

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
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R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date April 22nd, 2021

Application: The Estuary at Oyster Rock (2020-15)

Applicant: Roger Gross, Merestone Consultants, Inc
33516 Crossing Avenue
Lewes, DE 19958

Owner: John David Vincent and Judy Vincent
6185 SW 56th St
Davie, FL 33314

Site Location: North side of current Oyster Rock Subdivision and accessed off
Sandbar Court

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 21 Single Family Lots as an AR-1 Standard Subdivision

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: On-Site Septic

Water: Tidewater Utilities

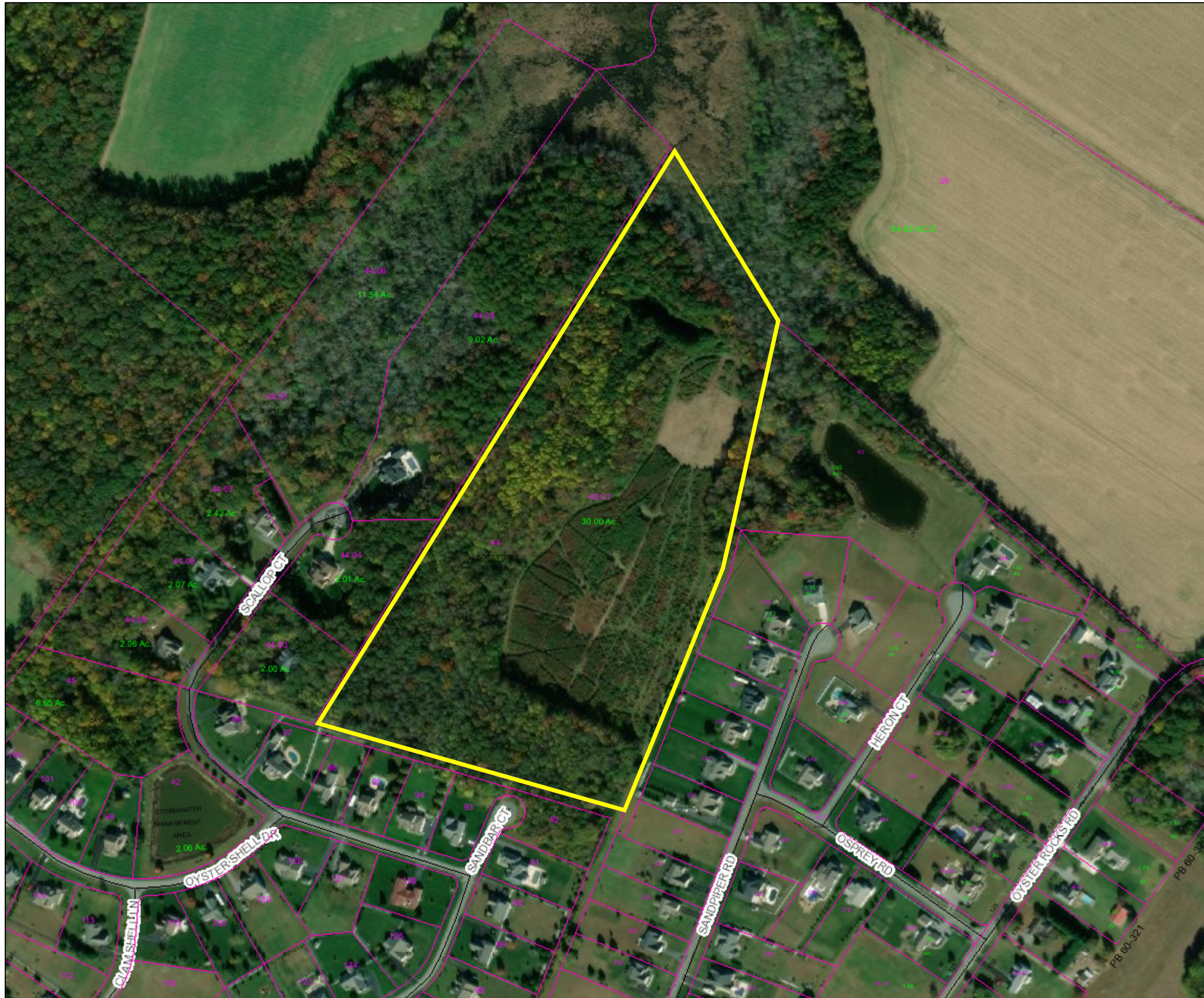
Site Area: 28.8 +/- acres

Tax Map ID.: 235-16.00-45.01





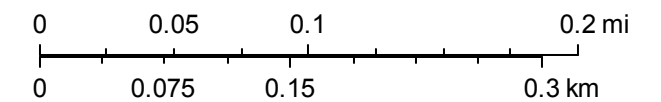
Sussex County



PIN:	235-16.00-45.01
Owner Name	VINCENT JOHN DAVID JUDY A
Book	3704
Mailing Address	6185 SW 56TH ST
City	DAVIE
State	FL
Description	NEAR OYSTER ROCKS
Description 2	FX
Description 3	N/A
Land Code	

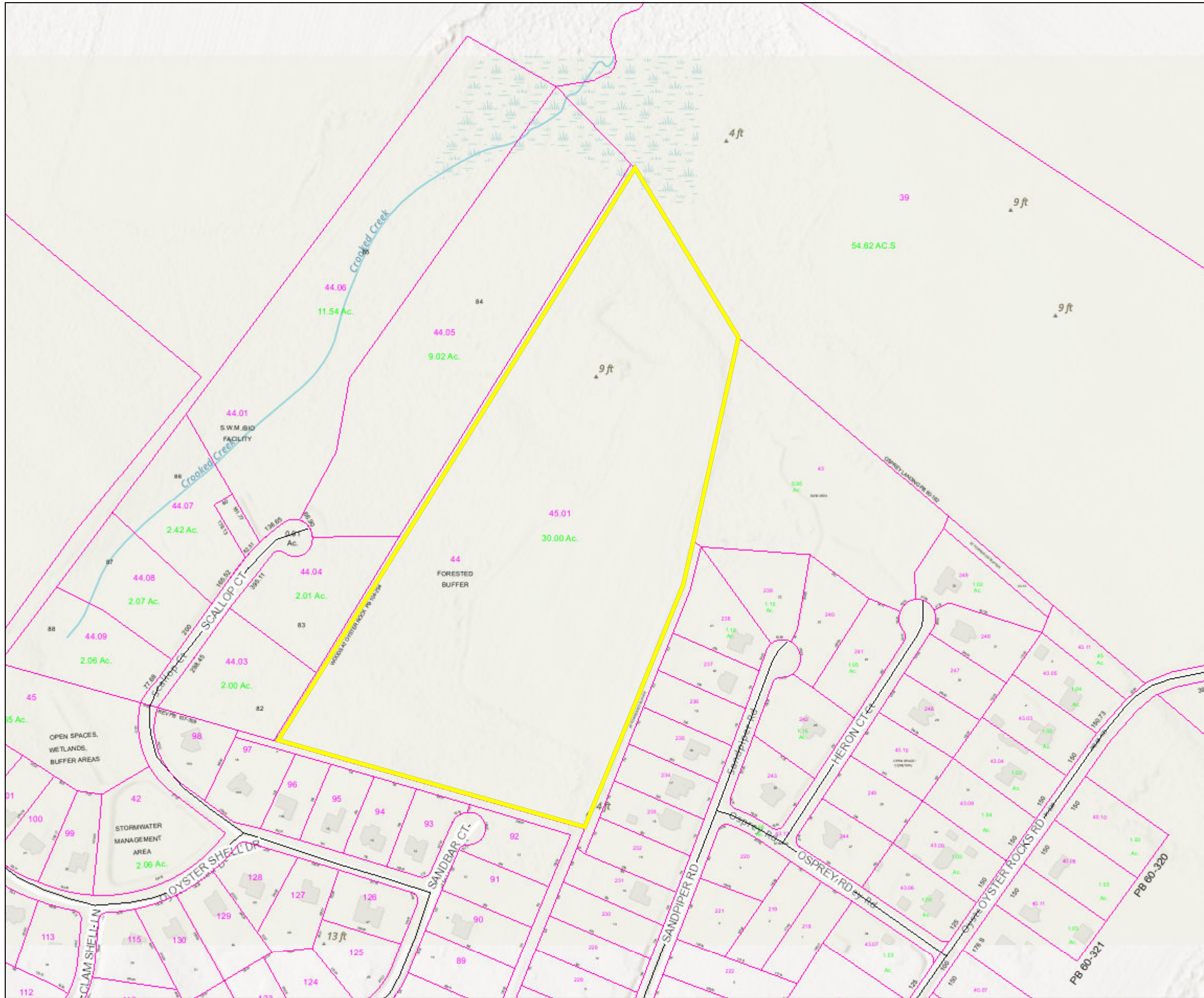
- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





Sussex County



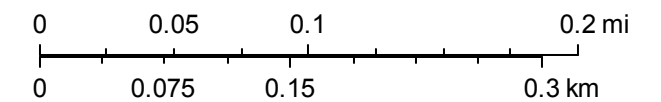
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 - Override 1
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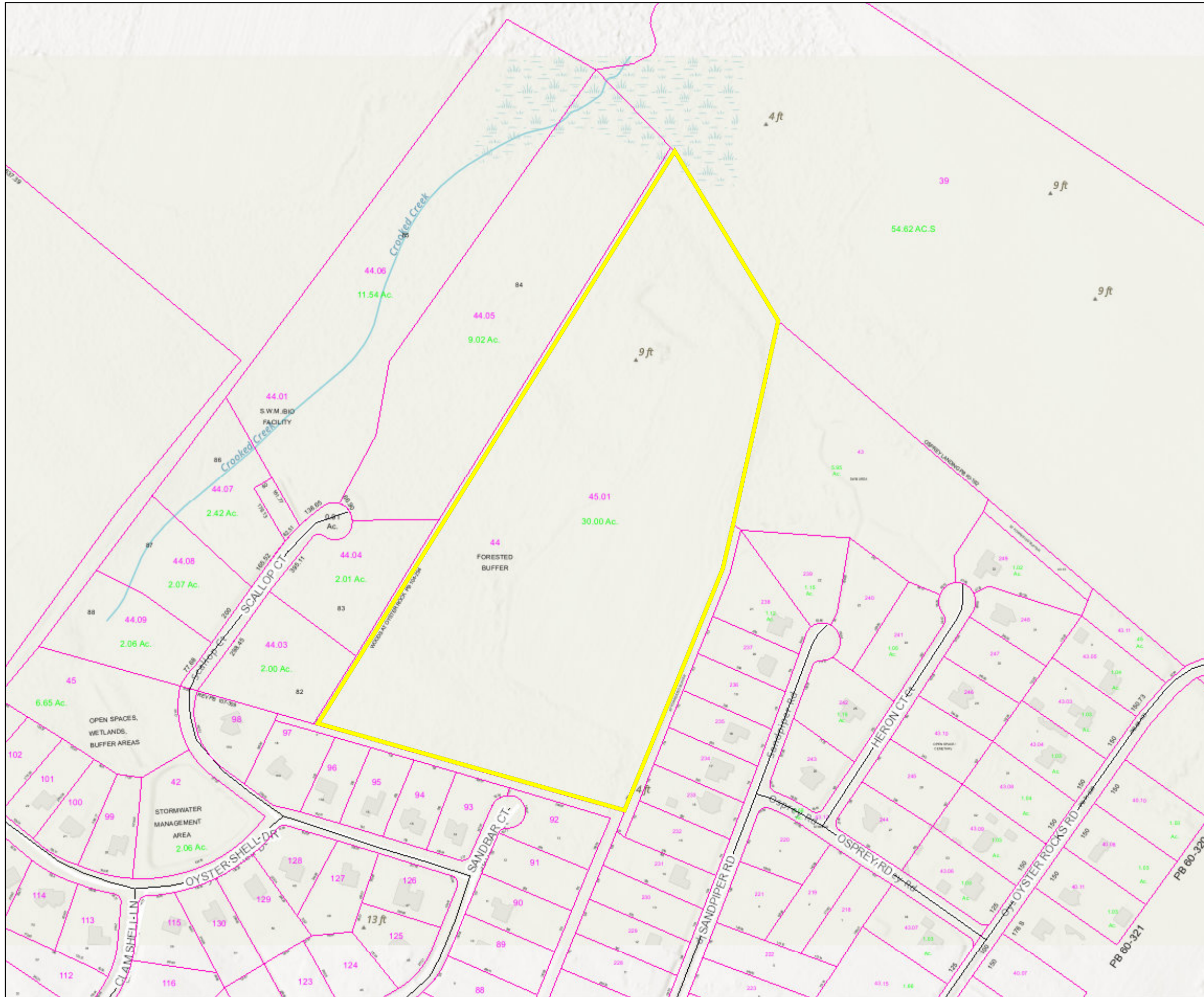
 - Override 1
- Tax Parcels
- Streets

1:4,514





Sussex County



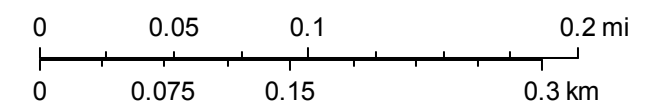
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Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



File #: 2020-15
202010904

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:
ESDDOZ:

Location of Subdivision:

Connected to Oyster Rock Subdivision at the end of Sandbar Court.

Proposed Name of Subdivision:

The Estuary at Oyster Rock

Tax Map #: 235-16.00-45.01 Total Acreage: 28.8

Zoning: AR-1 Density: 1.3 Minimum Lot Size: 0.75ac Number of Lots: 21

Open Space Acres: 9.78

Water Provider: Tidewater Utilities, Inc. Sewer Provider: Individual On-Site Septic

Applicant Information

Applicant Name: Roger Gross, Merestone Consultants, Inc.
Applicant Address: 33516 Crossing Avenue, Unit
City: Lewes State: DE Zip Code: 19958
Phone #: 302-226-5880 E-mail: roger.gross@merestoneconsultants.com

Owner Information

Owner Name: John David Vincent and Judy Vincent
Owner Address: 6185 SW 56th Street
City: Davie State: FL Zip Code: 33314
Phone #: (954) 540-4632 E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Sergovic Carmean Weidman McCartney & Owens, P.A.
Agent/Attorney/Engineer Address: 25 Chestnut Street, P.O. Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: john@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- Completed Application**
- Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - o 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**
 - o Provide compliance with Section 99-9.
 - o 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)
- 51% of property owners consent if applicable**

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

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

Signature of Applicant/Agent/Attorney

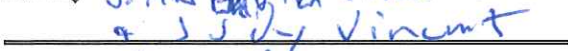
Sign Here



Date: 8-6-2020

Signature of Owner

Sign Here


JOHN VINCENT
JOHN VINCENT

Date: 8-6-2020

 BOA*

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: _____

*The Power of Attorney is attached hereto as Exhibit "A."

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **4/5/2021**

APPLICATION: **2020-15 The Estuary at Oyster Rock**

APPLICANT: **Roger Gross, Merestone Consultants, Inc.**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **235-16.00-45.01**

LOCATION: **North side of the current Oyster Rocks subdivision and
accessed off Sandbar Court**

NO. OF UNITS: **21 single family lots**

GROSS
ACREAGE: **28.8**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** 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: **Click or tap here to enter text.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



United States Department of Agriculture

Natural Resources
Conservation Service

December 17, 2020

Georgetown
Service Center

Jamie Whitehouse, Director
Sussex County Planning & Zoning
Sussex County Courthouse
Georgetown, DE 19947

21315 Berlin Road
Unit 3
Georgetown, DE
19947

Voice 302.856.3990
Fax 855.306.8272

**RE: The Estuary at Oyster Rock
Broadkill Hundred
21 single family lots**

RECEIVED
DEC 28 2020
SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

- CdB Cedartown loamy sand, 0 to 5 percent slopes
- HnA Hammonton sandy loam, 0 to 2 percent slopes
- IeB Ingleside loamy sand, 2 to 5 percent slopes
- Lk Lenape mucky peat, very frequently flooded, tidal
- SuA Sunken mucky silt loam, 0 to 2 percent slopes, occasionally flooded, tidal

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
CdB	Y2	Somewhat limited	Not limited	Very limited
HnA	Y2	Very limited	Somewhat limited	Very limited
IeB	Y2	Somewhat limited	Not limited	Very limited
Lk	R5	Very limited	Very limited	Very limited
SuA	R5	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.

2020-15

"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.

R5:

Areas of tidal marsh, swamp, and shallow muck which remain extremely wet all or most of the year. Excavations are likely to fill with water in late winter or early spring. Delayed construction in the spring - slow to dry out. Wet basements or foundations probable. Hazard of temporary ponding of water in areas lacking outlets. Potential flood damage, or subject to wave and tidal action.

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.

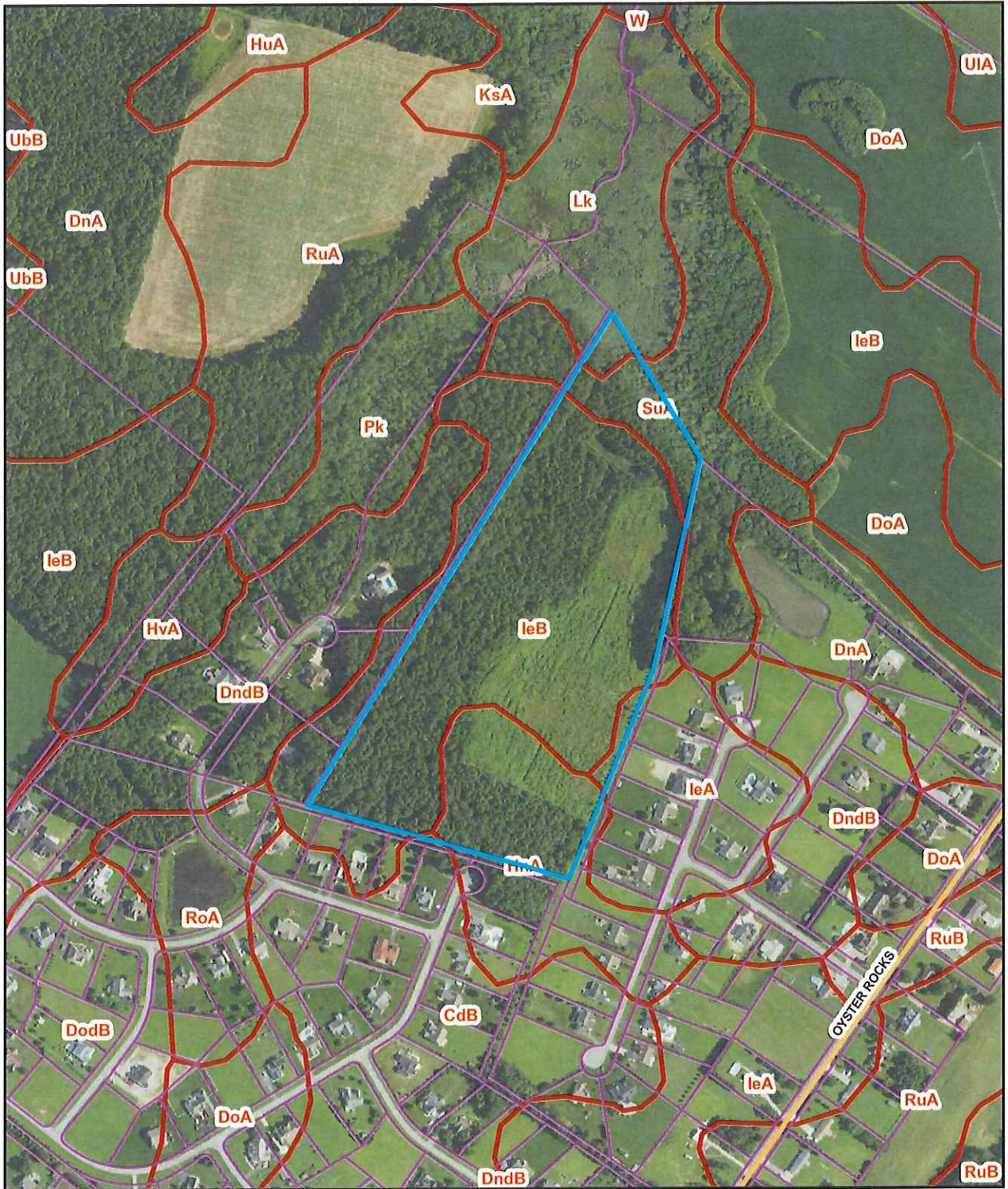
The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the 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



2020-15
TM #235-16.00-45.01
The Estuary at Oyster Rock



2020-15
TM #235-16.00-45.01
The Estuary at Oyster Rock

Nick Torrance

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Thursday, October 22, 2020 10:20 AM
To: Nick Torrance
Subject: RE: TAC Review 2020-08 Lockhaven 2020-15 The Estuary at Oyster Rock

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.

Nick,

Both of the developments are located within DEC's service territory and we have facilities in the area to serve both of them.

Thanks!

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



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From: Nick Torrance <nicholas.torrance@sussexcountyde.gov>
Sent: Wednesday, October 21, 2020 2:34 PM
To: Beth Krumrine <beth.krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; Chris Calio <ccalio@sussexcountyde.gov>; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Duane.Fox@delaware.gov; eileen.butler@delaware.gov; James Sullivan <James.Sullivan@delaware.gov>; jennifer.cinelli@delaware.gov; jessica.watson@sussexconservation.org; jmartin@chpk.com; John J. Ashman <jashman@sussexcountyde.gov>; kgabbard@chpk.com; megan.crystall@delaware.gov; michael.tholstrup@delaware.gov; Mike Brady <MBRADY@sussexcountyde.gov>; Milton.melendez@delaware.gov; mindy.Anthony@delaware.gov; subdivision@delaware.gov; Susan Isaacs <sisacs@sussexcountyde.gov>; susanne.laws@delaware.gov; Dickerson, Troy <TDickerson@delaware.coop>; Terri Dukes <tdukes@sussexcountyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>
Subject: TAC Review 2020-08 Lockhaven 2020-15 The Estuary at Oyster Rock

All,

Sussex County Planning Office has received two (2) applications that requires TAC review. Attached is a memo regarding the application and a PDF of the plans submitted. A second email will follow.

Please provide comments on or before December 29th, 2020.



October 20, 2020

Mr. Nick Torrance
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Mr. Torrance:

The Division of Public Health Office of Engineering is in receipt of the following applications:

1. **Application:** *2020-08 Lockhaven*

This application does not indicate if central water or individual wells will supply water. *This project may require an Approval to Construct and an Approval to Operate from the Office of Engineering if 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.

Individual plumbing permits will be required for each home.

2. **Application:** *2020-15 The Estuary at Oyster Rock*

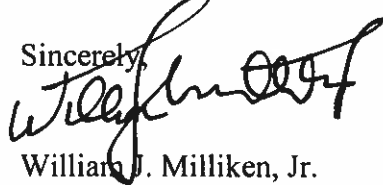
This application indicates central water will be supplied by Tidewater Utilities, Inc. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to 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.

Mr. Nick Torrance
Sussex County Planning and Zoning
October 20, 2020
Page 2

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,

A handwritten signature in black ink, appearing to read "William J. Milliken, Jr.", written over the word "Sincerely,".

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

Nick Torrance

From: Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>
Sent: Thursday, November 19, 2020 10:17 AM
To: Nick Torrance
Subject: RE: TAC Review 2020-08 Lockhaven 2020-15 The Estuary at Oyster Rock

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Good morning Nick,

DNREC's Division of Waste and Hazardous Substances has no comments on these two projects.

Have a great day!

Mindy

From: Nick Torrance <nicholas.torrance@sussexcountyyde.gov>
Sent: Wednesday, October 21, 2020 2:34 PM
To: Krumrine, Beth (DNREC) <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyyde.gov>; Chris Calio <ccalio@sussexcountyyde.gov>; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyyde.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Butler, Eileen M. (DNREC) <Eileen.Butler@delaware.gov>; Sullivan, James C. (DNREC) <James.Sullivan@delaware.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; jessica.watson@sussexconservation.org; jmartin@chpk.com; John J. Ashman <jashman@sussexcountyyde.gov>; kgabbard@chpk.com; Crystall, Meghan (DNREC) <Meghan.Crystall@delaware.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Mike Brady <MBRADY@sussexcountyyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyyde.gov>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; tdickerson@decoop.com; Terri Dukes <tdukes@sussexcountyyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>
Subject: TAC Review 2020-08 Lockhaven 2020-15 The Estuary at Oyster Rock

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Please provide comments on or before December 29th, 2020.

Please feel free to contact me with any questions.

Thanks,

Nick Torrance
Planner I

Nick Torrance
Planner I
Department of Planning and Zoning

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet



DATE OF REVIEW: October 21, 2020

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

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: ESTUARY AT OYSTER ROCK (2020-15)

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:**

- 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)
- 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:**

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 Sand Bar Court 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
 - 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 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

DEPARTMENT OF TRANSPORTATION
COMMENTS FOR
T.A.C./PLUS MEETING
OF October 21, 2020

Lands of 2020-15 The Estuary at Oyster Rock
Tax Map # 235-16.00-45.01
SCR 264
Sussex County

TAC Review 2020-15 The Estuary at Oyster Rock

1. Please refer to the “*Development Coordination Manual*” manual for the design of the subdivision streets and/or entrance. The website for the manual is the following;

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>
2. For all projects, any sub-station and/or wastewater facilities will be required to have access from the internal subdivision street with no direct access to the State maintained highway.
3. For all projects, a 20-foot wide buffer will be required from the edge of the stormwater management pond to the ultimate right-of-way of the County road. The ultimate right-of-way is based on the functional classification of the road.
4. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5.1.2: Frontage Easements, a 15-foot wide permanent easement will need to be established across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way for this road. The following note is required, “**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**”
5. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5: Dedication of Right-Of-Way and Easements, Figure 3.2.5-a Minimum Standards for Total Roadway Right-Of-Way, the project shall be subject to dedicate right-of-way in accordance to the minimum standards.
6. Referring to the “*Development Coordination Manuals*”, Chapter 3 – Record Plan Design, Section 3.2.4.1: Subdivision Street Right-Of-Way Monuments, right-of-way monuments are recommended to be furnished and placed along the private subdivision street.
7. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.4.2; Frontage Road Right-of-Way Monumentation, concerning the right-of-way markers being placed to provide a permanent reference for re-establishing the right-

of-way and property corners along frontage roads. Due to the right-of-way dedication, show and note the property corners markers that will need to be installed.

8. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5.5: Transit Facilities, transit facilities requirements shall be followed as required by DTC or DelDOT.
9. Referring to the “*Development Coordination Manual*”, under Chapter 3; Record Plan Design, Section 3.2.5.1.1 – Easements, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
10. Metes and bounds and total areas need to be shown for any drainage easements. A minimum 20-foot wide drainage easement must be provided for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements shall be shown and noted on record plan.
11. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5: Connectivity, connectivity requirements shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.
12. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2.1: Record Plan Content, the traffic generation diagram is required. See Figure 3-4-2-a: Traffic Generation Diagram for what is required.
13. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
14. It will need to be noted on the Record Plan the type of off-site improvements and when the off-site improvements are warranted for this project.
15. Referring to the “*Development Coordination Manual*”, Chapter 2 – Traffic Analysis and Improvements, it will need to be determined if a Traffic Impact Study (T.I.S.), Area-Wide Study Fee or a Traffic Operational Analysis (T.O.A.) will be required.
16. As per the Delaware State Strategies for Policy and Spending Map, this project is located within Investment Level III or IV. Referring to the Departments Shared-Use Path/Sidewalk Policy a project an all Level III and Level IV areas are required to install a path/sidewalk along the property frontage if the project abuts to an existing facility. If the project does not abut an existing facility, it will be at the Subdivision Engineer’s

discretion. No fee in lieu of construction will be required.

- a. Projects in all Level area that generate 2,000-trips or greater are required to install a path/sidewalk along the property frontage.

17. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.2.5 – Subdivision and Commercial Entrance Design Guidelines – Intersection Corner Radii, a separate turning template plan shall be provided to verify vehicles can safely enter/exit the entrance. The entrance shall be designed for the largest vehicle using the entrance.
18. Please check to determine if any utilities will need to be relocated as part of this project.
19. Standard General Notes have been updated and posted to the DeIDOT Website. Please begin using the new versions. The notes can be found at the following website under the *Guidance* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
20. All PLUS/TAC comments shall be addressed prior to submitting the plans for review.
21. Referring to the “*Development Coordination Manual*”, Chapter 6 – Construction Administration, Section 6.4.3: Commercial Entrances – Inspection and Acceptance, Figure 6.4.3-a: Construction Inspection Responsibilities, determine if the project is a Level 1 or Level 2 project and if an inspection agreement will be required.
22. The Auxiliary Lane Spreadsheet has been posted to the DeIDOT website. Use this spreadsheet to determine if auxiliary lanes are warranted. The Auxiliary Lane Spreadsheet can be found at the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
23. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.4 – Sight Distance, a sight distance triangle is required. A spreadsheet has been developed to assist with this task and can be found on the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
24. Please refer to the “*Development Coordination Manual*” Chapter 3; Record Plan Design, Section 3.4.1 Commercial or Major Residential Subdivisions – Record Plan Application Process, concerning if a pre-submittal meeting is required.
25. Effective August 1, 2015, all new and resubmittals shall be uploaded via the PDCA with any fees paid online via credit card or electronic check (ACH). The design firm making the submittal must create the project in the PDCA and upload all the required items to

allow DelDOT to start the review process. Our website offers more detailed information, including links to guidance about creating PDCA submittals. This information can be found at the following website under the PDCA section;

<http://www.deldot.gov/Business/subdivisions/index.shtml>

26. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, an Initial Stage review fee shall be assessed to this project.

27. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4: Commercial or Major Residential Subdivisions, a record plan shall be prepared prior to issuing “Letter of No Objection”. The Record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

28. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, Section 4.3: Subdivision Construction Plan Submittal Requirements, the Construction Stage review fee shall be assessed to this project.

29. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, a subdivision/entrance plan shall be prepared prior to issuing subdivision/entrance approval. The Entrance/Construction/Subdivision plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plans document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>



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

December 23, 2020

Nick Torrance, Planner I
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: Preliminary Plans for The Estuary at Oyster Rock Subdivision

Dear Mr. Torrance,

Thank you for providing preliminary plans for The Estuary at Oyster Rock subdivision submitted by Merestone Consultants, Inc. The plans submitted to our section dated September 5, 2019 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 The Estuary at Oyster Rock preliminary subdivision plans dated September 5, 2019 at this time.

If you have any questions please feel free to contact me at taryn.davidson@delaware.gov.

Sincerely,

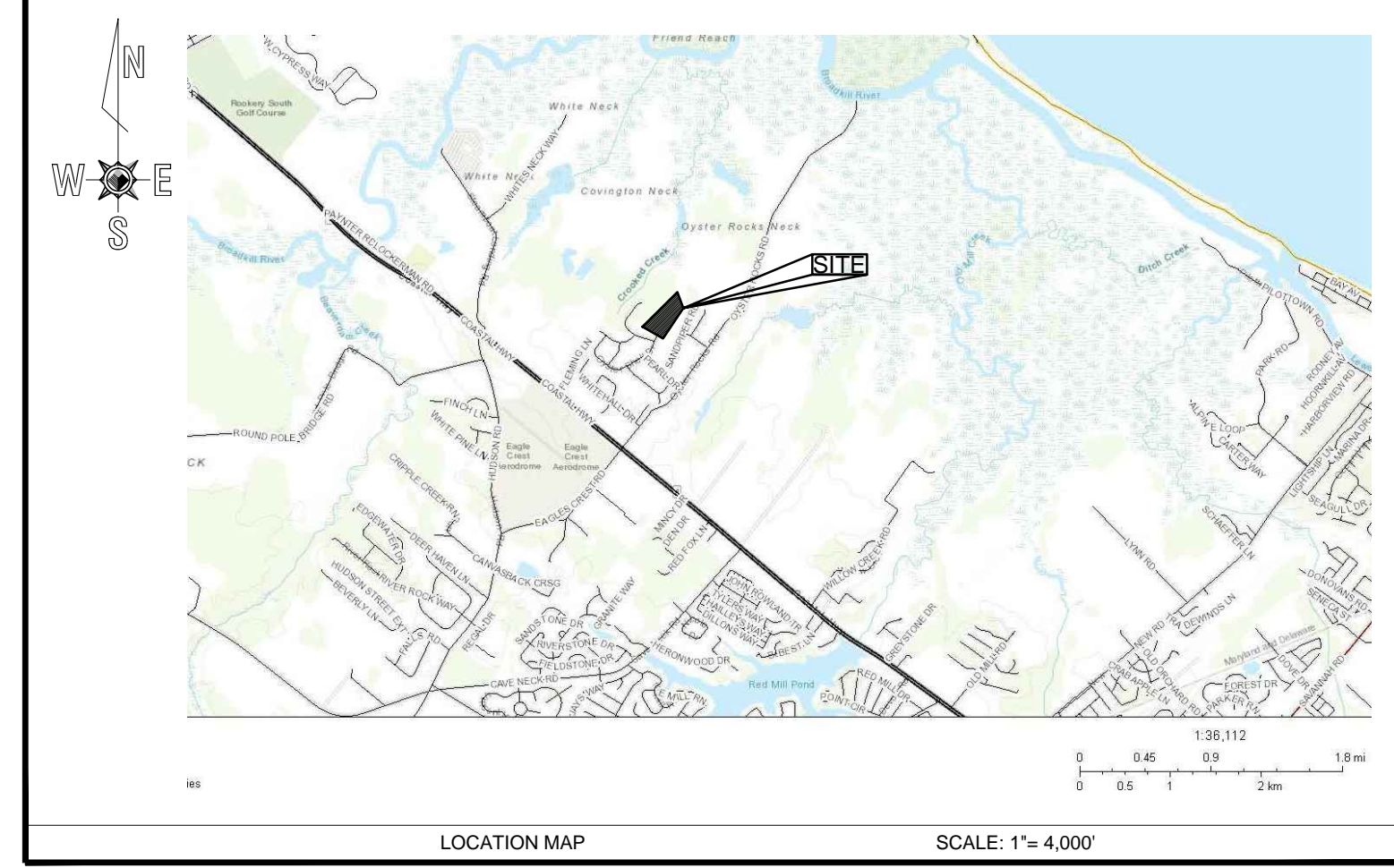
Taryn Davidson
Urban Forestry Program
Delaware Forest Service

GENERAL NOTES:

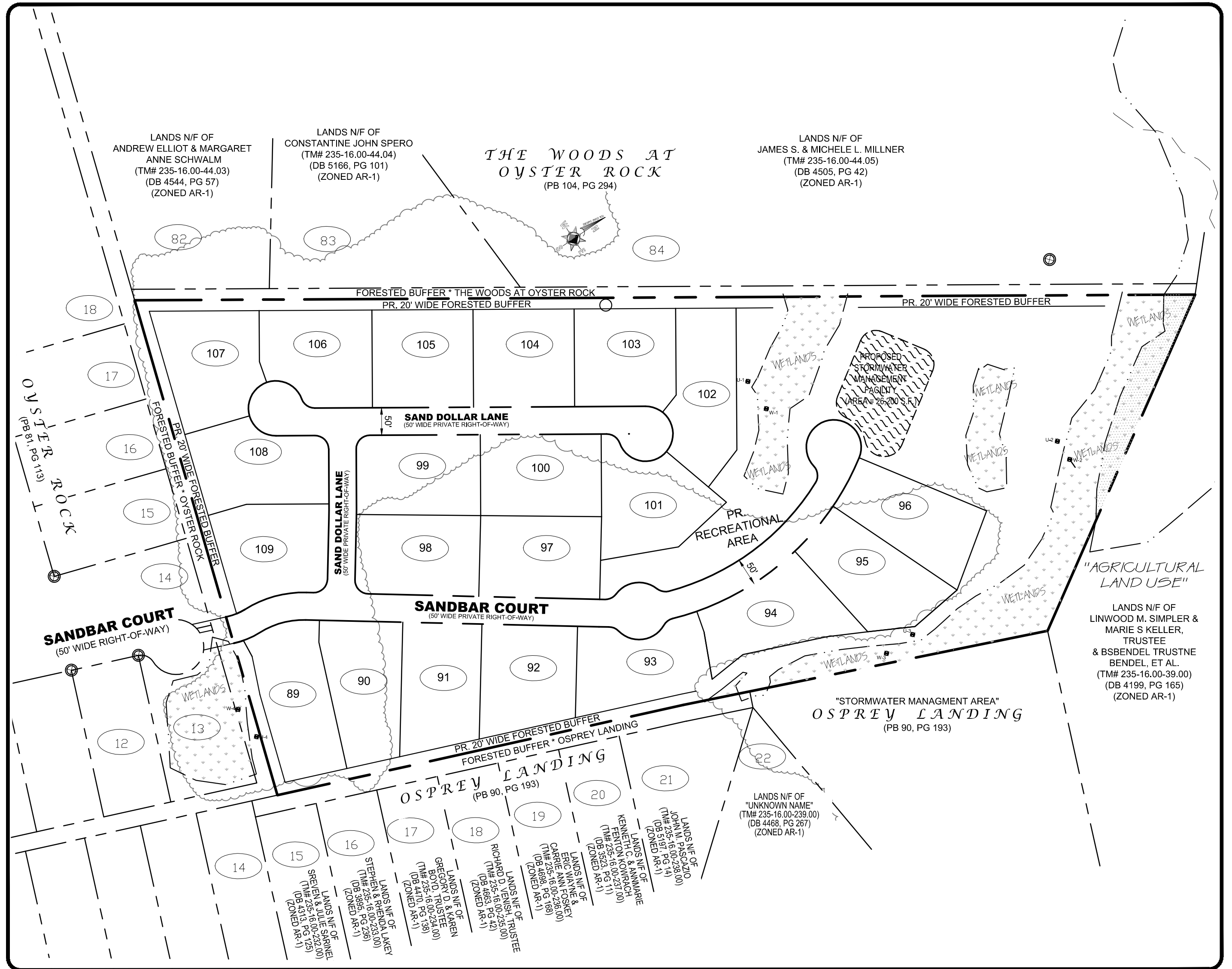
- 1. UNLESS OTHERWISE NOTED, ALL CONSTRUCTION AND MATERIALS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS...

PRELIMINARY RECORD PLAN (APPLICATION #2020-15) FOR PROPERTY KNOWN AS: OYSTER ROCK * PHASE 3

"THE ESTUARY AT OYSTER ROCK"



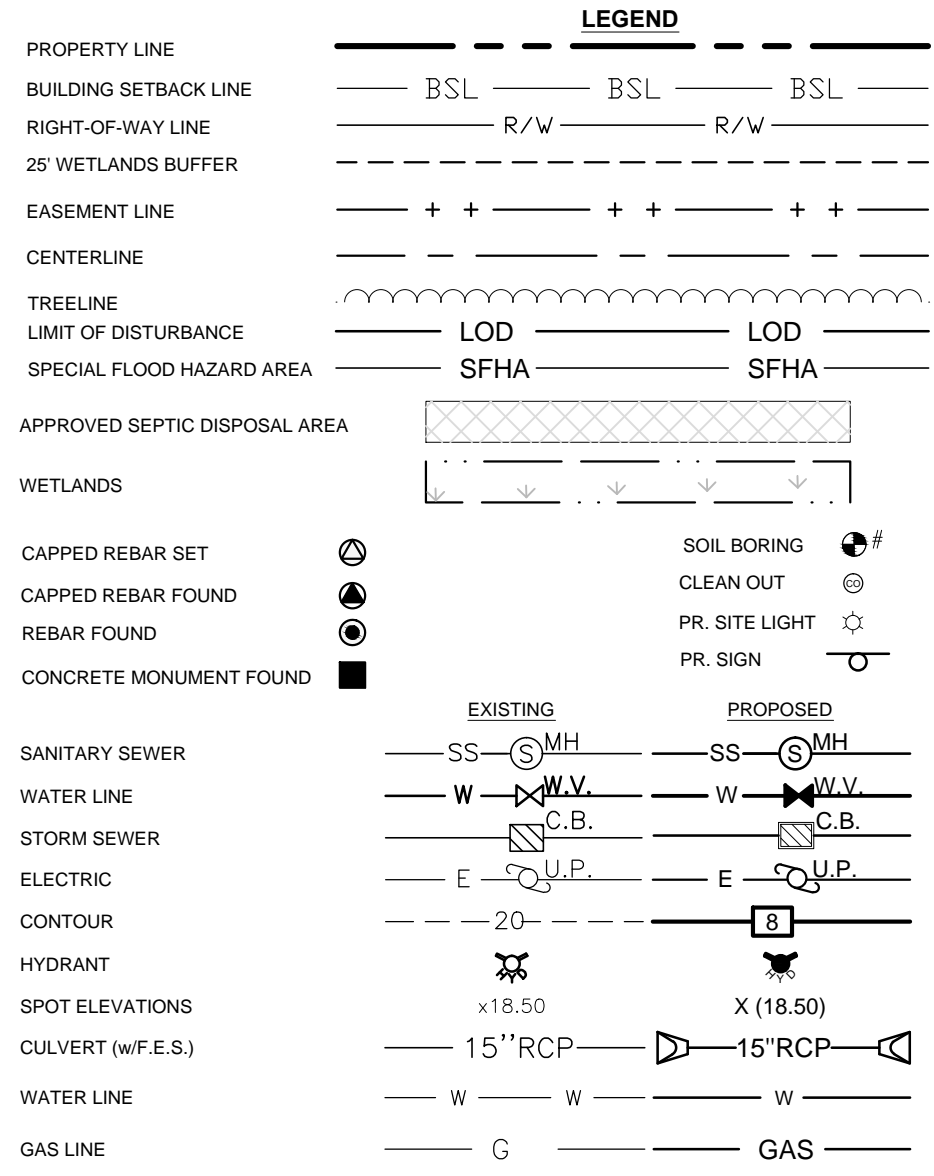
PLAN DATA: PARCEL I.D. NO. 235-16.00-45.01, DEED REFERENCE DB 3704, PG 12, EXISTING ZONING DISTRICT AR-1 (AGRICULTURAL RESIDENTIAL), PROPOSED ZONING DISTRICT AR-1 (AGRICULTURAL RESIDENTIAL), SEWAGE DISPOSAL INDIVIDUAL ONSITE WASTEWATER DISPOSAL SYSTEM...



GENERAL NOTES: Record Plan (Last revised March 21, 2019)

- 1. 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.

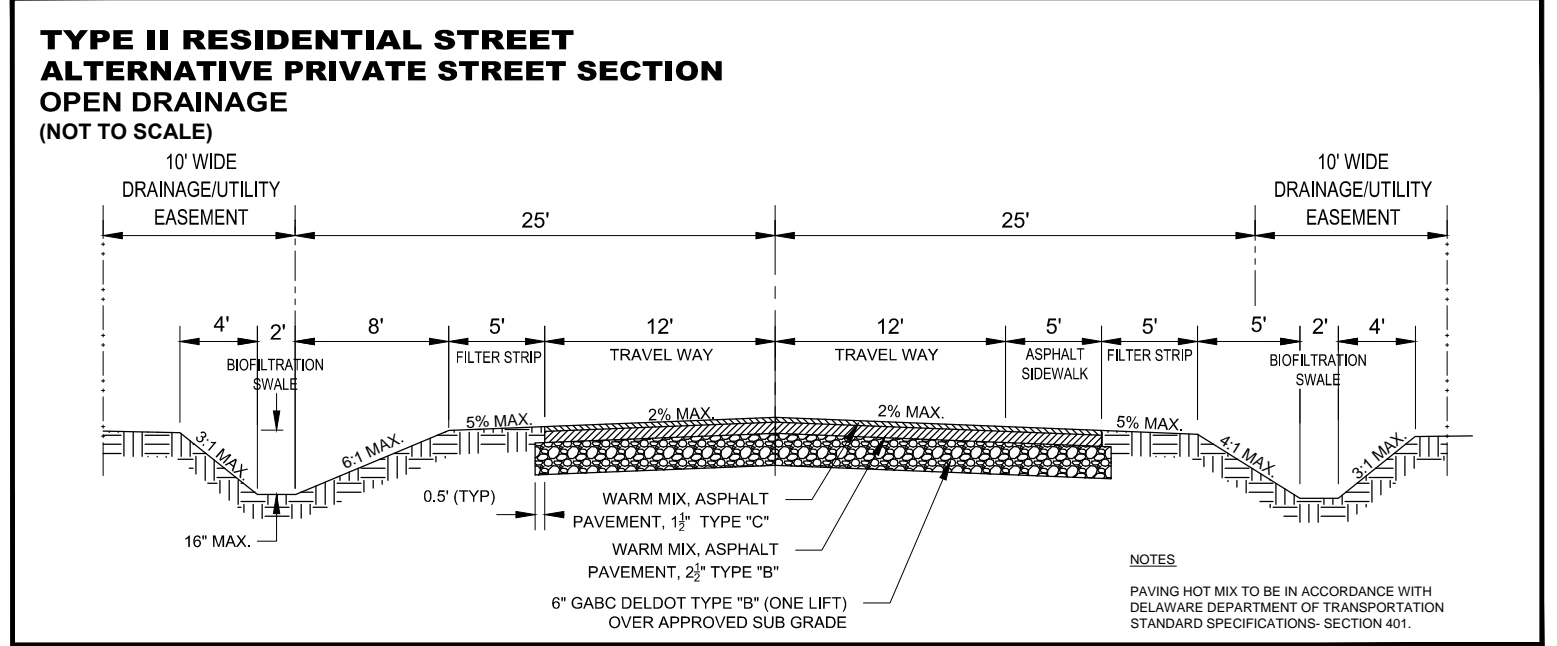
Table with 3 columns: WETLANDS 'A' DELINEATION TABLE, WETLANDS 'B' DELINEATION TABLE, and POND DELINEATION TABLE. Each column lists line numbers, directions, and lengths.



SITE LOCATION PLAN SCALE: 1"=150'

PARCEL ID NO.: 235-16.00-45.01

SITUATE IN BROADKILL HUNDRED SUSSEX COUNTY * STATE OF DELAWARE



SUSSEX COUNTY APPROVALS

Table for SUSSEX COUNTY APPROVALS with columns: PRESIDENT OF THE SUSSEX COUNTY COUNCIL, DATE, SECRETARY OF THE COMMISSION, DATE.

WATERS OF THE UNITED STATES / WETLANDS CERTIFICATION

I, KENNETH W. REDINGER, CERTIFY THAT THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM...

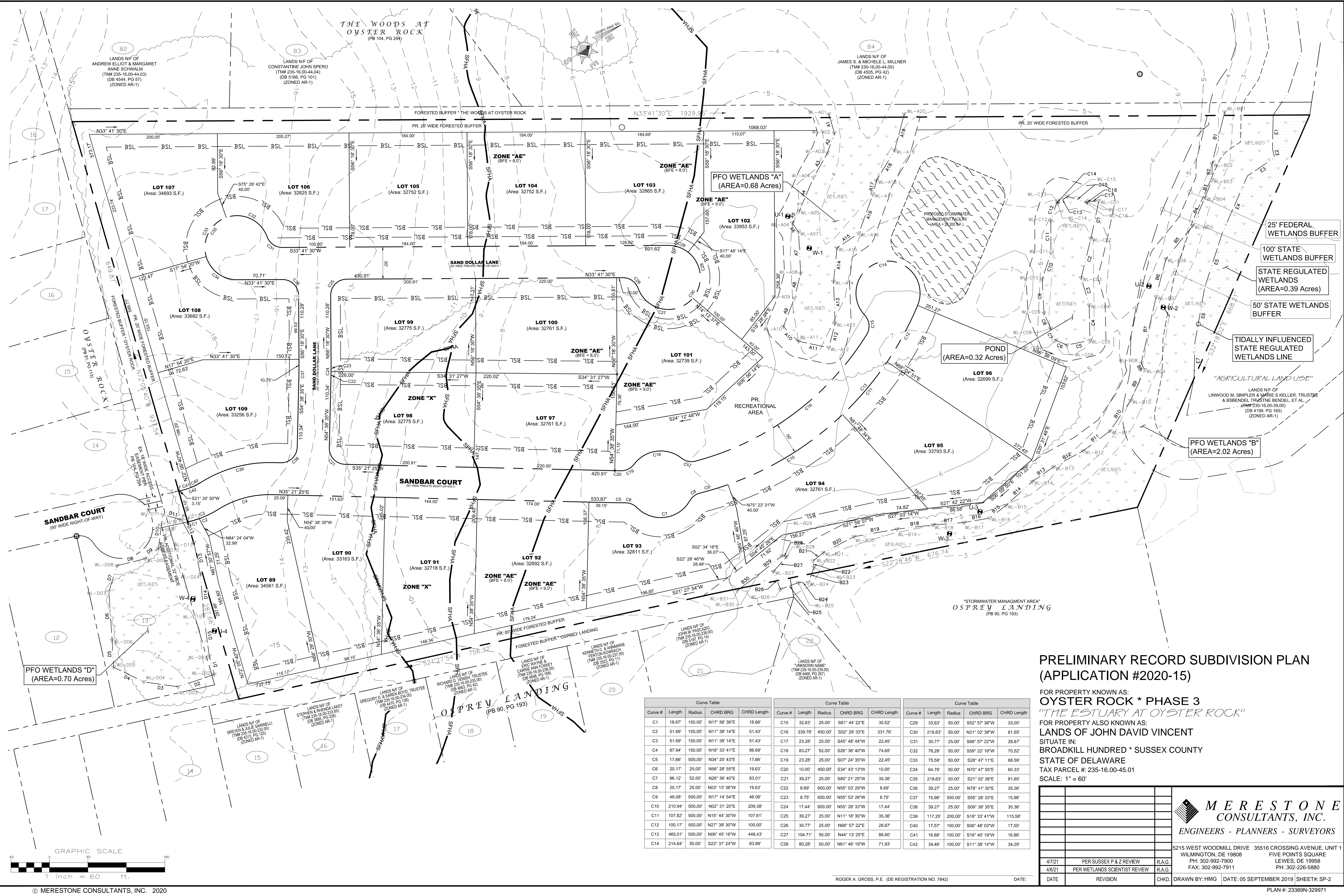
DEVELOPER'S CERTIFICATION I, JOHN DAVID VINCENT HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION...

ENGINEER'S CERTIFICATION I, ROGER A. GROSS, P.E. HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, AND THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF...

Table for DEVELOPER'S and ENGINEER'S CERTIFICATION with columns: NAME, ADDRESS, PHONE, DATE.

SHEET INDEX: COVER PLAN, PRELIMINARY RECORD PLAN, SHEET NO. SP-1, SHEET NO. SP-2.

MERESTONE CONSULTANTS, INC. ENGINEERS - PLANNERS - SURVEYORS. 5215 W. WOODMILL DRIVE, WILMINGTON, DE 19808. PHONE: 302-992-7900. FAX: 302-992-7911.

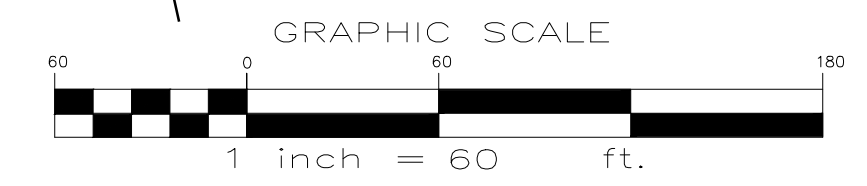


**PRELIMINARY RECORD SUBDIVISION PLAN
(APPLICATION #20-15)**

FOR PROPERTY KNOWN AS:
OYSTER ROCK * PHASE 3
"THE ESTUARY AT OYSTER ROCK"

FOR PROPERTY ALSO KNOWN AS:
LANDS OF JOHN DAVID VINCENT
SITUATE IN:
BROADKILL HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 235-16.00-45.01
SCALE: 1" = 60'

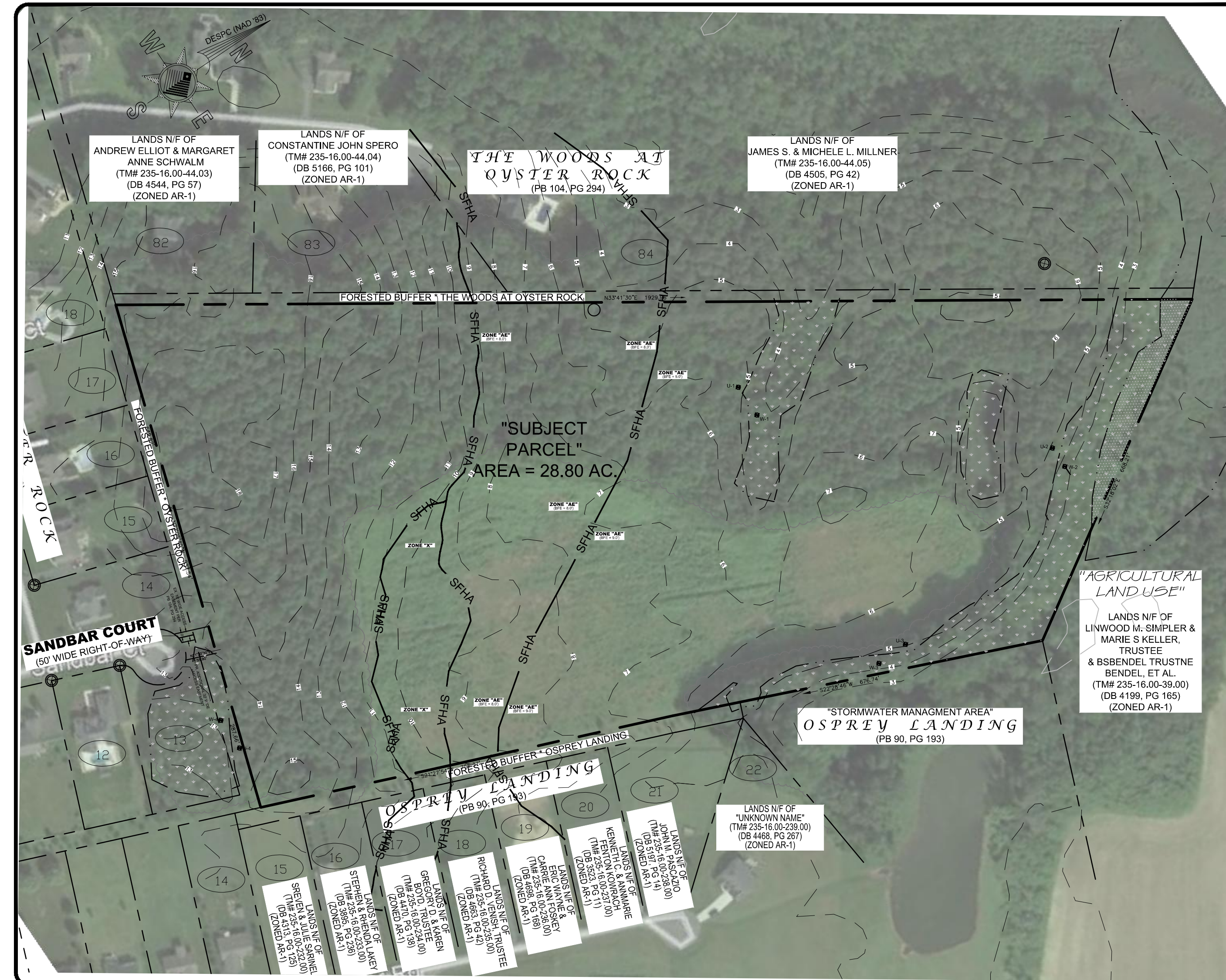
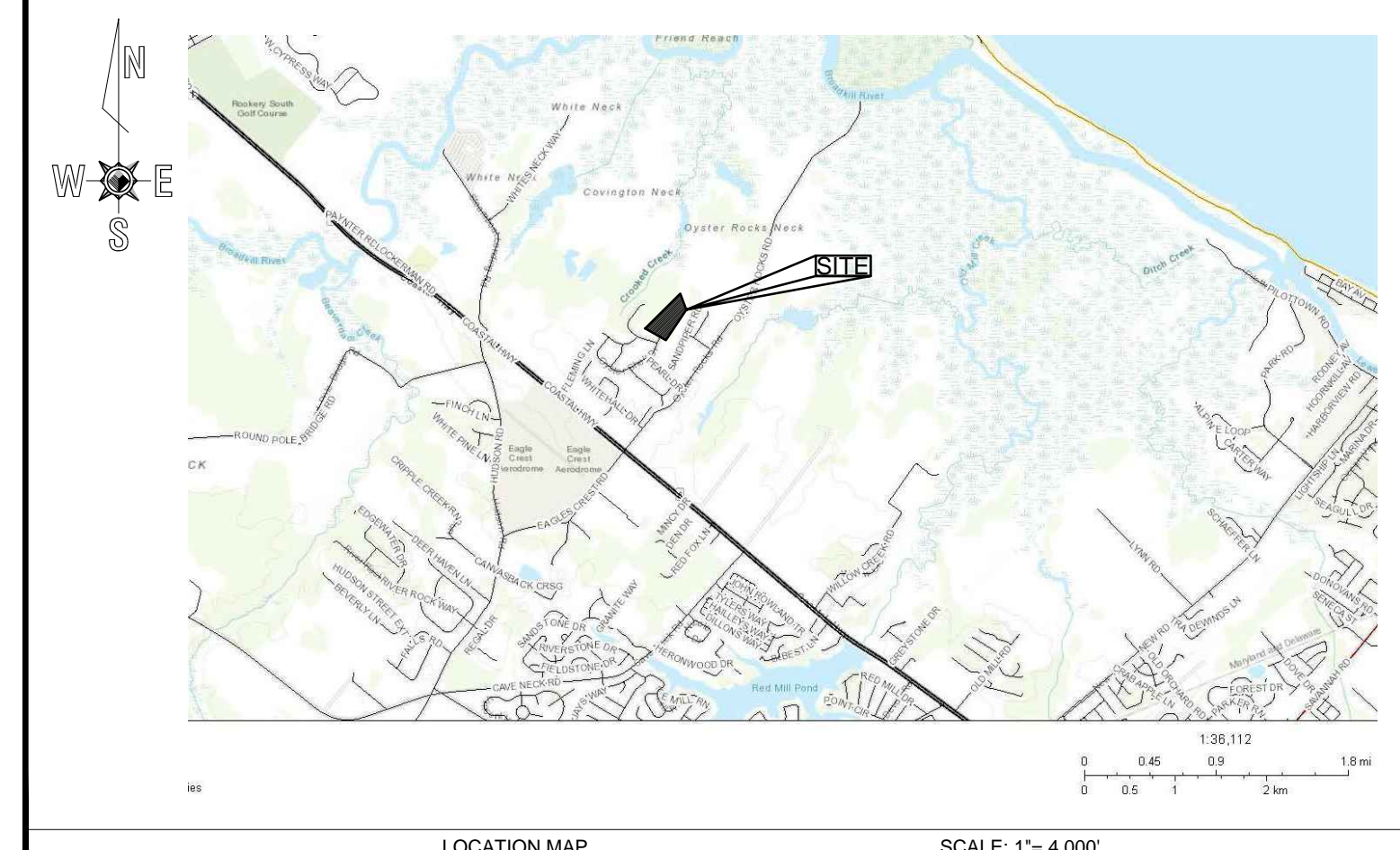
Curve Table					Curve Table					Curve Table				
Curve #	Length	Radius	CHRD BRG	CHRD Length	Curve #	Length	Radius	CHRD BRG	CHRD Length	Curve #	Length	Radius	CHRD BRG	CHRD Length
C1	18.67'	150.00'	N17° 56' 36"E	18.66'	C15	32.83'	25.00'	S61° 44' 22"E	30.52'	C29	33.63'	50.00'	S52° 57' 38"W	33.00'
C2	51.69'	150.00'	N11° 38' 14"E	51.43'	C16	339.78'	450.00'	S02° 29' 33"E	331.76'	C30	218.63'	50.00'	N21° 02' 38"W	81.65'
C3	51.69'	150.00'	N11° 38' 14"E	51.43'	C17	23.28'	25.00'	S45° 48' 44"W	22.45'	C31	30.77'	25.00'	S68° 57' 22"W	28.87'
C4	87.94'	150.00'	N18° 33' 41"E	86.69'	C18	83.27'	52.00'	S26° 36' 40"W	74.65'	C32	78.28'	50.00'	S59° 22' 16"W	70.52'
C5	17.66'	500.00'	N34° 20' 43"E	17.66'	C19	23.28'	25.00'	S07° 24' 35"W	22.45'	C33	75.59'	50.00'	S28° 47' 11"E	68.59'
C6	20.17'	25.00'	N56° 26' 55"E	19.63'	C20	10.00'	450.00'	S34° 43' 13"W	10.00'	C34	64.76'	50.00'	N70° 47' 55"E	60.33'
C7	96.12'	52.00'	N26° 36' 40"E	83.01'	C21	39.27'	25.00'	S80° 21' 25"W	35.36'	C35	218.63'	50.00'	S21° 02' 38"E	81.65'
C8	20.17'	25.00'	N03° 13' 36"W	19.63'	C22	8.69'	600.00'	N55° 03' 29"W	8.69'	C36	39.27'	25.00'	N78° 41' 30"E	35.36'
C9	46.08'	500.00'	N17° 14' 54"E	46.06'	C23	8.75'	600.00'	N55° 53' 28"W	8.75'	C37	15.98'	550.00'	S55° 28' 33"E	15.98'
C10	210.94'	500.00'	N02° 31' 20"E	209.38'	C24	17.44'	600.00'	N55° 28' 33"W	17.44'	C38	39.27'	25.00'	S09° 38' 35"E	35.36'
C11	107.82'	500.00'	N15° 44' 30"W	107.61'	C25	39.27'	25.00'	N11° 18' 30"W	35.36'	C39	117.25'	200.00'	S18° 33' 41"W	115.58'
C12	100.17'	500.00'	N27° 39' 30"W	100.00'	C26	30.77'	25.00'	N68° 57' 22"E	28.87'	C40	17.57'	100.00'	S06° 48' 03"W	17.55'
C13	465.01'	500.00'	N06° 45' 16"W	448.43'	C27	104.71'	50.00'	N44° 13' 25"E	86.60'	C41	16.88'	100.00'	S16° 40' 19"W	16.86'
C14	214.64'	50.00'	S23° 37' 24"W	83.89'	C28	80.28'	50.00'	N61° 46' 19"W	71.93'	C42	34.46'	100.00'	S11° 38' 14"W	34.29'



<p>MERESTONE CONSULTANTS, INC. ENGINEERS - PLANNERS - SURVEYORS</p>				5215 WEST WOODMILL DRIVE 35516 CROSSING AVENUE, UNIT 1	
				WILMINGTON, DE 19808 FIVE POINTS SQUARE	
4/7/21	PER SUSSEX P & Z REVIEW	R.A.G.	PH: 302-992-7900	LEWES, DE 19958	
4/8/21	PER WETLANDS SCIENTIST REVIEW	R.A.G.	FAX: 302-992-7911	PH: 302-226-5880	
DATE	REVISION	CHKD.	DRAWN BY: HMG	DATE: 05 SEPTEMBER 2019	SHEET#: SP-2

WETLANDS DELINEATION SURVEY PLAN

PREPARED FOR:
LANDS OF JOHN DAVID VINCENT



SITE LOCATION PLAN
SCALE: 1"=150'

PARCEL ID NO.:
235-16.00-45.01

SITUATE IN
BROADKILL HUNDRED
SUSSEX COUNTY * STATE OF DELAWARE

WATERS OF THE UNITED STATES / WETLANDS CERTIFICATION

I, KENNETH W. REDINGER, CERTIFY THAT THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, STATES THAT MAY BE SUBJECT TO REGULATION UNDER SECTION 404 OF THE CLEAN WATER ACT AND TITLE 7 CHAPTER 66 OF THE DELAWARE CODE. AN ON-SITE INVESTIGATION WAS CONDUCTED BETWEEN AUGUST 7 AND AUGUST 24, 2019, IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010). IN MY BEST PROFESSIONAL JUDGEMENT, THE DELINEATION HERE SHOWN ACCURATELY DEPICTS THE LIMITS OF FEDERAL AND STATE REGULATED WATERS OF THE UNITED STATE, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

ENGINEER'S CERTIFICATION

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

KENNETH W. REDINGER, PROFESSIONAL WETLAND SCIENTIST #2126
P.O. BOX 479
HORNTOWN, VA 23395
PHONE: (757) 894-7032
KWREDINGER@GMAIL.COM

ROGER A. GROSS, P.E.
MERESTONE CONSULTANTS, INC.
33516 CROSSING AVENUE, UNIT 1
LEWES, DE 19958
(302) 226-5880

PLAN DATA:

- PARCEL I.D. NO. * 235-16.00-45.01
- DEED REFERENCE * DB 3704, PG 12
- EXISTING ZONING DISTRICT * AR-1 (AGRICULTURAL RESIDENTIAL)
- WATERSHED * DELAWARE BAY
- OWNER/DEVELOPER * JOHN DAVID VINCENT & JUDY VINCENT
6185 SW 56TH STREET
DAVIE, FL 33314
PHONE: (954) 540-4632
- LOCAL LAND USE AGENCY * SUSSEX COUNTY PLANNING AND ZONING
- HORIZONTAL DATUM * NAD 83 (NA 2011, EPOCH 2010)
- VERTICAL DATUM * NAVD '88
- SOURCE OF TOPOGRAPHY * SUSSEX COUNTY LIDAR, 2019

WETLANDS AREA SUMMARY

TOTAL PARCEL AREA =	28.80 Acres
TOTAL UPLANDS =	25.08 Acres
POND AREA =	0.32 Acres
TOTAL WETLANDS =	3.40 Acres
a. PFO WETLANDS "A"	0.68 Acres
b. PFO WETLANDS "B"	2.02 Acres
(Includes 0.39 Acres of State Regulated Wetlands)	
c. PFO WETLANDS "D"	0.70 Acres

1. PFO Wetlands A & B; "Adjacent Palustrine Forested Wetland Subject TO U.S. Army Corps of Engineers Regulatory Program Under (a)(4) of the Navigable Waters Protection Rule 33 CFR 328.3."
2. PFO WETLANDS A & B; "Palustrine Forested Wetland Not Subject to U.S. Army Corps of Engineers Regulatory Program Under Exclusion (b)(1) of the Navigable Waters Protection Rule 33 CFR 328.3."
3. POND; Pond Not Subject to U.S. Army Corps of Engineers Regulatory Program Under Exclusion (b)(8) of the Navigable Waters Protection Rule 33 CFR 328.3."

SHEET INDEX:

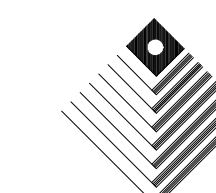
WETLANDS DELINEATION COVER PLAN
WETLANDS DELINEATION PLAN

SHEET NO. WLA-1
SHEET NO. WLA-2

DATE: 5 SEPTEMBER 2019

REVISED 6 APRIL 2021 WETLANDS SCIENTIST REVIEW 4/5/2021

SHEET NO. WLA-1

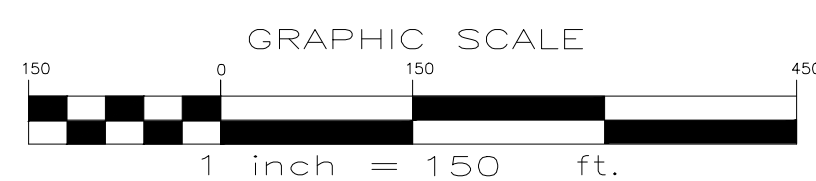


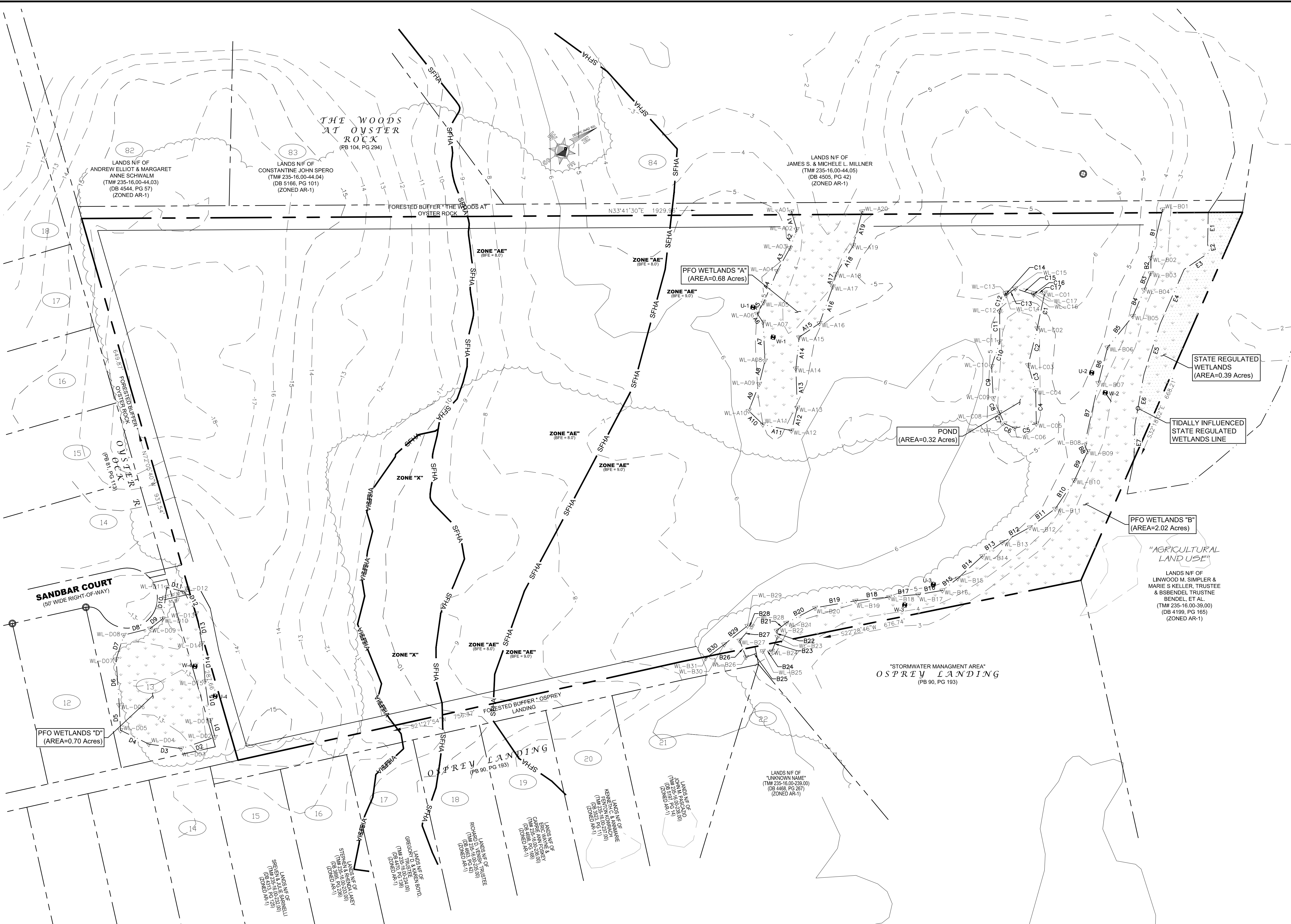
MERESTONE
CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS

5215 W. WOODMILL DRIVE
WILMINGTON, DE 19808
PHONE: 302-992-7900
FAX: 302-992-7911

33516 CROSSING AVENUE, UNIT 1
FIVE POINTS SQUARE
LEWES, DE 19958
PHONE: 302-226-5880





WETLANDS 'A' DELINEATION TABLE
POINT OF BEGINNING FOR LINE A1 BEING LOCATED AT:
N 286892.2500
E 711508.1620

Line #	Direction	Length
A1	N72° 23' 20.06"W	30.97
A2	N36° 25' 46.77"W	32.95
A3	N26° 33' 24.54"W	43.57
A4	N32° 54' 47.72"W	57.22
A5	N25° 44' 02.24"W	21.43
A6	S89° 45' 54.32"W	17.32
A7	N58° 50' 19.22"W	64.21
A8	N42° 13' 21.78"W	39.62
A9	N34° 27' 46.82"W	47.78
A10	S78° 12' 54.51"W	33.01
A11	S45° 58' 28.02"W	48.48
A12	S41° 39' 02.71"E	39.25
A13	S58° 06' 39.75"E	65.47
A14	S50° 06' 52.42"E	52.26
A15	S00° 09' 29.47"E	41.29
A16	S36° 10' 36.93"E	64.56
A17	S41° 19' 33.72"E	22.24
A18	S25° 02' 18.77"E	54.83
A19	S41° 09' 59.78"E	58.57

WETLANDS 'B' DELINEATION TABLE
POINT OF BEGINNING FOR LINE B1 BEING LOCATED AT:
N 287406.0040
E 711855.5370

Line #	Direction	Length
B1	N42° 16' 39.34"W	82.91
B2	N55° 38' 38.04"W	25.46
B3	N34° 11' 41.75"W	29.65
B4	N32° 48' 24.87"W	47.74
B5	N16° 58' 28.47"W	66.79
B6	N41° 31' 18.09"W	60.92
B7	N43° 20' 04.93"W	106.04
B8	N82° 48' 13.90"W	11.79
B9	N31° 27' 57.51"W	52.59
B10	N22° 02' 57.95"W	57.27
B11	N02° 26' 26.14"W	52.16
B12	N05° 33' 49.18"E	52.46
B13	N00° 27' 31.77"W	40.09
B14	N08° 19' 32.34"W	55.40
B15	N04° 04' 35.47"W	32.31
B16	N24° 20' 05.72"E	40.71
B17	N29° 18' 49.83"E	48.47
B18	N27° 28' 31.96"E	56.68
B19	N24° 03' 08.98"E	67.93
B20	N06° 31' 17.89"E	54.05
B21	N04° 42' 48.33"W	20.37
B22	N63° 46' 29.95"W	10.32
B23	N34° 45' 06.64"W	25.50
B24	N33° 36' 31.81"E	15.26
B25	N13° 50' 30.30"E	29.79
B26	S77° 04' 03.76"E	29.83
B27	S14° 19' 22.21"E	30.79
B28	N45° 32' 31.10"E	7.33
B29	N04° 45' 50.84"W	49.52
B30	N02° 34' 15.79"W	38.48

POND DELINEATION TABLE
POINT OF BEGINNING FOR LINE C1 BEING LOCATED AT:
N 287406.0040
E 711855.5370

Line #	Direction	Length
C1	S44° 02' 26.32"E	60.14
C2	S42° 10' 25.02"E	63.24
C3	S72° 15' 52.22"E	44.24
C4	S57° 14' 02.99"E	55.11
C5	S22° 26' 15.83"W	36.90
C6	S58° 05' 29.38"W	18.43
C7	N80° 14' 07.27"W	20.28
C8	N79° 24' 43.23"W	25.90
C9	N59° 03' 09.05"W	53.15
C10	N37° 37' 35.39"W	43.20
C11	N56° 13' 17.46"W	49.97
C12	N38° 09' 57.29"W	32.23
C13	N02° 40' 39.84"W	18.79
C14	S72° 00' 10.79"E	3.81
C15	N52° 25' 10.31"E	32.35
C16	N54° 29' 13.08"W	1.89
C17	N29° 23' 37.92"E	18.32

WETLANDS 'D' DELINEATION TABLE
POINT OF BEGINNING FOR LINE D1 BEING LOCATED AT:
N 286918.9330
E 711668.9910

Line #	Direction	Length
D1	S70° 56' 51.51"E	28.46
D2	S15° 13' 24.18"W	59.22
D3	S42° 00' 56.94"W	54.19
D4	S59° 54' 20.96"W	52.41
D5	N59° 09' 27.93"W	42.29
D6	N59° 49' 45.36"W	76.03
D7	N38° 25' 35.71"W	42.28
D8	N20° 04' 28.19"E	45.26
D9	N04° 11' 26.01"W	26.18
D10	N48° 24' 12.32"W	52.91
D11	N48° 54' 16.69"E	29.94
D12	S84° 24' 03.75"E	41.06
D13	S67° 30' 57.32"E	50.31
D14	S60° 32' 42.29"E	63.50
D15	S63° 51' 13.55"E	65.04

'STATE REGULATED WETLANDS' DELINEATION TABLE
POINT OF BEGINNING FOR LINE E1 BEING LOCATED AT:
N 287465.8343
E 711696.9343

Line #	Direction	Length
E1	S54° 48' 44.43"E	52.78
E2	S69° 51' 49.31"E	13.95
E3	S00° 10' 59.28"W	50.91
E4	S32° 14' 59.91"E	98.80
E5	S38° 09' 26.02"E	88.56
E6	S45° 56' 21.09"E	85.83
E7	S54° 26' 37.11"E	57.17

WETLANDS AREA SUMMARY

TOTAL PARCEL AREA =	28.80 Acres
TOTAL UPLANDS =	25.08 Acres
POND AREA =	0.32 Acres
TOTAL WETLANDS =	3.40 Acres

- PFO WETLANDS 'A' 0.68 Acres
- PFO WETLANDS 'B' 2.02 Acres (Includes 0.39 Acres of State Regulated Wetlands)
- PFO WETLANDS 'D' 0.70 Acres

- PFO Wetlands A & B: "Adjacent Palustrine Forested Wetland Subject To U.S. Army Corps of Engineers Regulatory Program Under (a)(4) of the Navigable Waters Protection Rule 33 CFR 328.3."
- PFO WETLANDS A & B: "Palustrine Forested Wetland Not Subject to U.S. Army Corps of Engineers Regulatory Program Under Exclusion (b)(1) of the Navigable Waters Protection Rule 33 CFR 328.3."
- POND: Pond Not Subject to U.S. Army Corps of Engineers Regulatory Program Under Exclusion (b)(6) of the Navigable Waters Protection Rule 33 CFR 328.3."

WATERS OF THE UNITED STATES / WETLANDS CERTIFICATION

I, KENNETH W. REDINGER, CERTIFY THAT THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, STATES THAT MAY BE SUBJECT TO REGULATION UNDER SECTION 404 OF THE CLEAN WATER ACT AND TITLE 7 CHAPTER 66 OF THE DELAWARE CODE. AN ON-SITE INVESTIGATION WAS CONDUCTED BETWEEN AUGUST 7 AND AUGUST 24, 2019 IN ACCORDANCE WITH THE 1987 COPRS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010). IN MY BEST PROFESSIONAL JUDGEMENT, THE DELINEATION HERE SHOWN ACCURATELY DEPICTS THE LIMITS OF FEDERAL AND STATE REGULATED WATERS OF THE UNITED STATE, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

KENNETH W. REDINGER, PROFESSIONAL WETLAND SCIENTIST #2126 DATE: _____
P.O. BOX 479 HORNTOWN, VA 23395 PHONE: (757) 894-7032 KWREDINGER@GMAIL.COM

WETLANDS DELINEATION SURVEY
FOR PROPERTY KNOWN AS:
OYSTER ROCK * PHASE 3
"THE ESTUARY AT OYSTER ROCK"
FOR PROPERTY ALSO KNOWN AS:
LANDS OF JOHN DAVID VINCENT
SITUATE IN:
BROADHUNT HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 235-16.00-45.01
SCALE: 1" = 80'

4/7/21	PER SUSSEX P & Z REVIEW	R.A.G.			
4/8/21	PER WETLANDS SCIENTIST REVIEW	R.A.G.			
DATE	REVISION	CHKD.	DRAWN BY: HMG	DATE: 05 SEPTEMBER 2019	SHEET#: WLA-2

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE 35516 CROSSING AVENUE, UNIT 1
WILMINGTON, DE 19808 FIVE POINTS SQUARE
PH: 302-992-7900 LEWES, DE 19958
FAX: 302-992-7911 PH: 302-226-5880

Kenneth W. Redinger Environmental Services

P.O. Box 479 / Horntown, Virginia 23395

Phone: (757) 894-7032 / E-mail: kwredinger@gmail.com

April 9, 2021

Sergovic, Carmean, Weidman, McCarthy & Owens, P.A.
25 Chestnut Street
Georgetown, Delaware 19947

Attn: Mr. John Sergovic, Jr., Esq.

Re: Wetland Delineation Update, The Estuary at Oyster Rocks Residential Subdivision
Parcel 2-35-16-45.01 (28.80 Acres), Milton, Broadkill Hundred, Sussex County, DE
Property Owners: Mr. & Mrs. John David Vincent

Mr. Sergovic,

On behalf of the property owners, Mr. & Mrs. John David Vincent, Kenneth W. Redinger Environmental Services has evaluated the subject parcel for: a. Waters of the United States, including wetlands subject to the U.S. Army Corps of Engineers (USACE) Regulatory Program under Section 404 of the Clean Water Act (CWA), b. the Delaware Department of Natural Resources and Environmental Control (DNREC) Wetlands and Subaqueous Lands Section under Title 7 Chapter 66 of the Delaware Code, and c. wetland buffer requirements per Section 115-193 of the Sussex County Code.

On-site investigations were conducted within the subject parcel by Kenneth W. Redinger Environmental Services between August 7 and August 24, 2019 to delineate wetland boundaries in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and 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.

A total of 3.40 acres of wetlands were identified within the subject parcel by Kenneth W. Redinger Environmental Services during the on-site investigations. Of the total wetland acreage, 2.70 acres are palustrine forest wetlands adjacent to Crooked Creek that includes 0.39 acres of state regulated tidal wetlands, and 0.70 acres of isolated palustrine forested wetlands. The remaining 25.39 acres were classified as uplands. The proposed wetland boundaries are depicted on the attached Wetland Delineation Plan by Merestone Consultants, Inc. dated September 5, 2019 (revised April 7, 2021).

In light of policy changes implemented by the Navigable Waters Protection Rule (NWPR) published in the April 21, 2020 Code of Federal Regulations (CFR) Title 33 Chapter II Part 328 and becoming effective on June 22, 2020, the 2.70 acres of palustrine forested wetlands adjacent to Crooked Creek (Wetlands A & B) are jurisdictional for the purposes of Section 404 of the Clean Water Act based on their surface water connection to the traditionally navigable waters of Broadkill River and Delaware Bay.

A total of 0.39 acres of tidally influenced State Regulated Wetlands, regulated under Title 7 Chapter 66 of the Delaware Code, are present within Wetland B in the northern portion of the subject parcel. Section 115-193 of the Sussex County Code (attached) requires a 50-foot buffer from State Regulated Wetlands.

Mr. John Sergovic, Jr., Esq.
April 9, 2021
Page 2 of 2

The 0.70 acres of isolated palustrine forested wetlands located in the southeastern portion of the property, most of which is off the property, is non-jurisdictional for the purposes of Section 404 of the Clean Water Act as there is no significant nexus to Traditional Navigable Waters.

The abandoned irrigation pond is also exempt for regulation under Section 404 of the Clean Water Act classified as non-jurisdictional as it is an isolated man-made feature constructed in uplands.

A request for an Approved Jurisdictional Determination has been made to the Philadelphia District USACE to confirm the limits and jurisdictional status of wetlands within the subject parcel. A copy of the letter will be provided to your office upon its issuance. No site disturbance, including the removal of any vegetation, will be initiated prior to the receipt of the Jurisdictional Determination from the USACE.

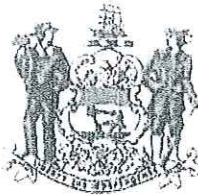
Please contact me with any questions you may have concerning this project.

Sincerely,



Kenneth W. Redinger
Professional Wetland Scientist #2126

Attachments: Wetland Delineation Plan dated September 5, 2019 (Revised April 7, 2021)



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
21300 Berlin Road, Suite 2
GEORGETOWN, DELAWARE 19947

September 25, 2019

John D. and Judy A. Vincent
6185 SW 56th Street
Davie, FL 33314

RE: Feasibility Study
Lands of John D. and Judy A. Vincent, Proposed Subdivision
Tax Map No.: 235-16.00-45.01, Proposed Lots 1 Through 21

Dear John D. and Judy A. Vincent:

The Department of Natural Resources and Environmental Control (the Department) received a submission from Accent Environmental, LLC (AE) on September 19, 2019, requesting a non-binding statement of feasibility for subdivision in accordance with 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 submission consists of a report titled "FEASIBILITY STUDY FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL FOR THE PROPOSED SUBDIVISION OF THE LANDS OF JOHN DAVID & JUDY A VINCENT" prepared by AE and dated September 18, 2019, that summarizes the information collected. The report includes, but is not necessarily limited to, the following information:

- A summary of the study,
- a sketch titled "Map 1: Vincent Farm TM: 235-16.00-45.01" prepared by AE (hereafter referred to as the Plan),
- an unsigned and unsealed plan titled "Conceptual Subdivision Plan, Project: Lands of John David Vincent," Sheet#: SP-1, dated 9/5/2019 and prepared by Merestone Consultants, Inc., showing the conceptual lot layout of the proposed subdivision, including number and area for each of the proposed lots,
- soil profile notes and the results of infiltration testing,
- various reference maps, and
- a Sussex County Property Information form as proof of ownership.

Information shown on the Plan includes, but is not limited to, topography at an apparent 2-foot contour, locations of soil borings, test pits and infiltration tests, locations of wells within 150 feet and map units delineated by AE as related to on-site wastewater treatment and disposal system (OWTDS) feasibility.

Delaware's good nature depends on you!

Background Information

The property is located adjacent to The Woods at Oyster Rock subdivision. More specifically, the property is located at the terminus of Sandbar Court. The owner/developer proposes to subdivide the 29± acre parcel into 21 single-family residential building lots ranging in size from 0.75± to 0.81± acres. The 29± acre parcel will hereafter be referred to as the project site. Based on information provided by AE, the northern and western portions of the project site consist of mature woods. The remaining areas are reportedly in an early succession stage with tall grasses, sapling trees and woody shrubs.

Soils Investigations by AE and Discussion

Twenty-seven soil borings (SB) and two test pits (TP) were performed, logged and submitted by AE as part of the study. Three mapping units were delineated by AE including the LPP map unit, the ESM map unit and the DNL map unit. The DNL map unit is reportedly not feasible for conventional OWTDS for the purposes of this study. However, AE does state that there might be areas within the DNL map unit that are suitable for OWTDS, but a more detailed investigation would be required to determine the extent of suitable soils.

The LPP map unit has estimated limiting zones of 27 to 44 inches below the mineral soil surface suggesting feasibility for low-pressure pipe, sand mound, peat bio-filter and micro-irrigation OWTDS. Based solely on hand-estimated physical properties of soils encountered in this map unit, AE estimates a range of permeability rates from 20 to 75 minutes per inch (MPI). Three constant-head single-ring infiltration tests were performed in the LPP map unit at TP-2 with measured rates of from 20 to 50 MPI (average of 36 MPI).

The ESM map unit has estimated limiting zones of 20 to 26 inches below the mineral soil surface suggesting feasibility for sand mound, peat bio-filter and micro-irrigation OWTDS. Based solely on hand-estimated physical properties of soils encountered in this map unit, AE estimates a range of permeability rates from 20 to 75 MPI. Three constant-head single-ring infiltration tests were performed in the ESM map unit at TP-1 with measured rates of from 21 to 74 MPI (average of 50 MPI).

Conclusion

Based on information collected, analyzed and presented by AE, it appears that proposed lots 1 through 21 as depicted by the Plan have sufficient area to accommodate at least an initial OWTDS as long as judicious and coordinated development and use of land is exercised and areas delineated as being feasible for OWTDS as depicted by the Plan are accurate.

Site Preparation

Removal, disturbance or compaction of soils mapped as being feasible for OWTDS during any portion of the construction and building phase other than that necessary for system installation may 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 areas proposed for OWTDS. It is best to keep all areas proposed for OWTDS free from any form of disturbance by methods such as staking, flagging or fencing.

John D. and Judy A. Vincent
September 25, 2019
Page 3 of 3

Future Requirements

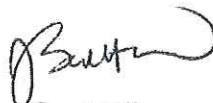
Prior to obtaining individual OWTDS construction permits complete site evaluation reports will be required for all lots in accordance with the Regulations.

Non-Binding Statement of Feasibility

Based on the information collected, analyzed and presented by AE, it is the opinion of the Department that the proposed subdivision as shown by the Plan would be feasible for at least an initial OWTDS in accordance with 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, as long as judicious and coordinated development and use of land is exercised and areas delineated by AE 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 the Department 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,



J. Scott Kline
Environmental Scientist

Cc: William Gangloff - AE
file

**FEASIBILITY STUDY FOR ON-SITE WASTEWATER TREATMENT AND
DISPOSAL FOR THE PROPOSED SUBDIVISION OF THE LANDS OF
JOHN DAVID & JUDY A VINCENT**

SUSSEX COUNTY, DELAWARE

Tax Map 235-16.00 Parcel 45.01

September 18, 2019

Prepared for:

**John Vincent
6185 SW 56th Street
Davie, FL 33314**

Submitted by:

**William J. Gangloff
Soil Scientist**

**Accent Environmental, LLC
PO Box 788
Millsboro, DE 19966
1-302-352-1700**

Accent Job #: 88-DS19-FS



accent é Environmental, LLC



RESOURCE MAPPING · SOIL & PROPERTY INVESTIGATIONS · WASTEWATER & STORMWATER · WETLANDS · NUTRIENT MANAGEMENT

September 18, 2019

Mr. Scott Kline
DE DNREC GWDS
21309 Berlin Road
Georgetown, DE 19947

Re: Feasibility Investigation for On-Site Wastewater Disposal; Subdivision of the Lands of John David & Judy A Vincent; Sussex County, DE; Tax Map #: 235-16.00-45.01; Vincent Farm

Dear Mr. Kline,

Enclosed you will find the Soil Feasibility Study for the proposed Subdivision of the Lands of John David & Judy A Vincent. Soil profile locations, soil infiltration test locations, interpretive mapping delineations, proposed lot lines, topography (2 foot intervals), and other pertinent features are shown on the enclosed Map 1. Within the report, soil boring summary information is presented in Appendix A, infiltration testing results are presented in Appendix B and additional information appears in Appendix C.

Merestone Consultants, Inc. provided the preliminary subdivision plan and surveying for the project. The developer intends to develop the property with individual on-site wastewater treatment and disposal systems, individual wells or central water if available. The subdivision layout, as proposed, contains less than 50 lots.

If you need additional information or have any questions regarding this report, please feel free to call me at 1-302-352-1700.

Sincerely,
For Accent Environmental, LLC

William J. Gangloff, PhD
Soil Scientist

Enclosed: Feasibility Report, Map 1, Map 2 and Appendices A, B, and C

**PO BOX 788
MILLSBORO, DE 19966
PHONE: 1-302-352-1700
FAX: 1-302-371-0091**

INTRODUCTION

This report summarizes the feasibility of on-site sewage disposal under current Delaware Department of Natural Resources and Environmental Control (DNREC) Regulations Governing the Design, Installation, and Operation of On-Site Waste Water Treatment and Disposal Systems (i.e. the regulations, section 5.2.2).

John Vincent retained Accent Environmental, LLC (AE) to complete a Soil Feasibility Study for On-Site Wastewater Treatment and Disposal Systems (OWTDS) on lands identified as Sussex County Tax Map Parcel 235-16.00-45.01 and located at the terminus of Sandbar Court, The Woods at Oyster Rocks subdivision. The current property owner is John David & Judy A Vincent. The total acreage of the parcel is approximately 29 acres and the area of investigation is approximately 21 acres. The name of the project is Vincent Farm.

The parcel is located within the Beaverdam Creek-Broadkill River watershed (HUC 020402070603). There are no commercial wells or well head protection areas within 150 feet of the study area. There are state mapped, non-tidal wetlands located in the northern and northeastern portion of the parcel; a formal wetland delineation was not performed and the area was not investigated for OWTDS.

The preliminary Subdivision Plan prepared by Merestone Consultants, Inc. includes 21 single-family residential lots. Lot sizes are proposed to be a minimum of 32,670 square feet (~0.75 acres) with the maximum lot occupying 35,182 square feet (~0.81 acres). Average lot size is 33,150 square feet (~0.76 acres) (**Table 1**). The preliminary plan proposes a stormwater structure in the northwest portions of the study area. All lots will be served by OWTDS, individual wells or central water if available.

Table 1. Summary lot information for Vincent Farm (235-16.00-45.01).

Lot	Acres	Square Feet
1	0.81	35,182
2	0.76	33,163
3	0.75	32,718
4	0.75	32,692
5	0.75	32,861
6	0.75	32,757
7	0.78	33,793
8	0.75	32,699
9	0.75	32,761
10	0.75	32,775
11	0.75	32,775
12	0.75	32,761
13	0.75	32,739
14	0.78	33,953
15	0.75	32,865
16	0.75	32,752
17	0.75	32,752
18	0.75	32,825
19	0.80	34,693
20	0.77	33,682
21	0.76	32,950

Field work was conducted in July and August of 2019 by William Gangloff, D-4455. Soil borings were excavated on a 200 x 200 foot grid. Site topography was obtained from readily available sources. The location of soil profile descriptions, property boundaries, topographic boundaries, adjacent wells and other pertinent features are shown on the soil feasibility plan prepared by AE (**Map 1**).

Twenty-seven profile descriptions were recorded to assess soil/site suitability for OWTDS; an additional 2 test pits were described. Soil boring data are presented in **Appendix A**. Six single-ring, constant head infiltration tests were conducted to assess soil permeability. Infiltration testing results are presented in **Appendix B**. Additional information is presented in **Appendix C**.

EXISTING SITE CHARACTERISTICS

The western and northern portions of the parcel contain mature woods. The remainder of the parcel is in an early successional stage with tall grasses, sapling trees and woody shrubs. There is a network of recently cut-over trails with varying levels of access. With the exception of the northern boundary, the parcel is bounded by residential dwellings; dwellings are served by central water and OWTDS. Some parcels have irrigation wells.

The Delaware Geological Survey (DGS) “Geologic Map of the Lewes and Cape Henlopen Quadrangle” approximately identifies topography in the area as 8 to 10 feet

above sea level. Relative elevations are higher within the southwest and south central portions of the study area. The parcel slopes gently toward the north, northeast.

The soils within the study area are primarily influenced by the Scotts Corner Formation (Qsc) based on available DGS information. The Qsc was deposited during the Late Pleistocene and is interpreted to be a transgressive unit consisting of swamp, marsh, estuarine channel, beach and bay deposits. The unit thickness within study area is approximately 60 to 72 inches and it overlies the Lynch Heights Formation (Qlh). The top of the Qlh was identified by the presence of coarse sand to gravelly sand horizons in some areas of the investigation.

The US Department of Agriculture Web Soil Survey identifies soils in the area of investigation as being moderately well drained to well drained with moderately to moderately rapidly permeable subsoil. The Ingleside loamy sand soil series is mapped across most of the area of investigation (**Map 2**). It occupies a gently sloping landscape position associated with the Qsc alluvial terrace. The southeast region of the area of investigation is mapped as Hammonton sandy loam. The northern portion of the parcel is mapped as the Sunken mucky silt loam soil series and was not included in the area of investigation; it is delineated by a distinct topographic break.

SUMMARY OF SOIL INVESTIGATION

The observed typical soil profiles were characterized as loamy fine sand to loamy sand surface horizons. Argillic horizons, where present, ranged from sandy loam to heavy, sandy clay loam. Parent materials were variable and ranged from clay loam to loamy sand, gravelly loamy sand and sand. Typical soil horizons exhibited weak structure and were friable to very friable with the exception of clay loam parent materials which were friable to firm. Free water ranged from 46 inches to greater than 72 inches below the soil surface (**Appendix A, Appendix C**).

Three interpretive mapping units were delineated based on soil suitability for OWTDS (**Map 1**):

- 1) **LPP** – Soils Suited for Capping Fill & Full Depth Low Pressure Pipe OWTDS
- 2) **ESM** – Soils Suited for Elevated Sand Mound OWTDS
- 3) **DNL** - Soils Not Suited for Conventional OWTDS

LPP

The LPP interpretive mapping unit occupies 12.4± acres and consists of moderately well drained soils with slopes ranging from 0 to 2 percent. This unit primarily occupies the central and southwest portions of the parcel. Solum textures ranged from horizons of loamy sand to sandy clay loam with weak structure. Most profiles had one or two horizons with noticeable gravels between 36 and 60 inches beneath the soil surface.

Soils within this unit generally have limiting zones identified at 27 to 47 inches beneath the soil surface. These soils are classified at the subgroup level as Aquic Arenic Hapludults, Aquic Quartzipsamments, Aquic Udipsamments, Arenic Hapludults, Oxyaquic Hapludults, Oxyaquic Quartzipsamments and Oxyaquic Udipsamments. Soil permeability within the LPP unit was estimated in minutes per inch (MPI) and ranged from moderately rapid (20 MPI) to slow (75 MPI).

ESM

The ESM interpretive mapping unit occupies 9.1± acres and consists of moderately well drained soils with slopes ranging from 0 to 2 percent. This unit primarily occupies the slightly lower landscape positions adjacent to the LPP unit. Solum textures ranged from horizons of loamy sand to sandy clay loam with weak structure. A noticeable portion of profiles within the ESM unit had heavy parent material horizons that might contribute to temporary perching of the shallow water table.

Soils within this unit generally have limiting zones identified at 20 to 26 inches beneath the soil surface. These soils are classified at the subgroup level as Aquic Arenic Hapludults, Aquic Udipsamments, Oxyaquic Quartzipsamments and Oxyaquic Udipsamments. Soil permeability estimates within the ESM unit ranged from moderately rapid (20 MPI) to slow (75 MPI).

DNL

The DNL interpretive mapping unit occupies 7.5± acres and consists of closed depression, footslope and toeslope landscape positions. The major limitations of this unit include poor landscape position, shallow seasonal high water tables and water table spikes after significant and/or prolonged hydrologic events.

It may be possible that some portions of this mapping unit are suitable for ESM or Innovative/Alternative Disposal Systems. A more detailed investigation associated with an individual soil site evaluation would be necessary to determine the extent of suitable soils in this unit.

SUMMARY OF INFILTRATION INVESTIGATION

The DNREC policy for permeability estimates for OWTDS design is based on the least permeable soil horizon in the upper 60 inches of the soil profile. Estimates of soil permeability may be determined by field evaluation of soil texture and structure/consistence in conjunction with permeability rates provided in the regulations. A representative number of infiltration tests are required for the Soil Feasibility Study approval process.

Three single-ring, constant head infiltration tests were conducted within the LPP and ESM map units (i.e. six total). Tests were conducted within the least permeable soil

horizon in the upper 60 inches of the excavated test pits. William Gangloff (D-4455) conducted the tests on August 2, 2019 and the data are presented in **Appendix B**.

Infiltration rates ranged from moderately rapid to slow in the LPP unit at Test Pit 2; the range was 20 to 50 MPI with an average of 36 MPI. The field estimate for Test Pit 2 was 50 MPI. Recommended permeability estimates during individual site evaluations should be conservative and range from 35 to 50 MPI.

Infiltration rates were moderately rapid to slow in the ESM unit at Test Pit 1; the range was 21 to 74 MPI with an average of 50 MPI. The field estimate for Test Pit 1 was 50 MPI. Recommended permeability estimates during individual site evaluations should be conservative and range from 40 to 75 MPI and take into consideration the slightly lower landscape positions compared to the LPP unit.

CONCLUSION AND DISPOSAL SYSTEM RECOMMENDATIONS

Based on the findings of this investigation the conceptual subdivision plan seems feasible. The findings of this investigation are based on visual inspections made at the site and information collected to meet DNREC requirements of Section 5.2.2 of the regulations (amended January 11, 2014). This investigation was performed in compliance with the regulations and is preliminary in nature. Site conditions may change, and data collected during detailed individual site evaluations can change the conclusions presented in the report.

The soil boring density utilized during individual site evaluations is more intense than the current preliminary, feasibility study. Therefore, it is recommended that individual site evaluations be conducted on all lots prior to final plat recordation or financial transactions to ensure there is area available for both initial and replacement systems.

A 100 foot isolation distance is required between an on-site well and an OWTDS. The isolation distance to public supply wells is 150 feet. Other isolation distances to consider on individual lots include storm water management swales, ditches, ponds, and other watercourses.

It will be important to protect proposed disposal areas from accidental soil compaction during subdivision and individual lot development. Heavy equipment should be restricted to designated roadways and substantial barriers should be placed around proposed disposal areas. A barrier should be placed around proposed disposal areas to avoid accidental soil compaction and disturbance during subdivision and individual lot development. It will be important that final grading around the disposal areas minimize surface water collection over the system so system failure does not occur. It is the developers' responsibility to protect all potential disposal system areas from disturbance and compaction.

Appendix A. Soil boring summary information.

Soil Profile ID	Limiting Zone -----inches-----	Free Water	Infiltration Est. ---min/inch---	Taxon	System Type
sb 1	26	>72	75	Aquic Udipsamments	ESM
sb 2	36	>72	20	Oxyaquic Udipsamments	LPP
sb 3	22	>72	75	Aquic Arenic Hapludults	ESM
sb 4	44	>72	35	Aquic Arenic Hapludults	LPP
sb 5	42	>72	35	Arenic Hapludults	LPP
sb 6	34	>72	75	Aquic Udipsamments	LPP
sb 7	20	>72	75	Aquic Arenic Hapludults	ESM
sb 8	30	>72	50	Oxyaquic Udipsamments	LPP
sb 9	32	62	35	Aquic Arenic Hapludults	LPP
sb 10	34	>60	40	Oxyaquic Hapludults	LPP
sb 11	34	>72	35	Oxyaquic Hapludults	LPP
sb 12	24	>72	75	Aquic Arenic Hapludults	ESM
sb 13	24	62	35	Aquic Arenic Hapludults	ESM
sb 14	27	>72	75	Aquic Quartzipsamments	LPP
sb 15	34	62	35	Aquic Arenic Hapludults	LPP
sb 16	30	56	50	Aquic Arenic Hapludults	LPP
sb 17	27	52	40	Oxyaquic Hapludults	LPP
sb 18	28	54	30	Aquic Arenic Hapludults	LPP
sb 19	26	52	20	Oxyaquic Quartzipsamments	ESM
sb 20	30	56	35	Aquic Arenic Hapludults	LPP
sb 21	30	57	35	Aquic Arenic Hapludults	LPP
sb 22	26	52	35	Aquic Arenic Hapludults	ESM
sb 23	20	50	20	Oxyaquic Udipsamments	ESM
sb 24	29	62	20	Oxyaquic Quartzipsamments	LPP
sb 25	25	48	20	Oxyaquic Quartzipsamments	ESM
sb 26	26	46	20	Oxyaquic Quartzipsamments	ESM
sb 27	26	54	20	Oxyaquic Quartzipsamments	ESM
TP 1	25	60	50	Aquic Arenic Hapludults	ESM
TP 2	34	58	50	Arenic Hapludults	LPP

Test No.	Location	Soil Type	Flow Rate (cm³/min)	Duration (min)	Volume (cm³)	Area (cm²)	Infiltration Rate (cm/hr)
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120

Appendix B. Infiltration testing summary

Test ID	Pit 1 Test 1	1" head		Test ID	Pit 1 Test 2	2" head		Test ID	Pit 1 Test 3	2" head	
Depth:	23 inches			Depth:	23 inches			Depth:	23 inches		
Start Time	Interval (m)	Drop (cm)	Difference	Start Time	Interval (m)	Drop (cm)	Difference	Start Time	Interval (m)	Drop (cm)	Difference
930a				930a				930a			
1030a		20.5		1031a		6.1		1032a		5.4	
	20	38.3	17.8		20	13.3	7.2		20	11	5.6
		55.2	16.9			21.1	7.8			17	6
		Gap/Fill				29.3	8.2			23.1	6.1
		5.1				38	8.7			29.1	6
		29.5	24.4			46.6	8.6			35.3	6.2
		53.4	23.9			55.1	8.5			41.4	6.1
		75	21.6			63.8	8.7				
		Gap/Fill									
		6									
		27.4	21.4								
		48.7	21.3								
		70.1	21.4								

Steady State drop: 21.3
Volume (cm3): 750.186
cm drop: 2.389127
cm/min: 0.119456
cm/h: 7.167382
in/h: 2.821804
mpl: 21.3

Steady State drop: 8.5
Volume (cm3): 299.37
cm drop: 0.953408
cm/min: 0.04767
cm/h: 2.860223
in/h: 1.126072
mpl: 53.3

Steady State drop: 6.1
Volume (cm3): 214.642
cm drop: 0.68421
cm/min: 0.034211
cm/h: 2.052631
in/h: 0.808122
mpl: 74.2

Test ID	Pit 2 Test 1	1" head		Test ID	Pit 2 Test 2	1" head		Test ID	Pit 2 Test 3	2" head	
Depth:	24 inches			Depth:	24 inches			Depth:	24 inches		
Start Time	Interval (m)	Drop (cm)	Difference	Start Time	Interval (m)	Drop (cm)	Difference	Start Time	Interval (m)	Drop (cm)	Difference
130p				130p				130p			
230p		3.5		231p		9		232p		5	
	15	15.5	12		15	33	24		20	16.2	11.2
		27.5	12			52.8	19.8			25.7	9.5
		41	13.5			70.2	17.4			35.5	9.8
		50.1	9.1			Gap/Fill				44.8	9.3
		59.2	9.1			6				54.2	9.4
		68.2	9			23	17			63.4	9.2
		Gap/Fill				39.8	16.8			72.5	9.1
		5				56.7	16.9				
		14.4	9.4			73.4	16.7				
		23.6	9.2			Gap/Fill					
		32.8	9.2			5					
						21.8	16.8				
						38.4	16.6				

Steady State drop: 9.2
Volume (cm3): 324.024
cm drop: 1.031924
cm/min: 0.068795
cm/h: 4.127694
in/h: 1.625076
mpl: 36.9

Steady State drop: 16.6
Volume (cm3): 584.652
cm drop: 1.861949
cm/min: 0.12413
cm/h: 7.447796
in/h: 2.932203
mpl: 20











Steady State drop: 9.1
Volume (cm3): 320.502
cm drop: 1.020707
cm/min: 0.051035
cm/h: 3.062121
in/h: 1.205559
mpl: 50

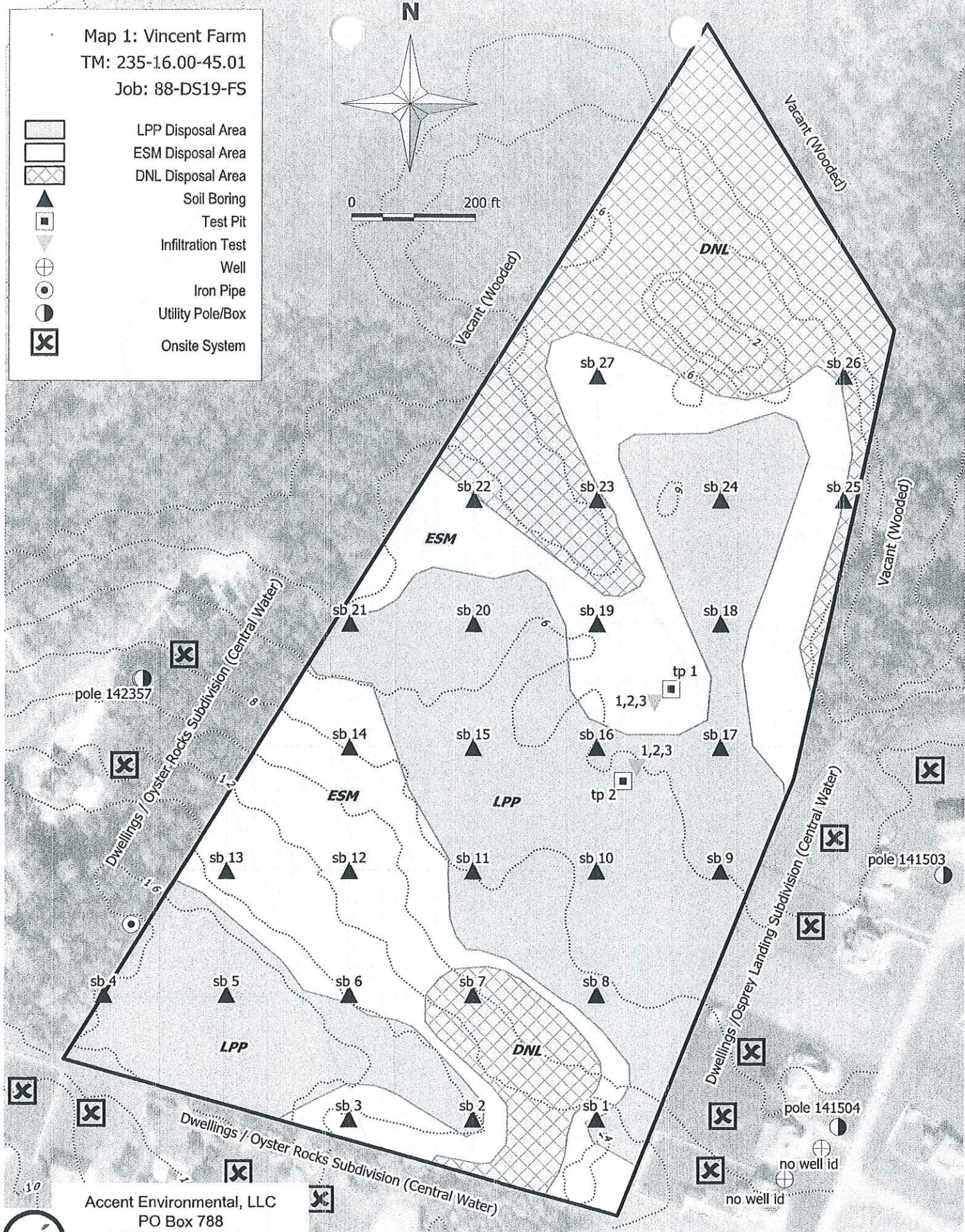
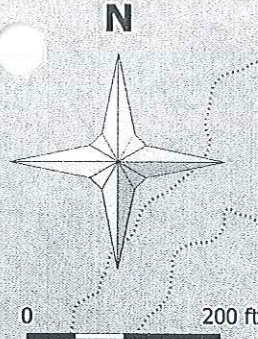
Year	2011	2012	2013	2014	2015	2016	2017	2018
Revenue	100	100	100	100	100	100	100	100
Expenses	100	100	100	100	100	100	100	100
Net Income	0	0	0	0	0	0	0	0

Appendix C. Additional information

Year	2011	2012	2013	2014	2015	2016	2017	2018
Revenue	100	100	100	100	100	100	100	100
Expenses	100	100	100	100	100	100	100	100
Net Income	0	0	0	0	0	0	0	0

Map 1: Vincent Farm
 TM: 235-16.00-45.01
 Job: 88-DS19-FS

-  LPP Disposal Area
-  ESM Disposal Area
-  DNL Disposal Area
-  Soil Boring
-  Test Pit
-  Infiltration Test
-  Well
-  Iron Pipe
-  Utility Pole/Box
-  Onsite System



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Map 2: Vincent Farm - NRCS Soils

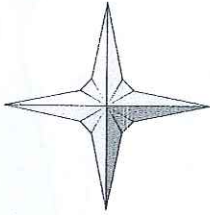
TM: 235-16.00-45.01

Job: 88-DS19-FS

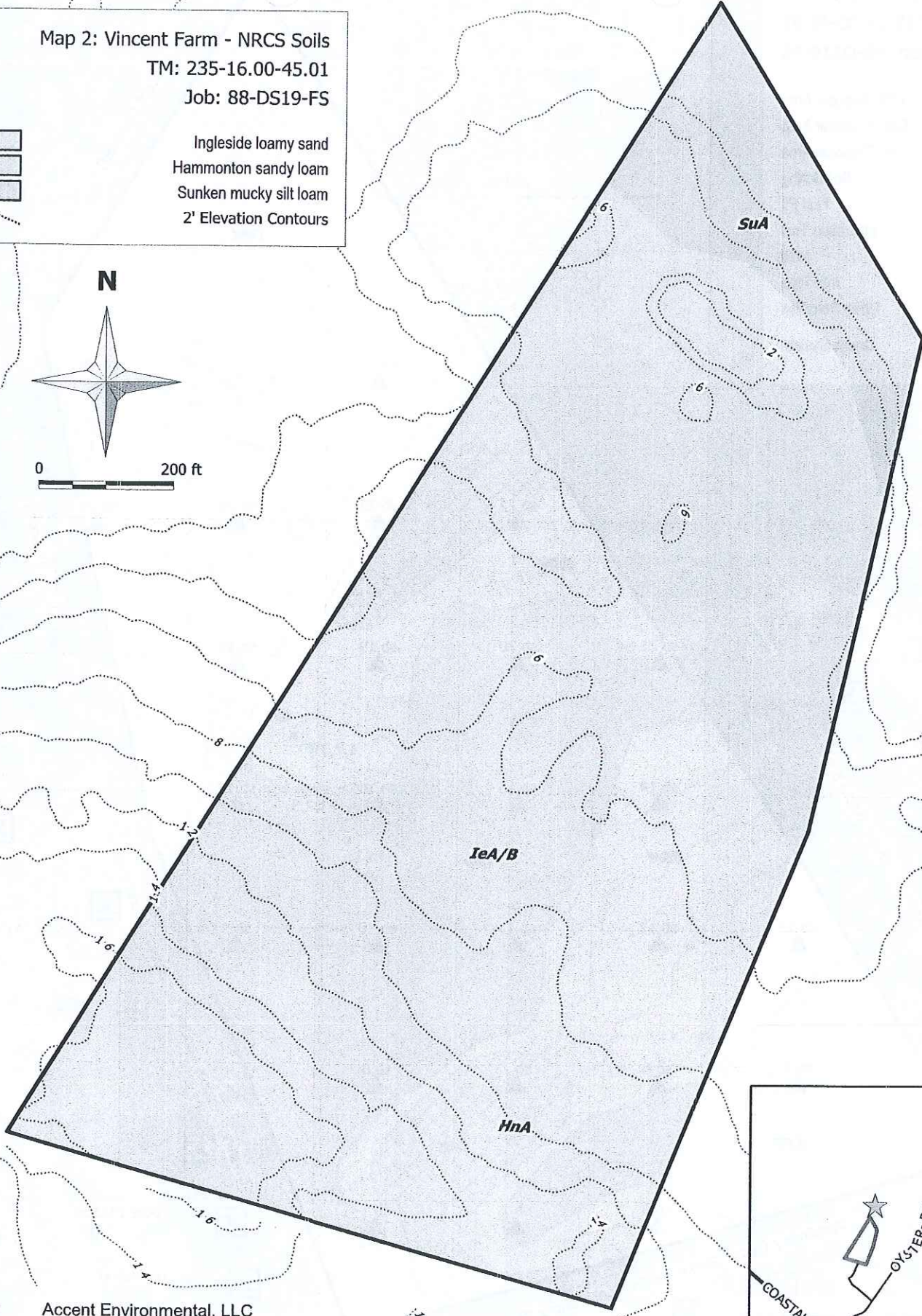


Ingleside loamy sand
Hammonton sandy loam
Sunken mucky silt loam
2' Elevation Contours

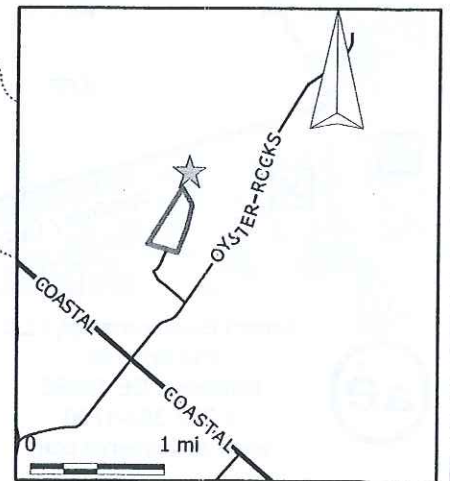
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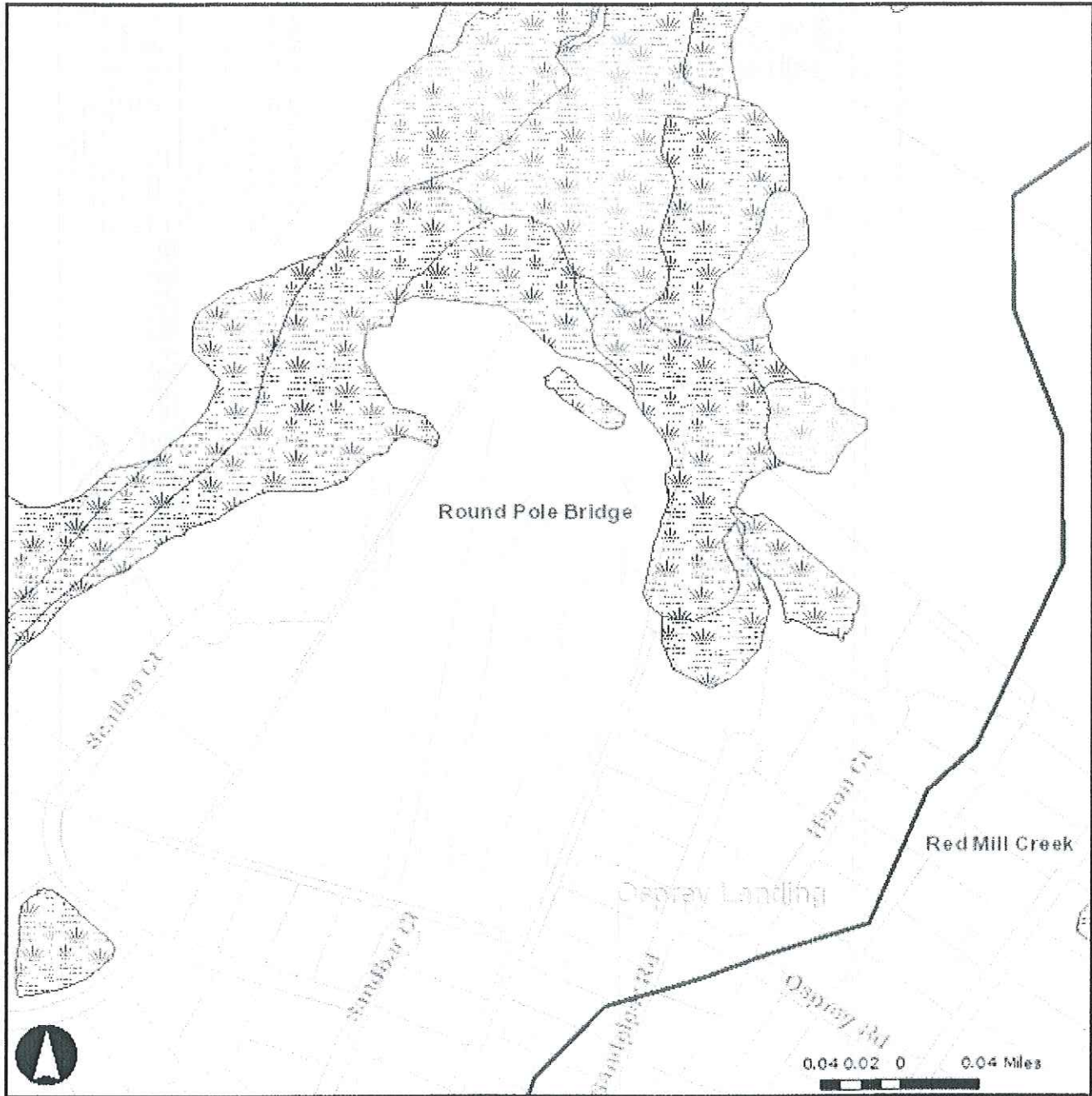
0 200 ft



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Map



Watersheds



FEMA Flood Maps



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Soil Profile Notes

Tax Map #: 235-16-00-45.01

Date: 7/17/2019



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Job Number: 88-DS19-FS

Client / Location: VINCENT / OYSTERS ROCKS

Evaluated by or under the supervision of William Gangloff, DE license # D-4455; ARCPACS CPSSc/CPAg # 24747; VA CPSSc

Profile #: 1

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

26 inch Depth to Limiting Zone

Vegetation: WOODS

72 inch Depth to Free Water

Notes:

75 MPI Estimated Permeability

OH Utilities: Y (N)

Soil Classification: ADJIC UDIPSMMNTS

Horizon	Depth	Colors		Redox Desc.	Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.				
A	0-6	10YR 3/4	NONE	NONE	LS	1F/1K	VFR	
BC	6-26	10YR 3/4	"	"	LS	1F/1K	VFR	
C ₁	26-36	10YR 6/6	10YR 7/2 10YR 4/8	F1P F12D	LS	N	VFR	
C ₂	36-49	10YR 6/6	10YR 5/8 10YR 5/8	CLD CLP	LS	M	VFR	
C ₃	49-54	10YR 6/1	10YR 4/5	CLP	CL	M	FR-FI	
C ₄	54-72	10YR 6/6	10YR 4/5	CLP	LS	M	VFR	

Site Evaluator's Signature:

WJG

Soil Profile Notes

Tax Map #: 235-16-00-45.01
 Job Number: EE-DS19-FS
 Client / Location: VINCENT / OYSTERS ROCKS

Date: 7/17/2019



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Profile #: SB 2

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

36 inch Depth to Limiting Zone
>72 inch Depth to Free Water
20 MPI Estimated Permeability
 OH Utilities: Y 1 N

Vegetation: WOODED

Notes:

Soil Classification:

OXYAQUIC UDIPSAMMENTS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A	0-6	10YR 3/4	None	None	LS	1FCL	VIR	
BC	6-36	10YR 6/4	"	"	LS	1FSL	VIR	
C ₁	36-50	10YR 7/3	10YR 5/6	F, 2P	LS	M	VIR	
C ₂	50-72	10YR 7/4	10YR 7/2 10YR 5/6	2CF 2CF	SL	M	VIR	
~~~~~								
A	0-6	10YR 3/3	None	None	LS	1FCL	VIR	SB-3
E	6-22	2.5Y 6/4	"	"	LS	1FSL	VIR	LE-22, FWD 72 MPI-75
Bt	22-38	10YR 7/4(G)	2Y 7/2 10YR 5/6	C1, 2P C1, 2P	SL	1FSL	FR	0-1% Flat WOODED
C ₁	38-48	10YR 7/3	10YR 5/6 10YR 7/4	2CF 2CF	LS	M	VIR	OXYAQUIC UDIPSAMMENTS
C ₂	48-56	10YR 6/1	10YR 6/4	2CF	CL	M	FR-FS	
C ₃	56-72	10YR 7/3	10YR 7/2 10YR 5/6	2CF 2CF	LS	M	VIR	

Site Evaluator's Signature:

*WJG*



**Soil Profile Notes**

Tax Map #: 235-16-00-45.01

Date: 7/21/2019



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Job Number: 88-12519-FS

Client / Location: VINCENT / OYSTERS ROCKS

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Profile #: 4/

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

44 inch Depth to Limiting Zone

Vegetation: WOODS

72 inch Depth to Free Water

Notes:

35 MPI Estimated Permeability

OH Utilities: Y / N

Soil Classification: AQUIC ARSIC HAPLUDOLS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A	0-6	10YR ³ / ₃	Nonk	Nonk	LFS	IFAR	VPR	
E	6-29	2.5Y ⁶ / ₄	"	"	LFS	IFSBV	VPR	
Bt	29-44	10YR ⁵ / ₆	"	"	FSL	IFBCE	FR	
C ₁	44-62	10YR ⁷ / _{1.5} (11)	10YR ⁶ / ₃ 10YR ⁷ / ₁	C1ZP C1ZP	LFS	M	VPR	
C ₂	62-72	10YR ⁷ / ₂	10YR ⁷ / ₂ 10YR ⁶ / ₃	F1ZP F1ZP	LS	M	VPR	
~~~~~								
A	06	10YR ³ / ₃	Nonk	Nonk	LFS	IFAR	VPR	SL-13
E	6-24	10YR ⁵ / ₄	"	"	LFS	IFSBV	VPR	LZ-24, MP-35 FW=62
Bt	24-34	10YR ⁵ / ₆	10YR ⁵ / ₆	C1ZP	FSL	IFSBV	FR	0-1% FAT WOODS
C ₁	34-56	10YR ⁷ / ₃	10YR ⁶ / ₃ 10YR ⁷ / ₁	C2P C2P	LS	M	VPR	AQUIC ARSIC HAPLUDOLS
C _{g1}	56-62	10YR ⁹ / ₁	10YR ⁶ / ₃	C2P	CL	M	FR	
C ₃	62-72	10YR ⁶ / ₆	10YR ⁵ / ₃	C2D	LS	M	VPR	

Site Evaluator's Signature:

WJG

Soil Profile Notes

Tax Map #: 235-16.00-45.01

Date: 7/17/2019



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Job Number: 88-1519-B

Client / Location: VINCENT / OYSTERS ROCKS

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Profile #: 6

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

31 inch Depth to Limiting Zone

Vegetation: WOODY

>72 inch Depth to Free Water

75 MPI Estimated Permeability

Notes:

OH Utilities: Y / N

Soil Classification:

AQUIC UDIPSAMMOLIS

Horizon	Depth	Colors		Redox Desc.		Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.					
A	0-6	10YR 7/4	None	None	LS	1Fud	Vr		
Bc	6-34	10YR 5/4		"	LS	1Fud	Vr		
C ₁	34-46	10YR 6/4	10YR 7/6	F12P F12B	LS	M	Vr		
C _{g2}	46-52	10YR 6/4	10YR 7/6	CLP	CL	M	TR-F		
C ₃	52-72	10YR 6/4	10YR 7/6	F12P F12B	LS	M	Vr		

Site Evaluator's Signature: WJG

Soil Profile Notes

Tax Map #: 235-16 00-45.01

Date: 7/24/2019



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Job Number: 88-2519-FS

Client / Location: VINCENT / OYSTERS ROCKS

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Profile #: 7

B Soil Boring or Test Pit

Relief: FLAT

Slope: 0.1%

20 inch Depth to Limiting Zone

Vegetation: NUDGED BUCK

272 inch Depth to Free Water

Notes:

75 MPI Estimated Permeability

OH Utilities: Y 1 N

Soil Classification: ARVIC ARVIC HAPLUDULTS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A _p	0-9	10YR 3/4	None	None	LS	1Fcl	VH	
E ₁	9-20	10YR 4/4	"	"	LS	1F3cl	VH	
E ₂	20-24	10YR 4/6	10YR 7/1 10YR 2/1/2	C1,2D C1,2D	LS	1F3cl	VH	
B _{cl}	24-32	10YR 4/6	10YR 7/1 10YR 4/3	F1P C1,2D	SL	1F3cl	F1	
C ₁	32-48	10YR 7/3	10YR 4/6 10YR 7/3	F1,2P F1,2P	LS	M	VH	
C ₂	48-58	10YR 6/6	10YR 4/6	F1P	LS	M	VH	
C _{g3}	58-64	10YR 6/1	10YR 4/6	C1,2P	CL	M	VH	
C ₄	64-72	10YR 7/4	10YR 4/6	C1P	CL LS	M	VH	
								SBS
A	0-6	10YR 3/3	None	None	LFS	1Fcl	VH	L272, F2072 35 MPI
E	6-27	2.5Y 4/4	"	"	LFS	1F3cl	VH	0-1" flat wooded
B _{cl}	27-42	10YR 5/6	"	"	FSL	1F3cl	F1	ARVIC HAPLUDULTS
C ₁	42-60	10YR 7/4	10YR 4/6	F1,2P	LS	M	VH	
C ₂	60-72	10YR 7/4	10YR 4/6	F1,2P	LS	M	VH	

Site Evaluator's Signature:

W. Gangloff

Soil Profile Notes

Tax Map #: 235-16 00-415.01

Job Number: 88-DS19-FS

Client / Location: VINCENT / OYSTERS ROCKS

Date: 7/17/2017



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Profile #: SB-8

Soil Boring or Test Pit

Relief: FLAT

Slope: 0%

30 inch Depth to Limiting Zone

>72 inch Depth to Free Water

50 MPI Estimated Permeability

OH Utilities: Y / N

Vegetation: COI OAK SCRUB

Notes:

Soil Classification:

ORGANIC UDIPSMMNTS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
<u>Ap</u>	<u>0-8</u>	<u>10YR 2/4</u>	<u>None</u>	<u>None</u>	<u>LS</u>	<u>1FGR</u>	<u>VFR</u>	
<u>Bc</u>	<u>8-30</u>	<u>2.5Y 4/4</u>	<u>"</u>	<u>"</u>	<u>LS</u>	<u>1FBL</u>	<u>VFR</u>	
<u>C₁</u>	<u>30-46</u>	<u>10YR 6/6</u>	<u>10YR 6/6</u>	<u>F1,2F</u>	<u>LS</u>	<u>M</u>	<u>VFR</u>	
<u>C_{gp}</u>	<u>46-52</u>	<u>10YR 7/1</u>	<u>10YR 7/8</u>	<u>F1,2P</u>	<u>SCL⁺</u>	<u>M</u>	<u>10-FJ</u>	
<u>C₂</u>	<u>52-72</u>	<u>10YR 6/6</u>	<u>10YR 6/6</u>	<u>F1,2F</u>	<u>LS</u>	<u>M</u>	<u>VFR</u>	

Site Evaluator's Signature: WG

Soil Profile Notes

Tax Map #: 235-16-00-45.01

Date: 7/19/2019



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Job Number: 88-DS19-FS

Client / Location: VINCENT/OYSTERS ROCKS

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Profile #: 9

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

32 inch Depth to Limiting Zone

Vegetation:

62 inch Depth to Free Water

Notes:

35 MPI Estimated Permeability

OH Utilities: Y (N)

Soil Classification: ARVIC ARVIC INFAUSULTS

Horizon	Depth	Colors		Redox Desc.	Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.				
A	0-9	10YR 7/4	NON	NON	LS	VEP	VEP	
E	9-22	7.5Y 6/4	"	"	LS	FBP	VEP	
Bc	22-32	10YR 7/6	"	"	SLT	VEBL	VEP	
C1	32-48	10YR 7/3.5	10YR 6/6 11YR 7/1	C2P C2F	LS	M	VEP	cracks
C2	48-58	10YR 7/3	10YR 6/6 10YR 7/2	F1P F1F	S	SC	LD	
Cg3	58-64	10YR 6/1	10YR 6/6	C2F	CL	FR-FE		
C4	64-72	10YR 7/3	10YR 6/6 10YR 7/2	F1P F1F	LS	M	VEP	

Site Evaluator's Signature: WG

Soil Profile Notes

Tax Map #: 235-1600-45.01

Date: 7/24/2019



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Job Number: 88-1519-FS

Client / Location: VINCENY / 04500 ROADS

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Profile #: 11

Soil Boring or Test Pit

Relief: Flat

Slope: 0.1%

31 inch Depth to Limiting Zone

Vegetation: cut and scrub

71 inch Depth to Free Water

Notes:

33 MPI Estimated Permeability

OH Utilities: Y N

Soil Classification:

Oxyaquic hapluquits

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A ₀	0-12	10YR 7/3	NONC	None	LS	1Fm	VIR	
L	12-22	7.5YR 6/1	"	"	LS	1Bsh	VIR	
B ₁	22-34	10YR 6/6	"	"	SL	2Bsh	FR	
C ₁	34-52	10YR 7/4	10-12Fz	F12P	LS	1V	VIR	
C ₂	52-76	10YR 7/3	10-12Fz	F12P	LS	1V	VIR	
~~~~~								
A ₀	0-12	10YR 7/3	NONC	None	LS	1Fm	VIR	10
B ₁	12-22	7.5YR 6/1	"	"	SL	1Bsh	FR	LE-34 (W) (C) OILY MAT
C ₁	22-34	10YR 6/6	"	"	LS	M	VIR	Cut and scrub MPI = 40
C ₂	34-46	10YR 7/3	10-12Fz	F12P	LS	M	VIR	Oxyaquic Hapluquits
C ₃	46-60	10YR 7/3	10-12Fz	F12P	LS	M	VIR	
								↑ B ₀ (C)
								© 60

Site Evaluator's Signature: WJG



**Soil Profile Notes**

Tax Map #: 235-16-00-45.01

Date: 7/24/2019



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Job Number: 88-DS19-PS

Client / Location: VINCENY/OSTER ROCKS

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Profile #: 12

Soil Boring or Test Pit

Relief: FLAT

Slope: 0.1%

24 inch Depth to Limiting Zone

Vegetation: WOODS

72 inch Depth to Free Water

Notes:

75 MPI Estimated Permeability

OH Utilities: Y 1 N

Soil Classification:

AOUIC-NOUIC XAPLWUULTS

Horizon	Depth	Colors		Redox Desc.	Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.				
A	0-6	10YR ³ /3	None	None	LFS	1R/1	VFR	
B	6-24	2.5Y ⁶ /4	"	"	LFS	1R/1	VFR	
B _g	24-34	10YR ⁵ /6	10YR ⁵ /6	F, 2F	BSL	1R/1	FR	
C ₁	34-50	10YR ⁷ /3	10YR ⁶ /6 10YR ⁷ /1	C, 2P C, 2F	LS	M	VFR	
C _{g1}	50-60	10YR ⁶ /1	10YR ⁶ /6	C2P	CL	M	FI-IR	
C ₂	60-72	10YR ⁷ /4	10YR ⁷ /2 10YR ⁶ /6	F, 2P F, 2P	LS	M	VFR	
~~~~~								
A	0-6	10YR ³ /3	None	None	LS	1R/1	VFR	SIS 14 LZ=27; FW=72 MPI=75
CB	6-27	10YR ⁵ /4	"	"	LS	1R/1	VFR	0.1% FLAT WOODS
C ₁	27-36	10YR ⁶ /6	10YR ⁷ /2 10YR ⁶ /6	F, 2P F, 2D	LS	M	VFR	AOUIC QUARTZ/SAMMUSITS
C ₂	36-52	10YR ⁷ /4	10YR ⁷ /1 10YR ⁵ /6	C2F C2P	LS	M	VFR	
C _{g2}	52-66	10YR ⁶ /1	10YR ⁶ /6	C2P	CL	M	FI-IR	
C ₄	66-72	10YR ⁷ /3	10YR ⁶ /6 10YR ⁷ /2	F, 1P F, 2F	LS	M	VFR	

Site Evaluator's Signature:

WJG

Soil Profile Notes

Tax Map #: 235-16-00-45.01

Job Number: 88-13519-FS

Client / Location: VIA CRW / 1045 STAR ROCKS

Date: 7/24/2019



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Millsboro, DE 19966
www.acdelmarva.com

Evaluated by or under the supervision of William Gangloff, DE license # D-4455; ARCPACS CPSSc/CPAg # 24747; VA CPSSc

Profile #: 15

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

31 inch Depth to Limiting Zone

62 inch Depth to Free Water

35 MPI Estimated Permeability

OH Utilities: Y / N

Vegetation: WOODED

Notes:

Soil Classification:

ALVIC ARLVIC INCLUSIVES

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A	0-6	10YR 3/3	None	None	LS	1F2R	VIR	
E	6-24	2.5Y 6/4	"	"	LS	1F3B	VIR	
Bt	24-34	10YR 5/6	"	"	SL	1F3B	IR	
C ₁	34-50	10YR 6/6	10YR 7/2 10YR 5/6	F1F F1D	LS	M	VIR	
C ₂	50-62	10YR 7/4	10YR 7/1 10YR 6/6	C1,2F C1,2P	LS	M	VAR	
C _{g3}	62-72	10YR 7/2	10YR 6/6	C2P	LS	M	VIR	
~~~~~								
A	0-6	10YR 3/3	None	None	LS	1F2R	VIR	at 30.00 PRESS FW=56"
E	6-22	2.5Y 6/4	"	"	LS	1F3B	VIR	0-1/2" FAT WOODED
Bt	22-30	10YR 5/6	"	"	SL	1F3B	IR	ALVIC ARLVIC INCLUSIVES
C ₁	30-44	10YR 7/4	10YR 7/2 10YR 5/6	F1,2F F1,2P	LS	M	VIR	
C ₂	44-60	10YR 7/3	10YR 7/1 10YR 6/6	C1,2F C1,2P	LS	M	VIR	
C _{g3}	60-72	10YR 7/1	10YR 6/6	C1P	LS	M	VIR	

Site Evaluator's Signature:



**Soil Profile Notes**

Tax Map #: 255-16-00-4501  
 Job Number: 58-659-FS  
 Client / Location: Village of ...

Date: 7/14/07



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Profile #: 16

Soil Boring or  Test Pit

Relief: FLAT

Slope: 0-1%

30 inch Depth to Limiting Zone  
56 inch Depth to Free Water  
50 MPI Estimated Permeability  
 OH Utilities: Y  N

Vegetation: CO-ONIA SCARP

Notes:

Soil Classification:

ADVIC ARVIC NAPLUMUS

Horizon	Depth	Colors		Redox Desc.		Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.					
A _p	0-10	10YR 7/4	None	None	LFS	1FGR	FR		
E	10-30	2.5Y 6/4	"	"	LFS	1FSL	FR		
B _x	30-40	10YR 5/6	10YR 4/5	F-1,2D	SCU	1FSL	FR-FS		
C ₁	40-60	10YR 6/6	10YR 5/5 10YR 7/6	F-1,2D F-1,2P	CLAY LS	M	VH		
C _{g2}	60-72	10YR 7/12	10YR 4/5	CLP	LS	M	VH		

Site Evaluator's Signature:

*WG*

**Soil Profile Notes**

Tax Map #: 235-16-00-45 01  
 Job Number: 08-0519-PS  
 Client / Location: VINCENT / OYSTERS ROCKS

Date: 7/19/2019



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Profile #: 17

Soil Boring or Test Pit

Relief: FLAT

Slope: 0 1/2%

27 inch Depth to Limiting Zone  
52 inch Depth to Free Water  
40 MPI Estimated Permeability  
 OH Utilities: Y / (N)

Vegetation: CUT OVER SCLB

Notes: 17-2-45-34

Soil Classification: OXYAQUE INTRUDIBLES

Horizon	Depth	Colors		Redox Desc.	Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.				
Ap	0-9	10YR 3/3	NONE	NONE	LS	IFER	VH	
E	9-20	2.5Y 4/1			LS	IFER	VH	
Bt	20-26	7.5Y 6/6			SL	IFER	FR	
C ₁	26-48	10YR 1/3 (SCL)	10YR 6/6	F1ZF	LS	M	VH	CRACKS
C ₂	48-62	10YR 1/3	10YR 6/6	F1ZF	LS	M	VH	
C _{g2}	62-72	10YR 1/2	10YR 6/6	C2P	S	SG	LO	
								SB-18
Ap	0-9	10YR 3/3	NONE	NONE	LS	IFER	VH	27-28, MPI=30 C-1% CUT OVER
E ₁	9-16	2.5Y 4/1			LS	IFER	VH	SCLB FW=54
E ₂	16-20	7.5Y 4/1			LS	M	VH	CRACKS
Bt	20-28	10YR 6/6			SL	IFER	FR	AQUE AQUE INTRUDIBLES
C ₁	29-54	10YR 1/3	10YR 6/6	F1ZF	LS	M	VH	
C _{g2}	54-72	10YR 1/1	10YR 6/6	C2P	S	SG	LO	

Site Evaluator's Signature:

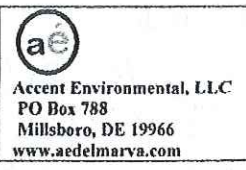
*WJG*



**Soil Profile Notes**

Tax Map #: 235-16-00-45.01  
 Job Number: 99-0519-FS  
 Client / Location: VINCENT / OYSTERS/HOOKS

Date: 7/24/2019



Evaluated by or under the supervision of William Gangloff; DE license # D-4455; ARCPACS CPSSc/CPAg # 24747; VA CPSSc

Profile #: 21      Soil Boring or Test Pit      Relief: FLAT      Slope: 0-1%

30 inch Depth to Limiting Zone      Vegetation: WOODS  
57 inch Depth to Free Water  
35 MPI Estimated Permeability  
 Notes:  
 OH Utilities: Y / N

Soil Classification: ADVIC ADVIC NAPRODULES

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A	0-6	10YR 3/3	None	None	LFS	1FUR	VPR	
E	6-22	2.5Y 4/4	"	"	LFS	1FBS	VPR	
Bt ₁	22-30	10YR 5/6	"	"	CLAYES FSL	1FBS	FR	
Bt ₂	30-34	10YR 5/6	10YR 5/8	FIF	CLAYES FSL	1FBS	FR	
C ₁	34-56	10YR 7/3	10YR 7/8	c1,2F c1,2P	LS	M	VPR	
C ₂	56-72	10YR 7/1	10YR 6/8	c2P	FSL	M	VPR	
~~~~~								
A	0-6	10YR 3/3	None	None	LFS	1FUR	VPR	22
E	6-26	2.5Y 4/4	"	"	LFS	1FBS	VPR	17-26 MPI=35 FW=32
Bt	26-36	10YR 5/6 (6)	10YR 5/8 10YR 5/6	F1,2F F1,2P	FSL	1FBS	FR	0-1% FAT WOODS
C ₁	36-56	10YR 7/3	10YR 7/8	c2F c2P	LS	M	VPR	ADVIC ADVIC NAPRODULES
C ₂	56-72	10YR 7/1	10YR 6/8	c2P	LS	M	VPR	

Site Evaluator's Signature: WJG

Soil Profile Notes

Tax Map #: 235-1600-45.01
 Job Number: ES-DS19-F3
 Client / Location: VIRGANT/OYSTER ROCKS

Date: 7/24/2019



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Profile #: 23

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

20 inch Depth to Limiting Zone
50 inch Depth to Free Water
20 MPI Estimated Permeability
 OH Utilities: Y / N

Vegetation: WOODS

Notes:

Soil Classification:

OXYSOLIC UDIPSAMMENTS

Horizon	Depth	Colors		Redox Desc.		Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.					
A	0-6	10YR ³ /3	None	None	LFs	1Fcr	Vrk		
Cb	6-20	2.5Y ⁶ /4	"	"	LFs	1Fssk	Vrk		
C1	20-36	10YR ⁷ /3	"	"	CLs	M	Vrk	← LZ	
C2	36-54	10YR ⁷ /4	10YR ⁵ /6	F1ZP	LS	M	Vrk		
Cg2	54-72	10YR ⁷ /1	10YR ⁶ /6	F1ZP	LS	M	Vrk		
~~~~~									
A	0-6	10YR ³ /3	None	None	LS	1Fcr	Vrk	Z7	
Cb	6-26	2.5Y ⁶ /4	"	"	LS	1Fssk	Vrk	L2-26, MPI=20 Fw=34	
C1	26-48	10YR ⁷ /5	10YR ⁵ /6	F1ZP	LS	M	Vrk	0-1% Flat woods	
Cg	48-72	10YR ⁷ /1	10YR ⁶ /6	CP	LS	M	Vrk	OXYSOLIC QUADIPSAMMENTS	

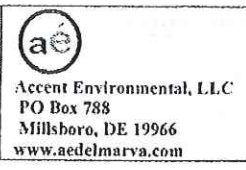
Site Evaluator's Signature: W.G. 7/26



**Soil Profile Notes**

Tax Map #: 235-16.00-45.01

Date: 7/24/2019



Job Number: 88-DS19-FS

Client / Location: VINCENT / 10550 RIVERS

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Profile #: 24

Soil Boring or Test Pit

Relief: PA

Slope: 1/10

29 inch Depth to Limiting Zone

Vegetation: CRASSIC SCRUB

62 inch Depth to Free Water

Notes:

20 MPI Estimated Permeability

OH Utilities: Y (N)

Soil Classification: OXIDIC QUARTZSANDS

Horizon	Depth	Colors		Redox Desc.		Texture	Structure	Consistence	Notes
		Matrix	Redox	Ab. S. Con.					
Ap	0-9	10YR ^{3/3}	NONR	NONR	LS	IFEA	VFR		
Cb	9-22	10YR ^{3/4}	"	"	LS	IFSB	VFR		
C1	22-29	2.5Y ^{6/3(u)}	"	"	LS	M	VFR		
C2	29-44	10YR ^{7/2}	10YR ^{6/6}	F12P	LS	M	VFR		CRACKS
C3	44-72	10YR ^{6/4}	10YR ^{6/6}	F12P	LS	M	VFR		
~~~~~									
Ad	0-12	10YR ^{3/3(u)}	NONR	NONR	LS	IFEA	VFR		SBZS
Cb	12-25	10YR ^{6/4}	"	"	LS	IFSB	VFR		LL=25, MP=20
C1	25-36	2.5Y ^{4/1}	10YR ^{6/6}	F1D	LS	M	VFR		S: F25 SLP S: 20 F12D
C2	36-45	10YR ^{7/3(u)}	10YR ^{6/6}	F1P	LS	M	VFR		FW=4B OXIDIC
Cg3	65-72	10YR ^{7/3}	10YR ^{6/6}	C2P	S	S ₁	LO		QUARTZ SANDS

Site Evaluator's Signature:

WG

Soil Profile Notes

Tax Map #: 235-16-00-415-01

Job Number: 98-DS19-FS

Client / Location: VINCENT / OYSAR ROCKS

Date: 7/2/2019



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Profile #: 26

Soil Boring or Test Pit

Relief: Flat

Slope: 0-1%

26 inch Depth to Limiting Zone

Vegetation: WOODS EDGE

46 inch Depth to Free Water

Notes:

20 MPI Estimated Permeability

OH Utilities: Y (N)

Soil Classification:

OXYSOLIC QUARTZIPSAMMUS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A	0-6	10YR 3/3	None	None	LS	1FUR	VH	
CB	6-26	2.5Y 6/4	"	"	LS	1B30	VH	
C ₁	26-40	10YR 7/3	10YR 6/5	F, 2P	COMPACT LS	M	VH	
C ₂	40-48	10YR 7/3	10YR 6/5	C2P C2F	LS	M	VH	
C ₃	48-72	10YR 7/3	10YR 6/5	C3P	LS	M	VH	
~~~~~~								
A _p	0-12	10YR 3/3	None	None	LS	1FUR	VH	L: 26, M: 20 Fe: 52"
CB	12-26	2.5Y 6/4	"	"	LS	1B30	VH	0-1% Flat Woods Edge
C ₁	26-31	10YR 3/3	10YR 6/5	F, 2P	LS	M	VH	OXYSOLIC QUARTZIPSAMMUS
C ₂	31-40	10YR 3/3	None	None	COMPACT LS	M	VH	
C ₃	40-55	10YR 3/3	10YR 6/5	C2P C2F	LS	M	VH	
C ₄	55-72	10YR 3/3	10YR 6/5	C4P	LS	M	VH	

Site Evaluator's Signature:

*WJG*



**Soil Profile Notes**

Tax Map #: 235-16.00-43.01

Date: 8/2/2019



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Job Number: 88-12519-F3

Client / Location: VINCENT OYSTERS ROCKS

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Profile #: TP1

Soil Boring or Test Pit

Relief: FLAT

Slope: 0-1%

45 inch Depth to Limiting Zone

Vegetation: CO. OVR SCRUB

60 inch Depth to Free Water

Notes:

50 MPI Estimated Permeability

OH Utilities: Y / N

Soil Classification:

ARVIC NONIC NAPRELUITS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
Ap	0-10	10YR ³ /4	NONE	NONE	LFS	1FGP	FR-FI	
E	10-20	10YR ⁶ /4	"	"	LFS	1FSBY	FR-FI	
B ₁	20-25	7.5YR ⁵ /6	"	"	SCL ⁺	1FSBY	FR-FI	
B ₂	25-34	7.5YR ⁵ /6	10YR ⁵ /6	F1,2F	SCL ⁺	1FSBY	FR-FI	
C ₁	34-44	10YR ⁶ /6	10YR ⁷ /6 10YR ⁵ /6	F1,2P F1,2D	CLAYES LS	M	VPR	
C ₂	44-60	10YR ⁶ /6	10YR ⁵ /6 10YR ⁷ /6	F1,2D F1,2S	LS	M	VPR	
C ₃	60-76	10YR ⁷ /1	10YR ⁶ /5	F1,2P	LS	M	VPR	

Site Evaluator's Signature:

*WJG*

**Soil Profile Notes**

Tax Map #: 235-1000-45.01

Job Number: 88-15519-PS

Client / Location: VINCENT / OUSTER ROCKS

Date: 8/2/2019



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Profile #: TP 2

Soil Boring or  Test Pit

Relief: FLAT

Slope: 0-1/10

34 inch Depth to Limiting Zone

Vegetation: WET WOOD SCRUB

58 inch Depth to Free Water

Notes:

50 MPI Estimated Permeability

OH Utilities: Y  N

Soil Classification: ADVIC ADVIC INHURDITS

Horizon	Depth	Colors		Redox Desc. Ab. S. Con.	Texture	Structure	Consistence	Notes
		Matrix	Redox					
A _p	0-10	10YR 3/4	None	None	LFS	1FGR	AP-B	
E	10-24	10YR 4/4	"	"	LFS	1FSBY	AP-B	
B _t	24-34	7.5YR 5/6	"	"	SLTY	1FSBY	AP-B	
C ₁	34-58	10YR 4/6	10YR 1/2 10YR 6/6 10YR 5/8	F, 2P F, 2F F, 2S	CLAYE-LS LS	M	VFR	
C ₂	58-72	10YR 4/1	10YR 6/8	C2P	LS	M	VFR	

Site Evaluator's Signature: WJG



Infiltration Data Sheet

Project: VINCENOT - 86-0519-15

Tax Map #: 255-16-00-115.01

Evaluator: William Gangloff, PhD, DE license # D-4455, ARCPACS CPSS/Ag # 24747, VA CPSS

Accent Environmental, LLC

Job #: 86-0519

Single Ring, Constant Head

PO Box 788

Date: 02/26/19

Test Pit: 1

Temp: 20.5

Precip: N/D

Millsboro, DE 19966

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Test ID	<u>TP1 - 1</u>	Test ID	<u>TP1 - 2</u>	Test ID	<u>TP1 - 3</u>
Elevation:	<u>1" (HARD)</u>	Elevation:	<u>2" (HARD)</u>	Elevation:	<u>2" (HARD)</u>
Test Depth:	<u>23"</u>	Test Depth:	<u>23"</u>	Test Depth:	<u>28"</u>
Presoak Interval (m)		Presoak Interval (m)		Presoak Interval (m)	
Drop (cm)		Drop (cm)		Drop (cm)	
Difference		Difference		Difference	

Start Time	Drop (cm)	Difference	Start Time	Drop (cm)	Difference	Start Time	Drop (cm)	Difference
9:30	20.5	19.8	9:30	6.1	7.2	10:32	5.4	6.0
10:30	19.8	16.9	10:31	8.3	7.8	10:32	11	6.1
	5.2			21.3	8.7		24.1	6.1
	RCFIELD			38.0	9.0		38.3	6.2
	5.1			46.6	9.5		41.4	6.1
	24.5	24.4		45.1	8.3			
	24.3	23.9		63.8				
	7.5	21.6						
	RCFIELD							
	6	11.4						
	23.4	21.3						
	48.7	21.4						
	70.1							

Notes:  
Depth to SHWT:  
Depth to FW:

Notes:  
Depth to SHWT:  
Depth to FW:

Notes:  
Depth to SHWT:  
Depth to FW:

Infiltration Data Sheet

Project: VINCENT - 26-499-F5

Tax Map #: 235-1600-4501

Evaluator: William Gangloff, PhD; DE license # D-4455; ARCPACS CPSS/Ag # 24747; VA CPSS  
 Job #: 26-0519

Date: 2/1/2019  
 Temp: 80.5 °F  
 Precip: ND

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 Millsboro, DE 19966  
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Single Ring, Constant Head  
 Test Pit

Test ID	Elevation:	Test Depth:	Presoak	Interval (m)	Drop (cm)	Difference
TP2-1	11.1111	24"				
TP2-2	11.1111	24"				
TP2-3	2.1111	24"				

Start Time	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m	11m	12m	13m	14m	15m	16m	17m	18m	19m	20m	
1300P	15.5	27.5	41	59.2	68.2	10.1	14.4	23.6	32.8	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
2300P	12	12	13.5	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	
1300P	5m	7	33	52.8	70.2	17.4	23	30.8	48.2	73.4	10.1	14.4	23.6	32.8	1.0	1.0	1.0	1.0	1.0	1.0	
2300P	17	16.5	16.9	16.4	16.6	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8
1300P	20m	16.2	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5
2300P	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5

Notes: Depth to SHWT: _____  
 Depth to FW: _____



# MERESTONE

Consultants, Inc.

---

## *Civil Engineers - Land Surveyors - Site Planners*

12 April 2021

Lauren DeVore, Planner III  
Sussex County Planning & Zoning  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

Via email: [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov)

**RE: Oyster Rock * Phase 3 "The Estuary at Oyster Rock" (Application #2020-15)  
Tax Map No. 235-16.00-45.01**

Dear Ms. DeVore:

Attached for your review are Merestone's responses to § 99-9 (c) of the Sussex County Subdivision Ordinance to be included in the public record.

**1) Integration of the proposed subdivision into existing terrain and surrounding landscape.**

*The proposed development area is planned primarily within the limits of the parcel currently utilized for agricultural land uses and containing jurisdictional wetlands. Protection of the wetlands will result in minimal clearing of existing wooded areas. Landscape buffers have been proposed around the entire perimeter of the site to provide buffering to the adjacent land uses. Proposed site grading is anticipated to maintain overall drainage patterns to mimic existing hydrologic conditions.*

**2) Minimal use of wetlands and floodplains.**

*Federal 404 Wetlands and State Tidal Wetlands have been delineated onsite and are shown on the plan. Wetland buffers have been established and minimum buffers of 25 feet exist from any lots. Portions of the site lie within Special Flood Hazard Areas subject to inundation by the 1% annual flood. Development in these areas will be subject to the applicable provisions of Article XVIII Flood-Prone Districts of the Sussex County Code.*

**3) Preservation of natural and historical features.**

*A review of the National Register of Historic Places for Sussex County, Delaware indicates that there are no buildings or historical sites within the subject parcel listed (S-960; Beers Atlas of 1868). Federal 404 and State Tidal Wetlands have been established onsite and will be protected from development activities in accordance with Federal and State requirements.*

**The Extra Measure People™**

33516 Crossing Avenue, Unit 1, Lewes, DE 19958 - (302) 226-5880  
5215 West Woodmill Drive, Suite 38 - Wilmington, DE 19808 - (302) 992-7900 - Fax (302) 992-7911

**4) Preservation of open space and scenic views.**

*The current version of the site plan contains approximately 9.8 of open space which includes lawns, forested buffers, landscape areas, wetlands and stormwater management practices. A community recreational open space area which will contain passive amenities for social and recreational activities has been provided. Forested buffers will be maintained along the outer perimeter of the site and will provide for buffering of perimeter lots to adjacent properties and public roads. Open space/greenway areas will be provided and maintained by the Property Owners Association.*

**5) Minimization of tree, vegetation and soil removal and grade changes.**

*Tree and vegetation removal will be limited to those areas necessary to construct roads, utilities and stormwater management facilities. Individual lot clearing will be subject to site plan review by the POA. Since the lots will be served by onsite wastewater systems, grade changes will be minimum.*

**6) Screening of objectionable features from neighboring properties and roadways.**

*Forested buffers will be maintained along the outer perimeter of the site and will provide for buffering of perimeter lots to adjacent properties and public roads. Restrictions on clearing of the jurisdictional wetland areas will provide additional screening from adjacent properties.*

**7) Provision for water supply.**

*This site is adjacent to Tidewater Environmental Services, Inc. (TESI) water Certificate of Public Convenience and Necessity (CPCN) franchise area. Potable water, including both domestic and fire flows, will be provided through an extension of existing Tidewater Utility, Inc., service lines from the Oyster Rock subdivision along Sandbar Court.*

**8) Provision for sewage disposal.**

*Sewage disposal will be provided by onsite wastewater disposal systems regulated by the DNREC. A Wastewater Feasibility Study, approved by DNREC, indicates that LPP and elevated sand mounds or alternative system technologies will be the predominant system types.*

**9) Prevention of pollution of surface and groundwater.**

*The developer will investigate the use of BMP's as part of the overall stormwater design and implement the appropriate stormwater practices according to site conditions and maintenance considerations. All stormwater management facilities will be designed in accordance with the Delaware Sediment and Stormwater Management Regulations adopted in January 2014. Runoff reduction practices such as filter strips, biofiltration swales, and infiltration (recharge) practices will be implemented into the overall stormwater management strategy to comply with these regulations.*



# MERESTONE

## Consultants, Inc.

---

### *Civil Engineers - Land Surveyors - Site Planners*

- 10) Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.**

*Runoff reduction practices such as filter strips, biofiltration swales, and infiltration (recharge) practices will be implemented into the overall stormwater management strategy to minimize stormwater runoff volume and peak discharge rates. An open-ditch road section is being proposed to further enhance groundwater recharge.*

- 11) Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.**

*Phase 3 of Oyster Rock is located at the distal end of the subdivision and therefore traffic congestion on the roads should be minimal. A 5' paved asphalt sidewalk will be provided, at a minimum, on side of the roads to facilitate pedestrian movements.*

- 12) Effect on area property values.**

*The development and Building construction will be subject to the Covenants and Restrictions for Oyster Rock subdivision, therefore no effect on property values is anticipated.*

- 13) Preservation and conservation of farmland.**

*The subject parcel is located entirely within the Low-Density Area as shown in the Sussex County Zoning Map and Comprehensive Development Plan. Single family detached homes are permitted at two homes per acre on lots where onsite septic systems are used. The Oyster Rock, Phase 3 development proposes 21 single-family lots at a gross density of 0.73 dwelling units per acre. Currently access to this site is through the residential community of Oyster Rock. Allowing large farm equipment through residential streets would damage the streets that have been designed for residential vehicles and create safety concerns for the residents in the community. The appropriate land use for this property is the expansion of the low-density residential development.*

- 14) Effect on schools, public buildings, and community facilities.**

*This parcel lies within the Cape Henlopen School District. It is anticipated that the expansion of Oyster Rock with an additional 21 single-family homes will have a negligible effect on schools and other public facilities.*

- 15) Effect on area roadways and public transportation.**

*The Oyster Rock, Phase 3 development proposes 21 residential single-family building lots; at a gross density of 0.73 units per acre. We estimate the trip generation of the project at 206 vehicle trips per day and 25 vehicle trips per hour in the evening peak hour. This expansion should have a minimal impact on public roadways and transportation facilities. The Developer will coordinate any required entrance improvements with Del DOT.*

**The Extra Measure People™**

33516 Crossing Avenue, Unit 1, Lewes, DE 19958 - (302) 226-5880  
5215 West Woodmill Drive, Suite 38 - Wilmington, DE 19808 - (302) 992-7900 - Fax (302) 992-7911

**16) Compatibility with other area land uses.**

*The site is adjacent to residential land uses to the south and east. The Oyster Rock, Phase 3 development, consisting of 21 single-family lots, is an extension (infill) of the existing Oyster Rock subdivision and would be considered an appropriate land use.*

**17) Effect on area waterways.**

*The site drains to Crooked Creek, a tributary of the Broadkill River. Stormwater management will be provided in accordance with the Delaware Sediment and Stormwater Regulations. Erosion and sediment control measures will be implemented during construction in accordance with DNREC requirements to minimize impacts to surrounding waterways and wetlands. Runoff from agricultural uses is often heavily loaded with sediment, nitrogen, and phosphorus. By developing the subject parcel, there should be a reduction in pollutant loads and an overall improvement in water quality by converting the existing agricultural land use into a residential community with stormwater facilities designed in accordance with current State of Delaware regulatory requirements.*

If you should have any questions, comments or wish to discuss in further detail, please contact me at your earliest convenience at 302-226-5880 (ext #103).

Sincerely,

Roger A. Gross, P.E.  
Merestone Consultants, Inc.  
Encl.

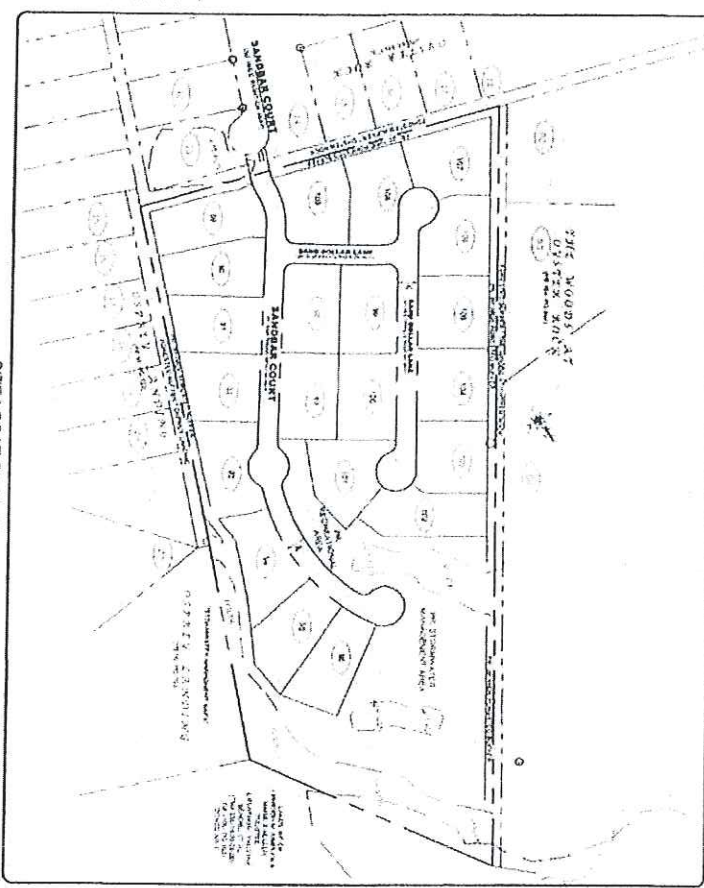
Cc: John Vincent, John Sergovic





Transaction ID 65892240 Case No. 11095-VCC

PRELIMINARY RECORD PLAN PREPARED FOR: THE ESTUARY AT OYSTER ROCK

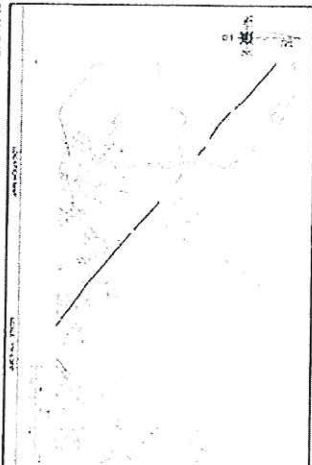


SITE LOCATION PLAN SCALE: 1"=150' PARCEL ID NO.: 235-16-00-45.01 SITUATE IN BROADKILL HUNDRED SUSSEX COUNTY * STATE OF DELAWARE

Table with columns for 'Parcel ID', 'Area', 'Use', 'Zoning', 'Assessment', etc. It lists various parcels and their associated details.

NOTES OF THE UNITED STATES DISTRICT COURT... THE BOARD OF SUPERVISORS... THE BOARD OF SUPERVISORS... THE BOARD OF SUPERVISORS...

PLANNING CERTIFICATION... THE BOARD OF SUPERVISORS... THE BOARD OF SUPERVISORS... THE BOARD OF SUPERVISORS...

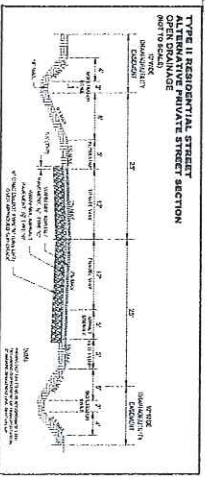
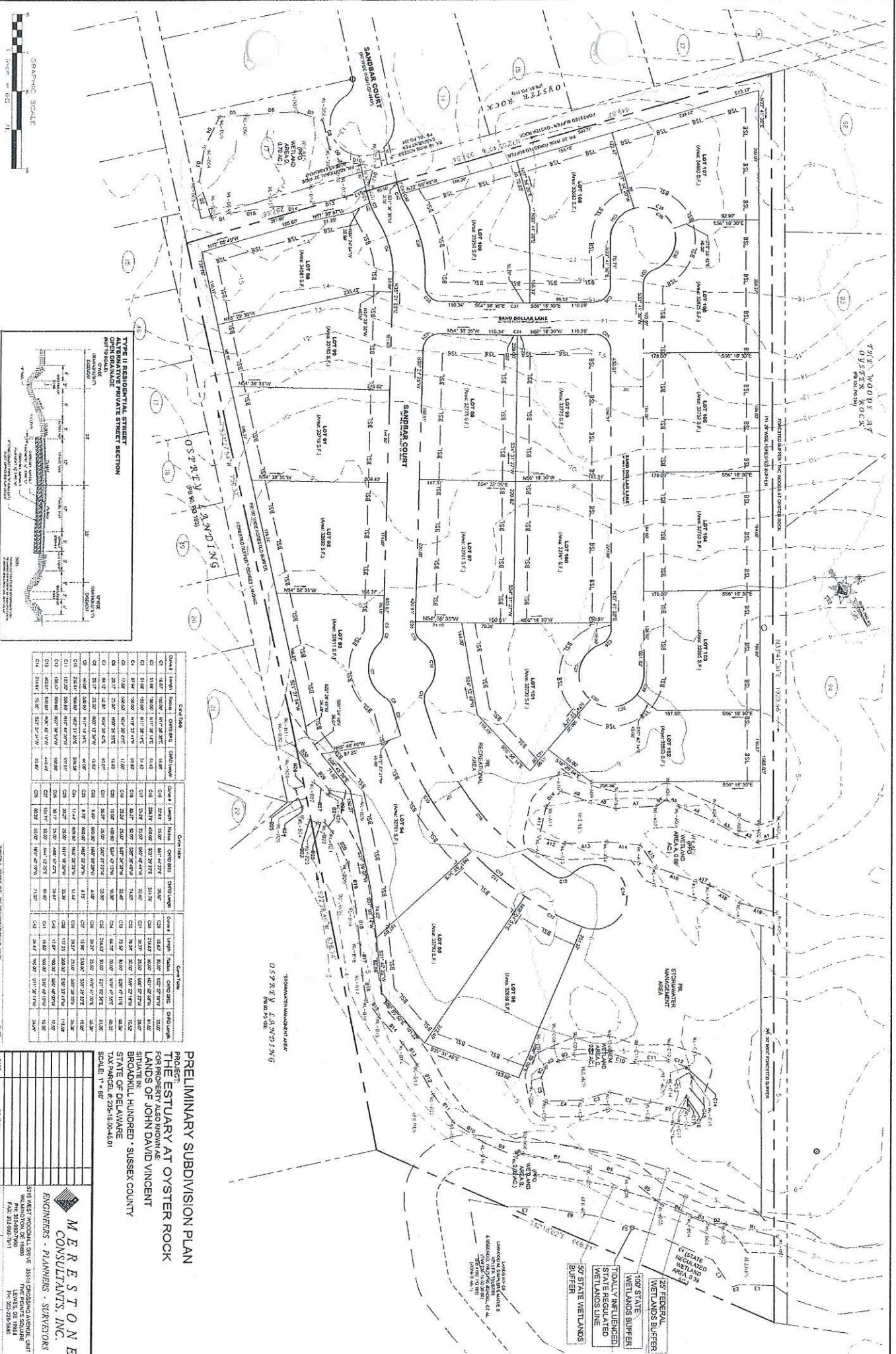


PLANNING DATA... THE BOARD OF SUPERVISORS... THE BOARD OF SUPERVISORS... THE BOARD OF SUPERVISORS...

Merestone Engineers - Planners - Surveyors logo and contact information. Includes address: 2315 W. Woodland Drive, Dover, DE 19904. Phone: 302-338-7711.

EXHIBIT "A"





Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
LOT 1	10,000	10,000	10,000	10,000
LOT 2	10,000	10,000	10,000	10,000
LOT 3	10,000	10,000	10,000	10,000
LOT 4	10,000	10,000	10,000	10,000
LOT 5	10,000	10,000	10,000	10,000
LOT 6	10,000	10,000	10,000	10,000
LOT 7	10,000	10,000	10,000	10,000
LOT 8	10,000	10,000	10,000	10,000
LOT 9	10,000	10,000	10,000	10,000
LOT 10	10,000	10,000	10,000	10,000
LOT 11	10,000	10,000	10,000	10,000
LOT 12	10,000	10,000	10,000	10,000
LOT 13	10,000	10,000	10,000	10,000
LOT 14	10,000	10,000	10,000	10,000
LOT 15	10,000	10,000	10,000	10,000
LOT 16	10,000	10,000	10,000	10,000
LOT 17	10,000	10,000	10,000	10,000
LOT 18	10,000	10,000	10,000	10,000
LOT 19	10,000	10,000	10,000	10,000
LOT 20	10,000	10,000	10,000	10,000
LOT 21	10,000	10,000	10,000	10,000
LOT 22	10,000	10,000	10,000	10,000
LOT 23	10,000	10,000	10,000	10,000
LOT 24	10,000	10,000	10,000	10,000
LOT 25	10,000	10,000	10,000	10,000
LOT 26	10,000	10,000	10,000	10,000
LOT 27	10,000	10,000	10,000	10,000
LOT 28	10,000	10,000	10,000	10,000
LOT 29	10,000	10,000	10,000	10,000
LOT 30	10,000	10,000	10,000	10,000
LOT 31	10,000	10,000	10,000	10,000
LOT 32	10,000	10,000	10,000	10,000
LOT 33	10,000	10,000	10,000	10,000
LOT 34	10,000	10,000	10,000	10,000
LOT 35	10,000	10,000	10,000	10,000
LOT 36	10,000	10,000	10,000	10,000
LOT 37	10,000	10,000	10,000	10,000
LOT 38	10,000	10,000	10,000	10,000
LOT 39	10,000	10,000	10,000	10,000
LOT 40	10,000	10,000	10,000	10,000
LOT 41	10,000	10,000	10,000	10,000
LOT 42	10,000	10,000	10,000	10,000
LOT 43	10,000	10,000	10,000	10,000
LOT 44	10,000	10,000	10,000	10,000
LOT 45	10,000	10,000	10,000	10,000
LOT 46	10,000	10,000	10,000	10,000
LOT 47	10,000	10,000	10,000	10,000
LOT 48	10,000	10,000	10,000	10,000
LOT 49	10,000	10,000	10,000	10,000
LOT 50	10,000	10,000	10,000	10,000
LOT 51	10,000	10,000	10,000	10,000
LOT 52	10,000	10,000	10,000	10,000
LOT 53	10,000	10,000	10,000	10,000
LOT 54	10,000	10,000	10,000	10,000
LOT 55	10,000	10,000	10,000	10,000
LOT 56	10,000	10,000	10,000	10,000
LOT 57	10,000	10,000	10,000	10,000
LOT 58	10,000	10,000	10,000	10,000
LOT 59	10,000	10,000	10,000	10,000
LOT 60	10,000	10,000	10,000	10,000
LOT 61	10,000	10,000	10,000	10,000
LOT 62	10,000	10,000	10,000	10,000
LOT 63	10,000	10,000	10,000	10,000
LOT 64	10,000	10,000	10,000	10,000
LOT 65	10,000	10,000	10,000	10,000
LOT 66	10,000	10,000	10,000	10,000
LOT 67	10,000	10,000	10,000	10,000
LOT 68	10,000	10,000	10,000	10,000
LOT 69	10,000	10,000	10,000	10,000
LOT 70	10,000	10,000	10,000	10,000
LOT 71	10,000	10,000	10,000	10,000
LOT 72	10,000	10,000	10,000	10,000
LOT 73	10,000	10,000	10,000	10,000
LOT 74	10,000	10,000	10,000	10,000
LOT 75	10,000	10,000	10,000	10,000
LOT 76	10,000	10,000	10,000	10,000
LOT 77	10,000	10,000	10,000	10,000
LOT 78	10,000	10,000	10,000	10,000
LOT 79	10,000	10,000	10,000	10,000
LOT 80	10,000	10,000	10,000	10,000
LOT 81	10,000	10,000	10,000	10,000
LOT 82	10,000	10,000	10,000	10,000
LOT 83	10,000	10,000	10,000	10,000
LOT 84	10,000	10,000	10,000	10,000
LOT 85	10,000	10,000	10,000	10,000
LOT 86	10,000	10,000	10,000	10,000
LOT 87	10,000	10,000	10,000	10,000
LOT 88	10,000	10,000	10,000	10,000
LOT 89	10,000	10,000	10,000	10,000
LOT 90	10,000	10,000	10,000	10,000
LOT 91	10,000	10,000	10,000	10,000
LOT 92	10,000	10,000	10,000	10,000
LOT 93	10,000	10,000	10,000	10,000
LOT 94	10,000	10,000	10,000	10,000
LOT 95	10,000	10,000	10,000	10,000
LOT 96	10,000	10,000	10,000	10,000
LOT 97	10,000	10,000	10,000	10,000
LOT 98	10,000	10,000	10,000	10,000
LOT 99	10,000	10,000	10,000	10,000
LOT 100	10,000	10,000	10,000	10,000

**PRELIMINARY SUBDIVISION PLAN**  
**ESTUARY AT OYSTER ROCK**  
 FOR THE USE OF JOHN DAVID VINCENT  
 LANDS OF JOHN DAVID VINCENT  
 BROADKILL HUNDRED, SUSSEX COUNTY  
 STATE OF DELAWARE  
 TAX PARCEL # 235-18-00-45-01  
 SCALE: 1" = 80'

**MERESTONE CONSULTANTS, INC.**  
 ENGINEERS - PLANNERS - SUBDIVISIONS

STATE OF DELAWARE  
 MERESTONE CONSULTANTS, INC.  
 305 S. MARKET STREET, SUITE 200  
 WILMINGTON, DE 19801  
 PHONE: 302.479.7800  
 FAX: 302.479.7811  
 LICENSE NO. 10088  
 EXPIRES 09/30/2024

DATE: 08/15/2024  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 PROJECT NO: 235-18-00-45-01



Prepared by and Return to: Monzack Mersky  
Browder and Hochman, P.A.  
1201 North Orange Street  
Suite 400  
Wilmington, DE 19801

### EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made as of the ___ day of _____, 2020, by and between Fairways Holdings, LLC, a Delaware limited liability company ("Grantor"), and GoldFund, LLC, a Delaware limited liability company ("Grantee").

### RECITALS

A. **WHEREAS**, Grantor is the owner of certain real property in the subdivision known as Oyster Rock located in Sussex County, being further identified as Lot 13, Tax Parcel Number 2-35-16.00-92.00 (the "Grantor's Property"); and

B. **WHEREAS**, Grantee has requested an easement on a portion of the Grantor's Property which Grantor is willing to provide subject to the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee, intending to be legally bound, hereby agree as follows:

1. Recitals A and B are incorporated by reference and made a part of this Agreement.
2. Grantee shall have the right of access to the easement reflected on the Easement Plan attached as Exhibit A and incorporated by reference and described in the Legal Description attached as Exhibit B and incorporated by reference (the "Easement Area").
3. Grantor shall have no responsibility whatsoever under this Agreement for any maintenance or repair of the Easement Area.
4. Grantor agrees not to construct any above ground structures or improvements within the Easement Area granted by this Agreement.
5. It is the intent of Grantee to assign this Easement Area to John and Judy Vincent (the "Vincent's") as owners of the property identified on the Sussex County Tax Map as Tax Parcel Number 2-35-16.00-12.01 so long as the Vincent's comply with Section III of that certain Settlement Agreement and Stipulation Order Thereon between the Vincent's as Plaintiffs and numerous other defendants further identified in Civil Action Number 11095-VCG in the Court of Chancery for the State of Delaware. In the event the Vincent's do not comply with the provisions

EXHIBIT "C"

of Section III, Grantee shall have the absolute and unconditional right to terminate this Agreement.

6. Grantor and Grantee agree that the terms, conditions and covenants of this Agreement shall bind and inure to the benefit of the parties and their respective successors and assigns, and all other subsequent owners of any portion of the properties affected by this Agreement.

7. Nothing contained in this Agreement shall in any way be construed to impose liability on Grantor for the conduct or acts of the Grantee, or its employees, agents, contractors, guests or invitees, nor shall anything in this Agreement be construed as creating a joint venture, partnership or other relationship between the parties other than as grantor and grantee of the easement created herein.

8. Grantee agrees to protect, exonerate, defend, indemnify and hold Grantor, its successors and assigns, harmless from and against any and all claims, actions, proceedings, losses, damages, costs, liabilities and expenses of any kind, including, without, limitation, costs and reasonable attorneys' fees, asserted against or incurred by Grantor arising from or relating to the Grantee's activities in connection with the easement granted herein and/or its exercise of its rights and privileges hereunder.

9. Throughout the term of this Agreement, Grantee shall procure and maintain (or cause to be procured and maintained) general and/or comprehensive public liability insurance against claims for personal injury, death, or property damage occurring upon the Easement Area, in such amounts as are customary for similar properties located within Sussex County, Delaware. Such insurance shall be procured through companies that are authorized to do business in the State of Delaware and are reasonably satisfactory to Grantor. Grantor shall be named as an additional insured on such policies of insurance which shall afford minimum protection for a combined single limit of \$2,000,000. Grantor shall be furnished with a Certificate of Insurance annually reflecting the above coverage which shall provide that the policy shall not be terminated or cancelled without thirty (30) days' prior notice to Grantor.

10. Grantor shall have no obligation to perform any work or supply any service of any kind with respect to the Easement Area.

11. The easement granted hereby is subject to all present and future laws, ordinances, rules, regulations and orders of Sussex County and the State of Delaware and any administrative agency of either of them and to all matters of record. Nothing contained herein shall be construed as permitting any action or condition prohibited by such laws, ordinances, rules, regulations, orders or matters of record.

12. This Agreement, once executed and delivered, shall not be modified, supplemented or altered in any respect except by a writing signed by Grantor and Grantee, or their respective successors or assigns in title.

**[signature page follows]**



IN WITNESS WHEREOF, the parties hereto have caused this Easement Agreement to be duly executed as of the day and year first above written.

WITNESS:

**FAIRWAYS HOLDINGS, LLC**

_____

By: _____ (SEAL)

Mark L. Handler  
Authorized Signatory

STATE OF DELAWARE :  
                                          : SS.  
_____ COUNTY :

**BE IT REMEMBERED** that on this ____ day of _____ 2020, personally appeared before me the undersigned, a Notary Public for the State and County aforesaid, Mark L. Handler, Authorized Signatory of Fairways Holdings, LLC, party to this Easement Agreement, known to me personally to be such, and acknowledged this Easement to be his act and deed and the act and deed of said corporation that the signature of the Authorized Signatory is in his own proper handwriting, that the seal affixed is the common or corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering of said Easement was duly authorized by the corporation.

GIVEN under my hand and seal of office, the day and year aforesaid.

_____  
Notary Public

My Commission Expires: _____

WITNESS:

GoldFund, LLC

_____

By: _____ (SEAL)

Mark L. Handler  
Authorized Signatory

STATE OF DELAWARE :  
                                  : SS.  
_____ COUNTY :

**BE IT REMEMBERED** that on this ____ day of _____ 2020, personally appeared before me the undersigned, a Notary Public for the State and County aforesaid, Mark L. Handler, Authorized Signatory of GoldFund, LLC, party to this Easement Agreement, known to me personally to be such, and acknowledged this Easement to be his act and deed and the act and deed of said corporation that the signature of the Authorized Signatory is in his own proper handwriting, that the seal affixed is the common or corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering of said Easement was duly authorized by the corporation.

GIVEN under my hand and seal of office, the day and year aforesaid.

_____  
Notary Public

My Commission Expires: _____



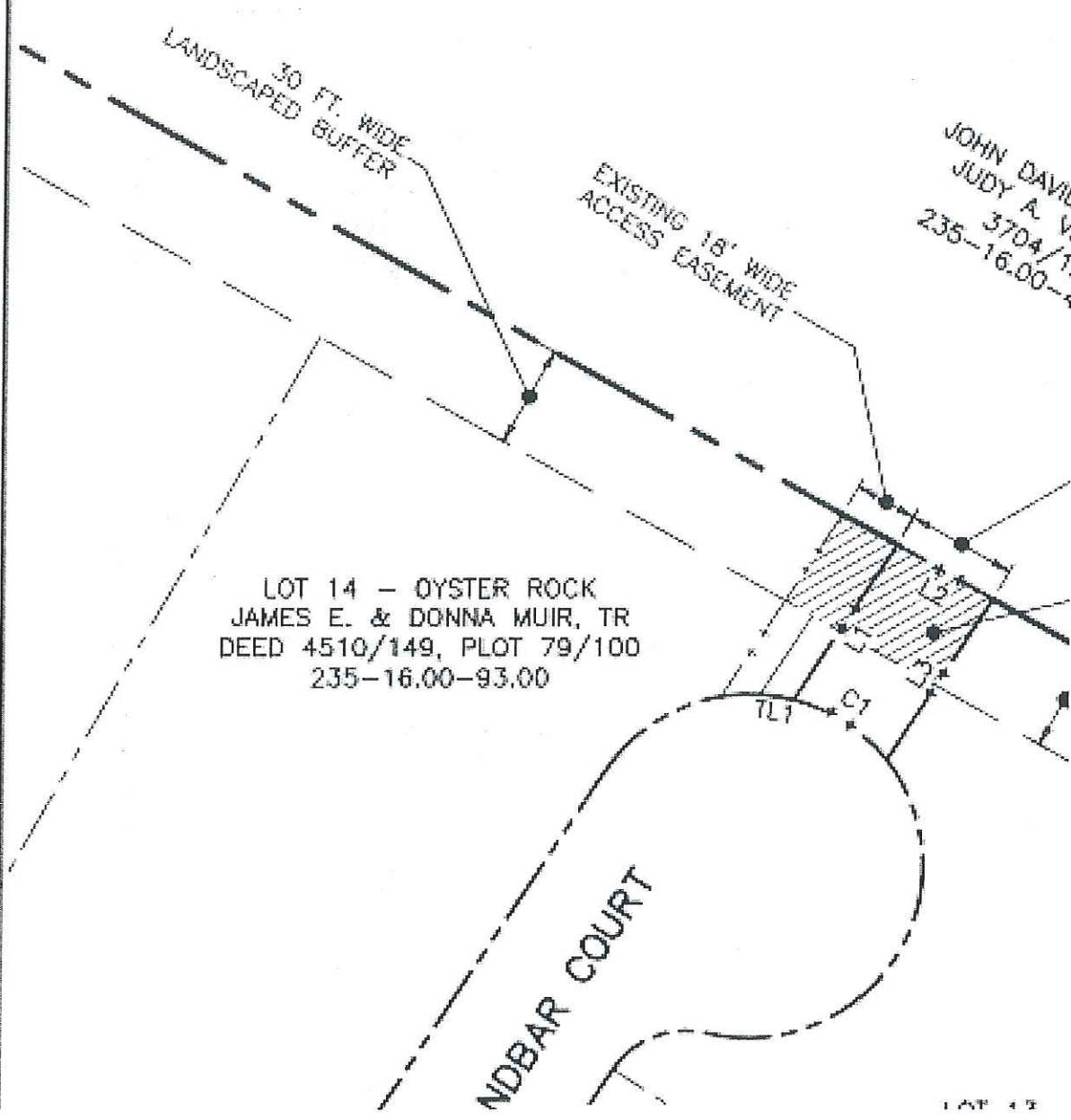
EXHIBIT A

CURVE TABLE

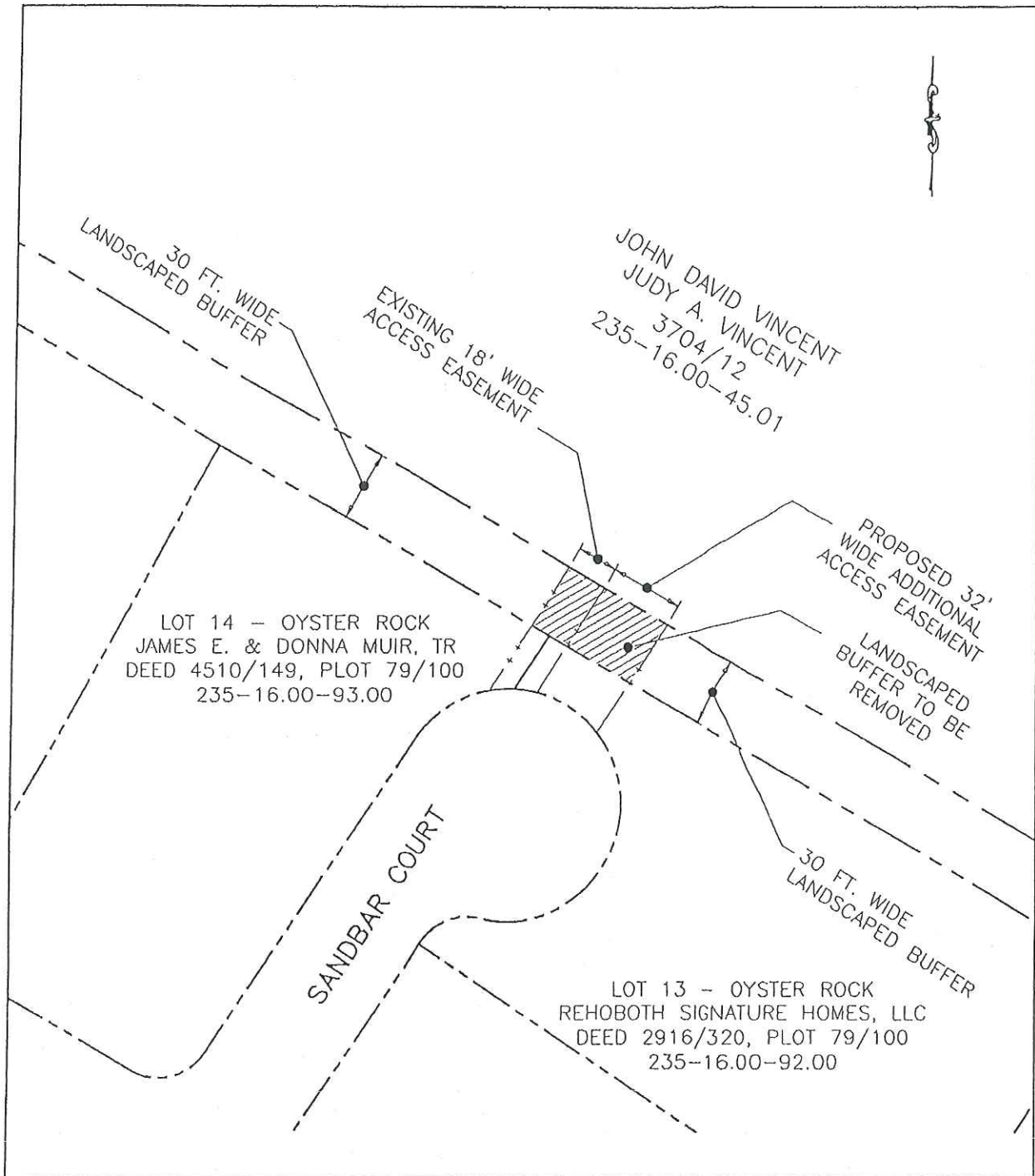
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	32.57'	32.00'	N 56°45'18" W	37°19'33"

TIE-LINE TABLE

LINE	BEARING	DISTANCE
TL1	S 81°05'11" E	9.88'



2010-10-4 9am



DAVIS,  
BOWEN &  
FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-8091  
MILFORD, DELAWARE (302) 424-1441

ACCESS EASEMENT  
FOR THE BENEFIT OF  
JOHN DAVID & JUDY A.  
VINCENT  
BROADKILL HUNDRED  
SUSSEX COUNTY, DELAWARE

Date: 05/24/17

Scale: 1"=60'

Proj.No.: 1141R001



EXHIBIT B  
LEGAL DESCRIPTION  
ACCESS EASEMENT

LOT 13

OYSTER ROCK

January 17, 2020

All that strip, piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Sandbar Court and located in Broadkill Hundred, Sussex County, Delaware; said strip, piece or parcel of land being more particularly described as follows:

**BEGINNING** at a point formed by the intersection of the northeasterly right-of-way line of said Sandbar Court with the southeasterly line of an existing 18 foot wide access easement, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Plot Book 79, Page 100; said beginning point bears South 81 degrees 05 minutes 11 seconds East 9.88 feet from a point formed by the intersection of said northeasterly right-of-way line of Sandbar Court with the southeasterly line of Lot 14 of Oyster Rock; thence,

1) leaving said Sandbar Court and running by and with said 18 foot wide access easement, North 33 degrees 14 minutes 42 seconds East 53.88 feet to a point on the southerly line of the lands of, now or formerly, John David Vincent and Judy A. Vincent, as recorded in said Office of the Recorder of Deeds in Deed Book 3704, Page 12, thence,

2) leaving said 18 foot wide access easement and running by and with said Vincent lands, South 60 degrees 21 minutes 28 seconds East 32.06 feet to a point, thence,

3) leaving said Vincent lands and running through a 30 foot wide Landscaped Buffer and also running through Lot 13 of Oyster Rock, South 33 degrees 14 minutes 42 seconds West 55.89 feet to a point on said northeasterly right-of-way line of Sandbar Court, thence,

4) running by and with said Sandbar Court with a curve deflecting to the left having an arc length of 32.57 feet, a radius of 50.00 feet and a chord bearing and distance of North 56 degrees 45 minutes 18 seconds West 32.00 feet to the point and place of beginning;

**CONTAINING** 1,700 square feet of land, more or less.

S:\1141\1141R001_Vincent v Oyster Rock\Legal\Lot 13 32 ft Ease-Legal.doc

## EXHIBIT D

### SUPPLEMENTAL DECLARATION TO THE DECLARATION OF RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS FOR: A MAJOR SUBDIVISION, OYSTER ROCK SUBDIVISION

WHEREAS, the original Declaration of Reservations, Restrictions, Covenants and Easements for: a Major Subdivision, Oyster Rock Subdivision, Section One and all future Sections is recorded in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 2793 at page 58 (“the Original Declaration”).

WHEREAS, the rights to annex additional land to be subject to the Original Declaration is set forth in Article VIII of the Original Declaration.

WHEREAS, under a Settlement Agreement, to which this **EXHIBIT D** is attached, the right power and authority to annex the 30 acre tract of land described in said agreement as the Seutter Farm has been transferred from Oyster Rock Properties, LLC, the Declarant of the Original Declaration to John D. and Judy A. Vincent, the owners of the land described in the Settlement Agreement as SCTM #2-35-16.00-45.01.

NOW, THEREFORE, John D. and Judy A. Vincent, in accordance with the terms of the Settlement Agreement by and between the Plaintiffs and Defendants in the Court of Chancery, C.A. No. 11095 VCG hereby declare that the lands described in the land description attached as Schedule 1 hereto are annexed into and made



subject to the Original Declaration as additional lands and Section Three of a Major Subdivision, Oyster Rock Subdivision.

A. That the lands of John D. and Judy A. Vincent, as described in Schedule "1" hereto, for all purposes are subject to and being burdened by and benefitted by the Original Declaration of Restrictions for Oyster Rock Subdivision as if said lands had been described and included in the lands described in Deed Book 2793, page 89, *et seq.*, as recorded in the Office of the Recorder of Deeds, aforesaid, provided however, that Plaintiffs must and shall comply with all the terms and conditions of the aforesaid Settlement Agreement and the Stipulated Order thereon, including but not limited to those provisions that apply in the event the Plaintiffs fail to apply for and obtain preliminary subdivision approval or fail to obtain final record plan subdivision approval from Sussex County within five (5) years after receiving preliminary subdivision approval from the date of the Settlement Agreement to which this Exhibit is attached.

B. As provided for in Section VIII of the Settlement Agreement, this Supplemental Declaration shall be dated and recorded in the Office of the Recorder of Deeds for Sussex County no later than January 1, 2023, or upon such sooner date when the Final Subdivision plan is filed for approval by the SCP&ZC and provided further that Plaintiffs have paid 100% of the Oyster Rock annual lot assessments to the ORPOA by January 1, 2023.

IN WITNESS WHEREOF, John D. and Judy A. Vincent, under the power transferred to them under the Settlement Agreement in the Court of Chancery, C.A. No. 11095 VCG, executed this Supplemental Declaration on the ____ day of _____, _____.

_____  
Witness

_____  
John D. Vincent (SEAL)

_____  
Witness

_____  
Judy A. Vincent (SEAL)



STATE OF DELAWARE :

: ss.

COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, A.D. 20____,  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
JOHN D. VINCENT and JUDY A. VINCENT, 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

SCHEDULE 1

March 31, 2020

DESCRIPTION

Property to be conveyed by:  
John David Vincent  
Broadkill Hundred  
Sussex County, Delaware

REF: T.M. #2-35-16.00-45.01

All that certain lot, piece and parcel of land, lying and being situate in Broadkill Hundred, Sussex County, and the State of Delaware, as depicted on a Subdivision Plan prepared by Merestone Consultants, Inc., dated 5 September 2019, being known as Lands of John David Vincent, adjoining Woods at Oyster Rock subdivision as recorded in Plot Book 104 Page 294 at the Sussex County Recorder of deeds, lands now or formerly of Linwood M. Simpler, et al, and Osprey Landing subdivision as recorded in Plot Book 90 Page 193 at the Sussex County Recorder of Deeds, being more particularly described as follows, to wit:

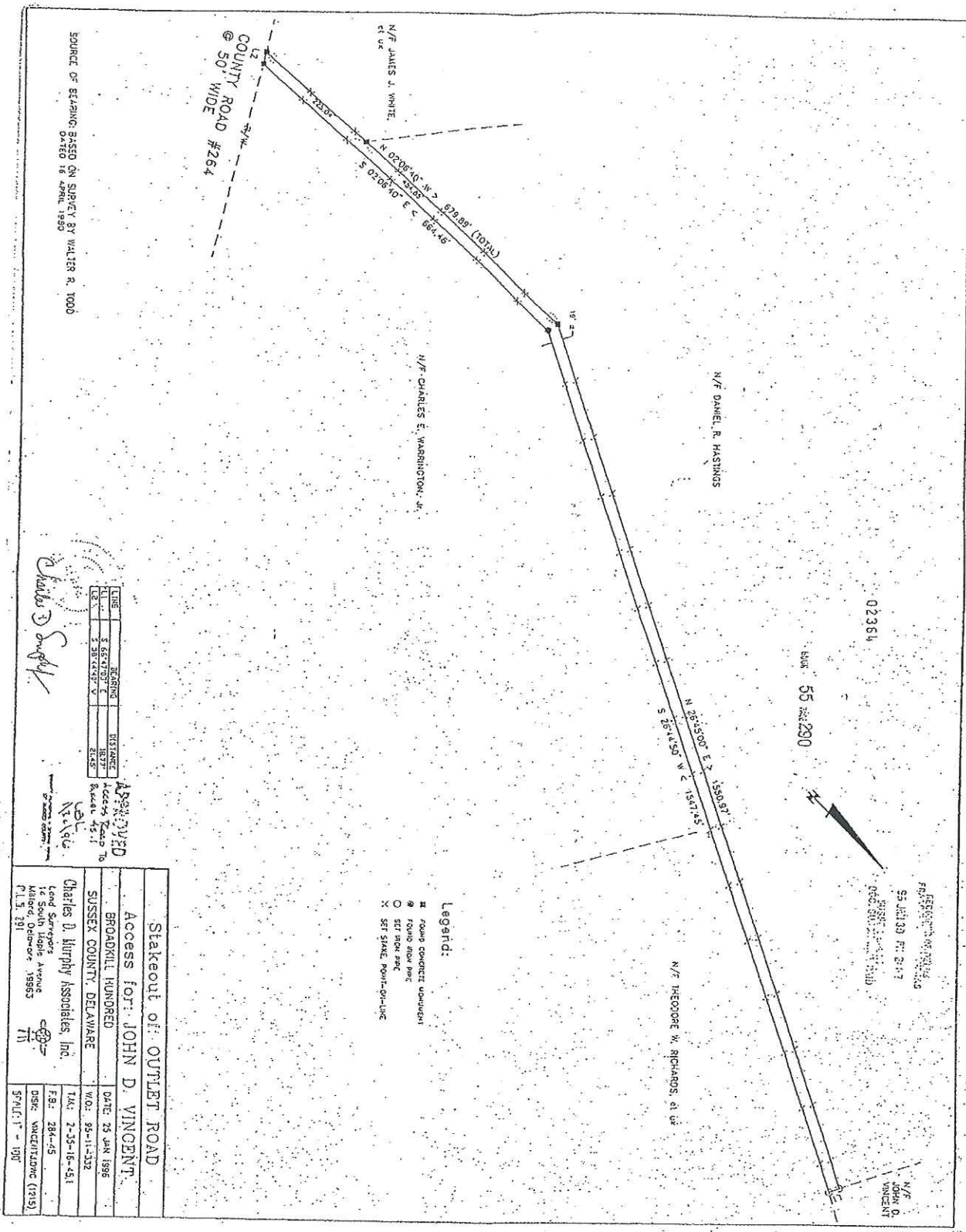
Beginning at a point at a point at a corner of a 30 foot wide buffer for the Woods at Oyster Rock said point being distant North 72 degrees 05 minutes 40 seconds West 649.87 feet from the southeasterly side of a 50 easement connecting the right of way of a cul de sac of Sandbar Court in the aforementioned Woods at Oyster Rock subdivision and the southerly line of the property herein described; thence running with the 30 foot buffer of the Woods at Oyster Rock North 33 degrees 41 minutes 30 seconds East 1929.96 feet to a point in the line of lands now or formerly of Linwood M. Simpler, et al; thence following said Simpler lands South 32 degrees 18 minutes 02 seconds East 668.21 feet to a corner for lands of Osprey Landing subdivision; thence along the line of said Osprey Landing the following two (2) courses and distances;



1. South 22 degrees 28 minutes 46 seconds West 676.74 feet to a point and,
2. South 21 degrees 27 minutes 54 seconds West 756.37 feet to a point at the corner of Woods at Oyster Rock,

thence finally proceeding with said Woods at Oyster Rock North 72 degrees 05 minutes 40 seconds West 937.54 feet to the point of beginning containing 28.80 acres of land more or less.

Desvincent.doc



SOURCE OF BEARING: BASED ON SURVEY BY WALTER R. TROD  
 DATED 18 APRIL 1959

*Charles D. Murphy*  
*Surveyor*

LINE	BEARING	DISTANCE
1	S 55° 47' 57" E	18.37'
2	S 38° 42' 57" W	81.53'

APPROVED  
 Charles D. Murphy  
 Surveyor

Stakeout of: **OUTLET ROAD**

Access for: **JOHN D. VINCENT**

**BROADKILL HUNDRED**

**SUSSEX COUNTY, DELAWARE**

Charles D. Murphy Associates, Inc.  
 Land Surveyors  
 14 South Maple Avenue  
 Milford, Delaware 19863

DATE: 29 JUN 1996  
 W.O.: 95-11-232  
 T.M.: 2-35-16-451  
 F.B.: 284-45  
 DSG: VINCENT/JAMC (1915)  
 P.L.S.: 291

- Legend:
- FOUND CORNER UNEXCAVATED
  - FOUND NEW MARK
  - SET NEW MARK
  - X SET STAKE POINT-ON-LINE

EXHIBIT "E"





AFFIDAVIT

John D. & Judy Vincent  
Name of Applicant

_____  
Petition No.

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above-mentioned petitioner. I do solemnly swear that the names and addresses are true and correct and represent a complete listing of all owners of lands within two hundred (200) feet of the subject property which is the subject of this petition.

Name: Linwood M Simpler Testamentary Trust, Marie S. Keller, Trustee of the Marie S. Keller Rev. Trust dated 2/14/01, John R. Bendel, Kathleen M. Bendel and Linwood C. Simpler  
Address: 14422 Oyster Rocks Road  
Milton, DE 19968  
SCTM: 2-35-16.00-39.00

Name: Oyster Rock Property Owners Association, Inc.  
Address: c/o Reg. Agent: Eileen Fusco,  
29993 Barnacle Court, Milton, DE 19968  
SCTM: 2-35-16.00, 42, 42.05 44.01 and 45

Name: Osprey Landing Property Owners Association  
Address: c/o Reg. Agent: Carlton Savage, 15014 Sandpiper Road, Milton, DE 19968  
SCTM: 2-35-16.00-43.00

Name: Andrew E. & Margaret Anne Schwalm  
Address: 30140 Scallop Ct., Milton DE 19968  
SCTM: 2-35-16.00-44.03

Name: John C. Spero  
Address: 3839 Pleasant Vally Rd.  
York, PA 17406  
SCTM: 2-35-16.00-44.04

Name: James S & Michele L Millner  
Address: 1335 S. Dahlia Ct  
Bel Air, MD 21015  
SCTM: 2-35-16.00-44.05

Name: Fairway Holdings, LLC  
Address: 5169 W. Woodmill Dr. Ste 10  
Wilmington, DE 19808  
SCTM: 2-35-16.00-44.06, 92.00

Name: John J Guerrieri & Dana Patterson  
Address: 30141 Scallop Court  
Milton DE 19968  
SCTM: 2-35-16.00-44.08



Name: William H & Angela L. Wheeler  
Address: 30137 Scallop Ct  
Milton, DE 19968  
SCTM: 2-35-16.00-44.09

Name: Brian R. Thomson  
Address: 15119 Oyster Shell Drive  
Milton, DE 19968  
SCTM: 2-35-16.00-90.00

Name: Laureto S & Rosalina P Bada, Jr.  
Address: 7 Murphy Ct., West Orange NJ 07052  
SCTM: 2-35-16.00-91.00

Name: James E & Donna Muir Trustees  
Address: 30275 Sandbar Ct  
Milton, DE 19968  
SCTM: SCTM: 2-35-16.00-93.00

Name: Daniel, Alison & Jennifer Montag  
Address: 15111 Oyster Shell Drive  
Milton, DE 19968  
SCTM: SCTM: 2-35-16.00-94.00

Name: Diana Harbert & Sandra Hensley  
Address: 15107 Oyster Shell Drive  
Milton, DE 19968  
SCTM: SCTM: 2-35-16.00-95.00

Name: Robert A & Cindy L Strobeck  
Address: 295 Orchard Hill Lane  
Dallastown PA 17313  
SCTM: 2-35-16.00-44.07

Name: Francis A & Elizabeth E Holland  
Address: 15103 Oyster Shell Dr  
Milton, DE 19968  
SCTM: 2-35-16.00-96.00

Name: Lisa R. Millman, Trustee  
Address: 30122 Scallop Ct.  
Milton, DE 19968  
SCTM: 2-35-16.00-97.00

Name: John H. & Lesley T. Eichten, Co-Trustees  
Address: 30130 Scallop Ct  
Milton, DE 19968  
SCTM: 2-35-16.00-98.00

Name: Robert B & Teresa L Billmyre, Jr.  
Address: 15122 Oyster Shell Drive  
Milton, DE 19968

SCTM: 2-35-16.00-125.00

Name: William P & Patricia A Martin  
Address: 15118 Oyster Shell Drive  
Milton, DE 19968  
SCTM: 2-35-16.00-126.00

Name: Steve D & Elaine H Rellihan  
Address: 15102 Oyster Shell Drive  
Milton, DE 19968  
SCTM: 2-35-16.00-127.00

Name: Geoffrey A & Sarah Fox  
Address: 15098 Oyster Shell Drive  
Milton, DE 19968  
SCTM: 2-35-16.00-128.00

Name: Charles & Mary Ann Schmid  
Address: 16958 Shingle Point Road  
Milton, DE 19968  
SCTM: 2-35-16.00-229.00

Name: Julie L. Sissel  
Address: 15017 Sandpiper Rd  
Milton, DE 18868  
SCTM: 2-35-16.00-230

Name: Richard J. & Mary Ann Bulko  
Address: 15021 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-231.00

Name: Steven & Julie Sarinelli  
Address: 33 Ash Lane  
Randolph, NJ 07869  
SCTM: 2-35-16.00-232.00

Name: Stephen & Rhenda Lakey  
Address: 15029 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-233.00

Name: Gregory D & Karen Boyd, Trustees  
Address: 15033 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-234.00

Name: Richard D. Venish, Trustee  
Address: 15037 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-235.00



Name: Matthew C & Meg L King  
Address: 15041 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-236.00

Name: Kenneth C & Ann Marie Kowrach  
Address: 15045 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-237.00

Name: John M Pascazio  
Address: 15049 Sandpiper Road  
Milton, DE 19968  
SCTM: 2-35-16.00-238.00

Name: Unknown  
Address: 12000 Old Vine Blvd, Unit 301  
Lewes, DE 19958  
SCTM: 2-35-16.00-239.00

Name: Bruce C. Hill  
Address: 16946 Hudsons Turn  
Lewes, DE 19958  
SCTM: 2-35-16.00-240.00

**The below individuals/entities are parties to a lawsuit regarding Mr. and Mrs. Vincents' property, which a Settlement Agreement was filed with the Chancery Court on 8/31/20 and Ordered by Vice Chancellor Glasscock on 9/8/20. The parties are receiving notice of the filing of this Application and hearing as part of the Settlement Agreement, even though they may not live within 200' of the subject property.**

Name: Oyster Rock Properties L.L.C.  
c/o Melvin Monzack, Esquire  
Address: 1201 North Orange Street, Suite 400  
Wilmington, DE 19801

Name: Mark L. & Ruth M. Handler  
Address: 5169 W. Woodmill Drive  
Wilmington, Delaware 19808-4067

Name: Thomas A. & Sandra P. Head  
Address: 21144 Robinsonville Road  
Lewes, Delaware 19958

Name: Marcia & Joseph S. Handler  
Address: 107 Lands End Road  
Wilmington, Delaware 19807-2519

Name: Paul T. Handler  
Address: 577 Southwood Road  
Hockessin, Delaware 19707

Name: Thomas A. & Sherry J. Head, Jr.  
Address: 21176 Robinsonville Road  
Lewes, Delaware 19958

Name: Rehoboth Signature Homes LLC,  
Address: 21144 Robinsonville Road  
Lewes, Delaware 19958

Name: Ellen Fontana  
Address: 30422 Pearl Drive  
Milton, Delaware 19968

Name: Byron T. & Lisa T. McAllister  
Address: 35948 Haven Drive, Unit 104  
Rehoboth Beach, Delaware 19971

Name: Christina H. Maull  
Address: 30470 Half Shell Road  
Milton, Delaware 19968

Name: Sarkis & Annette G. Semerjian  
Address: 2404 Fox Creek Lane  
Davidsonville, Maryland, 21035

Name: Angelo & Anna Marie Delapo  
Address: 35590 Cedar Valley Lane  
Rehoboth Beach, Delaware 19971

Name: John & Mary Quigley  
Address: 30461 Half Shell Road  
Milton, Delaware 19968

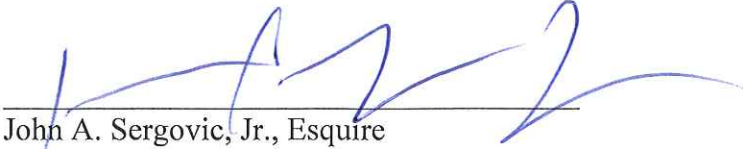
Name: Michael J. & Susan E. Irise  
Address: 30459 Half Shell Road  
Milton, Delaware 19968

Name: Scott A. & Kristina Keller  
Address: 30455 Half Shell Road  
Milton, Delaware 19968


Name: Edmond J. McGovern, III & Deborah K. Shrubbs  
Address: 15238 Star Fish Court  
Milton, Delaware 19968



Name: Norma V. Martin  
Address: 15240 Star Fish Court  
Milton, Delaware 19968

  
_____  
John A. Sergovic, Jr., Esquire  
Signature of Authorized Agent

SWORN to and subscribed before me this 31st day of August, 2020.

  
_____  
Notary Public





**GRANTED**

EF [ ]: Sep 08 2020 04:36PM EDT  
Transaction ID: 65911013  
Case No. 11095-VCG



**IN THE COURT OF CHANCERY IN THE STATE OF DELAWARE**

JOHN D. VINCENT and JUDY A. VINCENT,

C.A. No. 11095-VCG

Plaintiffs,

v.

OYSTER ROCK PROPERTIES L.L.C.,  
REHOBOTH SIGNATURE HOMES  
LLC, MARK L. HANDLER and RUTH  
M. HANDLER, THOMAS A. HEAD  
and SANDRA P. HEAD, MARCIA  
HANDLER, JOSEPH S. HANDLER,  
PAUL T. HANDLER, THOMAS A.  
HEAD, JR. and SHERRY J. HEAD,  
OYSTER ROCK PROPERTY  
OWNERS ASSOCIATION, INC.,  
ELLEN FONTANA, BYRON T.  
MCALLISTER and LISA T.  
MCALLISTER, CHRISTINA H.  
MAULL, SARKIS SEMERJIAN and  
ANNETTE G. SEMERJIAN, ANGELO  
DELAPO and ANNA MARIE  
DELAPO, JOHN QUIGLEY and MARY:  
QUIGLEY, MICHAEL J. IRISE and  
SUSAN E. IRISE, SCOTT KELLER  
and KRISTINA KELLER, EDMOND  
J. MCGOVERN, III, and DEBORAH  
K. SHRUBB and NORMA V. MARTIN,:

Defendants.





IN THE COURT OF CHANCERY IN THE STATE OF DELAWARE

JOHN D. VINCENT and JUDY A. : C.A. No. 11095-VCG  
VINCENT, :

Plaintiffs, :

v. :

OYSTER ROCK PROPERTIES L.L.C., :  
REHOBOTH SIGNATURE HOMES :  
LLC, MARK L. HANDLER and RUTH :  
M. HANDLER, THOMAS A. HEAD :  
and SANDRA P. HEAD, MARCIA :  
HANDLER, JOSEPH S. HANDLER, :  
PAUL T. HANDLER, THOMAS A. :  
HEAD, JR. and SHERRY J. HEAD, :  
OYSTER ROCK PROPERTY :  
OWNERS ASSOCIATION, INC., :  
ELLEN FONTANA, BYRON T. :  
MCALLISTER and LISA T. :  
MCALLISTER, CHRISTINA H. :  
MAULL, SARKIS SEMERJIAN and :  
ANNETTE G. SEMERJIAN, ANGELO :  
DELAPO and ANNA MARIE :  
DELAPO, JOHN QUIGLEY and MARY :  
QUIGLEY, MICHAEL J. IRISE and :  
SUSAN E. IRISE, SCOTT KELLER :  
and KRISTINA KELLER, EDMOND :  
J. MCGOVERN, III, and DEBORAH :  
K. SHRUBB and NORMA V. MARTIN, :

Defendants. :

## SETTLEMENT AGREEMENT AND STIPULATED ORDER THEREON

The parties to the above-captioned action and Non-Parties Fairway Holdings LLC and Gold Fund LLC by and through counsel of record, agree to settle and dismiss this action based on the terms and conditions of this Agreement.

### I. Development of Vincent Lands

Plaintiffs hereby commit to develop their 30 acre tract of land, referred to in this action as the “Seutter Farm”, which is identified on the Sussex County Tax Map as Parcel 2-35-16.00-45.01 as a residential subdivision consisting of 21 lots, with each lot containing a minimum square footage of  $\frac{3}{4}$  of an acre, as said development is depicted on the proposed Preliminary Subdivision Plan prepared by Merestone Consultants as depicted on **EXHIBIT A** hereto. For the purposes of this Agreement, Plaintiffs’ proposed development will be referred to as The Estuary At Oyster Rock Addition to the Oyster Rock subdivision, (“The Estuary At Oyster Rock.”)

II. If Plaintiffs comply with all the pre-conditions and on or before the dates provided for herein, for the purpose of providing access to The Estuary At Oyster Rock, Plaintiffs will be provided with a 50-foot wide access easement over the existing street rights-of-way in Oyster Rock between the entrance on Oyster Rock Road and the cul-de-sac on Sandbar Court as depicted on **EXHIBIT B** to this Agreement. The existing easement connecting Sandbar Court to The Estuary At



Oyster Rock is 18 feet in width and the additional 32 feet required to expand the width of that entrance to a 50-foot right-of-way will be located on Oyster Rock Lot 13. The scope of the easement is set forth in **EXHIBIT "C"** attached hereto. The easement will be assigned by Gold Fund, LLC, the Grantee under Exhibit "C" to the Plaintiff upon the Plaintiff complying with all preconditions within the time required as herein provided.

III. Plaintiffs agree to file their preliminary subdivision application within 30 days from the date this agreement is signed by all parties. After Plaintiffs obtain preliminary subdivision approval for The Estuary At Oyster Rock, access to The Estuary At Oyster Rock shall be provided to Plaintiffs for the purpose of allowing Plaintiffs to conduct land development activities permitted by Sussex County by the granting of a temporary construction easement which will, by its terms, expire, terminate and become null and void if the Vincent subdivision does not receive final subdivision approval within a period of 5 years following the date of the first Sussex County Planning and Zoning Commission ("SCP&ZC") hearing following the filing of the application. Prior to granting a permanent 50-foot wide access easement in recordable form, Defendants agree to provide Plaintiffs, upon written request, with a written commitment, in such form as may be required by SCP&ZC, acknowledging that Defendant ORPOA has agreed to grant a permanent easement to be recorded in the Office of the Recorder of Deeds after Plaintiffs obtain final subdivision approval.

IV. Access Easement Improvements

Plaintiffs shall be solely responsible for the costs of any improvements to the Sandbar Court access area which are needed and required to develop their property as an addition to the Oyster Rock subdivision.

V. Costs of Developing The Estuary At Oyster Rock to Oyster Rock

Plaintiffs shall be solely responsible and liable for the payment of all costs and expenses related to the planning, design, application, approval, obtaining permits, paying fees and the construction of The Estuary At Oyster Rock to Oyster Rock subdivision, including the base and top coat paving of the expanded access area between Sandbar Court cul-de-sac and the Vincent property line and the base and top coat paving of the streets and the completion of all infrastructure in and upon The Estuary At Oyster Rock lands, including all common area development and the approval of the same by Sussex County and all governmental agencies having permit and approval authority.

VI. Declaration to Approve The Estuary At Oyster Rock as an Addition to Oyster Rock Subdivision

Section 8.01 and 8.02 of the Declaration of Reservations, Restrictions, Covenants and Easements (hereafter "Restrictions") for Oyster Rock reserved unto Oyster Rock Properties, LLC, the original declarant/developer, its successors and



assigns, the right to approve the addition of supplemental lands to Oyster Rock by the filing of a Supplemental Declaration, on the express condition that said supplemental land would, upon the filing of the Supplemental Declaration become a part of the Oyster Rock subdivision and the lots proposed within the supplemental addition shall automatically become members of the Oyster Rock Property Owners Association (“ORPOA”) and Plaintiffs, their assignees, successors and assigns and all purchasers of said lots shall be responsible for paying their pro-rata portion of all lot owner assessments levied and collected by the ORPOA and, further provided, that said association shall become the title owner of the common areas and streets once the same have been constructed and approved by the County in The Estuary At Oyster Rock, with said rights, duties and obligations of the Plaintiffs, their assignees, successors and assigns and the lot owners within or upon the supplemental lands being subject to and bound by the Oyster Rock Restrictions dated January 4, 2003 and recorded in the Office of the Recorder of Deeds in Deed Book 2793, page 058 et seq, and all subsequent amendments thereto.

The power and authority of the Oyster Rock Properties, LLC to annex additional land to the Oyster Rock subdivision pursuant to Sections 8.01 and 8.02 required that any such Supplemental Declaration must be exercised and recorded prior to the expiration of 20 years from the date the Declaration of Restrictions was recorded on January 15, 2003. The parties hereto agree that the proper exercise of

that power by Declarant's assignee prior to the January 14, 2023 expiration date shall continue and preserve the right of the Declarant's assignee to continue beyond said expiration date, with the development of the additional lands pursuant to and in accordance with all the terms and conditions of this agreement.

VII. The parties agree that Oyster Rock Properties, LLC ("Original Developer") is authorized to declare a Supplemental Declaration for the 30 acres, more or less, of lands owned by the Vincent's under Section 8.01 and Section 8.02 of the Restrictions and has the legal right to transfer the right to annex future sections to any other persons. Under Section 8.02 the Original Developer hereby transfers its right to submit a Supplemental Declaration to the Plaintiffs, solely for and limited to the 30-acre The Estuary At Oyster Rock, which adjoins, in part, the lands subject to the ORPOA Restrictions. The Vincent's consent to the transfer to them of the right to declare a Supplemental Declaration solely for and limited to The Estuary At Oyster Rock under Section 8.02 of the Restrictions. The Association consents to the Supplemental Declaration to be declared by the Vincent's solely upon and limited to The Estuary At Oyster Rock under Sections 8.01 and 8.02 of the Original Declaration. The Supplemental Declaration attached hereto as **Exhibit D** is agreed upon by the parties as the Supplemental Declaration for The Estuary At Oyster Rock to the Oyster Rock subdivision.

VIII. The parties further agree that the Form of Supplemental Declaration attached as **Exhibit D** shall be dated and recorded by the Plaintiffs no later than January 1, 2023, or upon such sooner date when the Final Subdivision Plan is filed for approval by the SCP&ZC, and provided further is also the date by which the Plaintiff is required to begin the payment to the ORPOA of 100% of the annual lot assessments for all 21 lots within The Estuary At Oyster Rock Addition to the Oyster Rock Subdivision on the payment schedule as hereinafter provided. The maximum monetary limits of the annual ORPOA lot assessment (which is currently \$600 per lot per year) to be paid to the Association by the Plaintiffs on each The Estuary At Oyster Rock lot shall be equal to the assessment and payment of 50% of the annual assessment on the 21 lots in The Estuary At Oyster Rock, which shall be paid to the ORPOA on January 1, 2022 and the payment of 100% of said annual assessment after, at a minimum, Preliminary Subdivision Plan approval of the 21 lots in The Estuary At Oyster Rock said payment being due and payable no later than January 1, 2023, and continuing thereafter at the 100% per year payment rate on the first day of each year.

IX. The Plaintiffs agree that their lands (Tax Parcel 2-35-16.00-45.01) will only be used to develop the 21 lot residential subdivision of The Estuary At Oyster Rock lands as submitted and approved in the preliminary subdivision application, reserving the right of the Plaintiff to reconfigure the layout of the 21 lots as may be



required or allowed by applicable governmental regulations after preliminary approval and prior to Final Approval of the 21 Lot Subdivision by SCP&ZC, provided that a maximum of 21 lots shall be created within The Estuary At Oyster Rock with each lot containing no less than  $\frac{3}{4}$  an acre of land. Further, following preliminary subdivision approval, the Plaintiffs agree to diligently pursue, submit and obtain all governmental permits and approvals required to be submitted to SCP&Z which are required to obtain Final Subdivision approval within five years of the date of the first public hearing on the preliminary subdivision application.

X. Upon the completion of construction of the road improvements in The Estuary At Oyster Rock, within the time periods allowed under Sussex County Code § 99-31, all of the paved finish (top coat) grade streets and common areas within The Estuary At Oyster Rock to Oyster Rock Subdivision, following final approval thereof by Sussex County Engineering Department and/or its designees and after the payment to Sussex County of all fees and upon the release by Sussex County of all bonds or guaranties placed under Sussex County Code § 91-32, related to the completed construction of the streets and common areas in The Estuary At Oyster Rock, shall be deeded free and clear of all liens and encumbrances, at Plaintiffs' sole expense, to the ORPOA without the payment of any compensation for said transfer by the ORPOA, provided that upon and after the recording of said deed, the ORPOA agrees to assume and undertake the sole responsibility for all future maintenance

and upkeep of said roads and common areas, subject to the right of the POA to assess and collect dues payments sufficient in amount to defray the entire costs of maintaining those improvements, including a dues component to be set aside for a reserve fund to maintain and replace the streets and common areas in The Estuary At Oyster Rock in the future pro-rata with all lots assessable by the ORPOA. Upon the deeding of the finished streets and common areas within The Estuary At Oyster Rock to the ORPOA, the ORPOA agrees to execute a permanent easement granting to the owners of The Estuary At Oyster Rock land, their successors and assigns, perpetual access to and from the Vincent lands over the streets belonging to the ORPOA. The cost of preparing and recording the permanent easement shall be paid for by the Plaintiffs. The entrance to The Estuary At Oyster Rock at Sandbar Court shall be the only entrance or access point from and through the Oyster Rock subdivision to The Estuary At Oyster Rock lands through and over the roads located within the Oyster Rock Subdivision between Oyster Rock Road and the Sandbar Court access point to the Vincent lands.

XI. Final Record Approval of The Estuary At Oyster Rock must occur within five years from the date of the first public hearing on the preliminary subdivision application. The right of the Plaintiffs, or their successor or assigns, to exercise the right to declare the Supplemental Declaration adding the 21 lot The Estuary At Oyster Rock to the Oyster Rock subdivision will only become effective

as provided in this agreement. In the event the Final Record Plan approval is not granted within five years from the date of the first public hearing on the preliminary subdivision application, the Plaintiffs agree that their 30-acre parcel shall thereafter be used solely for agricultural purposes without the transfer or deeding of any part thereof to the ORPOA. Further, in the event the Final Record Plan is not approved within the aforesaid five year period, the access easement at Sandbar Court shall remain at 18 feet width as shown on the Oyster Rock subdivision plat and Plaintiffs hereby waive and release any and all rights existing at law and/or equity to claim that said easement should be wider than the existing 18 foot access easement and there shall be no refunds of any portion or amount of the annual lot assessments paid by the Plaintiffs to the ORPOA during the period of five years from the date of this agreement if the subdivision plan does not receive final approval during that five year period.

XII. Grant of Temporary Easement

ORPOA agrees to grant such temporary construction and utility easements as may be required and consent to the connection of utility easements benefitting and burdening the Oyster Rock subdivision to extend utilities to The Estuary At Oyster Rock if and when such easements are required after the approval of the preliminary subdivision of The Estuary At Oyster Rock, provided that the Plaintiffs shall pay for any and all costs of the connection and extension of said



utility lines to the Plaintiffs lands and restores all ORPOA lands to the conditions they were in prior to the work done by Plaintiffs to connect and extend said utility lines.

XIII. Extinguishment of Plot Book 55, Page 290

Plaintiffs agree that the granting of an easement over and through the existing streets of Oyster Rock will be limited to the 30-acre parcel known previously as the Seutter Farm (Tax Parcel 2-35-16.00-45.01) and cannot be used as a means of access to and/or from any other lands now or hereafter owned by the Plaintiffs. Further, the outlet road claimed by the Plaintiffs in this legal action, which Plaintiffs claimed ran from County Road 54 (Oyster Rock Road) through the Oyster Rock subdivision to the Plaintiff's property, for which a plot was recorded in Plot Book 55, Page 290, a copy of which is **EXHIBIT E** to the Complaint filed in this action, and any and all rights in and to the claimed outlet road, are hereby forever waived, released and relinquished by the Plaintiffs their successors and assigns and the outlet road plot depicted in Plot Book 55, Page 290 is hereby declared to be null and void and hereby forever extinguished.

XIV. DelDot Required Improvements to the Existing Road Entrance to Oyster Rocks Road and the Entrance to the Oyster Rock Subdivision

In the event DelDOT or any other governmental agency requires any improvements and/or modifications to the existing Oyster Rock entrance; streets, street rights of way, storm water management system and/or any on or off-site

roadway improvements, and/or monetary contributions toward said improvements, all costs, and expenses related thereto shall be paid for and installed solely by the Plaintiffs. Subject to the condition that Plaintiffs pay for and install all such costs and expenses and pay all lot assessments provided for herein the ORPOA shall grant all easements or deeds of dedication in the ORPOA common area required by DeIDOT, or any other governmental agency as a condition to granting Plaintiffs an entrance permit or any other required governmental approvals as may be required to allow The Estuary At Oyster Rock lots to utilize said entrance.

XV. Monetary Consideration

As a condition of the signing of this Agreement, any monetary consideration in an amount, agreed to between the parties involved in the payment and receipt of said consideration shall be paid to the Plaintiffs upon the payment thereof and prior to the dismissal of this action with the receipt therefor being acknowledged by the Plaintiffs and such releases as required by the parties paying said consideration shall be executed and provided to the payors of said consideration.

XVI. Dismissal with Prejudice

Following the proper execution of this agreement and the payment and receipt of any monetary consideration to be exchanged between the parties, the above-captioned action shall be dismissed with prejudice.

XVII. Agreement to be a Stipulated Order of the Court

It is agreed that this Agreement shall be approved as a stipulated order of the Court of Chancery in the above-captioned action. After the entry of said order, in the event legal action is instituted to enforce the terms and conditions of this Agreement and the Stipulated Order thereon, the prevailing party, as determined by the Court, shall, in addition to any other relief granted, be awarded damages in an amount equal to their litigation costs and expenses incurred, including their reasonable attorney's fees which shall be enforceable as an order of that court against any violator by one or more non-violating parties hereto.

Except for the obligations expressly set forth in this Settlement Agreement, in consideration of the releases set forth in this Settlement Agreement and the receipt of the sum of FORTY-THOUSAND DOLLARS AND NO CENTS (\$40,000.00)¹, the Parties, on behalf of themselves and their respective predecessors, administrators, successors, assigns, parents, subsidiaries and affiliates, and past and present officers, directors, shareholders, attorneys, insurers, agents, and employees, do hereby remise, release and fully discharge each other and each other's respective predecessors, administrators, successors, assigns, parents, subsidiaries and affiliates,

---

¹ Allocated as follows (a) \$25,000.00 from Defendant Rehoboth Signature Homes LLC (b) \$11,250 from Defendants Ellen Fontana, Angelo Delapo, Anna Marie Delapo, Michael J. Irise, Susan E. Irise, Scott Keller, Kristina Keller, Edmond J. McGovern, Deborah K. Shrubbs and Norma V. Martin and (c) \$3,750 from Byron T. McAllister and Lisa T. McAllister.



and past and present officers, directors, shareholders, attorneys, insurers, agents, and employees, from any and all claims, damages, actions, demands, causes of action of every kind and nature and rights that any party to this general mutual release now has or may have had, whether known or unknown, foreseen or unforeseen, matured or unmatured, existing or claimed to exist, including, but not limited to, those claims, counterclaims and cross-claims relating to, or arising out of the claims that are the subject of the following litigation: Vincent, John vs Oyster Rock Properties LLC, Delaware Court of Chancery, CA No. 11095-VCG, including any past, present or future claim alleging an easement, right of way or right of access for any purpose which was not claimed in the underlying legal action.

XVIII. Miscellaneous

A. SIGNAGE

In the event the Plaintiffs elect to place a sign at the entrance to the Vincent lands at Sandbar Court identifying the lands as The Estuary at Oyster Rock, the sign shall be fabricated and installed by a professional sign installer and shall be in the same color, style and appearance as the sign placed at the entrance to The Woods at Oyster Rock section of Oyster Rock.

## B. STREET LIGHTING

Plaintiffs shall install the most technologically up to date street lighting approved by the Delaware Electric Co-op and, to the extent possible, similar in appearance to the style and color of the street lighting in Oyster Rock.

## C. STORMWATER MANAGEMENT POND

In the event the Sussex Conservation District and/or DNREC require an aeration pump for any wet pond approved and constructed within the SWM area depicted on the preliminary plan for the Vincent lands, Plaintiffs agree that as of the date the common areas are deeded to the ORPOA, the aeration pump and all related mechanical components must have a remaining working life of at least 5 years, which must be certified to by a bona fide SWM pond contractor, such as SOLitude.

Vincent agrees to utilize and comply with DNREC's Best Management Practices for Stormwater Management Areas and comply with all other applicable government regulations with jurisdiction in the development, construction and maintenance of the stormwater management plan for The Estuary At Oyster Rock. Vincent agrees to set aside an additional 15-foot wide buffer area around the perimeter of the 15-foot minimum maintenance right-of-way required by DNREC. The ground surface within the additional 15-foot wide buffer area shall be installed in compliance with DNREC's Best Management Practices for the required buffer areas for stormwater management ponds. In addition, Vincent shall run electric

power to the stormwater management facility and install three (3) street lights in the required pond buffer area that are identical to the street lights to be installed within the Estuary at Oyster Rock, with said lights to be evenly spaced around the perimeter of the pond. If more than one stormwater management pond is required in the Estuary, this streetlight requirement shall apply to each pond.

Vincent shall construct a maintenance path between the nearest public street and the stormwater management pond structures that will comply with Best Management Practices for stormwater management of the Sussex Conservation District and DNREC that will provide maintenance vehicle access to the pond. Vincent agrees that said maintenance path shall extend from the terminal cul-de-sac on Sandbar Court and have a minimum width of 12-feet and be constructed under the aforesaid Best Management Practices. If more than one (1) stormwater management pond is required, each pond shall have said access path installed.

#### D. RECREATION AND COMMON AREAS

At the date the recreation and common areas are deeded to the ORPOA, the recreation area must be cleared, leveled and properly prepared for the installation of passive recreational sports such as horseshoes and bocce courts. The common area shall be cleared and planted with grass to match the common areas within the Oyster Rock subdivision. The requirements of this Section D shall not apply to the requirements for the development of the land areas referred to in Section C above.



E. ELECTRONIC SIGNATURES

A copy of this agreement bearing electronic copies of any required signature shall be considered the same as if it contained the original live signatures.

F. GENERAL

Between the date that Vincent completes the construction of the stormwater management, recreation and common areas in compliance with all of the requirements contained in this agreement and all of the governmental regulations and best management practices referred to herein, Vincent shall properly and continually maintain all of those areas and the facilities located thereon and therein at their sole cost and expense until the date that said facilities are deeded to the ORPOA.

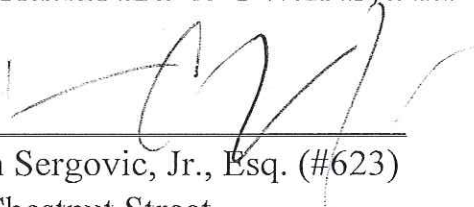
G. PARTIES AND NON-PARTIES BOUND

Although this settlement agreement and stipulated order thereon is executed by the counsel of record for the parties and non-parties herein identified, counsel of record stipulates that the terms hereof are enforceable against the parties and non-parties as if the parties and non-parties executed this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement, with the intention of being legally bound to the terms and conditions hereof, the dates hereafter provided.

**SERGOVIC CARMEAN WEIDMAN  
McCARTNEY & OWENS, P.A.**

Dated: 8-6-2020

  
_____  
John Sergovic, Jr., Esq. (#623)  
25 Chestnut Street  
P.O. Box 751  
Georgetown, DE 19947  
(302) 855-1260  
*Attorneys for Plaintiffs*

**MONZACK MERSKY  
McLAUGHLIN & BROWDER, P.A.**

Dated: _____

_____  
Michael C. Hochman, Esq. (#4235)  
Melvyn I. Monzack, Esq. (#137)  
1201 North Orange Street, Suite 400  
Wilmington, DE 19801  
(302) 656-8162  
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IN WITNESS WHEREOF, the parties have executed this Agreement, with the intention of being legally bound to the terms and conditions hereof, the dates hereafter provided.

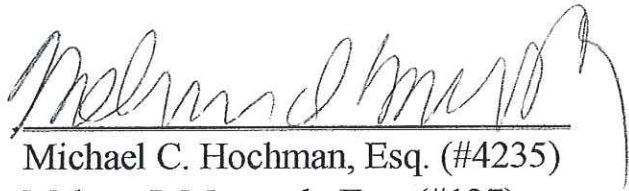
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**HUDSON JONES  
JAYWORK & FISHER, LLC**

Dated: _____

8/4/20

---

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(302) 644-8330

*Attorneys for Defendants Byron T.  
McAllister and Lisa T. McAllister*

**PARKOWSKI GUERKE &  
SWAYZE, P.A.**

Dated: _____

---

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(302) 226-8702

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POA, Sarkis Semerjian and Annette G.  
Semerjian, John Quigley and Mary  
Quigley*

**FOX ROTHSCHILD LLP**

Dated: _____

---

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Wilmington, DE 19899-2323  
(302) 654-7444

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Angelo Delapo, Anna Marie Delapo,  
Michael J. Irise, Susan E. Irise, Scott  
Keller, Kristina Keller, Edmond J.  
McGovern, III, Deborah K. Shrubbs and  
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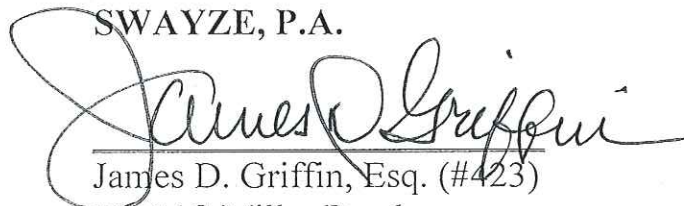
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Dated: _____

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34382 Carpenter's Way, Suite 3  
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*Attorneys for Defendants Byron T.  
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**PARKOWSKI GUERKE &  
SWAYZE, P.A.**

Dated: 8/6/20



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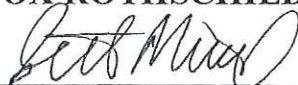
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SWAYZE, P.A.**

Dated: _____

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19354C Miller Road  
Rehoboth Beach, DE 19971  
(302) 226-8702  
*Attorney for Defendants, Oyster Rock  
POA, Sarkis Semerjian and Annette G.  
Semerjian, John Quigley and Mary  
Quigley*

**FOX ROTHSCHILD LLP**

Dated: 8-14-20

  
Seth A. Niederman, Esq. (#4588)  
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(302) 654-7444  
*Attorneys for Defendants, Ellen Fontana,  
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Michael J. Irise, Susan E. Irise, Scott  
Keller, Kristina Keller, Edmond J.  
McGovern, III, Deborah K. Shrubbs and  
Norma V. Martin*



## STIPULATED ORDER

It is stipulated and agreed by all the parties hereto, by and through their respective counsel of record, that the foregoing Settlement Agreement shall be approved as an Order of the Court of Chancery and that following the approval of this order by the Court, the foregoing action shall be dismissed with prejudice for all purposes as to the merits of all claims raised and any claims of any nature which could have been raised by any party against any other party in said action, but reserving to the parties, the right to enforce the terms and conditions of the Settlement Agreement in the event of a violation or failure to comply with the terms and conditions thereof.

This stipulated order is approved this ____ day of _____, 2020.

IT IS SO ORDERED.

_____  
Vice Chancellor Glasscock

This document constitutes a ruling of the court and should be treated as such.

**Court:** DE Court of Chancery Civil Action

**Judge:** Sam Glasscock

**File & Serve  
Transaction**

**ID:** 65892240

**Current Date:** Sep 08, 2020

**Case  
Number:** 11095-VCG

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/s/ Judge Sam Glasscock

## **“Plan Data Summary”**

<u>Applicant:</u>	John David & Judy Vincent 6185 SW 56 TH Street Davie, FL 33314 Phone: 984-540-4632
<u>Parcel Identification No.:</u>	235-16.00-45.01
<u>Present Zoning:</u>	AR-1 (Agricultural/Residential)
<u>Present Land Use:</u>	Agricultural Land Uses, Partially Wooded & Vacant
<u>Comprehensive Plan Reference:</u>	Low-Density Residential
<u>Proposed Zoning:</u>	AR-1 (Agricultural/Residential)
<u>Proposed Land Use:</u>	Residential; 21 Single-Family Dwelling Units
<u>Councilmanic District:</u>	No. 3; The Honorable Mr. Mark Schaeffer
<u>School District:</u>	Cape Henlopen
<u>Fire District:</u>	Lewes Fire Department – Station 82-2
<u>Sewage Disposal:</u>	Individual Onsite wastewater disposal Systems
<u>Water Supply:</u>	Tidewater Utilities, Inc.
<u>Parcel Area:</u>	28.80 Acres (100.0%)
Area in Single Family Lots	15.97 Acres (55.4 %)
Area Dedicated to Private Streets	3.04 Acres (10.6%)
Area in Open Space/Stormwater Management	9.78 Acres (34.0%)
(Area in Regulated Wetlands)	2.70 Acres
(Area in Onsite Pond)	0.32 Acres
(Reserved Community Area)	0.52 Acres