

**COUNTY COUNCIL**

MICHAEL H. VINCENT, PRESIDENT  
JOHN L. RIELEY, VICE PRESIDENT  
CYNTHIA C. GREEN  
DOUGLAS B. HUDSON  
MARK G. SCHAEFFER



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

**SUSSEX COUNTY COUNCIL**

**A G E N D A**

**APRIL 13, 2021**

**9:00 A.M.**

**PLEASE NOTE THE EARLIER MEETING START TIME AND THAT THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION: ROOM 540, CARTER PARTNERSHIP CENTER AT DELAWARE TECHNICAL COMMUNITY COLLEGE, 21179 COLLEGE DRIVE, GEORGETOWN**

**PLEASE REVIEW MEETING INSTRUCTIONS AND PARTICIPATION INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

**Call to Order**

**Approval of Agenda**

**Executive Session – Pending Litigation and Land Acquisition pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session items including pending litigation**

**Approval of Minutes – March 23, 2021**

**Reading of Correspondence**

**Public Comments**

**Consent Agenda**

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-1103  
Sweetbay Project, Johnson’s Corner Area**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA-S20-18  
Destiny Apartments Project, West Rehoboth Area**
- 3. Use of Existing Wastewater Infrastructure Agreement, IUA-HMC1  
Hosmane Medical Center Project, West Rehoboth Area**



**Todd Lawson, County Administrator**

1. Administrator's Report

**John Ashman, Director of Utility Planning & Design Review**

1. Request to prepare and post notices for the Roxanna Apartment Annexation into the Millville Area of the Sussex County Unified Sanitary Sewer District

**Hans Medlarz, County Engineer**

1. Herring Creek Sanitary Sewer District – North Gravity Sewer and Force Main, Project S20-07
  - A. Change Order No. 2
2. EMS 200/Medic 110 Station, Project C19-08
  - A. George, Miles & Buhr, LLC Amendment 3 – Additional Professional Services
  - B. The Whayland Company – Substantial Completion
3. Hollyville Road DelDOT Easement
4. Agricultural Farm Lease – Lease Award Recommendation for Parcel 430-16.00-31.00

**Bill Pfaff, Director of Economic Development**

1. Delaware Coastal Business Park Leases
  - A. Michael D. Rhodes and Ethan M. Rhodes, Builder Supply of Delmarva
  - B. PATS Aircraft, LLC, d/b/a ALOFT AeroArchitects
  - C. Great Outdoor Cottages, LLC

**Grant Requests**

1. Village Improvement Association for snow fence replacement along beach dunes
2. Rehoboth Beach Main Street to defray costs associated with sidewalk dining and retail
3. Fraternal Order of Police – Sussex County Lodge No. 2 for programs supporting disadvantaged youth, needy families, police officers, veterans, etc.
4. Stronger After Cancer for personal training for cancer survivors

5. Camp Arrowhead Diocesan Council for construction of a dining hall and community center
6. Delmarva Clergy United in Social Action Foundation for the Griffin Place (furniture, educational literature, transportation, etc.)

**10:00 a.m. Public Hearings\***

**\*Public hearings will begin immediately following the agenda items listed above and not before 10:00 a.m.**

**Woodlands II Annexation into the Miller Creek Area of the Sussex County Unified Sanitary Sewer District**

**Conditional Use No. 2251 filed on behalf of Heimlich Solar Partners, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 35.4 ACRE SOLAR FIELD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 142.80 ACRES, MORE OR LESS” (property lying on the east side of Mile Stretch Road (S.C.R. 590) approximately 0.49 mile southeast of Scott’s Store Road (Route 36) (Tax I.D. No. 530-13.00-10.00) (911 Address: None Available)**

**Recess**

**Conditional Use No. 2208 filed on behalf of Artesian Wastewater Management, Inc.**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN EXPANSION OF AND AMEND CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1724 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 127.37 ACRES, MORE OR LESS” (property lying on the east side of Isaacs Road, approximately 610 feet south of Reynolds Pond Road and on the southwest side of Reynolds Pond Road, approximately 635 feet east of Isaacs Road) (Tax I.D. No. 235-6.00-28.00 & 28.09) (911 Address: None Available)**

**Council Members’ Comments**

**Adjourn**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 6, 2021 at 4:00 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

PLEASE NOTE: The meeting is to be held at the following location: **Room 540, Carter Partnership Center at Delaware Technical Community College, 21179 College Drive, Georgetown.**

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Seating capacity is limited and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountydela.gov/council-chamber-broadcast>.

The County is required to provide a dial-in telephone number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountydela.gov/agendas-minutes/council>.

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountydela.gov](mailto:rgriffith@sussexcountydela.gov). All comments shall be submitted by 4:30 P.M. on Monday, April 12, 2021.

# # # #

**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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date March 11<sup>th</sup>, 2021.

Application: CU 2251 Heimlich Solar Partners, LLC

Applicant: Heimlich Solar Partners, LLC (C/O Jeff Machiran)  
251 Little Falls Drive  
Wilmington, DE 19808

Owner: Tull Group, LLC  
P.O. Box 418  
Seaford, DE 19973

Site Location: Lying on the east side of Mile Stretch Rd. (S.C.R 590) approximately  
0.49 mile southeast of Scott Store Rd. (Route 36), Greenwood

Current Zoning: General Residential (GR)

Proposed Use: Solar Farm

Comprehensive Land  
Use Plan Reference: Developing Area

Councilmatic  
District: Ms. Green

School District: Woodbridge School District

Fire District: Greenwood Fire District

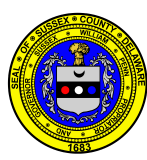
Sewer: None

Water: None

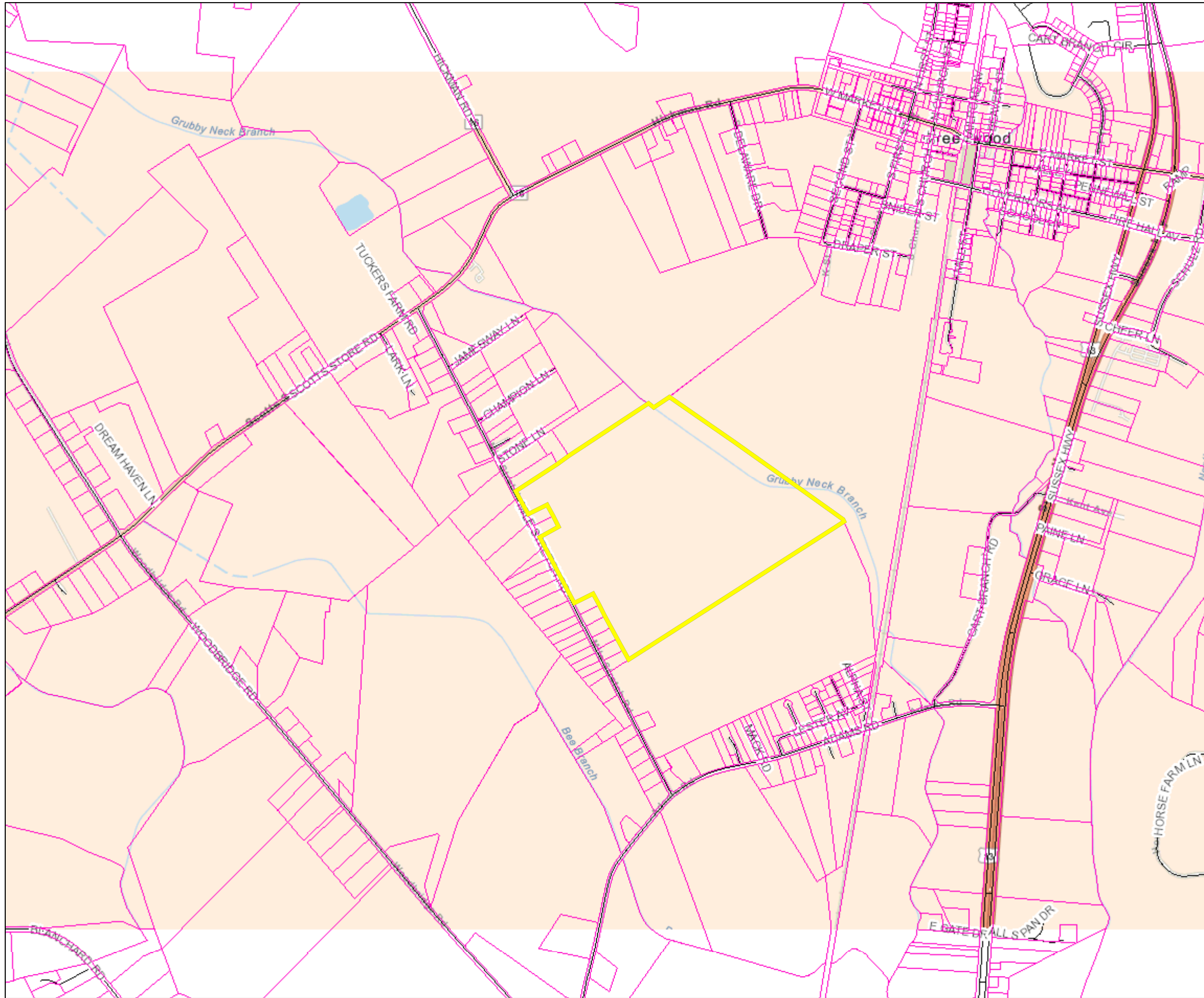
Site Area: 142.8 acres +/-

Tax Map ID.: 530-13.00-10.00





# Sussex County



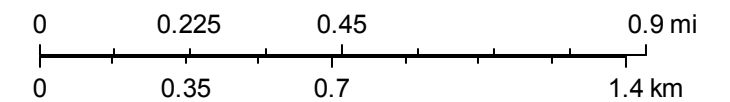
<b>PIN:</b>	530-13.00-10.00
<b>Owner Name</b>	TULL GROUP LLC
<b>Book</b>	2805
<b>Mailing Address</b>	PO BOX 418
<b>City</b>	SEAFORD
<b>State</b>	DE
<b>Description</b>	E/RT 590
<b>Description 2</b>	2490' N/RT 583
<b>Description 3</b>	N/A
<b>Land Code</b>	

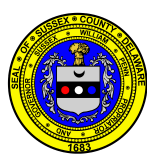
- polygonLayer

Override 1
- polygonLayer

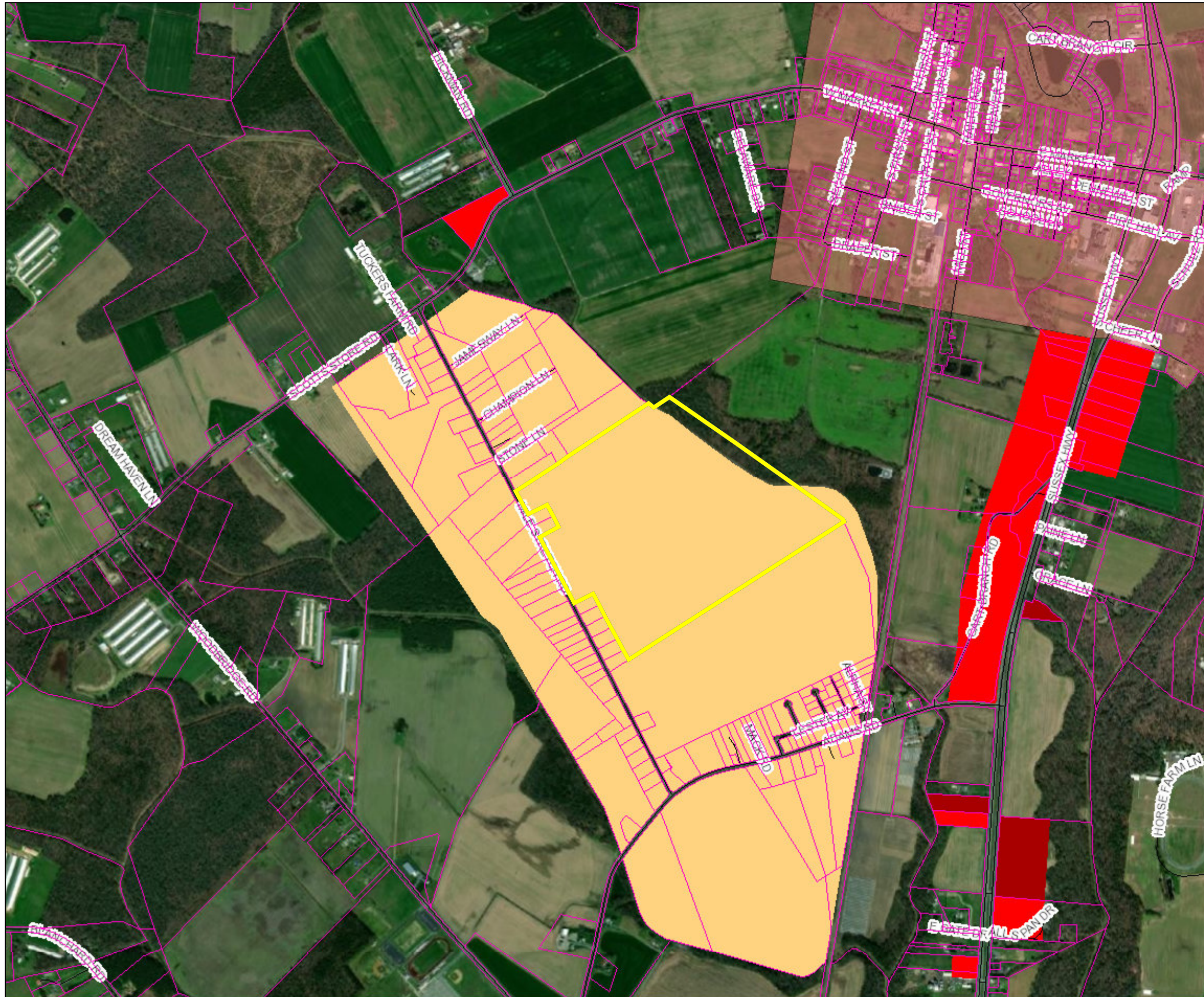
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:18,056





# Sussex County



<b>PIN:</b>	530-13.00-10.00
<b>Owner Name</b>	TULL GROUP LLC
<b>Book</b>	2805
<b>Mailing Address</b>	PO BOX 418
<b>City</b>	SEAFORD
<b>State</b>	DE
<b>Description</b>	E/RT 590
<b>Description 2</b>	2490' N/RT 583
<b>Description 3</b>	N/A
<b>Land Code</b>	

**polygonLayer**

Override 1

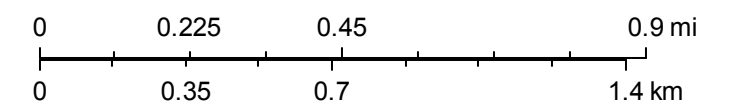
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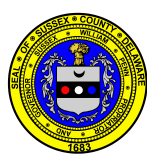
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Tax Parcels

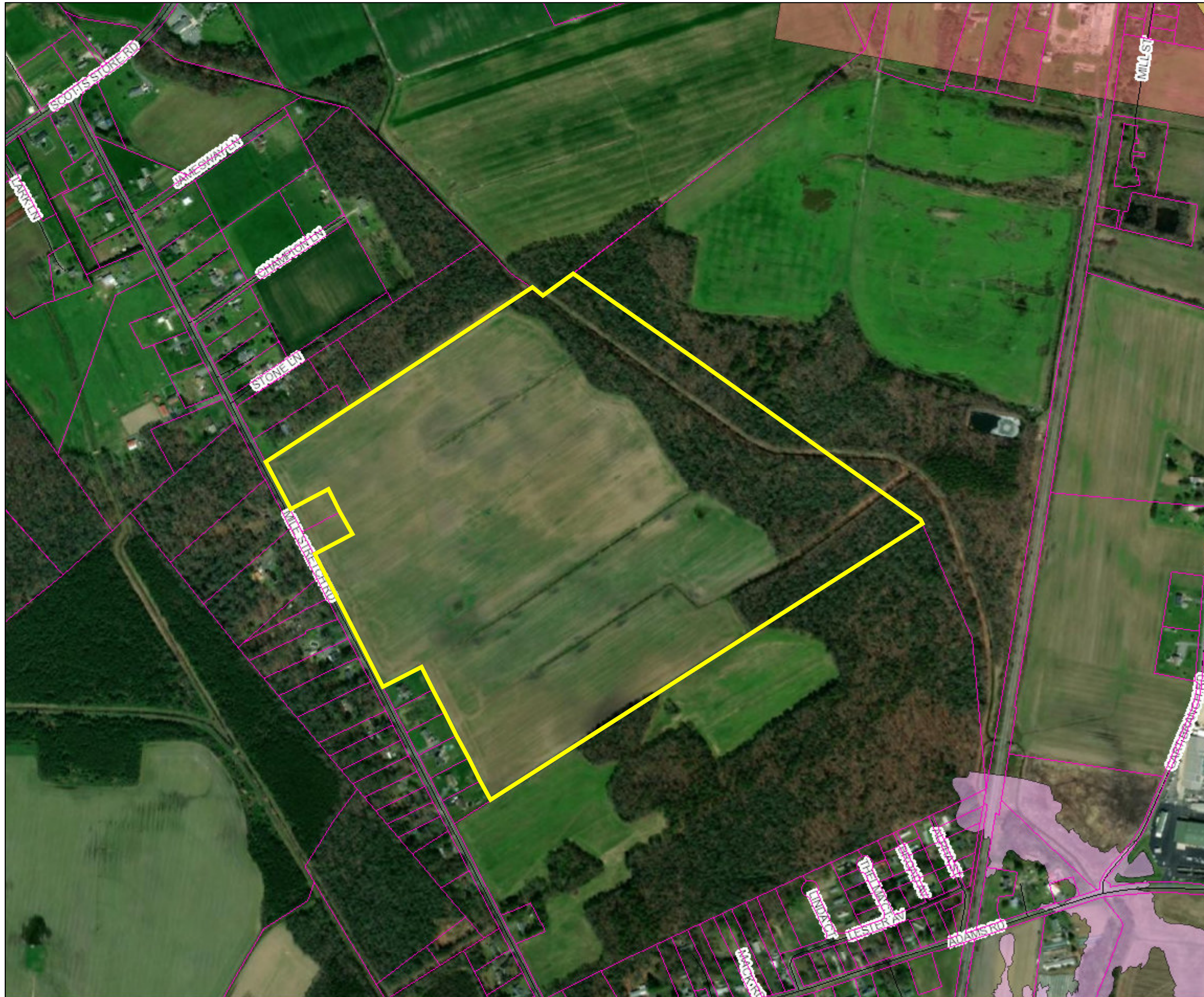
Streets

1:18,056





# Sussex County













<b>PIN:</b>	530-13.00-10.00
<b>Owner Name</b>	TULL GROUP LLC
<b>Book</b>	2805
<b>Mailing Address</b>	PO BOX 418
<b>City</b>	SEAFORD
<b>State</b>	DE
<b>Description</b>	E/RT 590
<b>Description 2</b>	2490' N/RT 583
<b>Description 3</b>	N/A
<b>Land Code</b>	

### polygonLayer

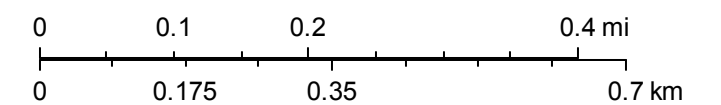
Override 1

### polygonLayer

Override 1

-  Tax Parcels
  -  Streets
  -  County Boundaries
- Flood Zones 2018**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  -  A
  -  AE
  -  AO
  -  OPEN WATER
  -  VE
  -  Municipal Boundaries

1:9,028





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



Sussex County

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sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: March 4<sup>th</sup>, 2021  
RE: Staff Analysis for CU 2251 Heimlich Solar Partners, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2251 Heimlich Solar Partners, LLC to be reviewed during the March 11<sup>th</sup>, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 530-13.00-10.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a solar farm. The parcel is located on the east side of Mile Stretch Road. (S.C.R. 590) in Greenwood, Delaware. The size of the property is approximately 142.8 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Developing Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Developing Area". The uses that the Developing Area land use designation recognizes are A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The property is zoned GR (General Residential Zoning District). The adjoining and surrounding properties located to the west, south, east, and northwest are all zoned GR (General Residential Zoning District). The property to the northeast is zoned AR-1 (Agricultural Residential Zoning District)

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.



Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a public utility elevated storage tank, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU2251

202014304

## Planning & Zoning Commission Application

### Sussex County, Delaware

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

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

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Adjacent 13831 Mile Stretch Road, Greenwood, DE 19950

**Type of Conditional Use Requested:**

Installation of approximately 4.5 MW AC solar photovoltaic electric generation facility

**Tax Map #:** 530-13.00-10.00

**Size of Parcel(s):** 142.8 acres

**Current Zoning:** GR

**Proposed Zoning:** GR

**Size of Building:** No building proposed

**Land Use Classification:** Low Density Area

**Water Provider:** None

**Sewer Provider:** None

**Applicant Information**

**Applicant Name:** Heimlich Solar Partners, LLC (EDF Renewables Distributed Solutions, Inc.)

**Applicant Address:** c/o Jeff Machiran 251 Little Falls Drive

**City:** Wilmington

**State:** DE

**Zip Code:** 19808

**Phone #:** (443) 220-5001

**E-mail:** jeff.machiran@edf-re.com

**Owner Information**

**Owner Name:** Tull Group, LLC

**Owner Address:** P.O. Box 418

**City:** Seaford

**State:** DE

**Zip Code:** 19973

**Phone #:** (302) 524-9290

**E-mail:** \_\_\_\_\_

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Chad Kayser, Senior Project Manager, TRC Companies

**Agent/Attorney/Engineer Address:** 600 Willowbrook Lane, St 618

**City:** West Chester

**State:** PA

**Zip Code:** 19382

**Phone #:** (610) 952-2828

**E-mail:** ckayser@trccompanies.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 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.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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.

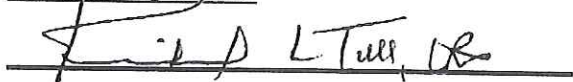
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

**Signature of Applicant/Agent/Attorney**



Date: 10/7/2020

**Signature of Owner**



Date: 10/7/20

**For office use only:**

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

September 9, 2020

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Heimlich Solar Partners, LLC** conditional use application, which we received on August 11, 2020. This application is for a 142.79-acre parcel (Tax Parcel: 530-13.00-10.00). The subject land is located on the east side of Mile Stretch Road (Sussex Road 590), approximately 2,500 feet south of the intersection of Scotts Store Road (Sussex Road 32) and Mile Stretch Road. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop a 4.7MW AC solar photovoltaic project.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Mile Stretch Road where the subject land is located is 979 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
September 9, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

*Troy Brestel* for

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Heimlich Solar Partners, LLC, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/26/2021**

APPLICATION: **CU 2251 Heimlich Solar Partners, LLC**

APPLICANT: **Heimlich Solar Partners, LLC**

FILE NO: **WS-4.06**

TAX MAP &  
PARCEL(S): **530-13.00-10.00**

LOCATION: **On the east side of Mile Stretch Road (SCR 590),  
approximately 0.49 mile southeast of Scott Store Road (Rt. 36).**

NO. OF UNITS: **Solar Farm**

GROSS  
ACREAGE: **142.8**


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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

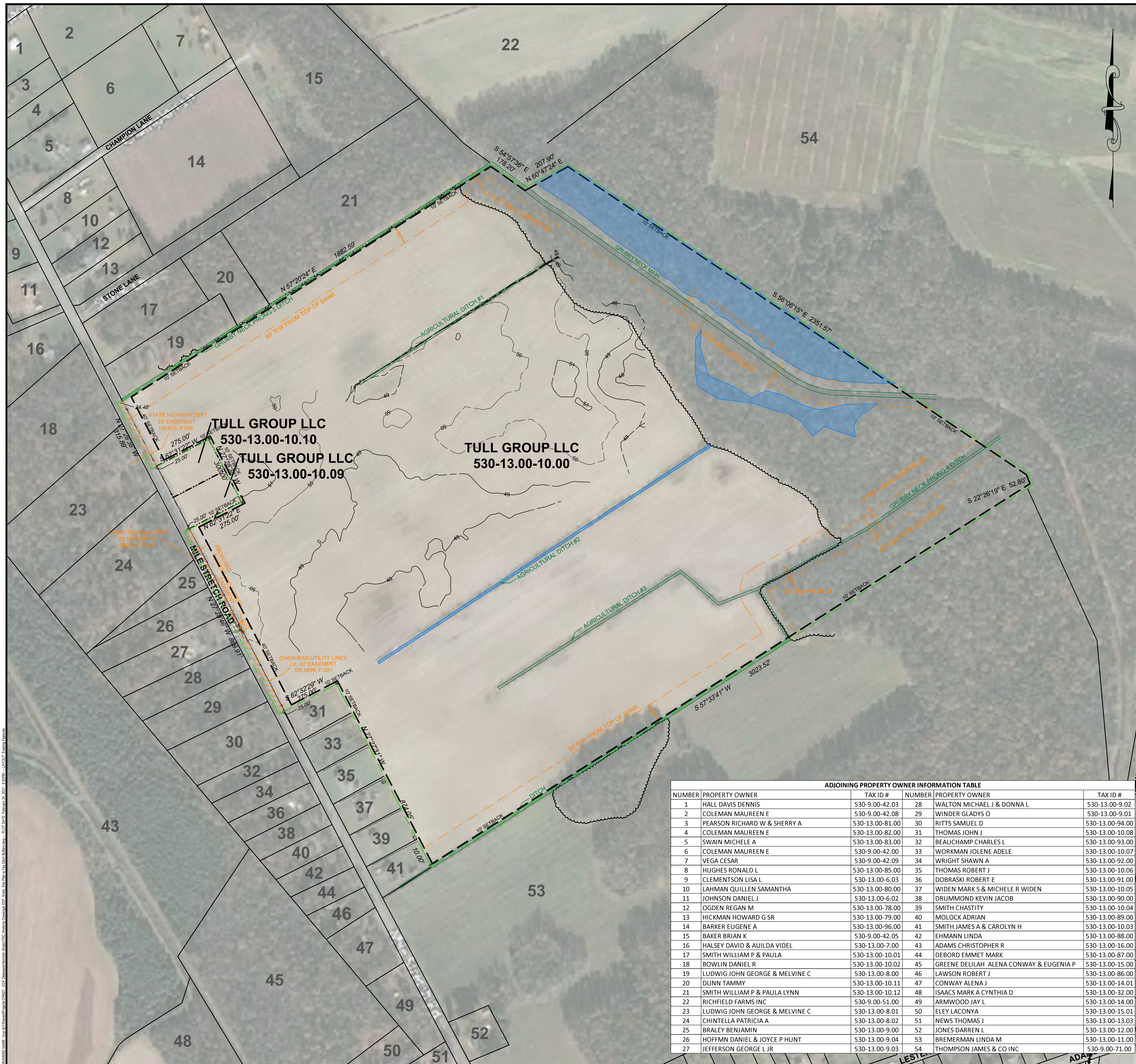
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: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

UTILITY PLANNING APPROVAL:

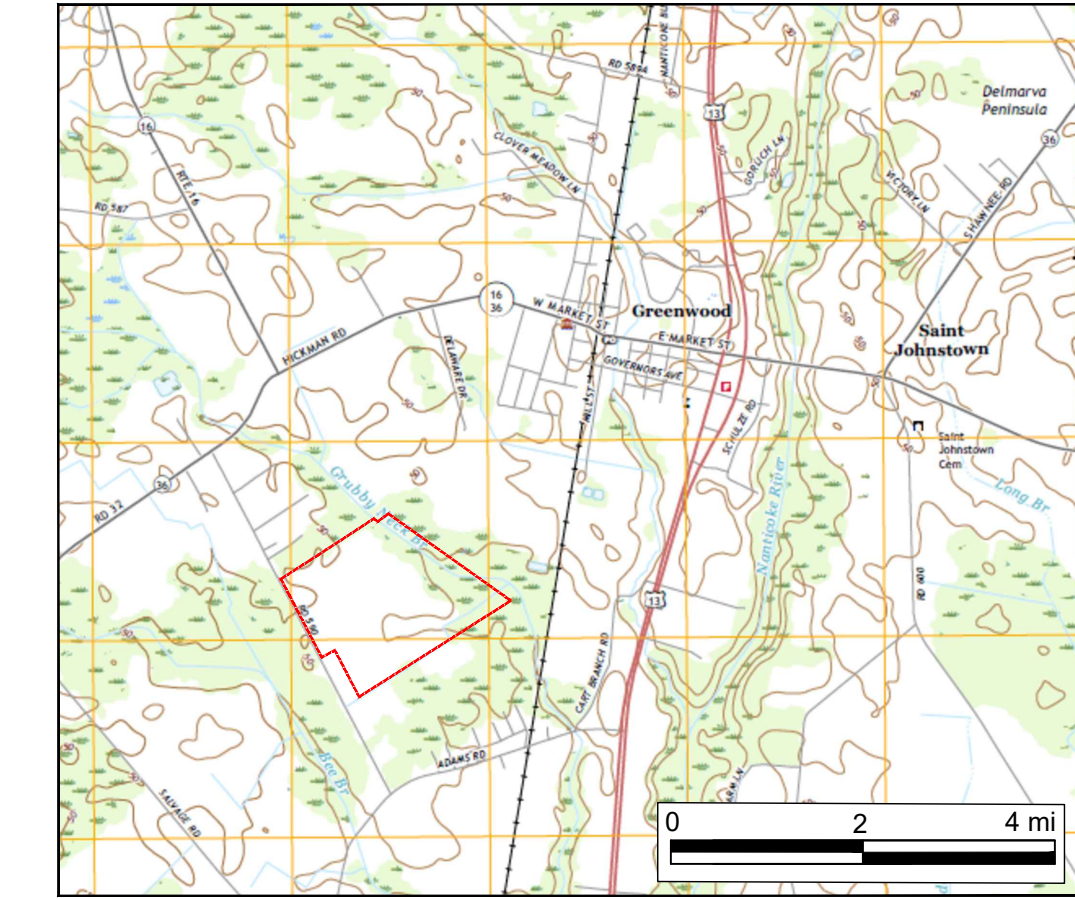
  
\_\_\_\_\_  
John J. Ashman  
Director of Utility Planning

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





**SITE LOCATION**



**LEGEND**

SYMBOL	DESCRIPTION
	EXISTING PROPERTY LINE
	TRC DELINEATED WETLANDS
	EXISTING ADJUTTER PROPERTY LINE
	TAX DITCH RIGHT-OF-WAY LIMIT

**NOTES**

1. THE PROJECT HORIZONTAL COORDINATES SYSTEM IS BASED ON NAD83 NEW YORK STATE PLANE (US SURVEY FEET, EAST ZONE, NY83-E). ELEVATIONS ARE BASED ON NAVD88 (US SURVEY FEET).
2. TOPOGRAPHY, PROPERTY BOUNDARIES, PARCEL IDENTIFICATION, EXISTING BUILDINGS, AND SETBACKS TAKEN FROM SURVEY LAST REVISED 01/26/2021 BY GREENMAN-PEDERSEN, INC. DE PROFESSIONAL LAND SURVEYOR NO. S6-0000787.
3. ADJOINING PROPERTY OWNER INFORMATION SHOWN ARE FROM SUSSEX COUNTY GIS PORTAL. ([HTTPS://MAPS.SUSSEXCOUNTYNY.GOV/PZAPPLICATIONS/MAP.HTML](https://maps.sussexcountyny.gov/pzapplications/map.html))
4. SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN (REFERENCE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0115K).
5. EXISTING UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY CONTRACTOR. DIG SAFELY NEW YORK (811) SHALL BE NOTIFIED A MINIMUM OF 72-HOURS PRIOR TO COMMENCING ANY EXCAVATION.
6. THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION, MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.

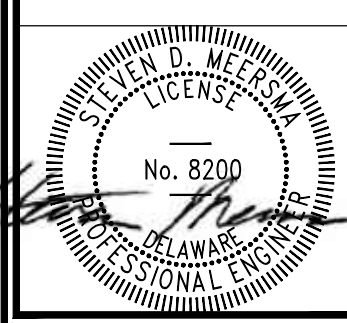
NUMBER	PROPERTY OWNER	TAX ID #	NUMBER	PROPERTY OWNER	TAX ID #
1	HALL DAVIS DENNIS	530-9.00-42.03	28	WALTON MICHAEL J & DONNA L	530-13.00-9.02
2	COLEMAN MAUREEN E	530-9.00-42.08	29	WINDER GLADYS O	530-13.00-9.01
3	PEARSON RICHARD W & SHERRY A	530-13.00-81.00	30	RITTS SAMUEL D	530-13.00-94.00
4	COLEMAN MAUREEN E	530-13.00-82.00	31	THOMAS JOHN J	530-13.00-10.08
5	SWAIN MICHELE A	530-13.00-83.00	32	BEAUCHAMP CHARLES L	530-13.00-93.00
6	COLEMAN MAUREEN E	530-9.00-42.00	33	WORKMAN JOLENE ADELE	530-13.00-10.07
7	VEGA CESAR	530-9.00-42.09	34	WRIGHT SHAWN A	530-13.00-92.00
8	HUGHES RONALD L	530-13.00-85.00	35	THOMAS ROBERT J	530-13.00-10.06
9	CLEMENTSON LISA L	530-13.00-6.03	36	DOBASKI ROBERT E	530-13.00-91.00
10	LAHMAN QUILLEN SAMANTHA	530-13.00-80.00	37	WIDEN MARK S & MICHELE R WIDEN	530-13.00-10.05
11	JOHNSON DANIEL J	530-13.00-6.02	38	DRUMMOND KEVIN JACOB	530-13.00-90.00
12	OGDEN REGAN M	530-13.00-78.00	39	SMITH CHASTITY	530-13.00-10.04
13	HICKMAN HOWARD G SR	530-13.00-79.00	40	MOLOCK ADRIAN	530-13.00-89.00
14	BARKER EUGENE A	530-13.00-96.00	41	SMITH JAMES A & CAROLYN H	530-13.00-10.03
15	BAKER BRIAN K	530-9.00-42.05	42	EHMANN LINDA	530-13.00-88.00
16	HALSEY DAVID & AUILDA VIDEL	530-13.00-7.00	43	ADAMS CHRISTOPHER R	530-13.00-16.00
17	SMITH WILLIAM P & PAULA	530-13.00-10.01	44	DEBORD EMMET MARK	530-13.00-87.00
18	BOWLIN DANIEL R	530-13.00-10.02	45	GREENE DELILAH ALENA CONWAY & EUGENIA P	530-13.00-15.00
19	LUDWIG JOHN GEORGE & MELVINE C	530-13.00-8.00	46	LAWSON ROBERT J	530-13.00-86.00
20	DUNN TAMMY	530-13.00-10.11	47	CONWAY ALENA J	530-13.00-14.01
21	SMITH WILLIAM P & PAULA LYNN	530-13.00-10.12	48	ISAACS MARK A CYNTHIA D	530-13.00-32.00
22	RICHFIELD FARMS INC	530-9.00-51.00	49	ARMWOOD JAY L	530-13.00-14.00
23	LUDWIG JOHN GEORGE & MELVINE C	530-13.00-8.01	50	ELEY LACONYA	530-13.00-15.01
24	CHINTELLA PATRICIA A	530-13.00-8.02	51	NEWS THOMAS J	530-13.00-13.03
25	BRALEY BENJAMIN	530-13.00-9.00	52	JONES DARREN L	530-13.00-12.00
26	HOFFMN DANIEL & JOYCE P HUNT	530-13.00-9.04	53	BREMERMAN LINDA M	530-13.00-11.00
27	JEFFERSON GEORGE L JR	530-13.00-9.03	54	THOMPSON JAMES & CO INC	530-9.00-71.00

SCALE: 1" = 200'  
  
 SHEET SIZE: 24" BY 36"  
 (DRAWING MAY BE PRINTED AT REDUCED SIZE)

1438 Broadway  
 10th Floor  
 New York, NY 10018  
 Phone: 212.221.1782



TRC Project No: 376627.0000.0000



Revisions:	
No.	Date:
1	02/09/2021

Drawn by:  
**A. REXROAT**  
 Design by:  
**A. REXROAT**  
 Checked by:  
**S. MEERSMA**

**HEIMLICH SOLAR PARTNERS, LLC**  
**EDF RENEWABLES DISTRIBUTED SOLUTIONS**  
**HEIMLICH SOLAR PROJECT**  
 13831 MILE STRETCH ROAD  
 GREENWOOD, DELAWARE 19950

Contract No:  
**376627**  
 Scale:  
**AS NOTED**  
 Date:  
**OCTOBER 2020**  
 Sheet:  
**EXISTING CONDITIONS**  
 Drawing No:  
**1**



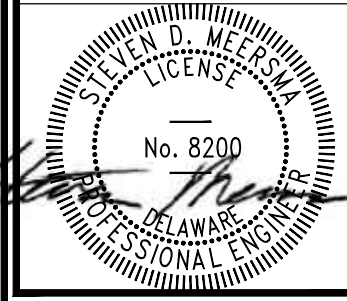
SYSTEM SUMMARY		
AZIMUTH (°)	180	
ARRAY TILT ANGLE (+/-°)	60	
PITCH (FT)	24.98	
GROUND COVERAGE RATIO (%)	28	
MODULES PER TRACKER / RACK	81	
MODULE WATTAGE (W)	400	445
QUANTITY OF MODULES	3969	9639
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RATED DC POWER (kWDC)	5876.96	
RATED AC POWER (kWAC)	4500	
AREA WITHIN FENCE (ACRES)	31.9	
LENGTH OF FENCE (FT)	4953.3	

SYMBOL	DESCRIPTION
	EXISTING PROPERTY LINE
	TRC DELINEATED WETLAND
	PROPOSED PROJECT FENCE
	PROPOSED GRAVE ACCESS DRIVEWAY
	PROPOSED UNDERGROUND CIRCUIT
	PROPOSED OVERHEAD LINE
	PROPOSED OVERHEAD POLES
	EXISTING MAJOR CONTOUR (FEET)
	EXISTING MINOR CONTOUR (FEET)
	TAX DITCH RIGHT-OF-WAY LIMIT

ZONING CONFORMANCE TABLE		
Zoning Code Description	Zoning Code Requirement	Proposed Project
Zoning Designation	General Residential	General Residential
Minimum Lot Area	10,000 square feet	1,403,670 square feet
Minimum Lot Width	150 feet	869 feet
Minimum Lot Depth	100 feet	1,883 feet
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Side Yard Depth	10 feet	377 feet
Rear Yard Depth	10 feet	552 feet

- NOTES**
- AREAS OUTSIDE FENCE TO REMAIN AS OPEN SPACE.
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  - SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN (REFERENCE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C015K).
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  - TOPOGRAPHY, PROPERTY BOUNDARIES, PARCEL IDENTIFICATION, EXISTING BUILDINGS, AND SETBACKS TAKEN FROM SURVEY LAST REVISED 01/26/2021 BY GREENMAN-PEDERSEN, INC. DE PROFESSIONAL LAND SURVEYOR NO. S6-0000787.
  - THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION. MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.

1430 Broadway  
10th Floor  
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Phone: 212.221.1782



Revisions:	
No.	Date:
1	02/09/2021

Drawn by:  
**A. REXROAT**

Design by:  
**A. REXROAT**

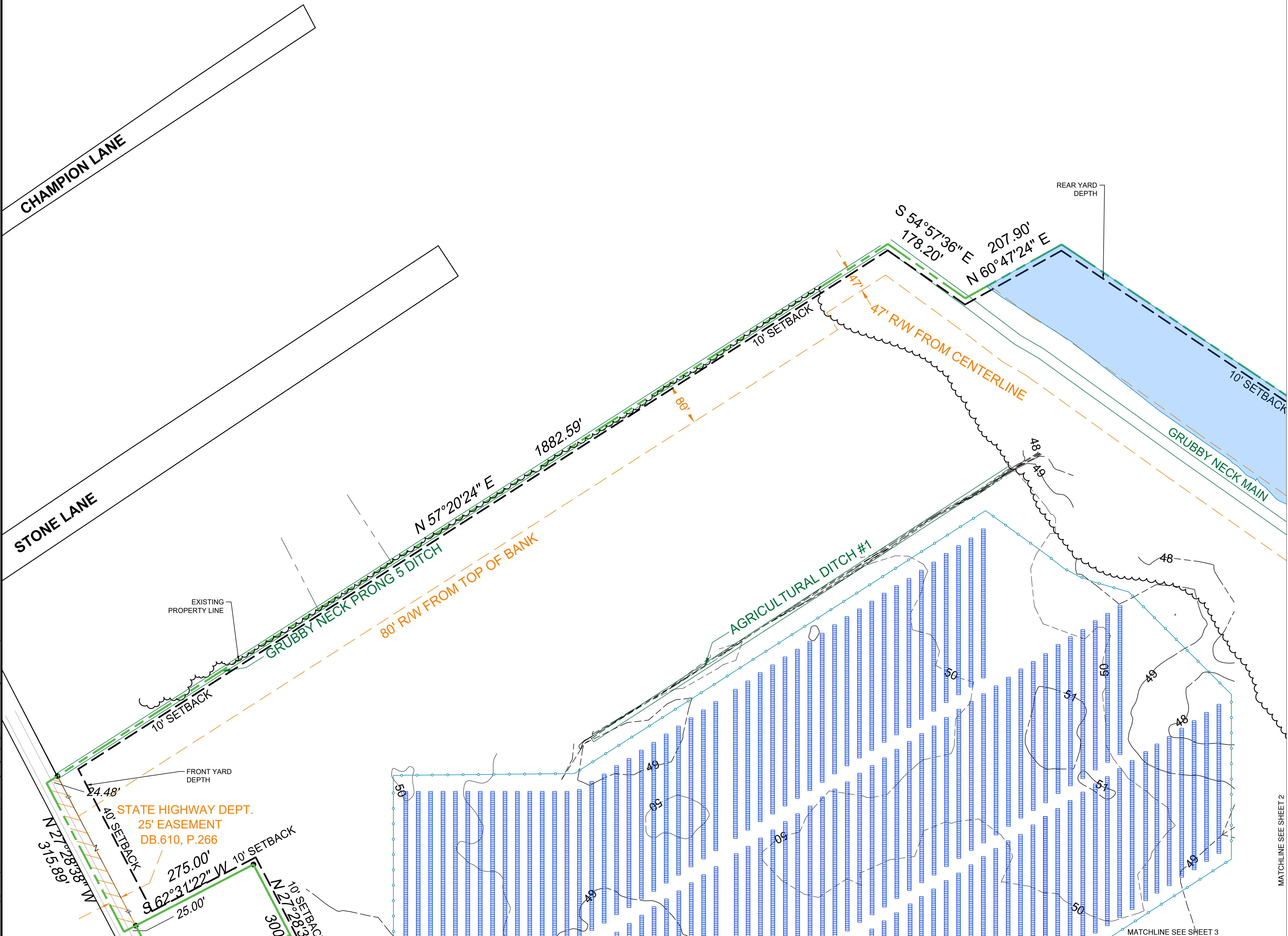
Checked by:  
**S. MEERSMA**

**HEIMLICH SOLAR PARTNERS, LLC**  
**EDF RENEWABLES DISTRIBUTED SOLUTIONS**  
 HEIMLICH SOLAR PROJECT  
 13831 MILE STRETCH ROAD  
 GREENWOOD, DELAWARE 19950

Contract No:	376627
Scale:	AS NOTED
Date:	OCTOBER 2020
Sheet:	SITE PLAN
Drawing No:	2

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 SHEET SIZE: 24" BY 36"  
 (DRAWING MAY BE PRINTED AT REDUCED SIZE)

# SHEET 1

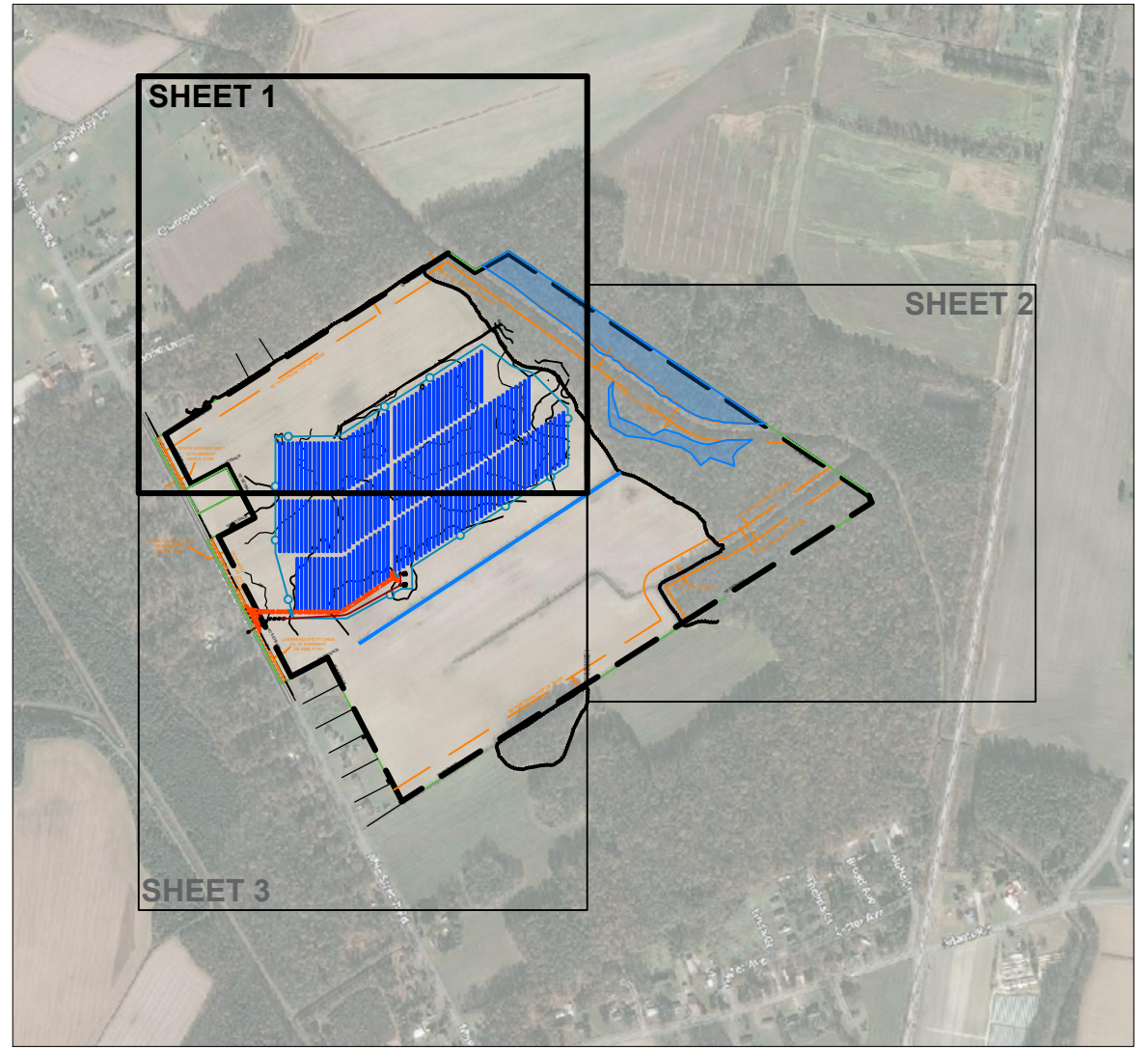


SYSTEM SUMMARY		
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PITCH (FT)	24.98	
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SYMBOL	DESCRIPTION
	EXISTING PROPERTY LINE
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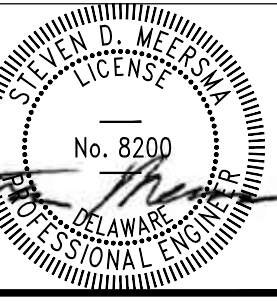


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 SHEET SIZE: 24" BY 36"  
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1438 Broadway  
 10th Floor  
 New York, NY 10018  
 Phone: 212.221.1822



TRC Project No: 376627.0000.0000



Revisions:	
No.	Date
1	02/09/2021

Drawn by:  
**A. REXROAT**  
 Design by:  
**A. REXROAT**  
 Checked by:  
**S. MEERSMA**

**HEIMLICH SOLAR PARTNERS, LLC**  
**EDF RENEWABLES DISTRIBUTED SOLUTIONS**  
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**AS NOTED**  
 Date:  
**OCTOBER 2020**  
 Sheet:  
**SITE PLAN - 1 OF 3**  
 Drawing No:  
**2**

# SHEET 2



SYSTEM SUMMARY	
AZIMUTH (°)	180
ARRAY TILT ANGLE (+/-)	60
PITCH (FT)	24.98
GROUND COVERAGE RATIO (%)	28
MODULES PER TRACKER / RACK	81
MODULE WATTAGE (W)	400   445
QUANTITY OF MODULES	3969   9639
QUANTITY OF MODULES PER STRING	27
RATED DC POWER (kWDC)	5876.96
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AREA WITHIN FENCE (ACRES)	31.9
LENGTH OF FENCE (FT)	4953.3

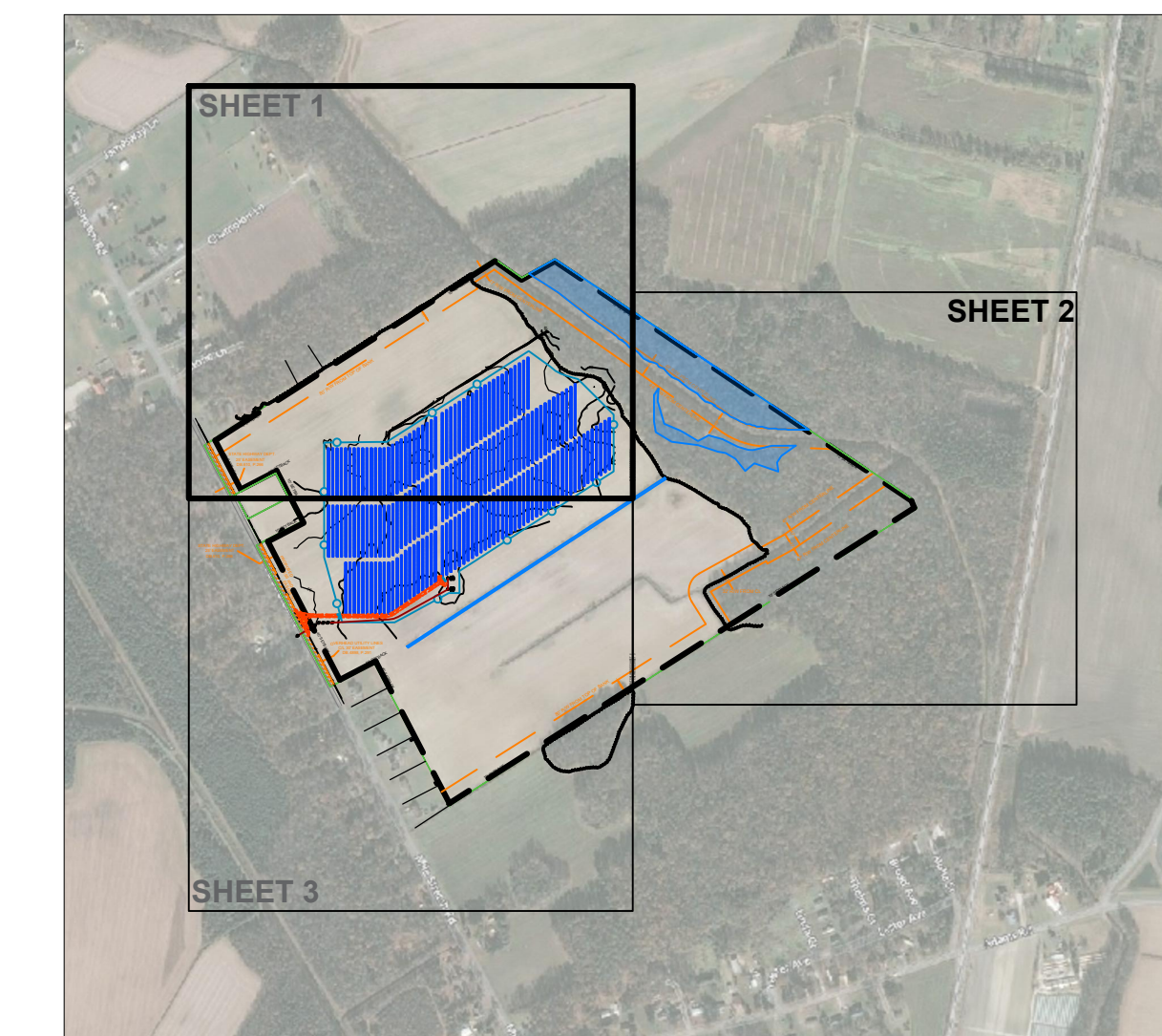
### LEGEND

SYMBOL	DESCRIPTION
--- (dashed green)	EXISTING PROPERTY LINE
■ (blue shaded)	TRC DELINEATED WETLAND
○ (blue circles)	PROPOSED PROJECT FENCE
■ (orange hatched)	PROPOSED GRAVE ACCESS DRIVEWAY
— (red)	PROPOSED UNDERGROUND CIRCUIT
— (red with OE)	PROPOSED OVERHEAD LINE
⊗ (circle with cross)	PROPOSED OVERHEAD POLES
— (grey)	EXISTING MAJOR CONTOUR (FEET)
— (grey)	EXISTING MINOR CONTOUR (FEET)
--- (dashed orange)	TAX DITCH RIGHT-OF-WAY LIMIT

ZONING CONFORMANCE TABLE		
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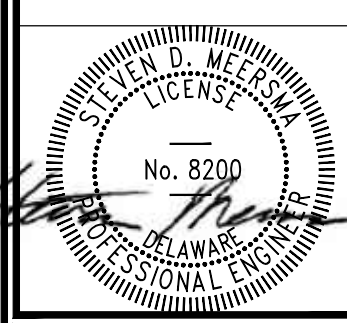


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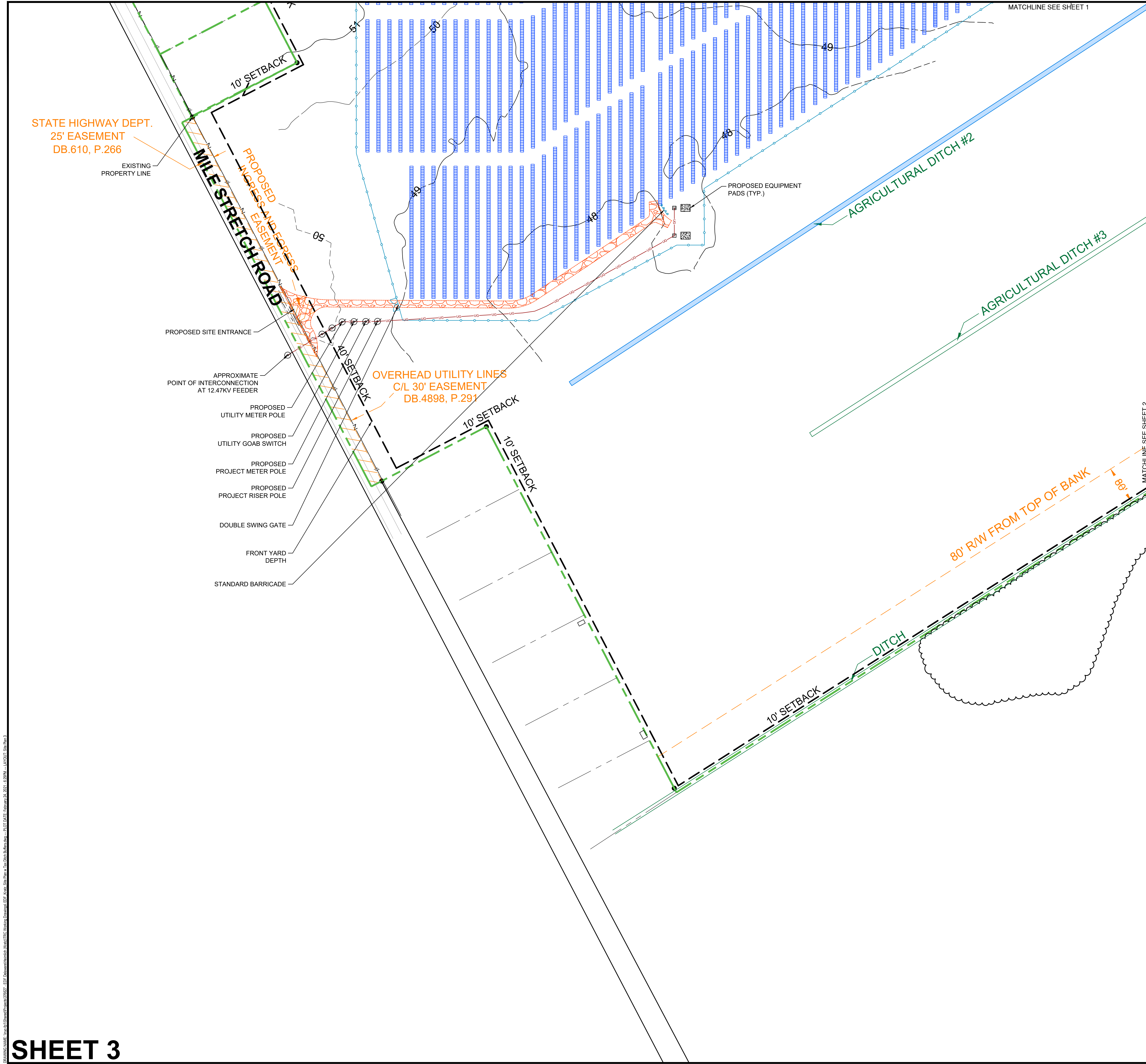


Revisions:	
No.	Date
1	02/09/2021

Drawn by:  
**A. REXROAT**  
 Design by:  
**A. REXROAT**  
 Checked by:  
**S. MEERSMA**

**HEIMLICH SOLAR PARTNERS, LLC**  
**EDF RENEWABLES DISTRIBUTED SOLUTIONS**  
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 13831 MILE STRETCH ROAD  
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Contract No:  
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**OCTOBER 2020**  
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**SITE PLAN - 2 OF 3**  
 Drawing No:  
**2**

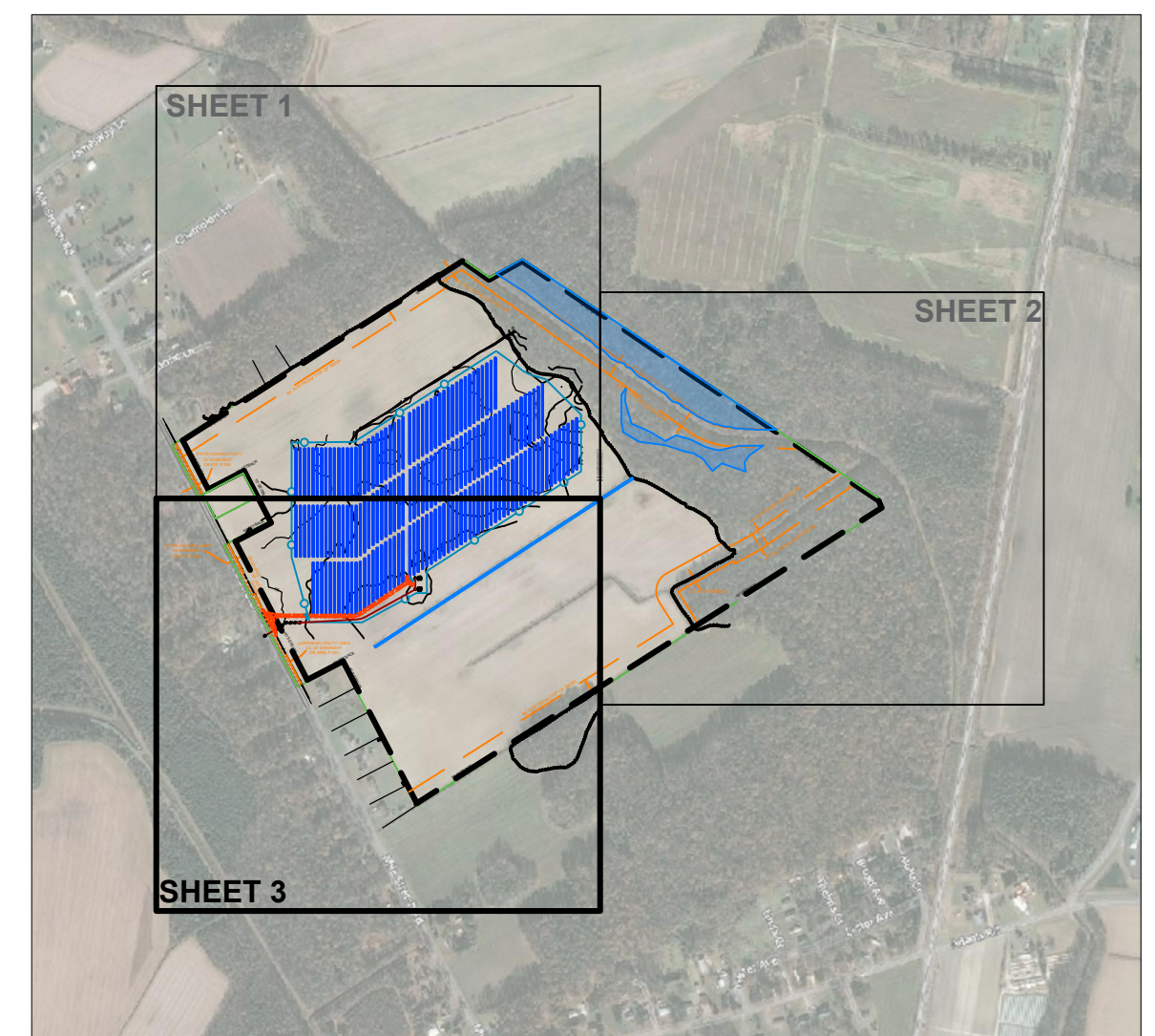


SYSTEM SUMMARY		
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**SHEET 3**

1438 Broadway  
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**TRC**

TRC Project No: 376627.0000.0000

**edf** renewables

HEIMLICH SOLAR PARTNERS, LLC  
 EDF RENEWABLES DISTRIBUTED SOLUTIONS  
 HEIMLICH SOLAR PROJECT  
 13831 MILE STRETCH ROAD  
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Contract No:  
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Scale:  
**AS NOTED**

Date:  
**OCTOBER 2020**

Sheet:  
**SITE PLAN - 3 OF 3**

Drawing No:  
**2**

Revisions:

No.	Date
1	02/09/2021

Drawn by:  
**A. REXROAT**

Design by:  
**A. REXROAT**

Checked by:  
**S. MEERSMA**

Professional Engineer Seal: S. MEERSMA, No. 8200, State of Delaware



600 Willowbrook Lane  
Suite 618  
West Chester, PA 19382

T 610.834.0490  
TRCcompanies.com

October 13, 2020

Christin Scott, Planner  
Sussex County Planning & Zoning Department  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

Dear Ms. Scott,

On behalf of Heimlich Solar Partners, LLC (Heimlich), TRC Environmental Corp. (TRC) is pleased to present the enclosed application for a Conditional Use Permit for the installation of a solar generating facility. Heimlich proposes to construct and operate a 4.5 MWac photovoltaic generating facility on an approximately 143-acre property on Mile Stretch Road, Greenwood, Sussex County, DE.

The application package includes the following materials:

- Signed Application form
- Site plans
- Mailing List Application
- DelDOT Level
- Project Narrative providing supplemental information
- Deed (included as Appendix B to Project Narrative)
- \$500 application fee (To be sent under separate cover)

If you have any questions regarding the application, please feel free to contact me at [ckayser@trccompanies.com](mailto:ckayser@trccompanies.com) or (610) 952-2828.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Kayser", written in a cursive style.

Chad Kayser, Senior Project Manager  
TRC

Enc. CUP Application Package

**Planning & Zoning Commission Application  
Sussex County, Delaware**

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

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

- Conditional Use
- Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

**Type of Conditional Use Requested:**

**Tax Map #:** \_\_\_\_\_ **Size of Parcel(s):** \_\_\_\_\_  
**Current Zoning:** \_\_\_\_\_ **Proposed Zoning:** \_\_\_\_\_ **Size of Building:** \_\_\_\_\_

**Land Use Classification:**

**Water Provider:** \_\_\_\_\_ **Sewer Provider:** \_\_\_\_\_

**Applicant Information**

Applicant Name: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Owner Information**

Owner Name: \_\_\_\_\_  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: \_\_\_\_\_  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

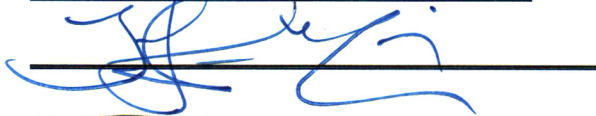
The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 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.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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.

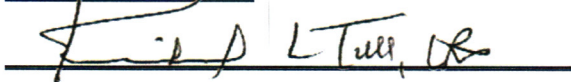
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

**Signature of Applicant/Agent/Attorney**



Date: 10/7/2020

**Signature of Owner**



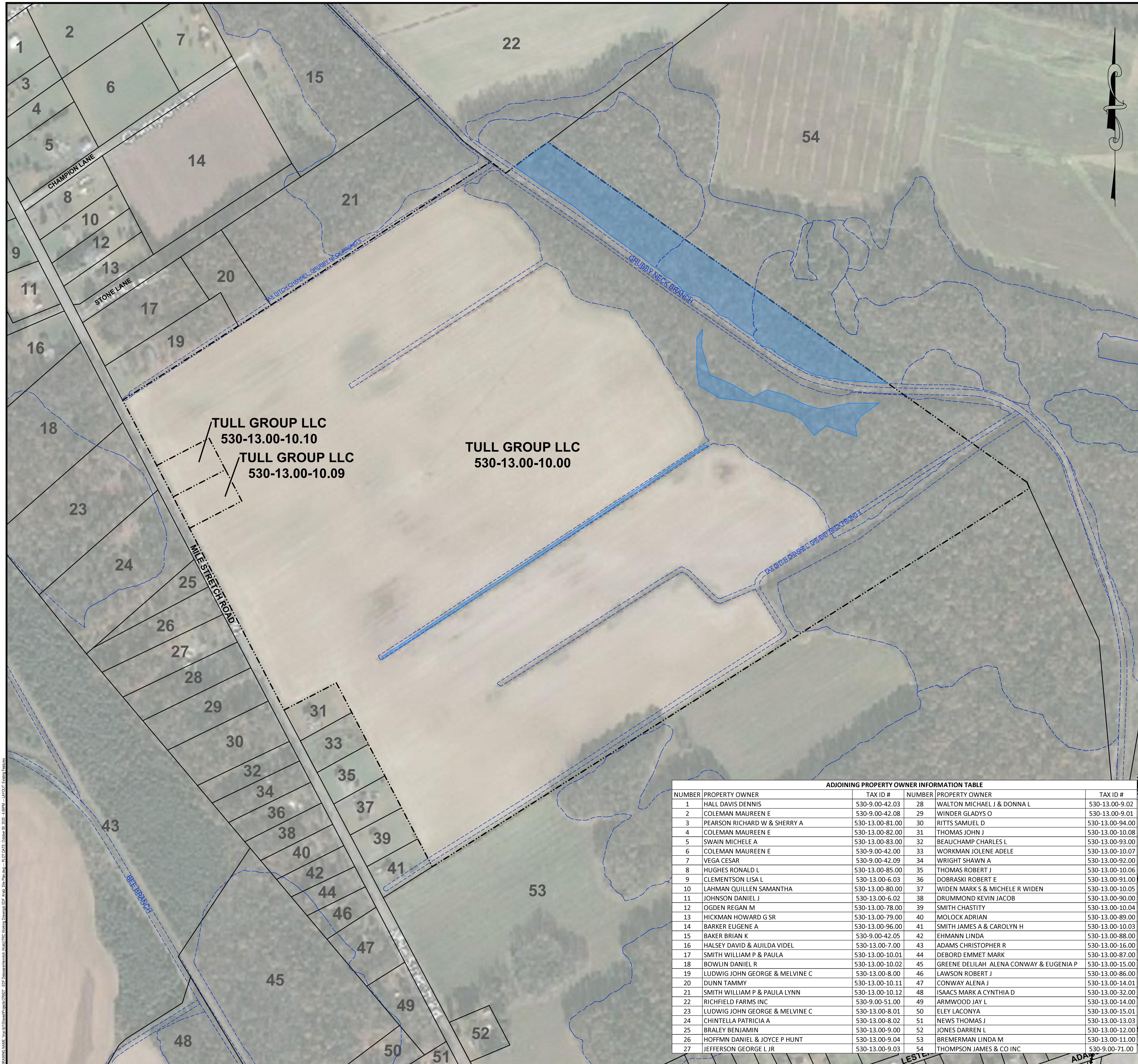
Date: 10/7/20

**For office use only:**

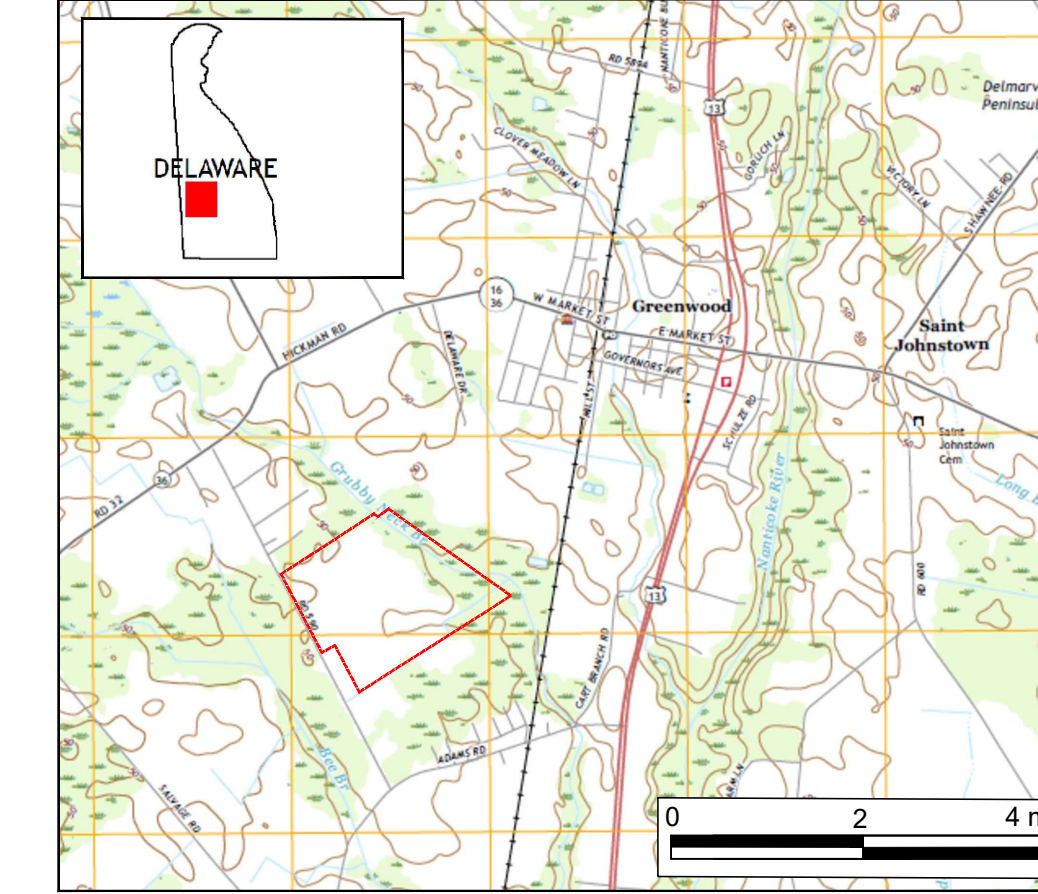
Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_





**SITE LOCATION**



**LEGEND**

SYMBOL	DESCRIPTION
- - - - -	EXISTING PROPERTY LINE
- - - - -	MAPPED WETLAND
█	TRC DELINEATED WETLANDS
- - - - -	EXISTING ABUTTER PROPERTY LINE

**NOTES**

1. THE PROJECT HORIZONTAL COORDINATES SYSTEM IS BASED ON NAD83 NEW YORK STATE PLANE (US SURVEY FEET, EAST ZONE, NY83-E). ELEVATIONS ARE BASED ON NAVD88 (US SURVEY FEET).
2. TOPOGRAPHY INFORMATION, PROPERTY BOUNDARIES, EXISTING BUILDINGS AND PARCEL IDENTIFICATION AND PARCEL OWNER INFORMATION SHOWN ARE FROM SUSSEX COUNTY GIS PORTAL. ([HTTPS://MAPS.SUSSEXCOUNTYDE.GOV/PZAPPLICATIONS/MAP.HTML](https://maps.sussexcountydela.gov/PZAPPLICATIONS/MAP.HTML))
3. SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN (REFERENCE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0115K).
4. EXISTING UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY CONTRACTOR. DIG SAFELY NEW YORK (811) SHALL BE NOTIFIED A MINIMUM OF 72-HOURS PRIOR TO COMMENCING ANY EXCAVATION.
5. THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION, MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.

ADJOINING PROPERTY OWNER INFORMATION TABLE					
NUMBER	PROPERTY OWNER	TAX ID #	NUMBER	PROPERTY OWNER	TAX ID #
1	HALL DAVIS DENNIS	530-9.00-42.03	28	WALTON MICHAEL J & DONNA L	530-13.00-9.02
2	COLEMAN MAUREEN E	530-9.00-42.08	29	WINDER GLADYS O	530-13.00-9.01
3	PEARSON RICHARD W & SHERRY A	530-13.00-81.00	30	RITTS SAMUEL D	530-13.00-94.00
4	COLEMAN MAUREEN E	530-13.00-82.00	31	THOMAS JOHN J	530-13.00-10.08
5	SWAIN MICHELE A	530-13.00-83.00	32	BEAUCHAMP CHARLES L	530-13.00-93.00
6	COLEMAN MAUREEN E	530-9.00-42.00	33	WORKMAN JOLENE ADELE	530-13.00-10.07
7	VEGA CESAR	530-9.00-42.09	34	WRIGHT SHAWN A	530-13.00-92.00
8	HUGHES RONALD L	530-13.00-85.00	35	THOMAS ROBERT J	530-13.00-10.06
9	CLEMENTSON LISA L	530-13.00-6.03	36	DOBRASKI ROBERT E	530-13.00-91.00
10	LAHMAN QUILLLEN SAMANTHA	530-13.00-80.00	37	WIDEN MARK S & MICHELE R WIDEN	530-13.00-10.05
11	JOHNSON DANIEL J	530-13.00-6.02	38	DRUMMOND KEVIN JACOB	530-13.00-90.00
12	OGDEN REGAN M	530-13.00-78.00	39	SMITH CHASTITY	530-13.00-10.04
13	HICKMAN HOWARD G SR	530-13.00-79.00	40	MOLOCK ADRIAN	530-13.00-89.00
14	BARKER EUGENE A	530-13.00-96.00	41	SMITH JAMES A & CAROLYN H	530-13.00-10.03
15	BAKER BRIAN K	530-9.00-42.05	42	EHMANN LINDA	530-13.00-88.00
16	HALSEY DAVID & AUILDA VIDEL	530-13.00-7.00	43	ADAMS CHRISTOPHER R	530-13.00-16.00
17	SMITH WILLIAM P & PAULA	530-13.00-10.01	44	DEBORD EMMET MARK	530-13.00-87.00
18	BOWLIN DANIEL R	530-13.00-10.02	45	GREENE DELILAH ALENA CONWAY & EUGENIA P	530-13.00-15.00
19	LUDWIG JOHN GEORGE & MELVINE C	530-13.00-8.00	46	LAWSON ROBERT J	530-13.00-86.00
20	DUNN TAMMY	530-13.00-10.11	47	CONWAY ALENA J	530-13.00-14.01
21	SMITH WILLIAM P & PAULA LYNN	530-13.00-10.12	48	ISAACS MARK A CYNTHIA D	530-13.00-32.00
22	RICHFIELD FARMS INC	530-9.00-51.00	49	ARMWOOD JAY L	530-13.00-14.00
23	LUDWIG JOHN GEORGE & MELVINE C	530-13.00-8.01	50	ELEY LACONYA	530-13.00-15.01
24	CHINTELLA PATRICIA A	530-13.00-8.02	51	NEWS THOMAS J	530-13.00-13.03
25	BRALEY BENJAMIN	530-13.00-9.00	52	JONES DARREN L	530-13.00-12.00
26	HOFFMN DANIEL & JOYCE P HUNT	530-13.00-9.04	53	BREMERMAN LINDA M	530-13.00-11.00
27	JEFFERSON GEORGE L JR	530-13.00-9.03	54	THOMPSON JAMES & CO INC	530-9.00-71.00

1430 Broadway  
10th Floor  
New York, NY 10018  
Phone: 212.221.7822



TRC Project No: 376627.0000.0000



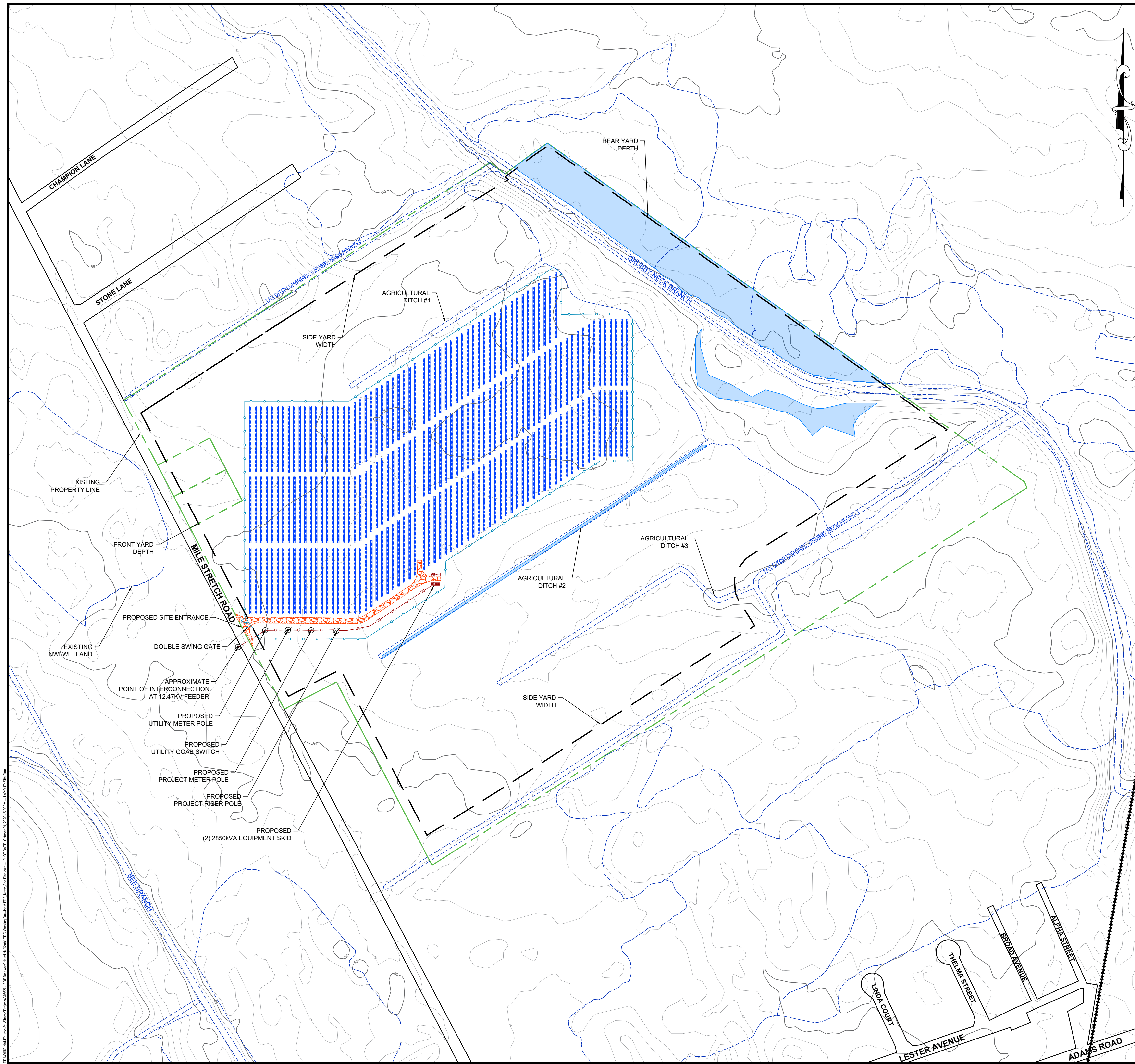
Revisions:	
No.	Date:

Drawn by:  
**R. SANTINI**  
Design by:  
**R. SANTINI**  
Checked by:  
**S. MEERSMA**

**HEIMLICH SOLAR PARTNERS, LLC**  
**EDF RENEWABLES DISTRIBUTED SOLUTIONS**  
**HEIMLICH SOLAR PROJECT**  
13831 MILE STREET  
GREENWOOD, DELAWARE 19950

Contract No:  
**376627**  
Scale:  
**AS NOTED**  
Date:  
**OCTOBER 2020**  
Sheet:  
**EXISTING CONDITIONS**  
Drawing No:  
**1**

SCALE: 1" = 200'  
0 200' 400'  
SHEET SIZE: 24" BY 36"  
(DRAWING MAY BE PRINTED AT REDUCED SIZE)



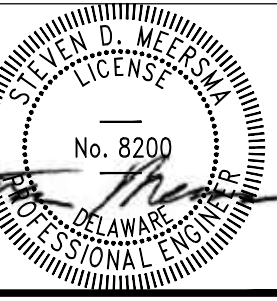
SYSTEM SUMMARY	
AZIMUTH (°)	180
SAT ARRAY TILT ANGLE (+/-)	60
SAT PITCH (FT)	23.43
GROUND COVERAGE RATIO (%)	28
MODULES PER SINGLE AXIS TRACKER	56
QUANTITY OF RACKS	194
MODULE TYPE	BIHIKU_CS3W-395PB-AG
MODULE WATTAGE (W)	410   435
QUANTITY OF MODULES	4131   11583
TOTAL QUANTITY OF MODULES	15714
QUANTITY OF MODULES PER STRING	27
INVERTER TYPE - STRING	OPS_SCH125KTL-DO/US-600
INVERTER QUANTITY	36
RATED DC POWER (kWDC)	6732.32
RATED AC POWER (kWAC)	4500
AREA WITHIN FENCE (ACRES)	35.4
LENGTH OF FENCE (FT)	5554.9

SYMBOL	DESCRIPTION
	EXISTING PROPERTY LINE
	MAPPED WETLAND
	TRC DELINEATED WETLAND
	PROPOSED PROJECT FENCE
	PROPOSED GRAVE ACCESS DRIVEWAY
	PROPOSED UNDERGROUND CIRCUIT
	PROPOSED OVERHEAD LINE
	PROPOSED OVERHEAD POLES
	EXISTING MAJOR CONTOUR (FEET)
	EXISTING MINOR CONTOUR (FEET)

ZONING CONFORMANCE TABLE		
Zoning Code Description	Zoning Code Requirement	Proposed Project
Zoning Designation	General Residential	General Residential
Minimum Lot Area	10,000 square feet	1,540,975 square feet
Minimum Lot Width	75 feet	1,858 feet
Minimum Lot Depth	100 feet	1,479 feet
Maximum Building Height	42 feet	Not Applicable (Equipment height not more than 12 feet)
Front Yard Depth	40 feet	55 feet
Side Yard Width <sup>(1)</sup>	80 feet	310 feet
Rear Yard Depth	10 feet	412 feet

- NOTES
1. SIDE YARD DEPTH CONSIDERS TAX DITCH BUFFER.
  2. AREAS OUTSIDE FENCE TO REMAIN AS OPEN SPACE.

1439 Broadway  
10th Floor  
New York, NY 10018  
Phone: 212.221.1822



Revisions:
No. Date:

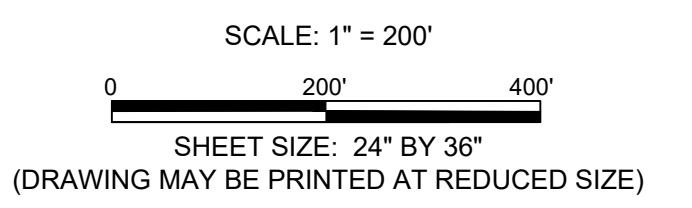
Drawn by:  
R. SANTINI

Design by:  
R. SANTINI

Checked by:  
S. MEERSMA

HEIMLICH SOLAR PARTNERS, LLC  
EDF RENEWABLES DISTRIBUTED SOLUTIONS  
HEIMLICH SOLAR PROJECT  
13831 MILE STRETCH  
GREENWOOD, DELAWARE 19950

Contract No: 376627
Scale: AS NOTED
Date: OCTOBER 2020
Sheet: SITE PLAN
Drawing No: 2



1439 Broadway 10th Floor New York, NY 10018 Phone: 212.221.1822

# Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application, a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

## Application Information:

Site Address:

Parcel #:

Site Address:

Parcel #:

Applicant Name:

Owner Name:

## Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted:

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_ List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_ Letters sent by: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

September 9, 2020

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Heimlich Solar Partners, LLC** conditional use application, which we received on August 11, 2020. This application is for a 142.79-acre parcel (Tax Parcel: 530-13.00-10.00). The subject land is located on the east side of Mile Stretch Road (Sussex Road 590), approximately 2,500 feet south of the intersection of Scotts Store Road (Sussex Road 32) and Mile Stretch Road. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop a 4.7MW AC solar photovoltaic project.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Mile Stretch Road where the subject land is located is 979 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
September 9, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

*Trey Bustel* for

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Heimlich Solar Partners, LLC, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



## Conditional Use Plan Supplemental Information

October 2020

### Heimlich Solar Project

13831 Mile Stretch Road  
Greenwood, DE 19950

**Prepared For:**

Heimlich Solar Partners, LLC  
EDF Renewables Distributed Solutions  
9175 Guilford Road, Ste 202  
Columbia, MD 21046

**Prepared By:**

TRC Environmental Corp.  
600 Willowbrook Lane, Suite 618  
West Chester, PA 19382



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- Figure 3 – Mapped Wetlands and Flood Plains
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### Appendix B Property Deed

### Appendix C Environmental Review Documents

- USFWS IPaC Resource List
- DE Division of Fish and Wildlife Environmental Review Response Letter
- DE SHPO CHRIS Mapping





## **1.0 Introduction**

Heimlich Solar Partners, LLC (Heimlich), a subsidiary of EDF Renewables Distributed Solutions, Inc., propose to construct and operate an approximately 4.5 Megawatt AC (MWac) solar generating facility (the Project) on a property adjacent to Mile Stretch Road (Tax/Parcel ID: 530-13.00-10.00) in Greenwood, Sussex County, Delaware (Project site).

This document presents additional information for the Sussex County Planning & Zoning Commission to consider as it deliberates issuing a Conditional Use Permit for the Project under Section 115-22 of Zoning Ordinance for Sussex County (zoning ordinance).

Section 2.0 describes the proposed solar generating facility and Section 3.0 describes the existing site conditions.

### **1.1 About the Applicant**

EDF Renewables is a leading developer and constructor of solar, battery energy storage, and electric vehicle charging solutions in North America. Our company has over 30 years of experience in the development of distributed solar projects for utility companies, electric cooperatives, and large energy users throughout the US. EDF Renewables has developed or constructed over 950 MW of distributed generation projects ranging in size from a 0.6 MW rooftop project constructed at ESPN's headquarters in Connecticut to a 29 MW Delta Solar Project developed and constructed for the Lansing Board of Water & Light in Michigan.

Heimlich Solar is being developed in partnership with Delaware Electric Cooperative (DEC) and Old Dominion Electric Cooperative (ODEC). It is one of a dozen distributed solar energy projects under development across ODEC's service territory in Delaware, Maryland, and Virginia designed to provide clean, renewable energy utilized locally by member-owned electric cooperatives. The Heimlich Solar facility has been specifically sized to supplement the energy consumption of homes and businesses in Richmond County that are serviced by the DEC distribution network. Siting power generation in communities where electricity is consumed, reduces the need for costly transmission system upgrades throughout the region.

### **1.2 Benefits of Solar Power Generation**

Solar generating facilities such as the Project provide the following benefits to the community:

- Generates clean, renewable electricity without using water, creating emissions or producing waste products;
- Places little to no demand on County infrastructure and services including roads, water, sewer, fire, emergency medical services or schools;
- Diversifies the region's electricity generation mix, which reduces the reliance on natural gas and other fuels that are subject to high price volatility;
- Reduces the need for long-term transmission system upgrades by siting power generation in communities where electricity is consumed;
- Creates jobs during construction of the project with indirect economic benefits in the form of local contracting opportunities, equipment sales and rentals, material purchases, and spending on hotels, restaurants and other local goods and services;
- Low visual profile and quiet operations preserve the rural, open-space character of the area; and

- Land may be returned to previous agricultural use at end of the project's life.

## **2.0 Project Description**

Heimlich proposes to construct an approximately 4.5 MWac solar generating facility at the Project site as described in Section 3.0. The following sections provide a brief overview of the major components and potential impacts of the Project.

### **2.1 Solar Array**

The primary component of the solar generating facility is the array of solar panels. Approximately 15,700 photovoltaic panels attached to tracking mounts will be arranged in lines as shown in the site plans accompanying the CUP application.

To the extent practicable, electrical connections within the array will be underground.

### **2.2 Access Road**

A gravel access road, approximately 200 feet in length will allow access to the site. The access road connects to Mile Stretch as shown in the site plans. It should be noted that DelDot completed a Service Level Evaluation and issued a response stating that a Traffic Impact Study (TIS) would not be required.

### **2.3 Equipment Skids and Interconnection line**

The electrical equipment necessary to transform the DC produced by the solar panels into AC and to step up the voltage for interconnection to the local grid will be installed on skids at the end of the access drive.

The interconnection line from the electrical equipment to the interconnection point runs roughly parallel to the access road. The interconnection line is underground for about half of its length prior to transitioning to pole-mounted, aboveground conductor. The approximate point of interconnection is on the opposite side of Mile Stretch Road from the Project site and is depicted on the site plans.

The Project may incorporate a battery energy storage system (BESS) to store electricity generated by the photovoltaic modules and dispatch the energy to the local distribution system during times of higher demand.

### **2.4 Fence Line**

A perimeter fence line, approximately 5,550 feet long will surround the Project site to limit unauthorized access. The Project use fixed knot agricultural fencing. A single gate will allow access to the Project site. The gate will be locked by a KnoxBox, or similar system, so that emergency responders will have access to the Project site. Approximately 35.4 acres will be enclosed by the perimeter fence.

## 2.5 Wetland Impacts

The Project has been designed so that no project components will be installed within a wetland or a wetland buffer zone.

## 2.6 Tree Clearing

The project scope calls for no tree clearing to occur onsite. This will help support visual buffering outside of the fence line.

## 2.7 Traffic

During operations, the Project will be monitored remotely so there will be no daily vehicle trips to the Project site by staff. The operator anticipates no more than 1-2 vehicle trips monthly for regular maintenance activities.

## 2.8 Zoning

The Project has been designed to comply with all zoning setbacks for the GR zoning district.

## 2.9 Decommissioning

The expected life of the Project is approximately 25 to 35 years. In general, within 12 months of the end of the Project's operational life, the applicant will remove all solar panels, cabling, electrical equipment, fencing, and any other associated equipment, facilities and structures to a depth of at least 36 inches. The majority of the equipment will be composed of recyclable materials including steel, aluminum, copper, and glass. These materials will be recycled to the extent possible to minimize waste streams. Select roads, driveways, fences and other property improvements including landscaping may remain for future use by the landowner. The lease agreement with the land owner ensures the removal of the power generating equipment at the end of the Project life. If an entity purchase the Project or the parcel an agreement will be signed with county officials that ensures proper decommissioning and removal of the equipment.

## 3.0 Site Description

### 3.1 General Description

The Project site comprises a single, 142.8-acre parcel adjacent to 13831 Mile Stretch (Tax/Parcel ID 530-13.00-10.00) in Greenwood, Sussex County, Delaware (**see Appendix A, Figure 1**). The parcel is currently owned by Tull Group, LLC (**see Appendix B**) and consists primarily of open land in active agricultural use and forested land.

The Project site is in the General Residential (GR) zoning district. Surrounding land uses include agricultural and low-density residential areas.



Photo 1: Central Portion of Project Site Facing NE



Photo 2: Southern Portion of Project site Facing SE

## 3.2 Aquatic Resources

### 3.2.1 Hydrology

The Project is located within Delaware's defined Nanticoke watershed (DNR 8-digit scale watershed 02080109), the Upper Nanticoke watershed (DNR 10-digit scale watershed 0208010901), and the Upper Nanticoke sub-watershed (DNR 12-digit watershed 020801090101).

The Project Site is located within the USGS-defined Western Lower Delmarva in the Nanticoke sub-basin (Hydrologic Unit Code [HUC] 02080109) and the Headwaters Nanticoke River sub-watershed (HUC 020801090402) of the Upper Nanticoke River watershed (HUC 0208010904).

### 3.2.2 Mapped Wetlands

USFWS NWI maps illustrate wetland habitats and vegetation communities using interpretation of aerial photography. The data on these maps provide general boundaries of potential wetlands and require ground surveys to accurately define the boundaries of wetlands present, if any, and determine their proper classification.

Review of the NWI mapping during the preliminary desktop analysis indicated one (1) large contiguous NWI wetland with five (5) components and two (2) riverine habitats located within the Project Site. This wetland is in the northeastern portion and southeastern portion of the Study Area. The wetland appears to follow the tree line and extends outside the boundary of the Study Area. (see Appendix A, Figure 3).

### 3.2.3 Delineated Wetlands and Watercourses

Wetland scientists from TRC completed a wetland and watercourse delineation of the Project site on May 26, 2020. Three (3) wetlands, one (1) perennial stream, and three (3) agricultural ditches were delineated during the field survey. The locations of the delineated wetlands and watercourses are depicted on **Figure 4 in Appendix A**.

These site features are further described below.

### Wetland W-1

Wetland W-1 is a 0.39-acre palustrine emergent (PEM) wetland located within Agricultural Ditch #2 across the agricultural field, running southwest to northeast. This wetland ends at the forested tree line, where it continues as Agricultural Ditch #2. W-1 is located to the south of Agricultural Ditch #1. Hydrology originates from stormwater surface flow and a shallow water table. Primary indicators of wetland hydrology included high water table (A2), saturation (A3), algal mat or crust (B4), and oxidized rhizospheres on living roots (C3). Dominant vegetation includes shallow sedge (*Carex lurida*), common rush (*Juncus effusus*), and willow oak (*Quercus phellos*). Soils have a clay loam texture. Hydric soil indicator included depleted matrix (F3). Soils mapped by the NRCS in the vicinity of wetland W-1 consisted of Fallsington sandy loams, 0 to 2 percent slopes (FacA).

### Wetland W-2

Wetland W-2 is a 6.64-acre palustrine forested (PFO) wetland located to the northeast of S-1 (Grubby Neck Branch) in a forested area, along the eastern Project Site boundary. W-2 runs adjacent and parallel to S-1, where it continues east and south off the property boundary. Hydrology originates from the hillside slope to the northeast as well as the close proximity to a perennial stream (Grubby Neck Branch) to the west. Primary indicators of wetland hydrology include aquatic fauna (B13). Secondary indicators of wetland hydrology include sparsely vegetated concave surface (B8), drainage patterns (B10), geomorphic position (D2), and FAC-Neutral Test (D5). Dominant vegetation includes red maple (*Acer rubrum*), American holly (*Ilex opaca*), and blackgum (*Nyssa sylvatica*). Soils have a sandy loam and sand texture. Hydric soil indicator included depleted matrix (F3). Soils mapped by the NRCS in the vicinity of wetland W-2 consisted of Fallsington sandy loams, 0 to 2 percent slopes (FacA).

### Wetland W-3

Wetland W-3 is a 1.45-acre palustrine forested (PFO) wetland located northeast of W-1, south of W-2 and south of S-1. Agricultural Ditch #2 intersects W-3 inside a forested area adjacent to S-1. W-3 is located along the eastern Project Site boundary. Hydrology originates from a shallow water table and close proximity to S-1. Primary indicators of wetland hydrology include high water table (A2), saturation (A3), and oxidized rhizospheres on living roots (C3). Dominant vegetation includes Japanese stiltgrass (*Microstegium vimineum*) and red maple (*Acer rubrum*). Soils have a loam and sandy loam texture. The hydric soil indicator included sandy redox (S5). Soils mapped by the NRCS in the vicinity of W-3 consisted of Fallsington sandy loams, 0 to 2 percent slopes (FacA).

**Table 1: Delineated Wetlands**

Wetland Field Designation	Cover Type and Classification			Delineated Size (ac.)	Potential Jurisdictional Statutes	Buffer Requirements	Watershed (HUC 8)
	PEM	PSS	PFO				
W-1	X	-	-	0.39	USACE / DNREC	0-ft.	02080109
W-2	-	-	X	6.64	USACE / DNREC	0-ft.	02080109
W-3	-	-	X	1.45	USACE / DNREC	0-ft.	02080109

### **Watercourse S-1**

Waterbody S-1 is a perennial stream with low flow that is approximately 9 feet wide with bank heights varying from 4-feet to 6-feet high. S-1 water flow ranges from 6 inches to 2 feet deep. The substrate is silty mucky with wetland vegetation such as reed canary grass and originates from northern corner of the project parcel and flows to the southeast exiting the project Study Area to the east. S-1 continues outside of the SA and flows south through a forested area eventually connecting with the Nanticoke River downstream. Waterbody S-1 corresponds to NWI-mapped riverine habitat, R2UBH. This stream originates near Scotts Store Road to the northwest.

### **Agricultural Ditches #1, 2 & 3**

Agricultural ditches #1, 2 and 3 are all manmade ditches designed to drain water into and away from the surrounding agricultural farming plots. Agricultural ditch #1 is the northern most ditch and runs southwest to northeast with a surface connection to S-1. Agricultural ditch #1 is approximately 1,188-feet in length. Agricultural ditch #1 was predominately dry with periodic sections of saturation along the length of the ditch. Agricultural ditch #2 is located in the center of the SA and runs southwest to northeast bisecting W-3 and drains into S-1. Agricultural ditch #2 is approximately 2,337-feet in length. Wetland, W-1 is situated within the southwestern half of Agricultural ditch #2. Agricultural ditch #3 is located in the southern portion of the SA and runs southwest to northeast with a connection to S-1 north of the SA boundary. The majority of the ditch was inundated with water. Agricultural ditch #3 is approximately 2,733-feet in length. Along the midpoint of Agricultural ditch #3 a lateral ditch connects with the main Agricultural ditch #3 from the east boundary of the SA.



*Photo 1: Example of Agr. Ditch. North Portion of Project Site Facing East*

**Table 2: Delineated Waterbodies**

Watercourse ID	Watercourse Classification	Linear feet within Project Site	Watershed (8-HUC)	Top of Bank Width (ft.)	Potential Jurisdictional Statutes	Latitude	Longitude	Sussex County Buffer
S - 1	Perennial	1,970	02080109	9	USACE/DNREC	38.797163°	- 75.602708°	50-ft.
Ag Ditch #1	-	1,188	02080109	9	USACE/DNREC	38.796879°	- 75.605978°	0-ft.
Ag Ditch #2	-	2,337	02080109	9	USACE/DNREC	38.794725°	- 75.603586°	0-ft.
Ag Ditch #3	-	2,733	02080109	10	USACE/DNREC	38.793932°	- 75.602641°	0-ft.
Total Linear Feet within Project Site		8,228						

### 3.3 Hydric Soils

Based on a review of the USDA NRCS Web Soil Survey, 63.8 percent of the soils have at least one hydric soil component (**Appendix A, Figure 5**).

**Table 3: Hydric Soils**

Map Symbol	Map Unit Name	Percent in Project Area
FacA	Fallsington sandy loam, 0 to 2 percent slopes	48.6
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	0.7
WdcA	Woodstown sandy loam, 0 to 2 percent slopes	11.6
WddA	Woodstown sandy loam, 0 to 2 percent slopes	2.9

#### 3.3.1 Floodplains

Based on a review of FEMA's National Flood Hazard Layer (NFHL) the entirety of the Study Area is located in Flood Insurance Rate Map (FIRM) Community Panel 10005C0115K (effective 03/16/2015) and is outside of the 100/500-year floodplain. The Project site is located within an Area of Minimal Flood Hazard, Zone X (**Appendix A, Figure 3**).

### **3.4 Endangered Resources**

#### **3.4.1 Federally Listed Threatened and Endangered Species**

The USFWS did not list any threatened and endangered species within the Study Area.

#### **3.4.2 State-Listed Threatened and Endangered Species**

TRC sent a request for consultation with regard to threatened and endangered species within the Study Area on March 25, 2020 via email to the DE Division of Fish and Wildlife and received a response to the request on April 20, 2020 (**Appendix C**). The DE Division of Fish and Wildlife indicated that there are currently no records of state-rare or federally listed plants, animals or natural communities within the Study Area. Therefore, the Study Area does not lie within a State Natural Heritage Site or a Delaware National Estuarine Research Reserve. Additionally, the DE Division of Fish and Wildlife has indicated that there are presently no concerns regarding fisheries within the Study Area. It should be noted that the DE Division of Fish and Wildlife is assuming no waterways will be impacted based on the limited description of the Project undertaken provided during consultation. Therefore, additional consultation may be required should impacts to waterways be deemed necessary for Project construction or operation. If the proposed Project is delayed for more than one year past the date of the review response letter, the DE Division of Fish and Wildlife should be contacted again to receive current and updated information for the Study Area.

#### **3.4.3 Migratory Birds and Eagles**

According to the USFWS IPaC website, the bald eagle (*Haliaeetus leucocephalus*) was identified to potentially occur in the Study Area (**Appendix C**). Potential habitat for eagles will be identified through field investigations and agency consultation in order to maintain compliance with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. The Study Area contains a variety of habitats and therefore may support the species; however bald eagles typically breed and winter in forested areas adjacent to large bodies of open water (Cornell University, 2020). The USFWS identified breeding time frame for bald eagles is October 15 to August 31. While the Study Area does contain portions of deciduous forest, it is not located in the vicinity of a large body of open water.

### **3.5 Sensitive Habitat Assessment**

No sensitive habitat was identified within the designated Study Area based on the desktop analysis. The USFWS IPaC has not identified any wildlife refuge land or fish hatcheries within the Study Area and there are no natural lands within the Study Area based on the Delaware Environmental Navigator.

### **3.6 Airports**

A review of online resources shows no airports within the immediate vicinity of the Study Area. A small privately-owned rural airport, the Sugar Hill Airport, is located approximately 1.6 miles to the southeast. This small airport was identified on Google Earth Transportation Layers and publicly available data on AirNav.com. A review of online aerial imagery does not show any hard-paved surfaces, large buildings or other structures normally associated with a developed airfield. The



airfield in question is in an open agricultural field with an earthen runway with a couple of buildings that may operate as hangars.

### 3.7 Farmland Classification

Areas of prime farmland, farmland of statewide importance, and not prime farmland were also identified based on the USDA NCRS web soil survey. Within the Study Area, approximately 0.7 percent of soils are classified as prime farmland if drained, 50.8 percent of soils are classified as prime farmland, and 48.6 percent of soils are classified as farmland of statewide importance (**Appendix A, Figure 3**). Based on the Delaware Department of Agriculture interactive mapper, there are not Agricultural Preservation Districts or Agricultural Conservations Easements identified within the Study Area.

**Table 4: Farmland Classification within the Study Area**

Map Symbol	Map Unit Name	Farmland Classification	Percent in Study Area
FacA	Fallsington sandy loam, 0 to 2 percent slopes	Farmland of statewide importance	48.6
HbA	Hambrook sandy loam, 0 to 2 percent slopes	All areas are prime farmland	36.3
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	Prime farmland if drained	0.7
WdcA	Woodstown sandy loam, 0 to 2 percent slopes	All areas are prime farmland	11.6
WddA	Woodstown sandy loam, 0 to 2 percent slopes	All areas are prime farmland	2.9

### 3.8 Cultural Resources

#### 3.8.1 Archeological, Historical, and Cultural

Research utilizing the DE SHPO web-based CHRIS helped identify cultural resources within a one-mile radius of the Study Area. One (1) archaeological site has been previously recorded within a one-mile radius of the Study Area, located approximately 0.98 miles northeast of the Study Area; however, no archaeological sites have been identified within the Study Area. A NRHP determination is not available for this site. One (1) archaeological survey has been conducted within a one-mile radius of the Study Area, which includes a small portion of the northeastern boundary of the Study Area (**Appendix C**).

No previously identified architectural resources are located within the Study Area; however, at least 50 architectural resources are located within a one-mile radius of the Study Area, primarily clustered around the Town of Greenwood. The closest previously identified architectural resource to the Project area is 0.25 miles away (**Appendix C**). According to modern aerials, no structures or resources are extant within the boundaries of the Study Area.

Historic map research indicates that the parcel is sensitive for historic resources. Historic maps dating to 1950 indicate the presence of two (2) roads bisecting the parcel and two (2) structures located within the center of the parcel along the roads. Neither structure is noted on the 1955

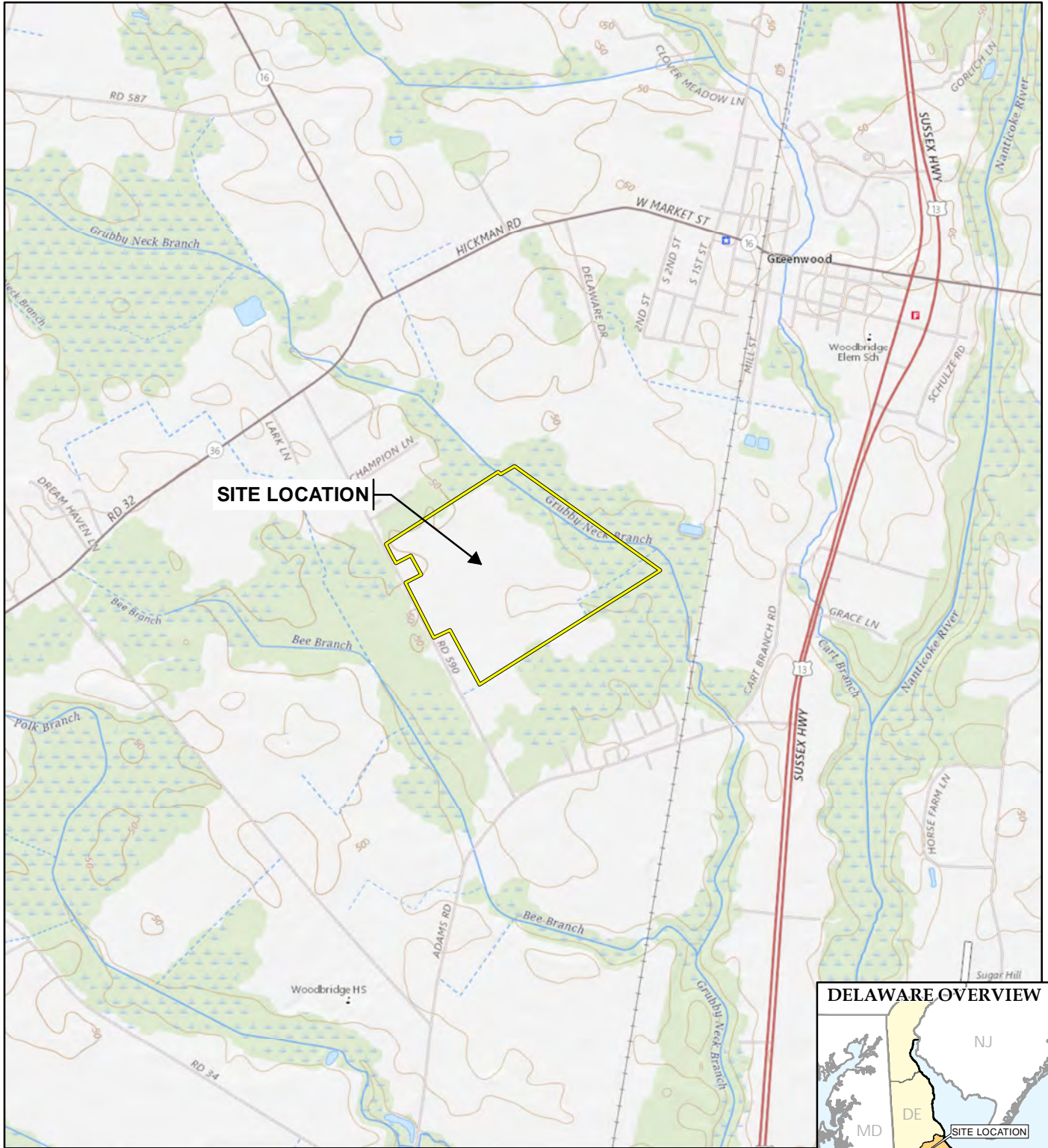
---

historic map and no extant structures are noted within the Study Area. The Study Area has been most recently been used for agricultural purposes.

---

## Appendix A: Figures

- Figure 1 – Site Location Map - USGS**
- Figure 2 – Site Location Map – Aerial Imagery**
- Figure 3 – Mapped Wetlands and Flood Plains**
- Figure 4 – Delineated Wetlands and Watercourses**
- Figure 5 – Soils Map**



BASE MAP FROM USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE SERIES.




610 Willowbrook Ln  
Suite 618  
West Chester, PA 19382  
Phone: 610.834.0490

TRC - GIS


PROJECT:	<b>EDF RENEWABLES DISTRIBUTED SOLUTIONS HEIMLICH SOLAR PARTNERS, LLC MILE STRETCH RD., SUSSEX COUNTY, DELAWARE</b>
TITLE:	<b>SITE LOCATION MAP</b>

DRAWN BY:	D. SWEENEY
CHECKED BY:	A. HESSLER
APPROVED BY:	C. KAYSER
DATE:	MARCH 2020
PROJ. NO.:	376627.2000
FILE:	Heimlich_Fig_1_Loc_8x11P.mxd

**FIGURE 1**

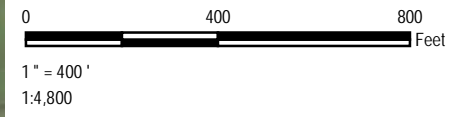



**LEGEND**

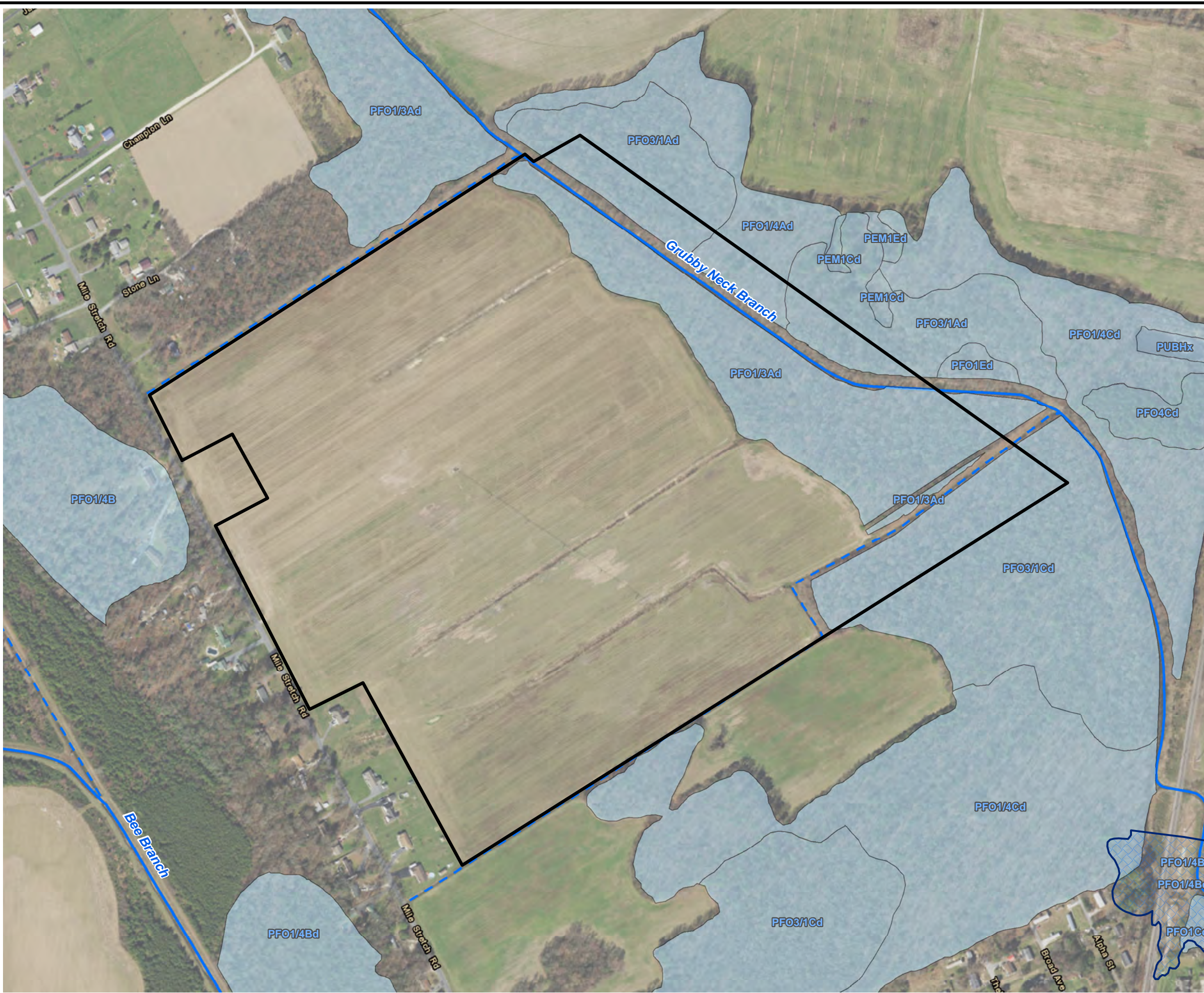
 STUDY AREA

**NOTES**

- 1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE MARCH 2020



PROJECT:		<b>EDF RENEWABLES DISTRIBUTED SOLUTIONS HEIMLICH SOLAR PARTNERS, LLC MILE STRETCH RD., SUSSEX COUNTY, DELAWARE</b>	
TITLE:		<b>AERIAL SITE LOCATION MAP</b>	
DRAWN BY:	D.SWEENEY	PROJ. NO.:	376627.2000
CHECKED BY:	A. SLAYTON	<b>FIGURE 2</b>	
APPROVED BY:	C. KAYSER		
DATE:	OCTOBER 2020		
		610 Willowbrook Ln Suite 618 West Chester, PA 19382 Phone: 610.834.0490	
FILE NO.:		Heimlich_Fig_2_Site_Plan_8x11P_20201008.mxd	



**LEGEND**

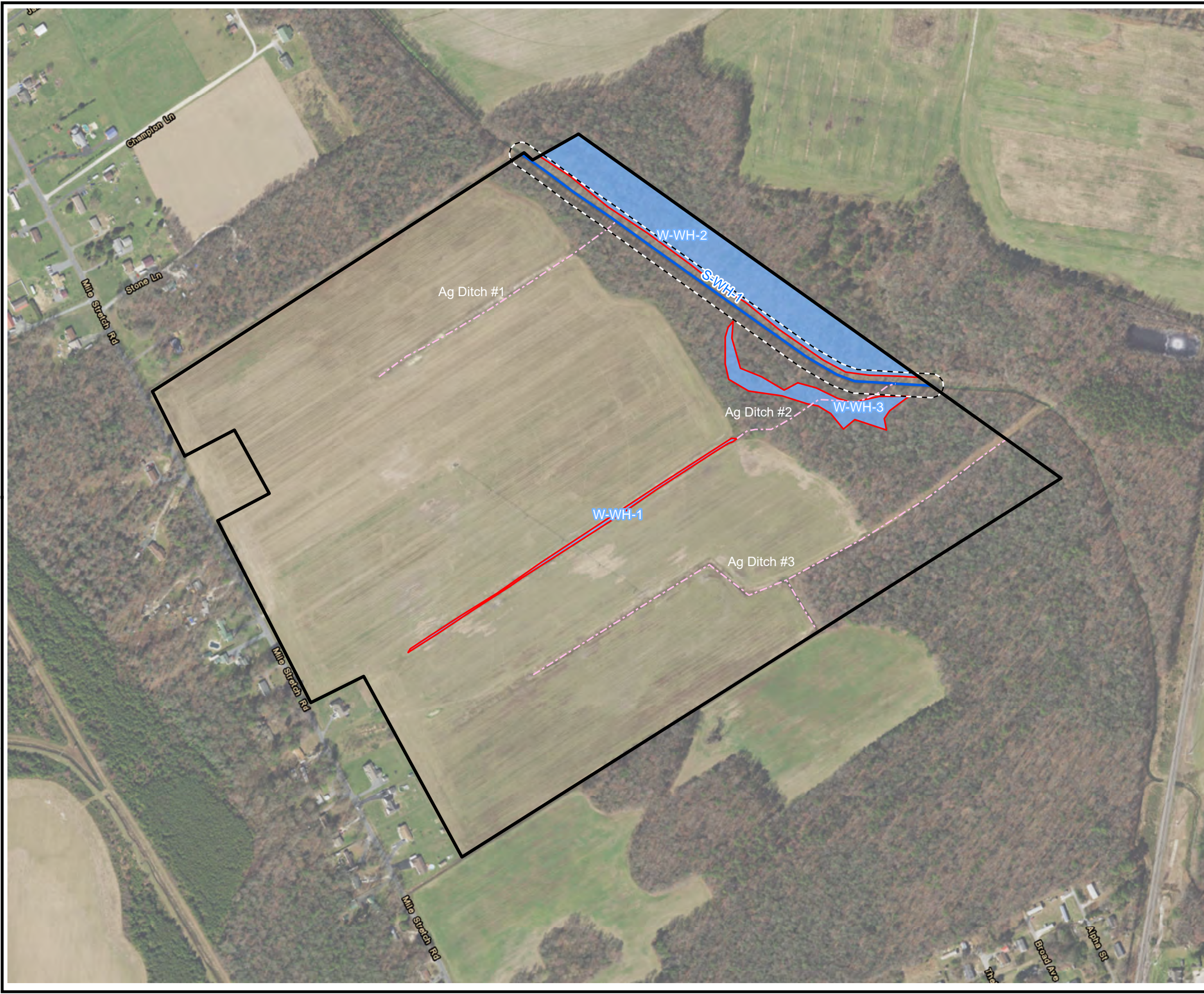
- STUDY AREA
- NHD STREAM/RIVERS
- NHD CANAL/DITCH
- NWI WETLANDS
- 100-YEAR FLOOD ZONE

- NOTES**
1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE MARCH 2017
  2. FLOOD DATA ACQUIRED FROM FEMA, NATIONAL FLOOD HAZARD LAYER (NFHL) DATA.
  3. NATIONAL HYDROGRAPHY DATASET (NHD) FROM USDA. GOV.

0 400 800  
Feet

1" = 400'  
1:4,800

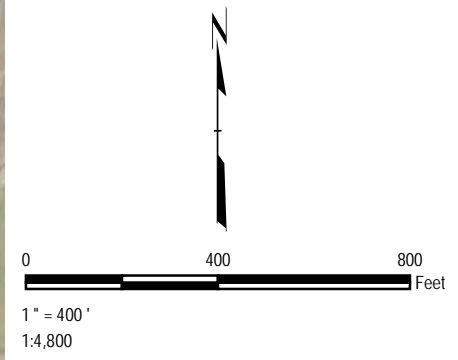
PROJECT:		<b>EDF RENEWABLES DISTRIBUTED SOLUTIONS HEIMLICH SOLAR PARTNERS, LLC MILE STRETCH RD., SUSSEX COUNTY, DELAWARE</b>	
TITLE:		<b>WETLANDS, WATERWAYS &amp; FLOODPLAINS MAP</b>	
DRAWN BY:	D. SWEENEY	PROJ. NO.:	376627.2000
CHECKED BY:	S. GREENBERG	<b>FIGURE 3</b>	
APPROVED BY:	C. KAYSER		
DATE:	JUNE 2020		
FILE NO.:		Heimlich_Fig_2_Mapped_H2O_8x11P.mxd	
		610 Willowbrook Ln Suite 618 West Chester, PA 19382 Phone: 610.834.0490	



**LEGEND**

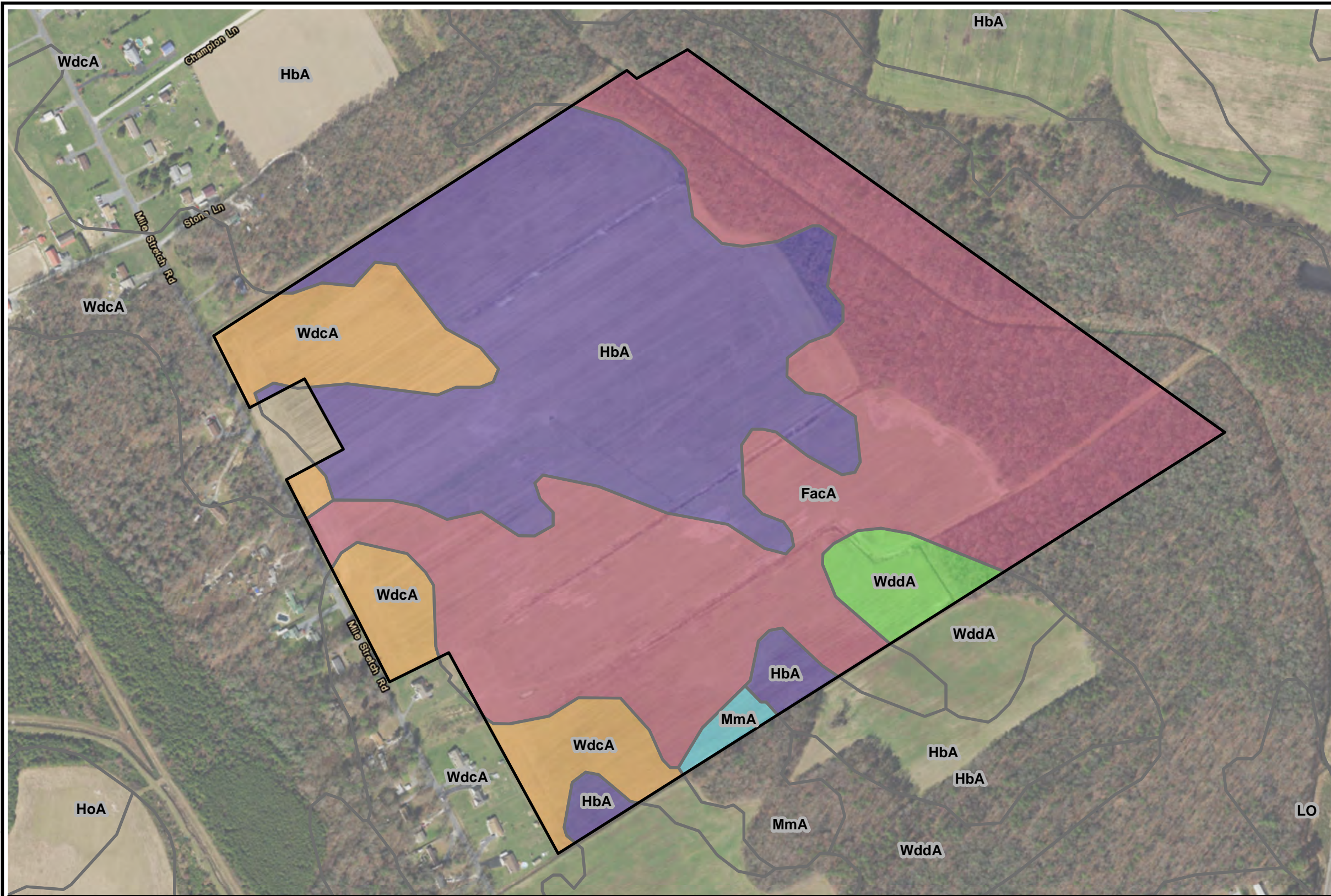
- STUDY AREA
- PERENNIAL STREAM
- AGRICULTURAL DITCH
- DELINEATED WETLAND BOUNDARY
- DELINEATED WETLAND
- 50FT VEGETATED BUFFER ZONE

- NOTES**
1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE MARCH 2017
  2. FIELD DELINEATIONS CONDUCTED ON 5/26/2020



PROJECT:		<b>EDF RENEWABLES DISTRIBUTED SOLUTIONS HEIMLICH SOLAR PARTNERS, LLC MILE STRETCH RD., SUSSEX COUNTY, DELAWARE</b>	
TITLE:			
<b>DELINEATED WETLANDS AND STREAMS</b>			
DRAWN BY:	D.SWEENEY	PROJ. NO.:	376627.2000
CHECKED BY:	S. GREENBERG	<b>FIGURE 4</b>	
APPROVED BY:	C. KAYSER		
DATE:	JUNE 2020		
		610 Willowbrook Ln Suite 618 West Chester, PA 19382 Phone: 610.834.0490	
FILE NO.:	Heimlich_Fig_4_Delineation_8x11P.mxd		

TRC - GIS  
 Coordinate System: NAD 1983 2011 StatePlane Delaware FIPS 0700 F1 US (Foot US)  
 Map Rotation: 0  
 Plot Date: 3/24/2020 13:54:26 PM by DSWEENEY -- LAYOUT: ANS1B(11"x17")  
 Path: S:\PROJECTS\EDF\_Renewables\Heimlich\Heimlich\_Fig\_3\_Soils\_8x11P.mxd



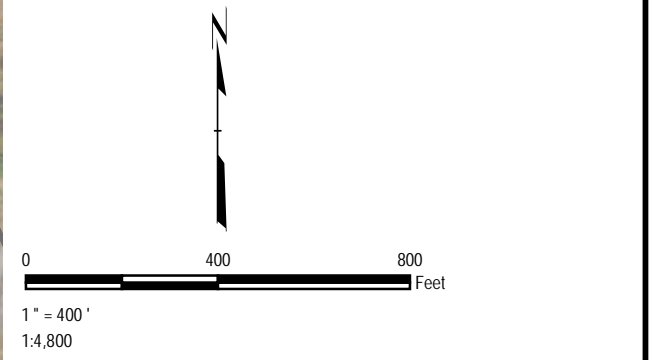
**LEGEND**

STUDY AREA

**HEIMLICH SOILS**

- FacA - FALLSINGTON SANDY LOAMS, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN
- HbA - HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES
- MmA - MULLICA MUCKY SANDY LOAM, 0 TO 2 PERCENT SLOPES
- WdcA - WOODSTOWN SANDY LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN
- WddA - WOODSTOWN SANDY LOAM, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA

- NOTES**
1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE MARCH 2017
  2. SOILS DATA ACQUIRED FROM USDA/NRCS SSURGO SOILS DATABASE.



Map Unit Symbol	Map Unit Name	Drainage Class	Hydric Rating %	% Of Study Area	Farmland Classification
FacA	Fallsington sandy loams, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	Poorly drained	78	48.62	Farmland of statewide importance
HbA	Hambrook sandy loam, 0 to 2 percent slopes	Well drained	0	36.29	All areas are prime farmland
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	Very poorly drained	100	0.73	Prime farmland if drained
WdcA	Woodstown sandy loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	Moderately well drained	6	11.53	All areas are prime farmland
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	Moderately well drained	6	2.84	All areas are prime farmland

PROJECT: **EDF RENEWABLES DISTRIBUTED SOLUTIONS  
HEIMLICH SOLAR PARTNERS, LLC  
MILE STRETCH RD., SUSSEX COUNTY, DELAWARE**

TITLE: **NRCS SOILS MAP**

DRAWN BY: D. SWEENEY    PROJ. NO.: 376627.2000

CHECKED BY: A. HESSLER

APPROVED BY: C. KAYSER

DATE: MARCH 2020

**FIGURE 5**

**TRC**    610 Willowbrook Ln Suite 618  
West Chester, PA 19382  
Phone: 610.834.0490

FILE NO.: Heimlich\_Fig\_3\_Soils\_8x11P.mxd



**Appendix B: Property Deed**

09581

02805 079

RETURN TO:  
Tull Group, LLC  
P.O. Box 418  
Seaford, DE 19973

PARCEL ID NO.: 5-30 13.00 10.00  
PREPARED BY:  
Smith O'Donnell Procino & Berl, LLP  
P.O. Box 588  
Georgetown, DE 19947  
File No. 1-21373/DEC

**THIS DEED**, made this 17th day of February, 2003,

- BETWEEN -

JOYCE C. WALLS, a/k/a JOYCE MAE COLEMAN of 303 Christopher Drive, Seaford, DE 19973, and SHIRLEY C. MASON a/k/a SHIRLEY ANN COLEMAN, of 252 Summers Creek Drive, Merritt Island, Florida 32952, parties of the first part,

- AND -

TULL GROUP, LLC, of P.O. Box 418, Seaford, DE 19973, party of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of THREE HUNDRED FIFTY THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$350,500.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL** that certain tract, piece or parcel of land, situate, lying and being in North West Fork Hundred, Sussex County, Delaware, adjoining lands now or formerly of Laura Houseman, C.B. Young, Thomas Curry and William Draper, more particularly described as follows, to wit:

**BEGINNING** in the middle of the public road leading from Bridgeville to Greenwood and in line of Houseman's lands and runs North 54-1/2 degrees East 1 perch to a stake; thence North 59-1/2 degrees East 40 perches to a stake; thence East 20-5/10 perches; thence North 44 degrees East 30 perches, North 70-1/2 degrees East 19-8/10 perches; thence South 25-3/4 degrees East 13-1/10 perches; thence South 54-3/4 degrees East 10-8/10 perches; thence North 61 degrees East 12-6/10 perches; thence South 48-3/4 degrees East 142-2/10 perches to a sweet gum by a ditch; thence South 16-1/2 degrees East 3-2/10 perches; thence South 63-1/2 degrees West 200 perches to the middle of the aforesaid public road; thence with the middle of said Road, North 2 degrees West 164 perches to the place of beginning, containing 158 acres of land, be the same more or less.

Consideration: 350500.00 Exempt Code: A

County	State	Total
5257.50	5257.50	10515.00
counter	Date: 02/24/2003	

8/1

BEING the same lands conveyed unto Shirley Ann Coleman and Joyce Mae Coleman by deed of Ross E. Coleman, Jr. and Betty Mae Coleman dated August 8, 1962 and of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 551, Page 239.

EXCEPTING AND RESERVING THEREFROM 8.4 acres of land conveyed unto Ross E. Coleman, Jr. by deed of Joyce Mae Nasby, Shirley Ann Mason and William O. Mason dated October 7, 1979 and of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 975, Page 327.

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

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

Signed, Sealed and Delivered in the presence of:

(SEAL)  
Joyce C. Walls

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on February 17, 2003, personally came before me, the subscriber, Joyce C. Walls, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

George B. Smith  
Notary Public, State Of Delaware  
Commission Expires March 2, 2003

Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: 3/2/2003

8K 02805 2081

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

Signed, Sealed and Delivered in the presence of:

\_\_\_\_\_  
*Shirley C. Mason* (SEAL)  
SHIRLEY C. MASON

STATE OF FLORIDA, COUNTY OF BREVARD : to-wit

BE IT REMEMBERED, that on February 14th, 2003, personally came before me, the subscriber, Shirley C. Mason, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

*Dawn Hagan*  
\_\_\_\_\_  
Notary Public  
Printed Name: Dawn Hagan  
My Commission Expires: 10-22-2006



RECEIVED

03 FEB 24 PM 2:35  
SUSSEX COUNTY  
DOC. SURCHARGE PAID

**Received**

FEB 25 2003

ASSESSMENT DIVISION  
OF SUSSEX CTY

## **Appendix C: Environmental Review Documents**

**USFWS IPaC Resource List**

**DE Division of Fish and Wildlife Environmental Review Response Letter**

**DE SHPO CHRIS Mapping**

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Sussex County, Delaware



# Local office

Chesapeake Bay Ecological Services Field Office

☎ (410) 573-4599

📅 (410) 266-9127

177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

NOT FOR CONSULTATION

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).



1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [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.

THERE ARE NO ENDANGERED SPECIES EXPECTED TO OCCUR AT THIS LOCATION.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public

have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
------	--

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Oct 15 to Aug 31

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### **Breeding Season (■)**

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### **Survey Effort (|)**

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

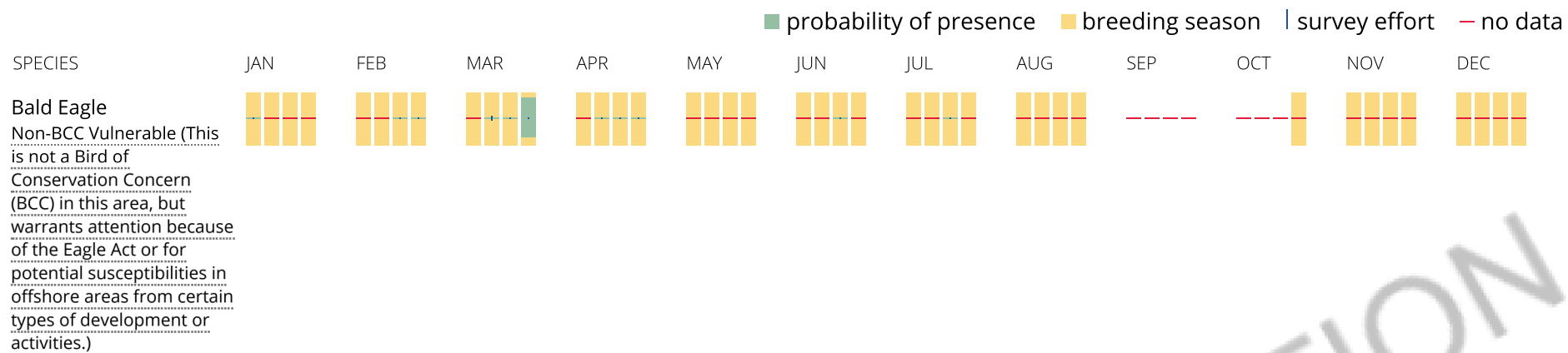
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### **No Data (—)**

A week is marked as having no data if there were no survey events for that week.

### **Survey Timeframe**

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



### Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

### What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

## What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

## How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

## What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

## Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

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 AT THIS LOCATION.

# Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

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](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal

zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.





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

RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

PHONE  
(302) 739-9000

20 April 2020

Alyssa Hessler  
TRC Companies, Inc.  
1090 Union Road, Suite 280  
West Seneca, NY 14224

*Re: TRC 2020 Heimlich Solar Project; Tax Parcel # 530-13.00-10.00*

Dear Ms. Hessler,

Thank you for contacting the Species Conservation and Research Program (SCRIP) about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

*State Natural Heritage Site*

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the Army Corps of Engineers for activities on this property.

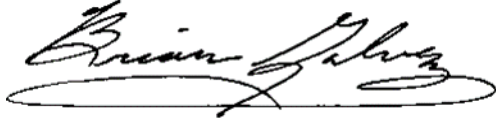
*Fisheries*

After reviewing the project description, it does not appear that any waterways will be impacted; therefore, there are no fisheries concerns at present.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Galvez", with a large, sweeping flourish underneath.

Brian Galvez  
Environmental Review Coordinator  
Phone: (302) 735-8665  
6180 Hay Point Landing Road  
Smyrna, DE 19977

(See Invoice on next page)

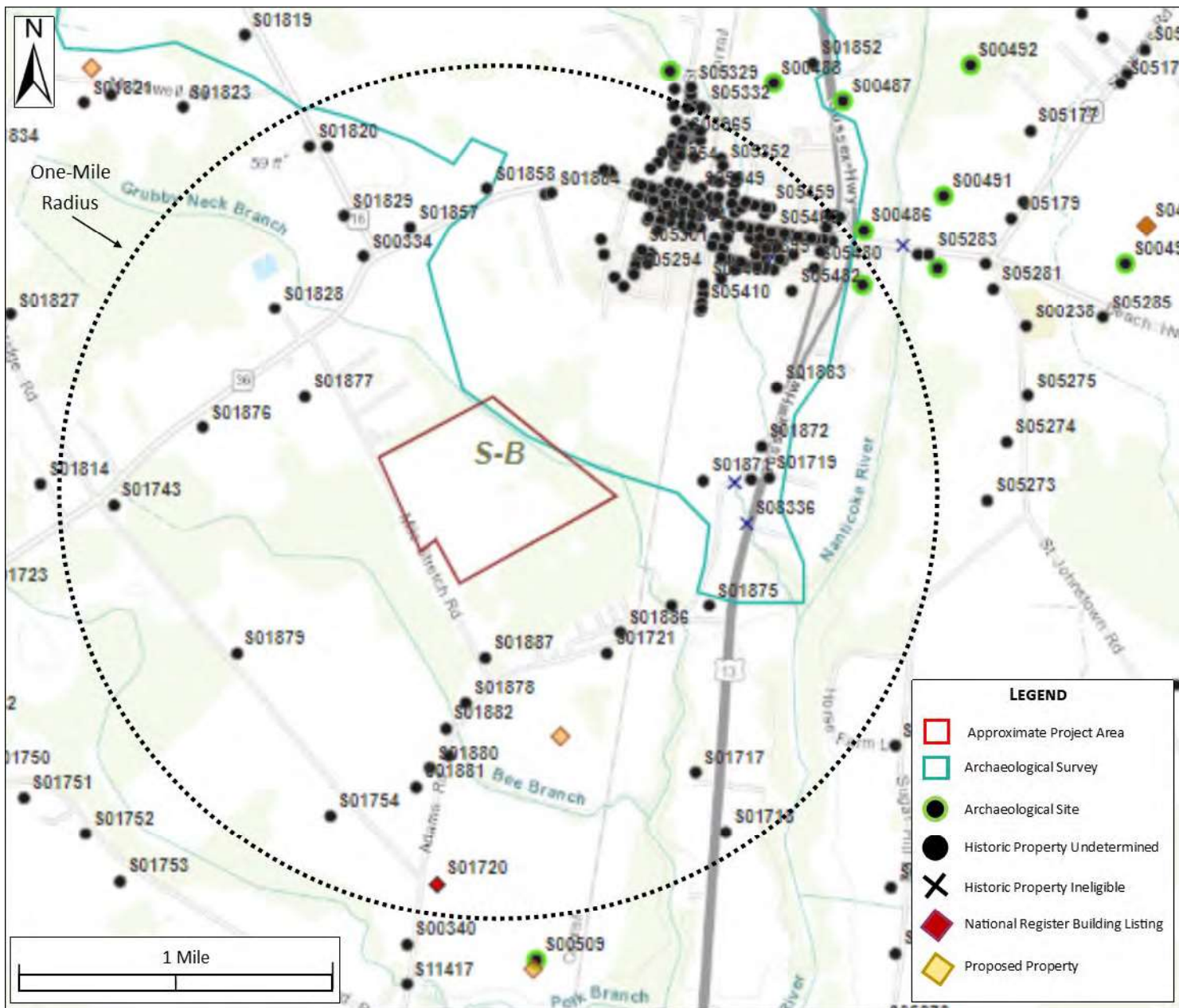
**INVOICE - PAYMENT DUE**

It is our policy to charge a fee for this environmental review service. This letter constitutes an invoice for \$35.00 (\$35.00/hour for a minimum of one hour). Please make your check payable to "Delaware Division of Fish and Wildlife" and submit to:

DE Division of Fish and Wildlife  
89 Kings Hwy.  
Dover, DE 19901  
ATTN: Brandi Henderson

**In order for us to properly process your payment, you must reference  
"TRC 2020 Heimlich Solar Project" on your check.**

cc: Brandi Henderson, Fish and Wildlife Accounting Specialist; Code to 72900



**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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date March 11, 2021.

Application: CU 2208 Artesian Wastewater Management, Inc.

Applicant: Artesian Wastewater Management, Inc. (c/o Rodney Wyatt)  
664 Churchmans Road  
Newark, DE 19702

Owner: Artesian Wastewater Management, Inc. (c/o David Spacht, President)  
664 Churchmans Road  
Newark, DE 19702

Site Location: Lying on the east side of Isaacs Road (Route 30/ S.C.R. 230), approximately 610 feet south of Reynolds Pond Road (S.C.R. 231) and on the southwest side of Reynolds Road approximately 635 feet east of Isaacs Road.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Expansion of C/U #1724 and amend conditions of approved Final Site Plan.

Comprehensive Land Use Plan Reference: Low Density Area

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Milton Fire District

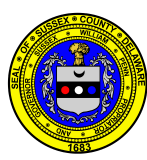
Sewer: Artesian Wastewater Management, Inc.

Water: Artesian Water Co. Inc.

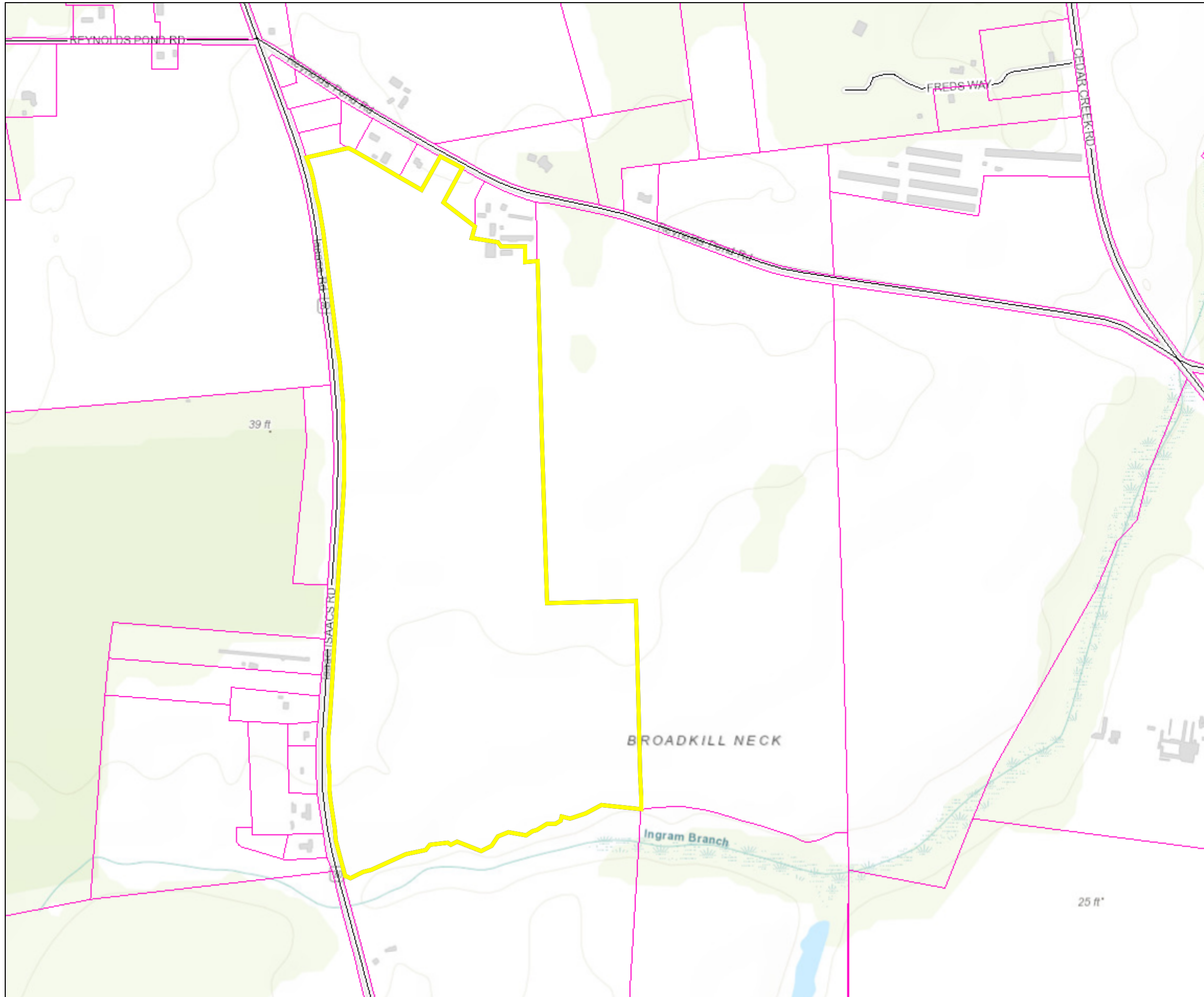
Site Area: 127.37 acres +/-

Tax Map ID.: 235-6.00-28.00 (formerly parcels 235-6.00-28.00 & 29.00)





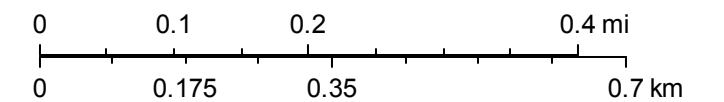
# Sussex County

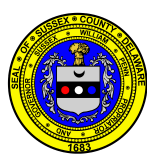


<b>PIN:</b>	235-6.00-28.00
<b>Owner Name</b>	ARTESIAN WASTEWATER MANAGEMENT INC
<b>Book</b>	4895
<b>Mailing Address</b>	664 CHURCHMANS RD
<b>City</b>	NEWARK
<b>State</b>	DE
<b>Description</b>	BEING KNOWN AS THE AR
<b>Description 2</b>	REGIONAL SEWER PLANT
<b>Description 3</b>	N/A
<b>Land Code</b>	

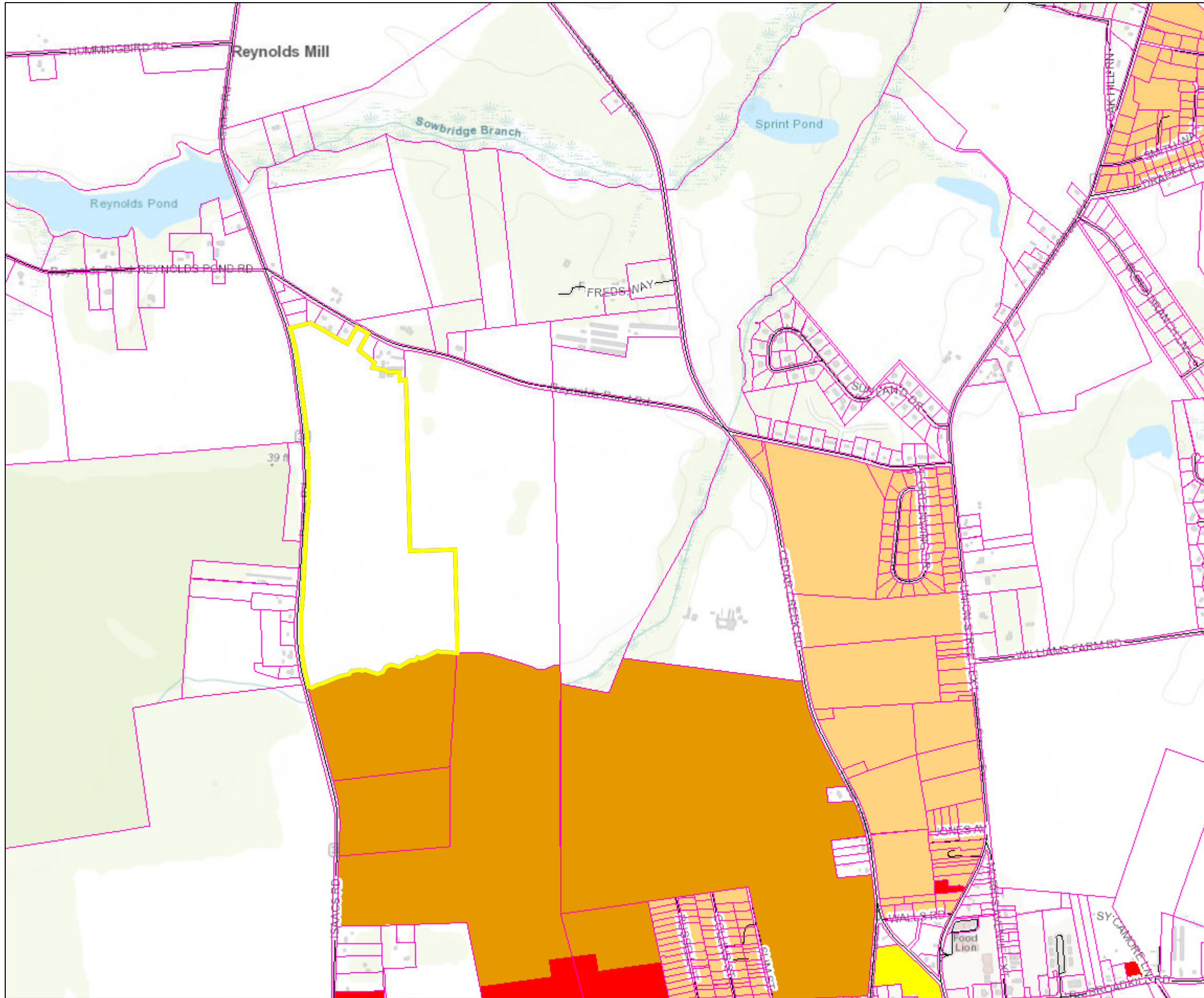
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





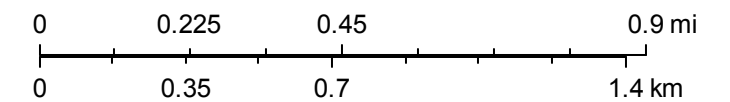
# Sussex County

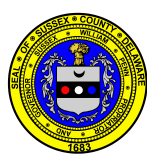


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<b>Description 2</b>	REGIONAL SEWER PLANT
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:18,056





# Sussex County



<b>PIN:</b>	235-6.00-28.00
<b>Owner Name</b>	ARTESIAN WASTEWATER MANAGEMENT INC
<b>Book</b>	4895
<b>Mailing Address</b>	664 CHURCHMANS RD
<b>City</b>	NEWARK
<b>State</b>	DE
<b>Description</b>	BEING KNOWN AS THE AR
<b>Description 2</b>	REGIONAL SEWER PLANT
<b>Description 3</b>	N/A
<b>Land Code</b>	

**polygonLayer**

Override 1

**polygonLayer**

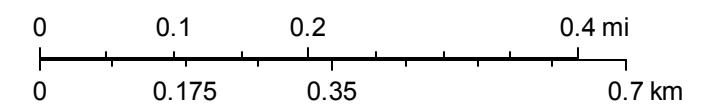
Override 1

Tax Parcels

Streets

County Boundaries

1:9,028





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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: March 2, 2021  
RE: Staff Analysis for CU 2208 Artesian Wastewater Management, Inc.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2208 Artesian Wastewater Management, Inc. to be reviewed during the March 11, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 235-6.00-28.00 (formerly Tax Parcel 235-6.00-28.00 & 28.09) to allow for the expansion of the existing wastewater treatment, disposal facility, and water treatment facility. The revisions to the previously approved plan include adding the 52 +/- acres that was subsequently acquired to the conditional use, modification of the landscape requirement and a modification of a previous Condition of Approval placed on the site. Specifically, the application proposes to amend the Conditions of Approval for the existing and previously approved Conditional Uses (1724 & 1725) on the site which require all equipment be located indoors (with the exception of generators). The parcel is located on the east side of Isaacs Road (Route 30/S.C.R. 230), approximately 610 feet south of Reynolds Road (S.C.R. 231). The project site consists of 127.37 acres +/- . It should be noted that the properties to the east and west lie within the Agricultural Preservation District and contain Agricultural Easements.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcels have a designation of "Low Density." The surrounding properties to the north, east and west also are designated as "Low Density" areas.

As outlined within the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property to the south has the designation of "Developing Area." range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A



variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The subject property is zoned Agricultural Residential (AR-1). The adjoining parcels to the north, and west are all zoned Agricultural Residential (AR-1). The properties to the south and southeast along Isaacs Road (S.C.R. 230) are zoned High Density Residential (HR-1).

Since 2011, there have been five (5) Conditional Use applications within a 2-mile radius of the application site. The first application was Conditional Use No. 1960 to allow for a go-kart track. This application was recommended approval by the Planning and Zoning Commission on April 25, 2013, was approved by the Sussex County Council on May 21, 2013 and was adopted through Ordinance No. 2305. The second application was Conditional Use No. 1947 to allow for a public service building/use. This application was recommended approval by the Planning and Zoning Commission on October 25, 2012, was approved by the Sussex County Council on November 27, 2012 and was adopted through Ordinance No. 2281. The third application was Conditional Use No. 2183 to allow for a storage facility with outdoor storage. This application was recommended approval by the Planning and Zoning Commission on September 26, 2019, was approved by the Sussex County Council on November 12, 2019 and was adopted through Ordinance No. 2688. The fourth application was Conditional Use No. 2163 for an event venue. This application was recommended denial by the Planning and Zoning Commission on April 11, 2019 and was denied by the Sussex County Council on April 30, 2019. The fifth application was Conditional Use No. 1992 to allow for a vendor (lunch truck) to sell foods and beverages. This application was recommended approval by the Planning and Zoning Commission on August 21, 2014, was approved by the Sussex County Council on January 13, 2015 and was adopted through Ordinance No. 2383.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a 52 +/- acre expansion of the existing wastewater treatment, disposal facility, and wastewater treatment facility subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

# Planning & Zoning Commission Application Sussex County, Delaware

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

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

Conditional Use   
Zoning Map Amendment

REVISED

**Site Address of Conditional Use/Zoning Map Amendment**

Isaacs Road, Milton, DE 19968

**Type of Conditional Use Requested:**

Expansion of CU#1724 & amend conditions of Approved Final Site Plan.

**Tax Map #:** 235-6.00-28 (formerly parcels 235-6.00-28.00 & 29.00) **Size of Parcel(s):** 127.37

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** Multiple sizes

**Land Use Classification:** Wastewater Treatment/Disposal Facility

**Water Provider:** Artesian Water Co. Inc. **Sewer Provider:** Artesian Wastewater Management, Inc.

**Applicant Information**

**Applicant Name:** Artesian Wastewater Management, Inc. c/o Daniel W. Konstanski, P.E.

**Applicant Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dkonstanski@artesianwater.com

**Owner Information**

**Owner Name:** Artesian Wastewater Management, Inc. c/o David Spacht, President

**Owner Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dspacht@artesianwater.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Daniel W. Konstanski, P.E.

**Agent/Attorney/Engineer Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dkonstanski@artesianwater.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 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.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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 the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the Inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 3/1/2021

Signature of Owner



Date: 3/1/2021

For office use only:

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

March 1, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Artesian Wastewater Management, Inc.** conditional use application, which we received on February 1, 2019. This application is for a 52.75-acre parcel (Tax Parcel: 235-6.00-28.00). The subject land is located on the south side of Reynolds Pond Road (Sussex Road 231) and east of Isaacs Road (Sussex Road 230), approximately 750 feet southeast of the intersection of Isaacs Road and Reynold Pond Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to expand the existing wastewater treatment plant.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Isaacs Road where the subject land is located is 3,289 vehicles per day. As the subject land also has frontage along Reynolds Pond Road, the annual average daily traffic volume along that road segment, which is from Isaacs Road to Delaware Route 5, is 620 vehicles per day.

Based on our review, we estimate that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell  
Page 2 of 2  
March 1, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Artesian Wastewater Management, Inc, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 1/31/19

**Site Information:**

Site Address/Location: E/S Route 30 (Isaacs Road), south of SCR 231 (Reynolds Pond Road)

Tax Parcel Number: 235-6.00-28.00

Current Zoning: AR-1

Proposed Zoning: C.U.

Land Use Classification: Low Density

Proposed Use(s): Expansion of C.U. #1724 for  
WWTP storage and disposal

Square footage of any proposed buildings or number of units: 52.7539 a. +/-

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JAN 31 2019

SUSSEX COUNTY  
PLANNING & ZONING

**Applicant Information:**

Applicant's Name: Artesian Wastewater Management, Inc

Applicant's Address: 664 Churchmans Road

City: Newark State: DE Zip Code: 19702

Applicant's Phone Number: (302) 856-0010

Applicant's e-mail address: dschrader@morrisjames.com

*MADE CONTACT W/OFFICE  
3/4/2019 4:08 PM*



**ORDINANCE NO. 1922**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEWAGE TREATMENT PLANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 74.61 ACRES, MORE OR LESS**

**WHEREAS, on the 27th day of June 2006 a conditional use application, denominated Conditional Use No. 1724, was filed on behalf of North Milton Development Group II; and**

**WHEREAS, on the 25th day of January 2007 a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 18th day of July 2007, said Planning and Zoning Commission recommended that Conditional Use No. 1724 be approved with conditions; and**

**WHEREAS, on the 13th day of February 2007, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County;**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1724 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying east of Route 30, 0.6 mile south of Reynolds Pond Road (Road 231), and being more particularly described as follows:**



BEGINNING at a point on the easterly right of way of Route 30 at the centerline of Ingram Branch; thence northerly 1,908.06 feet along the easterly right of way of Route 30 to a point; thence N 70°18'09" E 1,372.42 feet across lands of Ockels Acres to a point; thence southerly along lands of Harry H. Isaacs, Jr., the following six (6) courses: S 08°34'18" W 983.96 feet, S 81°12'47" E 521.76 feet, S 08°38'33" W 1,020.59 feet, S 09°04'21" W 121.98 feet, S 09°04'21" W 68.18 feet, and S 08°08'30" W 3.93 feet to a point in centerline of Ingram Branch; thence westerly by and along the meandering centerline of Ingram Branch 1,858.59 feet to the point and place of beginning, said parcel containing 74.61 acres, more or less, as plotted by Meridian Architects and Engineers.


This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The proposal regional Sewage Treatment Plant and its collection and disposal systems shall be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over same.
2. Because the Applicant did not apply for a water treatment plant as part of this conditional use, one shall not be permitted on this site unless approved under a separate conditional use application.
3. The treatment plant building shall appear to be an agricultural building.
4. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the requirements of the Sussex County Engineering Department, if any, and the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site, or any modification thereto.
5. There shall be forested buffers of at least 30 feet from all property lines. Any lagoons, Rapid Infiltration Basins or similar structures shall be located at least 100 feet from any dwellings.

6. One lighted sign shall be permitted on each site, not to exceed 32 square feet in size.
7. With the exception of emergency generators that may be located on the site, all of the equipment needed in the operation of the facility shall be located indoors. The generators shall be housed in enclosures to reduce noise.
8. Any security lighting shall be screened so that it does not shine onto neighboring properties or County Roads.
9. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1922 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST DAY OF JULY 2007.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the conditional use was appropriate legislative action based on the following findings of fact:**

1. This is a conditional use for a sewage treatment plant to be located on 74.61 acres lying on the east side of State Route 30, 6/10's of a mile south of County Road 231 (Reynolds Pond Road), in Broadkill Hundred, Sussex County, Delaware.
2. The Council adopted the recommendation of the Planning and Zoning Commission that the application be approved and adopted the Commission's recommended findings and conditions of approval.
3. The proposed use of the subject property as a sewage treatment plan is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare of neighboring properties and the County.

4. **The regional Sewage Treatment Plant will possess sufficient capacity to serve a substantial volume of users beyond the boundaries of the development proposed to be served by the Plant.**
5. **The regional Sewage Treatment Plant, with the stipulations and conditions placed upon it, will not have any adverse impact upon the County or its residents.**
6. **The Sewage Treatment Plant will be designed to minimize environmental impacts. Significant buffers will be provided from all wetland areas, no wetland areas on the subject property will be disturbed without a valid Federal or State permit.**
7. **The proposed regional Sewage Treatment Plant and its collection and disposal systems shall be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over the use.**
8. **The proposed use is subject to the review and approval of the Public Service Commission.**
9. **The conditional use is approved subject to nine conditions, which will serve to minimize any potential impacts on the surrounding area.**

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/25/2021**

APPLICATION: **CU 2208 Artesian Wastewater Management, Inc**

APPLICANT: **Artesian Wastewater Management, Inc (c/o Rodney Wyatt)**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **235-6.00-28.00**

LOCATION: **East side of Isaacs Road (Rt. 30/SCR 230), approximately 610 feet south of Reynolds Pond Road (SCR 231) and on the southwest side of Reynolds Pond Road (SCR 231) approximately 635 feet east of Isaacs Road (Rt. 30/SCR 230).**

NO. OF UNITS: **Expansion of CU 1724 and amend conditions of approval.**

GROSS  
ACREAGE: **127.37**

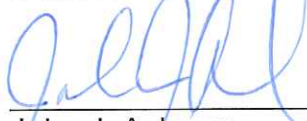
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

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

## Jamie Whitehouse

---

**From:** Rebar Jr., John J (DNREC) <John.Rebar@delaware.gov>  
**Sent:** Thursday, January 7, 2021 12:57 PM  
**To:** Jamie Whitehouse  
**Cc:** Roushey, Jennifer S. (DNREC); Wang, Ping (DNREC)  
**Subject:** RE: CU 2208 - Artesian Water Conditional Use Application

**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.

Jamie, I am currently available to participate on those dates and times. Currently, my preference is to participate virtually however, if I get the Covid-19 vaccine or the threat of Covid-19 is reduced by March or April I would be willing to participate in person. JJR

---

**From:** Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>  
**Sent:** Thursday, January 07, 2021 10:29 AM  
**To:** Rebar Jr., John J (DNREC) <John.Rebar@delaware.gov>  
**Subject:** CU 2208 - Artesian Water Conditional Use Application

John, Good morning,

We are looking to move forward with Public Hearings that we have been unable to hear in 2020 due to C-19. To this end, we have secured a new meeting location at Del-Tech and we are working to enable representatives from DeIDOT and DNREC to participate either by telephone or by virtual teleconference. Of course, in-person participation is welcome for those comfortable doing so.

Could I ask whether you would still be able to participate if we schedule hearings for March 11, 2021, at 3PM and then County Council on April 13 at 1:30PM?

If we can confirm this by end of business on Monday, it would be greatly appreciated so that we can notify the applicant.

Thank you,

*Mr. Jamie Whitehouse*, AICP, MRTPI  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle, P.O. Box 417, Georgetown, DE, 19947  
Tel: 302-855-7878, Fax: 302-854-5079

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

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

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JAN 11 2021

SUSSEX COUNTY  
PLANNING & ZONING

---

**From:** Rebar Jr., John J (DNREC) <John.Rebar@delaware.gov>  
**Sent:** Friday, February 21, 2020 4:30 PM



P.O. Box 600  
14198 Sussex Highway  
Greenwood, Delaware 19950  
302-349-9090

[www.delaware.coop](http://www.delaware.coop)

DELAWARE ELECTRIC CO-OP

*"We Keep the Lights On"*

April 24, 2020

Mr. Jamie Whitehouse, AICP  
Planning Director  
Sussex County Planning and Zoning Department  
County Administrative Office Building  
2 The Circle  
Georgetown, DE 19947

Re: Conditional Use Application # 2208

Dear Mr. Whitehouse,

I would like to express my support of the Artesian Wastewater Management, Inc. (Artesian) conditional use application referenced above. The conditional use being proposed by Artesian will provide necessary sewer infrastructure for existing and future development in the surrounding area, which is crucial, for economic growth and development on the western side of the County.

Please do not hesitate to contact me if you have any questions. I can be reached at 302-349-3174 or [bandrew@delaware.coop](mailto:bandrew@delaware.coop).

Sincerely,

A handwritten signature in blue ink that reads "J. William Andrew". The signature is written in a cursive, flowing style.

J. William Andrew, P.E.  
President and CEO  
Delaware Electric Cooperative

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APR 27 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Comments on CU 2208 Artesian Wastewater Mgt.

Keith Steck

March 11, 2021

Thank you for the chance to comment. My name is Keith Steck, I live at 210 Lavinia St., Milton. I live relatively close to this facility and have watched its jerking progress over time.

I'm opposed to this project because it yet again is not well-thought out and will not be the great project it's been talked about for years. The information provided as part of this application is incomplete and I don't believe it's accurate.

To me, this project is like a parent trying to help a confused and hapless child to figure out what he or she will do when they grow up. One year, the parent--in this case Father Artesian--wants it child we'll call Sewer Plant to be this great big full-blown sewer treatment plant serving a giant development. Problem is that development never happened, so nothing happened with Sewer Plant. Then Father Artesian got nervous when it's permit to build just about expired because it had no customers. So it grabbed on to the first customer that came along--Allen Harim. 4 years later, Harim hasn't quite worked out the way Artesian expected and Sewer Plant is going nowhere.

The big problem is Father Artesian had these flawed ideas and its first set of plans were faulty. Artesian didn't factor in a lot of things, like what happens when you do have a customer. So he finds a customer, let's call him Allen Harim. But because he's behind schedule and he wants Sewer



Plant to get on with life, he puts together a new plan that does not involve thorough planning, like not having environmental assessments and some other key things done. He's got a friend, let's call him DNREC. Now DNREC tells him he doesn't need these environmental reviews and hydrology reports. And the customer, Allen Harim is slow to the game now. But others have argued with Father Artesian and DNREC and things still haven't quite worked out and Sewer Plant still isn't out of the house.

Now Artesian's come up with another idea and set of plans. But DNREC still hasn't got it right.

### Now Let's Get Serious

Let's start with what are called Wellhead Protection Areas and Excellent Groundwater Recharge areas. Not to get too complicated but these areas are essentially meant to keep our drinking water supplies safe. The wellhead area is supposed to be protected so nothing gets into the well. The Excellent Groundwater Recharge Areas areas are areas above the drinking water source--groundwater and aquifers--that are soil, sand, and gravel that allow water to rapidly filter down through and replenish the underground water supply. These areas are essential to protect to keep chemicals and other contaminants from getting into our drinking water--WE ALL GET OUR DRINKING WATER FROM WELLS, EVEN IF YOU'RE IN A TOWN OR AREA THAT PROVIDES DRINKING WATER, THAT WATER COMES FROM A TOWN OR OTHER CENTRAL WELL.

Why am I bringing this up? Because the state of Delaware has a law and Sussex County has an ordinance that requires certain things to be done to

protect our drinking water. But Artesian hasn't done what it's supposed to do because it doesn't seem like the county has done what it's supposed to do. There's nothing in Artesian's plans or on its maps that are in this conditional use application that even references this ordinance.

YOU MIGHT SAY YEAH, SO WHAT. Well the WHAT is this: Under Sussex County's SOURCE WATER PROTECTION ORDINANCE, Chapter 89 of the County Code, Artesian was supposed to have done an assessment of the to see if either there's a Wellhead Protection Area or an Excellent Groundwater Protection Area. BUT IT HASN'T, AT LEAST BASED ON THE DOCUMENTS IN THE APPLICATION PACKET.

This ordinance is critical to keeping our drinking water clean and safe to drink. Not to get too complicated or down into the weeds, but when a project comes up for consideration state law and this County ordinance at Sec. 89-8. Boundary determination for wellhead protection areas and excellent groundwater recharge areas requires QUOTE

"All subdivision and land development plans depicting development or **land disturbance** (excluding agricultural tillage) submitted for County review shall be evaluated for the existence of wellhead protection areas and excellent groundwater recharge areas....  
[continues].

It further states: **"If existing on the parcel, then the boundaries of all wellhead protection areas and excellent groundwater recharge areas shall be clearly delineated and noted on the plan by the applicant's engineer and/or surveyor."**

But there's nothing in the application about this, unless I missed something. Look at the maps, do you see anything that mentions wellheads or recharge areas? I don't. Look at Page 11 and 20 of the packet or maps under Tabs 1 and 6 and 10. There's not a map in this packet that mentions any of this or shows anything like these areas.

Again, so what. Well, GUESS WHAT.

A HUGE PART OF THIS COMBINED PARCEL IS AN EXCELLENT RECHARGE AREA. You can do simple Google search on either term and you'll come up with the FirstMap for either of these. Check out the FirstMap for Excellent Groundwater Recharge and lo and behold there's a giant blue area right over about two-thirds ( $\frac{2}{3}$ ) of the parcel. I believe it includes some of the area that's already been disturbed by the 90-million gallon holding lagoon. I've put the link here in my written comments so you all and others can see it

[https://opendata.firstmap.delaware.gov/datasets/94d6d5387d814951837b3ee5ef4b5200\\_0?geometry=-75.483%2C38.772%2C-75.211%2C38.819](https://opendata.firstmap.delaware.gov/datasets/94d6d5387d814951837b3ee5ef4b5200_0?geometry=-75.483%2C38.772%2C-75.211%2C38.819)

This failure to comply is a serious problem. This Commission didn't catch this with the Chappell Farm proposal and some other projects, including a Royal Farms gas station over by the Rehoboth outlets that's sitting on top of these highly important areas.

I recommend that this request be put on hold until the county and Artesian go through its check and revise it's maps and studies and Artesian comes back with a complete and accurate set of plans and maps.

## OTHER ISSUES

### An Extra Parcel

Something has bothered me for a long time. There's a parcel that's listed in the project design but it's never been in the approved list of parcels.

What's the story with that? Parcel 235-6.00-11.01 is listed in the design report for this facility as part of Field D, but it's not in Ordinance 1923.

What kind of impact will that have on the design of this sewer treatment plant?

### No DNREC DOCS

On another topic, I don't think I see a single DNREC document in this packet. I see lots of references to DNREC, but I don't actually see anything from it. There's a letter from DeIDOT but nothing from DRNEC. Seems like there should be something from them in this packet saying they'd done reviews and assessments.

### Crop Uptake Is Supposed to Drive Irrigation Rates, Disposal Needs Is Not

Oh here's another big issue that seems to be ignored. According to Conditional Use 1725 approved as Ordinance 1923, Condition 6 says

#### QUOTE

"The irrigation rates shall be determined by crop utilization uptake limits rather than by wastewater disposal needs."

As I understand this sentence, it means the need of the crops drive what the rate of irrigation will be and that disposal needs are NOT supposed to be running the show. BUT practically everything I see is based on the

need to get rid of the wastewater. I'm sure the farmers around here will be interested in knowing if I understand this correctly. Also, it's not clear to me if this is up for discussion or not, because the hearing seems to be focused around the design of the sewer system, but how can you design a sewer system if you don't know what the need of the crops are, especially given how variable rainfall is? If you're looking for a stable irrigation rate based on crops, that seems hard to do... or maybe more precisely, the irrigation rate is going to be like a roller coaster and up and down seasonally as well as weather-wise. You can't spray when the ground is frozen and you can't spray when there's standing rainwater in the fields. Can You?

#### Harim's Wastewater Volume

This brings up another issue. Going back to our father son analogy. Customer Harim is still in the picture, but he's just not part of things right now and it's unclear when that's going to change. But the way I understand because Harim is still going to be a paying customer, he gets priority as far as getting rid of wastewater, right? So Sewer Plant is taking a back seat to Harim. How's that going to work?

Seriously, is Harim's huge volume of water going to be the first priority as far as spraying? Is that still true? That's critical for you all to know, because that's potentially going to determine what Sewer Plant's output is going to be. If the crops can only handle so much water, and Harim's wastewater is going to be sprayed first, then you can only spray so much afterwards, right? If that's limited, doesn't that determine what capacity Sewer Plant should be? I think Artesian's shareholders would like to know too. Are you going to build just what you need or are you going to build a

giant sewer plant in hopes of future business, which if Harim is any indication--that's a big if?

This is a long story with a lot of uncertainty. There are a lot of unknowns.

Oh, and BTW, have you all figured out if the 2014 regulations will apply because of the major changes being made?

Bottom Line

How can this Commission make a decision without accurate information? In fact, I'd like to suggest that this Commission request the State Office of Planning Coordination do a PLUS REVIEW of this project to see if there are other issues that are missing.

Thanks for letting me comment.

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

I, ~~Jeffrey Moore~~ <sup>William Stout</sup>, own property in the area of the land subject to this Conditional Use application; and would like to express my support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,

*William A. Stout*

~~Jeffrey Moore~~

William A. STOUT

Isaacs Road  
Milton, DE 19968

Parcel: 235-6.00-25.04-03

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

I, Dale Ockels, own property in the area of the land subject to this Conditional Use application; and would like to express my support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,



Dale Ockels

Reynold Pond Road

Milton, DE 19968

Parcels/235-6.00-28.02/235-6.00-28.06/235-6.00-28.08/235-6.00-28.07



Date:

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Re: Conditional Use Application # 2206

Dear Sussex County Planning & Zoning Commissioners,

I, Monroe B. Hittinghan, am writing to you in support of Artesian Wastewater Management, Inc.'s (Artesian) conditional use application referenced above. The project and use that Artesian is proposing will provide necessary sewer utility for existing and future development in the surrounding area and will enable further economic growth within the County.

The location of the existing and proposed facilities is not of concern to me and I trust Artesian to abide by the conditional use conditions as proposed by Artesian and as hopefully approved by the Commission at the hearing to discuss this project.

Yours truly,



Sussex County Resident

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

I, Thomas B. Isaacs, own property in the area of the land subject to this Conditional Use application; and would like to express my support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,



Thomas B. Isaacs

23241 Reynolds Pond Road

Milton, DE 19968

Parcels/235-7.00-7.01

March 4, 2021


Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

We, Farm Boys, LLC, own property in the area of the land subject to this Conditional Use application; and would like to express our support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

  
Yours Truly,

Farm Boys, LLC  
22743 Reynolds Pond Road  
Milton, DE 19968  
Parcels/235-6.00-11.00

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

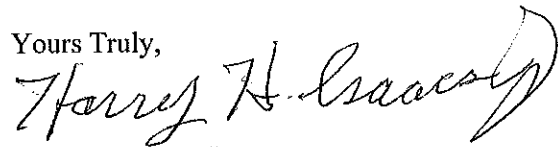
Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

I, Harry H. Isaacs, Jr., own property in the area of the land subject to this Conditional Use application; and would like to express my support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,



Harry H. Isaacs, Jr.

22066 Reynolds Pond Road

Milton, DE 19968

Parcels/235-6.00-10.00

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

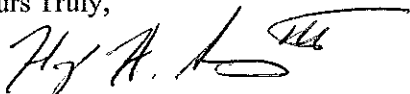
Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

I, Harry H. Isaacs III, own property in the area of the land subject to this Conditional Use application; and would like to express my support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,



Harry H. Isaacs III

22602 Reynold Pond Road

Milton, DE 19968

Parcels/235-6.00-21.02

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

We, Double T, LLC, own property in the area of the land subject to this Conditional Use application; and would like to express our support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,



Double T, LLC

Reynolds Pond Road  
Milton, DE 19968

Parcel: 235-6.00-10.06

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

We, Carl & Julie Schirmer, own property in the area of the land subject to this Conditional Use application; and would like to express our support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,

Carl Schirmer



Julie Schirmer

12910 Isaacs Road  
Milton, DE 19968

Parcel: 235-13.00-31.00

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

We, William and Diane Brooks, own property in the area of the land subject to this Conditional Use application; and would like to express our support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,

William Brooks

  
Diane Brooks

22644 Milton Ellendale Highway  
Milton, DE 19968

Parcel: 235-13.00-28.00



March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

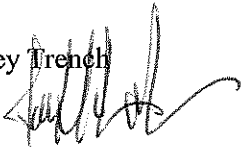
Dear Sussex County Planning & Zoning Commissioners,

We, Jeffrey & Kathryn Trench, own property in the area of the land subject to this Conditional Use application; and would like to express our support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,

Jeffrey Trench



Kathryn Trench

22828 Reynold Pond Road

Milton, DE 19968

Parcel# 235-6.00-28.03

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947


Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

I, Randolph Gooner, Sr., own property in the area of the land subject to this Conditional Use application; and would like to express my support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,



Handwritten signature of Randolph Gooner, Sr. in cursive script.

Randolph Gooner, Sr.

22898 Reynold Pond Road

Milton, DE 19968

Parcel# 235-6.00-28.01

March 4, 2021

Sussex County Planning & Zoning Commission  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947


Ref: Conditional Use Application # 2208- Artesian Wastewater Management, Inc.

Dear Sussex County Planning & Zoning Commissioners,

We, Reed Farms, LLC, own property in the area of the land subject to this Conditional Use application; and would like to express our support of the Artesian application, CU # 2208. The project and use will provide necessary sewer utilities for the existing and future development in the surrounding area, which is crucial, for economic growth in Sussex County.

I trust Artesian to abide by their proposed conditions of the Conditional Use application and as hopefully approved by the Commission and County Council; at the hearings to discuss this project.

Yours Truly,

  
Reed Farms, LLC

14888 Gravel Hill Road  
Milton, DE 19968

Parcel: 235-13.00-29.00

**Nick Torrance**

---

**From:** CAROL MOORE <veratractor@aol.com>  
**Sent:** Wednesday, March 10, 2021 3:06 PM  
**To:** Planning and Zoning  
**Subject:** To:

**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.

**To:**

## Planning & zoning commission

Re: C/U 2208

From:

Carol & Glenn Moore

We- Carol & Glenn Moore

Owners of 12832 Isaacs Rd Milton De,wish to voice our objection to the expansion of conditional use of lands by Artesian Wastewater Management Inc.

We feel this would be detrimental to

the community surrounding this area. Traffic, safety & environmental are all concerns we have about this issue. Route 30 is already a huge traffic safety concern in this area now.

We strongly object to this approval.

Concerned

Glenn L Moore

Carol A Moore

Sent from my iPhone

CALL BEFORE YOU DIG  
MISS UTILITY OF DELMARVA  
1-800-282-8555 (IN DE.)  
PLEASE GIVE TWO WORKING DAYS  
ADVANCE NOTICE

THIS DRAWING DOES NOT INCLUDE NECESSARY  
COMPONENTS FOR CONSTRUCTION SAFETY.

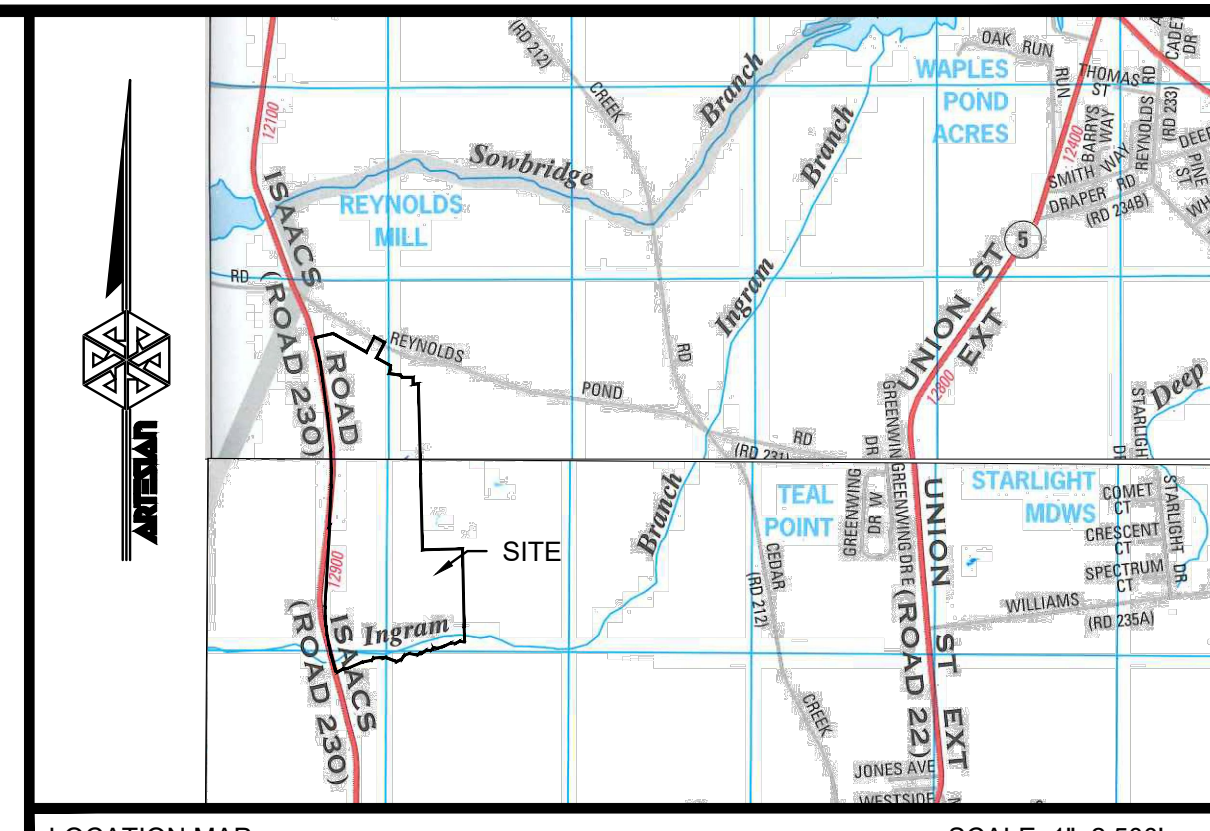
ALL CONSTRUCTION MUST BE DONE IN  
COMPLIANCE WITH THE OCCUPATIONAL SAFETY  
AND HEALTH ACT OF 1970 AND ALL RULES AND  
REGULATIONS THERETO APPURTENANT.

# PRELIMINARY SITE PLAN

## SUSSEX REGIONAL RECHARGE FACILITY (SRRF)

FORMERLY KNOWN AS ARTESIAN NORTHERN SUSSEX REGIONAL WATER RECHARGE FACILITY (ANSRWRF)

SITUATED IN  
**SUSSEX COUNTY \* STATE OF DELAWARE**

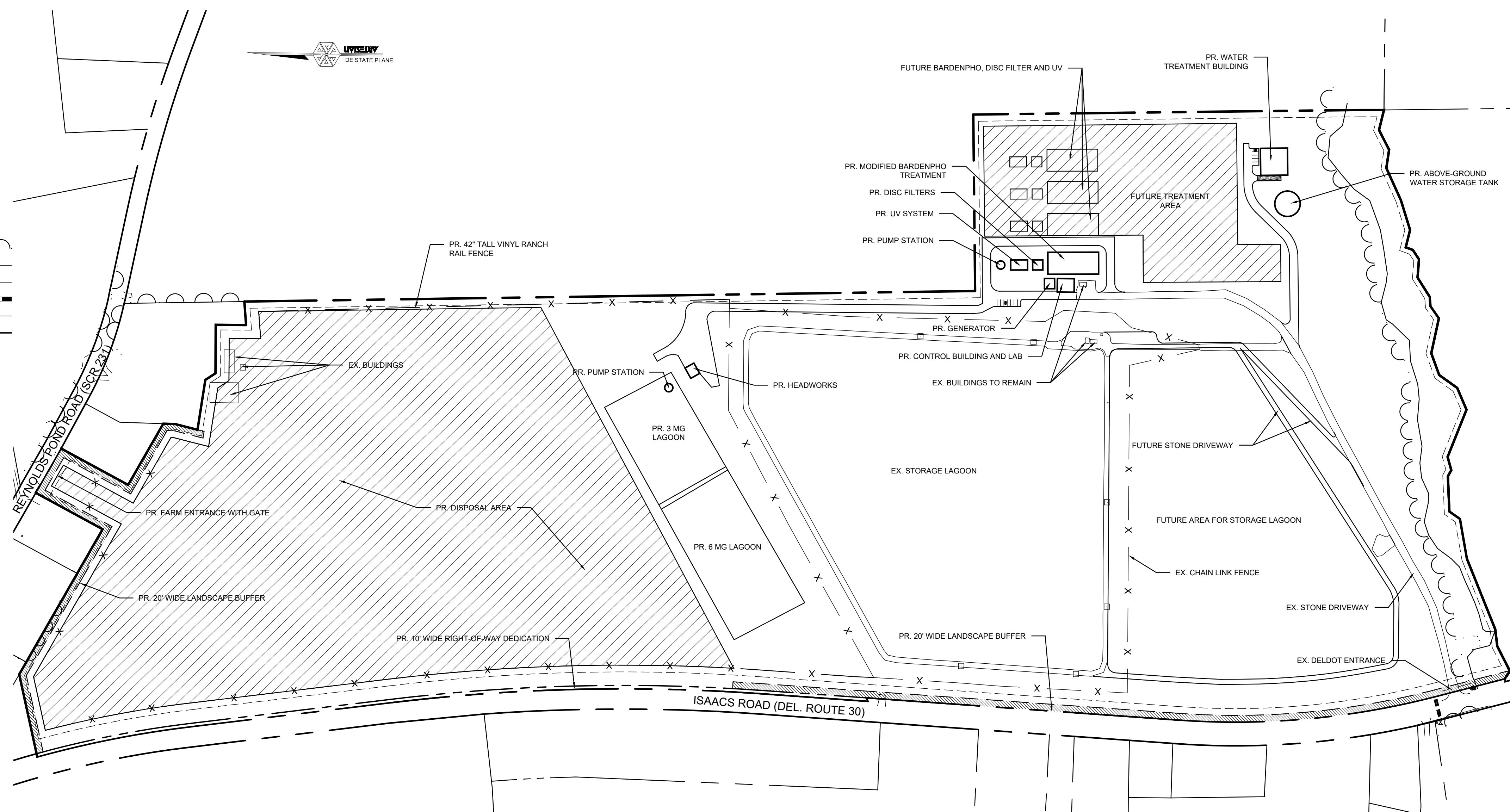


**LEGEND**

EXISTING PROPERTY LINE	---
ADJACENT PROPERTY LINE	---
PROPOSED SETBACK LINE	---
EXISTING CENTERLINE	---
EXISTING FENCE	X X X
FENCE LINE	X X X
PROPOSED BUFFER	---
EXISTING PUBLIC R.O.W.	---
PROPOSED PUBLIC R.O.W.	---
EXISTING EASEMENT LINE	---
PROPOSED EASEMENT LINE	---
WETLANDS LINE	---

EXISTING	PROPOSED
TREELINE	---
SANITARY SEWER	SS MH
WATER LINE	W WV
STORM SEWER	CS CB
ELECTRIC	E UP
CONTOUR	18
HYDRANT	HD
SPOT ELEVATIONS	x 18.50
CULVERT (W/F.E.S.)	---
SIGN	---
STORM MANHOLE	SM
CATCH BASIN	CB
WELL	W
UTILITY POLE & GUY WIRE	---
HANDICAP PARKING STALL	---
NUMBER OF PARKING STALLS IN ROW	---
IRON PIPE FOUND	---
IRON PIPE SET	---
CONCRETE MONUMENT FOUND	---
TEST PIT LOCATION	---
FIRE DEPARTMENT CONNECTION	---
TREES	---
DIRECTIONAL FLOW ARROW	---
LIGHT POLE	---
CONCRETE	---
WETLANDS FLAG	---

HATCHING REPRESENTS AREA TO HAVE A MEDIUM DENSITY FORESTED AND/OR LANDSCAPE BUFFER STRIP: 5 TREES/100' @ 20 FT. WIDE



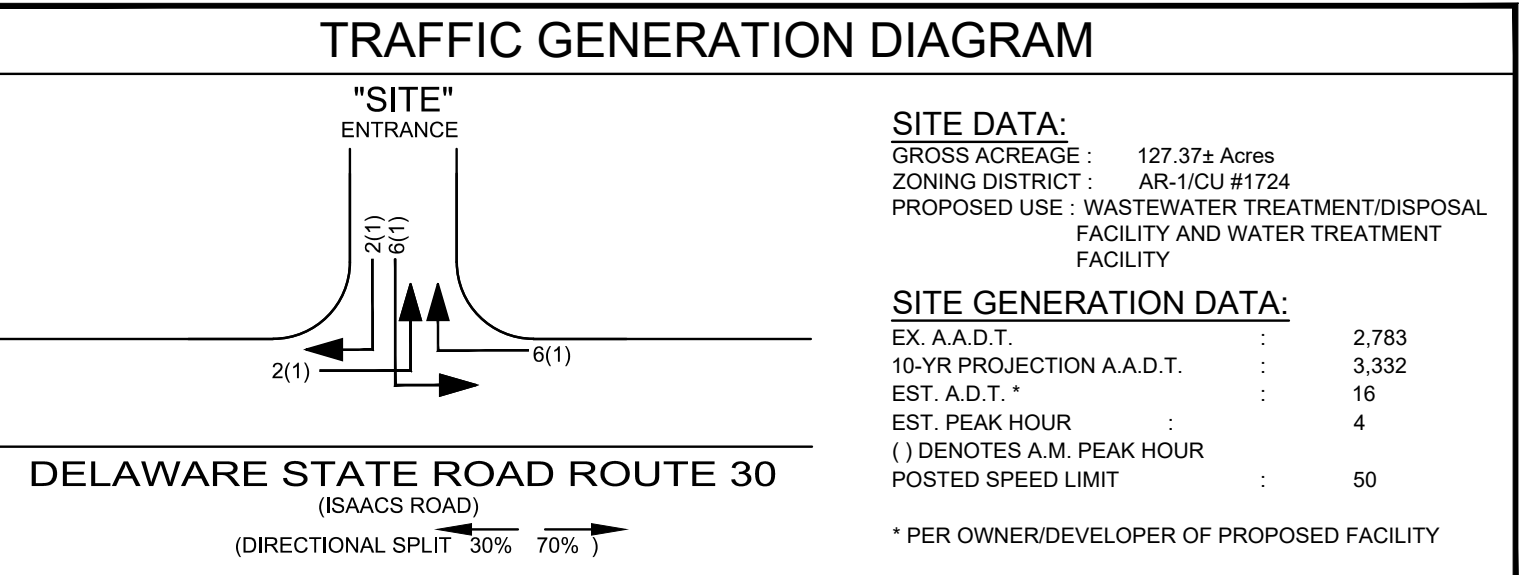
**PLAN DATA**

PARCEL I.D. NO.	235-6.00-28.00
ZONING DISTRICT	AR-1 CU #1724
PROPOSED USE	WASTEWATER TREATMENT/DISPOSAL FACILITY AND WATER TREATMENT FACILITY
GROSS ACREAGE	127.37+/- ACRES
OWNER/DEVELOPER	ARTESIAN WASTEWATER MANAGEMENT, INC. 664 CHURCHMANS ROAD NEWARK, DE 19702 (302) 453-7300
DEED REFERENCE	DEED BOOK 3596, PAGE 064
PLAT BOOK REFERENCE	PLAT BOOK 286, PAGE 46
SEWAGE DISPOSAL	ARTESIAN WASTEWATER MANAGEMENT, INC. SEWAGE SYSTEMS SEWERAGE IS SUBJECT TO APPROVAL OF THE THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	ARTESIAN WATER COMPANY, INC. WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
WATERSHED	BROADKILL RIVER

**BUILDING SETBACK REQUIREMENTS:**  
MIN. DEPTH OF FRONT YARD (FT.) = 40'  
MIN. WIDTH OF SIDE YARD (FT.) = 15'  
MIN. DEPTH OF REAR YARD (FT.) = 20'  
MAX. BUILDING HEIGHT (FT.) = 42'

**PARKING RATIONALE:**  
PARKING REQUIRED: N/A  
PARKING PROVIDED: 17 SPACES \* PER OWNER/DEVELOPER OF PROPOSED FACILITY (INCLUDING 1 HANDICAP SPACE)

- NOTES:**
- SURVEY SHOWN IS BASED ON A FIELD SURVEY BY ARTESIAN WATER COMPANY, INC., FOUND MONUMENTS IN THE FIELD AND ALSO BASED ON A PLAN AND SURVEY BY MERIDIAN ARCHITECTS AND ENGINEERS DATED 2-21-06, ENTITLED RECORD MINOR SUBDIVISION PLAN - OCKELS FARM, RECORDED IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DELAWARE IN PLAT BOOK 112 PAGE 95. IT IS ALSO BASED ON PLOT BOOK 61 PAGE 278, SURVEY BY ADAMS-KEMP FOR THE ABOVE PARCEL, PLOT BOOK 61 PAGE 151 SURVEY BY ADAMS-KEMP DATED 5-1-2000 AND PLOT BOOK 95 PAGE 281 A SUBDIVISION PLAN BY ADAMS-KEMP DATED 8-4-2005.
  - THERE ARE WETLANDS ON THIS SITE AS PER THE NATIONAL WETLANDS INVENTORY MAP.
  - AREAS OF THIS SITE ARE LOCATED IN: ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A (AREAS OF SPECIAL FLOOD HAZARD, WITHOUT BASE FLOOD ELEVATION) AS PER FIRM MAP 10005C0165J EFFECTIVE 1/16/2005.



**OWNER/DEVELOPER CERTIFICATION**  
I, HEREBY CERTIFY THAT I AM THE LEGAL REPRESENTATIVE FOR THE FORCE MAIN AND ASSOCIATED CONSTRUCTION IMPROVEMENTS SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DAVID SPACHT, V.P.  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 CHURCHMANS ROAD  
NEWARK, DE 19702  
PHONE: (302) 453-6900  
FAX: (302) 453-5800

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

DANIEL W. KONSTANSKI, P.E.  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 CHURCHMANS ROAD  
NEWARK, DE 19702  
PHONE: (302) 453-6900  
FAX: (302) 453-5800

THE PURPOSE OF THIS PLAN IS TO REQUEST THE EXPANSION OF CONDITIONAL USE #1724 AND TO AMEND THE CONDITIONS OF THE APPROVED FINAL SITE PLAN THAT WAS RECORDED BY PLAT BOOK 286, PAGE 46.

**INDEX OF SHEETS**

COVER SHEET	SHEET 1
PRELIMINARY SITE PLAN	SHEET 2
NOTES & DETAILS PLAN	SHEET 3

REFER TO THE ABOVE INDEX FOR THE LOCATION OF OTHER DETAILS REQUIRED FOR SITE IMPROVEMENTS.

664 Churchmans Road  
Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 453-6900 Fax: (302) 453-5800

**REVISIONS:**

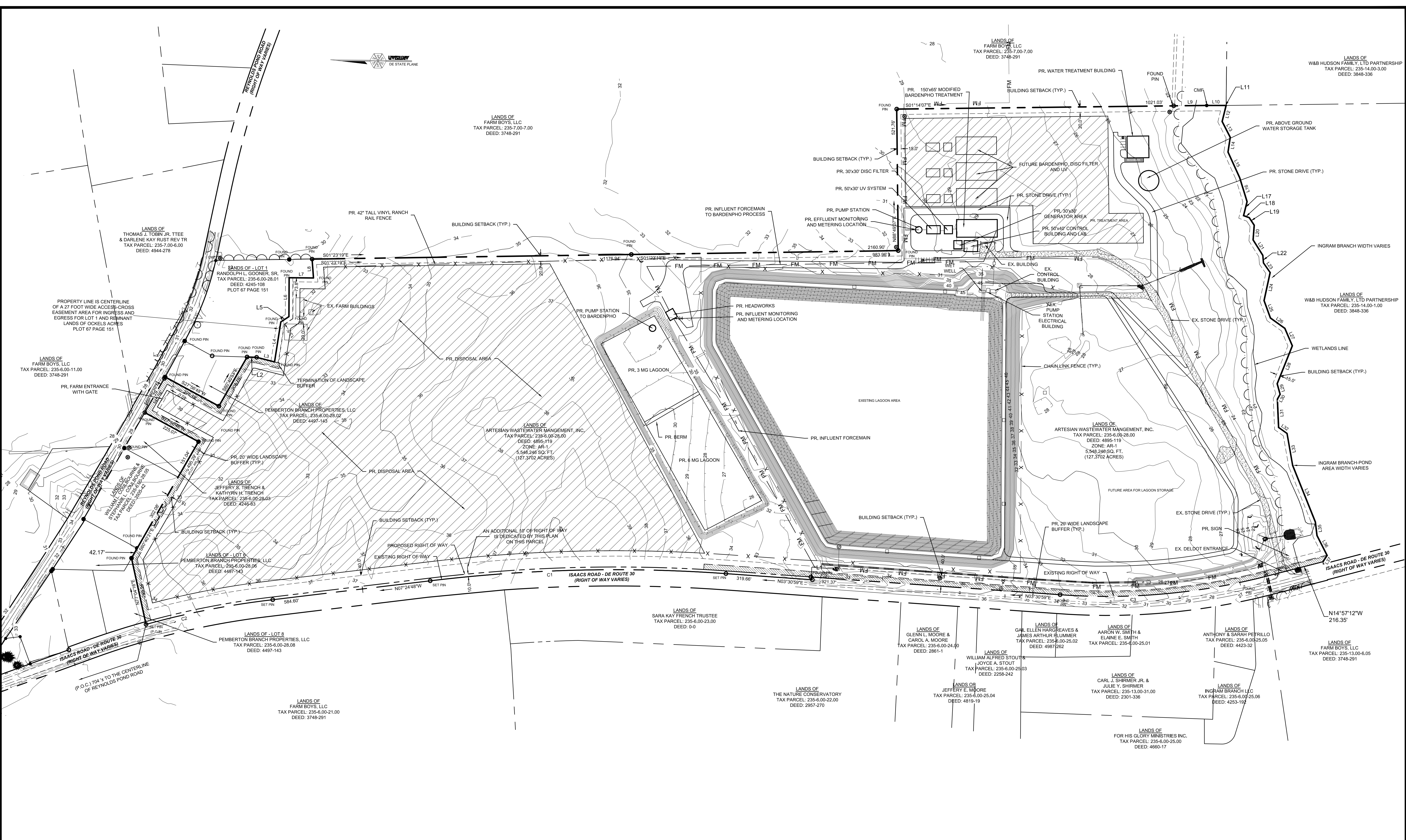
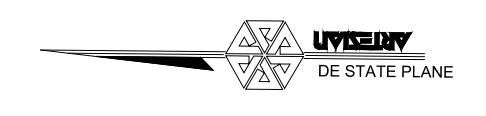
NO.	DESCRIPTION	BY	DATE
1	REV. PER ARTESIAN	AP	12/9/19
2	REV. PER ARTESIAN	KEG	2/25/21

Date: 10/2/19	Checked By: DK	Sheet 1 of 3
Scale: 1"=200'	Page & Grid:	Hundred: BROADKILL
Drawn By: KEG	CAD File: PRELIM SITE PLAN.dwg	Budget No. 3003456

**PRELIMINARY SITE PLAN**

**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY STATE OF DELAWARE





664 Churchmans Road  
 Newark, Delaware 19702  
 P.O. Box 15004, Wilmington, Delaware 19850  
 Phone: (302) 453-6900 Fax: (302) 453-5800

REVISIONS:	DESCRIPTION	BY	DATE
1	REV. PER ARTESIAN	AP	12/9/19
2	REV. PER ARTESIAN	KEG	2/25/21

Date:	10/2/19	Checked By:	DK
Scale:	1"=150'	Page & Grid:	
Drawn By:	KEG	CAD File:	PRELIM SITE PLAN.dwg
		Budget No.	3003456

**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY  STATE OF DELAWARE

# FORESTED AND/OR LANDSCAPE BUFFER

THE BUFFER STRIP SHALL BE A MINIMUM OF 20 FEET WIDE AND SHALL REMAIN FREE OF BUILDINGS, STREETS, STORMWATER MANAGEMENT AREAS OR FACILITIES, OPEN SPACE, WASTEWATER TREATMENT AND/OR DISPOSAL FACILITIES, WATER TREATMENT FACILITIES OR OTHER SURFACE IMPROVEMENTS. A LANDSCAPE PLAN FOR THE BUFFER SHALL BE DESIGNED AND CERTIFIED TO BY A LICENSED LANDSCAPE ARCHITECT, LICENSED FORESTER OR FORESTER DESIGNATED BY THE SOCIETY OF AMERICAN FORESTERS AS A CERTIFIED FORESTER. THE LANDSCAPE PLAN SHALL BE REVIEWED AND COMMENTED ON BY THE STATE FORESTER AND SHALL BE SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE COMMISSION.

HATCHING REPRESENTS AREA TO HAVE A MEDIUM DENSITY FORESTED AND/OR LANDSCAPE BUFFER STRIP: 5 TREES/100' @ 20 FT. WIDE

\*\*REFER TO LANDSCAPE PLAN PREPARED BY LEANN SCHNAPPINGER BRIDGMAN, RLA DATED 2/24/21 FOR MORE DETAIL.

## FORESTED BUFFER CONDITIONS:

A. ALL TREES THAT ARE TO BE PLANTED SHALL INCLUDE A MIX OF 70% DECIDUOUS SHADE TREES AND 30% EVERGREEN TREES, A MAJORITY OF WHICH SHALL BE SUITABLE TREES OF COMMON LOCAL SPECIES, WHICH MAY INCLUDE EXISTING AS WELL AS PLANTED TREES.

B. ALL DECIDUOUS TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES AND A MINIMUM HEIGHT OF 6 FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THE TREES WILL BE CAPABLE OF OBTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN 5 YEARS OF BEING PLANTED; AND

C. ALL EVERGREEN TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF 5 FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THEY ARE REASONABLY CAPABLE OF ATTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN 5 YEARS OF BEING PLANTED; AND

D. THE LANDSCAPE PLAN MAY INCLUDE SUITABLE EXISTING DECIDUOUS AND EVERGREEN TREES OF COMMON LOCAL SPECIES PROVIDED THEY WILL ACHIEVE THE OVERALL GOAL OF THE PLAN AS DESCRIBED IN SUBSECTION F HEREOF AND PROVIDED THAT SAID EXISTING TREES SURVIVE THE SITE WORK CONSTRUCTION ACTIVITY AND ANY CHANGES IN THE WATER TABLE AND EXPOSURE WHICH MAY RESULT FROM THE CONSTRUCTION ACTIVITY OCCURRING PRIOR TO THE DATE THE BUFFER PLANTINGS ARE REQUIRED TO BE INSTALLED AS PROVIDED IN SUBSECTION F HEREOF; AND

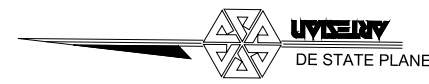
E. THE GOAL OF THE LANDSCAPE PLAN FOR THE FORESTED BUFFER AREA SHALL BE TO INCLUDE TREES OF THE TYPE INDICATED HEREIN THAT WILL BE PLANTED IN A STAGGERED NATURAL MANNER, AS OPPOSED TO BEING PLANTED IN ROW FASHION, WHICH WILL FILTER VIEWS FROM AND INTO THE SUBDIVISION IN SUCH A MANNER THAT THE AREAS ON THE AGRICULTURAL SIDE OF THE BUFFER AREA APPEAR MORE GREEN AND LESS VISIBLE AND THE STRUCTURES OR USES ON THE SUBDIVISION SIDE APPEAR LESS OBVIOUS AND LESS DENSE THAN IF NO LANDSCAPING HAD BEEN REQUIRED. THE PROCEDURES AND DETAILS FOR PLANTING NEW TREES SHALL BE SPECIFIED BY THE LANDSCAPE ARCHITECT ON THE PLAN SUBMITTED TO AND APPROVED BY THE COMMISSION AND SHALL INCLUDE THE REQUIREMENT THAT THE BUFFER AREA SHALL HAVE A FINAL GRADE THAT CONTAINS A MINIMUM OF 4 INCHES OF TOPSOIL AND A SUITABLE GRASS MIX PLANTED AS SACRIFICIAL COVER BETWEEN THE BUFFER TREES FOR SOIL STABILIZATION UNTIL THE NEWLY PLANTED TREES BECOME LARGER. THE PLAN MAY SUBSTITUTE WOODCHIPS FOR PLANTED GRASS BETWEEN THE BUFFER TREES IN RESPECT TO BOTH NEWLY PLANTED AND EXISTING TREES, AS DETERMINED BY THE LANDSCAPE ARCHITECT; AND

F. THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE COMMISSION. FOR PROJECTS THAT ARE APPROVED TO BE CONSTRUCTED IN PHASES, THE BUFFER FOR EACH PHASE MUST BE COMPLETED BEFORE COUNTY APPROVALS OR PERMITS WILL BE GRANTED TO CONSTRUCT THE NEXT PHASE; AND

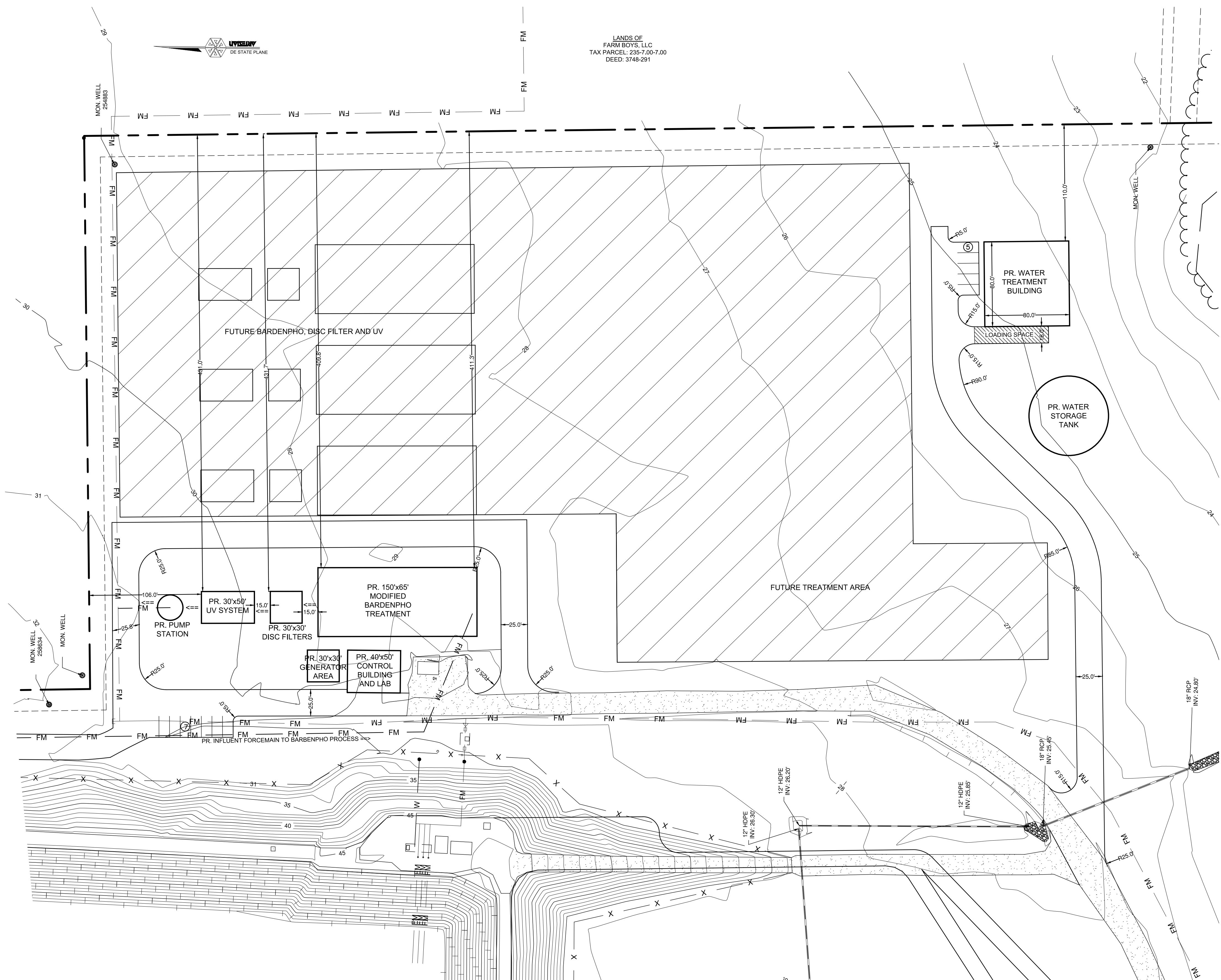
G. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO THE OWNER, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO THE OWNER; AND

H. THE 20 FOOT FORESTED AND/OR LANDSCAPE BUFFER STRIP IS NOT REQUIRED TO BE INSTALLED IN THOSE PORTIONS OF THE PROJECT PERIMETER WHICH (1) REPRESENT THE WIDTH OF A RIGHT-OF-WAY CONNECTOR ROAD OR STREET THAT DELTOD OR THE COMMISSION REQUIRED THE APPLICANT TO INSTALL PURSUANT TO 99-17.D AND THE WIDTH OF A STORMWATER OUTFALL SHOWN ON THE FINAL SITE PLAN TO DRAIN SURFACE OR STORMWATER OUTSIDE THE PERIMETER OF THE PROJECT OR ADJACENT TO THE SPRAY APPLICATION FIELD FOR THE SITE.

I. THE LANDSCAPE PLAN SHALL AVOID PLACING PLANTED TREES OR ALLOWING EXISTING TREES TO REMAIN IN THE AREAS ADJACENT TO ENTRANCES INTO AND EXITS FROM THE PROJECT IN SUCH A MANNER AS TO RESTRICT THE VIEW OF MOTORISTS ENTERING OR EXITING FROM THE PROJECT OR RESTRICTING SITE LINES FOR MOTORISTS IN SUCH A MANNER AS TO CREATE A POTENTIAL SAFETY HAZARD.



LANDS OF FARM BOYS, LLC  
TAX PARCEL: 235-7.00-7.00  
DEED: 3748-291



PARCEL LINE DATA		
SEGMENT	DIRECTION	LENGTH
L1	N60°20'33"E	11.95'
L2	S1°19'45"W	35.28'
L3	S13°44'06"W	68.08'
L4	S81°37'46"E	149.19'
L5	S33°48'27"E	35.79'
L6	N89°43'48"E	143.41'
L7	S0°1'00"E	89.76'
L8	N85°09'22"E	69.66'
L9	S1°11'34"E	121.70'
L10	S0°31'08"E	67.99'
L11	S1°49'06"E	3.83'
L12	N78°37'40"W	61.00'
L13	S62°15'51"W	65.58'
L14	N81°52'39"W	54.87'
L15	S64°58'28"W	104.11'
L16	S72°20'38"W	92.18'
L17	N76°33'02"W	53.12'
L18	S19°21'25"W	22.31'

PARCEL LINE DATA		
SEGMENT	DIRECTION	LENGTH
L19	S56°05'38"W	33.26'
L20	N86°06'38"W	54.21'
L21	S57°17'19"W	67.56'
L22	S84°53'45"W	27.63'
L23	S54°30'27"W	43.31'
L24	N78°16'21"W	105.88'
L25	S69°23'51"W	68.48'
L26	S35°03'35"W	65.44'
L27	S66°15'43"W	70.02'
L28	S73°55'18"W	40.36'
L29	S73°55'18"W	40.36'
L30	N61°26'03"W	20.67'
L31	S86°59'47"W	104.34'
L32	S34°45'01"W	38.26'
L33	S79°30'32"W	119.42'
L34	S67°35'08"W	224.87'
L35	S82°34'41"W	50.27'
L36	S62°27'35"W	82.44'
L37	N56°41'24"W	27.97'

PARCEL CURVE DATA				
SEGMENT	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	1091.99'	5724.20'	N1°56'55"W	1090.33'
C2	476.32'	3088.87'	N11°34'25"W	475.85'
C3	765.46'	2398.26'	N9°39'17"W	762.10'

REVISIONS:	DESCRIPTION	BY	DATE
1	REV. PER ARTESIAN	AP	12/9/19
2	REV. PER ARTESIAN	KEG	2/25/21

Date:	10/2/19	Checked By:	DK	Sheet	3 of 3
Scale:	1"=50'	Page & Grid:		Hundred:	BROADKILL
Drawn By:	KEG	CAD File:	PRELIM SITE PLAN.dwg	Budget No.	3003456

**ARTESIAN**  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 Churchmans Road  
Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 453-6900 Fax: (302) 453-5800

**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**  
SUSSEX COUNTY STATE OF DELAWARE  
Scale: 0 50 100 150

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# Southern Regional Recharge Facility (SRRF) Conditional Use No. 2208 Information Booklet

## **Public Hearings:**

**Planning & Zoning Commission: March 11, 2021**

**County Council: April 13, 2021**



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TAB “1”

# Planning & Zoning Commission Application Sussex County, Delaware

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

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

Conditional Use   
Zoning Map Amendment

REVISED

**Site Address of Conditional Use/Zoning Map Amendment**

Isaacs Road, Milton, DE 19968

**Type of Conditional Use Requested:**

Expansion of CU#1724 & amend conditions of Approved Final Site Plan.

**Tax Map #:** 235-6.00-28 (formerly parcels 235-6.00-28.00 & 29.00) **Size of Parcel(s):** 127.37

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** Multiple sizes

**Land Use Classification:** Wastewater Treatment/Disposal Facility

**Water Provider:** Artesian Water Co. Inc. **Sewer Provider:** Artesian Wastewater Management, Inc.

**Applicant Information**

**Applicant Name:** Artesian Wastewater Management, Inc. c/o Daniel W. Konstanski, P.E.

**Applicant Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dkonstanski@artesianwater.com

**Owner Information**

**Owner Name:** Artesian Wastewater Management, Inc. c/o David Spacht, President

**Owner Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dspacht@artesianwater.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Daniel W. Konstanski, P.E.

**Agent/Attorney/Engineer Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dkonstanski@artesianwater.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 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.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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 the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the Inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 3/1/2021

Signature of Owner

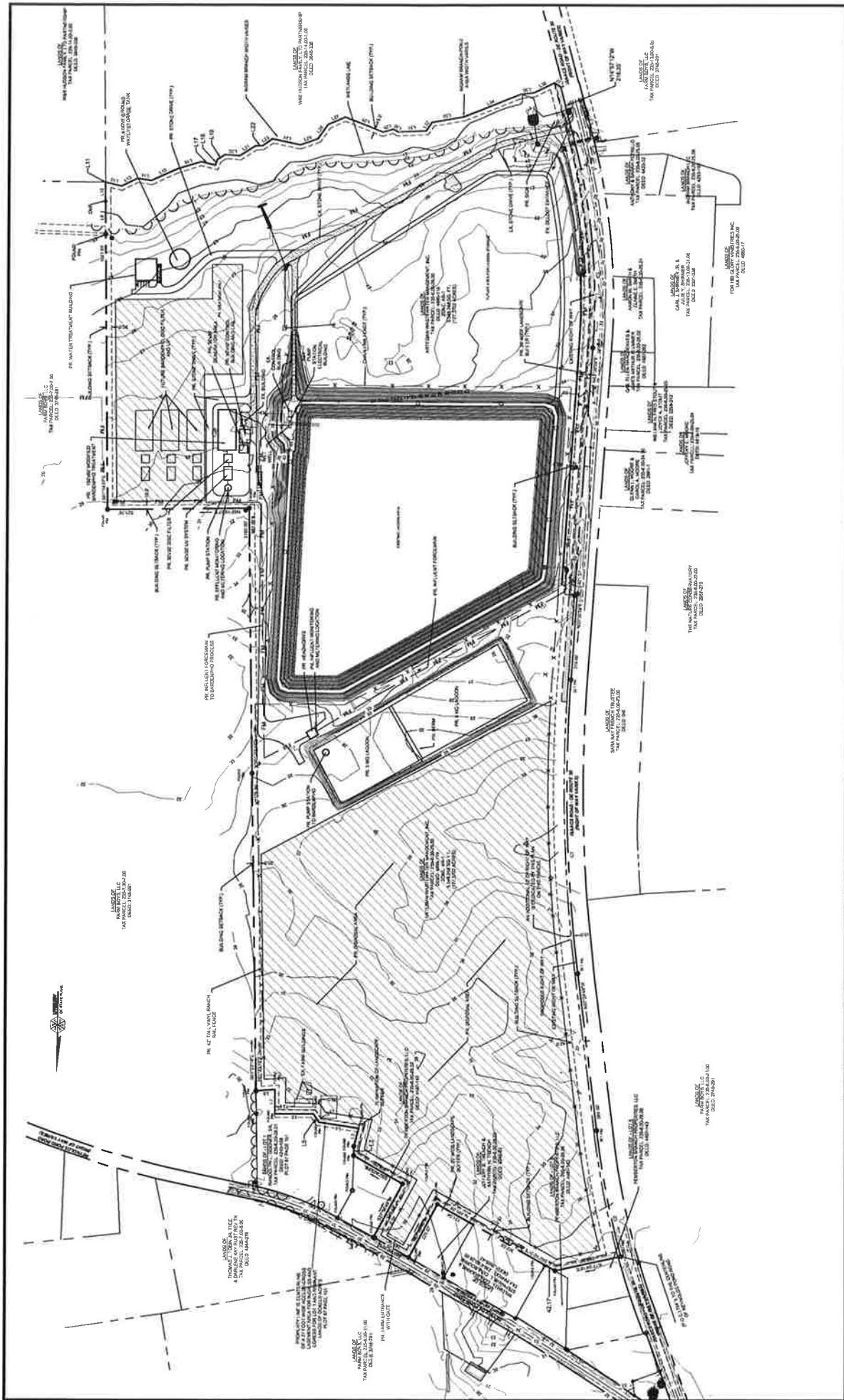


Date: 3/1/2021

For office use only:

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_





**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY STATE OF DELAWARE

Sheet 2 of 3

Revised: BRIDGEMILL

Budget No. 3003466

DATE	BY	DESCRIPTION
10/27/19	DK	Checked By: DK
11/15/19	GC	Page 3 of 4
11/15/19	MEG	Drawn By: MEG
CAD File: PRELIM SITE PLAN.dwg		

844 Chesapeake Road  
Wilmington, Delaware 19850  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 452-8800 Fax: (302) 453-8900

ARTESIAN  
WATERWELL MANAGEMENT, INC.

LAND 10/17/19

DATE

BY

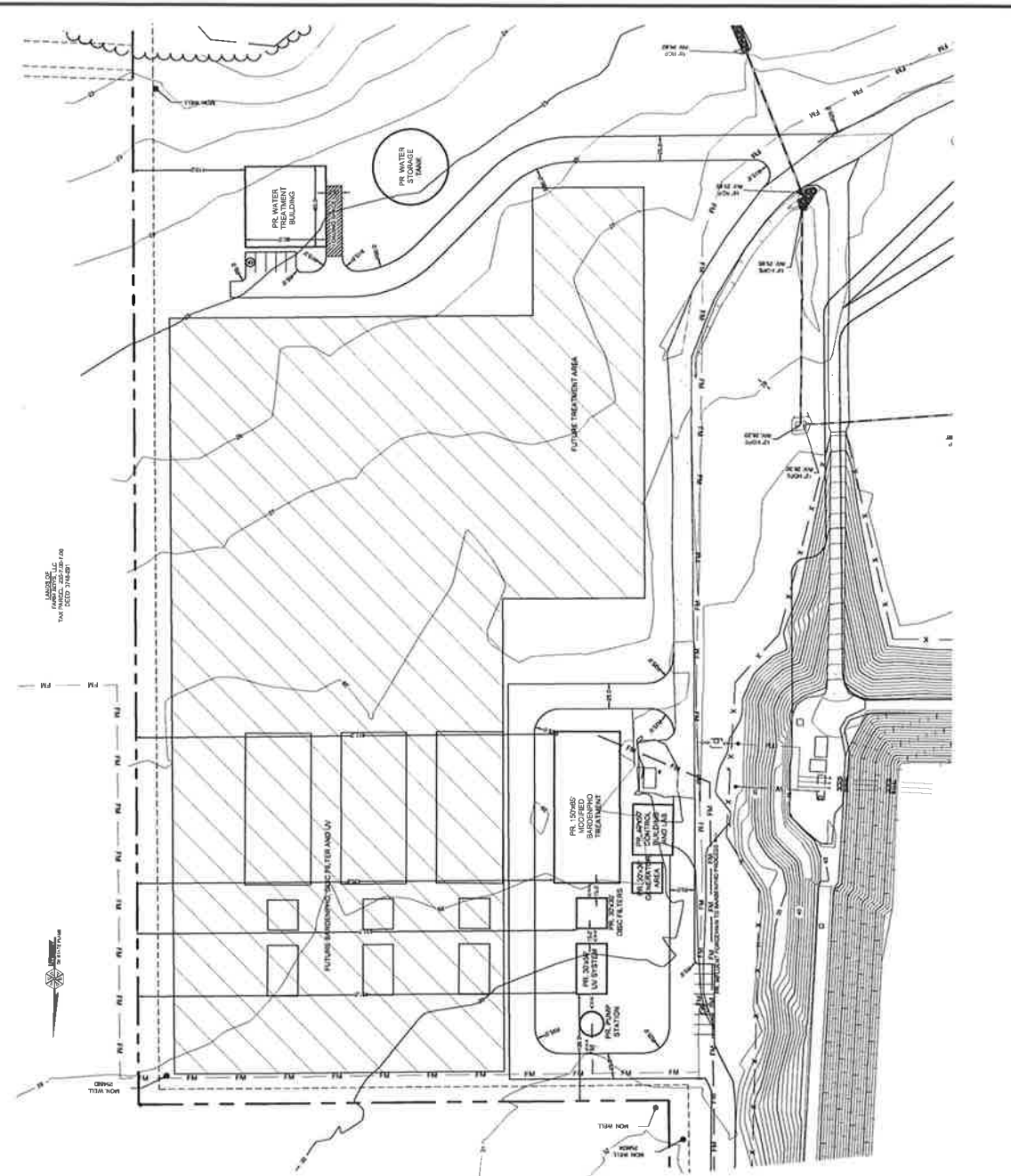
DESCRIPTION

### FORESTED AND/OR LANDSCAPE BUFFER

THE BUFFER SHALL BE PLANTED WITH A MINIMUM OF 3 FEET AND A MAXIMUM OF 5 FEET OF PLANTING. PLANTS SHALL BE PLANTED IN ROWS WITH A MINIMUM SPACING OF 3 FEET BETWEEN PLANTS WITHIN A ROW AND A MINIMUM SPACING OF 10 FEET BETWEEN ROWS. PLANTS SHALL BE PLANTED IN ROWS WITH A MINIMUM SPACING OF 3 FEET BETWEEN PLANTS WITHIN A ROW AND A MINIMUM SPACING OF 10 FEET BETWEEN ROWS. PLANTS SHALL BE PLANTED IN ROWS WITH A MINIMUM SPACING OF 3 FEET BETWEEN PLANTS WITHIN A ROW AND A MINIMUM SPACING OF 10 FEET BETWEEN ROWS.

1. ALL TREES THAT ARE TO BE PLANTED SHALL INCLUDE A MIN OF 3 FEET OF PLANTING.
2. THE LANDSCAPE PLAN MAY INCLUDE SPECIAL PLANTING SPECIFICATIONS AND SPECIFICATIONS FOR PLANTS TO BE PLANTED IN THE BUFFER.
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### PRELIMINARY SITE PLAN

SUSSEX REGIONAL RECHARGE FACILITY

SUSSEX COUNTY STATE OF DELAWARE

SEGMENT	DIRECTION	LENGTH
L14	SE070202W	32.67
L15	SE070202W	84.37
L16	SE070202W	83.37
L17	SE070202W	83.37
L18	SE070202W	83.37
L19	SE070202W	83.37
L20	SE070202W	83.37
L21	SE070202W	83.37
L22	SE070202W	83.37
L23	SE070202W	83.37
L24	SE070202W	83.37
L25	SE070202W	83.37
L26	SE070202W	83.37
L27	SE070202W	83.37
L28	SE070202W	83.37
L29	SE070202W	83.37
L30	SE070202W	83.37
L31	SE070202W	83.37
L32	SE070202W	83.37
L33	SE070202W	83.37
L34	SE070202W	83.37
L35	SE070202W	83.37
L36	SE070202W	83.37
L37	SE070202W	83.37
L38	SE070202W	83.37
L39	SE070202W	83.37
L40	SE070202W	83.37
L41	SE070202W	83.37
L42	SE070202W	83.37
L43	SE070202W	83.37
L44	SE070202W	83.37
L45	SE070202W	83.37
L46	SE070202W	83.37
L47	SE070202W	83.37
L48	SE070202W	83.37
L49	SE070202W	83.37
L50	SE070202W	83.37

### PARCEL LINE DATA

SEGMENT	DIRECTION	LENGTH
L1	SE070202W	11.88
L2	SE070202W	28.87
L3	SE070202W	28.87
L4	SE070202W	28.87
L5	SE070202W	28.87
L6	SE070202W	28.87
L7	SE070202W	28.87
L8	SE070202W	28.87
L9	SE070202W	28.87
L10	SE070202W	28.87
L11	SE070202W	28.87
L12	SE070202W	28.87
L13	SE070202W	28.87
L14	SE070202W	28.87
L15	SE070202W	28.87
L16	SE070202W	28.87
L17	SE070202W	28.87
L18	SE070202W	28.87
L19	SE070202W	28.87
L20	SE070202W	28.87
L21	SE070202W	28.87
L22	SE070202W	28.87
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L24	SE070202W	28.87
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L27	SE070202W	28.87
L28	SE070202W	28.87
L29	SE070202W	28.87
L30	SE070202W	28.87
L31	SE070202W	28.87
L32	SE070202W	28.87
L33	SE070202W	28.87
L34	SE070202W	28.87
L35	SE070202W	28.87
L36	SE070202W	28.87
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L40	SE070202W	28.87
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L43	SE070202W	28.87
L44	SE070202W	28.87
L45	SE070202W	28.87
L46	SE070202W	28.87
L47	SE070202W	28.87
L48	SE070202W	28.87
L49	SE070202W	28.87
L50	SE070202W	28.87

### PARCEL CURVE DATA

SEGMENT	DIRECTION	LENGTH
C1	SE070202W	11.88
C2	SE070202W	28.87
C3	SE070202W	28.87
C4	SE070202W	28.87
C5	SE070202W	28.87
C6	SE070202W	28.87
C7	SE070202W	28.87
C8	SE070202W	28.87
C9	SE070202W	28.87
C10	SE070202W	28.87
C11	SE070202W	28.87
C12	SE070202W	28.87
C13	SE070202W	28.87
C14	SE070202W	28.87
C15	SE070202W	28.87
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C18	SE070202W	28.87
C19	SE070202W	28.87
C20	SE070202W	28.87
C21	SE070202W	28.87
C22	SE070202W	28.87
C23	SE070202W	28.87
C24	SE070202W	28.87
C25	SE070202W	28.87
C26	SE070202W	28.87
C27	SE070202W	28.87
C28	SE070202W	28.87
C29	SE070202W	28.87
C30	SE070202W	28.87

DATE: 10/27/19  
 BY: JEG  
 CHECKED BY: DK  
 SCALE: 1"=50'  
 DRAWN BY: JEG  
 CAD FILE: PRELIM SITE PLAN.dwg  
 HANDLED: BROADKILL  
 BUDGET NO: 3011456

SHEET 3 OF 3  
 PRELIMINARY SITE PLAN  
 SUSSEX REGIONAL RECHARGE FACILITY  
 SUSSEX COUNTY STATE OF DELAWARE

Legal Description  
Lands of Artesian Wastewater Management, Inc.

All that certain lot, piece or parcel of land situated in Broadkill Hundred, Sussex County and State of Delaware, lying on the easterly side of Isaacs Road and in part on the southerly side of Reynolds Pond Road; being bounded on the west by Isaacs Road, on the north by other lands of Pemberton Branch Properties, LLC, lands of William L. Coulbourne and Stephane L. Coulbourne, lands of Jeffery S. Trench and Kathryn H. Trench, Reynolds Pond Road and lands of Randolph I. Gooner, Sr. on the east by lands of Farm Boys, LLC and lands of W&B Hudson Family, LTD Partnership on the south by lands of W&B Hudson Family, LTD Partnership and being more particularly described with a lot line adjustment plan for Artesian Wastewater Management, Inc.:

Beginning at a point in the easterly right of way line of Isaacs Road, at a corner for this parcel and lands of Pemberton Branch Properties, LLC, said point commencing 704 feet more or less from the center of Reynolds Pond Road to the point of beginning; thence from said point of beginning with the lands Pemberton Branch Properties, LLC North 77 deg 04 min 16 sec East 249.94 feet to a point; thence continuing in part with lands of Pemberton Branch Properties, LLC, lands of William L. Coulbourne and Stephane L. Coulbourne and lands of Jeffery S. Trench and Kathryn H. Trench South 60 deg 40 min 31 sec Est 495.29 feet to a point, thence with lands of Jeffery S. Trench and Kathryn H. Trench North 27 deg 56 min 48 sec East 225.07 feet to a point in the southerly right of way line of Reynolds Pond Road, thence with the southerly right of way line of Reynolds Pond Road, South 60 deg 40 min 30 sec East 145.04 feet to a point; thence continuing with the southerly right of way line of Reynolds Pond Road South 61 deg 49 min 20 sec East 6.00 feet to a point in the lands of Pemberton Branch Properties, LLC; thence with lands of Pemberton Branch Properties, LLC the following two (2) courses: one (1) South 27 deg 56 min 48 sec West 225.19 feet to a point, thence two (2) South 60 deg 40 min 53 sec East 208.78 feet to a point in the lands of Randolph L. Gooner, Sr.; thence with the lands of Randolph L. Gooner, Sr. the following seven (7) courses: one (1) South 1 deg 19 min 45 sec West 35.28 feet to a point, thence two (2) South 13 deg 44 min 06 sec West 68.08 feet to a point, said point also being the center of a 27 foot wide access easement for ingress and egress, thence with said easement and continuing with lands of Randolph L. Gooner, Sr., three (3) South 81 deg 37 min 46 sec East 149.19 feet to a point, thence four (4) South 33 deg 45 min 27 sec East 35.79 feet to a point, thence five (5) North 89 deg 43 min 48 sec East 143.41 feet to a point, said point also being the end of the 27 foot wide access easement of ingress and egress, thence six (6) South 0 deg 01 min 0 sec East 89.76 feet to a point, thence seven (7) North 85 deg 09 min 22 sec East 69.66 feet to a point in the lands of Farm Boys, LLC, thence with the lands of Farm Boys, LLC South 1 deg 23 min 19 sec East 2,160.90 feet to a point in the lands of ; Farm Boys, LLC, hence with the lands of Farm Boys, LLC, North 88 deg 49 min 37 sec East 521.76 feet to a point, thence continuing with lands of Farm Boys, LLC South 1 deg 14 min 07 sec East 1021.03 feet to a point, thence with lands of Farm Boys, LLC the following three (3) courses: one (1) South 1 deg 11 min 34 sec East 121.70 feet



to a point, thence two (2) South 0 deg 31 min 08 sec East 67.99 feet to a point, thence three (3) South 1 deg 49 min 06 sec East 3.63 feet to a point in the center of Ingram Branch and lands of W&B Hudson Family, LTD Partnership, thence with the center of Ingram Branch and lands of W&B Hudson Family, LTD Partnership the following twenty five (25) courses: one (1) North 76 deg 37 min 40 sec West 61.00 feet to a point, thence two (2) South 62 deg 15 min 51 sec West 65.58 feet to a point, thence three (3) North 81 deg 52 min 39 sec West 54.87 feet to a point, thence four (4) South 64 deg 58 min 28 sec West 104.11 feet to a point, thence five (5) South 72 deg 20 min 36 sec West 92.18 feet to a point, thence six (6) North 76 deg 33 min 02 sec West 53.12 feet to a point, thence seven (7) South 19 deg 21 min 25 sec West 22.31 feet to a point, thence eight (8) South 56 deg 05 min 38 sec West 33.26 feet to a point, thence nine (9) North 86 deg 06 min 38 sec West 54.21 feet to a point, thence ten (10) South 57 deg 17 min 19 sec West 67.56 feet to a point, thence eleven (11) South 84 deg 53 min 45 sec West 27.63 feet to a point, thence twelve (12) South 54 deg 30 min 27 sec West 43.31 feet to a point, thence thirteen (13) North 78 deg 16 min 21 sec West 105.88 feet to a point, thence fourteen (14) South 69 deg 23 min 51 sec West 68.48 feet to a point, thence fifteen (15) South 35 deg 03 min 35 sec West 65.44 feet to a point, thence sixteen (16) South 66 deg 15 min 43 sec West 70.02 feet to a point, thence seventeen (17) South 73 deg 55 min 18 sec West 40.36 feet to a point, thence eighteen (18) North 61 deg 26 min 03 sec West 20.67 feet to a point, thence nineteen (19) South 86 deg 59 min 47 sec West 104.34 feet to a point, thence twenty (20) South 34 deg 45 min 01 sec West 38.26 feet to a point, thence twenty one (21) South 79 deg 30 min 32 sec West 119.42 feet to a point, thence twenty two (22) South 67 deg 35 min 08 sec West 224.87 feet to a point, thence twenty three (23) South 82 deg 34 min 41 sec West 50.27 feet to a point, thence twenty four (24) South 62 deg 27 min 35 sec West 82.44 feet to a point, thence twenty five (25) North 56 deg 41 min 24 sec West 27.97 feet to a point in the easterly right of way line of Isaacs Road, thence with the easterly right of way of Isaacs Road the following eight (8) courses: one (1) North 14 deg 57 min 12 sec West 216.35 feet to a point, thence two (2) with a 2,358.26 foot radius curve to the right an arc of 765.46 feet and a chord bearing and distance of North 5 deg 39 min 17 sec West 762.10 feet to a point, thence three (3) North 3 deg 30 min 59 sec East 921.37 feet to a point, thence four (4) South 60 deg 20 min 33 sec West 11.95 feet to a point, thence five (5) North 3 deg 30 min 59 sec East 319.66 feet, thence six (6) with a 5,724.20 foot radius to the left an arc of 1091.99 feet and a chord bearing and distance of North 1 deg 56 min 55 sec West 1,090.33 feet to a point, thence seven (7) North 7 deg 24 min 48 sec West 584.60 feet to a point, thence eight (8) with a 3,088.87 foot radius curve the left an arc of 476.32 feet and a chord bearing and distance of North 11 deg 34 min 25 sec West 475.85 feet the point and place of beginning. Containing in said parcel 5,548,246 square feet or 127.3702 acres of land be the same more or less.

Legal Description  
Lands of Artesian Wastewater Management, Inc.

All that certain lot, piece or parcel of land situated in Broadkill Hundred, Sussex County and State of Delaware, lying on the easterly side of Isaacs Road and in part on the southerly side of Reynolds Pond Road; being bounded on the west by Isaacs Road, on the north by other lands of Pemberton Branch Properties, LLC, lands of William L. Coulbourne and Stephane L. Coulbourne, lands of Jeffery S. Trench and Kathryn H. Trench, Reynolds Pond Road and lands of Randolph I. Gooner, Sr. on the east by lands of Farm Boys, LLC and lands of W&B Hudson Family, LTD Partnership on the south by lands of W&B Hudson Family, LTD Partnership and being more particularly described with a lot line adjustment plan for Artesian Wastewater Management, Inc.:

Beginning at a point in the easterly right of way line of Isaacs Road, at a corner for this parcel and lands of Pemberton Branch Properties, LLC, said point commencing 704 feet more or less from the center of Reynolds Pond Road to the point of beginning; thence from said point of beginning with the lands Pemberton Branch Properties, LLC North 77 deg 04 min 16 sec East 249.94 feet to a point; thence continuing in part with lands of Pemberton Branch Properties, LLC, lands of William L. Coulbourne and Stephane L. Coulbourne and lands of Jeffery S. Trench and Kathryn H. Trench South 60 deg 40 min 31 sec Est 495.29 feet to a point, thence with lands of Jeffery S. Trench and Kathryn H. Trench North 27 deg 56 min 48 sec East 225.07 feet to a point in the southerly right of way line of Reynolds Pond Road, thence with the southerly right of way line of Reynolds Pond Road, South 60 deg 40 min 30 sec East 145.04 feet to a point; thence continuing with the southerly right of way line of Reynolds Pond Road South 61 deg 49 min 20 sec East 6.00 feet to a point in the lands of Pemberton Branch Properties, LLC; thence with lands of Pemberton Branch Properties, LLC the following two (2) courses: one (1) South 27 deg 56 min 48 sec West 225.19 feet to a point, thence two (2) South 60 deg 40 min 53 sec East 208.78 feet to a point in the lands of Randolph L. Gooner, Sr.; thence with the lands of Randolph L. Gooner, Sr. the following seven (7) courses: one (1) South 1 deg 19 min 45 sec West 35.28 feet to a point, thence two (2) South 13 deg 44 min 06 sec West 68.08 feet to a point, said point also being the center of a 27 foot wide access easement for ingress and egress, thence with said easement and continuing with lands of Randolph L. Gooner, Sr., three (3) South 81 deg 37 min 46 sec East 149.19 feet to a point, thence four (4) South 33 deg 45 min 27 sec East 35.79 feet to a point, thence five (5) North 89 deg 43 min 48 sec East 143.41 feet to a point, said point also being the end of the 27 foot wide access easement of ingress and egress, thence six (6) South 0 deg 01 min 0 sec East 89.76 feet to a point, thence seven (7) North 85 deg 09 min 22 sec East 69.66 feet to a point in the lands of Farm Boys, LLC, thence with the lands of Farm Boys, LLC South 1 deg 23 min 19 sec East 2,160.90 feet to a point in the lands of ; Farm Boys, LLC, hence with the lands of Farm Boys, LLC, North 88 deg 49 min 37 sec East 521.76 feet to a point, thence continuing with lands of Farm Boys, LLC South 1 deg 14 min 07 sec East 1021.03 feet to a point, thence with lands of Farm Boys, LLC the following three (3) courses: one (1) South 1 deg 11 min 34 sec East 121.70 feet

to a point, thence two (2) South 0 deg 31 min 08 sec East 67.99 feet to a point, thence three (3) South 1 deg 49 min 06 sec East 3.63 feet to a point in the center of Ingram Branch and lands of W&B Hudson Family, LTD Partnership, thence with the center of Ingram Branch and lands of W&B Hudson Family, LTD Partnership the following twenty five (25) courses: one (1) North 76 deg 37 min 40 sec West 61.00 feet to a point, thence two (2) South 62 deg 15 min 51 sec West 65.58 feet to a point, thence three (3) North 81 deg 52 min 39 sec West 54.87 feet to a point, thence four (4) South 64 deg 58 min 28 sec West 104.11 feet to a point, thence five (5) South 72 deg 20 min 36 sec West 92.18 feet to a point, thence six (6) North 76 deg 33 min 02 sec West 53.12 feet to a point, thence seven (7) South 19 deg 21 min 25 sec West 22.31 feet to a point, thence eight (8) South 56 deg 05 min 38 sec West 33.26 feet to a point, thence nine (9) North 86 deg 06 min 38 sec West 54.21 feet to a point, thence ten (10) South 57 deg 17 min 19 sec West 67.56 feet to a point, thence eleven (11) South 84 deg 53 min 45 sec West 27.63 feet to a point, thence twelve (12) South 54 deg 30 min 27 sec West 43.31 feet to a point, thence thirteen (13) North 78 deg 16 min 21 sec West 105.88 feet to a point, thence fourteen (14) South 69 deg 23 min 51 sec West 68.48 feet to a point, thence fifteen (15) South 35 deg 03 min 35 sec West 65.44 feet to a point, thence sixteen (16) South 66 deg 15 min 43 sec West 70.02 feet to a point, thence seventeen (17) South 73 deg 55 min 18 sec West 40.36 feet to a point, thence eighteen (18) North 61 deg 26 min 03 sec West 20.67 feet to a point, thence nineteen (19) South 86 deg 59 min 47 sec West 104.34 feet to a point, thence twenty (20) South 34 deg 45 min 01 sec West 38.26 feet to a point, thence twenty one (21) South 79 deg 30 min 32 sec West 119.42 feet to a point, thence twenty two (22) South 67 deg 35 min 08 sec West 224.87 feet to a point, thence twenty three (23) South 82 deg 34 min 41 sec West 50.27 feet to a point, thence twenty four (24) South 62 deg 27 min 35 sec West 82.44 feet to a point, thence twenty five (25) North 56 deg 41 min 24 sec West 27.97 feet to a point in the easterly right of way line of Isaacs Road, thence with the easterly right of way of Isaacs Road the following eight (8) courses: one (1) North 14 deg 57 min 12 sec West 216.35 feet to a point, thence two (2) with a 2,358.26 foot radius curve to the right an arc of 765.46 feet and a chord bearing and distance of North 5 deg 39 min 17 sec West 762.10 feet to a point, thence three (3) North 3 deg 30 min 59 sec East 921.37 feet to a point, thence four (4) South 60 deg 20 min 33 sec West 11.95 feet to a point, thence five (5) North 3 deg 30 min 59 sec East 319.66 feet, thence six (6) with a 5,724.20 foot radius to the left an arc of 1091.99 feet and a chord bearing and distance of North 1 deg 56 min 55 sec West 1,090.33 feet to a point, thence seven (7) North 7 deg 24 min 48 sec West 584.60 feet to a point, thence eight (8) with a 3,088.87 foot radius curve the left an arc of 476.32 feet and a chord bearing and distance of North 11 deg 34 min 25 sec West 475.85 feet the point and place of beginning. Containing in said parcel 5,548,246 square feet or 127.3702 acres of land be the same more or less.

# Planning & Zoning Commission Application Sussex County, Delaware

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

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

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Isaacs Road, Milton, DE 19968

**Type of Conditional Use Requested:**

Expansion of CU#1724 & amend conditions of Approved Final Site Plan.

**Tax Map #:** 235-6.00-28.00&28.09 **Size of Parcel(s):** 127.37

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** Multiple sizes

**Land Use Classification:** Wastewater Treatment/Disposal Facility

**Water Provider:** Artesian Water Co. Inc. **Sewer Provider:** Artesian Wastewater Management, Inc.

**Applicant Information**

**Applicant Name:** Artesian Wastewater Management, Inc. c/o Daniel W. Konstanski, P.E.

**Applicant Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dkonstanski@artesianwater.com

**Owner Information**

**Owner Name:** Artesian Wastewater Management, Inc. c/o David Spacht, President

**Owner Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dspacht@artesianwater.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Daniel W. Konstanski, P.E.

**Agent/Attorney/Engineer Address:** 664 Churchmans Road

**City:** Newark **State:** DE **Zip Code:** 19702

**Phone #:** (302) 453-6900 **E-mail:** dkonstanski@artesianwater.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 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.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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 the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

**Signature of Applicant/Agent/Attorney**

\_\_\_\_\_ Date: \_\_\_\_\_

**Signature of Owner**

\_\_\_\_\_ Date: \_\_\_\_\_

**For office use only:**

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

# PRELIMINARY SITE PLAN

## SUSSEX REGIONAL RECHARGE FACILITY (SRRF)

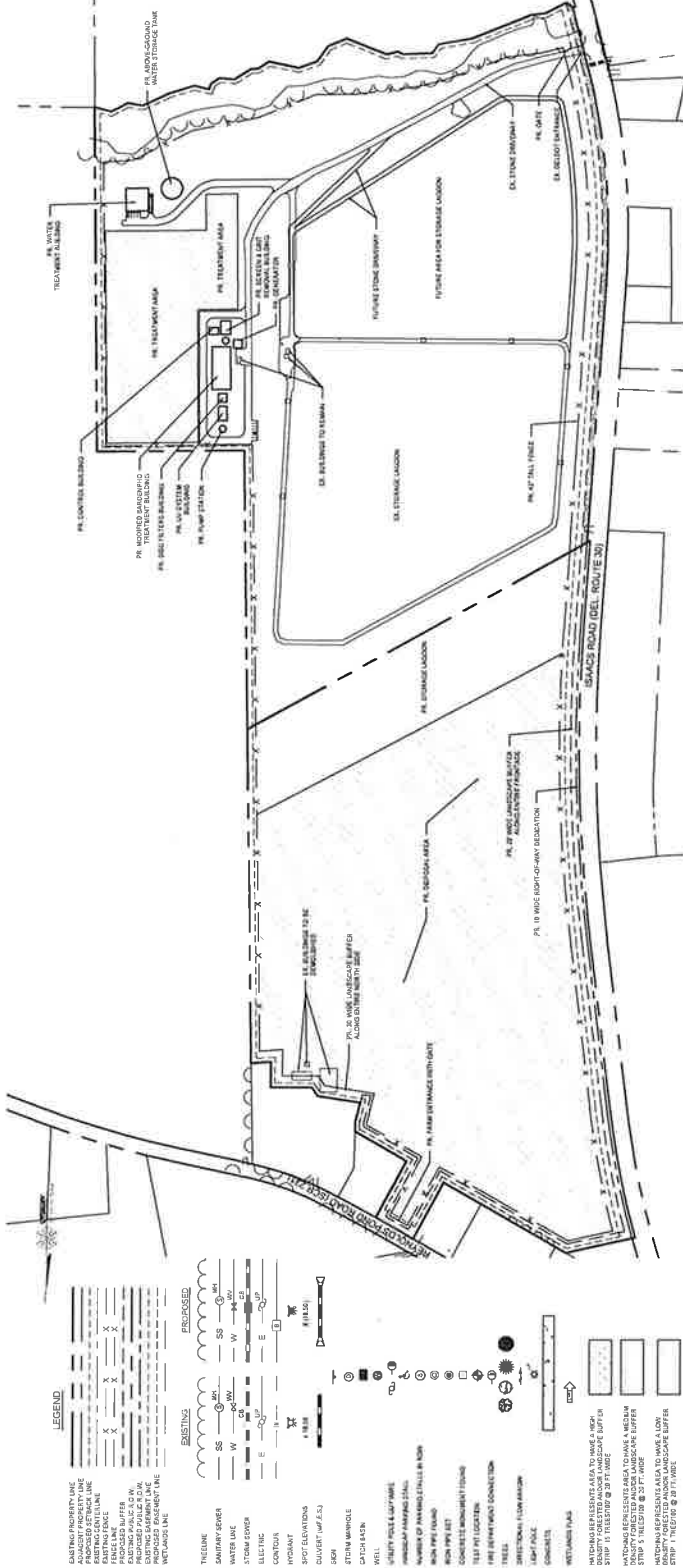
FORMERLY KNOWN AS ARTESIAN NORTHERN SUSSEX REGIONAL WATER RECHARGE FACILITY (ANSRWRF)

SITUATED IN  
**SUSSEX COUNTY \* STATE OF DELAWARE**

CALL BEFORE YOU DIG  
MISS UTILITY OF DELMARVA  
1-800-282-6555 (IN DE.)  
PLEASE GIVE TWO WORKING DAYS  
ADVANCE NOTICE

THIS DRAWING DOES NOT INCLUDE NECESSARY  
COMPONENTS FOR CONSTRUCTION SAFETY.

ALL CONSTRUCTION MUST BE DONE IN  
COMPLIANCE WITH THE OCCUPATIONAL SAFETY  
AND HEALTH ACT OF 1970 AND ALL RULES AND  
REGULATIONS THERE TO APPLICANT.



### TRAFFIC GENERATION DIAGRAM

**SITE DATA:**  
EST. YEAR: 2019  
EST. AREA: 100,000 SQ. FT.  
ZONING: M-1 (MUNICIPAL OFFICIAL USE)  
PROPOSED USE: RECHARGE FACILITY AND WATER TREATMENT PLANT

**SITE GENERATION DATA:**  
EST. ADJ. PERSONS A DAY: 200  
EST. ADJ. VEHICLES A DAY: 100  
EST. ADJ. TRUCKS A DAY: 5  
EST. ADJ. BUSES A DAY: 0  
EST. ADJ. TRUCKS PER HOUR: 10  
EST. ADJ. BUSES PER HOUR: 0  
EST. ADJ. TRUCKS PER MINUTE: 0.17  
EST. ADJ. BUSES PER MINUTE: 0  
EST. ADJ. TRUCKS PER SECOND: 0.0028  
EST. ADJ. BUSES PER SECOND: 0

**DELAWARE STATE ROAD ROUTE 30**  
PROPOSED SPEED LIMIT: 45 MPH  
PROPOSED TURN: RIGHT

**ARTESIAN**  
ARTESIAN WATER MANAGEMENT, INC.  
1500 DELAWARE PARK DRIVE  
DELMAR, DE 19702  
TEL: 302-638-2000  
FAX: 302-638-2005

**PRELIMINARY SITE PLAN**  
SUSSEX REGIONAL RECHARGE FACILITY

SUSSEX COUNTY      STATE OF DELAWARE

**OWNER'S REPRESENTATIVE:**  
DAVID W. GONTSACKIS, P.E. HESBY CENTER THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE INFORMATION PROVIDED HEREON IS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMPLIES WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

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

**PROFESSIONAL SEAL:**

**OWNER'S REPRESENTATIVE:**  
ARTESIAN WATER MANAGEMENT, INC.  
1500 DELAWARE PARK DRIVE  
DELMAR, DE 19702  
TEL: 302-638-2000  
FAX: 302-638-2005

**OWNER'S REPRESENTATIVE:**  
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**DATE:** \_\_\_\_\_

**PROFESSIONAL SEAL:**

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ARTESIAN WATER MANAGEMENT, INC.  
1500 DELAWARE PARK DRIVE  
DELMAR, DE 19702  
TEL: 302-638-2000  
FAX: 302-638-2005

**INDEX OF SHEETS:**

SHEET 1	PRELIMINARY SITE PLAN
SHEET 2	PRELIMINARY SITE PLAN
SHEET 3	PRELIMINARY SITE PLAN
SHEET 4	PRELIMINARY SITE PLAN
SHEET 5	PRELIMINARY SITE PLAN
SHEET 6	PRELIMINARY SITE PLAN
SHEET 7	PRELIMINARY SITE PLAN
SHEET 8	PRELIMINARY SITE PLAN
SHEET 9	PRELIMINARY SITE PLAN
SHEET 10	PRELIMINARY SITE PLAN
SHEET 11	PRELIMINARY SITE PLAN
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SHEET 34	PRELIMINARY SITE PLAN
SHEET 35	PRELIMINARY SITE PLAN
SHEET 36	PRELIMINARY SITE PLAN
SHEET 37	PRELIMINARY SITE PLAN
SHEET 38	PRELIMINARY SITE PLAN
SHEET 39	PRELIMINARY SITE PLAN
SHEET 40	PRELIMINARY SITE PLAN

**SCALE:** 1" = 250'

**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY      STATE OF DELAWARE



- LEGEND**
- EXISTING:**
- TELAVANT BUILDING
  - RECHARGE BASIN
  - RECHARGE LAGOON
  - STORAGE LAGOON
  - CONTROL BUILDING
  - TREATMENT AREA
  - EXISTING PIPING
  - EXISTING UTILITIES
  - EXISTING CONCRETE
  - EXISTING ASPHALT
  - EXISTING GRASS
  - EXISTING TREES
  - EXISTING FENCE
  - EXISTING DRIVE
  - EXISTING ROAD
  - EXISTING SIDEWALK
  - EXISTING CURB
  - EXISTING LIGHT POLES
  - EXISTING SIGNAGE
  - EXISTING UTILITIES (ELECTRIC, WATER, GAS, FIBER)
- PROPOSED:**
- NEW PIPING
  - NEW CONCRETE
  - NEW ASPHALT
  - NEW GRASS
  - NEW TREES
  - NEW FENCE
  - NEW DRIVE
  - NEW ROAD
  - NEW SIDEWALK
  - NEW CURB
  - NEW LIGHT POLES
  - NEW SIGNAGE
  - NEW UTILITIES (ELECTRIC, WATER, GAS, FIBER)
- NOTES:**
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE CONSTRUCTION CODE.
  - ALL UTILITIES SHALL BE DEPTH MARKED AND LOCATED PRIOR TO CONSTRUCTION.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION DESIGN MANUAL.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF ENVIRONMENTAL CONTROL REGULATIONS.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL REGULATIONS.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES REGULATIONS.
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  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF WORKFORCE REGULATIONS.

**SCALE:** 1" = 250'

**LOCATION MAP**

**LEGEND**

**EXISTING:**

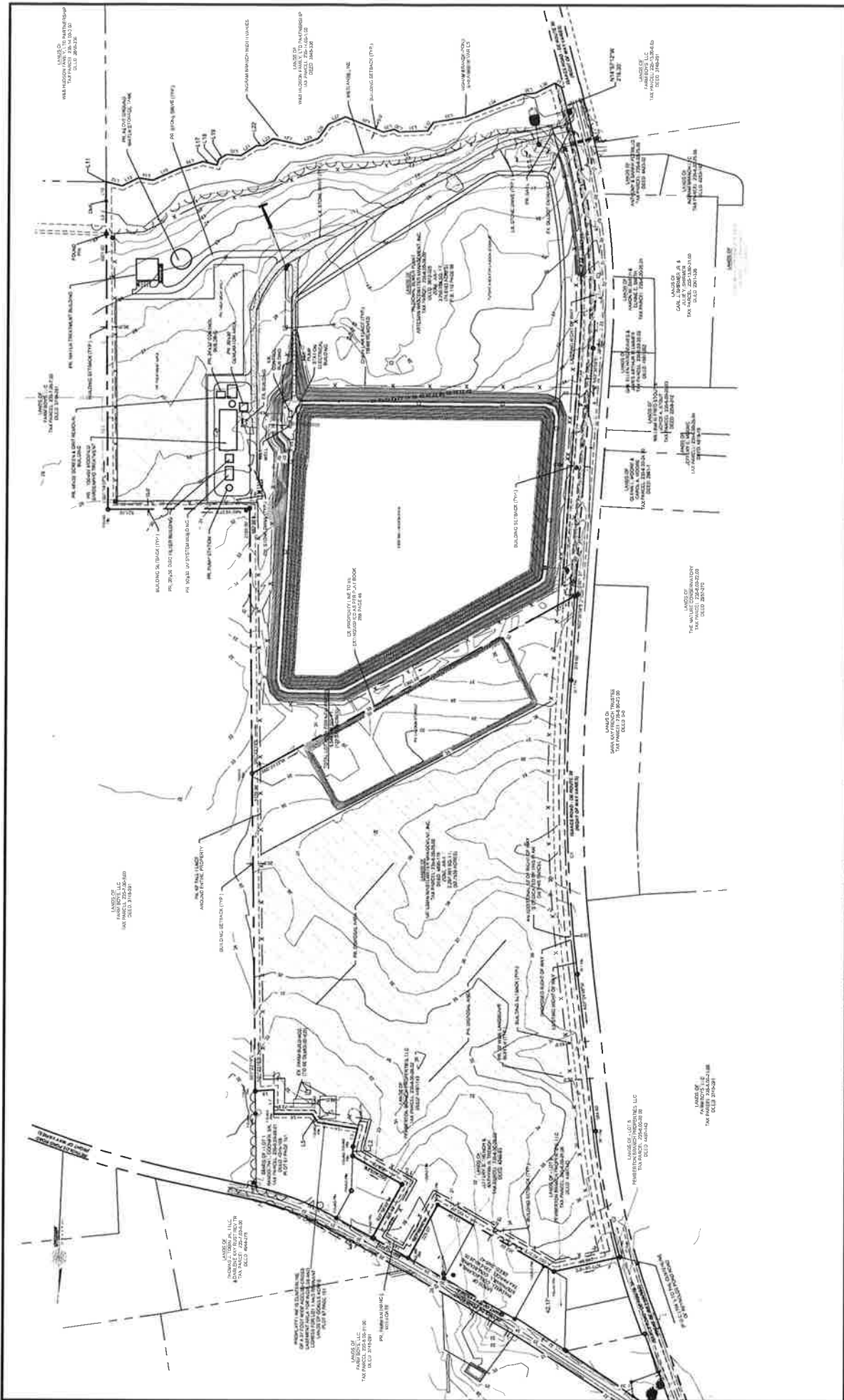
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- RECHARGE BASIN
- RECHARGE LAGOON
- STORAGE LAGOON
- CONTROL BUILDING
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- EXISTING PIPING
- EXISTING UTILITIES
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- EXISTING SIGNAGE
- EXISTING UTILITIES (ELECTRIC, WATER, GAS, FIBER)

**PROPOSED:**

- NEW PIPING
- NEW CONCRETE
- NEW ASPHALT
- NEW GRASS
- NEW TREES
- NEW FENCE
- NEW DRIVE
- NEW ROAD
- NEW SIDEWALK
- NEW CURB
- NEW LIGHT POLES
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**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY  
 STATE OF DELAWARE

Sheet 2 of 3  
 Hundred: BROADKILL  
 Budget No. 300498

DATE: 10/2/18  
 SCALE: 1"=150'  
 Checked By: DK  
 Page & Cit:  
 Drawn By: JEC  
 CAD FILE: PRELIM SITE PLAN.dwg

NO.	REV.	DATE	DESCRIPTION



**ARTESIAN**  
 864 Chickadee Road  
 Newark, Delaware 19702  
 P.O. Box 15004 Wilmington, Delaware 19850  
 Phone: (302) 463-6900 Fax: (302) 463-6607  
 www.artesianinc.com

UNLESS OTHERWISE SHOWN, ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. DIMENSIONS TO FACE UNLESS SPECIFIED OTHERWISE. DIMENSIONS TO CENTERLINE UNLESS SPECIFIED OTHERWISE. DIMENSIONS TO CENTERLINE UNLESS SPECIFIED OTHERWISE. DIMENSIONS TO CENTERLINE UNLESS SPECIFIED OTHERWISE. DIMENSIONS TO CENTERLINE UNLESS SPECIFIED OTHERWISE.





TAB “2”

23660

BK: 3812 PG: 325

Tax Parcel No.: 2-35-6.00-28.09

Prepared by and return to: John M. Bloxom, IV  
Morris, James, LLP  
500 Delaware Avenue; Suite 1500  
P.O. Box 2306  
Wilmington, Delaware 19899

DEED

NORTHERN SUSSEX REGIONAL WATER RECHARGE COMPLEX, LLC,  
a Delaware limited liability company

To

ARTESIAN WASTEWATER MANAGEMENT, INC.,  
a Delaware corporation

*KLM*

BK = 3812 PG = 326

**DEED**

**THIS DEED**, is made this 3<sup>rd</sup> day of August, 2010 between:

**NORTHERN SUSSEX REGIONAL WATER RECHARGE COMPLEX, LLC**, a Delaware limited liability company, of 26412 Broadkill Road, Milton, Delaware 19968, party of the first part,

**A N D**

**ARTESIAN WASTEWATER MANAGEMENT, INC.**, a Delaware corporation, of 664 Churchmans Road, Newark, Delaware 19702, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns, in fee,

ALL that certain lot, parcel or piece of land situated in Broadkill Hundred, Sussex County and State of Delaware, being all of Lot No. 9 as laid out in a Minor Subdivision Plan for North Milton Development Group II, recorded in the Recorder of Deeds, Sussex County and the State of Delaware; lying on the East side of Isaacs Road, just South of Reynolds Pond Road, being bounded on the West by Isaacs Road, on the North by lands of Ockels Acres; on the East by lands of Harry H. Isaacs, Jr.; and on the South by lands of Wayne D. Hudson and Bonnie C. Hudson and being more particularly described in accordance with a recent survey by Meridian Architects and Engineers filed for record in Plot Book 121, Page 95 and being more particularly described as follows, to wit:

BEGINNING at a point in the Easterly right of way line of Isaacs Road at a corner for this lot and lands of Ockels Acres; said point commencing 3,132.45 feet more or less from the Southerly right of way line of Reynolds Pond Road, thence North 70 degrees 18 minutes 09 seconds East 11.95 feet to the point of beginning; thence with said point of beginning North 70 degrees 18 minutes 09 seconds East 1,360.48 feet to a point at a corner for this lot in a point in the lands of Harry H. Isaacs, Jr.; thence with the lands of Harry H. Isaacs, Jr. the following five (5) courses; one (1) South 08 degrees 34 minutes 18 seconds West 983.96 feet to a found concrete monument; thence two (2) South 81 degrees 12 minutes 47 seconds East 521.76 feet to a found concrete monument; thence three (3) South 08 degrees 38 minutes 33 seconds West 1,020.59 feet to a found rebar; thence four (4) South 09 degrees 04 minutes 21 seconds West 190.16 feet to a point, passing over a concrete monument at 121.98 feet; thence five (5) South 08 degrees 08 minutes 30 seconds West 3.93 feet to a point in the center of Ingram Branch at a corner

for this parcel and lands of Wayne D. Hudson and Bonnie C. Hudson; thence with the lands of Wayne D. Hudson and Bonnie C. Hudson and with the center of Ingram Branch the following twenty-six (26) courses; one (1) North 66 degrees 40 minutes 04 seconds West 62.29 feet to a point; thence two (2) South 72 degrees 13 minutes 27 seconds West 65.58 feet to a point; thence three (3) North 71 degrees 55 minutes 03 seconds West 54.87 feet to a point; thence four (4) South 74 degrees 56 minutes 04 seconds West 104.11 feet to a point; thence five (5) South 82 degrees 18 minutes 12 seconds West 92.18 feet to a point; thence six (6) North 66 degrees 35 minutes 26 seconds West 53.12 feet to a point; thence seven (7) South 29 degrees 19 minutes 01 second West 22.31 feet to a point; thence eight (8) South 66 degrees 03 minutes 14 seconds West 33.26 feet to a point; thence nine (9) North 76 degrees 09 minutes 02 seconds West 54.21 feet to a point; thence ten (10) South 67 degrees 14 minutes 55 seconds West 67.56 feet to a point; thence eleven (11) North 85 degrees 08 minutes 39 seconds West 27.63 feet to a point; thence twelve (12) South 64 degrees 28 minutes 03 seconds West 43.31 feet to a point; thence thirteen (13) North 68 degrees 18 minutes 45 seconds West 105.88 feet to a point; thence fourteen (14) South 79 degrees 21 minutes 27 seconds West 68.48 feet to a point; thence fifteen (15) South 45 degrees 01 minute 11 seconds West 65.44 feet to a point; thence sixteen (16) South 76 degrees 13 minutes 19 seconds West 70.02 feet to a point; thence seventeen (17) North 58 degrees 50 minutes 03 seconds West 150.53 feet to a point; thence eighteen (18) South 83 degrees 52 minutes 54 seconds West 40.36 feet to a point; thence nineteen (19) North 51 degrees 28 minutes 27 seconds West 20.67 feet to a point; thence twenty (20) North 83 degrees 02 minutes 37 seconds West 104.34 feet to a point; thence twenty-one (21) South 44 degrees 42 minutes 37 seconds West 38.26 feet to a point; thence twenty-two (22) South 89 degrees 28 minutes 08 seconds West 119.42 feet to a point; thence twenty-three (23) South 77 degrees 32 minutes 44 seconds West 224.87 feet to a point; thence twenty-four (24) North 87 degrees 27 minutes 43 seconds West 50.27 feet to a point; thence twenty-five (25) South 72 degrees 25 minutes 11 seconds West 82.44 feet to a point; thence twenty-six (26) North 46 degrees 43 minutes 48 seconds West 30.45 feet to a point in the center of Ingram Branch in the Easterly right of way line of Isaacs Road thence with the Easterly right of way line of Isaacs Road the following three (3) courses; one (1) North 04 degrees 59 minutes 36 seconds West 217.99 feet to a point; thence two (2) with a 2,358.26 foot radius curve to the right, with an arc distance of 765.46 feet, with a chord bearing and distance of North 04 degrees 10 minutes 39 seconds West 762.11 feet to a point; thence three (3) North 13 degrees 28 minutes 35 seconds East 921.37 feet to the point and place of beginning, said to contain in said parcel 74.6156 acres be the same more or less.

SUBJECT TO ALL covenants, conditions, restrictions, plans and easements of record with respect to the property described above, this reference to which shall not be construed to re-impose any such covenants, conditions, restrictions, plans and easements which have otherwise lapsed, expired or have otherwise been terminated in accordance with their terms or otherwise, as applicable.

BEING the same lands and premises which Ockel Acres, a Delaware partnership, by Deed dated July 1, 2008 and recorded in the Office of the Recorder of Deeds in and for Sussex County and State of Delaware in Deed Book 3595, Page 64, did grant and convey unto Northern Sussex Regional Water Recharge Complex, LLC, a Delaware limited

liability company, party of the first part, in fee. Reference is made also to that certain Corrective Deed from Ockel Acres, a Delaware partnership, to Northern Sussex Regional Water Recharge Complex, LLC, a Delaware limited liability company, that is recorded at the Office of the Recorder of Deeds in and for Sussex County and State of Delaware immediately prior hereto.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed, delivered, and sealed by its duly authorized representatives as of the day and year aforesaid.

SEALED AND DELIVERED IN THE PRESENCE OF:

NORTHERN SUSSEX REGIONAL WATER RECHARGE COMPLEX, LLC, a Delaware limited liability company

*Rebecca Lockwood*

By: *[Signature]* (SEAL)  
Darin A. Lockwood,  
Managing Member

**RECEIVED**

AUG 09 2010

GRANTEE'S ADDRESS: **ASSESSMENT DIVISION OF SUSSEX COUNTY**

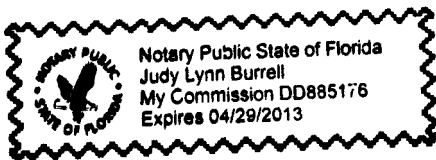
664 Churchmans Road  
Newark, DE 19702

Consideration: 5,000,000.00

County	75,000.00
State	75,000.00
Town	Total 150,000.00
Received: Sue D Aug 09, 2010	

STATE OF FLORIDA :  
: SS.  
Monroe COUNTY :

This instrument was acknowledged before me on August 3, 2010 by Darin A. Lockwood as Managing Member of NORTHERN SUSSEX REGIONAL WATER RECHARGE COMPLEX, LLC, a Delaware limited liability company.



*Judy L Burrell*  
Notary Public  
Name: Judy L Burrell  
My commission expires:  
4/29/2013

Recorder of Deeds  
John F. Brady  
Aug 09, 2010 09:12A  
Sussex County  
Doc. Surcharge Paid

NO SURVEY REQUESTED NOR PERFORMED

Tax Parcel No. 235-6.00-28.00

Prepared by and Return to:

Katherine H. Betterly, Esquire  
Morris, Nichols, Arsht & Tunnell LLP  
1201 N. Market Street  
P. O. Box 1347  
Wilmington, DE 19899-1347

**DEED**

**THIS DEED**, made as of the 25<sup>th</sup> day of May, in the year Two Thousand and Eighteen (2018),

**BETWEEN: PEMBERTON BRANCH PROPERTIES, LLC**, a Delaware limited liability company, whose address is 17120 Ockels Lane, Milton, Delaware 19968, party of the first part ("Grantor"),

**AND**

**ARTESIAN WASTEWATER MANAGEMENT, INC.**, a Delaware corporation, whose address is 664 Churchmans Road, Newark, Delaware 19702, party of the second part ("Grantee"),

**WITNESSETH**, That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys the premises described below, unto the said party of the second part, its successors and/or assigns:

All that certain lot, piece or parcel of land situated in Broadkill Hundred, Sussex County and State of Delaware, lying on the easterly side of Isaacs Road and in part on the southerly side of Reynolds Pond Road; being bounded on the west by Isaacs Road, on the north by other lands of Pemberton Branch Properties, LLC, lands of William L. Coulbourne and Stephane L. Coulbourne, lands of Jeffery S. Trench and Kathryn H. Trench, Reynolds Pond Road and lands of Randolph I. Gooner, Sr. on the east by lands of Farm Boys, LLC and on the south by lands of Artesian Wastewater Management, Inc. and being more particularly described as follows, to-wit:

Beginning at a point in the easterly right of way line of Isaacs Road, at a corner for this parcel and lands of Pemberton Branch Properties, LLC, said point commencing 704 feet more or less from the center of Reynolds Pond Road to the point of beginning; thence from said point of beginning with the lands of Pemberton Branch Properties, LLC North 77 degrees 04 minute 16 seconds East 249.94 feet to a point; thence continuing in part with lands of Pemberton Branch Properties, LLC, lands of William L. Coulbourne and Stephane L. Coulbourne and lands of Jeffery S. Trench and Kathryn H. Trench South 60 degrees 40 minute 31 seconds East 495.29 feet to a point, thence with lands of Jeffery S. Trench and Kathryn H. Trench North 27 degrees 56 minute 48 seconds East 225.07 feet to a point in the southerly right of way line of Reynolds Pond Road, thence with the southerly right of way line of Reynolds Pond Road, South 60 degrees 40 minute 30 seconds East 145.04 feet to a point; thence continuing with the southerly right of way line of Reynolds Pond Road South 61 degrees 49 minute 20 seconds East 6.00 feet to a point in the lands of Pemberton Branch Properties, LLC; thence with lands of Pemberton Branch Properties, LLC the following two (2) courses: one (1) South 27 degrees 56 minute 48 seconds West 225.19 feet to a point, thence two (2) South 60 degrees 40 minute 53 seconds East 208.78 feet to a point in the lands of Randolph L. Gooner, Sr.; thence with the lands of Randolph L. Gooner, Sr. the following seven (7) courses: one (1) South 1 degrees 19 minute 45 seconds West 35.28 feet to a point, thence two (2) South 13 degrees 44 minute 06 seconds West 68.08 feet to a point, said point also being the center of a 27 foot wide access easement for ingress and egress, thence with said easement and continuing with lands of Randolph L. Gooner, Sr., three (3) South 81 degrees 37 minute 46 seconds East 149.19 feet to a point, thence four (4) South 33 degrees 45 minute 27 seconds East 35.79 feet to a point, thence five (5) North 89 degrees 43 minute 48 seconds East 143.41 feet to a point, said point also being the end of the 27 foot wide access easement of ingress and egress, thence six (6) South 0 degrees 01 minute 0 seconds East 89.76 feet to a point, thence seven (7) North 85 degrees 09 minute 22 seconds East 69.66 feet to a point in the lands of Farm Boys, LLC, thence with the lands of Farm Boys, LLC South 1 degrees 23 minute 19 seconds East 1,176.94 feet to a point in the lands of Artesian Wastewater Management, Inc.; thence with the lands of Artesian Wastewater Management, Inc. South 60 degrees 20 minute 33 seconds West 1,372.43 feet to a point in the easterly right of way of Isaacs Road; thence with the easterly right of way of Isaacs Road the following four (4) courses: one (1) North 3 degrees 30 minute 59 seconds East 319.66 feet to a point, thence two (2) with a 5,724.20 foot radius curve to the left an arc of 1,091.99 feet with a chord bearing and distance of North 1 degrees 56 minute 55 seconds West 1,090.33 feet to a point, thence three (3) North 7 degrees 24 minute 48 seconds West 584.60 feet to a point, thence four (4) with a 3,088.87 foot radius curve to the left an arc of 476.32 feet with a chord bearing and distance of North 11 degrees 34 minute 25 seconds West 475.85 feet to the point and place of beginning. Containing in said parcel 2,297,962 square feet or 52.7539 acres of land be the same more or less.

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

SUBJECT TO ALL other covenants, conditions, restrictions, plans and easements of record with respect to the property described above, this reference to which shall not be construed to reimpose any such covenants, conditions, restrictions, plans and easements of record which have otherwise lapsed, expired or have otherwise been terminated in accordance with their terms or otherwise, as applicable.

BEING a part of the same lands and premises which Dale J. Ockels, Trustee of the Dale J. Ockels Revocable Trust dated August 5, 2009, Gary C. Ockels and Dennis P. Ockels, by Deed dated January 13, 2016, and recorded on January 20, 2016, in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, in Deed Book 4497, Page 143, did grant and convey unto Pemberton Branch Properties, LLC, in fee.

**GRANTEE'S ADDRESS:**

Artesian Water Company, Inc.  
Attn: Legal Department  
664 Churchmans Road  
Newark, Delaware 19702

[signatures follow]

Consideration: 1,529,863.10

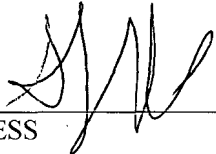
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State		38,246.58	
Town	Total	61,194.53	
Received: Kara S May 31, 2018			

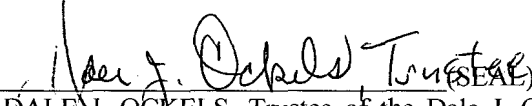


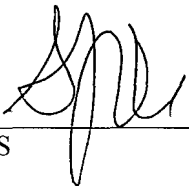
IN WITNESS WHEREOF, the said party of the first part has caused this Indenture to be signed and sealed on the day and year first above written.

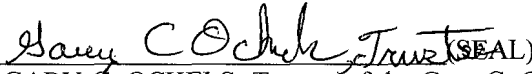
Signed, Sealed, and Delivered  
in the Presence of:

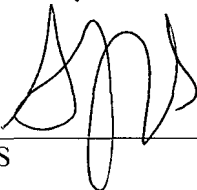
**PEMBERTON BRANCH PROPERTIES, LLC**  
a Delaware limited liability company


  
\_\_\_\_\_  
WITNESS

BY:  (SEAL)  
DALE J. OCKELS, Trustee of the Dale J. Ockels  
Revocable Trust dated August 5, 2009  
Member

  
\_\_\_\_\_  
WITNESS

BY:  (SEAL)  
GARY C. OCKELS, Trustee of the Gary C. Ockels  
Revocable Trust dated January 16, 2017  
Member

  
\_\_\_\_\_  
WITNESS

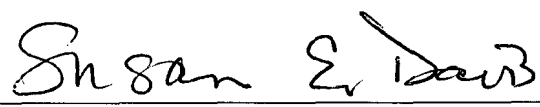
BY:  (SEAL)  
DENNIS P. OCKELS, Trustee of the Dennis P.  
Ockels Revocable Trust dated February 21, 2017  
Member

STATE OF DELAWARE )  
 )SS.  
COUNTY OF SUSSEX )

BE IT REMEMBERED, That on this 25<sup>th</sup> day of May, 2018, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Dale J. Ockels, in his capacity as Trustee of the Dale J. Ockels Revocable Trust dated August 5, 2009, Gary C. Ockels, in his capacity as Trustee of the Gary C. Ockels Revocable Trust dated January 16, 2017, and Dennis P. Ockels, in his capacity as Trustee of the Dennis P. Ockels Revocable Trust dated February 21, 2017, and being the duly authorized Members of Pemberton Branch Properties, LLC, a Delaware limited liability company and party to this Indenture, personally known to me to be such, and each have acknowledged this Indenture to be their act and deed on behalf of the limited liability company.

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

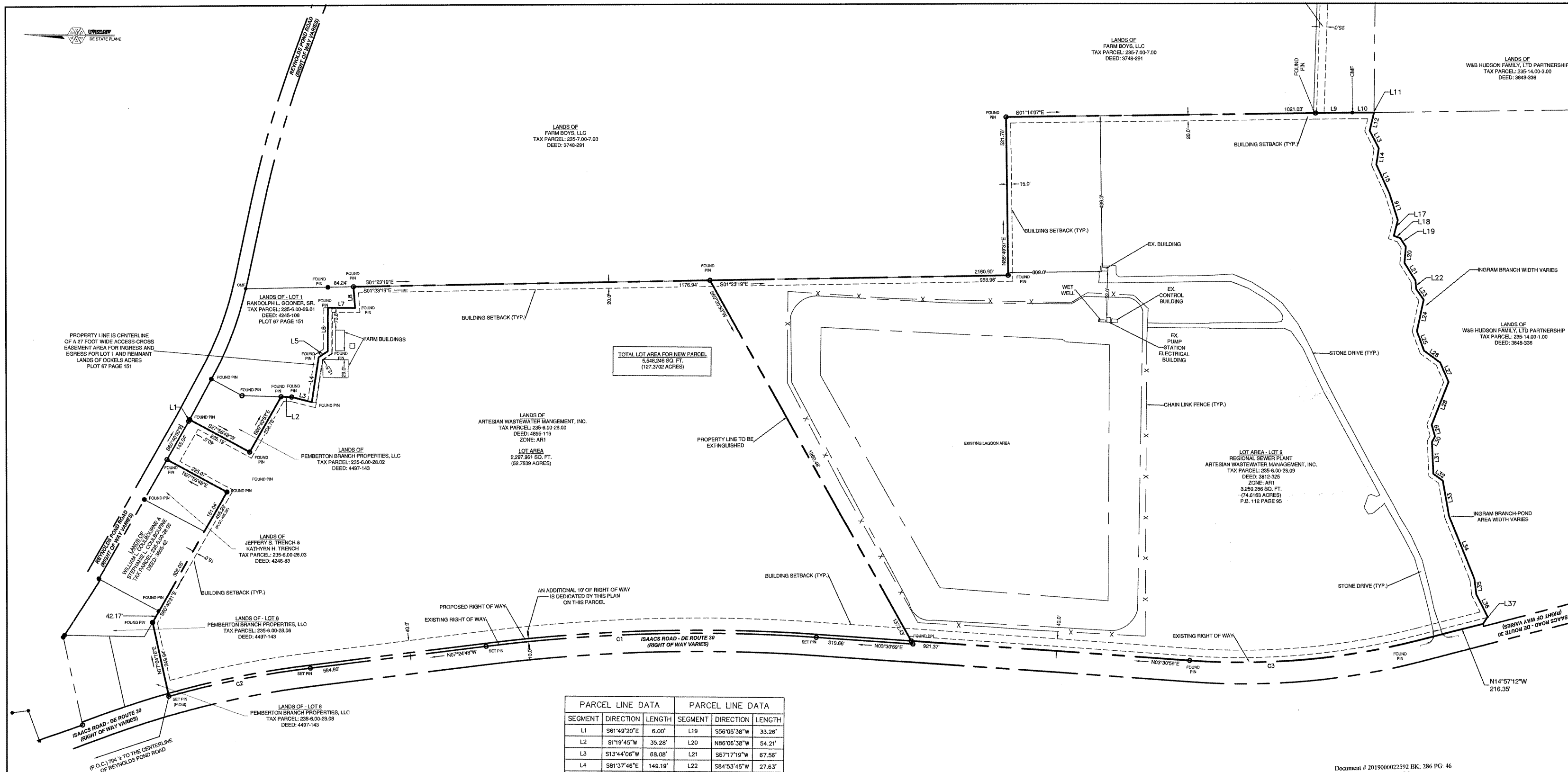
SUSAN E. DAVIS  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires 12-20-2021

  
\_\_\_\_\_  
NOTARY PUBLIC  
Print or Imprint Name and  
Date Commission Expires

11884077

RECEIVED  
May 31, 2018  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY

Recorder of Deeds  
Scott Dailey  
May 31, 2018 09:34A  
Sussex County  
Doc. Surcharge Paid



PARCEL LINE DATA			PARCEL LINE DATA		
SEGMENT	DIRECTION	LENGTH	SEGMENT	DIRECTION	LENGTH
L1	S61°49'20"E	6.00'	L19	S56°05'38"W	33.26'
L2	S1°19'45"W	35.28'	L20	N86°06'38"W	54.21'
L3	S13°44'06"W	68.08'	L21	S57°17'19"W	67.56'
L4	S81°37'46"E	148.19'	L22	S84°53'45"W	27.63'
L5	S33°45'27"E	35.79'	L23	S54°30'27"W	43.31'
L6	N89°43'48"E	143.41'	L24	N78°16'21"W	105.88'
L7	S0°01'00"E	89.76'	L25	S69°23'51"W	68.48'
L8	N85°09'22"E	69.66'	L26	S35°03'35"W	65.44'
L9	S1°11'34"E	121.70'	L27	S66°15'43"W	70.02'
L10	S0°31'08"E	67.99'	L28	S73°55'18"W	40.36'
L11	S1°49'06"E	3.63'	L30	N61°28'03"W	20.67'
L12	N76°37'40"W	61.00'	L31	S86°58'47"W	104.34'
L13	S62°15'51"W	65.58'	L32	S34°45'01"W	38.26'
L14	N61°52'39"W	54.87'	L33	S79°30'32"W	119.42'
L15	S64°58'28"W	104.11'	L34	S67°35'08"W	224.87'
L16	S72°20'36"W	92.18'	L35	S82°34'41"W	50.27'
L17	N76°33'02"W	53.12'	L36	S62°27'35"W	82.44'
L18	S19°21'25"W	22.31'	L37	N56°41'24"W	27.97'

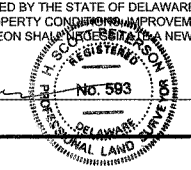
PARCEL CURVE DATA				
SEGMENT	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	1091.89'	5724.20'	N1°56'55"W	1096.37'
C2	476.32'	3088.87'	N11°34'22"W	478.88'
C3	765.46'	2366.26'	N5°39'17"W	762.10'

**NOTE:**  
 SURVEY SHOWN IS BASED ON A FIELD SURVEY BY ARTESIAN WATER COMPANY, INC., FOUND MONUMENTS IN THE FIELD AND ALSO BASED ON A PLAN AND SURVEY BY MERIDIAN ARCHITECTS AND ENGINEERS DATED 2-21-06, ENTITLED RECORD MINOR SUBDIVISION PLAN - OCKELS FARM, RECORDED IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DELAWARE IN PLAT BOOK 112 PAGE 95. IT IS ALSO BASED ON PLOT BOOK 61 PAGE 278, SURVEY BY ADAMS-KEMP FOR THE ABOVE PARCEL, PLOT BOOK 61 PAGE 151 SURVEY BY ADAMS-KEMP DATED 5-1-2000 AND PLOT BOOK 95 PAGE 281 A SUBDIVISION PLAN BY ADAMS-KEMP DATED 8-4-2005.

**CLASS OF SURVEY:** SUBURBAN SURVEY  
**PURPOSE:** LOT LINE ADJUSTMENT PLAN

**SETBACKS ARE:**  
 FRONT: 40'  
 SIDE: 15'  
 REAR: 20'

I, H. SCOTT PETERSON REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS OR IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL BE THE RESPONSIBILITY OF THE OWNER. A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



Document # 201900022592 BK: 286 PG: 46  
 On 6/26/2019 at 9:41:54 AM  
 RECORDER OF DEEDS Scott Dailey  
 Sussex County  
 Consideration: \$0.00  
 Doc Surcharge Paid

DATE: 6/26/19

**ARTESIAN WATER COMPANY, INC.**  
 664 Churchmans Road  
 Newark, Delaware 19702  
 P.O. Box 15004, Wilmington, Delaware 19850  
 Phone: (302) 453-6900 Fax: (302) 453-5800

14701 Coastal Highway  
 Milton, Delaware 19968  
 Phone: (302) 645 7751 Fax: (302) 645-8233

Date: 4-25-2019	Checked By: KEW	Sheet 1 of 1
Scale: 1" = 150'	Page & Grid:	Hundred: BROADKILL
Drawn By: HSP	CAD File:	Budget No.

**ARTESIAN WASTEWATER MANGEMENT, INC.**  
**LOT LINE ADJUSTMENT PLAN-TAX PARCEL #235-6.00-28.00**

SUSSEX COUNTY Delaware

TAB “3”

**ORDINANCE NO. 1922**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEWAGE TREATMENT PLANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 74.61 ACRES, MORE OR LESS**

**WHEREAS, on the 27th day of June 2006 a conditional use application, denominated Conditional Use No. 1724, was filed on behalf of North Milton Development Group II; and**

**WHEREAS, on the 25th day of January 2007 a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 18th day of July 2007, said Planning and Zoning Commission recommended that Conditional Use No. 1724 be approved with conditions; and**

**WHEREAS, on the 13th day of February 2007, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County;**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1724 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying east of Route 30, 0.6 mile south of Reynolds Pond Road (Road 231), and being more particularly described as follows:**

BEGINNING at a point on the easterly right of way of Route 30 at the centerline of Ingram Branch; thence northerly 1,908.06 feet along the easterly right of way of Route 30 to a point; thence N 70°18'09" E 1,372.42 feet across lands of Ockels Acres to a point; thence southerly along lands of Harry H. Isaacs, Jr., the following six (6) courses: S 08°34'18" W 983.96 feet, S 81°12'47" E 521.76 feet, S 08°38'33" W 1,020.59 feet, S 09°04'21" W 121.98 feet, S 09°04'21" W 68.18 feet, and S 08°08'30" W 3.93 feet to a point in centerline of Ingram Branch; thence westerly by and along the meandering centerline of Ingram Branch 1,858.59 feet to the point and place of beginning, said parcel containing 74.61 acres, more or less, as plotted by Meridian Architects and Engineers.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The proposal regional Sewage Treatment Plant and its collection and disposal systems shall be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over same.
2. Because the Applicant did not apply for a water treatment plant as part of this conditional use, one shall not be permitted on this site unless approved under a separate conditional use application.
3. The treatment plant building shall appear to be an agricultural building.
4. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the requirements of the Sussex County Engineering Department, if any, and the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site, or any modification thereto.
5. There shall be forested buffers of at least 30 feet from all property lines. Any lagoons, Rapid Infiltration Basins or similar structures shall be located at least 100 feet from any dwellings.

6. One lighted sign shall be permitted on each site, not to exceed 32 square feet in size.
7. With the exception of emergency generators that may be located on the site, all of the equipment needed in the operation of the facility shall be located indoors. The generators shall be housed in enclosures to reduce noise.
8. Any security lighting shall be screened so that it does not shine onto neighboring properties or County Roads.
9. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1922 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST DAY OF JULY 2007.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. This is a conditional use for a sewage treatment plant to be located on 74.61 acres lying on the east side of State Route 30, 6/10's of a mile south of County Road 231 (Reynolds Pond Road), in Broadkill Hundred, Sussex County, Delaware.
2. The Council adopted the recommendation of the Planning and Zoning Commission that the application be approved and adopted the Commission's recommended findings and conditions of approval.
3. The proposed use of the subject property as a sewage treatment plan is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare of neighboring properties and the County.

4. **The regional Sewage Treatment Plant will possess sufficient capacity to serve a substantial volume of users beyond the boundaries of the development proposed to be served by the Plant.**
5. **The regional Sewage Treatment Plant, with the stipulations and conditions placed upon it, will not have any adverse impact upon the County or its residents.**
6. **The Sewage Treatment Plant will be designed to minimize environmental impacts. Significant buffers will be provided from all wetland areas, no wetland areas on the subject property will be disturbed without a valid Federal or State permit.**
7. **The proposed regional Sewage Treatment Plant and its collection and disposal systems shall be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over the use.**
8. **The proposed use is subject to the review and approval of the Public Service Commission.**
9. **The conditional use is approved subject to nine conditions, which will serve to minimize any potential impacts on the surrounding area.**

TAB “4”



**ORDINANCE NO. 1923**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE, TREATED SLUDGE OR ANY MATERIAL CONTAINING THESE MATERIALS BY SPRAY IRRIGATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL AND CEDAR CREEK HUNDREDS, SUSSEX COUNTY, CONTAINING 1,739.779 ACRES, MORE OR LESS**

**WHEREAS, on the 27th day of June 2006, a conditional use application, denominated Conditional Use No. 1725, was filed on behalf of Harry Isaacs, Jr.; and**

**WHEREAS, on the 25th day of January 2007, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 18th day of July 2007, said Planning and Zoning Commission recommended that Conditional Use No. 1725 be approved with conditions; and**

**WHEREAS, on the 13th day of February 2007, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County;**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1725 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill and Cedar Creek Hundreds, Sussex County, Delaware, and lying on both sides of Route 16, both sides of Route 30, both sides of Road 231, east of Road 212, and both sides of Route 38, and being more particularly described as lands identified on the Sussex**

County Property Maps as: Tax Map I.D. 2.35-13.00-6.00, Tax Map I.D. 2.35-13.00-6.05, Tax Map I.D. 2.30-22.00-1.00, Tax Map I.D. 2.35-7.00-1.00, Tax Map I.D. 2.35-7.00-7.00, Tax Map I.D. 2.35-7.00-27.00, Tax Map I.D. 2.35-7.00-164.00, Tax Map I.D. 2.35-6.00-11.00, Tax Map I.D. 2.35-6.00-11.02, Tax Map I.D. 2.35-6.00-21.00, Tax Map I.D. 2.30-21.00-13.00, Tax Map I.D. 2.30-21.00-35.00, and Tax Map I.D. 2.30-21.00-35.01, said parcels equal a combined total of 1,739.779 acres, more or less, as verified by Meridian Architects and Engineers.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The use shall be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over it.
2. Any structures on the properties that are part of this application shall appear to be an agricultural building.
3. All improvements for transmission and disposal of treated waste water shall be constructed and maintained in accordance with the requirements of the Sussex County Engineering Department, if any, and the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site, or any modification thereto.
4. The wastewater applied to the land shall be treated to a level permitting "unlimited public access".
5. No lagoons or storage of wastewater or sludge shall be permitted on the properties that are the subject of this conditional use.
6. The irrigation rates shall be determined by crop utilization and uptake limits rather than by wastewater disposal needs.
7. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1923 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST DAY OF JULY 2007.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the conditional use was appropriate legislative action based on the following findings of fact:**

- 1. This conditional use is for the land application of sludge, treated sludge or any material containing these materials by spray irrigation on 1,739.779 acres lying on both sides of State Route 16, both sides of State Route 30, both sides of County Road 231, on the east side of County Road 212 and on both sides of County Road 38 in Broadkill Hundred, Sussex County, Delaware.**
- 2. The Council adopted the recommendation of the Planning and Zoning Commission that the application be approved and adopted the Commission's recommended findings and conditions of approval.**
- 3. The proposed use of the subject property is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare of neighboring properties and the County.**
- 4. This use will create a disposal area for treated wastewater that will have sufficient capacity to serve a substantial volume of users beyond the boundaries of the development proposed to be served by the plant and disposal area.**
- 5. The use, with the stipulations and conditions placed upon it will not have any adverse impact upon the County or its residents.**
- 6. The wastewater disposal system will be designed to minimize environmental impacts. Significant buffers will be provided from any wetland areas and no wetland areas on the subject property will be disturbed without a valid Federal or State permit.**
- 7. The proposed regional Sewage Treatment Plant and its collection and disposal systems will be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over it.**

8. The proposed use is subject to the review and approval of the Public Service Commission.
9. The property is currently used for agricultural purposes; this underlying use will not be changed as a result of this conditional use.
10. The conditional use is approved subject to nine conditions, which will serve to minimize any potential impacts on the surrounding area.

TAB “5”

**ORDINANCE NO. 2013**

**With Conditions**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REGIONAL WATER FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 74.61 ACRES, MORE OR LESS**

**WHEREAS, on the 2nd day of July 2008, a conditional use application, denominated Conditional Use No. 1810, was filed on behalf of Artesian Water Company, Inc.; and**

**WHEREAS, on the 28th day of August 2008, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 17th day September 2008, said Planning and Zoning Commission recommended that Conditional Use No. 1810 be approved with conditions; and**

**WHEREAS, on the 16th day of September 2008, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County;**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1810 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying east of Route 30, 0.6 mile south of Reynolds Pond Road (Road 231), and being more particularly described as follows:**

BEGINNING at a point on the easterly right-of-way of Route 30 at the centerline of Ingram Branch; thence northerly 1,908.06 feet along the easterly right-of-way of Route 30 to a point; thence N 70°18'09" E 1,372.42 feet across lands of Ockels Acres to a point; thence southerly along lands of Harry H. Isaacs, Jr., the following six (6) courses: S 08°34'18" W 983.96 feet, S 81°12'47" E 521.76 feet, S 08°38'33" W 1,020.59 feet, S 09°04'21" W 121.98 feet, S 09°04'21" W 68.18 feet, and S 08°08'30" W 3.93 feet to a point in centerline of Ingram Branch; thence westerly by and along the meandering centerline of Ingram Branch 1,858.59 feet to the point and place of beginning, said parcel containing 74.61 acres, more or less, as plotted by Meridian Architects and Engineers.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The treatment plant buildings shall appear to be agricultural buildings.
2. All improvements for collection, treatment and disposal of water shall be constructed and maintained in accordance with the requirements of the Department of Health, the Public Service Commission, the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site.
3. With the exception of emergency generators that may be located on the site, all of the equipment needed in the operations of the facility shall be located indoors. The generators shall be housed in enclosures to reduce noise.
4. Any security lighting shall be screened so that it does not shine onto neighboring properties or County roads.
5. The Final Site Plan shall be subject to review and approval of the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2013 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 2ND DAY OF DECEMBER 2008.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. This is an application for a conditional use for a regional water facility to be located on 74.61 acres lying on the east side of State Route 30, 6/10's of a mile south of County Road 231 (Reynolds Pond Road) in Broadkill Hundred, Sussex County, Delaware.
2. DelDOT did not require a Traffic Impact Study and has approved the location of the proposed entrance.
3. The site is already approved for a regional wastewater treatment facility and the Applicant is proposing the construction of a regional water facility to serve the Elizabethtown project and other projects in the area.
4. The Applicant reported that it had received a Certificate of Public Necessity from the Public Service Commission to construct the regional wastewater treatment facility on this site.
5. The Applicant proposes to construct a 60 x 80 foot water treatment building, an elevated storage tank (not to exceed 150 feet in height and painted a sky neutral color) and 2 wells. The proposed building will have the appearance of an agricultural building.
6. The proposed use is of a public or semi-public character in that it will provide needed sewer service to units that otherwise would be served by septic systems.
7. There were no parties present in support of or in opposition to the application.
8. The use of the subject property as a regional central water facility is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare of neighboring properties and the County.
9. The regional water facility, with the stipulations and conditions placed upon it, will not have an adverse impact upon the County, its residents, or the environment.
10. The regional water facility is appropriate for this site because it is in an area of residential development where central water is not otherwise available.
11. The site has been approved by Conditional Use No. 1724 as a regional wastewater treatment plant and disposal site with rapid infiltration beds.



12. **The use is subject to the review and approval of the Public Service Commission. The Applicant has applied for or will apply for a Certificate of Public Convenience and Necessity to serve the region.**
13. **Based on the record and recommendation of the Planning and Zoning Commission and the record and recommendation of the Council, the Conditional Use was approved subject to five (5) conditions, which will serve to minimize any potential impacts on the surrounding area.**

TAB “6”

NOTE: THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

LANDS OF HARRY H. ISAACS, JR.  
235-7-007-00  
D-2107-111  
ZONED: AR-1  
(ACTIVE AGRICULTURAL LANDS)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

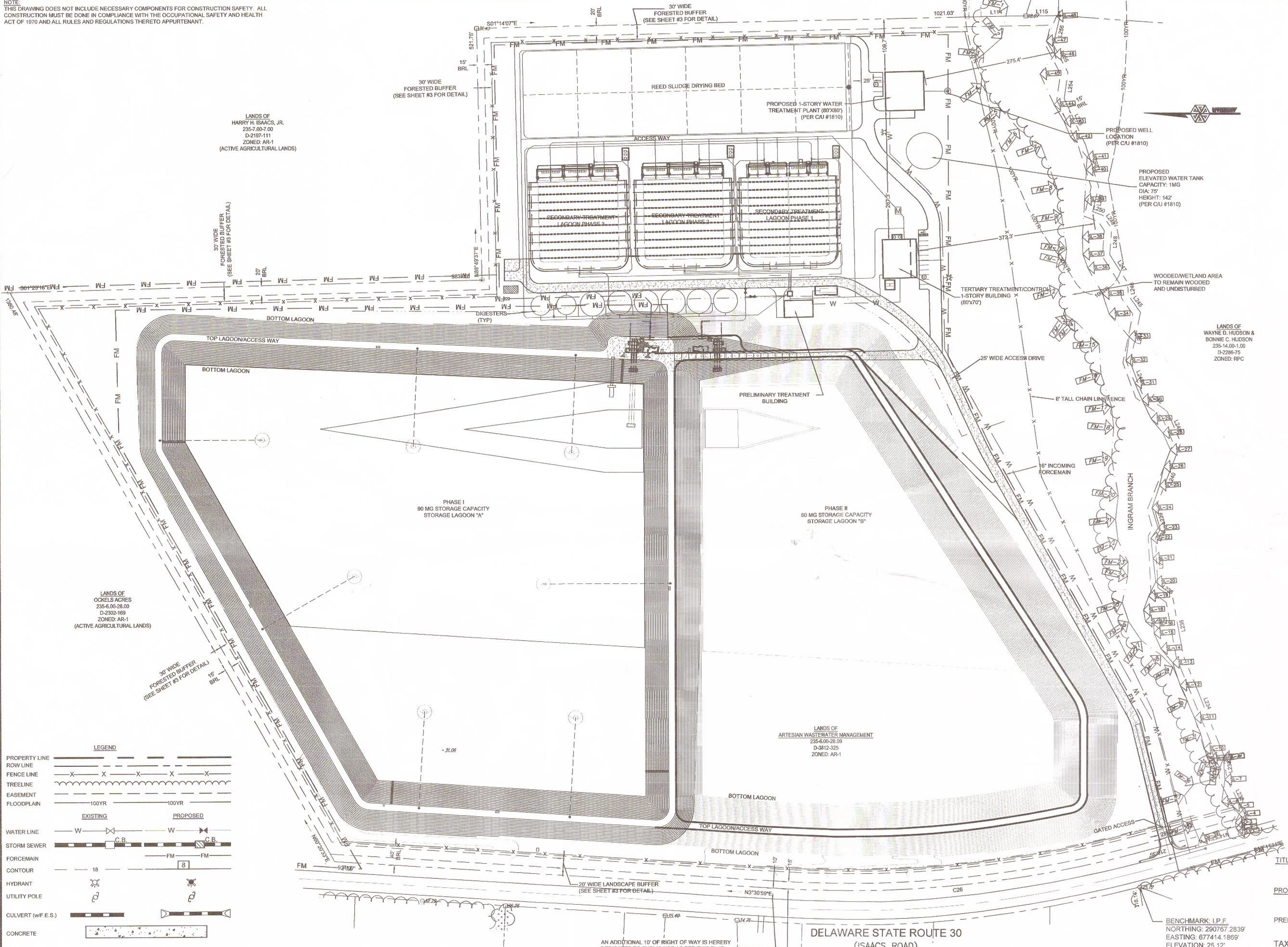
30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)

30' WIDE FORESTED BUFFER (SEE SHEET #3 FOR DETAIL)



**PARCEL DATA**

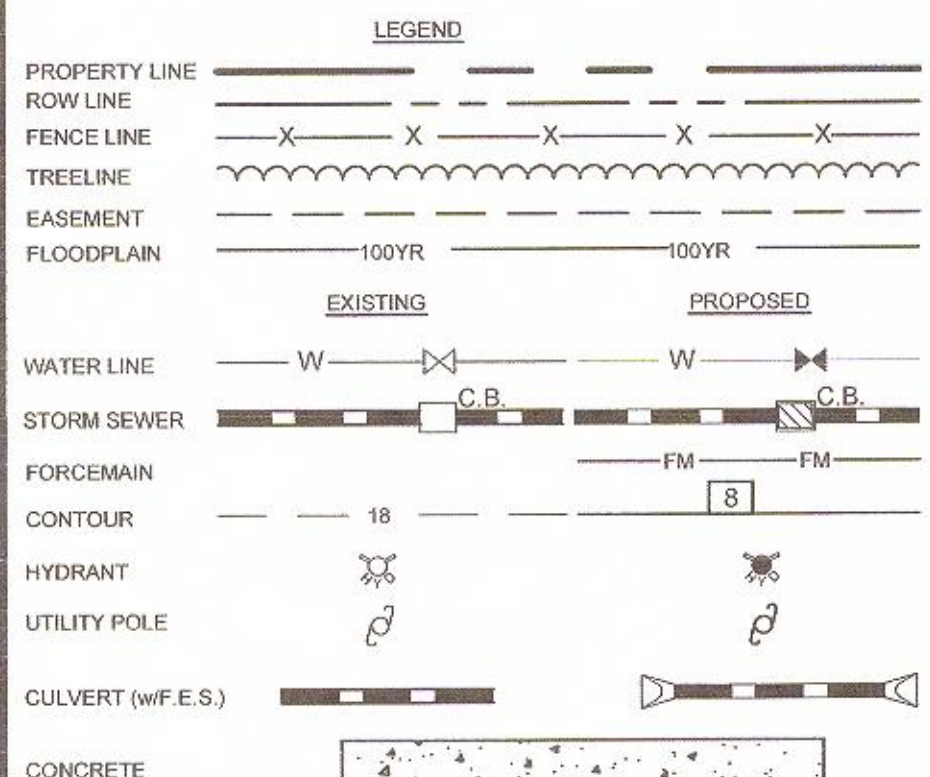
PARCEL I.D. NO.	2-35-6-00-28-09
ZONING DISTRICT	AR-1 CU #1724
PROPOSED USE	REGIONAL WATER RECHARGE FACILITY
GROSS ACREAGE	74.62+- ACRES
OWNER	NORTHERN SUSSEX REGIONAL WATER RECHARGE COMPLEX 25412 BROADKILL ROAD MILTON, DE 19958
DEVELOPER	ARTESIAN WASTEWATER MANAGEMENT, INC. 664 CHURCHMANS ROAD NEWARK, DE 19702 (302) 453-7300
DEED REFERENCE	DEED BOOK 3595, PAGE 084
SEWAGE DISPOSAL	ARTESIAN WASTEWATER MANAGEMENT, INC. SEWAGE SYSTEMS SEWERAGE IS SUBJECT TO APPROVAL OF THE SUSSEX COUNTY DEPARTMENT OF PUBLIC WORKS AND THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	ARTESIAN WATER COMPANY, INC. WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.

**BUILDING SETBACK REQUIREMENTS:**  
MIN. DEPTH OF FRONT YARD (FT.) = 40'  
MIN. WIDTH OF SIDE YARD (FT.) = 15'  
MIN. DEPTH OF REAR YARD (FT.) = 30'  
MAX. BUILDING HEIGHT (FT.) = 42'

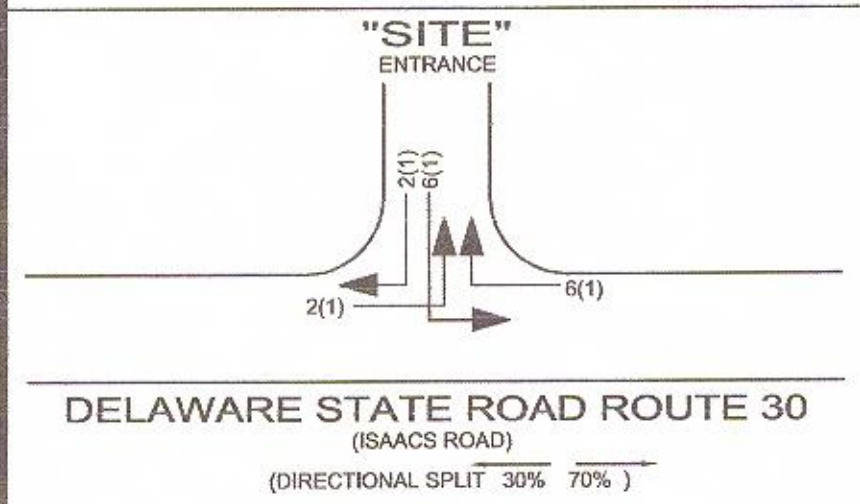
**PARKING RATIONALE:**  
PARKING REQUIRED: N/A  
PARKING PROVIDED: 17 SPACES \* PER OWNER/DEVELOPER OF PROPOSED FACILITY (INCLUDING 1 HANDICAP SPACE)

**NOTES:**  
1. THIS SITE IS LOCATED IN ZONE 'X' AND ZONE 'A' AS DETERMINED ON FLOOD INSURANCE RATE MAP NUMBER 10005C0165J (JANUARY 8, 2005).  
2. THIS PLAN DOES NOT REPRESENT A FIELD SURVEY BY ARTESIAN CONSULTING ENGINEERS, INC. IT IS BASED ON A BOUNDARY SURVEY BY MERIDIAN ARCHITECTS AND ENGINEERS.

- CONDITIONAL USE #1724 CONDITIONS:**
- THE PROPOSED REGIONAL SEWAGE TREATMENT PLANT AND ITS COLLECTION AND DISPOSAL SYSTEMS SHALL BE REVIEWED AND APPROVED BY DNREC AND SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE, AND COUNTY REQUIREMENTS, INCLUDING THOSE MANDATED BY DNREC AND OTHER AGENCIES HAVING JURISDICTION OVER SAME.
  - BECAUSE THE APPLICANT DID NOT APPLY FOR A WATER TREATMENT PLANT AS PART OF THIS CONDITIONAL USE, ONE SHALL NOT BE PERMITTED ON THIS SITE UNLESS APPROVED UNDER A SEPARATE CONDITIONAL USE APPLICATION. SEE CONDITIONAL USE #1810.
  - THE TREATMENT PLANT BUILDING SHALL APPEAR TO BE AN AGRICULTURAL BUILDING.
  - ALL IMPROVEMENTS FOR COLLECTION, TREATMENT AND DISPOSAL OF SANITARY WASTE SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, IF ANY, AND THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AND ANY OTHER GOVERNMENTAL AGENCY WITH JURISDICTION OVER THE USE OF THE SITE, OR ANY MODIFICATION THERE TO.
  - THERE SHALL BE FORESTED BUFFERS OF AT LEAST 30 FEET FROM ALL PROPERTY LINES. ANY LAGOONS, RAPID INFILTRATION BASINS OR SIMILAR STRUCTURES SHALL BE LOCATED AT LEAST 100 FEET FROM ANY DWELLINGS.
  - ONE LIGHTED SIGN SHALL BE PERMITTED ON THIS SITE. NOT TO EXCEED 32 SQUARE FEET IN SIZE.
  - WITH THE EXCEPTION OF EMERGENCY GENERATORS THAT MAY BE LOCATED ON THE SITE, ALL OF THE EQUIPMENT NEEDED IN THE OPERATION OF THE FACILITY SHALL BE LOCATED INDOORS. THE GENERATORS SHALL BE HOUSED IN ENCLOSURES TO REDUCE NOISE.
  - ANY SECURITY LIGHTING SHALL BE SCREENED SO THAT IT DOES NOT SHINE ONTO NEIGHBORING PROPERTIES OR COUNTY ROADS.
  - THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.



**TRAFFIC GENERATION DIAGRAM**



**SITE DATA:**  
GROSS ACREAGE: 74.62± Acres  
ZONING DISTRICT: AR-1 CU #1724  
PROPOSED USE: WATER RECHARGE FACILITY

**SITE GENERATION DATA:**

EX. A.A.D.T.	2,783
10-YR PROJECTION A.A.D.T.	3,332
EST. A.D.T. *	16
EST. PEAK HOUR	4
( ) DENOTES A.M. PEAK HOUR	
POSTED SPEED LIMIT	50

\* PER OWNER/DEVELOPER OF PROPOSED FACILITY

**WETLANDS CERTIFICATION**

THIS PROPERTY (2-35-6-00-28-09) HAS BEEN EXAMINED BY ENVROTECH ENVIRONMENTAL CONSULTING, INC. (EECI) FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND SECTION 10), BASED ON THE CRITERIA SET FORTH BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICIES, AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. ANY OF THE ENCLOSED RESOURCES THAT WERE FOUND ON THE PROPERTY ARE DEPICTED IN THIS REPORT IN ACCORDANCE WITH OUR FIELD INVESTIGATIONS AND DETAINED IN THIS REPORT PREPARED BY EECI USING BEST PROFESSIONAL JUDGMENT.

TODD FRITZMAN  
ENVROTECH ENVIRONMENTAL CONSULTING, INC.  
17605 NASSAU COMMONS BLVD.  
UNIT D  
LEWIS, DE 19958  
PH: (302)684-5201

DATE: 8/22/17

**DEVELOPER CERTIFICATION**

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

DAVID SPACHT, C.E.D.  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 CHURCHMANS ROAD  
NEWARK, DE 19702  
(302) 453-6900

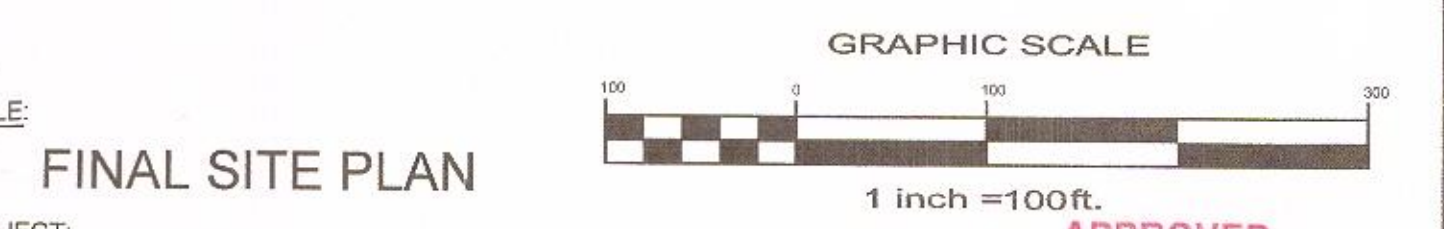
DATE: 8/22/17

**ENGINEER'S CERTIFICATION**

I, DANIEL W. KONSTANSKI, P.E. HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, AND THAT THE PLAN SHOWN AND DESCRIBED HEREON, CONSISTING OF TWO SHEETS, HAVE BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND ZONING REGULATIONS.

DANIEL W. KONSTANSKI, P.E.  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 CHURCHMANS ROAD  
NEWARK, DELAWARE 19702  
(302) 453-6900

DATE: 8/17/17



**FINAL SITE PLAN**

PROJECT: ARTESIAN NORTHERN SUSSEX REGIONAL WATER RECHARGE FACILITY  
PREPARED FOR: ARTESIAN WASTEWATER MANAGEMENT, INC.  
TAX MAP No.: 2-35-6-00-28-09  
HUNDRED: BROADKILL  
COUNTY: SUSSEX

APPROVED  
REVIEWED FINAL SITE PLAN  
DECEMBER 27 2017  
SUSSEX COUNTY  
PLANNING & ZONING COMMISSION  
APR 12 2017  
SHEET 1 OF 2

THIS PLAN AND THE DESIGN SHOWN ARE THE EXCLUSIVE PROPERTY OF ARTESIAN WASTEWATER MANAGEMENT, INC. AND SHALL NOT BE ALTERED OR COPIED WITHOUT WRITTEN APPROVAL.


DATE	REVISION	CHKD
DRAWN BY: K.E.W.	CHECKED BY: D.W.K.	DATE: 8/10/17
SCALE: 1"=100'	PROJECT No.:	SHEET No.: 1



NOTE:  
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

## FORESTED AND/OR LANDSCAPE BUFFER

THE BUFFER STRIP SHALL BE A MINIMUM OF 20 FEET WIDE AND SHALL REMAIN FREE OF BUILDINGS, STREETS, STORMWATER MANAGEMENT AREAS OR FACILITIES, OPEN SPACE, WASTEWATER TREATMENT AND/OR DISPOSAL FACILITIES, WATER TREATMENT FACILITIES OR OTHER SURFACE IMPROVEMENTS. A LANDSCAPE PLAN FOR THE BUFFER SHALL BE DESIGNED AND CERTIFIED TO BY A LICENSED LANDSCAPE ARCHITECT, LICENSED FORESTER OR FORESTER DESIGNATED BY THE SOCIETY OF AMERICAN FORESTERS AS A CERTIFIED FORESTER. THE LANDSCAPE PLAN SHALL BE REVIEWED AND COMMENTED ON BY THE STATE FORESTER AND SHALL BE SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE COMMISSION.

 HATCHING REPRESENTS AREA TO HAVE A FORESTED AND/OR LANDSCAPE BUFFER STRIP

### FORESTED BUFFER CONDITIONS:

A. ALL TREES THAT ARE TO BE PLANTED SHALL INCLUDE A MIX OF 70% DECIDUOUS SHADE TREES AND 30% EVERGREEN TREES, A MAJORITY OF WHICH SHALL BE SUITABLE TREES OF COMMON LOCAL SPECIES, WHICH MAY INCLUDE EXISTING AS WELL AS PLANTED TREES. EVERY 100 FOOT LENGTH OF BUFFER SHALL INCLUDE A MINIMUM TOTAL OF 15 TREES; AND

B. ALL DECIDUOUS TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES AND A MINIMUM HEIGHT OF 6 FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THE TREES WILL BE CAPABLE OF OBTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN 5 YEARS OF BEING PLANTED; AND

C. ALL EVERGREEN TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF 5 FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THEY ARE REASONABLY CAPABLE OF ATTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN 5 YEARS OF BEING PLANTED; AND

D. THE LANDSCAPE PLAN MAY INCLUDE SUITABLE EXISTING DECIDUOUS AND EVERGREEN TREES OF COMMON LOCAL SPECIES PROVIDED THEY WILL ACHIEVE THE OVERALL GOAL OF THE PLAN AS DESCRIBED IN SUBSECTION F HEREOF AND PROVIDED THAT SAID EXISTING TREES SURVIVE THE SITE WORK CONSTRUCTION ACTIVITY AND ANY CHANGES IN THE WATER TABLE AND EXPOSURE WHICH MAY RESULT FROM THE CONSTRUCTION ACTIVITY OCCURRING PRIOR TO THE DATE THE BUFFER PLANTINGS ARE REQUIRED TO BE INSTALLED AS PROVIDED IN SUBSECTION F HEREOF; AND

E. THE GOAL OF THE LANDSCAPE PLAN FOR THE FORESTED BUFFER AREA SHALL BE TO INCLUDE TREES OF THE TYPE INDICATED HEREIN THAT WILL BE PLANTED IN A STAGGERED NATURAL MANNER AS OPPOSED TO BEING PLANTED IN ROW FASHION, WHICH WILL FILTER VIEWS FROM AND INTO THE SUBDIVISION IN SUCH A MANNER THAT THE AREAS ON THE AGRICULTURAL SIDE OF THE BUFFER AREA APPEAR MORE GREEN AND LESS VISIBLE AND THE STRUCTURES OR USES ON THE SUBDIVISION SIDE APPEAR LESS OBVIOUS AND LESS DENSE THAN IF NO LANDSCAPING HAD BEEN REQUIRED. THE PROCEDURES AND DETAILS FOR PLANTING NEW TREES SHALL BE SPECIFIED BY THE LANDSCAPE ARCHITECT ON THE PLAN SUBMITTED TO AND APPROVED BY THE COMMISSION AND SHALL INCLUDE THE REQUIREMENT THAT THE BUFFER AREA SHALL HAVE A FINAL GRADE THAT CONTAINS A MINIMUM OF 4 INCHES OF TOPSOIL AND A SUITABLE GRASS MIX PLANTED AS SACRIFICIAL COVER BETWEEN THE BUFFER TREES FOR SOIL STABILIZATION UNTIL THE NEWLY PLANTED TREES BECOME LARGER. THE PLAN MAY SUBSTITUTE WOODCHIPS FOR PLANTED GRASS BETWEEN THE BUFFER TREES IN RESPECT TO BOTH NEWLY PLANTED AND EXISTING TREES, AS DETERMINED BY THE LANDSCAPE ARCHITECT, AND

F. THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE COMMISSION. FOR PROJECTS THAT ARE APPROVED TO BE CONSTRUCTED IN PHASES, THE BUFFER FOR EACH PHASE MUST BE COMPLETED BEFORE COUNTY APPROVALS OR PERMITS WILL BE GRANTED TO CONSTRUCT THE NEXT PHASE; AND

G. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO THE OWNER, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO THE OWNER; AND

H. THE 20 FOOT FORESTED AND/OR LANDSCAPE BUFFER STRIP IS NOT REQUIRED TO BE INSTALLED IN THOSE PORTIONS OF THE PROJECT PERIMETER WHICH (1) REPRESENT THE WIDTH OF A RIGHT-OF-WAY CONNECTOR ROAD OR STREET THAT DELTOD OR THE COMMISSION REQUIRED THE APPLICANT TO INSTALL PURSUANT TO 99-17.D AND THE WIDTH OF A STORMWATER OUTFALL SHOWN ON THE FINAL SITE PLAN TO DRAIN SURFACE OR STORMWATER OUTSIDE THE PERIMETER OF THE PROJECT.

I. THE LANDSCAPE PLAN SHALL AVOID PLACING PLANTED TREES OR ALLOWING EXISTING TREES TO REMAIN IN THE AREAS ADJACENT TO ENTRANCES INTO AND EXITS FROM THE PROJECT IN SUCH A MANNER AS TO RESTRICT THE VIEW OF MOTORISTS ENTERING OR EXITING FROM THE PROJECT OR RESTRICTING SITE LINES FOR MOTORISTS IN SUCH A MANNER AS TO CREATE A POTENTIAL SAFETY HAZARD.

SEGMENT	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C26	765.46'	2358.26'	S5°39'17"E	762.10'

SEGMENT	DIRECTION	LENGTH
L114	S11°13'34"E	121.70'
L115	S0°31'08"E	67.99'
L116	S1°49'06"E	3.63'
L231	N56°41'24"W	27.97'
L232	S62°27'35"W	82.44'
L233	S82°34'41"W	50.27'
L234	S67°35'08"W	224.87'
L235	S79°30'32"W	119.42'
L236	S34°45'01"W	38.26'
L237	S86°59'47"W	104.34'
L238	N61°28'03"W	20.57'
L239	S73°55'16"W	40.36'
L240	N68°47'39"W	150.53'
L241	S66°15'43"W	70.02'
L242	S35°03'35"W	65.44'
L243	S69°23'51"W	68.48'
L244	N78°16'21"W	105.88'
L245	S54°30'27"W	43.31'
L246	S84°53'45"W	27.63'
L247	S57°17'19"W	67.56'

SEGMENT	DIRECTION	LENGTH
L248	N86°06'38"W	54.21'
L249	S55°05'38"W	33.26'
L250	S19°21'25"W	22.31'
L251	N76°33'02"W	53.12'
L252	S72°20'36"W	92.18'
L253	S64°56'28"W	104.11'
L254	N81°52'39"W	54.87'
L255	S62°15'51"W	65.58'
L256	N76°37'40"W	61.00'

FLAG #	DIRECTION	LENGTH
FM-30	S74°05'09"W	61.61'
FM-31	N41°18'47"W	48.41'
FM-64	N78°38'18"W	67.37'
FM-65	N85°13'01"W	63.43'
FM-66	S51°00'45"W	63.06'
FM-67	S48°40'17"W	57.57'
FM-68	S36°23'54"W	57.35'
FM-69	S79°41'46"W	60.70'
FM-70	S81°13'11"W	70.54'
FM-71	N83°35'10"W	27.92'
FM-72	N76°24'05"W	58.40'
FM-73	S73°44'02"W	63.96'
FM-74	S33°28'24"W	22.69'
FM-75	S43°37'18"W	69.29'
FM-76	S86°24'29"W	61.23'
FM-77	S72°03'03"W	71.50'
FM-78	S83°41'09"W	43.68'
FM-79	N85°45'14"W	61.50'
FM-80	S79°42'37"W	80.04'
FM-81	N83°09'55"W	49.82'
FM-82	S83°00'35"W	44.08'
FM-83	S65°13'47"W	50.52'
FM-84	N88°42'23"W	29.01'
FM-85	N78°18'11"W	55.89'
FM-86	S71°14'09"W	42.10'
FM-87	S55°47'28"W	47.23'
FM-88	S36°09'08"W	50.58'
FM-89	S44°30'27"W	34.80'
FM-90	S1°21'32"W	20.07'
FM-91	N14°28'18"W	48.56'
FM-92	S66°36'28"W	36.92'
FM-93	S69°32'30"W	92.15'

TITLE:

FINAL SITE PLAN

PROJECT:

ARTESIAN NORTHERN SUSSEX REGIONAL WATER RECHARGE FACILITY  
PREPARED FOR:  
ARTESIAN WASTEWATER MANAGEMENT, INC

TAX MAP No.: 2-35-6.00-28.09

HUNDRED: BROADKILL

COUNTY: SUSSEX

THIS PLAN AND THE DESIGN SHOWN ARE THE EXCLUSIVE PROPERTY OF ARTESIAN WASTEWATER MANAGEMENT, INC. AND SHALL NOT BE ALTERED OR COPIED WITHOUT WRITTEN APPROVAL.



APPROVED  
RECEIVED EQUAL SITE PLAN  
DECEMBER 21, 2017  
SUSSEX COUNTY  
PLANNING & ZONING COMMISSION  
PER REC. DECEMBER 21, 2017  
SHEET 2 OF 2.

APPROVED:

  
PROFESSIONAL ENGINEER

DATE:

8/17/17






DATE	REVISION	CHKD.
DRAWN BY: K.E.W.	CHECKED BY: D.W.K.	DATE: 8/10/17
SCALE: N.T.S.	PROJECT No.:	SHEET No.: 2

TAB “7”

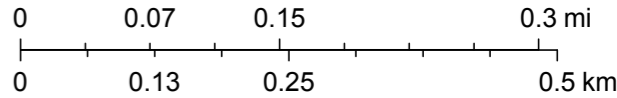
# Sussex County



February 23, 2021

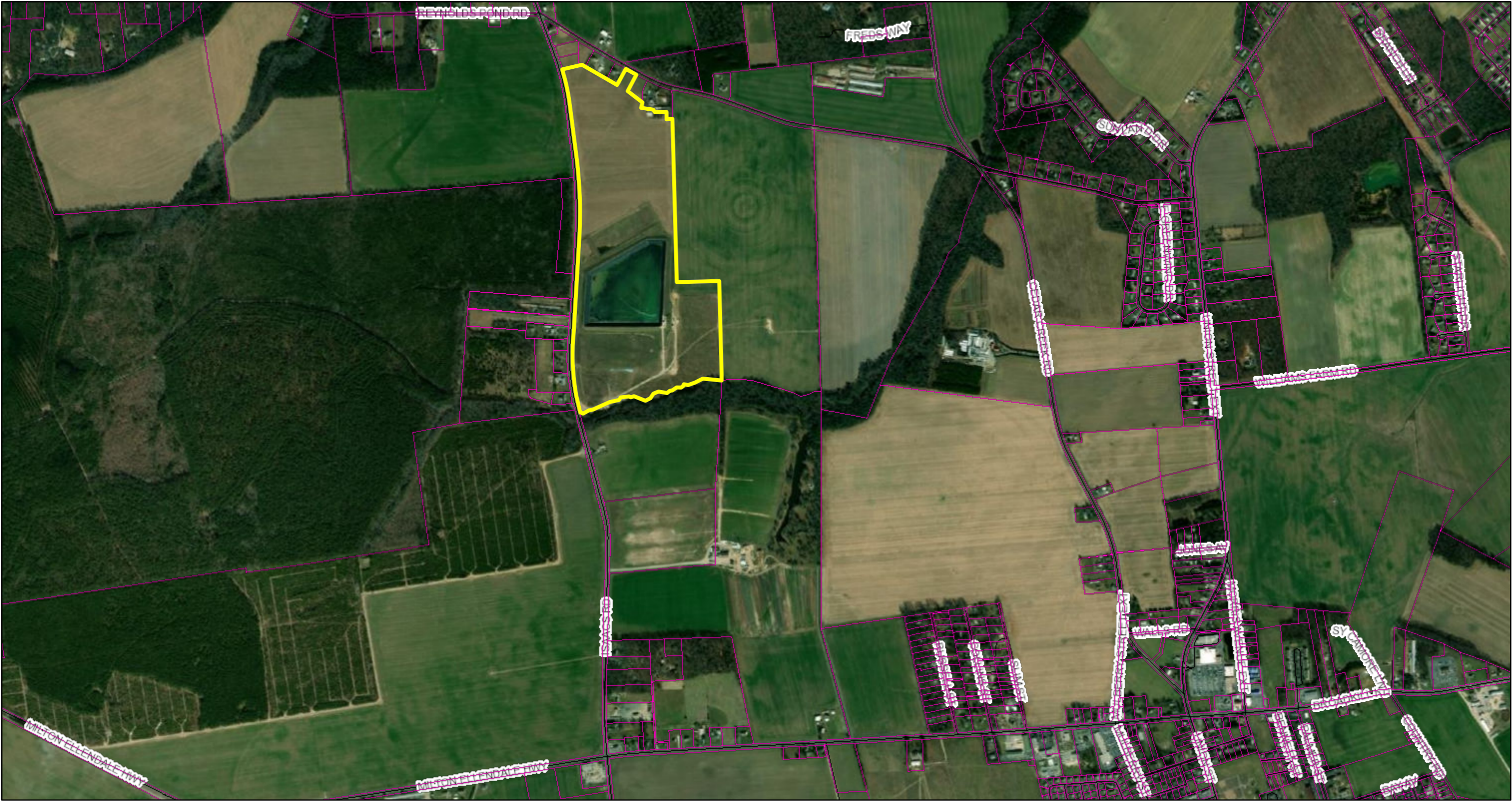
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:9,028








Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

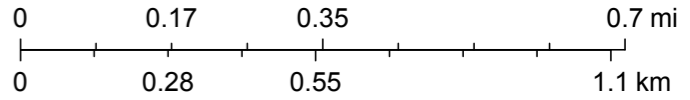
# Sussex County



February 23, 2021

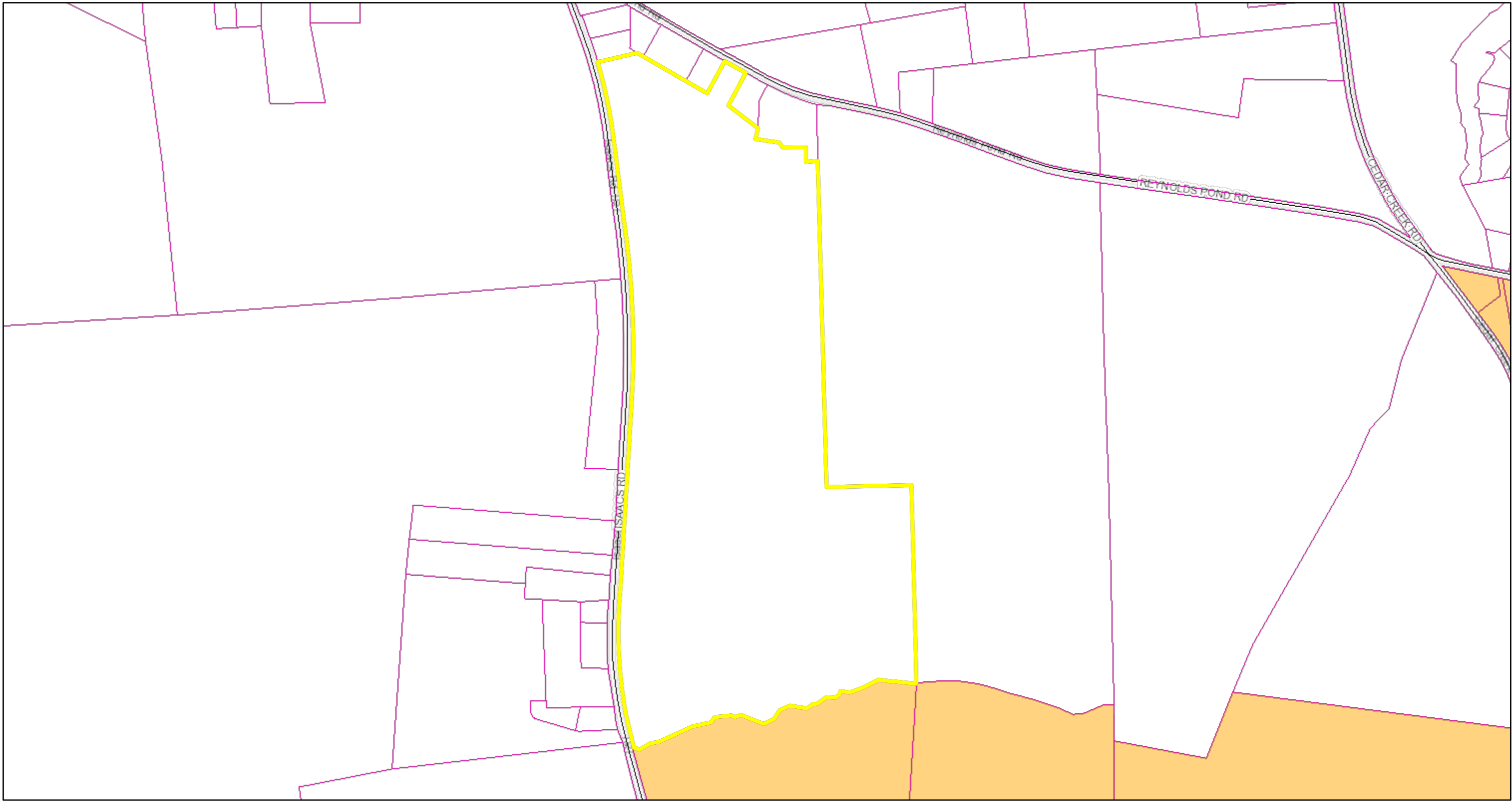
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:18,056



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

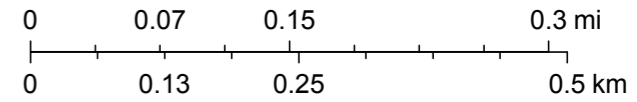
# Sussex County



February 23, 2021

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

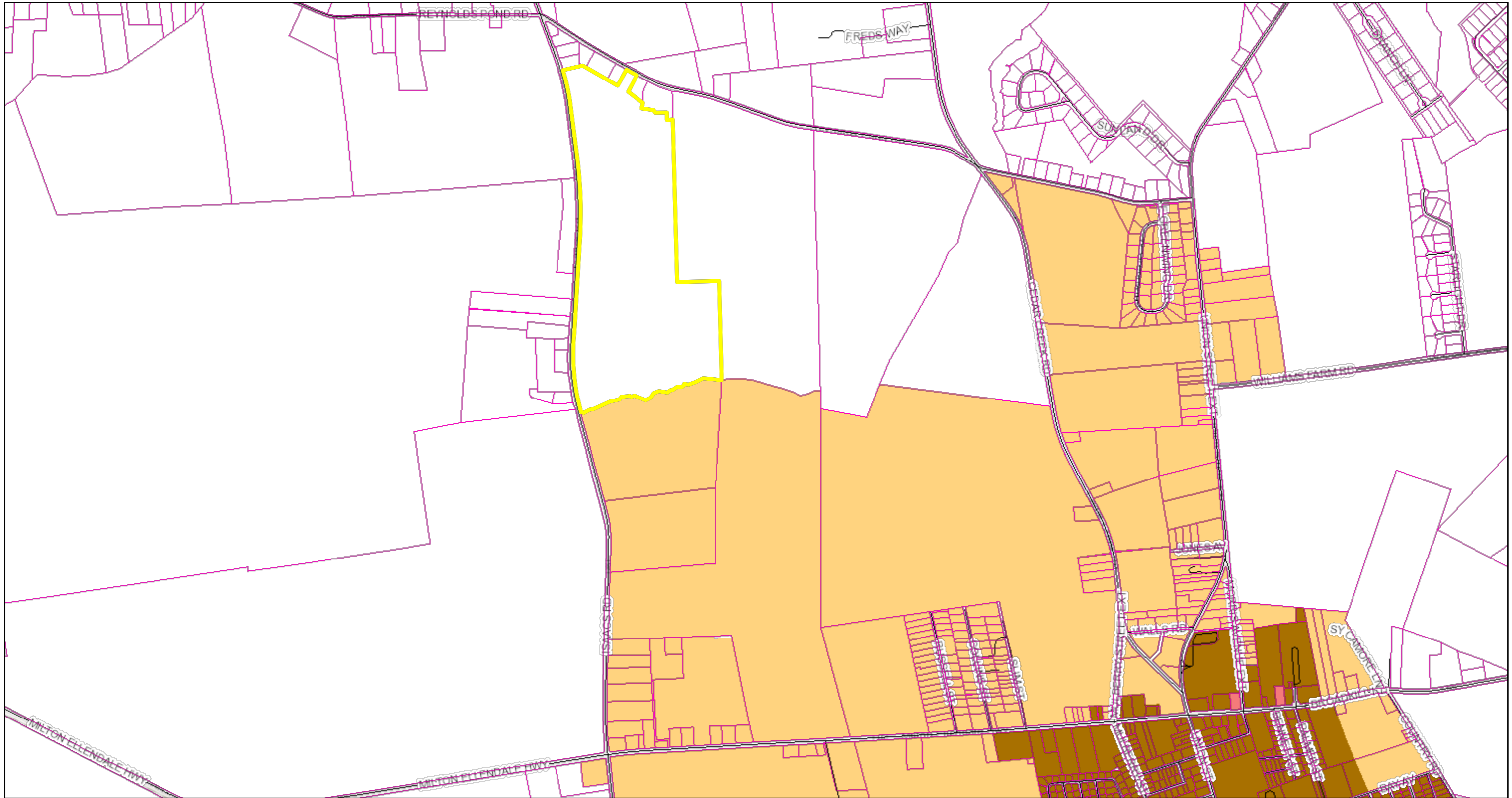
1:9,028



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



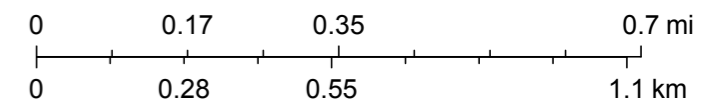
# Sussex County



February 23, 2021

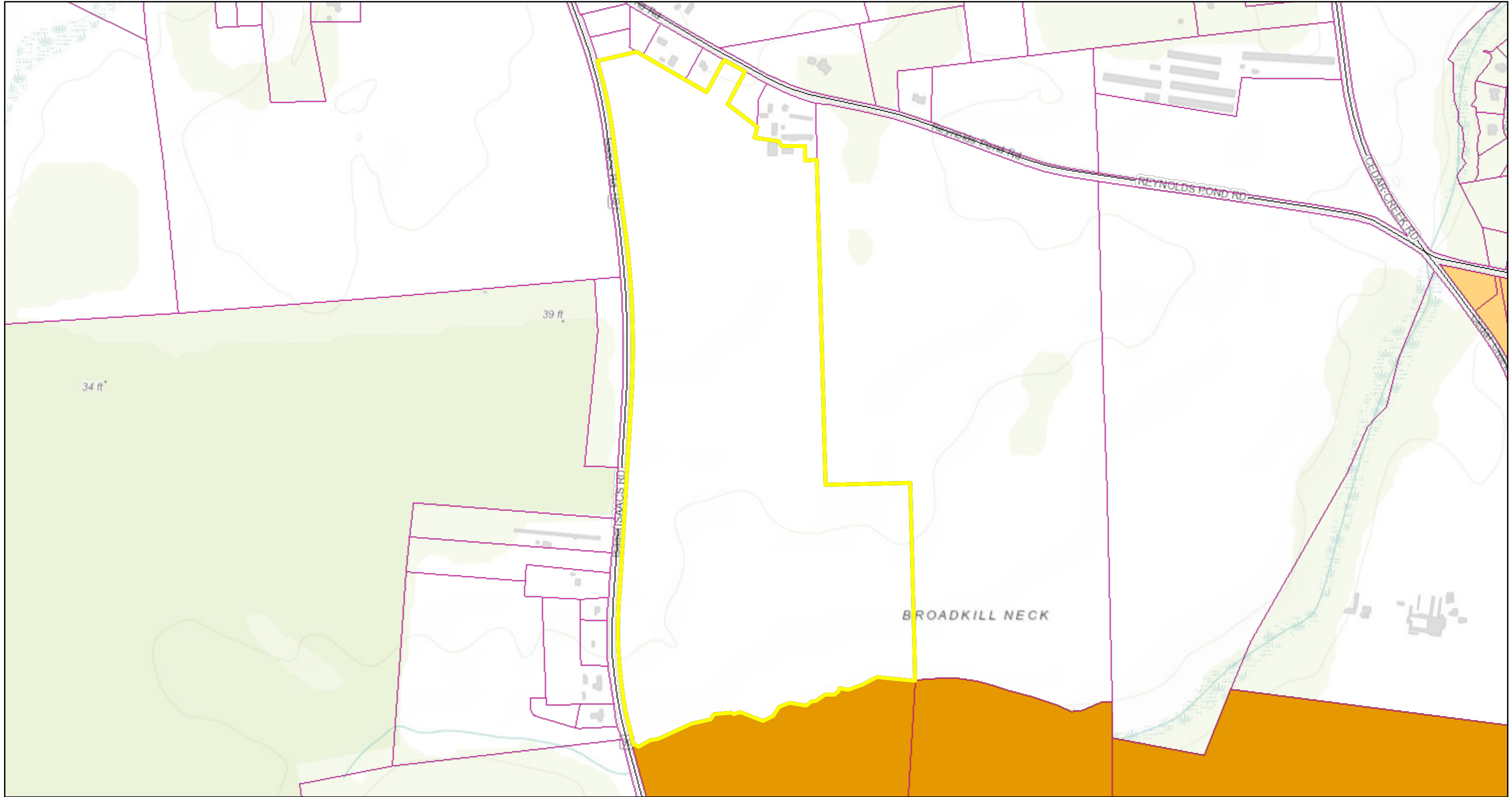
- |             |                      |                           |                |
|-------------|----------------------|---------------------------|----------------|
| Override 1  | County Boundaries    | Commercial                | Municipalities |
| Override 1  | 2019 Future Land Use | Developing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

1:18,056



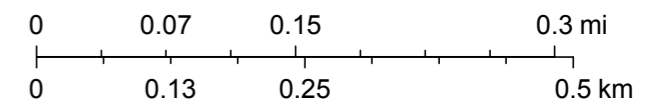
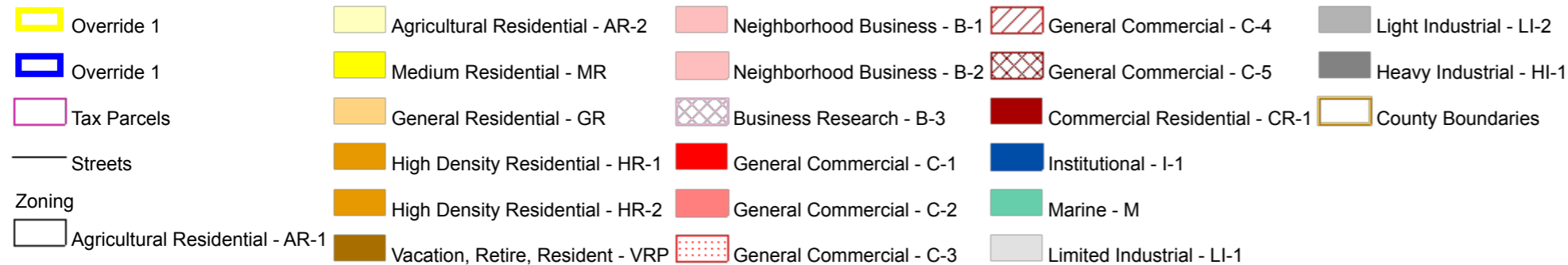
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# Sussex County



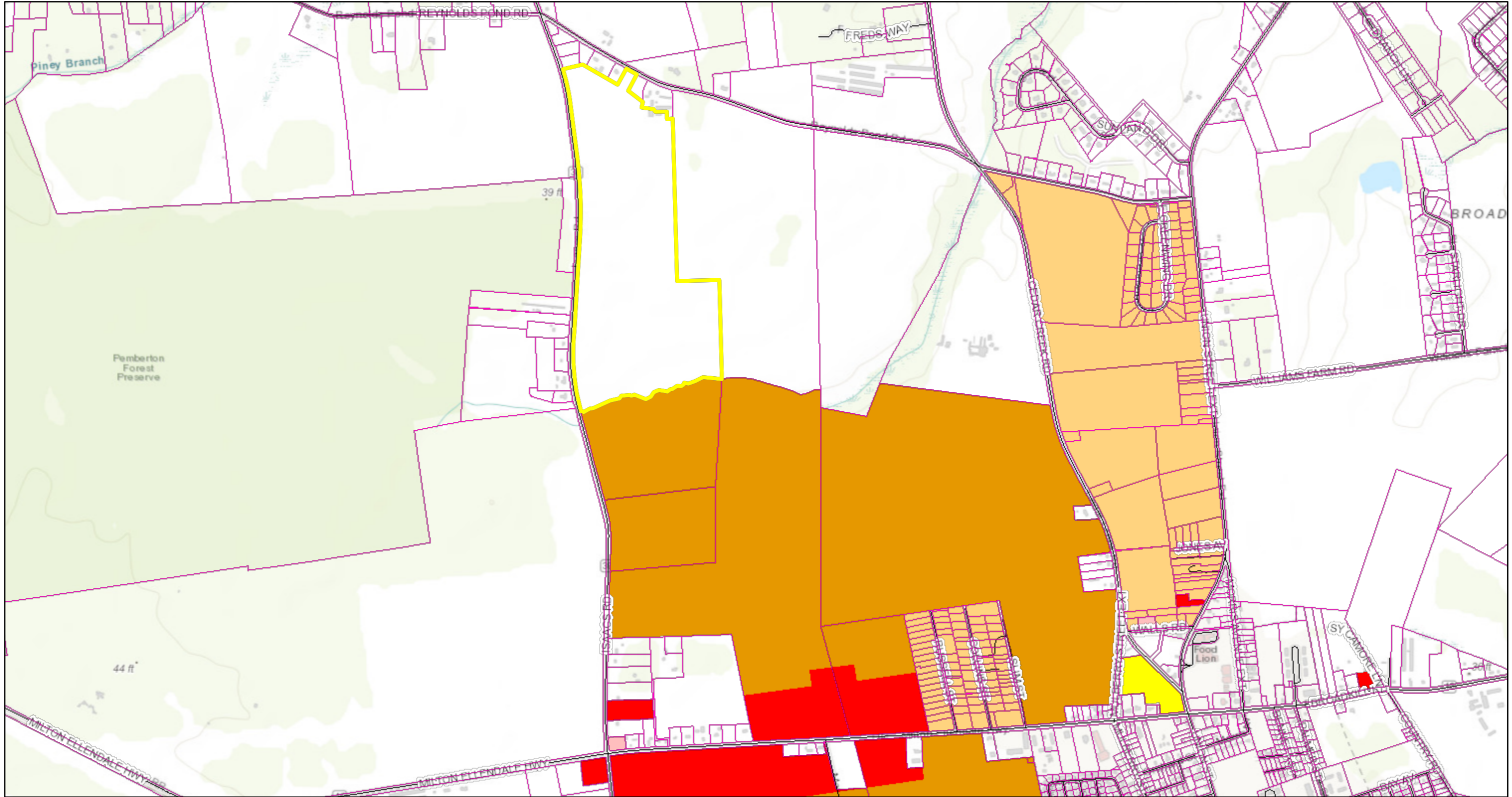
February 23, 2021

1:9,028



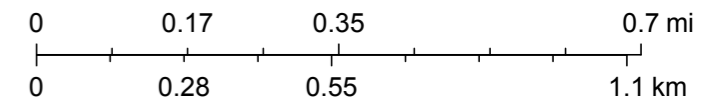
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

# Sussex County



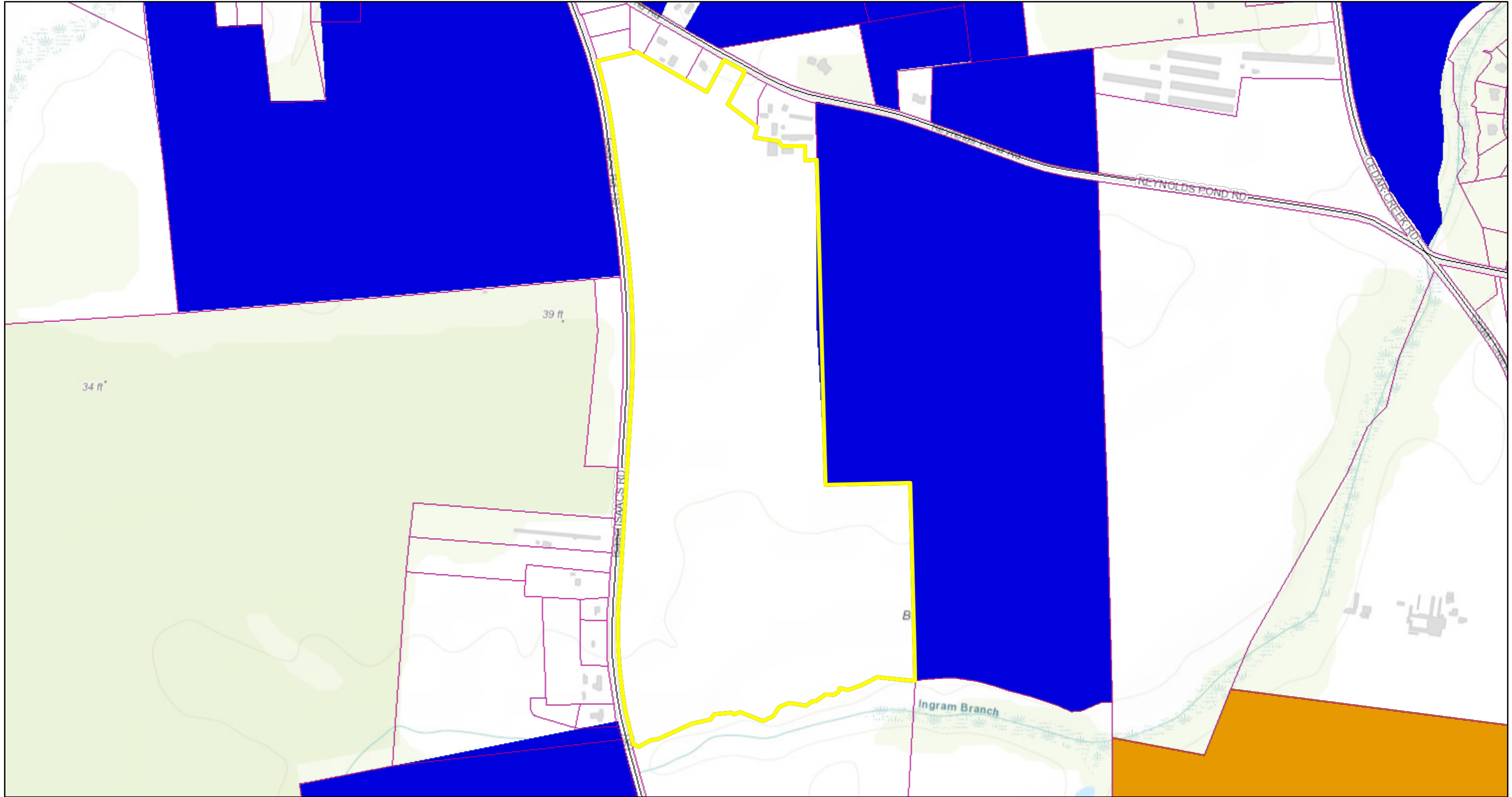
February 23, 2021

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

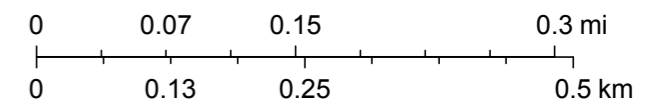
# Sussex County



February 23, 2021

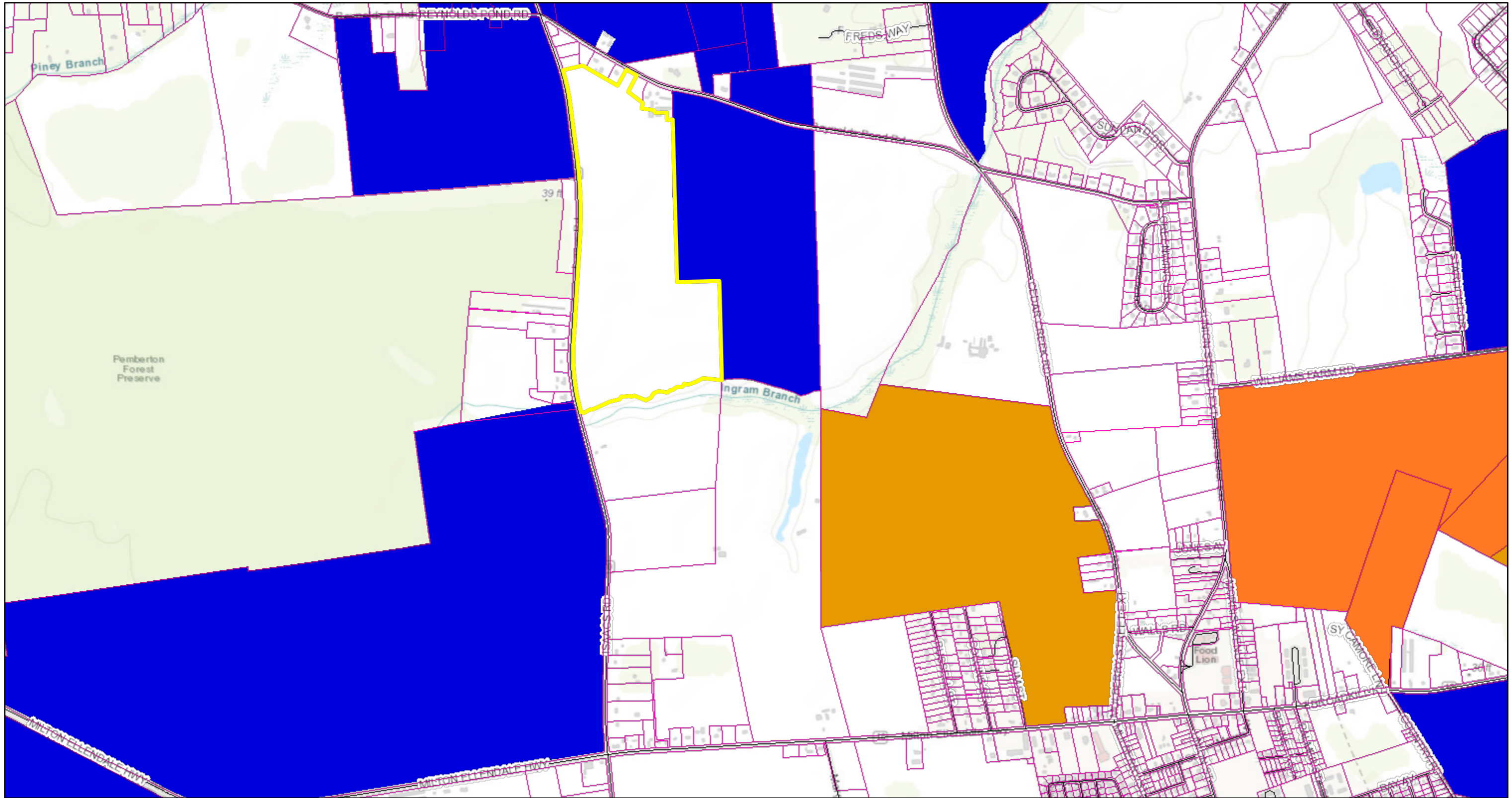
- |             |                                  |                                  |
|-------------|----------------------------------|----------------------------------|
| Override 1  | County Boundaries                | Agricultural Expansion           |
| Override 1  | <b>Ag Preservation Districts</b> | <b>Forest Land Preservation</b>  |
| Tax Parcels | Agricultural Easement            | Forestland Preservation Area     |
| Streets     | Agricultural District            | Forestland Preservation Easement |

1:9,028













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

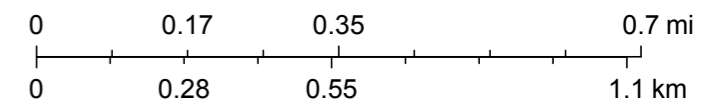
# Sussex County



February 23, 2021

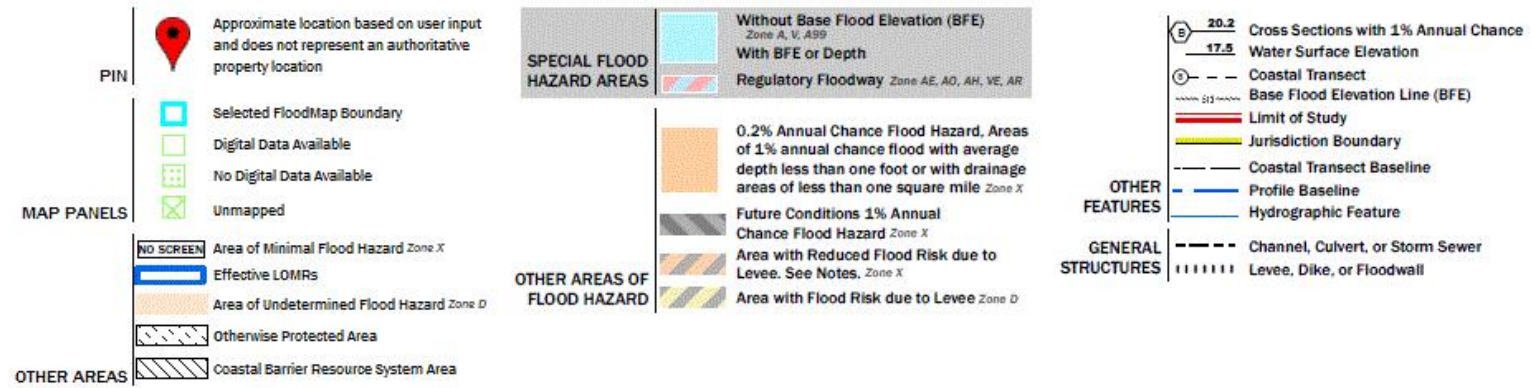
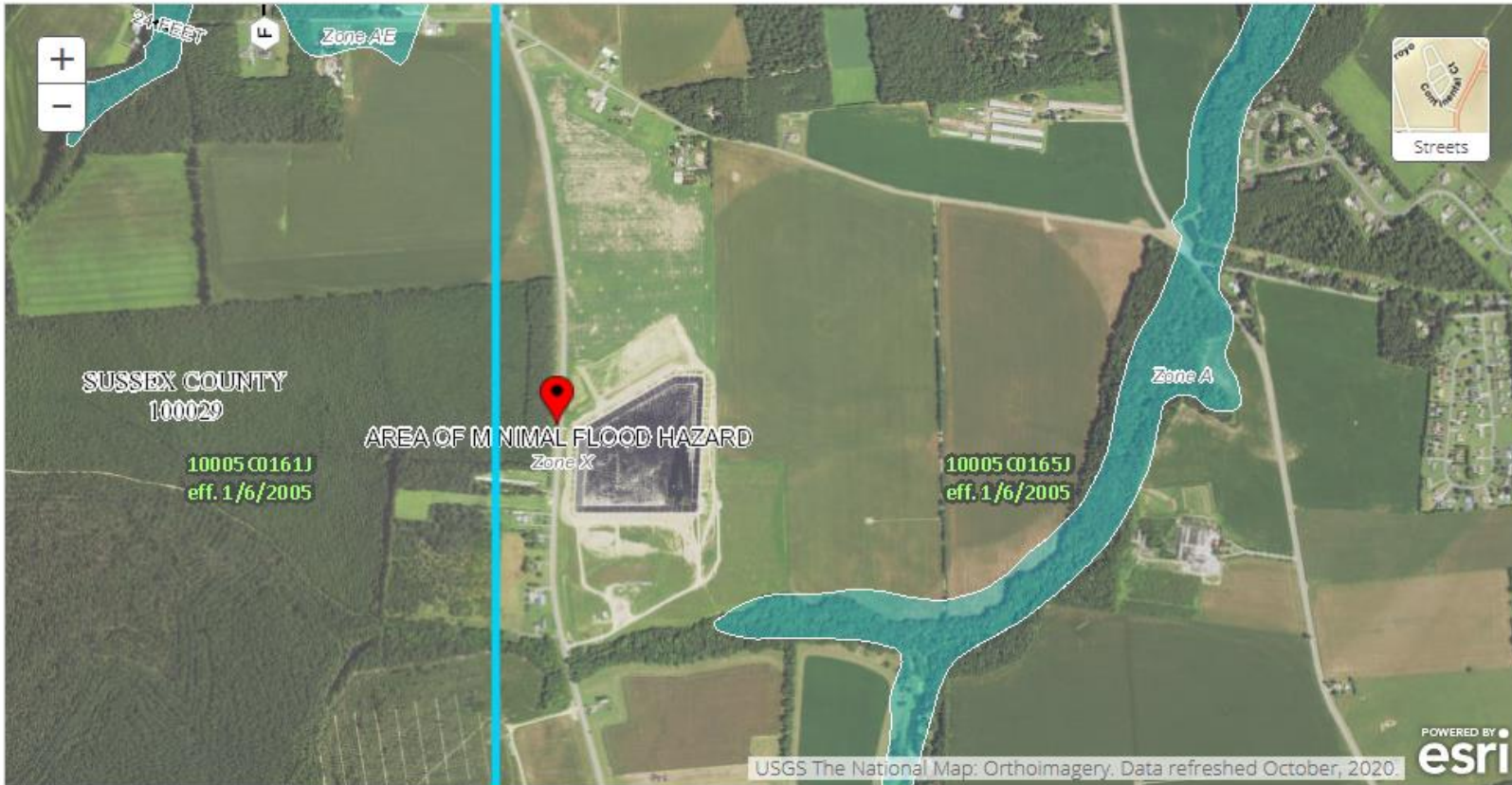
1:18,056

- |  |   |  |
|--|---|--|
|  Override 1  |  County Boundaries     |  Agricultural Expansion           |
|  Override 1  |  Agricultural Easement |  Forestland Preservation Area     |
|  Tax Parcels |  Agricultural District |  Forestland Preservation Easement |
|  Streets     |   |  |



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

TAB “8”



TAB “9”





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

March 1, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Artesian Wastewater Management, Inc.** conditional use application, which we received on February 1, 2019. This application is for a 52.75-acre parcel (Tax Parcel: 235-6.00-28.00). The subject land is located on the south side of Reynolds Pond Road (Sussex Road 231) and east of Isaacs Road (Sussex Road 230), approximately 750 feet southeast of the intersection of Isaacs Road and Reynold Pond Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to expand the existing wastewater treatment plant.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Isaacs Road where the subject land is located is 3,289 vehicles per day. As the subject land also has frontage along Reynolds Pond Road, the annual average daily traffic volume along that road segment, which is from Isaacs Road to Delaware Route 5, is 620 vehicles per day.

Based on our review, we estimate that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell

Page 2 of 2

March 1, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Artesian Wastewater Management, Inc, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

TAB “10”

CALL BEFORE YOU DIG  
MISS UTILITY OF DELMARVA  
1-800-282-8555 (IN DE.)  
PLEASE GIVE TWO WORKING DAYS  
ADVANCE NOTICE

THIS DRAWING DOES NOT INCLUDE NECESSARY  
COMPONENTS FOR CONSTRUCTION SAFETY.

ALL CONSTRUCTION MUST BE DONE IN  
COMPLIANCE WITH THE OCCUPATIONAL SAFETY  
AND HEALTH ACT OF 1970 AND ALL RULES AND  
REGULATIONS THERETO APPURTENANT.

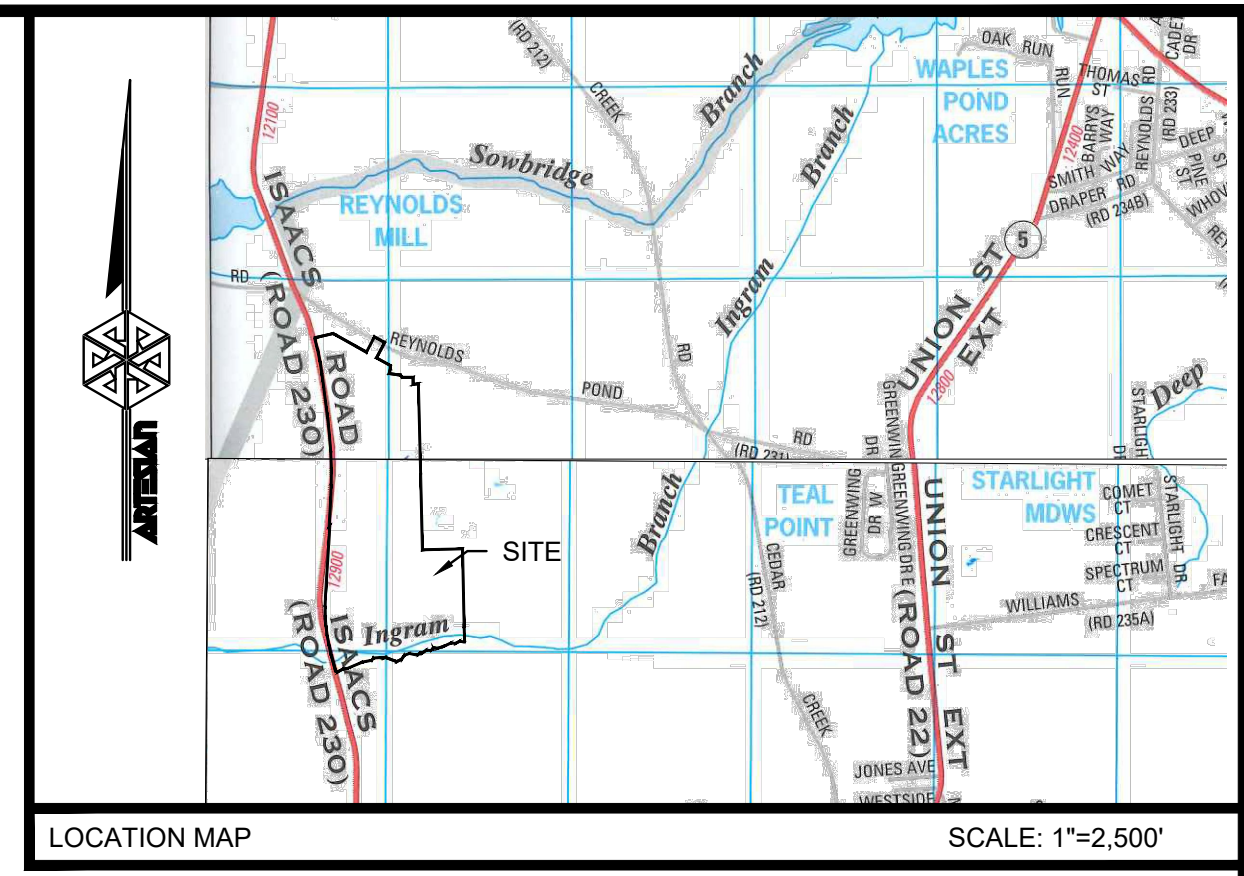
# PRELIMINARY SITE PLAN

## SUSSEX REGIONAL RECHARGE FACILITY (SRRF)

FORMERLY KNOWN AS ARTESIAN NORTHERN SUSSEX REGIONAL WATER RECHARGE FACILITY (ANSRWRF)

SITUATED IN

### SUSSEX COUNTY \* STATE OF DELAWARE



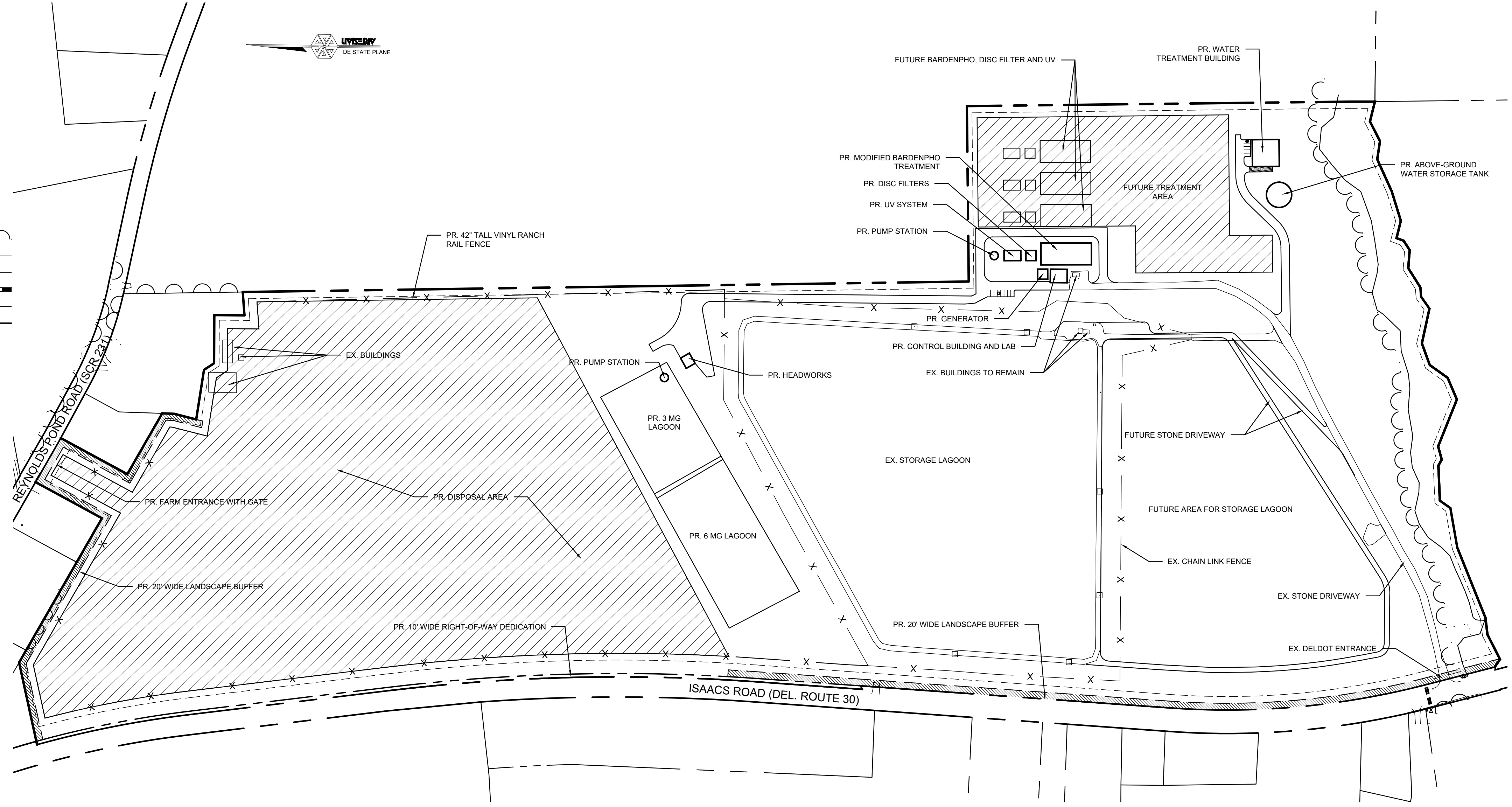
#### LEGEND

EXISTING PROPERTY LINE  
ADJACENT PROPERTY LINE  
PROPOSED SETBACK LINE  
EXISTING CENTERLINE  
EXISTING FENCE  
FENCE LINE  
PROPOSED BUFFER  
EXISTING PUBLIC R.O.W.  
PROPOSED PUBLIC R.O.W.  
EXISTING EASEMENT LINE  
PROPOSED EASEMENT LINE  
WETLANDS LINE

**EXISTING**      **PROPOSED**

TREELINE  
SANITARY SEWER  
WATER LINE  
STORM SEWER  
ELECTRIC  
CONTOUR  
HYDRANT  
SPOT ELEVATIONS  
CULVERT (W/F.E.S.)  
SIGN  
STORM MANHOLE  
CATCH BASIN  
WELL  
UTILITY POLE & GUY WIRE  
HANDICAP PARKING STALL  
NUMBER OF PARKING STALLS IN ROW  
IRON PIPE FOUND  
IRON PIPE SET  
CONCRETE MONUMENT FOUND  
TEST PIT LOCATION  
FIRE DEPARTMENT CONNECTION  
TREES  
DIRECTIONAL FLOW ARROW  
LIGHT POLE  
CONCRETE  
WETLANDS FLAG

HATCHING REPRESENTS AREA TO HAVE A MEDIUM DENSITY FORESTED AND/OR LANDSCAPE BUFFER STRIP: 5 TREES/100' @ 20 FT. WIDE



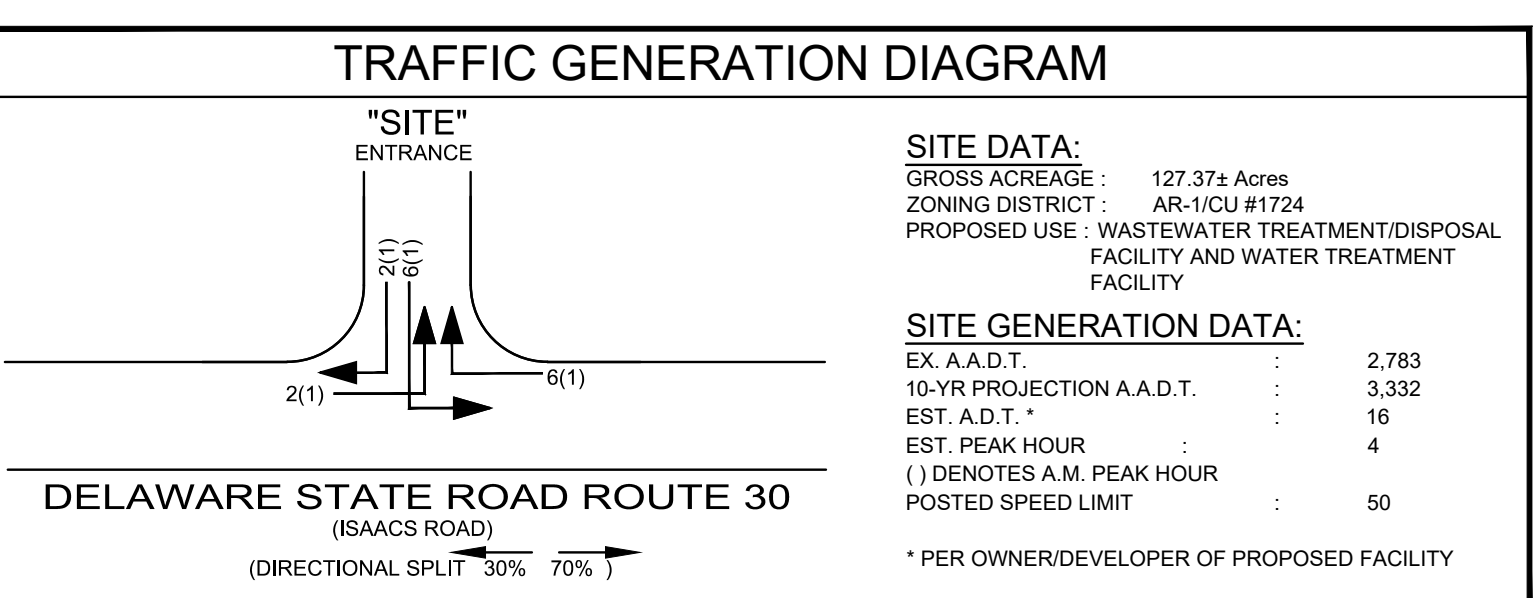
#### PLAN DATA

PARCEL I.D. NO.	235-6.00-28.00
ZONING DISTRICT	AR-1 CU #1724
PROPOSED USE	WASTEWATER TREATMENT/DISPOSAL FACILITY AND WATER TREATMENT FACILITY
GROSS ACREAGE	127.37+/- ACRES
OWNER/DEVELOPER	ARTESIAN WASTEWATER MANAGEMENT, INC. 664 CHURCHMANS ROAD NEWARK, DE 19702 (302) 453-7300
DEED REFERENCE	DEED BOOK 3596, PAGE 064
PLAT BOOK REFERENCE	PLAT BOOK 286, PAGE 46
SEWAGE DISPOSAL	ARTESIAN WASTEWATER MANAGEMENT, INC. SEWAGE SYSTEMS SEWERAGE IS SUBJECT TO APPROVAL OF THE THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	ARTESIAN WATER COMPANY, INC. WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
WATERSHED	BROADKILL RIVER

**BUILDING SETBACK REQUIREMENTS:**  
MIN. DEPTH OF FRONT YARD (FT.) = 40'  
MIN. WIDTH OF SIDE YARD (FT.) = 15'  
MIN. DEPTH OF REAR YARD (FT.) = 20'  
MAX. BUILDING HEIGHT (FT.) = 42'

**PARKING RATIONALE:**  
PARKING REQUIRED: N/A  
PARKING PROVIDED: 17 SPACES \* PER OWNER/DEVELOPER OF PROPOSED FACILITY (INCLUDING 1 HANDICAP SPACE)

- NOTES:**
- SURVEY SHOWN IS BASED ON A FIELD SURVEY BY ARTESIAN WATER COMPANY, INC., FOUND MONUMENTS IN THE FIELD AND ALSO BASED ON A PLAN AND SURVEY BY MERIDIAN ARCHITECTS AND ENGINEERS DATED 2-21-06, ENTITLED RECORD MINOR SUBDIVISION PLAN - OCKELS FARM, RECORDED IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DELAWARE IN PLAT BOOK 112 PAGE 95. IT IS ALSO BASED ON PLOT BOOK 61 PAGE 278, SURVEY BY ADAMS-KEMP FOR THE ABOVE PARCEL, PLOT BOOK 61 PAGE 151 SURVEY BY ADAMS-KEMP DATED 5-1-2000 AND PLOT BOOK 95 PAGE 281 A SUBDIVISION PLAN BY ADAMS-KEMP DATED 8-4-2005.
  - THERE ARE WETLANDS ON THIS SITE AS PER THE NATIONAL WETLANDS INVENTORY MAP.
  - AREAS OF THIS SITE ARE LOCATED IN: ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A (AREAS OF SPECIAL FLOOD HAZARD, WITHOUT BASE FLOOD ELEVATION) AS PER FIRM MAP 10005C0165J EFFECTIVE 1/16/2005.



**OWNER/DEVELOPER CERTIFICATION**  
I, HEREBY CERTIFY THAT I AM THE LEGAL REPRESENTATIVE FOR THE FORCE MAIN AND ASSOCIATED CONSTRUCTION IMPROVEMENTS SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DAVID SPACHT, V.P.  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 CHURCHMANS ROAD  
NEWARK, DE 19702  
PHONE: (302) 453-6900  
FAX: (302) 453-5800

DATE: \_\_\_\_\_

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

DANIEL W. KONSTANSKI, P.E.  
ARTESIAN WASTEWATER MANAGEMENT, INC.  
664 CHURCHMANS ROAD  
NEWARK, DE 19702  
PHONE: (302) 453-6900  
FAX: (302) 453-5800

DATE: \_\_\_\_\_

THE PURPOSE OF THIS PLAN IS TO REQUEST THE EXPANSION OF CONDITIONAL USE #1724 AND TO AMEND THE CONDITIONS OF THE APPROVED FINAL SITE PLAN THAT WAS RECORDED BY PLAT BOOK 286, PAGE 46.

#### INDEX OF SHEETS

COVER SHEET	SHEET 1
PRELIMINARY SITE PLAN	SHEET 2
NOTES & DETAILS PLAN	SHEET 3

REFER TO THE ABOVE INDEX FOR THE LOCATION OF OTHER DETAILS REQUIRED FOR SITE IMPROVEMENTS.

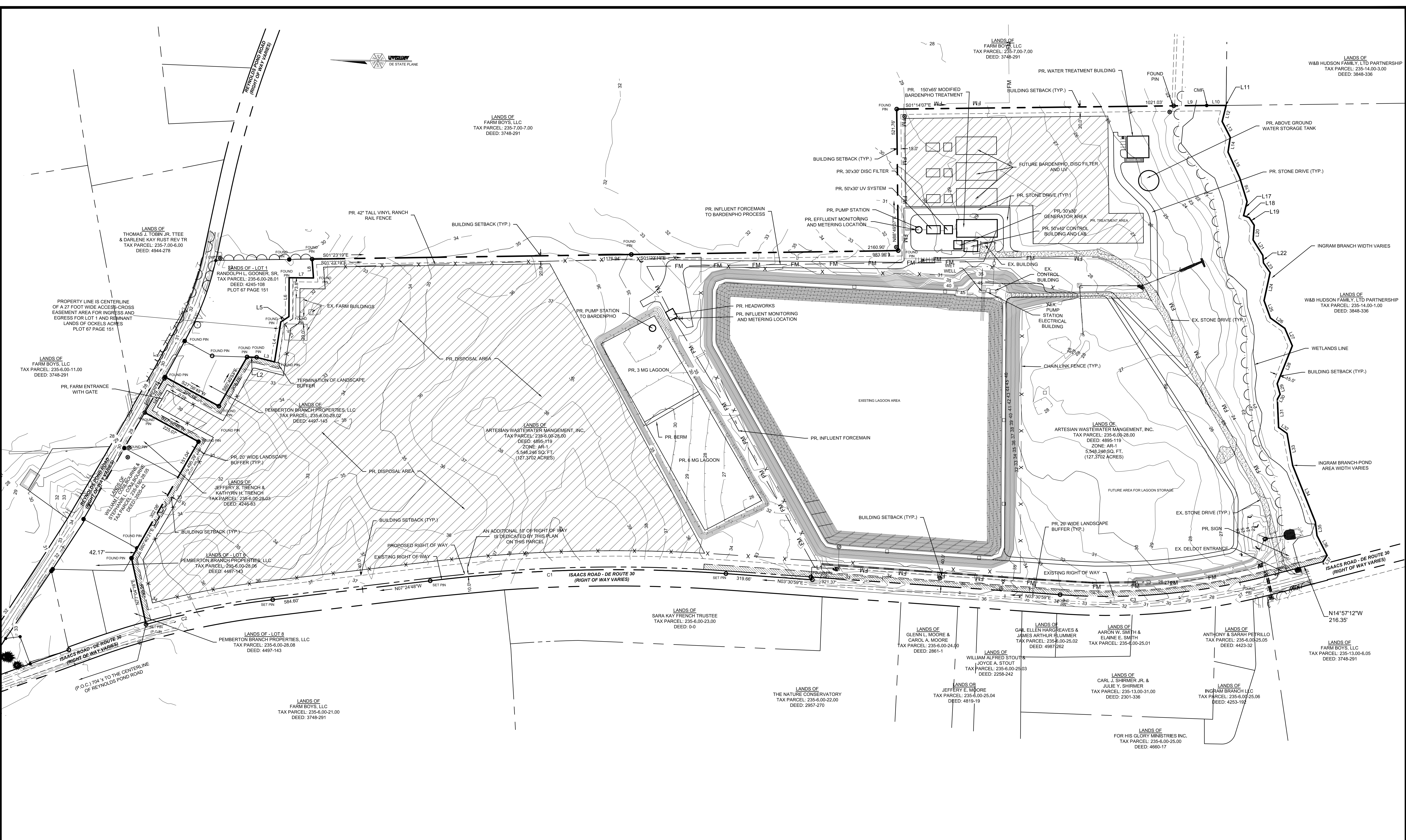
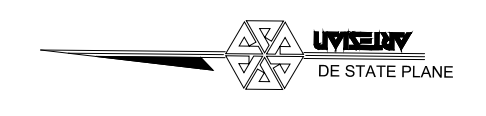
664 Churchmans Road  
Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 453-6900 Fax: (302) 453-5800

REVISIONS:	DESCRIPTION	BY	DATE
1	REV. PER ARTESIAN	AP	12/9/19
2	REV. PER ARTESIAN	KEG	2/25/21

Date:	10/2/19	Checked By:	DK	Sheet	1 of 3
Scale:	1"=200'	Page & Grid:		Hundred:	BROADKILL
Drawn By:	KEG	CAD File:	PRELIM SITE PLAN.dwg	Budget No.	3003456

**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY      STATE OF DELAWARE



**ARTESIAN**  
ARTESIAN WASTEWATER MANAGEMENT, INC.

664 Churchmans Road  
Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 453-6900 Fax: (302) 453-5800

REVISIONS:	DESCRIPTION	BY	DATE
1	REV. PER ARTESIAN	AP	12/9/19
2	REV. PER ARTESIAN	KEG	2/25/21

Date:	10/2/19	Checked By:	DK
Scale:	1"=150'	Page & Grid:	
Drawn By:	KEG	CAD File:	PRELIM SITE PLAN.dwg
		Budget No.	3003456

**PRELIMINARY SITE PLAN**  
**SUSSEX REGIONAL RECHARGE FACILITY**

SUSSEX COUNTY STATE OF DELAWARE

150 0 150 300 450

G:\ENG\_PROJECTS\SUSSEX\1. ANSWARE WASTEWATER\DESIGN\DRAWINGS\ACTUAL SHEETS\PRELIM SITE PLAN.dwg, 1:25, 2021 11:16:06 PM

# FORESTED AND/OR LANDSCAPE BUFFER

THE BUFFER STRIP SHALL BE A MINIMUM OF 20 FEET WIDE AND SHALL REMAIN FREE OF BUILDINGS, STREETS, STORMWATER MANAGEMENT AREAS OR FACILITIES, OPEN SPACE, WASTEWATER TREATMENT AND/OR DISPOSAL FACILITIES, WATER TREATMENT FACILITIES OR OTHER SURFACE IMPROVEMENTS. A LANDSCAPE PLAN FOR THE BUFFER SHALL BE DESIGNED AND CERTIFIED TO BY A LICENSED LANDSCAPE ARCHITECT, LICENSED FORESTER OR FORESTER DESIGNATED BY THE SOCIETY OF AMERICAN FORESTERS AS A CERTIFIED FORESTER. THE LANDSCAPE PLAN SHALL BE REVIEWED AND COMMENTED ON BY THE STATE FORESTER AND SHALL BE SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE COMMISSION.

HATCHING REPRESENTS AREA TO HAVE A MEDIUM DENSITY FORESTED AND/OR LANDSCAPE BUFFER STRIP: 5 TREES/100' @ 20 FT. WIDE

\*\*REFER TO LANDSCAPE PLAN PREPARED BY LEANN SCHNAPPINGER BRIDGMAN, RLA DATED 2/24/21 FOR MORE DETAIL.

## FORESTED BUFFER CONDITIONS:

A. ALL TREES THAT ARE TO BE PLANTED SHALL INCLUDE A MIX OF 70% DECIDUOUS SHADE TREES AND 30% EVERGREEN TREES, A MAJORITY OF WHICH SHALL BE SUITABLE TREES OF COMMON LOCAL SPECIES, WHICH MAY INCLUDE EXISTING AS WELL AS PLANTED TREES.

B. ALL DECIDUOUS TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES AND A MINIMUM HEIGHT OF 6 FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THE TREES WILL BE CAPABLE OF OBTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN 5 YEARS OF BEING PLANTED; AND

C. ALL EVERGREEN TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF 5 FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THEY ARE REASONABLY CAPABLE OF ATTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN 5 YEARS OF BEING PLANTED; AND

D. THE LANDSCAPE PLAN MAY INCLUDE SUITABLE EXISTING DECIDUOUS AND EVERGREEN TREES OF COMMON LOCAL SPECIES PROVIDED THEY WILL ACHIEVE THE OVERALL GOAL OF THE PLAN AS DESCRIBED IN SUBSECTION F HEREOF AND PROVIDED THAT SAID EXISTING TREES SURVIVE THE SITE WORK CONSTRUCTION ACTIVITY AND ANY CHANGES IN THE WATER TABLE AND EXPOSURE WHICH MAY RESULT FROM THE CONSTRUCTION ACTIVITY OCCURRING PRIOR TO THE DATE THE BUFFER PLANTINGS ARE REQUIRED TO BE INSTALLED AS PROVIDED IN SUBSECTION F HEREOF; AND

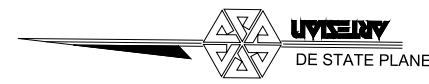
E. THE GOAL OF THE LANDSCAPE PLAN FOR THE FORESTED BUFFER AREA SHALL BE TO INCLUDE TREES OF THE TYPE INDICATED HEREIN THAT WILL BE PLANTED IN A STAGGERED NATURAL MANNER, AS OPPOSED TO BEING PLANTED IN ROW FASHION, WHICH WILL FILTER VIEWS FROM AND INTO THE SUBDIVISION IN SUCH A MANNER THAT THE AREAS ON THE AGRICULTURAL SIDE OF THE BUFFER AREA APPEAR MORE GREEN AND LESS VISIBLE AND THE STRUCTURES OR USES ON THE SUBDIVISION SIDE APPEAR LESS OBVIOUS AND LESS DENSE THAN IF NO LANDSCAPING HAD BEEN REQUIRED. THE PROCEDURES AND DETAILS FOR PLANTING NEW TREES SHALL BE SPECIFIED BY THE LANDSCAPE ARCHITECT ON THE PLAN SUBMITTED TO AND APPROVED BY THE COMMISSION AND SHALL INCLUDE THE REQUIREMENT THAT THE BUFFER AREA SHALL HAVE A FINAL GRADE THAT CONTAINS A MINIMUM OF 4 INCHES OF TOPSOIL AND A SUITABLE GRASS MIX PLANTED AS SACRIFICIAL COVER BETWEEN THE BUFFER TREES FOR SOIL STABILIZATION UNTIL THE NEWLY PLANTED TREES BECOME LARGER. THE PLAN MAY SUBSTITUTE WOODCHIPS FOR PLANTED GRASS BETWEEN THE BUFFER TREES IN RESPECT TO BOTH NEWLY PLANTED AND EXISTING TREES, AS DETERMINED BY THE LANDSCAPE ARCHITECT; AND

F. THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE COMMISSION. FOR PROJECTS THAT ARE APPROVED TO BE CONSTRUCTED IN PHASES, THE BUFFER FOR EACH PHASE MUST BE COMPLETED BEFORE COUNTY APPROVALS OR PERMITS WILL BE GRANTED TO CONSTRUCT THE NEXT PHASE; AND

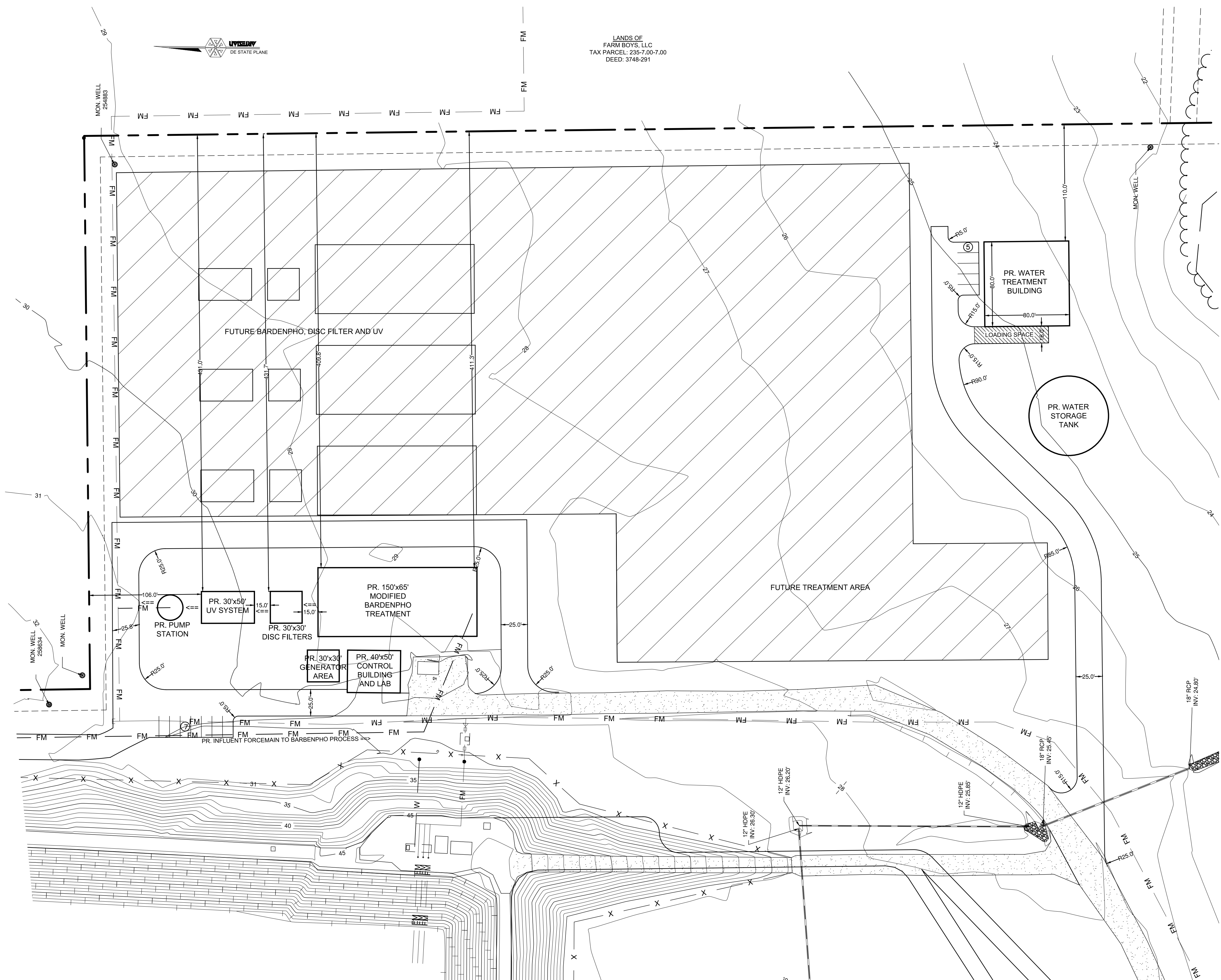
G. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO THE OWNER, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO THE OWNER; AND

H. THE 20 FOOT FORESTED AND/OR LANDSCAPE BUFFER STRIP IS NOT REQUIRED TO BE INSTALLED IN THOSE PORTIONS OF THE PROJECT PERIMETER WHICH (1) REPRESENT THE WIDTH OF A RIGHT-OF-WAY CONNECTOR ROAD OR STREET THAT DELDOT OR THE COMMISSION REQUIRED THE APPLICANT TO INSTALL PURSUANT TO 99-17.D AND THE WIDTH OF A STORMWATER OUTFALL SHOWN ON THE FINAL SITE PLAN TO DRAIN SURFACE OR STORMWATER OUTSIDE THE PERIMETER OF THE PROJECT OR ADJACENT TO THE SPRAY APPLICATION FIELD FOR THE SITE.

I. THE LANDSCAPE PLAN SHALL AVOID PLACING PLANTED TREES OR ALLOWING EXISTING TREES TO REMAIN IN THE AREAS ADJACENT TO ENTRANCES INTO AND EXITS FROM THE PROJECT IN SUCH A MANNER AS TO RESTRICT THE VIEW OF MOTORISTS ENTERING OR EXITING FROM THE PROJECT OR RESTRICTING SITE LINES FOR MOTORISTS IN SUCH A MANNER AS TO CREATE A POTENTIAL SAFETY HAZARD.



LANDS OF FARM BOYS, LLC  
TAX PARCEL: 235-7.00-7.00  
DEED: 3748-291



SEGMENT	DIRECTION	LENGTH
L1	N60°20'33"E	11.95'
L2	S1°19'45"W	35.28'
L3	S13°44'06"W	68.08'
L4	S81°37'46"E	149.19'
L5	S33°48'27"E	35.79'
L6	N89°43'48"E	143.41'
L7	S0°1'00"E	89.76'
L8	N85°09'22"E	69.66'
L9	S1°11'34"E	121.70'
L10	S0°31'08"E	67.99'
L11	S1°49'06"E	3.83'
L12	N78°37'40"W	61.00'
L13	S62°15'51"W	65.58'
L14	N81°52'39"W	54.87'
L15	S64°58'28"W	104.11'
L16	S72°20'38"W	92.18'
L17	N76°33'02"W	53.12'
L18	S19°21'25"W	22.31'

SEGMENT	DIRECTION	LENGTH
L19	S56°05'38"W	33.26'
L20	N86°06'38"W	54.21'
L21	S57°17'19"W	67.56'
L22	S84°53'45"W	27.63'
L23	S54°30'27"W	43.31'
L24	N78°16'21"W	105.88'
L25	S69°23'51"W	68.48'
L26	S35°03'35"W	65.44'
L27	S66°15'43"W	70.02'
L28	S73°55'18"W	40.36'
L29	S73°55'18"W	40.36'
L30	N61°26'03"W	20.67'
L31	S86°59'47"W	104.34'
L32	S34°45'01"W	38.26'
L33	S79°30'32"W	119.42'
L34	S67°35'08"W	224.87'
L35	S82°34'41"W	50.27'
L36	S62°27'35"W	82.44'
L37	N56°41'24"W	27.97'

SEGMENT	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	1091.99'	5724.20'	N1°56'55"W	1090.33'
C2	476.32'	3088.87'	N1°34'25"W	475.85'
C3	765.46'	2398.26'	N9°39'17"W	762.10'

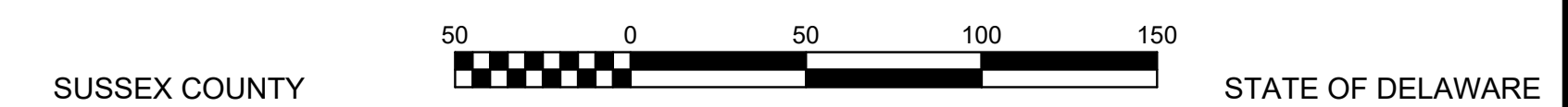


664 Churchmans Road  
Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 453-6900 Fax: (302) 453-5800

NO.	DESCRIPTION	BY	DATE
1	REV. PER ARTESIAN	AP	12/9/19
2	REV. PER ARTESIAN	KEG	2/25/21

Date: 10/2/19	Checked By: DK	Sheet 3 of 3
Scale: 1"=50'	Page & Grid:	Hundred: BROADKILL
Drawn By: KEG	CAD File: PRELIM SITE PLAN.dwg	Budget No. 3003456

## PRELIMINARY SITE PLAN SUSSEX REGIONAL RECHARGE FACILITY



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TAB “11”

## **Project Overview**

### **Background**

This project is known as the Southern Regional Recharge Facility (SRRF), previously referred to as the Artesian Northern Sussex Regional Water Recharge Facility (ANSRWRF). SRRF will serve as a regional facility to meet current and future wastewater needs within the Artesian Wastewater Management, Inc. (AWMI) service territories in Sussex County. The facility is owned and operated by AWMI.

North Milton Group II, the prior owner of the property, sought a conditional use from Sussex County for a sewage treatment plant on 74.61 acres along Delaware Route 30 (Isaacs Road). County Council granted approval of that conditional use on June 27, 2006 (Conditional Use Permit No. 1724, Ordinance No. 1922). In 2018, AWMI purchased an adjacent parcel of 52.75 acres and subsequently combined the two tracts of land through a lot line adjustment. This combined lot consists of approximately 127 acres. In the pending conditional use application (No. 2208), AWMI proposes the expansion of the approvals under Conditional Use Permit No. 1724 to the entirety of this combined lot, including, but not limited to, the use of the entire tract for treatment, storage and disposal of wastewater.

SRRF utilizes treated wastewater for irrigation on privately owned agricultural land, under a lease held in perpetuity by AWMI. The irrigation sites total approximately 1,714 acres of land, which includes both wooded and agricultural acreage. The use of these lands for irrigation was approved by the Sussex County Council under Conditional Use Permit No. 1725 on June 27, 2006. These spray sites have been permanently placed in an Agricultural Preservation Easement by the Delaware Agricultural Lands Preservation Foundation. A Memorandum of Understanding between DNREC and the Delaware Department of Agriculture governs the land application of reclaimed wastewater on preserved agricultural lands.

### **Regulatory Process**

This project was initiated in 2006 with a Letter of Intent under the DNREC Guidance and Regulations Governing Land Treatment of Wastes (amended October 1999). On January 11, 2014, these rules were amended by the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.

The SRRF facility is being built in multiple phases. The first phase was constructed under DNREC Construction Permit # 359288-01, which was issued by DNREC in October of 2013 and amended in August 22, 2018. This phase was limited to the disposal facilities for treated effluent, including storage and spray facilities as further described below.

Phase 1 of the project included the construction of a storage lagoon and disposal spray fields D, E, F, and G to accept treated wastewater effluent from Allen Harim Foods, LLC (Allen Harim). The design average daily flow for phase 1 is 1.5 MGD with a peak flow of 2.0 MGD. Authorization



to operate Phase 1 was granted in Operations Permit #359288-02, which was issued by DNREC in March of 2020.

Phase 2 of the project is to construct an onsite wastewater treatment facility to treat 625,000 GPD (Peak Month Average Daily Inflow). The treatment facilities for Phase 2 will be constructed on the 75-acre SRRF site where the existing storage lagoon is located. This site has been approved by the Sussex County Council for wastewater treatment, and has been established as a suitable location for wastewater treatment by AWTMI and DNREC through the site selection process.

The site and Phase 1 construction permitting was approved by DNREC and then subsequently confirmed by the Environmental Appeals Board along with both the Delaware Superior and Supreme Courts (*Keep Our Wells Clean v. Dept. of Natural Resources and Environmental Control*, 2020 WL 4044072 (Del. Supr.)). All of these bodies confirmed that the construction permit satisfied the requirements of DNREC's Guidance and Regulations Governing Land Treatment of Wastes, as amended.

The application package for Phase 2 was filed with DNREC on February 7, 2021 (see attached email). The permitting application is presently under technical review by DNREC staff. The original plan was based on a capacity of 3.0 MGD built across several phases. The combined Phase 1 and Phase 2 capacity will be 2.125 MGD (Peak Month Average Daily Inflow), with 1.5 MGD utilizing offsite treatment at Allen Harim. Therefore, a large percentage of Phase 2's capacity is within the original scope of the facility. A 3M gallon diversion and flow equalization lagoon has been included in AWTMI's phase 2 DNREC permit application. This lagoon is located on the expanded parcel area.

In addition, a portion of the 127 acres that is the subject of this conditional use application has already been approved for use in disposal under Operations Permit #359288-02. The additional disposal areas outlined in the amended Conditional Use Application No. 2208 have been preliminarily studied by AWTMI and DNREC. Full approval by DNREC will be obtained prior to construction and operation.

### Objective

The objective is for Phase 2 to be operational by March of 2022. The critical path for Phase 2 of the project is to obtain land use approval through Sussex County's conditional use process and to complete the permitting process through DNREC.

## Hutt, David C.

---

**From:** Daniel Konstanski <DKonstanski@artesianwater.com>  
**Sent:** Tuesday, February 23, 2021 4:50 PM  
**To:** Hutt, David C.  
**Subject:** FW: EXTERNAL: RE: Artesian Wastewater Management Inc. (AWMI) SRRF Construction and Operations Permits Amendment Application Package

David,

Below is the email from DNREC confirming receipt of our most recent Construction and Operations Permit amendments package.

### Daniel Konstanski, P.E., BCEE

*Principal Engineer*

Office: (302).453.2396

Cell: (302) 803-1226



---

**From:** Rebar Jr., John J (DNREC) <John.Rebar@delaware.gov>  
**Sent:** Wednesday, February 10, 2021 1:51 PM  
**To:** Daniel Konstanski <DKonstanski@artesianwater.com>; Baust, Marlene M. (DNREC) <Marlene.Baust@delaware.gov>  
**Cc:** Dave Spacht <DSpacht@artesianwater.com>; Rodney Wyatt <RWyatt@artesianwater.com>; Stanley Siegfried <SSiegfried@artesianwater.com>; Nicki Taylor <NTaylor@artesianwater.com>; Dian C. Taylor <DTaylor@artesianwater.com>; John Thaeber <JThaeber@artesianwater.com>  
**Subject:** EXTERNAL: RE: Artesian Wastewater Management Inc. (AWMI) SRRF Construction and Operations Permits Amendment Application Package

**This email originated from outside the organization.  
Use caution when opening attachments or following links.**

---

Daniel,

The Department is in receipt of the application materials below. You can discontinue the use of the link. Thank you.

John

---

**From:** Daniel Konstanski <[DKonstanski@artesianwater.com](mailto:DKonstanski@artesianwater.com)>  
**Sent:** Sunday, February 07, 2021 11:45 AM  
**To:** Rebar Jr., John J (DNREC) <[John.Rebar@delaware.gov](mailto:John.Rebar@delaware.gov)>; Baust, Marlene M. (DNREC) <[Marlene.Baust@delaware.gov](mailto:Marlene.Baust@delaware.gov)>  
**Cc:** Dave Spacht <[DSpacht@artesianwater.com](mailto:DSpacht@artesianwater.com)>; Rodney Wyatt <[RWyatt@artesianwater.com](mailto:RWyatt@artesianwater.com)>; Stanley Siegfried <[SSiegfried@artesianwater.com](mailto:SSiegfried@artesianwater.com)>; Nicki Taylor <[NTaylor@artesianwater.com](mailto:NTaylor@artesianwater.com)>; Dian C. Taylor <[DTaylor@artesianwater.com](mailto:DTaylor@artesianwater.com)>; John Thaeber <[JThaeber@artesianwater.com](mailto:JThaeber@artesianwater.com)>  
**Subject:** Artesian Wastewater Management Inc. (AWMI) SRRF Construction and Operations Permits Amendment Application Package

John and Marlene,

Please find at the following link the application package for amending the SRRF Construction and Operations permits to include a new 625,000 gpd WWTP. At the link you will find 5 files:

- Applications with letter detailing what we are requesting
- Response letter explaining how the comments in John's comment letter have been addressed
- Design Engineering Report
- Drawing set
- Equipment Specifications

If you have any issues with the link or require additional information please let me know.

<https://www.dropbox.com/sh/tbmdb9dsbton2zr/AAAXK3SOpbwp8e13RCdNWNo3a?dl=0>

Please confirm receipt of this application package. Thank you!

**Daniel Konstanski, P.E., BCEE**

*Principal Engineer*

Office: (302).453.2396

Cell: (302) 803-1226



\*\*\* This e-mail and any files transmitted with it may contain confidential and/or proprietary information. It is intended solely for the use of the individual or entity who is the intended recipient. Unauthorized use of this information is prohibited. If you have received this in error, please contact the sender by replying to this message and delete this material from any system it may be on. \*\*\*

TAB “12”

**Bruce B. Bagley**  
**420 Cosden Road**  
**Barclay, Maryland 21607**  
**(410) 708-3854**

February 20, 2021

Mr. Rodney Wyatt  
Director of Operational Compliance  
Artesian Wastewater Management, Inc.  
644 Churchmans Road  
Newark, DE 19702

RE: Artesian Northern Sussex Regional Water Recharge Facility Rapid Infiltration Project,  
235-6.00-28.00 and 235-6.00-28.09, 3-34-13.00-28.09, Milton, Sussex, Delaware

Dear Mr. Wyatt,

This letter summarizes the results of my soil investigation of May to October, 2018 on the above referenced property for the purpose of identifying the soil type, soil infiltration rate and depth to seasonal high ground water at the proposed regional water recharge facility site.

The soils profile was examined by means of a hand auger soil borings and excavated test pits located within the proposed regional water recharge facility. All of the examined soil profile is described in detail and in accordance with standard (USDA, NRCS) techniques and nomenclature for the field descriptions of soils. A combination of approximately 400(+/-) soil borings and test pits were examined during the 5 month soils investigation, along with 15 to 20 double ring infiltrometers were conducted to determine infiltration rates across the site to analyze the site ability to be a regional water recharge facility. Department of Natural Resource and Environmental Control (DNREC) staff was present on site throughout the five month field investigation.

The proposed regional water recharge facility location occupies a flat, upland landscape position, which consists of well drained soils. After completing the field investigation studies necessary for determinate the sites suitability to support the regional water recharge facility, a Soils Investigation Report (SIR) and other environmental reports will be submitted to DNREC of their review, comment and approval.

If you have any questions please do not hesitate to contact me. I can be reached at (410) 708-3854 or email at [bruce.b.bagley@gmail.com](mailto:bruce.b.bagley@gmail.com).

Sincerely,



Bruce B. Bagley, CPSS  
Soil Scientist

TAB “13”



---

February 23, 2021

Mr. Daniel Konstanski, P.E.  
Principal Engineer  
Artesian Resources Corporation  
664 Churchmans Road  
Newark, DE 19702

**RE: Sussex Regional Recycling Facility (SRRF)  
Property on Isaacs and Reynolds Pond Road  
Site Characterization Status**

Dear Mr. Konstanski:

Artesian Wastewater Management, Inc. (AWMI) has initiated a Site Characterization Study for the above referenced site located west of City of Milton, Sussex County, Delaware. The DNREC requirements for Site Characterization are outlined in the Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems; Chapter 60, Section 6.0. Demicco and Associates, LLC has been providing the professional geological investigation for the site; specifically, Section 6.2.1.3 Site Reconnaissance and Section 6.2.3 Hydrogeologic Suitability Report (HSR). The HSR must be signed and sealed by a Delaware-licensed professional geologist.

### **Specific Tasks Completed to Date**

AWMI has initiated the Site Characterization by the submittal of a Letter of Intent (May 25, 2018) in compliance with Section 6.2.1 of the wastewater treatment regulations. The required hydrogeological reconnaissance has been undertaken prior to the actual fieldwork commencement. Reviewed as part of the hydrogeological reconnaissance were the published data on the region largely from the Delaware Geological Survey (DGS), the existing SRRF studies from the Construction Permit application, and follow-up site work for the Operation Permit application.

A meeting with DNREC, as required in Section 6.2.1.4, was held (May, 2018) to discuss the scope of work for both soil and hydrogeologic investigations. As discussed in the meeting, the HSR will be conducted as per the Section 6.2.3 regulations and will be initiated following completion of the Soil Investigation Report (SIR).



---

The Soils Reconnaissance and the field work portion of the SIR (Section 6.2.2) has been conducted to date by Mr. Bruce Bagley a Class D.3 soil scientist. The status of these investigations is presented under separate cover by Mr. Bagley.

The preliminary hydrogeological reconnaissance and our field observations during the SIR work indicates that **the site is suitable for the construction of a treated effluent disposal system**. However, the detailed investigations required under the HSR have not been conducted to date. Therefore, a reliable estimate of the quantity of treated effluent that can be discharge to the site in not known.

### **Specific Tasks to be Completed**

The HSR includes multiple types of geological investigations. Detail requirements for each of these tasks are presented in Section 6.2.3 of the DNREC regulations. The following presents a short list of these investigations:

- Geologic Drilling Investigation and Well Installation
- Ground Water Flow Investigation
- Wet Season Monitoring
- Aquifer Properties with Aquifer Testing
- Ambient Groundwater Quality
- Ground Water Mounding Analysis
- Basin Testing

Following completion of these tasks, the disposal capacity of the site will be developed. The HSR will be submitted to DNREC detailing the results of the investigation.

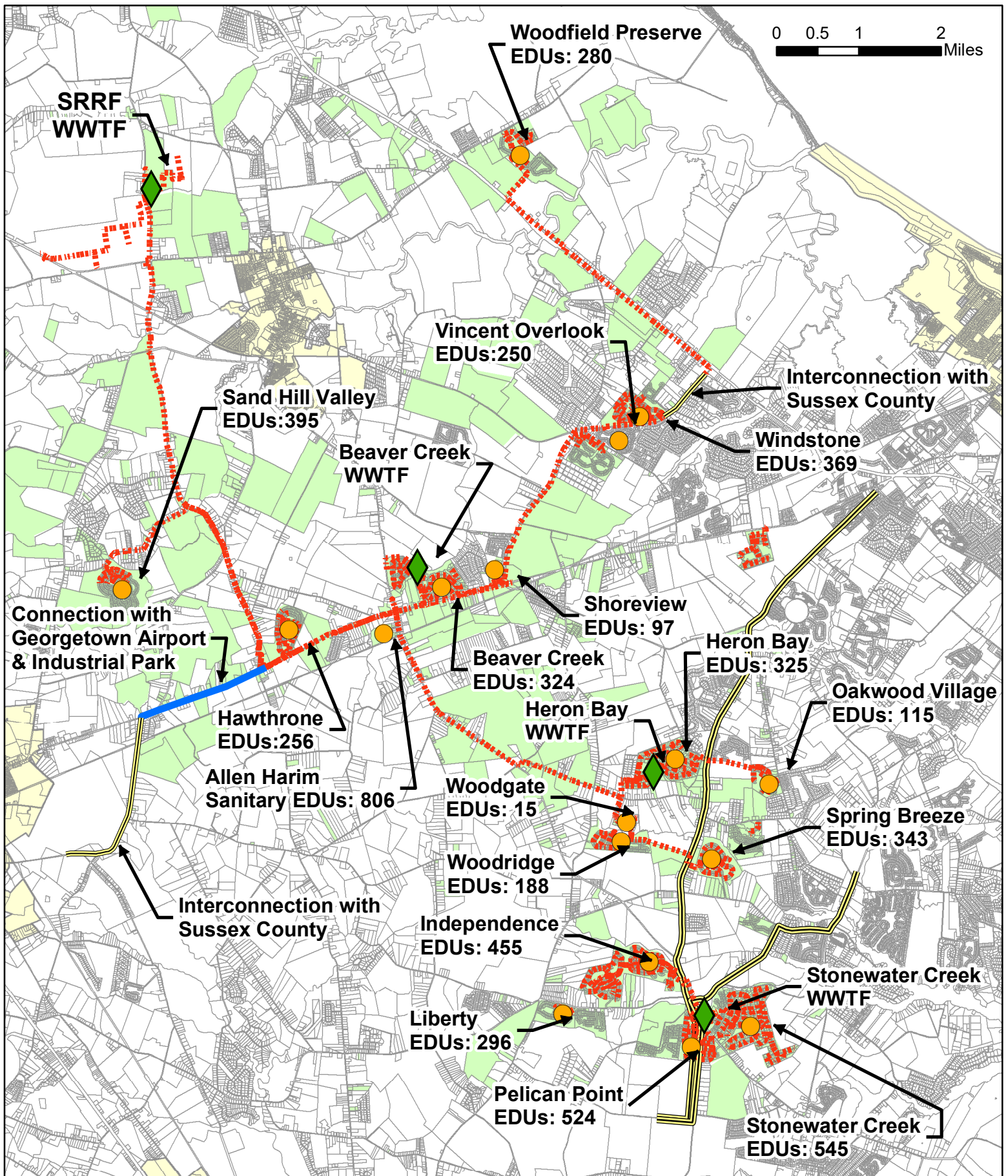
If you have any questions on this letter, please feel free to call. We thank you for this opportunity to be of service.

Sincerely,  
Demicco & Associates, LLC

Peter M. Demicco, PG  
Sn. Hydrogeologist

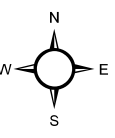


**TAB “14”**



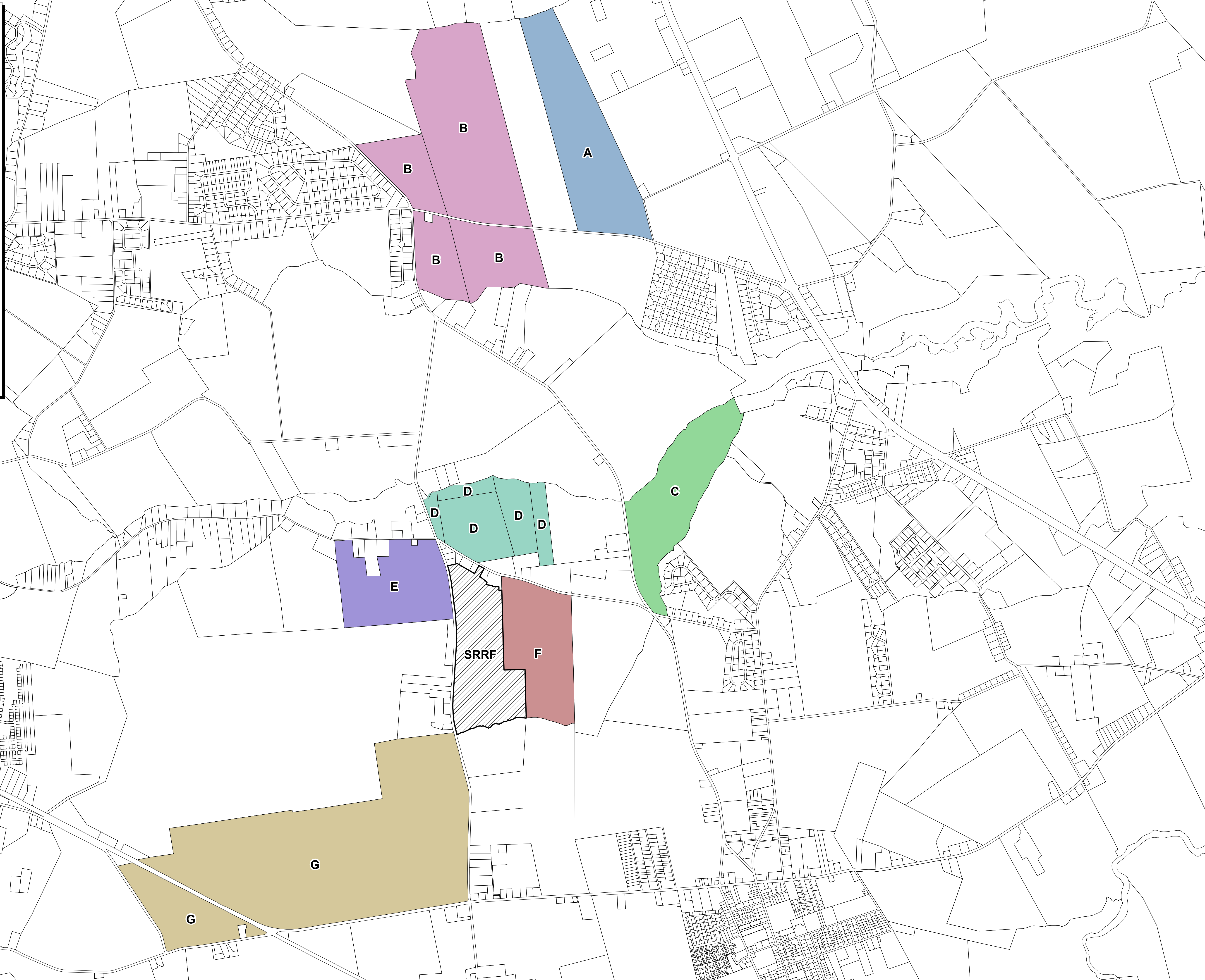
Regional\_Plan\_SM\_20190920.mxd  
 Revised: 2/24/21

- Orange circle: SUBDIVISION
- Green diamond: WWTF
- Blue line: Future FM
- Red dashed line: Existing FM
- Yellow double line: Sussex County FM
- Green shaded area: Artesian Wastewater Management, Inc. CPCN

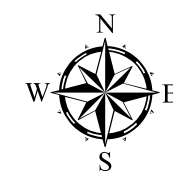


**TAB “15”**

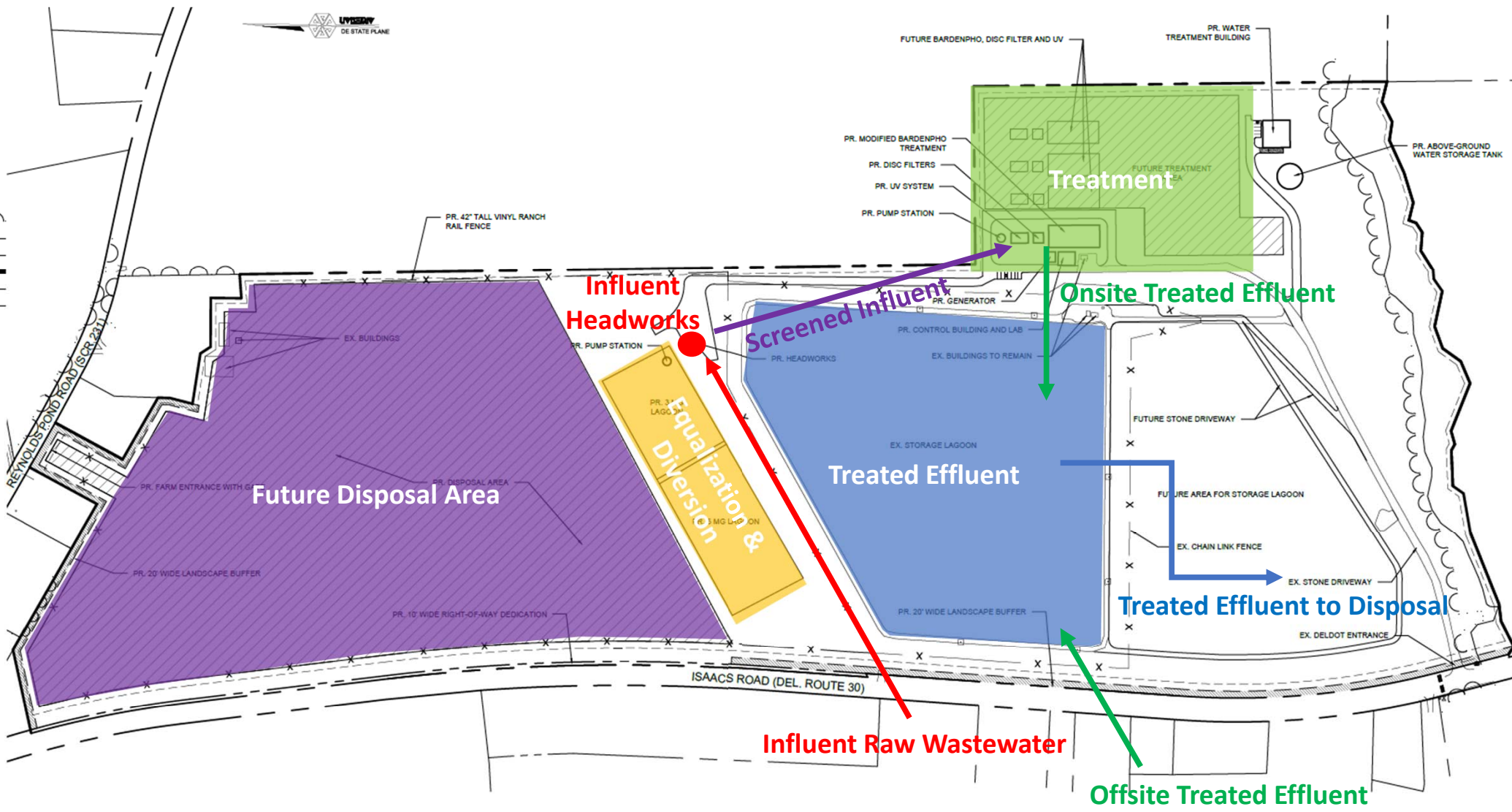
Location	Parcel	Acreage per Parcel	Total for Spray Field
Field A	230-22.00-1.00	182.87	182.87
Field B	230-21.00-35.00	77.93	412.76
	230-21.00-35.01	113.69	
	230-21.00-13.00	221.14	
Field C	235-7.00-27.00	157.53	157.53
Field D	235-6.00-11.00	56.76	125.14
	235-6.00-11.01	6.22	
	235-6.00-11.02	10.46	
	235-7.00-164.00	32.45	
	235-7.00-1.00	19.23	
Field E	235-8.00-21.00	118.96	118.96
Field F	235-7.00-7.00	126.51	126.51
Field G	235-13.00-6.05	515.6	590.5
	235-13.00-6.06	74.9	
<b>Total</b>			<b>1714.27</b>
Source: Acreage based on survey approved by Sussex County Planning and Zoning Commission on 4/27/10 [PB 145 PG 23]			
Location	Parcel	Acreage	
SRRF	235-6.00-28	127.37	



# SRRF SPRAY FIELDS



**TAB “16”**

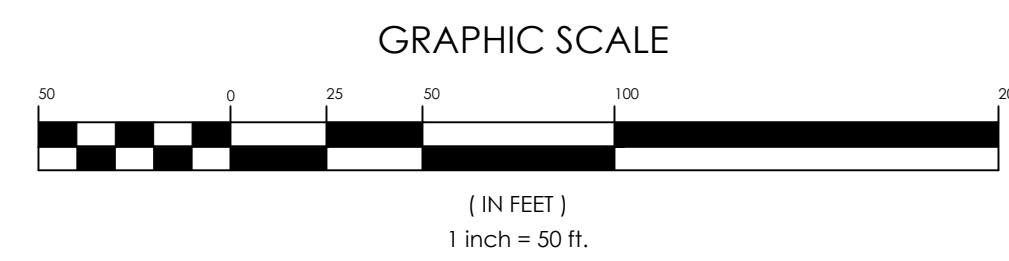
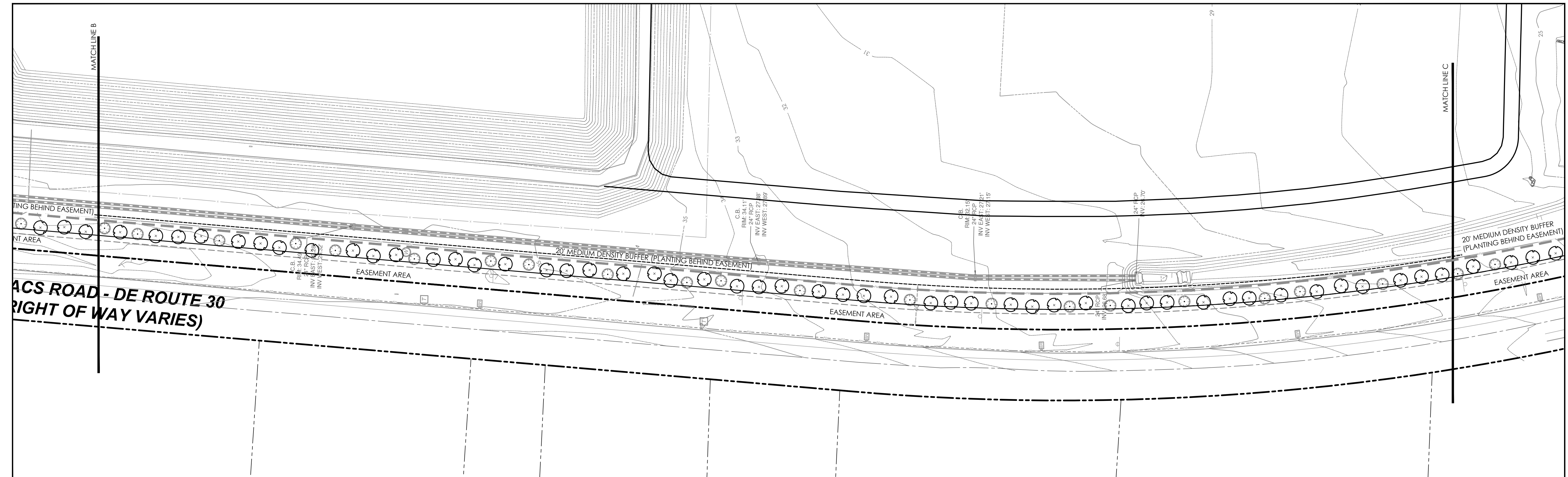
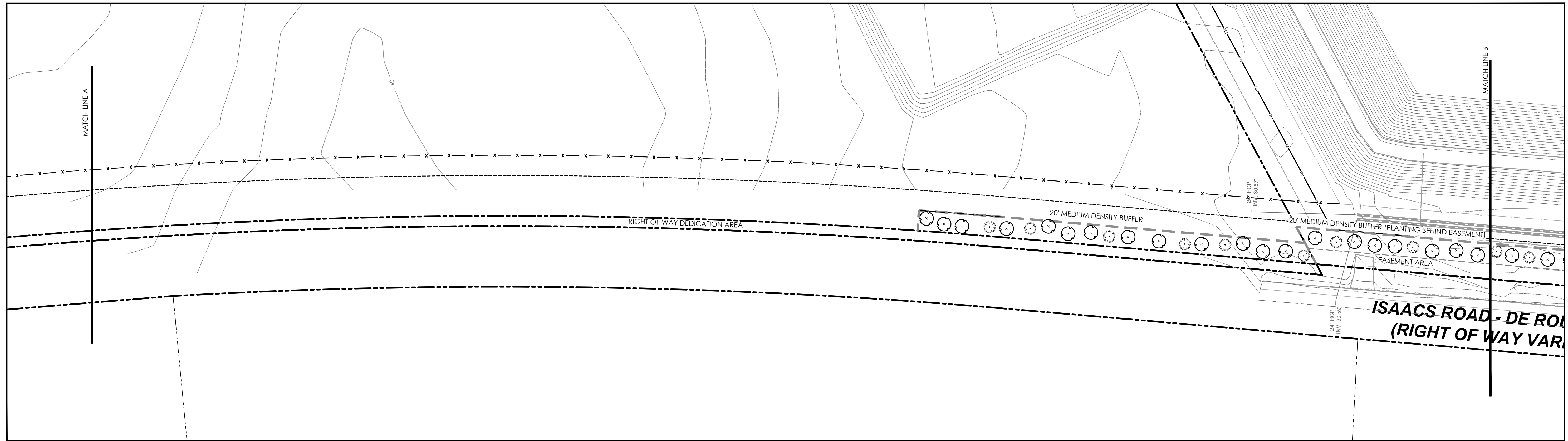


TAB “17”









LANDSCAPE ARCHITECT'S CERTIFICATION  
 I HEREBY CERTIFY THAT THESE DRAWINGS HAVE BEEN PREPARED UNDER MY SUPERVISION.  
*Lee Ann Schnappinger Bridgman* 2-24-21 DATE  
 LEE ANN SCHNAPPINGER BRIDGMAN, RLA  
 BRIDGMAN LANDSCAPE ARCHITECTURE, LLC

303 North Bedford Street  
 Georgetown, DE 19147  
 T. 302-277-9215  
 3033 Manitt Mill Road  
 Salisbury, MD 21804  
 T. 410-572-8833  
 www.solutionsipem.com Copyright © 2020

Seal \_\_\_\_\_  
 Date \_\_\_\_\_

REVISIONS	
NO.	DESCRIPTION

LANDSCAPE PLAN B  
 for  
**SUSSEX COUNTY  
 RECHARGE FACILITY**  
 SUSSEX COUNTY, DELAWARE

Date:	3/12/20
Job Number:	20020
Scale:	1"=50'
Drawn By:	ML
Designed By:	LSB
Approved By:	LSB

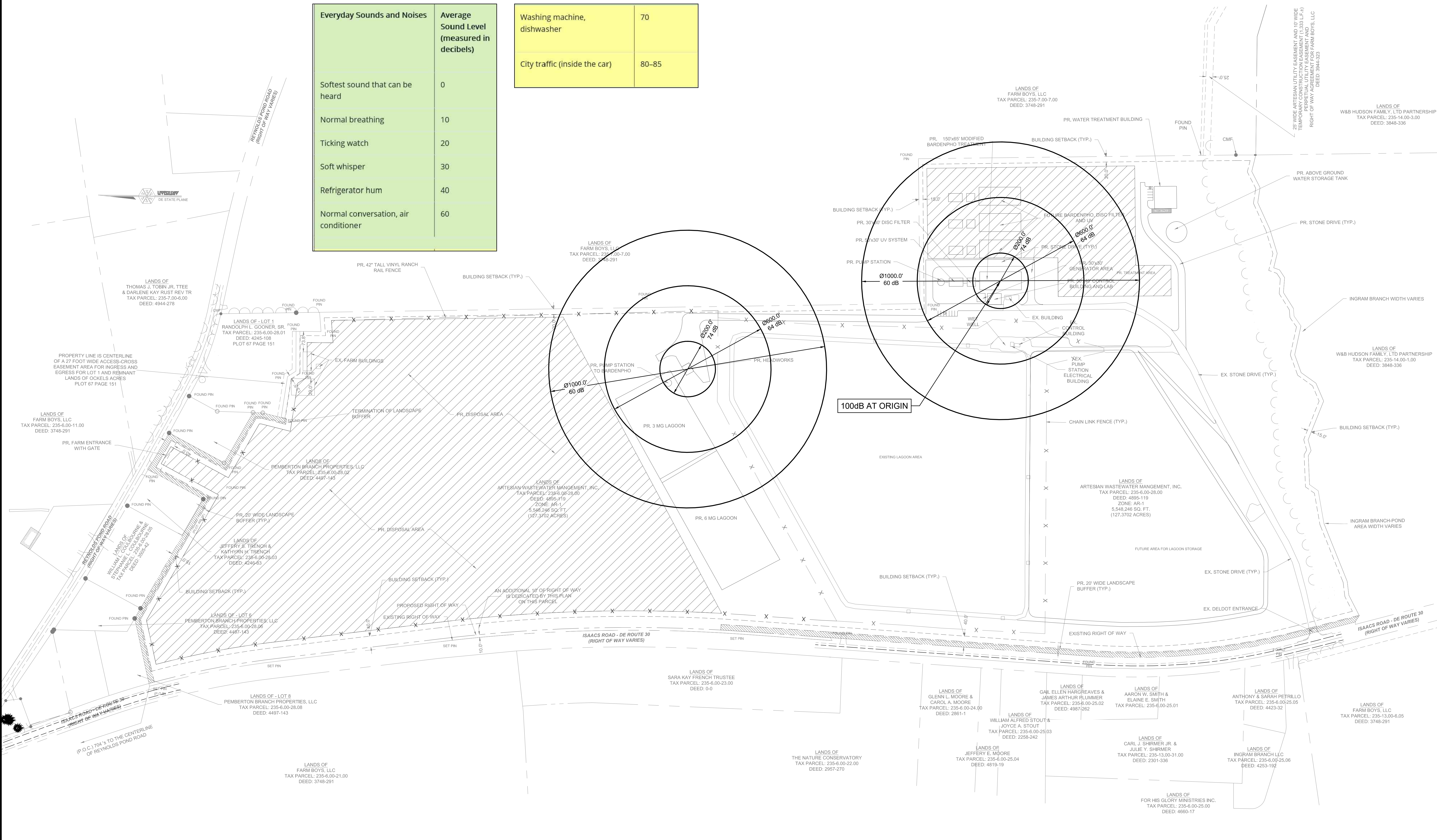
Sheet No.: **03**  
 File Name: 20020-landscape



TAB “18”

Everyday Sounds and Noises	Average Sound Level (measured in decibels)
Softest sound that can be heard	0
Normal breathing	10
Ticking watch	20
Soft whisper	30
Refrigerator hum	40
Normal conversation, air conditioner	60

Washing machine, dishwasher	70
City traffic (inside the car)	80-85



664 Churchmans Road  
Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850  
Phone: (302) 453-6900 Fax: (302) 453-5800

REVISIONS:	DESCRIPTION	BY	DATE

Date:	3/1/21	Checked By:	DK	Sheet	1 of 1
Scale:	1"=150'	Page & Grid:		Hundred:	BROADKILL
Drawn By:	KEG	CAD File:	SOUND EXHIBIT.dwg	Budget No.	3003456

**SOUND EXHIBIT**  
**SUSSEX REGIONAL RECHARGE FACILITY**

TAB “19”



**THE SOUTHWARD FACING LAGOON WALL AS SEEN FROM THE  
INTERNAL ROAD ON THE SRRF PROPERTY.**



**ONE OF THE TWO EXISTING BUILDINGS LOCATED ON THE  
NORTHEAST CORNER OF THE PROPERTY.**





**THE SECOND OF TWO BUILDINGS LOCATED ON THE  
NORTHEAST CORNER OF THE PROPERTY.**



**LOOKING SOUTH ALONG ROUTE 30 WITH THE SRRF PROPERTY ON THE LEFT.**



**FIELD E, ONE OF THE 4 DISPOSAL SITES APPROVED FOR SPRAY IRRIGATION OF TREATED WASTEWATER UNDER THE CURRENT DNREC OPERATIONS PERMIT.**



**THE SOUTHWARD FACING LAGOON WALL AS SEEN FROM ROUTE 30.**

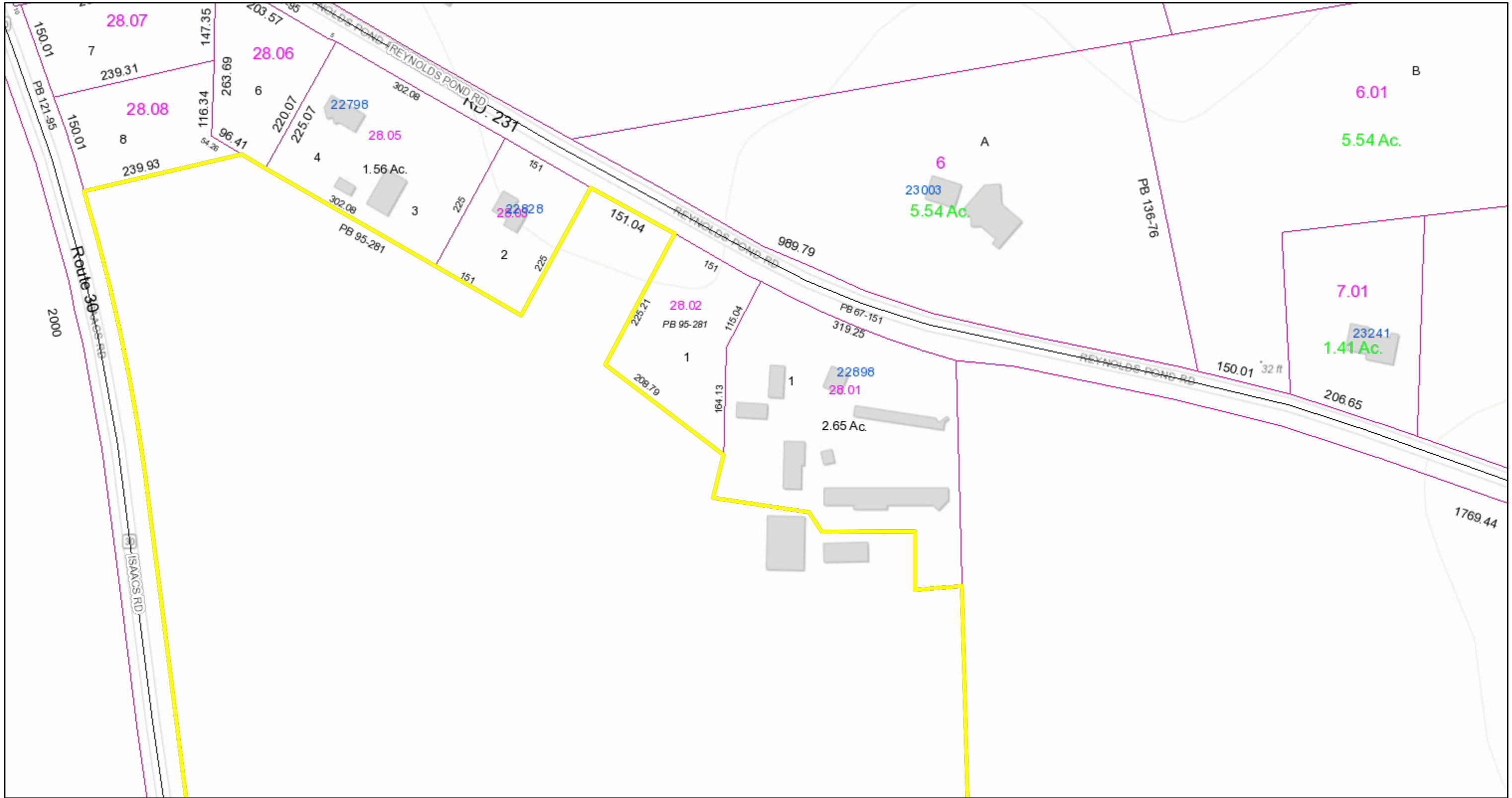


**LOOKING NORTH ALONG ROUTE 30 WITH THE SRRF PROPERTY ON THE RIGHT.**



**A PORTION OF THE EARTHEN BERM WHICH FORMS THE LAGOON WALL ALONG WITH THE SECURITY FENCE WHICH SURROUNDS IT.**

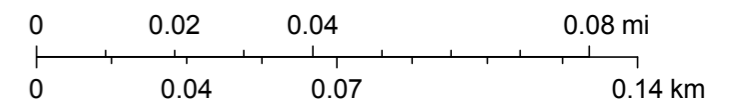
# Sussex County



February 27, 2021

- Override 1
- Tax Parcels
- Streets
- Override 1
- 911 Address
- County Boundaries

1:2,257



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

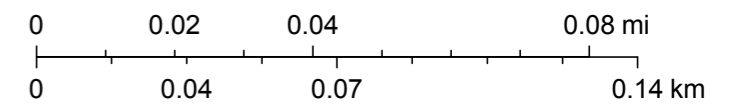
# Sussex County



February 27, 2021

- Override 1
- Tax Parcels
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- 911 Address
- County Boundaries

1:2,257



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, DNREC, Division of Watershed



**TAB “20”**

# Artesian Wastewater Management

Invites you to join us at a **Community Information Session** to provide an update on the **Sussex Regional Recharge Facility**.

**Saturday, January 18, 2020 • 1:00 pm - 3:00 pm**

**CHEER CENTER-MILTON • 24855 Broadkill Road • Milton, DE 19968**

**Protects**

**Benefits**



**Reduces Eliminates Returns**

## Artesian's Regional Water Recharge Facility

**Protects** and improves our groundwater quality

**Benefits** farmers by providing water for irrigation and reducing fertilizer demands

**Reduces** harmful nutrients entering our rivers, streams and bays

**Eliminates** stream discharge by reusing and recycling precious water resources

**Returns** much needed groundwater to aquifers through spray irrigation



***Our Mission is to Protect and Preserve Water Throughout its Cycle of Use.***



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

December 27, 2019

RE: **Community Information Session – January 18, 2020**  
**Artesian Sussex Regional Recharge Facility Update**

Artesian Wastewater Management invites you to join us at a Community Information Session to provide an update on the Sussex Regional Recharge Facility. The facility, located on Route 30 north of Milton, is being constructed to support the recycling and productive use of treated wastewater, benefitting the environment, farming and the communities of Northern Sussex County. Before we enter into the second phase of work at this location, we want to take this time to present our vision of the site and how we will be part the local community. The first phase of the facility included:

- A 90 Million gallon storage lagoon
- Spray facilities located on over 400 acres of farm fields and forested areas
- Control and monitoring facility
- Network of over 20 miles of treated water transmission and distribution infrastructure

#### PLEASE JOIN US

**Saturday January 18, 2020**  
**1:00 p.m. – 3:00 p.m.**  
**CHEER CENTER-MILTON**  
**24855 Broadkill Road**  
**Milton, DE 19968**

Open communication with our neighbors and the community regarding our role, the footprint of the facility and how we conduct business is an important part of being a responsible corporate citizen. At the information session, we will provide an update on the next phase of the project and enhanced operations at the facility. The presentation will be followed by a question and answer session where maps, photos and graphics will be on display.

We have been a leader in Delaware for over a 110 years as a water service provider, committed to protecting our water resources and delivering superior quality water to our customers. As a corporation we take our role seriously as an environmental steward, providing water and wastewater services to customers across the Delmarva Peninsula.

We look forward to keeping you informed about our progress and providing you with information on how we will benefit your community and Sussex County. Your RSVP is kindly requested. Please contact Virginia Eisenbrey at 302-453-6925 or [veisenbrey@artesianwater.com](mailto:veisenbrey@artesianwater.com).

We hope you can join us!  
Artesian Wastewater Management, Inc.



## Artesian details new Milton spray facility plans

Citizens grill company reps over environmental impact



Artesian detailed plans for a second phase of construction at the Sussex Regional Recharge Facility outside Milton. The new phase would include a 625,000-gallon-capacity treatment plant. However, at a Jan. 19 public information session, citizens raised concerns about the environmental impact of the project. FILE PHOTO

By Ryan Mavity January 31, 2020

Artesian Water Company unveiled plans for the second phase of its Sussex Regional Recharge Facility that will include a new wastewater treatment plant to serve development on the way in the area.

But more than 100 people who attended a Jan. 19 public information session at Milton's CHEER Center challenged the project, as well as Artesian's partnership with poultry processing company Allen Harim.

Anthony Scarpa, co-founder of citizens group Keep Our Wells Clean, which has appealed Artesian's construction permit for the facility, said there are still questions about the quality of the water Allen Harim will be sending to the facility for spray disposal. He asked how Artesian will know whether the water Allen Harim is sending will affect nearby wells.

Dave Spacht, president of Artesian's wastewater management section, said Allen Harim will be required to treat its water to state environmental standards. He said Artesian is awaiting permits on operations from Delaware Department of Natural Resources and Environmental Control, and he did not wish to speak about the permit process.

"We will meet all permit requirements," he said.

Spacht said he wanted to talk about Artesian's future development at the site.



Dave Spacht, president of Artesian's wastewater management section. RYAN MAVITY PHOTO

Regarding the recharge facility, Spacht said the company believes spray irrigation is the best, most environmentally friendly method of disposing of treated wastewater.

"We do not discharge to streams," he said.

Spacht said the company has no past history of violations and has a similar spray facility in Middletown. He said representatives from DNREC declined to attend the session; he said the meeting was not required but Artesian wanted to inform the public.

Spacht said the first phase of the project is installing a pipe from Allen Harim's plant in Harbeson to Route 30. He said the company also has a separate raw wastewater line coming from Huff Road up Gravel Hill Road to the 400-acre site, at the intersection of Route 30 and Route 16.

The raw line is in anticipation of the next phase of the project: taking raw wastewater from surrounding developments and treating it at a new, 625,000-gallon-capacity treatment plant at the recharge facility. Spacht said additional lines will be constructed to the plant, but that the company will not mingle raw wastewater and treated effluent from Allen Harim. Spacht said Artesian is working on a DNREC permit for the new plant and pipelines.

Daniel Kostanski, engineer for Artesian, said the new plant will include diversion lagoons to store water in case of problems during treatment.

While he was there to explain the new treatment plant and how it would work, those in attendance still questioned Allen Harim's treatment of its wastewater.

Kostanski was specifically asked about how water would go from Allen Harim to Artesian's spray fields. He said Allen Harim will perform metering and monitoring of its wastewater. Tests of treated effluent would be sent to an independent lab and then forwarded to Artesian and DNREC. When it comes to Artesian's wastewater treatment, Kostanski said Artesian will test samples both before and after disinfection of effluent, and sampling will be sent to a third-party lab, with monthly reports going to DNREC.

Kostanski and Spacht were asked what makes Allen Harim different from Mountaire, which is subject of a class-action lawsuit for environmental violations in Millsboro.

"Spray irrigation is used successfully throughout this country," Kostanski said. "This is a well-established, proven method of disposal. One bad actor here in Delaware does not disprove or refute a science that is used around the world."

When another audience member asked a similar question, Spacht said, "We have no violations at this point for any reason. Our track record is clear. We do react to the public's concern regarding wastewater. We can't afford to mess up. We do water. Period. And we're good at it."

Audience members questioned the effects on air from the open-air lagoons, odor from the site, the location of the facility and the proximity to neighbors. Artesian had planned breakout stations with particular aspects of the treatment plant project, but the question-and-answer portion took up the entire two-hour session. Most of those who spoke were highly skeptical, such as Milton resident Keith Steck, who questioned whether the site of the facility was appropriate given its location near surrounding drinking wells.

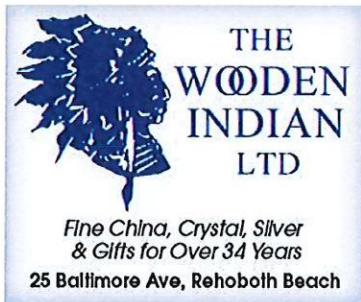
"That is not an excellent site," he said.

Still, the project had some defenders. Sara Smyk, a resident of Beaver Creek in Harbeson, said the Artesian proposal was the best solution to keep up with growth surrounding Milton.

"They are being as practical and as environmentally practical as possible," she said of Artesian. "The people who are opposed to this have good reasons, but a compromise lies in the middle. Let's compromise."

Sen. Ernie Lopez, R-Milton, said he appreciated Artesian hosting the forum and understood why people are sensitive about the facility. While he did not take a side, Lopez said he thinks the project is a good step forward in planning for future growth.

"We need to get ahead of the game, as opposed to 20 years from now wishing we had done it," he said.



**MOST POPULAR**

- Man charged with DUI following crash... (12,981)
- Rehoboth's Bellmoor Inn sold to NYC... (9,326)
- Overpass proposed at Routes 113 and... (7,733)
- Delaware prepares for coronavirus (6,812)
- Patty's Deli moving back to Lewes (6,489)
- SEED Eatery now open on Route 1 in... (5,391)
- Police: Man uses BB handgun to... (5,188)
- Clear Space set to demolish Rehoboth... (5,121)
- Lewes stylist brings services to you (5,055)
- Lewes man faces drug charges after... (4,414)

**CALENDAR OF EVENTS**

**Today**

8:00 am to 9:00 am

**Workout with Eli Class**

**Tomorrow**

8:00 am to 11:00 am

**Wood Carving Group**

8:00 am to 1:30 pm

**Home of the Brave Foundation Collection**

8:00 am to 1:30 pm

**Home of the Brave Foundation Collection**

8:30 am

**Walk Aerobics**

8:30 am

**Walk Aerobics**

**TAB “21”**

**Artesian Wastewater Management, Inc.**

**Conditional Use Application CU 2208**

PROPOSED FINDINGS OF FACT & CONDITIONS OF APPROVAL

1. This is an application for a conditional use to expand and amend Conditional Use No. 1724, adopted by County Council as Ordinance No. 1922 on July 31, 2007 by adding 52.76± acres to the existing 74.61± acres for a total acreage of 127.37± for property located in the Broadkill Hundred of Sussex County, along the eastern side of Isaacs Road (Del. Route 30), being known as Tax Parcel No. 235-6.00-28.00 (which was formerly known as Parcels 235-6.00-28.00 & 28.09).
2. The property is owned by Artesian Wastewater Management, Inc. with an address of 664 Churchmans Road, Newark, Delaware 19702.
3. On July 31, 2007, Sussex County Council adopted Ordinance Nos. 1922 and 1923 approving Conditional Use Application No. 1724 and No. 1725 as follows:
  - a. Ordinance No. 1922 (Conditional Use No. 1724) approved the location of a sewage treatment plant for the collection, treatment and disposal of waste on 74.61± acres along the eastern side of Isaacs Road (Del. Route 30), then known as Tax Parcel No. 235-6.00-28.09 (and now a part of Tax Parcel No. 235-6.00-28.00) subject to nine (9) conditions; and
  - b. Ordinance No. 1923 (Conditional Use No. 1725) approved spray irrigation on various tax parcels comprising 1,739.8± acres subject to seven (7) conditions.
4. The second condition of Ordinance No. 1922 (Conditional Use No. 1724) stated as follows:
  2. Because the Applicant did not apply for a water treatment plan as part of this conditional use, one shall not be permitted on this site unless approved under a separate conditional use application.
5. On December 2, 2008, Sussex County Council adopted Ordinance No. 2013 approving Conditional Use Application No. 1810 for the location of a regional water facility on 74.61± acres along the eastern side of Isaacs Road (Del. Route 30), then known as Tax Parcel No. 235-6.00-28.09 (and now a part of Tax Parcel No. 235-6.00-28.00) subject to five (5) conditions.
6. In 2018, Artesian Wastewater Management, Inc. acquired the 52.76± acres adjacent to the 74.61± acres along the eastern side of Isaacs Road (Del. Route 30) subject to Ordinance No. 1922 (Conditional Use No. 1724).

7. The Applicant seeks to add the 52.76± acres acquired in 2018 to the existing conditional use so that the entire site would be subject to a conditional use for the collection, storage, treatment and disposal of waste.
8. The regional sewage treatment plant and its accompanying facilities have the capacity to serve a substantial number of residential, commercial and industrial users for a broad area of the County not served by Sussex County or any other water or sewer utility ranging from areas north and east of Milton to areas as far south as the Long Neck Area and as far west as the business park at the Delaware Coastal Airport.
9. The regional sewage treatment plant and its accompanying facilities were designed to minimize environmental impact upon the County and this expansion furthers that purpose for the County and its.
10. The regional sewage treatment plant and its accompanying facilities play a vital role in protecting the County's most sensitive environmental areas including, but not limited to the Inland Bays, the Broadkill River watershed, and their adjacent tributaries and waterways, by providing for the collection, storage, treatment and disposal of waste in a manner that is greatly superior to on-site systems.
11. Expansion of the regional sewage treatment plan and its accompanying facilities have been and will be reviewed and approved by DNREC and will continue to be designed and constructed in accordance with all applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over the use.
12. Expansion of the regional sewage treatment plant is generally of a public or semipublic character and is essential and desirable for the general convenience and welfare of neighboring properties and the County. Expansion of the existing regional sewage treatment plan is vital to support the safe transmittal, storage, treatment and disposal of waste in the County and is consistent with the County's Zoning Code and its Comprehensive Plan.

This recommendation of approval is subject to the following proposed conditions:

- a. The regional Sewage Treatment Plant and its accompanying systems and facilities for the collection, storage, treatment and disposal of waste shall continue to operate with all changes or modifications to those systems and facilities being reviewed and approved by DNREC and shall be operated, designed and constructed in accordance with all other applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over same.



- b. The water treatment plant shall be subject to the conditions imposed on December on December 2, 2008 when Sussex County Council adopted Ordinance No. 2013 approving Conditional Use Application No. 1810.
- c. Any buildings constructed on the site shall be constructed with an agricultural appearance.
- d. All improvements for collection, storage, treatment and disposal of waste, or any modification thereto, shall be constructed, maintained and operated in accordance with the requirements of the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site.
- e. There shall be a medium density landscaped buffer twenty feet (20') in width adjacent to the storage lagoons along Isaacs Road (Del. Route 30) and along the back of the properties along the northern boundary of the property with the exception of where the structures are located too close to the northern boundary line for the location of the buffer (SCTP No. 235-6.00-28.01. The density and location of these landscaped buffers shall be shown on the final site plan.
- f. Any lagoons, Rapid Infiltration Basins or similar structures shall be located at least 100 feet from any dwellings.
- g. One lighted sign shall be permitted along Isaacs Road (Del. Route 30), not to exceed 32 square feet in size.
- h. Any motorized, non-vehicular equipment utilized in the operation of the facility within six hundred feet (600') of a dwelling shall be located indoors.
- i. Any security lighting shall be screened so that it does not shine onto neighboring properties or County Roads.
- j. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.