

**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 25<sup>th</sup>, 2021.

Application: CU 2207 CBB Cedar Pines, LLC (Marlin Chase)

Applicant: CBB Cedar Pines, LLC  
9919 Stephen Decatur Hwy  
Ocean City, MD 21842

Owner: CBB Cedar Pines, LLC  
9919 Stephen Decatur Hwy  
Ocean City, MD 21842

Site Location: Lying on east side of Cedar Neck Rd. approximately 0.3 miles north of Hickman Rd.

Current Zoning: Medium Density Residential (MR)

Proposed Use: Single Family Condos (75 units)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County Cedar Neck Expansion

Water: Sussex Shores Water Company

Site Area: 29.34 acres +/-

Tax Map ID.: 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00-1269.00



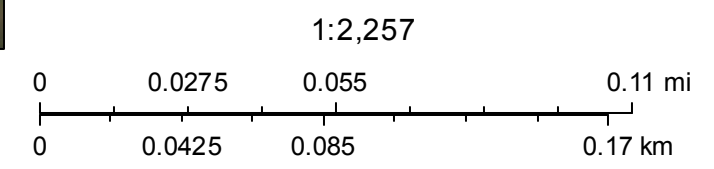


# Sussex County



<b>PIN:</b>	134-9.00-21.00
<b>Owner Name</b>	CBB CEDAR PINES LLC
<b>Book</b>	4429
<b>Mailing Address</b>	9919 STEPHEN DECATUR
<b>City</b>	OCEAN CITY
<b>State</b>	MD
<b>Description</b>	OCEANSIDE VISTA
<b>Description 2</b>	OUTLOST A-F
<b>Description 3</b>	SWM OPEN SPACE
<b>Land Code</b>	

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





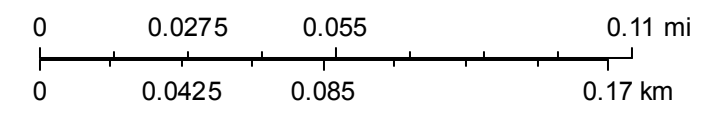
# Sussex County



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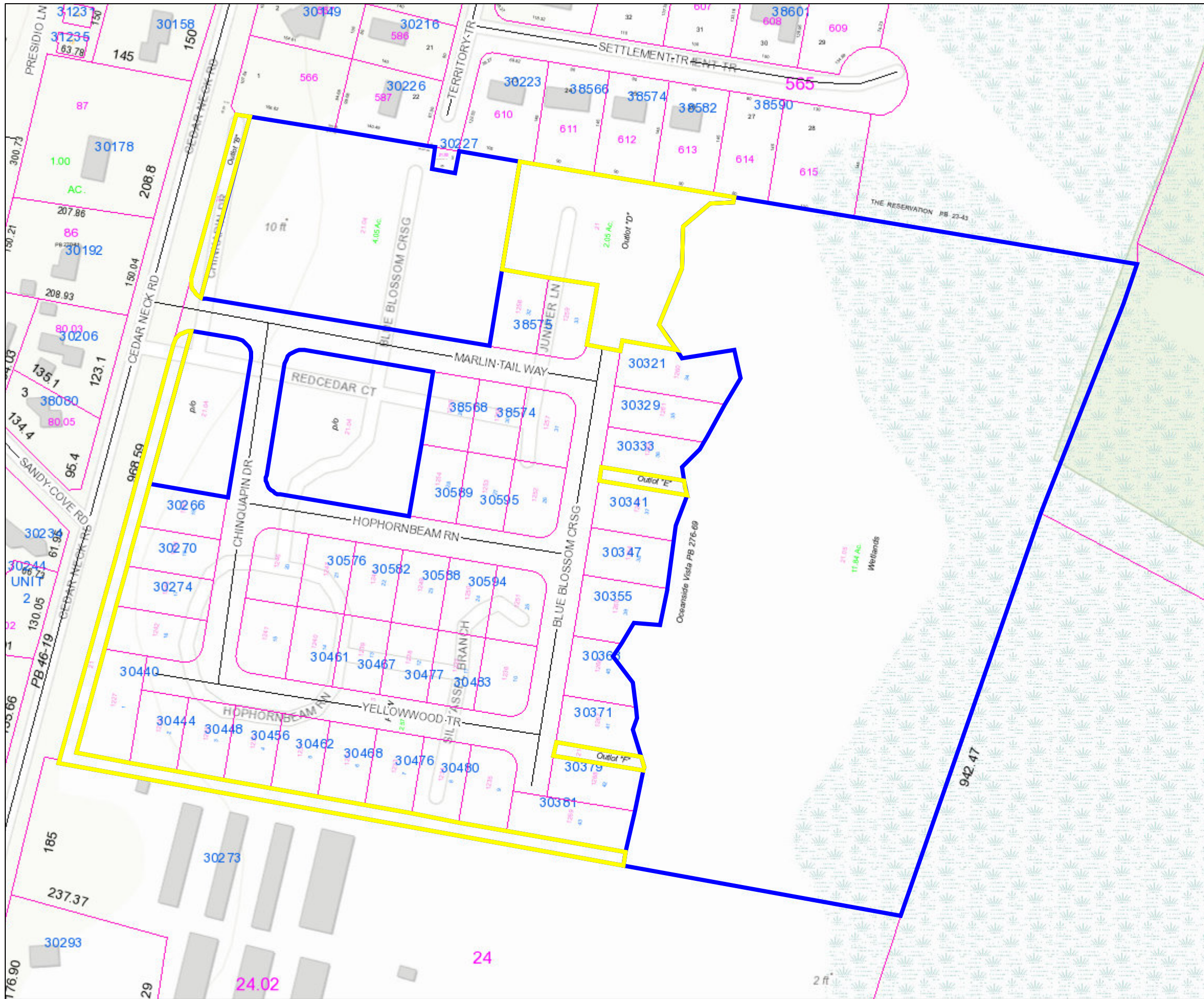
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1:2,257



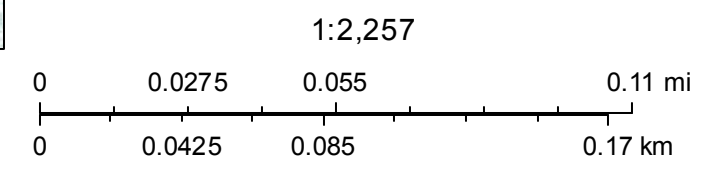


# Sussex County



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JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
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(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 2207 CBB Cedar Pines, LLC (Marlin Run)

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2207 CBB Cedar Pines, LLC (Marlin Run) to be reviewed during the March 25, 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 Parcels 134-9.00-21.00 through 21.05 and 1227.00 through 1269.00 to allow for the establishment of 75 multifamily units for a proposed development known as "Marlin Run." It should be noted that the development also includes associated amenities including a dog park, tot lot, pool, pickleball courts, and community gardens. The parcels are lying on the east side of Cedar Neck Road (S.C.R. 357), approximately 0.3 mile north of Hickman Road. The parcels consist of 29.34 acres +/-.

It should be noted that there were four (4) previous Conditional Use applications on the site for multifamily dwellings. The most recent of the four (4) proposals, from the same applicant, CBB Cedar Pines, LLC, was for Conditional Use No. 2131 for 30 multifamily units. The Conditional Use application was approved by the Planning and Zoning Commission on June 14, 2018, by the Sussex County Council on July 24, 2018 and was adopted through Ordinance No. 2587.

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 "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject properties also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject properties are zoned Medium Density Residential (MR). The surrounding area features a number of differently zoned parcels including parcels that are zoned Medium Density Residential (MR), General Residential (GR), Marine (M), Commercial Residential (CR-1), Neighborhood



Business (B-1), and High Density Residential (HR-1). The adjoining parcels to the north, east and south are all zoned Medium Density Residential (MR). There is a single parcel located to the south that is zoned General Commercial (C-1). The properties on the opposite side of Cedar Neck Road (S.C.R. 357) are zoned General Residential (GR) with three parcels being zoned General Commercial (C-1).

Since 2011, there have been two (2) Conditional Use applications within a 2-mile radius of the application site. The first application was Conditional Use No. 2085 to allow for 19 multifamily dwelling structures to be located in a General Residential (GR) Zoning District. This application was approved by the Planning and Zoning Commission on July 27, 2017 and was approved by the Sussex County Council on July 25, 2017. This change was adopted through Ordinance No. 2519. The second application was Conditional Use No. 2239 to allow for a general contracting business to be located in a Neighborhood Business (B-1) Zoning District. This application was approved by the Planning and Zoning Commission on October 8, 2020 and was approved by the Sussex County Council on October 27, 2020. This change was adopted through Ordinance No. 2749.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the establishment of 75 multifamily units, 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 **Site Address of Conditional Use/Zoning Map Amendment**

East side of Cedar Neck Road at Sandy Cove Road north of the Town of Ocean View

**Type of Conditional Use Requested:**

Single Family Condominium

**Tax Map #:** 1-34-9.00-21.00 thru 21.05; 1227.00 thru 1269.00      **Size of Parcel(s):** 29.34 Acres

**Current Zoning:** MR      **Proposed Zoning:** MR CU      **Size of Building:** \_\_\_\_\_

**Land Use Classification:** Residential Subdivision

**Water Provider:** Sussex Shores Water Company

**Sewer Provider:** Sussex County Cedar Neck Expansion

**Applicant Information**

**Applicant Name:** CBB CEDAR PINES LLC

**Applicant Address:** 9919 STEPHEN DECATUR HWY

**City:** Ocean City      **State:** MD      **Zip Code:** 21842

**Phone #:** (443) 880-8950      **E-mail:** clarmore@bsdc.com

**Owner Information**

**Owner Name:** CBB CEDAR PINES LLC

**Owner Address:** 9919 STEPHEN DECATUR HWY

**City:** Ocean City      **State:** MD      **Zip Code:** 21842

**Phone #:** (443) 880-8950      **E-mail:** clarmore@bsdc.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Davis, Bowen & Friedel, Inc. - W. Zachary Crouch, P.E.

**Agent/Attorney/Engineer Address:** 1 Park Avenue

**City:** Milford      **State:** DE      **Zip Code:** 19963

**Phone #:** (302) 424-1441      **E-mail:** wzc@dbfine.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: 1-6-2021

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: \_\_\_\_\_





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

January 14, 2021

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

Dear Mr. Whitehouse:

This letter is to revise and replace my letter of September 5, 2019, regarding the **CBB Cedar Pines, LLC** conditional use application, which we received on January 14, 2021. The applicant submitted a revised application to modify the proposed land uses from 50 single-family detached houses and 25 units of multi-family attached housing to 75 single-family detached houses. The letter is being revised to reflect the updated land use and the associated trip generation. A copy of our September 5, 2019, letter is enclosed.

This revised application is for an approximately 29.81-acre parcel (Tax Parcel: 134-9.00-21.00). The subject land is located on the east side of the intersection of Cedar Neck Road (Sussex Road 357) and Sandy Cove Road (Sussex Road 358). The subject land is currently zoned as MR (Medium-Density Residential) and the applicant is seeking a conditional use approval to develop 75 single-family detached houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Cedar Neck Road where the subject land is located, which is from Hickman Road (Sussex Road 359) to the end of the road, is 918 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DeIDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-Wide Study Fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
January 14, 2021

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 50 single-family detached houses and 25 units of multi-family attached houses would generate 798 vehicle trips per day, 58 vehicle trips during the morning peak hour, and 77 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$7,980.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvement, including completing a traffic operational analysis (TOA) if one is found to be necessary during the plan review process.

If the County approves this application, the applicant should be reminded that DeIDOT 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,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

cc: CBB Cedar Pines, LLC, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, 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  
Annamaria Furnato, 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: **2/8/2021**

APPLICATION: **CU 2207 CBB Cedar Pines LLC**

APPLICANT: **CCB Cedar Pines LLC**

FILE NO: **CN-1.05**

TAX MAP &  
PARCEL(S): **134-9.00-21.00, 21.03, 21.04, 21.05, 1227.00-1269.00**

LOCATION: **On the east side of Cedar Neck Road, approximately 0.3 miles north of Hickman Road.**

NO. OF UNITS: **75 single-family condos**

GROSS  
ACREAGE: **29.34**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Denise Burns

April 2, 2021

Sussex County  
Planning & Zoning Commission  
2 The Circle  
Georgetown, DE 19947  
Attn: Jamie Whitehouse

RECEIVED

APR 07 2021

SUSSEX COUNTY  
PLANNING & ZONING

Re: CU 2207 CBB Cedar Pines, LLC ("Marlin Chase")

Dear Planning & Zoning Commission,

On March 25, 2021, we attended the Planning and Zoning hearing via phone and expressed our opposition to the Marlin Chase project. We are sending this letter to be formally added to the record. We own the property at 38080 Sandy Cove Road, which we are in process of building a home on. This is the corner lot of Sandy Cove Road and Cedar Neck Road, where the proposed signal would be installed.

The proposed Marlin Chase project will negatively impact our property in several ways that the Commission should carefully consider before approving the development as proposed, including:

1. Environmental impact – in order to satisfy building requirements, the wetlands would be materially impacted from top soil and put flooding risk at a higher level. There are several animals in that area that would also be displaced. Additionally – will the additional traffic from 75 new units also mean more people are exploring the wetlands off trail? Will there be additional controls and preservation to ensure those areas are protected?
2. Traffic impact –
  - a. With the proposed 75 units to be added, the DeIDOT review notes this will drive an additional 500 trips per day just outside our house! We have two young boys that will be using our yard and the massive number of additional trips just beyond our perimeter is of grave concern.
  - b. It goes without saying that that many additional trips will impact pollution, which – when also right next to important wetlands, drives issues.
  - c. Impacted traffic is just as much as a concern given there are few outlets to Routes 1 and 26. The neighborhood is *already* congested, and is way worse during summer, AS IT IS. Adding 500 trips per day with no additional relief provided for infrastructure improvements will make living in this area impossible. We're sure one day the old G&E property will also be developed. Additionally – there are already multifamily units approved just across from the G&E Hocker's Supermarket. There have got to be alternative routes added to alleviate these real issues. No one will want to live in an area with horrible traffic.

We implore the Commission to reject development at this site and seek better uses for this region. We personally feel that a better use to match demand in the area would be to earmark the property for public use parks and recreation facilities.

However, if the Commission is compelled for other reasons to approve, we ask that you seriously consider the following:

1. Fewer units – the prior development approved was for 30 multifamily units. While we still prefer the land remain preserved, cutting the number of units down would be a much better outcome. Alternatively, change the type of structure away from high-volume condominiums.
2. Require Applicant to put buffers on ALL corners of the Sandy Cove / Cedar Neck intersection to improve safety.
3. Move the entrance to the development OFF of Cedar Neck Road and require a new street / entrance between the property and Bethany Mini Storage. That would create an intersection aligned with the entrance to the old G&E property that will surely be busy once developed further.
4. Require additional infrastructure investment, or work with DelDot to find alternative routes and solutions for traffic congestion. Consider pedestrian and bike paths as an alternative if not enough room for roads.

Lastly, should the project be developed, we are requesting that as part of the project, our property be rezoned to permit a fence around all perimeter edges up to 10 feet so that we may protect our home, our young children, and our property value.

Regards,



Anna and John Araya  
38080 Sandy Cove Road  
Ocean View, DE 19970  
(949) 689-5325

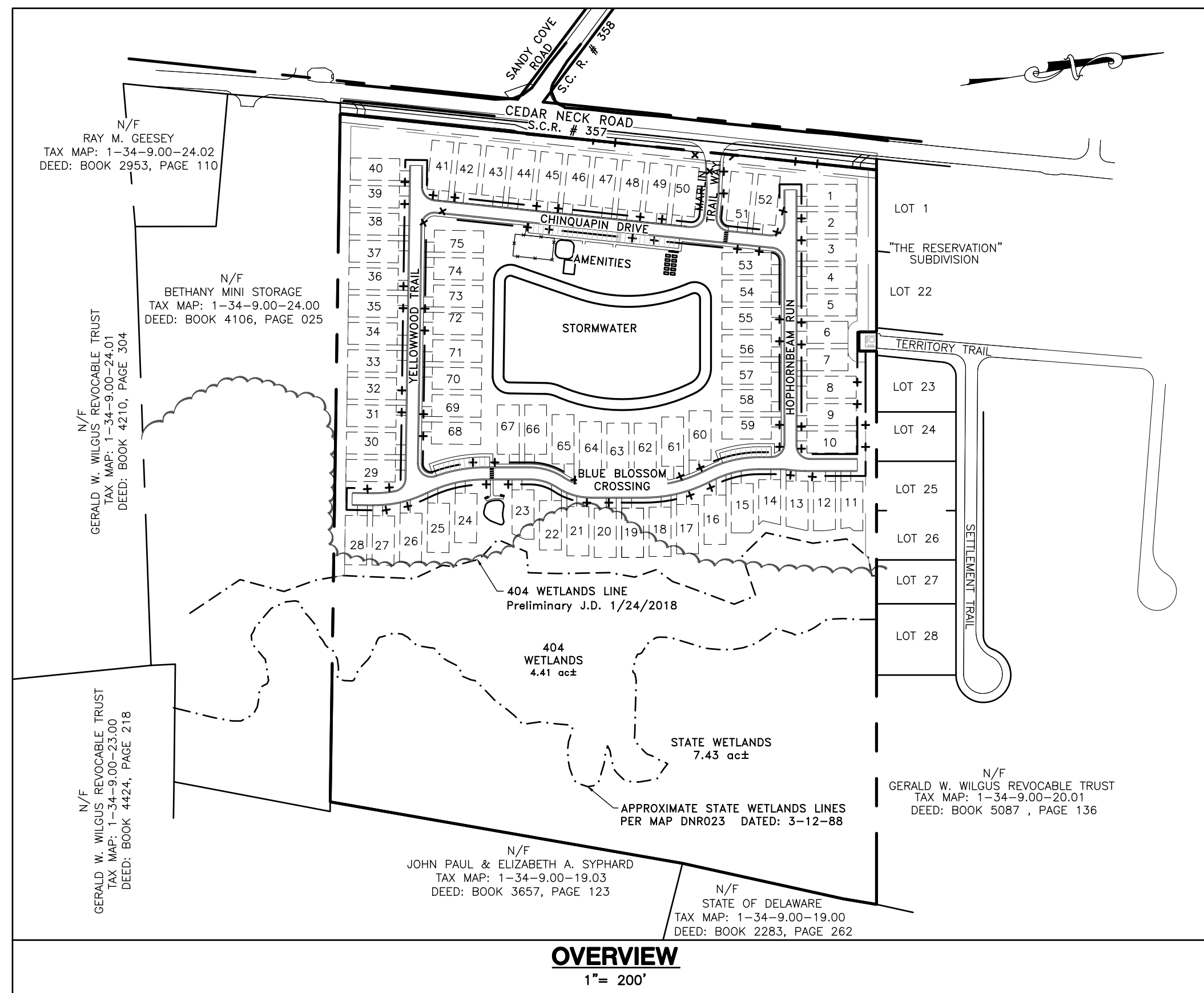
cc: CBB Cedar Pines, LLC  
9919 Stephen Decatur Hwy  
Ocean City, MD 21842

**GENERAL NOTES:**

- STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY SHOWN ON THIS PLAN ARE PRIVATE AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- ACCESS TO ALL LOTS SHALL BE PROVIDED FROM THE PRIVATE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0504K, DATED MARCH 16, 2015; PORTIONS OF THIS PROPERTY ARE LOCATED WITHIN AREAS DESIGNATED AS ZONE "X" (UNSHADED) - (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) & ZONE AE BFE 6 FEET & 7 FEET - (AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD).
- THE BOUNDARY INFORMATION SHOWN ON THESE PLANS IS BASED UPON THE PLAT RECORDED IN THE SUSSEX COUNTY RECORDER OF DEEDS BOOK 276 PAGE 69. TOPOGRAPHIC INFORMATION IS BASED IN PART UPON PLANS BY LAND TECH LLC DATED 08/06/19 AS WELL AS CONTOURS ACQUIRED FROM NOAA DIGITAL COAST LIDAR DATA.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- UTILITY EASEMENTS DEPICTED HEREON REPRESENT, TO THE GREATEST EXTENT PERMITTED BY LAW, PRIVATE EASEMENTS FOR THE EXCLUSIVE USE AND BENEFIT OF THOSE UTILITY COMPANIES AND/OR OTHER PROVIDERS OF SERVICES TO THE DEVELOPMENT AS MAY BE DESIGNED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- UNLESS OTHERWISE DESIGNATED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, STORM DRAIN EASEMENTS DEPICTED HEREON REPRESENTS PRIVATE EASEMENTS TO ACCESS THE STORM DRAINS FOR THE SOLE PURPOSE OF MAINTAINING AND REPAIRING SUCH STORM DRAINS, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- WETLANDS EXIST ON THESE PARCELS.
- NO BOUNDARY TREATMENT/FENCING IS PROPOSED.
- THE HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE RESIDENTIAL PROPERTIES, HOMEOWNERS' ASSOCIATION PROPERTIES AND ROAD RIGHT-OF-WAY WITHIN THE PROJECT. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN A SATISFACTORY CONDITION AS REQUIRED BY SUSSEX COUNTY, DELAWARE. SHOULD THE OWNER OR OWNERS OF THE PROPERTY DEFAULT IN THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES, THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RIGHT TO MAINTAIN THE FACILITIES SUBJECT TO THE TERMS AND CONDITIONS OF THE COVENANTS.

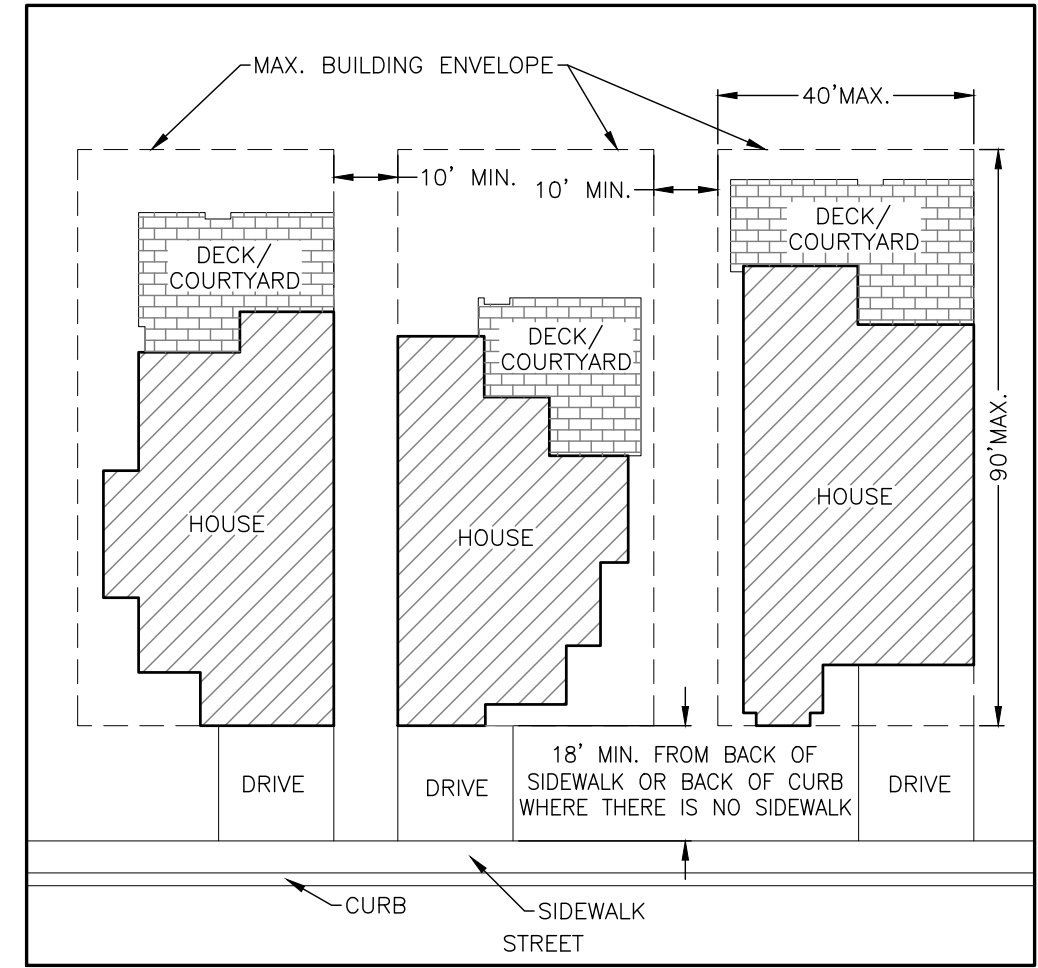
# MARLIN RUN RESIDENTIAL COMMUNITY PRELIMINARY SITE PLAN BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

DBF #0818C045.A01  
JANUARY 5, 2021



**OVERVIEW**  
1" = 200'

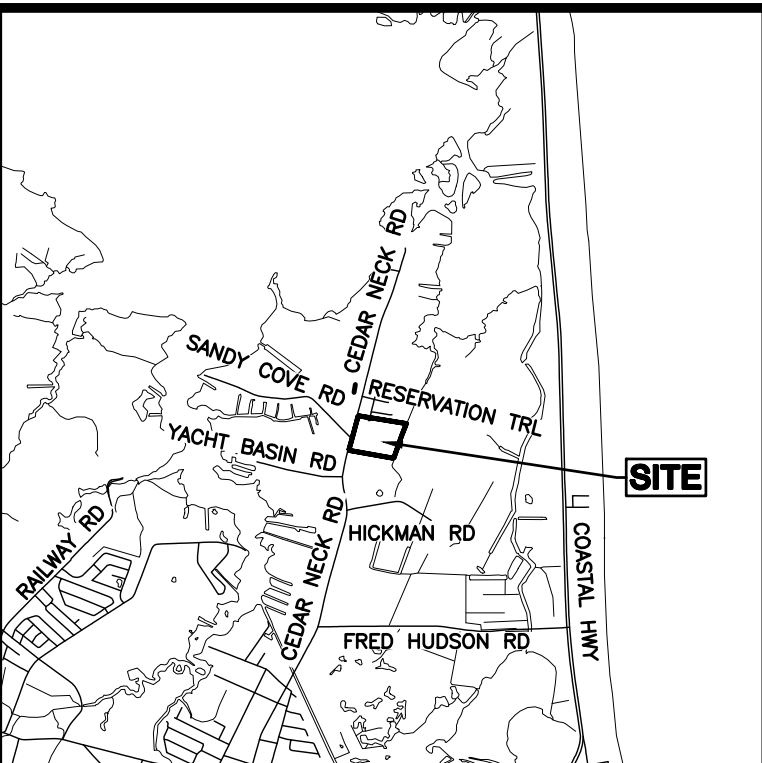
INDEX OF SHEETS	
PL-01	PRELIMINARY TITLE
PL-02	PRELIMINARY SITE PLAN



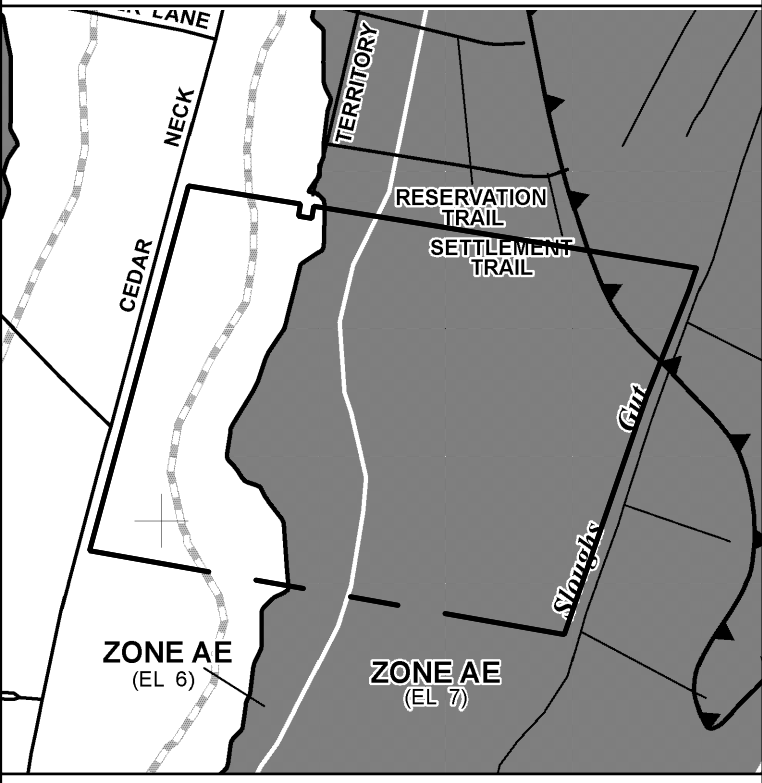
**EXAMPLE BUILDING PLACEMENT DETAIL**  
1" = 30'

**DATA COLUMN**

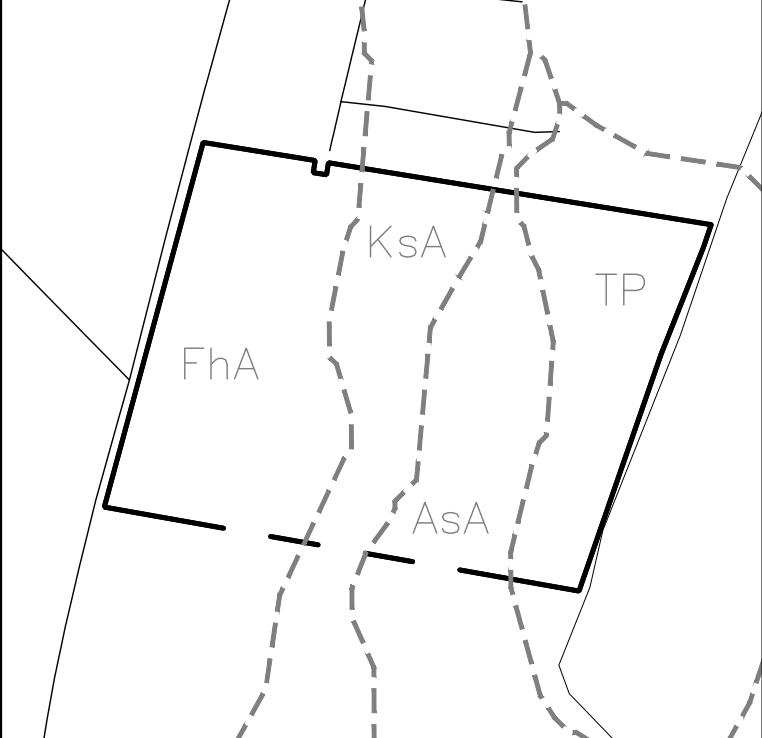
TAX MAP ID:	1-34-9.00-21.00; 1227.00 THRU 1269.00
DEED REF:	D 4429/21
EXISTING ZONING:	MR, MR-RPC
PROPOSED ZONING:	MR-CU
EXISTING USE:	VACANT, APPROVED FOR 75 DWELLING UNITS
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EXISTING SITE AREA:	29.34 ACRES±
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STATE WETLANDS AREA:	7.43 ACRES±
NET DEVELOPMENT AREA:	21.91 ACRES±
ALLOWABLE RESIDENTIAL DENSITY:	21.91 ACRES±/10,000 SF PER D.U.=95 UNITS
404 WETLANDS AREA:	4.41 ACRES±
TOTAL WETLANDS AREA:	11.84 ACRES±
PROPOSED UNITS:	75 SINGLE FAMILY DWELLINGS
<b>SETBACK REQUIREMENTS</b>	
FRONT YARD:	30 FT.
SIDE YARD:	10 FT.
REAR YARD:	10 FT.
VOLUNTARY NON-TIDAL WETLANDS BUFFER:	20 FT.
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT. (3-1/2 STORIES)
SANITARY SEWER:	SUSSEX COUNTY (CEDAR NECK EXPANSION SSD)
WATER SUPPLY:	SUSSEX SHORES WATER COMPANY
<b>DATUM</b>	
VERTICAL:	NAVD 88
HORIZONTAL:	NAD 83 (DE STATE PLANE)
<b>DEVELOPER:</b>	
OCEAN ATLANTIC COMPANIES	
18949 COASTAL HWY, UNIT 301	
REHOBOTH BEACH, DE 19971	
PHONE: 302-227-3573	
FAX: 302-227-2326	
<b>OWNER:</b>	
CBB CEDAR PINES LLC	
9919 STEPHEN DECATUR HWY	
OCEAN CITY, MD 21842	
<b>PREPARED BY:</b>	
DAVIS, BOWEN & FRIEDEL, INC.	
1 PARK AVE.	
MILFORD, DE 19963	
PHONE: 302-424-1441	
FAX: 302-424-0430	



**LOCATION MAP**  
1" = 1 MILE



**FEMA FLOOD MAP**  
PANEL # 10005C0504K (MARCH 16, 2015) 1" = 500'



**SOILS MAP**  
1" = 500'

SOILS DATA	
LABEL	MAP UNIT NAME
AsA	Askecksy loamy sand, 0 to 2 percent slopes
FhA	Fort Mott-Henlopen complex, 0 to 2 percent slopes
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TP	Transquaking and Mispillion soils, very frequently flooded, tidal

**LEGEND**

- Property/Right of way
- Setback Line
- 404 Wetlands Line
- State Wetlands Line
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- Easement Line
- Concrete Marker
- Iron Rod Cap to be Set

**SUSSEX COUNTY PLANNING & ZONING APPROVAL**

SUSSEX COUNTY PLANNING & ZONING STAFF \_\_\_\_\_ DATE \_\_\_\_\_  
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9919 STEPHEN DECATUR HWY  
OCEAN CITY, MD 21842

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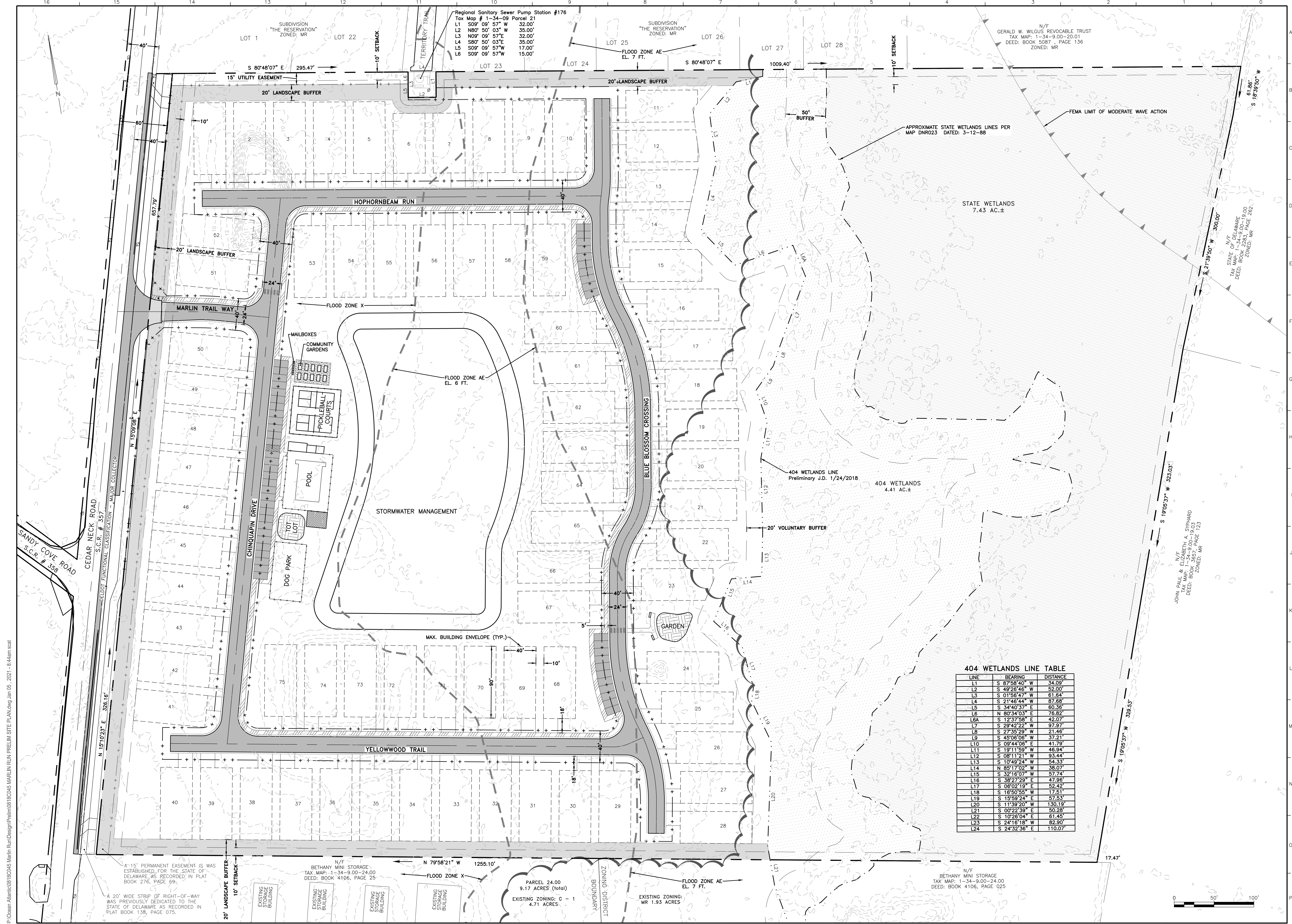
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Kelly Pierson, Environmental Scientist \_\_\_\_\_ DATE \_\_\_\_\_  
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W. ZACHARY CROUCH, P.E. \_\_\_\_\_ DATE \_\_\_\_\_  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE, 19963



Regional Sanitary Sewer Pump Station #176  
 Tax Map # 1-34-09 Parcel #176  
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 L2 N80° 50' 03" W 35.00'  
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N/F  
 GERALD W. WILCOX REVOCABLE TRUST  
 TAX MAP: 1-34-9.00-20.01  
 DEED: BOOK 5087, PAGE 136  
 ZONED: MR

N/F  
 STATE OF DELAWARE  
 TAX MAP: 1-34-9.00-19.00  
 DEED: BOOK 5283, PAGE 262  
 ZONED: MR

N/F  
 JOHN PAUL & ELIZABETH A. SYMARD  
 TAX MAP: 1-34-9.00-19.03  
 DEED: BOOK 3657, PAGE 123  
 ZONED: MR

**404 WETLANDS LINE TABLE**

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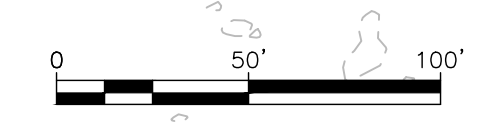
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BETHANY N/F STORAGE  
 TAX MAP: 1-34-9.00-24.00  
 DEED: BOOK 4106, PAGE 25

PARCEL 24.00  
 9.17 ACRES (total)  
 EXISTING ZONING: O - 1  
 4.71 ACRES

BETHANY N/F STORAGE  
 TAX MAP: 1-34-9.00-24.00  
 DEED: BOOK 4106, PAGE 025



ARCHITECTS ENGINEERS SURVEYORS  
 DAVIS, BOWEN & FRIEDEL, INC.  
 1501 MARKET STREET  
 WILMINGTON, DELAWARE 19801  
 (302) 424-1441  
 (410) 770-4714

**MARLIN RUN**  
**RESIDENTIAL COMMUNITY**  
**BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE**

Revisions:  
 Date: 1/5/2021  
 Scale: 1"=50'  
 Dwn. By: TPS  
 Proj. No.: 0818C045.A01  
 Dwg. No.: PL-02



January 6, 2021

Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Jamie L. Sechler, P.E.

Sussex County Planning and Zoning Commission  
County Administration Building  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse  
Director of Planning

RE: Marlin Run  
Tax Parcel No.: 1-34-9.00- 21.00 thru 21.05; 1227.00 thru 1269.00  
DBF #0818C045.A01

Dear Mr. Whitehouse:

On behalf of our clients, Ocean Atlantic Companies and CBB Cedar Pines, LLC, we are please to submit the revised plans and information for the above referenced project. Please find enclosed the following revised information:

- Two copies of the revised Preliminary Plan.
- PLUS response letter.
- Email from OSPC confirming no additional application is needed.
- Letter from the Owner changing the engineer of record.
- DelDOT Entrance Approval Letter and Permit.
- Revise application with engineer's information.
- Chapter 99-9c response letter.

Please substitute the above items to the original application. If you have any questions or require additional information, please contact me at (302) 424-1441.

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



W. Zachary Crouch, P.E.  
Principal

RECEIVED  
JAN 07 2021  
SUSSEX COUNTY  
PLANNING & ZONING



Spring 2017  
Aerial Photo

## Surrounding Communities Map

### Marlin Run

Sussex County, Delaware



Denison  
Landscaping  
Inc.  
8911 Oxon Hill Rd  
Ft. Washington, Md  
20744



Client:

# MARLIN RUN

## Landscaping Plan

© Contents copyright 2021  
Denison Landscaping Inc.

No.	Revision	Date

Date:  
February 3, 2021

Drawn By:  
A. Davis

Sheet Title:  
Landscape Plan

Sheet page:  
**L-1**  
Construction Documents

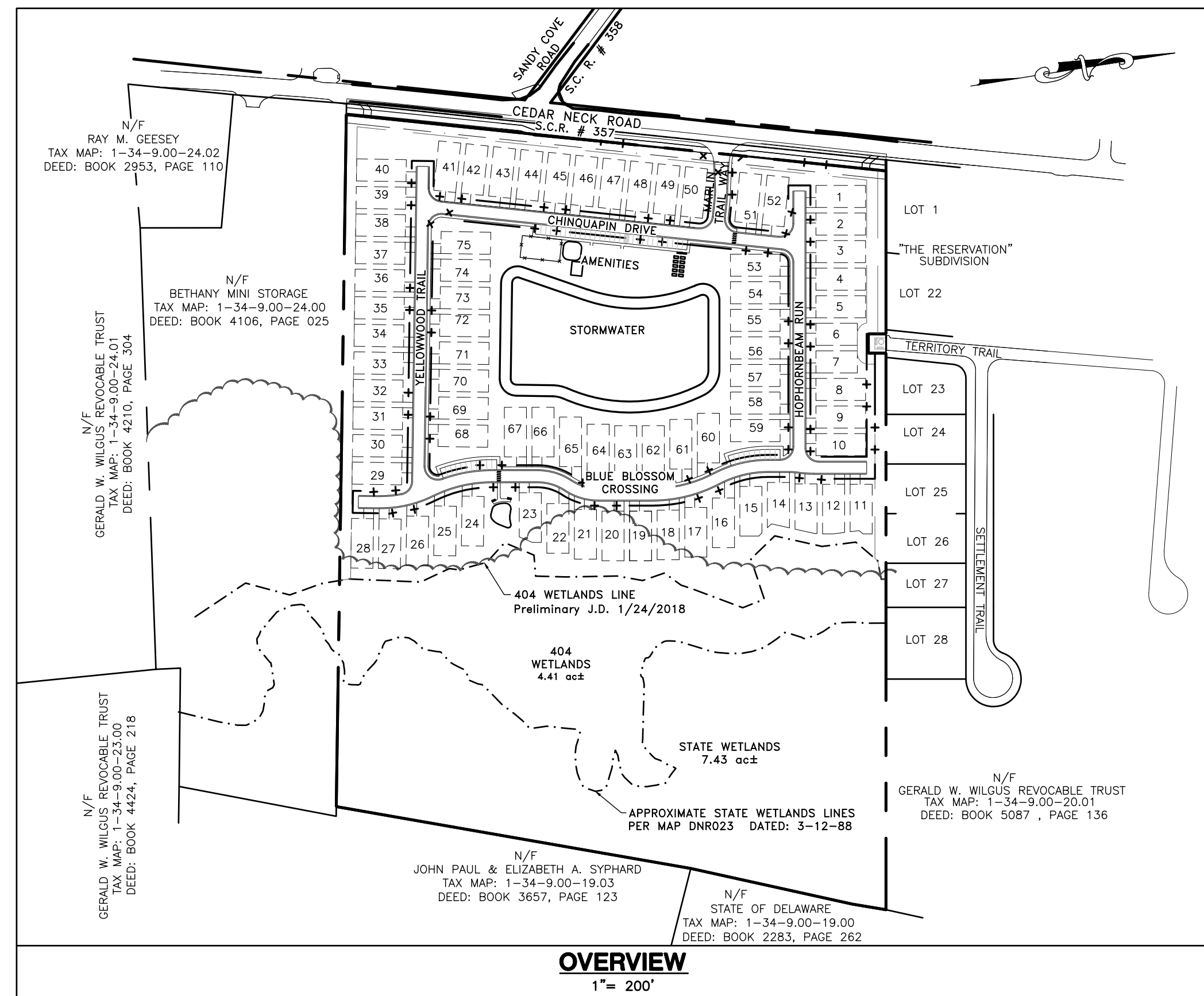


**GENERAL NOTES:**

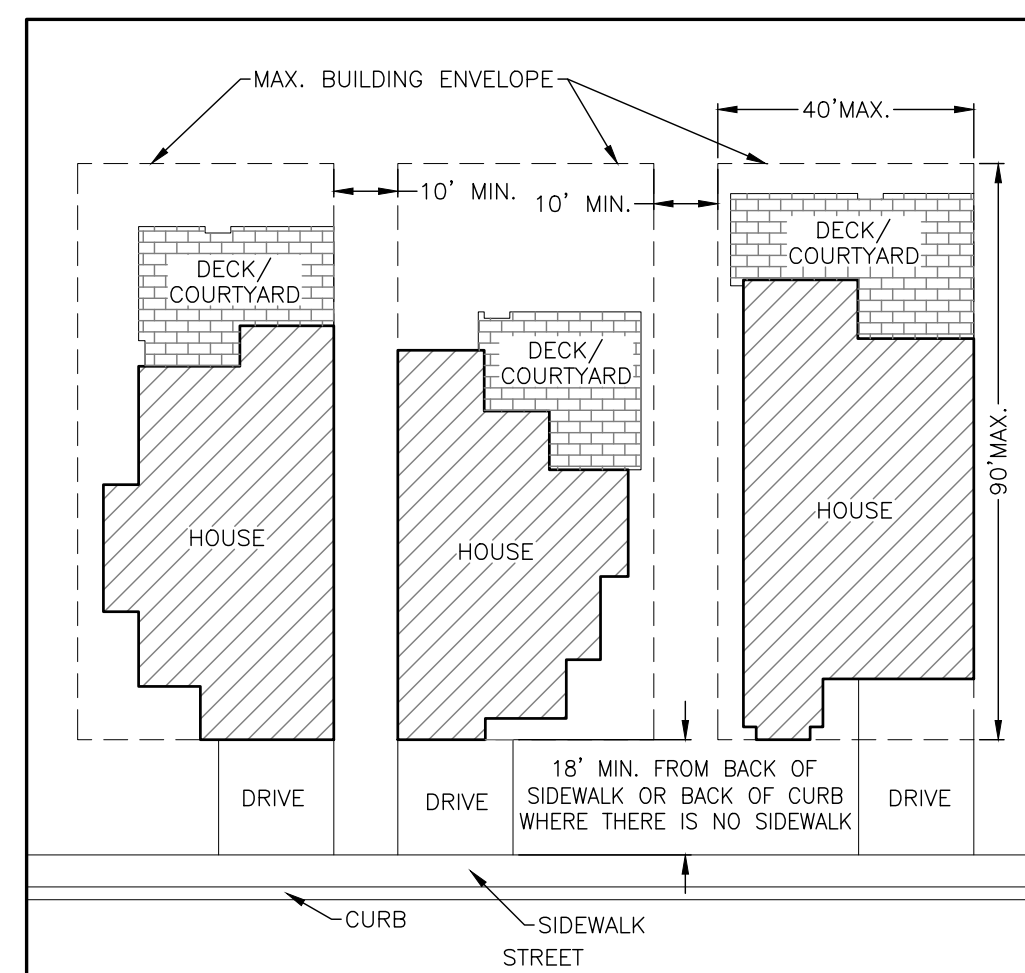
- STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY SHOWN ON THIS PLAN ARE PRIVATE AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- ACCESS TO ALL LOTS SHALL BE PROVIDED FROM THE PRIVATE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0504K, DATED MARCH 16, 2015; PORTIONS OF THIS PROPERTY ARE LOCATED WITHIN AREAS DESIGNATED AS ZONE "X" (UNSHADED) - (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) & ZONE AE BFE 6 FEET & 7 FEET - (AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD).
- THE BOUNDARY INFORMATION SHOWN ON THESE PLANS IS BASED UPON THE PLAT RECORDED IN THE SUSSEX COUNTY RECORDER OF DEEDS BOOK 276 PAGE 69. TOPOGRAPHIC INFORMATION IS BASED IN PART UPON PLANS BY LAND TECH LLC DATED 08/06/19 AS WELL AS CONTOURS ACQUIRED FROM NOAA DIGITAL COAST LIDAR DATA.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- UTILITY EASEMENTS DEPICTED HEREON REPRESENT, TO THE GREATEST EXTENT PERMITTED BY LAW, PRIVATE EASEMENTS FOR THE EXCLUSIVE USE AND BENEFIT OF THOSE UTILITY COMPANIES AND/OR OTHER PROVIDERS OF SERVICES TO THE DEVELOPMENT AS MAY BE DESIGNED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- UNLESS OTHERWISE DESIGNATED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, STORM DRAIN EASEMENTS DEPICTED HEREON REPRESENTS PRIVATE EASEMENTS TO ACCESS THE STORM DRAINS FOR THE SOLE PURPOSE OF MAINTAINING AND REPAIRING SUCH STORM DRAINS, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- WETLANDS EXIST ON THESE PARCELS.
- NO BOUNDARY TREATMENT/FENCING IS PROPOSED.
- THE HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE RESIDENTIAL PROPERTIES, HOMEOWNERS' ASSOCIATION PROPERTIES AND ROAD RIGHT-OF-WAY WITHIN THE PROJECT. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN A SATISFACTORY CONDITION AS REQUIRED BY SUSSEX COUNTY, DELAWARE. SHOULD THE OWNER OR OWNERS OF THE PROPERTY DEFAULT IN THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES, THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RIGHT TO MAINTAIN THE FACILITIES SUBJECT TO THE TERMS AND CONDITIONS OF THE COVENANTS.

# MARLIN RUN RESIDENTIAL COMMUNITY PRELIMINARY SITE PLAN BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

DBF #0818C045.A01  
JANUARY 5, 2021



INDEX OF SHEETS	
PL-01	PRELIMINARY TITLE
PL-02	PRELIMINARY SITE PLAN

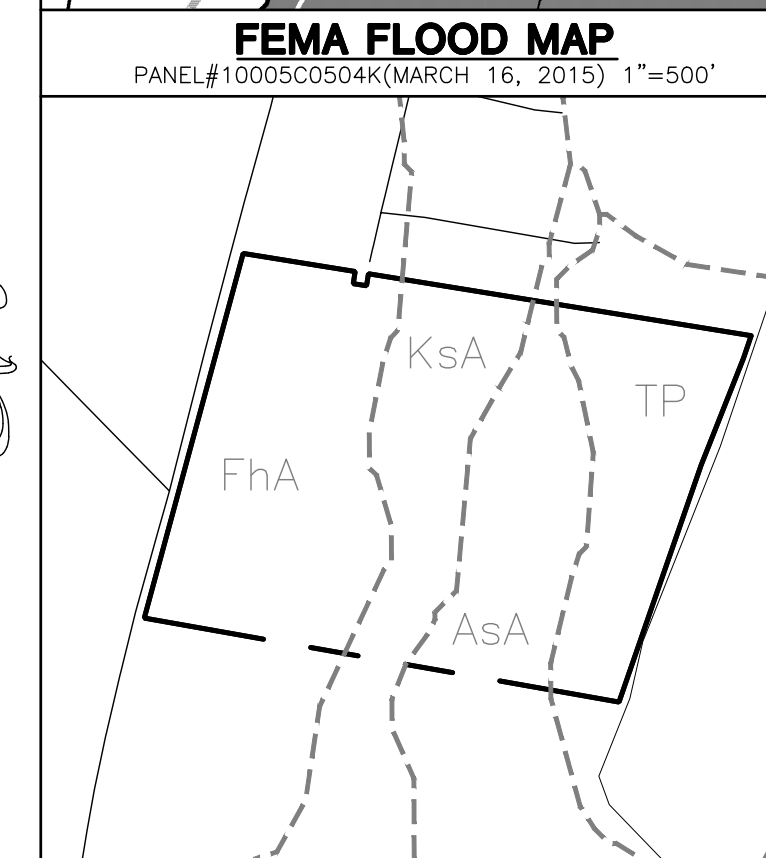
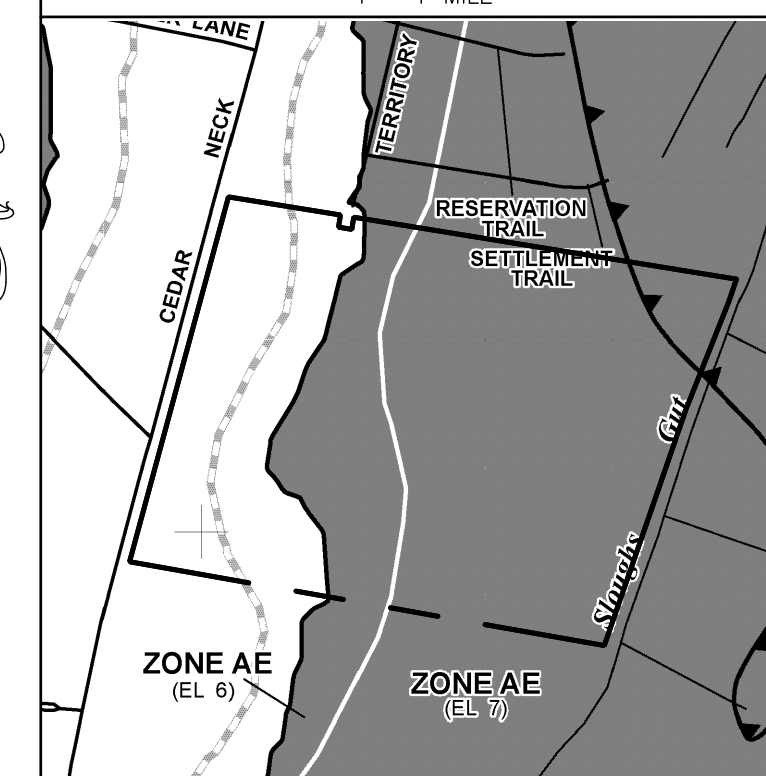
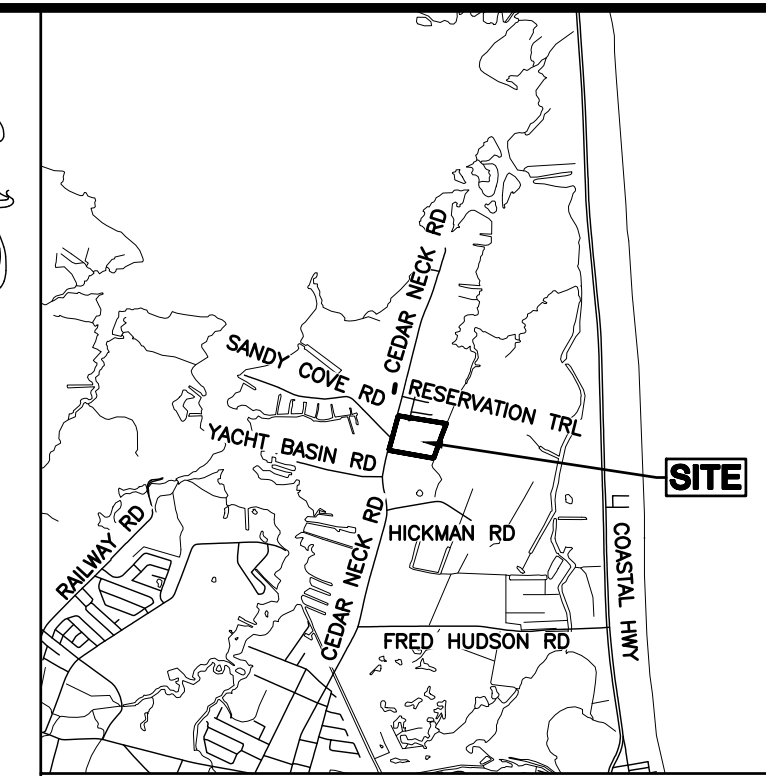


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PREPARED BY:	DAVIS, BOWEN & FRIEDEL, INC. 1 PARK AVE. MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430

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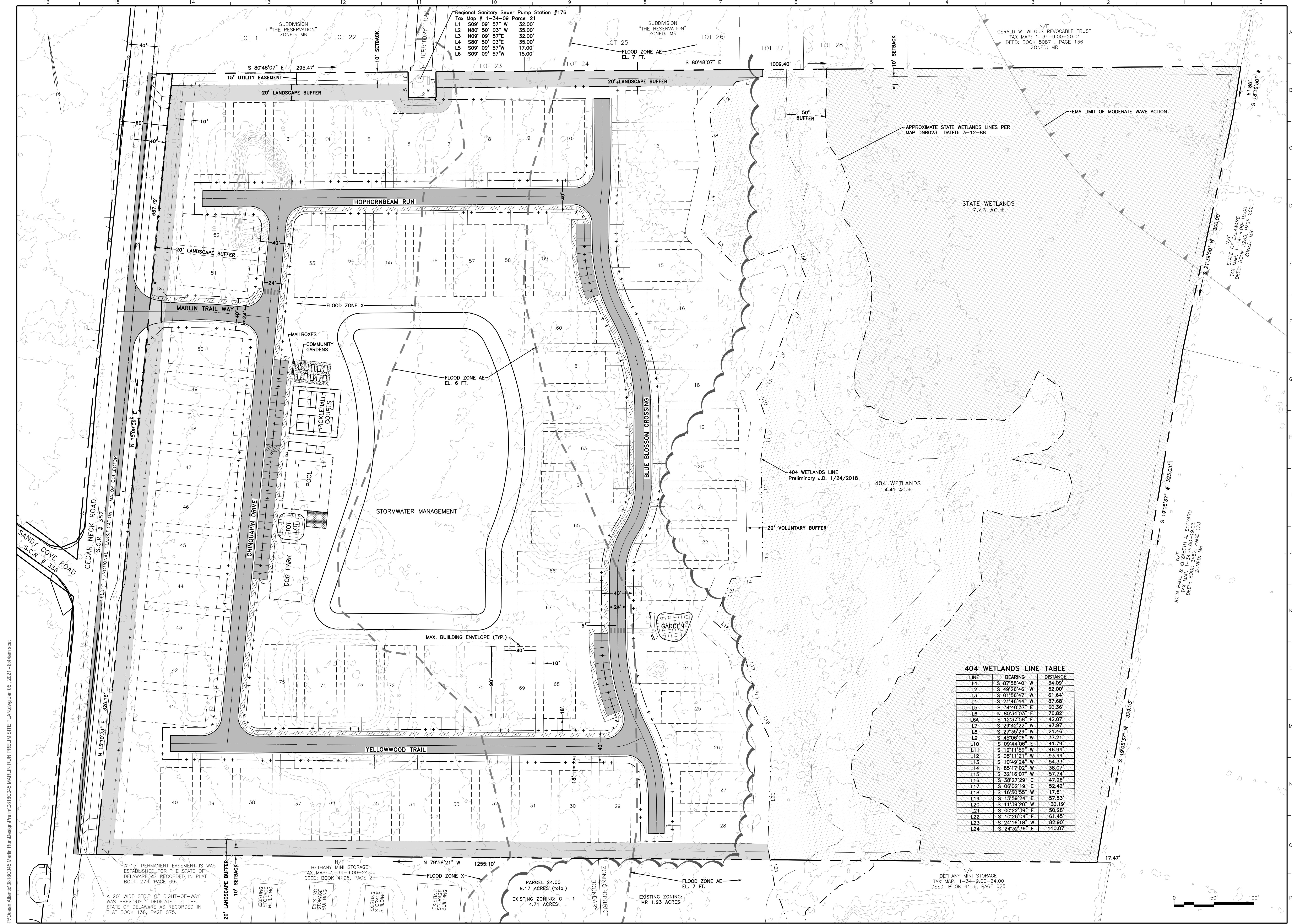
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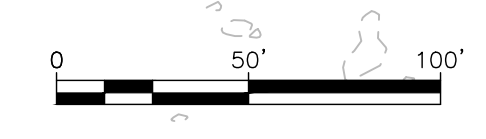
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 4.71 ACRES

BETHANY N/F STORAGE  
 TAX MAP: 1-34-9.00-24.00  
 DEED: BOOK 4106, PAGE 025

ARCHITECTS ENGINEERS SURVEYORS  
 DAVIS, BOWEN & FRIEDEL, INC.  
 1501 MARKET STREET  
 WILMINGTON, DELAWARE 19801  
 (302) 424-1441  
 (302) 424-1441  
 (410) 770-4714

**MARLIN RUN**  
**RESIDENTIAL COMMUNITY**  
**BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE**

Revisions:  
 Date: 1/5/2021  
 Scale: 1"=50'  
 Dwn. By: TPS  
 Proj. No.: 0818C045.A01  
 Dwg. No.: PL-02

January 5, 2021

*Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Jamie L. Sechler, P.E.*

Sussex County Planning and Zoning Commission  
County Administration Building  
2 The Circle  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse  
Director of Planning

RE: Marlin Run  
Chapter 99-9 C Response  
Tax Parcel No.: 1-34-9.00- 21.00 thru 21.05; 1227.00 thru 1269.00  
DBF #0818C045.A01

Dear Mr. Whitehouse:

On behalf of our client, Ocean Atlantic Companies, we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

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

- a. The proposed Marlin Run development includes a 50' tidal wetlands buffer and 20' non-tidal building setback.
- b. There will be a 20' landscape buffer between the developed area and all adjoining properties.
- c. All landscaping will use native species to aid in the proposed subdivisions fitting in and enhancing surrounding scenery.

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

- a. A wetlands delineation was performed by Back Creek Environmental Consulting. The investigation found both State and Federal Wetlands. Tidal wetlands will be protected by a 50' wetlands buffer. A building setback of 20' has been established along all non-tidal wetlands. The only possible impacts we anticipate would be small areas for discharge protection at stormwater outfalls.

- b. We anticipate applying for a Letter of Map Revision for Fill for areas currently in Flood Hazard Areas.

**3. Preservation of natural and historical features.**

- a. The proposed development will be designed around natural features on-site including, tidal and non-tidal wetlands.
- b. Tidal wetlands will be protected by a 50' wetlands buffer, while a 20' building setback has been provided along all non-tidal wetland.
- c. According to PLUS comments from the State Historic Preservation Office, this site does not contain any known historical archaeological site or National Register listed properties.

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

- a. The proposed community is staged to present views to a central stormwater pond which will also serve as an aesthetic amenity. Recreational open space is provided west of the pond which will include a pool, tot lot, dog park, grill & fireplace, pickleball courts, as well as community gardens.
- b. A "zen garden" is located near the wooded wetlands and has a connection to the central open space.
- c. A 20 ft voluntary buffer is provided from non-tidal wetlands to help preserve additional open space.

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

- a. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements, flood protection and to ensure proper lot drainage.
- b. We anticipate approximately 0.5 acres of the existing 6.3 acres of wooded areas could be cleared for home construction.

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

- a. There will be a 20' landscape buffer between the developed area and all adjoining properties.

**7. Provision for water supply.**

- a. Sussex Shores Water Company, Inc. will supply all homes with central water.

- b. The developer will construct internal water mains within the project that will receive approval from, be owned by, and maintained by Sussex Shores Water Company.

**8. Provision for sewage disposal.**

- a. Sussex County will provide sanitary sewer conveyance and treatment for the proposed subdivision. The property is located within the Sussex County Cedar Neck Expansion Sanitary Sewer District. The development will be served by gravity sewer to an existing regional pump station located adjacent to the site.

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

- a. The storm drainage system will capture drainage from the site.
- b. Best Available Technologies (BATs) will be used during the design and construction of the property.
- c. Best Management Practices (BMPs) will be used during the design and construction of the property.
- d. The site will utilize Green Technologies such as bio-retention areas, bio-swales or submerged gravel wetlands where feasible for the project.

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

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.
- c. All storms will be controlled and discharged at the pre-development rate. The 100-year storm will be safely routed through this site.

**11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.**

- a. The interior of the subdivision contains sidewalks on one side of the street providing pedestrian connection throughout the site.



- b. The road design will conform to Sussex County standards and specifications and will be turned over to the homeowner's association for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project.
- d. The Developer will provide multi-modal path for bike and pedestrian use as required by DelDOT.

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

- a. The project's development should have no adverse effect on property values in the area.

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

- a. There has been no farming activity on this land for over a decade.

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

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the Indian River School system.

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

- a. The approved entrance was designed to DelDOT standards and the streets will be designed to Sussex County standards and specifications.
- b. The developer will be required to provide a future multi-modal path for bike and pedestrian use.

**16. Compatibility with other area land uses.**

- a. The Marlin Run community is compatible with its existing MR zoning. It is located in an area of the county where growth is encouraged and in close proximity to existing water and sewer infrastructure.
- b. Marlin Run is a short distance from many other residential neighborhoods, the Town of Ocean View, and the Bethany Beach area.

**17. Effect on area waterways.**

- a. The Marlin Run community will be designed to improve the quality of runoff from the site.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client we thank you for your review and consideration of this response.  
If you should have any questions or concerns, please contact me at (302) 424-1441

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'W. Zachary Crouch', written in a cursive style.

W. Zachary Crouch, P.E.  
Principal

**STATE OF DELAWARE  
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: \_\_\_\_\_  
CASTAWAYS BETHANY BEACH, LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the limited liability company is hereby amended from CASTAWAYS BETHANY BEACH, LLC to:

CBB CEDAR PINES, LLC

No other amendment is being made to the Certificate of Formation of the limited liability company, which remains in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 1<sup>st</sup> day of March, A.D. 2014.

By: \_\_\_\_\_  
Authorized Person(s)

Name: Todd E. Burbage, G.M.  
Print or Type

January 14, 2021

*Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Jamie L. Sechler, P.E.*

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse  
Director of Planning

RE: Marlin Run  
Environmental Assessment and Public Facility Evaluation Report  
Tax Parcel No.: 1-34-9.00- 21.00 thru 21.05; 1227.00 thru 1269.00  
DBF #0818C045.A01

Dear Mr. Whitehouse:

On behalf of our client, Ocean Atlantic Companies, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ), Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.*

**The proposed improvements will meet or exceed the state regulations for stormwater management. We intend to use wet pond basin as well as other Best Management Practices to meet these requirements.**

- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.*

**The proposed project is located in the Sussex Shores Water Company, Inc. franchise area and they hold the Certificate of Public Necessity (CPCN). A letter from Sussex Shores Water Company, Inc. said they are willing and able to provide public water**

**for this project. Impacts to the groundwater and other systems have been evaluated as part of Sussex Shores Water Company, Inc. CPCN.**

- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.*

**The proposed project is located within the Sussex County Cedar Neck Expansion of Bethany Beach Sanitary Sewer District and we have proposed to connect to an existing pump station.**

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*

**The proposed project will participate in an Area Wide Study and pay the area-wide study fee.**

- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.*

**There is no known state or federally listed endangered or threatened species on this site.**

- (f) *The preservation and protection from loss of any tidal or non-tidal wetlands on the site.*

**The non-tidal wetlands on this property are not subject to section “404” of the clean water act. A jurisdictional determination from the Army Corp. on January 24, 2018.**

- (g) *Provisions for open space as defined in §115-4.*

**The proposed community is staged to present views to a central stormwater pond which will also serve as an aesthetic amenity. Recreational open space is provided west of the pond which will include a pool, tot lot, dog park, grill & fireplace, pickleball courts, as well as community gardens. A “zen garden” is located near the wooded wetlands and has a connection to the central open space.**

**A 20 ft voluntary buffer is provided from non-tidal wetlands to help preserve additional open space. A 20’ buffer is provided along the perimeter boundary.**

- (h) *A description of provisions for public and private infrastructure.*

**The Developer will construct gravity sewer lines to serve this parcel and will be maintained by Sussex County. The Developer will also construct the internal water**

**mains in the project that will be owned and maintained by Sussex Shores Water Company, Inc. The internal roadways will be constructed by the Developer and privately maintained. Electric will be provided by Delmarva Power.**

- (i) *Economic, recreational or other benefits.*

**The proposed project will create a considerable number of jobs during construction. Future residents of Sussex County will pay county taxes.**

- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.*

**There are no known archaeological sites or National Register-listed property on this parcel.**

- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.*

**The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.**

- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.*

**All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.**

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at (302) 424-1441

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



W. Zachary Crouch, P.E.  
Principal

**MAPPING & ADDRESSING**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

January 6, 2021

Ocean Atlantic Companies

Attn: Ben Gordy

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

**MARLIN RUN**

I have received your request to change the subdivision previously approved as **Marlin Run**, which is located in **Ocean View** (134-9.00-21.00). The name change has been approved and will now be known as:

**MARLIN CHASE**

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

Sincerely,

*Terri L. Dukes*

Terri L. Dukes  
Addressing Technician II

CC: Christin Headley  
Planning & Zoning



## MAPPING & ADDRESSING

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



# Sussex County

DELAWARE  
sussexcountyde.gov

August 6, 2019

Blue Water Development Corp.  
Attn: Steven Kremer

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

I have reviewed the name(s) submitted for your proposed subdivision name change, which is located in Ocean View (134-9.00-21.00). In reviewing the proposed name(s) the following has been **approved** for this subdivision:

### MARLIN RUN

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

Sincerely,

*Terri L. Dukes*

Terri L. Dukes  
Addressing Technician II

CC: Christin Headley  
Planning & Zoning







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

JENNIFER COHAN  
SECRETARY

December 31, 2015

Mr. Mike Riemann  
Becker Morgan Group, Inc.  
309 South Governors Avenue  
Dover, Delaware 19904

**SUBJECT: Entrance Approval Letter  
Oceanside Vista  
(fka Preserve at Cedar Pines/Seasons at Bethany)  
Tax Parcel #134-9.00-21.00  
SCR357-CEDAR NECK ROAD  
Baltimore Hundred, Sussex County**

Dear Mr. Riemann:

The Department of Transportation has reviewed the Commercial Entrance Plans dated August 12, 2014 (last revised December 15, 2015) for the referenced project and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid a period of **three (3) years**. If an entrance permit has not been obtained within three years, then the plans must be updated to meet current requirements and resubmitted for review and approval.

**This letter does not authorize the commencement of entrance construction. The following items will be required prior to the permit being issued. A pre-construction meeting may be required as determined by the South District Public Works office.**

1. A copy of the recorded Site Plan which is consistent with the DeIDOT "No Objection to Recordation" stamped plan and all appropriate signatures, seals, plot book and page number.
2. A copy of the approved entrance plans.
3. Completed permit application.
4. Executed agreements (i.e. construction, signal, letter).
5. An itemized construction cost estimate.
6. A 150% security based upon an approved itemized construction cost estimate and W-9 form (if providing escrow).

Preserve at Cedar Pines (fka Seasons at Bethany)

Mr. Riemann

Page 2

December 31, 2015

7. A letter of source of materials, work schedule, list of subcontractors, emergency telephone numbers and names of contact persons.

Please contact the South District Public Works office (302) 853-1340 concerning any questions you may have relative to the aforementioned required items.

Sincerely,



Steve Sisson

Sussex County Review Coordinator  
Development Coordination

Enclosure (2)

cc: Bethany Marina Liquidating Trust  
Jessica L. Watson, Sussex Conservation District  
James Osborne, South District Subdivision Manager (2)  
Jerry Nagyiski, Safety Officer Supervisor (1)  
Tom Meyer, Traffic Studies Manager (1)  
Todd Sammons, Subdivision Engineer  
Will T Mobley III, Sussex County Reviewer



REPLY TO  
ATTENTION OF

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

JAN 24 2018

Regulatory Branch  
Application Section I

SUBJECT: CENAP-OP-R-2011-902-85 (Preliminary JD)  
Project Name: Oceanside Vista SX  
Latitude and Longitude: 38.570217°N/-75.078244°W

Kelly Pierson  
Back Creek Environmental  
Post Office Box 23  
Gaithersburg, Maryland 20877

Dear Mr. Pierson:

This letter is written with regard to your request for verification of a preliminary jurisdictional determination. The property associated with your request is located on Cedar Neck Road at Tax Map Parcels 134-9.00-21.00 and 24.00, Ocean View, Sussex County, Delaware.

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

The plans identified on the following page depict all delineated waters and wetlands on the subject site that may be jurisdictional under Section 10 of the Rivers and Harbor Act and/or Section 404 of the Clean Water Act. This preliminary determination has been conducted to identify the location(s) of waters and wetlands that may be waters of the United States for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

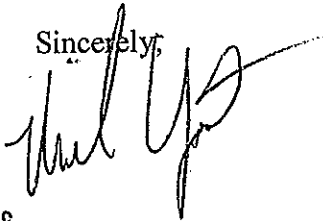
This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands, on the parcel. Preliminary JDs are advisory in nature and may not be appealed (See attached Notification of Appeal Form (Enclosure 1)); however, the applicant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

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

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

If you have any questions regarding this matter, please contact Mr. Michael D. Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil or write to the above address.

Sincerely,



EDR

Edward E. Bonner  
Chief, Regulatory Branch

\*\*\*\*\*  
SUBJECT PROPERTY: Oceanside Vista, Tax Map Parcels 134-9.00-21.00 and 134-9.00-24.00, Ocean View, Sussex County, Delaware.

\*\*\*\*\*  
SURVEY DESCRIPTION: Plan prepared by True North Surveying, Inc., dated July 18, 2011, revised August 24, 2011, entitled: *Wetlands Delineation Plat for Bluewater Development Corporation*, one sheet.

\*\*\*\*\*  
COMMENTS: This determination is based on a report prepared by Back Creek Environmental prepared on January 10, 2017; no site inspection was performed by this office. Back Creek reconfirmed the wetland delineation on October 10, 2017. This determination applies only to the specific project site referenced above.

\*\*\*\*\*

Enclosures

# Sussex County 911 Addressing and GIS Services

Sussex County West Complex Administrative Offices  
22215 DuPont Blvd 3<sup>rd</sup> Floor  
P.O. Box 589  
Georgetown, DE 19947

Phone: (302) 855-1176  
Fax: (302) 853-5889



July 23, 2015

Land Tech, LLC.  
Attn: Jeffrey Clark  
118 Atlantic Av  
Ocean View, DE 19970

**RE: Street Names**

I have received proposed street names for Oceanside Vista located in Ocean View. In reviewing the proposed street name(s) the following have been approved:

<b>Marlin Tail Way</b>	<b>Chinquapin Dr</b>	<b>Blue Blossom Crsg</b>
<b>Yellowwood Tr</b>	<b>Hophornbeam Rn</b>	

Use only approved road names that you have written confirmation for or you will be required to rerecord.

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

Sincerely,

Lindsey D. Stubbs  
Addressing Department

CC: Janelle Cornwell  
Planning & Zoning

# PERMIT FOR ENTRANCE CONSTRUCTION

PERMIT NO.: SC-0002-19CM



DISTRICT Sussex AREA \_\_\_\_\_ PERMIT NO. SC-0002-19CM DATE 01/04/2019

Type Of Access : **Commercial**

Maintenance Road No.: SCR 358 Delaware Grid Coordinate : \_\_\_\_\_

Issue To : CBB Cedar Pines, LLC Phone No.: 410-213-1900  
(Owner)

Address : 9919 Stephen Decatur Highway , Ocean City, MD 21842

STATE OF DELAWARE  
DEPARTMENT OF  
TRANSPORTATION

Type Of Security Furnished : Letter of Credit Amount : \$304,223.00

(150% of cost)

DIVISION OF  
MAINTENANCE &  
OPERATIONS

Estimated Construction Cost : \$202,815.00 Expiration Date : 01/04/2020

23697 Dupont Blvd  
Georgetown, DE 19947

PARCEL ID NO. 134-9.00-21.00

## DESCRIPTION OF CONSTRUCTION

### Construction Access Permit

Permit to construct the permanent entrance and road improvements for the project known as **Oceanside Vista**, Tax Parcel Number **134-9.00-21.00** located on **SCR 357 (Cedar Neck Rd)** as per the plan approved by Steve Sisson, Sussex County Subdivision Engineer dated **December 31, 2015**. Letter of Credit number **86647890-F6** in the amount of \$ **304,223.00** issued from **Calvin B. Taylor Banking Co.** has been posted and upon successful completion and acceptance of work in conformance with approved plan, the bond will be released. As a property owner granted a permit to construct a commercial entrance that accesses State right-of-way, it is your responsibility to construct that entrance according to your stamped, approved plans and State Specifications. To avoid problems the District requires that any changes in the plans have prior approval from the Section Supervisor. Prior notification must be given to the Section Supervisor when work will occur on permit. Failure to give adequate notification will result in loss of permit and possible legal ramifications. **Please contact James Argo at (302) 853-1343 to give 72 hours notice prior to construction of the entrance.**

**A final inspection will be held when work on the permit is complete. Any corrections, additions, alterations, etc. will be done before the permit is accepted. These items in no way eliminate guarantees set forth by the permit. The owner/developer must obtain a Utility Construction Permit, separate from the entrance permit, for any utility work to be done within State right-of-way.**

It is hereby agreed by the owner of the property affected, and all heirs, assigns, and/or successors in interest, that all construction covered by this permit shall be performed in accordance with the approved construction plan and the current Standard Specifications published by the Department of Transportation. The plan and specifications are incorporated herein by reference, and made part of this permit. Work is to begin within 90 days of the date of this permit, and it is to be completed on or before the above completion date. Requests for an extension of this permit shall be submitted in writing to the Permit Section 30 days prior to expiration.

The Owner agrees not to sell, lease, or change the use of the property to significantly alter the flow and/or volume of traffic and/or drainage as determined within the sole discretion of the Division, and/or transfer his/her interest in the property without obtaining a new permit from the Division of Maintenance & Operations. Such failure automatically voids this permit.

The holder of this permit shall indemnify and save harmless the Division of Maintenance & Operations and its officers, employees, and/or agents from suits and damages arising from, or on account of the above described construction herein permitted on State rights-of-way, or the Division's acceptance thereof consistent with Section 107.14 of the Standard Specifications and all amendments thereto, incorporated herein by reference.

Traffic Control and utility alterations shall be in accordance with current The Division of Maintenance & Operations "Traffic Controls for Streets and Highway Construction Manual" and the "Utilities Policy and Procedure Manual," incorporated herein by reference.

Permittee shall call the Division of Maintenance & Operations Permit Section, (Canal District: 326-4679, Central District: 760-2433, South District: 853-1342) and Miss Utility (1-800-282-8555) prior to any construction on State rights-of-way.

The Division of Maintenance & Operations may require revisions to the approved plans as required by field conditions.

The permittee shall request the Division of Maintenance & Operations make final inspection of the construction when work is completed, and all work must be completed to the satisfaction of said Division of Maintenance & Operations.

This permit shall be wholly conditional upon the satisfactory completion of all provisions set forth herein. If, upon expiration of this permit, work is incomplete or not performed according to the aforesaid plan and specifications, and no extension is applied for and issued, this permit shall become null and void for all legal purposes and the entrance shall be considered illegal with reference to 17 Del. C. §146.

James Argo

Authorized Representative of Division of Maintenance &  
Operations

CBB Cedar Pines, LLC

Property Owner

Property Owner Signature

## **CONDITIONAL USE NO. 2207**

### **CBB CEDAR PINES, LLC**

#### **PROPOSED CONDITIONS**

- A. There shall be a maximum of 75 single family detached condominium units.
- B. The Applicant shall form a Homeowners or Condominium Association responsible for the perpetual maintenance of streets, buffers, stormwater management facilities, recreational facilities, and other common areas.
- C. All entrance, intersection, roadway and shared use path improvements shall be completed by the developer in accordance with DelDot requirements.
- D. The suite shall be served by central water and central sewer.
- E. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be designed and operated using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- F. The HOA documents shall prohibit the application by homeowners of fertilizer on the property. All fertilizer application shall be managed by the HOA and a contractor of its designation using best management practices that seek to minimize the risk of runoff into the stormwater management system and, subsequently, the inland bays.
- G. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

- H. The Applicant shall construct the recreational amenities no later than the issuance of the 40<sup>th</sup> residential building permit.
- I. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall occur from Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m.
- J. As proffered by the Applicant, all buildings shall maintain a 20 foot voluntary setback from the non-tidal wetland line and a 100 foot voluntary setback from the tidal wetland line.
- K. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. The staff shall approve the revised plan upon confirmation that the conditions of approval have been depicted or noted on it.
- L. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.



## **CONDITIONAL USE NO. 2207**

### **CBB CEDAR PINES, LLC**

#### **PROPOSED FINDINGS**

1. The proposed 75 multi-family unit development is appropriate at this location based on existing uses in the area and will not have an adverse impact on neighboring properties or roadways.
2. The site is currently approved for 75 residential units by virtue of prior RPC and Conditional Use Applications. The site was previously approved for 143 multi-family residential units.
3. The site is an “infill” parcel of land with residential use to the north, a shopping center to the west, a self-storage facility to the south and wetlands to the east.
4. The development will be served by county sewer and public water.
5. The site is located in the “Coastal Area” under the 2019 Sussex County Comprehensive Plan which is one of the designated “Growth Areas”. A range of housing types is appropriate in the “Coastal Area” including multi-family residential units.
6. With the conditions of approval, the proposed use is appropriate at this location and is essential and desirable for the general convenience and welfare of current and future residents of Sussex County.

## Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS** - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. All questions must be answered. If a question is unknown at this time or not applicable, please explain. Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): \_\_\_\_\_  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: **Marlin Run**

2. Location ( please be specific): **Cedar Neck Road, North of Ocean View**

3. Parcel Identification #: **1-34-9.00-21.00**

4. County or Local Jurisdiction Name: where project is located: **Sussex**

5. If contiguous to a municipality, are you seeking annexation: **N/A**

6. Owner's Name: **CBB Cedar Pines, LLC**

Address: **9919 Stephen Decatur Highway**

City: **Ocean City**

State: **MD**

Zip: **21842**

Phone: **443-880-8950**

Fax: **N/A**

Email: **clarmore@bwdc.com**

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): **Same as Above**

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

8. Project Designer/Engineer: **Land Tech Land Planning, LLC**

Address: **Taggart Professional Center, 32895 South Coastal Highway**

City: **Bethany Beach**

State: **DE**

Zip: **19930**

Phone: **302-539-2366**

Fax: **N/A**

Email: **jeffc@landtechllc.com**

9. Please Designate a Contact Person, including phone number, for this Project: **Jeff Clark, RLA**

**302-539-2366**

<b>Information Regarding Site:</b>	
10. Type of Review: <input type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision <b>Conditional Use</b>	
11. Brief Explanation of Project being reviewed: <b>Single Family Detached and Multifamily Mixed Use (75 d.u.)</b>  If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. <b>2003 LUPA Reviews LUPAID 2260304</b> <b>2012-04-02 Castaways Bethany 2013-11-03 Preserve at Cedar Pines</b>	
12. Area of Project (Acres +/-): <b>29.36</b> Number of Residential Units: <b>75</b> Commercial square footage: <b>N/A</b>	
13. Present Zoning: <b>MR</b>	14. Proposed Zoning: <b>MR - CU</b>
15. Present Use: <b>Vacant - Approved for 75 d.u.</b>	16. Proposed Use: <b>50 sfd &amp; 25 multifamily</b>
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: <b>Sussex Shores Water Company</b>  Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: <b>Sussex County</b>  Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. If residential, describe style and market segment you plan to target (Example- Age restricted): <b>Resort second home and pre-retiree/retiree</b>	
20. Environmental impacts:  How many forested acres are presently on-site? <b>+/-6.3ac</b> How many forested acres will be removed? <b>0.4 acres +/-</b>  To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Are the wetlands: <input checked="" type="checkbox"/> Tidal Acres: <b>7.43 acres</b> <input checked="" type="checkbox"/> Non-tidal Acres: <b>4.4 acres</b>  If "Yes", have the wetlands been delineated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Has the Army Corps of Engineers signed off on the delineation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the impacts:  How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? <u><b>100' plus to any tidal wetlands</b></u>	
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
22. List the proposed method(s) of stormwater management for the site: <b>Green technology BMP's (bioswales, pervious pvmt.)</b>	
23. Is open space proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? Acres:  What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? <b>Active (pool), passive open spaces separating dwellings, open pond</b>	
24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 728 vpd

What percentage of those trips will be trucks, excluding vans and pick-up trucks? less than 5%

26. Will the project connect to state maintained roads?  Yes  No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. None

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No  
Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No  
Person to contact to arrange visit: Owner phone number: see page one

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

\_\_\_\_\_  
Signature of property owner

August 29, 2019

Date

\_\_\_\_\_  
Signature of Person completing form  
(If different than property owner)

August 29, 2019

Date

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

October 23, 2019

Jeff Clark, RLA  
Land Tech Land Planning, LLC  
Target Professional Center  
32895 South Coastal Highway  
Bethany Beach, DE 19930

RE: PLUS review 2019-09-03; Marlin Run

Dear Mr. Clark:

Thank you for meeting with State agency planners on September 25, 2019 to discuss the proposed plans for the Marlin Run project. According to the information received you are seeking review of a conditional use for a 75 unit residential development on 29.36 acres along Cedar Neck Road in Sussex County.

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

**Strategies for State Policies and Spending**

This project is located in Investment Levels 3, 4, and Out of Play according to the Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but may have priorities for the near future. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation.

The Office State Planning does not support any building activities in Level 4 and ask that any buildings located in Level 4 be moved out of those areas. In addition, the State asks that the developer work with State agencies, specifically DNREC to ensure that the environmental features of this site are protected.

## **Code Requirements/Agency Permitting Requirements**

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

- The site access, on Cedar Neck Road (Sussex Road 357) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- The subject land, Tax Parcel 1-34-09.00-21.00, was previously proposed for development as The Preserve at Cedar Pines. A Letter of No Objection to Recordation was issued for that development on August 23, 2018, but the entrance was never constructed. With the proposed change in use, that plan approval will need to be revisited. In accordance with Section P.4.2 of the Manual the developer will need to obtain both a Letter of No Objection and an entrance plan approval specific to the current development proposal.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 728 vehicle trip ends per day. DelDOT calculates a value of 698 but regardless, the plan meets the warrants for a TIS.

Section 2.2.2.2 of the Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. If the County requires a TIS, DelDOT will support their requirement and will not accept the AWS Fee.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Regardless of whether a TIS is done for this development, DelDOT

anticipates requiring the developer improve Cedar Neck Road within the limits of their site frontage to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders and to enter an agreement to fund a future signal at the intersection of Cedar Neck Road and Sandy Cove Road (Sussex Road 358). The AWS Fee, if paid, would not be counted toward those improvements. AWS Fees are used to fund traffic studies, not to build improvements.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Cedar Neck Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline along both roads. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Cedar Neck Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 300 feet of the entrance on Cedar Neck Road.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads may be required by DelDOT. DelDOT anticipates requiring the developer to build a Shared Use Path along their frontage on Cedar Neck Road.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Cedar Neck Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Sediment and Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.
- According to information provided by the applicant in the PLUS application, both green-technology stormwater management and pervious pavers will be included in the final design of this project. These features are considered best management practices.

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

- The Delaware SHPO does not recommend or support development in Level 4 areas.
- There are no known archaeological sites, or known National Register listed or eligible properties on the parcel. However, previous survey for the sewer expansion collected early eighteenth-century artifacts and suggests the existence of a potential early site in the vicinity. The National Register Wilgus site is on the property to the north, representing an important Native American resource. The majority of the subject property has not been surveyed and there is a high potential for Native American



archaeological remains, especially in the eastern half of the area to be developed. An early historic site may be located in the vicinity. Our office is recommending an archaeological survey prior to ground disturbance.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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

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

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

**Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Where traffic circles (roundabouts) are located in the subdivision, they too are to be arranged in such a manner that they will not adversely affect quick and unimpeded travel of fire apparatus throughout the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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

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

#### **Required Notes:**

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

### **Recommendations/Additional Information**

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

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

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

<https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Groundwater Discharges**

- A soil feasibility study should be completed and submitted to the Groundwater Discharges Section (GWDS) Small System Section, in Georgetown, for approval (Section 5.2.2 of the Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems).
- With wastewater disposal being provided by Sussex County, GWDS Large System might need to be notified, if the disposal capacity is changing from the existing permit. GWDS Large System can be contacted at (302) 739-9948.

**Flooding and Sea Level Rise**

- The majority of the site is located within the Special Flood Hazard Area (SFHA), zones AE6 and AE7.
- Proposed structures should be sited outside of the SFHA. If sited within the SFHA, all local floodplain codes and ordinances must be followed.
- The developer should incorporate higher standards into the design of structures, particularly since the majority of the site is situated in an area projected to be impacted by sea level rise.

**State Natural Area**

- A portion of the project is located within the Indian River Bay Natural Area. Impacts to this area should be avoided. A "natural area" as defined by the law is an area of land or water, or of both land and water, whether in public or private ownership, which either retains or has reestablished its natural character (although it need not be undisturbed), or has unusual flora or fauna, or has biotic, geological, scenic or archaeological features of scientific or educational value.
- The project is also adjacent to Fresh Pond, which is owned and managed by DNREC Division of Parks and Recreation (DPR).
- DPR would be interested in discussing the possible acquisition of the wetland areas on the eastern portion of the property via donation. Please note that tax incentives may be available.
- Please contact Jennifer Holmes with the DNREC Division of Parks and Recreation, Office of Nature Preserves: (302)739-9239 or [Jennifer.Holmes@delaware.gov](mailto:Jennifer.Holmes@delaware.gov).

### **Natural Habitat Protection**

DNREC statewide mapping indicates that this proposal may impact 10 acres of wetlands.

- The proposed site plan currently depicts disturbance adjacent to wetlands. To protect the function and integrity of wetlands, a minimum 100-foot buffer shall be left intact around the perimeter of any wetland habitats (either perennial or seasonal). Upland buffers serve as habitat for many terrestrial species that are dependent on wetland habitats for a portion of their annual life cycle. Buffers are an integral component of aquatic and wetland habitats that serve to reduce the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.
- Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off which can contain oil and other pollutants (basically any substance a home owner may use on their lawn or driveway).
- Maintain inputs to natural wetlands at pre-construction levels. Avoid causing increases or decreases in water levels.
- Small animals, such as salamanders have difficulty climbing vertical curbs. We recommend designing the development to exclude curbs is best for these species but if road curbing is part of the design, curbing that allows small animals to climb out of the roadbed (such as Cape Cod curbing) is preferred over steep, vertical curbing.
- Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
- Any culverts installed should be open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.
- Perc test holes act as pitfall traps, collecting large numbers of amphibians, turtles, and other animals that will be unable to escape and will ultimately die. As such, perc test holes should be refilled to grade.
- Low spillage lights (those that reflect light directly downward onto the area to be illuminated) should be used on roads and homes within 750 ft. of the forested wetlands on site. Fluorescent and mercury vapor lighting should not be used.

### **Wetland and Hydric Soils**

- The existing project design and state-wide mapping suggest that some of the proposed buildings in the project area are to be located within non-tidal wetlands.
- The applicant should remove those buildings from any wetlands and include a 100-foot wetland buffer from the landward edge of both non-tidal and tidal wetlands in the final project design.

### **Sustainable Development Recommendations**

- The applicant should consider the use of recycled, energy efficient materials, and renewable energy infrastructure.
- The Division of Climate, Coastal, & Energy offers incentives for clean transportation (Workplace EV Charging) and energy efficiency. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality ([www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/cleantransportation](http://www.de.gov/cleantransportation), [www.de.gov/eeif](http://www.de.gov/eeif)).

### **Nuisance Waterfowl Avoidance**

- Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas, and can become aggressive during the nesting season. Short manicured lawns surrounding ponds provide attractive habitat for these species.
  - 1) To deter waterfowl from taking up residence in these ponds, we recommend planting the surrounding open space with a mix of native wildflower plantings (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements).
  - 2) It is best to mow the open space area surrounding the pond only once a year, either in February or March. If mowing must occur more often, it would be helpful to leave a minimum buffer of 15-30 ft. in width to be mowed annually. This area would be necessary to adequately deter the waterfowl from inhabiting the area (when the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond). In addition to deterring nuisance waterfowl, the native wildflower mix will also serve to attract bees, butterflies, and other pollinators, and reduce run-off, which can contain oil and other pollutants that homeowners may use on their lawns and driveways.
- For assistance in drafting a list of plants suitable for a stormwater management pond buffer, please contact DNREC's botanist, Bill McAvoy at (302) 735-8668 or [William.McAvoy@delaware.gov](mailto:William.McAvoy@delaware.gov).

### **Mosquito-Nuisance Avoidance**

- Mosquito control issues are increasing as developments infringe on wetland areas which often lead to increased demands by the public for mosquito control services. These services are often underfunded as local property taxes do not support the State's mosquito control services. As a result, Homeowner's Association (HOA) often inherit the burden of dealing with mosquito issues. DRNEC provides the following helpful recommendations (1) achieving good control in an environmentally compatible manner requires technical knowledge, (2) the HOA will need concurrence from all their homeowners/residents for if, how, when and where any treatments will be done, (3) controlling mosquitoes can be quite costly and an on-going problem, and (4) the HOA

should be aware that there can be liability issues that their treatment activities might cause, particularly in regard to any claims of chemical trespass, misapplications, or adverse impacts to human health or the environment from insecticide exposures. If the applicant has any questions regarding mosquito control issues, they can contact Dr. Bill Meredith, Mosquito Control Administrator at (302) 739-9917.

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

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: <http://delcode.delaware.gov/title6/c036/sc03/index.shtml>
- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Sussex County – Contact Rob Davis 302-855-7820**

- The development is within Tier 1 - Sussex County Unified Sanitary Sewer District and sewer service is available. A sewer system concept evaluation must be requested to define a connection point for new areas that were not previously approved.
- A “Use of Existing Infrastructure Agreement” is required for new areas and must be approved prior to approval of construction plans. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for new areas of the project not previously approved by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation. The fee is to be payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works Division will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

- Onetime system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

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

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

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning

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January 5, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse  
Director of Planning

RE: **Marlin Run**  
Response to PLUS Review-2019-09-03  
DBF # 0818C045.A01

Dear Mr. Whitehouse,

On behalf of the owner, CBB Cedar Pines LLC, we are pleased to submit a response to the comments provided during the PLUS Review of the Project on September 25, 2019 and sent from the Office of State Planning dated October 23, 2019 to Land Tech Land Planning, LLC. We have read all the comments and offer the following item-by-item response narrative for your review:

**Strategies for State Policies and Spending**

*This project is located in Investment Levels 3,4, and Out of Play according to the Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but may have priorities for the near future. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation.*

*The Office State Planning does not support any building activities in Level 4 and ask that any buildings located in Level 4 be moved out of those areas. In addition, the State asks that the developer work with State agencies, specifically DNREC to ensure that the environmental features of this site are protected.*



We recognize that the project is located within Investment Levels 3 & Level 4. The majority of the proposed homes will fall with level 3. With the growth in the area, we believe this project to be a good fit to the surrounding community. The project falls within the Counties' sanitary sewer planning areas and is in line with the Counties investment in infrastructure. The site will be designed with respect to the environmental features located on the parcel. Wetlands will be protected by a 20' buffer.

**Code Requirements/Agency Permitting Requirements**

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

- *The site access, on Cedar Neck Road (Sussex Road 357) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*

**The site currently has an approved entrance plan and permit for construction.**

- *The subject land, Tax Parcel 1-34-09.00-21.00, was previously proposed for development as The Preserve at Cedar Pines. A Letter of No Objection to Recordation was issued for that development on August 23, 2018, but the entrance was never constructed. With the proposed change in use, that plan approval will need to be revisited. In accordance with Section P.4.2 of the Manual the developer will need to obtain both a Letter of No Objection and an entrance plan approval specific to the current development proposal.*

**We understand that the proposed site plan will require a new Letter of No Objection to Recordation specific to the current development proposal.**

- *Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).*
- *Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*
- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 728 vehicle trip ends per day. DeIDOT calculates a value of 698 but regardless, the plan meets the warrants for a TIS.*

*Section 2.2.2.2 of the Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DeIDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. If the County requires a TIS, DeIDOT will support their requirement and will not accept the AWS Fee.*

*The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Regardless of whether a TIS is done for this development, DeIDOT anticipates requiring the developer improve Cedar Neck Road within the limits of their site frontage to meet DeIDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders and to enter an agreement to fund a future signal at the intersection of Cedar Neck Road and Sandy cove Road (Sussex Road 358). The AWS Fee, if paid, would not be counted toward those improvements. AWS Fees are used to fund traffic studies, not to build improvements.*

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

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DeIDOT shall be shown on the Record Plan.*
- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Cedar Neck Road.*
- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

**The site now has an approved entrance plan and permit for construction. The current development proposal will be submitted to DeIDOT in accordance with their procedures to ensure the currently approved entrance plans and permits are applicable to the proposed development plan.**

**Department of Natural Resources and Environmental Control - Contact Michael Tholstrup 735-3352**

#### ***Sediment and Stormwater Management***

- *A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a preapplication meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.*
- *According to information provided by the applicant in the PLUS application, both green technology stormwater management and pervious pavers will be included in the final design of this project. These features are considered best management practices.*

**The developer will work with the Sussex Conservation District to implement a Sediment & Stormwater Management Plan utilizing Best Management Practices.**

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

- *The Delaware SHPO does not recommend or support development in Level 4 areas.*
- *There are no known archaeological sites, or known National Register listed or eligible properties on the parcel. However, previous survey for the sewer expansion collected early eighteenth-century artifacts and suggests the existence of a potential early site in the vicinity. The National Register Wilgus site is on the property to the north, representing an important Native American resource. The majority of the subject property has not been surveyed and there is a high potential for Native American archaeological remains, especially in the eastern half of the area to be developed. An early historic site may be located in the vicinity. Our office is recommending an archaeological survey prior to ground disturbance.*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)*

**The majority of the proposed development is located in level 3 area. Thank you for the identification of the known archaeological sites located near the site. Should Human remains be found, the Developer will follow all State and Federal laws. We do not anticipate any federal funding. Army Corps will approve the wetland delineations. The Developer will follow the National Historic Preservation Act of 1966.**

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

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

***Fire Protection Water Requirements:***

- *Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.*
- *The infrastructure for fire protection water shall be provided, including the size of water mains.*
- *For townhouse buildings, provide a section I detail and the UL design number of the 2-hour fire rated separation wall on the Site plan*

**Water will be provided by Sussex Shores Company and will meet or exceed**

**pressure and duration requirements. There are no longer townhouse buildings proposed for the site.**

***Accessibility:***

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Where traffic circles (roundabouts) are located in the subdivision, they too are to be arranged in such a manner that they will not adversely affect quick and unimpeded travel of fire apparatus throughout the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.*
- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

**The development will work with and meet all accessibility requirements the Fire Marshal's office may have.**

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

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

**The type of fuel is unknown at this time. Should gas be proposed, locations will be shown on the plan.**

***Required Notes:***

- *Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"*
- *Name of Water Supplier*
- *Proposed Use*
- *National Fire Protection Association (NFPA) Construction Type*
- *Townhouse 2-hr separation wall details shall be shown on site plans*
- *Maximum Height of Buildings (including number of stories)*
- *Provide Road Names, even for County Roads*

**All required notes will be shown on the final plans.**

**Recommendations/Additional Information**

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

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

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Cedar Neck Road.*

**Access to any substation and/or wastewater facility will be from an internal street or drive.**

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

**Plus comments are being addressed as part of TAC submission. TAC comments will be addressed prior to DeIDOT submission.**

- *Please be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.*

**The latest Standard General Notes will be provided on the final plans.**

**Department of Natural Resources and Environmental Control - Contact Michael**

**Tholstrup 735-3352**

**Groundwater Discharges**

- *A soil feasibility study should be completed and submitted to the Groundwater Discharges Section (GWDS) Small System Section, in Georgetown, for approval (Section 5.2.2 of the Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems).*

**There are no on-site wastewater treatment and disposal systems proposed for this development.**

- *With wastewater disposal being provided by Sussex County, GWDS Large System might need to be notified, if the disposal capacity is changing from the existing permit. GWDS Large System can be contacted at (302) 139-9948.*

**GWDS Large System will be notified if the disposal capacity changes from the existing permit.**

**Flooding and Sea Level Rise**

- *The majority of the site is located within the Special Flood Hazard Area (SFHA), zones AE6 and AE7.*
- *Proposed structures should be sited outside of the SFHA. If sited within the SFHA, all local floodplain codes and ordinances must be followed.*
- *The developer should incorporate higher standards into the design of structures, particularly since the majority of the site is situated in an area projected to be impacted by sea level rise.*

**The development shall comply with all floodplain codes and ordinances.**

#### ***State Natural Area***

- *A portion of the project is located within the Indian River Bay Natural Area. Impacts to this area should be avoided. A "natural area" as defined by the law is an area of land or water, or of both land and water, whether in public or private ownership, which either retains or has reestablished its natural character (although it need not be undisturbed), or has unusual flora or fauna, or has biotic, geological, scenic or archaeological features of scientific or educational value.*
- *The project is also adjacent to Fresh Pond, which is owned and managed by DNREC Division of Parks and Recreation (DPR).*
- *DPR would be interested in discussing the possible acquisition of the wetland areas on the eastern portion of the property via donation. Please note that tax incentives may be available.*
- *Please contact Jennifer Holmes with the DNREC Division of Parks and Recreation, Office of Nature Preserves: (302)739-9239 or [Jennifer.Holmes@delaware.gov](mailto:Jennifer.Holmes@delaware.gov).*

**A voluntary 20 ft. buffer from section 404 wetlands is proposed. This also provides at a 100 ft. buffer from state wetlands.**

#### ***Natural Habitat Protection***

*DNREC statewide mapping indicates that this proposal may impact 10 acres of wetlands.*

- *The proposed site plan currently depicts disturbance adjacent to wetlands. To protect the function and integrity of wetlands, a minimum 100-foot buffer shall be left intact around the perimeter of any wetland habitats (either perennial or seasonal). Upland buffers serve as habitat for many terrestrial species that are dependent on wetland habitats for a portion of their annual life cycle. Buffers are an integral component of aquatic and wetland habitats that serve to reduce the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.*

**A voluntary 20 ft. buffer from section 404 wetlands is proposed. This also provides at a 100 ft. buffer from state wetlands.**

- *Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off which can contain oil and other pollutants (basically any substance a home owner may use on their lawn or driveway).*

**Discharge to the wetlands would not be a diversion since stormwater naturally flowed to the on-site wetlands in pre-development conditions. Best Management Practices will be utilized to treat stormwater prior to any potential discharge to wetlands on site.**

- *Maintain inputs to natural wetlands at pre-construction levels. Avoid causing increases or decreases in water levels.*

**The development will be designed with the goal of maintaining inputs as described while complying with state stormwater regulations.**

- *Small animals, such as salamanders have difficulty climbing vertical curbs. We recommend designing the development to exclude curbs is best for these species but if road curbing is part of the design, curbing that allows small animals to climb out of the roadbed (such as Cape Cod curbing) is preferred over steep, vertical curbing.*

**The development will utilize "suburban rolled curb" (DeIDOT integral pcc curb and gutter Type 2) which should facilitate small animals as described.**

- *Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.*

**Stormwater design for the development will prioritize avoiding sewers with grates.**

- *Any culverts installed should be open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.*

**If culverts are required on the site, designs with natural bottoms will be prioritized.**

- *Perc test holes act as pitfall traps, collecting large numbers of amphibians, turtles, and other animals that will be unable to escape and will ultimately die. As such, perc test holes should be refilled to grade.*

**The developer will notify contractors of any soil investigation to fill all test holes to grade upon completion of tests.**

- *Low spillage lights (those that reflect light directly downward onto the area to be illuminated) should be used on roads and homes within 750 ft. of the forested wetlands on site. Fluorescent and mercury vapor lighting should not be used.*

#### **Wetland and Hydric Soils**

- *The existing project design and state-wide mapping suggest that some of the proposed buildings in the project area are to be located within non-tidal wetlands.*
- *The applicant should remove those buildings from any wetlands and include a 100-foot wetland buffer from the landward edge of both non-tidal and tidal wetlands in the final project design.*

**A voluntary 20 ft. buffer from section 404 wetlands is proposed. This also provides at a 100 ft. buffer from state wetlands.**



### ***Sustainable Development Recommendations***

- *The applicant should consider the use of recycled, energy efficient materials, and renewable energy infrastructure.*
- *The Division of Climate, Coastal, & Energy offers incentives for clean transportation (Workplace EV Charging) and energy efficiency. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality ([www.ae.gov/greenen](http://www.ae.gov/greenen) , [www.de.gov/cleantransportation](http://www.de.gov/cleantransportation), [www.de.gov/eEIF](http://www.de.gov/eEIF)).*

**We thank you for these suggestions which will be taken under consideration.**

### ***Nuisance Waterfowl Avoidance***

- *Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas, and can become aggressive during the nesting season. Short manicured lawns surrounding ponds provide attractive habitat for these species.*
  - 1) *To deter waterfowl from taking up residence in these ponds, we recommend planting the surrounding open space with a mix of native wildflower plantings (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements).*
  - 2) *It is best to mow the open space area surrounding the pond only once a year, either in February or March. If mowing must occur more often, it would be helpful to leave a minimum buffer of 15-30 ft. in width to be mowed annually. This area would be necessary to adequately deter the waterfowl from inhabiting the area (when the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond). In addition to deterring nuisance waterfowl, the native wildflower mix will also serve to attract bees, butterflies, and other pollinators, and reduce run-off, which can contain oil and other pollutants that homeowners may use on their lawns and driveways.*
- *For assistance in drafting a list of plants suitable for a stormwater management pond buffer, please contact DNREC's botanist, Bill McAvoy at (302) 735-8668 or [William.McAvoy@delaware.gov](mailto:William.McAvoy@delaware.gov).*

**We thank you for these suggestions which will be taken under consideration.**

### ***Mosquito-Nuisance Avoidance***

- *Mosquito control issues are increasing as developments infringe on wetland areas which often lead to increased demands by the public for mosquito control services. These services are often underfunded as local property taxes do not support the State's mosquito control services. As a result, Homeowner's Association (HOA) often inherit the burden of dealing with mosquito issues. DRNEC provides the following helpful recommendations (1) achieving good control in an environmentally compatible manner requires technical knowledge, (2) the HOA will need concurrence from all their homeowners/residents for if,*

*how, when and where any treatments will be done, (3) controlling mosquitoes can be quite costly and an on-going problem, and (4) the HOA should be aware that there can be liability issues that their treatment activities might cause, particularly in regard to any claims of chemical trespass, misapplications, or adverse impacts to human health or the environment from insecticide exposures.*

- *If the applicant has any questions regarding mosquito control issues, they can contact Dr. Bill Meredith, Mosquito Control Administrator at (302) 739-9917.*

**We thank you for these suggestions which will be taken under consideration.**

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

- *Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: <http://delcode.delaware.gov/title6/c036/sc03/index.shtml>*
- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.*

**We thank you for these suggestions which will be taken under consideration.**

**Sussex County - Contact Rob Davis 302-855-7820**

- *The development is within Tier 1 - Sussex County Unified Sanitary Sewer District and sewer service is available. A sewer system concept evaluation must be requested to define a connection point for new areas that were not previously approved.*
- *A "Use of Existing Infrastructure Agreement" is required for new areas and must be approved prior to approval of construction plans. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for new areas of the project not previously approved by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation. The fee is to be payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works Division will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.*

- *The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.*
- *Onetime system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.*

**We will coordinate with Sussex County Engineering for all wastewater design and permitting.**

On behalf of the Developer, we thank the Office of State Planning and other State Departments for their comments. If Sussex County Planning and Zoning has any questions or requires additional information, please do not hesitate to contact me at (302) 424-1441, or via e-mail at [wzc@dbfinc.com](mailto:wzc@dbfinc.com).

Respectfully Submitted,  
*Davis, Bowen & Friedel, Inc.*



W. Zachary Crouch, P.E.  
Principal

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CC: Constance C. Holland, AICP, Office of State Planning  
Preston Schell, Ocean Atlantic Companies