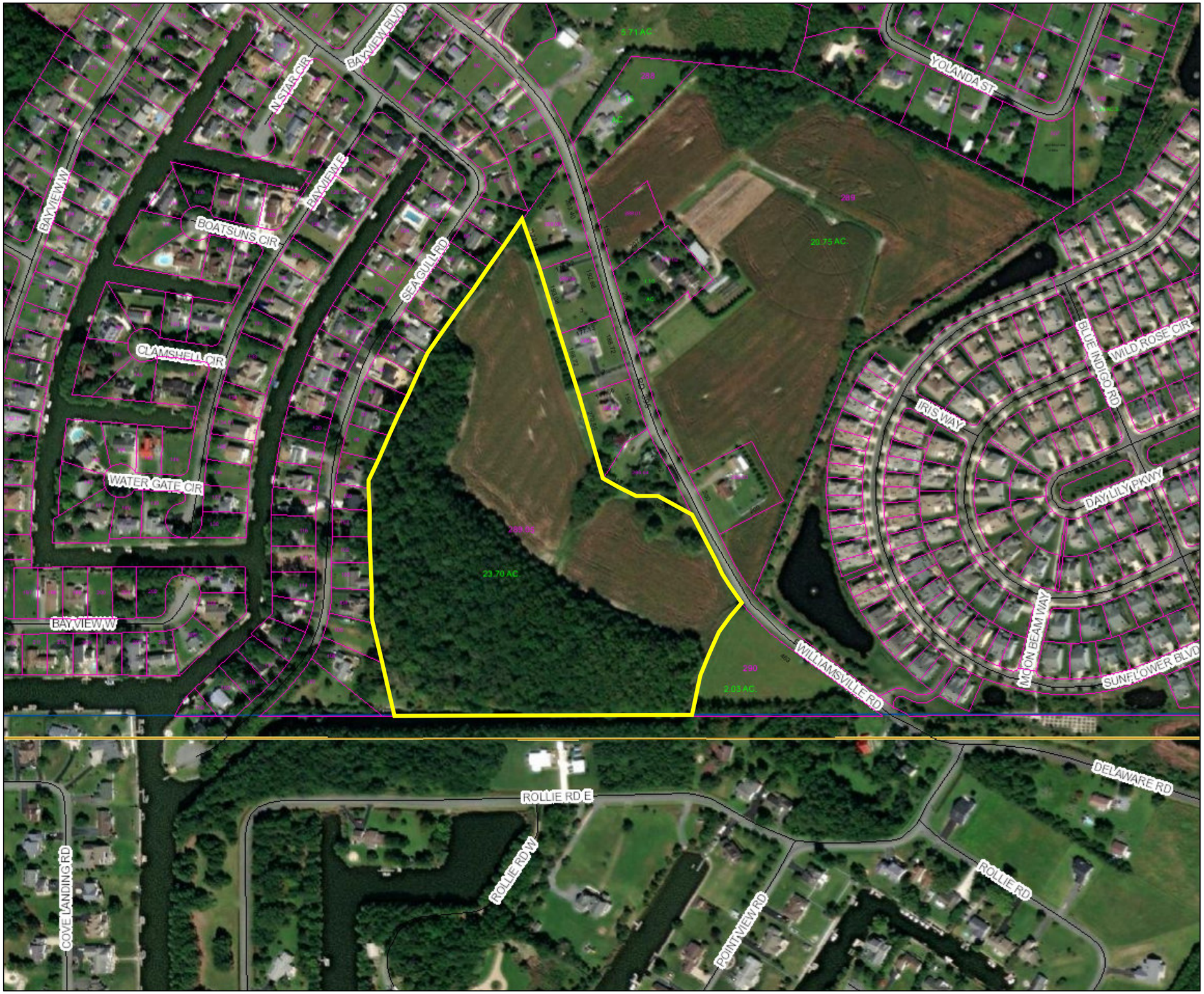
PLANNING & ZONING COMMISSION
ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE

Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date July 8, 2021.

Application:	Mayapple Farm, LLC (CU 2249)
Applicant:	Mayapple Farm, LLC (Attention: Lawton Myrick) 5973 Smithy's Lane Salisbury, MD 21801
Owner:	Mayapple Farm, LLC (Attention: Lawton Myrick) 5973 Smithy's Lane Salisbury, MD 21801
Site Location:	Lying on the west side of Williamsville Road (S.C.R. 395), approximately 0.76-mile property southeast of Lighthouse Road (Route 54).
Current Zoning:	Agricultural Residential (AR-1) Zoning District
Proposed Use:	41 Multi-family Units
Comprehensive Land Use Plan Reference:	Coastal Area
Councilmatic District:	Mr. Rieley
School District:	Indian River School District
Fire District:	Roxana Fire District
Sewer:	Sussex County Public Works
Water:	Artesian Water Company
Site Area:	23.70 acres +/-
Tax Map IDs:	533-19.00-289.05

Sussex County



PIN:	533-19.00-289.05
Owner Name	MAYAPPLE FARM LLC
Book	5351
Mailing Address	5973 SMITHYS LN
City	SALISBURY
State	MD
Description	W/RT 395
Description 2	2800' SE/RT 54
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries

DOE School Districts

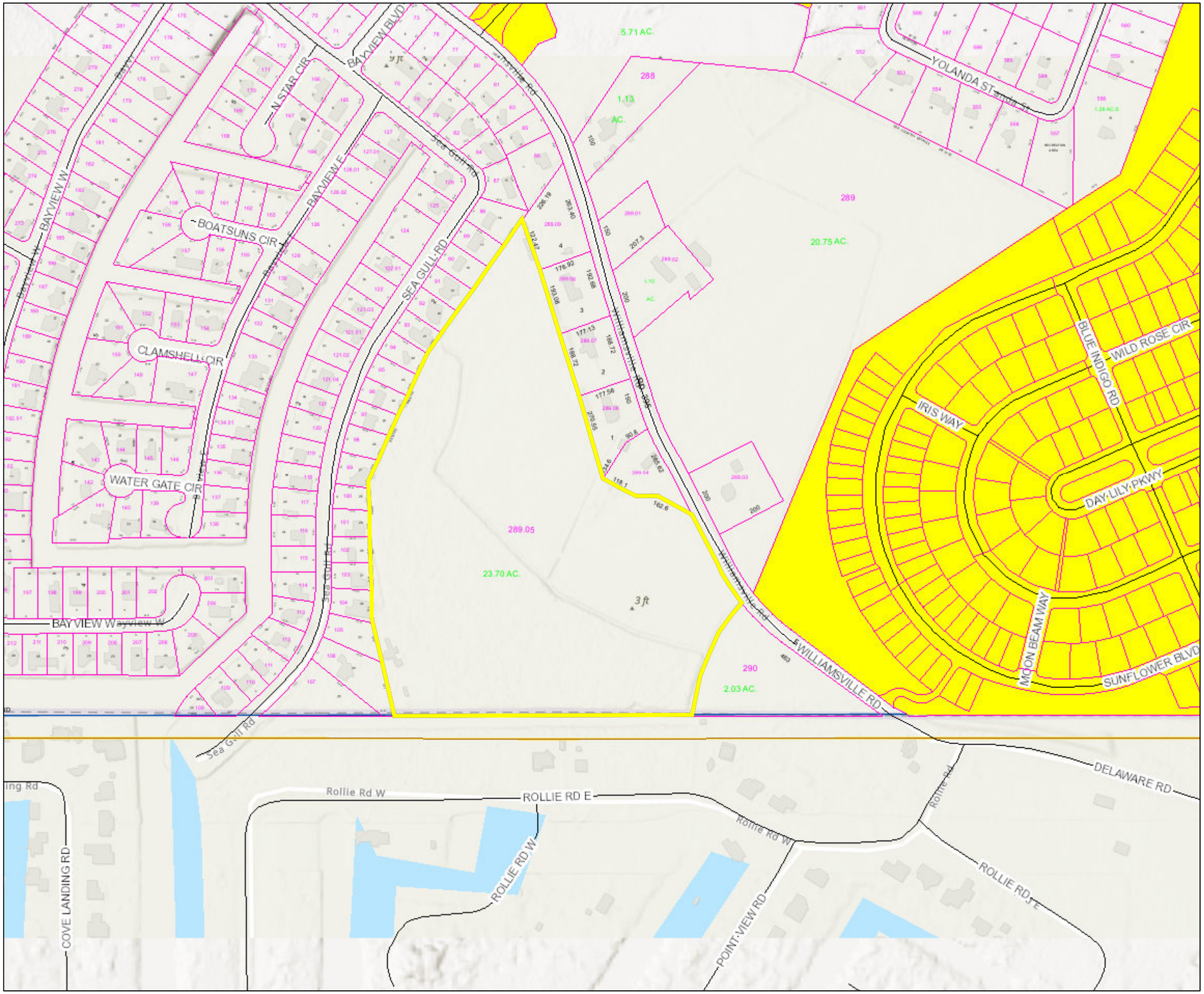
1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

June 14, 2021

Sussex County



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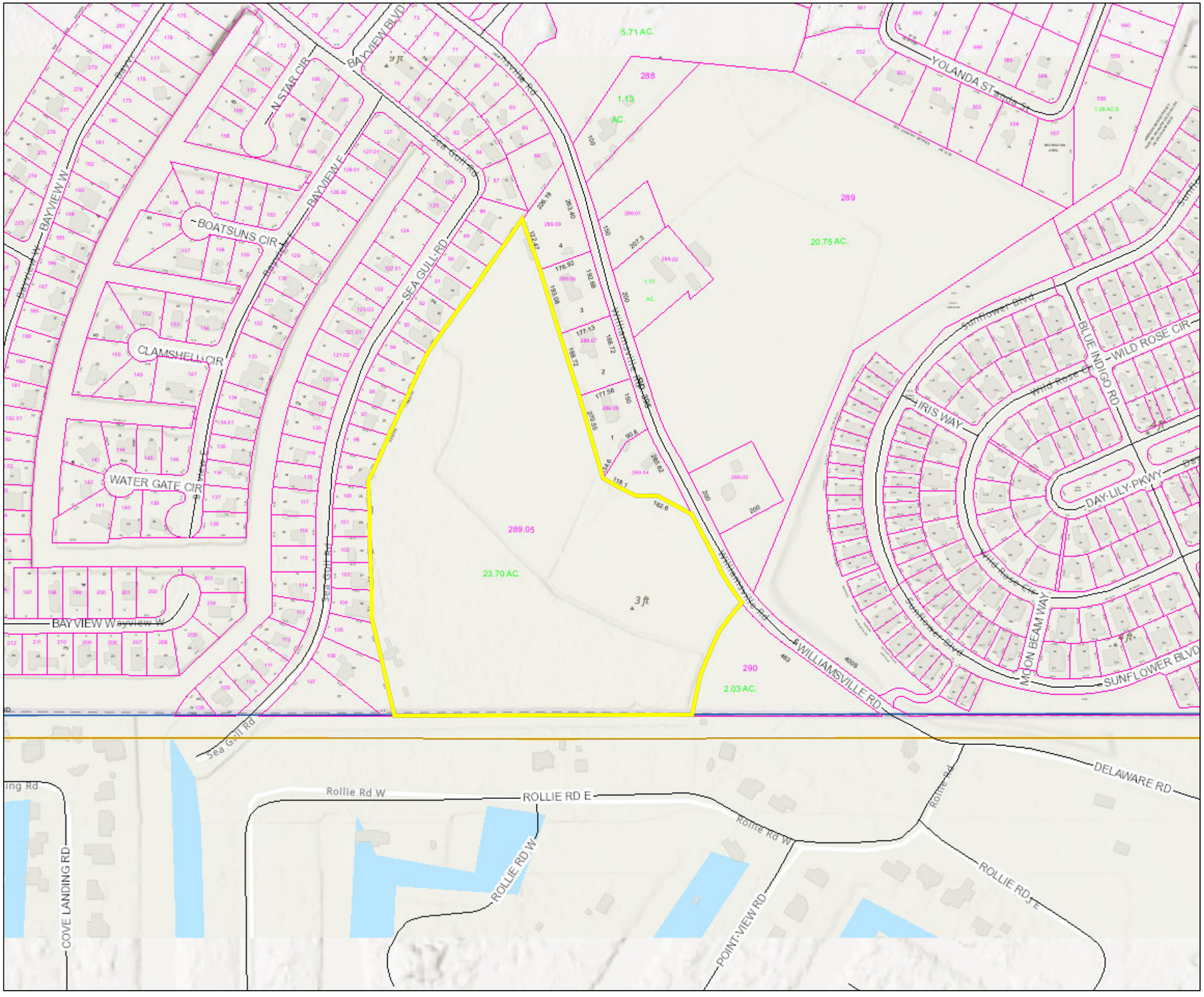

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June 14, 2021

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren Devore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 1st, 2021
RE: Staff Analysis for CU 2249 Mayapple Farm, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2249 Mayapple Farm, LLC to be reviewed during the July 1 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 (C/U 2249) for 41 multifamily units (single-family detached condominiums) to be located on the west side of Williamsville Road (S.C.R. 395), approximately 0.76 mile southeast of Lighthouse Road (Route 54). The property consists of Tax Parcel 533-19.00-289.05, which contains 20.91 acres +/-.

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 subject property has a land use designation of "Coastal Area." The properties to the north, south, west and east of the subject property also have the land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, 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. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

The property is zoned Agricultural Residential (AR-1). The properties to the north and west (to include the Bay View Estates Subdivision) are all zoned Agricultural Residential (AR-1) as is the property to the northeast on the opposite side of Williamsville Road (S.C.R. 395). The adjacent community of Americana Bayside to the east of the subject property is zoned Medium Density Residential, Residential Planned Community (MR-RPC).

Since 2011, there have been six (6) Conditional Use applications within a 0.5-mile radius of the application site. The first application was for Conditional Use No. 1438 to allow for the expansion of boat storage and amendment to the Conditions of Approval as part of an existing Conditional Use application, C/U 1106. The application was approved by the Sussex County Council at their

meeting of Tuesday, March 15, 2018 and the use was adopted through Ordinance No. 2575. The second application was Conditional Use No. 1367 to allow for a sign shop. The application was approved by the Sussex County Council at their meeting of Tuesday, November 28, 2000 and the use was adopted through Ordinance No. 1417. The third application was Conditional Use No. 2197 to allow for 62 multifamily units (duplex units). The application was approved by the Sussex County Council at their meeting of Tuesday, December 17, 2019 and the use was adopted through Ordinance No. 2701. The fourth application was for Conditional Use No. 1152 to allow for a retail sales and consignment shop. The application was approved by the Sussex County Council at their meeting of Tuesday, April 30, 1996 and the use was adopted through Ordinance No. 1088. The fifth application was Conditional Use No. 1227 to allow for a corn maze recreation activity. The application was approved by the Sussex County Council at their meeting of Tuesday, April 7, 1998 and the use was adopted through Ordinance No. 1225.

It should be noted that the sixth application, also located near the project site, is currently pending hearings before the Planning and Zoning Commission and the Sussex County Council. This application is for Conditional Use No. 2292 to allow for 32 multifamily duplexes.

A map delineating the location of all Conditional Uses in this area has been provided to the Commission and has been included in the Paperless Packet that was circulated to the Commission.

Based on the analysis of the land use, surrounding zoning, and uses, a Conditional Use (C/U 2249) to allow for 41 multifamily units in this location could be considered as being consistent with the land use, area zoning, and surrounding uses.

File #: _____

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

Northwest side of Williamsville Road (RD 395), Williamsville, Delaware consisting of 20.67 acres.

Type of Conditional Use Requested:

As per Section 115-22 Conditional Uses, Multifamily dwelling structures and/or townhouses and/or town homes, in AR-1 zone. The detached single family product will be in condominium regime.

Tax Map #: 533-19.00-289.05 **Size of Parcel(s):** 20.91

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** _____

Land Use Classification: Residential

Water Provider: Artesian **Sewer Provider:** Sussex County Public Works

Applicant Information

Applicant Name: Mayapple Farm, LLC: Attn: Lawton Myrick
Applicant Address: 5973 Smithy's Lane
City: Salisbury State: MD ZipCode: 21801
Phone #: (410) 251-9568 E-mail: lawtonmyrick@gmail.com

Owner Information

Owner Name: Mayapple Farm, LLC: Attn: Lawton Myrick
Owner Address: 5973 Smithy's Lane
City: Salisbury State: MD Zip Code: 21801
Phone #: (410) 251-9568 E-mail: lawtonmyrick@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: George, Miles & Buhr, LLC: Attn: Steve Marsh -Tim Willard
Agent/Attorney/Engineer Address: 206 West Main Street - 26 The Circle Georgetown
City: Salisbury State: MD Zip Code: 21801
Phone #: (410) 742-3115 E-mail: smarsh@gmbnet.com tim@fwsslaw.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**

ɔject Books will be provided ɔr to Planning Commission ɜeting.

___ **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.**

✓ **DelDOT Service Level Evaluation Request Response**

✓ **PLUS Response Letter** (if required) will be provided prior to the Planning Commission Meeting.

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 by 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

Tim Willard

Tim Willard

Date: 10/28/20

Signature of Owner

R. Lawton Mugrich

Date: 10/28/20

For office use only:

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

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

_____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

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

JENNIFER COHAN
SECRETARY

September 29, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Mayapple Farm, LLC** conditional use application, which we received on August 31, 2020. This application is for an approximately 23.70-acre parcel (Tax Parcel: 533-19.00-289.05). The subject land is located on the southwest side of Williamsville Road (Sussex Road 395), approximately 4,000 feet south of the intersection of Lighthouse Road (Sussex Road 58) and Williamsville Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop 41 single-family detached condominium houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Williamsville Road where the subject land is located, which is from Lighthouse Road to the Delaware / Maryland state line, are 2,676 and 3,444 vehicles per day, respectively.

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

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

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

Sincerely,

T. William Brockenbrough, Jr.

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/25/2021**

APPLICATION: **CU 2249 Mayapple Farm**

APPLICANT: **Mayapple Farm LLC (Attn. Layton Myrick)**

FILE NO: **SPS-5.04**

TAX MAP & PARCEL(S): **533-19.00-289.05**

LOCATION: **Lying on the west side of Williamsville Road (SCR 395), approximately 0.76 mile southeast of Lighthouse Road (Rt. 54)**

NO. OF UNITS: **41 multi-family units**

GROSS ACREAGE: **20.91**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 2**

(3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified $6,360.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**

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

(7). Is project adjacent to the Unified Sewer District? **Yes**

(8). Comments: **Click or tap here to enter text.**

(9). Is a Sewer System Concept Evaluation required? **Already Completed, See Attached**

(10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren

Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.

2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.

3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

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

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.

5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)

6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.

7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

ENGINEERING DEPARTMENT

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

Sussex County
DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

SEWER SERVICE CONCEPT EVALUATION (SSCE)

UTILITY PLANNING DIVISION

Applicant: Stephen L. Marsh, P.E.

Date: 8/26/2020

Reviewed by: **Chris Calio**

Agreement #:**641-1**

Project Name: **Mayapple Farm**

Tax Map & Parcel(s): **533-19.00-289.05**

Sewer Tier: Tier 2 - Sussex County Planning Area

Proposed EDUs: **45**

Pump Station(s) Impacted: **PS 264, PS 30**

List of parcels to be served, created from the base parcel: **Click or tap here to enter text.**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):**533-19.00-289.04, 289.06, 289.07 & 289.08. Provide Tee & valve for each parcel for future grinder pump installations.**

Connection Point(s): **MH BV 38**

Use of Existing Infrastructure Agreement required? Yes ☒ or No ☐

Annexation Required? Yes ☒ or No ☐

Easements Required? Yes ☒ or No ☐

Fee for annexation (based on acreage):**$1,500 (10.00 - 150.00 Acres)**

Current Zoning: **AR-1** Zoning Proposed: **AR-1**

Acreage: **20.67**

Additional Information: **The project will be required to construct a low-pressure forcemain from BV 38 to their proposed entrance. A valve will be installed at the property line to connect the project's infrastructure. The Sussex County Engineering Department responsibility will end at the valve at the property line. The interior infrastructure, as proposed, will be the responsibility of the HOA or Condo Association.**

* No capacity is guaranteed until System Connection Fees are paid

All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.

Once Construction Drawings are completed with all of the above information satisfied, please submit to:

Sussex County Public Works Department
2 The Circle
P.O. Box 589
Georgetown DE 19947

CC: John Ashman
Jayne Dickerson
Michael Brady
Nichole Bixby

MAYAPPLE FARM

SUSSEX COUNTY, DELAWARE

PRELIMINARY SITE PLAN

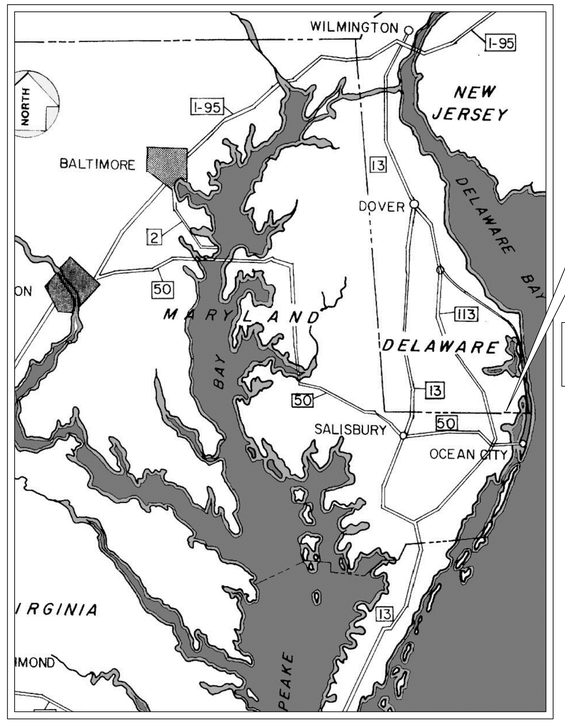
PARCEL 533-19.00-289.05

NOTES:

1. THE PROPOSED COMMUNITY WILL CONTAIN 41 SINGLE FAMILY HOMES IN A DETACHED CONDOMINIUM REGIME.
2. MAINTENANCE OF THE STREETS WITHIN THIS COMMUNITY WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE COMMUNITY, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANAGEMENT FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE COMMUNITY, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
4. THE INTERIOR STREET MUST BE INSTALLED IN CONJUNCTION WITH THE DELDOT ENTRANCE FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
5. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY ARTESIAN WATER CO. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
6. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF PRIVATELY OWNED E-1 GRINDER PUMPS AND VARIOUS SIZED FORCEMAINS THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
7. THERE IS NO ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
8. TIDAL AND NON-TIDAL WETLANDS EXIST ON THE PROPERTY. AN APPROVED JURISDICTIONAL DETERMINATION WILL BE PROVIDED AS PART OF THE APPLICATION APPROVAL PROCESS.
9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
11. BOUNDARY SHOWN HEREIN PROVIDED BY CYPRESS SURVEYS, LLC, JUNE 9, 2020.

LIST OF DRAWINGS

GMB NO. 200123

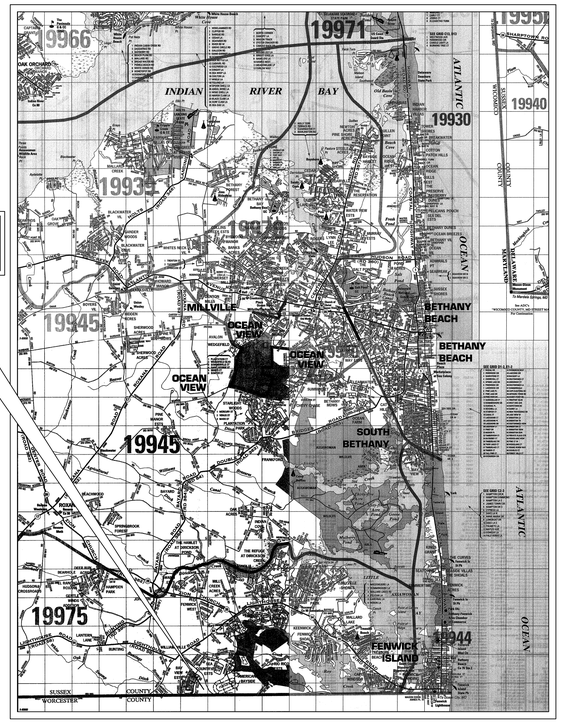


VICINITY MAP

SCALE: 1" = 20 MILES

PROJECT LOCATION

MAYAPPLE PROPERTY



LOCATION MAP

SCALE: 1" = 2000'

WETLANDS CERTIFICATION:

"I EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL).
THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.
DNREC STATE REGULATED WETLANDS HAVE BEEN IDENTIFIED IN ACCORDANCE WITH DNREC WETLAND MAP NOS. 2 & 28 SUSSEX COUNTY.

EDWARD M. LAUNAY, PWS NO. 875 DATE
SOCIETY OF WETLAND SCIENTISTS
CORPS OF ENGINEERS,
CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

OCT 2020

CONSULTANT TEAM

OWNER/APPLICANT: MAYAPPLE FARM, LLC
5973 SMITHY'S LANE
SALISBURY, MD 21801
CONTACT: R. LAWTON MYRICK
410-742-3115 (PHONE)

CIVIL ENGINEER: GEORGE, MILES & BUHR, LLC
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
CONTACT: STEPHEN L. MARSH, P.E.
410-742-3115 (PHONE)
410-548-5790 (FAX)

SITE DATA:

TAX MAP #:	TM ID 533-19.00-289.05
DEED REFERENCE:	BOOK 5264 PAGE 217
PRESENT ZONING CLASSIFICATION:	AR-1
PRESENT USE:	AGRICULTURAL
PROPOSED ZONING CLASSIFICATION	AR-1 CONDITIONAL USE
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL DETACHED CONDOMINIUM
LAND USE APPROVAL AUTHORITY:	SUSSEX COUNTY
	ACRES
TOTAL LAND AREA:	±20.91
TOTAL DISTURBED AREA:	±13.16
TOTAL OPEN SPACE:	± 7.75
NON TIDAL WETLANDS:	±5.06
TIDAL WETLANDS:	±0.05
FLOOD INFORMATION:	SPECIAL FLOOD HAZARD AREA ZONE AE 5 & ZONE X PER FEMA MAPS 10005C0653K & 10005C0635K DATED MARCH 16, 2005.
ALLOWED SINGLE FAMILY UNITS:	(20.86 ACRES X 2 = 41.72)
PROPOSED SINGLE FAMILY UNITS:	41
REQUIRED PARKING:	82 (2 PER RESIDENTIAL UNIT)
PROVIDED PARKING:	108 (2.63 PER UNIT)
FRONT YARD SETBACK:	40'
SIDE YARD SETBACK:	15'
REAR YARD SETBACK:	20'
REQUIRED DISTANCE BETWEEN UNITS:	10' MINIMUM
PROVIDED DISTANCE BETWEEN UNITS:	12' MINIMUM
WATER PROVIDER:	ARTESIAN
SEWER PROVIDER:	SUSSEX COUNTY
PROPOSED AMENITIES:	POOL COMPLEX AND KAYAK PIER

ENGINEER'S CERTIFICATION:

"I STEPHEN L. MARSH, P.E. HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE."

STEPHEN L. MARSH, P.E. DATE
GEORGE, MILES, & BUHR, LLC.
206 W. MAIN STREET
SALISBURY, MD 21801

OWNER / DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION. IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

ROBERT L. MYRICK DATE
MAYAPPLE FARM, LLC.

PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE	: AS SHOWN	SHEET NO.
DESIGN BY	: RLM	G1.0
DRAWN BY	: RLM	
CHECKED BY	:	
GMB FILE	: 200123	
DATE	: AUG 2021	

SOILS LEGEND:

FadA	FALLSINGTON SANDY LOAMS, 0–2% SLOPES, NORTHERN TIDEWATER AREA
HmA	HAMMONTON LOAMY SAND, 0–2% SLOPES
HuA	HURLOCK LOAMY SAND, 0–2% SLOPES
MmA	MULLICA MUCKY SANDY LOAM, 0–2% SLOPES
MuA	MULLICA–BERRYLAND COMPLEX, 0–2% SLOPES

0 50 100 200 300

SCALE: 1" = 100'

PRINTS ISSUED FOR:
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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

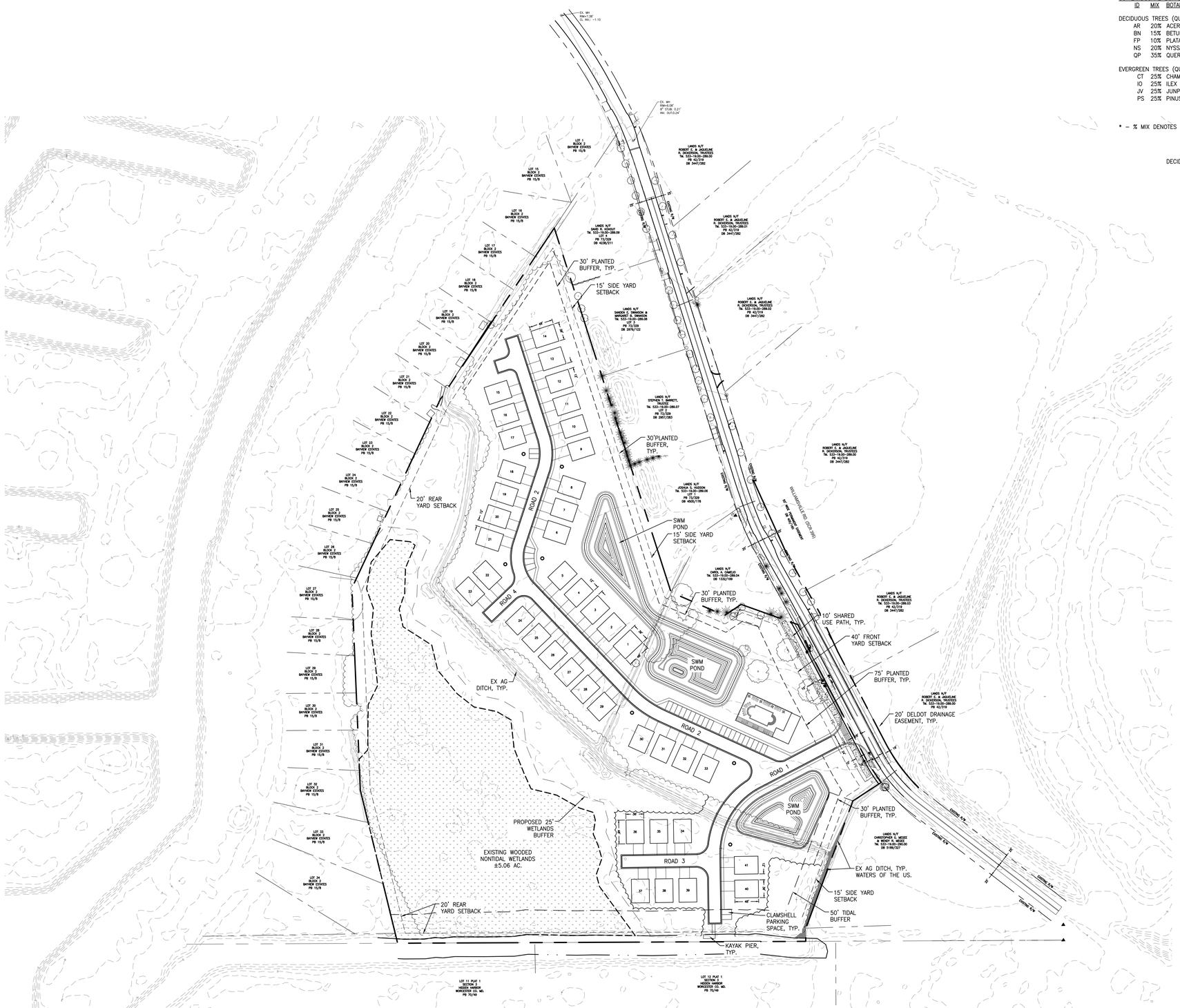
EXISTING CONDITIONS

SCALE	: 1" = 100'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: 200123
DATE	: AUG 2021

SHEET NO.
C1.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preminary Site Plans\C1.0 - EXISTING CONDITIONS.dwg, 11/11/2019, Lawton Myrick

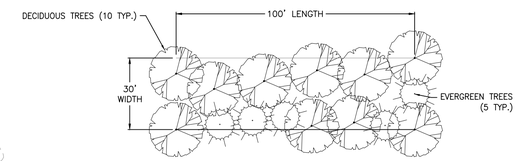
PLOT CODE
PEN1-RED 006 INCHES (1.5mm)
PEN2-YELLOW 007 INCHES (1.8mm)
PEN3-GREEN 010 INCHES (2.5mm)
PEN4-CYAN 014 INCHES (3.6mm)
PEN5-BLUE 020 INCHES (5.0mm)
PEN6-MAGENTA 027 INCHES (7.0mm)
PEN7-WHITE 039 INCHES (10.0mm)



30' LANDSCAPE BUFFER PLANTING LIST

ID	MIX	BOTANICAL NAME	COMMON NAME	SIZE		NOTES
DECIDUOUS TREES (QUANTITY = 52)						
AR	20%	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	1.5" CAL.	B&B	NATIVE
BN	15%	BETULA NIGRA	RIVER BIRCH	5' HGT.	B&B	MULTI-STEMMED NATIVE
FP	10%	PLATANOIDES X ACERIFOLIA	LONDON PLANE TREE	1.5" CAL.	B&B	HYBRID OF NATIVE
NS	20%	NYSSA SYLVATICA	BLACK GUM	1.5" CAL.	B&B	NATIVE
QP	35%	QUERCUS PALUSTRIS	PIN OAK	1.5" CAL.	B&B	NATIVE
EVERGREEN TREES (QUANTITY = 26)						
CT	25%	CHAMAECYPARIS THYOIDES	ATLANTIC WHITE CEDAR	5' HGT.	B&B	NATIVE
IO	25%	ILEX OPACA	AMERICAN HOLLY	5' HGT.	B&B	NATIVE
JV	25%	JUNPEROUS VIRGINIANA	EASTERN RED CEDAR	5' HGT.	B&B	NATIVE
PS	25%	PINUS STROBUS	EASTERN WHITE PINE	5' HGT.	B&B	NATIVE

* – % MIX DENOTES PERCENTAGE OF TREE SPECIES FOR OVERALL BUFFER PLANTINGS.



TYPICAL 100' FORESTED BUFFER SECTION

0 50 100 200 300
SCALE: 1" = 100'

PRINTS ISSUED FOR: REVIEW

NO.	REVISIONS	DATE

GMB
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www.gmbnet.com

MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN

SCALE	: 1" = 100'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: 200123
DATE	: AUG 2021

SHEET NO.
C2.0

C:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preliminary Site Plans\C2.0 - PROPOSED SITE PLAN.dwg, 11/11/2019, Loxton Myrick

PLOT CODE
PEN1-RED 206 INCHES (1.0mm)
PEN2-YELLOW 207 INCHES (1.0mm)
PEN3-GREEN 210 INCHES (1.0mm)
PEN4-BLUE 214 INCHES (1.0mm)
PEN5-MAGENTA 207 INCHES (1.0mm)
PEN6-WHITE 209 INCHES (1.0mm)

CONSULTANT TEAM

OWNER/APPLICANT: MAYAPPLE FARM, LLC
5973 SMITHY'S LANE
SALISBURY, MD 21801

CONTACT: R. LAWTON MYRICK
410-742-3115 (PHONE)

CIVIL ENGINEER: GEORGE, MILES & BUHR, LLC
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801

CONTACT: STEPHEN L. MARSH, P.E.
410-742-3115 (PHONE)
410-548-5790 (FAX)

SITE DATA:

TAX MAP #:	TM ID 533-19.00-289.05
DEED REFERENCE:	BOOK 5264 PAGE 217
PRESENT ZONING CLASSIFICATION:	AR-1
PRESENT USE:	AGRICULTURAL
PROPOSED ZONING CLASSIFICATION	AR-1 CONDITIONAL USE
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL DETACHED CONDOMINIUM
LAND USE APPROVAL AUTHORITY:	SUSSEX COUNTY
	ACRES
TOTAL LAND AREA:	±20.91
TOTAL DISTURBED AREA:	±13.16
TOTAL OPEN SPACE:	± 7.75
NON TIDAL WETLANDS:	±5.06
TIDAL WETLANDS:	±0.05
FLOOD INFORMATION:	SPECIAL FLOOD HAZARD AREA ZONE AE 5 & ZONE X PER FEMA MAPS 10005C0653K & 10005C0635K DATED MARCH 16, 2005.
ALLOWED SINGLE FAMILY UNITS:	(20.86 ACRES X 2 = 41.72)
PROPOSED SINGLE FAMILY UNITS:	41
REQUIRED PARKING:	82 (2 PER RESIDENTIAL UNIT)
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FRONT YARD SETBACK:	40'
SIDE YARD SETBACK:	15'
REAR YARD SETBACK:	20'
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WATER PROVIDER:	ARTESIAN
SEWER PROVIDER:	SUSSEX COUNTY
PROPOSED AMENITIES:	POOL COMPLEX AND KAYAK PIER

PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN RENDERING

SCALE	1" = 100'
DESIGN BY	RLM
DRAWN BY	RLM
CHECKED BY	
GMB FILE	200123
DATE	AUG 2021

SHEET NO.
C3.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preliminary Site Plans\C3.0 - PROPOSED SITE PLAN RENDERING.dwg, 11/11/2019, Lawton Myrick

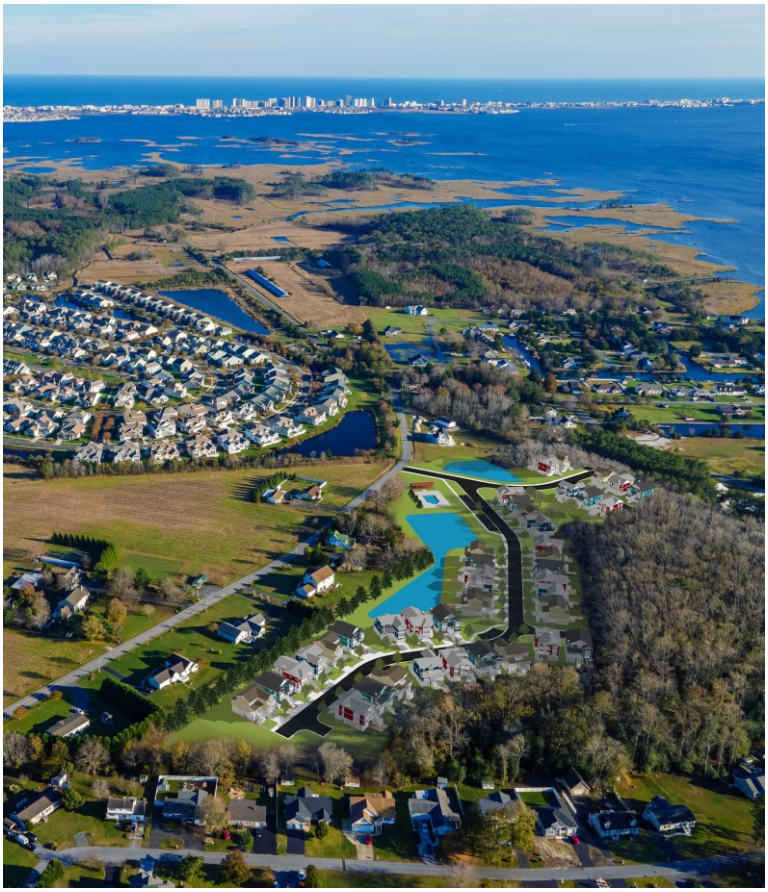
PLOT CODE
PEN-RED .008 INCHES (.15mm)
PEN-YELLOW .007 INCHES (.18mm)
PEN-GREEN .010 INCHES (.25mm)
PEN-BLUE .020 INCHES (.50mm)
PEN-MAGENTA .027 INCHES (.70mm)
PEN-WHITE .039 INCHES (1.00mm)

Mayapple Farm

TAX MAP 5-33-19.00 PARCEL 289.05

Public Hearing Information Packet

C/U #2249



JULY 2021

GMB Project No. 200123

GEORGE, MILES & BUHR, LLC

ARCHITECTS/ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
410.742.3115

SALISBURY/BALTIMORE/SEAFORD

MAYAPPLE FARM
TAX MAP 533-19.00 PARCEL 289.05
C/U # 2249

INFORMATION FOR PUBLIC RECORD
July 2021

TABLE OF CONTENTS

5. TRAFFIC AND SITE CIRCULATION

- DelDOT Service Level Evaluation, dated 9/29/2020

6. UTILITY PROVIDERS

- Artesian Water Company
  - Willing & Able Email, dated 6/7/2021

- Wastewater - Sussex County
  - Sewer System Concept Evaluation, dated 8/26/2020

7. WETLANDS

- Wetlands Delineation Map – Sheet No. W1
- ACOE Preliminary JD, dated 5/29/2018

8. THREATENED AND ENDANGERED SPECIES

- ERI General Request Letter, dated 6/4/2021
- U.S. Department of the Interior Letter, dated 6/4/2021

EXECUTIVE SUMMARY

Mayapple Farm
Executive Summary

It is the intention of Mayapple Farm, LLC to develop the property along Williamsville Road (Tax Map Parcel 533-19.00-289.05), as a residential single-family development. The total project area is 20.91 acres with approximately 15 acres of uplands.

The parcel is currently zoned AR-1 and is in the Coastal Area Zone. The project will be developed as single-family homes in a detached condominium ownership regime. As such, a Conditional use is requested. Forty-one (41) single family homes are proposed. The Standard footprint of each home is 36' x 48'. Density, based on available upland area, is 2.73 units/acre. Overall density is 1.98 units/acre.

The project is surrounded by existing developed areas. There are single-family lots fronting Williamsville Road east of the site. Bayview Estates is adjacent to the property along the north and west boundaries. The Master Planned community, Americana Bayside is across Williamsville Road from the proposed Mayapple Development.

Amenities on site will include a kayak launch area, pool, and pool house for use by community residents only.

Stormwater management will meet the requirements of the Sussex Conservation District. A minimum 50' tidal buffer is provided from tidal waters and tidal wetlands. A 25' buffer from Non-Tidal Wetlands is proposed. A 30' planted buffer is provided adjacent to existing developed areas.

The project will be accessed from Williamsville Road. Central sewer will be provided by Sussex County. Central water will be provided by Artesian Water Company.

A Preliminary Site Plan and Site Plan Rendering are included for reference. An Environmental Assessment and Public Facility Report, Chapter 99 – Subdivision of Land Report, and PLUS response letter are included in the project binder.

PLANNING & ZONING
CONDITIONAL USE APPLICATION
& SUPPORTING DOCUMENTS

GMB
GEORGE, MILES & BUHR, LLC

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

October 28, 2020

Ms. Lauren DeVore
Sussex County Planning & Zoning Department
2 The Circle
Georgetown, DE 19947

Re: Mayapple Farm
Tax Map Parcel 533-19-289.05
Conditional Use
GMB Project 200123

Dear Ms. DeVore:

Enclosed please find a Conditional Use Application and supporting documentation for the Mayapple Farm project. Mayapple Farm, LLC intends to develop the property along Williamsville Road (Tax Map Parcel 533-19.00-289.05), as a residential single-family development in condominium ownership regime. The total project area is 20.91 acres with approximately 15 acres of uplands.

The parcel is currently zoned AR-1 and lies in the Coastal Overlay Zone. The project will be developed as a detached condominium. Forty-one (41) single family homes are proposed. The standard footprint of each home is 36' x 48'. Overall density is 1.96 units/acre. The project is surrounded by existing developed areas along Williamsville Road, consisting of single-family residential development. The Residential Planned community, Americana Bayside is across Williamsville Road from the property. Amenities on site will include a kayak launch area, pool and pool house for use by community residents only.

We have included an exhibit that reflects a minimum 60' wide / 7500 sf fee simple lot layout for comparison. Please note the increase in disturbed area in the traditional layout. Our intent is to provide an alternative that achieves the intent of a cluster development option, reduces the development footprint and clearing of the existing forested area and maximizes open space.

We will submit the appropriate number of copies for the Planning Commission Public Hearing upon your review and approval. If you should have any questions, or comments, please feel free to contact me by telephone at (410) 742-3115 or by e-mail at smarsh@gmbnet.com.

Sincerely,

Stephen L. Marsh, P.E.
Sr. Vice President

Enclosures:
One (1) copy of the Preliminary Site Plan
One (1) copy of the By Right Zoning Plan
One (1) copy of the Conditional Use Application
One (1) Mayapple Farm, LLC Check - $500.00
One (1) copy of the DelDOT Service Level Evaluation Request Response

File #: _____

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

Northwest side of Williamsville Road (RD 395), Williamsville, Delaware consisting of 20.67 acres.

Type of Conditional Use Requested:

As per Section 115-22 Conditional Uses, Multifamily dwelling structures and/or townhouses and/or town homes, in AR-1 zone. The detached single family product will be in condominium regime.

Tax Map #: 533-19.00-289.05 **Size of Parcel(s)**: 20.91

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building**: _____

Land Use Classification: Residential

Water Provider: Artesian **Sewer Provider:** Sussex County Public Works

Applicant Information

Applicant Name: Mayapple Farm, LLC: Attn: Lawton Myrick
Applicant Address: 5973 Smithy's Lane
City: Salisbury State: MD ZipCode: 21801
Phone #: (410) 251-9568 E-mail: lawtonmyrick@gmail.com

Owner Information

Owner Name: Mayapple Farm, LLC: Attn: Lawton Myrick
Owner Address: 5973 Smithy's Lane
City: Salisbury State: MD Zip Code: 21801
Phone #: (410) 251-9568 E-mail: lawtonmyrick@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: George, Miles & Buhr, LLC: Attn: Steve Marsh
Agent/Attorney/Engineer Address: 206 West Main Street
City: Salisbury State: MD Zip Code: 21801
Phone #: (410) 742-3115 E-mail: smarsh@gmbnet.com

EQUAL HOUSING OPPORTUNITY

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**

Project Books will be provided prior to Planning Commission Meeting.

___ **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.**

✔ **DelDOT Service Level Evaluation Request Response**

✔ **PLUS Response Letter** (if required) will be provided prior to the Planning Commission Meeting.

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

Signature of Applicant/Agent/Attorney

_____ Date: 10/28/20

Signature of Owner

R. Lawton Mugrich Date: 10/28/20

For office use only:

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

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

_____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

MAYAPPLE FARM

SUSSEX COUNTY, DELAWARE

PRELIMINARY SITE PLAN

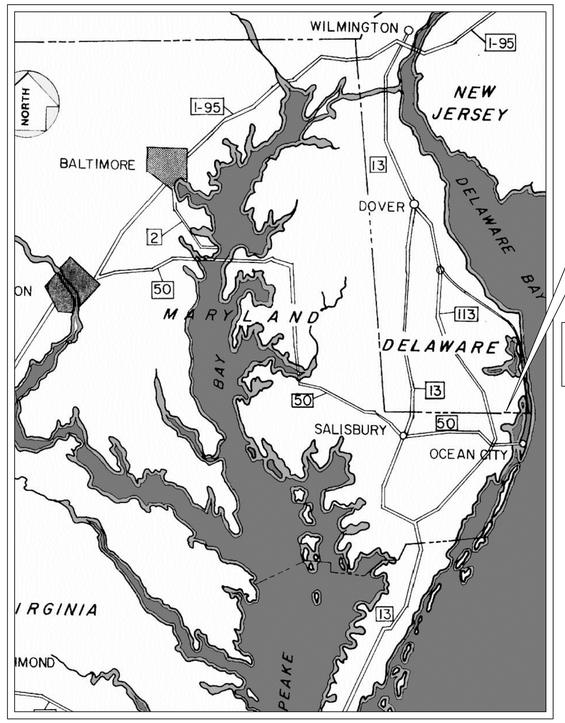
PARCEL 533-19.00-289.05

NOTES:

1. THE PROPOSED COMMUNITY WILL CONTAIN 41 SINGLE FAMILY HOMES IN A DETACHED CONDOMINIUM REGIME.
2. MAINTENANCE OF THE STREETS WITHIN THIS COMMUNITY WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE COMMUNITY, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANAGEMENT FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE COMMUNITY, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
4. THE INTERIOR STREET MUST BE INSTALLED IN CONJUNCTION WITH THE DELDOT ENTRANCE FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
5. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY ARTESIAN WATER CO. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
6. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF PRIVATELY OWNED E-1 GRINDER PUMPS AND VARIOUS SIZED FORCEMAINS THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
7. THERE IS NO ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
8. TIDAL AND NON-TIDAL WETLANDS EXIST ON THE PROPERTY. AN APPROVED JURISDICTIONAL DETERMINATION WILL BE PROVIDED AS PART OF THE APPLICATION APPROVAL PROCESS.
9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
11. BOUNDARY SHOWN HEREIN PROVIDED BY CYPRESS SURVEYS, LLC, JUNE 9, 2020.

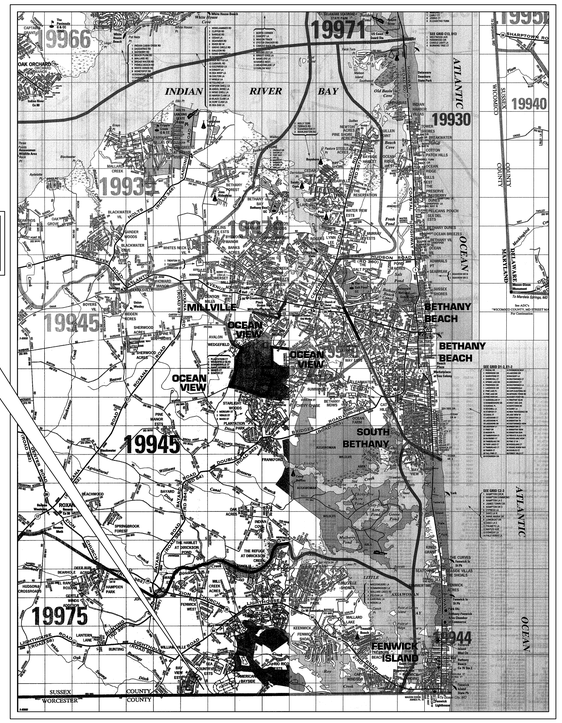
LIST OF DRAWINGS

GMB NO. 200123



PROJECT LOCATION

MAYAPPLE PROPERTY



VICINITY MAP

SCALE: 1" = 20 MILES

LOCATION MAP

SCALE: 1" = 2000'

CONSULTANT TEAM

OWNER/APPLICANT:	MAYAPPLE FARM, LLC 5973 SMITHY'S LANE SALISBURY, MD 21801 CONTACT: R. LAWTON MYRICK 410-742-3115 (PHONE)
CIVIL ENGINEER:	GEORGE, MILES & BUHR, LLC 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 CONTACT: STEPHEN L. MARSH, P.E. 410-742-3115 (PHONE) 410-548-5790 (FAX)

SITE DATA:

TAX MAP #:	TM ID 533-19.00-289.05
DEED REFERENCE:	BOOK 5264 PAGE 217
PRESENT ZONING CLASSIFICATION:	AR-1
PRESENT USE:	AGRICULTURAL
PROPOSED ZONING CLASSIFICATION	AR-1 CONDITIONAL USE
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL DETACHED CONDOMINIUM
LAND USE APPROVAL AUTHORITY:	SUSSEX COUNTY
	ACRES
TOTAL LAND AREA:	±20.91
TOTAL DISTURBED AREA:	±13.16
TOTAL OPEN SPACE:	± 7.75
NON TIDAL WETLANDS:	±5.06
TIDAL WETLANDS:	±0.05
FLOOD INFORMATION:	SPECIAL FLOOD HAZARD AREA ZONE AE 5 & ZONE X PER FEMA MAPS 10005C0653K & 10005C0635K DATED MARCH 16, 2005.
ALLOWED SINGLE FAMILY UNITS:	(20.86 ACRES X 2 = 41.72)
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PROVIDED DISTANCE BETWEEN UNITS:	12' MINIMUM
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SEWER PROVIDER:	SUSSEX COUNTY
PROPOSED AMENITIES:	POOL COMPLEX AND KAYAK PIER

ENGINEER'S CERTIFICATION:

"I STEPHEN L. MARSH, P.E. HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE."

STEPHEN L. MARSH, P.E. DATE
GEORGE, MILES, & BUHR, LLC.
206 W. MAIN STREET
SALISBURY, MD 21801

WETLANDS CERTIFICATION:

"I EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL).
THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.
DNREC STATE REGULATED WETLANDS HAVE BEEN IDENTIFIED IN ACCORDANCE WITH DNREC WETLAND MAP NOS. 2 & 28 SUSSEX COUNTY.

EDWARD M. LAUNAY, PWS NO. 875 DATE
SOCIETY OF WETLAND SCIENTISTS
CORPS OF ENGINEERS,
CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B

OWNER / DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION. IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

ROBERT L. MYRICK DATE
MAYAPPLE FARM, LLC.

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

OCT 2020

PRINTS ISSUED FOR: REVIEW

NO.	REVISIONS	DATE

GMB
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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE	: AS SHOWN	SHEET NO.
DESIGN BY	: RLM	G1.0
DRAWN BY	: RLM	
CHECKED BY	:	
GMB FILE	: 200123	
DATE	: OCT 2020	

SOILS LEGEND:

FadA	FALLSINGTON SANDY LOAMS, 0–2% SLOPES, NORTHERN TIDEWATER AREA
HmA	HAMMONTON LOAMY SAND, 0–2% SLOPES
HuA	HURLOCK LOAMY SAND, 0–2% SLOPES
MmA	MULLICA MUCKY SANDY LOAM, 0–2% SLOPES
MuA	MULLICA–BERRYLAND COMPLEX, 0–2% SLOPES

0 50 100 200 300

SCALE: 1" = 100'

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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

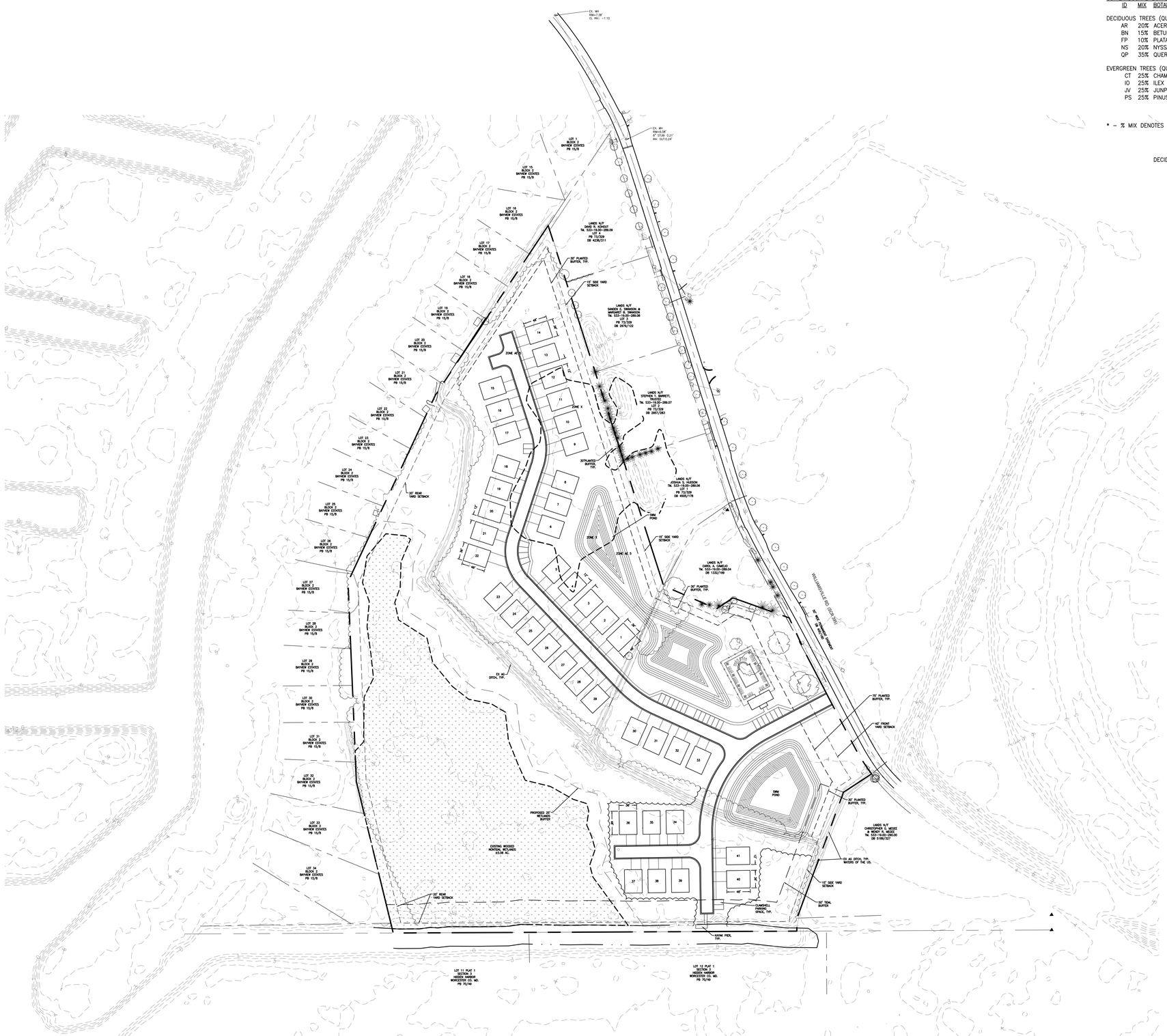
EXISTING CONDITIONS

SCALE	: 1" = 100'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: 200123
DATE	: OCT 2020

SHEET NO.
C1.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preminary Site Plans\C1.0 - EXISTING CONDITIONS.dwg, 11/11/2019, Lawton Myrick

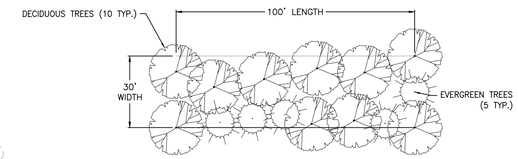
PLOT CODE
PEN1-RED 206 INCHES (.5mm)
PEN2-YELLOW 203 INCHES (.18mm)
PEN3-GREEN 203 INCHES (.25mm)
PEN4-CYAN 204 INCHES (.50mm)
PEN5-BLUE 203 INCHES (.50mm)
PEN6-MAGENTA 203 INCHES (.25mm)
PEN7-WHITE 203 INCHES (.09mm)



30' LANDSCAPE BUFFER PLANTING LIST

ID	MIX	BOTANICAL NAME	COMMON NAME	SIZE		NOTES
DECIDUOUS TREES (QUANTITY = 52)						
AR	20%	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	1.5" CAL.	B&B	NATIVE
BN	15%	BETULA NIGRA	RIVER BIRCH	5' HGT.	B&B	MULTI-STEMMED NATIVE
FP	10%	PLATANOIDES X ACERIFOLIA	LONDON PLANE TREE	1.5" CAL.	B&B	HYBRID OF NATIVE
NS	20%	NYSSA SYLVATICA	BLACK GUM	1.5" CAL.	B&B	NATIVE
QP	35%	QUERCUS PALUSTRIS	PIN OAK	1.5" CAL.	B&B	NATIVE
EVERGREEN TREES (QUANTITY = 26)						
CT	25%	CHAMAECYPARIS THYOIDES	ATLANTIC WHITE CEDAR	5' HGT.	B&B	NATIVE
IO	25%	ILEX OPACA	AMERICAN HOLLY	5' HGT.	B&B	NATIVE
JV	25%	JUNPEROUS VIRGINIANA	EASTERN RED CEDAR	5' HGT.	B&B	NATIVE
PS	25%	PINUS STROBUS	EASTERN WHITE PINE	5' HGT.	B&B	NATIVE

* – % MIX DENOTES PERCENTAGE OF TREE SPECIES FOR OVERALL BUFFER PLANTINGS.



TYPICAL 100' FORESTED BUFFER SECTION

0 50 100 200 300
SCALE: 1" = 100'

PRINTS ISSUED FOR: REVIEW

DATE	REVISIONS	NO.

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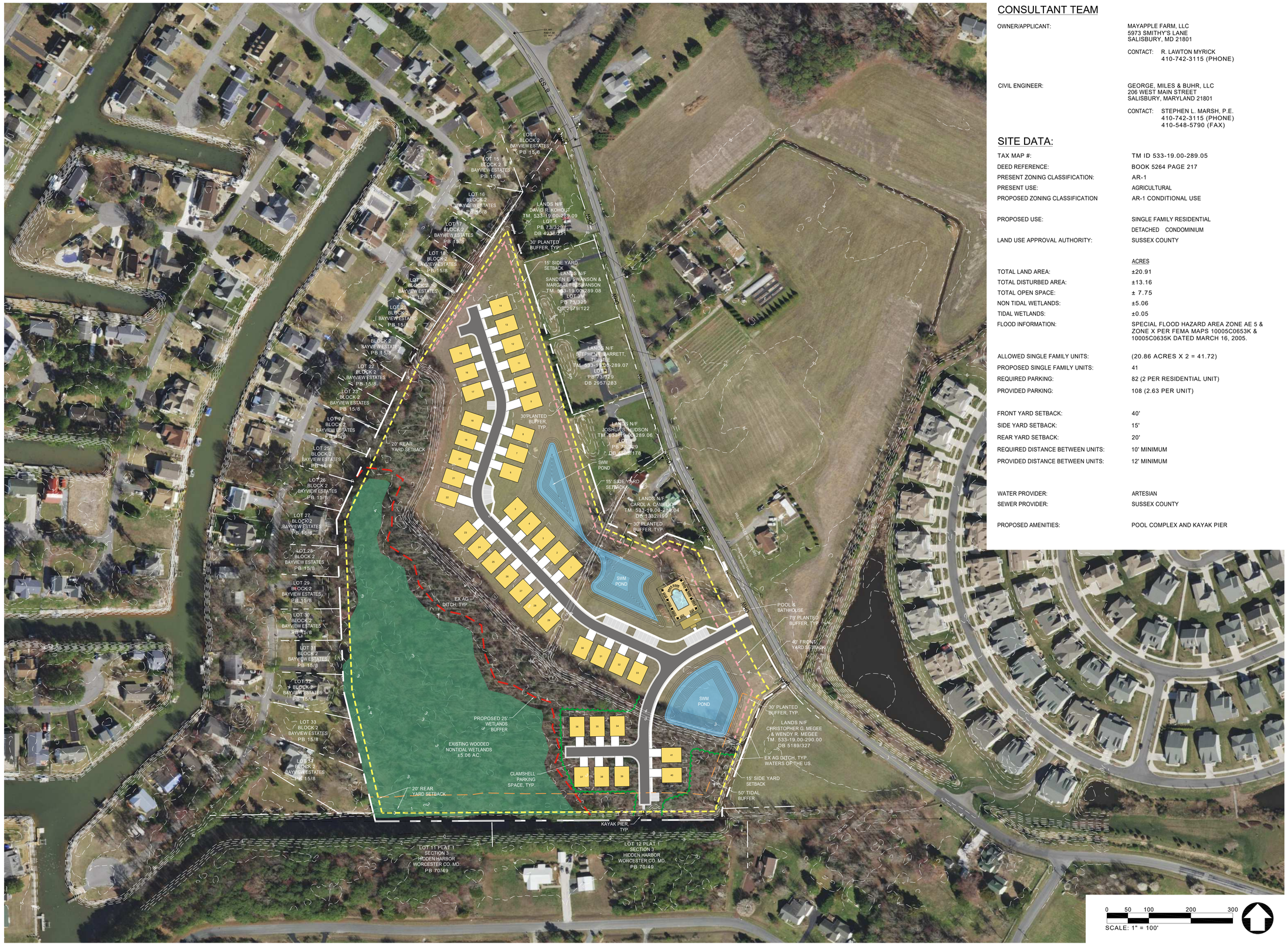
MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN

SCALE	: 1" = 100'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: 200123
DATE	: OCT 2020

SHEET NO. C2.0



CONSULTANT TEAM

OWNER/APPLICANT:	MAYAPPLE FARM, LLC 5973 SMITHY'S LANE SALISBURY, MD 21801 CONTACT: R. LAWTON MYRICK 410-742-3115 (PHONE)
CIVIL ENGINEER:	GEORGE, MILES & BUHR, LLC 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 CONTACT: STEPHEN L. MARSH, P.E. 410-742-3115 (PHONE) 410-548-5790 (FAX)

SITE DATA:

TAX MAP #:	TM ID 533-19.00-289.05
DEED REFERENCE:	BOOK 5264 PAGE 217
PRESENT ZONING CLASSIFICATION:	AR-1
PRESENT USE:	AGRICULTURAL
PROPOSED ZONING CLASSIFICATION	AR-1 CONDITIONAL USE
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL DETACHED CONDOMINIUM
LAND USE APPROVAL AUTHORITY:	SUSSEX COUNTY
	ACRES
TOTAL LAND AREA:	±20.91
TOTAL DISTURBED AREA:	±13.16
TOTAL OPEN SPACE:	± 7.75
NON TIDAL WETLANDS:	±5.06
TIDAL WETLANDS:	±0.05
FLOOD INFORMATION:	SPECIAL FLOOD HAZARD AREA ZONE AE 5 & ZONE X PER FEMA MAPS 10005C0653K & 10005C0635K DATED MARCH 16, 2005.
ALLOWED SINGLE FAMILY UNITS:	(20.86 ACRES X 2 = 41.72)
PROPOSED SINGLE FAMILY UNITS:	41
REQUIRED PARKING:	82 (2 PER RESIDENTIAL UNIT)
PROVIDED PARKING:	108 (2.63 PER UNIT)
FRONT YARD SETBACK:	40'
SIDE YARD SETBACK:	15'
REAR YARD SETBACK:	20'
REQUIRED DISTANCE BETWEEN UNITS:	10' MINIMUM
PROVIDED DISTANCE BETWEEN UNITS:	12' MINIMUM
WATER PROVIDER:	ARTESIAN
SEWER PROVIDER:	SUSSEX COUNTY
PROPOSED AMENITIES:	POOL COMPLEX AND KAYAK PIER

PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN RENDERING

SCALE	1" = 100'
DESIGN BY	RLM
DRAWN BY	RLM
CHECKED BY	
GMB FILE	200123
DATE	OCT 2020

SHEET NO.
C3.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preliminary Site Plans\C3.0 - PROPOSED SITE PLAN RENDERING.dwg, 11/11/2019, Lawton Myrick

PLOT CODE
PEN-RED 006 INCHES (.15mm)
PEN-YELLOW 007 INCHES (.18mm)
PEN-GREEN 010 INCHES (.25mm)
PEN-BLUE 014 INCHES (.35mm)
PEN-CYAN 020 INCHES (.50mm)
PEN-MAGENTA 027 INCHES (.70mm)
PEN-WHITE 039 INCHES (1.00mm)

PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

GEORGE, MILES & BUHR, LLC
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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

BY RIGHT ZONING
41 SINGLE FAMILY LOTS

SCALE	1" = 100'
DESIGN BY	RLM
DRAWN BY	RLM
CHECKED BY	
GMB FILE	200123
DATE	JUN 2021

SHEET NO.
C4.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Exhibits\By Right Zoning.dwg, 11/11/2019, Lawton Myrick

PLOT CODE
PENLCYVK

PEN-RED	PEN-YELLOW	PEN-GREEN	PEN-BLUE	PEN-MAGENTA	PEN-WHITE
.006 INCHES (.15mm)	.007 INCHES (.18mm)	.010 INCHES (.25mm)	.014 INCHES (.35mm)	.020 INCHES (.50mm)	.027 INCHES (.70mm)	.039 INCHES (1.00mm)

Applicant Exhibit

FILE COPY

Received 07.08.2021 @ Public Hearing.

Mayapple Farm LLC

Conditional Use 2249

Proposed Findings and Conditions

1. This Conditional Use is for 41 single family detached condominium units.

2. The site is currently zoned AR, which permits up to 2.178 unity units per acre. This project is within that permitted density.

3. The Conditional Use will allow the development of this property in a way that is consistent with nearby residential communities.

4. The site is located in the Coastal Area according to the Sussex County Comprehensive Plan. Multi-family units are an appropriate use in the Coastal Area according to the Plan.

5. The Conditional Use will be served by central water and Sussex County sewer.

6. The Conditional Use will not adversely affect adjacent properties, roadways or other public facilities.

7. This recommendation is subject to the following conditions:

   a. There shall be no more than 41 units within the Conditional Use area.

   b. The Applicant shall form a condominium association responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.

c. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.

d. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

e. All entrances shall comply with all of DelDot's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.

f. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

g. As proffered by the Applicant, the Final Site Plan and the recorded Condominium Declaration for the property shall prohibit the application of fertilizers or similar soil additives on the property by individual property owners. All such applications shall be managed by the Condominium Association and a contractor of its designation using the Best Management Practices to seek to minimize the risk of runoff into the stormwater management system and the inland bays.

h. A 25 foot buffer shall be maintained from the non-tidal wetland line, a 50 foot buffer shall be maintained from the tidal wetland line, and a 75 foot buffer shall be maintained from the numbered road frontage. These buffers areas shall be shown on the Final Site Plan.

i. A 20 foot setback and 30 foot planted buffer shall be maintained as shown on the site plan.

j. The project shall be served by central water and Sussex County sewer.

k. As proffered by the applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 20th residential building permit for the project. The amenities shall include a pool complex and kayak launch.

l. There shall be sidewalks adjacent to the streets within the development.

m. The Final Site Plan shall contain a landscape plan for all of those buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.

n. Construction, sitework, grading and deliveries shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m, Saturday 8 a.m. to 4 p.m. and no Sunday construction. A 24 inch by 36 inch sign confirming these hours shall be permanently displayed at the entrance of the site during construction.

o. 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. Staff shall approve the Revised Site Plan upon confirmation that the conditions of approval have been depicted or noted on it.

p. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

GMB
GEORGE, MILES & BUHR, LLC

ARCHITECTS
ENGINEERS

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PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

June 24, 2021

Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Director

Re: Conditional Use Request
Tax Map Number 5-33-19.00 Parcel 289.05
C/U # 2249
Mayapple Farm

Dear Mr. Whitehouse:

On behalf of Mayapple Farm, LLC, please accept this Environmental Assessment and Public Facility Evaluation Report for “Mayapple Farm”, identified as Tax Map Number 5-33-19.00 Parcel 289.05. This letter is in support of the Conditional Use Application and Preliminary Site Plan submittal as encouraged by Sussex Code 115-194.3. A copy of this letter report has also been included in the project binders.

The Conditional Use Application and supporting documentation was previously submitted to Sussex County Department of Planning and Zoning on November 05, 2020. Parcel 289.05 is 20.91 acres, currently zoned AR-1 and is in the Coastal Area Zone. It is the intention of Mayapple Farm, LLC to develop this site as a detached single-family community, in a condominium ownership regime. The development will consist of forty-one (41) single family homes.

Stormwater Management (SWM) and Erosion and Sediment Control (ESC)

The stormwater management design will meet all current regulatory requirements. A pre-application meeting was held at the Sussex Conservation District on December 9, 2020. A proposed stormwater management and erosion and sediment control plan is being prepared for review by the Sussex Conservation District. The developer will incorporate swales, bioswales, wet extended detention ponds and some constructed wetlands into the final drainage and landscape plans. We anticipate incorporating green technology into the final design as much as possible.

Public Water Supply

Public water service will be supplied by Artesian. Artesian has provided an “Ability to Serve” letter for the project. The development team has been coordinating with Artesian on connection points and design criteria.

Public Wastewater Collection, Treatment and Disposal

The project is located within the Fenwick Island Sanitary Sewer District. A 2-inch force main connection point will be extended to the parcel's frontage along Williamsville Road. The proposed project is within planning study assumptions for sewer service and there will be adequate capacity for the project as proposed. A Sewer Concept Evaluation Request was reviewed by the Sussex County Engineering Department on August 26, 2020.

Traffic

A DelDOT Pre-Application meeting was held on December 10, 2020.

Threatened/Endangered Species

There are no known Threatened or Endangered species on the site.

Tidal/Non-tidal Wetlands

Environmental Resources, Inc. (ERI) performed a delineation of Waters of the United States including wetlands subject to the Corps of Engineers' Regulation Program. The investigation was in accordance with the three-parameter approach evaluating soils, hydrology, and vegetation outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and associated guidance. In accordance with Delaware Department of Natural Resources and Environmental Control (DNREC) wetlands maps, there are no State regulated wetlands occurs on or in the vicinity of the subject property.

In regard to federally regulated or waters subject to the Corps of Engineer's Regulatory Program, approximately 5.61 acres of the 20.91-acre property is regulated area. Man-made drainage ditches (0.38 acres) classified as Waters of the US are found along and bordering the east boundary of the site. There are non-tidal wooded wetlands (4.99 acres) in the Southwest quadrant of the property. There is a portion of a tidal canal (0.24 acres) along the southern boundary of the site. This canal is classified as Waters of the US and State Regulated Subaqueous Lands. The presence of these drainage features should not be impacted by anticipated development. A permit will be required to install the kayak launch along the tidal canal.

Other interior man-made drainage ditches are not regulated by the Army Corps of Engineers. These drainage features only exhibit ephemeral flow or infrequent, intermittent flow. They are not perennial streams. No buffers are required from these features.

ERI has received an approved jurisdictional determination from the Philadelphia District Corps of Engineers regarding the 5.06 acres of regulated waters identified on the property. We are proposing a 25' Buffer from Non-Tidal Wetlands and a 50' Buffer from Tidal Wetlands.

Provision of Open Space

Approximately 63% of the existing site's 20.91 acres are slated for development. All areas not included in the individual condo lots or shared street section will be included in open space. The community open space will include active and passive recreation opportunities, consistent with other open space uses throughout the County.

A multimodal path along the project frontage at Williamsville Road will be provided.

Many active recreation opportunities are available via a proposed kayak and stand-up paddle board launch along the southern boundary of the site. An existing tidal lagoon offers access to Grey's Creek and Assawoman Bay beyond. A swimming pool and bath house are proposed for use of the residents and their guests.

The stormwater management facilities will be integrated into the natural environment with native plantings and will be used to further enhance the open areas of the development.

Provisions for Public and Private Infrastructure

Public infrastructure will include public water, public sewer, and public "dry" utilities (telephone, electric, cable television, data lines, etc.). The streets will be private infrastructure. The Condo Owner's Association (COA) will be responsible for the operation and maintenance of the streets, curbs, sidewalks, and any landscaping in the street right-of-ways as well as the proposed sewer system. A "blanket" easement over the proposed roads will allow utility access. The open space infrastructure will also be maintained and operated by the COA. The stormwater management facilities will also be subject to an operations and maintenance agreement between the COA and the Sussex Conservation District. The operation and maintenance agreements, along with pertinent deed covenants and restrictions, will be provided as these arrangements are made final.

Economic and Recreational Benefits

The economic benefits of in-fill development are well documented. A relatively small investment is needed in public infrastructure to accommodate this project. The additional real estate taxes generated by the forty-one (41) units will far exceed the current real estate tax revenue generated by approximately 20.91 acres of raw land. In addition, these homes will generate significant permit, inspection, and building permit fees.

In addition, the forty-one (41) proposed residential units will provide significant construction jobs during both the infrastructure (roads, sidewalks, trails, water, sewer, dry utilities) and vertical construction phases, as well as professional service jobs for engineers, surveyors, architects, and interior decorators. Once the residential units are complete, landscaping maintenance jobs will be created for the COA to maintain lawns, opens space, landscape areas, and stormwater management facilities. The initial sale of the units will create jobs for local realtors, attorneys, and surveyors, as will subsequent re-sales in the years to follow. Most of the above-mentioned jobs, or increased workload opportunities, will be performed by local companies or individuals.

The addition of forty-one (41) units in this infill development will maintain or increase the workload for the current population employed within the local community.

Historic or Cultural Resources

There are no known historic or cultural resources, such as a National Register-listed property or an Archeological Site, on this parcel.

If a Department of the Army permit is required by the Corps of Engineers for this project or should a similar federal action be proposed, the applicant will coordinate as required under Section 106 with the State Historic Preservation Office. However, no federal actions are anticipated as part of this project.

If during the construction of the project any artifacts or other evidence of historic or cultural resources are discovered, the Delaware State Historic Preservation Office will be notified immediately.

Conformance with Current Sussex County Comprehensive Plan

The project is located within the State Levels 3 and 4 Investment Area and falls within the Coastal Area Zone per the Sussex County Comprehensive Plan. This infill project is in the correct location for the intended use, as documented in the PLUS comments and responses, and follow up correspondence with review agencies. All conditions and requirements within applicable sections of County Code Chapters 99, 110 and 115 will be met. As an infill residential development served with appropriate public infrastructure, the proposed Conditional Use is in conformance with the County Comprehensive Plan.

Conclusion

The proposed Conditional Use is consistent with the County's Comprehensive Land Use Plan. Based on the amount of existing infrastructure and development in the immediate vicinity, we disagree with the State Strategies Spending Level designation. The site's proximity to the neighboring developments, as well as the existing utility and roadway infrastructure, make this an ideal location for infill residential development.

Environmental impacts will be minimized using best management practices for stormwater treatment, conservation of existing wetland and establishment of wooded buffer areas, provision of tidal buffers, and the provision of central water and sewer. The proposed development contains forty-one (41) units.

The economic benefits of the construction jobs, the permit fees, increased tax revenue, and long-term jobs associated with this community addition are well documented. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the neighboring communities and existing infrastructure.

Mayapple Farm, LLC looks forward to working with Sussex County to implement the proposed development.

Please feel free to contact me with any questions.

Sincerely,

Steve Marsh, P.E.
Senior Vice President

SLM/cl

Attachments:

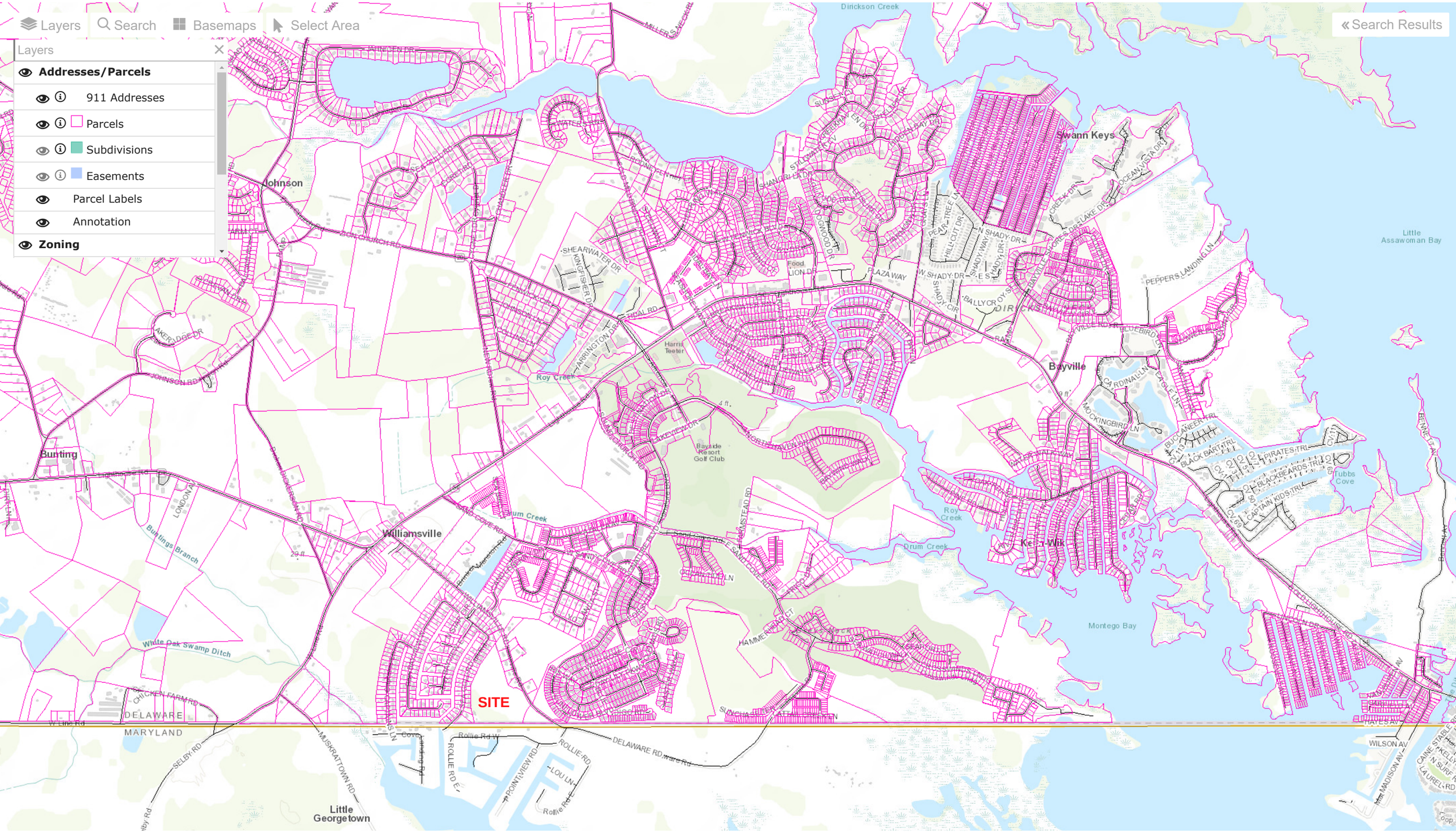
- Proximity Map
- Aerial Prospective Exhibit

cc: Mayapple Farm, LLC
Attn: Mindy Myrick (w/ enclosure)

SUSSEX COUNTY
DELAWARE

MAYAPPLE FARM - PROXIMITY MAP

Print Help




MAYAPPLE FARM
Artist's Rendering, subject to change

Mayapple Farm

Chapter 99 – Subdivision of Land

Report

With regard to Section 99-9.C of the Sussex County Code, we offer the following comments:

1) **Integration of the proposed subdivision into existing terrain and surrounding landscape.**
   The proposed development will feature forty-one (41) raised beach style homes, built on pilings, similar to other homes in the Fenwick Island corridor. The residential development is concentrated in the existing open space, which sits on a relatively flat open field, consisting of uplands bordered by wooded non-tidal wetlands and a small tidal ditch that empties into a tidal canal. The site is bisected by a small agricultural ditch that is not under U.S. Army Corps jurisdiction. The natural slope of the site will be maintained to the most feasible extent, while providing for positive drainage and stormwater management requirements.

2) **Minimal use of wetlands and floodplains.**
   All homes will be designed to provide a finish floor elevation, well above the 100-year floodplain. There is a mandatory 50' buffer from tidal wetlands and tidal waterbodies. No wetlands are to be disturbed, other than crossings for water dependent activities, specifically the kayak launch along the tidal canal. Water dependent activities can take place within this buffer, but all home building construction will be outside of this buffer zone.

3) **Preservation of natural and historical features.**
   The existing wooded nontidal wetlands are to be preserved in their natural state. As stated above, the proposed development is focused in the uplands area, towards the front of the site along Williamsville Road. A twenty-five-foot (25') buffer is proposed from non-tidal wetlands.

4) **Preservation of open space and scenic views.**
   Approximately 35% of the 20.91 acres will remain as open space. A green corridor is provided around the perimeter of the project, through the preservation of non-tidal wooded wetlands and planted buffer. The view across the site will be enhanced by the vegetated buffer, utilizing native tree species.

5) **Minimization of tree, vegetation and soil removal and grade changes.**
   Most of the existing tree cover will be preserved. Homes will be constructed on pilings, thus alleviating the need to import large amounts of structural fill. The elevation of the site will be increased as needed to minimize flooding risk and to provide for positive drainage. Excavation on site for SWM ponds should provide the bulk of the needed fill material.

6) **Screening of objectionable features from neighboring properties and roadways.**
A 30' wide planted buffer is proposed to augment the existing wooded backdrop that forms the rear perimeter of the site. This buffer will consist of larger maturing deciduous and evergreen trees, native to the State of Delaware.

7) **Provision for water supply.**
Water supply is being provided by Artesian Water Company. Capacity is available, the water main is being extended from existing Williamsville Road infrastructure that terminates south of the entrance to the Shoals at Sunridge, which is part of Americana Bayside.

8) **Provision for sewage disposal.**
Sewer will be provided by Sussex County as part of the West Fenwick Sanitary Sewer District. Capacity is available, and a conceptual sewer layout was approved by Engineering staff.

9) **Prevention of pollution of surface and groundwater.**
Stormwater management and erosion & sediment control will meet the requirements of the Sussex Conservation District (SCD) and by default, the goals of the Inland Bay Pollution Control Strategies. This project is located within the Maryland Coastal Bays watershed.

10) **Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.**
Stormwater management will meet SCD requirements. Ponds will be unlined to allow for infiltration, so impact on groundwater elevation should be minimal.

11) **Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.**
The development team worked with DelDOT representatives and are working though the design parameters of the entrance based on the existing constraints of the Williamsville Road corridor.

12) **Effect on area property values.**
This project is in a developed area with a mix of home types, predominately primary homes, and secondary beach homes. We believe the project will have a positive impact on area properties based on the proposed product type, the community layout, and proposed amenities.

13) **Preservation and conservation of farmland.**
There is no preservation of farmland, however this area is zoned AR, within the Coastal Zone and the proposed development is consistent with the Comprehensive Plan. This project is not located in an area that was designated for agricultural preservation.

14) **Effect on schools, public buildings, and community facilities.**
Because this project should be considered an infill development, there are no negative effects to area schools, public buildings, or community facilities.

15) **Effect on area roadways and public transportation.**
Per Comment #11 above, the development team is working with DelDOT for an appropriate entrance to the Mayapple Farm community, which will be located along Williamsville Road. We anticipate minimal overall impacts, due to the small size of the proposed development.

16) **Compatibility with other area land uses.**
The project site is zoned AR, and the proposed development is consistent with the Comprehensive Plan. We would categorize this area as developed with mainly primary residences and second homes. The proposed development will be consistent with that characterization.

17) **Effect on area waterways.**
We anticipate no negative effect to area waterways. We will be required to treat stormwater on site before discharging to tidally influenced waterways. The accessibility of public sewer will avoid any environmental degradation from failing septic systems.

PRELIMINARY LAND USE SERVICE (PLUS)

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: Mayapple Farm

2. Location (please be specific): 20.67 acres NW side of Williamsville Road, Williamsville, DE

3. Parcel Identification #: 533-19.00-289.05

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

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

6. Owner's Name: Mayapple Farm, LLC.

Address: 5973 Smithy's Lane

City: Salisbury State: MD Zip: 21801

Phone: 410-251-9568 Fax: Email: lawtonmyrick@gmail.com

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

Address: 5973 Smithy's Lane

City: Salisbury State: MD Zip: 21801

Phone: 410-251-9568 Fax: Email: lawtonmyrick@gmail.com

8. Project Designer/Engineer: George, Miles & Buhr, LLC

Address: 206 West Main Street

City: Salisbury State: MD Zip: 21801

Phone: 410-742-3115 Fax: 410-549-7890 Email: smarsh@gmbnet.com

9. Please Designate a Contact Person, including phone number, for this Project: R. Lawton Myrick 410-742-3115

Information Regarding Site:

10. Type of Review: ☐ Rezoning, if not in compliance with certified comprehensive plan ☒ Site Plan Review
☐ Subdivision

11. Brief Explanation of Project being reviewed: 41 Single Family homes in a Detached condominium regime on 20.67 acres.
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.

12. Area of Project (Acres +/-): 20.67 Number of Residential Units: 41 Commercial square footage: 0 SF

13. Present Zoning: AR-1

14. Proposed Zoning: AR-1 w/ Conditional Use

15. Present Use: Agri. Use, Vacant Land

16. Proposed Use: Residential

17. Water: ☒ Central (Community system) ☐ Individual On-Site ☐ Public (Utility)
Service Provider Name: Artesian

Will a new public well be located on the site? ☐ Yes ☒ No

18. Wastewater: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)
Service Provider Name: Sussex County Public Works

Will a new community wastewater system be located on this site? ☐ Yes ☒ No

19. If residential, describe style and market segment you plan to target (Example- Age restricted): Move up and Second home buyers

20. Environmental impacts: Filling of Ag ditches, crossing Ag ditches, selective removal of trees

How many forested acres are presently on-site? 10.82 How many forested acres will be removed? 1.58

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? ☒ Yes ☐ No

Are the wetlands: ☒ Tidal Acres: 0.05
☒ Non-tidal Acres: 5.06

If "Yes", have the wetlands been delineated? ☒ Yes ☐ No

Has the Army Corps of Engineers signed off on the delineation? ☒ Yes ☐ No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? ☐ Yes ☒ No If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? 25' buffer from wetlands.

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? ☐ Yes ☒ No

22. List the proposed method(s) of stormwater management for the site: Wet ponds and vegetate swales.

23. Is open space proposed? ☒ Yes ☐ No If "Yes," how much? Acres: 10.09

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Passive recreation, stormwater managmenet, wildlife habitat, active recreation

24. Are you considering dedicating any land for community use (e.g., police, fire, school)? ☐ Yes ☒ 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: 489

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? [X] Yes [ ] No Williamsville Road, CR 359

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. Sidewalk provided at Community entrance.

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

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

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

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

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

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? [X] Yes [ ] No
Person to contact to arrange visit: Lawton Myrick phone number: 410-742-3115

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

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

R. Lawton Myrick
Signature of property owner

8/5/2020
Date

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

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 **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

September 24, 2020

R. Lawton Myrick
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: PLUS review 2020-08-09; Mayapple Farm

Dear Mr. Myrick:

Thank you for meeting with State agency planers on August 26, 2020 to discuss the proposed plans for the Mayapple Farm project. According to the information received you are seeking review of a proposed site plan for 41 residential units on 20.67 acres along Williamsville Road in Sussex County.

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

Strategies for State Policies and Spending

This project is located in Investment Levels 3 and 4 according to the 2020 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. Level 3 areas may also mean that there are environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which are present. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. The Office of State Planning does not support the residential development in the Level 4 area and we ask that the homes planned in the Level 4 area be removed from the site plan.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Williamsville Road (Sussex Road 395) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 489 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates the trip generation of 41 single-family detached houses at 458 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 34 and 43, respectively. Therefore, a TIS is not warranted.

  The purpose of a TIS is to determine what off-site improvements are needed to support a proposed development. DelDOT anticipates requiring the developer to improve Williamsville Road, within the limits of their projected frontage, that is from the south limits of their parcel frontage to the north limits of the David R. Kohout property (Tax Parcel No. 533-19.00-289.09) frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders.

- 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 Williamsville Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline. 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. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:

    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.

    - Depiction of all existing entrances within 600 feet of the entrance on Williamsville Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at DelDOT's discretion but given the largely developed nature of the surrounding area, DelDOT anticipates requiring the developer to build an SUP along their frontage on Williamsville Road.

- 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 Williamsville 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 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

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

Special Flood Hazard Area

- The project application appears to be referencing outdated floodplain maps. According to the newest Flood Insurance Rate Maps (FIRM), this parcel is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://maps.dnrec.delaware.gov/floodplanning/default.html.

- Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx

Stormwater Management

- Land disturbing activity (soil disturbance) has met the minimum threshold of 5000 square feet triggering Sediment and Stormwater Plan requirements.

- Projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site. The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The appropriate agency for this project is identified below.

- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.state.de.us/eNOI/default.aspx) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

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

- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
  E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Water Quality

- This site lies within the Inland Bays Watershed, where pollution control strategies exist for nutrient and sediment.

- If zoning is approved and the site is developed, please consult with the Sussex Conservation District to determine if stricter stormwater management standards may apply for development in this area.

- Contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

Hydric Soils Group

- Poorly drained soils (Hydric Soils Group B/D) exist on the southern portion of the parcel and the western portion of the parcel (Hydric Soils Group A/D soils). The northwestern third of the parcel is comprised of B soils (moderately well drained).

- Types C and D soils are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements. All BMPs that propose to use infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
  E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Wetlands

- Tidal wetlands exist along the southern edge of the property boundary. Approximately half of the site consists of forested freshwater wetlands, situated in the center of the parcel. According to the project application, a wetland delineation has been completed, and the USACE has signed off on the delineation. According to the applicant, there will be no disturbance to wetland areas, with a buffer of 50' from tidal wetlands, and a buffer of 25' from non-tidal wetlands.

Open Space

- This project proposes open space of 10.09 acres.

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

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

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric potential is low to moderate. Most of the land is poorly drained soils and there are no comparable sites nearby. Some water/marsh is within distance but there don't appear to be any relic streams/rivers nearby on Beers.

- Historic potential is low to moderate, it appears that the land was potentially owned by Captain J. Bishop (Bishops Cemetery is just north of the parcel). Buildings appear on the historic topographic maps, but this land is open and agricultural. Any archaeological remains that appear may be 19th century field scatter.

- 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

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

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

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.

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

Accessibility:

- The access road to the subdivision from Williamsville Road must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

  Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please note that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Required Notes:

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

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 Williamsville 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 – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Sea Level Rise

- The majority of this site is vulnerable to permanent inundation as a result of sea level rise. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

- In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

- Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
  Website: https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/

Special Flood Hazard Area

- Design proposed structures outside of the Special Flood Hazard Area. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Stormwater Management

- Integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.

- For improved stormwater management on any site, preserve existing trees, wetlands, and passive open space. Trees and shrubs native to Delaware should be used to the maximum extent practicable in the landscaping for open spaces.

Wetlands

- To protect the function and integrity of wetlands, incorporate a 100-foot vegetated buffer from the edge of any wetland (both tidal and non-tidal), where feasible. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

Forest Removal

- Forested lands exist on the site.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.

- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. If mature forests are found, DNREC recommends that these areas be conserved to the fullest extent possible.

Nuisance Waterfowl

- 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.

- To deter waterfowl from taking up residence in these ponds, DNREC recommends 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). 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 to 30 feet in width to be mowed, annually. This area would be necessary to adequately deter the waterfowl from inhabiting the area. 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.

Street Curbs

- Small animals, such as turtles and salamanders, have difficulty climbing vertical curbs. Designing the development to exclude curbs is best for these species; however, 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.

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eeif.

- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.

- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

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, technical services link, plan review, applications or brochures.

Sussex County Housing – Contact: Brandy Nauman 855-7779

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

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

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

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

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,

Constance C. Holland

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

CC: Sussex County Planning

June 3, 2021

Delaware Office of State Planning
122 William Street
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP
Director

Re: Response to PLUS Review Comments
Mayapple Farm
PLUS Review – 2020-08-09
GMB # R200123

Dear Ms. Holland:

Please accept this letter as the formal response to the Office of State Planning Coordination PLUS review comments dated, September 24, 2020, for the above referenced project. The original State Agency comments are included below with our responses highlighted in red and italicized.

Sincerely,

Stephen L. Marsh, P. E.
Sr. Vice President

SLM/cl

cc: Mayapple Farm, LLC
Attn: Mr. Lawton Myrick

Strategies for State Policies and Spending

This project is located in Investment Levels 3 and 4 according to the 2020 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. Level 3 areas may also mean that there are environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which are present. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. The Office of State Planning does not support the residential development in the Level 4 area, and we ask that the homes planned in the Level 4 area be removed from the site plan.

We disagree with the categorization of Level 3 and 4, due to the nature of existing development surrounding the proposed site. There has been considerable infrastructure investment in the immediate area, including extension of sewer along Route 54, repaving of Route 54, and extension of water main infrastructure by Artesian to serve nearby development. The Master Planned Community, Americana Bayside is across Williamsville Road. However, we will consider all environmental concerns as part of the planning and design process.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Williamsville Road (Sussex Road 395) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

  A pre-application meeting was held on December 10th, 2020.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

  The development entrance will be designed in accordance with DelDOT standards and based upon traffic volume for a community of this size.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

  Payment of fees associated with record plan submittal and construction plan submittal for review will be made at DelDOT's direction.

- 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 489 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates the trip generation of 41 single-family detached houses at 458 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 34 and 43, respectively. Therefore, a TIS is not warranted.

  The purpose of a TIS is to determine what off-site improvements are needed to support a proposed development. DelDOT anticipates requiring the developer to improve Williamsville Road, within the limits of their projected frontage, that is from the south limits of their parcel frontage to the north limits of the David R. Kohout property (Tax Parcel No. 533-19.00-289.09) frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders.

  We agree that a TIS is not warranted for a 41-unit residential development. We plan to improve the frontage along Williamsville Road with appropriate auxiliary lanes as necessitated by DelDOT requirements.

- 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 Williamsville Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline. 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.**"

  The Record Plan will include the Right of Way note "A 30-foot right-of-way from centerline of Williamsville Road is hereby established for the State of Delaware as per this plat" in accordance with Section 3.2.5-a of the DelDOT Development Coordination Manual.

- 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. 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.**"

The Record Plan will include the frontage easement note "A 15-foot permanent easement is hereby established for the State of Delaware as per this plat" in accordance with Section 3.2.5.1.2 of the DelDOT Development Coordination Manual to provide the required 15ft easement beyond the minimum right-of-way.

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:

    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.

    - Depiction of all existing entrances within 600 feet of the entrance on Williamsville Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

  The Record Plan will be completed to include the above listed items in accordance with Section 3.4.2.1 of the DelDOT Development Coordination Manual.

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at DelDOT's discretion but given the largely developed nature of the surrounding area, DelDOT anticipates requiring the developer to build an SUP along their frontage on Williamsville Road.

  The Record Plan will be completed to reflect a 15-foot-wide permanent easement beyond the right-of-way dedicated along the property frontage for the installation of a shared use path.

- 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 Williamsville Road.

  Stormwater facilities will be sited appropriately to avoid conflicts with all DelDOT right-of-ways.

- 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.

  We plan to improve the frontage along Williamsville Road with appropriate auxiliary lanes per DelDOT's direction.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

  Sight Distance Triangles will be developed in accordance with Section 5.4 of the DelDOT Development Coordination Manual as applicable

- 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.

  Existing utilities will be shown as applicable and a utility relocation plan will be prepared to show any proposed utility relocations, if needed, in accordance with Section 5.14 of the DelDOT Development Coordination Manual.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Special Flood Hazard Area

- The project application appears to be referencing outdated floodplain maps. According to the newest Flood Insurance Rate Maps (FIRM), this parcel is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://maps.dnrec.delaware.gov/floodplanning/default.html.

  We have updated our Existing Conditions base map to reflect the most current floodplain data. This will ensure that we comply with all FEMA regulations and requirements. It is anticipated that homes will be constructed on pilings, but if not, the home foundations and finish floor elevations will be constructed to be out of the flood elevation and in accordance with FEMA regulations and Sussex County Code.

- Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx

Stormwater Management

- Land disturbing activity (soil disturbance) has met the minimum threshold of 5000 square feet triggering Sediment and Stormwater Plan requirements.

- Projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site. The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The appropriate agency for this project is identified below.

- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.state.de.us/eNOI/default.aspx) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

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

- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
  E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Comments noted. A Pre-Application Meeting with Sussex Conservation District was held on December 9, 2020, regarding Sediment and Erosion Control and Stormwater Management measures for the proposed development.

Water Quality

- This site lies within the Inland Bays Watershed, where pollution control strategies exist for nutrient and sediment.

- If zoning is approved and the site is developed, please consult with the Sussex Conservation District to determine if stricter stormwater management standards may apply for development in this area.

- Contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

  We will incorporate green technology into the final design as much as possible. The proposed plan calls for buffers, which aid in water quality. The proposed development will

meet DNREC erosion and sediment control and stormwater management requirements, through plan approval at the Sussex Conservation District. However, please note that the site is not located in the Inland Bays Watershed, but rather in the Maryland Coastal Bays Watershed. Worcester County officials have declined requests to review our nutrient removal calculations in the past.

Hydric Soils Group

- Poorly drained soils (Hydric Soils Group B/D) exist on the southern portion of the parcel and the western portion of the parcel (Hydric Soils Group A/D soils). The northwestern third of the parcel is comprised of B soils (moderately well drained).

- Types C and D soils are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements. All BMPs that propose to use infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

  ERI has already completed a comprehensive delineation of State and Federally regulated wetlands and waters within this project site. ERI has confirmed that hydric soils do not extend beyond wetland areas. As such, no development is proposed on hydraulic soils.

Wetlands

- Tidal wetlands exist along the southern edge of the property boundary. Approximately half of the site consists of forested freshwater wetlands, situated in the center of the parcel. According to the project application, a wetland delineation has been completed, and the USACE has signed off on the delineation. According to the applicant, there will be no disturbance to wetland areas, with a buffer of 50' from tidal wetlands, and a buffer of 25' from non-tidal wetlands.

  ERI completed a comprehensive delineation of State and Federally regulated wetlands and waters within the project site. A Jurisdictional Determination was approved by the USACOE on May 29, 2018. The proposed development will not impact any wetlands other than Stormwater Management outfalls to tidal waters, which will receive appropriate permits. The development will maintain a minimum buffer of 50' from tidal wetlands and waters and a minimum 25' buffer from non-tidal wetlands.

Open Space

- This project proposes open space of 10.09 acres.

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

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

  Most of the open space consists of non-tidal wooded wetlands. These areas will be preserved in their natural state and no nutrients will be applied here. There is minimal planned removal of forested uplands areas. Most of the area proposed to be disturbed was previously farmed and maintained open fields through agricultural operations. Buffer areas will be planted with native species. Common open space areas, such as around the proposed amenity, will follow a nutrient management plan.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric potential is low to moderate. Most of the land is poorly drained soils and there are no comparable sites nearby. Some water/marsh is within distance but there don't appear to be any relic streams/rivers nearby on Beers.

- Historic potential is low to moderate, it appears that the land was potentially owned by Captain J. Bishop (Bishops Cemetery is just north of the parcel). Buildings appear on the historic topographic maps, but this land is open and agricultural. Any archaeological remains that appear may be 19th century field scatter.

- 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

If any unmarked graves or human remains are found during construction, the developer will stop work and contact the State's Historic Preservation Office (SHPO) immediately.

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

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

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.

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

Comments noted. Artesian water main will be extended to the project site and water distribution with fire protection will be provided.

Accessibility:

- The access road to the subdivision from Williamsville Road must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

  Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please note that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

We will provide all required accessibility within the site for emergency vehicle apparatus.

Required Notes:

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

We will provide the proper notes and details on the plan sets submitted to the Office of the State Fire Marshal for their approval.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

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

Comments noted. See previous sections for DelDOT comments and responses.

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

Concerns Identified Within the Development Footprint

Sea Level Rise

- The majority of this site is vulnerable to permanent inundation as a result of sea level rise. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

- In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

- Contact: DNREC Climate and Sustainability Section at (302) 735-3480. Website: https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/

Our intent is for the homes to be built on pilings. As such, the first floor of main living area will be well out of the flood zone. If crawl space foundations are ultimately decided upon, the finished grade adjacent to the home will be constructed out of the Zone AE 5' elevation required by FEMA. Finish floor elevations will be raised in accordance with FEMA regulations and Sussex County code. Furthermore, we will consider proposed sea level rise in the road, site grading designs, and final Finish Floor Elevations of the homes.

Special Flood Hazard Area

- Design proposed structures outside of the Special Flood Hazard Area. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

  Comments noted.

Stormwater Management

- Integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.

- For improved stormwater management on any site, preserve existing trees, wetlands, and passive open space. Trees and shrubs native to Delaware should be used to the maximum extent practicable in the landscaping for open spaces.

  There is minimal planned removal of forested uplands areas. All areas proposed to be disturbed were previously farmed and maintained open fields through agricultural operations. Buffer areas will be planted with native species. Regarding on-site infiltration, the site is relatively low, and we do not anticipate enough separation from seasonal highwater table for infiltration practices. We will employ appropriate SWM Best Management Practices in our site design.

Wetlands

- To protect the function and integrity of wetlands, incorporate a 100-foot vegetated buffer from the edge of any wetland (both tidal and non-tidal), where feasible. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

  We are providing a 50' minimum buffer from tidal wetlands and waters and a 25' voluntary buffer from non-tidal wetlands. We agree appropriately sized buffers provide many benefits to water quality and wildlife habitat.

Forest Removal

- Forested lands exist on the site.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.

- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. If mature forests are found, DNREC recommends that these areas be conserved to the fullest extent possible.

  There is minimal planned removal of forested uplands areas. All areas proposed to be disturbed were previously farmed and maintained open fields through agricultural operations. Buffer areas will be planted with native species.

Nuisance Waterfowl

- 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.
- To deter waterfowl from taking up residence in these ponds, DNREC recommends 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). 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 to 30 feet in width to be mowed, annually. This area would be necessary to adequately deter the waterfowl from inhabiting the area. 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.

  Our design will allow for native plantings which are not to be mowed regularly adjacent to a few areas of mowed lawn that extends to the pond edge. We agree that Canada geese are a nuisance, but we also hope for residents to engage with the ponds for active and passive recreation.

Street Curbs

- Small animals, such as turtles and salamanders, have difficulty climbing vertical curbs. Designing the development to exclude curbs is best for these species; however, 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.

Our design calls for flat curb, which should allow for small animals to cross at their leisure.

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eeif.
- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.
- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

  Comments noted. We will endeavor to incorporate energy efficient products and materials throughout the construction process.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

  The Condominium Association will contract trash service and recycling pickup for the entire community.

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, technical services link, plan review, applications or brochures.

  Comments noted.

Sussex County Housing – Contact: Brandy Nauman 855-7779

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

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

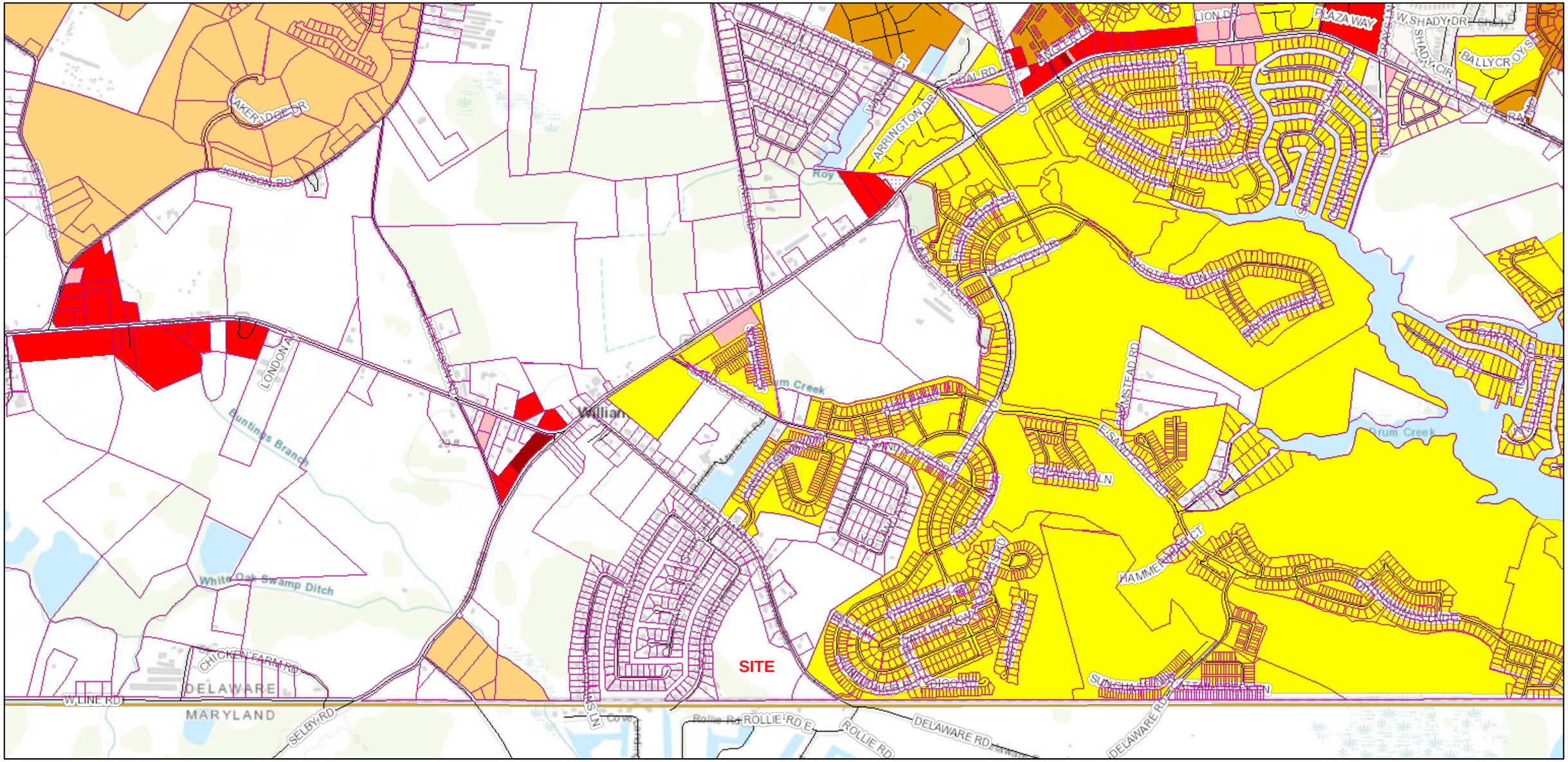
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

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

  Comments noted. We will adhere to all applicable requirements of the Sussex County Subdivision and Zoning Code.

SITE SPECIFIC MAPS, PLANS & DOCUMENTATION

MAYAPPLE FARM Sussex County **ZONING MAP**



August 6, 2020

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

Marine - M

Limited Industrial - LI-1

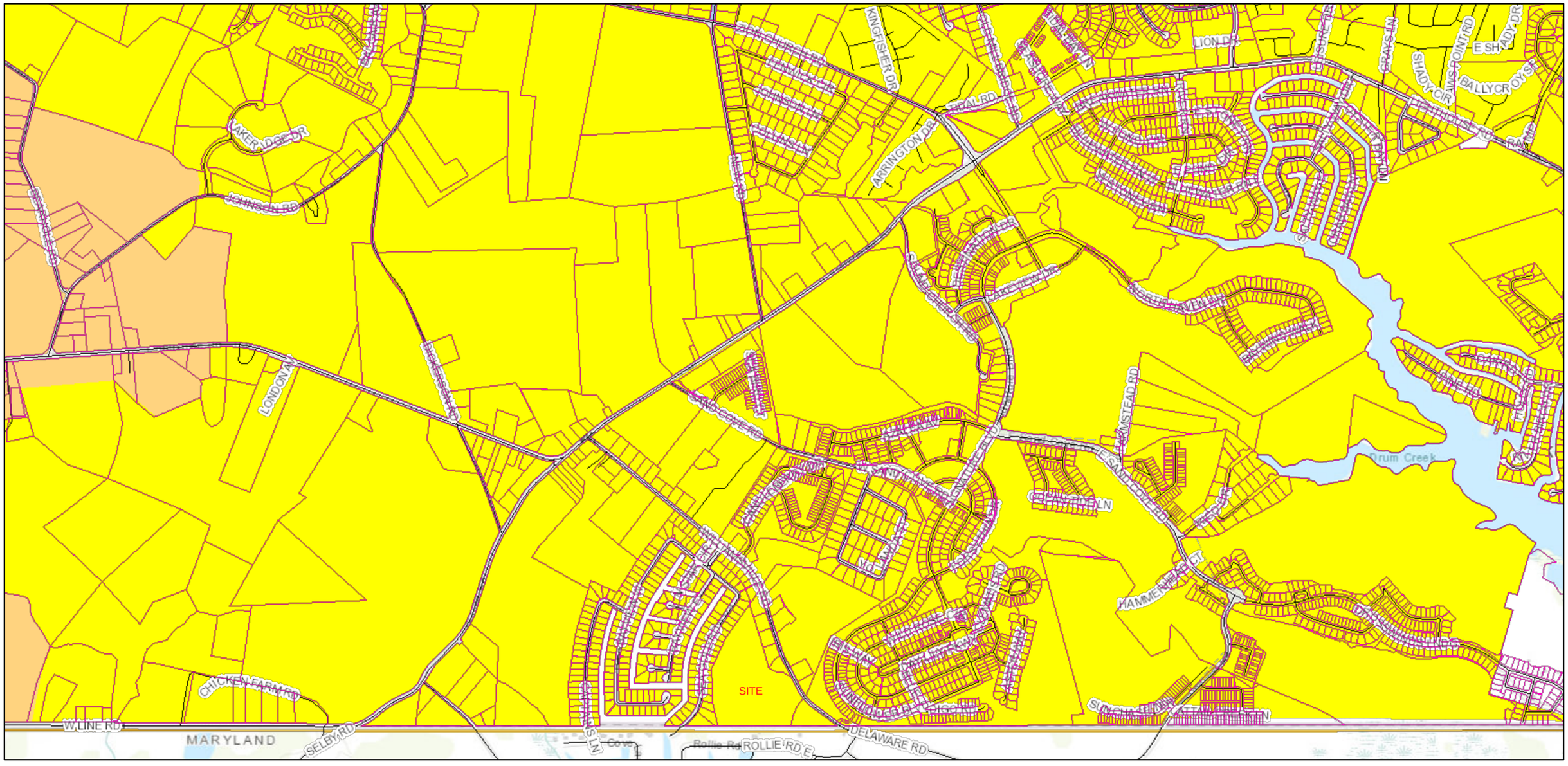
Limited Industrial - LI-2

Heavy Industrial - HI-1

County Boundaries

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

MAYAPPLE FARM Sussex County **FUTURE LAND USE PLAN**



August 6, 2020

Tax Parcels

Streets

County Boundaries

2019 Future Land Use

Low Density

Coastal Area

Commercial

Developing Area

Existing Development Area

Industrial

Municipalities

Town Center

Easements

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

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

MAYAPPLE FARM - ADJACENT LANDOWNER INFORMATION

	NAME & ADDRESS:	TAX PARCEL ID:	DEED REFERENCE:	BAYVIEW ESTATES BLOCK 2:
A	CHRISTOPHER G. & WENDY R. MEGEE 27824 CYPRESS ROAD FRANKFORD, DE 19945	533-19.00-290.00	BK 5189 PG 327	
B	DAVID R. KOHOUT 35622 WILLIAMSVILLE ROAD SELBYVILLE, DE 19975	533-19.00-289.09	DB 4238 PG 211	
C	SANDERS E. & MARGARET B. SWANSON 13100 COASTAL HIGHWAY #1909 OCEAN CITY, MD 21842	533-289.08	DB 2979 PG 122	
D	STEPHEN T. BARRETT & GEORGE S. ZISSIOS 36 MONTAGE COURT SAINT AUGUSTINE, FL 32092	533-19.00-289.07	DB 2957 PG 283	
E	JOSHUA S. & LAUREN B. HUDSON 35640 WILLIAMSVILLE ROAD SELBYVILLE, DE 19975	533-19.00-289.06	DB 4505 PG 178	
F	CAROL A. CAMELIO 35646 WILLIAMSVILLE ROAD SELBYVILLE, DE 19975	533-19.00-289.04	N/A	
G	LORI JO & EDWIN MARK HERTZLER 38787 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-88.00	BK 4814 PG 68	LOT 16
H	JOSE A. & VICTORIA L. PINA 316 BOWLEY'S QUARTER'S ROAD BALTIMORE, MD 21220	533-19.00-89.00	BK 4704 PG 307	LOT 17
I	WALTER J. JR & JANET M. HOF 38803 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-90.00	BK 4434 PG 307	LOT 18
J	DON C. & ROBIN L. DOWNEY 110 HARMONY WAY CENTREVILLE, MD 21617	533-19.00-91.00	BK 2145 PG 151	LOT 19

K	CARL R. & SONYA G. THOMAS 38821 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-92.00	BK 2008 PG 335	LOT 20
L	JOHN W. & DALE L. SHERER 38829 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-93.00	BK 1991 PG 322	LOT 21
M	CHARLES F. GOETTER 38837 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-94.00	BK 4704 PG 140	LOT 22
N	CARLA LEE HOLPP 38847 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-95.00	DB 3182 PG 156	LOT 23
O	BRUCE D. & BONNIE K. KAHL 805 MYRTH AVENUE ESSEX, MD 21221	533-19.00-96.00	DB 3614 PG 36	LOT 24
P	KEVIN M. & SUSAN M. SHIFFLETT 340 KINGSTON CIRCLE SYKEVILLE, MD 21784	533-19.00-97.00	DB 4671 PG 183	LOT 25
Q	RICHARD W. & MOLLY E. McCABE 30787 FOXCHASE DRIVE SALISBURY, MD 21804	533-19.00-98.00	DB 4848 PG 171	LOT 26
R	THOMAS M. & DARLENE M. HAROLD 30 KOSENE STREET WOODBRIDGE, NEW JERSEY 07095	533-19.00-99.00	DB 5118 PG 51	LOT 27
S	ELLEN J. TSAKALAS 38885 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-100.00	DB 4959 PG 80	LOT 28
T	CRAIG & GAIL GOLDBERG 38893 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-101.00	N/A	LOT 29
U	WILLIAM N. & JULIE A. TRATE 38901 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-102.00	DB 2602 PG 4	LOT 30

V	CHARLES R. SR & CHARLES R. JR WERT 38909 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-103.00	DB 3821 PG 236	LOT 31
W	JOHN A. III & LINDA L. LADD 38915 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-104.00	DB 3170 PG 246	LOT 32
X	ANTHONY JAMES FARLEY 12915 PRINCETON ROAD BALTIMORE, MD 21220	533-19.00-105.00	DB 5142 PG 119	LOT 33
Y	MANUEL A. & LINDA LEE MARTINEZ 38929 SEAGULL ROAD SELBYVILLE, DE 19975	533-19.00-106.00	N/A	LOT 34

Document# 2020000056020 BK: 5351 PG: 215
Recorder of Deeds, Scott Dailey On 11/16/2020 at 11:27:08 AM Sussex County, DE
Consideration: $0.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP NO. 5-33-19.00-289.05
PREPARED BY/RETURN TO:
Scott and Shuman, P.A.
33292 Coastal Highway, Suite 3
Bethany Beach, DE 19930
File No. 20-12853/CA

CORRECTIVE DEED

THIS DEED is made as of the 2nd day of ~~October~~ November, 2020, between, **Keith Coffin and Shelley Jenkins Coffin,** of 323 N. Heron Gull Court, Ocean City, MD 21843, parties of the first part, and **Mayapple Farm LLC, a Delaware limited liability company,** of 5973 Smithy's Lane, Salisbury, MD 21801, party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars ($10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and/or assigns, in fee simple, the following-described lands, situate, lying and being in **Sussex County**, State of Delaware:

BEGINNING at a ½" diameter iron pipe found on the westerly side of Williamsville Road, Sussex County Road Number 395 at the division line between the lands now or formerly of Carol A. Camelio (see Deed Book 1332, Page 199) and the lands of Keith Coffin and Shelley Jenkins Coffin (see Deed Book 5036, Page 49) labeled "Point of Beginning", on a Plot entitled "Boundary Survey Plan, Lands of Keith Coffin & Shelly Jenkins Coffin", dated June 9, 2020 and prepared by Cypress Surveys, LLC. The iron pipe found is approximately 1,707 feet measured along the westerly side of Williamsville Road from Bayview Boulevard.

THENCE leaving the lands of Camelio for the following course and distance with the bearings hereon referenced to the Delaware State Plane NAD83/2011;

1) **South 24°52'29" East a distance of 84.72 feet** to a capped pin set on the westerly Permanent Easement Line of Williamsville Road (see Deed Book 400, Page 160),

THENCE binding on the said easement line for the following two courses and distances;

2) **South 27°36'27" East a distance of 208.37 feet** to a capped pin set at a point of curvature,

3) By a curve to the left in a southeasterly direction, having a **radius of 425.00 feet,** an **arc length of 68.42 feet** and subtended by a **chord bearing and distance of South**

32°13'10" East 68.34 feet to a point in the centerline of ditch at the division line between the lands being described and the lands now or formerly of Christopher G. Megee and Wendy R. Megee (see Deed Book 5189, Page 327),

THENCE binding on the said lands of Megee for the following two courses and distances;

4) **South 56°50'51" West a distance of 68.60 feet** to a capped pin found with identification cap stamped "Simpler" on the west bank of the said ditch,

5) **South 20°16'31" West a distance of 274.64 feet** to a point in the ditch that bears North 89°16'47" East 10.00 feet from a ¾" diameter iron pipe found on the westerly side of the ditch,

THENCE leaving the lands of Megee for the following course and distance;

6) **South 00°47'27" West a distance of 26.71 feet** to a point in a canal on the Delaware Maryland Boundary Line, said point bears South 89°44'14" West 521.42 feet from NGS Station "Boundary Mon. EW 4 DE MD",

THENCE binding on the Delaware Maryland Boundary Line for the following course and distance;

7) **South 89°44'14" West a distance of 826.05 feet** to a point in said canal on the Delaware Maryland Boundary Line, said point bears North 89°44'14" East 3,711.13 feet from NGS Station "Boundary Mon. EW 5 DE MD",

THENCE leaving the said canal and Delaware Maryland Boundary Line for the following course and distance;

8) **North 13°40'36" West a distance of 20.63 feet** to a ¾" diameter iron pipe found at the corner of Lot 34, Block 2 as shown on a plot entitled "Bay View Estates", recording date June 1, 1978 and filed for record at the Office of Recorder of Deeds in Plot Book 15, Page 8,

THENCE binding on Lot 34, Lot 33 and part of Lot 32 Block 2 for the following course and distance;

9) **North 13°40'36" West** passing over a ¾" diameter iron pipe found at a distance of 230.85 feet **for a total distance of 298.30 feet** to a capped pin set at a bent capped pin found,

THENCE binding on part of Lot 32 and on all of Lot 31, Lot 30, Lot 29, Lot 28 and part of Lot 27 Block 2 for the following course and distance;

10) **North 02°23'19" West** passing over a capped pin found at a distance of 121.83 feet, a capped pin found at a distance of 196.86 feet and a ¾" diameter iron pipe found at 272.23 feet **for a total distance of 409.44 feet** to a capped pin set,

THENCE binding on part of Lot 27 and all of Lot 26, Lot 25, Lot 24, Lot 23, Lot 22 and part of Lot 21 Block 2 for the following course and distance;

11) **North 25°05'28" East a distance of 421.42 feet** to a capped pin set in a shrub bed,

THENCE binding on part of Lot 21 and all of Lot 20, Lot 19, Lot 18, Lot 17 and part of Lot 16 Block 2 for the following course and distance;

12) **North 33°36'56" East** passing over a ½" diameter iron pipe found at a distance of 267.22 feet **for a total distance of 417.12 feet** to a capped pin set,

THENCE leaving Bay View Estates binding on Lot 4, Lot 3, Lot 2 and Lot 1 as depicted on a Plot entitled "Lands of Jeffrey W. Mumford & Paula C. Mumford, Minor Subdivision", dated December 11, 2001 and filed for record at the Office of Recorder of Deeds in Plot Book 73, Page 329 for the following course and distance,

13) **South 17°46'02" East** passing over a capped pin found with identification stamped "Simpler" at a distance of 121.84 feet **for a total distance of 774.28 feet** to a 1" diameter iron pipe found at the division line between Lot 1 and the previously mentioned lands now or formerly of Carol A. Camelio (see Deed Book 1332, Page 199),

THENCE binding on the lands of Camelio for the following three courses and distances;

14) **South 66°26'30" East a distance of 117.99 feet** to a capped pin found with identification stamped "Simpler",

15) **North 56°25'51" East a distance of 40.51 feet** to a ½" diameter iron pipe found,

16) **South 70°24'51" East** passing over a capped pin set at a distance of 114.39 feet **for a total distance of 122.10 feet** to the point of beginning.

CONTAINING 20.916 acres of land, more or less as surveyed by Cypress Surveys, LLC on June 9, 2020.

BEING all that tract of land intended to be conveyed by Deed from Jeffrey W. Mumford, Trustee of the Jeffrey W. Mumford and Paula C. Mumford Revocable Trust dated June 16, 2014 and Paula C. Mumford, Trustee of the Jeffrey W. Mumford and Paula C. Mumford Revocable Trust dated June 16, 2014 to Keith Coffin and Shelley Jenkins Coffin, dated March 29, 2019 and filed for record at the Office of Recorder of Deeds for Sussex County, Delaware in Deed Book 5036, Page 49.

BEING MORE PARTICULARLY DESCRIBED as being all that tract of land designated as "Lands of Keith Coffin & Shelley Jenkins Coffin" shown on a Plot entitled "Boundary Survey Plan, Lands of Keith Coffin & Shelley Jenkins Coffin", dated June 9, 2020, revised October 6, 2020 and prepared by Cypress Surveys, LLC

THIS CONVEYANCE IS FURTHER SUBJECT TO any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware.

THIS CORRECTIVE DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION AS DESCRIBED IN THE ORIGINAL DEED RECORDED ON JULY 1, 2020, IN DEED BOOK 5264, Page 217.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their Hands and Seals the 2nd day of ~~October,~~ November 2020.

WITNESS:

_____ _____ (SEAL)
Keith Coffin

_____ _____ (SEAL)
Shelley Jenkins Coffin

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 2nd day of ~~October,~~ November 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Keith Coffin and Shelley Jenkins Coffin, parties to this Deed, known to me personally to be such, and acknowledged this Deed to be their act and deed.

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

_____
Notary Public

[Notary Seal]

My commission expires:
2/24/24

Lisa Kay Gordy Notary Public
Wicomico County Maryland
My Commission Exp2/24/24.

LISA KAY GORDY NOTARY PUBLIC WICOMICO COUNTY MD

NOTES TO USERS

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

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

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

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

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

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPSZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

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

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

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

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

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

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

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LEGEND

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

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	Floodplain boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
	Limit of Moderate Wave Action
	Advisory line estimating flooding extents if dunes are breached during a 0.2% annual chance flood event
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

(A)———(A)	Cross section Line
(23)- - - - -(23)	Transect line
87°07'45", 32°22'30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
$^{24}76^{000m}$N	1000-meter Universal Transverse Mercator grid values, zone 18N
600000 FT	5000-foot grid values: Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
●M1.5	River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP
June 16, 1995

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

N

MAP SCALE 1" = 1000'

500 0 1000 2000 FEET

300 0 300 600 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0635K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE
AND INCORPORATED AREAS

PANEL 635 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SELBYVILLE, TOWN OF	100038	0635	K
SUSSEX COUNTY	100029	0635	K

Notice: This map was reissued on May 29, 2018 to make a correction. This version replaces any previous versions. See the Notice-to-User Letter that accompanied this correction for details.

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
10005C0635K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

NOTES TO USERS

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The AE Zone category has been divided by a **Limit of Moderate Wave Action (LiMWA).** The LiMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LiMWA (or between the shoreline and the LiMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

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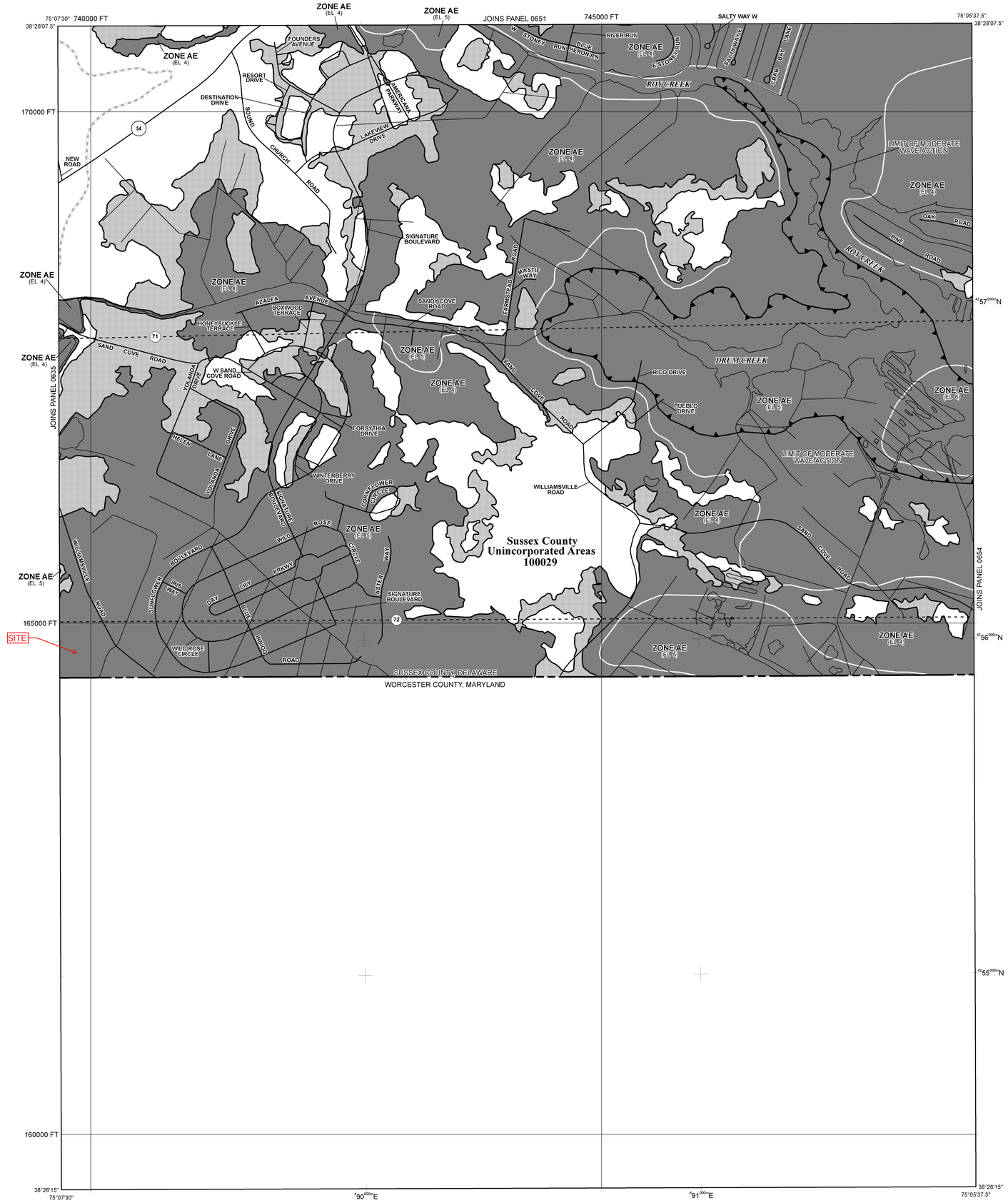

LEGEND

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

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
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ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

Limit of Moderate Wave Action

Advisory line estimating flooding extents if dunes are breached during a 0.2% annual chance flood event

513 — Base Flood Elevation line and value; elevation in feet*

(EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

23 A — A 23 — Cross section Line

23 — 23 — Transect line

87°07'45", 32°22'30" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

4°76'000"N — 1000-meter Universal Transverse Mercator grid values, zone 18N

600000 FT — 5000-foot grid values: Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection

DX5510 × — Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M1.5 — River Mile

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EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP
June 16, 1995

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MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0653K

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE

AND INCORPORATED AREAS

PANEL 653 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0653	K

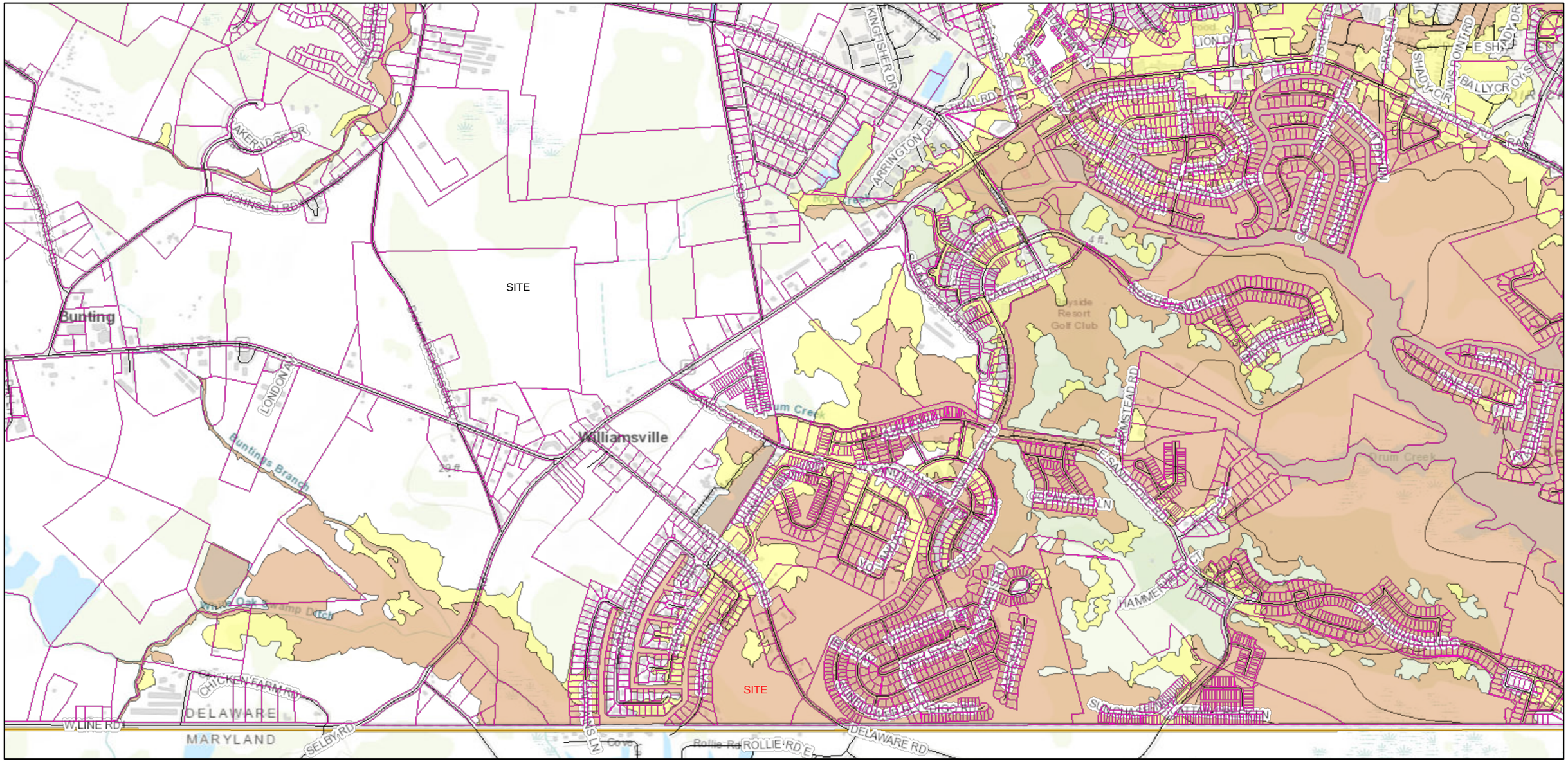
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
10005C0653K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

MAYAPPLE FARM Sussex County FLOOD ZONES MAP



August 6, 2020

Tax Parcels

Streets

County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

AO

OPEN WATER

VE

Easements

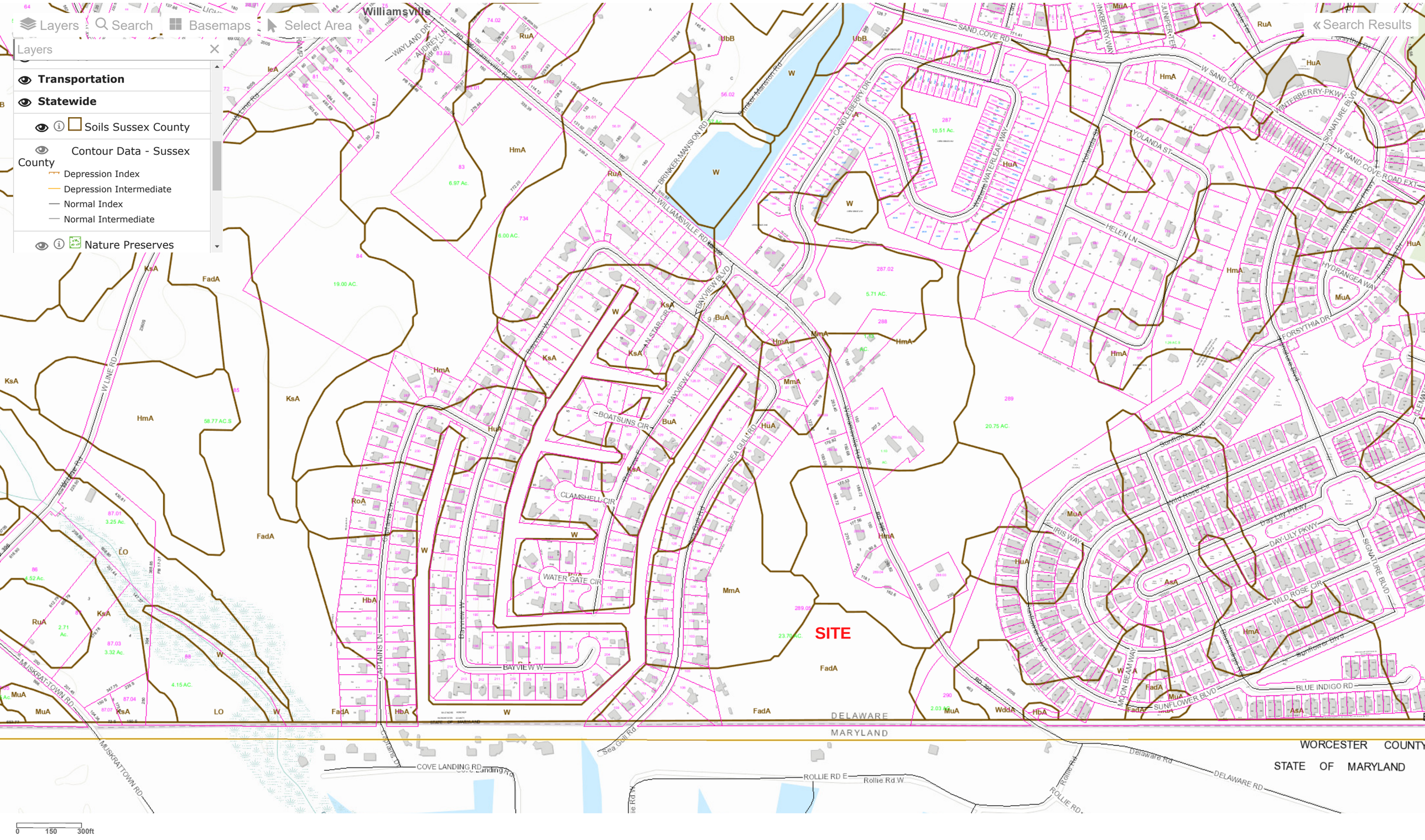
1:18,056

0 0.15 0.3 0.6 mi

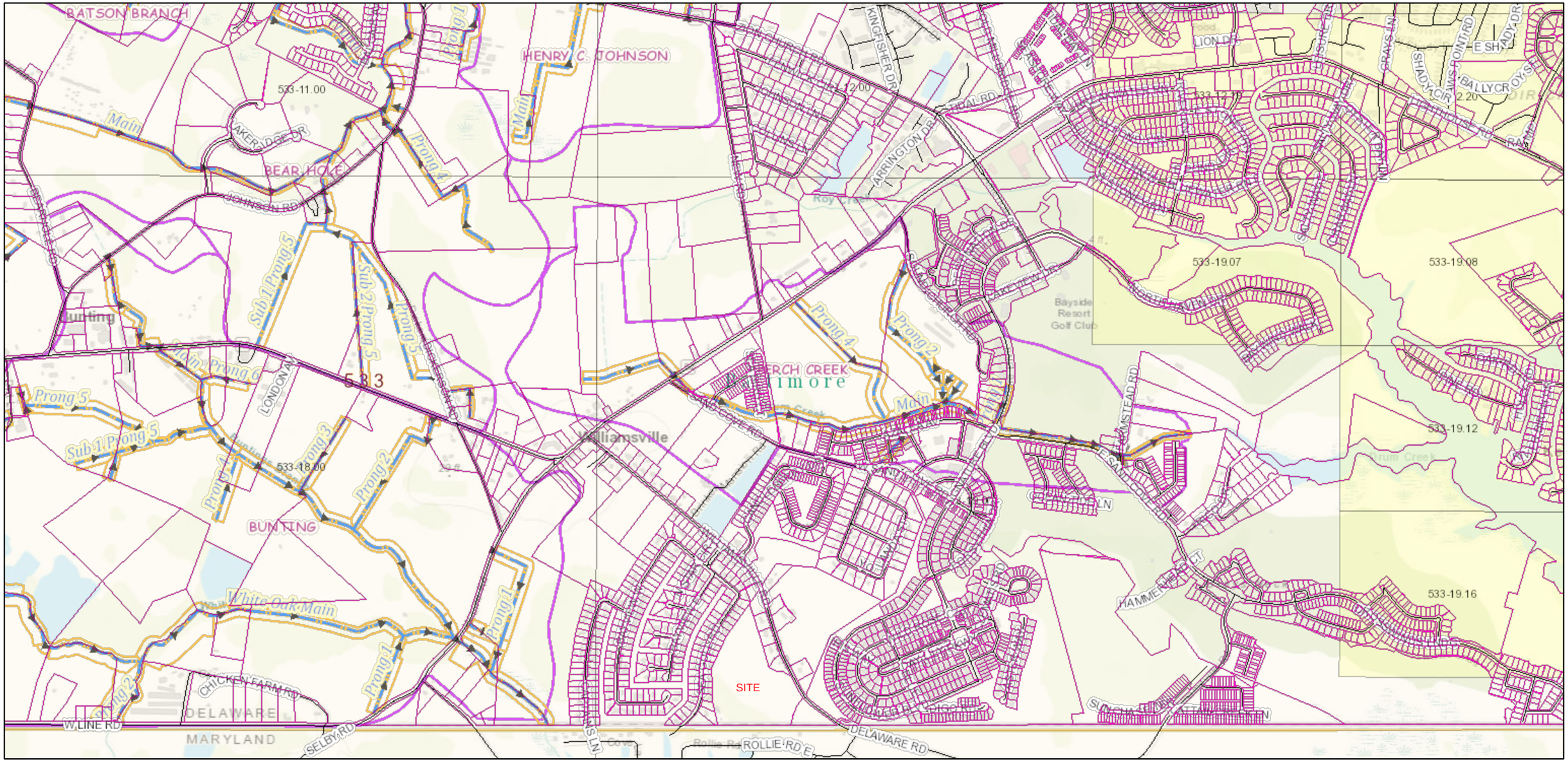
0 0.25 0.5 1 km

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

MAYAPPLE FARM - SOILS MAP



MAYAPPLE FARM Sussex County TAX DITCH SEGMENTS MAP



August 6, 2020

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Tax Parcels

Streets

Map Index

Map Grid

Subzone

Zone

District Boundaries

Hundred Boundaries

County Boundaries

Approx. Watershed Boundary

Extent of Right-of-Way

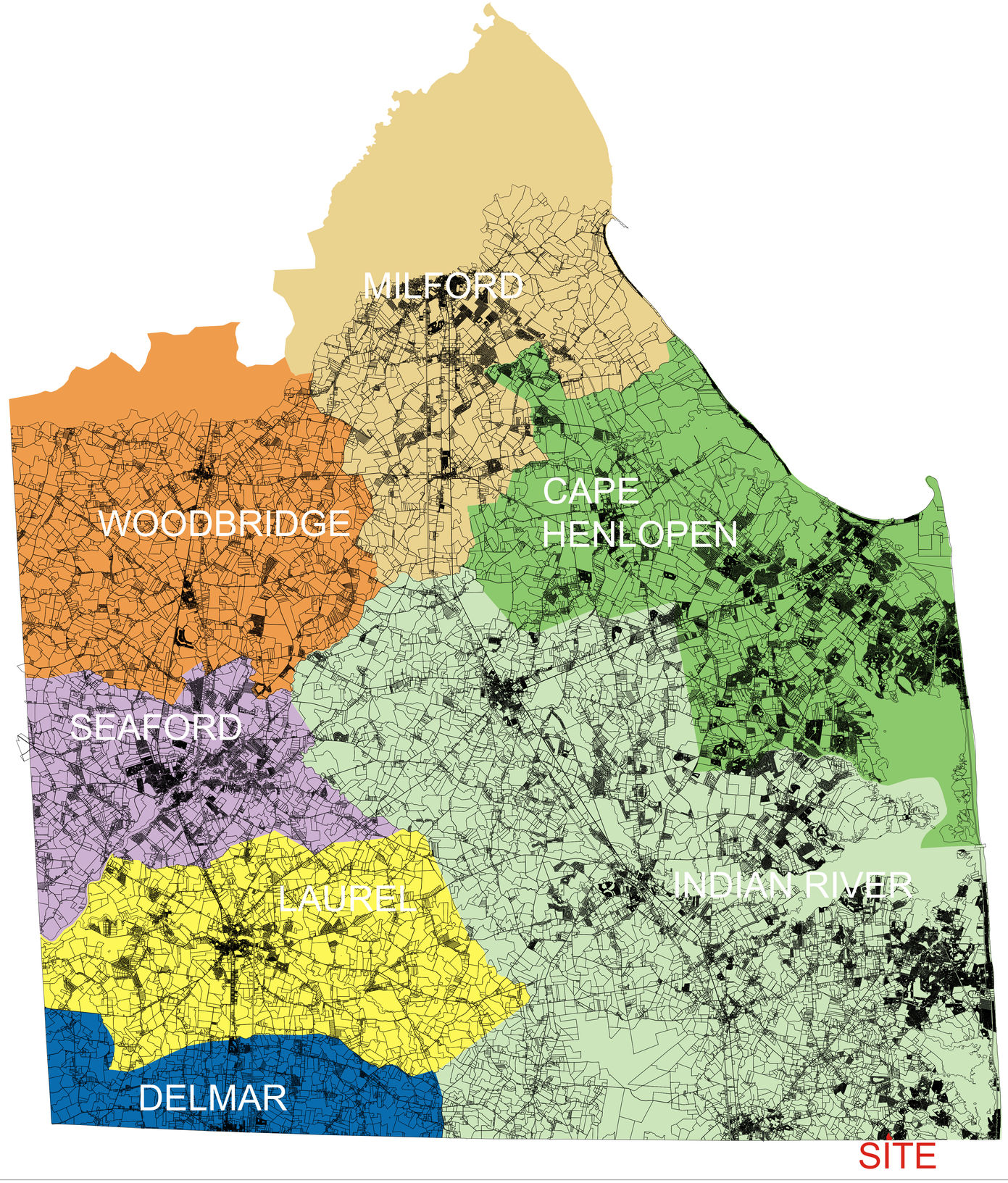
Tax Ditch Segments

Tax Ditch Channel

Pond Feature

Special Access ROW

DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User



G:\Projects\2020\200123 Mayapple Development\Drawings\Exhibits\Binder - P & Z\Binders\Binder - School Districts Map - Mayapple.dwg, 7/10/2013 4:44 PM, Lawton Myrick

PLOT CODE

PEN:RED	PEN:YELLOW	PEN:GREEN	PEN:CYAN	PEN:BLUE	PEN:MAGENTA	PEN:WHITE
006 INCHES (0.mm)	007 INCHES (0.mm)	010 INCHES (0.mm)	014 INCHES (0.mm)	020 INCHES (0.mm)	027 INCHES (0.mm)	028 INCHES (0.mm)

PRINTS ISSUED FOR:
DRAWINGS STAGE

NO.	REVISIONS	DATE

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY BALTIMORE SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

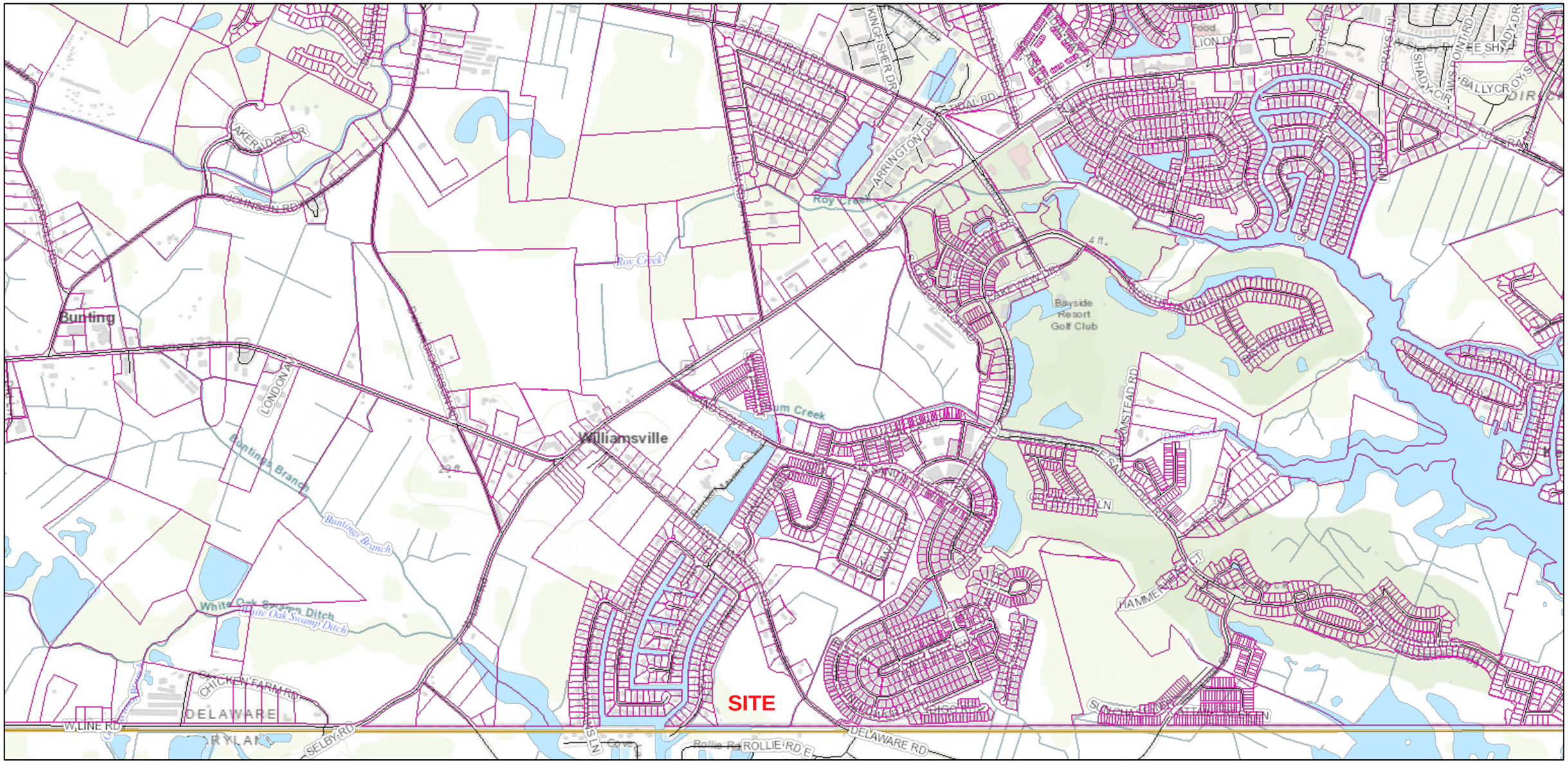
MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

SCHOOL
DISTRICTS
MAP

SCALE	NO SCALE
DESIGN BY	RLM
DRAWN BY	RLM
CHECKED BY	
GMB FILE	200123
DATE	MAY 2021

SHEET NO.
E-X

MAYAPPLE FARM Sussex County **BODIES OF WATER**



August 6, 2020

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Tax Parcels

County Boundaries

Major Rivers

Streets

Lakes, Ponds, Bays

Streams

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

MAYAPPLE FARM Sussex County WATER DISTRICTS MAP

August 6, 2020

Tax Parcels

Streets

County Boundaries

Sussex County Water Districts

COUNTY

PRIVATE

TOWN

Easements

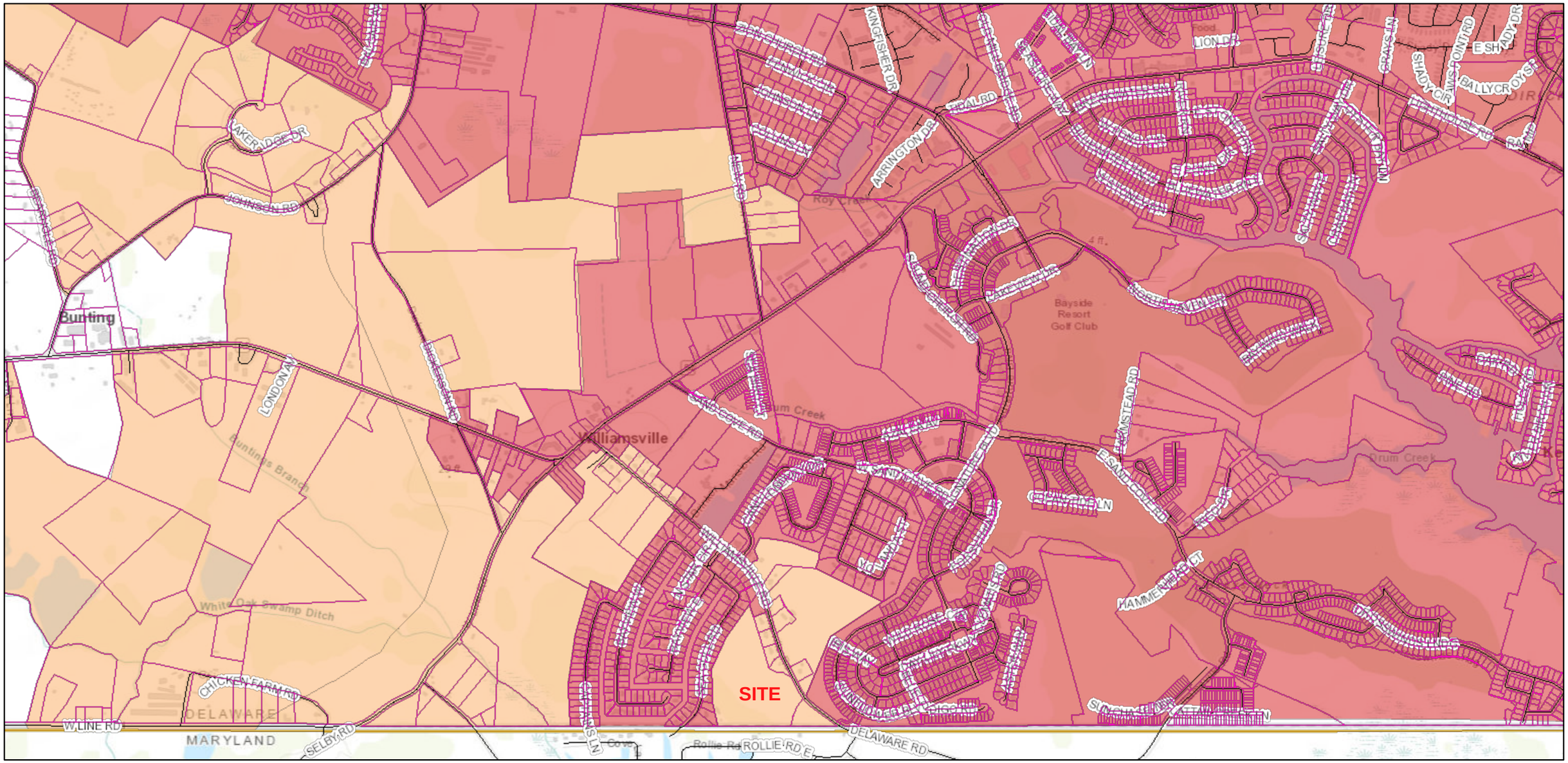
1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

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

MAYAPPLE FARM   Sussex County   SEWER TIERS MAP



August 6, 2020

1:18,056

0 0.15 0.3 0.6 mi
0 0.25 0.5 1 km

☐ Tax Parcels

— Streets

☐ County Boundaries

Sewer Tiers

🟥 Tier 1 - Sussex County Unified Sanitary Sewer District

🟧 Tier 2 - Sussex County Planning Area

🟩 Tier 3 - Coordinated CPCN Areas

🟪 Tier 4 - System Optional Areas

🟫 Tier 5 - Regulated On-site Area

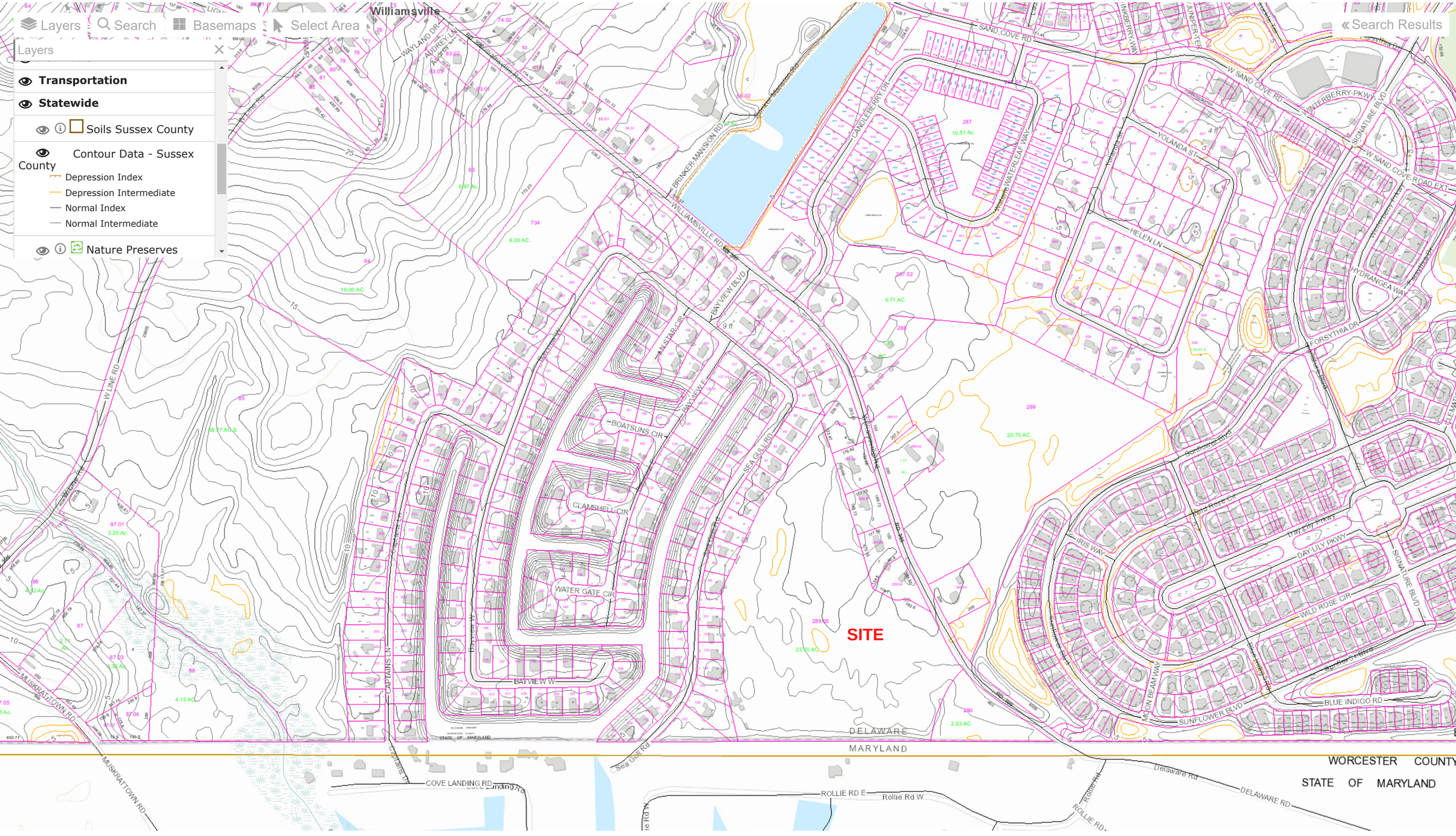
🟦 Easements

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

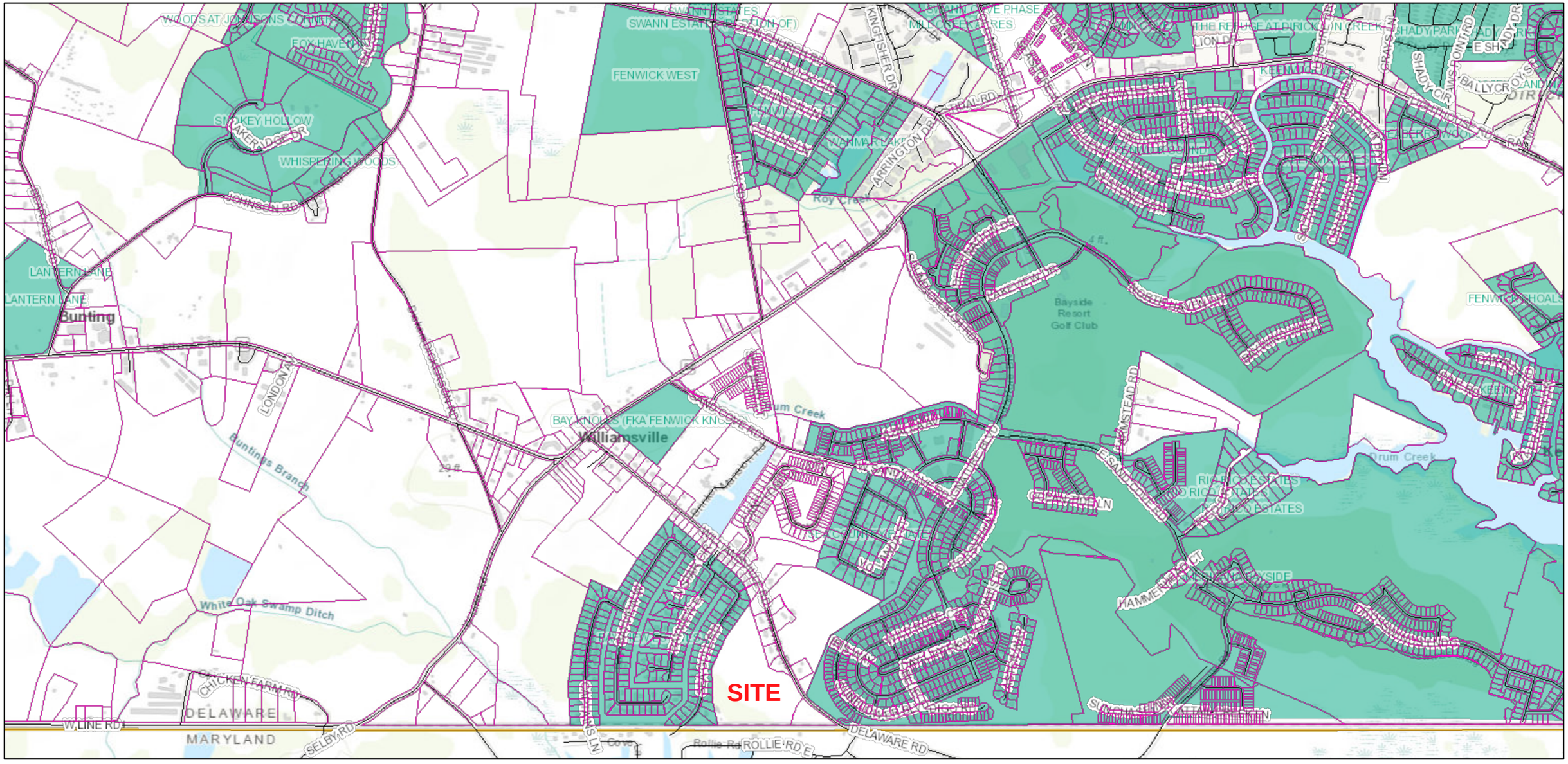
SUSSEX COUNTY
DELAWARE

MAYAPPLE FARM - TOPO MAP

Print Help



MAYAPPLE FARM Sussex County SUBDIVISIONS MAP



August 6, 2020

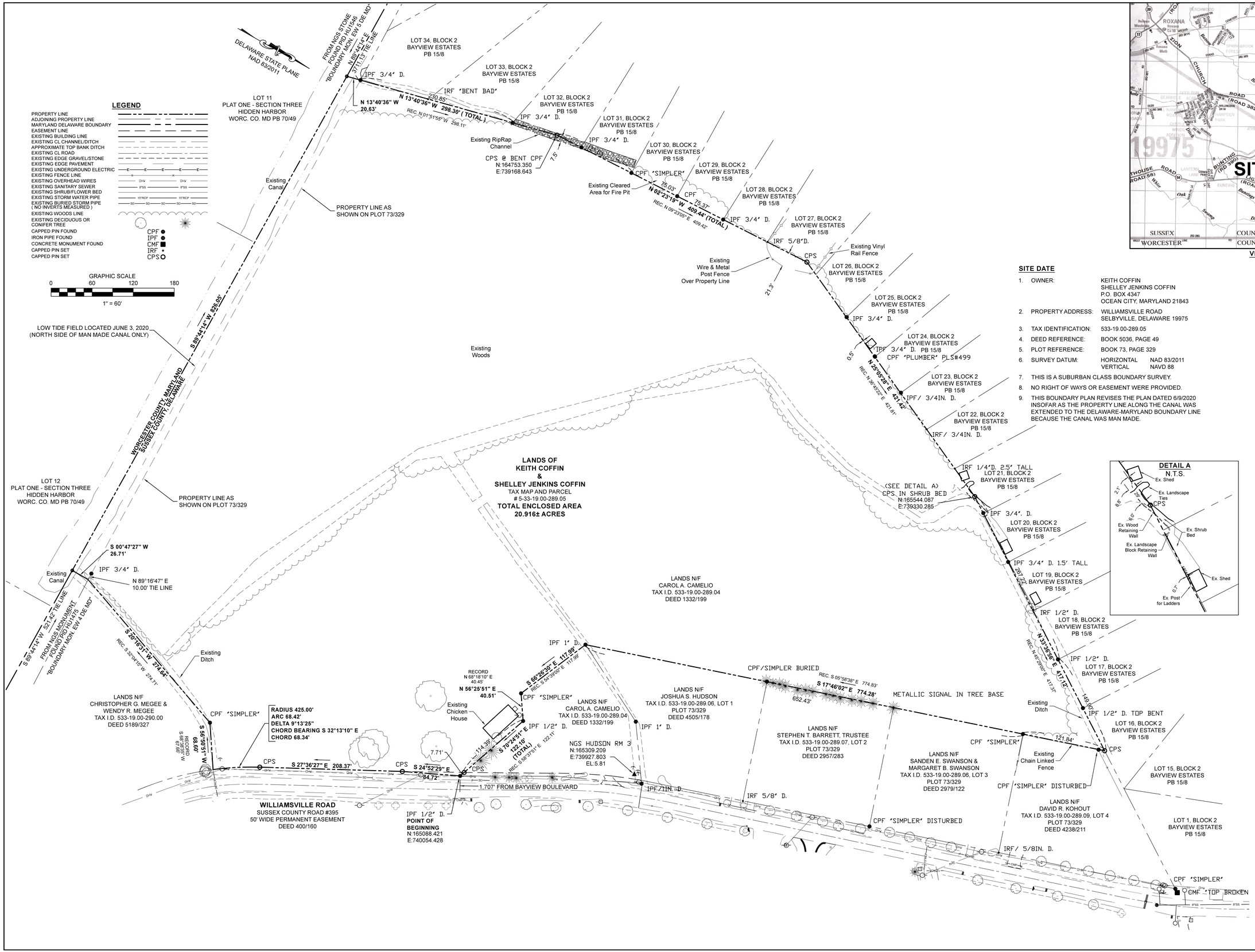
- Tax Parcels
- Streets
- County Boundaries
- Subdivisions

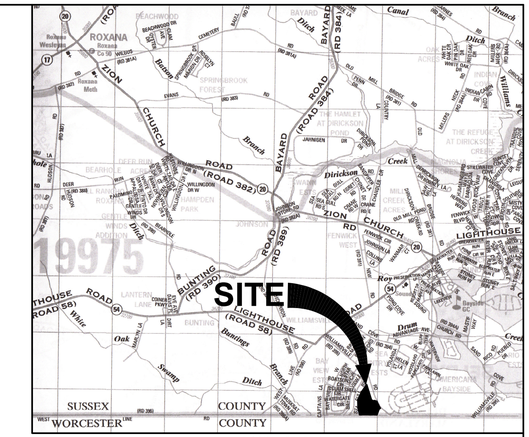
1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

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





VICINITY MAP
N.T.S.

SITE DATE

1. OWNER: KEITH COFFIN
SHELLEY JENKINS COFFIN
P.O. BOX 4347
OCEAN CITY, MARYLAND 21843
2. PROPERTY ADDRESS: WILLIAMSVILLE ROAD
SELBYVILLE, DELAWARE 19975
3. TAX IDENTIFICATION: 533-19.00-289.05
4. DEED REFERENCE: BOOK 5036, PAGE 49
5. PLOT REFERENCE: BOOK 73, PAGE 329
6. SURVEY DATUM: HORIZONTAL NAD 83/2011
VERTICAL NAVD 88
7. THIS IS A SUBURBAN CLASS BOUNDARY SURVEY.
8. NO RIGHT OF WAYS OR EASEMENT WERE PROVIDED.
9. THIS BOUNDARY PLAN REVISES THE PLAN DATED 6/9/2020 INSOFAR AS THE PROPERTY LINE ALONG THE CANAL WAS EXTENDED TO THE DELAWARE-MARYLAND BOUNDARY LINE BECAUSE THE CANAL WAS MAN MADE.

Cypress Surveys, LLC

ROBERT E. RIGDON, JR.
REGISTERED LAND SURVEYOR
12535 SHEPPARDS CROSSING ROAD
WHITE HAVEN, MARYLAND 21672
443.614.4233
rpmgdon@aol.com

DATE : 6/9/2020
REVISED: 10/6/2020
SCALE : 1" = 60'
PROJECT NO. : 2020-10
SHEET : 1 OF 1
DRAWN BY : RER
APPROVED BY :

BOUNDARY SURVEY PLAN

LANDS OF

KEITH COFFIN & SHELLEY JENKINS COFFIN

BALTIMORE HUNDRED
TAX I.D. 533-19.00-289.05
SUSSEX COUNTY, DELAWARE

TRAFFIC AND SITE CIRCULATION

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

JENNIFER COHAN
SECRETARY

September 29, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Mayapple Farm, LLC** conditional use application, which we received on August 31, 2020. This application is for an approximately 23.70-acre parcel (Tax Parcel: 533-19.00-289.05). The subject land is located on the southwest side of Williamsville Road (Sussex Road 395), approximately 4,000 feet south of the intersection of Lighthouse Road (Sussex Road 58) and Williamsville Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop 41 single-family detached condominium houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Williamsville Road where the subject land is located, which is from Lighthouse Road to the Delaware / Maryland state line, are 2,676 and 3,444 vehicles per day, respectively.

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

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

DelDOT

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

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

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

UTILITY PROVIDERS

ARTESIAN RESOURCES

OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Pennsylvania
Artesian Water Maryland ▲ Artesian Wastewater Maryland ▲ Artesian Consulting Engineers

June 7, 2021

Mr. Lawton Myrick
206 West Main Street
Salisbury, MD 21801

RE: Ability to Serve Letter for Mayapple Farm Tax Parcel 533-19.00-289.05

Dear Mr. Myrick:

With reference to your request concerning water service to the Mayapple Farm project on Williamsville Road, Sussex County, Delaware, please be advised as follows:

The proposed project consisting of approximately 41 detached single-family condominiums and a pool complex is within Artesian Water Company's service territory. A Certificate of Public Convenience and Necessity (CPCN) for water has been granted to Artesian by the Delaware Public Service Commission for this property. The developer and Artesian Water Company, Inc. shall enter into a Water Service Agreement that addresses the financial terms of the provision of water service in accordance with Artesian's tariff as approved by the Delaware Public Service Commission.

Based on current conditions and projections of growth within the Company's service area, Artesian is willing and able to provide the required water service to this project. An anticipated construction schedule is required in order for Artesian to assess the impact of service requests upon its ability to meet projected water demands.

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

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

Yours very truly,

Adam Gould
Manager, Systems Planning & Design

664 Churchmans Road, Newark, Delaware 19702, P.O. Box 15004 Wilmington, Delaware 19850 Phone: (302) 453-6900 Fax: (302) 453-6957
14701 Coastal Highway, Milton, Delaware 19968 Phone: (302) 645-7299 Fax: (302) 645-8233
email: artesian@artesianwater.com Website: artesianwater.com

ENGINEERING DEPARTMENT

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

Sussex County
DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

SEWER SERVICE CONCEPT EVALUATION (SSCE)

UTILITY PLANNING DIVISION

Applicant: Stephen L. Marsh, P.E.

Date: 8/26/2020

Reviewed by: **Chris Calio**

Agreement #:**641-1**

Project Name: **Mayapple Farm**

Tax Map & Parcel(s): **533-19.00-289.05**

Sewer Tier: Tier 2 - Sussex County Planning Area

Proposed EDUs: **45**

Pump Station(s) Impacted: **PS 264, PS 30**

List of parcels to be served, created from the base parcel: **Click or tap here to enter text.**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):**533-19.00-289.04, 289.06, 289.07 & 289.08. Provide Tee & valve for each parcel for future grinder pump installations.**

Connection Point(s): **MH BV 38**

Use of Existing Infrastructure Agreement required? Yes ☒ or No ☐

Annexation Required? Yes ☒ or No ☐

Easements Required? Yes ☒ or No ☐

Fee for annexation (based on acreage):**$1,500 (10.00 - 150.00 Acres)**

Current Zoning: **AR-1** Zoning Proposed: **AR-1**

Acreage: **20.67**

Additional Information: **The project will be required to construct a low-pressure forcemain from BV 38 to their proposed entrance. A valve will be installed at the property line to connect the project's infrastructure. The Sussex County Engineering Department responsibility will end at the valve at the property line. The interior infrastructure, as proposed, will be the responsibility of the HOA or Condo Association.**

* No capacity is guaranteed until System Connection Fees are paid

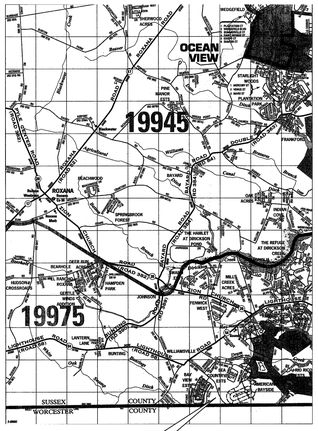
All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.

Once Construction Drawings are completed with all of the above information satisfied, please submit to:

Sussex County Public Works Department
2 The Circle
P.O. Box 589
Georgetown DE 19947

CC: John Ashman
Jayne Dickerson
Michael Brady
Nichole Bixby

WETLANDS



PROJECT LOCATION

TABLE A–LINE

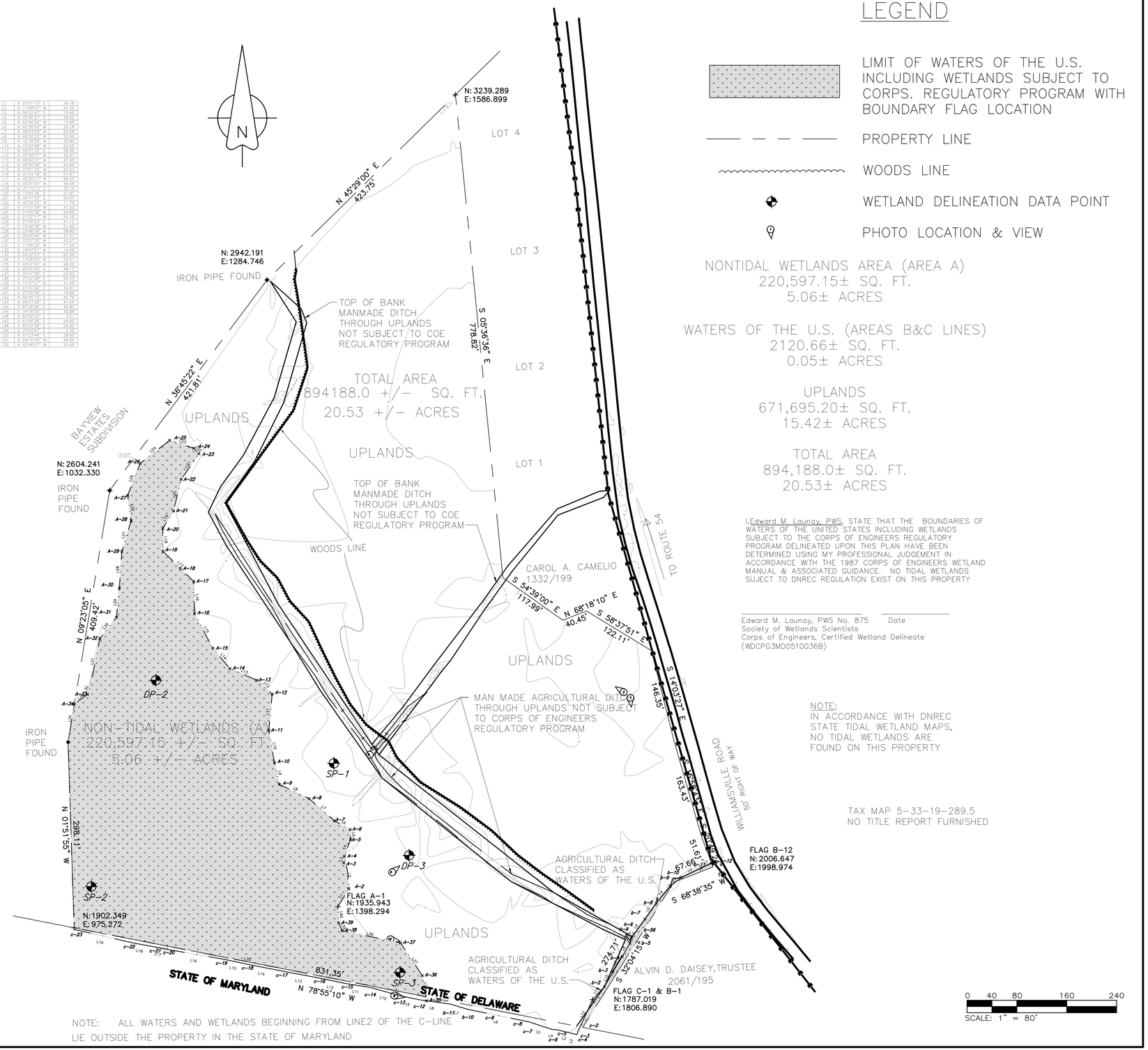
L1	N 31°01'10" E	34.18'
L2	N 11°08'57" W	42.34'
L3	N 06°22'47" E	10.45'
L4	N 20°06'27" E	28.62'
L5	N 02°46'26" W	15.96'
L6	N 60°36'03" W	29.18'
L7	N 48°43'59" W	53.58'
L8	N 64°32'23" W	52.94'
L9	N 12°34'39" W	35.90'
L10	N 10°02'48" W	52.55'
L11	N 05°21'33" E	58.56'
L12	N 47°39'31" W	32.91'
L13	N 66°42'07" W	47.45'
L14	N 40°00'08" W	42.64'
L15	N 27°51'05" W	62.53'
L16	N 01°24'18" W	51.97'
L17	N 45°35'11" W	69.03'
L18	N 00°31'47" W	36.56'
L19	N 31°15'13" E	33.19'
L20	N 13°40'36" E	51.97'
L21	N 34°31'50" E	50.05'
L22	N 42°26'24" W	11.74'
L23	N 71°51'09" W	41.02'
L24	S 51°54'36" W	59.89'
L25	S 21°27'11" W	55.18'
L26	S 07°45'03" E	41.12'
L27	S 16°49'58" W	51.40'
L28	S 03°48'39" W	58.80'
L29	S 05°44'44" W	47.31'
L30	S 37°57'35" W	43.27'
L31	S 11°04'22" W	77.24'
L32	S 19°53'01" W	14.66'
L33	S 53°22'58" W	26.25'
L34	S 09°23'05" W	61.91'
L35	N 78°55'10" W	575.32'
L36	S 10°23'23" E	34.56'
L37	S 33°44'47" E	62.84'
L38	S 78°01'03" E	95.58'
L39	S 24°15'30" W	13.83'
L40	N 02°48'27" W	25.49'

TABLE B– LINE

L1	S 65°52'25" W	19.77'
L2	S 64°07'34" W	35.13'
L3	S 51°36'27" W	22.92'
L4	S 39°52'08" W	35.04'
L5	S 34°58'48" W	31.48'
L6	S 36°08'23" W	35.31'
L8	S 30°32'20" W	24.26'
L9	S 30°42'07" W	29.39'
L10	S 30°21'38" W	26.91'
L11	S 41°59'28" W	28.19'

TABLE C– LINE

LINE	BEARING	DISTANCE
L1	S 24°47'18" W	55.86'
L2	S 19°17'21" W	5.58'
L3	N 76°19'12" W	33.63'
L4	N 89°22'08" W	6.73'
L5	N 71°41'22" W	39.28'
L6	N 78°26'22" W	99.61'
L7	N 73°28'10" W	30.61'
L8	N 82°07'05" W	48.63'
L9	N 78°29'27" W	31.07'
L10	N 74°23'23" W	50.34'
L11	N 80°51'34" W	40.54'
L12	N 78°14'56" W	41.23'
L13	N 79°18'15" W	62.10'
L14	N 78°56'18" W	59.26'
L15	N 77°51'20" W	34.42'
L16	N 80°02'22" W	93.69'
L17	N 79°15'42" W	22.55'
L18	N 79°18'05" W	37.20'
L19	N 76°58'33" W	93.83'



NOTE: ALL WATERS AND WETLANDS BEGINNING FROM LINE2 OF THE C–LINE LIE OUTSIDE THE PROPERTY IN THE STATE OF MARYLAND

LEGEND

- LIMIT OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS. REGULATORY PROGRAM WITH BOUNDARY FLAG LOCATION
- PROPERTY LINE
- WOODS LINE
- WETLAND DELINEATION DATA POINT
- PHOTO LOCATION & VIEW

NONTIDAL WETLANDS AREA (AREA A)
220,597.15± SQ. FT.
5.06± ACRES

WATERS OF THE U.S. (AREAS B&C LINES)
2120.66± SQ. FT.
0.05± ACRES

UPLANDS
671,695.20± SQ. FT.
15.42± ACRES

TOTAL AREA
894,188.0± SQ. FT.
20.53± ACRES

I, Edward M. Launay, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND MANUAL & ASSOCIATED GUIDANCE. NO TIDAL WETLANDS SUJECT TO DNREC REGULATION EXIST ON THIS PROPERTY

Edward M. Launay, PWS No. 875 Date
Society of Wetlands Scientists
Corps of Engineers, Certified Wetland Delineate
(WDCPG3MD0510036B)

NOTE:
IN ACCORDANCE WITH DNREC STATE TIDAL WETLAND MAPS, NO TIDAL WETLANDS ARE FOUND ON THIS PROPERTY

TAX MAP 5–33–19–289.5
NO TITLE REPORT FURNISHED

PRINTS ISSUED FOR:
● PRELIMINARY PLAN

NO.	REVISIONS	DATE

LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY · BALTIMORE · SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

LITTLE CREEK SUBDIVISION
PARCEL 289.5; TAX MAP 5-33-19
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

WETLANDS LOCATION

SCALE	: 1:80
DESIGN BY	: ---
DRAWN BY	: DJW
CHECKED BY	: BJN
GMB FILE	: 2005132
DATE	: DEC 2016

SHEET NO. W1 # 4

PLOT CODE
PEN1-RED .006 INCHES (.15mm)
PEN2-YELLOW .007 INCHES (.18mm)
PEN3-GREEN .010 INCHES (.25mm)
PEN4-CYAN .014 INCHES (.35mm)
PEN5-BLUE .007 INCHES (.20mm)
PEN6-MAGENTA .027 INCHES (.70mm)
PEN7-WHITE .039 INCHES (1.00mm)

DEPARTMENT OF THE ARMY

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

REPLY TO
ATTENTION OF

MAY 29 2018

Regulatory Branch
Application Section I

SUBJECT: CENAP-OP-R 2018-358-23 (Preliminary JD)
Project Name: Little Creek Subdivision SX
Latitude/Longitude: 38.452832° N /-75.125399° W

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

Dear Mr. Launay:

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

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

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

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

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

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

If you have any questions regarding this matter, please contact me at (302) 736-9763, by email at john.g.brundage@usace.army.mil or by writing to the above address.

Sincerely,

John Brundage
Regulatory Branch

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SUBJECT PROPERTY: Little Creek Subdivision, a 20.53 acre property located at Tax Map 533-19.00, Parcel 289.05 in Baltimore Hundred, Selbyville, Sussex County, Delaware.

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SURVEY DESCRIPTION: Plan prepared by GMB, LLC, dated December 2016, unrevised, titled: *Wetlands Location, Little Creek Subdivision, Parcel 289.5; Tax Map 5-33-19, Baltimore Hundred, Sussex County, Delaware*, Sheet W1.

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Enclosures

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: MAY 29 2018

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:
Steven Smith, Summer Hill Development C/O: Edward Launay, ERI, 38173 DuPont Boulevard, Selbyville, DE 19975

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:
CENAP-OP-R-2018-358

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: DE County/parish/borough: Sussex City: Selbyville (unincorporated)

Center coordinates of site (lat/long in degree decimal format):

Lat.: xx.xxx° Long.: yy.yyy° 38.452832 N, -75.125399 W

Universal Transverse Mercator: 18 S, 489058.34 m E, 4256067.06 m N

Name of nearest waterbody: Greys Creek

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

☑ Office (Desk) Determination. Date: MAY 29 2018

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetlands	38.451514	-75.126167	5.06 acre	PFO1Bd	Section 404
Waters (2)	38.451284	-75.125243	0.05 acre	Waters - Nontidal man-made drainage channel.	Section 404 & Section 10

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

[X] Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Wetland Delineation Map

[X] Data sheets prepared/submitted by or on behalf of the PJD requestor.
[ ] Office concurs with data sheets/delineation report.
[ ] Office does not concur with data sheets/delineation report. Rationale: _____.

[ ] Data sheets prepared by the Corps: _____.

[ ] Corps navigable waters' study: _____.

[ ] U.S. Geological Survey Hydrologic Atlas: _____.
[ ] USGS NHD data.
[ ] USGS 8 and 12 digit HUC maps.

[X] U.S. Geological Survey map(s). Cite scale & quad name: Assawoman Bay and Selbyville

[X] Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey Shapefile Citation date: May 26, 2006, Sussex Co., Del.

[X] National wetlands inventory map(s). Cite name: Delaware Shapefile download 2013.

[ ] State/local wetland inventory map(s): _____.

[ ] FEMA/FIRM maps: _____.

[ ] 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)

[X] Photographs: [X] Aerial (Name & Date): Figures 2 & 3, 2012 aerial, Figure 1, 2015 aerial.
or [ ] Other (Name & Date): _____.

[ ] Previous determination(s). File no. and date of response letter: _____.

[ ] Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of Regulatory staff member completing PJD MAY 29 2018

12/28/17
Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)[1]

[1] Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Summer Hill Development Inc.		File Number: 2018-358	Date:29 May 2018
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
X	PRELIMINARY JURISDICTIONAL DETERMINATION		E

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

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

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

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

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

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

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

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

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Mr. Michael D. Yost U.S. Army Corps of Engineers, Philadelphia District ATTN: CENAP-OP-R Wanamaker Building, 100 Penn Square East Philadelphia, PA 19107-3390 Telephone: (302) 736-9763 Email: michael.d.yost@usace.army.mil	If you only have questions regarding the appeal process you may also contact: Mr. James W. Haggerty Regulatory Program Manager (CENAD-PD-OR) U.S. Army Corps of Engineers Fort Hamilton Military Community 301 General Lee Avenue Brooklyn, New York 11252-6700 Telephone number: 347-370-4650

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

_____ Signature of appellant or agent.	Date:	Telephone number:

THREATENED & ENDANGERED SPECIES

ENVIRONMENTAL RESOURCES, INC.

38173 DUPONT BOULEVARD
P.O. BOX 169
SELBYVILLE, DE 19975
PHONE: 302-436-9637
FAX: 302-436-9639

June 4, 2021

ERI Project No. 941#1044

Mr. Lawton Myrick
Mayapple Farm, LLC.
5973 Smithys Lane
Salisbury, Maryland 21801

RE: Presence / Absence of Federal / State Endangered, Threatened & Rare Species Review
Mayapple Farm – Proposed Residential Community
Tax Map Parcel 533-19.00-289.05 (23.7 acres)
Baltimore Hundred, Sussex County, Delaware

Dear Mr. Myrick,

Environmental Resources, Inc. (ERI) is writing you regarding the 23.7 acre Mayapple Farm property which is being proposed for residential development. I have completed a consultation with the U.S. Fish & Wildlife Services (USFWS) with respect to the presence or absence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1970. The enclosed USFWS letter concludes that none are present on the property. In regard to any state species of concern, none were listed in the September 29, 2020 Delaware Office of State Planning PLUS Comment letter where the DNREC Division of Fish & Wildlife provides comments.

Based upon my extensive review of the Mayapple Farms, LLC. property, I observed no federal or state threatened or endangered species or their critical habitats present. Should you have any questions, I am available at your convenience.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

Edward M. Launay, Principal
Professional Wetland Scientist No. 875, Society of Wetland Scientists
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127
http://www.fws.gov/chesapeakebay/
http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html

In Reply Refer To: June 04, 2021
Consultation Code: 05E2CB00-2021-SLI-1497
Event Code: 05E2CB00-2021-E-03608
Project Name: Mayapple Residential Subdivision

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

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

Attachment(s):

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

Official Species List

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

This species list is provided by:

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

Project Summary

Consultation Code: 05E2CB00-2021-SLI-1497
Event Code: 05E2CB00-2021-E-03608
Project Name: Mayapple Residential Subdivision
Project Type: DEVELOPMENT
Project Description: Proposed location of a future residential community on uplands
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.45319375,-75.12577492640537,14z

Counties: Delaware and Maryland

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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

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

Wetlands

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

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

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

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1Bd

RIVERINE

- R4SBAx

ESTUARINE AND MARINE DEEPWATER

- E1UBLx

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): 2020-08-09

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 3/4

1. Project Title/Name: Mayapple Farm
2. Location (please be specific): 20.67 acres NW side of Williamsville Road, Williamsville, DE
3. Parcel Identification #: 533-19.00-289.05
4. County or Local Jurisdiction Name: where project is located: Sussex County
5. If contiguous to a municipality, are you seeking annexation: N/A
6. Owner's Name: Mayapple Farm, LLC.

Address: 5973 Smithy's Lane

City: Salisbury State: MD Zip: 21801

Phone: 410-251-9568 Fax: Email: lawtonmyrick@gmail.com

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

Address: 5973 Smithy's Lane

City: Salisbury State: MD Zip: 21801

Phone: 410-251-9568 Fax: Email: lawtonmyrick@gmail.com

8. Project Designer/Engineer: George, Miles & Buhr, LLC

Address: 206 West Main Street

City: Salisbury State: MD Zip: 21801

Phone: 410-742-3115 Fax: 410-549-7890 Email: smarsh@gmbnet.com

9. Please Designate a Contact Person, including phone number, for this Project: R. Lawton Myrick 410-742-3115

Information Regarding Site:

10. Type of Review: ☐ Rezoning, if not in compliance with certified comprehensive plan ☒ Site Plan Review
☐ Subdivision

11. Brief Explanation of Project being reviewed: 41 Single Family homes in a Detached condominium regime on 20.67 acres.
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.

12. Area of Project (Acres +/-): 20.67 Number of Residential Units: 41 Commercial square footage: 0 SF

13. Present Zoning: AR-1

14. Proposed Zoning: AR-1 w/ Conditional Use

15. Present Use: Agri. Use, Vacant Land

16. Proposed Use: Residential

17. Water: ☒ Central (Community system) ☐ Individual On-Site ☐ Public (Utility)
Service Provider Name: Artesian

Will a new public well be located on the site? ☐ Yes ☒ No

18. Wastewater: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)
Service Provider Name: Sussex County Public Works

Will a new community wastewater system be located on this site? ☐ Yes ☒ No

19. If residential, describe style and market segment you plan to target (Example- Age restricted): Move up and Second home buyers

20. Environmental impacts: Filling of Ag ditches, crossing Ag ditches, selective removal of trees

How many forested acres are presently on-site? 10.82 How many forested acres will be removed? 1.58

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? ☒ Yes ☐ No

Are the wetlands: ☒ Tidal Acres: 0.05
☒ Non-tidal Acres: 5.06

If "Yes", have the wetlands been delineated? ☒ Yes ☐ No

Has the Army Corps of Engineers signed off on the delineation? ☒ Yes ☐ No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? ☐ Yes ☒ No If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? 25' buffer from wetlands.

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? ☐ Yes ☒ No

22. List the proposed method(s) of stormwater management for the site: Wet ponds and vegetate swales.

23. Is open space proposed? ☒ Yes ☐ No If "Yes," how much? Acres: 10.09

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Passive recreation, stormwater managmenet, wildlife habitat, active recreation

24. Are you considering dedicating any land for community use (e.g., police, fire, school)? ☐ Yes ☒ 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: 489

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? [X] Yes [ ] No Williamsville Road, CR 359

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. Sidewalk provided at Community entrance.

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

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

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

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

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

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? [X] Yes [ ] No
Person to contact to arrange visit: Lawton Myrick phone number: 410-742-3115

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

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

R. Lawton Myrick
Signature of property owner

8/5/2020
Date

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

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 **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.

MAYAPPLE FARM

SUSSEX COUNTY, DELAWARE

PRELIMINARY SITE PLAN

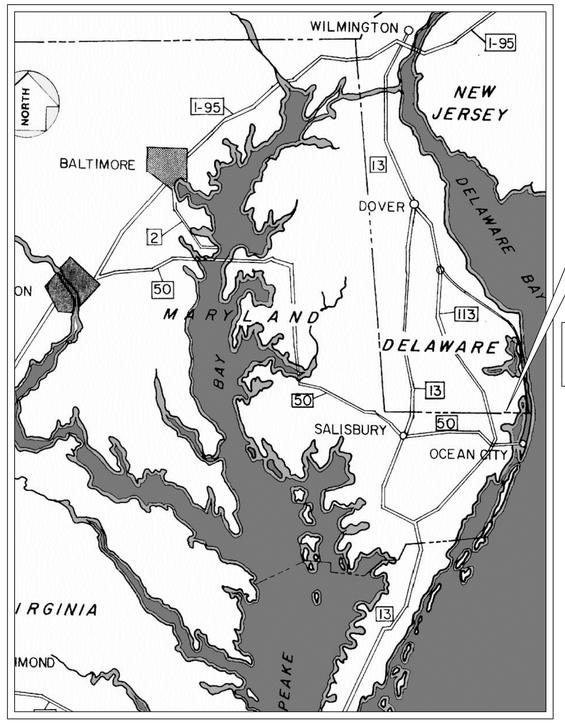
PARCEL 533-19.00-289.05

NOTES:

1. THE PROPOSED COMMUNITY WILL CONTAIN 41 SINGLE FAMILY HOMES IN A DETACHED CONDOMINIUM REGIME.
2. MAINTENANCE OF THE STREETS WITHIN THIS COMMUNITY WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE COMMUNITY, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANAGEMENT FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE COMMUNITY, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
4. THE INTERIOR STREET MUST BE INSTALLED IN CONJUNCTION WITH THE DELDOT ENTRANCE FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
5. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY ARTESIAN WATER CO. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
6. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF PRIVATELY OWNED E-1 GRINDER PUMPS AND VARIOUS SIZED FORCEMAINS THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
7. THERE IS NO ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
8. TIDAL AND NON-TIDAL WETLANDS EXIST ON THE PROPERTY. AN APPROVED JURISDICTIONAL DETERMINATION WILL BE PROVIDED AS PART OF THE APPLICATION APPROVAL PROCESS.
9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
11. BOUNDARY SHOWN HEREIN PROVIDED BY CYPRESS SURVEYS, LLC, JUNE 9, 2020.

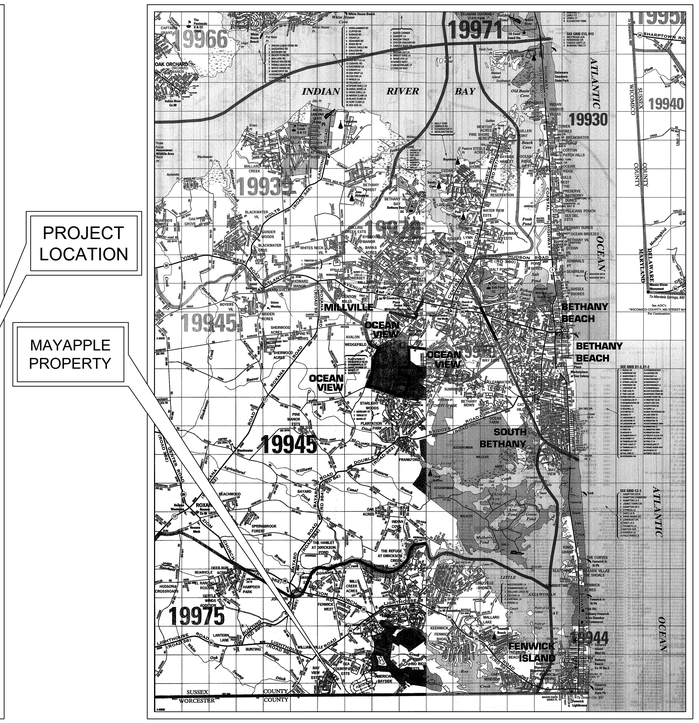
LIST OF DRAWINGS

GMB NO. 200123



VICINITY MAP

SCALE: 1" = 20 MILES



LOCATION MAP

SCALE: 1" = 2000'

WETLANDS CERTIFICATION:

"I EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPLEMENTAL GUIDANCE (33 CFR 328.3(o)(8), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL).
THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.
DNREC STATE REGULATED WETLANDS HAVE BEEN IDENTIFIED IN ACCORDANCE WITH DNREC WETLAND MAP NOS. 2 & 28 SUSSEX COUNTY.

EDWARD M. LAUNAY, PWS NO. 875 DATE
SOCIETY OF WETLAND SCIENTISTS
CORPS OF ENGINEERS,
CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

AUG 2020

CONSULTANT TEAM

OWNER/APPLICANT: MAYAPPLE FARM, LLC
5973 SMITHY'S LANE
SALISBURY, MD 21801
CONTACT: R. LAWTON MYRICK
410-742-3115 (PHONE)

CIVIL ENGINEER: GEORGE, MILES & BUHR, LLC
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
CONTACT: STEPHEN L. MARSH, P.E.
410-742-3115 (PHONE)
410-548-5790 (FAX)

SITE DATA:

TAX MAP #:	TM ID 533-19.00-289.05
DEED REFERENCE:	BOOK 5264 PAGE 217
PRESENT ZONING CLASSIFICATION:	AR-1
PRESENT USE:	AGRICULTURAL
PROPOSED ZONING CLASSIFICATION	AR-1 CONDITIONAL USE
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL DETACHED CONDOMINIUM
LAND USE APPROVAL AUTHORITY:	SUSSEX COUNTY
	ACRES
TOTAL LAND AREA:	±20.67
TOTAL DISTURBED AREA:	±13.16
NON TIDAL WETLANDS:	±5.06
TIDAL WETLANDS:	±0.05
FLOOD INFORMATION:	SPECIAL FLOOD HAZARD AREA ZONE AE 5/ ZONE X PER FEMA MAPS 10005C0653K & 10005C0635K DATED MARCH 16, 2005.
ALLOWED SINGLE FAMILY UNITS:	(20.67 ACRES X 2 = 41.34)
PROPOSED SINGLE FAMILY UNITS:	41
REQUIRED PARKING:	82 (2 PER RESIDENTIAL UNIT)
PROVIDED PARKING:	123 (3 PER UNIT)
WATER PROVIDER:	ARTESIAN
SEWER PROVIDER:	SUSSEX COUNTY PUBLIC WORKS
PROPOSED AMENITIES:	POOL COMPLEX AND KAYAK PIER

ENGINEER'S CERTIFICATION:

"I STEPHEN L. MARSH, P.E. HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE."

STEPHEN L. MARSH, P.E. DATE
GEORGE, MILES, & BUHR, LLC.
206 W. MAIN STREET
SALISBURY, MD 21801

OWNER / DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION. IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

ROBERT L. MYRICK DATE
MAYAPPLE FARM, LLC.
5973 SMITHY'S LANE
SALISBURY, MD 21801

PRINTS ISSUED FOR:
REVIEW

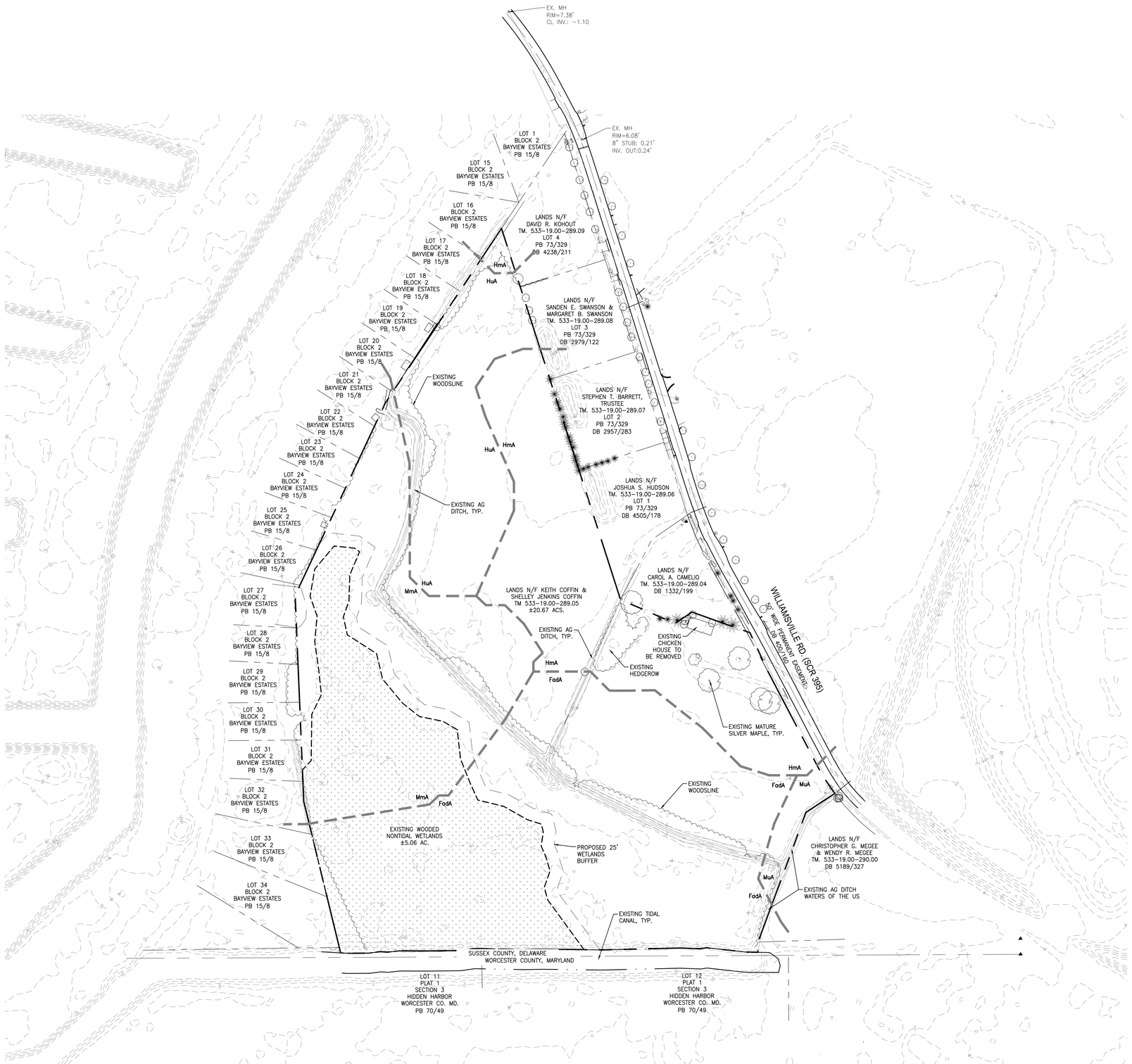
NO.	REVISIONS	DATE

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE	: AS SHOWN	SHEET NO.
DESIGN BY	: RLM	G1.0
DRAWN BY	: RLM	
CHECKED BY	:	
GMB FILE	: 200123	
DATE	: AUG 2020	



SOILS LEGEND:

FadA	FALLSINGTON SANDY LOAMS, 0-2% SLOPES, NORTHERN TIDEWATER AREA
HmA	HAMMONTON LOAMY SAND, 0-2% SLOPES
HuA	HURLOCK LOAMY SAND, 0-2% SLOPES
MmA	MULLICA MUCKY SANDY LOAM, 0-2% SLOPES
MuA	MULLICA-BERRYLAND COMPLEX, 0-2% SLOPES

0 50 100 200 300
SCALE: 1" = 100'

PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

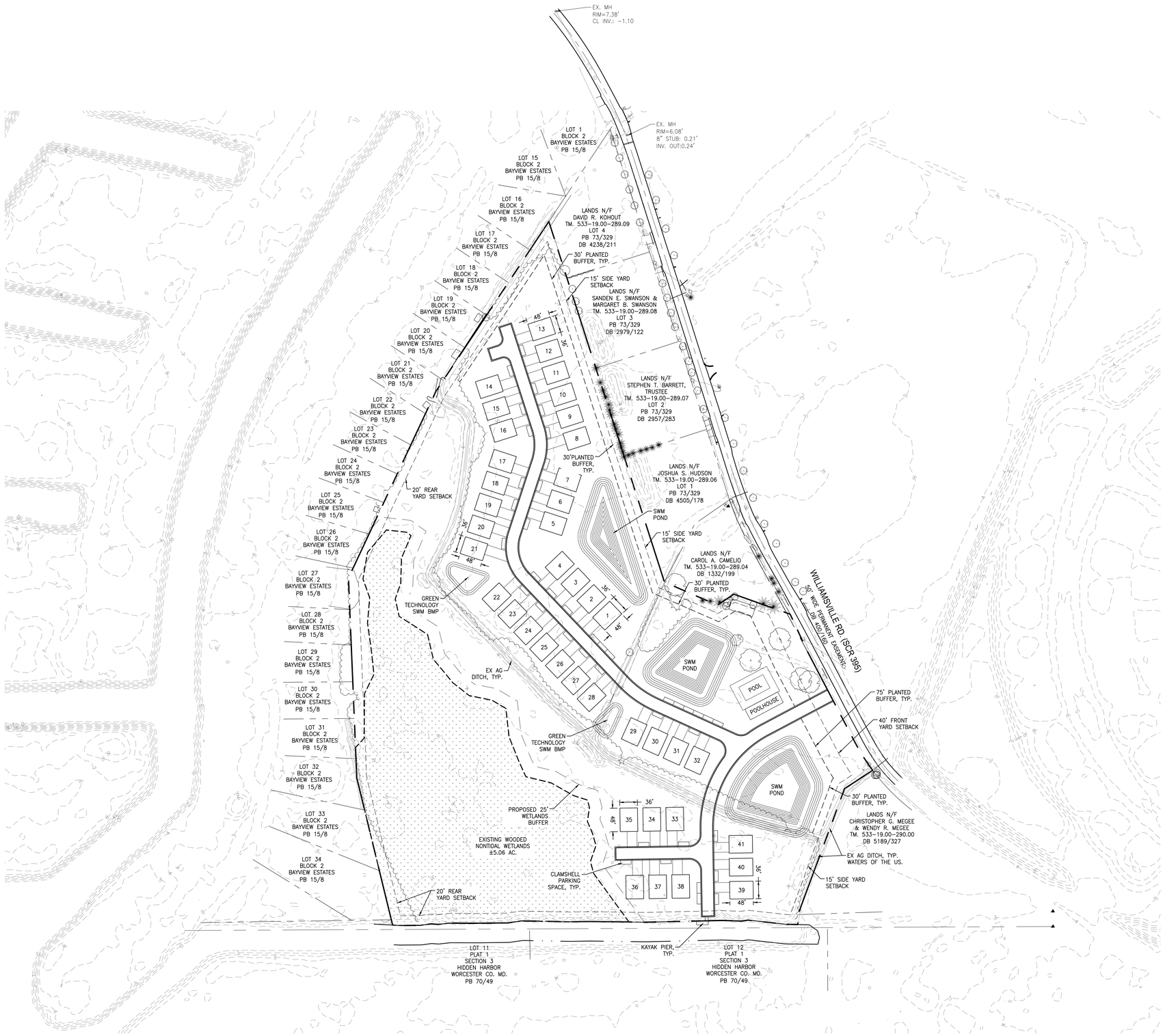
EXISTING CONDITIONS

SCALE	: 1" = 100'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: 200123
DATE	: AUG 2020

SHEET NO.
C1.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preliminary Site Plans\C1.0 - EXISTING CONDITIONS.dwg, 11/11/2019, Luetton Myrick

PLOT CODE
PEN1-RED 006 INCHES (.15mm)
PEN2-YELLOW 007 INCHES (.18mm)
PEN3-GREEN 010 INCHES (.25mm)
PEN4-CYAN 014 INCHES (.35mm)
PEN5-BLUE 020 INCHES (.50mm)
PEN6-MAGENTA 032 INCHES (.80mm)
PEN7-WHITE 039 INCHES (1.00mm)



CONSULTANT TEAM

OWNER/APPLICANT:	MAYAPPLE FARM, LLC 5973 SMITHY'S LANE SALISBURY, MD 21801 CONTACT: R. LAWTON MYRICK 410-742-3115 (PHONE)
CIVIL ENGINEER:	GEORGE, MILES & BUHR, LLC 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 CONTACT: STEPHEN L. MARSH, P.E. 410-742-3115 (PHONE) 410-548-5790 (FAX)

SITE DATA:

TAX MAP #:	TM ID 533-19.00-289.05
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PROPOSED AMENITIES:	POOL COMPLEX AND KAYAK PIER

0 50 100 200 300
SCALE: 1" = 100'

PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

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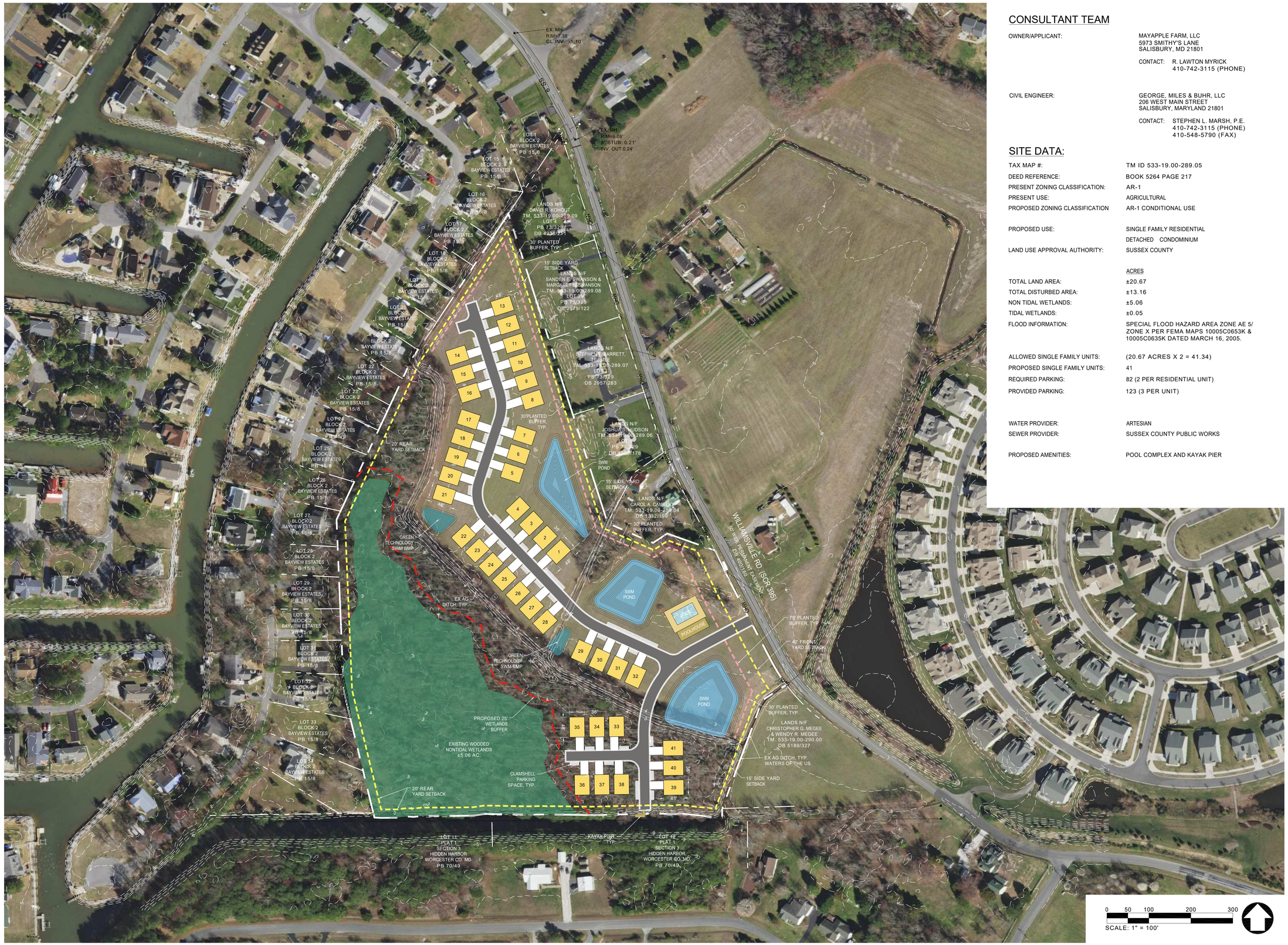
www.gmbnet.com

MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN

SCALE	: 1" = 100'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: 200123
DATE	: AUG 2020

SHEET NO.
C2.0



CONSULTANT TEAM

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MAYAPPLE FARM
SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN RENDERING

SCALE	1" = 100'
DESIGN BY	RLM
DRAWN BY	RLM
CHECKED BY	
GMB FILE	200123
DATE	AUG 2020

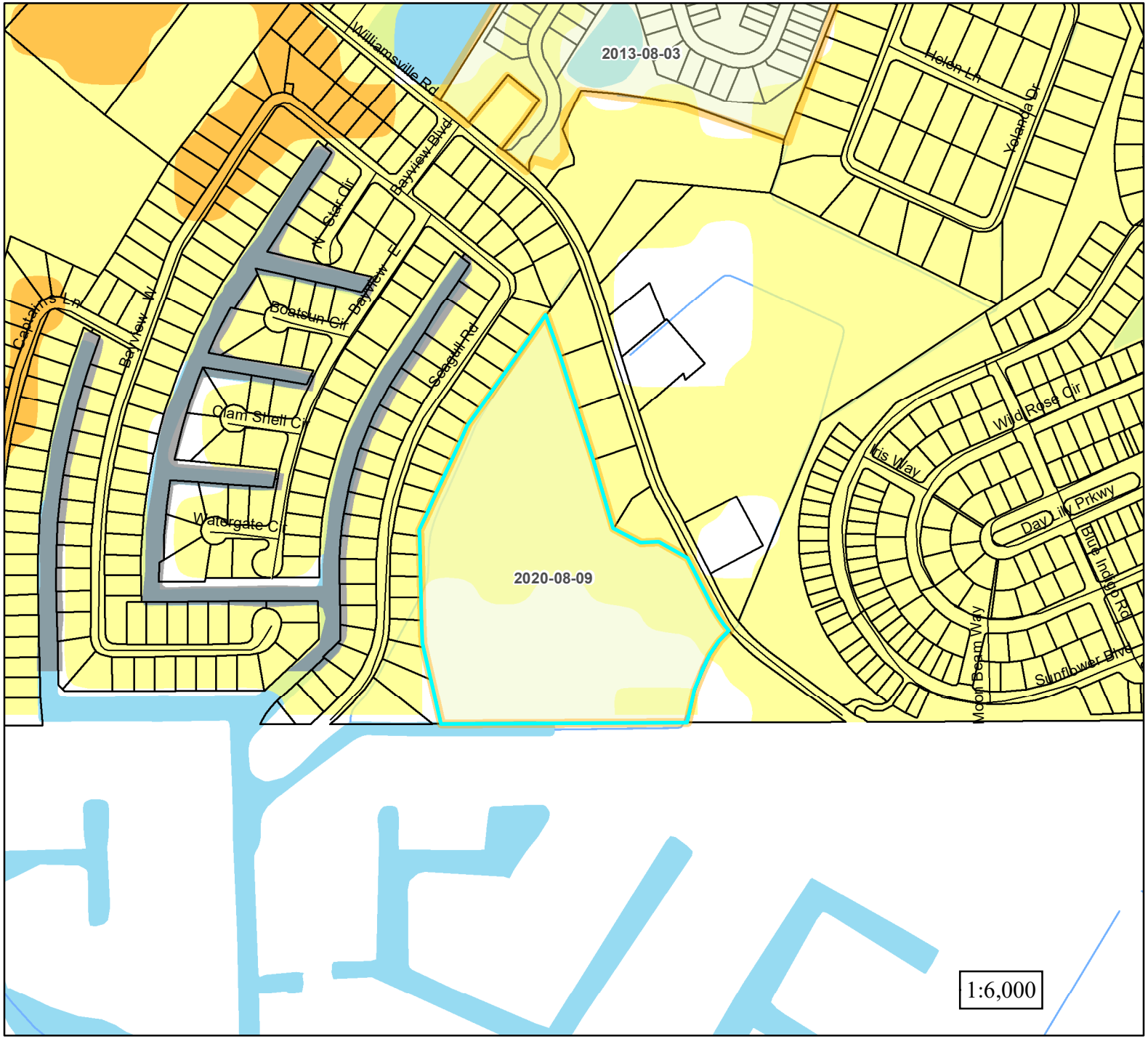
SHEET NO.
C3.0

G:\Projects\2020\200123 Mayapple Development\Drawings\Working Sets\Preliminary Site Plans\C3.0 - PROPOSED SITE PLAN RENDERING.dwg , 11/11/2019, Lawton Myrick

PLOT CODE

PEN-RED	PEN-YELLOW	PEN-GREEN	PEN-CYAN	PEN-BLUE	PEN-MAGENTA	PEN-WHITE
.008 INCHES (.2mm)	.007 INCHES (.18mm)	.010 INCHES (.25mm)	.014 INCHES (.35mm)	.020 INCHES (.50mm)	.027 INCHES (.70mm)	.039 INCHES (1.00mm)

Preliminary Land Use Service (PLUS)



Mayapple Farm
2020-08-09

Legend

PLUS Project Areas

type

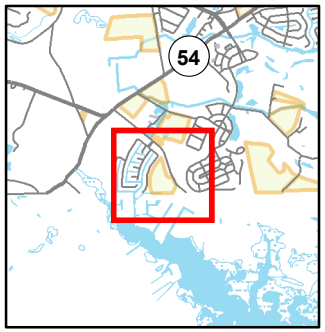
- Comp Plans
- All Other PLUS Reviews

2020 State Strategies

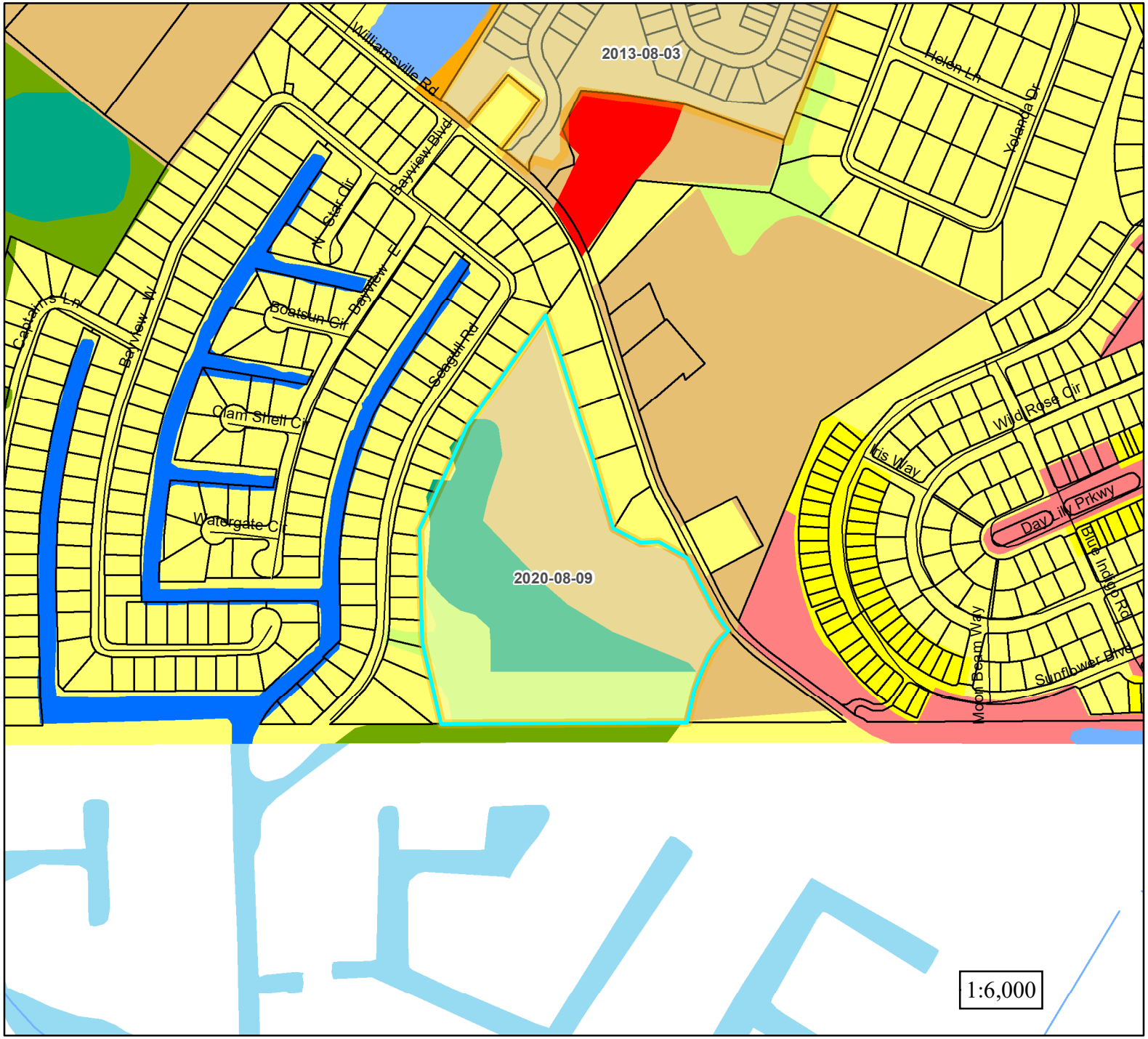
Strategy Level

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

Location Map



Preliminary Land Use Service (PLUS)



Mayapple Farm
2020-08-09

Legend

2012 Land Use

LULC Category

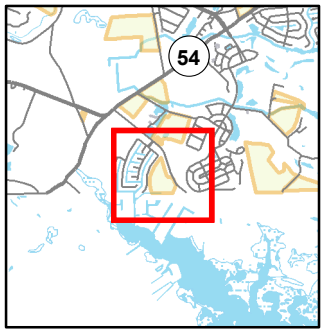
- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

PLUS Project Areas

type

- Comp Plans
- All Other PLUS Reviews

Location Map



Preliminary Land Use Service (PLUS)

Mayapple Farm
2020-08-09

Legend

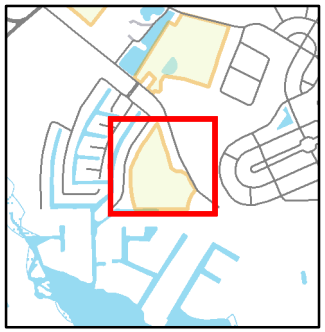
PLUS Project Areas

type

Comp Plans

All Other PLUS Reviews

Location Map



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 24, 2020

R. Lawton Myrick
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: PLUS review 2020-08-09; Mayapple Farm

Dear Mr. Myrick:

Thank you for meeting with State agency planers on August 26, 2020 to discuss the proposed plans for the Mayapple Farm project. According to the information received you are seeking review of a proposed site plan for 41 residential units on 20.67 acres along Williamsville Road in Sussex County.

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

Strategies for State Policies and Spending

This project is located in Investment Levels 3 and 4 according to the 2020 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. Level 3 areas may also mean that there are environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which are present. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. The Office of State Planning does not support the residential development in the Level 4 area and we ask that the homes planned in the Level 4 area be removed from the site plan.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Williamsville Road (Sussex Road 395) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 489 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates the trip generation of 41 single-family detached houses at 458 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 34 and 43, respectively. Therefore, a TIS is not warranted.

  The purpose of a TIS is to determine what off-site improvements are needed to support a proposed development. DelDOT anticipates requiring the developer to improve Williamsville Road, within the limits of their projected frontage, that is from the south limits of their parcel frontage to the north limits of the David R. Kohout property (Tax Parcel No. 533-19.00-289.09) frontage, to meet DelDOT's Local Road standards, which include 11-foot lanes and 5-foot shoulders.

- 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 Williamsville Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline. 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. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:

    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.

    - Depiction of all existing entrances within 600 feet of the entrance on Williamsville Road.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at DelDOT's discretion but given the largely developed nature of the surrounding area, DelDOT anticipates requiring the developer to build an SUP along their frontage on Williamsville Road.

- 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 Williamsville 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 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

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

Special Flood Hazard Area

- The project application appears to be referencing outdated floodplain maps. According to the newest Flood Insurance Rate Maps (FIRM), this parcel is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://maps.dnrec.delaware.gov/floodplanning/default.html.

- Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx

Stormwater Management

- Land disturbing activity (soil disturbance) has met the minimum threshold of 5000 square feet triggering Sediment and Stormwater Plan requirements.

- Projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site. The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The appropriate agency for this project is identified below.

- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.state.de.us/eNOI/default.aspx) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

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

- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
  E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Water Quality

- This site lies within the Inland Bays Watershed, where pollution control strategies exist for nutrient and sediment.

- If zoning is approved and the site is developed, please consult with the Sussex Conservation District to determine if stricter stormwater management standards may apply for development in this area.

- Contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

Hydric Soils Group

- Poorly drained soils (Hydric Soils Group B/D) exist on the southern portion of the parcel and the western portion of the parcel (Hydric Soils Group A/D soils). The northwestern third of the parcel is comprised of B soils (moderately well drained).

- Types C and D soils are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements. All BMPs that propose to use infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
  E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Wetlands

- Tidal wetlands exist along the southern edge of the property boundary. Approximately half of the site consists of forested freshwater wetlands, situated in the center of the parcel. According to the project application, a wetland delineation has been completed, and the USACE has signed off on the delineation. According to the applicant, there will be no disturbance to wetland areas, with a buffer of 50' from tidal wetlands, and a buffer of 25' from non-tidal wetlands.

Open Space

- This project proposes open space of 10.09 acres.

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

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

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric potential is low to moderate. Most of the land is poorly drained soils and there are no comparable sites nearby. Some water/marsh is within distance but there don't appear to be any relic streams/rivers nearby on Beers.

- Historic potential is low to moderate, it appears that the land was potentially owned by Captain J. Bishop (Bishops Cemetery is just north of the parcel). Buildings appear on the historic topographic maps, but this land is open and agricultural. Any archaeological remains that appear may be 19th century field scatter.

- 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

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

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

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.

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

Accessibility:

- The access road to the subdivision from Williamsville Road must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

  Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please note that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Required Notes:

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

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 Williamsville 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 – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Sea Level Rise

- The majority of this site is vulnerable to permanent inundation as a result of sea level rise. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

- In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

- Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
  Website: https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/

Special Flood Hazard Area

- Design proposed structures outside of the Special Flood Hazard Area. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Stormwater Management

- Integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.

- For improved stormwater management on any site, preserve existing trees, wetlands, and passive open space. Trees and shrubs native to Delaware should be used to the maximum extent practicable in the landscaping for open spaces.

Wetlands

- To protect the function and integrity of wetlands, incorporate a 100-foot vegetated buffer from the edge of any wetland (both tidal and non-tidal), where feasible. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

Forest Removal

- Forested lands exist on the site.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.

- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. If mature forests are found, DNREC recommends that these areas be conserved to the fullest extent possible.

Nuisance Waterfowl

- 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.

- To deter waterfowl from taking up residence in these ponds, DNREC recommends 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). 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 to 30 feet in width to be mowed, annually. This area would be necessary to adequately deter the waterfowl from inhabiting the area. 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.

Street Curbs

- Small animals, such as turtles and salamanders, have difficulty climbing vertical curbs. Designing the development to exclude curbs is best for these species; however, 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.

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eeif.

- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.

- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

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, technical services link, plan review, applications or brochures.

Sussex County Housing – Contact: Brandy Nauman 855-7779

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

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

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

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

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,

Constance C. Holland

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

CC: Sussex County Planning

Sussex County Council
2 The Circle, P.O. Box 417
Georgetown, DE 19947

RE: C/U 2249-Mayapple Farm LLC Proposal

August 16, 2021

Dear Council Members:

My name is Joann Burke, I am a resident of Hidden Harbor, a Maryland community in Worcester County. I am a retired insurance company executive and have lived in Hidden Harbor for the last 24 years. We have no road access to our development without traveling Williamsville Road through Delaware. I have spoken to Ms. Lauren DeVore, Sussex County Planner assigned to C/U 2249, and she feels these concerns are appropriate and warranted.

I am writing this letter to document concerns about the above-mentioned development proposal. While I am the person submitting the concerns, please note that there are more residents in Hidden Harbor with the same concerns. If a signed petition would be necessary, please just let me know.

STORMWATER MANAGEMENT/EROSION/SEDIMENT CONTROL

There is a canal/lagoon that is primarily in Worcester County (I believe the developer has said it is 1/3 in Delaware and 2/3 in Maryland). Developing this 20+ acre area causes concern about flooding and nutrient runoff. This shared waterway leads to the canals in Hidden Harbor, Grey's Creek and Assawoman Bay (Maryland Coastal Bays). No property owner(s) in Hidden Harbor were contacted about the proposed development, not even the resident whose property is right across the canal from the proposed kayak pier/launch. The developer has contacted the Sussex Conservation District, and Delaware DNREC, however, neither the State of Maryland or Worcester County was contacted for their review and/or approval. Ms. DeVore has told me that she has since contacted the Maryland Department of the Environment to review the material, but they only have until August 17th or 23rd to get this done, which is very little time.

Many Hidden Harbor properties are only several feet above sea level and flood regularly with exceptionally high tides which occur during storms, Nor'easters. etc. and this is one reason for concern. Other concerns include the degradation of the water quality in our canals and Grey's Creek, and the possible strain on local aquifers (all of Hidden Harbor is on private well and septic). Attachment #1 is a page from a June 3, 2021 response to your August 9, 2020 letter that states "this project is located in Investment Levels 3 and 4" of the 2020 Strategies for State Policies and Spending **and they recommend NO development of homes in the Level 4 area**. Of course, the developer did not agree, stating "...due to the nature of existing development surrounding the proposed site". **There is no other residential development, for miles in any direction from the proposed site, with three story tall homes built on cemented in pilings directly adjacent to protected wetlands.** Our surrounding area is basically single-family ranchers or two story homes. Newer communities, Lighhouse Crossing, Lighthouse Lakes, Atlantic Lakes, The Grove, etc. are all two-story dwellings and more inland. The proposal many times states Americana Bayside is on the other side of Williamsville Road, however, Americana Bayside does NOT have any three-story homes built on Williamsville

Road near the proposed development site. Bayside has done an excellent job matching our existing landscape and have sheltered their community with very high berms and trees.

The final concern is that the developer does not plan to exclude motorized watercraft. It will only be a matter of time before the kayak pier becomes more than that with no way to control or monitor the activity.

The bottom line is, shouldn't the State of Maryland provide input and/or approval on a project that could affect the Maryland Coastal Bays? This should apply whether the development utilizes pilings or crawl space foundations (which was stated as a possibility in later documentation).

TRAFFIC ON WILLIAMSVILLE ROAD

Attachment #2 is a page from a memorandum that states NO Traffic Impact Study (TIS) is required for this proposed development project (489 additional trips are estimated instead of the 500 minimum required for a TIS). I would like to point out that this decision states it is based on the 2019 Delaware Vehicle Volume Summary. 2019 – this is 2021, and the traffic on Williamsville Road has probably quadrupled. Americana Bayside has been developing their properties out to The Point and traffic has been unbelievable. Williamsville Road is open now at their end and Bayside residents are using Williamsville Road to travel back and forth from Route 54. There is continuous truck traffic, vehicle traffic and pedestrian traffic (walking, jogging and biking) on Williamsville Road. **In fact, Delaware has just recently lowered the speed limit to 35 MPH on Williamsville Road. Last week there was an electronic sign reminding drivers of their speed.** Please, there is no way this proposal should go forward without a Summer Traffic Impact Study.

Thank you for allowing me to present these concerns to the Council and any consideration given will be appreciated.

Joann Burke
12349 Point View Road
Bishopville, MD 21813
(410) 352-9868

Attachments (2)

cc: Jamie Whitehouse (Delaware Director of Planning & Zoning)
Lauren DeVore (Delaware Planner for C/U2249)
Robert Mitchell (Maryland Director of Environmental Development)
Katherine Munson (Maryland Environmental Development)
Worcester County Council
Hidden Harbor Residents

Strategies for State Policies and Spending

This project is located in Investment Levels 3 and 4 according to the 2020 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. Level 3 areas may also mean that there are environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which are present. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. The Office of State Planning does not support the residential development in the Level 4 area, and we ask that the homes planned in the Level 4 area be removed from the site plan.

We disagree with the categorization of Level 3 and 4, due to the nature of existing development surrounding the proposed site. There has been considerable infrastructure investment in the immediate area, including extension of sewer along Route 54, repaving of Route 54, and extension of water main infrastructure by Artesian to serve nearby development. The Master Planned Community, Americana Bayside is across Williamsville Road. However, we will consider all environmental concerns as part of the planning and design process.

WATER & SEWER END AT BAYVIEW ESTATES.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Williamsville Road (Sussex Road 395) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

  A pre-application meeting was held on December 10th, 2020.

- Section 1.6 of the Manual addresses the location of development entrances. The site access must be located in accordance with that section and specifically in accordance with Figure 1.5.1 which is referenced therein.

  The development entrance will be designed in accordance with DelDOT standards and based upon traffic volume for a community of this size.

ATTACHMENT #1

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

JENNIFER COHAN
SECRETARY

September 29, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Mayapple Farm, LLC** conditional use application, which we received on August 31, 2020. This application is for an approximately 23.70-acre parcel (Tax Parcel: 533-19.00-289.05). The subject land is located on the southwest side of Williamsville Road (Sussex Road 395), approximately 4,000 feet south of the intersection of Lighthouse Road (Sussex Road 58) and Williamsville Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop 41 single-family detached condominium houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Williamsville Road where the subject land is located, which is from Lighthouse Road to the Delaware / Maryland state line, are 2,676 and 3,444 vehicles per day, respectively.

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

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

ATTACHMENT #2

DelDOT

Lauren DeVore

From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE <webmaster@sussexcountyde.gov>
Sent:	Wednesday, July 21, 2021 2:31 PM
To:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, July 21, 2021 - 2:30pm

Name: Michelle Gonzalez
Email address: mgonzalez@mountaire.com
Phone number: 3029345781
Subject: PLEASE DO NOT BUILD MAPLEWOOD FARMS ON WILLIAMSVILLE RD
Message:
I have lived here for over 20 years and the developing has gotten out of hand. Please do not develop the proposed Maplewood Farms on Williamsville Rd. The traffic on that road is excessive as it is.

Nick Torrance

From: Jackie Dickerson <jrd213@comcast.net>
Sent: Wednesday, July 21, 2021 2:11 PM
To: Planning and Zoning
Subject: Fwd: Mayapple Farms C/U 2249

Please disregard earlier message, this is the message I intended to send, thank you.

Ref: C/U 2249 Mayapple Farm, LLC application to grant a conditional use of land on Williamsville Road

My name is Jackie Dickerson; I live at 35629 Williamsville Rd. on 27 acres of farm land. The Mayapple Farms proposal would be across from my property. Our property is adjoined by Bayside on the east side.

My concerns:

There already is a serious disruption to wildlife from the previous development (Bayside). This new proposed development will make that issue worse for the wildlife. That is a detriment to our farming; we have lost revenue from them eating our crops, as they have no place to go. Our property view on Google maps, shows we are the only green area, besides the area proposed for Mayapple on Williamsville Road.

The entrance to the new proposed development is in a dangerous area. There is a blind curve at that spot. With the over-flow of excess pedestrians from the three current surrounding developments, Bayside, Hidden Harbor & Bayville Estates on Williamsville Rd, plus many several private residents.. as it is now, a tragic accident is waiting to happen. A new traffic study needs to be done before any more development is approved on Williamsville Rd. Cant imagine a 4th development adding to this congestion on this small country road. A solution would be, bike and pedestrian lanes to be added as a neighbor suggested. Mean while this road is still being used commercially endlessly with commercial trucks 5 days a week all day long, to accommodate the endless Bayside development at the end of Williamsville Road. This has gone on for years. It simply can not handle any more congestion.

Building 41 units on 10-12 acres, is too dense.

We lived here in 1991 when this area was re-zoned as a flood zone due to flooding from a storm. A new flood study of this proposed development needs to be done to assure building on pilings will not cause more of a flood risk to the surrounding houses and land.

Thank you,

Jackie Dickerson

302-542-0556

jrd213@comcast.net

Jamie Whitehouse, Planning Director, Planning and Zoning Commission

Ref: C/U 2249 Mayapple Farm, LLC application to grant a conditional use of land on Williamsville Road

I am Sanden Swanson, my address is 35630 Williamsville Rd. Mayapple Farms is directly behind my property.

I look forward to working with the county and developer to make this a success for all affected. The development of this property has been discussed and proposed a number of times over the years, but never for 41 units. Mayapple Farms needs far more definition before it can be reviewed by the public and voted on by the Planning and Zoning Committee and County Council.

From my perspective these are concerns still left open from the last public hearing:

- 41 units on 10-12 buildable acres is far too dense.

- The entrance must be relocated away from the blind curve. DELDOT should at least provide alternatives to reduce the speed and enhance traffic awareness.

- The homes will be on pilings. Pile driving will negatively impact existing home foundations, ground water and massive noise disturbance to this quiet community. Pilings must be better defined and not be pneumatically driven into the ground.

- Existing agricultural ditches surrounding and through the development must be maintained to permit storm water to continue to drain off surrounding properties. This will preserve the existing drainage to the bay.

- Because of the increased Bayside and Mayapple Farms traffic, DELDOT must plan for the addition of bike and pedestrian lanes to Lighthouse Rd to minimize accidents and encourage a healthy lifestyle.

- No outdoor construction should be performed on Saturday or Sunday. This is a quiet family neighborhood. Five days a week, 10 hours per day is enough disruption.

-Sewer and Water line routings have not been defined in the plans available to the public. Assuming they will be routed down Williamsville Rd, what is the traffic and noise impact of this possible road closure to the area while this is done?

Sincerely,

Sanden Swanson (703)549-2893 swansons7@aol.com

From: Wendy Megee <noreply@forms.email>
Sent: Tuesday, July 20, 2021 9:32 AM
To: Doug Hudson
Subject: Contact Form: opposition to Maple Wood Farms

Opposition Exhibit

Name: Wendy Megee
Email: cmegee802@comcast.net
Phone: 3028583473
Subject: opposition to Maple Wood Farms
Message: Hello and Good Day,
I am writing in opposition to the Maple Wood Farms proposed Building of 41 homes on the Wetlands and Agricultural area of Williamsville Road, Selbyville DE.
I am opposed to this build for the reasons listed below in addition to the fact that our property borders this proposal and poses a great threat to our newly built 2.2 Acre farm"ette". Buy Building these monster size home on just a small portion of the land purchased by this Maryland LLC, The flooding risk and Ditch maintenance on ALL of the surrounding properties will impose Damage which many of us cannot afford to upgrade, or fix when it happens.
The Williamsville Road is a very busy road and is inundated by Bayside Construction Trucks all Day every day with exception to Sundays. This LLC Company has not proposed a safe construction entrance and exit because they cannot, they do not have enough room.
The proposed homes are all on pilings which when built, we all know will be very disruptive to the peaceful agricultural space on this road, will not fit into the popular landscape of the single family ranch style developments and homes residing on all sides in this area. The Pilings pose a great risk to our wells in the surrounding area and even though there are many ways to put in pilings, the minimal financial route will be what is taken and that involves chemicals on treated wood which pollutes our ground water. 41 Homes would Make A Large IMPACT! The pounding of the pilings are also impactful on our older family homes foundations.
The proposed 41 homes are very large in size and are only going to fit on a small % of the land purchased by this Maryland owned LLC.
There has been no traffic study, the entrance to this development is on a bad curve and has not proposed turning lanes, sidewalks or lighting. There is a large amount of traffic on this road with no lines for a major portion of the road and no sidewalks or sidelines painted on the entire road. The traffic and construction mess will create havoc at this proposed intersection of the Road (brought up by several concerned community members at planning and zoning).
The Storm Water drain plan does not protect the neighboring plots from noise pollution or flooding the way the community would like which was brought t up by several families at the planning and zoning meeting. In addition to the fact that the "Lagoon" proposed is at the end of the canal which they would have to dredge to make deep enough for maintaining a kayak pier. They say they are not proposing deep water but the owner spoke at Planning and Zoning and Mentioned that he would be driving boats in for "drop off".
This Community offers no value to Sussex County. The area proposed for building is an agricultural area which people want to remain agricultural and small in nature. We are inundated by Freeman Bayside, (and other proposed builds at the end of this Road) which is a self-contained property and does not invade (too much) the ways this proposed build would. This build will stick out like a sore thumb only to

profit the Owners in the State of Maryland. The Planning and Purchase profit would go back to their community, not ours.
We were told by a planner with this LLC that because only 5 or six community member complain," It won't make a difference, It is happening". It should make a difference, Enough building, Enough destruction to the land and road ways that surround our community, It is your elected job to protect us from failed road infrastructure, over building, and over population in these small areas. Our emergency systems CAN NOT HANDLE this population Growth and the community continues to point that out. Please don't ignore that.
In addition to the afore mentioned opposition reasons, I would like to add that tearing down the natural resources of the existing forest area, pushing out the wildlife into nearby developments, building on our wetlands, and wanting to do it on our precious Saturdays and Sundays Is not okay. It is not good for our environment or agricultural community in this area.
Please do not approve this Proposed Build.
Too Many Developments, Too many cars, Too many dangers to our failing infrastructure roadways, Postal systems and Emergency systems. Too many opportunities to pollute our wells, disrupt our views, damage our homes, and overpopulate our roads.

Thank you for your time and consideration.
Sincerely,
Wendy Megee