Memorandum
To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Director, Department of Planning & Zoning; Lauren DeVore, Planner III, Jenny Norwood, Planner I, Christin Headley, Planner I, Nicholas Torrance, Planner I, and Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: October 27, 2020
RE: Other Business for the November 12, 2020 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the November 12, 2020 Planning Commission meeting.

The Estuary – Phase 3 (2005-64)
Final Subdivision Plan
This is a Final Subdivision Plan for the establishment of a proposed cluster subdivision to consist of 118 single-family dwellings on a 78.36 acre +/- parcel of land lying within the Coastal Area. The property retains access off of Piney Way and Estuary Boulevard within what is currently Phase 2 of the existing Estuary Subdivision. At their meeting of Thursday, October 11, 2018, the Planning and Zoning Commission approved the Final Subdivision Plan for the Estuary Subdivision (2005-64). The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcels: 134-19.00-115.02 & 134-21.00-8.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

James D. West (2020-05)
Final Subdivision Plan
This is a Final Subdivision Plan for the creation of a major, standard subdivision to divide 4.296 acres +/- into 4 single-family lots off of a 50-ft access easement. The property is located on the west side of Sussex Highway (Route 13) approximately 0.78 miles south of Adams Road. At their meeting of Thursday, September 10, 2020, the Planning and Zoning Commission approved the Preliminary Subdivision Plan. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcel: 530-17.00-2.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Americana Bayside MR-RPC – Freeman Arts Pavilion
Revised Preliminary Site Plan
This is a Revised Preliminary Site Plan for the construction of a 1,010-seat arts pavilion, including 876 parking spaces, and other related uses on a parcel consisting of 8.98 acres. The site is located on the south side of Signature Boulevard within the existing Americana Bayside development. At their meeting of Thursday, March 12, 2020, the Planning and Zoning Commission approved the Preliminary Subdivision Plan for the performing arts pavilion. Due to the current COVID-19 pandemic, the Freeman Stage had to significantly alter their plans for the 2020 season. Seats were previously sold in “pods” of four, with each pod maintaining the required 6-ft of separation distance. However, this option can only accommodate 400 patrons total and for this reason is unsustainable in
the long term. To both address the need to accommodate additional patrons under the current Governor’s Orders and CDC guidelines and ensure the success of the Freeman Stage, GMB has proposed a phasing plan which would allow for maintaining the same number of patrons as the existing stage could accommodate while the new stage is being constructed. The plan is called “Phase 1A” and has been added to the plans as “Phase 1A Temporary Site Plan.” The Final Site Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcels: 533-19.00-36.01, 864.00, 866.00, 881.00 and 990.00. Zoning District: MR-RPC (Medium Density Residential, Residential Planned Community.) Staff are in receipt of all approvals.

**MillerMetal Fabrication Inc. (S-20-17)**

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a proposed 60,000 square foot sheet metal and metal fabrication shop. The property was the subject of a Change of Zone application, (C/Z 1919) to facilitate a change of zone from a C-1 (General Commercial District) to an LI-2 (Light Industrial District). The Change of Zone was approved by the Planning and Zoning Commission at their meeting of Thursday, September 24, 2020. Subsequently, the application was also approved by the Sussex County Council at their meeting of Tuesday, October 20, 2020. The project is located on the south side of Newton Road (Route 404), approximately 791 feet west of Sussex Highway (Route 13) and retains access off a private road, Emma Jane Lane. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 131-6.00-8.00. Zoning: LI-2 (Light Industrial District). Staff are awaiting agency approvals.
January 23, 2020

TIDEWATER UTILITIES, INC.  

APPROVAL TO CONSTRUCT

Meadows District
The Estuary Phase 3 Connection
PWS #DE0000271
Approval #20W13

Mr. John Galiani
Estuary Development, LLC
6726 Curran Street
McClean, VA 22102

Dear Mr. Galiani:

As provided by Section 2.11 of the State of Delaware Regulations Governing Public Drinking Water Systems, you are granted approval to connect The Estuary Phase 3 to the existing main in accordance with the plans submitted by George, Miles & Buhr, LLC. The plans consist of:

2. Two copies of the plans entitled "The Estuary Phase 3 Sussex County, Delaware" dated June 2019 and revised November 7, 2019.

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

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

I am sending one set of plans with a copy of this approval to George, Miles & Buhr, LLC that is signed and dated by the Office of Engineering.
Mr. John Galiani  
Estuary Development, LLC  
January 23, 2020  
Page 2

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

Plans reviewed by:

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

Sincerely,

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

cc: Janelle Cornwell, Sussex County Planning & Zoning  
Kevin Neilson, Public Service Commission  
Stephen L. Marsh, P.E., George, Miles & Buhr, LLC  
Tawanda Priester, Tidewater Utilities, Inc.  
Alexis Virdin-Gede, Tidewater Utilities, Inc.  
Ashley Kuder, Office of Drinking Water
1. The approval is void if construction has not started by January 23, 2021.

2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.

3. Representatives of the Division of Public Health may inspect this project at any time during the construction.

4. The water system shall be operated in conformance with the State of Delaware Regulations Governing Public Drinking Water Systems.

5. All potable water lines and appurtenances shall be disinfected using one of the methods in the American Water Works Association Standard C651, current edition.

6. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.

7. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.

8. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.

9. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.

10. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
11. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.

12. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.

13. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.

14. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).

15. All water lines should be buried to a depth of at least 3 feet.

16. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.

17. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.

18. The approval is subject to immediate revocation upon violation of any of the preceding conditions.

19. All other local (state/county/city/town) approvals or permits needed must be obtained prior to beginning construction.

20. Upon completion of construction and before the system is placed into operation, a “Notice of Completion” must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
   a. Submit a set of as-built plans with profile markups to the Office of Engineering.
   b. Obtain an Approval to Operate from the Office of Drinking Water.
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Cathy Lyons

From: Terri Dukes <tdukes@sussexcountyde.gov>
Sent: Wednesday, October 16, 2019 12:00 PM
To: Cathy Lyons
Subject: RE: Estuary Phase 3 Street Names

Cathy, as long as roads are approved for this community and are on the newest recordings it doesn’t matter to use where you use them.

From: Cathy Lyons <CLyons@gmbnet.com>
Sent: Wednesday, October 16, 2019 9:06 AM
To: Terri Dukes <tdukes@sussexcountyde.gov>
Subject: RE: Estuary Phase 3 Street Names

Terri,
Good Morning.

As mentioned in my email below, we had to make a change to two of the street names. The new names were on the original approval/reserved list for the Estuary.

Thanks,
Cathy

Cathy Lyons
Sr. Project Coordinator

GMB
ARCHITECTS/ENGINEERS

206 West Main Street  |  Salisbury, MD  |  21801
410.742.3115  |  www.gmbnet.com  |  Find us on facebook

From: Terri Dukes <tdukes@sussexcountyde.gov>
Sent: Friday, September 13, 2019 10:55 AM
To: Cathy Lyons <CLyons@gmbnet.com>
Subject: RE: Estuary Phase 3 Street Names

ok

From: Cathy Lyons <CLyons@gmbnet.com>
Sent: Friday, September 13, 2019 10:38 AM
To: Terri Dukes <tdukes@sussexcountyde.gov>
Cc: Steve Brodbeck <sbrodbeck@gmbnet.com>
Subject: RE: Estuary Phase 3 Street Names

Terri,
Happy Friday. Please disregard. I was just informed that Old Salt and Sandbar are already used. We will submit our other suggestions.
Cathy Lyons  
*Project Coordinator*

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**From:** Cathy Lyons  
**Sent:** Tuesday, September 10, 2019 10:58 AM  
**To:** Terri Dukes <tdukes@sussexcountyde.gov>  
**Cc:** Steve Brodbeck <sbrodbeck@gmbnet.com>  
**Subject:** RE: Estuary Phase 3 Street Names

Terri,

As discussed below, I wanted to send you the enclosed exhibit with the street names we will be using for Estuary Phase 3 for your review.

Thank you,

Cathy

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Cathy Lyons  
*Project Coordinator*

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**From:** Cathy Lyons  
**Sent:** Monday, July 22, 2019 3:37 PM  
**To:** Terri Dukes <tdukes@sussexcountyde.gov>  
**Subject:** RE: Estuary Phase 3 Street Names

Thanks Terri. We will provide prior to recordation.

CL

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Cathy Lyons  
*Project Coordinator*

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**From:** Terri Dukes <tdukes@sussexcountyde.gov>  
**Sent:** Monday, July 22, 2019 3:05 PM  
**To:** Cathy Lyons <cl Lyons@gmbnet.com>  
**Subject:** RE: Estuary Phase 3 Street Names

Cathy. It looks like some of these where approved with no thoroughfares. I will need to know those before you record them.

Best Regards,

Terri
From: Cathy Lyons <C Lyons@gmbnet.com>
Sent: Monday, July 22, 2019 2:33 PM
To: Terri Dukes <tdukes@sussexcountyde.gov>
Cc: Steve Brodbeck <sbrodbeck@gmbnet.com>
Subject: RE: Estuary Phase 3 Street Names

Terri,
Sorry for the delay. It looks like we are going with the below names:

Decoy
Misty Morning Ln
Old Marsh
Sandbar
Seashell
Hailey Court

Please let me know if there are any issues.

Thanks,
Cathy

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Cathy Lyons
Project Coordinator

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From: Terri Dukes <tdukes@sussexcountyde.gov>
Sent: Thursday, May 2, 2019 4:13 PM
To: Cathy Lyons <C Lyons@gmbnet.com>
Subject: RE: Estuary Phase 3 Street Names

Cathy, hopefully this will make it easier for you. This is the list of name already on reserve for The Estuary.

From: Cathy Lyons <C Lyons@gmbnet.com>
Sent: Thursday, May 2, 2019 12:58 PM
To: Terri Dukes <tdukes@sussexcountyde.gov>
Subject: RE: Estuary Phase 3 Street Names

Terri, below are some other selections:

Maple View Drive
Willow Lane
Turtle Walk Court
Fox Den Drive
Sea Otter Court

I am sure some of the above are already in use in other communities. We are working on some more to submit for review.

Thanks,
Cathy , reference list below.

Terri,

We are working on a Site Plan for the Estuary Phase 3 project, which is located along Camp Barnes Road, in Frankford, DE.

We have a few road names picked out and wanted to confirm with your office that they would be acceptable:

- Oak Tree Court / Denied
- Hailey Court / Approved
- Summer Breeze Drive / Denied
- Woodside Court/ there are already 2 streets in The Estuary starting with Wood
- Penny Lane/ Denied
- Trailside Court / Already exist in The Estuary

Thank you,
Cathy
September 11, 2020

Mr. Ross Byington
C/O George, Miles, & Buhr, LLC
206 West Main Street
Salisbury, MD 21804

RE: The Estuary, Phase 3

Dear Mr. Byington:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a copy of the approved application form and approved plan sets. Please retain a copy for your use and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the Delaware Sediment and Stormwater Regulations. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at Sussexconservation.org. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson
Jessica Watson Queue
Program Manager

JW/mcg

cc: Janelle Cornwell
CONDITIONS OF APPROVAL

NOTIFICATION

1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.

2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner’s responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.

3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.

5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner’s signature on the owner’s certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT

6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner’s designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.

7. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.

8. Keep available onsite, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.

9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.

10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.

11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the Delaware Sediment and Stormwater Regulations.

12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.
DETAILED SEDIMENT AND STORMWATER MANAGEMENT PLAN APPLICATION

NAME OF PROJECT: The Estuary - Phase 3
PROJECT DESCRIPTION: Residential
LOCATION OF PROJECT: Southeast of Double Bridges Road and intersected by Camp Barnes Road
PROJECT TAX MAP NUMBER: 134-19.00 parcels 115.02, 134-21.00-8.00 and 134-21.00-11.00
PROJECT COORDINATES (center of site-decimal degrees) LAT: 38° 29' 52.4" N
LONG: 75° 07' 01.5" W
TYPE OF PROJECT: Residential
WATERSHED: Little Assawoman Bay
NUMBER OF LOTS: 118
TOTAL ACRES: 192.91
DISTURBED ACRES: 46.60

APPLICANT’S CONTACT INFORMATION
FIRST NAME: Ross
LAST NAME: Byington
COMPANY NAME: Estuary Development, LLC, DE Land Investment 3, LLC and DE Land Investment 1, LLC
ADDRESS: 6726 Curran Street, 2nd Floor
CITY: McLean
STATE: VA
ZIP: 22101
PHONE NUMBER: 703-207-7006
FAX NUMBER: 703-207-7054
EMAIL ADDRESS: rossgoldsgym@aol.com

CONSULTANT CONTACT INFORMATION
CONSULTANT/ENGINEER NAME: George, Miles & Buhr, LLC
CONTACT PERSON/PROJECT MANAGER: Stephen L. Marsh, P.E.
PHONE #: (410) 742-3115
FAX #: (410) 548-5790
EMAIL ADDRESS: smarsh@gmbnet.com

SUSSEX CONSERVATION DISTRICT APPROVAL
REVIEWER: [signature]
DATE: 9/11/20
APPROVAL: [signature]
DATE: 9/11/20

If ownership of this project changes during the construction period, Sussex Conservation District will require a new signed owner's certification statement. In addition, the authorization to discharge stormwater under the regulations Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities, must be transferred by the original owner to the new owner, please contact DNREC for assistance at 302-739-9021.

818 SHORTLY ROAD, GEORGETOWN, DE 19947 • office: 302.856.2105 • fax: 302.856.0951 • SUSSEXCONSERVATION.ORG
OWNER/DEVELOPER CERTIFICATION

- I/We certify that the information on this form and the attached plans are true and accurate to the best of my/our knowledge.

- I/We understand that DNREC/Delegated Agency may request information in addition to that set forth herein as may be deemed appropriate in considering this application.

- I/We will abide by the conditions of this approval as issued.

- I/We hereby certify that all clearing, grading, construction and/or development will be done pursuant to the approved plan, and that all responsible personnel involved in the land disturbing activities will have a Sediment and Stormwater Management Certification from DNREC/Delegated Agency.

- I/We hereby authorize the right of entry for periodic site inspection by DNREC/Delegated Agency personnel and/or authorized agents.

OWNER/DEVELOPER SIGNATURE: [Signature] DATE: 9/1/19
OWNER/DEVELOPER PRINTED NAME: Ross A. Brinley, M.D.

AGENT AUTHORIZATION

(If this authorization form is completed with the application, all future correspondence may be signed by the duly authorized agent.)

I, __________________________, hereby designate and authorize the following identified agent to act on my behalf in the processing of this application and to furnish any information that is requested.

AGENT NAME: __________________________
AGENT ADDRESS: __________________________
CITY: __________________________ STATE: __________________________ ZIP: __________________________
AGENT PHONE #: ( ) __________________________ FAX #: __________________________
EMAIL ADDRESS: __________________________

OWNER/DEVELOPER SIGNATURE: __________________________ DATE: __________________________
AGENT SIGNATURE: __________________________ DATE: __________________________
Please attach project Supplemental BMP Data Sheet to the Detailed Sediment and Stormwater Management Plan Application

**PROJECT BMP DATA SHEET**

List the BMP(s) utilized in the project stormwater management quantity and water quality strategy.

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<th>BMP NAME</th>
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May 8, 2020

Mr. Stephen Marsh, P.E.
George, Miles & Buhr LLC
206 West Main Street
Salisbury, MD 21801

REF: THE ESTUARY – PHASE 3
MILLER CREEK SANITARY SEWER DISTRICT
SUBDIVISION NO. 2005-64
SUSSEX COUNTY TAX MAP NUMBERS 134-18.00-115.02,
134-21.00-8.00 & 134-21.00-11.00 – CLASS-1
AGREEMENT NO. 638-26

Dear Mr. Marsh:

The above referenced project was approved on May 8, 2020 and one (1) set of the approved plans are enclosed. This approval is valid for three (3) years, unless prior to expiration of that three (3) year period, a time extension is requested and approved by the Department. Plans granted an extension beyond the three (3) period will be required to meet updated standards and specifications.

Also, it is your responsibility to secure approvals and/or permits that may be required by other regulatory agencies.

Please contact Mr. Gary Fleetwood of this Division to initiate pre-construction procedures for private roads and Mr. Keith Bryan in the Department’s Division of Utility Engineering to initiate pre-construction procedures for sanitary sewer.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT

Scott A. Thornton
Public Works Engineering Technician IV

cc: Mr. Keith Bryan, w/2 enclosures
    Public Works Field File, w/3 enclosures
    Owner/Developer
OFFICE OF THE STATE FIRE MARSHAL
Technical Services
22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT

Plan Review Number: 2019-04-202464-MJS-01
Status: Approved as Submitted
Tax Parcel Number: 134-19.00-115.00
Date: 12/16/2019

Project
Phase 3 of Subdivision
The Estuary
Phase #: 3
Double Bridges Road
Frankford DE 19945

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

Occupant Load Inside:
Occupancy Code:

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.
The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.
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.

This Plan Review Project was prepared by:

Joseph Moran
FIRE PROTECTION PLAN REVIEW COMMENTS

Status: Approved as Submitted  Date: 12/16/2019

PROJECT COMMENTS

1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.state/firemarshal.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.

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.

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

1032 A Additional hydrants and/or relocation of proposed hydrants are required for this project (DSFPR Part II Chapter 6). Contact this Agency for location information.

1130 A Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Part I, Section 4 4.2 and Part III, Chapter 3). Results are to be forwarded to this Agency for review.

1132 A Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3.4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.
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<td>1232 A</td>
<td>All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III, Section 1.1.5.1.</td>
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<tr>
<td>1432 A</td>
<td>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 final grade (NFPA 24, Section 7.3.3).</td>
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<tr>
<td>1501 A</td>
<td>If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.</td>
</tr>
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</table>
October 19, 2020

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

Attn: Lauren DeVore
Planner III

Re: Estuary Phase 3
#2005-64
TMP # 134-19.00-115.02 & 134-21.00-8.00
GMB # 140049.E

Dear Ms. DeVore:

We have received your comment letter dated February 5, 2020 for the above referenced project and offer the following responses.

Comment 1: Please note that Lots #415 and 493 are not achieving the minimum lot depth of 100-ft the entire way around the lot. Please amend the lot size to comply with the minimum depth requirement. If this additional area cannot be accommodated without including wetlands within the proposed lot boundary which would violate Condition #5 of the Conditions of Approval, the lot will have to be removed.

Response 1: Per your email dated October 16, 2020, we are disregarding this comment.

Comment 2: Please include in the Site Data Column that the Environmentally Sensitive Development District Overlay Zone is now known as the “Coastal Area.”

Response 2: We have revised the notation to reflect Coastal Area Overlay Zone.

Comment 3: Please note in the Site Data Column that the parcel is located within an area of “fair” Groundwater Recharge potential in order to comply with the provisions of Chapter 89 “Source Water Protection” of the Sussex County Code.

Response 3: We have included notes for Source Water Protection in the Site Data Column.

Comment 4: Please note in the Site Data Column that the parcel is not located within a Wellhead Protection Area in order to comply with the provisions of Chapter 89 “Source Water Protection” of the Sussex County Code.

Response 4: We have included notes for Source Water Protection in the Site Data column.
Comment 5: Staff notes that there are no more than 631 lots in the subdivision to accord with Condition #1 of the Conditions of Approval.

Response 5: Comment noted

Comment 6: Please include the zoning of all surrounding parcels on the plans.

Response 6: Zoning Designations have been added to the neighboring parcels.

Comment 7: Please clarify on Sheet P1.1 that the tax ditch R.O.W. is measured 35-ft from the top-of-bank (TOB).

Response 7: A note describing “from top of bank, typ.” Has been included

Comment 8: Please clarify if Lot #370 is included as part of Phase 3 or is to be included as part of Phase 2. The plans outline the lot as if to include it in Phase 3, but the lot appears to be situated in Phase 2 on the plans.

Response 8: Lot 370 is part of Phase 3. We agree that this can be confusing, but it is based on Sewer connection availability, as well as the location of the driveway on Estuary Boulevard gets extended across the tax ditch from Phase 2 to Phase 3.

Comment 9: Please add hatching or symbology which clearly indicates that sidewalks will be provided in the community to accord with Condition #13 of the Conditions of Approval.

Response 9: Sidewalks will be constructed as part of the subdivision streets and are now shown on the recently added Final Site Plans, sheets FSP1.0 and FSP1.1, as well as the typical road crossing section on FSP1.0 and FSP1.1.

Comment 10: Please include a breakdown which provides the overall breakdown of tidal vs. non-tidal wetlands on the property. (§99-26(A)(17)).

Response 10: A Non-Tidal Wetlands note has been added to the Site Data Column. There are no Tidal wetlands within Phase 3.

Comment 11: Please include a typical street section of the street construction design in the plans (§99-26(A)(12)).

Response 11: County standard street sections are now indicated on the recently added Final Site Plans, sheets FSP1.0 and FSP1.1

Comment 12: Please include a space for the signature of the President of the Sussex County Council (§99-26(A)(13)).

Response 12: We have included a signature block for County Council approval.

Comment 13: Please include a space for the signature of an authorized representative of the Sussex Conservation District approving the location and design of all stormwater management areas and erosion and sediment control facilities which shall be shown on the final site plan (§99-26(A)(18)).
Response 13: A signature block for Sussex Conservation District has been added to the Cover Sheet.

Comment 14: Please provide within the Site Data Column a breakdown of open space proposed by open space area (i.e.: Open Space “A,” Open Space “B,” Open Space “C”, etc.) and please also include the percentage of impervious surface cover area proposed for the project (§99-26(A)(19)).

Response 14: Acreages for Open Space areas and proposed impervious area are included in the Site Data column.

Comment 15: Please note that per Condition #6 of the Conditions of Approval, the restrictive covenants shall contain the agricultural use protection and wetlands notice. The covenants shall also include a notice that hunting activities occur in neighboring and adjacent properties and prohibit the use of any off road, ATV-type vehicles on the property other than by the Homeowner’s Association or its designee for maintenance. Also, as required under Condition#24 of the Conditions of Approval, the restrictive covenants shall include a tree preservation covenant.

Response 15: Comment Noted.

Comment 16: Please clarify on the plans that no amenities are included in this Phase.

Response 16: A note regarding no amenities in this phase has been added to the Site Data column.

Comment 17: The Final Subdivision Plan shall show all required forested and landscaped buffers and shall meet the requirements of §99-5 “Forested and/or Landscaped Buffer Strip”. Please ensure that no stormwater management facilities are included in the 20-ft width for the landscape buffer strip.

Response 17: A 30’ wooded buffer is shown on the plans.

Comment 18: Prior to approval of any Final Subdivision Plan, approval letters or ‘no-objection’ letters from the following agencies shall be submitted to the Sussex County Planning and Zoning Department (All items in which a check mark appear have been received by the Department. All bolded items still require submittal to the Department before consideration for final approval can be received):

a. Sussex Conservation District
b. Office of the State Fire Marshal
c. Office of Drinking Water (Division of Public Health)
d. Sussex County Engineering Department
e. Sussex County Mapping and Addressing Department
f. Delaware Department of Transportation
g. The local school district regarding bus stop provisions.
h. Copies of all HOA documents/restrictive covenants
Response 18:  

All appropriate approval letters are enclosed within this submittal. We have also included the HOA documents. In addition, there is no DelDOT approval for this phase. These lots were included in the TIS, and the traffic counts are included in the previously installed Phase 1 entrances and the future Phase 4. Please note, bus stop location is Number 8 of the Conditions of Approval. A designated bus stop shelter was already installed as part of Phase 1B, near the clubhouse.

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

Thank you for your time and attention in this matter.

Sincerely,

Stephen L. Marsh, P.E.
Sr. Vice President

Enclosures:

• One (1) copy of Revised Final Site Plan (paper and electronic)
• One (1) copy of the SCD Approval Letter, dated 9/11/2020
• One (1) copy of the SFMO Permit, dated 12/16/2019
• One (1) copy of the ODW Approval Letter, dated 1/23/2020
• One (1) copy of the SCED Approval Letter, dated 5/8/2020
• One (1) copy of email correspondence from Mapping & Addressing, dated 5/2019 with approved street names.
• One (1) copy of the HOA documents

cc: Estuary Development, LLC
    Attn: John Galiani (w/ electronic encl.)
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Specifications

A-21

B-14

C-2

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ESTUARY PHASE 3
SUSSEX COUNTY, DELAWARE

PRINTS ISSUED FOR:
APPROVAL &
RECORDATION

2020 © COPYRIGHT GEORGE, MILES & BUHR, LLC
PHASE 2
PHASE 3
BUTTERFLY COURT
TRAILSIDE COURT
PINEY WAY
ESTUARY BOULEVARD
GREENWAY DRIVE
PLOVER LANE
GREENWAY DRIVE
PHASE 2
PHASE 3
PHASE 4
ESTUARY BOULEVARD
DECKWATCH LANE
DECOY COURT
LANTERNS GLOW ROAD
ESTUARY BOULEVARD
MISTY MORNING LANE
HAILEY COURT
PRINTS ISSUED FOR:
APPROVAL & RECORDATION
2020 c COPYRIGHT GEORGE, MILES & BUHR, LLC
October 5, 2020

Mr. Steve Sellers
Miller Lewis, Inc.
1560 Middleford Road
Seaford, De 19973

RE: James D. West
TMP# 530-4.00-34.00 and 530-7.00-2.02

Dear Mr. Sellers,

The Sussex Conservation District has reviewed your submittal on the above referenced project, and we have no objection to recordation.

If you have any questions or concerns, please contact the District at 302-856-2105.

Sincerely,

Jessica L. Watson

Jessica L. Watson
Program Manager
October 08, 2020

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 Recodation  
JAMES WEST  
Tax Parcel # 530-17.00-2.02, 530-14.00-34.00  
SCR004-SUSSEX HIGHWAY  
Northwest Fork Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated March 23, 2020 (last revised September 15, 2020), for the above referenced site, and has no objection to its recodation as shown on the enclosed drawing. This "No Objection to Recodation" 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 Recodation", 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 Recodation" 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 recodation 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,

[Signature]

Susanne K. Laws  
Sussex County Review Coordinator  
Development Coordination

cc: Stephen Sellers, Miller Lewis  
Rusty Warrington, Sussex County Planning & Zoning  
Jessica L. Watson, Sussex Conservation District  
James Argo, South District Project Reviewer  
William Kirsch, South District Entrance Permit Supervisor  
Shannon Ancerson, South District Public Work Admin Specialist  
Wendy L. Polasko, Subdivision Engineer  
John Andrescavage, Sussex County Reviewer
October 5, 2020

Mr. Steve Sellers
Miller Lewis, Inc.
1560 Middleford Road
Seaford, De 19973

RE: James D. West
    TMP# 530-4.00-34.00 and 530-7.00-2.02

Dear Mr. Sellers,

The Sussex Conservation District has reviewed your submittal on the above referenced project, and we have no objection to recordation.

If you have any questions or concerns, please contact the District at 302-856-2105.

Sincerely,

Jessica L. Watson

Jessica L. Watson
Program Manager
OFFICE OF THE STATE FIRE MARSHAL
Technical Services
22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT

Plan Review Number: 2020-04-203539-MIS-01
Status: Approved as Submitted
Tax Parcel Number: 530-17.00-2.02
Date: 04/07/2020

Project
James West Subdivision
James West Property
14686 Sussex Hwy
Bridgeville DE 19933

Scope of Project
Number of Stories: 1
Square Footage:
Construction Class: Occupant Load Inside:
Fire District: 78 - Greerwood Volunteer Fire Co #1 Inc Occupancy Code: 9601

Applicant
Stephen M Sellers
1560 Road 535
Seaford, DE 19973

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.
The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.
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.

This Plan Review Project was prepared by:

Joseph Moran

Page 1 of 2
FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-203539-MIS-01
Status: Approved as Submitted
Tax Parcel Number: 530-17.00-2.02
Date: 04/07/2020

PROJECT COMMENTS

1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.

1010 A The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.

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

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

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.
SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING DIVISION
C/U & C/Z COMMENTS

TO: Jamie Whitehouse

REVIEWER: Chris Calio

DATE: 8/24/2020

APPLICATION: 2020-05 Lands of James D. West

APPLICANT: James D. West

FILE NO: WSPA-5.01

TAX MAP & PARCEL(S): 530-14.00-34.00 & 530-17.00-2.02

LOCATION: Located on the west side of Sussex Hwy (Rt. 13), approximately 0.78 miles south of Adams Road

NO. OF UNITS: 4 lots

GROSS ACREAGE: 4.296 +/-

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 $6,360.00 per EDU. Please contact N/A at 302-855-7719 for additional information on charges.
(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed subdivision of land is in a Tier 3 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not currently have 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**

UTILITY PLANNING APPROVAL:

[Signature]
John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
    Jayne Dickerson
    No Permit Tech Assigned
September 22, 2020

Sussex County Planning and Zoning Department
PO Box 589
Georgetown, DE 19947

Attn: Ms. Lauren DeVore
Planner III

Re: Freeman Arts Pavilion
Tax Map 5-33-19.00-36.01, 864.00, 881.00 & 990.00
GMB Project No. R150078.00

Dear Lauren:

Please accept this letter and formal Final Site Plan approval request as a follow up to my email dated, 9/2/2020 and our accompanying conference call regarding the referenced project.

I offer the following comments:

1. Master Plan approval for the proposed Freeman Arts Pavilion was granted by the Planning Commission at their December 16, 2015 meeting.
2. Preliminary Site Plan approval was granted by the Planning Commission at their March 12, 2020 meeting.
3. The proposed Final Site Plan is consistent with the previously approved Preliminary Site Plan.
4. As detailed in my 9/2/2020 email and discussed in our follow up call, the Freeman Stage had to significantly alter their plans for the 2020 season due to the COVID-19 pandemic, by limiting the number of patrons to facilitate appropriate social distancing measures. Seats were sold in “pods” of four, with each pod maintaining six feet of separation. I applaud the Freeman Foundation for working tirelessly to bring the arts to lower Sussex County in a time of great turmoil, and for adapting to develop a safe environment for patrons. That being said, the current facility can only accommodate about 400 patrons in the “pod” format. The Freeman Stage team is preparing for another few seasons of social distancing, and 400 patrons is unsustainable.

As such, the team has developed a phasing plan that would allow for maintaining the same number of patrons as the existing stage facility could accommodate “pre-COVID”, while the new stage facility is being constructed. We have called this “Phase 1A” and anticipate utilizing this arrangement for the next few years. The Phase 1A plan has been added as Sheet No. FSP-5A, “Interim Phase 1A Temporary Site Plan”. Since this sheet was not in the Preliminary Site Plan set, we have labelled the Freeman Arts Pavilion submittal as “Amended Preliminary/Final Site Plan”.

5. We have attached Office of Drinking Water, Office of State Fire Marshal and Sussex Conservation District approval letters. We are just waiting on Sussex County Engineering Department approval.
6. We have enclosed two (2) hard copy check prints of the Amended Preliminary/Final Site Plan and Record Plat for your review. We will address your comments and resubmit with Sussex County Engineering Department approval to be placed on the next available Planning Commission agenda.

Please feel free to contact me with any questions at 410-742-3115. Thank you for your assistance in this matter.

Sincerely,

[Signature]
Stephen L. Marsh, P.E.
Sr. Vice-President

Enclosures: Two (2) copies of the Freeman Arts Pavilion Amended Preliminary/Final Site Plan (check print)

cc: Joshua M. Freeman Foundation
Attn: Ms. Pattie Grimes (w/o encl.)
September 1, 2020

TIDEWATER UTILITIES, INC.

Ms. Patti Grimes
Carl M. Freeman Foundation, Inc.
31556 Winterberry Parkway
Selbyville, DE 19975

Dear Ms. Grimes:

As provided by Section 2.11 of the State of Delaware Regulations Governing Public Drinking Water Systems, you are granted approval to connect the Freeman Arts Pavilion to the existing main in accordance with the plans submitted by George, Miles & Buhr, LLC. The plans consist of:


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

- Increase the vertical separation distance to 18-inches of between the existing sanitary sewer and the proposed water main at water Crossing X-1 on sheet C1.5A.
- Profile crossing mark-ups are required where the 8-inch sanitary sewer crosses the 6-inch mains to Fire hydrant H-1 and the 2-inch service to the Concessions and Restrooms on sheet C1.5A.

The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.
I am sending one set of plans with a copy of this approval to George, Miles & Buhr, L.L.C. that is signed and dated by the Office of Engineering.

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

Plans reviewed by:

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

Sincerely,

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

cc: Janelle Cornwell, Sussex County Planning & Zoning
    Kevin Neilson, Public Service Commission
    Terry Gundry, George Miles & Buhr, L.L.C.
    Tawanda Priester, Tidewater Utilities, Inc.
    Alexis Virdin-Gede, Tidewater Utilities, Inc.
    Ashley Kunder, Office of Drinking Water
1. The approval is void if construction has not started by September 1, 2021.

2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.

3. Representatives of the Division of Public Health may inspect this project at any time during the construction.

4. This approval does not cover the structural stability of any units or parts of this project.

5. The water system shall be operated in conformance with the State of Delaware Regulations Governing Public Drinking Water Systems.

6. All potable water lines and appurtenances shall be disinfected using one of the methods in the American Water Works Association Standard C651, current edition.

7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.

8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.

9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.

10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.

11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.

13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.

14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.

15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).

16. All water lines should be buried to a depth of at least 3 feet.

17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.

18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.

19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.

20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.

21. Upon completion of construction and before the system is placed into operation, a “Notice of Completion” must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
   a. Submit a set of as-built plans with profile markups to the Office of Engineering.
   b. Obtain an Approval to Operate from the Office of Engineering.
May 11, 2020

Ms. Patti Grimes
c/o George, Miles, & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: Americana Bayside – Freeman Arts Pavilion

Dear Ms. Grimes:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a copy of the approved application form and approved plan sets. Please retain a copy for your use and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the Delaware Sediment and Stormwater Regulations. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at Sussexconservation.org. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson
Jessica Watson
Program Manager

JW/jmg
cc:  Janelle Cornwell

CONDITIONS OF APPROVAL

NOTIFICATION
1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.

2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner’s responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.

3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES
4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.

5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner’s signature on the owner’s certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT
6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner’s designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.

7. Keep available on site, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.

8. Keep available on site, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.

9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.

10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.

11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the Delaware Sediment and Stormwater Regulations.

12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.
DETAILED SEDIMENT AND STORMWATER MANAGEMENT PLAN APPLICATION

NAME OF PROJECT: Freeman Arts Pavilion

PROJECT DESCRIPTION: Stage, Amphitheater, and facilities at America Bayside for Joshua M. Freeman Foundation

LOCATION OF PROJECT: America Bayside - Selbyville, DE

PROJECT TAX MAP NUMBER: 533-19.00-36.01

PROJECT COORDINATES (center of site-decimal degrees) LAT: 38.46534 N LONG: 75.11228 W

TYPE OF PROJECT: Other

WATERSHED: Assawoman Bay

NUMBER OF LOTS: N/A TOTAL ACRES: 10.54 ac DISTURBED ACRES: 9.85 ac

APPLICANT'S CONTACT INFORMATION

FIRST NAME: Patti LAST NAME: Grimes

COMPANY NAME: Joshua M. Freeman Foundation

ADDRESS: 31556 Winterberry Parkway

CITY: Selbyville STATE: DE ZIP: 19975

PHONE NUMBER: 302-436-3015 FAX NUMBER:

EMAIL ADDRESS: patti@freemanfoundation.org

CONSULTANT CONTACT INFORMATION

CONSULTANT/ENGINEER NAME: George, Miles & Buhr, LLC

CONTACT PERSON/PROJECT MANAGER: Jonathan R. Soistman, E.I.T.

PHONE #: (410) 742-3115 FAX #: ( )

EMAIL ADDRESS: jsoisman@gmbnet.com

SUSSEX CONSERVATION DISTRICT APPROVAL

REVIEWER:   APPROVAL:   DATE: 5/11/20

DATE: 5/10/20

If ownership of this project changes during the construction period, Sussex Conservation District will require a new signed owner's certification statement.... In addition, the authorization to discharge stormwater under the regulations Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities, must be transferred by the original owner to the new owner, please contact DNREC for assistance at 302-739-9921.
Please attach project Supplemental BMP Data Sheet to the Detailed Sediment and Stormwater Management Plan Application.

**PROJECT BMP DATA SHEET**

List the BMP(s) utilized in the project stormwater management quantity and water quality strategy.

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<th>BMP NAME</th>
<th>BMP TYPE</th>
<th>ACRES TREATED</th>
<th>BMP LOCATION COORDINATES (@ BMP release point - decimal degrees)</th>
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OFFICE OF THE STATE FIRE MARSHAL
Technical Services
22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT

Plan Review Number: 2020-04-203895-MJS-01  Tax Parcel Number: 533-19.00-39.00
Status: Approved as Submitted  Date: 06/04/2020

Project

Freeman Arts Pavilion
Lakeview Drive
Selbyville DE 19975

Americana Bayside Property

Scope of Project

Number of Stories: 
Square Footage: 
Construction Class:  
Fire District: 90 - Roxana Volunteer Fire Co
Occupant Load Inside: 
Occupancy Code: 

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.
The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.
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.

This Plan Review Project was prepared by:

Desiree McCall

Page 1 of 3
FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-203895-MJS-01  Tax Parcel Number: 533-19.00-39.00
Status: Approved as Submitted  Date: 06/04/2020

PROJECT COMMENTS

1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.

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

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.

1132 A Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3 4. This includes both color coding the bonnet and 2” reflective tape around the barrel under the top flange.

1232 A All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III, Section 1.1.5.1.

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

1432 A The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10).
center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above final grade (NFPA 24, Section 7.3.3).

1299 A The required Fire Lane Access and Perimeter Access and all fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.
October 9, 2020

Ms. Lauren DeVore  
Sussex County Planning & Zoning  
2 The Circle  
Georgetown, DE 19947

RE:    MillerMetal Fabrication Facility (S-20-17)  
       Comment Response Letter  
       Tax Parcel: 131-6.00-8.00

Dear Ms. Lauren DeVore:

In response to your Staff Review Letter dated May 8, 2020 for the MillerMetal Fabrication Facility, we offer the following comment responses. Your comments appear below followed by our responses. I am sending you two revised sets of the MillerMetal Site Plans for consideration on the October 22, 2020 Planning and Zoning Meeting. I am also including a copy of the Fire Marshal Site Plan approval for your files.

Preliminary Site Plan

1. Please include the County Project Reference Number at the top center of the Cover Sheet (S-20-17.)

   **Response:** The County Project Reference Number S-20-17 has been added to the Cover Sheet.

2. Please indicate in the Site Data Column that this site plan is also the subject of a proposed Change of Zone application, CZ 1919, to facilitate a change of zone from General Commercial (C-1) Zoning District to Light Industrial (LI-2) Zoning District. The approval of this site plan utilizing the setbacks required in the LI-2 District will be contingent upon the Planning and Zoning Commission and County Council’s approval of the related Change of Zone application.

   **Response:** A note has been added under item 9 of the site data column.

3. Please clarify if any soft landscaping will be proposed for the site.

   **Response:** Soft landscaping will be part of the proposed site; however, it is not part of the construction plan set. Please note that a 6’ fence has been added to the site for screening purposes between the building and Route 404.

4. Please indicate if screening will be provided for the two (2) proposed dumpsters to the rear of the building site. All dumpsters shall meet the setbacks and screening requirements of §115-170.1(C)(1-4).

   **Response:** Screening is not proposed for roll-off dumpsters. The code section referenced is for parcels in the Commercial Zoning Districts. This project is contingent upon approval of the LI-2 zoning district.
5. Please include topographic contours at one foot unless waived by the Commission as clearly unnecessary to review the project or proposal (§115-220(B)(4)).

   Response: The grading plan has been included with the submission showing the existing and proposed topographical contours at a 1' interval.

6. Please clarify the limit of disturbance of the property. The Site Data Column reflects that the limit of disturbance will be 7.5 acres, but the box underneath the Cover Sheet diagram reflects that the limit of disturbance is 8.1 acres.

   Response: The Limit of Disturbance box on the cover sheet has been updated to match the Site Data Limit of Disturbance.

7. Please add the size of all proposed stormwater management areas and facilities.

   Response: Siteworks has added the stormwater management facility size to sheet R-4.

8. Staff notes that the parking calculation provided for the building meets the “Off-Street Parking” requirements for “Manufacturing” under the Sussex County Code of “1 [space] for every 2 employees on the major shift establishments” (§115-162).

   Response: Comment Noted

9. The parking spaces proposed meet the minimum 162 square foot requirement noted in §115-166(1) “Design Standards” of the Sussex County Code.

   Response: Comment Noted

10. Staff notes that four (4) loading spaces have been provided which meets the requirements of a proposed building consisting of 60,000 square feet per §115-167 “Off-Street Loading” of the Sussex County Code.

   Response: Comment Noted

11. Staff notes that four (4) ADA accessible parking spaces have been included on the plans, which meets the provisions set forth in Table 1106.1 of the 2012 International Building Code. Please ensure that these parking spaces are located as close to the primary entrance to the building as possible.

   Response: Comment Noted.
12. Staff notes that an opportunity exists to provide electric vehicle charging at this location and to minimize the carbon footprint of the proposed use. Programs and incentives are available through the State of Delaware, Delaware Department of Natural Resources and Environmental Control (DNREC).

   **Response:** Comment Noted

13. Prior to approval of any revised Final Site Plan, it will be necessary to provide letters of approval/no-objection from the following agencies (Items in which a check mark appear have been received by the Department. Items that have been bolded still require submittal to the Department.)

   a. Delaware Department of Transportation (DelDOT) *(approval pending submission of final plans)*
   b. Sussex Conservation District *(SCD has requested final plans)*
   c. Office of the State Fire Marshal *(A copy of the site plan approval is included with this submission)*

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

Dave Heatwole, PE | Principal
**SITWORKS ENGINEERING**
**OFFICE OF THE STATE FIRE MARSHAL**  
Technical Services  
22705 Park Avenue  
Georgetown, DE 19947  

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**SFMO PERMIT**

**Plan Review Number:** 2020-04-204284-MJS-01  
**Tax Parcel Number:** 131-6.00-8.00  
**Status:** Approved as Submitted  
**Date:** 07/27/2020

#### Project

- Miller Metal Fabrication  
- Newton Farms LLC  
- 8500 Newton Road  
- Bridgeville DE 19966

#### Scope of Project

- **Number of Stories:**  
- **Square Footage:**  
- **Construction Class:**  
- **Fire District:** 72 - Bridgeville Volunteer Fire Co  
- **Occupant Load Inside:**  
- **Occupancy Code:** 9794

#### Applicant

- Dave Heatwole  
- 34 John Andrews Drive  
- Harrington, DE 19952

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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.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

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.

This Plan Review Project was prepared by:  

[Signature]

Dennett Pridgeon
FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-204284-MJS-01  Tax Parcel Number: 131-6.00-8.00
Status: Approved as Submitted  Date: 07/27/2020

PROJECT COMMENTS

1002 A  This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshaldelaware.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.

1031 A  Where the structure being considered is protected throughout by an automatic sprinkler system, the required fire flow shall be modified to meet the designed sprinkler demand where hydraulically calculated plus outside hose streams as specified in NFPA13, Table 11.2.3.1.1 (2002 ed.) (DSFPR Part II, Section 6 3.2.1).

1184 A  Automatic sprinkler systems, installed in accordance with NFPA 13, are required in all buildings exceeding 10,000 sq.ft. of aggregate, gross floor area. Provide note on plan. NOTE: Sprinkler coverage is required throughout and in all areas of the building, including, but not limited to, concealed combustible spaces (attics, canopies), freezers, and coolers. NOTE: When revised plans are required to be resubmitted, a narrative letter does not suffice.

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

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 for any occupancy that contains an automatic sprinkler system. (DSFPR Regulation 705, Chapter 5, Section 2.4).

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).
1421 A All standpipe and sprinkler connections shall be marked and identified in accordance with DSFPR Regulation 705, Chapter 6, Section 3.0.

1417 A All Fire Lanes shall be marked and identified in accordance with DSFPR Regulation 705, Chapter 5, Section 7.0.

1411 A Fire Lane signs shall be placed at each end of the fire lane and spaced at 150 foot intervals maximum. All Fire Lane signs shall be located no less than six feet and no higher than eight feet above the pavement and shall face oncoming traffic. Where no parking is provided between the building and the Fire Lane, Fire Lane signs shall be posted along the inner curb, building line, or edge of the roadway immediately adjacent to the fire lane. (DSFPR Regulation 705, Chapter 6, Section 7.0).

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.

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