

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



# Sussex County

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date November 18<sup>th</sup>, 2021

Application: Lightship Cove (2021-11)

Applicant: Schell Brothers, LLC  
20184 Phillips Street  
Rehoboth Beach, DE 19971

Owner: Emily C. McHugh  
28784 Fisher Road  
Milton, DE 19968

Site Location: Lying on the south side of Fisher Road (S.C.R 262) approximately 1.54 mile southeast of Cool Spring Road (S.C.R. 290)

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

Proposed Use: 97 Lot Cluster Subdivision

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Sussex County

Water: Tidewater

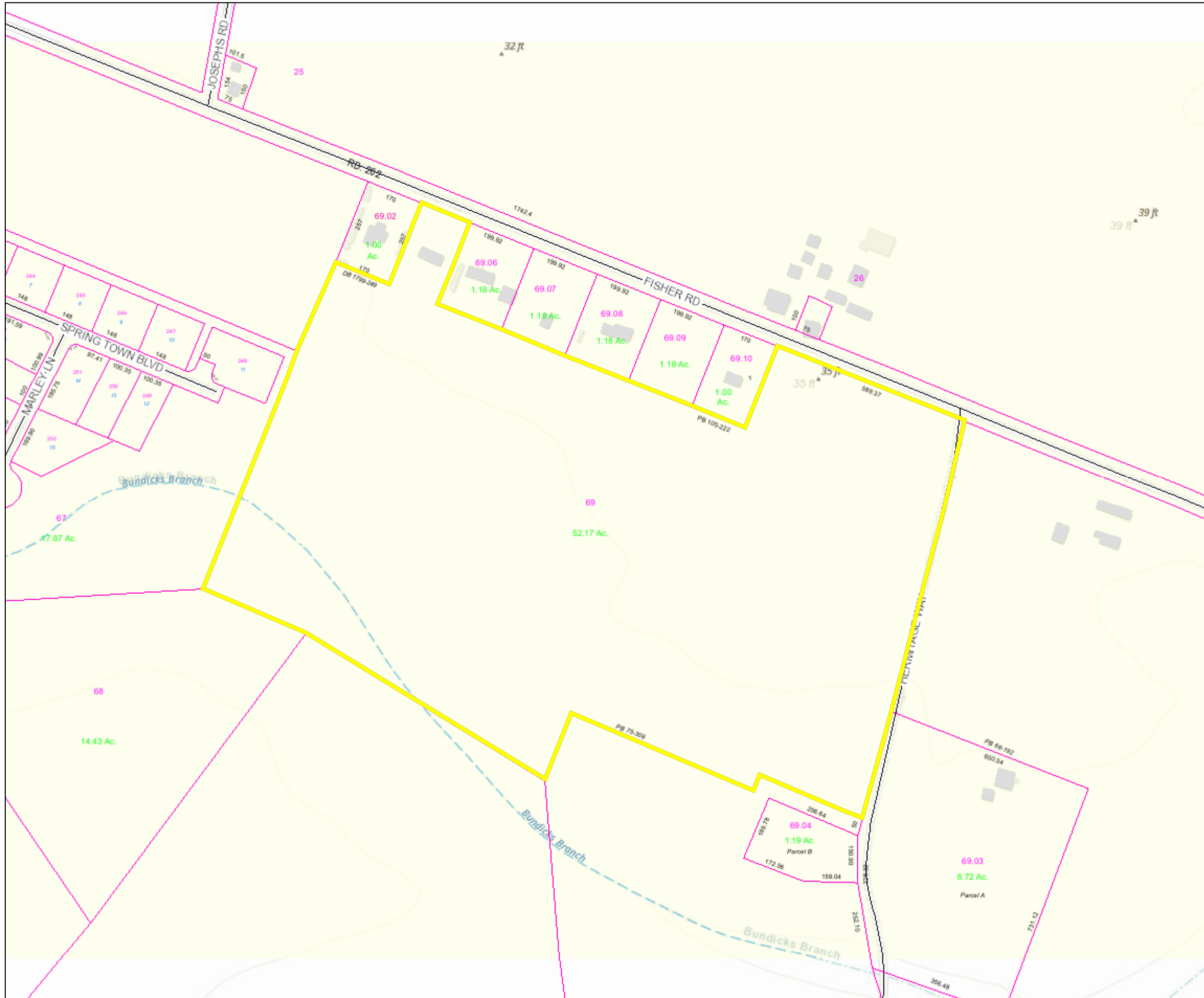
Site Area: 51.97 +/- acres

Tax Map ID.: 334-10.00-69.00





# Sussex County



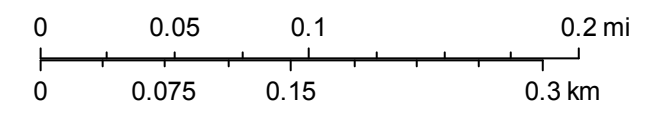
<b>PIN:</b>	334-10.00-69.00
<b>Owner Name</b>	MCHUGH EMILY C
<b>Book</b>	533
<b>Mailing Address</b>	28784 FISHER RD
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description</b>	SW/OF RD 262
<b>Description 2</b>	APPROX 2602' NW OF
<b>Description 3</b>	RD 286 T#46736
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polyonLayer**

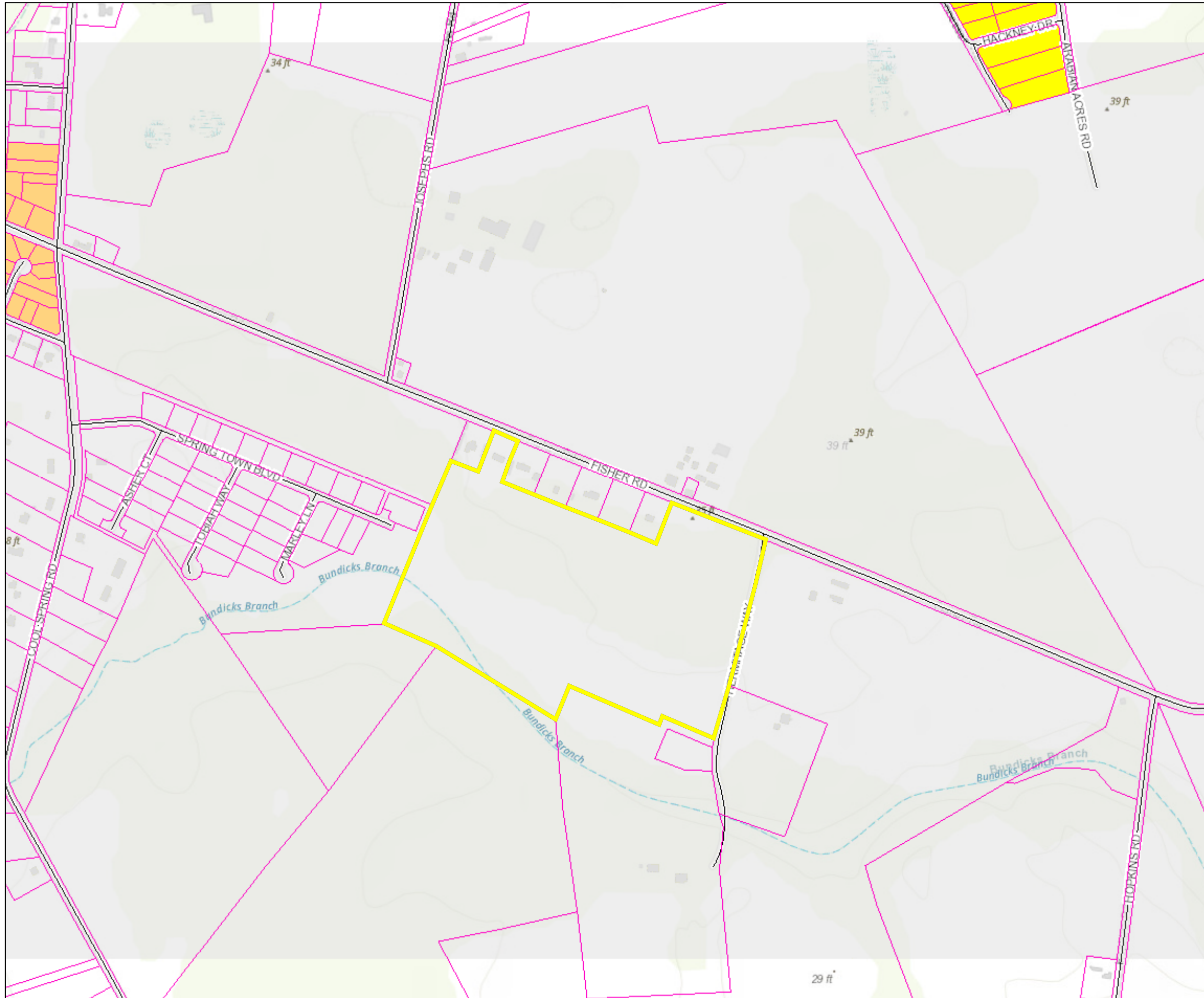
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  - Tax Parcels
  - Streets
  - County Boundaries
  - Municipal Boundaries
  - TID

1:4,514





# Sussex County



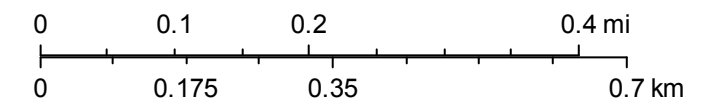
<b>PIN:</b>	334-10.00-69.00
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  - Override 1
- polygonLayer**

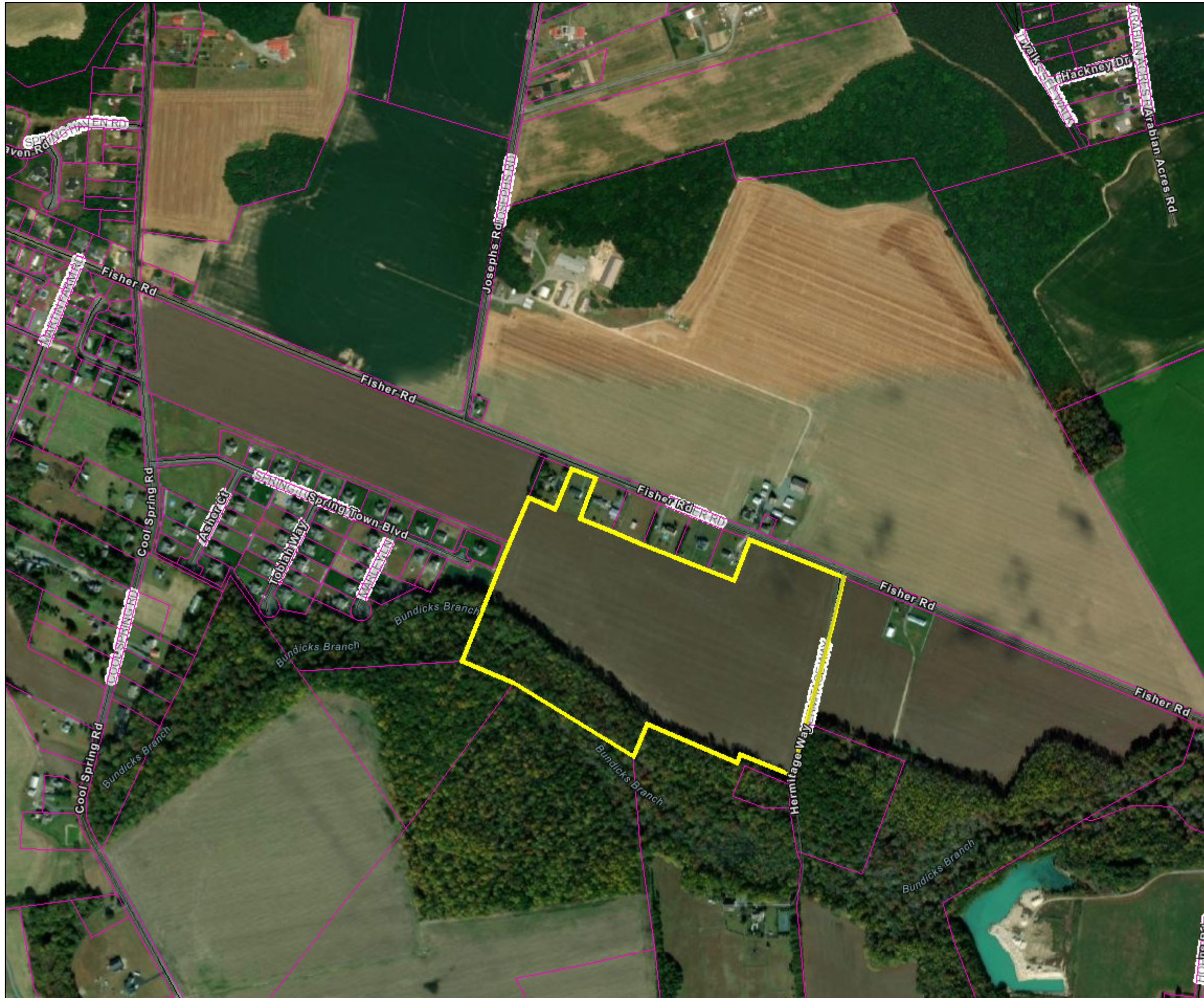
  - Override 1
- Tax Parcels
- Streets

1:9,028





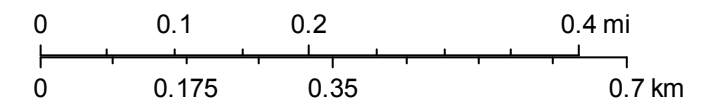
# Sussex County



<b>PIN:</b>	334-10.00-69.00
<b>Owner Name</b>	MCHUGH EMILY C
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<b>Land Code</b>	

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

1:9,028



File #: 2021-11  
Pre-App Date: \_\_\_\_\_

# Sussex County Major Subdivision Application

202100359

## 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

RECEIVED

JAN 11 2021

SUSSEX COUNTY  
PLANNING & ZONING

### Type of Application: (please check applicable)

Standard:   
Cluster:   
Coastal Area:

### Location of Subdivision:

South of Fisher Road, between Cool Spring Road and Hopkins Road

### Proposed Name of Subdivision:

Tax Map #: 334-10 P 69 Total Acreage: 51.87 (48.84 Net)

Zoning: AR-1 Density: 1.99 Minimum Lot Size: 7,500 Number of Lots: 97

Open Space Acres: 27

Water Provider: Artesian Sewer Provider: Artesian

### Applicant Information

Applicant Name: Schell Brothers, LLC  
Applicant Address: 20184 Phillips Street  
City: Rehoboth Beach State: DE Zip Code: 19971  
Phone #: (302) 226-1994 E-mail: greg@oacompanies.com

### Owner Information

Owner Name: Emily C McHugh  
Owner Address: 28784 Fisher Road  
City: Milton State: DE Zip Code: 19968  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt, LLC (Attn: Mackenzie Peet, Esq.)  
Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1  
City: Lewes State: DE Zip Code: 19958  
Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com



# Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
  - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24
  - Provide compliance with Section 99-9.
  - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ✓ **Provide Fee \$500.00**
- \_\_\_ **Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.)** If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **PLUS Response Letter (if required)**  **Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)**
- \_\_\_ **51% of property owners consent if applicable**

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

I also certify that I or an agent on 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**

\_\_\_\_\_

Date: 12/9/20

**Signature of Owner**

Emily Maphys

Date: 12/08/20

**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: \_\_\_\_\_

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

TO: **Jamie Whitehouse**  
REVIEWER: **Chris Calio**  
DATE: **11/3/2021**  
APPLICATION: **2021-11 Lightship Cove**  
APPLICANT: **Emily C. McHugh**  
FILE NO: **NCPA-5.03**

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SUSSEX COUNTY  
PLANNING & ZONING

TAX MAP &  
PARCEL(S): **334-10.00-69.00**

LOCATION: **Lying on the south side of Fisher Road (SCR 262)  
approximately 0.87 mile southeast of Cool Spring Road (SCR  
290).**

NO. OF UNITS: **97**

GROSS  
ACREAGE: **48.84**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No 
  - a. If yes, see question (2).
  - b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Choose an item**. at **302-855-7719** for additional information on charges.



- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed subdivision is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

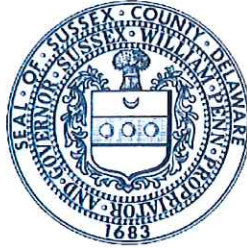
UTILITY PLANNING & DESIGN REVIEW APPROVAL:

  
\_\_\_\_\_  
John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
**Choose an item.**

**MAPPING & ADDRESSING**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

**July 27, 2021**

Schell Brothers

Attn: Ann-Margaret Donato

RE: **Lightship Cove**

I have received proposed street name(s) for the proposed subdivision, **Lightship Cove**, located in Milton. In reviewing the proposed street name(s) the following have been approved:

<i>Lightship Cove Dr</i>	Outrigger Ct	Channel Way
--------------------------	--------------	-------------

Use only approved road names that you have written confirmation for or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **Lightship Cove** please forward a copy of the recorded site plan to my attention. Our office would appreciate a digital copy if at all possible, for the purpose of addressing. Should you have any questions, please contact the Sussex County Addressing Department at 302-855-1176.

Sincerely,

*Terri L. Dukes*

Terri L. Dukes  
Addressing Technician II

CC: Christin Scott  
Planning & Zoning





## MAPPING & ADDRESSING

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



# Sussex County

DELAWARE  
sussexcountyde.gov

July 26, 2021

Schell Brothers

Attn: Ann-Margaret Donato

**RE: Change of Sub Division Name(s)/Formally known as:**

## FISHERS COVE

I have received your request to change the subdivision previously approved as **Fishers Cove**, which is located in **Milton** (334-10.00-69.00). The name change has been approved and will now be known as:

## LIGHTSHIP COVE

Should you have any questions please contact the **Sussex County Addressing Department at 302-853-5888 or 302-855-1176.**

Sincerely,

*Terri L. Dukas*

Terri L. Dukas  
Addressing Technician II

CC: Christin Headley  
Planning & Zoning







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

April 14, 2021

Chase Phillips, Planner I  
Planning & Zoning Commission  
P.O. Box 417  
Georgetown, Delaware 19947

Subject: **Preliminary Plans for (Unnamed Subdivision) Fisher Road**

Dear Mr. Phillips,

Thank you for providing preliminary plans for Unnamed subdivision on Fisher Road submitted by Solutions Integrated Planning Engineering & Management, LLC. The plans submitted to our section dated December 8<sup>th</sup>, 2020 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 (Unnamed Subdivision) Fisher Road's preliminary subdivision plans dated December 8<sup>th</sup>, 2020 at this time.

If you have any questions please feel free to contact me at [taryn.davidson@delaware.gov](mailto:taryn.davidson@delaware.gov).

Sincerely,

Taryn Davidson  
Urban Forestry Program  
Delaware Forest Service



## Christin Scott

---

**From:** Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>  
**Sent:** Thursday, March 11, 2021 11:56 AM  
**To:** Planning and Zoning  
**Subject:** RE: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

**Categories:** Christin

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good morning,

DNREC's Division of Waste and Hazardous Substances has no comments on either of the referenced projects.

Mindy Anthony  
Planner IV  
DNREC-Div. of Waste & Hazardous Substances  
89 Kings Hwy  
Dover, DE 19901  
Phone: 302-739-9466  
Fax: 302-739-5060  
[Mindy.Anthony@delaware.gov](mailto:Mindy.Anthony@delaware.gov)

Integrity. Respect. Openness. Customer Focus. Quality.



<https://de.gov/recycling>  
[www.facebook.com/delawarerecycles](https://www.facebook.com/delawarerecycles)

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**From:** Christin Headley <christin.headley@sussexcountyde.gov>  
**Sent:** Tuesday, February 09, 2021 8:09 AM  
**To:** Beth Krumrine <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dean Holden - Chesapeake Electric <dholden@chpk.com>; Butler, Eileen M. (DNREC) <Eileen.Butler@delaware.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; Jessica Watson – Sussex Conservation <Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; John Martin <jmartin@chpk.com>; john.hayes@delaware.gov; john.kennel@delaware.gov; John.Martin@delaware.gov; kate.fleming@delaware.gov; Kelley Gabbard <kgabbard@chpk.com>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; Crystall, Meghan (DNREC) <Meghan.Crystall@delaware.gov>; Mike Brady <MBRADY@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Rob Davis – Planning Tech Utility Planning <rdavis@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyde.gov>; Terri Dukes <tdukes@sussexcountyde.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Tiffany Giroux <tgiroux@chpk.com>; Troy Dickerson <TDickerson@decoop.com>; Vince Robertson <vrobertson@pgslegal.com>  
**Cc:** Chase Phillips <chase.phillips@sussexcountyde.gov>  
**Subject:** TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring



All,

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

Please provide comments on or before April 6<sup>th</sup>, 2021.

Please feel free to contact me with any questions.

Thanks,

*Christin Scott*

Christin Scott, Planner I  
Planning & Zoning Department  
2 The Circle  
PO Box 417  
Georgetown, DE 19947  
302-855-7878  
[christin.headley@sussexcountyde.gov](mailto:christin.headley@sussexcountyde.gov)

Much of the County's Planning and Zoning Information can be found online at:  
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:  
<https://sussexcountyde.gov/2018-comp-plan-documents>

## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
AIRPORT & INDUSTRIAL PARK (302) 855-7774  
ENVIRONMENTAL SERVICES (302) 855-7730  
PUBLIC WORKS (302) 855-7703  
RECORDS MANAGEMENT (302) 854-5033  
UTILITY ENGINEERING (302) 855-7717  
UTILITY PERMITS (302) 855-7719  
UTILITY PLANNING (302) 855-1299  
FAX (302) 855-7799



# Sussex County

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER  
MICHAEL E. BRADY  
DIRECTOR OF PUBLIC WORKS

Date February 17, 2021

REF: **T. A. C. COMMENTS  
FISHER ROAD  
SUSSEX COUNTY TAX MAP NUMBER  
334-10.00 PARCELS 69.00  
PROJECT CLASS-3  
AGREEMENT NO. 1166**

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

### DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. This project is not located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction on all plans.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50'.

The plans shall show and address the following items at minimum:

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, two (2) horizontal and vertical control concrete



project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.

8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
10. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
11. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
12. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
13. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.
14. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
15. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.
16. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
17. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 20653 DuPont Boulevard, Unit 5, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.

18. Provide the limits and elevations of the one hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.
19. The pavement radius for all cul-de-sacs shall be no less than 38 feet in diameter or as otherwise required by the State Fire Marshall's office or the County Engineering Department.
20. False berms shall not be utilized to create roadside drainage swale back slopes.
21. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
22. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
23. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
24. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
25. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
26. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
27. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
28. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
29. When special studies or investigations pertain to a regulatory program of another public agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments

from these agencies shall be supplied to Sussex County by the developer.

**UTILITY PLANNING COMMENTS**

REVIEWER: **Chris Calio**  
APPLICATION: **Fisher Road (2021-11)**  
APPLICANT: **Schell Brothers, LLC**  
FILE NO: NCPA-5.03  
TAX MAP &  
PARCEL(S): **334-10.00-69.00**  
LOCATION: **South side of Fisher Road (SCR 262), approximately 0.50  
mile east of Cool Spring Road (SCR 290).**  
NO. OF UNITS: 97  
GROSS  
ACREAGE: 48.9390

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

**SEWER:**

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

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

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

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

- (8). Comments: **The proposed subdivision is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**

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

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

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.





**DELAWARE HEALTH AND SOCIAL SERVICES**

**Division of Public Health**

Office of Engineering  
Phone: (302) 741-8640  
Fax: (302) 741-8641

February 5, 2021

Ms. Christin Scott  
Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

**Re:** Sussex County Technical Advisory Committee

Dear Ms. Scott:

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

1. **Applications:**     **2021-11 Fisher Road**  
                              **2021-12 Cool Spring**

These applications indicate central water will be supplied by Artesian Water Company, Inc. *These projects require an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for these projects, 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 that reads "William J. Milliken, Jr." in a cursive script.

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





## Christin Scott

---

**From:** Dickerson, Troy <TDickerson@delaware.coop>  
**Sent:** Wednesday, February 10, 2021 11:32 AM  
**To:** Christin Headley  
**Subject:** RE: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

**Categories:** TAC Comments

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Morning,

Both of these are located within DP&L's service territory.

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](mailto:tdickerson@delaware.coop)



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---

**From:** Christin Headley <christin.headley@sussexcountyde.gov>  
**Sent:** Tuesday, February 9, 2021 8:09 AM  
**To:** Beth Krumrine <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dean Holden - Chesapeake Electric <dholden@chpk.com>; eileen.butler@delaware.gov; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; jennifer.cinelli@delaware.gov; Jessica Watson – Sussex Conservation <Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; John Martin <jmartin@chpk.com>; john.hayes@delaware.gov; john.kennel@delaware.gov; John.Martin@delaware.gov; kate.fleming@delaware.gov; Kelley Gabbard <kgabbard@chpk.com>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; meghan.crystall@delaware.gov; Mike Brady <MBRADY@sussexcountyde.gov>; milton.melendez@delaware.gov; Mindy Anthony <Mindy.Anthony@delaware.gov>; Rob Davis – Planning Tech Utility Planning <rdavis@sussexcountyde.gov>; subdivision@delaware.gov; Susan Isaacs <sisaaacs@sussexcountyde.gov>; Terri Dukes <tdukes@sussexcountyde.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Tiffany Giroux <tgiroux@chpk.com>; Dickerson, Troy <TDickerson@delaware.coop>; Vince Robertson <vrobertson@pgslegal.com>  
**Cc:** Chase Phillips <chase.phillips@sussexcountyde.gov>  
**Subject:** TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

All,

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

Please provide comments on or before April 6<sup>th</sup>, 2021.

Please feel free to contact me with any questions.

Thanks,

*Christin Scott*

Christin Scott, Planner I  
Planning & Zoning Department  
2 The Circle  
PO Box 417  
Georgetown, DE 19947  
302-855-7878  
[christin.headley@sussexcountyde.gov](mailto:christin.headley@sussexcountyde.gov)

Much of the County's Planning and Zoning Information can be found online at:  
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:  
<https://sussexcountyde.gov/2018-comp-plan-documents>



Natural Resources  
Conservation  
Service

April 2, 2021

Georgetown  
Service Center

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

21315 Berlin Road  
Unit 3  
Georgetown, DE  
19947

**RE: Fisher Road  
Lewes & Rehoboth Hundred  
97 single family lots**

Voice 302.856.3990  
Fax 855.306.8272

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

- AsA Askecksy loamy sand, 0 to 2 percent slopes
- DnA Downer loamy sand, 0 to 2 percent slopes
- DnB Downer loamy sand, 2 to 5 percent slopes
- LO Longmarsh and Indiantown soils, frequently flooded
- RoA Rosedale loamy sand, 0 to 2 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
AsA	R2	Very limited	Very limited	Very limited
DnA	G1	Not limited	Not limited	Not limited
DnB	G1	Not limited	Not limited	Not limited
LO	R3	Very limited	Very limited	Very limited
RoA	Y2	Somewhat limited	Not limited	Very limited

Definition of soil limitation ratings classes:

Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development.

**"Not limited"** indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

**"Somewhat limited"** indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

**"Very limited"** indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.



**G1:**

These soils are on nearly level to strongly sloping (0-10% slopes), well drained, mostly permeable soils. As sites for large commercial, industrial, institutional, and residential developments, these soils have fewer limitations than any other soils in the state. Slopes are favorable, and grading can be done without difficulty. Foundation conditions are generally good. Grasses, trees, and do well. Principal soil limitations: No apparent soil limitations for conventional uses.

**R2:**

The soils in this classification are nearly or gently sloping, very poorly, poorly, and somewhat poorly drained. Seasonal high water tables, local ponding, and high potential frost action severely limit these soils for residential developments. The principal soil limitations are: 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) wet foundations or basements probable, and 4) hazard of temporary ponding of water in areas lacking outlets. Loose running sand commonly encountered in deep excavations.

**R3:**

These soils are alluvial soils that have a history of flooding. The hazard of potential flood damage and seasonal or fluctuating high water tables severely limits these soils for building use. The soil limitations are 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) delayed construction in spring - slow to dry out, 4) wet foundations or basements probable, and 5) potential flood damage.

**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.

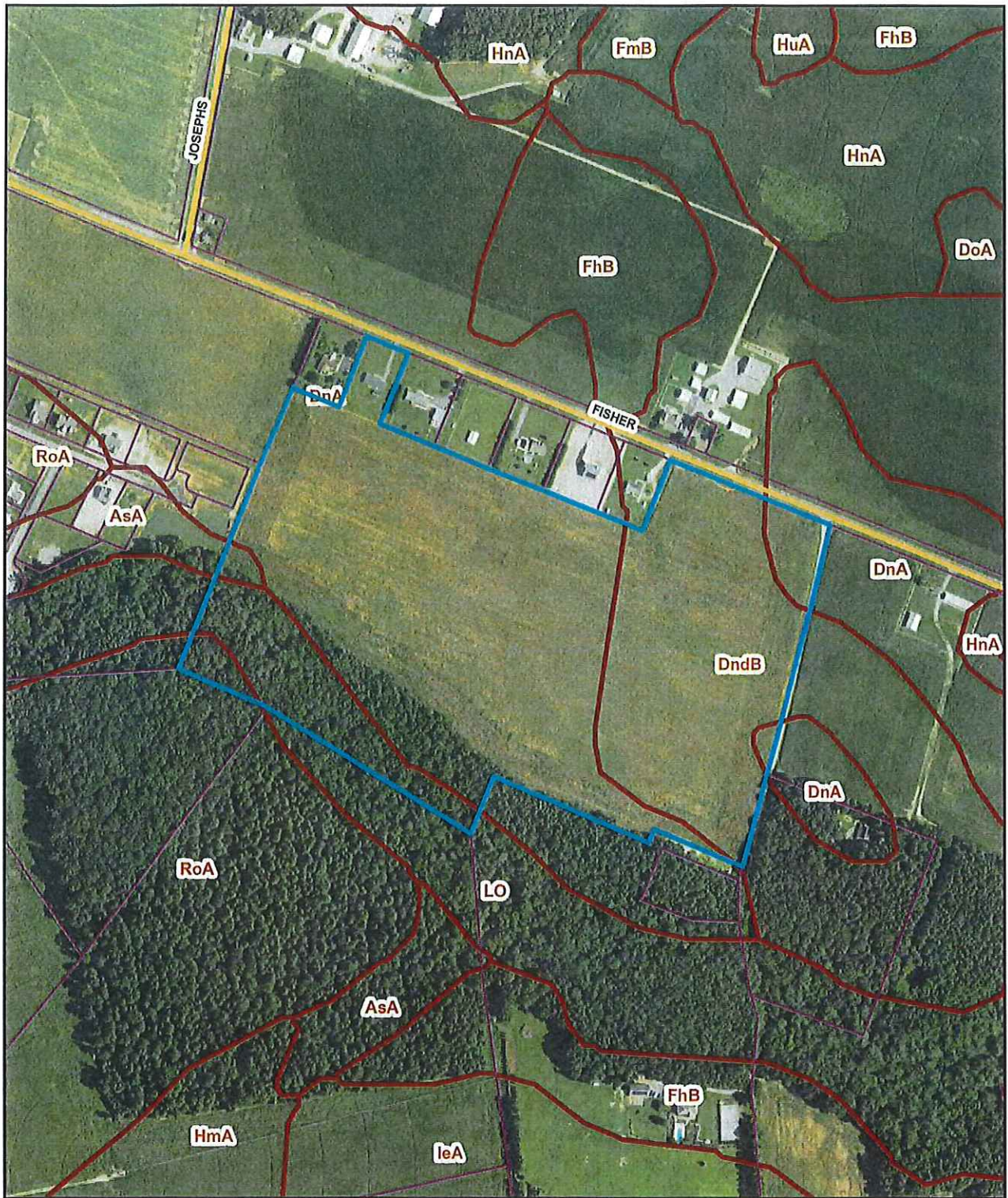
Sincerely,



Thelton D. Savage  
District Conservationist  
USDA, Natural Resources Conservation Service

TDS/bh





2021-11  
TM #334-10.00-69.00  
Fisher Road







2021-11  
TM #334-10.00-69.00  
Fisher Road



Agency Name: Dept. of Transportation Project Name: Fisher  
Division: Planning Contact Person: Bill Brockenbrough

### Regulations/Code Requirements

- The site access on Fisher Road (Sussex Road 262) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- In accordance with Sections 1.6.1 of the Manual, and Figure 1.5.1 within that section, address entrance spacing. According to Figure 1.5.1, the proposed site entrance would be too close to Hermitage Way. To optimize conformity to Figure 1.5.1, DeIDOT anticipates requiring that the site entrance be centered between the driveway of the Morgan property (Tax Parcel No. 334-10.00-69.10) and Hermitage Way.
- In accordance with Sections 1.6.7 and 7.2.3.2 of the Manual, DeIDOT may require that some or all of lands to be retained by their current owners, be accessed by way of the subdivision street system rather than by Fisher Road. To the extent that those lands are already developed, and homes would remain, their access should be discussed at or before the Pre-Submittal Meeting. The applicant's engineer may contact Mr. Brian Yates, a Subdivision Reviewer in DeIDOT's Development Coordination Section, to initiate that discussion. Mr. Yates may be reached at [Brian.Yates@delaware.gov](mailto:Brian.Yates@delaware.gov) or (302) 760-2151.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 940 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DeIDOT calculates this number as 1,011 and estimates the weekday morning and evening peak hour trip ends at 74 and 99, respectively.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DeIDOT may accept an Area Wide Study (AWS) Fee in



lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$10,110. AWS Fees are used to fund traffic studies, not to build improvements.

Presently, there is a TIS under review for a larger development located farther west on Fisher Road and DelDOT anticipates identifying off-site improvements applicable to the subject development through their review of that study. In addition to whatever other offsite improvements are identified, DelDOT anticipates requiring the developer to improve Fisher Road, within the limits of their frontage, to meet DelDOT's Local Road standards. Local Road standards include 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fisher Road. By this regulation, this dedication is to provide a minimum of 30 feet from the physical centerline of Fisher Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Fisher Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 300 feet of the entrance on Fisher Road.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. For Level 3 and 4 Investment Areas, the requirement is at DelDOT's discretion but given the developing nature of the area, DelDOT anticipates requiring a Shared Use Path along the site frontage.
- Section 3.5.4.4 of the Manual addresses access-ways, essentially shared-use paths connecting subdivision streets either to each other or to the road on which the property



fronts. Section 3.5.7.1 of the Manual addresses interconnections where there is no existing stub street on the adjacent property. DelDOT anticipates requiring the developer to provide an accessway to Spring Town Boulevard in Springtown Farms if that can be negotiated with the homeowners' association there.

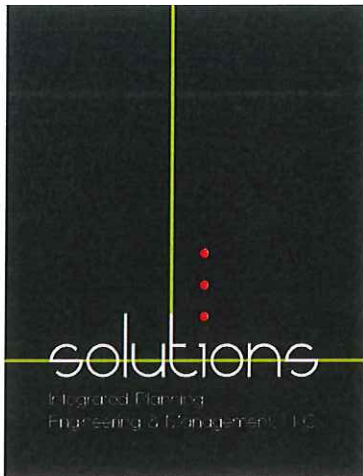
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Fisher Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance on Fisher Road and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

### **Suggestions**

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







### DelDOT Meeting Minutes (2-18-21)

#### Fisher

- TIS warrants are met, however an AWS fee is an option. There is not an official AWS letter yet. Brian will follow up with Claudy on the status. The letter can potentially contain Signal Agreements and Off-Site Contributions. The AWS Fee memo was released by DelDOT on February 16, 2021.
- The auxiliary lane worksheet is correct.
- The existing driveway (Hermitage Way) will receive a driveway restoration per the standard DelDOT detail.
- The SUP can be extended to Hermitage Way (if the driveway restoration extends past the proposed R.O.W., thus eliminating the diagonal tie into the proposed shoulder.
- The widening of Fisher Road shall extend to the projected site frontage. (11' wide travel lanes and 5' wide shoulders)
- Utility poles may require relocation. Their final location shall not fall within the established clear zone.
- The portion of the property with the existing house will be subdivided out as either a minor subdivision or as part of the final plat for the project. The existing house may keep its driveway access on Fisher Road.
- James noted the road will require a 1" mill. The proposed paving will be per the pavement design from DelDOT.
- There are historic drainage issues for Fisher Road. It is currently part of regional drainage area project. Solutions will coordinate with Matthew Schlitter on a potential outfall onto our site to Budnicks Branch.
- Please refer to DelDOT's previous PLUS comments for additional requirements, beyond that which was discussed at the pre-submittal meeting.
- Entrance location appears to meet DelDOT spacing requirements. Existing Residential entrance to remain. Entrance design vehicle SU-30/WB-40. No encroachment within design turning templates.
- Functional Classification – Local (30' ROW/15' PE)





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 77B  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

MEMORANDUM

**TO:** Richard McCabe, Sussex Review Coordinator  
**FROM:** Troy Brestel, Project Engineer **(TEB)**  
**DATE:** February 16, 2021  
**SUBJECT: Fisher Road (Protocol Tax Parcel #334-10.00-69.00)  
Area Wide Study Fee and Off-site Improvements**

---

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

- 1) The proposed development consists of 97 single-family detached houses. Per the tenth edition of the Institute of Traffic Engineers' Trip Generation Manual, we find that the proposed development would generate 1,011 average daily trips and 99 vehicle trips during the p.m. peak hour. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be \$10,110.00.
- 2) The developer shall improve the State-maintained road(s) on which they front, within the limits of their frontage, to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the Development Coordination Manual and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the Development Coordination Manual, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.



Mr. Richard McCabe

February 16, 2021

Page 2 of 2

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

TB:km

cc: Tim Green, Schell Brothers  
Jason Palkewicz, Solutions IPEM  
Michael Simmons, Assistant Director, Project Development South, DOTS  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Kerry Yost, Traffic Calming and Subdivision Relations Manager, Traffic, DOTS  
Wendy Polasko, Subdivision Engineer, Development Coordination  
James Argo, Sussex Plan Reviewer, South District  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Fumato, Project Engineer, Development Coordination  
Brian Yates, Johnson, Mirmiran & Thompson, Inc.



Sussex County, Delaware  
Technical Advisory Committee

Comment Sheet

\*\*\*\*\*



DATE OF REVIEW: February 11, 2021

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**  
**Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist**  
**Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist**  
**Desiree B. McCall, CFI, Sr. Fire Protection Specialist**

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

RE: FISHER ROAD UN-NAMED SUBDIVISION (2021-11)

*The reasons and conditions applied to this project and their sources are itemized below:*

\*\*\*\*\*

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

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR



c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Fisher Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

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

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://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***

## MAPPING & ADDRESSING

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



# Sussex County

DELAWARE  
sussexcountyde.gov

July 26, 2021

Schell Brothers

Attn: Ann-Margaret Donato

**RE: Change of Sub Division Name(s)/Formally known as:**

## FISHERS COVE

I have received your request to change the subdivision previously approved as **Fishers Cove**, which is located in **Milton** (334-10.00-69.00). The name change has been approved and will now be known as:

## LIGHTSHIP COVE

Should you have any questions please contact the **Sussex County Addressing Department at 302-853-5888 or 302-855-1176.**

Sincerely,

*Terri L. Duker*

Terri L. Duker  
Addressing Technician II

CC: Christin Headley  
Planning & Zoning



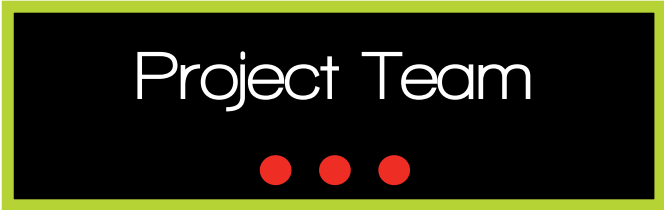
# Lightship Cove

Project Reference Material

AR-1 Cluster

October 2021





APPLICANT/DEVELOPER:

**Schell Brothers, LLC**

Contact: Tim Green  
20184 Phillips Street  
Rehoboth Beach, DE 19971  
Telephone: 302.226.1994  
Email: [tgreen@schellbrothers.com](mailto:tgreen@schellbrothers.com)

CIVIL ENGINEER/  
LAND PLANNER

**Solutions IPEM LLC**

Contact: Jason Palkewicz, PE  
303 North Bedford Street  
Georgetown, DE 19947  
Telephone: 302.297.9215  
Email: [jpalkewicz@solutionsipem.com](mailto:jpalkewicz@solutionsipem.com)

ENVIRONMENTAL

**Environmental Resources, Inc**

Contact: Edward M. Launay, Professional Wetland Scientist  
38173 DuPont Boulevard  
Selbyville, DE 19975  
Telephone: 302.436.9637  
Email: [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

ATTORNEY:

**Baird Mandalas Brockstedt, LLC**

Contact: Mackenzie M Peet, Esq  
1413 Savannah Road, Suite 1  
Lewes, DE 19958  
Telephone: 302.645.2262  
Email: [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)

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### **Resumes:**

Jason Palkewicz, PE

# Lightship Cove



## I. Executive Summary

Lightship Cove is a proposed 48.94 acre Cluster Subdivision composed of 97 single-family detached homes on individual lots. The site is located on the South side of Fisher Road adjacent to the existing Spring Town Farms residential community. The land is currently zoned AR-1.

Lightship Cove is located within Investment Level 4 of the State Strategies for Policies and Spending Map.

The proposed community provides 97 homes on roads within private rights-of-way with curb and gutter with sidewalk on one side, streetlights and preserved wooded and wetland areas. The project contains a total of 26.5 +/- acres (54%) of interconnected open space.

A centrally located recreation facility is provided which includes a pool and bathhouse. A trail connects the sidewalks to the proposed DeIDOT multi-modal path. A school bus stop and central mail facility will also be provided.

### **Proposed Density and Calculations:**

#### Project Area

51.97 total acres – 3.03 acres retained by seller = 48.94 acres

#### Allowable Homes Calculation (AR-1 Cluster):

2.0 homes/acre

48.94 x 2.0 = 97 homes

#### Proposed Homes:

97 Homes

#### Actual Density:

97 / 48.94 = 1.98 homes/acre

In conclusion, the proposed community has been thoughtfully planned to achieve a superior living environment for future residents. This plan provides appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety and welfare of the citizens of Sussex County.

## II. Project Overview

### A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 51.97 +/- acres. Wetlands areas were flagged and field located as part of the survey.

### B. Overview of Current Site Conditions

The property for the proposed Lightship Cove community is located South of Fisher Road, adjacent to the Spring Town Farms community. The proposed development is in the vicinity of the residential communities of Spring Town Farms, Ridings at Rehoboth, Ocean Meadows, Coolspring Farm, and Spring Haven.

Areas that should be preserved were determined to be non-tidal wetlands, areas along Bundicks Branch as well as the woods adjacent to and within the non-tidal wetlands.

The property is located within flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain), and Zone A, (special flood hazard areas subject to inundation by the 1% annual chance flood) per map number 10005C Panel 0326J & 0330J, map revised January 6, 2005. The site is located within areas of good and fair groundwater recharge potential.

A soils report was prepared by GTA. Areas outside of the wetlands contain Class A soils. The site is suitable for development including infrastructure, home construction and stormwater management.

### C. Land Plan and Amenities

The land plan takes into account:

- Existing site conditions
  - Non-Wetlands
  - Forest Land
  - Existing Grades
  - Bundicks Branch
  - Flood Zones
- Stormwater outfalls
- Adjacent communities
- Existing roadways
- Current housing trends
- Recreational needs

The resultant plan has:

- A 30' landscaped buffer (partially existing woods).
- Proposed lots are more than 35' from the perimeter of the site.
- The lots are a minimum of 30' from the non-tidal wetlands.
- Sidewalks one side of the road along with an anticipated trail connecting to the proposed DeIDOT multi-modal path.
- A 50' buffer from Bundicks Branch.
- Main recreation facility including:



- Pool
- Bathhouse
- Streetlights.
- Community mailbox cluster.
- School bus stop.
- An efficient stormwater management system that acts as an amenity.
- Large tracks of open space
  - Open Space Required (30%) = 14.68 acres
  - Open Space Provided = 26.5 acres
  - Contiguous Open Space Required (30% of Required Open Space) = 4.41 acres
  - Contiguous Open Space Provided = 25 acres

**D. DeIDOT Improvements**

A series of discussions were held with DeIDOT officials concerning area roadway improvements related to Fisher Road specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the development.

**E. Preliminary Land Use Service (PLUS)**

A concept plan for Lightship Cove was presented to PLUS on November 18, 2020. A response letter was provided to PLUS which addressed their comments point by point.

**F. Sanitary Sewer Planning Area**

The Lightship Cove community is anticipated to be served by Artesian. The site is located within the Sussex County Tier 3 – Coordinated CPCN Area.

### III. Compliance with Applicable Regulations

#### A. Compliance with AR-1 (Agricultural Residential District)

The project is located within the AR-1 zone. The site is being developed with residential lots lines within the AR-1 zone and will meet the requirements of the AR-1 Cluster as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance which allows 2.0 dwelling units per acre based on the gross site area.

Purpose: Lightship Cove conforms with the purpose of the AR-1 code in as much as it is a low density residential community that protects water resources, watersheds, forest area and scenic views. Specific design elements include:

- Recreation facilities such as pool and bathhouse are provided.
- Sidewalks and a connection to the multi modal path are provided.
- Lots are not located within the wetland area.
- There are no wellhead protection areas on the property.
- The site is within the fair groundwater recharge area.

Permitted Uses: The AR-1 allows the proposed single-family cluster development.

Permitted Accessory Uses: The zoning allows outdoor amenities for use of occupants and their guests.

Conditional Uses: Lightship Cove is not applying for any conditional uses.

Special Use Exceptions: Lightship Cove is not applying for any special use exceptions.

Permitted Signs: All proposed development signage will conform to the regulations provided in 115-159.2.

Height, Area and Bulk Requirements: The height, area and bulk requirements are set forth in the AR-1 zoning article. The following is a summary of the lot dimensions and setbacks for Lightship Cove, all of which are in conformity with County requirements:

Single Family Lots -

- Minimum Lot Area = 7,500 S.F.
- Minimum Lot Width = 60'
- Front Yard = 25' (15' Corner Lot)
- Side Yard = 10'
- Rear Yard = 10'
- Maximum Building Height = 42'

#### B. Statement of Compliance with Chapter 115-25, E. Design Requirements for Cluster Development

*(1) All development shall be in accordance with the latest amendment to the community design standards. The proposed cluster subdivision is in compliance with the Community Design section of the County's comprehensive plan.*

*(2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance. Only single-family detached home types are proposed within the cluster subdivision.*

*(3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area. A 30' buffer is provided to the adjacent properties.*

*(4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity. A 30' buffer is provided.*

*(5) No lots shall have direct access to any state-maintained roads. No proposed lots have access to state-maintained roads.*

*(6) All lots shall be configured to be contained completely outside of all wetlands. The proposed lots are not located within wetlands.*

*(7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance. The proposed community will be served by both central water and wastewater systems.*

**C. Statement of Compliance with Chapter 115-25, F. (3) Planning and Zoning Requirements**

(a) [1] The proposed lots and amenities are located within the environmentally suitable portions of the site. Specifically, wetlands and waterways are avoided. Clearing of the woods are limited to the amount required to develop the project.

(a) [3] The open space meets the requirements of the County Code. The required open space (30% of site) is 14.68 acres, 26.5 acres have been provided. Of the required open space (14.68 acres), 30% (4.41 acres) is required to be on one contiguous tract of land (separated by water and up to one street). The project provided 25 acres of contiguous open space. The open space tract is located along the wetlands and waterway. The sidewalk system is proposed to be connect to the DelDOT multi-modal system.

(a) [4] A minimum 25' buffer is provided around the existing non-tidal wetands as well as a 50' buffer to the branch.

(a) [5] Stormwater management shall be provided per DNREC and Sussex Conservation District. Recharge or structurally equivalent BMPs shall be provided. Soils testing and reports have been prepared by GTA showing the existing is suitable for development.

(a) [6] Tree removal shall be limited to necessary to construct the project.

(a) [7] Scenic views to waterway, wetland and wooded areas are preserved for the homeowners and passersby by limiting back-to-back lots and providing gaps between lots.

(a) [8] The land plan preserved natural facilities (wetlands, waterways, woods) and includes sidewalks and connections to DeIDOT's multi-modal path. Open space adjacent to natural features has been prioritized. Existing grades and drainage area are considered in the lot layout.

(a) [9] Sidewalks are provided on one side of each street.

(b) Natural and historic features are preserved as part of the land plan.

(c) Section 99-9C items are addressed herein.

(d) The cluster subdivision is not located within a designated growth area.

#### **D. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land**

##### **Chapter 99-9 (C)**

The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Sussex County Code and complies with it in the following manner:

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

- a. The Developer has taken great effort to utilize the additional land as open space. The proposed location of storm water management facilities was also based on extensive soils borings and a soil report.
- b. Forested non-tidal wetlands have been preserved.
- c. A minimum 30' landscaped buffer has been provided adjacent to all surrounding property lines.
- d. The proposed lots within the community are a minimum of 35' from the outbounds of the property.

##### **2. *"Minimal use of wetlands and floodplains."***

- a. A minimum of 30' is provided between the proposed lots and wetlands.
- b. A majority of the proposed lots are located within flood Zone X (unshaded), areas determined to be outside the 0.2% annual chance floodplain.

##### **3. *"Preservation of natural and historic features."***

- a. There are no known historic sites.
  - b. The roadway system, stormwater features and lots were designed in such a way to minimize impacts/disturbance of steep slopes.
- 4. *"Preservation of open space and scenic views."***
- a. Large tracts of open space are being persevered including wooded areas, wetlands, buffers and flood zone.
  - b. Views of the existing wooded wetlands are preserved and are viewable from the lots and through open space adjacent to the roadways.
- 5. *"Minimization of tree, vegetation, and soil removal and grade changes."***
- a. Disturbance to the site will be limited to only those areas required for homes, roads, storm water management and utility installation. All undisturbed vegetation that is compatible with native vegetation shall remain.
  - b. Grade changes to the site shall be limited to those necessary to provide positive drainage and proper cover over utilities.
- 6. *"Screening of objectionable features from neighboring properties and roadways."***
- a. Screening of objectionable features on the site from adjacent properties and roadways shall be provided utilizing the required 30' landscaped buffer around the perimeter of the site or existing forested areas and storm water management facilities where those exist.
  - b. The proposed lots within the community are a minimum of 35' from the outbounds of the property.
- 7. *"Provision for water supply."***
- a. Artesian will provide potable water and fire protection for the development.
- 8. *"Provision for sewage disposal."***
- a. The Lightship Cove community wastewater service is intended to be provided by Artesian.
- 9. *"Provision for solid waste disposal."***
- a. Arrangements will be made with a commercial trash hauler to provide trash collection for Lightship Cove.
- 10. *"Prevention of surface and groundwater pollution."***
- a. All runoff from the Lightship Cove site will be directed via the closed road section and storm drain network into a storm water management system consisting of Best

Management Practices (BMP) for treatment and discharge. The storm water management facilities will be designed in accordance with Delaware / Sussex County standards.

- b. Ultimately, through post-development design, runoff will receive better treatment than during pre-development conditions. The project will meet the current storm water management regulations as required by DNREC.

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

- a. As stated above, stormwater management quality and quantity will be provided by a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The BMP’s will be designed per Delaware / Sussex County standards. The stormwater collection/treatment system will be adequately sized to prevent flooding.
- b. Erosion and sediment control will be provided by methods approved by the Sussex Conservation District. An erosion and sediment control plan will be prepared and submitted for review.

**12. *“Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.”***

- a. Entrance to the site shall be designed per current DeIDOT standards.
- b. To promote pedestrian traffic within the development, 5’ sidewalks are provided along one side of the road.
- c. All roads will be designed in accordance with Sussex County standards.

**13. *“Effect on area property values.”***

- a. It is expected that the proposed Lightship Cove community will cause current property values to remain the same if not increase the value of the properties in the area. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

**14. *“Preservation and conservation of farmland.”***

- a. The proposed subdivision will not adversely affect adjacent farmland due to landscaped buffers and other natural wooded areas and wetland that separate the community from farmland.

**15. *“Effect on schools, public buildings, and community facilities.”***

- a. Lightship Cove will have no adverse effect on schools, public buildings and community.

- b. Community amenities will include a pool and bathhouse. In addition, Lightship Cove includes several open space areas for other active and passive uses.

**16. "Effect on area roadways and public transportation."**

- a. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Lightship Cove specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the property.

**17. "Compatibility with Other Land Uses."**

- a. The project is relatively adjacent to other residential communities of Spring Town Farms, Ridings at Rehoboth, Ocean Meadows, Coolspring Farm and Spring Haven, thus being compatible in density, home style and land use.

**18. "Effect on Area Waterways."**

- a. Runoff will be treated for water quality and quantity prior to discharge.

**E. Statement of Conformity with Sussex County, Delaware, Comprehensive Plan Update, March 2019**

**Chapter 4 Future Land Use:**

The site is located within the Low Density Area and complies as follows:

- The proposed land plan addresses environmental concerns.
  - o Greater than 20% of the site is set aside as open space.
  - o 30' perimeter landscape buffer.
- Single-family homes are permitted.
- The proposed density of 1.98 du/ac is in compliance with the 2 du/ac as appropriate in this location.
- Central water and sewer will be available to the site.

**Chapter 5 Conservation:**

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground recharge areas within the proposed site.
- No lots are proposed within the existing wetlands.
- A majority of the proposed lots are not located within flood zones.
- Central water and sewer will be available to the site.

**Chapter 6 Recreation and Open Space:**

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:

- High Priorities:
  - Swimming pools
  - Walking/jogging paths (multi-modal)
  - Bike paths (multi-modal)
- In addition, the community provides:
  - Sidewalks

**Chapter 7 Utilities:**

The proposed community complies with the Utilities section as follows:

- Water will be provided by Artesian who has the CPCN for the project.
- The Lightship Cove community wastewater service will be provided by Artesian.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by a licensed commercial hauler.

**Chapter 8 Housing:**

The proposed community complies with the Housing section as follows:

- The community is located West of the Lewes / Rehoboth Beach region and will provide housing for retirees as well as those working in the County.

**Chapter 9 Economic Development:**

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in:
  - Construction
  - Professional, Business and IT Services
  - Finance, Insurance and Real Estate
  - Utilities
- The development will also indirectly provide job opportunities in:
  - Leisure and Hospitality
  - Education and Healthcare

**Chapter 10 Historic Preservation:**

The proposed community complies with the Historic Preservation section as follows:

- There are no known historic sites located on the site.

**Chapter 12 Community Design:**

The proposed community complies with the Community Design section as follows:

- The proposed community is a cluster subdivision, which is widely used in AR-1 zoning.
- Street lighting will be provided.
- Sidewalks are proposed on one side of the roadways.
- The lot sizes within the cluster make rear garages impossible and side loads very unlikely.
- The narrower right-of-way allows for homes to be placed closer to the road.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- Although no direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, the community will connect to multi-modal paths within DelDOT's right-of-way.
- The entrance to the community will be landscaped.



- Cross walks will be provided.
- Landscape/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

**Chapter 13 Mobility Element:**

The proposed community complies with the Mobility Element section as follows:

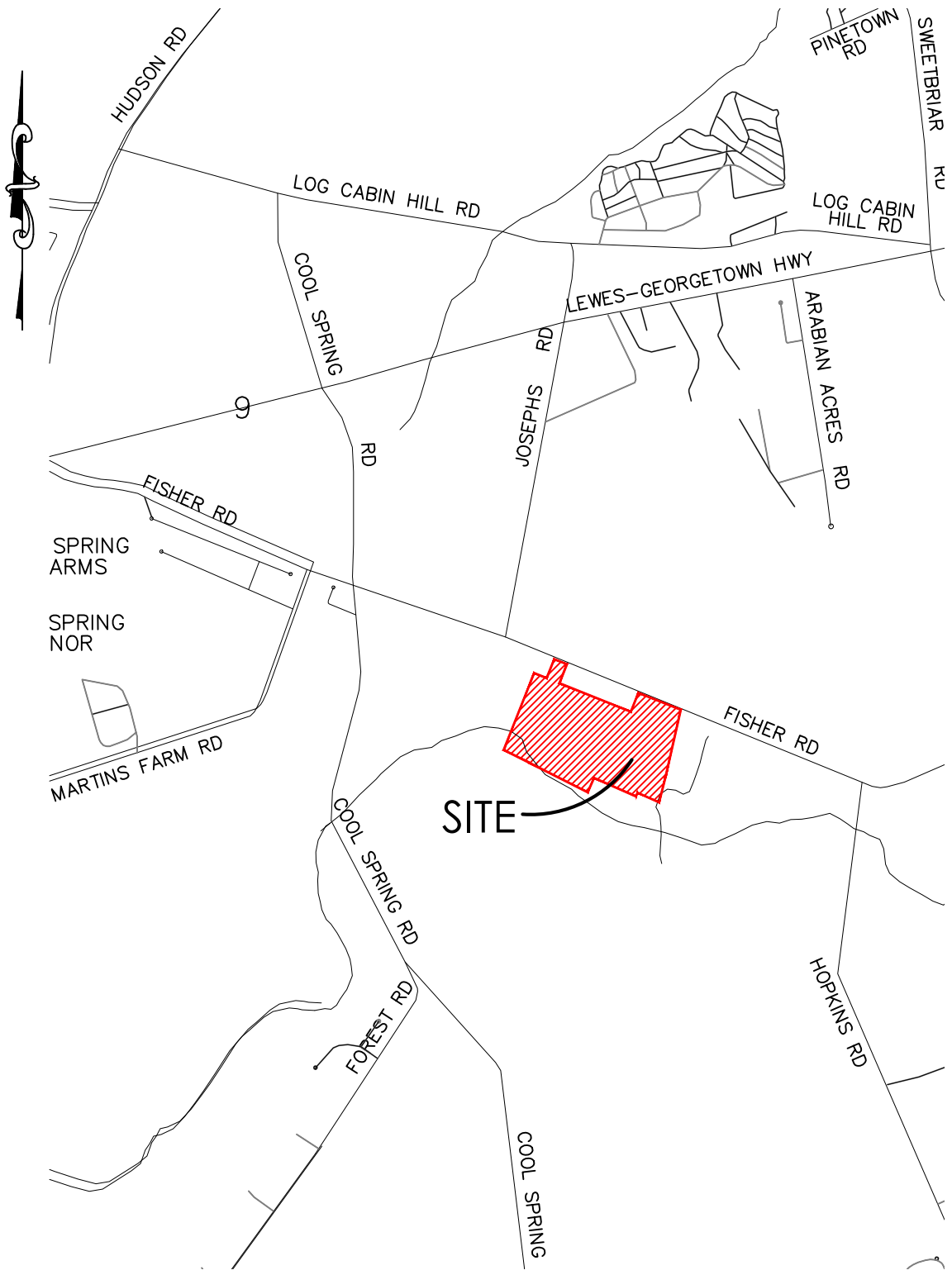
- Entrance, roadway and off-site improvements necessitated by DeIDOT will be designed and constructed per DeIDOT standards.

## **IV. Conclusion**

The proposed community of Lightship Cove will enhance the area with a well-planned design, upscale homes, amenities, and no negative impact on the land. The design preserves large amounts of open space while preserving attractive views within and into the community. The homes will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Passive amenities include existing woodlands and wetlands on-site. Active amenities include pool, and bathhouse as well as dedicated open spaces for other activities. The design also preserves and enhances existing views through non-disturbance and accentuates certain features of the existing terrain.

The proposed Community of Lightship Cove meets the standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State or taxpayers to serve this community.

VICINITY MAP



LIGHTSHIP COVE





January 4, 2021

Mrs. Constance C. Holland, AICP, State Planning Director  
Haslet Armory  
122 Martin Luther King Jr. Blv. South  
Dover, DE 19901

**RE: PLUS review 2020-11-09; Fisher Road**

Dear Mrs. Holland;

Please allow this letter to serve as our response to the PLUS review of the Fisher Road property. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Thank you for meeting with State agency planners on November 18, 2020 to discuss the Fisher project. According to the information received you are seeking review of a proposed 97-unit subdivision on 51.87 acres along Fisher Road in Level 4 in Sussex County

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Response: The developer will comply with all Federal, State and local regulations regarding the development of this property. The developer will comply with any and all regulations/restrictions set forth by Sussex County.

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

This project represents a residential development within a Level 4 area according to the 2020 Strategies for State Policies and Spending. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New residential development activities are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring a new residential development to an area where the State has no plans to invest in infrastructure upgrades or additional services. The intended development will need access to services and infrastructure such as police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the 2020 *Strategies for State Policies and Spending*, the State does not support the development of this parcel.

**With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.**

**Response: Understood.**

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

- The site access on Fisher Road (Sussex Road 262) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- In accordance with Sections 1.6.1 of the Manual, and Figure 1.5.1 within that section, address entrance spacing. According to Figure 1.5.1, the proposed site entrance would be too close to Hermitage Way. To optimize conformity to Figure 1.5.1, DelDOT anticipates requiring that the site entrance be centered between the driveway of the Morgan property (Tax Parcel No. 334-10.00-69.10) and Hermitage Way.
- In accordance with Sections 1.6.7 and 7.2.3.2 of the Manual, DelDOT may require that some or all of lands to be retained by their current owners, be accessed by way of the subdivision street system rather than by Fisher Road. To the extent that those lands are already developed, and homes would remain, their access should be discussed at or before the Pre-Submittal Meeting. The applicant's engineer may contact Mr. Brian Yates, a Subdivision Reviewer in DelDOT's Development Coordination Section, to

initiate that discussion. Mr. Yates may be reached at [Brian.Yates@delaware.gov](mailto:Brian.Yates@delaware.gov) or (302) 760-2151.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 940 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates this number as 1,011 and estimates the weekday morning and evening peak hour trip ends at 74 and 99, respectively.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$10,110. AWS Fees are used to fund traffic studies, not to build improvements.

Presently, there is a TIS under review for a larger development located farther west on Fisher Road and DelDOT anticipates identifying off-site improvements applicable to the subject development through their review of that study. In addition to whatever other offsite improvements are identified, DelDOT anticipates requiring the developer to improve Fisher Road, within the limits of their frontage, to meet DelDOT's Local Road standards. Local Road standards include 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fisher Road. By this regulation, this dedication is to provide a minimum of 30 feet from the physical centerline of Fisher Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Fisher Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 300 feet of the entrance on Fisher Road.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. For Level 3 and 4 Investment Areas, the requirement is at DelDOT's discretion but given the developing nature of the area, DelDOT anticipates requiring a Shared Use Path along the site frontage.
- Section 3.5.4.4 of the Manual addresses access-ways, essentially shared-use paths connecting subdivision streets either to each other or to the road on which the property fronts. Section 3.5.7.1 of the Manual addresses interconnections where there is no existing stub street on the adjacent property. DelDOT anticipates requiring the developer to provide an accessway to Spring Town Boulevard in Springtown Farms if that can be negotiated with the homeowners' association there.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Fisher Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance on Fisher Road and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access

- to Fisher Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
  - Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

**Response:** The developer will continue to coordinate with DelDOT regarding final frontage improvements, off-site improvements, final entrance locations, and cost sharing. Record and Entrance Plans will be submitted to DelDOT in accordance with the latest DelDOT regulations.

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

Concerns Identified Within the Development Footprint

**Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands on the site. A wetland delineation has been completed. The project is not anticipated to disturb the 5.3 acres of wetlands onsite.

- If the project proposes to disturb (dredge or fill) wetlands under the jurisdiction of the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required, as well as associated authorizations and permits. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.
- For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones.

Contact: U.S. Army Corps of Engineers (Dover Office) at  
[DoverRegulatoryFieldOffice@usace.army.mil](mailto:DoverRegulatoryFieldOffice@usace.army.mil) or (267) 240-5278.

Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

**Vegetated Buffer Zones**

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

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.
- DNREC Reviewers acknowledge that wetlands are proposed to be avoided, and a vegetated buffer zone is proposed, ranging from 25 to 100 feet (in areas). To improve water quality protection, incorporate a 100-foot vegetated buffer zone from the edge of all wetlands and waterways (streams, ditches, ponds etc.).
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

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

### **Mature Forest**

Of the 8.1 acres of forest on the site, only 0.2 acres is proposed to be removed. An analysis of historical data indicates that the forest area on the site has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- DNREC Reviewers acknowledge that mature forests are proposed to be left intact. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- For additional questions, please contact the DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
 Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Natural Areas**

The mature forests as indicated above are part of the Love Creek Natural Area. Natural Areas



contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.
- The developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.

Contact: DNREC Planning Preservation and Development Section at (302) 739-9235.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

### **Special Flood Hazard Area**

According to the newest Flood Insurance Rate Maps (FIRM), the forested portion of this parcel is situated within a Special Flood Hazard Area, specifically within the 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone(s) AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced, and homeowners with mortgages may be required to purchase flood insurance. The proposal indicates that all structures will be outside of this zone.

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>.
- DNREC reviewers acknowledge that all structures are located outside of the floodplain.

For additional information, please contact the DNREC Shoreline and Waterway Management Section at (302) 739-9921.

Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

### **Stormwater Management**

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

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. The plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

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

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

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov). Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.
- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

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

- Bundicks Branch (as indicated on the preliminary plans) runs through the southwest corner of the site, which eventually runs to the Rehoboth Bay. This site lies within the Rehoboth Bay Watershed of the Inland Bays Watershed. Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects in this area.

### **Hydrologic Soils Group**

Most of the site is comprised of well drained soils (Hydrologic Soils Group A), however, very poorly drained B/D soils exist along the stream in the southwest corner of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

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

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

### **Nutrient Management Plan**

This project proposes open space of 27 acres, exceeding the threshold of 10 acres for nutrient management requirements.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.

Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (approximately 300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.
- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of freshwater forested wetlands.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9917.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Wastewater Permitting**

An existing small wastewater disposal system (gravity system) is located on Tax Parcel 334-10.00-69.00. The application indicated that the wastewater disposal system for this project will be via public utility through Sussex County.

Requirements for Proper Closure of Small Systems:

- Ensure that the current wastewater disposal system on site is properly abandoned and that the Abandonment Report is filed to the Small Systems Branch in Sussex County.

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

Requirements for Large Systems:

- After abandonment report has been filed, the Permittee (Sussex County), holds existing permits with the Groundwater Discharges Section's Large Systems Branch. It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.

Contact: DNREC Groundwater Discharges Section at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

### **Additional Sustainable Practices**

- Incorporate nonmotorized connectivity (bike trail/walkway) connecting community and southeast portion of the site.
- Install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- For the "Amenity Space" consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: [www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/eef](http://www.de.gov/eef).
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

**Response:** The developer will comply with all County and State requirements regarding wetlands, open space, flood zone, etc.

### **Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

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

#### **Fire Protection Water Requirements:**

- 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.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

#### **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 so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from the main thoroughfare must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Where traffic circles (roundabouts) are located in the subdivision, they too are to be arranged in such a manner that they will not adversely affect quick and unimpeded travel of fire apparatus throughout the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### **Gas Piping and System Information:**

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

#### **Required Notes:**

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads
- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of

Title 6 of the Delaware Code which can be found at the following website:

<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>

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

**Response: The developer will comply with Delaware State Fire Prevention Regulations.**

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

- The Delaware SHPO does not recommend developing in Level 4 areas. Prehistoric archaeological potential is moderate to high. Bundicks Branch, a first order tributary, runs through the parcel, and most of the soils (aside from those right next to/in the wetlands and stream) are well-drained, prime farmland. There are several archaeological sites along Bundicks Branch in similar conditions further east. The western portion of the parcel is within favorable distance to the creek, making it higher potential than the rest of the parcel.
- Historic potential is low. Across from Mrs. Wilson house on Beers, but there doesn't appear to be anything resembling buildings or cemeteries on Beers or historic topos or maps.

**Response: Noted.**

**Department of Agriculture – Contact: Milton Melendez 698-4534**

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (DSWA District S-07-11-250 Parcel 234-10.00-15.00, 234-16.00-12.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

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

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and

any leases or agreements of sale for any residential lot or dwelling unit the following notice:

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

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

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

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

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

The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new

residents may not be familiar with.

Response: Noted.

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

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

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

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

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

Response: Noted.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 4 for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to this project. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.

Response: Noted.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

**This concludes our response. If you have any questions, please contact us at your convenience.**



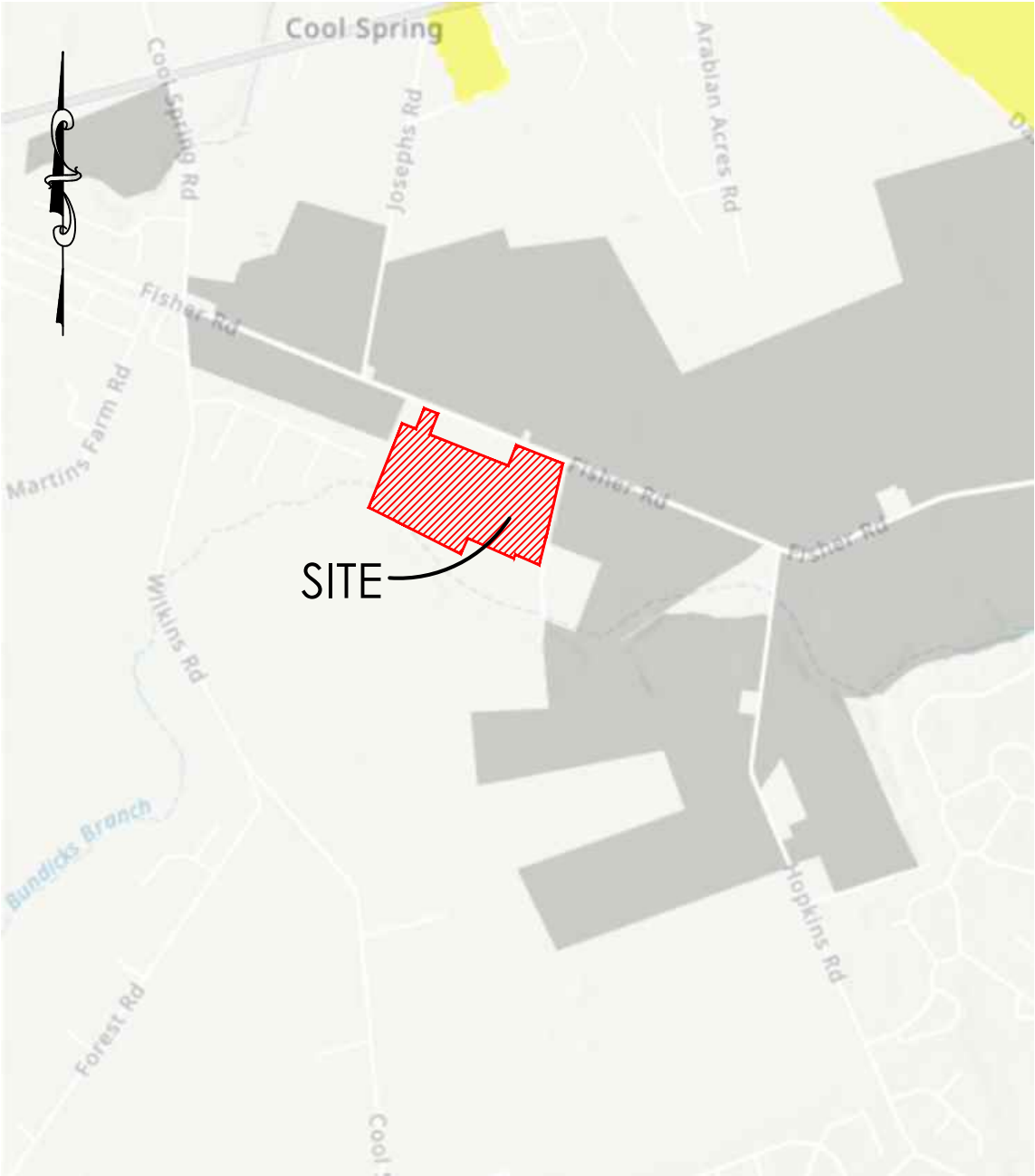
Sincerely,

Solutions, IPEM



Jason Palkewicz, PE

STATE SPENDING STRATEGIES



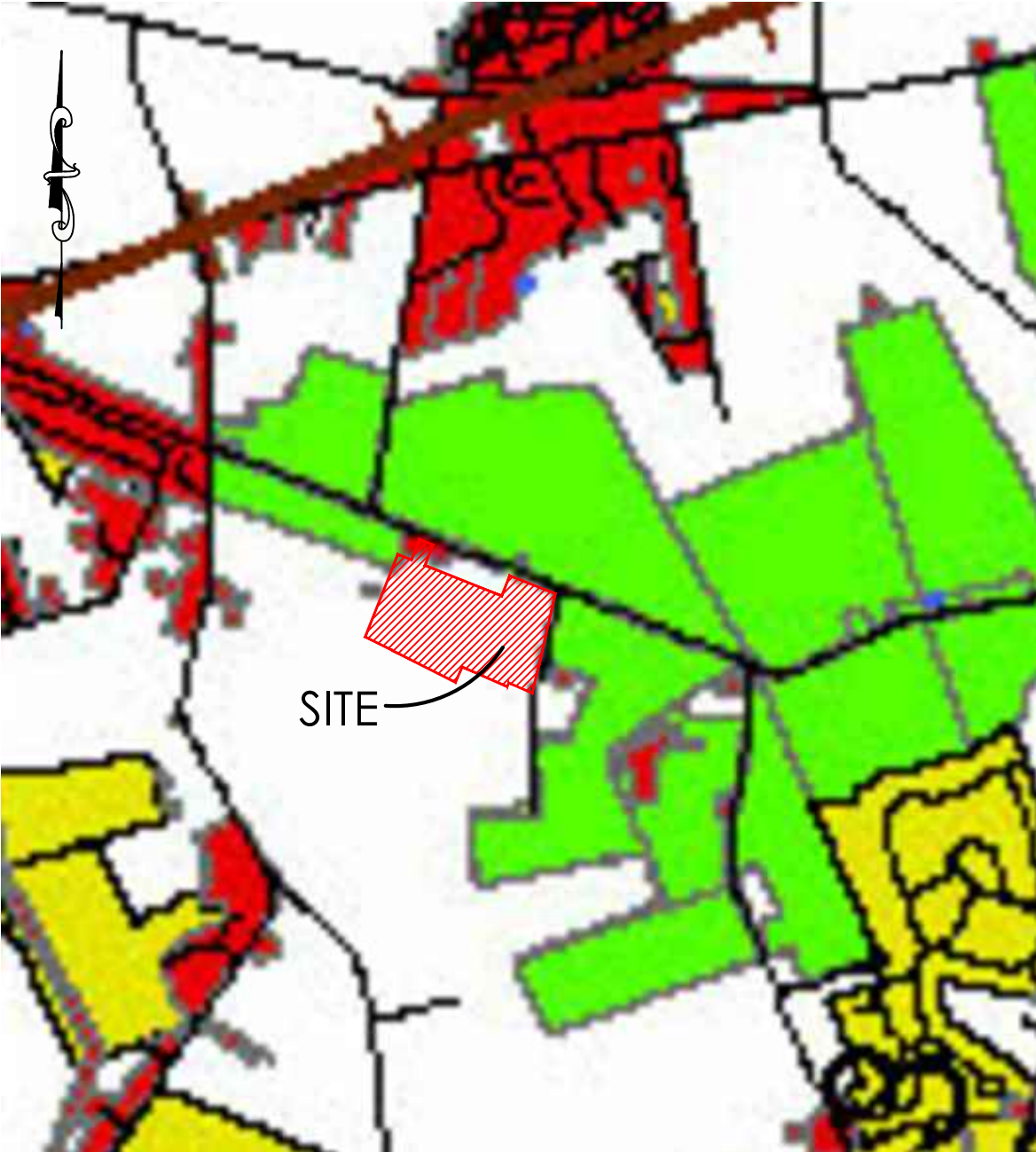
OUT OF PLAY




INVESTMENT LEVEL 3

INVESTMENT LEVEL 4

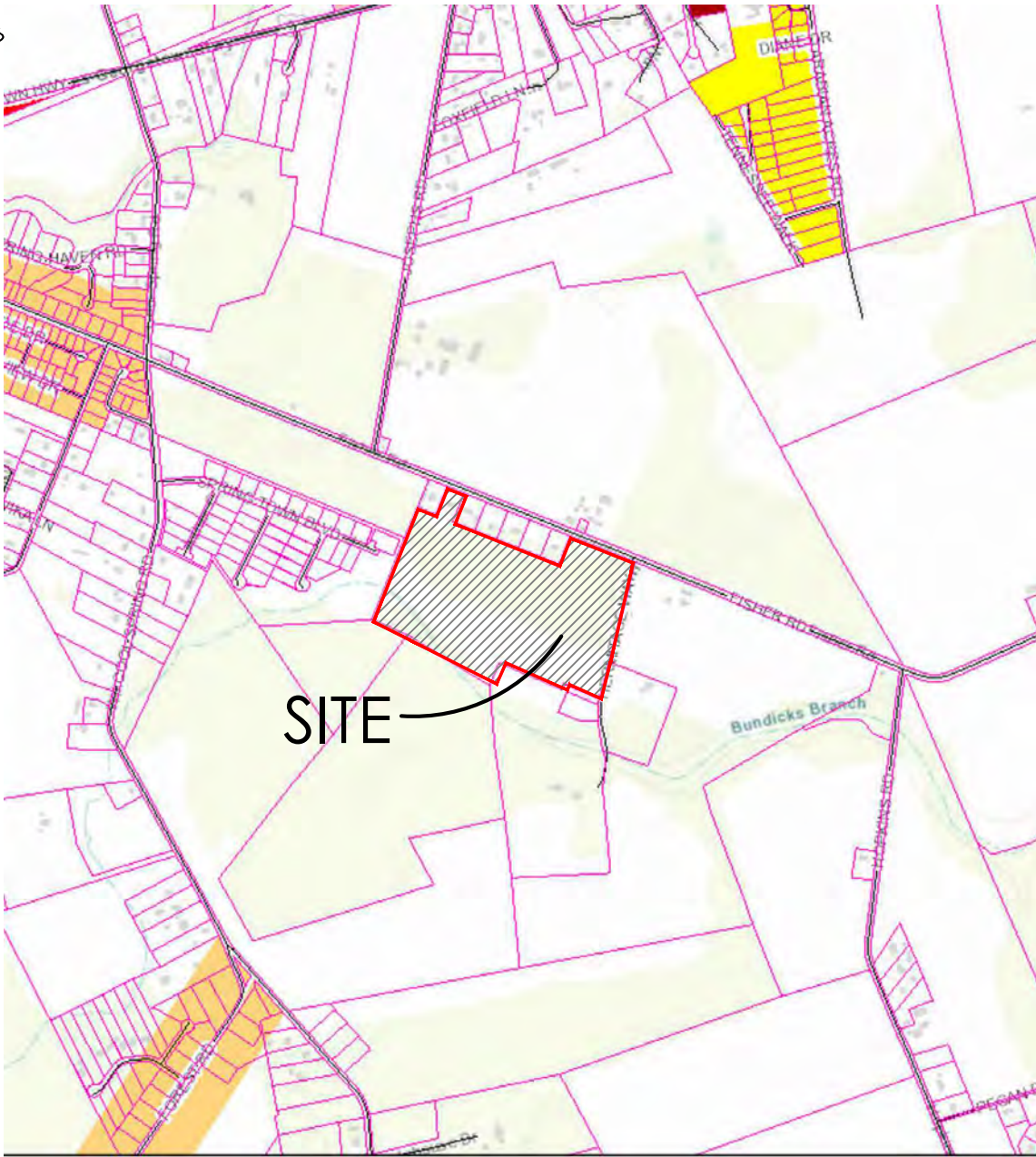
LIGHTSHIP COVE








-  DEVELOPED LANDS
-  PROTECTED LANDS
-  MAJOR PROPOSED DEVELOPMENTS

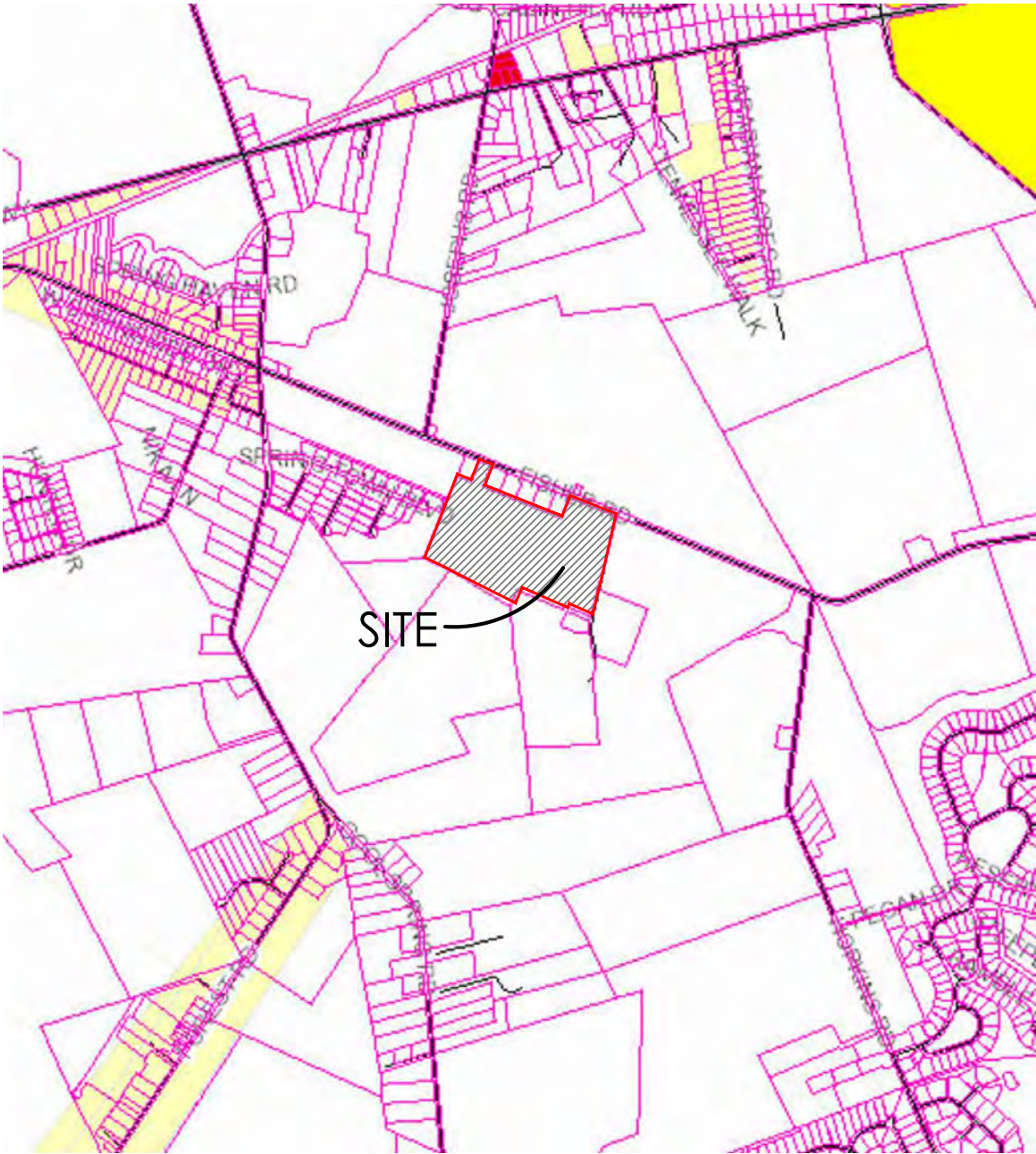
## LIGHTSHIP COVE



-  AGRICULTURAL - AR-1
-  GENERAL RESIDENTIAL - GR
-  MEDIUM RESIDENTIAL - MR

LIGHTSHIP COVE





EXISTING DEVELOPMENT AREA



LOW DENSITY AREA



COASTAL AREA



COMMERCIAL

FUTURE LAND USE PLAN

LIGHTSHIP COVE

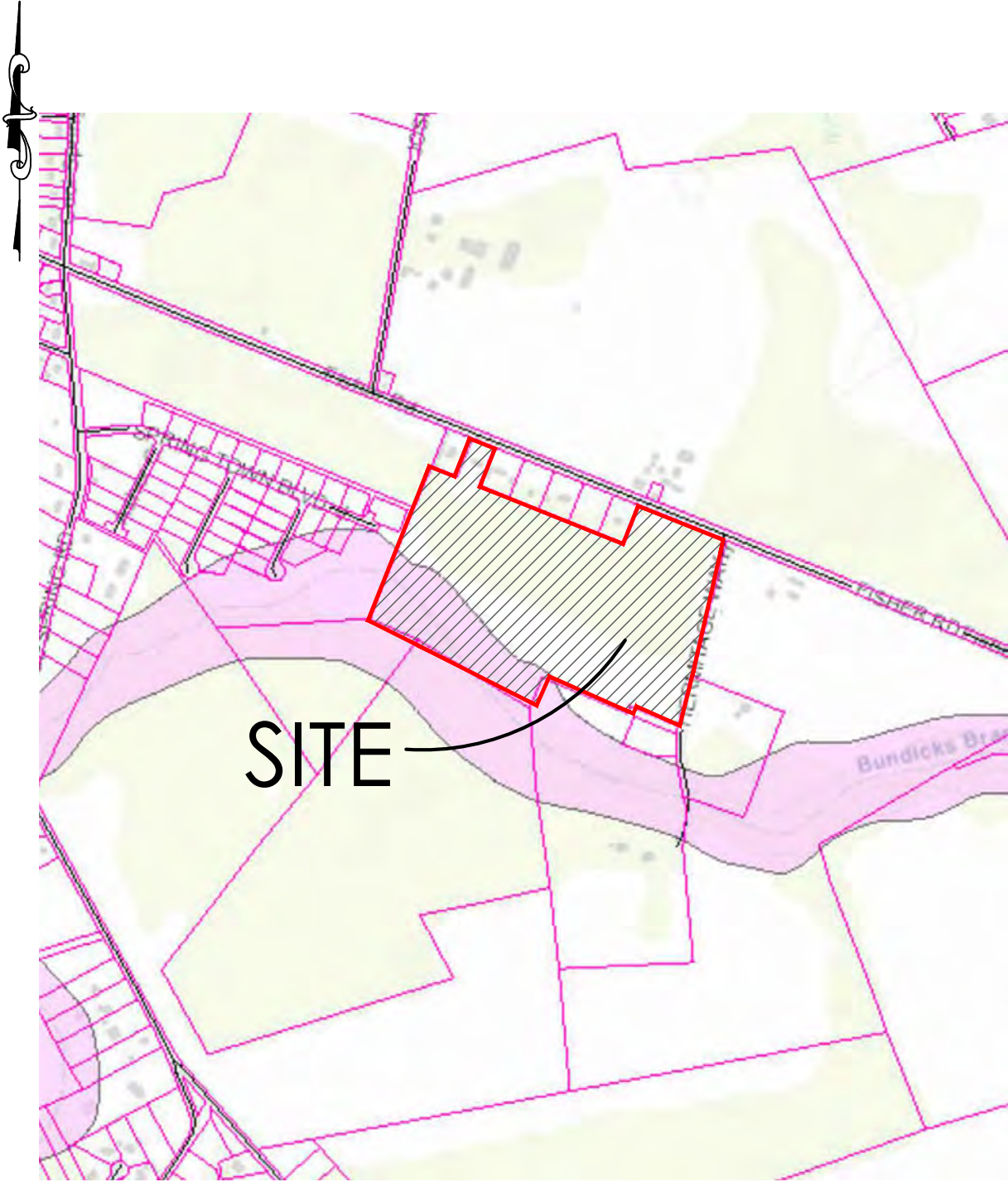




AERIAL

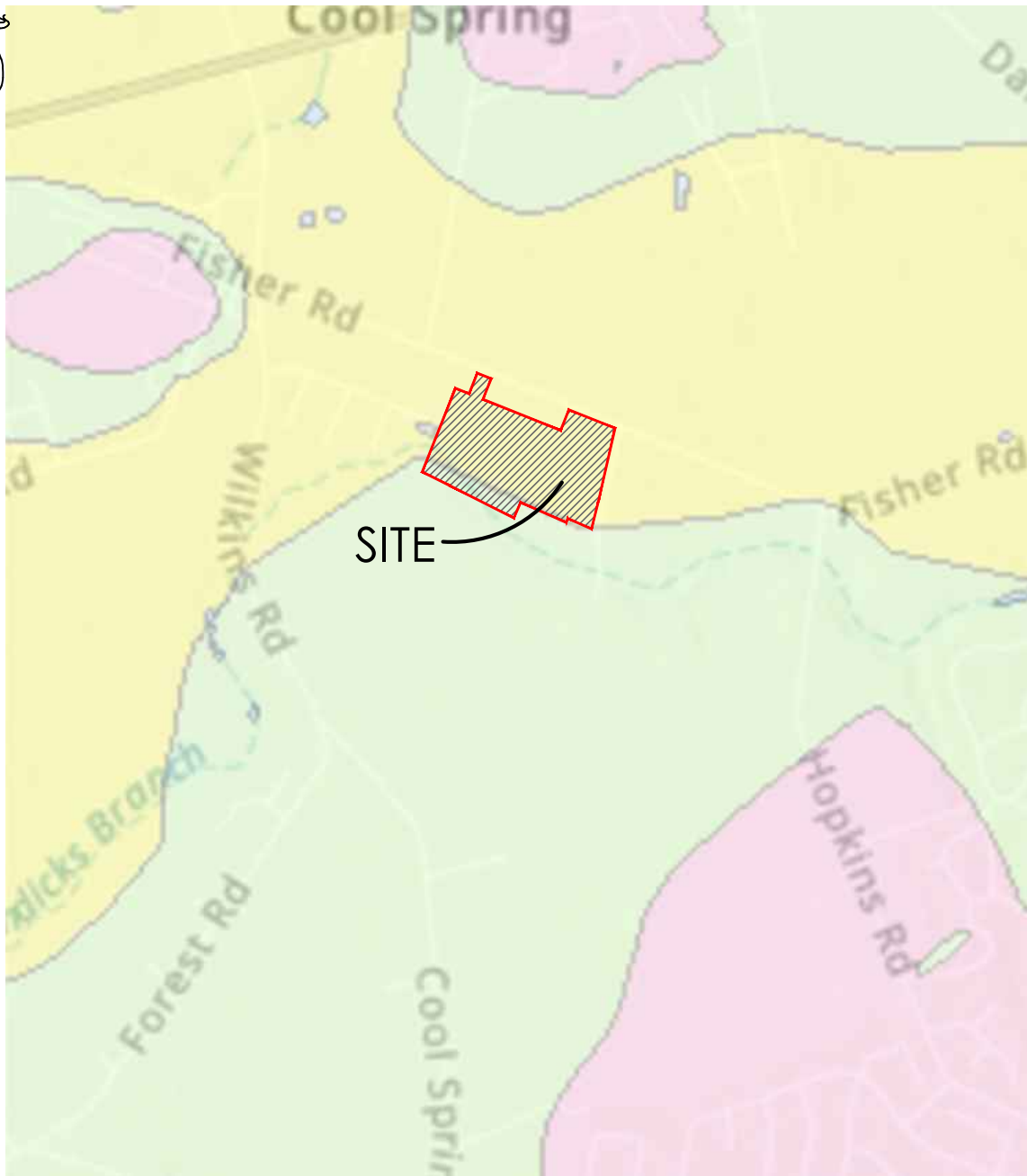
LIGHTSHIP COVE









SITE

PROPERTY IS LOCATED IN FLOOD ZONE A - SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (NO BASE FLOOR ELEVATION DETERMINED) AND ZONE X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP 10005C0326J AND 100005C0330J, MAP REVISED JANUARY 6, 2005.



-  EXCELLENT GROUNDWATER RECHARGE
-  GOOD GROUNDWATER RECHARGE
-  FAIR GROUNDWATER RECHARGE
-  POOR GROUNDWATER RECHARGE

## LIGHTSHIP COVE

## GROUNDWATER RECHARGE PLAN







DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT  
100 PENN SQUARE EAST  
PHILADELPHIA PENNSYLVANIA 19107-3390

August 13, 2021

Regulatory Branch

SUBJECT: NAP-OPR-2021-531-23 (PJD)  
Project Name: Fisher Road Cool Spring McHugh Property SX  
Latitude/Longitude: 38.719196° N /-75.236897° W

Edward M. Launay  
Environmental Resources, Incorporated  
38173 DuPont Boulevard  
Post Office Box 169  
Selbyville, Delaware 19975

Dear Mr. Launay:

The plan identified on the following page depicts all delineated waterways and wetlands on the subject site that may be jurisdictional under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbor Act.

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent wetlands. Any proposal to perform the above activities within any waters of the United States will require the prior approval of this office.

This preliminary determination has been conducted to identify the location(s) of wetlands and waters that may be waters of the United States for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands on the parcel. Pursuant to Federal Regulations at 33 C.F.R. 331.2, preliminary JDs are advisory in nature and may not be appealed (see attached Notification of Appeal Form - Enclosure 1). However, the applicant retains the right to request an approved jurisdictional determination, which may be appealed. Also enclosed (Enclosure 2) is a copy of the Preliminary Jurisdictional Determination Form signed by the applicant or his agent agreeing to accept a preliminary jurisdictional determination. Please be aware that for purposes of

computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity as if they are jurisdictional waters of the U.S.

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

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

Sincerely,



John G. Brundage  
Senior Biologist  
Regulatory Branch

\*\*\*\*\*

SUBJECT PROPERTY: McHugh Property, a 51.97 acre parcel known as Tax Map Parcel 334-10.00-69.00, located in Cool Spring, Sussex County, Delaware.

\*\*\*\*\*

SURVEY DESCRIPTION: Plan prepared by Solutions, Inc., dated October 21, 2020, and titled: Boundary of Waters and Wetlands of the United States Subject to the United States Corps of Engineers Regulatory Program of the Lands of Emily C. McHugh, 28784 Fisher Road, Lewes and Rehoboth Hundred, Sussex County, Delaware, one sheet.

\*\*\*\*\*

Enclosures



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

July 13, 2021

Mr. Chris Schell  
Schell Brothers, LLC  
20184 Phillips Street  
Rehoboth Beach, DE 19971

RE: Fisher Road Subdivision Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the Fisher Road Subdivision Project on Fisher Road in Lewes and Rehoboth Hundred, Sussex County, Delaware with the tax parcel number 334-10.00-69.00 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian is currently working to obtain the water and wastewater Certificates of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission.

Based on current conditions, approval of the CPCNs, and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

If you have any questions, please do not hesitate to contact us.

Yours very truly,

*Katherine E. Garrison*

Katherine E. Garrison  
Senior Planning Designer

# GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND  
ENVIRONMENTAL CONSULTANTS

*A Practicing Geoprofessional Business Association Member Firm*



December 4, 2020

Schell Brothers, LLC  
18949 Coastal Highway, Unit 301  
Rehoboth Beach, Delaware 19971

Attn: Mr. Ben Gordy

Re: Report of Subsurface Exploration  
***Fisher Road Property***  
Sussex County, Delaware

Ladies & Gentlemen:

In accordance with our agreement dated October 15, 2020, Geo-Technology Associates, Inc. (GTA) has performed subsurface exploration for stormwater management (SWM). The purpose of the subsurface exploration was to evaluate the estimated normal and seasonal high groundwater elevation; and present our recommendations with respect to SWM wet pond construction. A plan titled *Fisher Road Property Schell Brothers* dated October 7, 2020 prepared by Solutions IPEM was referenced for this report. The results of our subsurface exploration are summarized below.

Referring to the Site Location Plan and Exploration Location Plan included as Figure Nos. 1 and 2 in Appendix A, the project site consists of a generally rectangularly shaped parcel located in Sussex County, Delaware. The subject property is located at the south side of Fisher Road and west side of Hermitage Way. The site primarily consists of an open agriculture field while the southern edge is wooded. Topographically, the property gently slopes downward in a southwesterly direction towards Bundicks Branch, with the ground surface elevation ranging from approximate Elevation 22 to 33 Mean Sea Level (MSL) at the boring locations.

According to the Geologic Map of the Fairmount and Rehoboth Beach Quadrangle, Delaware (2011) published by the Delaware Geological Survey, the site is within the Coastal Plain Physiographic Province. Coastal Plain sediments were generally deposited in commonly estuarine environments of the Tertiary and the Quaternary geologic ages. The Pliocene deposits, in the southern portion of the site, are designated as the Beaverdam Formation and typically consist of "...very coarse sand with pebbles to silty clay. The predominant lithologies at the land surface are white to mottled light-gray and reddish-brown, silty to clayey, fine to coarse sand." The Pleistocene deposits are designated as the Lynch Heights Formation of the Delaware Bay Group and typically consist of Clean, white to pale-yellow, well-sorted, fine to coarse sand with scattered very coarse to pebble laminae and silty clay laminae... thin (10 ft and in most areas <3

21133 Sterling Avenue, Suite 7, Georgetown, DE 19947 (302) 855-9761

◆ Abingdon, MD ◆ Baltimore, MD ◆ Laurel, MD ◆ Frederick, MD ◆ Waldorf, MD ◆ Sterling, VA ◆ Fredericksburg, VA ◆ Malvern, OH  
◆ Somerset, NJ ◆ NYC Metro ◆ New Castle, DE ◆ Georgetown, DE ◆ York, PA ◆ Quakertown, PA ◆ Charlotte, NC ◆ Raleigh, NC

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ft thick) layer of heterogenous deposits ranging from reddish-brown, pale-yellow, and light-gray, silty, clayey, very coarse to fine sand, to pale-yellow to light-gray gravelly sand to sandy gravel.” Please refer to the publication for additional information.

From review of the USDA Soil Survey, the soils predominately conform to Downer loamy sand (0 to 2 percent slopes). Site soils also conform to Downer loamy sand (2 to 5 percent slopes, Northern Tidewater Area), Longmarsh and Indiantown soils (frequently flooded) and Askecksy loamy sand (0 to 2 percent slopes). The soils map information is attached.

From review of the attached Monthly Groundwater Depth for Qe44-01, Columbia Aquifer, taken from the Delaware Geological Survey website, the groundwater depth at Well Qe44-01 (east of Laurel, Delaware), was near the normal seasonal high during the period when the borings were performed during November 2020. It should be noted that the magnitude of fluctuation between the current groundwater level and the seasonal high groundwater level decreases towards the coast.

GTA performed 19 Standard Penetration Test (SPT) borings, designated as SWM-1 through SWM-19 to depths ranging from 12 to 22 feet below the ground surface. Longer-term water readings were taken one to seven days after completion and the holes were backfilled after the longer-term water readings were taken. The exploration locations were selected and staked with ground surface elevations determined by Solutions IPEM. Relative locations are shown on the attached Exploration Location Plan. The exploration locations indicated on the plan should be considered approximate. The exploration logs are attached.

The soils were visually classified in accordance with the Unified Soil Classification System (USCS) and the United States Department of Agriculture (USDA) classification system. Beneath an approximately 6 to 14-inch thick surface topsoil layer, with exception to SWM-2 where topsoil was not encountered, the explorations generally encountered native subsoils visually classified as predominately consisting of Clayey SANDs (USCS: SC; USDA: Sandy Clay Loam), Silty SANDs (SM; Sandy Loam), Poorly-graded SANDs with Silt (SP-SM; Loamy Sand), Lean CLAYs (CL; Clay Loam) and Poorly-graded SANDs (SP; Sand). The relative densities of the granular soils were very loose to loose based on SPT N-values of Weight of Hammer (WOH) to 9 blows per foot (bpf). The relative consistencies of the fine-grained soils were soft to stiff based on SPT N-values of 4 to 10 bpf.

GTA’s estimate of the seasonal high groundwater level is based upon water levels below seasonal high; and soil coloring, mottling and/or saturation. The results of the groundwater level readings and GTA’s opinion of the estimated seasonal high groundwater depth are summarized as follows:

**GROUNDWATER DATA SUMMARY**

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Seven Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
SWM-1	EL 24.6	5.0 / EL 19.6	6.1 / EL 18.5	5 / EL 20	6 / EL 18
SWM-2	EL 23.1	4.5 / EL 18.6	3.1 / EL 20.0	2 / EL 21	4 / EL 19
SWM-3	EL 22.1	4.5 / EL 17.6	2.9 / EL 19.2	1 / EL 21	3 / EL 19
SWM-4	EL 23.3	2.5 / EL 20.8	2.3 / EL 21.0	1 / EL 22	2 / EL 21
SWM-5	EL 23.4	4.0 / EL 19.4	3.1 / EL 20.3	1 / EL 22	3 / EL 20
SWM-6	EL 25.3	5.0 / EL 20.3	3.8 / EL 21.5	3 / EL 22	4 / EL 21
SWM-7	EL 25.6	5.5 / EL 20.1	4.9 / EL 20.7	4 / EL 22	5 / EL 21
SWM-8	EL 25.8	4.1 / EL 21.7	4.7 / EL 21.1	6 / EL 22	5 / EL 21
SWM-9	EL 27.2	7.0 / EL 20.2	6.1 / EL 21.1	5 / EL 22	6 / EL 21
SWM-10	EL 27.5	7.0 / EL 20.5	4.1 / EL 23.4	4 / EL 24	6 / EL 22
SWM-11	EL 28.7	8.0 / EL 20.7	6.0 / EL 22.7	6 / EL 23	7 / EL 22
SWM-12	EL 28.8	8.0 / EL 20.8	7.8 / EL 21.0	7 / EL 22	8 / EL 21
SWM-13	EL 27.9	7.0 / EL 20.9	6.6 / EL 21.3	6 / EL 22	7 / EL 21
SWM-14	EL 29.0	7.0 / EL 22.0	8.5 / EL 20.5	7 / EL 22	8 / EL 21
SWM-15	EL 32.9	11.0 / EL 21.9	10.5 / EL 22.4	10 / EL 23	11 / EL 22
SWM-16	EL 25.9	5.4 / EL 20.5	5.7 / EL 20.2	4 / EL 22	6 / EL 20
SWM-17	EL 25.0	2.0 / EL 23.0	4.0 / EL 21.0	2 / EL 23	3 / EL 22
SWM-18	EL 24.3	2.0 / EL 22.3	2.0 / EL 22.3	1 / EL 23	2 / EL 22
SWM-19	EL 24.4	2.0 / EL 22.4	7.8 / EL 16.6	1 / EL 23	2 / EL 22

\*Seasonal high groundwater estimate based upon observed soil mottling, color and/or saturation and should be considered approximate.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Please refer to the exploration logs provided in the attachments for further information.

A selected sample obtained from the borings was tested for grain-size analysis, Atterberg Limits and natural moisture content. The grain-size analysis and Atterberg Limits testing were performed to determine the Unified Soil Classification System (USCS) designation for the soil. The results of testing are as follows:

**SUMMARY OF LABORATORY TESTING**

EXPLORATION NO.	DEPTH (FT.)	USCS CLASSIFICATION	LL (%)	PI (%)	NMC %
SWM-10	1.0 – 4.0	Silty SAND (SM)	NP	NP	12.5

Note: LL=Liquid Limit PI=Plastic Index NP=Non-plastic NMC=Natural Moisture Content NT=Not Tested

A near surface bulk sample was tested for moisture-density relationships in accordance with the Standard Proctor (ASTM D-698) method for use in evaluating the suitability of these soils for use as fill. Results of these tests are summarized in the following table.

**SUMMARY OF MOISTURE-DENSITY TESTING  
(ASTM D-698, Standard Proctor)**

EXPLORATION NO.	DEPTH (FT.)	MAXIMUM DRY DENSITY (PCF)	OPTIMUM MOISTURE (%)	NATURAL MOISTURE (%)
SWM-10	1.0 – 4.0	120.7	9.2	12.5

Please refer to the attached laboratory test results for additional information.

Based upon the boring data, it is our opinion that the estimated seasonal high groundwater ranges from approximate Elevation 21 to 24 MSL and normal groundwater levels range from approximate Elevation 19 to 22 MSL at most locations. The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Additionally, perched water conditions develop in granular soils overlying fine-grained soils during the “wet season” as well as during periods of precipitation. The estimated average seasonal high groundwater elevation and average normal groundwater elevation at each pond are summarized below:

Pond Boring Range	Elevation (MSL) of Estimated Average Seasonal High Groundwater	Elevation (MSL) of Estimated Average Normal Groundwater
SWM-7 through SWM-15	EL 22	EL 21
SWM-1 through SWM-6	EL 21	EL 19
SWM-16 through SWM-19	EL 23	EL 22

Once pond bottom elevations have been established GTA should be consulted to evaluate if a pond liner is necessary. Depending upon conditions observed in the field at the time of construction and to assist in maintaining the wet pond levels during extended dry weather, irrigation wells may be considered to provide a supplemental water source for the ponds due to potential loss of pond water levels mostly due to evaporation and during times of below normal average groundwater conditions. A sufficient quantity of USCS SC and CL materials does not appear to be available on site for a pond liner. If a pond liner is deemed necessary, GTA recommends a Geosynthetic Clay Liner (GCL; Bentonite matrix) or an appropriate PVC liner with relief valves may be used. Both types of liners will need to be provided with a 1-foot thick

granular soil cover. The GCL or PVC liners should be installed in accordance with manufacturer's recommendations. On-site granular soils, similar to the bulk sample tested, are considered suitable for use as a pond liner cover material if they are dried to near optimum. Pond liner cover materials should meet AASHTO classification designation A-2-4 or more granular and be approved by GTA.

If pond fill embankment construction will be required, GTA recommends that prior to construction of pond fill embankment and after stripping the surface topsoil, construct a four-foot deep (below stripped ground surface and stepped below the spillway invert) cutoff trench along the pond embankment length and extending to the 10-year event elevation at each end of the fill embankment alignment. Also, upon completion of the cutoff trench, an embankment core should extend to the top elevation of the 10-year event. The side slopes of the cutoff trench and embankment core should be at 1H:1V inclination or flatter. The bottom of the cutoff trench and the top of embankment core should be at least 4 feet wide. The cutoff and embankment core should be formed of USCS CL or SC materials. The balance of embankment may be constructed of onsite materials conforming to USCS SC, SM, SP-SM or SP.

Structural fill should be constructed in maximum 8-inch loose lifts and compacted to 95 percent of the maximum dry density as determined by ASTM D-698 (AASHTO T-99). If practical, GTA recommends reinforced concrete pipe be used as the principal spillway pipe. Also, a concrete cradle and anti-seep collar should be provided for the spillway pipe.

For wet pond construction, water levels will likely be above at least a portion of the pond bottom level during construction. The contractor should be prepared to stabilize and dewater pond excavations. Subgrades excavated below the water table will be prone to instability and softening.

All SWM pond construction should conform to *Delaware Conservation Practice Standard Pond Code 378* and *Code 521*, latest editions and *Delaware Sediment and Stormwater Regulations*, latest edition, as applicable.

### ***Limitations***

This report, including all supporting exploration logs, field data, field notes, estimates, and other documents prepared by GTA in connection with this project, has been prepared for the exclusive use of Schell Brothers, LLC pursuant to the agreement between GTA and Schell Brothers, LLC dated October 15, 2020, and in accordance with generally accepted engineering practice. All terms and conditions set forth in the Agreement are incorporated herein by reference. No warranty, express or implied, is given herein. Use and reproduction of this report by any other person without the expressed written permission of Schell Brothers, LLC is unauthorized and such use is at the sole risk of the user.

The analysis and recommendations contained in this report are based on the data obtained from limited observation and testing of the encountered materials. Explorations indicate soil and



groundwater conditions only at specific locations and times and only to the depths penetrated. They do not necessarily reflect strata variations that may exist between the exploration locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations in subsurface conditions from those described are noted during construction, recommendations in this report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and conclusions of this report are verified in writing. Geo-Technology Associates, Inc. is not responsible for any claims, damages, or liability associated with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of Geo-Technology Associates, Inc.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client. The subject matter of this report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be constructed by the reader to imply approval by the writer.

We appreciate the opportunity to be of assistance on this project. Should you have any questions or require additional information, please contact our office at (302) 855-9761.

Sincerely,  
**GEO-TECHNOLOGY ASSOCIATES, INC.**



Travis P. Caraway, EIT  
Project Geotechnical Professional



Gregory R. Sauter, P.E  
Vice President



Schell Brothers, LLC

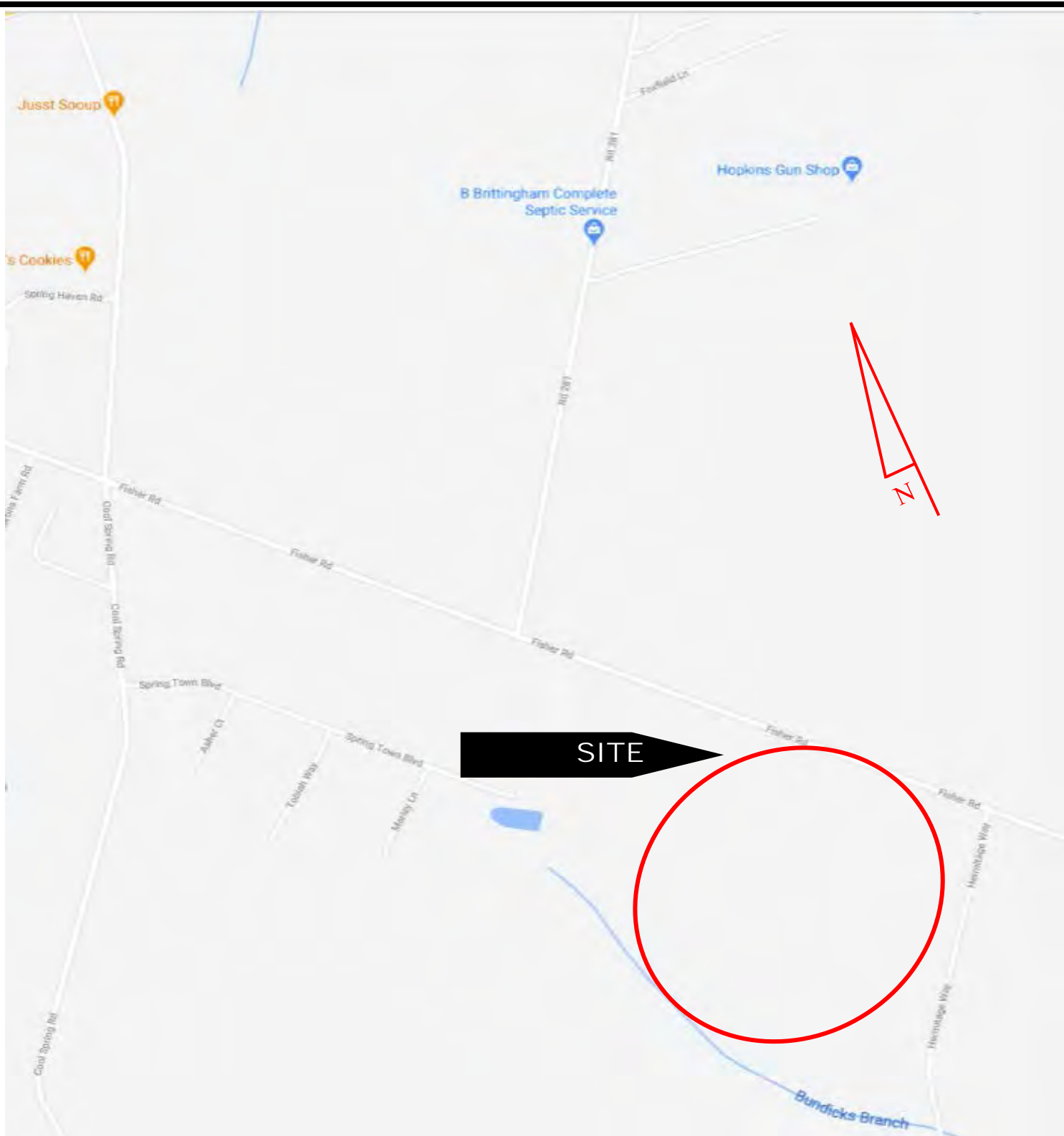
Re: ***Fisher Road Property – Report of Subsurface Exploration***

December 4, 2020

Page 7

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Attachments: Site Location Plan (1 page)  
Exploration Location Plan (1 page)  
Subsurface Profile (4 pages)  
USDA Soil Survey Map (3 pages)  
Qe44-01 Monthly Groundwater Depth (1 page)  
Notes for Exploration Logs (1 page)  
Exploration Logs (19 pages)  
Particle Size Distribution Report (1 page)  
Moisture Density Relationship Test Report (1 page)  
GBA – Important Information about your Geotechnical Engineering Report (2 pages)



Site Location Plan taken from Google Maps



**GEO-TECHNOLOGY ASSOCIATES, INC.**  
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS  
 21133 Sterling Avenue, Suite 7  
 Georgetown, Delaware 19947  
 (302) 855-9761 Fax (302) 856-3388

**Site Location Plan**  
**Fisher Road Property**  
**Sussex County, Delaware**

SCALE	DATE	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO.
NTS	October 2020	GTA	Google Maps	GRS	31201508

**Jason Palkewicz, Professional Engineer**  
**CEO**

**EDUCATION**

BE, Environmental Eng., 1995  
Hofstra University

MS, Civil Eng., 1999  
University of Toledo

**REGISTRATIONS**

- Professional Engineer  
MD # 25088
- Professional Engineer  
DE # 12083
- Professional Engineer  
VA # 035417

**MEMBERSHIPS**

- LEED, AP

**PROFESSIONAL SUMMARY**

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

**SPECIAL PROJECT EXPERIENCE**

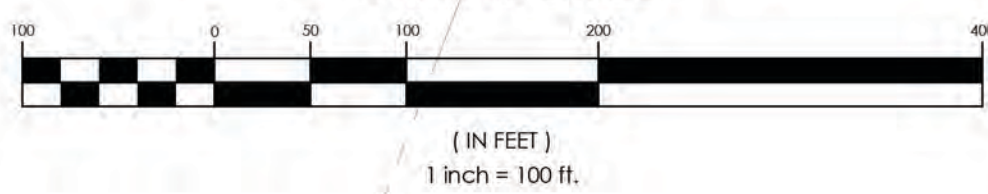
- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Chase Oaks, Sussex County, DE** – The civil engineer project manager for this 253 unit coastal area cluster subdivision located on Robinsonville Road. The project included planning, entitlement, roadway, grading, stormwater management, sanitary sewer, pump station and DelDOT entrance design.
- **Headwater Cove, Sussex County, DE** – Prepared construction drawings and plats for a 163 unit residential subdivision on Dorman Road. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.

# LIGHTSHIP COVE

FISHER ROAD



GRAPHIC SCALE



**solutions**

Integrated Planning  
Engineering & Management, LLC

303 North Bedford Street  
Georgetown, DE 19947

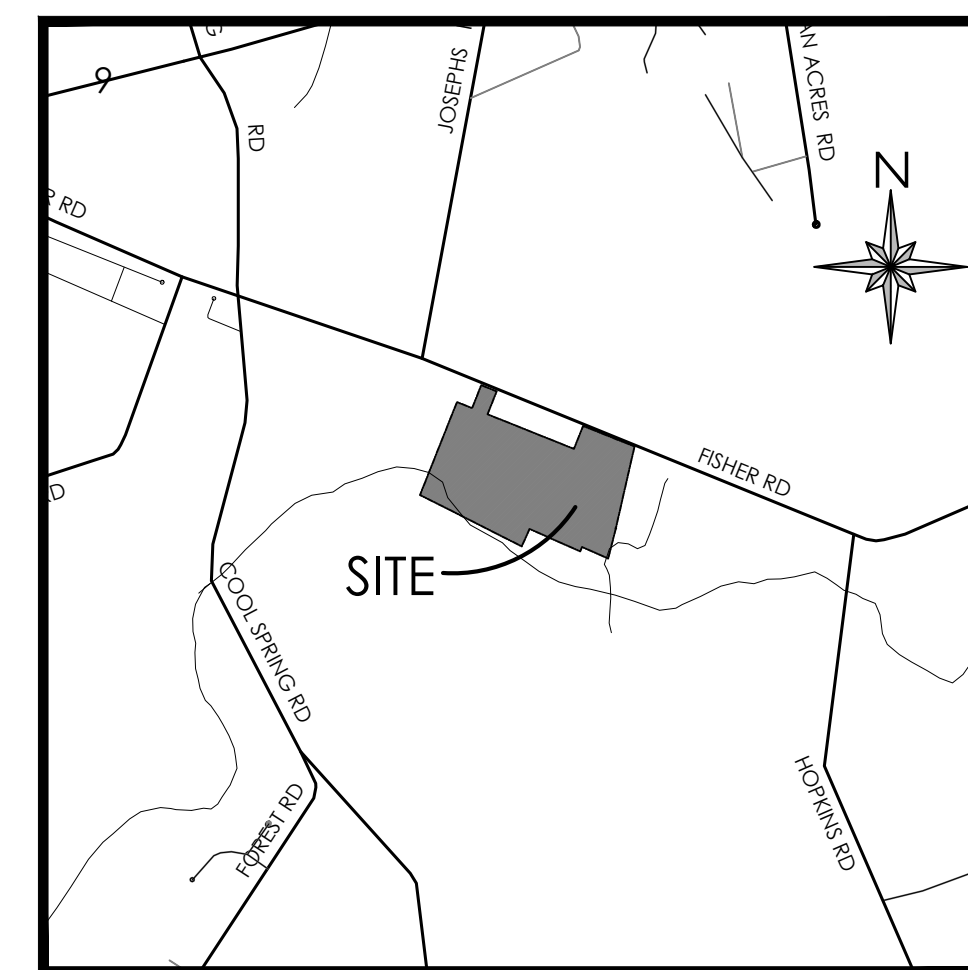
Tel: 302.297.9215  
www.solutionsipem.com

# PRELIMINARY PLAT FOR LIGHTSHIP COVE

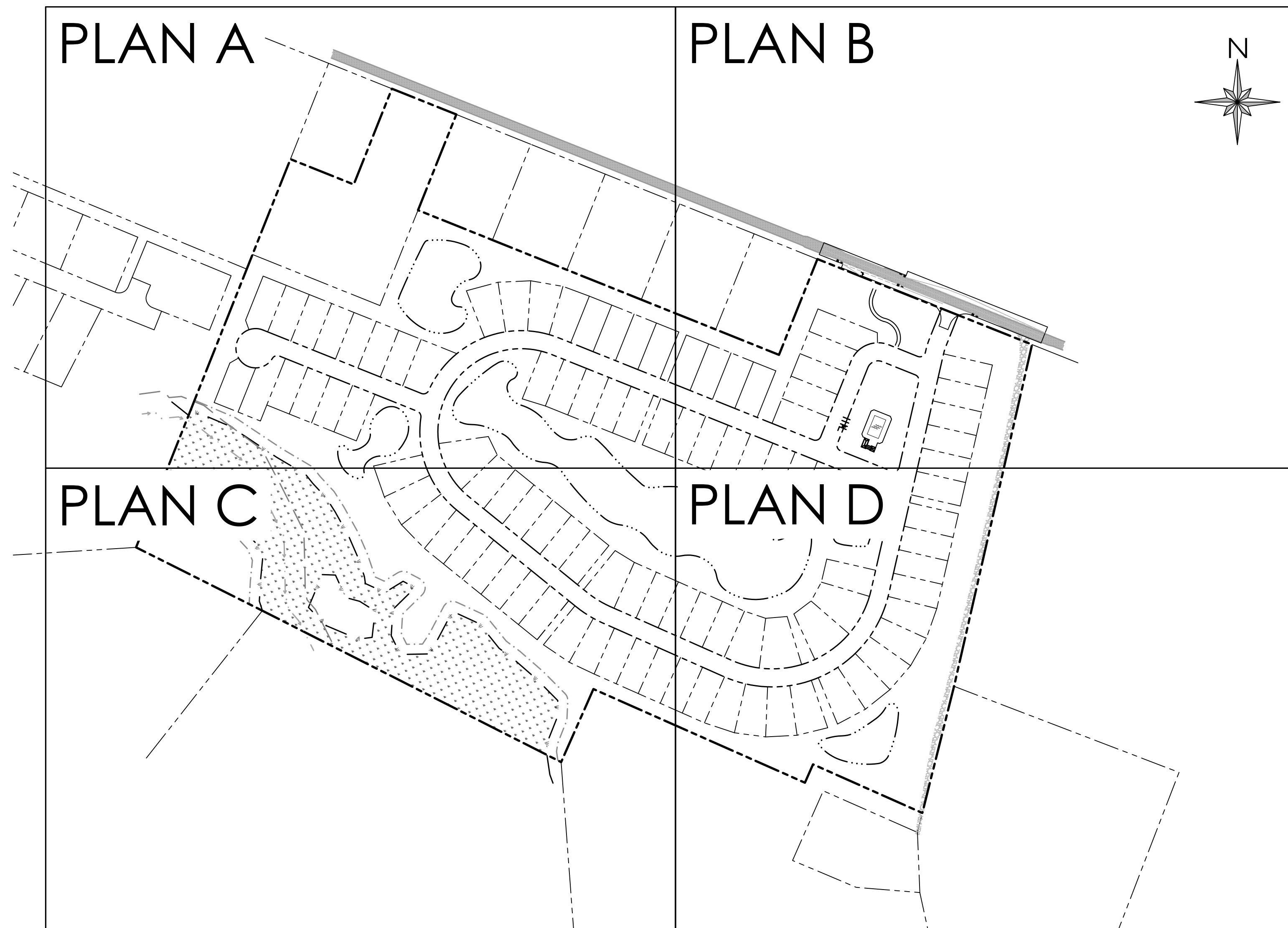
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE

## LEGEND

EXISTING	PROPOSED
PROPERTY LINE	---
EASEMENT LINE	---
SETBACK LINE	N/A
R.O.W. LINE	---
CONTOUR	N/A 28.00
SPOT ELEVATION	N/A
ROAD CENTERLINE	---
EDGE OF CONCRETE	N/A
EDGE OF PAVEMENT	---
CURB	N/A
DELDTD PAVEMENT HATCH	▨
GRAVEL HATCH	▨
SIDEWALK	N/A
SIDEWALK HATCH	N/A
TRAIL	N/A
EDGE OF POND	N/A
EDGE OF WETLAND	N/A
WETLAND	N/A
FLOODPLAIN	N/A
CURB INLET	N/A
YARD INLET	N/A
STORM PIPE	N/A
SANITARY MANHOLE	N/A
SANITARY PIPE	N/A
WATER PIPE	N/A
TREE LINE	N/A



VICINITY MAP  
SCALE: 1" = 2,000'



### SITE DATA:

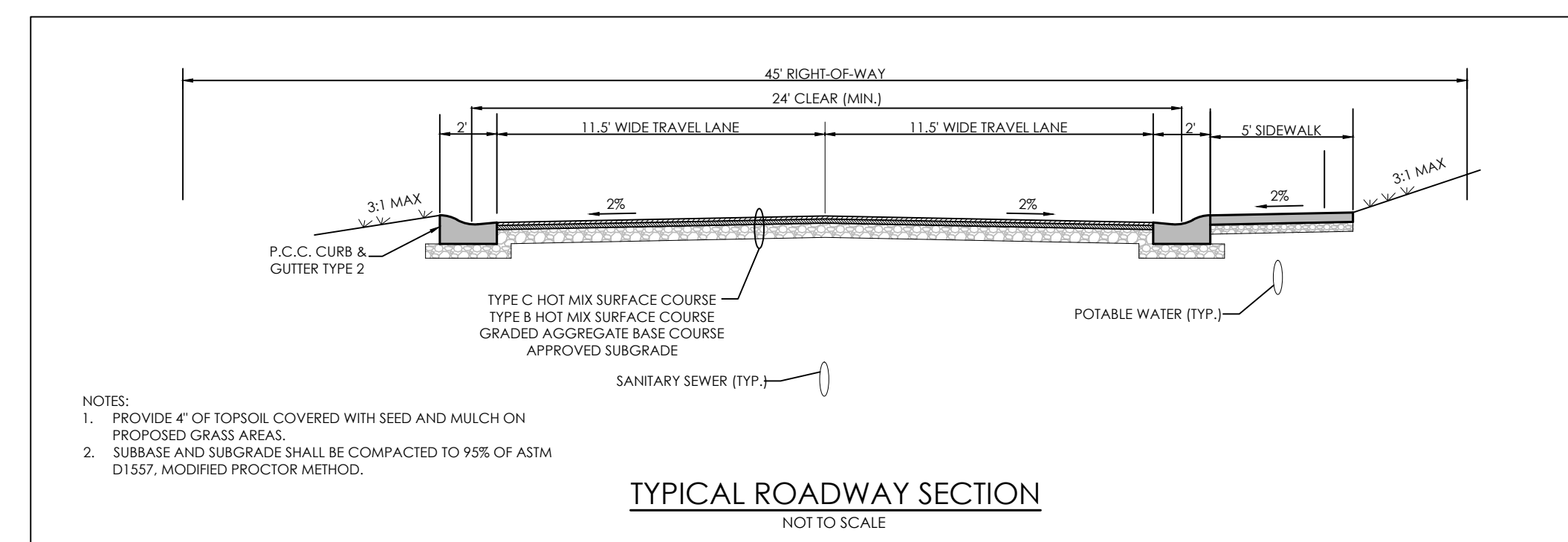
- OWNER:** EMILY C. MCHUGH  
28784 FISHER ROAD  
MILTON, DE 19968
- DEVELOPER:** SCHELL BROTHERS, LLC  
20184 PHILLIPS STREET  
REHOBOTH BEACH, DE 19971  
MR. TIM GREEN
- ENGINEER/  
LAND PLANNER:** SOLUTIONS IPEM, LLC  
303 NORTH BEDFORD STREET  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215  
CONTACT: JASON PALKEWICZ, PE
- TM 334-10.00-69.00  
EXISTING SITE AREA = 51.9708 AC.±  
AREA TO BE RETAINED BY THE SELLER = 3.0318 AC.±  
AREA TO BE DEVELOPED = 48.9390 AC.±
  - EXISTING ZONING:  
AR-1
  - PROPOSED USE: AR-1 CLUSTER  
SINGLE FAMILY LOTS = 97 LOTS  
DENSITY = 97 UNITS / 48.9390 = 1.98 UNITS/ACRE  
PERMITTED DENSITY = 2.0 UNIT/ACRE  
MIN. LOT AREA = 7,500 S.F.  
MIN. LOT WIDTH = 60'  
MAXIMUM BUILDING HEIGHT: 42'
  - PROPOSED SETBACKS  
FRONT YARD = 25' (15' ON CORNER)  
SIDE YARD = 10'  
REAR YARD = 10'
  - BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPEM LLC.
  - FLOOD ZONE:  
PROPERTY IS LOCATED IN ZONE A (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). PER FIRM MAP NUMBER 10005C0326J & 10005C0330J. MAP REVISED JANUARY 6, 2005.
  - WATER SUPPLY:  
ARTESIAN WATER COMPANY
  - SANITARY SEWER:  
ARTESIAN WATER COMPANY
  - SOIL CLASSIFICATIONS  
ASA: ASKECKSY LOAMY SAND, 0 TO 2 PERCENT SLOPES  
DnA: DOWNER LOAMY SAND, 0 TO 2 PERCENT SLOPES  
DnB: DOWNER LOAMY SAND, 2 TO 5 PERCENT SLOPES  
Lo: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED
  - OPEN SPACE = 26.5 AC.± (51% OF DEVELOPED SITE AREA)  
OPEN SPACE A = 19.0 AC.± (72% OF OPEN SPACE)  
OPEN SPACE B = 0.8 AC.± (3% OF OPEN SPACE)  
OPEN SPACE C = 6.7 AC.± (25% OF OPEN SPACE)
  - EXISTING WOODLANDS = 8.36 AC.±  
WOODLANDS TO REMAIN = 7.50 AC.± (89.7%)  
WOODLANDS TO BE REMOVED = 0.86 AC.± (10.3%)  
SUBJECT TO FINAL ENGINEERING.
  - SITE IS LOCATED IN THE FAIR AND GOOD RECHARGE AREAS.
  - SITE IS NOT LOCATED IN THE WELL HEAD PROTECTION AREA.

### NOTES:

- ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION.
- STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.
- ALL OPEN SPACE, INCLUDING BUFFERS AND FOREST STRIPS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES. NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
- POTABLE WATER, SANITARY SEWER, STORM DRAINAGE, STREET PAVEMENT SHALL BE CONSTRUCTED BY DEVELOPER. PHASING OF IMPROVEMENTS SHALL BE PER COUNTY AND CONSERVATION DISTRICT REQUIREMENTS.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL PURPOSES AND ACTIVITIES HAVE BEE AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH USES NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM NORMAL AGRICULTURAL USES AND ACTIVITIES.
- THE PROPERTY IS NOT LOCATED WITHIN ANY TRANSPORTATION IMPROVEMENT DISTRICTS.
- ALL SUBDIVISION LOTS SHALL HAVE FIVE FOOT WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF 10 FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER (RIGHT-OF-WAY AND OPEN SPACE) SHALL BE 10 FEET IN WIDTH.

### PRELIMINARY PLAT

- COVER SHEET
- EXISTING CONDITIONS PLAN
- PRELIMINARY PLAT A
- PRELIMINARY PLAT B
- PRELIMINARY PLAT C
- PRELIMINARY PLAT D



- NOTES:**
- PROVIDE # OF TOPSOIL COVERED WITH SEED AND MULCH ON PROPOSED GRASS AREAS.
  - SUBBASE AND SUBGRADE SHALL BE COMPACTED TO 95% OF ASTM D1557, MODIFIED PROCTOR METHOD.

**solutions**  
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303 NORTH BEDFORD STREET  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215

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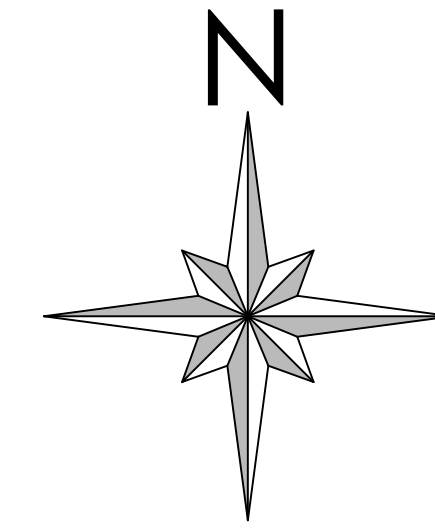
NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

COVER SHEET  
for  
**LIGHTSHIP COVE**  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE

Date:	12-08-2020
Job Number:	2004P
Scale:	AS SHOWN
Drawn By:	HHB
Designed By:	HHB
Approved By:	JIP

Sheet No.: **1**

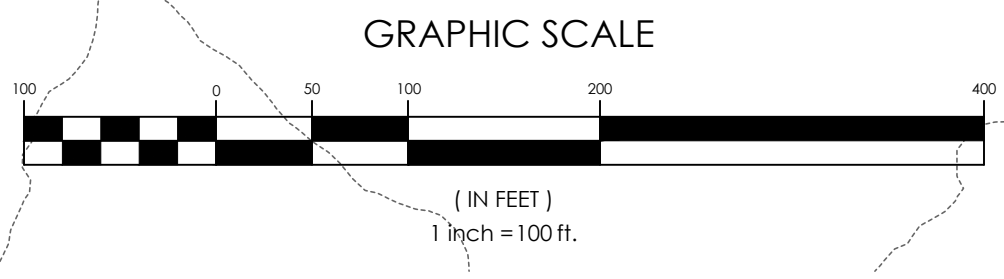
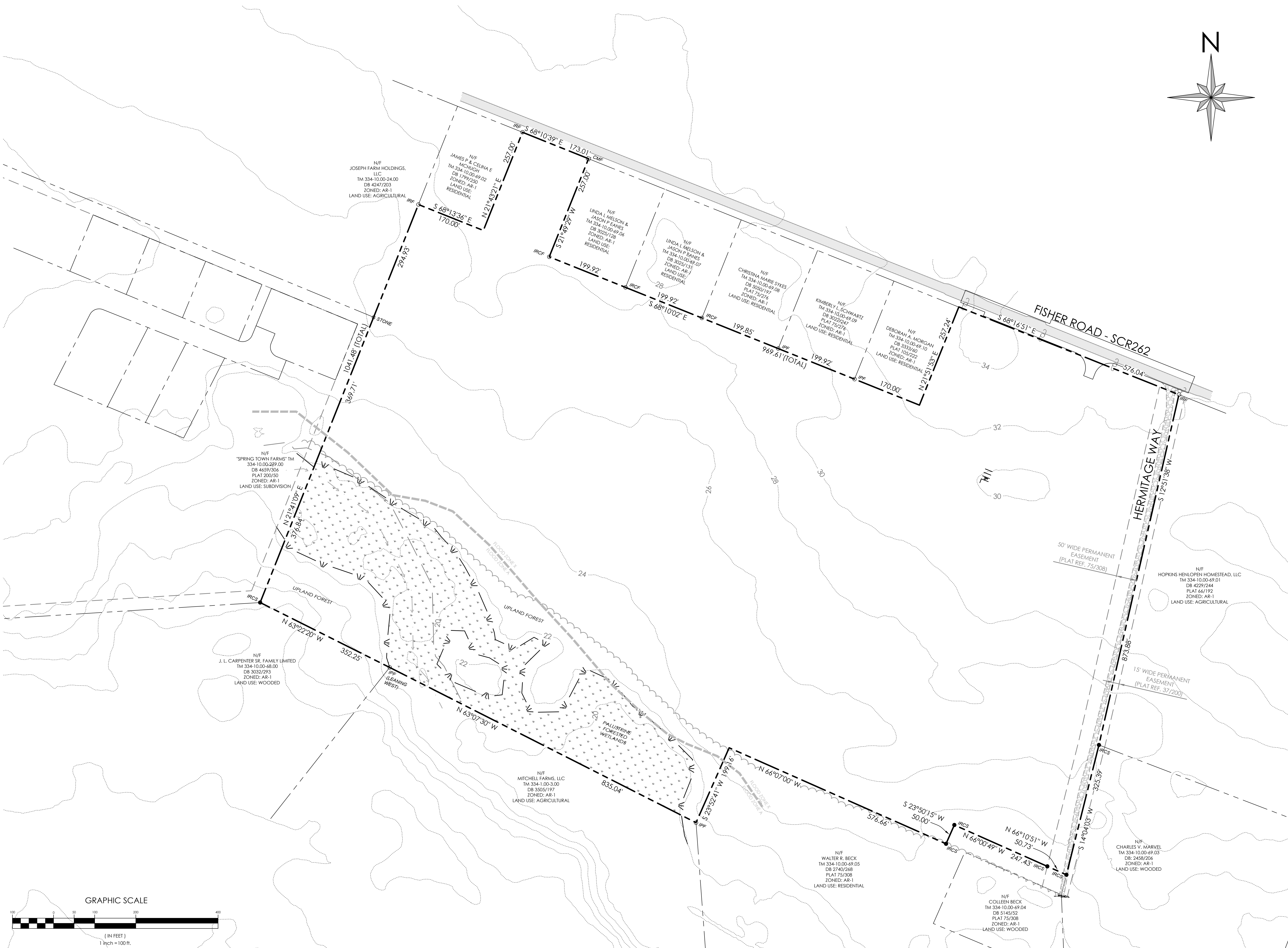
File Name: Cover.dwg

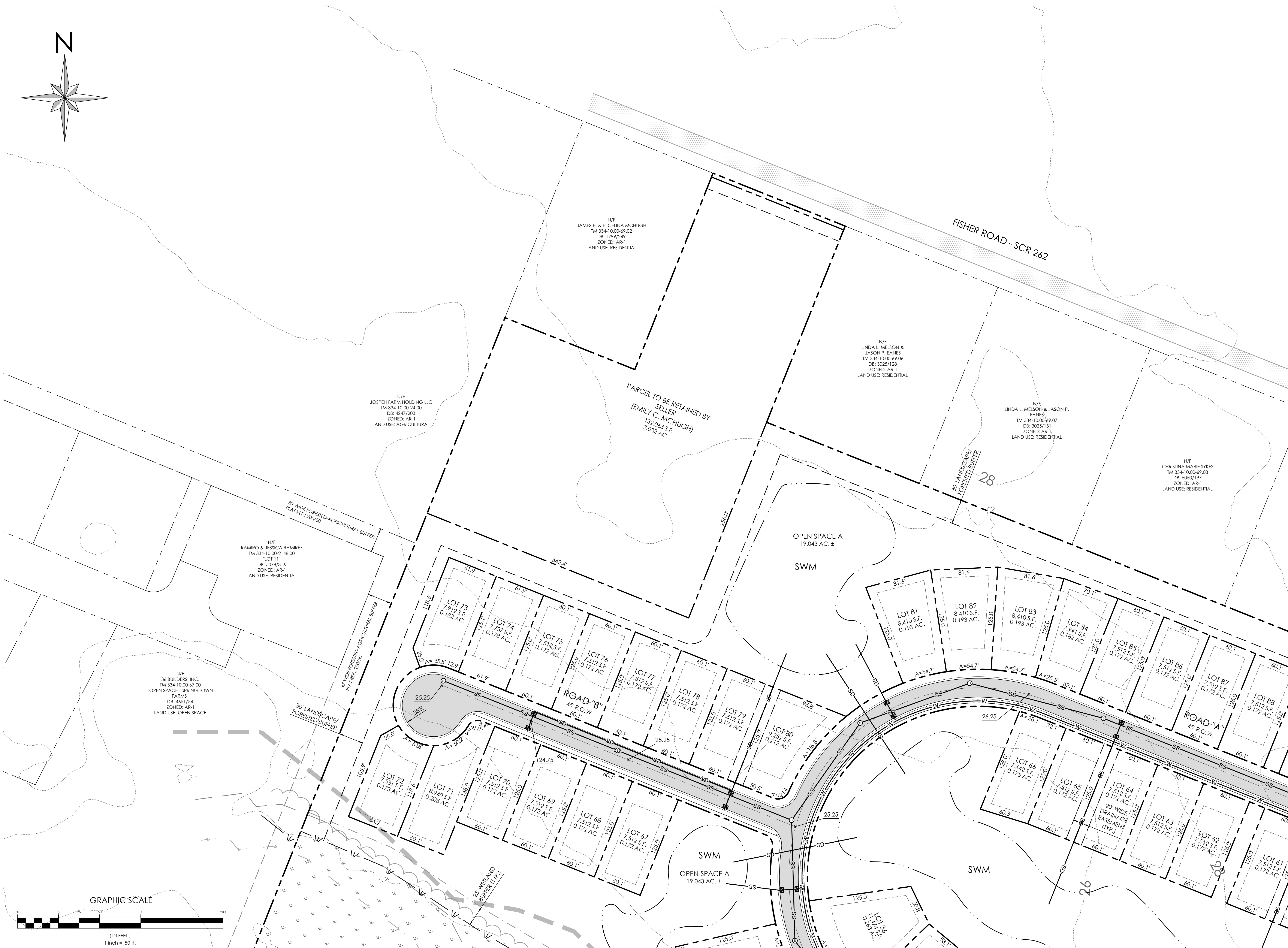
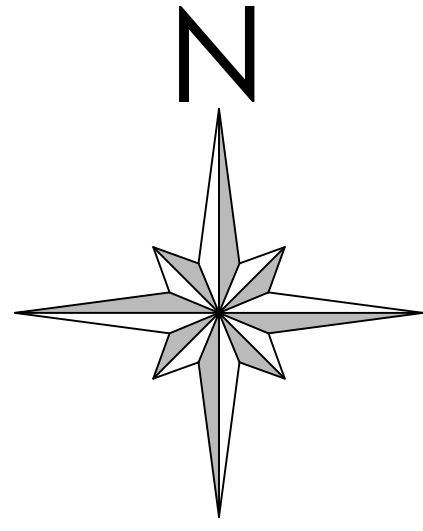


EXISTING CONDITIONS		REVISIONS	
NO.	DATE	DESCRIPTION	
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021	
2	9/24/21	GENERAL REVISIONS	

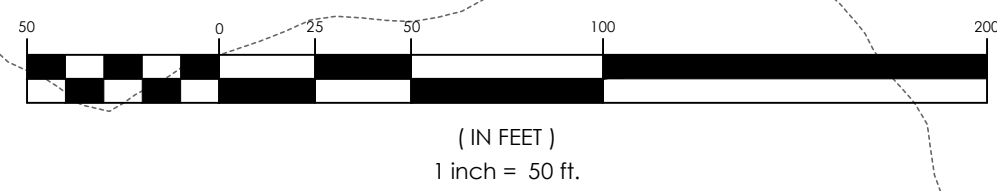
EXISTING CONDITIONS  
 for  
**LIGHTSHIP COVE**  
 LEWES & REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

Date:	12-08-2020	Job Number:	20049	Scale:	1" = 100'	Drawn By:	HHB	Designed By:	HHB	Approved By:	JIP
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GRAPHIC SCALE

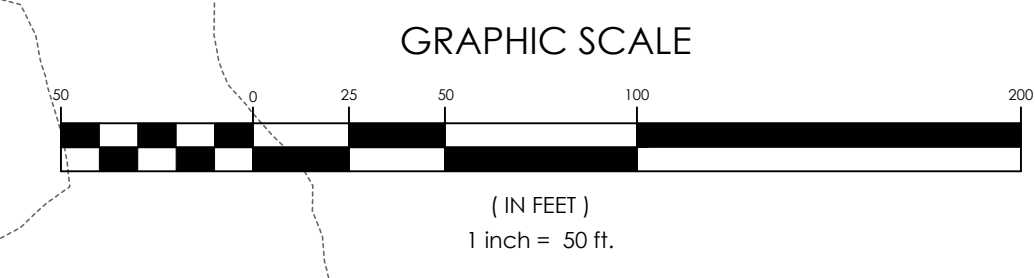
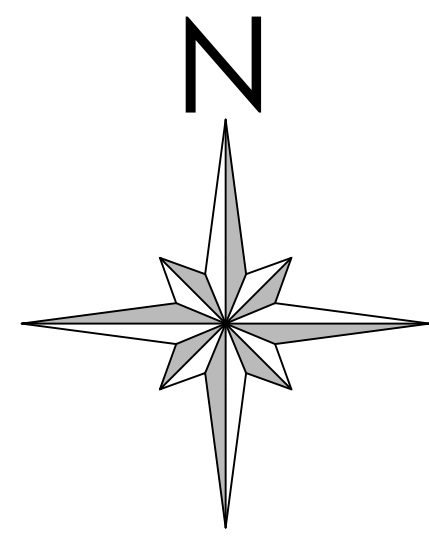


NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT A  
 for  
**LIGHTSHIP COVE**  
 LEWES & REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

Date:	12-08-2020
Job Number:	20049
Scale:	1"=50'
Drawn By:	HHB
Designed By:	HHB
Approved By:	JIP

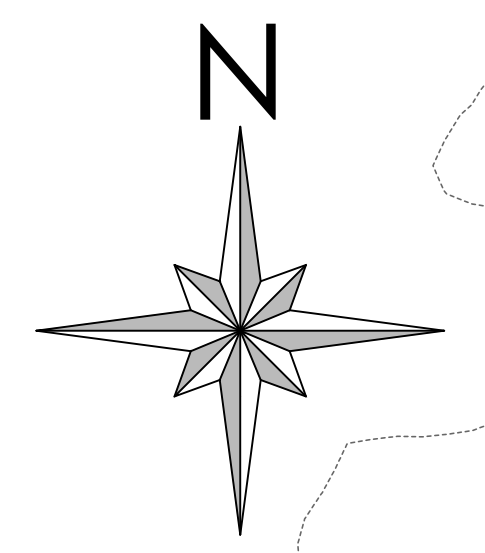




NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT B  
 for  
**LIGHTSHIP COVE**  
 LEWES & REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

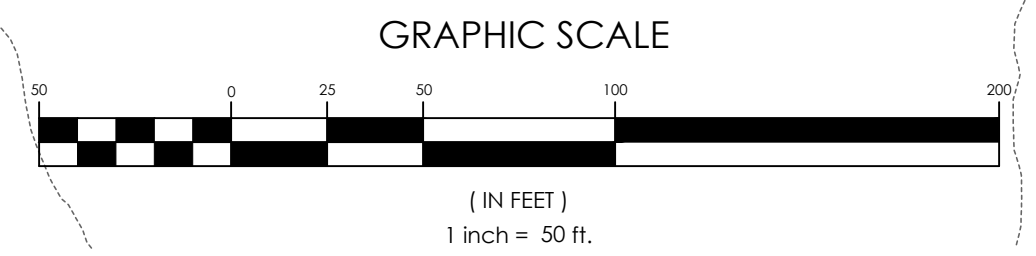
Date:	12-08-2020	Job Number:	20049	Scale:	1"=50'	Drawn By:	HHB	Designed By:	HHB	Approved By:	JJP
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N/F  
J.L. CARPENTER SR. FAMILY  
LIMITED  
TM 334-10.00-68.00  
DB: 3032/293  
ZONED: AR-1  
LAND USE: WOODED

N/F  
MITCHELL FARMS LLC  
TM 334-1-00-3.00  
DB: 3505/197  
ZONED: AR-1  
LAND USE: WOODED &  
AGRICULTURAL

N/F  
WALTER R. & STACY C. BECK  
TM 334-10.00-69.05  
DB: 3505/197  
ZONED: AR-1  
LAND USE: RESIDENTIAL &  
AGRICULTURAL



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Georgetown, DE 19147  
T. 302-297-9215  
3033 Manitt Mill Road  
Salisbury, MD 21804  
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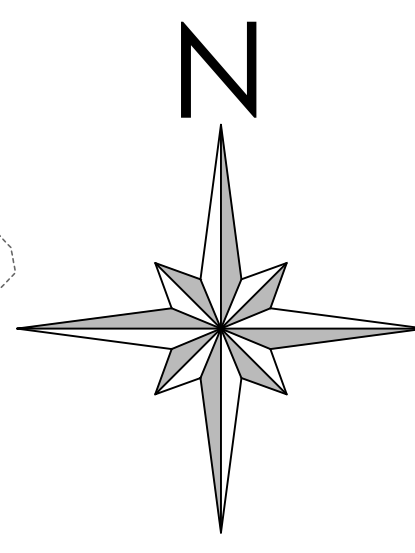
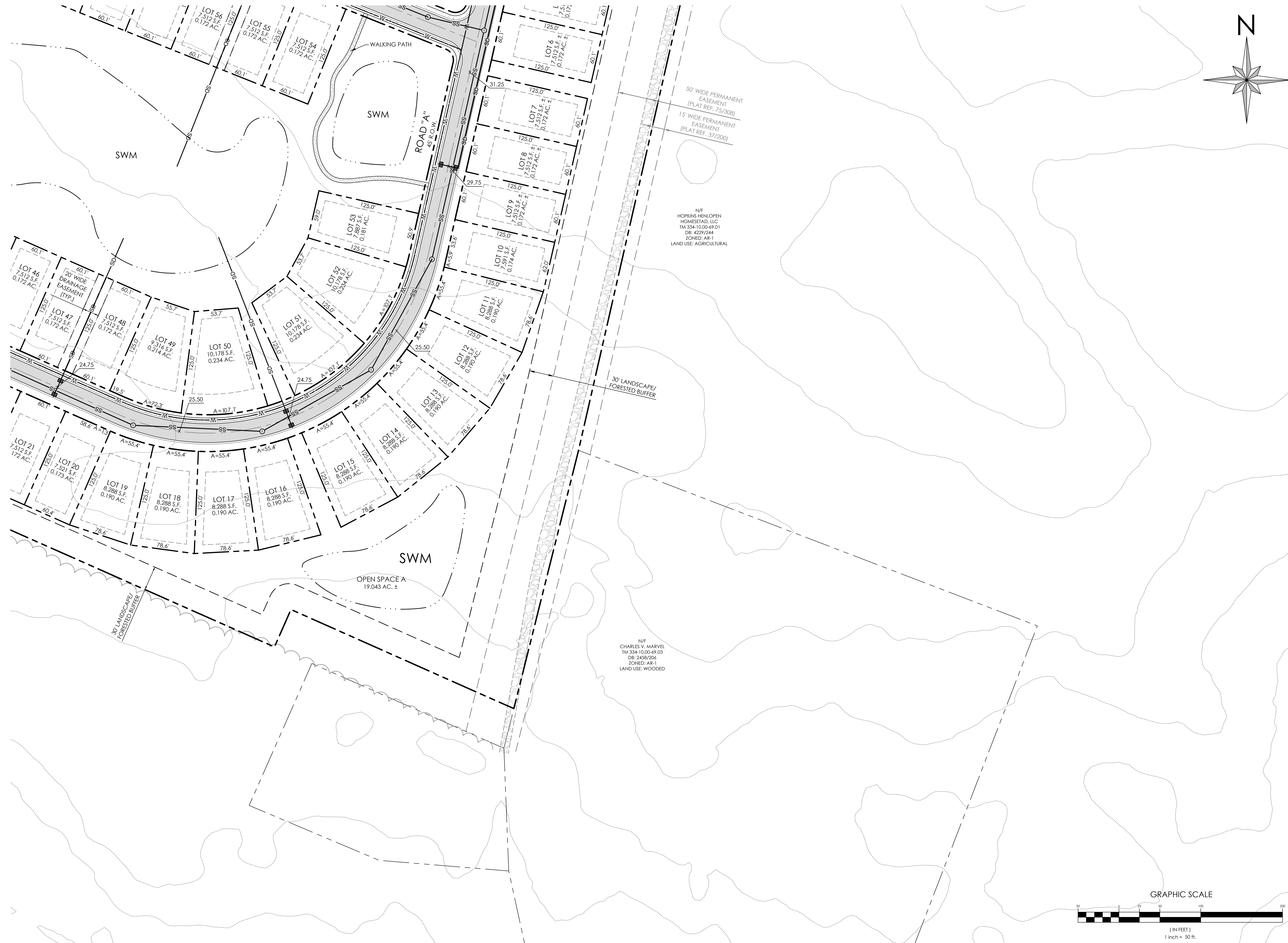


NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT C  
for  
**LIGHTSHIP COVE**  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE

Date:	12-08-2020
Job Number:	20049
Scale:	1"=50'
Drawn By:	HHB
Designed By:	HHB
Approved By:	JIP

Sheet No.: **5**  
File Name: 20049-PLANS



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 ENGINEERS ARCHITECTS LTD.

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 Georgetown, DE 19427  
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REVISIONS		DESCRIPTION
NO.	DATE	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
1	5/24/21	GENERAL REVISIONS
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT D  
 for  
**LIGHTSHIP COVE**  
 LEWES & REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

Date:	12-08-2020	Job Number:	20049	Scale:	1"=50'	Drawn By:	HHB	Designed By:	HHB	Approved By:	JIP
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Sheet No.: **6**

File Name: 20049-PLANS.dwg

