2020-20 Johnsonville Info Sheet	_
2020-20 Johnsonville Subdivision Aerial Map	_
2020-20 Johnsonville Subdivision Street Map	_
2020-20 Johnsonville Subdivision Zoning Map	_
Copy of 2020-20 Johnsonville Subdivision Mailing List	_
Johnsonville 2020-20 Staff Analysis	_
2020-20 Johnsonville Application	_
07-09-2020 Other Business Memo	_ 1
Notice of Decision Letter for the Johnsonville Subdivision (2006-39) Revised	
Final Subdivision Plan	_ 1
2020-20 Johnsonville Subdivision Utility Planning Division Comments	_ 1
DNREC Division of Fish & WIldlife Comments	_ 1
DE Hunting & Trapping Regulations	_ 2
SUSSEX-PnZ-FINAL-Site Plan_Transmittal.xls	_ 2

PLANNING & ZONING COMMISSION

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





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 May 13, 2021

Application: Johnsonville (2020-20)

Applicant: Ashburn @ Johnsonville, LLC c/o Jordan Ashburn

872 Walker Road, Suite A

Dover, DE 19904

Owner: "Same as applicant"

Site Location: Northeastern and southwestern sides of Lawson Road (S.C.R 296),

approximately 1,000 feet northwest of Hollyville Road (S.C.R. 305)

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

Current Use: 32 single family lots within a standard subdivision (AR-1)

Proposed Use: Reduction of conservation easement

Comprehensive Land

Use Plan Reference: Low Density Area

Councilmanic

District: Mr. Schaeffer

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: On-Site Septic

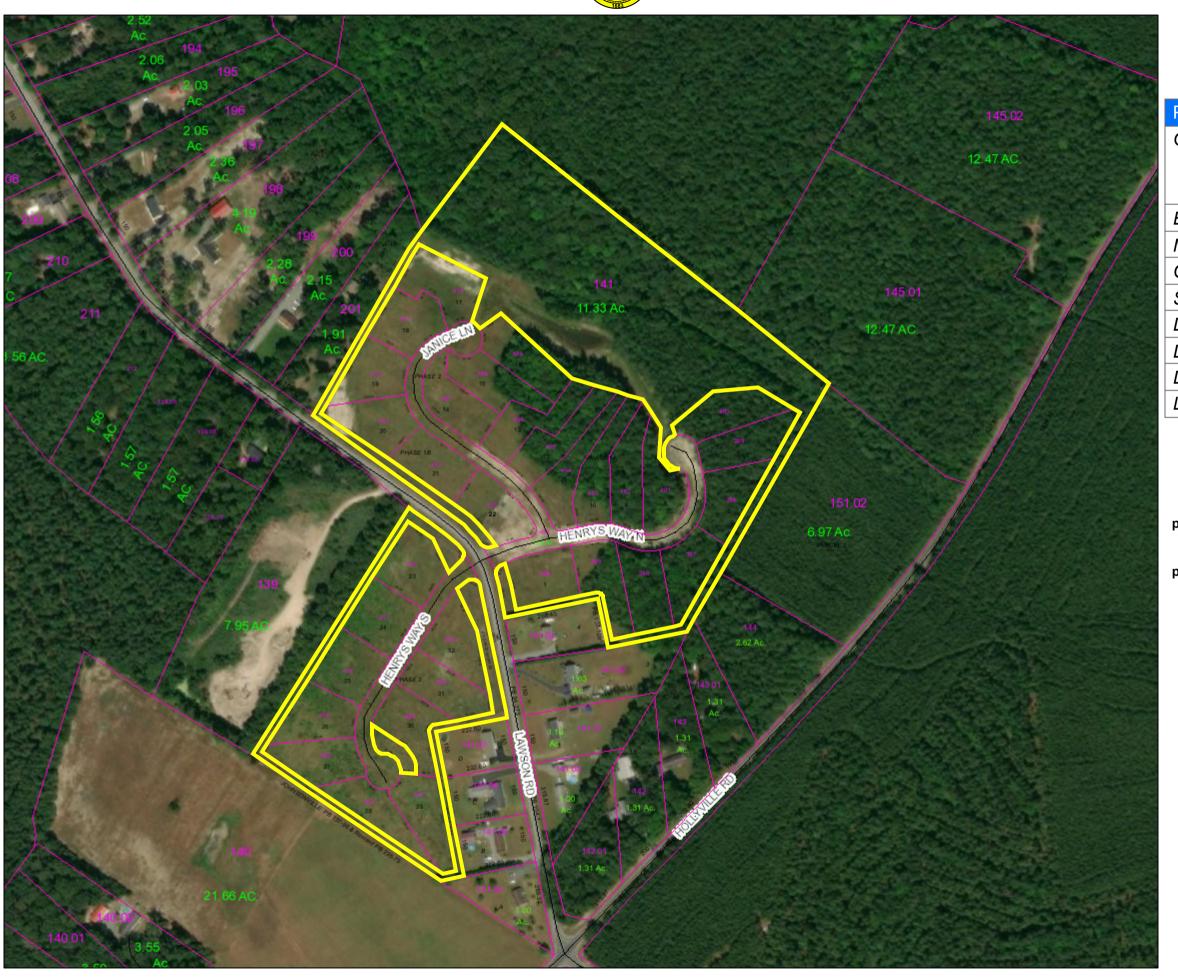
Water: Wells

Site Area: 42.1 acres +/-

Tax Map ID.: 234-21.00-141.00



Sussex County



PIN:	234-21.00-141.00
Owner Name	ASHBURN AT JOHNSONVILLE LLC
Book	4477
Mailing Address	872 A WALKER RD
City	DOVER
State	DE
Description	JOHNSONVILLE
Description 2	ALL COMMON AREAS
Description 3	SWM AREAS
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

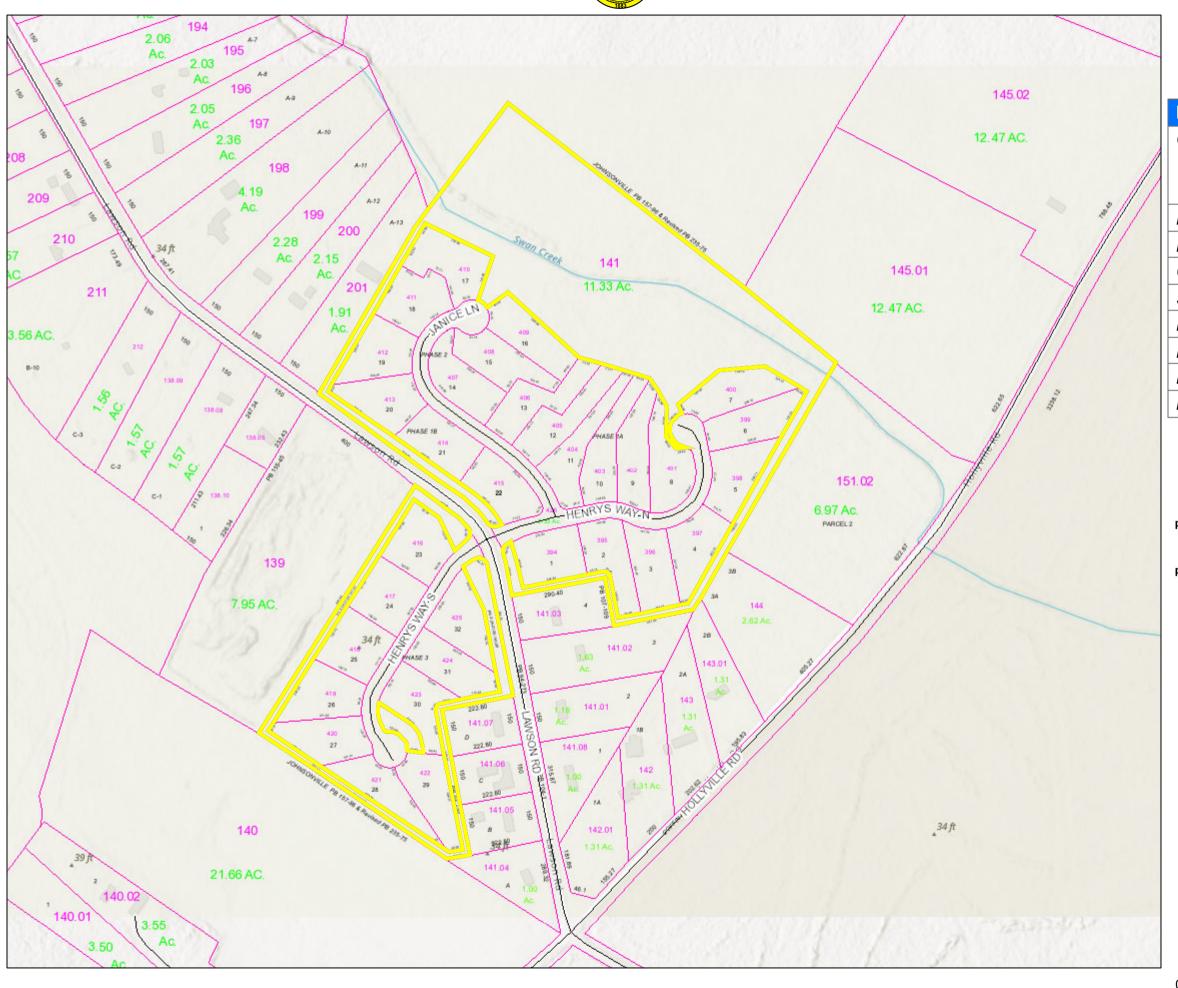
County Boundaries

Easements

0

1:4,514 0.05 0.1 0.2 mi 0.075 0.15 0.3 km

Sussex County



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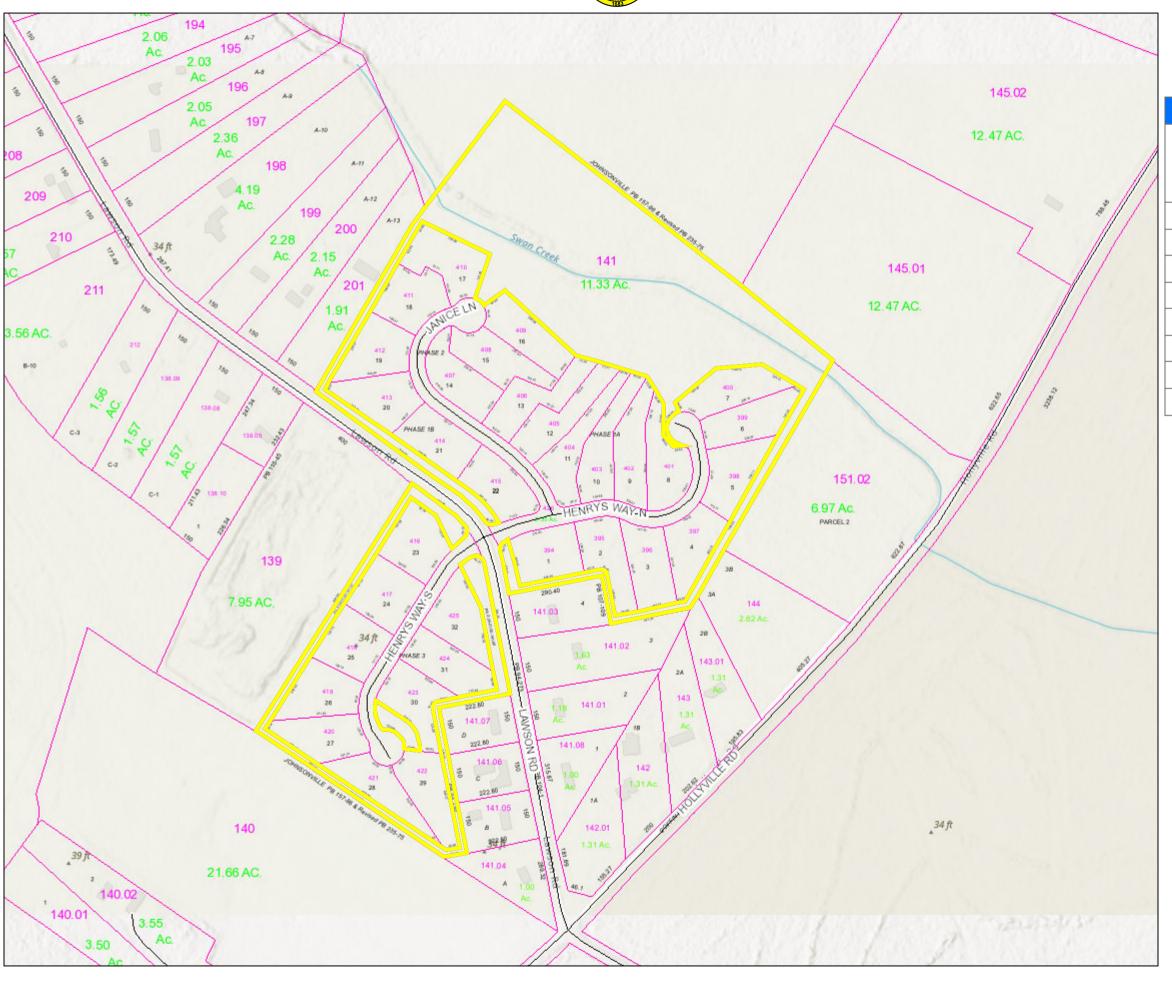
County Boundaries

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Sussex County



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polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

1:4,514 0 0.05 0.1 0.2 mi 0 0.075 0.15 0.3 km

FULLNAME	MAILINGADD	CITY	STATE	ZIPCODE	PIN W/ ASSEMENT UNIT
KEEN KAY H	101 ARBORFIELD CT	CARY	NC	27513	234-15.00-37.00
SIMON WAYNESLEY P. SR. & VERETA P.	24730 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-138.05
BURGER JAMES S.	24716 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-138.08
RB HAULING INC.	P.O. BOX 111	HARBESON	DE	19951	234-21.00-139.00
POWER & LOVE OUTREACH MINISTRIES, INC.	30617 IRON BRANCH RD	DAGSBORO	DE	19939	234-21.00-140.00
ASHBURN AT JOHNSONVILLE, LLC	872 A WALKER RD	DOVER	DE	19904	234-21.00-141.00, 396.00-426.00
NEAL JANEEN & STANLEY E NEAL	24861 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-141.01
GOMEZ JILL M	24827 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-141.02
MCDONOUGH JOSEPH M & ANNA M	33067 MAIN ST	DAGSBORO	DE	19939	234-21.00-141.03
ARTHUR JOHN F AS CUSTODIAN FOR	24914 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-141.04
BOOTH EDWIN F III	12 MALVINA LANE	NEWARK	DE	19713	234-21.00-141.05
ORTH MIRNA L	24880 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-141.06
NORWOOD NATHANIEL L & HOLLY A	24866 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-141.07
KNOWLES WILLIAM T & JULIE ANN	24879 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-141.08
HESS MARK D & PAMELA J	24910 HOLLYVILLE RD	MILLSBORO	DE	19966	234-21.00-142.00
HARRIS LESA R	24868 HOLLYVILLE RD	MILLSBORO	DE	19966	234-21.00-143.00
KLOSOWSKI EDWARD	24840 HOLLYVILLE RD	MILLSBORO	DE	19966	234-21.00-143.01
DEATS R ALICE TRUSTEE	4564 SUMMIT BRIDGE RD	MIDDLETOWN	DE	19709	234-21.00-144.00
BRENNAN HOLLY H	354 GREENS EDGE DR	CHESAPEAKE	VA	23322	234-21.00-145.01
SUSSEX COUNTY	PO BOX 589	GEORGETOWN	DE	19947	234-21.00-151.02
HUDSON ALAN L	24701 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-199.00
GASPAR VICTORINO M	24715 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-200.00
REED STEVEN W	24735 LAWSON RD	GEORGETOWN	DE	19947	234-21.00-201.00
SHEPPARD CLYDE JAMES	32016 HENRYS WAY N	GEORGETOWN	DE	19947	234-21.00-394.00

JAMIE WHITEHOUSE, AICP MRTPI

PLANNING & ZONING DIRECTOR (302) 855-7878 T (302) 854-5079 F

jamie.whitehouse@sussexcountyde.gov





sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Lauren DeVore, Planner III

CC: Vince Robertson, Assistant County Attorney and applicant

Date: May 5th, 2021

RE: Staff Analysis for Johnsonville (2020-20)

This memo is to provide background and analysis for the Planning Commission to consider as a part of the Johnsonville (2020-20) Subdivision public hearing scheduled for the May 13, 2021, Planning Commission Meeting. This analysis should be included in the record for this application and is subject to comments and information that may be presented during the public hearing.

This proposal is an amendment to the existing and previously approved subdivision plan for the Johnsonville (2006-39) Subdivision which is a standard subdivision containing 32 single-family lots. The Planning and Zoning Commission approved the Preliminary Subdivision Plan on January 28, 2010 subject to 15 conditions. The Final Subdivision Plan for the subdivision was approved by the Commission on March 10, 2011. The latest plan of record, which was recorded in 2016 at PB 230, PG 75 has been included in the packet for this application.

Specifically, the amendment proposes to reduce the existing Forest Conservation Easement to the rear of Lots 2-16 from 100-ft to 50-ft. The applicant is requesting these changes to allow for a larger buildable area within these lots to accommodate future patios, decks, sheds or swimming pools. The reduction of this easement does not impede the required 20-ft landscape buffer around the perimeter of the subdivision.

The Commission reviewed the proposal as an "Other Business" item at its meeting of Thursday, July 9, 2020. At that meeting, the Commission determined that a public hearing is necessary for the revision.

A TAC letter received from DNREC in February of 2007 identified a potential hunting issue in which legal hunting activities may occur on adjacent properties. The comments suggest that because hunting within 100 yards of a dwelling is prohibited under Delaware's current Hunting Regulations, a buffer needed to be maintained and established between the proposed dwellings and the adjoining properties. Otherwise, the adjacent landowners would lose the use of up to 100 yards of their property for hunting purposes. The revision to reduce the Forest Conservation Easement was subsequently denied by the Commission at the July meeting.

Under §99-13(B) of the Sussex County Code, if a subdivider wishes to alter a previously recorded subdivision to substantially change the intent of the original plat, a new subdivision application is required. Therefore, the applicant is now submitting this request under a new subdivision application (Johnsonville 2020-20) for the Commission's consideration.



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 chec Standard: ✓	k applicable)	
Cluster:		
ESDDOZ:		
Location of Subdivision:		
Lawson Road, I mile west of Hollyville	Road	
Proposed Name of Subdivision:		
Johnsonville Subdivision		garage States of public States and
		pulse in agreement 7
Tax Map #: 234-21.00-141.00		Total Acreage: 42.11
Zoning: AR-1 Density: 0.76	Minimum Lot Size:	3/4 Ac Number of Lots: 32
Open Space Acres: 11.33	·	
Water Provider: Individual Wells	Sewer P	rovider: Individual on-site septic
video Frovider.	Jewel Fr	Tovider
Applicant Information		
* 27291 2 3 1 1		
Applicant Name: Ashbum @ Johnson		um
Applicant Address: 872 Walker Road,		
City: Dover	State: DE	ZipCode: <u>19904</u>
Phone #: <u>(302) 363-1026</u>	E-mail: jordanashb	purn@me.com
Owner Information		
,		
Owner Name: same as applicant		
Owner Address:		
City:		Zip Code:
Phone #:	E-mail:	
Agent/Attorney/Engineer Informa	tion	
Agent/Attorney/Engineer Name:	Axiom Engineering, LLC - C/C	Kenneth R. Christenbury, P.E.
Agent/Attorney/Engineer Address:		
City: Georgetown	State: DE	Zip Code: <u>19947</u>
Phone #: <u>(302)</u> 855-0810	E-mail: ken@axeng	g.com





Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

✓ Com	pleted Application	
a a	 Plan shall show the existing proposed lots, landscape p Provide compliance with Se 	ite Plan or Survey of the property and a PDF (via e-mail) conditions, setbacks, roads, floodplain, wetlands, topography, plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24 ection 99-9.
	ride Fee \$500.00	sep, or proposed deed restrictions, son reasistinty study
book		for the Commission to consider (ex. photos, exhibit in (7) copies and they shall be submitted a minimum g Commission meeting.
subje	ect site and County staff will co	will be sent to property owners within 200 feet of the ome out to the subject site, take photos and place a sign are of the Public Hearings for the application.
- PLUS	Response Letter (if required)	
✓ 51%	of property owners consent if	applicable
	hereby certifies that the forms as a part of this application are	, exhibits, and statements contained in any papers or true and correct.
Zoning Commission questions to the I	on and any other hearing neces best of my ability to respond to	attend all public hearing before the Planning and ssary for this application and that I will answer any the present and future needs, the health, safety, eral welfare of the inhabitants of Sussex County,
Sianature of Ap	plicant/Agent/Attorney	
75		
Signature of Ow	mer	
The same		_ Date: 10-2-20
For office use only: Date Submitted:		Fee: \$500.00 Check #:
Location of propert	-	Application & Case #:
Date of PC Hearing:		Recommendation of PC Commission:

1027 WSFS BANK 62-10/311 ASHBURN AT JOHNSONVILLE LLC 872 WALKER RD STE A DOVER, DE 19904 (302) 677-1940 Писконнос 7/14/2020 PAYTO THE ORDER OF **500.00 Sussex County Council DOLLARS Sussex County Council VOID AFTER 90 DAYS 2 The Circle Georgetown, DE 19947 MEMO AUTHORIZED SIGNATURE 202008098 ISN# 701501500309 Date 7/17/2020 WorkType:26: Batch#: 8 93-00002607/15/2020'03t38PM' K 'F'O' ; LISOSE G. S. CILLINGS TEORIS 5

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



Sussex County DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, Director, Department of Planning & Zoning; Lauren DeVore, Planner III; Jenny Norwood, Planner I, Christin Headley, Planner I, Nicholas Torrance, Planner I and Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: July 2, 2020

RE: Other Business for July 9th, 2020 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the July 9th, 2020 Planning Commission meeting.

Fieldstone Subdivision (2017-20)

KS

Final Subdivision Plan

This is a Final Subdivision Plan for 247 single-family lots, amenities, and site improvements on a 207.415-acre parcel of land accessed from Cedar Grove Road (S.C.R. 283). The Planning and Zoning Commission approved the Preliminary Subdivision Plan with conditions at their meeting of Thursday, April 12, 2018. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 334-12.00-16.00 (part of). Zoning: AR-1 (Agricultural Residential Zoning District) and GR (General Residential Zoning District.) Staff are in receipt of all agency approvals.

Four Seasons at Belle Terre Phase 2 Subdivision (2016-15)

KS

Revised Final Subdivision Plan

This is a Revised Final Subdivision Plan for a cluster subdivision to consist of the construction of 269 single family lots, with Phase 1 to include 141 lots and for this Phase 2 to be comprised of 128 lots. The subdivision has access off Mulberry Knoll Road (S.C.R. 284) by way of Dorman Farm Lane. The Planning and Zoning Commission approved the Preliminary Subdivision Plan with conditions at their meeting of Thursday, December 22, 2016. The Final Subdivision Plan for Phase 2 complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 334-12.00-17.00, 18.00,19.00 & 20.00. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

Johnsonville Subdivision (2006-39)

KS

Revised Final Subdivision Plan

This is a Revised Final Subdivision Plan for the Johnsonville Subdivision (2006-39) (F.K.A. the Henry James Johnson Subdivision) for the addition of a masonry monument sign, a 750 square foot easement on Lot 22, relocation of the existing bus shelter, and the reduction of the Forest Conservation Easement from 100-ft to 50-ft to the rear of Lots 2-16. The Planning and Zoning Commission approved the Final Subdivision Plan at its meeting of Thursday, March 10, 2011. The applicant has also received approval from the Sussex Conservation District and 51% of property owners within the subdivision for the reduction of the forest conservation easement for the development. The subdivision is located on the east and west sides of Lawson Road (S.C.R. 296).



The Commission reviewed this proposal at its meeting of Thursday, June 25, 2020 and requested additional information from staff regarding subdivision history, including the original intent of establishing the existing Forest Conservation Easement. A TAC letter received from DNREC in February of 2007 identified a potential hunting issue in which legal hunting activities may occur on adjacent properties. The comments suggest that because hunting within 100 yards of a dwelling is prohibited, a buffer needed to be maintained and established between the proposed dwellings and the adjoining properties. Otherwise, the adjacent landowners would lose the use of up to 100 yards of their property for hunting purposes. The Revised Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Staff are awaiting the Commission's decision regarding this proposal. Tax Parcel: 234-21.00-141.00. Zoning: AR-1 (Agricultural Residential Zoning District. Staff are in receipt of all agency approvals.

Mt. Calvary Pentecostal Church (S-19-22)

KS

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for a 6,360 square foot church building, with 38 parking spaces and other site improvements to be located off Slaughter Neck Rd (S.C.R. 215). A Preliminary Site Plan for this site was previously approved by the Planning and Zoning Commission at their meeting of Thursday, June 13, 2019. The Revised Site Plan now proposes 9 parking spaces to be located within the front setback as well as relocating the stormwater management area to the rear of the structure. This Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 230-14.00-140.00. Zoning: GR (General Residential Zoning District). Staff are in receipt of all agency approvals.

<u>Lands of Jackson</u> KS

Minor Subdivision off a 50-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 9.88-acre parcel into a 3.02-acre lot off a 50-ft easement over an existing drive. The property is located off Hollyville Rd (S.C.R. 48) in Harbeson, Delaware. Tax Parcel: 234-10.00-199.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE sussexcountyde.gov 302-855-7878 T 302-854-5079 F JAMIE WHITEHOUSE, AICP, MRTPI DIRECTOR OF PLANNING & ZONING

By email to: <u>ken@axeng.com</u>

July 13, 2020

Mr. Ken Christenbury, P.E. Axiom Engineering, L.L.C. 18 Chestnut Street Georgetown, DE 19947

RE: Notice of Decision Letter for the Revised Final Subdivision Plan for the Johnsonville Subdivision (F.K.A. the Henry James Johnson Subdivision) (2006-39) for the addition of a masonry monument sign, a 750 square foot easement on Lot 22, relocation of the existing bus shelter, and the reduction of the Forest Conservation Easement from 100-ft to 50-ft to the rear of Lots 2-16.

Tax Parcel: 234-21.00-141.00

Dear Mr. Christenbury,

At their meeting of Thursday, July 9, 2020 the Planning & Zoning Commission approved the Revised Final Subdivision Plan for the Johnsonville Subdivision (F.K.A. the Henry James Johnson Subdivision) (2006-39) for the addition of a masonry monument sign, a 750 square foot easement on Lot 22 and the relocation of the existing bus shelter.

Additionally, the Commission **denied** the reduction of the Forest Conservation Easement from 100-ft to 50-ft to the rear of Lots 2-16 for the future accommodation of patios, decks, sheds or swimming pools often desired by those purchasing a large rural lot. The property lies within the Agricultural Residential (AR-1) Zoning District.

Please submit a minimum of **five (5) signed and sealed paper copies** of the Final Subdivision Plan to the Planning and Zoning Office for approval. **Two (2) copies** will be retained for the file and **two (2) copies** are necessary for recording purposes. Additional copies of the plan may also be submitted for endorsement by staff.

Please note that the plan shall be recorded in the Sussex County Recorder of Deeds Office within sixty (60) days from the Planning and Zoning Commission's final plan approval of 7/9/20. The Final Subdivision Plan shall be valid for a period of five (5) years from the date of approval by the County. Any such Final Subdivision Plan shall be rendered null and void if substantial construction is not actively and continuously underway on the use within five (5) years of the date of approval by the County.



July 13, 2020 Revised Final Subdivision Plan Johnsonville Subdivision (F.K.A. the Henry James Johnson Subdivision) (2006-39) Page 2

Please note that should the applicant wish to reduce this easement in the future that a new subdivision application will be required to be submitted to the Department for further consideration by the Commission.

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

Ms. Lauren DeVore

Planner III

CC: Andy Wright, Chief Code Official – Building Code Mike Brady, Director of Public Works – Engineering John Ashman, Director of Utility Planning - Engineering

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

TO:		Jamie Whitehouse	RECEIVED		
REVII	EWER:	Chris Calio	MAY 0 6 2021		
DATE	2:	5/5/2021	SUSSEX COUNTY PLANNING & ZONING		
APPL	ICATION:	2020-20 Johnsonville	PLANIMING & 2011		
APPL	APPLICANT: Ashburn @ Johnsonville, LLC c/o Jordan Ashburn				
FILE I	NO:	NCPA-5.03			
	MAP & CEL(S):	234-21.00-141.00			
LOCATION: Northeastern and southwestern sides of Lawson Road (SC 296), approximately 1,000 feet northwest of Hollyville Road (SCR 305).					
NO. OF UNITS: 32 single family lots					
GROSS ACREAGE: 42.1					
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2					
SEWE	ER:				
(1). Is the project in a County operated and maintained sanitary sewer and/or water district?Yes □ No ⋈					
	a. If yes, see question (2).b. If no, see question (7).				
(2).	Which County Tier Area is project in? Tier 3				
(3).	Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A .				
(4).	Is a Construction Agreement required? No If yes, contact Utility Engineering at (302) 855-7717.				

Are there any System Connection Charge (SCC) credits for the project? N/A 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.

(5).

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? N/A
Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
(7). Is project adjacent to the Unified Sewer District? N/A
(8). Comments: Click or tap here to enter text.
(9). Is a Sewer System Concept Evaluation required? 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

RECEIVED

FEB 02 2007:

PLANNING & ZONING COMM. OF SUSSEX COUNTY

DNREC-Division of Fish and Wildlife COMM.

Delaware Natural Heritage and Endangered Species Program

Comments for projects in Sussex County to be reviewed in February 2007

By Sussex County Technical Advisory Committee

#2006-36 Farber Subdivision (4 lots on 4.41 acres, tax parcel 2-31-14-8.03):

Rare Species

We have not surveyed this parcel, therefore a review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at or adjacent to this project site.

We recommend tree removal be minimized as this site is built out and if feasible, trees not be removed from April 1st to July 31st to minimize impacts to birds and other wildlife that utilize trees for breeding. In addition, a vegetative buffer of at least 100ft is needed to adequately protect water quality within Rum Bridge Branch.

#2006-38 Scott Batz and Ruth Smith (2 lots on 10.96 acres, tax parcel 1-35-11-59.10):

Rare species

A review of our database indicates that there are no records of state-rare or federally listed plants, animals or natural communities at this project site.

#2006-39 Johnsonville Subdivision (36 lots on 41.03 acres, tax parcels 2-34-21-141):

Rare species

We have never surveyed this site, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site.

Site Visit Request

In order to provide more informed comments and to make recommendations, our program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and unique habitats and to ensure that the project is environmentally sensitive. In addition, a survey of the project site will give staff an opportunity to document the biodiversity of the property and add to the State database. Please contact Bill McAvoy or Kitt Heckscher at (302) 653-2880 to set up a site visit.

Forest Loss

The site plan appears to have been designed to preserve a large portion of the existing forest and utilize it as open space for the community. If the applicant would like to consider preserving more of the forest, some of the lots which will result in tree removal could be omitted (lots 3-13 are either completely or partially wooded).

Thousands of acres of forest have been lost in Delaware and a corresponding loss in forest dependent species has resulted. The forest on this site is part of a larger forest block and larger, connected areas of forest are important for forest dependent species. Forested fragmentation separates wildlife populations and leaves forest dwelling species vulnerable to predation and infiltration from invasive speciese. Also, when forested areas are converted into a 'residential woods', wildlife must either coexist with the new inhabitants or disperse into surrounding areas. Either scenario results in human/animal conflicts including interactions on the roadways. Conversion of wildlife habitat also puts greater pressure on nearby public lands such as nature preserves, State Wildlife Areas, State Forests, and State Parks.

Wetland buffers

It is unclear from the site plan how wide the forested buffer along Swan Creek is going to be. We highly recommend at least a 100ft undisturbed buffer remain intact along Swan Creek to protect water quality and serve as habitat and a travel corridor for wildlife. We recommend that the stormwater management pond be pulled out of this 100ft buffer so that run-off from the pond does not enter the creek system. In addition, the gazebo and picnic area is well within 100ft of the Creek. These features should also be removed from the buffer zone. There is also an Atlantic White Cedar wetland downstream from this site that could be impacted if it receives run-off from this development. This community type often harbors rare species and is sensitive to sedimentation and changes in water quality, especially pH.

Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

Plant Rescue

Since woodlands and wetlands are to be destroyed, filled, or disturbed, we recommend that the developer/landowner contact the Delaware Native Plant Society to initiate a plant rescue. Selected plants from the site of disturbance will be collected by Society members and transplanted to the Society's nursery. Plants will then be used in restoration projects and/or sold at the Society's annual native plant sale. This can be done at no expense or liability to the developer/landowner". Please contact Lynn Redding at (302) 736-7726,

(<u>lynn_redding@ml.com</u>) or William A. McAvoy at (302) 653-2880, (william.mcavoy@state.de.us).

Potential Hunting Issue

Because the project area is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100yds of a dwelling is prohibited and the applicant should contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100yds of their property for hunting if there is not a buffer between lot lines and the adjacent property line. There is also noise associated with hunting, such as the discharge of firearms or dogs barking when pursuing game.

Green Infrastructure

This parcel is part of the Governor Minner's "Green Infrastructure for a Liveable Delaware" (Executive Order Number Sixty-one; http://www.state.de.us/governor/orders/webexecorder61.shtml). This initiative includes a network of ecologically important natural resource lands of special state conservation interest. Green Infrastructure lands were identified through interpretation of the most important known rare species sites, existing protected lands, 1997 statewide aerial photography, and regional ecological evaluations by the USF&W Service, The Nature Conservancy, and the Delaware Natural Areas, Natural Heritage, and Open Space Programs. The lands identified as green infrastructure serve to maintain natural ecological processes protect and support native species, air and water resources, sustain agricultural enterprises, and contribute to the health and quality of life for the citizens of Delaware. Because most of the Green Infrastructure lands are privately owned, it is a voluntary initiative that appeals to the stewardship of private landowners.

Nuisance Waterfowl

First of all, if feasible, a reduction in the number of stormwater management ponds is recommended. Stormwater management ponds could attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create waterquality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however,

with a reduction in the number and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

#2006-40 Cypress Meadows (11 lots on 25.27 acres, tax parcel 3-32-9-22):

Rare Species

We have not surveyed this parcel, therefore, it is unknown if state-rare or federally listed plants, animals or natural communities occur at this project site.

Nuisance Waterfowl

If stormwater management ponds are constructed, they may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

#2006-42 Johnson Ridge (38 lots on 65.91 acres, tax parcel 1-32-6-83.01):

According to our tax parcel database, the site plan does not encompass the entire tax parcel. On the site plan it indicates a gross area of 45.21 acres, however, the tax parcel is 65.91 acres. We do not know why the site plan was designed to include a particular part of this parcel, perhaps to allow for greater preservation of forested wetlands? We have attempted to make comments that would serve to reduce environmental impacts at this site, while keeping in mind the footprint of the site plan.

Rare Species

We have not surveyed this property, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site. We do have records of *Elaphe guttafa* (corn snake), a State-Endangered reptile, in woodlands just to the southwest of the project parcel. This species can be mistaken as a copper head because of similar markings, however, it is a docile, non-poisonous species which can reduce rodent populations. Corn snake typically inhabit wooded areas but will also utilize open fields and buildings in search of prey. Eggs are laid in June or July under rotting

stumps, logs, or other debris and typically hatch between August and September. Because we have not surveyed this property to confirm presence or absence of this species, we recommend that efforts to minimize clearing of nesting habitat during the breeding and hatching season be made (June through September).

Forest loss

There is a fairly large area of this parcel that has already been cleared for agriculture and it appears as if the applicant is mostly utilizing this portion of the parcel (if not, we recommend the plan be shifted to include the non-forested area mostly). It appears as if lot #'s 23 through 32 are either totally or partially forested. This forest is part of a larger forest block and these lots will serve to fragment and destroy forested wildlife habitat. We recommend that the applicant consider omitting some of these lots or re-locating them to another portion of the parcel that is not forested (unless all non-forested areas already have lots or infrastructure). There is also a stormwater management pond that may require clearing unless it is reduced in size (if feasible) or re-located to another portion of the parcel. We recommend that the applicant discuss alternative methods of stormwater control with the district engineer.

Thousands of acres of forest have been lost in Delaware and a corresponding loss in forest dependent species has resulted. Preserving forested areas that are connected to other forested areas is of special importance. Larger connected areas of are important for wildlife travel and for forest dependent species. Forested fragmentation separates wildlife populations and leaves forest dwelling species vulnerable to predation and infiltration from invasive species. Also, when forested areas are converted into a 'residential woods', wildlife must either coexist with the new inhabitants or disperse into surrounding areas. Either scenario results in human/animal conflicts including interactions on the roadways. Conversion of wildlife habitat also puts greater pressure on nearby public lands such as nature preserves, State Wildlife Areas, State Forests, and State Parks.

Wetlands

According to State Wetland maps, nearly all of the forested areas on this parcel are also wetlands. We highly recommend that all lots and infrastructure be removed from forested wetland areas. There should be at least a 100ft forested buffer zone left intact between lot lines and wetland boundaries. Not only do upland buffers protect the function and integrity of wetlands but they also serve as habitat for wetland dependent species for a portion of their life cycle. This buffer zone should be permanently preserved so that future clearing by residents is less likely to occur. The current site plan depicts both lots and infrastructure within close proximity to wetlands (i.e. closer than 100ft).

Potential Hunting Issue

Because the project area is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100yds of a dwelling is prohibited and the applicant should contact adjacent landowners to determine if this is going to be an issue.

In effect, the adjacent landowner will be losing 100yds of their property for hunting if there is not a buffer between lot lines and the adjacent property line. There is also noise associated with hunting, such as the discharge of firearms or dogs barking when pursuing game.

Nuisance Waterfowl

Because there is an existing pond, the landowner/developer may have already experienced or taken legal action to control waterfowl within the pond. If not, we offer the following information:

High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the size and/or number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

#2006-43 Stoney Creek (90 lots on 47 acres, tax parcel 5-33-19-8.01, 5-33-19-9.0):

Rare species

We have never surveyed this site, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site.

Site Visit Request

In order to provide more informed comments and to make recommendations, our program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and unique habitats and to ensure that the project is environmentally sensitive. In addition, a survey of the project site will give staff an opportunity to document the biodiversity of the property and add to the State database. Please contact Bill McAvoy or Kitt Heckscher at (302) 653-2880 to set up a site visit.

Forest Loss

This site is entirely forested and considering the fact that over 20,000 acres of forest has been cleared since 2003 and a corresponding loss of forest dependent species has occurred, reducing forest loss within the State is extremely important. Forest fragmentation separates wildlife populations, increases road mortality, and increases "edge effects" that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

Although not every tree will be cleared by this project, it will result in the conversion of 47 acres of wildlife habitat into a 'residential woods' which is not as functional or valuable from a wildlife standpoint. Wildlife must either co-exist with the new residents or disperse into the surrounding area. Either scenario can result in human/animal conflicts, including interactions on the roadways. We encourage the applicant to consider preservation of this forest block or at least part of the forest block and many new incentive-based programs for wildlife management are available to private landowners through our agency. Please contact our office (653-2880) if the landowner(s) is interested in more information.

If preservation is not considered then we strongly recommend:

- 1) Reducing the size of the development by omitting lots and associated infrastructure so that a larger area of *connected* forested open space is left intact,
- 2) Efforts to minimize the amount of clearing needed for the footprint of homes and infrastructure be employed. If feasible, mechanisms should also be put in place to reduce future clearing by landowners, such as deed restrictions or conservation easements,
- 3) A method of stormwater management that does not require tree clearing should be employed if deemed feasible. It often does not make sense to clear trees which function in flood abatement to create a pond with the same purpose. Alternate methods which do not require tree clearing should be considered,
- 4) If trees are cleared despite our objections, they should not be cleared from April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding. This clearing recommendation would only protect those species during the breeding season, because once trees are cleared the result is an overall loss of habitat.

Wetland buffers

We strongly encourage the applicant to have wetland delineations conducted by a certified wetland scientist. According to our wetland database, there are two sizable areas of isolated wetlands on tax parcel 5-33-19-9.0. The site plan only depicts one of these wetland areas and it appears to be smaller. Although isolated wetlands do not have regulatory protection, they none the less possess important wetland values and functions and should still be protected from disturbance. They also can support and array of plant and animal species. There are also wetlands associated with Roy Creek that appear to be larger in our database than that depicted on the site plan. There is a stormwater

management pond that is way too close to these wetlands and should be pulled out of the protective buffer zone. This buffer zone is important for the function and integrity of the wetlands, protects water quality, and serves as habitat for wildlife and wetland dependent species. There should be at least a 100ft upland buffer around all wetland areas. This buffer zone should not contain lot lines or infrastructure and be permanently protected so future clearing is less likely to occur.

Plant Rescue

Since woodlands and wetlands are to be destroyed, filled, or disturbed, we recommend that the developer/landowner contact the Delaware Native Plant Society to initiate a plant rescue. Selected plants from the site of disturbance will be collected by Society members and transplanted to the Society's nursery. Plants will then be used in restoration projects and/or sold at the Society's annual native plant sale. This can be done at no expense or liability to the developer/landowner". Please contact Lynn Redding at (302) 736-7726, (lynn_redding@ml.com) or William A. McAvoy at (302) 653-2880, (william.mcavoy@state.de.us).

Potential Hunting Issue

Because the project area is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100yds of a dwelling is prohibited and the applicant should contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100yds of their property for hunting if there is not a buffer between lot lines and the adjacent property line. There is also noise associated with hunting, such as the discharge of firearms or dogs barking when pursuing game.

Green Infrastructure

This parcel is part of the Governor Minner's "Green Infrastructure for a Liveable Delaware" (Executive Order Number Sixty-one; http://www.state.de.us/governor/orders/webexecorder61.shtml). This initiative includes a

network of ecologically important natural resource lands of special state conservation interest. Green Infrastructure lands were identified through interpretation of the most important known rare species sites, existing protected lands, 1997 statewide aerial photography, and regional ecological evaluations by the USF&W Service, The Nature Conservancy, and the Delaware Natural Areas, Natural Heritage, and Open Space Programs. The lands identified as green infrastructure serve to maintain natural ecological processes protect and support native species, air and water resources, sustain agricultural enterprises, and contribute to the health and quality of life for the citizens of Delaware. Because most of the Green Infrastructure lands are privately owned, it is a voluntary initiative that appeals to the stewardship of private landowners.

Nuisance Waterfowl

Stormwater management ponds could attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the homeowners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Thank you for the opportunity to comment on the above projects. If there are any questions, please contact me at (302) 653-2883 ext. 126 or at Edna. Stetzar@state.de.us

Sincerely, Edna J. Stetzar



General Information

Licenses & Permits Seasons & Bag Limits

Resources

General Hunting Information



Prohibited Methods of Take - It is unlawful to:

General

- Hunt out-of-season, without a license, take more than the daily limit, or possess unlawfully killed game.
- · Hunt within 100 yards of an occupied structure (unless hunter is the owner or occupant, or has permission from the owner or occupant) or drop shot on buildings or people. When hunting deer with archery equipment, a hunter must be at least 50 yards from a structure. In New Castle County, north of I-295 and I-95 the distance is 200 yards when hunting with a firearm.
- Discharge any firearm from or within 15 yards of public road or shoot across a public road or right-of-way.
- Trespass with gun or dog or trap on private property without prior permission of the landowner whether or not the land is "posted."
- · Damage any nest, den, or lair of game animals or birds.
- · Use an artificial light to illuminate wildlife from a motor vehicle for the purpose of hunting or observation.
- Use night vision or infrared devices while hunting
- · For specifics on waterfowl and other migratory birds, see Federal Regulations at www.fws.gov/le/hunting.html

Firearms and Archery Equipment

- Have a loaded firearm, or a cocked crossbow, in or on a motorboat while underway, or in, against, or on a motor vehicle or farm machinery.
- · Transport a muzzleloader with a charge in the barrel unless the cap or primer is removed and the gun is enclosed in a case or the striking mechanism is removed.
- Hunt at night (1/2 hour after sunset to 1/2 hour before sunrise) except that frogs, raccoons and opossum may be hunted at night using a handheld light.
- Take game using a shotgun larger than 10 gauge, a fully automatic loading gun (machine gun), or use a centerfire rifle, except groundhogs, foxes and coyotes may be hunted with a centerfire rifle.



Axiom Engineering, L.L.C. 18 Chestnut Street Georgetown, DE 19947 (302) 855-0810

Fax: 855-0812 <u>axiom@axeng.com</u> <u>www.axeng.com</u>

CONFIDENTIAL LETTER OF TRANSMITTAL

		Jamie Whitehouse, Acting Director Sussex County Planning and Zoning	FROM: DATE:	Ken Christenbury 3/10/20
		2 The Circle	CC:	
		Georgetown, DE 19947	00.	
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Commission	review.			
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18 Chestnut Street Georgetown, DE 19947 www.axeng.com Phone: 302 855-0810
Fax: 302 855-0812
E-mail: axiom@axeng.com

March 10, 2020

Sussex County Planning and Zoning 2 The Circle, PO Box 417 Georgetown, DE 19947

Attn: Jamie Whitehouse, AICP - Acting Director

RE: Subdivision 2006-9 Johnsonville

Dear Mr. Whitehouse:

On May 16, 2016, Subdivision 2006-9 was recorded in Plat Book 230- PG 75 (copy attached). The record plan indicates a Forest Conservation Easement on multiple lots to attempt to buffer the open space from the residential lots. Ashburn Homes acquired Johnsonville from the original developer with this restriction and has been attempting to work within the confines identified on the Record Plan, however, the forest conservation easements as approved leaves little to no room for patios, decks, sheds or swimming pools often desired by those purchasing a large rural lot (see attached Lot 3 & 4 septic site plan). Subdivision 2006-9 is a standard subdivision with a minimum lot size of ¾ acre, therefore the ordinance does <u>not</u> require a superior design. The builder is requesting a reduction in the forest conservation easements indicated on the approved plan. This forest conservation easement reduction affects lots 2 - 16 (Plan sheets C-2, C-10 & C-11). In no case is the 20' perimeter buffer affected by this amendment request.

In addition to the revision to the forest conservation easement, the builder proposes construction of a masonry monument sign at the entrance to the subdivision, and is requesting approval of a 750 sq. ft. easement on Lot 22 to allow installation and perpetual maintenance for the sign (Plan sheet C-10).

51% ownership is required to amend a recorded subdivision plan. At this time, the applicant owns all of the lots in the project, but does have one under contract. Please notify me if any additional data is required to schedule this amendment for Planning & Zoning Commission review.

Sincerely,

Kenneth R. Christenbury, P.E. President, Axiom Engineering, LLC

CC: Jordan Ashburn, Ashburn at Johnsonville, LLC



PROJECT #:19-426 COTTEN ENGINEERING DATE: 10/29/2019 10087 CONCORD RD SEAFORD, DE 19973 PHONE/FAX (302) 628-9164 TAX MAP#:234-21.00-397.00 NOTE: CONTACT SYSTEM DESIGNER IF SITE CONDITIONS CHANGE. GRAPHIC SCALE (IN FEET) 1 inch = 50 ft.HENRYS WAY 20 L=117.96' R=175.00 FRUT ON BEORO PROP PROP DRIVE PROP WELL WELL 3\$.0° PROPOSED 3 BEDROOM LIVINGSTON 20.8 100' FOREST CONSERVATION EASEMENT 20.8 100' FOREST CONSERVATION EASEMENT - = 123.77' N S 78'46'35" DESIGN BASED UPON LOT DIMENSIONS PROVIDED BY CLIENT AND FROM APROVED SITE EVALUATION BY BRUCE BAGLEY. COTTEN ENGINEERING DID NOT PERFORM A SURVEY OF THIS PROPERTY. OWNER'S/AUTHORIZED AGENT SIGNATURE: _ DATE: _

