAL RESOURCES, THE STATE FIRE MARSHAL'S OFFICE, THE PUBLIC SERVICE COMMISSION, AND THE STATE OF DELAWARE OFFICE OF PUBLIC HEALTH.

11. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL SHALL EQUAL OR EXCEED ALL APPLICABLE STATE AND COUNTY REGULATIONS.

12. THE APPLICANT SHALL ESTABLISH "BEST MANAGEMENT PRACTICES" IN REGARD TO GOLF COURSE MAINTENANCE AND PROTECTION OF NON-TIDAL WETLANDS. THE OPERATOR OF THE GOLF COURSE SHALL FILE A NUTRIENT MANAGEMENT PROGRAM WITH THE APPROPRIATE STATE AGENCY.

13. THE APPLICANT SHALL COORDINATE WITH THE CENTER FOR THE INLAND BAYS THE DEVELOPMENT OF A PUBLIC INLAND BAY NATURE TRAIL AND OBSERVATORY.

14. STATE AND FEDERAL WETLANDS SHALL BE MAINTAINED AS NON-DISTURBANCE AREAS, EXCEPT FOR DISTURBANCE AUTHORIZED BY A VALID FEDERAL OR STATE PERMIT. THERE SHALL BE NO CONSTRUCTION IN ANY WETLANDS WITHOUT VALID PERMITS.

15. THE APPLICANT SHALL PROVIDE, AT NO COST, A PARCEL OF LAND APPROPRIATE FOR USE BY THE DELAWARE STATE POLICE AND A PARCEL OF LAND APPROPRIATE FOR USE BY THE ROXANA VOLUNTEER FIRE COMPANY WHEN DEEMED APPROPRIATE BY SAID ORGANIZATIONS. THE LOCATION AND SIZE OF SAID PARCELS SHALL BE AS MUTUALLY AGREED UPON BY THE PARTIES INVOLVED.

16. THE APPLICANT SHALL PROVIDE SHUTTLE SERVICE TO THE RESIDENTS OF AMERICANA BAYSIDE, AS NEEDED, TO THE BEACHES FOR RECREATION AND SHOPPING. THE APPLICANT SHALL PLAN TO EDUCATE AND ENCOURAGE THE USE OF THIS SERVICE IN REGARD TO DECREASING TRAFFIC ON ROUTE 54.

17. THE APPLICANT SHALL PROVIDE ADEQUATE SECURITY FOR DEVELOPMENT. SECURITY SHOULD INCLUDE A 24-HOUR EMERGENCY CENTER, SUFFICIENT STAFF AND VEHICLES, WITH INCREASING STAFF TO COINCIDE WITH INCREASED OCCUPANTS FOR THE PROJECT.

18. THE APPLICANT SHALL COORDINATE WITH THE STATE AND COUNTY EMERGENCY PLANNING OFFICES IN DEVELOPMENT AND IMPLEMENTATION OF AN EMERGENCY EVACUATION PROCEDURE FOR THE DEVELOPMENT, WHICH WILL BE INCORPORATED INTO THE RESTRICTIONS OF THE DEVELOPMENT AND MAY REQUIRE EARLY MANDATORY EVACUATION, IF NEEDED, BY SAID OFFICES.

19. THE RPC SHALL NOT CONTAIN A MARINA, INDIVIDUAL BOAT DOCK FACILITIES, OR BOAT LAUNCHING FACILITIES OTHER THAN A COMMUNITY WATER TAXI SERVICE FACILITY. NON-MOTORIZED WATERCRAFT SHALL BE PERMITTED AT THE BOAT LAUNCHING FACILITY OF THE COMMUNITY WATER TAXI SERVICE.

20. NO SITE PREPARATION, SITE DISTURBANCE, SITE EXCAVATION, OR OTHER SITE CONSTRUCTION SHALL BE COMMENCED UNTIL ALL PERMITS REQUIRED BY ALL OTHER LAWS, ORDINANCES, RULES AND REGULATIONS SHALL HAVE BEEN ISSUED AND THE APPROVED FINAL SITE PLAN IS RECORDED, EXCEPT SUCH SITE WORK FOR WHICH A PERMIT HAS BEEN ISSUED BY THE SUSSEX CONSERVATION DISTRICT. THE SITE WORK AUTHORIZED BY THE SUSSEX CONSERVATION DISTRICT PERMIT MAY BE COMMENCED UPON SUBMISSION OF COPIES OF THE APPLICATION FOR PERMITS FROM THE SUSSEX COUNTY ENGINEERING DEPARTMENT AND DELDOT TO THE DIRECTOR OF PLANNING AND ZONING AND SUBMISSION OF A BOND IN AN AMOUNT EQUAL TO 125% OF THE COST OF THE SITE WORK AUTHORIZED BY THE SUSSEX CONSERVATION DISTRICT PERMIT AND IN A FORM ACCEPTABLE TO THE COUNTY ATTORNEY. THE BOND SHALL BE RELEASED UPON THE ISSUANCE OF ALL OTHER PERMITS AND THE FILING OF AN APPROVED MASTER PLAN OR FINAL SITE PLAN.

21. NO EXISTING STATE ROADS IN THE DEVELOPMENT SHALL BE VACATED, THE DEVELOPERS ARE PROPOSING TO REALIGN COUNTY ROAD 394 AND 394A; THAT THESE ROADS WILL REMAIN OPEN TO THE PUBLIC; THAT TRAFFIC CALMING DEVICES WILL BE INCORPORATED INTO THE DESIGN; THAT THE RELOCATION OF THE ROADS DOES NOT CONSTITUTE THE VACATION OR ABANDONMENT OF A ROAD; AND THAT THE APPROVAL WILL STILL BE SUBJECT TO DELDOT'S APPROVAL THROUGH A HEARING PROCESS.

22. PUBLIC ACCESS SHALL BE PERMITTED AT THE END OF STATE ROUTE 394. ACCESS SHALL INCLUDE SUFFICIENT PARKING FOR EIGHT VEHICLES.

23. ASSISTED LIVING UNITS MAY BE LOCATED ON THE NORTH SIDE OF ROUTE 54, WEST OF ROUTE 20.

24. ALL COMMERCIAL ACTIVITIES SHALL BE LIMITED TO THE SOUTH SIDE OF ROUTE 54, EXCEPT FOR A 1.27 ACRE PARCEL DESIGNATED TAX MAP 35-33-19.00 PARCEL 17.01, LOCATED ON THE NORTH SIDE OF ROUTE 54 ON WHICH COMMERCIAL USE SHALL BE PERMITTED SUBJECT TO COMMERCIAL ENTRANCE APPROVAL FROM DELDOT. ENTRANCE TO THE COMMERCIAL AREA LOCATED ON THE SOUTH SIDE OF ROUTE 54 SHALL BE A MINIMUM OF 300 FEET FROM ROUTE 54, EXCEPT FOR A SINGLE RIGHT-IN/RIGHT-OUT COMMERCIAL ENTRANCE TO A PARCEL DESIGNATED AS TAX MAP 5-33-19.00 PARCEL 16.00, WHICH IS SUBJECT TO APPROVAL FROM DELDOT.

PLANNING & ZONING DESIGN CONDITIONS – SEPTEMBER 23, 2003

A. THE COMMISSION APPROVED A 35-FOOT AGGREGATE YARD FOR TOWNHOUSE UNITS WITH A MINIMUM FRONT YARD SETBACK OF 15-FEET.

B. THE COMMISSION APPROVED 75-FOOT SINGLE FAMILY LOTS ALONG ROADS 394 AND 394A.

C. THE COMMISSION APPROVED THE HEIGHTS OF THE STRUCTURES IN THE COMMERCIAL AREAS, TOWNHOUSES, MULTI-FAMILY UNITS AND THE MIXED USES TO BE 52-FEET IN HEIGHT AS PERMITTED IN THE HIGH DENSITY RESIDENTIAL DISTRICTS; THERE MAY BE PARKING LOCATED UNDERNEATH THESE STRUCTURES WHICH WILL RESULT IN MORE OPEN SPACE BEING CREATED; AND THAT ALL SINGLE FAMILY RESIDENCES WILL NOT EXCEED THE MAXIMUM ALLOWED 42-FOOT HEIGHT LIMIT WITH THE FOLLOWING STIPULATIONS:

1. THERE SHALL BE NO LIVING SPACE ABOVE 42-FEET.
2. THE MAXIMUM HEIGHT OF THE ROOF PEAK SHALL NOT EXCEED 52-FEET.
3. ORNAMENTAL IMPROVEMENTS, SUCH AS CUPOLAS, WIDOW'S WATCHES, CROW'S NEST OR SIMILAR, SHALL NOT EXCEED 8-FEET ABOVE THE PEAK OF THE ROOF.

D. THE COMMISSION APPROVED PARKING SPACES LOCATED BELOW THE MULTI-FAMILY STRUCTURES ONLY TO BE 9-FEET BY 18-FEET IN SIZE; THAT THESE SPACES WILL FIT WITHIN THE BUILDING FOOTPRINTS OF THE MULTI-FAMILY UNITS; THAT THERE WILL BE A SHUTTLE SERVICE FOR THE COMMUNITY; THAT ALL OTHER PARKING SPACES WILL COMPLY WITH THE REQUIREMENTS OF THE ZONING CODE; AND THAT THE ENTIRE PROJECT WILL REQUIRE 5,339 PARKING SPACES WHICH WILL BE PROVIDED.

SUSSEX COUNTY BOARD OF ADJUSTMENT – CASE #8702

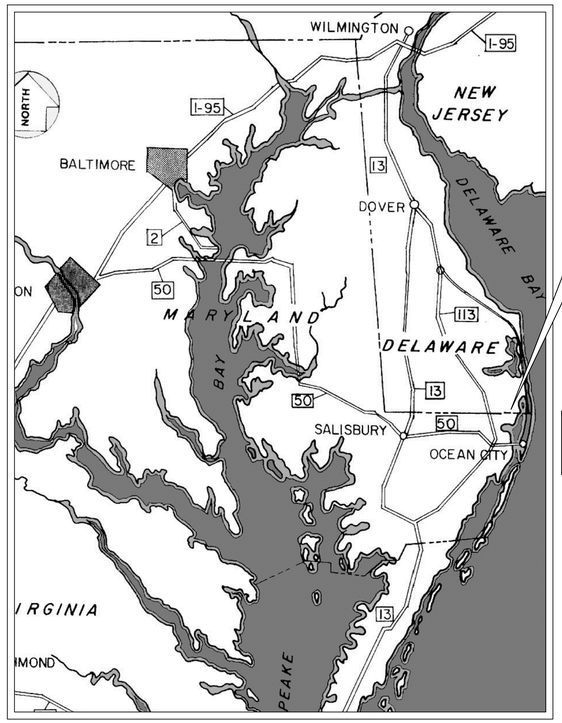
ON JULY 12, 2004, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A VARIANCE REQUEST FOR CHAPTER 115, ARTICLE XVI, SUBSECTION 127 REDUCING THE MINIMUM SINGLE FAMILY LOT SIZE TO 6,000 SQUARE FEET, A VARIANCE OF 1,500 SQUARE FEET, FOR 127 HOMES LABELED AS "PATIO HOMES" ON THE APPROVED MR-RPC MASTER PLAN.

SUSSEX COUNTY BOARD OF ADJUSTMENT – CASE #9853

ON JUNE 4, 2007, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A VARIANCE REQUEST FOR CMF BAYSIDE, LLC TO INSTALL A VEE-SHAPED GROUND SIGN AT ROUTE 54 APPROXIMATELY 240 SQUARE FEET ON EACH SIDE.

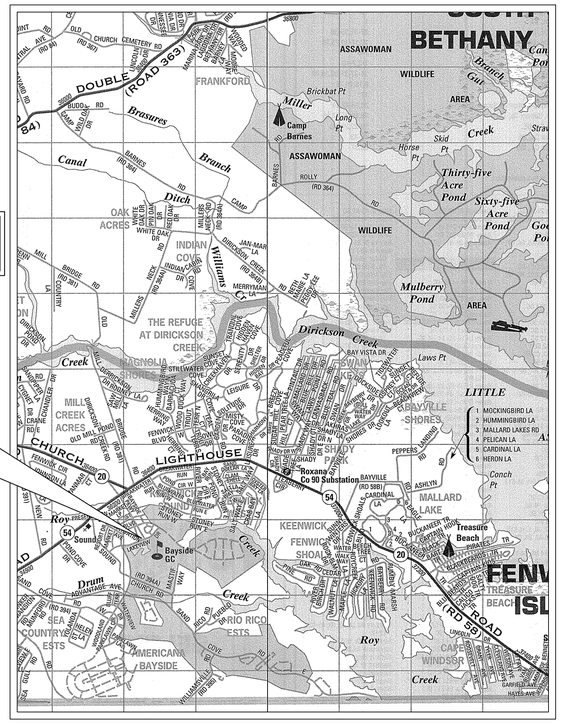
SUSSEX COUNTY PLANNING AND ZONING COMMISSION

ON MARCH 22, 2012, THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION UNANIMOUSLY APPROVED A REQUEST TO AMEND THE SIDE YARD SETBACK FOR SINGLE FAMILY DWELLINGS AND DUPLEX HOME TYPES TO 5 FEET FOR FUTURE HOMES IN THE PROJECT.



VICINITY MAP

SCALE: 1" = 20 MILES



LOCATION MAP

SCALE: 1" = 2000'

SUSSEX COUNTY BOARD OF ADJUSTMENT – CASE #11262

ON SEPTEMBER 9, 2013, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A REQUEST FROM CMF BAYSIDE, LLC FOR A 20 FOOT VARIANCE FROM THE 60 FEET LOT WIDTH REQUIREMENT TO 40 FEET AND A 2,500 SQUARE FEET VARIANCE FROM THE MINIMUM 7,500 SQUARE FEET LOT AREA REQUIREMENT TO 5,000 SQUARE FEET FOR THE LOTS IN VILLAGE C, PHASE 1 AMERICANA BAYSIDE.

ENGINEER'S CERTIFICATION:

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

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

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

JULY 2022

LIST OF DRAWINGS

FSP 1	FINAL SITE PLAN COVER SHEET
FSP 2	OVERALL KEY SHEET
FSP 3	EXISTING CONDITIONS
FSP 4	FINAL SITE PLAN

DEVELOPER'S CERTIFICATION:

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

JOSH MASTRANGELO DATE
CMF BAYSIDE, LLC
21 VILLAGE GREEN DRIVE, STE. 200
OCEAN VIEW, DELAWARE 19970

NOTES:

1. ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT. A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES. THIS PLAT AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON- EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY.
2. MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANAGEMENTS FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPERS, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
4. ALL SIDEWALKS MUST BE INSTALLED IN CONJUNCTION WITH THE ROADS, AND FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
5. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY TIDEWATER UTILITIES, INC. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
6. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF VARIOUS DIAMETER GRAVITY SEWERS. THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
7. THERE IS NO ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
8. TIDAL OR NON-TIDAL WETLANDS EXIST ON THE BAYSIDE PROPERTY. SECTION 404 WETLAND ACTIVITIES APPROVED PER U.S.A.C.O.E. PERMIT CENAP-OP-R-200101204-1, ISSUED 9/23/03. STATE WETLAND AND SUBAQUEOUS LANDS ACTIVITIES APPROVED PER DNREC PERMITS SP-349/02, WQC 349/02, SL-349/02, AND WE-0350/02, ISSUED 5/13/03. WETLAND LINES SHOWN ON SITE PLANS ARE PER WETLAND PLATS PREPARED BY BECKER MORGAN GROUP, AS APPROVED UNDER PERMITS LISTED ABOVE.
9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
11. THE PROPOSED PROJECT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
12. THE PROPOSED PROJECT IS LOCATED WITHIN AN AREA OF "GOOD" GROUNDWATER RECHARGE POTENTIAL.
13. THE PROJECT IS NOT LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT.
14. ANY PROPOSED SIGNAGE FOR THE HOTEL WILL REQUIRE A SEPARATE PERMIT ISSUED FROM THE COUNTY.
15. ALL LIGHTING WILL BE INSTALLED DOWNWARD SCREENED TO MINIMIZE GLARE ON ADJACENT PROPERTIES.

SITE DATA:

OWNER/DEVELOPER:	CMF BAYSIDE, LLC 21 VILLAGE GREEN DRIVE, SUITE 200 OCEAN VIEW, DE 19970 CONTACT: JOSH MASTRANGELO (302)-436-3000
ENGINEER:	GEORGE, MILES AND BUHR, LLC 206 WEST MAIN STREET SALISBURY, MD 21801 CONTACT: STEVE MARSH (410)-742-3115
TAX MAP #:	T.M. ID 533-19.00-865.01
DEED REFERENCE:	PLATTED AS TOWN CENTER LOT 7 PHASE 1B BOOK 2235 PAGE 187
ZONING CLASSIFICATION:	MR-RPC
PRESENT USE:	PARKING LOT/OPEN SPACE
PROPOSED USE:	60 ROOM HOTEL/RESTAURANT/SPA
TOTAL BAYSIDE LAND AREA:	±931.24 ACRES

AREA DISTURBED	ACRES
PARCEL 865.01 TOTAL AREA:	± 2.93
NET DEVELOPMENT AREA:	± 1.12
PROPOSED DISTURBED AREA:	± 1.12
IMPERVIOUS AREA:	± 0.52 (18%)
STATE REGULATED (TIDAL) WETLANDS:	± 0.00
FEDERAL REGULATED (NON TIDAL) WETLANDS:	± 0.00
CONSERVATION AREA:	± 0.00
FORESTED WETLAND MITIGATION:	± 0.00

FLOOD INFORMATION: ZONE X AND ZONE X WITH 0.2 PERCENT ANNUAL CHANGE FLOOD HAZARD ZONE PER FEMA MAP 10005C0653K, REVISED MARCH 16, 2015.

BUILDING RESTRICTIONS:
THERE ARE ZERO LOT LINE SETBACKS WITHIN THE BAYSIDE TOWN CENTER

THE HOTEL WILL BE CONSTRUCTED IN ONE PHASE

MAXIMUM BUILDING HEIGHT 52' WITH NO LIVING SPACE ABOVE 42'. SEE PLANNING AND ZONING DESIGN CONDITIONS DATED SEPT 23, 2003 THIS SHEET.

BUILDING GROSS AREA (CONDITIONED):	
FIRST FLOOR:	10,285 SQ.FT.
SECOND FLOOR:	10,265 SQ.FT.
THIRD FLOOR:	10,265 SQ.FT.
FOURTH FLOOR:	8,702 SQ.FT.
TOTAL GROSS AREA:	39,517 SQ.FT.

REQUIRED PARKING:	
1.5/ROOM (60 ROOMS)	90
1/2 EMPLOYEES (4/2=2)	2
BAR AND RESTAURANT (1,300/50 SF):	26
SPA: (990/200 SF)	5
TOTAL:	123

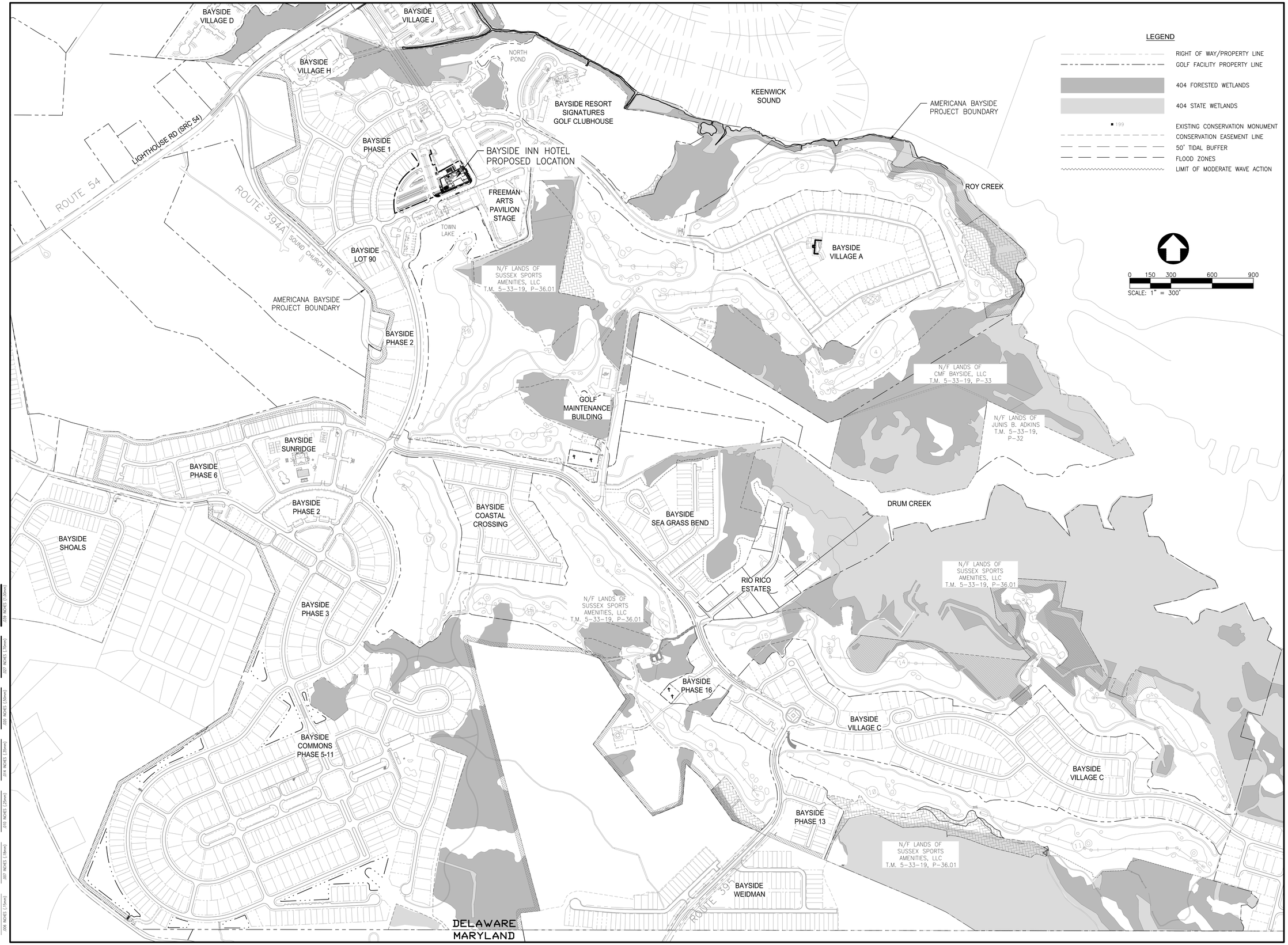
PROVIDED PARKING: 124 (INCLUDING 8 ADA ACCESSIBLE PARKING SPACES)
4 LOADING ZONE (2 PROPOSED IN SERVICE DRIVE)
(2 EXISTING IN PARKING LOT)

PHASE 1A FINAL SITE PLAN APPROVAL: 8/19/2005 PLOT BOOK 95/300
PHASE 1B FINAL SITE PLAN APPROVAL: 9/20/2006 PLOT BOOK 108/129
PHASE 1B LOT 7 (REC CENTER) FINAL SITE PLAN APPROVAL: 2/11/2016 PLOT BOOK 226/01

HOTEL APPROVED ON MASTER PLAN, DATED JULY 25, 2003.

APPROVED _____ BY _____
DATE
SUSSEX CONSERVATION DISTRICT

APPROVED _____ BY _____
DATE
SUSSEX COUNTY COUNCIL PRESIDENT



PRINTS ISSUED FOR:
FINAL SITE PLAN APPROVAL

NO.	REVISIONS	DATE

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

AMERICANA BAYSIDE

Carl M. Freeman COMMUNITIES

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

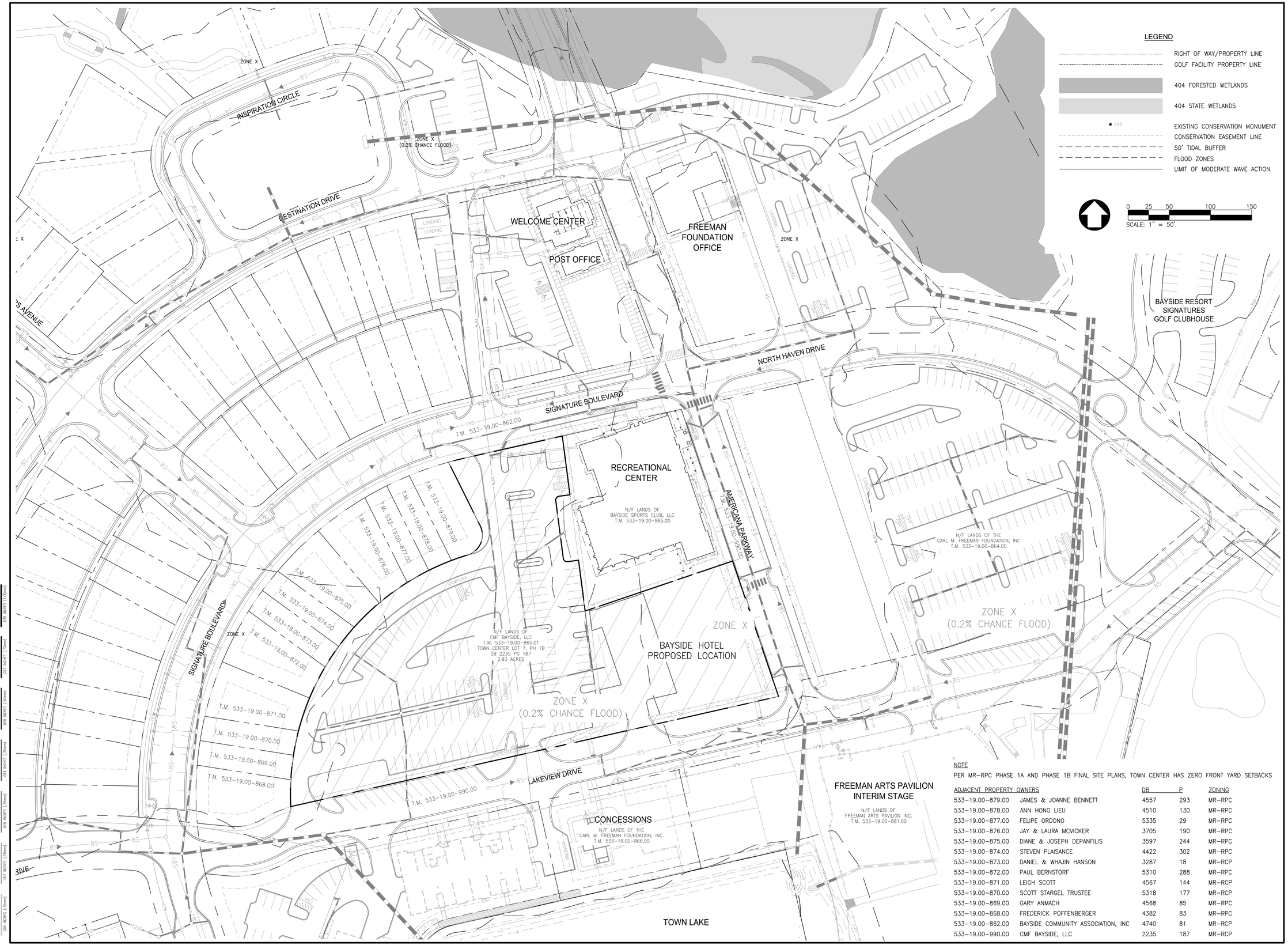
THE INN AT BAYSIDE TOWN CENTER FSP OVERALL KEY SHEET

SCALE	: 1" = 300'
DESIGN BY	: TMG
DRAWN BY	: TMG
CHECKED BY	: KK
GMB FILE	: 200057
DATE	: JULY 2022

SHEET NO.
FSP 2

© COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

G:\Projects\2020\200057 Bayside Hotel In Town Center\Drawings\Working Sets\Final Site Plan\FSP 2 FSP OVERALL KEY SHEET.dwg, 8/4/2022 11:09 AM, Terry N. Gundry
PLOT CODE
PEN1-RED 200 INCHES (5mm)
PEN2-YELLOW 200 INCHES (5mm)
PEN3-GREEN 200 INCHES (5mm)
PEN4-CYAN 200 INCHES (5mm)
PEN5-BLUE 200 INCHES (5mm)
PEN6-MAGENTA 200 INCHES (5mm)
PEN7-WHITE 200 INCHES (10mm)



NOTE

PER MR-RPC PHASE 1A AND PHASE 1B FINAL SITE PLANS, TOWN CENTER HAS ZERO FRONT YARD SETBACKS

ADJACENT PROPERTY OWNERS		DB	P	ZONING
533-19.00-879.00	JAMES & JOANNE BENNETT	4557	293	MR-RPC
533-19.00-878.00	ANN HONG LIEU	4510	130	MR-RPC
533-19.00-877.00	FELIPE ORDONO	5335	29	MR-RPC
533-19.00-876.00	JAY & LAURA MCVICKER	3705	190	MR-RPC
533-19.00-875.00	DIANE & JOSEPH DEPANFILIS	3597	244	MR-RPC
533-19.00-874.00	STEVEN PLAISANCE	4422	302	MR-RPC
533-19.00-873.00	DANIEL & WHAJIN HANSON	3287	18	MR-RCP
533-19.00-872.00	PAUL BERNSTORF	5310	288	MR-RPC
533-19.00-871.00	LEIGH SCOTT	4567	144	MR-RCP
533-19.00-870.00	SCOTT STARGEL TRUSTEE	5318	177	MR-RCP
533-19.00-869.00	GARY ANMACH	4568	85	MR-RCP
533-19.00-868.00	FREDERICK POFFENBERGER	4382	83	MR-RPC
533-19.00-862.00	BAYSIDE COMMUNITY ASSOCIATION, INC	4740	81	MR-RCP
533-19.00-990.00	CMF BAYSIDE, LLC	2235	187	MR-RCP

PRINTS ISSUED FOR:
FINAL SITE PLAN APPROVAL

NO.	REVISIONS	DATE

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

AMERICANA BAYSIDE
Carl M. Freeman COMMUNITIES
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

THE INN AT BAYSIDE TOWN CENTER FSP EXISTING CONDITIONS

SCALE	: 1" = 50'
DESIGN BY	: TMG
DRAWN BY	: TMG
CHECKED BY	: KK
GMB FILE	: 200057
DATE	: JULY 2022

SHEET NO.
FSP 3

© COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

G:\Projects\2020\200057 Bayside Hotel in Town Center\Drawings\Working Sets\Final Site Plan\FSP 3 FSP EXISTING CONDITIONS.dwg, 8/4/2022 11:09 AM, Terry M. Gundry
PLOT CODE
PEN1-RED 205 INCHES (.12mm)
PEN2-YELLOW 207 INCHES (.12mm)
PEN3-GREEN 201 INCHES (.12mm)
PEN4-CYAN 214 INCHES (.12mm)
PEN5-BLUE 220 INCHES (.12mm)
PEN6-MAGENTA 207 INCHES (.12mm)
PEN7-WHITE 209 INCHES (.12mm)

SIGNATURE BOULEVARD

RECREATIONAL CENTER

N/F LANDS OF
BAYSIDE SPORTS CLUB, LLC
T.M. 533-19.00-865.00

ZONE X
(0.2% CHANCE FLOOD)

ZONE X

AMERICANA PARKWAY

PROPOSED 60 ROOM HOTEL
SPA, LOUNGE, POOL AND BAR
TOTAL GROSS AREA
(CONDITIONED): 39,517 SF
FOUR STORIES
PER MR-RPC PHASE 1A AND PHASE 1B
FINAL SITE PLANS, TOWN CENTER HAS ZERO
FRONT YARD SETBACKS

N/F LANDS OF
CMF BAYSIDE, LLC
P/O T.M. 533-19.00-865.01
TOWN CENTER LOT 7, PH 1C
0.76 ACRES

N/F LANDS OF
CMF BAYSIDE, LLC
P/O T.M. 533-19.00-865.01
TOWN CENTER LOT 7, PH 1B
DB 2235 PG 187
2.17 ACRES

LOT NO. 3

N/F LANDS OF
CARL M. FREEMAN FOUNDATION, INC
T.M. 533-19.00-864.00

LOT NO. 7

EXISTING DUMPSTER

SHARED DUMPSTER

EMPLOYEE PARKING AND LOADING AREA

EXTERNAL STORAGE SHEDS

BIKE RACKS

FIRE DEPT. CONNECTION AND FIRE PUMP ROOM

HOTEL PRIMARY ENTRANCE AND LOBBY

DEPRESS CURBING IN FRONT OF HOTEL FOR ACCESSIBILITY

HOTEL SIDEWALK AND LANDSCAPING TO ALIGN AND MATCH EXISTING RECREATIONAL CENTER FEATURES

ELECTRIC CAR CHARGING STATIONS

ZEN GARDEN FOR SPA

400 SF SWIMMING POOL WITH DECK AND WATER FEATURE

TRAVEL LANE STRIPING

BIORETENTION AREAS (TYP.)

SPA ENTRANCE (SECONDARY)

OUTDOOR SEATING AND PATIO AREA

EXISTING PARKING LOT RE-CONFIGURE WITH ADDITIONAL PARKING

EXISTING DUMPSTER

OUTDOOR SEATING AND PATIO AREA

PROPOSED ROAD RE-ALIGNMENT WITH ON-STREET PARKING

EXISTING FREEMAN ARTS PAVILION PATRON ENTRANCE WITH SAFETY BOLLARDS TO REMAIN

GARDEN WALL WITH LANDSCAPING AND WATER FEATURE
10' CONCRETE CENTER WITH 8.5' WOODEN WING WALLS

LAKEVIEW DRIVE

FREEMAN ARTS PAVILION
INTERIM STAGE

CONCESSIONS

BUILDING NO. 10A

LOT NO. 9

LOT NO. 10

ZONE X
(0.2% CHANCE FLOOD)

LOADING

0 15 30 60 90
SCALE: 1" = 30'

G:\Projects\2020\200057 Bayside Hotel in Town Center\Drawings\Working Sets\Final Site Plan\FSP 4 HOTEL FINAL SITE PLAN.dwg, 10/4/2022 9:23 AM, Kelja Kolinski

PLOT CODE
PEN1-WHITE 039 INCHES (1.00mm)
PEN4-MAGENTA 007 INCHES (.18mm)
PEN5-BLUE 007 INCHES (.18mm)
PEN6-CYAN 014 INCHES (.35mm)
PEN3-GREEN 011 INCHES (.28mm)
PEN2-YELLOW 007 INCHES (.18mm)
PEN1-RED 028 INCHES (.70mm)

PRINTS ISSUED FOR:
FINAL SITE PLAN APPROVAL

NO.	REVISIONS	DATE

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

AMERICANA BAYSIDE
Carl M. Freeman COMMUNITIES
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

THE INN AT BAYSIDE
TOWN CENTER
FINAL SITE PLAN

SCALE	: 1" = 30'
DESIGN BY	: TMG
DRAWN BY	: TMG
CHECKED BY	: KK
GMB FILE	: 200057
DATE	: JULY 2022

SHEET NO.
FSP 4

© COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

PLANT SCHEDULE

DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS
	ARO	2	Acer rubrum 'October Glory' / October Glory Red Maple	3" Cal.	B&B	
	BEN	1	Betula nigra / River Birch	12` Ht.	B&B	Multi-Stem
	HHL	1	Gleditsia triacanthos inermis 'Halka' / Halka Honey Locust	3" Cal.	B&B	

EVERGREEN TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS
	BER	5	Juniperus virginiana 'Brodie' / Brodie Eastern Redcedar	4` Ht.	Pot	

FLOWERING TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS
	COK	2	Cornus kousa / Kousa Dogwood	1.5" Cal.	B&B	
	SCM	1	Lagerstroemia indica x fauriei 'Sioux' / Sioux Crape Myrtle	8` Ht.	B&B	
	SBM	1	Magnolia virginiana glauca / Sweetbay Magnolia	1.5" Cal.	B&B	
	KWC	3	Prunus serrulata 'Kwanzan' / Kwanzan Japanese Flowering Cherry	1.5" Cal.	B&B	

SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS
	CSD	9	Cornus amomum 'Cayenne' / Cayenne Silky Dogwood	3 gal.	Pot	
	LLH	7	Hydrangea paniculata 'Jane' TM / Little Lime Panicle Hydrangea	3 gal.	Pot	
	LPH	5	Hydrangea paniculata 'Limelight' / Limelight Panicle Hydrangea	3 gal.	Pot	
	IGB	33	Ilex glabra 'SMNIGAB17' TM / Gem Box Inkberry Holly	3 gal.	Pot	
	IGS	37	Ilex glabra 'Shamrock' / Shamrock Inkberry Holly	3 gal.	Pot	
	MSM	13	Miscanthus sinensis 'Morning Light' / Morning Light Eulalia Grass	3 gal.	Pot	
	PRS	40	Prunus laurocerasus 'Schipkaensis' / Schipka English Laurel	3 gal.	Pot	
	EGA	2	Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae	5` Ht.	Pot	
	VAM	6	Viburnum acerifolium / Mapleleaf Viburnum	3 gal.	Pot	

GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS
	CAK	27	Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass	Quart	Pot	
	PVS	7	Panicum virgatum 'Shenandoah' / Shenandoah Switch Grass	Quart	Pot	

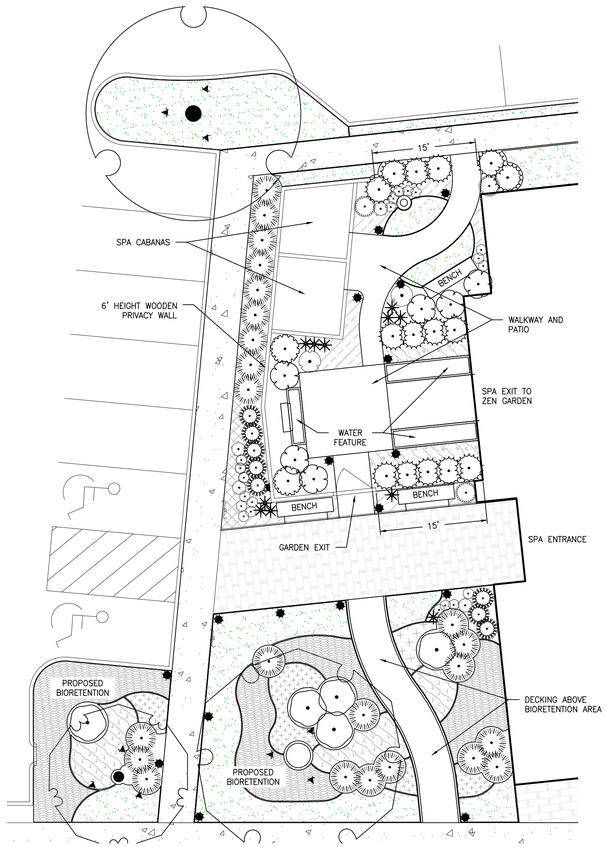
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS
	ECP	6	Echinacea purpurea / Coneflower	Quart	Pot	
	HHR	12	Hemerocallis x 'Happy Returns' / Happy Returns Daylily	Quart	Pot	
	SHD	7	Leucanthemum x superbum / Shasta Daisy	1 gal.	Pot	
	DRW	8	Rosa x 'Meizorland' TM / White Drift Groundcover Rose	1 gal.	Pot	
	LGC	15	Rudbeckia fulgida 'Little Goldstar' / Little Goldstar Coneflower	Quart	Pot	

SWM GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
	BBS	22	Andropogon gerardii / Big Bluestem	flat	Plug	36" o.c.	
	JUE	33	Juncus effusus / Common Rush	flat	Plug	24" o.c.	
	HMS	121	Panicum virgatum 'Heavy Metal' / Heavy Metal Switch Grass	flat	Plug	30" o.c.	

GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
	TLG	56	Eragrostis pectinacea / Tufted Lovegrass	flat	Plug	12" o.c.	
	LRS	124	Liriope spicata / Creeping Lilyturf	flat	Plug	12" o.c.	
	NA2	35	Nassella tenuissima / Mexican Feather Grass	#1	Pot	20" o.c.	

LIGHTING LEGEND

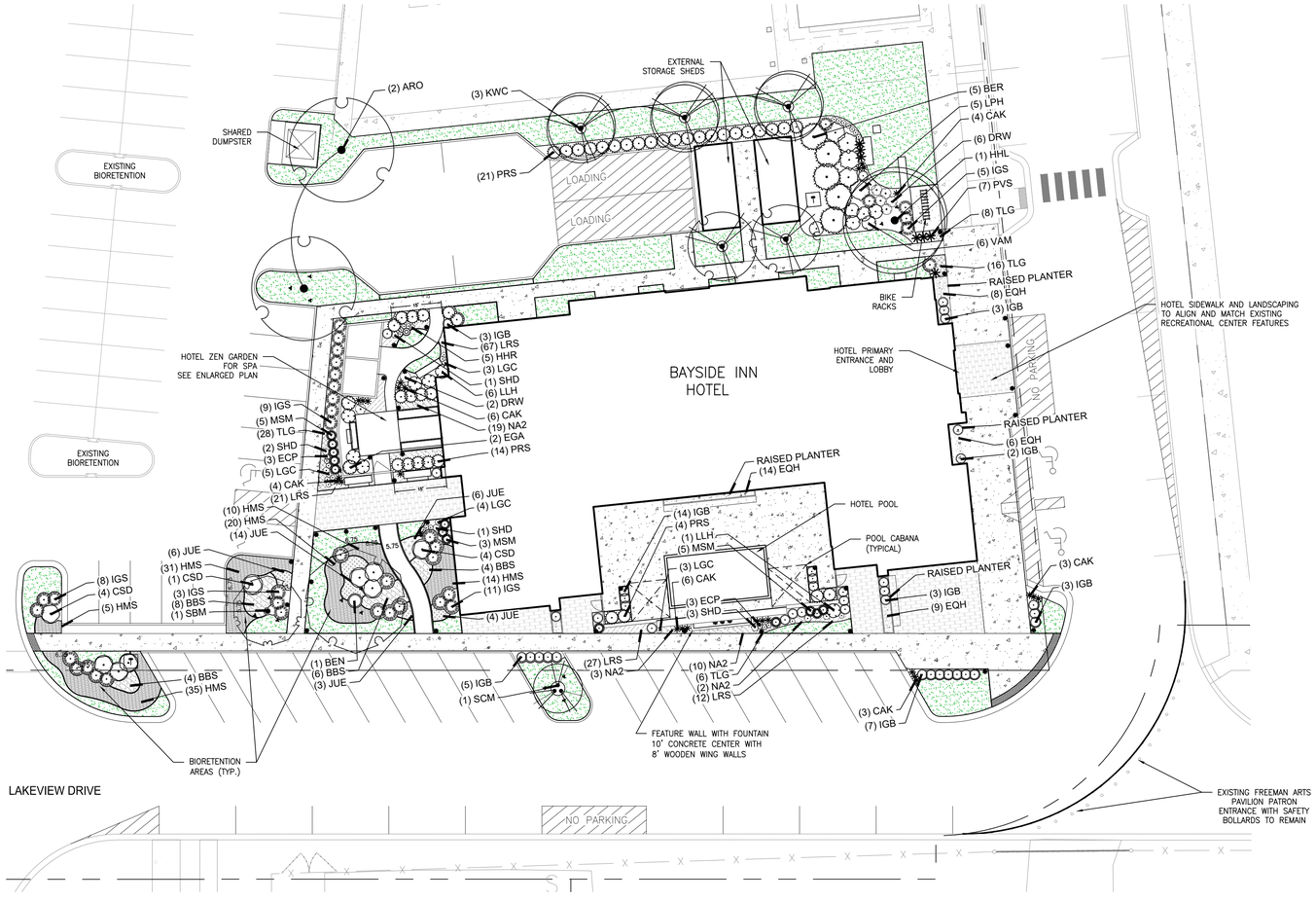
- (32) PATH LIGHT/BOLLARD
- (15) TREE UPLIGHT
- (4) WALL LIGHT (SIGNAGE)



ENLARGED ZEN GARDEN

0 5 10 20 30

SCALE: 1" = 10'



0 10 20 40 60

SCALE: 1" = 20'

G:\Projects\2020\200057 Bayside Hotel in Town Center\Drawings\Working Sets\Final Site Plan\Vsp 5 FSP LANDSCAPING PLAN.dwg, 8/4/2022 11:10 AM, Terry M. Gundy

PLOT CODE	PEN COLOR	PLOT WIDTH
PEN1=RED	255 INCHES (1.0mm)	039 INCHES (1.0mm)
PEN2=YELLOW	207 INCHES (1.0mm)	031 INCHES (1.0mm)
PEN3=GREEN	203 INCHES (1.0mm)	020 INCHES (1.0mm)
PEN4=CYAN	214 INCHES (1.0mm)	012 INCHES (1.0mm)
PEN5=BLUE	255 INCHES (1.0mm)	020 INCHES (1.0mm)
PEN6=MAGENTA	207 INCHES (1.0mm)	031 INCHES (1.0mm)
PEN7=WHITE	039 INCHES (1.0mm)	039 INCHES (1.0mm)

PRINTS ISSUED FOR:
FINAL SITE PLAN APPROVAL

NO.	REVISIONS	DATE

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

AMERICANA BAYSIDE
Carl M. Freeman COMMUNITIES
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

THE INN AT BAYSIDE TOWN CENTER FSP LANDSCAPING AND LIGHTING PLAN

SCALE	: AS NOTED
DESIGN BY	: TMG
DRAWN BY	: TMG
CHECKED BY	: KK
GMB FILE	: 200057
DATE	: JULY 2022

SHEET NO.
FSP 5

© COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

Sussex Conservation District
23181 Shortly Road
Georgetown, DE 19947
302-856-2105
https://www.sussexconservation.org

APPLICATION FOR STANDARD PLAN APPROVAL

NON-RESIDENTIAL CONSTRUCTION WITH LESS THAN 1.0 ACRE DISTURBED

Applicability Criteria

1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
2. Within the disturbed area, the pre-development land use is not classified as forest.
3. For project site locations within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, the post construction condition meets the original stormwater design criteria.
4. For project site locations within an area previously unmanaged for stormwater quantity and quality under an approved Sediment and Stormwater Plan, one of the following is met:
   a. Comparison of the existing parcel curved number (CN) based upon the Department's 2017 aerial photography to the proposed CN for the parcel after non-residential construction results in less than one whole number change in the CN, OR
   b. No new impervious area is proposed as a result of construction.

Site Information

Project Name: The Inn at Bayside
Site Location: located within Town Center at Americana Bayside Selbyville, DE
Previous Plan Name: Bayside Phase 1B - Town Center Re-alignment
Previous Plan Approval Number:
Tax Parcel ID: 533-19.00-865.01

Parcel Total Acres (nearest 0.1ac): 2.93
Disturbed Acres (nearest 0.1ac): 1.00
Proposed Impervious Area (square feet): 2.03
Wooded area to be cleared: 0
Pre CN: _____ Post CN: _____

Applicant Information

Owner: CMF Bayside, LLC - Josh Mastrangelo
Mailing Address: 21 Village Green Drive, Suite 200
Ocean View, DE 19970
Owner Phone: 302-436-3000
Owner Email: jmastrangelo@cmfa.com

Applicant: GMB - Stephen L. Marsh, P.E.
Mailing Address: 206 W. Main Street
Salisbury, MD 21801
Applicant Phone: 410-742-3115
Applicant Email: smarsh@gmbnet.com

Approval Information (for office use only)

Approval # 2022-589 Fee Paid: $ 1150.00
Approved by: [signature] Approval Date: 6/9/2022
Title: Program Manager Expiration Date: 6/9/2027

MAY 18 2022

Standard Conditions

1. Discharges from rooftops will be disconnected using one of the following methods or another method approved by the Department or Delegated Agency:
    a. Individual downspouts will discharge to lawn or landscape area.
    b. Discharges from downspouts will be collected to discharge to a rain garden.
    c. Discharges from downspouts will be collected in rain barrels or cisterns for reuse.
2. Driveways, sidewalks, patios, and other impervious surfaces will be graded to sheet flow to lawn or other pervious areas to the maximum extent practicable.
3. Unless waived in writing by the Department or Delegated Agency a construction site stormwater management plan in accordance with Department or Delegated Agency guidance for this Standard Plan shall be followed. The attached checklist has been developed to serve as guidance for preparing the construction site stormwater management plan.
4. Approval of this Standard Plan does not relieve the applicant from complying with any and all federal, state, county or municipal laws and regulations.

Stabilization Conditions

1. Following initial soil disturbance or redisturbance, temporary or permanent stabilization with seed and mulch shall be completed within 14 calendar days to the surface of all disturbed areas not actively under construction.
2. Specific stabilization recommendations may be found in the Delaware Erosion and Sediment Control Handbook, 3.4.3 Standard and Specifications for Vegetative Stabilization.

Applicant Certification

I, the undersigned, certify that the information supplied on this Application for Standard Plan Approval is accurate, the proposed land disturbing activity meets the criteria established, and all conditions of this Standard Plan Approval will be met by the applicant, builder, contractor, and owner during construction and post construction.

Applicant Signature: _____ Date: 3/8/2022

Applicant Printed Name: Stephen L. Marsh, P.E. Title: Sr. Vice President

*****THIS STANDARD PLAN APPLICATION FORM MUST BE MAINTAINED ON THE SITE AT ALL TIMES DURING CONSTRUCTION*****

SEA GRASS BEND – SUSSEX COUNTY PLANNING AND ZONING COMMISSION – CASE #1701

1. THE MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS SHALL BE 55, CONSISTING OF TOWNHOUSES AND SINGLE-FAMILY DETACHED CONDOMINIUMS.
2. THE DEVELOPMENT SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT.
3. THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS AND SPECIFICATIONS OF THE COUNTY ENGINEERING DEPARTMENT.
4. THE RPC WILL BE SERVED BY CENTRAL WATER.
5. 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 CONSISTENT WITH BEST MANAGEMENT PRACTICES.
6. THE FINAL SITE PLAN FOR EACH PHASE OF THE DEVELOPMENT SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT UPON IT.
7. THE PROJECT WILL BE INCORPORATED AS PART OF THE EXISTING AMERICANA BAYSIDE MR-RPC (CHANGE OF ZONE NO. 1393) AND SHALL BE SUBJECT TO AND BENEFITED BY THE CONDITIONS IMPOSED UPON THE DEVELOPMENT, EXCEPT AS MODIFIED HEREIN.
8. ALL ENTRANCE, ROADWAY, INTERSECTION AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S STANDARD DETERMINATIONS.
9. THE INTERIOR STREET DESIGN AND PARKING AREAS SHALL MEET OR EXCEED SUSSEX COUNTY STREET DESIGN SPECIFICATIONS AND REQUIREMENTS.
10. THE APPLICANT SHALL FORM A CONDOMINIUM ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF STREETS, ROADWAYS, BUFFERS, STORMWATER MANAGEMENT AREAS AND COMMUNITY AREAS.
11. ALL ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
12. THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN FOR ALL THE BUFFER AREAS, SHOWING ALL THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THOSE AREAS.
13. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

KNOX PROPERTY – SUSSEX COUNTY PLANNING AND ZONING COMMISSION – CASE #1748

ON JULY 15, 2014, THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION UNANIMOUSLY APPROVED THE FOLLOWING ZONING CONDITIONS FOR PARCEL 287, KNOX PROPERTY.

1. THE MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS SHALL BE 93, CONSISTING OF 33 TOWNHOUSES, 30 DUPLEXES, 30 AND SINGLE FAMILY HOMES. (RESIDENTIAL MIX OF 48 DUPLEXES AND 45 SINGLE FAMILY HOMES WAS APPROVED BY PLANNING COMMISSION, SEPTEMBER 11, 2014.
   THIS CONDITION WAS CHANGED TO READ:
   THE MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS SHALL BE 97, CONSISTING OF 58 DUPLEXES AND 39 SINGLE FAMILY HOMES.
   (APPROVED BY PLANNING COMMISSION, AUGUST 25, 2016.)
2. THE DEVELOPMENT SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT.
3. THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS AND SPECIFICATIONS OF THE COUNTY ENGINEERING DEPARTMENT.
4. THE RPC SHALL BE SERVED BY CENTRAL WATER.
5. 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 CONSISTENT WITH BEST MANAGEMENT PRACTICES.
6. THE FINAL SITE PLAN FOR EACH PHASE OF THE DEVELOPMENT SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT UPON IT.
7. THE PROJECT WILL BE INCORPORATED AS PART OF THE EXISTING AMERICANA BAYSIDE MR-RPC (CHANGE OF ZONE NO. 1393) AND SHALL BE SUBJECT TO AND BENEFITED BY THE CONDITIONS IMPOSED UPON THE DEVELOPMENT, EXCEPT AS MODIFIED HEREIN.
8. ALL ENTRANCE, ROADWAY, INTERSECTION AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S STANDARD DETERMINATIONS.
9. THE INTERIOR STREET DESIGN AND PARKING AREAS SHALL MEET OR EXCEED SUSSEX COUNTY STREET DESIGN SPECIFICATIONS AND REQUIREMENTS.
10. THE APPLICANT SHALL FORM A CONDOMINIUM ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF STREETS, ROADWAYS, BUFFERS, STORMWATER MANAGEMENT AREAS AND COMMUNITY AREAS.
11. ALL ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
12. THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN FOR ALL THE BUFFER AREAS, SHOWING ALL THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THOSE AREAS.
13. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

Residential Unit Description	Phase 1A	Phase 1B	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6	Phase 7A	Phase 7B	Phase 8	Phase 9A	Phase 9B	Phase 10A	Phase 10B	Phase 11	Phase 13	Phase 16	Coastal Cr	Sea Grass	Village C-1A	Village C-1B	Village C-1C	Village C-2	Knox	Melson	Village A	Lot 90	Weidman	Totals
Patio Homes (P)	13	0	0	15	0	29	29	17	10	6	5	0	0	0	19	0	0	35	8	38	13	76	48	39	0	24	0	0	422
Village Homes (V)	6	0	0	7	0	9	0	0	0	21	14	6	2	22	0	0	7	0	0	0	0	0	0	0	0	0	0	0	94
Estate Homes (E)	1	0	0	20	0	1	0	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	76	0	0	102
Grand Estate Homes (G)	1	0	10	7	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	14	0	0	0	0	0	2	0	37
Custom Homes (C)	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Courtyard Homes (duplex - D)	32	0	0	0	0	8	18	22	0	26	0	18	26	0	18	0	0	16	18	0	32	0	0	58	48	0	12	116	468
Tow nhouse 20'/22' w ide (TH)	4	0	12	7	25	18	0	0	0	0	0	0	0	0	0	26	0	0	0	0	0	0	0	0	0	0	0	0	92
Tow nhouse 30' w ide (TH)	20	12	8	9	0	11	0	26	0	0	0	0	0	0	0	0	0	29	0	0	0	0	0	0	0	0	0	0	115
12-Plex Multifamily (12)	0	24	24	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60
30-Plex Multifamily (30)	0	0	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60
Single Family Condo	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	77	36	114	65	37	76	47	67	11	54	20	24	28	25	37	26	7	51	55	36	59	76	48	97	48	100	14	116	1451
																											Plus Village D - Arrington Woods		60
																											Plus Approved RPC Residential Units		337
																											Total RPC Units		1848

MELSON PROPERTY – SUSSEX COUNTY PLANNING AND ZONING COMMISSION – CASE #1803:

1. THE RESIDENTIAL PORTION OF THE LANDS BEING INCORPORATE INTO THE EXISTING MR-RPC (CZ #1393) SHALL NOT EXCEED 48 RESIDENTIAL UNITS AND THE RETAIL / OFFICE PORTION OF THE LANDS SHALL NOT EXCEED 18,000 SQUARE FEET OF RETAIL / OFFICE SPACE.
2. THE 48 RESIDENTIAL UNITS AND 18,000 SQUARE FEET OF RETAIL / OFFICE SPACE SHALL BE PART OF THE USES APPROVED IN CONDITIONS #1 AND #3 OF CZ # 1393 AND SHALL NOT BE IN ADDITION TO THOSE CONDITIONS.
3. CONDITION #24 OF CZ # 1393 SHALL NOT BE APPLICABLE TO THE RETAIL / OFFICE SPACE APPROVED BY THIS APPLICATION, CZ #1803.
4. CZ #1803 SHALL BE AN EXTENSION OF CZ # 1393 AND SHALL BE SUBJECT TO THE CONDITIONS OF APPROVAL OF CZ #1393 AS AMENDED EXCEPT AS PROVIDED HEREIN.
5. STREET NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE COUNTY MAPPING AND ADDRESSING DEPARTMENT.
6. A REVISED PRELIMINARY SITE PLAN DEPICTING THESE CONDITIONS OF APPROVAL SHALL BE SUBMITTED TO THE OFFICE OF STATE PLANNING AND ZONING FOR APPROVAL.
7. FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

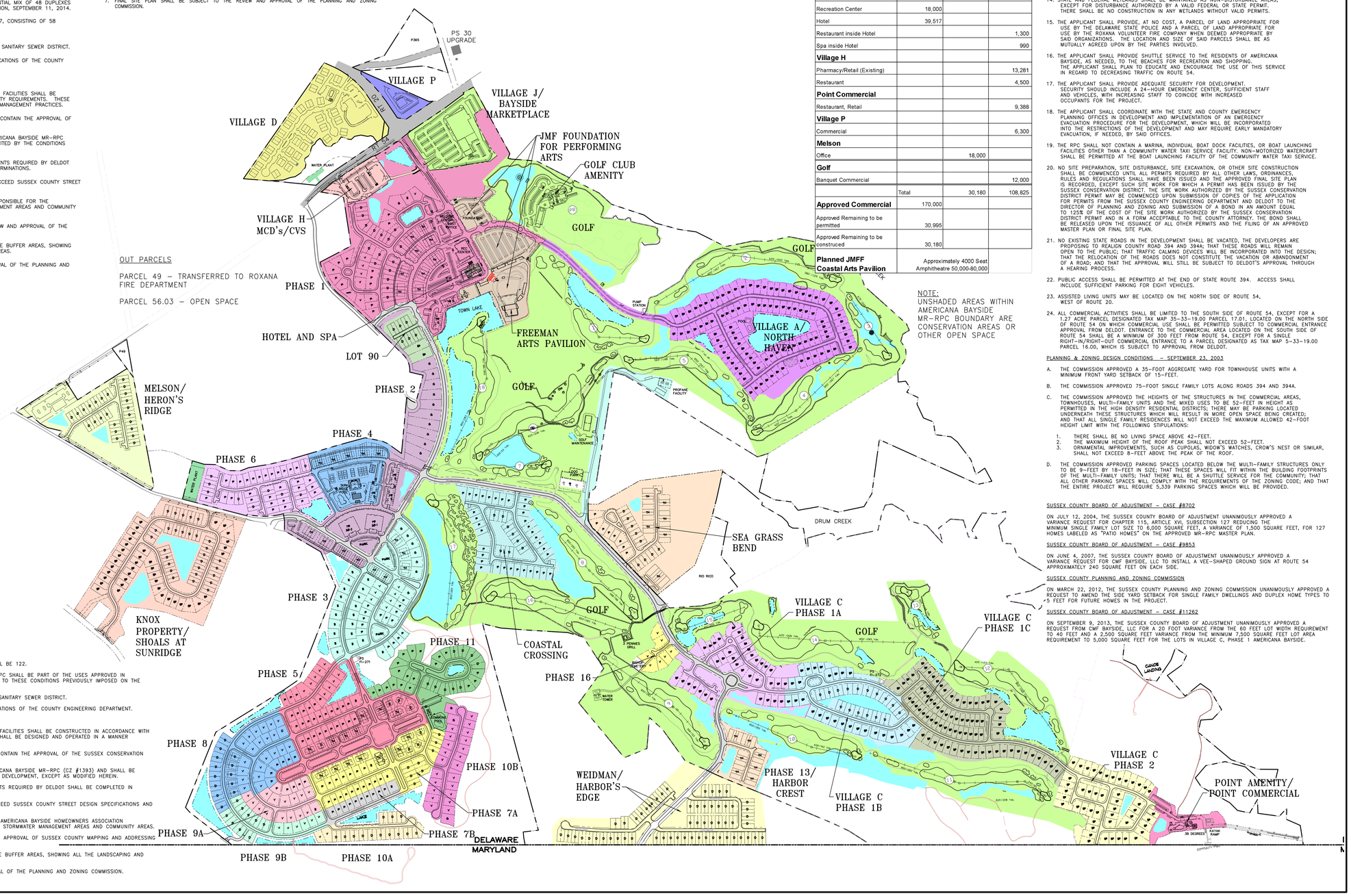
AMERICANA BAYSIDE MR-RPC

GROSS AREA	±931.24 ACRES
LANDS OF CMF BAYSIDE, LLC	±915.92 ACRES
LANDS OF FIFTH VENTURE, LLC	±15.32 ACRES
DEDICATED OPEN SPACE	±313.63 ACRES
(TO SERVE AS CONSERVATION AREA ~ 33%)	

OUT PARCELS

PARCEL 49 – TRANSFERRED TO ROXANA FIRE DEPARTMENT

PARCEL 56.03 – OPEN SPACE



NOTE:
UNSHADED AREAS WITHIN AMERICANA BAYSIDE MR-RPC BOUNDARY ARE CONSERVATION AREAS OR OTHER OPEN SPACE

CHANGE OF ZONE NO. 1846 APPROVED MARCH 20, 2018

CONDITIONS OF ORDINANCE NO. 2579:

a. THE MAXIMUM NUMBER OF RESIDENTIAL UNITS ON THIS PROPERTY SHALL BE 122.
b. THE 122 UNITS APPROVED AS PART OF THIS EXTENSION OF THE MR-RPC SHALL BE PART OF THE USES APPROVED IN CONDITIONS #1 AND #3 OF CZ #1393 AND SHALL NOT BE IN ADDITION TO THESE CONDITIONS PREVIOUSLY IMPOSED ON THE AMERICANA BAYSIDE MR-RPC PROJECT.
c. THE DEVELOPMENT SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT.
d. THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS AND SPECIFICATIONS OF THE COUNTY ENGINEERING DEPARTMENT.
e. THE RPC SHALL BE SERVED BY CENTRAL WATER.
f. STORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL BE DESIGNED AND OPERATED IN A MANNER CONSISTENT WITH BEST MANAGEMENT PRACTICES.
g. THE FINAL SITE PLAN FOR EACH PHASE OF THE DEVELOPMENT SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT UPON IT.
h. THE PROJECT WILL BE INCORPORATED AS PART OF THE EXISTING AMERICANA BAYSIDE MR-RPC (CZ #1393) AND SHALL BE SUBJECT TO, AND BENEFITED BY, THE CONDITIONS IMPOSED UPON THAT DEVELOPMENT, EXCEPT AS MODIFIED HEREIN.
i. ALL ENTRANCE, ROADWAY, INTERSECTION AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S DETERMINATIONS.
j. THE INTERIOR STREET DESIGN AND PARKING AREAS SHALL MEET OR EXCEED SUSSEX COUNTY STREET DESIGN SPECIFICATIONS AND REQUIREMENTS.
k. THE RESIDENTIAL UNITS IN THIS DEVELOPMENT SHALL BE PART OF THE AMERICANA BAYSIDE HOMEOWNERS ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF STREETS, ROADWAYS, BUFFERS, STORMWATER MANAGEMENT AREAS AND COMMUNITY AREAS.
l. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
m. THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN FOR ALL THE BUFFER AREAS, SHOWING ALL THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THOSE AREAS.
n. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

NON-RESIDENTIAL DESCRIPTION

	Sq. Ft. NON-COMMERCIAL	Sq. Ft. APPROVED - NOT CONSTRUCTED	Sq. Ft. APPROVED AND CONSTRUCTED
Village J			
Grocery (Existing)			48,756
Bank (Existing)			3,010
Restaurants (Existing)			4,620
Retail (Existing)			4,680
Extended Commercial	12,180		
Town Center			
Welcome Center	2,600		
Retail/Post Office	1,230		
Foundation Office	10,200		
Recreation Center	18,000		
Hotel	39,517		
Restaurant inside Hotel			1,300
Spa inside Hotel			990
Village H			
Pharmacy/Retail (Existing)			13,281
Restaurant			4,500
Point Commercial			
Restaurant, Retail			9,388
Village P			
Commercial			6,300
Melson			
Office		18,000	
Golf			
Banquet Commercial			12,000
Total		30,180	108,825
Approved Commercial	170,000		
Approved Remaining to be permitted	30,995		
Approved Remaining to be construced	30,180		
Planned JMFF Coastal Arts Pavilion	Approximately 4000 Seat Amphitheatre 50,000-80,000		

ZONING CONDITIONS

FEBRUARY 6, 2001 – AMENDED SEPTEMBER 23, 2003 AND APRIL 13, 2010

CMF BAYSIDE, L.L.C. – CHANGE OF ZONE NO. 1393

CONDITIONS

1. THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALT NOT EXCEED 1,700.
2. THE DEVELOPER MAY PROVIDE A MINIMUM OF 104 ASSISTED LIVING UNITS. REDUCTION OF ANY TYPE OF RESIDENTIAL UNITS WILL BE AT THE DISCRETION OF THE APPLICANT.
3. THE MAXIMUM SQUARE FOOTAGE OF RETAIL/OFFICE SPACE SHALL BE 170,000 SQUARE FEET. THE DEVELOPER SHALL PROVIDE A MEDICAL FACILITY.
4. RESIDENTIAL CERTIFICATES OF OCCUPANCY SHALL NOT EXCEED 200 ANNUALLY ON A CUMULATIVE BASIS.
5. SITE PLAN REVIEW FOR EACH PHASE OF DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.
6. ALL ENTRANCES, INTERSECTIONS, AND ROADWAY IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT IN ACCORDANCE WITH ANY FURTHER MODIFICATIONS REQUIRED BY DELDOT, ONCE 200 CERTIFICATES OF OCCUPANCY HAVE BEEN ISSUED.
7. THE APPLICANT SHALL ESTABLISH A 60-FOOT HIGHWAY CORRIDOR OVERLAY ZONE SETBACK ALONG THE PROPERTY FRONTING ROUTE 54.
8. RECREATIONAL FACILITIES, I.E., GOLF, TENNIS COURTS, SWIMMING POOLS, ETC., SHALL BE CONSTRUCTED TO COINCIDE WITH CONSTRUCTION PHASES SCHEDULED AND SUBJECT TO REVIEW AND APPROVAL BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.
9. THE RPC SHALL BE SERVED BY THE SUSSEX COUNTY SOUTH COASTAL REGIONAL WASTEWATER FACILITY PER SUSSEX COUNTY ENGINEERING DEPARTMENT REGULATIONS AND SPECIFICATIONS.
10. THE RPC SHALL BE SERVED BY A CENTRAL WATER SYSTEM PROVIDING DRINKING WATER AND FIRE PROTECTION PER APPLICABLE REGULATIONS AND APPROVAL OF THE DEPARTMENT OF NATURAL RESOURCES, THE STATE FIRE MARSHAL'S OFFICE, THE PUBLIC SERVICE COMMISSION, AND THE STATE OF DELAWARE OFFICE OF PUBLIC HEALTH.
11. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL SHALL EQUAL OR EXCEED ALL APPLICABLE STATE AND COUNTY REGULATIONS.
12. THE APPLICANT SHALL ESTABLISH "BEST MANAGEMENT PRACTICES" IN REGARD TO GOLF COURSE MAINTENANCE AND PROTECTION OF NON-TIDAL WETLANDS. THE OPERATOR OF THE GOLF COURSE SHALL FILE A NUTRIENT MANAGEMENT PROGRAM WITH THE APPROPRIATE STATE AGENCY.
13. THE APPLICANT SHALL COORDINATE WITH THE CENTER FOR THE INLAND BAYS THE DEVELOPMENT OF A PUBLIC INLAND BAY NATURE TRAIL AND OBSERVATORY.
14. STATE AND FEDERAL WETLANDS SHALL BE MAINTAINED AS NON-DISTURBANCE AREAS, EXCEPT FOR DISTURBANCE AUTHORIZED BY A VALID FEDERAL OR STATE PERMIT. THERE SHALL BE NO CONSTRUCTION IN ANY WETLANDS WITHOUT VALID PERMITS.
15. THE APPLICANT SHALL PROVIDE, AT NO COST, A PARCEL OF LAND APPROPRIATE FOR USE BY THE DELAWARE STATE POLICE AND A PARCEL OF LAND APPROPRIATE FOR USE BY THE ROXANA VOLUNTEER FIRE COMPANY WHEN DEEMED APPROPRIATE BY SAID ORGANIZATIONS. THE LOCATION AND SIZE OF SAID PARCELS SHALL BE AS MUTUALLY AGREED UPON BY THE PARTIES INVOLVED.
16. THE APPLICANT SHALL PROVIDE SHUTTLE SERVICE TO THE RESIDENTS OF AMERICANA BAYSIDE, AS NEEDED, TO THE BEACHES FOR RECREATION AND SHOPPING. THE APPLICANT SHALL PLAN TO EDUCATE AND ENCOURAGE THE USE OF THIS SERVICE IN REGARD TO DECREASING TRAFFIC ON ROUTE 54.
17. THE APPLICANT SHALL PROVIDE ADEQUATE SECURITY FOR DEVELOPMENT. SECURITY SHOULD INCLUDE A 24-HOUR EMERGENCY CENTER, SUFFICIENT STAFF AND VEHICLES, WITH INCREASING STAFF TO COINCIDE WITH INCREASED OCCUPANTS FOR THE PROJECT.
18. THE APPLICANT SHALL COORDINATE WITH THE STATE AND COUNTY EMERGENCY PLANNING OFFICES IN DEVELOPMENT AND IMPLEMENTATION OF AN EMERGENCY EVACUATION PROCEDURE FOR THE DEVELOPMENT, WHICH WILL BE INCORPORATED INTO THE RESTRICTIONS OF THE DEVELOPMENT AND MAY REQUIRE EARLY MANDATORY EVACUATION, IF NEEDED, BY SAID OFFICES.
19. THE RPC SHALL NOT CONTAIN A MARINA, INDIVIDUAL BOAT DOCK FACILITIES, OR BOAT LAUNCHING FACILITIES OTHER THAN A COMMUNITY WATER TAXI SERVICE FACILITY. NON-MOTORIZED WATERCRAFT SHALL BE PERMITTED AT THE BOAT LAUNCHING FACILITY OF THE COMMUNITY WATER TAXI SERVICE.
20. NO SITE PREPARATION, SITE DISTURBANCE, SITE EXCAVATION, OR OTHER SITE CONSTRUCTION SHALL BE COMMENCED UNTIL ALL PERMITS REQUIRED BY ALL OTHER LAWS, ORDINANCES, RULES AND REGULATIONS SHALL HAVE BEEN ISSUED AND THE APPROVED FINAL SITE PLAN IS RECORDED, EXCEPT SUCH SITE WORK FOR WHICH A PERMIT HAS BEEN ISSUED BY THE SUSSEX CONSERVATION DISTRICT. THE SITE WORK AUTHORIZED BY THE SUSSEX CONSERVATION DISTRICT PERMIT MAY BE COMMENCED UPON SUBMISSION OF COPIES OF THE APPLICATION FOR PERMITS FROM THE SUSSEX COUNTY ENGINEERING DEPARTMENT AND DELDOT TO THE DIRECTOR OF PLANNING AND ZONING AND SUBMISSION OF A BOND IN AN AMOUNT EQUAL TO 125% OF THE COST OF THE SITE WORK AUTHORIZED BY THE SUSSEX CONSERVATION DISTRICT PERMIT AND IN A FORM ACCEPTABLE TO THE COUNTY ATTORNEY. THE BOND SHALL BE RELEASED UPON THE ISSUANCE OF ALL OTHER PERMITS AND THE FILING OF AN APPROVED MASTER PLAN OR FINAL SITE PLAN.
21. NO EXISTING STATE ROADS IN THE DEVELOPMENT SHALL BE VACATED, THE DEVELOPERS ARE PROPOSING TO REALIGN COUNTY ROAD 394 AND 394A; THAT THESE ROADS WILL REMAIN OPEN TO THE PUBLIC; THAT TRAFFIC CALMING DEVICES WILL BE INCORPORATED INTO THE DESIGN; THAT THE RELOCATION OF THE ROADS DOES NOT CONSTITUTE THE VACATION OR ABANDONMENT OF A ROAD; AND THAT THE APPROVAL WILL STILL BE SUBJECT TO DELDOT'S APPROVAL THROUGH A HEARING PROCESS.
22. PUBLIC ACCESS SHALL BE PERMITTED AT THE END OF STATE ROUTE 394. ACCESS SHALL INCLUDE SUFFICIENT PARKING FOR EIGHT VEHICLES.
23. ASSISTED LIVING UNITS MAY BE LOCATED ON THE NORTH SIDE OF ROUTE 54, WEST OF ROUTE 20.
24. ALL COMMERCIAL ACTIVITIES SHALL BE LIMITED TO THE SOUTH SIDE OF ROUTE 54, EXCEPT FOR A 1.27 ACRE PARCEL DESIGNATED TAX MAP 35-33-19.00 PARCEL 17.01, LOCATED ON THE NORTH SIDE OF ROUTE 54 ON WHICH COMMERCIAL USE SHALL BE PERMITTED SUBJECT TO COMMERCIAL ENTRANCE APPROVAL FROM DELDOT. ENTRANCE TO THE COMMERCIAL AREA LOCATED ON THE SOUTH SIDE OF ROUTE 54 SHALL BE A MINIMUM OF 300 FEET FROM ROUTE 54, EXCEPT FOR A SINGLE RIGHT-IN/RIGHT-OUT COMMERCIAL ENTRANCE TO A PARCEL DESIGNATED AS TAX MAP 5-33-19.00 PARCEL 16.00, WHICH IS SUBJECT TO APPROVAL FROM DELDOT.

PLANNING & ZONING DESIGN CONDITIONS – SEPTEMBER 23, 2003

A. THE COMMISSION APPROVED A 35-FOOT AGGREGATE YARD FOR TOWNHOUSE UNITS WITH A MINIMUM FRONT YARD SETBACK OF 15-FEET.
B. THE COMMISSION APPROVED 75-FOOT SINGLE FAMILY LOTS ALONG ROADS 394 AND 394A.
C. THE COMMISSION APPROVED THE HEIGHTS OF THE STRUCTURES IN THE COMMERCIAL AREAS, TOWNHOUSES, MULTI-FAMILY UNITS AND THE MIXED USES TO BE 52-FEET IN HEIGHT AS PERMITTED IN THE HIGH DENSITY RESIDENTIAL DISTRICTS; THERE MAY BE PARKING LOCATED UNDERNEATH THESE STRUCTURES WHICH WILL RESULT IN MORE OPEN SPACE BEING CREATED; AND THAT ALL SINGLE FAMILY RESIDENCES WILL NOT EXCEED THE MAXIMUM ALLOWED 42-FOOT HEIGHT LIMIT WITH THE FOLLOWING STIPULATIONS:
   1. THERE SHALL BE NO LIVING SPACE ABOVE 42-FEET.
   2. THE MAXIMUM HEIGHT OF THE ROOF PEAK SHALL NOT EXCEED 52-FEET.
   3. ORNAMENTAL IMPROVEMENTS, SUCH AS CUPOLAS, WIDOW'S WATCHES, CROW'S NEST OR SIMILAR, SHALL NOT EXCEED 8-FEET ABOVE THE PEAK OF THE ROOF.
D. THE COMMISSION APPROVED PARKING SPACES LOCATED BELOW THE MULTI-FAMILY STRUCTURES ONLY TO BE 9-FEET BY 18-FEET IN SIZE; THAT THESE SPACES WILL FIT WITHIN THE BUILDING FOOTPRINTS OF THE MULTI-FAMILY UNITS; THAT THERE WILL BE A SHUTTLE SERVICE FOR THE COMMUNITY; THAT ALL OTHER PARKING SPACES WILL COMPLY WITH THE REQUIREMENTS OF THE ZONING CODE; AND THAT THE ENTIRE PROJECT WILL REQUIRE 5,339 PARKING SPACES WHICH WILL BE PROVIDED.

SUSSEX COUNTY BOARD OF ADJUSTMENT – CASE #8702

ON JULY 12, 2004, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A VARIANCE REQUEST FOR CHAPTER 115, ARTICLE XVI, SUBSECTION 127 REDUCING THE MINIMUM SINGLE FAMILY LOT SIZE TO 6,000 SQUARE FEET, A VARIANCE OF 1,500 SQUARE FEET, FOR 127 HOMES LABELED AS "PATIO HOMES" ON THE APPROVED MR-RPC MASTER PLAN.

SUSSEX COUNTY BOARD OF ADJUSTMENT – CASE #9853

ON JUNE 4, 2007, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A VARIANCE REQUEST FOR CMF BAYSIDE, LLC TO INSTALL A VEE-SHAPED GROUND SIGN AT ROUTE 54 APPROXIMATELY 240 SQUARE FEET ON EACH SIDE.

SUSSEX COUNTY PLANNING AND ZONING COMMISSION

ON MARCH 22, 2012, THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION UNANIMOUSLY APPROVED A REQUEST TO AMEND THE SIDE YARD SETBACK FOR SINGLE FAMILY DWELLINGS AND DUPLEX HOME TYPES TO 5 FEET FOR FUTURE HOMES IN THE PROJECT.

SUSSEX COUNTY BOARD OF ADJUSTMENT – CASE #11262

ON SEPTEMBER 9, 2013, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A REQUEST FROM CMF BAYSIDE, LLC FOR A 20 FOOT VARIANCE FROM THE 60 FEET LOT WIDTH REQUIREMENT TO 40 FEET AND A 2,500 SQUARE FEET VARIANCE FROM THE MINIMUM 7,500 SQUARE FEET LOT AREA REQUIREMENT TO 5,000 SQUARE FEET FOR THE LOTS IN VILLAGE C, PHASE 1 AMERICANA BAYSIDE.

PRINTS ISSUED FOR: REVIEW AND APPROVAL

NO.	REVISIONS	DATE

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY, BALTIMORE, CAMBS, SEAFORD, YORK
www.gmbnet.com

AMERICANA BAYSIDE
Carl M. Freeman COMMUNITIES
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

REVISED MASTER PLAN

SCALE	: 1" = 400'
DESIGN BY	:
DRAWN BY	: RLM/TMG
CHECKED BY	: SLM
GMB FILE	: 150330
DATE	: AUG 2022

SHEET NO. MP-15

© COPYRIGHT 2022 GEORGE, MILES & BUHR, LLC

OFFICE OF THE STATE FIRE MARSHAL
Technical Services

22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-209861-MJS-02
Status: Approved as Submitted

Tax Parcel Number: 533-19.00-865.01
Date: 07/12/2022

Project

Bayside Hotel

Bayside Hotel

Town Center @ Americana Bayside
Selbyville DE 19975

Scope of Project

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

Occupant Load Inside:
Occupancy Code: 9604

Applicant

Stephen Marsh
206 W Main Street
Salisbury, MD 21801

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

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

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

A final inspection is required.

This Plan Review Project was prepared by:

Dennett Pridgeon

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-209861-MJS-02
Status: Approved as Submitted
Tax Parcel Number: 533-19.00-865.01
Date: 07/12/2022

PROJECT COMMENTS

1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.

1040 A This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.

1195 A Separate plan submittal is required for all flammable gas installations (regardless of tank size) proposed for this project.

2710 A The following items will be field verified by this Agency at the time of final inspection:

1100 A Hydrants shall be provided in such a manner that all fire department connections and/or standpipe connections shall be within 300' of a hydrant and shall meet the provisions of the applicable NFPA Regulations as adoptedand/or modified by these Regulations.

1408 A All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on thepremises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).

1150 A A lock box containing keys for fire department access shall be provided for any occupancy which contains a fire alarm signaling system that is monitored off site ?or- for any occupancy that contains an automatic sprinkler system.(DSFPR Regulation 705, Chapter 5, Section 2.4).

DSP

1090 A Fire Lane Access and Perimeter Access shall be in accordance with Table 5-2. (DSFPR Regulation 705, Chapter 5, Section 4.2)Percent of Perimeter Access requirements shall include the required Percent of Fire Lane Access requirements of Table 5-2. (DSFPR Regulation 705, Chapter 5, Section 4.5.2).

1092 A Perimeter Access is that portion of the building that is accessible by emergency services personnel and is within 100 feet of a street and capable of supporting fire ground operations. (DSFPR Regulation 705, Chapter 5, Section 1.4.1). Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, providedthey do not interfere with the emergency services fire ground operations. (DSFPR Regulation 705, Chapter 5, Sections 3.5 and 4.5). If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shallnot be included in the calculation of Percent of Perimeter Access. (DSFPR Regulation 705, Chapter 5, Sections 3.5.1 and 4.5.1).

1189 A Parking between the primary fire lane(s) and the building shall meet the requirements of DSFPR Regulation 705, Chapter 5, Sections 6.3 through 6.3.6.

1119 A All proposed fire hydrants and water mains shall be installed in accordance with the most current edition of the Delaware State Fire Prevention Regulations (DSFPR, Reg 702, Chapters 6 & 7).

1132 A Fire hydrants shall be color coded in accordance with the DSFPR, Reg 703, Chap 3. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.

1232 A All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located.DSFPR Reg 703, Chap 1

1332 A The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5 10.4).

1432 A The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24)

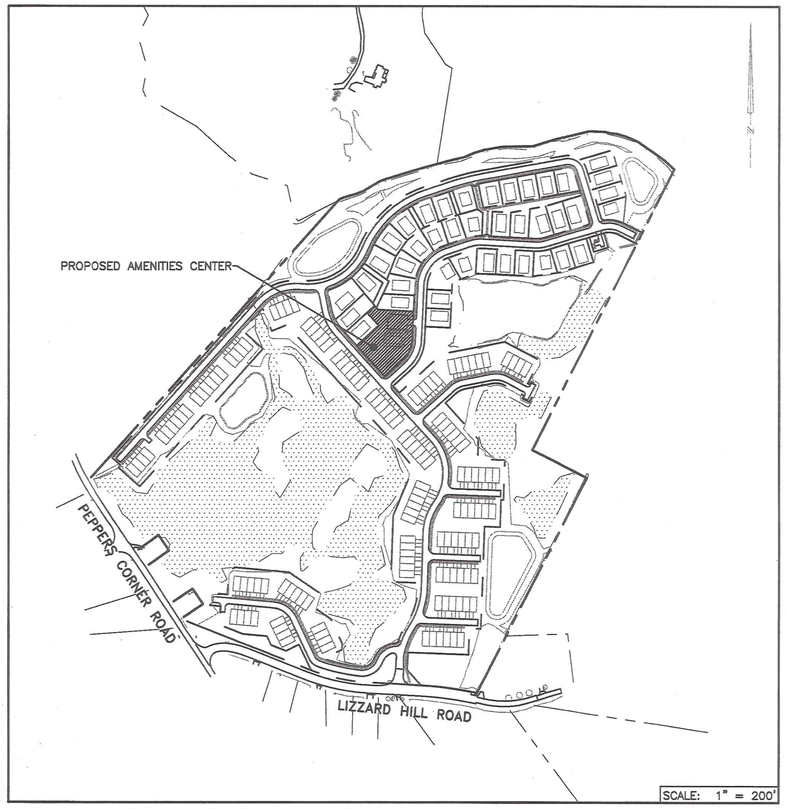
1180 A This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.

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

2500 A A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.

AMENITIES CENTER

MILO'S HAVEN
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE
DBF # 0700A040.D01
JUNE 22, 2022



VICINITY MAP
1" = 1 MILE

LEGEND

- PROPERTY LINE
- IRON ROD WITH CAP SET
- EASEMENT
- BUILDING SETBACK LINE
- TREE LINE
- WETLANDS
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPOT ELEVATION
- FENCE
- CATCH BASIN, STORM PIPE, FLARED END, AND LABELS
- SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, AND PIPE SIZE
- SANITARY SEWER LATERAL
- WATER LATERAL
- WATER MAIN TEE, BEND, VALVES, AND PIPE SIZE
- FIRE HYDRANT ASSEMBLY
- PAVEMENT
- SIDEWALK

SHEET INDEX	
Sheet Number	Sheet Title
C-001	TITLE SHEET
C-101	SITE, GRADING, LANDSCAPE & UTILITY PLAN

CIVIL PLAN GENERAL NOTES

1. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
   1.1 SUSSEX COUNTY ENGINEERING DEPARTMENT 302-855-7718
   1.2 DAVIS, BOWEN & FRIEDEL, INC. 302-424-1441
   1.3 SUSSEX CONSERVATION DISTRICT 302-856-2105
   1.4 ARTESIAN WATER COMPANY, INC. 302-453-6900
2. MISS UTILITY OF DELAWARE SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
3. BOUNDARY SURVEY AND BASE TOPOGRAPHY SHOWN IN THESE PLANS ARE BASED ON FIELD SURVEYS PERFORMED BY MILLER LEWIS, INC.
4. CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF UTILITIES, STORM DRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
5. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
6. ACCORDING TO FEMA FLOOD INVENTORY MAP #10005C0495K, DATED MARCH 16, 2015, THE SITE IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN.

DRAINAGE, GRADING AND SEDIMENT CONTROL GENERAL NOTES

1. ALL STORM DRAIN PIPING, INLET, MANHOLE, AND END SECTION INSTALLATION SHALL BE IN ACCORDANCE WITH SUSSEX COUNTY CONSTRUCTION STANDARDS.
2. PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
3. ALL SEALS MUST BE WATERTIGHT WITH NON SHRINK GROUT OR RUBBER GASKETS AND CONCRETE STRUCTURES MUST BE PRECAST OR POURED IN PLACE.
4. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
5. THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY THE CONTRACTOR FOR STAGING OPERATIONS SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE RE-GRADED, TOPSOILED, SEEDED AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
6. EQUIPMENT AND/OR STOCKPILE MATERIAL SHALL NOT BE STORED IN THE DRIPLINE AREA OF ANY TREE.
7. IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE SUSSEX CONSERVATION DISTRICT.
8. STABILIZATION MATTING SHALL BE NORTH AMERICAN GREEN SC150BN OR APPROVED EQUIVALENT.
9. ADDITIONAL GRADING AND EROSION AND SEDIMENT CONTROL NOTES CAN BE FOUND ON THE EROSION AND SEDIMENT CONTROL PLANS OR GRADING PLANS.

DEMOLITION AND SAFETY GENERAL NOTES

1. MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
2. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA.
3. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE ROAD WAY, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
4. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
5. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM. ADDITIONAL COSTS WILL BE NEGOTIATED WITH THE OWNER.
6. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
7. ALL EXISTING SEWER PIPE, MANHOLES, AND APPURTENANCES DESIGNATED FOR REMOVAL SHALL BE REMOVED. NO ABANDONED IN PLACE COMPONENTS WILL BE ALLOWED.

FIRE PROTECTION GENERAL NOTES

1. THERE ARE NO PROPOSED SPRINKLERS FOR THE AMENITIES CENTER IN MILO'S HAVEN. ALL BUILDINGS ARE LESS THAN 10,000 SQ. FT.
2. ALL FIRE LANES, FIRE HYDRANTS, STAND PIPES, SPRINKLER CONNECTIONS, EXITS, ETC., SHALL BE MARKED AND/OR PROTECTED IN ACCORDANCE WITH STATE FIRE PROTECTION REGULATIONS AS EVIDENCED IN SECTION 705, CHAPTER 5, STANDARD FOR THE MARKING, IDENTIFICATION, AND ACCESSIBILITY OF FIRE LANES, EXITS, FIRE HYDRANTS, SPRINKLER, AND STANDPIPE CONNECTIONS.

INTERNAL PAVING / CONCRETE NOTES

1. WARM MIX ASPHALT SHALL BE INSTALLED IN ACCORDANCE WITH THE 2001 DelDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION INCLUDING SPECIAL PROVISIONS:
   1.1. SECTION 401 FOR PLACEMENT OF TACK COAT AND WARM MIX.
   1.2. ASPHALT SHALL BE FROM A DelDOT APPROVED PLANT.
   1.3. WARM MIX SHALL NOT BE APPLIED WHEN THE TEMPERATURE IS BELOW 40° F OR ON ANY WET OR FROZEN SURFACE.
2. ALL DISTURBED AREAS NOT COVERED WITH IMPERVIOUS MATERIAL, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.
3. ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
4. DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
5. FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.e. SYMBOLS/LEGENDS.
6. ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION), AND SHALL BE NCHRP – 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
7. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. DETAIL CAN BE FOUND IN DELDOT'S STANDARD CONSTRUCTION DETAILS.
8. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE. PONDING IS DEFINED AS WATER STANDING IN AN AREA MORE THAN 1 HOUR AFTER A RAINFALL EVENT THAT PRODUCES RUNOFF. ELIMINATION OF PONDING WILL BE COMPLETED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
10. SUPERPAVE HOT-MIX SHALL BE USED IN ACCORDANCE WITH DelDOT SPECIAL PROVISIONS.
11. CONCRETE SHALL BE PLACED IN ACCORDANCE WITH DelDOT STANDARD SPECIFICATIONS.

SANITARY SEWER GENERAL NOTES

1. CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE INSTALLATION OF UTILITY WORK AND APPURTENANCES AS REQUIRED PER THE SUSSEX COUNTY STANDARDS AND SPECIFICATIONS.
2. SANITARY SEWER CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH SUSSEX COUNTY STANDARDS AND SPECIFICATIONS AND DETAILS.
3. ALL SANITARY SEWER MATERIALS AND APPURTENANCES SHALL MEET OR EXCEED THOSE REQUIRED BY SUSSEX COUNTY STANDARDS AND SPECIFICATIONS AND DETAILS.
4. USE ONLY SUITABLE GRANULAR MATERIAL APPROVED BY SUSSEX COUNTY FOR BACKFILLING TRENCHES.
5. SANITARY SEWER LATERAL SHALL BE 8" POLYVINYL CHLORIDE (PVC), SDR 26. SEWER LATERAL SHALL INCLUDE A 8" CLEANOUT, WYE, AND CAP JUST BEHIND THE RIGHT-OF-WAY LINE.
6. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
7. PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
8. THE CONTRACTOR SHALL FIELD VERIFY INVERTS AND LOCATION OF EXISTING SANITARY SEWER MAINS OR MANHOLES TO WHICH NEW CONSTRUCTION WILL CONNECT.
9. THE SEWER LATERAL SHALL HAVE A MINIMUM COVER OF 3 FEET FROM PROPOSED GRADE, AS MEASURED FROM THE TOP OF PIPE.
10. THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
11. FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
12. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
13. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION'S WHERE ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO SUSSEX COUNTY. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.
14. DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE SUSSEX COUNTY APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
15. ALL TESTING AND INSPECTION SHALL BE PERFORMED IN ACCORDANCE WITH THE SUSSEX COUNTY STANDARDS AND SPECIFICATIONS.
16. ALL GRAVITY SANITARY SEWER PIPE AND FITTINGS SHALL BE POLYVINYL CHLORIDE (PVC), SDR 26.
17. SEWER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM WATER MAINS. SEWER CROSSING WATER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, A 10 LINEAR FOOT CONCRETE ENCASEMENT SHALL BE USED ON THE SEWER MAIN.
18. THE SUSSEX COUNTY STANDARDS AND SPECIFICATIONS ARE THE SUSSEX COUNTY WASTEWATER STANDARDS AND SPECIFICATIONS DATED 6/19/2012. COPIES CAN BE OBTAINED FROM SUSSEX COUNTY.

POTABLE WATER DISTRIBUTION GENERAL NOTES

1. CONTRACTORS APPROVED AND CONTRACTED BY ARTESIAN WATER COMPANY, INC. ARE ONLY PERMITTED TO PERFORM INSTALLATION OF THE WATER DISTRIBUTION SYSTEM.
2. ARTESIAN WATER COMPANY, INC. OR ITS CONTRACTOR IS RESPONSIBLE FOR ALL WATER INSTALLATION.
3. ALL WORK MUST BE IN CONFORMANCE WITH ARTESIAN WATER, INC. STANDARDS AND SPECIFICATIONS.
4. ALL WORK MUST BE HYDROSTATICALLY TESTED AND THEN DISINFECTED. CONTRACTOR SHALL SUPPLY ALL MATERIALS TO TEST AND DISINFECT THE SYSTEM. CONTRACTOR IS REQUIRED TO OBTAIN A CERTIFICATE TO OPERATE FROM DHSS OFFICE OF DRINKING WATER.
5. ALL AREAS DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION. IF ADDITIONAL WORK IS REQUIRED IN THE FUTURE THEN THE AREA SHALL BE STABILIZED IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL PLANS.
6. WATER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM SEWER MAINS. WATER CROSSING SEWER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, A 10 LINEAR FOOT CONCRETE ENCASEMENT SHALL BE USED ON THE SEWER MAIN.
7. WHEN IT IS IMPOSSIBLE TO OBTAIN THE MINIMAL 10 FOOT HORIZONTAL AND/OR 18" SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER, THE OFFICE OF ENGINEERING MUST SPECIFICALLY APPROVE ANY VARIANCE SUPPORTED BY DATA FROM THE DESIGN ENGINEER.
8. THE ARTESIAN STANDARDS AND SPECIFICATIONS ARE THE AWC STANDARDS/SPECS/PROCEDURES LAST UPDATED ON 10/16/07. COPIES CAN BE OBTAINED FROM ARTESIAN WATER, INC.
9. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
10. PLAN LOCATIONS AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE SPECIFIED BY THE ENGINEER. THE CONTRACTOR SHALL ADJUST WATERLINE LOCATIONS AS REQUIRED TO AVOID CONFLICTS WITH OTHER UTILITIES.
11. WATER SERVICE STUBS SHALL NOT BE INSTALLED BY THE CONTRACTOR PRIOR TO THE SUCCESSFUL PRESSURE TESTING OF THE WATER MAINS.
12. ALL WATER MAINS SHALL HAVE A 42" MINIMUM COVER.

DATA COLUMN

TAX MAP ID: 1-34-18.00-38.00 & 1-34-19.00-13.03
SITE ADDRESS: 34702 CIDER LANE, FRANKFORD, DE 19942

APPROX. CENTER OF MILO'S HAVEN: LAT.=31.0158, LONG.=-85.8711

THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0495K, DATED, MARCH 16, 2015.

THE AMENITIES CENTER PARCEL IS NOT IMPACTED BY WETLANDS.

SITE IS LOCATED ENTIRELY WITHIN THE ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE (ESDDOZ).

SITE IS DESIGNATED AS COASTAL AREA BY THE 2018 SUSSEX COUNTY COMPREHENSIVE PLAN.

SANITARY SEWER: SUSSEX COUNTY (BEAVER DAM PLANNING AREA)
WATER SERVICE: ARTESIAN WATER COMPANY

EXISTING ZONING: GR (GENERAL RESIDENTIAL)
PROPOSED ZONING: GR/RPC (GENERAL RESIDENTIAL/RESIDENTIAL PLANNED COMMUNITY)

EXISTING USE: RESIDENTIAL, AGRICULTURAL, VACANT
PROPOSED USE: RESIDENTIAL PLANNED COMMUNITY

PARKING REQUIRED: 1,540 SF POOL AREA x 1 SPACE/100 SF = 16 SPACES
PARKING PROVIDED: 16 SPACES (INCLUDING 1 VAN ACCESSIBLE)

BUILDINGS:
CONSTRUCTION:
WOOD/CONCRETE BLOCK, V-B (IBC), V(000) (NFPA)
MAX HEIGHT:
42 FT (3-½ STORIES)
AREAS:

POOL MECHANICAL AND STORAGE:	108	SF±
BATHROOMS:	263	SF±
TOTAL:	371	SF±

LOT AREAS:

OPEN AREA:	10,265	SF± (74.29%)
IMPERVIOUS AREA:	29,680	SF± (25.71%)
AMENITY CENTER PARCEL:	39,925	SF± (100.00%)

NET DEVELOPMENT AREA: 39,925 SF x 0.9 (10% OPEN SPACE) = 35,932 SF

GR/RPC PROPOSED SETBACK REQUIREMENTS

FRONT YARD:	20	FT
ESDDOZ:	15	FT
SIDE YARD:	10	FT
REAR YARD:	10	FT
MIN LOT AREA:	7500	SF
MIN LOT WIDTH:	60	FT
MIN LOT DEPTH:	100	FT
NON-TIDAL WETLANDS BUFFER:	25	FT
VEGETATIVE BUFFER:	20	FT

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

OWNER/DEVELOPER:
US HOME, LLC.
7035 ALBERT EINSTEIN DRIVE, SUITE 200
COLUMBIA, MD 21046
PHONE: (240) 517-0220
CONTACT: CHRIS ARMSTRONG

PREPARED BY:
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
PHONE: (302) 424-1441
FAX: (302) 424-0430

OWNER'S STATEMENT

I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHOULD BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ONSITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED ON THIS COVERSHEET."

MARK ANDERSON
US HOME, LLC.
7035 ALBERT EINSTEIN DRIVE, SUITE 200
COLUMBIA, MD 21046

DATE 6/27/22

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, 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.

W. ZACHARY CROUCH — REGISTERED — No. 12734 — PROFESSIONAL ENGINEER

DAVIS, BOWEN & FRIEDEL, INC.
by W. ZACHARY CROUCH, P.E.

JUN 28 2022
DATE

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

C-

LANDSCAPE PLANT SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
		DECIDUOUS TREE			
	AS	Acer saccharum 'Green Mountain'	SUGAR MAPLE	2 – 2 1/2" Cal., B&B	2
	LI	Lagerstroemia indica x fauriei 'TUSCARORA'	TUSCARORA CRAPE MYRTLE	6–7' Ht., B&B	8
	TC	Tilia cordata	LITTLELEAF LINDEN	2 – 2 1/2" Cal., B&B	2
		DECIDUOUS SHRUB			
	ND	Nandina domestica 'FIRE POWER'	FIRE POWER NANDINA	15–18", Cont.	17
		EVERGREEN SHRUB			
	AC	Azalea 'GIRARD CAROLINE'	GIRARD CAROLINE AZALEA	15–18", Cont.	21
	TD	Taxus x media 'DENSIFORMIS'	DENSE YEW	2–3' Ht., B&B	35
	TH	Taxus x media 'HICKSII'	HICK'S YEW	3–4' Ht., B&B	8
		ORNAMENTAL GRASS			
	PA	Pennisetum alopecuroides	FOUNTAIN GRASS	#5 CONT.	29

PROPERTY CURVE TABLE

Curve	Radius	Arc Length	Chord Length	Chord Bearing	Delta Angle
C52	125.00'	98.25'	95.74'	S 25°14'07" W	45°02'00"

DECK DRAINAGE SCHEDULE

Upstream Node	Downstream Node	Size (in)	Length (ft)	Slope (%)	Upstream Invert	Downstream Invert
CD–01	TEE–01	4	20.00	2.00	14.99	14.59
CO–01	TEE–01	4	3.00	3.00	14.68	14.59
TEE–01	WYE–01	4	69.32	2.00	14.59	13.20
CO–02	WYE–01	4	3.00	3.00	13.29	13.20
WYE–01	DI–88	4	38.31	1.52	13.20	12.62

NOTE:

PANIC HARDWARE SHALL BE INSTALLED ON ALL EXIT GATES

S 47°45'07" W 120.00'
10' BUILDING SETBACK
S 42°14'53" E 70.00'
S 47°45'07" W 41.84'
N 39°12'29" W
11.94'
10.05'
S 42°14'53" E 189.18'
88.37'
NORMAN LANE
DI 77
DI 78
DI 102
16.88'
39.86'
POOL MECHANICAL AND STORAGE 108 SF± FF=18.05
BATHROOMS 263 SF ± FF=18.05
11.25'
9.25'
17.57'
23.33'
5' (TYP.)
CURB RAMP
SIDEWALK
SIGN "RESERVED PARKING FOR HANDICAPPED" (R7–8)
N 87°16'57" W 143.18'
10' BUILDING SETBACK
CD 01
CO 01
TEE 01
WYE 01
CO 02
OUTDOOR POOL
4" WIDE WHITE PAINTED PARKING STRIPES (TYP.)
P.C.C. CURB 1–6
S 02°43'07" W 113.44'
APPROXIMATE LOCATION OF GATE, SEE ARCHITECTURAL/POOL PLANS FOR DETAILS
SEE ARCHITECTURAL/POOL PLANS FOR DETAILS AND POOL DECK CONSTRUCTION
PROPOSED CONCRETE PAD FOR BIKE RACK
4' BLACK ALUMINUM POOL AREA FENCING AND APPROXIMATE LOCATION OF GATE, SEE ARCHITECTURAL/POOL PLANS FOR DETAILS
20' BUILDING SETBACK
S 47°45'07" W 93.70'
HYDRANT
C52
DEEP POND LANE
DI 86
DI 88
0 10' 20'

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
DOVER, MARYLAND (410) 770-4744

THOMAS RICHARD CROUCH No. 12734 REGISTERED PROFESSIONAL ENGINEER
JUN 23 2022

SITE, GRADING, LANDSCAPE & UTILITY PLAN

MILOS HAVEN
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
05/17/22 OSFM COMMENTS
06/22/22 AGENCY COMMENTS

Date: MAY 6, 2022
Scale: 1" = 10'
Dwn.By: BPM
Proj.No.: 0700A040.D01
Dwg.No.: C-101

P:\Norman\3151A001\Design\0700A040 Amenities Site Grading Utility Plan.dwg Jun 22, 2022 - 4:28pm MAC8

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

RESUBDIVISION RECORD PLAT

THE PENINSULA ON INDIAN RIVER BAY
PART OF PHASE 6.B – AREA 10
"EIGHTEENTH ON THE BAY"
RESIDENTIAL PLANNED COMMUNITY (RPC)
REVISED SITE PLAN

SHEET INDEX:

1. COVER
2. SUBDIVISION SHEET 1
3. SUBDIVISION SHEET 2

SITE DATA:

1. SITE AREA = 787.787 ac.

PHASE 6B – AREA 10 =	±16.205 AC.
RIGHT OF WAY AREA	±1.94 AC.
STORMWATER MANAGEMENT AREA	±0.986 AC.
IMPERVIOUS AREA	±2.04 AC. (EXCLUDING BUILDINGS AND FUTURE DRIVEWAYS)
EXISTING AREA 10 OPEN SPACE	±1.734 AC.
PROPOSED AREA 10 OPEN SPACE	±2.72 AC.

2. TOTAL SITE PREDEVELOPMENT STATE & FEDERAL WETLANDS .
(N.T.W. WETLANDS =48.3 ac.)
(STATE WETLANDS =176.07 ac.)
PARCEL K HAS NO WETLANDS IN IT

3. OWNERS OF RECORD:
TAX MAP 2–34–30, PARCELS 315.07, 315.08
US HOME CORPORATION
7035 ALBERT EINSTEIN DR
COLUMBIA, MD 21046
DEED REF: 5646/4

TAX MAP 2–34–30, PARCELS 315.09, 315.10
US HOME CORPORATION
7035 ALBERT EINSTEIN DR
COLUMBIA, MD 21046
DEED REF: 5646/297

TAX MAP 2–34–30, PARCELS 315.12, 315.13
US HOME CORPORATION
7035 ALBERT EINSTEIN DR
COLUMBIA, MD 21046
DEED REF: 5682/239

ENGINEER/SURVEYOR: McCRONE, INC.
119 NAYLOR MILL ROAD, SUITE 3
SALISBURY, MD 21801
ATTN: ROBERT S. KANE, PE
PHONE: (410) 548–1492
FAX: (410) 548–2055

5. CURRENT ZONING: MR–RPC (MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) PER ORDINANCE NO. 1573.

6. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONES "X" UNSHADED – AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AND ZONE AE (EL. 6) PER FIRM MAP No. 10005C0481K, MAP REVISED MARCH 16, 2015.

7. DATUM: VERTICAL DATUM IS BASED ON NGVD 88, HORIZONTAL DATUM DELAWARE STATE PLANE NAD 83.

8. SANITARY SEWER SERVICE:
PUBLIC SANITARY SEWER – LONG NECK SANITARY SEWER DISTRICT

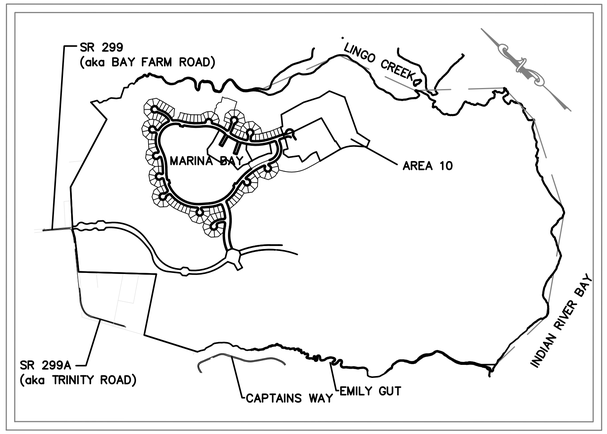
9. WATER:
TO BE SUPPLIED BY TIDEWATER UTILITIES, INC.

10. HEIGHT, BULK, AND AREA REQUIREMENTS:

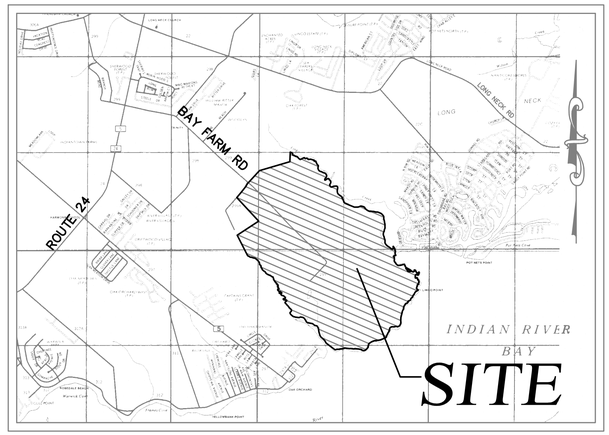
LOT REQUIREMENTS:

SINGLE FAMILY ATTACHED CONDOMINIUMS(TOWNHOUSE)	
SETBACKS	
FRONT	10'(40' AGG. FRONT AND REAR)
REAR	30'
SIDES	10'(CORNER UNIT 15')
BETWEEN BUILDINGS	40'
AVERAGE LOT AREA	4,430 S.F. ±
MIN. LOT AREA	3,630 S.F.
SINGLE FAMILY LOT	
SETBACKS	
FRONT	20'
REAR	10'
SIDES	6' (15' ON CORNER LOTS)
LOT WIDTH	60' MIN.
LOT AREA	7,500 S.F. MIN.
BUILDING HEIGHT	42' MAX.
DENSITY PROVIDED	2.51 UNIT/AC
NET DEVELOPMENT AREA	±1.85 AC. (TOWNHOUSE SIDE)

11. MAXIMUM NUMBER OF UNITS: THE TOTAL NUMBER OF UNITS WITHIN THE RPC SHALL NOT EXCEED 1,394 UNITS.
358 SINGLE FAMILY LOTS
471 SINGLE FAMILY DETACHED CONDOMINIUMS
270 SINGLE FAMILY ATTACHED TOWN HOUSES
295 MULTI–FAMILY UNITS
CURRENT NUMBER OF UNITS:
286 SINGLE FAMILY LOTS
388 SINGLE FAMILY DETACHED CONDOMINIUMS
239 SINGLE FAMILY ATTACHED TOWN HOUSES
295 MULTI–FAMILY UNITS
18TH ON THE BAY UNITS:
PREVIOUSLY APPROVED:
13 (6 UNIT) DETACHED CONDOMINIUMS
UNDER CONSTRUCTION (AS SHOWN ON PLAN):
3 (6 UNIT) ATTACHED TOWN HOUSES
1 (5 UNIT) ATTACHED TOWN HOUSES
2 (4 UNIT) ATTACHED TOWN HOUSES
TOTAL NUMBER OF UNITS AFTER IMPROVEMENTS:
312 SINGLE FAMILY LOTS
388 SINGLE FAMILY DETACHED CONDOMINIUMS
270 SINGLE FAMILY ATTACHED TOWN HOUSES – TOWNHOUSES SHOWN ON THIS RECORD PLAT ARE PART OF ORDINANCE NO. 2818
295 MULTI–FAMILY UNITS



SITE MAP
N.T.S.



VICINITY MAP
N.T.S.

OWNERS STATEMENT

I, HEREBY CERTIFY THAT US HOME CORPORATION, IS THE OWNER OF THE PROPERTY(IES) WHICH IS(ARE) THE SUBJECT OF THIS PLAT; THAT THIS SUBDIVISION PLAT THEREOF WAS MADE AT THEIR DIRECTION; THAT ALL STREETS SHOWN HEREON ARE TO BE PRIVATE RIGHT–OF–WAYS AND ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION; THAT ALL PROPOSED STREET CONTROL MONUMENTS WILL BE SET AT THE LOCATIONS SHOWN , AND, THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND DESIRE THIS PLAT BE RECORDED ACCORDING TO LAW.

US HOME CORPORATION
AUTHORIZED AGENT:

_____ _____
NAME DATE:

CERTIFICATION OF ACCURACY

I, ROBERT S. KANE, CERTIFY THAT THIS FINAL PLAT IS A CORRECT REPRESENTATION OF THE SURVEY MADE, THAT ALL MONUMENTS INDICATED HEREON EXIST OR WILL BE SET AND ARE CORRECTLY SHOWN AND THAT THE PLAT COMPLIES WITH ALL REQUIREMENTS OF THE SUSSEX COUNTY SUBDIVISION OF LAND REQUIREMENTS AND OTHER APPLICABLE LAWS AND REQUIREMENTS.

_____ _____
ROBERT S. KANE, DATE
PROFESSIONAL ENGINEER, DE. NO. 13538

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ BY _____
DATE CHAIRMAN OR SECRETARY OF THE SUSSEX COUNTY PLANNING COMMISSION

APPROVED _____ BY _____
DATE PRESIDENT OF THE SUSSEX COUNTY COUNCIL

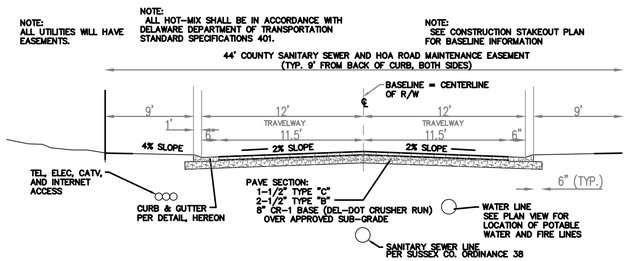
SUSSEX CONSERVATION DISTRICT APPROVAL

APPROVED _____ BY _____
DATE

NOTE: ALL UTILITIES WILL HAVE EASEMENTS.

NOTE: ALL HOT–MIX SHALL BE IN ACCORDANCE WITH DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS 401.

NOTE: SEE CONSTRUCTION STAKEOUT PLAN FOR BASELINE INFORMATION



MINOR RESIDENTIAL ROAD SECTION (PRIVATE)
ROAD SECTION A
N.T.S.

GENERAL NOTES

1. THE OWNER SHALL CAUSE TO BE FORMED A HOMEOWNERS' ASSOCIATION TO BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE STREETS, ROADS, BUFFERS, STORMWATER MANAGEMENT FACILITIES, AND OTHER COMMON AREAS. IN ADDITION, THE ASSOCIATION SHALL MAINTAIN THE CEMETERIES LOCATED WITHIN THE PROJECT. ACCESS TO THE CEMETERIES SHALL NOT BE DENIED TO FAMILY MEMBERS OF THE PERSONS INTERRED IN THE CEMETERIES.

2. THE BOUNDARY HEREON IS BASED ON A FIELD RUN SURVEY BY MCCRONE, INC., IN FEBRUARY, 2002.

3. THE AERIAL DEPICTING THE PHYSICAL FEATURES SHOWN HEREON WAS BASED ON AN AERIAL SURVEY ON JANUARY 22, 2002.

4. 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 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.

5. UNLESS OTHERWISE DESIGNATED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, STORM DRAIN EASEMENTS DEPICTED HEREON REPRESENTS PRIVATE EASEMENTS TO ACCESS THE STORM DRAINS FOR THE SOLE PURPOSE OF MAINTAINING AND REPAIRING SUCH STORM DRAINS, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.

9. THE HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE RESIDENTIAL PROPERTIES, HOMEOWNERS' ASSOCIATION PROPERTIES AND ROAD RIGHT–OF–WAY WITHIN THE PROJECT. THE HOMEOWNERS' ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES THAT CONVEY STORMWATER FROM THESE THREE AREAS THROUGH THE GOLF COURSE PROPERTIES. HOWEVER, MAINTENANCE OF THE PORTION OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE GOLF COURSE SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE GOLF COURSE PROPERTIES. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN A SATISFACTORY CONDITION AS REQUIRED BY SUSSEX COUNTY, DELAWARE AND IN ACCORDANCE WITH THE DEVELOPER'S RESTRICTIVE COVENANTS ON GOLF COURSE PROPERTIES ENTERED INTO BY AND BETWEEN THE DEVELOPER AND THE HOMEOWNERS' ASSOCIATION (THE "GOLF COURSE COVENANTS"). SHOULD THE OWNER OR OWNERS OF THE GOLF COURSE PROPERTIES DEFAULT IN THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES, THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RIGHT TO MAINTAIN THE FACILITIES SUBJECT TO THE TERMS AND CONDITIONS OF THE GOLF COURSE COVENANTS.

7. FOR EXISTING EASEMENT DESCRIPTIONS, SEE PLAT 355/64

8. THERE SHALL BE AN EASEMENT, 10' WIDE ALONG THE R.O.W., FOR THE PURPOSE OF UTILITY, IRRIGATION, AND OPEN SPACE ACCESS, UNLESS OTHERWISE NOTED. (AS SHOWN ON THE PLAN)

9. THERE SHALL BE AN EASEMENT, 15' WIDE FROM THE REAR PROPERTY LINES OF LOTS 154–176, FOR THE PURPOSE OF UTILITY. (AS SHOWN ON THE PLAN)

10. UNITS SHOWN ARE EXISTING – UNDER CONSTRUCTION

11. THERE HAVE BEEN TWO CHANGE OF ZONE APPLICATIONS FOR THE PENINSULA RESIDENTIAL PLANNED COMMUNITY (RPC) AND THEY ARE AS FOLLOWS:
11.1 (CZ) 1475, WHICH WAS RECOMMENDED APPROVAL BY THE PLANNING AND ZONING COMMISSION AT THEIR MEETING OF 9/12/02, APPROVED BY THE SUSSEX COUNTY COUNCIL AT THEIR MEETING OF 11/19/02 AND ADOPTED THROUGH ORDINANCE NO. 1573.
11.2 (CZ) 1883, WHICH WAS RECOMMENDED APPROVAL BY THE PLANNING AND ZONING COMMISSION AT THEIR MEETING OF 6/27/19, APPROVED BY THE SUSSEX COUNTY COUNCIL AT THEIR MEETING OF 10/8/19 AND ADOPTED THOUGH ORDINANCE NO. 2690. IT IS NOTED THAT CONDITION NO. 1 WAS AMENDED TO ALLOW FOR THE PREVISION OF UP TO 358 SINGLE FAMILY LOT TOTAL.
11.3 CHANGE OF ZONE NO. 1883 (ORDINANCE NO. 2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) TO AMEND THE TOTAL TYPES AND NUMBERS PERMITTED. PLEASE REFER TO SITE INFORMATION FOR UPDATED NUMBER OF HOUSING UNITS PERMITTED.

12. THIS PROJECT PROPOSES NO CHANGES TO THE TYPES OR TOTALS OF DWELLING UNITS AS PERMITTED UNDER ORDINANCE NO. 2818.

LEGEND

- EXISTING PROPERTY/R.O.W. LINE
- BUILDING RESTRICTION LINE
- EXISTING EASEMENT LINE TO REMAIN
- EXISTING EASEMENT HATCH TO REMAIN
- EXISTING EASEMENT LINE TO BE REMOVED
- PROPOSED PROPERTY LINE TO BE ADDED
- PROPOSED IRRIGATION, UTILITY, OPEN SPACE ACCESS EASEMENT HATCH

The PENINSULA On The Indian River Bay

REVISION NOTE: THIS PLAT SUPERCEDES PLOT ENTITLED "RESUBDIVISION RECORD PLAT & LOT LINE ADJUSTMENT, THE PENINSULA ON INDIAN RIVER BAY, PHASE 6.B – AREA 10 'EIGHTEENTH ON THE BAY'", FILED FOR RECORD IN THE OFFICE OF RECORDER OF DEEDS FOR SUSSEX COUNTY IN PLOT VOLUME 355, PAGES 64 TO 70, WITH THE INTENT TO FURTHER SUBDIVIDE TAX MAP PARCELS 234–30–315.07, 315.08, 315.09, 315.10, 315.12, 315.13 & 315.15 FOR PURPOSES OF PROVIDING FEE SIMPLE OWNERSHIP.

SEAL
DATE

REVISIONS

REV. #	DATE	DESCRIPTION

McCRONE
ENGINEERS ■ SURVEYORS ■ PLANNERS
ANNAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY ■ DELAWARE
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
(410) 548-1492
www.mccrone-engineering.com

Copyright © 2017

DATE:	9/7/2022
JOB NUMBER:	D2190100
SCALE:	NTS
DRAWN BY:	SG
DESIGNED BY:	RC
APPROVED BY:	RSK
FOLDER REFERENCE:	

COVER

FOR THE LANDS OF
U.S. HOME CORPORATION
PART OF PHASE 6.B - AREA 10
"EIGHTEENTH ON THE BAY"
THE PENINSULA ON INDIAN RIVER BAY
A "RESIDENTIAL PLANNED COMMUNITY" (RPC)
INDIAN RIVER HUNDRED
LONG NECK, SUSSEX COUNTY, DELAWARE

SHEET NO.: 1 OF 3

FILE NO.: 190100-CONDO SUBDIVISION PLAT

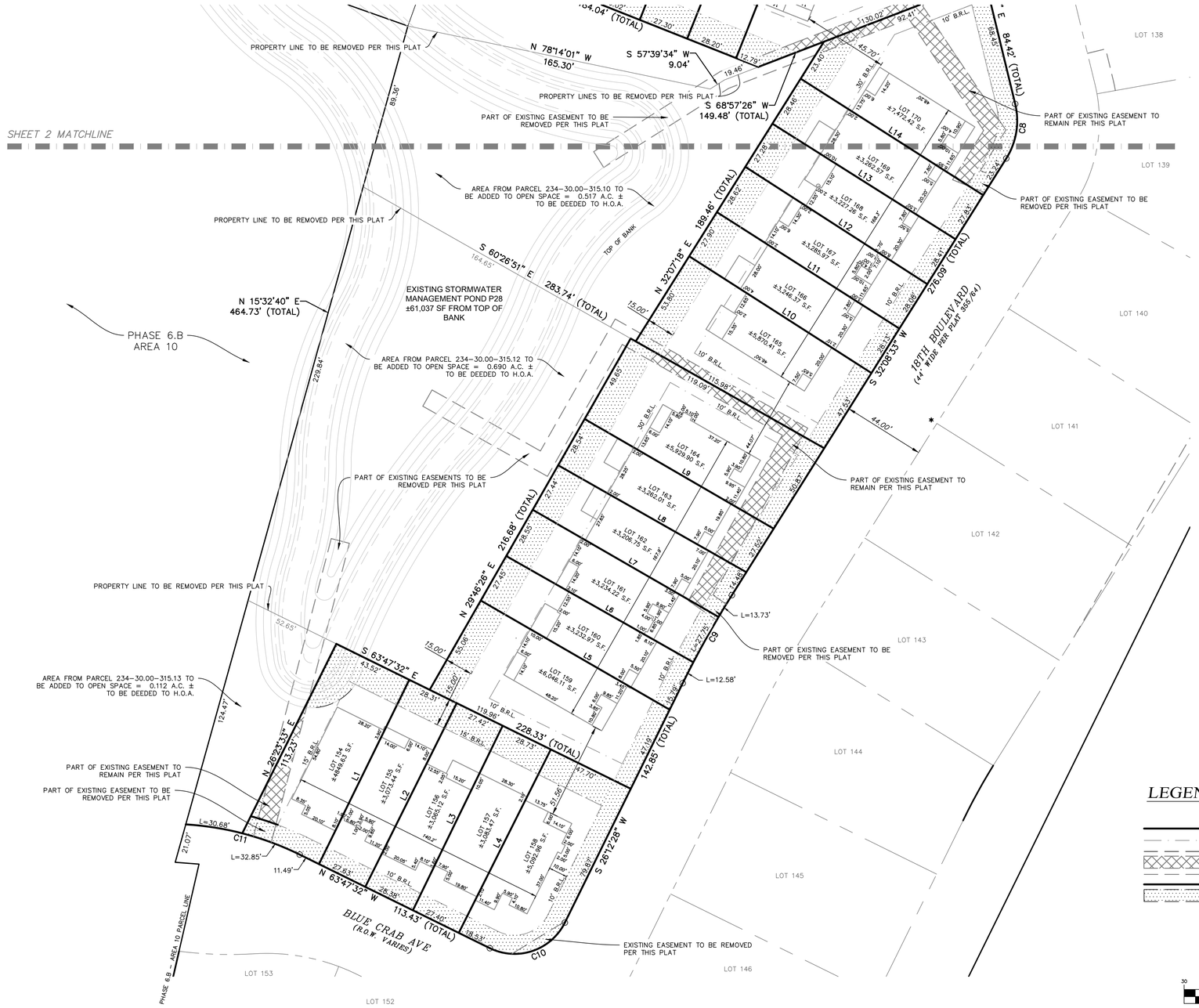
DE STATE PLANE NAD 83

Right-of-Way Curve Table					
Curve	Length	Radius	Chord Bearing	Chord	Delta Angle
C1	9.83'	30.00'	N38° 16' 03"E	9.79'	18°46'32"
C2	44.64'	122.50'	N37° 13' 00"E	44.39'	20°52'36"
C3	39.65'	28.00'	N62° 10' 18"E	36.42'	81°08'37"
C4	63.97'	322.00'	S82° 56' 53"E	63.87'	11°22'59"
C5	75.25'	278.00'	S80° 53' 08"E	75.02'	15°30'30"
C6	45.61'	322.00'	S65° 41' 14"E	45.58'	8°06'59"
C7	27.42'	28.00'	S41° 41' 26"E	26.34'	56°06'35"
C8	30.36'	38.00'	S9° 15' 12"W	29.56'	45°46'41"
C9	54.07'	522.00'	S29° 10' 30"W	54.04'	5°56'05"
C10	47.12'	30.00'	S71° 12' 28"W	42.43'	90°00'00"
C11	63.53'	160.00'	N75° 10' 00"W	63.11'	22°44'56"

Line Table		
Line	Bearing	Length
L1	N26° 05' 35"E	109.87'
L2	N26° 26' 52"E	109.87'
L4	N26° 38' 27"E	109.87'
L5	N59° 58' 51"W	116.80'
L6	N60° 24' 44"W	115.18'
L7	N60° 00' 53"W	114.86'
L8	N60° 23' 26"W	115.85'
L9	N59° 52' 37"W	116.99'
L10	N57° 20' 58"W	115.88'
L11	N57° 27' 49"W	115.89'
L12	N57° 11' 49"W	115.91'
L13	N57° 45' 21"W	115.91'
L14	N57° 26' 53"W	115.92'

Area Table	
Lot #	Area
154	4849.63 ± S.F.
155	3073.44 ± S.F.
156	3065.12 ± S.F.
157	3083.47 ± S.F.
158	5092.96 ± S.F.
159	6046.11 ± S.F.
160	3232.97 ± S.F.
161	3234.22 ± S.F.
162	3206.75 ± S.F.
163	3262.01 ± S.F.
164	5929.90 ± S.F.
165	5870.41 ± S.F.
166	3246.37 ± S.F.
167	3285.97 ± S.F.
168	3227.26 ± S.F.
169	3262.57 ± S.F.
170	7472.42 ± S.F.
171	7722.43 ± S.F.
172	3107.82 ± S.F.
173	3066.87 ± S.F.

Area Table	
Lot #	Area
174	3127.56 ± S.F.
175	3197.08 ± S.F.
176	7302.99 ± S.F.
177	7171.63 ± S.F.
178	3273.40 ± S.F.
179	3177.66 ± S.F.
180	6276.68 ± S.F.
181	5426.62 ± S.F.
182	3319.36 ± S.F.
183	3441.69 ± S.F.
184	7288.63 ± S.F.



LEGEND

- EXISTING PROPERTY/R.O.W. LINE
- BUILDING RESTRICTION LINE
- EXISTING EASEMENT LINE TO REMAIN
- EXISTING EASEMENT HATCH TO REMAIN
- EXISTING EASEMENT LINE TO BE REMOVED
- PROPOSED PROPERTY LINE TO BE ADDED
- PROPOSED IRRIGATION, UTILITY, OPEN SPACE ACCESS EASEMENT HATCH

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

SEAL

DATE

REVISIONS		
REV. #	DATE	DESCRIPTION

McCRONE
ENGINEERS ■ SURVEYORS ■ PLANNERS
ANNAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY ■ DELAWARE
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
(410) 548-1492
www.mccrone-engineering.com

Copyright © 2017

DATE:	8/30/2022
JOB NUMBER:	D2190100
SCALE:	1"=30'
DRAWN BY:	SG
DESIGNED BY:	SG
APPROVED BY:	RSK
FOLDER REFERENCE:	

SUBDIVISION

FOR THE LANDS OF

U.S. HOME CORPORATION
PART OF PHASE 6.B - AREA 10
"EIGHTEENTH ON THE BAY"
THE PENINSULA ON INDIAN RIVER BAY

INDIAN RIVER HUNDRED
LONG NECK, SUSSEX COUNTY, DELAWARE

SHEET NO.: 2 OF 3

FILE NO.: 190100-CONDO SUBDIVISION PLAT

DE STATE PLANE NAD 83

EXISTING SEWER/ROAD MAINTENANCE EASEMENT PREVIOUSLY DEDICATED TO H.O.A. PER PLAT 114/83 & EXISTING ACCESS EASEMENT PER PLAT 355/64

PART OF EXISTING EASEMENT TO BE REMOVED PER THIS PLAT

PART OF EXISTING EASEMENT TO REMAIN PER THIS PLAT

PART OF EXISTING EASEMENT TO REMAIN PER THIS PLAT

18TH BOULEVARD
(44' WIDE PER PLAT 355/64)

LOT 128

LOT 129

LOT 130

LOT 131

LOT 132

LOT 133

LOT 134

LOT 135

LOT 136

EXISTING LIGHT POLE (TYP)

EX. EDGE OF PAVEMENT

EXISTING SEWER/ROAD MAINTENANCE EASEMENT PREVIOUSLY DEDICATED TO H.O.A. PER PLAT 114/83 & EXISTING ACCESS EASEMENT PER PLAT 355/64

PORTION OF PROPOSED EASEMENT TO ALSO BE USED FOR INGRESS/EGRESS FOR THE BENEFIT OF BUILDING 12 (PARCEL 234-30.00-315.11)

EX. BUILDING #12

EX. BUILDING 12
LANDS N/F
REAL PROPERTY HOLDING-SUSSEX COUNTY DE LLC
TAX MAP: 234-30.00-315.11
DEED REF: 3757/180
PLAT REF: 114/83

EXISTING EASEMENTS TO BE REMOVED PER THIS PLAT

AREA FROM PARCEL 234-30.00-315.08 TO BE ADDED TO OPEN SPACE = 0.280 A.C. ± TO BE DEEDED TO H.O.A.

PHASE 6.B - AREA 10 PARCEL LINE

PHASE 6.B
AREA 10

AREA FROM PARCEL 234-30.00-315.09 TO BE ADDED TO OPEN SPACE = 0.135 A.C. ± TO BE DEEDED TO H.O.A.

PROPERTY LINE TO BE REMOVED PER THIS PLAT

TOP OF BANK

AREA FROM PARCEL 234-30.00-315.10 TO BE ADDED TO OPEN SPACE = 0.517 A.C. ±

PART OF EXISTING EASEMENT TO BE REMOVED PER THIS PLAT

TOTAL AREA TO BE ADDED TO OPEN SPACE AND DEEDED TO H.O.A. = 1.454 A.C. ±

PART OF EXISTING EASEMENT TO BE REMOVED PER THIS PLAT

PART OF EXISTING EASEMENT TO REMAIN PER THIS PLAT

PART OF EXISTING EASEMENT TO BE REMOVED PER THIS PLAT

SHEET 1 MATCHLINE

Line Table		
Line	Bearing	Length
L15	S21° 34' 23"W	111.17'
L16	S21° 44' 10"W	110.50'
L17	S21° 12' 11"W	110.35'
L18	S22° 07' 29"W	112.41'
L19	S21° 08' 49"W	115.84'
L20	S9° 35' 09"W	116.02'
L21	S10° 03' 10"W	115.00'
L22	S10° 01' 57"W	111.59'
L23	S70° 07' 28"E	118.08'
L24	S70° 36' 32"E	121.08'
L25	S70° 35' 50"E	124.14'

LEGEND

- EXISTING PROPERTY/R.O.W. LINE
- BUILDING RESTRICTION LINE
- EXISTING EASEMENT LINE TO REMAIN
- EXISTING EASEMENT HATCH TO REMAIN
- EXISTING EASEMENT LINE TO BE REMOVED
- PROPOSED PROPERTY LINE TO BE ADDED
- PROPOSED IRRIGATION, UTILITY, OPEN SPACE ACCESS EASEMENT HATCH

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

SEAL

DATE

REVISIONS		
REV. #	DATE	DESCRIPTION

McCRONE
ENGINEERS ■ SURVEYORS ■ PLANNERS
ANNAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY ■ DELAWARE
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
(410) 548-1492
www.mccrone-engineering.com

Copyright © 2017

DATE: 8/30/2022
JOB NUMBER: D2190100
SCALE: 1"=30'
DRAWN BY: SG
DESIGNED BY: SG
APPROVED BY: RSK
FOLDER REFERENCE:

SUBDIVISION

FOR THE LANDS OF

U.S. HOME CORPORATION
PART OF PHASE 6.B - AREA 10
"EIGHTEENTH ON THE BAY"
THE PENINSULA ON INDIAN RIVER BAY

INDIAN RIVER HUNDRED
LONG NECK, SUSSEX COUNTY, DELAWARE

SHEET NO.: 3 OF 3

FILE NO.: 190100-CONDO SUBDIVISION PLAT

Application Form

Submitted By: Anonymous user
Submitted Time:
March 1, 2022 3:03 PM

Preliminary Land Use Service

PLUS ID: 2022-03-15

State Strategy Level: 2 & 3

PLUS Application Type - Subdivision

Title: Milton Village
County: Sussex County **Municipality:** Unincorporated
Description of PLUS project/plan:
Development master plan consisting of multifamily, single family, townhomes, retail, medical office, and assisted living

Section I: Project Location

How many parcels are involved in this project?
Multiple Parcels

Total number of parcels being reviewed for this project
3

Parcel ID(s): 235-14.00-81.00 235-14.00-82.00 235-14.00-77.00

Project Location: Intersection of us rt 30 and us rt 16

If contiguous to a municipality, are you seeking Annexation? No

Section II: Project Contact Information

Owner Contact Information

1630 VENTURES LLC
1 SOUTH CLEVELAND AVE
Wilminigton, DE 19805
Phone: (302) 652-3838
Email: kdisabatino@disabatino.com
Fax:

Equitable Owner/Developer Contact Information

Is there and Equitable Owner/Developer for this project? **No**

,
Phone: ( ) -
Email:
Fax: ( ) -

Project Engineer/Designer Contact Information

Is there a Project Engineer or Designer for this project? Yes
Becker Morgan Group, Inc.
Jon Falkowski
Phone: (302) 734-7950
Email: jfalkowski@beckermorgan.com
Fax: (302) 734-7965

Please designate a Primary Contact for this Project/Application.
Owner

Section III: Project Details

Project Area (Acres): **208**
Type of Development: **Residential**
If Mixed Use, what types are included:

Previous PLUS Information
Was this property a subject of a previous PLUS Review? **Yes**
If Previous PLUS, what was the PLUS ID: **2006-06-05**

Zoning Information
Present Zoning for this project area: **AR-1, C-1, HR**
Proposed Zoning for this project: **AR-1, C-1, HR**

Land Use Information
Present Use for this project area: **AGRICULTURAL**
Proposed Use for this project: **COMMERCIAL/RESIDENTIAL**

Residential Development Information

Type of Residential: **Mixed Residential**
If mixed residential, what types of residential? **Single Family, Multi-Family *5+ units/bldg, Duplex or Townhouse**

Residential Target Market: **Ownership, Rental**

Type of Homeownership: **Entry-level, Market rate, Second home**
Total number of Homeownership units: **400**

Type of Rental Units: **Market rate**
Total number Rental Units: **296**

Table of Residential Units Proposed

Total Res. Units	Single Family	Multi-Family	Duplex/Townhouse
696	277	296	123

Commercial Development Information

Type of Commercial: **Retail Shopping Center**
Type of Industrial:
Institution Type:
Total Square footage:

School Development Information

School Level:

Estimated Square Footage of School:

Estimated Number of Students:

What Fiscal Year (FY) do you anticipate applying for the Certificate of Necessity (CN)?

Does this project require a Conditional Use decision? No
If yes, please provide a brief description of the conditional use justification:

Are there any Federal permits, licensing, or funding anticipated for this project?
No
If yes, please describe/elaborate

Site Visit Option

To promote an accurate review of your project's features, would you permit a State agency site visit? **No**

If yes, please provide a contact name and phone number to schedule a site visit:

Section IV: Utilities

Water Supply Details

What type of water provider will be used for this project? **Public Utility**
Who is the Water Service Provider: **Other Artesian**
Will a new public well be located at this site? **No**

Wastewater Supply Details

What type of wastewater Supply provider will be used for this project? **Public Utility**
Who is the Wastewater Service Provider: **Artesian**
Will a new public wastewater system be located at this site?
Yes

Section V: Environmental Details

Forestland detail

Existing Forested Area (Y/N)	Existing Forest (acres)	Will any forest be removed? (Y/N)	Estimated Removed Forest (acres)
Yes	26	Yes	14

Wetlands Details

Based on your PLUS Pre-Check report, are there any wetlands, as defined by the U.S. Army Corps of Engineers OR the Delaware Department of Natural Resources and Environmental Control (DNREC) on this site?
No

Tidal Wetlands

Are there Tidal Wetlands?
If yes, estimated Acres of Tidal Wetlands:

Non-tidal Wetlands

Are there Non-Tidal Wetlands?
If yes, estimated Acres of Non-Tidal Wetlands:

Wetland Impact

Will the site design proposed directly impact these wetland areas and/or do you anticipate a wetlands permit will be required?

If yes, estimated acres of wetlands impacted:

Wetland Delineation

Have the wetlands been delineated?
If delineated, has the U.S. Army Corps of Engineers signed off on the delineation?

Tax Ditch Details

Based on your PLUS Pre-Check report, is this site within the buffer area or contain a Tax Ditch, public ditch, or private ditch (that directs water off-site)?
No

Stormwater Management Details

List the proposed stormwater management practices for this site:
INFILTRATION FACILITIES

Open Space Details

Is there Open Space proposed for this project? **Yes**
Estimated acres of Open Space proposed: **20**
What kind of Open Space? **Active Recreation, Passive Recreation, Stormwater Management**
Please list the "other" type of Open Space:
Will any land from this project be dedicated for community use (e.g. police, fire, school)?
No
Please describe anticipated community use

Section VI: Transportation / Mobility / Connectivity

Vehicle Trip Details

Do you have estimated vehicle trip information? **Yes**
Please provide estimated vehicle trips this project will generate on an average weekday.
18,333
What percentage of these trips will be from school buses, large commercial trucks such as Tractor-trailers, and/or delivery trucks (larger than a van or pick-up)?

Road Connectivity Details

Will this project connect to State maintained roads? **Yes**

Please list any locations where this project could physically be connected to existing or future development or adjacent land for connectivity/mobility and indicate your willingness to discuss making these connections.
EAST PARCEL

Mobility Details

Is there a proposed or existing accessway (sidewalk transition from infrastructure in ROW to internal pathways)?
Yes

Have there already been discussions with DTC Planning staff of the need for new or improving existing transit stops on-site, near the site but within right-of-way, and/or as a companion stop?
No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?
Yes

Table of Mobility Connectivity Parameters

	Sidewalks	Bike Paths	Bus Stops
Currently exist?	No	No	No
Type existing			
Proposed to add?	Yes	Yes	
Type proposed	Internal, Within Right-of-Way	Within Right-of-Way	

Section VII: Historic / Cultural Information

Based on your PLUS Pre-Check report, has a cultural resource professional previously evaluated the site for historic and/or cultural resources?
No

If no, I acknowledge that the Pre-Check against the CHRIS system did not identify any historic/cultural resource areas on this site.
Acknowledge

If yes, please provide details regarding evaluation by a cultural resource professional.

Based on your PLUS Pre-Check report, is this site in the VICINITY of any known historic/cultural resources or sites?
No

If no, I acknowledge that the Pre-Check against the CHRIS system did not identify any historic/cultural resource areas near this site.
Acknowledge

If yes, please provide details regarding known historic/cultural resources near the project site.

Section IX: Signatures

Is the person completing this form the Property Owner? **No**
If yes, Signature of Owner completing form

If no, after you submit this application, you will be emailed with a request to upload the Owner Signature Form to the Delaware Planning Drop Box site.

Signature of Person completing form on behalf of the Property Owner

As the project contact, I acknowledge that this application will not be complete until OSPC receives the Owner Signature
Acknowledge

PLUS

Project Owner Signature

This page needs to accompany the completed PLUS application for any project. The person signing this form shall be the actual owner of the property where the proposed project is located.

Project Name: Milton Village

Project ID (to be completed by OSPC): _____

I hereby certify that I am the owner of the property identified in the accompanying PLUS application.

Signature of Property Owner

3/1/2022
Date

_____

Signature of Additional Owner (if applicable)

_____
Date

OSPC

Published January 2022

MILTON VILLAGE - SPATIAL PLANNING

2021133.00 - CONCEPT

07/19/2021 - REVISED (4) 12/01/2021

277 SFD LOTS - MIN LOT SIZE 60' X 125'

123 TH LOTS - MIN TH LOT SIZE: 28' X 115'

288-296 APT UNITS

35,000 SF - ASSISTED LIVING

80,000 SF - MEDICAL OFFICE SPACE

210,000 SF - COMMERCIAL / RETAIL SPACE

0 100 200 400

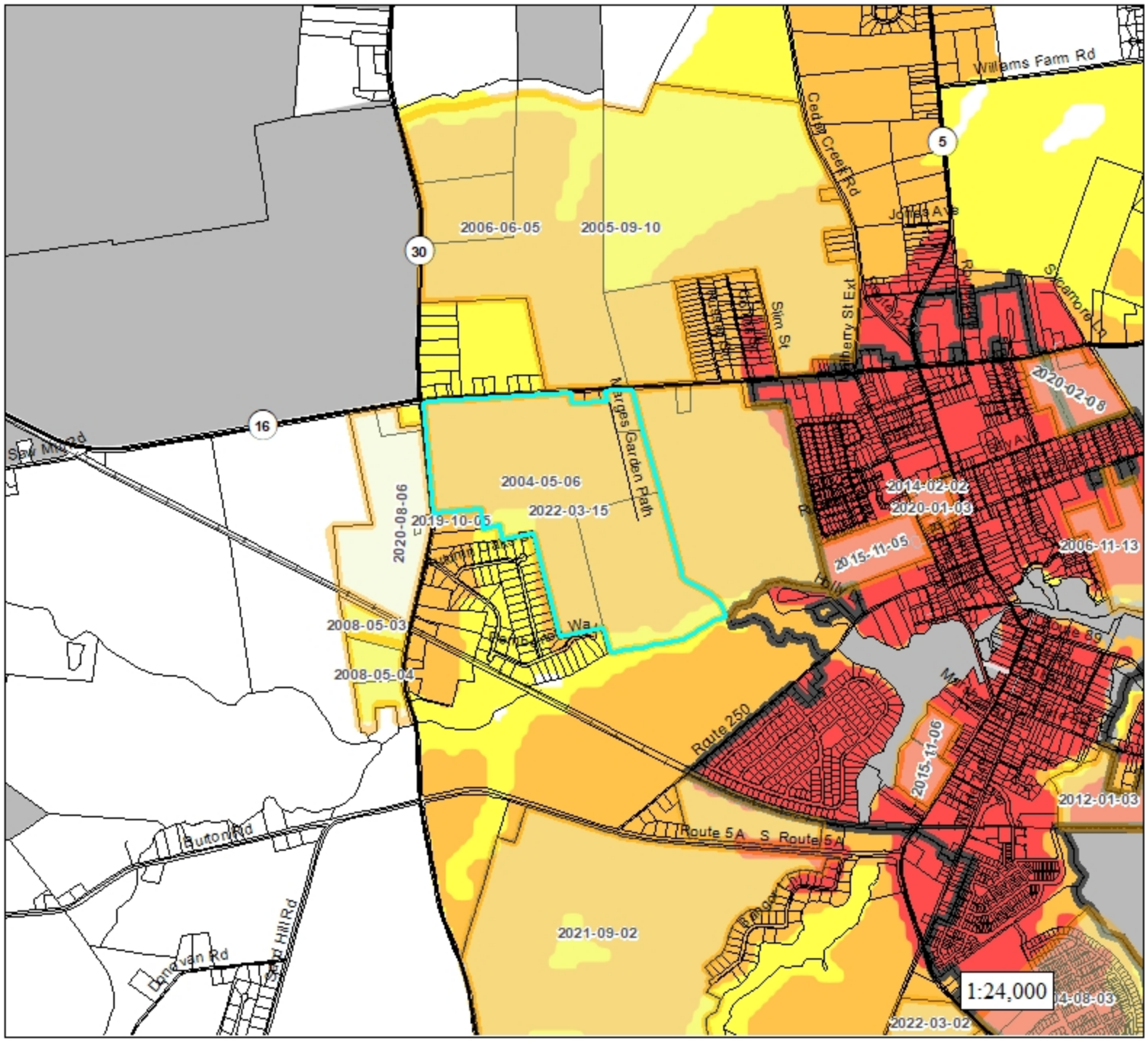
SCALE : 1" = 200'

N

BECKER MORGAN GROUP

ARCHITECTURE ENGINEERING

Preliminary Land Use Service (PLUS)



PLUS 2022-03-15
Milton Village

Legend

PLUS Project Areas

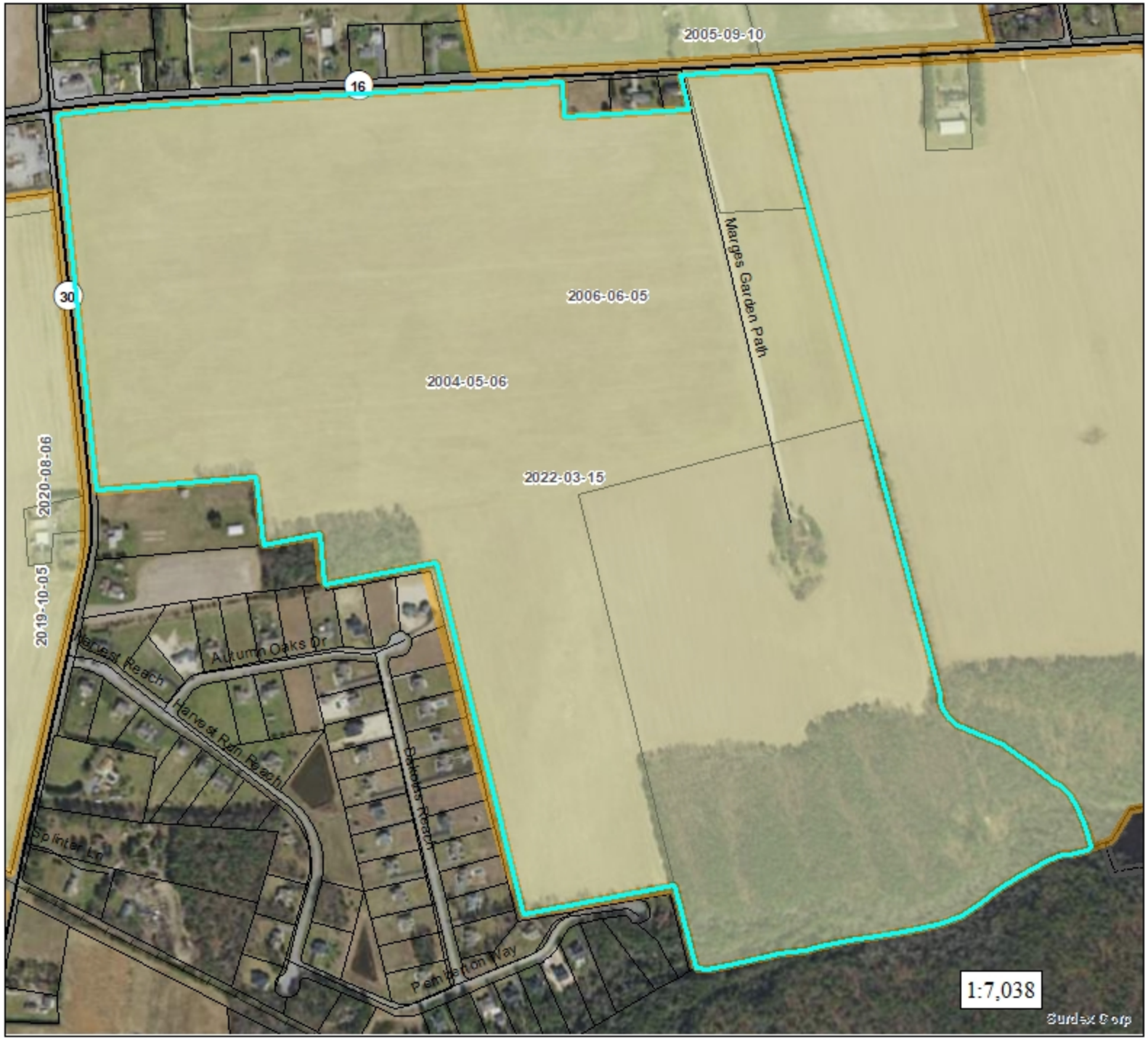
- Comp Plans
- All Other PLUS Reviews

2020 State Strategies

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

Location Map

Preliminary Land Use Service (PLUS)



PLUS 2022-03-15
Milton Village

Legend

PLUS Project Areas

Comp Plans

All Other PLUS Reviews

Municipal Boundaries

Location Map

PUBLIC PRE CHECK Results for State Parcel(s): No Area(s) Selected.

Underground Storage Tanks: Failed to execute. Parameters are not valid.
ERROR 000735: Input Features: Value is required
WARNING 000725: Output Layer: Dataset f"memory\\{fl_name}" already exists.
Failed to execute (MakeFeatureLayer).

SIRB Project Areas: Failed to execute. Parameters are not valid.
ERROR 000735: Input Features: Value is required
WARNING 000725: Output Layer: Dataset f"memory\\{fl_name}" already exists.
Failed to execute (MakeFeatureLayer).

Wetlands: Issue Found

Aglands Preservation Districts: Issue Found

Soils - Sussex County: Issues Found

DE FIRM: Issues Found

Delaware Ecological Network: Issues Found

Ocean Area No Build Points: No Issues Found

Soils - Kent County: No Issues Found

Bay Area No Build Line: No Issues Found

Land and Water Conservation Fund: No Issues Found

Tax Ditch ROWs: No Issues Found

Tax Ditch Segments: No Issues Found

Well Head Protection Areas: No Issues Found

WRPA: No Issues Found

Park Facilities: No Issues Found

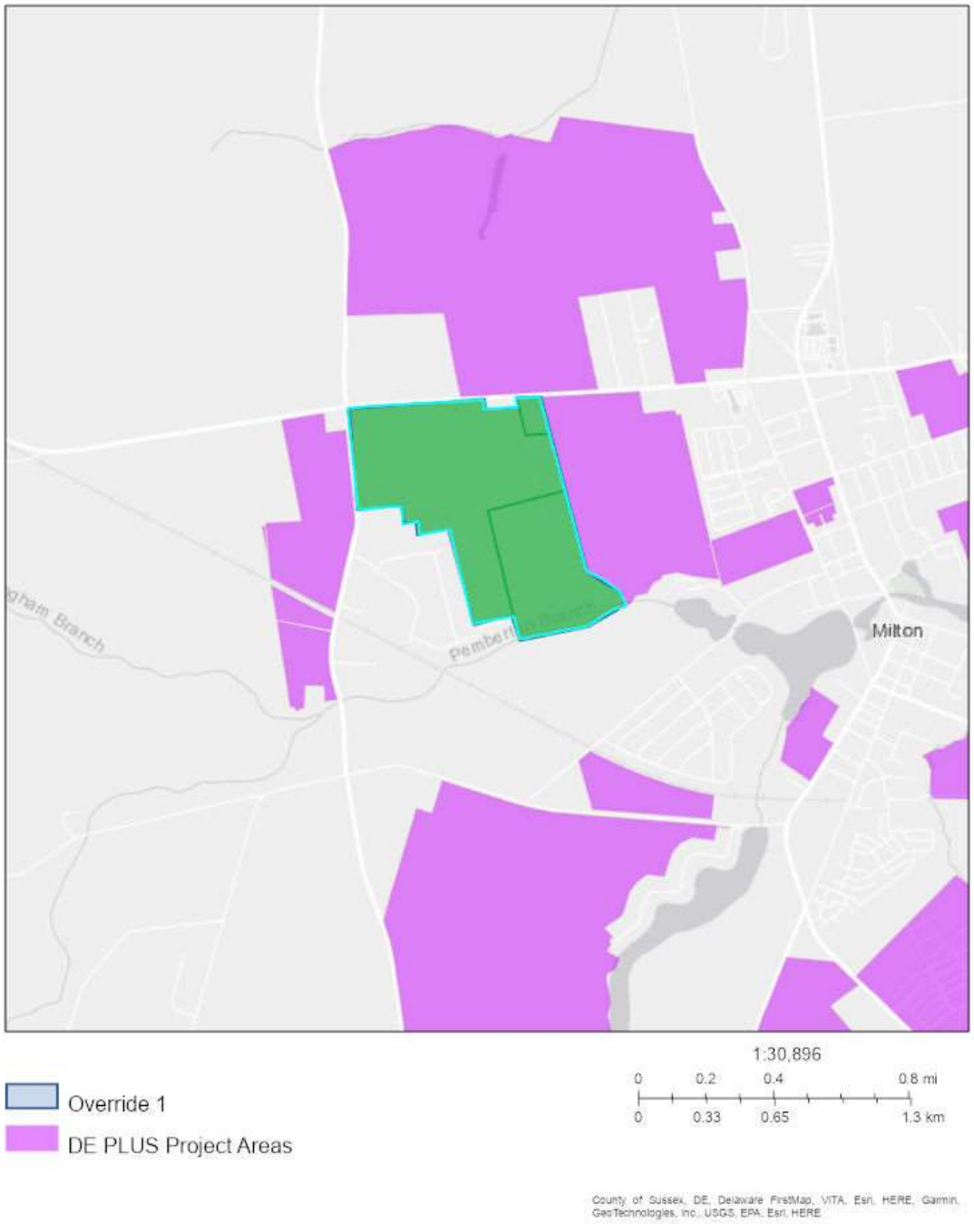
Soils - New Castle County: No Issues Found

Screening Report

Area of Interest (AOI) Information

Area : 215.32 acres

Mar 4 2022 13:03:38 Eastern Standard Time



Summary

Name	Count	Area(acres)	Length(mi)
Existing PLUS ID	3	496.52	N/A
State Parcel ID	11	215.07	N/A
National Register Place	0	N/A	N/A
Historic District	0	0	N/A
Historic Marker	0	N/A	N/A
Ag. Preserve	0	0	N/A
SIRB Project Area	0	0	N/A
Underground Storage Tanks	0	N/A	N/A
Ecological Network	2	51.42	N/A
Conservation Fund	0	0	N/A
Bay Area No Build	0	N/A	0
Ocean Area No BUILD	0	N/A	N/A
Tax Ditch	0	0	N/A
Tax Ditch Segment	0	N/A	0
Well Head Protection	0	0	N/A
Wetland High Water	0	N/A	0
Wetland Marsh	0	0	N/A
Wetlands	4	7.08	N/A
Low Marsh	0	0	N/A
Recharge Areas	0	0	N/A
Watershed	0	N/A	0
Class A Wellhead (150 Ft)	0	0	N/A
Class A Wellhead	0	0	N/A
Kent Soils	0	0	N/A
New Castle Soils	0	0	N/A
Sussex Soils	11	215.32	N/A

Existing PLUS ID

#	PLUS ID	Area(acres)
1	*No Data*	496.52

State Parcel ID

#	PIN	Acres	Area(acres)
1	235-14.00-77.00	142.61	141.62
2	235-14.00-82.00	66.23	65.89
3	235-14.00-81.00	4.94	4.94
4	235-14.00-83.01	136.42	1.20
5	235-20.00-2.00	118.80	0.79
6	235-14.00-76.00	7.29	0.36
7	235-14.00-75.00	4.72	0.16
8	235-14.00-78.00	0.67	0.08
9	235-14.00-74.00	4.54	0.03
10	235-14.00-605.00	0.75	< 0.01
11	235-14.00-621.00	0.79	N/A

Ecological Network

#	ID	Area(acres)
1	7,363.00	33.32
2	7,251.00	18.10

Wetlands

#	Type	Acres	Area(acres)
1	Freshwater Forested/Shrub Wetland	6.49887435	3.76
2	Freshwater Forested/Shrub Wetland	14.41092319	2.80
3	Freshwater Emergent Wetland	0.43147002	0.39
4	Freshwater Forested/Shrub Wetland	0.12624984	0.13

Sussex Soils

#	Name	Area(acres)
1	A	208.83
2	B/D	5.34
3	A/D	1.16

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 19, 2022

Mr. Kevin DiSabatino
1630 Ventures
1 South Cleveland Avenue
Wilmington, DE 19805

RE: PLUS review – 2022-03-15; Milton Village

Dear Mr. DiSabatino:

Thank you for meeting with State agency planners on March 23, 2022 to discuss the proposed plans for the Milton Village subdivision. According to the information received, you are seeking review of a subdivision consisting of 696 mixed residential units and approximately 325,000 square feet of commercial on 208 acres located at the intersection of US Route 30 and US Route 16 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 is within the growth area of the Town of Milton. At this time it is not contiguous to the town but the developer should still work with the town on the density and design.

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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. This site is also located in the Town of Milton growth area.

Based on comments from State agencies below, if this parcel contains environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction

work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Annamaria Furmato 302-760-2710

- The site accesses on Milton Ellendale Highway (State Route 16) and Gravel Hill Road (State Route 30) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

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

- Section 1.6 of the Manual addresses the location of site entrances. DelDOT anticipates permitting fewer access points than proposed on the concept plan. Tentatively, DelDOT would permit one full access point each on Milton Ellendale Highway and Gravel Hill Road and one additional limited-movement access points on Milton Ellendale Highway, to serve the medical offices currently under development. Additional access points will be considered in the TIS process.

- 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 18,333 vehicle trip ends per day. Therefore, the plan meets the warrants for a TIS. The TIS scoping meeting was held on March 24, 2022.

  The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Milton Ellendale Highway and Gravel Hill Road within the limits of their frontage, to meet DelDOT's standards associated with their Functional Classifications. Also, DelDOT has a planned safety improvement project planned to construct a roundabout at the intersection of Milton Ellendale Highway and Gravel Hill Road and the applicant should expect a requirement to contribute to that effort. Other improvements will likely be identified through the TIS process.

- 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 Milton Ellendale Highway and Gravel Hill Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of each road. The following right-of-way dedication note is required, "**An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- 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 dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- 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 600 feet of the proposed entrances on Milton Ellendale Highway and Gravel Hill Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions. DelDOT anticipates recommending that the County require a stub street for a future interconnection to Tax Parcel 235-14.00-83.01 approximately as shown on the concept plan.

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required.

- Section 3.5.4.3 and 3.5.4.4 of the Manual, respectively, addresses walkways and accessways. Both types of facility are paved pathways connecting a sidewalk or path along a road frontage to the interior of a development. Walkways apply to non-residential development and typically lead to a building entrance. Accessways apply to residential development and typically lead to a sidewalk on a subdivision street. DelDOT

anticipates requiring walkways from the SUP on Milton Ellendale Highway at each end of the frontage and an accessway from the south end of the SUP on Gravel Hill Road to the proposed apartment complex.

- In accordance with 3.5.5 of the Manual, existing and proposed transit stops, shall be shown on the Record Plan with applicable bicycle and pedestrian connectivity. These facilities may include passenger shelters, bicycle parking, landing pads, bus pull-offs, walkways to the transit stop location, or some combination thereof, as required by DTC or DelDOT, in consultation with the applicable land use authority.

- 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 Milton Ellendale Highway and Gravel Hill Road.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

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

DART – Contact Jared Kauffman 302-576-6062

- DART recognizes the need for bus service to and from this site, and the specific placement of those bus stops depend upon the findings and needs of the finalized TIS.

  DART's preference is to serve this site directly from SR 16, without entering the site. DART's preferred location to place a pair of companion Type 2 (17x8) bus stop shelter pads on SR 16 is at the main entrance. Placing the stops here depends upon the TIS's requirement for a traffic signal at this entrance or DelDOT recommends a pedestrian crossing regardless of a traffic signal here.

- If a traffic signal is not required and a pedestrian crossing is not recommended by DelDOT, three bus stop pads are needed in order to allow for transit service on SR 16 without entering the site.

  - The first bus stop needs to be a Type 2 (17x8) shelter pad placed on westbound SR 16 at least 50' far-side of the intersection of SR 16 and SR 30.

  - The second needs to be a Type 2 (17x8) shelter pad placed on westbound SR 16 between the medical office buildings and assisted living facility.

  - The third needs to be placed on eastbound SR 16. The size, type of bus stop pad, and specific placement depends on available Right-of-Way. A pedestrian pathway is needed to this stop from the frontage shared-use path, including a crosswalk.

- If ROW is not available or it's not possible to create the pedestrian pathway to an eastbound stop, DART will need to serve this site from an internal stop.

  - The two westbound stops will still need to be constructed to minimize the number of trips needed for a bus to enter the site.

  - A Type 2 (17x8) shelter pad will need to be placed between the apartments and retail while heading toward SR 30.

- An MOA will need to be signed between DART and the property owner

- Communication will be needed between the property owner and architectural engineer, and DART in order to make sure DART's needs are met and placed in the correct location in relation to the internal pedestrian network.

- Multiple pedestrian accessways are needed from the shared-use path into the site to allow direct pedestrian access from multiple points (SR 16/30 intersection; bus stops; and the easter side of the site).

- It is suggested to include covered bicycling parking at the apartment buildings that do not require an additional fee to their rental agreement, like the addition of a garage or storage unit.

Please contact Jared Kauffman, DART Fixed-Route Planner, if clarification is needed.

<u>Department of Natural Resources and Environmental Control – Contact Claire Quinlan 302-735-3480</u>

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

Concerns Identified Within the Development Footprint

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site, as well as a stream (Pemberton Branch) along the southern edge of the project site. The application does not propose direct impacts to the wetlands. According to the applicant during the PLUS meeting, a wetland delineation was completed and wetlands were confirmed on the site.

Requirements:

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

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

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

Vegetated Buffer Zones

Site plans do not indicate a vegetated buffer zone around non-tidal wetlands. 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.

Requirements:

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

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

State Natural Heritage Site

This project lies within lands designated as a State Natural Heritage Site. State Natural Heritage Sites are identified as "Designated Critical Resource Waters" by the Army Corps of Engineers.

Requirements:

- The applicant must comply with the restrictions and limitations imposed through the Army Corps of Engineers Nationwide Permit General Condition No. 22, which can be found here: https://www.swf.usace.army.mil/Portals/47/docs/regulatory/Permitting/Nationwide/NWP22TX.pdf.

- If permits are required by the U.S. Army Corps of Engineers, the applicant may be required to obtain confirmation that the site is considered to be a State Natural Heritage Site. The project applicant should contact the DNREC Division of Fish and Wildlife's Environmental Review Program, directly, to obtain a letter regarding State Natural Heritage Site status. The Environmental Review Program can be reached directly at (302) 735-3600.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278. Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/
General DNREC Contact: DNREC Division of Fish & Wildlife at (302) 735-3600. Website: https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/

Natural Areas

The southern portion of the parcel is located within a state Natural Areas designation (Broadkill River Natural Area). Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council as containing a high quality of natural features unique to Delaware.

Requirements:

- 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.

Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.alpha.delaware.gov/parks/natural-areas/

Bald Eagles

There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within the project parcel feet from the project area. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law.

Requirements:

- The U.S. Fish and Wildlife Service (USFWS) developed National Bald Eagle Management Guidelines, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of buffer zones (330 ft. to 660 ft. from a nest) and time-of-year restrictions for certain activities in several categories.

- The USFWS has jurisdiction regarding Bald Eagles protection via BGEPA and works with landowners regarding all eagle disturbance issues. To determine the potential effects your project may have on Bald Eagle, we suggest the use of the new Northeast Bald Eagle Project Screening Form, which can be found at https://www.fws.gov/media/northeast-bald-eagle-project-screening-form.

General DNREC Contact: DNREC Division of Fish & Wildlife at (302) 735-3600. Website: https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the southern of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Homeowners with mortgages may be required to purchase flood insurance.

Requirements:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management

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

Requirements:

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

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.delaware.gov/enoi/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/

Wastewater permits – Large Systems

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

Requirements:

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

Contact: DNREC Large Systems Branch at (302) 739-9948.
Website: https://dnrec.alpha.delaware.gov/water/groundwater/

Nutrient Management Plan

This project proposes open space of 20 acres.

Requirements:

- 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/

Delaware Department of Agriculture – Contact Milton Melendez 302-698-4500

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Isaacs #2 Orchard District Parcel #235-13.00-6.05). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

  § 910. Agricultural use protections.

  (a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

  (1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

  This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

  (2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an

occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

  (2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There is high potential for archaeological resources on these parcels. The Pemberton Branch runs along the southern border of the parcels. The parcels are primarily composed of well-drained soils. These are considered favorable environmental conditions for past human occupation, and therefore there is high potential for prehistoric archaeological sites.

- There is high potential for historic archaeological resources on these parcels. The J.S. Ponder Agricultural Complex is recorded towards the east of the parcel. Historic aerials and topographic maps show the parcel has remained consistently agricultural fields. Due to minimal disturbance and known historic occupation, there is high potential for historic archaeological sites. This Office recommends an archaeological survey prior to any ground disturbance.

  If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

- 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

  If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

The comments below are informational only. This does not constitute any type of approval from the Delaware State Fire Marshal's Office. 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 Regulations (DSFPR):

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, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

Recommendations/Additional Information

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

Department of Transportation – Contact Annamaria Furmato 302-760-2710

- The DelDOT Coastal Corridors Study is evaluating "East-West" movements primarily across the northern portion of Sussex County along Delaware Routes 16 and 404 and US

Route 9. Impacts to the local road system are also being examined. The study is collecting and evaluating data on how traffic enters and exits Delaware from Route 404 in Maryland and other points west of the state line and travels to and from the eastern portion of Sussex County. The study is evaluating the amount, time of day, and time of year for various components of "through traffic" (with an origin or destination on either side of the Bay Bridge) and "local traffic" (with an origin or destination primarily within the northern Sussex County study area). When completed, the study will present recommendations for a range of improvements including:

- short term projects able to be completed within DelDOT's existing programs within 3-4 years,
- medium term projects able to be designed and constructed within 5-8 years, and
- longer term projects likely to take 10 years or more to study, design, and initiate.

Any entrances along the identified corridors (Delaware Routes 16 and 404 and US Route 9) may be addressed in the study from this point forward to the final recommendations as they are developed, and may include consolidated entrances, alternative entrances on other roads, or in a service road access model arrangement. DelDOT's initial findings in conducting the study include a future need to widen Delaware Route 16 (Gravel Hill Road). Please consider setting the development farther back from the road to account for future widening.

- The subject development is located within an area being considered for the development of a future Transportation Improvement District (TID). Once the TID is in operation, the development may have the opportunity to convert to TID participation instead of building or contributing to off-site improvements.

  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 or (302) 760-2236.

- On the concept plan, the main entrance to the single-family house section of the development includes four closely spaced intersections. DelDOT recommends that the west leg of the community center driveway be shifted farther west to be opposite the entrance to the proposed cul-de-sac street and thereby reduce the number of decision points for the driver.

- DelDOT recommends that the plan provide sufficient street frontage for each open space or Storm Water Management area to allow for access for maintenance purposes.

- 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 Milton Ellendale Highway or Gravel Hill Road.

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

- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2022. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Department of Natural Resources and Environmental Control – Contact Claire Quinlan 302-735-3480

Wetlands

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

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

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

Vegetated Buffer Zones

- Site plans do not indicate a vegetated buffer zone around non-tidal wetlands. Incorporate a minimum 500-foot forested buffer from wetlands and all waterways due to the presence of Key Wildlife Habitat (addressed below) on and surrounding the site. Vegetated buffer zones protect water quality and can provide an additional margin of safety for flooding. Consider placing this buffer zone in a permanent conservation easement so that future clearing is prevented (see "Natural Areas").

- Remove lots 61 through 66 in order to maintain the same amount of forested buffer from west to east. Buffering the Pemberton Branch is critical to maintaining the ecological integrity of the system.

- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.

- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.

- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

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

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

Key Wildlife Habitat

- The nontidal wetlands on this property are mapped as Key Wildlife Habitat in the Delaware Wildlife Action Plan because they have the potential to harbor a high diversity of Species of Greatest Conservation Need (SGCN). This Key Wildlife Habitat relies on specific hydrology to persist and is very sensitive to changes in water quality. Maintaining an adequate forested buffer around this habitat is extremely important, especially with such large-scale development.

- Scientists from the Division of Fish & Wildlife request a site visit to survey the project area and ensure critical resources are not being impacted. Contact the state botanist at (302) 735-8668 if the landowner will grant a site visit.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/
General DNREC Contact: DNREC Division of Fish & Wildlife at (302) 735-3600. Website: https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/

Removal of Mature Forest

- The preliminary plan proposes the elimination of approximately 14 of 26 acres of forest on the site. An analysis of historical data indicates that the forest area located on the southern portion of the site may have maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute 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 1st to July 31st. 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 in/near Natural Areas by avoiding development or destruction of sensitive natural features such as, but not limited to, wetlands, hardwood forests, or riparian buffers.

- The landowner should consider voluntarily participating in the Natural Areas Preservation Program, which would permanently protect the Natural Area located on the parcel by dedicating it as a Nature Preserve. A Conservation Easement would allow the landowner to retain ownership of the land while selling the development rights to a Conservation Entity, in this case, DNREC.

Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302)739-9039
Website: https://dnrec.alpha.delaware.gov/parks/open-space/conservation-easements/

Delaware Ecological Network

- The southern portion of the parcel lies within lands designated within the Delaware Ecological Network, a statewide network of interconnected lands of significant ecological value. This GIS data layer is based on principles of landscape ecology and conservation biology, providing a consistent framework to identify and prioritize areas for natural resource protection. Forest disturbances on this site will jeopardize habitat on the parcel and likely beyond the parcel's 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 also reducing 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/

Bald Eagles

- Until further agency guidance is provided, limit disturbance (including noise) to forest areas, wetlands, meadows, streams etc.

General DNREC Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.
Website: https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/

Sea Level Rise

- The southeast portion of this site is vulnerable to permanent inundation from sea level rise. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events is expected to increase.

    - As proposed, in areas within 5 feet of mean sea level, avoid construction of permanent structures and infrastructure. All infrastructure and structures on the site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: https://dnrec.alpha.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/

Special Flood Hazard Area

- As proposed, locate all structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.
Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

Website: https://www.sussexconservation.org/

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

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

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.alpha.delaware.gov/drainage-stormwater/

Water Quality (Pollution Control Strategies)

- This site lies within the Broadkill River Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

    - Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.

    - Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.

    - Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

Wastewater Disposal Systems – Small Systems

- An expired permit (permit #160262) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.

Contact: DNREC Groundwater Discharges Section at (302) 856-4561
Website: https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/

Additional Sustainable Practices

- Install electric vehicle charging stations for your residents and build garages and parking spaces to be "EV-ready". Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. This will increasingly be a selling point for homes. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/).

- Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/).

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

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

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

- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: https://dnrec.alpha.delaware.gov/climate-coastal-energy/

Delaware Department of Agriculture – Contact Milton Melendez 302-698-4500

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

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

- The county has a population density of 265.60 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block the project is located has a total population of 126 people, though, with development, this will certainly change. The adjacent blocks in the aggregate bring the area to a total population of 846.

- The parcel is currently assigned to Sussex County's evacuation zone D, across Route 16 from Evacuation zone C but is not within the 10-mile EPZ zone for the Salem Nuclear Power Plant. DEMA recommends this information be made available to residents there through simply a sign, pamphlet other materials. According to FEMA's National Risk Index, the parcel is considered very low for overall natural hazards risks. Its community resilience and social vulnerability are rated as relatively moderate.

- In terms of energy use and consumption, the region utilizes electricity as the predominant fuel type for heating purposes. As such, the parcel has a photovoltaic power potential of 1492 kWh per kWp. As such, should solar panels be utilized, we recommend an optimum tilt of the photovoltaic modules to be at approximately 35 degrees which could provide a potential of 1805 kWh/m2.

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. In terms of utilities, DEMA suggests incorporating 90% series

furnaces/HVAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.

- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: http://delcode.delaware.gov/title6/c036/sc03/index.shtml

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

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,

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

CC: Sussex County
Town of Milton

Attachments: Sussex County Planning comments
Sussex County Community Development and Housing letter

BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

March 21, 2022

Mr. Jon Falkowski
Becker Morgan Group, Inc.
309 South Governors Avenue
Dover, DE 19904

RE: PLUS Review (PLUS 2022-03-15) – Milton Village

Dear Mr. Falkowski,

Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman
Director

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

Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
March 23rd, 2022
March PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Milton Village (2022-03-15)

Location: Southeast corner of Milton Ellendale Highway (Route 16) and Gravel hill Road (Route 30)

Project: Review of conceptual site plan for master plan containing multifamily, single family, townhouses, retail, office, and assisted living uses on 210 +/-. acres in Sussex County.

Sussex County Department of Planning & Zoning Comments

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302)855-7878 or you may reach out to Lauren DeVore at lauren.devore@sussexcountyde.gov.

Following submission to the County, staff will review the Preliminary Site Plan, where more detailed comments will be provided to the Applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

Please note that the following are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of any application submitted to the Department.

Tax Parcel ID(s): 235-14.00-81.00, 235-14.00-82.00, 235-14.00-77.00

Zoning: The parcels are currently zoned Agricultural Residential (AR-1), General Commercial (C-1), and High-Density Residential (HR-1).

Proposed: The applicant proposes multiple uses including residential, commercial, and office across various improvements and structure on the site. The residential uses include single family, multifamily, and townhouses. These are to include 400 owner occupied and 296 rental for a total of 696 residential housing units. The commercial improvements include a retail shopping center (210,000 square feet) and as well as medical office use (80,000 square feet). Additionally, the plan includes an assisted living facility (35,000 square feet). The plan indicates greater than 75,000 square feet of commercial and office use and would be considered a *Large Scale Use* under (§115-77.1(A)) of Sussex County code.

Density: Please note the proposed density of the project on the Site Plan. From the information available in the application and the conceptual plan provided, staff performed calculations to determine the approximate densities proposed. The plan appears it appears to include a residential density of 5.5 dwelling units per acre in the High-Density Residential (HR-1) portion of the site which includes single family, multifamily, and townhouse improvements. The Agricultural Residential (AR-1) portion of plan appears to have a proposed density slightly less than 2 dwelling units per acre and consists entirely of single family detached residential units.

Applicability to Comprehensive Plan: The project lies within the "Town Center" and "Developing Area" categories of growth areas (per the 2018 Comprehensive Plan). Town Center Areas are areas where the County anticipates significant growth and the 2018 Plan notes that single-family homes, townhouses, and multifamily units are appropriate in these areas, encouraging a mix of such housing types. (2018 Sussex County Comprehensive Plan, 4-13) Additionally, the Plan encourages medium to high density residential development ranging from 4 to 12 homes per acre. Similarly, locations designated Developing Area in the Plan notes that the same range of housing types as appropriate, also noting that commercial uses are appropriate in "selected areas and at appropriate intersections" (2018 Sussex County Comprehensive Plan, 4-14). Additionally, for Developing Areas, the Plan notes a base density of 2 units per acre is appropriate with 4-12 units per acre only in areas with central water and sewer, along main roads, and keeping with the "character of the area". In terms of infrastructure, the Plan "strongly encourages" central water and sewer facilities, noting if central utilities are not possible, densities should be limited to two units per acre" (2018 Sussex County Comprehensive Plan, 4-14).

Open Space Provisions: The proposed plan includes 20 acres +/- (out of a total of 208 acres) of open space which equates to approximately 9.6% of the project site. *Chapter 99 Subdivision of Land* of County code provides specific requirements for the provision of open space based on gross residential density. The densities of 5.5 and 2 dwelling units per acre proposed, as noted in the Density comments above, would require a minimum percentage of 10% of the total site be provided as parks or open space (§99-21(D)). Staff notes that the base density for multifamily residential development in the High-Density Residential (HR-1) is 12 dwelling units per acre, therefore recommends that a "25% or more" standard for open space be applied to this portion of the proposal as indicated in the table provided in (§99-21(D)).

Interconnectivity: The Commission desire to see interconnectivity between proposed developments in order to prevent only one-way-in, one-way-out access in the event that an emergency should occur on the property in the future. The commercial and medical offices portion of the proposal is categorized as a *Large-scale Use* under (§ 115-77.1(A)) and is required to provide that "pedestrian movement shall be accommodated throughout the site to provide safe connections to transit stops, parking area, and sidewalks" (§ 115-77.1(D)(1)(b)) and that "cross easements and interconnections shall be provided to adjoining sites" (§ 115-77.1(D)(1)(c)).

Transportation Improvement District (TID): The proposed project **is not** located within the Henlopen TID.

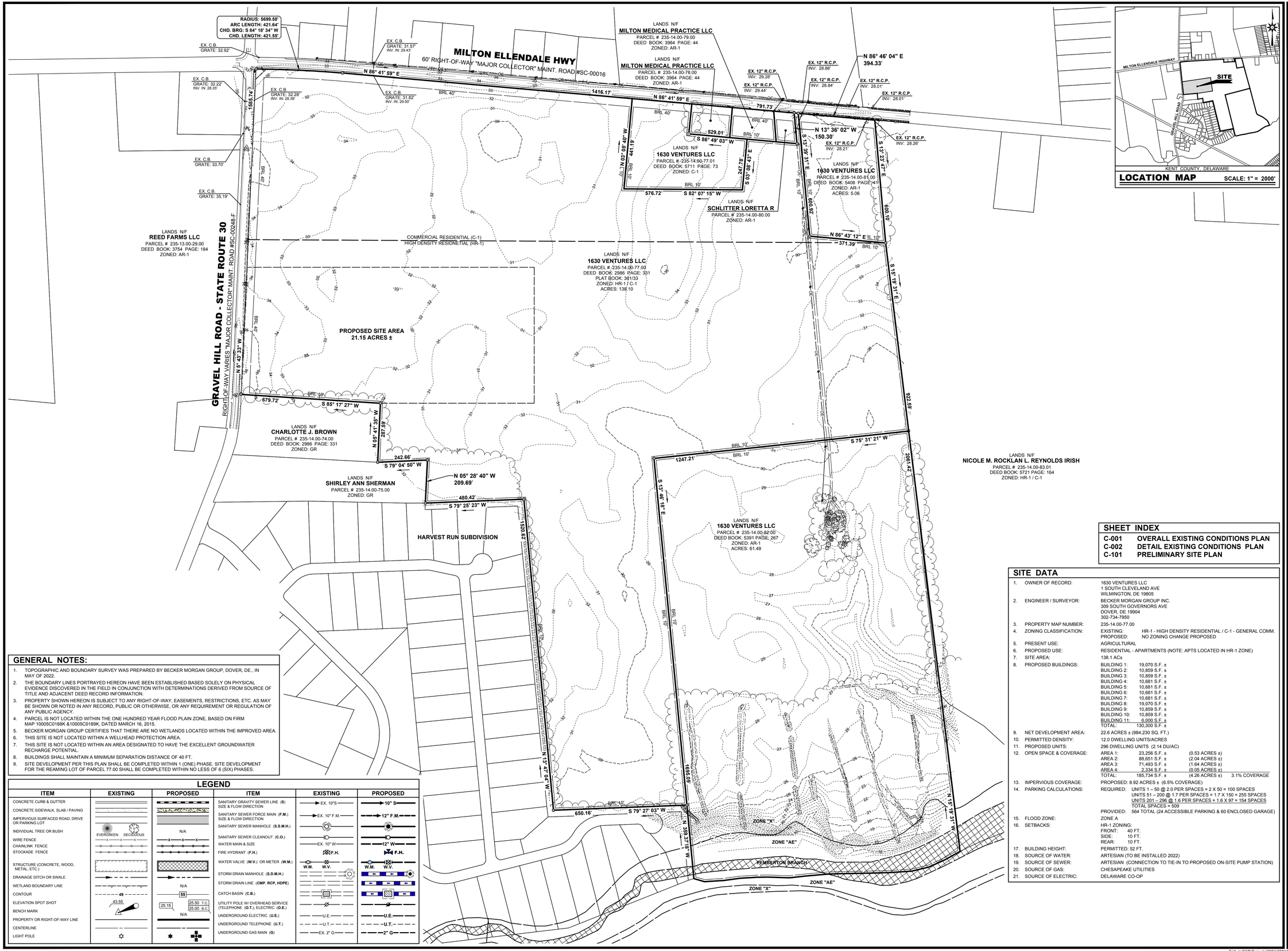
Agricultural Areas: The site **is** located within the vicinity of parcels which appear to be actively farmed. Please include on any plans submitted the Agricultural Use Protection notice located in (§99-6(G)(1)) of the Code. This language shall also be included within any subsequent deed restrictions, leases, or agreements of sale for the property.

Forested Areas: The Applicant notes that there are presently 26 acres of existing forest on the site and that 14 acres will be removed. Therefore, the site is retaining 12 acres of forested area (roughly 5.8% of the site.) Staff appreciate efforts to conserve as many mature trees as possible on the project site.

Wetlands/Waterways: The Application notes that there are no Tidal Wetlands or Non-Tidal Wetlands present on the site.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone "X" (Areas determined to be outside of the 100 year floodplain) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The Public Pre Check included with the State's PLUS file for the application indicates "Issues Found." Staff request that any discrepancies in FEMA FIRM Map floodplain designation be addressed. The site is located within an area of "fair" Groundwater Recharge according to Sussex County GIS data. Please note this on the plans in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

II.



GENERAL NOTES:

1. TOPOGRAPHIC AND BOUNDARY SURVEY WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN MAY OF 2022.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
4. PARCEL IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN ZONE, BASED ON FIRM MAP 10005C0188K &10005C0189K, DATED MARCH 16, 2015.
5. BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO WETLANDS LOCATED WITHIN THE IMPROVED AREA.
6. THIS SITE IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
7. THIS SITE IS NOT LOCATED WITHIN AN AREA DESIGNATED TO HAVE THE EXCELLENT GROUNDWATER RECHARGE POTENTIAL.
8. BUILDINGS SHALL MAINTAIN A MINIMUM SEPARATION DISTANCE OF 40 FT.
9. SITE DEVELOPMENT PER THIS PLAN SHALL BE COMPLETED WITHIN 1 (ONE) PHASE. SITE DEVELOPMENT FOR THE REAMING LOT OF PARCEL 77.00 SHALL BE COMPLETED WITHIN NO LESS OF 6 (SIX) PHASES.

LEGEND

ITEM	EXISTING	PROPOSED	ITEM	EXISTING	PROPOSED
CONCRETE CURB & GUTTER			SANITARY GRAVITY SEWER LINE (**S**) SIZE & FLOW DIRECTION	EX. 10"S	10" S
CONCRETE SIDEWALK, SLAB / PAVING			SANITARY SEWER FORCE MAIN (**F.M.**) SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
IMPERVIOUS SURFACED ROAD, DRIVE OR PARKING LOT			SANITARY SEWER MANHOLE (**S.S.M.H.**)		
INDIVIDUAL TREE OR BUSH	EVERGREEN DECIDUOUS	N/A	SANITARY SEWER CLEANOUT (**C.O.**)		
WIRE FENCE			WATER MAIN & SIZE	EX. 10" W	12" W
CHAINLINK FENCE			FIRE HYDRANT (**F.H.**)		F.H.
STOCKADE FENCE			WATER VALVE (**W.V.**) OR METER (**W.M.**)	W.M. W.V.	W.M. W.V.
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)			STORM DRAIN MANHOLE (**S.D.M.H.**)		
DRAINAGE DITCH OR SWALE			STORM DRAIN LINE (**CMP**, **RCP**, **HDPE**)		
WETLAND BOUNDARY LINE		N/A	CATCH BASIN (**C.B.**)		
CONTOUR	49	55	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE (**O.T.**), ELECTRIC (**O.E.**)		
ELEVATION SPOT SHOT	43.55	25.15 25.50 T.C. 25.00 B.C.	UNDERGROUND ELECTRIC (**U.E.**)	U.E.	U.E.
BENCH MARK		N/A	UNDERGROUND TELEPHONE (**U.T.**)	U.T.	U.T.
PROPERTY OR RIGHT-OF-WAY LINE			UNDERGROUND GAS MAIN (**G**)	EX. 2" G	2" G
CENTERLINE					
LIGHT POLE					

SHEET INDEX

C-001	OVERALL EXISTING CONDITIONS PLAN
C-002	DETAIL EXISTING CONDITIONS PLAN
C-101	PRELIMINARY SITE PLAN

SITE DATA

1.	OWNER OF RECORD:	1630 VENTURES LLC 1 SOUTH CLEVELAND AVE WILMINGTON, DE 19805	
2.	ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE DOVER, DE 19904 302-734-7950	
3.	PROPERTY MAP NUMBER:	235-14.00-77.00	
4.	ZONING CLASSIFICATION:	EXISTING: HR-1 - HIGH DENSITY RESIDENTIAL / C-1 - GENERAL COMM. PROPOSED: NO ZONING CHANGE PROPOSED	
5.	PRESENT USE:	AGRICULTURAL	
6.	PROPOSED USE:	RESIDENTIAL - APARTMENTS (NOTE: APTS LOCATED IN HR-1 ZONE)	
7.	SITE AREA:	138.1 AC±	
8.	PROPOSED BUILDINGS:	BUILDING 1: 19,070 S.F. ± BUILDING 2: 10,859 S.F. ± BUILDING 3: 10,859 S.F. ± BUILDING 4: 10,681 S.F. ± BUILDING 5: 10,681 S.F. ± BUILDING 6: 10,681 S.F. ± BUILDING 7: 10,681 S.F. ± BUILDING 8: 19,070 S.F. ± BUILDING 9: 10,859 S.F. ± BUILDING 10: 10,859 S.F. ± BUILDING 11: 6,000 S.F. ± TOTAL: 130,300 S.F. ±	
9.	NET DEVELOPMENT AREA:	22.6 ACRES ± (984,230 SQ. FT.)	
10.	PERMITTED DENSITY:	12.0 DWELLING UNITS/ACRES	
11.	PROPOSED UNITS:	296 DWELLING UNITS (2.14 DU/AC)	
12.	OPEN SPACE & COVERAGE:	AREA 1: 23,256 S.F. ± (0.53 ACRES ±) AREA 2: 88,651 S.F. ± (2.04 ACRES ±) AREA 3: 71,493 S.F. ± (1.64 ACRES ±) AREA 4: 2,334 S.F. ± (0.05 ACRES ±) TOTAL: 185,734 S.F. ± (4.26 ACRES ±) 3.1% COVERAGE	
13.	IMPERVIOUS COVERAGE:	PROPOSED: 8.92 ACRES ± (6.5% COVERAGE)	
14.	PARKING CALCULATIONS:	REQUIRED: UNITS 1 – 50 @ 2.0 PER SPACES = 2 X 50 = 100 SPACES UNITS 51 – 200 @ 1.7 PER SPACES = 1.7 X 150 = 255 SPACES UNITS 201 – 296 @ 1.6 PER SPACES = 1.6 X 97 = 154 SPACES TOTAL SPACES = 509 PROVIDED: 564 TOTAL (24 ACCESSIBLE PARKING & 60 ENCLOSED GARAGE)	
15.	FLOOD ZONE:	ZONE A	
16.	SETBACKS:	HR-1 ZONING: FRONT: 40 FT. SIDE: 10 FT. REAR: 10 FT.	
17.	BUILDING HEIGHT:	PERMITTED: 52 FT.	
18.	SOURCE OF WATER:	ARTESIAN (TO BE INSTALLED 2022)	
19.	SOURCE OF SEWER:	ARTESIAN (CONNECTION TO TIE-IN TO PROPOSED ON-SITE PUMP STATION)	
20.	SOURCE OF GAS:	CHESAPEAKE UTILITIES	
21.	SOURCE OF ELECTRIC:	DELAWARE CO-OP	

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

MILTON VILLAGE APARTMENTS

GRAVEL HILL RD. & MILTON ELLENDALE HWY.

MILTON, DE. 19968
SUSSEX COUNTY

SHEET TITLE

OVERALL EXISTING CONDITIONS PLAN

0 100 200 400

SCALE: 1" = 200'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1.	09/07/22	ADDRESS SUSSEX COUNTY PLANNING AND ZONING COMMENTS

LAYER STATE: C-001

PROJECT NO.:	2021133.01
DATE:	06/27/2022
SCALE:	1" = 60'
DRAWN BY: S.L.G.	PROJ. MGR.: C.D.C.

SHEET

C-001

COPYRIGHT 2019

F:\AutoCAD\Projects\2021\2021133-01\DWG\20211330 1-SITE-C3D21.DWG, Sep 13, 2022 - 11:18am

EX. C.B.
GRATE: 35.19'

LANDS N/F
REED FARMS LLC
PARCEL # 235-13.00-29.00
DEED BOOK: 3754 PAGE: 184
ZONED: AR-1

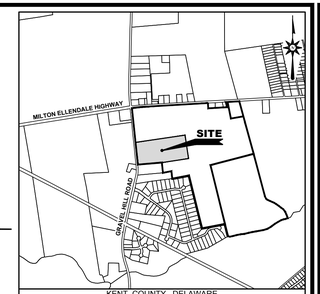
EXISTING RIGHT-OF-WAY TO BE EXTINGUISHED PER SEPARATE PLAT. ADDITIONAL RIGHT-OF-WAY SHOWN ON C-001

GRAVEL HILL ROAD - STATE ROUTE 30
RIGHT-OF-WAY VARIES "MAJOR COLLECTOR" MAINT. ROAD #SC-00248-FF

BRL 40'

C-1 ZONING
HR-1 ZONING

LANDS N/F
1630 VENTURES LLC
PARCEL # 235-14.00-77.00
DEED BOOK: 2986 PAGE: 331
PLAT BOOK: 36133
ZONED: HR-1 / C-1
ACRES: 138.1



LOCATION MAP SCALE: 1" = 2000'

PROPOSED SITE AREA
21.15 ACRES ±

60' R.O.W. WIDTH
28'
15'
BRL 40'
N 5° 43' 33" W
FIPC
679.72'
BRL 10'
S 85° 17' 27" W
FIPC
EXISTING WOODS

LANDS N/F
CHARLOTTE J. BROWN
PARCEL # 235-14.00-74.00
DEED BOOK: 2986 PAGE: 331
ZONED: GR

N 05° 41' 35" W
287.69'10"
FIPC
242.66'
S 79° 04' 50" W
FIPC
N 05° 28' 40" W
209.69'

LANDS N/F
SHIRLEY ANN SHERMAN
PARCEL # 235-14.00-75.00
ZONED: GR

GENERAL NOTES:

1. TOPOGRAPHIC AND BOUNDARY SURVEY WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN MAY OF 2022.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
4. PARCEL IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN ZONE, BASED ON FIRM MAP 10005C0188K &10005C0189K, DATED MARCH 16, 2015.
5. BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO WETLANDS LOCATED WITHIN THE IMPROVED AREA.
6. THIS SITE IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
7. THIS SITE IS NOT LOCATED WITHIN AN AREA DESIGNATED TO HAVE THE EXCELLENT GROUNDWATER RECHARGE POTENTIAL.
8. BUILDINGS SHALL MAINTAIN A MINIMUM SEPARATION DISTANCE OF 40 FT.
9. SITE DEVELOPMENT PER THIS PLAN SHALL BE COMPLETED WITHIN 1 (ONE) PHASE. SITE DEVELOPMENT FOR THE REAMING LOT OF PARCEL 77.00 SHALL BE COMPLETED WITHIN NO LESS OF 6 (SIX) PHASES.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

MILTON VILLAGE APARTMENTS

GRAVEL HILL RD. & MILTON ELLENDALE HWY.
MILTON, DE. 19968
SUSSEX COUNTY

SHEET TITLE

DETAILED EXISTING CONDITIONS PLAN

0 30 60 120
SCALE: 1" = 60'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1.	09/07/22	ADDRESS SUSSEX COUNTY PLANNING AND ZONING COMMNETS

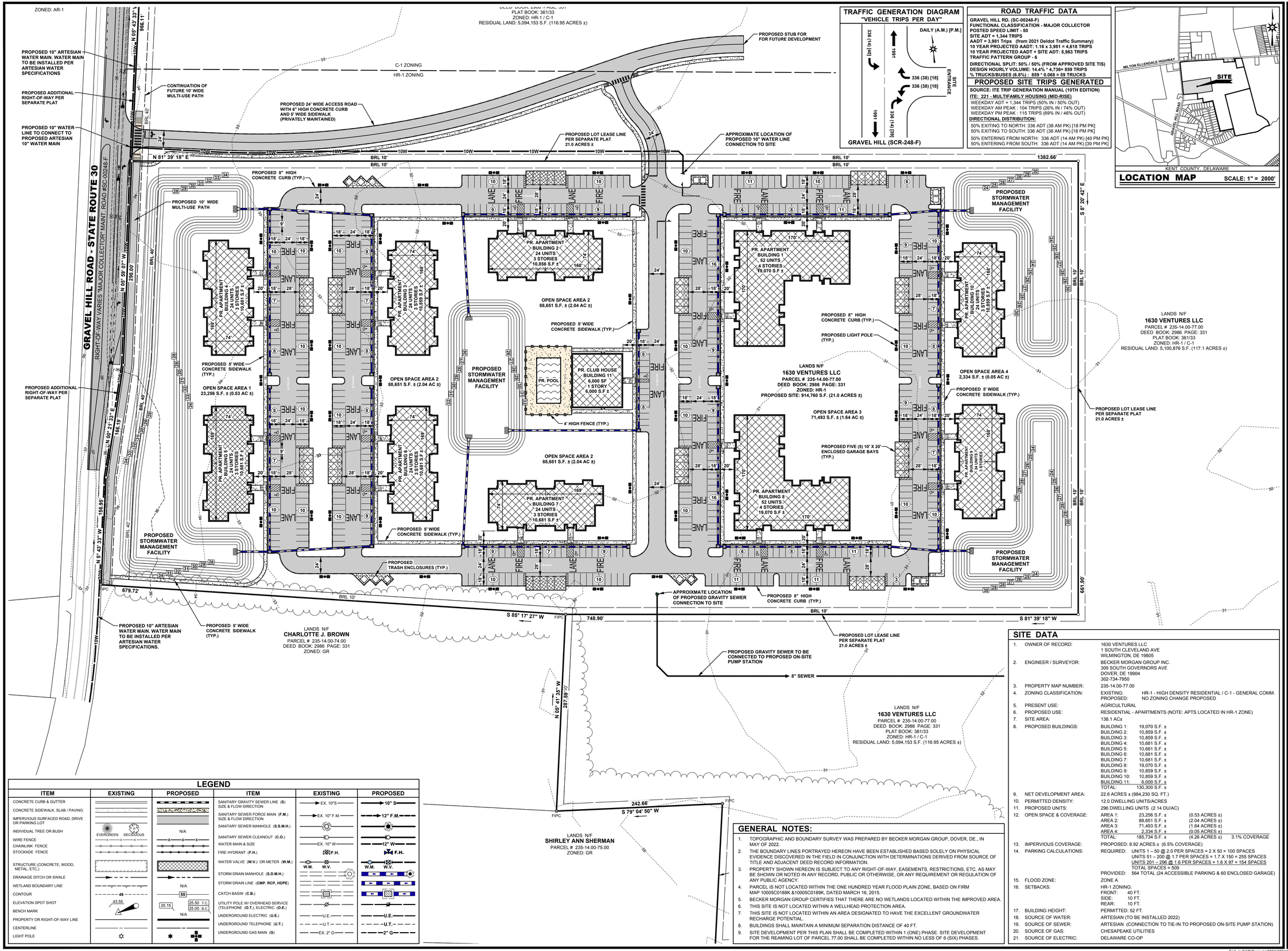
LAYER STATE: C-500

PROJECT NO.:	**2021133.01**
DATE:	**06/27/2022**
SCALE:	**1" = 60'**
DRAWN BY: **S.L.G.**	PROJ. MGR.: **C.D.C.**

SHEET
C-002

COPYRIGHT 2019

F:\AutoCAD\Projects\2021\2021133-01\DWG\202113301-SITE-C3D21.DWG, Sep 13, 2022 - 11:18am



TRAFFIC GENERATION DIAGRAM
"VEHICLE TRIPS PER DAY"

ROAD TRAFFIC DATA

GRAVEL HILL RD. (SC-00248-F)
FUNCTIONAL CLASSIFICATION - MAJOR COLLECTOR
POSTED SPEED LIMIT - 50
SITE ADT = 1,344 TRIPS
AADT = 3,981 Trips (from 2021 Deldot Traffic Summary)
10 YEAR PROJECTED AADT: 1.15 x 3,981 = 4,618 TRIPS
10 YEAR PROJECTED AADT + SITE ADT: 5,963 TRIPS
TRAFFIC PATTERN GROUP - 6
DIRECTIONAL SPLIT: 50% / 50% (FROM APPROVED SITE TIS)
DESIGN HOURLY VOLUME: 14.4% * 4,736= 859 TRIPS
% TRUCKS/BUSES (6.8%) : 859 * 0.068 = 59 TRUCKS

PROPOSED SITE TRIPS GENERATED

SOURCE: ITE TRIP GENERATION MANUAL (10TH EDITION)
ITE: 221 - MULTIFAMILY HOUSING (MID-RISE)
WEEKDAY ADT = 1,344 TRIPS (50% IN / 50% OUT)
WEEKDAY AM PEAK : 104 TRIPS (26% IN / 74% OUT)
WEEKDAY PM PEAK : 115 TRIPS (69% IN / 46% OUT)
DIRECTIONAL DISTRIBUTION:
50% EXITING TO NORTH: 336 ADT (38 AM PK) [18 PM PK]
50% EXITING TO SOUTH: 336 ADT (38 AM PK) [18 PM PK]
50% ENTERING FROM NORTH: 336 ADT (14 AM PK) [40 PM PK]
50% ENTERING FROM SOUTH: 336 ADT (14 AM PK) [39 PM PK]

LOCATION MAP SCALE: 1" = 2000'

LEGEND

ITEM	EXISTING	PROPOSED
CONCRETE CURB & GUTTER		
CONCRETE SIDEWALK, SLAB / PAVING		
IMPERVIOUS SURFACED ROAD, DRIVE OR PARKING LOT		N/A
INDIVIDUAL TREE OR BUSH	EVERGREEN DECIDOUS	
WIRE FENCE	x x x	
CHAINLINK FENCE		
STOCKADE FENCE		
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)		
DRAINAGE DITCH OR SWALE		N/A
WETLAND BOUNDARY LINE		
CONTOUR	49	55
ELEVATION SPOT SHOT	43.55	25.15
BENCH MARK		25.50 T.C. 25.00 B.C.
PROPERTY OR RIGHT-OF-WAY LINE		N/A
CENTERLINE		
LIGHT POLE		

ITEM	EXISTING	PROPOSED
SANITARY GRAVITY SEWER LINE (S) SIZE & FLOW DIRECTION	EX. 10"S	10" S
SANITARY SEWER FORCE MAIN (F.M.) SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
SANITARY SEWER MANHOLE (S.S.M.H.)		
SANITARY SEWER CLEANOUT (C.O.)		
WATER MAIN & SIZE	EX. 10" W	12" W
FIRE HYDRANT (F.H.)	F.H.	F.H.
WATER VALVE (W.V.) OR METER (W.M.)	W.M. W.V.	W.M. W.V.
STORM DRAIN MANHOLE (S.D.M.H.)		
STORM DRAIN LINE (CMP, RCP, HDPE)		
CATCH BASIN (C.B.)		
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE (O.T.), ELECTRIC (O.E.)		
UNDERGROUND ELECTRIC (U.E.)	U.E.	U.E.
UNDERGROUND TELEPHONE (U.T.)	U.T.	U.T.
UNDERGROUND GAS MAIN (G)	EX. 2" G	2" G

GENERAL NOTES:

1. TOPOGRAPHIC AND BOUNDARY SURVEY WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN MAY OF 2022.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
4. PARCEL IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN ZONE, BASED ON FIRM MAP 10005C0188K &10005C0189K, DATED MARCH 16, 2015.
5. BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO WETLANDS LOCATED WITHIN THE IMPROVED AREA.
6. THIS SITE IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
7. THIS SITE IS NOT LOCATED WITHIN AN AREA DESIGNATED TO HAVE THE EXCELLENT GROUNDWATER RECHARGE POTENTIAL.
8. BUILDINGS SHALL MAINTAIN A MINIMUM SEPARATION DISTANCE OF 40 FT.
9. SITE DEVELOPMENT PER THIS PLAN SHALL BE COMPLETED WITHIN 1 (ONE) PHASE. SITE DEVELOPMENT FOR THE REAMING LOT OF PARCEL 77.00 SHALL BE COMPLETED WITHIN NO LESS OF 6 (SIX) PHASES.

SITE DATA

1.	OWNER OF RECORD:	1630 VENTURES LLC 1 SOUTH CLEVELAND AVE WILMINGTON, DE 19805	
2.	ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE DOVER, DE 19904 302-734-7950	
3.	PROPERTY MAP NUMBER:	235-14.00-77.00	
4.	ZONING CLASSIFICATION:	EXISTING: HR-1 - HIGH DENSITY RESIDENTIAL / C-1 - GENERAL COMM. PROPOSED: NO ZONING CHANGE PROPOSED	
5.	PRESENT USE:	AGRICULTURAL	
6.	PROPOSED USE:	RESIDENTIAL - APARTMENTS (NOTE: APTS LOCATED IN HR-1 ZONE)	
7.	SITE AREA:	138.1 AC±	
8.	PROPOSED BUILDINGS:	BUILDING 1: 19,070 S.F. ± BUILDING 2: 10,859 S.F. ± BUILDING 3: 10,859 S.F. ± BUILDING 4: 10,681 S.F. ± BUILDING 5: 10,681 S.F. ± BUILDING 6: 10,681 S.F. ± BUILDING 7: 10,681 S.F. ± BUILDING 8: 19,070 S.F. ± BUILDING 9: 10,859 S.F. ± BUILDING 10: 10,859 S.F. ± BUILDING 11: 6,000 S.F. ± TOTAL: 130,300 S.F. ±	
9.	NET DEVELOPMENT AREA:	22.6 ACRES ± (984,230 SQ. FT.)	
10.	PERMITTED DENSITY:	12.0 DWELLING UNITS/ACRES	
11.	PROPOSED UNITS:	296 DWELLING UNITS (2.14 DU/AC)	
12.	OPEN SPACE & COVERAGE:	AREA 1: 23,256 S.F. ± (0.53 ACRES ±) AREA 2: 88,651 S.F. ± (2.04 ACRES ±) AREA 3: 71,493 S.F. ± (1.64 ACRES ±) AREA 4: 2,334 S.F. ± (0.05 ACRES ±) TOTAL: 185,734 S.F. ± (4.26 ACRES ±) 3.1% COVERAGE	
13.	IMPERVIOUS COVERAGE:	PROPOSED: 8.92 ACRES ± (6.5% COVERAGE)	
14.	PARKING CALCULATIONS:	REQUIRED: UNITS 1 – 50 @ 2.0 PER SPACES = 2 X 50 = 100 SPACES UNITS 51 – 200 @ 1.7 PER SPACES = 1.7 X 150 = 255 SPACES UNITS 201 – 296 @ 1.6 PER SPACES = 1.6 X 97 = 154 SPACES TOTAL SPACES = 509 PROVIDED: 564 TOTAL (24 ACCESSIBLE PARKING & 60 ENCLOSED GARAGE)	
15.	FLOOD ZONE:	ZONE A	
16.	SETBACKS:	HR-1 ZONING: FRONT: 40 FT. SIDE: 10 FT. REAR: 10 FT.	
17.	BUILDING HEIGHT:	PERMITTED: 52 FT.	
18.	SOURCE OF WATER:	ARTESIAN (TO BE INSTALLED 2022)	
19.	SOURCE OF SEWER:	ARTESIAN (CONNECTION TO TIE-IN TO PROPOSED ON-SITE PUMP STATION)	
20.	SOURCE OF GAS:	CHESAPEAKE UTILITIES	
21.	SOURCE OF ELECTRIC:	DELAWARE CO-OP	

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

MILTON VILLAGE APARTMENTS

GRAVEL HILL RD. & MILTON ELLENDALE HWY.

MILTON, DE. 19968
SUSSEX COUNTY

SHEET TITLE

PRELIMINARY SITE PLAN

0 30 60 120

SCALE: 1" = 60'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1.	09/07/22	ADDRESS SUSSEX COUNTY PLANNING AND ZONING COMMNETS

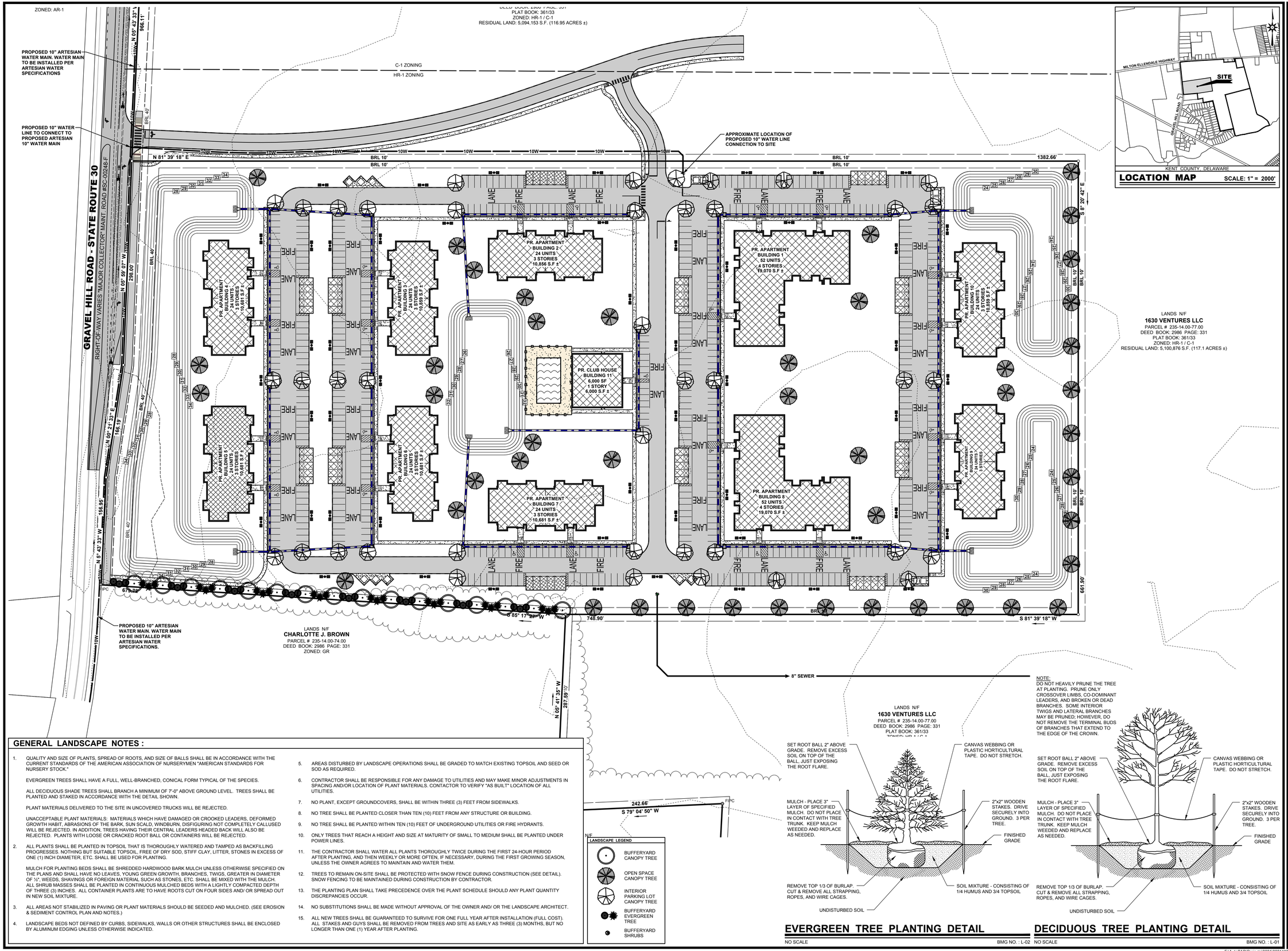
PROJECT NO.:	2021133.01
DATE:	06/27/2022
SCALE:	1" = 60'
DRAWN BY: S.L.G.	PROJ. MGR.: C.D.C.
LAYER STATE: C-101	

SHEET

C-101

COPYRIGHT 2019

F:\AutoCAD\Projects\2021\2021133-01\DWG\20211330I-SITE-C3D21.DWG, Sep 13, 2022 - 11:19am



LOCATION MAP SCALE: 1" = 2000'

GENERAL LANDSCAPE NOTES :

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK."

   EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.

   ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.

   PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.

   UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLUSED WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.

2. ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.

   MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF ½", WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.

3. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)

4. LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.

5. AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.

6. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.

7. NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.

8. NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.

9. NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.

10. ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.

11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.

12. TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL). SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.

13. THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.

14. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.

15. ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.

EVERGREEN TREE PLANTING DETAIL

NO SCALE BMG NO. : L-02

DECIDUOUS TREE PLANTING DETAIL

NO SCALE BMG NO. : L-01

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland
312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

MILTON VILLAGE APARTMENTS

GRAVEL HILL RD. & MILTON ELLENDALE HWY.
MILTON, DE. 19968
SUSSEX COUNTY

SHEET TITLE

CONCEPT LANDSCAPE PLAN

0 30 60 120

SCALE: 1" = 60'

ISSUE BLOCK		
MARK	DATE	DESCRIPTION
LAYER STATE: 24x36		

PROJECT NO.:	2021133.01
DATE:	06/27/2022
SCALE:	1" = 60'
DRAWN BY: C.D.C.	PROJ. MGR.: C.D.C.

SHEET

L-101

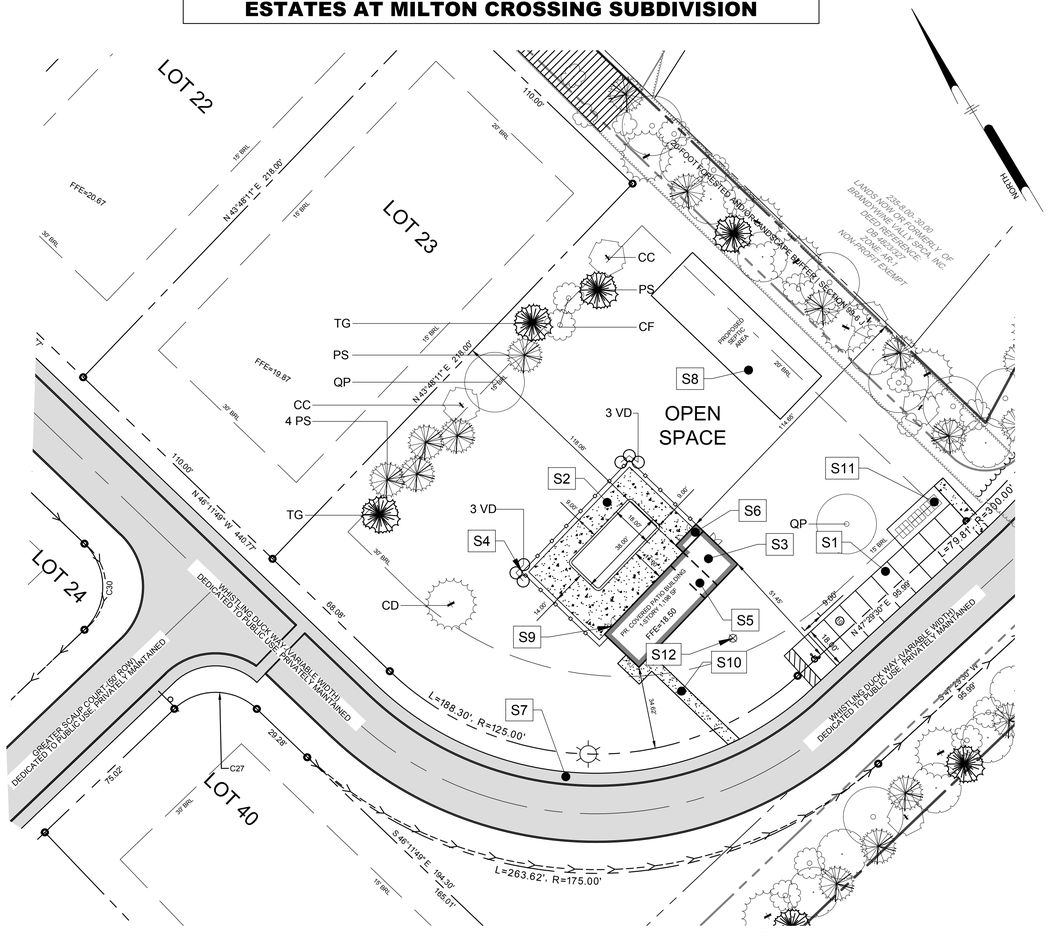
COPYRIGHT 2021

F:\AutoCAD\Projects\2021\2021133-01\DWG\202113301-LSCAPE-C3D21.dwg, Sep 13, 2022 - 10:29am

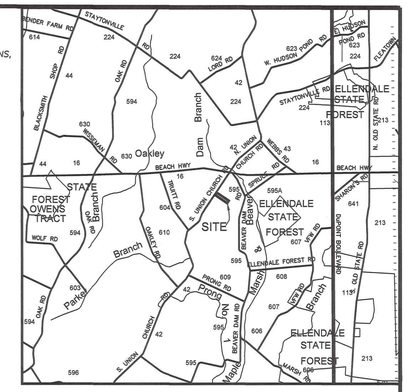
SITE DATA:

1. TAX MAP NUMBER: 235-8.00-26.00
2. OWNER / DEVELOPER NAME: MILTON CROSSING, LLC
   C/O JOSEPH W. BOOTH JR., MANAGING MEMBER
   18334 COASTAL HIGHWAY
   LEWES, DE 19958
3. TOWN/HUNDRED/COUNTY: MILTON / BROAD KILL HUNDRED / SUSSEX
4. CURRENT ZONING: AR-1 RESIDENTIAL DISTRICT
   PROPOSED ZONING: AR-1-AGRICULTURAL/RESIDENTIAL
5. PRESENT USE: AGRICULTURAL
   PROPOSED USE: DETACHED SINGLE FAMILY DWELLINGS (115-20 A. (1))
6. REQUIRED SETBACKS (B.R.L.): AR-1 (115-25 C.)
   DEPTH OF FRONT YARD (FEET) 30'
   DEPTH OF CORNER SIDE YARD 15' (115-182 B.)
   WIDTH OF SIDE YARD (FEET) 15'
   DEPTH OF REAR YARD (FEET) 20'
   MINIMUM LOT WIDTH 100'
7. WATER SUPPLIER: PRIVATE - INDIVIDUAL ON-SITE WELLS (DNREC) WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENTS OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH
8. SECTION 89 - SOURCE WATER PROPERTY: A. SUBJECT PROPERTY IS WITHIN AN AREA OF "GOOD" GROUNDWATER RECHARGE.
   B. SUBJECT PROPERTY IS NOT LOCATED IN A WELLHEAD PROTECTION AREA.
9. SANITARY SEWER PROVIDER: PRIVATE - INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM (DNREC)
10. STREETS: PRIVATE (99-18 D & E.)
11. POSTED SPEED LIMIT (REYNOLDS RD): 50 MPH
12. STATE INVESTMENT AREA: LEVEL 3
13. MAXIMUM BUILDING HEIGHT (115-25 D.): 42 FEET MAX.
14. REQUIRED OPEN SPACE (99-21 D.): REQUIRED 0% OF GROSS AREA (0 AC)
    PROPOSED OPEN SPACE AREA (48.32 AC (47.3%))
15. NET DEVELOPMENT AREA 0.94 ± AC
16. OPEN SPACE AREA BREAKDOWN:
    LANDSCAPE BUFFER: 4.27± AC (8.8%)
    ACTIVE OPEN SPACE AND SWM: 25.35± AC (52.5%)
    FLOODPLAIN AREA: 18.58± AC (38.5%)
    WETLAND AREA: 9.62± AC*
    IMPERIOUS AREA: 0.12± AC (0.2%)
    TOTAL OPEN SPACE AREA: 48.32± AC (100.0%)
    **WETLAND AREA IS LOCATED WITIHIN THE FLOODPLAIN AREA
17. IMPERVIOUS AREA:
    IMPERVIOUS BUILDING: 0.03± AC (25.0%)
    IMPERVIOUS PAVEMENT: 0.02± AC (16.7%)
    IMPERVIOUS CONCRETE/STONE: 0.07± AC (58.3%)
    TOTAL IMPERVIOUS 0.12± AC
18. LONGITUDE AND LATITUDE: BENCHMARK #1-4004, NORTH CORNER OF "PROPERTY A"
    STATE PLANE COORDINATES: LONGITUDE: W 075.180696°
    LATITUDE: N 038.484649°
19. PROPOSED DISCHARGE LOCATION: BROADKILL RIVER, ULTIMATELY TO DELAWARE BAY
20. WATERSHED: DELAWARE BAY
21. FLOOD ZONE: THIS PROPERTY IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBERS 10005C0160K AND 10005C0168K, MAPS REVISED MARCH 16, 2015. 100 YEAR FLOODPLAIN: ZONE AE 8 BASE FLOOD ELEVATION DETERMINED ALONG THE EASTERN PORTION OF THE PROPERTY. 100 YEAR FLOODPLAIN AREA:18.58 +/- ACRES. THE PROJECT ALSO APPEARS TO LIE WITHIN THE 0.2 PERCENT CHANCE FLOOD ZONE.
22. WETLANDS AREA: 9.62 +/- ACRES NON-TIDAL WETLANDS - DELINEATED BY ENVIRONMENTAL RESOURCES, INC. IN 2004. THE WETLANDS WILL BE RECERTIFIED DURING THE ENGINEERING STAGES OF THE PROJECT.
23. WETLAND AREA IMPACTED: 0 AC.
24. FLOWAGE EASEMENT: 29.3 +/- ACRES (67F) PER DEED BOOK 612 - PAGE 296 (30.65+/- ACRES MEASURED)
25. TOPOGRAPHY: H:NAD 83; V:NAVD 88 DATUM SURVEYED BY PENNONI IN OCTOBER 2020 AND WINGS AERIAL TOPOGRAPHY FOR DESIGN CONSULTANTS GROUP, LLC DATED 01/23/2004.
26. BOUNDARY SURVEY: DESIGN CONSULTANTS GROUP, LLC BOUNDARY SURVEY AND FIELD VERIFIED IN JANUARY 2004 AND FIELD SURVEYED BY PENNONI IN OCTOBER 2020.
27. DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
28. LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY

PRELIMINARY AMENITIES PLAN WITHIN THE EXISTING ESTATES AT MILTON CROSSING SUBDIVISION


LOT 22
LOT 23
LOT 24
LOT 40
OPEN SPACE
PROPOSED POOL
PROPOSED CLUB HOUSE
PROPOSED CONCRETE PATIO AND DECKING
PROPOSED POOL FENCING
PROPOSED WELL
PROPOSED SEPTIC AREA
PROPOSED PARKING SPACES
PROPOSED MAILBOXES
S1
S2
S3
S4
S5
S6
S7
S8
S9
S10
S11
S12
CC
PS
CF
QP
TG
CD
3 VD
4 PS
FFE=20.67
FFE=19.87
FFE=18.50
N 45°48'11" E 218.00'
N 45°48'11" E 218.00'
N 45°11'49" W 440.77'
S 46°11'49" E 184.20'
L=188.30', R=125.00'
L=263.62', R=175.00'
L=79.81', R=350.00'
N 47°20'30" E 95.99'
S 47°20'30" W 95.99'
WHISTLING DUCK WAY (VARIABLE WIDTH) DEDICATED TO PUBLIC USE- PRIVATELY MAINTAINED
GREATER SCAUP COURT (50' ROW) DEDICATED TO PUBLIC USE- PRIVATELY MAINTAINED
110.00'
66.09'
75.82'
29.28'
114.96'
106.01'
30' BRL
25' BRL
15' BRL
10' BRL
235-8.00-30.00 LANDS NOW OR FORMERLY OF BRANDYWINE VALLEY SPCA, INC. DEED REFERENCE: DB 4281 PG 249 NON-PROFIT EXEMPT
10 FOOT TRUSTED AND BRANDYWINE VALLEY SPCA LANDSCAPE BUFFER SECTION 99-18A.4
PROPOSED 6' WIDE ASPHALT SIDEWALK
PROPOSED 5' WIDE CONCRETE SIDE WALK
PROPOSED WALKING PATH, MATERIAL TBD
PROPOSED VEGETATED SWALE
PROPOSED WOODS
EXISTING WOODS
PROPOSED BUILDING RESTRICTION LINE
PROPOSED EDGE OF PAVEMENT
PROPOSED R.O.W. LINE
PROPOSED CENTERLINE OF ROAD
PROPOSED IRON PIN TO BE SET
PROPOSED STREET LIGHT
PROPOSED 5' WIDE ASPHALT SIDEWALK
PROPOSED 5' WIDE CONCRETE SIDE WALK
PROPOSED MAILBOXES
PROPOSED WELL
PROPOSED PARKING SPACES
PROPOSED POOL / DECK AREA
PROPOSED POOL EQUIPMENTS ROOM
4' HIGH PERIMETER BLACK ALUMINUM FENCE
PROPOSED BATHROOMS
PROPOSED SHOWERS
PROPOSED 5' WIDE ASPHALT SIDEWALK
PROPOSED SEPTIC AREA
POOL GATE WITH PANIC GATE DEVICE
PROPOSED 5' WIDE CONCRETE SIDE WALK
PROPOSED MAILBOXES
PROPOSED WELL

I, DOUGLAS J. ANNAND, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



LOCATION MAP 1"=1 MILE

SCR 042 – SOUTH UNION CHURCH ROAD
(50' WIDE)
FUNCTIONAL CLASSIFICATION – MINOR COLLECTOR
SPEED LIMIT – 50 MILES PER HOUR

EXISTING RIGHT-OF-WAY LINE
50'
25' 25'
EXISTING RIGHT-OF-WAY LINE
CL RIGHT-OF-WAY
CL SOUTHBOUND LANE
EXISTING DRIVEWAY
EXISTING DRIVEWAY
EXISTING DRIVEWAY
EXISTING DRIVEWAY
EXISTING DRIVEWAY
EXISTING DRIVEWAY
EXISTING DRIVEWAY
610'
SHUTLERS
1578' TO THE CL OF STATE ROUTE 16
EDGE/PAVE
6.5%
SIGHTLINE
CL NORTHBOUND LANE

BEARING REFERENCE
PLOT BOOK 37, PAGE 85

LANDS N.O.F.
CURTIS CAREY & DARLENE B. CAREY
DEED BOOK 3576, PAGE 209
TAX MAP NO. 2-30-26.00-76.04
ZONED: AR-1

RESIDUAL LANDS OF
DALE T. CREW, SR.
DEED BOOK 2841, PAGE 92
2.755 ACRES

S 46°15'26" E
1060.00' (TOTAL)
317.08'
15.56'
N 43°17'19" E
259.2'
SHED
POOL
DWELLING
DECK
SHED
GARAGE
SHED
OFFICE
GARAGE
POINT OF DECISION
205.50'
EXISTING DRIVEWAY
27.6'
23.5'
20'
14.5'
N 46°15'25" W
N 43°44'34" E
205.50'
LOT 1
0.750 ACRES
325.07' OF FRONTAGE
20' WIDE EASEMENT
N 43°44'34" E
102.74'
40'
25'
102.75'
205.48'
LOT 3
0.750 ACRES
108.36' OF FRONTAGE
N 46°15'26" W
318.89'
LOT 2
0.754 ACRES
107.86' OF FRONTAGE
17.56'
320.70'
1062.00' (TOTAL)
S 42°43'52" W
205.53'
PROPERTY LINE RUNS WITH CL OF DITCH

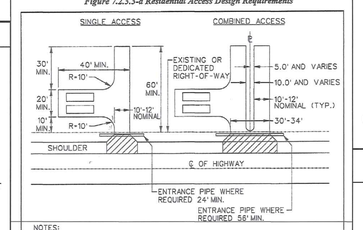
LANDS N.O.F.
CHARLES E. MACKLIN, JR. & KELLY SUE MACKLIN
DEED BOOK 4023, PAGE 200
TAX MAP NO. 2-30-26.00-76.06
ZONED: AR-1

LANDS N.O.F.
BAKER ELLENDALE FARMS, LLC
DEED BOOK 4264, PAGE 6
TAX MAP NO. 2-30-31.00-1.02
ZONED: AR-1

DELDOT NOTES:

1) ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2) SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
3) OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
4) ALL ENTRANCES SHALL CONFORM TO CHAPTER 7 AND FIGURE 7.2.3.3-a OF DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5) IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
6) LOTS 1, 2 & 3 SHALL HAVE ACCESS TO & FROM SCR 042 VIA THE 20 FOOT WIDE INGRESS/EGRESS EASEMENT, AS SHOWN HEREON.
7) THERE ARE NO TRANSPORTATION IMPROVEMENT DISTRICTS IN THE AREA.

Figure 7.2.3.3-a Residential Access Design Requirements



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

DELDOT DESIGN FIGURE 7.2.3.3-a

0 50 100 150
CLASS "B", SUBURBAN SURVEY

LEGEND:

- ● FOUND IRON PIPE
- ○ SET IRON PIPE
- ⌀ UTILITY POLE
- ▲ SET DRILL HOLE
- ——— EXISTING PROPERTY LINE
- — — — PROPOSED PROPERTY LINE

DOUGLAS J. ANNAND, PLS 622

DATA COLUMN:

1) TAX MAP NO. 2-30-26.00-76.03
2) ZONING CLASSIFICATION: AR-1
3) TOTAL NUMBER OF EXISTING LOTS – 1
   TOTAL NUMBER OF PROPOSED LOTS – 3
4) SETBACKS: FRONT – 40'
   SIDE – 15'
   REAR – 20'
5) TOTAL ACREAGE PRIOR TO SUBDIVISION – 5.005 ACRES
6) TOTAL ACREAGE WITHIN EACH LOT
   LOT 1 & 3 – 0.750 ACRES LOT 2 – 0.754 ACRES
7) RESIDUAL AREA – 2.755 ACRES
8) RESIDUAL FRONTAGE – 205.50'
9) NUMBER OF PERMANENT MONUMENTS, FOUND – 2, SET – 6
10) TYPE OF UTILITIES – WELL & SEPTIC (ON SITE)
11) THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE X, OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, FEMA PANEL 10005C0140K, EFFECTIVE 03/16/2015
12) PRESENT USE – RESIDENTIAL
13) PROPOSED USE – RESIDENTIAL
14) OWNER:
    DALE T. CREW, SR.
    13403 S. UNION CHURCH ROAD
    ELLENDALE, DE 19941
    302-542-1632
    debraycrew@gmail.com

AGRICULTURAL USE PROTECTION NOTE:

THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTIME FARM OPERATIONS.

SURVEYOR'S CERTIFICATION:

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

DOUGLAS J. ANNAND, PLS 622 DATE

OWNER'S CERTIFICATION:

I, THE UNDERSIGNED, DALE T. CREW, SR., AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

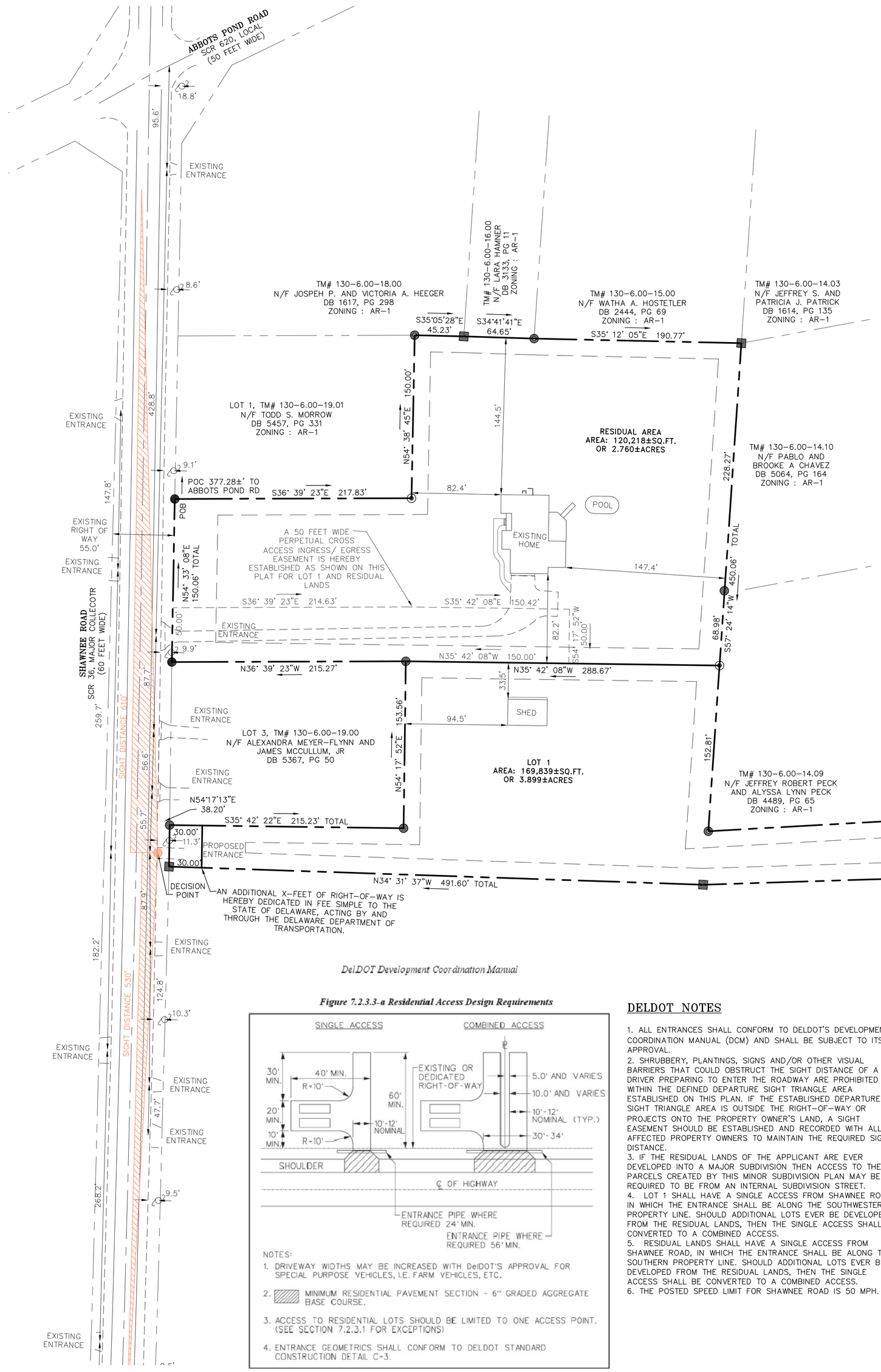
DALE T. CREW, SR. DATE

PREPARED BY
DOUGLAS J. ANNAND
PROFESSIONAL LAND SURVEYOR
10027 NORTH OLD STATE ROAD
LINCOLN, DELAWARE 19960
TELEPHONE: 302-448-0320
douglasannand7@gmail.com

MINOR SUBDIVISION SURVEY PLAN

PREPARED FOR
DALE T. CREW, SR.

SITUATED IN
CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
SCALE: 1" = 60'
DATE: SEPTEMBER 8, 2022



99-6 (C) STATEMENT – FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN 300 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, THE OWNER OF THE DEVELOPMENT SHALL PROVIDE IN THE DEED RESTRICTIONS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OR DWELLING UNIT THE FOLLOWING NOTICE: "THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES."

FIRE MARSHAL

1. PROPOSED BUILDING USE RESIDENTIAL.
2. MAXIMUM HEIGHT PER SUSSEX COUNTY CODE 42FT.
3. PROPOSED CONSTRUCTION WOOD FRAMED.
4. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

AGRICULTURE NOTES

1. THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES UNLESS THE APPLICANT ACQUIRES A LETTER OF CONSENT FROM THE ADJACENT OWNER.

SCALE

60 0 30 60 120

(IN FEET)
1 INCH = 60 FEET

SITE DATA

1. TAX PARCEL (ALL): 130-6.00-19.02, DB 5457, PG 331, PB 84, PG 350.

OWNER'S NAME: TODD S. MORROW
PROPERTY ADDRESS: 7413 SHAWNEE ROAD, MILFORD, DE 19963

2. TOTAL ACREAGE PRIOR TO SUBDIVISION: 290,057±SQ.FT. OR 6.658±ACRE

TABLE OF AREAS:

	SQUARE FEET	ACRE(S)
RESIDUAL LANDS AREA POST SUBDIVISON	120,218±SQ.FT.	2.760±ACRES
LOT 1 AREA POST SUBDIVISON	169,839±SQ.FT.	3.899±ACRES

3. ZONING: "AR-1"
PRESENT USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
SEWER: ON SITE PRIVATE SEPTIC
WATER: ON SITE PRIVATE WELL

BUILDING SETBACKS:
FRONT: 40FT
SIDE: 15FT
REAR: 20FT

4. EXISTING NUMBER OF LOTS: 1
PROPOSED NUMBER OF LOTS: 2

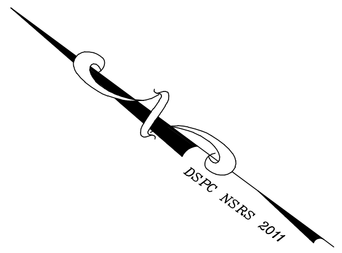
5. ROAD CLASSIFICATIONS AND FRONTAGE:

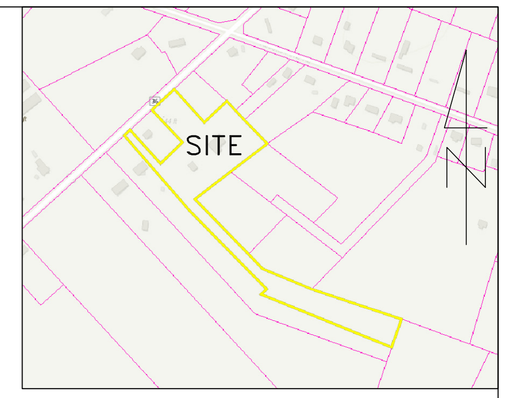
RESIDUAL LANDS
LOCAL ROAD FRONTAGE BLANCHARD ROAD: 600.38 LF
MAJOR COLLECTOR FRONTAGE SCOTTS STORE ROAD: 573.03 LF

LOT 1
LOCAL ROAD FRONTAGE BLANCHARD ROAD: 248.71 LF
MAJOR COLLECTOR FRONTAGE SCOTTS STORE ROAD: 000.00 LF

9. NO TITLE SEARCH PERFORMED OR PROVIDED IN PREPARATION OF THIS PLAN

10. THIS PROPERTY IS LOCATED 2.55± MILES OUTSIDE OF THE MILFORD TRANSPORTATION IMPROVEMENT DISTRICT.





LOCATION MAP 1 INCH = 500 FEET

DelDOT Development Coordination Manual

Figure 7.2.3.3-a Residential Access Design Requirements

DELDOT NOTES

1. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO THE PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
3. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION THEN ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
4. LOT 1 SHALL HAVE A SINGLE ACCESS FROM SHAWNEE ROAD, IN WHICH THE ENTRANCE SHALL BE ALONG THE SOUTHWESTERN PROPERTY LINE. SHOULD ADDITIONAL LOTS EVER BE DEVELOPED FROM THE RESIDUAL LANDS, THEN THE SINGLE ACCESS SHALL BE CONVERTED TO A COMBINED ACCESS.
5. RESIDUAL LANDS SHALL HAVE A SINGLE ACCESS FROM SHAWNEE ROAD, IN WHICH THE ENTRANCE SHALL BE ALONG THE SOUTHERN PROPERTY LINE. SHOULD ADDITIONAL LOTS EVER BE DEVELOPED FROM THE RESIDUAL LANDS, THEN THE SINGLE ACCESS SHALL BE CONVERTED TO A COMBINED ACCESS.
6. THE POSTED SPEED LIMIT FOR SHAWNEE ROAD IS 50 MPH.

LEGEND:

- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- CAPPED IRON PIN FOUND
- CAPPED IRON PIN SET
- UTILITY POLE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- ADJOINING PROPERTY LINE
- PROPOSED BUILDING RESTRICTION LINE
- EDGE OF PAVE LINE
- CENTERLINE OF ROAD

OWNER OF RECORD

I HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW. I CERTIFY THAT TITLE 17, SECTION 530 IS APPLICABLE TO THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN BY VIRTUE OF THE SUBDIVIDED PARCEL OR PARCELS WILL BE TRANSFERRED TO A FAMILY MEMBER OR MEMBERS FOR PURPOSES OF USE AS A FAMILY MEMBER OR MEMBERS' PRINCIPAL RESIDENCE OR FARMLAND

TODD S. MORROW — DATE
7413 SHAWNEE ROAD, MILFORD, DE 19963
302-424-6000

SURVEYOR'S CERTIFICATION

I, ALAN O'DALE KENT REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

ALAN O'DALE KENT, PLS#738 — DATE
ALAN O KENT LAND SURVEYING LLC
9505 SUSSEX STREET
SEAFORD, DE 19973
PHONE:(302) 745-1735
EMAIL: aoklsllc@outlook.com

JOB # 2021415 THIS IS A SUBURBAN CLASS SURVEY

DATE OF PLAN 17 JUN 2022	MINOR SUBDIVISION PLAN OF THE LANDS NOW OR FORMERLY OF TODD S. MORROW MILFORD, DE CEDAR CREEK HUNDRED, SUSSEX COUNTY
DATE OF LAST FIELD WORK 21 FEB 2022	PREPARED BY ALAN O KENT LAND SURVEYING 9505 SUSSEX STREET SEAFORD, DE 19973 (302) 745-1735

SCALED. ENGINEERING

October 21, 2022

Sussex County Planning & Zoning
c/o Jamie Whitehouse
2 The Circle
Georgetown, DE 19947

Subject: Lands of Delnova Properties LLC (Minor Subdivision)
234-12.00-86.00

Dear Mr. Whitehouse,

Thank you for your time related to this project to date. As always it is a pleasure doing business with you and your office. The below cover letter shall serve as a timeline and understanding of how we arrived at the plan submitted with this application. It shall also clarify a few questions we have discussed already throughout this process. This submittal is like that of Parcel 87.00 (adjacent) except that this property has yet to be subdivided. The intent is to mimic the end result of Parcel 87.00 with a single step. It was initially thought that we may be able to combine the two parcels into a single submission, however eliminated that possibility very early in the planning process. That being said, we felt it important to submit the two minor subdivisions at similar times to understand the two next to one another.

On behalf of our client Delnova Properties, LLC, we present to you the attached plan for approval as a Minor Subdivision. A concept plan was originally submitted to planning staff on February 3, 2022 (along with that of 87.00), with on-going discussions with staff since that point. It was made extremely clear that our client did not want to move forward without reassurance that the concept as presented would be possible due to substantial effort required including property surveying, submission(s) to DelDOT, and submission to the State Fire Marshal. Based on our February 24, 2022, meeting (including the client) our client felt confident that the plan was suitable and moving forward was in his best interest. A chronological timeline is below with a summary of each:

2/3/22 – Concept Plan submitted to planning staff requesting meeting to discuss proposal

2/15/22 – Meeting schedule (in-person) with staff (Jesse Lindenerg / Chase Phillips)

2/18/22 – Email follow-up to Jamie Whitehouse asking for subsequent meeting directly with Jamie

(Email attached)

2/22/22 – Email from staff (Jesse Lindenberg) referencing the August 11, 2016 Planning Commission Meeting minutes related to a prior subdivision of the parcel

2/23/22 – Meeting with Jamie Whitehouse (in-person)

2/24/22 – Email from Jamie summarizing the meeting.

- Long-established practice of presenting minor subdivision of three (3) suitably sized lots off easement with existing driveway
- Individual parcels (87.00) and (86.00) would need to be submitted as separate minor subdivisions
- Could not be combined under a single easement allowing three (3) Lots off each side of the easement
- Lot frontage would need to be 100 ft for each lot off the easement
- DelDOT LONO required
- FM approval required
- Current "wetlands" ordinance could allow up to 4-5 lots off easement if approved (an additional look at 99-7 would be made upon approval of ordinance

3/17 – 3/30/2022 – Fielding surveying of the property by Scaled Engineering

4/1 – 6/2/2022 – Preparation of Minor Subdivision plan(s) for DelDOT submission

6/2/22 – Submission #1 to DelDOT

6/30/22 – Submission #2 to DelDOT (addressing comments)

7/15/22 – Final Plans to DelDOT

7/18/22 – DelDOT LONO received

7/20/22 – Submission to SC Planning & Zoning

8/18/22 – Comments from staff (Michael Lowrey)

1. The plan proposes 4 lots plus residual off of an easement. Only 3 lots plus residual are permitted off of an easement.
   a. **<u>This is not the case (only 3 lots front on an easement)</u>**
2. There are issues regarding the required frontage for proposed Lot #1 – in terms of the required frontage on a numbered road (Camp Arrowhead)
   a. This was not discussed until this point. Camp Arrowhead Road was not a numbered road on the 1964 revision of the General Highway Map for Sussex County. It is clear that the intent of this ordinance was to establish specific roadways as shown on the Map of 1964, and not the most current map available. If it was to be the current map the language in the code would reflect it as such. The ordinance was added in 1989, (25 years after the 1964 map). Numbered roads on the 1964 map would be such as Route 1, Route 113, Route 24, Route 9, etc., not roads such as Sussex County Road 279 (Camp Arrowhead Road). (SEE EXACT CODE LANGUAGE BELOW)
   b. This is evident in that the prior subdivision of Parcel 87.00 created two (2) tax parcels with road frontage on Camp Arrowhead Road with frontages of 102.16' and 107.84' (less than 150'). This subdivision was approved and recorded in 2016 (under the same language as the current).

"(10) A lot fronting on a numbered road shown on the <u>General Highway Map for Sussex County of 1964</u>, as revised, shall have a minimum lot width of 150 feet. [Added 11-7-1989 by Ord. No. 632]"

8/18/22 – Email to Jamie Whitehouse requesting clarification on digression of comments

8/24/22 – Email response from Jamie Whitehouse requesting a call to discuss the plans as submitted

9/8/22 – Phone meeting with Jamie Whitehouse to clarify submission

- Discussion included clarification of:
  - Total number of lots – 1 existing; 4 + residual proposed
  - Number of lots off easement – 3 allowed; 0 existing; 3 proposed (Lot 3, Lot 4, and Residual Lands); easement is routed through Lot 2, which has frontage along Camp Arrowhead Road.
  - It was asked to add the identification of "Lot 5" to the Residual Lands parcel, even though seemly this is how it has been done for years where the residual lands would retain the original parcel number and provide for future subdivision if possible.
  - Number of road frontage lots – 1 existing; 2 proposed (Lot 1 and Lot 2)
  - Number of prior lots not counting (Existing Parcel 87.01)
  - Add a chart to describe lot access
  - Add items normally presented on major/minor subdivisions including contour lines
  - Type of meeting necessary (minor / major)
    - Decided to submit for October 13 meeting under a Minor Subdivision

9/8/22 - Email from Jamie Whitehouse asking to proceed with the Commission meeting on October 13, 2022 and request to include additional information

- Include Planning Commission Meeting Minutes (8/11/2016)
- Include cover letter with explanation of the approach proposed

Facts to summarize the approach for minor subdivision of Parcel 86.00:

1. Parcel 86.00 existed prior to 1997 and has not been subdivided to date
2. **Proposed Subdivision (as submitted) (3 lots off an easement / 2 lots with road frontage)**
   a. **Lot 1**
      i. **Road Frontage (136.06') off Camp Arrowhead Road**
      ii. **Shared Access with Lot 2**
   b. **Lot 2**
      i. **Road Frontage (75.00') off Camp Arrowhead Road**
      ii. **Shared Access with Lot 1**
   c. **Lot 3**
      i. **Road Frontage (155.92') off Easement through Lot 2**
   d. **Lot 4**
      i. **Road Frontage (156.31') off Easement through Lot 2**
   e. **Residual Lands (Lot 5)**
      i. **Road Frontage (75.02') off Easement through Lot 2**
      ii. **Further subdivision of this lot may be possible should the recently approved "wetlands buffer ordinance" be enacted and the code revisions allow for such.**

The below table has been included on the Minor Subdivision Plan as Item 9. in the Site Data column for visual reference of the above:

9. AREA:		
EXISTING:	SIZE	FRONTAGE
PARCEL 234-12.00-86.00:	221,819 S.F (5.09 AC)	211.06 (CAMP ARROWHEAD RD)
PROPOSED:	SIZE	FRONTAGE
LOT 1:	32,671 S.F (0.75 AC)	136.06 (CAMP ARROWHEAD RD)
LOT 2:	47,619 S.F (1.09 AC)	75.00 (CAMP ARROWHEAD RD)
LOT 3:	32,671 S.F (0.75 AC)	155.92 (EASEMENT)
LOT 4:	32,671 S.F (0.75 AC)	156.31 (EASEMENT)
RESIDUAL (LOT 5): 234-12.00-86.00	76,187 S.F (1.75 AC)	75.02 (EASEMENT)

The subdivision meets the intent of the code, provides adequate lot size(s) and dimensions, and demonstrates adequate frontage via existing road frontage and/or proposed easement. A total of three (3) lots front on an easement with an existing drive.

Staff has always discussed ways to continue moving the submission as a minor subdivision if it met the code requirements under a Minor Subdivision.

Based on the above direction, the applicant requests Preliminary Minor Subdivision Approval upon review and approval of all outside agency(s). *(At the time of submission, DelDOT LONO has been received, and applicant is awaiting approval of the State Fire Marshal)*

Please feel free to contact me with any questions, concerns, or for additional information at (302) 236-3600 or carlton@scaledengineering.com

Sincerely,

Carlton Savage, Jr.
Principal | Senior Engineer
Scaled Engineering Inc.

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

NICOLE MAJESKI
SECRETARY

July 19, 2022

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

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Lands of Delnova Properties LLC
Tax Parcel # 234-12.00-86.00
Camp Arrowhead Road (SCR 279)
Indian River Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated June 2, 2022 (last revised July 13, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

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

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

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

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

Sincerely,

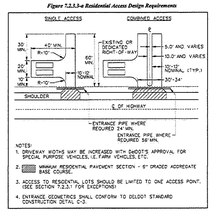
Wendy L. Polasko

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

cc: Carlton Savage, Scaled Engineering, Inc.
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Wendy L. Polasko, P.E., Subdivision Engineer
Brian Yates, Sussex County Reviewer

DelDOT Development Coordination Manual

Figure 7.2.3.3-a Residential Access Design Requirements



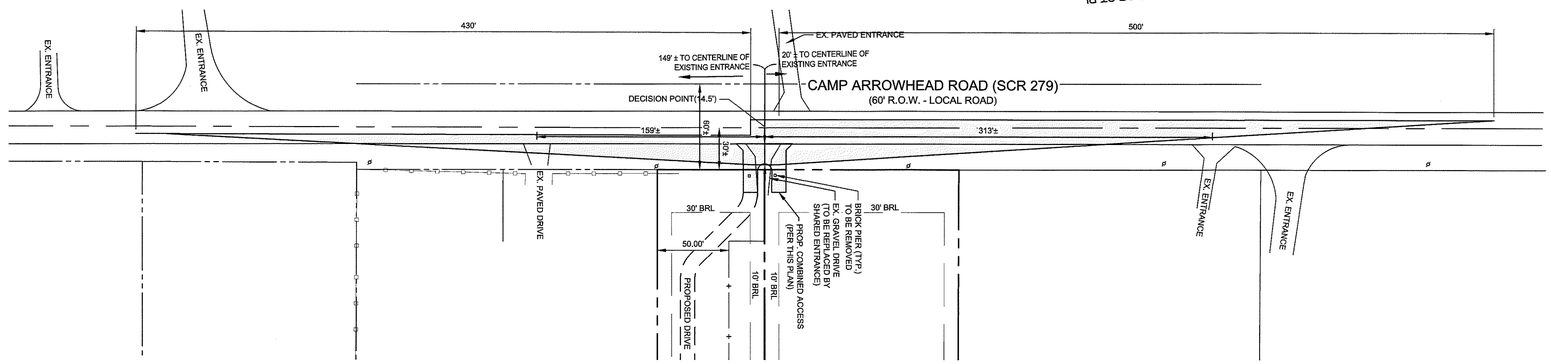
7.2.3.4 Entrance Profile

Profiles of entrances shall be designed in accordance with this *Development Coordination Manual* and manuals, guidelines and policies published by the *American Association of State Highway and Transportation Officials* (AASHTO) or other Nationally Accepted Standard (NAS). Maximum grades shall not exceed 10% and maximum algebraic difference in grade shall not exceed 12% to prevent vehicles from 'bottoming out'. Vertical curve transition should be provided at the intersection of the driveway profile and the cross slope of roadway shoulder extended.

7.2.3.5 Entrance Drainage

Pipes are manufactured in various sizes, shapes, and materials. Entrance pipes commonly used in Delaware include:

A. Reinforced concrete pipe (RCP) or elliptical (ERCP).

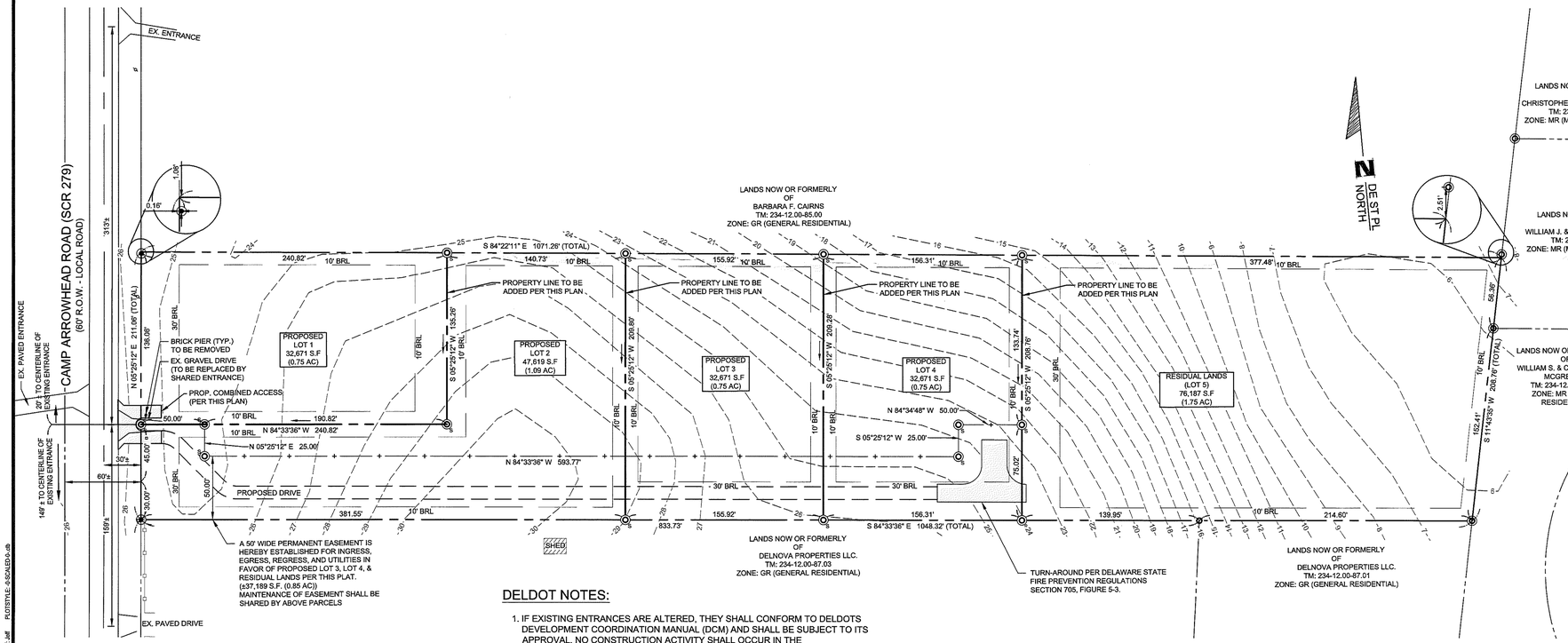


SIGHT DISTANCE TRIANGLE (ACCESS EASEMENT)

1" = 50'

LOCATION MAP

SCALE: 1" = 2,000'



0' 25' 50'

1" = 50'

SITE DATA:

1. TAX MAP NUMBER: 234-12.00-86.00
2. ADDRESS: 22425 CAMP ARROWHEAD ROAD, LEWES, DE 19958
3. OWNER: DELNOVA PROPERTIES LLC
   35993 DUTCH DRIVE
   LEWES, DE 19958
4. ZONING: EXISTING: GR (GENERAL RESIDENTIAL)
   PROPOSED: GR (GENERAL RESIDENTIAL)
5. USE: EXISTING: AGRICULTURAL / RESIDENTIAL
   PROPOSED: LOT 1 - RESIDENTIAL
   RESIDUAL LANDS - AGRICULTURAL / RESIDENTIAL
6. BUILDING SETBACKS (FOR PROPOSED LOT):
   FRONT 30'
   SIDE 10'
   REAR 10'
7. LOT REQUIREMENTS: AREA 10,000 S.F. (PUBLIC SEWER)
   32,670 S.F. (0.75 ACRE) (ON-SITE SEWER)
   WIDTH 75'
   DEPTH 100'
8. TOTAL NUMBER OF LOTS:
   EXISTING: 1 LOT
   PROPOSED: 4 LOTS & A RESIDUAL
9. AREA:

	SIZE	FRONTAGE
EXISTING:		
PARCEL 234-12.00-86.00:	221,819 S.F (5.09 AC)	211.06 (CAMP ARROWHEAD RD)
PROPOSED:	SIZE	FRONTAGE
LOT 1:	32,671 S.F (0.75 AC)	136.06 (CAMP ARROWHEAD RD)
LOT 2:	47,619 S.F (1.09 AC)	75.00 (CAMP ARROWHEAD RD)
LOT 3:	32,671 S.F (0.75 AC)	155.92 (EASEMENT)
LOT 4:	32,671 S.F (0.75 AC)	156.31 (EASEMENT)
RESIDUAL (LOT 5): 234-12.00-86.00	76,187 S.F (1.75 AC)	75.02 (EASEMENT)

10. AREA AFFECTED BY ADJUSTMENT: 5.09 AC
11. POSTED SPEED LIMIT: 40 MPH
12. SEWER PROVIDER: ON-SITE SEPTIC / SUSSEX COUNTY
13. WATER PROVIDER: ON-SITE WELL
14. THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0341K REVISED MARCH 16, 2015 (ZONE X).
15. WETLANDS DO EXIST ON THIS SITE AS SHOWN PER PER THE U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY.
16. PROXIMITY TO DELDOT TID AREA: LOCATED WITH THE HENLOPEN TID AREA
17. RECHARGE AREA: GOOD

NOTES:

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

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

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

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

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 3-27-22, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 5495 PAGE 82 (THE CURRENT DEED OF RECORD), PLAT BOOK 236 PAGE 74 AND OTHER DOCUMENTS OF PUBLIC RECORD AND HAS BEEN ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83).

DELDOT NOTES:

1. IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
2. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
3. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
4. REFER TO DELDOT STANDARD DETAIL M-2 FOR RIGHT-OF-WAY MONUMENTS.
5. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
6. LOT 3, LOT 4 AND RESIDUAL SHALL HAVE ACCESS TO SCR 279 VIA THE 50-FOOT WIDE INGRESS/EGRESS EASEMENT.
7. THE PROPOSED MINOR SUBDIVISION IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID). PURSUANT TO SECTION 6.C OF THE HENLOPEN TID AGREEMENT BETWEEN THE STATE OF DELAWARE AND SUSSEX COUNTY, THE PROPOSED MINOR SUBDIVISION SHALL BE EXEMPT FROM TID PARTICIPATION. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION OR ARE FURTHER SUBDIVIDED BY A MINOR SUBDIVISION, THE APPLICANT SHALL BE REQUIRED TO PARTICIPATE WITHIN THE ESTABLISHED TID.

LEGEND:

- IRON REBAR FOUND
- CAPPED IRON REBAR FOUND
- IRON PIPE FOUND
- CAPPED IRON PIPE FOUND
- CAPPED IRON PIPE TO BE SET
- PROPOSED BOUNDARY LINE
- SUBJECT BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- PROPERTY LINE TO BE EXTINGUISHED
- PROPOSED EASEMENT
- BUILDING RESTRICTION LINE
- FENCE
- UTILITY POLE
- BUILDING

ENGINEERS CERTIFICATION

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

CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457) — DATE 9/13/22

OWNER CERTIFICATION:

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

DELNOVA PROPERTIES LLC — DATE
35993 DUTCH DRIVE
LEWES, DE 19958

SCALED. ENGINEERING
Scaled Engineering Inc.
20246 Coastal Highway
Rehoboth Beach, DE 19971
Phone: (302) 227-7038

LANDS OF DELNOVA PROPERTIES LLC.

SCR 279 - TAX MAP 234-12.00-86.00

INDIAN RIVER HUNDRED, LEWES, DELAWARE

MINOR SUBDIVISION PLAN

REVISIONS:
6-29-22 PER DELDOT
7-13-22 PER DELDOT
9-12-22 PER SCPZ

DATE: 6-2-22
SCALE: 1" = 50'
DRAWN BY: JRE
PROJECT NO. PWEB001

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION, COPYRIGHT © 2022

S:\SURVEY\WEBTITLE\DESIGN\PWEB001 - MINOR SUBDIVISION PLAN 234-12.00-86.00.dwg PLOTTED: 9/12/2022 1:17PM BY: Jeff PLOTSTYLE: 0-SCALED.ctb

SCALED. ENGINEERING

October 21, 2022

Sussex County Planning & Zoning
c/o Jamie Whitehouse
2 The Circle
Georgetown, DE 19947

Subject: Lands of Delnova Properties LLC (Minor Subdivision)
(234-12.00-87.00, 87.01, 87.02, & 87.03) Parcel(s) 87.00

Dear Mr. Whitehouse,

Thank you for your time related to this project to date. As always it is a pleasure doing business with you and your office. The below cover letter shall serve as a timeline and understanding of how we arrived at the plan submitted with this application. It shall also clarify a few questions we have discussed already throughout this process.

On behalf of our client Delnova Properties, LLC, we present to you the attached plan for approval as a Minor Subdivision. A concept plan was originally submitted to planning staff on February 3, 2022, with on-going discussions with staff since that point. It was made extremely clear that our client did not want to move forward without reassurance that the concept as presented would be possible due to substantial effort required including property surveying, submission(s) to DelDOT, and submission to the State Fire Marshal. Based on our February 24, 2022, meeting (including the client) our client felt confident that the plan was suitable and moving forward was in his best interest. A chronological timeline is below with a summary of each:

2/3/22 – Concept Plan submitted to planning staff requesting meeting to discuss proposal

2/15/22 – Meeting schedule (in-person) with staff (Jesse Lindenerg / Chase Phillips)

2/18/22 – Email follow-up to Jamie Whitehouse asking for subsequent meeting directly with Jamie

(Email attached)

2/22/22 – Email from staff (Jesse Lindenberg) referencing the August 11, 2016 Planning Commission Meeting minutes related to a prior subdivision of the parcel

2/23/22 – Meeting with Jamie Whitehouse (in-person)

2/24/22 – Email from Jamie summarizing the meeting.

- Long-established practice of presenting minor subdivision of three (3) suitably sized lots off easement with existing driveway
- Individual parcels (87.00) and (86.00) would need to be submitted as separate minor subdivisions
- Could not be combined under a single easement allowing three (3) Lots off each side of the easement

- Lot frontage would need to be 100 ft for each lot off the easement
- DelDOT LONO required
- FM approval required
- Current "wetlands" ordinance could allow up to 4-5 lots off easement if approved (an additional look at 99-7 would be made upon approval of ordinance

3/17 – 3/30/2022 – Fielding surveying of the property by Scaled Engineering

4/1 – 6/2/2022 – Preparation of Minor Subdivision plan(s) for DelDOT submission

6/2/22 – Submission #1 to DelDOT

6/30/22 – Submission #2 to DelDOT (addressing comments)

7/15/22 – Final Plans to DelDOT

7/18/22 – DelDOT LONO received

7/20/22 – Submission to SC Planning & Zoning

8/18/22 – Comments from staff (Michael Lowrey)

- Single comment, again reiterating that any further subdivision would require it to be a "Major"

8/18/22 – Email to Jamie Whitehouse requesting clarification on digression of comments

8/24/22 – Email response from Jamie Whitehouse requesting a call to discuss the plans as submitted

9/8/22 – Phone meeting with Jamie Whitehouse to clarify submission

- Discussion included clarification of:
  - Total number of lots – 4 existing; 5 proposed
  - Number of lots off easement – 3 allowed; 3 existing; 3 proposed
  - Number of frontage lots – 2 existing; 2 proposed
  - Number of prior lots not counting (Existing Parcel 87.01)
  - Verification of Access to each lot
  - Adding a chart to describe lot access
  - Add items normally presented on major/minor subdivisions including contour lines
  - Type of meeting necessary (minor / major)
  - No indication on prior subdivision plan / deed requiring future subdivision(s) would require a major subdivision

9/8/22 - Email from Jamie Whitehouse asking to proceed with the Commission meeting on October 13, 2022 and request to include additional information

- Include Planning Commission Meeting Minutes (8/11/2016)
- Include cover letter with explanation of the approach proposed

Facts to summarize the approach for minor subdivision of Parcel 87.00:

1. Parcel 87.01 existed prior to 1997 and is not included in the Minor subdivision count of the parent parcel 87.00
2. The minutes of 8/11/2016 approved a Minor Subdivision off a 50-foot easement including:
    a. Lot 1 – 1.2 acres
    b. Residual Lot – 1.8 acres
    c. Easement to provide access to landlocked parcel (Parcel 87.01)
    d. "Any further subdivision shall require a major subdivision"
3. The subdivision plan recorded on 10/6/2016 included the following:
    a. This plan included the following:
        i. Lot 1 (1.961 acres w/ 102.16' of road frontage 102.16' on Camp Arrowhead Road) (Remained Parcel 87.00)
        ii. Lot 2 (0.968 acres w/ 231.26' of frontage on easement) (Became Parcel 87.02)
        iii. 50' Right-of-way parcel (1.078 acres w/ 107.84' of frontage on Camp Arrowhead Road) (Became Parcel 87.03)
        iv. Existing Parcel 87.01 (1.004 acres w/ 100.00' of frontage on easement)
4. Recorded plan DID NOT mention anything about further subdivision being a Major
5. Property has only utilized two (2) of its four (4) total minor subdivisions
    a. Therefor two (2) minor subdivisions are allowed of the parent parcel(s)
6. **Proposed Subdivision (as submitted) (3 lots off an easement / 2 lots with road frontage)**
    a. **Parcel 87.03**
        i. **Increase size (to convert it into a buildable lot) to 1.59 acres w/ existing 107.83' of road frontage off Camp Arrowhead Road**
        ii. ***Parcel 87.03 was and has been an established tee simple taxed lot since creation***
    b. **Parcel 87.02**
        i. **Decrease size to 0.75 acres w/ existing 203.17' of frontage off proposed easement through 87.03**
    c. **Parcel 87.00**
        i. **Subdivide Parcel 87.00 into two (2) lots (one additional)**
            1. **Proposed Lot 1 (0.75 acres w/ 202.97' of frontage off easement through 87.03)**
            2. **Residual Parcel 87.00 (0.92 acres w/ existing 102.56' road frontage off Camp Arrowhead Road**
    d. **Parcel 87.01**
        i. **No change to property, 100.03' of frontage off easement through 87.03**

The below table has been included on the Minor Subdivision Plan as Item 9. in the Site Data column for visual reference of the above:

9. AREA:		
EXISTING:	SIZE	FRONTAGE
PARCEL 234-12.00-87.00:	85,587 S.F (1.96 AC)	102.56' (CAMP ARROWHEAD ROAD)
PARCEL 234-12.00-87.01:	43,740 S.F (1.00 AC)	100.03' (PARCEL 87.03)
PARCEL 234-12.00-87.02:	42,179 S.F (0.97 AC)	231.26' (PARCEL 87.03)
PARCEL 234-12.00-87.03:	46,995 S.F (1.08 AC)	107.83' (CAMP ARROWHEAD ROAD)
PROPOSED:	SIZE	FRONTAGE
PARCEL 234-12.00-87.00:	40,215 S.F (0.92 AC)	102.56' (CAMP ARROWHEAD ROAD)
PARCEL 234-12.00-87.01:	43,740 S.F (1.00 AC)	100.03' (EASEMENT)
PARCEL 234-12.00-87.02:	32,690 S.F (0.75 AC)	203.17' (EASEMENT)
PARCEL 234-12.00-87.03:	69,158 S.F (1.59 AC)	107.83' (CAMP ARROWHEAD ROAD)
PROPOSED LOT 1:	32,698 S.F (0.75 AC)	202.97' (EASEMENT)

The subdivision meets the intent of the code, provides adequate lot size(s) and dimensions, and demonstrates adequate frontage via existing road frontage and/or proposed easement. A total of three (3) lots front on an easement with an existing drive.

On both occasions where the prior Subdivision Approval and associated Commission Meeting Minutes were brought up, staff discussed ways to continue moving the submission as a minor subdivision if it met the code requirements under a Minor Subdivision.

Based on the above direction, the applicant requests Preliminary Minor Subdivision Approval upon review and approval of all outside agency(s). *(At the time of submission, DelDOT LONO has been received, and applicant is awaiting approval of the State Fire Marshal)*

Please feel free to contact me with any questions, concerns, or for additional information at (302) 236-3600 or carlton@scaledengineering.com

Sincerely,

Carlton Savage, Jr.
Principal | Senior Engineer
Scaled Engineering Inc.

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

NICOLE MAJESKI
SECRETARY

July 19, 2022

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

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Lands of Delnova Properties LLC
Tax Parcel # 234-12.00-87.00, 87.02, 87.03
Camp Arrowhead Road (SCR 279)
Indian River Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated June 2, 2022 (last revised June 29, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

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

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

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

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

Sincerely,

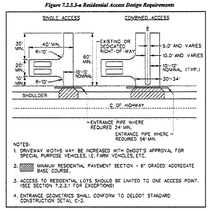
Wendy L. Polasko

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

cc: Carlton Savage, Scaled Engineering, Inc.
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Wendy L. Polasko, P.E., Subdivision Engineer
Brian Yates, Sussex County Reviewer

DelDOT Development Coordination Manual

Figure 7.2.5.5-a Residential Access Design Requirements



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

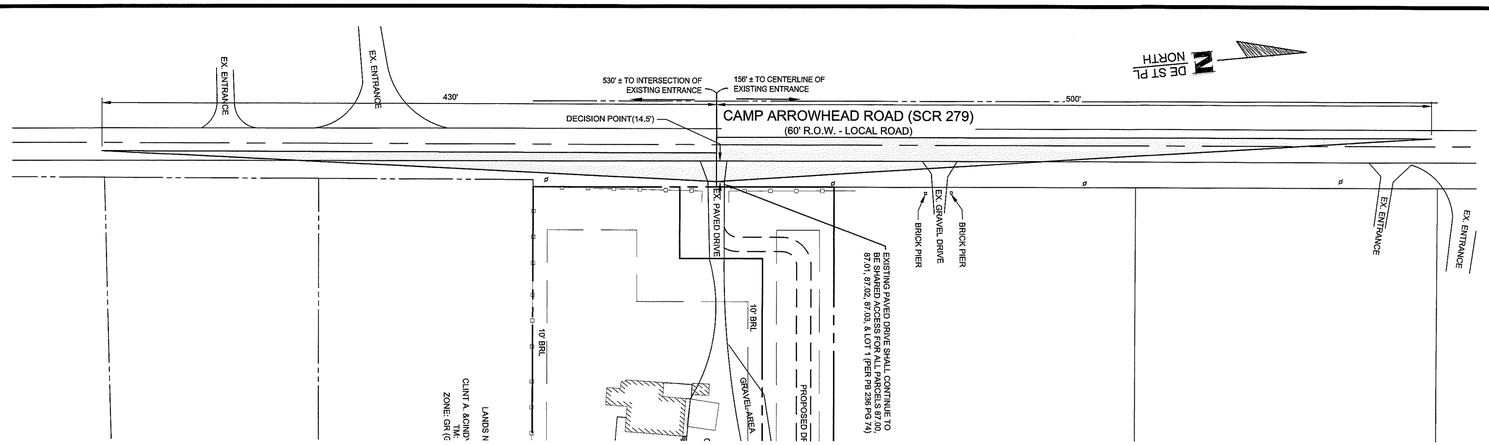
7.2.3.4 Entrance Profile

Profiles of entrances shall be designed in accordance with this *Development Coordination Manual* and manuals, guidelines and policies published by the *American Association of State Highway and Transportation Officials* (AASHTO) or other Nationally Accepted Standard (NAS). Maximum grades shall not exceed 10% and maximum algebraic difference in grade shall not exceed 12% to prevent vehicles from "bottoming out". Vertical curve transition should be provided at the intersection of the driveway profile and the cross slope of roadway shoulder extended.

7.2.3.5 Entrance Drainage

Pipes are manufactured in various sizes, shapes, and materials. Entrance pipes commonly used in Delaware include:

A. Reinforced concrete pipe (RCP) or elliptical (ERCP).

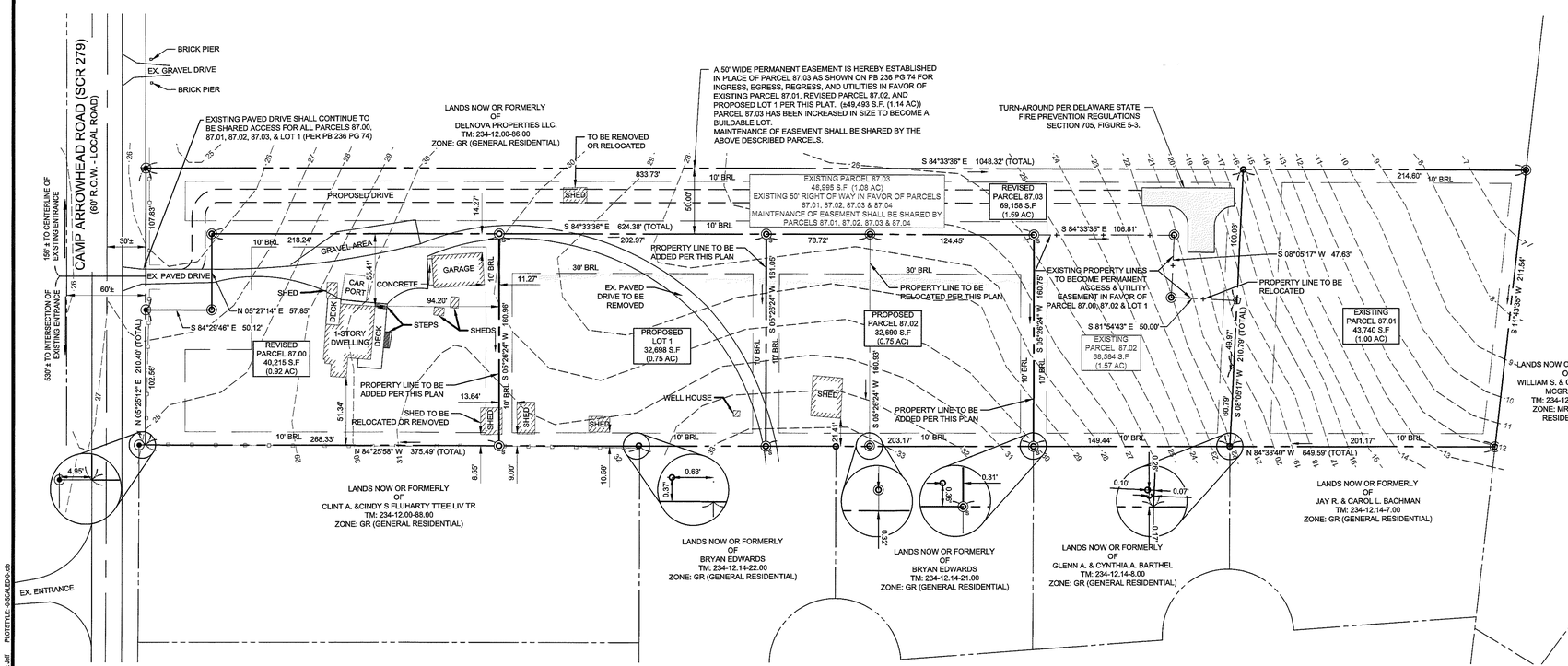


SIGHT DISTANCE TRIANGLE (PARCEL 87.03)

1" = 50'

LOCATION MAP

SCALE: 1" = 2,000'



0' 25' 50'

1" = 50'

SITE DATA:

1. TAX MAP NUMBERS: 234-12.00-87.00, 87.01, 87.02, & 87.03
2. ADDRESS: 22449 CAMP ARROWHEAD ROAD, LEWES, DE 19958
3. OWNER: DELNOVA PROPERTIES LLC
   35993 DUTCH DRIVE
   LEWES, DE 19958
4. ZONING: EXISTING: GR (GENERAL RESIDENTIAL)
   PROPOSED: GR (GENERAL RESIDENTIAL)
5. USE: EXISTING: AGRICULTURAL / RESIDENTIAL
   PROPOSED: LOT 1 - RESIDENTIAL
   RESIDUAL LANDS - AGRICULTURAL / RESIDENTIAL
6. BUILDING SETBACKS (FOR PROPOSED LOT):
   FRONT 30'
   SIDE 10'
   REAR 10'
7. LOT REQUIREMENTS: AREA 10,000 S.F. (PUBLIC SEWER)
   32,670 S.F. (0.75 ACRE) (ON-SITE SEWER)
   WIDTH 75'
   DEPTH 100'
8. TOTAL NUMBER OF LOTS:
   EXISTING: 3 LOTS (87.00, 87.02, & 87.03)
   1 LOT (87.01) UNAFFECTED
   PROPOSED: 4 LOTS (87.00, 87.02, 87.03, & LOT 1)
   1 LOT (87.01) UNAFFECTED
9. AREA:

EXISTING:	SIZE	FRONTAGE
PARCEL 234-12.00-87.00:	85,587 S.F (1.96 AC)	102.56' (CAMP ARROWHEAD ROAD)
PARCEL 234-12.00-87.01:	43,740 S.F (1.00 AC)	100.03' (PARCEL 87.03)
PARCEL 234-12.00-87.02:	42,179 S.F (0.97 AC)	231.26' (PARCEL 87.03)
PARCEL 234-12.00-87.03:	46,995 S.F (1.08 AC)	107.83' (CAMP ARROWHEAD ROAD)

PROPOSED:	SIZE	FRONTAGE
PARCEL 234-12.00-87.00:	40,215 S.F (0.92 AC)	102.56' (CAMP ARROWHEAD ROAD)
PARCEL 234-12.00-87.01:	43,740 S.F (1.00 AC)	100.03' (EASEMENT)
PARCEL 234-12.00-87.02:	32,690 S.F (0.75 AC)	203.17' (EASEMENT)
PARCEL 234-12.00-87.03:	69,158 S.F (1.59 AC)	107.83' (CAMP ARROWHEAD ROAD)
PROPOSED LOT 1:	32,698 S.F (0.75 AC)	202.97' (EASEMENT)

10. AREA AFFECTED BY ADJUSTMENT: 4.01 AC
11. POSTED SPEED LIMIT: 40 MPH
12. SEWER PROVIDER: ON-SITE SEPTIC / SUSSEX COUNTY
13. WATER PROVIDER: ON-SITE WELL
14. THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0341K REVISED MARCH 16, 2015 (ZONE X).
15. WETLANDS DO EXIST ON THIS SITE AS SHOWN PER PER THE U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY.
16. PROXIMITY TO DELDOT TID AREA: LOCATED WITH THE HENLOPEN TID AREA
17. RECHARGE AREA: GOOD

NOTES:

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

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

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

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

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 3-27-22, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 5495 PAGE 82 (THE CURRENT DEED OF RECORD), PLAT BOOK 236 PAGE 74 AND OTHER DOCUMENTS OF PUBLIC RECORD AND HAS BEEN ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83).

DELDOT NOTES:

1. IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
2. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
3. REFER TO DELDOT STANDARD DETAIL M-2 FOR RIGHT-OF-WAY MONUMENTS.
4. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
5. PARCELS 87.01, 87.02, & 87.04 SHALL HAVE ACCESS TO SCR 279 VIA THE 50-FOOT WIDE INGRESS/EGRESS EASEMENT.
6. THE PROPOSED MINOR SUBDIVISION IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID). PURSUANT TO SECTION 6.C OF THE HENLOPEN TID AGREEMENT BETWEEN THE STATE OF DELAWARE AND SUSSEX COUNTY, THE PROPOSED MINOR SUBDIVISION SHALL BE EXEMPT FROM TID PARTICIPATION. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION OR ARE FURTHER SUBDIVIDED BY A MINOR SUBDIVISION, THE APPLICANT SHALL BE REQUIRED TO PARTICIPATE WITHIN THE ESTABLISHED TID.

LEGEND:

- IRON REBAR FOUND
- CAPPED IRON REBAR FOUND
- IRON PIPE FOUND
- CAPPED IRON PIPE FOUND
- NAIL FOUND @ BASE OF TREE
- CAPPED PIPE TO BE SET
- SUBJECT BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- PROPOSED BOUNDARY LINE
- BOUNDARY LINE TO BE EXTINGUISHED
- PROPOSED EASEMENT
- BUILDING RESTRICTION LINE
- FENCE
- UTILITY POLE
- BUILDING

ENGINEERS CERTIFICATION

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

CARLTON R. SAVAGE, JR. No. 16457 DELAWARE PROFESSIONAL ENGINEER

CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457) — DATE 6/13/22

OWNER CERTIFICATION:

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

DELNOVA PROPERTIES LLC — DATE
35993 DUTCH DRIVE
LEWES, DE 19958

SCALED. ENGINEERING
Scaled Engineering Inc.
20655 Coastal Highway #201
Rehoboth Beach, DE 19971
Phone: (302) 227-7808

MINOR SUBDIVISION PLAN

LANDS OF DELNOVA PROPERTIES LLC.

SCR 279 - TAX MAP 234-12.00-87.00, 87.01, 87.02, & 87.03

INDIAN RIVER HUNDRED, LEWES, DELAWARE

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2022

REVISIONS:
6-29-22 PER DELDOT
9-12-22 PER SCPZ

DATE:	6-2-22
SCALE:	1" = 50'
DRAWN BY:	JRE
PROJECT NO.	PWEB001

S:\SUBDIVISIONS\DESIGN\PWEB001 - MINOR SUBDIVISION\PLAN\234-12.00-87.00.DWG PLOTTED: 6/13/2022 3:13 PM, BY: JeffP PLOTSTYLE: 4-SCALED-A.ctb

MINUTES OF THE REGULAR MEETING OF August 11, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, August 11, 2016 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. I.G. Burton, III, Mr. Martin Ross, and Mr. Doug Hudson with Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Ms. Janelle Cornwell – Planning and Zoning Manager, and Mr. Daniel Brandewie – Planner II.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of July 28, 2016 as corrected. Motion carried 5 – 0.

OLD BUSINESS

C/Z #1800 – Sussex Real Estate Partners, LLC (Belle Terre)
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 123.75 acres, more or less. The property is located southwest of Dorman Farm Lane, 1,000 feet southwest of Mulberry Knoll Road (Road 284) and being approximately 1,800 feet southeast of Cedar Grove Road (Road 283) and approximately 1,200 feet northwest of John J. Williams Highway (Route 24). (911 Address: None Available). Tax Map I.D. 334-12.00-17.00, 18.00, 19.00 and 20.00.

Announcement of receipt of written comments regarding TIS Results.

The Commission discussed this application acknowledging the receipt of only written comments from James A. Fuqua, Jr. on behalf of the developers.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to accept the referenced comments, to close the record, and to defer action for further consideration. Motion carried 5 – 0.

2016-8 – Burton Acres II – MDI Investment Group, LLC
This is a major subdivision for the creation of a standard subdivision. The plan proposes to subdivide 23.91 acres +/- into 19 lots with private roads and open space. The property is located north of Iron Branch Road on both sides of Mountain Laurel Drive. Tax Map I.D. 233-5.00-24.00 & 24.13. Zoning: MR (Medium Density Residential District).

Motion by Mr. Hudson, seconded by Mr. Johnson, and carried unanimously to defer action soil feasibility study. Motion carried 5 – 0.

Pages 2-9 have been removed for ease

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the revised final site plan. Motion carried 5-0.

The Grove – C/U #2028
Preliminary Site Plan
Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of 61 townhouses as a condominium development on a 14.79 acre tract, located off Lighthouse Rd. (Rt. 54). The property is zoned MR, Medium Density Residential, and was approved in 2015 for a Change of Zone and Conditional Use (C/Z #24321, C/U 20280-Cauthen Ventures DE). The tax parcel ID number is 533-12-100. This preliminary plan is substantially consistent with previous submissions. Staff is waiting for agency approvals.

Motion by Mr. Hudson, seconded by Mr. Johnson and carried unanimously to approve the preliminary site plan with final site plan approval by staff upon receipt of agency approvals. Motion carried 5-0.

Lands of James and Sallie Wharton on Kings Crossing Road
Minor Subdivision

Ms. Cornwell advised the Commission that this is a request for a minor subdivision to create one parcel of land with 3.154 ac. and a residual with 6.849 ac. The parcel was created in 1978 with frontage along both Kings Crossing Rd. and Little Hill Rd. The road frontage along Little Hill Rd. is 51 ft. Typically the Planning Commission will allow for the creation of a parcel off a 50 ft. easement with the proposed parcel having 100 ft. of frontage along the easement. This minor subdivision is not proposing an easement. When easements are created the easement will go over an existing driveway. There is no existing driveway off of Little Hill Rd. Staff is looking for guidance from the Planning Commission regarding the proposed subdivision.

There was discussion regarding the request for a minor subdivision and the Commission's ability to approve the request.

Motion by Mr. Ross, seconded by Mr. Burton and carried unanimously to deny the minor subdivision as the applicant has other options to pursue to create the subdivision. Motion carried 5-0.

Lands of Roger P. Edwards off Camp Arrowhead Road
Minor Subdivision with a 50 foot easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of one parcel of land with 1.2 ac. and the residual of 1.8 ac. The minor subdivision will create a 50 ft. easement over the existing driveway. The easement will also provide access to a landlocked parcel at the end of the easement. Any further subdivision shall require a major subdivision. Staff is awaiting approval from DelDOT.

Motion by Mr. Hudson, seconded by Mr. Ross and carried unanimously to approve the minor subdivision with 50 ft. easement with final approval by staff upon receipt of approval from DelDOT. Motion carried 5-0.

Lands of Ponderosa Acres, LLC on U.S. Route 113
Minor Subdivision with a 50 foot easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of one parcel of land with 3.3 acres and the residual. It also proposes to expand the existing 50 ft. easement. Any further subdivision shall require a major subdivision. Staff is awaiting approval from DelDOT.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the minor subdivision with final approval by staff upon receipt of approval from DelDOT and any further subdivision requiring a major subdivision. Motion carried 5-0.

Lands of Sposato – C/U #1446
Request to Amend a Condition of Approval

Ms. Cornwell advised the Commission that this item was deferred at the July 28th meeting for further discussion. Staff included the minutes from the meetings in which the application was discussed. This is a request to amend Condition #4 of CU 1446. The Conditional Use is for a landscape business with equipment storage. The Planning Commission recommended approval of the Conditional Use on March 14, 2002. The County Council approved the use on April 9, 2002. Condition #4 states that "there shall be no grinding of mulch on site". The applicant is requesting to allow for grinding yard waste into recyclable compost twice yearly.

There was discussion regarding the application.

Motion by Mr. Burton, seconded by Mr. Hudson and carried unanimously to amend Condition #4 to state that mulching may occur twice a year for 7-10 days Monday through Friday from the hours of 8:00am to 4:30pm and the applicant shall inform the Planning Office prior to commencing mulching operations. Motion carried 5-0.

ADDITIONAL BUSINESS

Discussion regarding Comprehensive Plan

Ms. Cornwell advised the Commission that the dates and locations for the first round of public meetings has been finalized (Monday September 26th, Tuesday September 27th, Thursday September 29th, Tuesday October 4th and Wednesday October 5th); that there will be a meeting in each Council District (Lewes, Seaford, Millville, Georgetown and Millsboro); that staff is looking to confirm the time from 4:30pm-7:00pm; that the website is up and the dates will be added to the website in the future; that the format is an open house with a presentation running in the background with activities for the public and the ability to talk to staff; that staff was still working on moving forward with the Conservation Focus Group and there was discussion

regarding the focus group; and that a summary of the interviews were provided to the Council and Commission.

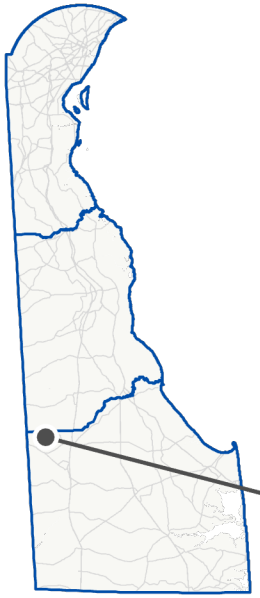
Opportunity for public comments regarding Comprehensive Plan

Mr. Dave Jaeger spoke and had questions about the notice of the ability for the public to speak during the meeting; that Mr. Wheatley stated that the opportunity for public comment has been on the agenda for several meetings and will be on the agenda during the Comprehensive Plan process.

Meeting adjourned at 8:55 p.m.

SMITH FARM DISTRICT

| NORTHWEST FORK HUNDRED | DELAWARE |



AGRICULTURAL PRESERVATION DISTRICT

Farm Parcel Boundary

Public Protected Lands

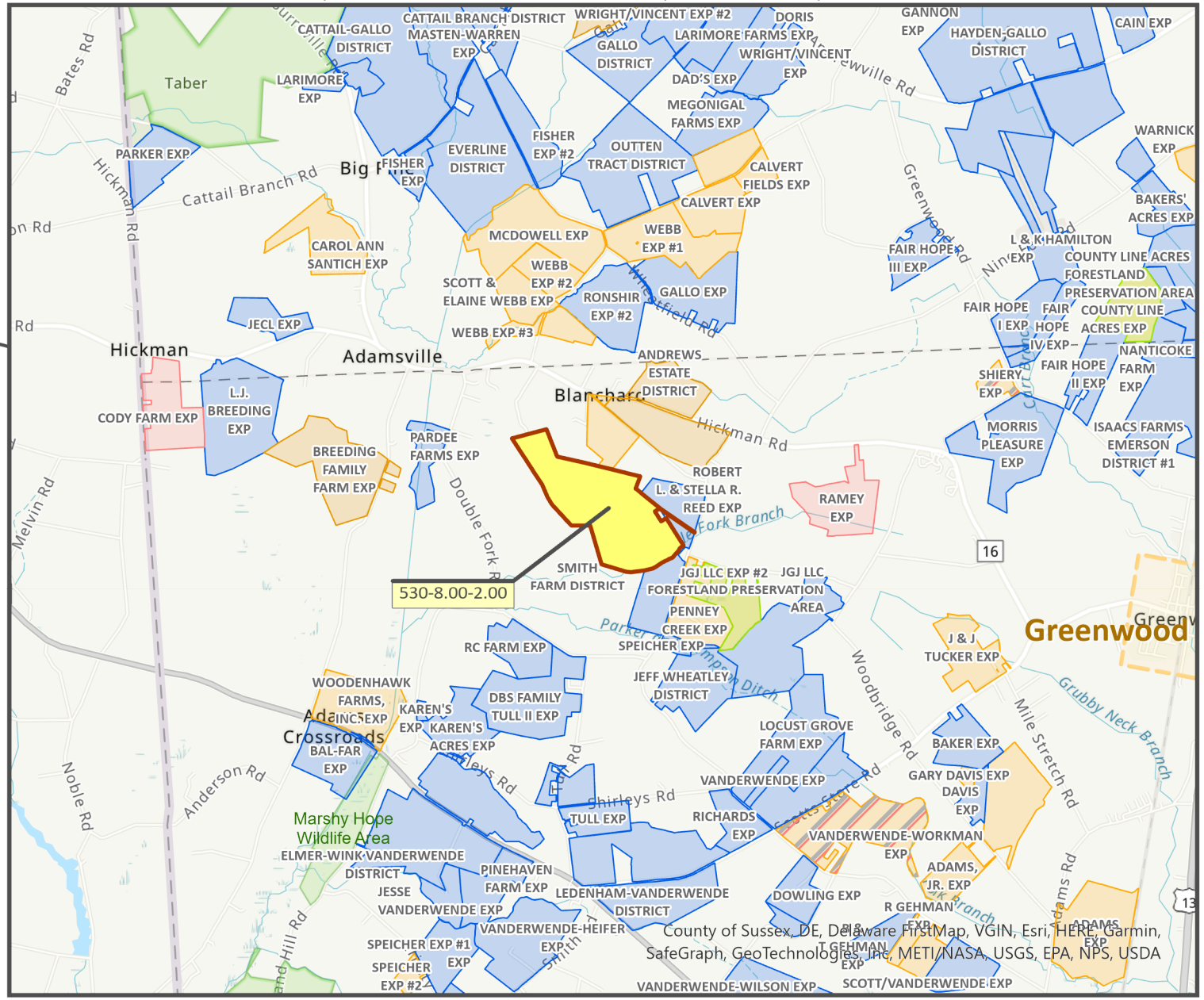
Project ID: S-22-08-301

Total Preserved Acres: 309.65

Program Status: Pending

Priority Zone: No

Parcel ID	County	Acres
530-8.00-2.00	Sussex	309.65



DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

Eric Reid - Planner III
Delaware Dept of Agriculture
2320 S. Dupont Hwy
Dover, DE 19901

Pending / Contingent
- Contingent
- Pending

- Agricultural Easement
- Agricultural District
- Agricultural Expansion
- Forestland Area
- Forestland Easement
- Young Farmer

N

THIS PLAN IS A COMPILATION OF AVAILABLE INFORMATION OF RECORD AND IS NOT TO BE USED FOR ENGINEERING PURPOSES.

Exported: 9/6/2022

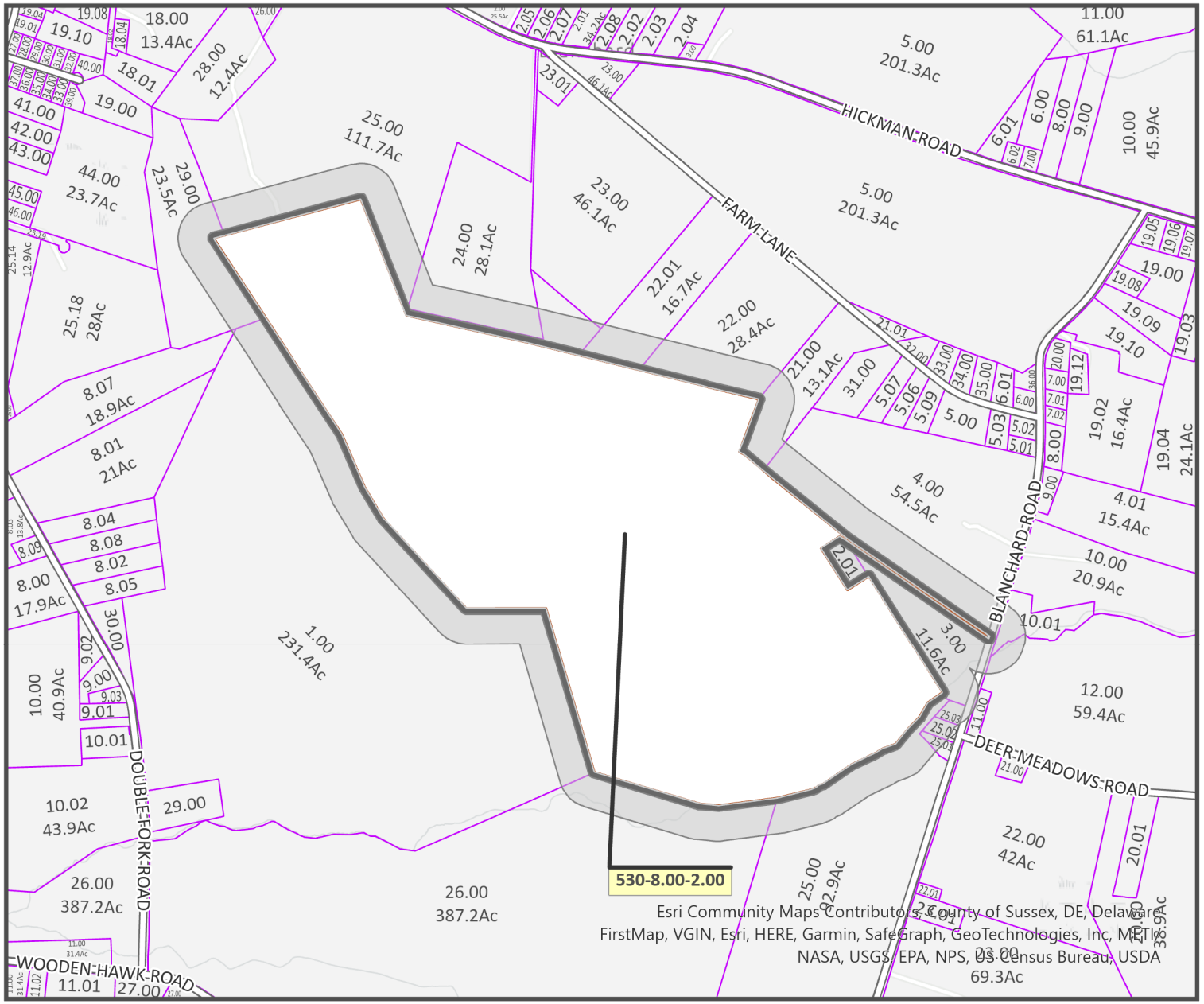
EXHIBIT A

SMITH FARM DISTRICT

Project ID: S-22-08-301

Total Preserved Acres: 309.65

Parcel ID	County	Acres
530-8.00-2.00	Sussex	309.65



Esri Community Maps Contributors, County of Sussex, DE, Delaware, FirstMap, VGIN, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

50 feet

IS THE 50' BOUNDARY LINE FROM AG DISTRICT; NO BUILDINGS FOR NON-AG PURPOSES CAN BE CONSTRUCTED INSIDE THIS AREA. "FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN FIFTY (50) FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL SHALL BE CONSTRUCTED WITHIN FIFTY (50) FEET OF THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT," PURSUANT TO 3 DEL. C. ss910 (a) (2)

300 feet

IS THE 300' BOUNDARY LINE; NOTICE MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW SUBDIVISIONS FILED AFTER THE APPROVAL DATE OF THIS DISTRICT. "FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT, THE OWNER SHALL PROVIDE IN THE DEED RESTRICTIONS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OR DWELLING UNIT THE FOLLOWING NOTICE: 'AGRICULTURAL PRESERVATION DISTRICT: THIS PROPERTY IS LOCATED IN THE VICINITY OF AN ESTABLISHED AGRICULTURAL PRESERVATION DISTRICT IN WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USE ACTIVITIES.'" PURSUANT TO 3 DEL. C. ss910 (a) (1)

0 1,000 2,000 Feet

Eric Reid - Planner III
Delaware Dept of Agriculture
2320 S. Dupont Hwy
Dover, DE 19901
Exported: 9/6/2022

N

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION HEREBY CERTIFIES THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN, AND SUBJECT TO AN AGRICULTURAL PRESERVATION DISTRICT AGREEMENT FILED AND RECORDED WITH THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE, CONSTITUTE AN AGRICULTURAL PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DEL. C. CHAP. 9. FURTHER, I WITNESS THAT THIS DISTRICT HAS BEEN PROPERLY APPROVED AND THAT THE FOUNDATION DESIRES THAT THIS PLAN BE RECORDED ACCORDING TO LAW.

CHAIRMAN OR AUTHORIZED DESIGNEE
DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

DATE

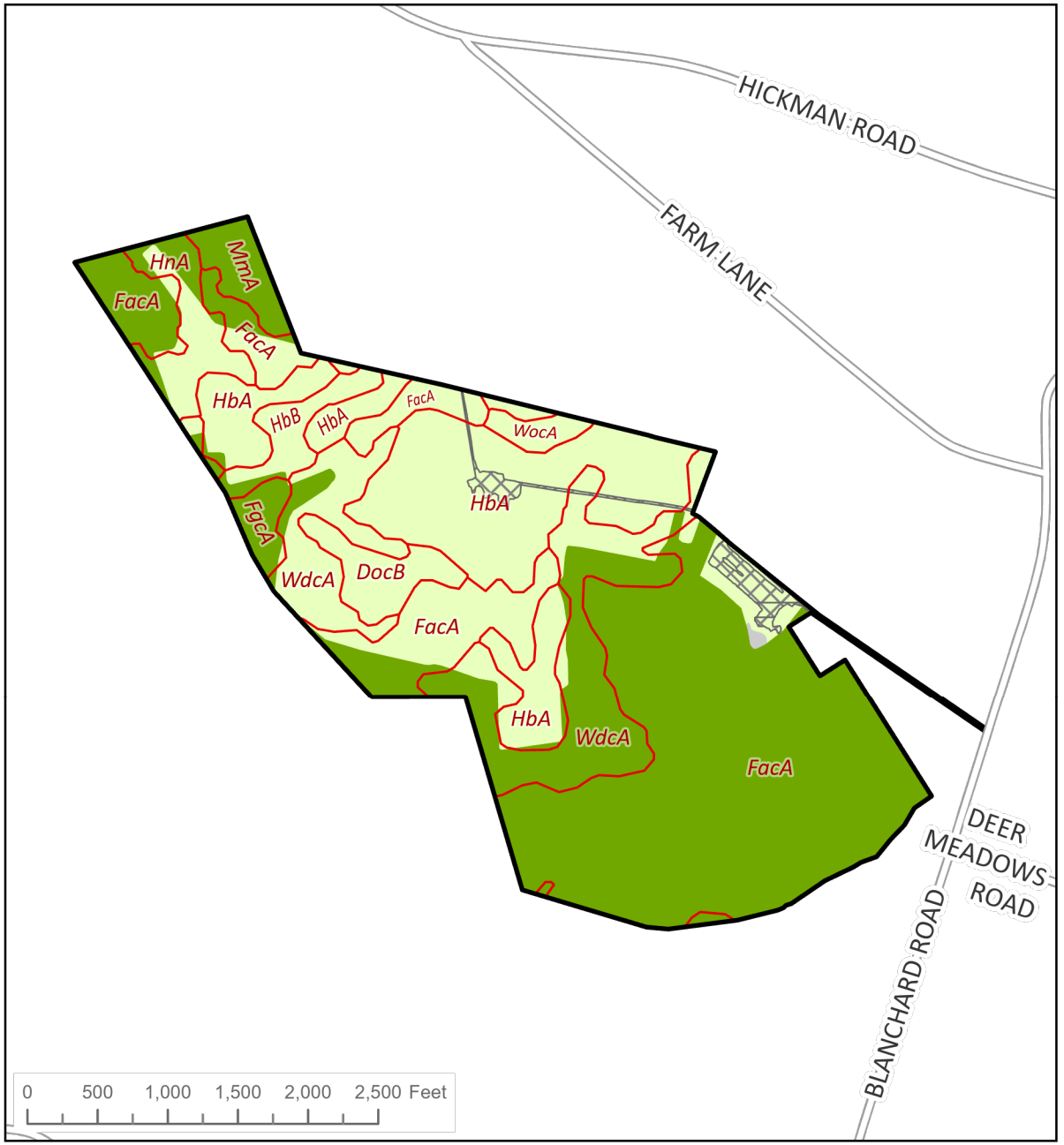
Project ID: S-22-08-301

SMITH FARM DISTRICT

NRCS Soils Present

- DocB,Downer sandy loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain
- FacA,Fallsington sandy loams, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain
- FgcA,Fallsington loams, 0 to 2 percent slopes, Mid-Altlantic Coastal Plain
- GoA,Glassboro sandy loam, 0 to 2 percent slopes
- HbA,Hambrook sandy loam, 0 to 2 percent slopes
- HbB,Hambrook sandy loam, 2 to 5 percent slopes
- HnA,Hammonton sandy loam, 0 to 2 percent slopes
- LO,Longmarsh and Indiantown soils, frequently flooded
- MmA,Mullica mucky sandy loam, 0 to 2 percent slopes
- WdcA,Woodstown sandy loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain
- WocA,Woodstown loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain

Parcel ID	Class	Soil	Rating	Acres
530-8.00-2.00	Agriculture	DocB	All areas are prime farmland	8.571
530-8.00-2.00	Agriculture	FacA	Farmland of statewide importance	29.299
530-8.00-2.00	Agriculture	FgcA	Farmland of statewide importance	0.584
530-8.00-2.00	Agriculture	HbA	All areas are prime farmland	62.977
530-8.00-2.00	Agriculture	HbB	All areas are prime farmland	6.378
530-8.00-2.00	Agriculture	HnA	All areas are prime farmland	7.402
530-8.00-2.00	Agriculture	WdcA	All areas are prime farmland	23.562
530-8.00-2.00	Agriculture	WocA	All areas are prime farmland	3.256
530-8.00-2.00	Forest	FacA	Farmland of statewide importance	124.475
530-8.00-2.00	Forest	FgcA	Farmland of statewide importance	4.821
530-8.00-2.00	Forest	GoA	Farmland of statewide importance	0.035
530-8.00-2.00	Forest	HbA	All areas are prime farmland	1.094
530-8.00-2.00	Forest	HbB	All areas are prime farmland	0.855
530-8.00-2.00	Forest	HnA	All areas are prime farmland	3.589
530-8.00-2.00	Forest	LO	Not prime farmland	0.173
530-8.00-2.00	Forest	MmA	Prime farmland if drained	6.700
530-8.00-2.00	Forest	WdcA	All areas are prime farmland	25.534
530-8.00-2.00	Other	FacA	Farmland of statewide importance	0.334
530-8.00-2.00	Wetland	FacA	Farmland of statewide importance	0.012



Total: 309.65 Ac
Cropland: 142.03 Ac
Forest: 167.28 Ac

Prime Soil: 309.48 Ac
Impervious Cover: 0.00 Ac
Road Frontage: 0 Ft

Agriculture
Forest
Urban
Wetland
Other
Impervious

N

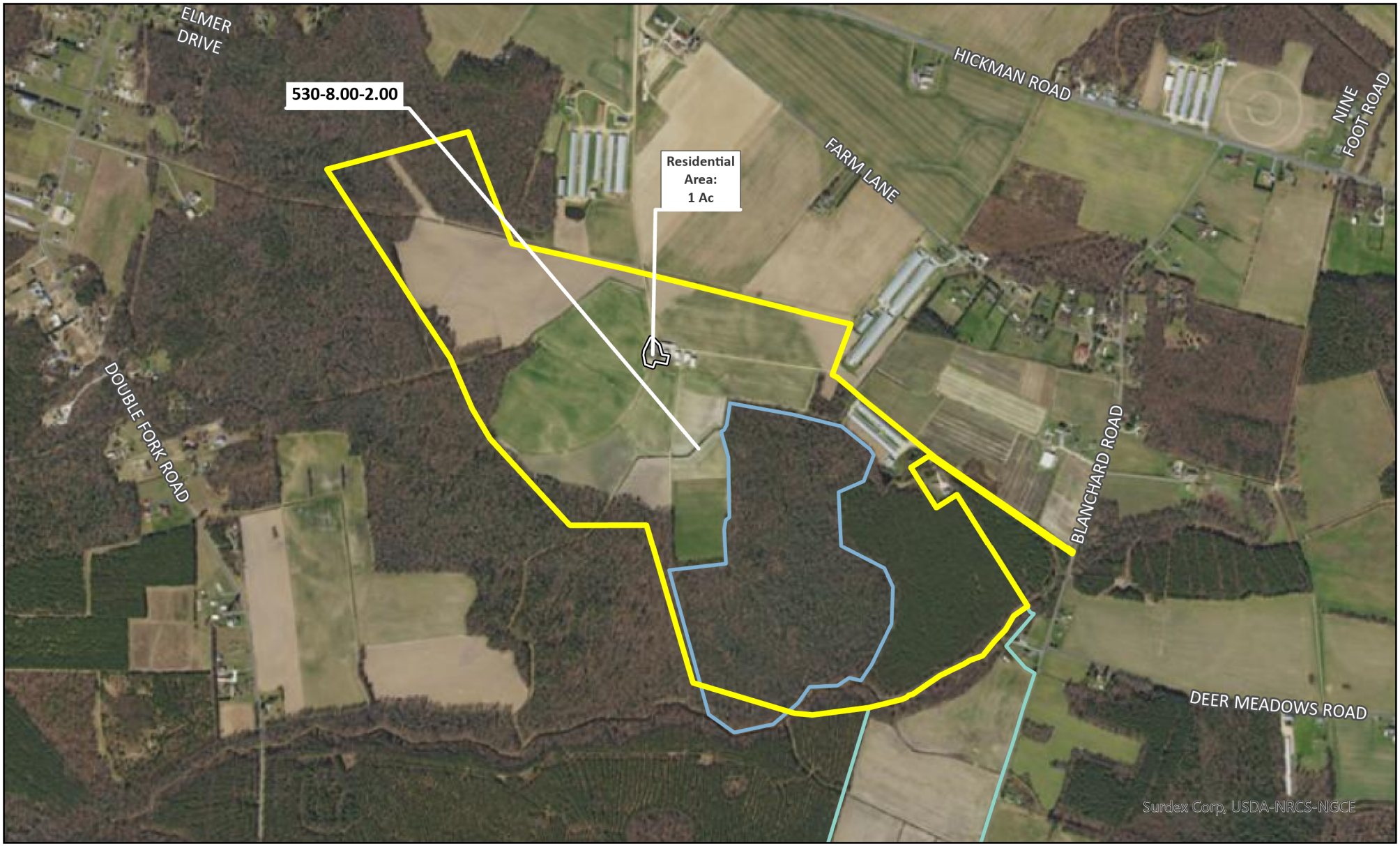
3

Eric Reid - Planner III
Delaware Dept of Agriculture
2320 S. Dupont Hwy
Dover, DE 19901

Exported: 9/6/2022

EXHIBIT B
S-22-08-301

SMITH FARM DISTRICT



Eric Reid - Planner III
Delaware Dept of Agriculture
2320 S. Dupont Hwy
Dover, DE 19901

Aerial Photo: April 2017
Exported: 9/6/2022

Parcel ID	Dwellings	Residential Acres	Road Frontage	Acres
530-8.00-2.00	1	1	0 ft	309.65

Area within BLUE polygon boundary is part of the Federal Wetland Reserve Program and consists of 80 acres. It will not be included in the District.

Farms in Agricultural Preservation are allowed 1 acre of residential land use for every 20 total acres, with a minimum of 1 and maximum of 10 acres. Up to 3 dwellings may be placed on the residential acres. Allowances may be further assigned to parcels by subsequent acknowledgements. Refer to the district agreement, easement, and any recorded acknowledgments for current allowances.

N

0 1,000 2,000 Feet

DELAWARE AGRICULTURAL LANDS *Preservation Foundation*

AGRICULTURAL PRESERVATION DISTRICT APPLICATION

Return to: The Delaware Agricultural Lands Preservation Foundation
2320 S DuPont Highway, Dover, DE 19901
Phone (302)698-4530, or Toll Free in DE Only (800)282-8685

File# **S-22-08-301**

Date 8-29-22

Name of Petitioner(s) **DAVID B. & MONICA E. SMITH**

Email Address: SMITHACRES94@YAHOO.COM

Mailing Address **12310 BLANCHARD ROAD**
GREENWOOD, DE 19950

Primary Contact Person **DAVID SMITH** **Preferred Contact Number: 302-236-2229**

Farm Location SUSSEX **Total Acreage of Farm 309**

Adjoining Roads BLANCHARD & HICKMAN ROADS; FARM LANE

County Tax Parcel Number(s) 530-8.00-2.00

Zoning Designation AR-1
(call County Planning for zoning designation)

Type of Farm Operation: GRAIN-POULTRY

Type of Land Use				
	Crop Land 131.67	**Acres**	**Aquaculture**	Acres
	Woodland 172	**Acres**	**Pasture Land**	**Acres**
	Farmland Structures 4	**Acres**	**Tidal Wetlands**	**Acres**
	Residence 1	**Acres**	**Other (specify)**	**Acres**

Of Dwelling Units: **1** Occupant's Name(s) & Relationship **DAVID & MONICA SMITH**

Easements/Rights-of-Way (if any) WRP WETLAND EASEMENT ON APPROXIMATELY 80 ACRES

Does the farm have a certified nutrient management plan? X Yes ☐ No

Is any portion of the proposed District/Expansion currently subject to subdivision? ☐ Yes X No

Is the property land locked? (no road frontage) X Yes ☐ No If yes please provide access rights documentation

District Name You Would Prefer: SMITH FARM DISTRICT

Monitor Zone 12 Do you wish to have your farm appraised for the next round of Aglands easement selections? X Yes ☐ No

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.

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
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application:	2021-24 Fishers Point
Applicant:	Jeff S. Burton 24139 Fishers Pt Millsboro, DE 19966
Owner:	The Jeffrey S. Burton Trust and Fisher Point, LLC 24139 Fishers Pt Millsboro, DE 19966
Site Location:	The site is located on the west side of Revel Road (S.C.R. 410), north of Lewis Road (S.C.R. 409).
Current Zoning:	Agricultural Residential (AR-1)
Proposed Zoning:	Agricultural Residential (AR-1)
Comprehensive Land Use Plan Reference:	Developing Area
Councilmanic District:	District 5 - Rieley
School District:	Indian River School District
Fire District:	Millsboro Fire Company
Sewer:	On-site septic systems
Water:	On-site well
TID:	Not Applicable
Site Area:	36.86 acres +/-
Tax Map ID:	133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

EQUAL HOUSING OPPORTUNITY

2021-24 Fishers Point

Streets Map

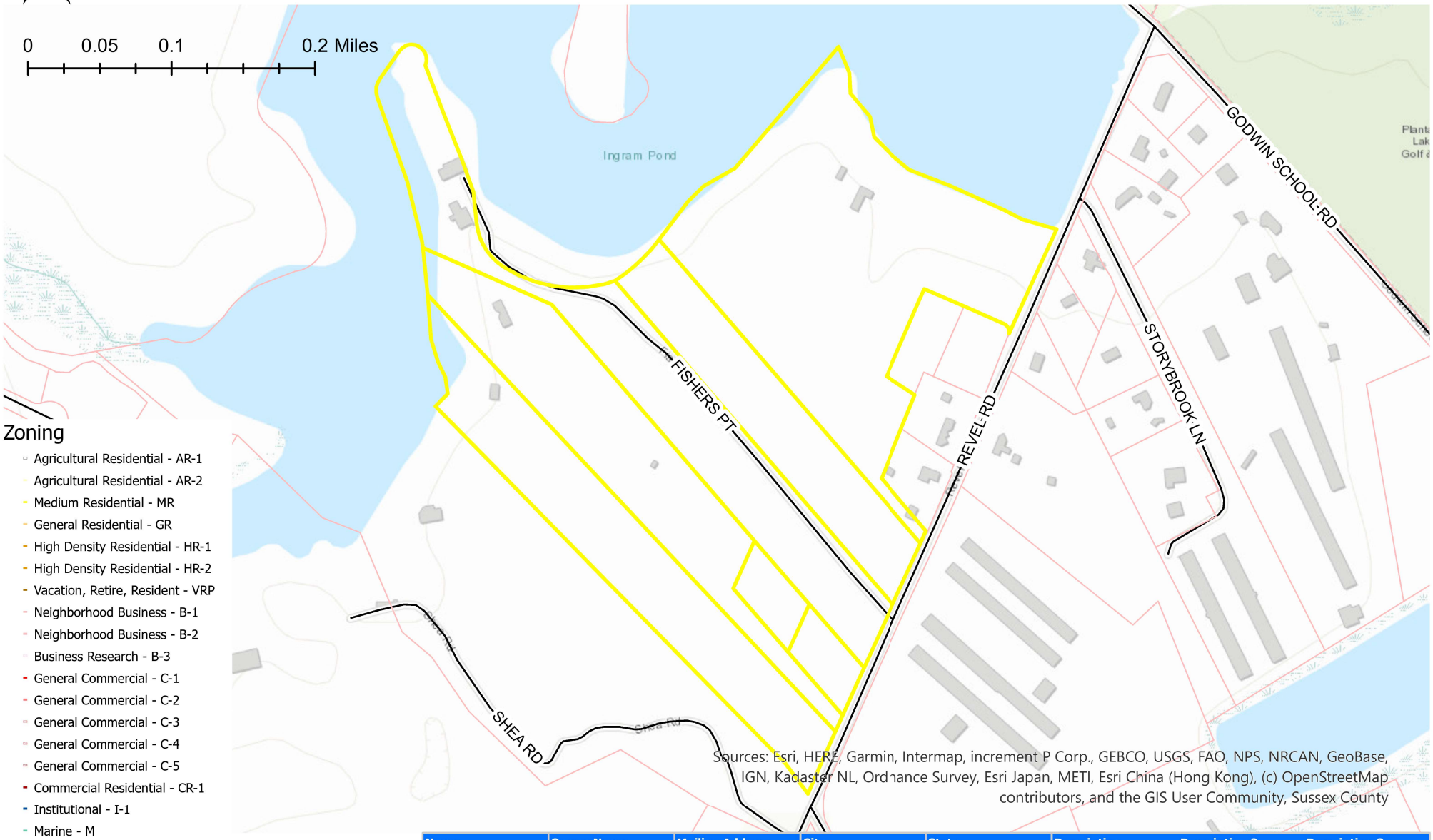
TaxParcels
Tax Parcel Selection
Streets
County Boundaries

July 22, 2022

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 41O
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

2021-24 Fishers Point

Zoning Map



Zoning

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

July 22, 2022

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 41O
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

2021-24 Fishers Point

Aerial Map

July 22, 2022

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 41O
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

File #: 2021-24
Pre-App Date:

Sussex County Major Subdivision Application 202118168

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: ✓ 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: __
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Ac **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information **For Parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.08, 81.12, & 81.14**

Owner Name: Jeffrey S. Burton, Shannon C Burton, Ty C. Burton, Wine Down Holdings LLC, The Jeffrey S. Burton Trust, & Fishers Point LLC,
Owner Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

See County File Ref #2021-24

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter (if required)**

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✔ **51% of property owners consent if applicable**

N/A, The project lies outside the Coastal Area

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

Signature of Applicant/Agent/Attorney

_____ Date: 12/6/2021

Signature of Owner

_____ Date: 12/6/21

For office use only:

Date Submitted: 12/9/21 Fee: $500.00 Check #: 1141

Staff accepting application: KBD Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Ty Burton

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: ✓ 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: __
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information **For Parcels 133-16.00-81.05, 81.10, & 81.13**

Owner Name: Daniel F Burton
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

See County File Ref #2021-24

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✔ **51% of property owners consent if applicable**

N/A, The project lies outside the Coastal Area

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

Signature of Applicant/Agent/Attorney

_____ Date: 12/6/2021

Signature of Owner

Dan H Burton Date: 12/6/2021

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Dan Burton

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: ✓ 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: __
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information

For Parcel 133-16.00-81.06

Owner Name: Susan V. Thompson & Robert D. Thompson, III
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

See County File Ref #2021-24

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

N/A, The project lies outside the Coastal Area

✔ **51% of property owners consent if applicable**

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

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

Signature of Applicant/Agent/Attorney

_____ Date: 12/6/21

Signature of Owner

Susan V Thompson, Matthew [illegible] Date: 12-6-2021

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

_____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

OFFICE OF THE STATE FIRE MARSHAL
Technical Services

22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-210223-MJS-01
Status: Approved as Submitted

Tax Parcel Number: 133-16.00-81.00
Date: 04/19/2022

Project

Fishers Point
, Unit #: 50 Lots
Fishers Point

29254 Revel Road
Millsboro DE 19966

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 83 - Millsboro Fire Co Inc

Occupant Load Inside:
Occupancy Code: 9601

Applicant

David Heatwole
PO Box 2
Harrington, DE 19952

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

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

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

A final inspection is required.

This Plan Review Project was prepared by:

John Colpo
Fire Protection Specialist

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-210223-MJS-01
Status: Approved as Submitted
Tax Parcel Number: 133-16.00-81.00
Date: 04/19/2022

PROJECT COMMENTS

1002 A	This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
1010 A	The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3).Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
1180 A	This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
1501 A	If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes orrevisions to the plans occur, plans are required to be submitted, reviewed, and approved.

MAPPING & ADDRESSING

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

Sussex County
DELAWARE
sussexcountyde.gov

November 18, 2021

Siteworks Engineering
PO Box 2
19 Commerce St.
Harrington, DE 19952

Attn: Dave Heatwole, PE, Principal

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

Dear Mr. Heatwole,

Sussex County Emergency Operations Center (EOC) examined the appeal submitted on behalf of Mr. Jeff Burton to use of the name of **Fishers Point**. Said subdivision is located in **Millsboro**, DE and includes parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14.

Based on the granted appeal the proposed name(s) below has been **approved** for this subdivision:

FISHERS POINT

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

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Planning & Zoning

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

May 5, 2022

Dave Heatwole, PE | Principal
Siteworks Engineering
19 Commerce St.
Harrington, DE 19952
Dave.Heatwole@siteworkseng.com

RE: Fishers Point Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **Fishers Point**, located on parcel 133-16.00-81.00, 81.02, 81.04, 8105, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 in Millsboro, DE 19966. Based on our review the following proposed street name(s) have been **approved**:

Fishers Pt	Kingfisher Ct	Bluegill Ct
Doe Watch Way	Stag Run Ct	

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 **Fishers Point** 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

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

TO: **Jamie Whitehouse**

REVIEWER: **Ken Briggs**

DATE: **9/30/2022**

APPLICATION: **2021-24 Fishers Point**

APPLICANT: **Jeff Burton**

FILE NO: **NCPA**

TAX MAP & PARCEL(S): **133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, 81.13**

LOCATION: **West side of Revel Road (S.C.R. 410) north of Lewes Road (S.C.R. 409)**

NO. OF UNITS: **48**

GROSS ACREAGE: **40.657**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Municipal Growth & annexation Area**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified $6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **Growth and annexation of Millsboro, and contact town for availability of water and sewer**

(9). Is a Sewer System Concept Evaluation required? **Not at this time**

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

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

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
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application:	2021-24 Fishers Point
Applicant:	Jeff S. Burton 24139 Fishers Pt Millsboro, DE 19966
Owner:	The Jeffrey S. Burton Trust and Fisher Point, LLC 24139 Fishers Pt Millsboro, DE 19966
Site Location:	The site is located on the west side of Revel Road (S.C.R. 410), north of Lewis Road (S.C.R. 409).
Current Zoning:	Agricultural Residential (AR-1)
Proposed Zoning:	Agricultural Residential (AR-1)
Comprehensive Land Use Plan Reference:	Developing Area
Councilmanic District:	District 5 - Rieley
School District:	Indian River School District
Fire District:	Millsboro Fire Company
Sewer:	On-site septic systems
Water:	On-site well
TID:	Not Applicable
Site Area:	36.86 acres +/-
Tax Map ID:	133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

EQUAL HOUSING OPPORTUNITY

2021-24 Fishers Point

Aerial Map

0 0.05 0.1 0.2 Miles

TaxParcels
Tax Parcel Selection
Streets
County Boundaries

July 22, 2022

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 410
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

2021-24 Fishers Point

Streets Map

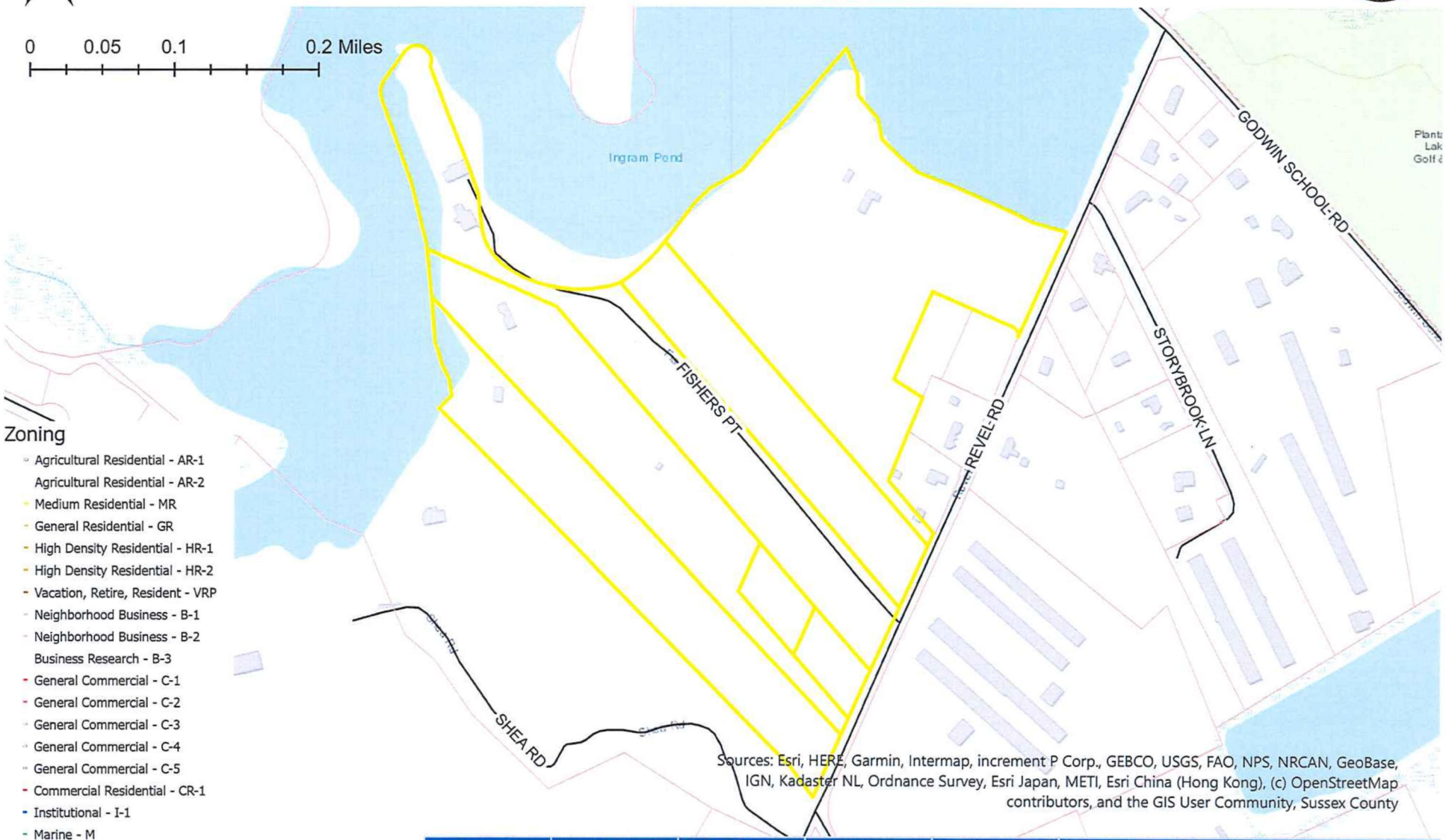
TaxParcels
Tax Parcel Selection
Streets
County Boundaries

July 22, 2022

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 410
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

2021-24 Fishers Point

Zoning Map



Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 410
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

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

Date: **February 7, 2022**

REF: **T. A. C. COMMENTS**
Fisher Point Subdivision (2021-24)
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13 & 81.14
AGREEMENT NO.1197

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County Street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
    - Engineering recommends island opening for access for parcels 81.08 and 81.12 and egress for proposed lots 1 and 2.
    - Project may require drainage easement for parcels 81.08 and 81.12 if boulevard is going to be open drainage design.
    - An approved turn around must be provided where dead end street are greater than 300 as measured from the nearest turnaround.

2. This project **is not** located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.

3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography, and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.

4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North Arrow required to identify northern direction and viewport should be best fit for the project.

5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.

6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

The plans shall show and address the following items at minimum:

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.

8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.

9. The plan requires a Certification Signature and/or a Certification Block for the following:

    - Delaware Professional Engineer or Delaware Land Surveyor.
    - Owner or Representative of the Owner.
    - Professional Wetlands Delineator.

10. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.

11. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.

12. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.

13. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase and shall be recorded prior to being issued a notice to proceed.

14. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets. Sussex County Mapping & Addressing will have final say on proposed street names.

15. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 21305 Berlin Road, Suite 2, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.

16. Provide the limits and elevations of the 100-year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.

17. False berms shall not be utilized to create roadside drainage swale back slopes.

18. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way, or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.

19. Provide and show the locations and details of all ADA pedestrian connections.

20. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.

21. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.

22. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.

23. Provide statements concerning any proposed deed restrictions to be imposed by the owner.

24. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.

25. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.

26. When special studies or investigations pertain to a regulatory program of another public

agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

SEWER SPECIFIC COMMENTS

LOCATION: **Lying on the northwest side of Revel Road (SCR 410), approximately 0.16 mile south of Godwin School Road (SCR 328A)**

NO. OF UNITS:45

GROSS ACREAGE: 38.860

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

(2). Which County Tier Area is project in? Municipal Growth & Annexation Area

(3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.

(4). Is a Construction Agreement required? N/A If yes, contact Utility Engineering at (302) 855-7370 / option 2.

(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? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **The proposed subdivision is located within the boundaries of the Growth and Annexation Area of the Town of Millsboro. Contact the Town concerning the availability of sanitary sewer and water. Sussex County Engineering Department recommends the subdivision receive sewer/water service from a municipality or private company.**

(9). Is a Sewer System Concept Evaluation required? **N/A**

(10). Is a Use of Existing Infrastructure Agreement Required? **N/A**

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.

Jesse Lindenberg

From: Cullen, Kathleen M <kathleen_cullen@fws.gov>
Sent: Tuesday, March 8, 2022 11:39 AM
To: Planning and Zoning
Subject: FWS review of Fishers Point subdivision

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.

Hi Lauren-

This email is regarding the Fishers Point subdivision. There are no federally listed species at this location, so no further Section 7 consultation is needed. You can fill out the Online Certification Letter if further documentation is needed: https://www.fws.gov/chesapeakebay/saving-wildlife/project-review/online-certification-letter.html

Our office is currently teleworking for the foreseeable future, so there may be delays in mail pick up. For future projects, the fastest way to get a response is to submit through IPaC: https://ecos.fws.gov/ipac/. Please let me know if you have any questions!

Thank you,
Kathleen

Kathleen Cullen
U.S. Fish & Wildlife Service - Chesapeake Bay Field Office
177 Admiral Cochrane Dr., Annapolis MD, 21401
410-573-4579 - kathleen_cullen@fws.gov

DELAWARE DEPARTMENT OF
AGRICULTURE

2320 South DuPont Highway
Dover, Delaware 19901
agriculture.delaware.gov

Telephone: (302) 698-4500
Toll Free: (800) 282-8685
Fax: (302) 697-6287

March 11, 2022

Lauren DeVore, Planner III
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: **Preliminary Subdivision Plans Fishers Point**

Dear Ms. DeVore,

Thank you for providing preliminary plans for Fishers Point submitted by Siteworks Engineering. The plans submitted to our section dated December 7, 2021, are sufficient to meet the Sussex County Planning and Zoning Forested Buffer Ordinance.

The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website.

The Delaware Forest Service has no further comment to Fishers Point preliminary subdivision plans dated December 7, 2021, at this time.

If you have any questions, please feel free to contact me at taryn.davidson@delaware.gov.

Sincerely,

Taryn Davidson

Taryn Davidson
Urban Forestry Program
Delaware Forest Service

USDA
United States Department of Agriculture

Natural Resources Conservation Service

Georgetown Service Center

21315 Berlin Road
Unit 3
Georgetown, DE
19947

Voice 302.856.3990
Fax 855.306.8272

March 11, 2022

Jamie Whitehouse, Director
Sussex County Planning & Zoning
Sussex County Courthouse
Georgetown, DE 19947

RE: Fishers Point Subdivision
Dagsboro Hundred
45 single family lots

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

EvD	Evesboro loamy sand, 5 to 15 percent slopes
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
EvD	Y3	Somewhat limited	Somewhat limited	Very limited
PsA	Y2	Very limited/Somewhat limited	Somewhat limited/Not limited	Very limited
PsB	Y2	Very limited/Somewhat limited	Somewhat limited/Not limited	Very limited

Definition of soil limitation ratings classes:

Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development.

"Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

An Equal Opportunity Provider and Employer

"Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

"Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Y2:
The soils in this classification are nearly level or gently sloping, moderately well drained or well drained with ground water between four to six feet from the surface, and are subject to seasonal high water tables. Seasonal wetness and seepage around foundations moderately limits these soils for residential use. The principal soil limitations are: 1) lateral seepage in subsoil causes concentration of water around foundations, 2) soil is highly susceptible to frost action, 3) excavations are likely to fill with water in late winter or early spring, and 4) wet basements or foundations are probable.

Y3:
Strongly sloping to steep (5-15% slopes) excessively drained, very sandy, rapidly permeable soils. These are the same kind of soils as in subclass G2 but are more sloping. Slopes moderately limit their use for residential developments, but available moisture for lawns, trees, shrubs, and gardens is severely limited, especially if the soil has been graded.

The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the soil area; nor to the pattern they form with other soils in the landscape. Also, because of the scale of the maps used, small areas of other kinds of soils may be included within some delineations of the soil map. Thus, an individual lot or building site could occupy a small area that would not fit the interpretations given for the soils symbol representing the entire delineation of the map. Interpretations apply to the soils in their natural state and not for areas that may have been altered through grading, compacting, and the like.

Sincerely,

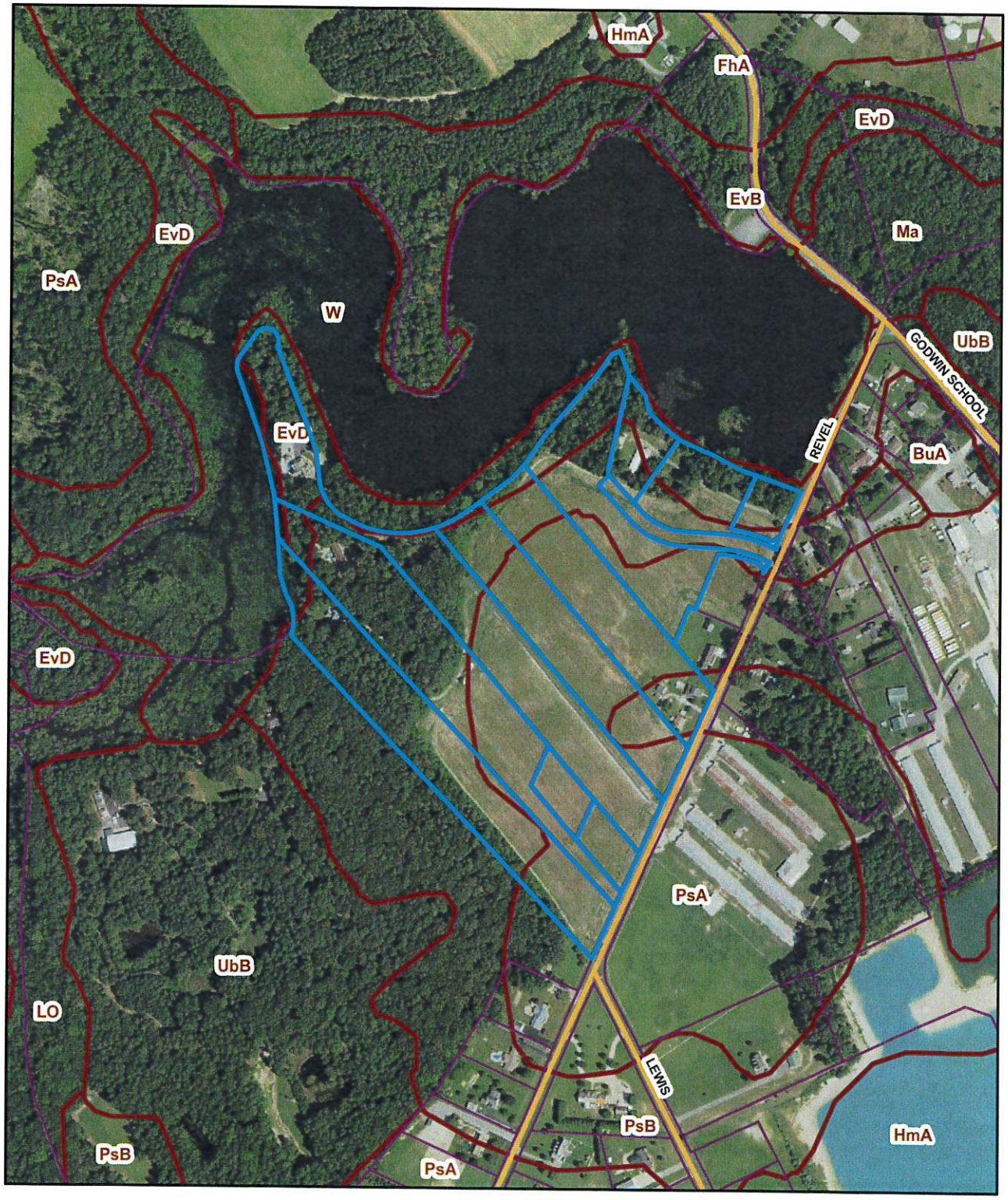
Thelton D. Savage
District Conservationist
USDA, Natural Resources Conservation Service

TDS/bh

2021-24

TM #133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13, & 81.14

Fishers Point Subdivision



2021-24

TM #133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13, & 81.14

Fishers Point Subdivision

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

GROUNDWATER DISCHARGES

PHONE
(302) 739-9948

July 27, 2022

Brad Cate
Eastern Shore Soil Services
PO Box 411
Georgetown, DE 19947

RE: Soil Feasibility Report for Fisher's Point
Parcels 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Mr. Cate:

The Department of Natural Resources and Environmental Control (the Department) has received a submittal from Eastern Shore Soil Services, requesting a non-binding statement of feasibility for Jeffery S. Burton, et. al. as required by the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, dated January 4, 1985, last amended on January 11, 2014 (the Regulations).

The submittal consists of a report titled "Subdivision Feasibility Study for On-Site Wastewater Fisher's Point" prepared by Eastern Shore Soil Services, dated January 24, 2022. The report includes a written summary of the study, Sussex County parcel information sheets as proof of ownership, soil profile notes, results of permeability testing and other supplemental information. Information shown on the plan includes, but is not necessarily limited to, the conceptual lot layout for the proposed subdivision, the proposed lot sizes, wetland areas, storm water management areas, test pit locations, permeability test locations, on-site topographic information at an apparent one-foot contour, locations of wells within 150 feet of the subject site and septic approval/septic denial areas.

Background Information

The property is located on the northwest side of Revel Road (CR 410), between Lewis (CR 409) and Godwin School Roads (CR410) in Sussex County, Delaware. The parcels reportedly consist of 39.8+/- acres per the report provided by Eastern Shore Soil Services and will hereafter be referred to as the project site. The owner/applicant proposes to subdivide the project site into a total of 48 new residential lots with lot sizes of 0.5 acres at a minimum. On July 26th, 2002, Dave Heatwole, P.E., provided additional information indicating that there are 7 existing lots, 4 existing lots to be consolidated, and 3 existing lots to remain (reconfigured, parcels ending in 81.04, 81.05, and 81.06). All

lots are planned to be served by individual on-site wastewater treatment and disposal systems (OWTDSs) and individual on-site wells. The project site is within the Inland Bays watershed and the current land use designation is cropland, woodland, and residential strip development. There are no commercial wells or well head protection areas within 150 feet of the study area and no state mapped wetlands within the parcel. There is a dwelling and associated agricultural out buildings in the northwest corner of the parcel. Lands to the south and west are mostly residential. Surrounding dwellings are served by individual OWTDSs and well water.

Soils Investigations by Eastern Shore Soil Services and Discussion

Forty-one (41) borings were performed as part of the Soil Feasibility Study. The locations of the soil borings are shown on the plan. In addition, septic approval and septic denial map units delineated by Eastern Shore Soil Services, are shown by the plan. The septic denial map unit is reportedly not feasible for OWTDSs and would most likely be utilized as stormwater management area(s). The denial map unit will not be discussed further. The septic approval map unit has estimated limiting zones ranging from 20 inches to greater than 72 inches below the ground surface. Soils within the Arenic Paleudlut (AP) units are expected to support predominately lo pressure pipe (LPP) and sand-lined full depth gravity-fed disposal systems. Soils within the Lammellic Hapludult/Arenic Hapludult (LH/ArH) units are capable of supporting predominately full-depth gravity-fed septic systems. Estimated percolation rates will be assigned by future individual site evaluations conducted in conformance with regulatory requirements.

Two infiltrometer tests were conducted by Boozer Septic and Excavation at two mapped areas (by soil mapped units). These test results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. The infiltrometer test results support that the AP soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems. The resulting percolation rate of 10 minutes per inch indicates few, if any, hydraulic limitations for on-site systems within the LH/ArH map units (predominately full-depth gravity-fed septic systems).

Conclusion

Based on the information provided in this report submitted by Eastern Shore Soil Services it is the opinion of the Department that the proposed 44 lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and the areas delineated by the plan as being feasible for OWTDS are accurate.

Site Preparation

Removal, disturbance, or compaction of the soil during any portion of the construction and building phase other than that necessary for system installation might result in the rescission of the site evaluation approval. Soil material from road cuts and other excavated sources should not be placed on any portion of the proposed OWTDS areas. It is best to keep all areas proposed for on-site wastewater treatment and disposal free from any form of disturbance by methods such as staking, flagging, or fencing. Tree clearing, if necessary, should be performed in accordance with current "Lot Clearing Guidelines." The Department reserves the right to inspect the construction site at any time to ensure compliance with the above.

Future Requirements and Comments

Prior to obtaining individual OWTDS construction permits, complete site evaluation reports will be required for all lots in accordance with the Regulations. The Department requires one copy of the **Record Plat** following the most recent final subdivision approval by the Planning and Zoning Commission of Sussex County prior to processing and approving any site evaluations.

Non-Binding Statement of Feasibility

Based on information collected, interpreted, and submitted by Eastern Shore Soil Services, it is the opinion of the Department that the 44 (8 existing and 36 proposed new lots) lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and areas delineated as being feasible for OWTDS as depicted by the Plan are accurate.

The comments in this letter are technical and are not intended to suggest that DNREC supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

Sincerely,

Jenwei Tsai

Jenwei Tsai
Environmental Scientist
Division of Water

Pc: Brad Cate, Eastern Shore Soil Services
File

Subdivision Feasibility Study
For On-Site Wastewater
Fisher's Point

Property Location: Northwest Side of Revel Road (CR 410), Between Lewis (CR 409) and Godwin School Roads (CR 410)

Total Acres: 39.765
Net Lot density: 1.031 Units/Ac.
Minimum Lot Size: 0.5 Ac.
Number of Lots to be Created: (8 Existing-36 Proposed New Lots)
Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13
Zoning: AR-1

Proposed Wastewater Disposal: Individual On-site Septic Systems
Proposed Water Supply: Individual On-site Wells

Owner/Developer(s): Jeffrey S. Burton, et. al.
24139 Fishers Pt.
Millsboro, DE 19966

Date: 1/22/22

Prepared By: Bradley J. Cate, CPSSc/CPSC, D2052

***E**astern **S**hore **S**oil **S**ervices*

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits

P.O. Box 411
Georgetown, DE 19947
(302) 856-1853

P.O. Box 411
Savanna, IL 61074
(302) 856-1853

bradcate@easternshoresoil.com

INTRODUCTION

Eastern Shore Soil Services was retained to complete a subdivision feasibility study in accordance with Section 5.0 of the current *Delaware Department of Natural Resources and Environmental Control Regulations Governing the Design, Installation, and Operation of On-Site Waste Water Treatment and Disposal Systems* (adopted January 11, 2014). Field work was conducted from 10/11/21 thru 12/4/21. Logged soil borings were conducted on an approximate 200 x 200 foot grid pattern established by decimeter or better GNSS with adjustments as needed to obtain representative locations or accessibility. A total of 41 soil borings were logged and classified to the subgroup taxon on the referenced parcel.

The study area consists of 8 parcels on the northwest side of Revel Road and bordered on the east by Ingrams Pond. Current land use is cropland and woodland. Adjacent land use is agricultural, woodland, and residential strip development.

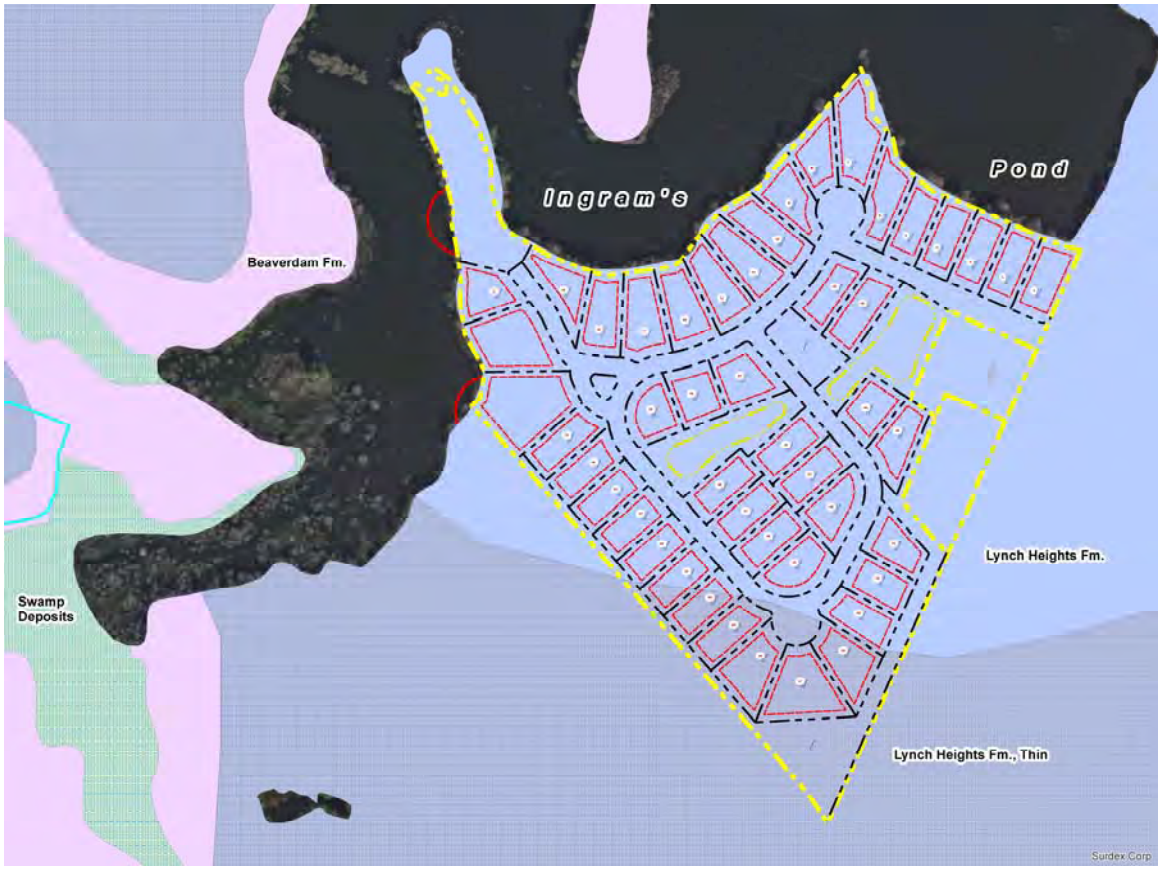
The preliminary lot layout was obtained from Siteworks Engineering. Adjacent wells were visually located door to door. Adjacent septic systems were visually located or were located from records (Delaware Open Data).

RELIEF, STRATIGRAPHY, AND HYDROLOGY

This site consists of level to gently sloping portions of a broad interstream divide and an adjacent floodplain. Approximately 15’ of elevational relief (elevation 21’ to elevation 36’) exists at the site from the pool elevation of Ingrams Pond to the adjacent summit of the interstream divide. Significant slopes are relegated to the shoulder and backslope of the interfluve in transition to the pool elevation of the pond.

The soils developed in sandy parent materials to a depth of >72”. Some profiles exhibited a loamy to clayey layer between 40” and 72”. The Delaware Geological Survey (DGS) mapping of the Millsboro and Whaleysville Quadrangles indicates the prevalence of the Lynch Heights Formation (standard and thin subunits) over the entirety of the project site. No morphological differentiation between the subunits was evident in soil profiles.

Free water was only observed within a depth of 72” at lower elevations near Ingrams Pond. DGS mapping suggests a free water surface at 6-9’ and 9-16’ (below ground surface) under “wet” and “normal” conditions. The water level of Ingrams Pond depicted by 2014 LIDAR (data obtained between 12/17/2013 and 4/6/2014) is 21’. This would be a static level with a controlling spillway. A borrow pit lacking an outlet approximately 1000’ east of the southern portion of the project indicated groundwater (during the same LIDAR acquisition period) at elevation 23’. This is likely representative of local groundwater without the influence of immediately adjacent drainage outlets. It is to be expected that seasonal groundwater would be lowered from the 23’ value most significantly in areas of the site closest to Ingrams Pond (which constitutes a drainage feature). Historical data indicates near normal seasonal conditions for the 2013-2014 winter when the LIDAR was generated. In the absence of on-site well data and based on observations above, a groundwater elevation of 23’ could reasonably be considered a normal seasonal high for the majority of the site.



DGS Surficial Deposits Map (Millsboro and Whaleysville Quadrangles, NTS)

DEPTH TO AND TYPE OF LIMITING ZONES ENCOUNTERED

Limiting zones were inferred from low chroma colors, redox accumulations, depth to materials deemed hydraulically restrictive, and combinations of the above. All limiting zones identified within 72" below ground surface (BGS) on landforms above elevation 29' are likely to consist of perched seasonal water tables or zones of preferential flow. Limiting zones below this elevation are apparent seasonal groundwater.

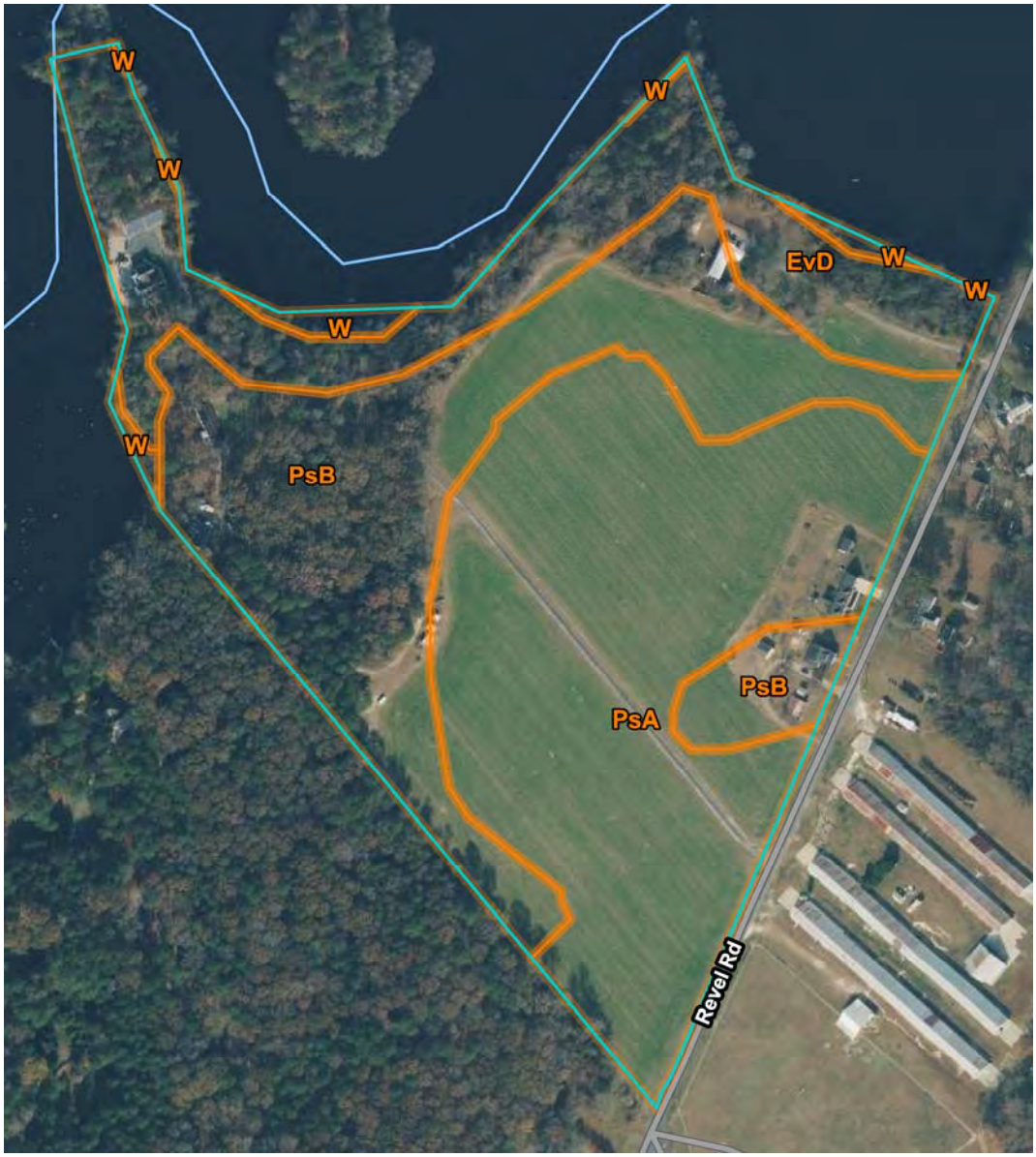
No soils with apparent seasonally saturated conditions within 72" BGS were interpreted at this site above elevation 29'. Areas below the 29' contour are generally within a 50' isolation distance to the pond and not relevant to this report for wastewater disposal. Some profiles with relict redoximorphic features above 72" were observed associated with loamy to clayey subsoil/substratum textures. Other profiles with redoximorphic features were present but were at lower elevations adjacent to the pond. The pond is a geolocially recent artificial impoundment that has likely raised the groundwater thru reduction of the hydraulic gradient. Redoximorphic features, particulary at depth, may not have yet fully formed in response to the pond induced groundwater levels.

Many profiles were identified with matrix colors of chroma 2 or less in sandy strata containing bright lamellae. The lamellae lacked either redox depletions or accumulations. It is reasonable to assume that these low chroma colors do not represent seasonal saturation due to the lack of redox features in the lamellae and that lamellae generally don't form significantly below the groundwater surface. In addition, available groundwater elevation data (see above) is not congruent with these colors being induced by iron reduction and loss.

Hydraulically restrictive layers were characterized by strata with textures high in fine sands, clay content, or having dense/brittle rupture resitance. These strata primarily occurred in profiles within the AP (Aquic Paleudult) delineation. They did not commonly extend thru 72" BGS. Based on the infiltrometer test conducted (see discussion below), these strata nearly constitute a limiting zone due to permeability approaching 120 minutes per inch (MPI). Current regulations consider soils with percolation rates slower than 120 MPI to be unsuitable for wastewater disposal. However, Section 5.2.1.3 allows reduction in estimated percolation rates used for design based on depth and the characteristics of materials overlying the more slowly permeable freatures. Perched seasonal groundwater in or above these strata are expected to be of relatively short duration if they ocurr.

NRCS SOIL MAPPING

The NRCS soil mapping of the project area and legend are depicted below:



USDA-NRCS Soil Survey Map of Site (NTS)[1]

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EvD	Evesboro loamy sand, 5 to 15 percent slopes	8.8	20.2%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	18.7	42.9%
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	15.4	35.3%

[1] http://websoilsurvey.nrcs.usda.gov/app/

The study area is mapped primarily as the Pepperbox Rosedale Complex. The Pepperbox component has a perched seasonal water table and hydraulically restrictive layer within 24-40" of the surface. The Rosedale component allows hydraulically restrictive features within 40" of the surface or an absence of these features within 72" BGS. This mapping is not congruent with the soil composition within the study areas since they are better drained and much deeper to seasonal groundwater. The nearest mapped analogy to the Rosedale soils is the AP map unit detailed in this study. Due to the widely acknowledged deficiencies of the soil survey mapping for non agricultural uses, little additional discussion is merited.

MAP UNITS DELINEATED

Due to the availablility of topographic contours, slope classes are omitted. Two soil map units were delineated on the parcel:

AP	Arenic Paleudults
LH/ArH	Lamellic Hapludults/Arenic Hapludults

AP Arenic Paleudults

The level to nearly level AP unit is well drained with depth to perched seasonally saturated materials typically at 53" to >72". These soils occur on planar, convex, and mildly concave landforms. The surface layer is loamy sand generally 20" or more in thickness. The subsoils are typically loamy sand or sandy loam above a lithologic discontinuity abruptly transitioning to bright fine sandy loam thru clay loam, with or without relict redox features, below. Rupture resistance is generally firm/brittle. Underlying the firm/brittle materials are stratified coarse sands thru loamy sands, usually containing lamellae.

Most soils in this unit appear to have sufficient depth to the discontinuity for siting full-depth low pressure pipe (LPP) or capping-fill gravity-fed septic systems. Another option is to excavate/sand-line thru the restrictive layer, backfill with suitable sand, and install a sand-lined full-depth gravity-fed disposal system. All permitted systems in this unit require advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy.

Because the restrictive layer was not observed to extend thru 72" and is underlain by coarse textures, these soils have slight to moderate limitations for stormwater management infiltration basins and excavated detention ponds. The invert elevation for infiltration structures must be below the bottom of the restrictive horizons. Permeability is moderately slow to slow in the restrictive layers and rapid to moderately rapid both above and below. Hydrologic group is A.

LH/ArH Lamellic Hapludults/Arenic Hapludults

The level to gently sloping LH/ArH unit is well to somewhat excessively drained with depth to seasonally saturated materials typically below 72". These soils occur on planar, convex, or mildly concave landforms. The surface layer is loamy sand generally

20” or more in thickness. The subsoils typically consist of loamy sand or sandy loam lamellae. The ArH component typically consists of lamellae both above and sometimes below a sandy loam to sandy clay loam argillic horizon over 6” thick. The substratum is generally sand or coarse sand, with or without lamellae. Also included are some soils with lamellae that are too thin or that do not meet combined thickness requirements for an argillic horizon which were classified as Lamellic Quartzipsamments.

Soils in this unit appear to have sufficient depth to a limiting zone for siting full-depth gravity-fed disposal systems. Advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy is required.

These soils have slight limitations for stormwater management infiltration basins or detention ponds. Permeability is rapid to moderately rapid. Hydrologic group is A.

INFILTROMETER TESTS

In order to grossly assess possible sizing requirements of potential on-site systems, 2 infiltrometer tests were conducted by Boozer Septic and Excavation. One test each was conducted in the LH/ArH and the AP units. Results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. In addition, it is likely that the evaluator conducting individual site evaluations will assign percolation rates tailored to the soil characteristics of each lot and also based on individual philosophy.

Test Location	Test Depth	Soil Texture at Test Depth	Map Unit Designation	Measured Value in Min/In.
C6	46”	firm brittle heavy SCL	AP	120 MPI
D5	24”	SL lamellae	LTH	10 MPI

Test results for location C6 indicated marginal suitability for on-site systems in the AP units. However, the apparent ability to sand-line and or prorate the estimated percolation rate to reflect that this strata was 40” or more below the surface does not indicate this as an issue of concern. Presence of slow permeability in and immediately below the expected drainfield installation (18” to 24” gravel depth) is most relevant because a biomat formed in such materials determines the long term acceptance rate of a soil. Deeper restrictive layers will not be influenced by biomat formation and could be expected to maintain a long term acceptance rate comparable to the hydraulic test values for water. These soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems.

Test D5 was conducted in sandy loam textured lamellae. The resulting percolation rate of 10 minutes per inch indicates few, if any hydraulic limitations for on-site systems within the LH/ArH map units.

CONCLUSIONS

From this study, it appears that individual on-site disposal systems are feasible for all the lots proposed by this plan. Soils within the AP units are expected to support predominately LPP and sand-lined full depth gravity-fed disposal systems. Soils within

the LH/ArH units, are capable of supporting predominately full-depth gravity-fed septic systems. The attached soils map depicts the estimated aerial extent of designated map units based on 200' x 200' grid observations. It is likely these boundaries might change significantly based on more detailed individual site evaluations with 3 or more borings per lot at closer spacings.

Because this proposed development falls within the DNREC designated inland bays watershed, any system permitted within this planned development must incorporate technologies meeting the PSN3 standard.

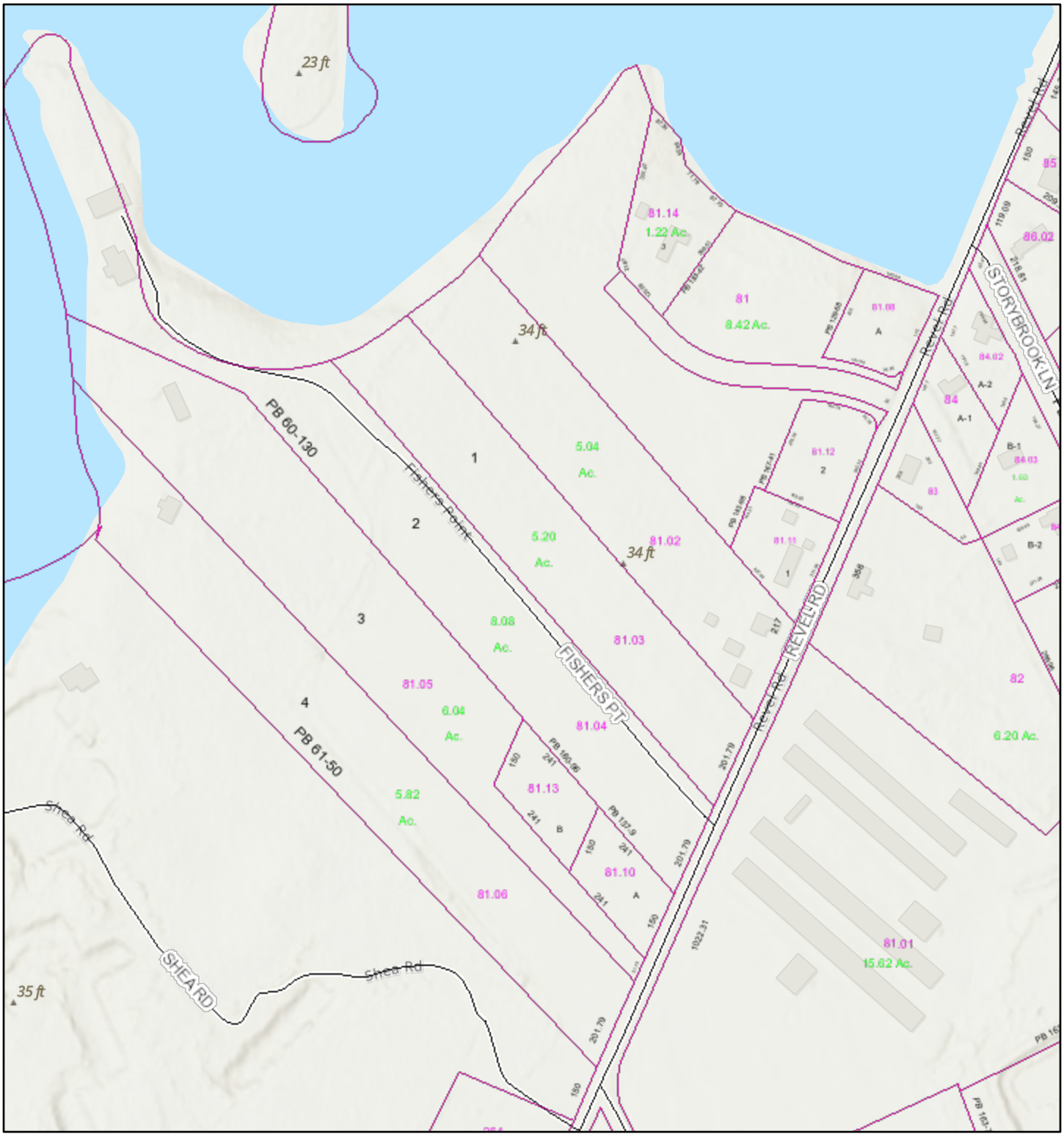
RECOMMENDATIONS

The design engineer should prepare an infrastructure construction plan that depicts areas where heavy equipment will be operated and where spoil will be placed or spread in response to road and stormwater management system construction. Placement of spoil or overtravel by heavy equipment on lot areas that will be used for on-site septic systems is to be discouraged. This plan should be adhered to and also given to the soil evaluator conducting later individual site evaluations so areas of concern due to compaction can be anticipated and sampled rather than overlooked. If equipment is operated randomly over the site, or spoil is placed haphazardly, system failures due to compaction will be likely. It is not readily apparent to a site evaluator where compaction has or has not occurred on a regraded site.

Because individual wells are anticipated rather than a central water system, a subdivision infrastructure plan depicting well and septic locations should be developed. Such a plan will help to avoid conflicts between well and septic system isolation distances among adjacent lots as the subdivision approaches build-out. The plan is typically prepared by the design engineer after all individual site evaluations have been conducted. If the plan is submitted to DNREC and the recorded with the county, site evaluation reports will expire after 77 years instead of 5 years.

Appendix I
Zoning Forms & Current Parcel Configuration

Current Sussex County Parcel Configuration



January 23, 2022

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.19 km

Tax Parcels

Streets

County Boundaries

Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, Delaware Public Service Commission, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N

PARID: 133-16.00-81.02
BURTON JEFFREY S

ROLL: RP
29320 REVEL RD

Property Information

Property Location:	29320 REVEL RD
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	5.0400
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$15,100
100% Improvement Value	$27,200
100% Total Value	$42,300

Legal

Legal Description	W/S RD 410 807' N RD 409 E/S INGRAMS RD

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON C BURTON TY C BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

PARID: 133-16.00-81.03 ROLL: RP

WINE DOWN HOLDINGS LLC

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	5.2000
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$15,600
100% Improvement Value	$0
100% Total Value	$15,600

Legal

Legal Description	W/S RD 410 1747'S/RD 328A LOT 1

Owners

Owner	Co-owner	Address	City	State	Zip
WINE DOWN HOLDINGS LLC		24139 FISHERS POINT	MILLSBORO	DE	19966

PARID: 133-16.00-81.04
BURTON JEFFREY S

ROLL: RP
24139 FISHERS POINT

Property Information

Property Location:	24139 FISHERS POINT
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	8.0800
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$24,200
100% Improvement Value	$110,900
100% Total Value	$135,100

Legal

Legal Description	W/RT 410 1949'S/RT 328A LOT 2

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON CARMEAN BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

PARID: 133-16.00-81.05
BURTON DANIEL F

ROLL: RP
24129 FISHERS POINT

Property Information

Property Location:	24129 FISHERS POINT
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RT-RESIDENTIAL MH ON OWN LAND
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	6.1000
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	180 96/PB
100% Land Value:	$18,300
100% Improvement Value	$36,900
100% Total Value	$55,200

Legal

Legal Description	OLIVER R FISHER SUBD LOT 3 RESIDUAL LANDS T#49010

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

PARID: 133-16.00-81.06 ROLL: RP

THOMPSON SUSAN V SUSAN V BURTON 24123 FISHERS POINT

Property Information

Property Location:	24123 FISHERS POINT
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	5.8200
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$17,500
100% Improvement Value	$34,500
100% Total Value	$52,000

Legal

Legal Description	OLIVER R FISHER SUBD LOT 4 NW/S RD 410

Owners

Owner	Co-owner	Address	City	State	Zip
THOMPSON SUSAN V SUSAN V BURTON	ROBERT D THOMPSON III	24123 FISHERS PT	MILLSBORO	DE	19966

PARID: 133-16.00-81.10 ROLL: RP
BURTON DANIEL F

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	
Frontage:	150
Depth:	241.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	137 9/PB
100% Land Value:	$3,000
100% Improvement Value	
100% Total Value	

Legal

Legal Description	OLIVER R FISHER SUB LOT A NW/RT 41O

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

PARID: 133-16.00-81.13 ROLL: RP
BURTON DANIEL F

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	
Frontage:	150
Depth:	241.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	180 96/PB
100% Land Value:	$3,000
100% Improvement Value	
100% Total Value	

Legal

Legal Description	OLIVER F FISHER SUBD LOT B NW/RT 410 N/PRIVATE DR

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

PARID: 133-16.00-81.00 ROLL: RP

BURTON JEFFREY S TRUST THE

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	AGR-Agriculture
Use Code (LUC):	FG-AG IN FAA
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	183 42/PB
100% Land Value:	
100% Improvement Value	$0
100% Total Value	

Legal

Legal Description	W/RT 410 S/INGRAMS POND RESIDUAL LANDS FX

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S TRUST THE		24139 FISHERS PT	MILLSBORO	DE	19966

Appendix II
Letter of Intent

***E**astern **S**hore **S**oil **S**ervices*

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits
P.O. Box 411 **(302) 856-1853**
Georgetown, DE 19947 **FAX (302) 856-2384**

October 24, 2021

Attn: Jenwei Tsai
DNREC-Div. of Water Resources
89 Kings Highway
Dover, DE 19901

RE: Letter of Intent for Fishers Point Subdivision TM# 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Ms. Tsai,

I am submitting a letter of intent regarding the proposed Fishers Point Subdivision. The developer plans to create a 50 lot subdivision out of an aggregation of 8 existing parcels (to be expunged or reconfigured) resulting in 38 actual new lots.

Initial fieldwork commenced on 10/11/21 locating utility poles, existing monumentation, and wells. Six borings were logged on 10/13/21 to assess soil properties. The remaining fieldwork (soil borings and percolation tests) will be conducted in October and November of 2021.

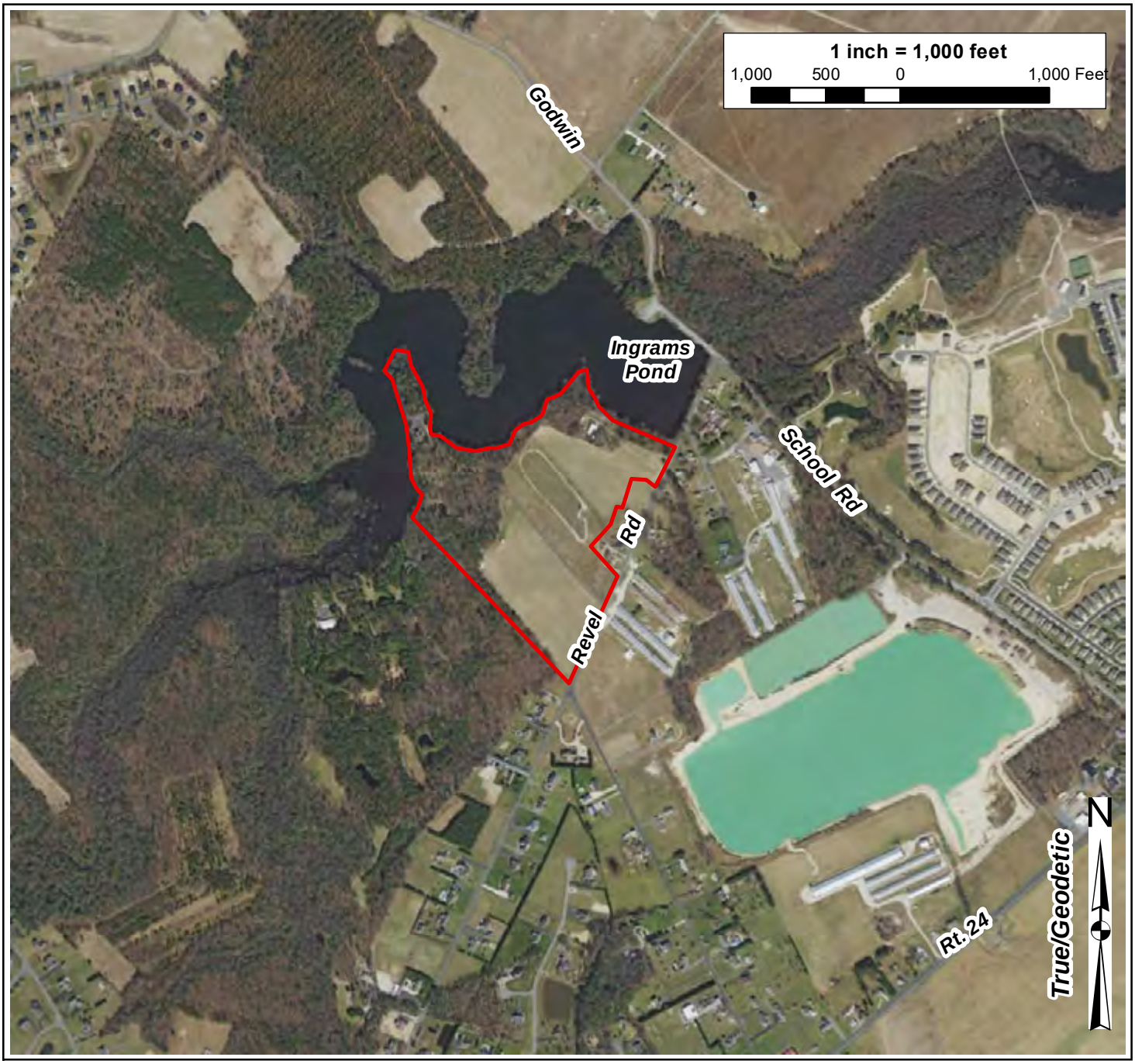
Developer/Owner(s): Jeffrey S. Burton, et. al.
Total Acres: 39.765
Net lot density: 1.01 units/acre
Minimum lot size: 0.5 acre
Watershed: 020403030201 (Indian River Bay)

Sincerely,

Bradley J. Cate

cc: Dave Heatwole
Jeffrey Burton

Attachment: Location Map, Ownership Certificates



Project Location Map

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

Appendix III
Infiltrometer Test Results

Fishers Pt.

TEST RESULTS

D. Boozer
Lic # 4188 ABEI

Test No.: G6
Date of Test: 11-23-21
Depth of Test: 46"
Hole Saturated for ____ Hrs

Starting Time	~~10 / 30~~ Minute Interval	Depth to Water	Drop in Inches
8:30	30 MIN	12"	3 1/8
10:00	30 MIN	6"	1/4
	30 min		1/4
	30 min		1/4
	30 MIN		1/4
	30 MIN		1/4
	30 min		1/4
	30 MIN	↓	1/4

Rate of fall, minutes per inch 1" _____ minutes

Test No.: D-5
Date of Test: 11-23-21
Depth of Test: 24"
Hole Saturated for ____ Hrs

Starting Time	~~10 / 30~~ Minute Interval	Depth to Water	Drop in Inches
8:25	3:52	12"	
11:10	4:07	6"	1
11:18	4:00	6"	1
11:39	4:09		
	4:00		
	3:52		
	4:16		
	4:00		
	4:06		
	3:55		
	4:12		
	4:01		
	4:06		
	4:06		
	3:57		
	4:08		
	4:02		
	4:16		
	4:09		
	4:03		
	3:53		
	4:00	↓	↓
	4:18	6"	1"

Rate of fall, minutes per inch 1" _____ minutes

Test No.: _____
Date of Test: _____
Depth of Test: _____
Hole Saturated for ____ Hrs

Starting Time	10 / 30 Minute Interval	Depth to Water	Drop in Inches

Rate of fall, minutes per inch 1" _____ minutes

min:sec

FEB 18 2004 9:36

Appendix IV
Soil Profile Notes

SOIL PROFILE NOTES

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

Profile #: S1

Date of Test: 11/1/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Bannatic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10yr 3/4	/		LS	lngr	/ vfr
Bt	9 to 30	10yr 4/4	/		LS+	~	/ vfr
BC	30 to 48	10yr 5/6	/		LS	~	/ vfr
C1	48 to 53	10yr 6/6	/		LS	~	/ vfr
C2	53 to 67	10yr 6/4	/		S	SG	/ L
C3	67 to 72	10yr 5/4	/		LS+	~	/ vfr
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: 52

Date of Test: 11/1/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lamellie Blend

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR 3/3	/		LS	lmgr	/ vfr
EB	10 to 26	10YR 5/4	/		LS	~	/ vfr
E	26 to 38	10YR 6/4	/		LS	~	/ vfr
E/Bt	38 to 72 E	10YR 6/4	30%	50% gravel	LS	~	/ vfr
	72 Bt	10YR 5/6	20% /		SL	~	/ fr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± **to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: AB

Date of Test: 10/30/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rs

Depth to Limiting Zone: 72"

Soil Series Identified: Grossarenic Blendon

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 14	10YR 4/3	-		LS -	lgr	vfr
E	14 to 43	10YR 5/4	-		LS	sg	vfr
Bh1	43 to 53	7.5YR 5/6	-		SL	sg	vfr
E'/B'2	53 to 72+	E 10YR 5/4 / 7.5YR 5/6	50% / 50% -	2-3% gravel	LS - SL / SL	sg / sg	vfr / vfr
	to						
	to						
	to						
	to						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A1

Date of Test: 10/30/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: moderately rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arenic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 12	10YR 4/3	/		LS	1mgr	/ vfr
E1	12 to 16	10YR 6/4	/		LS	~	/ vfr
E2	16 to 32	10YR 6/4	* /		S	SG	/ L
Bt1	32 to 45	7.5YR 4/6	/		SL+	m	/ fr
Bt2	45 to 61	7.5YR 5/6	/		LS+	m	/ vfr
E/Bt3	61 to 72+ E	10YR 6/4	60% /		cos	SG	L / vfr
		7.5YR 4/6	40%		grLcoS+	~	
	to						
	to						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* for this 7.5YR 4/6 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A2

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderately rapid

Depth to Limiting Zone: 72"

Soil Series Identified: Lowellic Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 11	10YR 3/3	✓		LS	1MGr	/ vfr
Bw	11 to 17	10YR 5/4	✓		LS	–	/ vfr
C1	17 to 31	10YR 6/4	✓		S	SG	/ L
C2	31 to 57	10YR 5/4	*		LS to S	SG	/ L
C3	57 to 67	10YR 6/2	*		S to LS	SG	/ L
C4	67 to 72	10YR 6/6 10YR 5/6	✓		S	SG	/ L
	to						/
	to						/

Current Hydrology: > 72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* w/ few thin 7.5YR 5/6 & 7.5YR 4/4 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A3

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lumbee Pasquotank

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) Consistence
Ap	0 to 11	10YR 3/3	✓		LS	large	/ vfr
EB	11 to 26	10YR 5/4	✓		LS	m	/ vfr
E	26 to 34	10YR 6/4	✓		S	SG	/ L
E/Bh1	34 to 42 E	10YR 6/4	10%		S	SG	/ L
	Bh	7.5YR 5/6	20% ✓		LS-	m	/ vfr
E/Bh2	42 to 72 E	10YR 5/4 to 6/4	60%		S	SG	/ L
	Bh	7.5YR 5/6	40% ✓		LS-	m	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72 **"± to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A4

Date of Test: 10/23/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: 69" to redoximorphic features

Soil Series Identified: Typic Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 13	10YR 4/3	✓		S	SG	/ L
C1	13 to 52	10YR 5/4	✓		S	SG	/ L
C2	52 to 62	10YR 6/3 10YR 5/4	✓	2-5% gravel	Stratified coarser	SG	/ L
C3	62 to 69	10YR 6/3 10YR 5/4	✓		Stratified LS; SL	M	/ vfr
C4	69 to 72	10YR 5/4	10YR 5/6 10YR 5/2	f d f d	Stratified LS; SL	M	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A5

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arapic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2) Consistence
Ap	0 to 3	10YR 2/2	✓		LS	1mg	/ vfr
BE	3 to 8	10YR 4/4	✓		LS	1msbk	/ vfr
E	8 to 27	10YR 5/4	✓	*	LS	m	/ vfr
Bt1	27 to 42	7.5YR 5/6	✓	*	SL	1csbk	/ vfr
Bt2	42 to 66	7.5YR 5/6	✓	*	Stratified LS / SL	m	/ vfr
C	66 to 72	10YR 6/6 10YR 5/6	✓	*	Stratified LCOS, LS	m	/ vfr
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* few pebbles

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A6

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderate

Depth to Limiting Zone: >72"

Soil Series Identified: Arvin Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 3	10YR 2/2	✓		LS	1mgr	/vfr
BE	3 to 9	10YR 4/6	✓		LS	1msbk	/vfr
E	9 to 31	10YR 5/4	✓		LS	~	/vfr
Bt1	31 to 44	7.5YR 4/6	✓		SCL	1msbk	/fr
Bt2	44 to 64	7.5YR 5/6	✓		SL	1csbk	/vfr
BC	64 to 72	10YR 5/6	✓		LS	~	/vfr
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B1

Date of Test: 11/13/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Typo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Fallsington Bladen II

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR3/3	/		LS	1-mgr	/ vfr
E	10 to 24	10YR5/4	/		S	SG	/ L
E/Bt1	24 to 33 E/Bt	10YR5/4	15%		S	SG	/ L
		7.5YR4/4	20% /		LS	~	vfr
E/Bt2	33 to 45 E/Bt	10YR6/4	70%		S	SG	/ L
		7.5YR4/4	30%		LS.	~	vfr
E/Bt3	45 to 72 E/Bt	10YR6/2	40%	2-5% gravel	S, LCOS	SG	/ L
		7.5YR4/4	60%		SL	~	fr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B2

Date of Test: 10/13/21 Soil Boring X or Test Pit ____ (1)

Property Owner:

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lonelle Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 12	10YR 3/3	/		LS	1 vgr	/ vfr
C1	12 to 54	10YR 5/4	/		S	SG	/ L
C2	54 to 69	10YR 5/6	* /		LS	SG	/ L
C3	69 to 72	10YR 6/4	/		LS	SG	/ L
	to						/
	to						/
	to						/
	to						/

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

"± to free water (if applicable)

* w/ few thin 7.5YR 5/4 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B3

Date of Test: 12/12/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Sea Topo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lewellin Pelewdult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) / Consistence
Ap	0 to 10	10yr 3/3	✓		LS	mgr	/ vfr
E	10 to 27	10YR 5/4	✓		S	SG	/ L
E/Bt1	27 to 47 E/B	10YR 5/4 7.5YR 5/4	90% 10% ✓		S LS-	SG ~	/ L vfr
E/Bt2	47 to 54 E/B	10YR 6/4 7.5YR 5/4	40% 60% ✓	2-5% gravel	LS- SL-	~ ~	/ vfr vfr
Bt3	54 to 72	10YR 5/4	✓	2-5% gravel	SL-	~	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± **to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B4

Date of Test: 12/29/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Mod. Slo

Depth to Limiting Zone: >72

Soil Series Identified: Aquic Paleudult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 11	10yr 3/3	/		LS	lmgr	/ vfr
E'	11 to 24	10yr 5/4	/		LS	~	/ vfr
E2	24 to 30	10yr 5/4	w/few thin LS bands	10yr 4/6	S	SG	/ L
Bt1	30 to 50	10yr 5/6	/		LS*	~	/ vfr
2 Bt2	50 to 60	10yr 5/6 10yr 5/4	/	Stratified	SL SCL*	~ m	/ vfr fi
2 Bt3	60 to 68	10yr 5/6	/		Stratified LS:SL	~	/ vfr
2C	68 to 72	10yr 6/4	/		Stratified LS:fS	~	/ vfr
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B5

Date of Test: 10/28/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arenic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 12	10YR 6/2	✓		S	SG	/ L
A	12 to 16	10YR 3/3	✓		LS	m	/ vfr
E	16 to 27	10YR 6/4	✓		LS	m	/ vfr
Bt1	27 to 42	10YR 4/6	✓		SL	1m SBk	/ fr
Bt2	42 to 62	10YR 5/6	✓		LS		/
C	62 to 72	10YR 6/6	✓		S		/
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B6

Date of Test: 10/29/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Top Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arenic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
O1	2 to 0						
A	0 to 4	10YR 3/3	✓		LS	mgr	vfr
EB	4 to 8	10YR 4/4	✓		LS	msbk	vfr
E	8 to 26	10YR 5/4	✓		LS	sg	vfr
Bt1	26 to 40	10YR 5/6	✓		SL	sg	vfr
Bt2	40 to 63	10YR 5/6	✓		LmS	sg	vfr
BC	63 to 72	10YR 5/6	✓		S,LmS & LmS	sg	vfr
	to						
	to						

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B7

Date of Test: 12/29/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: moderate

Depth to Limiting Zone: 72"

Soil Series Identified: Arkabutla

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) / Consistence
Oi	1 0						
A	0 to 4	10yr 2/2	/		ls	1mgr	/ vfr
BE	4 to 11	10yr 4/4	/		ls	1sbk	/ vfr
E	11 to 32	10yr 5/4	/		ls	sg	/ vfr
E/B1	32 to 44 B	10yr 5/4	90%		ls	sg	/ vfr
		7.5yr 4/6	10%	/	fsl	sbk	fr
E/B2	44 to 54 B	10yr 6/4	80%		ls	sg	/ L
		7.5yr 4/6	20%	/	fsl	sbk	fr
B13	54 to 67	7.5yr 4/6	/		fsl	1msbk	* / fr
B14	67 to 72	10yr 5/4	/		fsl	1csbk	* / fr Brittle
	to						

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: BB

Date of Test: 12/28/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. to mod slow

Depth to Limiting Zone: >72"

Soil Series Identified: Typic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Oi	1 0						
A	0 to 3	10yr 2/2	✓		LfS	1m sr	/ vfr
BE	3 to 8	10yr 4/4	✓		LfS	1m sbk	/ vfr
E	8 to 16	10yr 6/4	✓		LfS	m	/ vfr
Bt1	16 to 20	10yr 5/6	✓		fSL+	1m sbk	/ fr
Bt2	20 to 24	10yr 4/6	✓		fSL+	2m sbk	/ fr
Bt3	24 to 31	7.5yr 4/6	✓	2-5% gravel	SCL+	2m sbk	/ fi
Bt4	31 to 40	7.5yr 5/6	✓		SCL	1m sbk	/ fr
Bt5	40 to 64	7.5yr 5/6	✓		fSL-	1c sbk	/ vfr
BC+	64 72	7.5yr 6/6	✓		LfS:fS	m	vfr

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C1

Date of Test: 10/12/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Sec Topo Relief: _____

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: 65" to low chroma sands w/ redox conc.

Soil Series Identified: Camelia Blend ?

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) / Consistence
Ap	0 to 6	10YR 3/3			LS	mgr	/ vfr
E1B1	6 to 29 E	10YR 5/4	90%		S	SG	/ L
	Bt	7.5YR 4/4	10%		LS	~	/ vfr
E1B2	29 to 44 E	10YR 6/3	90%		S	SG	/ L
	Bt	7.5YR 4/6	10%		LS	~	/ vfr
E1B3	44 to 65 E	10YR 6/2	90%		S	SG	/ L
	Bt	10YR 5/4	10%		LS	~	/ vfr
E1B4	65 to 72 E	10YR 6/1	90%		LS	~	/ vfr
	Bt	10YR 5/4	10% 10YR 5/6	c 2d	LS+	~	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: 71 "± **to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C2

Date of Test: 10/13/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Sea Top Relief: ____

Estimated Permeability: Mod Rap.

Depth to Limiting Zone: >72"

Soil Series Identified: Lenoltic Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	/		LS	Mod gr	vfr
E	9 to 30	10YR 5/4	/		S	SG	L
E/Bh1	30 to 50 E	10YR 5/4	30%		S	SG	L
	30 to 50 Bh	7.5YR 5/4	20% /		LS	m	L vfr
C	50 to 72	10YR 6/4	/		cos	SG	L
	to						
	to						
	to						
	to						

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C3

Date of Test: 10/12/21 Soil Boring X or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Flat Top Relief:

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lawllis Blend

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR3/3	/		LS	Mgr	/ vfr
E	10 to 18	10YR5/4	/		S	SG	/ L
E/Bd1	18 to 50 E	10YR6/4	90%			SG	/ L
	Bt	10YR5/4	10% /		LS	M	vfr
E/Bd2	50 to 72 E	10YR6/2	50%		S	SG	/ L
	Bt	7.5YR4/4	50% /		LS	M	vfr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C4

Date of Test: 10/28/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psammentic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 4/3	/		LS	1gr	/ v. fr
E	9 to 35	10YR 6/6	/ *		LS-	~	/ v fr
Bt1	35 to 55	7.5YR 5/6	/		LS+	~	/ v fr
E/Bt2	55 to 72 E	10YR 6/4	60%		SL/LS	SG	/ L
	72 Bt	7.5YR 5/6	40% /		LS	~	/ v fr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* few thin 7.5YR 5/6 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: CS

Date of Test: 10/29/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. slow over rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Aquic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	✓		LS	1 mgr	/ vfr
E	9 to 29	10YR 6/6	✓		LS	~	/ vfr
2 Bt1	29 to 36	10YR 5/6	✓		fSL	1 msbk	/ fr
2 Bt2	36 to 43	10YR 5/6	5a 1/5 ot 10YR 7/2 Brittle fSL		fSL	1 msbk	/ fr
2 Btg3	43 to 53	10YR 7/2	✓		fSL	1 msbk	* / fr Brittle in situ
2 C	53 to 72	7.5YR 6/6 10YR 6/6	10YR 6/2		Stratified LS; S	~	/ vfr
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry condition

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C6

Date of Test: 10/23/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod slow over rapid

Depth to Limiting Zone: >72" to apparent SHWT

Soil Series Identified: Arnia Polawalt

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 7	10YR 3/2	/		LS	mgr	/ vfr
E	7 to 21	10YR 5/4	/		LS⁻	m	/ vfr
E/Bt1	21 to 35 E	10YR 5/4	70% /		LS⁻	m	/ vfr
	Bt	10YR 5/6	30% /		SL	m	/ vfr
Bt2	35 to 40	10YR 4/6	/		SCL	1msbk	* / fr
2Bt3	40 to 49	10YR 5/4	/		SCL⁺	1msbk	* / fi brittle
2Btg4	49 to 67	10YR 6/4					
		10YR 6/2	10YR 5/8	f3p	fSL⁺	1msbk	* / fi Brittle
2C	67 to 72	10YR 6/3			stratified fS to LfS	m	* / vfr
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry condition

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

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C7

Date of Test: 10/26/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Rapid

Depth to Limiting Zone: 27" to depleted matrix

Soil Series Identified: Aydlett Variant

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Oi	1 0						
A	0 to 3	10YR 3/2	/		LS	mgr	/ vfr
BE	3 to 11	10YR 4/4	/		LS	1msbk	/ vfr
Bw	11 to 27	10YR 6/4	/		S	SG	/ L
Cg1	27 to 64	10YR 6/2	10YR 5/6	1 P	S	SG	/ L
Cg2	64 to 72	10YR 6/2	10YR 6/4 10YR 5/6	C2V F2P	S	SG	/ L
	to						/
	to						/
	to						/

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: D3

Date of Test: 10/21/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Landlike Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 4/3	/		LS	1vf gr	/ vfr
BE	8 to 22	10YR 6/6	/		LS	m	/ vfr
E	22 to 61	10YR 6/4	/		S	SG	/ L
E/Bt	61 to 72 C	10YR 6/2	5%		S	SG	/ L
	72 B	7.5YR 4/6	40% ✓		SL	m	/ vfr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: D4

Date of Test: 10/21/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod Rapid over slow

Depth to Limiting Zone: >72" to ASWT ; 47" to preferential flow pathways

Soil Series Identified: Lamellic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 11	10YR 4/3	✓		LS	1mgr	vfr
E1	11 to 19	10YR 6/6	✓		LS	~	vfr
E2	19 to 40	10YR 6/4	✓		S	SG	C
E&Bt1	40 to 47 E/Bt	10YR 6/2 / 10YR 5/6	50% / 50% ✓		S / SL	SG / ~	C / vfr
2Bt2	47 to 54	10YR 5/4	10YR 5/2 / 10YR 5/8	c2d / c2p	CL	2msbk	fi
2E&Bt3	54 to 72 E/Bt	10YR 6/2 / 10YR 5/6	70% / 30% ✓		grCOS / grLCOS	SG ~	C / vfr
	to						
	to						

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: DS

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Typic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 3/3	✓		LS	1mgr	/ vfr
E	8 to 28	10YR 5/4	60% ✓		LS	~	/ vfr
Bt1	28 to 55	10YR 6/4	30%		SL	~	/ vfr
E	55 to 62	10YR 6/4	70%		LS	~	/ vfr
Bt2		10YR 5/6	30% ✓		SL	~	/ vfr
E	62 to 72	10YR 6/4 & 10YR 6/2	✓		LOS	SG	/ fr
Bt3		10YR 5/6			LOS	~	/ vfr
C	72 to	10YR 5/6	7.5YR 3/4	few	stratified SiL/LOS	~	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: D6

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lenoir Hydraquents

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	✓		LS	1 vgr	/ vfr
EB	9 to 27	10YR 5/6	✓		LS	m	/ vfr
E/Bt1	27 to 45 E	10YR 5/6	80%		LS -	m	/ vfr
	Bt	10YR 4/6	20% ✓		SL -	m	/ vfr
E/Bt2	45 to 63 E	10YR 6/6	70%		S	SG	/
	Bt	10YR 5/6	30% ✓		LS	m	
E/Bt3	63 to 72 E	10YR 6/6	60%		COS	SG	/ c
	Bt	7.5YR 5/6	40% ✓		LCOS	m	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: E3

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lumbee Hydric

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR 3/3	✓		LS	mgr	/ vfr
E	10 to 30	10YR 5/4	✓		LS	sgr	/ vfr
E/Bt1	30 to 43 E/Bt	10YR 6/4 / 10YR 5/6	✓		LS / SL	sg / sbk	/ vfr / vfr
Bt2	43 to 64	10YR 6/4	✓		LS+	sbk	/ vfr
C	64 to 72	10YR 7/3	✓		S	SG	/ L
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: E4

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderately Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Grossarenic Paleudult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	✓		LS	mod	/ vfr
E1	9 to 38	10YR 5/4	✓		LS	—	/ vfr
E2	38 to 52	10YR 6/4	✓		gr cos	SG	/
Bt1	52 to 60	10YR 5/6	✓	2-5% gravel	LcoS	m	/ vfr
Bt2	60 to 72	10YR 5/6	✓	2-5% gravel	cosL	—	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: ES

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Rapid

Depth to Limiting Zone: >72

Soil Series Identified: Lumbee Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 3/3	✓		LS	mgr	/ vfr
Bw	8 to 35	10YR 5/4	✓		LS	m	/ vfr
C1	35 to 65	10YR 6/3	✓		grLS	sg	/ L
C2	65 to 72	10YR 6/3	w/few fine 10YR 5/6 less pronounced		LS	sg	/ L
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: E6

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lewellin Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 6	10YR 3/3	✓		LS	1 mgr	/ vfr
E/B11	6 to 25 E	10YR 6/6	80% ✓		LS	m	/ vfr
	Bt	10YR 5/6	20%		SL	m	vfr
E/B12	25 to 45 E	10YR 6/6	20%		LS	m	/ vfr
	Bt	7.5YR 4/6	80% ✓		SL	m	vfr
E/B13	45 to 72 E	10YR 6/8	60%		grLS	m	/ vfr
	Bt	10YR 5/6	40% ✓		grLS	m	vfr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F3

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderate

Depth to Limiting Zone: >72

Soil Series Identified: Lonelic Pikeland

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 4/3	✓		LS	1 gr	✓ vfr
E	8 to 29	10YR 5/4	✓		LS	~	✓ vfr
E/Bt1	29 to 55	E 10YR 5/4 Bt 7.5YR 4/6	30%		LS SL	~ ~	✓ vfr fr
2Bt2	55 to 72	10YR 5/6	~1/2 ill's of	10YR 6/2 LS	fSL	1 sbk	✓ fr
	to						
	to						
	to						
	to						

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F4

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod. Rapid over mod. slow

Depth to Limiting Zone: 53" to redox depletions

Soil Series Identified: Grossarenic Blendon

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
A/E	0 to 10	10YR 3/3 10YR 5/4	mixed		LS	1 mgr	/ vfr
E	10 to 47	10YR 5/4	✓		LS	sg	/ vfr
Bt1	47 to 53	7.5YR 5/6	✓		SCL+	1 msbk	/ fr
2 Bt2	53 to 57	10YR 5/4	10YR 5/2	c 1 d	SCL+	1 msbk	/ fi
2 Btg3	57 to 70	10YR 6/2	7.5YR 5/8	c 3 p	CL-	1 msbk	/ fi
2 C	70 to 72	10YR 5/4	✓		Stratified LS:S		/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F5

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lumbee Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 4/3	✓		LS	2	/ vfr
E	8 to 53	10YR 5/4	—		S	SG	/ L
E/Bt	53 to 72 E	10YR 5/4	60% —		S	SG	/ L
	72 Bt	7.5YR 5/6	20%		LS	2	/ vfr
	to						/
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F6

Date of Test: 11/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arnon Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR2/2	~15% charcoal fragments		LS	m	/ vfr
E	10 to 35	10YR5/4	✓		S	sg	/ L
Bt1	35 to 45	7.5YR5/6	✓		LS	m	/ vfr
Bt2	45 to 63	7.5YR4/6	✓		SL	1msbk	/ vfr
BC	63 to 68	10YR5/6	✓		LS	m	/ vfr
C	68 to 72	2.5YG6/2 2.5YG6/4	✓		Stratified SL/LS	sg	/ L
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F7

Date of Test: 12/30/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psamments Pleudult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Oi	2 0						
A	0 to 2	10YR 2/2	✓		S	SG	✓/L
E1	2 to 14	10YR 5/2	✓		S	SG	✓/L
Bw	14 to 20	10YR 4/6	✓		S	SG	✓/L
E2	20 to 44	10YR 5/4	✓		S	SG	✓/L
E&Bt1	44 to 54 E / Bt	10YR 5/4 / 7.5YR 5/6	60% / 20% ✓		S to LS / LS	SG / m	✓/L to vF
Bt2	54 to 61	7.5YR 5/6	✓		LS+	m	✓/vF
Bt3	61 to 72	10YR 5/6	✓		LS+	m	✓/vF
	to						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: G3

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psammentic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 14	10YR 4/3	✓		LS	Mgr	/ vfr
E	14 to 30	10YR 5/4	✓		LS	~	/ vfr
Bt	30 to 50	7.5YR 5/6	✓		LS+	~	/ vfr
BC	50 to 61	10YR 5/6	✓		LS	~	/ vfr
C	61 to 72	10YR 6/6	✓		S	SG	/ L
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: 64

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Beaucatcher Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 3/4	✓		LS	1mgr	/vfr
E	8 to 33	10YR 5/6	✓		LS	~	/vfr
Bt	33 to 40	7.5YR 5/6	✓		LS	~	/vfr
BC	40 to 50	10YR 5/6	✓		S	SG	/L
C1	50 to 60	10YR 6/6	✓		S	SG	/L
C2	60 to 72	10YR 6/4	✓	2-5% Silvof	S	SG	/L
	to						
	to						/

Current Hydrology: >72 **"± to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: G5

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 55" to redoximorphic features

Soil Series Identified: Anthropogenic udorthent

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
C	0 to 24	10YR 5/4 10YR 4/3	/		LS	~	/ vfr
Ab	24 to 30	10YR 2/2	/		LS	2fgr	/ vfr
BA	30 to 38	10YR 4/3	/		LS	~	/ vfr
C1	38 to 55	10YR 5/4	/		LS	~	/ vfr
C2	55 to 72	10YR 5/4	10YR 6/3 10YR 5/6	f f c d	LS	~	/ vfr
	to						/
	to						/
	to						/

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

59 **"± to free water (if applicable)**

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: G6

Date of Test: 10/30/21 Soil Boring ____ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 20" to redox accumulations

Soil Series Identified: Oxyaquic Udipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
A	0 to 5	10YR 3/2	/		LS	mgr	/ vfr
BA	5 to 12	10YR 4/3	/		LS	mgr	/ vfr
C1	12 to 20	10YR 5/3	/		LS	~	/ vfr
C2	20 to 25	10YR 5/3	10YR 5/6	C FD	LS	~	/ vfr
C3	25 to 48	10YR 5/3	/		LS	~	/ vfr
	to	Auger Refusal @ 48"					/
	to						/
	to						/

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

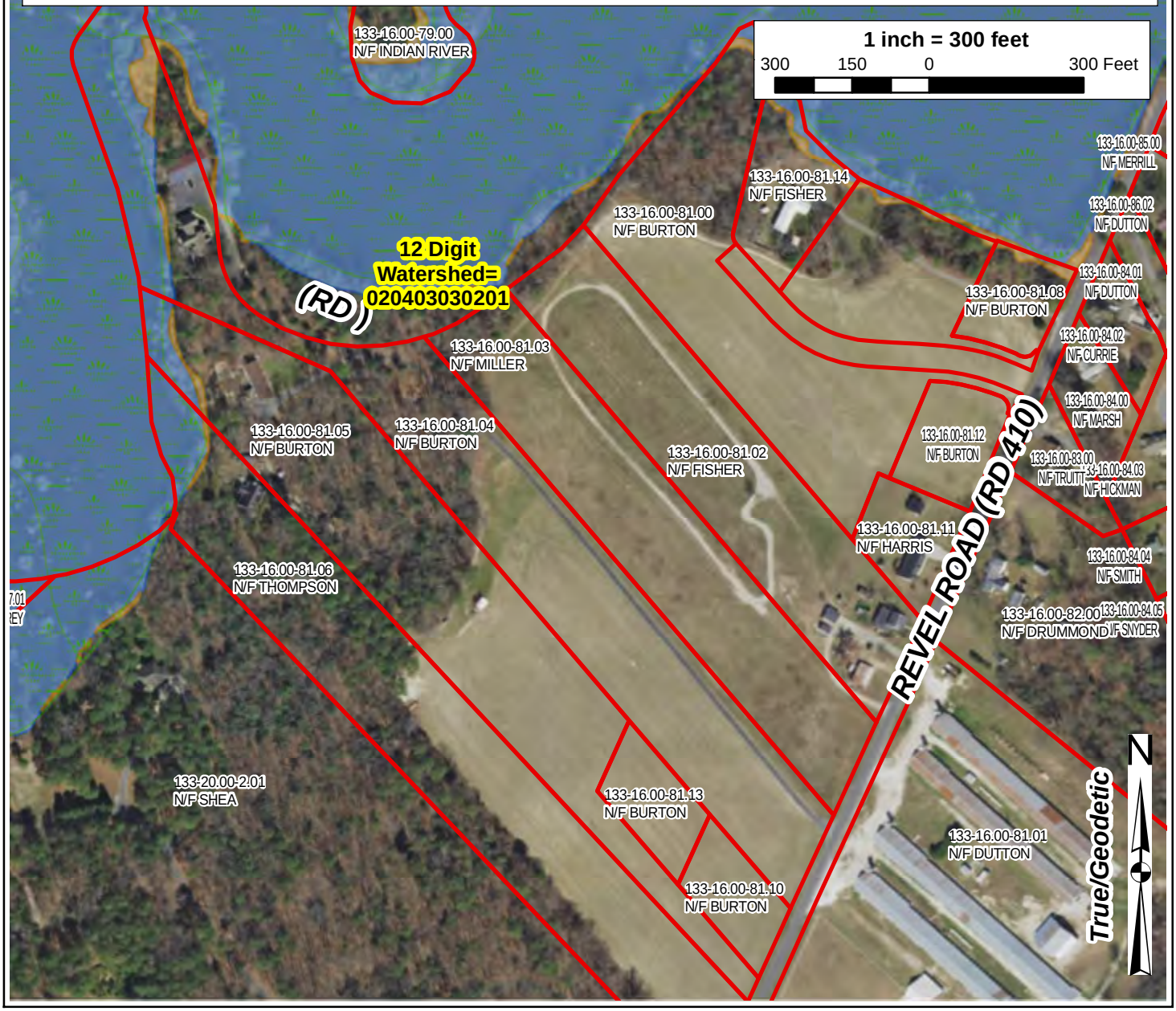
27 **"± to free water (if applicable)**

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

Site Evaluator's Signature

Appendix V
Floodplain, State Mapped Wetlands, and Watershed Mapping

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



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

Tax Ditch Maximum ROWs

- Extent of Right-of-Way

FEMA Flood Maps

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

2017 Wetlands (not regulatory)

- 2017 Wetlands (not regulatory)

Proposed Fisher's Point Subdivision Watershed, DNREC Mapped Wetlands, Sussex County Tax Mapping, Floodplain, and Tax Ditches (none present)

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

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

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

Appendix VI
Soils Map

80 40 0 80 Feet
1 inch = 80 feet

N

Ingram's Pond

LH/ArH

AP

Per Owner (W) — 100'R

Field (157580) (Sys)

Visible (W)

Tank (Sys)

Field (172585-3) (Sys)

Field (244770) (Sys)

Field (CHP 11849) (Sys)

Pitcher Pump (W)

Telco

Ferrous Monument

DEC 35063

DEC 35067

DEC 35071

DEC 101841

DEC 101842

DEC 101843

DEC 101844

DEC 132730

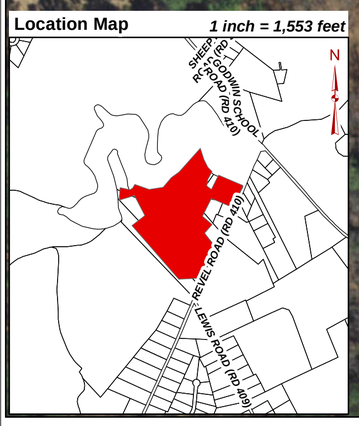
DEC 132731

233365 (W)

F7	20"LZ	FW@>72	20MPI	Psammentic Paleudults	
G6	20"LZ	FW@27"	20MPI	Oxyaquic Udipsamments	
F6	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
G5	55"LZ	FW@59"	20MPI	Hapludults	
E6	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
F5	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
G4	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
B8	>72"LZ	FW@>72	60MPI	Typic Hapludults	
C7	27"LZ	FW@>72	20MPI	Aquic Udipsamments	
D6	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
E5	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
F4	53"LZ	FW@>72	60MPI	SCL+ & CL @ 47" - 70"	Grossarenic Paleudults
G3	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
B7	>72"LZ	FW@>72	20MPI	Arenic Paleudults	
C6	>72"LZ	FW@>72	60MPI	brittle fSL & SCL @ 40-67"	Arenic Paleudults
D5	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
E4	>72"LZ	FW@>72	20MPI	Grossarenic Paleudults	
F3	>72"LZ	FW@>72	60MPI	Lamellic Paleudults	
B6	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
C5	>72"LZ	FW@>72	20MPI	brittle fSL @ 43-53"	Arenic Hapludults
D4	>72"LZ	FW@>72	60MPI	CL @ 47" - 59"	Lamellic Hapludults
E3	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
A6	>72"LZ	FW@>72	30MPI	Arenic Hapludults	
B5	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
C4	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
D3	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
A5	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
B4	>72"LZ	FW@>72	50MPI	SCL+ @ 50" - 60"	Arenic Paleudults
C3	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
A4	69"LZ	FW@>72	20MPI	Typic Quartzipsamments	
B3	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
C2	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
A3	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
B2	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
C1	65"LZ	FW@>72	20MPI	Lamellic Paleudults	
A2	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
B1	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
S1	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
S2	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
A1	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
A0	>72"LZ	FW@>72	20MPI	Grossarenic Paleudults	

-75.328536 38.585694
-75.32864 38.585551
-75.328058 38.585528
-75.328145 38.585385
-75.328723 38.585418
-75.328228 38.585241

Location Map — 1 inch = 1,553 feet



Symbol Legend

- Septic System Component
- System/System Component
- Utility Enclosure/Pede...
- Concrete Monument
- Misc. Point-Labeled
- Soil Boring Location
- Utility Pole
- Well-Visible
- Well-Verified

Suitability of Individual Soil Borings

- Capping-fill Gravity-fed
- Capping-fill LPP
- Elevated Sand Mound
- Full-depth Gravity-fed
- Sand-lined Full-depth Gravity-fed

Line Features

- Proposed SWM
- Project Boundary
- Building Restriction Line
- Proposed Lot Line
- Well Arc & Radius
- 50' Watercourse Isolation Distance

Aerial Extents of Interpolated On-site System Suitability (Less 50' Buffer from Pond)

- Capping-Fill Gravity-fed System (0.14 Ac.)
- Full-depth Gravity-fed System (29.95 Ac.)
- Sand-lined Full-depth Gravity-fed System (4.06 Ac.)

Note: Unless otherwise shown, adjacent wells >100' from project area (public wells >150'). Any ditch or swale present is ephemeral unless specifically depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy. This project is located within the Inland Bays Watershed. All permitted septic systems must incorporate design features meeting the PSN3 standard.

Soil Map Unit Legend:

LH/ArH Lamellic and Arenic Hapludults
AP Arenic Paleudults
(See Topographic Contours for Slopes)

Subdivision Feasibility Study Soils Map
Proposed Fishers Point Subdivision

Developer's Name: Jeffrey S. Burton, et. al.
Total Acres: 39.765
Net Lot density: 1.031 Units/Ac.
Minimum Lot Size: 0.5 Ac.
Number of Lots to be Created: (8 Existing-36 Proposed New Lots)
Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Date: 1/12/22
By: BJC
Checked: BJC
Orthophoto: Public Domain 2017
Topographic Contours: 2014 "Sandy" LIDAR
Proposed Record Plan by: Siteworks Engineering

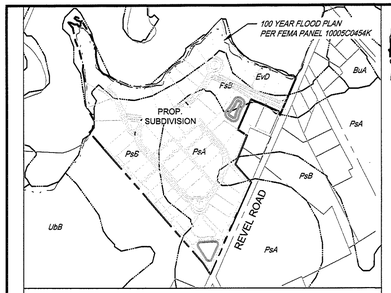
Note: Mapping was conducted for presentation at the scale utilized above. Using this information at finer scales is inappropriate due to the higher level of accuracy implied by such. Small areas which were not possible to delineate or separate at the mapping scale used could be expected to be shown at finer scales. This mapping is based on observations made on a 200' x 200' grid spacing. Differences in the types of septic systems suggested by this map may exist pending a more rigorous sampling intensity associated with individual site evaluations. Only regulatory approvals guarantee the use of the tract in the manor suggested by this map and accompanying report. Read the attached report for additional information.

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

FISHERS POINT SUBDIVISION

PRELIMINARY SUBDIVISION PLANS

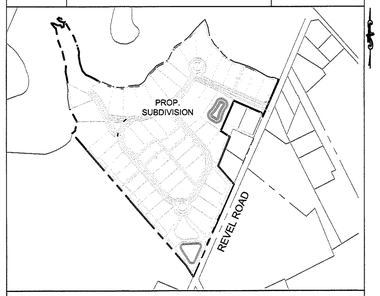
SUSSEX COUNTY PROJECT REF# 2021-24



SOILS & FEMA MAP

SCALE: 1" = 600'

SYMBOL	NAME	SOIL GROUP
BuA	BROCKATONORTON-URBAN LAND COMPLES	NOT CLASSIFIED
EvO	EVESBORO LOAMY SAND, 5-15% SLOPES	A
PsA	PEPPERBOX-ROSEDALE COMPLEX, 0-2% SLOPE	A
PsB	PEPPERBOX-ROSEDALE COMPLEX, 2-5% SLOPE	A
UbB	UDORTHENTS, BORROW AREA, 0-5% SLOPE	C



ZONING MAP

SCALE: 1" = 600'

ALL PARCELS ON THIS MAP ARE ZONED AR-1

GENERAL NOTES:

1. THE PROPERTY BOUNDARY AND TOPOGRAPHY SHOWN ON THE PLANS ARE A RESULT OF A FIELD SURVEY BY SITEWORKS ENGINEERING, LLC.
2. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREETS AND NO DIRECT ACCESS FROM REVEL ROAD (SCR 410) WILL BE PERMITTED.
3. MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
4. PER FEMA FLOOD MAP 10005C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS IMPACTED BY THE 100-YEAR STORM EVENT.
5. ALL SUBDIVISION ROADS AND SIDEWALKS ARE "PRIVATE" AND WILL BE MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE ROADWAY AND SIDEWALK, ALL LANDSCAPE ISLANDS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. THE SAID HOMEOWNERS' ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL FORESTED OR LANDSCAPE BUFFERS, LANDSCAPED ISLANDS, STORMWATER MANAGEMENT FACILITIES, WALKING TRAILS, AND OTHER COMMON AREAS.

   THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE 25-FOOT PERMANENT REAR YARD SETBACK FOR LOTS 1-17.
6. FOR ANY LOTS WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, THE OWNER OF THE DEVELOPMENT SHALL PROVIDE IN THE DEED RESTRICTINGS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OF DWELLING UNIT THE FOLLOWING NOTICE, "THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES."
7. STREETLIGHTS ARE REQUIRED FOR THIS PROJECT. THE EXACT LOCATION OF THE STREETLIGHTS SHALL BE DETERMINED BY THE APPROPRIATE PROVIDER. LIGHTING SHALL BE SHIELDED AND DOWNWARD SCREENED SO THAT IT DOES NOT IMPACT PROPERTIES OUTSIDE THE SUBDIVISION.
8. THE PROPOSED DEVELOPMENT IS LOCATED IN AN AREA OF "GOOD/FAIR" GROUNDWATER RECHARGE POTENTIAL (§89-7).
9. THE PROPOSED DEVELOPMENT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA (§89-6).
10. ALL SUBDIVISION LOTS SHALL HAVE THE FOLLOWING EASEMENTS FOR THE BENEFIT OF THE DULY ESTABLISHED HOMEOWNERS ASSOCIATION:

    1) A 15-FOOT WIDE DRAINAGE, ACCESS, AND UTILITY EASEMENT WHERE ADJACENT TO INTERNAL SUBDIVISION STREETS.

    2) A 5-FOOT WIDE DRAINAGE EASEMENT WHERE ADJACENT TO AN ADJOINING LOT, FOR A 10-FOOT WIDE EASEMENT ALONG A LOT LINE COMMON TO TWO LOTS.

    3) A 10-FOOT WIDE PERMANENT EASEMENT WHERE ADJACENT TO COMMUNITY OPEN SPACE.
11. THIS SUBDIVISION CONTAINS WETLANDS. THE DEEDS FOR LOTS TO BE CONVEYED SHALL INCLUDE A DISCLOSURE STATEMENT THAT READS, "THIS SITE CONTAINS REGULATED WETLANDS. ACTIVITIES WITHIN THESE WETLANDS MAY REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF DELAWARE."
12. SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL SEPTIC SYSTEMS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC'S) REGULATIONS.
13. WATER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL LOT WELLS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) REGULATIONS.
14. SUBDIVISION COMMUNITY SIGNS AT THE ENTRANCE ARE NOT APPROVED PER THIS PLAN, A SEPARATE COUNTY PERMIT IS REQUIRED.
15. THE SITE IS NOT WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID)
16. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
17. ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
18. THE SUBDIVISION WILL BE CONSTRUCTED IN PHASES. SEE THE CONSTRUCTION PLAN SET FOR THE PHASING PLAN.

PROJECT TEAM

OWNER/DEVELOPER
JEFFREY S. BURTON
24139 FISHERS PT
MILLSBORO, DE 19966
(302) 745-5555

SITE PLANNER, ENGINEER, AND SURVEYOR
SITEWORKS ENGINEERING
19 COMMERCE STREET
HARRINGTON, DE 19952
(302) 841-7901

WETLANDS
KENNETH W. REDINGER ENVIRONMENTAL SERVICES
PO BOX 479
HORNTOWN, VA 23395
(757) 894-7032

SOIL FEASIBILITY
EASTERN SHORE SOIL SERVICES
PO BOX 411
SAVANNA, IL 61074
(302) 856-1853

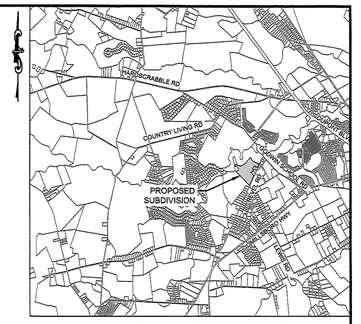
INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	RECORD PLAN COVER SHEET
R-2	GENERAL NOTES AND TYPICAL SECTIONS
R-3	EX CONDITION & LOT CONSOLIDATION PLAN
R-4	RECORD PLAN OVERVEIW
R-5	RECORD PLAN
R-6	RECORD PLAN
R-7	RECORD PLAN
L-1	FORRESTED BUFFER PLAN
GP-1	BULK GRADING PLAN

SITE OVERVIEW

SCALE: 1" = 250'

OPEN SPACE		
PARCEL	AREA (AC.)	TYPE
A	1.339	PASSIVE
B	1.112	ACTIVE
B	2.439	PASSIVE
C	0.091	PASSIVE
D	0.268	PASSIVE
E	0.052	PASSIVE
TOTAL	5.300	----



LOCATION MAP

SCALE: 1" = 1 MILE

SITE DATA:

1.	TAX MAP NUMBER(S)	133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13,
2.	OWNER(S)	JEFFREY S. BURTON, ET. AL.
3.	SITE AREA:	GROSS: 40.657 ACRES NET: 36.937 ACRES
	LOT AREA	26.305 ACRES
	R.O.W. AREA	5.237 ACRES
	OPEN SPACE AREA	5.300 ACRES
	AREA DEDICATED TO DELDOT	0.096 ACRES
	REQUIRED OPEN SPACE AREA:	36.937 AC * 0.1 = 3.694 AC
	REQUIRED OPEN SPACE ADJACENT TO EXISTING WOODLAND FEATURE:	3.694 * 30% = 1.108 AC
	WETLAND AREA (NON-TIDAL)	0.320 ACRES
4.	EXISTING & PROPOSED LOTS:	
	EXISTING LOTS	7
	EXISTING LOTS TO BE CONSOLIDATED	4
	EXISTING LOTS TO REMAIN	3 (RECONFIGURED, 81.04, 81.05, & 81.06)
	PROPOSED LOTS	48
5.	PROPOSED DENSITY: MAXIMUM DENSITY:	1.3 UNITS / ACRE 2.0 UNITS / ACRE
6.	DEVELOPER NAME:	FISHERS POINT LLC
7.	PROPERTY ADDRESS:	24139 REVEL ROAD MILLSBORO, DE 19966
8.	GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL:	SUSSEX COUNTY
9.	HUNDRED/COUNTY:	DAGSBORO HUNDRED / SUSSEX COUNTY
10.	ZONING:	AR-1 (NO CHANGE PROPOSED)
11.	PRESENT USE:	TILLED CROPS / RESIDENTIAL
12.	PROPOSED USE:	RESIDENTIAL (SINGLE FAMILY)
13.	MINIMUM LOT SIZE:	AREA = 1/2 ACRES WIDTH = 100 FEET DEPTH = 100 FEET
14.	REQUIRED AR-1 SETBACKS (B.R.L.):	FRONT: 30-FEET SIDE: 15-FEET REAR: 20-FEET CORNER: 15-FEET
	LOTS 1-17 SHALL HAVE A 25-FOOT PERMANENT REAR YARD SETBACK FROM WETLANDS IN ACCORDANCE WITH §115-25 F(3)(a)[4]	
15.	MAXIMUM HEIGHT REQUIREMENT:	42-FEET
16.	WATER AND SEWER:	ON-SITE WELL AND SEPTIC
17.	PROJECT DATUM HORIZONTAL: VERTICAL:	 NAD 83 NAVD88
18.	FEMA FLOOD MAP: PER FEMA FLOOD MAP 10005C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.	
19.	POSTED SPEED LIMIT FOR REVEL RD (SCR 410):45 MPH	
20.	2020 STATE INVESTMENT AREA:	LEVEL 3
21.	LATITUDE AND LONGITUDE STATE PLAN COORDINATES: LATITUDE: N 38° 35' 06" LONGITUDE: W 75° 19' 49"	
22.	PROPOSED DISCHARGE LOCATION:	INGRAMS POND
23.	PROXIMITY TO T.I.D.:	NOT WITHIN AN IDENTIFIED TID
24.	LIMIT OF DISTURBANCE:	25 ACRES
25.	WATERSHED:	LONG DRAIN DITCH-BETTS POND

WETLANDS STATEMENT

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM. A ROUTINE LEVEL ON-SITE EVALUATION WAS CONDUCTED NOVEMBER 5, & 6-7, 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

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

SUSSEX CONSERVATION DISTRICT CERT.

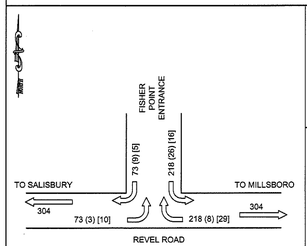
SUSSEX CONSERVATION DISTRICT PROGRAM MANAGER DATE

SUSSEX COUNTY PLANNING & ZONING COMMISSION CERTIFICATION

PLANNING & ZONING COMMISSION CHAIRMAN DATE

TRAFFIC GENERATION - REVEL ROAD (SC 410)

(FULL MOVEMENT)



ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - REVEL ROAD - LOCAL ROAD
POSTED SPEED LIMIT - 45 MPH
AADT = 524 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT= 1.16 x 524 = 608 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 608 + 580 = 1,188 TRIPS
TRAFFIC PATTERN GROUP = 4 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR - 9.6% x 1,188 TRIPS = 114 TRIPS

SITE TRAFFIC DATA:

SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION
SINGLE-FAMILY DETACHED HOUSING (210)
45 NEW UNITS = 529 TRIPS
5 EXISTING UNITS = 51 TRIPS
TOTAL SITE TRIPS = 580 TRIPS (290 IN / 290 OUT)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE - WB-40
DIRECTIONAL DISTRIBUTION:
75% TO & FROM THE EAST (MILLSBORO) = 580 * 75% = 435
25% TO & FROM THE WEST (SALISBURY) = 580 * 25% = 145
MORNING PEAK: 25% IN / 75% OUT - MORNING PEAK HOUR SPLIT
[48 SFH] - TOTAL MORNING PEAK TRIPS: 39 (10 IN / 29 OUT)
[53 SFH] - TOTAL MORNING PEAK TRIPS: 42 (10 IN / 32 OUT)
EVENING PEAK: 63% IN / 37% OUT - EVENING PEAK HOUR SPLIT
[48 SFH] - TOTAL EVENING PEAK TRIPS: 59 (31 IN / 19 OUT)
[53 SFH] - TOTAL EVENING PEAK TRIPS: 55 (35 IN / 20 OUT)
5% TRUCKS AND BUSES = 5% * 73 = 4

TRAFFIC GENERATION DIAGRAM

ADT (AM PEAK) [PM PEAK]

OWNER(S) CERTIFICATION

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

SUSAN V. THOMPSON DATE
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

FISHERS POINT LLC DATE
24139 FISHERS PT
MILLSBORO, DE 19966

SUSSEX COUNTY COUNCIL CERTIFICATION

COUNTY COUNCIL PRESIDENT DATE

ENGINEERS CERTIFICATION

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

DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17760) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

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

ROBERT D. THOMPSON, III DATE
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

FISHERS POINT LLC DATE
24139 FISHERS PT
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

SHANNON CARMEAN BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

JEFFREY S. BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN COVER SHEET

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
AS NOTED	2171-JBUR	JDC

DRAWING NUMBER

R-1

Z:\PROJECTS\Mill Branch\2171-JBUR - Fishers Point\Design\Plots\Engr2171-JBUR - Record Plan Cover Sheet.dwg PLOTTED: 9/29/2022 1:58 PM, BY: Dave Hostetle PLOTSTYLE: SiteWorks-ENG.ctb

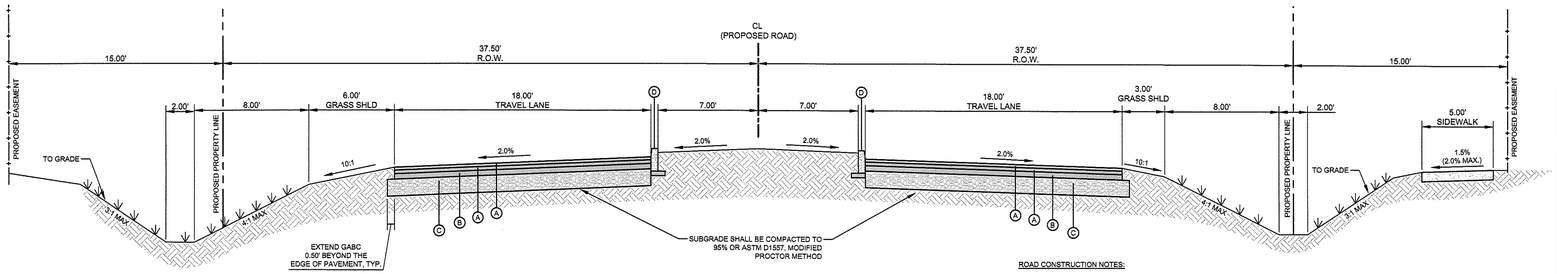
LEGEND

	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY		
PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS		NW
ADJOINING PROPERTY LINE		
BUILDING RESTRICTION LINE		
EASEMENT		
CENTER LINE OF ROAD		
EDGE OF PAVING		
CURB		
DRIVEWAY		
CONTOURS		
SWALE		
LIMIT OF CONSTRUCTION		LOC
WETLANDS LINE AND FLAG	NW	NW
FLOODPLAIN	FP	FP
SOILS/DESIGNATION	MmA	
SOIL BORING		
WOODS		
FENCE	X	X
SIDEWALK		
SHARED USE PATH		
BUILDING		
UTILITY POLE/GUY WIRE		
OVERHEAD ELECTRIC	OHE	
CABLE TV, PEDESTAL OR HAND HOLE		
TRAFFIC SIGN		
SINGLE & TWIN HEAD SITE LIGHT		
ELECTRICAL HAND HOLE AND TRANSFORMER		
FIBER OPTIC HAND HOLE		
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	W FH V	W FH V
SEWER MAIN, MAHNOLE, & CLEANOUT	S MH C.O.	S MH C.O.
SANITARY SEWER FORCEMAIN	FM	FM
UNDERGROUND ELECTRIC	E	
UNDERGROUND GAS	GAS	
UNDERGROUND FIBER OPTIC	FO	
TELEPHONE LINE	T	
STORM WATER PIPE, MH, AND CB		

DELDOT RECORD PLAN NOTES

REVISED MARCH 21, 2019

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
6. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH. (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
7. 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.
8. ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
9. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.



NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. ▾ ▾ ▾ 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

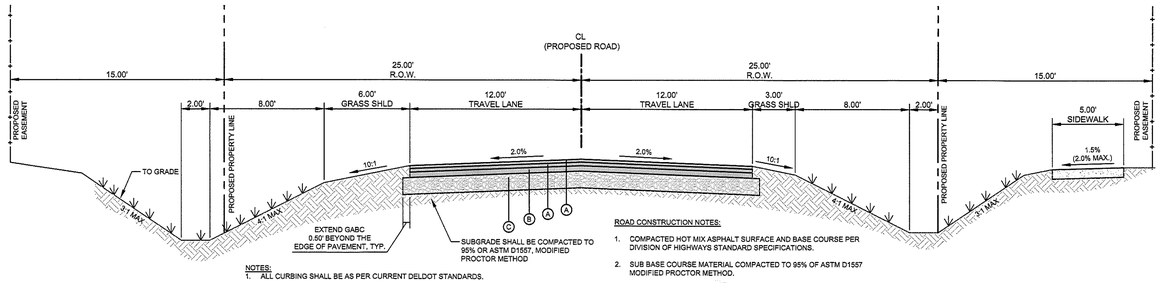
ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL BOULEVARD SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 0+00.00 - 3+03.60)

TYPICAL SECTION LEGEND

- (A) ITEM 401006 - SUPERPAVE TYPE C, PG 70-22, (CARBONATE STONE)
- (B) ITEM 401015 - SUPERPAVE TYPE B, PG 70-22
- (C) ITEM 301001 - GRADED AGGREGATE BASE COURSE, TYPE B OR CRUSHED CONCRETE
- (D) ITEM 701014 - INTEGRAL PORTLAND CEMENT CONCRETE CURB - TYPE 1-6 (PER DELDOT STANDARD DETAIL C-1, SHEET 2)

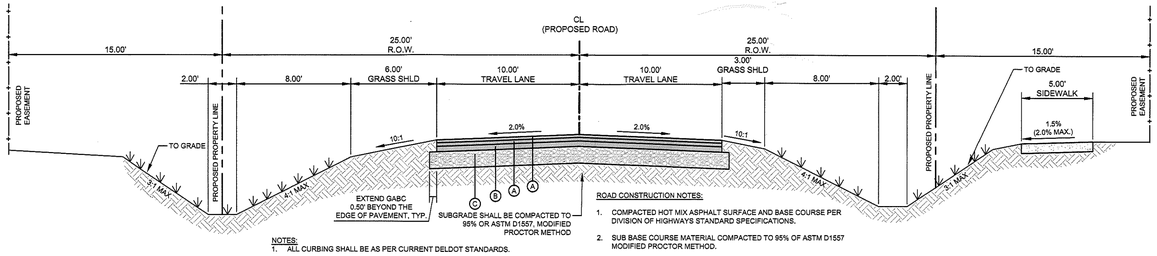


NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. ▾ ▾ ▾ 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL TYPE 1 STREET SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 3+03.60 - 13+90.70)
DOE WATCH WAY

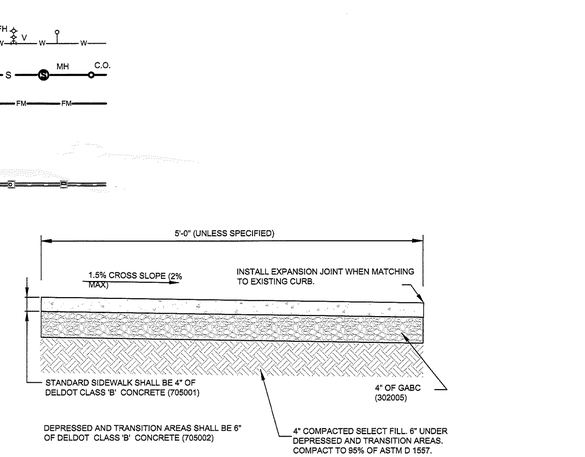


NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. ▾ ▾ ▾ 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL TYPE 1 (20') STREET SECTION

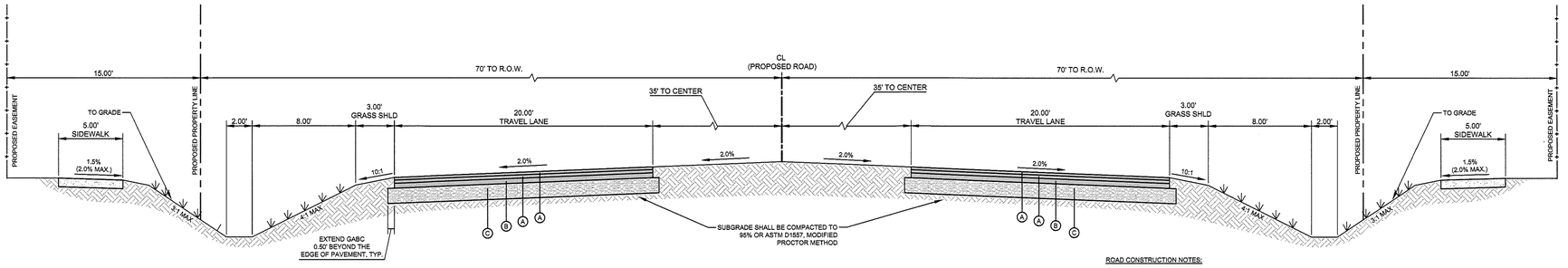
SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 13+90.70 - END)
BLUEGILL CT



NOTE: PLACE EXPANSION JOINTS 20' ON CENTER AND CONTROL JOINTS 5' ON CENTER OR MATCH EXISTING PATTERN IF CONNFLICTING TO EXISTING SIDEWALK.

CONCRETE SIDEWALK

NOT TO SCALE



NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. ▾ ▾ ▾ 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL CUL-DE-SAC SECTION

SCALE: H 1"=5'
V 1"=2'
KING FISHER CT
STAG RUN CT

0 5' 10'

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901

GENERAL NOTES AND TYPICAL SECTIONS

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
AS NOTED	2171-JBUR	JDC

DRAWING NUMBER

R-2

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Dwg\2171-JBUR - Notes and Typical Sections.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Hasbrouk PLOTSTYLE: _SiteWorks-ENG.ctb

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.65'
L3	N28°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.80'
L6	N01°55'17"E	68.72'
L7	N07°59'53"W	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°56'04"W	33.33'
L14	N39°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S65°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N76°14'14"E	16.31'
L20	N04°32'52"E	34.87'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L21	N89°56'16"W	34.44'
L22	N50°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S16°14'48"E	53.49'
L29	S03°12'30"W	36.06'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S66°48'57"E	40.87'
L34	S61°46'51"E	45.04'
L35	S58°53'56"E	26.28'
L36	S56°19'37"E	18.14'
L37	S76°49'32"E	27.43'
L38	S64°59'09"E	61.05'
L39	S71°14'09"E	33.48'
L40	S79°10'16"E	47.25'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L41	N89°55'39"E	35.91'
L42	N74°43'46"E	52.91'
L43	N83°47'57"E	46.96'
L44	N88°04'54"E	38.21'
L45	N59°38'46"E	35.38'
L46	N49°25'05"E	26.72'
L47	N29°18'22"E	69.53'
L48	N45°33'57"E	40.95'
L49	N43°48'27"E	53.28'
L50	N62°28'21"E	45.67'
L51	N64°08'41"E	47.73'
L52	N42°53'48"E	31.94'
L53	N24°28'56"E	48.97'
L54	N28°52'14"E	29.98'
L55	N21°55'46"E	17.26'
L56	N51°00'39"E	31.09'
L57	N60°28'07"E	37.79'
L58	N56°06'08"E	38.18'
L59	N49°35'25"E	47.28'
L60	N40°47'59"E	92.67'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L61	N44°26'01"E	68.54'
L62	N46°48'59"E	28.98'
L63	S23°24'36"E	33.11'
L64	S18°41'26"E	31.81'
L65	S10°24'54"E	64.99'
L66	S27°59'11"E	45.22'
L67	S29°31'23"E	43.29'
L68	S46°13'45"E	43.48'
L69	S38°22'59"E	66.73'
L70	S48°28'21"E	40.62'
L71	S58°51'40"E	74.38'
L72	S74°57'23"E	52.89'
L73	S70°46'29"E	82.85'
L74	S64°31'04"E	52.66'
L75	S60°13'05"E	68.95'
L76	S59°20'05"E	43.65'
L77	S70°30'04"E	27.80'
L78	S84°10'11"E	37.66'
L79	S69°09'00"E	42.14'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33'	24.86'	090°37'52"	35.36'	N21° 19' 28"W

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901

EX CONDITION & LOT CONSOLIDATION PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

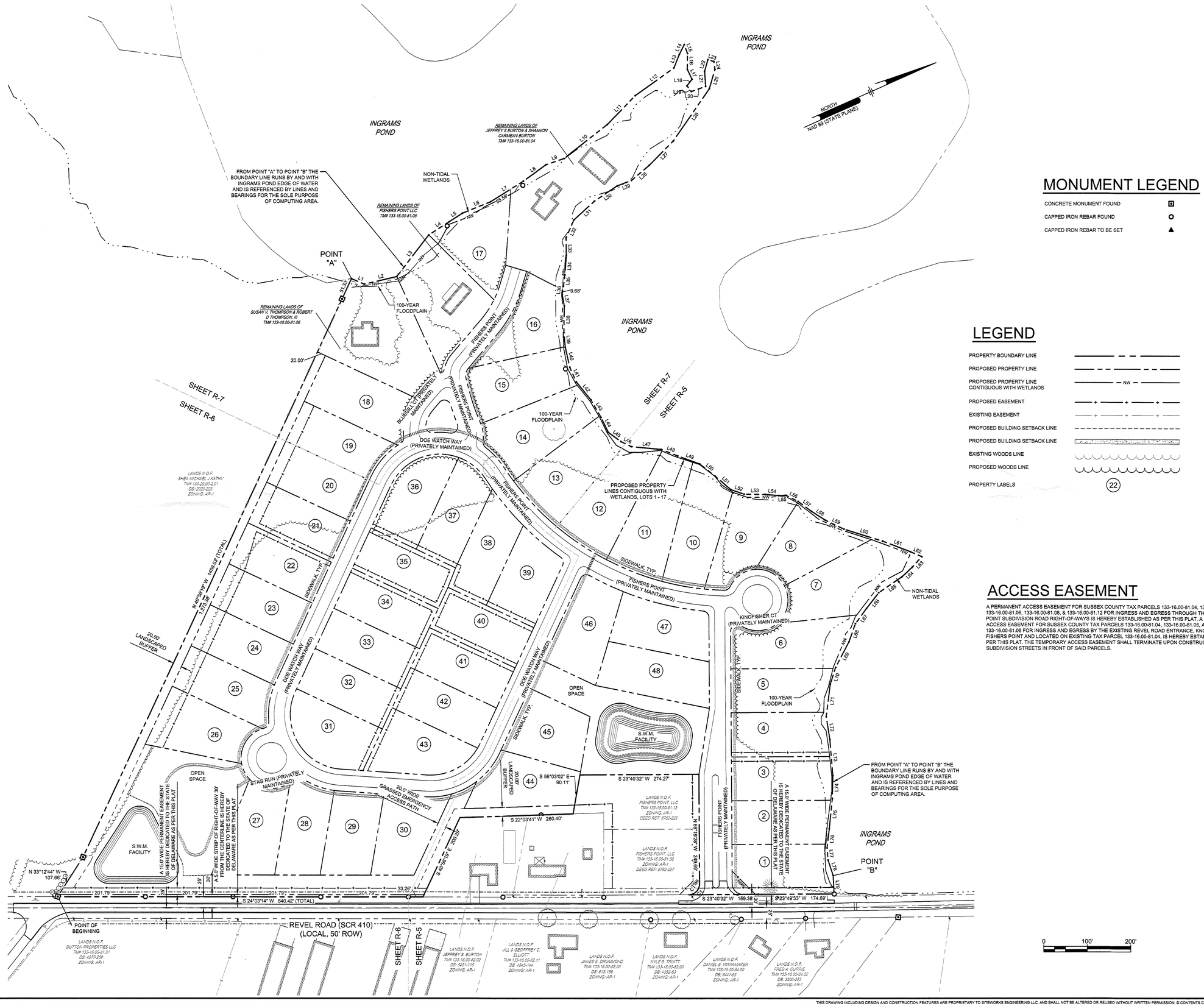
SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

R-3

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

J:\PROJECTS\Jeff Bedard\171-JBUR - Fishers Point\Design\Plotting\171-JBUR - Record Plan Existing.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Hasbrook PLOTSTYLE: _SiteWorks-BW.ctb



MONUMENT LEGEND

CONCRETE MONUMENT FOUND	⊡
CAPPED IRON REBAR FOUND	○
CAPPED IRON REBAR TO BE SET	▲

LEGEND

PROPERTY BOUNDARY LINE	
PROPOSED PROPERTY LINE	
PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS	NW
PROPOSED EASEMENT	+
EXISTING EASEMENT	+
PROPOSED BUILDING SETBACK LINE	
PROPOSED BUILDING SETBACK LINE	
EXISTING WOODS LINE	
PROPOSED WOODS LINE	
PROPERTY LABELS	(22)

ACCESS EASEMENT

A PERMANENT ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.06, 133-16.00-81.06, 133-16.00-81.08, & 133-16.00-81.12 FOR INGRESS AND EGRESS THROUGH THE FISHERS POINT SUBDIVISION ROAD RIGHT-OF-WAYS IS HEREBY ESTABLISHED AS PER THIS PLAT. A TEMPORARY ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, AND 133-16.00-81.06 FOR INGRESS AND EGRESS BY THE EXISTING REVEL ROAD ENTRANCE, KNOW AS FISHERS POINT AND LOCATED ON EXISTING TAX PARCEL 133-16.00-81.04, IS HEREBY ESTABLISHED AS PER THIS PLAT. THE TEMPORARY ACCESS EASEMENT SHALL TERMINATE UPON CONSTRUCTION OF THE SUBDIVISION STREETS IN FRONT OF SAID PARCELS.

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN OVERVEIW

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

R-4

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171- JBUR - Fishers Point\Design\Ref\dgn\171-JBUR - Record Plan Overview.dwg PLOTTED: 9/30/2022 1:55 PM, BY: Dave Hasiwka PLOTSTYLE: _SiteWorks-ENG.ctb

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33'	24.86'	090°37'52"	35.36'	N21° 19' 28"W
C2	22.07'	15.00'	084°17'35"	20.13'	S71° 31' 44"W
C3	275.75'	675.00'	023°24'24"	273.84'	S41° 05' 09"W
C4	24.54'	15.00'	093°44'21"	21.89'	S05° 55' 10"W
C5	210.21'	174.96'	068°50'23"	197.79'	S06° 31' 49"E
C6	92.01'	175.00'	030°07'24"	90.95'	S42° 56' 33"W
C7	21.09'	15.00'	080°33'21"	19.39'	S17° 43' 35"W
C8	259.06'	70.00'	212°02'43"	134.56'	S83° 28' 16"W
C9	21.09'	15.00'	080°33'21"	19.39'	N30° 47' 03"W
C10	92.01'	175.00'	030°07'24"	90.95'	N56° 00' 01"W
C11	103.17'	175.00'	033°46'47"	101.69'	N24° 02' 55"W
C12	16.97'	15.00'	064°49'37"	16.08'	N39° 34' 20"W
C13	101.40'	125.00'	046°28'39"	98.64'	N48° 44' 49"W
C14	36.89'	75.00'	028°10'50"	36.52'	N11° 25' 04"W
C15	14.76'	15.00'	056°21'40"	14.17'	N25° 30' 29"W
C16	36.89'	75.00'	028°10'50"	36.52'	N39° 35' 54"W
C17	43.97'	225.00'	011°11'49"	43.90'	N31° 06' 24"W
C18	61.03'	275.00'	012°42'55"	60.90'	S43° 03' 46"E
C19	23.31'	25.00'	053°25'20"	22.47'	S52° 13' 09"E
C20	110.08'	625.00'	010°05'28"	109.94'	S83° 58' 33"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C21	32.84'	75.00'	025°05'16"	32.58'	S76° 28' 39"E
C22	14.44'	15.00'	055°08'17"	13.88'	N88° 29' 50"E
C23	60.46'	175.00'	019°47'44"	60.16'	N70° 49' 33"E
C24	604.18'	625.00'	055°23'15"	580.93'	N53° 01' 48"E
C25	17.12'	15.00'	065°23'45"	16.21'	N07° 21' 42"W
C26	338.95'	70.00'	277°26'03"	92.37'	S81° 20' 34"E
C27	32.38'	15.00'	123°41'56"	26.45'	S04° 28' 30"E
C28	39.27'	25.00'	090°00'00"	35.36'	N68° 40' 32"E
C29	150.14'	125.00'	068°49'15"	141.28'	S06° 31' 43"E
C30	242.56'	125.00'	111°10'58"	206.25'	S83° 28' 16"W
C31	265.43'	125.00'	121°39'44"	218.30'	N19° 53' 33"E
C32	250.19'	675.00'	021°14'12"	248.76'	N70° 06' 19"E
C33	20.83'	15.00'	079°33'47"	19.20'	S80° 43' 54"E
C34	46.96'	675.00'	003°59'10"	46.95'	S85° 18' 52"E
C35	31.20'	15.00'	119°10'15"	25.87'	S27° 43' 20"E
C36	40.50'	175.00'	013°15'31"	40.41'	S25° 14' 02"W
C37	27.99'	15.00'	106°54'07"	24.10'	S72° 03' 20"W
C38	37.94'	75.00'	028°59'07"	37.54'	N40° 00' 03"W
C39	31.99'	15.00'	122°11'12"	26.26'	N35° 35' 07"E
C40	187.50'	675.00'	015°54'56"	186.90'	S37° 31' 51"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C41	86.01'	675.00'	007°18'02"	85.95'	S49° 08' 20"W
C42	84.50'	175.00'	027°39'53"	83.68'	S27° 06' 30"E
C43	64.92'	175.00'	021°15'22"	64.55'	S02° 38' 53"E
C44	80.78'	175.00'	019°54'00"	80.48'	S17° 55' 48"W
C45	12.02'	175.00'	003°56'11"	12.02'	S29° 50' 56"W
C46	92.01'	175.00'	030°07'24"	90.95'	S42° 56' 33"W
C47	10.81'	70.00'	008°51'03"	10.80'	S18° 07' 34"E
C48	102.37'	70.00'	083°47'13"	93.48'	S28° 11' 34"W
C49	40.57'	70.00'	033°12'11"	40.00'	S86° 41' 16"W
C50	101.58'	70.00'	083°08'50"	92.90'	N35° 08' 13"W
C51	3.74'	70.00'	003°03'26"	3.73'	N07° 57' 55"E
C52	84.63'	175.00'	027°42'33"	83.81'	N57° 12' 27"W
C53	7.37'	175.00'	002°24'52"	7.37'	N42° 08' 45"W
C54	95.38'	175.00'	031°13'39"	94.20'	N25° 19' 29"W
C55	7.80'	175.00'	002°33'08"	7.79'	N08° 26' 06"W
C56	95.85'	125.00'	043°56'09"	93.52'	N50° 01' 04"W
C57	5.55'	125.00'	002°32'30"	5.54'	N26° 46' 45"W
C58	43.97'	225.00'	011°11'49"	43.90'	N31° 06' 24"W
C59	11.24'	225.00'	002°51'44"	11.24'	N38° 08' 10"W
C60	38.69'	225.00'	009°51'12"	38.65'	N44° 29' 38"W

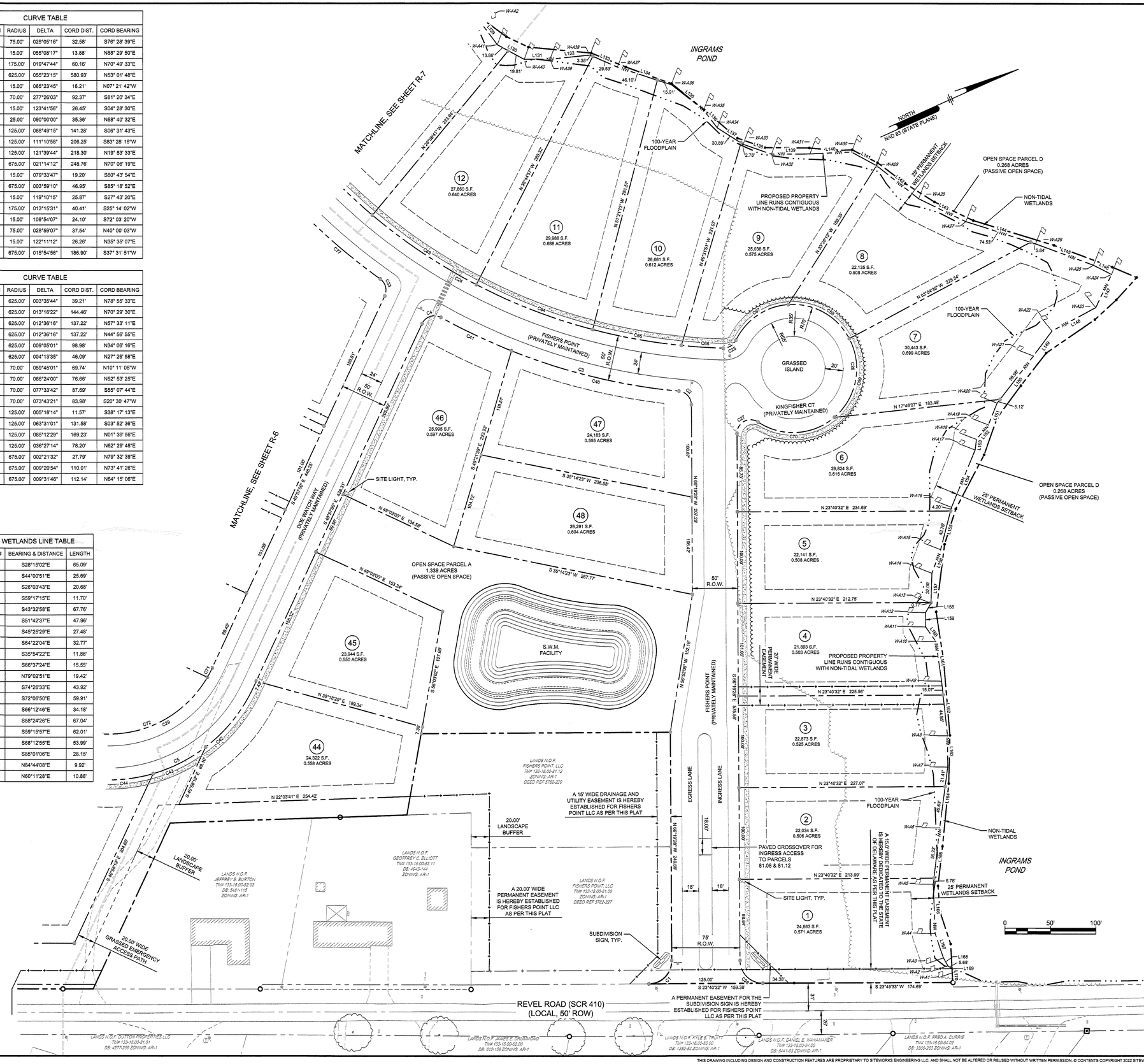
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C61	39.22'	625.00'	003°35'44"	39.21'	N78° 55' 33"E
C62	144.78'	625.00'	013°16'22"	144.46'	N70° 29' 30"E
C63	137.49'	625.00'	012°36'16"	137.22'	N57° 33' 11"E
C64	137.49'	625.00'	012°36'16"	137.22'	N44° 56' 55"E
C65	99.09'	625.00'	009°05'01"	98.98'	N34° 06' 16"E
C66	46.10'	625.00'	004°13'35"	46.09'	N27° 26' 58"E
C67	73.00'	70.00'	059°45'01"	69.74'	N10° 11' 05"W
C68	81.12'	70.00'	066°24'00"	76.66'	N52° 53' 25"E
C69	94.76'	70.00'	077°33'42"	87.69'	S55° 07' 44"E
C70	90.07'	70.00'	073°43'21"	83.98'	S20° 30' 47"W
C71	11.57'	125.00'	005°18'14"	11.57'	S38° 17' 13"E
C72	138.57'	125.00'	063°31'01"	131.58'	S03° 52' 36"E
C73	185.90'	125.00'	085°12'29"	169.23'	N01° 39' 56"E
C74	79.53'	125.00'	036°27'14"	78.20'	N62° 29' 48"E
C75	27.79'	675.00'	002°21'32"	27.79'	N79° 32' 39"E
C76	110.13'	675.00'	009°20'54"	110.01'	N73° 41' 26"E
C77	112.27'	675.00'	009°31'46"	112.14'	N64° 15' 06"E

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L106	N16°19'21"E	112.17'
L107	N21°07'13"W	42.15'
L108	N25°24'15"W	39.63'
L109	N14°48'14"W	41.85'
L110	N36°56'57"W	49.25'
L111	N03°16'52"E	56.48'
L112	N11°41'44"W	34.96'
L113	N01°13'45"W	56.63'
L114	N03°20'49"W	19.37'
L115	N33°07'57"W	18.52'
L116	S61°57'47"E	21.85'
L117	S59°22'41"E	20.75'
L118	S58°52'37"E	24.05'
L119	S61°41'52"E	21.01'
L120	S71°56'52"E	27.46'
L121	S60°56'11"E	29.64'
L122	S72°19'22"E	28.60'
L123	S68°31'30"E	38.31'
L124	S76°43'32"E	45.18'
L125	N84°49'06"E	40.74'
L126	N74°34'32"E	50.62'
L127	N83°36'34"E	44.08'

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L128	N87°46'31"E	39.98'
L129	N77°02'31"E	34.30'
L130	N52°12'01"E	33.67'
L131	N23°40'56"E	28.43'
L132	N18°06'52"E	44.26'
L133	N47°16'50"E	32.87'
L134	N41°54'35"E	62.00'
L135	N61°38'48"E	45.06'
L136	N76°19'03"E	24.32'
L137	N56°22'29"E	33.67'
L138	N43°08'26"E	32.95'
L139	N23°37'06"E	42.37'
L140	N21°17'21"E	45.76'
L141	N52°25'18"E	31.20'
L142	N61°51'54"E	58.89'
L143	N49°50'46"E	57.59'
L144	N41°22'48"E	80.38'
L145	N44°08'07"E	67.71'
L146	N50°47'11"E	22.20'
L147	S40°36'35"E	40.11'
L148	S04°01'07"E	54.62'
L149	S29°28'27"E	34.09'

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L150	S28°15'02"E	65.09'
L151	S44°00'51"E	25.69'
L152	S26°03'43"E	20.68'
L153	S59°17'15"E	11.70'
L154	S43°32'58"E	67.76'
L155	S51°42'37"E	47.96'
L156	S45°25'29"E	27.48'
L157	S64°22'04"E	32.77'
L158	S35°54'22"E	11.86'
L159	S66°37'24"E	15.55'
L160	N79°02'51"E	19.42'
L161	S74°26'33"E	43.92'
L162	S72°06'50"E	59.91'
L163	S66°12'46"E	34.18'
L164	S58°24'26"E	67.04'
L165	S59°15'57"E	62.01'
L166	S68°12'55"E	53.99'
L167	S85°01'06"E	28.15'
L168	N84°44'08"E	9.92'
L169	N60°11'28"E	10.88'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L101	N25°30'29"W	39.95'
L102	N49°25'14"W	45.25'
L103	N40°34'46"E	50.00'
L104	S49°25'14"E	45.25'
L105	N25°30'29"W	22.82'
L170	S69°09'00"E	14.91'



0 50' 100'

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

RECORD PLAN

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

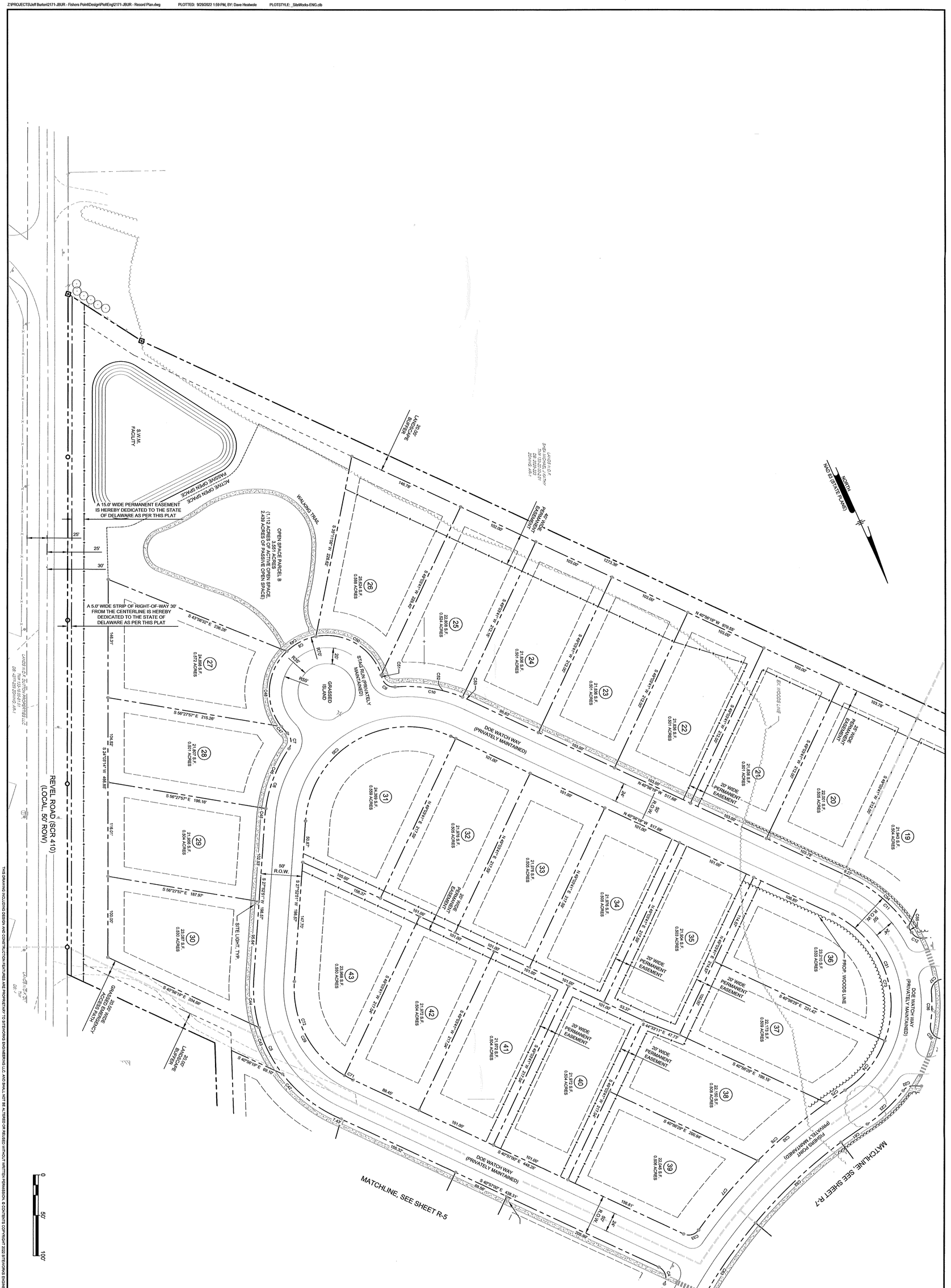
SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

DRAWING NUMBER
R-5

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Self Bonded\2171-JBUR - Fishers Point\Dwg\Plot\Eng\2171-JBUR - Record Plan.dwg PLOTTED: 9/29/2022 1:09 PM, BY: Dave Hollands PLOTSTYLE: _SiteWorks-ENG.ctb

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Eng\2171-JBUR - Record Plan.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Heatwole PLOTSTYLE: _SiteWorks-ENG.ctb



THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC

R-6

SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

DRAWING NUMBER

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY PAZ - PRELIMINARY
12/7/21 - SUSSEX COUNTY PAZ
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY PAZ
9/30/22 - SUSSEX COUNTY PAZ

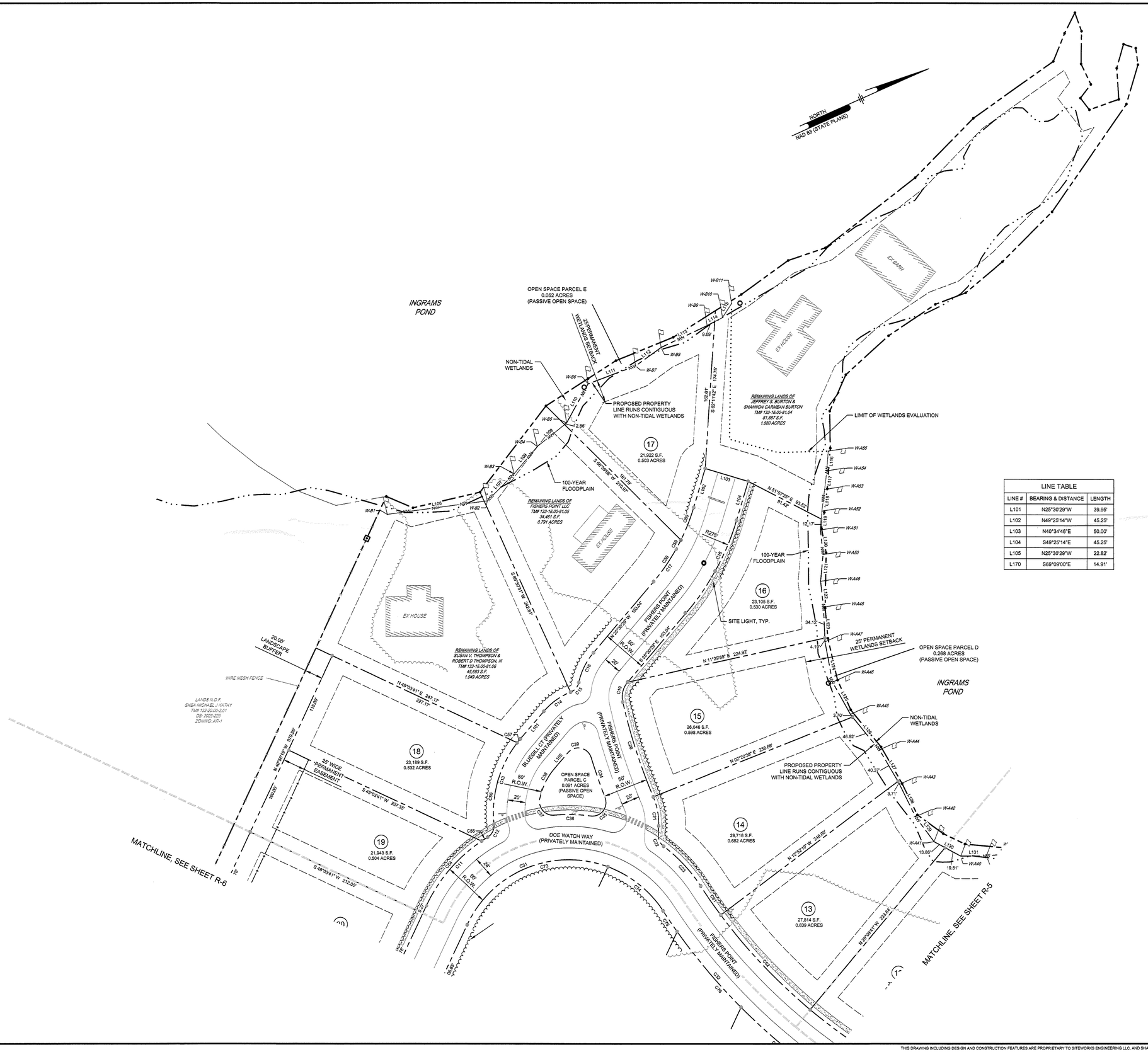
FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN



LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L101	N25°30'29"W	39.95'
L102	N49°25'14"W	45.25'
L103	N40°34'46"E	50.00'
L104	S49°25'14"E	45.25'
L105	N25°30'29"W	22.82'
L170	S69°09'00"E	14.91'

0 50' 100'

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

SITEWORKS ENGINEERING
PO BOX 21 | 19 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

RECORD PLAN

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

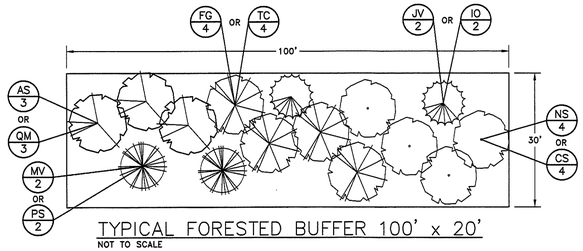
DRAWING NUMBER

R-7

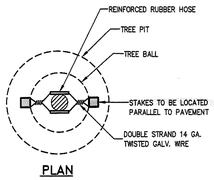
Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Exp\R7-JBUR - Record Plan.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Hardesty PLOTSTYLE: _SiteWorks.ENV.ctb

LANDSCAPE PLANT SCHEDULE

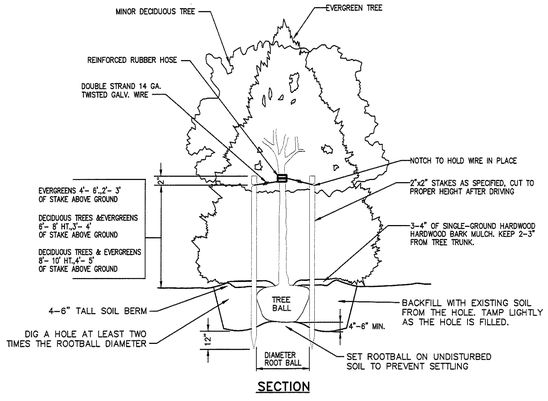
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	QUANTITY
		DECIDUOUS TREE				
	AS	Acer saccharum 'Green Mountain'	SUGAR MAPLE	1 1/2 – 2" Cal., B&B	10–15'	8
	QM	Quercus phellos	WILLOW OAK	1 1/2 – 2" Cal., B&B	10–15'	9
	FG	Fagus grandifolia	AMERICAN BEECH	1 1/2 – 2" Cal., B&B	10–15'	11
	TC	Tilia cordata	LITTLELEAF LINDEN	1 1/2 – 2" Cal., B&B	10–15'	11
	NS	Nyssa sylvatica	BLACK TUPELO	1 1/2 – 2" Cal., B&B	10–15'	11
	CS	Carya ovata	SHAGBARK HICKORY	1 1/2 – 2" Cal., B&B	10–15'	11
		EVERGREEN TREE				
	MV	Magnolia virginiana	SWEETBAY MAGNOLIA	5'/6' Ht., B&B		5
	PS	Pinus strobus	EASTERN WHITE PINE	5'/6' Ht., B&B		6
	JV	Juniperus virginiana	EASTERN RED CEDAR	5'/6' Ht., B&B		6
	IO	Ilex opaca	AMERICAN HOLLY	5'/6' Ht., B&B		6
				TOTAL		84



TYPICAL FORESTED BUFFER 100' x 20'
NOT TO SCALE

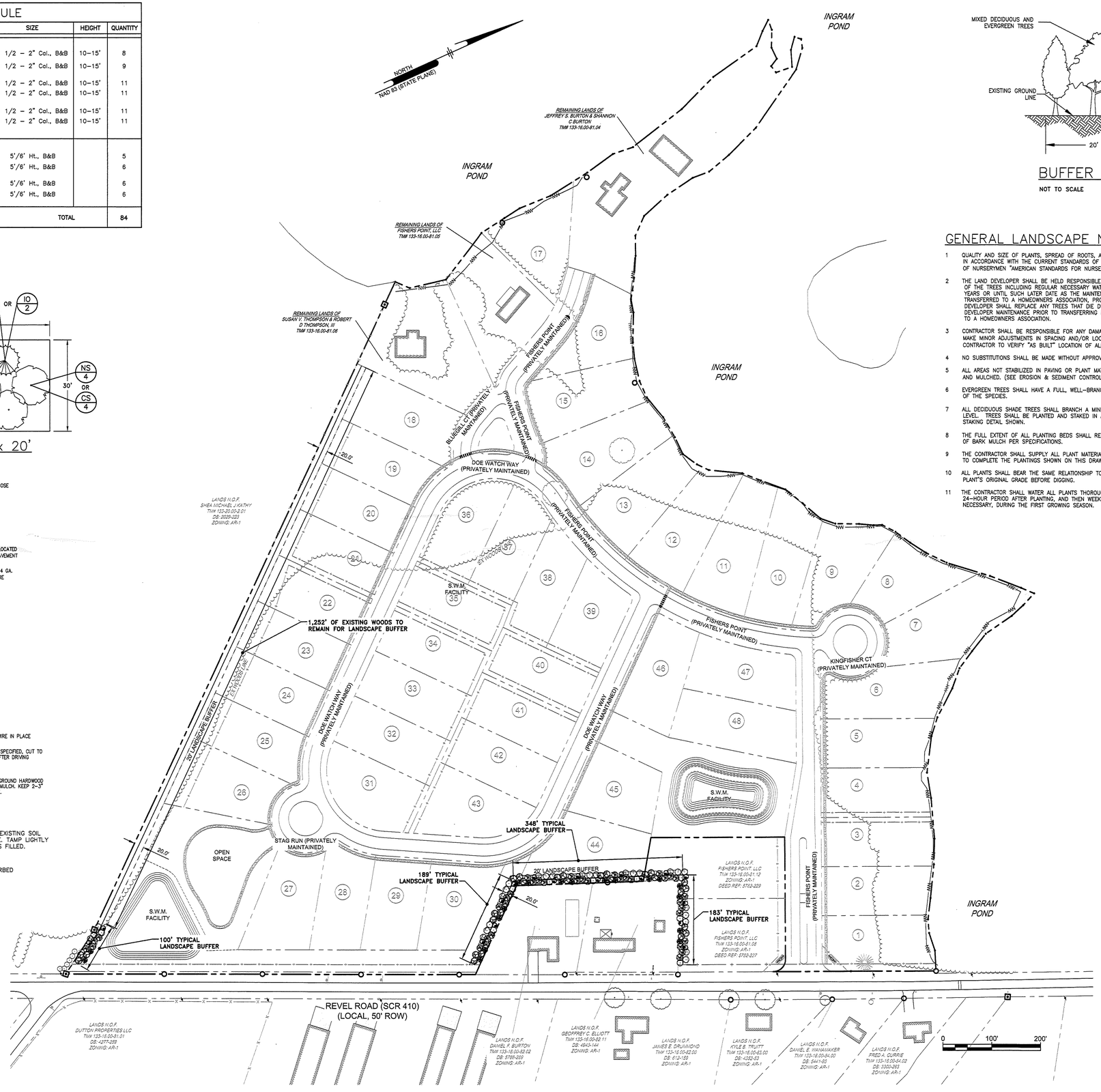


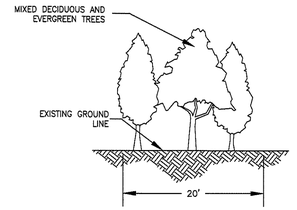
PLAN



SECTION

STAKING DETAIL
NO SCALE





BUFFER DETAIL
NOT TO SCALE

GENERAL LANDSCAPE NOTES

1 QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".

2 THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.

3 CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.

4 NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.

5 ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)

6 EVERGREEN TREES SHALL HAVE A FULL, WELL–BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.

7 ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'–0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.

8 THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.

9 THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.

10 ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.

11 THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24–HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.

SITEWORKS ENGINEERING
PO BOX 213 | 19 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901

FORRESTED BUFFER PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

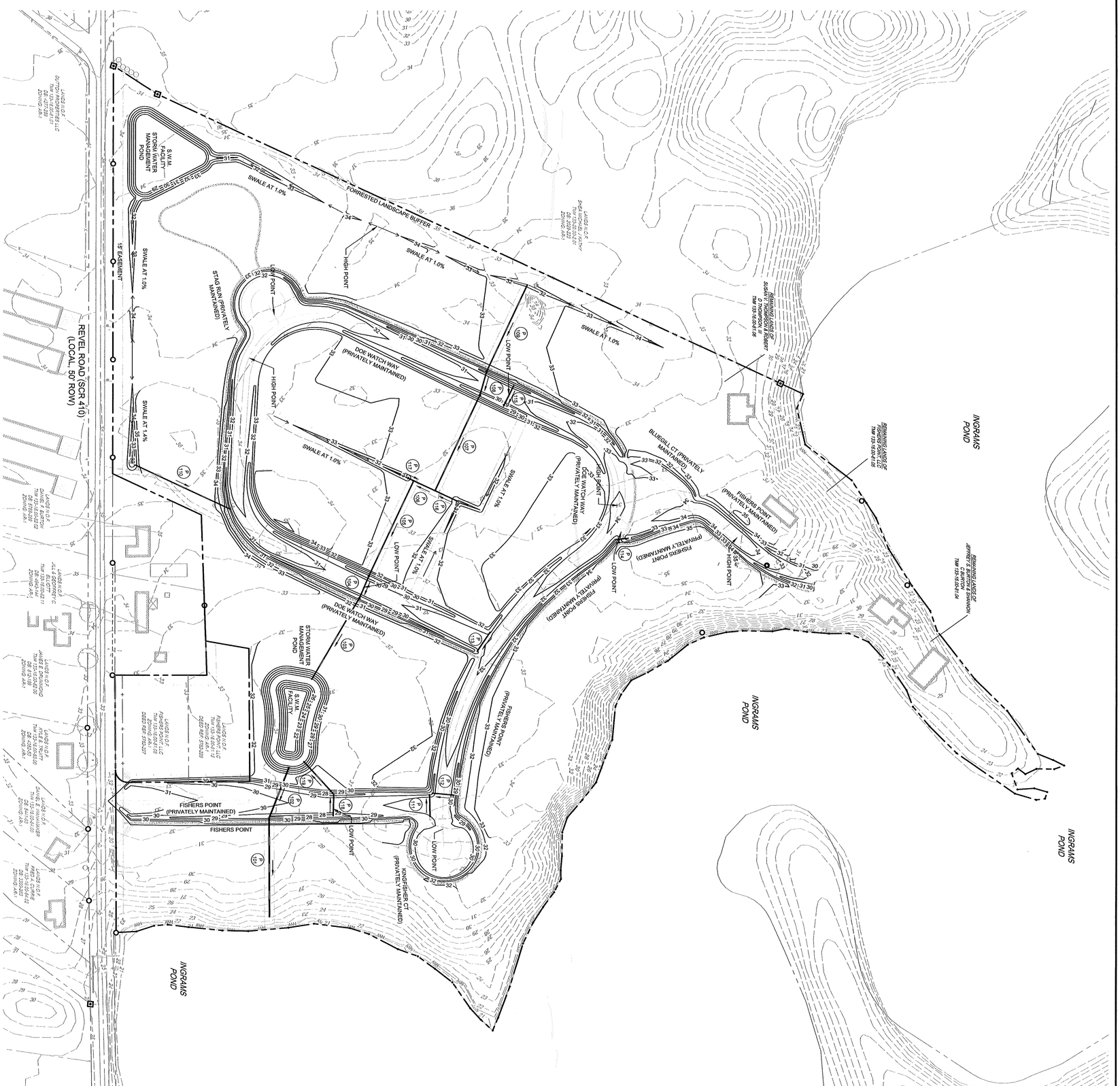
SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER
L-1

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plan\Fig2171-JBUR - Landscape Plan.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Hasbeck PLOTSTYLE: _SiteWorks-ENG.ctb

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Eng\2171-JBUR - Bulk Grading Plan.dwg PLOTTED: 9/29/2022 2:00 PM, BY: Dave Heatwole PLOTSTYLE: _SiteWorks-ENG.ctb



THIS DRAWING INCLUDES DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR RELEASED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING LLC

FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK:
7/30/21 - SUSSEX COUNTY PAZ - PRELIMINARY
12/7/21 - SUSSEX COUNTY PAZ
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY PAZ
9/30/22 - SUSSEX COUNTY PAZ

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

BULK GRADING PLAN

SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

GP-1

FISHERS POINT

Project Reference Material for Application # 2021-24

AR-1 Cluster Subdivision

Sussex County, Delaware

Project Team

Applicant/Developer	**Fishers Point, LLC** Contact: Jeff Burton 24139 Fisher Pt Millsboro, DE 19966 Telephone: (302) 745-5555 Email: Jeff@LaneBuilders.com
Attorney	**Sergovic Carmean Weidman McCartney & Owens, P.A.** Contact: Shannon Carmean Burton, Esquire 25 Chestnut St P.O. Box 751 Georgetowon, DE 19947 Telephone: (302) 855-1260 Email: shannonb@sussexattorney.com
Environmental	**Coastal & Estuarine Research, Inc.** Contact: Evelyn M. Maurmeyer, Ph.D. P.O. Box 674 Lewes, DE 19958 Telephone: (302) 645-9610 Email: maurmeye@udel.edu
Civil Engineer / Land Planner	**Siteworks Engineering LLC** Contact: Dave Heatwole, PE 19 Commerce St P.O. Box 2 Harrington, DE 19952 Telephone: (302) 841-7901 Email: dave.heatwole@siteworkseng.com

Table of Contents

Executive Summary

Fishers Point Community – History & Vision

TAB 1

A. Site Data
B. Fishers Point Rendering
C. Subdivision Application
D. Property Legal Description
E. Deeds

TAB 2

A. Location Map
B. Surrounding Communities Map
C. Flood Insurance Rate Map (FIRM) from FEMA
D. 2020 State Strategies Map
E. Sussex County - Future Land Use
F. Sussex County - Zoning Map
G. 1961 Aerial Ortho
H. 1992 Aerial Ortho
I. 2017 Aerial Ortho
J. Groundwater Recharge & Wellhead Protection Map
K. National Wetland Inventory (NWI) Map
L. NRCS Soils Map

TAB 3

A. Revised Subdivision Application
B. Revised Preliminary Site Plans
C. Covenants & Restrictions Exhibit
D. Waiver Requests
E. TAC Comments
F. Planning & Zoning Comments and Comment Response Letters

TAB 4 – Code Notes

TAB 5 – Declaration of Covenants

TAB 6

A. Wetland Delineation Summary – Kenneth W. Redinger Environmental Services
B. Ingrams Pond Exclusions from the Buffer Requirement
C. Soils Feasibility Study for On-Site Wastewater Disposal Systems
D. SHPO Correspondence

TAB 7

A. Office of the State Fire Marshal - Site Plan Approval
B. Geographic Information Office Approvals

TAB 8 – Adjacent Properties Petition of Support

Executive Summary

Fishers Point Subdivision is a 48-lot Lot Cluster Subdivision on 40.657 acres of land consisting of seven properties located in Sussex County, west of Millsboro on Revel Road, about 1,000 feet south of the Revel Road / Godwin School Road intersection and adjacent to Ingrams Pond. The property is zoned AR-1 and located in a Level 3 area per the 2020 State Strategies Map. Sussex County's future land use map designates the site as a "Developing Area."

Lots will be clustered with the ½ acre option under §115-25 A.(2), and the proposed density is 1.3 units per acre. Internal subdivision streets will be privately owned and maintained by the Home Owners Association. The roads will have an open drainage system with a sidewalk on one side and street lights. A 1.1-acre active open space area with a walking trail is proposed adjacent to existing woods. The active open space is accessible to the community through internal roads and sidewalks.

Soils on the site are well drained and classified by the NRCS as "A Soils." Eastern Shore Soil Services completed a soil feasibility study for on-site waste water disposal systems that DNREC approved earlier this year.

The average elevation of the site is generally 12 feet above Ingrams Pond, and about 22.9 acres are currently used for agricultural purposes. The rest of the area is either wooded or used for residential purposes. A small band of non-tidal wetlands and floodplains impact the site along Ingrams Pond. All residential lots are contained entirely outside the wetlands, and the wetland area along the pond will be preserved in passive open space.

Mature trees border Ingrams Pond and form a band at least 65 feet thick at the narrowest location. Fishers Point intends to leave as many mature trees as possible, placing most roads and stormwater management areas out of the woods and away from the pond to preserve these natural features.

These natural features are integral to the Fishers Point community experience. Jeffrey Burton grew up on the proposed subdivision property, and preserving them has an emotional component. Indeed, Jeffrey and his wife, Shannon, still live there. The road names of Kingfisher Ct, Doe Watch Way, Blue Gill Ct, and Stag Run were chosen because of their experience with nature on the property. Fishers Point is expected to be a beautiful vibrant community providing residents with a peaceful place to live.

Fishers Point Community – History & Vision

My father, Oliver R Fisher, originally purchased the 62 Acre farm from prior in-laws, the Carey's. The farm then was roughly 41 acres on the Northwest side of Revel Road and roughly 20 acres on the Southeast side of Revel Road. Our 5 poultry houses and a bean field were located on the 21 acres when I was a child. A farmhouse, which was our family home, was located on the 41 acres along with woods and more bean fields.

My brother, sister and I grew up in a traditional Sussex County farming environment. There were only 4 homes on Revel Road when I was a child. The rest of the road consisted of poultry farms and fields from one end at Godwin School Road to Rt 24 on the other end. Jackie Parker later built 4 homes on the edge of what is now the Dutton Farm and Preston McIlvaine built two homes down near Godwin School Road on the old White's property. Soon thereafter, Marshal Lewis started selling his bean fields along Revel Road and Lewis Road. Mr. Lewis' property was divided up into many lots, but approximately 44 homes were built along Revel Road and Lewis Road during those years. Jimmy Parker later developed the community known as Parker's Point which added approximately 40 more homes to the southern end of our road. There are still a handful of lots that remain unimproved in Parker's Point as well as the old Lewis farmlands, but the area has clearly transitioned from agricultural to residential over the years.

My family rarely went on vacation when I was a child, so camping on what we referred to as "the point" was the highlight of many summers. For many years growing up, I dreamed of one day having a home on the point. After working for Lane Builders for just two years, I wanted to build a home for my family and myself. So, in 1996, I asked my Dad for a piece of land to build that home and he quickly obliged and asked which piece I wanted. I let him know that I always wanted my home on the point where we camped as kids. First, he told me that I could have the land, but he didn't think I could build a home on it. Two years later, I showed him just how determined I could be and started building my forever home on that very point.

This transfer of land from my parents to me in 1997 was the genesis for breaking up the 41-acre parcel into pieces for my siblings as well. Five pieces were split off this side of the farm and distributed to my brothers, my sisters and myself. The 12 acres remaining on one side of the road and 21 acres on the far side of the road would, for the time being, remained with my parents.

Being a new and young landowner, I soon found out how difficult cutting 5 acres of grass was, so in 1999 I called my friend and local farmer, Troy Rogers, and told him that I think I could get my whole family to agree to allow his family to farm our land if he was interested. He conferred with his brother, Timmy Rogers, and told me that he and his brother would be interested in tilling the land. He asked me what I wanted in terms of a lease rate to till the land. I told him that all I wanted was to not cut the field of grass another summer. A great relationship of the Rogers family farming our ground has lasted 23 years now. Timmy Rogers has farmed the land applying all the best techniques of modern farming, but our sandy soils are no longer ideal. It is now difficult to sustain a bountiful crop of beans or corn on our land; thirty percent of the farm is almost barren each year.

When my parents wished to slow down and didn't want to grow chickens anymore, they reached out to our friends and fellow poultry growers, Ed and Janet Dutton, who lived across the street to sell them the 5 chicken houses and the 21-acre parcel on the far side of the road which backed to their farm. About

four years ago the Dutton family stopped growing chickens on both of their neighboring farms, focusing instead on their growing bus business. Ed Dutton, Allen Dutton and Gerald Dutton of Dutton Farms and Dutton Bussing still have homes on their farm and have signed our petition in support of this community.

Somewhere around 2005 I purchased my parents remaining 12 acres to help them live more comfortably in retirement. This started the dream of reassembling more of the original farm to create a beautiful waterfront community. I never dreamed that over the next 17 years I would make deals with brothers, sisters and people that had acquired my sisters land from an estate sale. As of today, I have reassembled 41 out of 42 acres on the Northwest side. It has been quite an undertaking.

As time went on, families grew and goals changed. My Dad passed in 2006 and left my mother alone in the same home where she raised us on the water to the North end of the farm. In 2020 & 2021, I spoke to my mother about my dream. She supported my dream as she wanted to move to Florida with one of my two siblings. She planned to live with my brother who lives on our family farm or my sister who also lives on the farm. They both had plans to retire and move to Florida in 2022 & 2023 respectively. Unfortunately, my Mom passed just after Mother's Day 2021 and her plan never came to fruition.

With events unfolding in life and only my wife and I remaining full time on the farm, I realized that the best use of this land would be to create a lasting legacy of a tight knit community. A community of beautiful, quality custom homes with front porches, sidewalks and streetlights that will line the roads of this unique place. I am hoping to build an environment where neighbors stop and chat during their evening strolls, place where grandparents can fish pond-side with their grandchildren and kids know to be home when the street lamps come on.

The beautiful homes in Fishers Point would be designed and built by my award-winning team at Lane Builders. I have attached some renderings of the first homes that we plan to build, if our application is approved.

I, at my core, am a custom home builder. I am not however, a professional developer. As far as communities go this will probably be the only one that I will ever endeavor. I want it to be special; I want it to be "Home" to a select few.

Jeff Burton

Tab 1

Fishers Point Subdivision Site Data

Owners of Record:	Jeffrey S. Burton, Shannon Carmen Burton, Fishers Point, LLC, Susan V. Thompson, and Robert D. Thompson, III.
Developer:	Fishers Point, LLC
Engineer:	Siteworks Engineering, LLC

Project Description

Physical Location	The project is located on the northwest side of Revel Road, about 900 feet South of the Revel Road / Godwin School Road Intersection
Tax Parcel #s:	133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13
Gross Project Area:	40.657 Acres
Net Project Area:	36.937 Acres
Current Zoning:	AR-1
Proposed Zoning:	AR-1 (Cluster Development)
Current Land Use:	Residential and Agricultural
Proposed Land Use:	Residential Community

Existing and Proposed Lots:

Existing Lots	7
Existing Lots to be Consolidated:	4
Existing Lots to Remain	3 (Reconfigured, 81.04, 81.05, & 81.06)
Proposed Lots:	48

AR-1 Proposed Zoning Requirements

Front Yard Setback:	30-Feet
Corner:	15-Feet
Side Yard Setback:	15-Feet
Rear Yard Setback:	20-Feet
Minimum Lot Area:	21,780 square feet (1/2 Acre)
Minimum Lot Depth:	100-Feet
Maximum Building Height:	42-Feet

*Lots 1-17 shall have a 25-foot permanent rear yard setback from non-tidal wetlands in accordance with with §115-25 F(3)(a)[4]

Proposed Land Use Areas

Single Family Lot Area:	26.305 Acres
R.O.W. Area:	5.237 Acres
Dedicated Area (DelDOT):	0.096 Acres
Open Space Area:	5.300 Acres

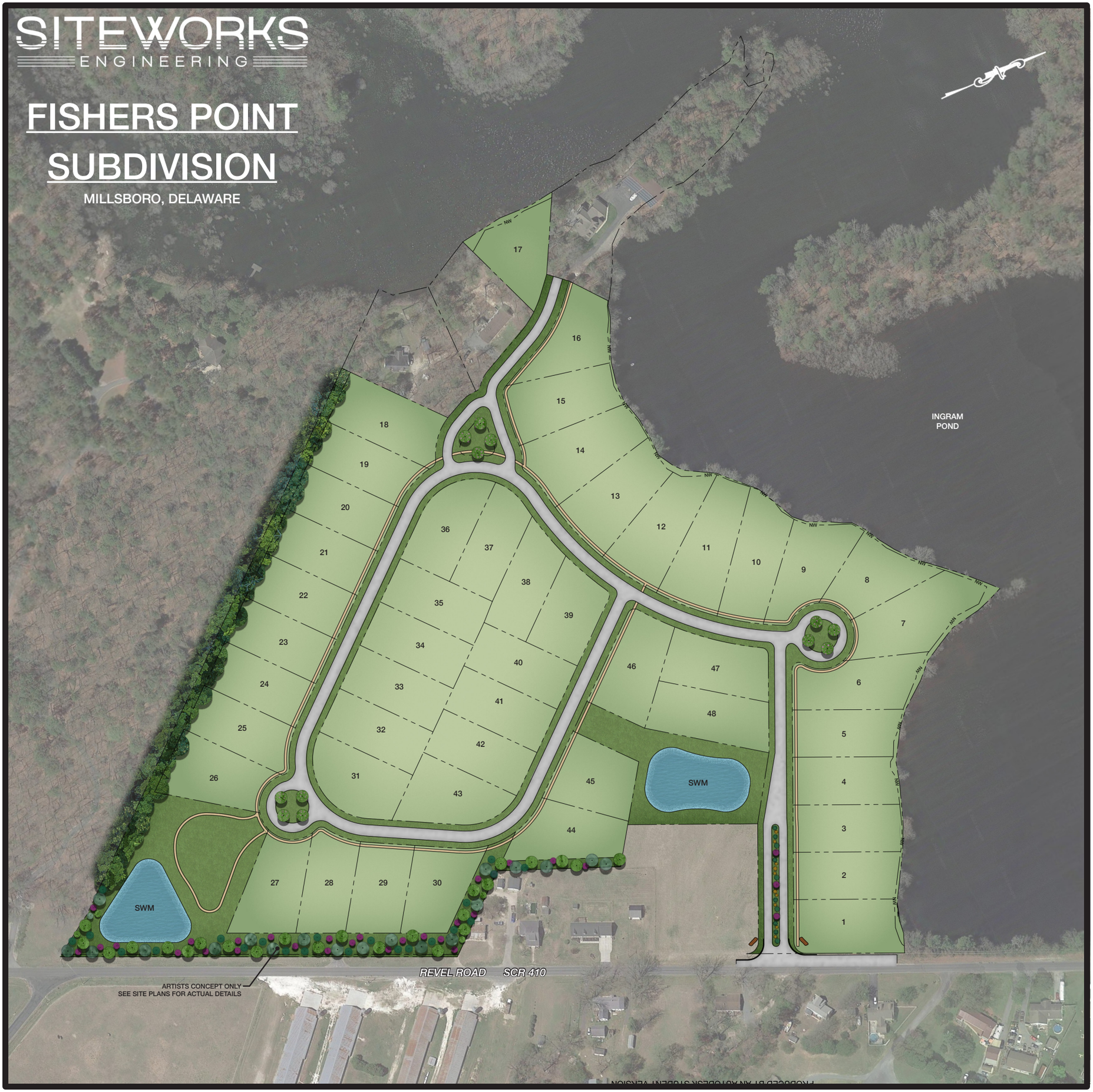
Project Density

Maximum Density:	2.0 Units / Acre
Proposed Density:	1.3 Units / Acre

SITEWORKS
ENGINEERING

FISHERS POINT SUBDIVISION

MILLSBORO, DELAWARE



LETTER OF TRANSMITTAL

SITEWORKS ENGINEERING

PO Box 2
19 Commerce St
Harrington, DE 19952

TO: Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

DATE	12/8/21	**JOB NO.**	2171-JBUR
ATTENTION	Ms. Lauren DeVore		
RE:	Fishers Point Major Subdivision Application (2021-24)		

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop Drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications

☒ Copy of Letter ☐ Change Order ☐ _____

LIST OF ITMS TRANSMITTED

COPIES	DATE	NO:	DESCRIPTION
	12/9/21	1	Check for the Application
	12/9/21	2	Major Subdivision Application
	12/9/21	3	Fishers Point Subdivision Plans

THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐ _____

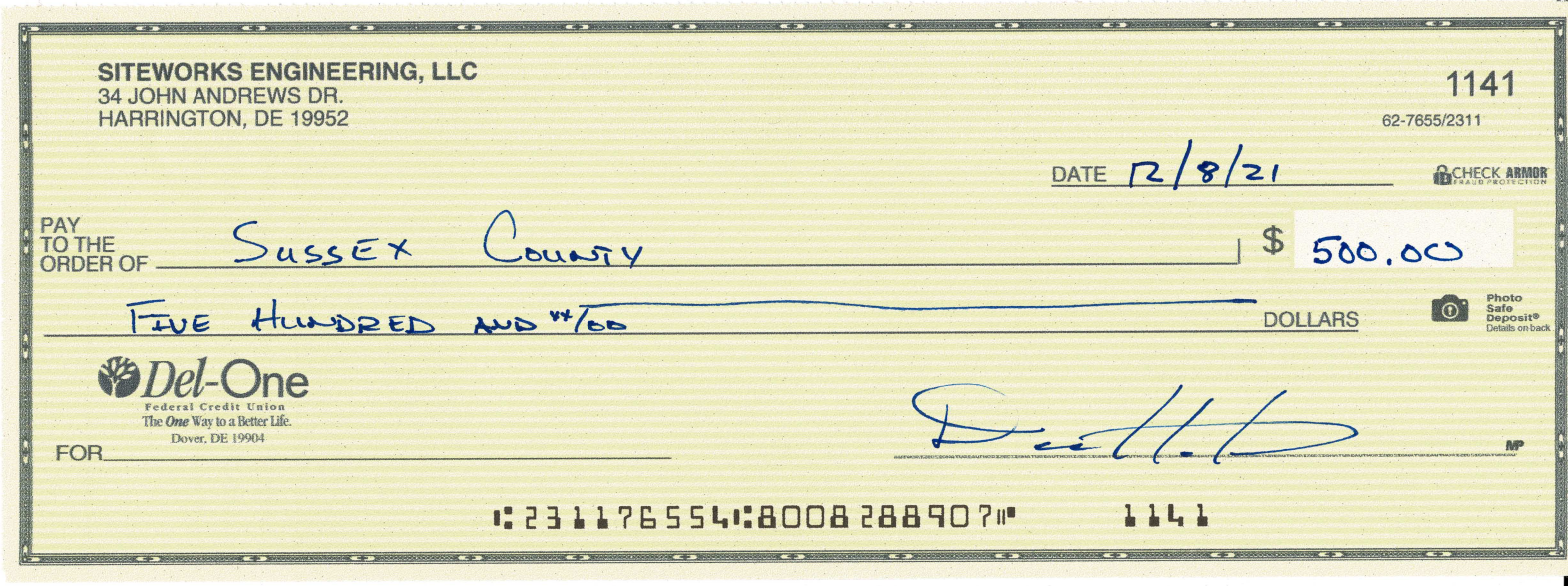
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO _____

SIGNED: Dave Heatwole

Received by: _____



SITEWORKS ENGINEERING, LLC
34 JOHN ANDREWS DR.
HARRINGTON, DE 19952

1141

62-7655/2311

DATE 12/8/21

CHECK ARMOR FRAUD PROTECTION

PAY TO THE ORDER OF Sussex County $ 500.00

Five Hundred and 00/100 DOLLARS

Photo Safe Deposit® Details on back

Del-One
Federal Credit Union
The One Way to a Better Life.
Dover, DE 19904

FOR

⑆231176554⑆8008288907⑈ 1141

File #: _____
Pre-App Date:_____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: ✔ 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: __
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 **Density**: 1.22 Units / Ac **Minimum Lot Size:** 1/2 Ac **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information

For Parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.08, 81.12, & 81.14

Owner Name: Jeffrey S. Burton, Shannon C Burton, Ty C. Burton, Wine Down Holdings LLC, The Jeffrey S. Burton Trust, & Fishers Point LLC,
Owner Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

See County File Ref #2021-24

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✔ **51% of property owners consent if applicable**

N/A, The project lies outside the Coastal Area

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

Signature of Applicant/Agent/Attorney

_____ Date: 12/6/2021

Signature of Owner

_____ Date: 12/6/21

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Ty Burton

File #: _____
Pre-App Date:_____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: ✔ 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: __
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information

For Parcels 133-16.00-81.05, 81.10, & 81.13

Owner Name: Daniel F Burton
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

See County File Ref #2021-24

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✔ **51% of property owners consent if applicable**

N/A, The project lies outside the Coastal Area

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

Signature of Applicant/Agent/Attorney

_____ Date: 12/6/2021

Signature of Owner

Dan H Burton Date: 12/6/2021

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

_____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Dan Burton

File #: _____
Pre-App Date:_____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: ✔ 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: __
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information

For Parcel 133-16.00-81.06

Owner Name: Susan V. Thompson & Robert D. Thompson, III
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

See County File Ref #2021-24

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✔ **51% of property owners consent if applicable**

N/A, The project lies outside the Coastal Area

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

Signature of Applicant/Agent/Attorney

_____ Date: 12/6/21

Signature of Owner

Susan V Thompson, _____ Date: 12-6-2021

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

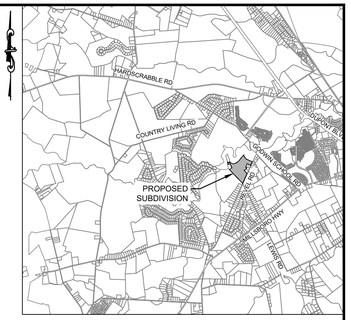
_____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

FISHERS POINT SUBDIVISION

PRELIMINARY SUBDIVISION PLANS

SUSSEX COUNTY PROJECT REF# 2021-24



LOCATION MAP

SCALE: 1" = 1 MILE

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY		
ADJOINING PROPERTY LINE		
BUILDING RESTRICTION LINE		
EASEMENT		
CENTER LINE OF ROAD		
EDGE OF PAVING		
CURB		
DRIVEWAY		
CONTOURS		
SWALE		
LIMIT OF CONSTRUCTION		LOC LOC LOC LOC
WETLANDS LINE AND FLAG	NW NW NW	
FLOODPLAIN	FP FP FP	
SOILS/DESIGNATION	MmA	
SOIL BORING		
WOODS		
FENCE	X X X X	X X X X
SIDEWALK		
SHARED USE PATH		
BUILDING		
UTILITY POLE/GUY WIRE		
OVERHEAD ELECTRIC	OHE OHE OHE	
CABLE TV, PEDESTAL OR HAND HOLE		
TRAFFIC SIGN		
SINGLE & TWIN HEAD SITE LIGHT		
ELECTRICAL HAND HOLE AND TRANSFORMER		
FIBER OPTIC HAND HOLE		
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	FH W W W W	FH W W V W W
SEWER MAIN, MAHNOLE, & CLEANOUT	S S MH C.O.	S S S MH C.O.
SANITARY SEWER FORCEMAIN	FM FM FM	FM FM FM
UNDERGROUND ELECTRIC	E E E E	
UNDERGROUND GAS	GAS GAS GAS	
UNDERGROUND FIBER OPTIC	FO FO FO	
TELEPHONE LINE	T T T T	
STORM WATER PIPE, MH, AND CB		

SITE OVERVIEW

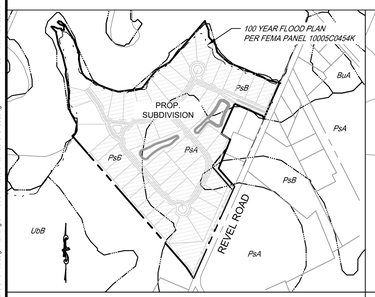
SCALE: 1" = 250'

SITE DATA:

1.	TAX MAP NUMBER(S)	133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13, & 81.14
2.	OWNER(S)	JEFFREY S. BURTON, ET. AL.
3.	TOTAL PROPERTY AREA:	36.860 ACRES
	LOT AREA	25.613 ACRES
	ROAD AREA	5.242 ACRES
	OPEN SPACE AREA	5.909 ACRES
	AREA DEDICATED TO DELDOT	0.096 ACRES
	EXISTING FORESTED AREA	13.4 ACRES
	FORESTED AREA TO BE REMOVED	8.9 ACRES
	WETLAND AREA	0.307 ACRES
4.	EXISTING & PROPOSED LOTS:	
	EXISTING LOTS	7
	EXISTING LOTS TO BE CONSOLIDATED	4
	EXISTING LOTS TO REMAIN	3 (RECONFIGURED, 81.04, 81.05, & 81.06)
	PROPOSED LOTS	45
5.	PROPOSED DENSITY:	1.23 UNITS / ACRE
6.	DEVELOPER NAME:	FISHERS POINT LLC
7.	PROPERTY ADDRESS:	29254 REVEL ROAD MILLSBORO, DE 19966
8.	GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL:	SUSSEX COUNTY
9.	HUNDRED/COUNTY:	DAGSBORO HUNDRED / SUSSEX COUNTY
10.	ZONING:	AR-1 (NO CHANGE PROPOSED)
11.	PRESENT USE:	TILLED CROPS / RESIDENTIAL
12.	PROPOSED USE:	RESIDENTIAL (SINGLE FAMILY)
13.	MINIMUM LOT SIZE:	AREA = 1/2 ACRES WIDTH = 100 FEET DEPTH = 100 FEET
14.	REQUIRED AR-1 SETBACKS (B.R.L.):	FRONT: 30-FEET SIDE: 15-FEET REAR: 20-FEET
15.	MAXIMUM HEIGHT REQUIREMENT:	42-FEET
16.	WATER AND SEWER SUPPLIER:	ON-SITE WELL AND SEPTIC
17.	PROJECT DATUM HORIZONTAL: VERTICAL:	 NAD 83 NAVD88
18.	FEMA FLOOD MAP: PER FEMA FLOOD MAP 10005CO454KK EFFECTIVE 3/16/2015, THE SITE IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.	
19.	POSTED SPEED LIMIT FOR REVEL RD (SCR 410):45 MPH	
20.	2020 STATE INVESTMENT AREA:	LEVEL 2
21.	LATITUDE AND LONGITUDE STATE PLAN COORDINATES: LATITUDE: N 38° 35' 06" LONGITUDE: W 75° 19' 49"	
22.	PROPOSED DISCHARGE LOCATION:	INGRAMS POND
23.	PROXIMITY TO T.I.D.:	NOT WITHIN AN IDENTIFIED TID
24.	LIMIT OF DISTURBANCE:	25 ACRES
25.	WATERSHED:	LONG DRAIN DITCH-BETTS POND

INDEX OF DRAWINGS

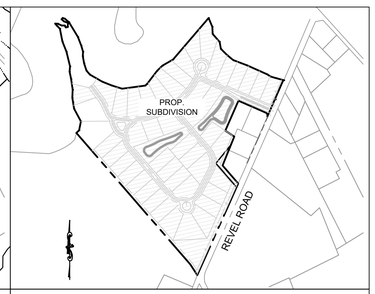
Sheet Number	Sheet Title
R-1	Record Plan Cover Sheet
R-2	EX CONDITION & LOT CONSOLIDATION PLAN
R-3	RECORD PLAN OVERVEIW
R-4	RECORD PLAN
R-5	RECORD PLAN
R-6	RECORD PLAN
L-1	FORRESTED BUFFER PLAN
W-1	WETLANDS PLAN



SOILS & FEMA MAP

SCALE: 1" = 600'

SYMBOL	NAME	SOIL GROUP
BuA	BROCKATONORTON-URBAN LAND COMPLES	NOT CLASSIFIED
PsA	PEPPERBOX-ROSEDALE COMPLEX, 0-2% SLOPE	A
PsB	PEPPERBOX-ROSEDALE COMPLEX, 2-5% SLOPE	A
UbB	UDORTHENTS, BORROW AREA, 0-5% SLOPE	C



ZONING MAP

SCALE: 1" = 600'

ALL PARCELS ON THIS MAP ARE ZONED AR-1

PROJECT TEAM

OWNER/DEVELOPER
JEFFREY S. BURTON
24139 FISHERS PT
MILLSBORO, DE 19966
(302) 745-5555

SITE PLANNER, ENGINEER, AND SURVEYOR
SITEWORKS ENGINEERING
19 COMMERCE STREET
HARRINGTON, DE 19952
(302) 841-7901

WETLANDS
KENNETH W. REDINGER ENVIRONMENTAL SERVICES
PO BOX 479
HORNTOWN, VA 23395
(757) 894-7032

SOIL FEASIBILITY
EASTERN SHORE SOIL SERVICES
PO BOX 411
SAVANNA, IL 61074
(302) 856-1853

ENGINEERS CERTIFICATION

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

DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17760) DATE

19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

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

JEFFREY S. BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN COVER SHEET

FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

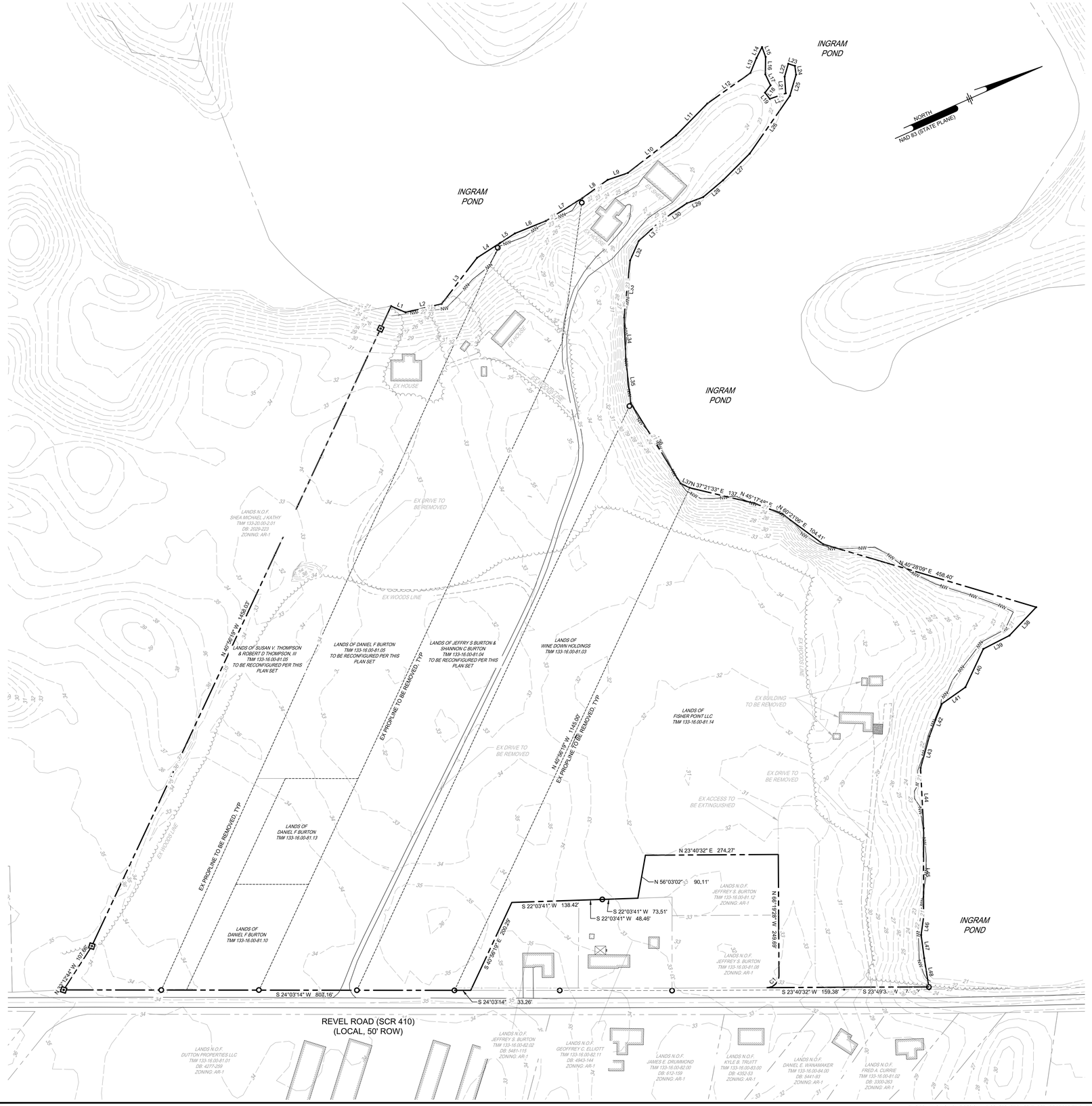
SCALE	PROJECT #	DRAWN BY
AS NOTED	2171-JBUR	JDC

DRAWING NUMBER

R-1

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\PlanEng\2171-JBUR - Record Plan Cover Sheet.dwg PLOTTED: 12/9/2021 9:40 AM BY: Dave PLOTSTYLE: _SiteWorks-ENG.ctb



BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.65'
L3	N28°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.80'
L6	N01°55'17"E	68.72'
L7	N07°59'53"W	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°56'04"W	33.33'
L14	N39°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S65°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N76°14'14"E	16.31'
L20	N04°32'52"E	34.87'
L21	N69°56'16"W	34.44'
L22	N50°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S16°14'48"E	53.49'
L29	S03°12'30"W	36.06'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S60°01'59"E	118.34'
L34	S68°27'57"E	89.53'
L35	S72°36'44"E	87.62'
L36	N82°13'28"E	195.11'
L37	N49°48'19"E	20.72'

BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L38	S22°42'48"E	80.47'
L39	S03°10'34"E	60.52'
L40	S40°53'14"E	87.30'
L41	S11°13'40"E	59.54'
L42	S44°57'17"E	71.79'
L43	S50°27'51"E	67.75'
L44	S68°54'38"E	124.36'
L45	S65°59'45"E	183.82'
L46	S58°10'02"E	37.04'
L47	S73°37'53"E	48.33'
L48	S75°12'18"E	60.22'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.27'	25.00'	090°00'00"	35.36'	N21° 19' 28"W

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

EX CONDITION & LOT CONSOLIDATION PLAN

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

R-2

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Dwg\2171-JBUR - Record Plan Existing.dwg PLOTTED: 12/8/2021 9:22 AM, BY: Dave PLOTSTYLE: _SiteWorks-ENG.ctb

LEGEND

- PROPERTY BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED BUILDING SETBACK LINE
- EXISTING WOODS LINE
- PROPOSED WOODS LINE
- PROPERTY LABELS (22)

MONUMENT LEGEND

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

0 100' 200'

BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.65'
L3	N28°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.80'
L6	N01°55'17"E	68.72'
L7	N07°59'53"W	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°56'04"W	33.33'
L14	N39°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S65°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N76°14'14"E	16.31'
L20	N04°32'52"E	34.87'
L21	N69°56'16"W	34.44'
L22	N50°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S16°14'48"E	53.49'
L29	S03°12'30"W	36.06'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S60°01'59"E	118.34'
L34	S68°27'57"E	89.53'
L35	S72°36'44"E	87.62'
L36	N82°13'28"E	195.11'
L37	N49°48'19"E	20.72'

BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L38	S22°42'48"E	80.47'
L39	S03°10'34"E	60.52'
L40	S40°53'14"E	87.30'
L41	S11°13'40"E	59.54'
L42	S44°57'17"E	71.79'
L43	S50°27'51"E	67.75'
L44	S68°54'38"E	124.36'
L45	S65°59'45"E	183.82'
L46	S58°10'02"E	37.04'
L47	S73°37'53"E	48.33'
L48	S75°12'18"E	60.22'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.27'	25.00'	090°00'00"	35.36'	N21° 19' 28"W

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN OVERVEIW

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

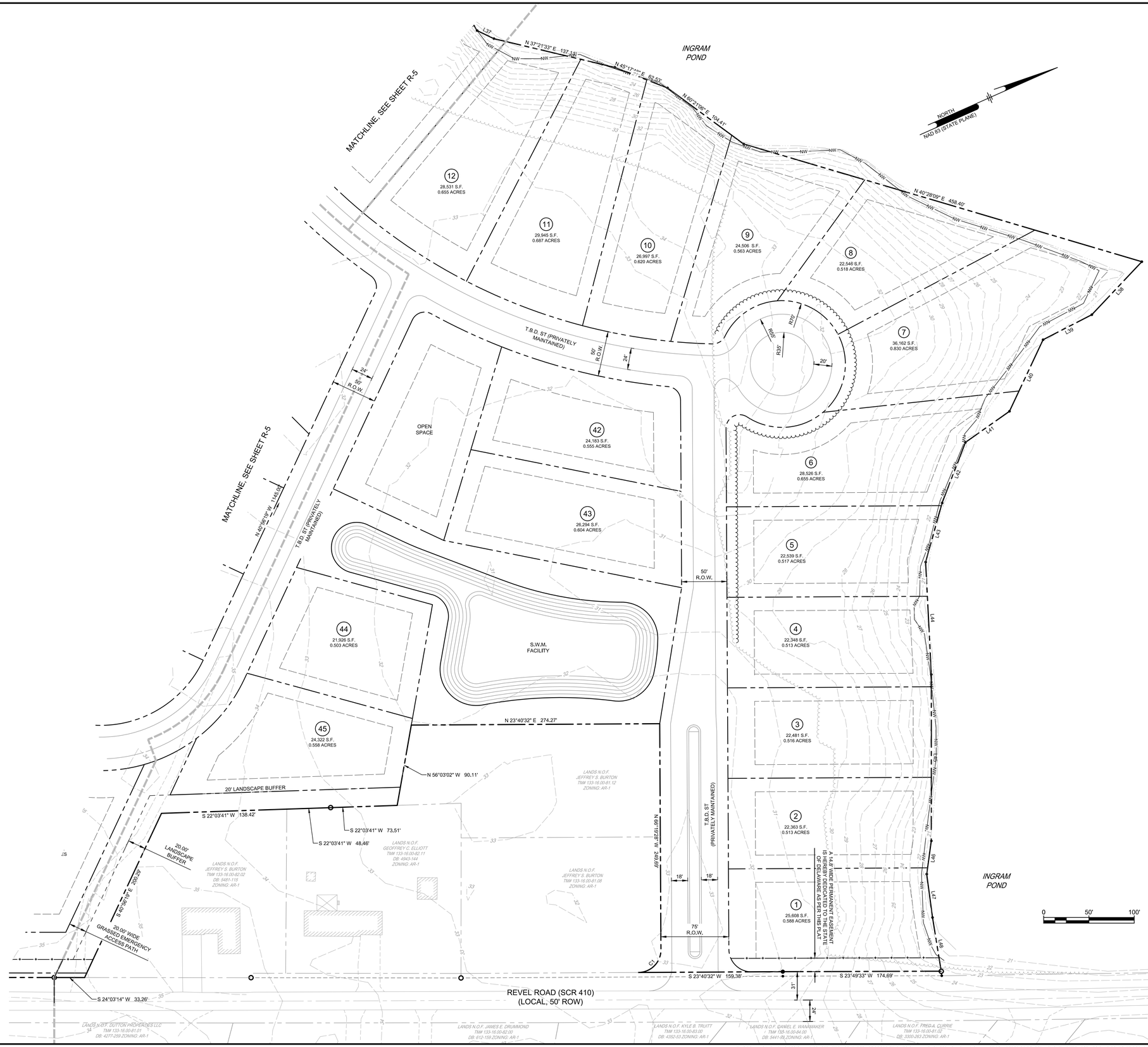
SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

R-3

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Eng\2171-JBUR - Record Plan Overview.dwg PLOTTED: 12/9/2021 9:22 AM, BY: Dave PLOTSTYLE: SiteWorks-ENG.ctb



Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Dwg\2171-JBUR - Record Plan.dwg PLOTTED: 12/9/2021 9:22 AM, BY: Dave PLOTSTYLE: _SiteWorks-ENG.ctb

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

DRAWING NUMBER
R-4

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING, LLC.

SITEWORKS ENGINEERING
PO BOX 219 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

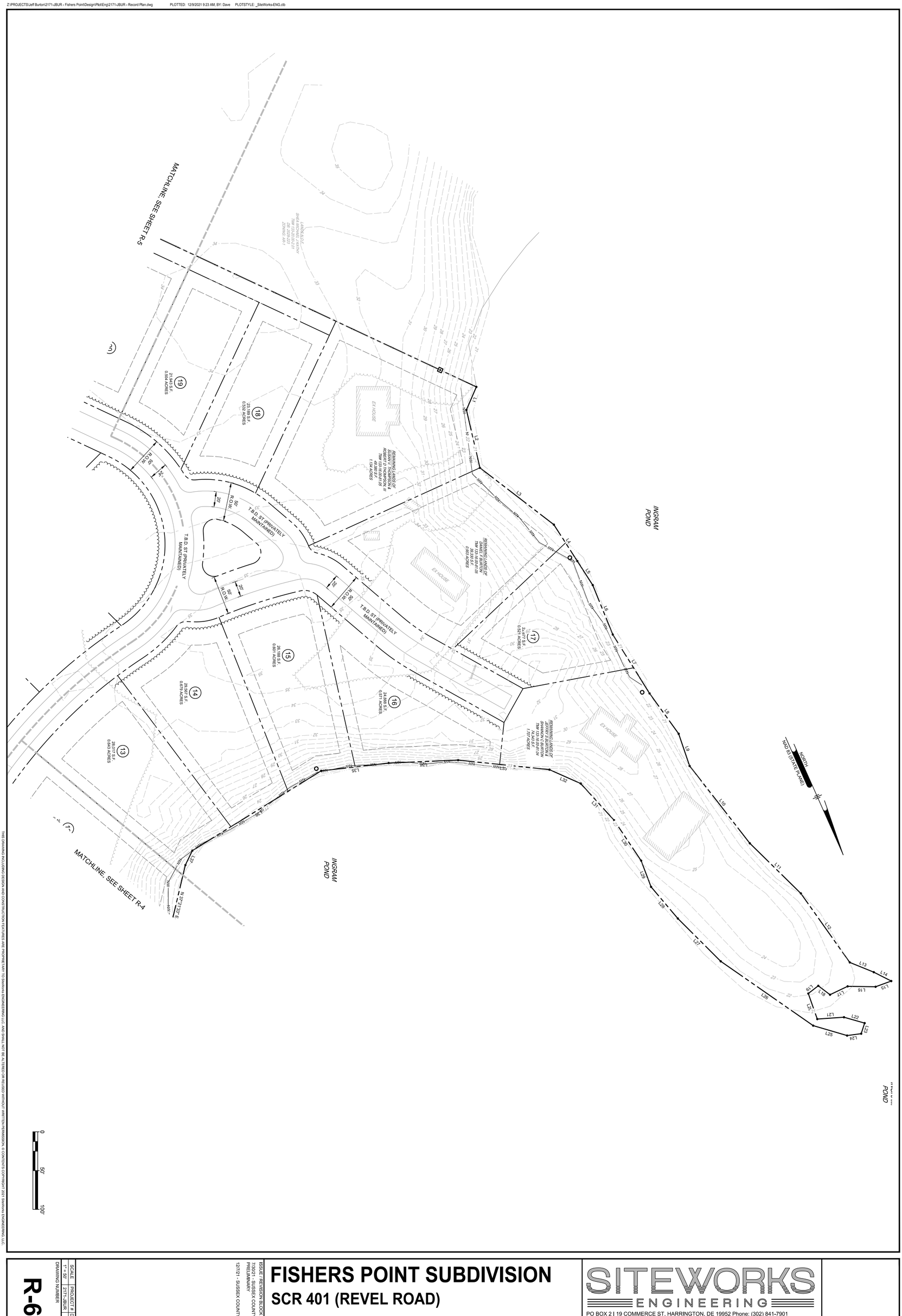
DRAWING NUMBER

R-5

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Dwg\2171-JBUR - Record Plan.dwg PLOTTED: 1/3/2022 9:23 AM BY: Dave PLOTSTYLE: _SiteWorksENG.ctb

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Eng\2171-JBUR - Record Plan.dwg PLOTTED: 12/9/2021 9:23 AM, BY: Dave PLOTSTYLE: _SiteWorks-ENG.ctb



THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC. AND SHALL NOT BE ALTERED OR RELEASED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING LLC.

R-6

SCALE	1" = 50'
PROJECT #	2171-JBUR
DRAWN BY	JDC
DRAWING NUMBER	

ISSUE / REVISION BLOCK
12/7/21 - SUSSEX COUNTY PRZ - PRELIMINARY

FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

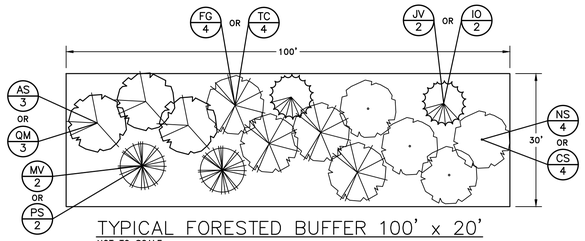
DAGSBORO HUNDRED, SUSSEX COUNTY

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

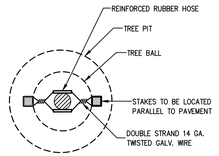
RECORD PLAN

LANDSCAPE PLANT SCHEDULE

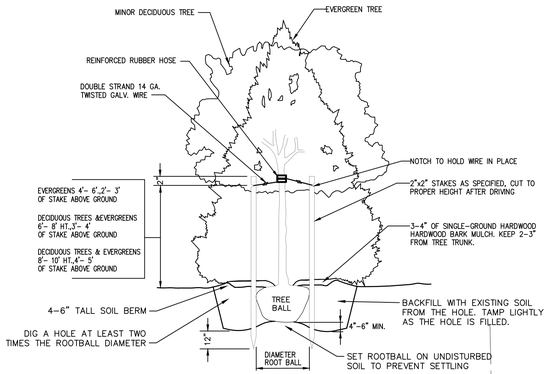
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	QUANTITY
		DECIDUOUS TREE				
	AS	Acer saccharum 'Green Mountain'	SUGAR MAPLE	1 1/2 – 2" Cal., B&B	10–15'	8
	QM	Quercus phellos	WILLOW OAK	1 1/2 – 2" Cal., B&B	10–15'	9
	FG	Fagus grandifolia	AMERICAN BEECH	1 1/2 – 2" Cal., B&B	10–15'	11
	TC	Tilia cordata	LITTLELEAF LINDEN	1 1/2 – 2" Cal., B&B	10–15'	11
	NS	Nyssa sylvatica	BLACK TUPELO	1 1/2 – 2" Cal., B&B	10–15'	11
	CS	Carya ovata	SHAGBARK HICKORY	1 1/2 – 2" Cal., B&B	10–15'	11
		EVERGREEN TREE				
	MV	Magnolia virginiana	SWEETBAY MAGNOLIA	5'/6' Ht., B&B		5
	PS	Pinus strobus	EASTERN WHITE PINE	5'/6' Ht., B&B		6
	JV	Juniperus virginiana	EASTERN RED CEDAR	5'/6' Ht., B&B		6
	IO	Ilex opaca	AMERICAN HOLLY	5'/6' Ht., B&B		6
				TOTAL		84



TYPICAL FORESTED BUFFER 100' x 20'
NOT TO SCALE

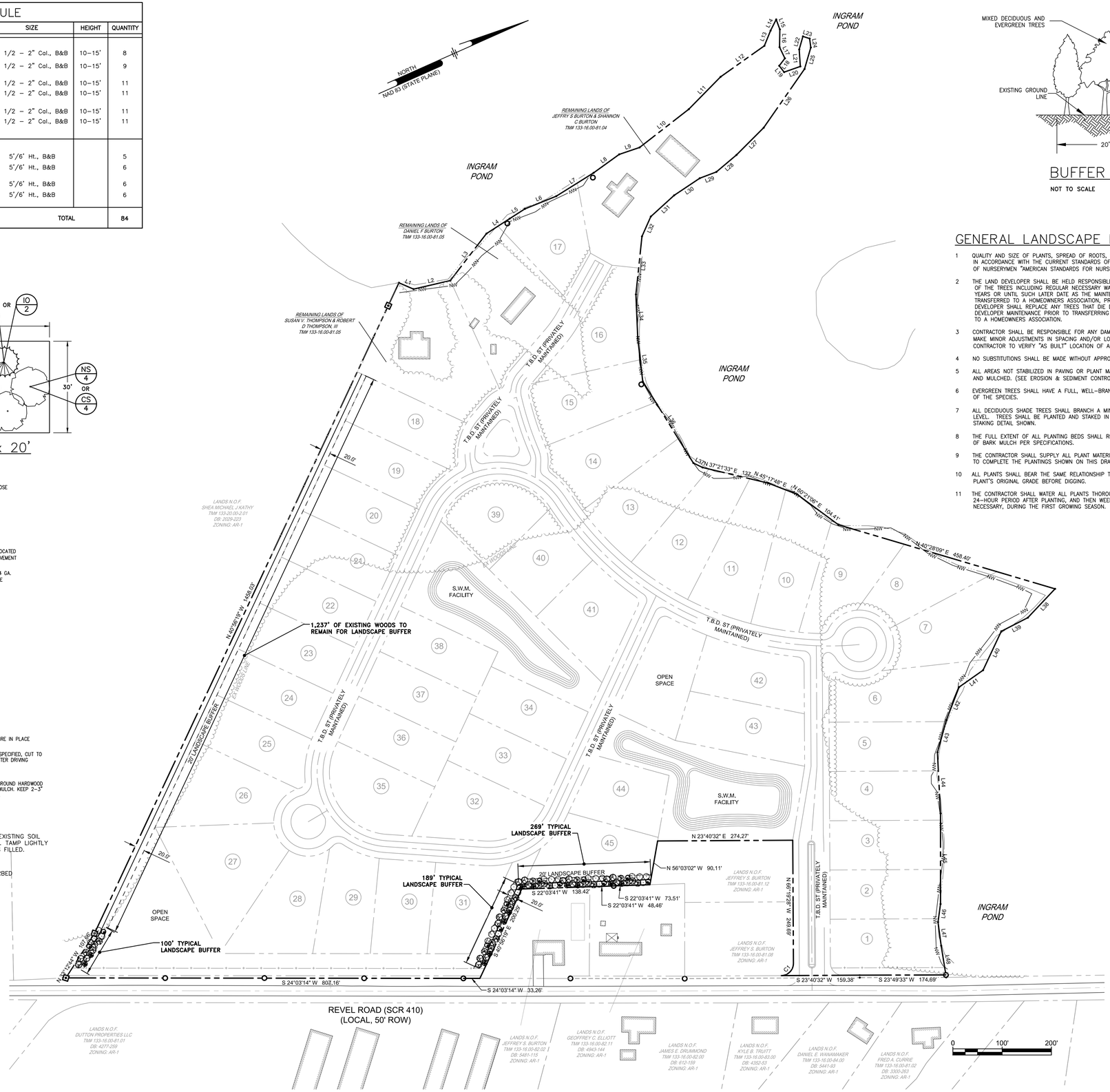


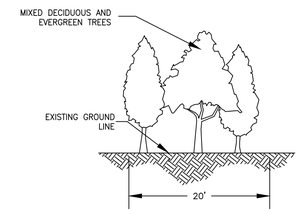
PLAN



SECTION

STAKING DETAIL
NO SCALE





BUFFER DETAIL
NOT TO SCALE

GENERAL LANDSCAPE NOTES

1 QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".

2 THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.

3 CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.

4 NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.

5 ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)

6 EVERGREEN TREES SHALL HAVE A FULL, WELL–BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.

7 ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'–0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.

8 THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.

9 THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.

10 ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.

11 THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24–HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

FORRESTED BUFFER PLAN

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z

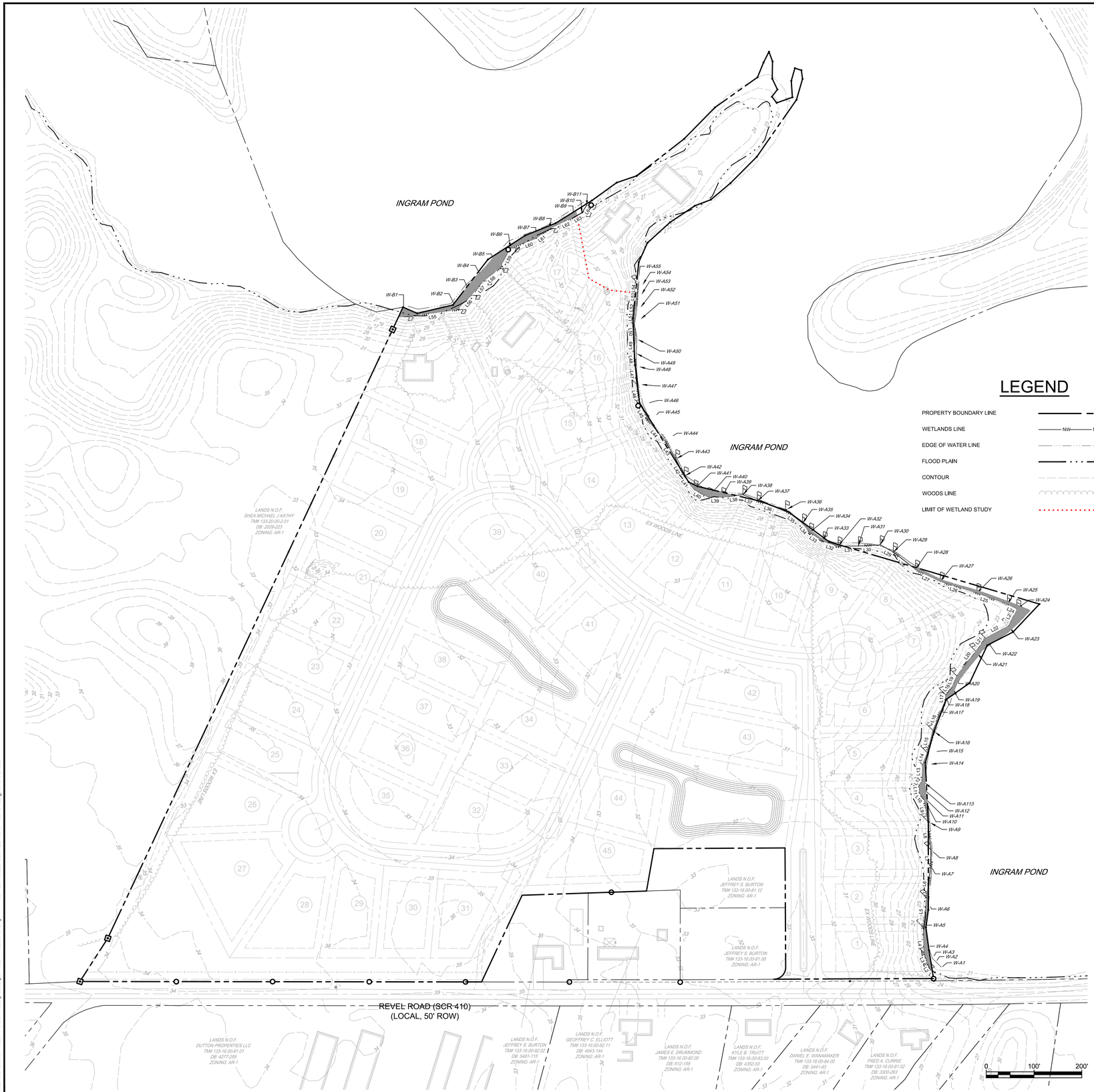
SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

L-1

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SiteWorks ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SiteWorks ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Revit\sp2171-JBUR - Landscape Plan.dwg PLOTTED: 12/8/2021 9:23 AM BY: Dave PLOTSTYLE: _SiteWorks-ENG.ctb



HARDSCRABBLE RD
COUNTRY LIVING RD
PROPOSED SITE
DAGSBORO-MILLSBORO HWY
LOCUST DR
LOCUST DR
LOCUST DR

PARTICULAR DESCRIPTION

Fishers Point Subdivision
TAX MAP # 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

ALL that certain lot, piece or parcel of land situated in the Dagsboro Hundred, Sussex County and State of Delaware, located on the northwesterly side of County Road #410, 2,406-feet southwest of Godwin School Road, and being bounded on the southeast by County Road #410 and lands of Jeffrey S. Burton, Daniel F. Burton, and Geoffrey C. Elliott and Jill M. Elliott, on the south by lands of Michael J. and Kathy J. Shea, and to the west and north by Ingrams Pond and Remaining Lands of Fishers Point LLC and Jeffrey S. Burton and Shannon Carmean Burton, and being more fully described in accordance with Fishers Point Preliminary Subdivision Plans by Siteworks Engineering LLC dated 8/30/22, as follows, to-wit:

BEGINNING at a concrete monument found along the northern right of way for Revel Road (SCR 410), a 50-foot right of way, at a corner for lands of Michael J. and Kathy J. Shea; thence with the lands Michael J and Kathy J. Shea the following two courses (1) North 33 Degrees 12 Minutes 44 Seconds West for a distance of 107.66 feet to concrete monument found; thence, (2) North 40 Degrees 56 Minutes 19 Seconds West of a distance of 1,273.38 feet to a point at a corner for this lot and the Remaining Lands of Susan V. and Robert D. Thompson, III; thence with the Remaining Lands of Susan V. and Robert D. Thompson, III the following four courses:

(1) North 49 Degrees 03 Minutes 41 Seconds East for a distance of 247.17 feet to a point; thence
(2) Along a curve that deflects right and has a chord bearing North 26 Degrees 46 Minutes 45 Seconds West a distance of 5.54 feet, a radius of 125.00 feet for an arc distance of 5.55 feet to a point; thence
(3) North 25 Degrees 30 Minutes 29 Seconds West for a distance of 39.95 feet to a point; thence
(4) Along a curve that deflects to the right and has a chord bearing North 11 Degrees 25 Minutes 04 Seconds West a distance of 36.52 feet, a radius of 75.00 feet for an arc distance of 36.89 feet to a point at a corner for this lot and the Remaining Lands of Fishers Point LLC; thence

with the Remaining Lands of Fishers Point LLC the following six courses:

(1) Along a curve that deflects to the left and has a chord bearing North 25 Degrees 30 Minutes 04 Seconds West a distance of 14.17 feet, a radius of 15.00 feet for an arc distance of 14.76 feet to a point; thence
(2) Along a curve that deflects to the left and has a chord bearing North 39 Degrees 35 Minutes 54 Seconds West a distance of 36.52 feet, a radius of 75.00 feet for an arc distance of 36.89 feet to a point; thence
(3) North 25 Degrees 30 Minutes 29 Seconds West for a distance of 103.04 feet to a point; thence
(4) Along a curve that deflects to the left and has a chord bearing North 31 Degrees 06 Minutes 24 Seconds West a distance of 43.90 feet, a radius of 225.00 feet for an arc distance of 43.97 feet to a point; thence
(5) Along a curve that deflects to the left and has a chord bearing North 38 Degrees 08 Minutes 10 Seconds West a distance of 11.24 feet, a radius of 225.00 feet for an arc distance of 11.24 feet to a point; thence

(6) South 68 Degrees 39 Minutes 06 Seconds West to a point at Ingrams Pond; thence with Ingrams Pond the following four courses:

(1) North 08 Degrees 45 Minutes 14 Seconds West for a distance of 55.87 feet to a point; thence
(2) North 08 Degrees 45 Minutes 14 Seconds West for a distance of 36.80 feet to a point; thence
(3) North 01 Degrees 55 Minutes 17 Seconds East for a distance of 68.72 feet to a point: thence
(4) North 07 Degrees 59 Minutes 53 Seconds West for a distance of 55.59 feet to a point at a Corner for this lot and Remaining Lands of Jeffrey S. and Shannon Carmean Burton; thence with the Remaining Lands of Jeffrey S. and Shannon Carmean Burton the following three courses:

(1) South 62 Degrees 11 Minutes 42 Seconds East for a distance of 174.75 feet to a point; thence
(2) North 40 Degrees 34 Minutes 46 Seconds East for a distance of 50.00 feet to a point; thence
(3) North 51 Degrees 07 Minutes 25 Seconds East for a distance of 93.53 feet to a point at Ingrams Pond; thence with Ingrams Pond the following 44 courses:

(1) South 56 degrees 19 minutes 37 seconds East for a distance of 9.68 feet to a point; thence
(2) South 76 degrees 49 minutes 32 seconds East for a distance of 27.43 feet to a point; thence
(3) South 64 degrees 59 minutes 09 seconds East for a distance of 61.05 feet to a point; thence
(4) South 71 degrees 14 minutes 09 seconds East for a distance of 33.48 feet to a point; thence
(5) South 79 degrees 10 minutes 16 seconds East for a distance of 47.25 feet to a point; thence
(6) North 89 degrees 55 minutes 39 seconds East for a distance of 35.91 feet to a point; thence
(7) North 74 degrees 43 minutes 46 seconds East for a distance of 52.91 feet to a point; thence
(8) North 83 degrees 47 minutes 57 seconds East for a distance of 46.96 feet to a point; thence
(9) North 88 degrees 04 minutes 54 seconds East for a distance of 38.21 feet to a point; thence
(10) North 59 degrees 38 minutes 46 seconds East for a distance of 35.38 feet to a point; thence
(11) North 49 degrees 25 minutes 05 seconds East for a distance of 26.72 feet to a point; thence
(12) North 29 degrees 18 minutes 22 seconds East for a distance of 69.53 feet to a point; thence
(13) North 45 degrees 33 minutes 57 seconds East for a distance of 40.95 feet to a point; thence
(14) North 43 degrees 48 minutes 27 seconds East for a distance of 53.28 feet to a point; thence
(15) North 62 degrees 28 minutes 21 seconds East for a distance of 45.67 feet to a point; thence
(16) North 64 degrees 08 minutes 41 seconds East for a distance of 47.73 feet to a point; thence
(17) North 42 degrees 53 minutes 48 seconds East for a distance of 31.94 feet to a point; thence
(18) North 24 degrees 28 minutes 56 seconds East for a distance of 48.97 feet to a point; thence
(19) North 28 degrees 52 minutes 14 seconds East for a distance of 29.98 feet to a point; thence
(20) North 21 degrees 55 minutes 46 seconds East for a distance of 17.26 feet to a point; thence
(21) North 51 degrees 00 minutes 39 seconds East for a distance of 31.09 feet to a point; thence
(22) North 60 degrees 28 minutes 07 seconds East for a distance of 37.79 feet to a point; thence
(23) North 56 degrees 06 minutes 08 seconds East for a distance of 38.18 feet to a point; thence
(24) North 49 degrees 35 minutes 25 seconds East for a distance of 47.28 feet to a point; thence
(25) North 40 degrees 47 minutes 59 seconds East for a distance of 92.67 feet to a point; thence
(26) North 44 degrees 26 minutes 01 seconds East for a distance of 68.54 feet to a point; thence
(27) North 46 degrees 48 minutes 59 seconds East for a distance of 28.98 feet to a point; thence
(28) South 23 degrees 24 minutes 26 seconds East for a distance of 33.11 feet to a point; thence
(29) South 18 degrees 41 minutes 26 seconds East for a distance of 31.81 feet to a point; thence

(30) South 10 degrees 24 minutes 54 seconds East for a distance of 64.99 feet to a point; thence
(31) South 27 degrees 59 minutes 11 seconds East for a distance of 45.22 feet to a point; thence
(32) South 29 degrees 31 minutes 23 seconds East for a distance of 43.29 feet to a point; thence
(33) South 46 degrees 13 minutes 45 seconds East for a distance of 43.48 feet to a point; thence
(34) South 38 degrees 22 minutes 59 seconds East for a distance of 66.73 feet to a point; thence
(35) South 48 degrees 28 minutes 21 seconds East for a distance of 40.62 feet to a point; thence
(36) South 58 degrees 51 minutes 40 seconds East for a distance of 74.38 feet to a point; thence
(37) South 74 degrees 57 minutes 23 seconds East for a distance of 52.89 feet to a point; thence
(38) South 70 degrees 46 minutes 29 seconds East for a distance of 82.85 feet to a point; thence
(39) South 64 degrees 31 minutes 04 seconds East for a distance of 52.66 feet to a point; thence
(40) South 60 degrees 13 minutes 05 seconds East for a distance of 68.95 feet to a point; thence
(41) South 59 degrees 20 minutes 05 seconds East for a distance of 43.65 feet to a point; thence
(42) South 70 degrees 30 minutes 04 seconds East for a distance of 27.80 feet to a point; thence
(43) South 84 degrees 10 minutes 11 seconds East for a distance of 37.66 feet to a point; thence
(44) South 69 degrees 09 minutes 00 seconds East for a distance of 42.14 feet to a capped iron Rebar found with the northern SCR 410 Right of Way, 55 feet wide; thence with the SCR 410 northernly right of way the following two courses, (1) South 23 Degrees 49 Minutes 33 Seconds West for a distance of 174.69 feet to a point; thence, (2) South 23 Degrees 40 Minutes 32 Seconds West for a distance of 159.38 feet to a point at a corner for this lot and lands of Jeffrey S. Burton; thence leaving the SCR 410 right of way and with the lands of Jeffrey S. Burton the following four courses:

(1) Along a Curve that deflects left and has a chord which bears North 21 Degrees 19 Minutes 28 Seconds West for a distance of 35.36 feet, a radius of 25.00 feet for an arc distance of 39.27 feet to a capped iron rebar; thence,
(2) North 66 Degrees 19 Minutes 28 Seconds West for a distance of 249.69 feet to a capped iron rebar; thence,
(3) South 23 Degrees 40 Minutes 32 Seconds West for a distance of 274.27 feet to a capped iron rebar; thence,
(4) South 56 Degrees 03 Minutes 02 Seconds East for a distance of 90.11 feet to a capped iron rebar at a corner for this lot and lands of Geoffrey C. Elliott and Jill M. Elliott; thence with lands of Geoffrey C. Elliott and Jill M. Elliott and lands of Daniel F. Burton the following two courses:

(1) South 22 Degrees 03 Minutes 41 Seconds West for a distance of 260.40 feet to a point; thence
(2) South 40 Degrees 56 Minutes 19 Seconds East 200.29 feet to a point along the northern SCR 410 Right of Way, 50 feet wide; thence with the northern SCR 410 Right of Way South 24 Degrees 03 Minutes 14 Seconds West for a distance of 840.42 feet to a found concrete monument, passing over iron pipes found at 33.26 feet, 235.05 feet 436.84 feet and 638.63 feet, said concrete monument being the point and place of beginning and said to contain 40.657 acres of land, more or less.

Document# 2022000025059 BK: 5704 PG: 266
Recorder of Deeds, Scott Dailey On 5/19/2022 at 3:22:17 PM Sussex County, DE
Consideration: $0.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TMP: P/O 133-16.00-81.00; P/O 133-16.00-81.02; P/O 133-16.00-81.08; P/O 133-16.00-81.12 & 133-16.00-81.14
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut St.
P.O. Box 751
Georgetown, DE 19947-0751

THIS DEED, made this 9th day of May, 2022,

BETWEEN

JEFFREY S. BURTON, TRUSTEE OF THE JEFFREY S. BURTON LIVING TRUST DATED JUNE 1, 2011, AND ANY AMENDMENTS THERETO, A/K/A THE JEFFREY S. BURTON TRUST, JEFFREY S. BURTON, SHANNON C. BURTON A/K/A SHANNON CARMEAN BURTON, TY C. BURTON AND FISHERS POINT, LLC, a Delaware limited liability company, of 24139 Fishers Pt., Millsboro, DE 19966, parties of the first part,

AND

FISHERS POINT, LLC, a Delaware limited liability company, of 24139 Fishers Pt., Millsboro, DE 19966, party 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 party of the second parts, its successors and assigns:

ALL that certain lot, piece or parcel of land lying and being situated in the Dagsboro Hundred, Sussex County, Delaware, lying on the northerly side of Revel Road (SCR 410) and identified as TM# 133-16.00-81.00 (remaining lands) on a plot entitled "Lot Line Adjustment & Consolidation Plan" prepared by Siteworks Engineering LLC dated 2/11/22 and recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 361, Page 91, as revised and superseded by Plot Book 369 Page 28 and being described from said plan as follows, to wit:

BEGINNING at a capped iron rebar found along the northerly right of way for Revel Road (SCR 410), a 55-foot right of way, at a corner for this lot and Ingrams Pond; thence with the

Document# 2022000025059 BK: 5704 PG: 267
Recorder of Deeds, Scott Dailey On 5/19/2022 at 3:22:17 PM Sussex County, DE
Doc Surcharge Paid

northerly Revel Road right of way the following two courses and distances (1) S 23° 49' 33" W for a distance of 174.69 feet to a capped iron rebar to be set; (2) S 23° 40' 32" W for a distance of 159.38 feet to a capped iron rebar to be set at a corner for this lot and lands now or formerly of Jeffrey S. Burton; thence leaving Revel Road and with the lands of Jeffrey S. Burton the following four courses and distances:

(1) Along a Curve that deflects left and has a chord which bears N 21° 19' 28" W a distance of 35.36 feet, a radius of 25.00 feet for an arc distance of 39.27 feet to a capped iron rebar to be set thence;

(2) N 66° 19' 28" W for a distance of 249.69 feet to a capped iron rebar to be set thence;

(3) S 23° 40' 32" W for a distance of 274.27 feet to a capped iron rebar to be set thence;

(4) S 56° 03' 02" E for a distance of 90.11 feet to a capped iron rebar to be set thence at a new corner established for this lot and lands now or formerly of Geoffrey C. Elliott and Jill M. Elliott; thence with lands of Geoffrey C. Elliott and Jill M. Elliott and lands of Jeffrey S. Burton, Shannon C. Burton, & Ty C. Burton S 22° 03' 41" W for a distance of 260.40 feet, passing over an capped iron pipe found at 73.51 feet, to a capped iron rebar to be set; thence with lands of Jeffrey S. Burton, Shannon C. Burton, & Ty C. Burton S 40° 56' 19" E for a distance of 194.77 feet to a capped iron rebar to be set along the northerly Revel Road right of way; thence with Revel Road S 24° 03' 14" W for a distance of 33.26 feet to a capped iron rebar to be set at a corner for this lot and lands now or formerly of Wine Down Holdings LLC; thence with the lands of Wine Down Holdings LLC N 40° 56' 19" W for a distance of 1,139.48 feet to a point at Ingrams Pond; thence with Ingrams Pond the following fifteen courses and distances:

(1) N 37° 21' 33" E for a distance of 137.11 feet to a point
(2) N 45° 17' 48" E for a distance of 62.53 feet to a point
(3) N 60° 21' 06" E for a distance of 104.41 feet to a point
(4) N 40° 28' 09" E for a distance of 458.40 feet to a point
(5) S 22° 42' 48" E for a distance of 80.47 feet to a point
(6) S 03° 10' 34" E for a distance of 60.52 feet to a point
(7) S 40° 53' 14" E for a distance of 87.30 feet to a point
(8) S 11° 13' 40" E for a distance of 59.54 feet to a point
(9) S 44° 57' 17" E for a distance of 71.79 feet to a point
(10) S 50° 27' 51" E for a distance of 67.75 feet to a point
(11) S 68° 54' 38" E for a distance of 124.36 feet to a point
(12) S 65° 59' 45" E for a distance of 183.82 feet to a point
(13) S 58° 10' 02" E for a distance of 37.04 feet to a point
(14) S 73° 37' 53" E for a distance of 48.33 feet to a point
(15) S 74° 59' 10" E for a distance of 60.08 feet to a capped iron rebar found and place of beginning containing 13.96 acres of land, more or less

BEING a part of the same lands conveyed unto: (1) The Jeffrey S. Burton Trust by Deed of Jeffrey S. Burton dated April 25, 2013 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 4118, page 311; (2)

Document# 2022000025059 BK: 5704 PG: 268
Recorder of Deeds, Scott Dailey On 5/19/2022 at 3:22:17 PM Sussex County, DE
Doc Surcharge Paid

Jeffrey S. Burton, Shannon C. Burton and Ty C. Burton by Deed of Jeffrey Scott Burton and Ty Connor Burton dated June 3, 2021, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 5481, page 115; (3) Jeffrey S. Burton and Shannon Carmean Burton by Deed of Jeffrey S. Burton and Marjorie Ann Fisher, Trustee Under Revocable Trust Agreement of Marjorie Ann Fisher dated October 14, 1996, said Deed dated January 25, 2013, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 4090, page 69; (4) Jeffrey S. Burton by Deed of Marjorie Ann Fisher, Trustee Under Revocable Trust Agreement of Marjorie Ann Fisher dated October 14, 1996, said Deed dated February 4, 2014, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 4224, page 333; and (5) being the same lands conveyed unto Fishers Point, LLC by Deed of Daniel F. Burton and Susan Thompson dated November 19, 2021 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 5598, page 309.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

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

Signed, Sealed and Delivered
In the presence of:

_____

_____(SEAL)
Jeffrey S. Burton, Trustee of The Jeffrey S. Burton Living Trust Dated June 1, 2011, and any amendments thereto, a/k/a The Jeffrey S. Burton Trust

_____

_____(SEAL)
Jeffrey S. Burton

_____

_____(SEAL)
Shannon C. Burton a/k/a Shannon Carmean Burton

FISHERS POINT, LLC

_____

By: _____(SEAL)
Jeffrey S. Burton, Manager

Virginia Henrikse

_____(SEAL)
Ty C. Burton

Document# 2022000025059 BK: 5704 PG: 269
Recorder of Deeds, Scott Dailey On 5/19/2022 at 3:22:17 PM Sussex County, DE
Doc Surcharge Paid

STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 9th day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Jeffrey S. Burton, individually and as Trustee of The Jeffrey S. Burton Living Trust Dated June 1, 2011, and any amendments thereto, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

Notary Public

Printed name: _____

My commission expires: _____

JOAN L. TYNDALL
Notary Public
State of Delaware
My Commission Expires On
November 13, 2022

STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 9th day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Shannon C. Burton a/k/a Shannon Carmean Burton, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

Notary Public

Printed name: _____

My commission expires: _____

JOAN L. TYNDALL
Notary Public
State of Delaware
My Commission Expires On
November 13, 2022

Document# 2022000025059 BK: 5704 PG: 270
Recorder of Deeds, Scott Dailey On 5/19/2022 at 3:22:17 PM Sussex County, DE
Doc Surcharge Paid

STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 9th day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Jeffrey S. Burton, Manager of Fishers Point, LLC, a limited liability company of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed, and the act and deed of the said limited liability company; that the signature of the Manager is in his own proper handwriting; that the Indenture was given under seal; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by the Limited Liability Agreement of said limited liability company.

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

Joan L. Tyndall
Notary Public

Printed name: JOAN L. TYNDALL

JOAN L. TYNDALL
Notary Public
State of Delaware
My Commission Expires On
November 13, 2022

My commission expires:

STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 6 day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Ty C. Burton, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

VIRGINIA A. HENRIKSEN
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES APRIL 13, 2024

Virginia A. Henriksen
Notary Public

Printed name: Virginia A. Henriksen

My commission expires: 4-13-24

Electronically Recorded Document# 2022000011713 BK: 5656 PG: 291
Recorder of Deeds, Scott Dailey On 3/7/2022 at 12:59:32 PM Sussex County, DE
Consideration: $0.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

1-33 16.00 81.03
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947-0751
File No. RE-12632

THIS DEED, made this 2nd day of March, 2022,

- BETWEEN -

WINE DOWN HOLDINGS, LLC, a Delaware limited liability company, of 24139 Fishers Point, Millsboro, DE 19966, party of the first part,

- AND -

FISHERS POINT, LLC, a Delaware limited liability company, of 24139 Fishers Point, Millsboro, DE 19966, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns:

ALL that certain lot, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware being known and designated as LOT NO. 1 as shown on the plot of Oliver R. Fisher Subdivision, said plot being filed for record in the Office of the Recorder of Deeds, at Georgetown, Delaware, in Plot Book 60, Page 130, incorporated herein by reference, said to contain 5.202 acres of land, be the same more or less and more particularly described as follows, to wit:

BEGINNING for the purpose of this Description at a point on the northerly right of way line of Sussex County Route 410, known locally as Revel Road, said Beginning Point being on the common boundary corner of these lands and lands now or formerly of Kevin Fisher; thence by and with the said northerly right of way line of Revel Road South 34 degrees 24 minutes 31 seconds West 201.79 feet to the common boundary corner of these lands and Lot 2 of the said Oliver R. Fisher Subdivision; thence by and with the common boundary line between these lands and said Lot 2 North 30 degrees 38 minutes 04 seconds West ±1345 feet to Ingram's Pond; thence by and with the meanderings of the shoreline of said Ingram's Pond such a distance as to reach the common boundary corner of these lands and said lands now or formerly of Kevin Fisher, thence by and with the common boundary line between these lands and said lands now or formerly of

Document# 2022000011713 BK: 5656 PG: 292
Recorder of Deeds, Scott Dailey On 3/7/2022 at 12:59:32 PM Sussex County, DE
Doc Surcharge Paid

Kevin Fisher South 30 degrees 35 minutes 02 seconds East ±1141 feet to the Beginning and containing 5.2 acres, more or less.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEING the same lands conveyed to Wine Down Holdings, LLC by Deed of Michael A. Potter and Jessica L. Potter dated June 23, 2021 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 5494, Page 262.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE TO FOLLOW

Document# 2022000011713 BK: 5656 PG: 293
Recorder of Deeds, Scott Dailey On 3/7/2022 at 12:59:32 PM Sussex County, DE
Doc Surcharge Paid

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

WINE DOWN HOLDINGS, LLC

Witness

By: _____(SEAL)
Shannon Carmean Burton, Managing Member

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 2nd day of March, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Shannon Carmean Burton, Managing Member of Wine Down Holding, LLC, a limited liability company of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed, and the act and deed of the said limited liability company; that the signature of the Managing Member is in her own proper handwriting; that the Indenture was given under seal; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by the Limited Liability Agreement of said limited liability company.

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

Notary Public
Printed Name: _____
My Commission Expires: _____

JOAN L. LYNDALL
Notary Public
State of Delaware
My Commission Expires On
November 13, 2022

Document# 2021000004198 BK: 5395 PG: 77
Recorder of Deeds, Scott Dailey On 1/21/2021 at 10:59:37 AM Sussex County, DE
Consideration: $0.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

1-33 16.00 81.04
PREPARED BY & RETURN TO:
Sergovic & Carmean, P.A.
25 Chestnut Street
Georgetown, DE 19947-0751
File No. RE-5216

THIS DEED, made this 20th day of JANUARY, 2021,

- BETWEEN -

JEFFREY S. BURTON, TRUSTEE OF THE JEFFREY S. BURTON TRUST DATED JUNE 1, 2011 A/K/A THE JEFFREY S. BURTON TRUST, of 24139 Fishers Point, Millsboro, DE 19966, part of the first part,

- AND -

JEFFREY S. BURTON and **SHANNON CARMEAN BURTON** of 24139 Fishers Point, Millsboro, DE 19966, husband and wife, as tenants by the entirety, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and their heirs and assigns:

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as "LOT 2" on a survey plot prepared by Donald K. Miller, Registered Surveyor, dated September 19, 1997, revised October 27, 1997, a copy of which is filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Plot Book 60, page 130, incorporated herein by reference, said to contain 8.0776 acres of land, more or less.

BEING the same lands conveyed to The Jeffrey S. Burton Trust by a Deed of Jeffrey S. Burton dated April 25, 2013 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 4118, page 306.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

Document# 2021000004198 BK: 5395 PG: 78
Recorder of Deeds, Scott Dailey On 1/21/2021 at 10:59:37 AM Sussex County, DE
Doc Surcharge Paid

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

_____

_____(SEAL)
Jeffrey S. Burton, Trustee of the Jeffrey S. Burton Trust Dated June 1, 2011 a/k/a The Jeffrey S. Burton Trust

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on January 20, 2021, personally came before me, the subscriber, Jeffrey S. Burton, Trustee of the Jeffrey S. Burton Trust Dated June 1, 2011 a/k/a The Jeffrey S. Burton Trust, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

MARY ELLYN ROZELL
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES JULY 3, 2022

Notary Public
Printed Name: Mary Ellyn Rozell
My Commission Expires: 7/3/2022

Electronically Recorded Document# 2022000041573 BK: 5768 PG: 279
Recorder of Deeds, Scott Dailey On 9/6/2022 at 3:15:49 PM Sussex County, DE
Consideration: $385,000.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

1-33 16.00 81.05, 81.10 & 81.13
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947-0751
File No. RE-13669

THIS DEED, made this 1st day of September 2022,

- BETWEEN -

DANIEL F. BURTON, of 31891 Timber Acres Circle, Millsboro, DE 19966, party of the first part,

- AND -

FISHER'S POINT, LLC, a Delaware limited liability company, of 24139 Fishers Point, Millsboro, DE 19966, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns:

Tract 1: TMP 1-33 16.00 81.05

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "3" on a survey plot prepared by Donald K. Miller, Registered Surveyor, dated March 16, 1997, a copy of which is filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Plot Book 61 at page 50, incorporated herein by reference, said to contain 7.5445 acres of land, more or less.

EXCEPTING AND RESERVING THEREFROM:

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "A" on a survey plot prepared by Charles L. Coffman II Land Surveying dated September 24, 2009 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 137, Page 9 and containing .75 acre.

SUBJECT TO ingress/egress easement as shown in Plot Book 137, Page 9.

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "B" on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 180, Page 96 and containing 07521 acres.

SUBJECT TO ingress/egress easement as shown in Plot Book 180, Page 96.

Said parcel now more particularly described as Lot "3" Residual Lands of Daniel F. Burton as shown on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 180, Page 96 and containing 6.0404 acres.

Tract 2: TMP 1-33 16.00 81.10

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "A" on a survey plot prepared by Charles L. Coffman II Land Surveying dated September 24, 2009 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 137, Page 9 and containing .75 acre, and further shown on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in Plot Book 180, Page 96.

TOGETHER WITH AND SUBJECT TO ingress/egress easement as shown in Plot Book 137, Page 9 and Plot Book 180, Page 96.

Tract 3: TMP 1-33 16.00 81.13

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "B" on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 180, Page 96 and containing 0.7521 acres and further shown on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in Plot Book 180, Page 96.

TOGETHER WITH AND SUBJECT TO ingress/egress easement as shown in Plot Book 180, Page 96.

Document# 2022000041573 BK: 5768 PG: 281
Recorder of Deeds, Scott Dailey On 9/6/2022 at 3:15:49 PM Sussex County, DE
Doc Surcharge Paid

BEING the same lands conveyed to Daniel F. Burton by Deed of Oliver R. Fisher, Trustee Under Revocable Trust Agreement of Oliver R. Fisher Dated 10/14/96 and Marjorie Ann Fisher, Trustee Under Revocable Trust Agreement of Marjorie Ann Fisher dated 10/14/96, said Deed dated December 9, 1997 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 2445, Page 218. Although notice was given by the Grantor under the Right of First Refusal filed for record in the Office aforesaid in Deed Book 2445, Page 215, all holders of the right of first refusal failed to exercise their right to purchase the property described herein within the allotted time period. As a result, the Right of First Refusal has been extinguished and Grantor is free to convey said property to the Grantee.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

Document# 2022000041573 BK: 5768 PG: 282
Recorder of Deeds, Scott Dailey On 9/6/2022 at 3:15:49 PM Sussex County, DE
Doc Surcharge Paid

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

_____ _____(SEAL)
Daniel F. Burton

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on the 18th day of September, 2022, personally came before me, the subscriber, Daniel F. Burton, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

VIRGINIA A. HENRIKSEN NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES APRIL 13, 2024

_____
Notary Public
Printed Name: _____
My Commission Expires: 4-13-24

39597

02547 296

TAX PARCEL NUMBER: 1-33-16-81.06

PREPARED BY/RETURN TO: 1-19-01
HUDSON, JONES, JAYWORK & FISHER
309 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971

DEED

THIS DEED, Made this 7th day of December, in the year of our Lord 2000

BETWEEN: SUSAN V. BURTON, now known as Susan V. Thompson, of RR 2, Box 293, Millsboro, Delaware 19966, party of the first part,

- AND -

SUSAN V. THOMPSON, formerly known as SUSAN V. BURTON and ROBERT D. THOMPSON, III, wife and husband, of RR 2, Box 293, Millsboro, Delaware 19966, parties of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of ONE DOLLAR ($1.00) and other good and valuable consideration, Current Lawful Money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said parties of the second part, their heirs and assigns as Tenants by the Entireties:

ALL that right, title and interest in that certain piece, parcel, tract and lot of land situate, lying and being in Dagsboro Hundred, Sussex County, Delaware, being more particularly described as follows, to wit:

BEGINNING for this lot at a concrete monument placed on the northwesterly side of the right of way of County Road 410; said right of way being 50 feet in width and abutting the lands of Michael J. And Kathy J. Shea, more fully described as follows, to wit: thence from the place of beginning and by and with the said lands of Michael J. And Kathy J. Shea, North 22 degrees 51 minutes 27 seconds West 107.66 feet to a concrete monument; thence North 30 degrees 35 minutes 02 seconds West by and with the said lands of Michael J. and Kathy J. Shea 1406.69 feet to a concrete monument; thence along the same line and course 51.34 feet to an iron pipe situate on the edge of the waters of Ingrams Pond; thence along and with the northeast meanderings of Ingrams Pond 284.94 feet to a point; thence South 31 degrees 16 minutes 00 seconds East 10.29 feet to an iron pipe; thence by and with Lot 3 of the subdivision of Oliver R. Fisher South 31 degrees 16 minutes 00 seconds East 1682.09 feet to the said right of way of County Road 410, marked by an iron pipe; thence along and with said right of way of County Road 410 South 34 degrees 24 minutes 31 seconds West 201.79 feet to the place of beginning, containing 5.8220 acres of land, more or less, as described and designated as Lot 4 on a survey plot prepared by Donald K. Miller, Registered Surveyor, dated March 16, 1998, a copy of which is filed in the office of the Recorder of Deeds in and for Sussex County, State of Delaware in Plot Book 61 at page 50.

BEING the same lands conveyed to Susan V. Burton who married Robert D. Thompson, III on December 20, 1998 and is now Susan V. Thompson, by deed of Oliver R. Fisher, Trustee and Marjorie A. Fisher, Trustee dated May 7, 1998, and of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 2290, Page 159.

County	State	Total
.00	.00	.00

Date: 12/13/2000
Consideration: .00

SUBJECT to Easements and Restrictions of Record.

SUBJECT to The Terms and Right of First Refusal between Oliver R. Fisher, Trustee and Marjorie Ann Fisher, Trustee and Susan V. Burton, now Susan V. Thompson, dated May 7, 1998 and of record in the Office of the Recorder of Deeds, in Deed Book 2290, Page 156.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. the use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year aforesaid.

WITNESS:

Susan V Burton (SEAL)
SUSAN V. BURTON

Susan V Thompson (SEAL)
SUSAN V. THOMPSON

STATE OF DELAWARE)
) SS:
COUNTY OF SUSSEX)

BE IT REMEMBERED, that on this 27 day of December, A.D. 2000, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, SUSAN V. BURTON, now Susan V. Thompson, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her act and deed.

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

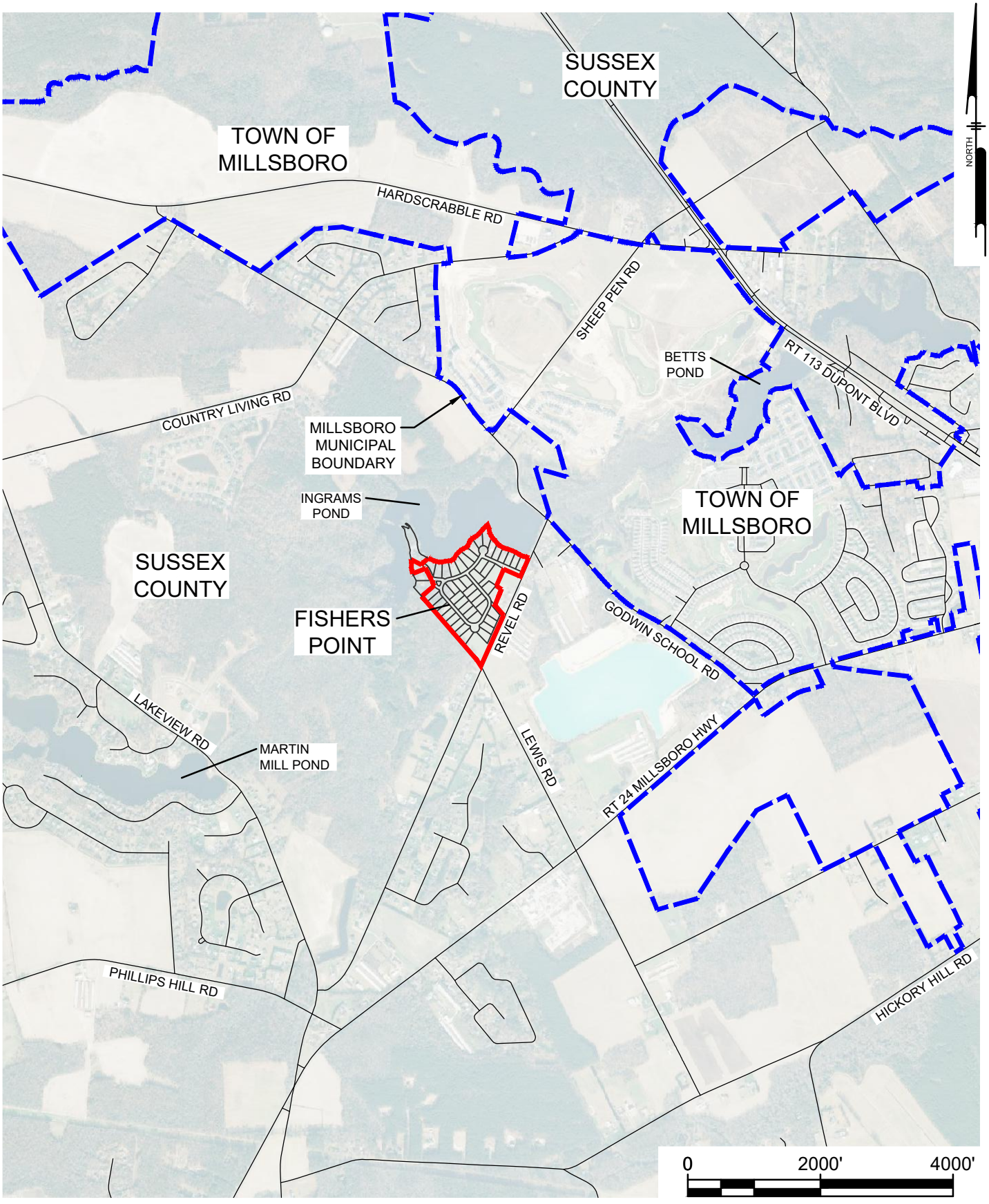
NOTARY PUBLIC

APPOINTED TO DELAWARE BAR NOV. 22, 1978
ATTORNEY
DOUGLAS D. MARSHALL
ID# 41
UNIFORM LAW
ON NOTARIAL ACTS
PURSUANT TO 29 DEL. C. CHAP. 43(A)(2)(3)(4)

RECORDER OF DEEDS
RICHARD H. BELL, II
00 DEC 13 PM 3:39
SUSSEX COUNTY
DOC. SURCHARGE PAID

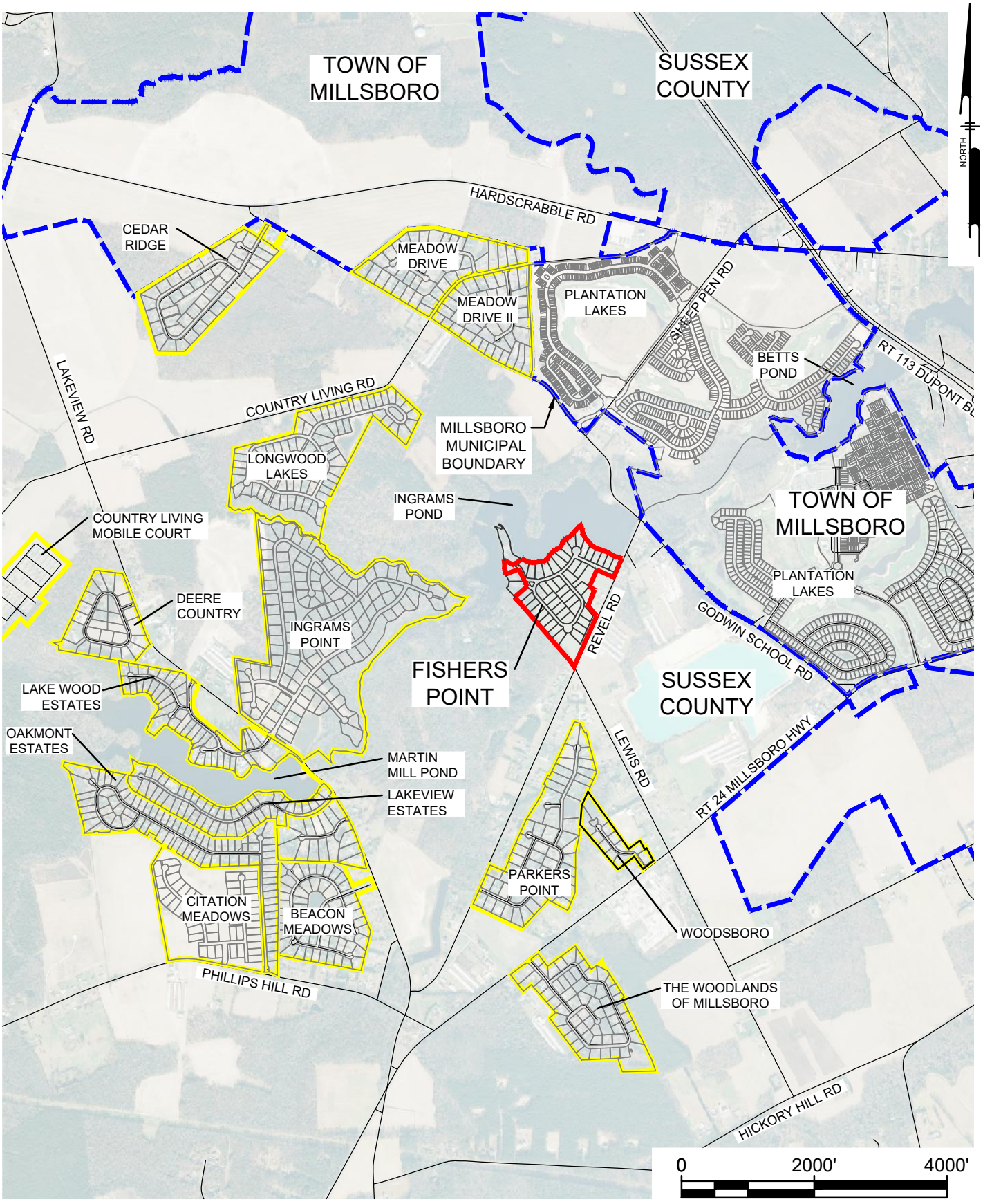
Received
DEC 14 2000
ASSESSMENT DIVISION
OF SUSSEX CTY.

Tab 2



SITEWORKS ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT
VICINITY MAP



SITEWORKS ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT
SURROUNDING COMMUNITIES

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPSZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

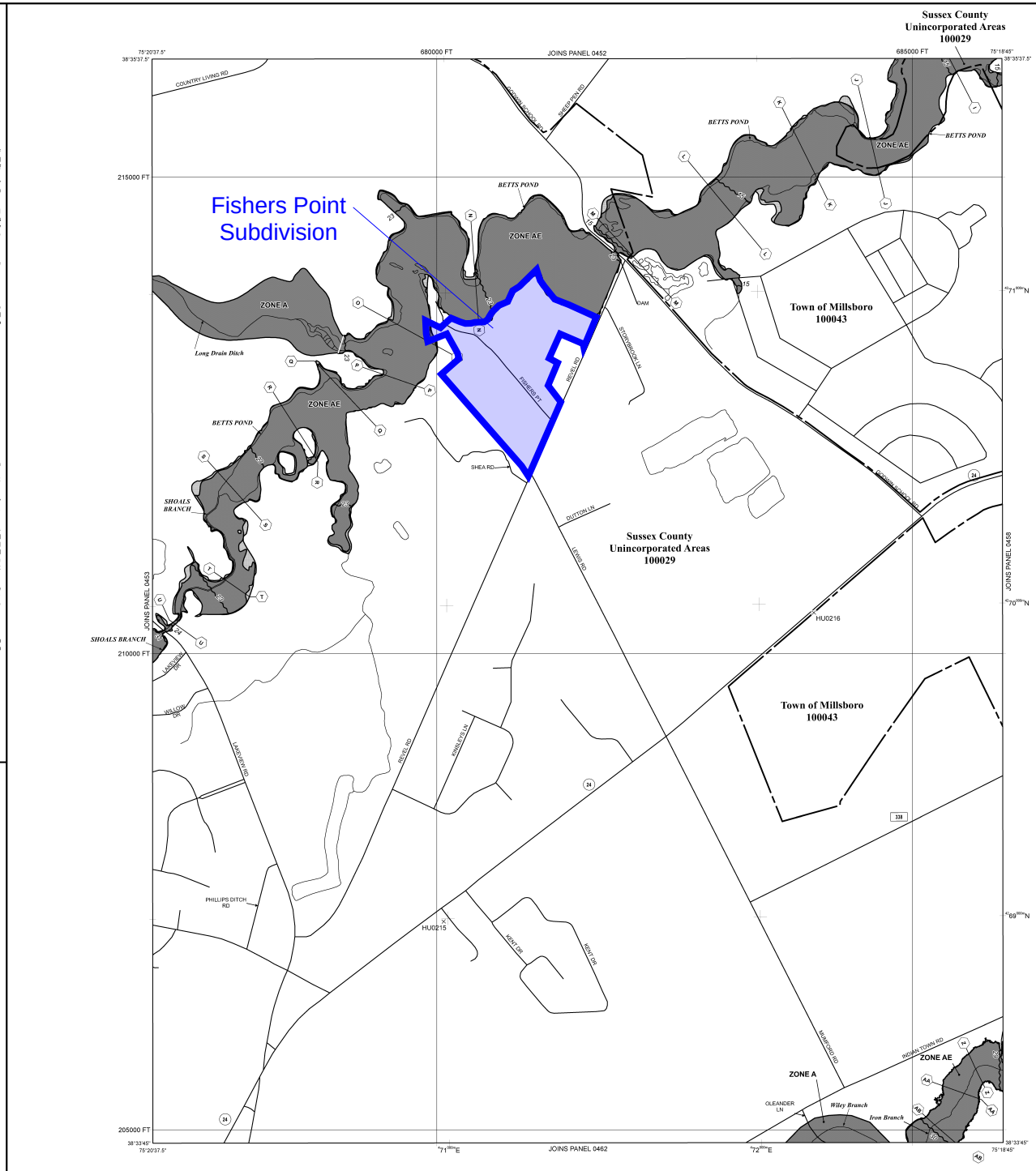
This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to confirm to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at http://www.msc.fema.gov/.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or visit the FEMA website at www.fema.gov/business/nfip



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Limit of Moderate Wave Action
- 513 (EL 987) — Base Flood Elevation line and value; elevation in Feet*
- * Referenced to the North American Vertical Datum of 1988
- Cross section Line
- Transect line
- 87°07'45", 32°22'30" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 2478000mN — 1000-meter Universal Transverse Mercator grid values, zone 18N
- 600000 FT — 5000-foot grid values: Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection
- DX5510 — Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 — River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
June 18, 1995

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0454K

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE
AND INCORPORATED AREAS

PANEL 454 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

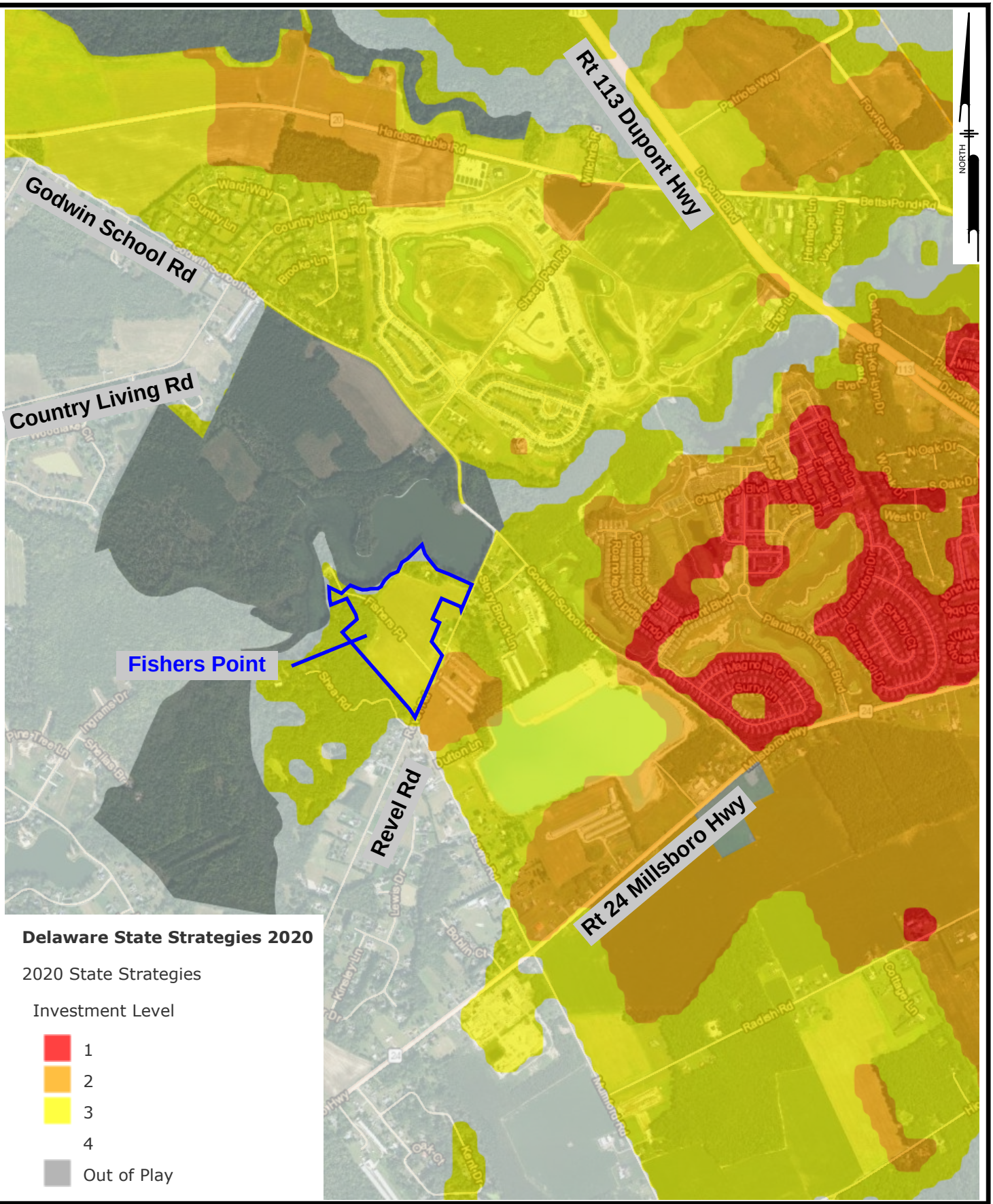
COMMUNITY	NUMBER	PANEL	SUFFIX
MILLSBORO, TOWN OF	100043	0454	K
SUSSEX COUNTY	100029	0454	K

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
10005C0454K

MAP REVISED
MARCH 16, 2015

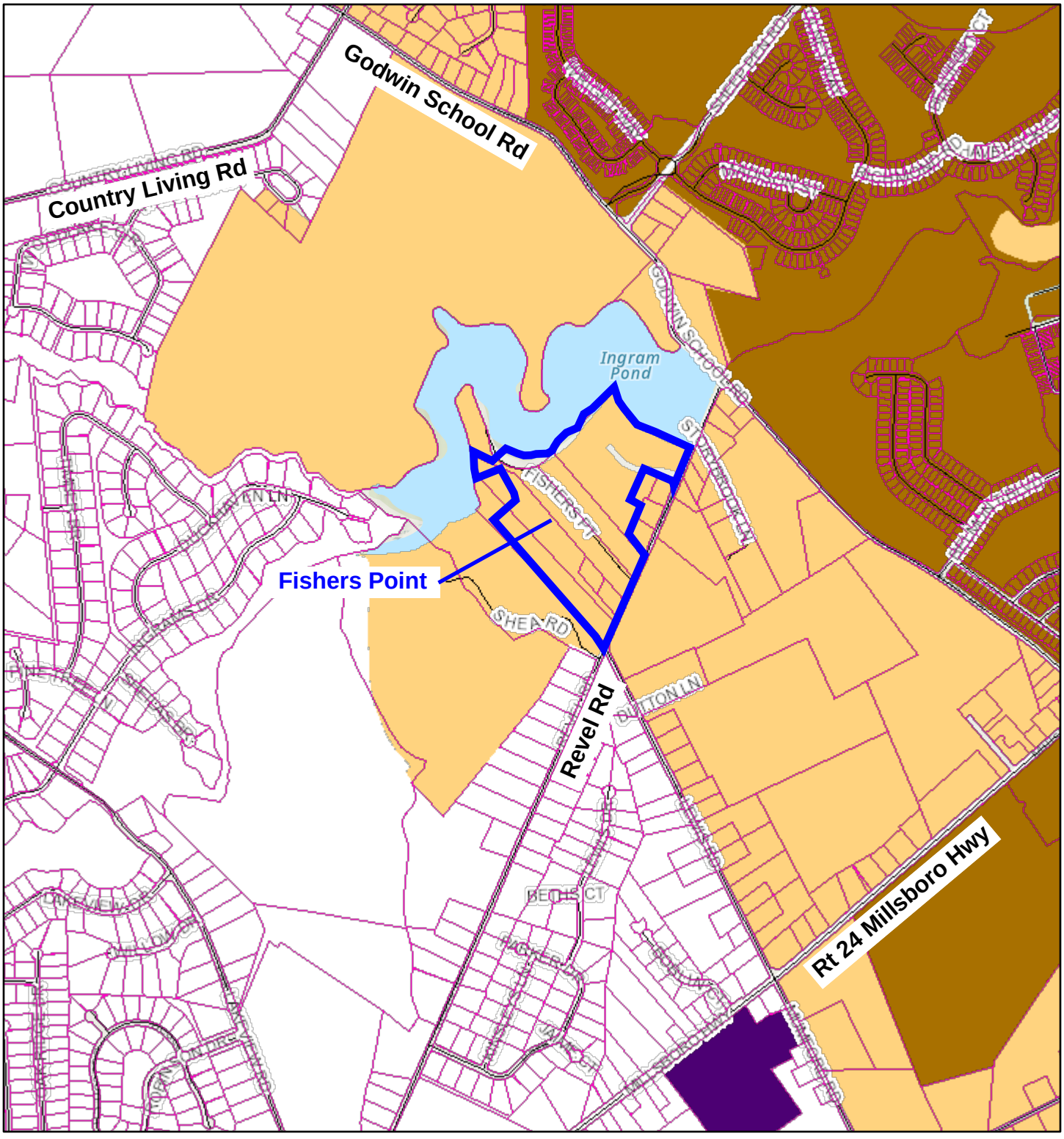
Federal Emergency Management Agency



SITEWORKS ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

2020 STATE STRATEGIES
FISHERS POINT
SUSSEX COUNTY, DE

Sussex County - Future Land Use Map



September 12, 2022

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

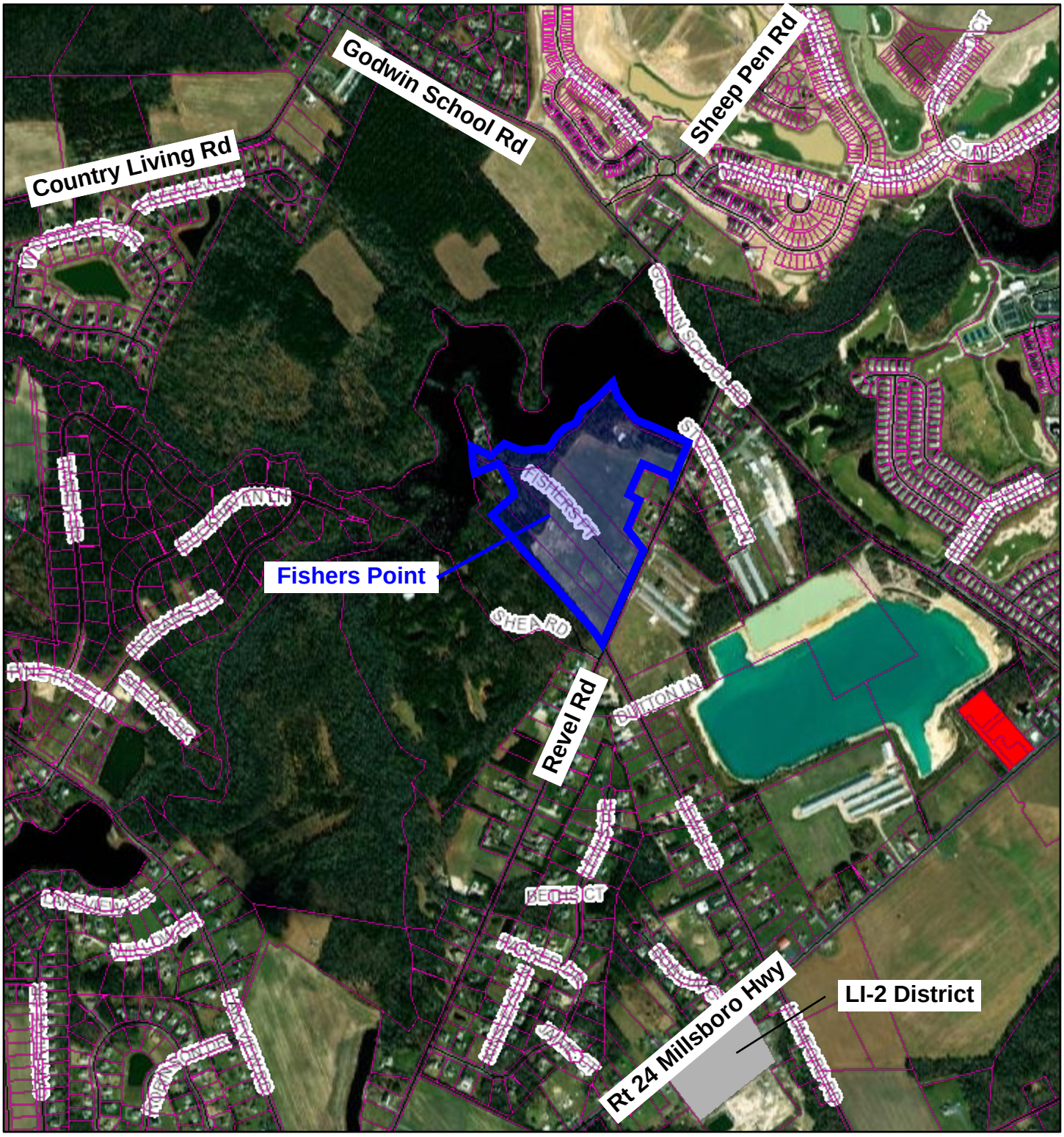
Tax Parcels
Streets
County Boundaries

2019 Future Land Use

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

Esri, NASA, NGA, USGS, FEMA, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Sussex County - Zoning Map



September 12, 2022

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

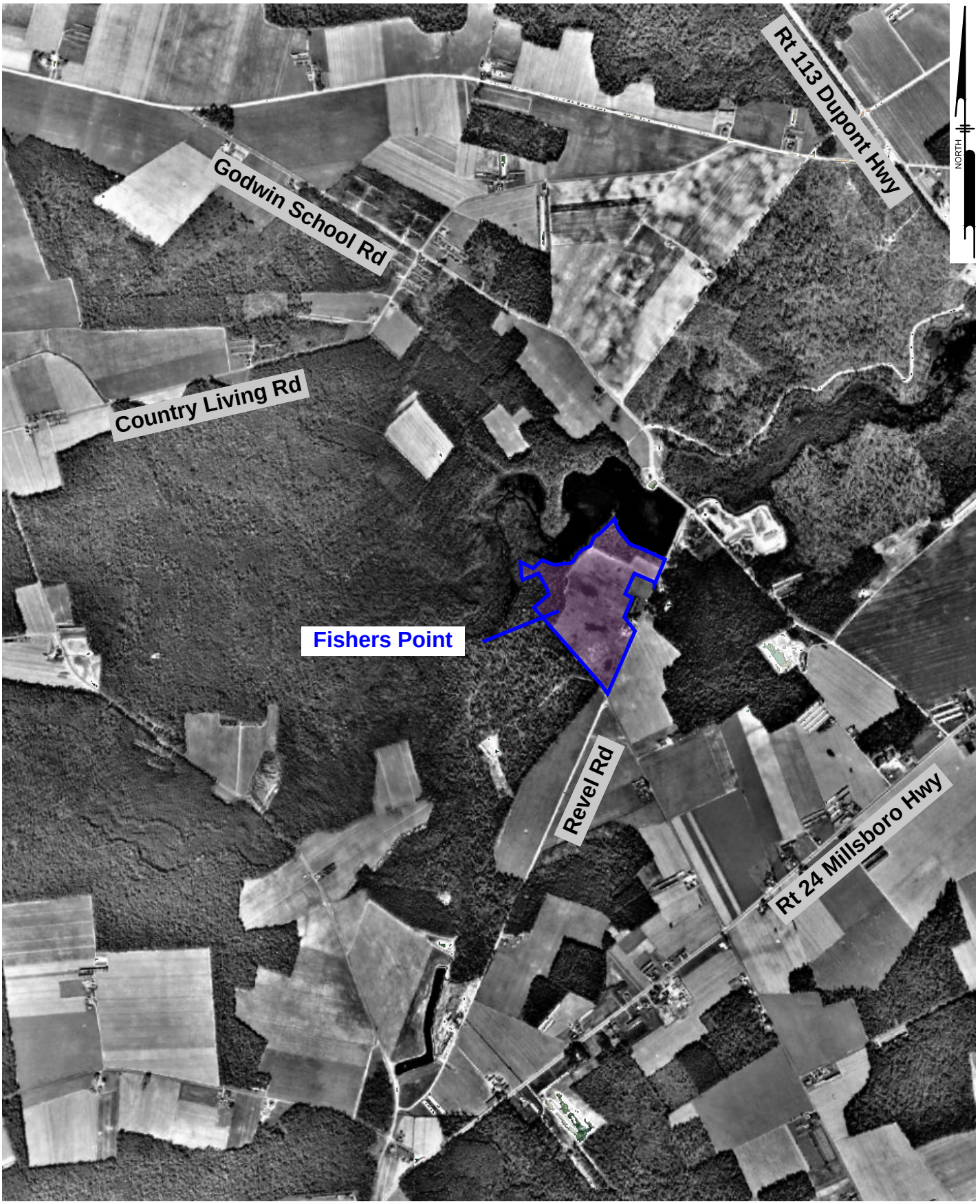
Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

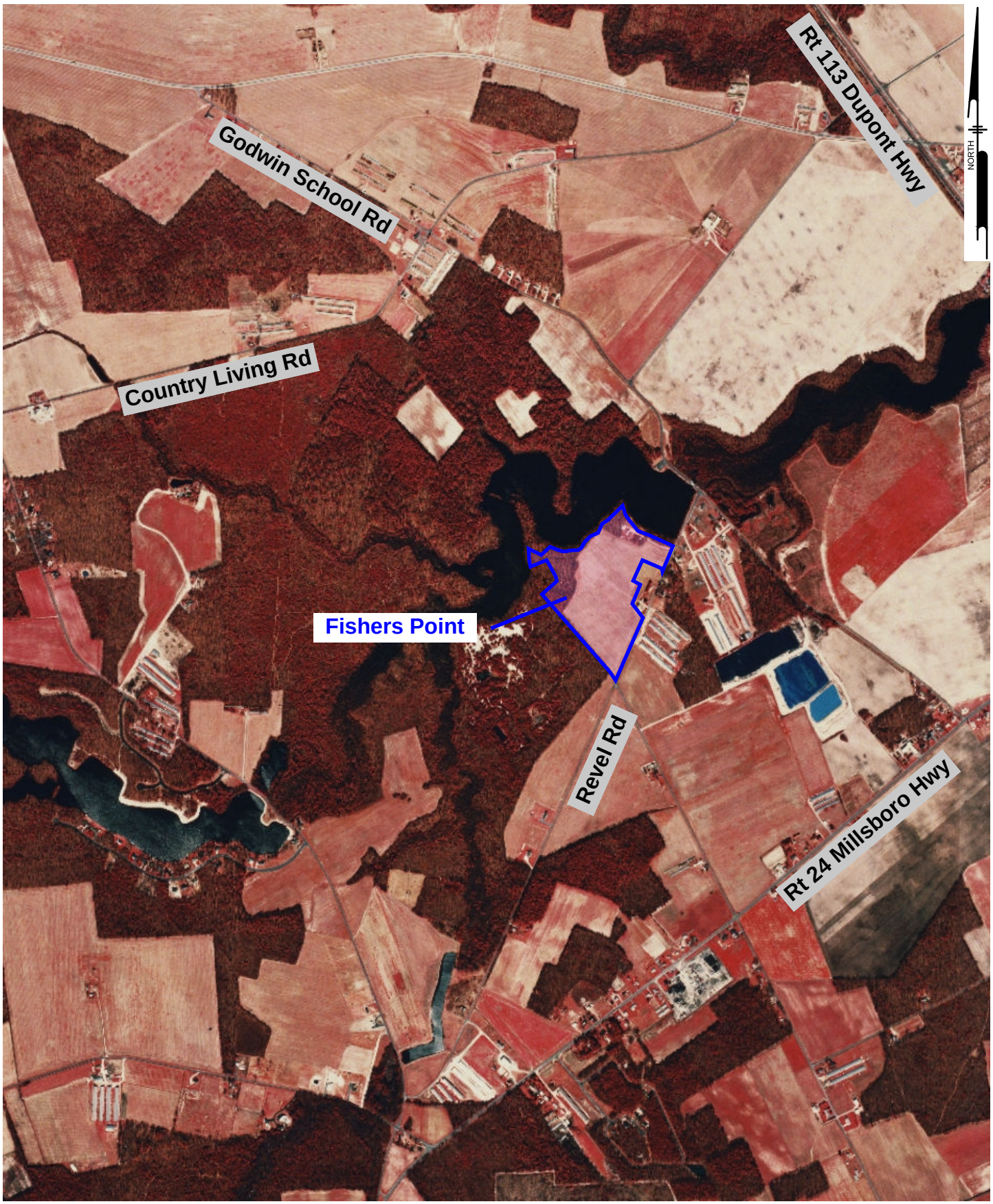
General Commercial - C-1

Sussex County, Sussex County Government, Maxar



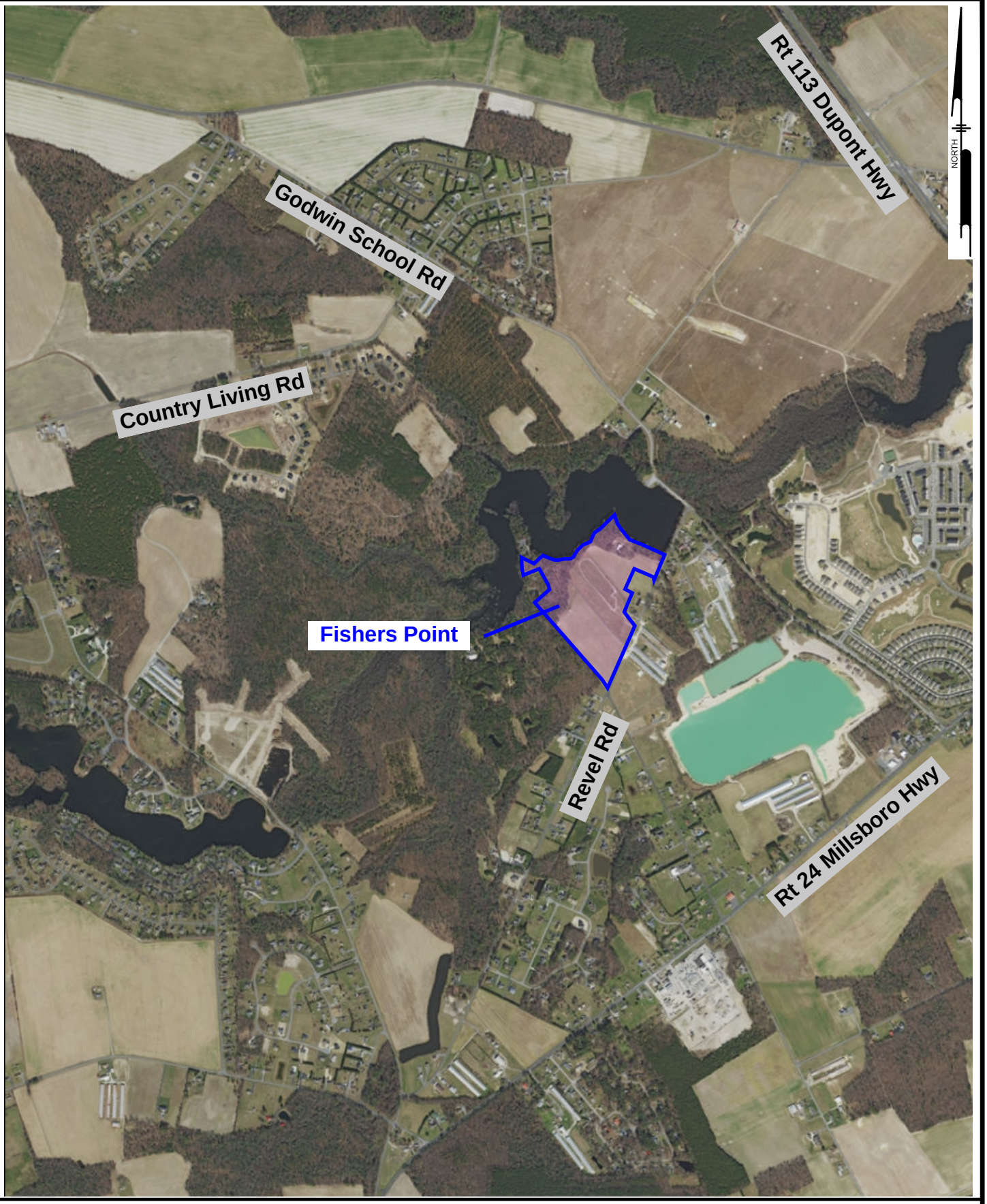
SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

1961 AERIAL PHOTO
FISHERS POINT
SUSSEX COUNTY, DE



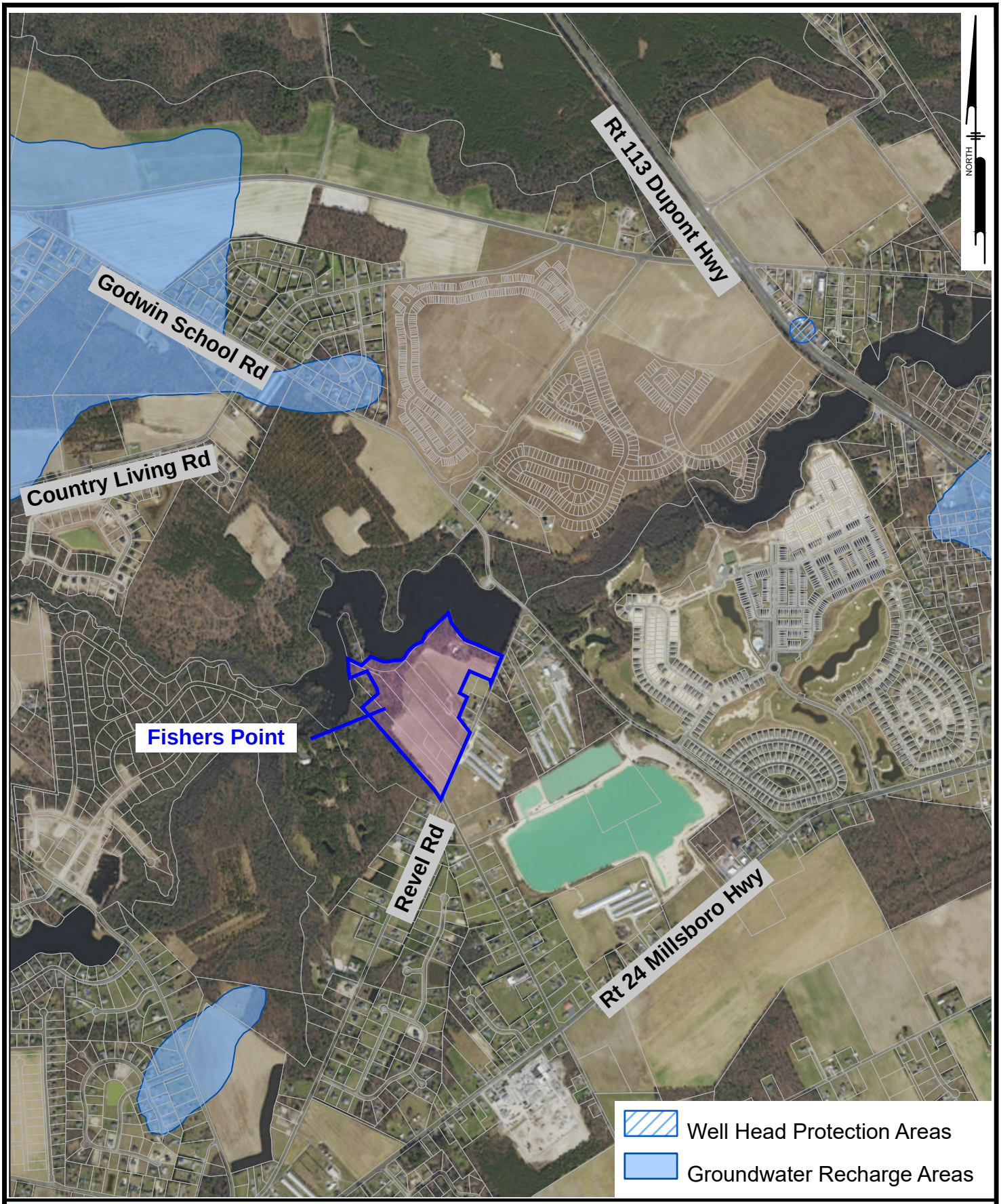
SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

1992 AERIAL PHOTO
FISHERS POINT
SUSSEX COUNTY, DE



SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

2017 AERIAL PHOTO
FISHERS POINT
SUSSEX COUNTY, DE



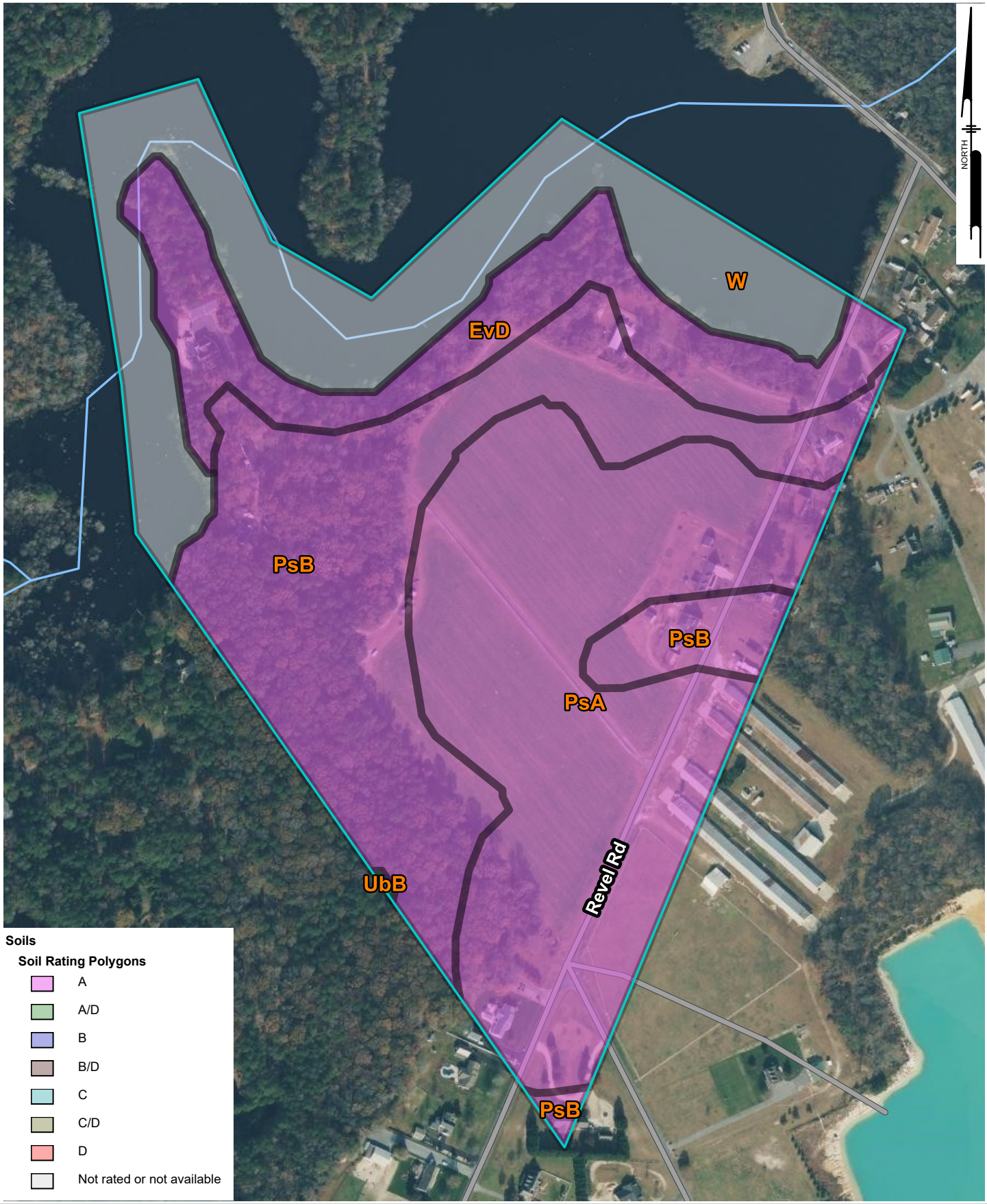
SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

WELLHEAD PROTECTION & GROUNDWATER RECHARGE FISHERS POINT

SUSSEX COUNTY, DE

SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

NWI MAP
FISHERS POINT
SUSSEX COUNTY, DE



SITEWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

NRCS SOILS MAP
FISHERS POINT
SUSSEX COUNTY, DE

Tab 3

File #: _____
Pre-App Date:_____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: __
Cluster: ✓ 1/2 Acre Lot Option Under § 115-25.A(2)
Coastal Area: __

Location of Subdivision:
North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:
Fishers Point

Tax Map #: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10 & 81.13 Total Acreage: 36.937 Ac

Zoning: AR-1 **Density:** 1.3 Units / Ac **Minimum Lot Size:** 1/2 Ac **Number of Lots:** 48

Open Space Acres: 5.300 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information

For Parcels 133-16.00-81.00, 81.03, 81.04, 81.05, 81.10, & 81.13

Owner Name: Fishers Point, LLC and Jeffrey S. Burton and Shannon Carmean Burton
Owner Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✓ **Completed Application**

See County File Ref #2021-24 ✓ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✓ **Provide Fee $500.00**

We will provide these prior to the Hearing ___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units ___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✓ **51% of property owners consent if applicable**

N/A, The project lies outside the Coastal Area

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

Signature of Applicant/Agent/Attorney

_____ Date: 9/27/2022

Signature of Owner

_____ Date: 9/27/2022

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

_____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: __
Cluster: ✓ 1/2 Acre Lot Option Under § 115-25.A(2)
Coastal Area: __

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10 & 81.13 **Total Acreage:** 36.937 Ac

Zoning: AR-1 **Density:** 1.3 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 48

Open Space Acres: 5.300 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE ZipCode: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcel 133-16.00-81.06

Owner Name: Susan V. Thompson & Robert D. Thompson, III
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✓ **Completed Application**

See County File Ref #2021-24

✓ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✓ **Provide Fee $500.00**

We will provide these prior to the Hearing

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

N/A < 50 units

___ **PLUS Response Letter** (if required)

☐ **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

N/A, The project lies outside the Coastal Area

✓ **51% of property owners consent if applicable**

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

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

Signature of Applicant/Agent/Attorney

_____ Date: 09/16/2022

Signature of Owner

_____ Date: 9/26/2022

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

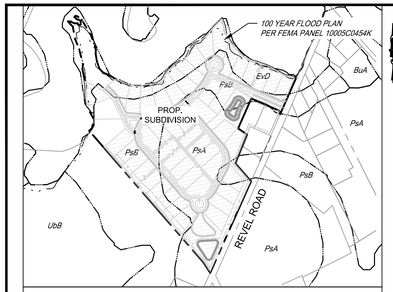
_____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

FISHERS POINT SUBDIVISION

PRELIMINARY SUBDIVISION PLANS

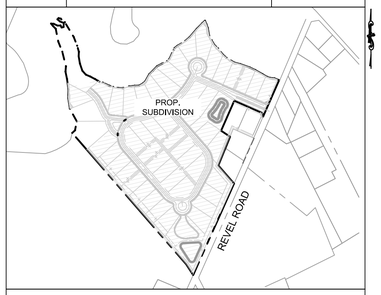
SUSSEX COUNTY PROJECT REF# 2021-24



SOILS & FEMA MAP

SCALE: 1" = 600'

SYMBOL	NAME	SOIL GROUP
BuA	BROCKATONORTON-URBAN LAND COMPLES	NOT CLASSIFIED
EvD	EVESBORO LOAMY SAND, 5-15% SLOPES	A
PsA	PEPPERBOX-ROSEDALE COMPLEX, 0-2% SLOPE	A
PsB	PEPPERBOX-ROSEDALE COMPLEX, 2-5% SLOPE	A
UbB	UDORTHENTS, BORROW AREA, 0-5% SLOPE	C



ZONING MAP

SCALE: 1" = 600'

ALL PARCELS ON THIS MAP ARE ZONED AR-1

PROJECT TEAM

OWNER/DEVELOPER
JEFFREY S. BURTON
24139 FISHERS PT
MILLSBORO, DE 19966
(302) 745-5555

SITE PLANNER, ENGINEER, AND SURVEYOR
SITEWORKS ENGINEERING
19 COMMERCE STREET
HARRINGTON, DE 19952
(302) 841-7901

WETLANDS
KENNETH W. REDINGER ENVIRONMENTAL SERVICES
PO BOX 479
HORNTOWN, VA 23395
(757) 894-7032

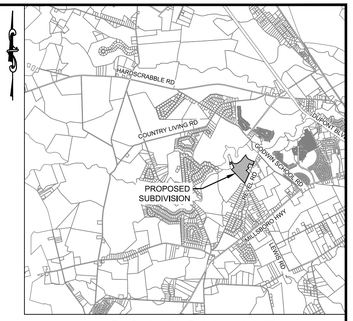
SOIL FEASIBILITY
EASTERN SHORE SOIL SERVICES
PO BOX 411
SAVANNA, IL 61074
(302) 856-1853

INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	RECORD PLAN COVER SHEET
R-2	GENERAL NOTES AND TYPICAL SECTIONS
R-3	EX CONDITION & LOT CONSOLIDATION PLAN
R-4	RECORD PLAN OVERVEIW
R-5	RECORD PLAN
R-6	RECORD PLAN
R-7	RECORD PLAN
L-1	FORRESTED BUFFER PLAN
GP-1	BULK GRADING PLAN

SITE OVERVIEW

SCALE: 1" = 250'



LOCATION MAP

SCALE: 1" = 1 MILE

SITE DATA:

1. TAX MAP NUMBER(S): 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13,
2. OWNER(S): JEFFREY S, BURTON, ET, AL,
3. SITE AREA: GROSS: 40.657 ACRES
   NET: 36.937 ACRES
   - LOT AREA: 26.305 ACRES
   - R.O.W. AREA: 5.237 ACRES
   - OPEN SPACE AREA: 5.300 ACRES
   - AREA DEDICATED TO DELDOT: 0.096 ACRES
   - REQUIRED OPEN SPACE AREA: 36.937 AC * 0.1 = 3.694 AC
   - REQUIRED OPEN SPACE ADJACENT TO EXISTING WOODLAND FEATURE: 3.694 * 30% = 1.108 AC
   - WETLAND AREA (NON-TIDAL): 0.320 ACRES
4. EXISTING & PROPOSED LOTS:
   - EXISTING LOTS: 7
   - EXISTING LOTS TO BE CONSOLIDATED: 4
   - EXISTING LOTS TO REMAIN: 3 (RECONFIGURED, 81.04, 81.05, & 81.06)
   - PROPOSED LOTS: 48
5. PROPOSED DENSITY: 1.3 UNITS / ACRE
   MAXIMUM DENSITY: 2.0 UNITS / ACRE
6. DEVELOPER NAME: FISHERS POINT LLC
7. PROPERTY ADDRESS: 24139 REVEL ROAD
   MILLSBORO, DE 19966
8. GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY
9. HUNDRED/COUNTY: DAGSBORO HUNDRED / SUSSEX COUNTY
10. ZONING: AR-1 (NO CHANGE PROPOSED)
11. PRESENT USE: TILLED CROPS / RESIDENTIAL
12. PROPOSED USE: RESIDENTIAL (SINGLE FAMILY)
13. MINIMUM LOT SIZE: AREA = 1/2 ACRES
    WIDTH = 100 FEET
    DEPTH = 100 FEET
14. REQUIRED AR-1 SETBACKS (B.R.L.): FRONT: 30-FEET
    SIDE: 15-FEET
    REAR: 20-FEET
    CORNER: 15-FEET

    LOTS 1-17 SHALL HAVE A 25-FOOT PERMANENT REAR YARD SETBACK FROM WETLANDS IN ACCORDANCE WITH §115-25 F(3)(a)[4]
15. MAXIMUM HEIGHT REQUIREMENT: 42-FEET
16. WATER AND SEWER: ON-SITE WELL AND SEPTIC
17. PROJECT DATUM
    HORIZONTAL: NAD 83
    VERTICAL: NAVD88
18. FEMA FLOOD MAP: PER FEMA FLOOD MAP 10005C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
19. POSTED SPEED LIMIT FOR REVEL RD (SCR 410):45 MPH
20. 2020 STATE INVESTMENT AREA: LEVEL 3
21. LATITUDE AND LONGITUDE STATE PLAN COORDINATES:
    LATITUDE: N 38° 35' 06"
    LONGITUDE: W 75° 19' 49"
22. PROPOSED DISCHARGE LOCATION: INGRAMS POND
23. PROXIMITY TO T.I.D.: NOT WITHIN AN IDENTIFIED TID
24. LIMIT OF DISTURBANCE: 25 ACRES
25. WATERSHED: LONG DRAIN DITCH-BETTS POND

OPEN SPACE		
PARCEL	AREA (AC.)	TYPE
A	1.339	PASSIVE
B	1.112	ACTIVE
B	2.439	PASSIVE
C	0.091	PASSIVE
D	0.268	PASSIVE
E	0.052	PASSIVE
TOTAL	5.300	-----

GENERAL NOTES:

1. THE PROPERTY BOUNDARY AND TOPOGRAPHY SHOWN ON THE PLANS ARE A RESULT OF A FIELD SURVEY BY SITEWORKS ENGINEERING, LLC.
2. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREETS AND NO DIRECT ACCESS FROM REVEL ROAD (SCR 410) WILL BE PERMITTED.
3. MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
4. PER FEMA FLOOD MAP 10005C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS IMPACTED BY THE 100-YEAR STORM EVENT.
5. ALL SUBDIVISION ROADS AND SIDEWALKS ARE "PRIVATE" AND WILL BE MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE ROADWAY AND SIDEWALK. ALL LANDSCAPE ISLANDS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION, THE SAID HOMEOWNERS' ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL FORESTED OR LANDSCAPE BUFFERS, LANDSCAPED ISLANDS, STORMWATER MANAGEMENT FACILITIES, WALKING TRAILS, AND OTHER COMMON AREAS.

   THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE 25-FOOT PERMANENT REAR YARD SETBACK FOR LOTS 1-17.
6. FOR ANY LOTS WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, THE OWNER OF THE DEVELOPMENT SHALL PROVIDE IN THE DEED RESTRICTINGS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OF DWELLING UNIT THE FOLLOWING NOTICE, "THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES."
7. STREETLIGHTS ARE REQUIRED FOR THIS PROJECT. THE EXACT LOCATION OF THE STREETLIGHTS SHALL BE DETERMINED BY THE APPROPRIATE PROVIDER. LIGHTING SHALL BE SHIELDED AND DOWNWARD SCREENED SO THAT IT DOES NOT IMPACT PROPERTIES OUTSIDE THE SUBDIVISION.
8. THE PROPOSED DEVELOPMENT IS LOCATED IN AN AREA OF "GOOD/FAIR" GROUNDWATER RECHARGE POTENTIAL (§89-7).
9. THE PROPOSED DEVELOPMENT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA (§89-6).
10. ALL SUBDIVISION LOTS SHALL HAVE THE FOLLOWING EASEMENTS FOR THE BENEFIT OF THE DULY ESTABLISHED HOMEOWNERS ASSOCIATION:

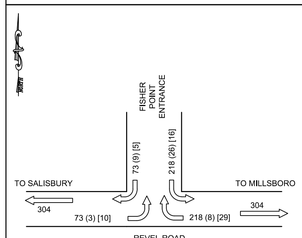
    1) A 15-FOOT WIDE DRAINAGE, ACCESS, AND UTILITY EASEMENT WHERE ADJACENT TO INTERNAL SUBDIVISION STREETS.

    2) A 5-FOOT WIDE DRAINAGE EASEMENT WHERE ADJACENT TO AN ADJOINING LOT, FOR A 10-FOOT WIDE EASEMENT ALONG A LOT LINE COMMON TO TWO LOTS.

    3) A 10-FOOT WIDE PERMANENT EASEMENT WHERE ADJACENT TO COMMUNITY OPEN SPACE.
11. THIS SUBDIVISION CONTAINS WETLANDS. THE DEEDS FOR LOTS TO BE CONVEYED SHALL INCLUDE A DISCLOSURE STATEMENT THAT READS, "THIS SITE CONTAINS REGULATED WETLANDS. ACTIVITIES WITHIN THESE WETLANDS MAY REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF DELAWARE."
12. SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL SEPTIC SYSTEMS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC'S) REGULATIONS.
13. WATER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL LOT WELLS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) REGULATIONS.
14. SUBDIVISION COMMUNITY SIGNS AT THE ENTRANCE ARE NOT APPROVED PER THIS PLAN, A SEPARATE COUNTY PERMIT IS REQUIRED.
15. THE SITE IS NOT WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID)
16. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
17. ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
18. THE SUBDIVISION WILL BE CONSTRUCTED IN PHASES. SEE THE CONSTRUCTION PLAN SET FOR THE PHASING PLAN.

TRAFFIC GENERATION - REVEL ROAD (SC 410)

(FULL MOVEMENT)



TRAFFIC GENERATION DIAGRAM

ADT (AM PEAK) [PM PEAK]

ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - REVEL ROAD - LOCAL ROAD
POSTED SPEED LIMIT - 45 MPH
AADT = 524 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT= 1,16 x 524 = 608 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 608 + 580 = 1,188 TRIPS
TRAFFIC PATTERN GROUP = 4 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR - 9.6% x 1,188 TRIPS = 114 TRIPS

SITE TRAFFIC DATA:

SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION
SINGLE-FAMILY DETACHED HOUSING (210)
45 NEW UNITS = 529 TRIPS
5 EXISTING UNITS = 51 TRIPS
TOTAL SITE TRIPS = 580 TRIPS (290 IN / 290 OUT)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE - WB-40
DIRECTIONAL DISTRIBUTION:
75% TO & FROM THE EAST (MILLSBORO) = 580 * 75% = 435
25% TO & FROM THE WEST (SALISBURY) = 580 * 25% = 145
MORNING PEAK: 25% IN / 75% OUT - MORNING PEAK HOUR SPLIT
[48 SF/H] - TOTAL MORNING PEAK TRIPS: 39 (10 IN / 29 OUT)
[53 SF/H] - TOTAL MORNING PEAK TRIPS: 42 (10 IN / 32 OUT)
EVENING PEAK: 63% IN / 37% OUT - EVENING PEAK HOUR SPLIT
[48 SF/H] - TOTAL EVENING PEAK TRIPS: 50 (31 IN / 19 OUT)
[53 SF/H] - TOTAL EVENING PEAK TRIPS: 55 (35 IN / 20 OUT)
5% TRUCKS AND BUSES = 5% * 73 = 4

WETLANDS STATEMENT

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S, ARMY CORPS OF ENGINEERS REGULATORY PROGRAM. A ROUTINE LEVEL ON-SITE EVALUATION WAS CONDUCTED NOVEMBER 5, & 6-7, 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

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

SUSSEX CONSERVATION DISTRICT CERT.

SUSSEX CONSERVATION DISTRICT PROGRAM MANAGER DATE

SUSSEX COUNTY PLANNING & ZONING COMMISSION CERTIFICATION

PLANNING & ZONING COMMISSION CHAIRMAN DATE

OWNER(S) CERTIFICATION

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

SUSAN V., THOMPSON DATE
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

FISHERS POINT LLC DATE
24139 FISHERS PT
MILLSBORO, DE 19966

SUSSEX COUNTY COUNCIL CERTIFICATION

COUNTY COUNCIL PRESIDENT DATE

ENGINEERS CERTIFICATION

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

DAVID M, HEATWOLE, P.E. (DE LICENSE NO, #17760) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

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

ROBERT D, THOMPSON, III DATE
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

FISHERS POINT LLC DATE
24139 FISHERS PT
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

SHANNON CARMEAN BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

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

JEFFREY S. BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN COVER SHEET

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
AS NOTED	2171-JBUR	JDC

DRAWING NUMBER

R-1

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Dwg\2171-JBUR - Record Plan Cover Sheet.dwg PLOTTED: 9/29/2022 1:58 PM, BY: Dave Heatwole PLOTSTYLE: _SiteWorks-ENG.ctb

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

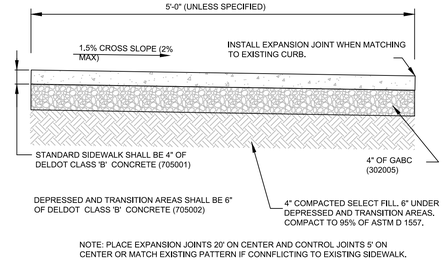
LEGEND

	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY		
PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS		NW
ADJOINING PROPERTY LINE		
BUILDING RESTRICTION LINE		
EASEMENT		
CENTER LINE OF ROAD		
EDGE OF PAVING		
CURB		
DRIVEWAY		
CONTOURS		
SWALE		
LIMIT OF CONSTRUCTION		LOC
WETLANDS LINE AND FLAG	NW	
FLOODPLAIN	FP	
SOILS/DESIGNATION	MmA	
SOIL BORING		
WOODS		
FENCE	X	X
SIDEWALK		
SHARED USE PATH		
BUILDING		
UTILITY POLE/GUY WIRE		
OVERHEAD ELECTRIC	OHE	
CABLE TV, PEDESTAL OR HAND HOLE	T	
TRAFFIC SIGN		
SINGLE & TWIN HEAD SITE LIGHT		
ELECTRICAL HAND HOLE AND TRANSFORMER	T	
FIBER OPTIC HAND HOLE		
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	W, FH	W, FH, V
SEWER MAIN, MAHNOLE, & CLEANOUT	S, MH, C.O.	S, MH, C.O.
SANITARY SEWER FORCEMAIN	FM	FM
UNDERGROUND ELECTRIC	E	
UNDERGROUND GAS	GAS	
UNDERGROUND FIBER OPTIC	FO	
TELEPHONE LINE	T	
STORM WATER PIPE, MH, AND CB		

DELDOT RECORD PLAN NOTES

REVISED MARCH 21, 2019

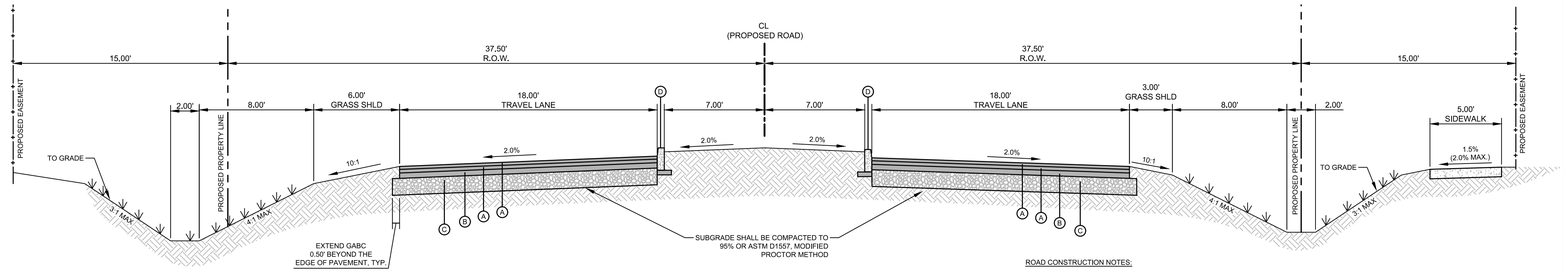
1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
6. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH, (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
7. 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.
8. ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
9. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.



NOTE: PLACE EXPANSION JOINTS 20' ON CENTER AND CONTROL JOINTS 5' ON CENTER OR MATCH EXISTING PATTERN IF CONNFLICTING TO EXISTING SIDEWALK.

CONCRETE SIDEWALK

NOT TO SCALE



NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

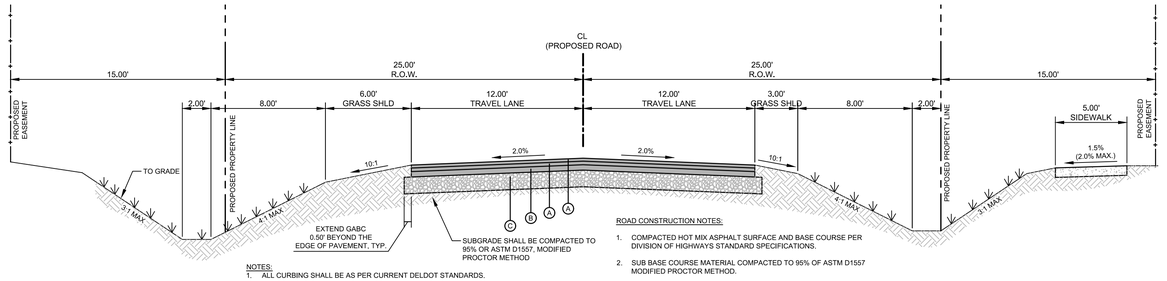
TYPICAL BOULEVARD SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 0+00,00 - 3+03,60)

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL SECTION LEGEND

- (A) ITEM 401006 - SUPERPAVE TYPE C, PG 70-22, (CARBONATE STONE)
- (B) ITEM 401015 - SUPERPAVE TYPE B, PG 70-22
- (C) ITEM 301001 - GRADED AGGREGATE BASE COURSE, TYPE B OR CRUSHED CONCRETE
- (D) ITEM 701014 - INTEGRAL PORTLAND CEMENT CONCRETE CURB - TYPE 1-6 (PER DELDOT STANDARD DETAIL C-1, SHEET 2)

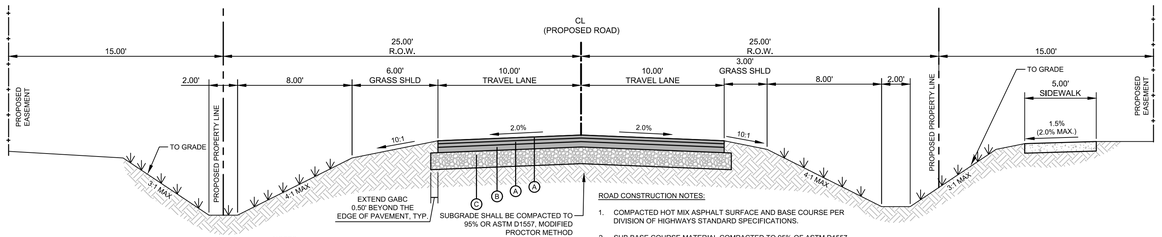


NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGIRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL TYPE 1 STREET SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 3+03.60 - 13+90,70)
DOE WATCH WAY

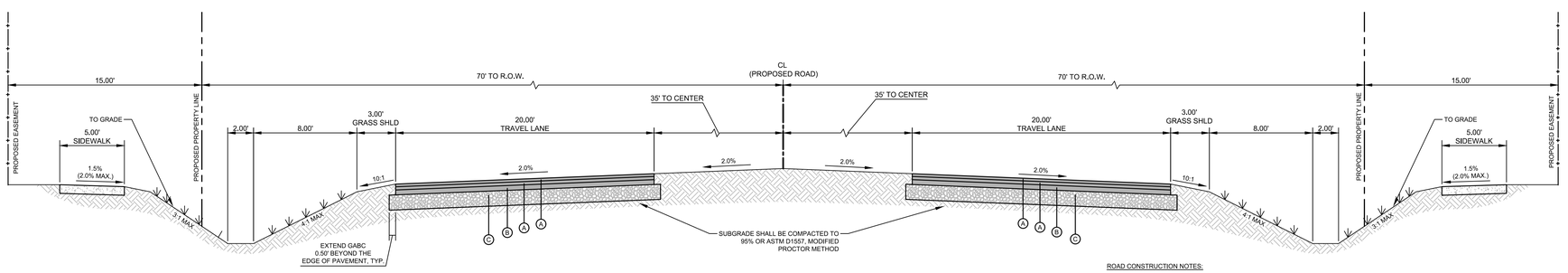


NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL TYPE 1 (20') STREET SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 13+90,70 - END)
BLUEGILL CT



NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
2. 6" TOPSOIL, SEED AND MULCH.
3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

ROAD CONSTRUCTION NOTES:
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

TYPICAL CUL-DE-SAC SECTION

SCALE: H 1"=5'
V 1"=2'
KING FISHER CT
STAG RUN CT

0 5' 10'

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

GENERAL NOTES AND TYPICAL SECTIONS

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
AS NOTED	2171-JBUR	JDC

DRAWING NUMBER

R-2

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plan\Dgn\2171-JBUR - Notes and Typical Sections.dwg PLOTTED: 9/29/2022 1:58 PM, BY: Dave Hasbrouk PLOTSTYLE: _SiteWorks-ENG.ctb

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.65'
L3	N28°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.80'
L6	N01°55'17"E	68.72'
L7	N07°59'53"W	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°56'04"W	33.33'
L14	N39°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S65°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N76°14'14"E	16.31'
L20	N04°32'52"E	34.87'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L21	N69°56'16"W	34.44'
L22	N50°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S16°14'48"E	53.49'
L29	S03°12'30"W	36.06'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S66°48'57"E	40.87'
L34	S61°46'51"E	45.04'
L35	S58°53'56"E	26.28'
L36	S56°19'37"E	18.14'
L37	S76°49'32"E	27.43'
L38	S64°59'09"E	61.05'
L39	S71°14'09"E	33.48'
L40	S79°10'16"E	47.25'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L41	N89°55'39"E	35.91'
L42	N74°43'46"E	52.91'
L43	N83°47'57"E	46.96'
L44	N88°04'54"E	38.21'
L45	N59°38'46"E	35.38'
L46	N49°25'05"E	26.72'
L47	N29°18'22"E	69.53'
L48	N45°33'57"E	40.95'
L49	N43°48'27"E	53.28'
L50	N62°28'21"E	45.67'
L51	N64°08'41"E	47.73'
L52	N42°53'48"E	31.94'
L53	N24°28'56"E	48.97'
L54	N28°52'14"E	29.98'
L55	N21°55'46"E	17.26'
L56	N51°00'39"E	31.09'
L57	N60°28'07"E	37.79'
L58	N56°06'08"E	38.18'
L59	N49°35'25"E	47.28'
L60	N40°47'59"E	92.67'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L61	N44°26'01"E	68.54'
L62	N46°48'59"E	28.98'
L63	S23°24'36"E	33.11'
L64	S18°41'26"E	31.81'
L65	S10°24'54"E	64.99'
L66	S27°59'11"E	45.22'
L67	S29°31'23"E	43.29'
L68	S46°13'45"E	43.48'
L69	S38°22'59"E	66.73'
L70	S48°28'21"E	40.62'
L71	S58°51'40"E	74.38'
L72	S74°57'23"E	52.89'
L73	S70°46'29"E	82.85'
L74	S64°31'04"E	52.66'
L75	S60°13'05"E	68.95'
L76	S59°20'05"E	43.65'
L77	S70°30'04"E	27.80'
L78	S84°10'11"E	37.66'
L79	S69°09'00"E	42.14'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33'	24.86'	090°37'52"	35.36'	N21° 19' 28"W

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

EX CONDITION & LOT CONSOLIDATION PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

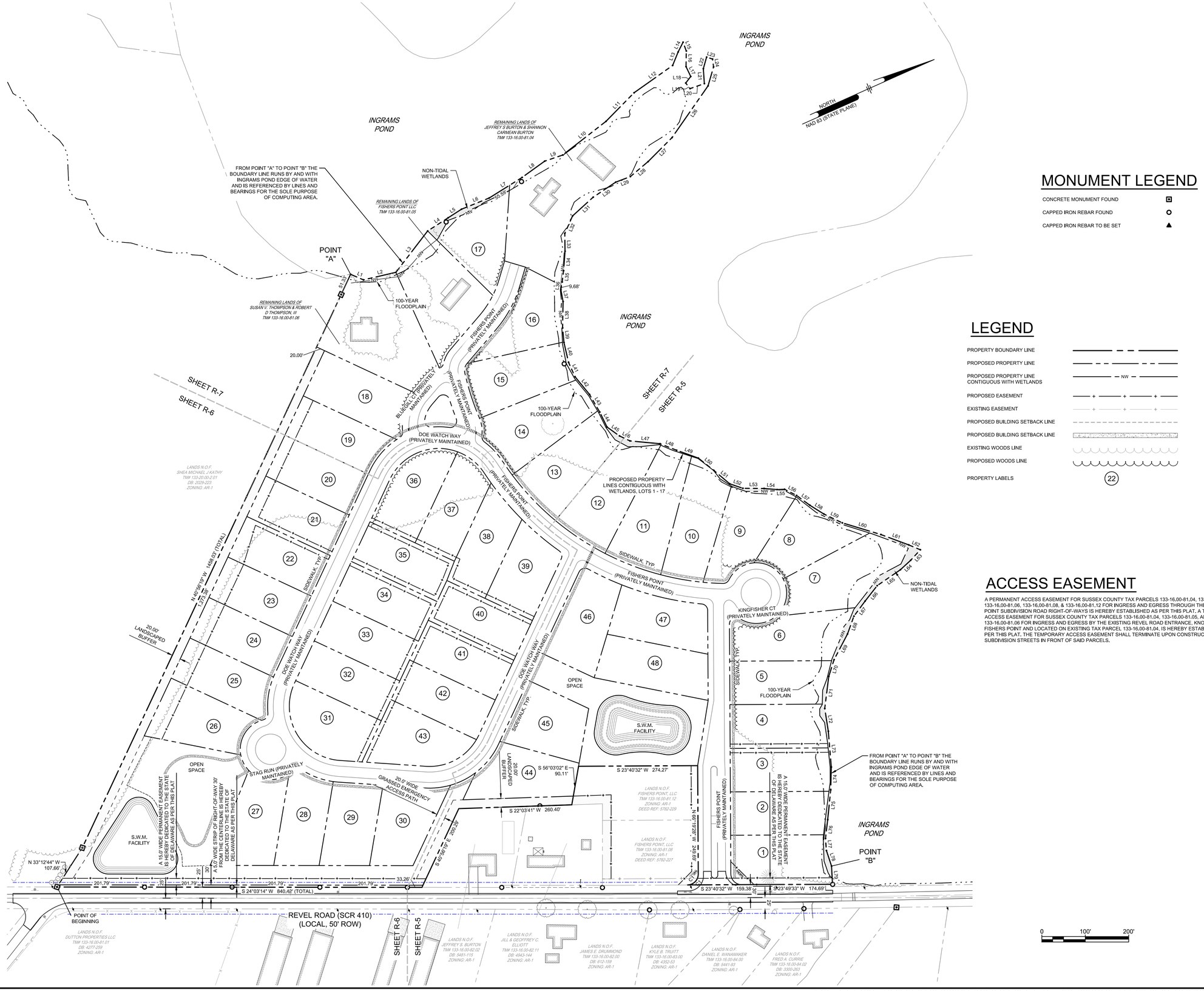
SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

R-3

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Dwg\2171-JBUR - Record Plan Existing.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Hostwille PLOTSTYLE: _SiteWorks-ENG.ctb



MONUMENT LEGEND

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

LEGEND

- PROPERTY BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED BUILDING SETBACK LINE
- PROPOSED BUILDING SETBACK LINE
- EXISTING WOODS LINE
- PROPOSED WOODS LINE
- PROPERTY LABELS (22)

ACCESS EASEMENT

A PERMANENT ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, 133-16.00-81.06, 133-16.00-81.08, & 133-16.00-81.12 FOR INGRESS AND EGRESS THROUGH THE FISHERS POINT SUBDIVISION ROAD RIGHT-OF-WAYS IS HEREBY ESTABLISHED AS PER THIS PLAT, A TEMPORARY ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, AND 133-16.00-81.06 FOR INGRESS AND EGRESS BY THE EXISTING REVEL ROAD ENTRANCE, KNOW AS FISHERS POINT AND LOCATED ON EXISTING TAX PARCEL 133-16.00-81.04, IS HEREBY ESTABLISHED AS PER THIS PLAT. THE TEMPORARY ACCESS EASEMENT SHALL TERMINATE UPON CONSTRUCTION OF THE SUBDIVISION STREETS IN FRONT OF SAID PARCELS.

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN OVERVEIW

FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER

R-4

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plat\Dwg\2171-JBUR - Record Plan Overview.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dana Hradsville PLOTSTYLE: _SiteWorks-ENG.ctb

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33'	24.86'	090°37'52"	35.36'	N21° 19' 28"W
C2	22.07'	15.00'	084°17'35"	20.13'	S71° 31' 44"W
C3	275.75'	675.00'	023°24'24"	273.84'	S41° 05' 09"W
C4	24.54'	15.00'	093°44'21"	21.89'	S05° 55' 10"W
C5	210.21'	174.96'	068°50'23"	197.79'	S06° 31' 49"E
C6	92.01'	175.00'	030°07'24"	90.95'	S42° 56' 33"W
C7	21.09'	15.00'	080°33'21"	19.39'	S17° 43' 35"W
C8	259.06'	70.00'	212°02'43"	134.56'	S83° 28' 16"W
C9	21.09'	15.00'	080°33'21"	19.39'	N30° 47' 03"W
C10	92.01'	175.00'	030°07'24"	90.95'	N56° 00' 01"W
C11	103.17'	175.00'	033°46'47"	101.69'	N24° 02' 55"W
C12	16.97'	15.00'	064°49'37"	16.08'	N39° 34' 20"W
C13	101.40'	125.00'	046°28'39"	98.64'	N48° 44' 49"W
C14	36.89'	75.00'	028°10'50"	36.52'	N11° 25' 04"W
C15	14.76'	15.00'	056°21'40"	14.17'	N25° 30' 29"W
C16	36.89'	75.00'	028°10'50"	36.52'	N39° 35' 54"W
C17	43.97'	225.00'	011°11'49"	43.90'	N31° 06' 24"W
C18	61.03'	275.00'	012°42'55"	60.90'	S43° 03' 46"E
C19	23.31'	25.00'	053°25'20"	22.47'	S52° 13' 09"E
C20	110.08'	625.00'	010°05'28"	109.94'	S83° 58' 33"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C21	32.84'	75.00'	025°05'16"	32.58'	S76° 28' 39"E
C22	14.44'	15.00'	055°08'17"	13.88'	N88° 29' 50"E
C23	60.46'	175.00'	019°47'44"	60.16'	N70° 49' 33"E
C24	604.18'	625.00'	055°23'15"	580.93'	N53° 01' 48"E
C25	17.12'	15.00'	065°23'45"	16.21'	N07° 21' 42"W
C26	338.95'	70.00'	277°26'03"	92.37'	S81° 20' 34"E
C27	32.38'	15.00'	123°41'56"	26.45'	S04° 28' 30"E
C28	39.27'	25.00'	090°00'00"	35.36'	N68° 40' 32"E
C29	150.14'	125.00'	068°49'15"	141.28'	S06° 31' 43"E
C30	242.56'	125.00'	111°10'58"	206.25'	S83° 28' 16"W
C31	265.43'	125.00'	121°39'44"	218.30'	N19° 53' 33"E
C32	250.19'	675.00'	021°14'12"	248.76'	N70° 06' 19"E
C33	20.83'	15.00'	079°33'47"	19.20'	S80° 43' 54"E
C34	46.96'	675.00'	003°59'10"	46.95'	S85° 18' 52"E
C35	31.20'	15.00'	119°10'15"	25.87'	S27° 43' 20"E
C36	40.50'	175.00'	013°15'31"	40.41'	S25° 14' 02"W
C37	27.99'	15.00'	106°54'07"	24.10'	S72° 03' 20"W
C38	37.94'	75.00'	028°59'07"	37.54'	N40° 00' 03"W
C39	31.99'	15.00'	122°11'12"	26.26'	N35° 35' 07"E
C40	187.50'	675.00'	015°54'56"	186.90'	S37° 31' 51"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C41	86.01'	675.00'	007°18'02"	85.95'	S49° 08' 20"W
C42	84.50'	175.00'	027°39'53"	83.68'	S27° 06' 30"E
C43	64.92'	175.00'	021°15'22"	64.55'	S02° 38' 53"E
C44	60.78'	175.00'	019°54'00"	60.48'	S17° 55' 48"W
C45	12.02'	175.00'	003°56'11"	12.02'	S29° 50' 56"W
C46	92.01'	175.00'	030°07'24"	90.95'	S42° 56' 33"W
C47	10.81'	70.00'	008°51'03"	10.80'	S18° 07' 34"E
C48	102.37'	70.00'	083°47'13"	93.48'	S28° 11' 34"W
C49	40.57'	70.00'	033°12'11"	40.00'	S86° 41' 16"W
C50	101.58'	70.00'	083°08'50"	92.90'	N35° 08' 13"W
C51	3.74'	70.00'	003°03'26"	3.73'	N07° 57' 55"E
C52	84.63'	175.00'	027°42'33"	83.81'	N57° 12' 27"W
C53	7.37'	175.00'	002°24'52"	7.37'	N42° 08' 45"W
C54	95.38'	175.00'	031°13'39"	94.20'	N25° 19' 29"W
C55	7.80'	175.00'	002°33'08"	7.79'	N08° 26' 06"W
C56	95.85'	125.00'	043°56'09"	93.52'	N50° 01' 04"W
C57	5.55'	125.00'	002°32'30"	5.54'	N26° 46' 45"W
C58	43.97'	225.00'	011°11'49"	43.90'	N31° 06' 24"W
C59	11.24'	225.00'	002°51'44"	11.24'	N38° 08' 10"W
C60	38.69'	225.00'	009°51'12"	38.65'	N44° 29' 38"W

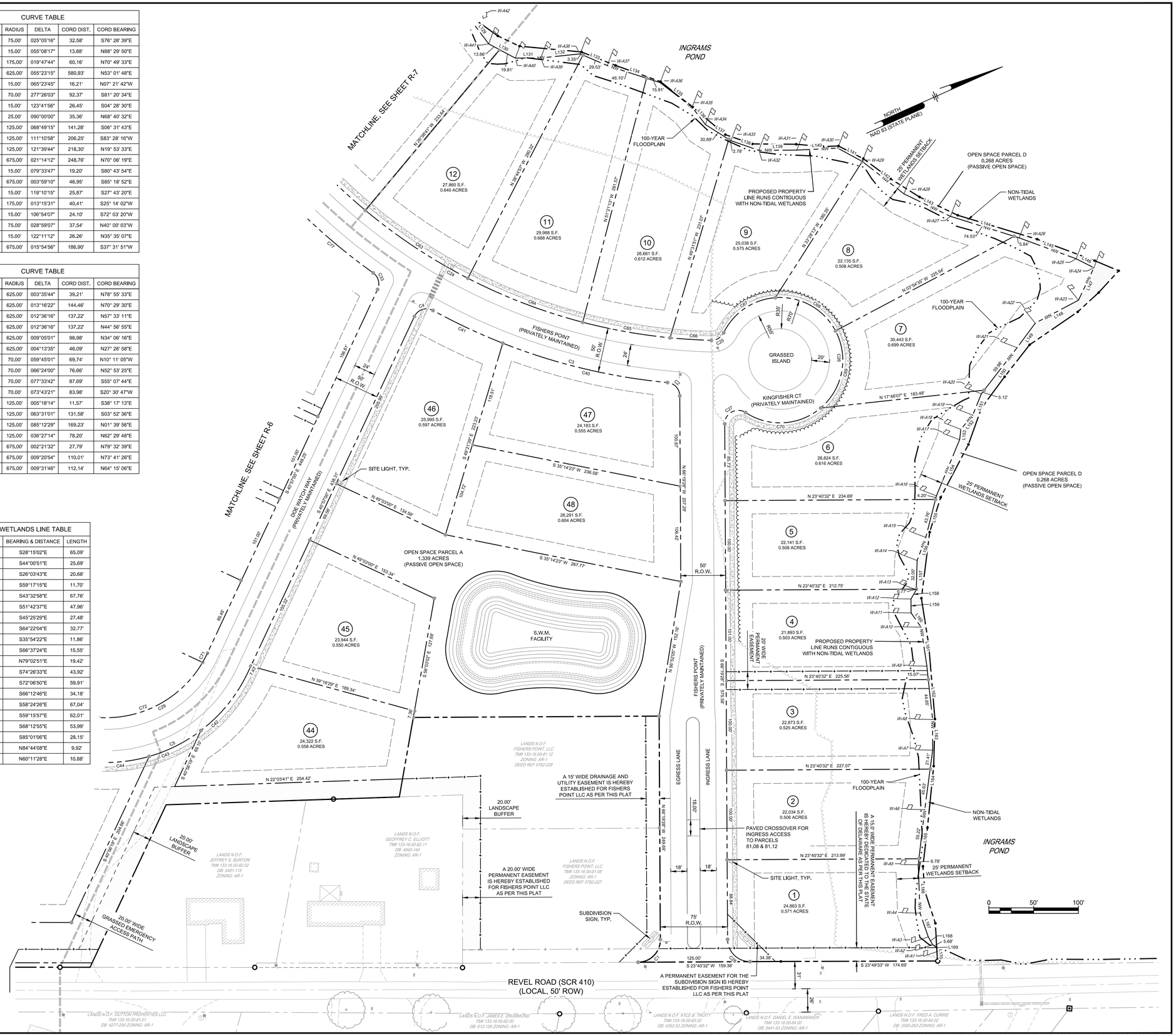
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C61	39.22'	625.00'	003°35'44"	39.21'	N78° 55' 33"E
C62	144.78'	625.00'	013°16'22"	144.46'	N70° 29' 30"E
C63	137.49'	625.00'	012°36'16"	137.22'	N57° 33' 11"E
C64	137.49'	625.00'	012°36'16"	137.22'	N44° 56' 55"E
C65	99.09'	625.00'	009°05'01"	98.98'	N34° 06' 16"E
C66	46.10'	625.00'	004°13'35"	46.09'	N27° 26' 58"E
C67	73.00'	70.00'	059°45'01"	69.74'	N10° 11' 05"W
C68	81.12'	70.00'	066°24'00"	76.66'	N52° 53' 25"E
C69	94.76'	70.00'	077°33'42"	87.69'	S55° 07' 44"E
C70	90.07'	70.00'	073°43'21"	83.98'	S20° 30' 47"W
C71	11.57'	125.00'	005°18'14"	11.57'	S38° 17' 13"E
C72	138.57'	125.00'	063°31'01"	131.58'	S03° 52' 36"E
C73	185.90'	125.00'	085°12'29"	169.23'	N01° 39' 56"E
C74	79.53'	125.00'	036°27'14"	78.20'	N62° 29' 48"E
C75	27.79'	675.00'	002°21'32"	27.79'	N79° 32' 39"E
C76	110.13'	675.00'	009°20'54"	110.01'	N73° 41' 26"E
C77	112.27'	675.00'	009°31'46"	112.14'	N64° 15' 06"E

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L106	N16°19'21"E	112,17'
L107	N21°07'13"W	42,15'
L108	N25°24'15"W	39,63'
L109	N14°48'14"W	41,85'
L110	N36°56'57"W	49,25'
L111	N03°16'52"E	56,48'
L112	N11°41'44"W	34,96'
L113	N01°13'45"W	56,63'
L114	N03°20'49"W	19,37'
L115	N33°07'57"W	18,52'
L116	S61°57'47"E	21,85'
L117	S59°22'41"E	20,75'
L118	S58°52'37"E	24,05'
L119	S61°41'52"E	21,01'
L120	S71°56'52"E	27,46'
L121	S60°56'11"E	29,64'
L122	S72°19'22"E	28,60'
L123	S68°31'30"E	38,31'
L124	S76°43'32"E	45,18'
L125	N84°49'06"E	40,74'
L126	N74°34'32"E	50,62'
L127	N83°36'34"E	44,08'

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L128	N87°46'31"E	39,98'
L129	N77°02'31"E	34,30'
L130	N52°12'01"E	33,67'
L131	N23°40'56"E	28,43'
L132	N18°06'52"E	44,26'
L133	N47°16'50"E	32,87'
L134	N41°54'35"E	62,00'
L135	N61°38'48"E	45,06'
L136	N76°19'03"E	24,32'
L137	N56°22'29"E	33,67'
L138	N43°08'26"E	32,95'
L139	N23°37'06"E	42,37'
L140	N21°17'21"E	45,76'
L141	N52°25'18"E	31,20'
L142	N61°51'54"E	58,89'
L143	N49°50'46"E	57,59'
L144	N41°22'48"E	80,38'
L145	N44°08'07"E	67,71'
L146	N50°47'11"E	22,20'
L147	S40°36'35"E	40,11'
L148	S04°01'07"E	54,62'
L149	S29°28'27"E	34,09'

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L150	S28°15'02"E	65,09'
L151	S44°00'51"E	25,69'
L152	S26°03'43"E	20,68'
L153	S59°17'15"E	11,70'
L154	S43°32'58"E	67,76'
L155	S51°42'37"E	47,96'
L156	S45°25'29"E	27,48'
L157	S64°22'04"E	32,77'
L158	S35°54'22"E	11,86'
L159	S66°37'24"E	15,55'
L160	N79°02'51"E	19,42'
L161	S74°26'33"E	43,92'
L162	S72°06'50"E	59,91'
L163	S66°12'46"E	34,18'
L164	S58°24'26"E	67,04'
L165	S59°15'57"E	62,01'
L166	S68°12'55"E	53,99'
L167	S85°01'06"E	28,15'
L168	N84°44'08"E	9,92'
L169	N60°11'28"E	10,88'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L101	N25°30'29"W	39,95'
L102	N49°25'14"W	45,25'
L103	N40°34'46"E	50,00'
L104	S49°25'14"E	45,25'
L105	N25°30'29"W	22,82'
L170	S69°09'00"E	14,91'



SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

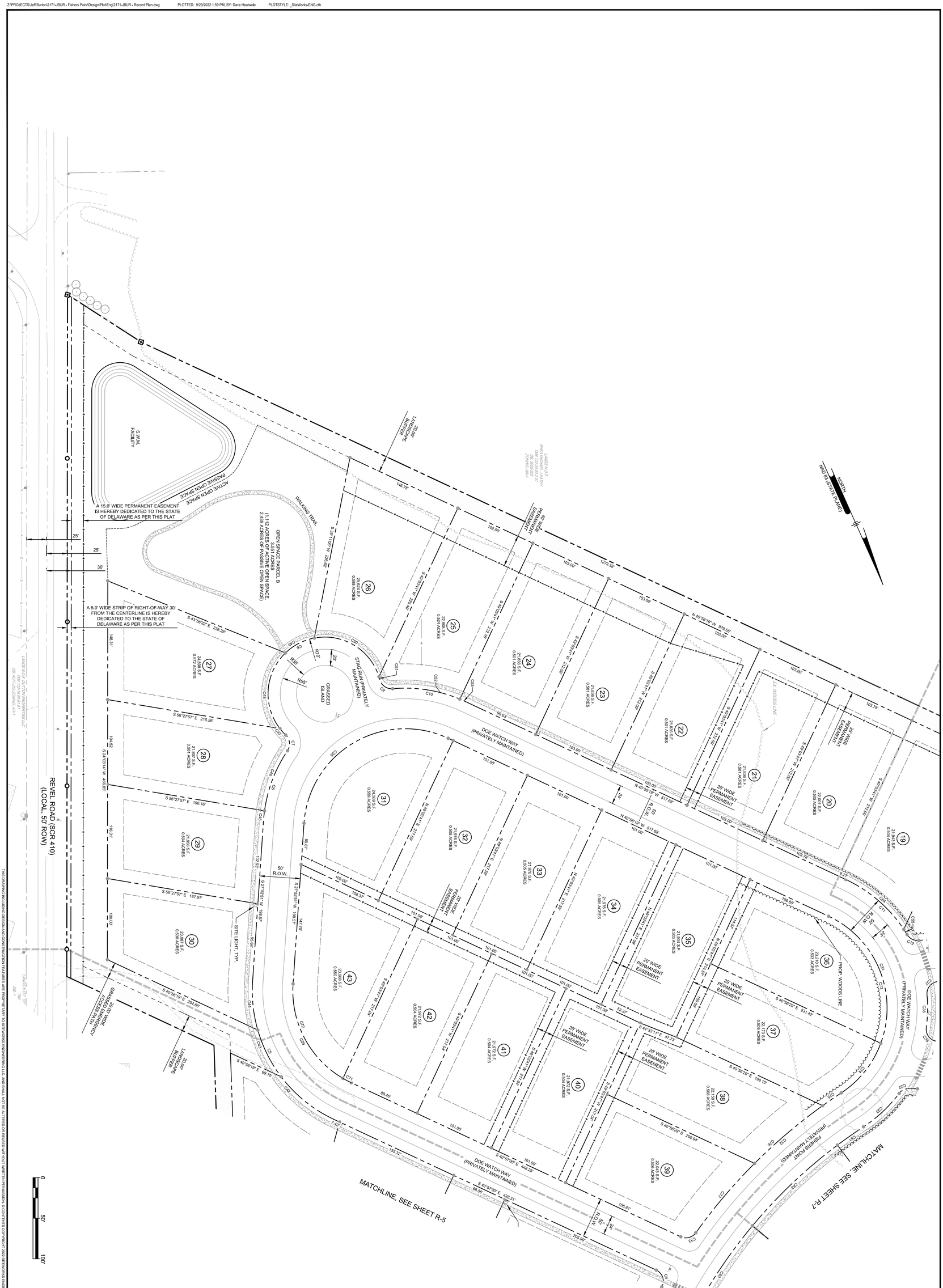
DRAWING NUMBER

R-5

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\PlotEzy\2171-JBUR - Record Plan.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Hostwelle PLOTSTYLE: _SiteWorks-ENG.ctb

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Eng\2171-JBUR - Record Plan.dwg PLOTTED: 9/29/2022 1:59 PM, BY: Dave Heatwole PLOTSTYLE: _SiteWorks-ENG.ctb



THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

R-6

DRAWING NUMBER	
SCALE	1" = 50'
PROJECT #	2171-JBUR
DRAWN BY	JDC

ISSUE REVISION BLOCK
7/12/22 - SUSSEX COUNTY PAZ - PRELIMINARY
12/7/21 - SUSSEX COUNTY PAZ
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY PAZ
9/30/22 - SUSSEX COUNTY PAZ

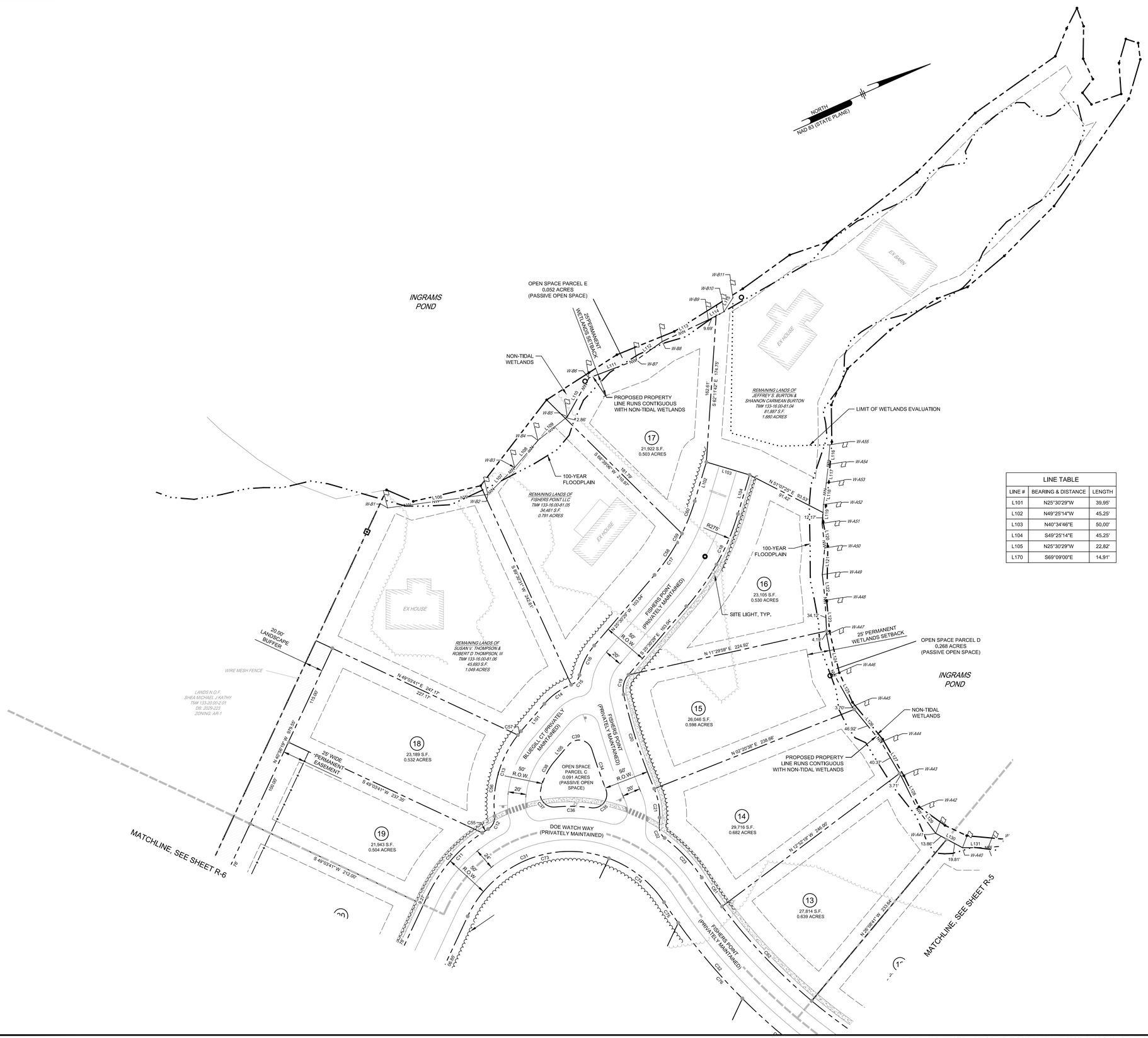
FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN



LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L101	N25°30'29"W	39,95'
L102	N49°25'14"W	45,25'
L103	N40°34'46"E	50,00'
L104	S49°25'14"E	45,25'
L105	N25°30'29"W	22,82'
L170	S69°09'00"E	14,91'

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN

ISSUE / REVISION BLOCK

7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC

DRAWING NUMBER

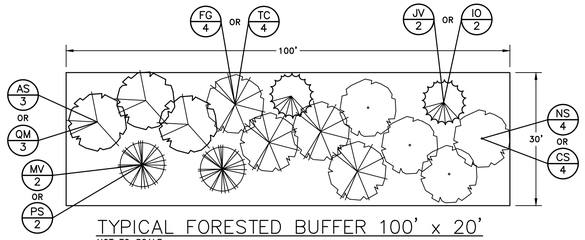
R-7

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Engr\2171-JBUR - Record Plan.dwg PLOTTED: 9/30/2022 1:09 PM, BY: Dave Hostwile PLOTSTYLE: _SiteWorks-ENG.ctb

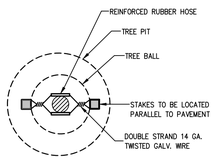
THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

LANDSCAPE PLANT SCHEDULE

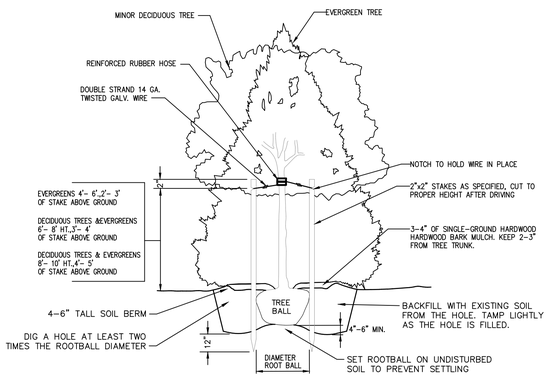
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	QUANTITY
		DECIDUOUS TREE				
	AS	Acer saccharum 'Green Mountain'	SUGAR MAPLE	1 1/2 – 2" Cal., B&B	10–15'	8
	QM	Quercus phellos	WILLOW OAK	1 1/2 – 2" Cal., B&B	10–15'	9
	FG	Fagus grandifolia	AMERICAN BEECH	1 1/2 – 2" Cal., B&B	10–15'	11
	TC	Tilia cordata	LITTLELEAF LINDEN	1 1/2 – 2" Cal., B&B	10–15'	11
	NS	Nyssa sylvatica	BLACK TUPELO	1 1/2 – 2" Cal., B&B	10–15'	11
	CS	Carya ovata	SHAGBARK HICKORY	1 1/2 – 2" Cal., B&B	10–15'	11
		EVERGREEN TREE				
	MV	Magnolia virginiana	SWEETBAY MAGNOLIA	5'/6' Ht., B&B		5
	PS	Pinus strobus	EASTERN WHITE PINE	5'/6' Ht., B&B		6
	JV	Juniperus virginiana	EASTERN RED CEDAR	5'/6' Ht., B&B		6
	IO	Ilex opaca	AMERICAN HOLLY	5'/6' Ht., B&B		6
				TOTAL		84



TYPICAL FORESTED BUFFER 100' x 20'
NOT TO SCALE

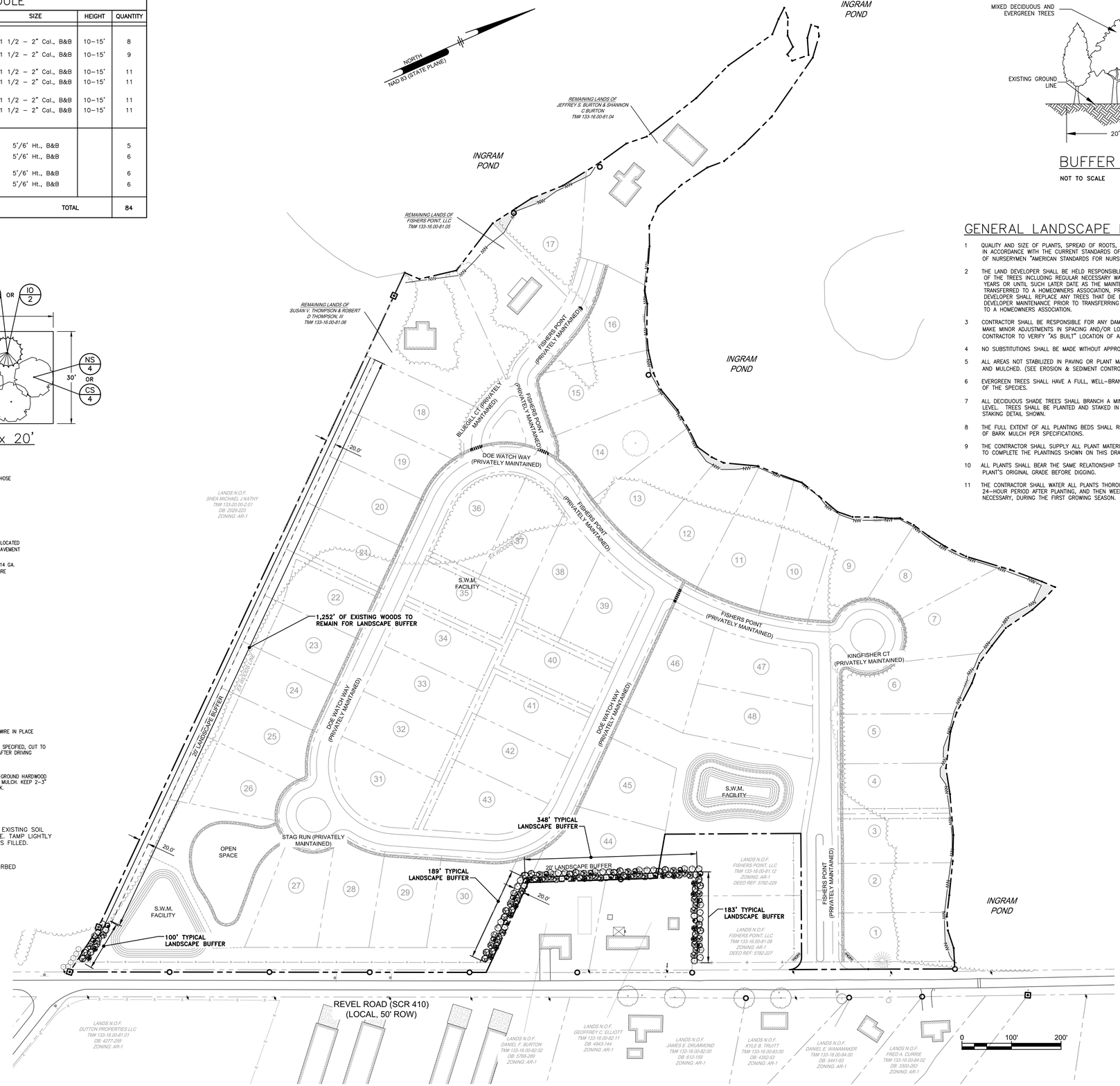


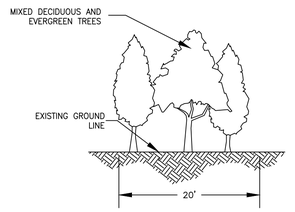
PLAN



SECTION

STAKING DETAIL
NO SCALE





BUFFER DETAIL
NOT TO SCALE

GENERAL LANDSCAPE NOTES

1 QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".

2 THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.

3 CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.

4 NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.

5 ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)

6 EVERGREEN TREES SHALL HAVE A FULL, WELL–BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.

7 ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'–0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.

8 THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.

9 THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.

10 ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.

11 THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24–HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

FORRESTED BUFFER PLAN

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

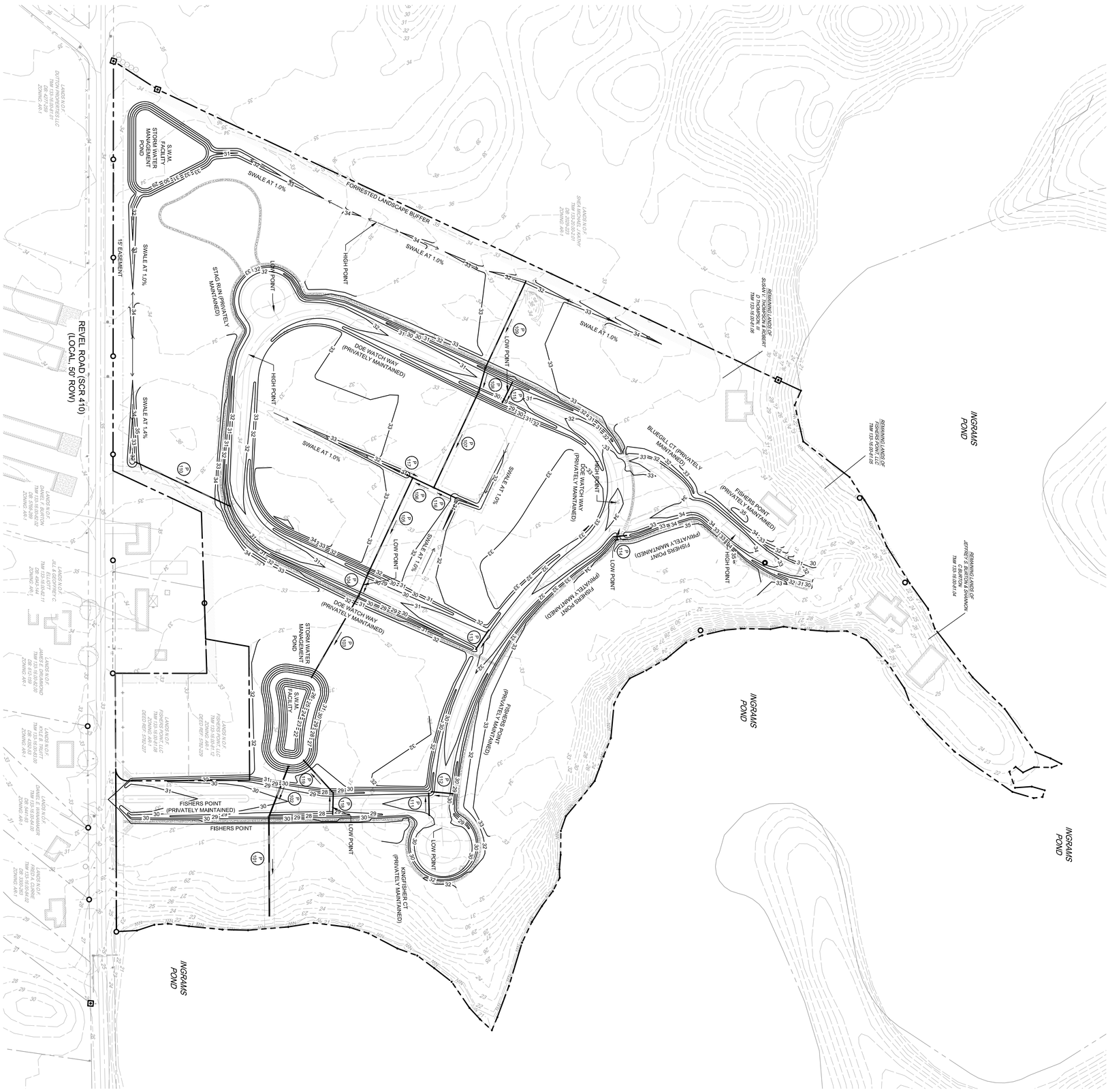
SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC

DRAWING NUMBER
L-1

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plan\Engr\2171-JBUR - Landscape Plan.dwg PLOTTED: 9/29/2022 1:09 PM, BY: Dave Hostwalle PLOTSTYLE: _SiteWorks-ENG.ctb

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Design\Plot\Eng\2171-JBUR - Bulk Grading Plan.dwg PLOTTED: 9/29/2022 2:00 PM, BY: Dave Heatwole PLOTSTYLE: _SiteWorks-ENG.ctb



0 100' 200'

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2022 SITEWORKS ENGINEERING, LLC.

FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

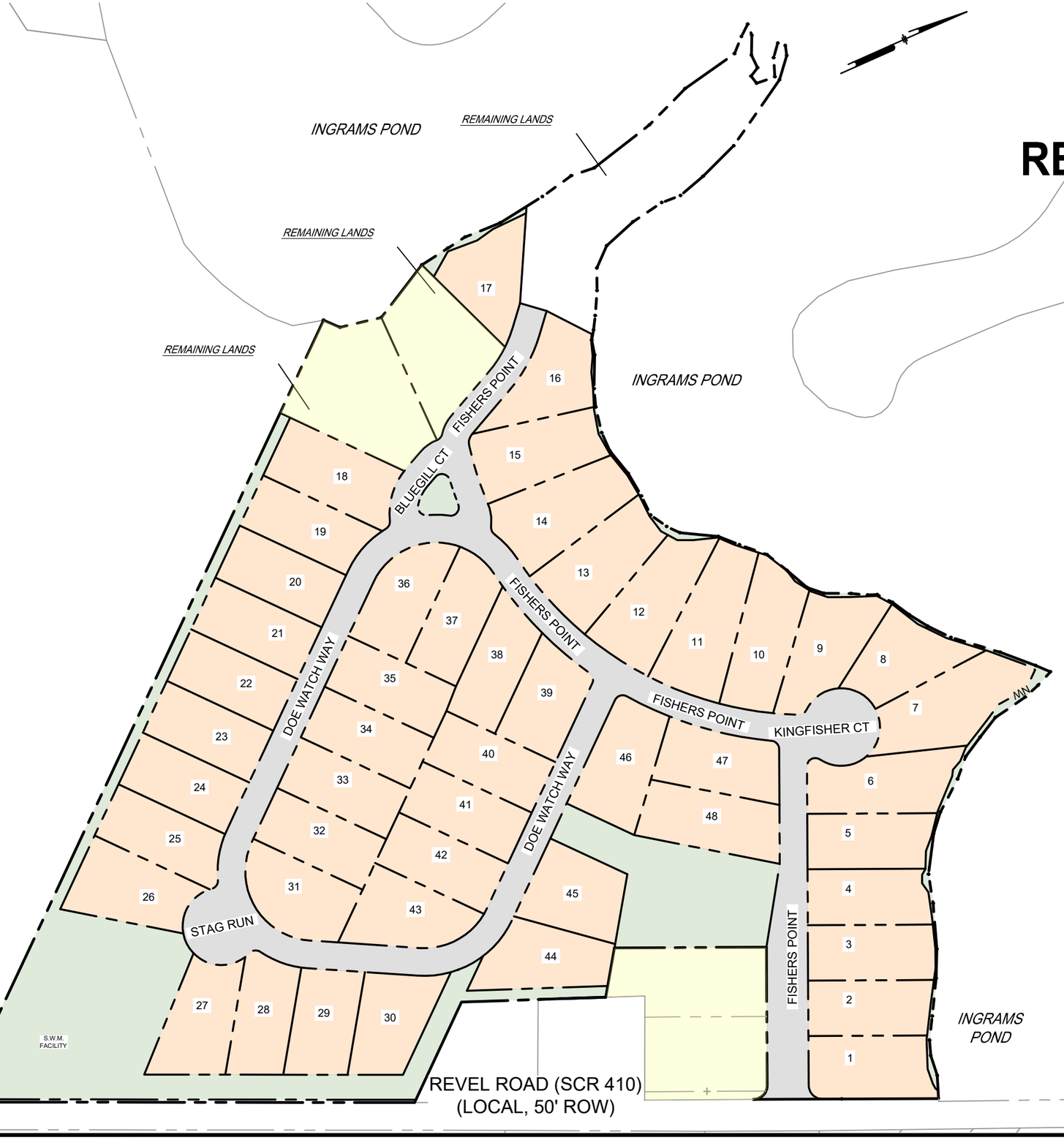
ISSUE	REVISION BLOCK
7/12/21	PRELIMINARY SUSSEX COUNTY PAZ -
12/7/21	- SUSSEX COUNTY PAZ
4/4/22	- FIRE MARSHAL
8/5/22	- SUSSEX COUNTY PAZ
9/30/22	- SUSSEX COUNTY PAZ

SCALE	1" = 100'
PROJECT #	2171-JBUR
DRAWN BY	JDC
DRAWING NUMBER	GP-1

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

BULK GRADING PLAN

FISHERS POINT COVENANTS AND RESTRICTIONS EXHIBIT



EXISTING AND RECONFIGURED LOTS SUBJECT TO COVENANTS AND RESTRICTIONS

FISHERS POINT SINGLE-FAMILY LOTS

R.O.W. AREA

OPEN SPACE AREA

SITEWORKS
ENGINEERING

September 29, 2022

Georgetown Administration Building
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Attn: Jamie Whitehouse

RE: Fishers Point (2021-24)
Chapter 99 Waiver Requests
Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Chairman and Members of the Commission,

This letter is on behalf of Fishers Point LLC to request two waivers. The first is from the 24-foot wide clear/unobstructed road width Street Design Standard in §99-18.E.(1)(b) to a 20-foot wide clear/unobstructed road width for the following Fishers Point Roads:

- Fishers Point (Sta. 13+91 – End) – This stretch of road that dead ends serves five residential units.
- Kingfisher Ct (Sta. 0+00 – End) – This cul-de-sac with an island serves between 2 – 4 residential units.
- Stag Run (Sta. 0+00 – End) – This cul-de-sac with an island will serve two residential units.
- Bluegill Ct (Sta. 0+00 – End) – This road serves two residential units.

We make this request to limit the scope and scale of construction in the mature wooded portion of the site. We are proposing a sidewalk to provide safe pedestrian movement. The proposed 20-foot-wide road section is adequate for emergency response vehicles and is consistent with the Delaware State Fire Prevention Regulations. A copy of the Site Plan Approval letter from the Delaware Office of the State Fire Marshal for the road design is included in the informational booklet.

The second waiver request is from the 20-foot Forested and/or Landscaped Buffer Strip in §99-5 along the subdivision perimeter adjacent to Ingrams Pond. The pond forms part of the scenic view from the subdivision, and forms a natural buffer as it is more than 250-feet to the adjacent shore line from any proposed lot. The Indian River School District owns the land adjacent to the Pond opposite the proposed subdivision. That land is wooded, and there are no adjacent agricultural lands.

Please call me if you have any questions or concerns at (302) 841-7901.

Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Hearing Booklets\Tab 3\C - Fishers Point - Waiver Request.docx

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

Date: **February 7, 2022**

REF: **T. A. C. COMMENTS**
Fisher Point Subdivision (2021-24)
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13 & 81.14
AGREEMENT NO.1197

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County Street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
    - Engineering recommends island opening for access for parcels 81.08 and 81.12 and egress for proposed lots 1 and 2.
    - Project may require drainage easement for parcels 81.08 and 81.12 if boulevard is going to be open drainage design.
    - An approved turn around must be provided where dead end street are greater than 300 as measured from the nearest turnaround.

2. This project **is not** located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.

3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography, and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.

4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North Arrow required to identify northern direction and viewport should be best fit for the project.

5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.

6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

The plans shall show and address the following items at minimum:

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.

8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.

9. The plan requires a Certification Signature and/or a Certification Block for the following:

    - Delaware Professional Engineer or Delaware Land Surveyor.
    - Owner or Representative of the Owner.
    - Professional Wetlands Delineator.

10. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.

11. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.

12. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.

13. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase and shall be recorded prior to being issued a notice to proceed.

14. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets. Sussex County Mapping & Addressing will have final say on proposed street names.

15. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 21305 Berlin Road, Suite 2, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.

16. Provide the limits and elevations of the 100-year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.

17. False berms shall not be utilized to create roadside drainage swale back slopes.

18. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way, or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.

19. Provide and show the locations and details of all ADA pedestrian connections.

20. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.

21. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.

22. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.

23. Provide statements concerning any proposed deed restrictions to be imposed by the owner.

24. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.

25. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.

26. When special studies or investigations pertain to a regulatory program of another public

agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

SEWER SPECIFIC COMMENTS

LOCATION: **Lying on the northwest side of Revel Road (SCR 410), approximately 0.16 mile south of Godwin School Road (SCR 328A)**

NO. OF UNITS:45

GROSS ACREAGE: 38.860

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

(2). Which County Tier Area is project in? Municipal Growth & Annexation Area

(3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.

(4). Is a Construction Agreement required? N/A If yes, contact Utility Engineering at (302) 855-7370 / option 2.

(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? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **The proposed subdivision is located within the boundaries of the Growth and Annexation Area of the Town of Millsboro. Contact the Town concerning the availability of sanitary sewer and water. Sussex County Engineering Department recommends the subdivision receive sewer/water service from a municipality or private company.**

(9). Is a Sewer System Concept Evaluation required? **N/A**

(10). Is a Use of Existing Infrastructure Agreement Required? **N/A**

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.

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
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING AND ZONING

April 26th, 2022

Dave Heatwole, PE
Siteworks Engineering
19 Commerce St
Harrington, DE 19952

By email to: Dave.Heatwole@siteworkseng.com

RE: Staff Review of the Preliminary Major Subdivision Plan for Fishers Point (2021-24), located off Revel Road (S.C.R. 410).
Tax Parcels: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.11, 81.12, 81.13, 81.14

Dear Mr. Burton,

Further to the submission of December 9th, 2021, the Planning and Zoning Department has reviewed the Preliminary Major Subdivision Plan for Fisher Point (2021-24). This plan proposes the creation of forty-five (45) single-family lots, private roads, and open space to be located on the east side of Revel Road (S.C.R. 410). The parcels are all zoned Agricultural Residential (AR-1). Staff have reviewed the proposed subdivision plan for compliance with the Sussex County Zoning and Subdivision Codes and have the following comments:

Chapter 89 – Source Water Protection

1. Please include a General Notes Column on the site plan and include a note indicating that these parcels are located in an area of "good/fair" Groundwater Recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).
2. Please include in the General Notes Column that these parcels are not located within a wellhead protection area (§89-6).

Chapter 99 – Subdivision Code

3. Staff note that Fishers Point Boulevard does not meet the required minimum width for two-way traffic at the entrance/exit point at Revel Road (§99-18(E)(1)). Please indicate in the plan view that these portions of the roadway will be one-way and include information regarding signage to indicate this to drivers.
4. Staff note that the Compton Drive cul-de-sacs and the turnaround at Francis Street are 20 feet wide. Please indicate on the plans that there will be a grass island (§99-18(E)(4)).
5. Staff note that the proposed width of Burton Drive does not meet the minimum required width for two-way traffic. Since Burton Drive is a dead-end street that is longer than 300 feet from the nearest turn-around area, it will need to an additional alternative turnaround (§99-18(E)(5)(d)).
6. Please annotate the dimensions of each lot in the plan view (§99-23(E)).
7. Please include the proposed street names on each page of the site plan (§99-23(J)).

8. Staff note that a forested buffer is required along all land in the subdivision which is adjacent to land of other ownership (§99-5(J)). Please extend the proposed forested buffer along the perimeter shared with parcels 133-20.00-2.01, 133-16.00-82.02, 133-16.00-82.11, 133-16.00-81.12, and 133-16.00-81.08.
9. Staff note that stormwater management systems are not permitted to be located within required forested buffer zones (§99-5(J)). Please adjust the stormwater management system adjacent to parcel 133-20.00-81.12 so that it is located outside of the forested buffer zone.
10. Staff note that there are two bolded lines marking the buffer along parcel 133-20.00-2.01, making it unclear which line marks the edge of the buffer. Please remove any extraneous lines or provide additional annotation to help clarify what these lines indicate.
11. Please include in the General Notes Column an Agricultural Use statement (§99-6(G)).
12. Please include the location of wetlands on the plan view and, in the case of any wetlands being located within a lot, include the relevant disclosure statement (§99-6(H)).
13. Please include in the General Notes Column statements addressing all requirements of §99-24 and §99-27.
14. **Prior to the scheduling of any public hearing, a Soil Feasibility Study will need to be submitted (§99-19(B)).**

Chapter 115 - Zoning

15. Please list parcel number 133-16.00-81.11 and 133-16.00-81.12 in the Site Data column, as the property lines for both parcels will be changed through this plan.
16. Staff note that, on Sheet R-2, parcel 133-16.00-81.08 has been drawn between parcel 133-16.00-81.12 and 133-16.00-81.00. Our parcel map shows that parcel 133-16.00-81.08 is adjacent to the north of parcel 133-16.00-81.00. Additionally, the existing property line drawn between parcels 133-16.00-81.02 and 133-16.00-81.11 does not reflect the current property line shown on our map. Please amend the existing property lines to more accurately reflect the current property lines for these parcels.
17. Staff note that numbers provided in the Site Data column for Existing & Proposed Lots do not match with the current conditions or the proposed conditions of the plan. Please amend the numbers to address the following comments:
    a. Including parcels 133-16.00-81.11 and 133-16.00-81.12, the total number of existing lots should be 12.
    b. If parcel 133-16.00-81.08 is to be reconfigured, the total number of Parcel 133-16.00-81.08 should be 7 and all should be listed as reconfigured.
18. Please amend the parcel number for the Lands of Susan V. Thompson to 133-16.00-81.06 and the parcel number for Lands of Fred A. Currie to 133-16.00-84.02 on Sheet R-2 through W-1.
19. Please include a signature block for the signature and/or stamp of the County Council President, the Chairman of the Planning and Zoning Commission, and the Sussex Conservation District.
20. Please ensure that all easements are included on the site plan.
21. Please note in the Site Data column that these parcels are not located within the Henlopen Transportation Improvement District (TID).
22. Please include in the Site Data column the Maximum Density of 2 units per acre.
23. Please include the Net Development Area of the parcel within the Site Data Column (§115-220(B)(6)).
24. Please include the setbacks for parcel 133-16.00-81.04 on the plan view and annotate the setback dimensions for all lots in the plan view (§115-220(B)(8)).

25. Please amend the Setback section of the Site Data column to include the setbacks for corner lots (§115-220(B)(8)). Staff note that setbacks shown for Lot 39, 41, and 42 are greater than required. The required setbacks for these lots are:
    a. Lot 32: Front – 30' (along Compton Dr), Side – 15' (along Lot 33 and 35)
    b. Lot 39: Front – 30' (along Compton Dr), Side – 15' (along the SWM Facility parcel and Lot 40)
    c. Lot 41: Front – 30' (along Compton Dr to the northwest), Side – 15' (along Lot 40), Corner Front – 15' (along Compton Dr to the northeast), Rear – 20' (along the SWM Facility)
    d. Lot 42: Front – 30' (along Fisher Pt Blvd), Side – 15' (along lot 43), Corner Front – 15' (along Compton Dr), Rear – 20' (along the open space parcel)

    If the greater setbacks for these lots as indicated on the site plan are intentional, please include a note addressing this in the Site Data column.
26. Please include a statement, signed and sealed by a qualified professional, indicating that there are no wetlands on the site (§115-221(B)(14)).
27. Please include information regarding the character of construction for all proposed streets and cul-de-sacs(§115-221(B)(5)).
28. Please include information regarding the location, character, size, height, and orientation of any proposed signs (§115-221(B)(11)).
29. Please include the percentage of open space in the Site Data Column (§115-221(B)(12)).
30. Please include a bulk grading plan (§115-221(B)(17)).
31. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
    a. Sussex County Engineering Department
    b. Sussex County Geographical Information Office (GIO)
    c. Sussex Conservation District (SCD)
    d. Delaware Department of Transportation (DelDOT)
    e. Office of the State Fire Marshal (SFMO)
    f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
    g. Indian River School District

Please provide one (1) full-size copy and one (1) electronic copy of a Revised Preliminary Subdivision Plan once all comments have been addressed. The revised plan will then be scheduled for the next available Planning and Zoning Commission meeting.

Please feel free to contact me with any questions during business hours 8:30 A.M. – 4:30 P.M., Monday through Friday, at 302-855-7878.

Sincerely,

Jesse Lindenberg

Mx. Jesse Lindenberg
Planner I

SITEWORKS
ENGINEERING

August 5, 2022

Mx. Jesse Lindenberg, Planner 1
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

RE: Fishers Point Subdivision (2021-24)
Comment Response Letter

Dear Mx. Lindenberg:

We offer the following comment responses to your 4/26/22 comment letter for the Fishers Point Subdivision. Your comments appear below, followed by our responses. I am sending you two copies of the revised plan for your review.

Revised Preliminary Site Plan

1. Please include a General Notes Column on the site plan and include a note indicating that these parcels are located in an area of "good/fair" Groundwater Recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

   Response: We added a general notes column to the cover sheet and included the Groundwater Recharge Potential under note 8.

2. Please include in the General Notes Column that these parcels are not located within a wellhead protection area (§89-6).

   Response: The wellhead protection note was added to the general notes on the cover sheet; see note 9.

3. Staff note that Fishers Point Boulevard does not meet the required minimum width for two-way traffic at the entrance/exit point at Revel Road (§99-18(E)(1)). Please indicate in the plan view that these portions of the roadway will be one-way and include information regarding signage to indicate this to drivers.

   Response: We added typical roadway cross-sections to sheet R-2 showing the boulevard's ingress and egress lanes and added callouts ingress/egress callouts on sheet R-5. The entrance and subdivision street plans will provide additional road details, including signage and striping.

4. The Staff note that the Compton Drive cul-de-sacs and the turnaround at Francis Street are 20 feet wide. Please indicate on the plans that there will be a grass island (§99-18(E)(4)).

   Response: We added notes on sheets R-5 and R-6 where there will be grassed islands. These are on Stagrun and Kingfisher Ct. On sheet R-7, the area bounded by Doewatch Way, Bluegill Ct, and Fishers Point

Dave.Heatwole@SiteWorksEng.com || 302 841 7901 || PO Box 2, 19 Commerce Street, Harrington, DE 19952

will be either grass or wooded. The existing area is wooded, and we will attempt to save the trees in this area.

5. Staff note that the proposed width of Burton Drive does not meet the minimum required width for two-way traffic. Since Burton Drive is a dead-end street that is longer than 300 feet from the nearest turn-around area, it will need to an additional alternative turnaround (§99-18(E)(5)(d)).

   Response: We are proposing a 20-foot road width for Fishers Point and Bluegill Ct from the intersection with Doe Watch Way and will formally request a waiver from the Planning Commission. This request is being made because there are only five lots fronting this stretch of road, so it will function more like a driveway. Only four lots are taking access off the Fishers Point dead-end street in compliance with the referenced code section.

   We reduced the length of Fishers Point from the intersection with Bluegill Ct to 299 feet to comply with (§99-18(E)(5)(d)). The Office of the State Fire Marshal Regulations are consistent with (§99-18(E)(5)(d)), and they approved the plan. The approval is included with this submission.

6. Please annotate the dimensions of each lot in the plan view (§99-23(E)).

   Response: Lots have been annotated per your comment.

7. Please include the proposed street names on each page of the site plan (§99-23(J)).

   Response: We added Street names to the plan set and included a copy of the street and subdivision name approval with this submission.

8. Staff note that a forested buffer is required along all land in the subdivision which is adjacent to land of other ownership (§99-5(J)). Please extend the proposed forested buffer along the perimeter shared with parcels 133-20.00-2.01, 133-16.00-82.02, 133-16.00-82.11, 133-16.00-81.12, and 133-16.00 81.08.

   Response: Siteworks extended the forested buffer on parcels 133-16.00-81.08 and 81.12. These two lots will be subject to the Fishers Point covenants and restrictions and will front and take access from Fishers Point. We propose placing the forested buffer in a permanent easement on these lots. I would anticipate this being a condition of approval.

9. Staff note that stormwater management systems are not permitted to be located within required forested buffer zones (§99-5(J)). Please adjust the stormwater management system adjacent to parcel 133-20.00-81.12 so that it is located outside of the forested buffer zone.

   Response: Please see my response to comment 8.

10. Staff note that there are two bolded lines marking the buffer along parcel 133-20.00-2.01, making it unclear which line marks the edge of the buffer. Please remove any extraneous lines or provide additional annotation to help clarify what these lines indicate.

Response: I removed the duplicate lines and added a hatch showing the location of the forested buffer.

11. Please include in the General Notes Column an Agricultural Use statement (§99-6(G)).

    Response: Siteworks added the Agricultureal Use Statement to the Cover Sheet R-1, see General Note 6.

12. Please include the location of wetlands on the plan view and, in the case of any wetlands being located within a lot, include the relevant disclosure statement (§99-6(H)).

    Response: Kenneth W. Redinger performed a wetlands evaluation in November 2021, identifying a small band of wetlands adjacent to Ingrams Pond. The wetand line is shown on sheets R-5 – R-7. No wetlands are included on any of the proposed building lots. We added the wetlands disclosure statement to the cover sheet; see general note 11.

13. Please include in the General Notes Column statements addressing all requirements of §99-24 and §99-27.

    Response: We updated the General Notes found on the cover sheet with the requirements found in §99-24 and §99-27.

14. Prior to the scheduling of any public hearing, a Soil Feasibility Study will need to be submitted (§99-19(B)).

    Response: We included the approved Soil Feasibility Study with this submission.

Chapter 115 – Zoning

15. Please list parcel number 133-16.00-81.11 and 133-16.00-81.12 in the Site Data column, as the property lines for both parcels will be changed through this plan.

    Response: Parcels 133-16.00-81.11 and 133-16.00-81.12 are not affected by this subdivision and are left out of the Site Data Column. Please note that, as a condition of approval, we anticipate a requirement to provide a permanent easement on parcels 133-16.00-81.08 and 133-16.00-81.12 for the forested or landscaped buffer.

16. Staff note that, on Sheet R-2, parcel 133-16.00-81.08 has been drawn between parcel 133-16.00- 81.12 and 133-16.00-81.00. Our parcel map shows that parcel 133-16.00-81.08 is adjacent to the north of parcel 133-16.00-81.00. Additionally, the existing property line drawn between parcels 133-16.00-81.02 and 133-16.00-81.11 does not reflect the current property line shown on our map. Please amend the existing property lines to more accurately reflect the current property lines for these parcels.

    Response: I'm sorry for this confusion. We were working on a Lot Line Adjustment and Consolidation Plan when we submitted the subdivision plans. Since the submittal, the plat under Plot Book 369 Page 28 matches the revised plan. A separate lot line adjustment plan was submitted to straighten the line between lots 133-16.00-81.02 and 133-16.00-81.11. It has not been recorded as of the date of this letter, but that will happen before the subdivision hearing.

17. Staff note that numbers provided in the Site Data column for Existing & Proposed Lots do not match with the current conditions or the proposed conditions of the plan. Please amend the numbers to address the following comments:
    a. Including parcels 133-16.00-81.11 and 133-16.00-81.12, the total number of existing lots should be 12.
    b. If parcel 133-16.00-81.08 is to be reconfigured, the total number of Parcel 133-16.00-81.08 should be 7 and all should be listed as reconfigured.

    Response: As noted in the comment response to #16, there have been some lot reconfigurations since the plan was submitted in December. We updated the Site Date table to include the parcels impacted by the subdivision.

18. Please amend the parcel number for the Lands of Susan V. Thompson to 133-16.00-81.06 and the parcel number for Lands of Fred A. Currie to 133-16.00-84.02 on Sheet R-2 through W-1.

    Response: We corrected the parcel number for the Lands of Susan V. Thompson and Fred A. Currie throughout the plan set.

19. Please include a signature block for the signature and/or stamp of the County Council President, the Chairman of the Planning and Zoning Commission, and the Sussex Conservation District.

    Response: Certification blocks were added for the County Council President, the Chairman of the Planning and Zoning Commission, and the Sussex Conservation District.

20. Please ensure that all easements are included on the site plan.

    Response: All DelDOT frontage and stormwater management easements associated with pipes are shown on the plans. There is also a general note regarding standard easements encumbered upon all lots, see General Note #10 on the Cover Sheet. An access easement note for the residual parcels is included on sheet RP-4.

21. Please note in the Site Data column that these parcels are not located within the Henlopen Transportation Improvement District (TID).

    Response: On past projects, DelDOT commented on how they wanted the proximity to a transportation district, “not within an identified TID.” We didn’t adjust the Site Data to meet DelDOT’s requirements; however, we added a note 10 under the General Notes on the Cover Sheet specifying that

22. Please include in the Site Data column the Maximum Density of 2 units per acre.

    Response: We updated the site data to include the maximum density of 2 units per acre.

23. Please include the Net Development Area of the parcel within the Site Data Column (§115- 220(B)(6)).

Response: We updated the site data to include the site's net development area.

24. Please include the setbacks for parcel 133-16.00-81.04 on the plan view and annotate the setback dimensions for all lots in the plan view (§115-220(B)(8)).

    Response: We added setbacks for the lots reconfigured as part of the subdivision.

25. Please amend the Setback section of the Site Data column to include the setbacks for corner lots (§115-220(B)(8)). Staff note that setbacks shown for Lot 39, 41, and 42 are greater than required. The required setbacks for these lots are:
    a. Lot 32: Front – 30' (along Compton Dr), Side – 15' (along Lot 33 and 35)
    b. Lot 39: Front – 30' (along Compton Dr), Side – 15' (along the SWM Facility parcel and Lot 40)
    c. Lot 41: Front – 30' (along Compton Dr to the northwest), Side – 15' (along Lot 40), Corner Front – 15' (along Compton Dr to the northeast), Rear – 20' (along the SWM Facility)
    d. Lot 42: Front – 30' (along Fisher Pt Blvd), Side – 15' (along lot 43), Corner Front – 15' (along Compton Dr), Rear – 20' (along the open space parcel)

    Response: We adjusted the building restriction lines on the corner lots and added a corner lot setback to the site data table.

26. Please include a statement, signed and sealed by a qualified professional, indicating that there are no wetlands on the site (§115-221(B)(14)).

    Response: The site has some non-tidal wetlands. We added a wetland signature block to the cover sheet.

27. Please include information regarding the character of construction for all proposed streets and cul-de-sacs(§115-221(B)(5)).

    Response: We added cross-sections to the plans showing the character of the street and cul-de-sac construction.

28. Please include information regarding the location, character, size, height, and orientation of any proposed signs (§115-221(B)(11)).

    Response: We added the proposed subdivision signs to the plan at the entrance. These signs are place-holders. The Owner will submit sign permit to the County prior to construction. We added note 9 to the General Notes on the cover sheet for documentation.

29. Please include the percentage of open space in the Site Data Column (§115-221(B)(12)).

    Response: The open space area was added to the Site Data Column per your comment. We also included an open space table adjacent to the Site Data Column on the Cover Sheet.

30. Please include a bulk grading plan (§115-221(B)(17)).

Response: We included a bulk grading plan with this submission.

31. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
    a. Sussex County Engineering Department
    b. Sussex County Geographical Information Office (GIO)
    c. Sussex Conservation District (SCD)
    d. Delaware Department of Transportation (DelDOT)
    e. Office of the State Fire Marshal (SFMO)
    f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
    g. Indian River School District

Response: I have included approvals from the Office of the State Fire Marshal and from the Sussex County Geographical Information Office. We have had preliminary meeting with DelDOT and the Sussex Conservation District and will provide the other approvals if the project receives Preliminary Subdivision Approval.

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

Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

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
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING AND ZONING

September 12, 2022

Dave Heatwole, PE
Siteworks Engineering
19 Commerce St
Harrington, DE 19952

By email to: Dave.Heatwole@siteworkseng.com

RE: Staff Review of the Revised Preliminary Major Subdivision Plan for Fishers Point (2021-24), located off Revel Road (S.C.R. 410).
Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Mr. Heatwole,

Further to the submission of August 5th, 2022, the Planning and Zoning Department has reviewed the Revised Preliminary Major Subdivision Plan for Fishers Point (2021-24). This plan proposes the creation of forty-five (48) single-family lots, private roads, and open space to be located on the east side of Revel Road (S.C.R. 410). The parcels are all zoned Agricultural Residential (AR-1). Staff have reviewed the proposed subdivision plan for compliance with the Sussex County Zoning and Subdivision Codes and have the following comments:

Chapter 115 - Zoning

1. Staff recommend notating the 25-foot permanent setback for Lots 1-17 on the plan view.
2. Please include notation in General Note 7 that the lighting shall be shielded and downward screened.
3. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
    a. Sussex County Engineering Department
    b. Sussex County Geographical Information Office (GIO)
    c. Sussex Conservation District (SCD)
    d. Delaware Department of Transportation (DelDOT)
    e. Office of the State Fire Marshal (SFMO)
    f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
    g. Indian River School District

Please provide one (1) full-size copy and one (1) electronic copy of a Revised Preliminary Subdivision Plan once all comments have been addressed.

Please feel free to contact me with any questions at 302-855-7878.

Sincerely,

Jesse Lindenberg

Mx. Jesse Lindenberg
Planner I

SITEWORKS
ENGINEERING

September 30, 2022

Mx. Jesse Lindenberg, Planner 1
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

RE: Fishers Point Subdivision (2021-24)
Comment Response Letter

Dear Mx. Lindenberg:

We offer the following comment responses to your 9/12/22 comment letter for the Fishers Point Subdivision. Your comments appear below, followed by our responses. I am sending you two copies of the revised plan for your review.

Chapte 115 – Zoning

1. Staff Recommends notating the 25-foot permanent setback for Lots 1-17 on the plan view.

   Response: We added the permanent setback annotation to the plans as you recommended.

2. Please include notation in General Note 7 that the lighting shall be shielded and downward screened.

   Response: We updated General Note 7 to include the provision that lighting be shielded and downward screened.

3. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
   a. Sussex County Engineering Department
   b. Sussex County Geographical Information Office (GIO)
   c. Sussex Conservation District (SCD)
   d. Delaware Department of Transportation (DelDOT)
   e. Office of the State Fire Marshal (SFMO)
   f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
   g. Indian River School District

   Response: We will forward agency approvals upon receipt.

Dave.Heatwole@SiteWorksEng.com || 302 841 7901 || PO Box 2, 19 Commerce Street, Harrington, DE 19952

Please call me if you have any questions or concerns at (302) 841-7901.

Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Record Documents\Sussex County P&Z\220930 - Booklets\1 Fishers Point - Comment Response Letter.docx

Tab 4

SITEWORKS
ENGINEERING

September 14, 2022

Georgetown Administration Building
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Attn: Jamie Whitehouse

RE: Fishers Point (2021-24)
Statements of Compliance with Chapter 115-25.E & F (3) & Chapter 99-9.C Responses
Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Chairman and Members of the Commission,

On behalf of Fishers Point LLC, Siteworks Engineer LLC is pleased to provide written responses to key County Code sections.

Statements of Compliance with Chapter 115-25.E

E1. All development shall be in accordance with the latest amendment to the community design standards.

a. The proposed cluster subdivision complies with the Community Design section of the County's Comprehensive Plan.

E2. Housing Types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.

a. The subdivision application is for single-family residential lots.

E3. A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area.

a. The proposed subdivision does not abut an agricultural area.

E4. Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.

a. Fishers Point is not adjacent to an existing residential subdivision.

E5. No lots shall have direct access to any state-maintained roads.

a. Lot access will be via private streets constructed per Sussex County Code, and a single DelDOT entrance is proposed for the community with access to Revel Road.

E6. All lots shall be configured to be contained completely outside of all wetlands.

a. All proposed lots are sited entirely outside of the wetlands.

E7. Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance.

a. Fishers Point subdivision is planned under Subsection A(2) and will be served by on-site wells and septics.

Statements of Compliance with Chapter 115-25.F(3)

(a)[1] Subdivision lots, infrastructure, and amenities are located on environmentally suitable portions of the property, with the wetlands being avoided. Clearing of the existing woods is limited to those areas required for constructing roads and houses.

(a)[3] Fishers Point subdivision exceeds Sussex County's open space requirement. The required open space is 3.694 acres, and 5.300 acres have been provided. Of the open space provided, 3.551 acres, 96% of the required open space, is located adjacent to existing woodlands on a contiguous parcel. This open space area contains 1.112 acres of active open space for the benefit of the community and includes a walking trail connected to the sidewalk network.

(a)[4] Please note that the Fishers Point subdivision application (2021-24) was submitted to the Planning and Zoning Office in December 2021 and is subject to the 115-193 Resource Protection requirements that pre-date those adopted under Ord. No. 2852. A 25-foot permanent setback is provided from all non-tidal wetlands.

(a)[5] The stormwater management system and facilities will be provided in accordance with DNREC's requirements. An infiltration pond is proposed to help recharge the groundwater along with open channel conveyance swales that will filter stormwater runoff and help recharge the groundwater.

(a)[6] Tree removal will be limited to the maximum extent possible.

(a)[7] Scenic views of the existing woodlands and Ingrams pond have been preserved to the maximum extent possible. Views of Ingrams Pond are preserved and are viewable from the lots surrounding the Pond, and views of the existing woods on the southwestern side of the site are preserved and viewable from the active open space area and the lots adjacent to the existing woods.

(a)[8] Land planning preserved natural features like mature woods, wetlands, and intentionally located the roads away from the point where the land slopes down toward Ingrams Pond. Sidewalk is proposed on one side of the road to promote pedestrian movement through the site. The project is located in a level 3 investment level area and is not adjacent to a State sidewalk or a shared use path, so all sidewalks will be internal to the subdivision.

(a)[9] Sidewalks are proposed on one side of the roadway. They will be placed in an easement behind the right-of-way.

(b) The subdivision preserves the natural environment to the maximum extent possible, and there are no known archeological resources on the site.

(c) Our responses to Section 99-9.C are included below.

Chapter 99-9.C Responses

1. **Integration of the proposed subdivision into the existing terrain and surrounding landscape.**

    a. The subdivision includes a 20' forested buffer along the adjacent residential properties.

    b. The Developer has taken care to preserve the mature trees bordering Ingrams Pond and the adjacent residential property to the east and to minimize tree clearing.

    c. Forested non-tidal wetlands have been preserved and are protected with a 25-foot permanent setback. No wetland impacts are anticipated as a result of the Fishers Point Subdivision.

    d. Proposed lots within the community are a minimum of 40 feet from the outbounds of adjacent residential properties.

    e. The proposed site grading is anticipated to maintain the property's existing drainage pattern.

2. **Minimal Use of Wetlands and Floodplains.**

    a. Kenneth W. Redinger evaluated the property for wetlands on 11/5 – 11/7/22 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual in conjunction with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region, Version 2.0 (November 2010) and associated regulatory guidance documents.

    b. A small amount of wetland area was identified adjacent to Ingrams Pond. This wetland area is a planned open space, and a 25-foot permanent setback is shown on residential lots adjacent to the non-tidal wetland area.

    c. A small portion of the site is impacted by the 100-year flood elevation per FEMA Flood Map 10005C0454K, effective 3/16/2015. All residential lots will be outside of the 100-year flood area.

d. No impacts to the floodplain are anticipated because of the Fishers Point Subdivision.

3. Preservation of Natural and Historical Features.

a. The residential lots, streets, and stormwater drainage features were designed to minimize impacts on steep slopes.

b. We contacted the State Historic Preservation Office (SHPO) to determine if there are any known archaeological or National Register sites listed or eligible properties on the parcel. SHPO reviewed the project area and responded that no resources are listed in the State's Cultural & Historical Resource Information System.

4. Preservation of Open Space and Scenic Views.

a. The Fishers Point subdivision proposes 5.3 acres (13.3%) of open space.

b. Views of Ingrams Pond are preserved and are viewable from the lots surrounding the Pond.

c. The existing woods on the southwestern side of the site are preserved and is viewable from the active open space area and the lots adjacent to the existing woods.

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

a. Site disturbance will be limited to areas for roads, stormwater management facilities, utilities, and houses. The undisturbed natural vegetation is to remain and be managed by the Home Owners Association.

b. The proposed subdivision grading will maintain existing drainage patterns to the maximum extent possible while maintaining site drainage. Soil disturbance will be limited to the area needed to construct roads, utilities, houses, and stormwater management facilities.

c. The intent of the subdivision design is to have a balanced site and large soil imports or exports will be avoided.

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

a. Objectional features will be screened from adjacent residential properties by a forested buffer. The western portion of the subdivision adjacent to Revel Road will be screened with a rolling berm in the open space area between the lots and the road, and the Developer intends to construct an aesthetically appealing entrance along the subdivision's eastern frontage adjacent to Revel Road.

b. No public water or wastewater treatment or conveyance facilities or other objectionable public utilities are planned in the project area. Fishers Point will be consistent in use and character with the surrounding community.

7. **Provision for water supply.**

    a. The subdivision's residential lots will be served by on-site water wells installed in accordance with DNREC's regulations.

8. **Provision for sewage disposal.**

    a. The subdivision's residential lots will be served by on-site wastewater disposal system designed and constructed in accordance with DNREC's regulations.

    b. All new on-site wastewater disposal systems will be constructed with advanced treatment in accordance with DNREC's PSN-3 standard.

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

    a. Stormwater Management Facilities will be designed and constructed according to DNREC's standards are regulations.

    b. The site will utilize a variety of stormwater conveyance and management practices to reduce pollutants, including grassed swales, forebays, infiltration basins, and extended detention wet ponds.

    c. Stormwater facilities will be designed with a maintenance and operation plan to ensure long-term function.

    d. All road runoff will be collected in roadside swales and directed to stormwater management facilities that will treat it before infiltration or discharge.

    e. The site will be designed and constructed using Best Available Technologies (BATs) and Best Management Practices (BATs).

    f. Green Technology will be utilized where feasible.

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

    a. Erosion and sediment control plans will be designed and implemented in accordance with DNREC's requirements. A phasing plan will be developed to ensure minimal disturbance at any given time.

    b. The stormwater management system will be designed and constructed per DNREC's standards.

    c. The subdivision plan intends to utilize an infiltration basin to help recharge the groundwater.

11. Provision of safe vehicular and pedestrian movement within the site and to adjacent ways.

a. Entrance and frontage road improvement plans will be designed and submitted to DelDOT for approval. The proposed plan includes right-of-way and easement dedications to DelDOT

12. Effect on area property values.

a. It is anticipated that the Fishers Point community will benefit home values in the area because great attention has been paid to making the community safe, quiet, aesthetically pleasing, walkable, and a great place to live. Base home size is expected to be equivalent to or larger than the average home in the immediate area.

13. Preservation and conservation of farmland.

a. The proposed development lies within a Developing Area, as shown in the Sussex County Comprehensive Plan.

b. The proposed subdivision will not adversely affect nearby farmland due to the 20-foot forested buffer and natural features separating it from nearby farmland.

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

a. Fishers Point is within the Indian River School District, and we will coordinate with the Indian River School District to determine the preferred bus stop location during the subdivision's design.

b. Community open space will include a park-like area with trails adjacent to the existing woods. This active open space area is located near Revel Road, is accessible to all community residents, and is connected to the sidewalk network.

c. It is anticipated that additional property tax revenue and the State's school contribution from income tax receipts as a result of the new homes will offset impacts to the School, public buildings, and other community facilities.

15. Effect on area roadways and public transportation.

a. Fishers Point's subdivision roads will be designed and constructed to Sussex County's standards. Frontage Road improvements will be made in accordance with DelDOT's requirements.

16. Compatibility with other area land uses.

a. The subdivision conforms to the AR-1 zoning code and is consistent with the surrounding land uses.

b. Fishers Point is in the vicinity of other residential communities, including Ingrams Point, Longwood Lakes, Meadow Drive, Meadow Drive II, Cedar Ridge, Deere Country, Lake Wood Estates, Lakeview

Estates, Oakmont Estates, Citation Meadows, Beacon Meadows, Parkers Point, The Woodlands of Millsboro, Country Living Mobile Court, and the Plantation Lakes Development within the Town of Millsboro; thus it is compatible in density, homestyle, and land use.

17. Effect on area waterways

a. Stormwater runoff will be treated for water quality prior to discharge or infiltration.

Please call me if you have any questions or concerns at 302-841-7901.

Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

Tab 5

Sussex County Tax Map Nos. _____

Prepared By and Return To:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
P.O. Box 751, Georgetown, DE 19947

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR FISHERS POINT, LOCATED IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE

THIS DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS is entered into and declared by **FISHERS POINT, LLC** ("Developer"), a Delaware limited liability company and **SUSAN V. THOMPSON AND ROBERT D. THOMPSON, III** ("Thompson") (Developer and Thompson are hereinafter collectively referred to as "Declarant").

WHEREAS, pursuant to the Deeds recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware (the "Recorder's Office") at Deed Book ___, Page ___, Deed Book ____, Page ____, [ETC], Developer is the legal owner of a portion of those certain lots, pieces or parcels of land bounded and described on Exhibit "A", attached hereto and made a part hereof, being (1) the real property shown and identified on the Fishers Point Subdivision Plan, prepared by Siteworks Engineering LLC dated _____, said plan being recorded in the Recorder's Office at Plat Book ___, Page ___, as such plan may be subsequently supplemented or amended from time to time by final subdivision plats (collectively, as supplemented and amended, the "Record Plat") for a total of up to forty-eight (48) Lots, and (2) Sussex County Tax Map Parcels 133-16.00-81.08, 133-16.00-81.12 & 133-16.00-81.05 (the "Developer Pre-existing Lots"). Thompson is the legal owner of that certain lot, piece or parcel of land bounded and described on Exhibit "A", attached hereto and made a part hereof, and identified by Sussex County Tax Mapping as Tax Map Parcel 133-16.00-81.06 ("Thompson Pre-existing Lot"). Developer and Thompson, as Declarant hereunder, declare that the lands described in Exhibit "A" (collectively referred to hereinafter as the "Property") shall be subject to and bound by the following Declaration of Covenants, Conditions, Easements and Restrictions for Fishers Point.

WHEREAS, Declarant desires to control and restrict both the construction of original structures and improvements on the Property as generally depicted on the Record Plat, and the Sussex County Tax Map, as well as any modification to the original residential dwellings and other improvements that shall be built in accordance with and subject to the terms and conditions of those certain design guidelines and procedures which shall be kept, maintained and made available for inspection and review by the Architectural Review Committee ("ARC"), as defined herein, as the same may be amended from time to time by the Declarant in its sole and absolute discretion (the "Design Guidelines") during the Declarant Control Period and thereafter by the ARC as

DRAFT

provided herein below, together with the use to which all dwellings, structures, and improvements in the Project, as more fully described below, are put so as to promote and facilitate the development of a healthful, safe, harmonious, attractive and valuable residential community and for the preservation of the values and amenities in the Project. Towards this end, Declarant desires to subject the Property and Project to certain covenants, restrictions and agreements as hereinafter more particularly set forth, all of which Declarant deems to be for the benefit of the Declarant, and each Owner and their respective heirs, personal representatives, successors, assigns, and transferees.

WITNESSETH:

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

ARTICLE I
DEFINITIONS

1.1. **"Architectural Review Committee"** or **"ARC"** shall mean and refer to the committee appointed by the Declarant or the Association to review plans for construction on each Lot.

1.2. **"Association"** shall mean and refer to The Fishers Point Homeowners Association, Inc., a non-stock Delaware corporation, or such other membership corporation as the Declarant shall form, its successors and assigns.

1.3. **"Association Documents"** shall mean the Articles of Incorporation and Bylaws of the Association, as may be amended.

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

1.5. **"Common Areas"** shall mean and refer to the road or roads, the stormwater management erosion and sediment control facilities, designated private community open space, forested buffer(s), the Sidewalk Easement and the street lighting shown and depicted and so designated in Plot Book ___ at Page ___, a plot titled, Fishers Point Subdivision, serving the property which is the subject of this Declaration; the road(s), Sidewalk Easement and street

DRAFT

lighting shown on the recorded plot are private right-of-ways and common areas benefiting all Lots shown on the Record Plat as well as the Developer Pre-existing Lots and the Thompson Pre-existing Lot; and it is hereby provided that the road or roads, Sidewalk Easement, street lighting and common areas shown on the Record Plat, is declared to be private road(s), a private Sidewalk Easement, private street lighting, private common areas and private storm water management erosion and sediment control facilities and that each property owner who obtains a deed for a Lot as shown on the Record Plat, the Developer Pre-existing Lots and the Thompson Pre-existing Lot, as served by such road(s), Sidewalk Easement, street lighting, common areas, and private storm water management erosion and sediment control facilities by the acceptance of such conveyance, hereby agrees to be responsible for maintaining, repairing, replacing the Common Areas including the roads, street, Sidewalk Easement, street lights, and providing electric service for street lighting and for the up keep of all improvements on such road(s) and Common Areas through the Association.

1.6. **"Community"** shall mean and refer to Fishers Point.

1.7. **"Declarant"** shall mean and refer to Fishers Point, LLC, a Delaware limited liability company and Susan V. Thompson and Robert D. Thompson, III, their successors and assigns. Susan V. Thompson and Robert D. Thompson, III are included as a Declarant for purposes of declaring the Thompson Pre-existing Lot, as defined herein, hereunder.

1.8. **"Declaration"** shall mean and refer to this instrument.

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

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

1.11. **"Lot"** shall mean and refer to any unimproved or improved plot of land intended and subdivided for a detached single-family residence, shown upon the Record Plat as a numbered parcel, as well as the Developer Pre-existing Lots and Thompson Pre-existing Lot, but shall not include the "Common Areas" as hereinabove defined.

1.12. **"Mortgage"** shall mean and refer to any mortgage, deed of trust, or similar instrument granted as security for the performance of any obligation.

DRAFT

1.13. **"Owner"** shall mean and refer to the record owner, whether one or more persons or entities, holding a fee simple title to any Lot, but shall not mean or refer to any mortgagee or subsequent holder of a mortgage, unless and until such mortgagee or holder has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

1.14. **"Person"** shall mean and refer to any individual, partnership, corporation, limited liability company, association, joint stock company, trust, joint venture, unincorporated organization, governmental entity, any department, agency or political subdivision thereof, or any other legal entity or any combination thereof.

1.15. **"Project"** as used in this Declaration shall mean and refer to the residential community, together with the improvements erected and maintained thereon, to be known as "Fishers Point" consisting of the Lots and Common Areas located on any of the foregoing, all to be built on the Property.

1.16. **"Record Plat"** shall mean the plat of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware recorded in Plot Book _____ at Page _____, depicting the Property and all of the Lots (except the Developer Pre-existing Lots and Thompson Pre-existing Lot), the Common Areas and any easements.

1.17. **"Sidewalk Easement"** shall mean the sidewalk as shown on the Record Plat. The sidewalk is located on one side of the internal street and is located as depicted on the Record Plat. The Sidewalk Easement is reserved to the Association for its upkeep and maintenance and for use by its members and guests, whose use is limited to pedestrian use, non-motorized bicycles, baby carriages, sleds (in winter); however, skating and skate boarding are a prohibited use.

1.18. **"Utility "** or any variation thereof shall mean and refer to electric power, natural, propane or any other type of gas, telephone, communications services (including but not limited to internet services), solar, cable or satellite television, sanitary and storm sewer, potable water, storm sewer lines, and other related utility services now or hereinafter located on, or provided to, all or any portion of the Property, together with any and all pipes, lines, wires, cables and conduits, accessory or appurtenant facilities, structures or improvements, meters, utility vaults, substations and pumping or treatment stations or other betterments or improvements now or in the future associated with any one or more such Utilities.

ARTICLE II
DECLARANT'S RIGHT TO SUBJECT PROPERTY TO DECLARATION

2.1. Property Subject to this Declaration. The Property, as set forth in Exhibit "A" attached hereto and incorporated herein by reference, shall be a residential community with the name of "Fishers Point" that is held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to all of the covenants, conditions and restrictions of this Declaration.

DRAFT

2.2. Special Declarant Rights. The Declarant reserves the following rights for the period from the date of this Declaration through the date twenty (20) years thereafter (the "Special Declarant Rights Period"), which rights Declarant reserves for itself or other third parties, including, but not limited to any Owner of a Lot pursuant to one or more partial and limited non-exclusive assignment by Declarant of any such right or rights which is executed and acknowledged by the Declarant and such third parties and recorded in the Recorder's Office (individually and collectively, the "Special Declarant Rights"):

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

(b) the right to maintain a sales office, management office, storage sheds/trailers, and models on Lots or on the Common Areas;

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

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

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

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

(g) the right of Declarant to adopt and establish written guidelines for the size, design, materials, location, duration and other criteria for signs or advertising devices of any kind or character from time to time (the "Signage/Advertising Guidelines").

(h) the right of Declarant to add to, remove, or otherwise modify or alter the landscaping, trees, and any other physical features or characteristics of any portion of the Property owned by Declarant from time to time, including but not limited to any such property that is adjacent to, in the general vicinity of, or otherwise visible from any Owner's Lot, including but not limited to changing the location, configuration, size, or other features or characteristics of any Lot, Common Areas, or Common Facilities, and Declarant shall have any liability, duty or obligation to any such Owner or any third parties as a result of such modifications, including but not limited to any alterations in the physical view from such Owner's Unit, whether resulting from or attributable to the presence, absence or re-configuration of other dwellings, structures, trees, landscape,

DRAFT

amenities, or any other improvements or betterments or any modifications thereto (collectively the "Protected Development Rights").

(i) the right of Declarant to modify the Design Guidelines from time to time during the Special Declarant Rights Period. Any such approved modifications shall become effective upon adoption, subject to exceptions and exemptions for existing or pending construction pursuant to the prior Design Guidelines then in effect when contracts were entered into between (1) Declarant and its third-party homebuyers or (2) an Owner with its construction contractor(s).

2.3. Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument signed by Declarant, any Special Declarant Rights may be exercised by the Declarant or any assignee thereof as evidenced by a written assignment recorded in the Recorder's Office for the period of time permitted under Delaware law.

ARTICLE III
ASSOCIATION PROPERTY RIGHTS

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

(a) The right of the Association to charge reasonable and uniform admission and other fees and assessments for the use of the Common Areas and as applicable, the Common Facilities.

(b) The right of the Association to suspend an Owner's privileges and rights to use the Common Areas and as applicable, the Common Facilities and/or services provided to Owners (other than the right of an Owner to vote on any matter submitted to a vote of Owners)

(i) for any period during which any assessment against such Owner's Lot remains unpaid and (ii), after notice and an opportunity for a hearing, for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; provided, however, that the obligation of such Owner to pay assessments shall continue unabated during such period of suspension of voting rights or right to utilize the Common Areas and as applicable, the Common Facilities.

(c) The right of the Association to dedicate, sell or transfer all or any part of the Common Areas and as applicable, the Common Facilities to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Association Members. Notwithstanding anything contained in this Declaration to the contrary, no such dedication, sale or transfer shall be effective without the consent of Declarant (for so long as Declarant shall own any portion of the Property) and two-thirds (2/3) of the total votes of the Association Members. Notwithstanding anything contained herein to the contrary, the Declarant shall retain control of

DRAFT

the Common Areas and as applicable, the Common Facilities, until such time as the Declarant is permitted to transfer control and/or ownership thereof pursuant to any applicable Laws and elects to do so or is otherwise legally obligated to do so, whichever is the first to occur, which may result in some but not all of the Common Areas and as applicable the Common Facilities being transferred and/or conveyed, as applicable from time to time. Such transfer shall be evidenced by a deed to be recorded in the Recorder's Office and the Association shall not refuse to accept the conveyance of any such Common Areas (including any applicable Common Facilities), provided the Common Areas and the applicable Common Facilities comply with all applicable Laws. Declarant shall have a limited irrevocable power of attorney coupled with an interest to consummate any such transfer to the extent necessary pursuant to Article XII, Section 12.13 below.

(d) The right of the Association to establish uniform and non- discriminatory rules and regulations pertaining to the use of the Common Areas and if applicable, the Common Facilities.

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

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

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

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

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

(j) The right of the Association, acting by and through the Board, pursuant to adopted rules and regulations, to assess liquidated damages in an amount reasonably determined

DRAFT

by the Board to be imposed as a special assessment against any Owner who violates or proposes to violate the Declaration, Bylaws, Rules or Regulations of the Association, in an amount necessary to compensate the Association and the remaining Owners for the damages that would occur for a violation of the Declaration, Bylaws, Rules or Regulations adopted by the Association. The reasonableness of the liquidated damages imposed by the Board for anticipatory breaches of the Declaration, Bylaws, Rules or Regulations adopted by the Association shall be presumed reasonable and shall be enforced by a Court of competent jurisdiction as a reasonable assessment of liquidated damages unless the affected Owner can establish that there is an arbitrary relationship between the amount of the liquidated damages and the harm sought to be prevented by the established liquidated damages. All such liquidated damages shall be assessed as a special assessment for liquidated damages in accordance with Section 5.11, provided however, that before imposing the special assessment for liquidated damages, the Owner to be assessed shall have the opportunity to contest the assessment by providing notice to the Board requesting a hearing within seventy-two (72) hours of notice of intent to impose a liquidated damages special assessment.

3.2. Limitations. Notwithstanding any other provision of this Declaration to the contrary, the Association shall have no right to suspend the right of any Association Member to use the Common Areas and as applicable, the Common Facilities, for necessary, ordinary and reasonable vehicular and pedestrian ingress and egress to and from such Owner's Lot, or to suspend any easement, license or other property interest over the Common Areas for storm water drainage, electrical energy, water, sanitary sewer, natural gas, telephones, or similar services or utilities to the Lots. The Common Areas and as applicable, the Common Facilities, will be available for the type of active and passive recreational and open space uses contemplated under the Development Plans and the Laws. All Owners shall have the non-exclusive right (in common with others entitled thereto) to access and make reasonable use of the Common Areas and as applicable, the Common Facilities, as described in the approved Development Plans and the Laws both before and after they are conveyed to the Association, with the exception of those areas as may be reasonably and necessarily restricted for access because of temporary safety reasons in connection with the development of the Property or Project, subject to the terms and provisions of this Declaration. In addition, the rights of the Association, as provided above, are subject to the right of the Declarant, as more fully set forth in Section 8.1 of this Declaration, to grant easements, to utilize reserved rights and easements, and to otherwise utilize the Common Areas and as applicable, the Common Facilities, as it deems appropriate in connection with the development of the Property and Project.

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

ARTICLE IV
ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

4.1. Association Membership. Every Owner of a Lot shall be a member of the Association provided, however, that any Person who holds such interest solely as security for the

DRAFT

performance of an obligation shall not be an Association Member solely on account of such interest. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

4.2. Association Voting Rights.

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

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

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

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

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

DRAFT

(1) Association Member vote shall be cast with respect to each Lot. In the event that members who hold title to any Lot either by the entireties, or as joint tenants, or as tenants in common, attempt to cast the vote for such Lot in conflicting ways, such vote shall be recorded as a fractional vote.

ARTICLE V
COVENANT FOR MAINTENANCE ASSESSMENTS

5.1. Creation of the Lien and Personal Obligation for Assessments. There are hereby created assessments for Common Expenses as may be from time to time specifically authorized by the Board to be commenced at the time and in the manner set forth in this Article V. Subject to Section 5.4 hereof, each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (i) annual assessments and (ii) special assessments and working capital and reserve fund contributions as provided under Section 5.5 (collectively the "assessments"). The annual and special assessments, together with interest, costs, late fees and reasonable attorneys' fees, shall be a charge on the Lot (including all improvements thereon), and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, late fees and reasonable attorneys' fees, shall also be the personal obligation of the person who was the Owner of the Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to a prior Owner's successors in title unless expressly assumed by such successors.

5.2. Purpose of Assessments.

(a) The assessments levied by the Association shall be used exclusively to (i) promote the recreation, health, safety, and welfare of the residents in the Project; (ii) for the improvement, maintenance, repair, and replacement of the Common Areas (including without limitation the Common Facilities, if any); (iii) for the payment of real estate taxes, assessments and utility services for the Common Areas and as applicable, the Common Facilities; and (iv) for management fees, administration expenses, insurance and all other costs and expenses incurred by the Association in the proper conduct of its activities, including, without limitation, reserves for replacements or contingencies and charges accruing under any cross-easement or other agreement (including, without limitation, any such agreement for the maintenance of any Common Areas and as applicable, the Common Facilities). The Assessments may also be used for the maintenance, repair and replacement of any property or facilities serving or appurtenant to the Project which the Association is obligated or elects to maintain whether or not such property or facilities are owned by the Association or are located within the Project including, without limitation, any property or facilities which the Association is obligated and/or authorized to maintain pursuant to this Declaration or any recorded plan, easement and other document or as may be approved by the Board from time to time.

(b) Without limiting Section 5.2(a) above, the assessments levied by the Association with respect to the Common Areas and as applicable, the Common Facilities shall also be used for maintenance, repair and replacement (including reserves) of any and all storm water

DRAFT

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

5.3. Annual Assessments: Budgets.

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

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

DRAFT

(c) Any surplus funds of the Association remaining at the end of each fiscal year after payment of or provision for the Common Expenses and any prepayment of reserves, as applicable, shall be either held as surplus or credited to the Owners to reduce their annual assessment for the subsequent fiscal year as determined by the Board from time to time.

5.4. Working Capital Contributions: Assessments Upon Conveyances. The Declarant shall establish a working capital fund for the initial and ongoing operation of the Association. To facilitate the establishment of a working capital account for the Association, the purchaser of a Lot from the Declarant, shall, upon the purchase of a Lot and thereafter by subsequent purchasers of the Lot for value upon settlement of each sale and conveyance of the Lot, pay an initial assessment of Three Hundred Dollars ($300.00) (the "Initial Assessment") which shall be paid into the Working Capital Account of the Association for the initial and ongoing operation of the Association. In addition, the Declarant may use that fund to pay the cost of any obligation to maintain the Common Areas and Common Facilities, if applicable, pending transfer of the fund and the Common Areas and Common Facilities, if applicable, to the Association.

5.5. Special Assessments, Budget Amendments.

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

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

(c) Any amendment to a previously approved budget may be approved under the procedures described in Section 5.3(b) of this Declaration; provided, however, that after

DRAFT

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

5.6. Notice and Quorum. Written notice of any meeting called for the purpose of establishing a special assessment or budget amendment in accordance with Section 5.5 hereof or to approve a budget increase in accordance with Section 5.3 hereof, shall be sent to all Association Members not less than ten (10) days nor more than sixty (60) days in advance of such meeting in accordance with the Bylaws of the Association and as otherwise permitted under Delaware law, including but not limited to the general corporate laws of the State of Delaware. At the first such meeting called, the presence of Association Members or of proxies entitled to cast fifty percent (50%) of the votes of Association Members shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement and the required quorum at the subsequent meeting shall be one- half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than ninety (90) days following the preceding meeting. Notwithstanding any contrary provision in this Declaration, quorum requirements for nomination and election of the first Board consisting of Owners shall be duly satisfied if the meeting is properly noticed in conformance with the provisions of the Bylaws and the Certificate of Incorporation of the Association and as otherwise permitted under Delaware law, including but not limited to the general corporate laws of the State of Delaware.

5.7. Uniform Rate of Assessment.

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

(b) In the event that the actions or activities of any Owner causes or results in increased expenses for the Association, the Board may assess such increase in expenses against the Owner and such Owner's Lot, after notice to such Owner and an opportunity for a hearing. For example, and for purposes of illustration only, the Board may assess the amount of any insurance

DRAFT

deductible paid by the Association against any Owner and such Owner's Lot if the Association is required to pay such deductible as a result of the misuse or neglect of the Owner. Such assessment shall be a lien against the Owner's Lot and shall be payable and collectible in the same manner as any other assessments required to be paid to the Association; provided, however, that the Declarant shall not be subject to any assessment based on this Section 5.8(b).

5.8. Basis and Maximum Annual Assessment. Each respective Lot to be sold by the Declarant, as conveyed by the Declarant after the final date of transfer to any Owner, shall thereafter be subject to assessments to be paid to the Association. The amount of such annual assessment shall be fixed annually at Four Hundred Dollars ($400.00) per year until sixty percent (60%) of all Lots in the Community are sold to third-parties other than the Declarant, or a successor Declarant, and thereafter periodically as needs for annual assessments arise, as determined by the Association through the Board of Directors, and shall be charged or assessed in equal proportions against each Lot within the Project, except for assessments for liquidated damages. The first assessment year shall be **January 1, 202_**, and the assessment rate for the first assessment year is set at Four Hundred Dollars ($400.00), and thereafter each annual assessment shall be made for each subsequent calendar year commencing as of January 1 of each year. Each annual assessment shall be due and payable on or before thirty (30) days after it has been fixed and levied. It shall be the duty of the Association to notify all Owners, whose addresses are listed with the said Association, within thirty (30) days after said annual assessment has been fixed or levied, giving the amount of the charge of the assessment for said year, when due, and the amount due on each Lot or parcel of land owned by each such Owner. Failure of the Association to levy the assessment for any one year shall not affect the right of the Association to do so for any subsequent year.

5.9. Establishment of Annual Assessment Rate. The Board may, after sixty percent (60%) of all Lots are transferred and sold to third-parties other than the Declarant, after consideration of current maintenance costs and future needs of the Association, fix the annual assessment in an amount deemed appropriate and may provide for the payment in monthly or quarterly installments; provided however, that if any periodic payment obligation is not paid on its due date, the full annual amount of the assessment shall be due. In establishing each annual assessment after the first annual assessment, the Board may increase the annual assessment by twenty percent (20%) over the previous year's assessment. Any increase in the annual assessment in excess of twenty percent (20%) over the previous year's assessment shall require approval by fifty-one percent (51%) of the eligible votes of the Association.

5.10. Initial Assessment. In addition to the annual assessment or other assessments, the Declarant, for use of the Association, hereby establishes an initial assessment to be paid by the purchaser upon the conveyance of each Lot from the Declarant (except the Declarant) to a third-party purchaser for value; and the amount of such initial assessment is set at Three Hundred Dollars ($300.00). The Declarant may use that fund to pay the cost of any obligation to maintain the Common Areas pending transfer of the fund and the Common Areas to the Association.

5.11. Special Assessment for Liquidated Damages. The Board has the power and duty to impose liquidated damage assessments for violations of this Declaration and/or By-Laws or

DRAFT

Rules of the Association. Such assessment shall be imposed in the manner set forth in Section 3.1(j).

5.12. Date of Commencement Assessment; Due Date. The annual assessments as to any Lot shall commence on the conveyance of such Lot, prorated for the remaining portion of said year, providing such conveyance is after **January 1, 2023.** In the event a Lot is conveyed prior to **January 1, 2023**, the annual assessment will commence **January 1, 2023**. The due date of any liquidated damage assessment shall be established by the Board in establishing the liquidated damage assessment.

5.13. Effect of Nonpayment of Assessment; The Personal Obligation of the Owner; the Lien; Remedies of the Association. If any assessment is not paid on the date when stated to be due in the notice of assessment, then the assessment shall be deemed delinquent, and if the delinquent payment is a periodic payment (i.e. monthly, quarterly, etc.), the entire assessment shall be delinquent, and shall, together with such interest thereon and cost of collection thereof, including reasonable attorney's fees, as hereinafter provided, continue as a lien on the Lot and any structure built thereon which shall bind such Lot in the hands of the Owner, his heirs, devisees, personal representatives, successors and assigns. In addition to such lien rights, the obligation of the assessment shall be a personal obligation of the then Owner to pay such assessment; however, the personal obligation shall not pass to his/her successors in title (other than as a lien on the land) unless expressly assumed by them. If the assessment is not paid within thirty (30) days after the delinquency, the assessment shall bear interest from the date of delinquency at the rate of the legal interest rate authorized by 6 Del. C. § 2301, as amended, and the Association may bring legal action against the Owner personally obligated to pay the same or may enforce or foreclose the lien against the Lot; and in the event a judgment is obtained, such judgment shall include interest on the assessment from its due date and reasonable attorney's fees to be fixed by the Court, together with the costs of collection. No Owner of a Lot may waive or otherwise escape liability for an assessment provided for herein by non-use of the Common Areas or Common Facilities, if applicable, or abandonment of his/her Lot. Notwithstanding any contained herein to the contrary, the Association reserves the right to suspend the enjoyment rights of any Member in any Common Areas or Common Facilities, if applicable, for the period during which any assessment against such Member remains unpaid.

5.14. Subordination of the Lien to the First Mortgage. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage on the Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, sale or transfer of any Lot by foreclosure of any first mortgage or any proceedings in lieu thereof, shall extinguish the lien of such assessments as to payments which become due more than six (6) months prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments due within six (6) months of such sale or transfer, or thereafter becoming due, or from the lien thereof.

5.15. Exempt Property. The following property subject to this Declaration shall be exempted from the assessments, charges and liens created herein:

DRAFT

(a) All properties dedicated to and accepted by a government body, agency or authority and devoted to public use;

(b) All Common Areas and Common Facilities, if applicable; and

(c) All Lots owned by the Declarant until sold to third-parties, unless such Lots are improved by a permitted structure. The Thompson Pre-existing Lot shall be exempt from the assessments, charges and liens created herein until conveyed to a third-party.

5.16. Actions Without a Meeting. Any action which may be taken by the vote of the Members at a regular or special meeting may be taken without a meeting as to and to the extent permitted by Delaware law, including but not limited to the general corporation laws of the State of Delaware.

ARTICLE VI
ARCHITECTURAL CONTROL

6.1. General Provisions. In order to encourage harmonious architectural design and to protect the visual integrity, architectural spirit and long-term property values of the Lots and Common Areas, the Declarant has established the Fishers Point Architectural Review and Design Committee (the "ARC"). Subject to Article VII hereof, no dwelling, structure, improvement, landscaping or other man-made object, including, but not limited to, buildings, basketball courts, children's recreation equipment or other recreational or sporting facilities, decks, patios, porches, pool houses, below ground swimming pools, greenhouses, tool sheds, ponds, gardens, driveways, paved areas, sidewalks, satellite dishes, radio antennas, communications equipment or facilities, fences, walls, together with all forms or types of landscaping located on any portion of the Lots or Common Areas (collectively, the "Improvements") shall be designed, constructed, maintained, altered, extended, added to, removed or otherwise modified without the express written consent and approval of the ARC and in accordance with the process, procedures and requirements set forth in this Article VI. In addition and subject to Article VII hereof, no Improvements, once approved by the ARC shall be altered, extended, added to, removed or otherwise modified, nor shall any additional structures of any nature be erected, used or maintained nor shall any exterior change or alteration be made (including, but not limited to, exterior facade color changes or change in grade or drainage) to the Improvements except in accordance with the Design Guidelines as may be modified from time to time as provided herein and this Declaration, as applicable. Notwithstanding the foregoing and anything contained herein to the contrary, any Improvements marketed or sold by Declarant or its respective assignees shall be deemed to have complied with the Design Guidelines and are presumed to have been pre-approved by the Declarant and the ARC both during and after the expiration of the Declarant Special Rights Period, without the need or obligation to obtain any approvals or authorizations from either the Declarant or the ARC (the "Pre-Approval"). Notwithstanding anything contained in this Article VI to the contrary, no modifications of or to the Design Guidelines shall be made except by the Declarant during the Declarant Special Rights Period and thereafter except by the ARC; provided, however, any such approved modifications to the Design Guidelines shall become effective upon adoption, subject to

DRAFT

exceptions and exemptions for existing or pending construction pursuant to any Pre-Approvals or approvals by the ARC under the prior Design Guidelines then in effect when approvals of any such Plans and Specifications were approved. Notwithstanding the foregoing and anything contained herein to the contrary, any Improvements existing on the Thompson Pre-existing Lot as of the date of this Declaration shall be grandfathered and exempt from the provisions of Article VI hereof. Any Improvements proposed to be erected on the Thompson Pre-existing Lot after the date of this Declaration shall be subject to the provisions of Article VI hereof.

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

DRAFT

6.3. Criteria For Submission, Review and Decisions or Plan. Any request from an Owner for any Improvements shall be in writing and shall be submitted to the ARC in accordance with and pursuant to the Design Guidelines.

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

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

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

6.4. Owner Responsibility for Damage. Owner shall be responsible for any damage occurring to any sidewalk, curb or other improvements within the Community outside of the Lot, including all reasonable costs of repairs and/or replacement, which arise out of or are attributable to the acts or omissions of the Owner and their employees, professionals, agents, contractors, subcontractors, suppliers, invitees or third parties engaged by, retained or under the direction or control of such Owner (collectively the "Permittees") in connection with any construction activities on the Lot. Owner shall comply with all legal requirements related to its construction of improvements upon the Lot, including, without limitation, the sediment control requirements of all applicable governmental agencies, shall maintain its construction site in an orderly, neat, and

DRAFT

safe condition, shall prosecute the construction activities on the Lot without nuisance or undue disruption to others, and shall keep the roads within the Community free from mud, dirt, and silt generated by its construction activities. Owner, at its sole cost, shall post all bonds, any other security or escrows which may be required by the governmental authorities in connection with Owner's construction on the Lot and any of its other responsibilities under this Declaration, including, without limitation, bonds, any other security or escrows for sediment control for the Lot. All waste, debris, trash and excess dirt resulting from Owner's construction activities shall be promptly and lawfully disposed of by Owner at a site not located within or adjoining the Community. Owner shall abide by reasonable written rules and regulations established from time to time by Declarant and provided by the ARC to the Owner with respect to Owner's construction activities on the Lot. Owner agrees that (i) no exterior construction work shall be performed on the Lot on Sundays, or legal holidays, unless otherwise agreed to in writing by the Declarant; (ii) workers on the exterior of the Lot shall at all times wear shirts and otherwise be properly attired; and (iii) workers shall not play loud music or engage in other offensive conduct on or about the Lot. Owner shall indemnify, hold harmless, and defend Declarant and Declarant's Affiliates (defined below) against all claims, actions, losses, liabilities and expenses, including reasonable attorneys' fees, incurred by Declarant or Declarant's Affiliates arising out of or related to Owner's construction or installation of Improvements or Owner's breach of any of its obligations set forth in this Section. This indemnification shall extend to any draws or claims made by the governmental authorities on Declarant's bonds, any other security or escrows which are attributable to any acts or omissions by Owner or its Permittees in the construction or installation of Improvements. As used in this Declaration, "Declarant's Affiliates" means Declarant's partners, members, officers, managers, employees, agents, and affiliated companies. If any damage occurs which is Owner's responsibility under this Section or if Owner defaults under any other provisions of this Article VI and fails to cure the default to Declarant's reasonable satisfaction within forty-eight (48) hours after Declarant gives Owner written notice of the default, Declarant shall have the right (but not the obligation) to repair and/or replace, as applicable, the damage or cure the default, as the case may be. In the event, however, that any bona fide emergency, business necessity, unsafe condition, or citation by any governmental authority requires more prompt action than is provided for in the preceding sentence, Declarant may exercise its right of self-help immediately, giving only such notice to Owner (which may be oral) as may be practicable under the circumstances. If Declarant repairs the damage or cures the default, Owner shall pay to Declarant the costs and expenses incurred by Declarant to effect the repair and/or replacement or cure, as applicable, plus fifteen (15%) percent as an administrative and overhead fee. Such payment shall be due within fifteen (15) days after written demand by Declarant.

6.5. Review and Decision Process. Within thirty (30) days after the Owner has submitted all the required Plans and Specifications to the ARC, including any other requirements set forth in Section 6.4 above with respect to any Initial Construction Application or as otherwise set forth in this Declaration, the ARC shall notify the Owner in writing whether such Plans and Specifications are either approved or disapproved. Any disapproval or objections shall be in writing and shall be detailed and shall include an explanation for the basis or reason for such disapproval or objections, together with such reasonable changes, modification or other alterations and recommendations as appropriate or practicable that would render the Plans and Specifications

DRAFT

acceptable to the ARC and in compliance with the review and approval criteria established under this Declaration. In the event Declarant fails to approve or disapprove an Owner's submission of the Plans and Specifications in writing within the aforementioned thirty (30) day period, then the ARC's approval shall be conclusively presumed to have been granted, provided, however that the aforesaid presumption shall not be deemed a waiver of the applicable provisions of this Declaration or be deemed to be the prior written approval of the ARC under any specific provision herein. No construction of the Improvements provided for in the submitted Plans and Specifications shall be commenced until the expiration of the aforementioned thirty (30) day period or the receipt of the ARC's written approval of the Plans and Specifications, whichever occurs first.

6.6. Time for Review of Revised Plans and Specifications. In the event the ARC shall disapprove any part of the Plans and Specifications as submitted in accordance with this Article, then the Owner shall have the opportunity to revise its Plans and Specifications to incorporate such changes, modifications, additions or deletions, as applicable, and shall resubmit the revised Plans and Specifications to the ARC, if the Owner so chooses, together with an additional Review Fee and the ARC shall have twenty (20) days within which to review such revised Plans and Specifications and to determine the Owner's compliance with the ARC's designated changes. In the event the ARC fails or neglects to advise the Owner in writing of whether or not such revised Plans and Specifications are in compliance (or non-compliance) within the aforementioned twenty (20) day period, then Declarant' s approval shall be conclusively presumed to have been granted subject to the conditions provided for in paragraph (f) above applicable to such presumption. Any disapproval by the ARC of such revised and resubmitted Plans and Specification shall be communicated to the Owner in a written response in accordance with the details required for the ARC's approval as provided in Section 6.5 above.

6.7. Changes in Approved Plans and Specifications. Once the ARC has approved an Owner's Plans and Specifications and the Improvements, then the Owner shall not change, revise or otherwise modify the approved Plans and Specifications or the Improvements without first securing the ARC's written approval in the manner prescribed under this Article. Declarant shall endeavor to review such changes, revisions or other modifications within a shorter period of time than the aforementioned thirty (30) day period but shall not be required to do so.

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

6.9. Dispute Resolution Process. If any Owner or the Declarant believes that either the disapproval of any Plans and Specifications submitted by the Owner to the ARC or the ARC's

DRAFT

proposed changes to such Plans and Specifications that may be required for the ARC's approval, or any of the Pre-Approvals are arbitrary and capricious, then any such Owner or the Declarant may, as its sole and exclusive remedy, submit such dispute to final and binding arbitration in accordance with the provisions of the Delaware Uniform Arbitration Act (the "Arbitration Act") and the rules of the American Arbitration Association applicable to such disputes, to the extent such rules are not inconsistent with the Arbitration Act. The fees of such arbitrator and all reasonable costs and expenses incurred by the ARC in defending its decision(s) shall be paid by the Owner or Declarant, as applicable, unless the arbitrator specifically finds and rules that the ARC acted in an arbitrary, capricious and meritless manner, in which event the Owner or Declarant, as applicable, shall not be required to reimburse the ARC for its reasonable costs and expenses. In determining any question, matter, or dispute before such arbitrator, the arbitrator shall apply the provisions of this Declaration without varying therefrom in any respect, and shall not have the power or authority to add, modify, or otherwise change any of the provisions of this Declaration, including, but not limited to, subparagraph 6.10 below regarding damages. The parties to any such arbitration agree to reasonably cooperate; to obtain the cooperation of their employees, agents and contractors, as applicable; to use reasonable efforts to supply as witnesses such employees, agents and contactors, as applicable; and to produce any relevant documents that may be assessed or required. ln no event shall the arbitrator be authorized or empowered to award any damages or costs to the prevailing party except as expressly set forth above and in no event shall the arbitrator award any general, special, consequential or punitive damages whatsoever.

6.10. Approvals/Disapprovals. Neither the ARC, nor the ARC Members, its agents, employees, representatives, and its successors and assigns shall be liable or responsible for any damages to any Owner or to any other person submitting Plans and Specifications to the ARC for approval or to any third party by reason of a mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any Plans and Specifications. In addition, neither the Declarant, Declarant Affiliates nor the ARC, the ARC Members, or their respective agents, employees or representatives, shall be responsible for determining the safety or structural soundness of any Lot Improvements proposed or contained within the Plans and Specifications presented to the ARC for its review under this Article VI or their compliance with all applicable Laws and shall have no liability for any defects or faults in the construction of any Improvements by the Owner or any of its Permittees or for any other act or omission by any such parties in connection with any Improvements. Every person who submits Plans and Specifications to the ARC for approval, as provided herein, agrees, by submission of such Plans and Specifications, and every Owner or person claiming by or through the Owner agrees, by acquiring title to any Lot or any interest in any Lot, that it shall not initiate, commence or prosecute any action, claim or suit against the Declarant, Declarant Affiliates, ARC, the ARC Members, its agents, employees or representatives to recover any such damages, including, but not limited to, special, consequential or punitive damages with respect to any approval, denial or failure to approve any Plans and Specifications and such Owner shall indemnify and hold the ARC and the ARC Members harmless from and against any and all such damages.

6.11. Construction Activities. All development related work on or for the Lot shall be the sole responsibility of the Owner of such Lot, at its own expense, including, without limitation, (i)

DRAFT

any clearing and grading the Lot beyond that done by Declarant in connection with the initial sale of a Lot to the Owner thereof, (ii) constructing all Improvements upon the Lot, (iii) arranging with the applicable utility companies for the extension and connection of utilities from the points of installation by Declarant to the Improvements constructed upon the Lot by the Owner with Owner to pay all connection, hook up and service fees, and (iv) installing the driveway, driveway apron and, if applicable, culvert on or serving the Lot in accordance with all governmental standards and requirements. All utility lines servicing the Lot shall be underground. Owner shall be solely responsible for all building permit fees, any additional realty transfer taxes assessed under 30 Del. C. §5401(8) for construction occurring within one (1) year from the date of the transfer of the Lot from Declarant or other third-party to Owner, impact fees, connection fees and other development charges, taxes, and assessments imposed in connection with the Lot, including, without limitation, charges for schools, roads and other public facilities.

(a) Upon obtaining the approvals from the ARC as required by this Article VI with respect to any Improvements, the Owner shall carry out the construction or installation of the Improvements so approved in strict accordance with the terms of this Article VI and in a good and workmanlike manner. If any Owner fails to remove or correct any unauthorized or nonconforming Improvements within fifteen (15) days after written demand by the Declarant (or when applicable the ARC), or within such lesser time as may be designated by Declarant (or when applicable the ARC) in cases of emergency, unsafe condition or governmental requirement, Declarant (or when applicable the ARC), in addition to all other rights and remedies, shall have the rights and remedies set forth in this Declaration. If Declarant (or when applicable the ARC) removes or corrects the violation, as permitted hereunder, then, in addition to reimbursing Declarant (or when applicable the ARC) for the costs that Declarant (or when applicable the ARC) incurs in performing such work, Owner shall pay to Declarant (or when applicable the ARC) fifteen percent (15%) of such costs for Declarant' s (or when applicable the ARC's) overhead in undertaking such work. The reimbursement and fifteen percent (15%) fee shall be due (10) days after written request by Declarant (or when applicable the ARC).

(b) Each Owner covenants that once it commences construction on its Lot in accordance with the terms of this Article VI, such Owner shall diligently and continuously prosecute such construction to completion and in all events, complete the construction of the approved Improvements no later than twelve (12) months after commencement. As used in this subparagraph, the Owner shall be deemed to have commenced construction on the Lot when plans for the Improvements on the Lot have been approved in accordance with this Article VI, a building permit has been issued for the construction of the Improvements upon the Lot in conformance with such approved plans, and the foundation of the house has been commenced ("Commencement of Construction"). Prior to and subsequent to the Commencement of Construction, Owner and its Permittees shall abide by and observe all of the terms and conditions of the Rules and Regulations.

DRAFT

ARTICLE VII
USE RESTRICTIONS

Subject to Article VII hereof and in addition to all other covenants contained herein, the use of the Lots and Common Areas and as applicable, the Common Facilities, is subject to the following:

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

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

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

DRAFT

(b) The maintenance, keeping, boarding or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited on any portion of the Property or Project or within any building or other improvement located thereon, except that this shall not prohibit the keeping of a reasonable number of dogs, cats, caged birds or other small domestic animals as pets not to exceed four (4) provided (i) they are not kept, bred or maintained for commercial purposes; and (ii) such pets are maintained in strict conformance with all Laws. Pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by all Laws. Pets shall not be permitted upon the Common Areas unless accompanied by a responsible person and unless they are carried or leashed. Pets shall not be permitted upon the Property except as provided in the Property Rules and Regulations. The Board shall have the right to adopt such additional rules and regulations regarding pets as it may from time to time consider necessary or appropriate.

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

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

(e) Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection and the evening prior to such days of trash collection. No incinerator shall be kept or maintained upon any portion of the Property or Project. No garbage

DRAFT

or trash containers shall be kept on the front yard of any Lot and garbage and trash containers kept or maintained in the side or rear yard of any Lot shall be screened from public view at all times. This subsection (e) shall not be applicable to the Declarant during the construction and development of the Property or Project.

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

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

(h) No decorative lawn ornament, no structure of a temporary character, and no tent, shack, barn, pen, kennel, run, stable, or other similar structure or building shall be erected, used or maintained on any portion of the Property or Project at any time. This subsection (h) shall not be applicable to the Declarant during the construction and development of their respective Units.

(i) Except for entrance signs, directional signs, signs for traffic control or safety, and such sales and promotional sign or signs as may be maintained by or with the written consent of the Declarant or the Association, or except as may be expressly permitted pursuant to applicable law, no signs or advertising devices of any character shall be erected, posted or displayed upon, in or about any portion of the Property or Project. In addition, no signs of any character shall be erected on any Lot, placed in the window of any dwelling or structure located on a Lot, or displayed to the public in any manner on any Lot; provided that after the first two (2) years of the Declarant Control Period that one temporary real estate sign may be displayed. Any such temporary real estate sign shall be removed within five (5) days of the settlement of the sale or rental of such Lot. This restriction shall not apply to signs used by the Declarant to identify and advertise the subdivision as a whole, nor to Declarant's signs

DRAFT

for selling Lots and/or houses. In addition, this restriction shall not apply to "For Sale" signs which shall be permitted as set forth in the Bylaws and pursuant to any Rules and Regulations adopted by the Board. The provisions and limitations of subsection (i) shall not apply to any institutional first mortgagee of any Lot who comes into possession of the Lot by reason of any remedies provided by law or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement, assignment or deed in lieu of foreclosure. This subsection (i) shall not be applicable to the Declarant during the construction and development of their respective Lots.

(j) No water pipe, sewer pipe, gas pipe, drainage pipe, cable or other similar transmission line shall be installed or maintained upon any portion of the Property or Project above the surface of the ground and no wire, cable or other similar transmission line maybe attached to the exterior of any structure on any portion of the Property or Project; provided, however, that such pipes, transmission lines, wires or cables providing utility services to any portion of the Property or Project (including, but not limited to, electricity, telephone, gas, water,sewer and cable television) shall be permitted. Except during periods of actual use, no hose shall be stored or placed in the front or side yard of any dwelling unless screened from public view.

(k) No play equipment, including basketball backboards, basketball hoops and other equipment associated with either adult or juvenile recreation, shall be attached in any manner to the exterior of any dwelling without obtaining prior written approval pursuant to Article VI hereof. If approved in accordance with this Declaration, such play equipment must be properly maintained at all times.

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

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

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

(o) No equipment or machinery (including, without limitation, equipment or machinery for use in connection with the maintenance of any dwelling) shall be stored in the front, rear or side yard of any Lot.

DRAFT

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

(q) Any fence constructed upon the Property or Project shall not extend forward of the midpoint of the side length of the dwelling on any Lot upon which any such fence is erected and shall not otherwise impede or interfere with the proper drainage of any drainage swales or other drainage or storm water related facilities. No fence shall be constructed or maintained upon a Lot until the plans for the same have been submitted to and approved in writing by the ARC in accordance with the provisions of Article VI herein. No fence shall be more than five feet (5') in height. Such fences shall be constructed of such materials and with such colors that are available to choose from under the Design Guidelines and have otherwise been approved in writing pursuant to Article VI herein. All other types, materials and colors of fencing are specifically prohibited, including but not limited to chain link. Notwithstanding the foregoing, this subsection (r) shall not apply to fences installed by or on behalf of the Declarant during the construction and development of the Property or Project, which in the sole opinion of the Declarant shall be required, convenient or incidental to the Declarant's construction, development, marketing, leasing and sales activities within the Property or Project.

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

(s) Children's play and similar equipment, including portable basketball hoops, shall not be allowed to remain overnight within any front yard of any Lot or within the Common Areas.

(t) Children's outdoor permanent playhouses and swinging or climbing apparatus or equipment shall be permitted within the rear yard of a Lot; provided, however, that prior written approval is obtained pursuant to Article VI and that such equipment, playhouse(s) orapparatus is properly maintained at all times.

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

DRAFT

such on-Lot lighting shall be subject to all applicable provisions of this Declaration, including Article VI. In addition, the foregoing shall not prohibit the display of customary holiday decorations, subject to such specific and reasonable limitations on type, manner of display and duration as the Association may from time to time fix and determine in accordance with Section 7.5 below.

(v) No drying or airing of any clothing or bedding shall be permitted outdoors and within any Lot.

(w) Above ground pools shall not be permitted.

(x) No garage or outbuilding properly erected on a Unit shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. No garage may be altered, modified or changed in any manner which would inhibit or in any way limit its function as a parking area for vehicles without obtaining prior written approval pursuant to Article VI of this Declaration. Notwithstanding the foregoing, any Unit owned by the Declarant upon which is situated a dwelling in which the garage has been modified to serve as living area or marketing/sales area shall be exempt from this paragraph and any grantee of the Declarant, and such grantee's successors and assigns, shall also be exempt until such time as the garage is restored or a garage is constructed on such Unit. Except when being used as an entrance or exit, garage doors shall be maintained in a closed position at all times.

(y) No flags and associated poles or other related supports shall be erected, displayed or maintained on any Lot or the Property except for flags suspended on poles or supports no longer than five (5) feet in length which are attached to the front porch or garage of a dwelling unit on such Lot and as otherwise provided pursuant to Section 7.5.

(z) Individual mailboxes shall be installed on each Lot and shall beblack in color and the design thereof must be approved by the ARC.

(aa) No air conditioners or other equipment or apparatus shall bepermitted to be installed, maintained, or otherwise protrude from any windows.

7.2. Satellite Dishes. Installation of antennas, including satellite dishes, shall be governed by this Section and such other additional reasonable rules and regulations regarding thelocation and screening of any such items that the Board shall impose from time to time. The Federal Communications Commission (the "FCC") adopted a rule effective October 14, 1996 (the "FCC Rule"), preempting certain restrictions concerning the installation, maintenance, and use ofdirect broadcast satellite, television broadcast, and multipoint distribution service antennas (collectively, "Antennas"). The requirements set forth in this Section are generally consistent with the FCC Rule; however, because the FCC Rule is subject to change or modification, the Board reserves the right to amend and modify any requirements governing

DRAFT

installation, maintenance, and use of Antennas, which may be more restrictive than as set forth herein and which may, in the discretion of the Board, be applied retroactively. Antennas not covered by the FCC Rule, including satellite dishes in excess of one (1) meter in diameter, shall not be installed on the exterior portions of any Unit or dwelling without prior written approval as required by Article VI. Antennas situated entirely within a dwelling, and not visible from the exterior are permitted. Antennas covered by the FCC Rule, including satellite dishes of one (1) meter or less in diameter, are permitted within a Unit, provided such Antennas shall not be visible from the front elevation of the Unit; provided,however, that nothing herein requires installation of such an Antenna in a location from which anacceptable quality signal cannot be received, as certified in writing by a licensed installer or which causes an unreasonable delay or cost increase in such installation.

7.3. Leasing and Transfers. No portion of a dwelling unit located on any Lot, other than an entire dwelling unit located on such Lot, may be leased or rented unless the prior written approval of the Board is obtained. All leases shall be on forms approved by the Association (which approval shall not be unreasonably withheld, conditioned or delayed) and shall contain provisions advising the tenant of his or her obligation to comply with all provisions of this Declaration, the Association Documents and the rules and regulations of the Association, and (ii) provide that the Association shall have the right, in addition to all other rights provided by any other applicable Laws, to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, or of any other document, agreement or instrument governing the dwelling unit on a Lot, Property or Project. The Owner(s) of a leased or rented dwelling unit on a Lot shall notify the Association in writing of the Owners' current address. The Owner(s) of a leased or rented dwelling unit on a Lot shall be jointly and severally liable with his tenant(s) to the Association to pay any claim for injury or damage to persons or property caused by any action or omission, including, without limitation, the negligence of the tenant(s). Every lease shall be subordinate to any lien filed by the Association, whether before or after such lease was entered into. The minimum term any dwelling unit on a Lot may be rented or leased shall be one (1) month.

Prior to the sale, conveyance, or transfer of any Lot to any Person, the Owner shall notify the Board in writing of the name and address of the person to whom the proposed sale, conveyance, or transfer is to be made (the "Transferee") and provide to it such other information as the Board may reasonably require in order to obtain the required initial capital contribution fromthe Transferee. Failure to comply with the provisions of this Section 7.3(b) shall not void, prohibit or otherwise invalidate the sale, conveyance, or transfer of any Lot nor will it have any affect upon any mortgage or deed of trust thereon.

7.4 Parking. Parking within the Common Areas shall be subject to the following restrictions:

(a) The Association shall be entitled to establish supplemental rules concerning parking and traffic control on any portion of the Common Areas, including, without limitation,

DRAFT

providing for reserved parking which allows the exclusive use of one or more parking spaces located upon the Common Areas by one or more Owners and/or the involuntary removal of any vehicle violating the provisions of this Declaration and/or such rules.

(b) Each Owner shall comply in all respects with such supplemental rules which are not inconsistent with the provisions of this Declaration which the Board may fromtime to time adopt and promulgate with respect to parking and traffic control within the Common Areas, and the Board is hereby authorized to adopt such rules.

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

7.5 Rules and Regulations. The Association shall have the right to adopt rules and regulations governing the use by the Owners of the Common Areas and as applicable, the Common Facilities and/or Lots, which shall not be inconsistent with the provisions of this Declaration. Such rules and regulations may include the regulation of rentals in the Project and govern specific leasing standards, including, but not limitedto, permitted signage or advertising, minimum lease terms and maximum number of occupants permitted to occupy a main dwelling, the display of American flags or other flags (consistent with federal law and Section 7.2(y) above, as applicable) and/or the display and placement of political signs. Any rules and regulations adopted by the Association shall be a governing document of the Association.

7.6 Exemptions. None of the restrictions and provisions set forth in Sections 7.2 through 7.5 above shall be applicable (i) to any portion of the Property or Project owned by the Declarant or to the activities of the Declarant, and its officers, employees, agents and assigns,in their development, marketing, leasing and sales activities within the Property and Project or (ii) to the Association, its officers, employees and agents, in connection with the proper maintenance,repair, replacement and improvement of the Common Areas (including any of the Common Facilities).

7.7 Notice of Special Provisions Regarding the Property and Project.

(a) Notice of Agricultural Use. The Property and Project are located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses andactivities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of the Property and Project is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

(b) Notice of Private Streets. The streets designated on the Development Plans are private streets, not maintained by the State of Delaware and do not qualify for assumption of maintenance by the Delaware Department of Transportation, State Highway

DRAFT

Division. The Streets must be improved to State Highway standards if they are to be maintained by the State of Delaware (at the discretion of the State Highway Division). The Declarant and/orAssociation, as applicable, each reserves the right to convey any and all such private streets to theState of Delaware upon such acceptance.

(c) Regulated Wetlands. To the extent the Property contains regulated wetlands, any activities within these wetlands may require a permit from the U.S. Army Corps ofEngineers and/or the State of Delaware.

(d) Forested Buffer Maintenance. The Property is to be bounded by a forested buffer (the "Forested Buffer") in accordance with the provisions of Chapter 99 of the Sussex County Code and as otherwise referenced and shown on the Plan, such Forested Buffer shall be considered part of the Common Facilities. The perpetual maintenance of the Forested Buffer shall be the responsibility of the Association in accordance with the provisions of this Declaration, the Certificate of Incorporation and the Bylaws of the Association, and the provisions of the Sussex County Code.

(e) 25' Permanent Setback from all Non-tidal Wetlands. There shall be a 25' permanent setback from all non-tidal wetlands (the "25' Permanent Setback") in accordance with the provisions of Article IV, Section 115-25(F)(4) of the Sussex County Code and as otherwise referenced and shown on the Plan. Improvements, temporary and/or permanent, as well as impervious materials shall be prohibited in the 25' Permanent Setback. The Association shall be responsible for the enforcement of this provision in accordance with the provisions of this Declaration, the Certification of Incorporation and the Bylaws of the Association, and the provisions of the Sussex County Code. This 25' Permanent Setback shall not apply to the Thompson Pre-existing Lot.

ARTICLE VIII
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS

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

(a) For so long as Declarant owns any Lot or any portion of the Property or Project, Declarant reserves the right to grant easements, both temporary and permanent, to all public authorities and utility companies over all or any portion of the Property or Project, including but not limited to the Utilities and Sussex County Tax Parcels 133-16.00-81.04.

(b) Each Lot and the Common Areas are hereby declared to have an easement, not exceeding one foot (1') in width, over all adjoining Lot and the Common Areas for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, roof overhangs, gutters,

DRAFT

architectural or other appendages, draining of rainwater from roofs, or any other similar cause, there shall be valid easements for the maintenance of said encroachments so long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of any Owner if said encroachment occurred due to the willful misconduct of said Owner. In the event a structure on any Lot or the Common Areas is partially or totally destroyed and then repaired or rebuilt, the Owners of each Lot, and the Association agree that minor encroachments over adjoining Lot or Common Areas shall be permitted and that there shall be easements for the maintenance of said encroachments so long as they shall exist.

(c) Although not part of Fishers Point, a non-exclusive, permanent and perpetual easement shall be granted to the current owners of Sussex County Tax Map Parcel 133-16.00-81.04, shown and identified as the Remaining Lands of Jeffrey S. Burton & Shannon C. Burton (the "Excluded Lot"), their successors and assigns, upon, through, across and over the Private Roads for vehicular and pedestrian ingress and egress to their respective properties as well as a non-exclusive perpetual right to use the Common Areas and Common Facilities.

(d) There is hereby reserved unto the Declarant (and its successors and assigns to whom such easement has been specifically assigned in writing), for the benefit of the real property shown on the Development Plans, and for the benefit of the Declarant and its agents, a non-exclusive, perpetual blanket easement upon, across, over and under the Property and Project (provided such easement does not encroach upon any building within the Property or Project or unreasonably interfere with the use and enjoyment of the Property or Project) for vehicular and pedestrian ingress and egress, curb cuts, slope, and grading easements, as well as for the installation, replacement, repair and maintenance of all utilities, including, but not limited to, water, sewer, drainage, storm water detention and/or siltation, gas, propane, cable television, telephones and electricity, and further including the right to connect to and use any such utilities which may exist or be located upon the Property or Project from time to time. By virtue of this easement, it shall be expressly permissible to erect and maintain the necessary poles, pipes, lines, service boxes, and other equipment on the Property or Project, to affix and maintain electrical or telephone wires and conduits, sewer and water drainage lines, propane lines, and/or Irrigation Facilities, on, above, or below any portion of the Property or Project, including any improvements constructed thereon, and to have construction vehicles, equipment and the like exercise the aforesaid right of ingress and egress over the Property or Project. There is further reserved unto the Declarant the right to erect entry features, promotional and other similar items within the Property or Project provided they do not unreasonably interfere with the use, operation and enjoyment of the Property or Project. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection.

DRAFT

Further, without limiting the generality of the foregoing, the Declarant reserves the right to unilaterally execute and record such additional easements and agreements as may be necessary in order to give effect to the foregoing easements and other rights, which additional easements and other agreements need not be consented to or joined in by any party having an interest in the Property or Project; provided, however, that if requested by the Declarant, any party having an interest in the Property or Project shall promptly join in and execute such confirmatory easements and other agreements.

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

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

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

(h) The Declarant reserves a perpetual blanket easement and right on, over and under the Property and Project to establish, maintain, change and correct drainage of surface water in order to maintain reasonable standards of health, safety and appearance. Any provision hereof to the contrary notwithstanding, the Declarant shall have no obligation

DRAFT

whatsoever to perform any work or to take any action regarding drainage of surface water within the Property or Project. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any gradings of the soil, or to take any other similar action as may be reasonably necessary, following which the Declarant shall restore the affected property to its original condition as near as practicable. The Declarant shall give reasonable notice of intent to take suchaction to all affected Owners, unless in the opinion of the Declarant an Emergency exists which precludes such notice. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authoritiesand utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection.

(i) The rights and duties of the Association and the Owners of the Lots with respect to all public and/or private Utilities serving and/or benefiting all or any portion of the Property or Project shall be governed by the following:

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

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

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

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

DRAFT

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

(l) There is hereby created for the benefit of each Lot that is enclosed, in whole or in part, by any wooden, brick, stone or other similar fence and/or wall constructed by the Declarant a perpetual easement to use any portion of the Common Areas that may be located between such fence and/or wall and the record platted lot line for such benefited Lot. The obligation to maintain such portion of the Common Areas shall be that of the Owner of the benefited Lot, and the obligation to maintain such portion of the wooden, brick, stone, or other similar fencing as is located within the Common Areas, and that encloses the benefited Lot, in whole or in part, shall be that of the Association, as applicable. The Owner of any Lot benefiting from the foregoing easement agrees to indemnify and hold the Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easementrights provided for herein.

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

(n) The Association and its agents and employees, shall have an irrevocable right and an easement to enter the Units and the Common Areas (including any Common Facilities) for purposes of exercising the rights and fulfilling the obligations establishedby this Declaration.

(o) Subject to all applicable Laws, the Declarant reserves the right to modify or alter the size, number, type and location of the Common Areas (including any Common Facilities) and the Lots and any other improvements thereon, as it deems necessary or desirable in conjunction with the development of the Property or Project without the consent or joinder of any other Person, including but not limited to any Owner, the Association or Mortgagee (the "Permitted Activities"); provided that any such Permitted Activities shall not

amend, modify or otherwise alter or change the existing property lines of any Lot owned by an Owner other than the Declarant. Without limiting the generality of the foregoing, the Declarant reserves the right to resubdivide all or a portion of the Property or Project, to convey the Common Areas, to modify the Development Plans, including but not limited to any site plans, to construct the Common Facilities on the Common Areas, and to take whatever other action with respect to the Common Areas, Common Facilities and Lots as the Declarant may deem necessary or desirable.

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

(q) All Owners shall be required to use the Utility systems serving the Project and pay the prevailing service connection fees, rates and charges for Utility services as more specifically set forth in the agreement(s) with the Utility providers.

(r) Non-exclusive easements are hereby reserved unto the Declarant (and its successors and assigns to whom such easements have been specifically assigned in writing) and for the benefit of the providers of the Utilities and shall include the construction, operation and maintenance, repair and replacement of the Utilities for the Project. The foregoing easements shall be broadly construed and shall include any and all of the easement rights granted or reserved under this Declaration as may be reasonably necessary so as to enable the Declarant and the providers of the Utilities to undertake and perform all of the obligations and duties imposed under the applicable agreements or as otherwise provided in this Declaration.

(s) There is hereby reserved unto Declarant, for the benefit of the real property shown on the Development Plans, and for the benefit of Declarant, a non-exclusive perpetual blanket easement upon, across and under the Property for the following purposes: (i) ingress and egress to and from any and all portions of the Property by trucks, construction equipment, construction personnel and the like; (ii) to construct, install, reconstruct, alter, modify,remove and replace the Common Facilities or any other improvements within the Property; (iii) to excavate, fill and coordinate the height, grade, slope and contour of the Property, and to add and remove soil from the Property; and (iv) for the conduct of all other development, construction, marketing, sales, leasing and related activities as may be deemed necessary or desirable by Declarant to implement the Development Plans, to comply with requirements imposed by Sussex County, Delaware, or any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Property, or to comply with applicable Laws.

(t) In addition to the foregoing reservations and grants of easement rights, Lots shall be subject to stormwater management, drainage and utility easements along all street right of ways, front, side and rear property lines of the Lots as established or noted on Development Plans.

(u) Utilities Lien. The Declarant, for itself and its successors and assigns, and for each Unit within the Property, hereby covenants, and each Owner of any Lot, by acceptance of

DRAFT

a deed or other transfer document therefore, hereby covenants and agrees to pay the provider of Utilities the user fees periodically billed by the respective provider of the Utilities with respect to each Owner's Lot. No Owner of a Lot may waive or otherwise escape any liability for any such user fees.

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

(w) Exemptions and Limitations. Notwithstanding anything contained in this Declaration to the contrary, none of the restrictions and provisions set forth in this Article VIII nor any other restrictions and provisions contained in this Declaration shall be applicable (a) to any portion of the Property owned by Declarant (b) to the activities of Declarant and its respective officers, employees, agents, successors and assigns, in their development, marketing, leasing and sales activities within the Property, or (c) to the Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Common Areas (including any Common Facilities). Nothing contained in this Article VIII, or elsewhere in this Declaration, shall be construed to prohibit from using any portion of the Property, or any improvements thereon, except for any Units not owned by Declarant, for promotional or display purposes, as "model homes," as sales or construction offices, or the like in accordance with Section 2.2 captioned "Special Declarant Rights" of this Declaration.

ARTICLE IX
MAINTENANCE

9.1. Owners' Maintenance. Except as otherwise specifically provided in this Declaration, the Owner of each Lot shall keep the Lot, and all improvements therein or thereon,in good order and repair and free of debris in a manner and with such frequency as is consistent with good property management and the Community-Wide Standard, including, without limitation, responsibility for irrigating, mowing, fertilizing, trimming, pruning and/or otherwise maintaining all or any portion of the grass, shrubs, bushes, trees and other planted materials, and any replacements thereof, as may be located within the Lawn Area, including but not limited to any grass strip area, as well as the removal of accumulated snow and ice from all sidewalks which abut or are directly adjacent to the lot lines of such Owner's Lot. Maintenance of the any lawn area on an Owner's Lot or sidewalk abutting an Owner's Lot, by the Owner shall be with such frequency and in conformity with such standards as may be established by the Board from time to time. In the event that the Owner of such Lot shall fail to maintain the lawn area within such Owner's Lot in a manner consistent with good property management and the Community-Wide Standard, then the Association or its agent shall each have the right to enter upon said Lot to irrigate, repair, maintain and restore the lawn area therein. Whenever entry is not required in an Emergency situation, the Association shall afford the

DRAFT

Owner reasonable notice and an opportunity to cure the problem prior to entry. In the event an Owner of any Lot shall fail to maintain such Lot and such improvements, the Association and its agent shall have the right to enter upon said Lot to repair, maintain and restore the Lot and such improvements. The Association shall also have the right to enter the Lots to correct drainage and irrigation. Whenever entry is not required in an Emergency situation, the Association shall afford the Owner reasonable notice and opportunity to cure the problem prior to entry. All costs related to such correction, repair or restoration, including reasonable attorneys' fees, arising out of or under this Section 9.1 shall be assessed and collectible from the Owner of such Lot in the same manner as assessments provided in Article V of this Declaration.

9.2 Association Maintenance. The Association shall maintain, repair and replace the Common Areas (including any Common Facilities) and shall keep the Common Areas (including any Common Facilities) in good order at all times and shall arrange for grass cutting and other maintenance approved by the Board from time to time, if any, to the lawns located in exterior areas of the Lots, other than any grass strips along the sidewalks abutting the Lots. This obligation shall include, without limitation (i) the maintenance, repair and, as necessary, replacement of any private streets and any parking areas within the Common Areas, (ii) the maintenance, repair and, as necessary, replacement of any landscaping, pathways, sidewalks, lighting, fencing, trails, walkways and other betterments and improvements that are constructed or installed by, or on behalf of, the Declarant within the Common Areas, provided that the Association shall not be obligated to maintain, repair or replace any landscaping, pathway, sidewalk, lighting, trail or walkway leader, other betterments and improvements or portion thereof, within any Lot (the maintenance, repair and replacement of any such landscaping, pathway, sidewalk, trail or walkway leader shall be the obligation of the Lot Owner, as applicable), and (iii) the removal of accumulated snow and ice from within all private streets and parking areas within the Common Areas, if any, and from all Common Areas pathways, sidewalks (but only those abutting the Common Areas and not those abutting or are directly adjacent to the lot lines of the Lots), trails, walkways, or portions thereof. Further, the Association shall maintain, repair and replace any rights-of-way, swales, culvert pipes, entry strips, signage, lighting and entrance features or improvements that are situated within or that are appurtenant to and serve the Common Areas (including any Common Facilities), including, without limitation, any landscaping and other flora and improvements situated thereon, and (ii) any other real and personal property, facilities and equipment as the Association is obligated or elects to maintain pursuant to this Declaration, or any lease, easement or agreement, or the direction of any governmental authority or agency. The expenses of all such maintenance, repair and replacement of the Common Areas (including any Common Facilities) shall be a Common Expense of the Association, including, but not limited to reserves for the maintenance, repair and replacement of any such property or improvements. The Association shall also maintain any portion of any Lot that it is obligated or elects to maintain pursuant to this Declaration, any easement or other agreement.

DRAFT

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

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

(c) In addition, the Association shall be responsible for the maintenance, repair and replacement of all sidewalks (not within the title lines of the Lots) and rights-of-way within the Project.

(d) Notwithstanding anything contained in this Declaration to the contrary, at such time or times that any portions of the Common Areas including any Common Facilities have been completed and otherwise inspected and approved by any applicable governmental or regulatory authority, agency, bureau or private or public utility provider having jurisdiction over such Common Areas and/or Common Facilities (each a "Completed Common Area/Facility"), then all subsequent maintenance, repair and/or replacement of any such Completed Common Area/Facility (absent any damage that is conclusively determined by a court of competent jurisdiction to have been caused exclusively by the Declarant) including but not limited to lines and grades, drainage, curbing, sidewalks, roadways shall be the responsibility of the Association and the Declarant shall

DRAFT

have no further duty, obligation or liability to the Association or any Owner with respect to any such Completed Common Area/Facility.

9.2. Additional Maintenance Responsibilities. The Association may, in the discretion of the Board, provide additional services and/or assume additional maintenance responsibilities with respect to all or any portion of the Units or Common Areas (including any Common Facilities) not referenced in Section 9.2 of this Declaration. In such event, all costs of such services and/or maintenance shall be assessed only against those Owners residing within the portion of the Property or Project receiving the additional services. This assumption of responsibility may take place either by contract or because, in the opinion of the Board, the level and quality of service or maintenance then being provided is not consistent with the Community-Wide Standard.

ARTICLE X
INSURANCE

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

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

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

DRAFT

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

(d) All policies of hazard insurance must contain or have attached the standard mortgagee clause commonly accepted by private institutions as mortgage investors in the area in which the mortgaged premises are located. The following endorsements are also required:

(i) an Inflation Guard Endorsement (if reasonably available); (ii) a Construction Code Endorsement if the Common Areas (including any Common Facilities) are subject to a construction code provision which would become operative and require changes to undamaged portions of any structures, even when only part of a structure is destroyed by an insured hazard or peril; and (iii) a Steam Boiler and Machinery Coverage Endorsement if any structure within the Common Areas has central heating or cooling, which should provide for the insurer's minimum liability per accident per location to be at least equal to the lesser of Two Million Dollars ($2,000,000.00) or the insurable value of the structure(s) housing the boiler or machinery.

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

(f) The Association shall obtain and maintain a comprehensive general liability policy of insurance covering all of the Common Areas (including any Common Facilities) public ways and any other areas that are under the Association's supervision. The policy should provide coverage for bodily injury (including death) and property damage that results from the operation, maintenance or use of the Common Areas (including any Common Facilities) and any legal liability that results from lawsuits related to employment contracts in which the Association is a party. Supplemental coverage to protect against additional risks should also be obtained, if required by a Mortgagee. Such insurance policy shall contain a "severability of interest" endorsement which shall preclude the insurer from denying the claim of an Owner because of negligent acts of the Association or other Owners. Liability coverage shall be at least One Million Dollars ($1,000,000.00) per occurrence, for bodily injury and property damage, unless higher amounts of coverage are required by a Mortgagee. The liability

DRAFT

policy must provide that the insurance carrier shall notify the Association in writing at least ten (10) days before it cancels or substantially modifies the Association's coverage.

10.2. Fidelity Coverage. To the extent reasonably available, blanket fidelity insurance may be maintained by the Board for all officers, directors, managers, trustees, employees and volunteers of the Association and all other persons handling or responsible for funds held or administered by the Association, whether or not they receive compensation for their services. Where the Board has delegated some or all of the responsibility for the handling of funds to a management agent, such management agent shall be covered by its own fidelity insurance policy which must provide the same coverage as fidelity insurance maintained by the Board. Except for fidelity insurance that a management agent obtains for its personnel, all other fidelity insurance policies should name the Association as the insured and should have their premiums paid as a Common Expense by the Association. Fidelity insurance obtained by a management agent shall name the Association as an additional insured. The total amount of fidelity coverage required should be sufficient to cover the maximum funds (including reserve funds) that will be in the custody of the Association or management agent at any time while the fidelity insurance policy isin force, and should at least equal the sum of three (3) months aggregate assessments on all Units within the Association, plus any reserves. Fidelity insurance policies should contain waivers by the insurers of all defenses based upon the exclusion of persons serving without compensation from the definition of "employees", or similar terms or expressions. The fidelity insurance policies should provide that they cannot be canceled or materially modified (including cancellation for non-payment of premium) without at least ten (10) days prior written notice to the Association.

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

ARTICLE XI
MANAGEMENT

11.1. Management Agent. The Board may employ for the Association a management agent or manager (the “Management Agent”) at a rate of compensation established by the Board

DRAFT

to perform such duties and services as the Board shall from time to time authorize in writing, including, but not limited to, the following:

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

(b) to provide for the care, upkeep, maintenance and surveillance of the Common Areas (including any Common Facilities); and

(c) to designate, hire and dismiss such personnel as may be required forthe good working order, maintenance and efficient operation of the Common Areas (including anyCommon Facilities); and

(d) to enforce such rules and regulations and such restrictions or requirements, "house rules" or the like as may be established by the Association regarding the useof the Common Areas (including any Common Facilities) and the Units; and

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

11.2. Duration of Management Agreement. Any management agreement entered into by the Association shall provide, among other things, that such agreement may be terminatedfor cause by either party upon thirty (30) days written notice thereof to the other party. The term of any such management agreement shall not exceed three (3) years; provided, however, that the term of any such management agreement may be renewable by mutual agreement of the parties for successive one (1) year periods. Any management agreement entered into prior to expiration of the Declarant Control Period must be terminable, without cause, any time after transfer of control from the Declarant, on not less than thirty (30) nor more than ninety (90) days' notice, and no charge or penalty may be associated with such termination.

ARTICLE XII
GENERAL PROVISIONS

12.1. Common Areas Responsibility. The Association, subject to the rights of the Declarant and Owners as set forth in this Declaration, shall be responsible for the exclusive management and control of the Common Areas (including any Common Facilities) and any property, real or personal, which the Association is delegated the responsibility for pursuant to any easement or lease agreement, and all improvements thereon (including, without limitation, furnishings and equipment related thereto, private drainage facilities and common landscaped areas), and shall keep the Common Areas (including any Common Facilities) and such other property in good, clean, attractive, and sanitary condition, order, and repair, pursuant to the terms and conditions hereof. The Association shall be obligated to accept title to any real estate or

DRAFT

personal property offered or conveyed to the Association by the Declarant. Any such conveyance shall be made in compliance with all applicable Laws and Declarant shall have the right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under this Article XII.

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

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

12.4. Limitation of Liability. The Association shall not be liable to any Association Member for any failure of any services to be obtained by the Association or paid for out of the Common Expense funds, or for injury or damage to persons or property caused by the elements or resulting from water which may leak or flow from any portion of the Common Areas (including any Common Facilities) or other property within the control or supervision of the Association, or from any wire, pipe, drain, conduit or the like. The Association shall not be liable to any Association Member for loss or damage, by theft or otherwise, of articles which may be stored upon the Common Areas or other property within the control or supervision of the Association. No diminution or abatement of assessments, as herein elsewhere provided for, shall be claimed or allowed for inconvenience or discomfort arising from the making of repairs or improvements to the Common Areas (including any Common Facilities) or other property within the control or supervision of the Association, or from any action taken by the Association to comply with any of the provisions of this Declaration or with any Laws or with the order or directive of any municipal or other governmental authority.

12.5. Enforcement. Except as otherwise expressly provided in this Declaration to the contrary (or as provided under 10 Del. C. § 348, as amended or other applicable Laws), the Declarant, Association, or any Owner, or any Mortgagee of any Lot shall have the right to enforce, by any proceeding at law and/or in equity, all restrictions, conditions, covenants, reservations, easements, liens, charges or other obligations or terms now or hereafter imposed by the provisions of this Declaration, or the Association Documents, or any rule or regulation promulgated by the Association pursuant to its respective authority as provided in this Declaration or the Association Documents. Failure by the Declarant, Association or by any Owner or Mortgagee of any Unit to enforce any covenants or restrictions herein contained or any provision of the Association Documents or rules and regulations of the Association shall in no event be deemed a waiver of the right to do so thereafter. There shall be and there is hereby created and declared to be a conclusive presumption that any violation or breach or attempted violation or breach of any of the within

DRAFT

covenants or restrictions or any provision of the Association Documents cannot be adequately remedied by action at law or exclusively by recovery of damages. If the Declarant, Association, or any Owner or Mortgagee of any Unit, successfully brings an action to extinguish a violation or otherwise enforce the provisions of this Declaration or the Association Documents, the costs of such action, including legal fees, shall become a binding, personal obligation of the Owner committing or responsible for such violation, and such costs shall also be a lien upon the Unit of such Owner.

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

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

(a) Except with respect to matters pertaining to the Design Guidelines which shall be within the exclusive jurisdiction of the ARC, the Board shall be charged with determining whether there is probable cause that any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, regarding the use of the Units, Common Areas, or any Common Facilities, are being or have been violated. In the event that the Board or the ARC, with respect to the Design Guidelines, determines an instance of such probable cause, the Board (or the or the ARC, with respect to Design Guidelines) shall provide written notice to the person alleged to be in violation, and the Owner of the Unit which that person occupies or is visiting if such person is not the Owner, of the specific nature of the alleged violation and of the opportunity for a hearing before the ARC or Board, as applicable, upon a request made within seven (7) days of the sending of the notice. The notice shall also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which it continues shall be deemed a separate offense, subject to a separate fine not to exceed a reasonable amount established by the Board or the ARC, as applicable, for each offense. The amount of the fine shallbe based upon the costs and inconvenience caused to the Board or the ARC and shall not be a penalty. The notice shall also specify, and it is hereby provided, that in lieu of requesting a hearing, the alleged violator or Owner may respond to the notice within seven (7) days of its sending, acknowledging in writing that the violation occurred as alleged and promising that the violation will thereafter cease and will not recur, and that such acknowledgment and promise,

DRAFT

and performance in accordance therewith, shall terminate the enforcement activity of the Board or ARC, as applicable, with regard to such violation.

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

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

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

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

12.7. Severability interpretation. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect. In the event of any inconsistencies between the provisions of this Declaration and the provisions of and any other of the Applicable Laws that are applicable to the Property, the Association and the Project, the terms of the Applicable Laws shall govern and control.

12.8. Duration and Amendment. All covenants, conditions and restrictions set forth in this Declaration shall run with and bind the land and shall be perpetual unless expressly stated otherwise in this Declaration. In addition to the provisions of Section 12.9, this Declaration may be amended by an instrument signed by, or the affirmative vote of, Association Members entitled to cast not less than sixty-seven (67%) of the total votes of all Association Members and shall require the prior written consent of the Declarant (for so long

DRAFT

as the Declarant shall own any portion of the Property or Project). Any amendment must be recorded in the Recorder's Office.

12.9. Changes and Modifications by Declarant. The Declarant shall have the right, for a period of twenty (20) years following the date of recordation of this Declaration, without the consent or joinder of the Association Members, any Mortgagee, any Beneficiary or the Association, or any other party, to (i) modify, amend, or supplement any of the provisions of thisDeclaration, as the Declarant may deem necessary or desirable, including but not limited to updating the Exhibits and Schedules as provide herein and (ii) or if such amendments are:

(a) required by federal, state, county or local laws; or

(b) required by any Mortgagee of all or any portion of the Property or Project; or

(c) required by any title insurance company issuing title insurance to Owners and/or Mortgagees of same; or

(d) required by the Federal Housing Administration, Department of Housing and Urban Development, Veterans Administration, Farmers Home Administration, Delaware State Housing Authority, Federal National Mortgage Association, Federal Home Loan Mortgage Service Corporation, GNMA or by any like public or private institution acquiring, guaranteeing or insuring mortgages or providing any type of financial assistance with respect to all or any portion of the Property or Project; or

(e) required to correct errors or technical deficiencies or imperfectionsor to clarify ambiguities. Declarant also reserves the right to waive or modify any requirement as to any individual Unit or, the Common Areas in general necessary to avoid any hardship resultingfrom unintentional noncompliance with this Declaration.

12.10. Casualty Losses. In the event of substantial damage or destruction to any of the Common Areas (including any Common Facilities), the Board shall give prompt written notice of such damage or destruction to the Eligible Mortgage Holders who hold First Mortgagesof record on the Units. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Unit with respect to the distribution to such Association Member of any insurance proceeds paid or payable on account of any damage or destruction of any of the Common Areas (including any Common Facilities).

12.11. Condemnation or Eminent Domain. In the event any part of the Common Areas are made the subject matter of any condemnation or eminent domain proceeding, or is otherwise sought to be acquired by any condemning authority, then the Board shall give prompt written notice of any such proceeding or proposed acquisition to the Eligible Mortgage

DRAFT

Holders who hold First Mortgages of record on the Units. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Unit with respect to the distribution to such Association Member of the proceeds of any condemnation or settlement relating to a taking of any portion of the Common Areas (including any Common Facilities).

12.12. Notice to Eligible Mortgage Holders; Deemed Consent.

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

(1) Any condemnation loss or any casualty loss which affects a material portion of the Common Areas (including any Common Facilities) or any Unit subject toa First Mortgage or security interest held, insured, or guaranteed by such Eligible Mortgage Holder.

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

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

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

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

12.13. Declarant's Power of Attorney. Notwithstanding any provision to the contrary contained in this Declaration or the Association Documents, the Declarant hereby reserves for itself, its successors, transferees and assigns, for a period of twenty (20) years from the date the first Unit is conveyed to an Owner that is not the Declarant, or until it conveys title to all of the Units whichever occurs first, the right to execute on behalf of the Association and all contract purchasers, Owners, Association Members, Eligible Mortgage Holders, Mortgagees, and other lien holders or parties claiming a legal or equitable interest in any

DRAFT

portion of the Property or Project, including without limitations, any Unit or the Common Areas (including any Common Facilities), any agreements, documents, amendments or supplements to this Declaration and the Association Documents which may be required by FNMA, FHA, VA, FHLMC, GNMA, Sussex County, Delaware, any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Association, Common Areas (including any Common Facilities), Property, Project, any Unit, any public or private utility company designated by the Declarant, any institutional lender or title insurance company designated by the Declarant, or as may be required to comply with the federal Fair Housing Act, or to comply with other applicable Laws or to correct any typographical or clerical errors or correct any ambiguity in the text of this Declaration; together with any and all other documents, instruments or agreements, including by way of illustration and not limitation; deeds, transfer tax affidavits, agreements, closing statements, with respect to any of the rights, title and authorizations, and acts reserved by or provided to the Declarant under this Declaration; or as otherwise expressly reserved by or granted to Declarant hereunder.

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

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

(c) The power of attorney aforesaid is expressly declared and acknowledged to be coupled with an interest in the subject matter hereof and the same shall run with the title to the Property and Project, including, without limitations, each Unit and the Common Areas, shall be binding upon the heirs, personal representatives, successors, transferees and assigns of any of the foregoing parties. Further, said power of attorney shall not be affected by the death or disability of any principal and is intended to deliver all right, title and interest of the principal in and to said power of attorney. Said power of attorney shall be vested in the

DRAFT

Declarant, its successors, transferees and assigns for a period of twenty (20) years from the date the first Unit isconveyed to an Owner that is not the Declarant, or until Declarant conveys title to the last Unit, whichever occurs first. Each Owner covenants and agrees to execute and deliver to Declarant an irrevocable power of attorney coupled with an interest in form and content consistent with this Section to be recorded in the Recorder's Office at the Owner's sole cost which shall run with and bind the Unit for a period of twenty (20) years as specified above.

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

12.14. Successors of Declarant.

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

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

(1) Declarant shall not assume or be responsible for any liabilities, warranties or obligations which have or may accrue to the other, including, but not limited to, any liabilities, warranties or obligations concerning any Lots or Common Areas (including any Common Facilities), any buildings or other improvements constructed, or to be constructed, by or on behalf of the other, nor shall such Lots or Common Areas (including any Common Facilities) or any buildings or other improvements be deemed to be part of any contract, or to constitute the basis of the bargain, between Declarant and any Lot purchaser;

(2) Declarant makes no representation or warranty whatsoever, whether express or implied, with respect to any Lots or Common Areas, or Common Facilities, buildings or other improvements constructed or sold by parties other than

DRAFT

Declarant, nor has Declarant authorized any other party to make any such representation or warranty, and such other parties are without legal authority to enforce or make any such representation or warranty. Declarant shall not assume or be responsible for, and each Unit Owner expressly waives any and all claims against Declarant for, any liabilities, warranties or obligations which have or may accrue to any Assignee under this Declaration or pursuant to law in connection with such Assignee's status as Declarant under this Declaration, or in connection with such Assignee's development of all or any real property subjected, or to be subjected, to this Declaration, including, but not limited to, any liabilities, warranties or obligations concerning any Lots, or the Common Areas (including any Common Facilities), or dwelling units or other improvements constructed, or to be constructed, by or on behalf of any such Assignee.

12.15. Arbitration.

(a) Notwithstanding any provision of this Declaration or the Association Documents to the contrary, but subject to all applicable Laws, if, after good faith efforts to negotiate a satisfactory solution have failed, any dispute that cannot be resolved between (i) the Declarant (including any of the Declarant's employees, agents, or contractors) and (ii) the Association and/or any Owner or Owners, such dispute will be submitted to arbitration in accordance with this Section, unless an alternative dispute resolution procedure is agreed to by the parties to the dispute. As used in this Section 12.l 5(a), the term "dispute" includes any controversy or claim, including, without limitation, any claim based on contract, tort, or statute, arising out ofor relating to (1) the rights or obligations of such parties under this Declaration, the Association Documents, or any rules promulgated by the Board or the ARC or (2) the design, construction, orwarranty of the Common Areas (including any Common Facilities). Upon the request of a party to a dispute, the issue shall be adjudicated in accordance with the provisions of the Arbitration Act and the rules of the American Arbitration Association applicable to such disputes, to the extentsuch rules are not inconsistent with such Arbitration Act.

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

(c) The arbitrator shall determine which is the prevailing party and shallinclude in the award payment by the Non-Prevailing party of the prevailing party's reasonable attorneys' fees and expenses. The provisions of this Section and any judgment rendered by the arbitrator may be enforced by any court of competent jurisdiction, and the party seeking enforcement shall be

DRAFT

entitled to an award of all costs, fees and expenses, including attorneys' fees,to be paid by the party against whom enforcement is ordered.

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

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

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

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

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

12.20. Limitations on Owners', Association's, and Other Person's Easements, Rights. Powers. and Privileges. Notwithstanding anything contained in this Declaration, the Certificate of Incorporation, or the Bylaws to the contrary, the use, enjoyment, or exercise by any Owner, the Association, or any other Person of any easement, right, power, or privilege granted or reserved to such Owner, the Association, or such other Person under this Declaration shall not interfere with, alter, modify, amend, or change in any manner or nature

DRAFT

whatsoever any easement,right, power, or privilege granted or reserved to Declarant under this Declaration without the prior written consent of Declarant.

12.21. Declarant's Exercise of Discretion and Judgment. Notwithstanding anything contained in this Declaration, the Certificate of Incorporation, or the Bylaws to the contrary, the exercise by Declarant of any discretion or judgment under this Declaration or the granting or withholding of any consents or approvals by Declarant under this Declaration, shall be exercised, granted or withheld by Declarant, in Declarant's sole subjective and absolute discretionand judgment.

12.22. Appurtenant Easement and Licenses §81-205(a)(13) of DUCIOA. In accordance with §81-205(a)(l3) of DUCIOA, the recording data for recorded easements and licenses appurtenant to or included in the Property or to which any portion of the Property is or may become subject by virtue of a reservation in this Declaration currently as of the Effective Date is contained in Schedule A attached hereto, as the same may be amended and supplemented subsequent to the Effective Date by the Declarant from time to time as permitted under Section 12.9 above.

12.23. Exemptions and Limitations. Notwithstanding anything contained in this Declaration to the contrary, none of the restrictions and provisions set forth in this Declaration, including Articles VII and VIII shall be applicable (a) to any portion of the Property owned by Declarant, (b) to the activities of Declarant and its officers, employees, agents, successors and assigns, in their development, marketing, leasing and sales activities within the Property, or (c) to the Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Common Areas (including any Common Facilities). Nothing contained in this Declaration shall be construed to prohibit Declarant from using any portion of the Property, or any improvements thereon, except for any Lots not owned by Declarant for promotional or display purposes, as "model homes", as sales or construction offices, or the like.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, have caused their seals to be affixed and these presents to be signed as of the Effective Date.

FISHERS POINT, LLC

_____ By: _____(SEAL)
Witness Jeffrey S. Burton, Manager

_____ _____(SEAL)

DRAFT

Witness Susan V. Thompson

_____ _____(SEAL)
Witness Robert D. Thompson, III

DRAFT

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, A.D. 2022, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JEFFREY S. BURTON, Manager of FISHERS POINT, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the limited liability company.

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

_____
Notary Public

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, A.D. 2022, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, SUSAN V. THOMPSON AND ROBERT D. THOMPSON, III, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

_____
Notary Public

DRAFT

EXHIBIT “A”

DRAFT

EXHIBIT “B”

DRAFT

SCHEDULE A

DRAFT

Tab 6

Kenneth W. Redinger Environmental Services

P.O. Box 479 / Horntown, Virginia 23395

Phone: (757) 894-7032 / E-mail: kwredinger@gmail.com

August 5, 2022 - Via Email

Siteworks Engineering
P.O. Box 2 / 19 Commerce Street
Harrington, Delaware 19952

Attn: Dave Heatwole, PE, Principal
Re: Wetland Delineation Summary - Fishers Point Subdivision (+/- 40.657 Acres)
Revel Road (SCR 401), Millsboro, Dagsboro Hundred, Sussex County, Delaware

Mr. Heatwole,

At your request I have evaluated the subject property for Waters of the United States, including wetlands that may be regulated by the Philadelphia District U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, and for State Regulated Wetlands and Subaqueous Lands that may be regulated by the Delaware Department of Natural Resources and Environmental Control (DNREC) under Title 7 Chapters 66 and 72 of the Delaware Code.

Routine level on-site investigations were conducted by Kenneth W. Redinger Environmental Services on November 5, 6 and 7, 2021 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual in conjunction with the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region; Version 2.0 (November 2010) and associated regulatory guidance.

At the time of the on-site investigations, the subject property consisted of approximately 22.9 acres of agricultural land, 14.8 acres of mid-succession mixed hardwood forest, and three single-family home sites that total approximately 4.5 acres. Ingram's Pond, a tributary of Indian River Bay, provides the northern and western property boundaries. The property is bound to the east by Revel Road (Sussex County Road 401), and to the south by forest and low density single-family residential development.

A total of 0.314 acres of forested non-tidal wetlands were identified within the subject property by Kenneth W. Redinger Environmental Services during the on-site investigations. The remaining 40.343 acres were classified as uplands. No State Regulated Wetlands or Subaqueous Lands are present within the subject property.

The total forested wetlands acreage is divided among two areas (Wetlands A & B) located in the northern and western portions of the site abutting Ingram's Pond, as depicted on the attached Fishers Point Preliminary Subdivision Plans by Siteworks Engineering Dated 8/5/2022. All wetlands within the subject property are regulated by the USACE under the Clean Water Act based on their surface water connection to the traditional navigable waters of Indian River Bay. Prior authorization is required from the USACE and/or DNREC for site activities that impact wetlands, Waters of the United States or Subaqueous Lands within the subject parcel.

This letter concludes my delineation of wetlands within the subject property. Please contact me with any questions you may have concerning this project.

Sincerely,

Kenneth W. Redinger
Professional Wetland Scientist #2126

COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

September 12, 2022

JUSTIFICATION FOR EXCLUSION OF INGRAM POND, MILLSBORO, DELAWARE FROM SUSSEX COUNTY BUFFER REQUIREMENT

Prepared by

Evelyn Maurmeyer, Ph. D.
Coastal & Estuarine Research, Inc.
PO Box 674, Lewes, DE 19958
(302) 645-9610
maurmeye@udel.edu

Introduction

This report presents the characteristics of Ingram Pond, a 48± acre man-made pond located west of Millsboro, Sussex County, Delaware (see Figure 1) which preclude it from being subject to the Sussex County's fifty-foot buffer requirement. A dam is present on the western side of the pond (see photograph, Figure 2). Phillips Ditch, Shoals Branch and Long Drain Branch are located west of Ingram Pond.

Sussex County Buffer Ordinance

The Sussex County Code defines perennial rivers and streams as "any body of water which continuously flows during a year and which is not subject to tidal influence", and establishes a fifty-foot buffer from the ordinary high water line of these waters. This report documents why Ingram Pond does not meet the requirements for establishment of a buffer, per Sussex County Code, as follows:

(a) U.S. Fish and Wildlife National Wetlands Inventory Map.

- The U.S. Fish and Wildlife National Wetlands Inventory Map (Figure 3) classifies Ingram Pond as **L1UBHh** (Lacustrine limnetic, unconsolidated bottom, permanently flooded, diked/impounded). The **Lacustrine** system **(L)** includes wetlands and deepwater habitats with all of the following characteristics:

(1) Situated in a topographic depression or a dammed river channel;

(2) Lacking trees, shrubs, persistent emergent and emergent mosses or lichens with 30 percent or greater areal coverage; and
(3) Total area of at least 8 hectares (20 acres).
Lacustine waters may be tidal or non-tidal, but ocean-derived salinity is always less than 0.5 parts per thousand (ppt).

- The **Limnetic** Subsystem **(1)** includes all deepwater habitats in the Lacustrine system. Many small Lacustrine systems have no limnetic subsystem

- Class **Unconsolidated Bottom (UB)** includes all wetlands and deepwater habitats with at least 24% cover of particles smaller than stones (less than 6 c.m.), and vegetative cover less than 30%.

- Water regime **Permanently Flooded (H)** refers to water covering the substrate throughout the year in all years.

- The special modifier **h** (diked/impounded) states that "these wetlands have been created or modified by a **man-made barrier or dam that obstructs the inflow or outflow of water.**"

This last point documents that the waters of Ingram Pond, as classified by the U.S. Fish and Wildlife Service, do not flow continuously during a year (due to the presence of a man-made barrier or dam that obstructs the inflow or outflow of water). Therefore, Ingram Pond should not be subject to the Sussex County fifty-foot Buffer requirement.

(b) Delaware Division of Fish & Wildlife Species Conservation and Research Program

- Photographs taken during a June 23, 2022 site inspection of Ingram Pond show the aquatic plants present in Ingram Pond (see Figures 4 and 5). The areal extent of vegetation is less than 30%, consistent with the National Wetlands Inventory Lacustrine (**L**) System and Unconsolidated Bottom (**UB**)class. Vegetation is dominated by spatterdock (*Nuphar* spp.), which grows in shallow waters with roots in the substrate and leaves floating on the water surface. Delaware Division of Fish & Wildlife Species Conservation and Research Program's "The Flora of Delaware" states that the habitat of this plant is "**quiet tidal and non-tidal rivers and streams, ponds**" (see Attachment 1).

Summary and Conclusions

Based on observations during a June 23, 2022 site inspection; and information compiled from the U.S. Fish and Wildlife Service National Wetlands Inventory Map and Delaware Division of Fish & Wildlife Species Conservation and Research Program's "The Flora of Delaware", Ingram Pond should not be subject to Sussex County's fifty-foot buffer for the following reasons:

- Waters of Ingram Pond do not flow continuously during a year, due to the presence of a man-made barrier or dam that obstructs the inflow or outflow of water.

- The habitat of the emergent plant, *Nuphar* spp. (spatterdock), which is rooted in the substrate with leaves floating on the water surface, is "quiet…non-tidal…ponds," which typically do not flow continuously during a year.

Figure 1. Map of Millsboro and vicinity, Sussex County, Delaware, showing location of Ingram Pond. Phillips Ditch, Shoals Branch and Long Drain Branch are located upstream of pond.

Figure 2. Photograph of the dam at the western end of Ingram Pond, Millsboro, Sussex County, Delaware. The dam obstructs the inflow or outflow of water into/out of the pond.

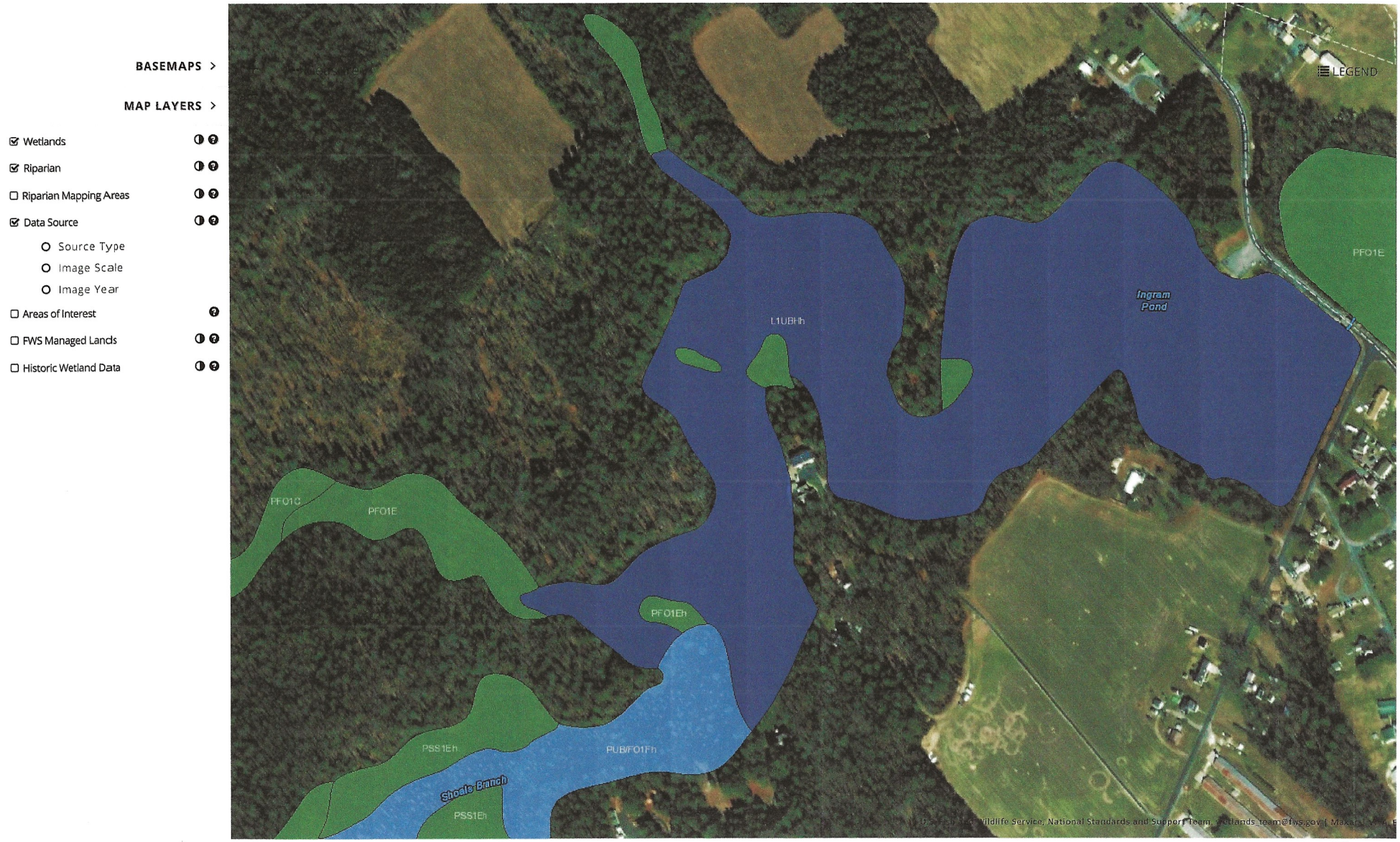


Figure 3. U.S. Fish and Wildlife National Wetlands Inventory Map showing Ingram Pond. Classification code of pond is **L1UBHh** (Lacustrine limnetic, unconsolidated bottom, permanently flooded, diked/impounded). The special modifier **h** (diked/impounded) states that "these wetlands have been created or modified by a man-made barrier or dam that obstructs the inflow or outflow of water."

Figure 4. Photograph of portion of Ingram Pond, Millsboro, Sussex County, Delaware.

Figure 5. Close-up photograph of aquatic plants in Ingram Pond. Vegetation is dominated by spatterdock (*Nuphar* spp.), which grows in shallow waters with roots in the substrate and leaves floating on the water surface. Delaware Division of Fish & Wildlife Species Conservation and Research Program's "The Flora of Delaware" states that the habitat of this plant is "quiet tidal and non-tidal rivers and streams, ponds" (see Attachment 1).

The Flora of Delaware
Delaware Species Conservation and Research Program

Search Level: Quick
Search Terms:
Nuphar variegata (1 records found)

NYMPHAEACEAE - Waterlily Family

***Nuphar variegata* Dur.** (floating spatterdock) [-]

Synonym
Nuphar lutea J.E.Smith subsp. *variegata* (Dur) E.O. Beal

Meaning of Scientific Name
Nuphar: from the Persian (Arabic) name for water lily; variegata: variegated

Native Plant
Yes

Life Form
Perennial Herb, Aquatic, Floating-rooted

Flowering Period
Summer

Physiographic Province
☐ Piedmont ☑ Coastal Plain

Habitat
Quiet tidal and non-tidal rivers and streams, ponds

State Status
Rare, Extremely (S1)

Piedmont Status
--

Coastal Plain Status
Rare, Extremely (S1)

Global Status
--

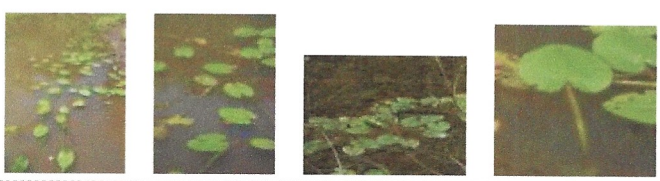
Federal Status
--

Invasive
--

Invasive Watchlist
--

Additional Info
Species reaches its southern limit in Delaware.

Photos [show|hide]
(click on thumbnail for larger view)



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

GROUNDWATER DISCHARGES

PHONE
(302) 739-9948

July 27, 2022

Brad Cate
Eastern Shore Soil Services
PO Box 411
Georgetown, DE 19947

RE: Soil Feasibility Report for Fisher's Point
Parcels 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Mr. Cate:

The Department of Natural Resources and Environmental Control (the Department) has received a submittal from Eastern Shore Soil Services, requesting a non-binding statement of feasibility for Jeffery S. Burton, et. al. as required by the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, dated January 4, 1985, last amended on January 11, 2014 (the Regulations).

The submittal consists of a report titled "Subdivision Feasibility Study for On-Site Wastewater Fisher's Point" prepared by Eastern Shore Soil Services, dated January 24, 2022. The report includes a written summary of the study, Sussex County parcel information sheets as proof of ownership, soil profile notes, results of permeability testing and other supplemental information. Information shown on the plan includes, but is not necessarily limited to, the conceptual lot layout for the proposed subdivision, the proposed lot sizes, wetland areas, storm water management areas, test pit locations, permeability test locations, on-site topographic information at an apparent one-foot contour, locations of wells within 150 feet of the subject site and septic approval/septic denial areas.

Background Information

The property is located on the northwest side of Revel Road (CR 410), between Lewis (CR 409) and Godwin School Roads (CR410) in Sussex County, Delaware. The parcels reportedly consist of 39.8+/- acres per the report provided by Eastern Shore Soil Services and will hereafter be referred to as the project site. The owner/applicant proposes to subdivide the project site into a total of 48 new residential lots with lot sizes of 0.5 acres at a minimum. On July 26th, 2002, Dave Heatwole, P.E., provided additional information indicating that there are 7 existing lots, 4 existing lots to be consolidated, and 3 existing lots to remain (reconfigured, parcels ending in 81.04, 81.05, and 81.06). All

lots are planned to be served by individual on-site wastewater treatment and disposal systems (OWTDSs) and individual on-site wells. The project site is within the Inland Bays watershed and the current land use designation is cropland, woodland, and residential strip development. There are no commercial wells or well head protection areas within 150 feet of the study area and no state mapped wetlands within the parcel. There is a dwelling and associated agricultural out buildings in the northwest corner of the parcel. Lands to the south and west are mostly residential. Surrounding dwellings are served by individual OWTDSs and well water.

Soils Investigations by Eastern Shore Soil Services and Discussion

Forty-one (41) borings were performed as part of the Soil Feasibility Study. The locations of the soil borings are shown on the plan. In addition, septic approval and septic denial map units delineated by Eastern Shore Soil Services, are shown by the plan. The septic denial map unit is reportedly not feasible for OWTDSs and would most likely be utilized as stormwater management area(s). The denial map unit will not be discussed further. The septic approval map unit has estimated limiting zones ranging from 20 inches to greater than 72 inches below the ground surface. Soils within the Arenic Paleudlut (AP) units are expected to support predominately lo pressure pipe (LPP) and sand-lined full depth gravity-fed disposal systems. Soils within the Lammellic Hapludult/Arenic Hapludult (LH/ArH) units are capable of supporting predominately full-depth gravity-fed septic systems. Estimated percolation rates will be assigned by future individual site evaluations conducted in conformance with regulatory requirements.

Two infiltrometer tests were conducted by Boozer Septic and Excavation at two mapped areas (by soil mapped units). These test results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. The infiltrometer test results support that the AP soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems. The resulting percolation rate of 10 minutes per inch indicates few, if any, hydraulic limitations for on-site systems within the LH/ArH map units (predominately full-depth gravity-fed septic systems).

Conclusion

Based on the information provided in this report submitted by Eastern Shore Soil Services it is the opinion of the Department that the proposed 44 lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and the areas delineated by the plan as being feasible for OWTDS are accurate.

Site Preparation

Removal, disturbance, or compaction of the soil during any portion of the construction and building phase other than that necessary for system installation might result in the rescission of the site evaluation approval. Soil material from road cuts and other excavated sources should not be placed on any portion of the proposed OWTDS areas. It is best to keep all areas proposed for on-site wastewater treatment and disposal free from any form of disturbance by methods such as staking, flagging, or fencing. Tree clearing, if necessary, should be performed in accordance with current "Lot Clearing Guidelines." The Department reserves the right to inspect the construction site at any time to ensure compliance with the above.

Future Requirements and Comments

Prior to obtaining individual OWTDS construction permits, complete site evaluation reports will be required for all lots in accordance with the Regulations. The Department requires one copy of the **Record Plat** following the most recent final subdivision approval by the Planning and Zoning Commission of Sussex County prior to processing and approving any site evaluations.

Non-Binding Statement of Feasibility

Based on information collected, interpreted, and submitted by Eastern Shore Soil Services, it is the opinion of the Department that the 44 (8 existing and 36 proposed new lots) lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and areas delineated as being feasible for OWTDS as depicted by the Plan are accurate.

The comments in this letter are technical and are not intended to suggest that DNREC supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

Sincerely,

Jenwei Tsai

Jenwei Tsai
Environmental Scientist
Division of Water

Pc: Brad Cate, Eastern Shore Soil Services
File

Subdivision Feasibility Study
For On-Site Wastewater
Fisher's Point

Property Location: Northwest Side of Revel Road (CR 410), Between Lewis (CR 409) and Godwin School Roads (CR 410)

Total Acres: 39.765
Net Lot density: 1.031 Units/Ac.
Minimum Lot Size: 0.5 Ac.
Number of Lots to be Created: (8 Existing-36 Proposed New Lots)
Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13
Zoning: AR-1

Proposed Wastewater Disposal: Individual On-site Septic Systems
Proposed Water Supply: Individual On-site Wells

Owner/Developer(s): Jeffrey S. Burton, et. al.
24139 Fishers Pt.
Millsboro, DE 19966

Date: 1/22/22

Prepared By: Bradley J. Cate, CPSSc/CPSC, D2052

***E**astern **S**hore **S**oil **S**ervices*

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits

P.O. Box 411
Georgetown, DE 19947
(302) 856-1853

P.O. Box 411
Savanna, IL 61074
(302) 856-1853

bradcate@easternshoresoil.com

INTRODUCTION

Eastern Shore Soil Services was retained to complete a subdivision feasibility study in accordance with Section 5.0 of the current *Delaware Department of Natural Resources and Environmental Control Regulations Governing the Design, Installation, and Operation of On-Site Waste Water Treatment and Disposal Systems* (adopted January 11, 2014). Field work was conducted from 10/11/21 thru 12/4/21. Logged soil borings were conducted on an approximate 200 x 200 foot grid pattern established by decimeter or better GNSS with adjustments as needed to obtain representative locations or accessibility. A total of 41 soil borings were logged and classified to the subgroup taxon on the referenced parcel.

The study area consists of 8 parcels on the northwest side of Revel Road and bordered on the east by Ingrams Pond. Current land use is cropland and woodland. Adjacent land use is agricultural, woodland, and residential strip development.

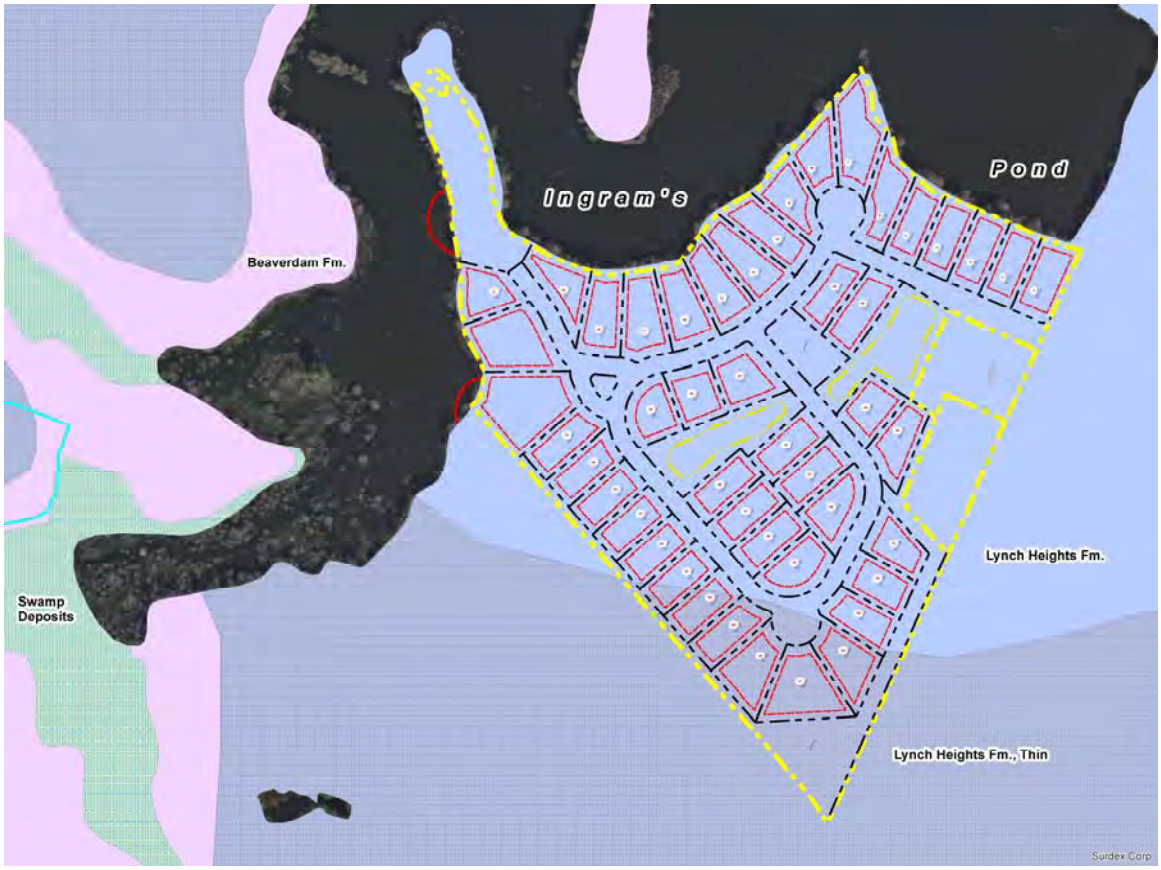
The preliminary lot layout was obtained from Siteworks Engineering. Adjacent wells were visually located door to door. Adjacent septic systems were visually located or were located from records (Delaware Open Data).

RELIEF, STRATIGRAPHY, AND HYDROLOGY

This site consists of level to gently sloping portions of a broad interstream divide and an adjacent floodplain. Approximately 15’ of elevational relief (elevation 21’ to elevation 36’) exists at the site from the pool elevation of Ingrams Pond to the adjacent summit of the interstream divide. Significant slopes are relegated to the shoulder and backslope of the interfluve in transition to the pool elevation of the pond.

The soils developed in sandy parent materials to a depth of >72”. Some profiles exhibited a loamy to clayey layer between 40” and 72”. The Delaware Geological Survey (DGS) mapping of the Millsboro and Whaleysville Quadrangles indicates the prevalence of the Lynch Heights Formation (standard and thin subunits) over the entirety of the project site. No morphological differentiation between the subunits was evident in soil profiles.

Free water was only observed within a depth of 72” at lower elevations near Ingrams Pond. DGS mapping suggests a free water surface at 6-9’ and 9-16’ (below ground surface) under “wet” and “normal” conditions. The water level of Ingrams Pond depicted by 2014 LIDAR (data obtained between 12/17/2013 and 4/6/2014) is 21’. This would be a static level with a controlling spillway. A borrow pit lacking an outlet approximately 1000’ east of the southern portion of the project indicated groundwater (during the same LIDAR acquisition period) at elevation 23’. This is likely representative of local groundwater without the influence of immediately adjacent drainage outlets. It is to be expected that seasonal groundwater would be lowered from the 23’ value most significantly in areas of the site closest to Ingrams Pond (which constitutes a drainage feature). Historical data indicates near normal seasonal conditions for the 2013-2014 winter when the LIDAR was generated. In the absence of on-site well data and based on observations above, a groundwater elevation of 23’ could reasonably be considered a normal seasonal high for the majority of the site.



DGS Surficial Deposits Map (Millsboro and Whaleysville Quadrangles, NTS)

DEPTH TO AND TYPE OF LIMITING ZONES ENCOUNTERED

Limiting zones were inferred from low chroma colors, redox accumulations, depth to materials deemed hydraulically restrictive, and combinations of the above. All limiting zones identified within 72" below ground surface (BGS) on landforms above elevation 29' are likely to consist of perched seasonal water tables or zones of preferential flow. Limiting zones below this elevation are apparent seasonal groundwater.

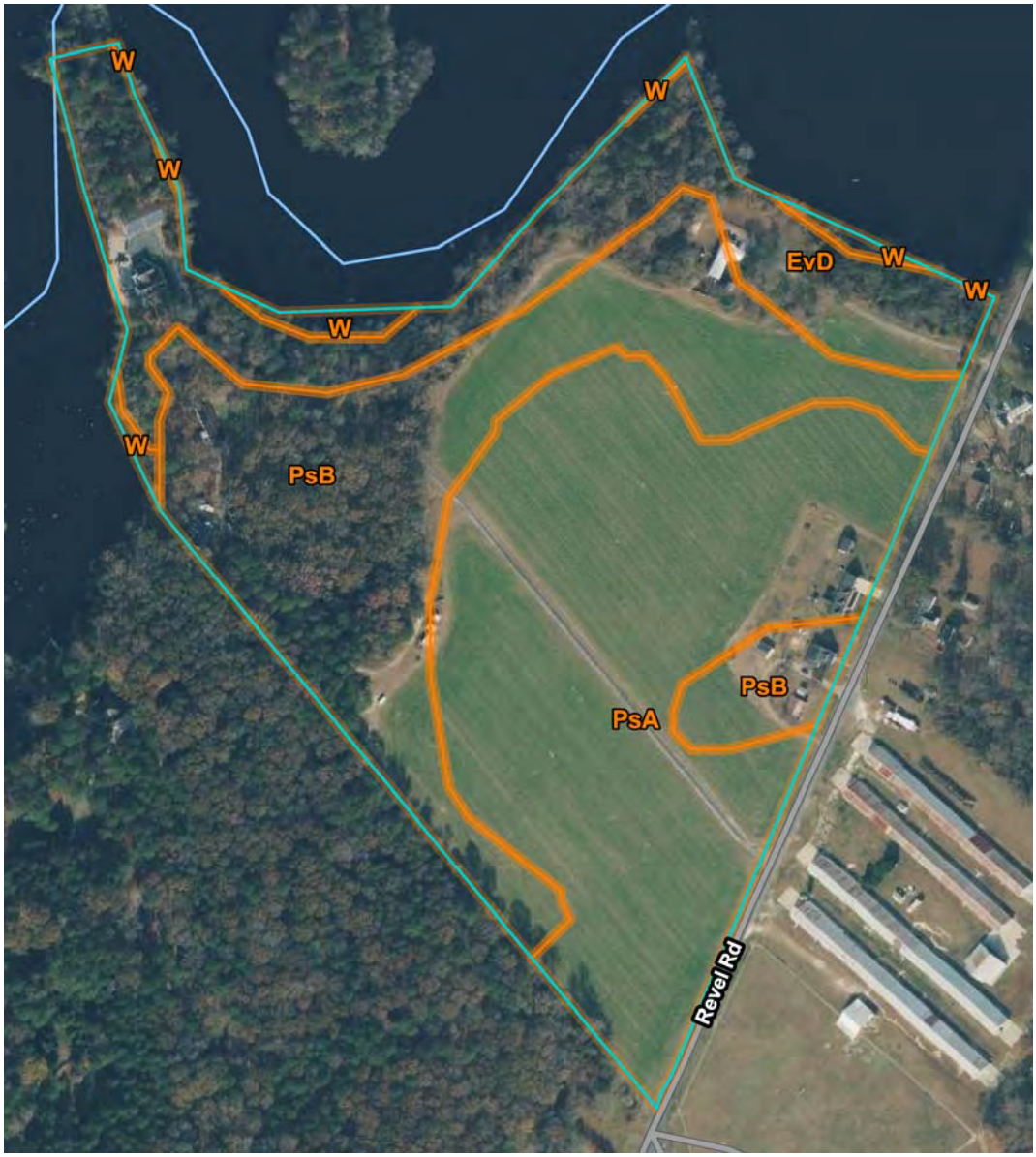
No soils with apparent seasonally saturated conditions within 72" BGS were interpreted at this site above elevation 29'. Areas below the 29' contour are generally within a 50' isolation distance to the pond and not relevant to this report for wastewater disposal. Some profiles with relict redoximorphic features above 72" were observed associated with loamy to clayey subsoil/substratum textures. Other profiles with redoximorphic features were present but were at lower elevations adjacent to the pond. The pond is a geolocially recent artificial impoundment that has likely raised the groundwater thru reduction of the hydraulic gradient. Redoximorphic features, particulary at depth, may not have yet fully formed in response to the pond induced groundwater levels.

Many profiles were identified with matrix colors of chroma 2 or less in sandy strata containing bright lamellae. The lamellae lacked either redox depletions or accumulations. It is reasonable to assume that these low chroma colors do not represent seasonal saturation due to the lack of redox features in the lamellae and that lamellae generally don't form significantly below the groundwater surface. In addition, available groundwater elevation data (see above) is not congruent with these colors being induced by iron reduction and loss.

Hydraulically restrictive layers were characterized by strata with textures high in fine sands, clay content, or having dense/brittle rupture resitance. These strata primarily occurred in profiles within the AP (Aquic Paleudult) delineation. They did not commonly extend thru 72" BGS. Based on the infiltrometer test conducted (see discussion below), these strata nearly constitute a limiting zone due to permeability approaching 120 minutes per inch (MPI). Current regulations consider soils with percolation rates slower than 120 MPI to be unsuitable for wastewater disposal. However, Section 5.2.1.3 allows reduction in estimated percolation rates used for design based on depth and the characteristics of materials overlying the more slowly permeable freatures. Perched seasonal groundwater in or above these strata are expected to be of relatively short duration if they ocurr.

NRCS SOIL MAPPING

The NRCS soil mapping of the project area and legend are depicted below:



USDA-NRCS Soil Survey Map of Site (NTS)[1]

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EvD	Evesboro loamy sand, 5 to 15 percent slopes	8.8	20.2%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	18.7	42.9%
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	15.4	35.3%

[1] http://websoilsurvey.nrcs.usda.gov/app/

The study area is mapped primarily as the Pepperbox Rosedale Complex. The Pepperbox component has a perched seasonal water table and hydraulically restrictive layer within 24-40" of the surface. The Rosedale component allows hydraulically restrictive features within 40" of the surface or an absence of these features within 72" BGS. This mapping is not congruent with the soil composition within the study areas since they are better drained and much deeper to seasonal groundwater. The nearest mapped analogy to the Rosedale soils is the AP map unit detailed in this study. Due to the widely acknowledged deficiencies of the soil survey mapping for non agricultural uses, little additional discussion is merited.

MAP UNITS DELINEATED

Due to the availablility of topographic contours, slope classes are omitted. Two soil map units were delineated on the parcel:

AP	Arenic Paleudults
LH/ArH	Lamellic Hapludults/Arenic Hapludults

AP Arenic Paleudults

The level to nearly level AP unit is well drained with depth to perched seasonally saturated materials typically at 53" to >72". These soils occur on planar, convex, and mildly concave landforms. The surface layer is loamy sand generally 20" or more in thickness. The subsoils are typically loamy sand or sandy loam above a lithologic discontinuity abruptly transitioning to bright fine sandy loam thru clay loam, with or without relict redox features, below. Rupture resistance is generally firm/brittle. Underlying the firm/brittle materials are stratified coarse sands thru loamy sands, usually containing lamellae.

Most soils in this unit appear to have sufficient depth to the discontinuity for siting full-depth low pressure pipe (LPP) or capping-fill gravity-fed septic systems. Another option is to excavate/sand-line thru the restrictive layer, backfill with suitable sand, and install a sand-lined full-depth gravity-fed disposal system. All permitted systems in this unit require advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy.

Because the restrictive layer was not observed to extend thru 72" and is underlain by coarse textures, these soils have slight to moderate limitations for stormwater management infiltration basins and excavated detention ponds. The invert elevation for infiltration structures must be below the bottom of the restrictive horizons. Permeability is moderately slow to slow in the restrictive layers and rapid to moderately rapid both above and below. Hydrologic group is A.

LH/ArH Lamellic Hapludults/Arenic Hapludults

The level to gently sloping LH/ArH unit is well to somewhat excessively drained with depth to seasonally saturated materials typically below 72". These soils occur on planar, convex, or mildly concave landforms. The surface layer is loamy sand generally

20” or more in thickness. The subsoils typically consist of loamy sand or sandy loam lamellae. The ArH component typically consists of lamellae both above and sometimes below a sandy loam to sandy clay loam argillic horizon over 6” thick. The substratum is generally sand or coarse sand, with or without lamellae. Also included are some soils with lamellae that are too thin or that do not meet combined thickness requirements for an argillic horizon which were classified as Lamellic Quartzipsamments.

Soils in this unit appear to have sufficient depth to a limiting zone for siting full-depth gravity-fed disposal systems. Advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy is required.

These soils have slight limitations for stormwater management infiltration basins or detention ponds. Permeability is rapid to moderately rapid. Hydrologic group is A.

INFILTROMETER TESTS

In order to grossly assess possible sizing requirements of potential on-site systems, 2 infiltrometer tests were conducted by Boozer Septic and Excavation. One test each was conducted in the LH/ArH and the AP units. Results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. In addition, it is likely that the evaluator conducting individual site evaluations will assign percolation rates tailored to the soil characteristics of each lot and also based on individual philosophy.

Test Location	Test Depth	Soil Texture at Test Depth	Map Unit Designation	Measured Value in Min/In.
C6	46”	firm brittle heavy SCL	AP	120 MPI
D5	24”	SL lamellae	LTH	10 MPI

Test results for location C6 indicated marginal suitability for on-site systems in the AP units. However, the apparent ability to sand-line and or prorate the estimated percolation rate to reflect that this strata was 40” or more below the surface does not indicate this as an issue of concern. Presence of slow permeability in and immediately below the expected drainfield installation (18” to 24” gravel depth) is most relevant because a biomat formed in such materials determines the long term acceptance rate of a soil. Deeper restrictive layers will not be influenced by biomat formation and could be expected to maintain a long term acceptance rate comparable to the hydraulic test values for water. These soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems.

Test D5 was conducted in sandy loam textured lamellae. The resulting percolation rate of 10 minutes per inch indicates few, if any hydraulic limitations for on-site systems within the LH/ArH map units.

CONCLUSIONS

From this study, it appears that individual on-site disposal systems are feasible for all the lots proposed by this plan. Soils within the AP units are expected to support predominately LPP and sand-lined full depth gravity-fed disposal systems. Soils within

the LH/ArH units, are capable of supporting predominately full-depth gravity-fed septic systems. The attached soils map depicts the estimated aerial extent of designated map units based on 200' x 200' grid observations. It is likely these boundaries might change significantly based on more detailed individual site evaluations with 3 or more borings per lot at closer spacings.

Because this proposed development falls within the DNREC designated inland bays watershed, any system permitted within this planned development must incorporate technologies meeting the PSN3 standard.

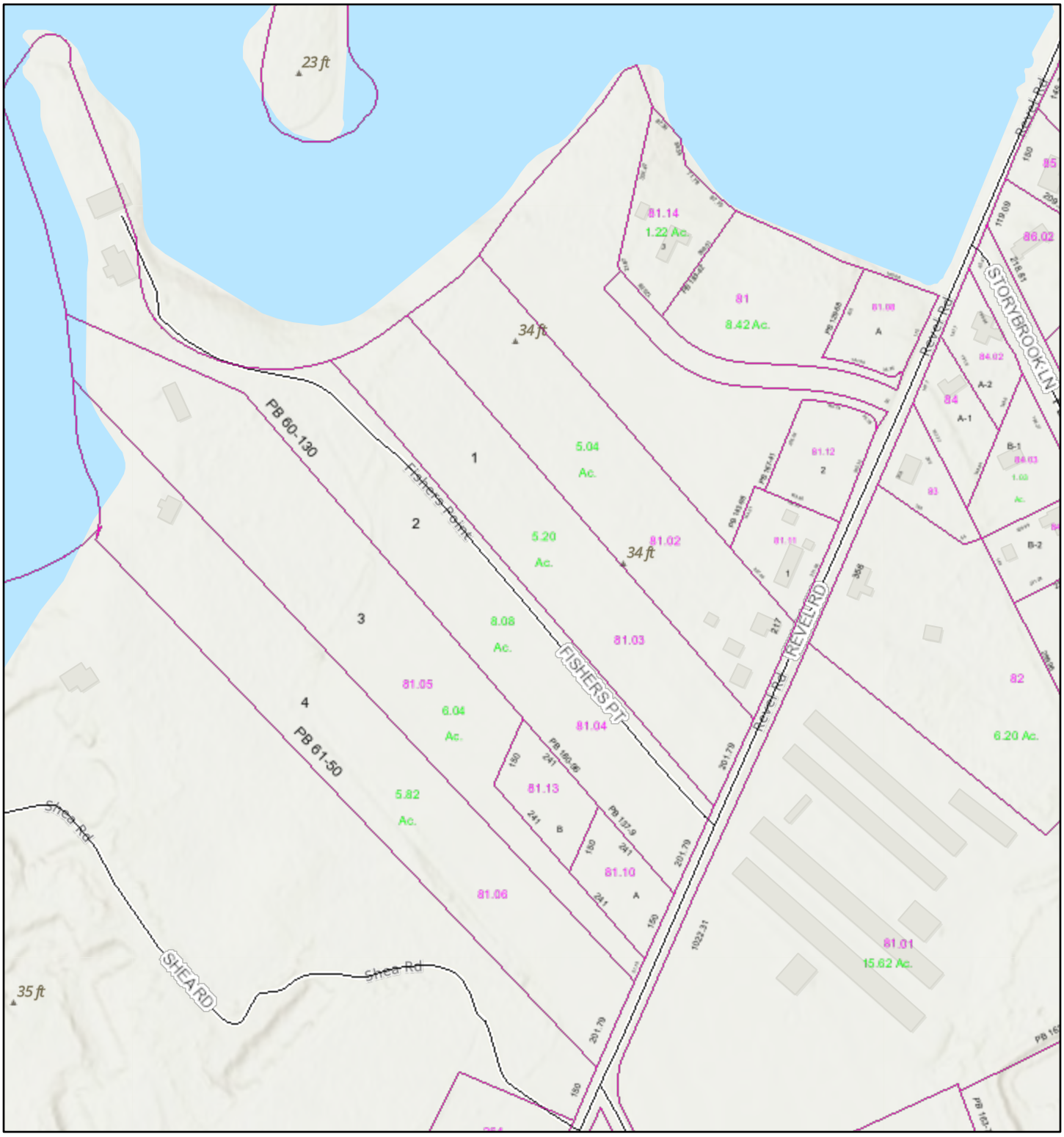
RECOMMENDATIONS

The design engineer should prepare an infrastructure construction plan that depicts areas where heavy equipment will be operated and where spoil will be placed or spread in response to road and stormwater management system construction. Placement of spoil or overtravel by heavy equipment on lot areas that will be used for on-site septic systems is to be discouraged. This plan should be adhered to and also given to the soil evaluator conducting later individual site evaluations so areas of concern due to compaction can be anticipated and sampled rather than overlooked. If equipment is operated randomly over the site, or spoil is placed haphazardly, system failures due to compaction will be likely. It is not readily apparent to a site evaluator where compaction has or has not occurred on a regraded site.

Because individual wells are anticipated rather than a central water system, a subdivision infrastructure plan depicting well and septic locations should be developed. Such a plan will help to avoid conflicts between well and septic system isolation distances among adjacent lots as the subdivision approaches build-out. The plan is typically prepared by the design engineer after all individual site evaluations have been conducted. If the plan is submitted to DNREC and the recorded with the county, site evaluation reports will expire after 77 years instead of 5 years.

Appendix I
Zoning Forms & Current Parcel Configuration

Current Sussex County Parcel Configuration



January 23, 2022

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.19 km

Tax Parcels

Streets

County Boundaries

Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, Delaware Public Service Commission, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N

PARID: 133-16.00-81.02
BURTON JEFFREY S

ROLL: RP
29320 REVEL RD

Property Information

Property Location:	29320 REVEL RD
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	5.0400
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$15,100
100% Improvement Value	$27,200
100% Total Value	$42,300

Legal

Legal Description	W/S RD 410 807' N RD 409 E/S INGRAMS RD

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON C BURTON TY C BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

PARID: 133-16.00-81.03 ROLL: RP

WINE DOWN HOLDINGS LLC

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	5.2000
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$15,600
100% Improvement Value	$0
100% Total Value	$15,600

Legal

Legal Description	W/S RD 410 1747'S/RD 328A LOT 1

Owners

Owner	Co-owner	Address	City	State	Zip
WINE DOWN HOLDINGS LLC		24139 FISHERS POINT	MILLSBORO	DE	19966

PARID: 133-16.00-81.04
BURTON JEFFREY S

ROLL: RP
24139 FISHERS POINT

Property Information

Property Location:	24139 FISHERS POINT
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	8.0800
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$24,200
100% Improvement Value	$110,900
100% Total Value	$135,100

Legal

Legal Description	W/RT 410 1949'S/RT 328A LOT 2

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON CARMEAN BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

PARID: 133-16.00-81.05
BURTON DANIEL F

ROLL: RP
24129 FISHERS POINT

Property Information

Property Location:	24129 FISHERS POINT
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RT-RESIDENTIAL MH ON OWN LAND
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	6.1000
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	180 96/PB
100% Land Value:	$18,300
100% Improvement Value	$36,900
100% Total Value	$55,200

Legal

Legal Description	OLIVER R FISHER SUBD LOT 3 RESIDUAL LANDS T#49010

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

PARID: 133-16.00-81.06 ROLL: RP

THOMPSON SUSAN V SUSAN V BURTON 24123 FISHERS POINT

Property Information

Property Location:	24123 FISHERS POINT
Unit:	
City:	MILLSBORO
State:	DE
Zip:	19966
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	5.8200
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	$17,500
100% Improvement Value	$34,500
100% Total Value	$52,000

Legal

Legal Description	OLIVER R FISHER SUBD LOT 4 NW/S RD 410

Owners

Owner	Co-owner	Address	City	State	Zip
THOMPSON SUSAN V SUSAN V BURTON	ROBERT D THOMPSON III	24123 FISHERS PT	MILLSBORO	DE	19966

PARID: 133-16.00-81.10 ROLL: RP
BURTON DANIEL F

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	
Frontage:	150
Depth:	241.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	137 9/PB
100% Land Value:	$3,000
100% Improvement Value	
100% Total Value	

Legal

Legal Description	OLIVER R FISHER SUB LOT A NW/RT 41O

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

PARID: 133-16.00-81.13 ROLL: RP
BURTON DANIEL F

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	
Frontage:	150
Depth:	241.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	180 96/PB
100% Land Value:	$3,000
100% Improvement Value	
100% Total Value	

Legal

Legal Description	OLIVER F FISHER SUBD LOT B NW/RT 410 N/PRIVATE DR

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

PARID: 133-16.00-81.00 ROLL: RP

BURTON JEFFREY S TRUST THE

Property Information

Property Location:	
Unit:	
City:	
State:	
Zip:	
Class:	AGR-Agriculture
Use Code (LUC):	FG-AG IN FAA
Town	00-None
Tax District:	133 – DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	5-Rieley
Fire District:	83-Millsboro
Deeded Acres:	
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	183 42/PB
100% Land Value:	
100% Improvement Value	$0
100% Total Value	

Legal

Legal Description	W/RT 410 S/INGRAMS POND RESIDUAL LANDS FX

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S TRUST THE		24139 FISHERS PT	MILLSBORO	DE	19966

Appendix II
Letter of Intent

***E**astern **S**hore **S**oil **S**ervices*

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits
P.O. Box 411 **(302) 856-1853**
Georgetown, DE 19947 **FAX (302) 856-2384**

October 24, 2021

Attn: Jenwei Tsai
DNREC-Div. of Water Resources
89 Kings Highway
Dover, DE 19901

RE: Letter of Intent for Fishers Point Subdivision TM# 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Ms. Tsai,

I am submitting a letter of intent regarding the proposed Fishers Point Subdivision. The developer plans to create a 50 lot subdivision out of an aggregation of 8 existing parcels (to be expunged or reconfigured) resulting in 38 actual new lots.

Initial fieldwork commenced on 10/11/21 locating utility poles, existing monumentation, and wells. Six borings were logged on 10/13/21 to assess soil properties. The remaining fieldwork (soil borings and percolation tests) will be conducted in October and November of 2021.

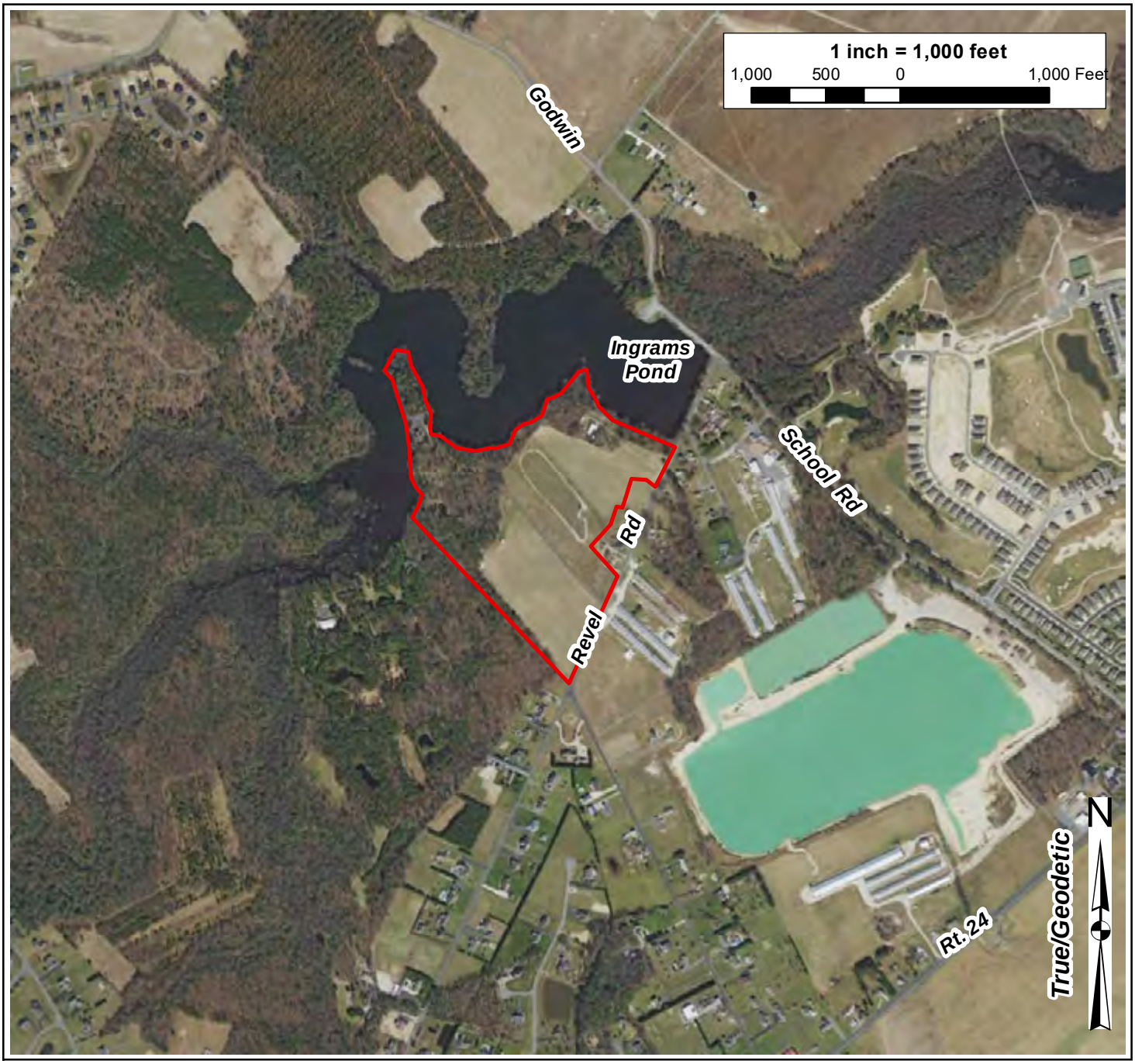
Developer/Owner(s): Jeffrey S. Burton, et. al.
Total Acres: 39.765
Net lot density: 1.01 units/acre
Minimum lot size: 0.5 acre
Watershed: 020403030201 (Indian River Bay)

Sincerely,

Bradley J. Cate

cc: Dave Heatwole
Jeffrey Burton

Attachment: Location Map, Ownership Certificates



Project Location Map

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

Appendix III
Infiltrometer Test Results

Fishers Pt.

TEST RESULTS

D. Boozer
Lic # 4188 ABEI

Test No.: G6
Date of Test: 11-23-21
Depth of Test: 46"
Hole Saturated for ____ Hrs

Starting Time	~~10 / 30~~ Minute Interval	Depth to Water	Drop in Inches
8:30	30 MIN	12"	3 1/8
10:00	30 MIN	6"	1/4
	30 min		1/4
	30 min		1/4
	30 MIN		1/4
	30 MIN		1/4
	30 min		1/4
	30 MIN	↓	1/4

Rate of fall, minutes per inch 1" _____ minutes

Test No.: D-5
Date of Test: 11-23-21
Depth of Test: 24"
Hole Saturated for ____ Hrs

Starting Time	~~10 / 30~~ Minute Interval	Depth to Water	Drop in Inches
8:25	3:52	12"	
11:10	4:07	6"	1
11:18	4:00	6"	1
11:39	4:09		
	4:00		
	3:52		
	4:16		
	4:00		
	4:06		
	3:55		
	4:12		
	4:01		
	4:06		
	4:06		
	3:57		
	4:08		
	4:02		
	4:16		
	4:09		
	4:03		
	3:53		
	4:00	↓	↓
	4:18	6"	1"

Rate of fall, minutes per inch 1" _____ minutes

Test No.: _____
Date of Test: _____
Depth of Test: _____
Hole Saturated for ____ Hrs

Starting Time	10 / 30 Minute Interval	Depth to Water	Drop in Inches

Rate of fall, minutes per inch 1" _____ minutes

min:sec

FEB 18 2004 9:36

Appendix IV
Soil Profile Notes

SOIL PROFILE NOTES

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

Profile #: S1

Date of Test: 11/1/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Bannatic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10yr 3/4	/		LS	lngr	/ vfr
Bt	9 to 30	10yr 4/4	/		LS+	~	/ vfr
BC	30 to 48	10yr 5/6	/		LS	~	/ vfr
C1	48 to 53	10yr 6/6	/		LS	~	/ vfr
C2	53 to 67	10yr 6/4	/		S	SG	/ L
C3	67 to 72	10yr 5/4	/		LS+	~	/ vfr
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: 52

Date of Test: 11/1/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lamellie Blend

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR 3/3	/		LS	lmgr	/ vfr
EB	10 to 26	10YR 5/4	/		LS	~	/ vfr
E	26 to 38	10YR 6/4	/		LS	~	/ vfr
E/Bt	38 to 72 E	10YR 6/4	30%	50% gravel	LS	~	/ vfr
	72 Bt	10YR 5/6	20% /		SL	~	/ fr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± **to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: AB

Date of Test: 10/30/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rs

Depth to Limiting Zone: 72"

Soil Series Identified: Grossarenic Blendon

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 14	10YR 4/3	-		LS -	lgr	vfr
E	14 to 43	10YR 5/4	-		LS	sg	vfr
Bh1	43 to 53	7.5YR 5/6	-		SL	sg	vfr
E'/B'2	53 to 72+	E 10YR 5/4 / 7.5YR 5/6	50% / 50% -	2-3% gravel	LS - SL / SL	sg / sg	vfr / vfr
	to						
	to						
	to						
	to						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A1

Date of Test: 10/30/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: moderately rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arenic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 12	10YR 4/3	/		LS	1mgr	/ vfr
E1	12 to 16	10YR 6/4	/		LS	~	/ vfr
E2	16 to 32	10YR 6/4	* /		S	SG	/ L
Bt1	32 to 45	7.5YR 4/6	/		SL+	m	/ fr
Bt2	45 to 61	7.5YR 5/6	/		LS+	m	/ vfr
E/Bt3	61 to 72+ E	10YR 6/4	60% /		cos	SG	L / vfr
		7.5YR 4/6	40%		grLcoS+	~	
	to						
	to						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* for this 7.5YR 4/6 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A2

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderately rapid

Depth to Limiting Zone: 72"

Soil Series Identified: Lowellic Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 11	10YR 3/3	✓		LS	1MGr	/ vfr
Bw	11 to 17	10YR 5/4	✓		LS	–	/ vfr
C1	17 to 31	10YR 6/4	✓		S	SG	/ L
C2	31 to 57	10YR 5/4	*		LS to S	SG	/ L
C3	57 to 67	10YR 6/2	*		S to LS	SG	/ L
C4	67 to 72	10YR 6/6 10YR 5/6	✓		S	SG	/ L
	to						/
	to						/

Current Hydrology: > 72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* w/ few thin 7.5YR 5/6 & 7.5YR 4/4 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A3

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lumbee Pasquotank

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) Consistence
Ap	0 to 11	10YR 3/3	✓		LS	large	/ vfr
EB	11 to 26	10YR 5/4	✓		LS	m	/ vfr
E	26 to 34	10YR 6/4	✓		S	SG	/ L
E/Bh1	34 to 42 E	10YR 6/4	10%		S	SG	/ L
	Bh	7.5YR 5/6	20% ✓		LS-	m	/ vfr
E/Bh2	42 to 72 E	10YR 5/4 to 6/4	60%		S	SG	/ L
	Bh	7.5YR 5/6	40% ✓		LS-	m	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72 **"± to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A4

Date of Test: 10/23/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: 69" to redoximorphic features

Soil Series Identified: Typic Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 13	10YR 4/3	✓		S	SG	/ L
C1	13 to 52	10YR 5/4	✓		S	SG	/ L
C2	52 to 62	10YR 6/3 10YR 5/4	✓	2-5% gravel	Stratified coarser	SG	/ L
C3	62 to 69	10YR 6/3 10YR 5/4	✓		Stratified LS; SL	M	/ vfr
C4	69 to 72	10YR 5/4	10YR 5/6 10YR 5/2	f d f d	Stratified LS; SL	M	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A5

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arapic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2) Consistence
Ap	0 to 3	10YR 2/2	✓		LS	1mg	/ vfr
BE	3 to 8	10YR 4/4	✓		LS	1msbk	/ vfr
E	8 to 27	10YR 5/4	✓	*	LS	m	/ vfr
Bt1	27 to 42	7.5YR 5/6	✓	*	SL	1csbk	/ vfr
Bt2	42 to 66	7.5YR 5/6	✓	*	Stratified LS / SL	m	/ vfr
C	66 to 72	10YR 6/6 10YR 5/6	✓	*	Stratified LCOS, LS	m	/ vfr
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* few pebbles

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: A6

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderate

Depth to Limiting Zone: >72"

Soil Series Identified: Arvin Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 3	10YR 2/2	✓		LS	1mgr	/vfr
BE	3 to 9	10YR 4/6	✓		LS	1msbk	/vfr
E	9 to 31	10YR 5/4	✓		LS	~	/vfr
Bt1	31 to 44	7.5YR 4/6	✓		SCL	1msbk	/fr
Bt2	44 to 64	7.5YR 5/6	✓		SL	1csbk	/vfr
BC	64 to 72	10YR 5/6	✓		LS	~	/vfr
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B1

Date of Test: 11/13/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Typo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Fallsington Bladen II

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR3/3	/		LS	1-mgr	/ vfr
E	10 to 24	10YR5/4	/		S	SG	/ L
E/Bt1	24 to 33 E/Bt	10YR5/4	15%		S	SG	/ L
		7.5YR4/4	20% /		LS	~	vfr
E/Bt2	33 to 45 E/Bt	10YR6/4	70%		S	SG	/ L
		7.5YR4/4	30%		LS.	~	vfr
E/Bt3	45 to 72 E/Bt	10YR6/2	40%	2-5% gravel	S, LCOS	SG	/ L
		7.5YR4/4	60%		SL	~	fr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B2

Date of Test: 10/13/21 Soil Boring X or Test Pit ____ (1)

Property Owner:

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lonelle Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 12	10YR 3/3	/		LS	1 vgr	/ vfr
C1	12 to 54	10YR 5/4	/		S	SG	/ L
C2	54 to 69	10YR 5/6	* /		LS	SG	/ L
C3	69 to 72	10YR 6/4	/		LS	SG	/ L
	to						/
	to						/
	to						/
	to						/

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

"± to free water (if applicable)

* w/ few thin 7.5YR 5/4 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B3

Date of Test: 12/12/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Sea Topo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lewellin Pelewdult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) / Consistence
Ap	0 to 10	10yr 3/3	✓		LS	mgr	/ vfr
E	10 to 27	10YR 5/4	✓		S	SG	/ L
E/Bt1	27 to 47 E/B	10YR 5/4 7.5YR 5/4	90% 10% ✓		S LS-	SG ~	/ L vfr
E/Bt2	47 to 54 E/B	10YR 6/4 7.5YR 5/4	40% 60% ✓	2-5% gravel	LS- SL-	~ ~	/ vfr vfr
Bt3	54 to 72	10YR 5/4	✓	2-5% gravel	SL-	~	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± **to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B4

Date of Test: 12/29/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Mod. Slo

Depth to Limiting Zone: >72

Soil Series Identified: Aquic Paleudult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 11	10yr 3/3	/		LS	lmgr	/ vfr
E'	11 to 24	10yr 5/4	/		LS	~	/ vfr
E2	24 to 30	10yr 5/4	w/few thin LS bands	10yr 4/6	S	SG	/ L
Bt1	30 to 50	10yr 5/6	/		LS*	~	/ vfr
2 Bt2	50 to 60	10yr 5/6 10yr 5/4	/	Stratified	SL SCL*	~ m	/ vfr fi
2 Bt3	60 to 68	10yr 5/6	/		Stratified LS:SL	~	/ vfr
2C	68 to 72	10yr 6/4	/		Stratified LS:fS	~	/ vfr
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B5

Date of Test: 10/28/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arenic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 12	10YR 6/2	✓		S	SG	/ L
A	12 to 16	10YR 3/3	✓		LS	m	/ vfr
E	16 to 27	10YR 6/4	✓		LS	m	/ vfr
Bt1	27 to 42	10YR 4/6	✓		SL	1m SBk	/ fr
Bt2	42 to 62	10YR 5/6	✓		LS		/
C	62 to 72	10YR 6/6	✓		S		/
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B6

Date of Test: 10/29/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Top Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arenic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
O1	2 to 0						
A	0 to 4	10YR 3/3	✓		LS	mgr	vfr
EB	4 to 8	10YR 4/4	✓		LS	msbk	vfr
E	8 to 26	10YR 5/4	✓		LS	sg	vfr
Bt1	26 to 40	10YR 5/6	✓		SL	sg	vfr
Bt2	40 to 63	10YR 5/6	✓		LmS	sg	vfr
BC	63 to 72	10YR 5/6	✓		S,LmS & LmS	sg	vfr
	to						
	to						

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: B7

Date of Test: 12/29/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: moderate

Depth to Limiting Zone: 72"

Soil Series Identified: Arkabutla

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) / Consistence
Oi	1 0						
A	0 to 4	10yr 2/2	/		ls	1mgr	/ vfr
BE	4 to 11	10yr 4/4	/		ls	1sbk	/ vfr
E	11 to 32	10yr 5/4	/		ls	sg	/ vfr
E/B1	32 to 44 B	10yr 5/4	90%		ls	sg	/ vfr
		7.5yr 4/6	10%	/	fsl	sbk	fr
E/B2	44 to 54 B	10yr 6/4	80%		ls	sg	/ L
		7.5yr 4/6	20%	/	fsl	sbk	fr
B13	54 to 67	7.5yr 4/6	/		fsl	1msbk	* / fr
B14	67 to 72	10yr 5/4	/		fsl	1csbk	* / fr Brittle
	to						

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: BB

Date of Test: 12/28/21 Soil Boring X or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. to mod slow

Depth to Limiting Zone: >72"

Soil Series Identified: Typic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Oi	1 0						
A	0 to 3	10yr 2/2	✓		LfS	1m sr	/ vfr
BE	3 to 8	10yr 4/4	✓		LfS	1m sbk	/ vfr
E	8 to 16	10yr 6/4	✓		LfS	m	/ vfr
Bt1	16 to 20	10yr 5/6	✓		fSL+	1m sbk	/ fr
Bt2	20 to 24	10yr 4/6	✓		fSL+	2m sbk	/ fr
Bt3	24 to 31	7.5yr 4/6	✓	2-5% gravel	SCL+	2m sbk	/ fi
Bt4	31 to 40	7.5yr 5/6	✓		SCL	1m sbk	/ fr
Bt5	40 to 64	7.5yr 5/6	✓		fSL-	1c sbk	/ vfr
BC+	64 72	7.5yr 6/6	✓		LfS:fS	m	vfr

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C1

Date of Test: 10/12/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Sec Topo Relief: _____

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: 65" to low chroma sands w/ redox conc.

Soil Series Identified: Camelia Blend ?

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2) / Consistence
Ap	0 to 6	10YR 3/3			LS	mgr	/ vfr
E1B1	6 to 29 E	10YR 5/4	90%		S	SG	/ L
	Bt	7.5YR 4/4	10%		LS	~	/ vfr
E1B2	29 to 44 E	10YR 6/3	90%		S	SG	/ L
	Bt	7.5YR 4/6	10%		LS	~	/ vfr
E1B3	44 to 65 E	10YR 6/2	90%		S	SG	/ L
	Bt	10YR 5/4	10%		LS	~	/ vfr
E1B4	65 to 72 E	10YR 6/1	90%		LS	~	/ vfr
	Bt	10YR 5/4	10% 10YR 5/6	c 2d	LS+	~	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: 71 "± **to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C2

Date of Test: 10/13/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Sea Top Relief: ____

Estimated Permeability: Mod Rap.

Depth to Limiting Zone: >72"

Soil Series Identified: Lenoltic Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	/		LS	Mod gr	vfr
E	9 to 30	10YR 5/4	/		S	SG	L
E/Bh1	30 to 50 E	10YR 5/4	30%		S	SG	L
	30 to 50 Bh	7.5YR 5/4	20% /		LS	m	L vfr
C	50 to 72	10YR 6/4	/		cos	SG	L
	to						
	to						
	to						
	to						

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C3

Date of Test: 10/12/21 Soil Boring X or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: Flat Top Relief:

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lawllis Blend

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR3/3	/		LS	Mgr	/ vfr
E	10 to 18	10YR5/4	/		S	SG	/ L
E/Bd1	18 to 50 E	10YR6/4	90%			SG	/ L
	Bt	10YR5/4	10% /		LS	M	vfr
E/Bd2	50 to 72 E	10YR6/2	50%		S	SG	/ L
	Bt	7.5YR4/4	50% /		LS	M	vfr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C4

Date of Test: 10/28/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psammentic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 4/3	/		LS	1gr	/ v. fr
E	9 to 35	10YR 6/6	/ *		LS-	~	/ v fr
Bt1	35 to 55	7.5YR 5/6	/		LS+	~	/ v fr
E/Bt2	55 to 72 E	10YR 6/4	60%		SL/LS	SG	/ L
	72 Bt	7.5YR 5/6	40% /		LS	~	/ v fr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* few thin 7.5YR 5/6 LS lamellae

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: CS

Date of Test: 10/29/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. slow over rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Aquic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	✓		LS	1 mgr	/ vfr
E	9 to 29	10YR 6/6	✓		LS	~	/ vfr
2 Bt1	29 to 36	10YR 5/6	✓		fSL	1 msbk	/ fr
2 Bt2	36 to 43	10YR 5/6	5a 1/5 ot 10YR 7/2 Brittle fSL		fSL	1 msbk	/ fr
2 Btg3	43 to 53	10YR 7/2	✓		fSL	1 msbk	* / fr Brittle in situ
2 C	53 to 72	7.5YR 6/6 10YR 6/6	10YR 6/2		Stratified LS; S	~	/ vfr
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry condition

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C6

Date of Test: 10/23/21 Soil Boring X or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod slow over rapid

Depth to Limiting Zone: >72" to apparent SHWT

Soil Series Identified: Arnia Polawalt

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 7	10YR 3/2	/		LS	mgr	/ vfr
E	7 to 21	10YR 5/4	/		LS⁻	m	/ vfr
E/Bt1	21 to 35 E	10YR 5/4	70% /		LS⁻	m	/ vfr
	Bt	10YR 5/6	30% /		SL	m	/ vfr
Bt2	35 to 40	10YR 4/6	/		SCL	1msbk	* / fr
2Bt3	40 to 49	10YR 5/4	/		SCL⁺	1msbk	* / fi brittle
2Btg4	49 to 67	10YR 6/4					
		10YR 6/2	10YR 5/8	f3p	fSL⁺	1msbk	* / fi Brittle
2C	67 to 72	10YR 6/3			stratified fS to LfS	m	* / vfr
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry condition

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

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: C7

Date of Test: 10/26/21 Soil Boring X or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Rapid

Depth to Limiting Zone: 27" to depleted matrix

Soil Series Identified: Aydlett Variant

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Oi	1 0						
A	0 to 3	10YR 3/2	/		LS	mgr	/ vfr
BE	3 to 11	10YR 4/4	/		LS	1msbk	/ vfr
Bw	11 to 27	10YR 6/4	/		S	SG	/ L
Cg1	27 to 64	10YR 6/2	10YR 5/6	1 P	S	SG	/ L
Cg2	64 to 72	10YR 6/2	10YR 6/4 10YR 5/6	C2V F2P	S	SG	/ L
	to						/
	to						/
	to						/

Current Hydrology: 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: D3

Date of Test: 10/21/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Landlike Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 4/3	/		LS	1vf gr	/ vfr
BE	8 to 22	10YR 6/6	/		LS	m	/ vfr
E	22 to 61	10YR 6/4	/		S	SG	/ L
E/Bt	61 to 72 C	10YR 6/2	5%		S	SG	/ L
	72 B	7.5YR 4/6	40% ✓		SL	m	/ vfr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: D4

Date of Test: 10/21/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod Rapid over slow

Depth to Limiting Zone: >72" to ASWT ; 47" to preferential flow pathways

Soil Series Identified: Lamellic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 11	10YR 4/3	✓		LS	1mgr	vfr
E1	11 to 19	10YR 6/6	✓		LS	~	vfr
E2	19 to 40	10YR 6/4	✓		S	SG	C
E&Bt1	40 to 47 E/Bt	10YR 6/2 / 10YR 5/6	50% / 50% ✓		S / SL	SG / ~	C / vfr
2Bt2	47 to 54	10YR 5/4	10YR 5/2 / 10YR 5/8	c2d / c2p	CL	2msbk	fi
2E&Bt3	54 to 72 E/Bt	10YR 6/2 / 10YR 5/6	70% / 30% ✓		grCOS / grLCOS	SG ~	C / vfr
	to						
	to						

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: DS

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Typic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 3/3	✓		LS	1mgr	/ vfr
E	8 to 28	10YR 5/4	60% ✓		LS	~	/ vfr
Bt1	28 to 55	10YR 6/4	30%		SL	~	/ vfr
E	55 to 62	10YR 6/4	70%		LS	~	/ vfr
Bt2		10YR 5/6	30% ✓		SL	~	/ vfr
E	62 to 72	10YR 6/4 & 10YR 6/2	✓		LOS	SG	/ fr
Bt3		10YR 5/6			LOS	~	/ vfr
C	72 to	10YR 5/6	7.5YR 3/4	few	stratified SiL/LOS	~	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: D6

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lenoir Hydraquents

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	✓		LS	1 vgr	/ vfr
EB	9 to 27	10YR 5/6	✓		LS	m	/ vfr
E/Bt1	27 to 45 E	10YR 5/6	80%		LS -	m	/ vfr
	Bt	10YR 4/6	20% ✓		SL -	m	/ vfr
E/Bt2	45 to 63 E	10YR 6/6	70%		S	SG	/
	Bt	10YR 5/6	30% ✓		LS	m	
E/Bt3	63 to 72 E	10YR 6/6	60%		COS	SG	/ c
	Bt	7.5YR 5/6	40% ✓		LCOS	m	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: E3

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lumbee Hydric

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR 3/3	✓		LS	mgr	/ vfr
E	10 to 30	10YR 5/4	✓		LS	sgr	/ vfr
E/Bt1	30 to 43 E/Bt	10YR 6/4 / 10YR 5/6	✓		LS / SL	sg / sbk	/ vfr / vfr
Bt2	43 to 64	10YR 6/4	✓		LS+	sbk	/ vfr
C	64 to 72	10YR 7/3	✓		S	SG	/ L
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: E4

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit ____ (1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderately Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Grossarenic Paleudult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 9	10YR 3/3	✓		LS	mod	/ vfr
E1	9 to 38	10YR 5/4	✓		LS	—	/ vfr
E2	38 to 52	10YR 6/4	✓		gr cos	SG	/
Bt1	52 to 60	10YR 5/6	✓	2-5% gravel	LcoS	m	/ vfr
Bt2	60 to 72	10YR 5/6	✓	2-5% gravel	cosL	—	/ vfr
	to						/
	to						/
	to						/

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: ES

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Rapid

Depth to Limiting Zone: >72

Soil Series Identified: Lumbee Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 3/3	✓		LS	mgr	/ vfr
Bw	8 to 35	10YR 5/4	✓		LS	m	/ vfr
C1	35 to 65	10YR 6/3	✓		grLS	sg	/ L
C2	65 to 72	10YR 6/3	w/few fine 10YR 5/6 less pronounced		LS	sg	/ L
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: E6

Date of Test: 10/31/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lewellin Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 6	10YR 3/3	✓		LS	1 mgr	/ vfr
E/B11	6 to 25 E	10YR 6/6	80% ✓		LS	m	/ vfr
	Bt	10YR 5/6	20%		SL	m	vfr
E/B12	25 to 45 E	10YR 6/6	20%		LS	m	/ vfr
	Bt	7.5YR 4/6	80% ✓		SL	m	vfr
E/B13	45 to 72 E	10YR 6/8	60%		grLS	m	/ vfr
	Bt	10YR 5/6	40% ✓		grLS	m	vfr
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F3

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Moderate

Depth to Limiting Zone: >72

Soil Series Identified: Lonelic Pikeland

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 4/3	✓		LS	1 gr	✓ vfr
E	8 to 29	10YR 5/4	✓		LS	~	✓ vfr
E/Bt1	29 to 55	E 10YR 5/4 Bt 7.5YR 4/6	30%		LS SL	~ ~	✓ vfr fr
2Bt2	55 to 72	10YR 5/6	~1/2 ill's of	10YR 6/2 LS	fSL	1 sbk	✓ fr
	to						
	to						
	to						
	to						

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F4

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod. Rapid over mod. slow

Depth to Limiting Zone: 53" to redox depletions

Soil Series Identified: Grossarenic Blendon

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
A/E	0 to 10	10YR 3/3 10YR 5/4	mixed		LS	1 mgr	/ vfr
E	10 to 47	10YR 5/4	✓		LS	sg	/ vfr
Bt1	47 to 53	7.5YR 5/6	✓		SCL+	1 msbk	/ fr
2 Bt2	53 to 57	10YR 5/4	10YR 5/2	c 1 d	SCL+	1 msbk	/ fi
2 Btg3	57 to 70	10YR 6/2	7.5YR 5/8	c 3 p	CL-	1 msbk	/ fi
2 C	70 to 72	10YR 5/4	✓		Stratified LS:S		/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F5

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lumbee Quartzipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 4/3	✓		LS	2	/ vfr
E	8 to 53	10YR 5/4	—		S	SG	/ L
E/Bt	53 to 72 E	10YR 5/4	60% —		S	SG	/ L
	72 Bt	7.5YR 5/6	20%		LS	2	/ vfr
	to						/
	to						/
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F6

Date of Test: 11/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arnon Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 10	10YR2/2	~15% charcoal fragments		LS	m	/ vfr
E	10 to 35	10YR5/4	✓		S	sg	/ L
Bt1	35 to 45	7.5YR5/6	✓		LS	m	/ vfr
Bt2	45 to 63	7.5YR4/6	✓		SL	1msbk	/ vfr
BC	63 to 68	10YR5/6	✓		LS	m	/ vfr
C	68 to 72	2.5YG6/2 2.5YG6/4	✓		Stratified SL/LS	sg	/ L
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: F7

Date of Test: 12/30/21 Soil Boring ✓ or Test Pit _____(1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psamments Pleudult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Oi	2 0						
A	0 to 2	10YR 2/2	✓		S	SG	✓/L
E1	2 to 14	10YR 5/2	✓		S	SG	✓/L
Bw	14 to 20	10YR 4/6	✓		S	SG	✓/L
E2	20 to 44	10YR 5/4	✓		S	SG	✓/L
E&Bt1	44 to 54 E / Bt	10YR 5/4 / 7.5YR 5/6	60% / 20% ✓		S to LS / LS	SG / m	✓/L to vF
Bt2	54 to 61	7.5YR 5/6	✓		LS+	m	✓/vF
Bt3	61 to 72	10YR 5/6	✓		LS+	m	✓/vF
	to						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: G3

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: Mod Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psammentic Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 14	10YR 4/3	✓		LS	Mgr	/ vfr
E	14 to 30	10YR 5/4	✓		LS	~	/ vfr
Bt	30 to 50	7.5YR 5/6	✓		LS+	~	/ vfr
BC	50 to 61	10YR 5/6	✓		LS	~	/ vfr
C	61 to 72	10YR 6/6	✓		S	SG	/ L
	to						/
	to						/
	to						/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: 64

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Beaucatcher Hapludult

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
Ap	0 to 8	10YR 3/4	✓		LS	1mgr	/vfr
E	8 to 33	10YR 5/6	✓		LS	~	/vfr
Bt	33 to 40	7.5YR 5/6	✓		LS	~	/vfr
BC	40 to 50	10YR 5/6	✓		S	SG	/L
C1	50 to 60	10YR 6/6	✓		S	SG	/L
C2	60 to 72	10YR 6/4	✓	2-5% Silvof	S	SG	/L
	to						
	to						/

Current Hydrology: >72 **"± to upper boundary of capillary fringe (or)**

"± to free water (if applicable)

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: G5

Date of Test: 10/30/21 Soil Boring ✓ or Test Pit ____(1)

Property Owner:

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief:

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 55" to redoximorphic features

Soil Series Identified: Anthropogenic udorthent

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
C	0 to 24	10YR 5/4 10YR 4/3	/		LS	~	/ vfr
Ab	24 to 30	10YR 2/2	/		LS	2fgr	/ vfr
BA	30 to 38	10YR 4/3	/		LS	~	/ vfr
C1	38 to 55	10YR 5/4	/		LS	~	/ vfr
C2	55 to 72	10YR 5/4	10YR 6/3 10YR 5/6	f f c d	LS	~	/ vfr
	to						/
	to						/
	to						/

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

59 **"± to free water (if applicable)**

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

Site Evaluator's Signature

SOIL PROFILE NOTES

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

Profile #: G6

Date of Test: 10/30/21 Soil Boring ____ or Test Pit ____(1)

Property Owner: ____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052

Slope: See Topo Relief: ____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 20" to redox accumulations

Soil Series Identified: Oxyaquic Udipsamment

Horizon	Depth	Colors Matrix	Colors Mottles	Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
A	0 to 5	10YR 3/2	/		LS	mgr	/ vfr
BA	5 to 12	10YR 4/3	/		LS	mgr	/ vfr
C1	12 to 20	10YR 5/3	/		LS	~	/ vfr
C2	20 to 25	10YR 5/3	10YR 5/6	C FD	LS	~	/ vfr
C3	25 to 48	10YR 5/3	/		LS	~	/ vfr
	to	Auger Refusal @ 48"					/
	to						/
	to						/

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

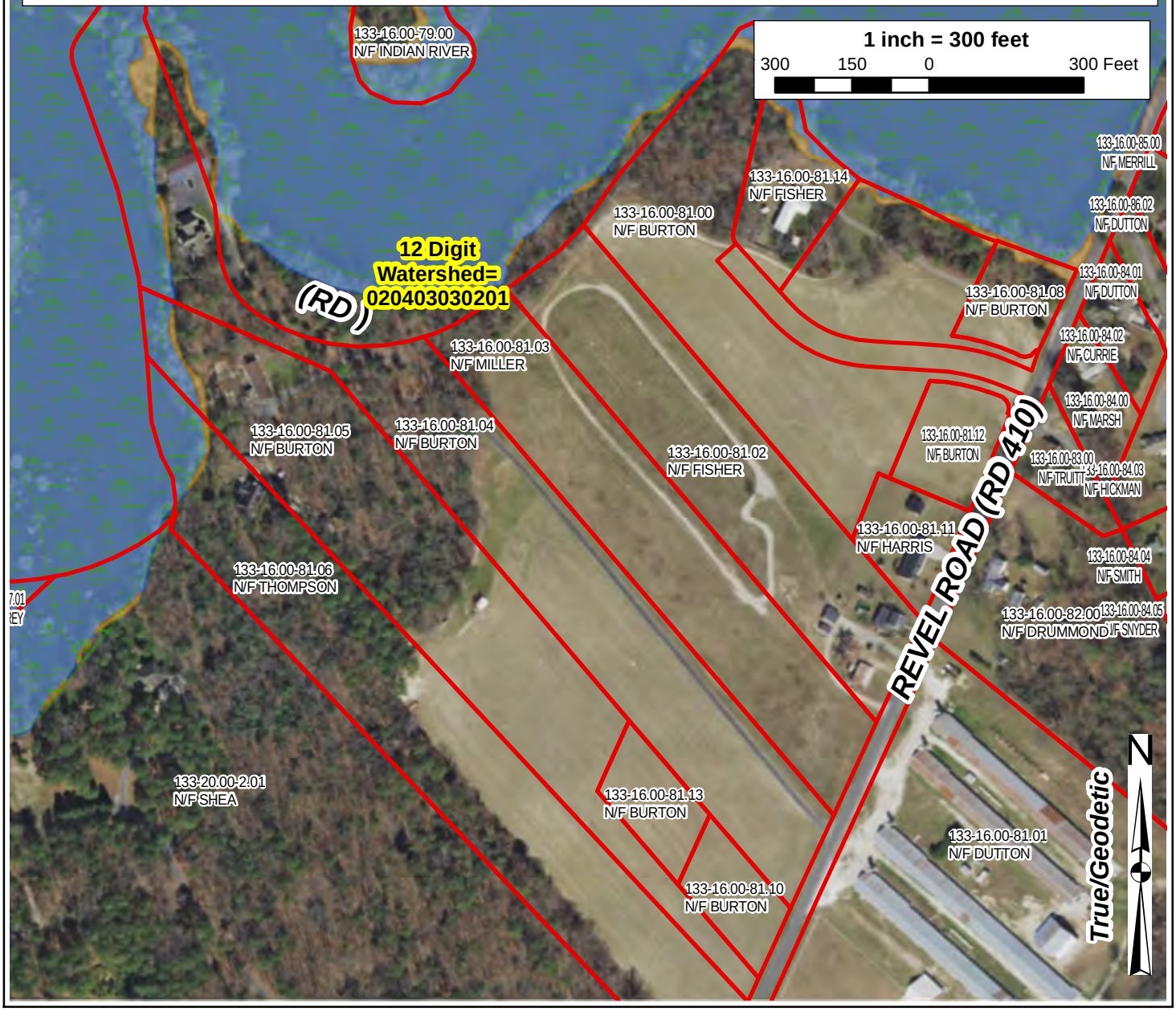
27 **"± to free water (if applicable)**

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

Site Evaluator's Signature

Appendix V
Floodplain, State Mapped Wetlands, and Watershed Mapping

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



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

Tax Ditch Maximum ROWs

- Extent of Right-of-Way

FEMA Flood Maps

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

2017 Wetlands (not regulatory)

- 2017 Wetlands (not regulatory)

Proposed Fisher's Point Subdivision Watershed, DNREC Mapped Wetlands, Sussex County Tax Mapping, Floodplain, and Tax Ditches (none present)

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

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

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

Appendix VI
Soils Map

80 40 0 80 Feet
1 inch = 80 feet

N

Ingram's Pond

LH/ArH

AP

Per Owner (W) — 100'R

Field (157580) (Sys)

Visible (W)

Tank (Sys)

Field (172585-3) (Sys)

Field (244770) (Sys)

Field (CHP 11849) (Sys)

Pitcher Pump (W)

Telco

Ferrous Monument

DEC 35063

DEC 35067

DEC 35071

DEC 101841

DEC 101842

DEC 101843

DEC 101844

DEC 132730

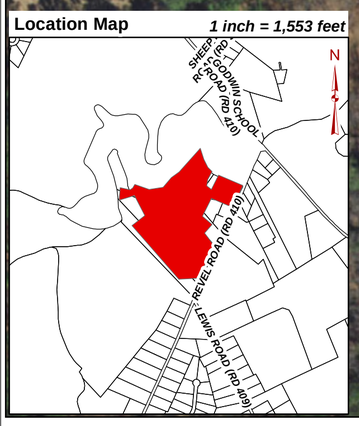
DEC 132731

233365 (W)

F7	20"LZ	FW@>72	20MPI	Psammentic Paleudults	
G6	20"LZ	FW@27"	20MPI	Oxyaquic Udipsamments	
F6	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
G5	55"LZ	FW@59"	20MPI	Hapludults	
E6	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
F5	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
G4	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
B8	>72"LZ	FW@>72	60MPI	Typic Hapludults	
C7	27"LZ	FW@>72	20MPI	Aquic Udipsamments	
D6	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
E5	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
F4	53"LZ	FW@>72	60MPI	SCL+ & CL @ 47" - 70"	Grossarenic Paleudults
G3	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
B7	>72"LZ	FW@>72	20MPI	Arenic Paleudults	
C6	>72"LZ	FW@>72	60MPI	brittle fSL & SCL @ 40-67"	Arenic Paleudults
D5	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
E4	>72"LZ	FW@>72	20MPI	Grossarenic Paleudults	
F3	>72"LZ	FW@>72	60MPI	Lamellic Paleudults	
B6	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
C5	>72"LZ	FW@>72	20MPI	brittle fSL @ 43-53"	Arenic Hapludults
D4	>72"LZ	FW@>72	60MPI	CL @ 47" - 59"	Lamellic Hapludults
E3	>72"LZ	FW@>72	20MPI	Lamellic Hapludults	
A6	>72"LZ	FW@>72	30MPI	Arenic Hapludults	
B5	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
C4	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
D3	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
A5	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
B4	>72"LZ	FW@>72	50MPI	SCL+ @ 50" - 60"	Arenic Paleudults
C3	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
A4	69"LZ	FW@>72	20MPI	Typic Quartzipsamments	
B3	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
C2	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
A3	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
B2	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
C1	65"LZ	FW@>72	20MPI	Lamellic Paleudults	
A2	>72"LZ	FW@>72	20MPI	Lamellic Quartzipsamments	
B1	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
S1	>72"LZ	FW@>72	20MPI	Psammentic Hapludults	
S2	>72"LZ	FW@>72	20MPI	Lamellic Paleudults	
A1	>72"LZ	FW@>72	20MPI	Arenic Hapludults	
A0	>72"LZ	FW@>72	20MPI	Grossarenic Paleudults	

-75.328536 38.585694
-75.32864 38.585551
-75.328058 38.585528
-75.328145 38.585385
-75.328723 38.585418
-75.328228 38.585241

Location Map — 1 inch = 1,553 feet



Symbol Legend

- Septic System Component
- System/System Component
- Utility Enclosure/Pede...
- Concrete Monument
- Misc. Point-Labeled
- Soil Boring Location
- Utility Pole
- Well-Visible
- Well-Verified

Suitability of Individual Soil Borings

- Capping-fill Gravity-fed
- Capping-fill LPP
- Elevated Sand Mound
- Full-depth Gravity-fed
- Sand-lined Full-depth Gravity-fed

Line Features

- Proposed SWM
- Project Boundary
- Building Restriction Line
- Proposed Lot Line
- Well Arc & Radius
- 50' Watercourse Isolation Distance

Aerial Extents of Interpolated On-site System Suitability (Less 50' Buffer from Pond)

- Capping-Fill Gravity-fed System (0.14 Ac.)
- Full-depth Gravity-fed System (29.95 Ac.)
- Sand-lined Full-depth Gravity-fed System (4.06 Ac.)

Note: Unless otherwise shown, adjacent wells >100' from project area (public wells >150'). Any ditch or swale present is ephemeral unless specifically depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy. This project is located within the Inland Bays Watershed. All permitted septic systems must incorporate design features meeting the PSN3 standard.

Soil Map Unit Legend:

LH/ArH Lamellic and Arenic Hapludults
AP Arenic Paleudults
(See Topographic Contours for Slopes)

Subdivision Feasibility Study Soils Map
Proposed Fishers Point Subdivision

Developer's Name: Jeffrey S. Burton, et. al.
Total Acres: 39.765
Net Lot density: 1.031 Units/Ac.
Minimum Lot Size: 0.5 Ac.
Number of Lots to be Created: (8 Existing-36 Proposed New Lots)
Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Date: 1/12/22
By: BJC
Checked: BJC
Orthophoto: Public Domain 2017
Topographic Contours: 2014 "Sandy" LIDAR
Proposed Record Plan by: Siteworks Engineering

Note: Mapping was conducted for presentation at the scale utilized above. Using this information at finer scales is inappropriate due to the higher level of accuracy implied by such. Small areas which were not possible to delineate or separate at the mapping scale used could be expected to be shown at finer scales. This mapping is based on observations made on a 200' x 200' grid spacing. Differences in the types of septic systems suggested by this map may exist pending a more rigorous sampling intensity associated with individual site evaluations. Only regulatory approvals guarantee the use of the tract in the manor suggested by this map and accompanying report. Read the attached report for additional information.

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

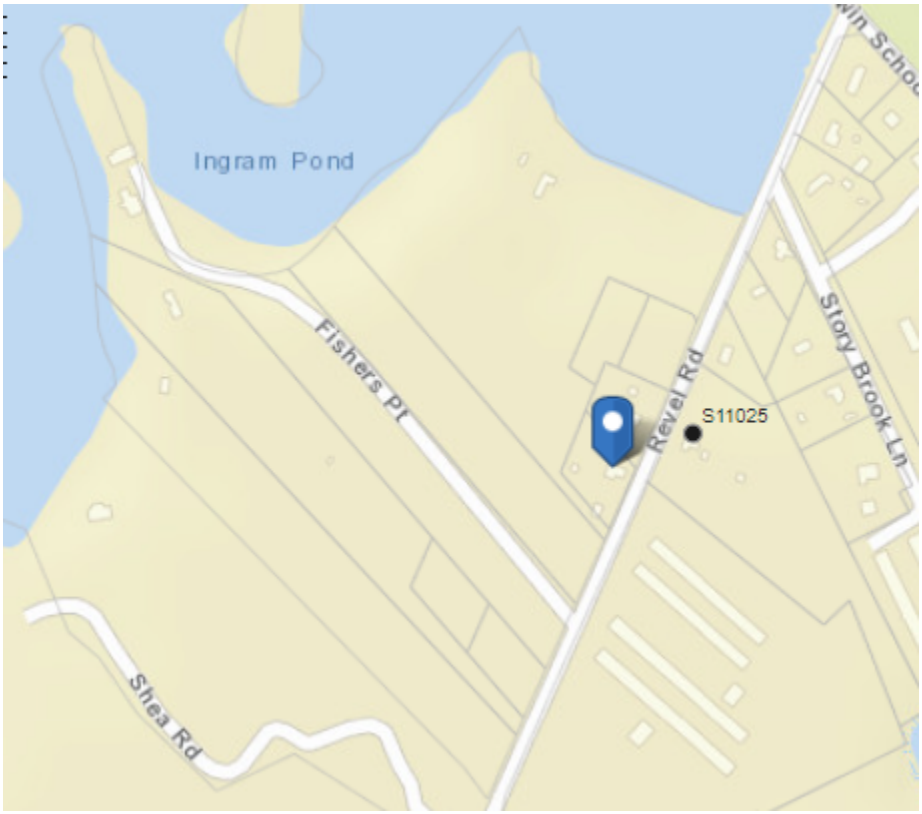
Dave Heatwole

From: Anderson-Reno, Jenifer (DOS) <Jenifer.AndersonReno@delaware.gov>
Sent: Thursday, July 28, 2022 11:13 AM
To: Dave Heatwole
Cc: Hall, Carlton A. (DOS)
Subject: RE: Resources Info Inquiry for proposed subdivision in Sussex County

Hello,

I have reviewed the aerial sent to Carlton Hall for the project located at 29320 Revel Rd, Millsboro, DE. There are no resources recorded in the project area, and one resource (S11025, dwelling) located within 500 feet of the project area.

Please note that the absence of resources identified in CHRIS does not necessarily mean that there are no resources in the project area since many areas have not been surveyed. If the project is subject to more substantive review by our office under Section 106 of the National Historic Preservation Act, additional steps may be required to determine if resources are present."



Kind Regards,

Jenifer Anderson-Reno

Jenifer Anderson-Reno
Historic Property Research Center Manager
29 N. State St. | Dover, DE 19901
tel (302) 736-7404

From: Dave Heatwole <Dave.Heatwole@siteworkseng.com>
Sent: Wednesday, July 27, 2022 11:19 AM
To: Hall, Carlton A. (DOS) <Carlton.Hall@delaware.gov>
Cc: Anderson-Reno, Jenifer (DOS) <Jenifer.AndersonReno@delaware.gov>
Subject: RE: Resources Info Inquiry for proposed subdivision in Sussex County

Hi Carlton,

Thanks for your help. I've attached an aerial map showing the project area. Let me know if you need anything else.

Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

Tab 7

OFFICE OF THE STATE FIRE MARSHAL
Technical Services

22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-210223-MJS-01
Status: Approved as Submitted

Tax Parcel Number: 133-16.00-81.00
Date: 04/19/2022

Project

Fishers Point
, Unit #: 50 Lots
Fishers Point

29254 Revel Road
Millsboro DE 19966

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 83 - Millsboro Fire Co Inc

Occupant Load Inside:
Occupancy Code: 9601

Applicant

David Heatwole
PO Box 2
Harrington, DE 19952

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

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

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

A final inspection is required.

This Plan Review Project was prepared by:

John Colpo
Fire Protection Specialist

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-210223-MJS-01
Status: Approved as Submitted
Tax Parcel Number: 133-16.00-81.00
Date: 04/19/2022

PROJECT COMMENTS

1002 A	This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
1010 A	The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3).Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
1180 A	This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
1501 A	If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes orrevisions to the plans occur, plans are required to be submitted, reviewed, and approved.

MAPPING & ADDRESSING

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

Sussex County
DELAWARE
sussexcountyde.gov

November 18, 2021

Siteworks Engineering
PO Box 2
19 Commerce St.
Harrington, DE 19952

Attn: Dave Heatwole, PE, Principal

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

Dear Mr. Heatwole,

Sussex County Emergency Operations Center (EOC) examined the appeal submitted on behalf of Mr. Jeff Burton to use of the name of **Fishers Point**. Said subdivision is located in **Millsboro**, DE and includes parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14.

Based on the granted appeal the proposed name(s) below has been **approved** for this subdivision:

FISHERS POINT

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

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Planning & Zoning

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

May 5, 2022

Dave Heatwole, PE | Principal
Siteworks Engineering
19 Commerce St.
Harrington, DE 19952
Dave.Heatwole@siteworkseng.com

RE: Fishers Point Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **Fishers Point**, located on parcel 133-16.00-81.00, 81.02, 81.04, 8105, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 in Millsboro, DE 19966. Based on our review the following proposed street name(s) have been **approved**:

Fishers Pt	Kingfisher Ct	Bluegill Ct
Doe Watch Way	Stag Run Ct	

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 **Fishers Point** 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

Tab 8

PETITION

Sussex County Planning & Zoning
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director
2 The Circle
Georgetown, DE 19947

RE: Fishers Point (2021-24) Subdivision
Revel Road, Millsboro, Sussex County, Delaware

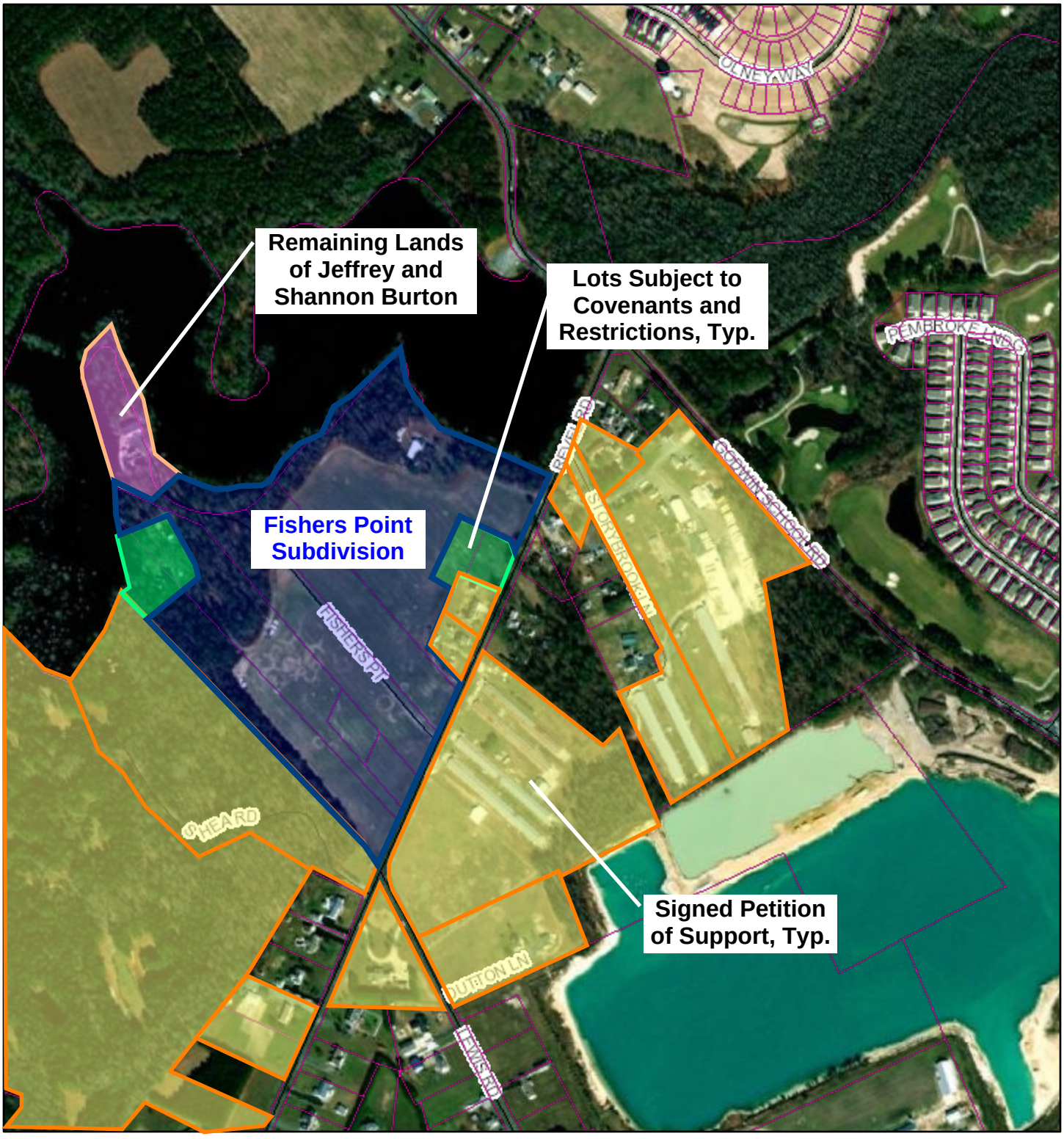
Dear Mr. Whitehouse:

We own property which is located in close proximity to the above-referenced property proposed to be developed by Fishers Point, LLC. We are writing to advise the Planning & Zoning Commission that we support/do not oppose Fishers Point, LLC's above-referenced subdivision application.

	NAME	ADDRESS	SIGNATURE
1.	HAROLD E DUTTON	24386 Godwin Sch. Rd	
2.	Allen E. Dutton	24386 Godwin Sch. Rd	
3.	GERALD W DUTTON	24386 GODWIN SCHOOL RD DUTTON FARMS MILLSBORO, DE	
4.	Geoffrey Elliott	29306 Revel Rd Millsboro DE 19966	
5.	Jill Elliott	29306 Revel Rd Millsboro, DE 19966	
6.	Fred Currie	29245 Revel Rd Millsboro DE 19966	
7.	MARYANN CURRIE	29245 Revel Rd Millsboro DE	
8.	Daniel Burton	29320 Revel Rd Millsboro DE 19966	
9.	MIKE SHEA	24014 SHEA Rd Millsboro, DE	
10.			

11. Janice Headley - 29658 Lewis Rd. - Janice Headley
12. Jeff Foskey 29492 Revel Rd Jeff Foskey
13. Tina Foskey 29492 Revel Road Tina M. Foskey
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.
29.
30.

Petition of Support Map



1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, Delaware Public Service Commission, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Delaware Department of

SLIM FARMS LLC

29964 Millsboro Highway
Millsboro, Delaware 19966
Chickenman5454@yahoo.com
302-236-1784

Date: 09/16/2022

RE: Fisher/Burton Farmland

To whom it may concern,

My family and I have farmed the Fisher/Burton farmland for the last 23 years on behalf of Jeff Burton and his family. The ground of the farm has been increasing sandy of the years and many years we lose about 30% of the crops we plant. For this reason and others, I am in support of Jeff using this land to build his community.

Sincerely,

Timothy Rogers
Managing Member
Slim Farms LLC

302-236-1784
Chickenman5454@yahoo.com

ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS

ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS

ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS

ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS

ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS

*OPTIONAL POOL

9/26/22

In reference to: 2021-24 Fishers Point public hearing

Property owners of, 29303 Revel Rd
Millsboro, DE 19966

Deborah Lynn Adams
Billie Jean Haines
Melody Renee Haines - Smallwood

Vote no. We have town roads with a city population, act like it to stop.

Opposition Exhibit

RECEIVED
SEP 26 2022
SUSSEX COUNTY
PLANNING & ZONING

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.

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

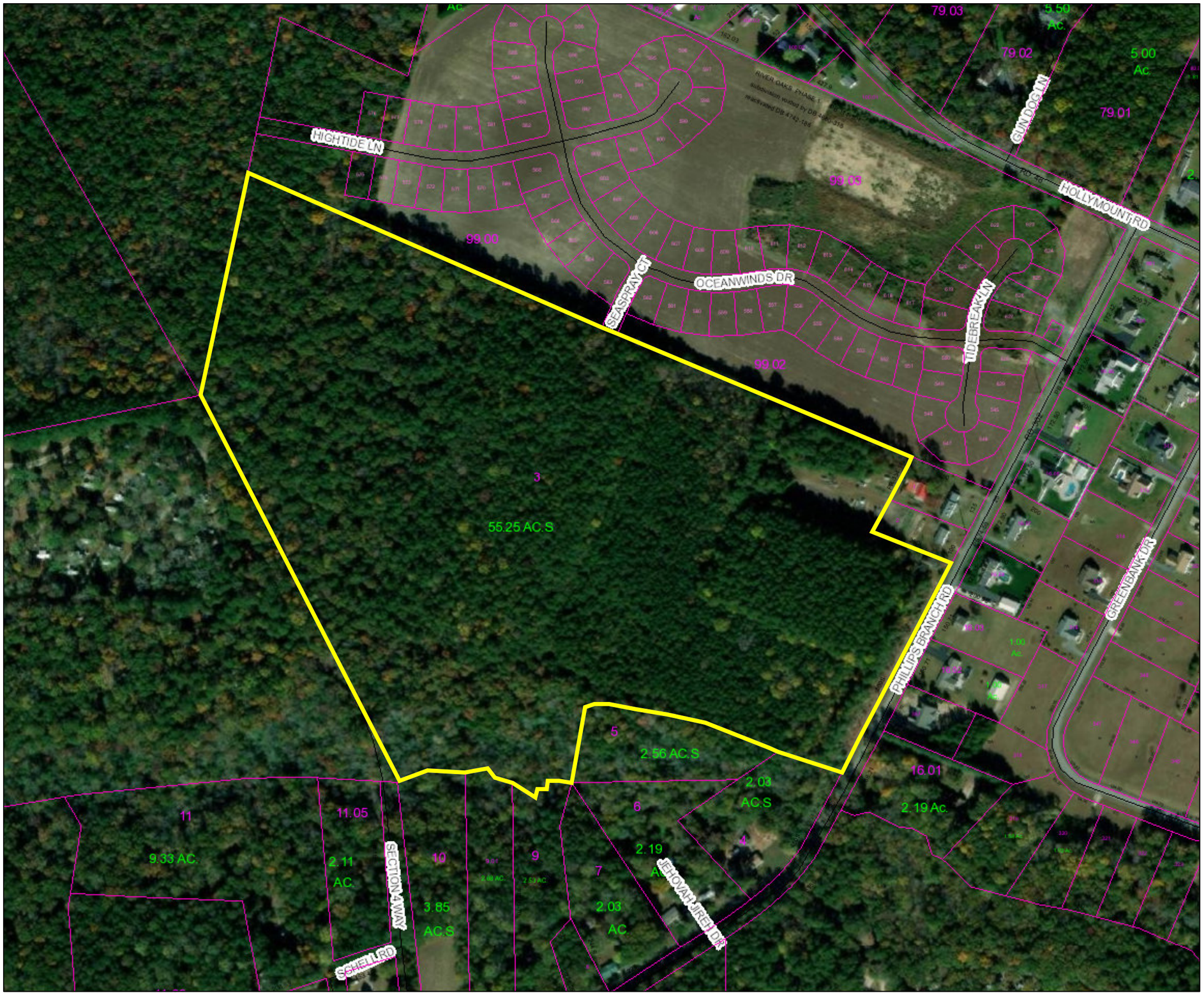
Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application:	2021-32 Riverwood
Applicant:	SB Phillips, LLC 20184 Phillips Street Rehoboth Beach, DE 19971
Owner:	SB Phillips, LLC 20184 Phillips Street Rehoboth Beach, DE 19971
Site Location:	Northwest side of Phillips Branch Road (S.C.R. 302)
Current Zoning:	Agricultural Residential (AR-1)
Proposed Use:	117 single family lots as a cluster subdivision
Comprehensive Land Use Plan Reference:	Low Density
Councilmanic District:	District 5 - Rieley
School District:	Indian River School District
Fire District:	Indian River Fire Company
Sewer:	Artesian
Water:	Artesian
TID:	Not Applicable
Site Area:	58.6 acres +/-
Tax Map ID:	234-17.00-3.00 & 234-17.00-5.00

EQUAL HOUSING OPPORTUNITY

Sussex County



PIN:	234-17.00-3.00
Owner Name	RIVERWOOD DEVELOPMENT LLC
Book	5751
Mailing Address	30435 SOUTHAMPTON BRI
City	SALISBURY
State	MD
Description	NW / PHILLIPS BRANCH RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries

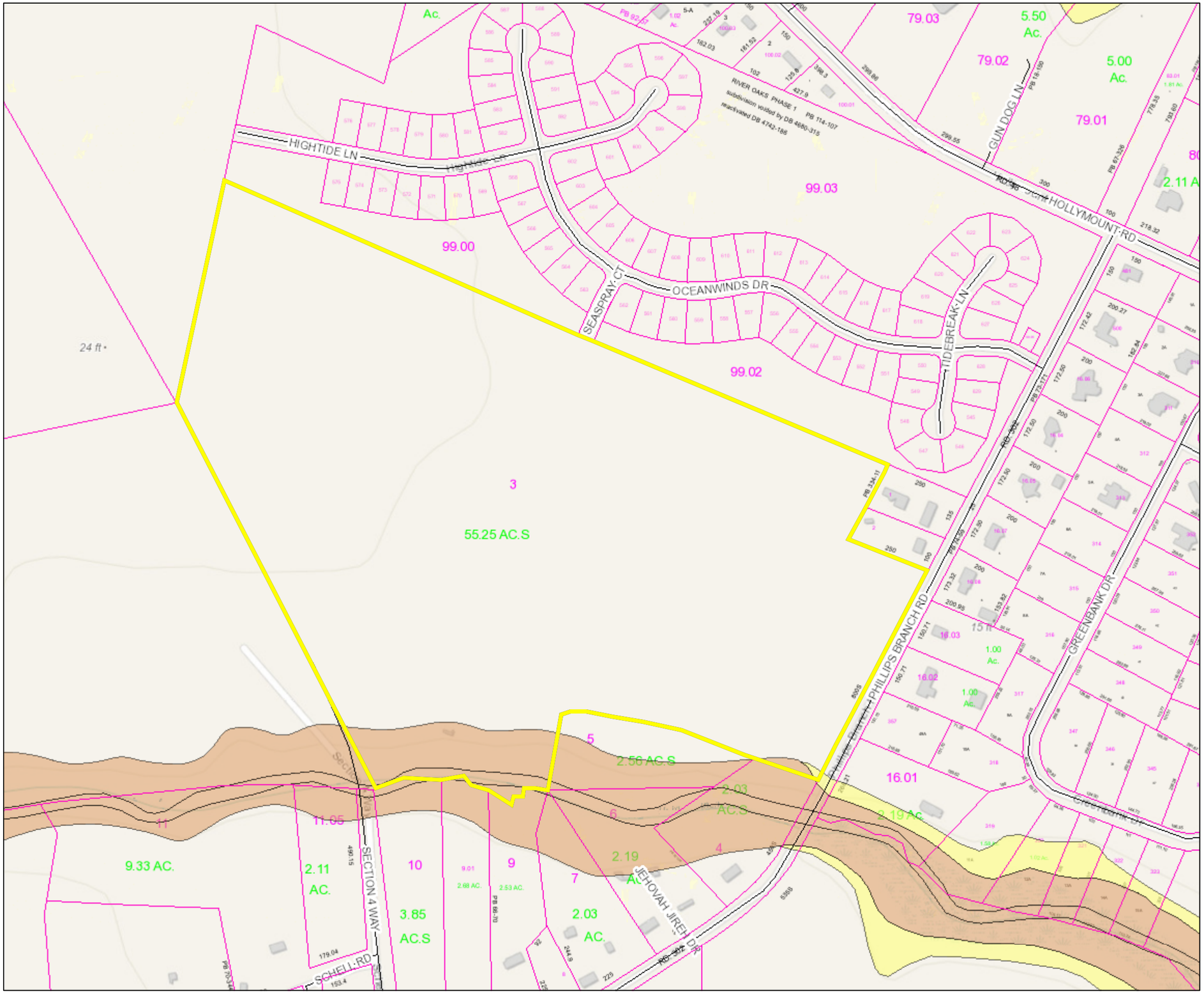
1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

September 14, 2022

Sussex County



PIN:	234-17.00-3.00
Owner Name	RIVERWOOD DEVELOPMENT LLC
Book	5751
Mailing Address	30435 SOUTHAMPTON BRI
City	SALISBURY
State	MD
Description	NW / PHILLIPS BRANCH RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
Streets
County Boundaries

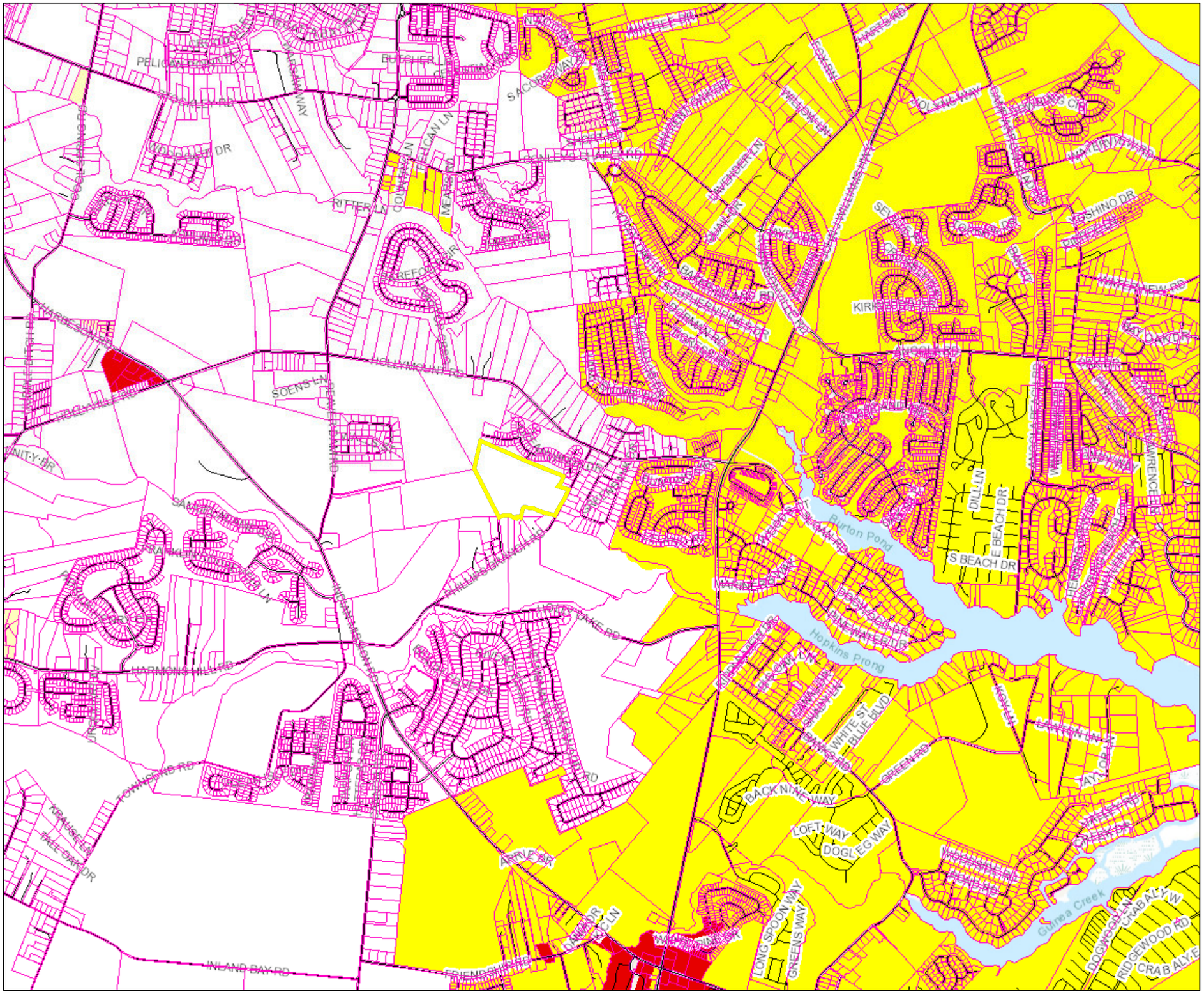
Flood Zones 2018
0.2 PCT ANNUAL CHANCE FLOOD HAZARD
A
AE
AO
OPEN WATER
VE

1:4,514

0 0.05 0.1 0.2 mi
0 0.075 0.15 0.3 km

September 14, 2022

Sussex County



PIN:	234-17.00-3.00
Owner Name	RIVERWOOD DEVELOPMENT LLC
Book	5751
Mailing Address	30435 SOUTHAMPTON BRI
City	SALISBURY
State	MD
Description	NW / PHILLIPS BRANCH RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

polygonLayer
- Override 1

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

2019 Future Land Use
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

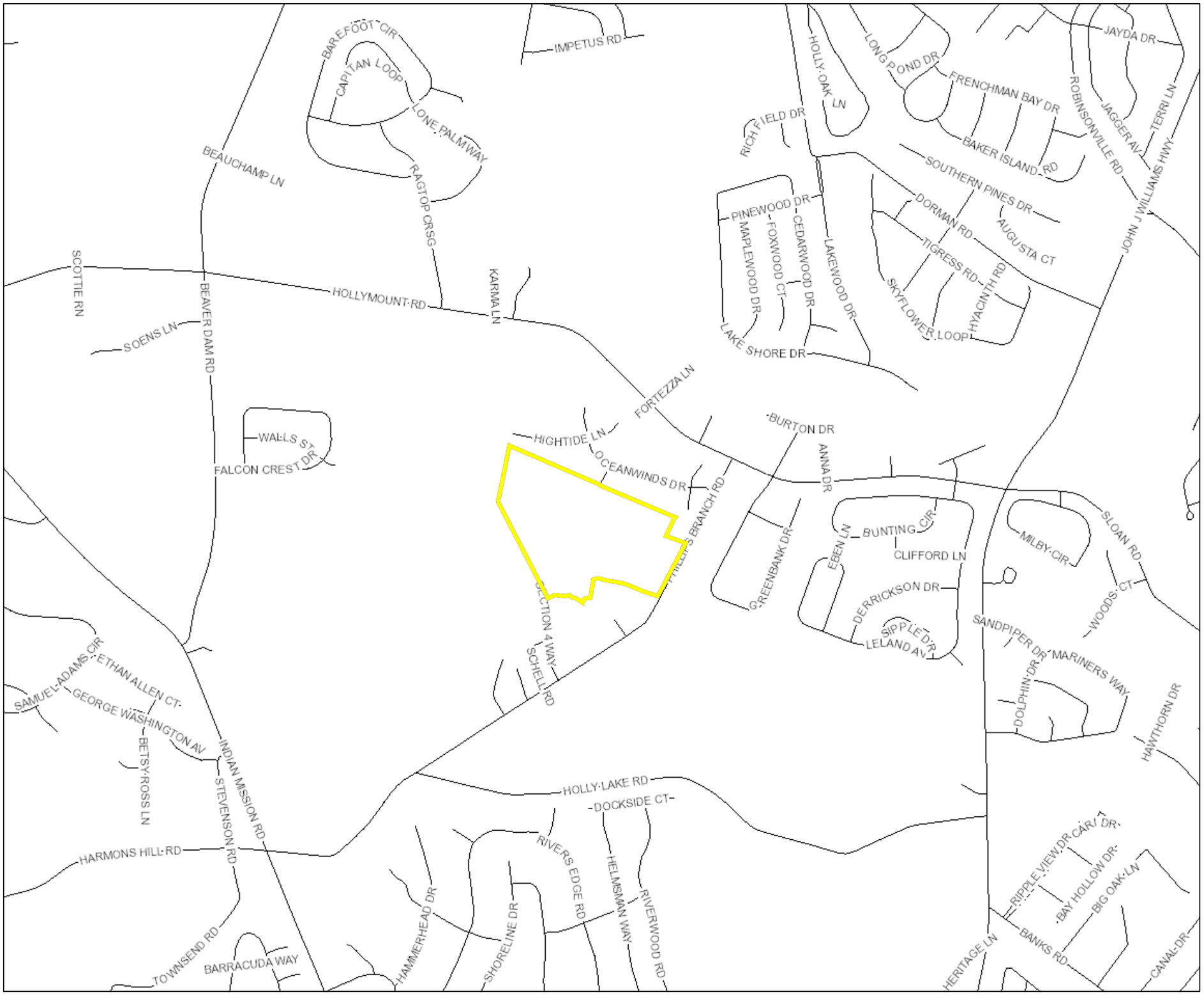
1:36,112

0 0.45 0.9 1.8 mi

0 0.5 1 2 km

September 14, 2022

Sussex County



PIN:	234-17.00-3.00
Owner Name	RIVERWOOD DEVELOPMENT LLC
Book	5751
Mailing Address	30435 SOUTHAMPTON BRI
City	SALISBURY
State	MD
Description	NW / PHILLIPS BRANCH RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

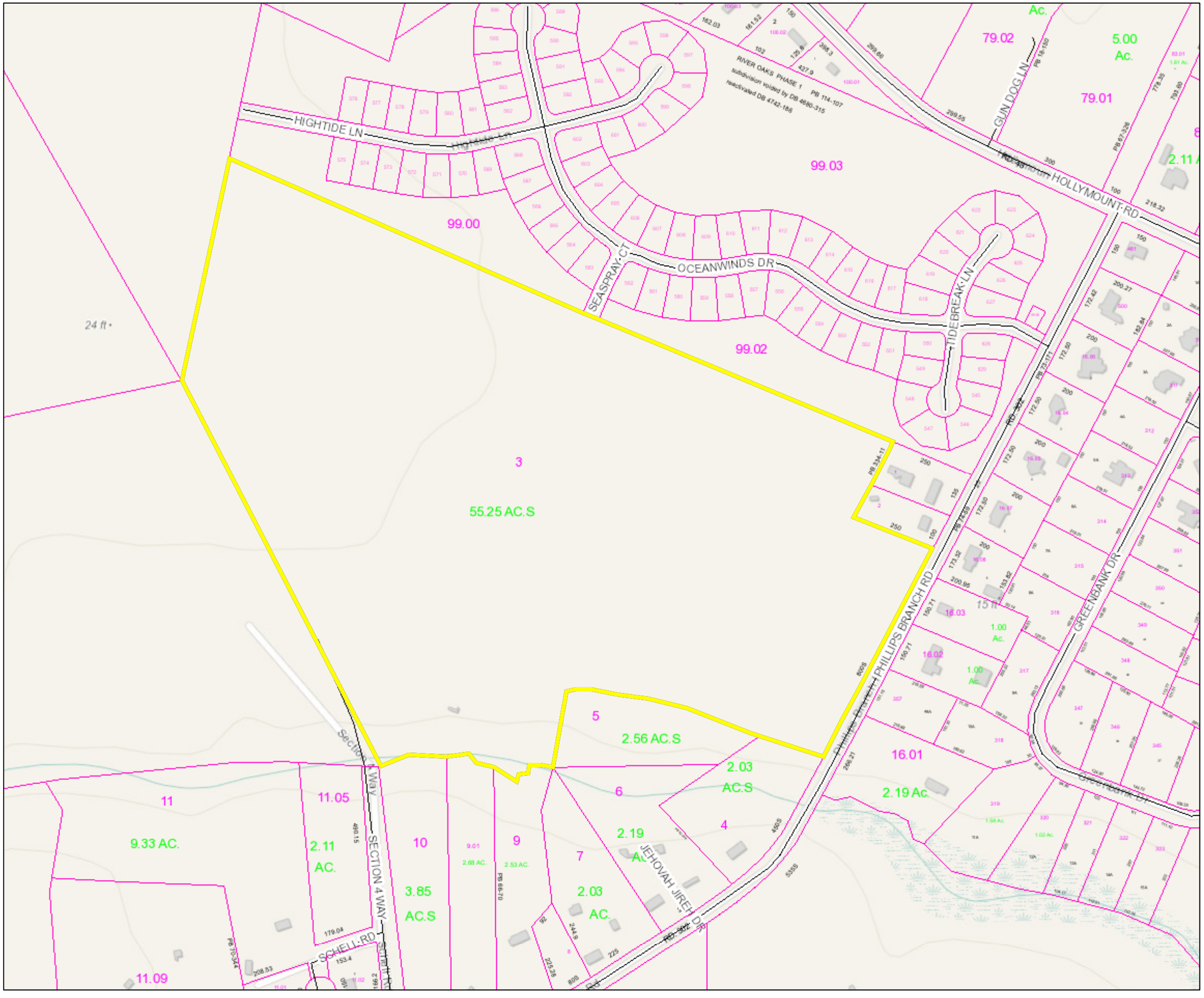
polygonLayer
Override 1
polygonLayer
Override 1
Streets
County Boundaries

1:18,056

0 0.225 0.45 0.9 mi
0 0.35 0.7 1.4 km

September 14, 2022

Sussex County



PIN:	234-17.00-3.00
Owner Name	RIVERWOOD DEVELOPMENT LLC
Book	5751
Mailing Address	30435 SOUTHAMPTON BRI
City	SALISBURY
State	MD
Description	NW / PHILLIPS BRANCH RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
Streets

1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

September 14, 2022

File #: 2021-32
Pre-App Date: _____

Sussex County Major Subdivision Application

2022
2021/10/04

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Standard: __
Cluster: ✓
Coastal Area: __

Location of Subdivision:

West side of Phillips Branch Road, north of Unity Branch

Proposed Name of Subdivision:

Riverwood

Tax Map #: 234-17-3 Total Acreage: 58.6

Zoning: AR-1 **Density:** 1.997 **Minimum Lot Size:** 7,500 **Number of Lots:** 117

Open Space Acres: 32 +/-

Water Provider: Artesian **Sewer Provider:** Artesian

Applicant Information

Applicant Name: Riverwood Development, LLC
Applicant Address: 30 East Pine Street
City: Georgetown State: DE ZipCode: 19947
Phone #: (302) 644-4442 E-mail: jaime@tunnellraysor.com

Owner Information

Owner Name: Riverwood Development, LLC
Owner Address: 30435 Southampton Bridge Road
City: Salisbury State: MD Zip Code: 21804
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt Federico & Cardea, LLC(Mackenzie Peet, Esq.)
Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✔ **Completed Application**

✔ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

✔ **Provide Fee $500.00**

___ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✔ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

✔ **PLUS Response Letter** (If required) ☐ **Environmental Assessment & Public Facility Evaluation Report** (If within Coastal Area)

___ **51% of property owners consent if applicable**

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

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

Signature of Applicant/Agent/Attorney

_____ Date: 08/03/2022

Signature of Owner

_____ Date: 8/3/22

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

COMMUNITY DEVELOPMENT & HOUSING

BRAD D. WHALEY
DIRECTOR

(302) 855-7777 T
(302) 854-5397 F

Sussex County
DELAWARE
sussexcountyde.gov

Affordable Housing Support Policy

I. Mission Statement

It is Sussex County's mission to promote non-discrimination and affirmatively further fair and equal housing opportunities for all, and further, to inform housing developers and the general public that the County supports the development of affordable housing opportunities in Sussex County.

II. Affordable Housing Subdivisions

Sussex County promotes racially/ethnically diverse, mixed income, affordable housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process.

III. Affordable Housing Defined

a. **Homeownership:** Sussex County considers an affordable housing project to be a housing project in which any portion thereof is designed or intended to serve households earning less than 125 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:

   i. Seeking participation in Sussex County's Moderately Priced Housing Unit (MPHU) Program
   ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
   iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
   iv. Applying for a Section 523 or 524 Rural Housing Site Loan through the U.S. Department of Agriculture (USDA) Rural Development
   v. Sussex County Habitat for Humanity
   vi. Milford Housing Development Corporation
   vii. Community Land Trust
   viii. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.

b. **Rental:** Sussex County considers an affordable rental housing project to be a rental housing project in which any portion thereof is designed or intended to serve households earning less than 80 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:

i. Seeking participation in the Sussex County Rental Program (SCRP)
ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
iv. Applying for funding by DSHA's Low Income Housing Tax Credits (LIHTC) program
v. Applying for Multi-Family Mortgage Revenue Bond Program (MFMRB) financing through DSHA
vi. Applying for a Rural Rental Housing Loan through USDA Rural Development
vii. Applying for a Guaranteed Rental Housing Loan through USDA Rural Development
viii. Community Land Trust
ix. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.

IV. Affordable Housing Project Support

a. Letter of Support

Sussex County will provide conditional letters of support to developers of affordable housing projects seeking financing opportunities, provided that the project qualifies under the definitions above. Further, support letters for affordable rental housing projects will only be authorized if the project is proposed in an Area of Opportunity, as defined by DSHA in Exhibit A. For further information regarding impacted areas versus areas of opportunity, please contact Karen Horton with DSHA at (302) 739-4263. **Note**: Letters of support do not exempt the developer from the County's planning and zoning process, nor guarantee approval through that process.

b. Deferral of Fees

Sussex County desires to encourage the construction of affordable housing for low- and moderate-income households. The County finds that the up-front payment of sewer impact fees for affordable residential housing development creates a barrier to such development and desires to ease the barrier by deferring the time for payment of the fees.

Projects must qualify under Sussex County Code (§110-94) and Delaware State Code (Title 9, Chapter 81, Sections 8105, 8106, and 8110). Qualifying projects will not be assessed connection charges for County sewer. However, once the property is

transferred or sold to a non-qualifying buyer, those deferred charges will be immediately due and payable within 30 days.

It is incumbent upon the affordable housing developer to submit evidence of their qualifying status to the County's Assessment Department to ensure that they benefit from this affordable housing incentive.

Sussex County

FAIR HOUSING POLICY

It is the policy of Sussex County to comply with the Fair Housing Act, as amended, (42 U.S.C. §§ 3601-3619) and the Delaware Fair Housing Act (6 Del. C. Ch. 46), by ensuring that its zoning and land use decisions do not discriminate against persons based on race, color, religion, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. This policy means that, among other things, the County and all its officials, agents and employees will not discriminate in any aspect of housing based on these protected characteristics, including by:

(a) making unavailable or denying a dwelling to any person based on a protected characteristic;

(b) discriminating against any person in the terms, conditions or privileges of a dwelling, or in the provision of services or facilities in connection therewith based on a protected characteristic;

(c) Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on a protected characteristic;

(d) Representing to persons because of a protected characteristic that any dwelling is not available when such dwelling is in fact so available;

(e) interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right protected by the Fair Housing Act;

(f) interfering with the funding, development, or construction of any affordable housing units because of a protected characteristic; and

(g) discriminating on the basis of race or color in any aspect of the administration of its zoning, land use, or building ordinances, policies, practices, requirements, or processes relating to the use, construction, or occupancy of dwellings.

Any person who believes that any of the above policies have been violated by the County may contact:

EQUAL HOUSING OPPORTUNITY

COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

- Sussex County's Fair Housing Compliance Officer, Brandy Nauman, at bnauman@sussexcountyde.gov or (302) 855-7777.
- the U.S. Department of Housing and Urban Development at 1-888-799-2085, or
- the U.S. Department of Justice at 1-800-896-7743 or (202) 514-4713.

It is also the policy of Sussex County to ensure that conduct at public hearings regarding land use and zoning adhere to the intentions of the Fair Housing Policy as outlined above. Legal counsel representing County Council, the Board of Adjustment, and the Planning & Zoning Commission will read the following statement prior to the start of all public hearings:

- "Sussex County, in its zoning and land use decisions, does not discriminate against persons based on race, color, religion, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the County in its deliberations."

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: February 10, 2022

SUBJECT: **Phillips Branch**
(Protocol Tax Parcel # 234-17.00-3.00)
Area Wide Study Fee (AWSF) and Off-site Improvements

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

1. The proposed development consists of 117 single-family detached houses. Per the 10th edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, the proposed development would generate 1,201 average daily trips and 118 vehicle trips during the p.m. peak hour. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be $12,010.00.

2. The developer shall improve the State-maintained road(s) on which they front, within the limits of their frontage, to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the Development Coordination Manual and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the Development Coordination Manual, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.

3. The developer shall improve the intersection of Hollymount Road (Sussex Road 48) and Phillips Branch Road (Sussex Road 302) to provide a 250-foot westbound left-turn lane, excluding taper, on Hollymount Road.

4. The developer shall enter into a traffic signal agreement for the intersection of Hollymount Road and Phillips Branch 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's Traffic section on the details of this agreement.

5. The developer should provide an internal connection to the contiguous northern parcel, currently known as River Oaks Phase I (Tax Parcel 234-11.00-99.03). The developer should coordinate with DelDOT's Subdivision section on the details of this interconnection.

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

CJ:km
cc: Tim Green, Schell Brothers
Jason Palkewicz, Solutions IPEM
Michael Simmons, Chief of Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
Wendy Polasko, Subdivision Engineer, 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
Brian Yates, 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: **Ken Briggs**

DATE: **9/30/2022**

APPLICATION: **2021-32 Riverwood**

APPLICANT: **SB Phillips, LLC**

FILE NO: **NCPA503**

TAX MAP & PARCEL(S): **234-17.00-3.00 & 234-17.00-5.00**

LOCATION: **Northwest side of Phillips Branch Road (S.C.R. 302) approximately .25 miles south of the intersection with Hollymount Road (S.C.R. 48)**

NO. OF UNITS: **117**

GROSS ACREAGE: **58.6**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified $6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **CPCN with Artesian for sewer and water.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

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

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Georgetown
Service Center

21315 Berlin Road
Unit 3
Georgetown, DE
19947

Voice 302.856.3990
Fax 855.306.8272

December 22, 2021

Jamie Whitehouse, Director
Sussex County Planning & Zoning
Sussex County Courthouse
Georgetown, DE 19947

RE: Riverwood
Indian River Hundred
117 single family lots

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

FhA	Fort Mott-Henlopen complex, 0 to 2 percent slopes
FhB	Fort Mott-Henlopen complex, 2 to 5 percent slopes
FmA	Fort Mott loamy sand, 0 to 2 percent slopes
LO	Longmarsh and Indiantown soils, frequently flooded

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
FhA	G1	Not limited	Not limited	Somewhat limited/not limited
FhB	G1	Not limited	Not limited	Somewhat limited/not limited
FmA	G1	Not limited	Not limited	Somewhat limited
LO	R3	Very limited	Very limited	Very limited

Definition of soil limitation ratings classes:

Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development.

An Equal Opportunity Provider and Employer

"Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

"Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

"Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

G1:
These soils are on nearly level to strongly sloping (0-10% slopes), well drained, mostly permeable soils. As sites for large commercial, industrial, institutional, and residential developments, these soils have fewer limitations than any other soils in the state. Slopes are favorable, and grading can be done without difficulty. Foundation conditions are generally good. Grasses, trees, and do well. Principal soil limitations: No apparent soil limitations for conventional uses.

R3:
These soils are alluvial soils that have a history of flooding. The hazard of potential flood damage and seasonal or fluctuating high water tables severely limits these soils for building use. The soil limitations are 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) delayed construction in spring - slow to dry out, 4) wet foundations or basements probable, and 5) potential flood damage.

The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the soil area; nor to the pattern they form with other soils in the landscape. Also, because of the scale of the maps used, small areas of other kinds of soils may be included within some delineations of the soil map. Thus, an individual lot or building site could occupy a small area that would not fit the interpretations given for the soils symbol representing the entire delineation of the map. Interpretations apply to the soils in their natural state and not for areas that may have been altered through grading, compacting, and the like.

Sincerely,

Thelton D. Savage
District Conservationist
USDA, Natural Resources Conservation Service

TDS/bh

An Equal Opportunity Provider and Employer

Elliott Young

From: Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>
Sent: Friday, December 10, 2021 9:18 AM
To: Elliott Young
Subject: RE: TAC Memo for Riverwood (2021-32)

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.

Happy Friday!

DNREC's Division of Waste and Hazardous Substances has no comments on this project.

Have a terrific weekend!

Mindy

RECEIVED
DEC 10 2021
SUSSEX COUNTY
PLANNING & ZONING

Mindy Anthony
Planner IV
Phone: 302-739-9466 • Mobile: 302-242-9780
Email: mindy.anthony@delaware.gov
89 Kings Highway, Dover, DE 19901
dnrec.delaware.gov

From: Elliott Young <elliott.young@sussexcountyde.gov>
Sent: Wednesday, November 03, 2021 12:16 PM
To: Krumrine, Beth (DNREC) <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; Chris Calio <ccalio@sussexcountyde.gov>; ddetrick@chpk.com; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Sullivan, James C. (DNREC) <James.Sullivan@delaware.gov>; jvandervort@chpk.com; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; jessica.watson@sussexconservation.org; John J. Ashman <jashman@sussexcountyde.gov>; John.Hayes@delaware.gov; john.kennel@delaware.gov; john.martin@delaware.gov; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; Kate.Flemming@delaware.gov; kgabbard@chpk.com; McCabe, R. Stephen (DelDOT) <Richard.McCabe@delaware.gov>; meghan.crystall@delaware.gov; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyde.gov>; tdickerson@decoop.com; Terri Dukes <tdukes@sussexcountyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>
Subject: TAC Memo for Riverwood (2021-32)

All,

Sussex County Planning Office has received an application that requires TAC review. Attached is a memo regarding the application and a PDF of the plans submitted.

Please provide comments on or before January 5th, 2022.

Please feel free to contact me with any questions.

Thanks,

Elliott Young, Planner I
Sussex County Planning and Zoning Department
2 The Circle
Georgetown, DE 19947
302-855-7878

DELAWARE DEPARTMENT OF
AGRICULTURE

2320 South DuPont Highway
Dover, Delaware 19901
agriculture.delaware.gov

Telephone: (302) 698-4500
Toll Free: (800) 282-8685
Fax: (302) 697-6287

February 2, 2021

Elliott Young, Planner I
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: **Preliminary Plans Riverwood**

Dear Mr. Young,

Thank you for providing preliminary plans for Riverwood submitted by Solutions Integrated Planning Engineering & Management, LLC to our section dated June 3, 2021.

The Delaware Forest Service recommends the plans clearly display easement footage of existing or planned forested buffers. The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website. The Delaware Forest Service requests easement footage of existing or planned forested buffers to be added to the preliminary plans before being approved. Please resubmit the preliminary plans to Delaware Forest Service once the updates are completed.

The Delaware Forest Service will await resubmission of plans.

If you have any questions please feel free to contact me at taryn.davidson@delaware.gov.

Sincerely,

Taryn Davidson

Taryn Davidson
Urban Forestry Program
Delaware Forest Service

United States Department of the Interior
U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573 4575

Online Certification Letter

Today's date: 2/11/2022

Project: 2021-32 Riverwood

Dear Applicant for online certification:

Thank you for using the U.S. Fish and Wildlife Service (Service) Chesapeake Bay Field Office online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA).This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For additional information on threatened or endangered species in Maryland, you should contact the Maryland Wildlife and Heritage Division at (410) 260-8573. For information in Delaware you should contact the Delaware Division of Fish and Wildlife, Wildlife Species Conservation and Research Program at (302) 735-8658. For information in the District of Columbia, you should contact the National Park Service at (202) 339-8309.

The U.S. Fish and Wildlife Service also works with other Federal agencies and states to minimize loss of wetlands, reduce impacts to fish and migratory birds, including bald eagles, and restore habitat for wildlife. Information on these conservation issues and how development projects can avoid affecting these resources can be found on our website (www.fws.gov/chesapeakebay)

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Chesapeake Bay Field Office Threatened and Endangered Species program at (410) 573-4527.

Sincerely,

Genevieve LaRouche
Field Supervisor

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

RECEIVED
NOV 09 2021
SUSSEX COUNTY
PLANNING & ZONING

Date: **November 4, 2021**

REF: **T. A. C. COMMENTS**
RIVERWOOD
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
234-17.00-3.00
AGREEMENT NO.1188

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.

2. This project **is not** located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.

3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography, and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.

4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North Arrow required to identify northern direction and viewport should be best fit for the project.

5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.

6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

The plans shall show and address the following items at minimum:

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-

way lines, established at a minimum, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.

8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.

9. The plan requires a Certification Signature and/or a Certification Block for the following:

    a. Delaware Professional Engineer or Delaware Land Surveyor.
    b. Owner or Representative of the Owner.
    c. Professional Wetlands Delineator.

10. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.

11. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.

12. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.

13. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase and shall be recorded prior to being issued a notice to proceed.

14. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets. Sussex County Mapping & Addressing will have final say on proposed street names.

15. Provide the limits and elevations of the 100-year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.

16. False berms shall not be utilized to create roadside drainage swale back slopes.

17. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way, or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.

18. Provide and show the locations and details of all ADA pedestrian connections.

19. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.

20. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.

21. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.

22. Provide statements concerning any proposed deed restrictions to be imposed by the owner.

23. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.

24. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.

25. When special studies or investigations pertain to a regulatory program of another public agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

SEWER SPECIFIC COMMENTS

LOCATION: **Phillips Branch Rd. South of Hollymount Rd.**

NO. OF UNITS:117

GROSS ACREAGE: 58.6

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

(2). Which County Tier Area is project in? Tier 3

(3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.

(4). Is a Construction Agreement required? No If yes, contact Utility Engineering at (302) 855-7370 / option 2.

(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? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed subdivision is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet

****

DATE OF REVIEW: November 3, 2021

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist
John A. Colpo, Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: RIVERWOOD (2021-32)

The reasons and conditions applied to this project and their sources are itemized below:

****

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 (DSFPR):

a. **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. (Assembly)
- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
  - In September 2021 the DE State Fire Prevention Regulations are changing to require all fire hydrants to be on 800 ft centers and not more than 300 feet from a fire department connection. Measurements are as the fire apparatus drive.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**
- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

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

d. **Gas Piping and System Information:**
   - Provide type of fuel proposed and show locations of bulk containers on plan.

e. **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
   - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
   - Square footage of each structure (Total of all Floors) – Pool House
   - National Fire Protection Association (NFPA) Construction Type
   - Maximum Height of Buildings (including number of stories)
   - Note indicating if building is to be sprinklered
   - Name of Water Provider
   - Letter from Water Provider approving the system layout
   - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
   - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

Elliott Young

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Thursday, November 4, 2021 10:22 AM
To: Elliott Young
Subject: RE: TAC Memo for Riverwood (2021-32)

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Elliott,

This development is located within DEC's service territory and we have facilities in the area to serve the proposed lots.

Thanks!

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

DELAWARE ELECTRIC CO-OP
"We Keep the Lights On"

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Elliott Young <elliott.young@sussexcountyde.gov>
Sent: Wednesday, November 3, 2021 12:16 PM
To: beth.krumrine@delaware.gov; Brad Hawkes <bhawkes@sussexcountyde.gov>; Chris Calio <ccalio@sussexcountyde.gov>; ddetrick@chpk.com; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Duane.Fox@delaware.gov; James.Sullivan@delaware.gov; jvandervort@chpk.com; jennifer.cinelli@delaware.gov; jessica.watson@sussexconservation.org; John J. Ashman <jashman@sussexcountyde.gov>; John.Hayes@delaware.gov; john.kennel@delaware.gov; john.martin@delaware.gov; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; Kate.Flemming@delaware.gov; kgabbard@chpk.com; Richard.McCabe@delaware.gov; meghan.crystall@delaware.gov; michael.tholstrup@delaware.gov; Milton.melendez@delaware.gov; mindy.anthony@delaware.gov; subdivision@delaware.gov; Susan Isaacs <sisaacs@sussexcountyde.gov>; Dickerson, Troy <TDickerson@delaware.coop>; Terri Dukes <tdukes@sussexcountyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>
Subject: TAC Memo for Riverwood (2021-32)

All,

DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

Office of Engineering
Phone: (302) 741-8640
Fax: (302) 741-8641

November 4, 2021

Mr. Elliott Young
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Mr. Young:

The Division of Public Health Office of Engineering is in receipt of the following application:

1. ***Application:*** ***2021-32 Riverwood***

This application indicates central water will be supplied by Artesian Water Company, Inc. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for this project, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,

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

STATE OF DELAWARE
DEPARTM ENT OF NATURAL RESOURCES AND ENVIRONM ENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
21309 BERLIN RD
UNIT #6
GEORGETOWN, DE 19947

DRAINAGE PROGRAM

PHONE: (302) 855-1930
FAX: (302) 670-7059

November 10, 2021

Elliott Young
Sussex County
Planning and Zoning Office
2 The Circle
Georgetown, DE 19947

RE: Parcel # 234-17.00-3.00; Riverwood

The Delaware Department of Natural Resources and Environmental Control (DNREC), Drainage Program has reviewed the preliminary plans submitted by Solutions IPEM for the above noted property.

My office has no objection to the works of improvement to this parcel and offer the following comments:

- The proposed project site is not located near or within a Tax Ditch watershed.
- There are no reported drainage concerns near the proposed project site.
- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- 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

If you have any questions or concerns, please contact the Drainage Program at (302) 855-1930.

Sincerely,

Jordan Watson
Jordan Watson
EPS Tech

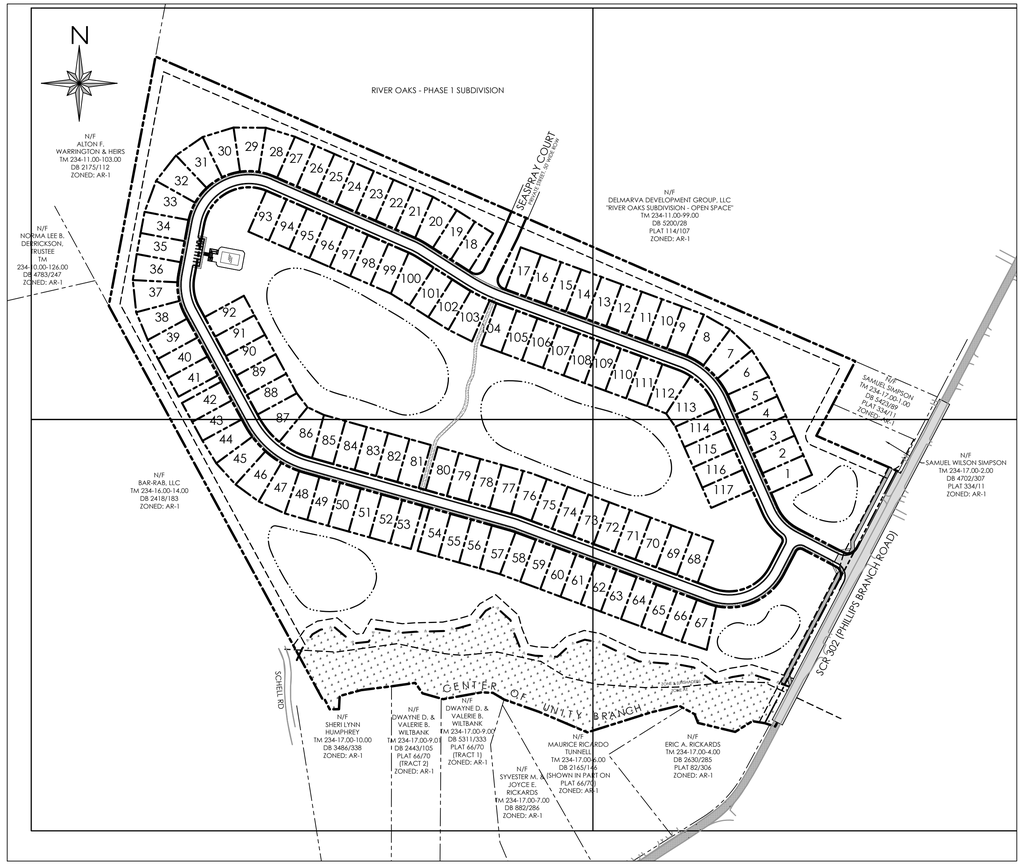
cc: Brittany L. Haywood, Tax Ditch Program Manager I

PRELIMINARY PLAT
FOR
RIVERWOOD

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
EASEMENT LINE		
SETBACK LINE	N/A	
R.O.W. LINE		
CONTOUR		N/A
SPOT ELEVATION	N/A	28.00
ROAD CENTERLINE		
EDGE OF CONCRETE	N/A	
EDGE OF PAVEMENT		
CURB	N/A	
DELDOT PAVEMENT HATCH		
GRAVEL HATCH		N/A
SIDEWALK	N/A	
SIDEWALK HATCH	N/A	
TRAIL	N/A	
EDGE OF POND	N/A	
EDGE OF WETLAND		N/A
WETLAND		N/A
FLOODPLAIN		N/A
CURB INLET	N/A	
YARD INLET	N/A	
STORM PIPE	N/A	SD
SANITARY MANHOLE	N/A	S
SANITARY PIPE	N/A	SS
WATER PIPE	N/A	W
TREE LINE		



SITE
1" = 200'

NOTES:

1. ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION.

2. STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.

3. ALL OPEN SPACE, INCLUDING BUFFERS AND FOREST STRIPS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

4. FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.

5. POTABLE WATER, SANITARY SEWER, STORM DRAINAGE, STREET PAVEMENT SHALL BE CONSTRUCTED BY DEVELOPER. PHASING OF IMPROVEMENTS SHALL BE PER COUNTY AND CONSERVATION DISTRICT REQUIREMENTS.

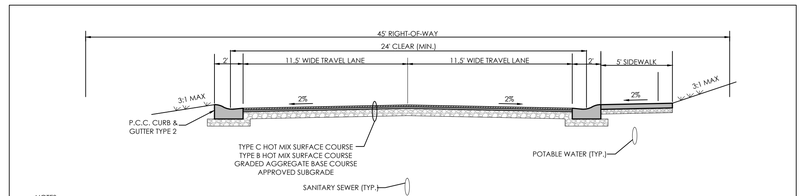
6. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSED ON WHICH NORMAL AGRICULTURAL PURPOSED AND ACTIVITIES HAVE BEE AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH USES NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE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

7. THE PROPERTY IS NOT LOCATED WITHIN ANY TRANSPORTATION IMPROVEMENT DISTRICTS.

8. ALL SUBDIVISION LOTS SHALL HAVE FIVE FOOT WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF 10 FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER (RIGHT-OF-WAY AND OPEN SPACE) SHALL BE 10 FEET IN WIDTH.

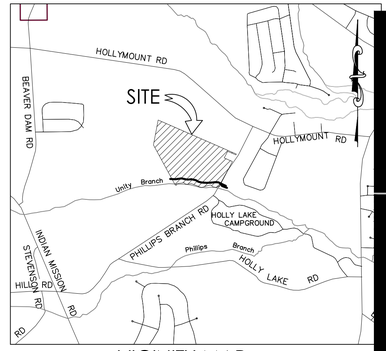
PRELIMINARY PLAT

1 COVER SHEET
2 EXISTING CONDITIONS PLAN
3 PRELIMINARY PLAT A
4 PRELIMINARY PLAT B
5 PRELIMINARY PLAT C
6 PRELIMINARY PLAT D



NOTES:
1. PROVIDE 4" OF TOPSOIL COVERED WITH SEED AND MULCH ON PROPOSED GRASS AREAS.
2. SUBBASE AND SUBGRADE SHALL BE COMPACTED TO 95% OF ASTM D1557, MODIFIED PROCTOR METHOD.

TYPICAL ROADWAY SECTION
NOT TO SCALE



VICINITY MAP
SCALE: 1"=2000'

SITE DATA:

OWNER: RIVERWOOD DEVELOPMENT, LLC
30435 SOUTHAMPTON BRIDGE ROAD
SALISBURY, MD 21804

DEVELOPER/APPLICANT: RIVERWOOD DEVELOPMENT, LLC
30 EAST PINE STREET
GEORGETOWN, DE 19947

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

- TAX MAP: 234-17.00-3.00 & 5.00
- EXISTING ZONING:
  AR-1
- PROPOSED USE: AR-1 CLUSTER

  SINGLE FAMILY LOTS = 117 LOTS
  MIN. LOT AREA = 7,500 S.F.
  MIN. LOT WIDTH = 60'

  MAXIMUM BUILDING HEIGHT: 42'

  FRONT YARD = 25' (15' ON CORNER)
  SIDE YARD = 10'
  REAR YARD = 10'
- BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPEM LLC
- FLOOD ZONE:
  PROPERTY IS LOCATED IN ZONE AE - SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, NO BASE ELEVATIONS DETERMINED AND ZONE X - AREAS DETERMINED TO OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), PER FIRM MAP NUMBER 10005C0340K MAP REVISED MARCH 16, 2015
- WATER SUPPLY:
  ARTESIAN WATER COMPANY
- SANITARY SEWER:
  ARTESIAN WATER COMPANY
- GROSS AREA = 58.6 AC.±
  ALLOWABLE UNITS = 2.0 DU/AC * 58.6AC.± =117.2
  PROPOSED UNITS = 117
  (1.997 DU/AC.)
- AREAS:
  NON-TIDAL WETLANDS AREA = 5.22 AC ±
  DEDICATION TO DELDOT = 0.55 AC ±
- SOIL CLASSIFICATIONS
  FhA & FhB: FORT MOTT-HENLOPEN COMPLEX - HYDROLOGIC SOIL GROUP A
  FmA: FORT MOTT LOAMY SAND - HYDROLOGIC SOIL GROUP A
  LO: LONGMARSH AND INDIANTOWN SOILS HYDROLOGIC SOIL GROUP B/D
- OPEN SPACE = 27 AC.± (46%± OF DEVELOPED SITE AREA)
  OPEN SPACE A = 4 AC.± (15% OF OPEN SPACE)
  OPEN SPACE B = 13 AC.± (48% OF OPEN SPACE)
  OPEN SPACE C = 10 AC.± (37% OF OPEN SPACE)
- EXISTING WOODLANDS = 56.81 AC.±
  WOODLANDS TO REMAIN = 9.86 AC.± (17.3%)
- SITE IS LOCATED IN THE FAIR AND GOOD RECHARGE AREAS.
- SITE IS NOT LOCATED IN THE WELL HEAD PROTECTION AREA.

solutions
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8833

www.solutionsipem.com

Copyright © 2022

JASON M. PALKEWICZ
No. 12083
PROFESSIONAL ENGINEER
DELAWARE
Seal
Date

REVISIONS

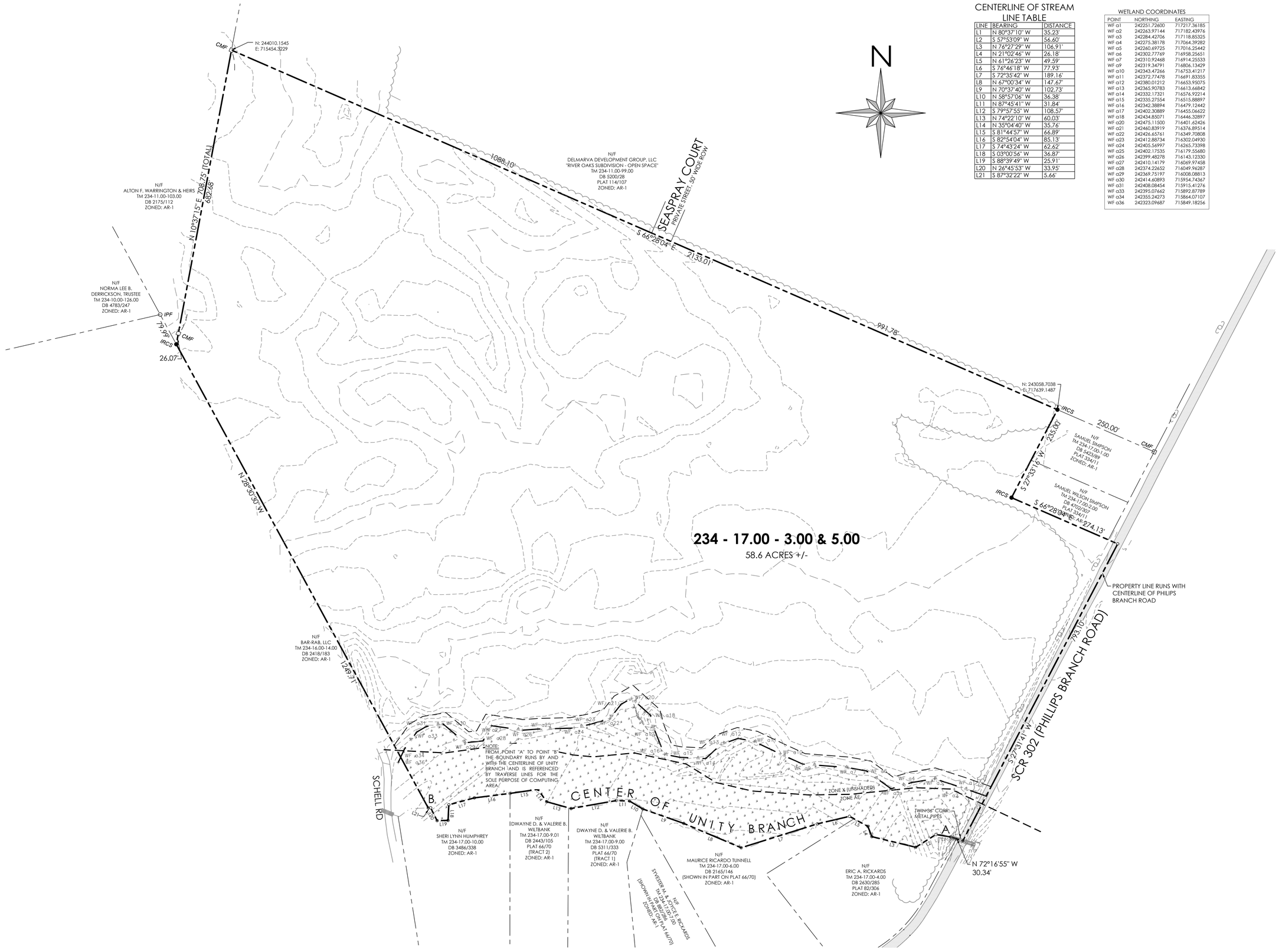
NO.	DATE	DESCRIPTION
1	2/28/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 2/8/22
2	3/8/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 3/7/22
3	4/27/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
4	8/2/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
5	9/16/22	UPDATED PROPERTY PARCELS

COVER SHEET
for
RIVERWOOD
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	6/3/21
Job Number:	20098
Scale:	AS SHOWN
Drawn By:	ML
Designed By:	JP
Approved By:	JP

Sheet No.: 1

File Name: 20098-cover



CENTERLINE OF STREAM LINE TABLE

LINE	BEARING	DISTANCE
L1	N 80°37'10" W	35.23'
L2	S 57°53'09" W	56.60'
L3	N 76°27'29" W	106.91'
L4	N 21°02'46" W	26.18'
L5	N 61°26'23" W	49.59'
L6	S 76°46'18" W	77.93'
L7	S 72°35'42" W	189.16'
L8	N 67°00'34" W	147.67'
L9	N 70°37'40" W	102.73'
L10	N 58°57'06" W	36.38'
L11	N 87°45'41" W	31.84'
L12	S 79°57'55" W	108.57'
L13	N 74°22'10" W	60.03'
L14	N 35°04'40" W	35.76'
L15	S 81°44'57" W	66.89'
L16	S 82°54'04" W	85.13'
L17	S 74°43'24" W	62.62'
L18	S 03°00'56" W	36.87'
L19	S 88°39'49" W	25.91'
L20	N 26°45'53" W	33.95'
L21	S 87°32'22" W	5.66'

WETLAND COORDINATES

POINT	NORTHING	EASTING
WF o1	242251.72600	717217.36185
WF o2	242263.97144	717182.43976
WF o3	242284.42706	717118.85325
WF o4	242275.38178	717064.39282
WF o5	242260.69725	717016.25442
WF o6	242302.77769	716958.25651
WF o7	242310.92468	716914.25533
WF o9	242319.34791	716806.13429
WF o10	242343.47266	716753.41217
WF o11	242372.77478	716691.83355
WF o12	242380.01212	716653.95075
WF o13	242365.90783	716613.66842
WF o14	242332.17321	716576.92214
WF o15	242335.27554	716515.88897
WF o16	242342.38894	716479.12442
WF o17	242402.30889	716455.06622
WF o18	242434.85071	716446.32897
WF o20	242476.11500	716401.62426
WF o21	242460.83919	716376.89514
WF o22	242426.65761	716349.70808
WF o23	242412.88734	716302.04930
WF o24	242405.56997	716265.73398
WF o25	242402.17535	716179.55680
WF o26	242399.48278	716143.12330
WF o27	242410.14179	716069.97458
WF o28	242374.22652	716049.96287
WF o29	242369.75197	716008.08813
WF o30	242414.60893	715954.74367
WF o31	242408.08454	715915.41276
WF o33	242395.07662	715892.87789
WF o34	242355.24273	715864.07107
WF o36	242323.09687	715849.18256

solutions
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215
3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2022

Seal

Date

REVISIONS

NO.	DATE	DESCRIPTION
1	2/28/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 2/8/22
2	3/8/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 3/7/22
3	4/27/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
4	8/2/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
5	9/16/22	UPDATED PROPERTY PARCELS

EXISTING CONDITIONS

for

RIVERWOOD

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	6/3/21
Job Number:	20098
Scale:	1"=100'
Drawn By:	ML
Designed By:	JP
Approved By:	JP

Sheet No.: 2

File Name: 20098-existing

N

OPEN SPACE B
13 AC. ±

PROPOSED LIMITS OF CLEARING

N/F
DELMARVA DEVELOPMENT GROUP, LLC
"RIVER OAKS SUBDIVISION - OPEN SPACE"
TM 234-11.00-99.00
DB 5200/28
PLAT 114/107
ZONED: AR-1

30' FORESTED/LANDSCAPE BUFFER (TYP.)

N/F
ALTON F. WARRINGTON & HEIRS
TM 234-11.00-103.00
DB 2175/112
ZONED: AR-1

30' FORESTED/LANDSCAPE BUFFER (TYP.)

DIMENSION AT FRONT SETBACK (TYP.)

PROPOSED 45' PRIVATE ROW

SEASPRAY COURT
50' PRIVATE ROW
WITHOUT ROADWAY

45' WIDE PRIVATE ROW (FUTURE ROAD)

PROPOSED 5' WIDE SIDEWALK (TYP.)

AMENITY AND MAILBOXES

N/F
NORMA LEE B. DERRICKSON, TRUSTEE
TM 234-10.00-126.00
DB 4783/247
ZONED: AR-1

N/F
BAR-RAB, LLC
TM 234-16.00-14.00
DB 2418/183
ZONED: AR-1

SWM

OPEN SPACE C
10 AC. ±

PROPOSED TRAIL

LOT 30
8750 S.F. ±
0.201 AC. ±

LOT 29
8750 S.F. ±
0.201 AC. ±

LOT 28
8537 S.F. ±
0.196 AC. ±

LOT 27
7512 S.F. ±
0.172 AC. ±

LOT 26
7512 S.F. ±
0.172 AC. ±

LOT 25
7512 S.F. ±
0.172 AC. ±

LOT 24
7512 S.F. ±
0.172 AC. ±

LOT 23
7512 S.F. ±
0.172 AC. ±

LOT 22
7513 S.F. ±
0.172 AC. ±

LOT 21
7512 S.F. ±
0.172 AC. ±

LOT 20
8266 S.F. ±
0.190 AC. ±

LOT 19
7513 S.F. ±
0.172 AC. ±

LOT 18
7513 S.F. ±
0.172 AC. ±

LOT 31
8750 S.F. ±
0.201 AC. ±

LOT 32
8750 S.F. ±
0.201 AC. ±

LOT 33
8831 S.F. ±
0.203 AC. ±

LOT 34
7500 S.F. ±
0.172 AC. ±

LOT 35
7500 S.F. ±
0.172 AC. ±

LOT 36
8084 S.F. ±
0.186 AC. ±

LOT 37
8750 S.F. ±
0.201 AC. ±

LOT 38
8496 S.F. ±
0.195 AC. ±

LOT 39
7513 S.F. ±
0.172 AC. ±

LOT 40
7513 S.F. ±
0.172 AC. ±

LOT 41
7513 S.F. ±
0.172 AC. ±

LOT 42
7513 S.F. ±
0.172 AC. ±

LOT 43

LOT 93
7750 S.F. ±
0.178 AC. ±

LOT 94
7750 S.F. ±
0.178 AC. ±

LOT 95
7750 S.F. ±
0.178 AC. ±

LOT 96
7750 S.F. ±
0.178 AC. ±

LOT 97
7750 S.F. ±
0.178 AC. ±

LOT 98
7750 S.F. ±
0.178 AC. ±

LOT 99
7750 S.F. ±
0.178 AC. ±

LOT 100
8931 S.F. ±
0.205 AC. ±

LOT 101
7750 S.F. ±
0.178 AC. ±

LOT 102
7953 S.F. ±
0.183 AC. ±

LOT 103
8230 S.F. ±
0.189 AC. ±

LOT 92
7750 S.F. ±
0.178 AC. ±

LOT 91
7750 S.F. ±
0.178 AC. ±

LOT 90
7750 S.F. ±
0.178 AC. ±

LOT 89
7750 S.F. ±
0.178 AC. ±

LOT 88
7750 S.F. ±
0.178 AC. ±

LOT 87
9354 S.F. ±
0.215 AC. ±

LOT 17
7500 S.F. ±
0.172 AC. ±

LOT 16
7512 S.F. ±
0.172 AC. ±

LOT 15
7512 S.F. ±
0.172 AC. ±

LOT 14
7512 S.F. ±
0.172 AC. ±

LOT 104
7500 S.F. ±
0.172 AC. ±

LOT 105
7750 S.F. ±
0.178 AC. ±

LOT 106
7750 S.F. ±
0.178 AC. ±

LOT 107
7750 S.F. ±
0.178 AC. ±

LOT 108
7750 S.F. ±
0.178 AC. ±

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

solutions
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8833

www.solutionsipem.com Copyright © 2022

Seal

Date

REVISIONS

NO.	DATE	DESCRIPTION
1	2/28/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 2/8/22
2	3/8/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 3/7/22
3	4/27/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
4	8/2/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
5	9/16/22	UPDATED PROPERTY PARCELS

PRELIMINARY PLAT - PLAN A
for
RIVERWOOD
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	6/3/21
Job Number:	20098
Scale:	1"=50'
Drawn By:	ML
Designed By:	JP
Approved By:	JP

Sheet No.: 3

File Name: 20098-prelim-plat

N

N/F
DELMARVA DEVELOPMENT GROUP, LLC
"RIVER OAKS SUBDIVISION - OPEN SPACE"
TM 234-11.00-99.00
DB 5200/28
PLAT 114/107
ZONED: AR-1

LOT 13
7513 S.F. ±
0.172 AC. ±

LOT 12
7512 S.F. ±
0.172 AC. ±

LOT 11
7513 S.F. ±
0.172 AC. ±

LOT 10
7513 S.F. ±
0.172 AC. ±

LOT 9
7697 S.F. ±
0.177 AC. ±

LOT 8
8514 S.F. ±
0.195 AC. ±

LOT 7
8514 S.F. ±
0.195 AC. ±

LOT 6
8642 S.F. ±
0.198 AC. ±

LOT 5
7500 S.F. ±
0.172 AC. ±

LOT 4
7512 S.F. ±
0.172 AC. ±

LOT 109
7750 S.F. ±
0.178 AC. ±

LOT 110
7750 S.F. ±
0.178 AC. ±

LOT 111
7750 S.F. ±
0.178 AC. ±

LOT 112
9003 S.F. ±
0.207 AC. ±

LOT 113
10349 S.F. ±
0.238 AC. ±

OPEN SPACE A
4 AC. ±

OPEN SPACE C
10 AC. ±

30' FORESTED/LANDSCAPE BUFFER (TYP.)

PROPOSED 5' WIDE SIDEWALK (TYP.)

PROPOSED 45' PRIVATE ROW

DIMENSION AT FRONT SETBACK (TYP.)

PROPOSED LIMITS OF CLEARING

N/F
SAMUEL SIMPSON
TM 234-17.00-1.00
DB 1423/89
PLAT 334/11
ZONED: AR-1

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

solutions
Land Planning
Engineering Management LLC

303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8833

www.solutionsipem.com

Copyright © 2022

Seal

Date

REVISIONS

NO.	DATE	DESCRIPTION
1	2/28/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 2/8/22
2	3/8/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 3/7/22
3	4/27/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
4	8/2/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
5	9/16/22	UPDATED PROPERTY PARCELS

PRELIMINARY PLAT - PLAN B

for

RIVERWOOD

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	6/3/21
Job Number:	20098
Scale:	1"=50'
Drawn By:	MJL
Designed By:	JP
Approved By:	JP

Sheet No.: 4

File Name: 20098-prelim-plat

solutions
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9210
3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2022

Seal

Date

REVISIONS

NO.	DATE	DESCRIPTION
1	2/28/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 2/8/22
2	3/8/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 3/7/22
3	4/27/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
4	8/2/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
5	9/16/22	UPDATED PROPERTY PARCELS

PRELIMINARY PLAT - PLAN C

RIVERWOOD

for

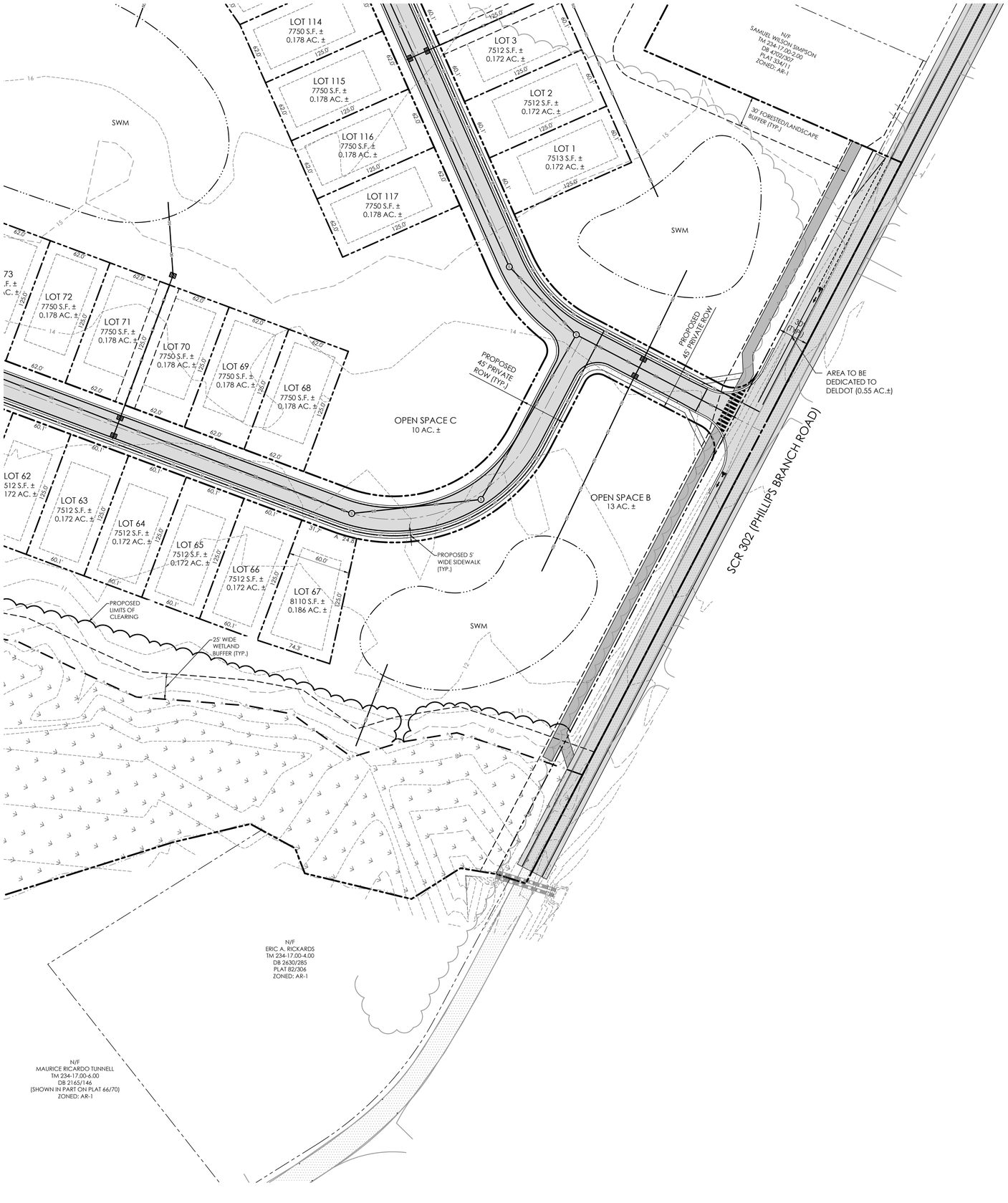
INDIAN RIVER HUNDRED

SUSSEX COUNTY, DELAWARE

Date:	6/3/21
Job Number:	20098
Scale:	1"=50'
Drawn By:	ML
Designed By:	JP
Approved By:	JP

Sheet No.: 5

File Name: 20098-prelim-plat



N

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

solutions
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3003 Merrill Mill Road
Salisbury, MD 21804
T. 410.572.8833

www.solutionsipem.com Copyright © 2022

Seal

Date

REVISIONS

NO.	DATE	DESCRIPTION
1	2/28/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 2/8/22
2	3/8/22	REVISIONS PER AGENCY REVIEW LETTER, DATED 3/7/22
3	4/27/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
4	8/2/22	UPDATED OWER/DEVELOPER/APPLICANT INFORMATION
5	9/16/22	UPDATED PROPERTY PARCELS

PRELIMINARY PLAT - PLAN D

for

RIVERWOOD

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	6/3/21
Job Number:	20098
Scale:	1"=50'
Drawn By:	ML
Designed By:	JP
Approved By:	JP

Sheet No.: 6

File Name: 20098-prelim-plat

Riverwood

Project Reference Material
AR-1 Cluster

August 2022

solutions
Integrated Planning
Engineering & Management, LLC

Project Team

APPLICANT/DEVELOPER: **DE Land Devco, LLC**

30 East Pine Street
Georgetown, DE 19947
Telephone: 302.644.4442

CIVIL ENGINEER/
LAND PLANNER **Solutions IPEM, LLC**

Contact: Jason Palkewicz, PE
303 North Bedford Street
Georgetown, DE 19947
Telephone: 302.297.9215

ENVIRONMENTAL **Environmental Resources, Inc**

Contact: Edward M. Launay, Professional Wetland Scientist
38173 DuPont Boulevard
Selbyville, DE 19975
Telephone: 302.436.9637

ATTORNEY: **Baird Mandalas Brockstedt Federico & Cardea, LLC**

Contact: Mackenzie M Peet, Esq
1413 Savannah Road, Suite 1
Lewes, DE 19958
Telephone: 302.645.2262

Table of Contents

I. Executive Summary

II. Project Overview

A. Boundary Plat & Topographic Survey

B. Overview of Current Site Conditions

C. Land Plan and Amenities

D. DelDOT Improvements

E. Preliminary Land Use Service (PLUS)

F. Sanitary Sewer Planning Area

III. Compliance with Applicable Regulations

A. Compliance with AR-1 (Agricultural Residential District)

B. Statement of Compliance with Chapter 115-25, E. Design Requirements for Cluster Development

C. Statement of Compliance with Chapter 115-25, F. (3) Planning and Zoning Requirements

D. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land

E. Statement of Compliance with Sussex County, Delaware, Comprehensive Plan Update, March 2019

IV. Conclusion

Appendix

List of Figures:

Figure 1) Area Vicinity Map
Figure 2) PLUS Response Letter
Figure 3) State Strategies for Policies and Spending Map
Figure 4) Developed and Protected Lands Map
Figure 5) Zoning Map
Figure 6) Future Land Use Map
Figure 7) Aerial Photo of Site
Figure 8) Floodplain Map
Figure 9) Groundwater Recharge Map
Figure 10) Artesian Ability to Serve
Figure 11) Soils Report
Figure 12) Possible Cemetery Investigation

Resumes:

Jason Palkewicz, PE

I. Executive Summary

Riverwood is a proposed 58.6 acre Cluster Subdivision composed of 117 single-family detached homes on individual lots. The site is located on the West side of Phillips Branch Road adjacent to the River Oaks residential community. The land is currently zoned AR-1.

Riverwood is located within Investment Level 4 of the State Strategies for Policies and Spending Map.

The proposed community provides 117 homes on roads within private rights-of-way with curb and gutter and sidewalk on one side of the streets, streetlights and preserved wooded areas. The project contains a total of 27 +/- acres (46%) of interconnected open space, subject to final engineering.

A centrally located recreation facility is provided which includes a pool and bathhouse. The sidewalk will connect to the proposed DelDOT multi-modal path. A school bus stop and central mail facility will also be provided.

Proposed Density and Calculations:

Project Area
58.6 acres

Allowable Homes Calculation (AR-1 Cluster):
2.0 homes/acre
58.6 x 2.0 = 117 homes

Proposed Homes:
117 Homes

Actual Density:
117 / 58.6 = 2.0 homes/acre

In conclusion, the proposed community has been thoughtfully planned to achieve a superior living environment for future residents. This plan provides appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety and welfare of the citizens of Sussex County.

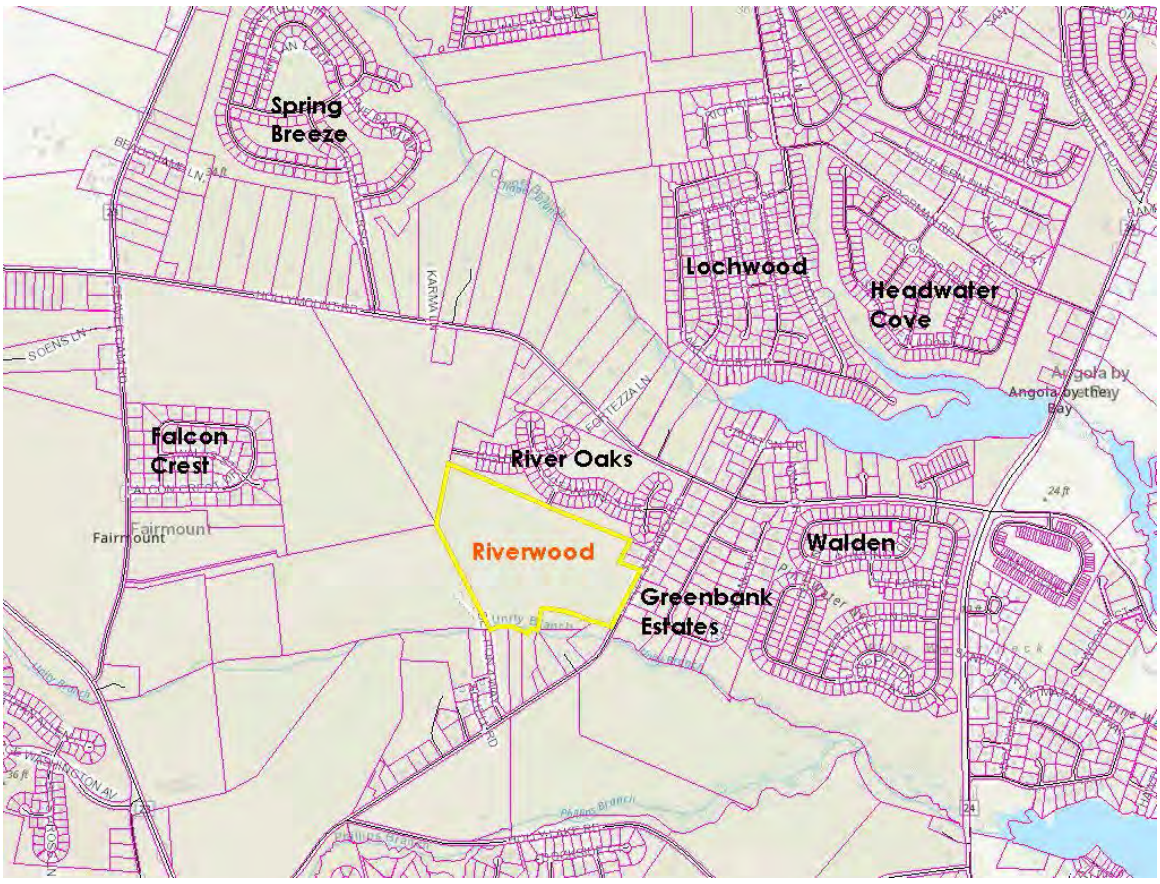
II. Project Overview

A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 58.6 +/- acres. The site contains approximately 5.2 acres of non-tidal wetlands.

B. Overview of Current Site Conditions

The property for the proposed Riverwood community is located West of Phillips Branch Road, adjacent to the River Oaks community. The proposed development is in the vicinity of the residential communities of Greenbank Estates, Walden, Lochwood, Headwater Cove, Falcon Crest, and Spring Breeze.



The property is located within flood Zone AE (special flood hazard areas subject to inundation by the 1% annual chance flood) and Zone X, (areas determined to be outside the 0.2% annual chance floodplain), per map number 10005C Panel 0340K, map revised March 15, 2015. The site is located within areas of good and fair groundwater recharge potential.

A soils report was prepared by GTA. The project contains Class A soils. The site is suitable for development including infrastructure, home construction and stormwater management.

C. Land Plan and Amenities

The land plan takes into account:

- Existing site conditions
  - Forest Land
  - Existing Grades
  - Wetlands
  - Flood Zones
- Stormwater outfalls
- Adjacent communities
- Existing roadways
- Current housing trends
- Recreational needs

The resultant plan has:

- A 30' landscaped buffer (partially existing woods).
- Proposed lots are more than 45' from the perimeter of the site.
- Sidewalks on one side of the road along with a connection to the proposed DelDOT multi-modal path.
- Main recreation facility including:
  - Pool
  - Bathhouse
- Streetlights.
- Walking trail.
- Community mailbox cluster.
- School bus stop.
- An efficient stormwater management system that acts as an amenity.
- Large tracks of open space
  - Open Space Required (30%) = 17.58 acres
  - Open Space Proposed = 27 acres
  - Contiguous Open Space Required (30% of Required Open Space) = 5.3 acres
  - Contiguous Open Space Proposed = 23 acres

D. DelDOT Improvements

A series of discussions were held with DelDOT officials concerning area roadway improvements related to Phillips Branch Road specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include right turn lane into the development.

E. Preliminary Land Use Service (PLUS)

A concept plan for Riverwood was presented to PLUS on June 23, 2021. A response letter was provided to PLUS which addressed their comments point by point.

F. Sanitary Sewer Planning Area

The Riverwood community is anticipated to be served by Artesian. The site is located within the Sussex County Tier 3 – Coordinated CPCN Area.

III. Compliance with Applicable Regulations

A. Compliance with AR-1 (Agricultural Residential District)

The project is located within the AR-1 zone. The site is being developed with residential lots within the AR-1 zone and will meet the requirements of the AR-1 Cluster as existed at the time of application's submission to the Department of Planning and Zoning.

The proposed land use is in conformity with the Zoning Ordinance which allows 2.0 dwelling units per acre based on the gross site area.

Purpose: Riverwood conforms with the purpose of the AR-1 code in as much as it is a low density residential community that protects water resources, watersheds, forest area and scenic views. Specific design elements include:

- Recreation facilities such as walking trail, pool and bathhouse are provided.
- Sidewalks and a connection to the multi modal path are provided.
- No lots are proposed in the wetland areas.
- There are no wellhead protection areas on the property.

Permitted Uses: The AR-1 allows the proposed single-family cluster development.

Permitted Accessory Uses: The zoning allows outdoor amenities for use of occupants and their guests.

Conditional Uses: Riverwood is not applying for any conditional uses.

Special Use Exceptions: Riverwood is not applying for any special use exceptions.

Permitted Signs: All proposed development signage will conform to the regulations provided in 115-159.2.

Height, Area and Bulk Requirements: The height, area and bulk requirements are set forth in the AR-1 zoning article. The following is a summary of the lot dimensions and setbacks for Riverwood, all of which are in conformity with County requirements:

Single Family Lots -

Minimum Lot Area = 7,500 S.F.
Minimum Lot Width = 60'
Front Yard = 25' (15' Corner Lot)
Side Yard = 10'
Rear Yard = 10'
Maximum Building Height = 42'

B. Statement of Compliance with Chapter 115-25, E. Design Requirements for Cluster Development

(1) All development shall be in accordance with the latest amendment to the community design standards. The proposed cluster subdivision is in compliance with the Community Design section of the County's comprehensive plan.

(2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance. Only single-family detached home types are proposed within the cluster subdivision.

(3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area. A 30' buffer is provided to the adjacent properties.

(4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity. A 30' buffer is provided.

(5) No lots shall have direct access to any state-maintained roads. No proposed lots have access to state-maintained roads.

(6) All lots shall be configured to be contained completely outside of all wetlands. The proposed lots are not located within wetlands.

(7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance. The proposed community will be served by both central water and wastewater systems.

C. Statement of Compliance with Chapter 115-25, F. (3) Planning and Zoning Requirements

(a) [1] The proposed lots and amenities are located within the environmentally suitable portions of the site. Specifically, wetlands and waterways are avoided. Clearing of the woods are limited to the amount required to develop the project.

(a) [3] The open space meets the requirements of the County Code. The required open space (30% of site) is 17.58 acres, 27 acres have been provided. Of the required open space (17.58 acres), 30% (5.3 acres) is required to be on one contiguous tract of land (separated by water and up to one street). The project provided 23 acres of contiguous open space. The sidewalk system is proposed to be connect to the DelDOT multi-modal system.

(a) [4] Wetlands have been delineated. No lots are proposed within the wetland area.

(a) [5] Stormwater management shall be provided per DNREC and Sussex Conservation District. Recharge or structurally equivalent BMPs shall be provided. Soils testing and reports have been prepared by GTA showing the existing is suitable for development.

(a) [6] Tree removal shall be limited to what is necessary to construct the project.

(a) [7] Scenic views are preserved for the homeowners and passersby by limiting back-to-back lots and providing gaps between lots.

(a) [8] The land plan preserved natural facilities (woods) and includes sidewalks and connections to DelDOT's multi-modal path. Open space adjacent to natural features has been prioritized. Existing grades and drainage area are considered in the lot layout.

(a) [9] Sidewalks are provided on one side of each street.

(b) Natural and historic features are preserved as part of the land plan.

(c) Section 99-9C items are addressed herein.

(d) The cluster subdivision is not located within a designated growth area.

D. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land

Chapter 99-9 (C)
The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Sussex County Code and complies with it in the following manner:

1. "Integration of the proposed subdivision into existing terrain and surrounding landscape."

a. The Developer has taken great effort to utilize the additional land as open space. The proposed location of storm water management facilities was also based on extensive soils borings and a soil report.

b. The project is not adjacent to agricultural uses.

c. A minimum 30' landscaped buffer has been provided adjacent to all surrounding property lines.

d. The proposed lots within the community are a minimum of 45' from the outbounds of the property.

2. "Minimal use of wetlands and floodplains."

a. The wetlands have been delineated and shown on the plan. Not lots are proposed within the wetland area.

b. The proposed lots are located within flood Zone X (unshaded), areas determined to be outside the 0.2% annual chance floodplain.

3. ***"Preservation of natural and historic features."***

    a. There are no known historic sites.
        i. A 40' x 40' area as referenced in the PLUS letter has been investigated by Edward Otter, PhD. The site was stripped and no graves or indication of graves was noted.

    b. The roadway system, stormwater features and lots were designed in such a way to minimize impacts/disturbance of steep slopes.

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

    a. Large tracts of open space are being persevered including wooded areas, buffers and flood zone.

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

    a. Disturbance to the site will be limited to only those areas required for homes, roads, storm water management and utility installation. All undisturbed vegetation that is compatible with native vegetation shall remain.

    b. Grade changes to the site shall be limited to those necessary to provide positive drainage and proper cover over utilities.

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

    a. Screening of objectionable features on the site from adjacent properties and roadways shall be provided utilizing the required 30' landscaped buffer around the perimeter of the site or existing forested areas and storm water management facilities where those exist.

    b. The proposed lots within the community are a minimum of 45' from the outbounds of the property.

7. ***"Provision for water supply."***

    a. Artesian will provide potable water and fire protection for the development.

8. ***"Provision for sewage disposal."***

    a. The community wastewater service is intended to be provided by Artesian.

9. ***"Provision for solid waste disposal."***

    a. Arrangements will be made with a commercial trash hauler to provide trash collection for Riverwood.

10. ***"Prevention of surface and groundwater pollution."***

a. All runoff from the Riverwood site will be directed via the closed road section and storm drain network into a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The storm water management facilities will be designed in accordance with Delaware / Sussex County standards.

b. Ultimately, through post-development design, runoff will receive better treatment than during pre-development conditions. The project will meet the current storm water management regulations as required by DNREC.

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

a. As stated above, stormwater management quality and quantity will be provided by a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The BMP's will be designed per Delaware / Sussex County standards. The stormwater collection/treatment system will be adequately sized to prevent flooding.

b. Erosion and sediment control will be provided by methods approved by the Sussex Conservation District. An erosion and sediment control plan will be prepared and submitted for review.

12. "Provision for safe vehicular and pedestrian movement within the site and to adjacent ways."

a. Entrance to the site shall be designed per current DelDOT standards.

b. To promote pedestrian traffic within the development, 5' sidewalks are provided along one side of the road.

c. All roads will be designed in accordance with Sussex County standards.

d. A walking trail has been provided.

13. "Effect on area property values."

a. It is expected that the proposed Riverwood community will cause current property values to remain the same if not increase the value of the properties in the area. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

14. "Preservation and conservation of farmland."

a. The proposed subdivision will not adversely affect adjacent farmland due to landscaped buffers and other natural wooded areas that separate the community from farmland.

15. "Effect on schools, public buildings, and community facilities."

a. Based on Sussex County population trends, approximately 14% of the population is of K-12 school age. This would result in approximately 49 school age children within the community.

b. Community amenities will include a pool and bathhouse. In addition, Riverwood includes several open space areas for other active and passive uses.

16. "Effect on area roadways and public transportation."

a. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Riverwood specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include a right turn lane into the property.

17. "Compatibility with Other Land Uses."

a. The project is relatively adjacent to other residential communities of River Oaks, Greenbank Estates, Walden, Lochwood, Headwater Cove, Falcon Crest, and Spring Breeze, thus being compatible in density, home style and land use.

18. "Effect on Area Waterways."

a. Runoff will be treated for water quality and quantity prior to discharge.

E. Statement of Conformity with Sussex County, Delaware, Comprehensive Plan Update, March 2019

Chapter 4 Future Land Use:

The site is located within the Low Density Area and complies as follows:

- The proposed land plan addresses environmental concerns.
  - Greater than 20% of the site is set aside as open space.
  - 30' perimeter landscape buffer.
- Single-family homes are permitted.
- The proposed density of 2.0 du/ac is in compliance with the 2.0 du/ac as appropriate in this location.
- Central water and sewer will be available to the site.

Chapter 5 Conservation:

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas or excellent ground recharge areas within the proposed site.
- No lots are proposed in the wetland areas.
- The proposed lots are not located within flood zones.
- Central water and sewer will be available to the site.

Chapter 6 Recreation and Open Space:

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:
    - High Priorities:
        - Swimming pools
        - Walking/jogging paths (multi-modal)
        - Bike paths (multi-modal)
- In addition, the community provides:
    - Sidewalks
    - Walking trail

Chapter 7 Utilities:

The proposed community complies with the Utilities section as follows:

- Water will be provided by Artesian who has the CPCN for the project.
- The Riverwood community wastewater service will be provided by Artesian.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by a licensed commercial hauler.

Chapter 8 Housing:

The proposed community complies with the Housing section as follows:

- The community is located West of the Lewes / Rehoboth Beach region and will provide housing for retirees as well as those working in the County.

Chapter 9 Economic Development:

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in:
    - Construction
    - Professional, Business and IT Services
    - Finance, Insurance and Real Estate
    - Utilities
- The development will also indirectly provide job opportunities in:
    - Leisure and Hospitality
    - Education and Healthcare

Chapter 10 Historic Preservation:

The proposed community complies with the Historic Preservation section as follows:

- There are no known historic sites located on the site.
    - A 40’ x 40’ area as referenced in the PLUS letter has been investigated by Edward Otter, PhD. The site was stripped and no graves or indication of graves was noted.

Chapter 12 Community Design:

The proposed community complies with the Community Design section as follows:

- The proposed community is a cluster subdivision, which is widely used in AR-1 zoning.
- Street lighting will be provided.
- Sidewalks are proposed on one side of the roadways.

- The lot sizes within the cluster make rear garages impossible and side loads very unlikely.
- The narrower right-of-way allows for homes to be placed closer to the road.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- Although no direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, the community will connect to multi-modal paths within DelDOT's right-of-way.
- The entrance to the community will be landscaped.
- Cross walks will be provided.
- Landscape/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

Chapter 13 Mobility Element:

The proposed community complies with the Mobility Element section as follows:

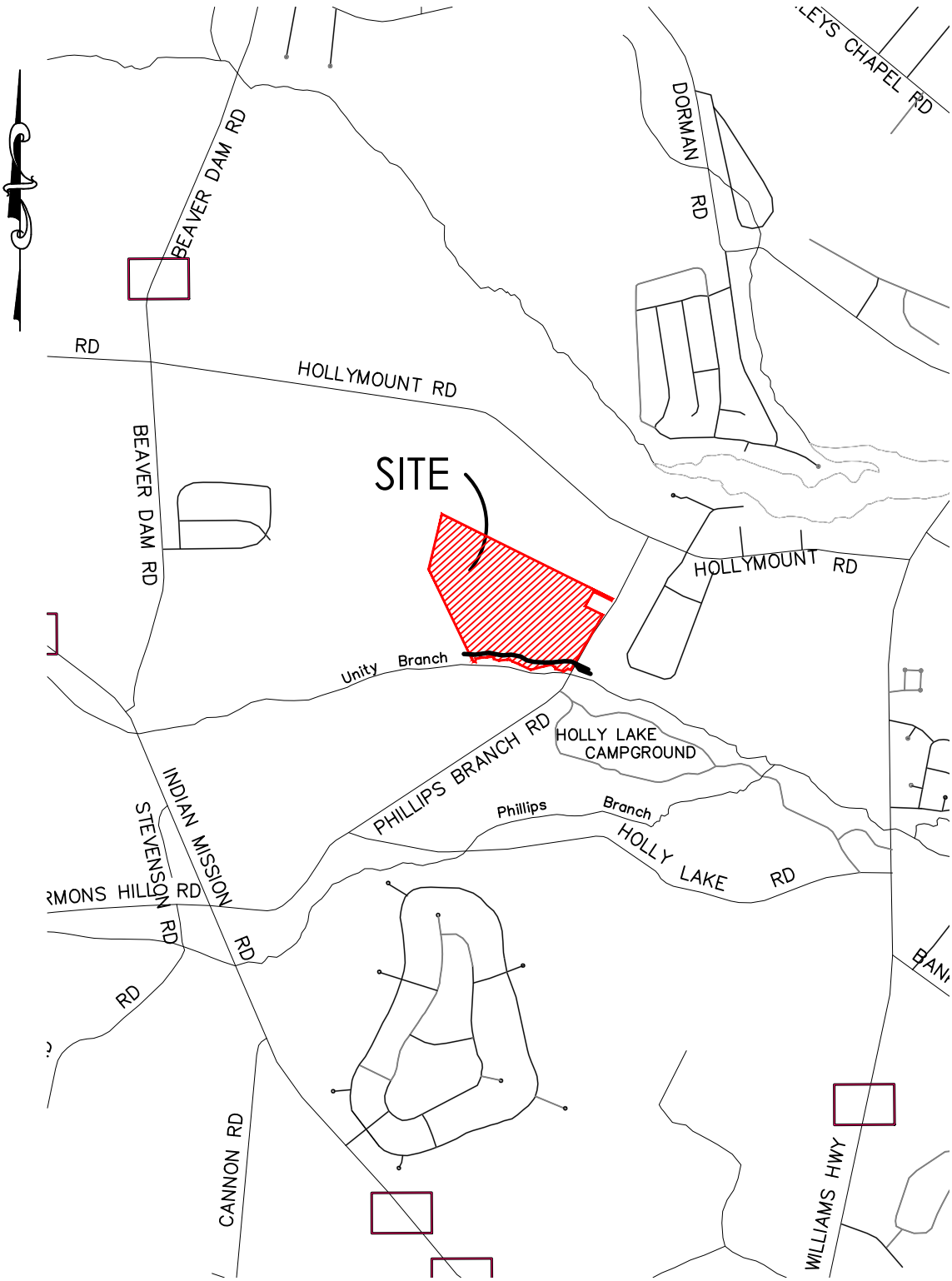
- Entrance, roadway and off-site improvements necessitated by DelDOT will be designed and constructed per DelDOT standards.

IV. Conclusion

The proposed community of Riverwood will enhance the area with a well-planned design, upscale homes, and amenities, and no negative impact on the land. The design preserves large amounts of open space while preserving attractive views within and into the community. The homes will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Active amenities include pool, and bathhouse as well as dedicated open spaces for other activities. The design also preserves and enhances existing views through non-disturbance and accentuates certain features of the existing terrain.

The proposed Community of Riverwood meets the standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State or taxpayers to serve this community.

VICINITY MAP



RIVERWOOD

solutions

solutions
Integrated Planning
Engineering & Management, LLC

November 1, 2021

Mrs. Constance C. Holland, AICP, State Planning Director
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2021-06-07; Phillips Branch

Dear Mrs. Holland;

Please allow this letter to serve as our response to the PLUS review of the Riverwood (FKA Phillips Branch) property. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Thank you for meeting with State agency planners on June 23, 2021 to discuss the Philips Branch project. According to the information received you are seeking review of a proposed 117 unit subdivision on 58.6 acres along Phillips Branch Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Response: The developer will comply with all Federal, State, and local regulations regarding the development of this property. The developer will comply with all regulations / restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project represents a major land development that will result in approximately 117 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*. This project is also located outside a development district. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised

T: 302.297.9215
T: 410.572.8833
E: ideas@solutionsipem.com
303 North Bedford Street • Georgetown, DE 19947
3003 Merritt Mill Road • Salisbury, MD 21804

of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

In addition, the development of this site may be environmentally inappropriate due to the following:

- **Old Growth Forest/Forest Removal -** The preliminary plan proposes the elimination of 47.5 of the 56.8 acres of forest on the site. An analysis of historical data indicates that the forest area located on the western portion of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- The majority of the parcel, with the exception of the northeast corner, lies within lands designated within the Delaware Ecological Network. The vast majority of the forest located within this area is proposed for removal. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.

- **Natural Areas/Nature Preserves -** The forested area that currently exists on the site is connected to a much larger contiguous forest complex extending into land designated as Herring 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

- **Sea Level Rise -** The southern portion of this site is vulnerable to permanent inundation from sea level rise. It is noted that at this time, no structures are proposed on land subject to inundation levels between 1 and 5 feet. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events is expected to increase.

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Mrs. Grace Shorts Caulk District)

Because the development is inconsistent with the Strategies for State Policies and Spending, the Office of State Planning is opposed to this proposed subdivision

Response: It is understood that the proposed residential subdivision is located within Investment Level 4. However, based on Sussex County Code and Sussex County Comprehensive Plan low-density single-family residential is permitted. Furthermore, the amount of forest removed will be based on the actual amount of land disturbance to safely construct and

maintain the proposed subdivision based on Sussex County Code as well as design regulations from Sussex County Engineering and Sussex Conservation District. The southern portion of the site is located in wetlands and flood plain - the proposed homes are not located within either the wetlands or the flood plain.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Phillips Branch Road (Sussex Road 302 must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

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

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

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,134 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates a value of 1,201 for this number and estimates the weekday morning and evening peak hour trip ends at 88 and 118, respectively. Therefore, a TIS would normally be required.

  Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as $10 per daily trip or, in this case, $12,010. AWS Fees are used to fund traffic studies, not to build improvements.

  DelDOT anticipates requiring the developer to make road improvements, yet to be determined. In planning for the Henlopen Transportation Improvement District, DelDOT developed conceptual plans for the improvement of Hollymount Road (Sussex Road 48)

and those plans included right turn and left turn lanes at the intersection of Hollymount Road and Phillips Branch Road. These turning lanes may be required.

More definitely, DelDOT anticipates requiring the developer to improve Phillips Branch Road, within the limits of their projected frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders. Per the definition in Section 1.8 of the Manual, those limits are from a point about 1,000 feet southwest of their actual frontage to a point about 240 feet northeast of their actual frontage.

DelDOT may require a Traffic Operational Analysis, in accordance with Section 2.3.2 of the Manual if they find it necessary in determining the specific improvements needed either at the intersection or on the frontage.

Questions regarding the site's trip generation and Traffic Operational Analyses should be directed to the County Coordinator, Mr. T. William Brockenbrough. Mr. Brockenbrough may be reached at Thomas.Brockenbrough@delaware.gov or (302) 760-2109. Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. R. Stephen McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

- 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 Phillips Branch Road. By this regulation, this dedication is to provide a minimum of 30 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 on Phillips Branch Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established 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 Phillips Branch Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. DelDOT anticipates recommending that the County require a connection to Seaspray Court, a stub street in the adjoining River Oaks subdivision and consider requiring stub streets for future connections to the adjoining Warrington and Bar-Rab, LLC parcels, respectively (Tax Parcel Nos. 234-11.00-103.00 and 234-16.00-14.00).

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DelDOT anticipates requiring an SUP along this development's road frontage.

- 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 Phillips Branch Road.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

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

Response: The developer will work with DelDOT to further refine the entrance and roadway improvements.

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

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the southern portion of the site surrounding Unity Branch. The application indicates that wetlands have been delineated. Preliminary plans do not propose disturbances to wetland areas.

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.

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

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

Vegetated Buffer Zones

Site plans show lots proposed approximately 50 feet from federally-regulated non-tidal wetlands. 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.

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the southern portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Homeowners with mortgages may be required to purchase flood insurance.

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

  Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management

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

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

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an

electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.delaware.gov/enoi/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

  Plan Review Agency Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: https://www.sussexconservation.org/

General Stormwater Management Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/

Response: The wetlands on-site have been delineated. No disturbance is currently anticipated. However, should disturbance become necessary, the appropriate permits will be obtained. The site will be designed per Sussex Conservation District including SAS and NOI.

Hydrologic Soils Group

Hydrologic Soil Group B/D soils have been identified 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. Consult with the proper plan review agency (Sussex Conservation District) or the DNREC Sediment and Stormwater Program for more information.

Response: The site contains primarily Soil Group A, with some B/D. The B/D soils are located primarily within the wetlands and are not proposed to be developed.

Water Quality (Pollution Control Strategies)

This site lies within the Rehoboth Bay Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy.

Response: The site will be designed in compliance with Sussex Conservation District standards.

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife. Contact the DNREC Division of Fish and Wildlife for more information.

  Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.
  Website: https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/

Response: Understood.

Wastewater permits – Large Systems

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

- If additional flows to Artesian's system will require capacity updates, it is the responsibility of the permitee (Artesian) to notify the Large Systems Branch.

  Wastewater Permits (Large Systems) Contact: DNREC Large Systems Branch at (302) 739-9948. Website: https://dnrec.alpha.delaware.gov/water/groundwater/

Response: Understood.

Nutrient Management Plan

This project proposes open space of 27 acres.

- A nutrient management plan is required by the Delaware Department of Agriculture 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/

Response: Understood.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register-Listed or eligible properties on the parcel.
- Prehistoric archaeological potential is high in the southern half of the parcel. Almost the entire parcel is well-drained soils (except next to Unity Branch), and the entire south half is within favorable distance to Unity Branch. The highest potential will be the top of bluff overlooking the stream. There are also prehistoric sites along Unity Branch on similar topography east of this parcel. Th State Historic Preservation Office is recommending a Phase I archaeological survey.
- Historic archaeological potential is low throughout the parcel. There is no indication that there was a structure on the parcel. Though there was a historic farmstead just off the parcel where there are more modern houses now. There also appears to be something noted on the 1937, 1954, 1961, and 1968 aerials that looks like a 40-foot x 40-foot square approximately 150 feet southwest of the ag farmstead, which is common distance from homesteads to family cemeteries. It is sort of noticeable even in modern aerials, but it is not overgrown and wooded.
- The Delaware SHPO highly recommends checking out that area prior to any disturbance occurring and remind the developer of the Unmarked Human Burials and Human Skeletal Remains Act (Title 7, Ch. 54).
- 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

Response: The developer hired Edward Otter, PhD to investigate the 40 x 40 square referenced above. The site was stripped and no graves or indication of graves was noted.

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

- Fire hydrants shall be provided in accordance with Regulation 702, Chapter 6.
- If water for fire protection is not available, the site shall comply with Regulation 702, Chapter 6, Fire Flow Table 1.
- Emergency Service Access shall be provided in accordance with Regulation 705, Chapter 5.

Response: The site will be designed per Fire Marshal requirements.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Mrs. Grace Shorts Caulk District K-92-11-007 parcels 1-00-02800-01-0100, 1-00-02800-01-2900). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

  § 910. Agricultural use protections.

  (a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

  (1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

  This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

  (2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

  (b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in

any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

> (2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Response: Appropriate setbacks and notes will be included on the subdivision plat regarding agricultural uses as required by Sussex County.

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. 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.

Response: Understood.

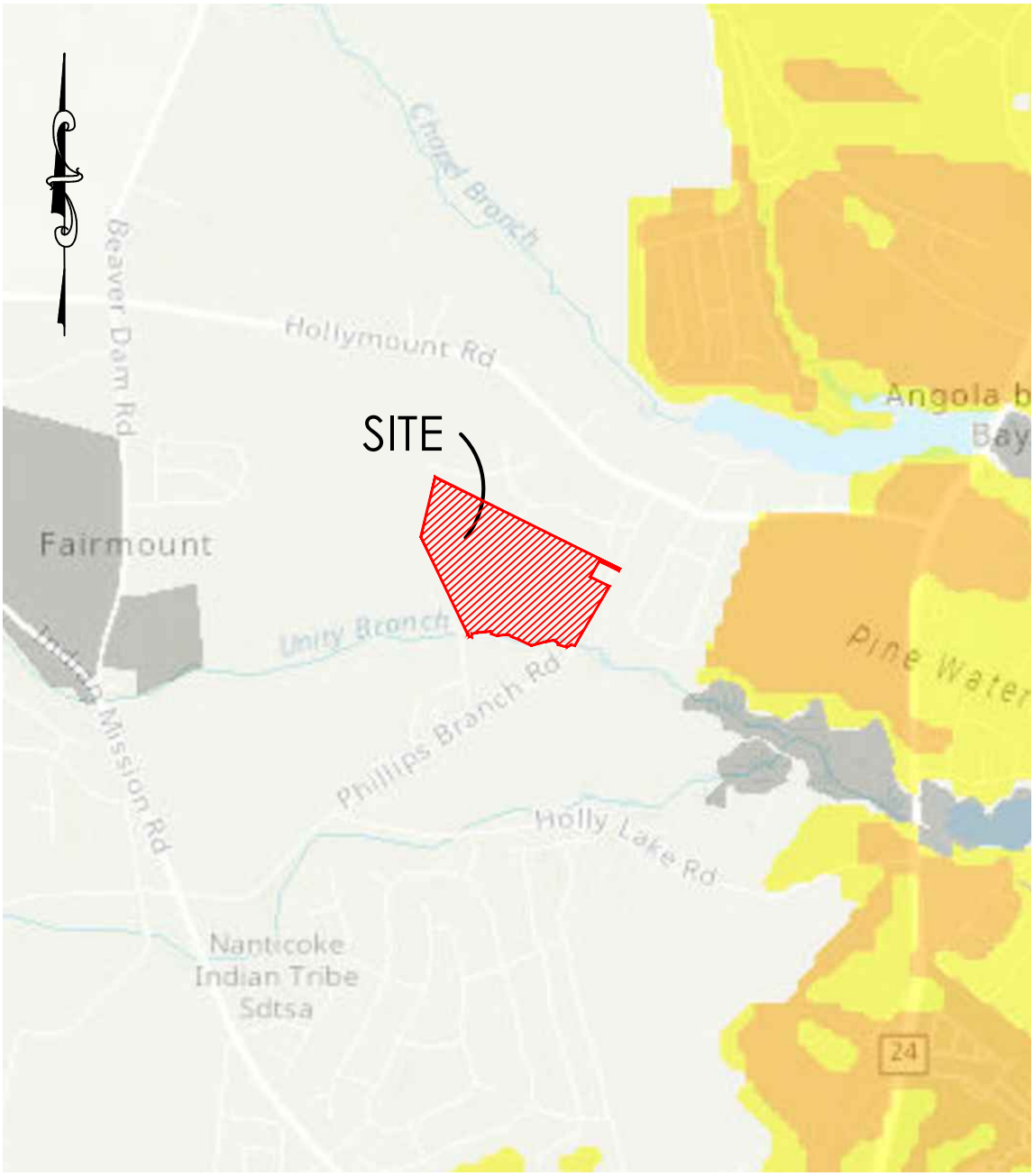
Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,

Solutions, IPEM

Jason Palkewicz, PE



OUT OF PLAY

INVESTMENT LEVEL 2

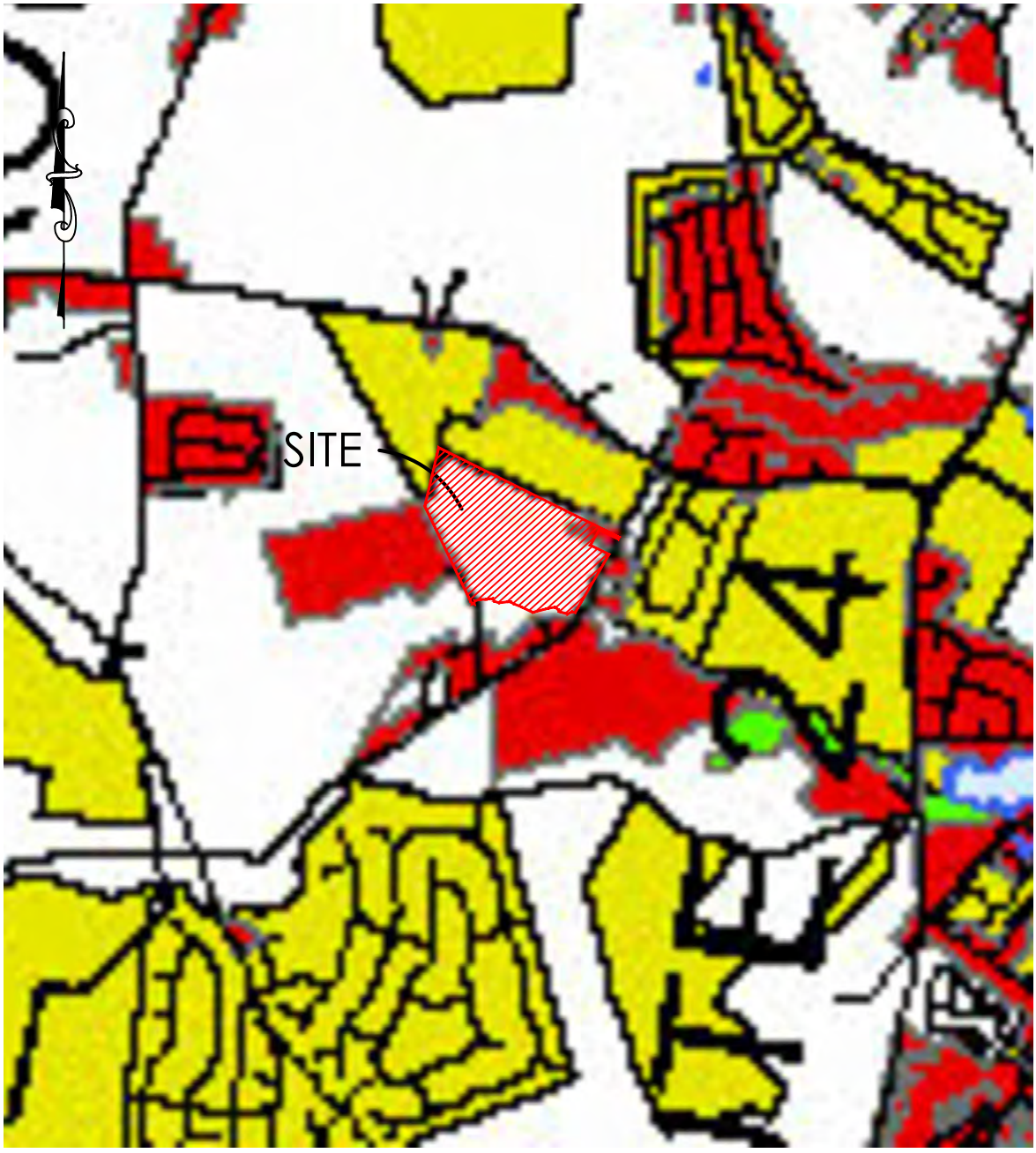
INVESTMENT LEVEL 3

INVESTMENT LEVEL 4

RIVERWOOD

solutions

DEVELOPED AND PROTECTED LANDS



DEVELOPED LANDS

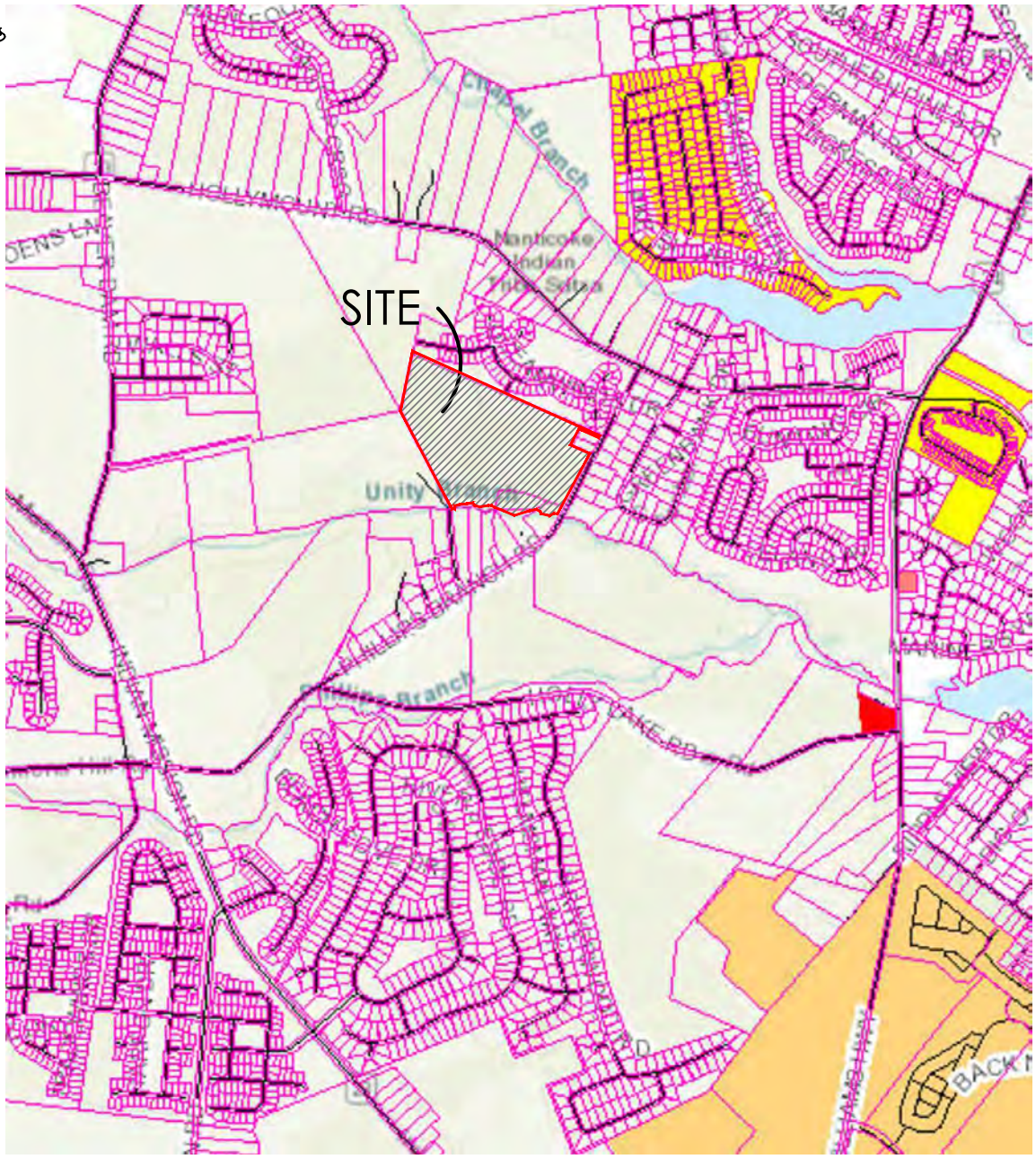
MAJOR PROPOSED DEVELOPMENTS

PROTECTED LANDS

RIVERWOOD

solutions

ZONING MAP



AGRICULTURAL RESIDENTIAL- AR-1

MEDIUM RESIDENTIAL - MR

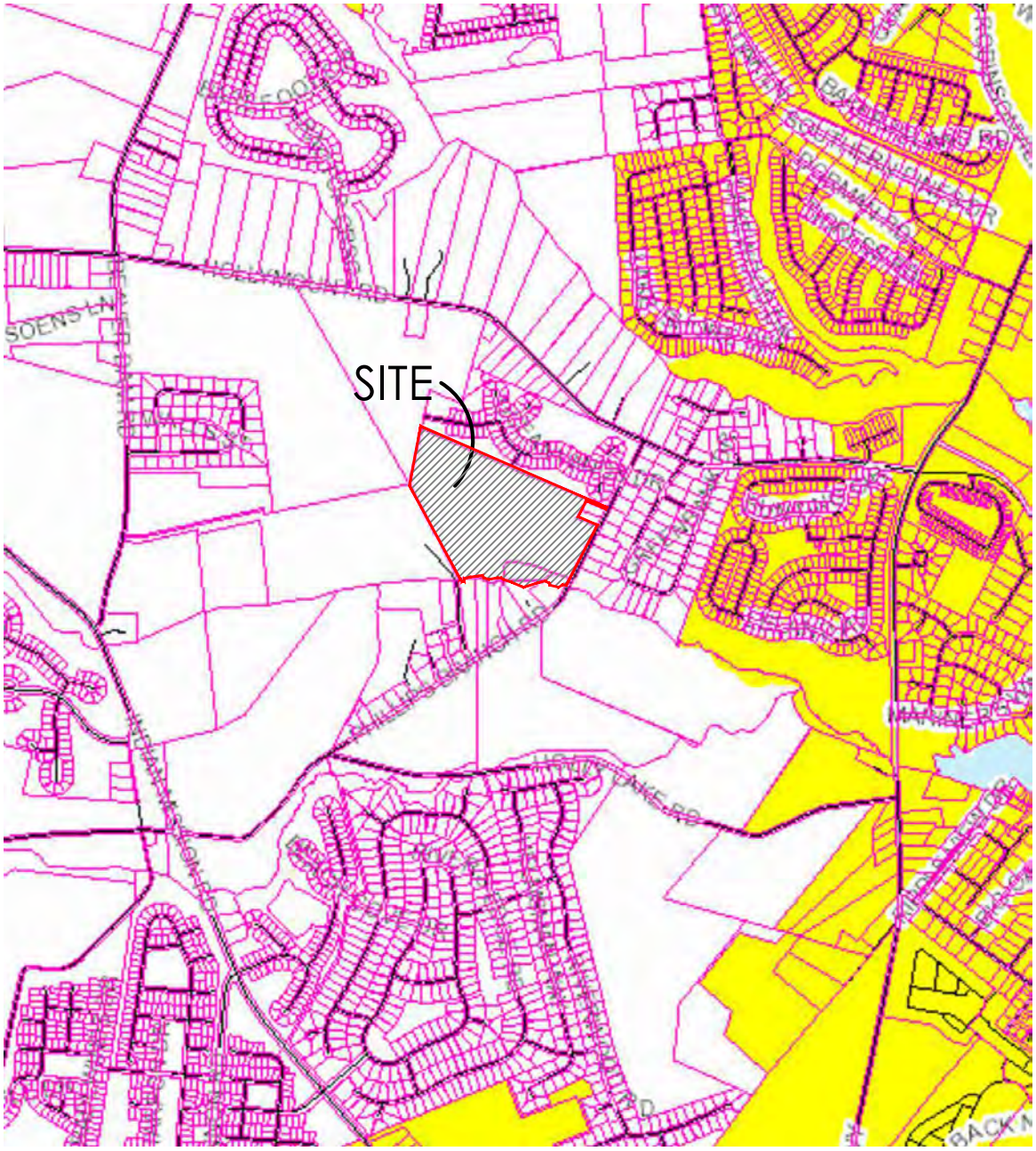
HIGH DENSITY RESIDENTIAL - HR-1

GENERAL COMMERCIAL - C-1

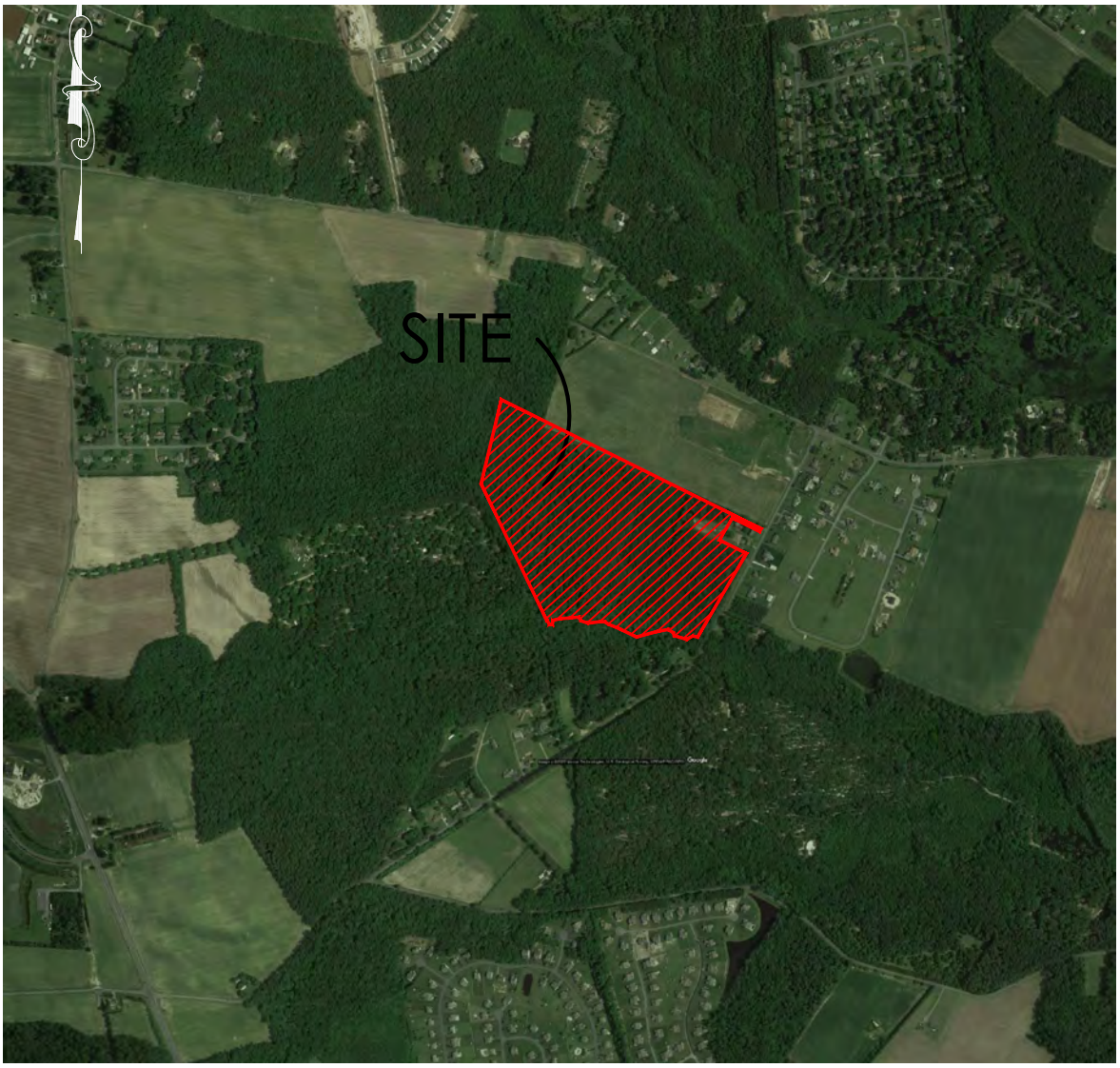
RIVERWOOD

solutions

FUTURE LAND USE PLAN


SITE
SOENS LN
HIGHWAY 6
HIGHWAY 6
HIGHWAY 6

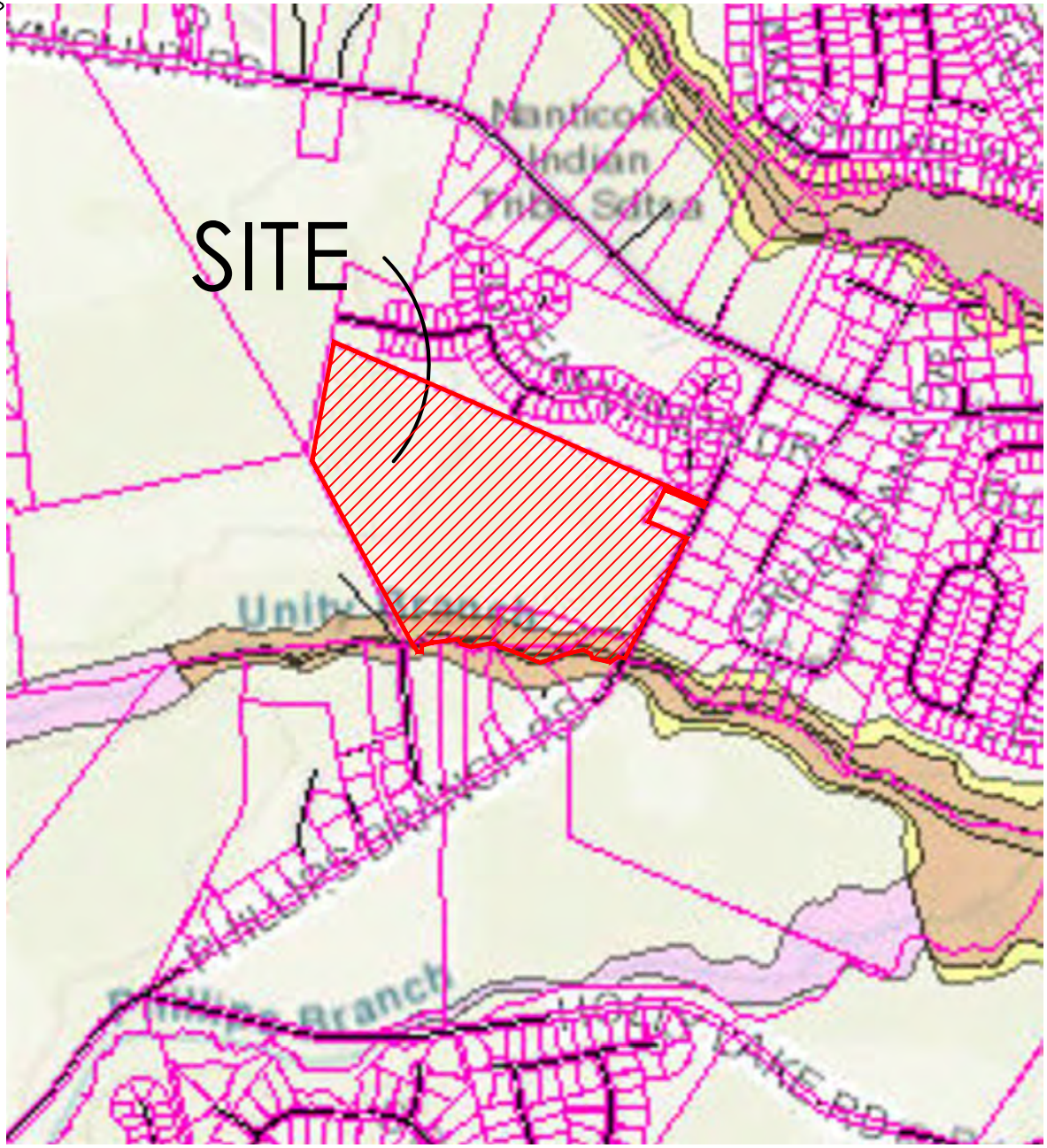
AERIAL



RIVERWOOD

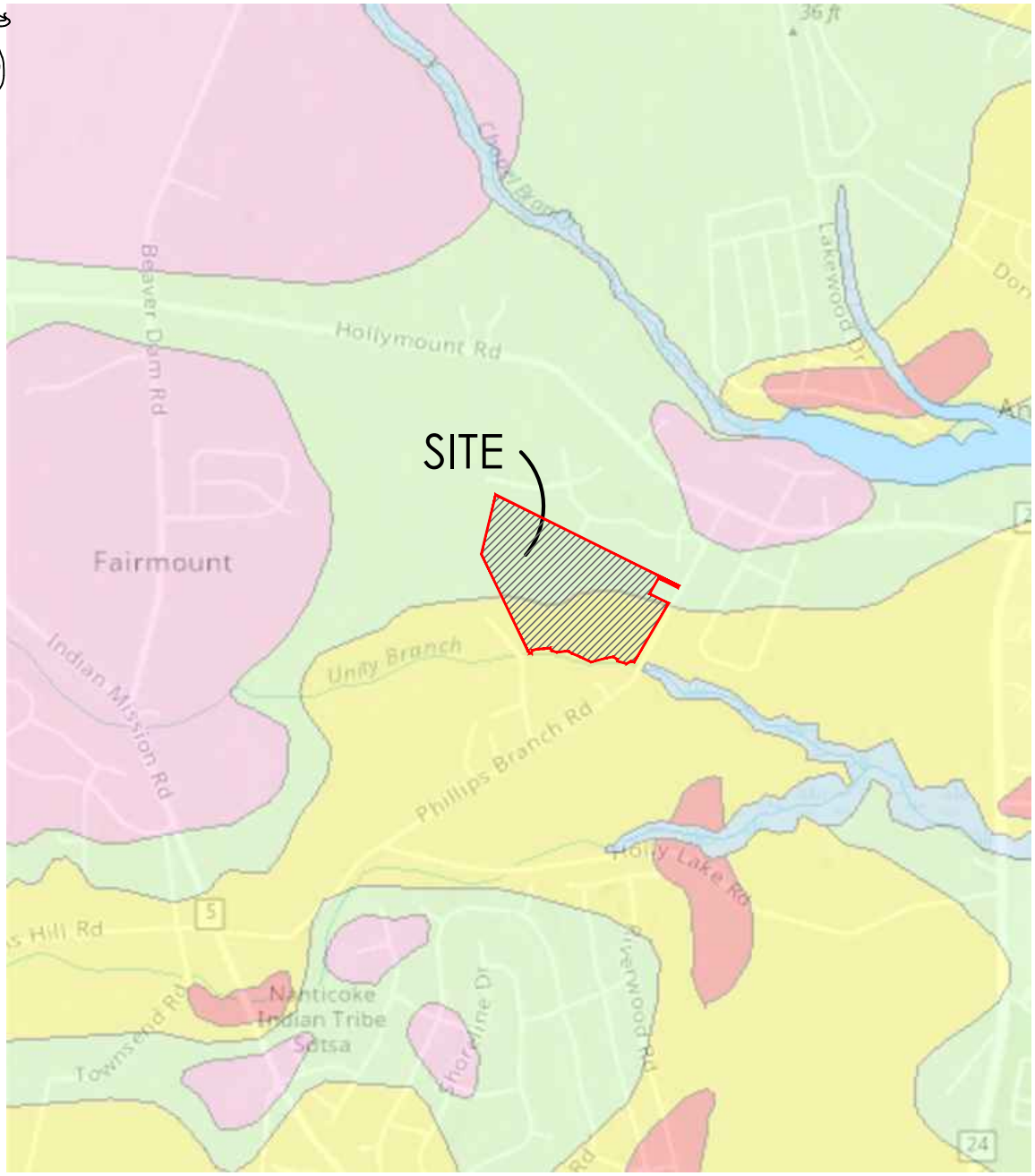
solutions

FLOOD MAP



PROPERTY IS LOCATED IN FLOOD ZONE A - SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (NO BASE FLOOR ELEVATION DETERMINED) AND ZONE X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP 10005C0340K, MAP REVISED MARCH 16, 2015.

GROUNDWATER RECHARGE PLAN



EXCELLENT GROUNDWATER RECHARGE

GOODGROUNDWATER RECHARGE

FAIR GROUNDWATER RECHARGE

POOR GROUNDWATER RECHARGE

RIVERWOOD

solutions

July 14, 2022

Jason Palkewicz
Solutions IPEM
303 N Bedford Street
Georgetown, DE 19947

RE: Riverwood Ability to Serve Letter, Tax Parcel 234-17.00-3.00

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Riverwood Subdivision project consisting of approximately 117 single family homes and an amenities area, located on Phillips Branch Road in Indian River Hundred, Sussex County, Delaware known as Tax Parcel Number 234-17.00-3.00 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") is willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian has existing water and wastewater Certificates of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter

Yours very truly,

ARTESIAN WATER COMPANY, INC.

Adam Gould
Manager of Systems Planning and Design

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm

August 20, 2021

Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, Delaware 19971

Attn: Mr. Tim Green

Re: Report of SWM Subsurface Exploration
Phillips Branch Property
Harbeson, Delaware

Ladies & Gentlemen:

In accordance with our agreement dated April 5, 2021, Geo-Technology Associates, Inc. (GTA) has performed subsurface exploration for stormwater management (SWM) area. The purpose of the subsurface exploration was to evaluate the estimated normal and seasonal high groundwater elevation; and present our recommendations with respect to SWM pond construction and pump station construction. Untitled concept plans depicting the proposed lots and SWM facilities, prepared by Solutions IPEM were referenced for this report. A report regarding building and roadway construction will be submitted separately. The results of our SWM subsurface exploration are summarized below.

Referring to the attached Site Location Plan and Exploration Location Plan, the project site consists of an irregularly shaped parcel located on the west side of Phillips Branch Road approximately ¼-mile south of Hollymount Road in the Harbeson area of Sussex County, Delaware. The site consists of mature woods and topographically, the site gently slopes downward in a southeasterly direction towards Unity Branch with the ground surface ranging from approximate Elevation 23 to 12 Mean Sea Level (MSL) at the boring locations.

According to the Geologic Map of the Fairmount and Rehoboth Beach Quadrangles, Delaware (2011), published by the Delaware Geological Survey, the project area is underlain by sediments of the Coastal Plain Physiographic Province. Coastal Plain sediments below the surficial deposits exposed in the site area were generally deposited in commonly estuarine environments of the Tertiary and Quaternary geologic ages. The Late Pliocene deposits, located in the eastern portion of the site, are predominately designated as the Beaverdam formation. These deposits are characterized by "…very coarse sand with pebbles to silty clay…silty to clayey, fine to coarse sand." The Late Pleistocene deposits, located in the western portion of the site, are

predominately designated as the Lynch Height Formation. These deposits are characterized by "…silty, clayey, very coarse to fine sand…gravelly sand to sandy gravel." Please review the referenced publication for further details regarding this geologic unit.

From review of the USDA Soil Survey, the soils predominately conform to Fort Mott-Henlopen complex (0 to 5 percent slopes). Site soils also conform to Fort Mott loamy sand (0 to 2 percent slopes) and Longmarsh and Indian town soils (Frequently flooded). The soils map information is attached.

From review of the attached Monthly Groundwater Depth for Pe54-51, Columbia Aquifer, taken from the Delaware Geological Survey website, the groundwater depth at Well Pe54-51 (west of Millsboro, Delaware), was above the normal seasonal high at the start of August 2021.

GTA performed 61 Standard Penetration Test (SPT) borings, designated as SWM-1 through SWM-32 and PS-1, to depths of 10 to 40 feet below the ground surface. Longer-term water readings were taken one to three days after completion and the holes were backfilled after the longer-term water readings were taken. The exploration locations were selected and staked with ground surface elevations determined by Solutions IPEM. Relative locations are shown on the attached Exploration Location Plan. The exploration locations indicated on the plan should be considered approximate. The exploration logs are attached.

The soils were visually classified in accordance with the Unified Soil Classification System (USCS) and the United States Department of Agriculture (USDA) classification system. Beneath an approximately 2 to 7-inch-thick surface topsoil layer, the explorations generally encountered native subsoils visually classified as predominately consisting of Silty SAND (USCS: SM; USDA: Sandy Loam), Clayey SANDs (SC; Sandy Clay Loam), Poorly-graded SANDs with Silt (SP-SM; Loamy Sand), and Poorly-graded SANDs (SP; Sand). The relative densities of the granular soils were very loose to medium dense based on SPT N-values of WOH (Weight of Hammer) to 28 blows per foot (bpf). Interspersed layers of fine-grained soils were encountered at several locations. These soils were visually classified as Sandy Lean CLAY (CL; Loam) and SILT (ML; Silt Loam). The consistencies of the fine-grained soils were soft to very stiff based on SPT N-values of 2 to 17 bpf.

GTA's estimate of the seasonal high groundwater level is based upon soil coloring, mottling and/or saturation. The results of the groundwater level readings and GTA's opinion of the estimated seasonal high groundwater depth are summarized as follows:

GROUNDWATER DATA SUMMARY

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Three Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
PS-1	EL 21.0	12.8 / EL 8.2	9.2 / EL 11.8	9 / EL 12	11 / EL 10
SWM-1	EL 14.9	7.8 / EL 7.1	7.5 / EL 7.4	8 / EL 7	10 / EL 5
SWM-2	EL 14.5	8.7 / EL 5.8	8.2 / EL 6.3	8 / EL 6	10 / EL 4
SWM-3	EL 14.1	8.2 / EL 5.9	7.5 / EL 6.6	8 / EL 7	10 / EL 5

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Three Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
SWM-4	EL 14.3	8.0 / EL 6.3	7.5 / EL 6.8	8 / EL 7	10 / EL 5
SWM-5	EL 12.6	Dry to 10.0 / Dry to EL 2.6	Dry to 10.0 / Dry to EL 2.6	9 / EL 4	8 / EL 2
SWM-6	EL 12.6	9.2 / EL 3.4	8.8 / EL 3.8	9 / EL 4	7 / EL 2
SWM-7	EL 12.0	Dry to 10.0 / Dry to EL 2.0	Dry to 10.0 / Dry to EL 2.0	8 / EL 4	8 / EL 2
SWM-8	EL 12.2	8.4 / EL 3.8	7.5 / EL 4.7	8 / EL 4	6 / EL 2
SWM-9	EL 22.7	12.7 / EL 10.0	11.8 / EL 10.9	11 / EL 12	3 / EL 10
SWM-10	EL 20.7	12.5 / EL 8.2	12.5 / EL 8.2	11 / EL 10	5 / EL 8
SWM-11	EL 22.5	11.5 / EL 11.0	10.8 / EL 11.7	11 / EL 12	13 / EL 10
SWM-12	EL 18.1	8.3 / EL 9.8	9.6 / EL 8.5	8 / EL 10	10 / EL 8
SWM-13	EL 19.9	12.8 / EL 7.1	12.3 / EL 7.6	12 / EL 8	14 / EL 6
SWM-14	EL 19.7	11.5 / EL 8.2	11.1 / EL 8.6	11 / EL 9	13 / EL 7
SWM-15	EL 21.3	12.8 / EL 8.5	12.4 / EL 8.9	12 / EL 9	14 / EL 7
SWM-16	EL 20.1	12.5 / EL 7.6	12.2 / EL 7.9	12 / EL 8	14 / EL 6
SWM-17	EL 19.6	12.5 / EL 7.1	11.7 / EL 7.9	12 / EL 8	14 / EL 6
SWM-18	EL 17.7	11.2 / EL 6.5	10.8 / EL 6.9	11 / EL 7	13 / EL 5
SWM-19	EL 16.6	9.6 / EL 7.0	9.2 / EL 7.4	9 / EL 7	11 / EL 5
SWM-20	EL 15.8	8.0 / EL 7.8	7.8 / EL 8.0	8 / EL 8	10 / EL 6
SWM-21	EL 16.0	11.3 / EL 4.7	11.1 / EL 4.9	11 / EL 5	13 / EL 3
SWM-22	EL 17.8	9.5 / EL 8.3	9.3 / EL 8.5	9 / EL 9	11 / EL 7
SWM-23	EL 16.2	8.7 / EL 7.5	8.1 / EL 8.1	8 / EL 8	10 / EL 6
SWM-24	EL 14.8	8.7 / EL 6.1	8.4 / EL 6.4	8 / EL 6	10 / EL 4
SWM-25	EL 15.4	8.5 / EL 6.9	8.1 / EL 7.3	8 / EL 7	10 / EL 5
SWM-26	EL 17.5	8.3 / EL 9.2	7.4 / EL 10.1	7 / EL 10	9 / EL 8
SWM-27	EL 15.5	8.1 / EL 7.4	7.5 / EL 8.0	8 / EL 8	10 / EL 6
SWM-28	EL 16.8	8.5 / EL 8.3	8.0 / EL 8.8	8 / EL 9	10 / EL 7
SWM-29	EL 15.8	7.0 / EL 8.8	6.5 / EL 9.3	7 / EL 9	9 / EL 7
SWM-30	EL 13.5	7.3 / EL 6.2	7.0 / EL 6.5	7 / EL 7	9 / EL 5
SWM-31	EL 15.3	7.0 / EL 8.3	6.5 / EL 8.8	7 / EL 9	9 / EL 7

*Seasonal high groundwater estimate based upon observed soil mottling, color and/or saturation and should be considered approximate.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Please refer to the exploration logs and an idealized subsurface profile provided in the attachments for further information.

Selected samples obtained from the borings were tested for grain-size analysis, Atterberg Limits and natural moisture contents. The grain-size analysis and Atterberg Limits testing were performed to determine the Unified Soil Classification System (USCS) designation for the soil. The results of testing are as follows:

SUMMARY OF LABORATORY TESTING

EXPLORATION NO.	DEPTH (FT.)	USCS CLASSIFICATION	LL (%)	PI (%)	NMC %
SWM-4	1 – 4	Silty SAND (SM)	NP	NP	8.4
SWM-6	4 – 6	Silty SAND (SM)	NP	NP	15.1
SWM-9	4 – 6	Silty SAND (SM	NP	NP	13.0
SWM-17	1 – 4	Silty SAND (SM)	NP	NP	11.0
Composite: SWM-4 & SWM-17	1 – 4	Silty SAND (SM)	NP	NP	9.0

Note: LL=Liquid Limit PI=Plastic Index NP=Non-plastic NMC=Natural Moisture Content NT=Not Tested

The composite, near-surface sample was also tested for moisture-density relationships in accordance with the Standard Proctor (ASTM D-698) method for use in evaluating the suitability of these soils for reuse as fill. Results of these tests are summarized in the following table.

SUMMARY OF COMPACTION
(ASTM D 698, the Standard Proctor)

EXPLORATION NO.	DEPTH (FT)	MAXIMUM DRY DENSITY (PCF)	OPTIMUM MOISTURE (%)	NATURAL MOISTURE (%)
Composite: SWM-4 & SWM-14	1 – 4	118.1	9.9	9.0

Please refer to the laboratory test results included within Appendix C for additional information.

Estimated average groundwater levels within the proposed pond facilities are summarized in the following table:

POND SUMMARY

Pond Number	Boring Locations	Average Estimated Seasonal High Groundwater Level (MSL)	Average Estimated Normal Groundwater Level (MSL)
Pond 1	SWM-1 through SWM-4	EL 7	EL 5
Pond 2	SWM-5 through SWM-8	EL 4	EL 2
Pond 3	SWM-9 through SWM-17	EL 10	EL 8
Pond 4	SWM-18 through SWM-25	EL 7	EL 5
Pond 5	SWM-26 through SWM-31	EL 9	EL 7

Based upon the boring data, it is GTA's opinion that pond liners will be necessary to facilitate a wet pond condition during dry periods, unless the pond bottoms are sufficiently deepened (e.g. at least 6 feet below the average estimated seasonal high groundwater level). However, normal seasonal groundwater variation may result in several feet of pool level fluctuation with changing seasons. An artificial water source (e.g., agricultural well) may be considered to maintain the permanent pool during extended dry periods. At the remaining ponds.

A sufficient quantity of USCS SC and CL materials does not appear to be available on site for a pond liner. GTA recommends a Geosynthetic Clay Liner (GCL; Bentonite matrix) or an appropriate PVC liner with relief valves may be used. Both types of liners will need to be provided with a 1-foot-thick granular soil cover. The GCL or PVC liners should be installed in accordance with manufacturer's recommendations. On-site granular soils, similar to the bulk sample tested, are considered suitable for use as a pond liner cover material if they are dried to near optimum. Pond liner cover materials should meet AASHTO classification designation A-2-4 or more granular and be approved by GTA.

Pond structural fill should be constructed in maximum 8-inch loose lifts and compacted to 95 percent of the maximum dry density as determined by ASTM D-698 (AASHTO T-99). If practical, GTA recommends reinforced concrete pipe be used as the principal spillway pipe. Also, a concrete cradle and anti-seep collar should be provided for the spillway pipe.

For wet pond construction, groundwater levels will be above the pond bottom level during construction. The contractor should be prepared to stabilize and dewater pond excavations. Subgrades excavated below the water table will be prone to instability and softening. All SWM pond construction should conform to *Delaware Conservation Practice Standard Pond Code 378* and *Code 521*, latest editions and *Delaware Sediment and Stormwater Regulations*, latest edition, as applicable.

The proposed pump stations at Boring PS-1 may be supported on a mat slab type foundation. The foundation may be proportioned for a maximum net allowable soil bearing pressure of 2,000 pounds per square foot (psf). Disturbed, very loose layers should be excavated to a stable stratum. Proposed subgrade should be reestablished with AASHTO No. 57 crushed stone or in accordance with GTA's recommendations in the field at the time of construction. Use of a mud mat or crushed stone layer may be required to stabilize and protect the foundation subgrade.

Referring to log PS-1, the on-site soils beneath the topsoil that conform to USCS ML and CL are not suitable for reuse as structural backfill material for the pump station. Excavated materials conforming to SM, SP-SM, or SP classifications will be suitable for reuse as structural fill, however, materials excavated near or below groundwater are anticipated to require substantial drying prior to reuse as structural backfill (compacted to 95 percent of ASTM D1557).

Based on the proposed depth of the excavation required for the pump station, groundwater will impact the construction of the proposed pump station. Well points will be required to dewater the excavation during construction. The foundation/floor slab of the proposed pump station will likely be subjected to permanent uplift pressures. GTA recommends that the pump station bottom slab be designed to resist these uplift forces and should be watertight. Use of a relatively thick mat slab may be required to balance the uplift forces. The structure will also be subjected to hydrostatic and unbalanced earth pressures and must be

designed to resist such lateral pressures. GTA recommends that the following soil design parameters be used for the pump station construction:

Friction Angle	$\varphi = 30$ degrees
Active Pressure Coefficient*	$K_a = 0.3$
At Rest Pressure Coefficient*	$K_o = 0.5$
Passive Pressure Coefficient*	$K_p = 3.0$
Moist Unit Weight of Soil	125 pcf
Saturated Unit Weight of Soil	130 pcf
Submerged Unit Weight of Soil	68 pcf
Design Groundwater Elevation	10 MSL

**Level backfill condition*

Limitations

This report, including all supporting exploration logs, field data, field notes, estimates, and other documents prepared by GTA in connection with this project, has been prepared for the exclusive use of Schell Brothers, LLC pursuant to the agreement between GTA and Schell Brothers, LLC dated April 5, 2021, and in accordance with generally accepted engineering practice. All terms and conditions set forth in the Agreement are incorporated herein by reference. No warranty, express or implied, is given herein. Use and reproduction of this report by any other person without the expressed written permission of Schell Brothers, LLC is unauthorized and such use is at the sole risk of the user.

The analysis and recommendations contained in this report are based on the data obtained from limited observation and testing of the encountered materials. Explorations indicate soil and groundwater conditions only at specific locations and times and only to the depths penetrated. They do not necessarily reflect strata variations that may exist between the exploration locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations in subsurface conditions from those described are noted during construction, recommendations in this report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed, and conclusions of this report are verified in writing. Geo-Technology Associates, Inc. is not responsible for any claims, damages, or liability associated with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of Geo-Technology Associates, Inc.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous

or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client. The subject matter of this report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be constructed by the reader to imply approval by the writer.

We appreciate the opportunity to be of assistance on this project. Should you have any questions or require additional information, please contact our office at (302) 855-9761.

Sincerely,
GEO-TECHNOLOGY ASSOCIATES, INC.

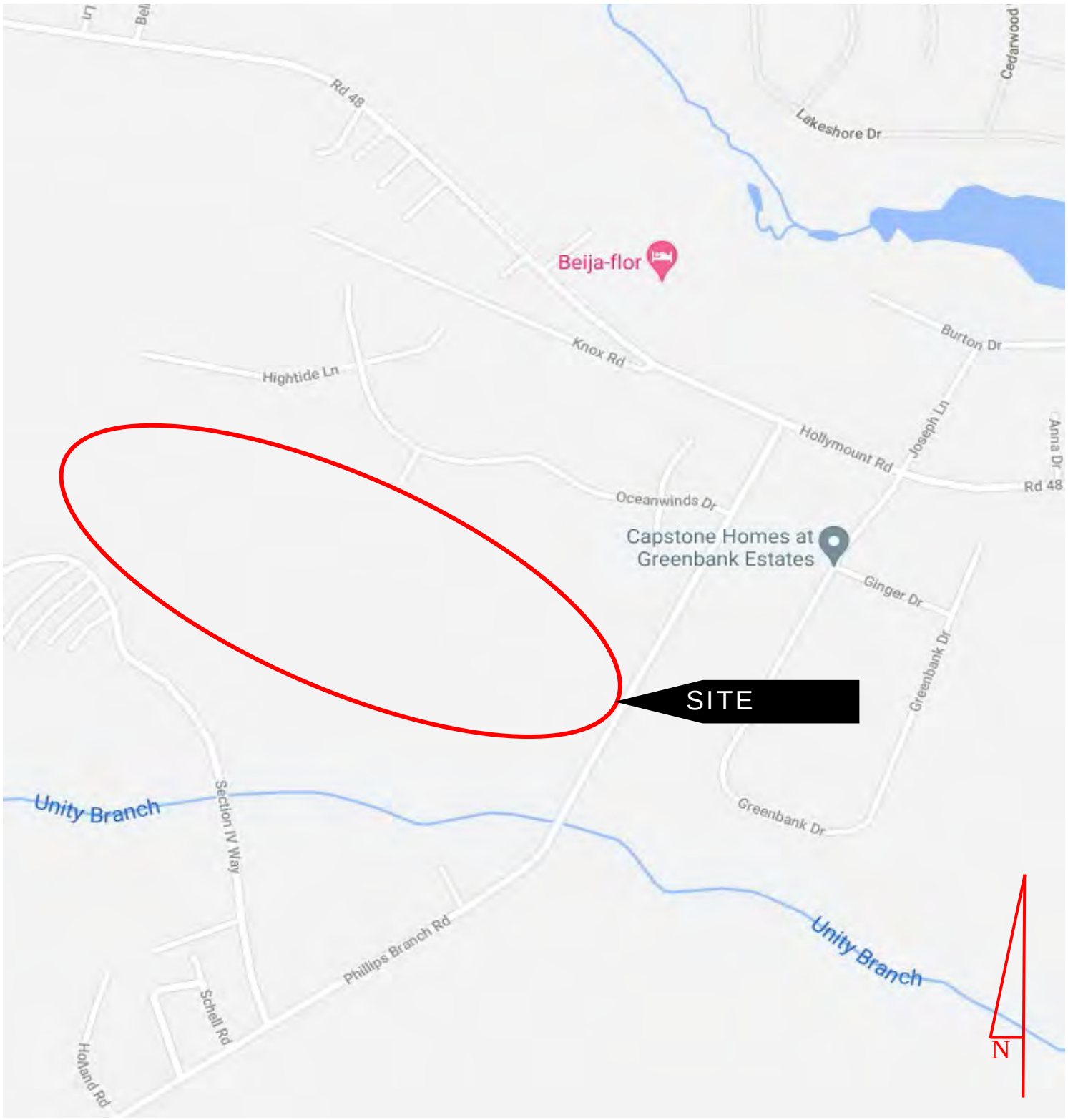
Travis P. Caraway, EIT
Project Geotechnical Professional

Gregory R. Sauter, P.E
Vice President

GRS/TPC/llh
31210838
S:\1 Job File\2021 Projects\31210838-Phillips Branch\Report\Phillips Branch- GTA Report for Subsurface Exploration.doc

cc: Jason Palkewicz, P.E., Solutions IPEM

Attachments: Site Location Plan (1 page)
Exploration Location Plan (1 page)
USDA Soil Survey Map (3 pages)
Water Conditions Summary Page (1 page)
Notes for Exploration Logs (1 page)
Exploration Logs (32 pages)
Particle Size Distribution Report (5 pages)
Moisture Density Relationship Test Report (1 page)
GBA – Important Information about your Geotechnical Engineering Report (2 pages)



Site Location Plan taken from Google Maps

GEO-TECHNOLOGY ASSOCIATES, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
21133 Sterling Avenue, Suite 7
Georgetown, Delaware 19947
(302) 855-9761 Fax (302) 856-3388

Site Location Plan
Phillips Branch
Sussex County, Delaware

SCALE	DATE	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO.
NTS	August 2021	GTA	Google Maps	GRS	31210838

Exploration Location Plan taken from Google Earth and a untitled plan by Solutions IPEM and undated.

Exploration Location

GEO-TECHNOLOGY ASSOCIATES, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
21133 Sterling Avenue, Suite 7
Georgetown, Delaware 19947
(302) 855-9761 Fax (302) 856-3388

Exploration Location Plan
Phillips Branch
Sussex County, Delaware

SCALE 11X17	DATE	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO.	Figure
1" ~ 225'	June 2021	GTA	Solutions IPEM	GRS	31210838	2

Edward Otter, Inc.
Archaeology
Cemetery Studies
Historical Research

1704 Camden Avenue
Salisbury, Maryland 21801
410 572 5993
443 880 2339
eotter20@comcast.net

Jason Palkewicz
Solutions IPEM
303 N. Bedford Street
Georgetown, De. 19947

November 5, 2021

RE: Phillips Branch Road, Parcel 234-17.00-3.00

Introduction

A residential development has been proposed on tax parcel 234-17.00-3.00. The tract is located on the northwest side of Phillips Branch Road about .2 miles southwest of Hollymount Road, Sussex County, Delaware (Figure 1). During the PLUS review process, the State Historic Preservation Office noted that historic aerial photography shows an approximately 40-feet by 40-feet area that remained un-plowed and that this may indicate a cemetery.

In an effort to determine if this area contains human graves, Edward Otter, Inc. was contracted to examine the area. The proposed process was to remove the top soil and visually inspect for graves. Edward Otter, Inc. has conducted a couple dozen similar studies across southern Delaware over the last 20 years. Archival research was not included in the agreement

Field Investigation

On October 19, 2021 Edward Otter, Inc, under the direct supervision of Edward Otter, Ph.d. and assisted by Jill Showell and John Potts, began the investigation. The suspected location of the cemetery had been identified by surveyors. Two large trees were flagged (Figure 2) and there were old fence posts in the area (Figure 3).

Excavation began at the south edge of the marked area. A mini-excavator with a smooth bladed bucket was used to remove top soil. Once top soil was removed down to intact subsoil the excavated areas were cleaned with shovels and trowels in order to look for grave shafts. Graves are typically seen as faint rectangular or hexagonal (coffin shaped) stains or areas of disturbance within otherwise intact subsoil.

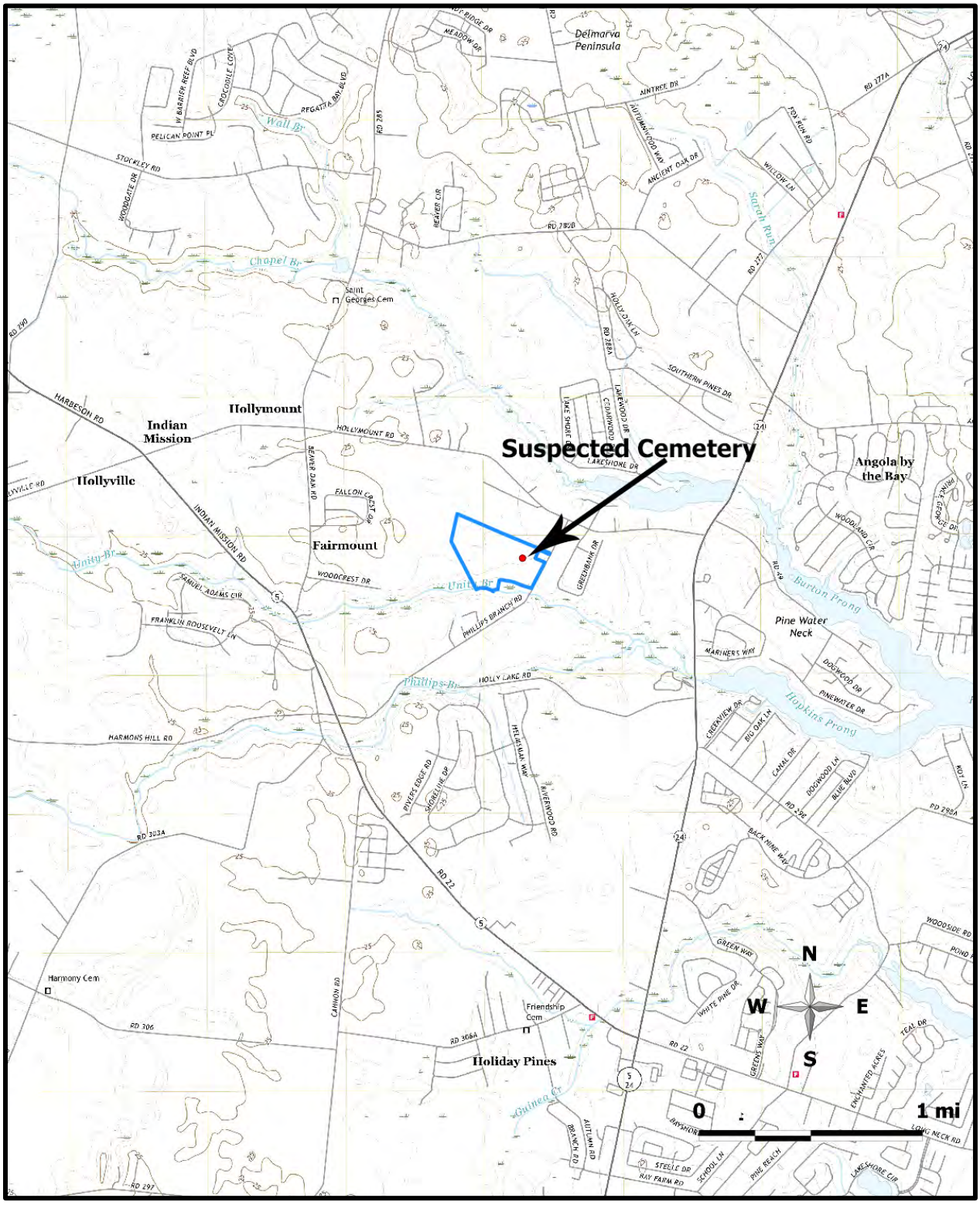


Figure 1. Parcel 234-17.00-3.00 Location.

Figure 2. Marked Tree

Figure 3. Existing Fence Post

Wooded areas present challenges for mechanical earth removal. There were some trees that could not be removed and those locations could not be tested. Also, the confined nature of the work area sometimes requires that portions of the excavation be backfilled before the entire area is exposed. A certain amount of space is required to swing the excavator bucket and to stockpile soil.

An area measuring approximately 40 feet by 30 feet was stripped except where trees prohibited (Figure 4). Throughout the course of the investigation, nothing resembling a grave was found. Root stains were evident and two potential post holes were found (Figure 5). These were sectioned in order to interpret their function. The conclusion is they are root stains.

In the end, there were no disturbances in the subsoil large enough to be a grave. We were open to the possibility of finding a buried animal (a horse had been suggested) but no such burial was found. Other than the mentioned "posts" nothing resembling a cultural feature was encountered. It is clear that the tested location does not contain a cemetery.

Conclusion

Using a combination of mechanical and hand excavation an area measuring 50 feet by 65 feet was stripped of topsoil in order to look for grave shafts. Excavation was complete except where large trees prevented excavation. Nothing resembling a grave shaft was identified during the course of the study and it is concluded that there is no cemetery in this location.

Signed

Edward Otter, Ph.D.
President, Edward Otter, Inc.

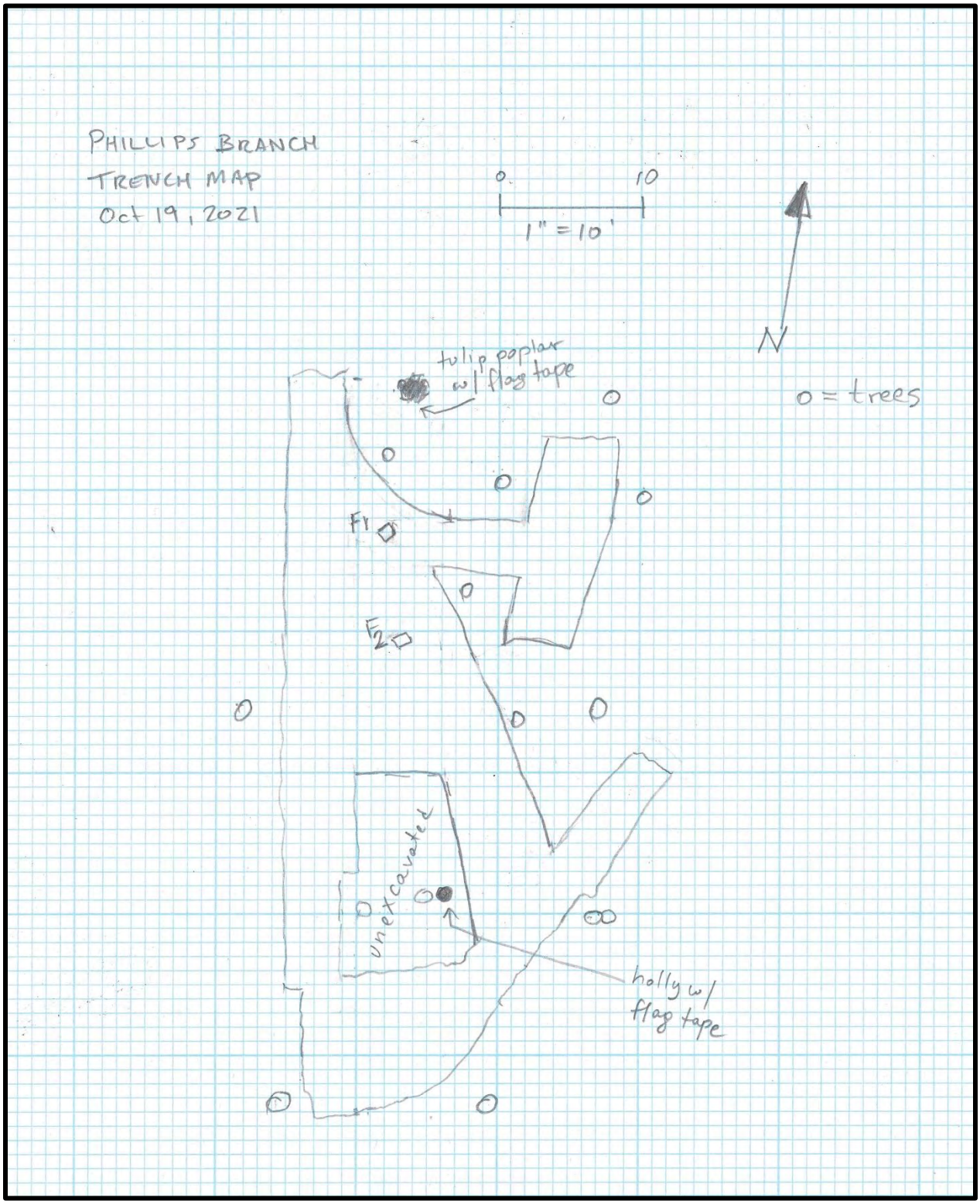


Figure 4. Map of Excavated Area

Figure 5. Suspected Post Hole

Jason Palkewicz, Professional Engineer
CEO

EDUCATION

BE, Environmental Eng., 1995
Hofstra University

MS, Civil Eng., 1999
University of Toledo

REGISTRATIONS

- Professional Engineer
  MD # 25088
- Professional Engineer
  DE # 12083
- Professional Engineer
  VA # 035417

MEMBERSHIPS

- LEED, AP

PROFESSIONAL SUMMARY

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

SPECIAL PROJECT EXPERIENCE

- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Chase Oaks, Sussex County, DE –** The civil engineer project manager for this 253 unit coastal area cluster subdivision located on Robinsonville Road. The project included planning, entitlement, roadway, grading, stormwater management, sanitary sewer, pump station and DelDOT entrance design.
- **Headwater Cove, Sussex County, DE –** Prepared construction drawings and plats for a 163 unit residential subdivision on Dorman Road. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.

RECEIVED
SEP 29 2022
SUSSEX COUNTY
PLANNING & ZONING

Proposed Conditions of Approval

A. There shall be no more than 117 lots within the subdivision.
B. The Final Site Plan shall confirm that 46%, more or less, of the site remains as Open Space subject to final engineering.
C. All entrances, intersection, roadway, and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
D. A homeowner's association shall be established that will be responsible for maintenance of streets, roads, buffers, stormwater management facilities and other common areas.
E. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
G. A forested or landscaped buffer of at least 30 feet in depth shall be installed along the entire perimeter of the project. The Final Site Plan shall contain a landscaped plan for all these areas.
H. The Final Site Plan shall indicate all forested areas that will be preserved.
I. There shall be a minimum 25 feet buffer from all nontidal wetlands.
J. The subdivision shall be served by a publicly regulated wastewater service to provide sanitary sewer.
K. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
L. Interior Street design shall meet or exceed Sussex County standards.
M. A street lighting system that provides lighting in a downward direction with minimal uplighting shall be provided.
N. The developer shall complete all amenities prior to issuance of the 70th Building Permit.
O. The Applicant shall coordinate and cooperate with the local school district's transportation manager to establish school bus areas.
P. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
Q. A revised Preliminary Site either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
R. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jason Palkewicz, P.E.
Solutions IPEM, LLC
303 North Bedford Street
Georgetown, DE 19947

RE: PLUS review 2021-06-07; Philips Branch

Dear Mr. Palkewicz:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the Philips Branch project. According to the information received you are seeking review of a proposed 117 unit subdivision on 58.6 acres along Phillips Branch Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project represents a major land development that will result in approximately 117 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*. This project is also located outside a development district. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this

development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

In addition, the development of this site may be environmentally inappropriate due to the following:

- **Old Growth Forest/Forest Removal -** The preliminary plan proposes the elimination of 47.5 of the 56.8 acres of forest on the site. An analysis of historical data indicates that the forest area located on the western portion of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- The majority of the parcel, with the exception of the northeast corner, lies within lands designated within the Delaware Ecological Network. The vast majority of the forest located within this area is proposed for removal. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.

- **Natural Areas/Nature Preserves -** The forested area that currently exists on the site is connected to a much larger contiguous forest complex extending into land designated as Herring 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

- **Sea Level Rise -** The southern portion of this site is vulnerable to permanent inundation from sea level rise. It is noted that at this time, no structures are proposed on land subject to inundation levels between 1 and 5 feet. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events is expected to increase.

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Mrs. Grace Shorts Caulk District)

Because the development is inconsistent with the Strategies for State Policies and Spending, the Office of State Planning is opposed to this proposed subdivision

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Phillips Branch Road (Sussex Road 302 must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

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

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

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,134 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates a value of 1,201 for this number and estimates the weekday morning and evening peak hour trip ends at 88 and 118, respectively. Therefore, a TIS would normally be required.

  Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as $10 per daily trip or, in this case, $12,010. AWS Fees are used to fund traffic studies, not to build improvements.

  DelDOT anticipates requiring the developer to make road improvements, yet to be determined. In planning for the Henlopen Transportation Improvement District, DelDOT developed conceptual plans for the improvement of Hollymount Road (Sussex Road 48) and those plans included right turn and left turn lanes at the intersection of Hollymount Road and Phillips Branch Road. These turning lanes may be required.

  More definitely, DelDOT anticipates requiring the developer to improve Phillips Branch Road, within the limits of their projected frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders. Per the definition in Section 1.8 of the Manual, those limits are from a point about 1,000 feet southwest of their actual frontage to a point about 240 feet northeast of their actual frontage.

DelDOT may require a Traffic Operational Analysis, in accordance with Section 2.3.2 of the Manual if they find it necessary in determining the specific improvements needed either at the intersection or on the frontage.

Questions regarding the site's trip generation and Traffic Operational Analyses should be directed to the County Coordinator, Mr. T. William Brockenbrough. Mr. Brockenbrough may be reached at Thomas.Brockenbrough@delaware.gov or (302) 760-2109. Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. R. Stephen McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

- 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 Phillips Branch Road. By this regulation, this dedication is to provide a minimum of 30 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 on Phillips Branch Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established 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 Phillips Branch Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. DelDOT anticipates recommending that the County require a connection to Seaspray Court, a stub street in the adjoining River Oaks subdivision and consider requiring stub streets for future connections to the adjoining Warrington and Bar-Rab, LLC parcels, respectively (Tax Parcel Nos. 234-11.00-103.00 and 234-16.00-14.00).

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DelDOT anticipates requiring an SUP along this development's road frontage.

- 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 Phillips Branch Road.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

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

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

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the southern portion of the site surrounding Unity Branch. The application indicates that wetlands have been delineated. Preliminary plans do not propose disturbances to wetland areas.

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.

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

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

Vegetated Buffer Zones

Site plans show lots proposed approximately 50 feet from federally-regulated non-tidal wetlands. 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.

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the southern portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Homeowners with mortgages may be required to purchase flood insurance.

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

  Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.
  Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management

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

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

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.delaware.gov/enoi/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

  Plan Review Agency Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: https://www.sussexconservation.org/

General Stormwater Management Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/

Hydrologic Soils Group

Hydrologic Soil Group B/D soils have been identified 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. Consult with the proper plan review agency (Sussex Conservation District) or the DNREC Sediment and Stormwater Program for more information.

Water Quality (Pollution Control Strategies)

This site lies within the Rehoboth Bay Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy.

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife. Contact the DNREC Division of Fish and Wildlife for more information.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.
Website: https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/

Wastewater permits – Large Systems

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

- If additional flows to Artesian's system will require capacity updates, it is the responsibility of the permitee (Artesian) to notify the Large Systems Branch.

Wastewater Permits (Large Systems) Contact: DNREC Large Systems Branch at (302) 739-9948. Website: https://dnrec.alpha.delaware.gov/water/groundwater/

Nutrient Management Plan

This project proposes open space of 27 acres.

- A nutrient management plan is required by the Delaware Department of Agriculture 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/

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register-Listed or eligible properties on the parcel.
- Prehistoric archaeological potential is high in the southern half of the parcel. Almost the entire parcel is well-drained soils (except next to Unity Branch), and the entire south half is within favorable distance to Unity Branch. The highest potential will be the top of bluff overlooking the stream. There are also prehistoric sites along Unity Branch on similar topography east of this parcel. Th State Historic Preservation Office is recommending a Phase I archaeological survey.
- Historic archaeological potential is low throughout the parcel. There is no indication that there was a structure on the parcel. Though there was a historic farmstead just off the parcel where there are more modern houses now. There also appears to be something noted on the 1937, 1954, 1961, and 1968 aerials that looks like a 40-foot x 40-foot square approximately 150 feet southwest of the ag farmstead, which is common distance from homesteads to family cemeteries. It is sort of noticeable even in modern aerials, but it is not overgrown and wooded.

- The Delaware SHPO highly recommends checking out that area prior to any disturbance occurring and remind the developer of the Unmarked Human Burials and Human Skeletal Remains Act (Title 7, Ch. 54).

- 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

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

- Fire hydrants shall be provided in accordance with Regulation 702, Chapter 6.

- If water for fire protection is not available, the site shall comply with Regulation 702, Chapter 6, Fire Flow Table 1.

- Emergency Service Access shall be provided in accordance with Regulation 705, Chapter 5.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Mrs. Grace Shorts Caulk District K-92-11-007 parcels 1-00-02800-01-0100, 1-00-02800-01-2900). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

> § 910. Agricultural use protections.
>
> (a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:
>
> (1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and

any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

  (2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

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. 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.

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,

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

CC: Sussex County

solutions
Integrated Planning
Engineering & Management, LLC

November 1, 2021

RECEIVED
NOV 01 2021
SUSSEX COUNTY
PLANNING & ZONING

Mrs. Constance C. Holland, AICP, State Planning Director
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2021-06-07; Phillips Branch

Dear Mrs. Holland;

Please allow this letter to serve as our response to the PLUS review of the Riverwood (FKA Phillips Branch) property. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Thank you for meeting with State agency planners on June 23, 2021 to discuss the Philips Branch project. According to the information received you are seeking review of a proposed 117 unit subdivision on 58.6 acres along Phillips Branch Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Response: The developer will comply with all Federal, State, and local regulations regarding the development of this property. The developer will comply with all regulations / restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project represents a major land development that will result in approximately 117 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*. This project is also located outside a development district. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised

T: 302.297.9215
T: 410.572.8833
E: ideas@solulionsipem.com
303 North Bedford Street • Georgetown, DE 19947
3003 Merrill Mill Road • Salisbury, MD 21804

of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

In addition, the development of this site may be environmentally inappropriate due to the following:

- **Old Growth Forest/Forest Removal -** The preliminary plan proposes the elimination of 47.5 of the 56.8 acres of forest on the site. An analysis of historical data indicates that the forest area located on the western portion of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- The majority of the parcel, with the exception of the northeast corner, lies within lands designated within the Delaware Ecological Network. The vast majority of the forest located within this area is proposed for removal. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.

- **Natural Areas/Nature Preserves -** The forested area that currently exists on the site is connected to a much larger contiguous forest complex extending into land designated as Herring 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

- **Sea Level Rise -** The southern portion of this site is vulnerable to permanent inundation from sea level rise. It is noted that at this time, no structures are proposed on land subject to inundation levels between 1 and 5 feet. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events is expected to increase.

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Mrs. Grace Shorts Caulk District)

Because the development is inconsistent with the Strategies for State Policies and Spending, the Office of State Planning is opposed to this proposed subdivision

Response: It is understood that the proposed residential subdivision is located within Investment Level 4. However, based on Sussex County Code and Sussex County Comprehensive Plan low-density single-family residential is permitted. Furthermore, the amount of forest removed will be based on the actual amount of land disturbance to safely construct and

maintain the proposed subdivision based on Sussex County Code as well as design regulations from Sussex County Engineering and Sussex Conservation District. The southern portion of the site is located in wetlands and flood plain - the proposed homes are not located within either the wetlands or the flood plain.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Phillips Branch Road (Sussex Road 302 must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

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

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

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,134 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates a value of 1,201 for this number and estimates the weekday morning and evening peak hour trip ends at 88 and 118, respectively. Therefore, a TIS would normally be required.

  Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as $10 per daily trip or, in this case, $12,010. AWS Fees are used to fund traffic studies, not to build improvements.

  DelDOT anticipates requiring the developer to make road improvements, yet to be determined. In planning for the Henlopen Transportation Improvement District, DelDOT developed conceptual plans for the improvement of Hollymount Road (Sussex Road 48)

and those plans included right turn and left turn lanes at the intersection of Hollymount Road and Phillips Branch Road. These turning lanes may be required.

More definitely, DelDOT anticipates requiring the developer to improve Phillips Branch Road, within the limits of their projected frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders. Per the definition in Section 1.8 of the Manual, those limits are from a point about 1,000 feet southwest of their actual frontage to a point about 240 feet northeast of their actual frontage.

DelDOT may require a Traffic Operational Analysis, in accordance with Section 2.3.2 of the Manual if they find it necessary in determining the specific improvements needed either at the intersection or on the frontage.

Questions regarding the site's trip generation and Traffic Operational Analyses should be directed to the County Coordinator, Mr. T. William Brockenbrough. Mr. Brockenbrough may be reached at Thomas.Brockenbrough@delaware.gov or (302) 760-2109. Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. R. Stephen McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

- 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 Phillips Branch Road. By this regulation, this dedication is to provide a minimum of 30 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 on Phillips Branch Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established 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 Phillips Branch Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. DelDOT anticipates recommending that the County require a connection to Seaspray Court, a stub street in the adjoining River Oaks subdivision and consider requiring stub streets for future connections to the adjoining Warrington and Bar-Rab, LLC parcels, respectively (Tax Parcel Nos. 234-11.00-103.00 and 234-16.00-14.00).

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DelDOT anticipates requiring an SUP along this development's road frontage.

- 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 Phillips Branch Road.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

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

Response: The developer will work with DelDOT to further refine the entrance and roadway improvements.

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

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the southern portion of the site surrounding Unity Branch. The application indicates that wetlands have been delineated. Preliminary plans do not propose disturbances to wetland areas.

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.

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

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

Vegetated Buffer Zones

Site plans show lots proposed approximately 50 feet from federally-regulated non-tidal wetlands. 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.

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the southern portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Homeowners with mortgages may be required to purchase flood insurance.

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

  Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management

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

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

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an

electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.delaware.gov/enoi/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

  Plan Review Agency Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: https://www.sussexconservation.org/

General Stormwater Management Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/

Response: The wetlands on-site have been delineated. No disturbance is currently anticipated. However, should disturbance become necessary, the appropriate permits will be obtained. The site will be designed per Sussex Conservation District including SAS and NOI.

Hydrologic Soils Group

Hydrologic Soil Group B/D soils have been identified 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. Consult with the proper plan review agency (Sussex Conservation District) or the DNREC Sediment and Stormwater Program for more information.

Response: The site contains primarily Soil Group A, with some B/D. The B/D soils are located primarily within the wetlands and are not proposed to be developed.

Water Quality (Pollution Control Strategies)

This site lies within the Rehoboth Bay Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy.

Response: The site will be designed in compliance with Sussex Conservation District standards.

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife. Contact the DNREC Division of Fish and Wildlife for more information.

  Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.
  Website: https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/

Response: Understood.

Wastewater permits – Large Systems

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

- If additional flows to Artesian's system will require capacity updates, it is the responsibility of the permitee (Artesian) to notify the Large Systems Branch.

  Wastewater Permits (Large Systems) Contact: DNREC Large Systems Branch at (302) 739-9948. Website: https://dnrec.alpha.delaware.gov/water/groundwater/

Response: Understood.

Nutrient Management Plan

This project proposes open space of 27 acres.

- A nutrient management plan is required by the Delaware Department of Agriculture 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/

Response: Understood.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register-Listed or eligible properties on the parcel.
- Prehistoric archaeological potential is high in the southern half of the parcel. Almost the entire parcel is well-drained soils (except next to Unity Branch), and the entire south half is within favorable distance to Unity Branch. The highest potential will be the top of bluff overlooking the stream. There are also prehistoric sites along Unity Branch on similar topography east of this parcel. Th State Historic Preservation Office is recommending a Phase I archaeological survey.
- Historic archaeological potential is low throughout the parcel. There is no indication that there was a structure on the parcel. Though there was a historic farmstead just off the parcel where there are more modern houses now. There also appears to be something noted on the 1937, 1954, 1961, and 1968 aerials that looks like a 40-foot x 40-foot square approximately 150 feet southwest of the ag farmstead, which is common distance from homesteads to family cemeteries. It is sort of noticeable even in modern aerials, but it is not overgrown and wooded.
- The Delaware SHPO highly recommends checking out that area prior to any disturbance occurring and remind the developer of the Unmarked Human Burials and Human Skeletal Remains Act (Title 7, Ch. 54).
- 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

Response: The developer hired Edward Otter, PhD to investigate the 40 x 40 square referenced above. The site was stripped and no graves or indication of graves was noted.

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

- Fire hydrants shall be provided in accordance with Regulation 702, Chapter 6.
- If water for fire protection is not available, the site shall comply with Regulation 702, Chapter 6, Fire Flow Table 1.
- Emergency Service Access shall be provided in accordance with Regulation 705, Chapter 5.

Response: The site will be designed per Fire Marshal requirements.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Mrs. Grace Shorts Caulk District K-92-11-007 parcels 1-00-02800-01-0100, 1-00-02800-01-2900). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

  § 910. Agricultural use protections.

  (a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

  (1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

  This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

  (2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

  (b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in

any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

> (2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Response: Appropriate setbacks and notes will be included on the subdivision plat regarding agricultural uses as required by Sussex County.

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. 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.

Response: Understood.

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.

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,

Solutions, IPEM

Jason Palkewicz, PE

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

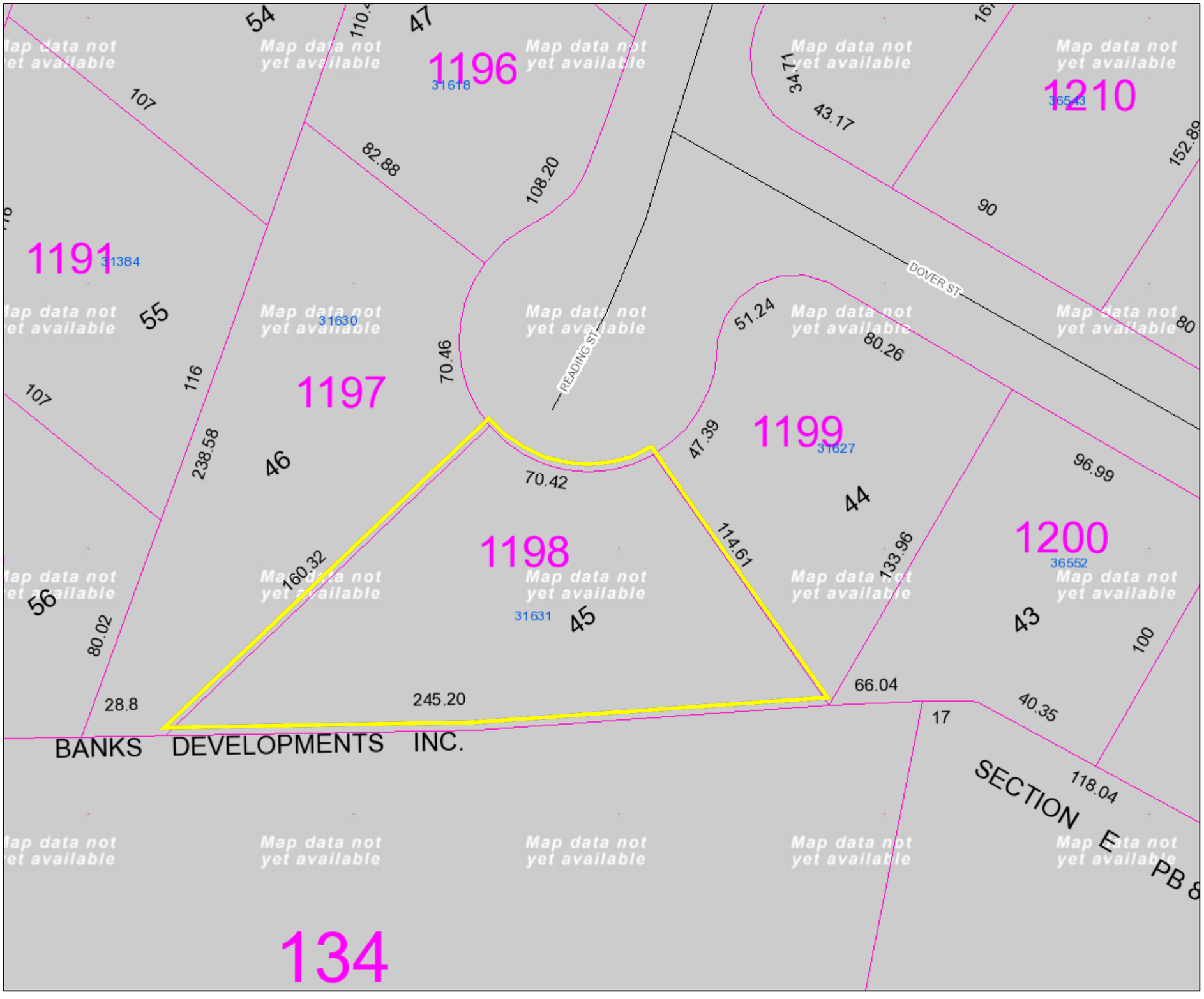
Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application:	C/U 2323 Leslye Brossus
Applicant:	Ms. Leslye A. Brossus 31631 Reading Street Millville, DE 19970
Owner:	Ms. Leslye A. Brossus 31631 Reading Street Millville, DE 19970
Site Location:	31631 Reading Street, Millville. The property is lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (Route 349) and is Lot 45 within the Banks Acres Subdivision.
Current Zoning:	General Residential (GR) District
Proposed Use:	Treehouse & Yurt for Short Term Rentals
Comprehensive Land Use Plan Reference:	Coastal Area
Councilmanic District:	Mr. Hudson
School District:	Indian River School District
Fire District:	Millville Fire Department
Sewer:	Sussex County
Water:	Private (Well)
Site Area:	0.26 acres +/-
Tax Map ID:	134-12.00-1198.00

EQUAL HOUSING OPPORTUNITY

Sussex County



PIN:	134-12.00-1198.00
Owner Name	BROSSUS LESLYE A
Book	2635
Mailing Address	31631 READING ST BANKS
City	MILLVILLE
State	DE
Description	BANKS ACRES
Description 2	LOT 45
Description 3	T#22032
Land Code	

polygonLayer
Override 1

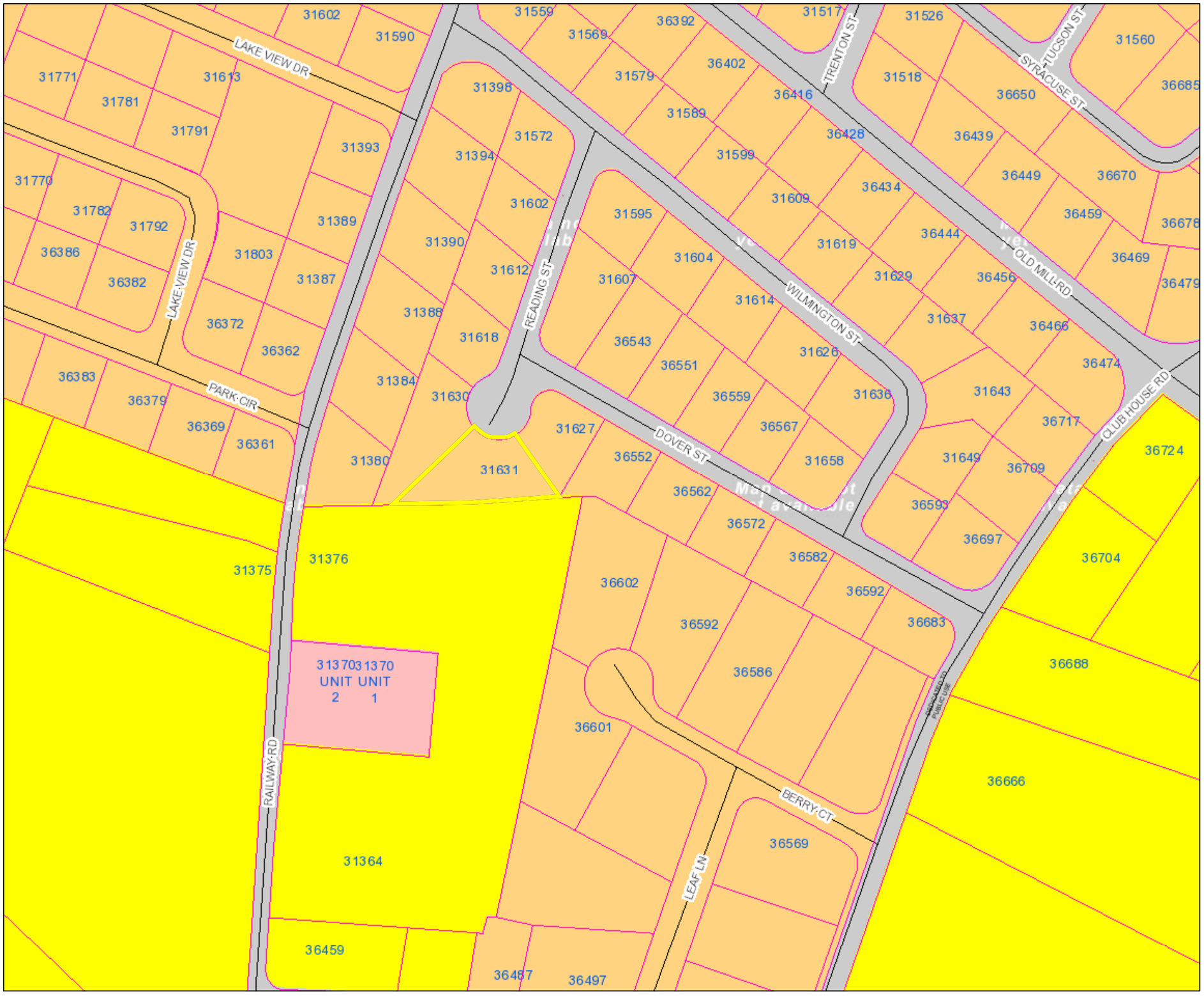
polygonLayer
Override 1
Tax Parcels
911 Address
Streets
County Boundaries

1:564

0 0.005 0.01 0.02 mi
0 0.01 0.02 0.04 km

August 22, 2022

Sussex County



PIN:	134-12.00-1198.00
Owner Name	BROSSUS LESLYE A
Book	2635
Mailing Address	31631 READING ST BANKS
City	MILLVILLE
State	DE
Description	BANKS ACRES
Description 2	LOT 45
Description 3	T#22032
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
911 Address
Streets

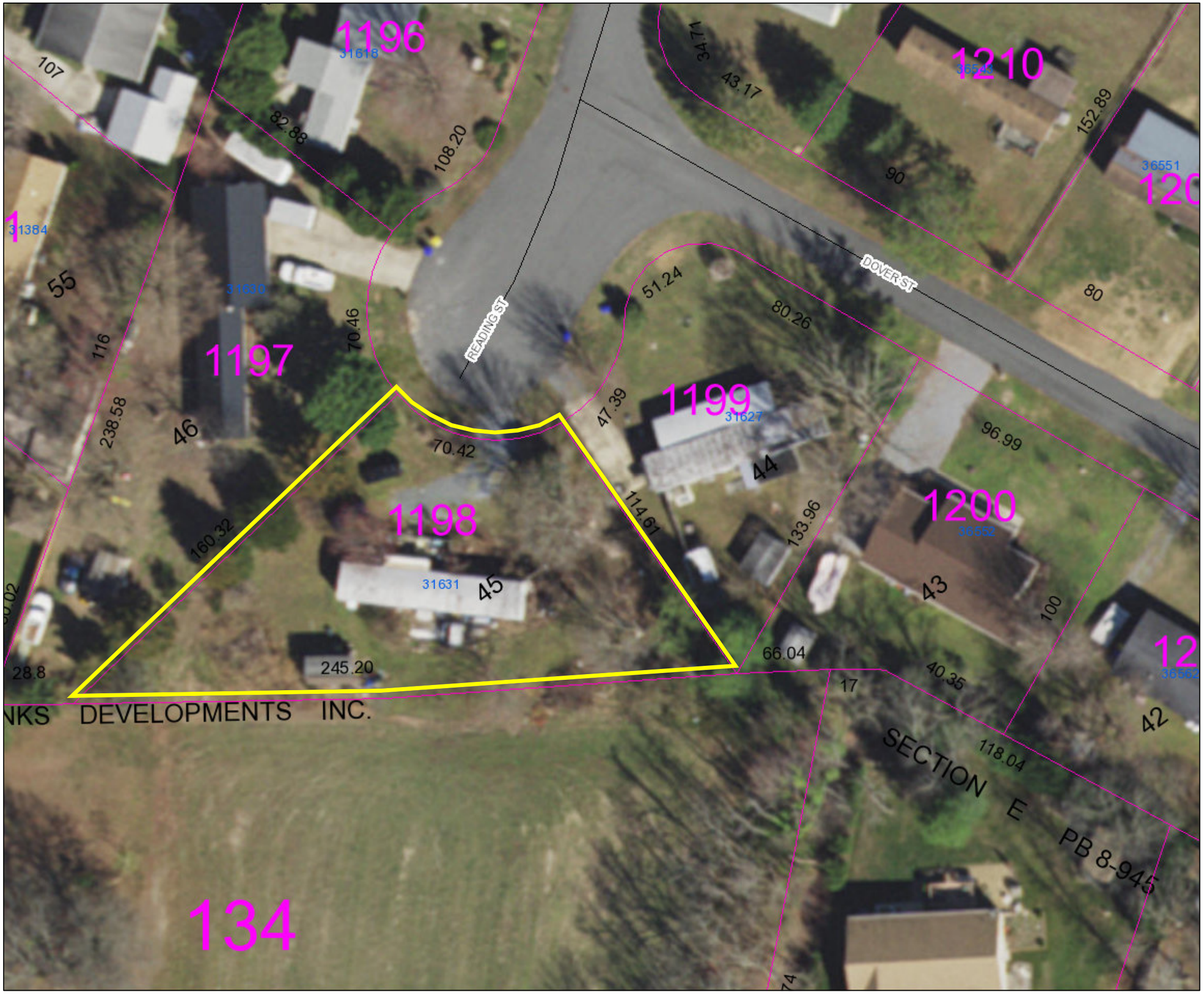
1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

August 22, 2022

Sussex County



PIN:	134-12.00-1198.00
Owner Name	BROSSUS LESLYE A
Book	2635
Mailing Address	31631 READING ST BANKS
City	MILLVILLE
State	DE
Description	BANKS ACRES
Description 2	LOT 45
Description 3	T#22032
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

August 22, 2022

Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.

1:282

August 25, 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

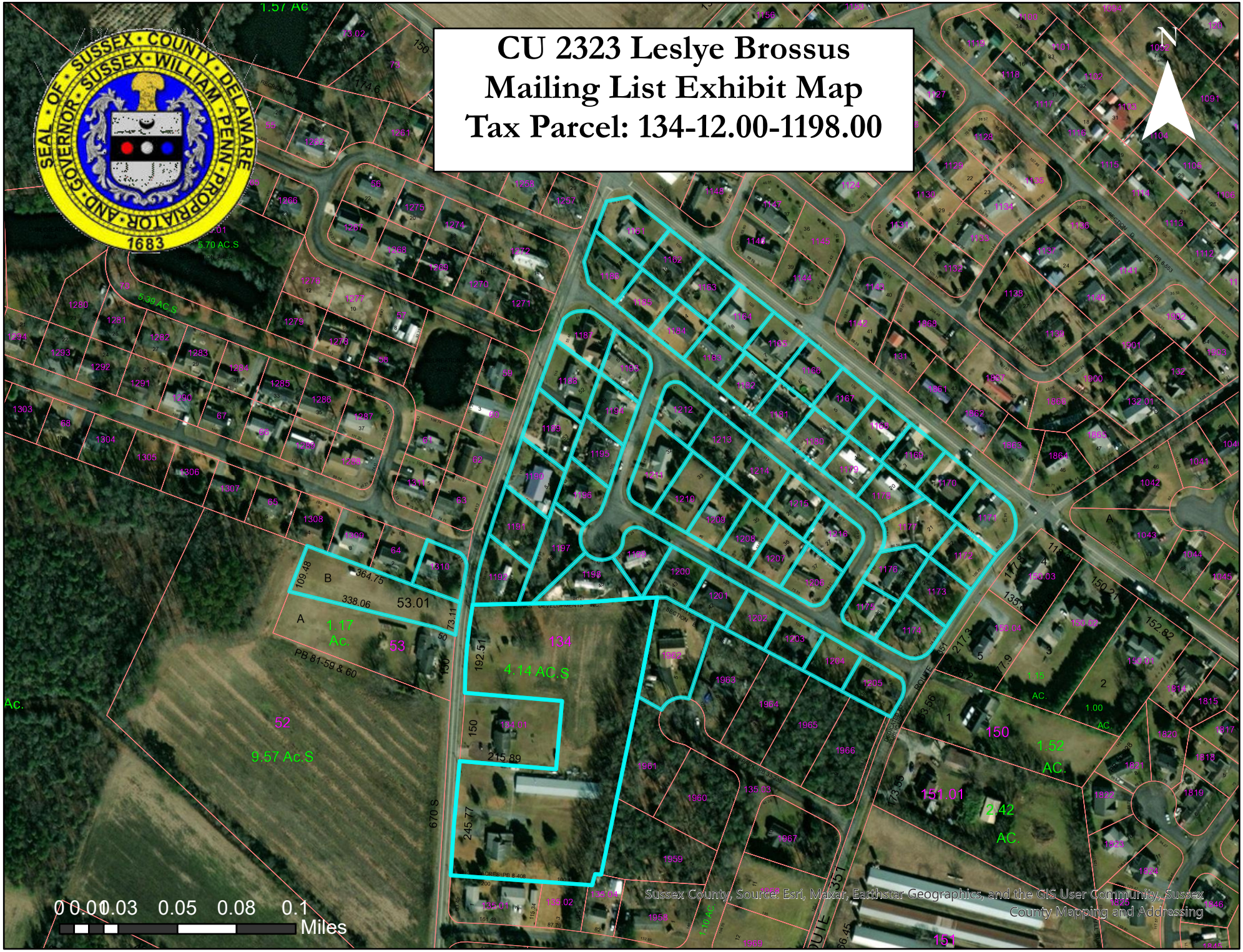
Contours

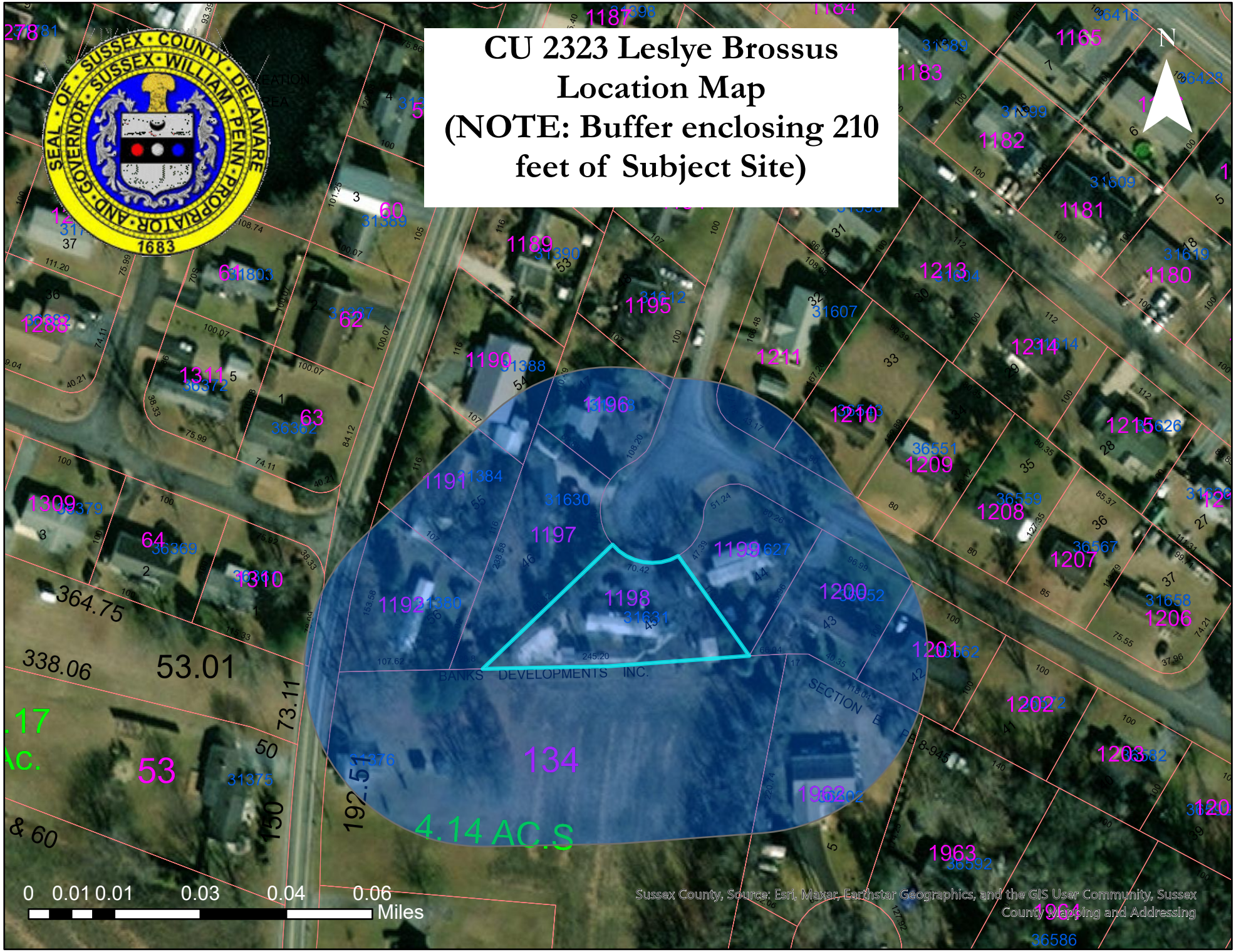
- INDEX
- DEPRESSION
- HIDDEN
- INTERVAL

Flood Zone (at Point): X
FEMA Issued Flood Map: 10005C0511K
Map Date: 3/16/2015
Subwatershed (HUC12): White Creek-Indian River Bay
Tax Parcel: 134-12.00-1198.00
Address (estimated): 31631 READING ST
MILLVILLE, DE 19967

Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
BOSSE DONALD GEORGE & ANGELIQUE	PRUNELLA BOSSE	11700 STONEWOOD LN	ROCKVILLE	MD	20852	134-12.00-1202.00
HILLERMAN IAN B	JULIE CORLETTA	1200 BRASHEARS ST	ANNAPOLIS	MD	21403	134-12.00-1170.00
BURMAN ROBERT A & LAURA C	<Null>	1335 HEAPS RD	WHITEFORD	MD	21160	134-12.00-1209.00
FINKELSTEIN ARVIL D MARY C	<Null>	4224 NECKER AVE	BALTIMORE	MD	21236	134-12.00-1214.00
GREER STEVEN H	CATHERINE A GREER	36562 DOVER ST	OCEAN VIEW	DE	19970	134-12.00-1201.00
ZUKAS MICHAEL	<Null>	PO BOX 880	BETHANY BEACH	DE	19930	134-12.00-1163.00
OWENS MARY E	OWENS MICHAEL B	3603 LOWELL PLACE	WHEATON	MD	20902	134-12.00-1190.00
WAGUS EDWARD O GAIL A WAGUS	<Null>	8 QUARTS GARTH	MIDDLE RIVER	MD	21220	134-12.00-1211.00
BROSSUS LESLYE A	<Null>	31631 READING ST # BANKS	MILLVILLE	DE	19970	134-12.00-1199.00
MULLIN JAMES F	JANET L MULLIN	PO BOX 35	OCEAN VIEW	DE	19970	134-12.00-1169.00
SEALS LETHA	<Null>	36416 OLD MILL RD	OCEAN VIEW	DE	19970	134-12.00-1165.00
FONZI DAVID L & JANET A	FITZGERALD	492 BRIDGE VALLEY RD	PEQUEA	PA	17565	134-12.00-1210.00
CESARINI ELVESIA	<Null>	3421 BROOKWOOD DR	FAIRFAX	VA	22030	134-12.00-1168.00
WEST RICHARD K	<Null>	31579 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1184.00
BALDO C DAVID	<Null>	30429 HUNTER CT	MILLVILLE	DE	19967	134-12.00-1171.00
PECK GLEN D	<Null>	31612 READING ST	MILLVILLE	DE	19970	134-12.00-1195.00
SCHWARZKOPF PATRICIA	ROBERT SCHWARZKOPF	118 HOLLYWOOD DR	OCEAN VIEW	DE	19970	134-12.00-1162.00
HEITE EDWARD C	<Null>	36683 CLUB HOUSE RD	OCEAN VIEW	DE	19970	134-12.00-1205.00
HUTCHINS LARRY	<Null>	36582 DOVER ST	OCEAN VIEW	DE	19970	134-12.00-1203.00
KITTRIDGE MICHAEL P	<Null>	2117 ROBERTSON RD	BEL AIR	MD	21015	134-12.00-1216.00
RAUBAUGH JUDITH A	<Null>	31390 RAILWAY RD	MILLVILLE	DE	19970	134-12.00-1189.00
ROBINSON EDWARD	DIANE ROBINSON	36428 OLD MILL RD	OCEAN VIEW	DE	19970	134-12.00-1166.00
STEELE JAMES F DOROTHY L	<Null>	36593 DOVER STREET	OCEAN VIEW	DE	19970	134-12.00-1175.00
HENISE WANDA J	<Null>	31643 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1177.00
RUSSELL JOSEPH ALBERT III	DANIELLE MARIE HINCHEY	2411 EVANS DR	SILVER SPRING	MD	20902	134-12.00-53.01
PEMBERTON NORMAN C	<Null>	PO BOX 239	MILLVILLE	DE	19970	134-12.00-1193.00
DEVER JOHN	WILLIAM DEVER	407 DARE RD	YORKTOWN	VA	23692	134-12.00-1173.00
QUILLIN JENNINGS B II	TAYLOR M QUILLIN	31649 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1176.00
HUDSON BARRY I	<Null>	718 GOLDEN BEACH BLVD #6	VENICE	FL	34285	134-12.00-1206.00
DESOUZA ANDRE	<Null>	31619 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1180.00
GWINN SAMANTHA	DENNIS ALEXANDER GWINN	36567 DOVER ST	OCEAN VIEW	DE	19970	134-12.00-1207.00
BALASUS JOSEPH E	AMY S BALASUS	203 CAVASBACK CT	DAGSBORO	DE	19939	134-12.00-1213.00
BROSSUS LESLYE A	<Null>	31631 READING ST BANKS AC	MILLVILLE	DE	19970	134-12.00-1198.00
GENTILE ANTOINETTE MARIE	C/O SUZANNE C FLOEGEL	412 WATERS WATCH MD	BALTIMORE	MD	21220	134-12.00-1204.00
MULLINS EUGENE JR	<Null>	34112 DUPONT BLVD	FRANKFORD	DE	19945	134-12.00-1197.00
MEARS BRUCE	GARY E MURRAY	34490 GORDON DR	FRANKFORD	DE	19945	134-12.00-134.00
MUSHLIT LAWRENCE P & JOANNE M	MUSHLIT	70 WORRELL DR	SPRINGFIELD	PA	19064	134-12.00-1167.00
OJEDA NELSON	RILYN COLON MARILYN COLON O.	42 OVERHILL RD	COATESVILLE	PA	19320	134-12.00-1185.00
SLAVINSKI FRANCIS E & NANCY S	<Null>	7029 LONG VIEW RD	COLUMBIA	MD	21044	134-12.00-1192.00
MAJEROWICZ WALTER W & ELIZABETH M	<Null>	327 W FORREST AVE	SHREWSBURY	PA	17361	134-12.00-1200.00

UTTENREITHER DONALD F JR & KAREN LYNNE	UTTENREITHER	202 ASHWOOD RD	BALTIMORE	MD	21222	134-12.00-1310.00
RADUSZEWSKI FRANK E CLAUDIA C	RADUSZEWSKI	36602 BERRY CT	OCEAN VIEW	DE	19970	134-12.00-1962.00
MANCINI MARY ANN & JANICE B	MCGILL	837 AMOSLAND RD	MORTON	PA	19070	134-12.00-1208.00
MCLAUGHLIN JUDITH M	<Null>	1702 ROBBINS PL	WILMINGTON	DE	19805	134-12.00-1178.00
FLUHARTY RALPH JAMES	<Null>	31629 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1179.00
LEAMAN J ROBERT	LESLIE D LEAMAN	1240 SLATE HILL ROAD	PEACH BOTTOM	PA	17563	134-12.00-1215.00
RAMSEY MICHAEL JAY	DEBRA ANN RAMSEY	11064 MORGAN DR	SHIPPENSBURG	PA	17257	134-12.00-1188.00
WALTMAN DOUGLAS W DAVID B	WALTMAN MICHAEL S	110 GERALD AVE	SHILLINGTON	PA	19607	134-12.00-1186.00
MACQUARRIE HANNAH R	<Null>	31599 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1182.00
LANNON THOMAS V	<Null>	36402 OLD MILL RD	MILLVILLE	DE	19970	134-12.00-1164.00
SNODGRASS SCARLETT D	<Null>	31609 WILMINGTON ST	MILLVILLE	DE	19970	134-12.00-1181.00
BINDER ABIGAYLE	<Null>	31384 RAILWAY RD	OCEAN VIEW	DE	19970	134-12.00-1191.00
MITCHELL BRITTNEY	<Null>	36372 OLD MILL RD	OCEAN VIEW	DE	19970	134-12.00-1161.00
OWENS MICHAEL BRUCE MARY	ELIZABETH OWENS	3603 LOWELL PL	WHEATON	MD	20902	134-12.00-1196.00
FAIRFAX LINDA S	<Null>	31589 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1183.00
KERN MARY LOU	<Null>	8416 NUNLEY DR APT C	PARKVILLE	MD	21234	134-12.00-1194.00
MOORE DONNA H	<Null>	31398 RAILWAY RD	OCEAN VIEW	DE	19970	134-12.00-1187.00
GRAHAM WILLIAM M & SHARON L	<Null>	PO BOX 476	MILLVILLE	DE	19970	134-12.00-1212.00
GUIMOND PAUL F	LISA K GUIMOND	36697 CLUB HOUSE RD	OCEAN VIEW	DE	19970	134-12.00-1174.00
CHENOWETH THOMAS M	<Null>	PO BOX 438	OCEAN VIEW	DE	19970	134-12.00-1172.00


CU 2323 Leslye Brossus
Mailing List Exhibit Map
Tax Parcel: 134-12.00-1198.00
SEAL OF SUSSEX COUNTY DELAWARE
SUSSEX WILLIAM PENN PROPRIATOR AND GOVERNOR
1683
N
134
4.14 AC.S
52
9.57 Ac.S
53
1.17 Ac.
150
1.52 AC.
151.01
2.42 AC.
151
5.70 AC.S
5.39 AC.S
1.57 AC
364.75
338.06
53.01
109.48
192.51
215.89
245.77
670 S
0 0.03 0.05 0.08 0.1
Miles
Sussex County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sussex County Mapping and Addressing


CU 2323 Leslye Brossus
Location Map
(NOTE: Buffer enclosing 210 feet of Subject Site)
N
SEAL OF SUSSEX COUNTY DELAWARE
SUSSEX COUNTY GOVERNOR AND PROPRIATOR
WILLIAM PENN
1683
BANKS DEVELOPMENTS INC.
SECTION
4.14 AC.S
134
53
53.01
364.75
338.06
192.5
73.11
150
0 0.01 0.01 0.03 0.04 0.06
Miles
Sussex County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sussex County Mapping and Addressing

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, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 7, 2022
RE: Staff Analysis for C/U 2323 Leslye Brossus

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2323 Leslye Brossus to be reviewed during the October 13th, 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 134-12.00-1198.00 to allow for a treehouse and yurt structure for the purpose of providing short-term rentals. The property is lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (Route 349) and is Lot 45 within the Banks Acres Subdivision. The property is located approximately 0.17 mile north of the town limits of the Town of Millville. The property consists of 0.26 acres +/-.

Further Site Considerations

Staff note that Building Permits were obtained for a 12-ft x 10-ft lean to, two (2) outdoor restrooms of 3-ft by 8-ft (BP # 160045, which was issued on 6/25/2021,) and a 12-ft x 14-ft treehouse 7 to 8-ft in height with a 8-ft by 12-ft deck (BP #140685, which was issued on 9/17/2020). This information has been included in the Commission's packet this evening.

County records indicate that there are no Tax Ditches or related Tax Ditch Rights-of-Way (ROW) located on the property.

The property is not located within any established Transportation Improvement District (TID).

The property is located within Flood Zone "X" – Areas determined to be outside of the 0.2 Percent Annual Chance Flood Zone.

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 a land use designation of "Coastal Area." All surrounding properties to the north, south, east and west of the subject site contain the Future Land Use Map 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).

Zoning Information

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the General Residential (GR) District is listed as an Applicable Zoning District within the "Coastal Area." (Sussex County Comprehensive Plan, 4-25).

The adjacent parcels to the north, west and east of subject property lying within the Banks Acres Subdivision are zoned General Residential (GR) District. The property immediately to the south of the subject property is zoned Medium Density Residential (MR) District. It should also be noted that a single parcel to the south is zoned Neighborhood Business (B-1) District.

The properties further west on the opposite side of Railway Road (S.C.R./Route 350) within the Banksville Park Subdivision are also zoned General Residential (GR) District. The properties to the south of Banksville Park, also located on the opposite side of Railway Road (S.C.R./Route 350), are zoned Medium Density Residential (MR) District.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been two (2) Conditional Use applications within a 0.30-mile radius of the application site. The first application is for C/U 1148 Great Scott Broadcasting to allow for a radio broadcast tower to be located in an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, February 22, 1996. The Sussex County Council approved the use at their meeting of Tuesday, March 12, 1996, and the change was adopted through Ordinance No. 1081. The second application is for C/U 2206 Linder & Company, Inc. (Evans Farm) to allow 200 multifamily units to be located in an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, April 8, 2021. The Sussex County Council approved the use at their meeting of Tuesday, June 15, 2021, and the change was adopted through Ordinance No. 2776.

A Supplemental Map has been supplied which provides the location of all other Conditional Uses which are greater than 0.30-mile distance from the subject site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a treehouse and yurt structure for the purpose of providing short-term rentals, subject to

considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Conditional Use Applications (w/in a 0.30 mile radius of the subject site)*								
Application Number	**Application Name**	**Current Zoning**	**Proposed Use**	**P&Z Decision**	**P&Z Decision Date**	**CC Decision**	**CC Decision Date**	**Ordinance Number**
C/U 1148	Great Scott Broadcasting	AR-1	Radio Broadcast Tower	Recommended Approval	2/22/1996	Approved	3/12/1996	1081
C/U 2206	Linder & Company (Evans Farm	AR-1	200 Multifamily Units	Recommended Approval	4/8/2021	Approved	6/25/2021	2776

Sussex County
Building Permit

P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number
202011427
Issue Date: 09/17/2020
Expire Date: 09/17/2021

Permit Type: ACCESSORY STRUCTURE OUT OFTOWN

Parcel ID	Address	Zone Code
134-12.00-1198.00	31631 READING STREET	GR

Owner Information	Applicant Information
Name: BROSSUS LESLYE A	Name: BROSSUS LESLYE A
Phone:	Phone:

Contractor Information

Name: BROSSUS LESLYE A
CID: 1011143
Phone:
License Number:
License Exp. Date:
Insurance Exp. Date:

Building Information

Proposed Use: SHEDS
Construction Type:
Estimated Cost of Construction: $ 2,832
Cannot Occupy More than _____ of Total Lot Area
Distance from any Dwelling of other Ownership: _____
Distance from any other Mobile Home or Accessory Structure: _____

Property Information

Measurements taken from Property Lines

Front Setback: 30.00 /30
Side Setback: 5.00 /10/DECK
Rear Setback: 5.00 /10/DECK
Corner Setback: /
Maximum Building Height: 42
Location Description: BANKS ACRES READING ST LOT 45 SEC E T#22032

FLOOD ZONE

Flood Zone: XP511K

_____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT<400'

Scope of Work:

12 X 14- 3 SEASON W/8 X 12 DECK EVERYTHING IS 7 OR 8 FT HIGH (TREEHOUSE)

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.

I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-140685	TOTAL FEES:	$ 20.58

Building Description

Total Bedrooms:	**Heat Type:**
Full Baths: **Half Baths:**	**Roofing:**
Total Rooms:	**Exterior Walls:**
Basement:	**Foundation Type:**
Interior Walls:	**Fireplace Type:**
Flooring:	**Air Conditioning:** N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater
No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures
Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds
Must conform to the location approved by the park.

_____ Farm-Use Permits
Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

_____ Fences
Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

_____ Parcel Setbacks
All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)
Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

_____ Pools (In-Ground)
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes
No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_____ Tax Ditch
Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.

Sussex County
Building Permit

P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number
202109684
Issue Date: 06/25/2021
Expire Date: 06/25/2022

Permit Type: ACCESSORY STRUCTURE OUT OFTOWN

Parcel ID	Address	Zone Code
134-12.00-1198.00	31631 READING STREET	GR

Owner Information	Applicant Information
Name: BROSSUS LESLYE A	Name: BROSSUS LESLYE A
Phone: 302-228-1512	Phone: 302-228-1512

Contractor Information

Name: BROSSUS LESLYE A
CID: 1011143
Phone:
License Number:
License Exp. Date:
Insurance Exp. Date:

Building Information

Proposed Use: MISC COST
Construction Type:
Estimated Cost of Construction: $ 5,000
Cannot Occupy More than _____ of Total Lot Area
Distance from any Dwelling of other Ownership: _____
Distance from any other Mobile Home or Accessory Structure: _____

Property Information

Measurements taken from Property Lines

Front Setback: 30.00 / _____
Rear Setback: 5.00 / _____
Side Setback: 5.00 / _____
Corner Setback: _____ / _____
Maximum Building Height: _____
Location Description: BANKS ACRES LOT 45 T#22032

FLOOD ZONE

Flood Zone:

_____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT<400'

Scope of Work:
LEAN TO 12X10 3X8 (2) OUTSIDE RESTROOMS

Permit Details:

Signature of Approving Official

Leslye Brossus 302 228 1512
Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.

I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-160045	TOTAL FEES:	$ 32.00

Building Description

Total Bedrooms:		**Heat Type:**	
Full Baths:	**Half Baths:**	**Roofing:**	
Total Rooms:		**Exterior Walls:**	
Basement:		**Foundation Type:**	
Interior Walls:		**Fireplace Type:**	
Flooring:		**Air Conditioning:**	N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater
No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures
Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds
Must conform to the location approved by the park.

_____ Farm-Use Permits
Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

_____ Fences
Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

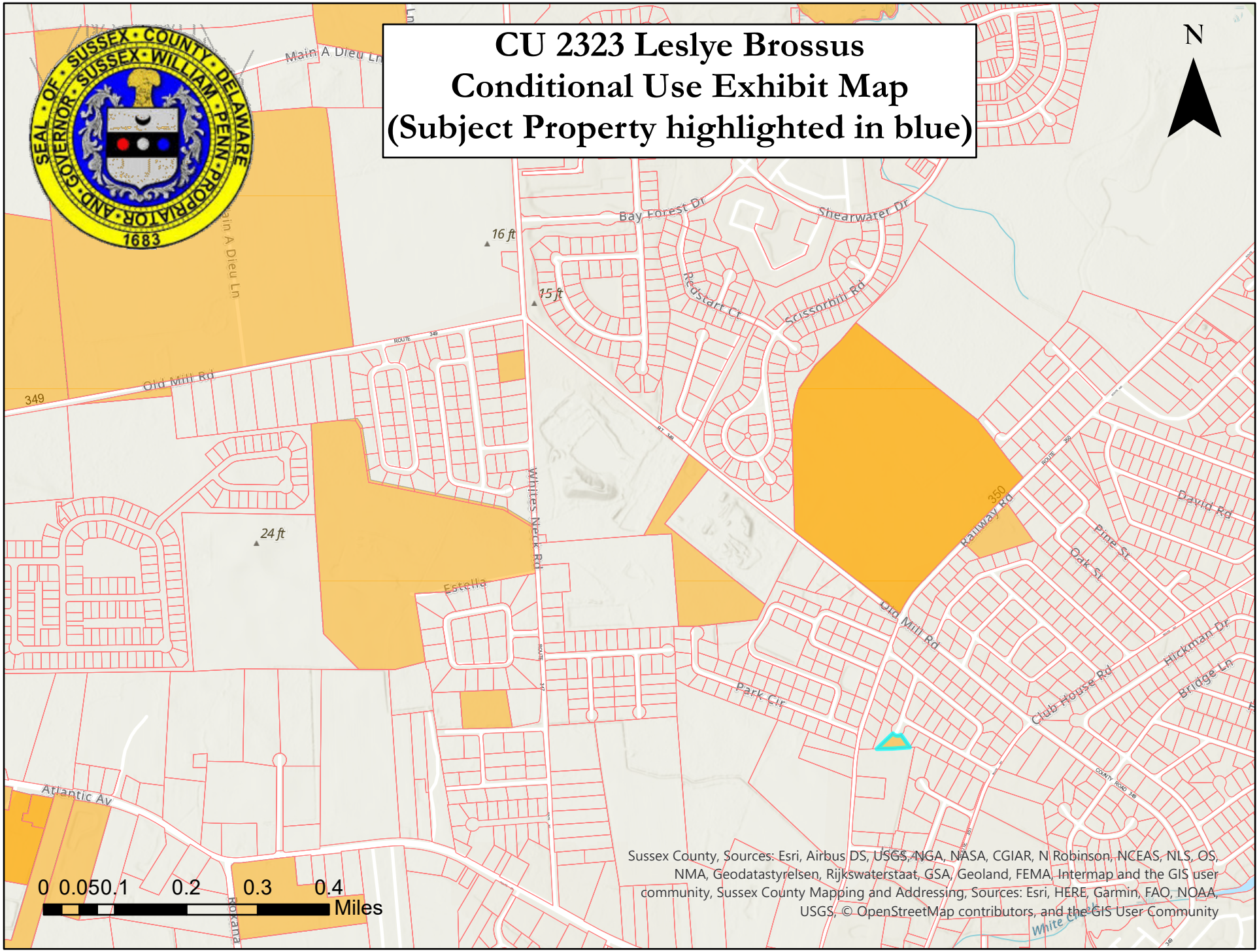
_____ Parcel Setbacks
All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)
Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

_____ Pools (In-Ground)
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes
No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_____ Tax Ditch
Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.


CU 2323 Leslye Brossus
Conditional Use Exhibit Map
(Subject Property highlighted in blue)
N
SEAL OF SUSSEX COUNTY DELAWARE
GOVERNOR SUSSEX WILLIAM PENN PROPRIATOR AND
1683
Main A Dieu Ln
Bay Forest Dr
Shearwater Dr
Red Start Ct
Scissorhill Rd
16 ft
15 ft
ROUTE 349
Old Mill Rd
349
Whites Neck Rd
ROUTE 347
24 ft
Estella
ROUTE 350
Railway Rd
David Rd
Pine St
Oak St
Old Mill Rd
Hickman Dr
Bridge Ln
Club House Rd
Park Cir
COUNTY ROAD 349
Atlantic Av
Roxana
0 0.05 0.1 0.2 0.3 0.4
Miles
Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Mapping and Addressing, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

File #: CU 2323
202116761

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 X
Zoning Map Amendment ___

Site Address of Conditional Use/Zoning Map Amendment
31631 Reading Street, Millville, DE 19970

Type of Conditional Use Requested:
existing tree house & yurt for short term rental

Tax Map #: 134.12.00-1198.00 **Size of Parcel(s):** 1/3 acre

Current Zoning: GR **Proposed Zoning:** GR **Size of Building:** 18x10

Land Use Classification: Residental

Water Provider: well **Sewer Provider:** Sussex Co.

Applicant Information

Applicant Name: Leslye Brossus
Applicant Address: 31631 Reading St
City: Millville State: DE ZipCode: 19970
Phone #: 302-228-1512 E-mail: leslye brossus@gmail.com

Owner Information

Owner Name: ^Same as applicant
Owner Address:
City: State: Zip Code:
Phone #: E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:
Agent/Attorney/Engineer Address:
City: State: Zip Code:
Phone #: E-mail:

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ **Completed Application**

1 full copy

___ **Provide eight (8) copies of the Site Plan or Survey of the property**

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

___ **Provide Fee $500.00**

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

___ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

___ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

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

I also certify that I or an agent on by 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

Leslye Brossus Date: Sept 21, 2021

Signature of Owner

Leslye Brossus Date: Sept 21, 2021

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

_____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

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: 31631 Reading Street Millville, DE 19970

Parcel #: 134-12.00-1198.00

Site Address: _____

Parcel #: _____

Applicant Name: Leslye Brossus

Owner Name: ^ Same

Type of Application:

Conditional Use: X

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: 9/21/21 11-16-2021

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____ List created by: _____

Date letters mailed: _____ Letters sent by: _____

File #: _____

Planning & Zoning
Project Contact List

Applicant Information

Applicant Name: Leslye Brossus
Applicant Address: 31631 Picarding St
City: Millville State: DE Zip: 19970
Phone #: 302-228-1512 E-mail: lesly brossus@gmail.com

Owner Information

Owner Name: ^Same
Owner Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: –
Engineer/Surveyor Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: –
Agent/Attorney/Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Other

Name: –
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

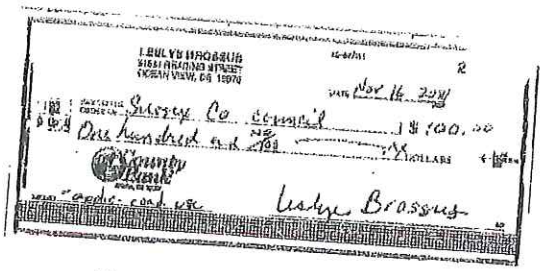
EQUAL HOUSING OPPORTUNITY

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33021014-0126 Megan D. 11/16/2021 01:01PM

PERMITS / INSPECTIONS	
CONDITIONAL USE - FEE	
2021 Item: 2021167611Z010	100.00
	100.00
Subtotal	100.00
Total	100.00
CHECK	
Check Number 7539	100.00
Change due	0.00

Paid by: LESLYE BROSSUS



Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

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

NICOLE MAJESKI
SECRETARY

June 23, 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 **Leslye Brossus** proposed land use application, which we received on June 11, 2021. This application is for an approximately 0.25-acre parcel (Tax Parcels: 134-12.00-1198.00). The subject land is located at the end of Reading Street in the Banks Acres subdivision near Ocean View. The closest State maintained road is Railway Road (Sussex Road 350), Reading Street connects to the south side of Wilmington Street which then connects to the east side of Railway Road. The subject land is currently zoned GR-1 (General Residential). The applicant seeks a conditional use approval to build a Summer Yurt (a 16-foot round bell tent) and a tree house for short term rental.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Railway Road from Old Mill Road (Sussex Road 349) to Atlantic Avenue (State Route 26) is 1,194.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

DelDOT

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

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm
cc: Leslye Brossus, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/29/2022**

APPLICATION: **CU 2323 Leslye Brossus**

APPLICANT: **Ms. Leslye A. Brossus**

FILE NO: **NM-1.03**

TAX MAP & PARCEL(S): **134-12.00-1198.00**

LOCATION: **31631 Reading Street, Millville. Lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (SCR 349) and is Lot 45 within the Banks Acres subdivision.**

NO. OF UNITS: **Treehouse and Yurt for Short Term Rentals**

GROSS ACREAGE: **0.26**

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 **Denise Burns** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **The property is currently served with a 6-inch lateral. The increase in density will require the installation of an 8-inch lateral. Contact Mr. Richard Jackson regarding the requirements for the lateral install. An additional pipeline inspection will be required to ensure that proper means and methods were used when tying in the additional Treehouse and Yurt.**

(9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**

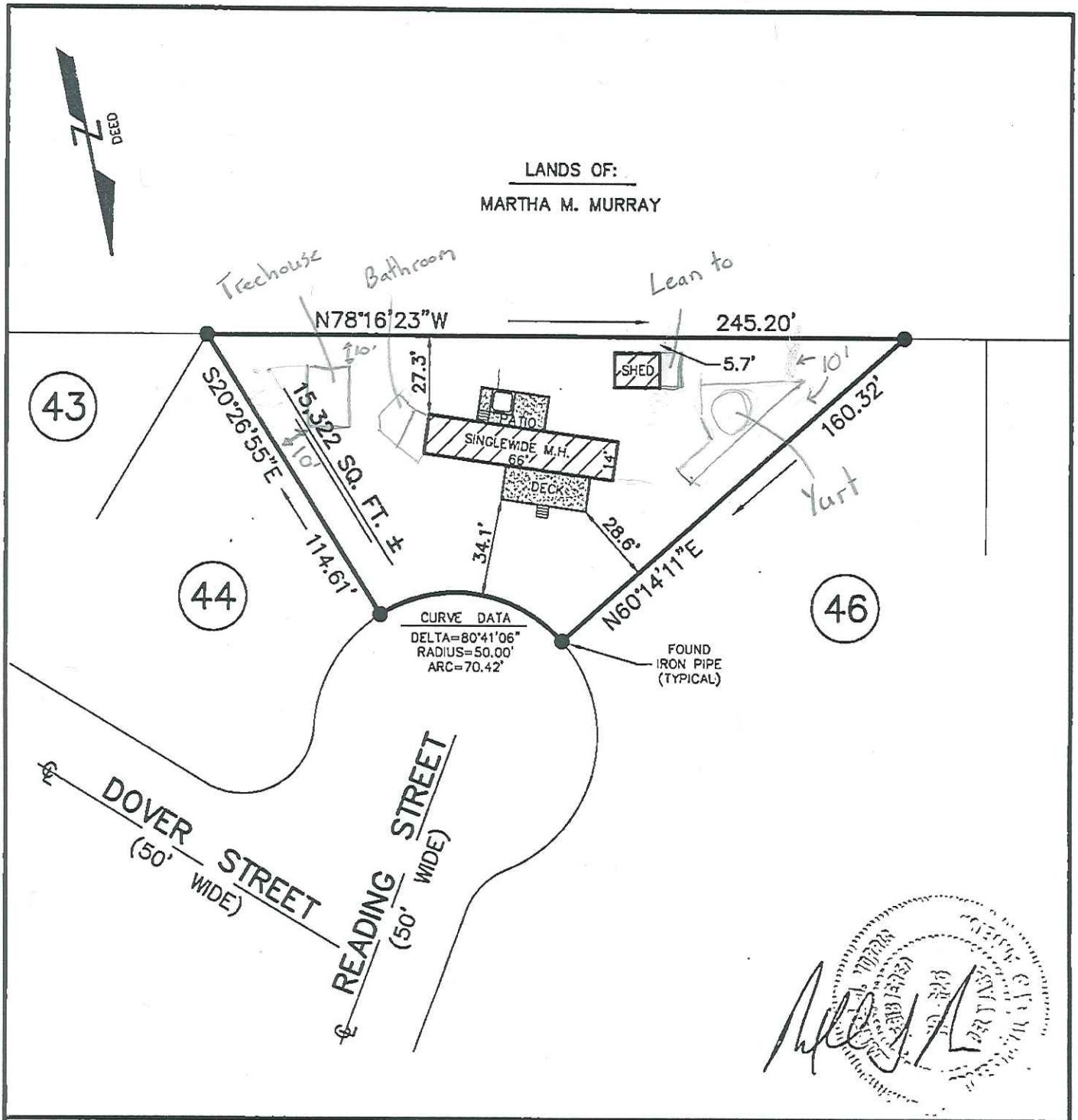
(10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Denise Burns



DELAWARE SURVEYING SERVICES
MAXWELL J. MORRIS, PLS
P.O. BOX 1121
MILLVILLE, DE. 19970
(302)537-7094 * FAX (302)537-6534

DATE: DEC. 7, 2005

SCALE: 1" = 50'

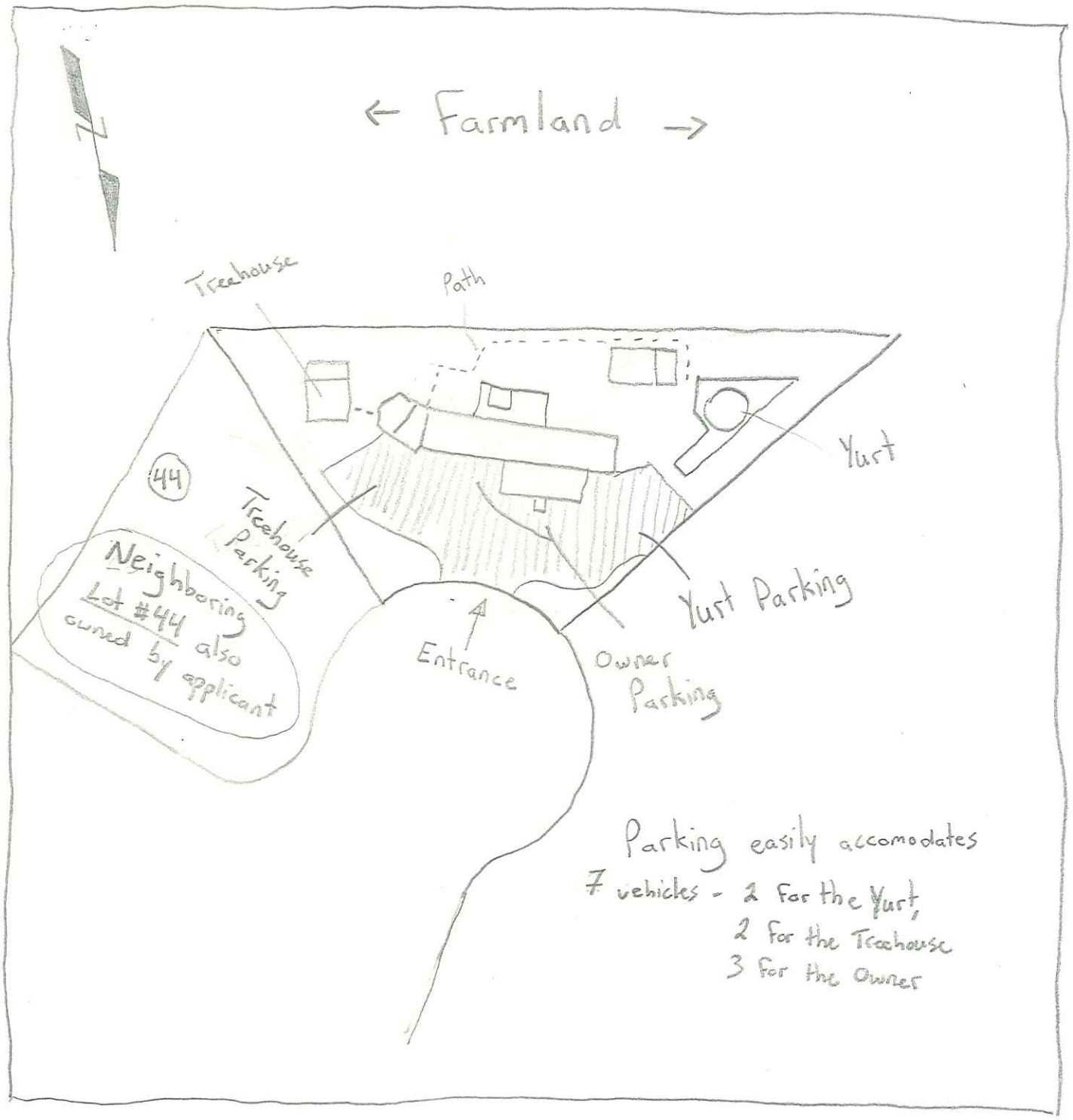
DEED REF: D.B. 2635, P. 73
PLOT REF: P.B. 15, P. 46
TAX MAP #: 1-34-12.00-1198.00

BOUNDARY & LOCATION SURVEY

CLASS "B" SURVEY

DESCRIPTION: LOT 45, SECTION 'E', " BANKS DEVELOPMENTS INC. "
BALTIMORE HUNDRED * SUSSEX COUNTY * DELAWARE

DRAWING #: 05-098

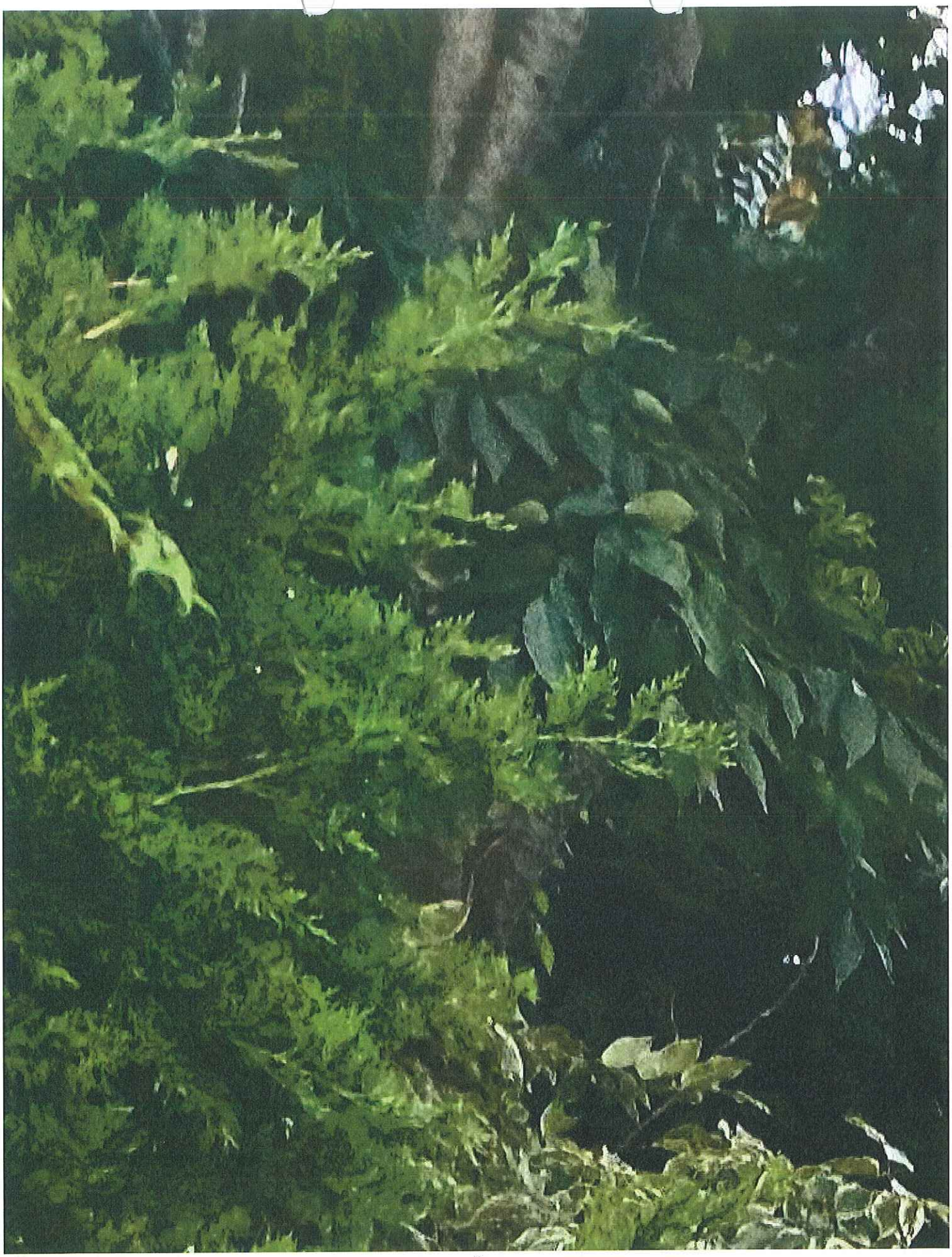

N
← Farmland →
Treehouse
Path
Yurt
44
Treehouse Parking
Neighboring Lot #44 also owned by applicant
Entrance
Yurt Parking
Owner Parking
Parking easily accomodates
7 vehicles - 2 for the Yurt,
2 for the Treehouse
3 for the Owner

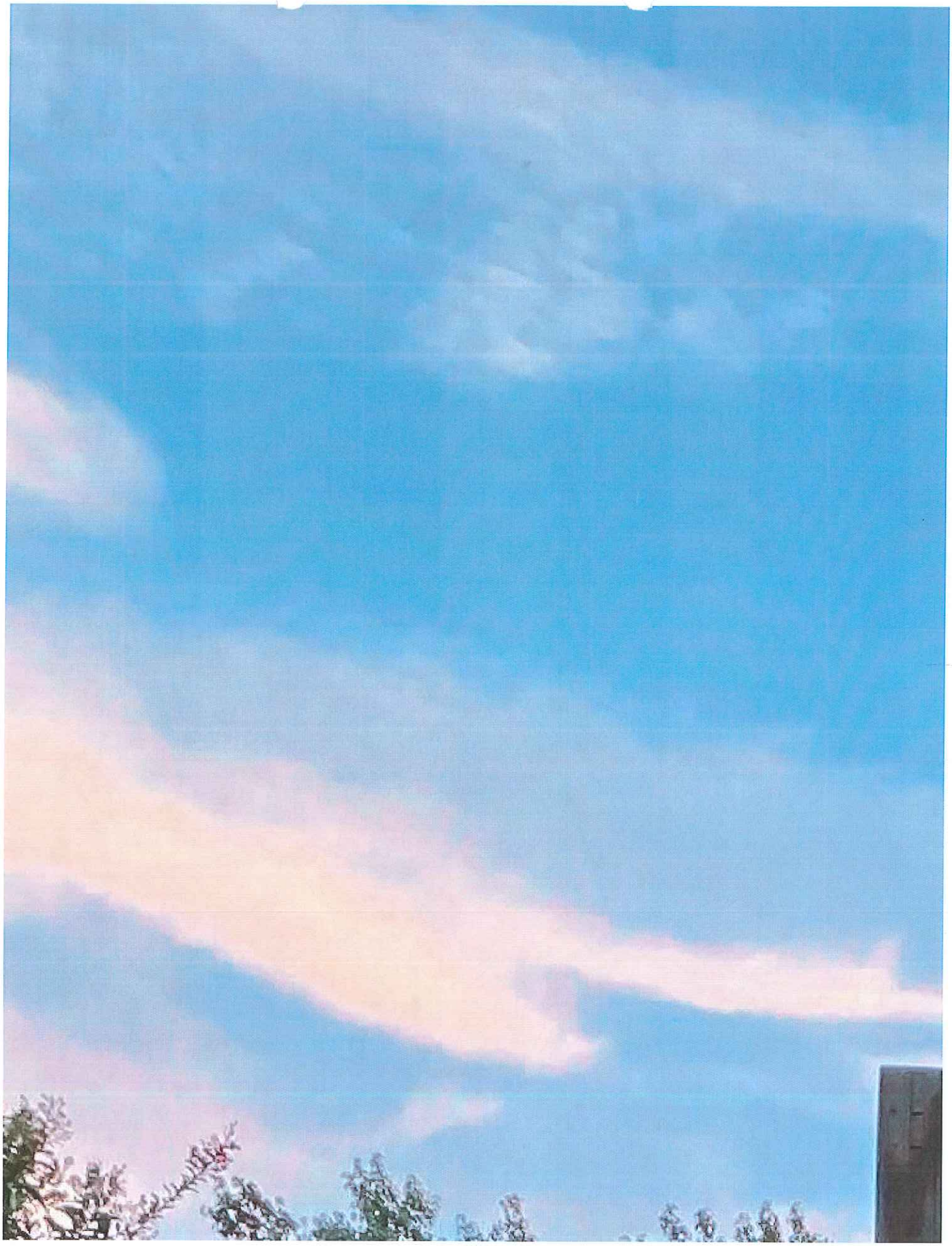
Ashley Paugh

From: Leslye Brossus <leslyebrossus@gmail.com>
Sent: Tuesday, September 21, 2021 11:19 AM
To: Ashley Paugh
Subject: Planning & Zoning Application for Conditional Use

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.

Here's the photos-





Ashley Paugh

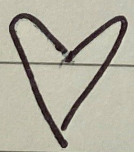
From: Leslye brossus <leslyebrossus@gmail.com>
Sent: Tuesday, November 16, 2021 1:03 PM
To: Ashley Paugh
Subject: Brossus conditional use app

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.

Sent from my iPhone

9/23 - 9/25/22

the nest was the perfect little cozy place to come back to after a day at the beach! we've been looking forward to this trip for months, and it didn't disappoint. we're celebrating our two year anniversary and couldn't have asked for a more perfect way to celebrate! Leslye was the absolute sweetest, and went above & beyond to ensure we were comfortable. we'll definitely be back!



sarah + ava

CU2323

Opposition Exhibit

RECEIVED
SEP 19 2022
SUSSEX COUNTY
PLANNING & ZONING

September 14, 2022

Good Afternoon Planning Director – Jamie Whitehouse,

I'm taking the time to construct this letter, because my husband and I aren't able to attend the public hearing. We're VERY concerned about the upcoming public hearing for Lot 45 within the Banks Acres subdivision, 31631 Reading Street, Millville, DE.

We're homeowners in this small residential district. Since purchasing our property, we've witnessed this community slowly improving with homeowners who care about their property. About half the homeowners are full time residents.

An agenda hasn't been posted at the time of this writing. If I wait to view the agenda, I won't have this letter of several concerns delivered in time.

Concern #1 – permits

1. Did this individual, Leslye Brossus, ever obtain permits to construct these two structures on the property?

Concern #2 – public sewer hookup for the yurt and the treehouse

2. Have the two structures been hooked up to public sewer? If not, where are the tenants relieving themselves? Where are they washing themselves and cleaning up their dishes?

Concern #3 – excessive use of the roads in this small subdivision with renters coming and going

3. Many rentals are offered throughout the season, May 15 – September 15. That's a lot of extra traffic in the development.
4. Who's responsibility is it to keep the roads in good condition, since this small residential area doesn't have an HOA?

Concern #4 – commercial business approval

5. Once this property is given permission to run a commercial business, what's to stop others from applying to run a business? What law will be put in place to STOP others from applying for a commercial business license?

Concern #5 – trash

6. Will there be enough trash containers/a dumpster fenced in and routine trash collection? We don't need issues with an array of critters in the neighborhood. Other neighborhoods are having issues with rats.

Thank you for considering each point/question posed before voting to approve allowing this woman to run a business in a residential area.

Residents,

Bob and Leslie Leaman

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.

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: October 13th, 2022

Application:	CU 2324 Bedell Automotive
Applicant:	Zachary Bedell 34262 Central Avenue Frankford, DE 19945
Owner:	Sheree Bedell 35936 Pendel Avenue Frankford, DE 19945
Site Location:	Located on the west side of Central Avenue (S.C.R. 84), approximately 500-feet south of the intersection of Central Avenue and Substation Road (S.C.R. 366)
Current Zoning:	Agricultural Residential (AR-1) Zoning District
Proposed Use:	Automotive repair shop (boats included)
Comprehensive Land Use Plan Reference:	Coastal Area
Councilmanic District:	Mr. Rieley
School District:	Indian River School District
Fire District:	Millville Fire Co.
Sewer:	On-site Septic
Water:	On-site Well
Site Area:	5.00 ac. +/-
Tax Map ID.:	134-16.00-700.02

EQUAL HOUSING OPPORTUNITY

Sussex County

PIN:	134-16.00-700.02
Owner Name	BEDELL SHEREE J
Book	5468
Mailing Address	35936 PENDEL AVE
City	FRANKFORD
State	DE
Description	HERBERT G ZINSZER
Description 2	SUBDIV 5 AC
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

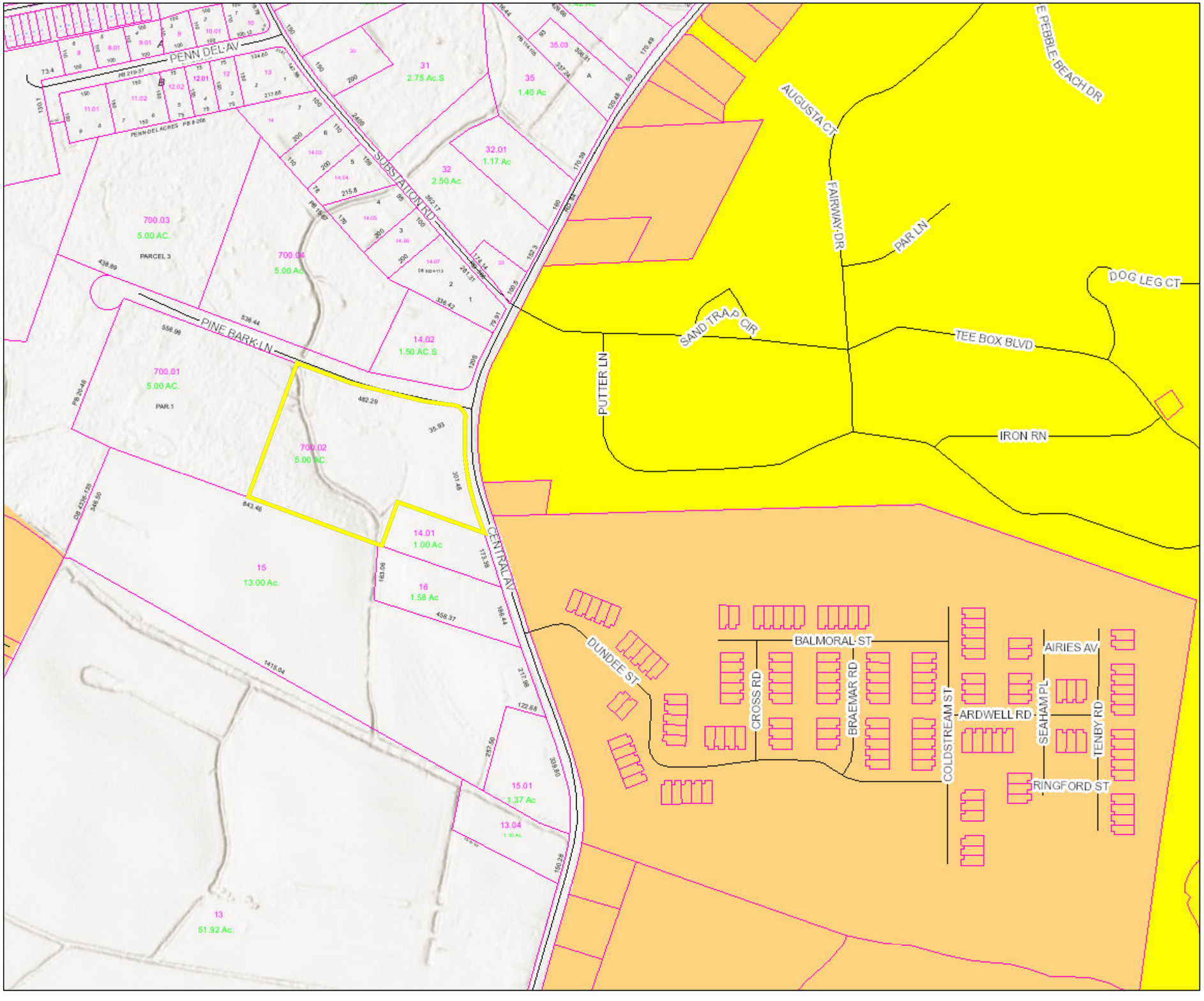
1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

September 13, 2022

Sussex County



PIN:	134-16.00-700.02
Owner Name	BEDELL SHEREE J
Book	5468
Mailing Address	35936 PENDEL AVE
City	FRANKFORD
State	DE
Description	HERBERT G ZINSZER
Description 2	SUBDIV 5 AC
Description 3	N/A
Land Code	

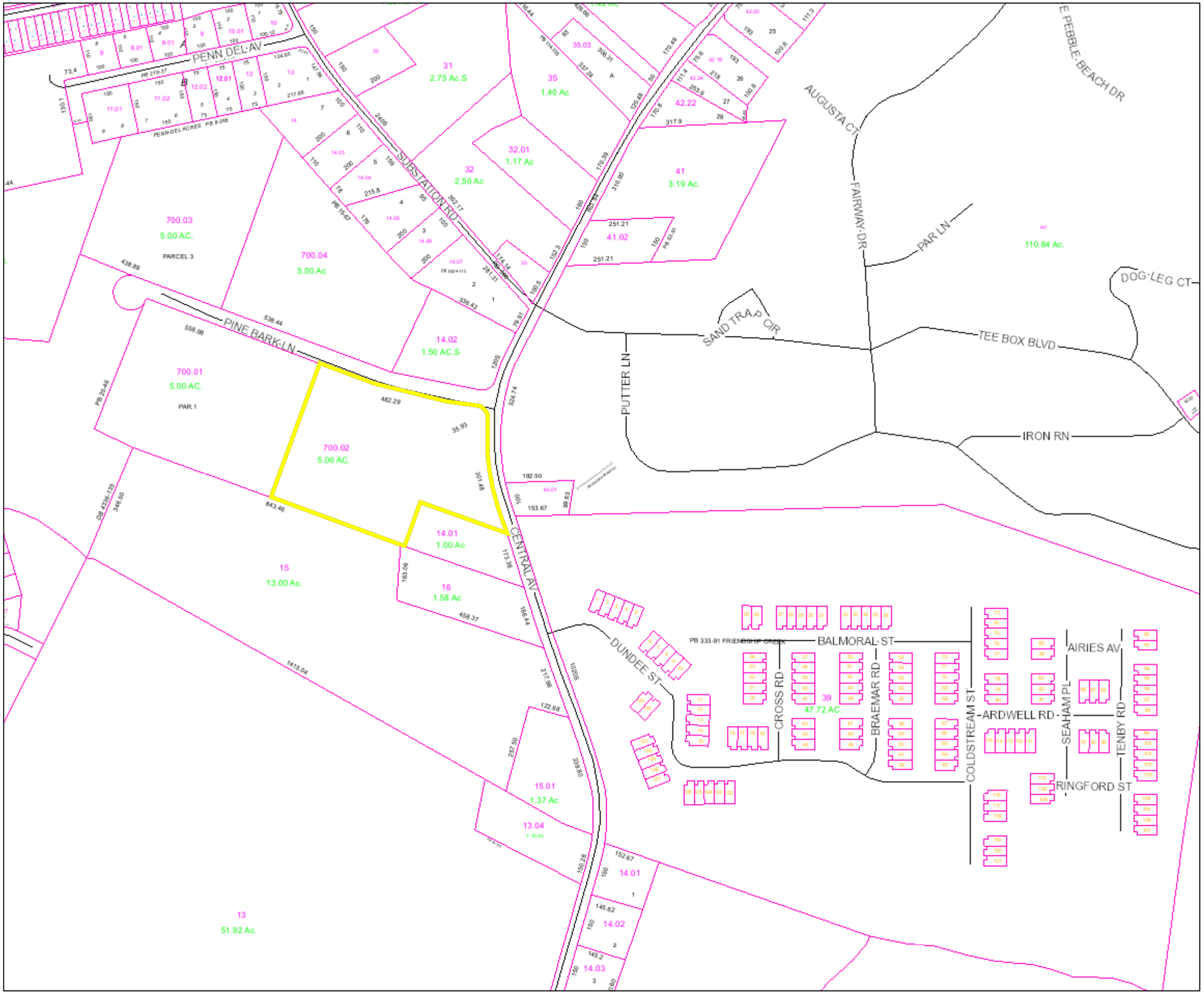
polygonLayer
Override 1
polygonLayer
Override 1
Tax Parcels
Streets

1:4,514

0 0.05 0.1 0.2 mi
0 0.075 0.15 0.3 km

September 13, 2022

Sussex County



PIN:	134-16.00-700.02
Owner Name	BEDELL SHEREE J
Book	5468
Mailing Address	35936 PENDEL AVE
City	FRANKFORD
State	DE
Description	HERBERT G ZINSZER
Description 2	SUBDIV 5 AC
Description 3	N/A
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
Streets
County Boundaries

1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

September 13, 2022

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: October 3, 2022
RE: Staff Analysis for CU 2324 Zachary Bedell

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2324 Zachary Bedell to be reviewed during the October 13th, 2022, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 134-16.00-700.02, to allow for an automotive and boat repair business, to be located at 34282 Central Avenue Frankford, Delaware. The property is lying on the west side of Central Avenue (S.C.R. 84), approximately 500 feet southwest of the intersection of Substation Road (S.C.R. 366 and Central Avenue. The parcel consists of 5.00-acres +/- and also contains a Tax Ditch ROW (80-foot to TOB) which runs through the center of the property.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area." The adjoining parcels to the north, west, and south also have a Future Land Use Map designation of "Coastal Area." The parcels to the east, across Central Avenue also have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, west, and south of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the east of the subject property, on the opposite side of Central Avenue

(S.C.R. 84), the parcels contain a mix of General Residential (GR) and Medium-density Residential (MR) Districts.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there has been four (4) Conditional Use application within a one (1) mile radius of the application site. The first application was Conditional Use No. 1896 for Timmothy Miller to allow for mulch, RV and boat storage to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, August 2nd, 2011; and this change was adopted through Ordinance No. 2206. The second application was Condition Use No. 2142 for Ribera Development, LLC to allow for one-hundred thirty-five (135) townhomes to be permitted within a General Residential (GR) Zoning District. This application was approved by the Sussex County Council on Tuesday, November 13th, 2018; and this change was adopted through Ordinance No. 2612.The third application is Conditional Use No. 2305 for Barnhill Preserve of Delaware, LLC to allow for a Zoological Park to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, March 22nd, 2022; and this change was adopted through Ordinance No. 2843. The fourth and fifth applications are Conditional Use Nos. 2338 for Lora Collins and 2339 for Ron Sutton, both of which have yet to have pubic hearings in front of the County Council, leaving them currently undecided.

Based on the analysis provided, the Conditional use to allow for an automotive and boat repair business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

File #: CU 2324
2021 16815

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 V
Zoning Map Amendment ___

Site Address of Conditional Use/Zoning Map Amendment
34262 Rear of Central Ave 19945 Frankford De

Type of Conditional Use Requested:

Automotive Repair Shop boats included

Tax Map #: 134-16.00-700.02 **Size of Parcel(s):** ___

Current Zoning: AR-1 **Proposed Zoning:** No change **Size of Building:** ___

Land Use Classification: ___

Water Provider: Well **Sewer Provider:** Septic System

Applicant Information

Applicant Name: Zachary Bedell
Applicant Address: 34262 Central Ave
City: Frankford State: De ZipCode: 19945
Phone #: 302-339-5842 E-mail: ___

Owner Information

Owner Name: Sheree Bedell
Owner Address: 35936 Rear Del Ave
City: Frankford State: De Zip Code: 19945
Phone #: 302-682-7823 E-mail: ___

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: ___
Agent/Attorney/Engineer Address: ___
City: ___ State: ___ Zip Code: ___
Phone #: ___ E-mail: ___

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ **Completed Application**

___ **Provide eight (8) copies of the Site Plan or Survey of the property**

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

___ **Provide Fee $500.00**

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

___ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

___ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney

_____ Date: _____

Signature of Owner

Steve J Bell Date: 10-27-21

For office use only:

Date Submitted: 11/17/21 Fee: $500.00 Check #: 523

Staff accepting application: cgs Application & Case #: 202116815

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: 34282 Central Ave
Frankford DE 19945

Parcel #: 134-16.00-700.02

Site Address: _____

Parcel #: _____

Applicant Name: Zachary Bedell

Owner Name: Sheree Bedell

Type of Application:

Conditional Use: ✓
Change of Zone: _____
Subdivision: _____
Board of Adjustment: _____

Date Submitted: _____

For office use only:

Date of Public Hearing: _____
File #: _____
Date list created: _____ List created by: _____
Date letters mailed: _____ Letters sent by: _____

File #: _____

Planning & Zoning
Project Contact List

Applicant Information

Applicant Name: Zachary Bedell
Applicant Address: ~~35936 Pen Del Ave~~ 34252 Central Ave
City: Frankford State: DE Zip: 19945
Phone #: 302-539-5592 E-mail: ryzach1000@gmail.com

Owner Information

Owner Name: Sheree J. Bedell
Owner Address: 35936 Pen Del Ave
City: Frankford State: De Zip: 19945
Phone #: 302-682-7823 E-mail: ryzach2@mchsi.com

Engineer/Surveyor Information

Engineer/Surveyor Name: _____
Engineer/Surveyor Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: _____
Agent/Attorney/Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

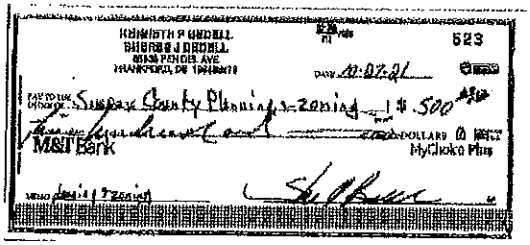
EQUAL HOUSING OPPORTUNITY

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33021026-0061 Lindsey S 11/17/2021 01:49PM

PERMITS / INSPECTIONS	
CONDITIONAL USE - FEE	
2021 Item: 20211681 5|2010	500.00
	500.00
Subtotal	500.00
Total	500.00
CHECK	500.00
Check Number0523	
Change due	0.00

Paid by: KENNETH SHEREE BEDELL



Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

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

NICOLE MAJESKI
SECRETARY

September 3, 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 **Zachary Bedell** proposed land use application, which we received on August 18, 2021. This application is for an approximately 5.00- acre parcel (Tax Parcel: 134-16.00-700.02). The subject land is located on the southwest corner of Central Avenue (Sussex Road 84) and Pine Bark Lane. The subject land is currently zoned AR-1 (Agriculture Residential) and is looking for a conditional use approval for an automotive repair shop (boats included).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Central Avenue from the Ocean View limits to Peppers' Corner Road (Sussex Road 365), is 2,433 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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.

DelDOT

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

Claudy Joinville for

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm
cc: Zachary Bedell, Applicant
Chase Phillips, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F

Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 08/18/2021

Site Information:

Site Address/Location: 34282 central Avenue, Frankford, DE 19945

Tax Parcel Number: 134-16.00-700.02
Current Zoning: AR-1
Proposed Zoning: NO change proposed
Land Use Classification: coastal Area - residential

Proposed Use(s):
Automotive Repair Shop (boats included)

Square footage of any proposed buildings or number of units: 1,000 - 2,500 square feet - proposed pole building

Applicant Information:

Applicant's Name: Zachary Bridell

Applicant's Address: 34282 central Avenue
City: Frankford State: DE Zip Code: 19945

Applicant's Phone Number: 302-339-5592
Applicant's e-mail address: ryzach1000@gmail.com

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

TO: **Jamie Whitehouse**

REVIEWER: **Ken Briggs**

DATE: **9/30/2022**

APPLICATION: **C/U 2324 Bedell Automotive**

APPLICANT: **Zachary Bedell**

FILE NO: **SPS-5.04**

TAX MAP & PARCEL(S): **134-16.00-700.02**

LOCATION: **West side of Central Ave (S.C.R. 84) approximately 350 feet south of Substation Road (S.C.R. 366)**

NO. OF UNITS: **1**

GROSS ACREAGE: **5.00**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 2**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? .

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? . Is it likely that additional SCCs will be required? **N/A**
If yes, the current System Connection Charge Rate is **Unified $6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**

☒ 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? **Yes**

(8). Comments: **Property could be served if annexed into the sewer district however, owner would be responsible for substantial infrastructure to obtain a connection point.**

(9). Is a Sewer System Concept Evaluation required? **Not at this time**

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

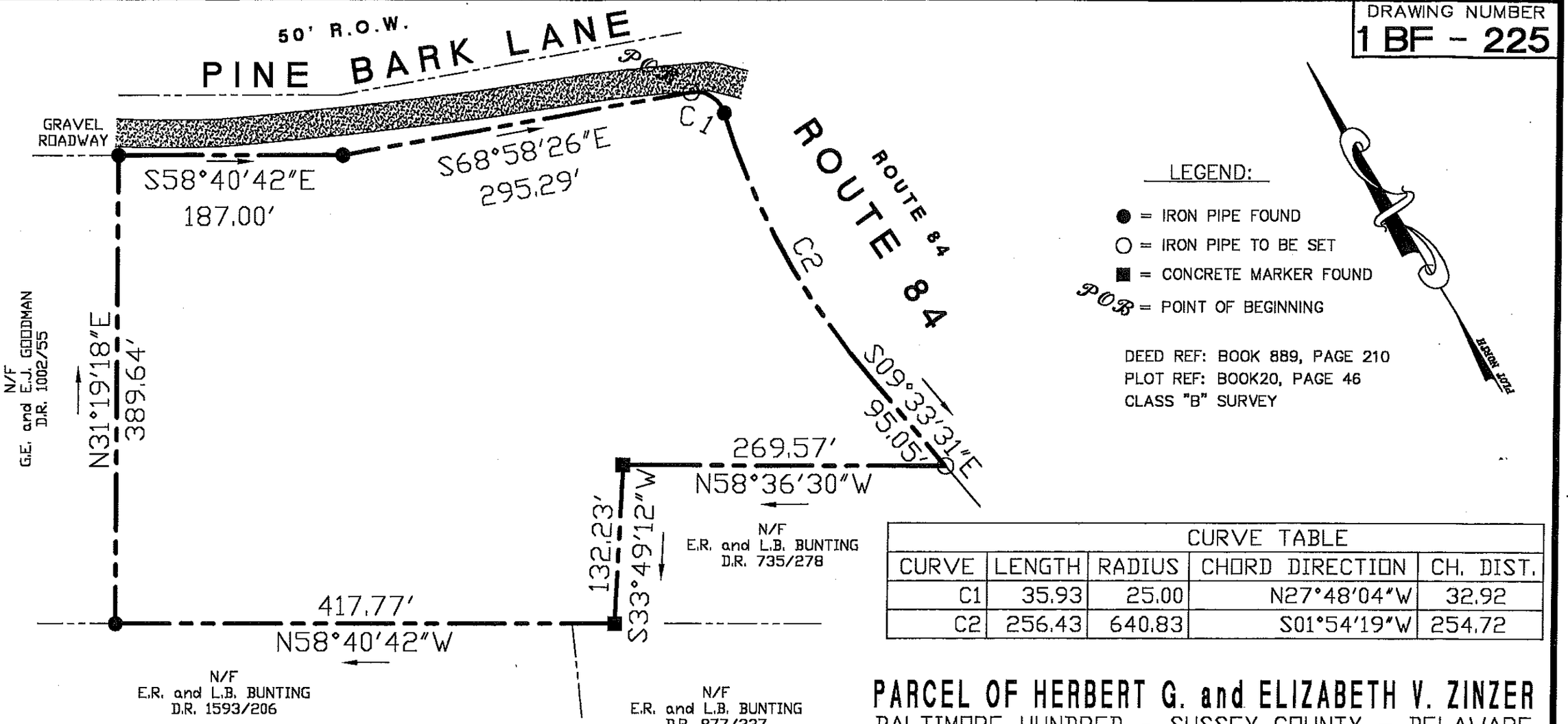
(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

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

DRAWING NUMBER
1 BF - 225



LEGEND:

● = IRON PIPE FOUND
○ = IRON PIPE TO BE SET
■ = CONCRETE MARKER FOUND
POB = POINT OF BEGINNING

DEED REF: BOOK 889, PAGE 210
PLOT REF: BOOK20, PAGE 46
CLASS "B" SURVEY

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD DIRECTION	CH. DIST.
C1	35.93	25.00	N27°48'04"W	32.92
C2	256.43	640.83	S01°54'19"W	254.72

PARCEL OF HERBERT G. and ELIZABETH V. ZINZER

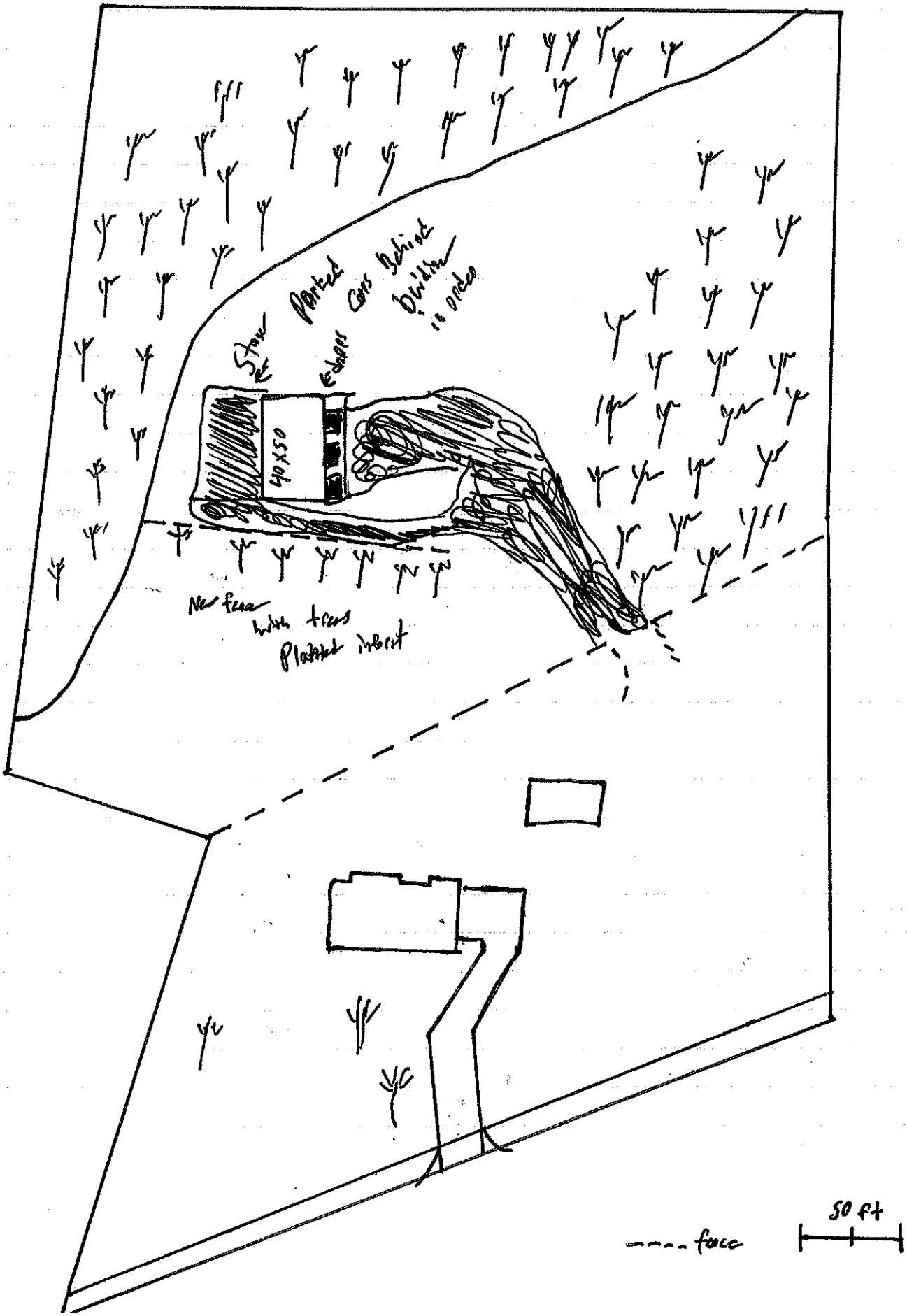
BALTIMORE HUNDRED - SUSSEX COUNTY - DELAWARE

-I HEREBY STATE THAT THIS LOT SURVEY WAS PERFORMED IN ACCORDANCE WITH ACCEPTABLE LOCAL SURVEYING STANDARDS FOR THE EXCLUSIVE USE OF THE PRESENT OWNER AND THOSE WHO PURCHASE OR ISSUE TITLE INSURANCE TO THIS LOT WITHIN SIX MONTHS FROM THE MOST RECENT DATE HEREON. THIS SURVEY IS NOT TRANSFERABLE.
-UNLESS THIS PLAT HAS AN EMBOSSED SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
-THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NONEXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING OR AFFECTING THIS LOT.
-NO TITLE SEARCH WAS PROVIDED OR STIPULATED.

DANIEL J. McCANN, PLS 634

McCANN, Inc.
Established 1968
Our History is Your Security
SURVEYING * SITE PLANNING
GEORGETOWN, DE. (302) 856-7956
BETHANY, DE. (302)539-0202
DOVER, DE. (302)674-4777

DATE:	AUGUST 19, 2003
AREA:	5.00± ACRES
SCALE:	1" = 100'
DWN.BY:	DAN
F.B.	166/81
W.O.	03-08-3026
T.M.	1-34-16.00-700.02


Planted
Cars behind
building
is ordered
40x50
New fence
with trees
Planted inbetween
50 ft
---- fence

Elliott Young

From: Ron Goodman <rgoodman@preferred-fire.com>
Sent: Friday, September 30, 2022 3:53 PM
To: Planning and Zoning
Subject: C/U2324 - Zachary Bedell

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Lauren

pposition
Exhibit
RECEIVED

SEP 30 2022

SUSSEX COUNTY
PLANNING & ZONING

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.

As a property owner whose property is right next to Mr. Bedell's property, I am extremely upset that this change in zoning is even being considered by Zoning Commission. I have a 5 acre lot which borders Mr. Bedell's property along Pine Bark Lane. My wife and bought this land a few years back with plans to build our retirement home there in a couple of years. I never would have bought this land if I'd known that Mr. Bedell's property would be turned into a car and boat repair shop. For the last several years his property has been an eyesore with multiple boats, cars and construction equipment littering the land – so much so, that it basically looked like a junk yard. I know that other neighbors have complained – and that he has been fined by local authorities for various zoning violations. He has just recently cleaned up his property, at least the front yard anyway … for there are still several boats and cars strewn throughout the backyard of the house. I can see this from my property. I can only imagine the negative environmental impact that an auto/boat repair business would have on the local environment … not to mention the impact to the neighboring homeowners relying on well water. Has the EPA, DNREC or Sussex County Environmental Services been notified of this possible zoning change, along with the impending environmental hazards? With nothing but existing houses and new residential housing developments being built in this area … how can a zoning change application such as this even by considered? My property value, as well other neighboring property values, will surely go down - and I will surely not be building our retirement house on our piece of land if the zoning change is approved. As an owner of an adjacent parcel of land, please put me down as being strongly opposed to the zoning change.

Thank you,

Ronald R. Goodman

Opposition to C/U 2324 Zachary Bedell

We are writing to voice our strong opposition to C/U 2324 Zachary Bedell unless there are conditions placed upon their conditional use grant. If you review the history of this property, they have had numerous violations since the beginning of 2018. They have been operating an illegal business out of their residence since then and disregarded the rules of the county numerous times.

If you were to grant a conditional use, we would hope strict operational hours would be one of the conditions. Currently, they operate at all hours of the day and night. It is not uncommon for us to hear boat motors being revved at two or three in the morning, especially during the summer months.

Also, as a direct adjacent property owner, we would request a fence or other type of permanent buffer to shield the vehicles they are collecting in the back yard, along with a limit on the number of vehicles they are allowed to keep on the property. Often times there are over 20 broken down vehicles and/or boats, many of them unregistered and untagged. We would prefer a more permanent fence and/or buffer than the use of shipping containers.

Additionally, we would request they have a designated entrance to the property. At this time, they use their entire front yard as an entrance and exit to the property. Rarely do their clients use their existing driveway.

Finally, we would ask what regulations the county has on these types of businesses because we are concerned with fluids leaking out of cars and/or boats and entering the tax ditch that runs downstream through their property onto ours.

Again, thank you for your time and consideration in this matter and hope while we are opposed to the conditional use, we would hope that if you ultimately decide to grant it you impose operating hours, a buffer, a safer entrance and regulations on maintaining the property.

Sincerely,
Tyler & Karen Hickman

RECEIVED

OCT 03 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Elliott Young

From: Sean Cummings <scummings@mikenbuilders.com>
Sent: Friday, September 30, 2022 5:16 PM
To: Elliott Young
Cc: Zoe Cummings
Subject: Zachary Bedell - 34282 Central Ave, Frankford, DE 19945

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good evening,

My name is Sean Cummings. My wife, Zoe Cummings, and I are writing in response to the sign erected regarding a public hearing for the above property.

We are OPPOSED to this going ahead.
The owner already operates in the evenings and through the night and his property has become a junkyard. We are concerned it will worsen if he is legally given the ok to operate.
He also uses our road 'Pine Bark Ln' and has clients wait along there. Some of these clients are unsettling to say the least.
We have a 5 year old who catches the bus right out front and also have 2 younger children who will one day be doing the same. We don't like the idea of them being out there with this property right next door.

Please feel free to call myself or my wife to discuss.

Sean 202-381-0471
Zoe 302-448-1662

Kind regards,
Sean Cummings

RECEIVED
OCT 03 2022
SUSSEX COUNTY
PLANNING & ZONING
Opposition
Exhibit

Get Outlook for iOS

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

Sussex County
DELAWARE
sussexcountyde.gov

Sussex County
Planning & Zoning Commission

PUBLIC HEARING DATES
2023

PLANNING & ZONING COMMISSION	COUNTY COUNCIL
January 12, 2023	February 2023
January 26, 2023	February 2023
February 9, 2023	March 2023
February 23, 2023	March 2023
March 9, 2023	April 2023
March 23, 2023	April 2023
April 20, 2023	May 2023
April 27, 2023	May 2023
May 11, 2023	June 2023
May 25, 2023	June 2023
June 8, 2023	July 2023
June 22, 2023	July 2023
July 13, 2023	August 2023
July 27, 2023	August 2023
August 10, 2023	September 2023
August 24, 2023	September 2023
September 14, 2023	October 2023
September 28, 2023	October 2023
October 12, 2023	November 2023
October 26, 2023	November 2023
November 9, 2023	December 2023
November 30, 2023	January 2024
December 14, 2023	January 2024
December 21, 2023	January 2024

DRAFT

EQUAL HOUSING OPPORTUNITY