

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 11th, 2022

Application: Hunter’s Creek (2022-11)

Applicant: Salt Air Properties, LLC
2500 Wrangle Hill Road, Suite 101
Bear, Delaware 19701

Owner: Salt Air Properties, LLC
2500 Wrangle Hill Road, Suite 101
Bear, Delaware 19701

Site Location: Lying on the north side of Omar Road (S.C.R. 54), approximately 0.33
of a mile west of Powell Farm Road (S.C.R. 365)

Current Zoning: Medium Density Residential (MR) Zoning District

Proposed Use: 95 Lot Cluster Subdivision

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Lewes Fire Company

Sewer: Sussex County

Water: Artesian

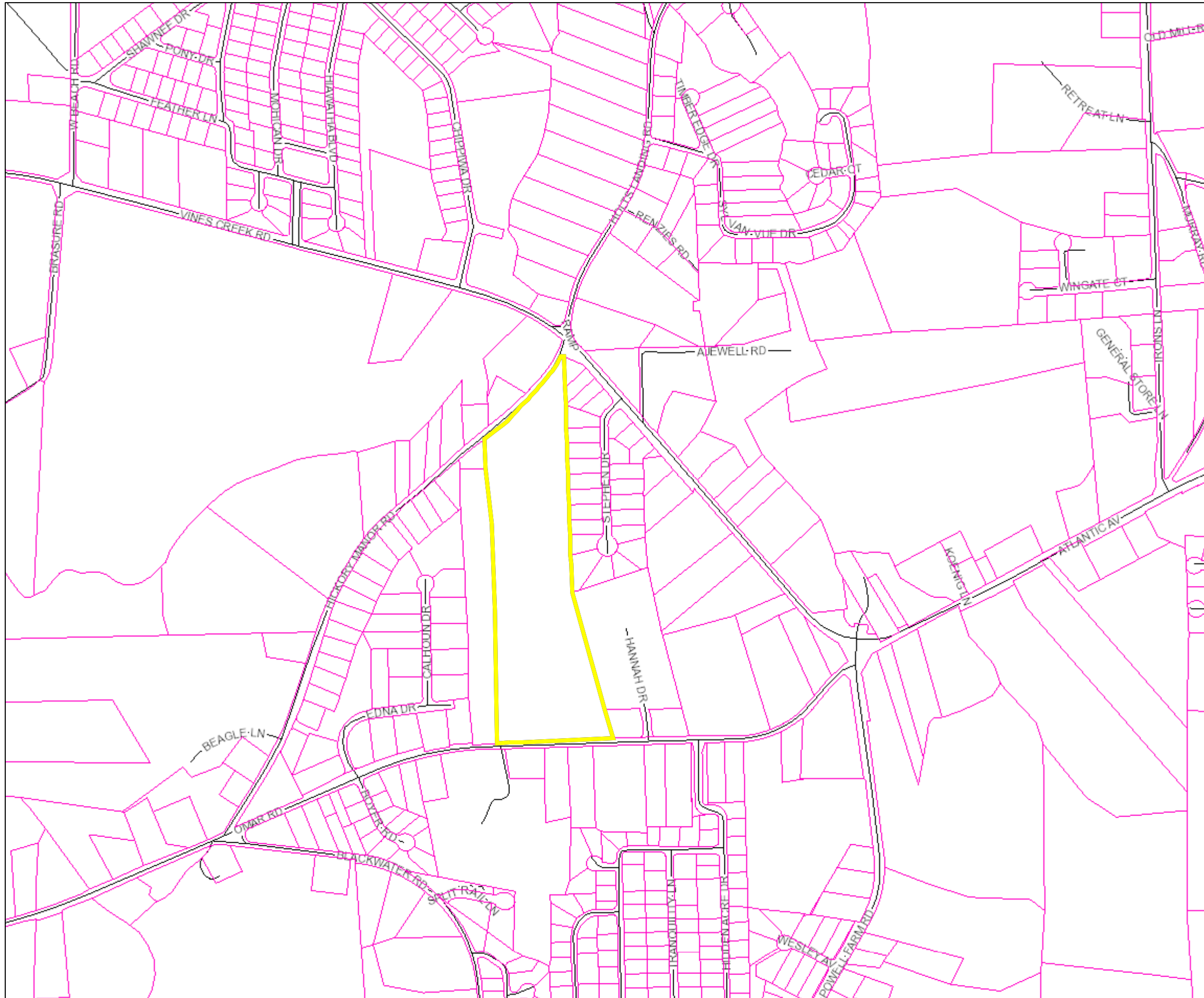
Site Area: 28.78 acres +/-

Tax Map ID.: 134-1.00-102.00 & 103.00





Sussex County



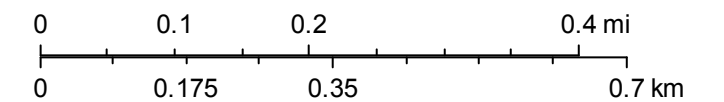
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Owner Name	SALT PROPERTIES LLC	AIR
Book	5692	
Mailing Address	2500 WRANGLE HILL RD S	
City	BEAR	
State	DE	
Description	S/S RD 346 50' SW	
Description 2	OF RT 26	
Description 3	FX	
Land Code		

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 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

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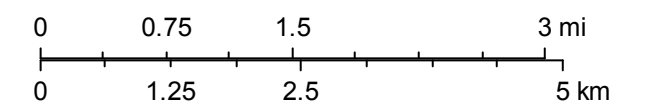
Sussex County



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Land Code		

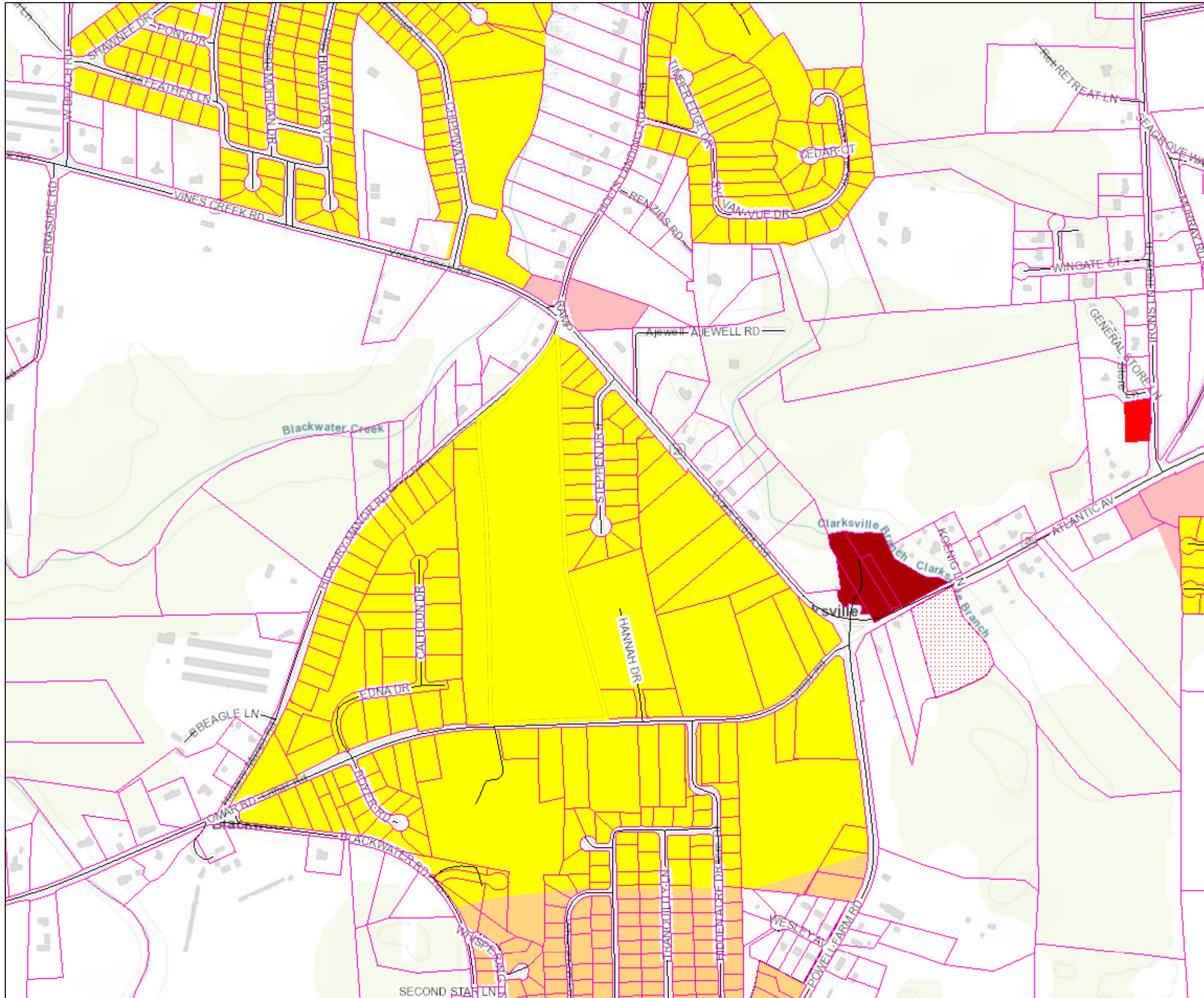
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Override 1
- Streets
- County Boundaries
- Municipal Boundaries

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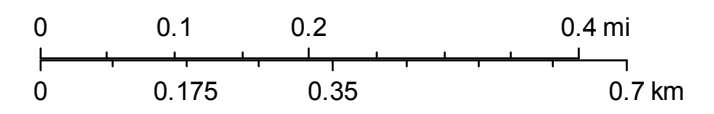
Sussex County



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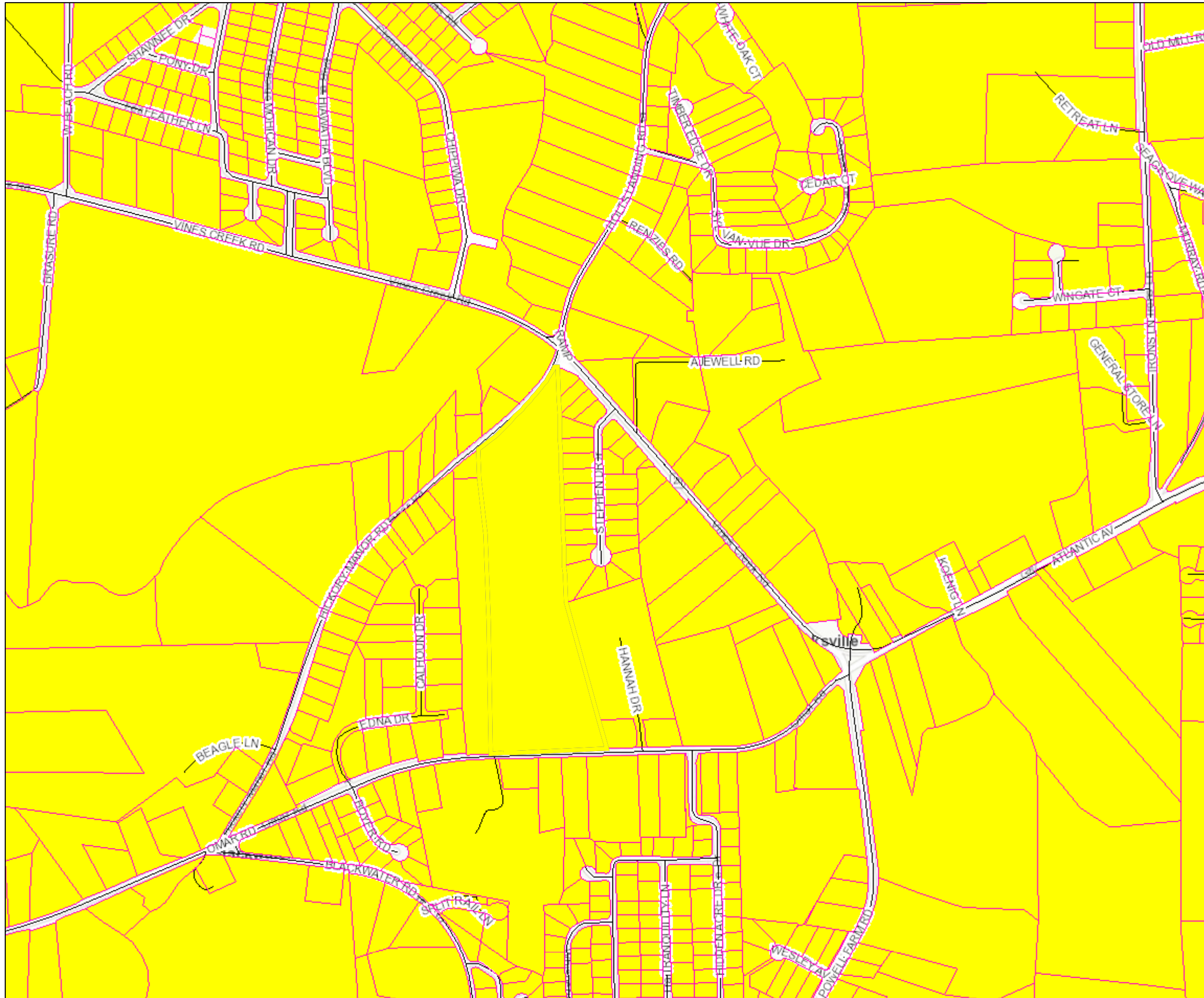
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 Override 1
- Tax Parcels
- Streets

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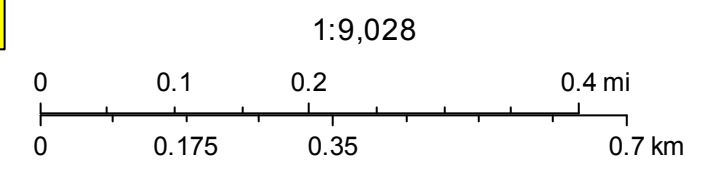


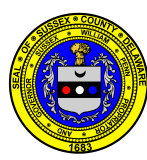
Sussex County



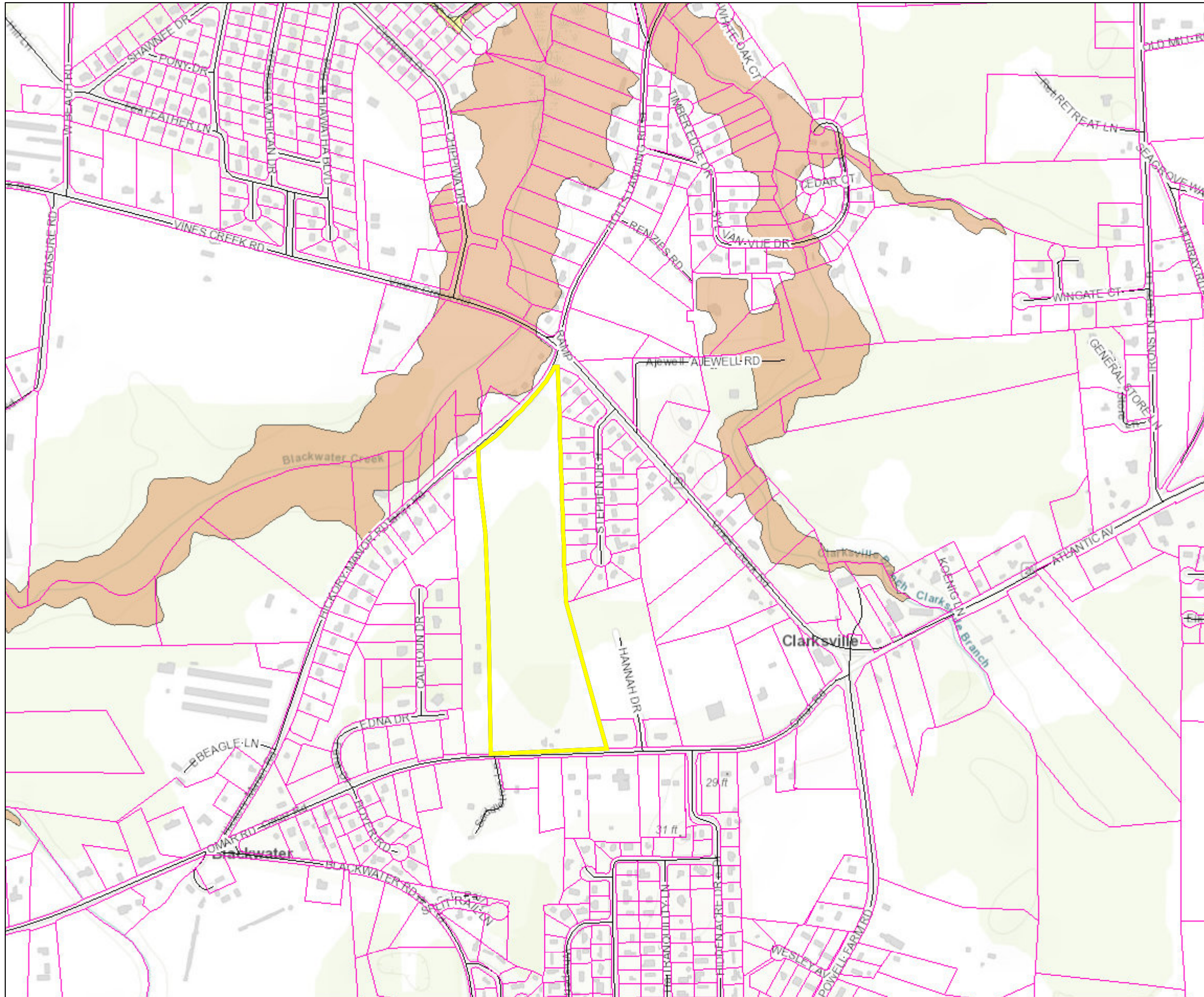
PIN:	134-11.00-103.00	
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Book	5692	
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Description 2	OF RT 26	
Description 3	FX	
Land Code		

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- 2019 Future Land Use**
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center





Sussex County



PIN:	134-11.00-103.00	
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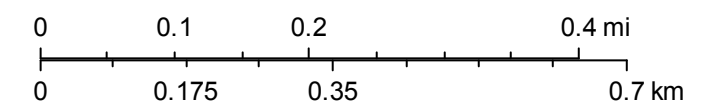
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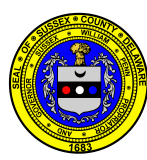
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- polygonLayer**

 - Override 1
- Tax Parcels
 - Streets
 - County Boundaries
- Flood Zones 2018**

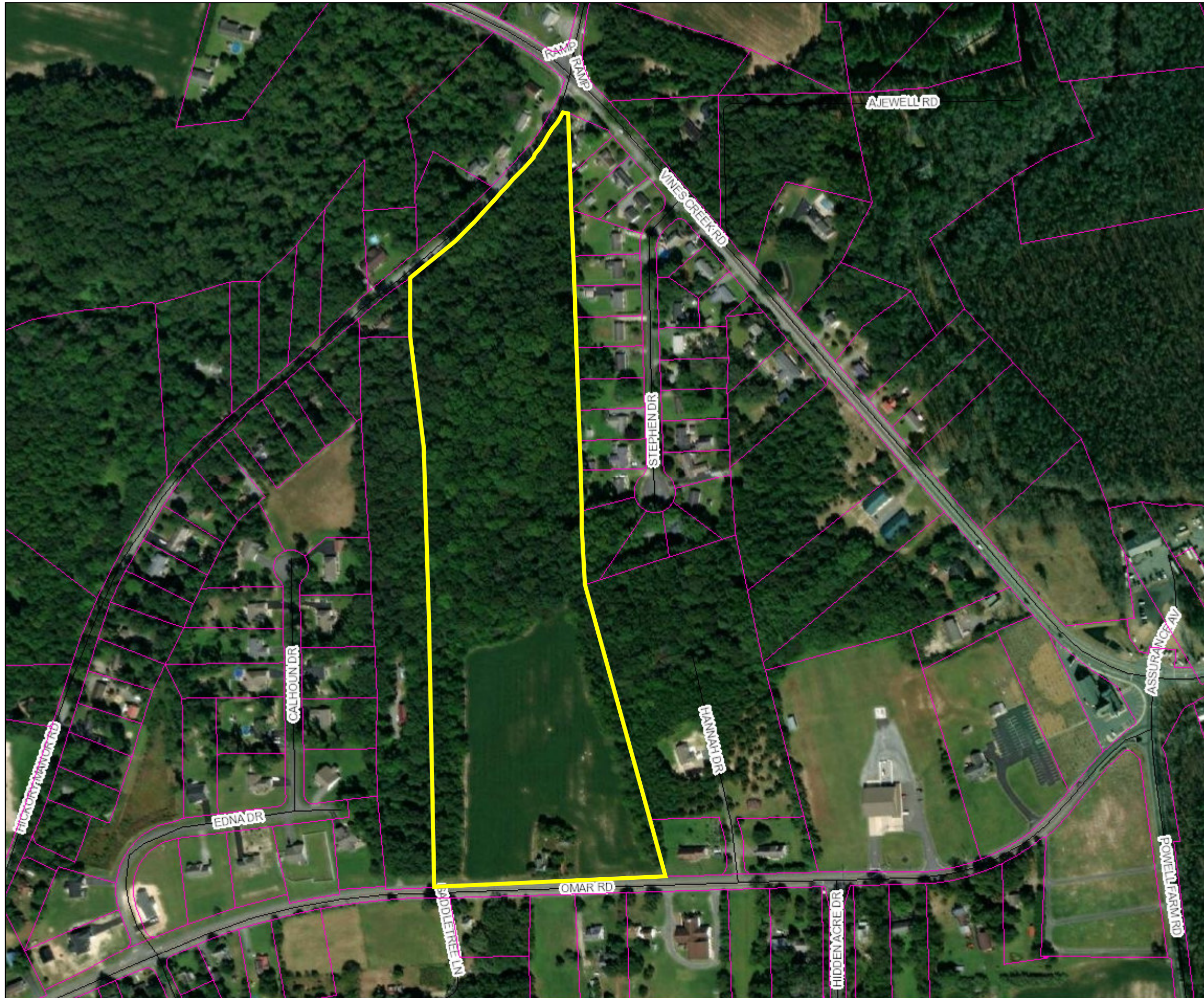
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

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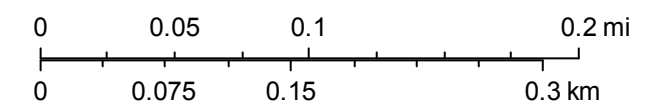
Sussex County



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

1:4,514



File #: 2022-11
Pre-App Date: _____

Sussex County Major Subdivision Application

2022 05565
2022 05566

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: _____
Coastal Area: _____

Location of Subdivision:

34097 & 34137 OMAR ROAD

Proposed Name of Subdivision:

HUNTERS CREEK

Tax Map #: 134-11.00-102.00 & 103.00 Total Acreage: ± 28.78 Ac.

Zoning: MR Density: 3.30 DU/AC Minimum Lot Size: 7500 SQ. FT. Number of Lots: 95

Open Space Acres: ± 7.00

Water Provider: ARTESIAN WATER CO. Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: SALT AIR PROPERTIES, LLC
Applicant Address: 2500 WRANGLE HILL ROAD, SUITE 101
City: BEAR State: DE Zip Code: 19701
Phone #: _____ E-mail: bob@lighthouse RealtyFund.com

Owner Information

Owner Name: SEE ATTACHED
Owner Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: PLITKO, LLC (CONTACT: ROB PLITKO)
Agent/Attorney/Engineer Address: 53 ATLANTIC AVENUE, SUITE 3
City: OCEAN VIEW State: DE Zip Code: 19970
Phone #: 302-537-1919 E-mail: rplitko@plitko.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

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

___ 51% of property owners consent if applicable

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

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

Signature of Applicant/Agent/Attorney

R.W. Blakely (Plutko, LLC)

Date: 4/6/22

Signature of Owner

SEE ATTACHED

Date: _____

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, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33022045-0017 Lindsey S 04/19/2022 10:56AM

PERMITS / INSPECTIONS
SUBDIVISION - FEE
2022 Item: 202205565JZ005 500.00

500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 000303

Change due 0.00

Paid by: PLYKO LLC

RECEIPT
DATE OF RECEIPT: 04/19/2022
AMOUNT RECEIVED: \$500.00
BY: Lindsey S
SUSSEX COUNTY, DE
TREASURY

Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/18/2022**

APPLICATION: **2022-11 Hunter's Creek**

APPLICANT: **Salt Air Properties, LLC**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **134-11.00-102.00 & 103.00**

LOCATION: **Lying on the north side of Omar Rd (SCR 54), approximately
0.33 of a mile west of Powell Farm Rd (SCR 365).**

NO. OF UNITS: **95 lot cluster subdivision**

GROSS
ACREAGE: **28.78**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** 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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (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
Denise Burns

Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

Application Fees	
Less than 2 acres	\$500.00
2.1 -9.99 acres	\$750.00
10 - 150.00 acres	\$1,500.00
Greater than 150.00 acres	\$2,500.00

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.



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

July 6, 2022

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

Subject: **Preliminary Subdivision Plans Hunter's Creek**

Dear Mr. Phillips,

Thank you for providing preliminary plans for Hunter's Creek submitted by PLITKO, LLC. The plans submitted to our section dated August 27, 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 Hunter's Creek preliminary subdivision plans dated August 27, 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

Chase Phillips

From: Cinelli, Jennifer (DeIDOT) <jennifer.cinelli@delaware.gov>
Sent: Wednesday, June 8, 2022 8:01 AM
To: Chase Phillips
Cc: McCabe, R. Stephen (DeIDOT); Morris, Dorothy (OMB); Bayer, Stephen G (DeIDOT)
Subject: RE: Sussex County Technical Advisory Committee: Hunter's Creek (2022-11)

Categories: Red Category

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

Good morning Chase,

I feel they can add a RIRO on Hickory Manor Road. They are in State Strategies Level 2 where we like to see connected infrastructure. There are no wetlands that would prohibit this.

Thanks!

Jenn

From: Chase Phillips <chase.phillips@sussexcountyde.gov>
Sent: Tuesday, June 7, 2022 4:23 PM
To: Planning & Zoning <Planning&Zoning-Internal@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; tdickerson@decoop.com; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; dholden@chpk.com; John J. Ashman <jashman@sussexcountyde.gov>; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; Cinelli, Jennifer (DeIDOT) <jennifer.cinelli@delaware.gov>; McCabe, R. Stephen (DeIDOT) <Richard.McCabe@delaware.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; meghan.crystall@delaware.gov; jessica.watson@sussexconservation.org; Susan Isaacs <sisaacs@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Vince Robertson <vrobertson@pgslegal.com>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>
Subject: Sussex County Technical Advisory Committee: Hunter's Creek (2022-11)

Good Afternoon,

The Sussex County Planning and Zoning Department has received an application for a 97 single family lot subdivision. This site is located on the north side of Omar Road, and the community is to be supported with central water and sewer systems as it utilizes the cluster option.

Attached is a copy of the plan and the memorandum that summarizes the proposal. I am the planner assigned, so please feel free to contact me directly with any questions. Thank you for your participation!

Chase Phillips, Planner II
Sussex County Department of Planning and Zoning
2 The Circle
Georgetown, DE 19947
302-855-7878



Chase Phillips

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Tuesday, June 14, 2022 11:34 AM
To: Chase Phillips
Subject: RE: Sussex County Technical Advisory Committee: Hunter's Creek (2022-11)

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Good Morning Chase,

This development is located within DP&L's service territory, so they would be the electric service provider.

Thanks!

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



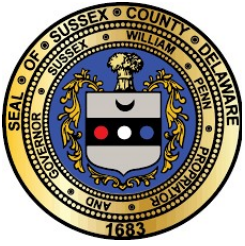
From: Chase Phillips
Sent: Tuesday, June 7, 2022 4:23 PM
To: Planning & Zoning <Planning&Zoning-Internal@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dickerson, Troy <TDickerson@delaware.coop>; duane.fox@delaware.gov; dholden@chpk.com; John J. Ashman <jashman@sussexcountyde.gov>; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; jennifer.cinelli@delaware.gov; richard.mccabe@delaware.gov; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; megan.crystall@delaware.gov; jessica.watson@sussexconservation.org; Susan Isaacs <sisaac@sussexcountyde.gov>; subdivision@delaware.gov; Vince Robertson <vrobertson@pgslegal.com>; michael.tholstrup@delaware.gov
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Chase Phillips, Planner II
Sussex County Department of Planning and Zoning
2 The Circle
Georgetown, DE 19947
302-855-7878





Natural Resources
Conservation
Service

Georgetown
Service Center

21315 Berlin Road
Unit 3
Georgetown, DE
19947

Voice 302.856.3990
Fax 855.306.8272

July 27, 2022

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

**RE: Hunter's Creek
Baltimore Hundred
97 single family lots**

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

- HnA Hammonton sandy loam, 0 to 2 percent slopes
- HpB Henlopen loamy sand, 2 to 5 percent slopes
- PpA Pepperbox loamy sand, 0 to 2 percent slopes
- PrA Pepperbox-Rockawalkin complex, 0 to 2 percent slopes
- RuA Runclint loamy sand, 0 to 2 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
HnA	Y2	Very limited	Somewhat limited	Very limited
HpB	G2	Not limited	Not limited	Not limited
PpA	Y2	Very limited	Somewhat limited	Very limited
PrA	Y2	Very limited	Somewhat limited	Very limited
RuA	Y2	Somewhat limited	Not limited	Very limited

Definition of soil limitation ratings classes:

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

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

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

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

G2:

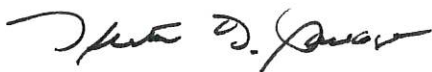
The soils in this classification are nearly level or gently sloping, excessively drained or somewhat excessively drained, very sandy, rapidly permeable soils. These soils are sandy and droughty. They are well suited for large commercial and industrial developments, and somewhat less suited for residential uses because of low available moisture for grasses. Care should be taken in location of septic filter fields, wells, and the size of the building lots. Because of the excessive permeability of these particular soils, there is a probability of polluting nearby wells, springs, ponds, streams, or other sources of water.

Y2:

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

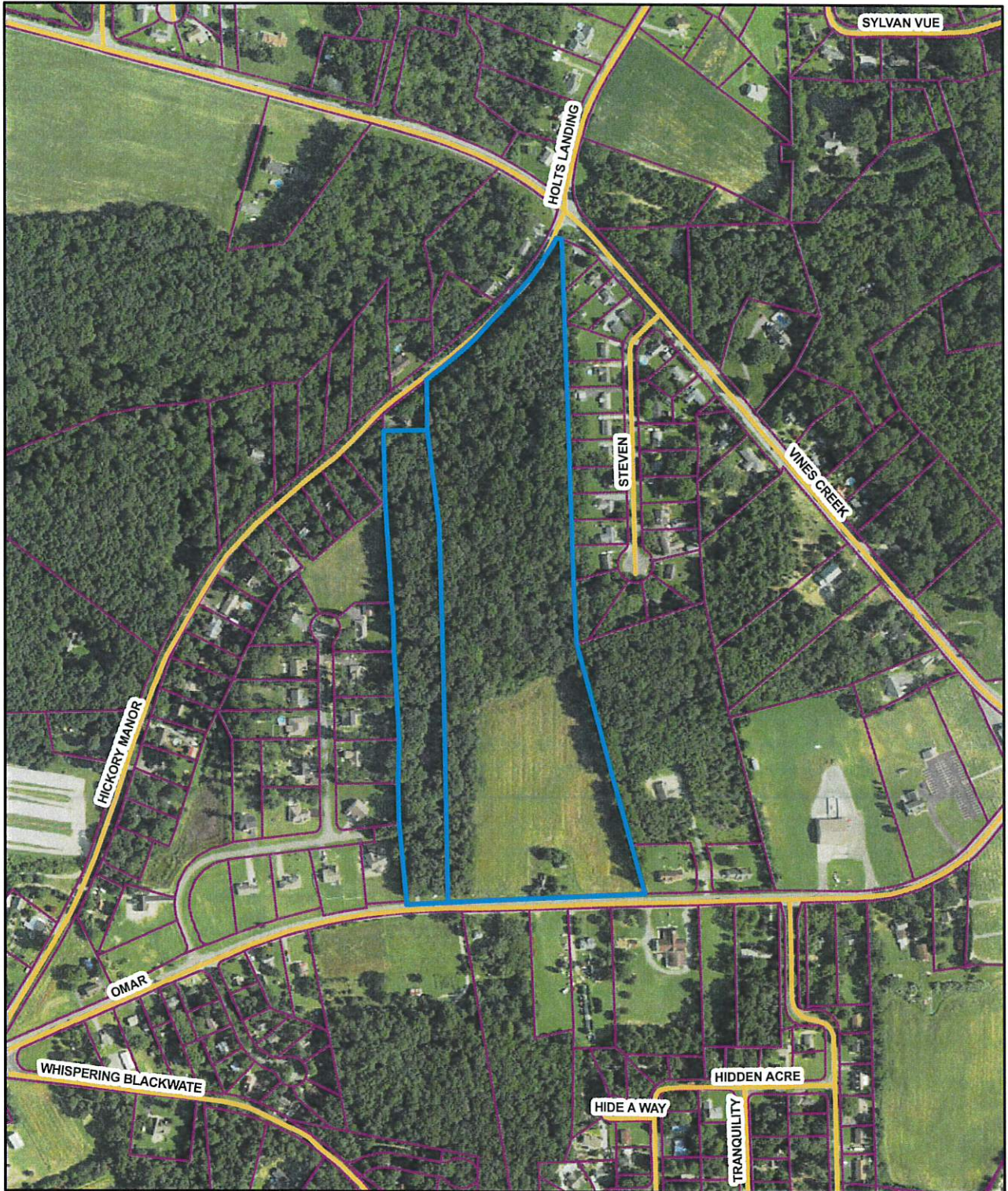
The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the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

Sincerely,

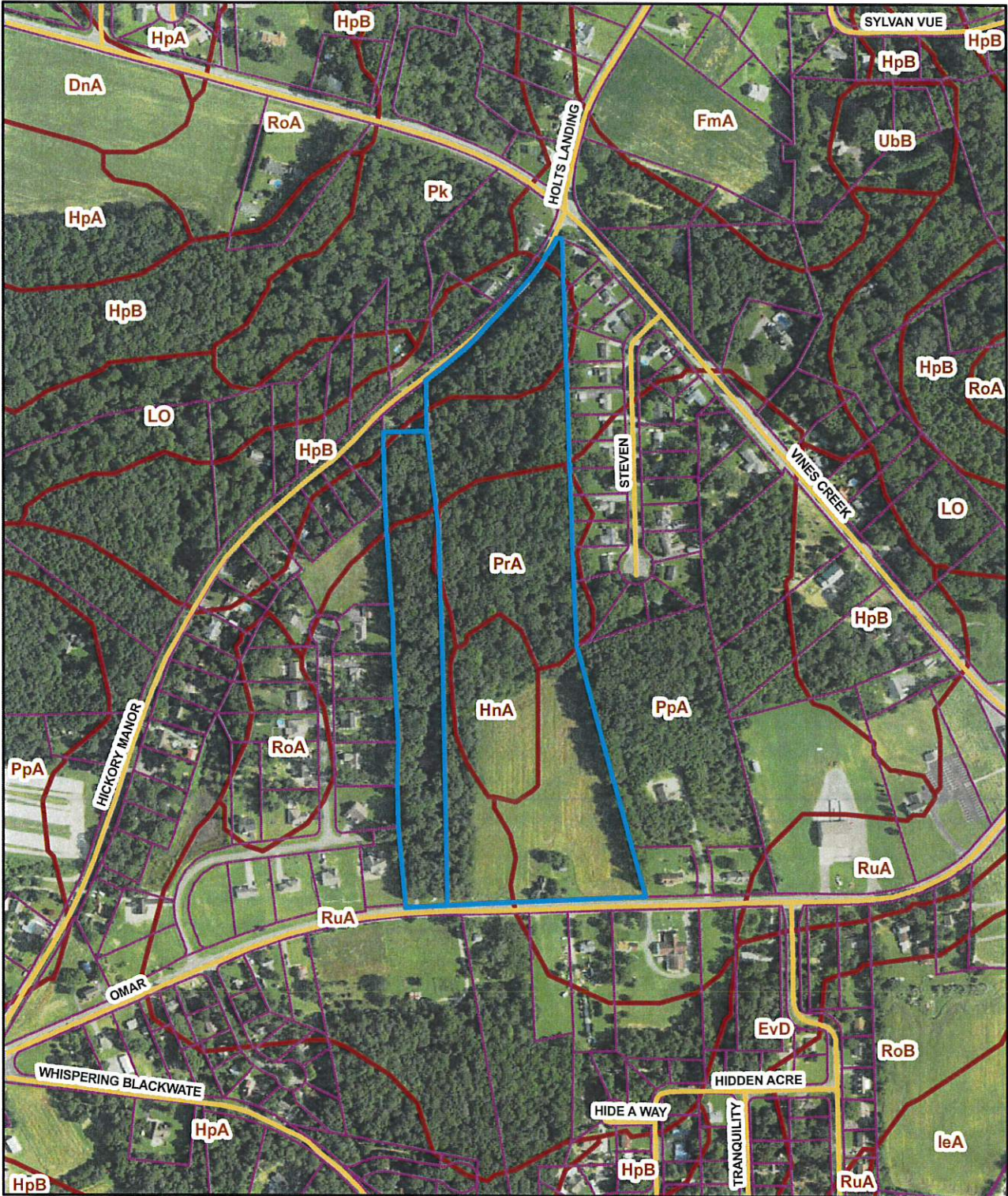


Thelton D. Savage
District Conservationist
USDA, Natural Resources Conservation Service

TDS/bh



2022-11
TM #134-11.00-102.00 & 103.00
Hunter's Creek



2022-11
TM #134-11.00-102.00 & 103.00
Hunter's Creek

Chase Phillips

From: Watson, Jordan (DNREC) <Jordan.Watson@delaware.gov>
Sent: Tuesday, June 14, 2022 9:13 AM
To: Planning and Zoning
Subject: Preliminary Drainage Review Hunters Creek
Attachments: Preliminary Drainage Program Review_Hunters Creek .pdf

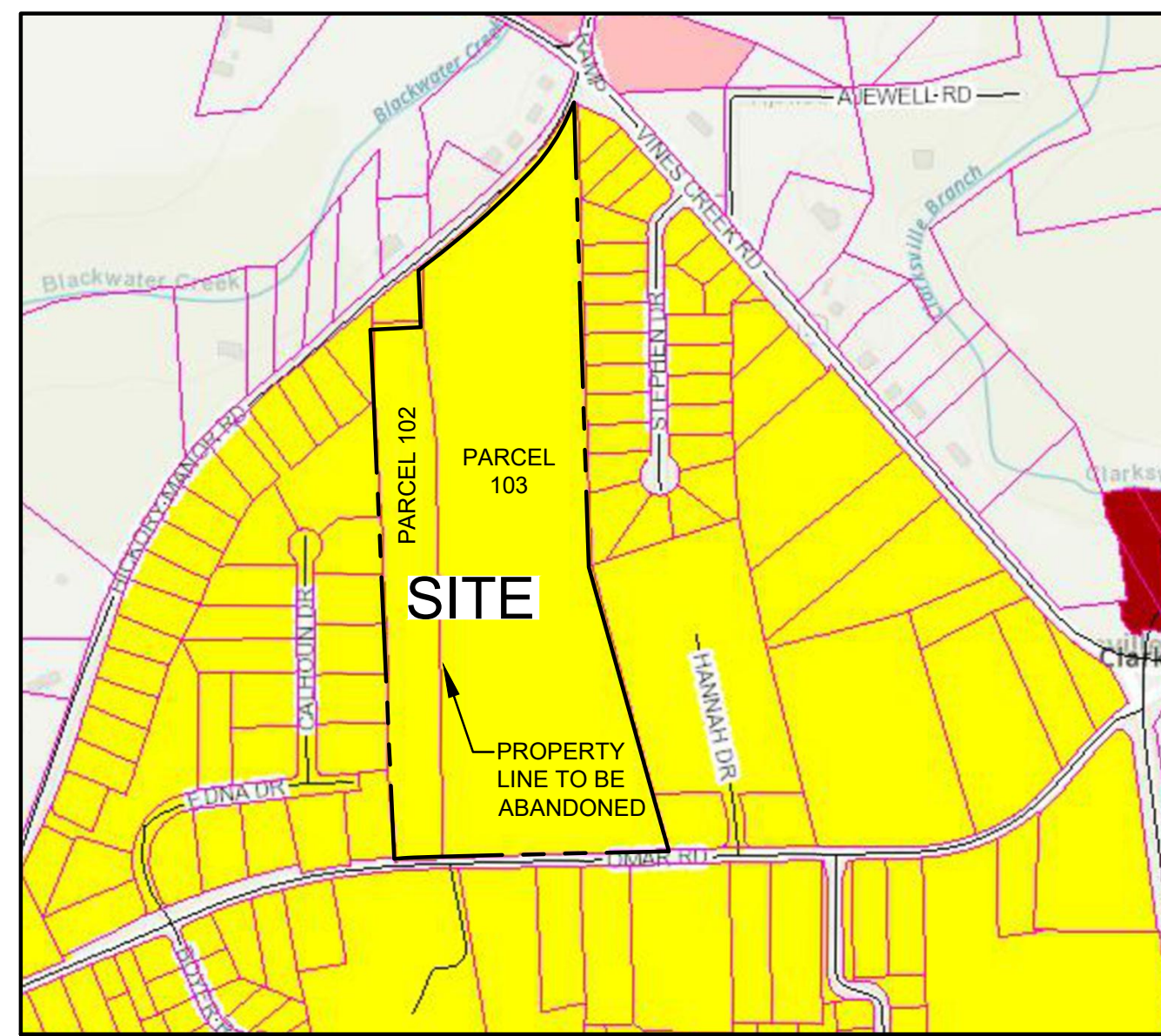
Categories: Chase

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Attached is the Plus Review for Hunters Creek

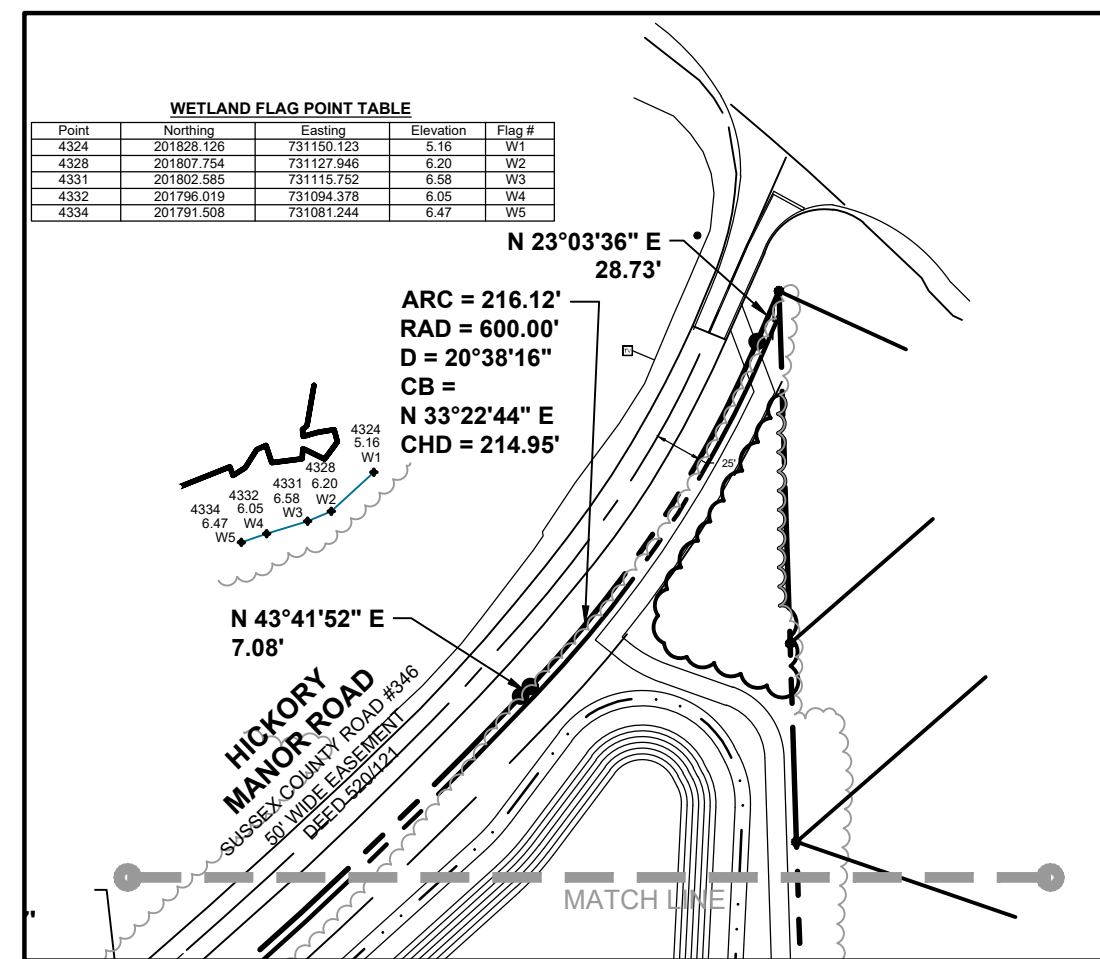
Jordan Watson
EPS Technician

Tax Ditch Program | DNREC Division of Watershed Stewardship
21309 Berlin Road, Unit 6, Georgetown, DE 19947 | o 302-855-1935 | c 302-272-8220 | de.gov/taxditch



VICINITY/ZONING MAP
SCALE: 1"=400'

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



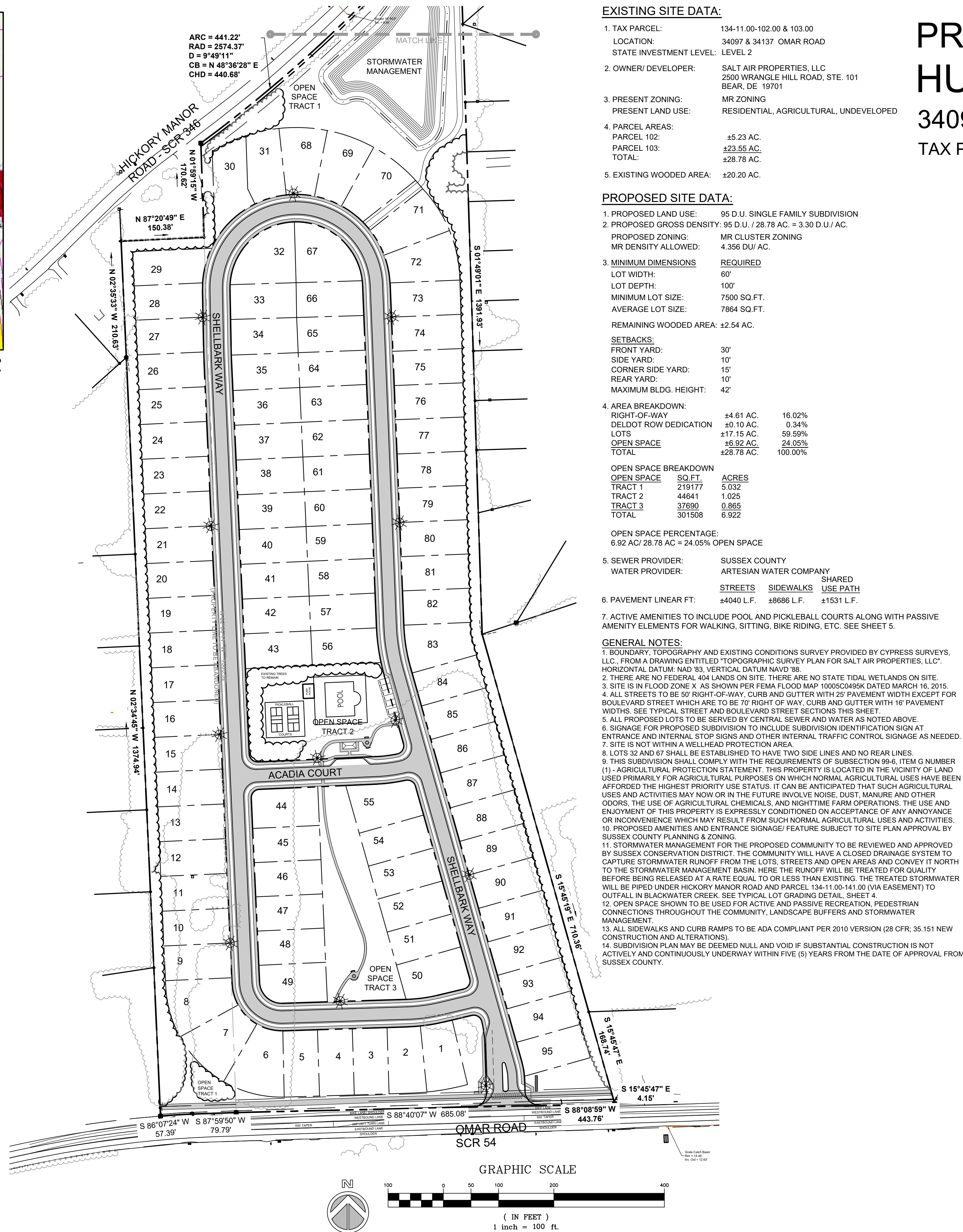
NORTH CORNER
SCALE: 1"=100'

SHEET INDEX:

- COVER SHEET
- EXISTING CONDITIONS
- PRELIMINARY PLAN
- PRELIMINARY LANDSCAPE

LEGEND:

	PARCEL BOUNDARY
	EXISTING TOPOGRAPHY
	EXISTING TREELINE
	PROPOSED RIGHT-OF-WAY
	PROPOSED EDGE OF PAVEMENT/CURBING
	PROPOSED LOT LINE
	PROPOSED SIDEWALK
	PROPOSED SHARED USE PATH
	PROPOSED STORMWATER MANAGEMENT
	PROPOSED TREELINE
	PROPOSED STREETLIGHT LOCATION



EXISTING SITE DATA:

- TAX PARCEL: 134-11.00-102.00 & 103.00
LOCATION: 34097 & 34137 OMAR ROAD
STATE INVESTMENT LEVEL: LEVEL 2
- OWNER/ DEVELOPER: SALT AIR PROPERTIES, LLC
2500 WRANGLE HILL ROAD, STE. 101
BEAR, DE 19701
- PRESENT ZONING: MR ZONING
PRESENT LAND USE: RESIDENTIAL, AGRICULTURAL, UNDEVELOPED
- PARCEL AREAS:
PARCEL 102: ±5.23 AC.
PARCEL 103: ±23.55 AC.
TOTAL: ±28.78 AC.
- EXISTING WOODED AREA: ±20.20 AC.

PROPOSED SITE DATA:

- PROPOSED LAND USE: 95 D.U. SINGLE FAMILY SUBDIVISION
- PROPOSED GROSS DENSITY: 95 D.U. / 28.78 AC. = 3.30 D.U./ AC.
PROPOSED ZONING: MR CLUSTER ZONING
MR DENSITY ALLOWED: 4.356 D.U./ AC.
- MINIMUM DIMENSIONS REQUIRED
LOT WIDTH: 60'
LOT DEPTH: 100'
MINIMUM LOT SIZE: 7500 SQ.FT.
AVERAGE LOT SIZE: 7864 SQ.FT.
REMAINING WOODED AREA: ±2.54 AC.

SETBACKS:

FRONT YARD:	30'
SIDE YARD:	10'
CORNER SIDE YARD:	15'
REAR YARD:	10'
MAXIMUM BLDG. HEIGHT:	42'

AREA BREAKDOWN:

RIGHT-OF-WAY	±4.61 AC.	16.02%
DELDOT ROW DEDICATION	±0.10 AC.	0.34%
LOTS	±17.15 AC.	59.59%
OPEN SPACE	±6.92 AC.	24.05%
TOTAL	±28.78 AC.	100.00%

OPEN SPACE BREAKDOWN:

OPEN SPACE	SQ. FT.	ACRES
TRACT 1	219177	5.032
TRACT 2	44641	1.025
TRACT 3	37690	0.865
TOTAL	301508	6.922

OPEN SPACE PERCENTAGE:
6.92 AC/ 28.78 AC = 24.05% OPEN SPACE

- SEWER PROVIDER: SUSSEX COUNTY
- WATER PROVIDER: ARTESIAN WATER COMPANY

PAVEMENT LINEAR FT.:

STREETS	SIDEWALKS	SHARED USE PATH
±4040 L.F.	±8686 L.F.	±1531 L.F.

- ACTIVE AMENITIES TO INCLUDE POOL AND PICKLEBALL COURTS ALONG WITH PASSIVE AMENITY ELEMENTS FOR WALKING, SITTING, BIKE RIDING, ETC. SEE SHEET 5.

GENERAL NOTES:

- BOUNDARY, TOPOGRAPHY AND EXISTING CONDITIONS SURVEY PROVIDED BY CYPRESS SURVEYS, LLC. FROM A DRAWING ENTITLED "TOPOGRAPHIC SURVEY PLAN FOR SALT AIR PROPERTIES, LLC". HORIZONTAL DATUM: NAD 83, VERTICAL DATUM: NAVD 83.
- THERE ARE NO FEDERAL 404 LANDS ON SITE. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
- SITE IS IN FLOOD ZONE X AS SHOWN PER FEMA FLOOD MAP 10005C0495K DATED MARCH 16, 2015.
- ALL STREETS TO BE 50' RIGHT-OF-WAY, CURB AND GUTTER WITH 25' PAVEMENT WIDTH EXCEPT FOR BOULEVARD STREET WHICH ARE TO BE 70' RIGHT OF WAY, CURB AND GUTTER WITH 16' PAVEMENT WIDTHS. SEE TYPICAL STREET AND BOULEVARD STREET SECTIONS THIS SHEET.
- ALL PROPOSED LOTS TO BE SERVED BY CENTRAL SEWER AND WATER AS NOTED ABOVE.
- SIGNAGE FOR PROPOSED SUBDIVISION TO INCLUDE SUBDIVISION IDENTIFICATION SIGN AT ENTRANCE AND INTERNAL STOP SIGNS AND OTHER INTERNAL TRAFFIC CONTROL SIGNAGE AS NEEDED.
- SITE IS NOT WITHIN A WELLDHEAD PROTECTION AREA.
- LOTS 32 AND 67 SHALL BE ESTABLISHED TO HAVE TWO SIDE LINES AND NO REAR LINES.
- THIS SUBDIVISION SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION 99-6, ITEM G NUMBER (1) - AGRICULTURAL PROTECTION STATEMENT. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES 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.
- PROPOSED AMENITIES AND ENTRANCE SIGNAGE/ FEATURE SUBJECT TO SITE PLAN APPROVAL BY SUSSEX COUNTY PLANNING & ZONING.
- STORMWATER MANAGEMENT & ZONING: THE COMMUNITY WILL HAVE A CLOSED DRAINAGE SYSTEM TO CAPTURE STORMWATER RUNOFF FROM THE LOTS, STREETS AND OPEN AREAS AND CONVEY IT NORTH TO THE STORMWATER MANAGEMENT BASIN. HERE THE RUNOFF WILL BE TREATED FOR QUALITY BEFORE BEING RELEASED AT A RATE EQUAL TO OR LESS THAN EXISTING. THE TREATED STORMWATER WILL BE PIPED UNDER HICKORY MANOR ROAD AND PARCEL 134-11.00-141.00 (VIA EASEMENT) TO OUTFALL IN BLACKWATER CREEK. SEE TYPICAL LOT GRADING DETAIL, SHEET 4.
- OPEN SPACE SHOWN TO BE USED FOR ACTIVE AND PASSIVE RECREATION, PEDESTRIAN CONNECTIONS THROUGHOUT THE COMMUNITY, LANDSCAPE BUFFERS AND STORMWATER MANAGEMENT.
- ALL SIDEWALKS AND CURB RAMPS TO BE ADA COMPLIANT PER 2010 VERSION (28 CFR: 35.151 NEW CONSTRUCTION AND ALTERATIONS).
- SUBDIVISION PLAN MAY BE DEEMED NULL AND VOID IF SUBSTANTIAL CONSTRUCTION IS NOT ACTIVELY AND CONTINUOUSLY UNDERWAY WITHIN FIVE (5) YEARS FROM THE DATE OF APPROVAL FROM SUSSEX COUNTY.

PRELIMINARY PLAN HUNTER'S CREEK 34097 & 34137 OMAR ROAD TAX PARCELS 134-11.00-102.00 & 103.00

SUSSEX CONSERVATION DISTRICT APPROVAL

WETLANDS STATEMENT
ENVIRONMENTAL RESOURCES, INC. (ERI) INSPECTED THESE PARCELS 134-11.00-102 AND 103, FOR THE PRESENCE OF JURISDICTIONAL WATERS, INCLUDING NONTIDAL WETLANDS, ACCORDING TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987), THE ATLANTIC AND GULF COASTAL PLAIN SUPPLEMENT (2010), ASSOCIATED GUIDANCE IN EFFECT AT THAT TIME, DISCUSSION WITH CORPS' DOVER FIELD OFFICE AND BEST PROFESSIONAL JUDGMENT. BACKGROUND INFORMATION FROM A VARIETY OF SOURCES INDICATED THAT WETLANDS WERE NOT LIKELY BE PRESENT ON THESE TWO PARCELS. ON-SITE OBSERVATIONS CONFIRMED THE AVAILABLE MAPPING AS A RESULT OF THIS WORK, ERI MADE A REQUEST TO THE CORPS OF ENGINEERS FOR A JURISDICTIONAL DETERMINATION AND A NO PERMIT REQUIRED LETTER THAT INCLUDED AN EXISTING CONDITIONS PLAN, A DETAILED CONCEPT PLAN AND PROJECT NARRATIVE BASED ON THIS DETAILED REQUEST. THE CORPS OF ENGINEERS ISSUED AN APPROVED JURISDICTIONAL DETERMINATION, CENAP-OP-R-2021-1037-23, FOR THE DEVELOPMENT OF THIS PROJECT ON OCTOBER 27, 2021, WHICH INCLUDED WORDING THAT THE PROPOSED ACTIVITIES WILL NOT REQUIRE APPROVAL FROM THEIR OFFICE.

STATE OF DELAWARE (1988) MAP INDEX INDICATES THAT THIS LAND IS NOT ON A STATE WETLANDS MAP SHEET.

THOMAS D. NOBLE
PROFESSIONAL WETLAND SCIENTIST: 000389
CERTIFIED WETLAND DELINEATOR THROUGH THE CORPS OF ENGINEERS
WDCP93MD0310001A

PLANNING COMMISSION CHAIR SIGNATURE: _____
PLANNING COMMISSION CHAIR _____ Date _____

COUNTY COUNCIL PRESIDENT SIGNATURE: _____
SUSSEX COUNTY COUNCIL PRESIDENT _____ Date _____

COUNTY ENGINEER SIGNATURE BLOCK
I HAVE REVIEWED THIS PLAN FOR COMPLIANCE WITH COUNTY REGULATIONS AND ORDINANCES.

HANS MEDLARZ
COUNTY ENGINEER _____ Date _____

OWNER'S PLAN DEVELOPMENT APPROVAL:
I, AS OWNER OF THE PROPERTIES SHOWN, HAVE REVIEWED THIS PLAN AND APPROVE OF THE APPLICATION AS SUBMITTED.

ROBERT SUPPLE, MANAGING PARTNER
SALT AIR PROPERTIES, LLC _____ Date 7/4/22

PREPARED BY
 PLITKO, L.L.C.
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
PH: 302-537-1919

Robert Plitko, Jr., PE DE#14093 _____ DATE _____

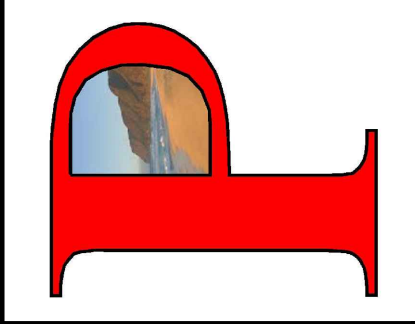
COVER SHEET

REVISIONS

4/1/22-MR Cluster
6/30/22-P&Z Comments

LAND DESIGN
Surveying / Landscape Architecture
302-537-1919
land@landdesign.com

PLITKO, LLC
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone (302)-537-1919



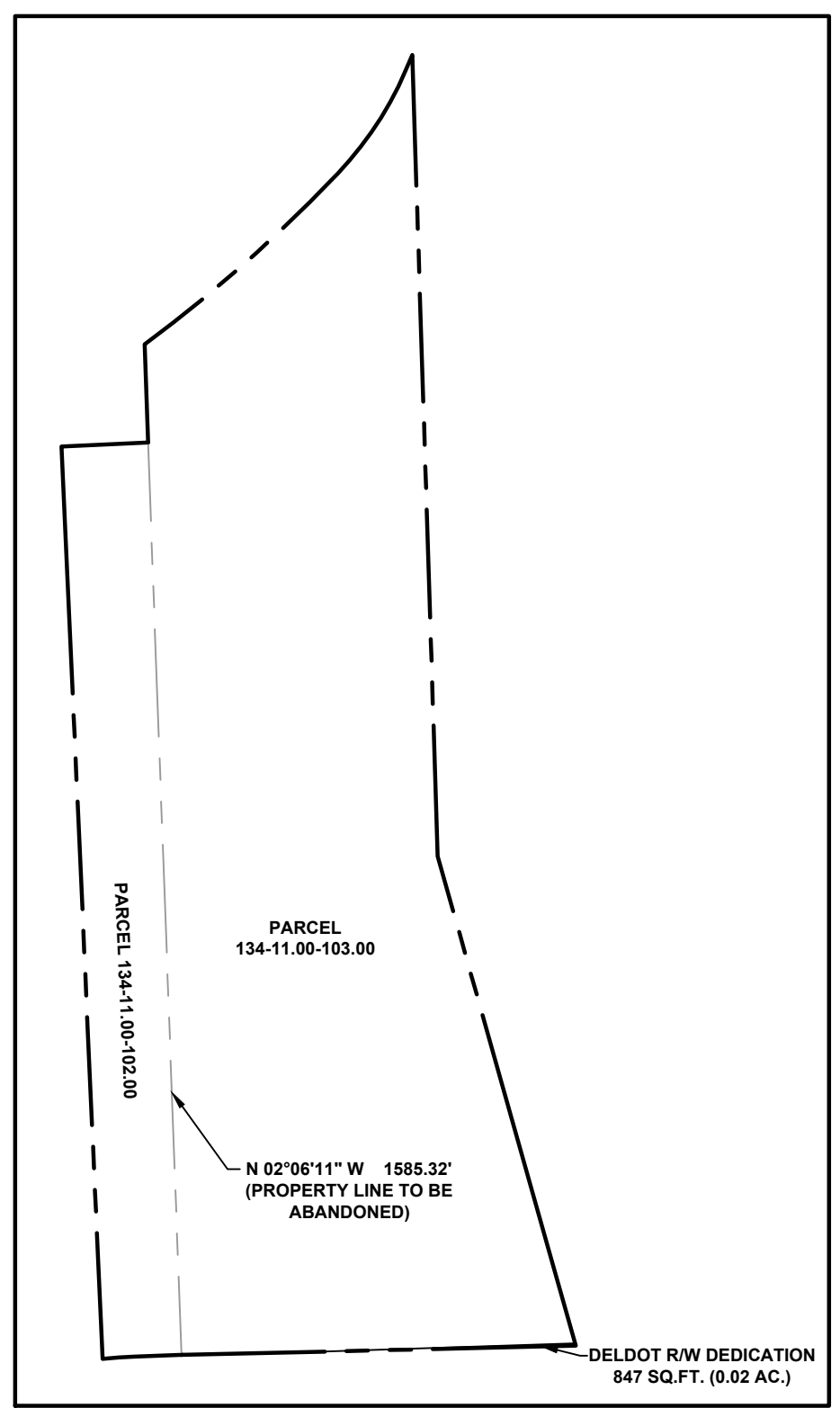
COVER SHEET
HUNTER'S CREEK
34097 & 34137 OMAR ROAD
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: T/JF	DATE
DRAWING: RWB	8/27/21
REVIEW: RP	

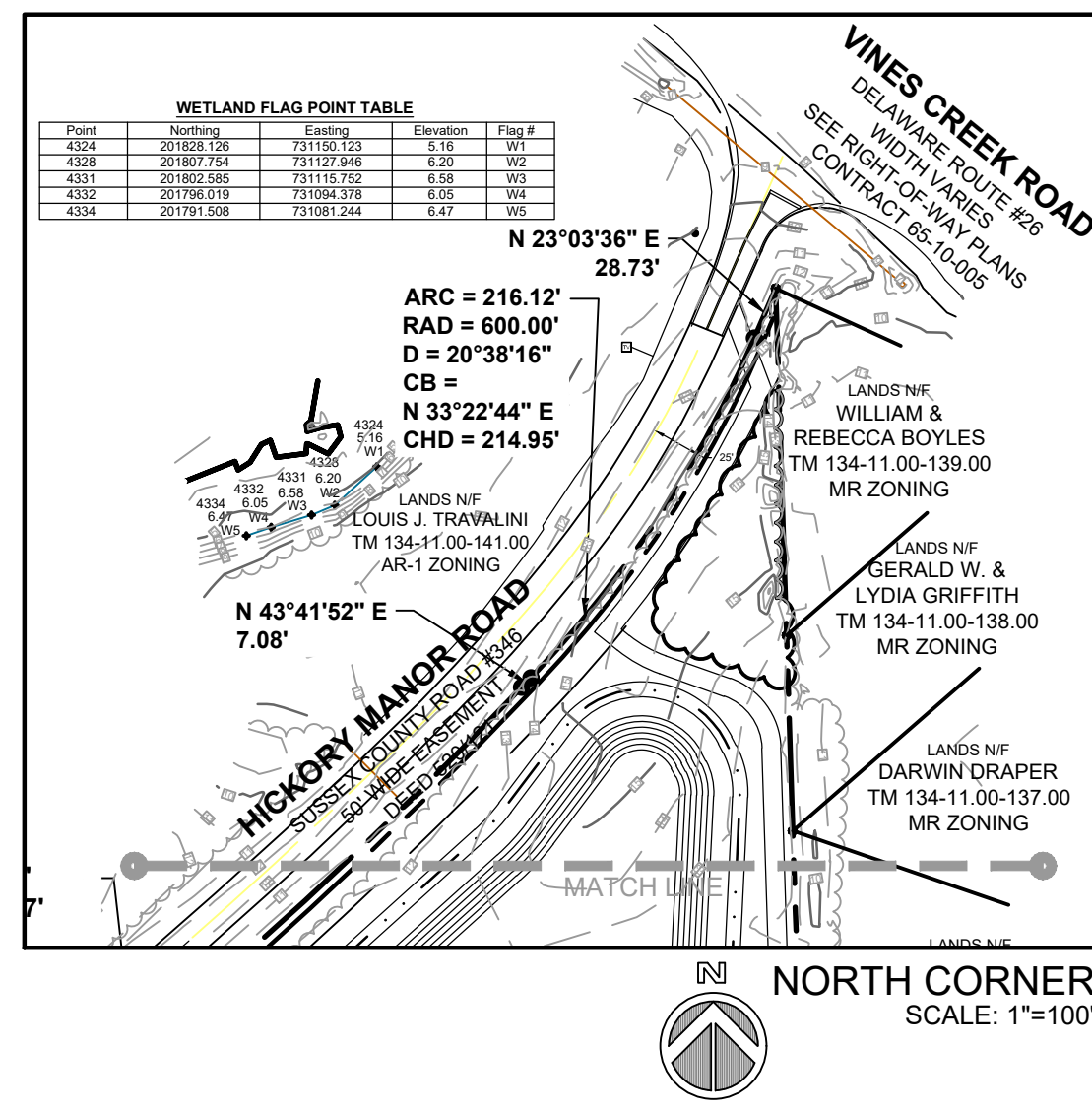
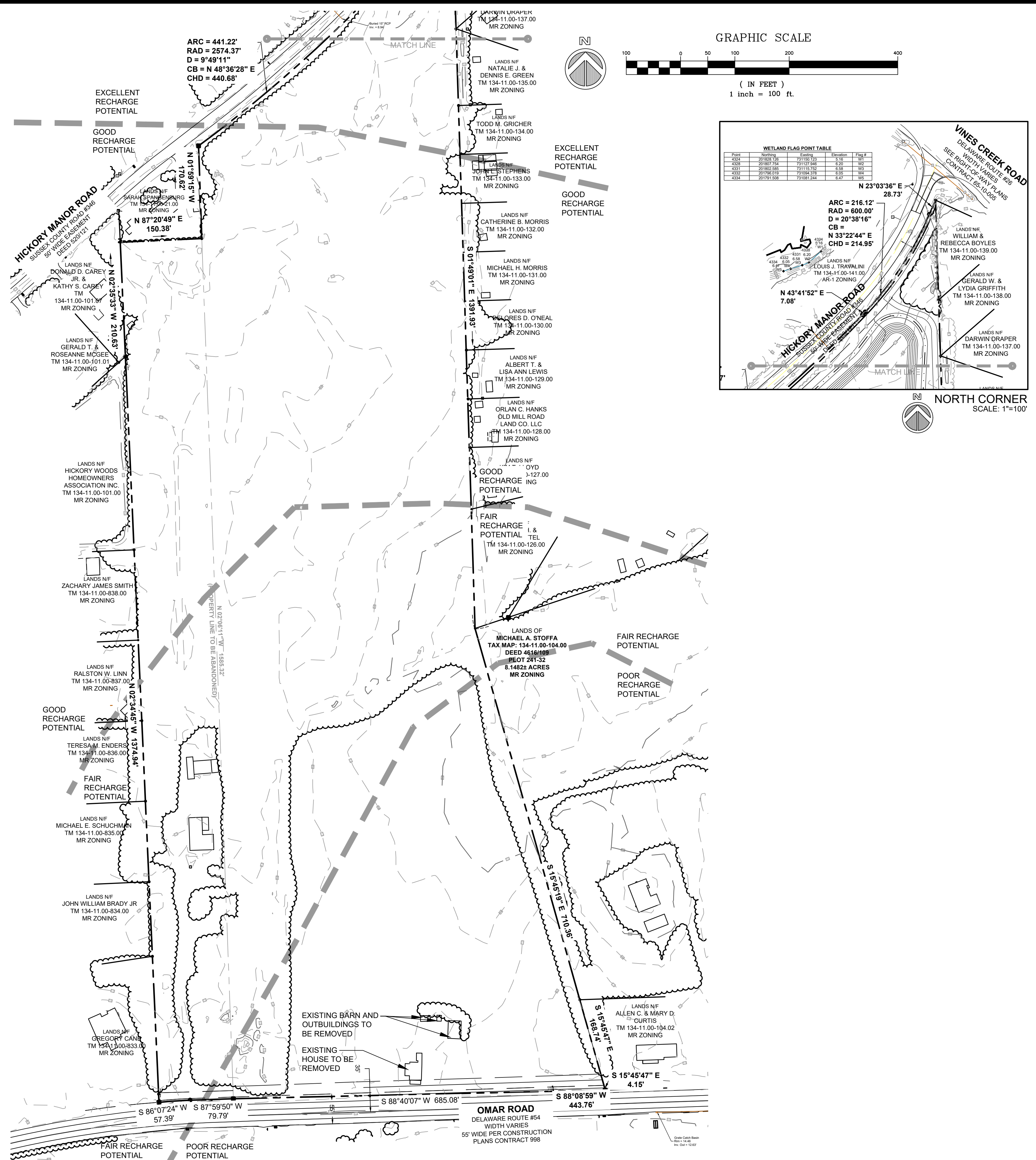
SHEET 1

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- LEGEND:**
- PARCEL BOUNDARY
 - - - EXISTING TOPOGRAPHY
 - ~ ~ ~ EXISTING TREELINE
 - EXISTING GROUNDWATER RECHARGE POTENTIAL



PROPOSED PROJECT BOUNDARY
SCALE: 1"=300'

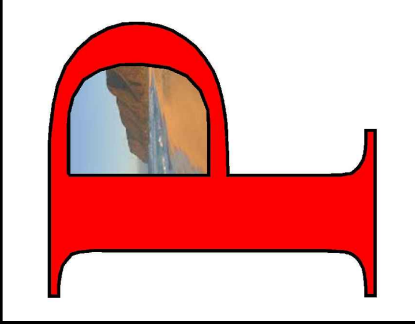


REVISIONS

NO.	DATE	DESCRIPTION

LAND DESIGN
Surveying / Landscape Architecture
Planning and Development Consultants
Old Square, Suite #3, 65 Atlantic Ave.
302.557.1919 / landz@landz.com

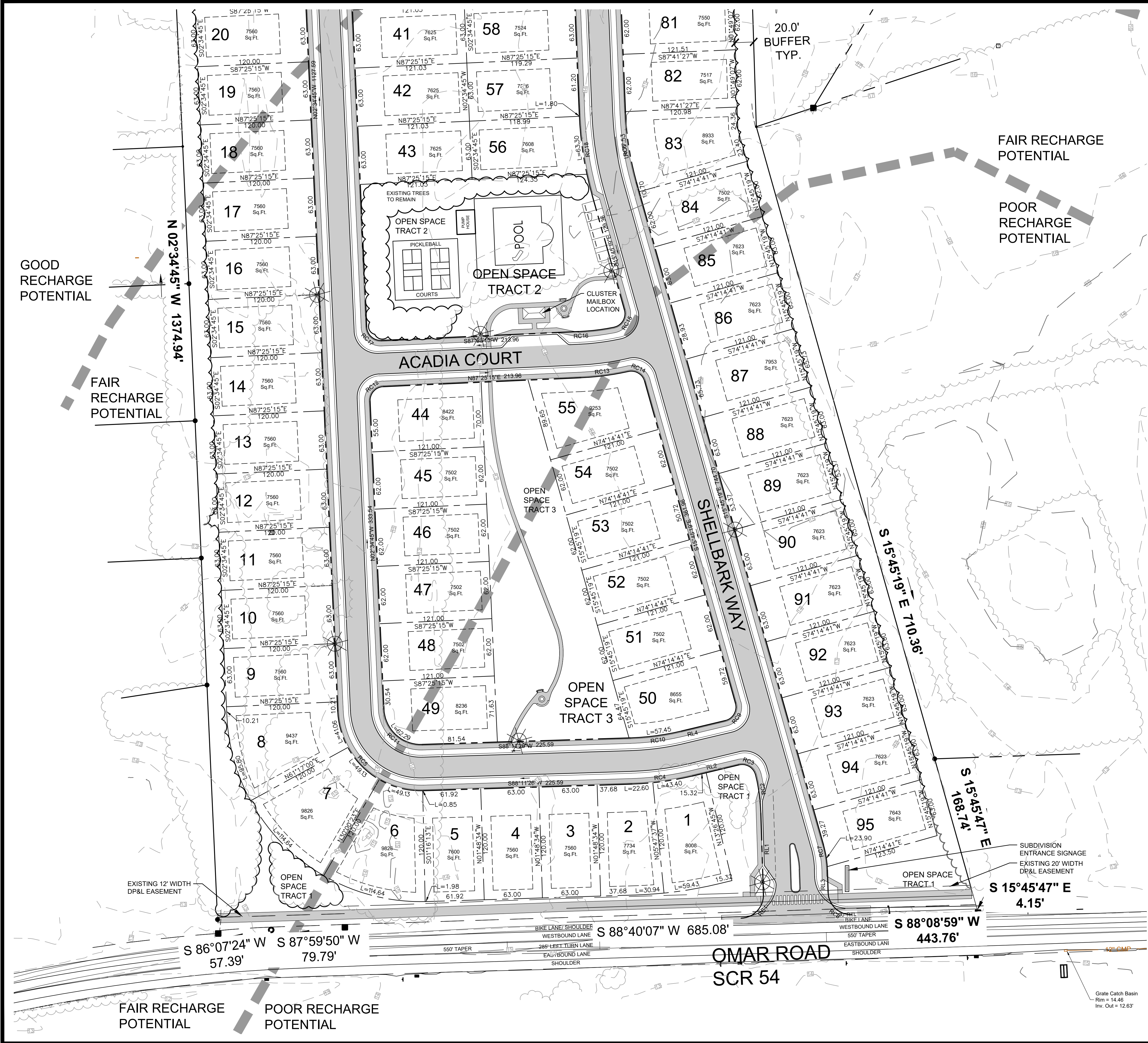
PLITKO, LLC
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone (302)-557-1919




PRELIMINARY PLAN
HUNTER'S CREEK
34097 & 34137 OMAR ROAD
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	6/30/22
REVIEW: RP	
SHEET	

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PROPOSED STREETLIGHT LOCATION: 12 FIXTURES SHOWN. (FINAL LOCATIONS TO BE COORDINATED WITH ELECTRIC SERVICE PROVIDER)



STREETLIGHT NOTE: STREETLIGHTING TO BE A DECORATIVE FIXTURE ON 12 DECORATIVE POLE (SEE EXAMPLE). ACTUAL FIXTURE AND POLE TO BE COORDINATED WITH ELECTRIC PROVIDER.

STREETLIGHT EXAMPLE NOT TO SCALE

- LEGEND:**
- PARCEL BOUNDARY
 - - - EXISTING TOPOGRAPHY
 - - - EXISTING TREELINE
 - - - PROPOSED RIGHT-OF-WAY
 - - - PROPOSED EDGE OF PAVEMENT/ CURBING
 - - - PROPOSED LOT LINE
 - - - PROPOSED SIDEWALK
 - - - PROPOSED SHARED USE PATH
 - - - PROPOSED STORMWATER MANAGEMENT
 - - - PROPOSED TREELINE
 - - - PROPOSED STREETLIGHT LOCATION


R.O.W. Line Table

Line #	Length	Direction
RL1	89.88	S01°49'41.17"E
RL2	51.80	S76°33'15.41"W
RL3	23.94	S01°48'34.01"E
RL4	48.69	S76°33'15.41"W

R.O.W. Curve Table

Curve #	Length	Radius	Delta
RC1	37.39	25.00	85°4'05"
RC2	41.52	200.00	11°53'44"
RC3	23.49	15.00	89°43'19"
RC4	66.00	325.00	11°38'11"
RC5	140.16	90.00	89°13'49"
RC6	76.27	325.00	13°26'46"
RC7	27.75	114.00	13°56'45"
RC8	39.44	25.00	90°23'29"
RC9	24.17	15.00	92°18'35"
RC10	55.85	275.00	11°38'11"
RC11	62.29	40.00	89°13'49"
RC12	23.56	15.00	90°00'00"
RC13	51.78	300.00	9°53'18"
RC14	22.70	15.00	86°42'44"
RC15	24.72	15.00	94°24'32"
RC16	38.25	250.00	8°46'02"
RC17	23.56	15.00	90°00'00"
RC18	88.01	375.00	13°26'46"
RC19	25.94	1000.00	1°29'11"
RC20	24.64	950.00	1°29'11"

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

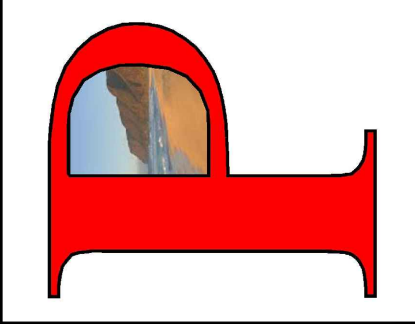
PRELIMINARY PLAN

REVISIONS

NO.	DATE	DESCRIPTION

LAND DESIGN
Surveying / Landscape Architecture
One Square Suite #3, 53 Atlantic Ave.
302.557.1919 / landz@pltko.com

PLITKO, LLC
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone (302)-537-1919



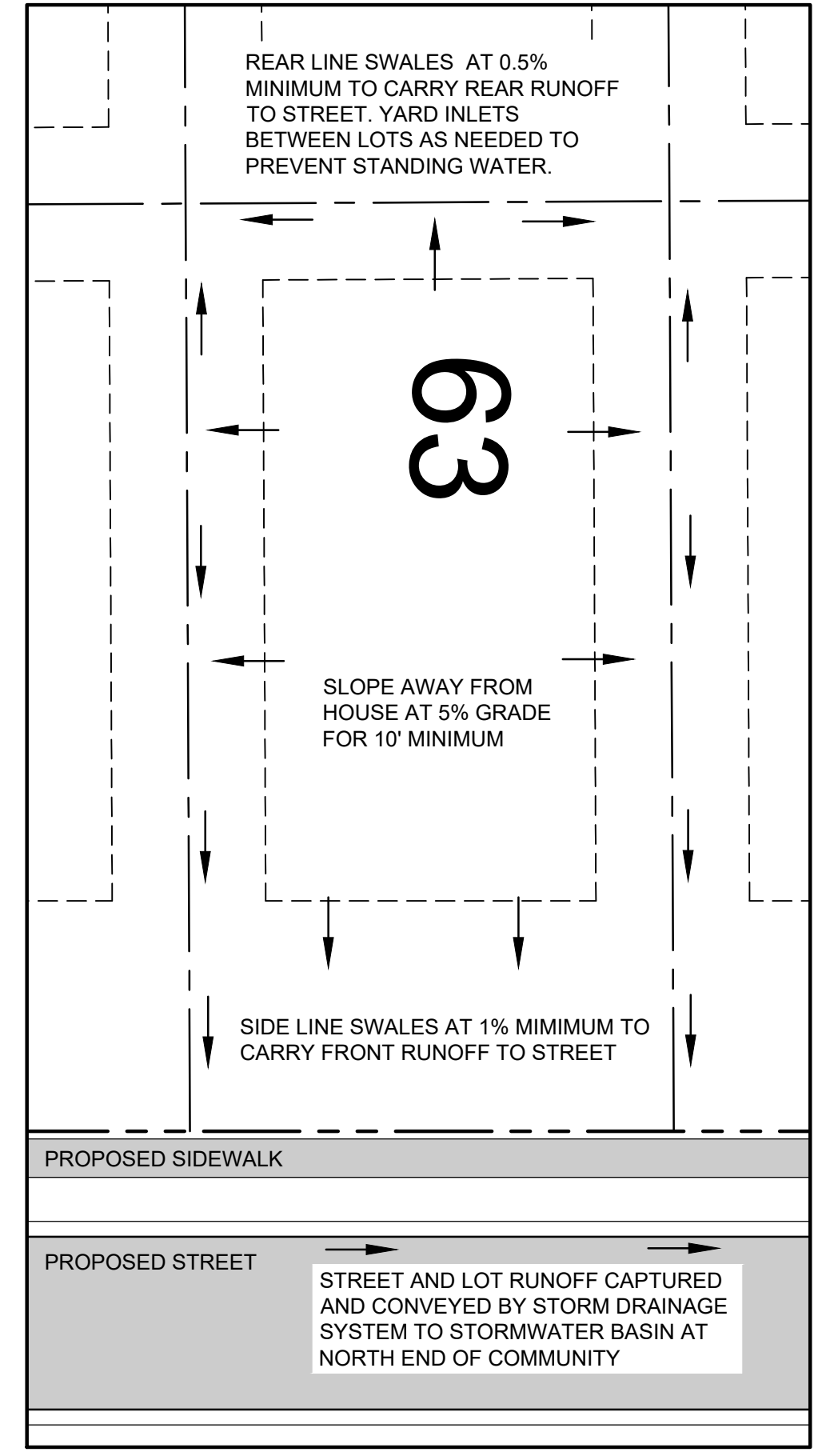
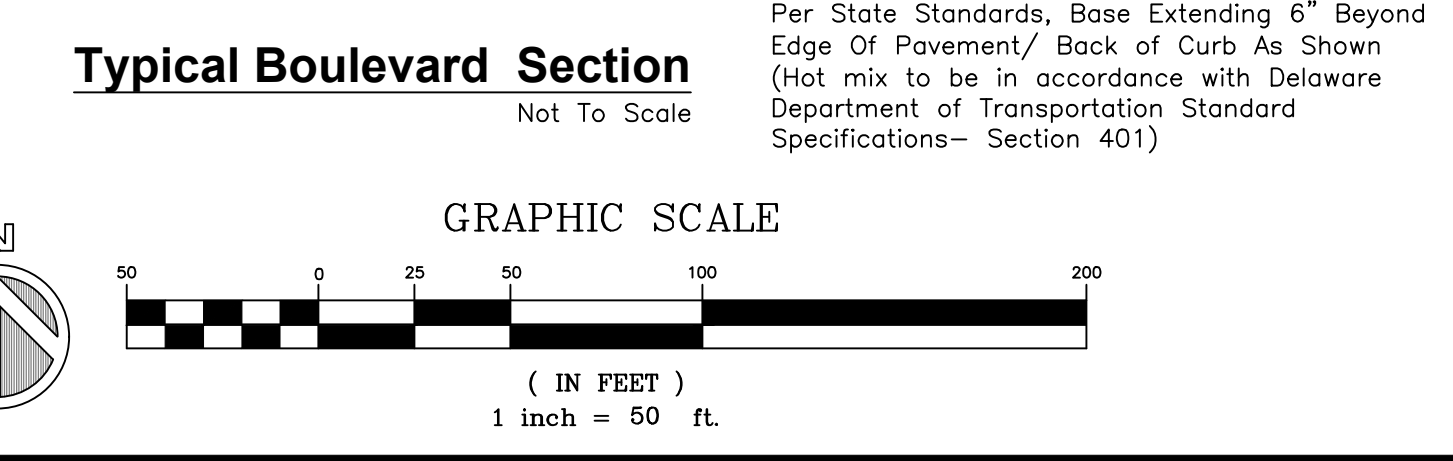
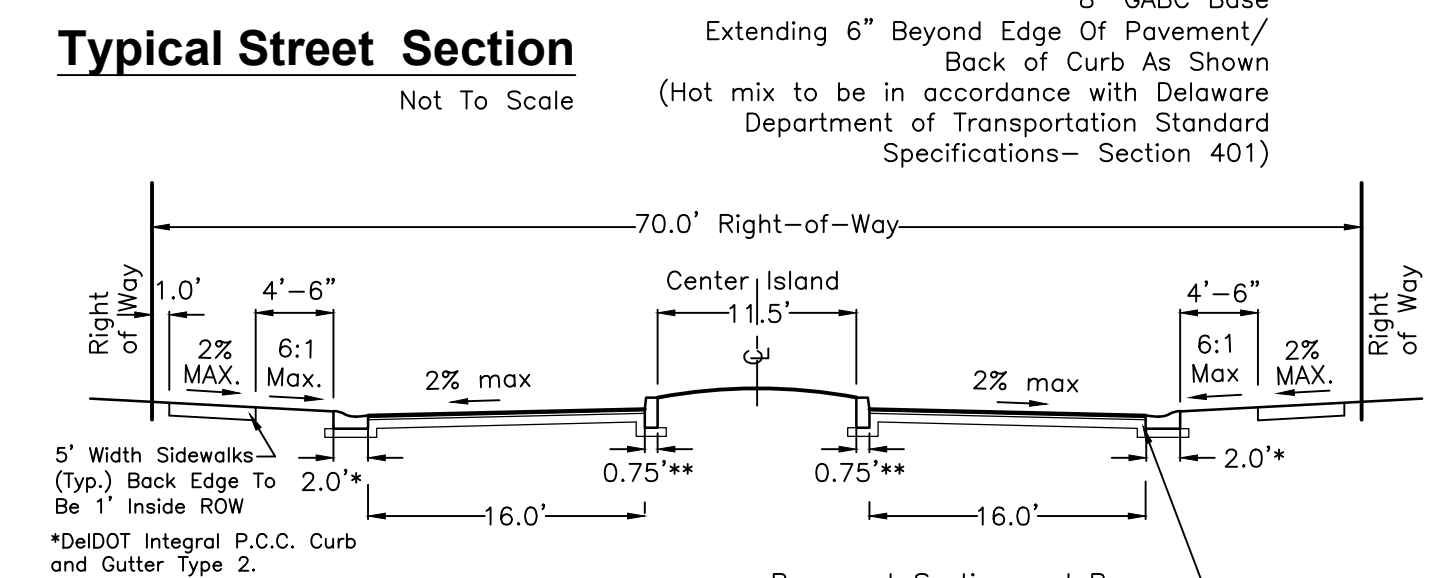
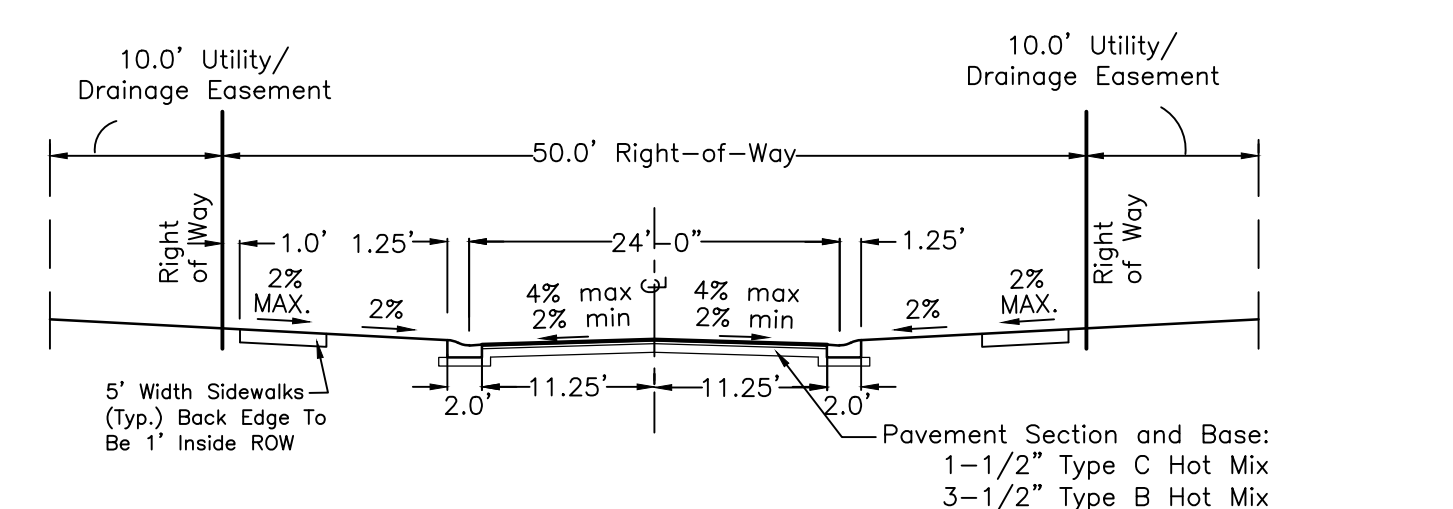
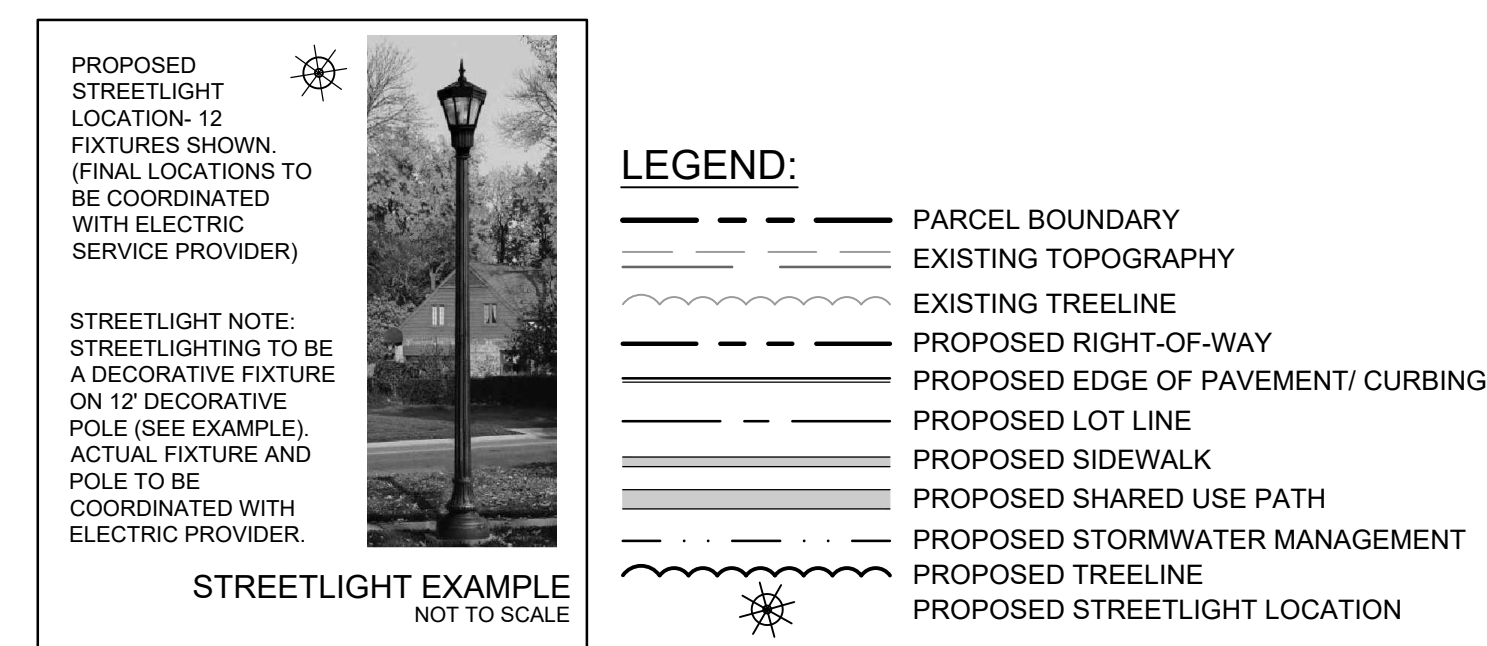
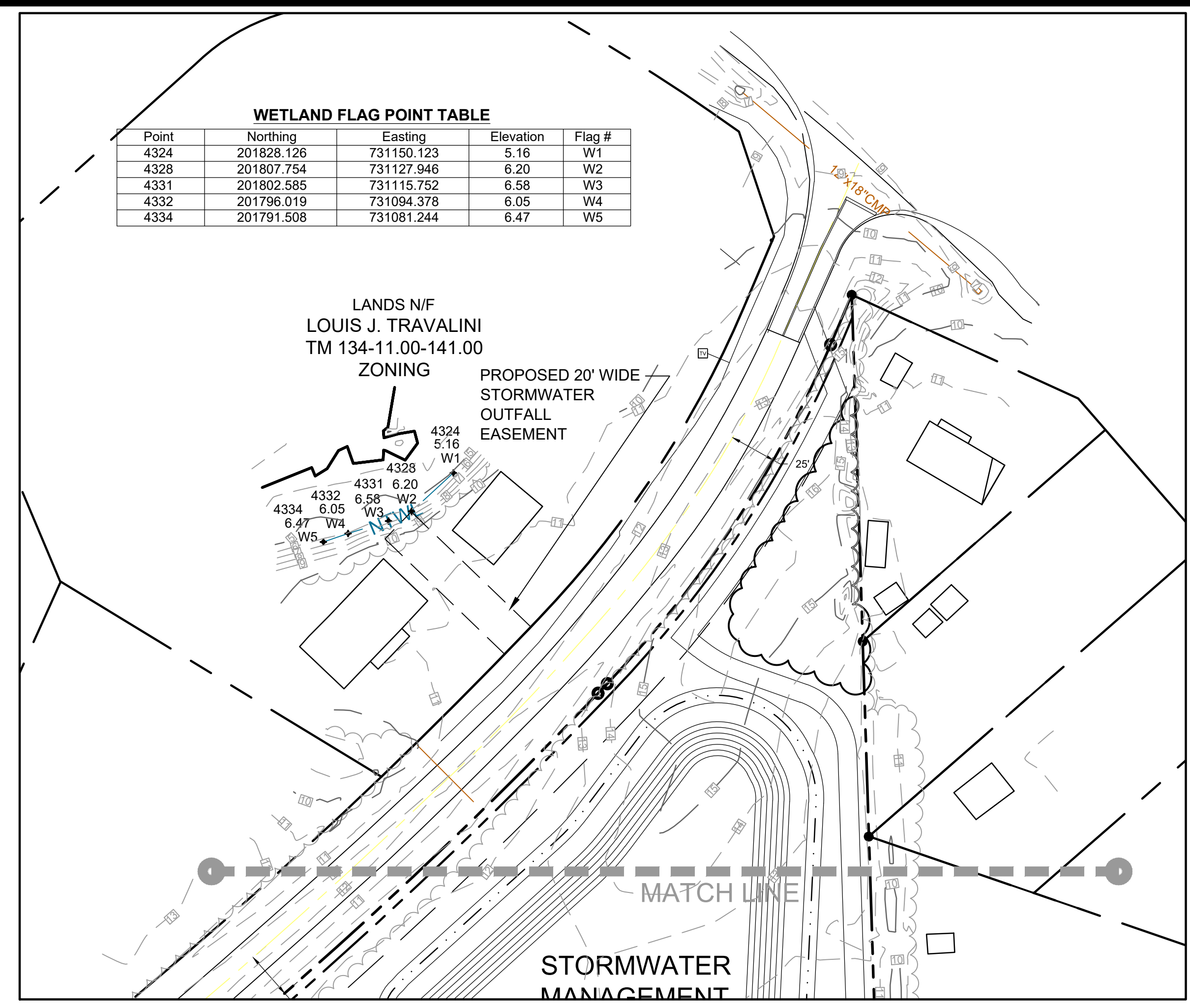
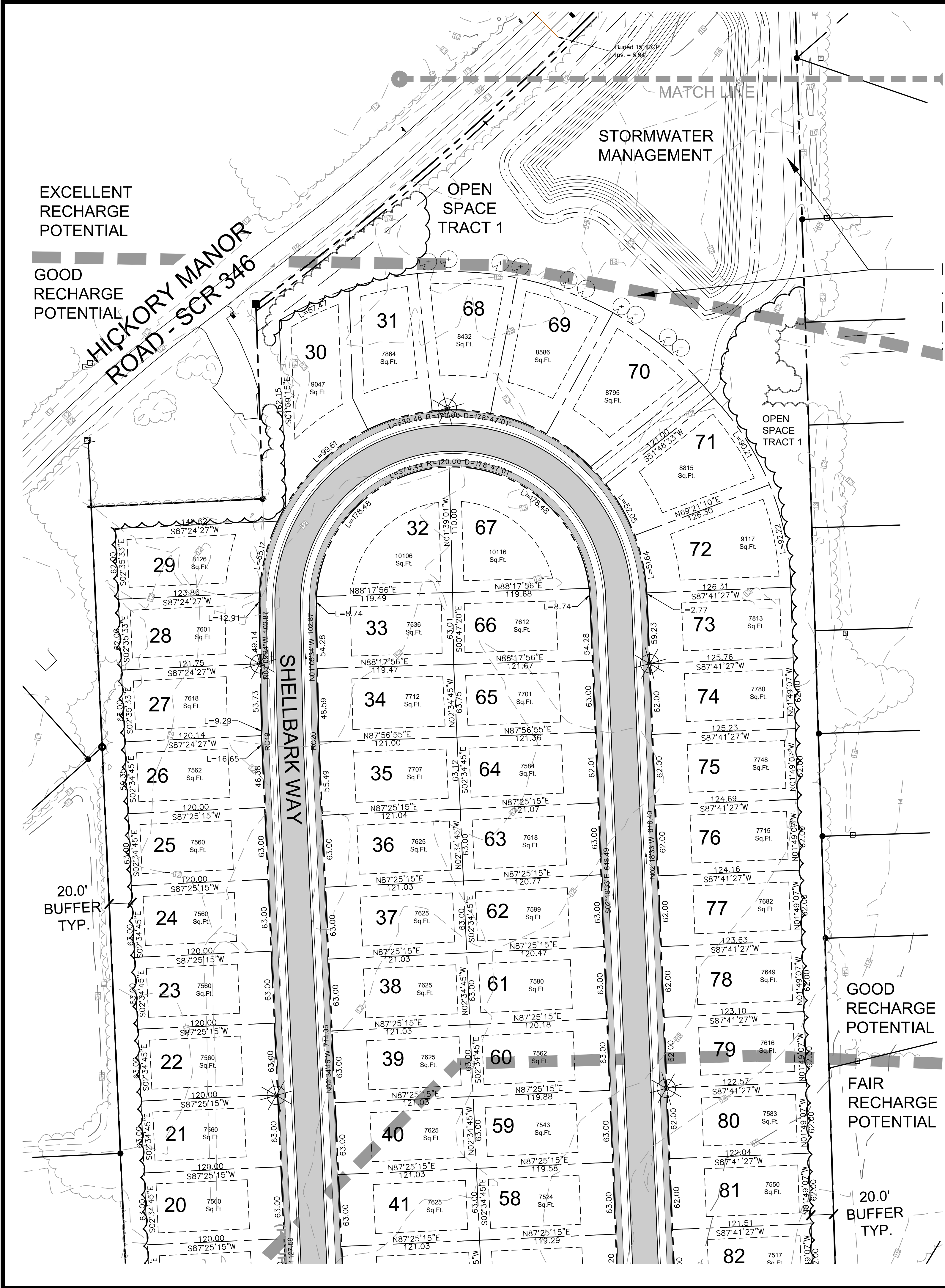
PRELIMINARY PLAN
HUNTER'S CREEK
34097 & 34137 OMAR ROAD
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF
DRAWING: RWB
REVIEW: RP
SHEET

DATE
6/30/22

3

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PRELIMINARY PLAN

HUNTER'S CREEK

34097 & 34137 OMAR ROAD

BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: T/JF
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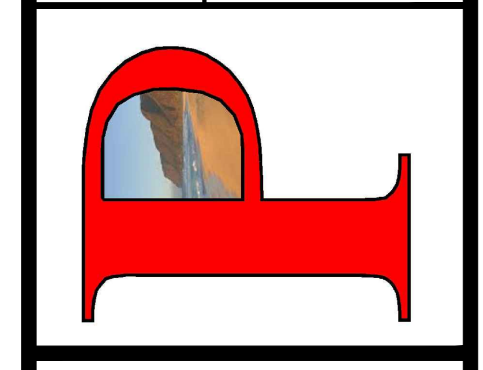
DATE
6/30/22

4

REVISIONS

LAND DESIGN
Surveying / Landscape Architecture
Planning and Development Consultants
Old Square, Suite #3, 55 Atlantic Ave.
302.557.1919 / landz@landz.com

PLITKO, LLC
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone (302)-537-1919



PRELIMINARY PLAN

HUNTER'S CREEK

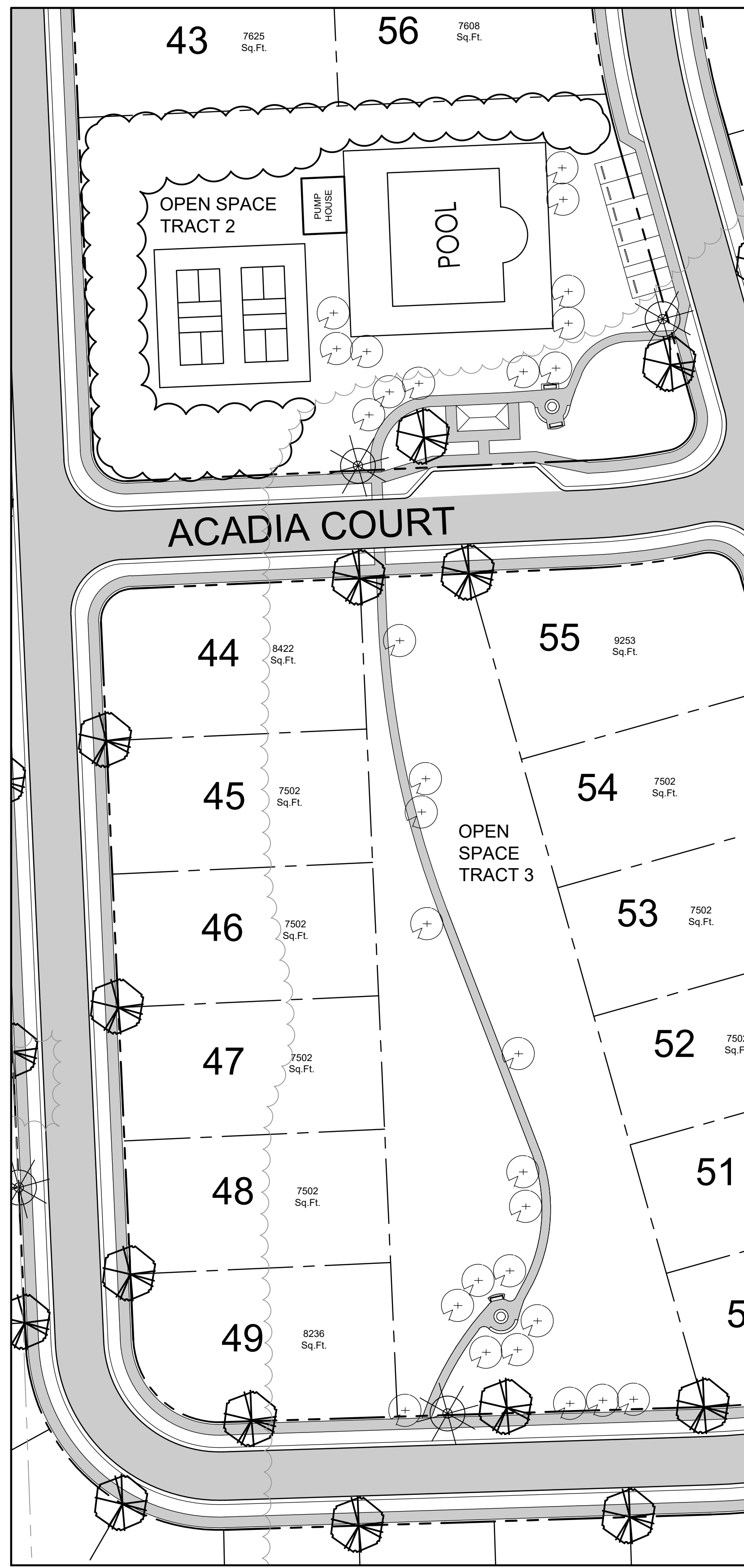
34097 & 34137 OMAR ROAD

BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

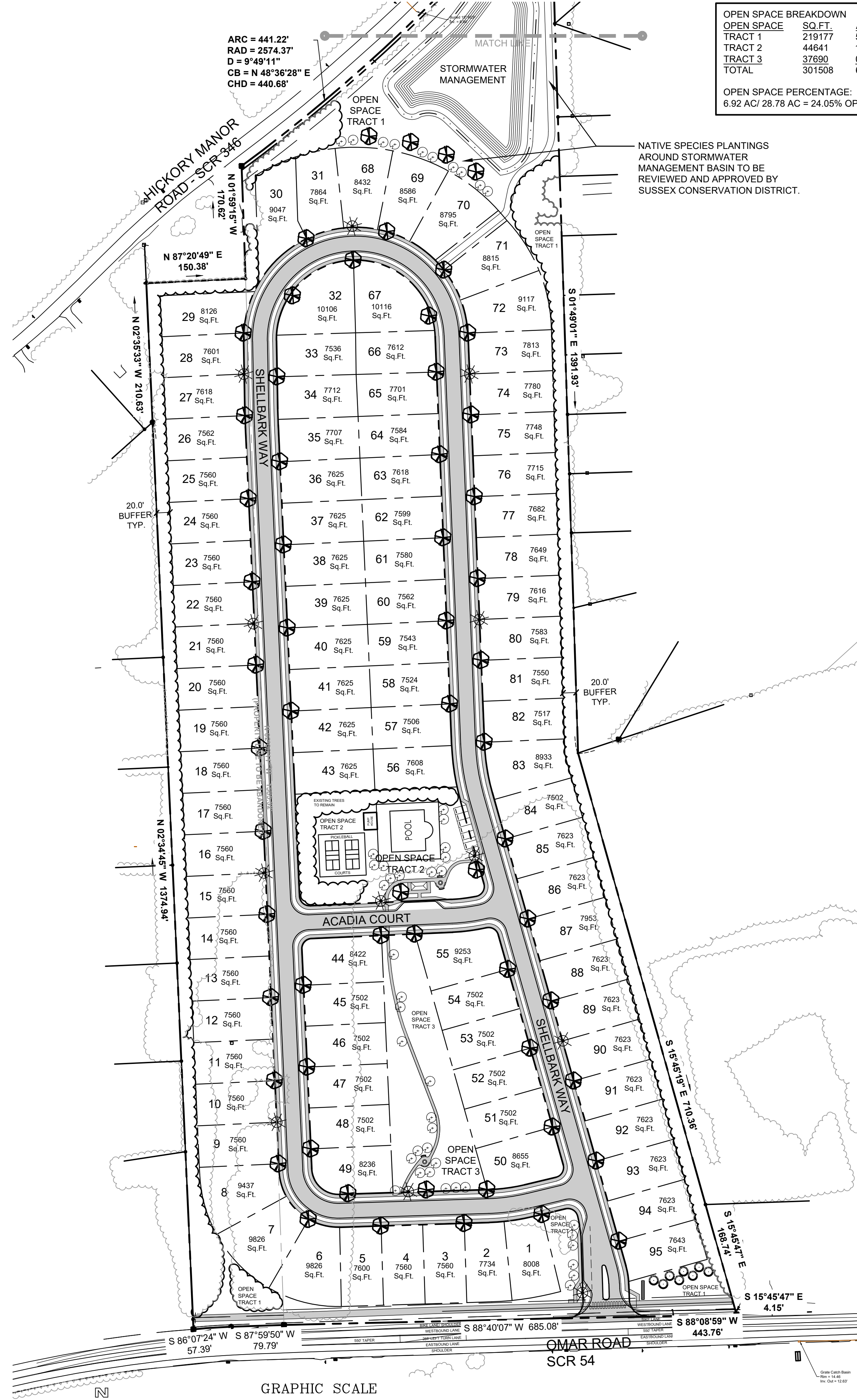
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DRAWING: RWB
REVIEW: RP
SHEET

DATE
6/30/22

4



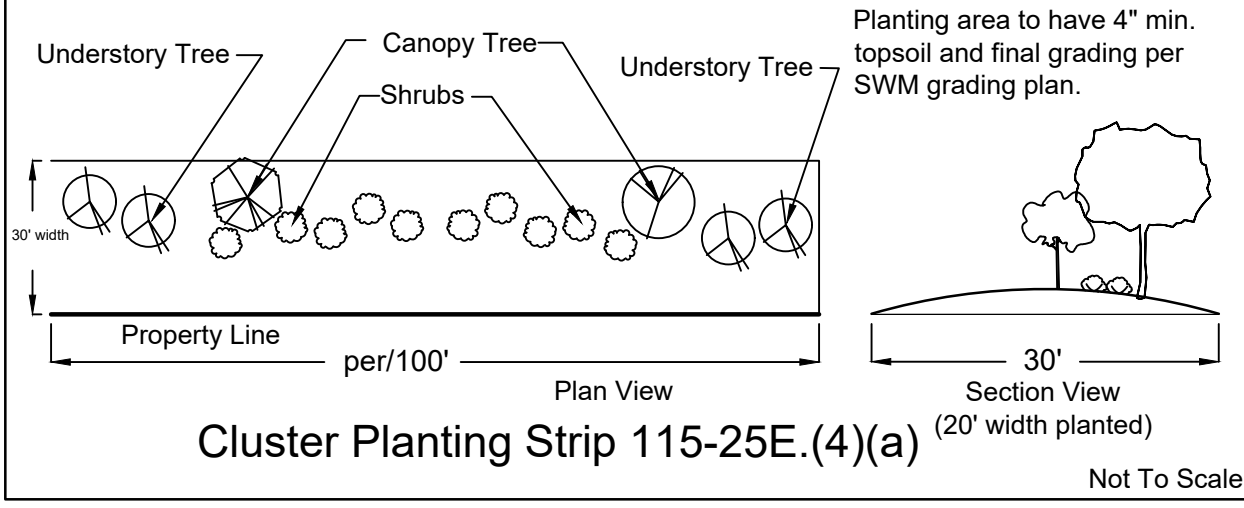
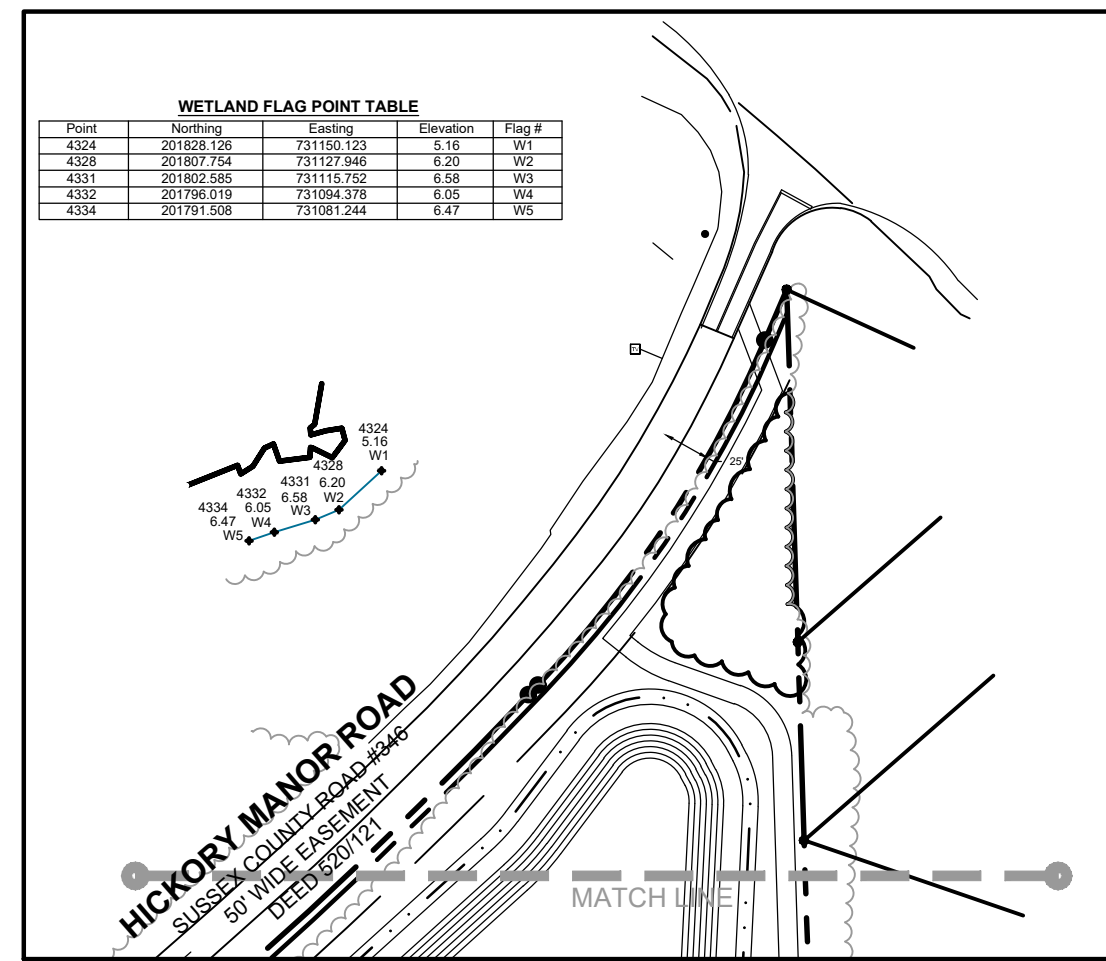
AMENITY AREA LANDSCAPE
SCALE: 1"=40'



OPEN SPACE BREAKDOWN

OPEN SPACE	SQ. FT.	ACRES
TRACT 1	219177	5.032
TRACT 2	44641	1.025
TRACT 3	37690	0.865
TOTAL	301508	6.922

OPEN SPACE PERCENTAGE:
6.92 AC/ 28.78 AC = 24.05% OPEN SPACE



NOTE: PROPOSED BUFFER PLANTINGS AS SHOWN TO AUGMENT EXISTING VEGETATION ALONG PROJECT PERIMETER TO SATISFY CLUSTER PERIMETER PLANTING AS REQUIRED.

LANDSCAPE NOTES:
 1. LANDSCAPE PLANTING LOCATIONS AS SHOWN ARE SCHEMATIC, AND ACTUAL PLANT PLACEMENTS MAY CHANGE TO MINIMIZE CONFLICTS WITH UTILITIES, GRADING, ETC.
 2. LANDSCAPE PLANTING SPECIES TO BE DETERMINED AS PROJECT MOVES FORWARD.

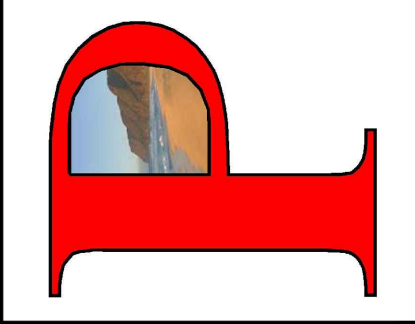
- CONCEPTUAL LANDSCAPE LEGEND:**
- CANOPY/ STREET TREE
 - FLOWERING/ ACCENT TREE
 - EVERGREEN/ SCREENING TREE
- LEGEND:**
- PARCEL BOUNDARY
 - EXISTING TOPOGRAPHY
 - EXISTING TREELINE
 - PROPOSED RIGHT-OF-WAY
 - PROPOSED EDGE OF PAVEMENT/ CURBING
 - PROPOSED LOT LINE
 - PROPOSED SIDEWALK
 - PROPOSED SHARED USE PATH
 - PROPOSED STORMWATER MANAGEMENT
 - PROPOSED TREELINE
 - PROPOSED STREETLIGHT LOCATION

PRELIMINARY LANDSCAPE PLAN

REVISIONS

LAND DESIGN
 Surveying / Landscape Architecture
 302 S. 2nd St., Suite 303
 Ocean View, DE 19970
 Phone: (302) 537-1919
 Email: land@landdesign.com

PLITKO, LLC
 53 ATLANTIC AVE., STE. 3
 OCEAN VIEW, DE 19970
 Phone (302)-537-1919



LANDSCAPE PLAN
HUNTER'S CREEK
34097 & 34137 OMAR ROAD
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	6/30/22
REVIEW: RP	
SHEET	5



Mackenzie M. Peet, Esquire
(302) 645-2262
mackenzie@bmbde.com

August 1, 2022

VIA EMAIL AND FEDEX

Planning & Zoning Department
Attn: Jamie Whitehouse, Director
2 The Circle
PO Box 417
Georgetown, DE 19947

RE: 2022-11 Hunters Creek Supplemental Exhibit Packet Submission

Dear Director Whitehouse:

We represent Salt Air Properties, LLC, the Applicant of the proposed Hunters Creek cluster subdivision for property located at 34097 and 34137 Omar Road, Frankford, Delaware further identified as Tax Map Parcel Nos. 134-11.00-102.00 and 103.00.

Enclosed please the Applicant's Supplemental Exhibit Packet.

Please contact me directly at mackenzie@bmbde.com, or my paralegal, Meagan Garey, at meagan@bmbde.com should the Department need any additional information prior to the public hearing.

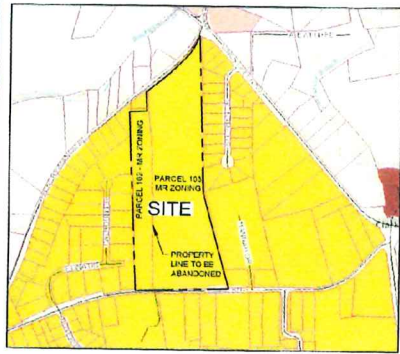
Sincerely,

Mackenzie M. Peet, Esq.

Enclosure

Hunters Creek Proposed Conditions of Approval
Property: 34097 and 34137 Omar Road, Frankford, Delaware
Tax Map Parcel Nos: 134-11.00-102.00, 103.00

- A. There shall be no more than 95 single-family lots within the subdivision.
- B. All entrances, intersection, and roadway improvements shall be completed by the developer in accordance with all DelDOT requirements.
- C. A homeowner's association shall be established that will be responsible for maintenance of streets, roads, buffers, stormwater management facilities and other common areas.
- D. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- E. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- F. A forested or landscaped buffer not less than 20 feet in width shall be installed. The Final Site Plan shall contain a landscaped plan for all these areas.
- G. The Final Site Plan shall indicate all forested areas that will be preserved.
- H. The subdivision shall be served by a publicly regulated wastewater service to provide sanitary sewer.
- I. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- J. Interior Street design shall meet or exceed Sussex County standards.
- K. The developer shall complete all amenities prior to issuance of the 57th Building Permit.
- L. The Applicant shall coordinate and cooperate with the local school district's transportation manager to establish school bus areas.
- M. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- N. A revised Preliminary Site either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.



VICINITY/ZONING MAP
SCALE: 1"=430'

- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Business Research - BR-1
 - Commercial Residential - CR-1
 - General Commercial - G-1
 - General Commercial - G-2
 - General Commercial - G-3
 - General Commercial - G-4
 - General Commercial - G-5
 - Office Residential - OR
 - Heavy Industrial - HI-1
 - High Density Residential - HD-1
 - High Capacity Residential - HC-1
 - Institutional - I-1
 - Light Industrial - LI-1
 - Limited Industrial - LI-2
 - Marine - M
 - Medium Density Residential - MD-1
 - Single Detached Residential - SD-1
 - Neighborhood Business - NB-1
 - Variation, Public Use, Use - V

- LEGEND:**
- PARCEL BOUNDARY
 - EXISTING TOPOGRAPHY
 - EXISTING TREELINE
 - PROPOSED HIGHWAY
 - PROPOSED EDGE OF PAVEMENT/CURB
 - PROPOSED LOT LINE
 - PROPOSED SIDEWALK
 - PROPOSED BIKEWAY PATH
 - PROPOSED STORMWATER MANAGEMENT
 - PROPOSED TREELINE LOCATION



HUNTER'S CREEK
34097 & 34137 OMAR ROAD
TAX PARCELS 134-11.00-102.00 & 103.00

LAND DESIGN
Surveying / Landscape Architecture INC.
Planning and Development Consultants
Oak Courts, Suite #3, 53 Atlantic Ave.
Ocean View, DE 19970
302/537-1919 / landzn@aol.com

P **PLITKO, LLC**
ENGINEERING
53 ATLANTIC AVE., SUITE 3
OCEAN VIEW, DE 19970

PROJECT TEAM

APPLICANT/DEVELOPER SALT AIR PROPERTIES, LLC

Contact: Arnie Dunn
8 North Hampshire Court
Greenville, DE 19807
Telephone: 302-373-8600
Email: arnie@dunninvestments.com

CIVIL ENGINEER

PLITKO, LLC

Contact: Robert Plitko, P.E.
Ray Blakeney, Landscape Architect
53 Atlantic Avenue, Suite 3
Ocean View, DE 19970
Telephone: 302.537.1919
Email: rplitko@plitko.com; rblakeney@plikto.com

LANDSCAPE PLANNER/ ARCHITECT

LAND DESIGN, INC.

Contact: Tom Ford, Landscape Architect
53 Atlantic Avenue, Suite 3
Ocean View, DE 19970
Telephone: 302-537-1919
Email: tjford51@aol.com

ENVIRONMENTAL

ENVIRONMENTAL RESOURCES, INC.

Contact: Thomas D. Nobile, Soil & Wetland Scientist
Edward Launay, Wetland Scientist
38173 DuPont Boulevard
P.O. Box 169
Selbyville, DE 19975
Email: tnobile@ericonsultants.com;
elaunay@ericonsultants.com

ATTORNEY:

BAIRD MANDALAS BROCKSTEDT FEDERCIO & CARDEA, LLC

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

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- Exhibit 9) Artesian Ability to Serve Letter
- Exhibit 10) AJD Letter
- Exhibit 11) Email Correspondence with Dr. Ed Otter re archeologic review
- Exhibit 12) Coastal Area Environmental Assessment and Public Facility Evaluation Report

I. Executive Summary

Hunters Creek is a Major Subdivision, proposing 95 single-family detached homes on individual lots utilizing the Coastal Area's cluster subdivision lot size. The project site consists of two parcels located on the north side of Omar Road further identified as 34097 and 34137 Omar Road, Frankford, Delaware, and Tax Map Parcel Nos. 134-11.00-102.00 and 103.00 (the "Property"). Parcel 102 is 5.23 Acres, more or less, and Parcel 103 is 23.55 Acres, more or less. The Property is located in the MR District and the Coastal Area and consists of a total project area of 28.78 Acres, more or less.

Hunters Creek is located within Investment Level 2 of the State Strategies for Policies and Spending Map. Investment Level 2 reflects areas where growth is anticipated by local, County, and State plans in the near-term future.

6.90 Acres (23.97%), more or less, of Open Space, subject to final site engineer, is proposed.

Active amenities include a pool and pickleball courts along with passive amenity elements such as a walking trail.

The project is consistent Sussex County's Comprehensive Plan and complies with all MR District, Coastal Area, and Subdivision of Land requirements, as further detailed in the Zoning Ordinance for Sussex County, Delaware (the "Code").

Proposed Density and Calculations:

Parcels Area and Total Area:

Parcel 102: +/- 5.23 Acres

Parcel 103: +/- 23.55 Acres

Total Area: +/- 28.78 acres

Proposed Gross Density: 95 D.U./28.78 Acres = 3.30 D.U./Acres

Permitted MR Density: 4.356 D.U./Acre

II. Project Overview

A. Boundary Plat & Topographic Survey

A boundary topographic survey for the Property was prepared by Cypress Surveys, LLC. The total area of the Property is 28.78 +/- acres. There are no state/tidal wetlands on site.

B. Overview of Current Site Conditions

Hunters Creek is located on the north side of Omar Road in Frankford, Delaware. The proposed development is in the vicinity the residential communities of Hickory Manor, Edgewood Manor, Hidden Acres, Wesley, and Netherfield.

The Property is located outside the 100-year floodplain per FEMA flood map number 10005C Panel 0495K, map revised March 16, 2015.

C. Land Plan and Amenities

The land plan considers existing conditions, stormwater outfalls, adjacent communities, existing roadways, current housing trends, and recreational needs.

The resultant plan includes:

- A 20 feet landscaped buffer.
- Sidewalks on both sides of the road.
- Pedestrian pathways.
- Main recreation facility including a pool and pickleball courts.
- Signage for proposed subdivision to include subdivision identification sign at entrance and internal stop signs and other internal traffic control signage as needed.
- An efficient stormwater management system that acts as an amenity.
- Open space percentage is proposed at 23.97% (subject to final site engineering) in excess of the 10% Open Space requirement.

D. DelDOT Improvements

The Applicant completed its Project Coordination and Pre-Submittal meetings with DelDOT. A series of discussions were held with DelDOT officials concerning roadway improvements to widen Omar Road and Hickory Manor Road. It is anticipated that the Applicant will pay into the Area Wide Study (AWS) Fee. The AWS Fee is calculated as \$10 per daily trip, or in this case, \$9,920.00.

E. Preliminary Land Use Service (PLUS)

A concept plan for Hunters Creek was presented to PLUS on September 22, 2021, and the Applicant provided a response to each PLUS comment.

F. Sanitary Sewer Planning Area

The Hunters Creek community is anticipated to be served by Sussex County.

III. Compliance with Applicable Regulations

A. Compliance with the MR (Medium Density Residential) District and Coastal Area

The project is located within the MR District. The entire site is located within the Coastal Area. The site is being developed with single-family residential lots within the MR District and will meet the requirements of the MR District and Coastal Area as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance for MR which allows 4.36 dwelling units per acre based on the gross site area.

Purpose: Hunters Creek conforms with the purpose of the MR District in as much as it is a medium-density residential community in a Level 2 Investment Area with access to sanitary sewer and public water supply.

Permitted Uses: Single-family detached dwelling units are permitted in the MR District. The project is located within the Coastal Area, which allows for a cluster subdivision utilizing 7,500 square feet lots.

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

Conditional Uses: Hunters Creek is not applying for any conditional uses.

Special Use Exceptions: Hunters Creek is not applying for any special use exceptions.

Permitted Signs: All proposed development signage within MR-1 zoned areas will conform to the regulations provided in 115-159.2.

Height, Area, and Bulk Requirements: The height, area and bulk requirements are set forth in the MR District of the Zoning Ordinance and subsequent Coastal Area supplementary regulations. The following is a summary of the lot dimensions and setbacks for Hunters Creek subdivision, all of which are in conformity with County requirements:

Single Family Lots:

Minimum Lot Area = 7,500 S.F.

Minimum Lot Width = 60'

Minimum Lot Depth = 100'

Front Yard = 30' (15' Corner Lot)

Side Yard = 10'

Rear Yard = 10'

Maximum Building Height = 42'

B. Statement of Compliance with Chapter 99, Subdivision of Land

Chapter 99-9 (C)

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

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

- The proposed subdivision lies in the District near several existing subdivisions. These include Edgewood Manor, which abuts the proposed subdivision to the east; Hickory Woods, which abuts the proposed subdivision to the west, and Hidden Acres which lies across Omar Road to the south of the proposed subdivision. Per the zoning and existing conditions, the neighborhood character of the area is medium-density residential.
- The Applicant has taken significant effort to work with the existing terrain and surrounding landscape in the planning of the community. The Applicant has also focused on utilizing the additional land as open space proposing 23.97% Open Space, more or less, and subject to final site engineering, in excess of Code’s 10% Open Space requirement.
- A 20’ minimum buffer is provided adjacent to residential uses.

2. *“Minimal use of wetlands and floodplains.”*

- There are no existing wetlands on the site of the proposed subdivision. The stormwater management outfall is proposed to cross Hickory Manor Road to the north and outfall into wetlands associated with Blackwater Creek. Those wetlands have been flagged by a soil scientist as part of this project. The site is outside of the 100-year floodplain per FEMA flood map 10005C0495K as noted on the plans.

3. *“Preservation of natural and historic features.”*

- A significant portion of the Property has been disturbed by agricultural use and the existing residence. A preliminary archeologic survey has been scheduled for the site.

4. *“Preservation of open space and scenic views.”*

- The subdivision will comply with the Code’s Open Space requirements, proposing 23.97%, more or less, Open Space subject to final site engineering.

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

- Tree and soil removal will be kept at the minimum necessary to construct the subdivision. Efforts will be made to preserve existing vegetation within the buffers and Open Space areas of the subdivision. Where that is not possible or no significant vegetation exists, planting is proposed to meet County landscape and buffer regulations. Site grading will be minimized to the extent needed to provide adequate drainage and stormwater management.

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

- As mentioned, vegetative buffers (of existing or proposed plant materials) will be maintained to screen views from offsite.

7. *“Provision for water supply.”*

- Water service for the community will be provided by Artesian Water. A copy of the Willing and Able to Serve letter was included with the plan submission and is attached as Exhibit 9.

8. *“Provision for sewage disposal.”*

- The community wastewater service is intended to be provided by the Sussex County Unified Sanitary Sewer District.

9. *“Prevention of surface and groundwater pollution.”*

- Stormwater management and sediment erosion control plans will be prepared for review and approval by Sussex Conservation District. The storm water management facilities will be designed in accordance with Delaware and Sussex County standards.

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

- As stated above, stormwater management and sediment erosion control plans will be prepared for review and approval by Sussex Conservation District. The storm water management facilities will be designed in accordance with Delaware and Sussex County standards.

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

- Entrance to the site shall be designed per current DelDOT standards. The entrance to the community as well as the pedestrian pathways will be reviewed and approved by DelDOT.
- To promote pedestrian traffic within the development, 5’ sidewalks are provided along both sides of the road.
- All internal roads will be designed in accordance with Sussex County standards, and street plans for the community (including sidewalks on both sides of the streets) will be reviewed by Sussex County Public Works.

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

- It is the Applicant’s intention to construct a quality community that meets or exceeds County and State regulations. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

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

- While a portion of the existing site is currently being used for agriculture, the existence of the proposed subdivision will not significantly impact agricultural lands.

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

- Hunters Creek is located within Investment Levels 2 according to the Strategies for State Policies and Spending. These are areas where growth is anticipated by local, County, and State plans in the near-term. Because the State has included this area in the Policies and Spending strategies, this development should have little to no direct impact on schools, public buildings, and community other than providing additional revenue to the County and school system via property taxes. In addition, as part of the DelDOT review and approval for the project, the Indian River School District will be consulted regarding their preference for school bus stop locations at or within the community.

15. *“Effect on area roadways and public transportation.”*

- As mentioned, the project will be reviewed and approved by DelDOT. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Hunters Creek specifically with regard to off-site transportation improvements and frontage improvements. The Developer is anticipated to contribute to offsite DelDOT projects based on the Area Wide Study Fee and Offsite Requirements memorandum.

16. *“Compatibility with Other Land Uses.”*

- The project lies in an MR District in the immediate vicinity of several existing residential subdivisions.

17. *“Effect on Area Waterways.”*

- No significant impact to local waterways is anticipated by the proposed subdivision. Runoff will be treated for water quality prior to discharge. All stormwater management will be designed in accordance with current DNREC regulations.

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

Chapter 4 Future Land Use

The site is located within the Coastal Area which is identified as a growth area and complies as follows:

- The proposed land plan addresses environmental concerns. Wetlands are not impacted by the construction. Buffers have been provided to adjacent residential uses.
- Single-family homes are permitted.
- Cluster developments are permitted in the Coastal Area.
- The proposed density of 3.30 D.U./Acre complies with the MR District density requirements and the recommended 4-12 units per acre in medium and higher density areas in the Coastal Area.
- Central water and sewer will be available to the site.

Chapter 5 Conservation

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas. The north end of the site is an area with excellent groundwater recharge – no impervious surface is proposed within that area except for a pedestrian connection to Hickory Manor Road.
- No wetlands are located on-site.
- The proposed lots are located outside the 100-year floodplain.
- Central water and sewer will be available to the site.

Chapter 6 Recreation and Open Space

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

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following a swimming pool, pickle ball courts, pedestrian pathways, and sidewalks on both sides of the streets.

Chapter 7 Utilities

The proposed community complies with the Utilities section as follows:

- Water is anticipated to be provided by Artesian Water Company, Inc.
- The Hunters Creek community wastewater service will be provided by Sussex County.
- Adequate areas are provided for stormwater management and stormwater drainage.
- Arrangements will be made with a commercial trash hauler to provide trash collection for Hunters Creek.

Chapter 8 Housing

- The proposed community complies with the Housing section by providing housing to Sussex County residents.

Chapter 9 Economic Development

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

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

Chapter 10 Historic Preservation

- The proposed community complies with the Historic Preservation section as no known historic sites located on the site.

Chapter 12 Community Design

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

- The proposed community is a Coastal Area cluster subdivision.
- Street signage will be provided.
- Sidewalks are proposed on both sides of the streets.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- No direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, but the community will feature significant on-site sidewalks and pedestrian pathways.
- Buffers will be provided to adjacent residential uses.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

Chapter 13 Mobility Element

- The proposed community complies with the Mobility Element section, as entrance, roadway and off-site improvements necessitated by DeIDOT will be designed and constructed per DeIDOT standards.

EXHIBIT 1

File #: 2022-11
Pre-App Date: _____

Sussex County Major Subdivision Application
Sussex County, Delaware

2022 05565
2022 05566

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: _____
Coastal Area: _____

Location of Subdivision:

34097 & 34137 OMAR ROAD

Proposed Name of Subdivision:

HUNTERS CREEK

Tax Map #: 134-11.00-102.00 & 103.00 Total Acreage: ± 28.78 Ac.

Zoning: MR Density: 3.30 DU/AC Minimum Lot Size: 7500 SQ. FT. Number of Lots: 95

Open Space Acres: ± 7.00

Water Provider: ARTESIAN WATER CO. Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: SALT AIR PROPERTIES, LLC
Applicant Address: 2500 WRANGLE HILL ROAD, SUITE 101
City: BEAR State: DE Zip Code: 19701
Phone #: _____ E-mail: bob@lighthouse-realtyfund.com

Owner Information

Owner Name: SEE ATTACHED
Owner Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: PLITKO, LLC (CONTACT: ROB PLITKO)
Agent/Attorney/Engineer Address: 53 ATLANTIC AVENUE, SUITE 3
City: OCEAN VIEW State: DE Zip Code: 19970
Phone #: 302-537-1919 E-mail: rplitko@plitko.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

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

R.W. Blakely (Putko, LLC)

Date: 4/6/22

Signature of Owner

SEE ATTACHED

Date: _____

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: _____

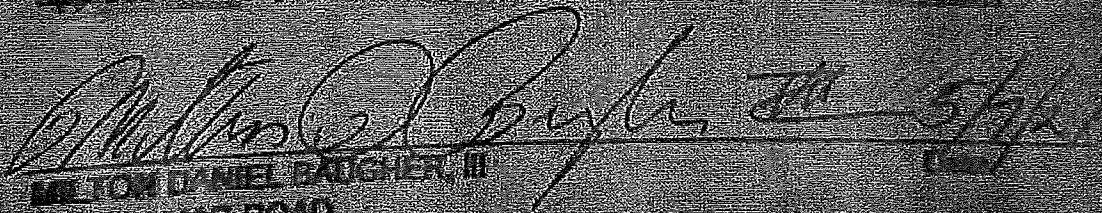
Project Name:

Owner's Statement:

By signing the Owner's Plan Development Approval Statement, I hereby grant my permission to use that signature, by scan, on the preliminary plans to be submitted to the Sussex County Planning and Zoning Department and the Office of State Planning and Coordination. I also authorize my signature to be used on any subsequent permit drawings associated with this project in the normal course of regulatory approval.

Should any major revisions to the plan be required, I will be notified by the Development Agent as to those changes and be given an opportunity to review those plans before my signature is used. A copy of all plans submitted with my scanned signature will be forwarded to me by the developer/developer's agent.

OWNER'S PLAN DEVELOPMENT APPROVAL PARCEL 134-11-00-102-00
I, as Owner of the property listed above, have reviewed the application and approve of the application as submitted.


MILTON DANIEL RAUCHER, III
34057 OMAR ROAD
FRANKFORD, DE 19945



Oak Square Suite 3 Ocean View Delaware 19970
 Phone: (302) 537-1919 Fax: (302) 539-0328
 Email: landzn@aol.com

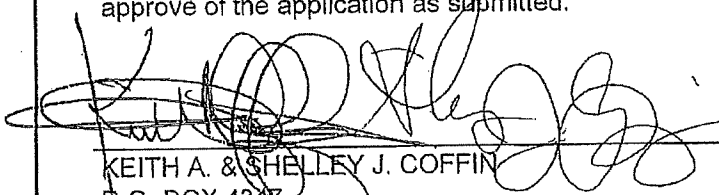
Project Name

Owner's Statement:

By signing the Owner's Plan Development Approval Statement, I hereby give my permission to use that signature, by scan, on the preliminary plans to be submitted to the Sussex County Planning and Zoning Department and the Office of State Planning Coordination. I also authorize my signature to be used on any subsequent permit drawings associated with this project in the normal course of regulatory approvals.

Should any major revisions to the plan be required, I will be notified by the Developer/ Agent as to those changes and be given an opportunity to review those plans before my signature is used. A copy of all plans submitted with my scanned signature will be forwarded to me by the developer/ developer's agent.

OWNER'S PLAN DEVELOPMENT APPROVAL, PARCEL 134-11.00-103.00:
 I, as Owner of the property listed above, have reviewed this plan and
 approve of the application as submitted.



5/6/2021

Date

KEITH A. & SHELLEY J. COFFIN
 P.O. BOX 4347
 OCEAN CITY, MD 21843

4/28/2021

LANDDESIGN, Inc

HICKORY MANOR RD.

PARCEL
134-11.00-102.00
MILTON DANIEL
BAUGHER III
MR ZONING

PARCEL
134-11.00-103.00
KEITH A COFFIN
SHELLEY J COFFIN
MINNIE BERTRAND
HRS
MR ZONING

**PROJECT
PARCELS**
NOT TO SCALE

PARCEL
134-11.00-102.00

N 02°06'11" W
1585.32'
(PROPERTY LINE
TO BE
ABANDONED)

DELDOT R/W DEDICATION
847 SQ.FT. (0.02 AC.)

OMAR ROAD

EXHIBIT 2

PROPERTY OWNERS WITHIN 200' OF PARCELS 134-11.00-102.00 & 103.00

JAMES L. MCFALL
TM 134-11.00-92.00

JAMES L. MCFALL
TM 134-11.00-90.00

GERALD B. RICHARDSON
TM 134-11.00-89.01

GERALD B. RICHARDSON
TM 134-11.00-89.00

BETHEL TABERNACLE OF CLARKSVILLE, INC.
TM 134-11.00-87.00

ALEXANDRO S. TSELEPIDAKIS
TM 134-11.00-104.01

ALLEN C. & MARY D. CURTIS
TM 134-11.00-104.02

MICHAEL A. STOFFA
TAX MAP: 134-11.00-104.00

CARL T. BOYD
TM 134-11.00-125.00

CHARLES H. & SUE K. STATTEL
TM 134-11.00-126.00

KIM T. LLOYD
TM 134-11.00-127.00

ORLAN C. HANKS
OLD MILL ROAD LAND CO. LLC
TM 134-11.00-128.00

ALBERT T. & LISA ANN LEWIS
TM 134-11.00-129.00

DELORES D. O'NEAL
TM 134-11.00-130.00

MICHAEL H. MORRIS
TM 134-11.00-131.00

CATHERINE B. MORRIS
TM 134-11.00-132.00

JOHN L. STEPHENS
TM 134-11.00-133.00

TODD M. GRICHER
TM 134-11.00-134.00

NATALIE J. & DENNIS E. GREEN
TM 134-11.00-135.00

ALLEN RAY GEISLER
134-11.00-136.00

DARWIN DRAPER
TM 134-11.00-137.00

GERALD W. & LYDIA GRIFFITH
TM 134-11.00-138.00

WILLIAM & REBECCA BOYLES
TM 134-11.00-139.00

LOUIS J. TRAVALINI
TM 134-11.00-141.00

MARTIN J. SULLIVAN
TM 134-11.00-21.02

NATHAN E. & TERI M. WILKINSON
TM 134-11.00-21.01

LAWRENCE & DOROTHY A. DYPISKY
TM 134-11.00-101.12

LAWRENCE & DOROTHY A. DYPISKY
TM 134-11.00-101.09

SARAH SPANGENBURG
TM 134-11.00-21.00

DONALD D. CAREY JR. & KATHY S. CAREY
TM 134-11.00-101.07

BARBARA J. MORIN
TRUSTEE OF BARBARA J. MORIN REVOCABLE TRUST
TM 134-11.00-101.02

GERALD T. & ROSEANNE MCGEE
TM 134-11.00-101.01

CARL J. ELLIS
TM 134-11.00-101.03

HICKORY WOODS HOMEOWNERS ASSOCIATION INC.
TM 134-11.00-101.00

ZACHARY JAMES SMITH
TM 134-11.00-838.00

RALSTON W. LINN
TM 134-11.00-837.00

TERESA M. ENDERS
TM 134-11.00-836.00

MICHAEL E. SCHUCHMAN
TM 134-11.00-835.00

JOHN WILLIAM BRADY JR
TM 134-11.00-834.00

JAMES C. DORAN
TM 134-11.00-101.20

GREGORY CANE
TM 134-11.00-833.00

EXHIBIT 3

Property Information

Property Location: 34097 OMAR RD
 Unit:
 City: FRANKFORD
 Zip: 19945
 State: DE
 Class: RES-Residential
 Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
 Town: 00-None
 Tax District: 134 - BALTIMORE
 School District: 1 - INDIAN RIVER
 Council District: 4-Hudson
 Fire District: 84-Millville
 Deeded Acres: 5.2300
 Frontage: 0
 Depth: .000
 Irr Lot:
 Plot Book Page: /PB
 100% Land Value: \$10,000
 100% Improvement Value: \$31,500
 100% Total Value: \$41,500

Legal

Legal Description: N/RT 54 1450'
 E/RT 346

Owners

Owner	Co-owner	Address	City	State	Zip
SALT AIR PROPERTIES LLC		8 N HAMPSHIRE CT	GREENVILLE	DE	19807

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/12/2021	5568/256	\$300,000.00			SALT AIR PROPERTIES LLC
11/04/1988	3375/182	\$37,900.00	\$758.00	0	
07/24/1984	/	\$16,900.00	\$338.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	SALT AIR PROPERTIES LLC		8 N HAMPSHIRE CT	GREENVILLE	DE	19807	5568/256
2020	BAUGHER MILTON DANIEL III		34097 OMAR RD	FRANKFORD	DE	19945	3375/182
2019	BAUGHER MILTON DANIEL III		34097 OMAR RD	FRANKFORD	DE	19945	3375/182
2018	BAUGHER MILTON DANIEL III		34097 OMAR RD	FRANKFORD	DE	19945	3375/182
2017	BAUGHER MILTON DANIEL III		34097 OMAR RD	FRANKFORD	DE	19945	3375/182
2007	BAUGHER MILTON DANIEL III		34097 OMAR RD	MILLSBORO	DE	19945	3375/182
2006	BAUGHER NANCY ANN		1101 HOUSTON ACRES	MILLSBORO	DE	19966	0/0
1900	CROPPER MARTHA WALTER HRSHELENA					0	1610/117

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	0	0	5.2300	

Land Summary

Line	1
100% Land Value	10,000

Residential

Card	1
Class	Residential
Style	Single Family
Year Built	1988
Occupancy	0
Stories	1.00
Basement	0-None
Total Fixtures	9
Heating	53 - Heat - Forced Hot Air
Air Condition	DT - A/C Central
Electricity	3-Public
Foundation	31 - Foundation - Masonry
Exterior Wall	1-Frame or Block
Siding	3-Aluminum/Vinyl
Roof Type	2-Gable
Roofing	21 - Roofing - Wood
Elevator	-
Width	
Depth/Length	
Color	
Description	
MH Skirting	
MH Permit #	
MH Serial #	

Additions

Card #	Addition #	Area
1	0	1,232
1	1	384
1	2	768

Addition Details

1 of 3

Card #	1
Addition #	0
Lower	-
First	-
Second	-
Third	-
Area	1,232
Year Built	1988

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$10,000	\$31,500	\$41,500

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$5,000	\$15,750	\$20,750

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
22-MAY-2018	201805381	\$7,440	12X20 SHED 25X18 DECK UNDER 30"
09-NOV-1988	10293-1	\$100,000	DW.W/GARAGE & SHED-N/541200' E/346

Tax Parcels # 134-11.00-102.00

Prepared by: William J. Rhodunda, Jr.

Rhodunda Williams & Kondraschow

1521 Concord Pike, Ste. 205

Wilmington, DE 19803

Return To: Salt Air Properties, LLC

8 N. HAMPSHIRE CT.

Greenville, DE 19807

THIS DEED, made this 4 day of OCTOBER, in the year of our Lord Two Thousand Twenty-One (2021).

BETWEEN,

MILTON DANIEL BAUGHER, III, a resident of the State of Delaware, party of the first part,

AND

SALT AIR PROPERTIES, LLC, a limited liability company of the State of Delaware, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of THREE HUNDRED THOUSAND DOLLARS and NO/00 (\$300,000.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, and his heirs and assigns, in fee simple, the following described land, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece or parcel of land situate, lying and being on the northerly side of County Route 54, near Clarksville, Baltimore Hundred, Sussex County, Delaware and more particularly described as follows, to-wit:

BEGINNING at a steel bar set on the northerly right-of-way line of County Route 54, said beginning point being also the common boundary corner for these lands and lands N/F of Adelaide M. McGann; thence by and with the northerly right-of-way line of said County Route 54, the following two courses and distances, S 88° 38' 29" W, 79.79'; thence by and with a curve bearing to the left whose chord bearing and distance are S 86° 46' 01" W, 57.40' to lands N/F of Wesley Calhoun; thence by and with said lands of Wesley Calhoun, N 01° 57' 57" W, 1585.39' to lands N/F of Raymond Banks; thence by and with lands of said Raymond Banks, N 88° 01' 13" E, 150.62' to lands N/F of Adelaide McGann; thence by and with lands of Adelaide McGann, S 01° 28' 47" E, 1585.06' to the beginning and containing 5.23 acres more or less, as surveyed by Loewenstein, Soule, and Associates, Inc., in May 1984.

"EXCEPTING AND RESERVING ANY AND ALL OUT CONVEYENCES FROM ORIGINAL TRACT OF LAND"

SUBJECT TO all restrictions, easements, reservations and agreements of record, together with the benefit of same.


BEING the same lands and premises which Nancy Ann Baugher, by Deed dated October 24, 2006, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, and the State of Delaware in Deed Book 3375, Page 182, did grant and convey unto Milton Daniel Baugher, III, in fee.

GRANTEE'S ADDRESS:
8 N. HAMPSHIRE CT.
Greenville, DE 19807

IN WITNESS WHEREOF, the party of the first part have hereunto set his hand and seal the day and year aforesaid

**SEALED AND DELIVERED IN
THE PRESENCE OF**


Witness

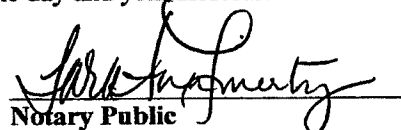

MILTON DANIEL BAUGHER, III

STATE OF Delaware
COUNTY OF Sussex : to-wit

BE IT REMEMBERED, that on this 4 day of October, 2021, personally came before me, the Subscriber, Milton Daniel Baugher, III, 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

My Commission Expires: 8/6/2022

Property Information

Property Location: 34137 OMAR RD
 Unit:
 City: FRANKFORD
 Zip: 19945
 State: DE
 Class: AGR-Agriculture
 Use Code (LUC): FH-AG W/ HOMESITE IN FAA
 Town: 00-None
 Tax District: 134 - BALTIMORE
 School District: 1 - INDIAN RIVER
 Council District: 4-Hudson
 Fire District: 84-Milville
 Deeded Acres: 23.6101
 Frontage: 0
 Depth: .000
 Irr Lot:
 Plot Book Page: /PB
 100% Land Value: \$6,000
 100% Improvement Value: \$11,900
 100% Total Value: \$17,900

Legal

Legal Description: S/S RD 346 50' SW
 OF RT 26
 FX

Owners

Owner	Co-owner	Address	City	State	Zip
SALT AIR PROPERTIES LLC		2500 WRANGLE HILL RD STE 110	BEAR	DE	19701

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
04/29/2022	5692/41	\$1,250,000.00			SALT AIR PROPERTIES LLC
09/06/2018	4944/253	\$450,000.00			COFFIN KEITH A

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	SALT AIR PROPERTIES LLC		2500 WRANGLE HILL RD STE 110	BEAR	DE	19701	5692/41
2020	COFFIN KEITH A	SHELLEY J COFFIN MINNIE BERTRAND HRS	PO BOX 4347	OCEAN CITY	MD	21843	4944/253
2019	COFFIN KEITH A	SHELLEY J COFFIN MINNIE BERTRAND HRS	PO BOX 4347	OCEAN CITY	MD	21843	4944/253
2018	COFFIN KEITH A	SHELLEY J COFFIN MINNIE BERTRAND HRS	PO BOX 4347	OCEAN CITY	MD	21843	4944/253
2017	URQUHART PATRICIA ANN		54 BOUSTEAD AVE M6R1Y9	TORONTO CANADA		0	353/126
2010	URQUHART PATRICIA ANN		54 BOUSTEAD AVE M6R1Y9	TORONTO CANADA		0	353/126
2005	URQUHART PATRICIA ANN		54 BOUSTEAD AVE M6R1Y9	TORONTO CANADA		0	353/126
2004	URQUHART PATRICIA ANN		54 BORESTEAD AVE M6R1Y9	TORONTO	CA	0	353/126
2001	URQUHART PATRICIA ANN		54 BORESTEAD AVE M6R1Y9	TORONTO	CA	0	3530/126
1900	MCGANN BRADFORD L ADELAIDE M					0	1096/131

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	FH	0	0	23.6101	Y
2	AGR	FH	0	0	23.6101	Y

Land Summary

Line

100% Land Value

2,000

Agricultural Land

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acreage	Rate	Value:
1	1		FH		.0001		2000
2	2		FH		.0001		4000

Agriculture Totals

Agricultural Acres 23.6100

Residential

Card 1
 Class Agricultural
 Style Mixed Use Residential and Agricultural
 Year Built 1913
 Occupancy 1
 Stories 2.00
 Basement 0-None
 Total Fixtures 3
 Heating 50 - Heat - None
 Air Condition DN - A/C None
 Electricity 3-Public
 Foundation 31 - Foundation - Masonry
 Exterior Wall 1-Frame or Block
 Siding 1-Wood
 Roof Type 2-Gable
 Roofing 21 - Roofing - Wood
 Elevator -
 Width
 Depth/Length
 Color
 Description
 MH Skirting
 MH Permit #
 MH Serial #

Additions

Card #	Addition #	Area
1	0	600
1	1	198
1	2	140
1	3	140
1	4	140

Addition Details

1 of 5

Card # 1
 Addition # 0
 Lower -
 First -
 Second -
 Third -
 Area 600
 Year Built 1913

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	UF6-UTILITY FAIR 501+	30	24	0	720

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$6,000	\$11,900	\$17,900

50% Values

50% Land Value
\$3,000

50% Improv Value
\$5,950

50% Total Value
\$8,950

Permit Details

Permit Date:
18-DEC-2008

Permit #:
10294-1

Amount:
\$1,000

Note 1
SIDING & WINDOWS-S/RD 346 50'SW/RT 26

Parcel # 134-11.00-103.00

PREPARED BY: Rhodunda Williams & Kondraschow

1521 Concord Pike, Suite 205

Wilmington, DE 19803

RETURN TO: Salt Air Properties, LLC

2500 Wrangle Hill Rd., Ste. 110

Bear, DE 19701

THIS DEED, Made this, 29th day of MARCH, in the year of our Lord Two Thousand Twenty-Two (2022).

BETWEEN,

KEITH A. COFFIN AND SHELLEY J. COFFIN, residents of the State of Maryland,
party of the first part,

AND

SALT AIR PROPERTIES, LLC, a limited liability company of the State of Delaware,
party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS and NO/100 (\$1,250,000.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL THAT CERTAIN piece, parcel or tract of land, situated in Baltimore Hundred, Sussex County and State of Delaware, and lying on the North side of County Road from Blackwater to Clarksville (Route 54), adjoining lands now or formerly of Mary E. West, Mrs. Frank Howard, Eddie Moore (deceased) and others, bounded and described as follows, to wit:

BEGINNING at a White Oak Tree on the North side of County Road (Route 54), 15 feet from center of said road, running North 87' West, 41 1/2 perches down said road to a stake; thence North 1 degree 39' East 120 perches to a stake; thence North 16 degrees 39' East, 8 perches; thence South 55 degrees 6' East 14 perches to a stake on the East side of County Road (Route 54); thence North 27 degrees 54' East 20 1/2 perches to a stake in Branch and near Dires Old Mill; thence North 88 degrees 8' East, 5 perches to a stake and land now or formerly of Eddie Moore (deceased); thence with same South 1 degree 39' West, 87.2 perches to pine; thence South 13 degrees 6' West, 54 perches home to the place of Beginning, containing 24 acres and 97 square perches of land, be the same more or less, with any improvements thereon, as surveyed in 1869.

EXCEPTING AND RESERVING THEREFROM OUTCONVEYANCE of 32,870 square foot tract of Frederick L. Donaldson and Mary W. Donaldson in Deed dated September 9,

1996 and recorded in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 2148, Page 48.

SUBJECT to all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and **SUBJECT** to any state of facts an accurate survey would show.

BEING the same lands and premises which Patricia Ann Urquhart, dated August 13, 2018, and recorded in the Office of the Recorder of Deeds in and for Sussex County and State of Delaware, in Deed Book 4944, Page 253, did grant and convey unto Keith A. Coffin and Shelley J. Coffin, in fee.

Grantees Address

2500 Wrangle Hill Rd., Ste. 110

Bear, DE 19701

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

Sealed and delivered
In the presence of:

Carlyndia Davis
Witness

Keith A. Coffin (SEAL)
KEITH A. COFFIN

Carlyndia Davis
Witness

Shelley J. Coffin (SEAL)
SHELLEY J. COFFIN

State of Maryland)
) ss
Wicomico County)

BE IT REMEMBERED, that on this 28 day of March, 2022, personally came before me, a Notary Public for the State of Delaware, Keith A. Coffin and Shelley J. Coffin, parties to this Indenture, known to me personally to be such, and acknowledged this Instrument of Writing to be their act and deed.

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

Lisa Kay Gordy
Notary Public

My Commission Expires: 2/24/2024

Lisa Kay Gordy Notary Public
Wicomico County Maryland
My Commission Exp 2/24/24.



EXHIBIT 4

Sussex County

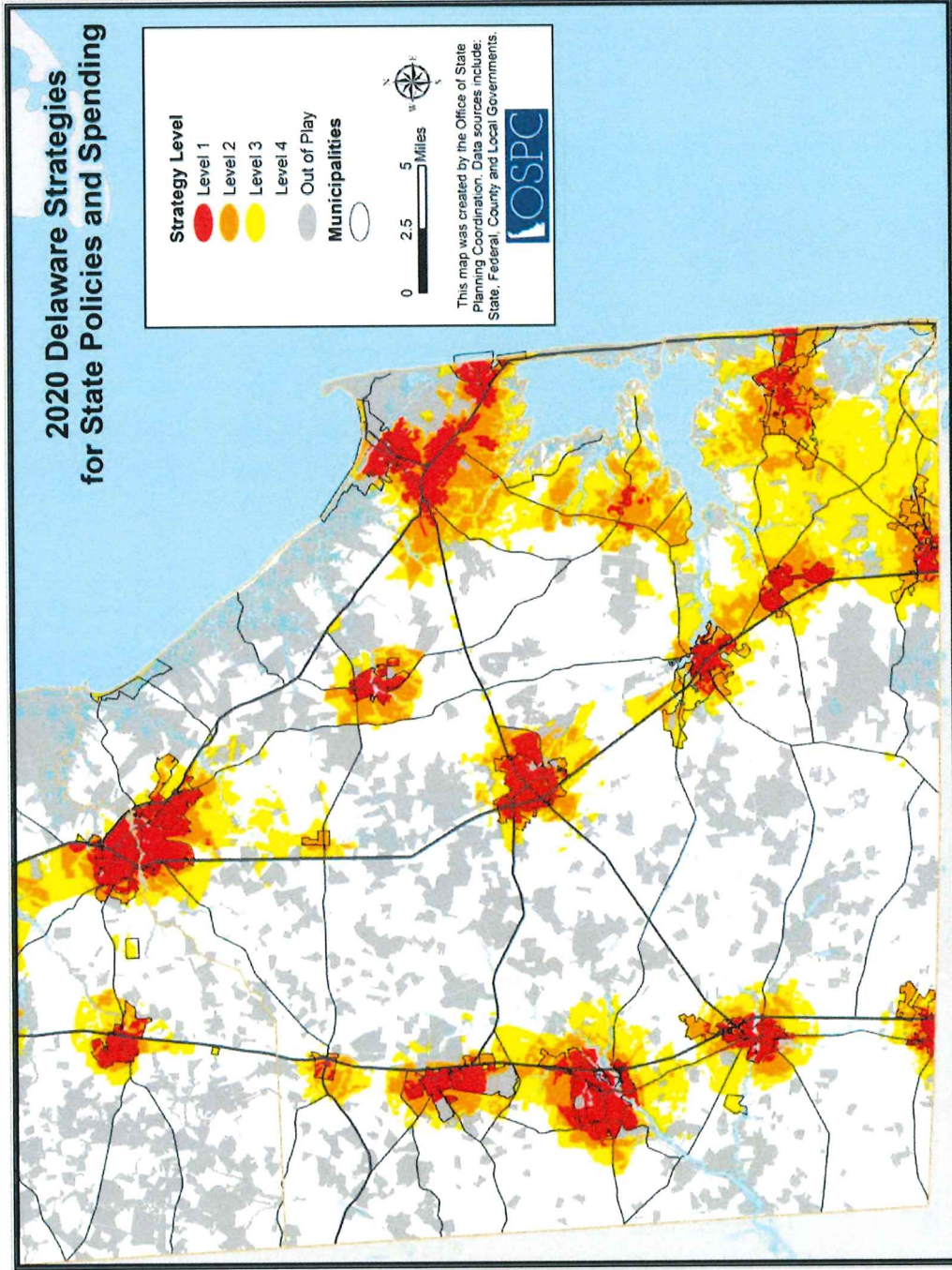
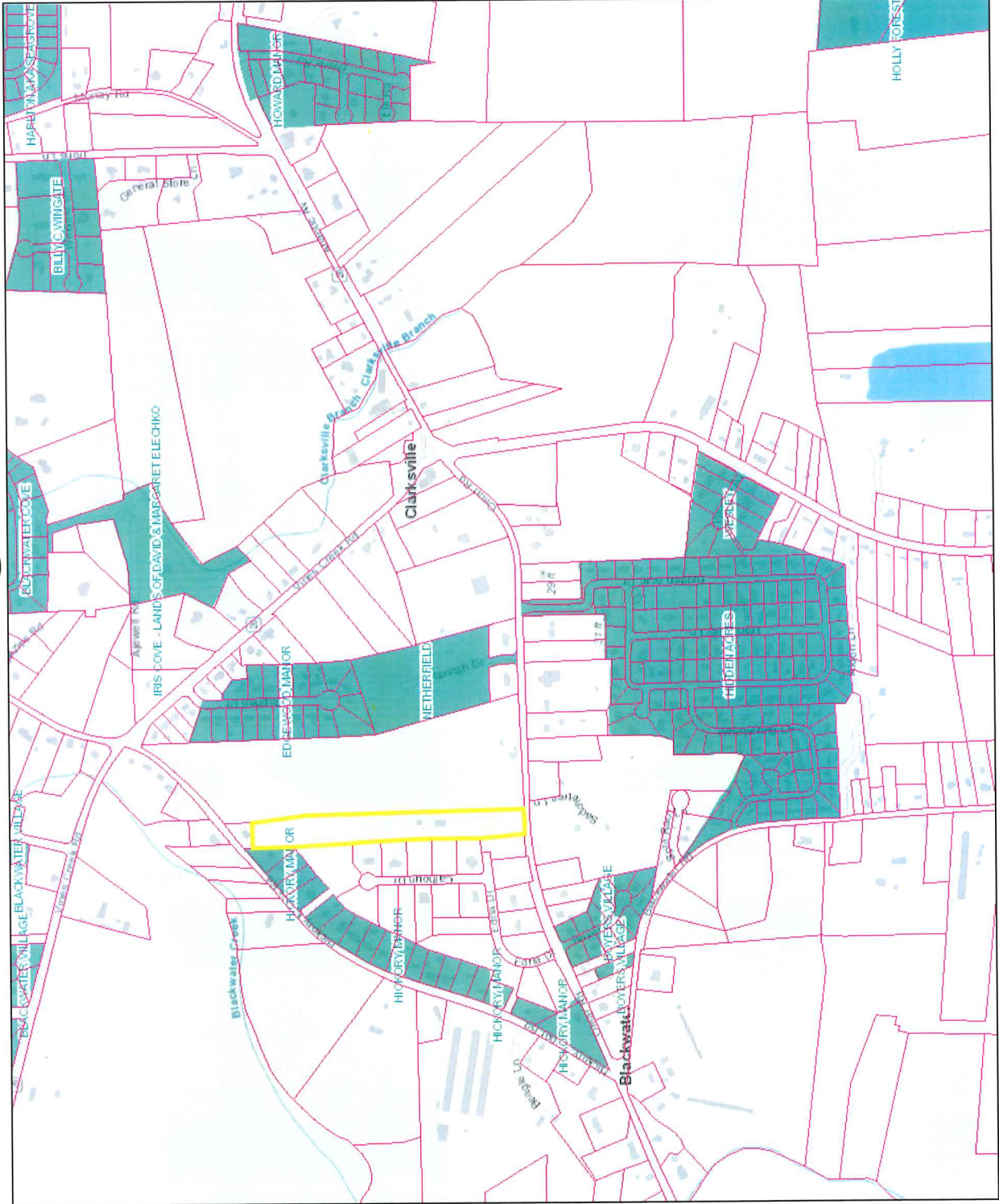


EXHIBIT 5

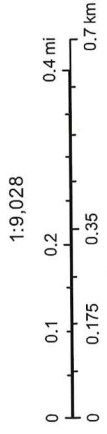


Sussex County



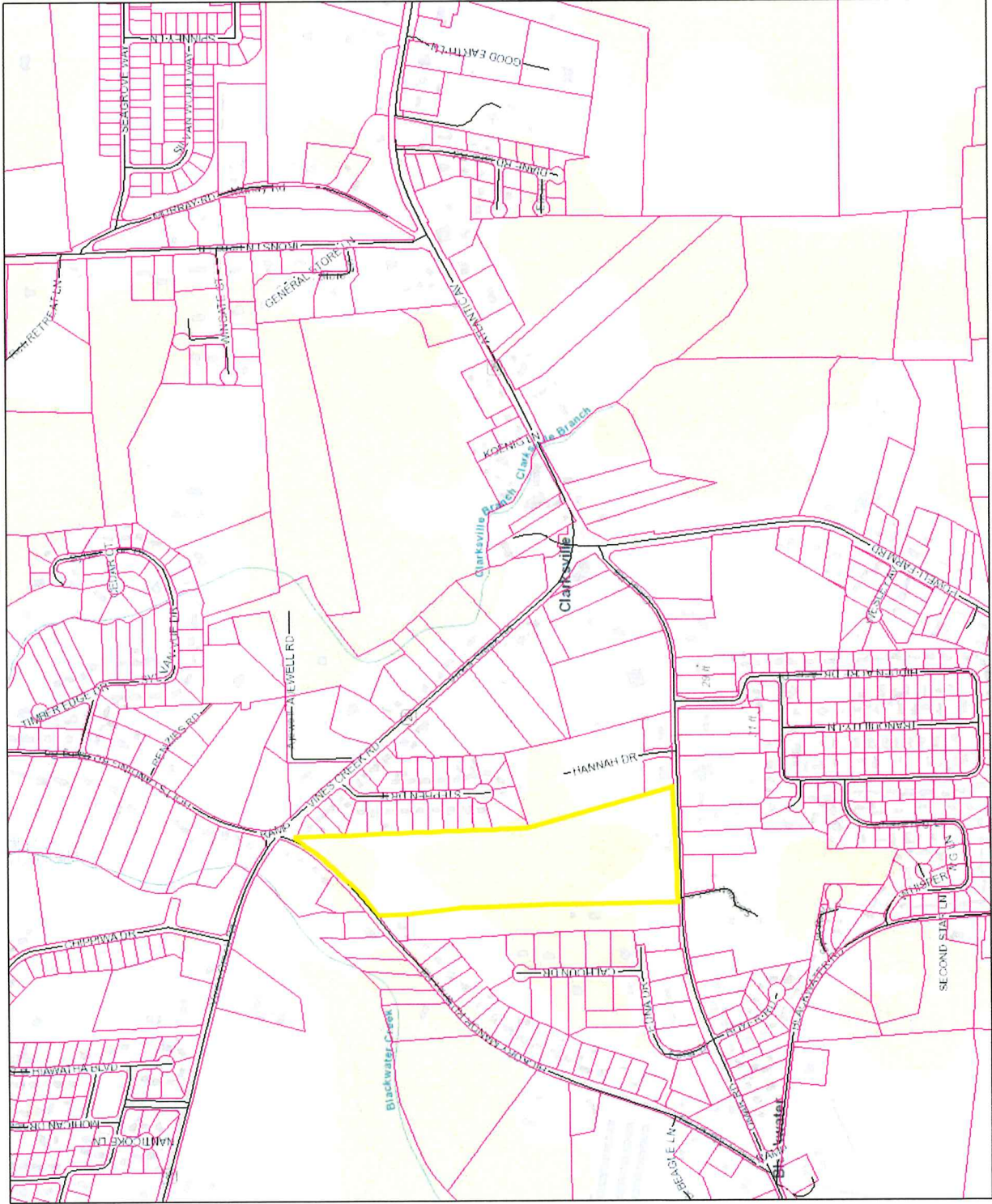
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Owner Name	SALT PROPERTIES LLC	AIR
Book	5568	
Mailing Address	8 N HAMPSHIRE CT	
City	GREENVILLE	
State	DE	
Description	N/RT 54 1450'	
Description 2	E/RT 346	
Description 3	N/A	
Land Code		

- | | |
|--------------|-------------------|
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| polygonLayer | Override 1 |
| | Tax Parcels |
| | County Boundaries |
| | Subdivisions |



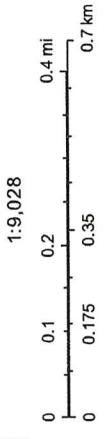


Sussex County



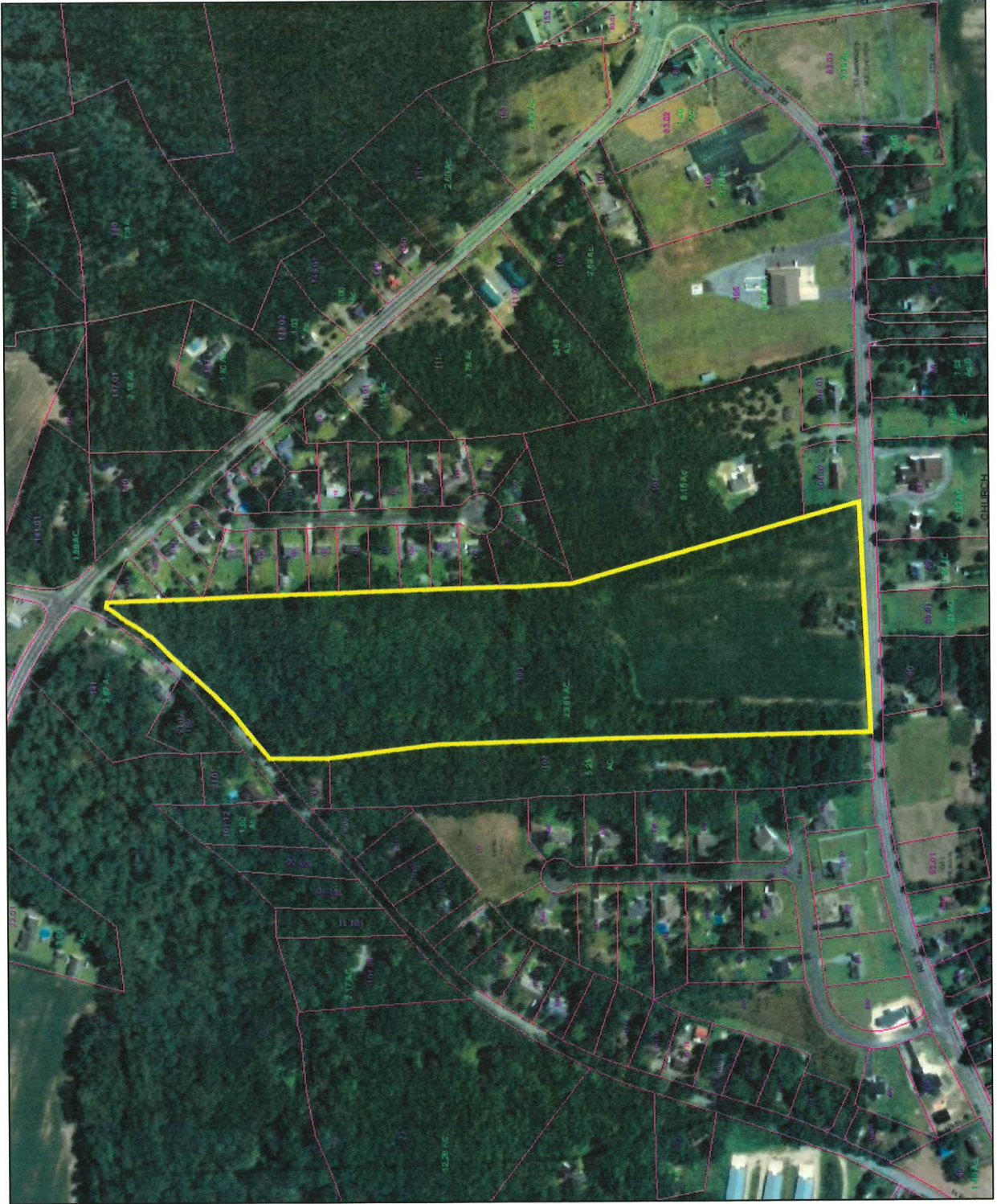
PIN:	134-11.00-103.00
Owner Name	SALT AIR PROPERTIES LLC
Book	5692
Mailing Address	2500 WRANGLE HILL RD S
City	BEAR
State	DE
Description	S/S RD 346 50' SW
Description 2	OF RT 26
Description 3	FX
Land Code	

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



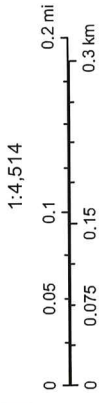


Sussex County



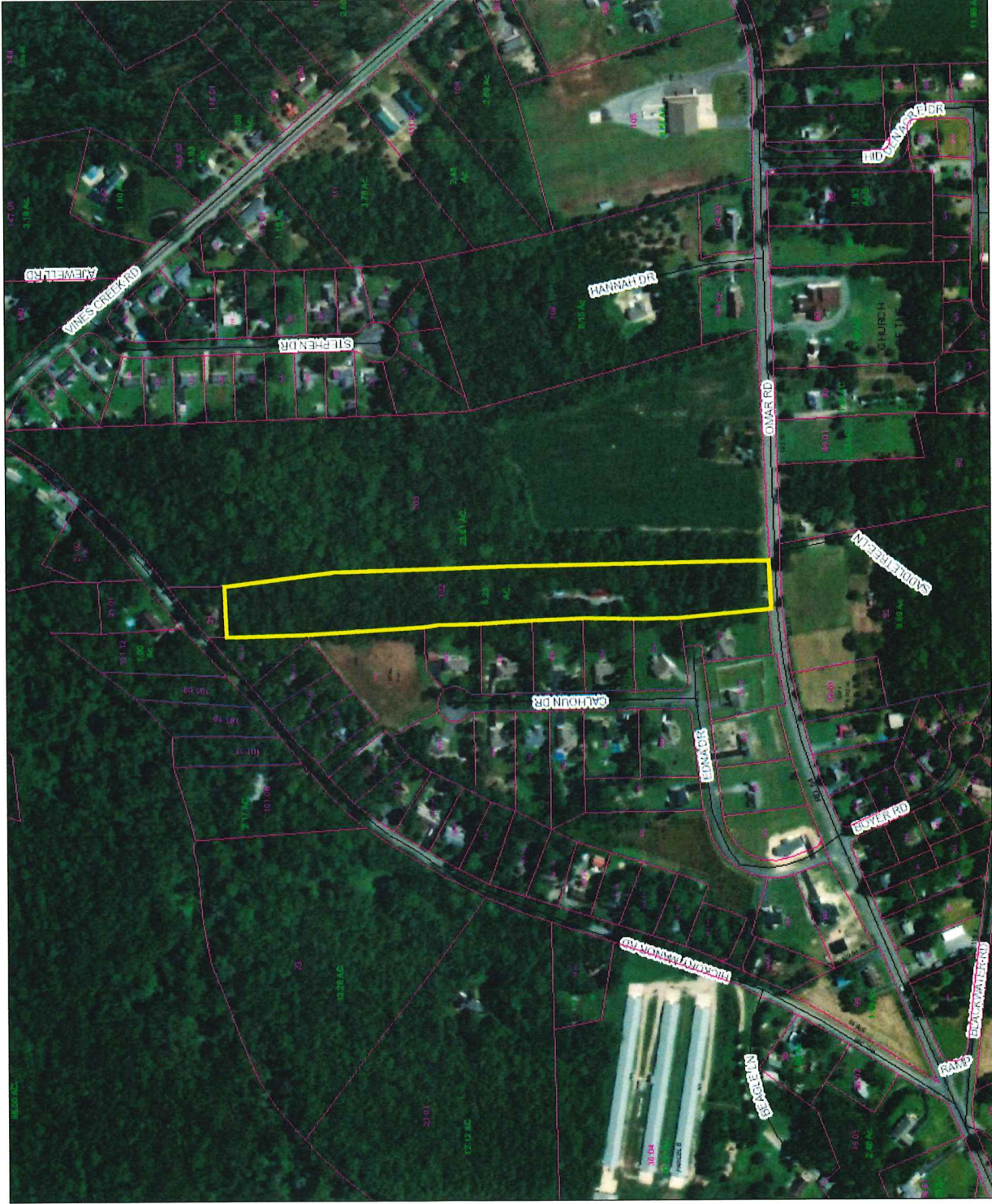
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Owner Name	SALT PROPERTIES LLC	AIR
Book	5692	
Mailing Address	2500 WRANGLE HILL RD S	
City	BEAR	
State	DE	
Description	S/S RD 346 50' SW	
Description 2	OF RT 26	
Description 3	FX	
Land Code		

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



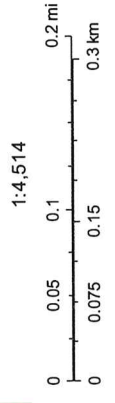


Sussex County



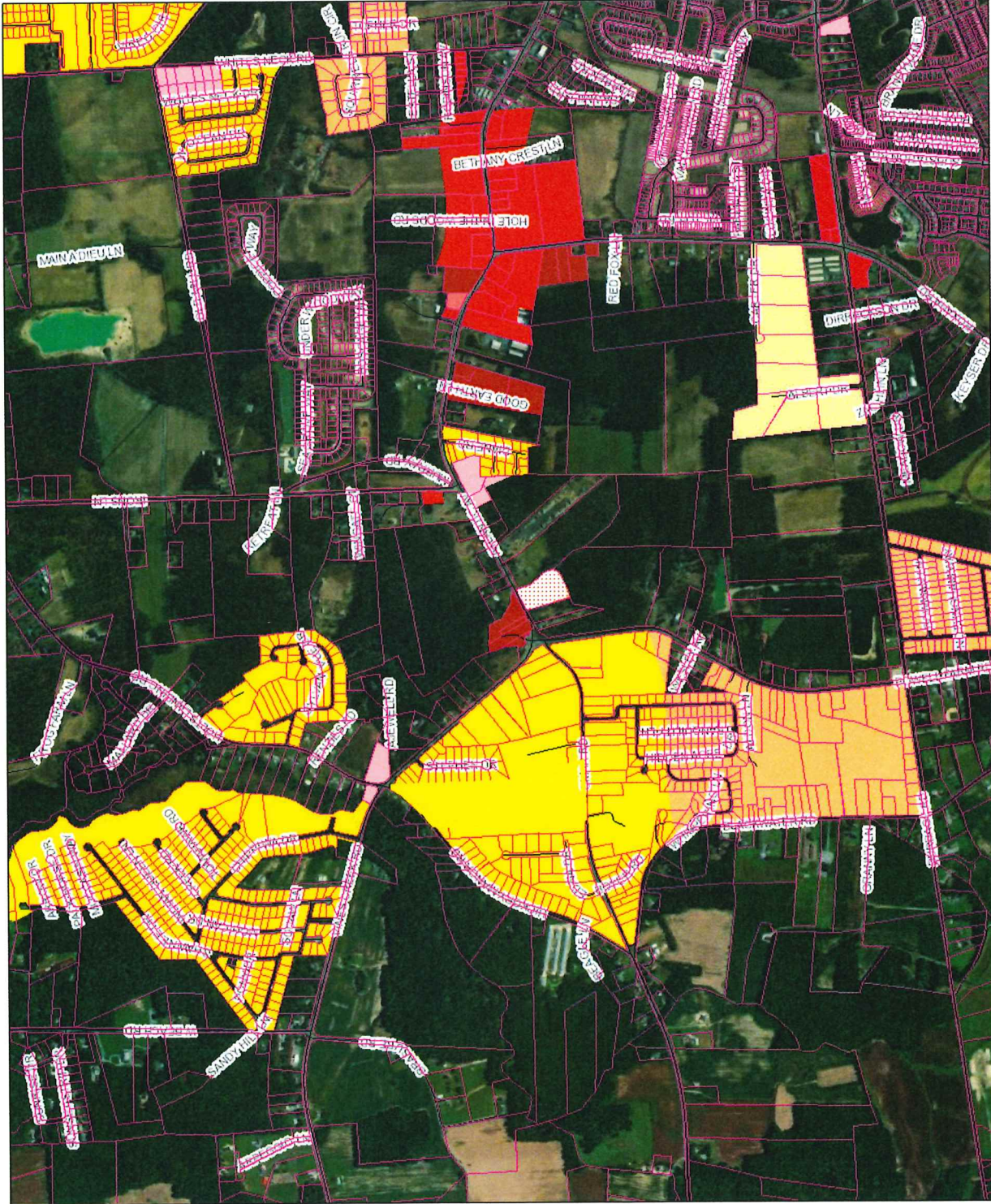
PIN:	134-11.00-102.00
Owner Name	SALT AIR PROPERTIES LLC
Book	5568
Mailing Address	8 N HAMPSHIRE CT
City	GREENVILLE
State	DE
Description	N/RT 54 1450'
Description 2	E/RT 346
Description 3	N/A
Land Code	

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





Sussex County

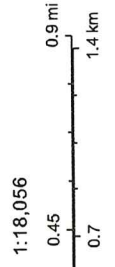


PIN:	134-11.00-103.00
Owner Name	SALT PROPERTIES LLC
AIR	DE
Book	5692
Mailing Address	2500 WRANGLE HILL RD S
City	BEAR
State	DE
Description	S/S RD 346 50' SW
Description 2	OF RT 26
Description 3	FX
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
- Tax Parcels
- Streets





Sussex County

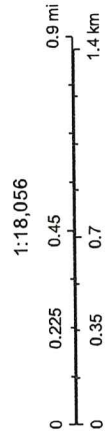


PIN:	134-11.00-103.00
Owner Name	SALT AIR PROPERTIES LLC
Book	5692
Mailing Address	2500 WRANGLE HILL RD S
City	BEAR
State	DE
Description	S/S RD 346 50' SW
Description 2	OF RT 26
Description 3	FX
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

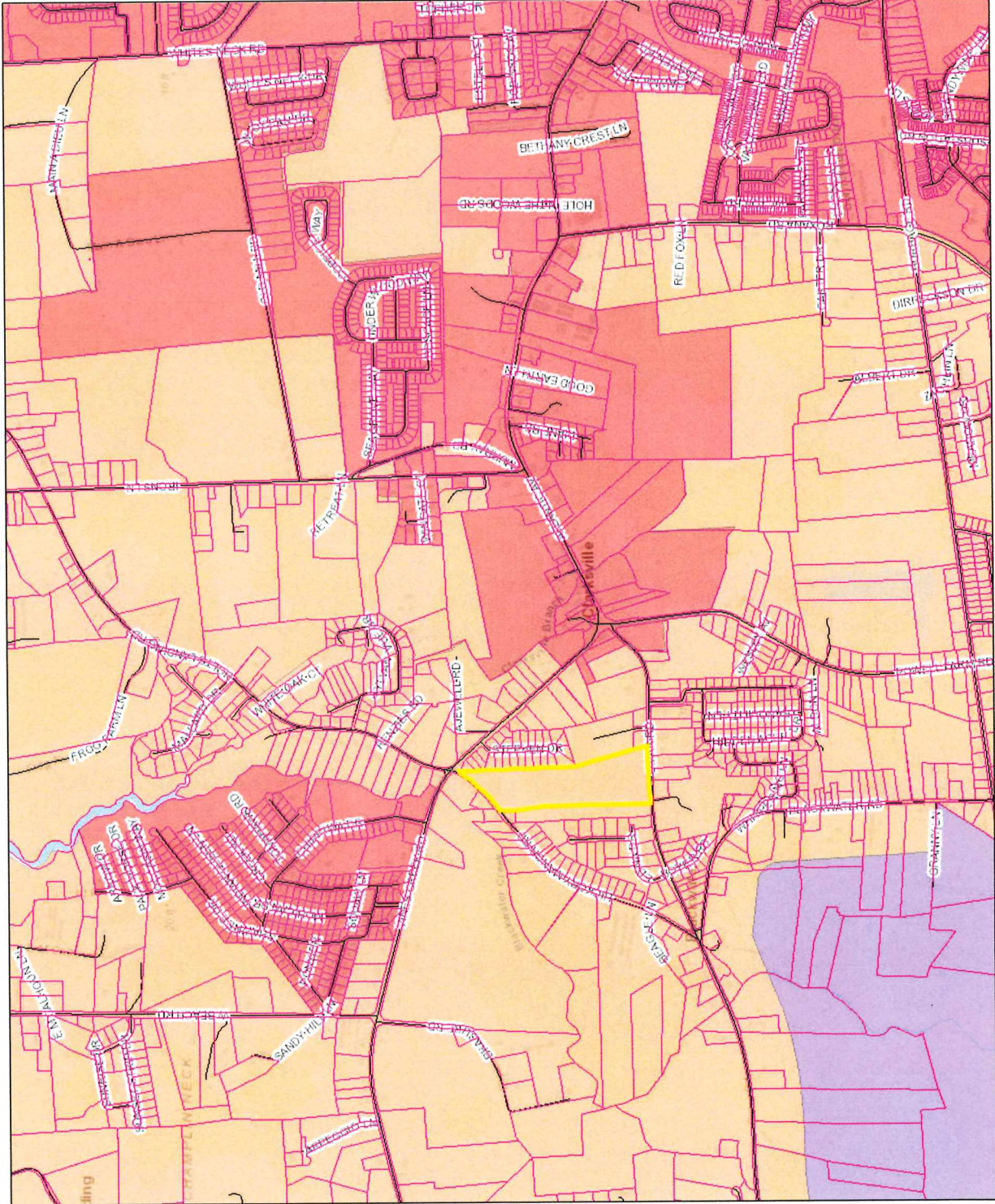
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries
 - Conditional Use



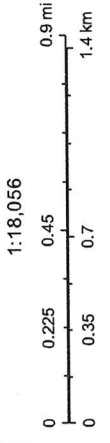


Sussex County

PIN:	134-11.00-103.00
Owner Name	SALT AIR PROPERTIES LLC
Book	5692
Mailing Address	2500 WRANGLE HILL RD S
City	BEAR
State	DE
Description	S/S RD 346 50' SW
Description 2	OF RT 26
Description 3	FX
Land Code	



- | | |
|--------------|------------|
| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
- | | |
|-----|-------------------|
| --- | Tax Parcels |
| --- | Streets |
| --- | County Boundaries |
- | | |
|-----|--|
| --- | Tier 1 - Sussex County Unified Sanitary Sewer District |
| --- | Tier 2 - Sussex County Planning Area |
| --- | Tier 3 - Coordinated CPCN Areas |
| --- | Tier 4 - System Optional Areas |
| --- | Tier 5 - Regulated On-site Area |





Sussex County



PIN:	134-11.00-103.00
Owner Name	SALT AIR PROPERTIES LLC
Book	5692
Mailing Address	2500 WRANGLE HILL RD S
City	BEAR
State	DE
Description	S/S RD 346 50' SW
Description 2	OF RT 26
Description 3	FX
Land Code	

polygonLayer
 Override 1
polygonLayer
 Override 1
 Tax Parcels
 Streets
 County Boundaries
Flood Zones 2018
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 A
 AE
 AO
 OPEN WATER
 VE
 LocalGov.GISDATA.GMZs

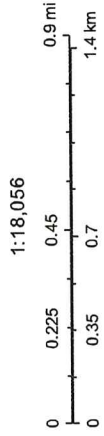
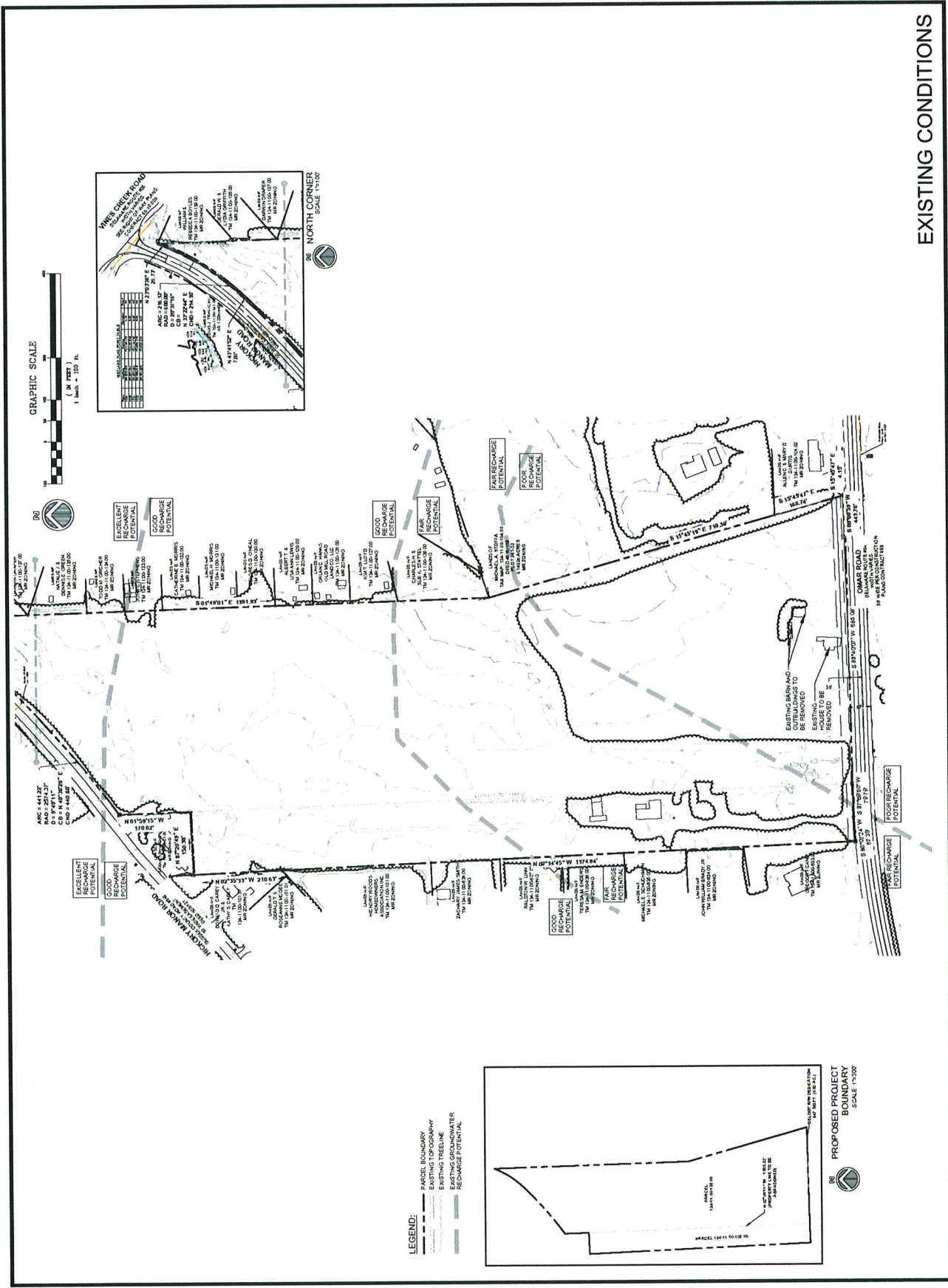


EXHIBIT 6

	PLTKO, LLC Surveying & Landscaping Architects 53 ATLANTIC AVE, STE 3 OCEAN VIEW, DE 19970 Phone (302) 537-1919		PRELIMINARY PLAN HUNTER'S CREEK 34097 & 34137 OMAR ROAD BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE	DATE: 6/25/22 DRAWING: RP REVIEW: RP	SHEET: 2
	REVISIONS 7/17/22-Review SWM and 7/27/22			PLTKO, LLC Surveying & Landscaping Architects 53 ATLANTIC AVE, STE 3 OCEAN VIEW, DE 19970 Phone (302) 537-1919	



EXISTING CONDITIONS

REVISIONS

7/27/22	REVISED SWM AND UPDATE
7/27/22	REVISED SWM AND UPDATE

LAND DESIGN

Surveying / Landscape Architecture
 3000 N. 10th Street, Suite 100
 Raleigh, NC 27605
 Phone: (919) 877-1919

PLTKO, LLC

35 ATLANTIC AVE. STE 3
 OCEAN VIEW, DE 19950
 Phone: (302) 632-1919

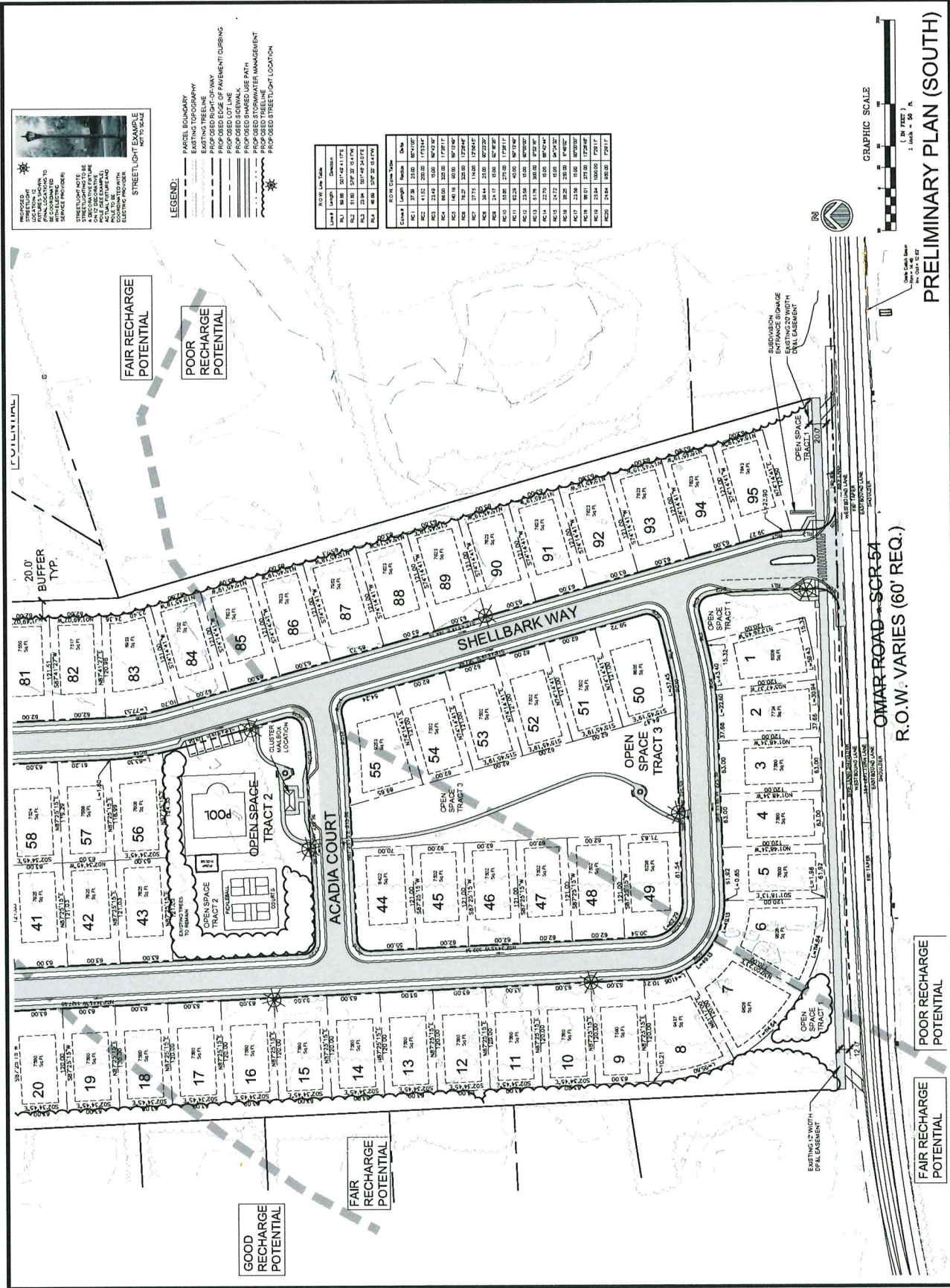
HUNTER'S CREEK

PRELIMINARY PLAN
 34097 & 34137 OMAR ROAD
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

3

SHEET

DATE: 6/29/22
 DRAWING: PWB
 REVIEW: RP



- LEGEND:**
- PHASE BOUNDARY
 - EXISTING TOPOGRAPHY
 - PROPOSED TREE LINE
 - PROPOSED RIGHT-OF-WAY
 - EXISTING DRIVEWAY
 - PROPOSED DRIVEWAY
 - PROPOSED LOT LINE
 - PROPOSED SIDEWALK
 - PROPOSED SHARED USE PATH
 - PROPOSED TREE LINE
 - PROPOSED STREET LIGHT LOCATION

Lot #	Length	Width	Area
81	100.00	100.00	10000.00
82	100.00	100.00	10000.00
83	100.00	100.00	10000.00
84	100.00	100.00	10000.00
85	100.00	100.00	10000.00
86	100.00	100.00	10000.00
87	100.00	100.00	10000.00
88	100.00	100.00	10000.00
89	100.00	100.00	10000.00
90	100.00	100.00	10000.00
91	100.00	100.00	10000.00
92	100.00	100.00	10000.00
93	100.00	100.00	10000.00
94	100.00	100.00	10000.00
95	100.00	100.00	10000.00
96	100.00	100.00	10000.00
97	100.00	100.00	10000.00
98	100.00	100.00	10000.00
99	100.00	100.00	10000.00
100	100.00	100.00	10000.00

PRELIMINARY PLAN (SOUTH)

GRAPHIC SCALE
 1" = 50' (1" IN FEET)
 1" = 100' (1" IN FEET)

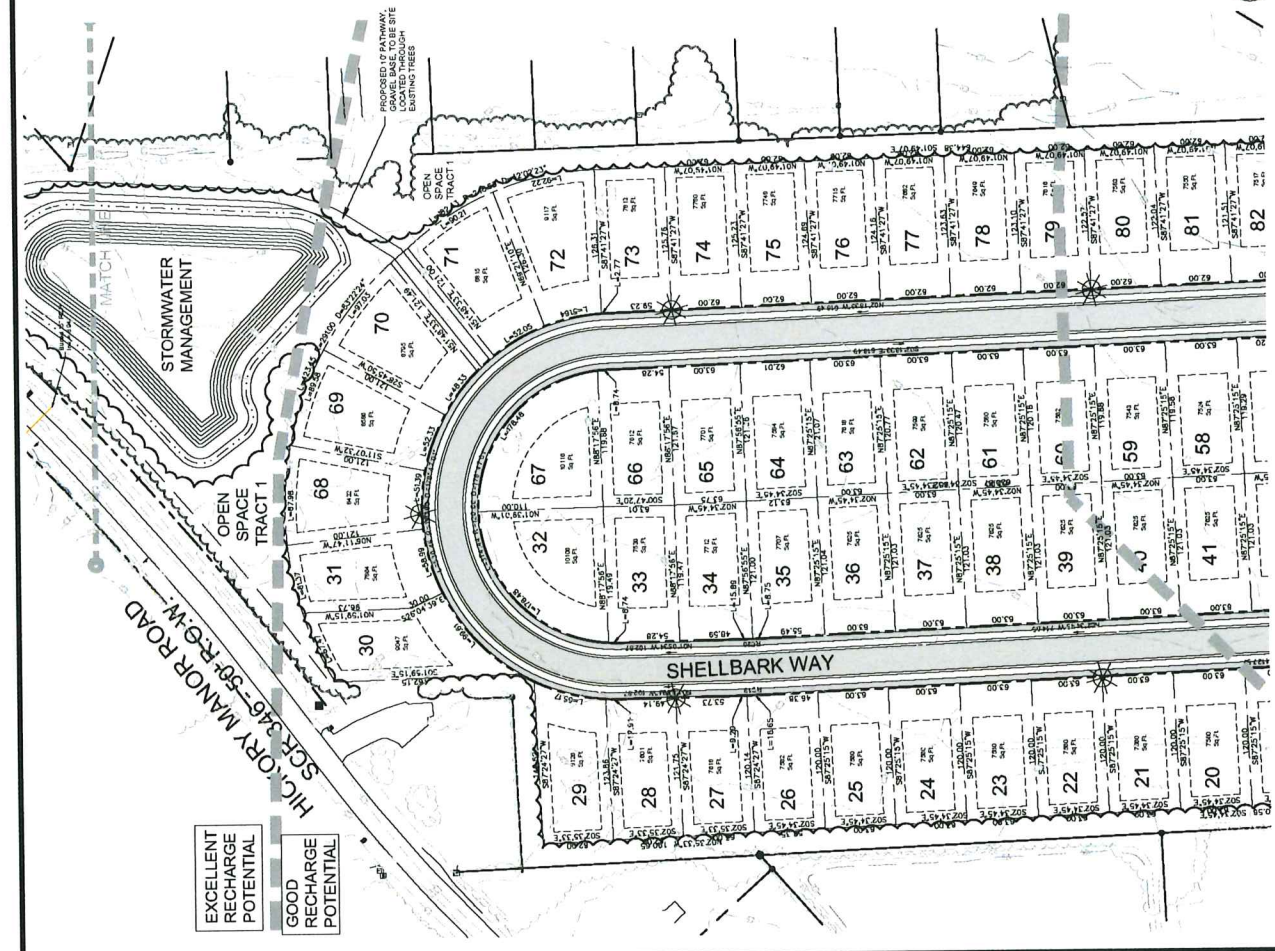
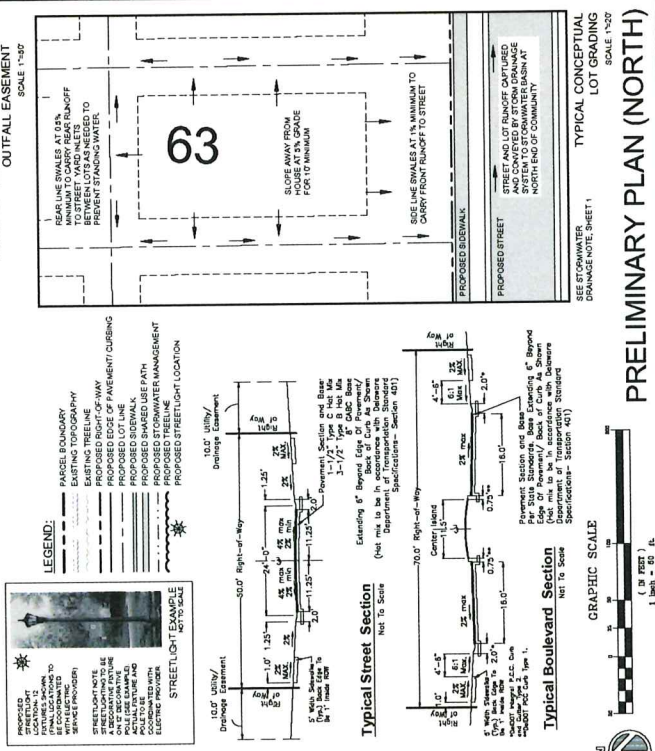
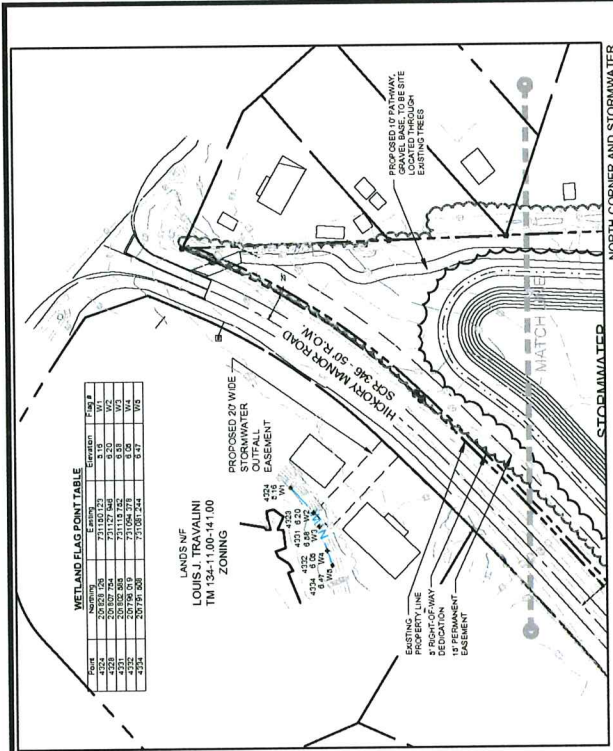
PLITKO, LLC
 53 ATLANTIC AVE, STE 3
 OCEAN VIEW, DE 19970
 Phone (302) 537-1919

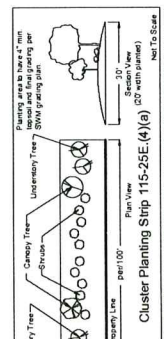
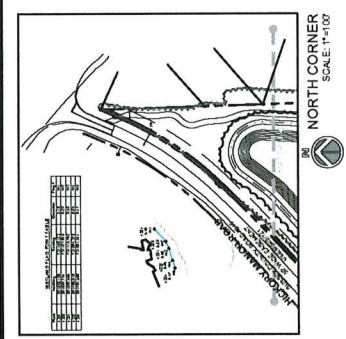
LAND DESIGN
 Surveying, Landscaping & Construction
 2025 N. 23rd St.
 Wilmington, DE 19806
 Phone (302) 438-1333

REVISIONS

NO.	DATE	DESCRIPTION
1	7/27/22	Revised SWM and Utilities
2	7/27/22	LA - Dimension Update







LANDSCAPE NOTES:
 1. LANDSCAPE PLANTING LOCATIONS AS SHOWN ARE SCHEMATIC, AND ACTUAL PLANT PLACEMENTS MAY CHANGE TO MINIMIZE CONFLICTS WITH UTILITIES, GRADING, ETC WITH THE PLANTING SPECIES TO BE DETERMINED AS PROJECT MOVES FORWARD.

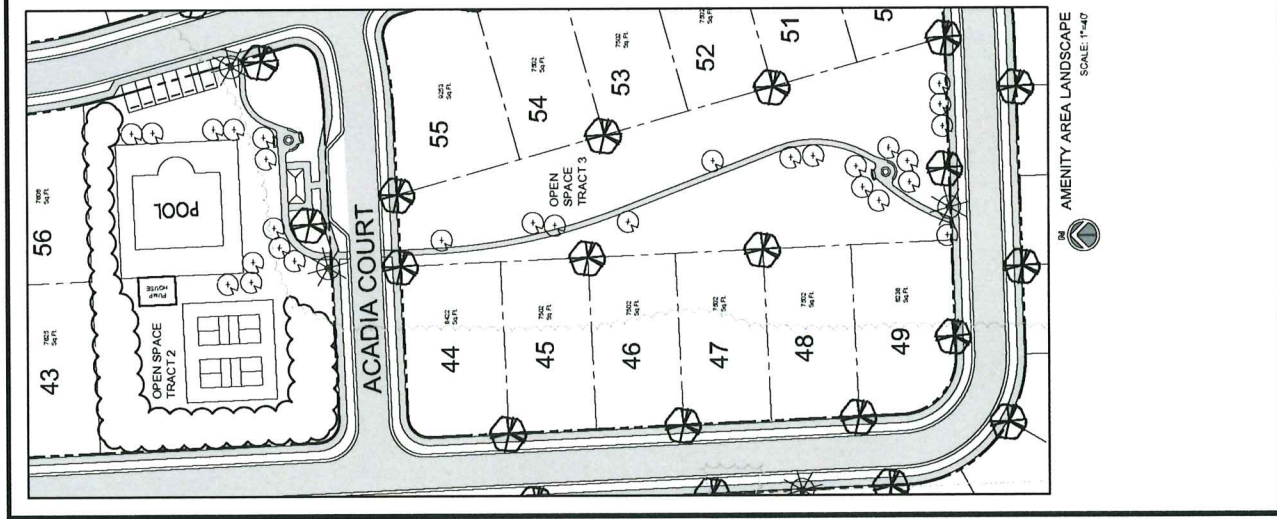
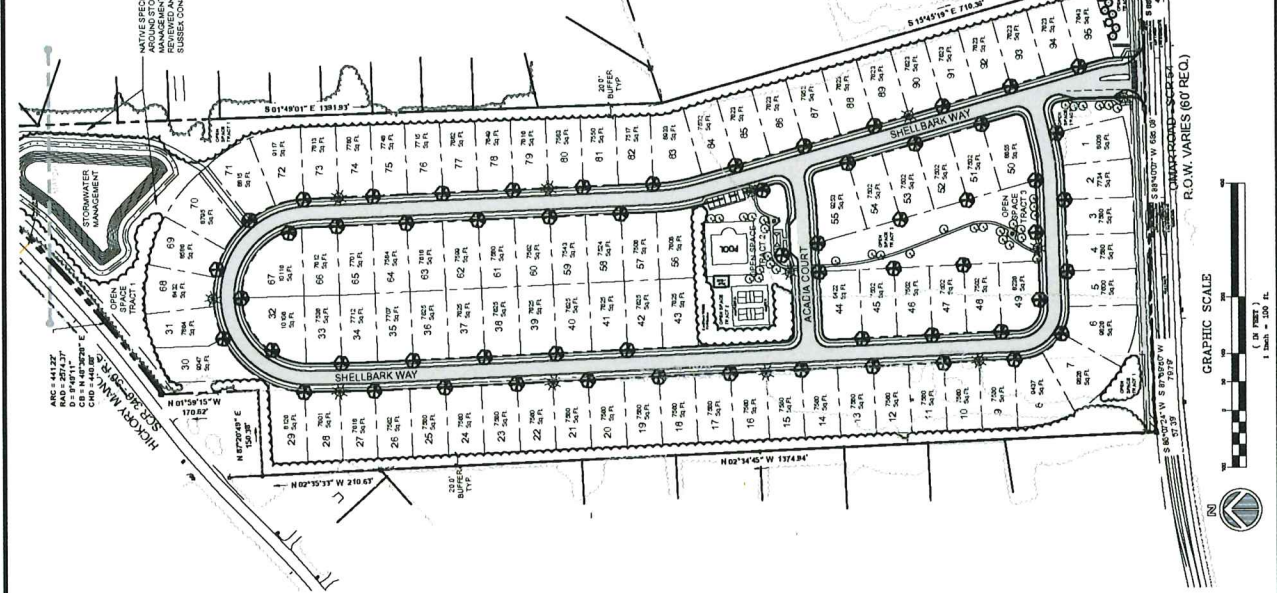
- CONCEPTUAL LANDSCAPE LEGEND:**
- CANOPY STREET TREE
 - FLOWERING ACCENT TREE
 - EVERGREEN SCREENING TREE
- LEGEND:**
- PARCEL BOUNDARY
 - EXISTING SIDEWALK
 - EXISTING TREELINE
 - PROPOSED RIGHT-OF-WAY
 - PROPOSED EDGE OF PAVEMENT DURING CONSTRUCTION
 - PROPOSED SIDEWALK
 - PROPOSED SHARED USE PATH
 - PROPOSED BIKEWAY
 - PROPOSED STREETLIGHT LOCATION

OPEN SPACE BREAKDOWN

TRACT	ACRES
TRACT 1	21.8436
TRACT 2	1.0858
TRACT 3	2.0277
TOTAL	24.9571

OPEN SPACE PERFORMANCE

TRACT 1	2.25% OPEN SPACE
TRACT 2	2.25% OPEN SPACE
TRACT 3	2.25% OPEN SPACE
TOTAL	2.25% OPEN SPACE



PRELIMINARY LANDSCAPE PLAN

REVISIONS:

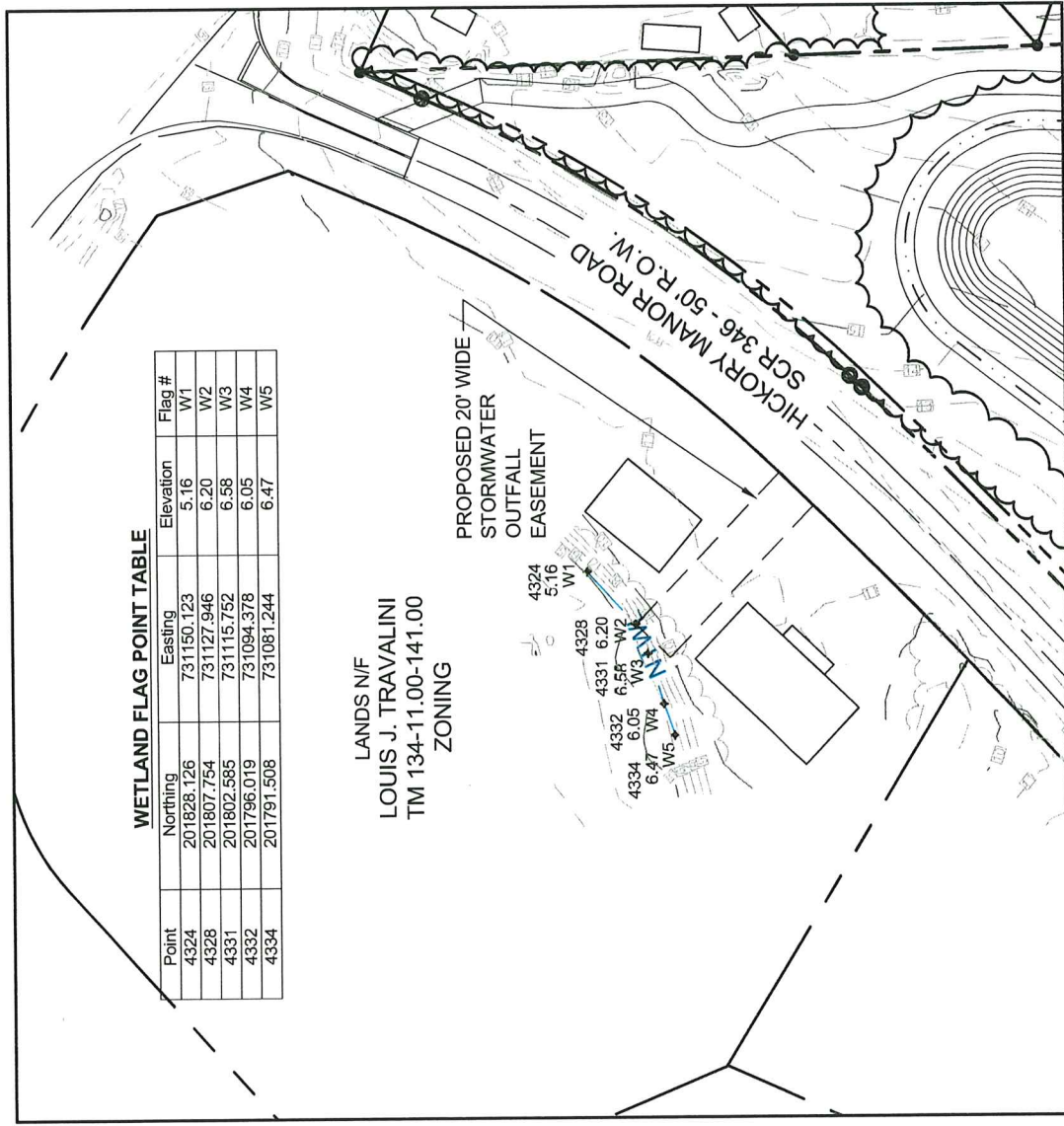
PLTRKO, LLC
 53 ATLANTIC AVE., STE 3
 OCEAN VIEW, DE 19070
 Phone (302) 337-1919



STORMWATER OUTFALL EASEMENT EXHIBIT
 HUNTERS CREEK
 34097 & 34137 OMAR ROAD
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN	DATE
DRAWING NO.	7/21/22
PROJECT NO.	

1



WETLAND FLAG POINT TABLE

Point	Northing	Easting	Elevation	Flag #
4324	201828.126	731150.123	5.16	W1
4328	201807.754	731127.946	6.20	W2
4331	201802.585	731115.752	6.58	W3
4332	201796.019	731094.378	6.05	W4
4334	201791.508	731081.244	6.47	W5

LANDS N/F
 LOUIS J. TRAVALINI
 TM 134-11.00-141.00
 ZONING

STORMWATER OUTFALL NOTE:
 STORMWATER OUTFALL EASEMENT LOCATION AS SHOWN IS
 CONCEPTUAL AND IS SUBJECT TO CHANGE IN SIZE OR LOCATION AS
 STORMWATER MANAGEMENT PLANS ARE DEVELOPED.

STORMWATER OUTFALL EASEMENT DEVELOPMENT APPROVAL:
 I, AS OWNER OF PARCEL 134-11.00-141.00, I HAVE REVIEWED THIS
 PLAN AND AM IN AGREEMENT WITH THE PROPOSED STORMWATER
 OUTFALL EASEMENT ON MY PROPERTY AS SHOWN ON SHEET 4.

Louis J. Travalini
 LOUIS J. TRAVALINI
 Date 7-18-22

EXHIBIT 7

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

June 6th, 2022

Mr. Ray Blakeney
Land Design/ Plitko, LLC
53 Atlantic Avenue, Suite 3
Ocean View, DE 19970

Electronically delivered to: landzn@aol.com

Subject: Staff Review of the Preliminary Major Subdivision Plan for Hunter's Creek (2022-11) which proposes 97 single family lots on the north side of Omar Road (S.C.R. 54) as an MR Cluster Development
Tax Parcel: 134-11.00-102.00 & 103.00

Dear Mr. Blakeney,

The Planning and Zoning Department has reviewed the Preliminary Major Subdivision Plan for Hunter's Creek (2022-11). This plan proposes 97 single family lots on a 28.78-acre parcel of land. The property is within the Medium Density Residential (MR) Zoning District, and the cluster option being utilized is supported through the Coastal Area provisions of §115-194.3(C). The property is located on the north side of Omar Road (S.C.R. 54).

This plan is subject to a public hearing before the Sussex County Planning and Zoning Commission. Staff have reviewed the plan for compliance and consistency with Chapters 89, 99, and 115 of the Sussex County Code. It is kindly requested that the following comments be addressed before the required public hearing:

Preliminary Major Subdivision Plan

Chapter 89 – Source Water Protection

- a. The northern portion of the property is within an area designated to have Excellent Groundwater Recharge Potential. As outlined in Chapter 89, the intent is that any land with this designation shall have an impervious surface coverage of less than 35%. Please add an "existing conditions" page to the plan that shows the property and a delineation of this recharge area. Please advise. Further changes may be necessary.
- b. Because of the role of groundwater recharge potential, please add a signature block for the county engineer.
- c. The property is not within a Wellhead Protection Area. Please add a note to the plan.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Chapter 115 – Zoning

- a. Please add the Zoning Districts (in color) to the vicinity map.
- b. The plan submitted is one page. This is sufficient for a cover page; however, the scale and detail are not appropriate for a Major Subdivision Plan. I would like to request that the lots be proposed over numerous pages so that it can accommodate a more appropriate scale of 1:30 through 1:50. Please advise.
- c. The cover page that shows all lots must show the entirety of the property. The northern half along Hickory Manor Road is “cut off.” Please reconfigure.
- d. Please add road numbers (S.C.R. ##) to the road names on the cover page and each subsequent page.
- e. **Lots must be supported through distances, coordinates, and bearings.**
- f. **Lots must include the appropriate setbacks.**
- g. Lots 32 and 67 may be considered as irregular, and they do not achieve the 2:1 lot depth ratio that is desired by the Code. We could consider the squaring of those lots around the bend and retaining open space along the bend that retains the natural vegetation and trees. The retention of natural green space has many benefits.
- h. If Comment F is not desired, please ensure that there is a note that states “Lots 32 and 67 shall be established to have two side lot lines and no rear lot line(s).”
- i. Please remove the landscaping notes and relocate them to a page that will be dedicated to landscaping. I would like to keep this area allocated for the Conditions of Approval that will be set for the community.

Chapter 99 – Subdivision of Land

- a. Please submit responses to the subdivision criteria listed in §99-9(C).
- b. Please add the Agricultural Use Protection Notice to the plan.
- c. As mentioned above, please add a page dedicated to “existing conditions.” Topographic contours must be included.
- d. Please add a note that states the amenities shall be subject to a separate plan and approval process. If this is not desired, the amenities shall be proposed in detail and completely incorporated into the plan. Please be advised if this option is chosen, it may lock the developer into developing the area in the exact way it is proposed on the plan.
- e. It is highly recommended that we showcase the general site of the amenities on the landscape plan that is mentioned above. It is strongly encouraged that the landscaping proposed on the submitted plan be preserved and kept as natural vegetation.
- f. After all landscaping and buffer changes are made, please add the percentage of natural vegetation to remain.
- g. This subdivision requires a separate landscape plan.
- h. Please show any landscaping proposed in the open space area with the walking trail.
- i. Please provide labels on the buffer that show the buffer is at least 20 feet in width. Please confirm that the existing vegetation to remain and be utilized as the forested buffer consists of tree trunks and not tree canopy. I would like to avoid having trees on adjacent properties being utilized in the 20-foot requirement.
- j. Natural vegetation does not seem to exist in the northern corner along the stormwater management pond. The landscape plan must include new plantings for this area. Please note this landscaping may be bonded.
- k. Please ensure that all applicable utility easements are shown on the plan.

- l. While this is left to you and your team to discuss, the plan should detail out stormwater management more. This could be in the form of a note or in the form of representations of drainage systems shown in plan view.
- m. Please submit a list of all property owners within 200 feet of the site.
- n. The entire subdivision must be supported with a bulk grading plan.
- o. The development must leave 10% of the gross acreage to open space. Open space requirements must be incorporated into the drafted restrictions and covenants for the subdivision. Additionally, a note must be added that summarizes the intent and the details of how open space will be maintained and reserved.
- p. Open space must be broken into "tracts" assigned a unique number or letter. A table is required to convey acreages or area totals for each open space tract.
- q. Please add a signature block for the Chairman of the Planning Commission.
- r. Please add a signature block for the wetlands scientist assigned to this project.
- s. Please add a signature block for Sussex Conservation District.
- t. Please add a signature block for the Sussex County Council President.
- u. Please add a note that states the "subdivision plan may be deemed null and void if substantial construction is not actively and continuously underway within five (5) years from the date of approval from Sussex County."

Agency Approvals

- a. Delaware Department of Transportation – By final approval
- b. Office of the State Fire Marshal – By final approval
- c. Sussex Conservation District – By final approval
- d. Sussex County Engineering (both for Chapter 89 and for sewer) – By final approval
- e. Artesian Water – By time of final approval
- f. Geographic Information Office – Prior to preliminary approval
- g. Office of Drinking Water

Technical Advisory Committee (TAC)

This subdivision proposal has not yet been submitted to the Technical Advisory Committee (TAC). Once it is sent, participating members will have 45 business days to provide comments. This 45-day window will start tomorrow June 7th, 2022. At the end, all comments will be forwarded to your team. This deadline is August 9th, 2022.

Preliminary Land Use Service (PLUS)

Responses from the State of Delaware's Office of State Planning Coordination (a/k/a PLUS) shall be received prior to the facilitation of this application to the Planning and Zoning Commission for review.

Once all comments have been addressed, please submit one (1) paper copy of a Revised Preliminary Major Subdivision Plan to our office alongside an electronic copy of the same. The plan will then be scheduled for the next available Planning and Zoning Commission meeting as a public hearing.

Should there be any additional questions or concerns, I can be contacted at 302-855-7878. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Chase Phillips". The signature is written in a cursive, slightly slanted style.

Chase Phillips
Planner II



PLITKO, LLC
ENGINEERING
53 ATLANTIC AVE., SUITE 3
OCEAN VIEW, DE 19970

June 30, 2022

Mr. Chase Phillips
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

**RE: Hunters Creek Revised Preliminary Subdivision Plan
Tax Parcels 134-11.00-102.00 & 103.00**

Dear Mr. Phillips,

This letter accompanies our revised Preliminary Subdivision Plan for Hunters Creek. The plan has been amended per your comment letter dated 6/6/22. Our revisions to the plan are as follows:

Chapter 89 – Source Water Protection

- a. An Existing Conditions sheet has been added, and the delineations for groundwater recharge have been added to that sheet. Please note that no lot areas are within the area of excellent groundwater recharge, and the only impervious surface within the excellent recharge area is the shared use path leading out to Hickory manor Road at the request of DeIDOT.
- b. Signature block for County Engineer has been added to sheet 1.
- c. See note 7 added to sheet 1.

Chapter 115 – Zoning

- a. Zoning districts and zoning legend added to vicinity map on sheet 1.
- b. Plan has been expanded to five sheets as requested to accommodate existing conditions, subdivision plan at 1"=50', and landscape plan.
- c. Top corner is shown on sheet 1 with a match line.
- d. Road number labels have been added to all sheets.
- e. Lot bearings and distances have been added to subdivision plan sheets.
- f. Lot setbacks are shown on subdivision plan sheets.
- g. After looking at the possibility of squaring the lots off as suggested, we believe it is more advantageous to the homeowner to leave the lots in their current configuration.
- h. Note 8 added to sheet 1.
- i. Detail relocated to landscape plan sheet.

Chapter 99 – Subdivision of Land

a. Following are our responses to the Chapter 99-9c criteria:

1. The proposed subdivision lies in an MR-Zoned area that includes several existing subdivisions. These include Edgewood Manor, which abuts the proposed subdivision to the east; Hickory Woods, which abuts the proposed subdivision to the west, and Hidden Acres which lies across Omar Road to the south of the proposed subdivision. Per the zoning and existing conditions, the neighborhood character of the area is medium-density residential.

2. There are no existing wetlands on the site of the proposed subdivision. The stormwater management outfall is proposed to cross Hickory Manor Road to the north and outfall into wetlands associated with Blackwater Creek. Those wetlands have been flagged by a soil scientist as part of this project. The site is outside of the 100-year floodplain per FEMA flood map 10005C0495K as noted on the plans.

3. A significant portion of the property has been disturbed by agricultural use and the existing residence. A preliminary archeologic survey has been scheduled for the site.

4. The subdivision will comply with County code regarding the preservation of open space for the subdivision.

5. Tree and soil removal will be kept at the minimum necessary to construct the subdivision as shown. Efforts will be made to preserve existing significant vegetation within the buffers and open space areas of the subdivision. Where that is not possible or no significant vegetation exists, planting are proposed to meet County landscape and buffer regulations. Site grading will be minimized to the extent needed to provide adequate drainage and stormwater management.

6. As mentioned, vegetative buffers (of existing or proposed plant materials) will be maintained to screen views from offsite.

7. Water service for the community will be provided by Artesian Water. A copy of the Willing and Able to Serve letter is included with this plan submission.

8. The developer has contacted Sussex County Engineering and initiated the process of annexing the property into the County sewer district.

9. Stormwater management and sediment erosion control plans will be prepared for review and approval by Sussex Conservation District.

10. See response #9.

11. Street plans for the community (including sidewalks on both sides of the streets) will be reviewed by Sussex County Public Works. The entrance to the community as well as pedestrian pathways will be reviewed and approved by DeIDOT.

12. It is the intention of the developers to construct a quality community that meets or exceed County and State regulations. We believe this community will be an asset to the neighborhood and have a positive affect on property values.

13. While a portion of the existing site is currently being used for agriculture, the existence of the proposed subdivision will not significantly impact agricultural lands.

14. The subdivision will not have a direct impact on schools, public buildings or community facilities other than providing additional revenue to the County and school system via property taxes. In addition, as part of the DeIDOT review and approval for the project, the Indian River School District will be consulted regarding their preference for school bus stop locations at or within the community.

15. As mentioned, the project will be reviewed and approved by DeIDOT. As part of our initial conversations with DeIDOT, the developer has agreed to widen Omar Road at the subdivision entrance to allow for a protected left turn and right turn lane into the community. In

addition, Hickory Manor Road will be widened to allow for two 11-foot wide travel lanes and will have a pavement overlay along the property frontage.

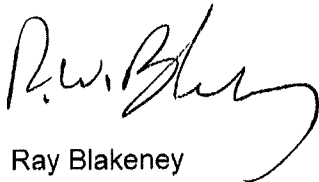
16. As mentioned, the project lies in an MR-zoned area with several existing residential subdivisions.

17. No significant impact to local waterways is anticipated by the proposed subdivision.

- b. The Agricultural Use Protection notice has been added to the General Notes on sheet 1.
- c. Existing Conditions sheet has been added.
- d. Note 10 has been added to General Notes on sheet 1.
- e. Amenity area has been enlarged on the Landscape Plan. All efforts to preserve existing natural vegetation in the amenity areas and other open spaces will be made.
- f. Natural vegetation percentage to remain has been added to the Site Data on sheet 1.
- g. Landscape Plan has been added.
- h. Planting shown on the Landscape Plan.
- i. Buffer widths have been dimensioned on Landscape Plan.
- j. A note regarding landscaping around proposed stormwater basin in northern corner of property is shown on the Landscape Plan. The portion of existing vegetation to remain around the stormwater basin is also shown on the landscape plan.
- k. Known utility easements are shown on the site plan sheet 3. Additional easements may be required as the project moves forward.
- l. Note 11 describing stormwater management concept has been added to sheet 1. Typical lot grading is shown on sheet 4.
- m. Owner list is included with this submission.
- n. A conceptual typical lot grading figure has been added to sheet 4, and note 11 regarding the drainage and stormwater management concept for the community has been added to the General Notes on sheet 1. As the project moves forward, more detailed grading will be done as part of the stormwater management plans. The final subdivision plan will also include this detailed grading.
- o. Open space calculations appear on sheet 1, as does note 12 summarizing open space intent. We acknowledge that open space requirements are to be incorporated into the community restrictions and covenants.
- p. Open space tracts and area table have been added to sheets 1 and 5.
- q-t. Signature blocks have been added to sheet 1.
- u. Note 14 added to sheet 1.

We believe our revised site plan addresses the comments stated in your review letter. Please review and let us know if you have any additional comments or concerns, or if we can provide any additional information.

Thank you,
For Plitko LLC,



Ray Blakeney

Cc: Developer, attorney, file.

EXHIBIT 8



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

October 19, 2021

Ray Blakeney
PLITKO, LLC
53 Atlantic Ave., Suite 3
Ocean View, DE 19970

RE: PLUS review 2021-09-03; Hunter's Creek

Dear Mr. Blakeney:

Thank you for meeting with State agency planners on September 22, 2021 to discuss the proposed plans for the Hunter's Creek project. According to the information received you are seeking review of a proposed 95 unit subdivision on 28.78 acres along Omar Road in Sussex County.

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

Plitko LLC's comment responses are noted in red throughout the document.

Strategies for State Policies and Spending

Based on its location in a Level 2 investment area, this project is consistent with the 2020 Strategies for State Policies and Spending. This site is also located in the Coastal area according to the Sussex County Comprehensive plan. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The site access on Omar Road (Sussex Road 54) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
122 Martin Luther King Jr. Blvd. South- Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 •www.stateplanning.delaware.gov
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting Request Form.pdf?0802201-1](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting%20Request%20Form.pdf?0802201-1) The applicant's engineer should contact DelDOT's Subdivision Reviewer for this part of Sussex County, Mr. Kevin Hickman to discuss whether the November 12, 2020, meeting was sufficient in this regard. Mr. Hickman may be reached at (302) 760-2461 or Kevin.Hickman@delaware.gov.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 992 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 72 and 97, respectively. Therefore, a TIS would normally be required.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$9,920. AWS Fees are used to fund traffic studies, not to build improvements.

DelDOT anticipates requiring the developer to improve both Omar Road and Hickory

Manor Road (Sussex Road 346) within the limits of their projected frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders. Per the definition in Section 1.8 of the Manual. On Omar Road, that limit would be extended east to the start of any required right turn lane. On Hickory Manor Road, it would extend from a point about 200 feet southwest of the physical frontage to the intersection with Delaware Route 26. DelDOT anticipates requiring a signal agreement there but does not anticipate requiring that the entire intersection be improved to meet standards.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Omar Road and Hickory Manor Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of both roads. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot-wide permanent easement across the property frontage on Omar Road and Hickory Manor Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot-wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - o Depiction of all existing entrances within 600 feet of the entrance on Omar Road.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring SUP along this development's road frontage on Omar Road and Hickory Manor Road.
- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DelDOT anticipates requiring accessways from Omar Road and Hickory Manor Road to the internal street system in accordance with the spacing criteria in that section.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Omar Road and Hickory Manor Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.del.dot.gov/Business/subclivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

RESPONSE: We have had Project Coordination and Pre-Submittal meetings with DelDOT and will comply with their requirements.

Department of Natural Resources and Environmental Control - Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<http://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

RESPONSE: We will comply with all SCD/ DNREC requirements for stormwater management, including a project application meeting, stormwater management plans and a Notice Of Intent.

Excellent Groundwater Recharge Area

An Excellent Groundwater Recharge Area is located on the northern portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

RESPONSE: Project will comply with County and DNREC regulations. It is anticipated that the northern end of the site will be used for stormwater management, which should include the opportunity for groundwater infiltration. This will be investigated further as we begin preparation of stormwater management plans.

Wildlife Displacement

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

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dmec.a.jpba.delaware.gov/fish-wildlife/wildlife/>

RESPONSE: Acknowledged. Effort will be taken to preserve existing trees in buffer and open space areas. Buffers will be re-planted where remaining existing vegetation does not meet County buffer planting specifications.

Wastewater permits -Large Systems

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <http://dnrec.delaware.gov/water/guandwater/>

RESPONSE: We have met with the County Engineering to discuss annexation into the County sewer district and are moving forward with the annexation process.

State Historic Preservation Office - Contact Carlton Hall 736-7400

- The northern half of the parcel has high potential for prehistoric archaeological resources. Blackwater Creek is just north of the parcel. While there are no known sites on the parcel, there is a prehistoric site (S07978) approximately half a mile west of the parcel along Blackwater Creek. The entire parcel is composed of well-drained soils, and the northern half has remained consistently wooded throughout historic maps and aeriels. Due to favorable conditions and minimal disturbance, this Office recommends a Phase I archaeological survey prior to any ground disturbance.
- Historic aerial and topographic maps show a still extant house on the southern part of the parcel that was constructed in 1913. The land immediately around the house has consistently been cultivated fields. A house was built to the west of the historic home in 1988. There is a high potential for historic archaeological resources in the southern half of the parcel relating to the historic farmhouse. The Delaware SHPO recommends a

Phase I archaeological survey prior to any ground disturbance.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54) which is currently being revised.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Acknowledged. We will be reaching out to an archeological consultant for a preliminary review of the property.

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

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

Fire Protection Features:

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

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Omar Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door. Streets designed without parking need to develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn-around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

RESPONSE: A fire protection site plan for the community will be prepared and submitted to the Office of State Fire marshal for review and approval.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Omar Road or Hickory Manor Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Acknowledged.

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

- The preliminary plan proposes the elimination of approximately **18** of 20 acres of forest on the site. An analysis of historical data indicates that the forest area located on the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species

of birds utilize these areas for nesting sites.

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

Acknowledged.

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/education-stormwater/>

Acknowledged.

Water Quality (Pollution Control Strategies)

- This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Acknowledged.

PLUS review 2021-09-03

Page 11 of 13

Excellent Groundwater Recharge Area

- For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Acknowledged. Currently there is no impervious surface within the Excellent Recharge Area save a pedestrian connection to Hickory Manor Road.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.alpha.delaware.gov/water/surface/round-water-protection/>

Wildlife Displacement

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Reduce the potential for future conflicts between future residents and wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas. A 300-foot safety zone is recommended.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Additional Sustainable Practices

- Build garages and parking spaces to be "EV-ready." Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. This will increasingly be a selling point for homes.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/cli rnate -coal-energy/>

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

- Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications, or brochures.

Delaware Emergency Management Agency - Contact Philip Cane 659-2325

- This parcel is not within a mapped flood zone, though there is an AE7 flood zone to its north. Recommend additional flood mitigation activities along northern border (additional trees/landscaping, larger stormwater management, etc.).

Sussex County Housing - Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Sussex County Planning & Zoning - Contact Lauren Devore 855-7878

- The Applicant is required to engage in a Pre-Application Meeting with Department staff prior to the submittal of a formal application to the Department of Planning and Zoning. Please note that since the proposal falls within the Coastal Area, a Public Facility Evaluation Report and copies of an Environmental Assessment will be required to be submitted along with the application to the Department of Planning and Zoning (§1 15-194.3(8)(2)).
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- The minimum district area for an RPC District in any residential district if the only development proposed is single-family detached dwellings is 10 acres. This proposal achieves this requirement as it consists of 28.78 acres (§115-121(A)(3)).
- Please include the number of forested areas to be removed within the Site Data Column.
- Staff note that the parcels retain only one-way-in, one-way-out access to the subdivision. The Planning and Zoning Commission often desires more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- Please confirm whether the existing trees on site will be retained for the required forested/landscaped buffer as part of §99-5 of the Sussex County Code, or whether plantings will be installed to achieve the 20-ft forested buffer requirement.
- It is noted that a stormwater management pond has been provided within the location of the required landscaped buffer. Please note that while stormwater management outfalls are permitted to be placed within the buffer area, stormwater management ponds are not. Please ensure that all stormwater management ponds are provided in such a way that the required 20-ft landscaped buffer may be installed.
- Please note on the plans that the parcels are located within an area of "excellent, good, fair and poor" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).
- Design consideration should be given by the applicant toward the establishment of a greenways system which utilizes schools, parks, wildlife habitat areas, river and stream corridors, wetlands, floodplains, historic sites, business parks, urban sidewalks, abandoned rail lines, roads, beach areas and vacant land. Greenways should provide benefits like safe pedestrian, bicycling and equestrian routes for recreationists and commuters; and natural wildlife corridors and biological reserves (§115-194.3(E)).

- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of a formal application.

Sussex County Engineering Department- Contact Chris Calio 855-U99

- The project is within a Tier 2 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends developer establish a contiguous path and extend sewer to county infrastructure or the project receive wastewater service from a public utility or municipality.

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

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely, . > /

David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

EXHIBIT 9



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

March 29, 2022

Robert L. Sipple, Jr
Managing Partner
2500 Wrangle Hill Road, Suite 101
Bear, DE. 19701

RE: Hunters Creek, Parcel 134-11.00-102.00 & 103.00 Ability to Serve Letter

With reference to your request concerning Water Service ("Service") for the parcels referenced above ("Project") on Omar Road, in Baltimore Hundred, Sussex County, DE, please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. ("Artesian") is willing and able to provide Service to the Project that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control standards. Artesian currently has the water Certificates of Public Convenience and Necessity ("CPCN's") from the Delaware Public Service Commission (the "Commission") for the Project. Artesian will provide Service in accordance with Artesian's Commission approved tariffs, as amended from time to time.

Based on current conditions and subject to the development entity and Artesian entering Water Service Agreements ("Agreements") that addresses the financial terms of the provision of Service for the Project, in accordance with Artesian's tariff, Artesian is willing and able to provide the required Service for this Project.

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

Yours very truly,

ARTESIAN WATER COMPANY, INC.

Adam Gould
Manager of Systems Planning and Design

EXHIBIT 10



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

27 October 2021

Regulatory Branch
Applications Section II

SUBJECT: CENAP-OP-R 2021-1037-23
Project Name: Hunter's Creek Subdivision SX
Latitude and Longitude: 38.54836° N, -75.153919° W

Thomas D. Nobile
Environmental Resources, Incorporated
38173 DuPont Boulevard
Post Office Box 169
Selbyville, Delaware 19975

Dear Mr. Nobile:

This letter is written with regard to your request for a jurisdictional determination on behalf of Salt Air Properties, LLC concerning the development of a property known as Hunter's Creek residential subdivision, located at Tax Map Parcels 134-11.00-102 and -103, Baltimore Hundred, Sussex County, Delaware.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States (Section 10 of the RHA) and the discharge of dredged or fill material into waters of the United States including adjacent wetlands (Section 404 of the CWA). Discharges of dredged material means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. Discharges of fill material include activities such as the placement of fill that is necessary for the construction of any structure or infrastructure in a water of the United States; the building of any structure, infrastructure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and sub-aqueous utility lines; placement of fill material for construction or maintenance of any liner, berm, or other infrastructure associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining-related materials; and artificial reefs.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Based on the information you have submitted to this office, the Corps of Engineers has determined that the proposal by Salt Air, LLC to develop the Hunter's Creek property does not involve work or structures in navigable waters of the United States, nor does it involve the discharge of dredged or fill material into waters of the United States. Consequently, the proposed activity is not subject to the authority of the Corps of Engineers and will not require the approval of this office. The basis of our determination is enclosed.

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

This letter contains an approved jurisdictional determination for the Hunter's Creek property. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form (Enclosure 2). If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700
Telephone number: 347-370-4650

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 28 December 2021.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at 609-217-8527, or by email at john.g.brundage@usace.army.mil.

Sincerely,

John G. Brundage
Senior Biologist, Regulatory Branch

SUBJECT PROPERTY: Hunter's Creek residential subdivision, located at Tax Map Parcels 134-11.00-102 and -103, Baltimore Hundred, Sussex County, Delaware.

SURVEY DESCRIPTION: Plan prepared by Plitko, LLC, dated August 27, 2021, and titled: Preliminary Plan, Hunter's Creek, 34097 & 34137 Omar Road, Baltimore Hundred, Sussex County, Delaware, one sheet.

Enclosures

EXISTING SITE DATA

1. TAX PARCEL OWNERS: 13A-1100-102-00 & 103-00
2. DEVELOPER: MATCO DANIEL BAUGHER, III
3. CONTRACT PURCHASER: KATHA A SHELLEY / COFFIN
4. PRESENT ZONING: RESIDENTIAL AGRICULTURAL UNDEVELOPED
5. STATE INVESTMENT LEVEL: LEVEL 2
6. DEVELOPER: SALT AIR PROPERTIES LLC
7. CONTRACT PURCHASER: 2509 WINDMILL HILL ROAD, STE. 101
8. PRESENT LAND USE: RESIDENTIAL AGRICULTURAL UNDEVELOPED
9. PARCEL AREAS: 4 PARCEL AREAS
10. TOTAL: 4.22 AC
11. EXISTING WOODED AREA: 420.29 AC
12. PROPOSED GROSS DENSITY: 95 D.U./29.77 AC = 3.20 D.U./AC
13. PROPOSED ZONING: MARPO ZONING
14. MAXIMUM LOT AREA: 3.25 AC
15. MINIMUM LOT AREA: 0.05 AC
16. LOT DEPTH: 100'
17. MINIMUM LOT WIDTH: 75.00 D.F.F.
18. AVERAGE LOT SIZE: 729.00 S.F.F.
19. FRONT YARD: 15.00'
20. SIDE YARD: 10'
21. MAXIMUM BLDG. HEIGHT: 4Z
22. AREA REBUDOWN: 541.5 AC
23. LOT AREA: 410 AC
24. DEED LOT SUBDIVISION: 410 AC
25. TOTAL LOTS: 410 LOTS
26. TOTAL ACRES: 410 AC
27. PRIVATE PROVIDER: SUSSEX COUNTY
28. WATER PROVIDER: PRIVATE ON-SITE WELLS
29. SEWER PROVIDER: SHARED
30. SEWER MAINS: 24" DIA.
31. SEWER LINES: 12" DIA.
32. WATER MAINS: 18" DIA.
33. WATER LINES: 12" DIA.
34. ELECTRICAL: 120V/240V
35. GAS: 60 PSI
36. RAINWATER: 1.5" DIA.
37. EROSION CONTROL: AS NEEDED
38. OTHER: AS NEEDED

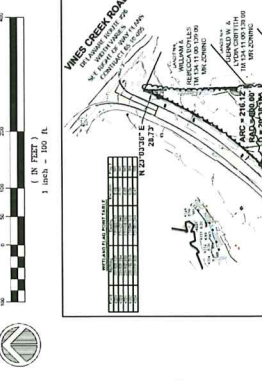
PROPOSED SITE DATA

1. PROPOSED LAND USE: 95 D.U./29.77 AC = 3.20 D.U./AC
2. PROPOSED GROSS DENSITY: 95 D.U./29.77 AC = 3.20 D.U./AC
3. PROPOSED ZONING: MARPO ZONING
4. MAXIMUM LOT AREA: 3.25 AC
5. MINIMUM LOT AREA: 0.05 AC
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26. RAINWATER: 1.5" DIA.
27. EROSION CONTROL: AS NEEDED
28. OTHER: AS NEEDED

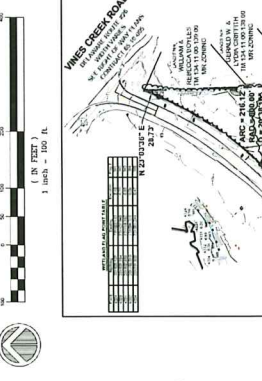
NOTES

1. ALL PROPOSED LOTS TO BE SERVED BY CENTRAL STREET AND PRIVATE WATER MAINS.
2. ALL PROPOSED LOTS TO BE SERVED BY CENTRAL STREET AND PRIVATE SEWER MAINS.
3. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PREVENT SEDIMENTATION AND TO PROTECT ADJACENT PROPERTIES FROM EROSION.
4. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PROTECT ADJACENT PROPERTIES FROM EROSION.
5. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PROTECT ADJACENT PROPERTIES FROM EROSION.
6. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PROTECT ADJACENT PROPERTIES FROM EROSION.
7. ALL UTILITIES TO BE LOCATED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS - SECTION 401.
8. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PROTECT ADJACENT PROPERTIES FROM EROSION.
9. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PROTECT ADJACENT PROPERTIES FROM EROSION.
10. OWNER TO PROVIDE SUFFICIENT EROSION CONTROL TO PROTECT ADJACENT PROPERTIES FROM EROSION.

GRAPHIC SCALE



PROPOSED PROJECT BOUNDARY



LEGEND

- PARCEL BOUNDARY
- EXISTING TROPICULARY
- EXISTING RESERVE WAY
- PROPOSED EDGE OF PAVEMENT CURBING
- PROPOSED LOT LINE
- PROPOSED SHARED USE PATH
- PROPOSED STORMWATER MANULAKMENT
- PROPOSED TREELINE

OWNERS PLAN DEVELOPMENT APPROVAL: PARCEL 13A-1100-102-00
 1. AS OWNED AND APPROVED BY THE APPLICATION AS SUBMITTED.
 MATCO DANIEL BAUGHER, III
 2509 WINDMILL HILL ROAD, STE. 101
 OCEAN VIEW, DE 19970
 PH: 302-537-1919
 PREPARED BY:
 PLITKO, LLC
 53 ATLANTIC AVE, STE 3
 OCEAN VIEW, DE 19970
 PH: 302-537-1919
 SEAL: _____ DATE: _____
 PROJECT PLAN: _____ DATE: _____

PRELIMINARY PLAN

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 27, 2021

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OP-R#2021-1037

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Delaware County/parish/borough: Sussex City: Clarksville
Center coordinates of site (lat/long in degree decimal format): Lat. 38.548360 °, Long. -75.153919 °
Universal Transverse Mercator: 18 S 486517.58m E 4266838.74mN
Name of nearest waterbody: Blackwater Creek
Name of watershed or Hydrologic Unit Code (HUC): Indian River Bay

- Check if map/diagram of review area is available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: October 27, 2021
 Field Determination. Date(s): [Click here to enter a date.](#)

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: [Click here to enter text.](#)
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps: [Click here to enter text.](#)
 U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: [Click here to enter text.](#)
 USDA Natural Resources Conservation Service Soil Survey. Citation: [Click here to enter text.](#)
 National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
 State/Local wetland inventory map(s): [Click here to enter text.](#)
 FEMA/FIRM maps: [Click here to enter text.](#)
 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodectic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): dates as marked
 or Other (Name & Date): dates as marked
 Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
 Applicable/supporting case law: [Click here to enter text.](#)
 Applicable/supporting scientific literature: [Click here to enter text.](#)
 Other information (please specify): report

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: There are no aquatic resources or potential aquatic resources in the 29 acre review area that would warrant the application of a wetland delineation.

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Salt Air Properties LLC		File Number: 2021-1037	Date: 27 Oct 2021
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Mr. John Brundage
U.S. Army Corps of Engineers, Philadelphia District
ATTN: CENAP-OP-R
1203 College Park Drive, Suite 103
Dover, DE 19904
Telephone: (302) 736-9764
john.g.brundage@usace.army.mil

If you only have questions regarding the appeal process you may also contact:
Mr. George Nieves
Regulatory Program Manager (CENAD-PD-OR)
U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

EXHIBIT 11

Mackenzie Peet

From: Ray Blakeney <rblakeney@plitko.com>
Sent: Monday, July 11, 2022 11:39 AM
To: eotter20@comcast.net
Cc: bob@lighthouse Realty Fund.com; Arnold Dunn; Mackenzie Peet; rett@lighthouse Realty Fund.com; Rob Plitko; TjFord51@aol.com
Subject: Request For Archeologic Report - Hunter's Creek
Attachments: 220706-Revised Cluster Plan.pdf

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dr. Otter,

We would like to request a proposal for an archeologic review of tax parcels 134-11.00-102.00 & 103.00. The parcels are owned by Salt Air Properties, LLC and are the proposed site of the Hunter's Creek subdivision. A copy of the preliminary plan including an existing conditions sheet is attached.

The southern third of parcel 103 has been used for agriculture. The rest of parcel 103 and the majority of parcel 102 are wooded. The subdivision plan calls for 95 single-family houses as shown on the preliminary.

The proposal should be addressed to Bob Sipple at Salt Air Properties (address follows) with a copy sent to us as well.

Bob Sipple
Salt Air Properties, LLC
2500 Wrangle Hill Road, Suite 101
Bear, DE 19701

bob@lighthouse Realty Fund.com

Please review and let us know if we can provide any additional information for your proposal, or if we can answer any questions.

Thank you,
For Plitko LLC,

Ray Blakeney



Ray Blakeney

PLITKO, LLC

53 Atlantic Avenue, Suite #3

Ocean View, DE 19970

Ph: 302-537-1919

rblakeney@plitko.com

EXHIBIT 12

**COASTAL AREA
ENVIRONMENTAL ASSESSMENT
AND PUBLIC FACILITY
EVALUATION REPORT**

HUNTERS CREEK

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- 1.0 INTRODUCTION
- 2.0 EXISTING CONDITIONS
- 3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION
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 - 3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS
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 - 3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM
 - 3.E THE PRESENCE OF AN ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS
 - 3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE
 - 3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4.
 - 3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE
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 - 3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES
 - 3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN
 - 3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN

TAB A: Assessment of Environmental Conditions & Natural Features prepared by Edward M. Launay, Senior Professional Wetland Scientist No. 875, of Environmental Resources, Inc.

1.0 INTRODUCTION

An Environmental Assessment and Public Facility Evaluation Report (the "Report") has been prepared on behalf of the Applicant, Salt Air Properties, for Property located at 34097 and 34137 Omar Road, Frankford, Delaware further identified as Tax Map Parcel Nos. 134-11.00-102.00 and 103.00. The site is intended to be improved with 95 detached single-family homes on individual lots. A preliminary concept plan is provided as Supplemental Exhibit 6.

2.0 EXISTING CONDITIONS

The subject property consists of 28.78 Acres, more or less, of land. Existing site conditions are more fully described in 'Tab A.'

3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUAITON

3.A PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS

The proposed drainage design will utilize best management practices to meet or exceed state regulatory requirements. A combination of wet basin(s), planted buffers, and infiltration practices (at a minimum) will be utilized to reduce phosphorus and nitrogen, and control runoff of other pollutants, such as petroleum hydrocarbons and metals. Quantity discharges will also be managed by appropriate on site measures. A detailed stormwater management plan will be prepared and submitted to the Sussex Conservation District for review and approval prior to any land disturbing activities.

3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGAITON WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AND ESTIMATE OF AVERAGE AND PEAK DEMANDS

Potable water will be serviced by Artesian. The property is located within Artesian's Certificate of Public Necessity (CPCN) area. A service request has been submitted to Artesian, and the "Willing and Able to Serve Letter" will be provided upon receipt. Extension of the existing water main will be designed in accordance with Artesian Standards (by the site engineer) and installed by the developer to accommodate the potable demand and to provide additional fire hydrant(s) and fire suppression to proposed facilities.

3.C PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS

Sanitary Sewer (Wastewater) service is anticipated to be provided by Sussex County. A “Sewer Service Concept Evaluation” (SSCE) was submitted to the Sussex County Engineering Department along with the appropriate fee. The SSCE will analyze the project’s capacity needs and provide the appropriate location and method for connection to the County’s system. A “Willing and Able to Serve Letter” was also requested. Following Sussex County Sewer Design standards and utilizing the Sussex County facility(s) will ensure there are no effects to the quality of groundwater and surface waters from wastewater treatment and disposal.

3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM

The increase in traffic and effect on the surrounding roadways will be analyzed, reviewed, and approved by the Department of Transportation (DelDOT) through a thorough review process. On-site entrance location, size, and any site (or off-site) improvements will be part of this process during design. Based on the PLUS report response by the DelDOT (dated October 19, 2021 and included as Supplemental Exhibit 8) the proposed improvements will generate less than 2,000 Average Daily Traffic (ADT) and less than 200 peak hour vehicle trip ends. This allows the developer to provide an Area Wide Study (AWS) fee in lieu of a Traffic Impact Study (TIS). The fee is calculated as \$10 per daily trip and is used to fund traffic studies. All necessary improvements will be designed and installed by the developer to ensure safe vehicular traffic into and out of the site.

3.E THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS

In his Assessment of Environmental Conditions & Natural Features, Mr. Launay confirms that he observed no endangered or threatened species on the site during ERI’s reconnaissance. *See* Tab A.

3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE

No wetlands exist on site. See Supplemental Exhibit 10 and Tab A.

3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4.

The proposed project will allow approximately 6.90 Acres, more or less, of the Property to remain Open Space (subject to final site engineering).

3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE

Sewer service will be provided by Sussex County. Potable water will be provided by Artesian. Sewer and water infrastructure necessary to connect to the public utilities will be constructed by the Developer. Electric will be serviced by Delmarva Power. Easements will be provided, as necessary, for all infrastructure to be maintained by an agency and/or service provider. Internal access roads and parking will be constructed and privately maintained by the Developer and/or homeowners association.

3.I ECONOMIC, RECREATIONAL OR OTHER BENEFITS

This development project will directly provide employment/opportunities in Construction; Professional, Business, IT Services; Finance, Insurance and Real Estate; and Utilities. The development will also indirectly provide job opportunities in Leisure, Hospitality, Education and Healthcare. The development proposes active and passive amenities including a pedestrian pathway, pool and pickleball courts.

3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES

The Developer has consulted with Dr. Ed Otter to have an archeologic survey prepared.

3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN

Currently the property is zoned MR with a Future Land Use Designation of Coastal Area. The Coastal Area is "...among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices."

Medium Density Residential: Per the 2018 Comprehensive Plan "Sussex County's base density of 2 units per acres is appropriate throughout this classification (Coastal Area); however, medium, and higher density (4-12 units per acre) can be appropriate in certain areas. Medium and Higher Density could be supported in areas: where there is a central water and sewer; near sufficient commercial uses; where it is in keeping with the character of the area; where it is along a main road or at/near a major intersection; where there is adequate Level of Service (Located within Level 2 of the 2020 Delaware Strategies for State Policies and Spending)...".

3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN

The above subsections B(2)(A) through (K), identify possible impacts from the proposed development. Each item above requires professional engineering/design, oversight, review, and approval by respective agencies. The Developer will meet the requirements set forth in all Federal, State, County, and Local codes/regulations to minimize (or eliminate) possible detrimental impacts from development.

The proposed development is consistent with surrounding residential land uses and the Comprehensive Plan.

REFERENCES

The following documents, publications, maps, etc., were used as source materials for this report:

- Sussex County Delaware, Online Mapping:
<https://maps.sussexcountyde.gov/OnlineMap/Map.html>
- Sussex County Delaware Property Records: <https://property.sussexcountyde.gov>;
<https://maps.sussexcountyde.gov/OnlineMap/Map.html>;
<https://sussexcountyde.gov/recorder-deeds>
- U.S. Fish & Wildlife Service (FWS), Critical Habitat for Threatened & Endangered Species:
<https://fws.maps.arcgis.com/home/item.html?id=9d8de5e265ad4fe09893cf75b8dbfb77#!>
- FWS, National Wetlands Inventory: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
- National Park Service, National Register of Historic Places:
<https://www.nps.gov/subjects/nationalregister/index.htm>
- Sussex County Comprehensive Plan – Final March 2019 – “The Sussex Plan”
<https://sussexcountyde.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>
- Strategies for State Policies and Spending (DelDOT)
<http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=265b9ac2d304432b962b0ba0f1de76>

TAB A

Assessment of Environmental Conditions & Natural Features

**Hunter's Creek Residential Community
Tax Map Parcels 134-11.00-102.00 & 103.00
Baltimore Hundred, Sussex County, Delaware**

July 22, 2022

Prepared for

**Salt Air Properties, LLC.
2500 Wrangle Hill Road, Suite 101
Bear, Delaware 19701**

Prepared by

**Edward M. Launay
Senior Professional Wetland Scientist No. 875
Environmental Resources, Inc.
P.O. Box 169
38173 DuPont Blvd.
Selbyville, Delaware 19975**

ERI Project No. 994#1095

Assessment of Environmental Conditions & Natural Features

Hunter's Creek Residential Community Tax Map Parcels 134-11.00-102.00 & 103.00 Baltimore Hundred, Sussex County, Delaware

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Forested Lands.....	2
Threatened & Endangered Species.....	2

List of Exhibits

1. Sussex County Tax Map
2. 2018 Google Earth Photo
3. Boundary Survey – Land Design, Inc. (reduced)
4. Concept Plan – Land Design, Inc. (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, July 22, 2022
8. Corps of Engineers Jurisdictional Determination Letter (No Wetlands)

Introduction

Environmental Resources, Inc. (ERI) has performed a review of 28.78 acres of land located in Sussex County, Delaware located along the north side of Omar Road (SCR54) 0.35 miles east of its intersection with Hickory Manor Road (SCR346). Hickory Manor Road also forms the northerly boundary of this site. The site is located in the Baltimore Hundred and it is composed of Tax Map Parcels 134-11.00-102.00 and 134-11.00-103.00. The Sussex County Tax Map is included as Exhibit 1. A 2018 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, Salt Air Properties, LLC., who is seeking land use approval from Sussex County for a potential residential development. The proposed current plan is provided as Exhibit 4. Multiple field visits were conducted June 2021 through October 2021. Prior to that reconnaissance, ERI reviewed a variety of published guidance documents involving topics such as wetlands, soils and topography.

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. ERI did not encounter any wetlands, water features or unique topographic conditions such as steep slopes, forest of exceptional resource value or any federally listed threatened or endangered species, or any critical habitats present on the property. The site is bordered by the Hickory Wood subdivision to the west and the Edgewood Manor subdivision to the east. It is surrounded by other residential properties. A substation of the Millville Volunteer Fire Company and a Methodist Church are nearby.

Site Location and Topography

The 28.78 acre site is rectangular in shape. It has 580 feet of frontage along the north side of Omar Road. It is roughly 1,870 feet deep. Each of the two parcels of land have existing driveway entrances on Omar Road which access existing single family homes and accessory buildings which occupy small portions of each parcel.

The topography over the site is relatively flat. Elevations range throughout the site from 12 to 16 feet. Soil conditions vary between sandy loams to loamy sands. Historic aerial photography indicates that the agricultural field portion of the site has no occurrences of wetness at the surface after major storm events. Approximately 8.6 acres of the site is active agricultural fields. Except for the two existing residential structures, the remaining 20 acres of the site is mid to late succession forested land.

Based on ERI's site reconnaissance, no evidence of any surface ponding within the wooded portion of the site was found. Depth to seasonal high groundwater in the most low lying portion of the wooded land appears to average about 18 to 36 inches below the soil surface as observed on March 1, 2021. There are no ditches, streams or

surface water conveyances within, abutting or in close proximity to the property boundaries. ERI determined that there are no state or federally regulated wetlands on the property and that opinion was confirmed by a Jurisdictional Determination Letter (Exhibit 8) issued by the U.S. Army Corps of Engineers on October 27, 2021 (CENAP-OP-R-2021-1037-23).

Soil Characteristics & Groundwater

The USDA Soil Survey for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates four soil series within the site, mostly with 0 – 2 percent slopes. These soil series are all sandy soil types associated with uplands. They include the Hammonton, Henlopen, Pepperbox and Runclint. Of these, Pepperbox is the least well drained soil type. It occupies a flatter portion of forested land within the center of the property. No hydric soils typical of wetlands were identified within the property.

Forested Land – Approximately 20 acres of the site is wooded. Dominant species include tulip poplar, American holly, hickory, sweet gum, red maple, white oak, loblolly pine and red oak. Mid successional younger forest generally occurs around the perimeter of the site and older late successional forest occupies the interior and central portion of the site. Forest structure is typical of other upland forest areas in this part of Sussex County.

Federally Listed Threatened or Endangered Species – No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated July 22, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

Conclusion

The 28.78 acre site consists of approximately 8.6 acres of agricultural field and 20.2 acres of mid to late successional forested land. No specimen trees or habitats of special concern exist. No federally listed threatened or endangered species exist on the property.

The site is relatively flat with respect to its surrounding topography ranging in elevation from 12 to 16 feet. There are no wetlands, streams or drainage conveyances on or nearby the site. Soils on the site are primarily sandy loams and loamy sand soils with few development limitations. The soils are predominantly well drained in character. The subject site is surrounded by existing residential development on all sides. Occasional non residential uses occur in the vicinity including a church and fire substation.

Exhibit 1

Sussex County Tax Map

Sussex County Tax Parcels 134-11.00-102 and 103



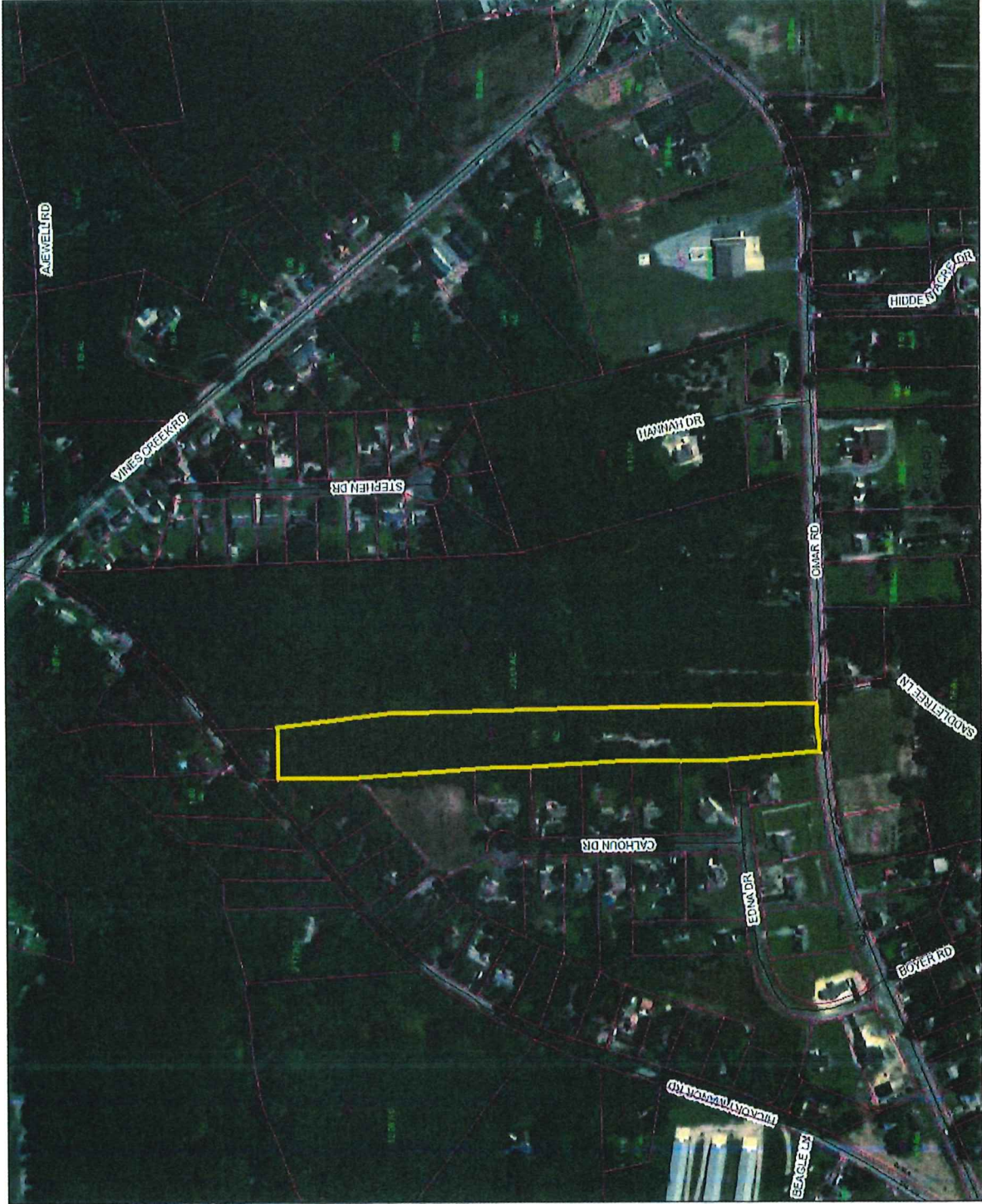
1:4,514
 0 0.04 0.09 0.17 mi
 0 0.05 0.1 0.2 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, Delaware Public Service Commission.

- October 11, 2021
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



Sussex County



PIN:	134-11 00-102.00
Owner Name:	SALT AIR PROPERTIES LLC
Book:	5568
Mailing Address:	8 N HAMPSHIRE CT
City:	GREENVILLE
State:	DE
Description:	N/RT 54 1450'
Description 2:	E/RT 346
Description 3:	
Land Code:	

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

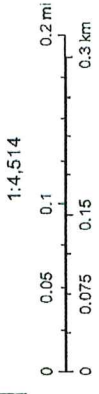




Exhibit 2

2018 Google Earth Photo

Hunter's Creek

Legend

-  Bethel Tabernacle Church
-  Millville Volunteer Fire Company Station #2



54

1000 ft Bethel Tabernacle Church

Exhibit 3

**Boundary Survey
Land Design, Inc. (reduced)**



EXISTING SITE DATA

1. SITE PARCEL	134.11 ACRES ± 102.28
2. SUBJECT ZONING	R-100
3. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
4. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
5. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
6. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
7. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
8. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
9. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY
10. PREVIOUS ZONING	RESIDENTIAL, SINGLE-FAMILY

PROPOSED SITE DATA

1. PROPOSED LOT AREA	134.11 ACRES ± 102.28
2. PROPOSED LOT AREA	134.11 ACRES ± 102.28
3. PROPOSED LOT AREA	134.11 ACRES ± 102.28
4. PROPOSED LOT AREA	134.11 ACRES ± 102.28
5. PROPOSED LOT AREA	134.11 ACRES ± 102.28
6. PROPOSED LOT AREA	134.11 ACRES ± 102.28
7. PROPOSED LOT AREA	134.11 ACRES ± 102.28
8. PROPOSED LOT AREA	134.11 ACRES ± 102.28
9. PROPOSED LOT AREA	134.11 ACRES ± 102.28
10. PROPOSED LOT AREA	134.11 ACRES ± 102.28

NOTES

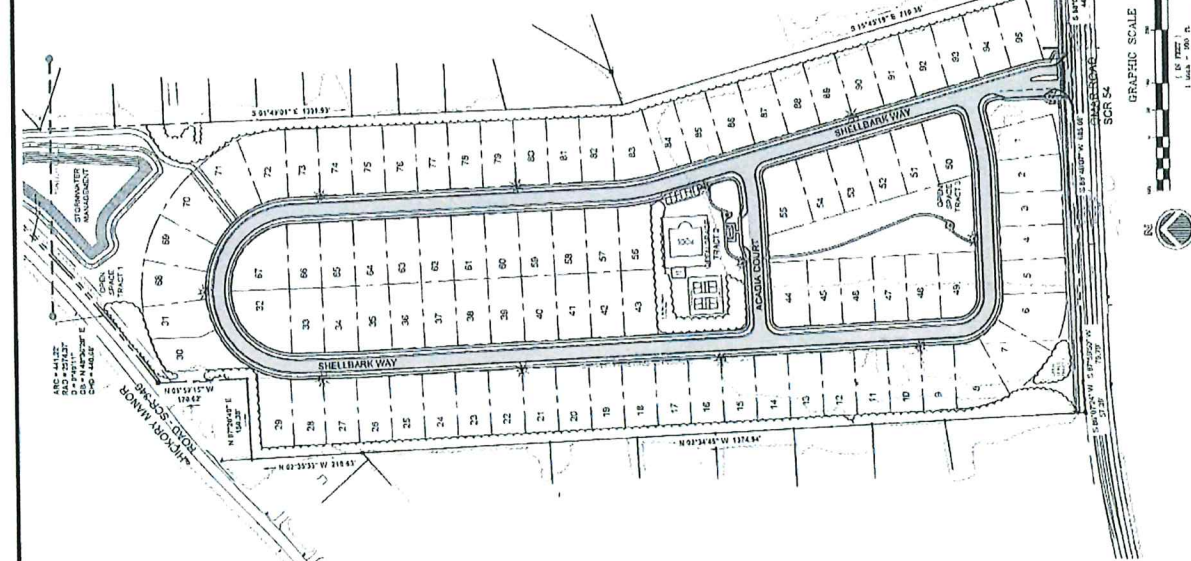
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
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<p>WATERS OF THE UNITED STATES HUNTER'S CREEK 34097 & 34137 OMAR ROAD BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE</p>		<p>PLITKO, I.L.C. 18 ATLANTIC AVE., STE. 3 OCEAN VIEW, DE 19150 Phone: (410) 391-1919</p>	<p>LAND DESIGN Surveying / Landscape Architecture P.E. 1000 W. 12th Street, Suite 100 Wilmington, DE 19804 Phone: (302) 426-1111</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>01/15/2024</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	01/15/2024	ISSUED FOR PERMIT
NO.	DATE	DESCRIPTION								
1	01/15/2024	ISSUED FOR PERMIT								

Exhibit 4

**Concept Plan
Land Design, Inc. (reduced)**

<p>EXISTING SITE DATA</p> <ol style="list-style-type: none"> 1. THE PARCEL 2. STATE OF DELAWARE 3. OWNER/DEVELOPER 4. PRESENT ZONING 5. PRESENT LAND USE 6. PAVED AREAS 7. TOTAL 8. EXISTING VEGGED AREA 	<p>PROPOSED SITE DATA</p> <ol style="list-style-type: none"> 1. PROPOSED LAND USE 2. PROPOSED LOT AREA 3. PROPOSED LOT AREA 4. PROPOSED LOT AREA 5. PROPOSED LOT AREA 6. PROPOSED LOT AREA 7. PROPOSED LOT AREA 8. PROPOSED LOT AREA 9. PROPOSED LOT AREA 10. PROPOSED LOT AREA 11. PROPOSED LOT AREA 12. PROPOSED LOT AREA 13. PROPOSED LOT AREA 14. PROPOSED LOT AREA 15. PROPOSED LOT AREA 16. PROPOSED LOT AREA 17. PROPOSED LOT AREA 18. PROPOSED LOT AREA 19. PROPOSED LOT AREA 20. PROPOSED LOT AREA 21. PROPOSED LOT AREA 22. PROPOSED LOT AREA 23. PROPOSED LOT AREA 24. PROPOSED LOT AREA 25. PROPOSED LOT AREA 26. PROPOSED LOT AREA 27. PROPOSED LOT AREA 28. PROPOSED LOT AREA 29. PROPOSED LOT AREA 30. PROPOSED LOT AREA 31. PROPOSED LOT AREA 32. PROPOSED LOT AREA 33. PROPOSED LOT AREA 34. PROPOSED LOT AREA 35. PROPOSED LOT AREA 36. PROPOSED LOT AREA 37. PROPOSED LOT AREA 38. PROPOSED LOT AREA 39. PROPOSED LOT AREA 40. PROPOSED LOT AREA 41. PROPOSED LOT AREA 42. PROPOSED LOT AREA 43. PROPOSED LOT AREA 44. PROPOSED LOT AREA 45. PROPOSED LOT AREA 46. PROPOSED LOT AREA 47. PROPOSED LOT AREA 48. PROPOSED LOT AREA 49. PROPOSED LOT AREA 50. PROPOSED LOT AREA 51. PROPOSED LOT AREA 52. PROPOSED LOT AREA 53. PROPOSED LOT AREA 54. PROPOSED LOT AREA 55. PROPOSED LOT AREA 56. PROPOSED LOT AREA 57. PROPOSED LOT AREA 58. PROPOSED LOT AREA 59. PROPOSED LOT AREA 60. PROPOSED LOT AREA 61. PROPOSED LOT AREA 62. PROPOSED LOT AREA 63. PROPOSED LOT AREA 64. PROPOSED LOT AREA 65. PROPOSED LOT AREA 66. PROPOSED LOT AREA 67. PROPOSED LOT AREA 68. PROPOSED LOT AREA 69. PROPOSED LOT AREA 70. PROPOSED LOT AREA 71. PROPOSED LOT AREA 72. PROPOSED LOT AREA 73. PROPOSED LOT AREA 74. PROPOSED LOT AREA 75. PROPOSED LOT AREA 76. PROPOSED LOT AREA 77. PROPOSED LOT AREA 78. PROPOSED LOT AREA 79. PROPOSED LOT AREA 80. PROPOSED LOT AREA 81. PROPOSED LOT AREA 82. PROPOSED LOT AREA 83. PROPOSED LOT AREA 84. PROPOSED LOT AREA 85. PROPOSED LOT AREA 86. PROPOSED LOT AREA 87. PROPOSED LOT AREA 88. PROPOSED LOT AREA 89. PROPOSED LOT AREA 90. PROPOSED LOT AREA 91. PROPOSED LOT AREA 92. PROPOSED LOT AREA 93. PROPOSED LOT AREA 94. PROPOSED LOT AREA 95. PROPOSED LOT AREA 96. PROPOSED LOT AREA 97. PROPOSED LOT AREA 98. PROPOSED LOT AREA 99. PROPOSED LOT AREA 100. PROPOSED LOT AREA
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VICINITY ZONING MAP
SCALE: 1" = 100'

LEGEND

- PROPOSED DRIVEWAY
- EXISTING DRIVEWAY
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED LOT LINE
- EXISTING LOT LINE
- PROPOSED DRIVEWAY
- EXISTING DRIVEWAY
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED LOT LINE
- EXISTING LOT LINE

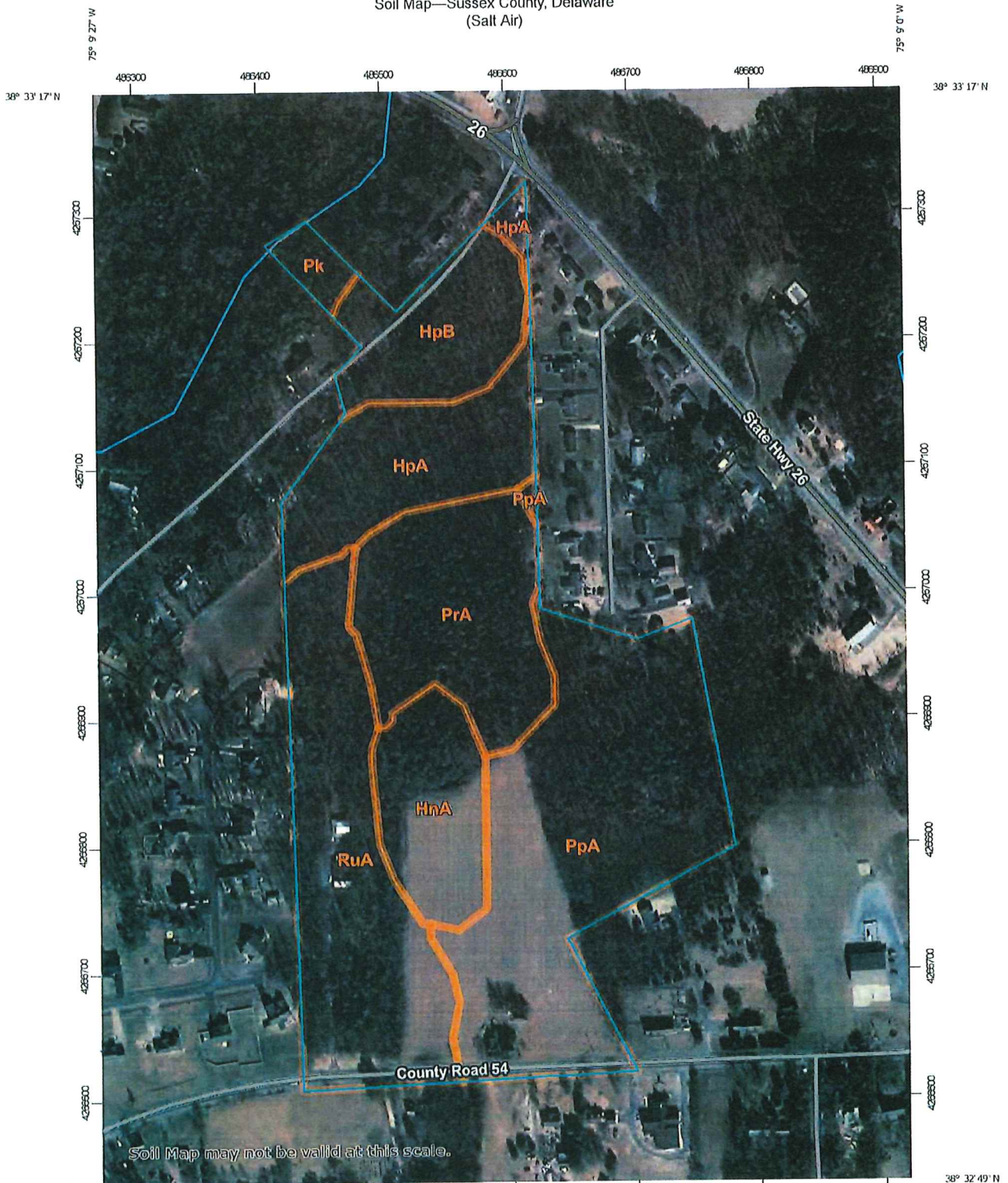
SHEET INDEX:

- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3-4 PRELIMINARY PLAN
- 5 PRELIMINARY LANDSCAPE

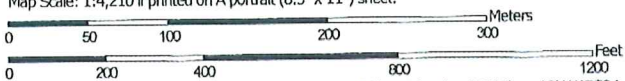
Exhibit 5

USDA Soil Survey of Sussex County

Soil Map—Sussex County, Delaware
(Salt Air)



Map Scale: 1:4,210 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

2/16/2021
Page 1 of 3

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.









































Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 21, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Streams and Canals
 Borrow Pit	 Transportation
 Clay Spot	 RAILS
 Closed Depression	 Interstate Highways
 Gravel Pit	 US Routes
 Gravelly Spot	 Major Roads
 Landfill	 Local Roads
 Lava Flow	 Background
 Marsh or swamp	 Aerial Photography
 Mine or Quarry	
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HnA	Hammonlon sandy loam, 0 to 2 percent slopes	3.5	8.6%
HpA	Henlopen loamy sand, 0 to 2 percent slopes	4.9	12.1%
HpB	Henlopen loamy sand, 2 to 5 percent slopes	3.6	9.0%
Pk	Puckum muck, frequently flooded	0.6	1.6%
PpA	Pepperbox loamy sand, 0 to 2 percent slopes	12.8	31.9%
PrA	Pepperbox-Rockawalkin complex, 0 to 2 percent slopes	6.2	15.3%
RuA	Runclint loamy sand, 0 to 2 percent slopes	8.7	21.5%
Totals for Area of Interest		40.3	100.0%

Exhibit 6

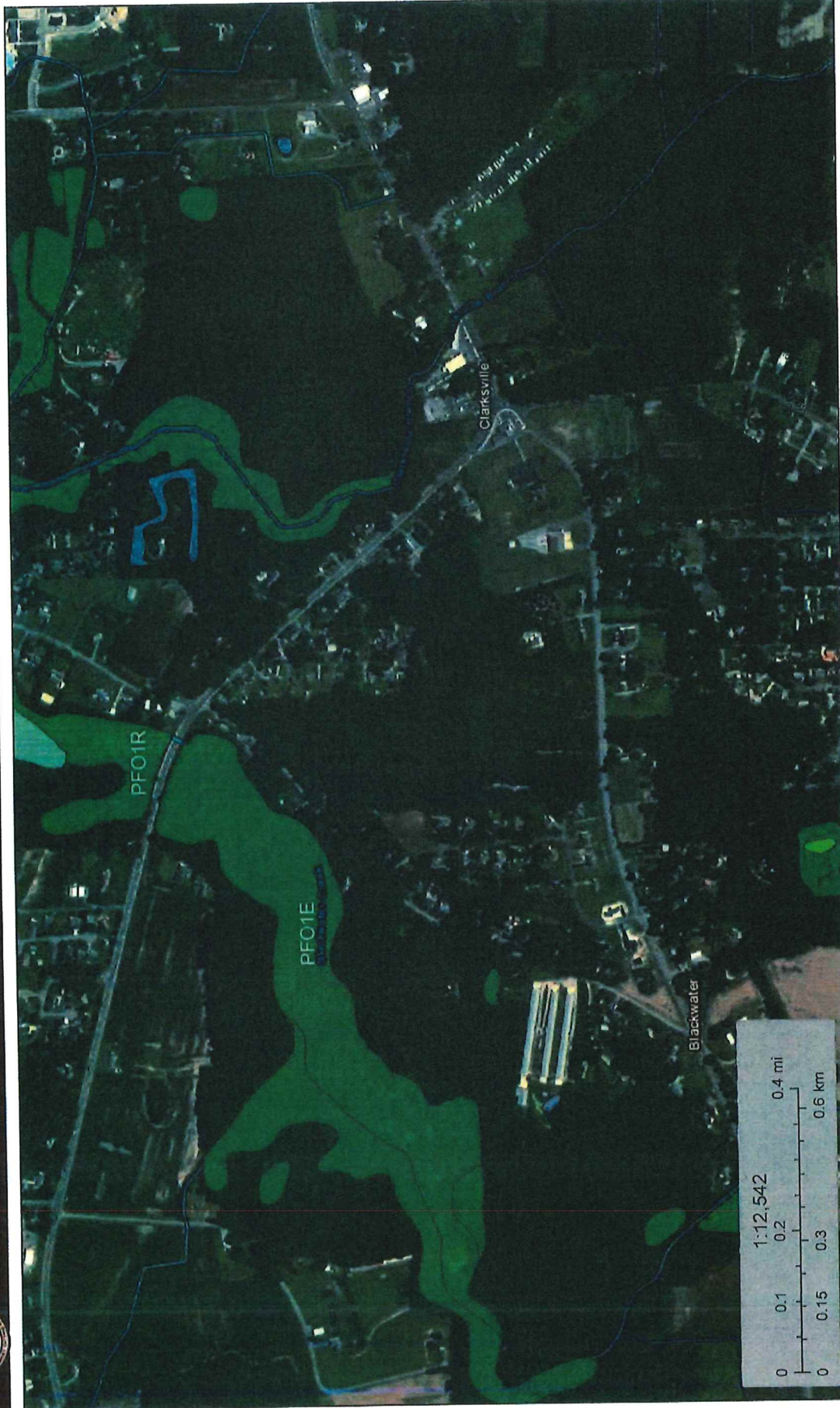
**U.S. Fish & Wildlife Service
National Wetland Inventory Map**



U.S. Fish and Wildlife Service



National Wetlands Inventory

Salt Air






October 5, 2021

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond

-  Lake
-  Other
-  Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Exhibit 7

**U.S. Fish & Wildlife Service
Species List
July 22, 2022**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:
Project Code: 2022-0066817
Project Name: Hunter's Creek Residential Community

July 22, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

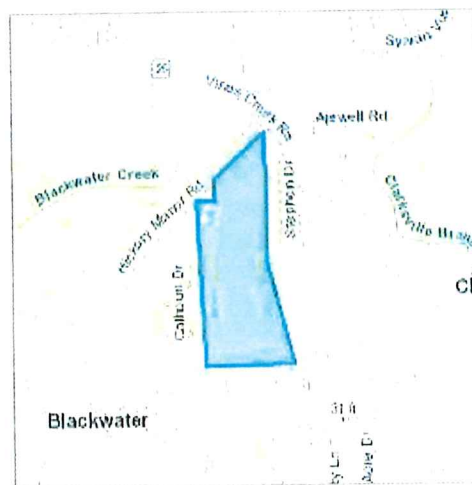
This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Project Code: 2022-0066817
Event Code: None
Project Name: Hunter's Creek Residential Community
Project Type: Residential Construction
Project Description: Construct a 95 unit residential community on uplands.
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.550938450000004,-75.15472601088634,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email elaunay@ericonsultants.com

Phone: 3024369637

Exhibit 8

**Corps of Engineers
Jurisdictional Determination Letter**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

27 October 2021

Regulatory Branch
Applications Section II

SUBJECT: CENAP-OP-R 2021-1037-23
Project Name: Hunter's Creek Subdivision SX
Latitude and Longitude: 38.54836° N, -75.153919° W

Thomas D. Nobile
Environmental Resources, Incorporated
38173 DuPont Boulevard
Post Office Box 169
Selbyville, Delaware 19975

Dear Mr. Nobile:

This letter is written with regard to your request for a jurisdictional determination on behalf of Salt Air Properties, LLC concerning the development of a property known as Hunter's Creek residential subdivision, located at Tax Map Parcels 134-11.00-102 and -103, Baltimore Hundred, Sussex County, Delaware.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States (Section 10 of the RHA) and the discharge of dredged or fill material into waters of the United States including adjacent wetlands (Section 404 of the CWA). Discharges of dredged material means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. Discharges of fill material include activities such as the placement of fill that is necessary for the construction of any structure or infrastructure in a water of the United States; the building of any structure, infrastructure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and sub-aqueous utility lines; placement of fill material for construction or maintenance of any liner, berm, or other infrastructure associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining-related materials; and artificial reefs.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Based on the information you have submitted to this office, the Corps of Engineers has determined that the proposal by Salt Air, LLC to develop the Hunter's Creek property does not involve work or structures in navigable waters of the United States, nor does it involve the discharge of dredged or fill material into waters of the United States. Consequently, the proposed activity is not subject to the authority of the Corps of Engineers and will not require the approval of this office. The basis of our determination is enclosed.

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

This letter contains an approved jurisdictional determination for the Hunter's Creek property. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form (Enclosure 2). If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700
Telephone number: 347-370-4650

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 28 December 2021.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you have any questions regarding this matter, please contact me at 609-217-8527, or by email at john.g.brundage@usace.army.mil.

Sincerely,

John G. Brundage
Senior Biologist, Regulatory Branch

SUBJECT PROPERTY: Hunter's Creek residential subdivision, located at Tax Map Parcels 134-11.00-102 and -103, Baltimore Hundred, Sussex County, Delaware.

SURVEY DESCRIPTION: Plan prepared by Plitko, LLC, dated August 27, 2021, and titled: Preliminary Plan, Hunter's Creek, 34097 & 34137 Omar Road, Baltimore Hundred, Sussex County, Delaware, one sheet.

Enclosures



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

October 19, 2021

Ray Blakeney
PLITKO, LLC
53 Atlantic Ave., Suite 3
Ocean View, DE 19970

RE: PLUS review 2021-09-03; Hunter's Creek

Dear Mr. Blakeney:

Thank you for meeting with State agency planners on September 22, 2021 to discuss the proposed plans for the Hunter's Creek project. According to the information received you are seeking review of a proposed 95 unit subdivision on 28.78 acres along Omar Road in Sussex County.

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

Plitko LLC's comment responses are noted in red throughout the document.

Strategies for State Policies and Spending

Based on its location in a Level 2 investment area, this project is consistent with the 2020 Strategies for State Policies and Spending. This site is also located in the Coastal area according to the Sussex County Comprehensive plan. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The site access on Omar Road (Sussex Road 54) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

122 Martin Luther King Jr. Blvd. South- Haslet Armory · Third Floor· Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 •www.stateplanning.delaware.gov

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at <https://www.deldot.gov/Business/subdivisions/pdfs/MeetingRequestForm.pdf?080220>
I-1 The applicant's engineer should contact DelDOT's Subdivision Reviewer for this part of Sussex County, Mr. Kevin Hickman to discuss whether the November 12, 2020, meeting was sufficient in this regard. Mr. Hickman may be reached at (302) 760-2461 or Kevin.Hickman@delaware.gov.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 992 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 72 and 97, respectively. Therefore, a TIS would normally be required.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$9,920. AWS Fees are used to fund traffic studies, not to build improvements.

DelDOT anticipates requiring the developer to improve both Omar Road and Hickory

Manor Road (Sussex Road 346) within the limits of their projected frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders. Per the definition in Section 1.8 of the Manual. On Omar Road, that limit would be extended east to the start of any required right turn lane. On Hickory Manor Road, it would extend from a point about 200 feet southwest of the physical frontage to the intersection with Delaware Route 26. DelDOT anticipates requiring a signal agreement there but does not anticipate requiring that the entire intersection be improved to meet standards.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Omar Road and Hickory Manor Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of both roads. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"

- In accordance with Section 3.2.5.1.2 of the Manual, DeIDOT will require the establishment of a 15-foot-wide permanent easement across the property frontage on Omar Road and Hickory Manor Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot-wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the entrance on Omar Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DeIDOT anticipates requiring SUP along this development's road frontage on Omar Road and Hickory Manor Road.
- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DeIDOT anticipates requiring accessways from Omar Road and Hickory Manor Road to the internal street system in accordance with the spacing criteria in that section.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Omar Road and Hickory Manor Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.del.dot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

RESPONSE: We have had Project Coordination and Pre-Submittal meetings with DeIDOT and will comply with their requirements.

Department of Natural Resources and Environmental Control - Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically ([http://apps.dnrec.de aware.gov/enoi/](http://apps.dnrec.deaware.gov/enoi/), select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

RESPONSE: We will comply with all SCD/ DNREC requirements for stormwater management, including a project application meeting, stormwater management plans and a Notice Of Intent.

Excellent Groundwater Recharge Area

An Excellent Groundwater Recharge Area is located on the northern portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

RESPONSE: Project will comply with County and DNREC regulations. It is anticipated that the northern end of the site will be used for stormwater management, which should include the opportunity for groundwater infiltration. This will be investigated further as we begin preparation of stormwater management plans.

Wildlife Displacement

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

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dmec.a.jpba.delaware.gov/fish-wildlife/wildlife/>

RESPONSE: Acknowledged. Effort will be taken to preserve existing trees in buffer and open space areas. Buffers will be re-planted where remaining existing vegetation does not meet County buffer planting specifications.

Wastewater permits -Large Systems

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <http://dnrec.delaware.gov/water/water/>

RESPONSE: We have met with the County Engineering to discuss annexation into the County sewer district and are moving forward with the annexation process.

State Historic Preservation Office - Contact Carlton Hall 736-7400

- The northern half of the parcel has high potential for prehistoric archaeological resources. Blackwater Creek is just north of the parcel. While there are no known sites on the parcel, there is a prehistoric site (S07978) approximately half a mile west of the parcel along Blackwater Creek. The entire parcel is composed of well-drained soils, and the northern half has remained consistently wooded throughout historic maps and aerials. Due to favorable conditions and minimal disturbance, this Office recommends a Phase I archaeological survey prior to any ground disturbance.
- Historic aerial and topographic maps show a still extant house on the southern part of the parcel that was constructed in 1913. The land immediately around the house has consistently been cultivated fields. A house was built to the west of the historic home in 1988. There is a high potential for historic archaeological resources in the southern half of the parcel relating to the historic farmhouse. The Delaware SHPO recommends a

Phase I archaeological survey prior to any ground disturbance.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54) which is currently being revised.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Acknowledged. We will be reaching out to an archeological consultant for a preliminary review of the property.

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

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

Fire Protection Features:

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

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Omar Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door. Streets designed without parking need to develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn-around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

RESPONSE: A fire protection site plan for the community will be prepared and submitted to the Office of State Fire marshal for review and approval.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Omar Road or Hickory Manor Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Acknowledged.

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

- The preliminary plan proposes the elimination of approximately **18** of 20 acres of forest on the site. An analysis of historical data indicates that the forest area located on the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species

of birds utilize these areas for nesting sites.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Acknowledged.

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/ediment-stormwater/>

Acknowledged.

Water Quality (Pollution Control Strategies)

- This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Acknowledged.

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Excellent Groundwater Recharge Area

- For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Acknowledged. Currently there is no impervious surface within the Excellent Recharge Area save a pedestrian connection to Hickory Manor Road.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: https://dnrec.alpha.delaware.gov/ater/su_l/round-water-rotection/

Wildlife Displacement

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Reduce the potential for future conflicts between future residents and wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas. A 300-foot safety zone is recommended.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Additional Sustainable Practices

- Build garages and parking spaces to be "EV-ready." Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. This will increasingly be a selling point for homes.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/client-portal-energy/>

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

- Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshals.delaware.gov, technical services link, plan review, applications, or brochures.

Delaware Emergency Management Agency - Contact Philip Cane 659-2325

- This parcel is not within a mapped flood zone, though there is an AE7 flood zone to its north. Recommend additional flood mitigation activities along northern border (additional trees/landscaping, larger stormwater management, etc.).

Sussex County Housing - Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Sussex County Planning & Zoning - Contact Lauren Devore 855-7878

- The Applicant is required to engage in a Pre-Application Meeting with Department staff prior to the submittal of a formal application to the Department of Planning and Zoning. Please note that since the proposal falls within the Coastal Area, a Public Facility Evaluation Report and copies of an Environmental Assessment will be required to be submitted along with the application to the Department of Planning and Zoning (§1 15-194.3(8)(2)).
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- The minimum district area for an RPC District in any residential district if the only development proposed is single-family detached dwellings is 10 acres. This proposal achieves this requirement as it consists of 28.78 acres (§115-121(A)(3)).
- Please include the number of forested areas to be removed within the Site Data Column.
- Staff note that the parcels retain only one-way-in, one-way-out access to the subdivision. The Planning and Zoning Commission often desires more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- Please confirm whether the existing trees on site will be retained for the required forested/landscaped buffer as part of §99-5 of the Sussex County Code, or whether plantings will be installed to achieve the 20-ft forested buffer requirement.
- It is noted that a stormwater management pond has been provided within the location of the required landscaped buffer. Please note that while stormwater management outfalls are permitted to be placed within the buffer area, stormwater management ponds are not. Please ensure that all stormwater management ponds are provided in such a way that the required 20-ft landscaped buffer may be installed.
- Please note on the plans that the parcels are located within an area of "excellent, good, fair and poor" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).
- Design consideration should be given by the applicant toward the establishment of a greenways system which utilizes schools, parks, wildlife habitat areas, river and stream corridors, wetlands, floodplains, historic sites, business parks, urban sidewalks, abandoned rail lines, roads, beach areas and vacant land. Greenways should provide benefits like safe pedestrian, bicycling and equestrian routes for recreationists and commuters; and natural wildlife corridors and biological reserves (§115-194.3(E)).

- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of a formal application.

Sussex County Engineering Department- Contact Chris Calio 855-U99

- The project is within a Tier 2 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends developer establish a contiguous path and extend sewer to county infrastructure or the project receive wastewater service from a public utility or municipality.

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

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely, > /

David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department