

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
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application: 2021-24 Fishers Point

Applicant: Jeff S. Burton
24139 Fishers Pt
Millsboro, DE 19966

Owner: The Jeffrey S. Burton Trust and Fisher Point, LLC
24139 Fishers Pt
Millsboro, DE 19966

Site Location: The site is located on the west side of Revel Road (S.C.R. 410), north of Lewis Road (S.C.R. 409).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: District 5 - Rieley

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: On-site septic systems

Water: On-site well

TID: Not Applicable

Site Area: 36.86 acres +/-

Tax Map ID: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13



2021-24 Fishers Point Streets Map



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

- TaxParcels
- Tax Parcel Selection
- Streets
- County Boundaries

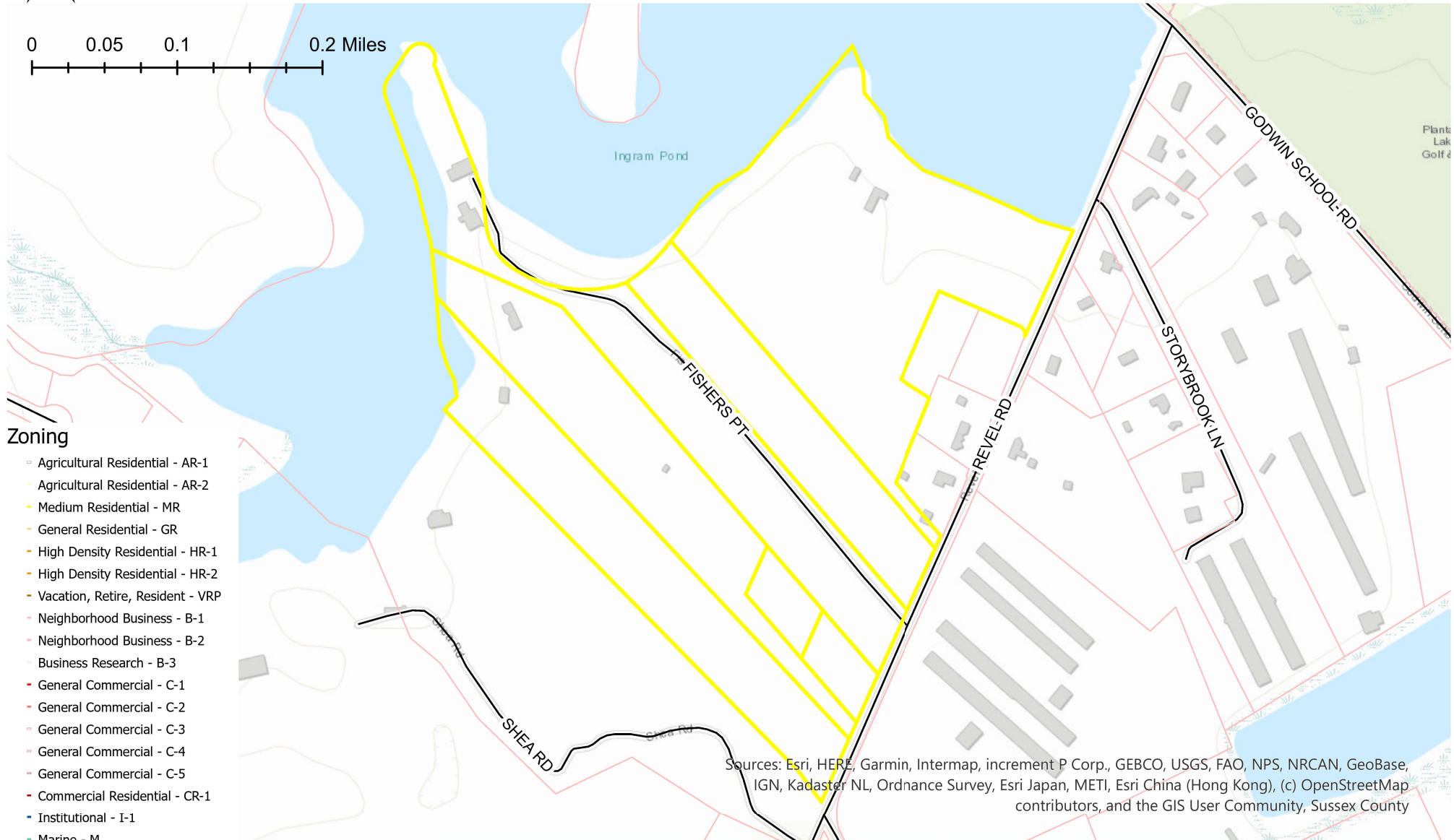
July 22, 2022

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 410
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

2021-24 Fishers Point Zoning Map



0 0.05 0.1 0.2 Miles



Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3
- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

- TaxParcels
- Tax Parcel Selection
- Streets
- County Boundaries

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County

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133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

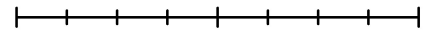
2021-24 Fishers Point

Aerial Map



Sussex County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.05 0.1 0.2 Miles



- TaxParcels
- Tax Parcel Selection
- Streets
- County Boundaries

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
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133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

File #: 2021-24
Pre-App Date: _____

Sussex County Major Subdivision Application 202118168

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: 1/2 Acre Lot Option Under § 115-25.A(2)

Cluster:

Coastal Area:

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 Density: 1.22 Units / Ac Minimum Lot Size: 1/2 Ac Number of Lots: 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well

Sewer Provider: On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton

Applicant Address: 24139 Fishers Pt

City: Millsboro State: DE Zip Code: 19966

Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.08, 81.12, & 81.14

Jeffrey S. Burton, Shannon C Burton, Ty C. Burton, Wine Down Holdings LLC, The Jeffrey
Owner Name: S. Burton Trust, & Fishers Point LLC,

Owner Address: 24139 Fishers Pt

City: Millsboro State: DE Zip Code: 19966

Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton

Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

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

See County File Ref #2021-24

We will provide these prior to the Hearing

N/A < 50 units

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: 12/6/2021

Signature of Owner

T. J. Burson, Sr.

Date: 12/6/21

For office use only:

Date Submitted: 12/9/21

Fee: \$500.00 Check #: 1141

Staff accepting application: ABD

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: _____
Coastal Area: _____

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 **Total Acreage:** 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcels 133-16.00-81.05, 81.10, & 81.13

Owner Name: Daniel F Burton
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

See County
File Ref
#2021-24

- Completed Application**
- Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - o Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24
 - o Provide compliance with Section 99-9.
 - o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

We will provide
these prior to
the Hearing

- 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.**

N/A < 50 units

- PLUS Response Letter (if required)** **Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)**

- 51% of property owners consent if applicable** N/A, The project lies outside the Coastal Area

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

I also certify that I or an agent on 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: 12/10/2021

Signature of Owner

Dan H. Burt

Date: 12/6/2021

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: _____
Coastal Area: _____

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 Density: 1.22 Units / Ac Minimum Lot Size: 1/2 Acre Number of Lots: 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well Sewer Provider: On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcel 133-16.00-81.06

Owner Name: Susan V. Thompson & Robert D. Thompson, III
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- ✓ **Completed Application**

- ✓ **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**

See County File Ref #2021-24

We will provide these prior to the Hearing

N/A < 50 units

N/A, The project lies outside the Coastal Area

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

I also certify that I or an agent on 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: 12/6/21

Signature of Owner

Susan Thompson, et al _____ Date: 12-6-2021

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-210223-MJS-01

Tax Parcel Number: 133-16.00-81.00

Status: Approved as Submitted

Date: 04/19/2022

Project

Fishers Point
, Unit #: 50 Lots
Fishers Point

29254 Revel Road
Millsboro DE 19966

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 83 - Millsboro Fire Co Inc

Occupant Load Inside:
Occupancy Code: 9601

Applicant

David Heatwole
PO Box 2
Harrington, DE 19952

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

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

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

A final inspection is required.

This Plan Review Project was prepared by:



John Colpo
Fire Protection Specialist

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-210223-MJS-01

Tax Parcel Number: 133-16.00-81.00

Status: Approved as Submitted

Date: 04/19/2022

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1010 A** The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

MAPPING & ADDRESSING

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



Sussex County
DELAWARE
sussexcountyde.gov

November 18, 2021

Siteworks Engineering
PO Box 2
19 Commerce St.
Harrington, DE 19952

Attn: Dave Heatwole, PE, Principal

RE: Proposed Subdivision Name(s)

Dear Mr. Heatwole,

Sussex County Emergency Operations Center (EOC) examined the appeal submitted on behalf of Mr. Jeff Burton to use of the name of Fishers Point. Said subdivision is located in Millsboro, DE and includes parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14.

Based on the granted appeal the proposed name(s) below has been approved for this subdivision:

FISHERS POINT

Should you have any questions please contact the Sussex County Geographic Information Office at 302-853-5888 or 302-855-1176.

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Planning & Zoning



**GEOGRAPHIC INFORMATION
OFFICE**

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



Sussex County

DELAWARE
sussexcountyde.gov

May 5, 2022

Dave Heatwole, PE | Principal
Siteworks Engineering
19 Commerce St.
Harrington, DE 19952
Dave.Heatwole@siteworkseng.com

RE: Fishers Point Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **Fishers Point**, located on parcel 133-16.00-81.00, 81.02, 81.04, 8105, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 in Millsboro, DE 19966. Based on our review the following proposed street name(s) have been **approved**:

Fishers Pt	Kingfisher Ct	Bluegill Ct
Doe Watch Way	Stag Run Ct	

Use only road names **approved** and issued by this office on letterhead or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **Fishers Point** please forward a digital copy of the recorded site plan to my attention for the purpose of addressing. Should you have any questions, please contact the **Geographic Information Office** at 302-855-1176.

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Office of Planning & Zoning



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

TO: **Jamie Whitehouse**

REVIEWER: **Ken Briggs**

DATE: **9/30/2022**

APPLICATION: **2021-24 Fishers Point**

APPLICANT: **Jeff Burton**

FILE NO: **NCPA**

TAX MAP &
PARCEL(S): **133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, 81.13**

LOCATION: **West side of Revel Road (S.C.R. 410) north of Lewes Road (S.C.R. 409)**

NO. OF UNITS: **48**

GROSS
ACREAGE: **40.657**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **Growth and annexation of Millsboro, and contact town for availability of water and sewer**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: October 13th, 2022

Application: 2021-24 Fishers Point

Applicant: Jeff S. Burton
24139 Fishers Pt
Millsboro, DE 19966

Owner: The Jeffrey S. Burton Trust and Fisher Point, LLC
24139 Fishers Pt
Millsboro, DE 19966

Site Location: The site is located on the west side of Revel Road (S.C.R. 410), north of Lewis Road (S.C.R. 409).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: District 5 - Rieley

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: On-site septic systems

Water: On-site well

TID: Not Applicable

Site Area: 36.86 acres +/-

Tax Map ID: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13





2021-24 Fishers Point Aerial Map



0 0.05 0.1 0.2 Miles

- Tax Parcels
- Tax Parcel Selection
- Streets
- County Boundaries

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 410
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX



2021-24 Fishers Point Streets Map

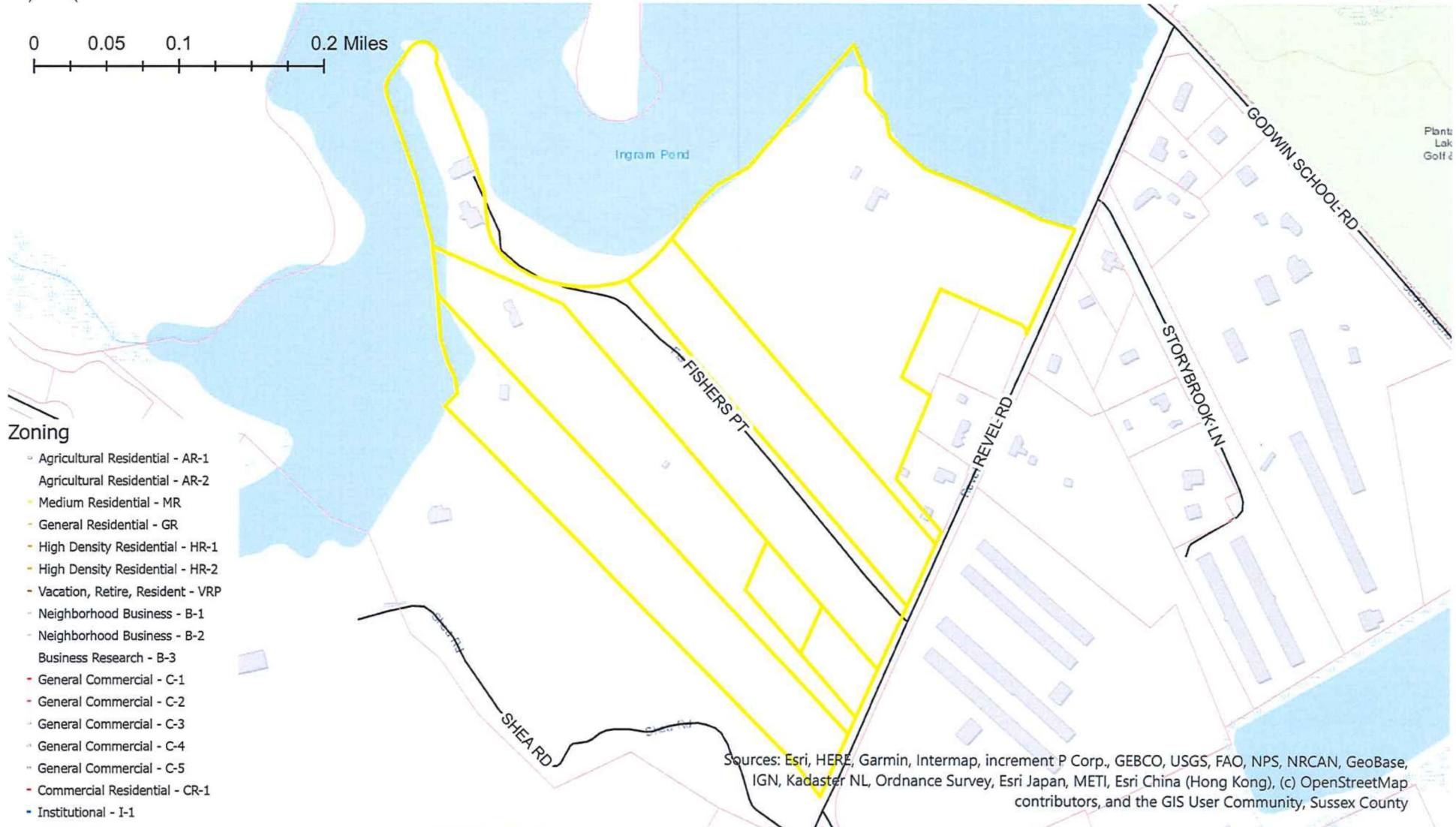
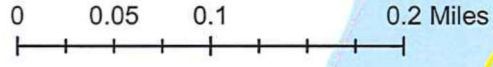


- TaxParcels
- Tax Parcel Selection
- Streets
- County Boundaries

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747'S/RD 328A	LOT 1
133-16.00-81.10	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUB	LOT A	NW/RT 410
133-16.00-81.13	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER F FISHER SUBD	LOT B NW/RT 410	N/PRIVATE DR
133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
133-16.00-81.04	BURTON JEFFREY S	24139 FISHERS PT	MILLSBORO	DE	W/RT 410	1949'S/RT 328A	LOT 2
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133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX



2021-24 Fishers Point Zoning Map



- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - Neighborhood Business - B-2
 - Business Research - B-3
 - General Commercial - C-1
 - General Commercial - C-2
 - General Commercial - C-3
 - General Commercial - C-4
 - General Commercial - C-5
 - Commercial Residential - CR-1
 - Institutional - I-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1

- TaxParcels
- Tax Parcel Selection
- Streets
- County Boundaries

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County

Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
133-16.00-81.03	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	W/S RD 410	1747S/RD 328A	LOT 1
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133-16.00-81.05	BURTON DANIEL F	29254 REVEL RD	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 3 RESIDUAL LANDS	T#49010
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133-16.00-81.06	THOMPSON SUSAN V SUSAN V BURTON	24123 FISHERS PT	MILLSBORO	DE	OLIVER R FISHER SUBD	LOT 4	NW/S RD 410
133-16.00-81.00	FISHERS POINT LLC	24139 FISHERS PT	MILLSBORO	DE	NW/REVEL RD		RESIDUAL LANDS FX

July 22, 2022

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
SR. MANAGER OF UTILITY PLANNING
& DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Date: **February 7, 2022**

REF: **T. A. C. COMMENTS**
Fisher Point Subdivision (2021-24)
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13 &
81.14
AGREEMENT NO.1197

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

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County Street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
 - Engineering recommends island opening for access for parcels 81.08 and 81.12 and egress for proposed lots 1 and 2.
 - Project may require drainage easement for parcels 81.08 and 81.12 if boulevard is going to be open drainage design.
 - An approved turn around must be provided where dead end street are greater than 300 as measured from the nearest turnaround.
2. This project **is not** located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography, and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North Arrow required to identify northern direction and viewport should be best fit for the project.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.



6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

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

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.
8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the following:
 - Delaware Professional Engineer or Delaware Land Surveyor.
 - Owner or Representative of the Owner.
 - Professional Wetlands Delineator.
10. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
11. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.
12. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
13. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase and shall be recorded prior to being issued a notice to proceed.
14. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets. Sussex County Mapping & Addressing will have final say on proposed street names.

15. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 21305 Berlin Road, Suite 2, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.
16. Provide the limits and elevations of the 100-year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.
17. False berms shall not be utilized to create roadside drainage swale back slopes.
18. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way, or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
19. Provide and show the locations and details of all ADA pedestrian connections.
20. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
21. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
22. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
23. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
24. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
25. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
26. When special studies or investigations pertain to a regulatory program of another public

agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

SEWER SPECIFIC COMMENTS

LOCATION: **Lying on the northwest side of Revel Road (SCR 410), approximately 0.16 mile south of Godwin School Road (SCR 328A)**

NO. OF UNITS:45

GROSS ACREAGE: 38.860

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- (2). Which County Tier Area is project in? Municipal Growth & Annexation Area
- (3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? N/A If yes, contact Utility Engineering at (302) 855-7370 / option 2.
- (5). Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A. Is it likely that additional SCCs will be required? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

 Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed subdivision is located within the boundaries of the Growth and Annexation Area of the Town of Millsboro. Contact the Town concerning the availability of sanitary sewer and water. Sussex County Engineering Department recommends the subdivision receive sewer/water service from a municipality or private company.**

(9). Is a Sewer System Concept Evaluation required? **N/A**

(10). Is a Use of Existing Infrastructure Agreement Required? **N/A**

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

Jesse Lindenberg

From: Cullen, Kathleen M <kathleen_cullen@fws.gov>
Sent: Tuesday, March 8, 2022 11:39 AM
To: Planning and Zoning
Subject: FWS review of Fishers Point subdivision

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

Hi Lauren-

This email is regarding the Fishers Point subdivision. There are no federally listed species at this location, so no further Section 7 consultation is needed. You can fill out the Online Certification Letter if further documentation is needed: <https://www.fws.gov/chesapeakebay/saving-wildlife/project-review/online-certification-letter.html>

Our office is currently teleworking for the foreseeable future, so there may be delays in mail pick up. For future projects, the fastest way to get a response is to submit through IPaC: <https://ecos.fws.gov/ipac/>. Please let me know if you have any questions!

Thank you,
Kathleen

Kathleen Cullen
U.S. Fish & Wildlife Service - Chesapeake Bay Field Office
177 Admiral Cochrane Dr., Annapolis MD, 21401
410-573-4579 - kathleen_cullen@fws.gov



DELAWARE DEPARTMENT OF
AGRICULTURE

2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

March 11, 2022

Lauren DeVore, Planner III
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: **Preliminary Subdivision Plans Fishers Point**

Dear Ms. DeVore,

Thank you for providing preliminary plans for Fishers Point submitted by Siteworks Engineering. The plans submitted to our section dated December 7, 2021, are sufficient to meet the Sussex County Planning and Zoning Forested Buffer Ordinance.

The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website.

The Delaware Forest Service has no further comment to Fishers Point preliminary subdivision plans dated December 7, 2021, at this time.

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

Sincerely,

Taryn Davidson
Urban Forestry Program
Delaware Forest Service



Natural Resources
Conservation
Service

March 11, 2022

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: Fishers Point Subdivision
Dagsboro Hundred
45 single family lots**

Voice 302.856.3990
Fax 855.306.8272

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

- EvD Evesboro loamy sand, 5 to 15 percent slopes
- PsA Pepperbox-Rosedale complex, 0 to 2 percent slopes
- PsB Pepperbox-Rosedale complex, 2 to 5 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
EvD	Y3	Somewhat limited	Somewhat limited	Very limited
PsA	Y2	Very limited/Somewhat limited	Somewhat limited/Not limited	Very limited
PsB	Y2	Very limited/Somewhat limited	Somewhat limited/Not limited	Very limited

Definition of soil limitation ratings classes:

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

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

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

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

Y2:

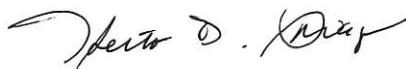
The soils in this classification are nearly level or gently sloping, moderately well drained or well drained with ground water between four to six feet from the surface, and are subject to seasonal high water tables. Seasonal wetness and seepage around foundations moderately limits these soils for residential use. The principal soil limitations are: 1) lateral seepage in subsoil causes concentration of water around foundations, 2) soil is highly susceptible to frost action, 3) excavations are likely to fill with water in late winter or early spring, and 4) wet basements or foundations are probable.

Y3:

Strongly sloping to steep (5-15% slopes) excessively drained, very sandy, rapidly permeable soils. These are the same kind of soils as in subclass G2 but are more sloping. Slopes moderately limit their use for residential developments, but available moisture for lawns, trees, shrubs, and gardens is severely limited, especially if the soil has been graded.

The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the soil area; nor to the pattern they form with other soils in the landscape. Also, because of the scale of the maps used, small areas of other kinds of soils may be included within some delineations of the soil map. Thus, an individual lot or building site could occupy a small area that would not fit the interpretations given for the soils symbol representing the entire delineation of the map. Interpretations apply to the soils in their natural state and not for areas that may have been altered through grading, compacting, and the like.

Sincerely,



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

TDS/bh



2021-24
TM #133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13, & 81.14
Fishers Point Subdivision



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

**GROUNDWATER
DISCHARGES**

PHONE
(302) 739-9948

July 27, 2022

Brad Cate
Eastern Shore Soil Services
PO Box 411
Georgetown, DE 19947

RE: Soil Feasibility Report for Fisher's Point
Parcels 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Mr. Cate:

The Department of Natural Resources and Environmental Control (the Department) has received a submittal from Eastern Shore Soil Services, requesting a non-binding statement of feasibility for Jeffery S. Burton, et. al. as required by the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, dated January 4, 1985, last amended on January 11, 2014 (the Regulations).

The submittal consists of a report titled "Subdivision Feasibility Study for On-Site Wastewater Fisher's Point" prepared by Eastern Shore Soil Services, dated January 24, 2022. The report includes a written summary of the study, Sussex County parcel information sheets as proof of ownership, soil profile notes, results of permeability testing and other supplemental information. Information shown on the plan includes, but is not necessarily limited to, the conceptual lot layout for the proposed subdivision, the proposed lot sizes, wetland areas, storm water management areas, test pit locations, permeability test locations, on-site topographic information at an apparent one-foot contour, locations of wells within 150 feet of the subject site and septic approval/septic denial areas.

Background Information

The property is located on the northwest side of Revel Road (CR 410), between Lewis (CR 409) and Godwin School Roads (CR410) in Sussex County, Delaware. The parcels reportedly consist of 39.8+/- acres per the report provided by Eastern Shore Soil Services and will hereafter be referred to as the project site. The owner/applicant proposes to subdivide the project site into a total of 48 new residential lots with lot sizes of 0.5 acres at a minimum. On July 26th, 2002, Dave Heatwole, P.E., provided additional information indicating that there are 7 existing lots, 4 existing lots to be consolidated, and 3 existing lots to remain (reconfigured, parcels ending in 81.04, 81.05, and 81.06). All

Fisher's Point
July 27, 2022

lots are planned to be served by individual on-site wastewater treatment and disposal systems (OWTDSs) and individual on-site wells. The project site is within the Inland Bays watershed and the current land use designation is cropland, woodland, and residential strip development. There are no commercial wells or well head protection areas within 150 feet of the study area and no state mapped wetlands within the parcel. There is a dwelling and associated agricultural out buildings in the northwest corner of the parcel. Lands to the south and west are mostly residential. Surrounding dwellings are served by individual OWTDSs and well water.

Soils Investigations by Eastern Shore Soil Services and Discussion

Forty-one (41) borings were performed as part of the Soil Feasibility Study. The locations of the soil borings are shown on the plan. In addition, septic approval and septic denial map units delineated by Eastern Shore Soil Services, are shown by the plan. The septic denial map unit is reportedly not feasible for OWTDSs and would most likely be utilized as stormwater management area(s). The denial map unit will not be discussed further. The septic approval map unit has estimated limiting zones ranging from 20 inches to greater than 72 inches below the ground surface. Soils within the Arenic Paleudlut (AP) units are expected to support predominately lo pressure pipe (LPP) and sand-lined full depth gravity-fed disposal systems. Soils within the Lammellic Hapludult/Arenic Hapludult (LH/ArH) units are capable of supporting predominately full-depth gravity-fed septic systems. Estimated percolation rates will be assigned by future individual site evaluations conducted in conformance with regulatory requirements.

Two infiltrometer tests were conducted by Boozer Septic and Excavation at two mapped areas (by soil mapped units). These test results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. The infiltrometer test results support that the AP soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems. The resulting percolation rate of 10 minutes per inch indicates few, if any, hydraulic limitations for on-site systems within the LH/ArH map units (predominately full-depth gravity-fed septic systems).

Conclusion

Based on the information provided in this report submitted by Eastern Shore Soil Services it is the opinion of the Department that the proposed 44 lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and the areas delineated by the plan as being feasible for OWTDS are accurate.

Site Preparation

Removal, disturbance, or compaction of the soil during any portion of the construction and building phase other than that necessary for system installation might result in the rescission of the site evaluation approval. Soil material from road cuts and other excavated sources should not be placed on any portion of the proposed OWTDS areas. It is best to keep all areas proposed for on-site wastewater treatment and disposal free from any form of disturbance by methods such as staking, flagging, or fencing. Tree clearing, if necessary, should be performed in accordance with current "Lot Clearing Guidelines." The Department reserves the right to inspect the construction site at any time to ensure compliance with the above.

Fisher's Point
July 27, 2022

Future Requirements and Comments

Prior to obtaining individual OWTDS construction permits, complete site evaluation reports will be required for all lots in accordance with the Regulations. The Department requires one copy of the **Record Plat** following the most recent final subdivision approval by the Planning and Zoning Commission of Sussex County prior to processing and approving any site evaluations.

Non-Binding Statement of Feasibility

Based on information collected, interpreted, and submitted by Eastern Shore Soil Services, it is the opinion of the Department that the 44 (8 existing and 36 proposed new lots) lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and areas delineated as being feasible for OWTDS as depicted by the Plan are accurate.

The comments in this letter are technical and are not intended to suggest that DNREC supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

Sincerely,



Jenwei Tsai
Environmental Scientist
Division of Water

Pc: Brad Cate, Eastern Shore Soil Services
File

Subdivision Feasibility Study For On-Site Wastewater Fisher's Point

Property Location: Northwest Side of Revel Road (CR 410), Between Lewis (CR 409) and Godwin School Roads (CR 410)

Total Acres: 39.765

Net Lot density: 1.031 Units/Ac.

Minimum Lot Size: 0.5 Ac.

Number of Lots to be Created: (8 Existing-36 Proposed New Lots)

Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13

Zoning: AR-1

Proposed Wastewater Disposal: Individual On-site Septic Systems

Proposed Water Supply: Individual On-site Wells

Owner/Developer(s): Jeffrey S. Burton, et. al.
24139 Fishers Pt.
Millsboro, DE 19966

Date: 1/22/22

Prepared By: Bradley J. Cate, CPSSc/CPSC, D2052

***E**astern **S**hore **S**oil **S**ervices*

Environmental Consulting:

Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits

P.O. Box 411

Georgetown, DE 19947

(302) 856-1853

P.O. Box 411

Savanna, IL 61074

(302) 856-1853

bradcate@easternshoresoil.com

INTRODUCTION

Eastern Shore Soil Services was retained to complete a subdivision feasibility study in accordance with Section 5.0 of the current *Delaware Department of Natural Resources and Environmental Control Regulations Governing the Design, Installation, and Operation of On-Site Waste Water Treatment and Disposal Systems* (adopted January 11, 2014). Field work was conducted from 10/11/21 thru 12/4/21. Logged soil borings were conducted on an approximate 200 x 200 foot grid pattern established by decimeter or better GNSS with adjustments as needed to obtain representative locations or accessibility. A total of 41 soil borings were logged and classified to the subgroup taxon on the referenced parcel.

The study area consists of 8 parcels on the northwest side of Revel Road and bordered on the east by Ingrams Pond. Current land use is cropland and woodland. Adjacent land use is agricultural, woodland, and residential strip development.

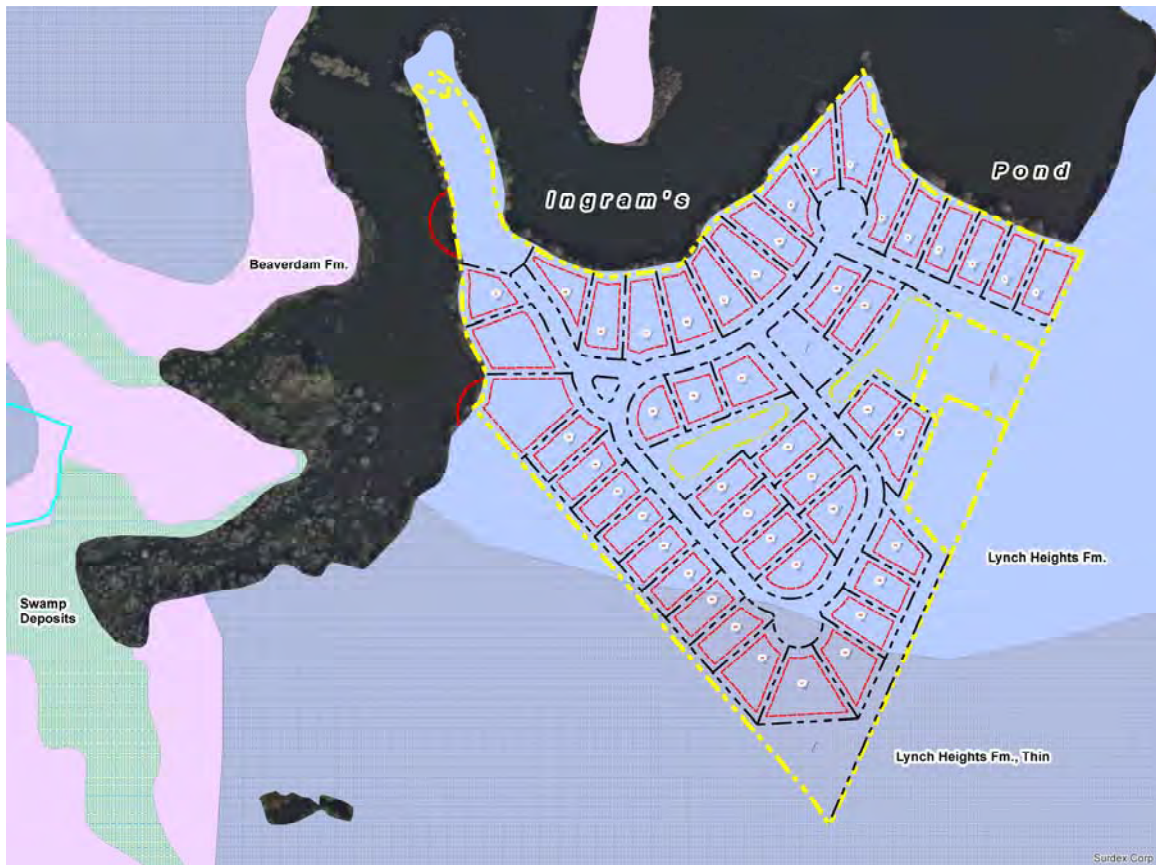
The preliminary lot layout was obtained from Siteworks Engineering. Adjacent wells were visually located door to door. Adjacent septic systems were visually located or were located from records (Delaware Open Data).

RELIEF, STRATIGRAPHY, AND HYDROLOGY

This site consists of level to gently sloping portions of a broad interstream divide and an adjacent floodplain. Approximately 15' of elevational relief (elevation 21' to elevation 36') exists at the site from the pool elevation of Ingrams Pond to the adjacent summit of the interstream divide. Significant slopes are relegated to the shoulder and backslope of the interfluvium in transition to the pool elevation of the pond.

The soils developed in sandy parent materials to a depth of >72". Some profiles exhibited a loamy to clayey layer between 40" and 72". The Delaware Geological Survey (DGS) mapping of the Millsboro and Whaleysville Quadrangles indicates the prevalence of the Lynch Heights Formation (standard and thin subunits) over the entirety of the project site. No morphological differentiation between the subunits was evident in soil profiles.

Free water was only observed within a depth of 72" at lower elevations near Ingrams Pond. DGS mapping suggests a free water surface at 6-9' and 9-16' (below ground surface) under "wet" and "normal" conditions. The water level of Ingrams Pond depicted by 2014 LIDAR (data obtained between 12/17/2013 and 4/6/2014) is 21'. This would be a static level with a controlling spillway. A borrow pit lacking an outlet approximately 1000' east of the southern portion of the project indicated groundwater (during the same LIDAR acquisition period) at elevation 23'. This is likely representative of local groundwater without the influence of immediately adjacent drainage outlets. It is to be expected that seasonal groundwater would be lowered from the 23' value most significantly in areas of the site closest to Ingrams Pond (which constitutes a drainage feature). Historical data indicates near normal seasonal conditions for the 2013-2014 winter when the LIDAR was generated. In the absence of on-site well data and based on observations above, a groundwater elevation of 23' could reasonably be considered a normal seasonal high for the majority of the site.



DGS Surficial Deposits Map (Millsboro and Whaleysville Quadrangles, NTS)

DEPTH TO AND TYPE OF LIMITING ZONES ENCOUNTERED

Limiting zones were inferred from low chroma colors, redox accumulations, depth to materials deemed hydraulically restrictive, and combinations of the above. All limiting zones identified within 72" below ground surface (BGS) on landforms above elevation 29' are likely to consist of perched seasonal water tables or zones of preferential flow. Limiting zones below this elevation are apparent seasonal groundwater.

No soils with apparent seasonally saturated conditions within 72" BGS were interpreted at this site above elevation 29'. Areas below the 29' contour are generally within a 50' isolation distance to the pond and not relevant to this report for wastewater disposal. Some profiles with relict redoximorphic features above 72" were observed associated with loamy to clayey subsoil/substratum textures. Other profiles with redoximorphic features were present but were at lower elevations adjacent to the pond. The pond is a geologically recent artificial impoundment that has likely raised the groundwater thru reduction of the hydraulic gradient. Redoximorphic features, particularly at depth, may not have yet fully formed in response to the pond induced groundwater levels.

Many profiles were identified with matrix colors of chroma 2 or less in sandy strata containing bright lamellae. The lamellae lacked either redox depletions or accumulations. It is reasonable to assume that these low chroma colors do not represent seasonal saturation due to the lack of redox features in the lamellae and that lamellae generally don't form significantly below the groundwater surface. In addition, available groundwater elevation data (see above) is not congruent with these colors being induced by iron reduction and loss.

Hydraulically restrictive layers were characterized by strata with textures high in fine sands, clay content, or having dense/brittle rupture resistance. These strata primarily occurred in profiles within the AP (Aquic Paleudult) delineation. They did not commonly extend thru 72" BGS. Based on the infiltrometer test conducted (see discussion below), these strata nearly constitute a limiting zone due to permeability approaching 120 minutes per inch (MPI). Current regulations consider soils with percolation rates slower than 120 MPI to be unsuitable for wastewater disposal. However, Section 5.2.1.3 allows reduction in estimated percolation rates used for design based on depth and the characteristics of materials overlying the more slowly permeable features. Perched seasonal groundwater in or above these strata are expected to be of relatively short duration if they occur.

NRCS SOIL MAPPING

The NRCS soil mapping of the project area and legend are depicted below:



USDA-NRCS Soil Survey Map of Site (NTS)¹

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EvD	Evesboro loamy sand, 5 to 15 percent slopes	8.8	20.2%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	18.7	42.9%
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	15.4	35.3%

¹ <http://websoilsurvey.nrcs.usda.gov/app/>

The study area is mapped primarily as the Pepperbox Rosedale Complex. The Pepperbox component has a perched seasonal water table and hydraulically restrictive layer within 24-40" of the surface. The Rosedale component allows hydraulically restrictive features within 40" of the surface or an absence of these features within 72" BGS. This mapping is not congruent with the soil composition within the study areas since they are better drained and much deeper to seasonal groundwater. The nearest mapped analogy to the Rosedale soils is the AP map unit detailed in this study. Due to the widely acknowledged deficiencies of the soil survey mapping for non agricultural uses, little additional discussion is merited.

MAP UNITS DELINEATED

Due to the availability of topographic contours, slope classes are omitted. Two soil map units were delineated on the parcel:

AP	Arenic Paleudults
LH/ArH	Lamellic Hapludults/Arenic Hapludults

AP Arenic Paleudults

The level to nearly level AP unit is well drained with depth to perched seasonally saturated materials typically at 53" to >72". These soils occur on planar, convex, and mildly concave landforms. The surface layer is loamy sand generally 20" or more in thickness. The subsoils are typically loamy sand or sandy loam above a lithologic discontinuity abruptly transitioning to bright fine sandy loam thru clay loam, with or without relict redox features, below. Rupture resistance is generally firm/brittle. Underlying the firm/brittle materials are stratified coarse sands thru loamy sands, usually containing lamellae.

Most soils in this unit appear to have sufficient depth to the discontinuity for siting full-depth low pressure pipe (LPP) or capping-fill gravity-fed septic systems. Another option is to excavate/sand-line thru the restrictive layer, backfill with suitable sand, and install a sand-lined full-depth gravity-fed disposal system. All permitted systems in this unit require advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy.

Because the restrictive layer was not observed to extend thru 72" and is underlain by coarse textures, these soils have slight to moderate limitations for stormwater management infiltration basins and excavated detention ponds. The invert elevation for infiltration structures must be below the bottom of the restrictive horizons. Permeability is moderately slow to slow in the restrictive layers and rapid to moderately rapid both above and below. Hydrologic group is A.

LH/ArH Lamellic Hapludults/Arenic Hapludults

The level to gently sloping LH/ArH unit is well to somewhat excessively drained with depth to seasonally saturated materials typically below 72". These soils occur on planar, convex, or mildly concave landforms. The surface layer is loamy sand generally

20" or more in thickness. The subsoils typically consist of loamy sand or sandy loam lamellae. The ArH component typically consists of lamellae both above and sometimes below a sandy loam to sandy clay loam argillic horizon over 6" thick. The substratum is generally sand or coarse sand, with or without lamellae. Also included are some soils with lamellae that are too thin or that do not meet combined thickness requirements for an argillic horizon which were classified as Lamellic Quartzipsamments.

Soils in this unit appear to have sufficient depth to a limiting zone for siting full-depth gravity-fed disposal systems. Advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy is required.

These soils have slight limitations for stormwater management infiltration basins or detention ponds. Permeability is rapid to moderately rapid. Hydrologic group is A.

INFILTROMETER TESTS

In order to grossly assess possible sizing requirements of potential on-site systems, 2 infiltrometer tests were conducted by Boozer Septic and Excavation. One test each was conducted in the LH/ArH and the AP units. Results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. In addition, it is likely that the evaluator conducting individual site evaluations will assign percolation rates tailored to the soil characteristics of each lot and also based on individual philosophy.

Test Location	Test Depth	Soil Texture at Test Depth	Map Unit Designation	Measured Value in Min/In.
C6	46"	firm brittle heavy SCL	AP	120 MPI
D5	24"	SL lamellae	LTH	10 MPI

Test results for location C6 indicated marginal suitability for on-site systems in the AP units. However, the apparent ability to sand-line and or prorate the estimated percolation rate to reflect that this strata was 40" or more below the surface does not indicate this as an issue of concern. Presence of slow permeability in and immediately below the expected drainfield installation (18" to 24" gravel depth) is most relevant because a biomat formed in such materials determines the long term acceptance rate of a soil. Deeper restrictive layers will not be influenced by biomat formation and could be expected to maintain a long term acceptance rate comparable to the hydraulic test values for water. These soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems.

Test D5 was conducted in sandy loam textured lamellae. The resulting percolation rate of 10 minutes per inch indicates few, if any hydraulic limitations for on-site systems within the LH/ArH map units.

CONCLUSIONS

From this study, it appears that individual on-site disposal systems are feasible for all the lots proposed by this plan. Soils within the AP units are expected to support predominately LPP and sand-lined full depth gravity-fed disposal systems. Soils within

the LH/ArH units, are capable of supporting predominately full-depth gravity-fed septic systems. The attached soils map depicts the estimated aerial extent of designated map units based on 200' x 200' grid observations. It is likely these boundaries might change significantly based on more detailed individual site evaluations with 3 or more borings per lot at closer spacings.

Because this proposed development falls within the DNREC designated inland bays watershed, any system permitted within this planned development must incorporate technologies meeting the PSN3 standard.

RECOMMENDATIONS

The design engineer should prepare an infrastructure construction plan that depicts areas where heavy equipment will be operated and where spoil will be placed or spread in response to road and stormwater management system construction. Placement of spoil or overtravel by heavy equipment on lot areas that will be used for on-site septic systems is to be discouraged. This plan should be adhered to and also given to the soil evaluator conducting later individual site evaluations so areas of concern due to compaction can be anticipated and sampled rather than overlooked. If equipment is operated randomly over the site, or spoil is placed haphazardly, system failures due to compaction will be likely. It is not readily apparent to a site evaluator where compaction has or has not occurred on a regraded site.

Because individual wells are anticipated rather than a central water system, a subdivision infrastructure plan depicting well and septic locations should be developed. Such a plan will help to avoid conflicts between well and septic system isolation distances among adjacent lots as the subdivision approaches build-out. The plan is typically prepared by the design engineer after all individual site evaluations have been conducted. If the plan is submitted to DNREC and the recorded with the county, site evaluation reports will expire after 77 years instead of 5 years.

Appendix I
Zoning Forms & Current Parcel Configuration

Property Information

Property Location: 29320 REVEL RD
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 5.0400
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$15,100
100% Improvement Value \$27,200
100% Total Value \$42,300

Legal

Legal Description W/S RD 410
807' N RD 409
E/S INGRAMS RD

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON C BURTON TY C BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RV-RESIDENTIAL VACANT
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 5.2000
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$15,600
100% Improvement Value \$0
100% Total Value \$15,600

Legal

Legal Description: W/S RD 410
1747'S/RD 328A
LOT 1

Owners

Owner	Co-owner	Address	City	State	Zip
WINE DOWN HOLDINGS LLC		24139 FISHERS POINT	MILLSBORO	DE	19966

Property Information

Property Location: 24139 FISHERS POINT
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 8.0800
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$24,200
100% Improvement Value \$110,900
100% Total Value \$135,100

Legal

Legal Description W/RT 410
1949'S/RT 328A
LOT 2

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON CARMEAN BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

Property Information

Property Location: 24129 FISHERS POINT
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RT-RESIDENTIAL MH ON OWN LAND
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 6.1000
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 180 96/PB

100% Land Value: \$18,300
100% Improvement Value: \$36,900
100% Total Value: \$55,200

Legal

Legal Description: OLIVER R FISHER SUBD
LOT 3 RESIDUAL LANDS
T#49010

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

Property Information

Property Location: 24123 FISHERS POINT
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 5.8200
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$17,500
100% Improvement Value \$34,500
100% Total Value \$52,000

Legal

Legal Description OLIVER R FISHER SUBD
LOT 4
NW/S RD 410

Owners

Owner	Co-owner	Address	City	State	Zip
THOMPSON SUSAN V SUSAN V BURTON	ROBERT D THOMPSON III	24123 FISHERS PT	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RV-RESIDENTIAL VACANT
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres:
Frontage: 150
Depth: 241.000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 137 9/PB

100% Land Value: \$3,000
100% Improvement Value
100% Total Value

Legal

Legal Description: OLIVER R FISHER SUB
LOT A
NW/RT 410

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RV-RESIDENTIAL VACANT
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres:
Frontage: 150
Depth: 241.000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 180 96/PB

100% Land Value: \$3,000
100% Improvement Value
100% Total Value

Legal

Legal Description: OLIVER F FISHER SUBD
LOT B NW/RT 410
N/PRIVATE DR

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: AGR-Agriculture
Use Code (LUC): FG-AG IN FAA
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres:
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 183 42/PB

100% Land Value:
100% Improvement Value \$0
100% Total Value

Legal

Legal Description: W/RT 410
S/INGRAMS POND
RESIDUAL LANDS FX

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S TRUST THE		24139 FISHERS PT	MILLSBORO	DE	19966

Appendix II
Letter of Intent

*E*astern *S*hore *S*oil *S*ervices

Environmental Consulting:

Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits

P.O. Box 411
Georgetown, DE 19947

(302) 856-1853
FAX (302) 856-2384

October 24, 2021

Attn: Jenwei Tsai
DNREC-Div. of Water Resources
89 Kings Highway
Dover, DE 19901

RE: Letter of Intent for Fishers Point Subdivision TM# 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Ms. Tsai,

I am submitting a letter of intent regarding the proposed Fishers Point Subdivision. The developer plans to create a 50 lot subdivision out of an aggregation of 8 existing parcels (to be expunged or reconfigured) resulting in 38 actual new lots.

Initial fieldwork commenced on 10/11/21 locating utility poles, existing monumentation, and wells. Six borings were logged on 10/13/21 to assess soil properties. The remaining fieldwork (soil borings and percolation tests) will be conducted in October and November of 2021.

Developer/Owner(s): Jeffrey S. Burton, et. al.
Total Acres: 39.765
Net lot density: 1.01 units/acre
Minimum lot size: 0.5 acre
Watershed: 020403030201 (Indian River Bay)

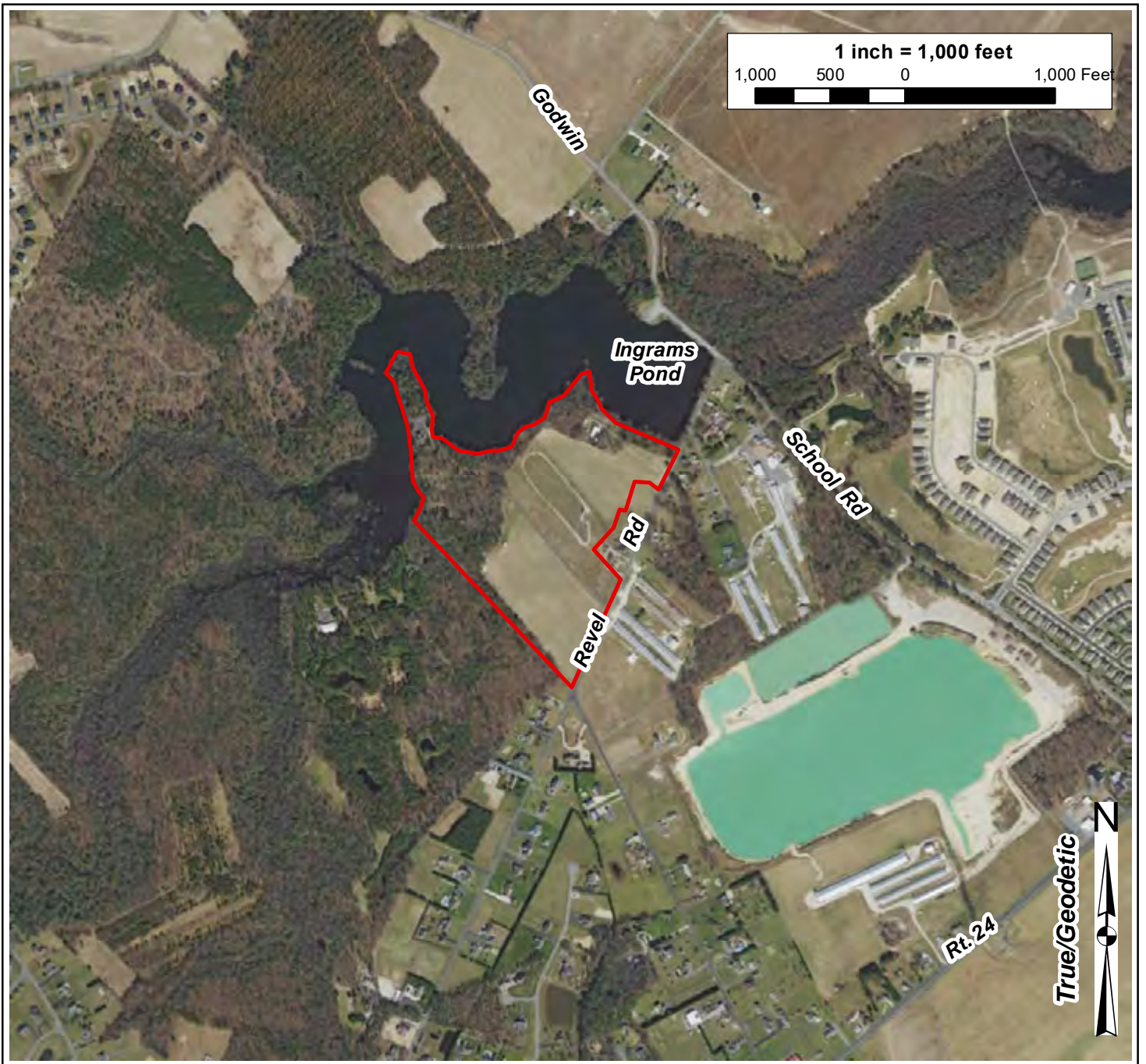
Sincerely,



Bradley J. Cate

cc: Dave Heatwole
Jeffrey Burton

Attachment: Location Map, Ownership Certificates



Project Location Map

***E*astern *S*hore *S*oil *S*ervices**
Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grics.net



Appendix III
Infiltrometer Test Results

Appendix IV
Soil Profile Notes

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, SAVANNAH, IL 61074
 Phone: (815) 273-3550
 Email: esss@igricx.net



Profile #: 51

Date of Test: 11/1/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Bonnamie Hypsacult

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 9</u>	<u>10YR 3/4</u>	<u>/</u>		<u>LS</u>	<u>1-2gr</u>	<u>/uh</u>
<u>Bt</u>	<u>9 to 30</u>	<u>10YR 4/4</u>	<u>/</u>		<u>LS+</u>	<u>~</u>	<u>/uh</u>
<u>Bc</u>	<u>30 to 48</u>	<u>10YR 5/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/uh</u>
<u>C1</u>	<u>48 to 53</u>	<u>10YR 6/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/uh</u>
<u>C2</u>	<u>53 to 67</u>	<u>10YR 6/4</u>	<u>/</u>		<u>S</u>	<u>5G</u>	<u>/L</u>
<u>C3</u>	<u>67 to 72</u>	<u>10YR 5/4</u>	<u>/</u>		<u>LS+</u>	<u>~</u>	<u>/uh</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: S2
 Date of Test: 11/1/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Top Relief: _____
 Estimated Permeability: not test
 Depth to Limiting Zone: > 72"
 Soil Series Identified: Camellia Bland 4

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 10</u>	<u>10YR3/3</u>	<u>/</u>				<u>CS</u>	<u>1ng r</u>	<u>/ uh</u>
<u>EB</u>	<u>10 to 26</u>	<u>10YR5/4</u>	<u>/</u>				<u>CS</u>	<u>m</u>	<u>/ uh</u>
<u>E</u>	<u>26 to 38</u>	<u>10YR6/4</u>	<u>/</u>				<u>CS</u>	<u>m</u>	<u>/ uh</u>
<u>E1Bt</u>	<u>38 to 72 Bl</u>	<u>10YR6/4</u> <u>10YR5/6</u>	<u>30% /</u> <u>70%</u>	<u>50%</u>	<u>gravel</u>		<u>CS</u> <u>SL</u>	<u>m</u>	<u>/ uh</u> <u>h</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)
" ± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: AD
 Date of Test: 10/20/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: Med. P₂
 Depth to Limiting Zone: 792"
 Soil Series Identified: Grossman's Blawie

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A₁</u>	<u>0 to 14</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS -</u>	<u>mgf</u>	<u>/ wh</u>
<u>E</u>	<u>14 to 43</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS -</u>	<u>~</u>	<u>/ wh</u>
<u>B₁₁</u>	<u>43 to 53</u>	<u>7.5YR 5/6</u>	<u>-</u>				<u>SL -</u>	<u>~</u>	<u>/ wh</u>
<u>E₁B₁₂</u>	<u>53 to 72 ft</u>	<u>10YR 5/4</u> <u>7.5YR 5/6</u>	<u>50%</u> <u>50%</u>	<u>2-5% gravel</u>			<u>LS - 1603</u> <u>SL +</u>	<u>~</u>	<u>/ wh</u> <u>/ wh</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: A1
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: moderately cap
 Depth to Limiting Zone: >72"
 Soil Series Identified: Acadia Hapludoll

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A _p	0 to 12	10YR 4/3	/				CS	fine	/ v/c
E ₁	12 to 16	10YR 6/4	/				CS	~	/ v/c
E ₂	16 to 30	10YR 6/4	* /				S	SB	/ L
B ₁	30 to 49	7.5YR 4/6	/				SL ⁺	m	/ h
D ₁	49 to 61	7.5YR 5/6	/				LS ⁺	~	/ v/c
E ₁ B ₁₃	61 to 72	10YR 6/4	60%				CS	SB	/ L
		7.5YR 4/6	40%				grLcoS ⁺	~	/ v/c
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

due thin 7.5YR 4/6 LS lamellae

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: A2

Date of Test: 10/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderately rapid

Depth to Limiting Zone: 772"

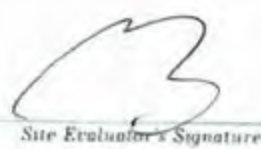
Soil Series Identified: Lanolia Quartzipsamment

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 11</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>1Ang</u>	<u>/ of</u>
<u>Bw</u>	<u>11 to 17</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>-</u>	<u>/ of</u>
<u>C1</u>	<u>17 to 31</u>	<u>10YR 6/4</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ 2</u>
<u>C2</u>	<u>31 to 57</u>	<u>10YR 5/4</u>	<u>*</u>				<u>co's s</u>	<u>SG</u>	<u>/ L</u>
<u>C3</u>	<u>57 to 67</u>	<u>10YR 6/2</u>	<u>*</u>				<u>s'co's</u>	<u>SG</u>	<u>/ L</u>
<u>C4</u>	<u>67 to 72</u>	<u>10YR 6/6</u> <u>10YR 5/6</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)
" ± to free water (if applicable)

no / few thin 7.5YR 5/6 & 7.5YR 4/4 LS lanolia

- (1) Pit observation is extended by bucket auger from _____ " -if applicable)
- (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grics.net



Profile #: A3

Date of Test: 10/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: 62mclie Palud11

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 11</u>	<u>10YR 3/3</u>	<u>-</u>		<u>LS</u>	<u>loose</u>	<u>ch</u>
<u>EB</u>	<u>11 to 26</u>	<u>10YR 5/4</u>	<u>-</u>		<u>LS</u>	<u>m</u>	<u>ch</u>
<u>E</u>	<u>26 to 34</u>	<u>10YR 6/4</u>	<u>-</u>		<u>S</u>	<u>SG</u>	<u>ch</u>
<u>E: B11</u>	<u>34 to 42</u>	<u>10YR 6/4</u> <u>2.5YR 5/6</u>	<u>30%</u> <u>20%</u>		<u>S</u> <u>LS-</u>	<u>SG</u> <u>m</u>	<u>ch</u> <u>ch</u>
<u>E: B12</u>	<u>42 to 72</u>	<u>10YR 5/4</u> <u>2.5YR 5/6</u>	<u>60%</u> <u>40%</u>		<u>S</u> <u>SL-</u>	<u>SG</u> <u>m</u>	<u>ch</u> <u>ch</u>
	to						
	to						
	to						

Current Hydrology: >72" ± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: AY

Date of Test: 10/23/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: 69" to submorphologic features

Soil Series Identified: Typic Quartzipsamment

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 13	10YR 4/3	/				S	SG	/ L
C1	13 to 52	10YR 5/4	/				S	SG	/ L
C2	52 to 62	10YR 6/3 10YR 5/4	/	2-5% gravel			stratified cos. layers	SG	/ L
C3	62 to 69	10YR 6/3 10YR 5/4	/				stratified vs. silt	n	/ wh
C4	69 to 72	10YR 5/4	10YR 5/6 10YR 5/2	hd	hd		stratified vs. silt	n	/ wh
	to								/
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savona, IL 61074
Phone: (815) 273-3550
Email: ees@grica.net



Profile #: A5
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: wide Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Proxic Hapludult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>O_i</u>	<u>1 0</u>								
<u>A_p</u>	<u>0 to 3</u>	<u>10YR 2/2</u>	<u>/</u>				<u>cs</u>	<u>1mg</u>	<u>/ cf</u>
<u>BE</u>	<u>3 to 8</u>	<u>10YR 4/4</u>	<u>/</u>				<u>cs</u>	<u>msbk</u>	<u>/ cf</u>
<u>E</u>	<u>8 to 22</u>	<u>10YR 5/4</u>	<u>/</u>		<u>*</u>		<u>cs</u>	<u>~</u>	<u>/ cf</u>
<u>B₁₁</u>	<u>22 to 42</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>*</u>		<u>sb</u>	<u>msbk</u>	<u>/ cf</u>
<u>B₁₂</u>	<u>42 to 66</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>*</u>		<u>stabilized</u> <u>cs, sb</u>	<u>~</u>	<u>/ cf</u>
<u>C</u>	<u>66 to 72</u>	<u>10YR 6/6</u> <u>10YR 5/6</u>	<u>/</u>		<u>*</u>		<u>stabilized</u> <u>cs, sb</u>	<u>~</u>	<u>/ cf</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

* few pebbles

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ees@grica.net



Profile #: A6

Date of Test: 12/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: 772"

Soil Series Identified: Arvin Hapludult

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A</u>	<u>0 to 3</u>	<u>10YR 2/2</u>	<u>/</u>				<u>LS</u>	<u>1mgt</u>	<u>/ vfr</u>
<u>BE</u>	<u>3 to 9</u>	<u>10YR 4/6</u>	<u>/</u>				<u>LS</u>	<u>1m sbr</u>	<u>/ vfr</u>
<u>E</u>	<u>9 to 31</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>-</u>	<u>/ vfr</u>
<u>Bt1</u>	<u>31 to 44</u>	<u>7.5YR 4/6</u>	<u>/</u>				<u>SL</u>	<u>1m sbr</u>	<u>/ fr</u>
<u>Bt2</u>	<u>44 to 64</u>	<u>7.5YR 5/6</u>	<u>/</u>				<u>SL</u>	<u>1c sbr</u>	<u>/ vfr</u>
<u>Bt3</u>	<u>64 to 72</u>	<u>10YR 5/6</u>	<u>/</u>				<u>LS</u>	<u>-</u>	<u>/ vfr</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: 772"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Saratoga, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: B1
 Date of Test: 2/13/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See type Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: 772"
 Soil Series Identified: kanolic Palmdell

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 10	10YR3/3	/				LS	1-2gr	/ ufr
E	10 to 24	10YR5/4	/				S	Sb	/ L
E1B1	24 to 33	10YR5/4 7.5YR4/4	80% 20%				S LS	Sb ~	/ L L
E1B2	33 to 45	10YR6/4 7.5YR4/4	70% 30%				S LS	Sb ~	/ L L
E1B3	45 to 772"	10YR6/2 7.5YR4/4	40% 60%	2-5% gravel			S, CLS SL+	Sb ~	/ L fr
	to								/
	to								/
	to								/

Current Hydrology: 772"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevanba, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: B2

Date of Test: 10/13/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Tape Relief: _____

Estimated Permeability: med Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lomellia Quartziprimum

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 12</u>	<u>10YR 2/3</u>	<u>/</u>				<u>LS</u>	<u>1ng</u>	<u>/ vfr</u>
<u>E1</u>	<u>12 to 59</u>	<u>10YR 5/4</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
<u>E2</u>	<u>59 to 69</u>	<u>10YR 5/4</u>	<u>* /</u>				<u>OS</u>	<u>SG</u>	<u>/ L</u>
<u>E3</u>	<u>69 to 72</u>	<u>10YR 6/4</u>	<u>/</u>				<u>OS</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* will have thin 7.5YR 5/4 vs Lomellia

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: B3
 Date of Test: 12/12/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Lanellie Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A_p</u>	<u>0 to 10</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>ingr</u>	<u>/ ufr</u>
<u>E</u>	<u>10 to 27</u>	<u>10YR 5/4</u>	<u>/</u>				<u>S</u>	<u>SC</u>	<u>/ L</u>
<u>E1B11</u>	<u>27 to 47B</u>	<u>10YR 5/4</u>	<u>90%</u>				<u>S</u>	<u>SC</u>	<u>/ L</u>
		<u>7.5YR 5/4</u>	<u>10%</u>				<u>US-</u>	<u>~</u>	<u>/ ufr</u>
<u>E1B12</u>	<u>47 to 59 B</u>	<u>10YR 6/4</u>	<u>40%</u>	<u>2-5% silt/cl</u>			<u>US-</u>	<u>~</u>	<u>/ ufr</u>
		<u>7.5YR 5/4</u>	<u>60%</u>				<u>SL-</u>	<u>~</u>	<u>/ ufr</u>
<u>B13</u>	<u>59 to 72</u>	<u>10YR 5/4</u>	<u>/</u>	<u>2-5% gravel</u>			<u>SL-</u>	<u>~</u>	<u>/ ufr</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: B4

Date of Test: 12/29/21 Soil Boring X or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Med. Slow

Depth to Limiting Zone: >72

Soil Series Identified: Arauc Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 11	10YR 3/3	/				LS	mgf	/ ufr
E1	11 to 24	10YR 5/4	/				LS	m	/ ufr
E2	24 to 30	10YR 5/4	w/ few thin LS mottles	10YR 7/6			S	SG	/ L
Bt1	30 to 50	10YR 5/6	/				LS ⁺	m	/ ufr
2 Bt2	50 to 60	10YR 5/6 10YR 5/4	/		Stratified		SL SCL ⁺	m	/ ufr fi
2 Bt3	60 to 68	10YR 5/6	/				Stratified LS:SL	m	/ ufr
2 C	68 to 72	10YR 6/4	/				Stratified LS:fs	m	/ ufr
	to								

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from _____ " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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 Site Evaluations, Environmental Permits
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 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: B5
 Date of Test: 10/28/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Prairie Hope silt

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
C ¹	0 to 12	10YR 6/2	/				S	SG	/ L
A	12 to 16	10YR 3/3	/				LS	m	/ ch
E	16 to 27	10YR 6/4	/				LS	m	/ ch
Bt1	27 to 42	10YR 4/6	/				SL	1+ s l/c	/ fr
Bt2	42 to 62	10YR 5/6	/				LS		/
C	62 to 72	10YR 6/6	/				S		/
	to								/
	to								/

Current Hydrology: >72" ± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

**SOIL PROFILE
NOTES**

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1833
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: essa@grica.net



Profile #: B6
 Date of Test: 12/23/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: **Bradley J. Cate, CPSS/SC** License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: Low Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Avenic Hapludult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
O ₁	0 to 0								
A	0 to 4	10YR 3/3	/				LS	single	/ v/c
EB	4 to 8	10YR 4/4	/				LS	single	/ v/c
E	8 to 26	10YR 5/4	/				LS	~	/ v/c
Bt1	26 to 40	10YR 5/6	/				SL	~	/ v/c
Bt2	40 to 63	10YR 5/6	/				LS	~	/ v/c
BC	63 to 72	10YR 5/6	/				S, WS, G, LS	~	/ v/c
	to								/
	to								/

Current Hydrology: >72" ± to upper boundary of capillary fringe (or)
 " ± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ces@grica.net



Profile #: B7

Date of Test: 12/23/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: 77"

Soil Series Identified: Arboretum Blendell

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
O ₁	0						
A	0 to 4	10YR 2/2	/		ls	1m gr	/ fr
BE	4 to 11	10YR 4/4	/		ls	1m 6/6	/ fr
E	11 to 32	10YR 5/4	/		ls	~	/ fr
E ₁ B ₁	32 to 44 B ₁	10YR 5/4	90%		ls	~	/ fr
		7.5YR 4/6	10%		fsl	~	/ fr
E ₁ B ₂	44 to 59 B ₂	10YR 6/4	80%		fs	5G	/ fr
		7.5YR 4/6	20%		fsl	~	/ fr
O ₁₃	59 to 67	7.5YR 4/6	/		fsl	1m 6/6	/ fr
B ₁₄	67 to 72	10YR 5/4	/		fsl	1m 5/6	/ fr
	to						/ fr

Current Hydrology: 77"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ees@grica.net



Profile #: BB

Date of Test: 12/28/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See topo Relief: _____

Estimated Permeability: had. to road s/w

Depth to Limiting Zone: >72"

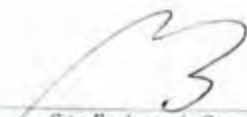
Soil Series Identified: Typic Hapludoll

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
O _i	0								
A	0 to 3	10YR 2/2	/				Lfs	msr	/uf
BE	3 to 8	10YR 4/4	/				Lfs	msbr	/uf
E	8 to 16	10YR 6/4	/				Lfs	~	/uf
Bt1	16 to 20	10YR 5/6	/				fSL ⁻	msbr	/fr
Bt2	20 to 24	10YR 4/6	/				fSL ⁺	2msbr	/fr
Bt3	24 to 31	7.5YR 4/6	/	2-5%	gravel		SCL ⁺	2msbr	/fr
Bt4	31 to 40	7.5YR 5/6	/				SCL	msbr	/fr
Bt5	40 to 64	7.5YR 5/6	/				fSL ⁻	1cbr	/uf
Bct	64 to 72	7.5YR 6/6	/				Lfs:fs	~	uf

Current Hydrology: 77"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: ees@igricos.net



Profile #: C1
 Date of Test: 10/13/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: Sec Tops Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: 65" to low chroma sands w/ redox conc.
 Soil Series Identified: Genesee Paleudic

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A_p</u>	<u>0 to 6</u>	<u>10YR 3/3</u>	<u>✓</u>				<u>LS</u>	<u>mgf</u>	<u>wfr</u>
<u>E₁B₁</u>	<u>6 to 29</u>	<u>10YR 5/4</u> <u>7.5YR 4/4</u>	<u>90%</u> <u>10%</u>				<u>S</u> <u>LS</u>	<u>SG</u> <u>~</u>	<u>L</u> <u>wfr</u>
<u>E₁B₂</u>	<u>29 to 44</u>	<u>10YR 6/3</u> <u>7.5YR 4/6</u>	<u>90%</u> <u>10%</u>				<u>S</u> <u>LS</u>	<u>SG</u> <u>~</u>	<u>L</u> <u>wfr</u>
<u>E₁B₃</u>	<u>44 to 65</u>	<u>10YR 6/2</u> <u>10YR 5/4</u>	<u>90%</u> <u>10%</u>				<u>S</u> <u>LS</u>	<u>SG</u> <u>~</u>	<u>L</u> <u>wfr</u>
<u>E₁B₄</u>	<u>65 to 72</u>	<u>10YR 6/1</u> <u>10YR 5/4</u>	<u>90%</u> <u>10%</u>	<u>10YR 5/6</u>		<u>C 2d</u>	<u>LS</u> <u>LS+</u>	<u>~</u> <u>~</u>	<u>wfr</u> <u>wfr</u>
	to								
	to								
	to								

Current Hydrology: 71"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 356-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: css@igricx.net



Profile #: C2
 Date of Test: 10/13/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: Sec Top Relief: _____
 Estimated Permeability: mod Rp.d
 Depth to Limiting Zone: 772"
 Soil Series Identified: Lanellie Aquicgypssment

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Pp	0 to 9	10YR 3/3	/				SS	1.25g	/ u.f
E	9 to 30	10YR 5/4	/				S	5G	/ L
E1B1	30 to 50 or	10YR 5/4 7.5YR 5/4	30% 20%				S L	5G 5G	/ L u.f
C	50 to 72	10YR 6/2	/				CS	5G	/ L
	to								/
	to								/
	to								/
	to								/

Current Hydrology: 772"± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevenson, IL 61074
 Phone: (815) 273-3550
 Email: csss@grics.net



Profile #: C3

Date of Test: 10/12/21 Soil Boring X or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Lanellie Blandlt

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Pp</u>	<u>0 to 10</u>	<u>10YR3/3</u>	<u>/</u>		<u>LS</u>	<u>large</u>	<u>/ -if</u>
<u>E</u>	<u>10 to 18</u>	<u>10YR5/4</u>	<u>/</u>		<u>S</u>	<u>SG</u>	<u>/ L</u>
<u>E10d1</u>	<u>18 to 50.84</u>	<u>10YR6/4</u>	<u>90%</u>		<u>LS</u>	<u>SG</u>	<u>/ L</u>
		<u>10YR5/4</u>	<u>10%</u>			<u>m</u>	<u>/ -if</u>
<u>E10d2</u>	<u>50 to 72.02</u>	<u>10YR6/2</u>	<u>50%</u>		<u>S</u>	<u>SG</u>	<u>/ L</u>
		<u>2.5YR4/4</u>	<u>50%</u>		<u>LS</u>	<u>m</u>	<u>/ -if</u>
	to						<u>/</u>
	to						<u>/</u>
	to						<u>/</u>
	to						<u>/</u>

Current Hydrology: > 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: C4
 Date of Test: 10/28/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: not Rapid
 Depth to Limiting Zone: >72'
 Soil Series Identified: P52mm andic Haplobult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 7</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>1mgf</u>	<u>u, fr</u>
<u>E</u>	<u>7 to 35</u>	<u>10YR 6/6</u>	<u>/ *</u>				<u>LS</u>	<u>~</u>	<u>u, fr</u>
<u>Bt</u>	<u>35 to 55</u>	<u>7.5YR 5/6</u>	<u>/</u>				<u>LS+</u>	<u>~</u>	<u>u, fr</u>
<u>E1B12</u>	<u>55 to 72 B+</u>	<u>10YR 6/4</u>	<u>60% /</u>				<u>S; c/s</u>	<u>56</u>	<u>u, fr</u>
	<u>to</u>	<u>7.5YR 5/6</u>	<u>40% /</u>				<u>LS</u>	<u>~</u>	<u>u, fr</u>
	<u>to</u>								
	<u>to</u>								
	<u>to</u>								

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

few thin 7.5YR 5/6 LS lamellae

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: CS
 Date of Test: 10/29/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. slow over rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Arctic Hapludt

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 9	10YR 3/3	/				LS	fine	/uf
E	9 to 29	10YR 6/6	/				LS	~	/uf
2 B11	29 to 36	10YR 5/6	/				fSL	fine	/f
2 B12	36 to 43	10YR 5/6	5a/5 of			Brittle	fSL	fine	/f
2 B13	43 to 53	10YR 7/2	/				fSL	fine	* f Brittle in site
2 C	53 to 72	7.5YR 6/6 10YR 6/6	10YR 6/2				stratified vs: s	~	/uf
	to								/
	to								/

Current Hydrology: >92" ± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

* dry condition

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grica.net



Profile #: C6

Date of Test: 10/23/21 Soil Boring X or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod slow over rapid

Depth to Limiting Zone: > 72" to apparent SHWT

Soil Series Identified: Armic Paleud H

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 7</u>	<u>1072 3/2</u>	<u>/</u>				<u>LS</u>	<u>mgc</u>	<u>/ ufr</u>
<u>E</u>	<u>7 to 21</u>	<u>1072 5/4</u>	<u>/</u>				<u>LS</u>	<u>w</u>	<u>/ ufr</u>
<u>E1B1</u>	<u>21 to 35</u>	<u>1072 5/4</u> <u>1072 5/6</u>	<u>70%</u> <u>30%</u>				<u>LS</u> <u>SL</u>	<u>w</u> <u>w</u>	<u>/ ufr</u> <u>/ ufr</u>
<u>BtL</u>	<u>35 to 40</u>	<u>1072 4/6</u>	<u>/</u>				<u>SCL</u>	<u>msbk</u>	<u>* / fr</u>
<u>2Bt3</u>	<u>40 to 49</u>	<u>1072 5/4</u>	<u>/</u>				<u>SCL+</u>	<u>msbk</u>	<u>* / fi Brittle</u>
<u>2Bt4</u>	<u>49 to 67</u>	<u>1072 6/2</u> <u>1072 6/2</u>	<u>1072 5/3</u>			<u>13P</u>	<u>fSL+</u> <u>stratified</u> <u>tsilts</u>	<u>msbk</u>	<u>* / fi Brittle</u>
<u>2C</u>	<u>67 to 72</u>	<u>1072 6/3</u> <u>1072 6/6</u>	<u>/</u>					<u>w</u>	<u>* / ufr</u>
	to								

Current Hydrology: > 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry condition

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: C7

Date of Test: 10/28/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See topo Relief: _____

Estimated Permeability: Rapid

Depth to Limiting Zone: 27" to depleted matrix

Soil Series Identified: Ayala - udipsamment

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
O _i	1 0						
A	0 to 3	10YR 3/2	/		LS	ingr	/ ufr
BE	3 to 11	10YR 4/4	/		LS	1 m s b k	/ ufr
B ₂	11 to 27	10YR 6/4	/		S	SB	/ L
C _{g1}	27 to 64	10YR 6/2	10YR 5/6	tip	S	SB	/ L
C _{g2}	64 to 72	10YR 6/2	10YR 6/4 10YR 5/6	cap FLP	S	SB	/ L
	to						/
	to						/
	to						/

Current Hydrology: 77"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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Phone: (302) 856-1853
P.O. Box 411, Savannah, IL 61074
Phone: (815) 273-3550
Email: esss@grica.net



Profile #: D3
Date of Test: 10/31/21 Soil Boring or Test Pit (1)
Property Owner: _____
Property Location: Fishers Point Subdivision
Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
Estimated Permeability: mod. Rapid
Depth to Limiting Zone: >72"
Soil Series Identified: Lowell's Aquosol

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 8</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>1mg</u>	<u>uf</u>
<u>BE</u>	<u>8 to 22</u>	<u>11YR 6/6</u>	<u>/</u>				<u>LS-</u>	<u>-</u>	<u>uf</u>
<u>E</u>	<u>22 to 61</u>	<u>11YR 6/14</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>L</u>
<u>E1B1</u>	<u>61 to 72"</u>	<u>10YR 6/12</u>	<u>60%</u>				<u>S</u>	<u>SG</u>	<u>L</u>
		<u>7.5YR 4/6</u>	<u>40%</u>				<u>SL-</u>	<u>-</u>	<u>uf</u>
	to								
	to								
	to								
	to								

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
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 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: D4

Date of Test: 10/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod. Rep'd over slow

Depth to Limiting Zone: >72" to ASWT; 47" to preferential flow patterns

Soil Series Identified: Lanette Hapludt

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>A_c</u>	<u>0 to 11</u>	<u>10YR 4/3</u>	<u>/</u>		<u>LS</u>	<u>mg</u>	<u>uh</u>
<u>E₁</u>	<u>11 to 19</u>	<u>10YR 6/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>uh</u>
<u>E₂</u>	<u>19 to 40</u>	<u>10YR 6/4</u>	<u>/</u>		<u>S</u>	<u>SC</u>	<u>L</u>
<u>E₁B₁</u>	<u>40 to 47</u>	<u>10YR 6/2</u> <u>10YR 5/6</u>	<u>50% /</u> <u>50%</u>		<u>S</u> <u>SL²</u>	<u>SC</u> <u>~</u>	<u>uh</u> <u>uh</u>
<u>2B₁2</u>	<u>47 to 59</u>	<u>10YR 5/4</u> <u>10YR 5/6</u>	<u>10YR 5/2</u> <u>10YR 5/6</u>	<u>c2d</u> <u>c2p</u>	<u>CL</u>	<u>2m sbk</u>	<u>fi</u>
<u>2E₁B₁3</u>	<u>59 to 72</u>	<u>10YR 6/2</u> <u>10YR 5/6</u>	<u>70% /</u> <u>30%</u>		<u>grccs</u> <u>grbcus</u>	<u>SC</u> <u>~</u>	<u>L</u> <u>uh</u>
	<u>to</u>						
	<u>to</u>						

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: esss@gricx.net



Profile #: DS
 Date of Test: 12/31/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: 772"
 Soil Series Identified: Linnellie Hopedale

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 8	10YR 3/3	-				LS	mg	wh
Ei		10YR 5/4	80%				LS-	~	wh
B+1	8 to 28	10YR 4/6	20%				SL-	~	wh
Ei B12	28 to 55	10YR 6/4	20%				LS	~	wh
		10YR 5/6	30%				SL-	~	wh
Ei B13	55 to 62	10YR 6/4 & 10YR 6/2	-				CS	SB	wh
		10YR 5/6	-				CS	~	wh
C	62 to 72	10YR 5/6	7.5YR 3/4	tzp			str. has cob:coS	~	wh
	to								
	to								
	to								

Current Hydrology: 772"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Seasons, IL 61074
 Phone: (815) 273-3550
 Email: esss@gricx.net



Profile #: 26

Date of Test: 10/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Lanolia Hazledit

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A_p</u>	<u>0 to 9</u>	<u>10YR 3/3</u>	<u>-</u>				<u>LS</u>	<u>10gr</u>	<u>uf</u>
<u>E_B</u>	<u>9 to 27</u>	<u>10YR 5/6</u>	<u>-</u>				<u>LS</u>	<u>m</u>	<u>uf</u>
<u>E₁B₁₁</u>	<u>27 to 45</u>	<u>10YR 5/6</u>	<u>20%</u>				<u>SS -</u>	<u>~</u>	<u>uf</u>
		<u>10YR 4/4</u>	<u>22%</u>				<u>SS -</u>	<u>~</u>	<u>uf</u>
<u>E₁B₁₂</u>	<u>45 to 63</u>	<u>10YR 6/6</u>	<u>70%</u>				<u>S</u>	<u>SG</u>	<u>uf</u>
		<u>10YR 5/6</u>	<u>30%</u>				<u>LS</u>	<u>~</u>	<u>uf</u>
<u>E₁B₁₃</u>	<u>63 to 72</u>	<u>10YR 6/6</u>	<u>60%</u>				<u>SS</u>	<u>SG</u>	<u>uf</u>
		<u>7.5YR 5/6</u>	<u>40%</u>				<u>SS</u>	<u>~</u>	<u>uf</u>
	<u>to</u>								
	<u>to</u>								
	<u>to</u>								

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)

" ± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savannah, IL 61074
Phone: (815) 273-3550
Email: esss@grica.net



Profile #: E3

Date of Test: 10/31/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lanoka Hapludult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A0</u>	<u>0 to 10</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>mg</u>	<u>/</u> <u>uh</u>
<u>E</u>	<u>10 to 30</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>gn</u>	<u>/</u> <u>uh</u>
<u>E1B1</u>	<u>30 to 43</u>	<u>10YR 6/4</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>/</u> <u>uh</u>
	<u>43 to 64</u>	<u>10YR 5/6</u>	<u>/</u>				<u>SL</u>	<u>~</u>	<u>/</u> <u>uh</u>
<u>B12</u>	<u>43 to 64</u>	<u>10YR 6/4</u>	<u>/</u>				<u>LS+</u>	<u>m</u>	<u>/</u> <u>uh</u>
<u>C</u>	<u>64 to 72</u>	<u>10YR 7/3</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/</u> <u>L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: cesa@grica.net



Profile #: E4

Date of Test: 10/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: low to Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Grossmont Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 9</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>mg</u>	<u>/ vfr</u>
<u>E1</u>	<u>9 to 38</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>r</u>	<u>/ vfr</u>
<u>E2</u>	<u>38 to 52</u>	<u>10YR 6/4</u>	<u>/</u>				<u>gr c/s</u>	<u>sb</u>	<u>/</u>
<u>Bt1</u>	<u>52 to 62</u>	<u>10YR 5/6</u>	<u>/</u>	<u>2-5% gravel</u>			<u>Lo c/s</u>	<u>m</u>	<u>/ vfr</u>
<u>Ah2</u>	<u>62 to 72</u>	<u>10YR 5/6</u>	<u>/</u>	<u>2-5% gravel</u>			<u>Lo c/s</u>	<u>r</u>	<u>/ vfr</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@gricor.net



Profile #: E5
 Date of Test: 10/31/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: Rapid
 Depth to Limiting Zone: >72
 Soil Series Identified: Lanolia Quartziplean

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 3</u>	<u>10YR 3/3</u>	<u>/</u>				<u>CS</u>	<u>single</u>	<u>/ v/h</u>
<u>B_w</u>	<u>3 to 35</u>	<u>10YR 5/4</u>	<u>/</u>				<u>CS</u>	<u>~</u>	<u>/ v/h</u>
<u>C1</u>	<u>35 to 65</u>	<u>10YR 6/3</u>	<u>/</u>				<u>grcs</u>	<u>SG</u>	<u>/ L</u>
<u>C2</u>	<u>65 to 72</u>	<u>10YR 6/3</u>	<u>w/ few thin cos mottles</u>	<u>10YR 5/6</u>			<u>CS</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from _____ -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grica.net



Profile #: EG

Date of Test: 12/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lanellie Hapludult

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 3</u>	<u>10YR 3/3</u>	<u>/</u>		<u>LS</u>	<u>1mgt</u>	<u>uh</u>
<u>E1B11</u>	<u>3 to 25</u>	<u>10YR 6/6</u>	<u>40%</u>		<u>LS</u>	<u>m</u>	<u>uh</u>
		<u>2.5YR 5/6</u>	<u>20%</u>		<u>SL</u>	<u>m</u>	<u>uh</u>
<u>E1B12</u>	<u>25 to 45</u>	<u>10YR 6/6</u>	<u>20%</u>		<u>LS</u>	<u>m</u>	<u>uh</u>
		<u>2.5YR 4/6</u>	<u>80%</u>		<u>SL</u>	<u>m</u>	<u>uh</u>
<u>E1B13</u>	<u>45 to 72</u>	<u>10YR 6/6</u>	<u>60%</u>		<u>grLoS</u>	<u>m</u>	<u>uh</u>
		<u>10YR 5/6</u>	<u>40%</u>		<u>grLoS</u>	<u>m</u>	<u>uh</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: F3

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: >72

Soil Series Identified: Connelly Pseudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 3</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>mg</u>	<u>uh</u>
<u>E</u>	<u>3 to 29</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>uh</u>
<u>E₁041</u>	<u>29 to 55</u>	<u>10YR 5/4</u>	<u>70%</u>				<u>LS</u>	<u>~</u>	<u>uh</u>
		<u>5SB 7.5-7R 4/6</u>	<u>30%</u>				<u>SL-</u>	<u>~</u>	<u>fr</u>
<u>2B12</u>	<u>55 to 72</u>	<u>10YR 5/6</u>	<u>-1/2 of</u>	<u>10YR 6/2</u>			<u>LS</u>	<u>mg</u>	<u>fr</u>
	to								
	to								
	to								
	to								

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net



Profile #: F4

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod. Rapid over mod. Slow

Depth to Limiting Zone: 53" to redox depletions

Soil Series Identified: Grossmontic Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A/E	0 to 10	10YR 3/3 10YR 5/4	mixed				LS	ingr	/ vL
E	10 to 47	10YR 5/4	/				LS	m	/ vL
Bt1	47 to 53	7.5YR 5/6	/				SCL ⁺	imbrk	/ fr
2 Bt2	53 to 57	10YR 5/4	10YR 5/2	C1A			SCL ⁺	imbrk	/ f:
2 Bt3	57 to 70	10YR 6/2	7.5YR 5/3	C3P			CL ⁻ Stratified LS:S	imbrk	/ f:
2 C	70 to 72	10YR 5/6	/						/
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from _____ " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: eess@grica.net



Profile #: FS

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Lanette Quartzipsum

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to B</u>	<u>10M 4/3</u>	<u>/</u>				<u>LS-</u>	<u>~</u>	<u>/ v h</u>
<u>E</u>	<u>B to S3</u>	<u>10M 5/4</u>	<u>-</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
<u>E:Rt</u>	<u>S3 to 72 A</u>	<u>10M 5/4</u>	<u>80%</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
		<u>7.5/10.5/6</u>	<u>20%</u>				<u>LS+</u>	<u>~</u>	<u>/ v h</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>

Current Hydrology: > 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: essa@grica.net



Profile #: F6
 Date of Test: 11/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Provia Hapludoll

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>A_p</u>	<u>0 to 10</u>	<u>10YR 2/2</u>	<u>~15% charcoal fragments</u>		<u>SS</u>	<u>ma</u>	<u>uh</u>
<u>E</u>	<u>10 to 35</u>	<u>10YR 5/4</u>	<u>/</u>		<u>S</u>	<u>sg</u>	<u>l</u>
<u>B₁</u>	<u>35 to 45</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>SS</u>	<u>~</u>	<u>uh</u>
<u>B₁₂</u>	<u>45 to 63</u>	<u>7.5YR 4/6</u>	<u>/</u>		<u>sg</u>	<u>1m2k</u>	<u>uh</u>
<u>BC</u>	<u>63 to 68</u>	<u>10YR 5/6</u>	<u>/</u>		<u>SS</u>	<u>~</u>	<u>uh</u>
<u>C</u>	<u>68 to 72</u>	<u>7.5Y 6/2</u> <u>2.5Y 6/4</u>	<u>/</u>		<u>SS -</u> <u>stratified</u> <u>sifts</u>	<u>sg</u>	<u>l</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: esss@grica.net



Profile #: F7

Date of Test: 12/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Pszannentia Pseudell

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Di	2 to 0								
A	0 to 2	10YR 2/2	/				S	SG	/ L
E1	2 to 14	10YR 5/2	/				S	SG	/ L
Aw	14 to 20	10YR 4/6	/				S	SG	/ L
E2	20 to 44	10YR 5/4	/				S	SG	/ L
E/Bt1	44 to 54	10YR 5/4 7.5YR 5/6	80% 20%				S LS	SG n	/ L uL
Bt2	54 to 61	7.5YR 5/6	/				LS+	n	/ uL
Bt3	61 to 72	10YR 5/6	/				LS+	n	/ uL
	to								/ uL

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@gricx.net



Profile #: 63
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Psommentic Hapludalf

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 14</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>ingr</u>	<u>/ ch</u>
<u>E</u>	<u>14 to 30</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>/ ch</u>
<u>Bt</u>	<u>30 to 50</u>	<u>7.5YR 5/6</u>	<u>/</u>				<u>LS+</u>	<u>~</u>	<u>/ ch</u>
<u>Bc</u>	<u>50 to 61</u>	<u>10YR 5/6</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>/ ch</u>
<u>C</u>	<u>61 to 72</u>	<u>10YR 6/6</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

**SOIL PROFILE
NOTES**

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savannah, IL 61074
Phone: (815) 273-3550
Email: eeso@grick.net



Profile #: 64
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: nat. Rapid
 Depth to Limiting Zone: >72
 Soil Series Identified: Pseudonotic Hapludult

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 8</u>	<u>10YR 3/4</u>	<u>/</u>		<u>LS</u>	<u>10mg</u>	<u>/hr</u>
<u>E</u>	<u>8 to 33</u>	<u>10YR 5/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/hr</u>
<u>Bt</u>	<u>33 to 40</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/hr</u>
<u>Bc</u>	<u>40 to 50</u>	<u>10YR 5/6</u>	<u>/</u>		<u>S</u>	<u>SG</u>	<u>/L</u>
<u>C1</u>	<u>50 to 60</u>	<u>10YR 6/6</u>	<u>/</u>		<u>S</u>	<u>SG</u>	<u>/L</u>
<u>C2</u>	<u>60 to 72</u>	<u>10YR 6/4</u>	<u>/</u>	<u>2-5% gravel</u>	<u>S</u>	<u>SG</u>	<u>/L</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.



Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grics.net



Profile #: G5

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 55" to redoximorphic features

Soil Series Identified: Anthropotic Udorthent

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
C	0 to 24	10YR 5/4 10YR 4/3	/				LS	~	/ sh
Ab	24 to 30	10YR 2/2	/				LS	2Ag	/ sh
BA	30 to 38	10YR 4/3	/				LS	~	/ sh
C1	38 to 55	10YR 5/4	/				LS	~	/ sh
C2	55 to 72	10YR 5/4	10YR 6/3 10YR 5/6	fif			LS	~	/ sh
	to								/
	to								/
	to								/

Current Hydrology: "± to upper boundary of capillary fringe (or)

59 "± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: G6

Date of Test: 10/30/21 Soil Boring _____ or Test Pit _____ (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 20" to redox accumulations

Soil Series Identified: Oxyzyrin Udipsamment

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A	0 to 5	10YR 3/2	/				LS	mgc	/uf
BA	5 to 12	10YR 4/3	/				LS	mgc	/uf
C1	12 to 20	10YR 5/3	/				LS	~	/uf
C2	20 to 25	10YR 5/3	10YR 5/6			c2d	LS	~	/uf
C3	25 to 40	10YR 5/3	/				LS	~	/uf
	to	Auger Refused @ 40"							/
	to								/
	to								/

Current Hydrology: "± to upper boundary of capillary fringe (or)

27"± to free water (if applicable)

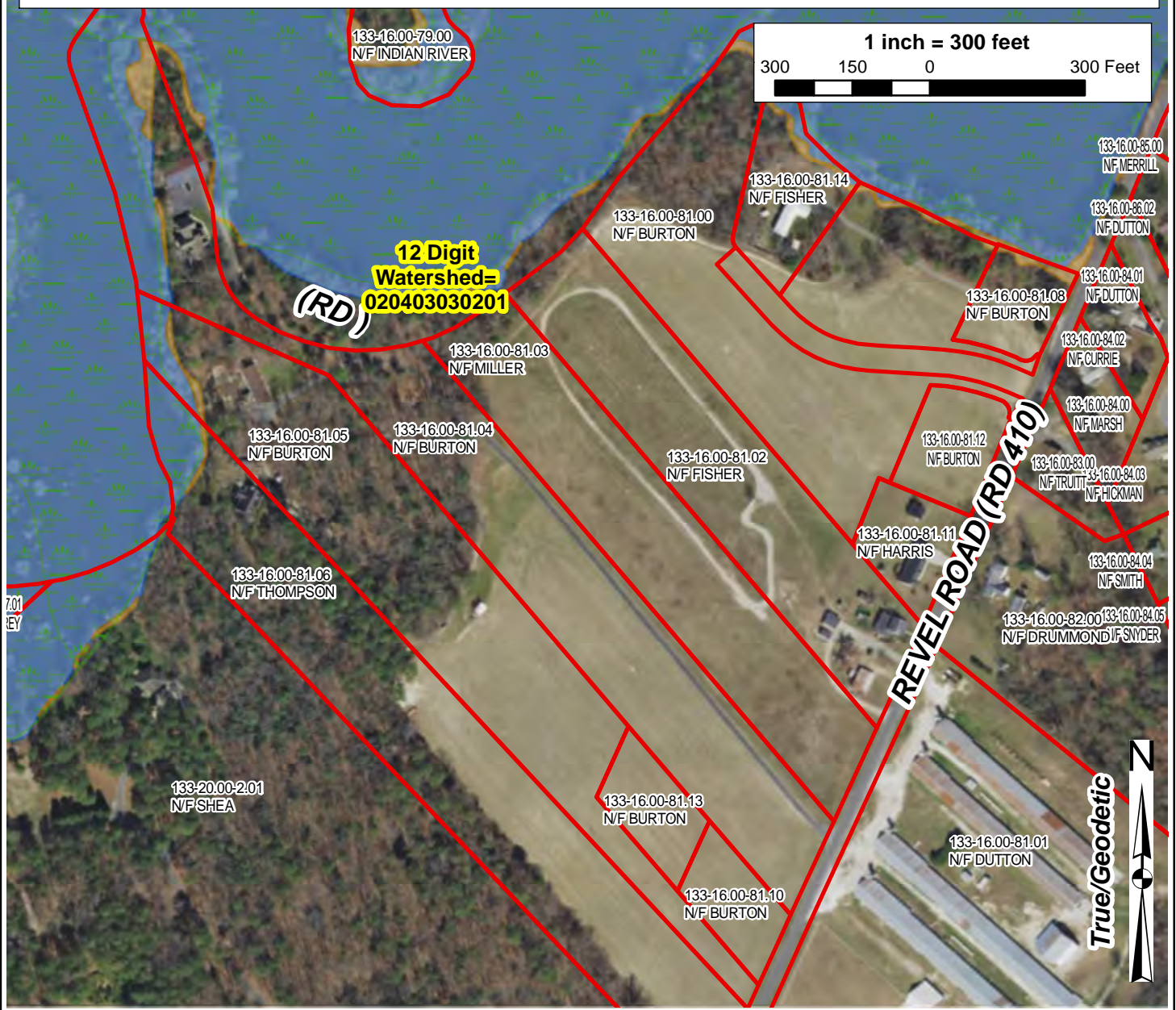
(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

Appendix V
Floodplain, State Mapped Wetlands, and
Watershed Mapping

Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)

- Tax Ditch Maximum ROWs**
- VE
 - X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- FEMA Flood Maps**
- A
 - AE
 - AE, FLOODWAY
 - AO
- 2017 Wetlands (not regulatory)**
- 2017 Wetlands (not regulatory)

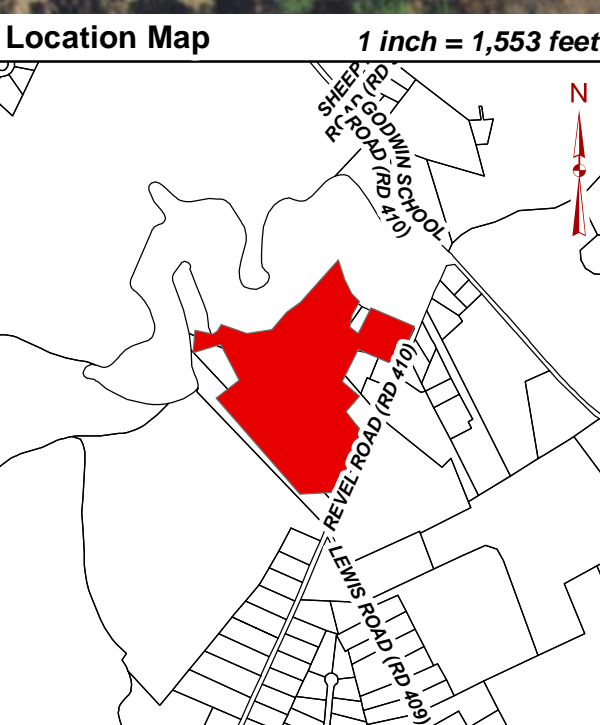
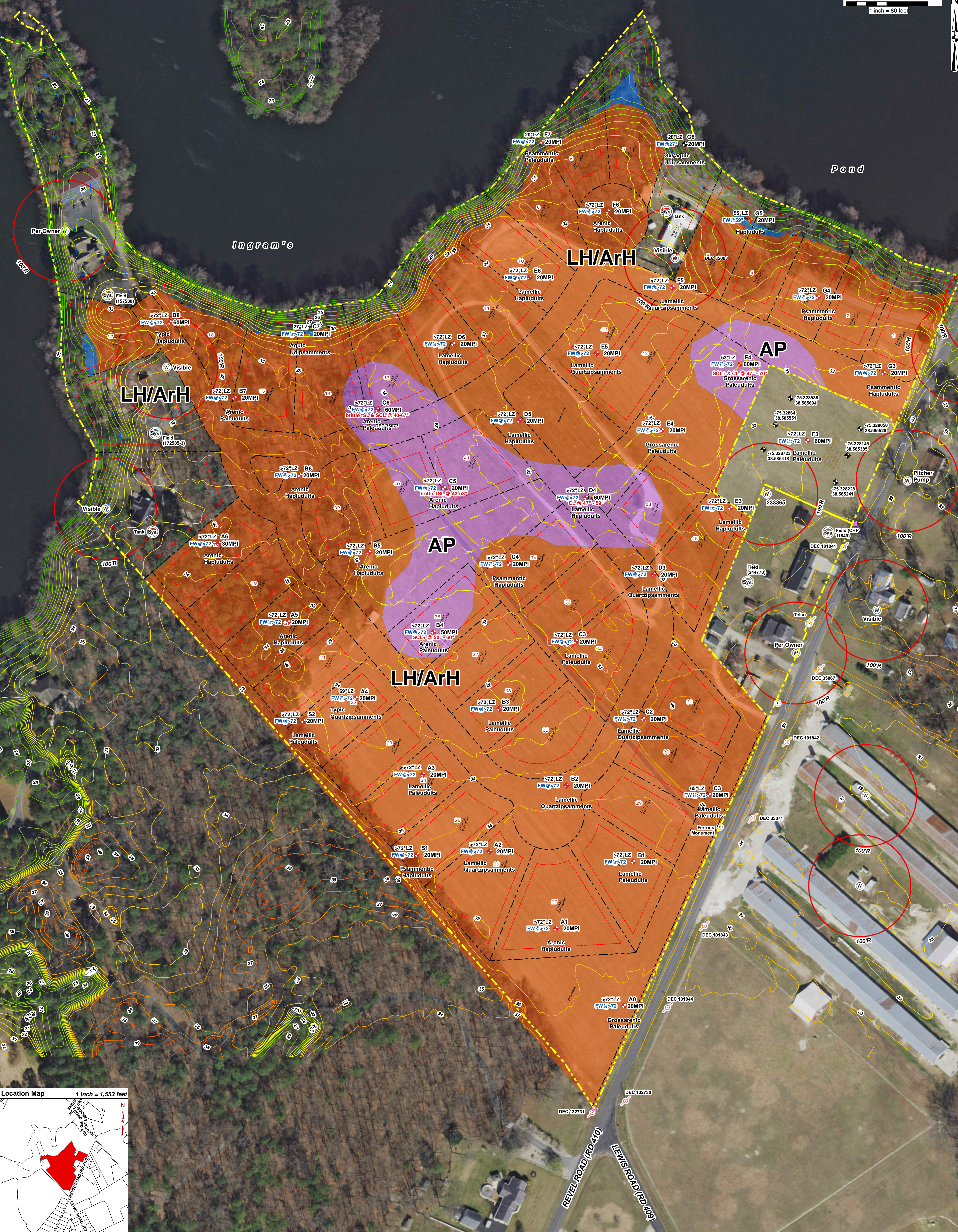
(This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors.

**Proposed Fisher's Point Subdivision
Watershed, DNREC Mapped Wetlands,
Sussex County Tax Mapping, Floodplain,
and Tax Ditches (none present)**

*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net

Appendix VI
Soils Map



Note: Unless otherwise shown, adjacent wells >100' from project area (public wells >150'). Any ditch or swale present is ephemeral unless specifically depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy. This project is located within the Inland Bays Watershed. All permitted septic systems must incorporate design features meeting the PSN3 standard.

Symbol Legend		Line Features		Full-depth Gravity-fed System (29.95 Ac.)	
(Sys) Septic System Component	(Sys) System/System Component	Proposed SWM	Proposed Building	Full-depth Gravity-fed System (29.95 Ac.)	Sand-lined Full-depth Gravity-fed System (4.06 Ac.)
Utility Enclosure/Pedestrian	Well-Verified	Project Boundary	Building Restriction Line		
Concrete Monument	Suitability of Individual Soil Borings	Proposed Lot Line			
Misc. Point-Labeled	Cap/Fill Gravity-fed	Well Arc & Radius			
Soil Boring Location	Cap/Fill LPP	50' Watercourse Isolation Distance			
Utility Pole	Elevated Sand Mound				
Well-Visible	Full-depth Gravity-fed				
	Sand-lined Full-depth Gravity-fed				
	Cap/Fill Gravity-fed System (0.14 Ac.)				

Soil Map Unit Legend:
 LH/ArH Lamellic and Arenic Hapludults
 AP Arenic Paleudults
 (See Topographic Contours for Slopes)

Subdivision Feasibility Study Soils Map Proposed Fishers Point Subdivision

Developer's Name: Jeffrey S. Burton, et al.
 Total Acres: 39.765
 Net Lot density: 1.031 Units/Ac.
 Minimum Lot Size: 0.5 Ac.
 Number of Lots to be Created: (8 Existing-36 Proposed New Lots)
 Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Date: 1/12/22
 By: BJC
 Checked: BJC
 Orthophoto: Public Domain 2017
 Topographic Contours: 2014 "Sandy" LIDAR
 Proposed Record Plan by: Siteworks Engineering

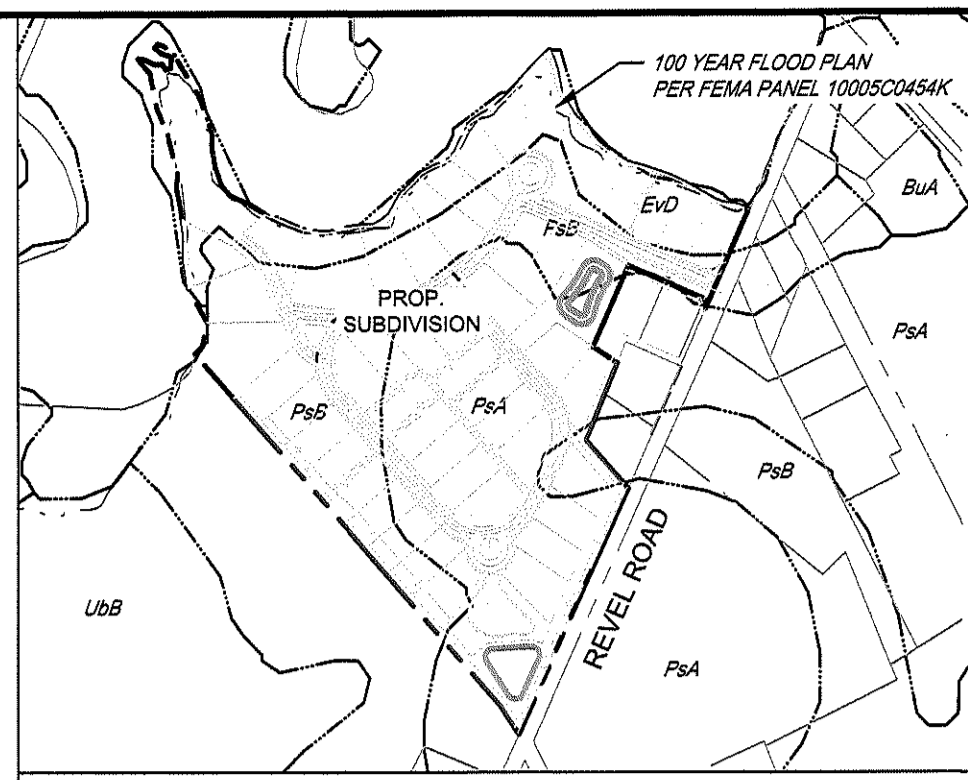
Note: Mapping was conducted for presentation at the scale utilized above. Using this information at finer scales is inappropriate due to the higher level of accuracy implied by such. Small areas which were not possible to delineate or separate at the mapping scale used could be expected to be shown at finer scales. This mapping is based on observations made on a 200' x 200' grid spacing. Differences in the types of septic systems suggested by this map may exist pending a more rigorous sampling intensity associated with individual site evaluations. Only regulatory approvals guarantee the use of the tract in the manner suggested by this map and accompanying report. Read the attached report for additional information.

Eastern Shore Soil Services
 Environmental Consulting
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluation, Environmental Permits
 210, Box 411, Ocean Grove, NJ 08058
 P.O. Box 411, Ocean Grove, NJ 08058
 Phone: (609) 636-1853
 Fax: (609) 636-1853
 Email: info@easternshoresoil.com

FISHERS POINT SUBDIVISION

PRELIMINARY SUBDIVISION PLANS

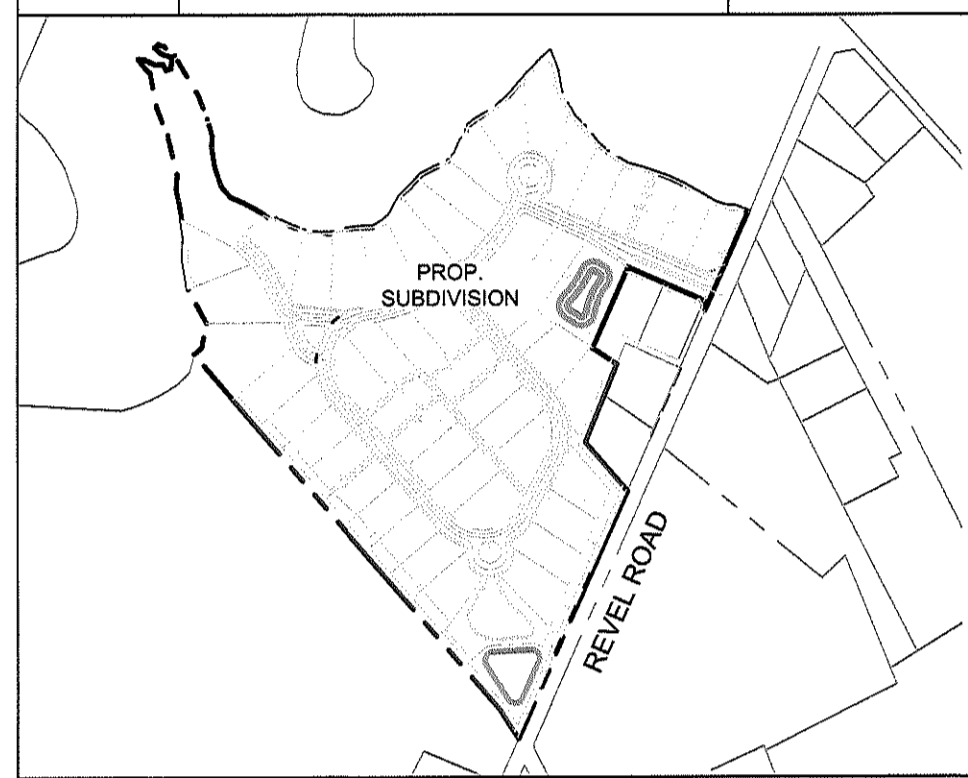
SUSSEX COUNTY PROJECT REF# 2021-24



SOILS & FEMA MAP

SCALE: 1" = 600'

SYMBOL	NAME	SOIL GROUP
B/A	BRACKATON/URBAN LAND COMPLEX	NOT CLASSIFIED
E/D	EVEBORO LOAMY SAND, 5-15% SLOPES	A
P/A	PEPPERBOX-ROSEDALE COMPLEX, 0-2% SLOPE	A
P/B	PEPPERBOX-ROSEDALE COMPLEX, 2-5% SLOPE	A
U/B	UDORTHERTS, BORROW AREA, 0-5% SLOPE	C



ZONING MAP

SCALE: 1" = 600'
ALL PARCELS ON THIS MAP ARE ZONED AR-1

GENERAL NOTES:

- THE PROPERTY BOUNDARY AND TOPOGRAPHY SHOWN ON THE PLANS ARE A RESULT OF A FIELD SURVEY BY SITEWORKS ENGINEERING, LLC.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREETS AND NO DIRECT ACCESS FROM REVEL ROAD (SCR 410) WILL BE PERMITTED.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- PER FEMA FLOOD MAP 1000C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS IMPACTED BY THE 100-YEAR FLOOD EVENT.
- ALL SUBDIVISION ROADS AND SIDEWALKS ARE "PRIVATE" AND WILL BE MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE ROADWAY AND SIDEWALK. ALL LANDSCAPE ISLANDS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE SAID HOMEOWNERS ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL FORESTED OR LANDSCAPE BUFFERS, LANDSCAPED ISLANDS, STORMWATER MANAGEMENT FACILITIES, WALKING TRAILS, AND OTHER COMMON AREAS.
- THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE 25-FOOT PERMANENT REAR YARD SETBACK FOR LOTS 1-17.
- FOR ANY LOTS WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, THE OWNER OF THE DEVELOPMENT SHALL PROVIDE IN THE DEED RESTRICTIONS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OF DWELLING UNIT THE FOLLOWING NOTICE: "THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES."
- STREETLIGHTS ARE REQUIRED FOR THIS PROJECT. THE EXACT LOCATION OF THE STREETLIGHTS SHALL BE DETERMINED BY THE APPROPRIATE PROVIDER. LIGHTING SHALL BE SHIELDED AND DOWNWARD SCREENED SO THAT IT DOES NOT IMPACT PROPERTIES OUTSIDE THE SUBDIVISION.
- THE PROPOSED DEVELOPMENT IS LOCATED IN AN AREA OF "GOOD/FAIR" GROUNDWATER RECHARGE POTENTIAL (§89-7).
- THE PROPOSED DEVELOPMENT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA (§89-4).
- ALL SUBDIVISION LOTS SHALL HAVE THE FOLLOWING EASEMENTS FOR THE BENEFIT OF THE DULY ESTABLISHED HOMEOWNERS ASSOCIATION:
 - A 15-FOOT WIDE DRAINAGE, ACCESS, AND UTILITY EASEMENT WHERE ADJACENT TO INTERNAL SUBDIVISION STREETS.
 - A 5-FOOT WIDE DRAINAGE EASEMENT WHERE ADJACENT TO AN ADJOINING LOT, FOR A 10-FOOT WIDE EASEMENT ALONG A LOT LINE COMMON TO TWO LOTS.
 - A 10-FOOT WIDE PERMANENT EASEMENT WHERE ADJACENT TO COMMUNITY OPEN SPACE.
- THIS SUBDIVISION CONTAINS WETLANDS. THE DEEDS FOR LOTS TO BE CONVEYED SHALL INCLUDE A DISCLOSURE STATEMENT THAT READS: "THIS SITE CONTAINS REGULATED WETLANDS. ACTIVITIES WITHIN THESE WETLANDS MAY REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF DELAWARE."
- SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL SEPTIC SYSTEMS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC'S) REGULATIONS.
- WATER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL LOT WELLS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC'S) REGULATIONS.
- SUBDIVISION COMMUNITY SIGNS AT THE ENTRANCE ARE NOT APPROVED PER THIS PLAN. A SEPARATE COUNTY PERMIT IS REQUIRED.
- THE SITE IS NOT WITHIN THE HEN/OPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (5" MINIMUM), FERTILIZED AND SEEDED.
- THE SUBDIVISION WILL BE CONSTRUCTED IN PHASES. SEE THE CONSTRUCTION PLAN SET FOR THE PHASING PLAN.

PROJECT TEAM

OWNER/DEVELOPER
JEFFREY S. BURTON
24139 FISHERS PT
MILLSBORO, DE 19966
(302) 745-5555

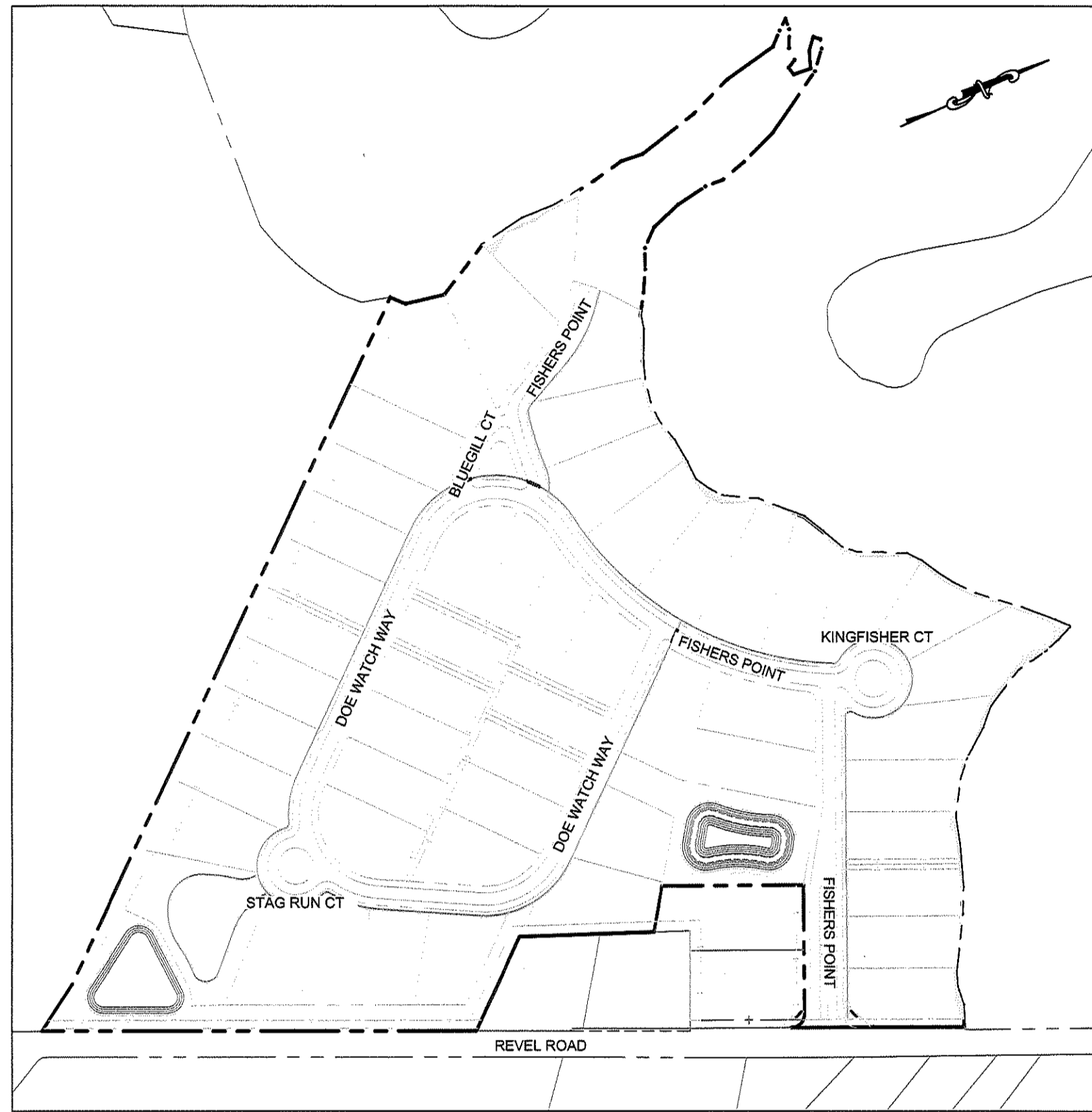
SITE PLANNER, ENGINEER, AND SURVEYOR
SITEWORKS ENGINEERING
19 COMMERCE STREET
HARRINGTON, DE 19952
(302) 841-7901

WETLANDS
KENNETH W. REDINGER ENVIRONMENTAL SERVICES
PO BOX 479
HORNTOWN, VA 23395
(757) 894-7032

SOIL FEASIBILITY
EASTERN SHORE SOIL SERVICES
PO BOX 411
SAVANNA, IL 61074
(302) 856-1853

INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	RECORD PLAN COVER SHEET
R-2	GENERAL NOTES AND TYPICAL SECTIONS
R-3	EX CONDITION & LOT CONSOLIDATION PLAN
R-4	RECORD PLAN OVERVIEW
R-5	RECORD PLAN
R-6	RECORD PLAN
R-7	RECORD PLAN
L-1	FORRESTED BUFFER PLAN
GP-1	BULK GRADING PLAN



SITE OVERVIEW

SCALE: 1" = 250'

OPEN SPACE		
PARCEL	AREA (AC.)	TYPE
A	1.339	PASSIVE
B	1.112	ACTIVE
B	2.439	PASSIVE
C	0.091	PASSIVE
D	0.268	PASSIVE
E	0.052	PASSIVE
TOTAL	5.300	---

SITE DATA:

- TAX MAP NUMBER(S): 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.
- OWNER(S): JEFFREY S. BURTON, ET. AL.
- SITE AREA: GROSS: 40.657 ACRES
NET: 36.937 ACRES
LOT AREA: 26.305 ACRES
R.O.W. AREA: 5.237 ACRES
OPEN SPACE AREA: 5.300 ACRES
AREA DEDICATED TO DELDOT: 0.096 ACRES
REQUIRED OPEN SPACE AREA: 36.937 AC * 0.1 = 3.694 AC
REQUIRED OPEN SPACE ADJACENT TO EXISTING WOODLAND FEATURE: 3.694 * 30% = 1.108 AC
WETLAND AREA (NON-TIDAL): 0.320 ACRES
- EXISTING & PROPOSED LOTS:
EXISTING LOTS: 7
EXISTING LOTS TO BE CONSOLIDATED: 4
EXISTING LOTS TO REMAIN PROPOSED LOTS: 48
- PROPOSED DENSITY: 1.3 UNITS / ACRE
MAXIMUM DENSITY: 2.0 UNITS / ACRE
- DEVELOPER NAME: FISHERS POINT LLC
- PROPERTY ADDRESS: 24139 REVEL ROAD
MILLSBORO, DE 19966
- GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY
- HUNDRED/COUNTY: DAGSBORO HUNDRED / SUSSEX COUNTY
- ZONING: AR-1 (NO CHANGE PROPOSED)
- PRESENT USE: TILLED CROPS / RESIDENTIAL
- PROPOSED USE: RESIDENTIAL (SINGLE FAMILY)
- MINIMUM LOT SIZE: AREA = 1/2 ACRES
WIDTH = 100 FEET
DEPTH = 100 FEET
- REQUIRED AR-1 SETBACKS (B.R.L.): FRONT: 30-FEET
SIDE: 15-FEET
REAR: 20-FEET
CORNER: 15-FEET
- LOTS 1-17 SHALL HAVE A 25-FOOT PERMANENT REAR YARD SETBACK FROM WETLANDS IN ACCORDANCE WITH §115-25 F(3)(a)(4)
- MAXIMUM HEIGHT REQUIREMENT: 42-FEET
- WATER AND SEWER: ON-SITE WELL AND SEPTIC
- PROJECT DATUM
HORIZONTAL: NAD 83
VERTICAL: NAVD88
- FEMA FLOOD MAP: PER FEMA FLOOD MAP 1000C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
- POSTED SPEED LIMIT FOR REVEL RD (SCR 410): 45 MPH
- 2020 STATE INVESTMENT AREA: LEVEL 3
- LATITUDE AND LONGITUDE STATE PLAN COORDINATES:
LATITUDE: N 38° 35' 05"
LONGITUDE: W 75° 19' 49"
- PROPOSED DISCHARGE LOCATION: INGRAMS POND
- PROXIMITY TO T.I.D.: NOT WITHIN AN IDENTIFIED TID
- LIMIT OF DISTURBANCE: 25 ACRES
- WATERSHED: LONG DRAIN DITCH-BETTS POND

WETLANDS STATEMENT

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM. A ROUTINE LEVEL ON-SITE EVALUATION WAS CONDUCTED NOVEMBER 5, & 6-7, 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

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

SUSSEX CONSERVATION DISTRICT CERT.

SUSSEX CONSERVATION DISTRICT PROGRAM MANAGER DATE _____

SUSSEX COUNTY PLANNING & ZONING COMMISSION CERTIFICATION

PLANNING & ZONING COMMISSION CHAIRMAN DATE _____

SUSSEX COUNTY COUNCIL CERTIFICATION

COUNTY COUNCIL PRESIDENT DATE _____

ENGINEERS CERTIFICATION

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

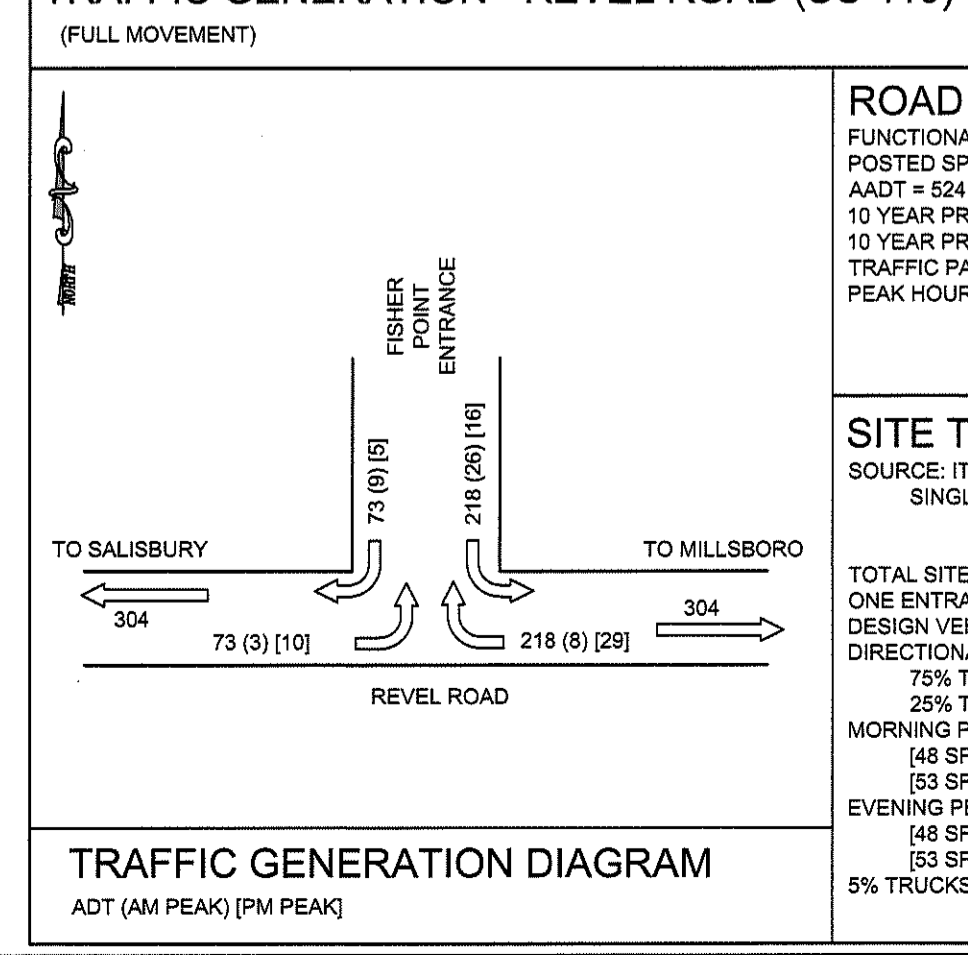
DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17766) DATE _____
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

JEFFREY S. BURTON DATE _____
24139 FISHERS PT
MILLSBORO, DE 19966

TRAFFIC GENERATION - REVEL ROAD (SC 410)



ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - REVEL ROAD - LOCAL ROAD
POSTED SPEED LIMIT - 45 MPH
AADT = 524 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT = 1.16 x 524 = 608 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 608 + 580 = 1,188 TRIPS
TRAFFIC PATTERN GROUP = 4 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR - 9.6% x 1,188 TRIPS = 114 TRIPS

SITE TRAFFIC DATA:
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION
SINGLE-FAMILY DETACHED HOUSING (210)
45 NEW UNITS = 629 TRIPS
5 EXISTING UNITS = 51 TRIPS
TOTAL SITE TRIPS = 580 TRIPS (290 IN / 290 OUT)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE - WB-40
DIRECTIONAL DISTRIBUTION:
75% TO & FROM THE EAST (MILLSBORO) = 580 * 75% = 435
25% TO & FROM THE WEST (SALISBURY) = 580 * 25% = 145
MORNING PEAK: 25% IN / 75% OUT - MORNING PEAK HOUR SPLIT
[46 SFH] - TOTAL MORNING PEAK TRIPS: 39 (10 IN / 29 OUT)
[53 SFH] - TOTAL MORNING PEAK TRIPS: 42 (10 IN / 32 OUT)
EVENING PEAK: 63% IN / 37% OUT - EVENING PEAK HOUR SPLIT
[48 SFH] - TOTAL EVENING PEAK TRIPS: 50 (31 IN / 19 OUT)
[53 SFH] - TOTAL EVENING PEAK TRIPS: 55 (35 IN / 20 OUT)
5% TRUCKS AND BUSES = 5% * 73 = 4

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SUSAN V. THOMPSON DATE _____
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

ROBERT D. THOMPSON, III DATE _____
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

FISHERS POINT LLC DATE _____
24139 FISHERS PT
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SHANNON CARMAN BURTON DATE _____
24139 FISHERS PT
MILLSBORO, DE 19966

SITEWORKS ENGINEERING
PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901

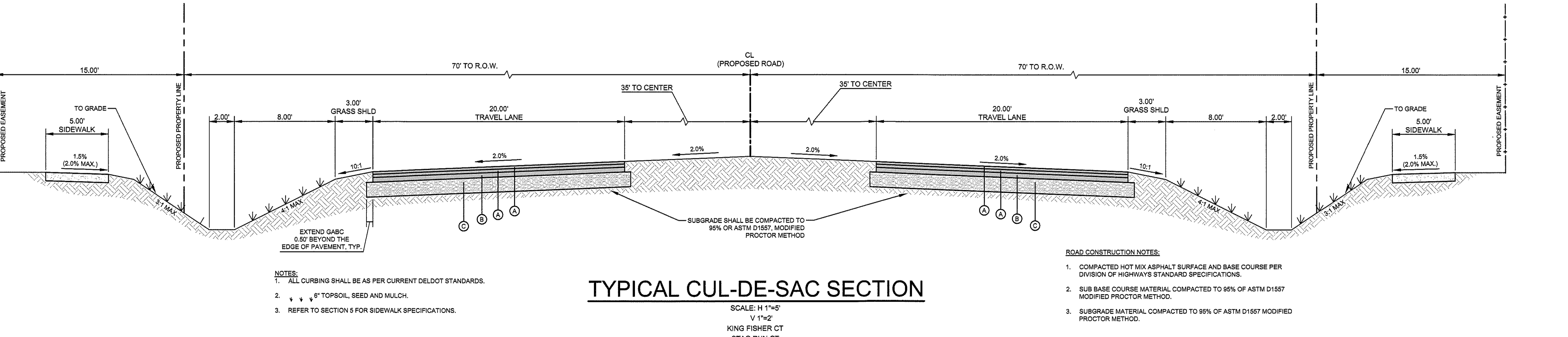
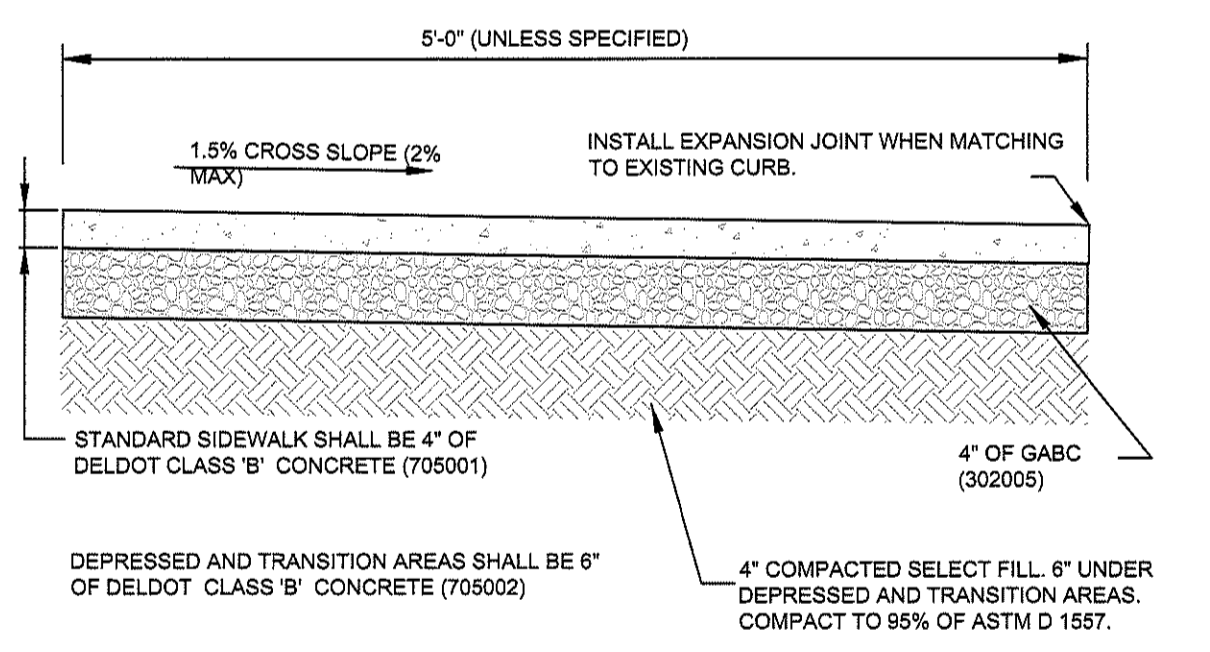
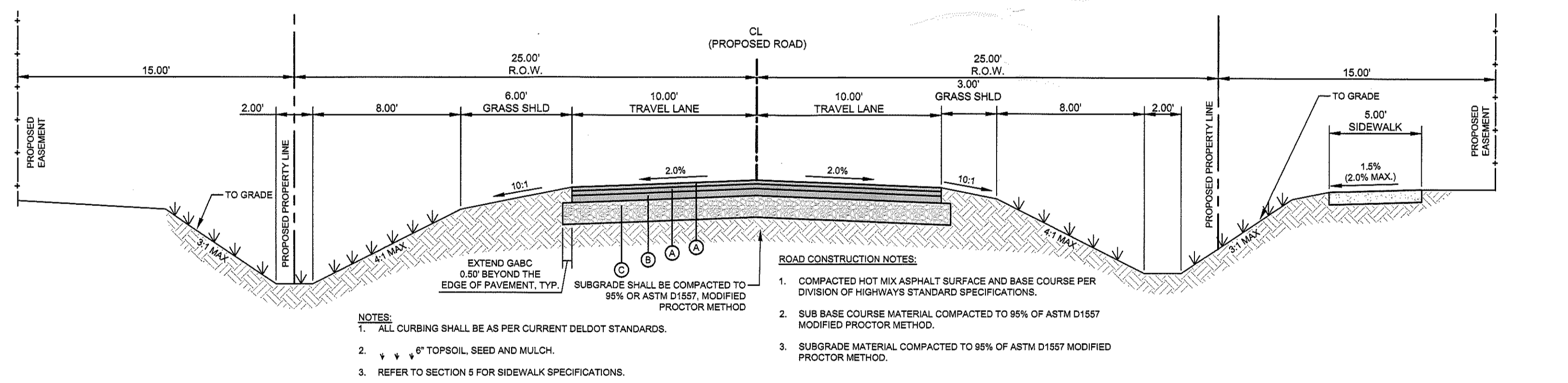
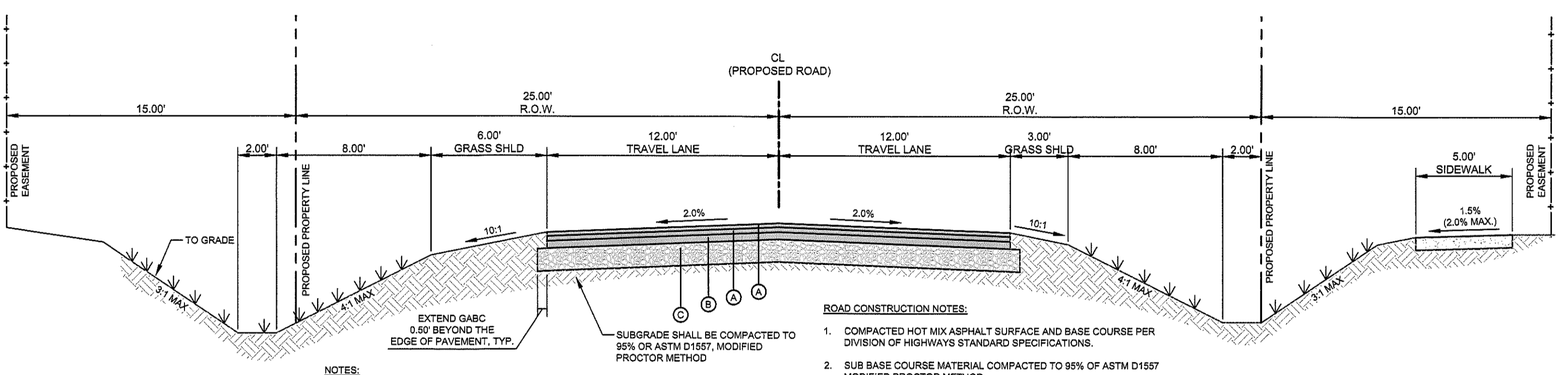
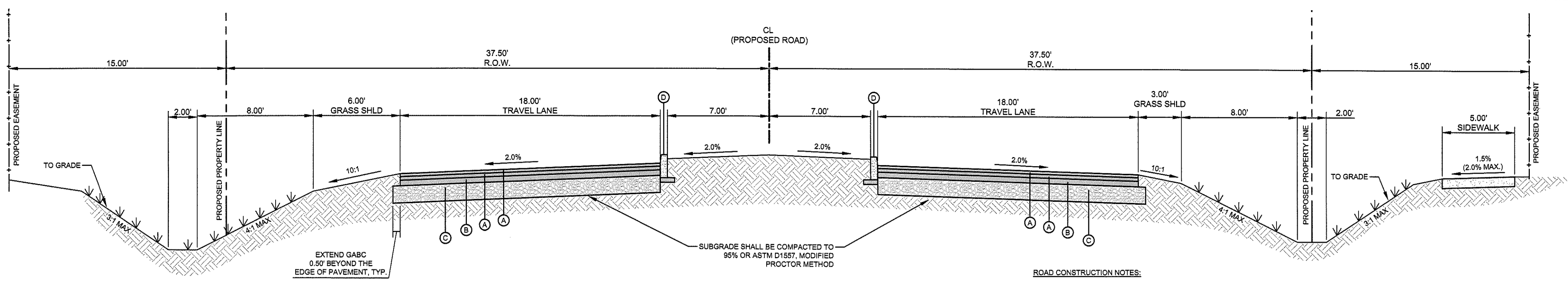
FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
AS NOTED 2171-BJR JDC
DRAWING NUMBER
R-1

LEGEND

EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY	---
PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS	---
ADJOINING PROPERTY LINE	---
BUILDING RESTRICTION LINE	---
EASEMENT	---
CENTER LINE OF ROAD	---
EDGE OF PAVING	---
CURB	---
DRIVEWAY	---
CONTOURS	---
SWALE	---
LIMIT OF CONSTRUCTION	---
WETLANDS LINE AND FLAG	---
FLOODPLAIN	---
SOILS/DESIGNATION	---
SOIL BORING	MmA
WOODS	---
FENCE	---
SIDEWALK	---
SHARED USE PATH	---
BUILDING	---
UTILITY POLE/GUY WIRE	---
OVERHEAD ELECTRIC	OHE
CABLE TV, PEDESTAL OR HAND HOLE	---
TRAFFIC SIGN	---
SINGLE & TWIN HEAD SITE LIGHT	---
ELECTRICAL HAND HOLE AND TRANSFORMER	---
FIBER OPTIC HAND HOLE	---
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	W, FH, V, O, W
SEWER MAIN, MAHNOLE, & CLEANOUT	S, MH, C.O.
SANITARY SEWER FORCEMAIN	FM
UNDERGROUND ELECTRIC	E
UNDERGROUND GAS	GAS
UNDERGROUND FIBER OPTIC	FO
TELEPHONE LINE	T
STORM WATER PIPE, MH, AND CB	---

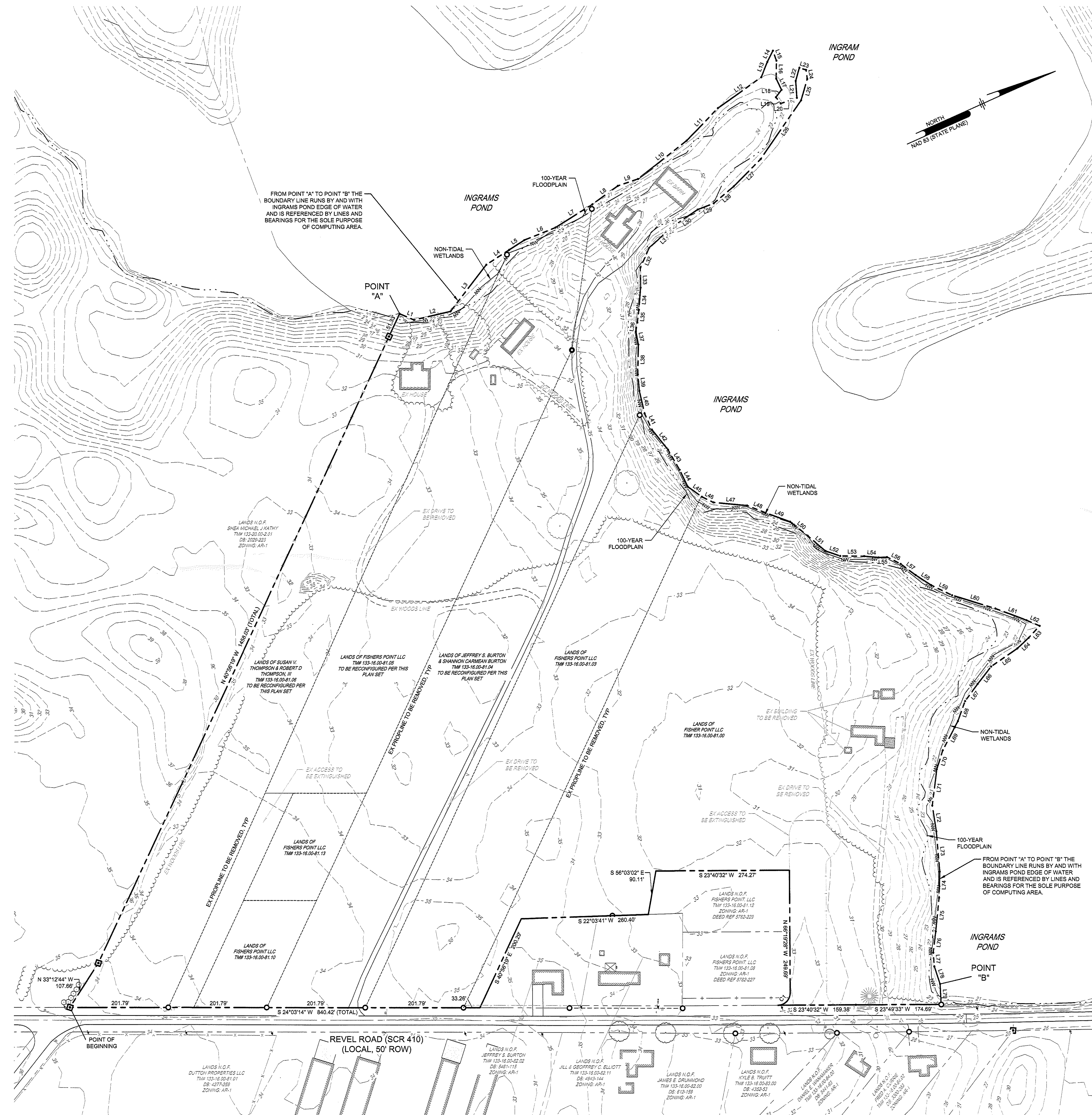


TYPICAL SECTION LEGEND

- (A) ITEM 401006 - SUPERPAVE TYPE C, PG 70-22, (CARBONATE STONE)
- (B) ITEM 401015 - SUPERPAVE TYPE B, PG 70-22
- (C) ITEM 301001 - GRADED AGGREGATE BASE COURSE, TYPE B OR CRUSHED CONCRETE
- (D) ITEM 701014 - INTEGRAL PORTLAND CEMENT CONCRETE CURB - TYPE 1-6 (PER DELDOT STANDARD DETAIL C-1, SHEET 2)

DELDOT RECORD PLAN NOTES

- REVISED MARCH 21, 2019
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
 - NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
 - SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
 - PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH, (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
 - THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
 - ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
 - TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.



LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.85'
L3	N28°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.90'
L6	N01°55'17"E	68.72'
L7	N07°59'53"E	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°58'04"W	33.33'
L14	N38°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S85°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N78°14'14"E	16.31'
L20	N04°32'52"E	34.87'

LINE #	BEARING & DISTANCE	LENGTH
L21	N69°56'16"W	34.44'
L22	N60°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S18°14'48"E	53.49'
L29	S03°12'30"W	36.06'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S86°48'57"E	40.87'
L34	S61°46'51"E	45.04'
L35	S58°53'56"E	26.28'
L36	S58°19'37"E	18.14'
L37	S76°49'32"E	27.43'
L38	S64°59'09"E	61.05'
L39	S71°14'09"E	33.48'
L40	S79°10'18"E	47.25'

LINE #	BEARING & DISTANCE	LENGTH
L41	N89°55'39"E	35.91'
L42	N74°43'46"E	52.91'
L43	N83°47'57"E	46.96'
L44	N68°04'54"E	38.21'
L45	N59°38'46"E	35.38'
L46	N49°25'05"E	26.72'
L47	N29°19'22"E	69.53'
L48	N45°33'57"E	40.95'
L49	N43°48'27"E	53.28'
L50	N62°28'21"E	45.67'
L51	N64°08'41"E	47.73'
L52	N42°53'48"E	31.84'
L53	N24°28'56"E	48.97'
L54	N28°52'14"E	29.98'
L55	N21°55'46"E	17.28'
L56	N51°00'39"E	31.09'
L57	N60°28'07"E	37.79'
L58	N56°06'08"E	38.18'
L59	N49°35'25"E	47.28'
L60	N40°47'59"E	92.67'

LINE #	BEARING & DISTANCE	LENGTH
L61	N44°26'01"E	68.54'
L62	N48°48'59"E	28.98'
L63	S23°24'36"E	33.11'
L64	S18°41'26"E	31.81'
L65	S10°24'54"E	64.99'
L66	S27°59'11"E	45.22'
L67	S29°31'23"E	43.29'
L68	S46°13'45"E	43.48'
L69	S38°22'59"E	66.73'
L70	S48°28'21"E	40.62'
L71	S58°51'40"E	74.38'
L72	S74°57'23"E	62.89'
L73	S70°46'29"E	82.85'
L74	S64°31'04"E	52.66'
L75	S60°13'05"E	68.95'
L76	S59°20'05"E	43.65'
L77	S70°30'04"E	27.80'
L78	S84°10'11"E	37.66'
L79	S69°09'00"E	42.14'

CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33'	24.86'	090°37'52"	35.36'	N21°19'28"W

SITENWORKS
ENGINEERING
PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19962 Phone: (802) 841-7901
EX CONDITION & LOT CONSOLIDATION PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
6/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
1" = 100' 2171-JBUR JDC
DRAWING NUMBER

R-3

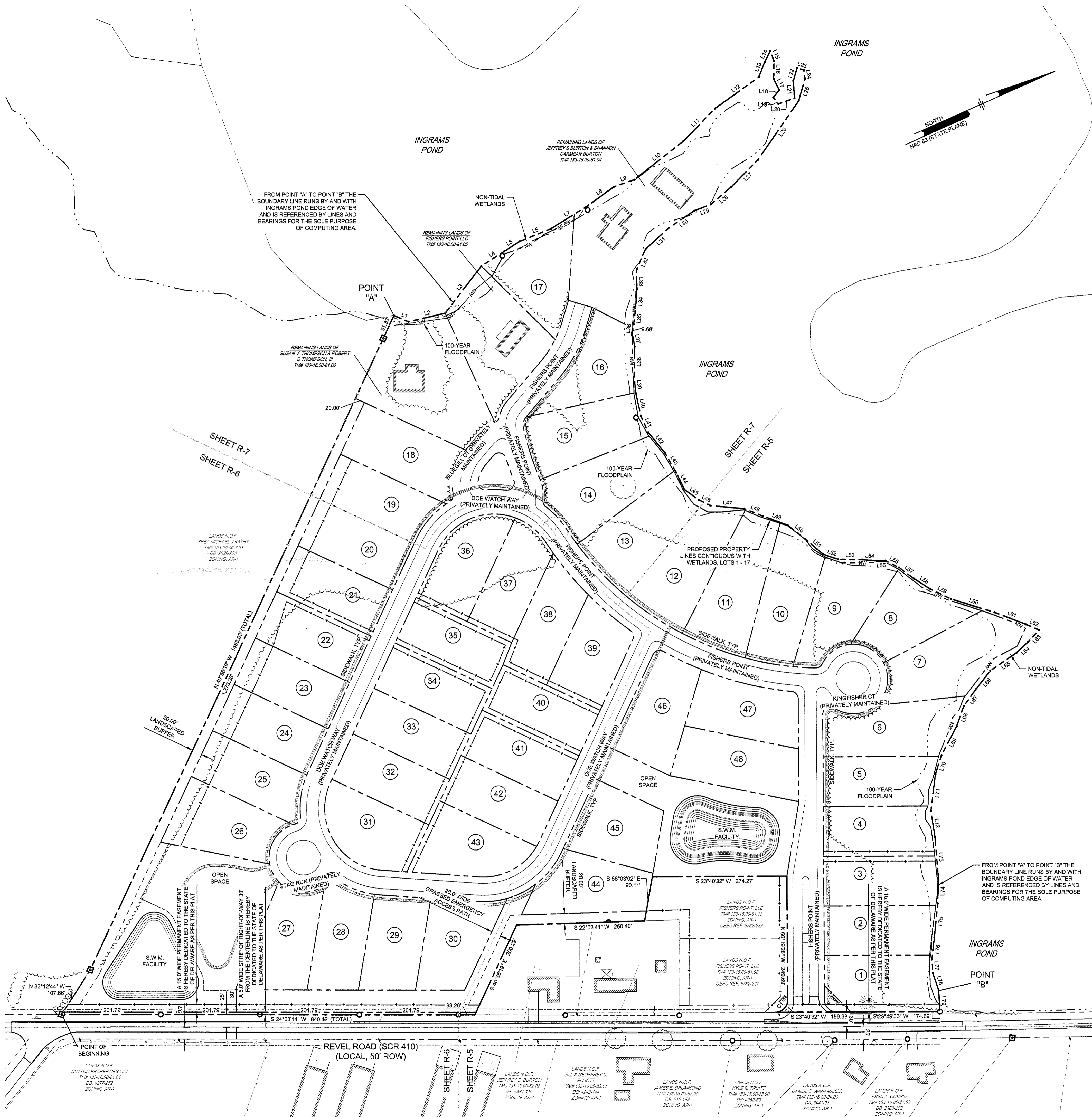
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FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
1/27/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
1" = 100' 2171-JBUR JDC
DRAWING NUMBER

R-4



MONUMENT LEGEND

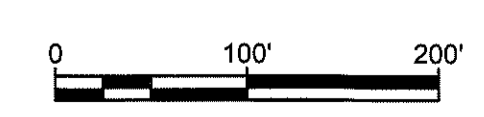
- CONCRETE MONUMENT FOUND
- CAPPED IRON REBAR FOUND
- CAPPED IRON REBAR TO BE SET

LEGEND

- PROPERTY BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS NW
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED BUILDING SETBACK LINE
- PROPOSED BUILDING SETBACK LINE
- EXISTING WOODS LINE
- PROPOSED WOODS LINE
- PROPERTY LABELS 22

ACCESS EASEMENT

A PERMANENT ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, 133-16.00-81.06, 133-16.00-81.08, & 133-16.00-81.12 FOR INGRESS AND EGRESS THROUGH THE FISHERS POINT SUBDIVISION ROAD RIGHT-OF-WAYS IS HEREBY ESTABLISHED AS PER THIS PLAT. A TEMPORARY ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, AND 133-16.00-81.06 FOR INGRESS AND EGRESS BY THE EXISTING REVEL ROAD ENTRANCE, KNOWN AS FISHERS POINT AND LOCATED ON EXISTING TAX PARCEL 133-16.00-81.04, IS HEREBY ESTABLISHED AS PER THIS PLAT. THE TEMPORARY ACCESS EASEMENT SHALL TERMINATE UPON CONSTRUCTION OF THE SUBDIVISION STREETS IN FRONT OF SAID PARCELS.



Z:\PROJECTS\Delaware\2171-JBUR - Fishers Point\Subdivision\2171-JBUR - Record Plan Overview.dwg PLOTTED: 8/30/2024 1:59 PM BY: Dawn Henwick PLOTDATE: 20240830

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33	24.86	090°37'52"	35.36	N21°19'28"W
C2	22.07	15.00	084°17'35"	20.13	S71°31'44"W
C3	275.75	675.00	023°24'24"	273.84	S41°05'09"W
C4	24.54	15.00	093°44'21"	21.89	S05°55'10"W
C5	210.21	174.96	068°50'23"	197.79	S06°31'49"E
C6	92.01	175.00	030°07'24"	90.95	S42°56'33"W
C7	21.09	15.00	080°33'21"	19.39	S17°43'35"W
C8	259.06	70.00	212°02'43"	134.56	S83°28'16"W
C9	21.09	15.00	080°33'21"	19.39	N30°47'03"W
C10	92.01	175.00	030°07'24"	90.95	N56°00'01"W
C11	103.17	175.00	033°46'47"	101.69	N24°02'55"W
C12	16.97	15.00	084°49'37"	16.08	N39°34'20"W
C13	101.40	125.00	046°28'39"	98.84	N48°44'49"W
C14	36.89	75.00	028°10'50"	36.52	N11°25'04"W
C15	14.76	15.00	056°21'40"	14.17	N25°30'29"W
C16	36.89	75.00	028°10'50"	36.52	N39°35'54"W
C17	43.97	225.00	011°11'49"	43.90	N31°06'24"W
C18	61.03	275.00	012°42'55"	60.90	S43°03'46"E
C19	23.31	25.00	053°25'20"	22.47	S52°13'09"E
C20	110.08	625.00	010°05'28"	109.94	S83°58'33"E

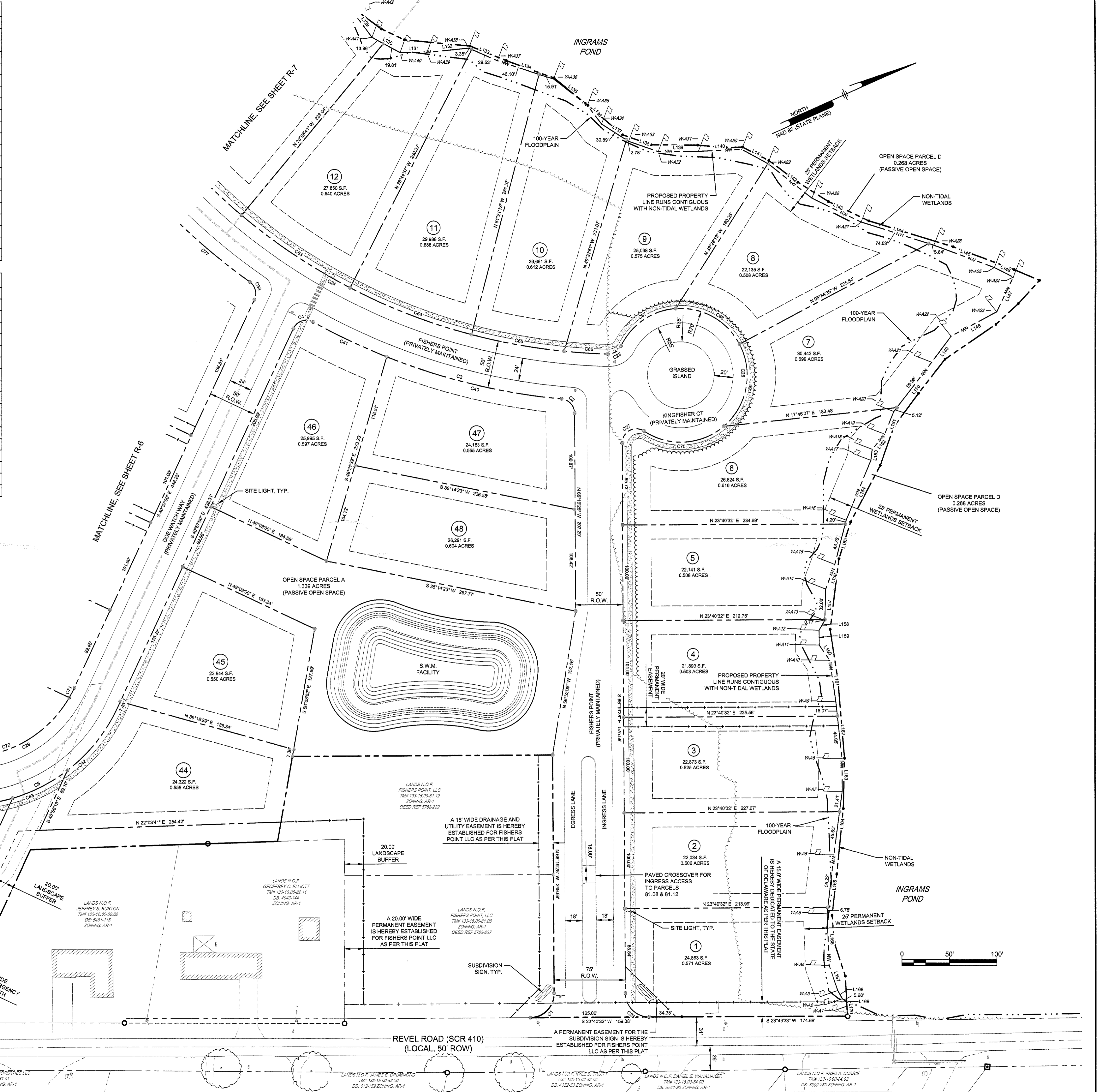
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C21	32.84	75.00	025°05'16"	32.58	S76°28'39"E
C22	14.44	15.00	055°08'17"	13.88	N88°29'50"E
C23	80.46	175.00	019°47'44"	80.16	N70°49'33"E
C24	604.18	625.00	055°23'15"	580.93	N83°01'48"E
C25	17.12	15.00	065°23'45"	16.21	N07°21'42"W
C26	338.95	70.00	277°28'03"	92.37	S81°20'34"E
C27	32.38	15.00	123°41'56"	26.45	S04°28'30"E
C28	39.27	25.00	090°00'00"	35.36	N88°40'32"E
C29	150.14	125.00	088°49'15"	141.28	S06°31'43"E
C30	242.56	125.00	111°10'58"	206.25	S83°28'16"W
C31	265.43	125.00	121°39'44"	218.30	N19°53'33"E
C32	250.19	675.00	021°14'12"	248.76	N70°06'19"E
C33	20.83	15.00	079°33'47"	19.20	S80°43'54"E
C34	46.98	675.00	003°59'10"	46.95	S55°18'52"E
C35	31.20	15.00	119°10'15"	25.87	S27°43'20"E
C36	40.50	175.00	013°15'31"	40.41	S25°14'02"W
C37	27.99	15.00	106°54'07"	24.10	S72°03'20"W
C38	37.94	75.00	028°59'07"	37.54	N40°00'03"W
C39	31.99	15.00	122°11'12"	26.28	N35°35'07"E
C40	187.50	675.00	015°54'56"	186.80	S37°31'51"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C41	86.01	675.00	007°18'02"	85.95	S49°08'20"W
C42	84.50	175.00	027°39'53"	83.68	S27°06'30"E
C43	64.92	175.00	021°19'22"	64.55	S02°38'53"E
C44	60.76	175.00	019°54'00"	60.48	S17°55'48"W
C45	12.02	175.00	003°56'11"	12.02	S29°50'56"W
C46	92.01	175.00	030°07'24"	90.95	S42°56'33"W
C47	10.81	70.00	008°51'03"	10.80	S18°07'34"E
C48	102.37	70.00	083°47'13"	93.48	S28°11'34"W
C49	40.57	70.00	033°12'11"	40.00	S96°41'16"W
C50	101.58	70.00	083°08'50"	92.90	N35°08'13"W
C51	3.74	70.00	003°03'26"	3.73	N07°57'55"E
C52	84.63	175.00	027°42'33"	83.81	N57°12'27"W
C53	7.37	175.00	002°24'52"	7.37	N42°08'45"W
C54	95.38	175.00	031°13'39"	94.20	N25°19'29"W
C55	7.80	175.00	002°33'08"	7.79	N08°26'06"W
C56	95.85	125.00	045°56'09"	93.52	N50°01'04"W
C57	5.55	125.00	002°32'30"	5.54	N28°46'45"W
C58	43.97	225.00	011°11'49"	43.90	N31°06'24"W
C59	11.24	225.00	002°51'44"	11.24	N38°08'10"W
C60	38.69	225.00	009°51'12"	38.65	N44°29'38"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C61	39.22	625.00	003°35'44"	39.21	N78°55'33"E
C62	144.78	625.00	013°16'22"	144.46	N70°29'30"E
C63	137.49	625.00	012°36'16"	137.22	N57°33'11"E
C64	137.49	625.00	012°36'16"	137.22	N44°55'55"E
C65	99.09	625.00	009°05'01"	98.88	N34°08'18"E
C66	46.10	625.00	004°13'35"	46.09	N27°26'58"E
C67	73.00	70.00	059°45'01"	69.74	N10°11'05"W
C68	81.12	70.00	068°24'00"	76.66	N52°53'25"E
C69	94.76	70.00	077°33'42"	87.69	S55°07'44"E
C70	90.07	70.00	073°43'21"	83.88	S20°30'47"W
C71	11.57	125.00	005°18'14"	11.57	S38°17'13"E
C72	138.57	125.00	063°31'01"	131.58	S03°52'36"E
C73	185.90	125.00	085°12'29"	169.23	N01°39'56"E
C74	79.53	125.00	036°27'14"	78.20	N62°29'48"E
C75	27.79	675.00	002°21'32"	27.79	N79°32'39"E
C76	110.13	675.00	009°20'54"	110.01	N73°41'26"E
C77	112.27	675.00	009°31'46"	112.14	N64°15'06"E

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L106	N16°19'21"E	112.17
L107	N21°07'13"W	42.15
L108	N25°24'15"W	39.63
L109	N14°48'14"W	41.85
L110	N36°56'57"W	49.25
L111	N03°16'52"E	56.48
L112	N11°41'44"W	34.96
L113	N01°13'45"W	66.63
L114	N03°20'49"W	19.37
L115	N33°07'57"W	18.52
L116	S61°57'47"E	21.85
L117	S99°22'41"E	20.75
L118	S58°52'37"E	24.05
L119	S61°41'52"E	21.01
L120	S71°56'52"E	27.46
L121	S60°56'11"E	29.64
L122	S72°19'22"E	28.60
L123	S69°31'30"E	38.31
L124	S76°43'32"E	45.18
L125	N84°49'08"E	40.74
L126	N74°34'32"E	50.62
L127	N83°36'34"E	44.08

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L128	N87°46'31"E	39.98
L129	N77°02'31"E	34.30
L130	N52°12'01"E	33.67
L131	N23°40'56"E	28.43
L132	N18°06'52"E	44.28
L133	N47°16'50"E	32.87
L134	N41°54'35"E	62.00
L135	N61°38'48"E	45.06
L136	N76°19'03"E	24.32
L137	N56°22'29"E	33.67
L138	N43°08'28"E	32.95
L139	N23°37'06"E	42.37
L140	N21°17'21"E	45.76
L141	N52°28'18"E	31.20
L142	N61°51'54"E	58.89
L143	N49°50'46"E	57.59
L144	N41°22'48"E	80.38
L145	N44°08'07"E	67.71
L146	N50°47'11"E	22.20
L147	S40°36'35"E	40.11
L148	S04°01'07"E	54.62
L149	S29°28'27"E	34.09



LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L101	N29°30'29"W	39.98
L102	N49°25'14"W	45.25
L103	N40°34'46"E	50.00
L104	S49°25'14"W	45.25
L105	N29°30'29"W	22.82
L170	S69°09'00"E	14.91

SITENWORKS ENGINEERING

PO BOX 2119 COMMERCE ST., HARRINGTON, DE 19962 Phone: (302) 841-7901

FISHERS POINT SUBDIVISION

SCR 401 (REVEL ROAD)

DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

7/5/21 - SUSSEX COUNTY P&Z - PRELIMINARY

12/7/21 - SUSSEX COUNTY P&Z

4/4/22 - FIRE MARSHAL

8/5/22 - SUSSEX COUNTY P&Z

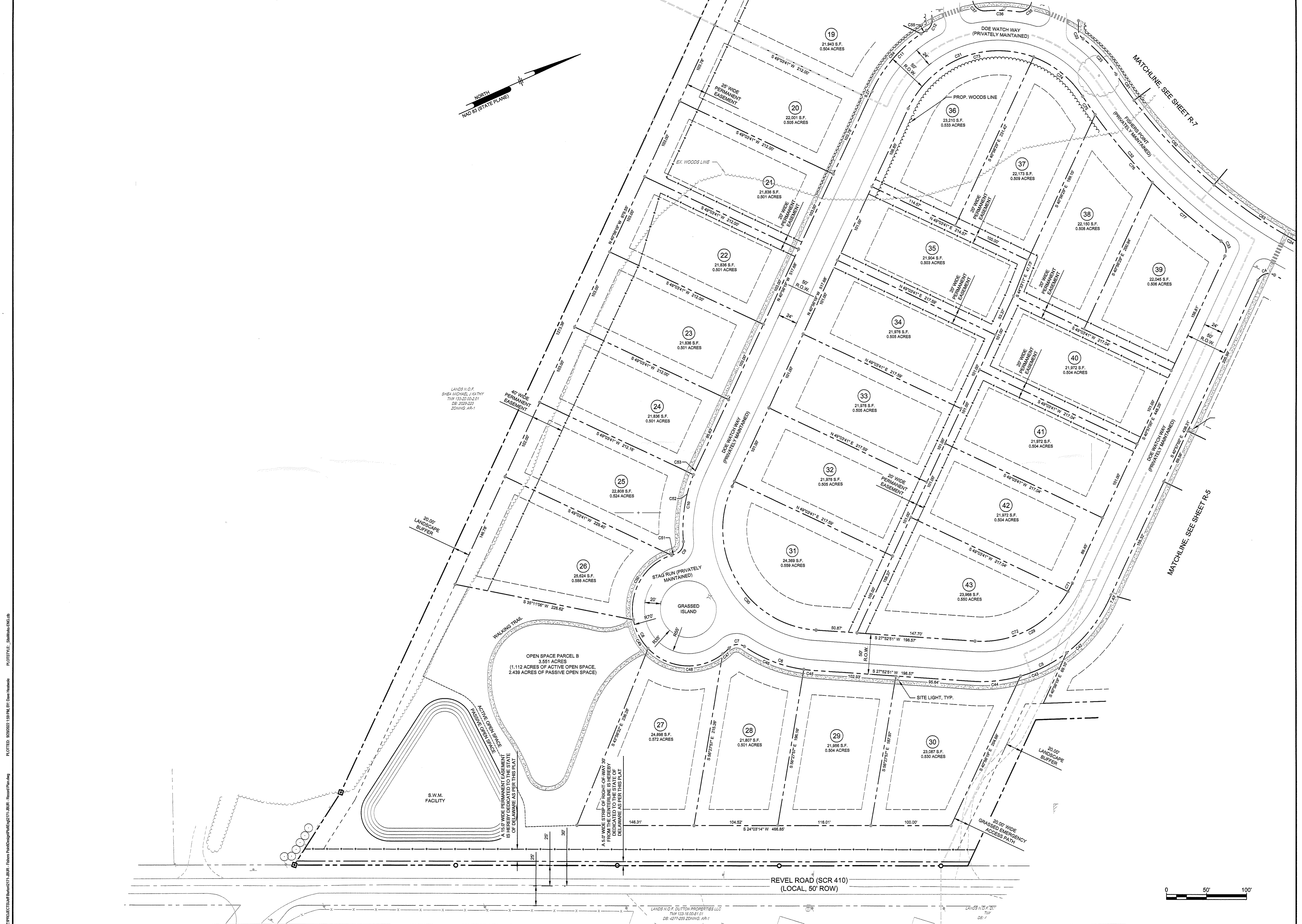
9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY

1" = 50' 2171-JBUR JDC

DRAWING NUMBER

R-5



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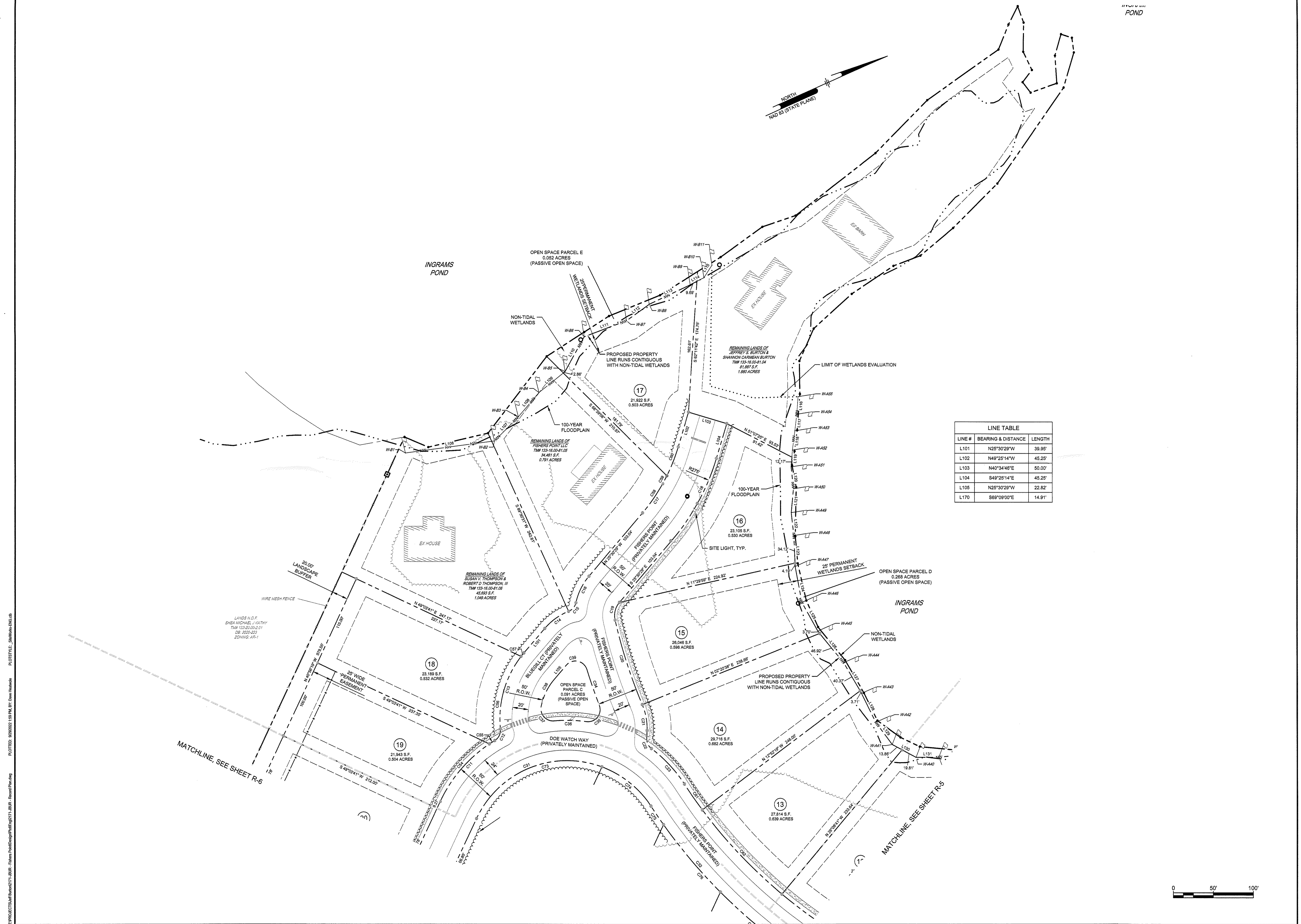
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SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
 7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
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SCALE PROJECT # DRAWN BY
 1" = 50' 2171-BUR JDC
 DRAWING NUMBER

R-6

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2: PROJECT: 2171-1B-JR - Fishers Point Subdivision (2021) - 1B-JR - Revised Final.dwg
 PLOTTED: 10/26/2022 1:58 PM BY: JWB
 PLOTFILE: 2171-1B-JR-Subdivision-2022.dwg

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

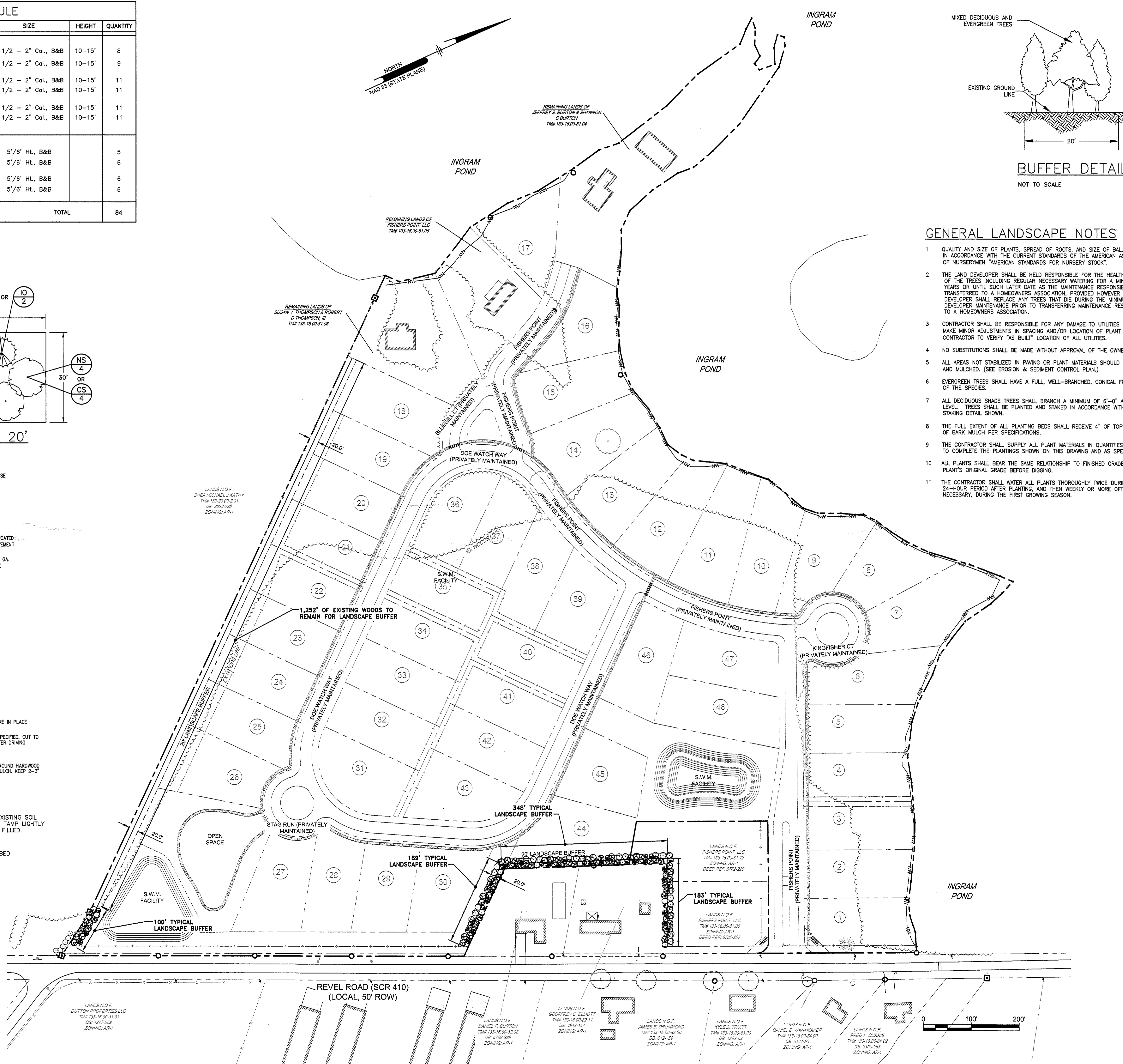
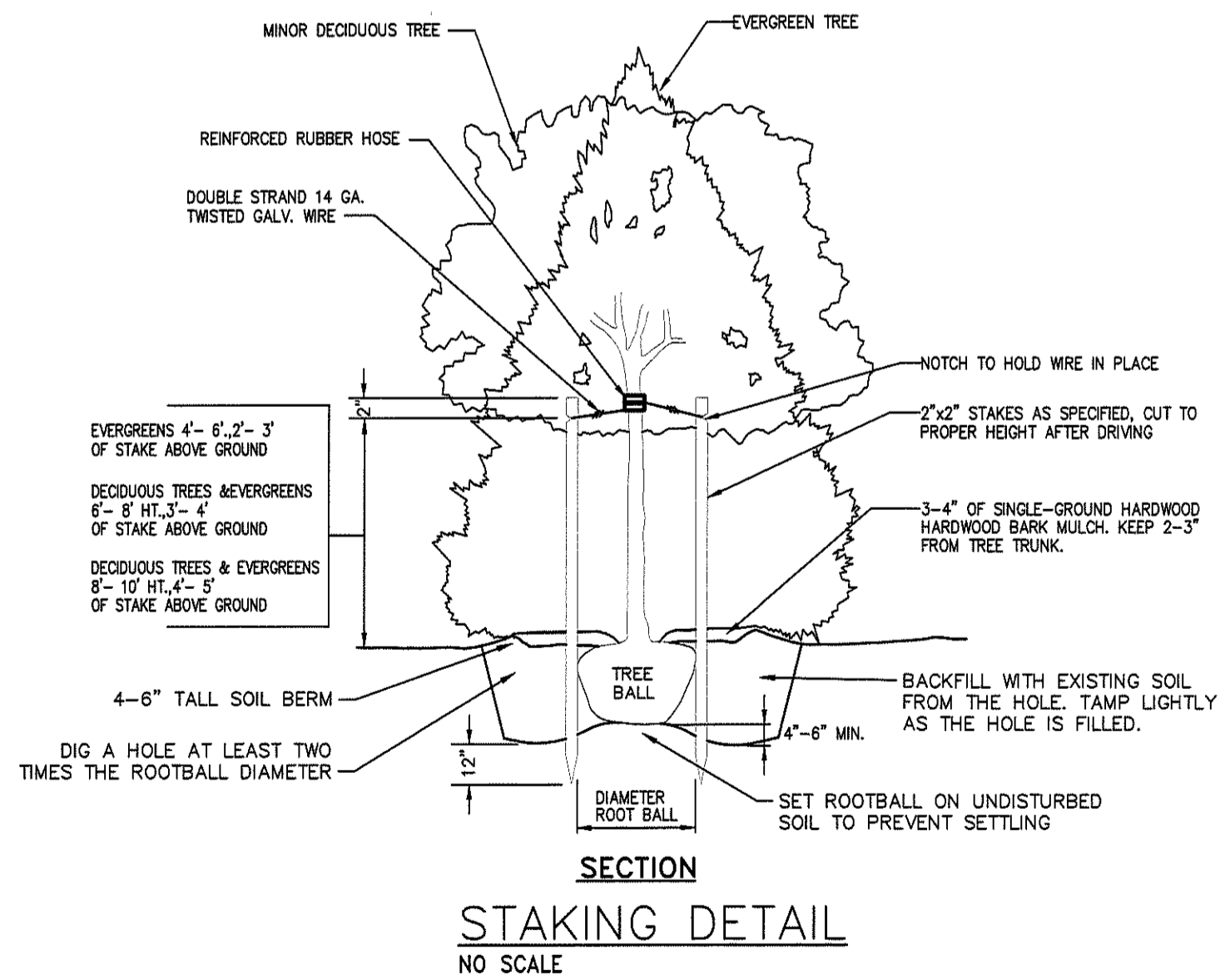
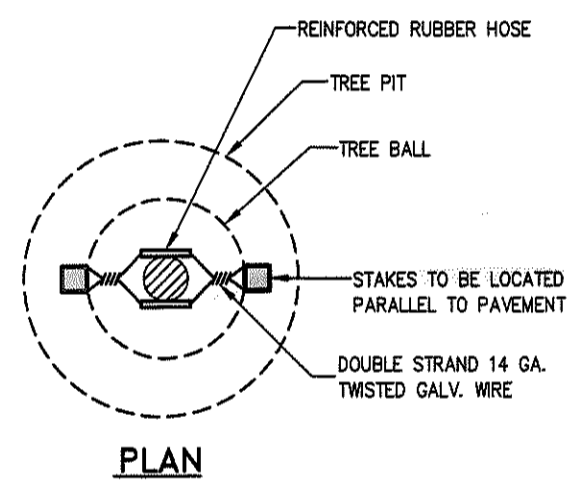
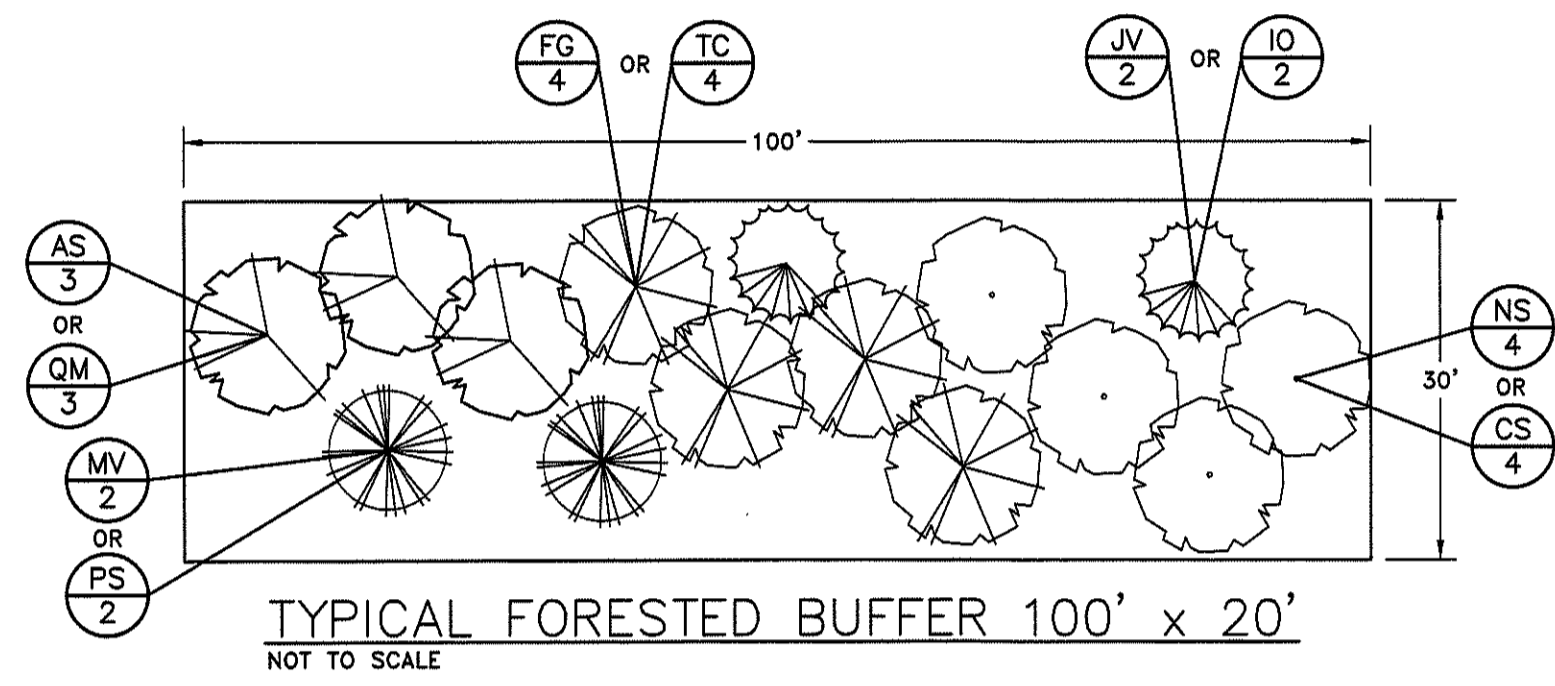
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 12/7/21 - SUSSEX COUNTY P&Z
 4/4/22 - FIRE MARSHAL
 8/5/22 - SUSSEX COUNTY P&Z
 9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
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 DRAWING NUMBER

R-7

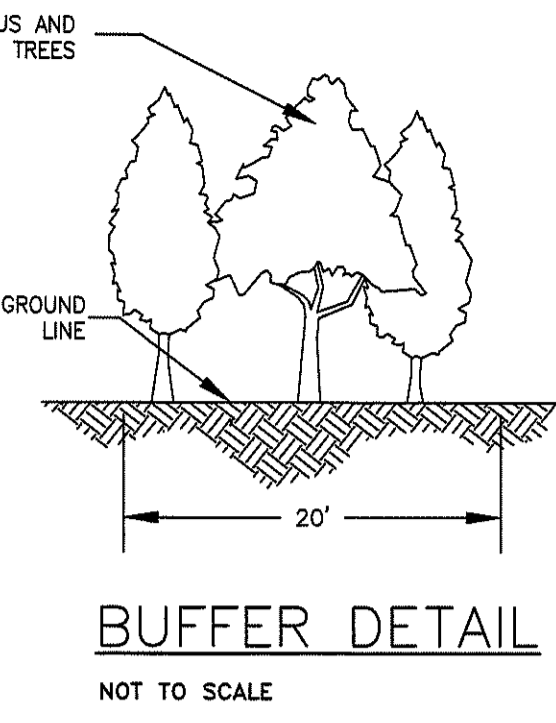
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LANDSCAPE PLANT SCHEDULE						
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	QUANTITY
DECIDUOUS TREE						
	AS	Acer saccharum Green Mountain	SUGAR MAPLE	1 1/2 - 2" Cal., B&B	10-15'	8
	QM	Quercus phellos	WILLOW OAK	1 1/2 - 2" Cal., B&B	10-15'	9
	FG	Fagus grandifolia	AMERICAN BEECH	1 1/2 - 2" Cal., B&B	10-15'	11
	TC	Tilia cordata	LITTLELEAF LINDEN	1 1/2 - 2" Cal., B&B	10-15'	11
	NS	Nyssa sylvatica	BLACK TUPELO	1 1/2 - 2" Cal., B&B	10-15'	11
	CS	Carya ovata	SHAGBARK HICKORY	1 1/2 - 2" Cal., B&B	10-15'	11
EVERGREEN TREE						
	MV	Magnolia virginiana	SWEETBAY MAGNOLIA	5/6' Ht., B&B		5
	PS	Pinus strobus	EASTERN WHITE PINE	5/6' Ht., B&B		6
	JV	Juniperus virginiana	EASTERN RED CEDAR	5/6' Ht., B&B		6
	IO	Ilex opaca	AMERICAN HOLLY	5/6' Ht., B&B		6
TOTAL						84



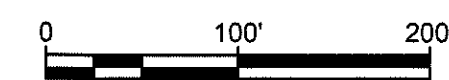
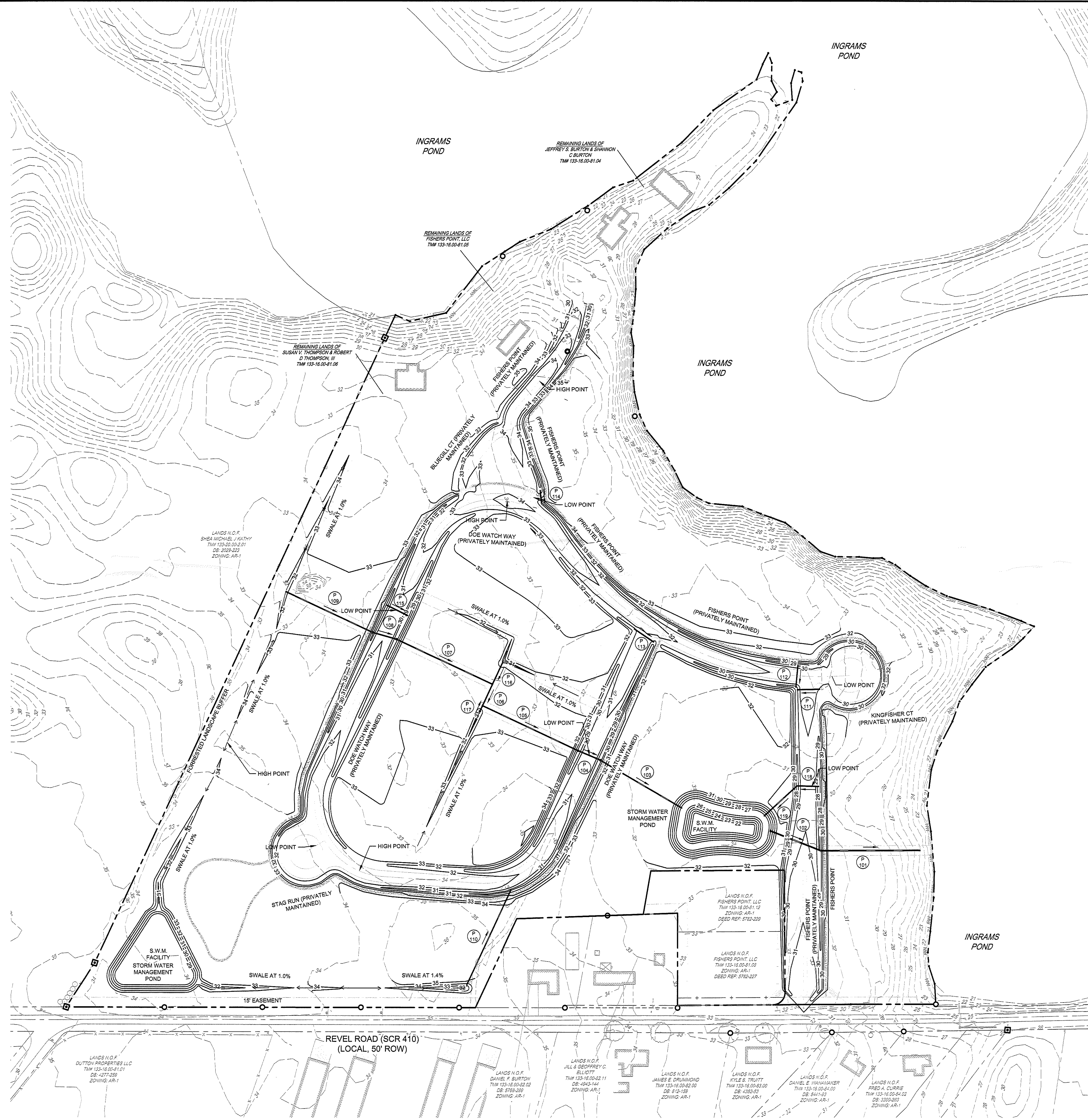
GENERAL LANDSCAPE NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION. PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.



PLOTFILE: 20240215_159.Plot; BY: Dawn Heston; Z:\PROJECTS\2024\20240215_159.Plot; Fishers Point\Design\2024\20240215_159.Plot; Landscape Plan.dwg

Z:\PROJECTS\2021\19-Fishers Point\19-Fishers Point\19-Fishers Point.dwg PLOT DATE: 02/22/2022 2:50 PM BY: Dawn Hawkins PLOT TITLE: 19-Fishers Point.dwg



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PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19962 Phone: (302) 841-7901
BULK GRADING PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC
DRAWING NUMBER		

GP-1

FISHERS POINT

Project Reference Material for Application # 2021-24

AR-1 Cluster Subdivision

Sussex County, Delaware



Project Team

Applicant/Developer

Fishers Point, LLC

Contact: Jeff Burton
24139 Fisher Pt
Millsboro, DE 19966
Telephone: (302) 745-5555
Email: Jeff@LaneBuilders.com

Attorney

Sergovic Carmean Weidman McCartney & Owens, P.A.

Contact: Shannon Carmean Burton, Esquire
25 Chestnut St
P.O. Box 751
Georgetown, DE 19947
Telephone: (302) 855-1260
Email: shannonb@sussexattorney.com

Environmental

Coastal & Estuarine Research, Inc.

Contact: Evelyn M. Maurmeyer, Ph.D.
P.O. Box 674
Lewes, DE 19958
Telephone: (302) 645-9610
Email: maurmeye@udel.edu

Civil Engineer / Land Planner

Siteworks Engineering LLC

Contact: Dave Heatwole, PE
19 Commerce St
P.O. Box 2
Harrington, DE 19952
Telephone: (302) 841-7901
Email: dave.heatwole@siteworkseng.com

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Executive Summary

Fishers Point Subdivision is a 48-lot Lot Cluster Subdivision on 40.657 acres of land consisting of seven properties located in Sussex County, west of Millsboro on Revel Road, about 1,000 feet south of the Revel Road / Godwin School Road intersection and adjacent to Ingrams Pond. The property is zoned AR-1 and located in a Level 3 area per the 2020 State Strategies Map. Sussex County's future land use map designates the site as a "Developing Area."

Lots will be clustered with the ½ acre option under §115-25 A.(2), and the proposed density is 1.3 units per acre. Internal subdivision streets will be privately owned and maintained by the Home Owners Association. The roads will have an open drainage system with a sidewalk on one side and street lights. A 1.1-acre active open space area with a walking trail is proposed adjacent to existing woods. The active open space is accessible to the community through internal roads and sidewalks.

Soils on the site are well drained and classified by the NRCS as "A Soils." Eastern Shore Soil Services completed a soil feasibility study for on-site waste water disposal systems that DNREC approved earlier this year.

The average elevation of the site is generally 12 feet above Ingrams Pond, and about 22.9 acres are currently used for agricultural purposes. The rest of the area is either wooded or used for residential purposes. A small band of non-tidal wetlands and floodplains impact the site along Ingrams Pond. All residential lots are contained entirely outside the wetlands, and the wetland area along the pond will be preserved in passive open space.

Mature trees border Ingrams Pond and form a band at least 65 feet thick at the narrowest location. Fishers Point intends to leave as many mature trees as possible, placing most roads and stormwater management areas out of the woods and away from the pond to preserve these natural features.

These natural features are integral to the Fishers Point community experience. Jeffrey Burton grew up on the proposed subdivision property, and preserving them has an emotional component. Indeed, Jeffrey and his wife, Shannon, still live there. The road names of Kingfisher Ct, Doe Watch Way, Blue Gill Ct, and Stag Run were chosen because of their experience with nature on the property. Fishers Point is expected to be a beautiful vibrant community providing residents with a peaceful place to live.

Fishers Point Community – History & Vision

My father, Oliver R Fisher, originally purchased the 62 Acre farm from prior in-laws, the Carey's. The farm then was roughly 41 acres on the Northwest side of Revel Road and roughly 20 acres on the Southeast side of Revel Road. Our 5 poultry houses and a bean field were located on the 21 acres when I was a child. A farmhouse, which was our family home, was located on the 41 acres along with woods and more bean fields.

My brother, sister and I grew up in a traditional Sussex County farming environment. There were only 4 homes on Revel Road when I was a child. The rest of the road consisted of poultry farms and fields from one end at Godwin School Road to Rt 24 on the other end. Jackie Parker later built 4 homes on the edge of what is now the Dutton Farm and Preston McIlvaine built two homes down near Godwin School Road on the old White's property. Soon thereafter, Marshal Lewis started selling his bean fields along Revel Road and Lewis Road. Mr. Lewis' property was divided up into many lots, but approximately 44 homes were built along Revel Road and Lewis Road during those years. Jimmy Parker later developed the community known as Parker's Point which added approximately 40 more homes to the southern end of our road. There are still a handful of lots that remain unimproved in Parker's Point as well as the old Lewis farmlands, but the area has clearly transitioned from agricultural to residential over the years.

My family rarely went on vacation when I was a child, so camping on what we referred to as "the point" was the highlight of many summers. For many years growing up, I dreamed of one day having a home on the point. After working for Lane Builders for just two years, I wanted to build a home for my family and myself. So, in 1996, I asked my Dad for a piece of land to build that home and he quickly obliged and asked which piece I wanted. I let him know that I always wanted my home on the point where we camped as kids. First, he told me that I could have the land, but he didn't think I could build a home on it. Two years later, I showed him just how determined I could be and started building my forever home on that very point.

This transfer of land from my parents to me in 1997 was the genesis for breaking up the 41-acre parcel into pieces for my siblings as well. Five pieces were split off this side of the farm and distributed to my brothers, my sisters and myself. The 12 acres remaining on one side of the road and 21 acres on the far side of the road would, for the time being, remained with my parents.

Being a new and young landowner, I soon found out how difficult cutting 5 acres of grass was, so in 1999 I called my friend and local farmer, Troy Rogers, and told him that I think I could get my whole family to agree to allow his family to farm our land if he was interested. He conferred with his brother, Timmy Rogers, and told me that he and his brother would be interested in tilling the land. He asked me what I wanted in terms of a lease rate to till the land. I told him that all I wanted was to not cut the field of grass another summer. A great relationship of the Rogers family farming our ground has lasted 23 years now. Timmy Rogers has farmed the land applying all the best techniques of modern farming, but our sandy soils are no longer ideal. It is now difficult to sustain a bountiful crop of beans or corn on our land; thirty percent of the farm is almost barren each year.

When my parents wished to slow down and didn't want to grow chickens anymore, they reached out to our friends and fellow poultry growers, Ed and Janet Dutton, who lived across the street to sell them the 5 chicken houses and the 21-acre parcel on the far side of the road which backed to their farm. About

four years ago the Dutton family stopped growing chickens on both of their neighboring farms, focusing instead on their growing bus business. Ed Dutton, Allen Dutton and Gerald Dutton of Dutton Farms and Dutton Bussing still have homes on their farm and have signed our petition in support of this community.

Somewhere around 2005 I purchased my parents remaining 12 acres to help them live more comfortably in retirement. This started the dream of reassembling more of the original farm to create a beautiful waterfront community. I never dreamed that over the next 17 years I would make deals with brothers, sisters and people that had acquired my sisters land from an estate sale. As of today, I have reassembled 41 out of 42 acres on the Northwest side. It has been quite an undertaking.

As time went on, families grew and goals changed. My Dad passed in 2006 and left my mother alone in the same home where she raised us on the water to the North end of the farm. In 2020 & 2021, I spoke to my mother about my dream. She supported my dream as she wanted to move to Florida with one of my two siblings. She planned to live with my brother who lives on our family farm or my sister who also lives on the farm. They both had plans to retire and move to Florida in 2022 & 2023 respectively. Unfortunately, my Mom passed just after Mother's Day 2021 and her plan never came to fruition.

With events unfolding in life and only my wife and I remaining full time on the farm, I realized that the best use of this land would be to create a lasting legacy of a tight knit community. A community of beautiful, quality custom homes with front porches, sidewalks and streetlights that will line the roads of this unique place. I am hoping to build an environment where neighbors stop and chat during their evening strolls, place where grandparents can fish pond-side with their grandchildren and kids know to be home when the street lamps come on.

The beautiful homes in Fishers Point would be designed and built by my award-winning team at Lane Builders. I have attached some renderings of the first homes that we plan to build, if our application is approved.

I, at my core, am a custom home builder. I am not however, a professional developer. As far as communities go this will probably be the only one that I will ever endeavor. I want it to be special; I want it to be "Home" to a select few.

Jeff Burton

Tab 1

Fishers Point Subdivision Site Data

Owners of Record: Jeffrey S. Burton, Shannon Carmen Burton, Fishers Point, LLC, Susan V. Thompson, and Robert D. Thompson, III.

Developer: Fishers Point, LLC

Engineer: Siteworks Engineering, LLC

Project Description

Physical Location The project is located on the northwest side of Revel Road, about 900 feet South of the Revel Road / Godwin School Road Intersection

Tax Parcel #s: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Gross Project Area: 40.657 Acres

Net Project Area: 36.937 Acres

Current Zoning: AR-1

Proposed Zoning: AR-1 (Cluster Development)

Current Land Use: Residential and Agricultural

Proposed Land Use: Residential Community

Existing and Proposed Lots:

Existing Lots 7

Existing Lots to be Consolidated: 4

Existing Lots to Remain 3 (Reconfigured, 81.04, 81.05, & 81.06)

Proposed Lots: 48

AR-1 Proposed Zoning Requirements

Front Yard Setback: 30-Feet

Corner: 15-Feet

Side Yard Setback: 15-Feet

Rear Yard Setback: 20-Feet

Minimum Lot Area: 21,780 square feet (1/2 Acre)

Minimum Lot Depth: 100-Feet

Maximum Building Height: 42-Feet

*Lots 1-17 shall have a 25-foot permanent rear yard setback from non-tidal wetlands in accordance with with §115-25 F(3)(a)[4]

Proposed Land Use Areas

Single Family Lot Area: 26.305 Acres

R.O.W. Area: 5.237 Acres

Dedicated Area (DelDOT): 0.096 Acres

Open Space Area: 5.300 Acres

Project Density

Maximum Density: 2.0 Units / Acre

Proposed Density: 1.3 Units / Acre

FISHERS POINT SUBDIVISION

MILLSBORO, DELAWARE



INGRAM
POND



REVEL ROAD SCR 410

ARTISTS CONCEPT ONLY
SEE SITE PLANS FOR ACTUAL DETAILS

LETTER OF TRANSMITTAL



PO Box 2
 19 Commerce St
 Harrington, DE 19952

TO: Sussex County Planning & Zoning
 2 The Circle
 Georgetown, DE 19947

DATE	12/8/21	JOB NO.	2171-JBUR
ATTENTION	Ms. Lauren DeVore		
RE:	Fishers Point Major Subdivision Application (2021-24)		

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

Shop Drawings Prints Plans Samples Specifications
 Copy of Letter Change Order _____

<i>LIST OF ITEMS TRANSMITTED</i>			
COPIES	DATE	NO:	DESCRIPTION
	12/9/21	1	Check for the Application
	12/9/21	2	Major Subdivision Application
	12/9/21	3	Fishers Point Subdivision Plans

THESE ARE TRANSMITTED as checked below:

For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO _____

SIGNED: Dave Heatwole

Received by: _____

SITWORKS ENGINEERING, LLC
34 JOHN ANDREWS DR.
HARRINGTON, DE 19952

1141

62-7655/2311

DATE 12/8/21



PAY TO THE ORDER OF

Sussex County

\$ 500.00

FIVE HUNDRED AND 00/100

DOLLARS



Federal Credit Union
The One Way to a Better Life.
Dover, DE 19904

[Signature]

FOR

⑆ 231176554⑆ 8008288907⑆

1141

Sussex County Major Subdivision Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: 1/2 Acre Lot Option Under § 115-25.A(2)

Cluster:

Coastal Area:

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 Total Acreage: 36.86 Ac

Zoning: AR-1 Density: 1.22 Units / Ac Minimum Lot Size: 1/2 Ac Number of Lots: 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well Sewer Provider: On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton

Applicant Address: 24139 Fishers Pt

City: Millsboro State: DE Zip Code: 19966

Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.08, 81.12, & 81.14

Jeffrey S. Burton, Shannon C Burton, Ty C. Burton, Wine Down Holdings LLC, The Jeffrey
Owner Name: S. Burton Trust, & Fishers Point LLC,

Owner Address: 24139 Fishers Pt

City: Millsboro State: DE Zip Code: 19966

Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton

Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

Completed Application

See County
File Ref
#2021-24

Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

Provide Fee \$500.00

We will provide
these prior to
the Hearing

Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

N/A < 50 units

PLUS Response Letter (if required) Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)

51% of property owners consent if applicable

N/A, The project lies
outside the Coastal Area

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

I also certify that I or an agent on 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: 12/6/2021

Signature of Owner

Date: 12/6/21

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Sussex County Major Subdivision Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: _____
Coastal Area: _____

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 **Total Acreage:** 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcels 133-16.00-81.05, 81.10, & 81.13

Owner Name: Daniel F Burton
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

See County
File Ref
#2021-24

✓ **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

We will provide
these prior to
the Hearing

✓ **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.**

N/A < 50 units

— **PLUS Response Letter** (if required) **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

✓ **51% of property owners consent if applicable**

N/A, The project lies
outside the Coastal Area

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

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Signature of Applicant/Agent/Attorney

Date: 12/6/2021

Signature of Owner

Dan H. Burt

Date: 12/6/2021

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Sussex County Major Subdivision Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: 1/2 Acre Lot Option Under § 115-25.A(2)
Cluster: _____
Coastal Area: _____

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 **Total Acreage:** 36.86 Ac

Zoning: AR-1 **Density:** 1.22 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 45

Open Space Acres: 5.909 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton
Applicant Address: 24139 Fishers Pt
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcel 133-16.00-81.06

Owner Name: Susan V. Thompson & Robert D. Thompson, III
Owner Address: 29254 Revel Road
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton
Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

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See County
File Ref
#2021-24

Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

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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.

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51% of property owners consent if applicable

N/A, The project lies
outside the Coastal Area

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

I also certify that I or an agent on 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: 12/6/20

Signature of Owner

Susan Thompson, et al Date: 12-6-2021

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

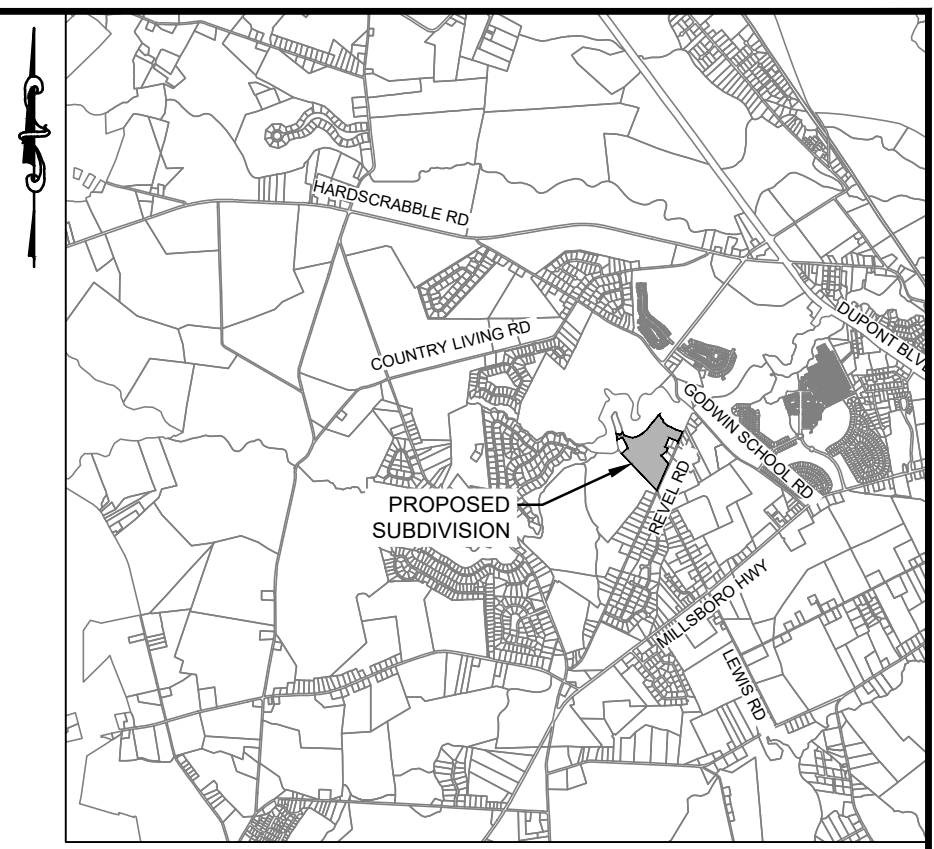
Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

FISHERS POINT SUBDIVISION

PRELIMINARY SUBDIVISION PLANS

SUSSEX COUNTY PROJECT REF# 2021-24



LOCATION MAP
SCALE: 1" = 1 MILE

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY	---	---
ADJOINING PROPERTY LINE	---	---
BUILDING RESTRICTION LINE	---	---
EASEMENT	+ + +	+ + +
CENTER LINE OF ROAD	---	---
EDGE OF PAVING	---	---
CURB	---	---
DRIVEWAY	---	---
CONTOURS	---	---
SWALE	---	---
LIMIT OF CONSTRUCTION	---	---
WETLANDS LINE AND FLAG	NW NW NW	---
FLOODPLAIN	FP FP FP	---
SOILS/DESIGNATION	MmA	---
SOIL BORING	---	---
WOODS	---	---
FENCE	x x x	x x x
SIDEWALK	---	---
SHARED USE PATH	---	---
BUILDING	---	---
UTILITY POLE/GUY WIRE	OHE	OHE
OVERHEAD ELECTRIC	OHE	OHE
CABLE TV, PEDESTAL OR HAND HOLE	---	---
TRAFFIC SIGN	---	---
SINGLE & TWIN HEAD SITE LIGHT	---	---
ELECTRICAL HAND HOLE AND TRANSFORMER	---	---
FIBER OPTIC HAND HOLE	---	---
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	W W W	W W W
SEWER MAIN, MAHNOLE, & CLEANOUT	S S S	S S S
SANITARY SEWER FORCEMAIN	FM FM FM	FM FM FM
UNDERGROUND ELECTRIC	E E E	E E E
UNDERGROUND GAS	GAS GAS GAS	GAS GAS GAS
UNDERGROUND FIBER OPTIC	FO FO FO	FO FO FO
TELEPHONE LINE	T T T	T T T
STORM WATER PIPE, MH, AND CB	---	---



SITE OVERVIEW
SCALE: 1" = 250'

SITE DATA:

- TAX MAP NUMBER(S): 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13, & 81.14
- OWNER(S): JEFFREY S. BURTON, ET AL.
- TOTAL PROPERTY AREA: 36.860 ACRES
 LOT AREA: 25.613 ACRES
 ROAD AREA: 5.242 ACRES
 OPEN SPACE AREA: 5.909 ACRES
 AREA DEDICATED TO DELDOT: 0.096 ACRES
 EXISTING FORESTED AREA: 13.4 ACRES
 FORESTED AREA TO BE REMOVED: 8.9 ACRES
 WETLAND AREA: 0.307 ACRES
- EXISTING & PROPOSED LOTS:
 EXISTING LOTS: 7
 EXISTING LOTS TO BE CONSOLIDATED: 4
 EXISTING LOTS TO REMAIN: 3 (RECONFIGURED, 81.04, 81.05, & 81.06)
 PROPOSED LOTS: 45
- PROPOSED DENSITY: 1.23 UNITS / ACRE
- DEVELOPER NAME: FISHERS POINT LLC
- PROPERTY ADDRESS: 29254 REVEL ROAD, MILLSBORO, DE 19966
- GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY
- HUNDRED/COUNTY: DAGSBORO HUNDRED / SUSSEX COUNTY
- ZONING: AR-1 (NO CHANGE PROPOSED)
- PRESENT USE: TILLED CROPS / RESIDENTIAL
- PROPOSED USE: RESIDENTIAL (SINGLE FAMILY)
- MINIMUM LOT SIZE: AREA = 1/2 ACRES
 WIDTH = 100 FEET
 DEPTH = 100 FEET
- REQUIRED AR-1 SETBACKS (B.R.L.): FRONT: 30-FEET
 SIDE: 15-FEET
 REAR: 20-FEET
- MAXIMUM HEIGHT REQUIREMENT: 42-FEET
- WATER AND SEWER SUPPLIER: ON-SITE WELL AND SEPTIC
- PROJECT DATUM:
 HORIZONTAL: NAD 83
 VERTICAL: NAVD88
- FEMA FLOOD MAP: PER FEMA FLOOD MAP 10005C0454K EFFECTIVE 3/16/2015, THE SITE IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
- POSTED SPEED LIMIT FOR REVEL RD (SCR 410): 45 MPH
- 2020 STATE INVESTMENT AREA: LEVEL 2
- LATITUDE AND LONGITUDE STATE PLAN COORDINATES:
 LATITUDE: N 38° 35' 06"
 LONGITUDE: W 75° 19' 49"
- PROPOSED DISCHARGE LOCATION: INGRAMS POND
- PROXIMITY TO T.I.D.: NOT WITHIN AN IDENTIFIED TID
- LIMIT OF DISTURBANCE: 25 ACRES
- WATERSHED: LONG DRAIN DITCH-BETTS POND

INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	Record Plan Cover Sheet
R-2	EX CONDITION & LOT CONSOLIDATION PLAN
R-3	RECORD PLAN OVERVIEW
R-4	RECORD PLAN
R-5	RECORD PLAN
R-6	RECORD PLAN
L-1	FORRESTED BUFFER PLAN
W-1	WETLANDS PLAN

PROJECT TEAM

OWNER/DEVELOPER
 JEFFREY S. BURTON
 24139 FISHERS PT
 MILLSBORO, DE 19966
 (302) 745-5555

SITE PLANNER, ENGINEER, AND SURVEYOR
 SITEMWORKS ENGINEERING
 19 COMMERCE STREET
 HARRINGTON, DE 19952
 (302) 841-7901

WETLANDS
 KENNETH W. REDINGER ENVIRONMENTAL SERVICES
 PO BOX 479
 HORN TOWN, VA 23395
 (757) 894-7032

SOIL FEASIBILITY
 EASTERN SHORE SOIL SERVICES
 PO BOX 411
 SAVANNA, IL 61074
 (302) 856-1853

ENGINEERS CERTIFICATION

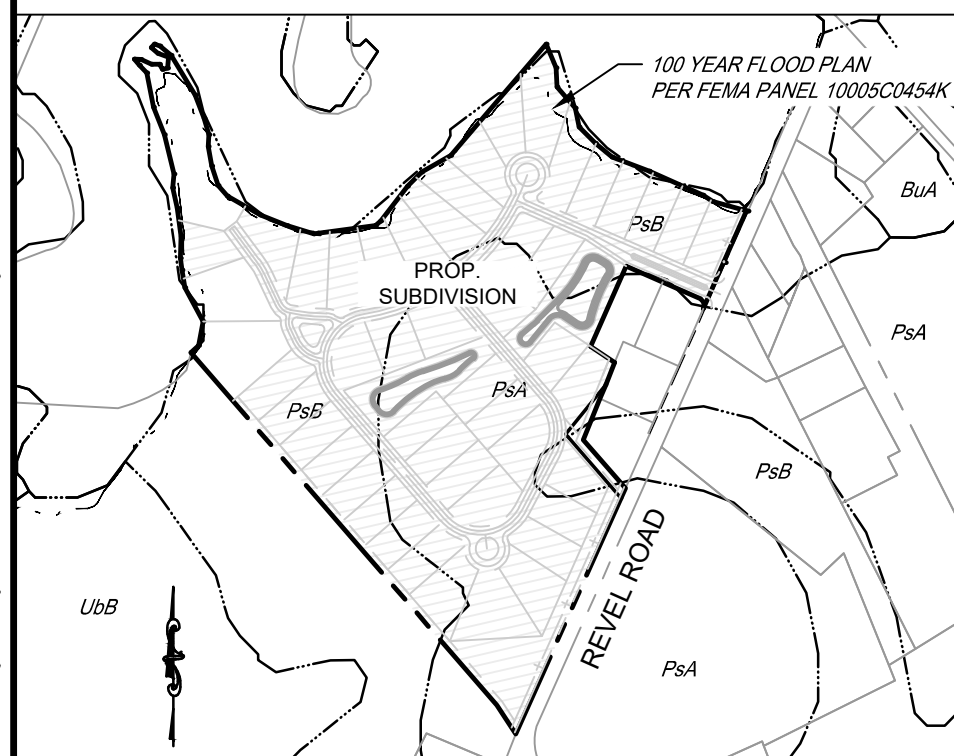
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17760) _____ DATE _____
 19 COMMERCE STREET
 HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

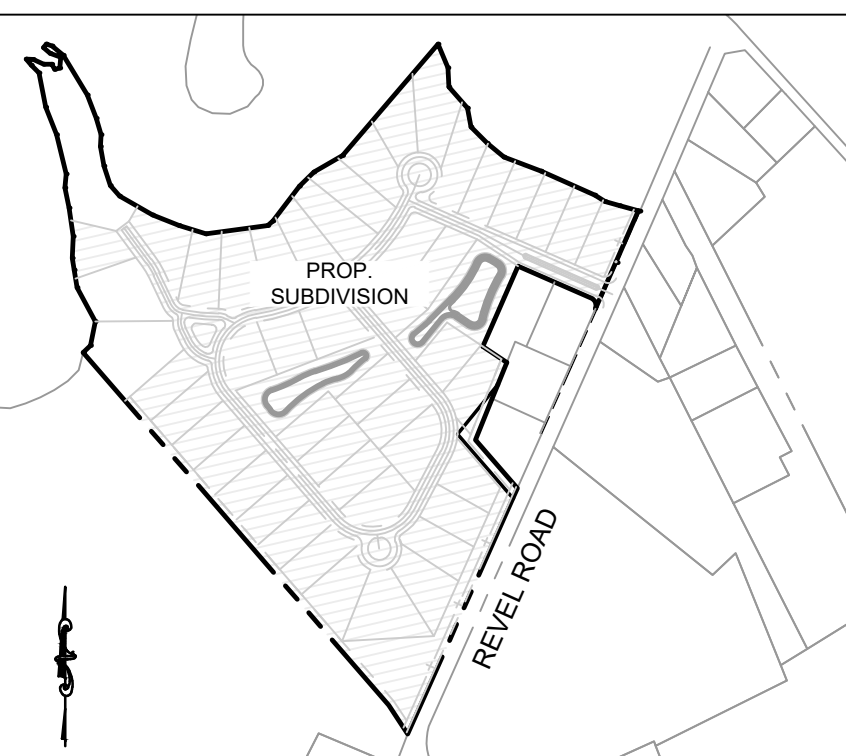
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

JEFFREY S. BURTON _____ DATE _____
 24139 FISHERS PT
 MILLSBORO, DE 19966



SOILS & FEMA MAP
SCALE: 1" = 600'

SYMBOL	NAME	SOIL GROUP
BuA	BROCKATON/NORTON-URBAN LAND COMPLEXES	NOT CLASSIFIED
PsA	PEPPERBOX-ROSEDALE COMPLEX, 0-2% SLOPE	A
PsB	PEPPERBOX-ROSEDALE COMPLEX, 2-5% SLOPE	A
UbB	UDORTHERTS, BORROW AREA, 0-5% SLOPE	C



ZONING MAP
SCALE: 1" = 600'

ALL PARCELS ON THIS MAP ARE ZONED AR-1

SITEMWORKS ENGINEERING
 PO BOX 2119 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN COVER SHEET

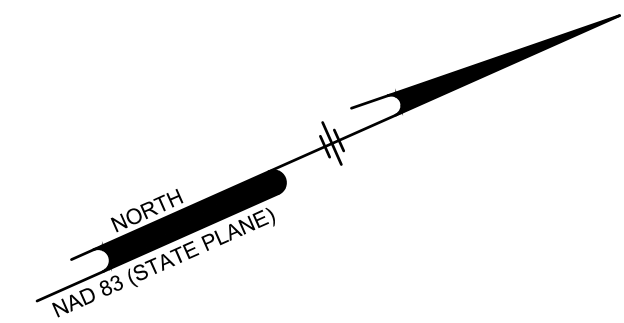
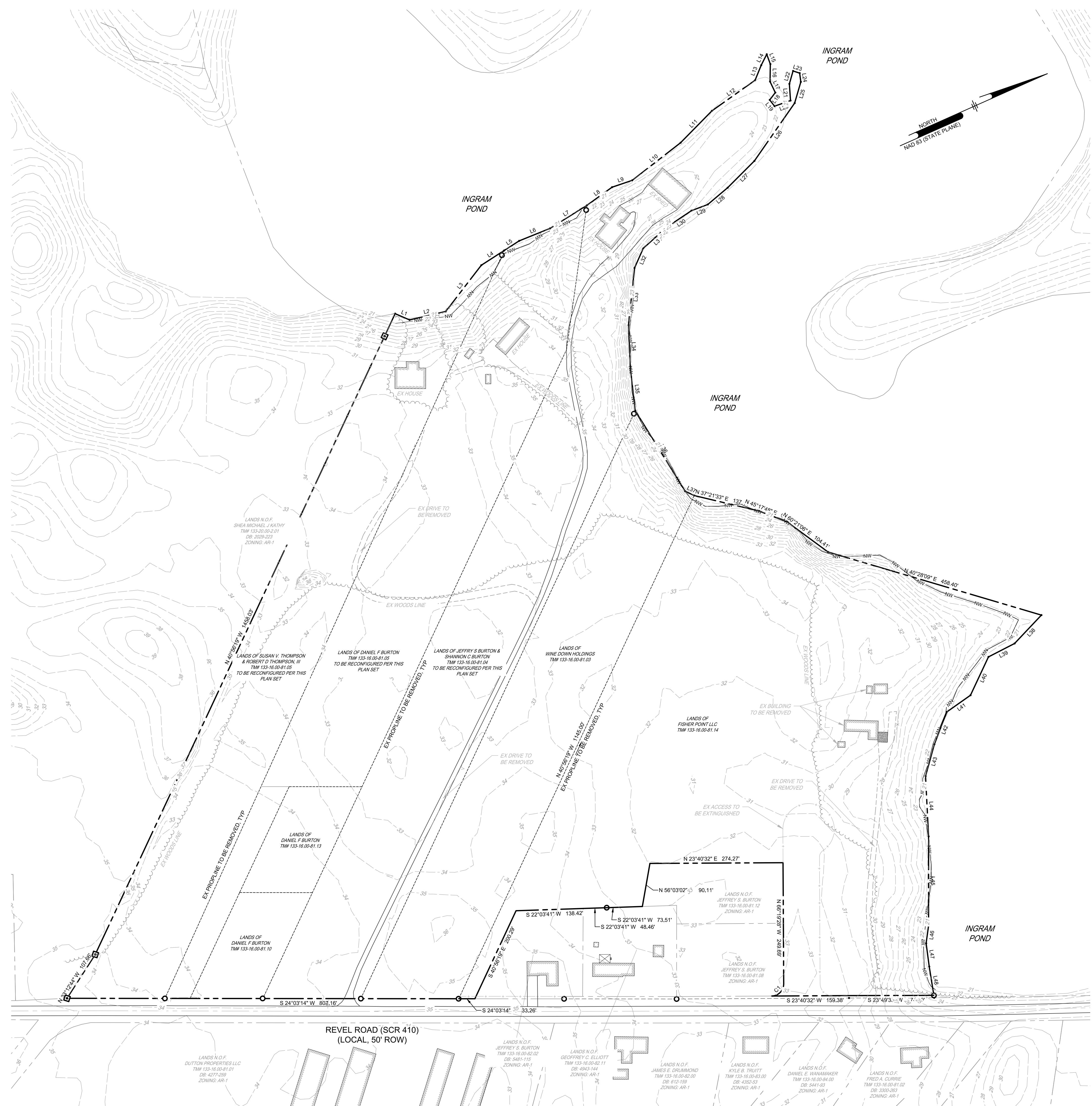
FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
 DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
 7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
 12/7/21 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
 AS NOTED 2171-JBUR JDC
 DRAWING NUMBER

R-1

Z:\PROJECTS\Subdivisions\21-Subdiv\21-Subdiv\21-Subdiv.dwg PLOTTED: 13/02/2021 10:32 AM BY: DAW RUSTYLE_SawmillsENG.dwg



BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.65'
L3	N28°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.80'
L6	N01°55'17"E	68.72'
L7	N07°59'53"W	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°56'04"W	33.33'
L14	N39°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S65°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N76°14'14"E	16.31'
L20	N04°32'52"E	34.87'
L21	N69°56'16"W	34.44'
L22	N50°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S16°14'48"E	53.49'
L29	S03°12'30"W	36.08'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S60°01'59"E	118.34'
L34	S68°27'57"E	89.53'
L35	S72°36'44"E	87.62'
L36	N82°13'28"E	195.11'
L37	N49°48'19"E	20.72'

BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L38	S22°42'48"E	80.47'
L39	S03°10'34"E	60.52'
L40	S40°53'14"E	87.30'
L41	S11°13'40"E	59.54'
L42	S44°57'17"E	71.79'
L43	S50°27'51"E	67.75'
L44	S68°54'38"E	124.36'
L45	S65°59'45"E	183.82'
L46	S58°10'02"E	37.04'
L47	S73°37'53"E	48.33'
L48	S75°12'18"E	60.22'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.27'	25.00'	090°00'00"	35.36'	N21°19'28"W

SITEWORKS
 ENGINEERING
 PO BOX 2 | 19 COMMERC ST. HARRINGTON, DE 19952 Phone: (302) 841-7901
EX CONDITION & LOT CONSOLIDATION PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
 DAGSBORO HUNDRED, SUSSEX COUNTY

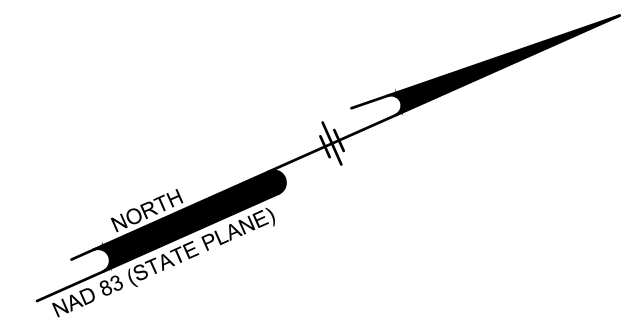
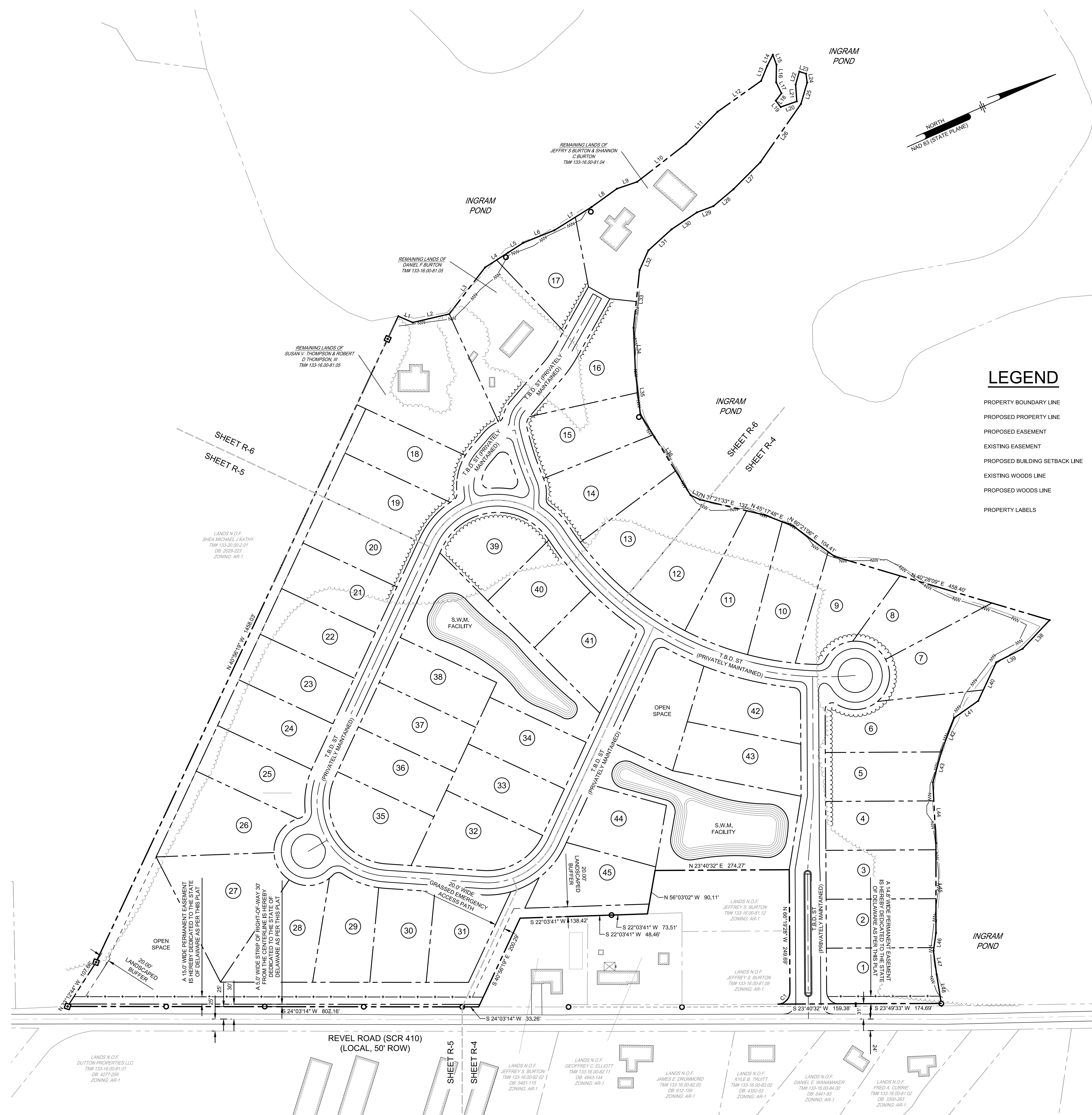
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SCALE PROJECT # DRAWN BY
 1" = 100' 2171-JBUR JDC
 DRAWING NUMBER

R-2

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SITEWORKS ENGINEERING, LLC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © CONTENTS COPYRIGHT 2021 SITEWORKS ENGINEERING, LLC.

Z:\PROJECTS\2021\2021-03-22\2021-03-22 AM BY DAW - RUSTYLE_Shawna@SNG.com



LEGEND

- PROPERTY BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED BUILDING SETBACK LINE
- EXISTING WOODS LINE
- PROPOSED WOODS LINE
- PROPERTY LABELS

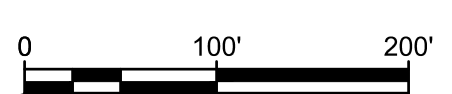
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L9	N05°10'13"E	43.73
L10	N13°53'31"W	126.38
L11	N21°30'52"W	92.18
L12	N11°19'40"W	108.98
L13	N43°56'04"W	33.33
L14	N39°08'20"W	25.32
L15	S86°07'40"E	21.48
L16	S65°08'02"E	36.07
L17	N88°27'45"E	25.09
L18	S28°42'42"E	19.01
L19	N76°14'14"E	16.31
L20	N04°32'52"E	34.87
L21	N89°56'16"W	34.44
L22	N50°07'48"W	27.68
L23	N41°55'18"E	14.31
L24	S73°37'32"E	18.35
L25	S49°42'04"E	45.53
L26	S31°10'00"E	145.17
L27	S21°03'53"E	78.03
L28	S16°14'48"E	53.49
L29	S03°12'30"W	36.06
L30	S09°46'09"E	62.57
L31	S18°17'25"E	63.96
L32	S42°02'06"E	44.12
L33	S60°01'59"E	118.34
L34	S68°27'57"E	89.53
L35	S72°36'44"E	87.62
L36	N82°13'28"E	195.11
L37	N49°48'19"E	20.72

BOUNDARY LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
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L40	S40°53'14"E	87.30
L41	S11°13'40"E	59.54
L42	S44°57'17"E	71.79
L43	S50°27'51"E	67.75
L44	S68°54'38"E	124.38
L45	S65°59'45"E	183.82
L46	S58°10'02"E	37.04
L47	S73°37'53"E	48.33
L48	S75°12'18"E	60.22

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.27	25.00	090°00'00"	35.36	N21°19'28"W

MONUMENT LEGEND

- CONCRETE MONUMENT FOUND
- CAPPED IRON REBAR FOUND
- CAPPED IRON REBAR TO BE SET



SITEWORKS
 ENGINEERING
 PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901
RECORD PLAN OVERVIEW

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
 7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
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SCALE PROJECT # DRAWN BY
 1" = 100' 2171-JBUR JDC
 DRAWING NUMBER

R-3

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FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

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SCALE	PROJECT #	DRAWN BY
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DRAWING NUMBER		

R-4

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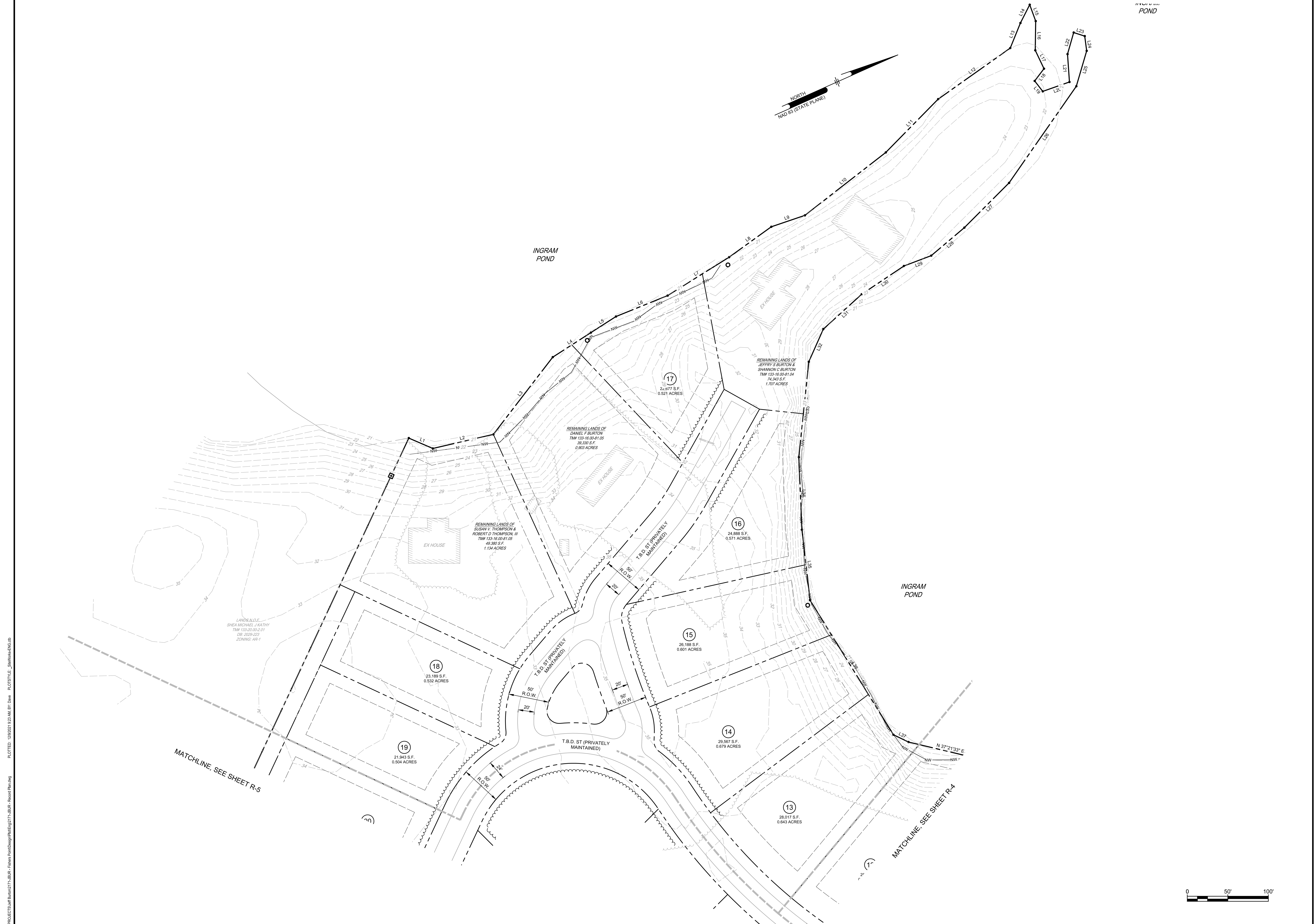
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SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

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SCALE	PROJECT #	DRAWN BY
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R-5

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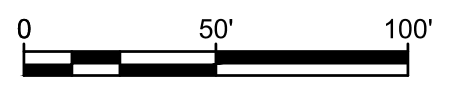
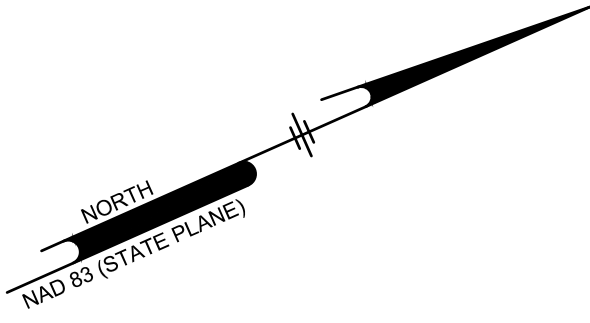
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MATCHLINE, SEE SHEET R-5

MATCHLINE, SEE SHEET R-4



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RECORD PLAN

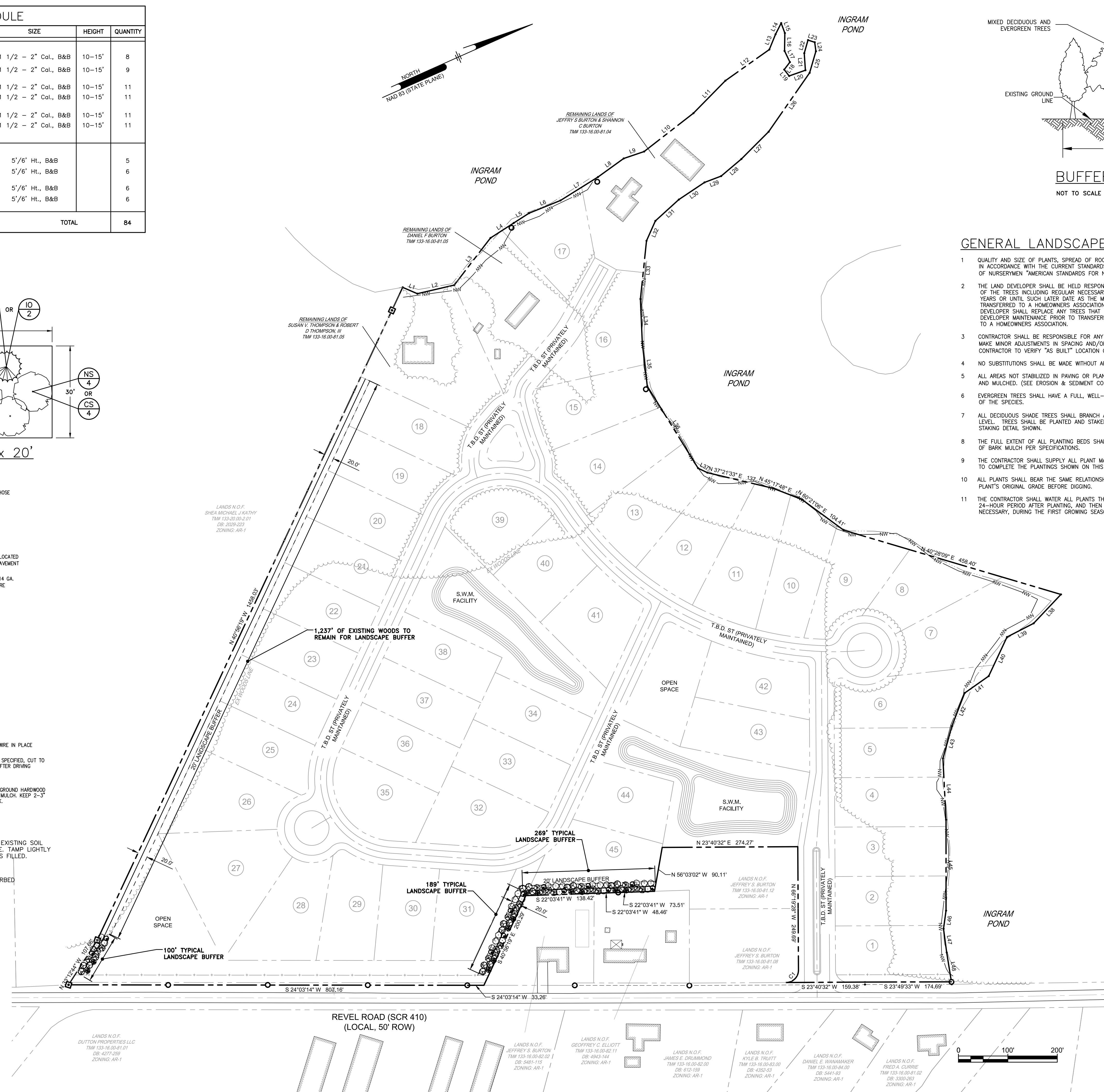
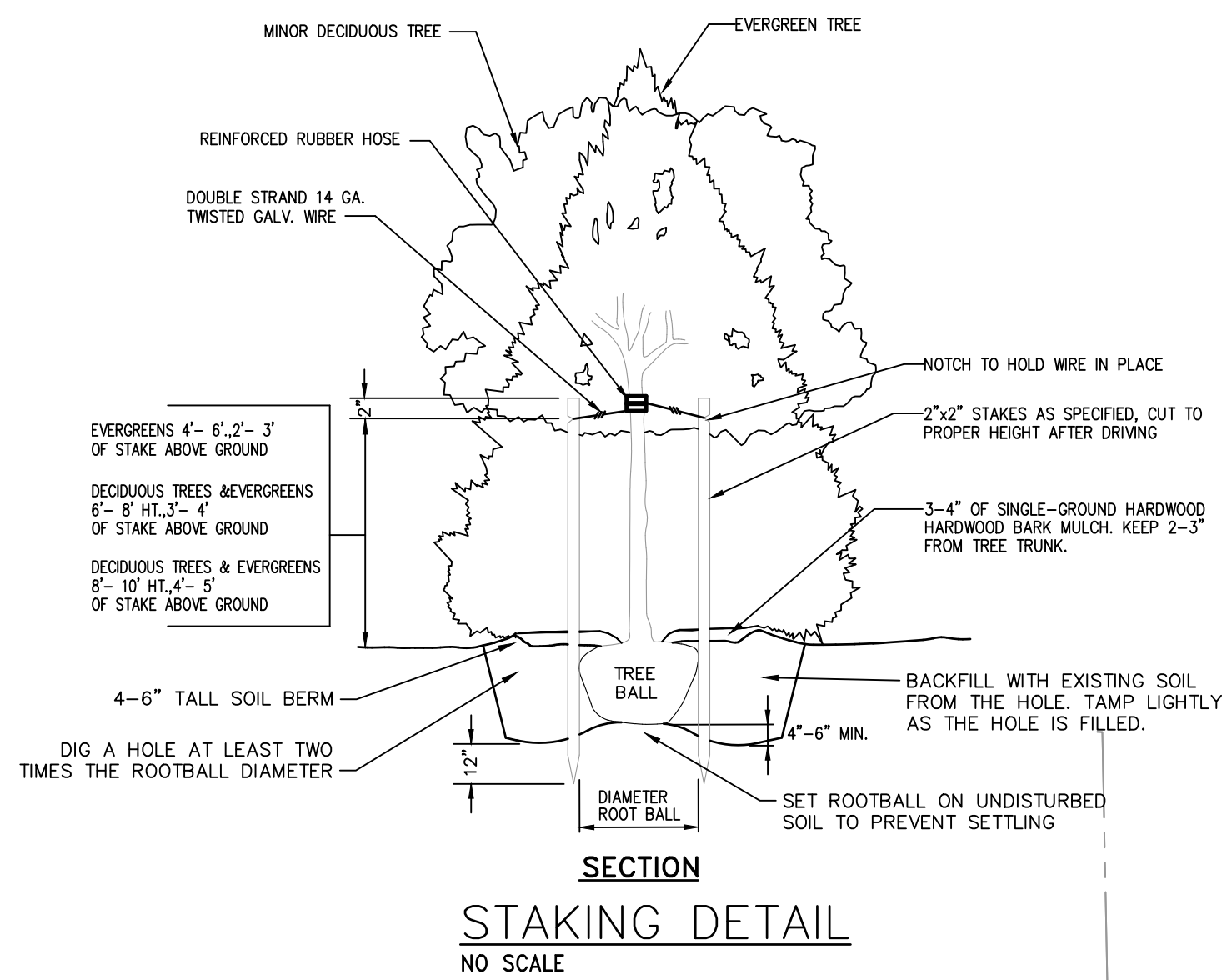
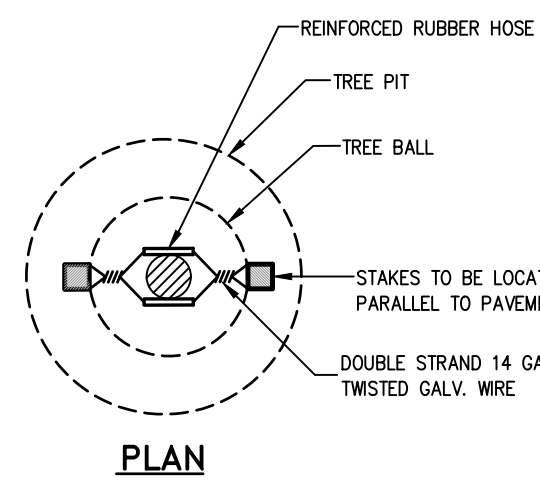
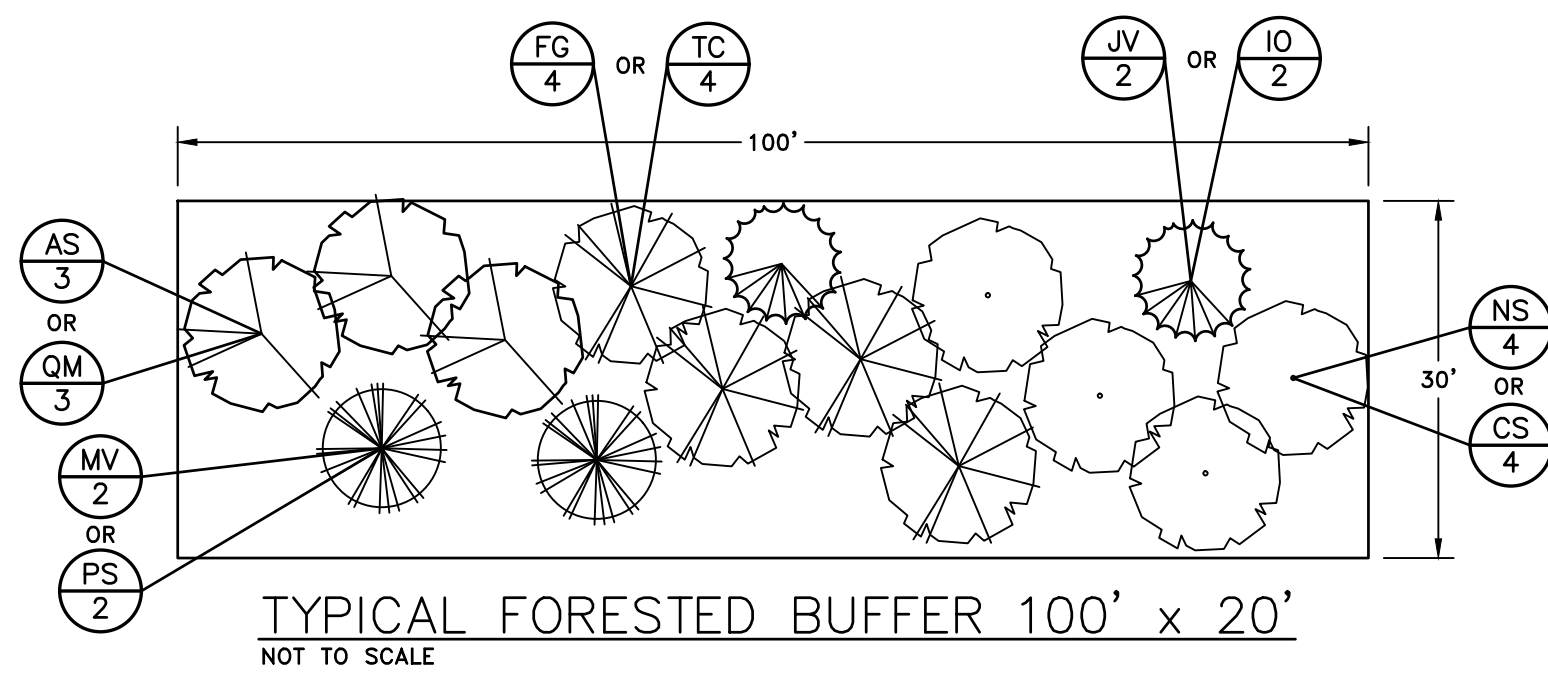
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SCR 401 (REVEL ROAD)
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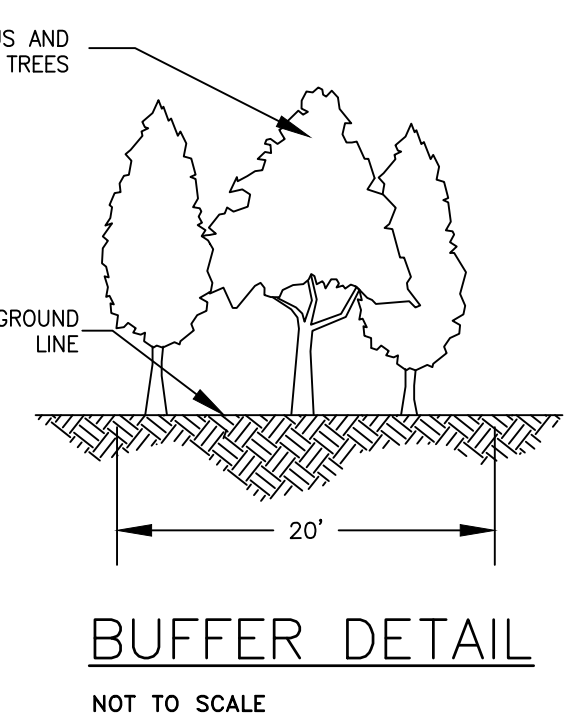
SCALE	PROJECT #	DRAWN BY
1" = 50'	2171-JBUR	JDC
DRAWING NUMBER		

R-6

LANDSCAPE PLANT SCHEDULE						
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	QUANTITY
DECIDUOUS TREE						
	AS	Acer saccharum	SUGAR MAPLE	1 1/2 - 2" Cal., B&B	10-15'	8
	QM	Quercus phellos	WILLOW OAK	1 1/2 - 2" Cal., B&B	10-15'	9
	FG	Fagus grandifolia	AMERICAN BEECH	1 1/2 - 2" Cal., B&B	10-15'	11
	TC	Tilia cordata	LITTLELEAF LINDEN	1 1/2 - 2" Cal., B&B	10-15'	11
	NS	Nyssa sylvatica	BLACK TUPELO	1 1/2 - 2" Cal., B&B	10-15'	11
	CS	Carya ovata	SHAGBARK HICKORY	1 1/2 - 2" Cal., B&B	10-15'	11
EVERGREEN TREE						
	MV	Magnolia virginiana	SWEETBAY MAGNOLIA	5'6" Ht., B&B		5
	PS	Pinus strobus	EASTERN WHITE PINE	5'6" Ht., B&B		6
	JV	Juniperus virginiana	EASTERN RED CEDAR	5'6" Ht., B&B		6
	IO	Ilex opaca	AMERICAN HOLLY	5'6" Ht., B&B		6
TOTAL						84



- GENERAL LANDSCAPE NOTES**
1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
 2. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
 4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
 5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
 6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
 7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
 8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
 9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
 10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
 11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.



SITEWORKS ENGINEERING
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FORRESTED BUFFER PLAN

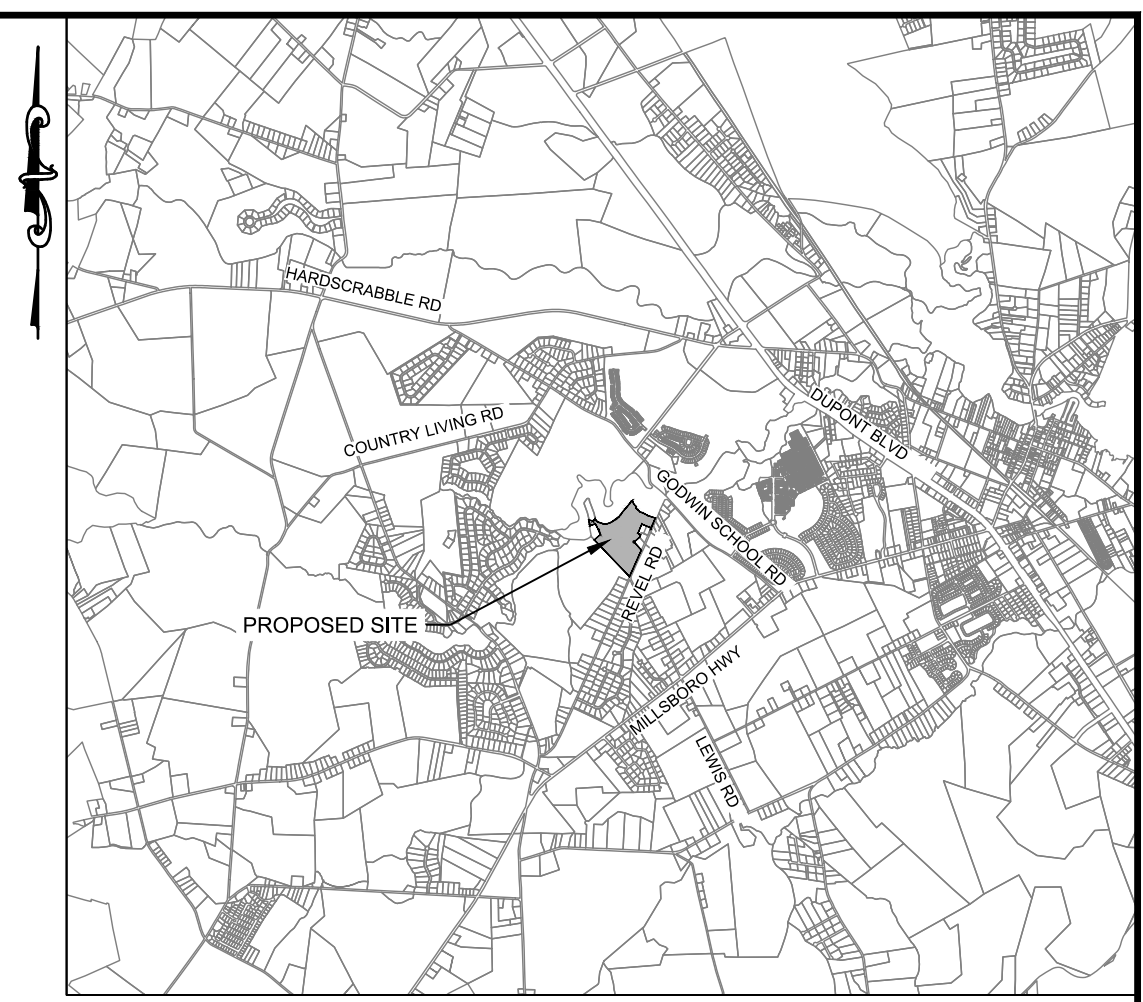
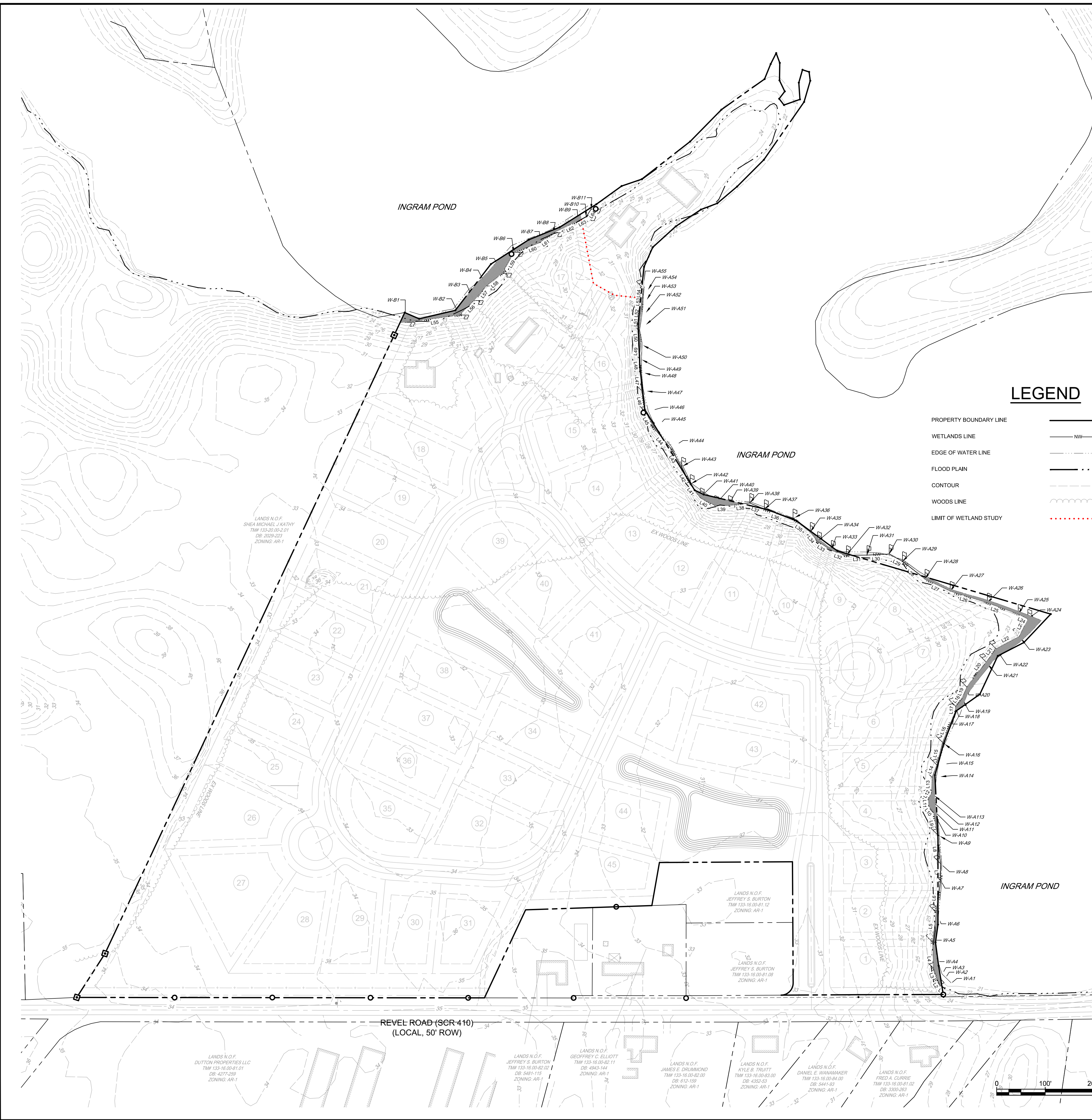
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SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

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LOCATION MAP
SCALE: 1" = 1 MILE

LEGEND

- PROPERTY BOUNDARY LINE
- WETLANDS LINE
- EDGE OF WATER LINE
- FLOOD PLAIN
- CONTOUR
- WOODS LINE
- LIMIT OF WETLAND STUDY

WETLANDS LINE TABLE "A-LINE"		
LINE #	BEARING & DISTANCE	LENGTH
L1	S60°11'28"W	10.88'
L2	S84°44'08"W	9.92'
L3	N85°01'06"W	28.15'
L4	N68°12'55"W	53.99'
L5	N59°15'57"W	62.01'
L6	N58°24'26"W	67.04'
L7	N68°12'46"W	34.18'
L8	N72°06'50"W	59.91'
L9	N74°26'33"W	43.92'
L10	S79°02'51"W	19.42'
L11	N66°37'24"W	15.55'
L12	N35°54'22"W	11.86'
L13	N64°22'04"W	32.77'
L14	N45°25'29"W	27.48'
L15	N51°42'37"W	47.96'
L16	N43°32'58"W	67.76'
L17	N59°17'15"W	11.70'
L18	N26°03'43"W	20.68'
L19	N44°00'51"W	25.69'
L20	N28°15'02"W	65.09'
L21	N29°28'27"W	34.09'
L22	N04°01'07"W	54.62'
L23	N40°36'35"W	40.11'
L24	S50°47'11"W	22.20'
L25	S44°08'07"W	67.71'
L26	S41°22'48"W	80.38'
L27	S49°50'46"W	57.59'
L28	S61°51'54"W	58.89'
L29	S52°25'18"W	31.20'
L30	S21°17'21"W	45.76'

WETLANDS LINE TABLE "A-LINE"		
LINE #	BEARING & DISTANCE	LENGTH
L31	S23°37'06"W	42.37'
L32	S43°06'26"W	32.95'
L33	S56°22'29"W	33.87'
L34	S76°19'03"W	24.32'
L35	S61°38'48"W	45.06'
L36	S41°54'35"W	62.00'
L37	S47°16'50"W	32.87'
L38	S18°06'52"W	44.26'
L39	S23°40'56"W	28.43'
L40	S52°12'01"W	33.87'
L41	S77°02'31"W	34.30'
L42	S87°46'31"W	39.98'
L43	S83°36'34"W	44.08'
L44	S74°34'32"W	50.62'
L45	S84°49'06"W	40.74'
L46	N76°43'32"W	45.18'
L47	N68°31'30"W	38.31'
L48	N72°19'22"W	28.80'
L49	N60°56'11"W	29.64'
L50	N71°56'52"W	27.46'
L51	N61°41'52"W	21.01'
L52	N56°52'37"W	24.05'
L53	N59°22'41"W	20.75'
L54	N61°57'47"W	21.85'

WETLANDS LINE TABLE "B LINE"		
LINE #	BEARING & DISTANCE	LENGTH
L55	N16°19'21"E	112.17'
L56	N21°07'13"W	42.15'
L57	N25°24'15"W	39.63'
L58	N14°48'14"W	41.85'
L59	N36°56'57"W	49.25'
L60	N03°16'52"E	56.48'
L61	N11°41'44"W	34.96'
L62	N01°13'45"W	56.63'
L63	N03°20'49"W	19.37'
L64	N33°07'57"W	18.52'

AREA TABLE

1. TOTAL PROJECT AREA	38.897 ACRES
2. TOTAL UPLANDS IN EVALUATED AREA	38.471 ACRES
3. TOTAL PAULSTRINE FORESTED WETLANDS	0.307 ACRES
WETLAND AREA "A LINE"	0.185 ACRES
WETLAND AREA "B LINE"	0.122 ACRES
4. TOTAL WATERS OF THE U.S. / SUBAQUEOUS LANDS WITHIN AREA OF INVESTIGATION	0.119 ACRES

WETLANDS STATEMENT

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM. A ROUTINE LEVEL ON-SITE EVALUATION WAS CONDUCTED NOVEMBER 5, & 6-7, 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

KENNETH W. REDINGER, PROFESSIONAL WETLAND SCIENTIST #2126 DATE _____
 BOX 479 / HORNTOWN, VIRGINIA 23395
 PHONE: (757) 694-7032 / EMAIL: KWREDINGER@GMAIL.COM

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PARTICULAR DESCRIPTION

Fishers Point Subdivision

TAX MAP # 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

ALL that certain lot, piece or parcel of land situated in the Dagsboro Hundred, Sussex County and State of Delaware, located on the northwesterly side of County Road #410, 2,406-feet southwest of Godwin School Road, and being bounded on the southeast by County Road #410 and lands of Jeffrey S. Burton, Daniel F. Burton, and Geoffrey C. Elliott and Jill M. Elliott, on the south by lands of Michael J. and Kathy J. Shea, and to the west and north by Ingrams Pond and Remaining Lands of Fishers Point LLC and Jeffrey S. Burton and Shannon Carmean Burton, and being more fully described in accordance with Fishers Point Preliminary Subdivision Plans by Siteworks Engineering LLC dated 8/30/22, as follows, to-wit:

BEGINNING at a concrete monument found along the northern right of way for Revel Road (SCR 410), a 50-foot right of way, at a corner for lands of Michael J. and Kathy J. Shea; thence with the lands Michael J. and Kathy J. Shea the following two courses (1) North 33 Degrees 12 Minutes 44 Seconds West for a distance of 107.66 feet to concrete monument found; thence, (2) North 40 Degrees 56 Minutes 19 Seconds West of a distance of 1,273.38 feet to a point at a corner for this lot and the Remaining Lands of Susan V. and Robert D. Thompson, III; thence with the Remaining Lands of Susan V. and Robert D. Thompson, III the following four courses:

- (1) North 49 Degrees 03 Minutes 41 Seconds East for a distance of 247.17 feet to a point; thence
- (2) Along a curve that deflects right and has a chord bearing North 26 Degrees 46 Minutes 45 Seconds West a distance of 5.54 feet, a radius of 125.00 feet for an arc distance of 5.55 feet to a point; thence
- (3) North 25 Degrees 30 Minutes 29 Seconds West for a distance of 39.95 feet to a point; thence
- (4) Along a curve that deflects to the right and has a chord bearing North 11 Degrees 25 Minutes 04 Seconds West a distance of 36.52 feet, a radius of 75.00 feet for an arc distance of 36.89 feet to a point at a corner for this lot and the Remaining Lands of Fishers Point LLC; thence

with the Remaining Lands of Fishers Point LLC the following six courses:

- (1) Along a curve that deflects to the left and has a chord bearing North 25 Degrees 30 Minutes 04 Seconds West a distance of 14.17 feet, a radius of 15.00 feet for an arc distance of 14.76 feet to a point; thence
- (2) Along a curve that deflects to the left and has a chord bearing North 39 Degrees 35 Minutes 54 Seconds West a distance of 36.52 feet, a radius of 75.00 feet for an arc distance of 36.89 feet to a point; thence
- (3) North 25 Degrees 30 Minutes 29 Seconds West for a distance of 103.04 feet to a point; thence
- (4) Along a curve that deflects to the left and has a chord bearing North 31 Degrees 06 Minutes 24 Seconds West a distance of 43.90 feet, a radius of 225.00 feet for an arc distance of 43.97 feet to a point; thence
- (5) Along a curve that deflects to the left and has a chord bearing North 38 Degrees 08 Minutes 10 Seconds West a distance of 11.24 feet, a radius of 225.00 feet for an arc distance of 11.24 feet to a point; thence

(6) South 68 Degrees 39 Minutes 06 Seconds West to a point at Ingrams Pond; thence with Ingrams Pond the following four courses:

- (1) North 08 Degrees 45 Minutes 14 Seconds West for a distance of 55.87 feet to a point; thence
- (2) North 08 Degrees 45 Minutes 14 Seconds West for a distance of 36.80 feet to a point; thence
- (3) North 01 Degrees 55 Minutes 17 Seconds East for a distance of 68.72 feet to a point: thence
- (4) North 07 Degrees 59 Minutes 53 Seconds West for a distance of 55.59 feet to a point at a Corner for this lot and Remaining Lands of Jeffrey S. and Shannon Carmean Burton; thence with the Remaining Lands of Jeffrey S. and Shannon Carmean Burton the following three courses:

- (1) South 62 Degrees 11 Minutes 42 Seconds East for a distance of 174.75 feet to a point; thence
- (2) North 40 Degrees 34 Minutes 46 Seconds East for a distance of 50.00 feet to a point; thence
- (3) North 51 Degrees 07 Minutes 25 Seconds East for a distance of 93.53 feet to a point at Ingrams Pond; thence with Ingrams Pond the following 44 courses:

- (1) South 56 degrees 19 minutes 37 seconds East for a distance of 9.68 feet to a point; thence
- (2) South 76 degrees 49 minutes 32 seconds East for a distance of 27.43 feet to a point; thence
- (3) South 64 degrees 59 minutes 09 seconds East for a distance of 61.05 feet to a point; thence
- (4) South 71 degrees 14 minutes 09 seconds East for a distance of 33.48 feet to a point; thence
- (5) South 79 degrees 10 minutes 16 seconds East for a distance of 47.25 feet to a point; thence
- (6) North 89 degrees 55 minutes 39 seconds East for a distance of 35.91 feet to a point; thence
- (7) North 74 degrees 43 minutes 46 seconds East for a distance of 52.91 feet to a point; thence
- (8) North 83 degrees 47 minutes 57 seconds East for a distance of 46.96 feet to a point; thence
- (9) North 88 degrees 04 minutes 54 seconds East for a distance of 38.21 feet to a point; thence
- (10) North 59 degrees 38 minutes 46 seconds East for a distance of 35.38 feet to a point; thence
- (11) North 49 degrees 25 minutes 05 seconds East for a distance of 26.72 feet to a point; thence
- (12) North 29 degrees 18 minutes 22 seconds East for a distance of 69.53 feet to a point; thence
- (13) North 45 degrees 33 minutes 57 seconds East for a distance of 40.95 feet to a point; thence
- (14) North 43 degrees 48 minutes 27 seconds East for a distance of 53.28 feet to a point; thence
- (15) North 62 degrees 28 minutes 21 seconds East for a distance of 45.67 feet to a point; thence
- (16) North 64 degrees 08 minutes 41 seconds East for a distance of 47.73 feet to a point; thence
- (17) North 42 degrees 53 minutes 48 seconds East for a distance of 31.94 feet to a point; thence
- (18) North 24 degrees 28 minutes 56 seconds East for a distance of 48.97 feet to a point; thence
- (19) North 28 degrees 52 minutes 14 seconds East for a distance of 29.98 feet to a point; thence
- (20) North 21 degrees 55 minutes 46 seconds East for a distance of 17.26 feet to a point; thence
- (21) North 51 degrees 00 minutes 39 seconds East for a distance of 31.09 feet to a point; thence
- (22) North 60 degrees 28 minutes 07 seconds East for a distance of 37.79 feet to a point; thence
- (23) North 56 degrees 06 minutes 08 seconds East for a distance of 38.18 feet to a point; thence
- (24) North 49 degrees 35 minutes 25 seconds East for a distance of 47.28 feet to a point; thence
- (25) North 40 degrees 47 minutes 59 seconds East for a distance of 92.67 feet to a point; thence
- (26) North 44 degrees 26 minutes 01 seconds East for a distance of 68.54 feet to a point; thence
- (27) North 46 degrees 48 minutes 59 seconds East for a distance of 28.98 feet to a point; thence
- (28) South 23 degrees 24 minutes 26 seconds East for a distance of 33.11 feet to a point; thence
- (29) South 18 degrees 41 minutes 26 seconds East for a distance of 31.81 feet to a point; thence

- (30) South 10 degrees 24 minutes 54 seconds East for a distance of 64.99 feet to a point; thence
- (31) South 27 degrees 59 minutes 11 seconds East for a distance of 45.22 feet to a point; thence
- (32) South 29 degrees 31 minutes 23 seconds East for a distance of 43.29 feet to a point; thence
- (33) South 46 degrees 13 minutes 45 seconds East for a distance of 43.48 feet to a point; thence
- (34) South 38 degrees 22 minutes 59 seconds East for a distance of 66.73 feet to a point; thence
- (35) South 48 degrees 28 minutes 21 seconds East for a distance of 40.62 feet to a point; thence
- (36) South 58 degrees 51 minutes 40 seconds East for a distance of 74.38 feet to a point; thence
- (37) South 74 degrees 57 minutes 23 seconds East for a distance of 52.89 feet to a point; thence
- (38) South 70 degrees 46 minutes 29 seconds East for a distance of 82.85 feet to a point; thence
- (39) South 64 degrees 31 minutes 04 seconds East for a distance of 52.66 feet to a point; thence
- (40) South 60 degrees 13 minutes 05 seconds East for a distance of 68.95 feet to a point; thence
- (41) South 59 degrees 20 minutes 05 seconds East for a distance of 43.65 feet to a point; thence
- (42) South 70 degrees 30 minutes 04 seconds East for a distance of 27.80 feet to a point; thence
- (43) South 84 degrees 10 minutes 11 seconds East for a distance of 37.66 feet to a point; thence
- (44) South 69 degrees 09 minutes 00 seconds East for a distance of 42.14 feet to a capped iron

Rebar found with the northern SCR 410 Right of Way, 55 feet wide; thence with the SCR 410 northerly right of way the following two courses, (1) South 23 Degrees 49 Minutes 33 Seconds West for a distance of 174.69 feet to a point; thence, (2) South 23 Degrees 40 Minutes 32 Seconds West for a distance of 159.38 feet to a point at a corner for this lot and lands of Jeffrey S. Burton; thence leaving the SCR 410 right of way and with the lands of Jeffrey S. Burton the following four courses:

- (1) Along a Curve that deflects left and has a chord which bears North 21 Degrees 19 Minutes 28 Seconds West for a distance of 35.36 feet, a radius of 25.00 feet for an arc distance of 39.27 feet to a capped iron rebar; thence,
- (2) North 66 Degrees 19 Minutes 28 Seconds West for a distance of 249.69 feet to a capped iron rebar; thence,
- (3) South 23 Degrees 40 Minutes 32 Seconds West for a distance of 274.27 feet to a capped iron rebar; thence,
- (4) South 56 Degrees 03 Minutes 02 Seconds East for a distance of 90.11 feet to a capped iron

rebar at a corner for this lot and lands of Geoffrey C. Elliott and Jill M. Elliott; thence with lands of Geoffrey C. Elliott and Jill M. Elliott and lands of Daniel F. Burton the following two courses:

- (1) South 22 Degrees 03 Minutes 41 Seconds West for a distance of 260.40 feet to a point; thence
- (2) South 40 Degrees 56 Minutes 19 Seconds East 200.29 feet to a point along the northern SCR 410 Right of Way, 50 feet wide; thence with the northern SCR 410 Right of Way South 24 Degrees 03 Minutes 14 Seconds West for a distance of 840.42 feet to a found concrete monument, passing over iron pipes found at 33.26 feet, 235.05 feet 436.84 feet and 638.63 feet, said concrete monument being the point and place of beginning and said to contain 40.657 acres of land, more or less.

TMP: P/O 133-16.00-81.00; P/O
133-16.00-81.02; P/O 133-16.00-
81.08; P/O 133-16.00-81.12
& 133-16.00-81.14

PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut St.
P.O. Box 751
Georgetown, DE 19947-0751

THIS DEED, made this 9th day of May, 2022,

BETWEEN

JEFFREY S. BURTON, TRUSTEE OF THE JEFFREY S. BURTON LIVING TRUST DATED JUNE 1, 2011, AND ANY AMENDMENTS THERETO, A/K/A THE JEFFREY S. BURTON TRUST, JEFFREY S. BURTON, SHANNON C. BURTON A/K/A SHANNON CARMEAN BURTON, TY C. BURTON AND FISHERS POINT, LLC, a Delaware limited liability company, of 24139 Fishers Pt., Millsboro, DE 19966, parties of the first part,

AND

FISHERS POINT, LLC, a Delaware limited liability company, of 24139 Fishers Pt., Millsboro, DE 19966, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second parts, its successors and assigns:

ALL that certain lot, piece or parcel of land lying and being situated in the Dagsboro Hundred, Sussex County, Delaware, lying on the northerly side of Revel Road (SCR 410) and identified as TM# 133-16.00-81.00 (remaining lands) on a plot entitled "Lot Line Adjustment & Consolidation Plan" prepared by Siteworks Engineering LLC dated 2/11/22 and recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 361, Page 91, as revised and superseded by Plot Book 369 page 28 and being described from said plan as follows, to wit:

BEGINNING at a capped iron rebar found along the northerly right of way for Revel Road (SCR 410), a 55-foot right of way, at a corner for this lot and Ingrams Pond; thence with the

northerly Revel Road right of way the following two courses and distances (1) S 23° 49' 33" W for a distance of 174.69 feet to a capped iron rebar to be set; (2) S 23° 40' 32" W for a distance of 159.38 feet to a capped iron rebar to be set at a corner for this lot and lands now or formerly of Jeffrey S. Burton; thence leaving Revel Road and with the lands of Jeffrey S. Burton the following four courses and distances:

(1) Along a Curve that deflects left and has a chord which bears N 21° 19' 28" W a distance of 35.36 feet, a radius of 25.00 feet for an arc distance of 39.27 feet to a capped iron rebar to be set thence;

(2) N 66° 19' 28" W for a distance of 249.69 feet to a capped iron rebar to be set thence;

(3) S 23° 40' 32" W for a distance of 274.27 feet to a capped iron rebar to be set thence;

(4) S 56° 03' 02" E for a distance of 90.11 feet to a capped iron rebar to be set thence at a new corner established for this lot and lands now or formerly of Geoffrey C. Elliott and Jill M. Elliott; thence with lands of Geoffrey C. Elliott and Jill M. Elliott and lands of Jeffrey S. Burton, Shannon C. Burton, & Ty C. Burton S 22° 03' 41" W for a distance of 260.40 feet, passing over an capped iron pipe found at 73.51 feet, to a capped iron rebar to be set; thence with lands of Jeffrey S. Burton, Shannon C. Burton, & Ty C. Burton S 40° 56' 19" E for a distance of 194.77 feet to a capped iron rebar to be set along the northerly Revel Road right of way; thence with Revel Road S 24° 03' 14" W for a distance of 33.26 feet to a capped iron rebar to be set at a corner for this lot and lands now or formerly of Wine Down Holdings LLC; thence with the lands of Wine Down Holdings LLC N 40° 56' 19" W for a distance of 1,139.48 feet to a point at Ingrams Pond; thence with Ingrams Pond the following fifteen courses and distances:

(1) N 37° 21' 33" E for a distance of 137.11 feet to a point

(2) N 45° 17' 48" E for a distance of 62.53 feet to a point

(3) N 60° 21' 06" E for a distance of 104.41 feet to a point

(4) N 40° 28' 09" E for a distance of 458.40 feet to a point

(5) S 22° 42' 48" E for a distance of 80.47 feet to a point

(6) S 03° 10' 34" E for a distance of 60.52 feet to a point

(7) S 40° 53' 14" E for a distance of 87.30 feet to a point

(8) S 11° 13' 40" E for a distance of 59.54 feet to a point

(9) S 44° 57' 17" E for a distance of 71.79 feet to a point

(10) S 50° 27' 51" E for a distance of 67.75 feet to a point

(11) S 68° 54' 38" E for a distance of 124.36 feet to a point

(12) S 65° 59' 45" E for a distance of 183.82 feet to a point

(13) S 58° 10' 02" E for a distance of 37.04 feet to a point

(14) S 73° 37' 53" E for a distance of 48.33 feet to a point

(15) S 74° 59' 10" E for a distance of 60.08 feet to a capped iron rebar found and place of beginning containing 13.96 acres of land, more or less

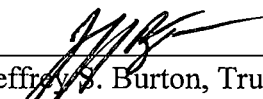
BEING a part of the same lands conveyed unto: (1) The Jeffrey S. Burton Trust by Deed of Jeffrey S. Burton dated April 25, 2013 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 4118, page 311; (2)

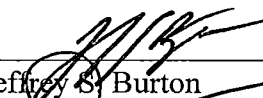
Jeffrey S. Burton, Shannon C. Burton and Ty C. Burton by Deed of Jeffrey Scott Burton and Ty Connor Burton dated June 3, 2021, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 5481, page 115; (3) Jeffrey S. Burton and Shannon Carmean Burton by Deed of Jeffrey S. Burton and Marjorie Ann Fisher, Trustee Under Revocable Trust Agreement of Marjorie Ann Fisher dated October 14, 1996, said Deed dated January 25, 2013, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 4090, page 69; (4) Jeffrey S. Burton by Deed of Marjorie Ann Fisher, Trustee Under Revocable Trust Agreement of Marjorie Ann Fisher dated October 14, 1996, said Deed dated February 4, 2014, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 4224, page 333; and (5) being the same lands conveyed unto Fishers Point, LLC by Deed of Daniel F. Burton and Susan Thompson dated November 19, 2021 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 5598, page 309.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.


Signed, Sealed and Delivered
In the presence of:

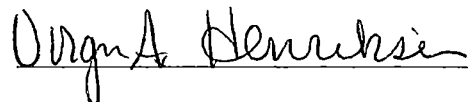
 (SEAL)
Jeffrey S. Burton, Trustee of The Jeffrey S. Burton Living Trust Dated June 1, 2011, and any amendments thereto, a/k/a The Jeffrey S. Burton Trust

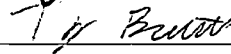
 (SEAL)
Jeffrey S. Burton

_____ (SEAL)
Shannon C. Burton a/k/a Shannon Carmean Burton

FISHERS POINT, LLC

By:  (SEAL)
Jeffrey S. Burton, Manager




 (SEAL)
Ty C. Burton

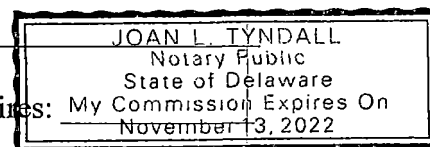
STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 9th day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Jeffrey S. Burton, individually and as Trustee of The Jeffrey S. Burton Living Trust Dated June 1, 2011, and any amendments thereto, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of office the day and year aforesaid.


Notary Public

Printed name: _____

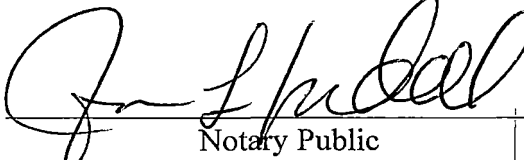


My commission expires: _____

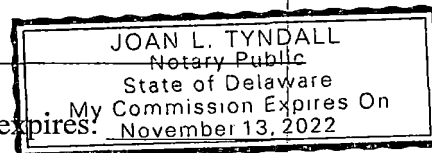
STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 9th day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Shannon C. Burton a/k/a Shannon Carmean Burton, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

GIVEN under my Hand and Seal of office the day and year aforesaid.


Notary Public

Printed name: _____

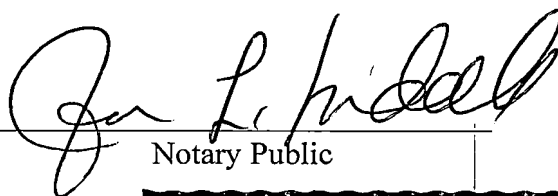


My commission expires: _____

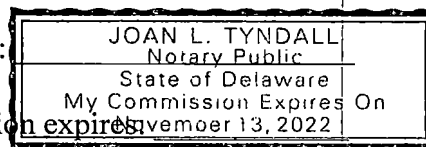
STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 9th day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Jeffrey S. Burton, Manager of Fishers Point, LLC, a limited liability company of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed, and the act and deed of the said limited liability company; that the signature of the Manager is in his own proper handwriting; that the Indenture was given under seal; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by the Limited Liability Agreement of said limited liability company.

GIVEN under my Hand and Seal of office the day and year aforesaid.


Notary Public

Printed name:



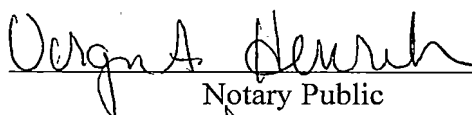
My commission expires:

STATE OF DELAWARE, COUNTY OF SUSSEX: to wit

BE IT REMEMBERED, that on this 6 day of May, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Ty C. Burton, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of office the day and year aforesaid.




Notary Public

Printed name:

Virginia A. Henriksen

My commission expires:

4-13-24

1-33 16.00 81.03
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947-0751
File No. RE-12632

THIS DEED, made this 7th day of March, 2022,

- BETWEEN -

WINE DOWN HOLDINGS, LLC, a Delaware limited liability company, of 24139 Fishers Point, Millsboro, DE 19966, party of the first part,

- AND -

FISHERS POINT, LLC, a Delaware limited liability company, of 24139 Fishers Point, Millsboro, DE 19966, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns:

ALL that certain lot, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware being known and designated as LOT NO. 1 as shown on the plot of Oliver R. Fisher Subdivision, said plot being filed for record in the Office of the Recorder of Deeds, at Georgetown, Delaware, in Plot Book 60, Page 130, incorporated herein by reference, said to contain 5.202 acres of land, be the same more or less and more particularly described as follows, to wit:

BEGINNING for the purpose of this Description at a point on the northerly right of way line of Sussex County Route 410, known locally as Revel Road, said Beginning Point being on the common boundary corner of these lands and lands now or formerly of Kevin Fisher; thence by and with the said northerly right of way line of Revel Road South 34 degrees 24 minutes 31 seconds West 201.79 feet to the common boundary corner of these lands and Lot 2 of the said Oliver R. Fisher Subdivision; thence by and with the common boundary line between these lands and said Lot 2 North 30 degrees 38 minutes 04 seconds West ±1345 feet to Ingram's Pond; thence by and with the meanderings of the shoreline of said Ingram's Pond such a distance as to reach the common boundary corner of these lands and said lands now or formerly of Kevin Fisher, thence by and with the common boundary line between these lands and said lands now or formerly of

Kevin Fisher South 30 degrees 35 minutes 02 seconds East ±1141 feet to the Beginning and containing 5.2 acres, more or less.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEING the same lands conveyed to Wine Down Holdings, LLC by Deed of Michael A. Potter and Jessica L. Potter dated June 23, 2021 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 5494, Page 262.

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

*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE TO FOLLOW*

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

J. Tyndall
Witness

WINE DOWN HOLDINGS, LLC

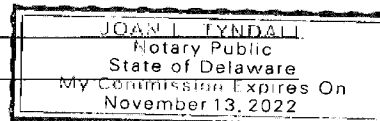
By: *[Signature]* (SEAL)
Shannon Carmean Burton, Managing
Member

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 2nd day of March, 2022, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Shannon Carmean Burton, Managing Member of Wine Down Holding, LLC, a limited liability company of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed, and the act and deed of the said limited liability company; that the signature of the Managing Member is in her own proper handwriting; that the Indenture was given under seal; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by the Limited Liability Agreement of said limited liability company.

Given under my Hand and Seal of office the day and year aforesaid.

J. Tyndall
Notary Public
Printed Name: _____
My Commission Expires: _____



1-33 16.00 81.04
PREPARED BY & RETURN TO:
Sergovic & Carmean, P.A.
25 Chestnut Street
Georgetown, DE 19947-0751
File No. RE-5216

THIS DEED, made this 20th day of JANUARY, 2021,

- BETWEEN -

JEFFREY S. BURTON, TRUSTEE OF THE JEFFREY S. BURTON TRUST
DATED JUNE 1, 2011 A/K/A THE JEFFREY S. BURTON TRUST, of 24139 Fishers Point,
Millsboro, DE 19966, part of the first part,

- AND -

JEFFREY S. BURTON and **SHANNON CARMEAN BURTON** of 24139 Fishers
Point, Millsboro, DE 19966, husband and wife, as tenants by the entirety, parties of the second
part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum
of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is
hereby acknowledged, hereby grant and convey unto the party of the second part, and their heirs
and assigns:


ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro
Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road
#410, as more particularly described and designated as "LOT 2" on a survey plot prepared by
Donald K. Miller, Registered Surveyor, dated September 19, 1997, revised October 27, 1997, a
copy of which is filed for record in the Office of the Recorder of Deeds, in and for Sussex
County at Georgetown, Delaware, in Plot Book 60, page 130, incorporated herein by reference,
said to contain 8.0776 acres of land, more or less.

BEING the same lands conveyed to The Jeffrey S. Burton Trust by a Deed of Jeffrey S.
Burton dated April 25, 2013 and filed for record in the Office of the Recorder of Deeds, in and
for Sussex County at Georgetown, Delaware, in Deed Book 4118, page 306.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements
of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

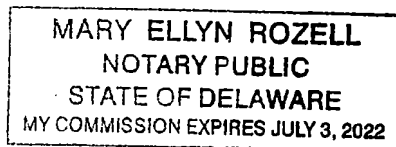
Signed, Sealed and Delivered
in the presence of:


 _____ (SEAL)
Jeffrey S. Burton, Trustee of the Jeffrey S. Burton
Trust Dated June 1, 2011 a/k/a The Jeffrey S.
Burton Trust

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on January 20, 2021, personally came before me, the subscriber, Jeffrey S. Burton, Trustee of the Jeffrey S. Burton Trust Dated June 1, 2011 a/k/a The Jeffrey S. Burton Trust, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.





Notary Public
Printed Name: Mary Ellyn Rozell
My Commission Expires: 7/3/2022

1-33 16.00 81.05, 81.10 & 81.13
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947-0751
File No. RE-13669

THIS DEED, made this 18th day of September 2022,

- BETWEEN -

DANIEL F. BURTON, of 31891 Timber Acres Circle, Millsboro, DE 19966, party of the first part,

- AND -

FISHER'S POINT, LLC, a Delaware limited liability company, of 24139 Fishers Point, Millsboro, DE 19966, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns:

Tract 1: TMP 1-33 16.00 81.05

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "3" on a survey plot prepared by Donald K. Miller, Registered Surveyor, dated March 16, 1997, a copy of which is filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Plot Book 61 at page 50, incorporated herein by reference, said to contain 7.5445 acres of land, more or less.

EXCEPTING AND RESERVING THEREFROM:

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "A" on a survey plot prepared by Charles L. Coffman II Land Surveying dated September 24, 2009 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 137, Page 9 and containing .75 acre.

SUBJECT TO ingress/egress easement as shown in Plot Book 137, Page 9.

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "B" on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 180, Page 96 and containing 07521 acres.

SUBJECT TO ingress/egress easement as shown in Plot Book 180, Page 96.

Said parcel now more particularly described as Lot "3" Residual Lands of Daniel F. Burton as shown on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 180, Page 96 and containing 6.0404 acres.

Tract 2: TMP 1-33 16.00 81.10

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "A" on a survey plot prepared by Charles L. Coffinan II Land Surveying dated September 24, 2009 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 137, Page 9 and containing .75 acre, and further shown on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in Plot Book 180, Page 96.

TOGETHER WITH AND SUBJECT TO ingress/egress easement as shown in Plot Book 137, Page 9 and Plot Book 180, Page 96.

Tract 3: TMP 1-33 16.00 81.13

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, located on the northwesterly side of County Road #410, as more particularly described and designated as Lot "B" on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 180, Page 96 and containing 0.7521 acres and further shown on a survey plot prepared by Miller Lewis, Inc. Land Surveying dated January 6, 2012 and filed for record in Plot Book 180, Page 96.

TOGETHER WITH AND SUBJECT TO ingress/egress easement as shown in Plot Book 180, Page 96.

BEING the same lands conveyed to Daniel F. Burton by Deed of Oliver R. Fisher, Trustee Under Revocable Trust Agreement of Oliver R. Fisher Dated 10/14/96 and Marjorie Ann Fisher, Trustee Under Revocable Trust Agreement of Marjorie Ann Fisher dated 10/14/96, said Deed dated December 9, 1997 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 2445, Page 218. Although notice was given by the Grantor under the Right of First Refusal filed for record in the Office aforesaid in Deed Book 2445, Page 215, all holders of the right of first refusal failed to exercise their right to purchase the property described herein within the allotted time period. As a result, the Right of First Refusal has been extinguished and Grantor is free to convey said property to the Grantee.

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

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Virginia A. Henriksen

Daniel F. Burton (SEAL)
Daniel F. Burton

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on the 1st day of September, 2022, personally came before me, the subscriber, Daniel F. Burton, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.



Virginia A. Henriksen
Notary Public
Printed Name: Virginia A. Henriksen
My Commission Expires: 4-13-24

39597

02547 296

TAX PARCEL NUMBER: 1-33-16-81.06

PREPARED BY/RETURN TO: 1-19-01
HUDSON, JONES, JAYWORK & FISHER
309 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971

DEED

THIS DEED, Made this 7th day of December, in the year of our Lord 2000

BETWEEN: SUSAN V. BURTON, now known as Susan V. Thompson, of RR 2, Box 293, Millsboro, Delaware 19966, party of the first part,

- AND -

SUSAN V. THOMPSON, formerly known as SUSAN V. BURTON and ROBERT D. THOMPSON, III, wife and husband, of RR 2, Box 293, Millsboro, Delaware 19966, parties of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, Current Lawful Money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said parties of the second part, their heirs and assigns as Tenants by the Entireties:

ALL that right, title and interest in that certain piece, parcel, tract and lot of land situate, lying and being in Dagsboro Hundred, Sussex County, Delaware, being more particularly described as follows, to wit:

BEGINNING for this lot at a concrete monument placed on the northwesterly side of the right of way of County Road 410; said right of way being 50 feet in width and abutting the lands of Michael J. And Kathy J. Shea, more fully described as follows, to wit: thence from the place of beginning and by and with the said lands of Michael J. And Kathy J. Shea, North 22 degrees 51 minutes 27 seconds West 107.66 feet to a concrete monument; thence North 30 degrees 35 minutes 02 seconds West by and with the said lands of Michael J. and Kathy J. Shea 1406.69 feet to a concrete monument; thence along the same line and course 51.34 feet to an iron pipe situate on the edge of the waters of Ingrams Pond; thence along and with the northeast meanderings of Ingrams Pond 284.94 feet to a point; thence South 31 degrees 16 minutes 00 seconds East 10.29 feet to an iron pipe; thence by and with Lot 3 of the subdivision of Oliver R. Fisher South 31 degrees 16 minutes 00 seconds East 1682.09 feet to the said right of way of County Road 410, marked by an iron pipe; thence along and with said right of way of County Road 410 South 34 degrees 24 minutes 31 seconds West 201.79 feet to the place of beginning, containing 5.8220 acres of land, more or less, as described and designated as Lot 4 on a survey plot prepared by Donald K. Miller, Registered Surveyor, dated March 16, 1998, a copy of which is filed in the office of the Recorder of Deeds in and for Sussex County, State of Delaware in Plot Book 61 at page 50.

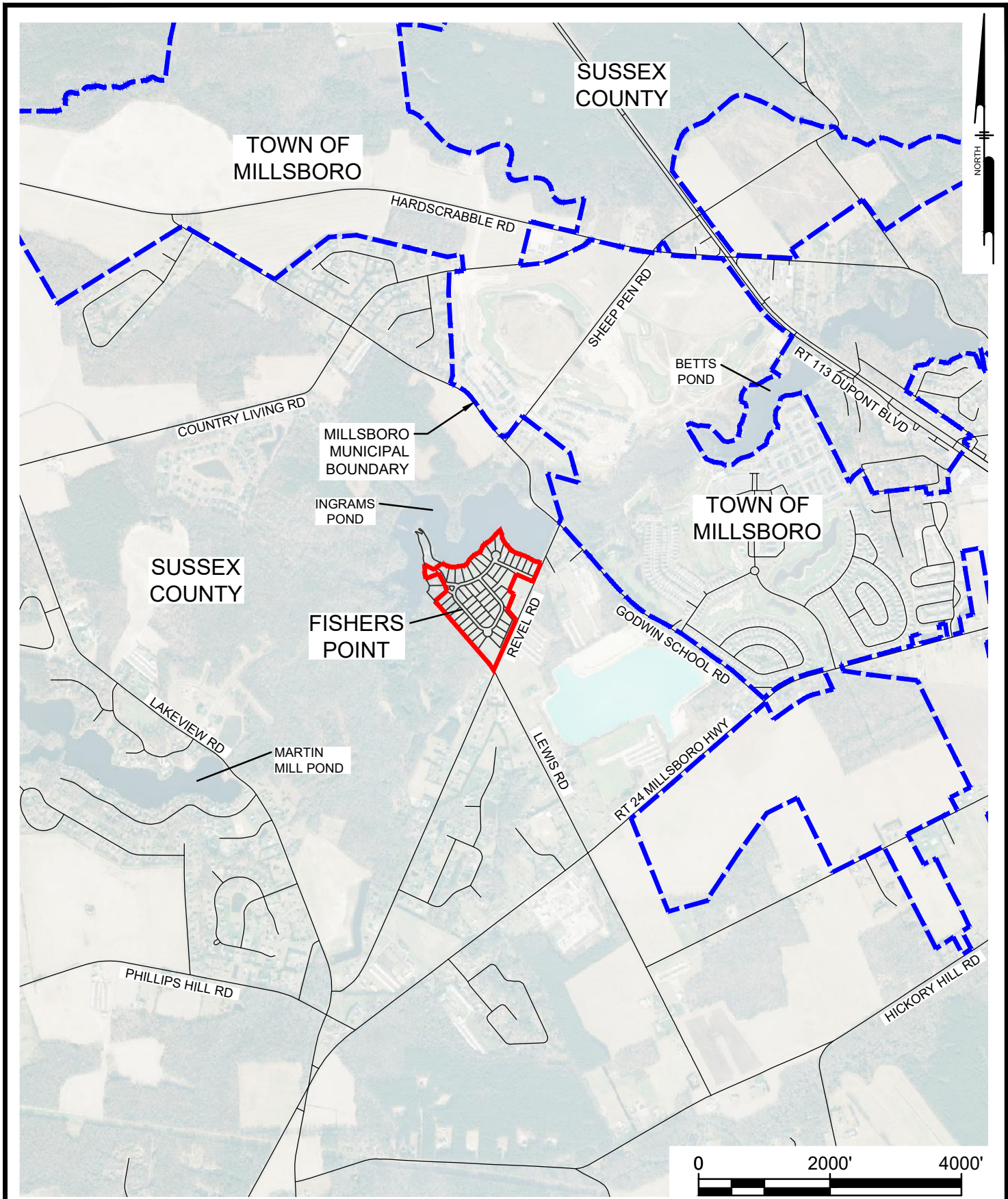
BEING the same lands conveyed to Susan V. Burton who married Robert D. Thompson, III on December 20, 1998 and is now Susan V. Thompson, by deed of Oliver R. Fisher, Trustee and Marjorie A. Fisher, Trustee dated May 7, 1998, and of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 2290, Page 159.

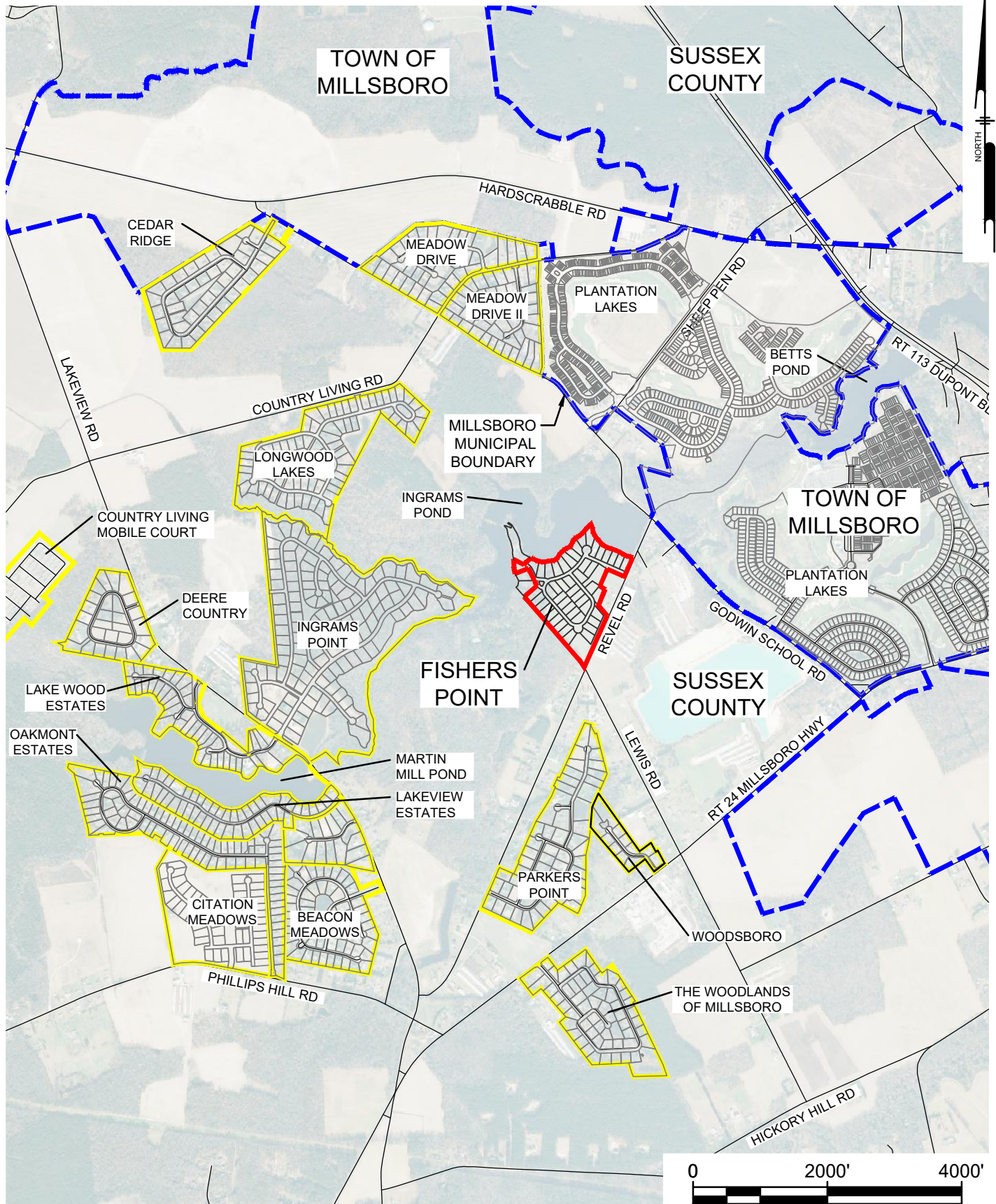
County State
Date: 12/13/2000 Total
Consideration: .00

8

SR

Tab 2





NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updating or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **Floodways** have been determined, users are encouraged to consult the **Flood Profiles and Floodway Data** and/or **Summary of Stillwater Elevations** tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of the FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **Floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was State Plane Delaware zone (EPS:32096 0700). The NAD 83 CRS84 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

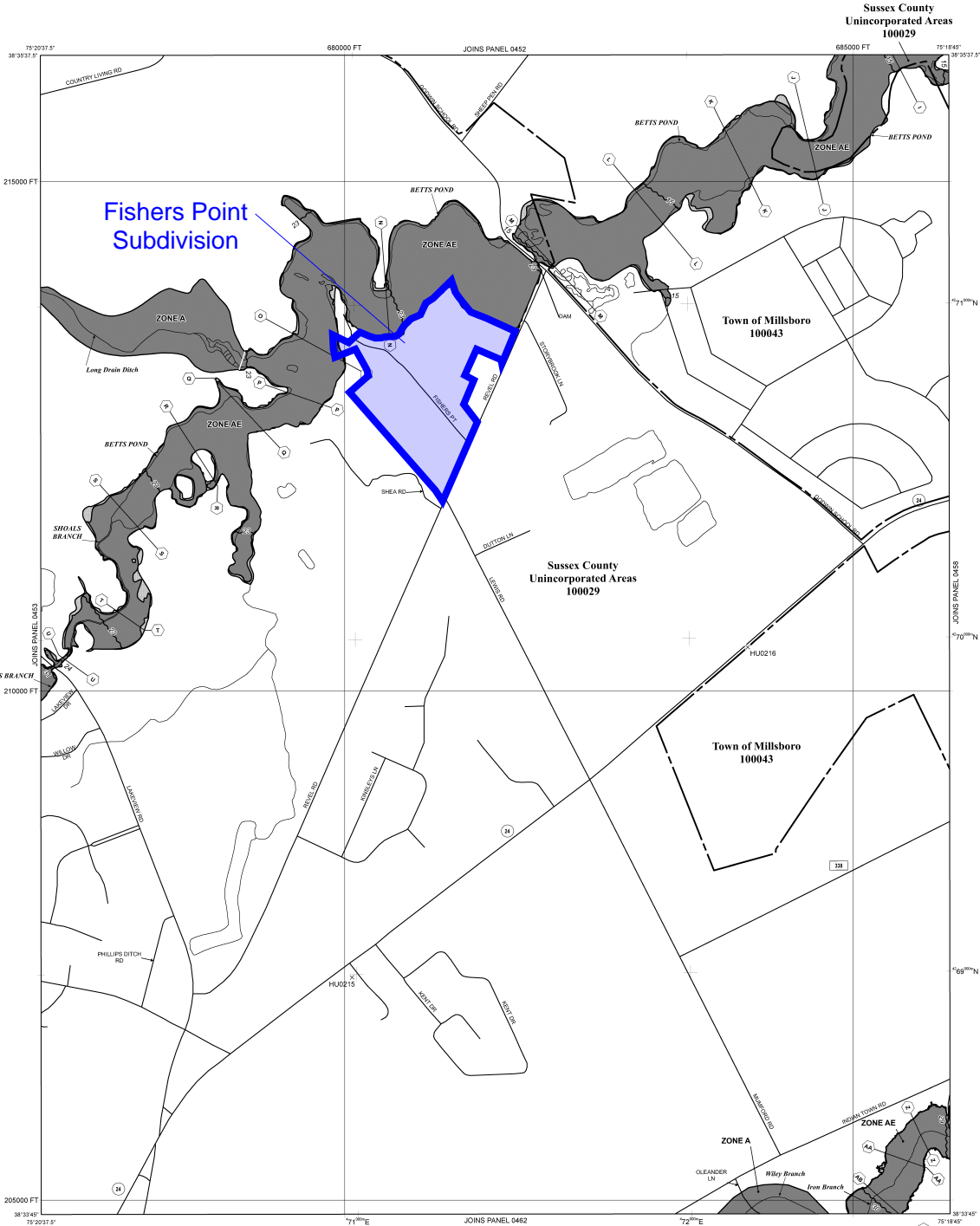
This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to confirm to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at <http://www.mis.fema.gov>.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-Map (1-877-336-2627) or visit the FEMA website at www.fema.gov/business/ifip.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

ZONE A No Base Flood Elevations determined.
Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually areas of ponding); average depths determined. For areas of unusual flow velocities also determined.

ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently discontinued. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

ZONE A99 Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachments to preserve the 1% annual chance flood on or behind substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 1% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot, or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.
Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary
Floodway boundary
Zone boundary
CBRS and OPA boundary
Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities
Limit of Moderate-Wave Action

Base Flood Elevation line and value; elevation in feet*
(E1, 987)
Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988
Cross-section line
Transect line
Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
1000 meter Universal Transverse Mercator grid values, zone 18N
5000-foot grid values; Delaware State Plane coordinate system (EPS:32096 0700), Transverse Mercator projection
Bench mark (See explanation in Notes to Users section of the FIRM panel)
M1.5
River Mile

MAP REPOSITORY:
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTY/WIDE FLOOD INSURANCE RATE MAP
June 19, 1995

EFFECTIVE DATE(S) OF REVIEWS TO THIS PANEL
See Notes to Users Page 10 FIS Report

For community map revision history prior to computer mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6622.

MAP SCALE 1" = 500'
250 0 500 1000
0 100 200
FEET
METERS

NFIP PANEL 0454K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS

PANEL 454 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

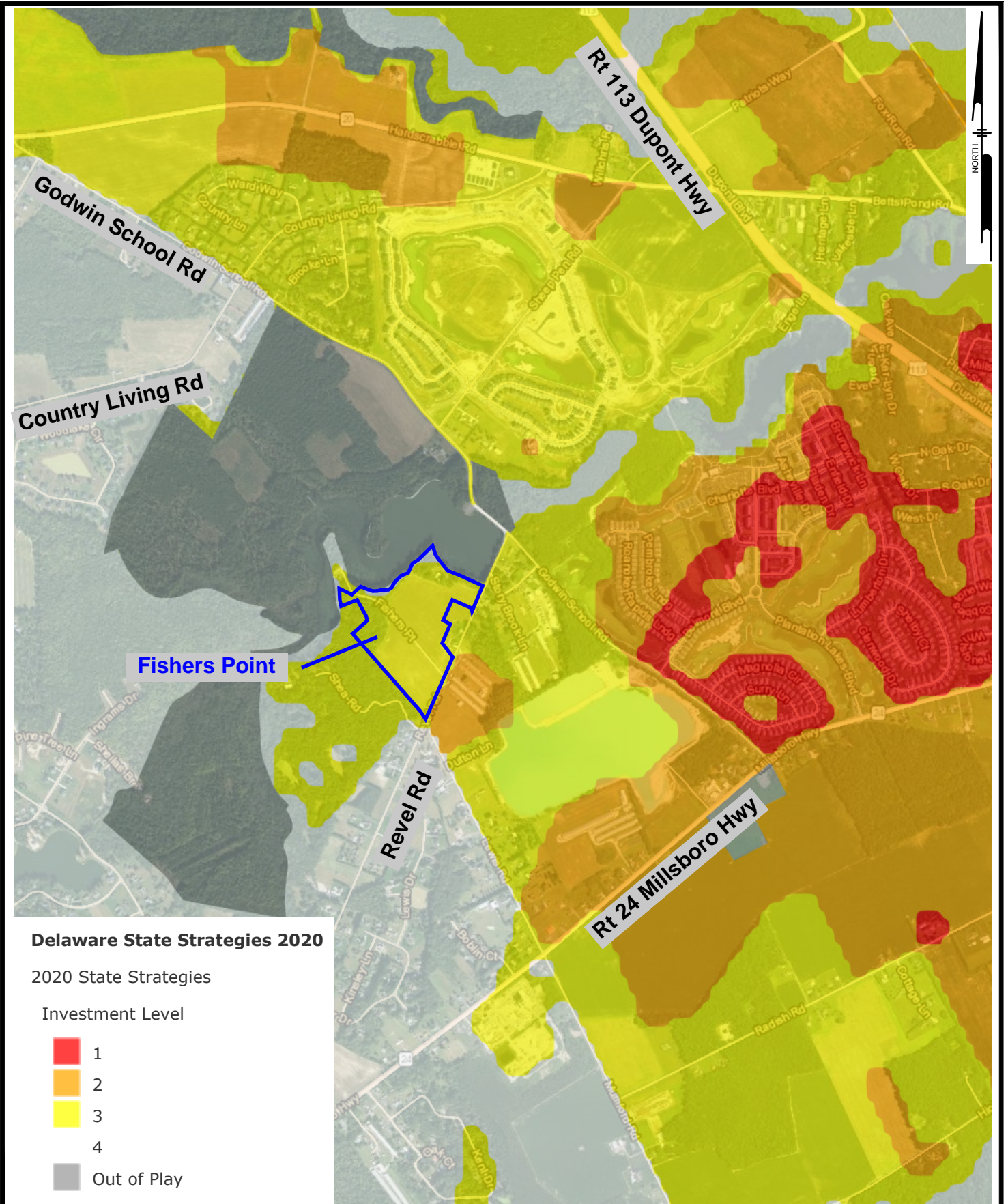
CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
MILLSBORO TOWN OF SUSSEX COUNTY	100043	0454	X

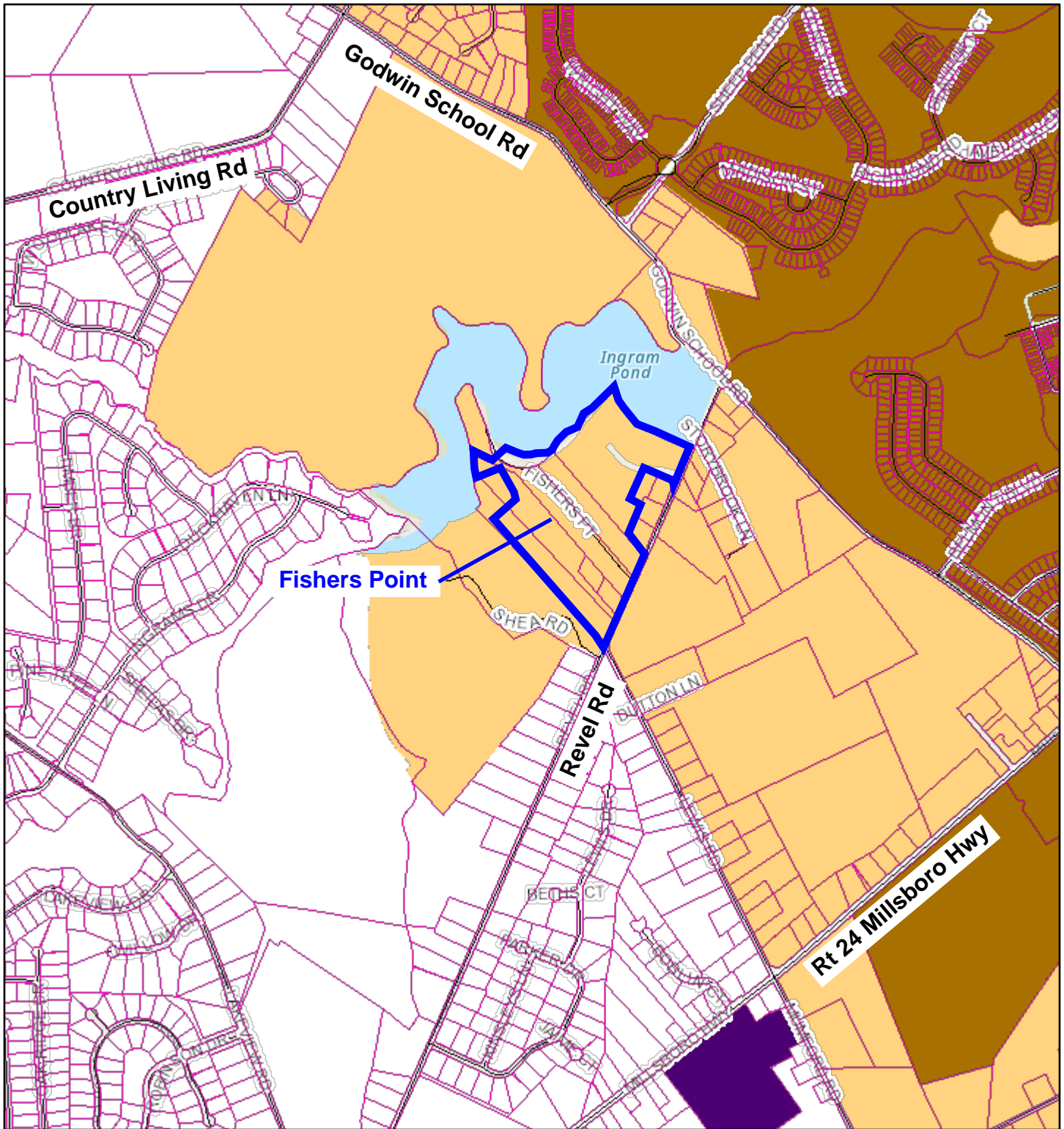
Notes to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP REVISED MARCH 16, 2015

Federal Emergency Management Agency



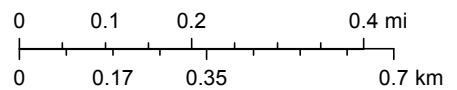
Sussex County - Future Land Use Map



September 12, 2022

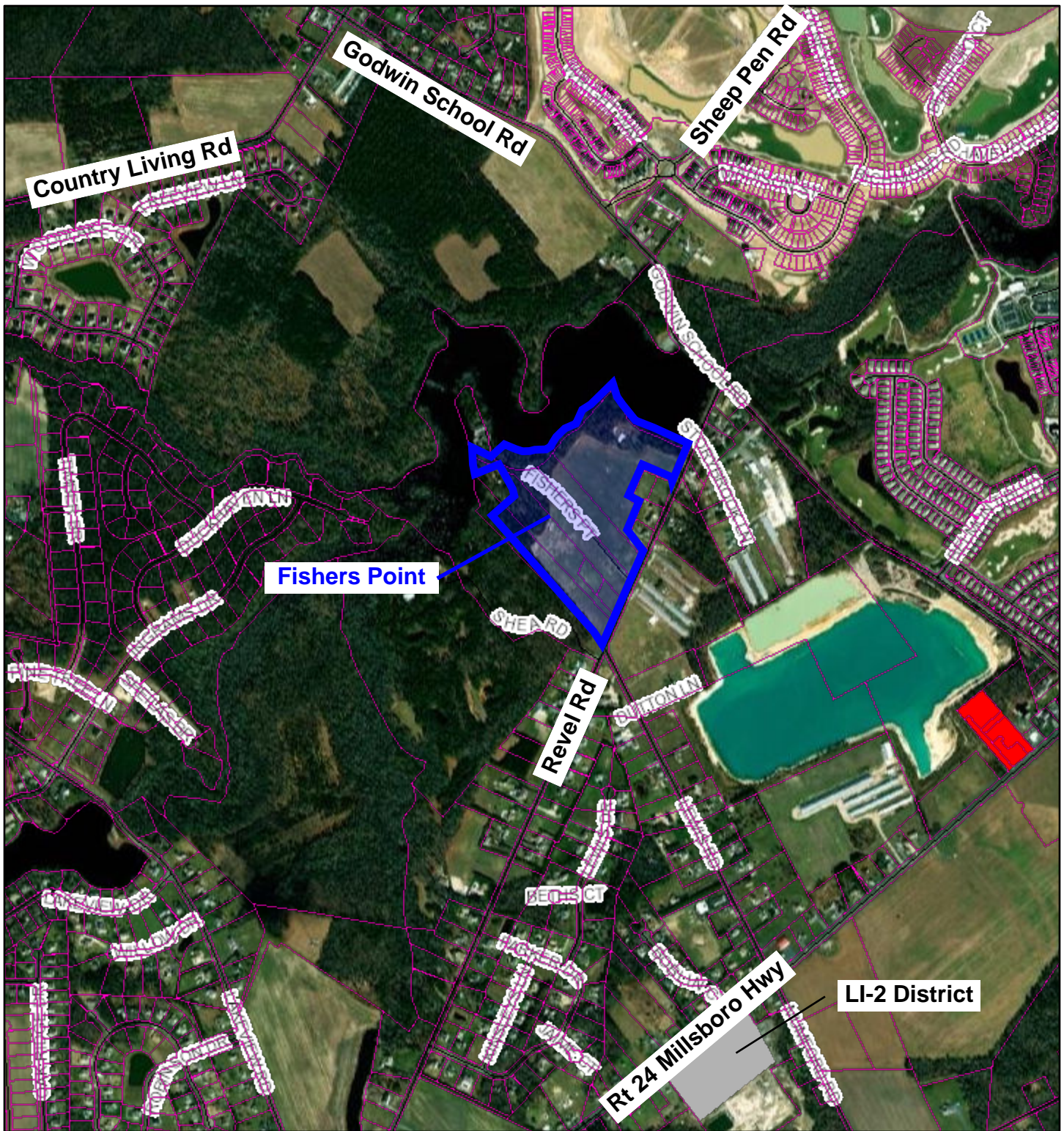
1:18,056

- | | |
|---|---|
|  Tax Parcels |  Commercial |
|  Streets |  Developing Area |
|  County Boundaries |  Existing Development Area |
| 2019 Future Land Use |  Industrial |
|  Low Density |  Municipalities |
|  Coastal Area |  Town Center |



Esri, NASA, NGA, USGS, FEMA, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

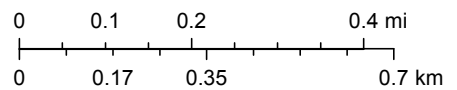
Sussex County - Zoning Map



September 12, 2022

1:18,056

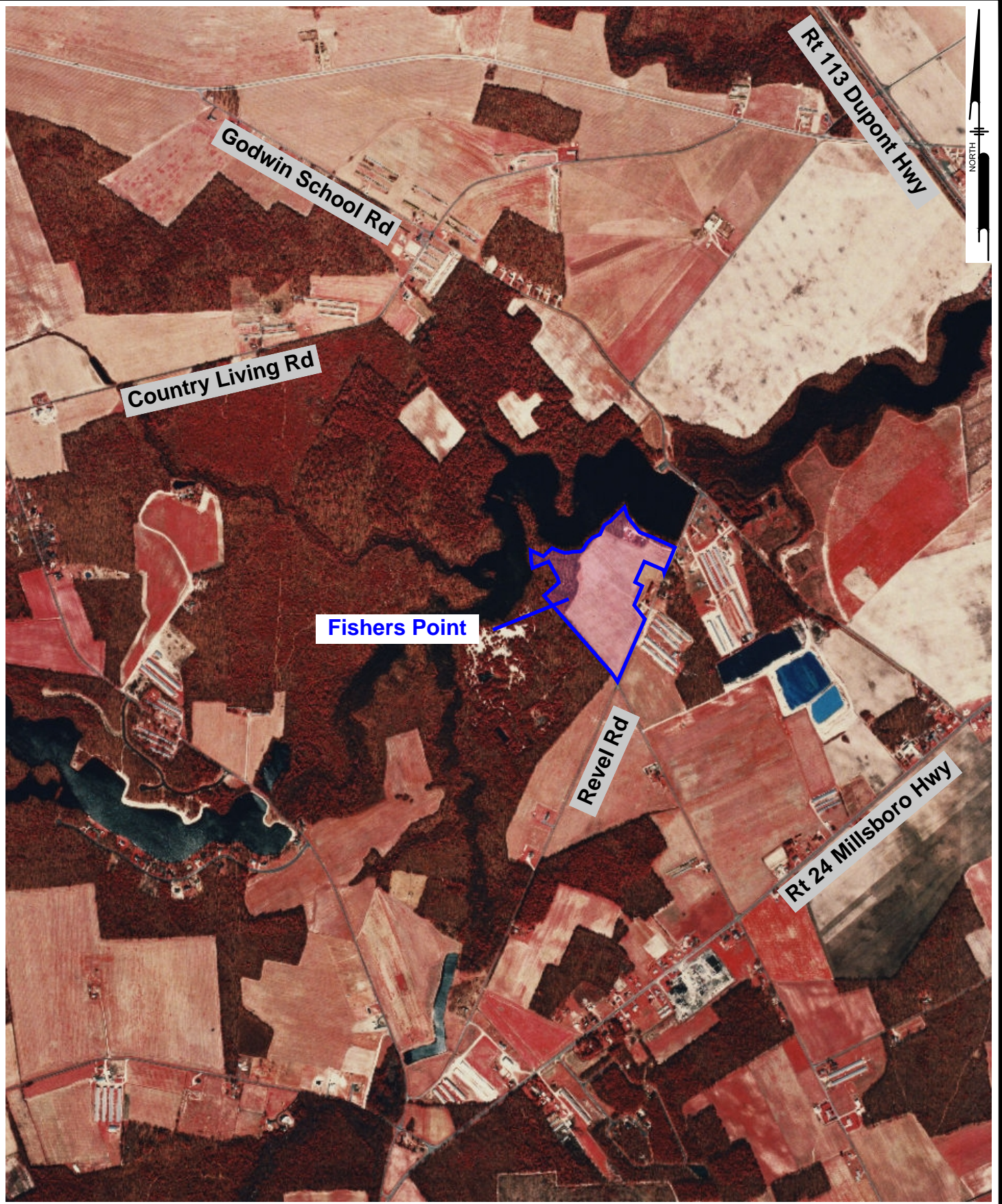
- | | |
|---------------------------------|----------------------------------|
| Tax Parcels | High Density Residential - HR-1 |
| Streets | High Density Residential - HR-2 |
| Zoning | Vacation, Retire, Resident - VRP |
| Agricultural Residential - AR-1 | Neighborhood Business - B-1 |
| Agricultural Residential - AR-2 | Neighborhood Business - B-2 |
| Medium Residential - MR | Business Research - B-3 |
| General Residential - GR | General Commercial - C-1 |





SITWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

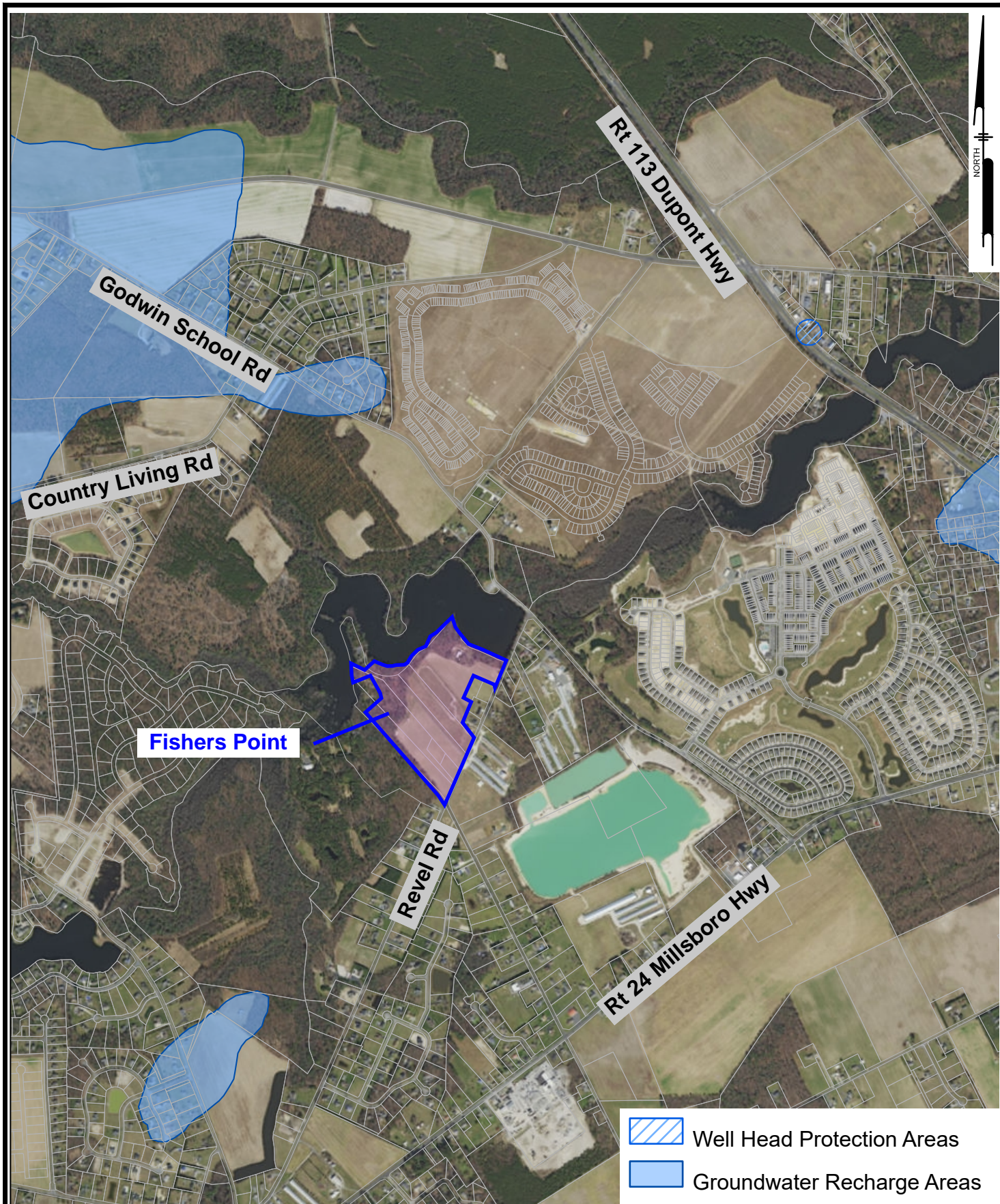
1961 AERIAL PHOTO
FISHERS POINT
SUSSEX COUNTY, DE





SITWORKS
ENGINEERING
PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

1992 AERIAL PHOTO
FISHERS POINT
SUSSEX COUNTY, DE

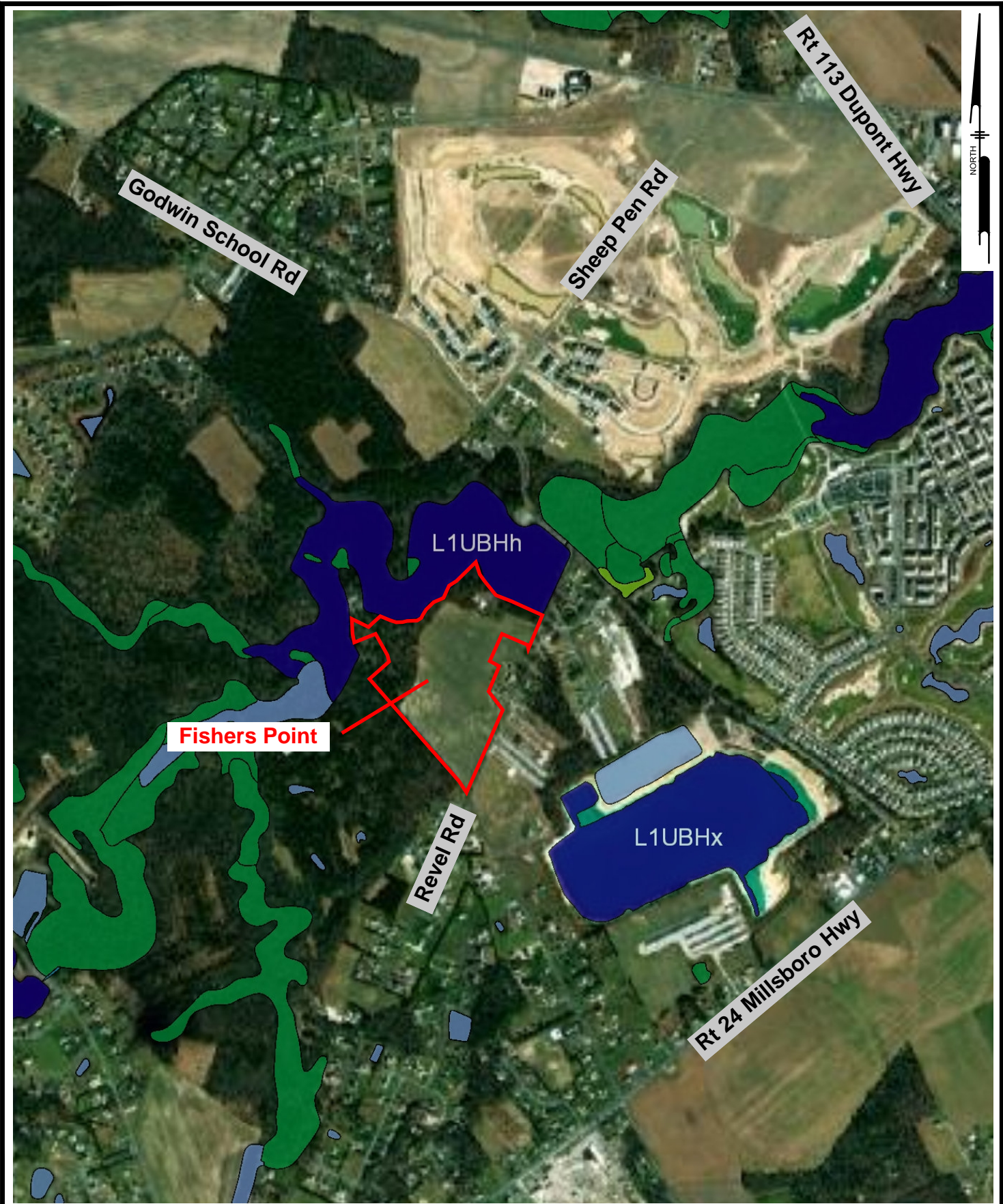


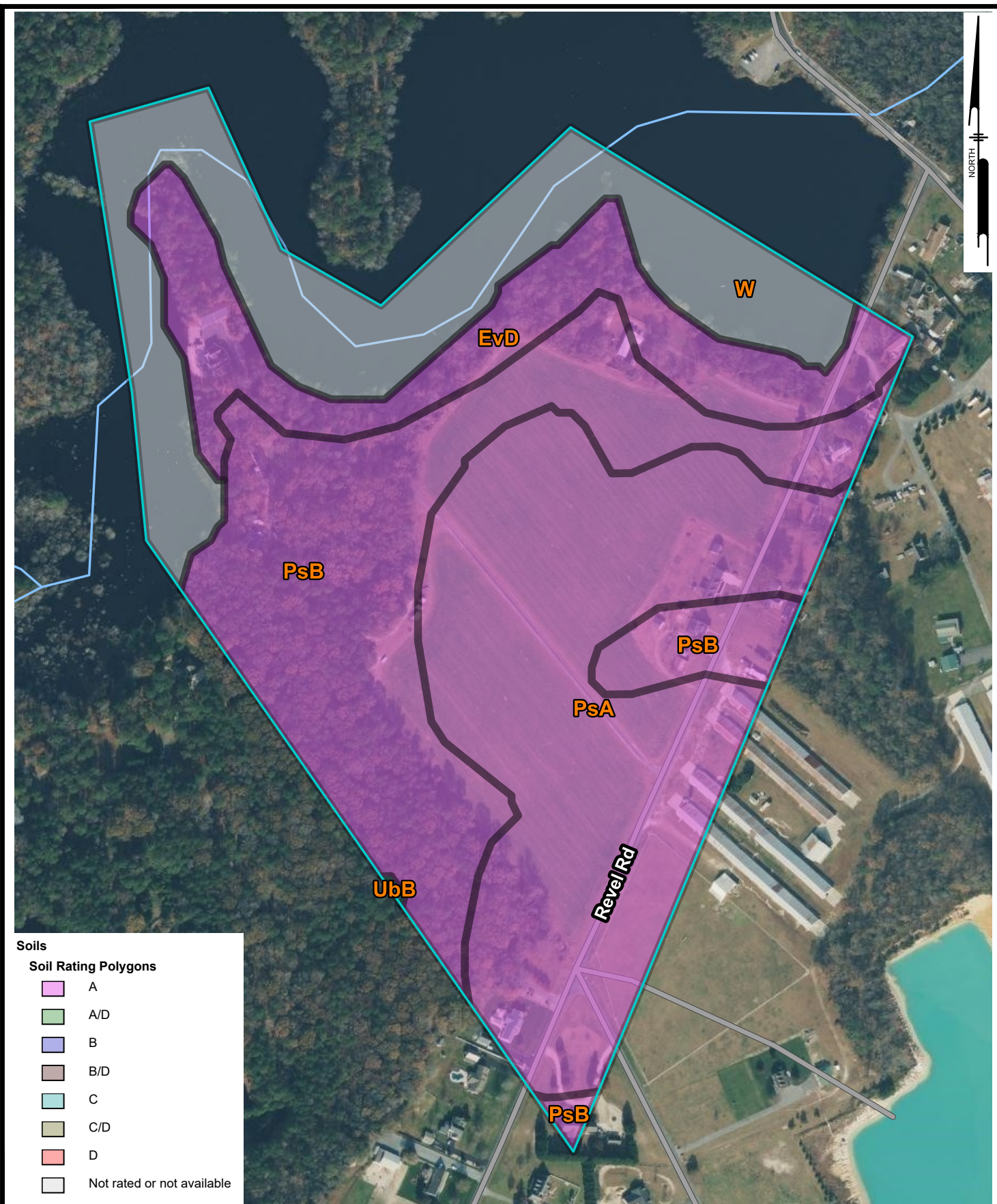


-  Well Head Protection Areas
-  Groundwater Recharge Areas

SITWORKS
ENGINEERING
 PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

**WELLHEAD PROTECTION &
 GROUNDWATER RECHARGE
 FISHERS POINT
 SUSSEX COUNTY, DE**





Tab 3

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard: _____

Cluster: 1/2 Acre Lot Option Under § 115-25.A(2)

Coastal Area: _____

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10 & 81.13 Total Acreage: 36.937 Ac

Zoning: AR-1 Density: 1.3 Units / Ac Minimum Lot Size: 1/2 Ac Number of Lots: 48

Open Space Acres: 5.300 Ac

Water Provider: On-Site Well Sewer Provider: On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton

Applicant Address: 24139 Fishers Pt

City: Millsboro State: DE Zip Code: 19966

Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Owner Information For Parcels 133-16.00-81.00, 81.03, 81.04, 81.05, 81.10, & 81.13

Owner Name: Fishers Point, LLC and Jeffrey S. Burton and Shannon Carmean Burton

Owner Address: 24139 Fishers Pt

City: Millsboro State: DE Zip Code: 19966

Phone #: (302) 745-5555 E-mail: jeff@lanebuilders.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton

Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 855-1260 E-mail: shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

Completed Application

See County
File Ref
#2021-24

- Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
- o Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
 - o Provide compliance with Section 99-9.
 - o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

Provide Fee \$500.00

We will provide
these prior to
the Hearing

Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

N/A < 50 units

PLUS Response Letter (if required) **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

51% of property owners consent if applicable N/A, The project lies outside the Coastal Area

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

I also certify that I or an agent on 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: 9/27/2022

Signature of Owner

Date: 9/27/2022

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

File #: _____

Pre-App Date: _____

Sussex County Major Subdivision Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Standard:

Cluster: 1/2 Acre Lot Option Under § 115-25.A(2)

Coastal Area:

Location of Subdivision:

North of Revel Rd, + or - 1,000 feet South of the Revel Rd / Godwin Rd Intersection, Millsboro, DE

Proposed Name of Subdivision:

Fishers Point

Tax Map #: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10 & 81.13 **Total Acreage:** 36.937 Ac

Zoning: AR-1 **Density:** 1.3 Units / Ac **Minimum Lot Size:** 1/2 Acre **Number of Lots:** 48

Open Space Acres: 5.300 Ac

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Jeff S. Burton

Applicant Address: 24139 Fishers Pt

City: Millsboro **State:** DE **Zip Code:** 19966

Phone #: (302) 745-5555 **E-mail:** jeff@lanebuilders.com

Owner Information For Parcel 133-16.00-81.06

Owner Name: Susan V. Thompson & Robert D. Thompson, III

Owner Address: 29254 Revel Road

City: Millsboro **State:** DE **Zip Code:** 19966

Phone #: _____ **E-mail:** _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C Burton

Agent/Attorney/Engineer Address: 25 Chestnut St, PO Box 751

City: Georgetown **State:** DE **Zip Code:** 19947

Phone #: (302) 855-1260 **E-mail:** shannonb@sussexattorney.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

Completed Application

See County
File Ref
#2021-24

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- o Provide compliance with Section 99-9.
- o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

Provide Fee \$500.00

We will provide
these prior to
the Hearing

Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

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PLUS Response Letter (if required) **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

51% of property owners consent if applicable

N/A, The project lies
outside the Coastal Area

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

I also certify that I or an agent on 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: 09/16/2022

Signature of Owner

Date: 9/26/2022

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

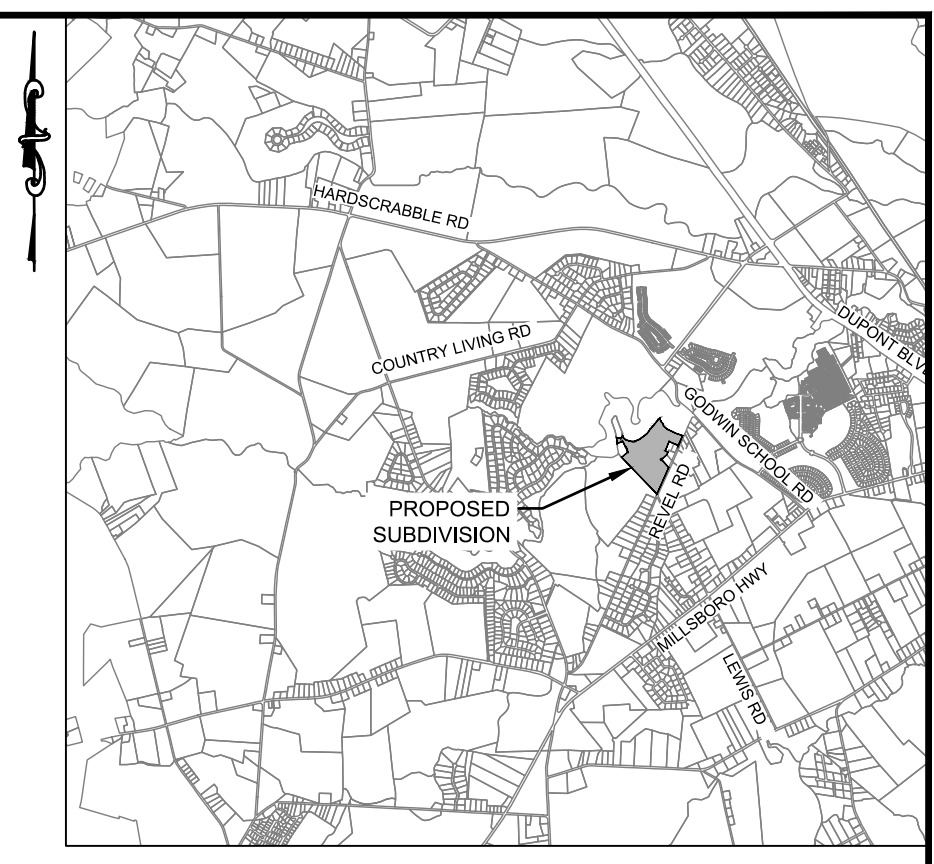
Date of PC Hearing: _____

Recommendation of PC Commission: _____

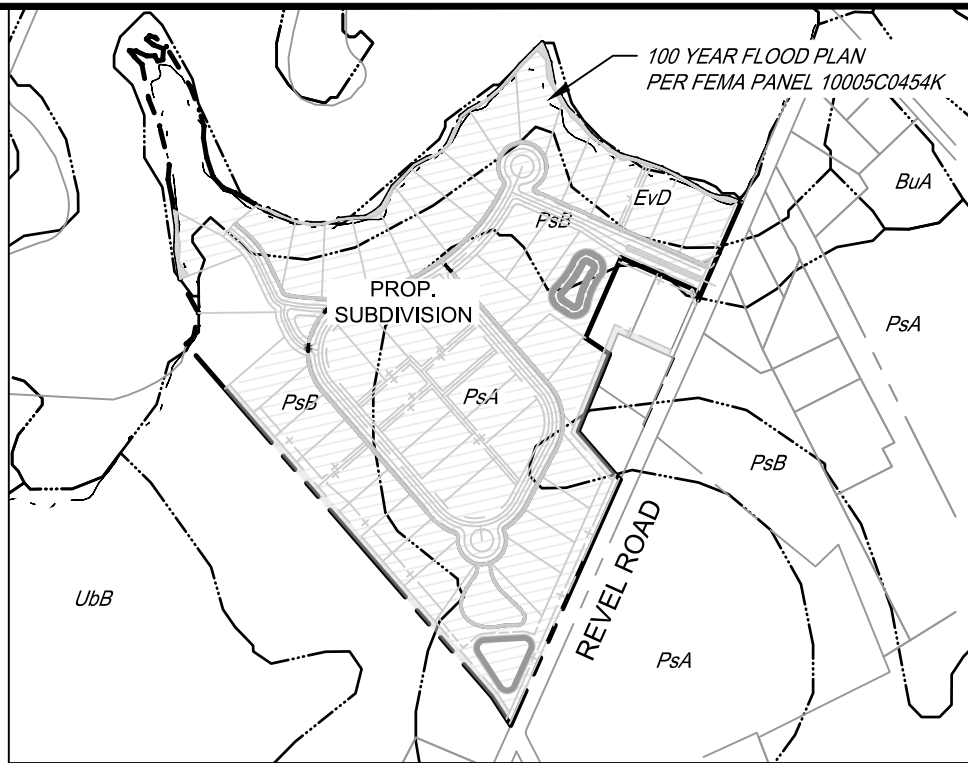
FISHERS POINT SUBDIVISION

PRELIMINARY SUBDIVISION PLANS

SUSSEX COUNTY PROJECT REF# 2021-24



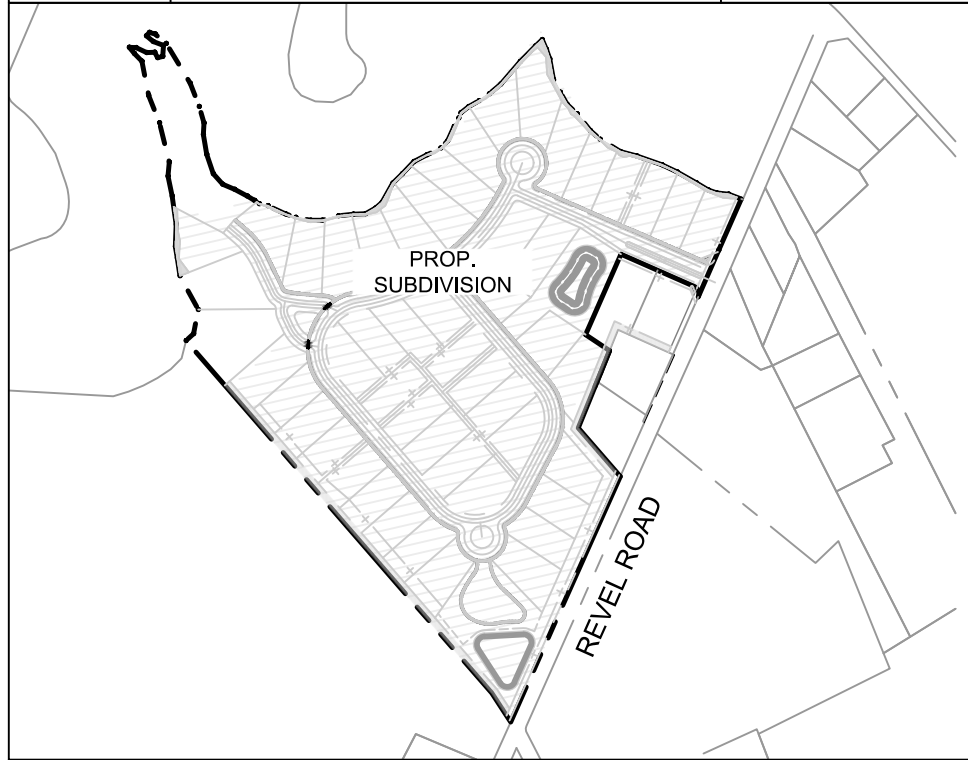
LOCATION MAP
SCALE: 1" = 1 MILE



SOILS & FEMA MAP

SCALE: 1" = 600'

SYMBOL	NAME	SOIL GROUP
BuA	BROCKTON/NORTON-URBAN LAND COMPLEX	NOT CLASSIFIED
EvD	EVESBORO LOAMY SAND, 5-15% SLOPES	A
PaA	PEPPERBOX-ROSEDALE COMPLEX, 0-2% SLOPE	A
PaB	PEPPERBOX-ROSEDALE COMPLEX, 2-5% SLOPE	A
UbB	UDORTHERNS, BORROW AREA, 0-5% SLOPE	C



ZONING MAP

SCALE: 1" = 600'
ALL PARCELS ON THIS MAP ARE ZONED AR-1

PROJECT TEAM

OWNER/DEVELOPER
JEFFREY S. BURTON
24139 FISHERS PT
MILLSBORO, DE 19966
(302) 745-6555

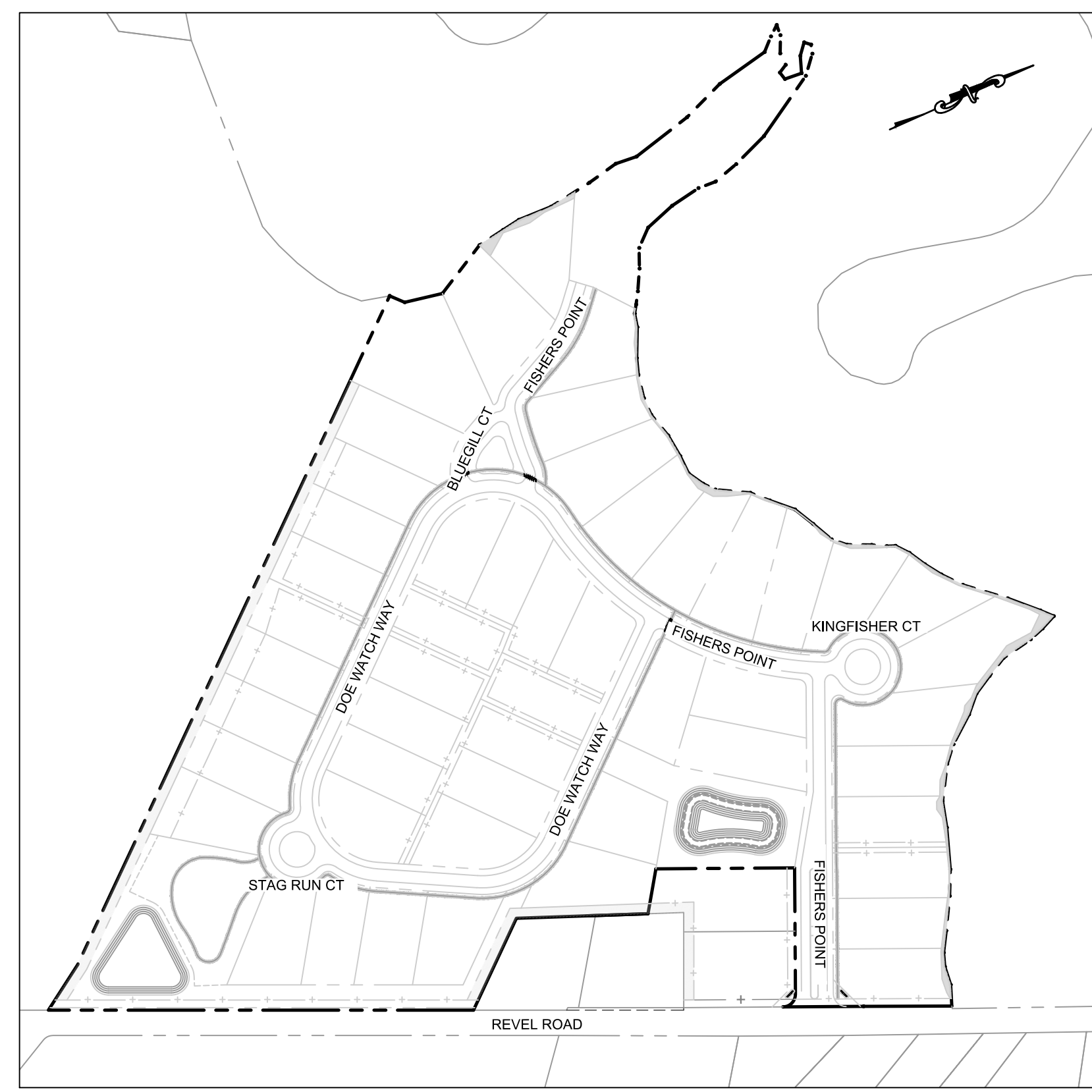
SITE PLANNER, ENGINEER, AND SURVEYOR
SITEWORKS ENGINEERING
19 COMMERCE STREET
HARRINGTON, DE 19952
(302) 941-7901

WETLANDS
KENNETH W. REDINGER ENVIRONMENTAL SERVICES
PO BOX 479
HORNTOWN, VA 23395
(757) 894-7032

SOIL FEASIBILITY
EASTERN SHORE SOIL SERVICES
PO BOX 411
SAVANNA, IL 61074
(302) 856-1853

INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	RECORD PLAN COVER SHEET
R-2	GENERAL NOTES AND TYPICAL SECTIONS
R-3	EX CONDITION & LOT CONSOLIDATION PLAN
R-4	RECORD PLAN OVERVIEW
R-5	RECORD PLAN
R-6	RECORD PLAN
R-7	RECORD PLAN
L-1	FORRETTED BUFFER PLAN
GP-1	BULK GRADING PLAN



SITE OVERVIEW

SCALE: 1" = 250'

PARCEL	AREA (AC.)	TYPE
A	1.339	PASSIVE
B	1.112	ACTIVE
B	2.439	PASSIVE
C	0.091	PASSIVE
D	0.268	PASSIVE
E	0.052	PASSIVE
TOTAL	5.300	----

GENERAL NOTES:

- THE PROPERTY BOUNDARY AND TOPOGRAPHY SHOWN ON THE PLANS ARE A RESULT OF A FIELD SURVEY BY SITEWORKS ENGINEERING, LLC.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREETS AND NO DIRECT ACCESS FROM REVEL ROAD (SCR 410) WILL BE PERMITTED.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- PER FEMA FLOOD MAP 10050C0454K EFFECTIVE 3/16/2015, A PORTION OF THE SITE IS IMPACTED BY THE 100-YEAR STORM EVENT.
- ALL SUBDIVISION ROADS AND SIDEWALKS ARE "PRIVATE" AND WILL BE MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE ROADWAY AND SIDEWALK. ALL LANDSCAPE ISLANDS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE SAID HOMEOWNERS ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL FORESTED OR LANDSCAPE BUFFERS, LANDSCAPED ISLANDS, STORMWATER MANAGEMENT FACILITIES, WALKING TRAILS, AND OTHER COMMON AREAS. THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE 25-FOOT PERMANENT REAR YARD SETBACK FOR LOTS 1-17.
- FOR ANY LOTS WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, THE OWNER OF THE DEVELOPMENT SHALL PROVIDE IN THE DEED RESTRICTIONS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OF DWELLING UNIT THE FOLLOWING NOTICE: "THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES."
- STREETLIGHTS ARE REQUIRED FOR THIS PROJECT. THE EXACT LOCATION OF THE STREETLIGHTS SHALL BE DETERMINED BY THE APPROPRIATE PROVIDER. LIGHTING SHALL BE SHIELDED AND DOWNWARD SCREENED SO THAT IT DOES NOT IMPACT PROPERTIES OUTSIDE THE SUBDIVISION.
- THE PROPOSED DEVELOPMENT IS LOCATED IN AN AREA OF "GOODFAIR" GROUNDWATER RECHARGE POTENTIAL (§§9-7).
- THE PROPOSED DEVELOPMENT IS NOT LOCATED WITHIN A WELSHAD PROTECTION AREA (§§9-6).
- ALL SUBDIVISION LOTS SHALL HAVE THE FOLLOWING EASEMENTS FOR THE BENEFIT OF THE DULY ESTABLISHED HOMEOWNERS ASSOCIATION:
 - A 15-FOOT WIDE DRAINAGE, ACCESS, AND UTILITY EASEMENT WHERE ADJACENT TO INTERNAL SUBDIVISION STREETS.
 - A 5-FOOT WIDE DRAINAGE EASEMENT WHERE ADJACENT TO AN ADJOINING LOT. FOR A 10-FOOT WIDE EASEMENT ALONG A LOT LINE COMMON TO TWO LOTS.
 - A 10-FOOT WIDE PERMANENT EASEMENT WHERE ADJACENT TO COMMUNITY OPEN SPACE.
- THIS SUBDIVISION CONTAINS WETLANDS. THE DEEDS FOR LOTS TO BE CONVEYED SHALL INCLUDE A DISCLOSURE STATEMENT THAT READS: "THIS SITE CONTAINS REGULATED WETLANDS. ACTIVITIES WITHIN THESE WETLANDS MAY REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF DELAWARE."
- SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL SEPTIC SYSTEMS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC'S) REGULATIONS.
- WATER FOR THIS SITE WILL BE PROVIDED BY INDIVIDUAL LOT WELLS DESIGNED, PERMITTED, AND INSTALLED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC'S) REGULATIONS.
- SUBDIVISION COMMUNITY SIGNS AT THE ENTRANCE ARE NOT APPROVED PER THIS PLAN. A SEPARATE COUNTY PERMIT IS REQUIRED.
- THE SITE IS NOT WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (8" MINIMUM), FERTILIZED AND SEEDED.
- THE SUBDIVISION WILL BE CONSTRUCTED IN PHASES. SEE THE CONSTRUCTION PLAN SET FOR THE PHASING PLAN.

WETLANDS STATEMENT

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM. A ROUTINE LEVEL ON-SITE EVALUATION WAS CONDUCTED NOVEMBER 5, & 6-7, 2021 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAN REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS, WITHIN THE SUBJECT PROPERTY.

KENNETH W. REDINGER, PROFESSIONAL WETLAND SCIENTIST #2126 DATE
BOX 479 / HORNTOWN, VIRGINIA 23395
PHONE: (757) 894-7032 / EMAIL: KWREDINGER@GMAIL.COM

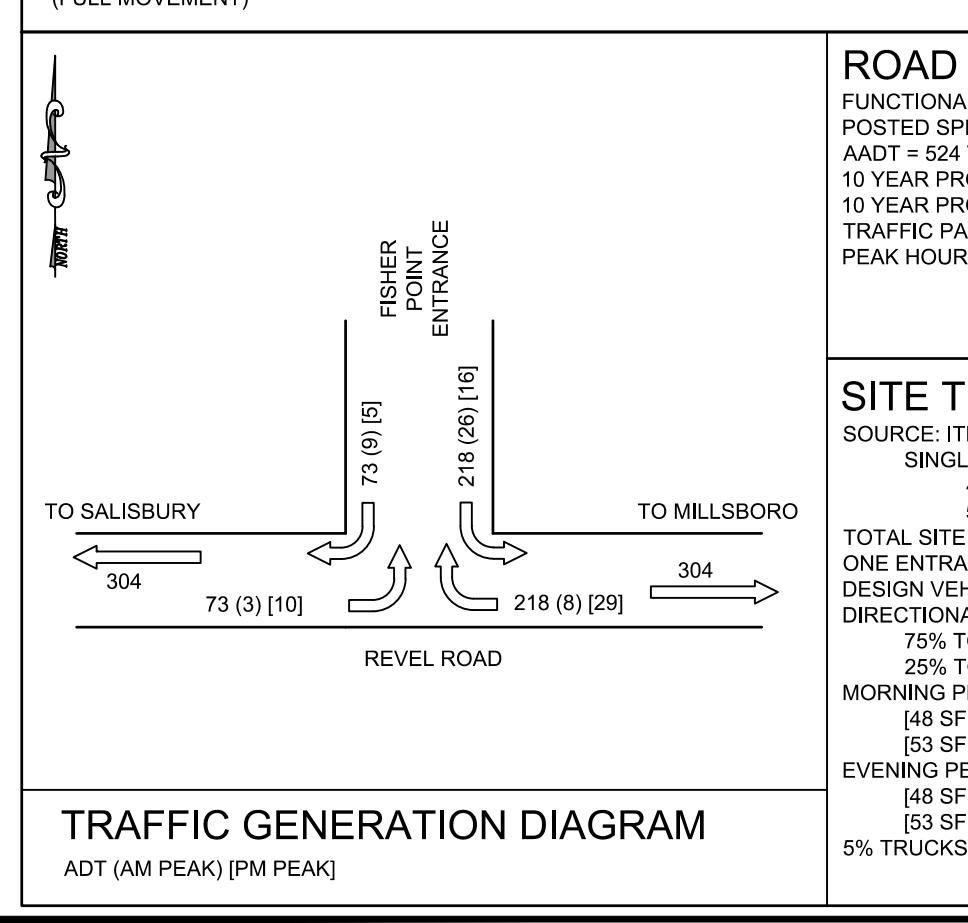
SUSSEX CONSERVATION DISTRICT CERT.

SUSSEX CONSERVATION DISTRICT PROGRAM MANAGER DATE

SUSSEX COUNTY PLANNING & ZONING COMMISSION CERTIFICATION

PLANNING & ZONING COMMISSION CHAIRMAN DATE

TRAFFIC GENERATION - REVEL ROAD (SC 410)



ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - REVEL ROAD - LOCAL ROAD
POSTED SPEED LIMIT - 45 MPH
AADT = 524 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT = 1,16 x 524 = 608 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 608 + 580 = 1,188 TRIPS
TRAFFIC PATTERN GROUP = 4 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR - 8.6% OF 1,188 TRIPS = 114 TRIPS

SITE TRAFFIC DATA:

SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION
SINGLE-FAMILY DETACHED HOUSING (210)
45 NEW UNITS = 529 TRIPS
5 EXISTING UNITS = 51 TRIPS
TOTAL SITE TRIPS = 580 TRIPS (290 IN / 290 OUT)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE - WB-40
DIRECTIONAL DISTRIBUTION:
75% TO & FROM THE EAST (MILLSBORO) = 580 * 75% = 435
25% TO & FROM THE WEST (SALISBURY) = 580 * 25% = 145
MORNING PEAK: 25% IN / 75% OUT - MORNING PEAK HOUR SPLIT
[48 SFH] - TOTAL MORNING PEAK TRIPS: 39 (10 IN / 29 OUT)
[53 SFH] - TOTAL MORNING PEAK TRIPS: 42 (10 IN / 32 OUT)
EVENING PEAK: 63% IN / 37% OUT - EVENING PEAK HOUR SPLIT
[40 SFH] - TOTAL EVENING PEAK TRIPS: 50 (51 IN / 19 OUT)
[53 SFH] - TOTAL EVENING PEAK TRIPS: 55 (35 IN / 20 OUT)
5% TRUCKS AND BUSES = 5% * 73 + 4

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SUSAN V. THOMPSON DATE
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

FISHERS POINT LLC DATE
24139 FISHERS PT
MILLSBORO, DE 19966

SUSSEX COUNTY COUNCIL CERTIFICATION

COUNTY COUNCIL PRESIDENT DATE

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

ROBERT D. THOMPSON, III DATE
29254 REVEL ROAD
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

FISHERS POINT LLC DATE
24139 FISHERS PT
MILLSBORO, DE 19966

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SHANNON CARMEAN BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

ENGINEERS CERTIFICATION

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

DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17760) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

JEFFREY S. BURTON DATE
24139 FISHERS PT
MILLSBORO, DE 19966

SITEWORKS ENGINEERING
PO BOX 21 | 19 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 941-7901
RECORD PLAN COVER SHEET

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

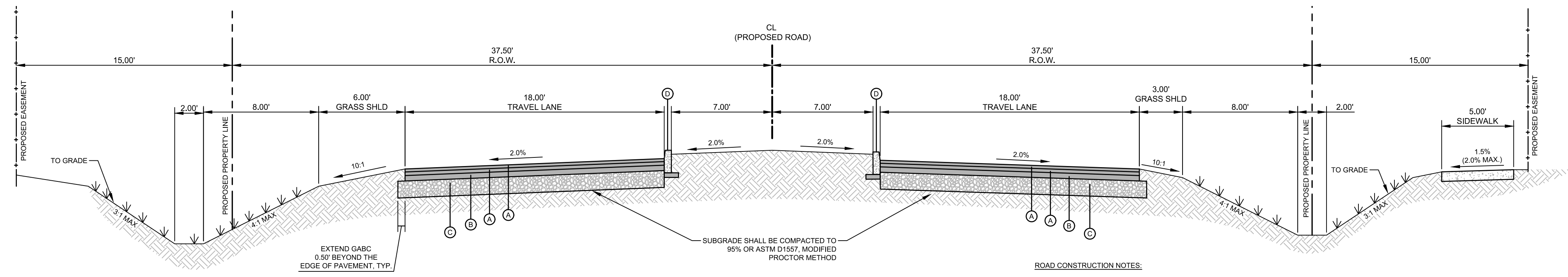
ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
AS NOTED 2171-JBR JDC
DRAWING NUMBER

R-1

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY	---	---
PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS	---	---
ADJOINING PROPERTY LINE	---	---
BUILDING RESTRICTION LINE	---	---
EASEMENT	---	---
CENTER LINE OF ROAD	---	---
EDGE OF PAVING	---	---
CURB	---	---
DRIVEWAY	---	---
CONTOURS	---	---
SWALE	---	---
LIMIT OF CONSTRUCTION	---	---
WETLANDS LINE AND FLAG	---	---
FLOODPLAIN	---	---
SOILS/DESIGNATION	---	---
SOIL BORING	---	---
WOODS	---	---
FENCE	---	---
SIDEWALK	---	---
SHARED USE PATH	---	---
BUILDING	---	---
UTILITY POLE/GUY WIRE	---	---
OVERHEAD ELECTRIC	---	---
CABLE TV, PEDESTAL OR HAND HOLE	---	---
TRAFFIC SIGN	---	---
SINGLE & TWIN HEAD SITE LIGHT	---	---
ELECTRICAL HAND HOLE AND TRANSFORMER	---	---
FIBER OPTIC HAND HOLE	---	---
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	---	---
SEWER MAIN, MAHNOLE, & CLEANOUT	---	---
SANITARY SEWER FORCEMAIN	---	---
UNDERGROUND ELECTRIC	---	---
UNDERGROUND GAS	---	---
UNDERGROUND FIBER OPTIC	---	---
TELEPHONE LINE	---	---
STORM WATER PIPE, MH, AND CB	---	---

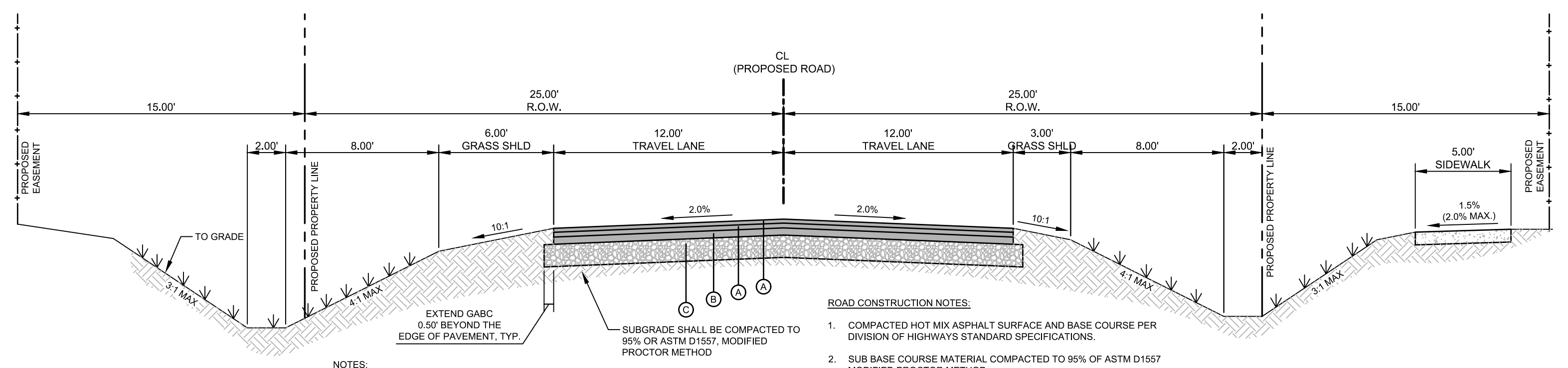


TYPICAL BOULEVARD SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 0+00.00 - 3+03.60)

- ROAD CONSTRUCTION NOTES:**
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
 2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
 3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

- NOTES:**
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
 2. 6" TOPSOIL, SEED AND MULCH.
 3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

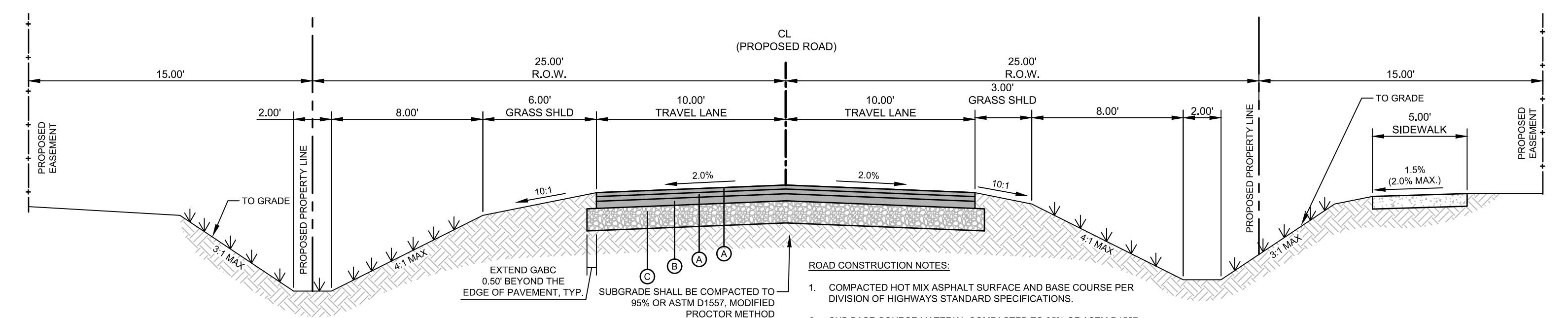


TYPICAL TYPE 1 STREET SECTION

SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 3+03.60 - 13+90.70)
DOE WATCH WAY

- ROAD CONSTRUCTION NOTES:**
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
 2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
 3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

- NOTES:**
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
 2. 6" TOPSOIL, SEED AND MULCH.
 3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.



TYPICAL TYPE 1 (20') STREET SECTION

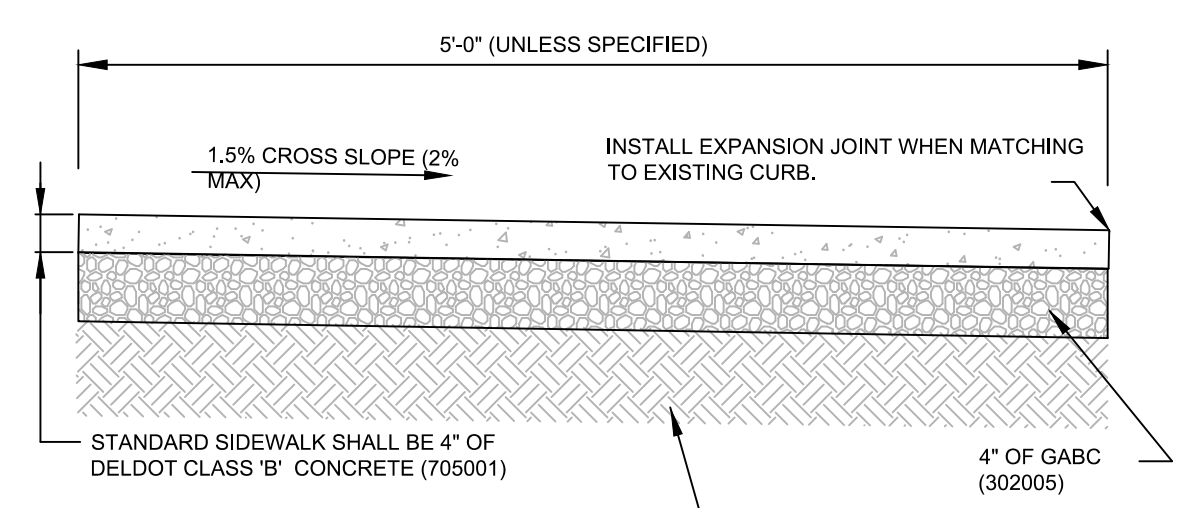
SCALE: H 1"=5'
V 1"=2'
FISHER POINT (STA 13+90.70 - END)
BLUEGILL CT

- ROAD CONSTRUCTION NOTES:**
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
 2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
 3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

- NOTES:**
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
 2. 6" TOPSOIL, SEED AND MULCH.
 3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.

TYPICAL SECTION LEGEND

- (A) ITEM 401006 - SUPERPAVE TYPE C, PG 70-22. (CARBONATE STONE)
- (B) ITEM 401015 - SUPERPAVE TYPE B, PG 70-22
- (C) ITEM 301001 - GRADED AGGREGATE BASE COURSE, TYPE B OR CRUSHED CONCRETE
- (D) ITEM 701014 - INTEGRAL PORTLAND CEMENT CONCRETE CURB - TYPE 1-6 (PER DELDOT STANDARD DETAIL C-1, SHEET 2)

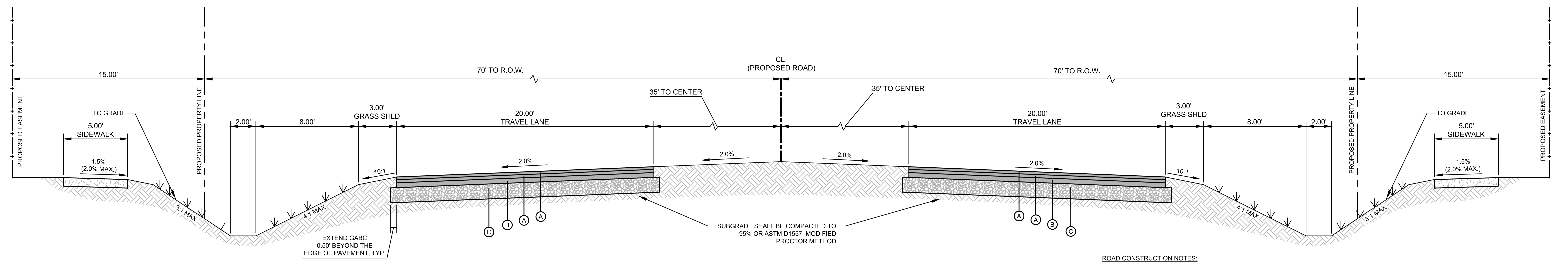


DEPRESSED AND TRANSITION AREAS SHALL BE 6" OF DELDOT CLASS 'B' CONCRETE (705002)

NOTE: PLACE EXPANSION JOINTS 20' ON CENTER AND CONTROL JOINTS 5' ON CENTER OR MATCH EXISTING PATTERN IF CONFLICTING TO EXISTING SIDEWALK.

CONCRETE SIDEWALK

NOT TO SCALE

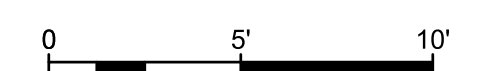


TYPICAL CUL-DE-SAC SECTION

SCALE: H 1"=5'
V 1"=2'
KING FISHER CT
STAG RUN CT

- ROAD CONSTRUCTION NOTES:**
1. COMPACTED HOT MIX ASPHALT SURFACE AND BASE COURSE PER DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
 2. SUB BASE COURSE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.
 3. SUBGRADE MATERIAL COMPACTED TO 95% OF ASTM D1557 MODIFIED PROCTOR METHOD.

- NOTES:**
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
 2. 6" TOPSOIL, SEED AND MULCH.
 3. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.



DELDOT RECORD PLAN NOTES

REVISED MARCH 21, 2019

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
6. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH, (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
7. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
8. ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
9. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.



LINE #	BEARING & DISTANCE	LENGTH
L1	N47°18'49"E	32.27'
L2	N10°53'18"E	76.65'
L3	N26°27'48"W	120.15'
L4	N08°45'14"W	55.87'
L5	N08°45'14"W	36.80'
L6	N01°55'17"E	68.72'
L7	N07°59'53"W	89.42'
L8	N11°47'24"W	64.11'
L9	N05°10'13"E	43.73'
L10	N13°53'31"W	126.38'
L11	N21°30'52"W	92.18'
L12	N11°19'40"W	108.98'
L13	N43°56'04"W	33.33'
L14	N39°08'20"W	25.32'
L15	S86°07'40"E	21.48'
L16	S65°08'02"E	36.07'
L17	N88°27'45"E	25.09'
L18	S28°42'42"E	19.01'
L19	N76°14'14"E	16.31'
L20	N04°32'52"E	34.87'

LINE #	BEARING & DISTANCE	LENGTH
L21	N69°56'16"W	34.44'
L22	N50°07'48"W	27.68'
L23	N41°55'18"E	14.31'
L24	S73°37'32"E	18.35'
L25	S49°42'04"E	45.53'
L26	S31°10'00"E	145.17'
L27	S21°03'53"E	78.03'
L28	S16°14'48"E	53.49'
L29	S03°12'30"W	36.06'
L30	S09°46'09"E	62.57'
L31	S18°17'25"E	63.96'
L32	S42°02'06"E	44.12'
L33	S66°48'57"E	40.87'
L34	S61°46'51"E	45.04'
L35	S58°53'56"E	26.28'
L36	S56°19'37"E	18.14'
L37	S76°49'32"E	27.43'
L38	S64°59'09"E	61.05'
L39	S71°14'09"E	33.48'
L40	S79°10'18"E	47.25'

LINE #	BEARING & DISTANCE	LENGTH
L41	N89°55'39"E	35.91'
L42	N74°43'46"E	52.91'
L43	N83°47'57"E	46.96'
L44	N88°04'54"E	38.21'
L45	N59°38'46"E	35.38'
L46	N49°25'05"E	26.72'
L47	N29°18'22"E	69.53'
L48	N45°33'57"E	40.95'
L49	N43°48'27"E	53.28'
L50	N62°28'21"E	45.67'
L51	N64°08'41"E	47.73'
L52	N42°53'48"E	31.94'
L53	N24°28'56"E	48.97'
L54	N28°52'14"E	29.98'
L55	N21°55'46"E	17.26'
L56	N51°00'39"E	31.09'
L57	N60°28'07"E	37.79'
L58	N56°06'08"E	38.18'
L59	N49°35'25"E	47.28'
L60	N40°47'59"E	92.67'

LINE #	BEARING & DISTANCE	LENGTH
L61	N44°26'01"E	68.54'
L62	N46°48'59"E	28.98'
L63	S23°24'36"E	33.11'
L64	S18°41'26"E	31.81'
L65	S10°24'54"E	64.99'
L66	S27°59'11"E	45.22'
L67	S29°31'23"E	43.29'
L68	S46°13'48"E	43.48'
L69	S38°22'59"E	66.73'
L70	S48°28'21"E	40.62'
L71	S58°51'40"E	74.38'
L72	S74°57'23"E	52.89'
L73	S70°46'29"E	82.85'
L74	S64°31'04"E	52.66'
L75	S60°13'05"E	68.95'
L76	S59°20'05"E	43.65'
L77	S70°30'04"E	27.80'
L78	S84°10'11"E	37.66'
L79	S69°09'00"E	42.14'

CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33'	24.86'	090°37'52"	35.36'	N21°19'28"W

Z:\PROJECTS\Subdivisions\21-Subdiv\Fishers Point\Drawings\21-Subdiv\Fishers Point\Drawings.dwg PLOTTED: 2/26/2024 1:59 PM BY: Dave Heston

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
 7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
 12/7/21 - SUSSEX COUNTY P&Z
 4/4/22 - FIRE MARSHAL
 8/5/22 - SUSSEX COUNTY P&Z
 9/30/22 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY
 1" = 100' 2171-JBUR JDC
 DRAWING NUMBER

R-3

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MONUMENT LEGEND

- CONCRETE MONUMENT FOUND
- CAPPED IRON REBAR FOUND
- CAPPED IRON REBAR TO BE SET

LEGEND

- PROPERTY BOUNDARY LINE
- PROPOSED PROPERTY LINE
- PROPOSED PROPERTY LINE CONTIGUOUS WITH WETLANDS NW
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED BUILDING SETBACK LINE
- PROPOSED BUILDING SETBACK LINE
- EXISTING WOODS LINE
- PROPOSED WOODS LINE
- PROPERTY LABELS

ACCESS EASEMENT

A PERMANENT ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, 133-16.00-81.06, 133-16.00-81.08, & 133-16.00-81.12 FOR INGRESS AND EGRESS THROUGH THE FISHERS POINT SUBDIVISION ROAD RIGHT-OF-WAY'S IS HEREBY ESTABLISHED AS PER THIS PLAN. A TEMPORARY ACCESS EASEMENT FOR SUSSEX COUNTY TAX PARCELS 133-16.00-81.04, 133-16.00-81.05, AND 133-16.00-81.06 FOR INGRESS AND EGRESS BY THE EXISTING REVEL ROAD ENTRANCE, KNOWN AS FISHERS POINT AND LOCATED ON EXISTING TAX PARCEL 133-16.00-81.04, IS HEREBY ESTABLISHED AS PER THIS PLAN. THE TEMPORARY ACCESS EASEMENT SHALL TERMINATE UPON CONSTRUCTION OF THE SUBDIVISION STREETS IN FRONT OF SAID PARCELS.

ISSUE / REVISION BLOCK
7/30/21 - SUSSEX COUNTY P&Z - PRELIMINARY
12/7/21 - SUSSEX COUNTY P&Z
4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC
DRAWING NUMBER		

R-4

Z:\PROJECTS\2171-JBUR-Fishers Point\Drawings\2171-JBUR_RecordPlanOverview.dwg
 PLOTTED: 10/20/2023 1:59 PM BY: Dave Hestonak
 RUSTY@SITE_SiteWorks.ENG.US

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CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C1	39.33	24.86	090°37'52"	35.36'	N21°19'28"W
C2	22.07	15.00	084°17'35"	20.13'	S71°31'44"W
C3	275.75	675.00	023°24'24"	273.84'	S41°05'09"W
C4	24.54	15.00	093°44'21"	21.89'	S05°55'10"W
C5	210.21	174.96	068°50'23"	197.79'	S06°31'49"E
C6	92.01	175.00	030°07'24"	90.95'	S42°56'33"W
C7	21.09	15.00	080°33'21"	19.39'	S17°43'35"W
C8	259.06	70.00	212°02'43"	134.56'	S83°28'16"W
C9	21.09	15.00	080°33'21"	19.39'	N30°47'03"W
C10	92.01	175.00	030°07'24"	90.95'	N56°00'01"W
C11	103.17	175.00	033°46'47"	101.69'	N24°02'55"W
C12	16.97	15.00	064°49'37"	16.08'	N39°34'20"W
C13	101.40	125.00	046°28'39"	98.64'	N48°44'49"W
C14	36.89	75.00	028°10'50"	36.52'	N11°25'04"W
C15	14.76	15.00	056°21'40"	14.17'	N25°30'29"W
C16	36.89	75.00	028°10'50"	36.52'	N39°35'54"W
C17	43.97	225.00	011°11'49"	43.90'	N31°06'24"W
C18	61.03	275.00	012°42'55"	60.90'	S43°03'46"E
C19	23.31	25.00	053°25'20"	22.47'	S52°13'09"E
C20	110.08	625.00	010°05'28"	109.94'	S83°58'33"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C21	32.84	75.00	025°05'16"	32.58'	S76°28'39"E
C22	14.44	15.00	055°08'17"	13.88'	N88°29'50"E
C23	60.46	175.00	019°47'44"	60.16'	N70°49'33"E
C24	604.18	625.00	055°23'15"	580.93'	N53°01'48"E
C25	17.12	15.00	065°23'45"	16.21'	N07°21'42"W
C26	338.95	70.00	277°26'03"	92.37'	S81°20'34"E
C27	32.38	15.00	123°41'56"	26.45'	S04°28'30"E
C28	39.27	25.00	090°00'00"	35.36'	N68°40'32"E
C29	150.14	125.00	068°49'15"	141.28'	S06°31'43"E
C30	242.56	125.00	111°10'58"	206.25'	S83°28'16"W
C31	265.43	125.00	121°39'44"	218.30'	N19°53'33"E
C32	250.19	675.00	021°14'12"	248.76'	N70°06'19"E
C33	20.83	15.00	078°33'47"	19.20'	S80°43'54"E
C34	46.96	675.00	003°59'10"	46.95'	S85°18'52"E
C35	31.20	15.00	119°10'15"	26.87'	S27°43'20"E
C36	40.50	175.00	013°15'31"	40.41'	S25°14'02"W
C37	27.99	15.00	106°54'07"	24.10'	S72°03'20"W
C38	37.94	75.00	028°59'07"	37.54'	N40°00'03"W
C39	31.99	15.00	122°11'12"	26.26'	N35°35'07"E
C40	187.50	675.00	015°54'56"	186.90'	S37°31'51"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C41	86.01	675.00	007°18'02"	85.95'	S49°08'20"W
C42	84.50	175.00	027°39'53"	83.68'	S27°06'30"E
C43	64.92	175.00	021°15'22"	64.55'	S02°38'53"E
C44	60.78	175.00	019°54'00"	60.48'	S17°55'48"W
C45	12.02	175.00	003°56'11"	12.02'	S29°50'56"W
C46	92.01	175.00	030°07'24"	90.95'	S42°56'33"W
C47	10.81	70.00	008°51'03"	10.80'	S18°07'34"E
C48	102.37	70.00	083°47'13"	93.48'	S28°11'34"W
C49	40.57	70.00	033°12'11"	40.00'	S86°41'16"W
C50	101.58	70.00	083°08'50"	92.90'	N35°08'13"W
C51	3.74	70.00	003°03'26"	3.73'	N07°57'55"E
C52	84.63	175.00	027°42'33"	83.81'	N57°12'27"W
C53	7.37	175.00	002°24'52"	7.37'	N42°08'45"W
C54	95.38	175.00	031°13'39"	94.20'	N25°19'29"W
C55	7.80	175.00	002°33'08"	7.79'	N08°26'06"W
C56	95.85	125.00	043°56'09"	93.52'	N50°01'04"W
C57	5.55	125.00	002°32'30"	5.54'	N26°48'45"W
C58	43.97	225.00	011°11'49"	43.90'	N31°06'24"W
C59	11.24	225.00	002°51'44"	11.24'	N38°08'10"W
C60	38.69	225.00	009°51'12"	38.65'	N44°29'38"W

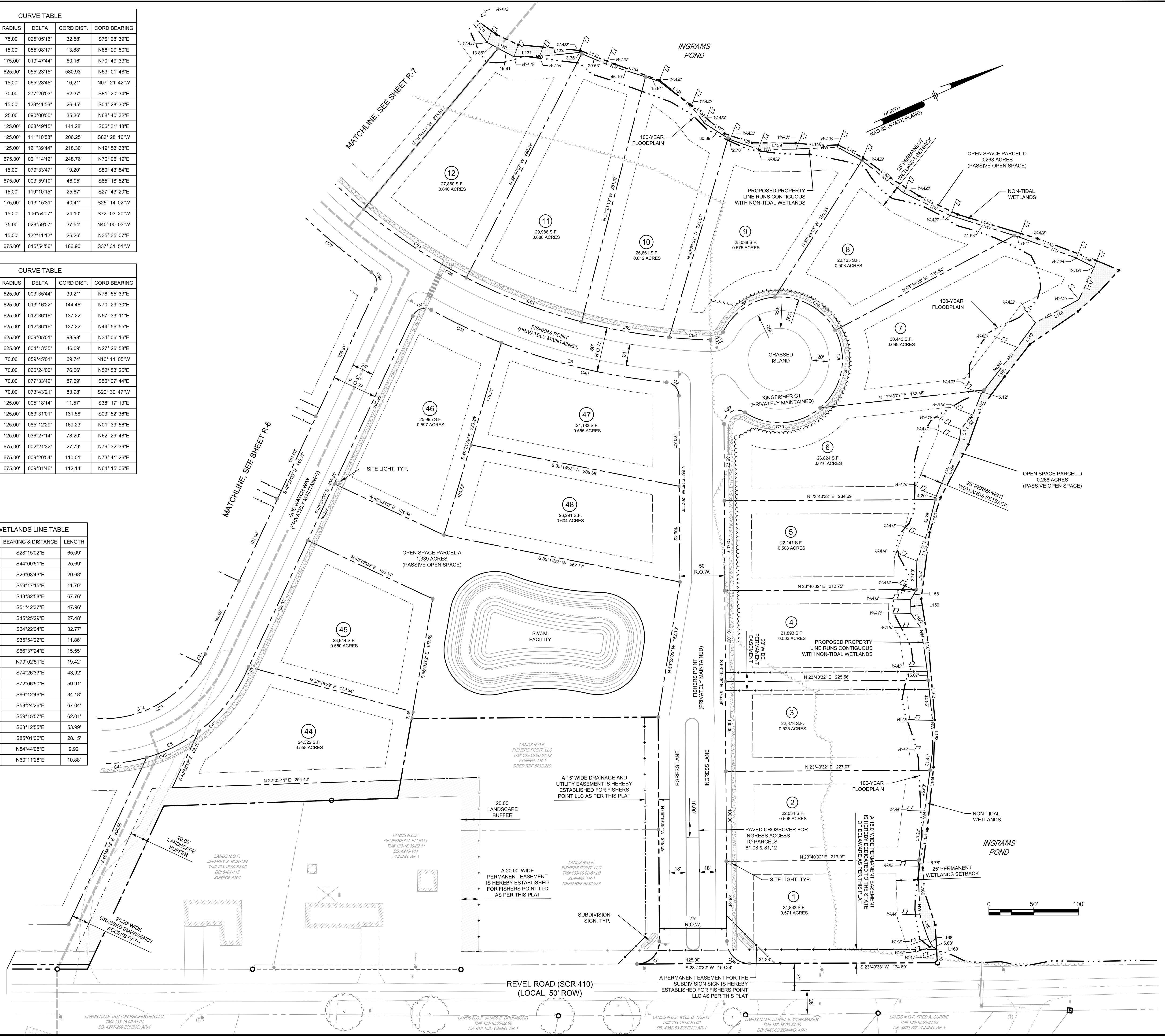
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CORD DIST.	CORD BEARING
C61	39.22	625.00	003°35'44"	39.21'	N78°55'33"E
C62	144.78	625.00	013°16'22"	144.46'	N70°29'30"E
C63	137.49	625.00	012°36'16"	137.22'	N57°33'11"E
C64	137.49	625.00	012°36'16"	137.22'	N44°56'55"E
C65	99.09	625.00	009°05'01"	98.98'	N34°06'16"E
C66	46.10	625.00	004°13'35"	46.09'	N27°26'58"E
C67	73.00	70.00	059°45'01"	69.74'	N10°11'05"W
C68	81.12	70.00	066°24'00"	76.66'	N52°53'25"E
C69	94.76	70.00	077°33'42"	87.69'	S55°07'44"E
C70	90.07	70.00	073°43'21"	83.98'	S20°30'47"W
C71	11.57	125.00	005°18'14"	11.57'	S38°17'13"E
C72	138.57	125.00	063°31'01"	131.58'	S03°52'36"E
C73	185.90	125.00	085°12'29"	169.23'	N01°39'56"E
C74	79.53	125.00	036°27'14"	78.20'	N62°29'48"E
C75	27.79	675.00	002°21'32"	27.79'	N79°32'39"E
C76	110.13	675.00	009°20'54"	110.01'	N73°41'26"E
C77	112.27	675.00	009°31'46"	112.14'	N64°15'06"E

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L106	N16°19'21"E	112.17'
L107	N21°07'13"W	42.15'
L108	N25°24'15"W	39.63'
L109	N14°48'14"W	41.85'
L110	N36°56'57"W	49.25'
L111	N03°16'52"E	56.48'
L112	N11°41'44"W	34.98'
L113	N01°13'45"W	56.63'
L114	N03°20'49"W	19.37'
L115	N33°07'57"W	18.52'
L116	S61°57'47"E	21.85'
L117	S59°22'41"E	20.75'
L118	S58°52'37"E	24.05'
L119	S61°41'52"E	21.01'
L120	S71°56'52"E	27.46'
L121	S60°56'11"E	29.64'
L122	S72°19'22"E	28.60'
L123	S68°31'30"E	38.31'
L124	S76°43'32"E	45.18'
L125	N84°49'06"E	40.74'
L126	N74°34'32"E	50.62'
L127	N83°36'34"E	44.08'

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L128	N87°46'31"E	39.98'
L129	N77°02'31"E	34.30'
L130	N52°12'01"E	33.67'
L131	N23°40'56"E	28.43'
L132	N18°06'52"E	44.26'
L133	N47°16'50"E	32.87'
L134	N41°54'35"E	62.00'
L135	N61°38'48"E	45.06'
L136	N76°19'03"E	24.32'
L137	N56°22'29"E	33.67'
L138	N43°08'26"E	32.95'
L139	N23°37'06"E	42.37'
L140	N21°17'21"E	45.76'
L141	N52°25'18"E	31.20'
L142	N61°51'54"E	58.89'
L143	N49°50'46"E	57.59'
L144	N41°22'48"E	80.38'
L145	N44°08'07"E	67.71'
L146	N50°47'11"E	22.20'
L147	S40°36'35"E	40.11'
L148	S04°01'07"E	54.62'
L149	S29°28'27"E	34.09'

WETLANDS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L150	S28°15'02"E	65.09'
L151	S44°00'51"E	25.69'
L152	S26°03'43"E	20.68'
L153	S59°17'15"E	11.70'
L154	S43°32'58"E	67.76'
L155	S51°42'37"E	47.96'
L156	S45°25'29"E	27.48'
L157	S64°22'04"E	32.77'
L158	S35°54'22"E	11.86'
L159	S66°37'24"E	15.55'
L160	N79°02'51"E	19.42'
L161	S74°26'33"E	43.92'
L162	S72°06'50"E	59.91'
L163	S66°12'46"E	34.18'
L164	S58°24'26"E	67.04'
L165	S59°15'57"E	62.01'
L166	S68°12'55"E	53.99'
L167	S85°01'06"E	28.15'
L168	N84°44'08"E	9.92'
L169	N60°11'28"E	10.88'

LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L101	N25°30'29"W	39.95'
L102	N49°25'14"W	45.25'
L103	N40°34'46"E	50.00'
L104	S49°25'14"E	45.25'
L105	N25°30'29"W	22.82'
L170	S69°09'00"E	14.91'



SITEWORKS
ENGINEERING

PO BOX 2119 COMMERCE ST., HARRINGTON, DE 19952 Phone: (302) 941-7901

RECORD PLAN

FISHERS POINT SUBDIVISION
SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK
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4/4/22 - FIRE MARSHAL
8/5/22 - SUSSEX COUNTY P&Z
9/30/22 - SUSSEX COUNTY P&Z

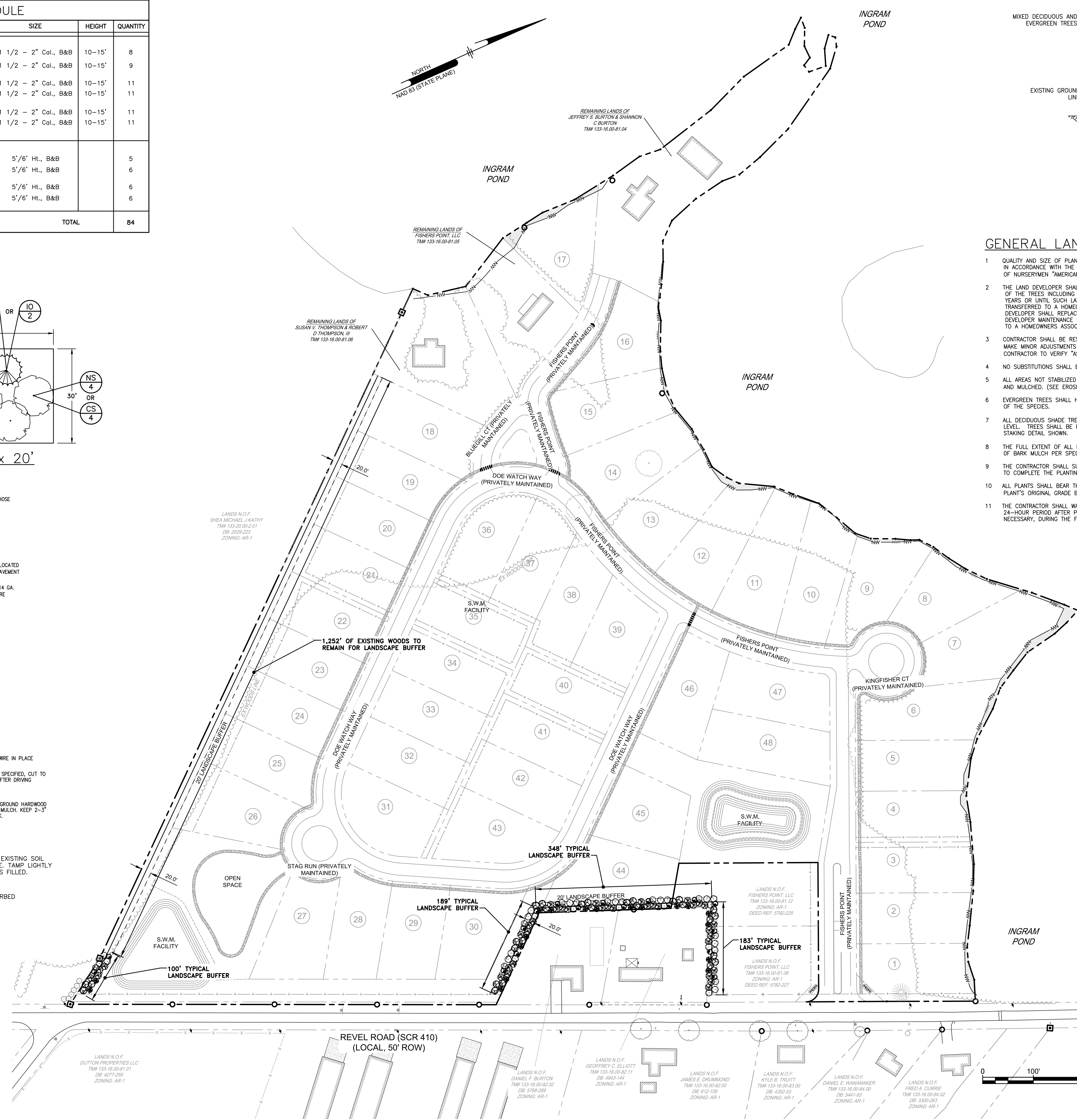
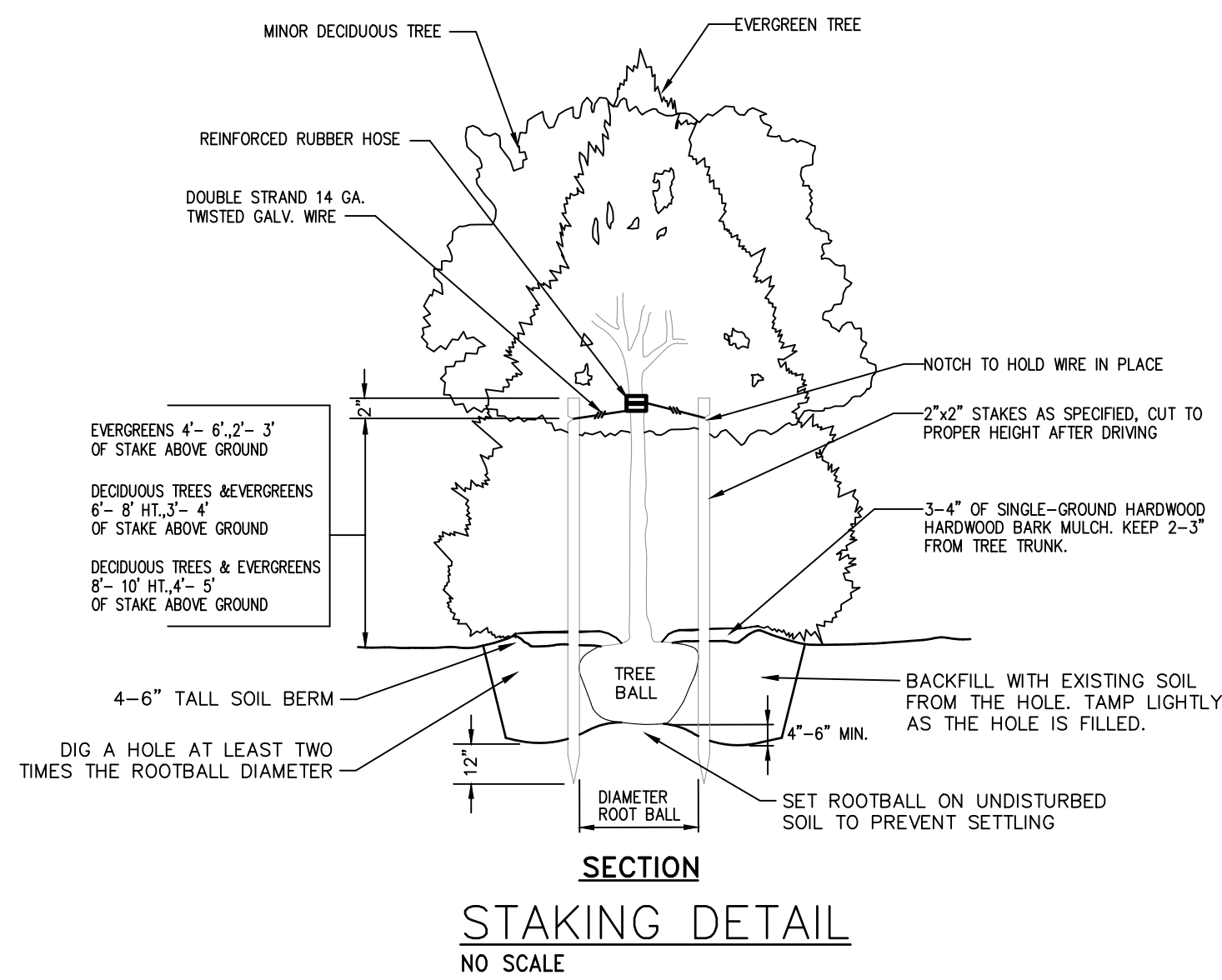
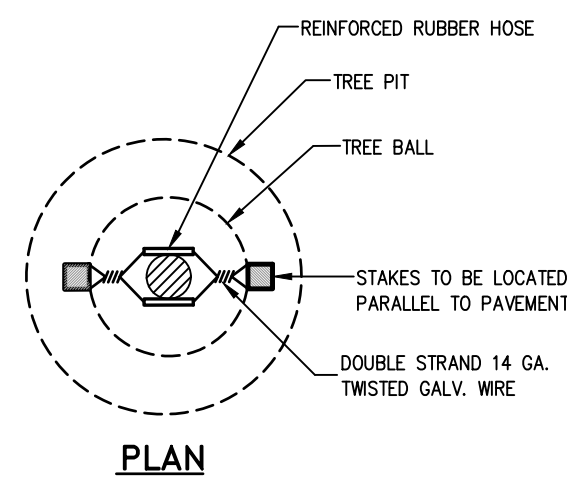
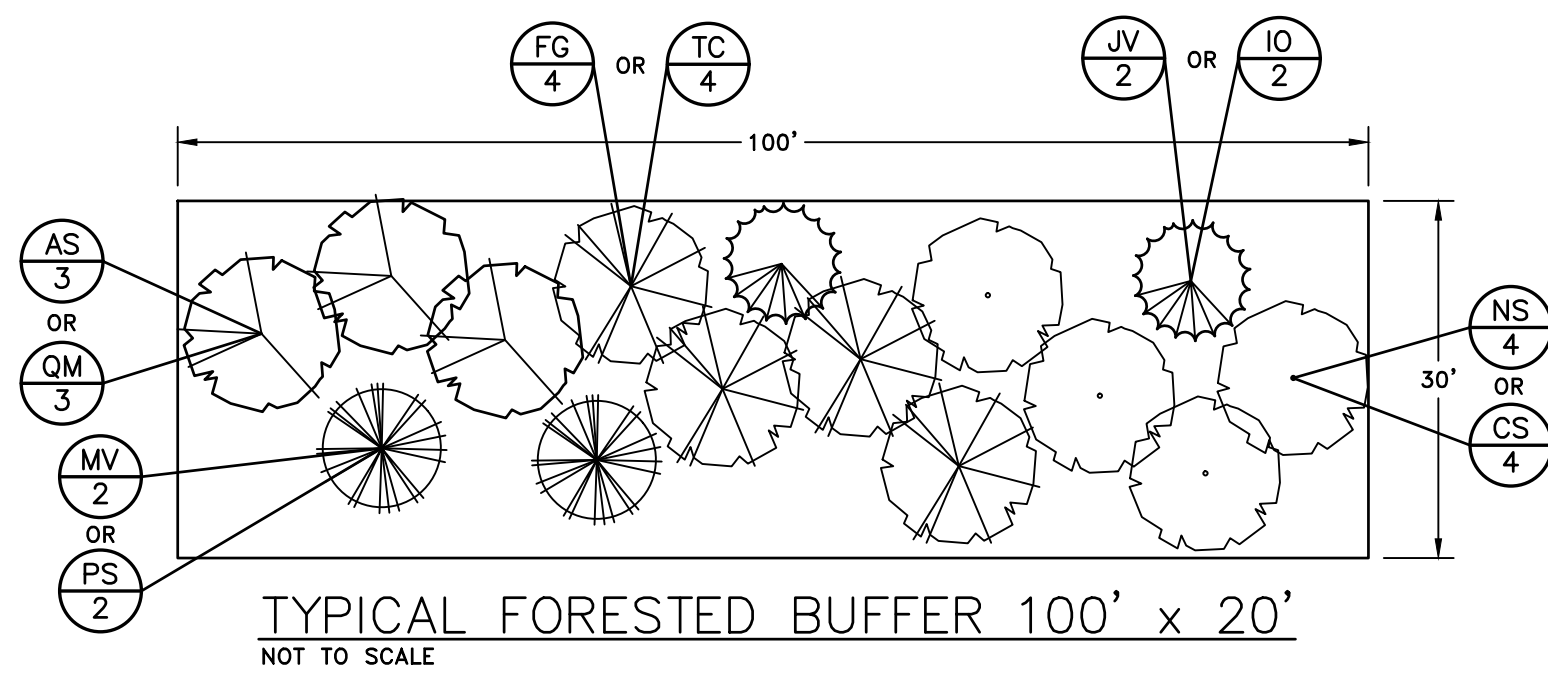
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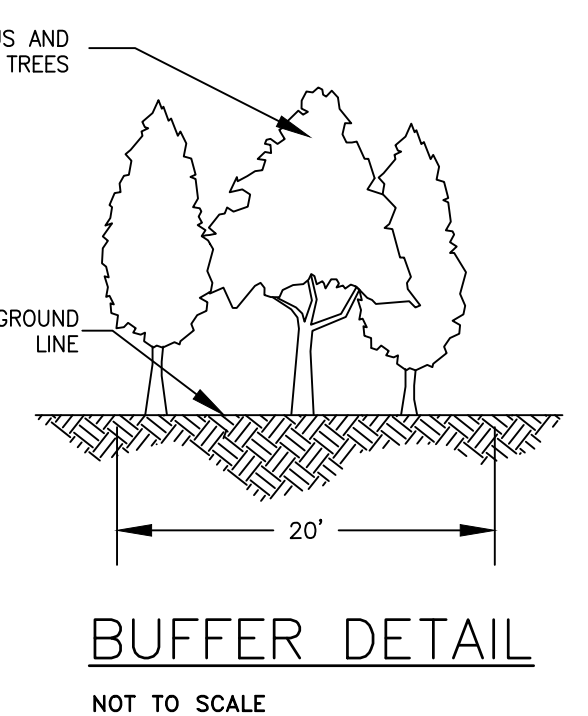
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LANDSCAPE PLANT SCHEDULE						
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	QUANTITY
DECIDUOUS TREE						
	AS	Acer saccharum Green Mountain'	SUGAR MAPLE	1 1/2 - 2" Cal., B&B	10-15'	8
	QM	Quercus phellos	WILLOW OAK	1 1/2 - 2" Cal., B&B	10-15'	9
	FG	Fagus grandifolia	AMERICAN BEECH	1 1/2 - 2" Cal., B&B	10-15'	11
	TC	Tilia cordata	LITTLELEAF LINDEN	1 1/2 - 2" Cal., B&B	10-15'	11
	NS	Nyssa sylvatica	BLACK TUPELO	1 1/2 - 2" Cal., B&B	10-15'	11
	CS	Carya ovata	SHAGBARK HICKORY	1 1/2 - 2" Cal., B&B	10-15'	11
EVERGREEN TREE						
	MV	Magnolia virginiana	SWEETBAY MAGNOLIA	5'6" Ht., B&B		5
	PS	Pinus strobus	EASTERN WHITE PINE	5'6" Ht., B&B		6
	JV	Juniperus virginiana	EASTERN RED CEDAR	5'6" Ht., B&B		6
	IO	Ilex opaca	AMERICAN HOLLY	5'6" Ht., B&B		6
TOTAL						84



- GENERAL LANDSCAPE NOTES**
1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
 2. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
 4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
 5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
 6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
 7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
 8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
 9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
 10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
 11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.



SITEWORKS ENGINEERING
 19 COMMERCIAL ST., HARRINGTON, DE 19952
 PHONE: (302) 841-7901
 FAX: (302) 841-7901

FISHERS POINT SUBDIVISION
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DAGSBORO HUNDRED, SUSSEX COUNTY

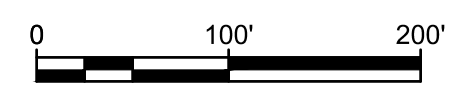
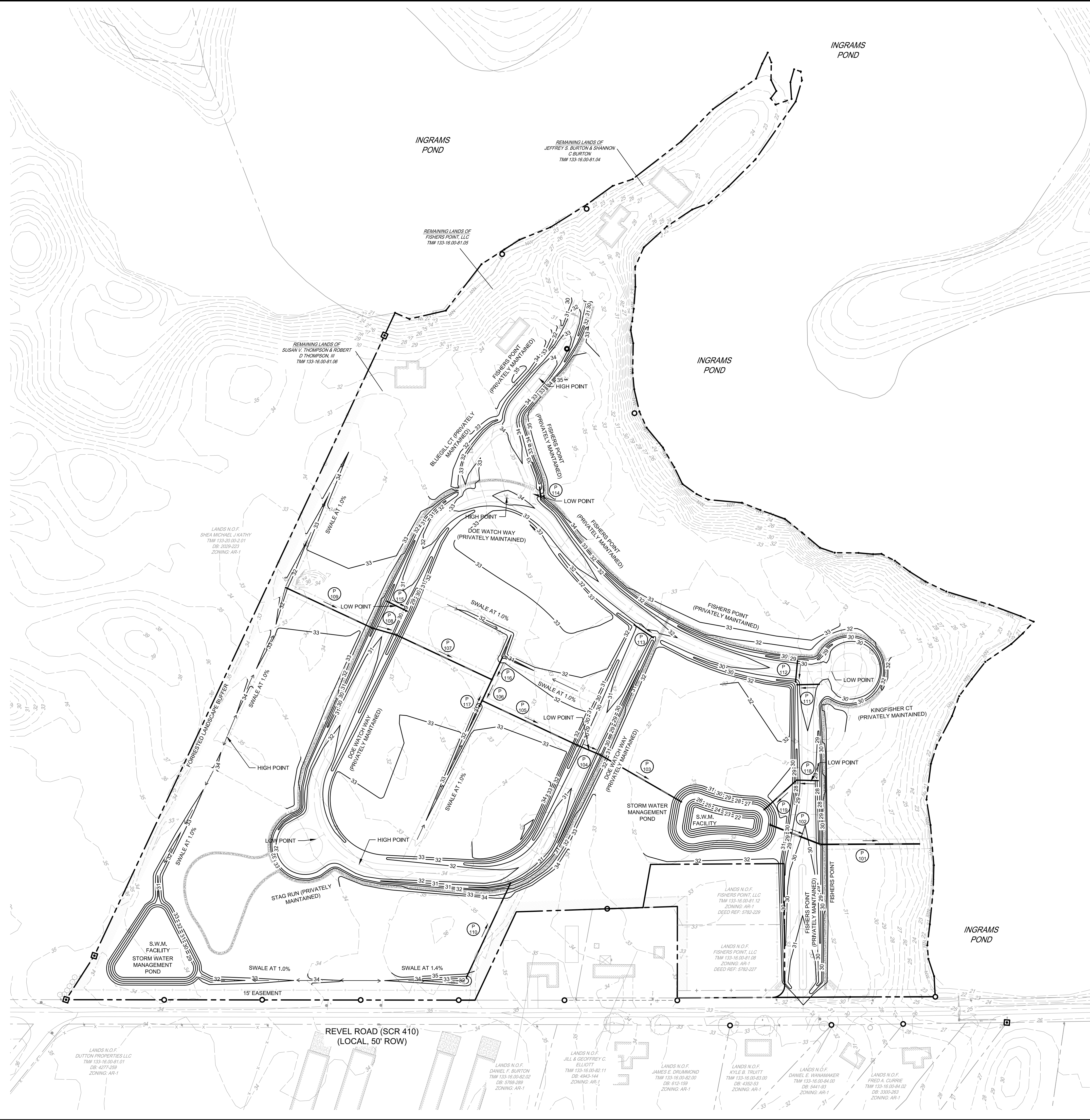
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SCALE: PROJECT # DRAWN BY
 1" = 100' 2171-JBUR JDC
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L-1

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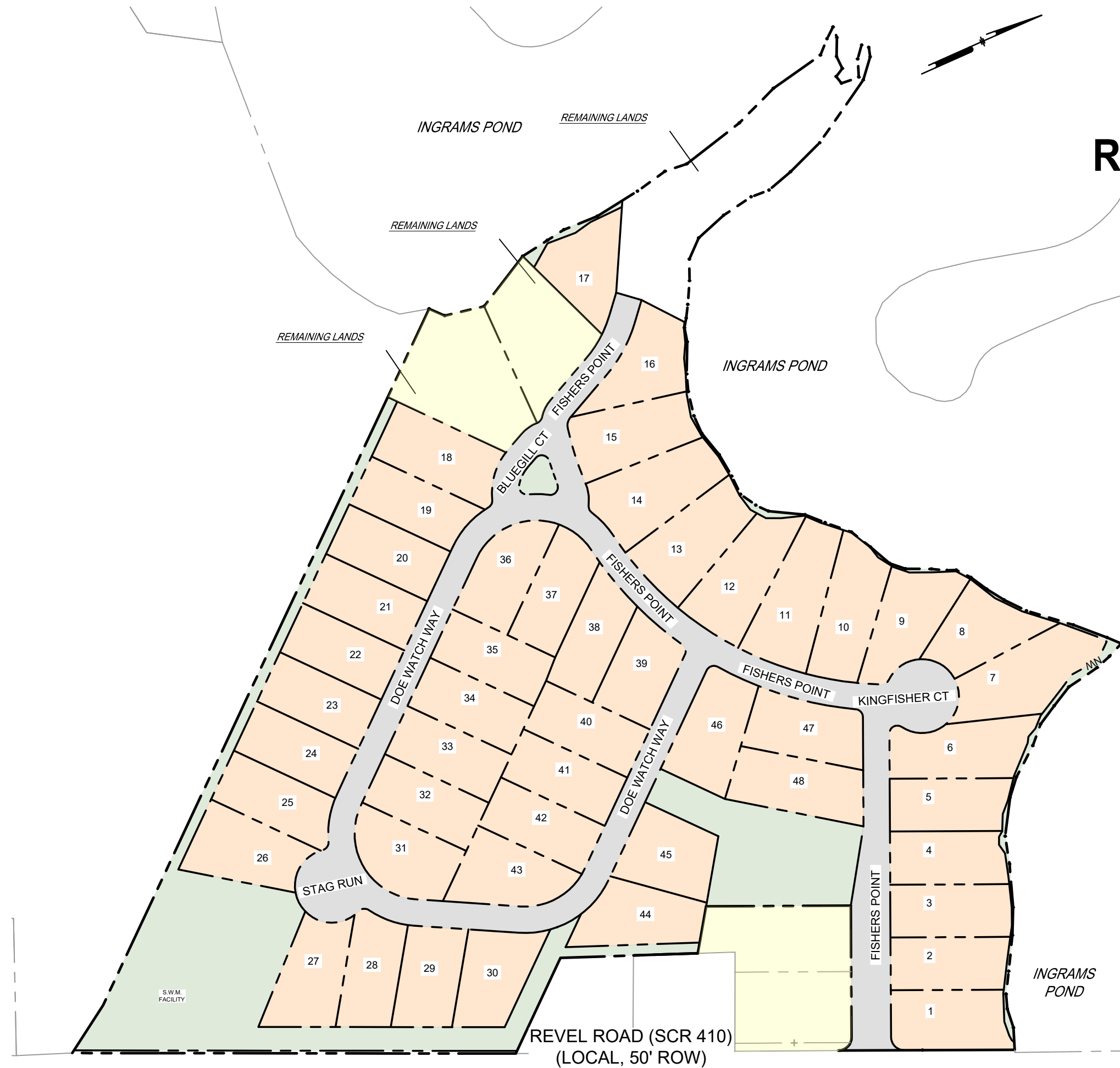
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SCR 401 (REVEL ROAD)
DAGSBORO HUNDRED, SUSSEX COUNTY

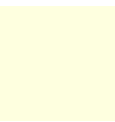
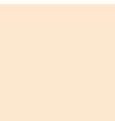
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SCALE	PROJECT #	DRAWN BY
1" = 100'	2171-JBUR	JDC
DRAWING NUMBER		

GP-1

FISHERS POINT COVENANTS AND RESTRICTIONS EXHIBIT



-  EXISTING AND RECONFIGURED LOTS SUBJECT TO COVENANTS AND RESTRICTIONS
-  FISHERS POINT SINGLE-FAMILY LOTS
-  R.O.W. AREA
-  OPEN SPACE AREA

September 29, 2022

Georgetown Administration Building
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Attn: Jamie Whitehouse

**RE: Fishers Point (2021-24)
Chapter 99 Waiver Requests
Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13**

Dear Chairman and Members of the Commission,

This letter is on behalf of Fishers Point LLC to request two waivers. The first is from the 24-foot wide clear/unobstructed road width Street Design Standard in §99-18.E.(1)(b) to a 20-foot wide clear/unobstructed road width for the following Fishers Point Roads:

- Fishers Point (Sta. 13+91 – End) – This stretch of road that dead ends serves five residential units.
- Kingfisher Ct (Sta. 0+00 – End) – This cul-de-sac with an island serves between 2 – 4 residential units.
- Stag Run (Sta. 0+00 – End) – This cul-de-sac with an island will serve two residential units.
- Bluegill Ct (Sta. 0+00 – End) – This road serves two residential units.

We make this request to limit the scope and scale of construction in the mature wooded portion of the site. We are proposing a sidewalk to provide safe pedestrian movement. The proposed 20-foot-wide road section is adequate for emergency response vehicles and is consistent with the Delaware State Fire Prevention Regulations. A copy of the Site Plan Approval letter from the Delaware Office of the State Fire Marshal for the road design is included in the informational booklet.

The second waiver request is from the 20-foot Forested and/or Landscaped Buffer Strip in §99-5 along the subdivision perimeter adjacent to Ingrams Pond. The pond forms part of the scenic view from the subdivision, and forms a natural buffer as it is more than 250-feet to the adjacent shore line from any proposed lot. The Indian River School District owns the land adjacent to the Pond opposite the proposed subdivision. That land is wooded, and there are no adjacent agricultural lands.

Please call me if you have any questions or concerns at (302) 841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Z:\PROJECTS\Jeff Burton\2171-JBUR - Fishers Point\Hearing Booklets\Tab 3/C - Fishers Point - Waiver Request.docx

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
SR. MANAGER OF UTILITY PLANNING
& DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Date: **February 7, 2022**

REF: **T. A. C. COMMENTS**
Fisher Point Subdivision (2021-24)
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.13 &
81.14
AGREEMENT NO.1197

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

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County Street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
 - Engineering recommends island opening for access for parcels 81.08 and 81.12 and egress for proposed lots 1 and 2.
 - Project may require drainage easement for parcels 81.08 and 81.12 if boulevard is going to be open drainage design.
 - An approved turn around must be provided where dead end street are greater than 300 as measured from the nearest turnaround.
2. This project **is not** located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography, and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North Arrow required to identify northern direction and viewport should be best fit for the project.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.



6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

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

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.
8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the following:
 - Delaware Professional Engineer or Delaware Land Surveyor.
 - Owner or Representative of the Owner.
 - Professional Wetlands Delineator.
10. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
11. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.
12. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
13. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase and shall be recorded prior to being issued a notice to proceed.
14. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets. Sussex County Mapping & Addressing will have final say on proposed street names.

15. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 21305 Berlin Road, Suite 2, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.
16. Provide the limits and elevations of the 100-year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.
17. False berms shall not be utilized to create roadside drainage swale back slopes.
18. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way, or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
19. Provide and show the locations and details of all ADA pedestrian connections.
20. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
21. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
22. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
23. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
24. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
25. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
26. When special studies or investigations pertain to a regulatory program of another public

agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

SEWER SPECIFIC COMMENTS

LOCATION: **Lying on the northwest side of Revel Road (SCR 410), approximately 0.16 mile south of Godwin School Road (SCR 328A)**

NO. OF UNITS:45

GROSS ACREAGE: 38.860

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- (2). Which County Tier Area is project in? Municipal Growth & Annexation Area
- (3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? N/A If yes, contact Utility Engineering at (302) 855-7370 / option 2.
- (5). Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A. Is it likely that additional SCCs will be required? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

 Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed subdivision is located within the boundaries of the Growth and Annexation Area of the Town of Millsboro. Contact the Town concerning the availability of sanitary sewer and water. Sussex County Engineering Department recommends the subdivision receive sewer/water service from a municipality or private company.**

(9). Is a Sewer System Concept Evaluation required? **N/A**

(10). Is a Use of Existing Infrastructure Agreement Required? **N/A**

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

PLANNING & ZONING COMMISSION

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



Sussex County

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302-855-7878 T
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING AND ZONING

April 26th, 2022

Dave Heatwole, PE
Siteworks Engineering
19 Commerce St
Harrington, DE 19952

By email to: Dave.Heatwole@siteworkseng.com

RE: Staff Review of the Preliminary Major Subdivision Plan for Fishers Point (2021-24), located off Revel Road (S.C.R. 410).

Tax Parcels: 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.11, 81.12, 81.13, 81.14

Dear Mr. Burton,

Further to the submission of December 9th, 2021, the Planning and Zoning Department has reviewed the Preliminary Major Subdivision Plan for Fisher Point (2021-24). This plan proposes the creation of forty-five (45) single-family lots, private roads, and open space to be located on the east side of Revel Road (S.C.R. 410). The parcels are all zoned Agricultural Residential (AR-1). Staff have reviewed the proposed subdivision plan for compliance with the Sussex County Zoning and Subdivision Codes and have the following comments:

Chapter 89 – Source Water Protection

1. Please include a General Notes Column on the site plan and include a note indicating that these parcels are located in an area of “good/fair” Groundwater Recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
2. Please include in the General Notes Column that these parcels are not located within a wellhead protection area (§89-6).

Chapter 99 – Subdivision Code

3. Staff note that Fishers Point Boulevard does not meet the required minimum width for two-way traffic at the entrance/exit point at Revel Road (§99-18(E)(1)). Please indicate in the plan view that these portions of the roadway will be one-way and include information regarding signage to indicate this to drivers.
4. Staff note that the Compton Drive cul-de-sacs and the turnaround at Francis Street are 20 feet wide. Please indicate on the plans that there will be a grass island (§99-18(E)(4)).
5. Staff note that the proposed width of Burton Drive does not meet the minimum required width for two-way traffic. Since Burton Drive is a dead-end street that is longer than 300 feet from the nearest turn-around area, it will need to an additional alternative turnaround (§99-18(E)(5)(d)).
6. Please annotate the dimensions of each lot in the plan view (§99-23(E)).
7. Please include the proposed street names on each page of the site plan (§99-23(J)).

8. Staff note that a forested buffer is required along all land in the subdivision which is adjacent to land of other ownership (§99-5(J)). Please extend the proposed forested buffer along the perimeter shared with parcels 133-20.00-2.01, 133-16.00-82.02, 133-16.00-82.11, 133-16.00-81.12, and 133-16.00-81.08.
9. Staff note that stormwater management systems are not permitted to be located within required forested buffer zones (§99-5(J)). Please adjust the stormwater management system adjacent to parcel 133-20.00-81.12 so that it is located outside of the forested buffer zone.
10. Staff note that there are two bolded lines marking the buffer along parcel 133-20.00-2.01, making it unclear which line marks the edge of the buffer. Please remove any extraneous lines or provide additional annotation to help clarify what these lines indicate.
11. Please include in the General Notes Column an Agricultural Use statement (§99-6(G)).
12. Please include the location of wetlands on the plan view and, in the case of any wetlands being located within a lot, include the relevant disclosure statement (§99-6(H)).
13. Please include in the General Notes Column statements addressing all requirements of §99-24 and §99-27.
- 14. Prior to the scheduling of any public hearing, a Soil Feasibility Study will need to be submitted (§99-19(B)).**

Chapter 115 - Zoning

15. Please list parcel number 133-16.00-81.11 and 133-16.00-81.12 in the Site Data column, as the property lines for both parcels will be changed through this plan.
16. Staff note that, on Sheet R-2, parcel 133-16.00-81.08 has been drawn between parcel 133-16.00-81.12 and 133-16.00-81.00. Our parcel map shows that parcel 133-16.00-81.08 is adjacent to the north of parcel 133-16.00-81.00. Additionally, the existing property line drawn between parcels 133-16.00-81.02 and 133-16.00-81.11 does not reflect the current property line shown on our map. Please amend the existing property lines to more accurately reflect the current property lines for these parcels.
17. Staff note that numbers provided in the Site Data column for Existing & Proposed Lots do not match with the current conditions or the proposed conditions of the plan. Please amend the numbers to address the following comments:
 - a. Including parcels 133-16.00-81.11 and 133-16.00-81.12, the total number of existing lots should be 12.
 - b. If parcel 133-16.00-81.08 is to be reconfigured, the total number of Parcel 133-16.00-81.08 should be 7 and all should be listed as reconfigured.
18. Please amend the parcel number for the Lands of Susan V. Thompson to 133-16.00-81.06 and the parcel number for Lands of Fred A. Currie to 133-16.00-84.02 on Sheet R-2 through W-1.
19. Please include a signature block for the signature and/or stamp of the County Council President, the Chairman of the Planning and Zoning Commission, and the Sussex Conservation District.
20. Please ensure that all easements are included on the site plan.
21. Please note in the Site Data column that these parcels are not located within the Henlopen Transportation Improvement District (TID).
22. Please include in the Site Data column the Maximum Density of 2 units per acre.
23. Please include the Net Development Area of the parcel within the Site Data Column (§115-220(B)(6)).
24. Please include the setbacks for parcel 133-16.00-81.04 on the plan view and annotate the setback dimensions for all lots in the plan view (§115-220(B)(8)).

25. Please amend the Setback section of the Site Data column to include the setbacks for corner lots (§115-220(B)(8)). Staff note that setbacks shown for Lot 39, 41, and 42 are greater than required. The required setbacks for these lots are:
- a. Lot 32: Front – 30’ (along Compton Dr), Side – 15’ (along Lot 33 and 35)
 - b. Lot 39: Front – 30’ (along Compton Dr), Side – 15’ (along the SWM Facility parcel and Lot 40)
 - c. Lot 41: Front – 30’ (along Compton Dr to the northwest), Side – 15’ (along Lot 40), Corner Front – 15’ (along Compton Dr to the northeast), Rear – 20’ (along the SWM Facility)
 - d. Lot 42: Front – 30’ (along Fisher Pt Blvd), Side – 15’ (along lot 43), Corner Front – 15’ (along Compton Dr), Rear – 20’ (along the open space parcel)
- If the greater setbacks for these lots as indicated on the site plan are intentional, please include a note addressing this in the Site Data column.
26. Please include a statement, signed and sealed by a qualified professional, indicating that there are no wetlands on the site (§115-221(B)(14)).
27. Please include information regarding the character of construction for all proposed streets and cul-de-sacs (§115-221(B)(5)).
28. Please include information regarding the location, character, size, height, and orientation of any proposed signs (§115-221(B)(11)).
29. Please include the percentage of open space in the Site Data Column (§115-221(B)(12)).
30. Please include a bulk grading plan (§115-221(B)(17)).
31. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
- a. Sussex County Engineering Department
 - b. Sussex County Geographical Information Office (GIO)
 - c. Sussex Conservation District (SCD)
 - d. Delaware Department of Transportation (DelDOT)
 - e. Office of the State Fire Marshal (SFMO)
 - f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
 - g. Indian River School District

Please provide one (1) full-size copy and one (1) electronic copy of a Revised Preliminary Subdivision Plan once all comments have been addressed. The revised plan will then be scheduled for the next available Planning and Zoning Commission meeting.

Please feel free to contact me with any questions during business hours 8:30 A.M. – 4:30 P.M., Monday through Friday, at 302-855-7878.

Sincerely,



Mx. Jesse Lindenberg
Planner I

August 5, 2022

Mx. Jesse Lindenberg, Planner 1
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

**RE: Fishers Point Subdivision (2021-24)
Comment Response Letter**

Dear Mx. Lindenberg:

We offer the following comment responses to your 4/26/22 comment letter for the Fishers Point Subdivision. Your comments appear below, followed by our responses. I am sending you two copies of the revised plan for your review.

Revised Preliminary Site Plan

1. Please include a General Notes Column on the site plan and include a note indicating that these parcels are located in an area of "good/fair" Groundwater Recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

Response: We added a general notes column to the cover sheet and included the Groundwater Recharge Potential under note 8.

2. Please include in the General Notes Column that these parcels are not located within a wellhead protection area (§89-6).

Response: The wellhead protection note was added to the general notes on the cover sheet; see note 9.

3. Staff note that Fishers Point Boulevard does not meet the required minimum width for two-way traffic at the entrance/exit point at Revel Road (§99-18(E)(1)). Please indicate in the plan view that these portions of the roadway will be one-way and include information regarding signage to indicate this to drivers.

Response: We added typical roadway cross-sections to sheet R-2 showing the boulevard's ingress and egress lanes and added callouts ingress/egress callouts on sheet R-5. The entrance and subdivision street plans will provide additional road details, including signage and striping.

4. The Staff note that the Compton Drive cul-de-sacs and the turnaround at Francis Street are 20 feet wide. Please indicate on the plans that there will be a grass island (§99-18(E)(4)).

Response: We added notes on sheets R-5 and R-6 where there will be grassed islands. These are on Stagrun and Kingfisher Ct. On sheet R-7, the area bounded by Doewatch Way, Bluegill Ct, and Fishers Point

will be either grass or wooded. The existing area is wooded, and we will attempt to save the trees in this area.

5. Staff note that the proposed width of Burton Drive does not meet the minimum required width for two-way traffic. Since Burton Drive is a dead-end street that is longer than 300 feet from the nearest turn-around area, it will need to an additional alternative turnaround (§99-18(E)(5)(d)).

Response: We are proposing a 20-foot road width for Fishers Point and Bluegill Ct from the intersection with Doe Watch Way and will formally request a waiver from the Planning Commission. This request is being made because there are only five lots fronting this stretch of road, so it will function more like a driveway. Only four lots are taking access off the Fishers Point dead-end street in compliance with the referenced code section.

We reduced the length of Fishers Point from the intersection with Bluegill Ct to 299 feet to comply with (§99-18(E)(5)(d)). The Office of the State Fire Marshal Regulations are consistent with (§99-18(E)(5)(d)), and they approved the plan. The approval is included with this submission.

6. Please annotate the dimensions of each lot in the plan view (§99-23(E)).

Response: Lots have been annotated per your comment.

7. Please include the proposed street names on each page of the site plan (§99-23(J)).

Response: We added Street names to the plan set and included a copy of the street and subdivision name approval with this submission.

8. Staff note that a forested buffer is required along all land in the subdivision which is adjacent to land of other ownership (§99-5(J)). Please extend the proposed forested buffer along the perimeter shared with parcels 133-20.00-2.01, 133-16.00-82.02, 133-16.00-82.11, 133-16.00-81.12, and 133-16.00 81.08.

Response: Siteworks extended the forested buffer on parcels 133-16.00-81.08 and 81.12. These two lots will be subject to the Fishers Point covenants and restrictions and will front and take access from Fishers Point. We propose placing the forested buffer in a permanent easement on these lots. I would anticipate this being a condition of approval.

9. Staff note that stormwater management systems are not permitted to be located within required forested buffer zones (§99-5(J)). Please adjust the stormwater management system adjacent to parcel 133-20.00-81.12 so that it is located outside of the forested buffer zone.

Response: Please see my response to comment 8.

10. Staff note that there are two bolded lines marking the buffer along parcel 133-20.00-2.01, making it unclear which line marks the edge of the buffer. Please remove any extraneous lines or provide additional annotation to help clarify what these lines indicate.

Response: I removed the duplicate lines and added a hatch showing the location of the forested buffer.

11. Please include in the General Notes Column an Agricultural Use statement (§99-6(G)).

Response: Siteworks added the Agricultural Use Statement to the Cover Sheet R-1, see General Note 6.

12. Please include the location of wetlands on the plan view and, in the case of any wetlands being located within a lot, include the relevant disclosure statement (§99-6(H)).

Response: Kenneth W. Redinger performed a wetlands evaluation in November 2021, identifying a small band of wetlands adjacent to Ingrams Pond. The wetland line is shown on sheets R-5 – R-7. No wetlands are included on any of the proposed building lots. We added the wetlands disclosure statement to the cover sheet; see general note 11.

13. Please include in the General Notes Column statements addressing all requirements of §99-24 and §99-27.

Response: We updated the General Notes found on the cover sheet with the requirements found in §99-24 and §99-27.

14. Prior to the scheduling of any public hearing, a Soil Feasibility Study will need to be submitted (§99-19(B)).

Response: We included the approved Soil Feasibility Study with this submission.

Chapter 115 – Zoning

15. Please list parcel number 133-16.00-81.11 and 133-16.00-81.12 in the Site Data column, as the property lines for both parcels will be changed through this plan.

Response: Parcels 133-16.00-81.11 and 133-16.00-81.12 are not affected by this subdivision and are left out of the Site Data Column. Please note that, as a condition of approval, we anticipate a requirement to provide a permanent easement on parcels 133-16.00-81.08 and 133-16.00-81.12 for the forested or landscaped buffer.

16. Staff note that, on Sheet R-2, parcel 133-16.00-81.08 has been drawn between parcel 133-16.00- 81.12 and 133-16.00-81.00. Our parcel map shows that parcel 133-16.00-81.08 is adjacent to the north of parcel 133-16.00-81.00. Additionally, the existing property line drawn between parcels 133-16.00-81.02 and 133-16.00-81.11 does not reflect the current property line shown on our map. Please amend the existing property lines to more accurately reflect the current property lines for these parcels.

Response: I'm sorry for this confusion. We were working on a Lot Line Adjustment and Consolidation Plan when we submitted the subdivision plans. Since the submittal, the plat under Plot Book 369 Page 28 matches the revised plan. A separate lot line adjustment plan was submitted to straighten the line between lots 133-16.00-81.02 and 133-16.00-81.11. It has not been recorded as of the date of this letter, but that will happen before the subdivision hearing.

17. Staff note that numbers provided in the Site Data column for Existing & Proposed Lots do not match with the current conditions or the proposed conditions of the plan. Please amend the numbers to address the following comments:
- Including parcels 133-16.00-81.11 and 133-16.00-81.12, the total number of existing lots should be 12.
 - If parcel 133-16.00-81.08 is to be reconfigured, the total number of Parcel 133-16.00-81.08 should be 7 and all should be listed as reconfigured.

Response: As noted in the comment response to #16, there have been some lot reconfigurations since the plan was submitted in December. We updated the Site Date table to include the parcels impacted by the subdivision.

18. Please amend the parcel number for the Lands of Susan V. Thompson to 133-16.00-81.06 and the parcel number for Lands of Fred A. Currie to 133-16.00-84.02 on Sheet R-2 through W-1.

Response: We corrected the parcel number for the Lands of Susan V. Thompson and Fred A. Currie throughout the plan set.

19. Please include a signature block for the signature and/or stamp of the County Council President, the Chairman of the Planning and Zoning Commission, and the Sussex Conservation District.

Response: Certification blocks were added for the County Council President, the Chairman of the Planning and Zoning Commission, and the Sussex Conservation District.

20. Please ensure that all easements are included on the site plan.

Response: All DeIDOT frontage and stormwater management easements associated with pipes are shown on the plans. There is also a general note regarding standard easements encumbered upon all lots, see General Note #10 on the Cover Sheet. An access easement note for the residual parcels is included on sheet RP-4.

21. Please note in the Site Data column that these parcels are not located within the Henlopen Transportation Improvement District (TID).

Response: On past projects, DeIDOT commented on how they wanted the proximity to a transportation district, "not within an identified TID." We didn't adjust the Site Data to meet DeIDOT's requirements; however, we added a note 10 under the General Notes on the Cover Sheet specifying that

22. Please include in the Site Data column the Maximum Density of 2 units per acre.

Response: We updated the site data to include the maximum density of 2 units per acre.

23. Please include the Net Development Area of the parcel within the Site Data Column (§115- 220(B)(6)).

Response: We updated the site data to include the site's net development area.

24. Please include the setbacks for parcel 133-16.00-81.04 on the plan view and annotate the setback dimensions for all lots in the plan view (§115-220(B)(8)).

Response: We added setbacks for the lots reconfigured as part of the subdivision.

25. Please amend the Setback section of the Site Data column to include the setbacks for corner lots (§115-220(B)(8)). Staff note that setbacks shown for Lot 39, 41, and 42 are greater than required. The required setbacks for these lots are:

- a. Lot 32: Front – 30' (along Compton Dr), Side – 15' (along Lot 33 and 35)
- b. Lot 39: Front – 30' (along Compton Dr), Side – 15' (along the SWM Facility parcel and Lot 40)
- c. Lot 41: Front – 30' (along Compton Dr to the northwest), Side – 15' (along Lot 40), Corner Front – 15' (along Compton Dr to the northeast), Rear – 20' (along the SWM Facility)
- d. Lot 42: Front – 30' (along Fisher Pt Blvd), Side – 15' (along lot 43), Corner Front – 15' (along Compton Dr), Rear – 20' (along the open space parcel)

Response: We adjusted the building restriction lines on the corner lots and added a corner lot setback to the site data table.

26. Please include a statement, signed and sealed by a qualified professional, indicating that there are no wetlands on the site (§115-221(B)(14)).

Response: The site has some non-tidal wetlands. We added a wetland signature block to the cover sheet.

27. Please include information regarding the character of construction for all proposed streets and cul-de-sacs (§115-221(B)(5)).

Response: We added cross-sections to the plans showing the character of the street and cul-de-sac construction.

28. Please include information regarding the location, character, size, height, and orientation of any proposed signs (§115-221(B)(11)).

Response: We added the proposed subdivision signs to the plan at the entrance. These signs are placeholders. The Owner will submit sign permit to the County prior to construction. We added note 9 to the General Notes on the cover sheet for documentation.

29. Please include the percentage of open space in the Site Data Column (§115-221(B)(12)).

Response: The open space area was added to the Site Data Column per your comment. We also included an open space table adjacent to the Site Data Column on the Cover Sheet.

30. Please include a bulk grading plan (§115-221(B)(17)).

Response: We included a bulk grading plan with this submission.

31. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
- a. Sussex County Engineering Department
 - b. Sussex County Geographical Information Office (GIO)
 - c. Sussex Conservation District (SCD)
 - d. Delaware Department of Transportation (DelDOT)
 - e. Office of the State Fire Marshal (SFMO)
 - f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
 - g. Indian River School District

Response: I have included approvals from the Office of the State Fire Marshal and from the Sussex County Geographical Information Office. We have had preliminary meeting with DelDOT and the Sussex Conservation District and will provide the other approvals if the project receives Preliminary Subdivision Approval.

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



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
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Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING AND ZONING

September 12, 2022

Dave Heatwole, PE
Siteworks Engineering
19 Commerce St
Harrington, DE 19952

By email to: Dave.Heatwole@siteworkseng.com

RE: Staff Review of the Revised Preliminary Major Subdivision Plan for Fishers Point (2021-24), located off Revel Road (S.C.R. 410).

Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Mr. Heatwole,

Further to the submission of August 5th, 2022, the Planning and Zoning Department has reviewed the Revised Preliminary Major Subdivision Plan for Fishers Point (2021-24). This plan proposes the creation of forty-five (48) single-family lots, private roads, and open space to be located on the east side of Revel Road (S.C.R. 410). The parcels are all zoned Agricultural Residential (AR-1). Staff have reviewed the proposed subdivision plan for compliance with the Sussex County Zoning and Subdivision Codes and have the following comments:

Chapter 115 - Zoning

1. Staff recommend notating the 25-foot permanent setback for Lots 1-17 on the plan view.
2. Please include notation in General Note 7 that the lighting shall be shielded and downward screened.
3. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
 - a. Sussex County Engineering Department
 - b. Sussex County Geographical Information Office (GIO)**
 - c. Sussex Conservation District (SCD)
 - d. Delaware Department of Transportation (DelDOT)
 - e. Office of the State Fire Marshal (SFMO)**
 - f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
 - g. Indian River School District

Please provide one (1) full-size copy and one (1) electronic copy of a Revised Preliminary Subdivision Plan once all comments have been addressed.

Please feel free to contact me with any questions at 302-855-7878.

Sincerely,

A handwritten signature in black ink that reads "Jesse Lindenberg". The signature is written in a cursive style with a large, stylized 'J' and 'L'.

Mx. Jesse Lindenberg
Planner I

September 30, 2022

Mx. Jesse Lindenberg, Planner 1
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

**RE: Fishers Point Subdivision (2021-24)
Comment Response Letter**

Dear Mx. Lindenberg:

We offer the following comment responses to your 9/12/22 comment letter for the Fishers Point Subdivision. Your comments appear below, followed by our responses. I am sending you two copies of the revised plan for your review.

Chapte 115 – Zoning

1. Staff Recommends notating the 25-foot permanent setback for Lots 1-17 on the plan view.

Response: We added the permanent setback annotation to the plans as you recommended.

2. Please include notation in General Note 7 that the lighting shall be shielded and downward screened.

Response: We updated General Note 7 to include the provision that lighting be shielded and downward screened.

3. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
 - a. Sussex County Engineering Department
 - b. Sussex County Geographical Information Office (GIO)
 - c. Sussex Conservation District (SCD)
 - d. Delaware Department of Transportation (DelDOT)
 - e. Office of the State Fire Marshal (SFMO)
 - f. Delaware Department of Health and Social Services (DHSS) – Office of Drinking Water
 - g. Indian River School District

Response: We will forward agency approvals upon receipt.

Mx. Jesse Lindenberg
Comment Response Letter
Fishers Point Subdivision
Page 2 of 2

Please call me if you have any questions or concerns at (302) 841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Tab 4

September 14, 2022

Georgetown Administration Building
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Attn: Jamie Whitehouse

**RE: Fishers Point (2021-24)
Statements of Compliance with Chapter 115-25.E & F (3) & Chapter 99-9.C Responses
Tax Parcels: 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13**

Dear Chairman and Members of the Commission,

On behalf of Fishers Point LLC, Siteworks Engineer LLC is pleased to provide written responses to key County Code sections.

Statements of Compliance with Chapter 115-25.E

- E1. All development shall be in accordance with the latest amendment to the community design standards.**
- a. The proposed cluster subdivision complies with the Community Design section of the County's Comprehensive Plan.
- E2. Housing Types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.**
- a. The subdivision application is for single-family residential lots.
- E3. A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area.**
- a. The proposed subdivision does not abut an agricultural area.
- E4. Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.**
- a. Fishers Point is not adjacent to an existing residential subdivision.
- E5. No lots shall have direct access to any state-maintained roads.**

- a. Lot access will be via private streets constructed per Sussex County Code, and a single DelDOT entrance is proposed for the community with access to Revel Road.

E6. All lots shall be configured to be contained completely outside of all wetlands.

- a. All proposed lots are sited entirely outside of the wetlands.

E7. Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance.

- a. Fishers Point subdivision is planned under Subsection A(2) and will be served by on-site wells and septics.

Statements of Compliance with Chapter 115-25.F(3)

(a)[1] Subdivision lots, infrastructure, and amenities are located on environmentally suitable portions of the property, with the wetlands being avoided. Clearing of the existing woods is limited to those areas required for constructing roads and houses.

(a)[3] Fishers Point subdivision exceeds Sussex County's open space requirement. The required open space is 3.694 acres, and 5.300 acres have been provided. Of the open space provided, 3.551 acres, 96% of the required open space, is located adjacent to existing woodlands on a contiguous parcel. This open space area contains 1.112 acres of active open space for the benefit of the community and includes a walking trail connected to the sidewalk network.

(a)[4] Please note that the Fishers Point subdivision application (2021-24) was submitted to the Planning and Zoning Office in December 2021 and is subject to the 115-193 Resource Protection requirements that pre-date those adopted under Ord. No. 2852. A 25-foot permanent setback is provided from all non-tidal wetlands.

(a)[5] The stormwater management system and facilities will be provided in accordance with DNREC's requirements. An infiltration pond is proposed to help recharge the groundwater along with open channel conveyance swales that will filter stormwater runoff and help recharge the groundwater.

(a)[6] Tree removal will be limited to the maximum extent possible.

(a)[7] Scenic views of the existing woodlands and Ingrams pond have been preserved to the maximum extent possible. Views of Ingrams Pond are preserved and are viewable from the lots surrounding the Pond, and views of the existing woods on the southwestern side of the site are preserved and viewable from the active open space area and the lots adjacent to the existing woods.

(a)[8] Land planning preserved natural features like mature woods, wetlands, and intentionally located the roads away from the point where the land slopes down toward Ingrams Pond. Sidewalk is proposed on one side of the road to promote pedestrian movement through the site. The project is located in a level 3 investment level area and is not adjacent to a State sidewalk or a shared use path, so all sidewalks will be internal to the subdivision.

(a)[9] Sidewalks are proposed on one side of the roadway. They will be placed in an easement behind the right-of-way.

(b) The subdivision preserves the natural environment to the maximum extent possible, and there are no known archeological resources on the site.

(c) Our responses to Section 99-9.C are included below.

Chapter 99-9.C Responses

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

- a. The subdivision includes a 20' forested buffer along the adjacent residential properties.
- b. The Developer has taken care to preserve the mature trees bordering Ingrams Pond and the adjacent residential property to the east and to minimize tree clearing.
- c. Forested non-tidal wetlands have been preserved and are protected with a 25-foot permanent setback. No wetland impacts are anticipated as a result of the Fishers Point Subdivision.
- d. Proposed lots within the community are a minimum of 40 feet from the outbounds of adjacent residential properties.
- e. The proposed site grading is anticipated to maintain the property's existing drainage pattern.

2. Minimal Use of Wetlands and Floodplains.

- a. Kenneth W. Redinger evaluated the property for wetlands on 11/5 – 11/7/22 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual in conjunction with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region, Version 2.0 (November 2010) and associated regulatory guidance documents.
- b. A small amount of wetland area was identified adjacent to Ingrams Pond. This wetland area is a planned open space, and a 25-foot permanent setback is shown on residential lots adjacent to the non-tidal wetland area.
- c. A small portion of the site is impacted by the 100-year flood elevation per FEMA Flood Map 10005C0454K, effective 3/16/2015. All residential lots will be outside of the 100-year flood area.

- d. No impacts to the floodplain are anticipated because of the Fishers Point Subdivision.

3. Preservation of Natural and Historical Features.

- a. The residential lots, streets, and stormwater drainage features were designed to minimize impacts on steep slopes.
- b. We contacted the State Historic Preservation Office (SHPO) to determine if there are any known archaeological or National Register sites listed or eligible properties on the parcel. SHPO reviewed the project area and responded that no resources are listed in the State's Cultural & Historical Resource Information System.

4. Preservation of Open Space and Scenic Views.

- a. The Fishers Point subdivision proposes 5.3 acres (13.3%) of open space.
- b. Views of Ingrams Pond are preserved and are viewable from the lots surrounding the Pond.
- c. The existing woods on the southwestern side of the site are preserved and is viewable from the active open space area and the lots adjacent to the existing woods.

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

- a. Site disturbance will be limited to areas for roads, stormwater management facilities, utilities, and houses. The undisturbed natural vegetation is to remain and be managed by the Home Owners Association.
- b. The proposed subdivision grading will maintain existing drainage patterns to the maximum extent possible while maintaining site drainage. Soil disturbance will be limited to the area needed to construct roads, utilities, houses, and stormwater management facilities.
- c. The intent of the subdivision design is to have a balanced site and large soil imports or exports will be avoided.

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

- a. Objectional features will be screened from adjacent residential properties by a forested buffer. The western portion of the subdivision adjacent to Revel Road will be screened with a rolling berm in the open space area between the lots and the road, and the Developer intends to construct an aesthetically appealing entrance along the subdivision's eastern frontage adjacent to Revel Road.
- b. No public water or wastewater treatment or conveyance facilities or other objectionable public utilities are planned in the project area. Fishers Point will be consistent in use and character with the surrounding community.

7. Provision for water supply.

- a. The subdivision's residential lots will be served by on-site water wells installed in accordance with DNREC's regulations.

8. Provision for sewage disposal.

- a. The subdivision's residential lots will be served by on-site wastewater disposal system designed and constructed in accordance with DNREC's regulations.
- b. All new on-site wastewater disposal systems will be constructed with advanced treatment in accordance with DNREC's PSN-3 standard.

9. Prevention of pollution of surface and groundwater.

- a. Stormwater Management Facilities will be designed and constructed according to DNREC's standards and regulations.
- b. The site will utilize a variety of stormwater conveyance and management practices to reduce pollutants, including grassed swales, forebays, infiltration basins, and extended detention wet ponds.
- c. Stormwater facilities will be designed with a maintenance and operation plan to ensure long-term function.
- d. All road runoff will be collected in roadside swales and directed to stormwater management facilities that will treat it before infiltration or discharge.
- e. The site will be designed and constructed using Best Available Technologies (BATs) and Best Management Practices (BMPs).
- f. Green Technology will be utilized where feasible.

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

- a. Erosion and sediment control plans will be designed and implemented in accordance with DNREC's requirements. A phasing plan will be developed to ensure minimal disturbance at any given time.
- b. The stormwater management system will be designed and constructed per DNREC's standards.
- c. The subdivision plan intends to utilize an infiltration basin to help recharge the groundwater.

11. Provision of safe vehicular and pedestrian movement within the site and to adjacent ways.

- a. Entrance and frontage road improvement plans will be designed and submitted to DeIDOT for approval. The proposed plan includes right-of-way and easement dedications to DeIDOT

12. Effect on area property values.

- a. It is anticipated that the Fishers Point community will benefit home values in the area because great attention has been paid to making the community safe, quiet, aesthetically pleasing, walkable, and a great place to live. Base home size is expected to be equivalent to or larger than the average home in the immediate area.

13. Preservation and conservation of farmland.

- a. The proposed development lies within a Developing Area, as shown in the Sussex County Comprehensive Plan.
- b. The proposed subdivision will not adversely affect nearby farmland due to the 20-foot forested buffer and natural features separating it from nearby farmland.

14. Effect on schools, public buildings and community facilities.

- a. Fishers Point is within the Indian River School District, and we will coordinate with the Indian River School District to determine the preferred bus stop location during the subdivision's design.
- b. Community open space will include a park-like area with trails adjacent to the existing woods. This active open space area is located near Revel Road, is accessible to all community residents, and is connected to the sidewalk network.
- c. It is anticipated that additional property tax revenue and the State's school contribution from income tax receipts as a result of the new homes will offset impacts to the School, public buildings, and other community facilities.

15. Effect on area roadways and public transportation.

- a. Fishers Point's subdivision roads will be designed and constructed to Sussex County's standards. Frontage Road improvements will be made in accordance with DeIDOT's requirements.

16. Compatibility with other area land uses.

- a. The subdivision conforms to the AR-1 zoning code and is consistent with the surrounding land uses.
- b. Fishers Point is in the vicinity of other residential communities, including Ingrams Point, Longwood Lakes, Meadow Drive, Meadow Drive II, Cedar Ridge, Deere Country, Lake Wood Estates, Lakeview

Estates, Oakmont Estates, Citation Meadows, Beacon Meadows, Parkers Point, The Woodlands of Millsboro, Country Living Mobile Court, and the Plantation Lakes Development within the Town of Millsboro; thus it is compatible in density, homestyle, and land use.

17. Effect on area waterways

- a. Stormwater runoff will be treated for water quality prior to discharge or infiltration.

Please call me if you have any questions or concerns at 302-841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Tab 5

Sussex County Tax Map Nos. _____

Prepared By and Return To:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
P.O. Box 751, Georgetown, DE 19947

**DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS FOR FISHERS POINT, LOCATED IN
DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE**

THIS DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS is entered into and declared by **FISHERS POINT, LLC** (“Developer”), a Delaware limited liability company and **SUSAN V. THOMPSON AND ROBERT D. THOMPSON, III** (“Thompson”) (Developer and Thompson are hereinafter collectively referred to as “Declarant”).

WHEREAS, pursuant to the Deeds recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware (the “Recorder’s Office”) at Deed Book ___, Page ___, Deed Book ___, Page ___, [ETC], Developer is the legal owner of a portion of those certain lots, pieces or parcels of land bounded and described on Exhibit “A”, attached hereto and made a part hereof, being (1) the real property shown and identified on the Fishers Point Subdivision Plan, prepared by Siteworks Engineering LLC dated _____, said plan being recorded in the Recorder’s Office at Plat Book ___, Page ___, as such plan may be subsequently supplemented or amended from time to time by final subdivision plats (collectively, as supplemented and amended, the “Record Plat”) for a total of up to forty-eight (48) Lots, and (2) Sussex County Tax Map Parcels 133-16.00-81.08, 133-16.00-81.12 & 133-16.00-81.05 (the “Developer Pre-existing Lots”). Thompson is the legal owner of that certain lot, piece or parcel of land bounded and described on Exhibit “A”, attached hereto and made a part hereof, and identified by Sussex County Tax Mapping as Tax Map Parcel 133-16.00-81.06 (“Thompson Pre-existing Lot”). Developer and Thompson, as Declarant hereunder, declare that the lands described in Exhibit “A” (collectively referred to hereinafter as the “Property”) shall be subject to and bound by the following Declaration of Covenants, Conditions, Easements and Restrictions for Fishers Point.

WHEREAS, Declarant desires to control and restrict both the construction of original structures and improvements on the Property as generally depicted on the Record Plat, and the Sussex County Tax Map, as well as any modification to the original residential dwellings and other improvements that shall be built in accordance with and subject to the terms and conditions of those certain design guidelines and procedures which shall be kept, maintained and made available for inspection and review by the Architectural Review Committee (“ARC”), as defined herein, as the same may be amended from time to time by the Declarant in its sole and absolute discretion (the “Design Guidelines”) during the Declarant Control Period and thereafter by the ARC as

provided herein below, together with the use to which all dwellings, structures, and improvements in the Project, as more fully described below, are put so as to promote and facilitate the development of a healthful, safe, harmonious, attractive and valuable residential community and for the preservation of the values and amenities in the Project. Towards this end, Declarant desires to subject the Property and Project to certain covenants, restrictions and agreements as hereinafter more particularly set forth, all of which Declarant deems to be for the benefit of the Declarant, and each Owner and their respective heirs, personal representatives, successors, assigns, and transferees.

WITNESSETH:

NOW, THEREFORE, Declarant hereby declares that the Property and Project shall be held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to the covenants, conditions, restrictions and easements set forth in this Declaration, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and Project and be binding on all parties having any right, title or interest in all or any portion of the Property and Project, as the Project may be modified from time to time in accordance with Article II hereof, their heirs, personal representatives, successors, transferees and assigns, and which shall inure to the benefit of the Declarant, Association (as defined below) and each Owner and their respective heirs, personal representatives, successors, transferees and assigns.

ARTICLE I
DEFINITIONS

1.1. **“Architectural Review Committee”** or **“ARC”** shall mean and refer to the committee appointed by the Declarant or the Association to review plans for construction on each Lot.

1.2. **“Association”** shall mean and refer to The Fishers Point Homeowners Association, Inc., a non-stock Delaware corporation, or such other membership corporation as the Declarant shall form, its successors and assigns.

1.3. **“Association Documents”** shall mean the Articles of Incorporation and Bylaws of the Association, as may be amended.

1.4. **“Association Member”** shall mean every person, group of persons, limited liability company, corporation, partnership, trust or other legal entity, or any combination thereof, who is an Owner of any Lot that is part of the Property.

1.5. **“Common Areas”** shall mean and refer to the road or roads, the stormwater management erosion and sediment control facilities, designated private community open space, forested buffer(s), the Sidewalk Easement and the street lighting shown and depicted and so designated in Plot Book ___ at Page ___, a plot titled, Fishers Point Subdivision, serving the property which is the subject of this Declaration; the road(s), Sidewalk Easement and street

lighting shown on the recorded plot are private right-of-ways and common areas benefiting all Lots shown on the Record Plat as well as the Developer Pre-existing Lots and the Thompson Pre-existing Lot; and it is hereby provided that the road or roads, Sidewalk Easement, street lighting and common areas shown on the Record Plat, is declared to be private road(s), a private Sidewalk Easement, private street lighting, private common areas and private storm water management erosion and sediment control facilities and that each property owner who obtains a deed for a Lot as shown on the Record Plat, the Developer Pre-existing Lots and the Thompson Pre-existing Lot, as served by such road(s), Sidewalk Easement, street lighting, common areas, and private storm water management erosion and sediment control facilities by the acceptance of such conveyance, hereby agrees to be responsible for maintaining, repairing, replacing the Common Areas including the roads, street, Sidewalk Easement, street lights, and providing electric service for street lighting and for the up keep of all improvements on such road(s) and Common Areas through the Association.

1.6. **“Community”** shall mean and refer to Fishers Point.

1.7. **“Declarant”** shall mean and refer to Fishers Point, LLC, a Delaware limited liability company and Susan V. Thompson and Robert D. Thompson, III, their successors and assigns. Susan V. Thompson and Robert D. Thompson, III are included as a Declarant for purposes of declaring the Thompson Pre-existing Lot, as defined herein, hereunder.

1.8. **“Declaration”** shall mean and refer to this instrument.

1.9. **“Development Plans”** shall mean and refer collectively to the approved site plan and plats for the Property and Project, including, as well as any and all amendments, modifications and extensions thereof as may be made from time to time.

1.10. **“Laws”** shall mean all statutes, laws, rules, regulations, ordinances and similar enactments or promulgations, by and from any local, county, state or federal agency or body, including, but not limited to, environmental laws and regulations and applicable zoning, subdivision, health and building codes and any and all authorizations, approvals, certificates or permits or other instruments or documents that are issued by and from any local, county, state or federal agency or body which govern the ownership, occupancy, use, or operation (including, but not limited to, any maintenance, repair and or replacement) of all or any portion of the Property or Project, including, but not limited to, the Lots, Common Areas or Common Facilities.

1.11. **“Lot”** shall mean and refer to any unimproved or improved plot of land intended and subdivided for a detached single-family residence, shown upon the Record Plat as a numbered parcel, as well as the Developer Pre-existing Lots and Thompson Pre-existing Lot, but shall not include the “Common Areas” as hereinabove defined.

1.12. **“Mortgage”** shall mean and refer to any mortgage, deed of trust, or similar instrument granted as security for the performance of any obligation.

1.13. **“Owner”** shall mean and refer to the record owner, whether one or more persons or entities, holding a fee simple title to any Lot, but shall not mean or refer to any mortgagee or subsequent holder of a mortgage, unless and until such mortgagee or holder has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

1.14. **“Person”** shall mean and refer to any individual, partnership, corporation, limited liability company, association, joint stock company, trust, joint venture, unincorporated organization, governmental entity, any department, agency or political subdivision thereof, or any other legal entity or any combination thereof.

1.15. **“Project”** as used in this Declaration shall mean and refer to the residential community, together with the improvements erected and maintained thereon, to be known as “Fishers Point” consisting of the Lots and Common Areas located on any of the foregoing, all to be built on the Property.

1.16. **“Record Plat”** shall mean the plat of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware recorded in Plot Book _____ at Page _____, depicting the Property and all of the Lots (except the Developer Pre-existing Lots and Thompson Pre-existing Lot), the Common Areas and any easements.

1.17. **“Sidewalk Easement”** shall mean the sidewalk as shown on the Record Plat. The sidewalk is located on one side of the internal street and is located as depicted on the Record Plat. The Sidewalk Easement is reserved to the Association for its upkeep and maintenance and for use by its members and guests, whose use is limited to pedestrian use, non-motorized bicycles, baby carriages, sleds (in winter); however, skating and skate boarding are a prohibited use.

1.18. **“Utility”** or any variation thereof shall mean and refer to electric power, natural, propane or any other type of gas, telephone, communications services (including but not limited to internet services), solar, cable or satellite television, sanitary and storm sewer, potable water, storm sewer lines, and other related utility services now or hereinafter located on, or provided to, all or any portion of the Property, together with any and all pipes, lines, wires, cables and conduits, accessory or appurtenant facilities, structures or improvements, meters, utility vaults, substations and pumping or treatment stations or other betterments or improvements now or in the future associated with any one or more such Utilities.

ARTICLE II DECLARANT'S RIGHT TO SUBJECT PROPERTY TO DECLARATION

2.1. Property Subject to this Declaration. The Property, as set forth in Exhibit “A” attached hereto and incorporated herein by reference, shall be a residential community with the name of “Fishers Point” that is held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to all of the covenants, conditions and restrictions of this Declaration.

2.2. Special Declarant Rights. The Declarant reserves the following rights for the period from the date of this Declaration through the date twenty (20) years thereafter (the “Special Declarant Rights Period”), which rights Declarant reserves for itself or other third parties, including, but not limited to any Owner of a Lot pursuant to one or more partial and limited non-exclusive assignment by Declarant of any such right or rights which is executed and acknowledged by the Declarant and such third parties and recorded in the Recorder's Office (individually and collectively, the “Special Declarant Rights”):

- (a) The right to complete or make improvements indicated on the Development Plans;
- (b) the right to maintain a sales office, management office, storage sheds/trailers, and models on Lots or on the Common Areas;
- (c) the right to maintain signs on the Property to advertise the sales of homes as follows: (i) a sign in front of each model home with a size of up to 24 inches by 18 inches, a brochure box and sign on each Lot available for sale with a size of up to 24 inches by 18 inches, and (ii) other signs on Lots deemed necessary by Declarant; and
- (d) the right to conduct sales business and construction activities on the Property; and
- (e) the right to use and permit others to use, easements through the Common Areas as may reasonably be necessary for the purpose of discharging the Declarant's obligations under this Declaration.
- (f) the right of Declarant to grant and convey one or more conservation easements or other similar agreements on or with respect to portions of the Common Areas in favor of the Sussex County Land Trust or similar non-profit entity or organization to protect and/or preserve environmentally sensitive areas or habitats on such portions of the Common Areas.
- (g) the right of Declarant to adopt and establish written guidelines for the size, design, materials, location, duration and other criteria for signs or advertising devices of any kind or character from time to time (the “Signage/Advertising Guidelines”).
- (h) the right of Declarant to add to, remove, or otherwise modify or alter the landscaping, trees, and any other physical features or characteristics of any portion of the Property owned by Declarant from time to time, including but not limited to any such property that is adjacent to, in the general vicinity of, or otherwise visible from any Owner's Lot, including but not limited to changing the location, configuration, size, or other features or characteristics of any Lot, Common Areas, or Common Facilities, and Declarant shall have any liability, duty or obligation to any such Owner or any third parties as a result of such modifications, including but not limited to any alterations in the physical view from such Owner's Unit, whether resulting from or attributable to the presence, absence or re-configuration of other dwellings, structures, trees, landscape,

amenities, or any other improvements or betterments or any modifications thereto (collectively the "Protected Development Rights").

(i) the right of Declarant to modify the Design Guidelines from time to time during the Special Declarant Rights Period. Any such approved modifications shall become effective upon adoption, subject to exceptions and exemptions for existing or pending construction pursuant to the prior Design Guidelines then in effect when contracts were entered into between (1) Declarant and its third-party homebuyers or (2) an Owner with its construction contractor(s).

2.3. Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument signed by Declarant, any Special Declarant Rights may be exercised by the Declarant or any assignee thereof as evidenced by a written assignment recorded in the Recorder's Office for the period of time permitted under Delaware law.

ARTICLE III ASSOCIATION PROPERTY RIGHTS

3.1. Owners' Easements of Enjoyment. Every Owner shall have a non-exclusive right and easement (in common with others entitled thereto) of enjoyment in and to the use of the Common Areas (and as applicable, the Common Facilities) which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of the Association to charge reasonable and uniform admission and other fees and assessments for the use of the Common Areas and as applicable, the Common Facilities.

(b) The right of the Association to suspend an Owner's privileges and rights to use the Common Areas and as applicable, the Common Facilities and/or services provided to Owners (other than the right of an Owner to vote on any matter submitted to a vote of Owners)

(i) for any period during which any assessment against such Owner's Lot remains unpaid and (ii), after notice and an opportunity for a hearing, for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; provided, however, that the obligation of such Owner to pay assessments shall continue unabated during such period of suspension of voting rights or right to utilize the Common Areas and as applicable, the Common Facilities.

(c) The right of the Association to dedicate, sell or transfer all or any part of the Common Areas and as applicable, the Common Facilities to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Association Members. Notwithstanding anything contained in this Declaration to the contrary, no such dedication, sale or transfer shall be effective without the consent of Declarant (for so long as Declarant shall own any portion of the Property) and two-thirds (2/3) of the total votes of the Association Members. Notwithstanding anything contained herein to the contrary, the Declarant shall retain control of

the Common Areas and as applicable, the Common Facilities, until such time as the Declarant is permitted to transfer control and/or ownership thereof pursuant to any applicable Laws and elects to do so or is otherwise legally obligated to do so, whichever is the first to occur, which may result in some but not all of the Common Areas and as applicable the Common Facilities being transferred and/or conveyed, as applicable from time to time. Such transfer shall be evidenced by a deed to be recorded in the Recorder's Office and the Association shall not refuse to accept the conveyance of any such Common Areas (including any applicable Common Facilities), provided the Common Areas and the applicable Common Facilities comply with all applicable Laws. Declarant shall have a limited irrevocable power of attorney coupled with an interest to consummate any such transfer to the extent necessary pursuant to Article XII, Section 12.13 below.

(d) The right of the Association to establish uniform and non-discriminatory rules and regulations pertaining to the use of the Common Areas and if applicable, the Common Facilities.

(e) The right of the Association, in accordance with its Certificate of Incorporation and Bylaws, and with the consent of the Declarant (for so long as the Declarant shall own any portion of the Property) and two-thirds (2/3) of the total votes of the Association Members, to borrow money for the purpose of improving the Common Areas and as applicable, the Common Facilities in a manner designed to promote the enjoyment and welfare of the Association Members and in aid thereof to mortgage any portion of the Common Areas.

(f) The right of the Association to take such steps as is reasonably necessary to protect the Common Areas against mortgage default and foreclosures; provided, however, those steps are in conformity with the other provisions of this Declaration.

(g) The right of the Association, acting by and through the Board, to grant easements, licenses or other rights of use of the Common Areas and as applicable, the Common Facilities to persons or entities that are not Association Members for such consideration and on such terms and conditions as the Board may from time to time consider appropriate or in the best interest of the Association.

(h) The right of the Association to be the lessee of any portion or all of the Common Areas and as applicable, the Common Facilities and the right of the Association to enforce the terms of the lease with respect to the Common Areas against such property and the Owners and their guests, visitors, licensees, invitees, or lessees.

(i) The right of the Association, acting by and through the Board, to transfer or convey portions of the Common Areas for purposes of adjusting the boundary lines of one or more Lots or the Common Areas; provided, however, that such transfer or conveyance has been approved, as necessary, by applicable local governmental authorities or agencies, or is otherwise in conformance with applicable Laws.

(j) The right of the Association, acting by and through the Board, pursuant to adopted rules and regulations, to assess liquidated damages in an amount reasonably determined

by the Board to be imposed as a special assessment against any Owner who violates or proposes to violate the Declaration, Bylaws, Rules or Regulations of the Association, in an amount necessary to compensate the Association and the remaining Owners for the damages that would occur for a violation of the Declaration, Bylaws, Rules or Regulations adopted by the Association. The reasonableness of the liquidated damages imposed by the Board for anticipatory breaches of the Declaration, Bylaws, Rules or Regulations adopted by the Association shall be presumed reasonable and shall be enforced by a Court of competent jurisdiction as a reasonable assessment of liquidated damages unless the affected Owner can establish that there is an arbitrary relationship between the amount of the liquidated damages and the harm sought to be prevented by the established liquidated damages. All such liquidated damages shall be assessed as a special assessment for liquidated damages in accordance with Section 5.11, provided however, that before imposing the special assessment for liquidated damages, the Owner to be assessed shall have the opportunity to contest the assessment by providing notice to the Board requesting a hearing within seventy-two (72) hours of notice of intent to impose a liquidated damages special assessment.

3.2. Limitations. Notwithstanding any other provision of this Declaration to the contrary, the Association shall have no right to suspend the right of any Association Member to use the Common Areas and as applicable, the Common Facilities, for necessary, ordinary and reasonable vehicular and pedestrian ingress and egress to and from such Owner's Lot, or to suspend any easement, license or other property interest over the Common Areas for storm water drainage, electrical energy, water, sanitary sewer, natural gas, telephones, or similar services or utilities to the Lots. The Common Areas and as applicable, the Common Facilities, will be available for the type of active and passive recreational and open space uses contemplated under the Development Plans and the Laws. All Owners shall have the non-exclusive right (in common with others entitled thereto) to access and make reasonable use of the Common Areas and as applicable, the Common Facilities, as described in the approved Development Plans and the Laws both before and after they are conveyed to the Association, with the exception of those areas as may be reasonably and necessarily restricted for access because of temporary safety reasons in connection with the development of the Property or Project, subject to the terms and provisions of this Declaration. In addition, the rights of the Association, as provided above, are subject to the right of the Declarant, as more fully set forth in Section 8.1 of this Declaration, to grant easements, to utilize reserved rights and easements, and to otherwise utilize the Common Areas and as applicable, the Common Facilities, as it deems appropriate in connection with the development of the Property and Project.

3.3. Delegation of Use. Any Owner may delegate, in accordance with the Bylaws and rules and regulations of the Association, such Owner's right of enjoyment to the Common Areas and as applicable, the Common Facilities, to such Owner's family members, guests, visitors, licensees, invitees, or lessees.

ARTICLE IV ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

4.1. Association Membership. Every Owner of a Lot shall be a member of the Association provided, however, that any Person who holds such interest solely as security for the

performance of an obligation shall not be an Association Member solely on account of such interest. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

4.2. Association Voting Rights.

(a) At all meetings of the Association, the Owners of each Lot shall be entitled collectively to cast such vote or votes as provided for by the Certificate of Incorporation for the Association and the Bylaws of the Association, which vote or votes may be cast in person or proxy. Owners shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership.

(b) When more than one (1) Person are Owners of any Lot, all such Persons shall be Association members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot. If only one (1) of several Owners of a Lot is present at a meeting of the Association, that Owner is entitled to cast all the votes allocated to that Lot. If more than one (1) of the Owners of a Lot is present at a meeting of the Association, and any one of multiple Owners of a Lot casts a vote allocated to such Lot without protest being made promptly to the person presiding over the meeting, then there shall be deemed to be majority agreement of the Owners. Additionally, with respect to Lots that have multiple Owners, the vote of a Person named in a certificate signed by all of the Owners of the Lot and filed with the Secretary of the Association as entitled to enter the vote of such Lot shall be deemed to be a vote by majority Agreement of the Owners. Such certificate shall be valid until revoked by a subsequent certificate.

(c) Whenever the approval or disapproval of an Owner is required by this Declaration or the Bylaws, such approval or disapproval shall only be made by the person who would be entitled to cast the vote for the Lot at any meeting of the Association.

(d) Except where a greater number is required by the Bylaws, a majority of the votes cast in person, by proxy or by ballot at a meeting of Owners where a quorum is present shall determine the outcome of any action of the Association where a vote is taken so long as the number of votes cast in favor comprise at least a majority of the number of votes required for a quorum for that meeting. Votes allocated to a parcel or Lot owned by the Association may not be cast and shall not be calculated either in a quorum or in any percentage of votes needed for any actions by the Owners.

4.3. Proxies. Each Association Member entitled to vote shall, at every meeting of the members, be entitled to vote in person or by proxy, in writing and signed by such member, but no proxy shall be voted after one (1) year from its date, unless it specifically provides for a longer period. Every proxy shall be revocable, at any time, and shall automatically cease upon conveyance of the Lot. Such right to vote shall be subject to the right of the Board to close the transfer books or to fix a record date for voting members as hereinafter provided and if the Board shall not have exercised such right, no vote shall be cast at any election for members of the Board by anyone who shall have accepted membership in the Association within ten (10) days of such election. Only one

(1) Association Member vote shall be cast with respect to each Lot. In the event that members who hold title to any Lot either by the entirety, or as joint tenants, or as tenants in common, attempt to cast the vote for such Lot in conflicting ways, such vote shall be recorded as a fractional vote.

ARTICLE V COVENANT FOR MAINTENANCE ASSESSMENTS

5.1. Creation of the Lien and Personal Obligation for Assessments. There are hereby created assessments for Common Expenses as may be from time to time specifically authorized by the Board to be commenced at the time and in the manner set forth in this Article V. Subject to Section 5.4 hereof, each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (i) annual assessments and (ii) special assessments and working capital and reserve fund contributions as provided under Section 5.5 (collectively the “assessments”). The annual and special assessments, together with interest, costs, late fees and reasonable attorneys' fees, shall be a charge on the Lot (including all improvements thereon), and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, late fees and reasonable attorneys' fees, shall also be the personal obligation of the person who was the Owner of the Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to a prior Owner's successors in title unless expressly assumed by such successors.

5.2. Purpose of Assessments.

(a) The assessments levied by the Association shall be used exclusively to (i) promote the recreation, health, safety, and welfare of the residents in the Project; (ii) for the improvement, maintenance, repair, and replacement of the Common Areas (including without limitation the Common Facilities, if any); (iii) for the payment of real estate taxes, assessments and utility services for the Common Areas and as applicable, the Common Facilities; and (iv) for management fees, administration expenses, insurance and all other costs and expenses incurred by the Association in the proper conduct of its activities, including, without limitation, reserves for replacements or contingencies and charges accruing under any cross-easement or other agreement (including, without limitation, any such agreement for the maintenance of any Common Areas and as applicable, the Common Facilities). The Assessments may also be used for the maintenance, repair and replacement of any property or facilities serving or appurtenant to the Project which the Association is obligated or elects to maintain whether or not such property or facilities are owned by the Association or are located within the Project including, without limitation, any property or facilities which the Association is obligated and/or authorized to maintain pursuant to this Declaration or any recorded plan, easement and other document or as may be approved by the Board from time to time.

(b) Without limiting Section 5.2(a) above, the assessments levied by the Association with respect to the Common Areas and as applicable, the Common Facilities shall also be used for maintenance, repair and replacement (including reserves) of any and all storm water

management facilities to the extent that they are part of the Common Areas and as applicable, the Common Facilities and Sussex County, Delaware does not assume responsibility for the maintenance, repair and replacement of the storm water management facilities, including, without limitation, drainage pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, whether such storm water management facilities are located within the Project or not, as long as such storm water management facilities are designed to benefit or serve any portion of the Project, or are required or intended to be maintained by the Association pursuant to any easement, agreement or the direction of any governmental authority or agency. The Association shall not refuse to accept the conveyance of any such facilities from the Declarant. Such storm water management facilities may also benefit property not within the jurisdiction of the Association and the maintenance of such facilities may be set forth in a cross-easement or other agreement, in which event the Association shall maintain the facilities pursuant to such agreement.

5.3. Annual Assessments: Budgets.

(a) After the first assessment has been made by the Association, assessments must be made annually at an amount sufficient to meet the Common Expenses of the Association. Without limiting the generality of the foregoing, the Association shall, at all times, levy and collect annual assessments in sufficient amounts to (i) maintain the Common Areas and as applicable, the Common Facilities in accordance with sound property and facility management standards and (ii) establish necessary reserves for the future repair and replacement of any capital improvements compromising the Common Areas (including any Common Facilities). Such annual assessments shall be based on the budget adopted and ratified annually by the Association as provided in Section 5.3(b) of this Declaration. Upon resolution of the Board, installments of annual assessments may be levied and collected on a monthly, quarterly, semi-annual or annual basis. Any Owner may prepay one or more installments of any annual assessment levied by the Association without premium or penalty.

(b) The Board shall prepare a proposed budget of the Association at least sixty (60) days before the beginning of each fiscal year and set a date for a meeting of the Association. After the termination of the Declarant Control Period, the Board shall cause a summary of the proposed budget, and the amount of the assessments to be levied against each Lot for the following year, along with notice of the meeting of the Association Members to consider ratification of the budget not less than fourteen (14) or more than sixty (60) days after providing such summary, to be delivered to each Owner within thirty (30) days after adoption of the proposed budget. Unless at such meeting a majority of all Owners reject the proposed budget, such proposal budget is ratified as the budget for such fiscal year, whether or not a quorum is present at such meeting of the Association. Notwithstanding the foregoing, however, in the event that the membership disapproves the budget or the Board fails for any reason to determine the budget for any fiscal year of the Association, then and until such time as a budget shall have been determined as provided herein, the budget in effect for the immediately preceding fiscal year shall continue for the succeeding fiscal year.

(c) Any surplus funds of the Association remaining at the end of each fiscal year after payment of or provision for the Common Expenses and any prepayment of reserves, as applicable, shall be either held as surplus or credited to the Owners to reduce their annual assessment for the subsequent fiscal year as determined by the Board from time to time.

5.4. Working Capital Contributions: Assessments Upon Conveyances. The Declarant shall establish a working capital fund for the initial and ongoing operation of the Association. To facilitate the establishment of a working capital account for the Association, the purchaser of a Lot from the Declarant, shall, upon the purchase of a Lot and thereafter by subsequent purchasers of the Lot for value upon settlement of each sale and conveyance of the Lot, pay an initial assessment of Three Hundred Dollars (\$300.00) (the "Initial Assessment") which shall be paid into the Working Capital Account of the Association for the initial and ongoing operation of the Association. In addition, the Declarant may use that fund to pay the cost of any obligation to maintain the Common Areas and Common Facilities, if applicable, pending transfer of the fund and the Common Areas and Common Facilities, if applicable, to the Association.

5.5. Special Assessments, Budget Amendments.

(a) In addition to the annual assessments authorized by this Article, the Association may levy, in any assessment year, a special assessment or special assessments applicable to that year only for such purposes as the Board may deem appropriate, including, without limitation, for purposes of funding, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement located upon the Common Areas (including any applicable Common Facilities) and all fixtures and personal property related thereto, and to meet unforeseen or special expenditures as well as any budget deficit. Any such assessment shall require ratification by Association Members under the procedures described in Section 5.3(b) of this Declaration, except that if the Board by unanimous vote determines that any special assessment is required because of conditions which, if not corrected, could constitute an Emergency or reasonably result in a threat to the health or safety of the Association Members or a significant risk of damage to the Common Areas (including any applicable Common Facilities), then such special assessment may be approved by the Board without the foregoing vote of the Association Members and may be effective immediately if (i) notice of the emergency assessment is promptly provided to all Owners and (ii) the Board spends the funds paid on account of the emergency assessment solely for the purposes described in the Board vote.

(b) The Association may also levy a special assessment against any Owner to reimburse the Association for costs incurred in bringing the Owner and/or such Owner's Lot into compliance with the provisions of this Declaration, or the Association Documents and rules and regulations of the Association, or any applicable Laws; provided, that such special assessment may only be levied upon the affirmative vote of a majority of the Board, after notice and an opportunity for a hearing has been provided to the Owner.

(c) Any amendment to a previously approved budget may be approved under the procedures described in Section 5.3(b) of this Declaration; provided, however, that after

termination of the Declarant Control Period any amendment to a budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof that (i) would result in an increase in the Common Expenses of the Association in excess of fifteen percent (15%) of the budgeted amount for Common Expenses set forth in the budget for the immediately preceding fiscal year (including any increase in Common Expenses adopted in the budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof), excluding however, any increases attributable to snow removal and other seasonal related expenses which are dictated by weather related factors, cost of utilities, and insurance, or (ii) would result in an increase in the annual assessments payable by the Association Members in excess of thirty percent (30%) of the budgeted amount for annual assessments set forth in the budget for the immediately preceding fiscal year (including any increase in assessments adopted in the budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof), shall be approved by the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of Association Members present, in person or by proxy, and voting at any meeting of the Association duly called for this purpose.

5.6. Notice and Quorum. Written notice of any meeting called for the purpose of establishing a special assessment or budget amendment in accordance with Section 5.5 hereof or to approve a budget increase in accordance with Section 5.3 hereof, shall be sent to all Association Members not less than ten (10) days nor more than sixty (60) days in advance of such meeting in accordance with the Bylaws of the Association and as otherwise permitted under Delaware law, including but not limited to the general corporate laws of the State of Delaware. At the first such meeting called, the presence of Association Members or of proxies entitled to cast fifty percent (50%) of the votes of Association Members shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than ninety (90) days following the preceding meeting. Notwithstanding any contrary provision in this Declaration, quorum requirements for nomination and election of the first Board consisting of Owners shall be duly satisfied if the meeting is properly noticed in conformance with the provisions of the Bylaws and the Certificate of Incorporation of the Association and as otherwise permitted under Delaware law, including but not limited to the general corporate laws of the State of Delaware.

5.7. Uniform Rate of Assessment.

(a) Except as otherwise provided in this Declaration, annual and special assessments must be fixed at a uniform rate for all Lots, and may be collected in advance on an annual installment basis in the case of annual assessments, and on a monthly, quarterly, semi-annual, or annual basis, as to other assessments as may be determined by the Board.

(b) In the event that the actions or activities of any Owner causes or results in increased expenses for the Association, the Board may assess such increase in expenses against the Owner and such Owner's Lot, after notice to such Owner and an opportunity for a hearing. For example, and for purposes of illustration only, the Board may assess the amount of any insurance

deductible paid by the Association against any Owner and such Owner's Lot if the Association is required to pay such deductible as a result of the misuse or neglect of the Owner. Such assessment shall be a lien against the Owner's Lot and shall be payable and collectible in the same manner as any other assessments required to be paid to the Association; provided, however, that the Declarant shall not be subject to any assessment based on this Section 5.8(b).

5.8. Basis and Maximum Annual Assessment. Each respective Lot to be sold by the Declarant, as conveyed by the Declarant after the final date of transfer to any Owner, shall thereafter be subject to assessments to be paid to the Association. The amount of such annual assessment shall be fixed annually at Four Hundred Dollars (\$400.00) per year until sixty percent (60%) of all Lots in the Community are sold to third-parties other than the Declarant, or a successor Declarant, and thereafter periodically as needs for annual assessments arise, as determined by the Association through the Board of Directors, and shall be charged or assessed in equal proportions against each Lot within the Project, except for assessments for liquidated damages. The first assessment year shall be **January 1, 202_**, and the assessment rate for the first assessment year is set at Four Hundred Dollars (\$400.00), and thereafter each annual assessment shall be made for each subsequent calendar year commencing as of January 1 of each year. Each annual assessment shall be due and payable on or before thirty (30) days after it has been fixed and levied. It shall be the duty of the Association to notify all Owners, whose addresses are listed with the said Association, within thirty (30) days after said annual assessment has been fixed or levied, giving the amount of the charge of the assessment for said year, when due, and the amount due on each Lot or parcel of land owned by each such Owner. Failure of the Association to levy the assessment for any one year shall not affect the right of the Association to do so for any subsequent year.

5.9. Establishment of Annual Assessment Rate. The Board may, after sixty percent (60%) of all Lots are transferred and sold to third-parties other than the Declarant, after consideration of current maintenance costs and future needs of the Association, fix the annual assessment in an amount deemed appropriate and may provide for the payment in monthly or quarterly installments; provided however, that if any periodic payment obligation is not paid on its due date, the full annual amount of the assessment shall be due. In establishing each annual assessment after the first annual assessment, the Board may increase the annual assessment by twenty percent (20%) over the previous year's assessment. Any increase in the annual assessment in excess of twenty percent (20%) over the previous year's assessment shall require approval by fifty-one percent (51%) of the eligible votes of the Association.

5.10. Initial Assessment. In addition to the annual assessment or other assessments, the Declarant, for use of the Association, hereby establishes an initial assessment to be paid by the purchaser upon the conveyance of each Lot from the Declarant (except the Declarant) to a third-party purchaser for value; and the amount of such initial assessment is set at Three Hundred Dollars (\$300.00). The Declarant may use that fund to pay the cost of any obligation to maintain the Common Areas pending transfer of the fund and the Common Areas to the Association.

5.11. Special Assessment for Liquidated Damages. The Board has the power and duty to impose liquidated damage assessments for violations of this Declaration and/or By-Laws or

Rules of the Association. Such assessment shall be imposed in the manner set forth in Section 3.1(j).

5.12. Date of Commencement Assessment; Due Date. The annual assessments as to any Lot shall commence on the conveyance of such Lot, prorated for the remaining portion of said year, providing such conveyance is after **January 1, 2023**. In the event a Lot is conveyed prior to **January 1, 2023**, the annual assessment will commence **January 1, 2023**. The due date of any liquidated damage assessment shall be established by the Board in establishing the liquidated damage assessment.

5.13. Effect of Nonpayment of Assessment; The Personal Obligation of the Owner; the Lien; Remedies of the Association. If any assessment is not paid on the date when stated to be due in the notice of assessment, then the assessment shall be deemed delinquent, and if the delinquent payment is a periodic payment (i.e. monthly, quarterly, etc.), the entire assessment shall be delinquent, and shall, together with such interest thereon and cost of collection thereof, including reasonable attorney's fees, as hereinafter provided, continue as a lien on the Lot and any structure built thereon which shall bind such Lot in the hands of the Owner, his heirs, devisees, personal representatives, successors and assigns. In addition to such lien rights, the obligation of the assessment shall be a personal obligation of the then Owner to pay such assessment; however, the personal obligation shall not pass to his/her successors in title (other than as a lien on the land) unless expressly assumed by them. If the assessment is not paid within thirty (30) days after the delinquency, the assessment shall bear interest from the date of delinquency at the rate of the legal interest rate authorized by 6 Del. C. § 2301, as amended, and the Association may bring legal action against the Owner personally obligated to pay the same or may enforce or foreclose the lien against the Lot; and in the event a judgment is obtained, such judgment shall include interest on the assessment from its due date and reasonable attorney's fees to be fixed by the Court, together with the costs of collection. No Owner of a Lot may waive or otherwise escape liability for an assessment provided for herein by non-use of the Common Areas or Common Facilities, if applicable, or abandonment of his/her Lot. Notwithstanding any contained herein to the contrary, the Association reserves the right to suspend the enjoyment rights of any Member in any Common Areas or Common Facilities, if applicable, for the period during which any assessment against such Member remains unpaid.

5.14. Subordination of the Lien to the First Mortgage. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage on the Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, sale or transfer of any Lot by foreclosure of any first mortgage or any proceedings in lieu thereof, shall extinguish the lien of such assessments as to payments which become due more than six (6) months prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments due within six (6) months of such sale or transfer, or thereafter becoming due, or from the lien thereof.

5.15. Exempt Property. The following property subject to this Declaration shall be exempted from the assessments, charges and liens created herein:

- (a) All properties dedicated to and accepted by a government body, agency or authority and devoted to public use;
- (b) All Common Areas and Common Facilities, if applicable; and
- (c) All Lots owned by the Declarant until sold to third-parties, unless such Lots are improved by a permitted structure. The Thompson Pre-existing Lot shall be exempt from the assessments, charges and liens created herein until conveyed to a third-party.

5.16. Actions Without a Meeting. Any action which may be taken by the vote of the Members at a regular or special meeting may be taken without a meeting as to and to the extent permitted by Delaware law, including but not limited to the general corporation laws of the State of Delaware.

ARTICLE VI ARCHITECTURAL CONTROL

6.1. General Provisions. In order to encourage harmonious architectural design and to protect the visual integrity, architectural spirit and long-term property values of the Lots and Common Areas, the Declarant has established the Fishers Point Architectural Review and Design Committee (the “ARC”). Subject to Article VII hereof, no dwelling, structure, improvement, landscaping or other man-made object, including, but not limited to, buildings, basketball courts, children's recreation equipment or other recreational or sporting facilities, decks, patios, porches, pool houses, below ground swimming pools, greenhouses, tool sheds, ponds, gardens, driveways, paved areas, sidewalks, satellite dishes, radio antennas, communications equipment or facilities, fences, walls, together with all forms or types of landscaping located on any portion of the Lots or Common Areas (collectively, the “Improvements”) shall be designed, constructed, maintained, altered, extended, added to, removed or otherwise modified without the express written consent and approval of the ARC and in accordance with the process, procedures and requirements set forth in this Article VI. In addition and subject to Article VII hereof, no Improvements, once approved by the ARC shall be altered, extended, added to, removed or otherwise modified, nor shall any additional structures of any nature be erected, used or maintained nor shall any exterior change or alteration be made (including, but not limited to, exterior facade color changes or change in grade or drainage) to the Improvements except in accordance with the Design Guidelines as may be modified from time to time as provided herein and this Declaration, as applicable. Notwithstanding the foregoing and anything contained herein to the contrary, any Improvements marketed or sold by Declarant or its respective assignees shall be deemed to have complied with the Design Guidelines and are presumed to have been pre-approved by the Declarant and the ARC both during and after the expiration of the Declarant Special Rights Period, without the need or obligation to obtain any approvals or authorizations from either the Declarant or the ARC (the “Pre-Approval”). Notwithstanding anything contained in this Article VI to the contrary, no modifications of or to the Design Guidelines shall be made except by the Declarant during the Declarant Special Rights Period and thereafter except by the ARC; provided, however, any such approved modifications to the Design Guidelines shall become effective upon adoption, subject to

exceptions and exemptions for existing or pending construction pursuant to any Pre-Approvals or approvals by the ARC under the prior Design Guidelines then in effect when approvals of any such Plans and Specifications were approved. Notwithstanding the foregoing and anything contained herein to the contrary, any Improvements existing on the Thompson Pre-existing Lot as of the date of this Declaration shall be grandfathered and exempt from the provisions of Article VI hereof. Any Improvements proposed to be erected on the Thompson Pre-existing Lot after the date of this Declaration shall be subject to the provisions of Article VI hereof.

6.2. Design Committee. The Declarant has established the ARC which shall consist of three (3) members. The Declarant shall appoint the initial three (3) members during the first three (3) years that the ARC is in existence. Thereafter, the Declarant shall appoint two (2) members (for so long as Declarant still owns a Lot) and the Association shall elect one (1) member (until such time as Declarant no longer owns any Lot, whereupon the Association shall elect all three (3) members). ARC members may be either individuals or any form of entity, including, but not limited to, a corporation, limited liability company, partnership or trust, provided all such members shall be either an Owner, a designee of the Declarant, or an architect licensed in the State of Delaware (individually an "ARC Member" and collectively the "ARC Members"). The regular term of office for each ARC Member shall be one (1) year, measured from the date of such ARC Member's appointment and/or election. Declarant may remove with or without cause any ARC Member appointed by the Declarant at any time by written notice to such appointee. A successor or successors appointed to fill such a vacancy shall serve the remainder of the term of the former ARC Member. Any ARC Member elected by the Association may be removed only in accordance with the Bylaws of the Association. The ARC shall select its own Chairman and he, or in his absence the Vice Chairman, shall be presiding officer at its meetings. The ARC shall meet at least once in each calendar month if there are matters to be reviewed or upon call of the Chairman whenever he deems necessary in order to discharge its obligations and responsibilities hereunder, including rendering any decisions specified in this Article VI or the Design Guidelines. All meetings shall be held at the offices of the Association or at such other reasonable place as may be designated by the Chairman. A majority of the ARC Members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the ARC Members shall constitute the action of the ARC on any matter before it. The ARC shall operate in accordance with its own rules of procedure, and these rules shall be filed with the Association. The ARC shall be authorized (but not obligated) to retain the services of consulting architects, landscape architects, community planners and/or attorneys to advise and assist the ARC in performing the design review functions herein prescribed. Any such professional must be licensed to practice its profession in the State of Delaware. The ARC shall keep accurate records of its membership and actions and shall from time to time, as warranted, notify all Owners of any change in the membership of the ARC as a result of resignations and replacements of ARC Members. The ARC may establish its own rules for the conduct of its meetings and its decision-making process which shall be adopted, promulgated, applied and enforced in a uniform and non-discriminatory manner among the Owners.

6.3. Criteria For Submission, Review and Decisions or Plan. Any request from an Owner for any Improvements shall be in writing and shall be submitted to the ARC in accordance with and pursuant to the Design Guidelines.

(a) In passing upon any plans and specifications submitted by an Owner, the ARC, in accordance with the provisions of this Declaration and the Design Guidelines, shall consider the aesthetic suitability and harmony of the Improvements to be constructed, to and with that portion of the Lot on which it is proposed to be located; the comparability of the height, profile and color scheme with neighboring residences whether existent, under construction, or approved for construction; the impact of the item to be constructed on the environment, including, but not limited to, the preservation of trees and open spaces, and surface water drainage; the effect of the proposed Improvement and its planned usage and purpose, on the outlook of neighboring Lots and Common Areas; and the quality of the materials to be used in construction and the proposed method of construction including, but not limited to, the effect of lighting and signage upon neighboring Lots and Common Areas. No exterior colors or materials installed or approved by the ARC shall be changed through replacement, repair, redecoration, repainting or otherwise, except upon prior submission to and approval by the ARC, which approval may be withheld in the ARC's reasonable discretion. With respect to Improvements such as, but not limited to, driveways and turnarounds, fences, walls, recreational facilities, barbeques and patios, the ARC shall have the right in its absolute and sole but good faith discretion to prohibit such Improvements altogether if in the opinion of the ARC the construction and use of such Improvements will necessitate the removal of valuable trees, cause drainage problems, or have a detrimental effect on the outlook from or use of neighboring Lots or Common Areas.

(b) In the event that repair, replacement or other work on Improvements becomes necessary, or the erection of any additional structures is necessary, then any such work shall, to the extent practicable, be performed so that the condition and appearance is equal to and identical to the condition and appearance of the dwelling, building, structure or improvement as originally constructed, or with respect to additional structures, the construction and appearance is in architectural harmony with the Improvements as originally built and developed under this Declaration.

(c) The ARC reserves the right to approve in advance proposed architects, builders and landscape designers.

6.4. Owner Responsibility for Damage. Owner shall be responsible for any damage occurring to any sidewalk, curb or other improvements within the Community outside of the Lot, including all reasonable costs of repairs and/or replacement, which arise out of or are attributable to the acts or omissions of the Owner and their employees, professionals, agents, contractors, subcontractors, suppliers, invitees or third parties engaged by, retained or under the direction or control of such Owner (collectively the "Permittees") in connection with any construction activities on the Lot. Owner shall comply with all legal requirements related to its construction of improvements upon the Lot, including, without limitation, the sediment control requirements of all applicable governmental agencies, shall maintain its construction site in an orderly, neat, and

safe condition, shall prosecute the construction activities on the Lot without nuisance or undue disruption to others, and shall keep the roads within the Community free from mud, dirt, and silt generated by its construction activities. Owner, at its sole cost, shall post all bonds, any other security or escrows which may be required by the governmental authorities in connection with Owner's construction on the Lot and any of its other responsibilities under this Declaration, including, without limitation, bonds, any other security or escrows for sediment control for the Lot. All waste, debris, trash and excess dirt resulting from Owner's construction activities shall be promptly and lawfully disposed of by Owner at a site not located within or adjoining the Community. Owner shall abide by reasonable written rules and regulations established from time to time by Declarant and provided by the ARC to the Owner with respect to Owner's construction activities on the Lot. Owner agrees that (i) no exterior construction work shall be performed on the Lot on Sundays, or legal holidays, unless otherwise agreed to in writing by the Declarant; (ii) workers on the exterior of the Lot shall at all times wear shirts and otherwise be properly attired; and (iii) workers shall not play loud music or engage in other offensive conduct on or about the Lot. Owner shall indemnify, hold harmless, and defend Declarant and Declarant's Affiliates (defined below) against all claims, actions, losses, liabilities and expenses, including reasonable attorneys' fees, incurred by Declarant or Declarant's Affiliates arising out of or related to Owner's construction or installation of Improvements or Owner's breach of any of its obligations set forth in this Section. This indemnification shall extend to any draws or claims made by the governmental authorities on Declarant's bonds, any other security or escrows which are attributable to any acts or omissions by Owner or its Permittees in the construction or installation of Improvements. As used in this Declaration, "Declarant's Affiliates" means Declarant's partners, members, officers, managers, employees, agents, and affiliated companies. If any damage occurs which is Owner's responsibility under this Section or if Owner defaults under any other provisions of this Article VI and fails to cure the default to Declarant's reasonable satisfaction within forty-eight (48) hours after Declarant gives Owner written notice of the default, Declarant shall have the right (but not the obligation) to repair and/or replace, as applicable, the damage or cure the default, as the case may be. In the event, however, that any bona fide emergency, business necessity, unsafe condition, or citation by any governmental authority requires more prompt action than is provided for in the preceding sentence, Declarant may exercise its right of self-help immediately, giving only such notice to Owner (which may be oral) as may be practicable under the circumstances. If Declarant repairs the damage or cures the default, Owner shall pay to Declarant the costs and expenses incurred by Declarant to effect the repair and/or replacement or cure, as applicable, plus fifteen (15%) percent as an administrative and overhead fee. Such payment shall be due within fifteen (15) days after written demand by Declarant.

6.5. Review and Decision Process. Within thirty (30) days after the Owner has submitted all the required Plans and Specifications to the ARC, including any other requirements set forth in Section 6.4 above with respect to any Initial Construction Application or as otherwise set forth in this Declaration, the ARC shall notify the Owner in writing whether such Plans and Specifications are either approved or disapproved. Any disapproval or objections shall be in writing and shall be detailed and shall include an explanation for the basis or reason for such disapproval or objections, together with such reasonable changes, modification or other alterations and recommendations as appropriate or practicable that would render the Plans and Specifications

acceptable to the ARC and in compliance with the review and approval criteria established under this Declaration. In the event Declarant fails to approve or disapprove an Owner's submission of the Plans and Specifications in writing within the aforementioned thirty (30) day period, then the ARC's approval shall be conclusively presumed to have been granted, provided, however that the aforesaid presumption shall not be deemed a waiver of the applicable provisions of this Declaration or be deemed to be the prior written approval of the ARC under any specific provision herein. No construction of the Improvements provided for in the submitted Plans and Specifications shall be commenced until the expiration of the aforementioned thirty (30) day period or the receipt of the ARC's written approval of the Plans and Specifications, whichever occurs first.

6.6. Time for Review of Revised Plans and Specifications. In the event the ARC shall disapprove any part of the Plans and Specifications as submitted in accordance with this Article, then the Owner shall have the opportunity to revise its Plans and Specifications to incorporate such changes, modifications, additions or deletions, as applicable, and shall resubmit the revised Plans and Specifications to the ARC, if the Owner so chooses, together with an additional Review Fee and the ARC shall have twenty (20) days within which to review such revised Plans and Specifications and to determine the Owner's compliance with the ARC's designated changes. In the event the ARC fails or neglects to advise the Owner in writing of whether or not such revised Plans and Specifications are in compliance (or non-compliance) within the aforementioned twenty (20) day period, then Declarant's approval shall be conclusively presumed to have been granted subject to the conditions provided for in paragraph (f) above applicable to such presumption. Any disapproval by the ARC of such revised and resubmitted Plans and Specification shall be communicated to the Owner in a written response in accordance with the details required for the ARC's approval as provided in Section 6.5 above.

6.7. Changes in Approved Plans and Specifications. Once the ARC has approved an Owner's Plans and Specifications and the Improvements, then the Owner shall not change, revise or otherwise modify the approved Plans and Specifications or the Improvements without first securing the ARC's written approval in the manner prescribed under this Article. Declarant shall endeavor to review such changes, revisions or other modifications within a shorter period of time than the aforementioned thirty (30) day period but shall not be required to do so.

6.8. Approval for Landscaping Plans. Landscaping shall be approved by the ARC in the same manner as set forth above. In addition to all applicable foregoing guidelines no excavation shall be made, or fill, sand, gravel, crushed stone, brick, asphalt, concrete or the like be placed, set or poured on any portion of the Lots or Common Areas, so as to cause any blatant and material change in the appearance of such portion of the Lots or Common Areas, as applicable, from the street or from any neighboring portion of the Lots or Common Areas, as applicable, unless the ARC shall first have consented in writing. No fences, walls, hedges or other barriers shall be erected on any portion of the Lots or Common Areas, as applicable, without the approval of the ARC, and no existing fences, hedges or barriers shall be removed without the approval of the ARC.

6.9. Dispute Resolution Process. If any Owner or the Declarant believes that either the disapproval of any Plans and Specifications submitted by the Owner to the ARC or the ARC's

proposed changes to such Plans and Specifications that may be required for the ARC's approval, or any of the Pre-Approvals are arbitrary and capricious, then any such Owner or the Declarant may, as its sole and exclusive remedy, submit such dispute to final and binding arbitration in accordance with the provisions of the Delaware Uniform Arbitration Act (the "Arbitration Act") and the rules of the American Arbitration Association applicable to such disputes, to the extent such rules are not inconsistent with the Arbitration Act. The fees of such arbitrator and all reasonable costs and expenses incurred by the ARC in defending its decision(s) shall be paid by the Owner or Declarant, as applicable, unless the arbitrator specifically finds and rules that the ARC acted in an arbitrary, capricious and meritless manner, in which event the Owner or Declarant, as applicable, shall not be required to reimburse the ARC for its reasonable costs and expenses. In determining any question, matter, or dispute before such arbitrator, the arbitrator shall apply the provisions of this Declaration without varying therefrom in any respect, and shall not have the power or authority to add, modify, or otherwise change any of the provisions of this Declaration, including, but not limited to, subparagraph 6.10 below regarding damages. The parties to any such arbitration agree to reasonably cooperate; to obtain the cooperation of their employees, agents and contractors, as applicable; to use reasonable efforts to supply as witnesses such employees, agents and contractors, as applicable; and to produce any relevant documents that may be assessed or required. In no event shall the arbitrator be authorized or empowered to award any damages or costs to the prevailing party except as expressly set forth above and in no event shall the arbitrator award any general, special, consequential or punitive damages whatsoever.

6.10. Approvals/Disapprovals. Neither the ARC, nor the ARC Members, its agents, employees, representatives, and its successors and assigns shall be liable or responsible for any damages to any Owner or to any other person submitting Plans and Specifications to the ARC for approval or to any third party by reason of a mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any Plans and Specifications. In addition, neither the Declarant, Declarant Affiliates nor the ARC, the ARC Members, or their respective agents, employees or representatives, shall be responsible for determining the safety or structural soundness of any Lot Improvements proposed or contained within the Plans and Specifications presented to the ARC for its review under this Article VI or their compliance with all applicable Laws and shall have no liability for any defects or faults in the construction of any Improvements by the Owner or any of its Permittees or for any other act or omission by any such parties in connection with any Improvements. Every person who submits Plans and Specifications to the ARC for approval, as provided herein, agrees, by submission of such Plans and Specifications, and every Owner or person claiming by or through the Owner agrees, by acquiring title to any Lot or any interest in any Lot, that it shall not initiate, commence or prosecute any action, claim or suit against the Declarant, Declarant Affiliates, ARC, the ARC Members, its agents, employees or representatives to recover any such damages, including, but not limited to, special, consequential or punitive damages with respect to any approval, denial or failure to approve any Plans and Specifications and such Owner shall indemnify and hold the ARC and the ARC Members harmless from and against any and all such damages.

6.11. Construction Activities. All development related work on or for the Lot shall be the sole responsibility of the Owner of such Lot, at its own expense, including, without limitation, (i)

any clearing and grading the Lot beyond that done by Declarant in connection with the initial sale of a Lot to the Owner thereof, (ii) constructing all Improvements upon the Lot, (iii) arranging with the applicable utility companies for the extension and connection of utilities from the points of installation by Declarant to the Improvements constructed upon the Lot by the Owner with Owner to pay all connection, hook up and service fees, and (iv) installing the driveway, driveway apron and, if applicable, culvert on or serving the Lot in accordance with all governmental standards and requirements. All utility lines servicing the Lot shall be underground. Owner shall be solely responsible for all building permit fees, any additional realty transfer taxes assessed under 30 Del. C. §5401(8) for construction occurring within one (1) year from the date of the transfer of the Lot from Declarant or other third-party to Owner, impact fees, connection fees and other development charges, taxes, and assessments imposed in connection with the Lot, including, without limitation, charges for schools, roads and other public facilities.

(a) Upon obtaining the approvals from the ARC as required by this Article VI with respect to any Improvements, the Owner shall carry out the construction or installation of the Improvements so approved in strict accordance with the terms of this Article VI and in a good and workmanlike manner. If any Owner fails to remove or correct any unauthorized or nonconforming Improvements within fifteen (15) days after written demand by the Declarant (or when applicable the ARC), or within such lesser time as may be designated by Declarant (or when applicable the ARC) in cases of emergency, unsafe condition or governmental requirement, Declarant (or when applicable the ARC), in addition to all other rights and remedies, shall have the rights and remedies set forth in this Declaration. If Declarant (or when applicable the ARC) removes or corrects the violation, as permitted hereunder, then, in addition to reimbursing Declarant (or when applicable the ARC) for the costs that Declarant (or when applicable the ARC) incurs in performing such work, Owner shall pay to Declarant (or when applicable the ARC) fifteen percent (15%) of such costs for Declarant' s (or when applicable the ARC's) overhead in undertaking such work. The reimbursement and fifteen percent (15%) fee shall be due (10) days after written request by Declarant (or when applicable the ARC).

(b) Each Owner covenants that once it commences construction on its Lot in accordance with the terms of this Article VI, such Owner shall diligently and continuously prosecute such construction to completion and in all events, complete the construction of the approved Improvements no later than twelve (12) months after commencement. As used in this subparagraph, the Owner shall be deemed to have commenced construction on the Lot when plans for the Improvements on the Lot have been approved in accordance with this Article VI, a building permit has been issued for the construction of the Improvements upon the Lot in conformance with such approved plans, and the foundation of the house has been commenced ("Commencement of Construction"). Prior to and subsequent to the Commencement of Construction, Owner and its Permittees shall abide by and observe all of the terms and conditions of the Rules and Regulations.

ARTICLE VII USE RESTRICTIONS

Subject to Article VII hereof and in addition to all other covenants contained herein, the use of the Lots and Common Areas and as applicable, the Common Facilities, is subject to the following:

7.1. Permitted Uses. All buildings located or erected on any Lot shall be used for residential purposes exclusively, and no building shall be erected, altered, placed or permitted to remain on any Lot other than one used for residential purposes, except that a home-based business may be maintained within such a building, provided that (i) such maintenance and use is limited to the person actually residing in such building; (ii) no employees or staff other than a person actually residing in such building are utilized; (iii) no clients or customers of such business visit such building; (iv) the number of persons, other than clients or customers, that shall visit such business and the frequency of such visits shall be kept to a reasonable minimum, as determined in the sole discretion of the Board; (v) such maintenance and use is in strict conformity with the provisions of any applicable Laws; (vi) the person utilizing such business maintains a principal place of business at a location other than such building; (vii) such business uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors and does not cause an increase of Common Expenses that can be solely and directly attributable to the business; and (viii) such business does not involve the use, storage or disposal of any materials that the United States Secretary of Transportation or the State of Delaware, Sussex County or any local governing body designates as hazardous material. Nothing contained in this Article, or elsewhere in this Declaration, shall be construed to prohibit the Declarant from using any portion of the Property or the Project, or any improvements thereon, for storage, promotional or display purposes, as “model homes,” as sales and/or construction offices, or the like.

7.2. Prohibited Uses and Nuisances. Except for the activities of the Declarant during the construction and development of the Property and Project, or except with the prior written approval of the Board and the Declarant, or as may be necessary in connection with reasonable and necessary repairs or maintenance to any building or the Common Areas and as applicable, the Common Facilities:

(a) No noxious or offensive trade or activity shall be carried out upon any portion of the Property or Project, nor shall anything be done therein or thereon which may be or become an annoyance or nuisance to the neighborhood or other Owners. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security purposes as well as outdoor speakers and associated equipment (as approved by the Declarant or the ARC) as part of the building and improvements constructed on a Unit, shall be located, installed, maintained or replaced upon the exterior of any building or other improvements constructed upon any portion of the Property or Project.

(b) The maintenance, keeping, boarding or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited on any portion of the Property or Project or within any building or other improvement located thereon, except that this shall not prohibit the keeping of a reasonable number of dogs, cats, caged birds or other small domestic animals as pets not to exceed four (4) provided (i) they are not kept, bred or maintained for commercial purposes; and (ii) such pets are maintained in strict conformance with all Laws. Pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by all Laws. Pets shall not be permitted upon the Common Areas unless accompanied by a responsible person and unless they are carried or leashed. Pets shall not be permitted upon the Property except as provided in the Property Rules and Regulations. The Board shall have the right to adopt such additional rules and regulations regarding pets as it may from time to time consider necessary or appropriate.

(c) No burning of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind shall be permitted on any portion of the Property or Project. Firewood shall be neatly stacked in the rear yard areas of the Units. This subsection (c) shall not be applicable to the Declarant during the construction and development of the Property or Project.

(d) Except for parking within garages, and except as herein elsewhere provided, no junk vehicle, commercial van or commercial truck (except pick-up trucks or sport utility vehicles or jeeps), unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle that would not pass applicable state inspection criteria), trailer, mobile home, camp truck, house trailer, recreational vehicle, boat or other similar vehicles, machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling or grounds and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the Common Areas and as applicable, the Common Facilities) shall be kept upon the Property, including any Lot or upon the public or private streets within or adjacent to the Property, nor (except for bona fide Emergencies) shall there be repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon; provided, however, any trailer, mobile home, camp truck, house trailer, recreational vehicle, boat or other similar vehicles that are either owned, rented or leased by an Owner may be temporarily kept upon the Owner's Lot (but not any adjacent portions of the public or private streets) solely with respect to either cleaning, loading or unloading any of the foregoing described vehicles, or picking up or discharging passengers therefrom for a reasonable period of time not to exceed forty-eight (48) hours. This subsection (d) shall not be applicable to the Declarant during the construction and development of the Property or Project.

(e) Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection and the evening prior to such days of trash collection. No incinerator shall be kept or maintained upon any portion of the Property or Project. No garbage

or trash containers shall be kept on the front yard of any Lot and garbage and trash containers kept or maintained in the side or rear yard of any Lot shall be screened from public view at all times. This subsection (e) shall not be applicable to the Declarant during the construction and development of the Property or Project.

(f) No Lot shall be further divided or subdivided and no portion of any Lot (other than the entire Lot) shall be transferred or conveyed for any purpose. The provisions of this subsection shall not apply to the Declarant and, further, the provisions hereof shall not be construed to (i) prohibit the granting of any easement or right-of-way to any municipality, political subdivision, public utility or other public body or authority, or to the Association, Declarant, or any other individual or entity for any purpose, or (ii) prohibit minor boundary line adjustments between adjoining Owners or between any Owner and the owner of the Common Areas, as applicable, if done in accordance with applicable Laws. Further, the provisions of this subsection shall not be deemed to preclude any Owner from granting an easement or right-of-way to any municipality, political subdivision, public utility or other public body or authority, or to the Association, to serve necessary public purposes, or from dedicating or conveying a portion of such Owner's Lot for such purposes.

(g) No tree, hedge or other landscape feature shall be planted or maintained in a location which obstructs sight-lines for vehicular traffic on public streets or on private streets and roadways. Without limiting the generality of the foregoing, no wire or other lawn edging, fencing or other treatment shall be placed or maintained on any portion of the Property or Project which would impede the Association's ability to perform its obligations as set forth in this Declaration, or which would be inharmonious with the aesthetics of the Property and Project.

(h) No decorative lawn ornament, no structure of a temporary character, and no tent, shack, barn, pen, kennel, run, stable, or other similar structure or building shall be erected, used or maintained on any portion of the Property or Project at any time. This subsection (h) shall not be applicable to the Declarant during the construction and development of their respective Units.

(i) Except for entrance signs, directional signs, signs for traffic control or safety, and such sales and promotional sign or signs as may be maintained by or with the written consent of the Declarant or the Association, or except as may be expressly permitted pursuant to applicable law, no signs or advertising devices of any character shall be erected, posted or displayed upon, in or about any portion of the Property or Project. In addition, no signs of any character shall be erected on any Lot, placed in the window of any dwelling or structure located on a Lot, or displayed to the public in any manner on any Lot; provided that after the first two (2) years of the Declarant Control Period that one temporary real estate sign may be displayed. Any such temporary real estate sign shall be removed within five (5) days of the settlement of the sale or rental of such Lot. This restriction shall not apply to signs used by the Declarant to identify and advertise the subdivision as a whole, nor to Declarant's signs

for selling Lots and/or houses. In addition, this restriction shall not apply to “For Sale” signs which shall be permitted as set forth in the Bylaws and pursuant to any Rules and Regulations adopted by the Board. The provisions and limitations of subsection (i) shall not apply to any institutional first mortgagee of any Lot who comes into possession of the Lot by reason of any remedies provided by law or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement, assignment or deed in lieu of foreclosure. This subsection (i) shall not be applicable to the Declarant during the construction and development of their respective Lots.

(j) No water pipe, sewer pipe, gas pipe, drainage pipe, cable or other similar transmission line shall be installed or maintained upon any portion of the Property or Project above the surface of the ground and no wire, cable or other similar transmission line may be attached to the exterior of any structure on any portion of the Property or Project; provided, however, that such pipes, transmission lines, wires or cables providing utility services to any portion of the Property or Project (including, but not limited to, electricity, telephone, gas, water, sewer and cable television) shall be permitted. Except during periods of actual use, no hose shall be stored or placed in the front or side yard of any dwelling unless screened from public view.

(k) No play equipment, including basketball backboards, basketball hoops and other equipment associated with either adult or juvenile recreation, shall be attached in any manner to the exterior of any dwelling without obtaining prior written approval pursuant to Article VI hereof. If approved in accordance with this Declaration, such play equipment must be properly maintained at all times.

(l) No structure, planting or other material shall be placed or permitted to remain upon any portion of the Property or Project which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard the direction or flow of any drainage channels.

(m) Vegetable gardens shall be maintained only within the rear yard of any Lot, and shall be maintained in a neat and attractive manner. No composting activities of any kind or nature shall be permitted on any portion of the Property or Project, including, but not limited to, natural composting activities. In addition, no Owner shall erect or maintain any composting piles or receptacles or containers on any portion of the Property or Project.

(n) Lawn furniture shall be used and maintained on Lot in rear yards, decks or porches only, unless otherwise determined by the Board, and shall be maintained in a neat and attractive manner.

(o) No equipment or machinery (including, without limitation, equipment or machinery for use in connection with the maintenance of any dwelling) shall be stored in the front, rear or side yard of any Lot.

(p) No Association Member shall make any private, exclusive or proprietary use of any of the Common Areas and as applicable, the Common Facilities, and no Association Member shall engage or direct any employee of the Association on any private business of the Association Member during the hours such employee is employed by the Association, nor shall any Association Member direct, supervise or in any manner attempt to assert control over any employee of the Association.

(q) Any fence constructed upon the Property or Project shall not extend forward of the midpoint of the side length of the dwelling on any Lot upon which any such fence is erected and shall not otherwise impede or interfere with the proper drainage of any drainage swales or other drainage or storm water related facilities. No fence shall be constructed or maintained upon a Lot until the plans for the same have been submitted to and approved in writing by the ARC in accordance with the provisions of Article VI herein. No fence shall be more than five feet (5') in height. Such fences shall be constructed of such materials and with such colors that are available to choose from under the Design Guidelines and have otherwise been approved in writing pursuant to Article VI herein. All other types, materials and colors of fencing are specifically prohibited, including but not limited to chain link. Notwithstanding the foregoing, this subsection (r) shall not apply to fences installed by or on behalf of the Declarant during the construction and development of the Property or Project, which in the sole opinion of the Declarant shall be required, convenient or incidental to the Declarant's construction, development, marketing, leasing and sales activities within the Property or Project.

(r) Bed sheets, plastic sheets, newspapers, plastic storm windows or other similar window treatments shall not be hung or placed in or on any window on any dwelling located on any Lot.

(s) Children's play and similar equipment, including portable basketball hoops, shall not be allowed to remain overnight within any front yard of any Lot or within the Common Areas.

(t) Children's outdoor permanent playhouses and swinging or climbing apparatus or equipment shall be permitted within the rear yard of a Lot; provided, however, that prior written approval is obtained pursuant to Article VI and that such equipment, playhouse(s) or apparatus is properly maintained at all times.

(u) All lighting on any Lot shall be designed and mounted in accordance with the terms of the Design Guidelines and as otherwise provided under this Declaration. Any such lighting shall be generally directed in such a manner to enhance the immediate area around any dwelling on a Lot and shall not be directed toward other dwellings on adjacent Lots or properties surrounding the Property or Project, so as to be a nuisance to adjacent Owners or landowners outside of the Property or Project. Any modifications of any kind to

such on-Lot lighting shall be subject to all applicable provisions of this Declaration, including Article VI. In addition, the foregoing shall not prohibit the display of customary holiday decorations, subject to such specific and reasonable limitations on type, manner of display and duration as the Association may from time to time fix and determine in accordance with Section 7.5 below.

(v) No drying or airing of any clothing or bedding shall be permitted outdoors and within any Lot.

(w) Above ground pools shall not be permitted.

(x) No garage or outbuilding properly erected on a Unit shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. No garage may be altered, modified or changed in any manner which would inhibit or in any way limit its function as a parking area for vehicles without obtaining prior written approval pursuant to Article VI of this Declaration. Notwithstanding the foregoing, any Unit owned by the Declarant upon which is situated a dwelling in which the garage has been modified to serve as living area or marketing/sales area shall be exempt from this paragraph and any grantee of the Declarant, and such grantee's successors and assigns, shall also be exempt until such time as the garage is restored or a garage is constructed on such Unit. Except when being used as an entrance or exit, garage doors shall be maintained in a closed position at all times.

(y) No flags and associated poles or other related supports shall be erected, displayed or maintained on any Lot or the Property except for flags suspended on poles or supports no longer than five (5) feet in length which are attached to the front porch or garage of a dwelling unit on such Lot and as otherwise provided pursuant to Section 7.5.

(z) Individual mailboxes shall be installed on each Lot and shall be black in color and the design thereof must be approved by the ARC.

(aa) No air conditioners or other equipment or apparatus shall be permitted to be installed, maintained, or otherwise protrude from any windows.

7.2. Satellite Dishes. Installation of antennas, including satellite dishes, shall be governed by this Section and such other additional reasonable rules and regulations regarding the location and screening of any such items that the Board shall impose from time to time. The Federal Communications Commission (the "FCC") adopted a rule effective October 14, 1996 (the "FCC Rule"), preempting certain restrictions concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (collectively, "Antennas"). The requirements set forth in this Section are generally consistent with the FCC Rule; however, because the FCC Rule is subject to change or modification, the Board reserves the right to amend and modify any requirements governing

installation, maintenance, and use of Antennas, which may be more restrictive than as set forth herein and which may, in the discretion of the Board, be applied retroactively. Antennas not covered by the FCC Rule, including satellite dishes in excess of one (1) meter in diameter, shall not be installed on the exterior portions of any Unit or dwelling without prior written approval as required by Article VI. Antennas situated entirely within a dwelling, and not visible from the exterior are permitted. Antennas covered by the FCC Rule, including satellite dishes of one (1) meter or less in diameter, are permitted within a Unit, provided such Antennas shall not be visible from the front elevation of the Unit; provided, however, that nothing herein requires installation of such an Antenna in a location from which an acceptable quality signal cannot be received, as certified in writing by a licensed installer or which causes an unreasonable delay or cost increase in such installation.

7.3. Leasing and Transfers. No portion of a dwelling unit located on any Lot, other than an entire dwelling unit located on such Lot, may be leased or rented unless the prior written approval of the Board is obtained. All leases shall be on forms approved by the Association (which approval shall not be unreasonably withheld, conditioned or delayed) and shall contain provisions advising the tenant of his or her obligation to comply with all provisions of this Declaration, the Association Documents and the rules and regulations of the Association, and (ii) provide that the Association shall have the right, in addition to all other rights provided by any other applicable Laws, to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, or of any other document, agreement or instrument governing the dwelling unit on a Lot, Property or Project. The Owner(s) of a leased or rented dwelling unit on a Lot shall notify the Association in writing of the Owners' current address. The Owner(s) of a leased or rented dwelling unit on a Lot shall be jointly and severally liable with his tenant(s) to the Association to pay any claim for injury or damage to persons or property caused by any action or omission, including, without limitation, the negligence of the tenant(s). Every lease shall be subordinate to any lien filed by the Association, whether before or after such lease was entered into. The minimum term any dwelling unit on a Lot may be rented or leased shall be one (1) month.

Prior to the sale, conveyance, or transfer of any Lot to any Person, the Owner shall notify the Board in writing of the name and address of the person to whom the proposed sale, conveyance, or transfer is to be made (the "Transferee") and provide to it such other information as the Board may reasonably require in order to obtain the required initial capital contribution from the Transferee. Failure to comply with the provisions of this Section 7.3(b) shall not void, prohibit or otherwise invalidate the sale, conveyance, or transfer of any Lot nor will it have any affect upon any mortgage or deed of trust thereon.

7.4 Parking. Parking within the Common Areas shall be subject to the following restrictions:

(a) The Association shall be entitled to establish supplemental rules concerning parking and traffic control on any portion of the Common Areas, including, without limitation,

providing for reserved parking which allows the exclusive use of one or more parking spaces located upon the Common Areas by one or more Owners and/or the involuntary removal of any vehicle violating the provisions of this Declaration and/or such rules.

(b) Each Owner shall comply in all respects with such supplemental rules which are not inconsistent with the provisions of this Declaration which the Board may from time to time adopt and promulgate with respect to parking and traffic control within the Common Areas, and the Board is hereby authorized to adopt such rules.

(c) Parking shall be prohibited in the turn-arounds, fire lanes and cul- de-sacs located on the Common Areas as provided on the Development Plans.

7.5 Rules and Regulations. The Association shall have the right to adopt rules and regulations governing the use by the Owners of the Common Areas and as applicable, the Common Facilities and/or Lots, which shall not be inconsistent with the provisions of this Declaration. Such rules and regulations may include the regulation of rentals in the Project and govern specific leasing standards, including, but not limited to, permitted signage or advertising, minimum lease terms and maximum number of occupants permitted to occupy a main dwelling, the display of American flags or other flags (consistent with federal law and Section 7.2(y) above, as applicable) and/or the display and placement of political signs. Any rules and regulations adopted by the Association shall be a governing document of the Association.

7.6 Exemptions. None of the restrictions and provisions set forth in Sections 7.2 through 7.5 above shall be applicable (i) to any portion of the Property or Project owned by the Declarant or to the activities of the Declarant, and its officers, employees, agents and assigns, in their development, marketing, leasing and sales activities within the Property and Project or (ii) to the Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Common Areas (including any of the Common Facilities).

7.7 Notice of Special Provisions Regarding the Property and Project.

(a) Notice of Agricultural Use. The Property and Project are located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of the Property and Project is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

(b) Notice of Private Streets. The streets designated on the Development Plans are private streets, not maintained by the State of Delaware and do not qualify for assumption of maintenance by the Delaware Department of Transportation, State Highway

Division. The Streets must be improved to State Highway standards if they are to be maintained by the State of Delaware (at the discretion of the State Highway Division). The Declarant and/or Association, as applicable, each reserves the right to convey any and all such private streets to the State of Delaware upon such acceptance.

(c) Regulated Wetlands. To the extent the Property contains regulated wetlands, any activities within these wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware.

(d) Forested Buffer Maintenance. The Property is to be bounded by a forested buffer (the “Forested Buffer”) in accordance with the provisions of Chapter 99 of the Sussex County Code and as otherwise referenced and shown on the Plan, such Forested Buffer shall be considered part of the Common Facilities. The perpetual maintenance of the Forested Buffer shall be the responsibility of the Association in accordance with the provisions of this Declaration, the Certificate of Incorporation and the Bylaws of the Association, and the provisions of the Sussex County Code.

(e) 25’ Permanent Setback from all Non-tidal Wetlands. There shall be a 25’ permanent setback from all non-tidal wetlands (the “25’ Permanent Setback”) in accordance with the provisions of Article IV, Section 115-25(F)(4) of the Sussex County Code and as otherwise referenced and shown on the Plan. Improvements, temporary and/or permanent, as well as impervious materials shall be prohibited in the 25’ Permanent Setback. The Association shall be responsible for the enforcement of this provision in accordance with the provisions of this Declaration, the Certification of Incorporation and the Bylaws of the Association, and the provisions of the Sussex County Code. This 25’ Permanent Setback shall not apply to the Thompson Pre-existing Lot.

ARTICLE VIII
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS

8.1. Declaration of Easements and Rights. Subject to Article VIII hereof, the following easements and rights are hereby declared or reserved:

(a) For so long as Declarant owns any Lot or any portion of the Property or Project, Declarant reserves the right to grant easements, both temporary and permanent, to all public authorities and utility companies over all or any portion of the Property or Project, including but not limited to the Utilities and Sussex County Tax Parcels 133-16.00-81.04.

(b) Each Lot and the Common Areas are hereby declared to have an easement, not exceeding one foot (1’) in width, over all adjoining Lot and the Common Areas for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, roof overhangs, gutters,

architectural or other appendages, draining of rainwater from roofs, or any other similar cause, there shall be valid easements for the maintenance of said encroachments so long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of any Owner if said encroachment occurred due to the willful misconduct of said Owner. In the event a structure on any Lot or the Common Areas is partially or totally destroyed and then repaired or rebuilt, the Owners of each Lot, and the Association agree that minor encroachments over adjoining Lot or Common Areas shall be permitted and that there shall be easements for the maintenance of said encroachments so long as they shall exist.

(c) Although not part of Fishers Point, a non-exclusive, permanent and perpetual easement shall be granted to the current owners of Sussex County Tax Map Parcel 133-16.00-81.04, shown and identified as the Remaining Lands of Jeffrey S. Burton & Shannon C. Burton (the "Excluded Lot"), their successors and assigns, upon, through, across and over the Private Roads for vehicular and pedestrian ingress and egress to their respective properties as well as a non-exclusive perpetual right to use the Common Areas and Common Facilities.

(d) There is hereby reserved unto the Declarant (and its successors and assigns to whom such easement has been specifically assigned in writing), for the benefit of the real property shown on the Development Plans, and for the benefit of the Declarant and its agents, a non-exclusive, perpetual blanket easement upon, across, over and under the Property and Project (provided such easement does not encroach upon any building within the Property or Project or unreasonably interfere with the use and enjoyment of the Property or Project) for vehicular and pedestrian ingress and egress, curb cuts, slope, and grading easements, as well as for the installation, replacement, repair and maintenance of all utilities, including, but not limited to, water, sewer, drainage, storm water detention and/or siltation, gas, propane, cable television, telephones and electricity, and further including the right to connect to and use any such utilities which may exist or be located upon the Property or Project from time to time. By virtue of this easement, it shall be expressly permissible to erect and maintain the necessary poles, pipes, lines, service boxes, and other equipment on the Property or Project, to affix and maintain electrical or telephone wires and conduits, sewer and water drainage lines, propane lines, and/or Irrigation Facilities, on, above, or below any portion of the Property or Project, including any improvements constructed thereon, and to have construction vehicles, equipment and the like exercise the aforesaid right of ingress and egress over the Property or Project. There is further reserved unto the Declarant the right to erect entry features, promotional and other similar items within the Property or Project provided they do not unreasonably interfere with the use, operation and enjoyment of the Property or Project. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection.

Further, without limiting the generality of the foregoing, the Declarant reserves the right to unilaterally execute and record such additional easements and agreements as may be necessary in order to give effect to the foregoing easements and other rights, which additional easements and other agreements need not be consented to or joined in by any party having an interest in the Property or Project; provided, however, that if requested by the Declarant, any party having an interest in the Property or Project shall promptly join in and execute such confirmatory easements and other agreements.

(e) The Common Areas is hereby subject to a non-exclusive, perpetual easement and right of passage, for the benefit of the Association Members and the Excluded Lot, for ordinary and reasonable pedestrian ingress and egress over, across and upon any sidewalk, trail or walkway (or the replacement thereof) constructed within the Common Areas that may reasonably be deemed to have been constructed or intended for pedestrian use.

(f) An easement is hereby reserved to Declarant to enter the Lots and Common Areas (including any Common Facilities) during the period of construction and sale of the Lots and Common Facilities located thereon, and to maintain the Property and perform such operations as in the sole opinion of Declarant may be reasonably required, convenient or incidental to the construction of the Common Facilities and for the construction and sale of residences, including, without limitation, an easement for the following purposes: (i) ingress and egress to and from any and all portions of the Property and Project by trucks, construction equipment, construction personnel and the like; (ii) to construct, install, reconstruct, alter, modify, remove and replace the Common Facilities or any other improvements within the Property and Project; (iii) to excavate, fill and coordinate the height, grade, slope and contour of the Property and Project, and to add and remove soil from the Property; and (iv) for the conduct of all other development, construction, marketing, sales, leasing and related activities as may be deemed necessary or desirable by the Declarant to implement the Development Plans, to comply with requirements imposed by Sussex County, Delaware, or any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Property or Project, and/or to comply with applicable Laws.

(g) An easement is hereby reserved to Declarant to enter the Lots and Common Areas (including any Common Facilities) for the purpose of carrying out any obligations it may have, or assume, with respect to the curing of any corrections or modifications to or defects in workmanship or materials in the Property, Project, Lots, and Common Areas or the improvements thereon, including any Common Facilities. There is further reserved unto the Declarant and its agents a non-exclusive easement over, across and through all of the Property and Project for the purpose of access, the storage of building supplies and materials and equipment and, without any limitation, for any and all purposes reasonably related to the completion of the development, construction, rehabilitation and repair of the Property or Project.

(h) The Declarant reserves a perpetual blanket easement and right on, over and under the Property and Project to establish, maintain, change and correct drainage of surface water in order to maintain reasonable standards of health, safety and appearance. Any provision hereof to the contrary notwithstanding, the Declarant shall have no obligation

whatsoever to perform any work or to take any action regarding drainage of surface water within the Property or Project. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any gradings of the soil, or to take any other similar action as may be reasonably necessary, following which the Declarant shall restore the affected property to its original condition as near as practicable. The Declarant shall give reasonable notice of intent to take such action to all affected Owners, unless in the opinion of the Declarant an Emergency exists which precludes such notice. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection.

(i) The rights and duties of the Association and the Owners of the Lots with respect to all public and/or private Utilities serving and/or benefiting all or any portion of the Property or Project shall be governed by the following:

(i) Each Lot is hereby subject to a non-exclusive perpetual easement and right of passage upon, across and under such Lot, for the benefit of the Declarant, Association and Owners of all other Lots for the installation, maintenance, repair, replacement, inspection, operation and use of all Utilities. The Owner of any Lot, the Declarant and Association shall each have the right, and they are hereby granted an easement and right of passage to the extent necessary therefor, to enter upon or have a utility company enter upon any portion of the Property or Project in which the Utilities lie, to inspect, repair, replace and generally maintain such Utilities.

(ii) The right granted in subsection (1) above shall be only to the extent necessary to entitle the owner of the property serviced by the Utilities (including the Declarant as the owner of any Lot, and the Association as the owner of the Common Areas) to their full and reasonable use and enjoyment of such property, and provided further that anyone exercising such right shall be responsible for restoring the surface of the easement area so used to its condition prior to such use.

(iii) Each Lot is hereby subject to an easement and right of passage upon, across and under such Unit for the drainage and discharge of water from any storm drain, down spout or yard drain situated on another Lot or Common Areas and the Owner of such Lot may not alter or obstruct such drainage or flow of water to the detriment of any Lot or Common Areas.

(j) The Association shall have an easement to enter any portion of the Property or Project for the performance of its duties hereunder, including, without limitation, fenced, or other similar areas of the Property or Project.

(k) With respect to any step, patio, deck, downspout or yard drain or other similar structure that may benefit any Lot and is constructed by the Declarant and that may encroach upon any portion of the Common Areas, there is hereby reserved for the benefit of the Lot that such step, patio, deck, downspout, drain or other structure serves, a perpetual easement for the location, maintenance, repair and use of such structure or items within the Common Areas, but only to the extent that the Declarant's original construction thereof encroaches within the Common Areas. The Owner of the Lot benefiting from such easement agrees to maintain such structure or item and to indemnify and hold the Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easement granted hereby.

(l) There is hereby created for the benefit of each Lot that is enclosed, in whole or in part, by any wooden, brick, stone or other similar fence and/or wall constructed by the Declarant a perpetual easement to use any portion of the Common Areas that may be located between such fence and/or wall and the record platted lot line for such benefited Lot. The obligation to maintain such portion of the Common Areas shall be that of the Owner of the benefited Lot, and the obligation to maintain such portion of the wooden, brick, stone, or other similar fencing as is located within the Common Areas, and that encloses the benefited Lot, in whole or in part, shall be that of the Association, as applicable. The Owner of any Lot benefiting from the foregoing easement agrees to indemnify and hold the Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easement rights provided for herein.

(m) A mutual right and easement for utility services is hereby established for the benefit of all Owners, and the Association, such that no action which would in any way interfere with utility services being provided to any Owner or the Association within the Property or Project shall be taken by any Owner or the Association. If a Unit contains any utility pipes, ducts, conduits, wires or the like which are for the benefit, in whole or in part, of other Owners of Units or the Association, then the Owner of such Unit shall promptly, at such Owner's expense, repair any damage to such utilities caused by the Owner, or such Owner's tenants, lessees, agents, guests, invitees, licensees or family members.

(n) The Association and its agents and employees, shall have an irrevocable right and an easement to enter the Units and the Common Areas (including any Common Facilities) for purposes of exercising the rights and fulfilling the obligations established by this Declaration.

(o) Subject to all applicable Laws, the Declarant reserves the right to modify or alter the size, number, type and location of the Common Areas (including any Common Facilities) and the Lots and any other improvements thereon, as it deems necessary or desirable in conjunction with the development of the Property or Project without the consent or joinder of any other Person, including but not limited to any Owner, the Association or Mortgagee (the "Permitted Activities"); provided that any such Permitted Activities shall not

amend, modify or otherwise alter or change the existing property lines of any Lot owned by an Owner other than the Declarant. Without limiting the generality of the foregoing, the Declarant reserves the right to resubdivide all or a portion of the Property or Project, to convey the Common Areas, to modify the Development Plans, including but not limited to any site plans, to construct the Common Facilities on the Common Areas, and to take whatever other action with respect to the Common Areas, Common Facilities and Lots as the Declarant may deem necessary or desirable.

(p) The Association is hereby granted a non-exclusive easement and right of passage on, through, over, under and across the Lots and Common Areas to maintain, repair and replace any Common Facilities situated within the Lots or Common Areas.

(q) All Owners shall be required to use the Utility systems serving the Project and pay the prevailing service connection fees, rates and charges for Utility services as more specifically set forth in the agreement(s) with the Utility providers.

(r) Non-exclusive easements are hereby reserved unto the Declarant (and its successors and assigns to whom such easements have been specifically assigned in writing) and for the benefit of the providers of the Utilities and shall include the construction, operation and maintenance, repair and replacement of the Utilities for the Project. The foregoing easements shall be broadly construed and shall include any and all of the easement rights granted or reserved under this Declaration as may be reasonably necessary so as to enable the Declarant and the providers of the Utilities to undertake and perform all of the obligations and duties imposed under the applicable agreements or as otherwise provided in this Declaration.

(s) There is hereby reserved unto Declarant, for the benefit of the real property shown on the Development Plans, and for the benefit of Declarant, a non-exclusive perpetual blanket easement upon, across and under the Property for the following purposes: (i) ingress and egress to and from any and all portions of the Property by trucks, construction equipment, construction personnel and the like; (ii) to construct, install, reconstruct, alter, modify, remove and replace the Common Facilities or any other improvements within the Property; (iii) to excavate, fill and coordinate the height, grade, slope and contour of the Property, and to add and remove soil from the Property; and (iv) for the conduct of all other development, construction, marketing, sales, leasing and related activities as may be deemed necessary or desirable by Declarant to implement the Development Plans, to comply with requirements imposed by Sussex County, Delaware, or any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Property, or to comply with applicable Laws.

(t) In addition to the foregoing reservations and grants of easement rights, Lots shall be subject to stormwater management, drainage and utility easements along all street right of ways, front, side and rear property lines of the Lots as established or noted on Development Plans.

(u) Utilities Lien. The Declarant, for itself and its successors and assigns, and for each Unit within the Property, hereby covenants, and each Owner of any Lot, by acceptance of

a deed or other transfer document therefore, hereby covenants and agrees to pay the provider of Utilities the user fees periodically billed by the respective provider of the Utilities with respect to each Owner's Lot. No Owner of a Lot may waive or otherwise escape any liability for any such user fees.

(v) Association Easements. The Board shall have the right to grant easements, rights-of-way, licenses and similar interests over any part of the Common Areas for any lawful purpose which the Board determines, in its sole discretion, to be in the best interests of the *Association*.

(w) Exemptions and Limitations. Notwithstanding anything contained in this Declaration to the contrary, none of the restrictions and provisions set forth in this Article VIII nor any other restrictions and provisions contained in this Declaration shall be applicable (a) to any portion of the Property owned by Declarant (b) to the activities of Declarant and its respective officers, employees, agents, successors and assigns, in their development, marketing, leasing and sales activities within the Property, or (c) to the Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Common Areas (including any Common Facilities). Nothing contained in this Article VIII, or elsewhere in this Declaration, shall be construed to prohibit from using any portion of the Property, or any improvements thereon, except for any Units not owned by Declarant, for promotional or display purposes, as "model homes," as sales or construction offices, or the like in accordance with Section 2.2 captioned "Special Declarant Rights" of this Declaration.

ARTICLE IX **MAINTENANCE**

9.1. Owners' Maintenance. Except as otherwise specifically provided in this Declaration, the Owner of each Lot shall keep the Lot, and all improvements therein or thereon, in good order and repair and free of debris in a manner and with such frequency as is consistent with good property management and the Community-Wide Standard, including, without limitation, responsibility for irrigating, mowing, fertilizing, trimming, pruning and/or otherwise maintaining all or any portion of the grass, shrubs, bushes, trees and other planted materials, and any replacements thereof, as may be located within the Lawn Area, including but not limited to any grass strip area, as well as the removal of accumulated snow and ice from all sidewalks which abut or are directly adjacent to the lot lines of such Owner's Lot. Maintenance of the any lawn area on an Owner's Lot or sidewalk abutting an Owner's Lot, by the Owner shall be with such frequency and in conformity with such standards as may be established by the Board from time to time. In the event that the Owner of such Lot shall fail to maintain the lawn area within such Owner's Lot in a manner consistent with good property management and the Community-Wide Standard, then the Association or its agent shall each have the right to enter upon said Lot to irrigate, repair, maintain and restore the lawn area therein. Whenever entry is not required in an Emergency situation, the Association shall afford the

Owner reasonable notice and an opportunity to cure the problem prior to entry. In the event an Owner of any Lot shall fail to maintain such Lot and such improvements, the Association and its agent shall have the right to enter upon said Lot to repair, maintain and restore the Lot and such improvements. The Association shall also have the right to enter the Lots to correct drainage and irrigation. Whenever entry is not required in an Emergency situation, the Association shall afford the Owner reasonable notice and opportunity to cure the problem prior to entry. All costs related to such correction, repair or restoration, including reasonable attorneys' fees, arising out of or under this Section 9.1 shall be assessed and collectible from the Owner of such Lot in the same manner as assessments provided in Article V of this Declaration.

9.2 Association Maintenance. The Association shall maintain, repair and replace the Common Areas (including any Common Facilities) and shall keep the Common Areas (including any Common Facilities) in good order at all times and shall arrange for grass cutting and other maintenance approved by the Board from time to time, if any, to the lawns located in exterior areas of the Lots, other than any grass strips along the sidewalks abutting the Lots. This obligation shall include, without limitation (i) the maintenance, repair and, as necessary, replacement of any private streets and any parking areas within the Common Areas, (ii) the maintenance, repair and, as necessary, replacement of any landscaping, pathways, sidewalks, lighting, fencing, trails, walkways and other betterments and improvements that are constructed or installed by, or on behalf of, the Declarant within the Common Areas, provided that the Association shall not be obligated to maintain, repair or replace any landscaping, pathway, sidewalk, lighting, trail or walkway leader, other betterments and improvements or portion thereof, within any Lot (the maintenance, repair and replacement of any such landscaping, pathway, sidewalk, trail or walkway leader shall be the obligation of the Lot Owner, as applicable), and (iii) the removal of accumulated snow and ice from within all private streets and parking areas within the Common Areas, if any, and from all Common Areas pathways, sidewalks (but only those abutting the Common Areas and not those abutting or are directly adjacent to the lot lines of the Lots), trails, walkways, or portions thereof. Further, the Association shall maintain, repair and replace any rights-of-way, swales, culvert pipes, entry strips, signage, lighting and entrance features or improvements that are situated within or that are appurtenant to and serve the Common Areas (including any Common Facilities), including, without limitation, any landscaping and other flora and improvements situated thereon, and (ii) any other real and personal property, facilities and equipment as the Association is obligated or elects to maintain pursuant to this Declaration, or any lease, easement or agreement, or the direction of any governmental authority or agency. The expenses of all such maintenance, repair and replacement of the Common Areas (including any Common Facilities) shall be a Common Expense of the Association, including, but not limited to reserves for the maintenance, repair and replacement of any such property or improvements. The Association shall also maintain any portion of any Lot that it is obligated or elects to maintain pursuant to this Declaration, any easement or other agreement.

(a) The Association shall also have the right to enter any Lot without the consent of the Owner and/or occupant or other governing body thereof, to conduct any Emergency repairs as are necessary and for the maintenance and protection of the Common Areas (including any Common Facilities) or any Lot that the Association is responsible for under this Declaration. The costs of such repairs shall be collectible from the Owner of such Unit in the same manner as assessments as provided in Article V herein.

(b) The Association shall be responsible for the maintenance, repair and replacement of any of the Common Areas which consist of storm water management area or facilities situated within the Common Areas to the extent that Sussex County, Delaware or other third party does not assume the responsibility for the maintenance, repair and replacement of any storm water management area or facilities, including, without limitation, drainage pipes, culvert pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, which serve and/or benefit the Property or Project whether or not located within the Common Areas if the Association is responsible therefor pursuant to any easement, agreement or the direction of any governmental authority or agency. Such responsibility may be in the form of contributing the Association's share of the maintenance costs of any such storm water management area, facility or equipment pursuant to an easement or agreement which shall be a Common Expense of the Association. The Board may enter into any such easements and/or other agreements as the Board may deem necessary or desirable for purposes of allocating and/or sharing the costs associated with the maintenance of any storm water management areas, facilities and/or equipment which serve and/or benefit the Common Areas (including any Common Facilities) and the Lots. The Association shall not refuse to accept the conveyance of any such storm water management area, facilities or equipment from the Declarant provided such conveyance is made in compliance with all applicable Laws. Declarant shall have right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under Article III.

(c) In addition, the Association shall be responsible for the maintenance, repair and replacement of all sidewalks (not within the title lines of the Lots) and rights-of-way within the Project.

(d) Notwithstanding anything contained in this Declaration to the contrary, at such time or times that any portions of the Common Areas including any Common Facilities have been completed and otherwise inspected and approved by any applicable governmental or regulatory authority, agency, bureau or private or public utility provider having jurisdiction over such Common Areas and/or Common Facilities (each a "Completed Common Area/Facility"), then all subsequent maintenance, repair and/or replacement of any such Completed Common Area/Facility (absent any damage that is conclusively determined by a court of competent jurisdiction to have been caused exclusively by the Declarant) including but not limited to lines and grades, drainage, curbing, sidewalks, roadways shall be the responsibility of the Association and the Declarant shall

have no further duty, obligation or liability to the Association or any Owner with respect to any such Completed Common Area/Facility.

9.2. Additional Maintenance Responsibilities. The Association may, in the discretion of the Board, provide additional services and/or assume additional maintenance responsibilities with respect to all or any portion of the Units or Common Areas (including any Common Facilities) not referenced in Section 9.2 of this Declaration. In such event, all costs of such services and/or maintenance shall be assessed only against those Owners residing within the portion of the Property or Project receiving the additional services. This assumption of responsibility may take place either by contract or because, in the opinion of the Board, the level and quality of service or maintenance then being provided is not consistent with the Community-Wide Standard.

ARTICLE X **INSURANCE**

10.1. Required Coverage. The Board, or its duly authorized agent, shall be required to obtain, maintain and pay the premiums, as a Common Expense, upon a policy of hazard insurance covering the Common Areas (including any Common Facilities) and any property required to be insured by the Association pursuant to any easement or lease agreement (except land, foundation, excavation and other items normally excluded from coverage) including fixtures and building service equipment, to the extent that they are a part of the Common Areas (including any Common Facilities) or such other property which the Association may insure, as well as common personal property and supplies.

(a) The hazard insurance policy shall afford, as a minimum, protection against loss or damage by fire and all other perils normally covered by the standard extended coverage endorsement, as well as all other perils which are customarily covered with respect to projects similar in construction, location and use, including all perils normally covered by the standard "all risk" endorsement, where such is available and shall name the Association as a named insured. The insurance should cover one hundred percent (100%) of the current replacement cost (less a reasonable deductible) of the insured property. Coverage need not include land, foundations, excavations or other items that are usually excluded from insurance coverage. Unless a higher maximum amount is required pursuant to the law of the State of Delaware, the maximum deductible amount for coverage of the Common Areas (including any Common Facilities) is the lesser of Ten Thousand Dollars (\$10,000.00) or one percent (1%) of the policy face amount. The funds to cover this deductible amount should be included in the Association's operating reserve account.

(b) Each hazard insurance policy must be written by a hazard insurance carrier which has a current rating by the Best's Key Rating Guide of B/III or better (or its equivalent). Each insurer must be specifically licensed or authorized by law to transact business within the State of Delaware. The policy contract shall provide that no assessment may be made against the Mortgagee, and that any assessment made against others may not become a lien on the mortgaged Unit superior to the First Mortgage.

(c) The hazard insurance policy must provide that the insurance carrier shall notify the Association and each Mortgagee named in the mortgagee clause in writing at least ten (10) days before it cancels or substantially changes the Association's coverage. In addition, each Eligible Mortgage Holder shall receive timely written notice of any lapse, material modification or cancellation of any insurance policy covering the Common Areas and as applicable the Common Facilities.

(d) All policies of hazard insurance must contain or have attached the standard mortgagee clause commonly accepted by private institutions as mortgage investors in the area in which the mortgage premises are located. The following endorsements are also required:

(i) an Inflation Guard Endorsement (if reasonably available); (ii) a Construction Code Endorsement if the Common Areas (including any Common Facilities) are subject to a construction code provision which would become operative and require changes to undamaged portions of any structures, even when only part of a structure is destroyed by an insured hazard or peril; and (iii) a Steam Boiler and Machinery Coverage Endorsement if any structure within the Common Areas has central heating or cooling, which should provide for the insurer's minimum liability per accident per location to be at least equal to the lesser of Two Million Dollars (\$2,000,000.00) or the insurable value of the structure(s) housing the boiler or machinery.

(e) If the Common Areas is located in a Special Flood Hazard Area designated as A, AE, AH, AO, AI-30, A-99, V, VE, or VI-30 on a Flood Insurance Rate Map, the Association must maintain a "master" or "blanket" policy of flood insurance on the Common Areas. The amount of flood insurance shall be at least equal to the lesser of one hundred percent (100%) of the insurable value of all structures and improvements situated in such Special Flood Hazard Area or the maximum coverage available under the applicable National Flood Insurance Administration program. Unless a higher deductible amount is required under the laws of the State of Delaware, the maximum deductible amount for flood insurance policies shall be the lesser of Five Thousand Dollars (\$5,000.00) or one percent (1%) of the policy's face amount. The funds to cover this deductible amount should be included in the Association's operating reserve account.

(f) The Association shall obtain and maintain a comprehensive general liability policy of insurance covering all of the Common Areas (including any Common Facilities) public ways and any other areas that are under the Association's supervision. The policy should provide coverage for bodily injury (including death) and property damage that results from the operation, maintenance or use of the Common Areas (including any Common Facilities) and any legal liability that results from lawsuits related to employment contracts in which the Association is a party. Supplemental coverage to protect against additional risks should also be obtained, if required by a Mortgagee. Such insurance policy shall contain a "severability of interest" endorsement which shall preclude the insurer from denying the claim of an Owner because of negligent acts of the Association or other Owners. Liability coverage shall be at least One Million Dollars (\$1,000,000.00) per occurrence, for bodily injury and property damage, unless higher amounts of coverage are required by a Mortgagee. The liability

policy must provide that the insurance carrier shall notify the Association in writing at least ten (10) days before it cancels or substantially modifies the Association's coverage.

10.2. Fidelity Coverage. To the extent reasonably available, blanket fidelity insurance may be maintained by the Board for all officers, directors, managers, trustees, employees and volunteers of the Association and all other persons handling or responsible for funds held or administered by the Association, whether or not they receive compensation for their services. Where the Board has delegated some or all of the responsibility for the handling of funds to a management agent, such management agent shall be covered by its own fidelity insurance policy which must provide the same coverage as fidelity insurance maintained by the Board. Except for fidelity insurance that a management agent obtains for its personnel, all other fidelity insurance policies should name the Association as the insured and should have their premiums paid as a Common Expense by the Association. Fidelity insurance obtained by a management agent shall name the Association as an additional insured. The total amount of fidelity coverage required should be sufficient to cover the maximum funds (including reserve funds) that will be in the custody of the Association or management agent at any time while the fidelity insurance policy is in force, and should at least equal the sum of three (3) months aggregate assessments on all Units within the Association, plus any reserves. Fidelity insurance policies should contain waivers by the insurers of all defenses based upon the exclusion of persons serving without compensation from the definition of "employees", or similar terms or expressions. The fidelity insurance policies should provide that they cannot be canceled or materially modified (including cancellation for non-payment of premium) without at least ten (10) days prior written notice to the Association.

10.3. Repair and Reconstruction of Common Areas After Fire or Other Casualty. In the event of damage to or destruction of any portion of the Common Areas (including any Common Facilities) covered by insurance payable to the Association as a result of fire or other casualty, the Board shall arrange for the prompt repair and restoration thereof; shall disburse the proceeds of all insurance policies to the contractors engaged in such repair and restoration, as appropriate; and shall otherwise comply with the requirements of DUCIOA § 81-313(h). Promptly after a casualty causing damage or destruction of any portion of the Common Areas (including any Common Facilities) for which the Association has the responsibility of maintenance, repair, and/or replacement, the Board shall obtain reliable and detailed estimates of the cost to place the damaged portions of the Common Areas (including any Common Facilities) in as good a condition as existed prior to the casualty. Such costs may include, without limitation, professional fees and premiums for such bonds as the Board may desire.

ARTICLE XI **MANAGEMENT**

11.1. Management Agent. The Board may employ for the Association a management agent or manager (the "Management Agent") at a rate of compensation established by the Board

to perform such duties and services as the Board shall from time to time authorize in writing, including, but not limited to, the following:

(a) to establish (with the approval of the Board) and provide for the collection of the annual maintenance assessments and any other assessments provided for in this Declaration and to provide for the enforcement of liens therefor in a manner consistent with the law and the provisions of this Declaration; and

(b) to provide for the care, upkeep, maintenance and surveillance of the Common Areas (including any Common Facilities); and

(c) to designate, hire and dismiss such personnel as may be required for the good working order, maintenance and efficient operation of the Common Areas (including any Common Facilities); and

(d) to enforce such rules and regulations and such restrictions or requirements, "house rules" or the like as may be established by the Association regarding the use of the Common Areas (including any Common Facilities) and the Units; and

(e) to provide such other services (including legal and accounting services) for the Association as may be consistent with law and the provisions of this Declaration.

11.2. Duration of Management Agreement. Any management agreement entered into by the Association shall provide, among other things, that such agreement may be terminated for cause by either party upon thirty (30) days written notice thereof to the other party. The term of any such management agreement shall not exceed three (3) years; provided, however, that the term of any such management agreement may be renewable by mutual agreement of the parties for successive one (1) year periods. Any management agreement entered into prior to expiration of the Declarant Control Period must be terminable, without cause, any time after transfer of control from the Declarant, on not less than thirty (30) nor more than ninety (90) days' notice, and no charge or penalty may be associated with such termination.

ARTICLE XII **GENERAL PROVISIONS**

12.1. Common Areas Responsibility. The Association, subject to the rights of the Declarant and Owners as set forth in this Declaration, shall be responsible for the exclusive management and control of the Common Areas (including any Common Facilities) and any property, real or personal, which the Association is delegated the responsibility for pursuant to any easement or lease agreement, and all improvements thereon (including, without limitation, furnishings and equipment related thereto, private drainage facilities and common landscaped areas), and shall keep the Common Areas (including any Common Facilities) and such other property in good, clean, attractive, and sanitary condition, order, and repair, pursuant to the terms and conditions hereof. The Association shall be obligated to accept title to any real estate or

personal property offered or conveyed to the Association by the Declarant. Any such conveyance shall be made in compliance with all applicable Laws and Declarant shall have the right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under this Article XII.

12.2. Personal Property and Real Property for Common Use. The Association may acquire, lease, hold, and dispose of tangible and intangible personal property and real property, subject to the requirements of this Declaration. The Board, acting on behalf of the Association, will accept title to any real or personal property, leasehold, or other property interests within the Property or Project offered or conveyed to Association by the Declarant.

12.3. Implied Rights. The Association may exercise any other right or privilege given to it expressly by this Declaration or the Association Documents or any lease, easement or other agreement or document affecting the Association, and every other right or privilege reasonably to be implied from the existence of any right or privilege given to it herein or reasonably necessary to effectuate any such right or privilege.

12.4. Limitation of Liability. The Association shall not be liable to any Association Member for any failure of any services to be obtained by the Association or paid for out of the Common Expense funds, or for injury or damage to persons or property caused by the elements or resulting from water which may leak or flow from any portion of the Common Areas (including any Common Facilities) or other property within the control or supervision of the Association, or from any wire, pipe, drain, conduit or the like. The Association shall not be liable to any Association Member for loss or damage, by theft or otherwise, of articles which may be stored upon the Common Areas or other property within the control or supervision of the Association. No diminution or abatement of assessments, as herein elsewhere provided for, shall be claimed or allowed for inconvenience or discomfort arising from the making of repairs or improvements to the Common Areas (including any Common Facilities) or other property within the control or supervision of the Association, or from any action taken by the Association to comply with any of the provisions of this Declaration or with any Laws or with the order or directive of any municipal or other governmental authority.

12.5. Enforcement. Except as otherwise expressly provided in this Declaration to the contrary (or as provided under 10 Del. C. § 348, as amended or other applicable Laws), the Declarant, Association, or any Owner, or any Mortgagee of any Lot shall have the right to enforce, by any proceeding at law and/or in equity, all restrictions, conditions, covenants, reservations, easements, liens, charges or other obligations or terms now or hereafter imposed by the provisions of this Declaration, or the Association Documents, or any rule or regulation promulgated by the Association pursuant to its respective authority as provided in this Declaration or the Association Documents. Failure by the Declarant, Association or by any Owner or Mortgagee of any Unit to enforce any covenants or restrictions herein contained or any provision of the Association Documents or rules and regulations of the Association shall in no event be deemed a waiver of the right to do so thereafter. There shall be and there is hereby created and declared to be a conclusive presumption that any violation or breach or attempted violation or breach of any of the within

covenants or restrictions or any provision of the Association Documents cannot be adequately remedied by action at law or exclusively by recovery of damages. If the Declarant, Association, or any Owner or Mortgagee of any Unit, successfully brings an action to extinguish a violation or otherwise enforce the provisions of this Declaration or the Association Documents, the costs of such action, including legal fees, shall become a binding, personal obligation of the Owner committing or responsible for such violation, and such costs shall also be a lien upon the Unit of such Owner.

Without limiting the generality of the foregoing, and in addition to any other remedies available, the Declarant or Association after reasonable written notice, in writing, provided to the applicable Owner, may enter any Unit or Common Areas to remedy any violation of the provisions of this Declaration, or the Association Documents or rules and regulations of the Association; provided, however, that the Declarant or Association may not enter the interior of any dwelling unit on a Unit except in an Emergency. The costs of such action, including reasonable attorneys' fees, shall become a binding, personal obligation of the Owner otherwise responsible for such violation and shall also be a lien upon the Unit of such Owner.

12.6. Fines. In addition to the means for enforcement provided elsewhere in this Declaration, the Declarant and Association shall each have the right to levy fines against an Owner or such Owner's guests, relatives, lessees or invitees, in the manner set forth herein, and such fines shall be collectible in the same manner as any other assessment such that the Declarant or Association, as applicable, shall have a lien against the Unit of such Owner as provided in this Declaration, and the Association Documents and such fine(s) shall also become the binding personal obligation of such Owner.

(a) Except with respect to matters pertaining to the Design Guidelines which shall be within the exclusive jurisdiction of the ARC, the Board shall be charged with determining whether there is probable cause that any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, regarding the use of the Units, Common Areas, or any Common Facilities, are being or have been violated. In the event that the Board or the ARC, with respect to the Design Guidelines, determines an instance of such probable cause, the Board (or the or the ARC, with respect to Design Guidelines) shall provide written notice to the person alleged to be in violation, and the Owner of the Unit which that person occupies or is visiting if such person is not the Owner, of the specific nature of the alleged violation and of the opportunity for a hearing before the ARC or Board, as applicable, upon a request made within seven (7) days of the sending of the notice. The notice shall also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which it continues shall be deemed a separate offense, subject to a separate fine not to exceed a reasonable amount established by the Board or the ARC, as applicable, for each offense. The amount of the fine shall be based upon the costs and inconvenience caused to the Board or the ARC and shall not be a penalty. The notice shall also specify, and it is hereby provided, that in lieu of requesting a hearing, the alleged violator or Owner may respond to the notice within seven (7) days of its sending, acknowledging in writing that the violation occurred as alleged and promising that the violation will thereafter cease and will not recur, and that such acknowledgment and promise,

and performance in accordance therewith, shall terminate the enforcement activity of the Board or ARC, as applicable, with regard to such violation.

(b) If a hearing is timely requested, the Board or the ARC, as applicable, shall hold the same, and shall hear any and all defenses to the charges, including any witnesses that the alleged violator, Owner, the Board or the ARC may produce. Any party at the hearing may be represented by counsel.

(c) Subsequent to any hearing, or if no hearing is timely requested and if no acknowledgment and promise is timely made, the Board or the ARC, as applicable, shall determine whether there is sufficient evidence of a violation or violations as provided herein. If the Board or the ARC, as applicable, determines that there is sufficient evidence, it may levy a fine for each violation in the amount provided herein.

(d) A fine pursuant to this Section shall be assessed against the Unit which the violator occupied or was visiting at the time of the violation, whether or not the violator is an Owner of that Unit, and shall be collectible in the same manner as any other assessment, including by the Association's lien rights as provided in this Declaration and the Association Documents. Nothing herein shall be construed to interfere with any right that an Owner may have to obtain from a violator occupying or visiting such Owner's Unit payment of the amount of any fine(s) assessed against that Unit.

(e) Nothing herein shall be construed as a prohibition of or limitation on the right of the Association to pursue any other means of enforcement of the provisions of this Declaration, or the Association Documents or rules and regulations of the Association, including, but not limited to, legal action for damages or any equitable action, including injunctive relief.

12.7. Severability interpretation. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect. In the event of any inconsistencies between the provisions of this Declaration and the provisions of and any other of the Applicable Laws that are applicable to the Property, the Association and the Project, the terms of the Applicable Laws shall govern and control.

12.8. Duration and Amendment. All covenants, conditions and restrictions set forth in this Declaration shall run with and bind the land and shall be perpetual unless expressly stated otherwise in this Declaration. In addition to the provisions of Section 12.9, this Declaration may be amended by an instrument signed by, or the affirmative vote of, Association Members entitled to cast not less than sixty-seven (67%) of the total votes of all Association Members and shall require the prior written consent of the Declarant (for so long

as the Declarant shall own any portion of the Property or Project). Any amendment must be recorded in the Recorder's Office.

12.9. Changes and Modifications by Declarant. The Declarant shall have the right, for a period of twenty (20) years following the date of recordation of this Declaration, without the consent or joinder of the Association Members, any Mortgagee, any Beneficiary or the Association, or any other party, to (i) modify, amend, or supplement any of the provisions of this Declaration, as the Declarant may deem necessary or desirable, including but not limited to updating the Exhibits and Schedules as provide herein and (ii) or if such amendments are:

- (a) required by federal, state, county or local laws; or
- (b) required by any Mortgagee of all or any portion of the Property or Project; or
- (c) required by any title insurance company issuing title insurance to Owners and/or Mortgagees of same; or
- (d) required by the Federal Housing Administration, Department of Housing and Urban Development, Veterans Administration, Farmers Home Administration, Delaware State Housing Authority, Federal National Mortgage Association, Federal Home Loan Mortgage Service Corporation, GNMA or by any like public or private institution acquiring, guaranteeing or insuring mortgages or providing any type of financial assistance with respect to all or any portion of the Property or Project; or
- (e) required to correct errors or technical deficiencies or imperfections or to clarify ambiguities. Declarant also reserves the right to waive or modify any requirement as to any individual Unit or, the Common Areas in general necessary to avoid any hardship resulting from unintentional noncompliance with this Declaration.

12.10. Casualty Losses. In the event of substantial damage or destruction to any of the Common Areas (including any Common Facilities), the Board shall give prompt written notice of such damage or destruction to the Eligible Mortgage Holders who hold First Mortgages of record on the Units. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Unit with respect to the distribution to such Association Member of any insurance proceeds paid or payable on account of any damage or destruction of any of the Common Areas (including any Common Facilities).

12.11. Condemnation or Eminent Domain. In the event any part of the Common Areas are made the subject matter of any condemnation or eminent domain proceeding, or is otherwise sought to be acquired by any condemning authority, then the Board shall give prompt written notice of any such proceeding or proposed acquisition to the Eligible Mortgage

Holders who hold First Mortgages of record on the Units. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Unit with respect to the distribution to such Association Member of the proceeds of any condemnation or settlement relating to a taking of any portion of the Common Areas (including any Common Facilities).

12.12. Notice to Eligible Mortgage Holders; Deemed Consent.

(a) The Association shall give prompt written notice to each Eligible Mortgage Holder of (and each Owner hereby consents to, and authorizes such notice):

(1) Any condemnation loss or any casualty loss which affects a material portion of the Common Areas (including any Common Facilities) or any Unit subject to a First Mortgage or security interest held, insured, or guaranteed by such Eligible Mortgage Holder.

(2) Any delinquency in the payment of Common Expense assessments or charges owed by an Owner whose Unit is subject to a First Mortgage or security interest held, insured, or guaranteed, by such Eligible Mortgage Holder which remains uncured for a period of sixty (60) days.

(3) Any lapse, cancellation, or material modification of any insurance policy or fidelity coverage maintained by the Association.

(4) Any other matter with respect to which Eligible Mortgage Holders are entitled to notice or to give their consent as provided in this Declaration.

(b) To be entitled to receive notice of the matters set forth in this Section, the Eligible Mortgage Holder must send a written request to the Association, stating both its name and address and the Unit or address of the Unit on which it has (or insures or guarantees) the mortgage. Any Eligible Mortgage Holder or mortgagee who is notified of any matter for which it is entitled to notice as provided herein (such notice to be delivered by certified or registered mail, return receipt requested), and which fails to respond within forty-five (45) days of receipt of such notice shall be deemed to have consented, if applicable, to the matter of which the Eligible Mortgage Holder or mortgagee was provided notice.

12.13. Declarant's Power of Attorney. Notwithstanding any provision to the contrary contained in this Declaration or the Association Documents, the Declarant hereby reserves for itself, its successors, transferees and assigns, for a period of twenty (20) years from the date the first Unit is conveyed to an Owner that is not the Declarant, or until it conveys title to all of the Units whichever occurs first, the right to execute on behalf of the Association and all contract purchasers, Owners, Association Members, Eligible Mortgage Holders, Mortgagees, and other lien holders or parties claiming a legal or equitable interest in any

portion of the Property or Project, including without limitations, any Unit or the Common Areas (including any Common Facilities), any agreements, documents, amendments or supplements to this Declaration and the Association Documents which may be required by FNMA, FHA, VA, FHLMC, GNMA, Sussex County, Delaware, any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Association, Common Areas (including any Common Facilities), Property, Project, any Unit, any public or private utility company designated by the Declarant, any institutional lender or title insurance company designated by the Declarant, or as may be required to comply with the federal Fair Housing Act, or to comply with other applicable Laws or to correct any typographical or clerical errors or correct any ambiguity in the text of this Declaration; together with any and all other documents, instruments or agreements, including by way of illustration and not limitation; deeds, transfer tax affidavits, agreements, closing statements, with respect to any of the rights, title and authorizations, and acts reserved by or provided to the Declarant under this Declaration; or as otherwise expressly reserved by or granted to Declarant hereunder.

(a) By acceptance of a deed to any Unit or by the acceptance of any other legal or equitable interest in any portion of the Property or Project, including without limitations, the Unit or Common Areas (including any Common Facilities), each and every such contract purchaser, Owner, Association Member, Eligible Mortgage Holder, mortgagee or other lien holder or party having a legal or equitable interest in any portion of the Property or Project, including without limitations, any Unit or the Common Areas (including any Common Facilities) does automatically and irrevocably name, constitute, appoint and confirm the Declarant, its successors, transferees and assigns, as attorney-in-fact for the purpose of executing any and all such agreement, document, amendment, supplement and other instrument(s) necessary to effect the foregoing rights, duties and obligations subject to the limitations set forth herein.

(b) No such agreement, document, amendment, supplement or other instrument which adversely affects the value of a Unit, or substantially increases the financial obligations of an Owner, or reserves any additional or special privileges for the Declarant not previously reserved, shall be made without the prior written consent of the affected Owner(s) and all Mortgagees of any Mortgage encumbering the Units owned by the affected Owner(s). Any such agreement, document, amendment, supplement or instrument which adversely affects the priority or validity of any Mortgage that encumbers any Unit or the Common Areas shall not be made without the prior written consent of all such Mortgagees.

(c) The power of attorney aforesaid is expressly declared and acknowledged to be coupled with an interest in the subject matter hereof and the same shall run with the title to the Property and Project, including, without limitations, each Unit and the Common Areas, shall be binding upon the heirs, personal representatives, successors, transferees and assigns of any of the foregoing parties. Further, said power of attorney shall not be affected by the death or disability of any principal and is intended to deliver all right, title and interest of the principal in and to said power of attorney. Said power of attorney shall be vested in the

Declarant, its successors, transferees and assigns for a period of twenty (20) years from the date the first Unit is conveyed to an Owner that is not the Declarant, or until Declarant conveys title to the last Unit, whichever occurs first. Each Owner covenants and agrees to execute and deliver to Declarant an irrevocable power of attorney coupled with an interest in form and content consistent with this Section to be recorded in the Recorder's Office at the Owner's sole cost which shall run with and bind the Unit for a period of twenty (20) years as specified above.

(d) To accomplish the foregoing, each Owner covenants and agrees, by acceptance of a deed to its Unit from the Declarant, to execute, acknowledge and deliver an Irrevocable Power of Attorney Coupled with an Interest substantially in the form and content of Exhibit "B" attached hereto and made a part hereof (the "POA") to supplement (and not in place of) the foregoing POA; provided, however, in the event any Owner neglects or fails to execute and deliver such POA, then by acceptance of, together with the recordation of a deed to its Unit from the Declarant or any Owner, each Owner has affirmatively acknowledged and granted to Declarant the foregoing POA, which shall be deemed to have been incorporated in and made a part of such deed by either a specific reference to this Declaration, by a general reference to any and all documents of record to which the Unit and such Owner are subject to.

12.14. Successors of Declarant.

(a) Any and all rights, reservations, easements, interests, exemptions, privileges and powers of the Declarant hereunder, or any part of them, may be assigned and transferred (exclusively or non-exclusively) by the Declarant by an instrument, in writing, without notice to any Association Member or the Association, to one or more successors or assigns (hereinafter referred to as an "Assignee").

(b) Each Owner of any Lot, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed is deemed to covenant and agree to the following:

(1) Declarant shall not assume or be responsible for any liabilities, warranties or obligations which have or may accrue to the other, including, but not limited to, any liabilities, warranties or obligations concerning any Lots or Common Areas (including any Common Facilities), any buildings or other improvements constructed, or to be constructed, by or on behalf of the other, nor shall such Lots or Common Areas (including any Common Facilities) or any buildings or other improvements be deemed to be part of any contract, or to constitute the basis of the bargain, between Declarant and any Lot purchaser;

(2) Declarant makes no representation or warranty whatsoever, whether express or implied, with respect to any Lots or Common Areas, or Common Facilities, buildings or other improvements constructed or sold by parties other than

Declarant, nor has Declarant authorized any other party to make any such representation or warranty, and such other parties are without legal authority to enforce or make any such representation or warranty. Declarant shall not assume or be responsible for, and each Unit Owner expressly waives any and all claims against Declarant for, any liabilities, warranties or obligations which have or may accrue to any Assignee under this Declaration or pursuant to law in connection with such Assignee's status as Declarant under this Declaration, or in connection with such Assignee's development of all or any real property subjected, or to be subjected, to this Declaration, including, but not limited to, any liabilities, warranties or obligations concerning any Lots, or the Common Areas (including any Common Facilities), or dwelling units or other improvements constructed, or to be constructed, by or on behalf of any such Assignee.

12.15. Arbitration.

(a) Notwithstanding any provision of this Declaration or the Association Documents to the contrary, but subject to all applicable Laws, if, after good faith efforts to negotiate a satisfactory solution have failed, any dispute that cannot be resolved between (i) the Declarant (including any of the Declarant's employees, agents, or contractors) and (ii) the Association and/or any Owner or Owners, such dispute will be submitted to arbitration in accordance with this Section, unless an alternative dispute resolution procedure is agreed to by the parties to the dispute. As used in this Section 12.15(a), the term "dispute" includes any controversy or claim, including, without limitation, any claim based on contract, tort, or statute, arising out of or relating to (1) the rights or obligations of such parties under this Declaration, the Association Documents, or any rules promulgated by the Board or the ARC or (2) the design, construction, or warranty of the Common Areas (including any Common Facilities). Upon the request of a party to a dispute, the issue shall be adjudicated in accordance with the provisions of the Arbitration Act and the rules of the American Arbitration Association applicable to such disputes, to the extent such rules are not inconsistent with such Arbitration Act.

(b) Any party may commence the arbitration process called for in this Section by filing a written demand for arbitration in accordance with the Arbitration Act, with a copy to the other party. The arbitration shall be conducted at a location determined by the arbitrator in Delaware and will be administered in accordance with the provisions of the Arbitration Act in effect at the time of filing of the demand for arbitration, or such other rules and procedures that are agreed to by all parties. The parties covenant that they will participate in the arbitration in good faith and that they will share equally in the fees and expenses of the arbitrator.

(c) The arbitrator shall determine which is the prevailing party and shall include in the award payment by the Non-Prevailing party of the prevailing party's reasonable attorneys' fees and expenses. The provisions of this Section and any judgment rendered by the arbitrator may be enforced by any court of competent jurisdiction, and the party seeking enforcement shall be

entitled to an award of all costs, fees and expenses, including attorneys' fees, to be paid by the party against whom enforcement is ordered.

(d) EVERY OWNER, ASSOCIATION MEMBER, MORTGAGEE, AND ALL OTHER PARTIES WITH AN INTEREST IN ANY PORTION OF THE UNITS OR COMMON AREAS COVENANT AND AGREE TO HAVE ALL DISPUTES DECIDED BY NEUTRAL ARBITRATION IN ACCORDANCE WITH THIS SECTION AND RELINQUISH ANY RIGHTS THAT MAY BE AVAILABLE TO HAVE SUCH MATTERS LITIGATED IN A COURT OR BY JURY TRIAL, INCLUDING JUDICIAL RIGHTS TO DISCOVERY AND APPEAL. THE REFUSAL BY A PARTY TO SUBMIT TO ARBITRATION IN ACCORDANCE WITH THIS SECTION MAY RESULT IN THE PARTY BEING COMPELLED TO ARBITRATE UNDER FEDERAL OR STATE LAW.

12.16. No Dedication to Public Use. Nothing herein contained shall be construed as a dedication to public use or as an acceptance for maintenance of any portion of the Common Areas (including any Common Facilities) by any public or municipal agency, authority, or utility and no public or municipal agency, authority or utility shall have any responsibility or liability for the maintenance or operation of any portion of the Common Areas (including any Common Facilities).

12.17. Declarant Reserved Rights. No amendment to this Declaration or the Association Documents may remove, revoke, or modify any right, reservation or privilege of the Declarant without the prior written consent of the Declarant or any successors or assignees of the Declarant.

12.18. Perpetuities. If any of the covenants, conditions, easements, restrictions, or other provisions of this Declaration shall be unlawfully void, or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the last survivor of the now living descendants of Joseph R. Biden, Jr., current President of the United States of America.

12.19. Captions and Gender. The captions contained in this Declaration are for convenience only and are not a part of this Declaration and are not intended in any way to limit or enlarge the terms and provisions of this Declaration or to aid in the construction or interpretation of this Declaration. Whenever in this Declaration the context so requires, the singular number or any reference to a word shall include the plural and the converse, and the use of any gender shall be deemed to include all genders. The numbered paragraphs that appear within each of the Articles are sometimes referred to as "Section."

12.20. Limitations on Owners', Association's, and Other Person's Easements, Rights, Powers, and Privileges. Notwithstanding anything contained in this Declaration, the Certificate of Incorporation, or the Bylaws to the contrary, the use, enjoyment, or exercise by any Owner, the Association, or any other Person of any easement, right, power, or privilege granted or reserved to such Owner, the Association, or such other Person under this Declaration shall not interfere with, alter, modify, amend, or change in any manner or nature

whatsoever any easement, right, power, or privilege granted or reserved to Declarant under this Declaration without the prior written consent of Declarant.

12.21. Declarant's Exercise of Discretion and Judgment. Notwithstanding anything contained in this Declaration, the Certificate of Incorporation, or the Bylaws to the contrary, the exercise by Declarant of any discretion or judgment under this Declaration or the granting or withholding of any consents or approvals by Declarant under this Declaration, shall be exercised, granted or withheld by Declarant, in Declarant's sole subjective and absolute discretion and judgment.

12.22. Appurtenant Easement and Licenses §81-205(a)(13) of DUCIOA. In accordance with §81-205(a)(13) of DUCIOA, the recording data for recorded easements and licenses appurtenant to or included in the Property or to which any portion of the Property is or may become subject by virtue of a reservation in this Declaration currently as of the Effective Date is contained in Schedule A attached hereto, as the same may be amended and supplemented subsequent to the Effective Date by the Declarant from time to time as permitted under Section 12.9 above.

12.23. Exemptions and Limitations. Notwithstanding anything contained in this Declaration to the contrary, none of the restrictions and provisions set forth in this Declaration, including Articles VII and VIII shall be applicable (a) to any portion of the Property owned by Declarant, (b) to the activities of Declarant and its officers, employees, agents, successors and assigns, in their development, marketing, leasing and sales activities within the Property, or (c) to the Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Common Areas (including any Common Facilities). Nothing contained in this Declaration shall be construed to prohibit Declarant from using any portion of the Property, or any improvements thereon, except for any Lots not owned by Declarant for promotional or display purposes, as "model homes", as sales or construction offices, or the like.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, have caused their seals to be affixed and these presents to be signed as of the Effective Date.

FISHERS POINT, LLC

Witness

By: _____ (SEAL)
Jeffrey S. Burton, Manager

_____ (SEAL)

Witness

Susan V. Thompson

Witness

Robert D. Thompson, III (SEAL)

DRAFT

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, A.D. 2022, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JEFFREY S. BURTON, Manager of FISHERS POINT, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, A.D. 2022, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, SUSAN V. THOMPSON AND ROBERT D. THOMPSON, III, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public

EXHIBIT "A"

DRAFT

EXHIBIT "B"

DRAFT

SCHEDULE A

DRAFT

Tab 6

Kenneth W. Redinger Environmental Services

P.O. Box 479 / Horntown, Virginia 23395

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

August 5, 2022 - Via Email

Siteworks Engineering
P.O. Box 2 / 19 Commerce Street
Harrington, Delaware 19952

Attn: Dave Heatwole, PE, Principal
Re: Wetland Delineation Summary - Fishers Point Subdivision (+/- 40.657 Acres)
Revel Road (SCR 401), Millsboro, Dagsboro Hundred, Sussex County, Delaware

Mr. Heatwole,

At your request I have evaluated the subject property for Waters of the United States, including wetlands that may be regulated by the Philadelphia District U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, and for State Regulated Wetlands and Subaqueous Lands that may be regulated by the Delaware Department of Natural Resources and Environmental Control (DNREC) under Title 7 Chapters 66 and 72 of the Delaware Code.

Routine level on-site investigations were conducted by Kenneth W. Redinger Environmental Services on November 5, 6 and 7, 2021 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual in conjunction with the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region; Version 2.0 (November 2010) and associated regulatory guidance.

At the time of the on-site investigations, the subject property consisted of approximately 22.9 acres of agricultural land, 14.8 acres of mid-succession mixed hardwood forest, and three single-family home sites that total approximately 4.5 acres. Ingram's Pond, a tributary of Indian River Bay, provides the northern and western property boundaries. The property is bound to the east by Revel Road (Sussex County Road 401), and to the south by forest and low density single-family residential development.

A total of 0.314 acres of forested non-tidal wetlands were identified within the subject property by Kenneth W. Redinger Environmental Services during the on-site investigations. The remaining 40.343 acres were classified as uplands. No State Regulated Wetlands or Subaqueous Lands are present within the subject property.

The total forested wetlands acreage is divided among two areas (Wetlands A & B) located in the northern and western portions of the site abutting Ingram's Pond, as depicted on the attached Fishers Point Preliminary Subdivision Plans by Siteworks Engineering Dated 8/5/2022. All wetlands within the subject property are regulated by the USACE under the Clean Water Act based on their surface water connection to the traditional navigable waters of Indian River Bay. Prior authorization is required from the USACE and/or DNREC for site activities that impact wetlands, Waters of the United States or Subaqueous Lands within the subject parcel.

This letter concludes my delineation of wetlands within the subject property. Please contact me with any questions you may have concerning this project.

Sincerely,



Kenneth W. Redinger
Professional Wetland Scientist #2126



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

September 12, 2022

**JUSTIFICATION FOR EXCLUSION OF INGRAM POND, MILLSBORO, DELAWARE
FROM SUSSEX COUNTY BUFFER REQUIREMENT**

Prepared by

Evelyn Maurmeyer, Ph. D.
Coastal & Estuarine Research, Inc.
PO Box 674, Lewes, DE 19958
(302) 645-9610
maurmeye@udel.edu

Introduction

This report presents the characteristics of Ingram Pond, a 48± acre man-made pond located west of Millsboro, Sussex County, Delaware (see Figure 1) which preclude it from being subject to the Sussex County's fifty-foot buffer requirement. A dam is present on the western side of the pond (see photograph, Figure 2). Phillips Ditch, Shoals Branch and Long Drain Branch are located west of Ingram Pond.

Sussex County Buffer Ordinance

The Sussex County Code defines perennial rivers and streams as "any body of water which continuously flows during a year and which is not subject to tidal influence", and establishes a fifty-foot buffer from the ordinary high water line of these waters. This report documents why Ingram Pond does not meet the requirements for establishment of a buffer, per Sussex County Code, as follows:

(a) U.S. Fish and Wildlife National Wetlands Inventory Map.

- The U.S. Fish and Wildlife National Wetlands Inventory Map (Figure 3) classifies Ingram Pond as **L1UBHh** (Lacustrine limnetic, unconsolidated bottom, permanently flooded, diked/impounded). The **Lacustrine** system (**L**) includes wetlands and deepwater habitats with all of the following characteristics:

(1) Situated in a topographic depression or a dammed river channel;

- (2) Lacking trees, shrubs, persistent emergent and emergent mosses or lichens with 30 percent or greater areal coverage; and
 - (3) Total area of at least 8 hectares (20 acres).
- Lacustrine waters may be tidal or non-tidal, but ocean-derived salinity is always less than 0.5 parts per thousand (ppt).

- The **Limnetic Subsystem (1)** includes all deepwater habitats in the Lacustrine system. Many small Lacustrine systems have no limnetic subsystem
- Class **Unconsolidated Bottom (UB)** includes all wetlands and deepwater habitats with at least 24% cover of particles smaller than stones (less than 6 c.m.), and vegetative cover less than 30%.
- Water regime **Permanently Flooded (H)** refers to water covering the substrate throughout the year in all years.
- The special modifier **h** (diked/impounded) states that “these wetlands have been created or modified by a **man-made barrier or dam that obstructs the inflow or outflow of water.**”

This last point documents that the waters of Ingram Pond, as classified by the U.S. Fish and Wildlife Service, do not flow continuously during a year (due to the presence of a man-made barrier or dam that obstructs the inflow or outflow of water). Therefore, Ingram Pond should not be subject to the Sussex County fifty-foot Buffer requirement.

(b) Delaware Division of Fish & Wildlife Species Conservation and Research Program

- Photographs taken during a June 23, 2022 site inspection of Ingram Pond show the aquatic plants present in Ingram Pond (see Figures 4 and 5). The areal extent of vegetation is less than 30%, consistent with the National Wetlands Inventory Lacustrine (**L**) System and Unconsolidated Bottom (**UB**) class. Vegetation is dominated by spatterdock (*Nuphar* spp.), which grows in shallow waters with roots in the substrate and leaves floating on the water surface. Delaware Division of Fish & Wildlife Species Conservation and Research Program’s “The Flora of Delaware” states that the habitat of this plant is “**quiet tidal and non-tidal rivers and streams, ponds**” (see Attachment 1).

Summary and Conclusions

Based on observations during a June 23, 2022 site inspection; and information compiled from the U.S. Fish and Wildlife Service National Wetlands Inventory Map and Delaware Division of Fish & Wildlife Species Conservation and Research Program's "The Flora of Delaware", Ingram Pond should not be subject to Sussex County's fifty-foot buffer for the following reasons:

- Waters of Ingram Pond do not flow continuously during a year, due to the presence of a man-made barrier or dam that obstructs the inflow or outflow of water.
- The habitat of the emergent plant, *Nuphar* spp. (spatterdock), which is rooted in the substrate with leaves floating on the water surface, is "quiet...non-tidal...ponds," which typically do not flow continuously during a year.

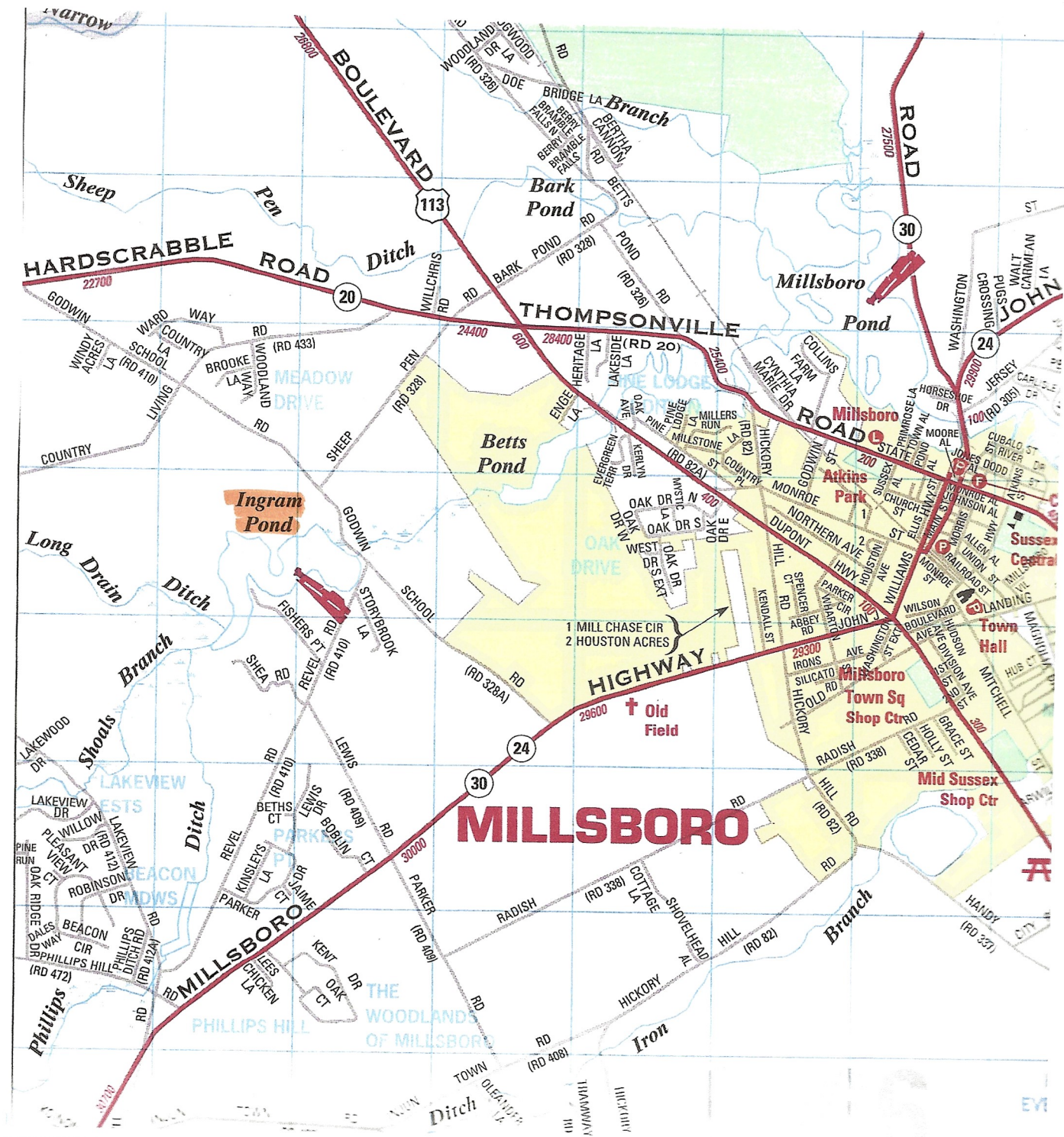


Figure 1. Map of Millsboro and vicinity, Sussex County, Delaware, showing location of Ingram Pond. Phillips Ditch, Shoals Branch and Long Drain Branch are located upstream of pond.



Figure 2. Photograph of the dam at the western end of Ingram Pond, Millsboro, Sussex County, Delaware. The dam obstructs the inflow or outflow of water into/out of the pond.



Figure 3. U.S. Fish and Wildlife National Wetlands Inventory Map showing Ingram Pond. Classification code of pond is L1UBHh (Lacustrine limnetic, unconsolidated bottom, permanently flooded, diked/impounded). The special modifier h (diked/impounded) states that “these wetlands have been created or modified by a man-made barrier or dam that obstructs the inflow or outflow of water.”



Figure 4. Photograph of portion of Ingram Pond, Millsboro, Sussex County, Delaware.



Figure 5. Close-up photograph of aquatic plants in Ingram Pond. Vegetation is dominated by spatterdock (*Nuphar* spp.), which grows in shallow waters with roots in the substrate and leaves floating on the water surface. Delaware Division of Fish & Wildlife Species Conservation and Research Program's "The Flora of Delaware" states that the habitat of this plant is "quiet tidal and non-tidal rivers and streams, ponds" (see Attachment 1).



The Flora of
Delaware
Delaware Species
Conservation and
Research Program



ATTACHMENT 1

Search Level: Quick
Search Terms:
Nuphar variegata (1 records found)

**NYMPHAEACEAE -
Waterlily Family**

***Nuphar variegata* Dur.** (floating spatterdock) [-]

Synonym

Nuphar lutea J.E.Smith subsp. *variegata* (Dur) E.O. Beal

Meaning of Scientific Name

Nuphar: from the Persian (Arabic) name for water lily; variegata: variegated

Native Plant

Yes

Life Form

Perennial Herb, Aquatic, Floating-rooted

Flowering Period

Summer

Physiographic Province

Piedmont Coastal Plain

Habitat

Quiet tidal and non-tidal rivers and streams, ponds

State Status

Rare, Extremely (S1)

Piedmont Status

--

Coastal Plain Status

Rare, Extremely (S1)

Global Status

--

Federal Status

--

Invasive

--

Invasive Watchlist

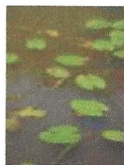
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Additional Info

Species reaches its southern limit in Delaware.

Photos [\[show|hide\]](#)

(click on thumbnail for larger view)





STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

**GROUNDWATER
DISCHARGES**

PHONE
(302) 739-9948

July 27, 2022

Brad Cate
Eastern Shore Soil Services
PO Box 411
Georgetown, DE 19947

RE: Soil Feasibility Report for Fisher's Point
Parcels 133-16.00-81.00, 81.03, 81.04, 81.05, 81.06, 81.10, and 81.13

Dear Mr. Cate:

The Department of Natural Resources and Environmental Control (the Department) has received a submittal from Eastern Shore Soil Services, requesting a non-binding statement of feasibility for Jeffery S. Burton, et. al. as required by the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, dated January 4, 1985, last amended on January 11, 2014 (the Regulations).

The submittal consists of a report titled "Subdivision Feasibility Study for On-Site Wastewater Fisher's Point" prepared by Eastern Shore Soil Services, dated January 24, 2022. The report includes a written summary of the study, Sussex County parcel information sheets as proof of ownership, soil profile notes, results of permeability testing and other supplemental information. Information shown on the plan includes, but is not necessarily limited to, the conceptual lot layout for the proposed subdivision, the proposed lot sizes, wetland areas, storm water management areas, test pit locations, permeability test locations, on-site topographic information at an apparent one-foot contour, locations of wells within 150 feet of the subject site and septic approval/septic denial areas.

Background Information

The property is located on the northwest side of Revel Road (CR 410), between Lewis (CR 409) and Godwin School Roads (CR410) in Sussex County, Delaware. The parcels reportedly consist of 39.8+/- acres per the report provided by Eastern Shore Soil Services and will hereafter be referred to as the project site. The owner/applicant proposes to subdivide the project site into a total of 48 new residential lots with lot sizes of 0.5 acres at a minimum. On July 26th, 2002, Dave Heatwole, P.E., provided additional information indicating that there are 7 existing lots, 4 existing lots to be consolidated, and 3 existing lots to remain (reconfigured, parcels ending in 81.04, 81.05, and 81.06). All

Fisher's Point
July 27, 2022

lots are planned to be served by individual on-site wastewater treatment and disposal systems (OWTDSs) and individual on-site wells. The project site is within the Inland Bays watershed and the current land use designation is cropland, woodland, and residential strip development. There are no commercial wells or well head protection areas within 150 feet of the study area and no state mapped wetlands within the parcel. There is a dwelling and associated agricultural out buildings in the northwest corner of the parcel. Lands to the south and west are mostly residential. Surrounding dwellings are served by individual OWTDSs and well water.

Soils Investigations by Eastern Shore Soil Services and Discussion

Forty-one (41) borings were performed as part of the Soil Feasibility Study. The locations of the soil borings are shown on the plan. In addition, septic approval and septic denial map units delineated by Eastern Shore Soil Services, are shown by the plan. The septic denial map unit is reportedly not feasible for OWTDSs and would most likely be utilized as stormwater management area(s). The denial map unit will not be discussed further. The septic approval map unit has estimated limiting zones ranging from 20 inches to greater than 72 inches below the ground surface. Soils within the Arenic Paleudlut (AP) units are expected to support predominately lo pressure pipe (LPP) and sand-lined full depth gravity-fed disposal systems. Soils within the Lammellic Hapludult/Arenic Hapludult (LH/ArH) units are capable of supporting predominately full-depth gravity-fed septic systems. Estimated percolation rates will be assigned by future individual site evaluations conducted in conformance with regulatory requirements.

Two infiltrometer tests were conducted by Boozer Septic and Excavation at two mapped areas (by soil mapped units). These test results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. The infiltrometer test results support that the AP soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems. The resulting percolation rate of 10 minutes per inch indicates few, if any, hydraulic limitations for on-site systems within the LH/ArH map units (predominately full-depth gravity-fed septic systems).

Conclusion

Based on the information provided in this report submitted by Eastern Shore Soil Services it is the opinion of the Department that the proposed 44 lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and the areas delineated by the plan as being feasible for OWTDS are accurate.

Site Preparation

Removal, disturbance, or compaction of the soil during any portion of the construction and building phase other than that necessary for system installation might result in the rescission of the site evaluation approval. Soil material from road cuts and other excavated sources should not be placed on any portion of the proposed OWTDS areas. It is best to keep all areas proposed for on-site wastewater treatment and disposal free from any form of disturbance by methods such as staking, flagging, or fencing. Tree clearing, if necessary, should be performed in accordance with current "Lot Clearing Guidelines." The Department reserves the right to inspect the construction site at any time to ensure compliance with the above.

Fisher's Point
July 27, 2022

Future Requirements and Comments

Prior to obtaining individual OWTDS construction permits, complete site evaluation reports will be required for all lots in accordance with the Regulations. The Department requires one copy of the **Record Plat** following the most recent final subdivision approval by the Planning and Zoning Commission of Sussex County prior to processing and approving any site evaluations.

Non-Binding Statement of Feasibility

Based on information collected, interpreted, and submitted by Eastern Shore Soil Services, it is the opinion of the Department that the 44 (8 existing and 36 proposed new lots) lots as depicted on the Plan reportedly have sufficient area to accommodate initial and replacement OWTDSs, as long as, judicious and coordinated use of land is exercised and areas delineated as being feasible for OWTDS as depicted by the Plan are accurate.

The comments in this letter are technical and are not intended to suggest that DNREC supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

Sincerely,



Jenwei Tsai
Environmental Scientist
Division of Water

Pc: Brad Cate, Eastern Shore Soil Services
File

Subdivision Feasibility Study For On-Site Wastewater Fisher's Point

Property Location: Northwest Side of Revel Road (CR 410), Between Lewis (CR 409) and Godwin School Roads (CR 410)

Total Acres: 39.765

Net Lot density: 1.031 Units/Ac.

Minimum Lot Size: 0.5 Ac.

Number of Lots to be Created: (8 Existing-36 Proposed New Lots)

Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13

Zoning: AR-1

Proposed Wastewater Disposal: Individual On-site Septic Systems

Proposed Water Supply: Individual On-site Wells

Owner/Developer(s): Jeffrey S. Burton, et. al.
24139 Fishers Pt.
Millsboro, DE 19966

Date: 1/22/22

Prepared By: Bradley J. Cate, CPSSc/CPSC, D2052

***E**astern **S**hore **S**oil **S**ervices*

Environmental Consulting:

Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits

P.O. Box 411

Georgetown, DE 19947

(302) 856-1853

P.O. Box 411

Savanna, IL 61074

(302) 856-1853

bradcate@easternshoresoil.com

INTRODUCTION

Eastern Shore Soil Services was retained to complete a subdivision feasibility study in accordance with Section 5.0 of the current *Delaware Department of Natural Resources and Environmental Control Regulations Governing the Design, Installation, and Operation of On-Site Waste Water Treatment and Disposal Systems* (adopted January 11, 2014). Field work was conducted from 10/11/21 thru 12/4/21. Logged soil borings were conducted on an approximate 200 x 200 foot grid pattern established by decimeter or better GNSS with adjustments as needed to obtain representative locations or accessibility. A total of 41 soil borings were logged and classified to the subgroup taxon on the referenced parcel.

The study area consists of 8 parcels on the northwest side of Revel Road and bordered on the east by Ingrams Pond. Current land use is cropland and woodland. Adjacent land use is agricultural, woodland, and residential strip development.

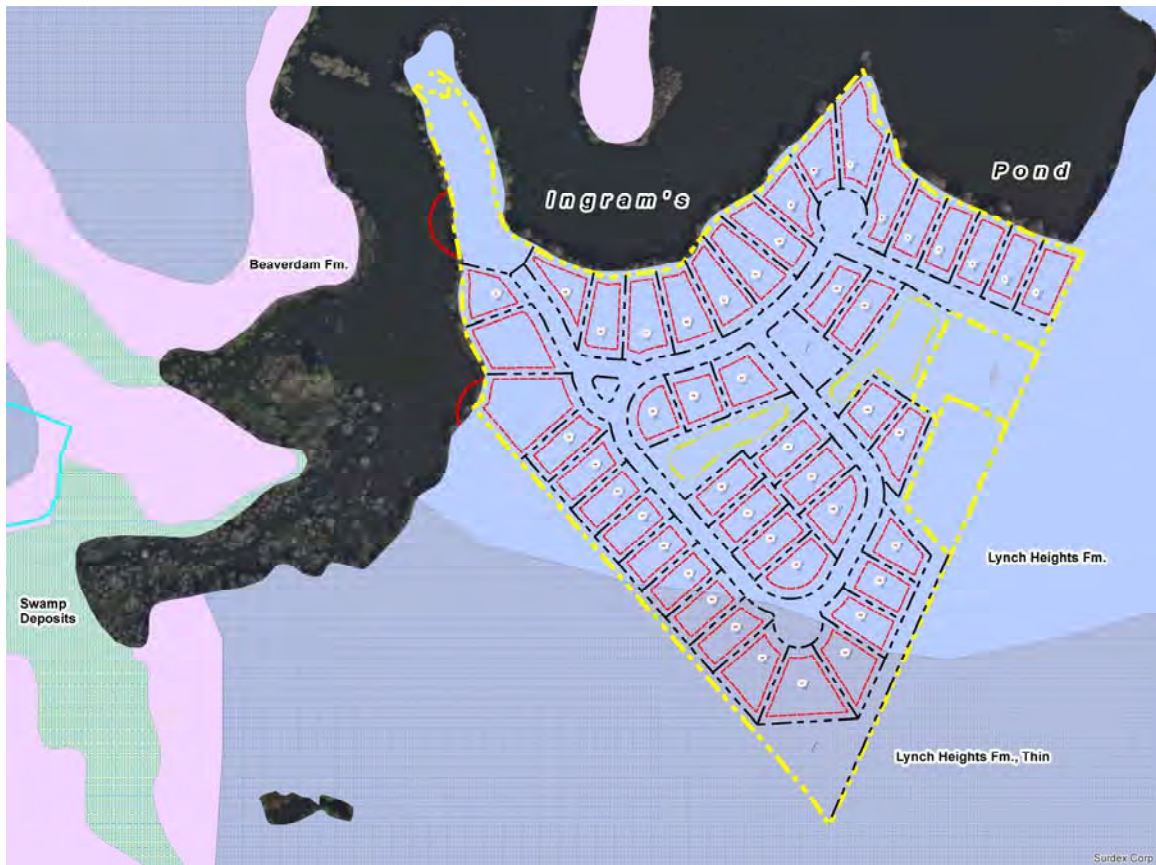
The preliminary lot layout was obtained from Siteworks Engineering. Adjacent wells were visually located door to door. Adjacent septic systems were visually located or were located from records (Delaware Open Data).

RELIEF, STRATIGRAPHY, AND HYDROLOGY

This site consists of level to gently sloping portions of a broad interstream divide and an adjacent floodplain. Approximately 15' of elevational relief (elevation 21' to elevation 36') exists at the site from the pool elevation of Ingrams Pond to the adjacent summit of the interstream divide. Significant slopes are relegated to the shoulder and backslope of the interfluvium in transition to the pool elevation of the pond.

The soils developed in sandy parent materials to a depth of >72". Some profiles exhibited a loamy to clayey layer between 40" and 72". The Delaware Geological Survey (DGS) mapping of the Millsboro and Whaleysville Quadrangles indicates the prevalence of the Lynch Heights Formation (standard and thin subunits) over the entirety of the project site. No morphological differentiation between the subunits was evident in soil profiles.

Free water was only observed within a depth of 72" at lower elevations near Ingrams Pond. DGS mapping suggests a free water surface at 6-9' and 9-16' (below ground surface) under "wet" and "normal" conditions. The water level of Ingrams Pond depicted by 2014 LIDAR (data obtained between 12/17/2013 and 4/6/2014) is 21'. This would be a static level with a controlling spillway. A borrow pit lacking an outlet approximately 1000' east of the southern portion of the project indicated groundwater (during the same LIDAR acquisition period) at elevation 23'. This is likely representative of local groundwater without the influence of immediately adjacent drainage outlets. It is to be expected that seasonal groundwater would be lowered from the 23' value most significantly in areas of the site closest to Ingrams Pond (which constitutes a drainage feature). Historical data indicates near normal seasonal conditions for the 2013-2014 winter when the LIDAR was generated. In the absence of on-site well data and based on observations above, a groundwater elevation of 23' could reasonably be considered a normal seasonal high for the majority of the site.



DGS Surficial Deposits Map (Millsboro and Whaleysville Quadrangles, NTS)

DEPTH TO AND TYPE OF LIMITING ZONES ENCOUNTERED

Limiting zones were inferred from low chroma colors, redox accumulations, depth to materials deemed hydraulically restrictive, and combinations of the above. All limiting zones identified within 72" below ground surface (BGS) on landforms above elevation 29' are likely to consist of perched seasonal water tables or zones of preferential flow. Limiting zones below this elevation are apparent seasonal groundwater.

No soils with apparent seasonally saturated conditions within 72" BGS were interpreted at this site above elevation 29'. Areas below the 29' contour are generally within a 50' isolation distance to the pond and not relevant to this report for wastewater disposal. Some profiles with relict redoximorphic features above 72" were observed associated with loamy to clayey subsoil/substratum textures. Other profiles with redoximorphic features were present but were at lower elevations adjacent to the pond. The pond is a geologically recent artificial impoundment that has likely raised the groundwater thru reduction of the hydraulic gradient. Redoximorphic features, particularly at depth, may not have yet fully formed in response to the pond induced groundwater levels.

Many profiles were identified with matrix colors of chroma 2 or less in sandy strata containing bright lamellae. The lamellae lacked either redox depletions or accumulations. It is reasonable to assume that these low chroma colors do not represent seasonal saturation due to the lack of redox features in the lamellae and that lamellae generally don't form significantly below the groundwater surface. In addition, available groundwater elevation data (see above) is not congruent with these colors being induced by iron reduction and loss.

Hydraulically restrictive layers were characterized by strata with textures high in fine sands, clay content, or having dense/brittle rupture resistance. These strata primarily occurred in profiles within the AP (Aquic Paleudult) delineation. They did not commonly extend thru 72" BGS. Based on the infiltrometer test conducted (see discussion below), these strata nearly constitute a limiting zone due to permeability approaching 120 minutes per inch (MPI). Current regulations consider soils with percolation rates slower than 120 MPI to be unsuitable for wastewater disposal. However, Section 5.2.1.3 allows reduction in estimated percolation rates used for design based on depth and the characteristics of materials overlying the more slowly permeable features. Perched seasonal groundwater in or above these strata are expected to be of relatively short duration if they occur.

NRCS SOIL MAPPING

The NRCS soil mapping of the project area and legend are depicted below:



USDA-NRCS Soil Survey Map of Site (NTS)¹

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EvD	Evesboro loamy sand, 5 to 15 percent slopes	8.8	20.2%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	18.7	42.9%
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	15.4	35.3%

¹ <http://websoilsurvey.nrcs.usda.gov/app/>

The study area is mapped primarily as the Pepperbox Rosedale Complex. The Pepperbox component has a perched seasonal water table and hydraulically restrictive layer within 24-40" of the surface. The Rosedale component allows hydraulically restrictive features within 40" of the surface or an absence of these features within 72" BGS. This mapping is not congruent with the soil composition within the study areas since they are better drained and much deeper to seasonal groundwater. The nearest mapped analogy to the Rosedale soils is the AP map unit detailed in this study. Due to the widely acknowledged deficiencies of the soil survey mapping for non agricultural uses, little additional discussion is merited.

MAP UNITS DELINEATED

Due to the availability of topographic contours, slope classes are omitted. Two soil map units were delineated on the parcel:

AP	Arenic Paleudults
LH/ArH	Lamellic Hapludults/Arenic Hapludults

AP Arenic Paleudults

The level to nearly level AP unit is well drained with depth to perched seasonally saturated materials typically at 53" to >72". These soils occur on planar, convex, and mildly concave landforms. The surface layer is loamy sand generally 20" or more in thickness. The subsoils are typically loamy sand or sandy loam above a lithologic discontinuity abruptly transitioning to bright fine sandy loam thru clay loam, with or without relict redox features, below. Rupture resistance is generally firm/brittle. Underlying the firm/brittle materials are stratified coarse sands thru loamy sands, usually containing lamellae.

Most soils in this unit appear to have sufficient depth to the discontinuity for siting full-depth low pressure pipe (LPP) or capping-fill gravity-fed septic systems. Another option is to excavate/sand-line thru the restrictive layer, backfill with suitable sand, and install a sand-lined full-depth gravity-fed disposal system. All permitted systems in this unit require advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy.

Because the restrictive layer was not observed to extend thru 72" and is underlain by coarse textures, these soils have slight to moderate limitations for stormwater management infiltration basins and excavated detention ponds. The invert elevation for infiltration structures must be below the bottom of the restrictive horizons. Permeability is moderately slow to slow in the restrictive layers and rapid to moderately rapid both above and below. Hydrologic group is A.

LH/ArH Lamellic Hapludults/Arenic Hapludults

The level to gently sloping LH/ArH unit is well to somewhat excessively drained with depth to seasonally saturated materials typically below 72". These soils occur on planar, convex, or mildly concave landforms. The surface layer is loamy sand generally

20" or more in thickness. The subsoils typically consist of loamy sand or sandy loam lamellae. The ArH component typically consists of lamellae both above and sometimes below a sandy loam to sandy clay loam argillic horizon over 6" thick. The substratum is generally sand or coarse sand, with or without lamellae. Also included are some soils with lamellae that are too thin or that do not meet combined thickness requirements for an argillic horizon which were classified as Lamellic Quartzipsamments.

Soils in this unit appear to have sufficient depth to a limiting zone for siting full-depth gravity-fed disposal systems. Advanced treatment meeting the PSN3 standard of the Inland Bays Pollution Control Strategy is required.

These soils have slight limitations for stormwater management infiltration basins or detention ponds. Permeability is rapid to moderately rapid. Hydrologic group is A.

INFILTROMETER TESTS

In order to grossly assess possible sizing requirements of potential on-site systems, 2 infiltrometer tests were conducted by Boozer Septic and Excavation. One test each was conducted in the LH/ArH and the AP units. Results should be viewed in a qualitative rather than a quantitative manor due to the limited testing conducted and variability within map units. In addition, it is likely that the evaluator conducting individual site evaluations will assign percolation rates tailored to the soil characteristics of each lot and also based on individual philosophy.

Test Location	Test Depth	Soil Texture at Test Depth	Map Unit Designation	Measured Value in Min/In.
C6	46"	firm brittle heavy SCL	AP	120 MPI
D5	24"	SL lamellae	LTH	10 MPI

Test results for location C6 indicated marginal suitability for on-site systems in the AP units. However, the apparent ability to sand-line and or prorate the estimated percolation rate to reflect that this strata was 40" or more below the surface does not indicate this as an issue of concern. Presence of slow permeability in and immediately below the expected drainfield installation (18" to 24" gravel depth) is most relevant because a biomat formed in such materials determines the long term acceptance rate of a soil. Deeper restrictive layers will not be influenced by biomat formation and could be expected to maintain a long term acceptance rate comparable to the hydraulic test values for water. These soils appear to be suitable, hydraulically, for gravity-fed and or LPP disposal systems.

Test D5 was conducted in sandy loam textured lamellae. The resulting percolation rate of 10 minutes per inch indicates few, if any hydraulic limitations for on-site systems within the LH/ArH map units.

CONCLUSIONS

From this study, it appears that individual on-site disposal systems are feasible for all the lots proposed by this plan. Soils within the AP units are expected to support predominately LPP and sand-lined full depth gravity-fed disposal systems. Soils within

the LH/ArH units, are capable of supporting predominately full-depth gravity-fed septic systems. The attached soils map depicts the estimated aerial extent of designated map units based on 200' x 200' grid observations. It is likely these boundaries might change significantly based on more detailed individual site evaluations with 3 or more borings per lot at closer spacings.

Because this proposed development falls within the DNREC designated inland bays watershed, any system permitted within this planned development must incorporate technologies meeting the PSN3 standard.

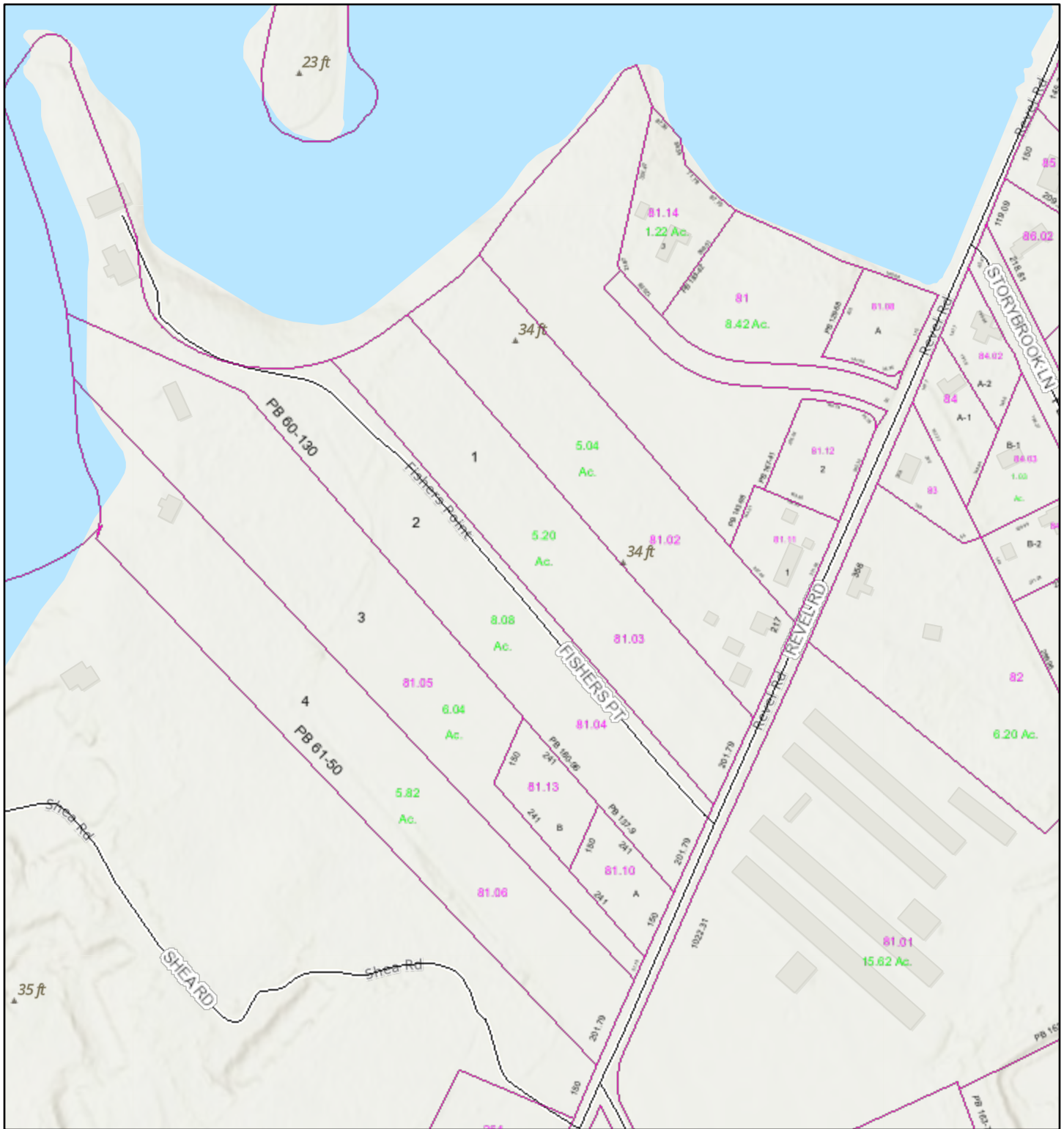
RECOMMENDATIONS

The design engineer should prepare an infrastructure construction plan that depicts areas where heavy equipment will be operated and where spoil will be placed or spread in response to road and stormwater management system construction. Placement of spoil or overtravel by heavy equipment on lot areas that will be used for on-site septic systems is to be discouraged. This plan should be adhered to and also given to the soil evaluator conducting later individual site evaluations so areas of concern due to compaction can be anticipated and sampled rather than overlooked. If equipment is operated randomly over the site, or spoil is placed haphazardly, system failures due to compaction will be likely. It is not readily apparent to a site evaluator where compaction has or has not occurred on a regraded site.

Because individual wells are anticipated rather than a central water system, a subdivision infrastructure plan depicting well and septic locations should be developed. Such a plan will help to avoid conflicts between well and septic system isolation distances among adjacent lots as the subdivision approaches build-out. The plan is typically prepared by the design engineer after all individual site evaluations have been conducted. If the plan is submitted to DNREC and the recorded with the county, site evaluation reports will expire after 77 years instead of 5 years.

Appendix I
Zoning Forms & Current Parcel Configuration

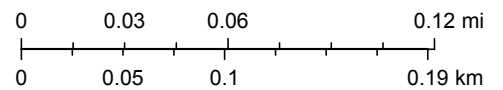
Current Sussex County Parcel Configuration



January 23, 2022

1:4,514

- Tax Parcels
- Streets
- County Boundaries



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, Delaware Public Service Commission, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N

Property Information

Property Location: 29320 REVEL RD
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 5.0400
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$15,100
100% Improvement Value: \$27,200
100% Total Value: \$42,300

Legal

Legal Description: W/S RD 410
807' N RD 409
E/S INGRAMS RD

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON C BURTON TY C BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RV-RESIDENTIAL VACANT
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 5.2000
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$15,600
100% Improvement Value: \$0
100% Total Value: \$15,600

Legal

Legal Description: W/S RD 410
1747'S/RD 328A
LOT 1

Owners

Owner	Co-owner	Address	City	State	Zip
WINE DOWN HOLDINGS LLC		24139 FISHERS POINT	MILLSBORO	DE	19966

Property Information

Property Location: 24139 FISHERS POINT
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 8.0800
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$24,200
100% Improvement Value \$110,900
100% Total Value \$135,100

Legal

Legal Description: W/RT 410
1949'S/RT 328A
LOT 2

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S	SHANNON CARMEAN BURTON	24139 FISHERS PT	MILLSBORO	DE	19966

Property Information

Property Location: 24129 FISHERS POINT
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RT-RESIDENTIAL MH ON OWN LAND
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 6.1000
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 180 96/PB

100% Land Value: \$18,300
100% Improvement Value: \$36,900
100% Total Value: \$55,200

Legal

Legal Description: OLIVER R FISHER SUBD
LOT 3 RESIDUAL LANDS
T#49010

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

Property Information

Property Location: 24123 FISHERS POINT
Unit:
City: MILLSBORO
State: DE
Zip: 19966

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres: 5.8200
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$17,500
100% Improvement Value \$34,500
100% Total Value \$52,000

Legal

Legal Description OLIVER R FISHER SUBD
LOT 4
NW/S RD 410

Owners

Owner	Co-owner	Address	City	State	Zip
THOMPSON SUSAN V SUSAN V BURTON	ROBERT D THOMPSON III	24123 FISHERS PT	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RV-RESIDENTIAL VACANT
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres:
Frontage: 150
Depth: 241.000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 137 9/PB

100% Land Value: \$3,000
100% Improvement Value
100% Total Value

Legal

Legal Description: OLIVER R FISHER SUB
LOT A
NW/RT 410

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RV-RESIDENTIAL VACANT
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres:
Frontage: 150
Depth: 241.000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 180 96/PB

100% Land Value: \$3,000
100% Improvement Value
100% Total Value

Legal

Legal Description: OLIVER F FISHER SUBD
LOT B NW/RT 410
N/PRIVATE DR

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON DANIEL F		29254 REVEL RD	MILLSBORO	DE	19966

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: AGR-Agriculture
Use Code (LUC): FG-AG IN FAA
Town: 00-None
Tax District: 133 – DAGSBORO
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 83-Millsboro
Deeded Acres:
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2: -
Plot Book Page: 183 42/PB

100% Land Value:
100% Improvement Value \$0
100% Total Value

Legal

Legal Description W/RT 410
S/INGRAMS POND
RESIDUAL LANDS FX

Owners

Owner	Co-owner	Address	City	State	Zip
BURTON JEFFREY S TRUST THE		24139 FISHERS PT	MILLSBORO	DE	19966

Appendix II
Letter of Intent

*E*astern *S*hore *S*oil *S*ervices

Environmental Consulting:

Soil Mapping, Land Use Planning, Wetland Studies, Site Evaluations, Environmental Permits

P.O. Box 411
Georgetown, DE 19947

(302) 856-1853
FAX (302) 856-2384

October 24, 2021

Attn: Jenwei Tsai
DNREC-Div. of Water Resources
89 Kings Highway
Dover, DE 19901

RE: Letter of Intent for Fishers Point Subdivision TM# 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Ms. Tsai,

I am submitting a letter of intent regarding the proposed Fishers Point Subdivision. The developer plans to create a 50 lot subdivision out of an aggregation of 8 existing parcels (to be expunged or reconfigured) resulting in 38 actual new lots.

Initial fieldwork commenced on 10/11/21 locating utility poles, existing monumentation, and wells. Six borings were logged on 10/13/21 to assess soil properties. The remaining fieldwork (soil borings and percolation tests) will be conducted in October and November of 2021.

Developer/Owner(s): Jeffrey S. Burton, et. al.
Total Acres: 39.765
Net lot density: 1.01 units/acre
Minimum lot size: 0.5 acre
Watershed: 020403030201 (Indian River Bay)

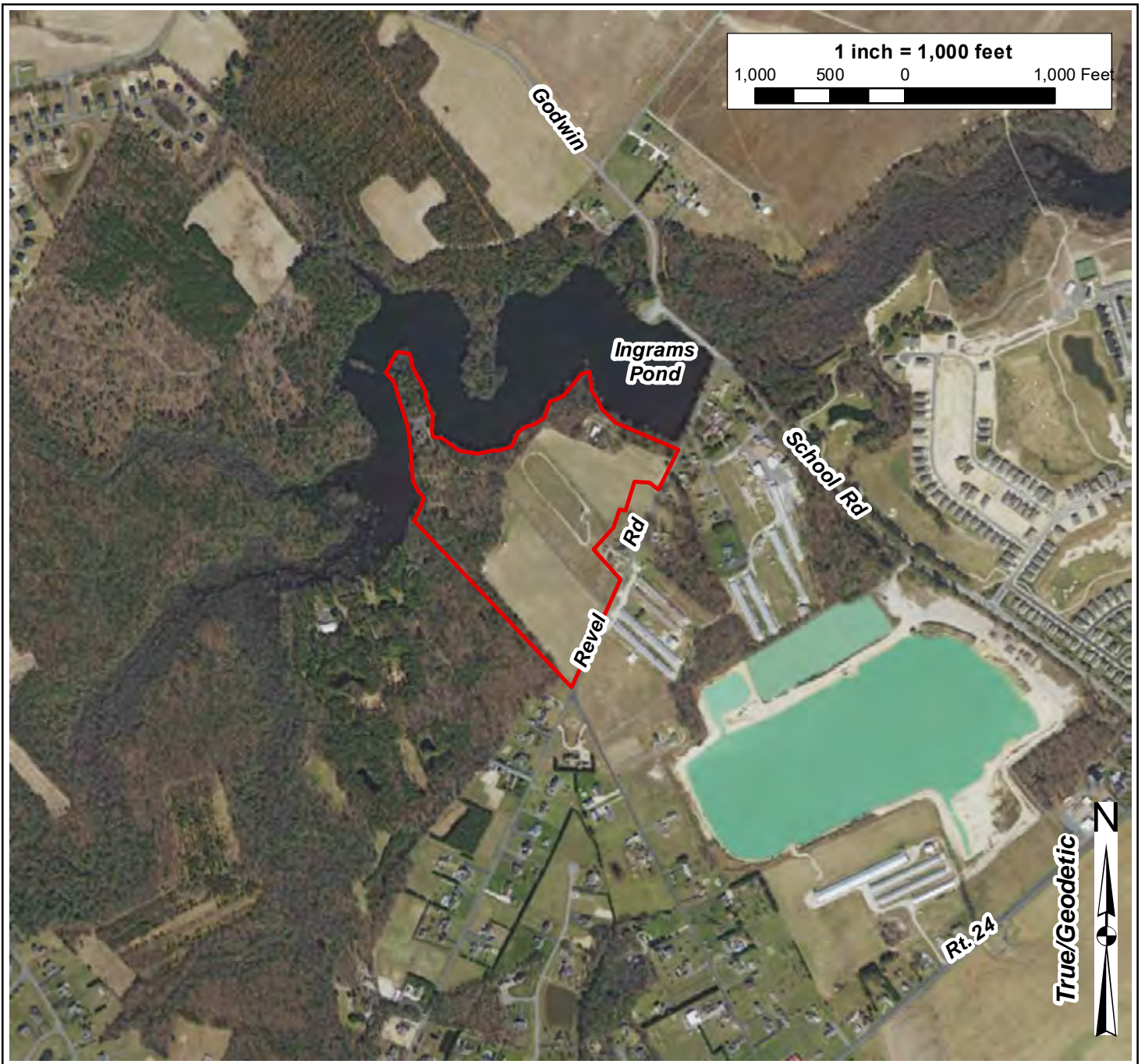
Sincerely,



Bradley J. Cate

cc: Dave Heatwole
Jeffrey Burton

Attachment: Location Map, Ownership Certificates



Project Location Map

***E*astern *S*hore *S*oil *S*ervices**
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net



Appendix III
Infiltrometer Test Results

Appendix IV
Soil Profile Notes

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, SAVANNA, IL 61074
 Phone: (815) 273-3550
 Email: esss@igricx.net



Profile #: 51

Date of Test: 11/1/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Bonnamie Hapludult

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 9</u>	<u>10YR 3/4</u>	<u>/</u>		<u>LS</u>	<u>1-2gr</u>	<u>/ uh</u>
<u>Bt</u>	<u>9 to 30</u>	<u>10YR 4/4</u>	<u>/</u>		<u>LS+</u>	<u>~</u>	<u>/ uh</u>
<u>Bc</u>	<u>30 to 48</u>	<u>10YR 5/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/ uh</u>
<u>C1</u>	<u>48 to 53</u>	<u>10YR 6/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/ uh</u>
<u>C2</u>	<u>53 to 67</u>	<u>10YR 6/4</u>	<u>/</u>		<u>S</u>	<u>5G</u>	<u>/ L</u>
<u>C3</u>	<u>67 to 72</u>	<u>10YR 5/4</u>	<u>/</u>		<u>LS+</u>	<u>~</u>	<u>/ uh</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: S2
 Date of Test: 11/1/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Top Relief: _____
 Estimated Permeability: not test
 Depth to Limiting Zone: > 72"
 Soil Series Identified: lanolin B1udk4

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 10</u>	<u>10YR3/3</u>	<u>/</u>				<u>CS</u>	<u>1ng r</u>	<u>/ uh</u>
<u>EB</u>	<u>10 to 26</u>	<u>10YR5/4</u>	<u>/</u>				<u>CS</u>	<u>m</u>	<u>/ uh</u>
<u>E</u>	<u>26 to 38</u>	<u>10YR6/4</u>	<u>/</u>				<u>CS</u>	<u>m</u>	<u>/ uh</u>
<u>E1Bt</u>	<u>38 to 72 Bl</u>	<u>10YR6/4</u> <u>10YR5/6</u>	<u>30% /</u> <u>70%</u>	<u>50%</u>	<u>gravel</u>		<u>CS</u> <u>SL</u>	<u>m</u>	<u>/ uh</u> <u>h</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)
" ± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: AD
 Date of Test: 10/20/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: h.d. P₂
 Depth to Limiting Zone: 792"
 Soil Series Identified: Grossman's Blawie

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A₁</u>	<u>0 to 14</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS -</u>	<u>mgf</u>	<u>/ wh</u>
<u>E</u>	<u>14 to 43</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS -</u>	<u>~</u>	<u>/ wh</u>
<u>B₁₁</u>	<u>43 to 53</u>	<u>7.5YR 5/6</u>	<u>-</u>				<u>SL -</u>	<u>~</u>	<u>/ wh</u>
<u>E₁ B₁₂</u>	<u>53 to 72 ft</u>	<u>10YR 5/4</u> <u>7.5YR 5/6</u>	<u>50%</u> <u>50%</u>	<u>2-5% gravel</u>			<u>LS - 1603</u> <u>SL +</u>	<u>~</u>	<u>/ wh</u> <u>/ wh</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: A1
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: moderately cap
 Depth to Limiting Zone: >72"
 Soil Series Identified: Acadia Hapludoll

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A _p	0 to 12	10YR 4/3	/				CS	1ng	/ v/c
E ₁	12 to 16	10YR 6/4	/				CS	~	/ v/c
E ₂	16 to 30	10YR 6/4	* /				S	SB	/ L
B ₁	30 to 49	7.5YR 4/6	/				SL ⁺	m	/ h
D ₁ 2	49 to 61	7.5YR 5/6	/				LS ⁺	~	/ v/c
E _i B ₁₃	61 to 72	10YR 6/4	60%				CS	SB	/ L
		7.5YR 4/6	40%				grLcoS ⁺	~	/ v/c
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

due thin 7.5YR 4/6 LS lamellae

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grica.net



Profile #: A2

Date of Test: 10/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderately rapid

Depth to Limiting Zone: 772"

Soil Series Identified: Lanolia Quartzipsamment

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 11</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>1Ang</u>	<u>/ of</u>
<u>Bw</u>	<u>11 to 17</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>-</u>	<u>/ of</u>
<u>C1</u>	<u>17 to 31</u>	<u>10YR 6/4</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ 2</u>
<u>C2</u>	<u>31 to 57</u>	<u>10YR 5/4</u>	<u>*</u>				<u>co's's</u>	<u>SG</u>	<u>/ L</u>
<u>C3</u>	<u>57 to 67</u>	<u>10YR 6/2</u>	<u>*</u>				<u>si'co's</u>	<u>SG</u>	<u>/ L</u>
<u>C4</u>	<u>67 to 72</u>	<u>10YR 6/6</u> <u>10YR 5/6</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)
" ± to free water (if applicable)

no w/ for thin 7.5YR 5/6 & 7.5YR 4/4 LS Lanolia

- (1) Pit observation is extended by bucket auger from _____ " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grics.net



Profile #: A3

Date of Test: 10/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: 62mclie Paludell

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 11</u>	<u>10YR 3/3</u>	<u>-</u>		<u>LS</u>	<u>loose</u>	<u>ch</u>
<u>EB</u>	<u>11 to 26</u>	<u>10YR 5/4</u>	<u>-</u>		<u>LS</u>	<u>m</u>	<u>ch</u>
<u>E</u>	<u>26 to 34</u>	<u>10YR 6/4</u>	<u>-</u>		<u>S</u>	<u>SG</u>	<u>ch</u>
<u>E: B11</u>	<u>34 to 42</u>	<u>10YR 6/4</u> <u>2.5YR 5/6</u>	<u>30%</u> <u>20%</u>		<u>S</u> <u>LS-</u>	<u>SG</u> <u>m</u>	<u>ch</u> <u>ch</u>
<u>E: B12</u>	<u>42 to 72</u>	<u>10YR 5/4</u> <u>2.5YR 5/6</u>	<u>60%</u> <u>40%</u>		<u>S</u> <u>SL-</u>	<u>SG</u> <u>m</u>	<u>ch</u> <u>ch</u>
	<u>to</u>						<u>ch</u>
	<u>to</u>						<u>ch</u>
	<u>to</u>						<u>ch</u>

Current Hydrology: >72" ± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: AY

Date of Test: 10/23/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: 69" to micromorphic features

Soil Series Identified: Typic Quartzipizan

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 13	10YR 4/3	/				S	SG	/ L
C1	13 to 52	10YR 5/4	/				S	SG	/ L
C2	52 to 62	10YR 6/3 10YR 5/4	/	2-5% gravel			stratified cos. layers	SG	/ L
C3	62 to 69	10YR 6/3 10YR 5/4	/				stratified KSLT	n	/ v/b
C4	69 to 72	10YR 5/4	10YR 5/6 10YR 5/2	hd	hd		stratified KSLT	n	/ v/b
	to								/
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ees@grica.net



Profile #: A5

Date of Test: 10/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: wide Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Proxic Hapludult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>O_i</u>	<u>1 0</u>								
<u>A_p</u>	<u>0 to 3</u>	<u>10YR 2/2</u>	<u>/</u>				<u>cs</u>	<u>1mg</u>	<u>/ cf</u>
<u>BE</u>	<u>3 to 8</u>	<u>10YR 4/4</u>	<u>/</u>				<u>cs</u>	<u>msbk</u>	<u>/ cf</u>
<u>E</u>	<u>8 to 22</u>	<u>10YR 5/4</u>	<u>/</u>		<u>*</u>		<u>cs</u>	<u>~</u>	<u>/ cf</u>
<u>B₁₁</u>	<u>22 to 42</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>*</u>		<u>sb</u>	<u>msbk</u>	<u>/ cf</u>
<u>B₁₂</u>	<u>42 to 66</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>*</u>		<u>stabilized</u> <u>cs, sb</u>	<u>~</u>	<u>/ cf</u>
<u>C</u>	<u>66 to 72</u>	<u>10YR 6/6</u> <u>10YR 5/6</u>	<u>/</u>		<u>*</u>		<u>stabilized</u> <u>cs, sb</u>	<u>~</u>	<u>/ cf</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

* few pebbles

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ees@grica.net



Profile #: A6

Date of Test: 12/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: 772"

Soil Series Identified: Arvin Hapludult

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A</u>	<u>0 to 3</u>	<u>10YR 2/2</u>	<u>/</u>				<u>LS</u>	<u>fine</u>	<u>u/c</u>
<u>BE</u>	<u>3 to 9</u>	<u>10YR 4/6</u>	<u>/</u>				<u>LS</u>	<u>insbk</u>	<u>u/c</u>
<u>E</u>	<u>9 to 31</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>-</u>	<u>u/c</u>
<u>Bt1</u>	<u>31 to 44</u>	<u>7.5YR 4/6</u>	<u>/</u>				<u>SL</u>	<u>insbk</u>	<u>fr</u>
<u>Bt2</u>	<u>44 to 64</u>	<u>7.5YR 5/6</u>	<u>/</u>				<u>SL</u>	<u>insbk</u>	<u>u/c</u>
<u>Bt3</u>	<u>64 to 72</u>	<u>10YR 5/6</u>	<u>/</u>				<u>LS</u>	<u>-</u>	<u>u/c</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: 772"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Saratoga, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: B1
 Date of Test: 2/13/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See type Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: 772"
 Soil Series Identified: kanolic Palmdell

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 10	10YR3/3	/				LS	1-2gr	/ ufr
E	10 to 24	10YR5/4	/				S	Sb	/ L
E1B1	24 to 33	10YR5/4 7.5YR4/4	80% 20%				S LS	Sb ~	/ L L
E1B2	33 to 45	10YR6/4 7.5YR4/4	70% 30%				S LS	Sb ~	/ L L
E1B3	45 to 772"	10YR6/2 7.5YR4/4	40% 60%	2-5% gravel			S, CLS SL+	Sb ~	/ L fr
	to								/
	to								/
	to								/

Current Hydrology: 772"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevanba, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: B2

Date of Test: 10/13/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Tape Relief: _____

Estimated Permeability: med Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lomellie Quartzipment

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 12</u>	<u>10YR 7/3</u>	<u>/</u>				<u>LS</u>	<u>1ng</u>	<u>/ vfr</u>
<u>E1</u>	<u>12 to 59</u>	<u>10YR 5/4</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
<u>E2</u>	<u>59 to 69</u>	<u>10YR 5/4</u>	<u>* /</u>				<u>GS</u>	<u>SG</u>	<u>/ L</u>
<u>E3</u>	<u>69 to 72</u>	<u>10YR 6/4</u>	<u>/</u>				<u>GS</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* will have thin 7.5YR 5/4 vs Lomellie

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

**SOIL PROFILE
NOTES**

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: esss@grica.net



Profile #: B3
 Date of Test: 12/12/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: Sea Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Lanellie Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A_p</u>	<u>0 to 10</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>ingr</u>	<u>/ ufr</u>
<u>E</u>	<u>10 to 27</u>	<u>10YR 5/4</u>	<u>/</u>				<u>S</u>	<u>SC</u>	<u>/ L</u>
<u>E1B11</u>	<u>27 to 47B</u>	<u>10YR 5/4</u>	<u>90%</u>				<u>S</u>	<u>SC</u>	<u>/ L</u>
		<u>7.5YR 5/4</u>	<u>10%</u>				<u>US-</u>	<u>~</u>	<u>/ ufr</u>
<u>E1B12</u>	<u>47 to 59 B</u>	<u>10YR 6/4</u>	<u>40%</u>	<u>2-5% silt/cl</u>			<u>US-</u>	<u>~</u>	<u>/ ufr</u>
		<u>7.5YR 5/4</u>	<u>60%</u>				<u>SL-</u>	<u>~</u>	<u>/ ufr</u>
<u>B13</u>	<u>59 to 72</u>	<u>10YR 5/4</u>	<u>/</u>	<u>2-5% gravel</u>			<u>SL-</u>	<u>~</u>	<u>/ ufr</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: B4

Date of Test: 12/29/21 Soil Boring X or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: Med. Slow

Depth to Limiting Zone: >72

Soil Series Identified: Arvic Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 11	10YR 3/3	/				LS	mgf	uf
E1	11 to 24	10YR 5/4	/				LS	m	uf
E2	24 to 30	10YR 5/4	w/ few thin LS mottles	10YR 7/6			S	SG	L
Bt1	30 to 50	10YR 5/6	/				LS ⁺	m	uf
2 Bt2	50 to 60	10YR 5/6 10YR 5/4	/			Stratified	SL SCL ⁺	m	uf fi
2 Bt3	60 to 68	10YR 5/6	/				Stratified LS:SL	m	uf
2 C	68 to 72	10YR 6/4	/				Stratified LS:fs	m	uf
	to								

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from _____ " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: B5
 Date of Test: 10/28/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Prairie Hope silt

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
C ¹	0 to 12	10YR 6/2	/				S	SG	/ L
A	12 to 16	10YR 3/3	/				LS	m	/ ch
E	16 to 27	10YR 6/4	/				LS	m	/ ch
Bt1	27 to 42	10YR 4/6	/				SL	1-3 cl	/ fr
Bt2	42 to 62	10YR 5/6	/				LS		/
C	62 to 72	10YR 6/6	/				S		/
	to								/
	to								/

Current Hydrology: >72" ± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1833
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: essa@grica.net



Profile #: B6
 Date of Test: 12/23/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: Leak Report
 Depth to Limiting Zone: >72"
 Soil Series Identified: Avenic Hapludult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
O ₁	2 to 0								
A	0 to 4	10YR 3/3	/				LS	single	/ v/c
EB	4 to 8	10YR 4/4	/				LS	single	/ v/c
E	8 to 26	10YR 5/4	/				LS	~	/ v/c
Bt1	26 to 40	10YR 5/6	/				SL	~	/ v/c
Bt2	40 to 63	10YR 5/6	/				LS	~	/ v/c
BC	63 to 72	10YR 5/6	/				S, 2US, 2L, 2S	~	/ v/c
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ces@grica.net



Profile #: B7
 Date of Test: 12/23/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: moderate
 Depth to Limiting Zone: 772"
 Soil Series Identified: Arbacia Blendell

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
O ₁	0						
A	0 to 4	10YR 2/2	/		LS	1mgsr	/ fr
BE	4 to 11	10YR 4/4	/		LS	1mgsb/c	/ fr
E	11 to 32	10YR 5/4	/		LS	~	/ fr
E ₁ B ₁	32 to 44 B ₁	10YR 5/4	90%		LS	~	/ fr
		7.5YR 4/6	10%		fsl	~	/ fr
E ₁ B ₁ 2	44 to 59 B ₁	10YR 6/4	80%		LS	SG	/ fr
		7.5YR 4/6	20%		fsl	~	/ fr
O ₁ 3	59 to 67	7.5YR 4/6	/		fsl	1mgsb/c	/ fr
B ₁ 4	67 to 72	10YR 5/4	/		fsl	1c5b/c	/ fr
	to						/ fr

Current Hydrology: 772"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

* dry

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
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 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ees@grica.net



Profile #: BB

Date of Test: 12/28/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See topo Relief: _____

Estimated Permeability: had. to road s/w

Depth to Limiting Zone: > 72"

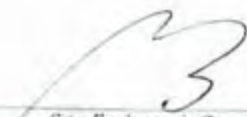
Soil Series Identified: Typic Hapludoll

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
O _i	0								
A	0 to 3	10YR 2/2	/				Lfs	msr	/uf
BE	3 to 8	10YR 4/4	/				Lfs	msbr	/uf
E	8 to 16	10YR 6/4	/				Lfs	~	/uf
B ₁	16 to 20	10YR 5/6	/				fSL ⁻	msbr	/fr
B ₂	20 to 24	10YR 4/6	/				fSL ⁺	2msbr	/fr
B ₃	24 to 31	7.5YR 4/6	/	2-5%	gravel		sCL ⁺	2msbr	/fr
B ₄	31 to 40	7.5YR 5/6	/				sCL	msbr	/fr
B ₅	40 to 64	7.5YR 5/6	/				fSL ⁻	1cbr	/uf
B _C	64 to 72	7.5YR 6/6	/				Lfs:fs	~	uf

Current Hydrology: 77"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
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 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: ees@igricos.net



Profile #: C1
 Date of Test: 10/13/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: Sec Tops Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: 65" to low chroma sands w/ redox conc.
 Soil Series Identified: Genesee Paleudic

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A_p</u>	<u>0 to 6</u>	<u>10YR 3/3</u>	<u>✓</u>				<u>LS</u>	<u>mgc</u>	<u>✓ wfr</u>
<u>E₁B₁</u>	<u>6 to 29</u>	<u>10YR 5/4</u> <u>7.5YR 4/4</u>	<u>90%</u> <u>10%</u>				<u>S</u> <u>LS</u>	<u>SC</u> <u>~</u>	<u>✓</u> <u>✓</u>
<u>E₁B₂</u>	<u>29 to 44</u>	<u>10YR 6/3</u> <u>7.5YR 4/6</u>	<u>90%</u> <u>10%</u>				<u>S</u> <u>LS</u>	<u>SC</u> <u>~</u>	<u>✓</u> <u>✓</u>
<u>E₁B₃</u>	<u>44 to 65</u>	<u>10YR 6/2</u> <u>10YR 5/4</u>	<u>90%</u> <u>10%</u>				<u>S</u> <u>LS</u>	<u>SC</u> <u>~</u>	<u>✓</u> <u>✓</u>
<u>E₁B₄</u>	<u>65 to 72</u>	<u>10YR 6/1</u> <u>10YR 5/4</u>	<u>90%</u> <u>10%</u>	<u>10YR 5/6</u>		<u>c 2d</u>	<u>LS</u> <u>LS+</u>	<u>~</u> <u>~</u>	<u>✓</u> <u>✓</u>
	to								<u>✓</u>
	to								<u>✓</u>
	to								<u>✓</u>

Current Hydrology: 71"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 356-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: css@igrics.net



Profile #: C2
 Date of Test: 10/13/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: Sec Top Relief: _____
 Estimated Permeability: mod Rp.d
 Depth to Limiting Zone: 772"
 Soil Series Identified: Lanellie Aquicgypssment

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Pp	0 to 9	10YR 3/3	/				SS	1.25g	/ u.f
E	9 to 30	10YR 5/4	/				S	5G	/ L
E1B1	30 to 50 or	10YR 5/4 7.5YR 5/4	30% 20%				S L	5G 5G	/ L u.f
C	50 to 72	10YR 6/2	/				CS	5G	/ L
	to								/
	to								/
	to								/
	to								/

Current Hydrology: 772"± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Sevenson, IL 61074
 Phone: (815) 273-3550
 Email: csss@grics.net



Profile #: C3

Date of Test: 10/12/21 Soil Boring X or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Lanellie Bland Lt

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Pp</u>	<u>0 to 10</u>	<u>10YR3/3</u>	<u>/</u>		<u>LS</u>	<u>large</u>	<u>/ -if</u>
<u>E</u>	<u>10 to 18</u>	<u>10YR5/4</u>	<u>/</u>		<u>S</u>	<u>SG</u>	<u>/ L</u>
<u>E10d1</u>	<u>18 to 50.84</u>	<u>10YR6/4</u>	<u>90%</u>		<u>LS</u>	<u>SG</u>	<u>/ L</u>
		<u>10YR5/4</u>	<u>10%</u>			<u>m</u>	<u>/ -if</u>
<u>E10d2</u>	<u>50 to 72.02</u>	<u>10YR6/2</u>	<u>50%</u>		<u>S</u>	<u>SG</u>	<u>/ L</u>
		<u>2.5YR4/4</u>	<u>50%</u>		<u>LS</u>	<u>m</u>	<u>/ -if</u>
	to						<u>/</u>
	to						<u>/</u>
	to						<u>/</u>
	to						<u>/</u>

Current Hydrology: > 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grica.net



Profile #: C4
 Date of Test: 10/28/21 Soil Boring X or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72'
 Soil Series Identified: P52mm and in Hephedelt

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 7</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>1mgf</u>	<u>u, fr</u>
<u>E</u>	<u>7 to 35</u>	<u>10YR 6/6</u>	<u>/ *</u>				<u>LS</u>	<u>~</u>	<u>u, fr</u>
<u>Bt</u>	<u>35 to 55</u>	<u>7.5YR 5/6</u>	<u>/</u>				<u>LS+</u>	<u>~</u>	<u>u, fr</u>
<u>E/Bt</u>	<u>55 to 72 Bt</u>	<u>10YR 6/4</u>	<u>60% /</u>				<u>S:CS</u>	<u>SB</u>	<u>u, fr</u>
	<u>to</u>	<u>7.5YR 5/6</u>	<u>40% /</u>				<u>LS</u>	<u>~</u>	<u>u, fr</u>
	<u>to</u>								
	<u>to</u>								
	<u>to</u>								

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

few thin 7.5YR 5/6 LS lamellae

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: ess@grica.net



Profile #: CS

Date of Test: 10/29/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. slow over rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Arctic Hapludt

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 9</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>mgc</u>	<u>/uf</u>
<u>E</u>	<u>9 to 29</u>	<u>10YR 6/6</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>/uf</u>
<u>2 B1</u>	<u>29 to 36</u>	<u>10YR 5/6</u>	<u>/</u>				<u>fSL</u>	<u>msbk</u>	<u>/f</u>
<u>2 B1L</u>	<u>36 to 43</u>	<u>10YR 5/6</u>	<u>5a/5 of</u>	<u>10YR 7/2</u>	<u>fSL</u>	<u>Brittle</u>	<u>fSL</u>	<u>msbk</u>	<u>/f</u>
<u>2 B1g3</u>	<u>43 to 53</u>	<u>10YR 7/2</u>	<u>/</u>				<u>fSL</u>	<u>msbk</u>	<u>* /f Brittle in site</u>
<u>2 C</u>	<u>53 to 72</u>	<u>7.5YR 6/6</u> <u>10YR 6/6</u>	<u>10YR 6/2</u>				<u>stratified</u> <u>vs;s</u>	<u>~</u>	<u>/uf</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >? ± to upper boundary of capillary fringe (or)

± to free water (if applicable)

* dry condition

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

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 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grica.net



Profile #: C6
 Date of Test: 10/23/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: mod slow over rapid
 Depth to Limiting Zone: > 72" to apparent SHWT
 Soil Series Identified: Armic Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 7</u>	<u>1072 3/2</u>	<u>/</u>				<u>LS</u>	<u>mgc</u>	<u>/ ufr</u>
<u>E</u>	<u>7 to 21</u>	<u>1072 5/4</u>	<u>/</u>				<u>LS</u>	<u>w</u>	<u>/ ufr</u>
<u>E1B1</u>	<u>21 to 35</u>	<u>1072 5/4</u> <u>1072 5/6</u>	<u>70%</u> <u>30%</u>				<u>LS</u> <u>SL</u>	<u>w</u> <u>w</u>	<u>/ ufr</u> <u>/ ufr</u>
<u>BtL</u>	<u>35 to 40</u>	<u>1072 4/6</u>	<u>/</u>				<u>SCL</u>	<u>msbk</u>	<u>* / fr</u>
<u>2Bt3</u>	<u>40 to 49</u>	<u>1072 5/4</u>	<u>/</u>				<u>SCL+</u>	<u>msbk</u>	<u>* / fi Brittle</u>
<u>2Bt4</u>	<u>49 to 67</u>	<u>1072 6/4</u> <u>1072 6/2</u>	<u>1072 5/3</u>			<u>13P</u>	<u>fSL+</u> <u>stratified</u> <u>tsilts</u>	<u>msbk</u>	<u>* / fi Brittle</u>
<u>2C</u>	<u>67 to 72</u>	<u>1072 6/3</u> <u>1072 6/6</u>	<u>/</u>					<u>w</u>	<u>* / ufr</u>
	to								

Current Hydrology: > 72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

* dry condition

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: C7

Date of Test: 10/28/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See topo Relief: _____

Estimated Permeability: Rapid

Depth to Limiting Zone: 27" to depleted matrix

Soil Series Identified: Ayala - udipsamment

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
O _i	1 0						
A	0 to 3	10YR 3/2	/		LS	ingr	/ ufr
BE	3 to 11	10YR 4/4	/		LS	1 m s b k	/ ufr
B ₂	11 to 27	10YR 6/4	/		S	SB	/ L
C _{g1}	27 to 64	10YR 6/2	10YR 5/6	tip	S	SB	/ L
C _{g2}	64 to 72	10YR 6/2	10YR 6/4 10YR 5/6	cap FLP	S	SB	/ L
	to						/
	to						/
	to						/

Current Hydrology: 77"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savannah, IL 61074
Phone: (815) 273-3550
Email: esss@grica.net



Profile #: D3
 Date of Test: 10/31/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Lowell's Aquosol

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 8</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>1mg</u>	<u>uf</u>
<u>BE</u>	<u>8 to 22</u>	<u>11YR 6/6</u>	<u>/</u>				<u>LS-</u>	<u>-</u>	<u>uf</u>
<u>E</u>	<u>22 to 61</u>	<u>11YR 6/14</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>L</u>
<u>E1B1</u>	<u>61 to 72"</u>	<u>10YR 6/12</u>	<u>60%</u>				<u>S</u>	<u>SG</u>	<u>L</u>
		<u>7.5YR 4/6</u>	<u>40%</u>				<u>SL-</u>	<u>-</u>	<u>uf</u>
	to								
	to								
	to								
	to								

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: D4

Date of Test: 10/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod. Rep'd over slow

Depth to Limiting Zone: >72" to ASWT; 47" to preferential flow patterns

Soil Series Identified: Lanette Hapludt

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>A_c</u>	<u>0 to 11</u>	<u>10YR 4/3</u>	<u>/</u>		<u>LS</u>	<u>mg</u>	<u>/ ch</u>
<u>E₁</u>	<u>11 to 19</u>	<u>10YR 6/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/ ch</u>
<u>E₂</u>	<u>19 to 40</u>	<u>10YR 6/4</u>	<u>/</u>		<u>S</u>	<u>SC</u>	<u>/ L</u>
<u>E₁B₁</u>	<u>40 to 47</u>	<u>10YR 6/2</u> <u>10YR 5/6</u>	<u>50% /</u> <u>50%</u>		<u>S</u> <u>SL²</u>	<u>SC</u> <u>~</u>	<u>/ ch</u> <u>/ ch</u>
<u>2B₁2</u>	<u>47 to 59</u>	<u>10YR 5/4</u> <u>10YR 5/6</u>	<u>10YR 5/2</u> <u>10YR 5/6</u>	<u>c2d</u> <u>c2p</u>	<u>CL</u>	<u>2m sbk</u>	<u>/ fi</u>
<u>2E₁B₁3</u>	<u>59 to 72</u>	<u>10YR 6/2</u> <u>10YR 5/6</u>	<u>70% /</u> <u>30%</u>		<u>grccs</u> <u>grbcus</u>	<u>SC</u> <u>~</u>	<u>/ L</u> <u>/ ch</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: DS
 Date of Test: 12/31/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: 772"
 Soil Series Identified: Linnellie Hopedale

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
Ap	0 to 8	10YR 3/3	-				LS	mg	wh
Ei	8 to 28	10YR 5/4	80%				LS- SL-	~	wh
B+1	28 to 34	10YR 4/6	20%				SL-	~	wh
Ei B12	34 to 55	10YR 6/4	20%				LS	~	wh
		10YR 5/6	30%				SL-	~	wh
Ei B13	55 to 62	10YR 6/4 & 10YR 6/2	-				CS	SB	wh
		10YR 5/6	-				CS	~	wh
C	62 to 72	10YR 5/6	7.5YR 3/4	tzp			str. has cob:cs	~	wh
	to								
	to								
	to								

Current Hydrology: 772"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Seasons, IL 61074
 Phone: (815) 273-3550
 Email: esss@gricx.net



Profile #: 26

Date of Test: 10/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Lanolia Hazledit

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>A_p</u>	<u>0 to 9</u>	<u>10YR 3/3</u>	<u>-</u>				<u>LS</u>	<u>10gr</u>	<u>uf</u>
<u>E_B</u>	<u>9 to 27</u>	<u>10YR 5/6</u>	<u>-</u>				<u>LS</u>	<u>m</u>	<u>uf</u>
<u>E₁B₁₁</u>	<u>27 to 45</u>	<u>10YR 5/6</u>	<u>20%</u>				<u>SS -</u>	<u>~</u>	<u>uf</u>
		<u>10YR 4/4</u>	<u>22%</u>				<u>SS -</u>	<u>~</u>	<u>uf</u>
<u>E₁B₁₂</u>	<u>45 to 63</u>	<u>10YR 6/6</u>	<u>70%</u>				<u>S</u>	<u>SG</u>	<u>uf</u>
		<u>10YR 5/6</u>	<u>30%</u>				<u>LS</u>	<u>~</u>	<u>uf</u>
<u>E₁B₁₃</u>	<u>63 to 72</u>	<u>10YR 6/6</u>	<u>60%</u>				<u>SS</u>	<u>SG</u>	<u>uf</u>
		<u>7.5YR 5/6</u>	<u>40%</u>				<u>LS</u>	<u>~</u>	<u>uf</u>
	<u>to</u>								
	<u>to</u>								
	<u>to</u>								

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)

" ± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

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 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: E3

Date of Test: 10/31/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Lanoka Hapludult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A0	0 to 10	10YR 3/3	/				LS	mg	/ uh
E	10 to 30	10YR 5/4	/				LS	gn	/ uh
E: B1	30 to 43 B1	10YR 6/4	/				LS	~	/ uh
		10YR 5/6	/				SL	~	/ uh
B12	43 to 64	10YR 6/4	/				LS+	m	/ uh
C	64 to 72	10YR 7/3	/				S	SG	/ L
	to								/
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: cesa@grica.net



Profile #: E4

Date of Test: 10/31/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: low to Rapid

Depth to Limiting Zone: > 72"

Soil Series Identified: Grossmont Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 9</u>	<u>10YR 3/3</u>	<u>/</u>				<u>LS</u>	<u>mg</u>	<u>/ vfr</u>
<u>E1</u>	<u>9 to 38</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>r</u>	<u>/ vfr</u>
<u>E2</u>	<u>38 to 52</u>	<u>10YR 6/4</u>	<u>/</u>				<u>gr c/s</u>	<u>sb</u>	<u>/</u>
<u>Bt1</u>	<u>52 to 62</u>	<u>10YR 5/6</u>	<u>/</u>	<u>2-5% gravel</u>			<u>lc c/s</u>	<u>m</u>	<u>/ vfr</u>
<u>Ah2</u>	<u>62 to 72</u>	<u>10YR 5/6</u>	<u>/</u>	<u>2-5% gravel</u>			<u>c/s</u>	<u>r</u>	<u>/ vfr</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: > 72" ± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@gricor.net



Profile #: E5
 Date of Test: 10/31/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: Rapid
 Depth to Limiting Zone: >72
 Soil Series Identified: Lanolia Quartziplean

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 3</u>	<u>10YR3/5</u>	<u>/</u>				<u>CS</u>	<u>single</u>	<u>/vh</u>
<u>B_w</u>	<u>3 to 35</u>	<u>10YR5/4</u>	<u>/</u>				<u>CS</u>	<u>~</u>	<u>/vh</u>
<u>C1</u>	<u>35 to 65</u>	<u>10YR6/3</u>	<u>/</u>				<u>grcs</u>	<u>SG</u>	<u>/L</u>
<u>C2</u>	<u>65 to 72</u>	<u>10YR6/3</u>	<u>w/ few thin cos mottles</u>	<u>10YR5/6</u>			<u>CS</u>	<u>SG</u>	<u>/L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from _____ -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ccss@grica.net



Profile #: EG
 Date of Test: 12/31/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Lanellie Hapludult

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 3</u>	<u>10YR 3/3</u>	<u>/</u>		<u>LS</u>	<u>1mgyr</u>	<u>uh</u>
<u>E1B11</u>	<u>3 to 25</u>	<u>10YR 6/6</u>	<u>40%</u>		<u>LS</u>	<u>m</u>	<u>uh</u>
		<u>2.5YR 5/6</u>	<u>20%</u>		<u>SL</u>	<u>pm</u>	<u>uh</u>
<u>E1B12</u>	<u>25 to 45</u>	<u>10YR 6/6</u>	<u>20%</u>		<u>LS</u>	<u>m</u>	<u>uh</u>
		<u>2.5YR 4/6</u>	<u>80%</u>		<u>SL</u>	<u>m</u>	<u>uh</u>
<u>E1B13</u>	<u>45 to 72</u>	<u>10YR 6/6</u>	<u>60%</u>		<u>grcoS</u>	<u>m</u>	<u>uh</u>
		<u>10YR 5/6</u>	<u>40%</u>		<u>grLcoS</u>	<u>m</u>	<u>uh</u>
	<u>to</u>						<u>uh</u>
	<u>to</u>						<u>uh</u>
	<u>to</u>						<u>uh</u>
	<u>to</u>						<u>uh</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
 "± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: csss@grica.net



Profile #: F3

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: moderate

Depth to Limiting Zone: >72

Soil Series Identified: Connelly Pseudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 3</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>mg</u>	<u>uh</u>
<u>E</u>	<u>3 to 29</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>uh</u>
<u>E₁041</u>	<u>29 to 55</u>	<u>10YR 5/4</u>	<u>70%</u>				<u>LS</u>	<u>~</u>	<u>uh</u>
		<u>5SB 7.5-7R 4/6</u>	<u>30%</u>				<u>SL-</u>	<u>~</u>	<u>fr</u>
<u>2B12</u>	<u>55 to 72</u>	<u>10YR 5/6</u>	<u>-1/2 of</u>	<u>10YR 6/2</u>			<u>LS</u>	<u>mg</u>	<u>fr</u>
	to								
	to								
	to								
	to								

Current Hydrology: >72 "± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net



Profile #: F4

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod. Rapid over mod. Slow

Depth to Limiting Zone: 53" to redox depletions

Soil Series Identified: Grossmontic Paleudult

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A/E	0 to 10	10YR 3/3 10YR 5/4	mixed				LS	ingr	/ vL
E	10 to 47	10YR 5/4	/				LS	m	/ vL
Bt1	47 to 53	7.5YR 5/6	/				SCL ⁺	imbrk	/ fr
2 Bt2	53 to 57	10YR 5/4	10YR 5/2	C1A			SCL ⁺	imbrk	/ f:
2 Bt3	57 to 70	10YR 6/2	7.5YR 5/3	C3P			CL ⁻ Stratified LS:S	imbrk	/ f:
2 C	70 to 72	10YR 5/6	/						/
	to								/
	to								/

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from _____ " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: eess@grica.net



Profile #: FS
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____
 Estimated Permeability: mod. Rapid
 Depth to Limiting Zone: > 72"
 Soil Series Identified: Lanette Quartzipsum

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to B</u>	<u>10M 4/3</u>	<u>/</u>				<u>LS-</u>	<u>~</u>	<u>/ v h</u>
<u>E</u>	<u>B to S3</u>	<u>10M 5/4</u>	<u>-</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
<u>E: Bt</u>	<u>S3 to 72 A</u>	<u>10M 5/4</u>	<u>80%</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
		<u>7-5/10 5/6</u>	<u>20%</u>				<u>LS+</u>	<u>~</u>	<u>/ v h</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>
	to								<u>/</u>

Current Hydrology: > 72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: essa@grica.net



Profile #: F6

Date of Test: 11/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Provia Hapludult

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>A_p</u>	<u>0 to 10</u>	<u>10YR2/2</u>	<u>~15% charcoal fragments</u>		<u>SS</u>	<u>ma</u>	<u>uf</u>
<u>E</u>	<u>10 to 35</u>	<u>10YR5/4</u>	<u>/</u>		<u>S</u>	<u>sg</u>	<u>L</u>
<u>B₁</u>	<u>35 to 45</u>	<u>7.5YR5/6</u>	<u>/</u>		<u>SS</u>	<u>~</u>	<u>uf</u>
<u>B₁₂</u>	<u>45 to 63</u>	<u>7.5YR4/6</u>	<u>/</u>		<u>sg</u>	<u>1m2k</u>	<u>uf</u>
<u>BC</u>	<u>63 to 68</u>	<u>10YR5/6</u>	<u>/</u>		<u>SS</u>	<u>~</u>	<u>uf</u>
<u>C</u>	<u>68 to 72</u>	<u>7.5Y6/2</u> <u>2.5Y6/4</u>	<u>/</u>		<u>SS - stratified sifts</u>	<u>sg</u>	<u>L</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.


 Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: esss@grica.net



Profile #: F7

Date of Test: 12/30/21 Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC

License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod. Rapid

Depth to Limiting Zone: >72"

Soil Series Identified: Psammaertia Pseudell

Horizon	Depth	Colors		Mottles Desc			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
O _i	2 to 0								
A	0 to 2	10YR 2/2	/				S	SG	/ L
E ₁	2 to 14	10YR 5/2	/				S	SG	/ L
A _w	14 to 20	10YR 4/6	/				S	SG	/ L
E ₂	20 to 44	10YR 5/4	/				S	SG	/ L
E ₂ B ₁	44 to 54	10YR 5/4	80%				S ₁ grs	SG	/ L
B ₁	54 to 61	7.5YR 5/6	20%				LS	n	/ L
B ₂	54 to 61	7.5YR 5/6	/				LS ⁺	n	/ L
B ₃	61 to 72	10YR 5/6	/				LS ⁺	n	/ L
	to								/ L

Current Hydrology: >72"± to upper boundary of capillary fringe (or)

"± to free water (if applicable)

(1) Pit observation is extended by bucket auger from _____ " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@gricx.net



Profile #: 63
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: mod Rapid
 Depth to Limiting Zone: >72"
 Soil Series Identified: Psommentie Hapludalf

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
<u>Ap</u>	<u>0 to 14</u>	<u>10YR 4/3</u>	<u>/</u>				<u>LS</u>	<u>ingr</u>	<u>/ ch</u>
<u>E</u>	<u>14 to 30</u>	<u>10YR 5/4</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>/ ch</u>
<u>Bt</u>	<u>30 to 50</u>	<u>7.5YR 5/6</u>	<u>/</u>				<u>LS+</u>	<u>~</u>	<u>/ ch</u>
<u>Bc</u>	<u>50 to 61</u>	<u>10YR 5/6</u>	<u>/</u>				<u>LS</u>	<u>~</u>	<u>/ ch</u>
<u>C</u>	<u>61 to 72</u>	<u>10YR 6/6</u>	<u>/</u>				<u>S</u>	<u>SG</u>	<u>/ L</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>
	<u>to</u>								<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
 (2) Boundary if described from a pit.

Site Evaluator's Signature

**SOIL PROFILE
NOTES**

Eastern Shore Soil Services

Environmental Consulting:
Soil Mapping, Land Use Planning, Wetland Studies,
Site Evaluations, Environmental Permits
P.O. Box 411, Georgetown, DE 19947
Phone: (302) 856-1853
P.O. Box 411, Savannah, IL 61074
Phone: (815) 273-3550
Email: eeso@grick.net



Profile #: 64
 Date of Test: 10/30/21 Soil Boring or Test Pit (1)
 Property Owner: _____
 Property Location: Fishers Point Subdivision
 Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052
 Slope: See Topo Relief: _____
 Estimated Permeability: nat. Rapid
 Depth to Limiting Zone: >72
 Soil Series Identified: Pennsylvanian Hephzibell

Horizon	Depth	Colors		Mottles Desc. Ab. S. Con.	Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles				
<u>Ap</u>	<u>0 to 8</u>	<u>10YR 3/4</u>	<u>/</u>		<u>LS</u>	<u>10mg</u>	<u>/sr</u>
<u>E</u>	<u>8 to 33</u>	<u>10YR 5/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/sr</u>
<u>Bt</u>	<u>33 to 40</u>	<u>7.5YR 5/6</u>	<u>/</u>		<u>LS</u>	<u>~</u>	<u>/sr</u>
<u>Bc</u>	<u>40 to 50</u>	<u>10YR 5/6</u>	<u>/</u>		<u>S</u>	<u>SG</u>	<u>/L</u>
<u>C1</u>	<u>50 to 60</u>	<u>10YR 6/6</u>	<u>/</u>		<u>S</u>	<u>SG</u>	<u>/L</u>
<u>C2</u>	<u>60 to 72</u>	<u>10YR 6/4</u>	<u>/</u>	<u>2-5% gravel</u>	<u>S</u>	<u>SG</u>	<u>/L</u>
	<u>to</u>						<u>/</u>
	<u>to</u>						<u>/</u>

Current Hydrology: >72"± to upper boundary of capillary fringe (or)
"± to free water (if applicable)

- (1) Pit observation is extended by bucket auger from " -if applicable)
- (2) Boundary if described from a pit.



Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
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Site Evaluations, Environmental Permits
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Phone: (302) 856-1853
P.O. Box 411, Savanna, IL 61074
Phone: (815) 273-3550
Email: csss@grics.net



Profile #: G5

Date of Test: 10/30/21

Soil Boring or Test Pit (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: **Bradley J. Cate, CPSS/SC**

License No.: 2052

Slope: See Topo

Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 55" to redoximorphic features

Soil Series Identified: Anthropic Udorthent

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
C	0 to 24	10YR 5/4 10YR 4/3	/				LS	~	/ sh
Ab	24 to 30	10YR 2/2	/				LS	2Ag	/ sh
BA	30 to 38	10YR 4/3	/				LS	~	/ sh
C1	38 to 55	10YR 5/4	/				LS	~	/ sh
C2	55 to 72	10YR 5/4	10YR 6/3 10YR 5/6	fif		c/d	LS	~	/ sh
	to								/
	to								/
	to								/

Current Hydrology: "± to upper boundary of capillary fringe (or)

59 "± to free water (if applicable)

(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.

Site Evaluator's Signature

SOIL PROFILE NOTES

Eastern Shore Soil Services

Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
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 Phone: (302) 856-1853
 P.O. Box 411, Savannah, IL 61074
 Phone: (815) 273-3550
 Email: ess@grica.net



Profile #: G6

Date of Test: 10/30/21 Soil Boring _____ or Test Pit _____ (1)

Property Owner: _____

Property Location: Fishers Point Subdivision

Site Evaluator: Bradley J. Cate, CPSS/SC License No.: 2052

Slope: See Topo Relief: _____

Estimated Permeability: mod Rapid

Depth to Limiting Zone: 20" to redox accumulations

Soil Series Identified: Oxyzyrin Udipsamment

Horizon	Depth	Colors		Mottles Desc.			Texture	Structure	Boundary(2)/ Consistence
		Matrix	Mottles	Ab.	S.	Con.			
A	0 to 5	10YR 3/2	/				LS	mgc	/uf
BA	5 to 12	10YR 4/3	/				LS	mgc	/uf
C1	12 to 20	10YR 5/3	/				LS	~	/uf
C2	20 to 25	10YR 5/3	10YR 5/6			c2d	LS	~	/uf
C3	25 to 40	10YR 5/3	/				LS	~	/uf
	to	Auger Refused @ 40"							/
	to								/
	to								/

Current Hydrology: "± to upper boundary of capillary fringe (or)

27"± to free water (if applicable)

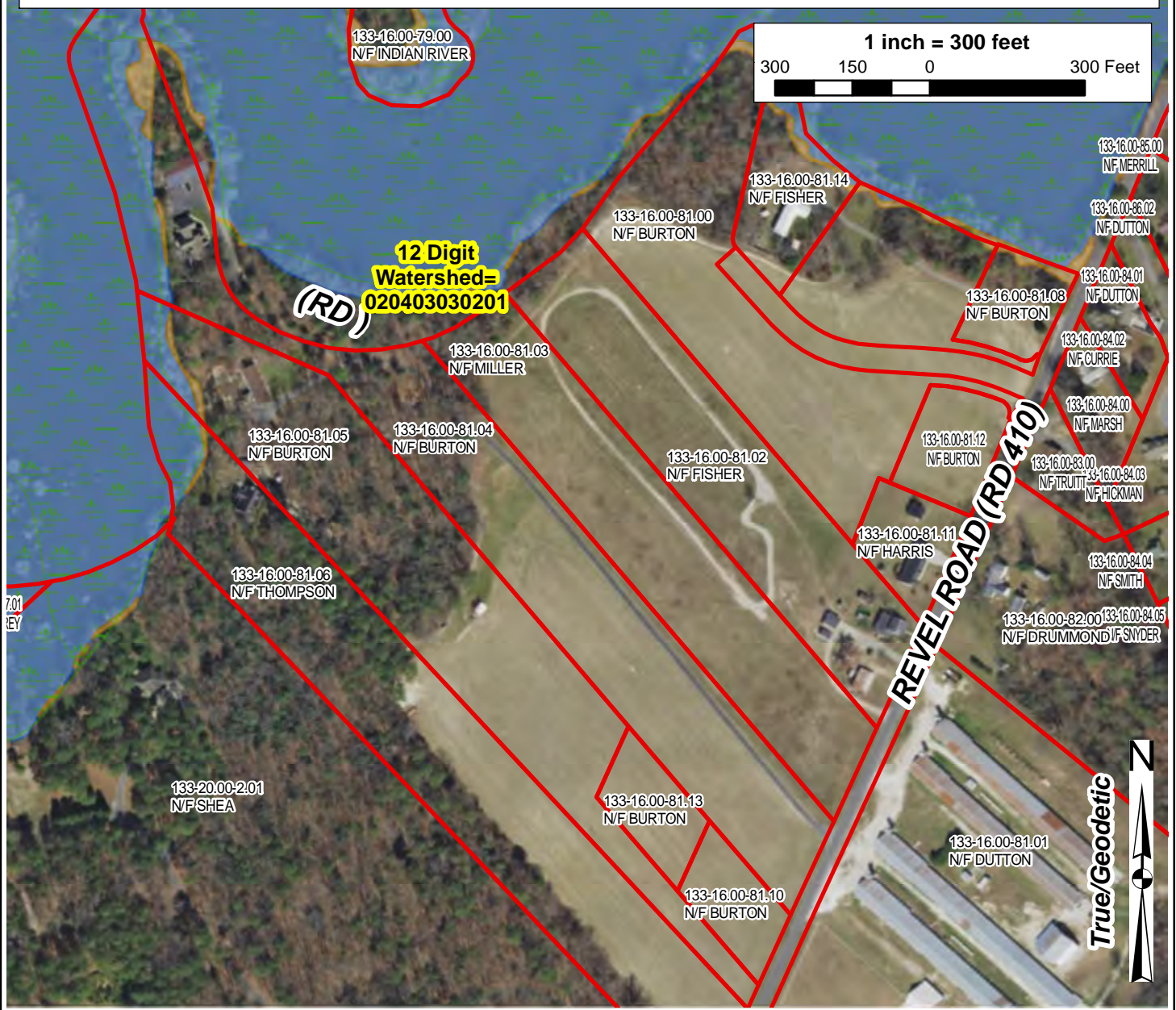
(1) Pit observation is extended by bucket auger from " -if applicable)

(2) Boundary if described from a pit.


 Site Evaluator's Signature

Appendix V
Floodplain, State Mapped Wetlands, and
Watershed Mapping

Additional Information Required by DNREC for Site Evaluation Reports per Section 5.0 and Subsections under "REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND OPERATION OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS", amended 1/11/2014.*



Legend (if not shown on map above, does not apply to subject parcel)

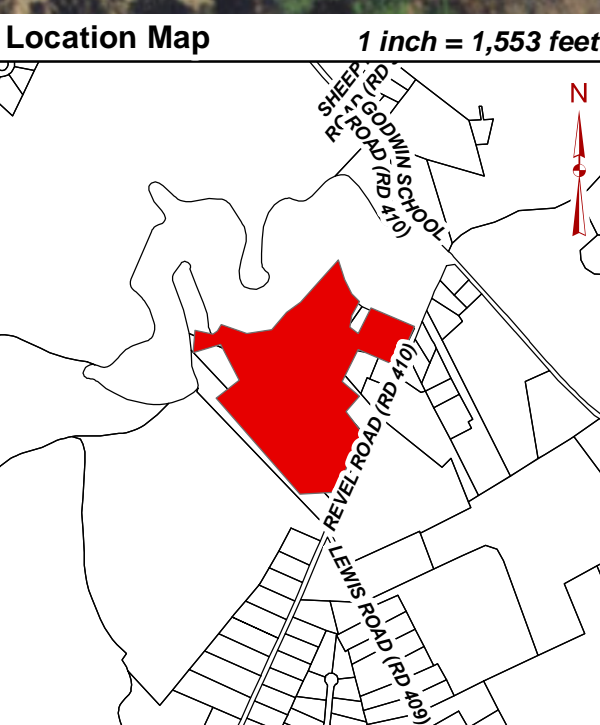
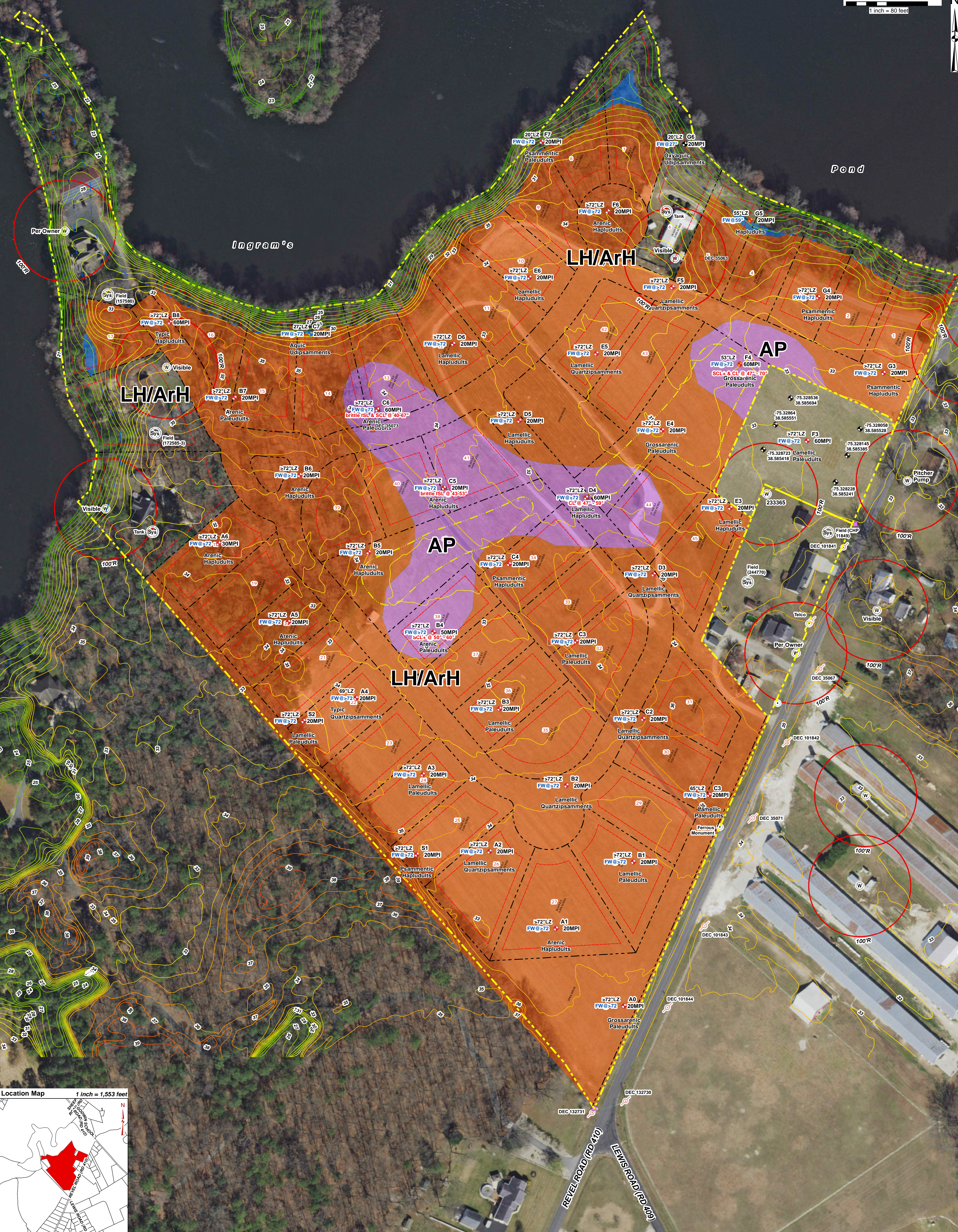
- | | |
|-------------------------------|--|
| Tax Ditch Maximum ROWs | VE |
| Extent of Right-of-Way | X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD |
| FEMA Flood Maps | 2017 Wetlands (not regulatory) |
| A | 2017 Wetlands (not regulatory) |
| AE | (This information has NOT been developed by Eastern Shore Soil Services). Property lines from tax maps and subject to locational errors. |
| AE, FLOODWAY | |
| AO | |

**Proposed Fisher's Point Subdivision
Watershed, DNREC Mapped Wetlands,
Sussex County Tax Mapping, Floodplain,
and Tax Ditches (none present)**

*Information Source: DNREC <http://mapservices.dnrec.delaware.gov/arcgis/services>
Eastern Shore Soil Services does not warrant the validity or necessarily concur with this information, particularly as it relates to any wetlands depicted. Questions regarding wetlands shown (or not shown) should be directed to the DNREC Wetlands and Subaqueous Lands Section @ (302) 739-9943. These wetland maps were prepared by 3rd parties and are included solely as a regulatory requirement for site evaluations. Do not call the site evaluator.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1853
 P.O. Box 411, Savanna, IL 61074
 Phone: (815) 273-3550
 Email: ess@grics.net

Appendix VI
Soils Map



Note: Unless otherwise shown, adjacent wells >100' from project area (public wells >150'). Any ditch or swale present is ephemeral unless specifically depicted as a watercourse. If this plot is not in color or there are any problems with the legibility or scale, contact the evaluator for a clean, scaled, color copy. This project is located within the Inland Bays Watershed. All permitted septic systems must incorporate design features meeting the PSN3 standard.

Symbol Legend		Line Features		Full-depth Gravity-fed System (29.95 Ac.)	
(Sys) Septic System Component	(Sys) System/System Component	Proposed SWM	Proposed Building	Full-depth Gravity-fed System (29.95 Ac.)	Sand-lined Full-depth Gravity-fed System (4.06 Ac.)
Utility Enclosure/Pedestrian	Well-Verified	Project Boundary	Building Restriction Line		
Concrete Monument	Suitability of Individual Soil Borings	Proposed Lot Line	Proposed Lot Line		
Misc. Point-Labeled	Well Arc & Radius	Well Arc & Radius	Well Arc & Radius		
Soil Boring Location	50' Watercourse Isolation Distance	50' Watercourse Isolation Distance	50' Watercourse Isolation Distance		
Utility Pole	Aerial Extents of Interpolated On-site System Suitability (Less 50' Buffer from Pond)				
Well-Visible	Capping-Fill Gravity-fed				
	Capping-Fill LPP				
	Elevated Sand Mound				
	Full-depth Gravity-fed				
	Sand-lined Full-depth Gravity-fed				
	Capping-Fill Gravity-fed System (0.14 Ac.)				

Soil Map Unit Legend:
 LH/ArH Lamellic and Arenic Hapludults
 AP Arenic Paleudults
 (See Topographic Contours for Slopes)

Subdivision Feasibility Study Soils Map Proposed Fishers Point Subdivision

Developer's Name: Jeffrey S. Burton, et al.
 Total Acres: 39.765
 Net Lot density: 1.031 Units/Ac.
 Minimum Lot Size: 0.5 Ac.
 Number of Lots to be Created: (8 Existing-36 Proposed New Lots)
 Tax Map and Parcel Numbers of Subject Properties Included: 1-33-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.10, & 81.13.

Date: 1/12/22
 By: BJC
 Checked: BJC
 Orthophoto: Public Domain 2017
 Topographic Contours: 2014 "Sandy" LIDAR
 Proposed Record Plan by: Siteworks Engineering

Note: Mapping was conducted for presentation at the scale utilized above. Using this information at finer scales is inappropriate due to the higher level of accuracy implied by such. Small areas which were not possible to delineate or separate at the mapping scale used could be expected to be shown at finer scales. This mapping is based on observations made on a 200' x 200' grid spacing. Differences in the types of septic systems suggested by this map may exist pending a more rigorous sampling intensity associated with individual site evaluations. Only regulatory approvals guarantee the use of the tract in the manner suggested by this map and accompanying report. Read the attached report for additional information.

Eastern Shore Soil Services
 Environmental Consulting
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluation, Environmental Permits
 210, Box 411, Ocean Grove, NJ 08057
 Phone: (609) 836-1853
 Fax: (609) 836-1854
 Email: info@easternshoresoil.com

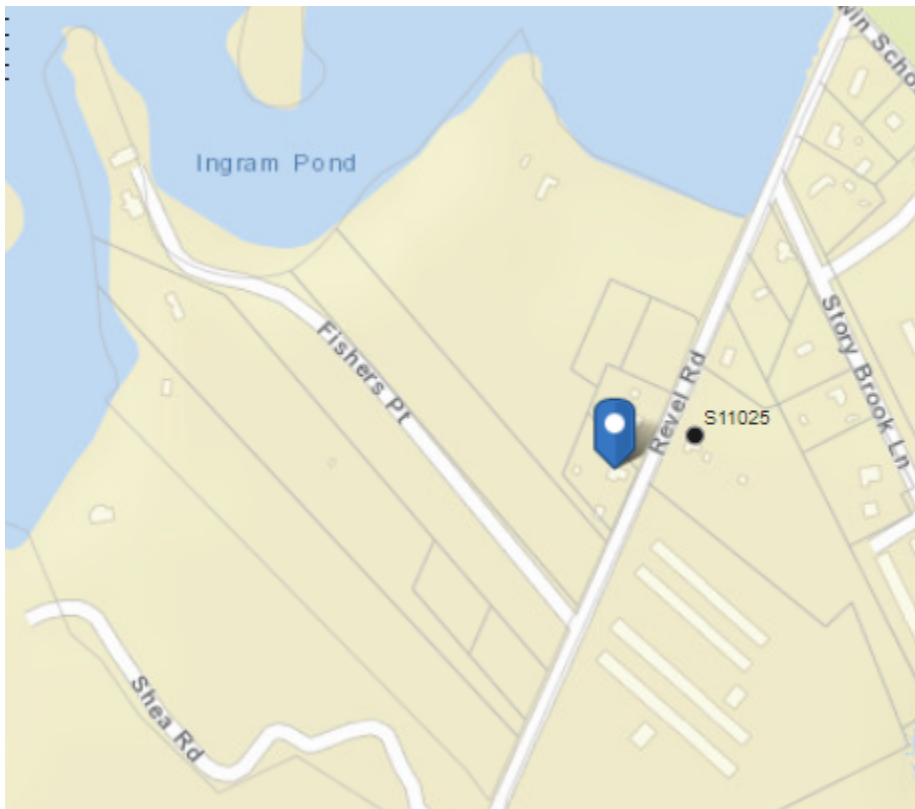
Dave Heatwole

From: Anderson-Reno, Jenifer (DOS) <Jenifer.AndersonReno@delaware.gov>
Sent: Thursday, July 28, 2022 11:13 AM
To: Dave Heatwole
Cc: Hall, Carlton A. (DOS)
Subject: RE: Resources Info Inquiry for proposed subdivision in Sussex County

Hello,

I have reviewed the aerial sent to Carlton Hall for the project located at 29320 Revel Rd, Millsboro, DE. There are no resources recorded in the project area, and one resource (S11025, dwelling) located within 500 feet of the project area.

Please note that the absence of resources identified in CHRIS does not necessarily mean that there are no resources in the project area since many areas have not been surveyed. If the project is subject to more substantive review by our office under Section 106 of the National Historic Preservation Act, additional steps may be required to determine if resources are present.”



Kind Regards,

Jenifer Anderson-Reno

Jenifer Anderson-Reno
Historic Property Research Center Manager
29 N. State St. | Dover, DE 19901
tel (302) 736-7404

From: Dave Heatwole <Dave.Heatwole@siteworkseng.com>
Sent: Wednesday, July 27, 2022 11:19 AM
To: Hall, Carlton A. (DOS) <Carlton.Hall@delaware.gov>
Cc: Anderson-Reno, Jenifer (DOS) <Jenifer.AndersonReno@delaware.gov>
Subject: RE: Resources Info Inquiry for proposed subdivision in Sussex County

Hi Carlton,

Thanks for your help. I've attached an aerial map showing the project area. Let me know if you need anything else.

Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Tab 7



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2022-04-210223-MJS-01

Tax Parcel Number: 133-16.00-81.00

Status: Approved as Submitted

Date: 04/19/2022

Project

Fishers Point
, Unit #: 50 Lots
Fishers Point

29254 Revel Road
Millsboro DE 19966

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 83 - Millsboro Fire Co Inc

Occupant Load Inside:
Occupancy Code: 9601

Applicant

David Heatwole
PO Box 2
Harrington, DE 19952

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

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

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

A final inspection is required.

This Plan Review Project was prepared by:



John Colpo
Fire Protection Specialist

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-210223-MJS-01

Tax Parcel Number: 133-16.00-81.00

Status: Approved as Submitted

Date: 04/19/2022

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1010 A** The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

MAPPING & ADDRESSING

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



Sussex County

DELAWARE
sussexcountyde.gov

November 18, 2021

Siteworks Engineering
PO Box 2
19 Commerce St.
Harrington, DE 19952

Attn: Dave Heatwole, PE, Principal

RE: Proposed Subdivision Name(s)

Dear Mr. Heatwole,

Sussex County Emergency Operations Center (EOC) examined the appeal submitted on behalf of Mr. Jeff Burton to use of the name of Fishers Point. Said subdivision is located in Millsboro, DE and includes parcels 133-16.00-81.00, 81.02, 81.03, 81.04, 81.05, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14.

Based on the granted appeal the proposed name(s) below has been approved for this subdivision:

FISHERS POINT

Should you have any questions please contact the Sussex County Geographic Information Office at 302-853-5888 or 302-855-1176.

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Planning & Zoning



**GEOGRAPHIC INFORMATION
OFFICE**

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



Sussex County

DELAWARE
sussexcountyde.gov

May 5, 2022

Dave Heatwole, PE | Principal
Siteworks Engineering
19 Commerce St.
Harrington, DE 19952
Dave.Heatwole@siteworkseng.com

RE: Fishers Point Approved Street Names

Our office has received proposed street name(s) for the approved subdivision(s), **Fishers Point**, located on parcel 133-16.00-81.00, 81.02, 81.04, 8105, 81.06, 81.08, 81.10, 81.12, 81.13, & 81.14 in Millsboro, DE 19966. Based on our review the following proposed street name(s) have been **approved**:

Fishers Pt	Kingfisher Ct	Bluegill Ct
Doe Watch Way	Stag Run Ct	

Use only road names **approved** and issued by this office on letterhead or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **Fishers Point** please forward a digital copy of the recorded site plan to my attention for the purpose of addressing. Should you have any questions, please contact the **Geographic Information Office** at 302-855-1176.

Sincerely,

Brian L. Tolley
GIS Specialist II

CC: Christin Scott, Office of Planning & Zoning



Tab 8

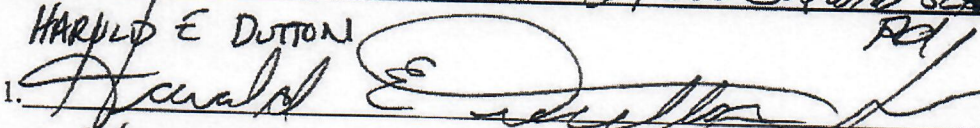
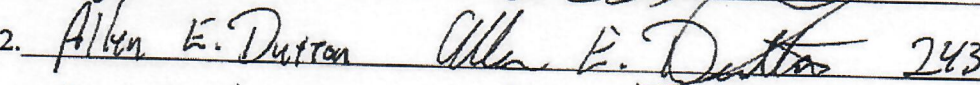
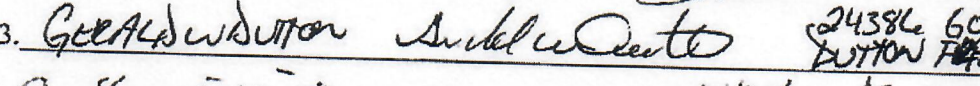
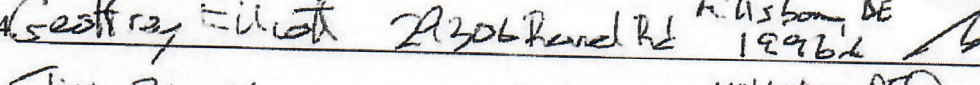
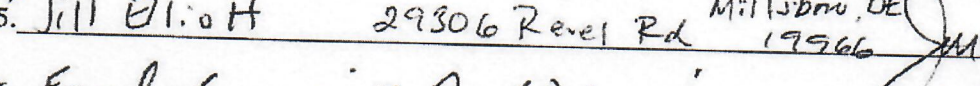
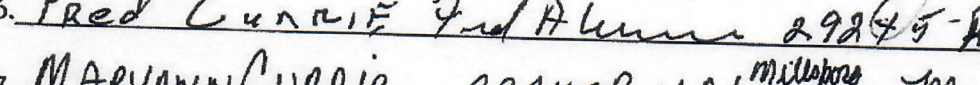
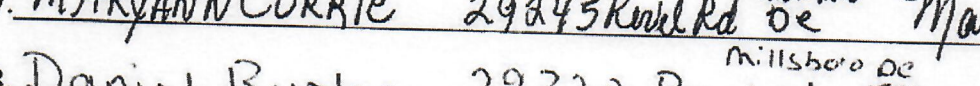
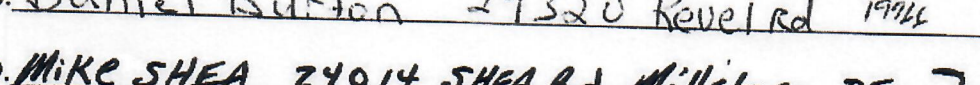

PETITION

Sussex County Planning & Zoning
 Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director
 2 The Circle
 Georgetown, DE 19947

RE: Fishers Point (2021-24) Subdivision
 Revel Road, Millsboro, Sussex County, Delaware

Dear Mr. Whitehouse:

We own property which is located in close proximity to the above-referenced property proposed to be developed by Fishers Point, LLC. We are writing to advise the Planning & Zoning Commission that we support/do not oppose Fishers Point, LLC's above-referenced subdivision application.

- | NAME | ADDRESS | SIGNATURE |
|---------------------|---|--|
| 1. HAROLD E DUTTON | 24386 Godwin Sch. Rd |  |
| 2. Allen E. Dutton | Allen E. Dutton 24386 Godwin Sch. Rd |  |
| 3. GEORGE W DUTTON | 24386 Godwin School DUTTON FARM MILLSBORO, DE |  |
| 4. Geoffrey Elliott | 2206 Revel Rd Millsboro, DE 19966 |  |
| 5. Jill Elliott | 29306 Revel Rd Millsboro, DE 19966 |  |
| 6. Fred Currie | Fred Currie 29245 Revel Rd Millsboro DE 19966 |  |
| 7. MARYANN CURRIE | 29245 Revel Rd Millsboro DE |  |
| 8. Daniel Burton | 29320 Revel Rd Millsboro DE 19966 |  |
| 9. MIKE SHEA | 24014 SHEA Rd Millsboro, DE 19966 |  |
| 10. | | |

11. Janice Headley - 29658 Lewis Rd. - Janice Headley

12. Jeff Foskey 29492 REVEL RD Jeff Foskey

13. Tina Foskey 29492 Revel Road Tina M. Foskey

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. _____

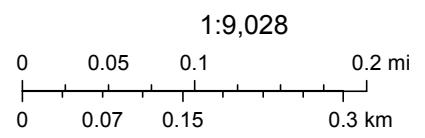
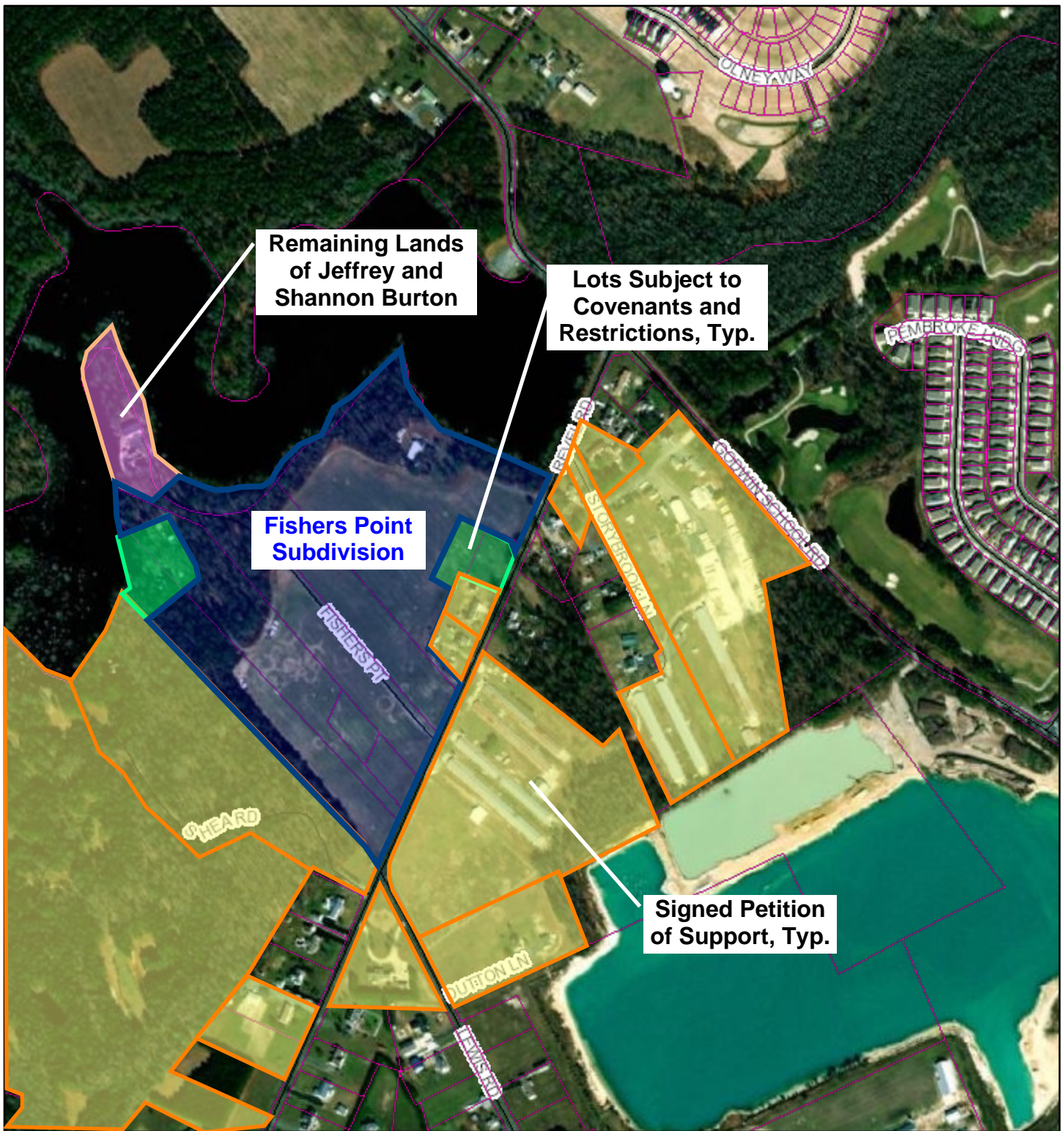
27. _____

28. _____

29. _____

30. _____

Petition of Support Map



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, Delaware Public Service Commission, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Delaware Department of



**29964 Millsboro Highway
Millsboro, Delaware 19966
Chickenman5454@yahoo.com
302-236-1784**

Date: 09/16/2022

RE: Fisher/Burton Farmland

To whom it may concern,

My family and I have farmed the Fisher/Burton farmland for the last 23 years on behalf of Jeff Burton and his family. The ground of the farm has been increasing sandy of the years and many years we lose about 30% of the crops we plant. For this reason and others, I am in support of Jeff using this land to build his community.

Sincerely,

Timothy Rogers
Managing Member
Slim Farms LLC

302-236-1784
Chickenman5454@yahoo.com













ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS



ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS



ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS



ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS



ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS



*OPTIONAL POOL

ARTIST'S CONCEPT ONLY
SEE PLANS AND CONTRACT FOR ACTUAL DETAILS

9/26/22

In reference to: 2021-24 Fishers Point public hearing

Property owners of: 29303 Revel Rd

Millsboro, DE 19966

Deborah Lynn Adams

Billie Jean Haines

Melody Renee Haines - Smallwood

Note No. we have town roads with a
city population, it has to stop.

Opposition
Exhibit

RECEIVED

SEP 28 2022

SUSSEX COUNTY
PLANNING & ZONING