

## 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, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 24<sup>th</sup>, 2021

Application: CU 2259 The Evergreene Companies, LLC

Applicant: The Evergreene Companies, LLC  
701 Bethany Loop, Suite 2  
Bethany Beach, DE 19930

Owner: The Evergreene Companies, LLC  
701 Bethany Loop, Suite 2  
Bethany Beach, DE 19930

Site Location: 31452 LB Lane, Bethany Beach

Current Zoning: Medium Density Residential (MR) Zoning District

Proposed Use: 30 Single-Family Condominiums

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Milville Fire Department

Sewer: Sussex County

Water: Sussex Shores

Site Area: 11.96 acres +/-

Tax Map ID.: 134-13.00-72.02







Sussex County



PIN:	134-13.00-72.02		
Owner Name	CFRE	HOLDINGS	I LLC
Book	4994		
Mailing Address	6 TRELIS PATH		
City	DOYLESTOWN		
State	PA		
Description	N/RT 360		
Description 2	1250' E/RT 357		
Description 3	N/A		
Land Code			

polygonLayer

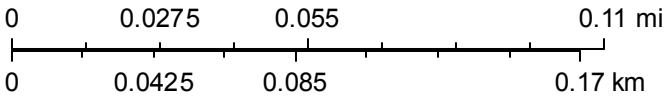
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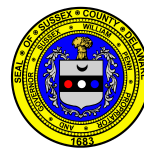
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- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries

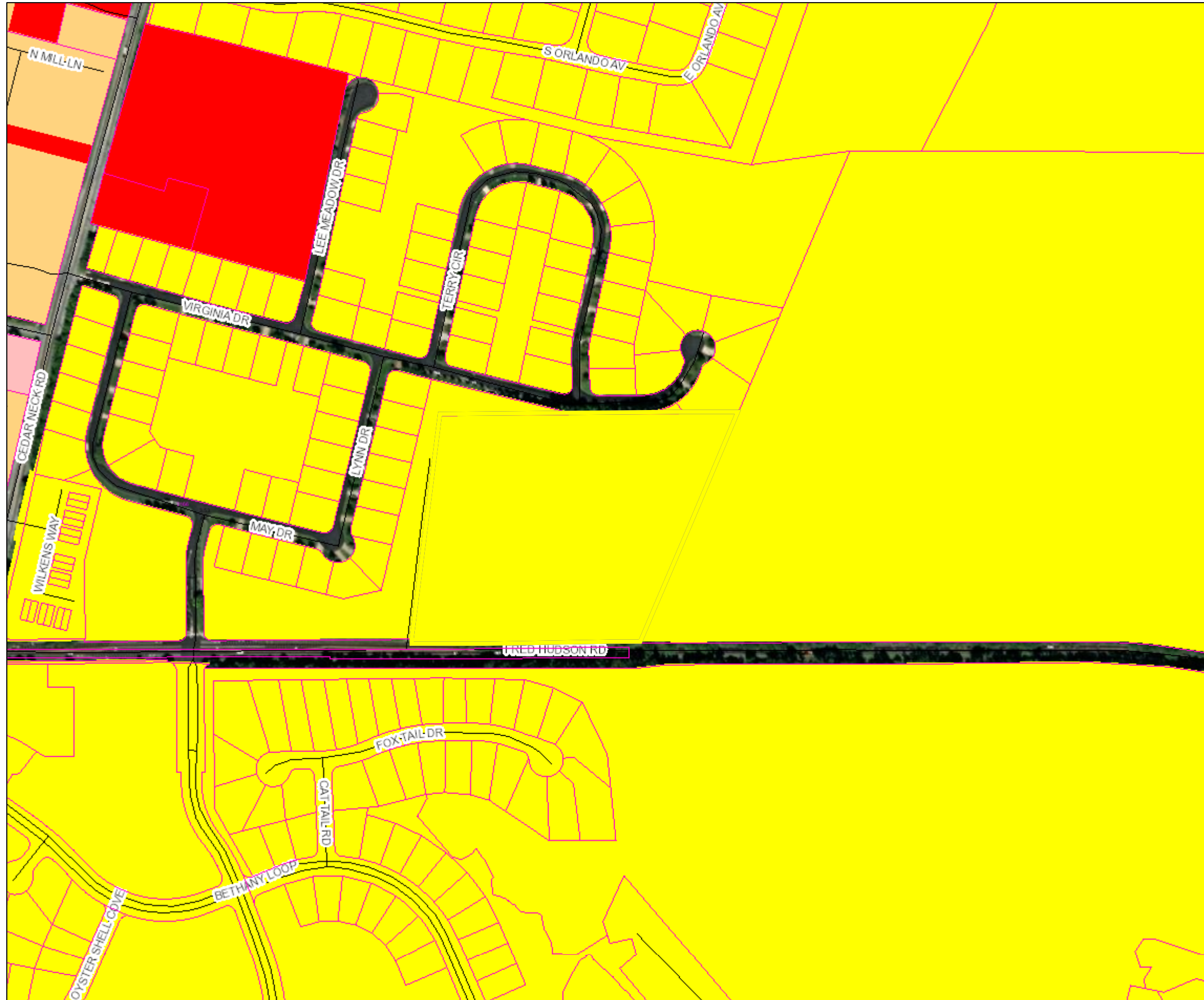
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# Sussex County



<b>PIN:</b>	134-13.00-72.02		
<b>Owner Name</b>	CFRE	HOLDINGS	I LLC
<b>Book</b>	4994		
<b>Mailing Address</b>	6 TRELIS PATH		
<b>City</b>	DOYLESTOWN		
<b>State</b>	PA		
<b>Description</b>	N/RT 360		
<b>Description 2</b>	1250' E/RT 357		
<b>Description 3</b>	N/A		
<b>Land Code</b>			


## polygonLayer

Override 1

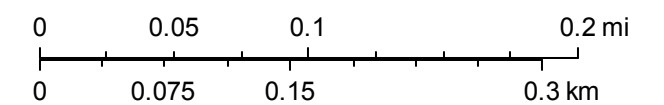
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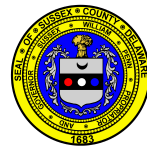
 Tax Parcels

 Streets

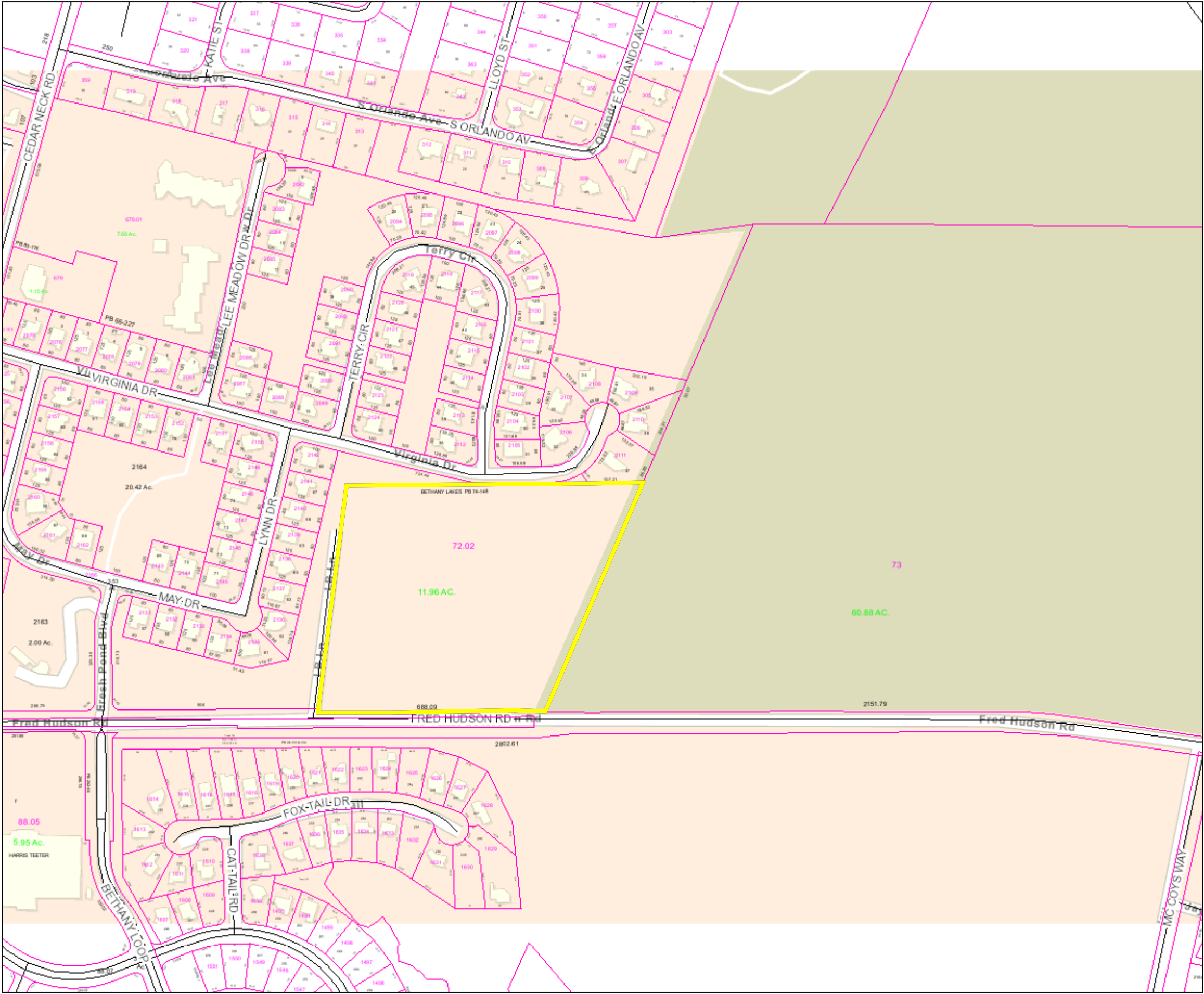
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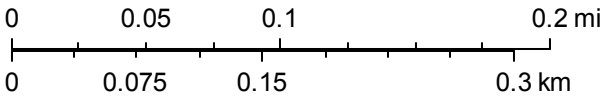
Sussex County



<b>PIN:</b>	134-13.00-72.02		
<b>Owner Name</b>	CFRE	HOLDINGS	I LLC
<b>Book</b>	4994		
<b>Mailing Address</b>	6 TRELIS PATH		
<b>City</b>	DOYLESTOWN		
<b>State</b>	PA		
<b>Description</b>	N/RT 360		
<b>Description 2</b>	1250' E/RT 357		
<b>Description 3</b>	N/A		
<b>Land Code</b>			

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
  - Streets
  - County Boundaries
  - Extent of Right-of-Way
  - Municipal Boundaries

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jamie.whitehouse@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Nicholas Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: June 17<sup>th</sup>, 2021  
RE: Staff Analysis for CU 2259 Evergreene Companies, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application 2259 Evergreene Companies, LLC to be reviewed during the June 24<sup>th</sup>, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 134-13.00-72.02 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for 30 single-family condominiums. The parcel is located on the north side of Fred Hudson Road in Ocean View, Delaware. The area of the site is approximately 11.96 acres +/-.

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

The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily 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. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is within a Medium Density Residential (MR) Zoning District. All surrounding parcels are also zoned MR.

Since 1971, there have been 21 Conditional Use applications within a one-mile radius of the application site. Of the 21 Conditional Use applications within a one-mile radius, 17 have been approved, 1 has been denied, and 2 were withdrawn and 1 is currently pending.

Since 1971, there have 2 Conditional Use applications located on this same parcel. Conditional Use No. 1519 for 48 multi-family units was approved by County Council at their meeting of January 27<sup>th</sup>, 2004 and adopted through Ordinance No. 1161. Conditional Use No. 1850 for 48 multi-family units was approved by County Council at their meeting of September 14<sup>th</sup>, 2010 and adopted through Ordinance No. 2143.





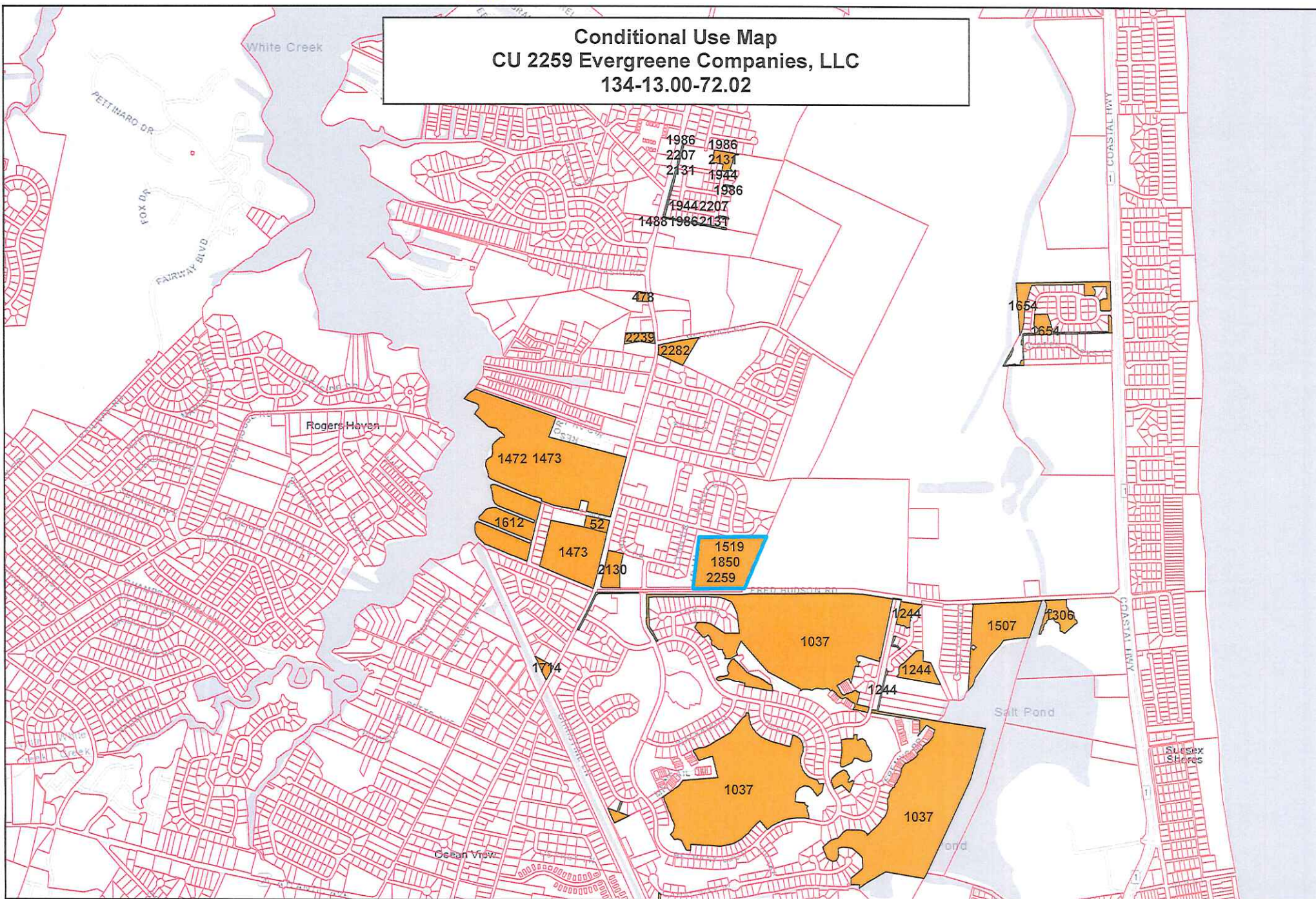
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for 30 single-family condominiums, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





# Sussex County

## Conditional Use Map CU 2259 Evergreene Companies, LLC 134-13.00-72.02





CU #	Tax Parcel	APPLICANT	Proposed Use	P&Z Recommendation	P&Z Date	CC Date	CC Decision
2282	134-9.00-27.00	Lawrence Davies	Microbrewery		<Null>	<Null>	
2259	134-13.00-72.02	The Evergreen Companies, LLC	30 single family conominum units		<Null>	<Null>	
2239	134-9.00-67.00	Coastal Properties LLC	General Contracting Business	Recommended Approval	10/8/2020	10/27/2020	Approved
2207	134-9.00-21.00	CBB Cedar Pines, LLC (Marlin Run)	Multi-family (75 SF & TH)	Recommended Approval	4/8/2021	4/27/2021	Approved
2131	134-9.00-21.00	CBB Cedar Pines, LLC	Multi-Family (30 Units)	Recommended Approval	6/14/2018	7/24/2018	Approved
2130	134-13.00-72.00	The Evergreene Companies, LLC (pallots corner)	Multi-family (20 Townhomes)	Recommended Approval	6/28/2018	10/30/2018	Approved
1986	134-9.00-21.00	Castaways Bethany, LLC	Multi-Family Dwelling Structures	Recommended Approval	5/22/2014	7/22/2014	Approved
1944	134-9.00-21.00	Castaways Bethany, LLC	Multi-Family Dwelling Structures, a Campground and Outdoor Amusement Place	Withdrawn	<Null>	<Null>	Withdrawn
1850	134-13.00-72.02	Inland Bays LLC	Multi-Family	Recommended Approval	9/9/2010	9/14/2010	Approved
1714	134-13.00-56.00	Bernard Dera	Multi-Family Dwelling	Recommended Denial	1/24/2008	4/1/2008	Denied
1654	134-9.00-13.00	Bethany Short Properties LLC	multi-family	Withdrawn	5/24/2006	5/24/2006	Withdrawn
1612	134-13.00-1175.00	Canal Place, LLC	Multi-Family	Recommended Approval	7/14/2005	11/8/2005	Approved
1519	134-13.00-72.02	Inland Bays LLC		Recommended Approval	1/22/2004	1/27/2004	Approved
1507	134-13.00-79.00	North Beach LLC	multi-family	Recommended Approval	10/9/2003	12/16/2003	Approved
1488	134-9.00-21.00	Vaughn Melson & Alfred Melson	Multi-Family	Recommended Approval	4/10/2003	6/3/2003	Approved
1473	134-9.00-37.01	Caldera Properties LP (Old Mill)	multi-family	Recommended Approval	2/13/2003	3/25/2003	Approved
1472	134-9.00-37.01	Caldera Properties LP (Steele)	Cedar Neck Rd	Recommended Approval	2/13/2003	3/23/2003	Approved
1306	134-13.00-78.00	DMV Partnership	multi-family	Recommended Approval	9/23/1999	10/12/1999	Approved
1244	134-13.00-83.00	Salt Pond East LLC. T/A Bethany Courts, LLC	28 Unit Multifamily Dwelling	Recommended Denial	5/14/1998	7/28/1998	Approved
1037	134-13.00-88.00	Salt Pond Associates	Miniature Golf Course	Recommended Approval	5/13/1993	6/8/1993	Approved
478	134-9.00-70.00	James & Theresa Murray	dry-open storage, boats, trailers & travel trailers	N/A	<Null>	<Null>	Approved
52	134-13.00-71.00	Donald & Terry Long	beauty salon	N/A	<Null>	<Null>	Approved



File #: CU 2259

~~2020~~  
2021 00219

## 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**

31452 LB Lane, Bethany Beach, DE 19930

**Type of Conditional Use Requested:**

Conditional Use to allow 30 single-family condominium structures on a single parcel in a Medium-Density Residential District.

**Tax Map #:** 1-34-13.00-72.02

**Size of Parcel(s):** 11.96 Acres

**Current Zoning:** MR

**Proposed Zoning:** MR

**Size of Building:** varies

**Land Use Classification:** Single Family Dwellings

**Water Provider:** Sussex Shores

**Sewer Provider:** Sussex County

**Applicant Information**

**Applicant Name:** The Evergreene Companies, LLC c/o Tim Naughton

**Applicant Address:** 701 Bethany Loop, Suite 2

**City:** Bethany Beach

**State:** DE

**Zip Code:** 19930

**Phone #:** (443) 398-0294

**E-mail:** tnaughton@evergreenehomes.com

**Owner Information**

**Owner Name:** same as above

**Owner Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

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

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Davis, Bowen, & Friedel, Inc. c/o Cliff Mumford

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

**City:** Milford

**State:** DE

**Zip Code:** 19963

**Phone #:** (302) 424-1441

**E-mail:** cdm@dbfinc.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

☒ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

☒ **Provide Fee \$500.00**

☐ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

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

☒ **DeIDOT Service Level Evaluation Request Response**

☐ **PLUS Response Letter** (if required)

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

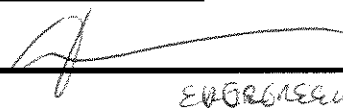
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

**Signature of Applicant/Agent/Attorney**

  
EVERGREEN HOMES

Date: 12/22/20

**Signature of Owner**

  
EVERGREEN HOMES

Date: 12/22/20

**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

October 8, 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 Evergreene Companies, LLC's** conditional use application, which we received on September 16, 2020. This application is for an approximately 11.96-acre parcel (Tax Parcel: 134-13.00-72.02). The subject land is located on the north side of Fred Hudson Road (Sussex Road 360), approximately ¼ mile east of the intersection of Fred Hudson Road and Cedar Neck Road (Sussex Road 357), north of Ocean View. The subject land is currently zoned MR (Medium-Density Residential), and the applicant is seeking a conditional use approval to develop 31 single-family detached houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Fred Hudson Road where the subject land is located are 12,590 and 16,203 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.



Mr. Jamie Whitehouse  
Page 2 of 2  
October 8, 2020

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: The Evergreene Companies, 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: **6/22/2021**

APPLICATION: **CU 2259 The Evergreen Companies, LLC**

APPLICANT: **The Evergreen Companies, LLC**

FILE NO: **CN-1.05**

TAX MAP &  
PARCEL(S): **134-13.00-72.02**

LOCATION: **31452 LB Lane, Bethany Beach**

NO. OF UNITS: **30 Single-family Condominiums**

GROSS  
ACREAGE: **11.96**

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

**SEWER:**

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

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

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

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



## 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: **Davis, Bowen & Friedel, Inc**

Date: 7/1/2020

Reviewed by: **Chris Calio**

Agreement #: **1034-1**

Project Name: **Inland Bays Community**

Tax Map & Parcel(s): **134-13.00-72.02**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **51**

Pump Station(s) Impacted: **PS 172, PS 99,**

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **TCO at north property line from Virginia Drive**

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): **N/A**

Current Zoning: **MR** Zoning Proposed: **MR**

Acreage: **11.93**



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

Additional Information: Please note the Agreement number has changed to 1034-1.

\* 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  
Denise Burns

DEPARTMENT OF TRANSPORTATION  
COMMENTS FOR  
T.A.C. MEETING

**The Evergreen Companies, LLC.**  
**Tax Map # 134-13.00-72.02**  
**SCR 357 (Fred Hudson Road)**  
**Sussex County**

**#C/U 2259 – The Evergreen Companies, LLC**

DelDOT Provided PLUS Comments on the Inland Bays Community (PLUS# 2020-11-03) on 11/20/2020. All of those comments are still valid and are listed below and on the attached PLUS Comment Sheet.

1. The site access on Fred Hudson Road (Sussex Road 360) 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>.
2. 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](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
3. 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.
4. 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 343 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 26 and 32, respectively. Thus, a TIS is not warranted.

One of the purposes of a TIS is to identify needed offsite improvements. Fred Hudson Road presently has 10-foot lanes and 4-foot shoulders which are marked as bicycle lanes. These widths are significantly less than DelDOT's standard widths for collector roads, which are 12-foot lanes and 8-foot shoulders. DelDOT anticipates requiring the developer to extend the widening done for the Bethany Lakes and Salt Pond entrances east through the entrance to the proposed development, transitioning back to the existing



width to avoid or minimize the impact on the wetlands at the east end of the property. DelDOT further anticipates that the widening could necessitate the developer's relocating some of the existing Shared Use Path on the south side of the road.

5. As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fred Hudson Road. By this regulation, this dedication is to provide a minimum of 40 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."
6. 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."
7. Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - a. A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - b. Depiction of all existing entrances within 450 feet of the entrance on Fred Hudson Road.
  - c. Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
8. 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. DelDOT anticipates requiring the developer to build an SUP along their frontage on Fred Hudson Road, connecting it to the SUP in front of Bethany Lakes.
9. 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 Fred Hudson Road.
10. 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>.
11. 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>.

12. 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.

#### Suggestions

13. 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 Fred Hudson Road.
14. The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
15. 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/>.

Agency Name: Dept. of Transportation Project Name: Inland Bays Community  
Division: Planning Contact Person: Bill Brockenbrough

### Regulations/Code Requirements

- The site access on Fred Hudson Road (Sussex Road 360) 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](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- 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 343 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 26 and 32, respectively. Thus, a TIS is not warranted.

One of the purposes of a TIS is to identify needed offsite improvements. Fred Hudson Road presently has 10-foot lanes and 4-foot shoulders which are marked as bicycle lanes. These widths are significantly less than DelDOT's standard widths for collector roads, which are 12-foot lanes and 8-foot shoulders. DelDOT anticipates requiring the developer to extend the widening done for the Bethany Lakes and Salt Pond entrances east through the entrance to the proposed development, transitioning back to the existing width to avoid or minimize the impact on the wetlands at the east end of the property. DelDOT further anticipates that the widening could necessitate the developer's relocating some of the existing Shared Use Path on the south side of the road.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fred Hudson Road. By this regulation, this dedication is to provide a minimum of 40 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 450 feet of the entrance on Fred Hudson 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. DelDOT anticipates requiring the developer to build an SUP along their frontage on Fred Hudson Road, connecting it to the SUP in front of Bethany Lakes.
- 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 Fred Hudson 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.

## **Suggestions**

- 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 Fred Hudson 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/>.



United States Department of Agriculture

Natural Resources  
Conservation Service

March 11, 2021

Georgetown  
Service Center

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

21315 Berlin Road  
Unit 3  
Georgetown, DE  
19947

Voice 302.856.3990  
Fax 855.306.8272

**RE: The Evergreen Companies, LLC  
Baltimore Hundred  
30 single family lots**

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

IeA Ingleside loamy sand, 0 to 2 percent slopes  
MuA Mullica-Berryland complex, 0 to 2 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
IeA	Y2	Somewhat limited	Not limited	Very limited
HuA	R2	Very limited	Very limited	Very limited

Definition of soil limitation ratings classes:

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

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



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

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

**R2:**

The soils in this classification are nearly or gently sloping, very poorly, poorly, and somewhat poorly drained. Seasonal high water tables, local ponding, and high potential frost action severely limit these soils for residential developments. The principal soil limitations are: 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) wet foundations or basements probable, and 4) hazard of temporary ponding of water in areas lacking outlets. Loose running sand commonly encountered in deep excavations.

**Y2:**

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

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

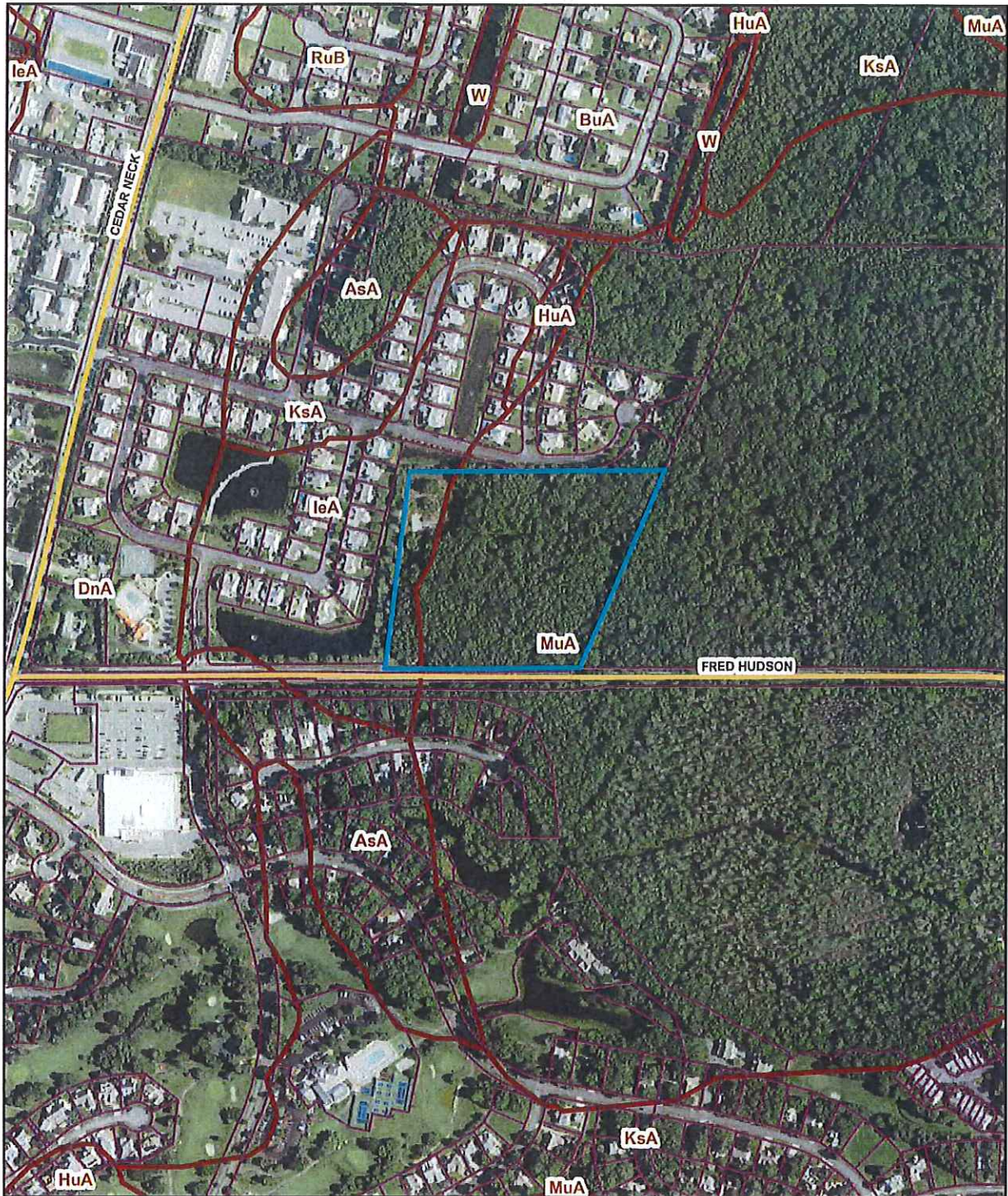
Sincerely,



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

TDS/bh





C/U #2259  
TM #134-13.00-72.02  
The Evergreen Companies, LLC





C/U #2259  
TM #134-13.00-72.02  
The Evergreen Companies, LLC





DELAWARE DEPARTMENT OF  
**AGRICULTURE**

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

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

March 12, 2021

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

Subject: **Preliminary Plans for The Evergreen Companies, LLC**

Dear Mr. Phillips,

Thank you for providing preliminary plans for The Evergreen Companies, LLC subdivision submitted by Davis, Bowen, & Friedel, INC. to our section dated December, 2020.

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

The Delaware Forest Service will await resubmission of plans.

If you have any questions please feel free to contact me at [taryn.davidson@delaware.gov](mailto:taryn.davidson@delaware.gov).

Sincerely,

Taryn Davidson  
Urban Forestry Program  
Delaware Forest Service

## 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

MICHAEL E. BRADY  
DIRECTOR OF PUBLIC WORKS

February 9, 2021

REF: **T. A. C. COMMENTS  
INLAND BAYS COMMUNITY  
SEWER TIER 1  
SUSSEX COUNTY ENGINEERING DEPARTMENT  
SUSSEX COUNTY TAX MAP NUMBER  
134-13.00 PARCEL 72.02  
PROJECT CLASS-1  
AGREEMENT NO. 1034-2**

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

### PUBLIC WORKS DIVISION COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
  - a. If County Engineering regulates the privately maintained road for this CU:
    - Sidewalk is located at back of curb necessitating a 'gang' mailbox or other provision.
    - The road is super-elevated, so the stormwater design must provide a adequate basin sizing to accommodate the runoff on down side of the road.
    - A different curb type or modified curb will be needed on the 'high side' of road to spill runoff.
2. This project is not located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX  
22215 DUPONT BOULEVARD | PO BOX 589  
GEORGETOWN, DELAWARE 19947

on all plans.

5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

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

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, two (2) horizontal and vertical control concrete project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.
8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
10. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
11. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
12. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
13. Indicate the location of all wetlands (both state and federal), in order to facilitate compliance with County, State and Federal requirements.
14. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
15. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities,



roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.

16. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
17. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 20653 DuPont Boulevard, Unit 5, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.
18. Provide the limits and elevations of the one hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations base flood.
19. The pavement radius for all cul-de-sacs shall be no less than 38 feet in diameter or as otherwise required by the State Fire Marshall's office or the County Engineering Department.
20. False berms shall not be utilized to create roadside drainage swale back slopes.
21. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
22. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
23. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
24. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
25. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
26. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
27. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by

individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.

28. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.

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

#### **UTILITY PLANNING DIVISION COMMENTS**

REVIEWER: **Chris Calio**

APPLICATION: **CU 2259 The Evergreen Companies LLC**

APPLICANT: **The Evergreen Companies, LLC**

FILE NO: **CN-1.05**

TAX MAP &  
PARCEL(S): **134-13.00-72.02**

LOCATION: **Located on the north side of Hudson Road (SCR 360),  
approximately 0.25 mile east of Cedar Neck Road (SCR 357).**

NO. OF UNITS: **30 + Clubhouse**

GROSS  
ACREAGE: **11.93**

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

#### **SEWER:**

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

Yes ☒

No ☐

a. If yes, see question (2).

b. If no, see question (7).

- (2). Which County Tier Area is project in? Tier 1
- (3). Is wastewater capacity available for the project? Yes If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? Yes If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A. Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is \$6,360.00 per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**  
  
☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

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





**DELAWARE HEALTH AND SOCIAL SERVICES**

Division of Public Health

Office of Engineering  
Phone: (302) 741-8640  
Fax: (302) 741-8641

January 19, 2021

Mr. Chase Phillips  
Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

**Re:** Sussex County Technical Advisory Committee

Dear Mr. Phillips;

The Division of Public Health Office of Engineering is in receipt of the following application:

**1. Application:**      *C/U 2259 – The Evergreen Companies, LLC- Inland Bays Community*


This application indicates central water will be supplied by the Sussex Shores Water Company. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for these projects, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. Approvals to Operate will be issued after all applicable requirements are met.

Approval must be obtained from the Sussex Shores Water Company prior to the Office of Engineering review. Contact Bradley Dorey at (302) 539-7611.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,

  
William L. Milliken, Jr.  
Engineer III  
Office of Engineering

Sussex County, Delaware  
Technical Advisory Committee

Comment Sheet

\*\*\*\*\*



DATE OF REVIEW: January 15, 2021

REVIEWING AGENCY: Delaware State Fire Marshal's Office, Sussex Office

INDIVIDUAL REVIEWERS: Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services  
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist  
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist  
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: THE EVERGREEN COMPANIES LLC (CU 2259)

*The reasons and conditions applied to this project and their sources are itemized below:*

\*\*\*\*\*

- ❖ *The DE State Fire Marshal's Office has no objection to the conditional RPC zoning for the aforementioned project. Formal submittal is required for final site plan approval.*

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

a. **Fire Protection Water Requirements:**

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

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
  - Show Fire Lanes and Sign Detail as shown in DSFPR
- c. **Accessibility**
- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Fred Hudson Road must be constructed so fire department apparatus may negotiate it.
  - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
  - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
  - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
  - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- d. **Gas Piping and System Information:**
- Provide type of fuel proposed, and show locations of bulk containers on plan.
- e. **Required Notes:**
- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
  - Proposed Use
  - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
  - Square footage of each structure (Total of all Floors)
  - National Fire Protection Association (NFPA) Construction Type
  - Maximum Height of Buildings (including number of stories)
  - Note indicating if building is to be sprinklered
  - Name of Water Provider
  - Letter from Water Provider approving the system layout
  - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
  - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:  
[www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

***THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE***



## Chase Phillips

---

**From:** Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>  
**Sent:** Monday, January 11, 2021 12:45 PM  
**To:** Planning and Zoning  
**Subject:** FW: Sussex County Planning and Zoning Department: TAC Review Requested - Conditional Use 30 Single Family Condominium Units  
**Attachments:** TAC Memo CU 2259 Evergreen Companies, LLC.pdf; CU 2259 PRELIMINARY SITE PLAN.pdf

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

Good afternoon,

DNREC's Division of Waste and Hazardous Substances has no comments on this project.

Thank you,

Mindy Anthony  
Planner IV  
DNREC-Div. of Waste & Hazardous Substances  
89 Kings Hwy  
Dover, DE 19901  
Phone: 302-739-9466  
Fax: 302-739-5060  
[Mindy.Anthony@delaware.gov](mailto:Mindy.Anthony@delaware.gov)

Integrity. Respect. Openness. Customer Focus. Quality.



[www.recycling.delaware.gov](http://www.recycling.delaware.gov)  
[www.facebook.com/delawarerecycles](https://www.facebook.com/delawarerecycles)

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**From:** Chase Phillips <chase.phillips@sussexcountyyde.gov>  
**Sent:** Monday, January 11, 2021 12:03 PM  
**To:** Krumrine, Beth (DNREC) <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyyde.gov>; Chris Calio <ccalio@sussexcountyyde.gov>; ddetrick@chpk.com; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyyde.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Butler, Eileen M. (DNREC) <Eileen.Butler@delaware.gov>; Sullivan, James C. (DNREC) <James.Sullivan@delaware.gov>; Cinelli, Jennifer (DeIDOT) <jennifer.cinelli@delaware.gov>; jessica.watson@sussexconservation.org; John J. Ashman <jashman@sussexcountyyde.gov>; John.hayes@delaware.gov; John.kennel@delaware.gov; John.martin@delaware.gov; kate.flemming@delaware.gov; Kgabbard@chpk.com; Crystall, Meghan (DNREC) <Meghan.Crystall@delaware.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Mike Brady <MBRADY@sussexcountyyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyyde.gov>; Laws, Susanne K (DeIDOT) <Susanne.Laws@delaware.gov>; tdickerson@decoop.com; Terri Dukes <tdukes@sussexcountyyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>  
**Cc:** Jennifer Norwood <jnorwood@sussexcountyyde.gov>

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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
TAC Comment Response  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

On behalf of our client, The Evergreene Companies, LLC, we are pleased to submit a response to the Sussex County Technical Advisory Committee (TAC) comments. We have listed them by Agency as submitted to our office.

**Sussex County Engineering – Chris Calio**

We have reviewed the County's report and are familiar with the design and submission requirements. A Sewer System Concept Evaluation was completed by Sussex County Engineering on 7/1/2020 for this project.

**DelDOT Planning – Bill Brockenbrough**

We have reviewed the report which were the same comments provided at PLUS. We are familiar with the design and submission requirements. A PLUS response was prepared and submitted with the revised plans.

**United States Department of Agriculture (USDA) – Thelton D. Savage**

Our office has reviewed the report and are familiar with the soil types and characteristics along with their limitations. A geo-technical engineer will provide additional soils analysis during the design of the project.

**DNREC Waste and Hazardous Substances/SIRS –Mindy Anthony**

The above agency had no comments on this project.

**Delaware Division of Public Health Office of Engineering – William J. Milliken Jr.**

Our office is familiar with the requirements to obtain an Approval to Construct and an Approval to Operate from the Office of Engineering.

**Delaware Forest Service – Taryn Davidson**

Our office has reviewed the comments and will take these into consideration when developing the Landscape plan. A landscape plan with tree species and quantities called out will be provided before Final Site Plan approval.

**Delaware Office of State Fire Marshal – Duane Fox**

We have reviewed their comments and are familiar with the design and submission requirements.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
*DAVIS, BOWEN & FRIEDEL, INC.*



Cliff Mumford, P.E.  
Associate

*P:\Evergreen Companies\Inland Bays Community\Documents\P&Z\Booklets\X-6 Inland Bays\_TAC-Response.docx*

Cc: Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.



# INLAND BAYS COMMUNITY

## BALTIMORE HUNDRED

## SUSSEX COUNTY, DELAWARE

DBF # 1998D002  
PRELIMINARY SITE PLAN  
DECEMBER, 2020

### GENERAL NOTES:

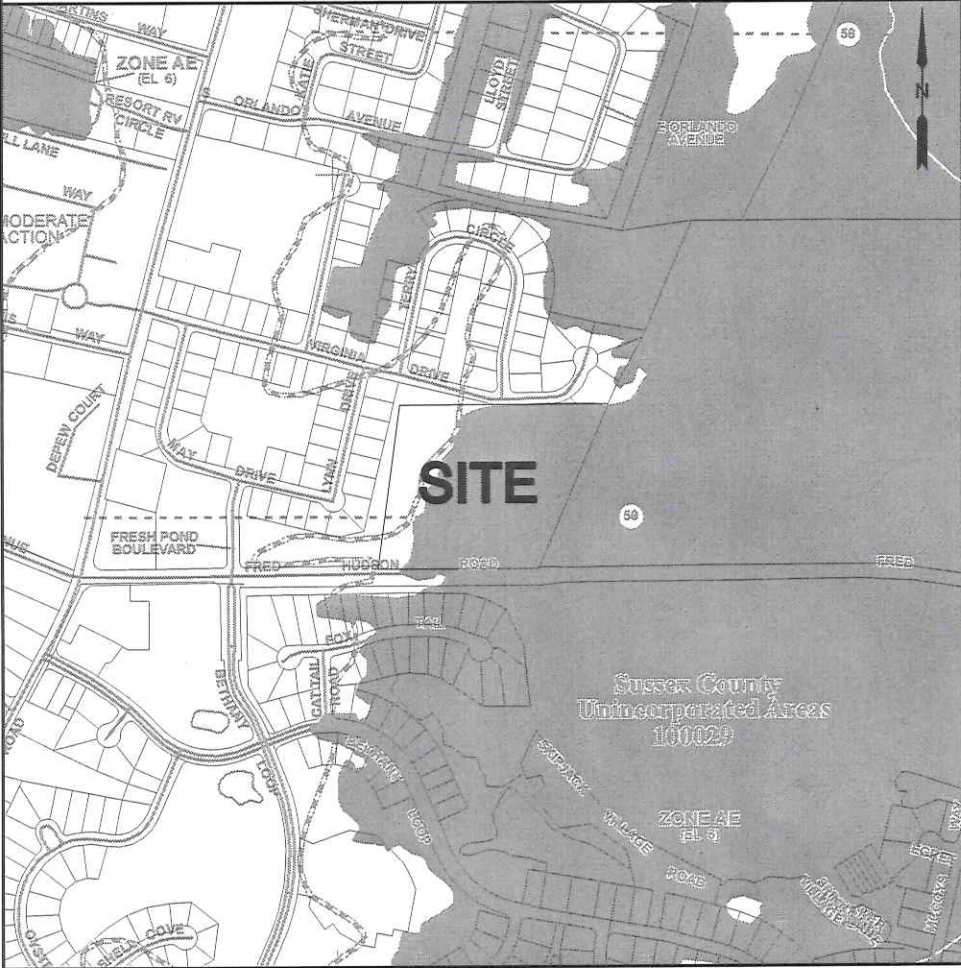
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR MULTI-MODAL PATH.
- ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN ARE THE RESULT OF A FIELD RUN SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. (DBF) IN SEPTEMBER 2015. ADDITIONAL SURVEY WAS COMPLETED IN MAY 2020.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.

### LEGEND

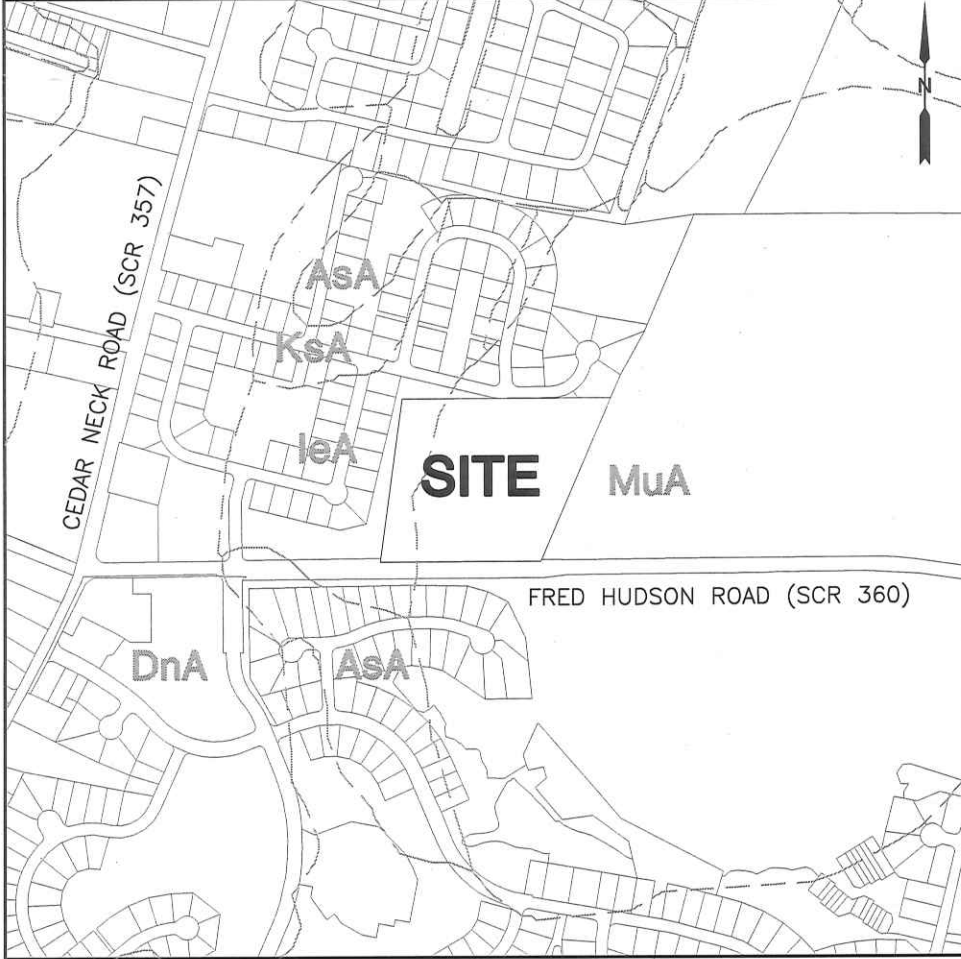
EXISTING	PROPOSED
BOUNDARY LINE	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	EASEMENT
EASEMENT	BUFFER
CONTOUR	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
CATCH BASIN, STORM PIPE	WATER MAIN, TEE W/ VALVES, PIPE SIZE
SANITARY SEWER MANHOLE, PIPE	FIRE HYDRANT ASSEMBLY
WATER MAIN	TREE LINE
FIRE HYDRANT ASSEMBLY	PAVEMENT
UTILITY POLE	SIDEWALK
SIGN	
FENCE	
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	



LOCATION MAP SCALE: 1"=800'



FLOOD MAP SCALE: 1"=800'

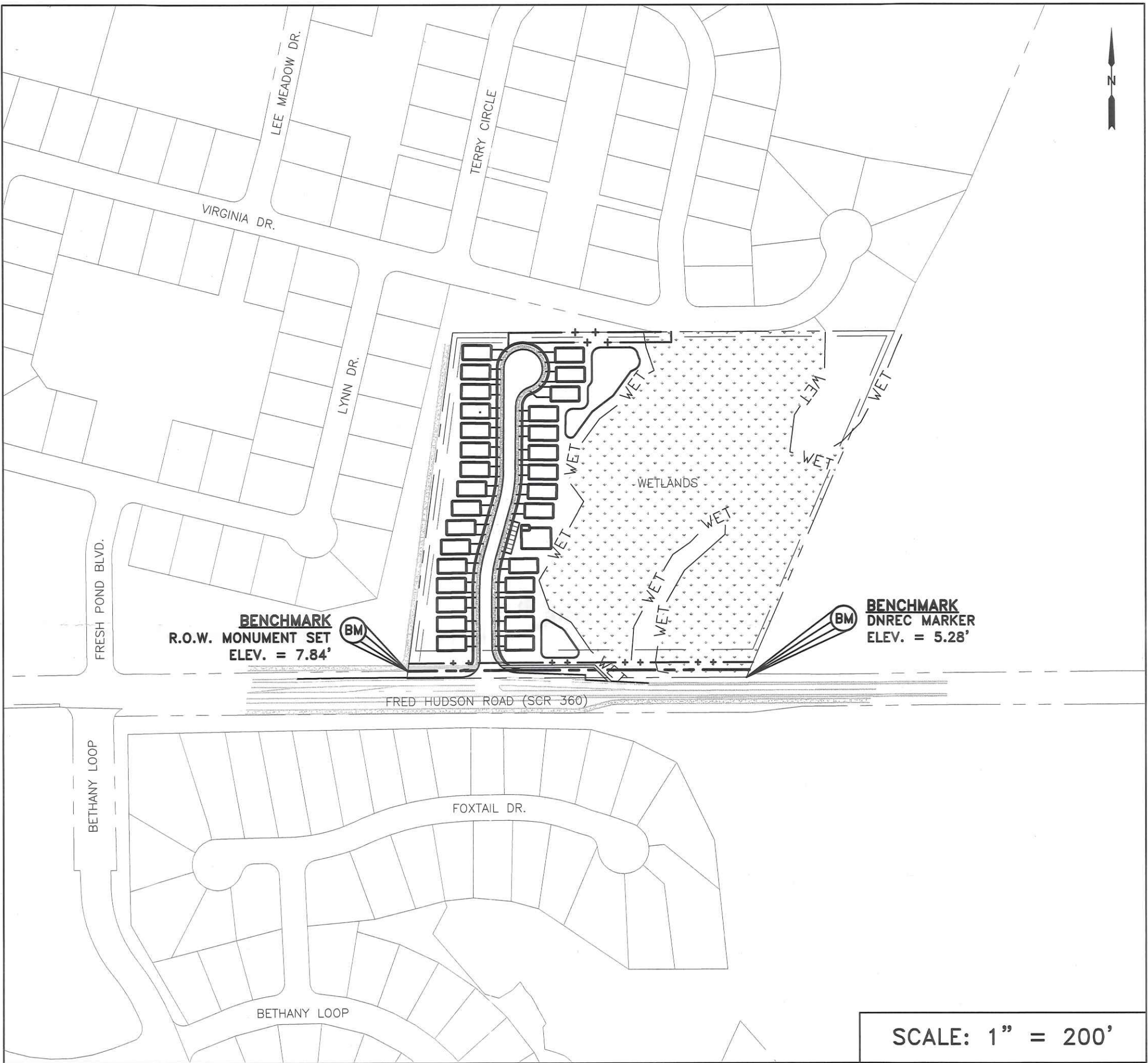


SOILS MAP SCALE: 1"=800'

AsA: ASKECKY LOAMY SAND; 0 TO 2 PERCENT SLOPES (B/D)  
DnA: DOWNER LOAMY SAND; 0 TO 2 PERCENT SLOPES (B)  
IaA: INGLESIDE LOAMY SAND; 0 TO 2 PERCENT SLOPES (B)  
KsA: KLEJ LOAMY SAND; 0 TO 2 PERCENT SLOPES (C)  
MuA: MULLICA-BERRYLAND COMPLEX; 0 TO 2 PERCENT SLOPES (B/D)

### DATA COLUMN

TAX MAP ID:	134-13.00-72.02
DEED REFERENCE:	D/4994/347
DATUM:	NAVD 88
VERTICAL:	NAD 83 (DE STATE PLANE)
HORIZONTAL:	
LAND USE	WOODED/WETLANDS
EXISTING:	30 SINGLE FAMILY HOMES
PROPOSED:	
ZONING	MR MEDIUM DENSITY RESIDENTIAL
EXISTING:	
UNITS	
SINGLE FAMILY HOMES:	30
TYPICAL SIZE:	28' X 56' (1,568 S.F.)
DENSITY	
MAXIMUM:	4.00 UNITS/ACRE
PROPOSED:	2.56 UNITS/ACRE
BUILDING SETBACKS	
FRONT SETBACK:	40 FT.
SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
MAXIMUM REQUIREMENTS	
BUILDING HEIGHT:	42 FT. (2 STORIES)
AREAS	
EXISTING SITE:	
SITE AREA:	11,962 AC.
WETLANDS (INCLUDED IN SITE AREA):	6,068 AC.
RIGHT OF WAY DEDICATION:	-0.231 AC.
TOTAL SITE AREA:	11,731 AC.
IMPERVIOUS AREAS 5.8% (% Does not include shared-use-path)	
PAVEMENTS (STREETS):	0.497 AC.
SIDEWALK:	0.154 AC.
PARKING:	0.029 AC.
SHARED-USE PATH:	0.042 AC.
TOTAL:	0.822 AC.
WOODLANDS:	
EXISTING:	9.20 AC.
TO BE REMOVED:	2.00 AC.
TOTAL REMAINING:	7.20 AC.
UTILITIES	
SEWER PROVIDER:	SUSSEX COUNTY (CEDAR NECK EXPANSION SSD)
WATER PROVIDER:	PUBLIC (SUSSEX SHORES)
PROPOSED BUILDING CONSTRUCTION:	WOOD/CONCRETE BLOCK
WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.	
FLOODPLAIN - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0512K, DATED MARCH 16, 2015.	
STATE STRATEGIES MAP: INVESTMENT LEVELS 2, 3, AND 4	
THIS PROPERTY IS NOT LOCATED IN A TRANSPORTATION IMPROVEMENT DISTRICT (TID).	
THIS PROPERTY IS LOCATED 1,300'± TO THE EAST OF THE INTERSECTION OF CEDAR NECK ROAD (SCR 357) AND FRED HUDSON ROAD (SCR 360).	
FRED HUDSON ROAD POSTED SPEED LIMIT: 40 M.P.H.	
PROPERTY OWNER/DEVELOPER	
THE EVERGREEN COMPANIES, LLC.	
701 BETHANY LOOP, SUITE 2	
BETHANY BEACH, DELAWARE 19930	
PHONE: 701-667-7878	
ENGINEER:	
DAVIS, BOWEN, & FRIEDEL, INC.	
CLIFTON D. MUMFORD, P.E.	
1 PARK AVE.	
MILFORD, DE 19963	
PHONE: 302-424-1441	
FAX: 302-424-0430	



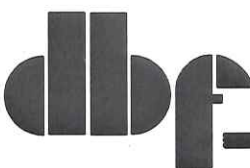
### SHEET INDEX

TITLE SHEET	PRE-01
PRELIMINARY SITE PLAN	PRE-02

### OWNER'S CERTIFICATION

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

EVERGREEN HOMES EASTERN SHORE  
701 BETHANY LOOP, SUITE 2  
BETHANY BEACH, DE. 19930



DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441  
EASTON, MARYLAND (410) 770-4744

### ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC.  
by CLIFTON D. MUMFORD, P.E.

DATE

DATE

PRE-01







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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

On behalf of our client, The Evergreene Companies, LLC, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Area Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.* The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of submerged gravel wetlands as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.* The proposed project is located in Sussex Shores franchise area and they hold the Certificate of Public Necessity (CPCN). A letter from Sussex Shores states they are willing and able to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 7,500 gallons per day and a peak use of 22,500 gallons per day.



- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 Sussex County Unified Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub within the Bethany Lakes subdivision as per a Sewer Service Concept Evaluation received from Sussex County Engineering.
- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*  
An SFR Response was received from DelDOT on October 8, 2020. The response stated that DelDOT does not recommend a TIS for this project. A left-turn lane and right-turn lane are proposed to mitigate traffic impacts of the development on Fred Hudson Road.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* In accordance with the PLUS review comments the Brown-headed Nuthatch has been documented within the project area. The nuthatch is not listed on DNREC's website of endangered species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*  
No wetlands are proposed to be filled as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and shared-use path.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will improve Fred Hudson Road by adding a right and left turn lane. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with*

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

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

*P:\Evergreen Companies\Inland Bays Community\Documents\P&Z\Booklets\X-4 Inland Bays\_115-194.3-Coastal Area-Report.docx*

Cc: Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.

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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
Chapter 89: Source Water Protection  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

On behalf of our client, The Evergreene Companies, LLC, we are submitting this letter demonstrating that the project will comply with Chapter 89 Source Water Protection of the Sussex County Code. The above parcel of land is not located within the Excellent Groundwater Recharge Area, or the Wellhead Protection Area as depicted on DNREC's maps.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

P:\Evergreen Companies\Inland Bays Community\Documents\P&Z\Booklets\X-5 Inland Bays\_Chapter 89 Response.docx

Cc: Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.



# FUQUA, WILLARD, STEVENS & SCHAB, P.A.

PAYNTER HOUSE ☒  
26 THE CIRCLE OR P.O. BOX 250  
GEORGETOWN, DELAWARE 19947  
PHONE 302-856-7777  
FAX 302-856-2128  
onthecircle@fwsslaw.com

REHOBOTH OFFICE ☐  
20245 BAY VISTA ROAD, UNIT 203  
REHOBOTH BEACH, DE 19971  
PHONE 302-227-7727  
FAX 302-227-2226

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Dept.  
2 The Circle  
Georgetown, DE 19947

JAMES A. FUQUA, JR.  
WILLIAM SCHAB  
TIMOTHY G. WILLARD  
TASHA MARIE STEVENS  
NORMAN C. BARNETT  
www.fwsslaw.com

July 6, 2021

HART HOUSE ☐  
9 CHESTNUT STREET  
GEORGETOWN, DELAWARE 19947  
PHONE 302-856-9024  
FAX 302-856-6360  
realestate@fwsslaw.com

LEWES REAL ESTATE OFFICE ☐  
16698 KINGS HIGHWAY, SUITE B  
LEWES, DELAWARE 19958  
PHONE 302-645-6626  
FAX 302-645-6620  
realestate@fwsslaw.com

**RE: C.U.# 2130**  
**The Evergreene Companies, LLC**  
**Coastal Corner**

RECEIVED

JUL 07 2021

SUSSEX COUNTY  
PLANNING & ZONING

Dear Jamie:

As I stated in my e-mail of July 1<sup>st</sup>, I was surprised and concerned that Evergreene had apparently been accused of and assumed guilty of violating Condition B of CU# 2130 which required a 25 foot buffer on the north side of the Coastal Corner multi-family development. It was my impression that Evergreene was not noticed about this alleged violation nor given due process to respond to the allegation. The issue was even more confusing in that it is my understanding that the Planning and Zoning Department took no enforcement action regarding the alleged violation.

Since this issue was introduced into the public record on Evergreen's pending application CU# 2259 and negatively impacts the reputation and integrity of Evergreene, I decided to review the record to determine the validity of the allegation. I found the following:

1. On June 28, 2018, the Planning and Zoning Commission recommended approval of CU # 2130. Reason # "8" of the Commission's findings stated that it was appropriate to require a 20 foot vegetated buffer around the entire perimeter of the project and condition "B" recommended requiring the 20 foot buffer.
2. The County Council held a public hearing on CU# 2130 on July 24, 2018. Action was deferred.
3. The application was discussed by the County Council as old business on August 21, 2018. A motion was approved to amend the Commission's reason #8 to require a 25 foot vegetated buffer around the perimeter of the project not including road frontage. The vote on the application itself was deferred.

**FILE COPY**

*\* Please reply to the above referenced location*

Page 2  
July 6, 2021

4. The application was again on the Council's Agenda on September 11, 2018 and was again deferred.
5. On October 30, 2018, the application was again before the Council as old business, at which time a motion was approved to amend Condition "B" of the Commission's recommendation to include that the buffer on the north side be extended up to 25 feet to accommodate existing vegetation and trees. The application was subsequently approved by a vote of 3 in favor and 2 opposed.
6. Exhibit "A" is a Google imagery photo dated June 13, 2018 of the north boundary of the property showing existing trees along the fence line of the northern boundary of the site and a second group of trees south of the fence line, closer to the then existing residence.
7. Exhibit "B" is another photo of the trees taken in approximately 2018.
8. Exhibit "C" was prepared by Davis, Bowen and Friedel P.E. showing the row of trees along the north property line that were preserved, the second row of trees located approximately 50 feet from the north property line that were removed and a note that the buffer would have needed to be approximately 60 feet to include the second row of trees.
9. Exhibit "D" is a photo recently taken showing the preserved trees along the north property line.
10. Exhibit "E" is a copy of the northern boundary of the Preliminary Site Plan submitted to the Planning and Zoning office on April 12, 2019 showing storm water facilities, parking spaces and duplex units 1 and 2 to be located where the second row of trees were located.
11. Exhibit "F" are the Commission Minutes of its meeting of April 25, 2019 indicating that the Preliminary Plan was in compliance with the Sussex County Zoning Code and that the Preliminary Plan was unanimously approved by the Commission.



Page 3  
July 6, 2021

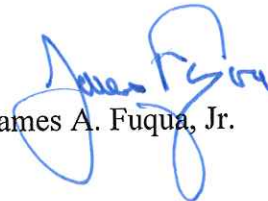
Based on the above, it is my conclusion that "Condition "B" of the Council's approval of CU # 2130 required a 25 foot buffer to preserve existing trees, that Evergreene provided the required buffer and preserved the trees along the site's northern boundary, that the second group of trees were not located in the buffer area and therefore could be removed as part of the site development.

After your review, if you agree with my conclusion, I would request a letter from your office confirming that Evergreene is not now nor at anytime in the past been in violation of condition of approval "B" of CU# 2130. I would also request that copies of your letter be placed in the file/record of CU # 2130 and CU# 2259 and that Members of the Commission and County Council be advised of your determination.

If there is additional documentation or information of which I am unaware, I would appreciate you providing it to me at your earliest opportunity.

Thank you for your attention to this matter.

Respectfully



James A. Fuqua, Jr.

JAF/jel  
Cc: Evergreene Companies, LLC

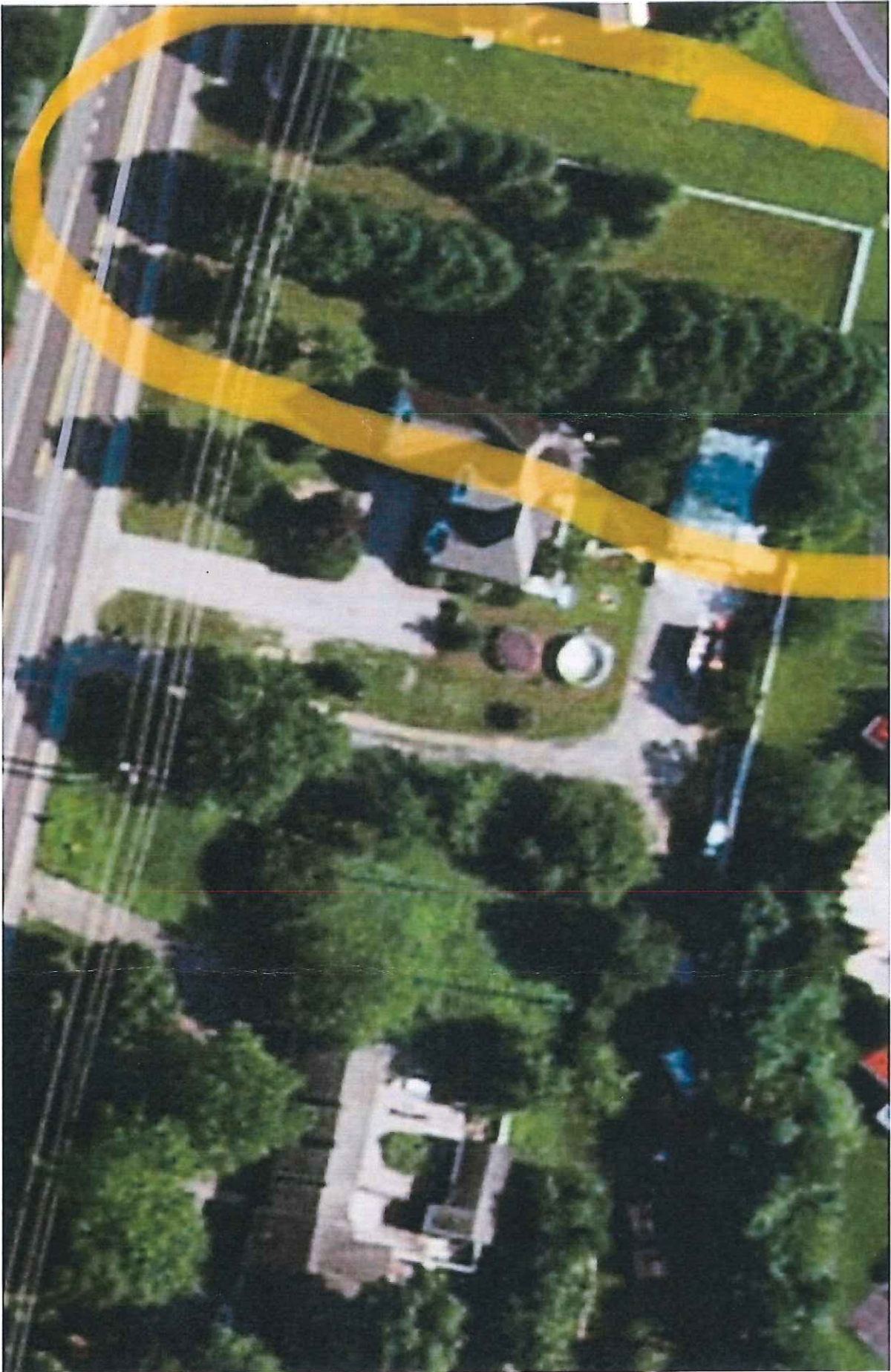


© 2021 Google

Google

Imagery Date: 6/13/2018 38°33'25.71" N 75°04'59.40" W elev 11 ft



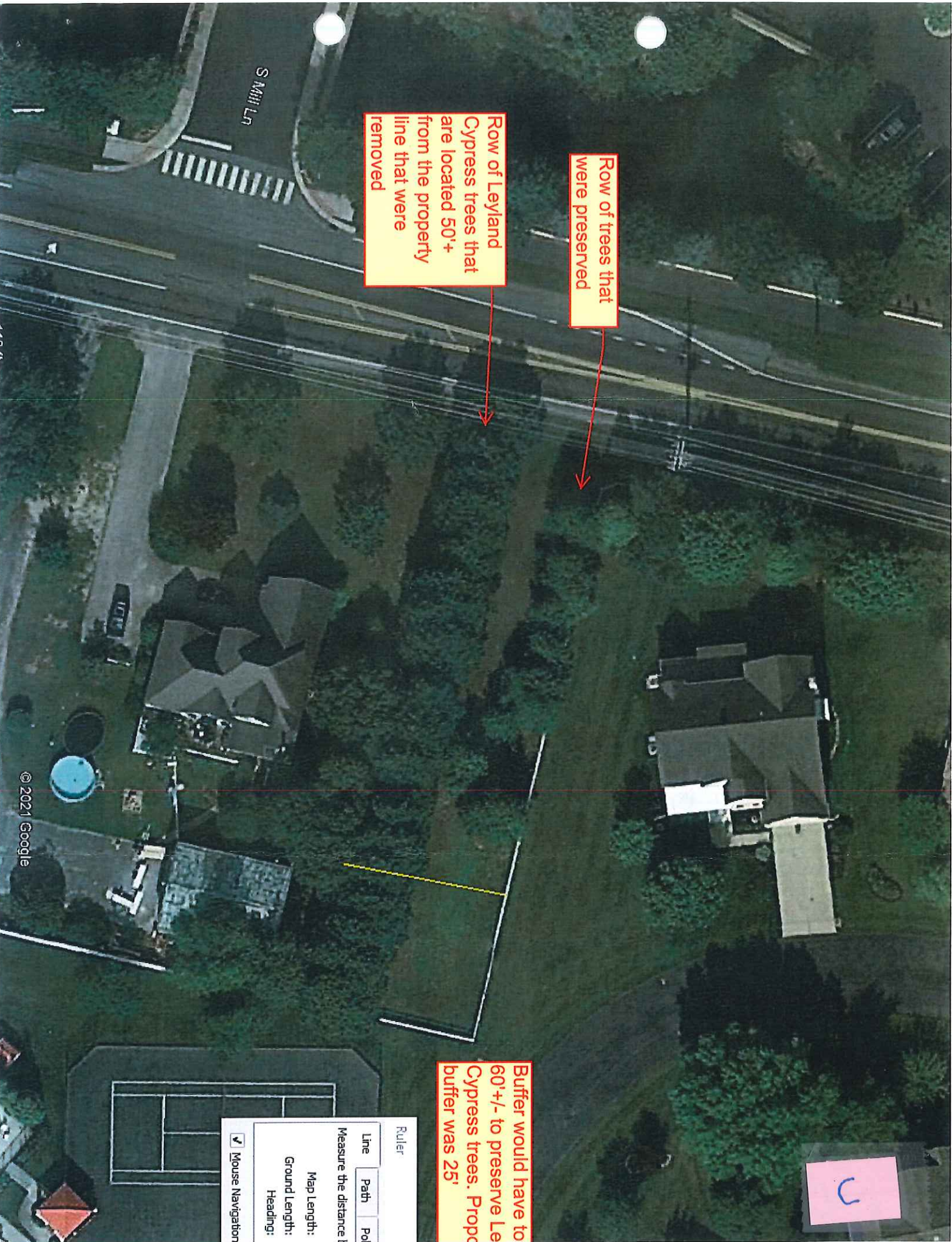


Sgo,

*Chlorine*

B





Row of trees that were preserved

Row of Leyland Cypress trees that are located 50'+ from the property line that were removed

Buffer would have to be 60' +/- to preserve Leyland Cypress trees. Proposed buffer was 25'

Ruler

Line

Path

Pol

Measure the distance t

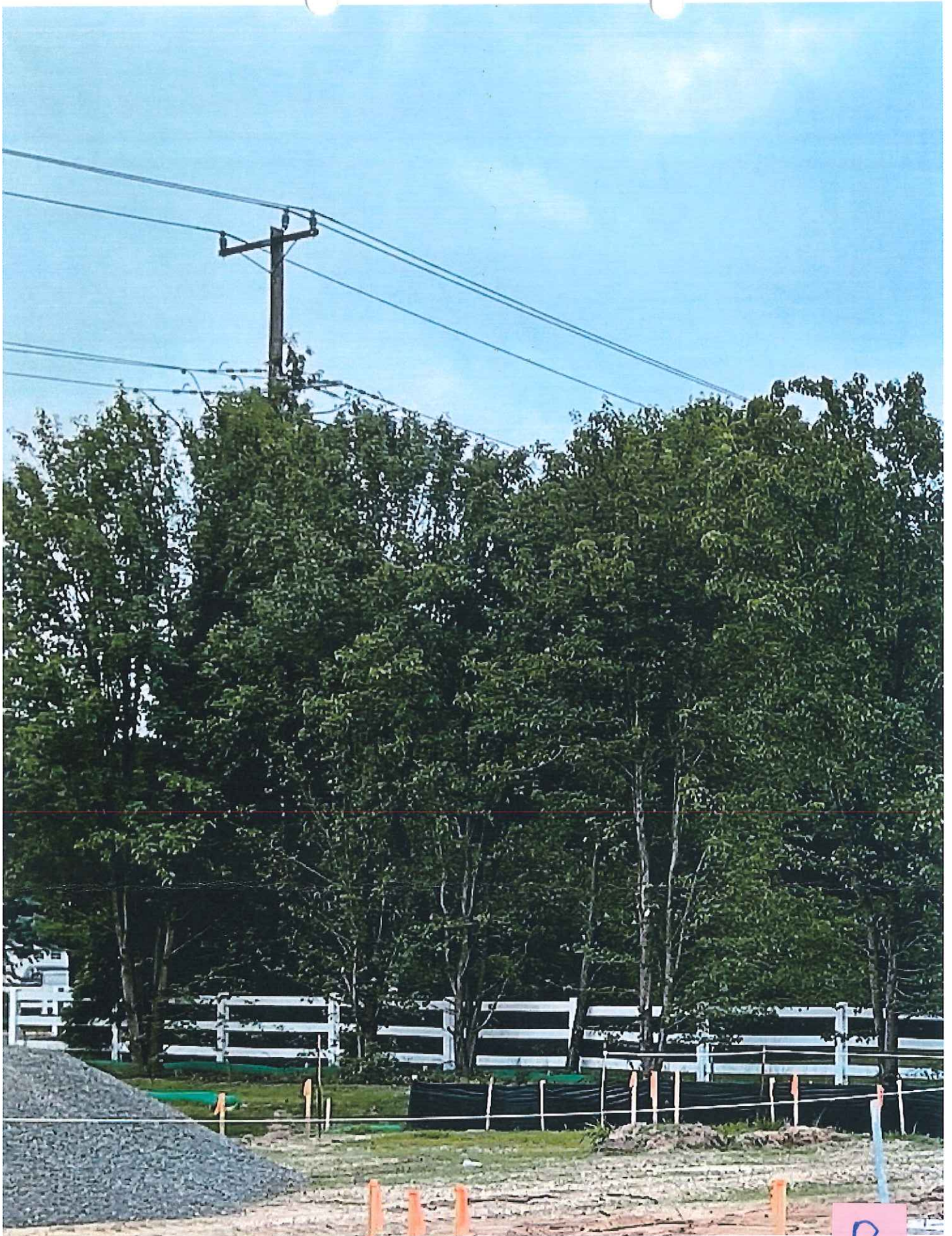
Map length:

Ground length:

Heading:

Mouse Navigation



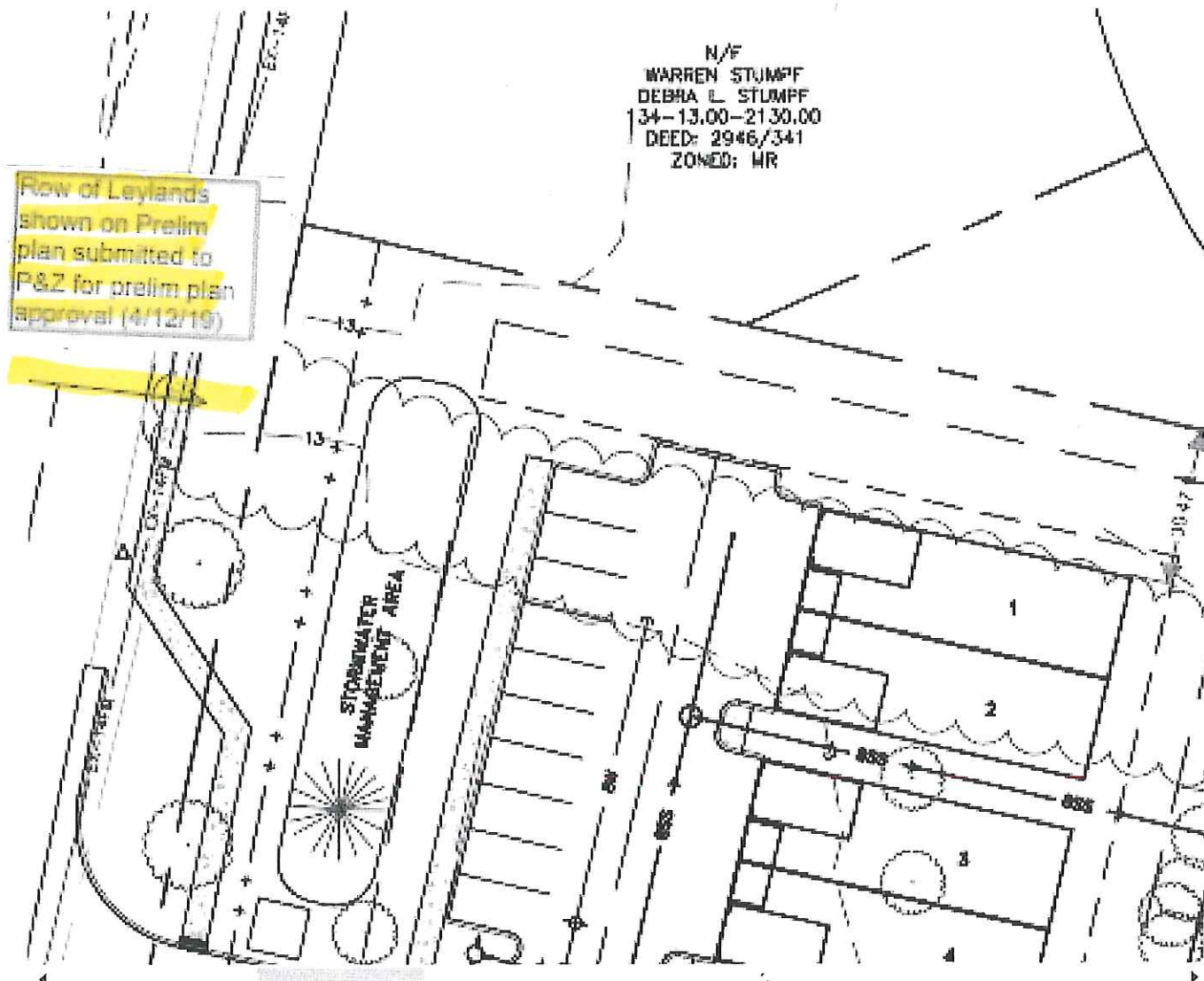


D





## Coastal Corner - Bethany Lakes Tree Buffer.pdf





**S-19-12 Fred Hudson Properties (CU 2130)**

**Preliminary Site Plan**

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for 16 duplex units, parking, and a pool with a pool house to be located at the northeast corner of Cedar Neck Road and Fred Hudson Road. Conditional Use 2130 was approved by County Council on October 20, 2018. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcels: 134-13.00-72.00 & 72.01. Zoning: MR (Medium Density Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

**S-19-17 RE-MAX John Ford (CU 2137)**

**Preliminary Site Plan**

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for the establishment of a real estate office consisting of 1,800 square feet of gross floor area, 9 parking spaces and other site improvements located off Savannah Road (Route 9B). Conditional Use 2137 was approved by the Planning and Zoning Commission on July 26, 2018, for the use of the existing residence as a REMAX realty office. Additionally, Ordinance #2592 was adopted by County Council on July 31, 2018. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code and all conditions of approval. Tax Parcel: 335-12.06-50.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

**S-19-10 Bellisa, LLC (CU 2153)**

**Preliminary Site Plan**

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for an existing dwelling to be used as a 1,560-square foot office with parking improvements located off Airport Road. There are two parking spaces in the front yard setback, one of which is a handicapped space with the remainder of the parking behind the office. Conditional Use 2153 was approved by County Council at its meeting of February 5, 2019. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 334-13.00-181.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 4-1.

Meeting adjourned at 7:41 p.m.

CONDITIONAL USE NO.  
THE EVERGREENE COMPANIES  
PROPOSED CONDITIONS

**FILE COPY**

**Applicant  
Exhibit**

Received 06.24.2021  
@ public hearing.

- a. There shall be no more than 30 units within the Conditional Use Area.
- b. The Applicant shall form a homeowners' or 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. The entrance shall comply with all of DelDot's requirements. 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 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 HOA 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. As proffered by the Applicant, all buildings shall maintain a minimum 10 foot setback from the non-tidal wetland line.
- i. The development shall be served by Sussex County Sewer and Central Water.
- j. As proffered by the Applicant, the Recreational Amenities shall be constructed no later than the issuance of the 15<sup>th</sup> residential building permit. The amenities shall include a pool and deck, bathrooms and a central mailbox facility.
- k. Sidewalks shall be located on the eastern side of the entrance road.
- l. There shall be a landscaped buffer of at least 20 feet along the western boundary of the site. The existing line of Poplar trees along the western boundary shall be retained and incorporated as part of the buffer. There shall be a landscaped buffer of at least 20 feet along the approximate western half of the northern boundary of the property.
- m. Split rail or similar type of fence shall be installed along the property line of the landscape buffers.
- n. Construction, sitework, grading and deliveries shall only occur from Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. A sign stating the construction hours shall be posted at the site entrance during the construction of the development.
- 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.

## **CONDITIONAL USE NO.**

### **THE EVERGREENE COMPANIES**

#### **PROPOSED FINDINGS**

1. The proposed 30 multi-family unit development is appropriate at this location based on existing uses in the area and will not have an adverse impact on neighboring properties or roadways.
2. The site is located, in the "Coastal Area" under the 2019 Sussex County Comprehensive Plan which is one of the designated "Growth Areas". A range of housing types is appropriate in the "Coastal Area" including multi-family residential units.
3. The development will be served by County Sewer and Public Water.
4. Conditional Use Applications have been approved twice in the past for 48 multi-family units on this site. This application is for 30 units.
5. The site is currently zoned MR, Medium Density Residential which permits up to approximately 4 units per acre. This application has a density of approximately 2.5 units per acre.
6. The Conditional Use will allow the development of this property in a way that is consistent with nearby residential communities, and it is consistent with the prior approvals for multi-family units on this parcel.
7. The site design avoids the environmentally sensitive portion of the site which will remain undisturbed. Based on the design of the development, the Office of State Planning Coordination stated that the State has no objections to the development.
8. An appropriate landscaped buffer will be provided along the site boundaries with adjacent properties and the proposed use will not adversely affect roadways, public facilities or adjacent properties.



9. With the Conditions of Approval, the proposed use is appropriate at this location, has no negative impact and is essential and desirable for the general convenience and welfare of current and future residents of Sussex County.

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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
Response to PLUS Review 2020-11-03  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

We have read and reviewed the comments provided during the PLUS Review of the Project on November 18, 2020 and received from the Office of State Planning dated December 18, 2020. We offer the following item-by-item response narrative for your review:

**Strategies for State Policies and Spending**

*This project is located in Investment Levels 2, 3 and 4 according to the 2020 Strategies for State Policies and Spending. Investment Level 2. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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. 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 site plan submitted appears to stay completely out of the Level 4 area on the site. Provided this site plan does not change and continues to preserve the Level 4 areas, the State has no objections to the development of this site. We do ask that the developer consider the environmental comments below to address any environmental concerns that State agencies may have.*

**We recognize that the project is in both Investment Levels 2, 3, and 4. We understand Level 2 & 3 areas are anticipated growth areas. The site has been designed with respect to the environmental features located on the parcel.**

**Code Requirements/Agency Permitting Requirements**



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

- *The site access on Fred Hudson Road (Sussex Road 360) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*

The entrance will be designed in accordance with DelDOT Standards and an entrance plan approval from DelDOT will be obtained.

- *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](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).*

A pre-submittal meeting was conducted with DelDOT on 5/21/21, during which the conceptual design of the entrance was discussed.

- *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.*

We are familiar with the fees required for submittals to DelDOT.

- *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 343 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 26 and 32, respectively. Thus, a TIS is not warranted.*

*One of the purposes of a TIS is to identify needed offsite improvements. Fred Hudson Road presently has 10-foot lanes and 4-foot shoulders which are marked as bicycle lanes. These widths are significantly less than DelDOT's standard widths for collector roads, which are 12-foot lanes and 8-foot shoulders. DelDOT anticipates requiring the developer to extend the widening done for the Bethany Lakes and Salt Pond entrances east through the entrance to the proposed development, transitioning back to the existing width to avoid or minimize the impact on the wetlands at the east end of the property. DelDOT further anticipates that the widening could necessitate the developer's relocating some of the existing Shared Use Path on the south side of the road.*

During the pre-submittal meeting it was discussed to provide 12' lanes and 8' shoulders. The road will be widened to accommodate placing a left-turn lane and right-turn lane.

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fred Hudson Road. By this regulation, this dedication is to provide a minimum of 40 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."*

A 15-foot right-of-way dedication has been shown on the Site plan to provide 40' of right-of-way from the physical centerline of the road.

- *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."*

A 15-foot permanent easement has been shown on the Site plan.

- *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 450 feet of the entrance on Fred Hudson Road.*
  - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

The above items will be provided on the Record/Site plan.

- *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. DelDOT anticipates requiring the developer to build an SUP along their frontage on Fred Hudson Road, connecting it to the SUP in front of Bethany Lakes.*

A shared-use path will be shown along the frontage in place of the sidewalk currently shown.

- *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 Fred Hudson Road.*

Storm water management facilities have been sited 20-feet from the dedicated right-of-way.



- *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>.*

The auxiliary lane worksheet was provided to DelDOT as part of the pre-submittal meeting request.

- *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>.*

The intersection sight distance worksheet and exhibit will be provided as part of the initial Record Plan submittal to DelDOT.

- *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 have been shown on the plans. No utility relocations are anticipated at this time.

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

**Concerns Identified Within the Development Footprint**  
**Special Flood Hazard Area**

According to the newest Flood Insurance Rate Maps (FIRM), the eastern portion of this parcel is located within Special Flood Hazard Area, specifically within the 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE6. The newest plan (2020-11-03) avoids building structures in these floodplain areas. A small portion of this site is also situated within the moderate risk floodplain, or 500-year floodplain (0.2% annual chance of flooding). Several lots appear to be contained within the 500-year floodplain in the southwestern corner of the site (lots 27-30).

- *The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the 100-year 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>

Lots 22-28 and the clubhouse are located within the 100-year floodplain (zone AE6). Lots 29-30 are within the 500-year floodplain. We will comply with all ordinance and regulations related to construction within the floodplain.

### ***Stormwater Management***

*This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.*

- *A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. The plan review agency is the Sussex Conservation District.*

**A Sediment and Stormwater Management plan will be submitted to the Sussex Conservation District as part of the plan approval process.**

- *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.*

**An NOI will be filed with DNREC for this project.**

- *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.*

**A pre-application meeting was held with SCD on October 1, 2020, to review the site conditions and stormwater management approach for the site.**

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

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

**We will work with SCD to develop a plan that meets their requirements.**

### ***Water Quality (Pollution Control Strategies)***

*Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.*



- *This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects in this area.*

**We will utilize best management practices to meet SCD water quality standards.**

### ***Hydrologic Soils Group***

*The western side of the site consists of well-drained soils (Hydrologic Soil Group A), where much of the building will be consolidated. However, a large portion of the site contains soils that are very poorly drained (Hydrologic Soil Group C/D). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*

- *Any stormwater Best Management Practices that propose the use of 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](mailto:DNREC.Stormwater@delaware.gov).*

*Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**Infiltration practices will not be utilized on this site within the C/D soils.**

### ***Vegetated Buffer Zones***

*Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.*

- *The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.*

**A plan will be developed that complies with the county code.**

### **Concerns Identified Outside of the Development Footprint**

#### ***Natural Areas***

*The forested area that currently exists on the site is connected to a much larger contiguous forest complex extending into land designated as a Natural Area (Fresh Pond Tract of Delaware Seashore State Park). Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.*

- *Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.*

The site plan has been developed to consolidate the development to the western side of the site and minimize disturbance to the existing woodlands. The site contains 9.72 acres of woods and proposes 2.692 acres of trees to be removed. A portion of this (0.096 acres) will become part of the right-of-way for Fred Hudson Road and will remain as woods.

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

- *The Delaware SHPO does not recommend developing in Level 4 areas. Prehistoric archaeological potential is low. Soils are mostly poorly drained muck, and the area is too far away from historic freshwater sources.*

None of the proposed development is in the Level 4 area.

- *Historic archaeological potential is low to moderate. It appears to be in the Cedar Neck area, without buildings present. There may be associated remains with the building that appears on the 1938 topographic maps, though it looks like it may have been demoed/replaced/added to between 1968 and 1992.*

Acknowledged.

**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:***

- *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 minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

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



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

***Required Notes:***

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *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 thank the fire marshal for providing the above information. We will work with the fire marshal's office to develop a plan that meets all their requirements for plan approval.**

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

*The applicant is required to participate in a pre-application meeting with Planning and Zoning staff. Please contact the Department of Planning and Zoning at (302)855-7878 or reach out to Lauren DeVore at [lauren.devore@sussexcountysde.gov](mailto:lauren.devore@sussexcountysde.gov) to schedule a pre-application meeting. Following submission to the County, staff would undertake review of the Preliminary Site Plan, where more detailed comments would be provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.*

- *Please note that a Service Level Evaluation Request Form must be completed, and the proposal must be approved by DelDOT prior to submission of any formal application to the County.*

**An SFR Response was received from DelDOT on October 8, 2020. The response stated that DelDOT does not recommend a TIS for this project.**

- *The proposed density of 2.5 dwelling units per acre complies with Code requirements for the MR Zoning District which allows for up to 4 DU/AC.*

**Acknowledged.**

- *The property is located within two Flood Zones, the 0.2 percent annual chance flood hazard and the AE Flood Zone.*

**Acknowledged.**

- *Since the development lies within the Coastal Area, an environmental assessment (EA) and public facility evaluation report would have to be submitted with the preliminary plans (§115- 194.3(B)(2)).*

**These reports are included with this submission.**

- *The proposed plan includes 8.99 acres (out of a total of 11.96 acres) of open space (or 75%.) 75% open space is desirable and meets the minimum standard of 10% open space*

*and meets the standard of 10% open space required for a density of 2-5 DU/AC per §99-21(D) under §99-21(D) "Public sites and open spaces."*

**Acknowledged.**

- *It is noted that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission generally desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.*

**Due to existing site constraints, it is impractical to provide an additional access without impacting the wetlands or the stormwater management pond for Bethany Lakes.**

- *Please clarify if any additional amenities will be provided for the community along with the proposed pool.*

**A pool and pool house with bathrooms are the proposed amenities.**

- *Staff also encourage coordination with the local school district regarding the provision of a school bus pad or stop.*

**We have contacted the Indian River School District Transportation Supervisor and are coordinating the bus stop location along Fred Hudson Road.**

- *Please also confirm whether mail will be centralized or not. Please note that these are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of the formal application process.*

**A mailbox center will be located next to the clubhouse.**

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- *The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District, Cedar Neck area and connection to the sewer system is mandatory. A "Use of Existing Infrastructure Agreement" is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works Division will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served. The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.*



A Sewer System Concept Evaluation was completed by Sussex County Engineering on 7/1/2020

### **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 Fred Hudson Road.*

No substations or wastewater facilities are proposed with this project.

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

Acknowledged.

- *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/>.*

Acknowledged.

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

##### **Concerns Identified Within the Development Footprint**

##### **Sea Level Rise**

*By 2050, mean 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 low-lying land, higher tide levels caused by sea level rise will result in increasing frequency and severity of tidal flooding. Much of this site is vulnerable to permanent inundation as a result of sea level rise.*

- *All proposed structures and lots are outside of the 6-foot inundation level for future sea level rise.*
- *For additional assistance or questions, please contact the DNREC Climate and Sustainability Section at (302) 735-3480.*

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/>

The houses will be built on timber pile foundations therefore the finished floor elevations

will be several feet above flood elevation.

### ***Stormwater Management***

- *Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.*

The stormwater management plan will incorporate best management practices and green technologies where possible.

- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

No buildings are proposed within the wetlands. A sewer and water connection are proposed through the wetlands, for which a wetlands permit will be obtained. Existing trees are being preserved as much as possible.

### ***General Drainage Recommendations***

- *All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.*

No ditches are proposed to be cleaned as part of this project. If it is necessary to clean the ditches to ensure positive drainage the appropriate authorities will be notified and permits obtained.

- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*

No upstream areas are draining through this site. The project will be evaluated to ensure no adverse impact is created to downstream conveyances.

- *Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.*

Acknowledged.

- *Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.*

Acknowledged.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>



### **Wetlands**

*Statewide Wetlands Mapping Project maps indicate the presence of freshwater forested wetlands on the site (labeled as 404 wetlands on the preliminary plan set). In general, the proposed plan avoids wetland areas. According to the application, a wetland delineation has been completed, and wetlands will be disturbed, with limited grading and a sewer pipe connection (<0.1 acre).*

- *DNREC Reviewers acknowledge that wetlands are proposed to be avoided.*
- *For wetland permitting assistance, schedule a meeting through the DNREC Joint Permit Processing (JPP), which are held on the 3<sup>rd</sup> Thursday of every month.*
- *Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones.*

*Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.*

*Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

**A wetlands delineation has been performed by Ed Launay of Environmental Resources, Inc. A Jurisdictional Determination Report has been completed and filed.**

### **Vegetated Buffer Zones**

*Some lots show a vegetated buffer zone of less than 25 feet from the wetland (lots 23, 24, 26, 27), as well as the vegetated buffer zone from the stormwater pond to the wetland. Incorporate a 100-foot vegetated buffer zone from the edge of all wetlands to protect water quality.*

- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*
- *In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

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

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

A 100-foot vegetated buffer zone is not practical for this site and would severely limit the buildable area.

### ***Delaware Ecological Network***

*The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality.*

*DNREC Reviewers acknowledge that the proposed project preserves the forested lands within the Delaware Ecological Network.*

- *For further questions about lands within the Delaware Ecological Network, please contact the DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

We thank DNREC for the above information.

### ***State Rare, Threatened, or Endangered Species***

*The Brown-headed Nuthatch (Sitta pusilla), a bird listed as a State of Delaware rare, threatened, or endangered species, has been documented within the project area. It is listed under State Rank S2 and SGCN Tier 2. Please visit the following website for definitions on the specified State Rank, State Status, and Global Ranking:*

*<http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.*

- *To minimize negative impacts to these species, natural habitats should be conserved to the maximum extent practicable.*
- *In general, it is normally recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts on breeding birds. To reduce impacts to nesting Brown-headed Nuthatches, it is recommended that tree clearing not occur from March 1<sup>st</sup> to June 1<sup>st</sup>.*

*Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.*

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

We thank DNREC for the above information and will attempt to limit tree-clearing during the dates mentioned above.

### ***Mosquitoes***

*The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetlands.*

- *Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's*



*Mosquito Control Section, or by a private company licensed in this area of specialty.*

*Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website:*  
<https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

**We thank DNREC for the above information.**

### ***Additional Sustainable Practices***

- *Incorporate bicycle path or walkway into the site plans, and tie into existing bicycle paths and walkways.*

**A shared-use path is proposed along the frontage and a sidewalk is proposed within the development.**

- *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.*  
**Acknowledged.**
- *For energy needs within common facilities (tennis court, pool), consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and 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](http://www.de.gov/greenenergy), [www.de.gov/eeif](http://www.de.gov/eeif).*  
**Acknowledged.**
- *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.*  
**Acknowledged.**
- *Trees plantings are indicated on the preliminary site plans. DNREC reviewers recommend planting open space with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*  
**Acknowledged.**

### **Concerns Identified Outside of the Development Footprint**

- *The developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*

Contact: DNREC Planning Preservation and Development Section at (302) 739-9235.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

**We thank DNREC for the information and will consider making a dedication.**

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- *Due to the proximity of inundation regions in accordance with the 2017 Delaware Coastal Inundation map, DEMA is not recommending the build/construction of this project without any major mitigation strategy geared towards inundation resiliency. As shown in the map below, the location (described via address and the description of being “along Fred Hudson Road”) would fall within both a 7ft and 3ft Coastal Inundation zones. As a brief explanation, if the water levels rise by 3 feet, the green section will be underwater. At 7 ft, those sections in purple will be under water. Further, FEMA FIRM Maps indicate the location and that region are located in a high-risk area with an AE designation (AE 6 and AE 7). FEMA’s AE designations describe flood zones that present a 1% annual chance of flooding (100-year flood plain) and a 26% chance of flooding over the life of a 30-year mortgage and therefore would require mandatory flood insurance. As such, construction would require the elevation of the lowest floor to be at or above the zone’s base flood elevation (BFE). It should be noted that enclosed areas.*





*below the BFE cannot be used as living spaces and all electrical, plumbing and HVAC equipment must be elevated to or above the area's BFE.*

*The residential units in this development are proposed to be placed on pilings with the first finished floor well above the base flood elevation. This will help mitigate impacts of sea-level rise.*

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

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

from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

We thank the Delaware State Fire Marshall's Office for providing the above information.

**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.sussexcountype.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountype.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.*

The developer has been made aware of Sussex County's "Affordable Housing Support Policy" and will contact the Community Development & Housing Department if they wish to pursue those opportunities.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate



*P:\Evergreen Companies\Inland Bays Community\Documents\P&Z\Booklets\X-3 IBAYS\_PLUS-Response.docx*

Cc: Constance C. Holland, AICP, Office of State Planning  
Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.



# INLAND BAYS COMMUNITY

## PLANNED RESIDENTIAL COMMUNITY

Sussex County, Delaware

1998D002

JUNE 2021

REVISED AUGUST 2021





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- G. Color Rendering on Aerial Photograph

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- 1. Maps
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  - b. FEMA Firmette
  - c. 2020 State Strategies
  - d. Sussex County Future Land Use Map
  - e. Sussex County Zoning Map
  - f. 1992 Aerial Photo
  - g. 2017 Aerial Photo
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  - i. Sourcewater Protection Area Map
  - j. NRCS Soil Survey
- 2. Beer's Atlas – Baltimore Hundred
- 3. Preliminary Land Use Services (PLUS) Response
- 4. Environmental Assessment and Public Facility Evaluation Report
- 5. Chapter 89 Source Water Protection Response Letter
- 6. Sussex County Technical Advisory Committee Comment Response
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- 8. Sussex County Engineering – Sewer System Concept Evaluation
- 9. Sussex Conservation District Extension Approval

10. DelDOT Approval Expired 4/13/2019

11. DelDOT SFR Response

12. Sussex Shores Ability to Serve Letter



A

## Presentation Outline

### A. Land Use & Zoning

1. The community name, Inland Bays, has been approved by Sussex County 911.
2. The property is located on Fred Hudson Road (SCR 360) approximately 1,300' from the intersection with Cedar Neck Road (SCR 357). The property is bounded on the north and west by the Bethany Lakes Subdivision and on the east by lands of the State of Delaware.
3. The Owner of the parcel is CRFE Holdings I, LLC
4. The property is currently zoned MR (Medium-Density Residential) in Sussex County.
5. The proposed community will be governed by a condominium association and by-laws
6. The property is in Investment Level Areas 2, 3, & 4 of the 2020 State Strategies Map. No development is proposed in the Level 4 area.
7. The property is also located within the Coastal Area.

### B. Land Utilization

1. The total acreage of the project is 11.96 acres of land and 11.73 acres after proposed right-of-way dedication.
2. The proposed community is designed as a Residential Condominium Community in accordance with Chapter 115 of the Sussex County Code.
3. The maximum number of units proposed is 30 single family units or 2.6 units per acre based on acreage after dedication.
4. The proposed community will have a single entrance on Fred Hudson Road.
5. The proposed community is subject to a 10' building setback from the rear and side property lines. A 20' landscape buffer will be provided along the western and



rear boundary line up to a point where the utilities are proposed along the rear property line.

6. The proposed community consists of active and passive open space.
  - a. The active open space area consists of a pool, bath house and shared-use path.
  - b. The passive open space area consists of stormwater management, buffers and other open areas.
7. The project was presented to P.L.U.S. on November 11, 2020 and comments were received from the Office of State Planning on December 18, 2020. A copy of our response can be found in Exhibit 3.

#### C. Environmental

1. The property does contain wetlands.
2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.
3. The proposed community is not located within an Excellent Groundwater Recharge Area.
4. The existing property is located within the Inland Bays/Indian River Bay Watershed. The Watershed has an established Total Maximum Daily Load (TMDL) and Pollution Control Strategy (PCS). The project through meeting the Stormwater Regulations adopted in 2019 will reduce nitrogen, phosphorus and bacteria from the proposed development.

#### D. Traffic

1. A Support Facilities Report was completed for this project. DelDOT found that the proposed communities traffic impact to be negligible and does not warrant a Traffic Impact Study.
2. Improvements at the site entrance along Fred Hudson Road will consist of a right-turn/deceleration lane with a 5' bike lane and a left-turn lane. In addition, a shared-use path will be constructed along the project frontage in the vicinity of the entrance.

## E. Civil Engineering

1. The internal roads will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
3. Drinking and fire protection water will be provided by Sussex Shores Water Company.
4. Sanitary sewer transmission and treatment will be provided by Sussex County Council.
5. The stormwater management system will meet all State, County and Conservation District requirements through combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by Millville Volunteer Fire Company, Station 84.
7. Electricity will be provided by Delmarva Power.
8. The parcels are located in the Indian River School District.

## County Code Compliance

1. Preliminary Land Use Service Response Letter
2. Chapter 89 Source Water Protection Response Letter
3. Chapter 115 Environmental Assessment and Public Facilities Evaluation Report

**B**



Inland Bays  
Data Sheet

**Owner:** CFRE Holdings I LLC  
**Developer:** The Evergreene Companies, LLC.  
**Engineer:** Davis, Bowen & Friedel, Inc.  
**Legal Services:** Fuqua, Willard, Stevens & Schab, P.A

**Project Description**

Physical Location: 31452 LB Lane, Bethany Beach, DE 19930  
North side of Fred Hudson Road, approximately 1,300' from the intersection with Cedar Neck Road

Tax Parcel #: 1-34-13.00-72.02

Acreage: 11.96 +/- Acres

Current Zoning: MR (Medium-Density Residential)

Proposed Zoning: MR (Medium-Density Residential) – Conditional Use

Single Family Units: 30

<b><u>Land Use</u></b>	<b><u>Acreage (+/- Acres)</u></b>
Land to be dedicated to DelDOT	0.23
Impervious	2.18 (19%)
Roads / Sidewalks / Parking	1.04
Buildings	1.08
Pool and Pool House	0.06
Total Open Space	9.74
Active Open Space	0.80
Passive Open Space	8.94

**Net Site Area:** 11.73

**Minimum Zoning Requirements**

Minimum Lot Area: 3,630 SF

Minimum Lot Width: 16 FT

Front Yard Setback: 40 FT

Side Yard Setback: 10 FT

Rear Yard Setback: 10 FT

Maximum Building Height: 42 FT

**Proposed Zoning Requirements**

Minimum Lot Area: N/A

Average Lot Area: N/A

Maximum Lot Area: N/A

Minimum Lot Width: N/A

Front Yard Setback: 40 FT

Side Yard Setback: 10 FT

Rear Yard Setback: 10 FT

Maximum Building Height: 42 FT

C

# INLAND BAYS COMMUNITY

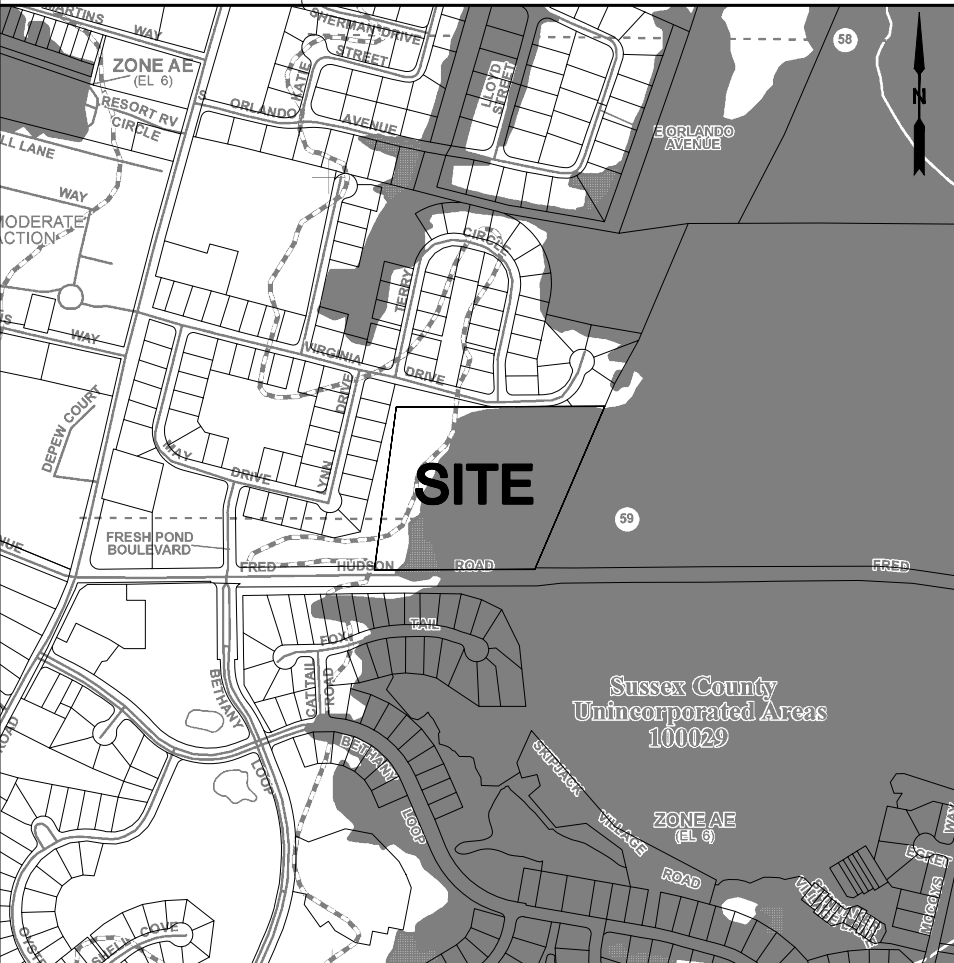
## BALTIMORE HUNDRED

## SUSSEX COUNTY, DELAWARE

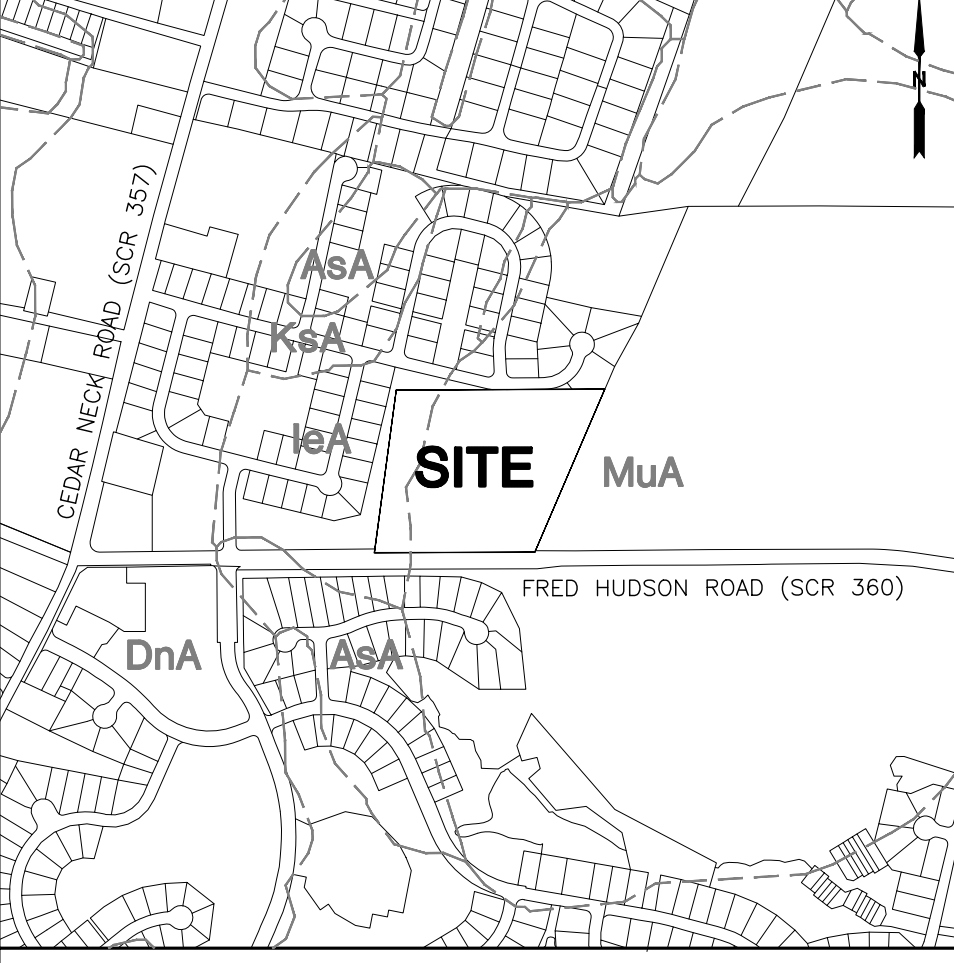
DBF # 1998D002  
PRELIMINARY SITE PLAN  
DECEMBER, 2020



LOCATION MAP SCALE: 1"=800'



FLOOD MAP SCALE: 1"=800'  
FEMA PANEL 10005C0512K, DATED MARCH 16, 2015

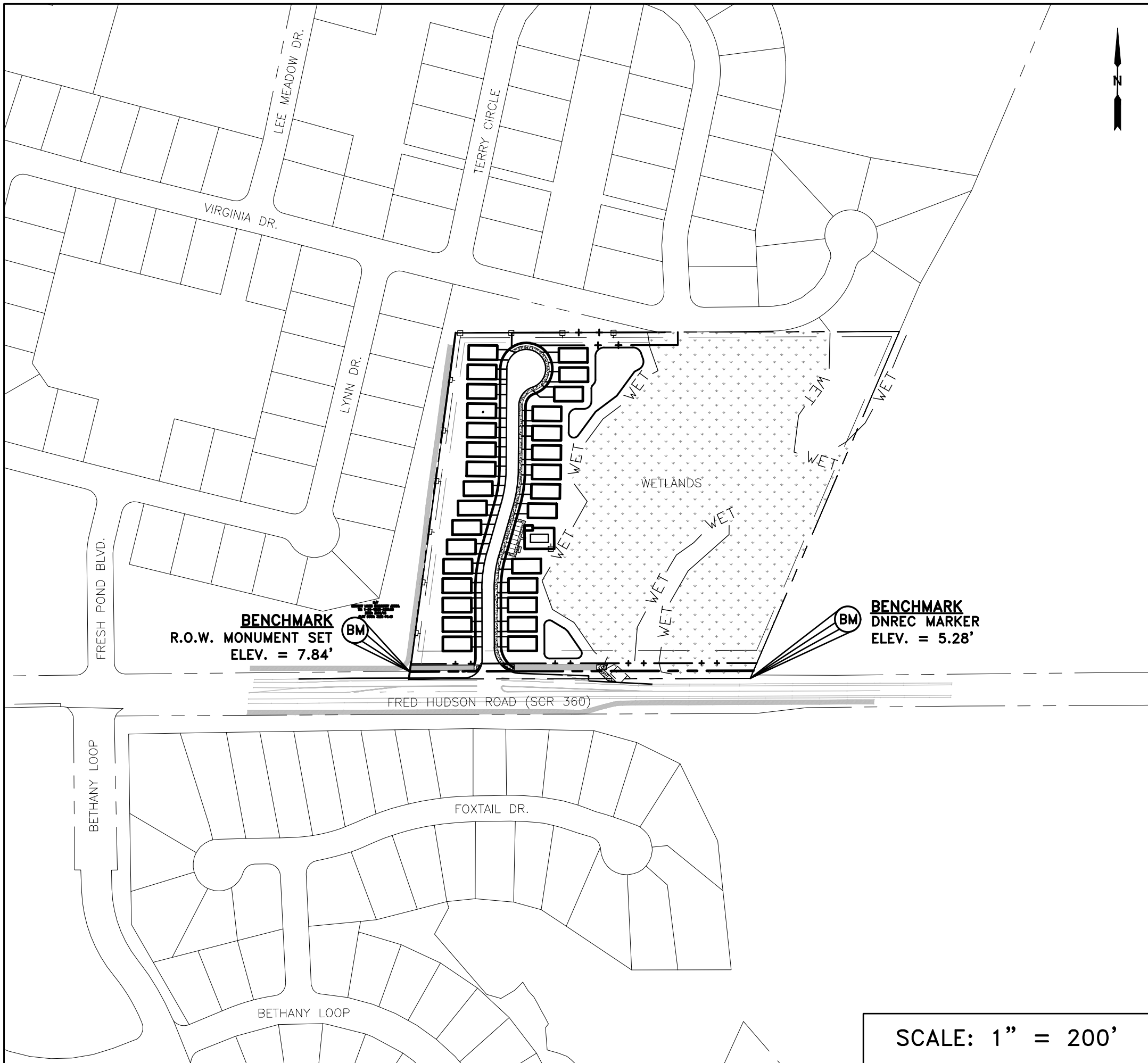


SOILS MAP SCALE: 1"=800'

AsA: ASKECKSY LOAMY SAND; 0 TO 2 PERCENT SLOPES (B/D)  
DnA: DOWNER LOAMY SAND; 0 TO 2 PERCENT SLOPES (B)  
IeA: INGLESIDE LOAMY SAND; 0 TO 2 PERCENT SLOPES (B)  
KsA: KLEJ LOAMY SAND; 0 TO 2 PERCENT SLOPES (C)  
MuA: MULLICA-BERRYLAND COMPLEX; 0 TO 2 PERCENT SLOPES (B/D)

### DATA COLUMN

TAX MAP ID:	134-13.00-72.02
DEED REFERENCE:	D/4994/347
DATUM:	NAVD 88
VERTICAL:	NAD 83 (DE STATE PLANE)
HORIZONTAL:	
LAND USE	
EXISTING:	WOODED/WETLANDS
PROPOSED:	30 SINGLE FAMILY HOMES
ZONING	
EXISTING:	MR MEDIUM DENSITY RESIDENTIAL
UNITS	
SINGLE FAMILY HOMES:	30
TYPICAL SIZE:	28' X 56' (1,568 S.F.)
DENSITY	
MAXIMUM:	4.00 UNITS/ACRE
PROPOSED:	2.56 UNITS/ACRE
BUILDING SETBACKS	
FRONT SETBACK:	40 FT.
SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
MAXIMUM REQUIREMENTS	
BUILDING HEIGHT:	42 FT. (2 STORIES)
AREAS	
EXISTING SITE:	
SITE AREA:	11.962 AC.
WETLANDS (INCLUDED IN SITE AREA):	6.124 AC.
RIGHT OF WAY DEDICATION:	-0.231 AC.
TOTAL SITE AREA:	11.731 AC.
IMPERVIOUS AREAS	
ROAD AND CURB:	0.540 AC.
SIDEWALK:	0.095 AC.
BUILDINGS:	1.080 AC.
DRIVEWAYS:	0.300 AC.
POOL AND POOL HOUSE:	0.056 AC.
PARKING:	0.029 AC.
SHARED-USE PATH:	0.082 AC.
TOTAL:	2.182 AC. (19%)
WOODLANDS:	
EXISTING:	9.723 AC.
TO BE REMOVED:	2.692 AC. (INCLUDES WOODS IN R/W DEDICATION)
TOTAL REMAINING:	7.031 AC.
OPEN SPACE:	
SNW:	0.318 AC.
WOODS & WETLANDS:	7.031 AC.
LANDSCAPE BUFFER:	0.464 AC.
POOL AND POOL HOUSE:	0.056 AC.
OTHER OPEN AREAS:	1.872 AC.
TOTAL:	9.742 AC. (83%)
UTILITIES	
SEWER PROVIDER:	SUSSEX COUNTY (CEDAR NECK EXPANSION SSD)
WATER PROVIDER:	PUBLIC (SUSSEX SHORES)
PROPOSED BUILDING CONSTRUCTION:	WOOD FRAMED/TIMBER PILE FOUNDATIONS
WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.	
FLOODPLAIN - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0512K, DATED MARCH 16, 2015.	
STATE STRATEGIES MAP: INVESTMENT LEVELS 2, 3, AND 4	
THIS PROPERTY IS NOT LOCATED IN A TRANSPORTATION IMPROVEMENT DISTRICT (TID).	
THIS PROPERTY IS LOCATED 1,300'± TO THE EAST OF THE INTERSECTION OF CEDAR NECK ROAD (SCR 357) AND FRED HUDSON ROAD (SCR 360).	
FRED HUDSON ROAD POSTED SPEED LIMIT:	40 M.P.H.
DEVELOPER	
THE EVERGREEN COMPANIES	
C/O TIM NAUGHTON	
35176 COASTAL HIGHWAY, UNIT 3	
BETHANY BEACH, DELAWARE 19930	
PHONE: 701-667-7878	
PROPERTY OWNER	
CFRE HOLDINGS I, LLC	
6 TRELIS PATH	
DOYLESTOWN, PA 18901	
ENGINEER:	
DAVIS, BOWEN, & FRIEDEL, INC.	
CLIFTON D. MUMFORD, P.E.	
1 PARK AVE.	
MILFORD, DE 19963	
PHONE: 302-424-1441	
FAX: 302-424-0430	



SHEET INDEX	
TITLE SHEET	PRE-01
PRELIMINARY SITE PLAN	PRE-02

### GENERAL NOTES:

- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- INTERNAL STREETS CONSTRUCTED WITHIN THE DEVELOPMENT ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR MULTI-MODAL PATH.
- ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE WOOD FRAMED AND TIMBER PILE FOUNDATIONS.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- BOUNDARY AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN ARE THE RESULT OF A FIELD RUN SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. (DBF) IN SEPTEMBER 2015. ADDITIONAL SURVEY WAS COMPLETED IN MAY 2020.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA OR AN EXCELLENT RECHARGE AREA.

### LEGEND

EXISTING	PROPOSED
BOUNDARY LINE	BOUNDARY LINE
ADJACENT PROPERTY OWNER	EASEMENT
EASEMENT	BUFFER
CONTOUR	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
CATCH BASIN, STORM PIPE	WATER MAIN, TEE W/ VALVES, PIPE SIZE
SANITARY SEWER MANHOLE, PIPE	FIRE HYDRANT ASSEMBLY
WATER MAIN	TREE LINE
FIRE HYDRANT ASSEMBLY	PAVEMENT
UTILITY POLE	SIDEWALK
SIGN	FENCE
FENCE	
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	

### ENGINEER'S STATEMENT

I, CLIFTON D. MUMFORD, P.E., HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC.  
by CLIFTON D. MUMFORD, P.E.

DATE

### OWNER'S CERTIFICATION

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

CFRE HOLDINGS I, LLC  
6 TRELIS PATH  
DOYLESTOWN, PA 18901

DATE



DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441  
EASTON, MARYLAND (410) 770-4744

PRE-01



P:\Evergreen Companies\Inland Bays Community\Design\_Preliminary\1998D002 - SITE PLAN.dwg Jun 11, 2021 - 10:15am BART



**INLAND BAYS COMMUNITY  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE**

**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS ENGINEERS SURVEYORS  
SUSSEX COUNTY, DELAWARE  
BALTIMORE, DELAWARE  
EASTON, MARYLAND  
(410) 443-2891  
(302) 421-1441  
(410) 770-4744

PRELIMINARY SITE PLAN

Revisions:  
2021-06-07: SITE PLAN  
UPDATED

Date: JUNE, 2021  
Scale: 1" = 40'  
Dwn.By: TCB  
Proj.No.: 1998D002  
Dwg.No.:

**PRE-02**

D

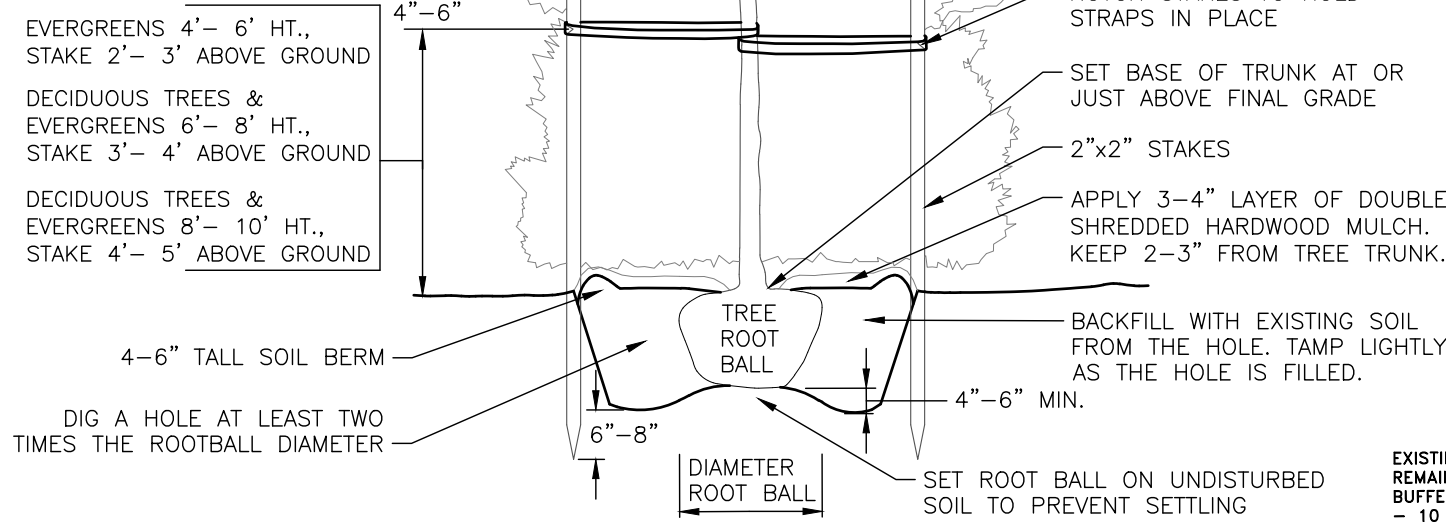




E

P:\Evergreen Companies\Inland Bays Community\Design\ Preliminary\1998D002 - LANDSCAPE PLAN.dwg, Jul 30, 2021 - 11:38am munc

NOTE:  
- WATER DEEPLY ONCE A WEEK DURING THE FIRST TWO SUMMERS. APPLY A MINIMUM OF 5-10 GALLONS OF WATER EACH WEEK.  
- CAREFULLY REMOVE CONTAINERS, WRAPPINGS, WIRES AND TIES FROM ROOT BALL BEFORE PLANTING.  
- LOOSEN OUTSIDE ROOTS, AND UNWRAP ANY CIRCLING ROOTS  
- SECURE STAKES WITH WIDE FLEXIBLE MATERIAL SUCH AS WEBBING STRAPS OR CHAINLOCK TIES. ALLOW FOR TREE MOVEMENT.



**TREE PLANTING DETAIL**  
NO SCALE

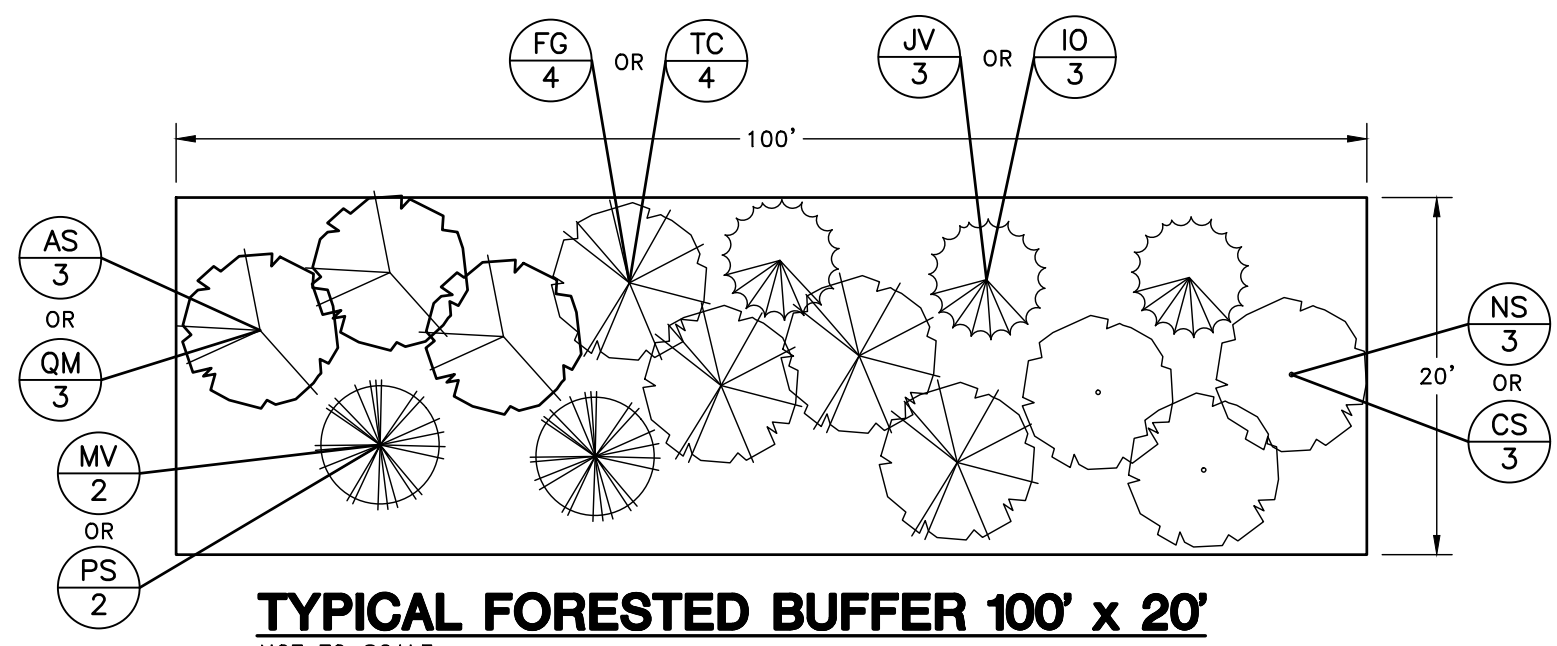
LANDSCAPE PLANT SCHEDULE					
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
DECIDUOUS TREE					
AS	Q	Acer saccharum, Green Mountain	SUGAR MAPLE	1 3/4 - 2" Cal., B&B	11
QM		Quercus phellos	WILLOW OAK	1 3/4 - 2" Cal., B&B	9
FG		Fagus grandifolia	AMERICAN BEECH	1 3/4 - 2" Cal., B&B	10
TC		Tilia cordata	LITTLELEAF LINDEN	1 3/4 - 2" Cal., B&B	8
NS		Nyssa sylvatica	BLACK TUPELO	1 3/4 - 2" Cal., B&B	9
CS		Carya ovata	SHAGBARK HICKORY	1 3/4 - 2" Cal., B&B	9
EVERGREEN TREE					
MV	PS	Magnolia virginiana	SWEETBAY MAGNOLIA	5'6" HT., B&B	6
PS		Pinus strobus	EASTERN WHITE PINE	5'6" HT., B&B	4
JV		Juniperus virginiana	EASTERN RED CEDAR	5'6" HT., B&B	9
IO		Ilex opaca	AMERICAN HOLLY	5'6" HT., B&B	4

1 EXISTING POPLAR TO REMAIN FOR FORESTED BUFFER

EXISTING TREES TO REMAIN FOR FORESTED BUFFER  
- 2 LAYLAND CYPRESS  
- 1 POPLAR  
- 1 CHERRY

BENCHMARK  
R.O.W. MONUMENT SET  
ELEV. = 7.64'

BENCHMARK  
DNREC MARKER  
ELEV. = 5.28'



N/F/  
BETHANY LAKES COMMUNITY ASSOC.  
TM: 1-34-13.00-2164.00  
DEED: 3226/43  
PLOT BOOK: 3226 PG.43

BENCHMARK  
R.O.W. MONUMENT SET  
ELEV. = 7.64'

FRED HUDSON ROAD (SCR 360)

N/F/  
BETHANY LAKES COMMUNITY ASSOC.  
TM: 1-34-13.00-2164.00  
DEED: 3226/43  
PLOT BOOK: 3226 PG.43

EXISTING TREES TO REMAIN FOR FORESTED BUFFER  
- 4 SPRUCE  
- 3 PINE

EXISTING TREES TO REMAIN FOR FORESTED BUFFER  
- 2 SPRUCE  
- 1 JUNIPER  
- 1 CHERRY

BENCHMARK  
R.O.W. MONUMENT SET  
ELEV. = 7.64'

BENCHMARK  
DNREC MARKER  
ELEV. = 5.28'

NON-TIDAL WETLANDS

N/F/  
STATE OF DELAWARE  
TM: 1-34-13.00-73.00  
DEED: 2283/262

## GENERAL LANDSCAPE NOTES

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



# INLAND BAYS COMMUNITY BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

Revisions:  
2021-06-07: SITE PLAN  
UPDATED

Date: JUNE, 2021  
Scale: 1" = 40'  
Dwn.By: TCB  
Proj.No.: 1998D002  
Dwg.No.:

**PRE-03**

**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS ENGINEERS SURVEYORS  
SUSSEX COUNTY, DELAWARE  
BALTIMORE, DELAWARE  
EASTON, MARYLAND  
(410) 643-8900  
(302) 421-1411  
(410) 770-4744

PRELIMINARY LANDSCAPE PLAN

F







G

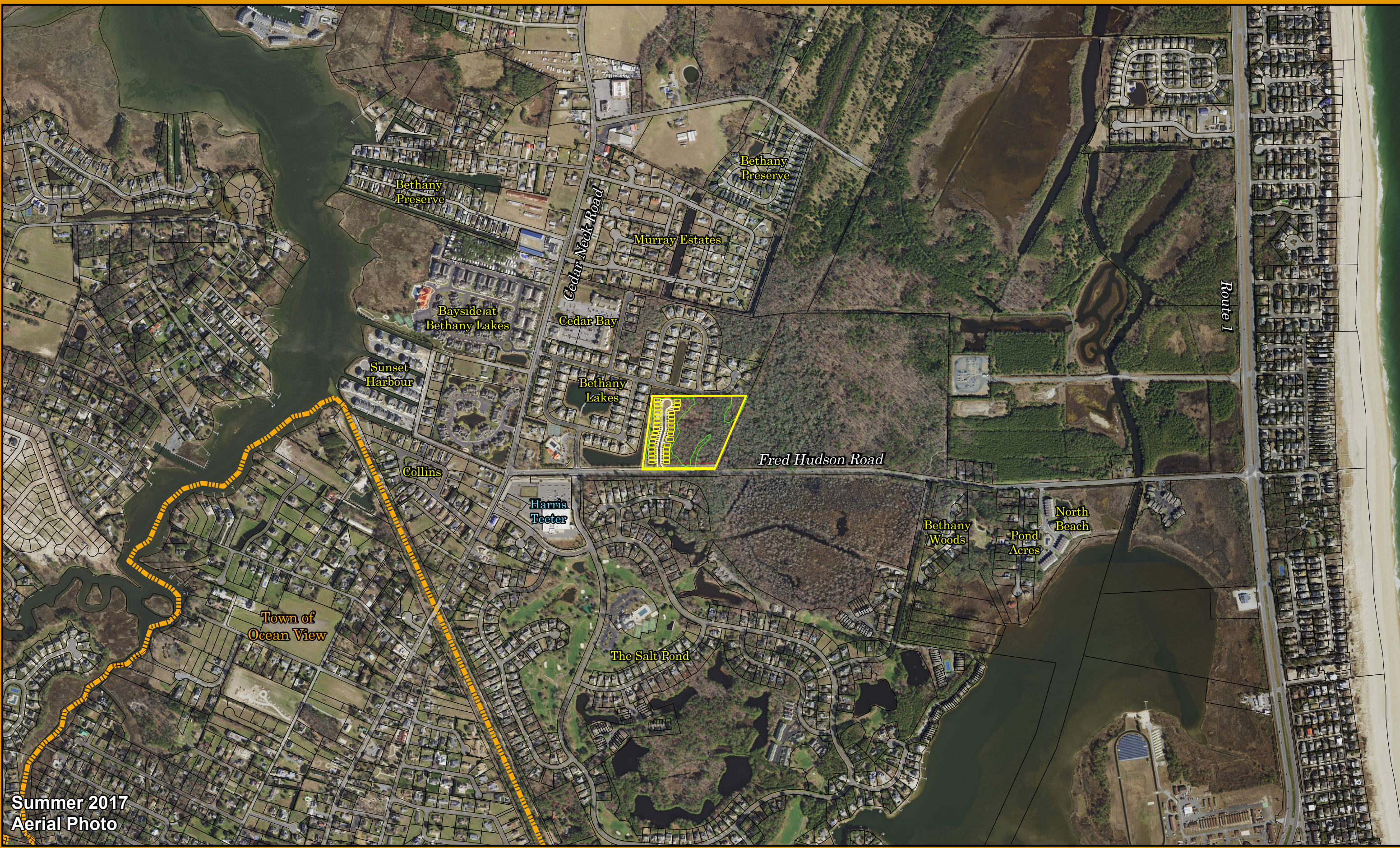






# Exhibit 1





Summer 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County

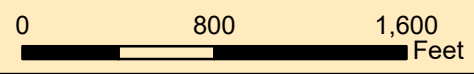


June 2021

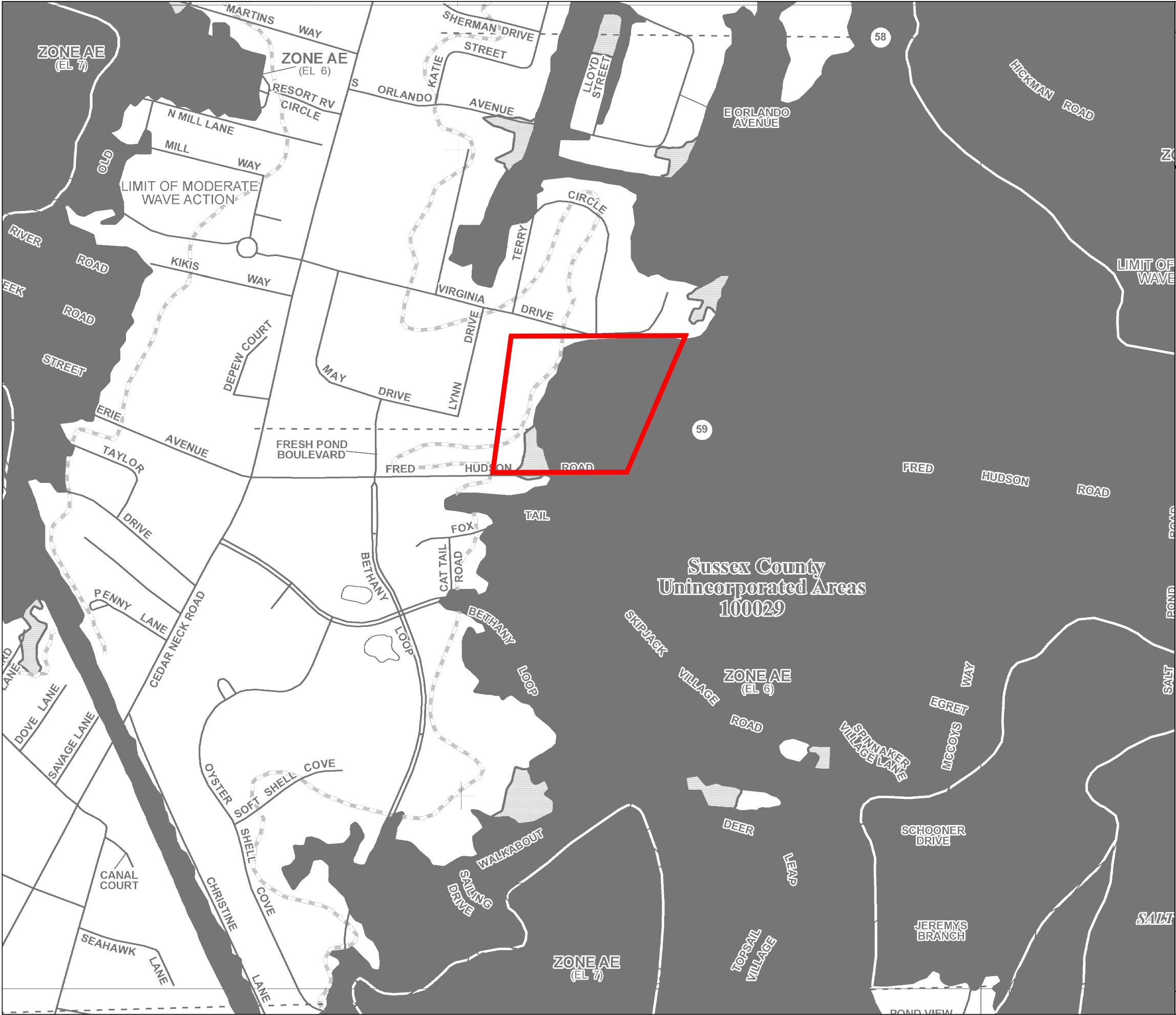
# Surrounding Communities Map


## Inland Bays Community

Sussex County, Delaware









MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

**NFIP**

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0512K**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**SUSSEX COUNTY,  
DELAWARE  
AND INCORPORATED AREAS**


**PANEL 512 OF 660**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BETHANY BEACH, TOWN OF	105083	0512	K
OCEAN VIEW, TOWN OF	100046	0512	K
SUSSEX COUNTY	100029	0512	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  
10005C0512K**

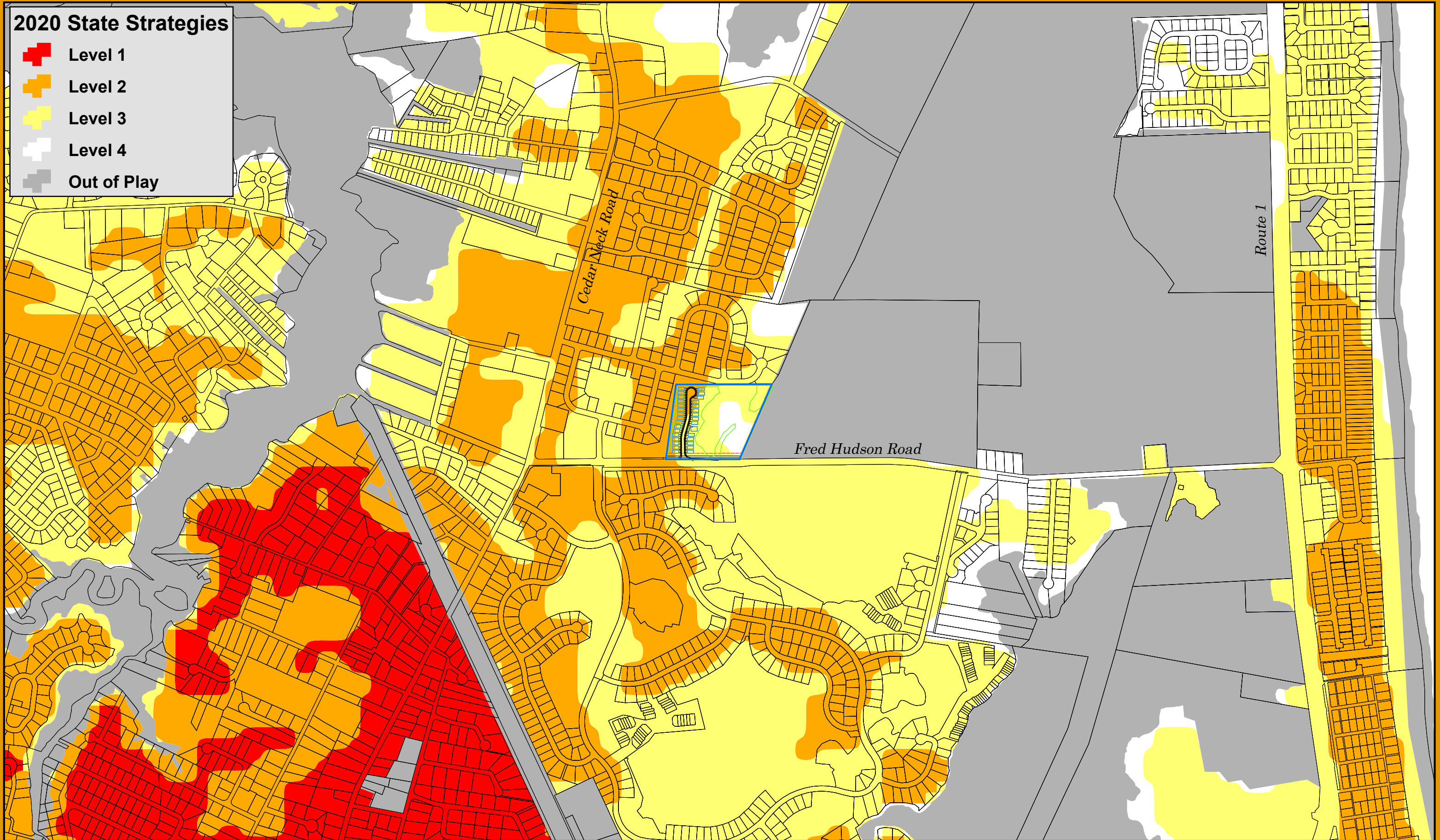
**MAP REVISED  
MARCH 16, 2015**

Federal Emergency Management Agency



2020 State Strategies

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



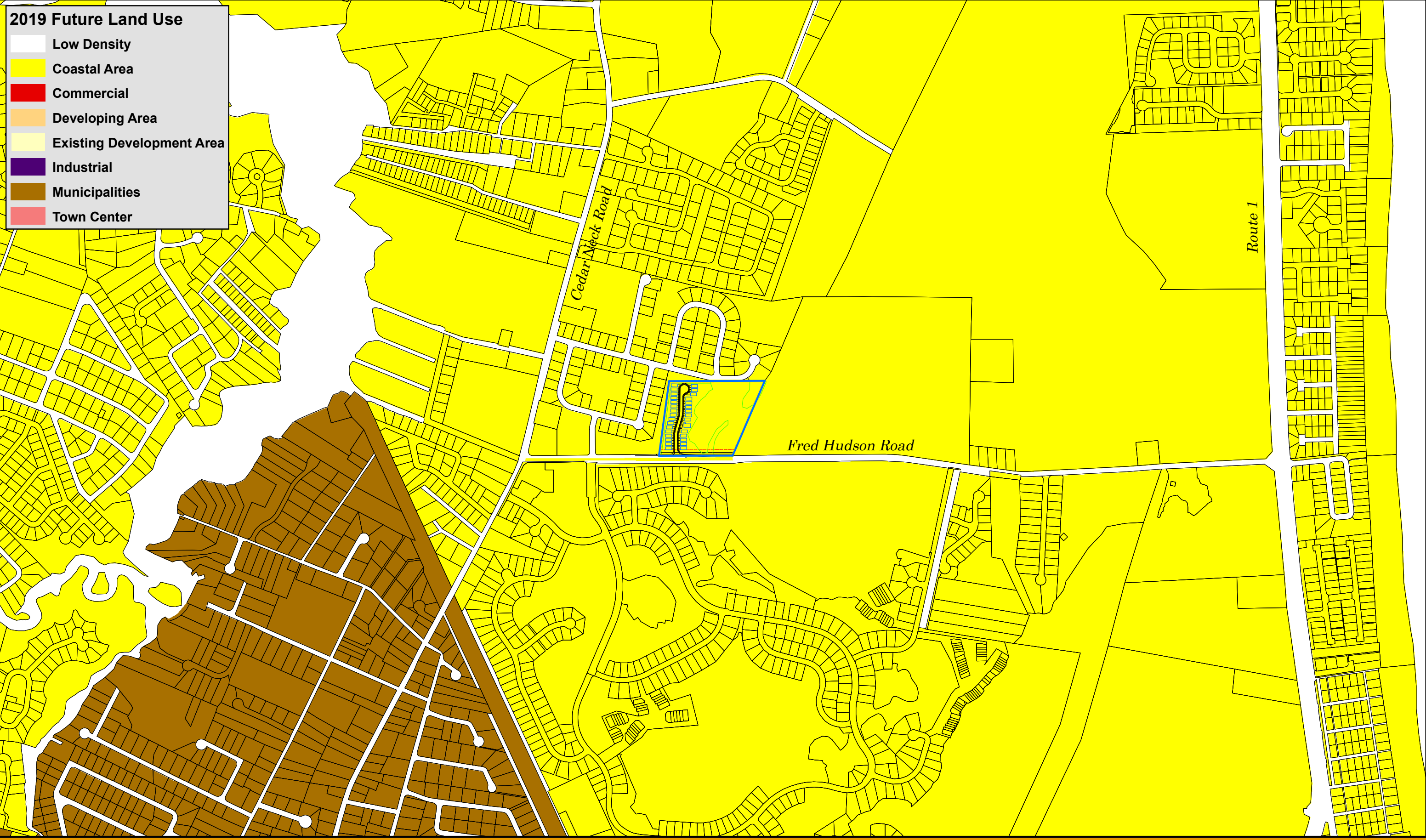
Sources:  
Tax Parcels per Sussex County



2020 State Strategies  
Inland Bays Community  
Sussex County, Delaware

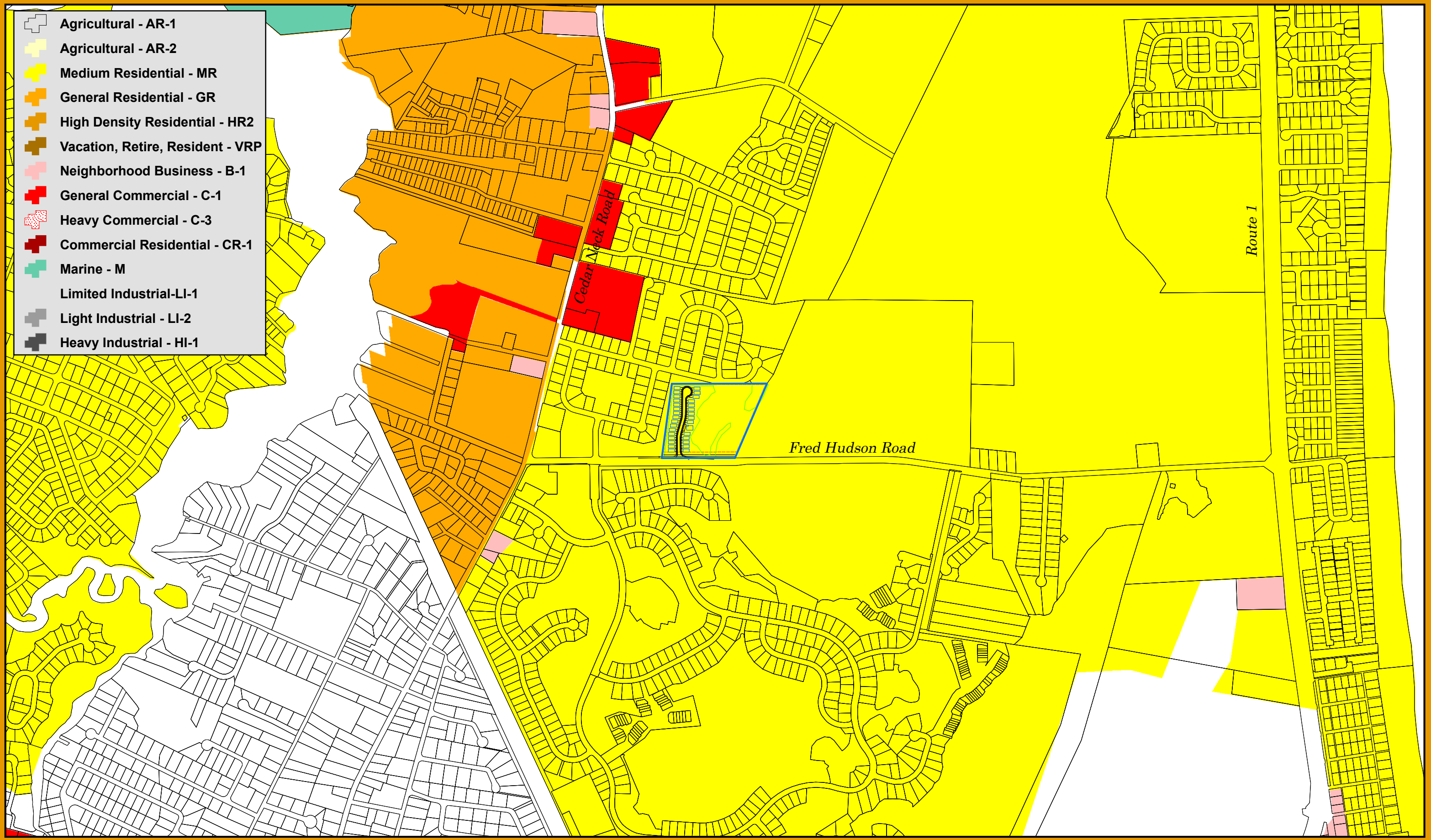
0 800 1,600  
Feet







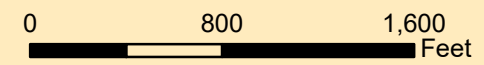
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Heavy Commercial - C-3
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial-LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



Sources:  
Tax Parcels per Sussex County



# **Sussex County Zoning Map** **Inland Bays Community** Sussex County, Delaware







Spring 1992  
Aerial Photo

Sources:  
Tax Parcels per Sussex County

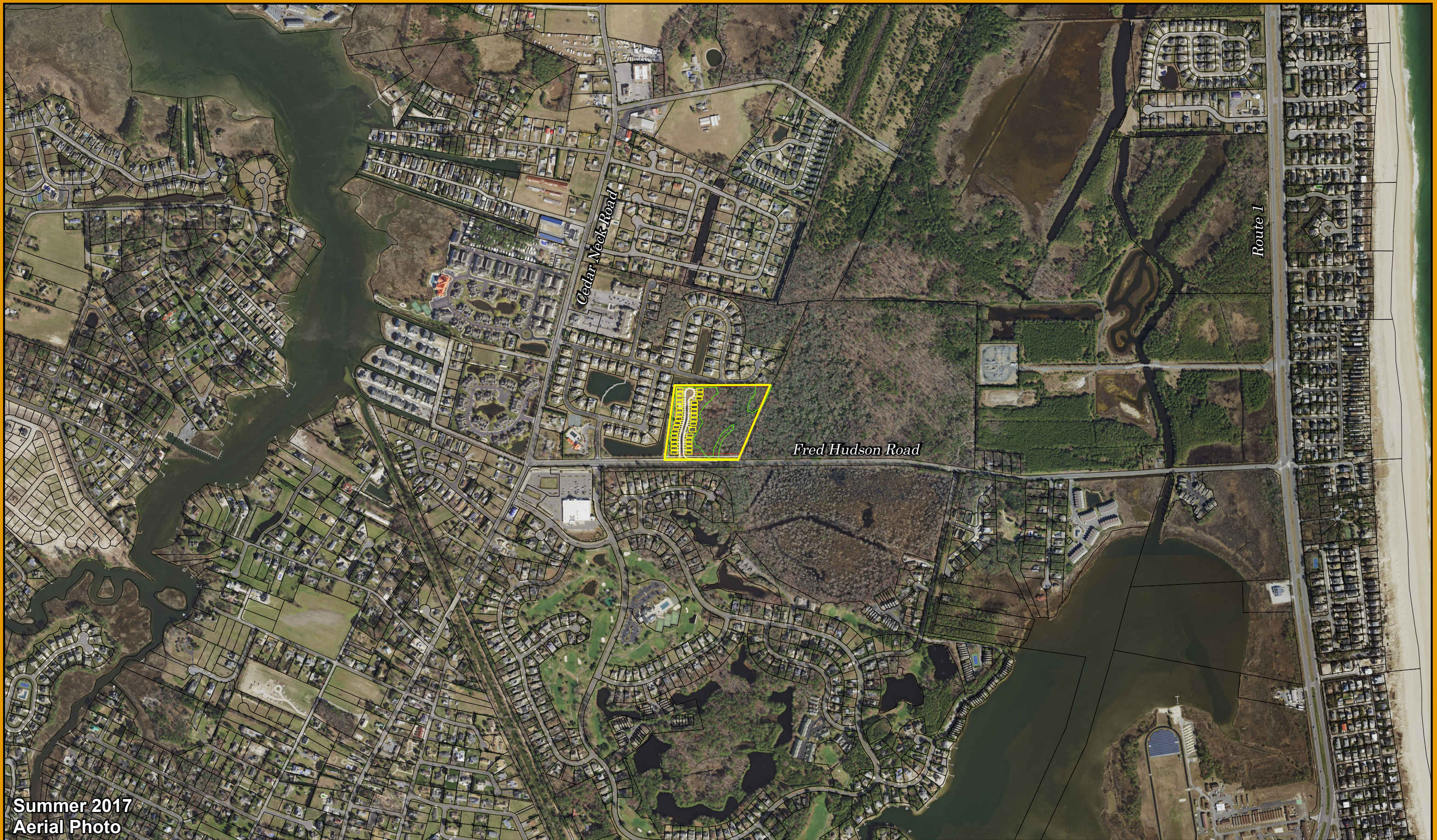


**1992 Aerial Photo**  
**Inland Bays Community**  
Sussex County, Delaware

0 800 1,600  
Feet







Summer 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County




**2017 Aerial Photo**  
**Inland Bays Community**  
Sussex County, Delaware


0 800 1,600  
Feet

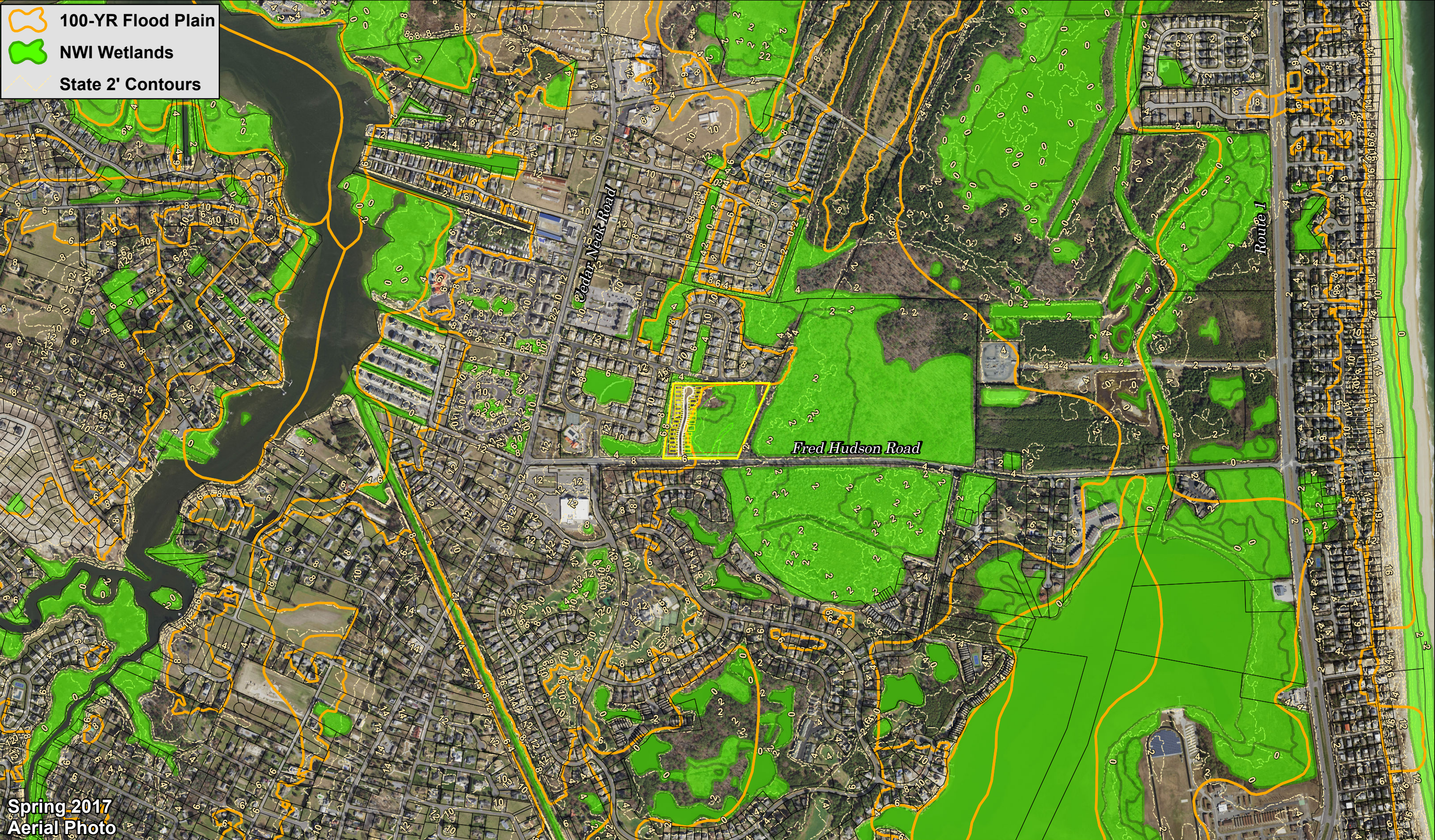





**100-YR Flood Plain**




**NWI Wetlands**

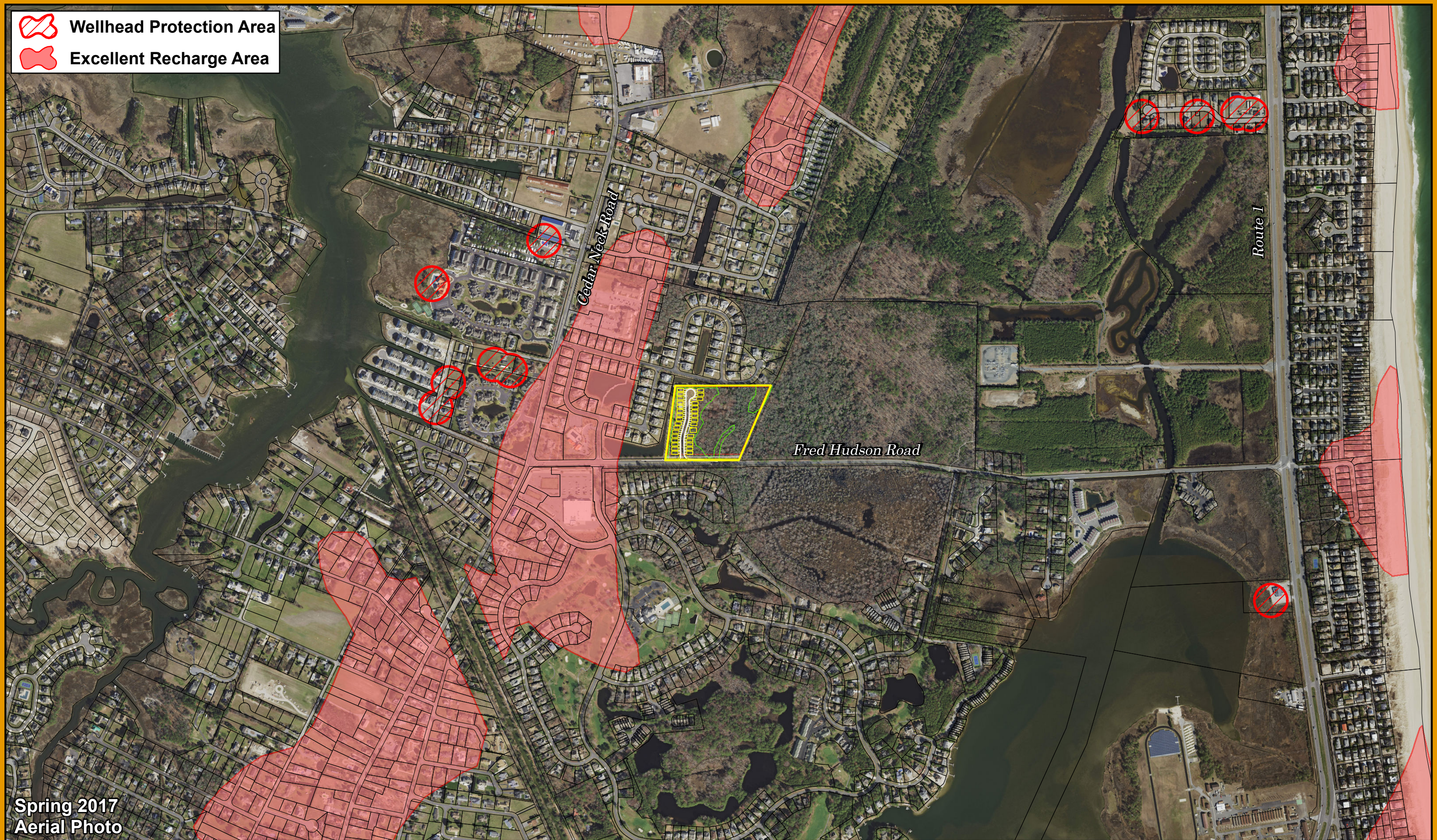

**State 2' Contours**



Spring 2017  
Aerial Photo



-  Wellhead Protection Area
-  Excellent Recharge Area



Sources:  
Tax Parcels per Sussex County



## Source Water Protection Areas

### Inland Bays Community

Sussex County, Delaware

0 800 1,600  
Feet







Spring 2017  
Aerial Photo

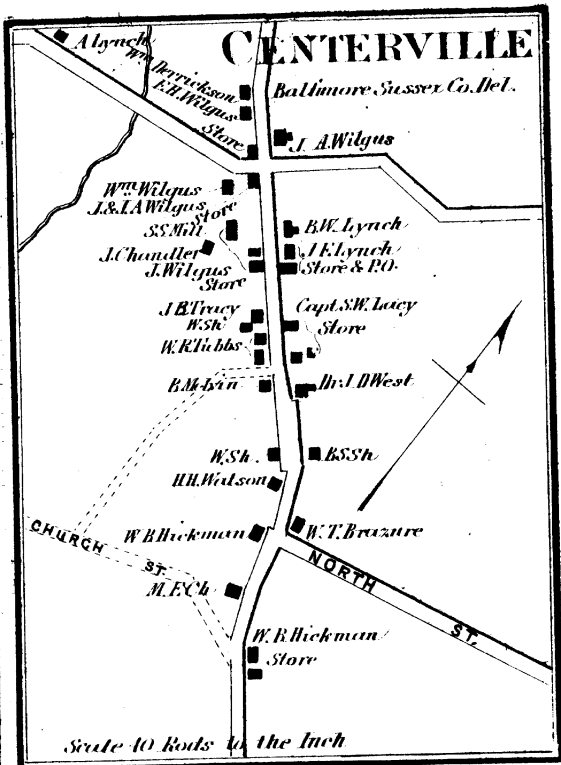


# Exhibit 2

# BALTIMORE

Sussex Co.

Scale 1 Inch to the Mile



## Centerville Business Directory.

- J. D. West, M.D.  
J. A. Wilgus & Sons...Dealers in Dry Goods, Groceries, Queens-ware, Hardware, Boots, Shoes, Hats, Caps, Ready-made Clothing, &c.  
S. W. Lacey...Manufacturer and Dealer in Tin and Sheet Iron Ware. Fruit Canner, &c.  
H. H. Watson...Manufacturer and Repairer of Carriages, Wagons, Farming Implements, and Undertaker.  
Wm. R. Tubbs...Manufacturer and Repairer of Carriages, Wagons, and all kinds of Farming Implements.





# Exhibit 3



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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
Response to PLUS Review 2020-11-03  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

We have read and reviewed the comments provided during the PLUS Review of the Project on November 18, 2020 and received from the Office of State Planning dated December 18, 2020. We offer the following item-by-item response narrative for your review:

**Strategies for State Policies and Spending**

*This project is located in Investment Levels 2, 3 and 4 according to the 2020 Strategies for State Policies and Spending. Investment Level 2. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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. 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 site plan submitted appears to stay completely out of the Level 4 area on the site. Provided this site plan does not change and continues to preserve the Level 4 areas, the State has no objections to the development of this site. We do ask that the developer consider the environmental comments below to address any environmental concerns that State agencies may have.*

**We recognize that the project is in both Investment Levels 2, 3, and 4. We understand Level 2 & 3 areas are anticipated growth areas. The site has been designed with respect to the environmental features located on the parcel.**

**Code Requirements/Agency Permitting Requirements**



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

- *The site access on Fred Hudson Road (Sussex Road 360) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*

The entrance will be designed in accordance with DelDOT Standards and an entrance plan approval from DelDOT will be obtained.

- *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](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).*

A pre-submittal meeting was conducted with DelDOT on 5/21/21, during which the conceptual design of the entrance was discussed.

- *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.*

We are familiar with the fees required for submittals to DelDOT.

- *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 343 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday morning and evening peak hour trip ends at 26 and 32, respectively. Thus, a TIS is not warranted.*

*One of the purposes of a TIS is to identify needed offsite improvements. Fred Hudson Road presently has 10-foot lanes and 4-foot shoulders which are marked as bicycle lanes. These widths are significantly less than DelDOT's standard widths for collector roads, which are 12-foot lanes and 8-foot shoulders. DelDOT anticipates requiring the developer to extend the widening done for the Bethany Lakes and Salt Pond entrances east through the entrance to the proposed development, transitioning back to the existing width to avoid or minimize the impact on the wetlands at the east end of the property. DelDOT further anticipates that the widening could necessitate the developer's relocating some of the existing Shared Use Path on the south side of the road.*

During the pre-submittal meeting it was discussed to provide 12' lanes and 8' shoulders. The road will be widened to accommodate placing a left-turn lane and right-turn lane.



- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fred Hudson Road. By this regulation, this dedication is to provide a minimum of 40 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."*

A 15-foot right-of-way dedication has been shown on the Site plan to provide 40' of right-of-way from the physical centerline of the road.

- *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."*

A 15-foot permanent easement has been shown on the Site plan.

- *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 450 feet of the entrance on Fred Hudson Road.*
  - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

The above items will be provided on the Record/Site plan.

- *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. DelDOT anticipates requiring the developer to build an SUP along their frontage on Fred Hudson Road, connecting it to the SUP in front of Bethany Lakes.*

A shared-use path will be shown along the frontage in place of the sidewalk currently shown.

- *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 Fred Hudson Road.*

Storm water management facilities have been sited 20-feet from the dedicated right-of-way.



- *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>.*

The auxiliary lane worksheet was provided to DelDOT as part of the pre-submittal meeting request.

- *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>.*

The intersection sight distance worksheet and exhibit will be provided as part of the initial Record Plan submittal to DelDOT.

- *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 have been shown on the plans. No utility relocations are anticipated at this time.

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

**Concerns Identified Within the Development Footprint**  
**Special Flood Hazard Area**

According to the newest Flood Insurance Rate Maps (FIRM), the eastern portion of this parcel is located within Special Flood Hazard Area, specifically within the 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE6. The newest plan (2020-11-03) avoids building structures in these floodplain areas. A small portion of this site is also situated within the moderate risk floodplain, or 500-year floodplain (0.2% annual chance of flooding). Several lots appear to be contained within the 500-year floodplain in the southwestern corner of the site (lots 27-30).

- *The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the 100-year 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>



Lots 22-28 and the clubhouse are located within the 100-year floodplain (zone AE6). Lots 29-30 are within the 500-year floodplain. We will comply with all ordinance and regulations related to construction within the floodplain.

### ***Stormwater Management***

*This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.*

- *A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. The plan review agency is the Sussex Conservation District.*

**A Sediment and Stormwater Management plan will be submitted to the Sussex Conservation District as part of the plan approval process.**

- *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.*

**An NOI will be filed with DNREC for this project.**

- *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.*

**A pre-application meeting was held with SCD on October 1, 2020, to review the site conditions and stormwater management approach for the site.**

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

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

**We will work with SCD to develop a plan that meets their requirements.**

### ***Water Quality (Pollution Control Strategies)***

*Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.*



- *This site lies within the Inland Bays Watershed. Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects in this area.*

**We will utilize best management practices to meet SCD water quality standards.**

### ***Hydrologic Soils Group***

*The western side of the site consists of well-drained soils (Hydrologic Soil Group A), where much of the building will be consolidated. However, a large portion of the site contains soils that are very poorly drained (Hydrologic Soil Group C/D). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*

- *Any stormwater Best Management Practices that propose the use of 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](mailto:DNREC.Stormwater@delaware.gov).*

*Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

**Infiltration practices will not be utilized on this site within the C/D soils.**

### ***Vegetated Buffer Zones***

*Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.*

- *The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.*

**A plan will be developed that complies with the county code.**

### **Concerns Identified Outside of the Development Footprint**

#### ***Natural Areas***

*The forested area that currently exists on the site is connected to a much larger contiguous forest complex extending into land designated as a Natural Area (Fresh Pond Tract of Delaware Seashore State Park). Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.*

- *Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.*



The site plan has been developed to consolidate the development to the western side of the site and minimize disturbance to the existing woodlands. The site contains 9.72 acres of woods and proposes 2.692 acres of trees to be removed. A portion of this (0.096 acres) will become part of the right-of-way for Fred Hudson Road and will remain as woods.

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

- *The Delaware SHPO does not recommend developing in Level 4 areas. Prehistoric archaeological potential is low. Soils are mostly poorly drained muck, and the area is too far away from historic freshwater sources.*

None of the proposed development is in the Level 4 area.

- *Historic archaeological potential is low to moderate. It appears to be in the Cedar Neck area, without buildings present. There may be associated remains with the building that appears on the 1938 topographic maps, though it looks like it may have been demoed/replaced/added to between 1968 and 1992.*

Acknowledged.

**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:***

- *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 minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

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



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

***Required Notes:***

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *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 thank the fire marshal for providing the above information. We will work with the fire marshal's office to develop a plan that meets all their requirements for plan approval.**

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

*The applicant is required to participate in a pre-application meeting with Planning and Zoning staff. Please contact the Department of Planning and Zoning at (302)855-7878 or reach out to Lauren DeVore at [lauren.devore@sussexcountype.gov](mailto:lauren.devore@sussexcountype.gov) to schedule a pre-application meeting. Following submission to the County, staff would undertake review of the Preliminary Site Plan, where more detailed comments would be provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.*

- *Please note that a Service Level Evaluation Request Form must be completed, and the proposal must be approved by DelDOT prior to submission of any formal application to the County.*

**An SFR Response was received from DelDOT on October 8, 2020. The response stated that DelDOT does not recommend a TIS for this project.**

- *The proposed density of 2.5 dwelling units per acre complies with Code requirements for the MR Zoning District which allows for up to 4 DU/AC.*

**Acknowledged.**

- *The property is located within two Flood Zones, the 0.2 percent annual chance flood hazard and the AE Flood Zone.*

**Acknowledged.**

- *Since the development lies within the Coastal Area, an environmental assessment (EA) and public facility evaluation report would have to be submitted with the preliminary plans (§115- 194.3(B)(2)).*

**These reports are included with this submission.**

- *The proposed plan includes 8.99 acres (out of a total of 11.96 acres) of open space (or 75%.) 75% open space is desirable and meets the minimum standard of 10% open space*



*and meets the standard of 10% open space required for a density of 2-5 DU/AC per §99-21(D) under §99-21(D) "Public sites and open spaces."*

**Acknowledged.**

- *It is noted that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission generally desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.*

**Due to existing site constraints, it is impractical to provide an additional access without impacting the wetlands or the stormwater management pond for Bethany Lakes.**

- *Please clarify if any additional amenities will be provided for the community along with the proposed pool.*

**A pool and pool house with bathrooms are the proposed amenities.**

- *Staff also encourage coordination with the local school district regarding the provision of a school bus pad or stop.*

**We have contacted the Indian River School District Transportation Supervisor and are coordinating the bus stop location along Fred Hudson Road.**

- *Please also confirm whether mail will be centralized or not. Please note that these are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of the formal application process.*

**A mailbox center will be located next to the clubhouse.**

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- *The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District, Cedar Neck area and connection to the sewer system is mandatory. A "Use of Existing Infrastructure Agreement" is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works Division will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served. The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.*



A Sewer System Concept Evaluation was completed by Sussex County Engineering on 7/1/2020

### **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 Fred Hudson Road.*

No substations or wastewater facilities are proposed with this project.

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

Acknowledged.

- *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/>.*

Acknowledged.

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

##### **Concerns Identified Within the Development Footprint**

##### **Sea Level Rise**

*By 2050, mean 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 low-lying land, higher tide levels caused by sea level rise will result in increasing frequency and severity of tidal flooding. Much of this site is vulnerable to permanent inundation as a result of sea level rise.*

- *All proposed structures and lots are outside of the 6-foot inundation level for future sea level rise.*
- *For additional assistance or questions, please contact the DNREC Climate and Sustainability Section at (302) 735-3480.*

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/>

The houses will be built on timber pile foundations therefore the finished floor elevations



will be several feet above flood elevation.

### ***Stormwater Management***

- *Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.*

The stormwater management plan will incorporate best management practices and green technologies where possible.

- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

No buildings are proposed within the wetlands. A sewer and water connection are proposed through the wetlands, for which a wetlands permit will be obtained. Existing trees are being preserved as much as possible.

### ***General Drainage Recommendations***

- *All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project. Environmental permits or exemptions may be required by the County Conservation District, U.S. Army Corp of Engineers, or the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.*

No ditches are proposed to be cleaned as part of this project. If it is necessary to clean the ditches to ensure positive drainage the appropriate authorities will be notified and permits obtained.

- *All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.*

No upstream areas are draining through this site. The project will be evaluated to ensure no adverse impact is created to downstream conveyances.

- *Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.*

Acknowledged.

- *Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.*

Acknowledged.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>



### **Wetlands**

*Statewide Wetlands Mapping Project maps indicate the presence of freshwater forested wetlands on the site (labeled as 404 wetlands on the preliminary plan set). In general, the proposed plan avoids wetland areas. According to the application, a wetland delineation has been completed, and wetlands will be disturbed, with limited grading and a sewer pipe connection (<0.1 acre).*

- *DNREC Reviewers acknowledge that wetlands are proposed to be avoided.*
- *For wetland permitting assistance, schedule a meeting through the DNREC Joint Permit Processing (JPP), which are held on the 3<sup>rd</sup> Thursday of every month.*
- *Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones.*

*Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.*

*Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>*

**A wetlands delineation has been performed by Ed Launay of Environmental Resources, Inc. A Jurisdictional Determination Report has been completed and filed.**

### **Vegetated Buffer Zones**

*Some lots show a vegetated buffer zone of less than 25 feet from the wetland (lots 23, 24, 26, 27), as well as the vegetated buffer zone from the stormwater pond to the wetland. Incorporate a 100-foot vegetated buffer zone from the edge of all wetlands to protect water quality.*

- *Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.*
- *Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.*
- *Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*
- *In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.*

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

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



A 100-foot vegetated buffer zone is not practical for this site and would severely limit the buildable area.

### ***Delaware Ecological Network***

*The forested portion of the property is located within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality.*

*DNREC Reviewers acknowledge that the proposed project preserves the forested lands within the Delaware Ecological Network.*

- *For further questions about lands within the Delaware Ecological Network, please contact the DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>*

We thank DNREC for the above information.

### ***State Rare, Threatened, or Endangered Species***

*The Brown-headed Nuthatch (Sitta pusilla), a bird listed as a State of Delaware rare, threatened, or endangered species, has been documented within the project area. It is listed under State Rank S2 and SGCN Tier 2. Please visit the following website for definitions on the specified State Rank, State Status, and Global Ranking:*

*<http://www.dnrec.delaware.gov/fw/dwap/Pages/SGCNTTest.aspx>.*

- *To minimize negative impacts to these species, natural habitats should be conserved to the maximum extent practicable.*
- *In general, it is normally recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup> to reduce impacts on breeding birds. To reduce impacts to nesting Brown-headed Nuthatches, it is recommended that tree clearing not occur from March 1<sup>st</sup> to June 1<sup>st</sup>.*

*Contact: DNREC Division of Fish & Wildlife at (302) 735-3600.*

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

We thank DNREC for the above information and will attempt to limit tree-clearing during the dates mentioned above.

### ***Mosquitoes***

*The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetlands.*

- *Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's*



*Mosquito Control Section, or by a private company licensed in this area of specialty.*

*Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website:*  
<https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

**We thank DNREC for the above information.**

### ***Additional Sustainable Practices***

- *Incorporate bicycle path or walkway into the site plans, and tie into existing bicycle paths and walkways.*

**A shared-use path is proposed along the frontage and a sidewalk is proposed within the development.**

- *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.*  
**Acknowledged.**
- *For energy needs within common facilities (tennis court, pool), consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and 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](http://www.de.gov/greenenergy), [www.de.gov/eeif](http://www.de.gov/eeif).*  
**Acknowledged.**
- *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.*  
**Acknowledged.**
- *Trees plantings are indicated on the preliminary site plans. DNREC reviewers recommend planting open space with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.*  
**Acknowledged.**

### **Concerns Identified Outside of the Development Footprint**

- *The developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*



Contact: DNREC Planning Preservation and Development Section at (302) 739-9235.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

We thank DNREC for the information and will consider making a dedication.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- *Due to the proximity of inundation regions in accordance with the 2017 Delaware Coastal Inundation map, DEMA is not recommending the build/construction of this project without any major mitigation strategy geared towards inundation resiliency. As shown in the map below, the location (described via address and the description of being “along Fred Hudson Road”) would fall within both a 7ft and 3ft Coastal Inundation zones. As a brief explanation, if the water levels rise by 3 feet, the green section will be underwater. At 7 ft, those sections in purple will be under water. Further, FEMA FIRM Maps indicate the location and that region are located in a high-risk area with an AE designation (AE 6 and AE 7). FEMA’s AE designations describe flood zones that present a 1% annual chance of flooding (100-year flood plain) and a 26% chance of flooding over the life of a 30-year mortgage and therefore would require mandatory flood insurance. As such, construction would require the elevation of the lowest floor to be at or above the zone’s base flood elevation (BFE). It should be noted that enclosed areas.*



*below the BFE cannot be used as living spaces and all electrical, plumbing and HVAC equipment must be elevated to or above the area's BFE.*

*The residential units in this development are proposed to be placed on pilings with the first finished floor well above the base flood elevation. This will help mitigate impacts of sea-level rise.*

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

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



from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

We thank the Delaware State Fire Marshall's Office for providing the above information.

**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.sussexcountype.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountype.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.*

The developer has been made aware of Sussex County's "Affordable Housing Support Policy" and will contact the Community Development & Housing Department if they wish to pursue those opportunities.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

*P:\Evergreen Companies\Inland Bays Community\Documents\P&Z\Booklets\X-3 IBAYS\_PLUS-Response.docx*

Cc: Constance C. Holland, AICP, Office of State Planning  
Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.



# Exhibit 4

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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
Environmental Assessment and Public Facility Evaluation Report  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

On behalf of our client, The Evergreene Companies, LLC, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Area Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.* The proposed improvements will meet or exceed the state regulations for quality and quantity control. We intend to use a combination of submerged gravel wetlands as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and preservation of trees will further reduce nitrogen and phosphorous loadings. The development will not produce other pollutants such as petroleum hydrocarbons or metals.
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.* The proposed project is located in Sussex Shores franchise area and they hold the Certificate of Public Necessity (CPCN). A letter from Sussex Shores states they are willing and able to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 7,500 gallons per day and a peak use of 22,500 gallons per day.



- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The proposed project is in sewer Tier 1 Sussex County Unified Sanitary Sewer District. A gravity sewer main will be installed to collect and convey wastewater. The proposed sewer system will connect to a sewer stub within the Bethany Lakes subdivision as per a Sewer Service Concept Evaluation received from Sussex County Engineering.
- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.* An SFR Response was received from DelDOT on October 8, 2020. The response stated that DelDOT does not recommend a TIS for this project. A left-turn lane and right-turn lane are proposed to mitigate traffic impacts of the development on Fred Hudson Road.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* In accordance with the PLUS review comments the Brown-headed Nuthatch has been documented within the project area. The nuthatch is not listed on DNREC's website of endangered species.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.* No wetlands are proposed to be filled as part of this project.
- (g) *Provisions for open space as defined in §115-4.* The proposed project incorporates active and passive open space amenities. Some passive open space amenities include ponds, wetlands and open areas. Active open space amenities include a pool, pool house, and shared-use path.
- (h) *A description of provisions for public and private infrastructure.* The Developer will construct a gravity sewer and water main. In addition, the Developer will improve Fred Hudson Road by adding a right and left turn lane. Furthermore, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational or other benefits.* The proposed project will create a considerable number of jobs during construction. In addition, the project will generate transfer taxes as well as other economic impacts in the beach community.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with*

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

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

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Cc: Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.



# Exhibit 5

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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
Chapter 89: Source Water Protection  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

On behalf of our client, The Evergreene Companies, LLC, we are submitting this letter demonstrating that the project will comply with Chapter 89 Source Water Protection of the Sussex County Code. The above parcel of land is not located within the Excellent Groundwater Recharge Area, or the Wellhead Protection Area as depicted on DNREC's maps.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.  
Associate

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Cc: Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.



# Exhibit 6

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

June 11, 2021

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Jamie Whitehouse  
Director of Planning and Zoning

Re: **Inland Bays Community (CU 2259)**  
TAC Comment Response  
Tax Map No.: 1-34-13.00-72.02  
DBF #: 1998D008

Dear Mr. Whitehouse:

On behalf of our client, The Evergreene Companies, LLC, we are pleased to submit a response to the Sussex County Technical Advisory Committee (TAC) comments. We have listed them by Agency as submitted to our office.

**Sussex County Engineering – Chris Calio**

We have reviewed the County's report and are familiar with the design and submission requirements. A Sewer System Concept Evaluation was completed by Sussex County Engineering on 7/1/2020 for this project.

**DelDOT Planning – Bill Brockenbrough**

We have reviewed the report which were the same comments provided at PLUS. We are familiar with the design and submission requirements. A PLUS response was prepared and submitted with the revised plans.

**United States Department of Agriculture (USDA) – Thelton D. Savage**

Our office has reviewed the report and are familiar with the soil types and characteristics along with their limitations. A geo-technical engineer will provide additional soils analysis during the design of the project.

**DNREC Waste and Hazardous Substances/SIRS –Mindy Anthony**

The above agency had no comments on this project.



**Delaware Division of Public Health Office of Engineering – William J. Milliken Jr.**

Our office is familiar with the requirements to obtain an Approval to Construct and an Approval to Operate from the Office of Engineering.

**Delaware Forest Service – Taryn Davidson**

Our office has reviewed the comments and will take these into consideration when developing the Landscape plan. A landscape plan with tree species and quantities called out will be provided before Final Site Plan approval.

**Delaware Office of State Fire Marshal – Duane Fox**

We have reviewed their comments and are familiar with the design and submission requirements.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via email at [cdm@dbfinc.com](mailto:cdm@dbfinc.com).

Sincerely,  
*DAVIS, BOWEN & FRIEDEL, INC.*



Cliff Mumford, P.E.  
Associate

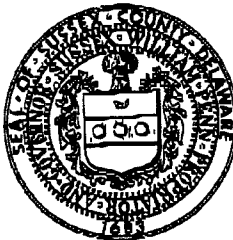
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Cc: Tim Naughton, The Evergreene Companies, LLC  
James Fuqua, Jr., Fuqua, Willard, Stevens & Schab, P.A.

# Exhibit 7



Sussex County  
Planning & Zoning Commission  
P.O. Box 417  
Georgetown, DE 19947  
302-855-7878  
302-854-5079 (Fax)



Robert C. Wheatley  
Michael B. Johnson  
Rodney Smith  
Martin L. Ross  
Irwin G. Burton, III  
Lawrence B. Lank, Director

September 15, 2010

**RECEIVED**

**SEP 17 2010**

**FUQUA, YORI & WILLARD**

Inland Bays, LLC  
c/o James A. Fuqua, Jr., Esquire  
Fuqua, Yori and Willard, P.A.  
P.O. Box 250  
Georgetown, DE 19947

RE: Conditional Use #1850 – Inland Bays, LLC  
Multi-Family Dwelling Structures

Dear Mr. Fuqua,

This is to inform you that on September 14, 2010 the Sussex County Council approved the above referenced Conditional Use application with 19 conditions. The conditions of this approval are:

- A. The maximum number of residential units shall not exceed 48 units.
- B. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant as required by DelDOT.
- C. The required recreational facilities and amenities, a swimming pool and clubhouse, shall be constructed and open to use by residents within two (2) years of issuance of the first building permit for the project.
- D. The Applicant stated that "amenities and recreation features are located for convenience access" and that "central amenities areas are isolated from adjacent developments." To accomplish these stated goals, the recreation area shown in the northeast corner of the property shall be relocated to a centralized interior within the development and the property shall be left undisturbed.
- E. The development shall be served as part of the Sussex County Cedar Neck Sewer District in accordance with Sussex County Engineering Department Standards.
- F. The project shall be served by a public central water system providing adequate drinking water and fire protection. *Sussex Shores*
- G. Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.
- H. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of the storm water management and erosion and sedimentation control system.

September 15, 2010

Page 2

- I. As required in the original approval, the existing Poplar trees along the westerly boundary shall be retained. In addition, a split rail or similar type of fence shall be installed along the western and the western 1/2 of the northern boundaries of the property.
- J. The interior street design shall be in accordance with or exceed Sussex County street design requirements.
- K. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
- L. Landscape and lawn maintenance shall be the responsibility of the Condominium Association. Best Management Practices shall be utilized to minimize any environmental impact.
- M. The Final Site Plan shall contain a landscape plan of the project and shall also show all undisturbed forested areas.
- N. A Hunting Notice similar to the Agricultural Use Protection Notice shall be included on the Final Site Plan, Condominium Declaration Plan, and within the Condominium Governing Documents stating that hunting activities occur on neighboring lands.
- O. No buildings shall encroach onto any wetlands.
- P. A vegetated buffer of at least 20 feet shall be established along the eastern boundary of the property.
- Q. As agreed by the Applicant in its PLUS response, the Applicant shall cooperate with DNREC to perform a survey of the property to record any State rare or federally listed plants, animals or natural features.
- R. If this Conditional Use is approved by County Council, the Final Site Plan for this project must be approved within three (3) years, or this Conditional Use shall become null and void.
- S. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. Subject to the conditions of this recommendation and the conditions that County Council may impose if this application is approved, the Final Site Plan shall be substantially similar to the Preliminary Site Plan.

The final site plan shall be prepared by a Delaware Licensed Surveyor or Professional Engineer and shall contain the conditions of approval shown and depicted on it. Building permits will not be issued until the site plan has been approved by the Planning and Zoning Commission and upon receipt of all agency approvals. The following approvals are required: DelDOT, DNREC, Department of Agriculture, Office of the State Fire Marshal, Sussex Conservation District, Sussex County Engineering and Sussex County Mapping and Addressing.

An approved Ordinance will be sent to you in the near future from the Clerk of the County Council.



September 15, 2010  
Page 3

Should you have any questions, please do not hesitate to contact this office.

Sincerely

A handwritten signature in black ink, appearing to read "Shane Abbott", with a long horizontal flourish extending to the right.

Shane Abbott  
Assistant Director

cc: Inland Bays, LLC  
Gordon Mead, Davis, Bowen & Friedel, Inc.  
Michael Brady, Division of Public Works

# Exhibit 8



## 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  
sussexcountype.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## **SEWER SERVICE CONCEPT EVALUATION (SSCE)** **UTILITY PLANNING DIVISION**

Applicant: **Davis, Bowen & Friedel, Inc**

Date: 7/1/2020

Reviewed by: **Chris Calio**

Agreement #: **1034-1**

Project Name: **Inland Bays Community**

Tax Map & Parcel(s): **134-13.00-72.02**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **51**

Pump Station(s) Impacted: **PS 172, PS 99,**

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **TCO at north property line from Virginia Drive**

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): **N/A**

Current Zoning: **MR** Zoning Proposed: **MR**

Acreage: **11.93**



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

Additional Information: **Please note the Agreement number has changed to 1034-1.**

\* 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  
Denise Burns



# Exhibit 9



July 9, 2018

Mr. Cliff Mumford  
c/o Davis, Bowen, & Friedel, Inc.  
1 Park Avenue  
Milford, DE 19963

**RE: Approval Extension – 6/29/18 - 6/29/23  
Inland Bays Community**

Dear Mr. Mumford:

An extension for the above referenced project has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Please note that the timeframe for this plan extension is five years. **Your plan will now expire on June 29, 2023.**

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at [Sussexconservation.org](http://Sussexconservation.org). If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson  
Program Manager

JW/kle

cc: Janelle Cornwell



## **CONDITIONS OF APPROVAL**

### **NOTIFICATION**

1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within three years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

### **CHANGES**

4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

### **CONSTRUCTION AND CLOSEOUT**

6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
7. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
8. Keep available onsite, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the *Delaware Sediment and Stormwater Regulations*.
12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.

# Exhibit 10





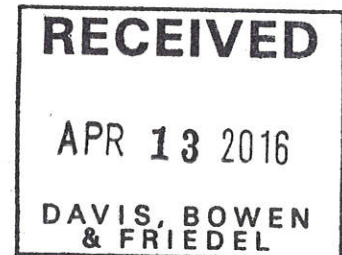
STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

April 08, 2016

Mr. Tim Metzner  
Davis, Bowen & Friedel, Inc.  
One Plaza East Suite 200  
Salisbury, Maryland 21803

**SUBJECT: Entrance Approval Letter**  
**Inland Bays Community**  
Tax Parcel #134-13.00-72.02  
SCR360-FRED HUDSON ROAD  
Baltimore Hundred, Sussex County



Dear Mr. Metzner:

The Department of Transportation has reviewed the Commercial Entrance Plans dated February, 2016 (last revised March 30, 2016) for the referenced project and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid a period of **three (3) years**. If an entrance permit has not been obtained within three years, then the plans must be updated to meet current requirements and resubmitted for review and approval.

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

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

Inland Bays Community  
Mr. Metzner  
Page 2  
April 08, 2016

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

Sincerely,



Steve Sisson  
Sussex County Review Coordinator  
Development Coordination

Enclosure (2)

cc: Joshua Mastrangelo, Inland Bays, LLC  
Lawrence B. Lank, Sussex County Planning & Zoning Commission  
Jessica L. Watson, Sussex Conservation District  
(2) Jay Sammons, South District Entrance Permit Supervisor  
Gemez Norwood, South District Public Work Manager  
(1) Jerry Nagyiski, Safety Officer Supervisor  
(1) Peter Haag, Traffic Studies Manager  
Mark Tudor, Assistant Director Project Development North  
Evan Lallier, Maintenance Support Manager  
Dan Thompson, Safety Officer North District  
Jennifer Pinkerton, Chief Materials & Research Engineer  
Linda Osiecki, Consistency Control Engineer  
Lenny Massotti, Process + Quality Control Engineer  
Sarah Coakley, Project Planner  
John Fiori,, Project Planner  
Mark Galipo, Signal System Design Technician  
Joseph Ellis, Joseph, Contech Manager  
David Dooley, DTC Planner  
James Kelley, JMT  
Todd Sammons, Subdivision Engineer  
Scott Johnson, Sussex County Reviewer



# Exhibit 11



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

JENNIFER COHAN  
SECRETARY

October 8, 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 Evergreene Companies, LLC's** conditional use application, which we received on September 16, 2020. This application is for an approximately 11.96-acre parcel (Tax Parcel: 134-13.00-72.02). The subject land is located on the north side of Fred Hudson Road (Sussex Road 360), approximately ¼ mile east of the intersection of Fred Hudson Road and Cedar Neck Road (Sussex Road 357), north of Ocean View. The subject land is currently zoned MR (Medium-Density Residential), and the applicant is seeking a conditional use approval to develop 31 single-family detached houses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Fred Hudson Road where the subject land is located are 12,590 and 16,203 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.





Mr. Jamie Whitehouse

Page 2 of 2

October 8, 2020

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

Sincerely,



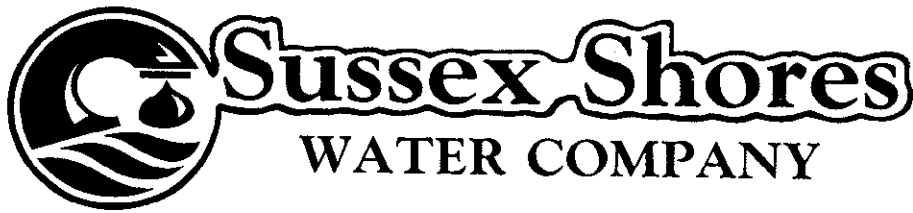
T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: The Evergreene Companies, 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

# Exhibit 12





December 3, 2020

Davis, Bowen & Friedel

Attention: Cliff D. Mumford, P. E.

**RE: INLAND BAYS**

Dear Mr. Mumford:

The purpose of this correspondence is to inform you that Sussex Shores Water Co. is prepared to provide water service to the proposed Inland Bays project, to be found on Sussex County Tax Map #1-34-13.00-72.02.

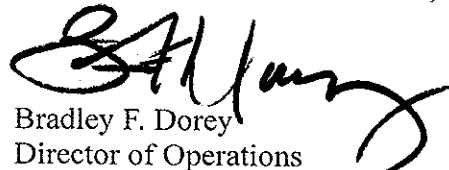
As you are aware, the developer(s) will have to execute a water service agreement with SSWC prior to any water related utility work commencing.

We look forward to working with you on this project.

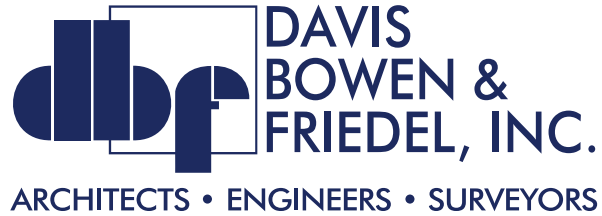
If you have any questions or need additional information, please advise.

Sincerely,

SUSSEX SHORES WATER CO., INC.

  
Bradley F. Dorey  
Director of Operations

cc: Christine Short Mason  
Bryce J. Collins  
Kelly Glenn Zahorchak



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Easton, MD 21601  
(410) 770-4744

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**From:** Kenneth Witmer <noreply@forms.email>  
**Sent:** Wednesday, June 23, 2021 11:13 AM  
**To:** Doug Hudson  
**Subject:** Contact Form: Voter Concern

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

Name: Kenneth Witmer  
Email: [kdwitmer75@gmail.com](mailto:kdwitmer75@gmail.com)  
Phone: 4843549726  
Subject: Voter Concern  
Message: June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.

- **Density Problem** - Medium Density is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.

- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the pounding in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

(CONTINUED BELOW)

- The Continuing Traffic Problem - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.  
Nancy Witmer  
Kenneth and Nancy Witmer  
38352 Virginia Drive  
Bethany Lakes  
Bethany Beach, Delaware 19930



**Nick Torrance**

---

**From:** Michael J Lupichuk <mjlupichuk@verizon.net>  
**Sent:** Wednesday, June 23, 2021 5:33 PM  
**To:** Planning and Zoning  
**Subject:** Proposed Inland Bays Development

---

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Dear Planning & Zoning Commission Members -

As a full time residents of Lynn Drive in the Bethany Lakes community, we feel obligated to write you with our concerns over the proposed development of the land directly behind our residence. While we have all known this day would eventually come and the continued demand for housing in Bethany Beach would claim more wet and woodlands, the proposal submitted by Evergreen Homes for the Inland Bays community raises several concerns:

1. Increased traffic on Fred Hudson - We understand the estimated impact (provided by builder) fell below the threshold for the state to formally review, but as resident with a unique perspective given my property sits in clear view of the proposed entrance and in full view of Fred Hudson road, I can attest that traffic patterns and congestion have significantly grown over the past year and the introduction of 30-60+ additional vehicles in the immediate area will only add to the risk potential and accelerate the wear & tear on infrastructure.
2. Wildlife Impact - The removal of wet and woodland on Fred Hudson Road along with the increased traffic outlined in #1, will inevitably result in more accidents between fleeing wildlife and vehicle traffic. This year alone I have witnessed my share of deer v vehicle encounters and only hope this is a consideration as the proposed plans reduces the livable wildlife space by 11+ acres.
3. Density - While I do not wholly oppose the development of the property, I do disagree with the plan to calculate acreage density using what is deemed to be unbuildable land. Using the land fit for structures, the proposal would need to be reduced to <15 homes.
4. Construction Impact to surrounding area - Due to the nature of the land and propensity for flooding, it is my understanding the proposed homes will be built on pilings which will need to be pounded deep into the ground adjacent to my property. Under the current proposal of 30 homes, my conservative calculation comes to roughly 180 pilings. Without the results of an impact study and/or engineering report, I am concerned for the structural integrity of the homes immediately surrounding the area. This is obviously not an issue on the East side of the property as that is already protected parkland but may have significant impact on the homes in the Bethany Lakes community as well as the homes on the South side of Fred Hudson in the Salt Pond community.

As stated, we understand this day would come and as existing Bethany Beach residents, we are only asking for consideration when reviewing the proposed plans.

Respectfully,

Michael & Karin Lupichuk  
31328 Lynn Drive  
Bethany Beach, DE 19930

[mjlupichuk@verizon.net](mailto:mjlupichuk@verizon.net)





Nick Torrance

---

**From:** Mike Brinck <cdrmb@aol.com>  
**Sent:** Thursday, June 24, 2021 8:05 AM  
**To:** Planning and Zoning  
**Subject:** Proposed Development along Fred Hudson Rd

---

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---

I join the residents of Heron Bay, North Shores, and Bethany Lakes in opposition to the proposed building of Townhomes along the north side of Fred Hudson Rd.

This is another example of the unfettered development in the Bethany Beach area that ignores the impact of development on the already stretched infrastructure from schools to transportation and municipal services of all types.

The proposed development will negatively impact the ecology of the area further destroying habitat for wildlife resulting in additional deer crossings of Fred Hudson in search of food. The increased traffic Much of the land proposed for development is a low-lying wetland and can only result in increased flooding and drainage issues for the surrounding communities.

*Mike Brinck  
Salt Pond*





## Christin Scott

---

**From:** Mike Read <read\_mike@yahoo.com>  
**Sent:** Wednesday, June 23, 2021 2:52 PM  
**To:** Planning and Zoning  
**Subject:** Evergreen request for 30 townhomes

**Categories:** Christin

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

To whom it may concern:

Regarding the Planning and Zoning Commission meeting in Georgetown on June 24 to discuss approval of 30 new townhomes across Fred Hudson Road from Salt Pond -

I am opposed to this proposal due to potential unintended consequences approval may create, including:

1. Increased traffic - There are only 3 entrances and exits for cars into and out of Salt Pond, two on Fred Hudson Road and one on Central Avenue. It is already difficult to exit our community when traffic is heavy, often requiring long wait times, especially during summer months. Approval will make this situation even worse.
2. Increased flooding and drainage problems - Paving more wetlands for more construction will only make the shedding of stormwater more difficult, and could result in greater delay in our community's ability to discharge stormwater and tidal flooding in a timely manner. Another potential unintended consequence could be another redrawing of the FEMA flood zone map for Salt Pond, which would increase flood insurance premiums for Salt Pond homeowners who choose or are required to carry it.
3. Destruction of wildlife habitat - approval will destroy acres of existing wildlife habitat across Fred Hudson Road, which could result in an increase in the number of deer and other wildlife that come over to Salt Pond in search of tasty, expensive plants that homeowners here have planted in order to make their yards more attractive and inviting.

Respectfully submitted,  
Mike Read  
Salt Pond homeowner and year-round resident

## Christin Scott

---

**From:** Patrick Davis <patrick.davis@vacasa.com>  
**Sent:** Wednesday, June 23, 2021 3:13 PM  
**To:** Planning and Zoning  
**Cc:** Suzanne Davis  
**Subject:** CU 2259/Island Bay Community development proposal by Evergreen Homes

**Categories:** Christin

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

Planning and Zoning Members:

We are writing to you to oppose the proposed Island Bay Community development by Evergreen Homes. Thirty homes on this small parcel of land is much too dense for neighborhoods in our area and it would be far different than the adjacent communities of Bethany Lakes and the Salt Pond. The majority of this parcel is unbuildable wetlands, so the number of homes per acre proposed by the developer is very misleading and not at all representative of the tightly packed buildings that they are proposing.

In addition, as residents of the community of Bethany Lakes, the proposed home sites are far too close to the Bethany Lakes existing walkways and with very little opportunity for the addition of appropriate landscaping and fencing between the two communities. If construction is allowed to proceed, we will literally have a wall of homes next to our walkway and the residents of the Island Bay Community will most certainly access the Bethany Lakes community amenities. There needs to be both fencing and landscaping so there is a clear delineation between the two communities.

We understand that this property will eventually be developed, and we are not opposed to that. However, the plan should be modified to include far fewer homes given the size of the parcel, a larger buffer between the two communities, appropriate fencing, appropriate landscaping, and consideration of the already high level of traffic on Fred Hudson Road.

Patrick Davis  
Suzanne Davis  
31330 Lynn Drive, Bethany Beach, DE



31326 May Drive

Bethany Beach, De 19930

June 23, 2021

Sussex County Planning and Zoning Commission

Re: # CU 2259

To Planning & Zoning Members;

I am writing to you to object to the above planning application for INLAND BAYS, on Fred Hudson Road, on the following grounds.

- Traffic - with the approval for 30 new homes (in addition to the 16 new homes, Coastal Corner, Evergreen is currently building on Fred Hudson & Central Avenue) the increased traffic will add stress to an already overloaded exit route. Fred Hudson continues to be used by emergency vehicles, and residents of Ocean View & Millville. The county must address the traffic issue on Fred Hudson & Atlantic Avenue, before approving additional building.
- Drainage – Storm water management, proposal shows 2 acres covered by impervious material. The runoff during heavy rains, nor'easters, and hurricanes will negatively impact the storm drains of Bethany Lakes community and the wetlands.
- Density – Inland Bays parcel is zoned for medium density, 4 homes per acre. Since the buildable land is 4.7 acres, no more than 18 homes should be built.
- Houses on Pilings – The proposal shows these homes to be built on pilings due to wetland issues. There is potential for damage to surrounding homes (Bethany Lakes) causing cracks in foundations, etc. by the pounding. We request the county inspectors measure seismic activity to determine if there is any damage to our foundations.

I am a resident of Bethany Lakes community since 2003, retiring to the lower shore of Delaware.

Thank you for the opportunity to voice my concerns and appreciate your consideration to our responses.

Sincerely,

Judith Cianci

## Ashley Paugh

---

**From:** Janie McLaughlin <jemclaughlin21@gmail.com>  
**Sent:** Wednesday, June 23, 2021 2:47 PM  
**To:** Ashley Paugh  
**Subject:** C/U2259

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

I live in the Salt Pond Community. I am very concerned about the proposed Evergreene Development C/U2259. Where we sit between The Salt Pond & The Bay our flood risk is quite high, with paving more wetlands area the shedding of storm water will be more difficult. It could add to our flood risk & higher insurance cost. Traffic safety, with the light at Cedar Neck -heading East-then maybe 200-300 yds the intersection of G&E hockers/ Bethany Lakes ( very congested now) then at least 1 if not more entrances onto Fred Hudson before the McCoys intersection along with the cross over to Fresh Pond - - would make it even more difficult to get out of our development. As of right now we experience long waits to safely turn out onto Fred Hudson. The destruction on wildlife habitat. The proximity of this desired development to Fresh Pond would impact the area traveled by the wildlife population negatively, and create the opportunity for more deer/car accidents on the already heavily traveled Fred Hudson Rd. Please Do Not allow this development to proceed. Thank you for your time.  
Janie McLaughlin  
Jemclaughlin21@gmail.com  
660 Bethany Loop  
Bethany Beach, DE 19930  
607-727-1783

Sent from my iPhone



SUSAN and PAUL FISCHER  
31334 LYNN DRIVE  
BETHANY BEACH, DE 19930  
mtairyfish@yahoo.com

Via Electronic Delivery

June 23, 2021

Honorable Robert C. Wheatley, Chairman  
Honorable Kim Hoey Stevenson, Vice Chairman  
Honorable R. Keller Hopkins  
Honorable J. Bruce Mears  
Honorable Holly Wingate  
Sussex County Planning & Zoning Commission  
2 The Circle  
Georgetown, DE 19947

RE: C/U 2259 Evergreene Companies, LLC (the "Developer")  
Public Hearing Date: June 24, 2021

Dear Chairman Wheatley, Vice Chairman Stevenson and fellow Commissioners:

The undersigned, Susan and Paul Fischer, respectfully submit the below comments in opposition to the proposed plan of development submitted by Evergreene Companies, LLC, C/U 2259, set for public hearing on June 24, 2021. We request that the Commission reject or recommend against the proposed plan, or in the alternative, attach conditions enumerated below to protect the welfare and safety of the public.

We own the home at 31334 Lynn Drive, Bethany Beach, DE 19930, which is part of the Bethany Lakes subdivision. The property is also identified as Lot 65 of Bethany Lakes. The rear of our property faces east, and lies within feet of the subject property of the proposed Evergreene development (hereinafter referred to as "Inland Bays"). We are separated from Inland Bays only by a Bethany Lakes stormwater canal, and a bike path, each of which are 10 feet wide or less. Our property is approximately 50-100 feet from the footprint of the proposed homes to be built by Evergreene.

Set forth below are six (6) subjects of comment supporting our opposition to the Plan: (1) Environmental and Ecological; (2) Stormwater Management; (3) Density; (4) Use of Timber

Pile Foundations; (5) Traffic; and (6) Coastal Corner. Under each topic we will detail the bases for Plan rejection.

(1) Environmental and Ecological-

The subject property currently consists of almost 12 acres of pristine woodlands and wetlands. On the east side, it borders on Fresh Pond State Park and for all practical purposes serves as an extension of that state park. This forested property is a gem of nature, rare and unusual within the congested Bethany Beach environs and within a mile of the ocean. As noted by DNREC, this area is of "significant ecological value [and] provide[s] wildlife habitat, uptake[s] nutrients, infiltrate[s] stormwater, and improve[s] water quality." (PLUS Response Letter, hearing packet p. 75) The public is further benefited by the visual tranquility presented by the wildland and the cooling shade provided by the canopy. Evergreene proposes to cutdown 2.692 acres of trees. (Preliminary Site Plan, hearing packet p. 48; PLUS Response Letter, hearing packet p. 69). Evergreene proposes to build less than 100 feet from the edge of the wetlands. (PLUS Response Letter, hearing packet pp. 74-75).

- The Plan should be rejected because of the intended destruction of 2.692 acres of trees. The destruction of so many trees will cause irreversible and irreparable damage to wildlife, drainage, water quality, surface temperatures, and sight lines.
- The Plan should be denied because Evergreene rejects the DNREC requirement that the Plan "[i]ncorporate a 100-foot vegetated buffer zone from the edge of all wetlands to protect water quality." (PLUS Response Letter, hearing packet p.74). Evergreene responds: "A 100-foot vegetated buffer zone is not practical for this site and would severely limit the buildable area." (PLUS Response Letter, hearing packet p. 75). In fact, "[s]ome lots show a vegetated buffer zone of less than 25 feet from the wetland." (PLUS Response Letter, Hearing packet p. 74). The Plan should also be denied or at least delayed, because Evergreene has yet to deliver its plan to demonstrate compliance with the county code applicable to the required vegetated buffer zone, as it committed to DNREC (PLUS Response letter, Hearing packet p. 68).
- The Plan should be rejected or at least delayed because Evergreene has yet to provide "planting details and tree species to be added to the preliminary plans" as requested by the Delaware Forest Service (Hearing packet pp. 21, 34).
- The USDA found serious limitations in the buildability of homes on the soil present on the Inland Bays site (Hearing packet p. 19-22). In response, Evergreene undertakes to retain a "geo-technical engineer [to] provide additional soils analysis." (Hearing packet p. 33) The Plan should be rejected or delayed as the additional soils analysis apparently has yet to be conducted.
- Though Evergreene acknowledges in its drawings and photos the existence of trees (poplar and evergreen), bushes and shrubs on the western and northern borders of the subject property, it makes no written commitment to preserve these plantings that already are in existence, or to take steps to preserve the health of



these plantings during construction work. The Plan should be rejected because of this absence of a commitment. At a minimum, Plan approval should be conditioned upon (a) maintaining whatever existing trees and plants presently exist within the mandated landscape buffer required of it, (b) taking steps to preserve the health of such existing greenery (for example, the border poplar trees are in fragile condition, and need to be pruned and fed before construction begins), and (c) a requirement that the Developer plant hardwood/ evergreen trees along the western border in those spaces where no natural green barrier exists between Inland Bays and Bethany Lakes.

- Evergreene proposes to include in its Plan a 10' building setback from the rear and side property lines and a 20' landscape buffer along the western and rear boundary line (Presentation Outline, Hearing packet p 44). The Plan should be rejected because the 20' landscape buffer is inadequate in depth, and the content of the buffer is not defined or identified. A buffer of a mere 20' is inadequate to remedy the destruction of prime woodland being removed. A buffer that does not commit to reforestation efforts within the buffer is an empty promise. At a minimum, the vegetation buffer on the west and north boundary lines should be extended to 50 feet, and should be conditioned upon the planting of a 70/30 mix of hardwood and evergreen tree species (Delaware Forest Service, Hearing packet p. 21), dense enough to block off sight of the structures to be built.

## (2) Stormwater Management-

Inland Bays proposes to cut down 2.692 acres of woodlands and replace it with 2.18 acres of impervious surfaces (PLUS Response Letter, Hearing packet p. 69; Inland Bays Data Sheet, Hearing packet p. 47). The woodlands to be cut down and the clear cut area on which the 30 homes will be built are clustered on the western edge of the property, immediately contiguous to the Bethany Lakes subdivision, and of utmost concern, within 10-20 feet of a Bethany Lakes stormwater "lake" and the Bethany Lakes stormwater canal that is situated on Bethany Lakes property and runs along and is adjacent to the property border (with only a small bike path in between). The Bethany Lakes stormwater system consists of a series of "lakes" connected by the canal. The Bethany Lakes stormwater system is adequate to handle routine stormwater draining from Bethany Lakes, but often is strained to the limit in heavy rain, severe thunderstorms and hurricanes.

- The Plan should be rejected because the new development, as situated and planned, will irreparably harm Bethany Lakes, by overwhelming the Bethany Lakes stormwater system. The Inland Bays buildings and its 2.18 acres of impervious surfaces are stacked up against the western border. Rain waters will drain off these surfaces and as a matter of necessity flow directly towards Bethany Lakes property, at most 30 feet away, and then into the Bethany Lakes stormwater pond and canal, only another 10 feet away. The Bethany Lakes

stormwater system built for 88 homes spread over many acres, cannot accommodate another 30 homes and another 2+ acres of impervious surfaces.

- The Plan should be rejected because it fails to address this concern. While acknowledging the proximity of the Bethany Lakes stormwater system in explaining why it cannot build additional access to the property (PLUS Response Letter, Hearing Packet p. 71- " Due to existing site constraints, it is impractical to provide additional access without impacting the wetlands or the stormwater management pond for Bethany Lakes." ), Evergreene provides no discussion or rebuttal to the concern that its development will cause overwhelming runoff to the Bethany Lakes stormwater system. The stormwater ponds of Inland Bays identified in the site plan are all on the eastern side of the building lots. All runoff to the west will naturally and of necessity flow into the Bethany Lakes stormwater system, leading to likely flooding to Bethany Lakes properties.
- The Plan should be rejected or at least delayed because Evergreene has not provided any detailed or substantive stormwater management system plan. At most, other than to say "[i]nfiltration practices will not be utilized [on part of the site]" (PLUS Response Letter, Hearing Packet p. 68), Evergreene relies upon mere conclusory statements which provide no support to its application or comfort to Bethany Lakes homeowners. See, for example, Hearing Packet p. 38 ("The proposed improvements will meet or exceed the state regulations for quality and quantity control."), Hearing Packet p. 67 ("A Sediment and Stormwater Management Plan will be submitted to the Sussex Conservation District as part of the plan approval process"), and Hearing Packet p. 73 ("The stormwater management plan will incorporate best management practices and green technologies where possible.") Without a substantive stormwater plan that can be evaluated by experts, Evergreene's application is fatally flawed.

### (3) Density-

Evergreene proposes to build 30 single family homes, a clubhouse and a pool. The entire subject property comprises approximately 11.962 acres (less after right of way), of which after tree removal there will be 7.031 acres of remaining woodlands, including 6.124 acres of unbuildable wetlands. (Preliminary Site Plan, Hearing packet p. 48). To accommodate the remaining woodlands and wetlands, and restrictions impacting building near the wetlands, Evergreene has stacked the home building in a tiny sliver of about 2 acres of land on the western edge of the property, right up against Bethany Lakes. The subject property is zoned Medium Density, or 4 units/acre. Taking the entire acreage into account, even though the vast majority of it is unbuildable preserved land, Evergreene claims a density of 2.6 units/acre (presentation Outline, Hearing packet p. 44).

- The Plan should be rejected because Evergreene applies the wrong calculation of acreage to determine the density. In making the



determination, the appropriate measure is the actual acreage utilized in building the 30 homes (approximately 2 acres) or, at most, the acreage remaining after subtracting the woodland and wetland acreage (approximately 4.9 acres). Using these measuring tools, the actual density is 15 units/acre or 6.12 units/acre. In either case, Medium Density zoning is exceeded. The most units that the Developer should be authorized to build, based upon a 4.9 acre calculation most favorable to Evergreene, is 19 units.

- The Plan should be rejected because the proposed density is out of character with the Bethany Lakes development next door and the Salt Pond development across the street. By way of example, on one side of the subject property western boundary between proposed Inland Bays and Bethany Lakes, there will be 16 Inland Bay homes and on the other side of the boundary there are 7 Bethany Lakes homes. This approximation of more than double the density of the Inland Bays homes holds true as compared to the entire Bethany Lakes development, and likely is similar to a comparison with the Salt Pond development.

(4) Use of Timber Pile Foundations-

Though originally slated to be building construction of wood/concrete block (Preliminary Plan, Hearing packet p. 35), the current building construction plan is wood framed/timber pile foundations (updated Preliminary Plan, Hearing packet p. 48). The resultant homes will have finished floor elevation starting a floor above the ground, and rising to a building height of 42 feet.

- The Plan should be rejected because the amount of pile driving involved in building 30 homes is likely to cause structural damage to Bethany Lakes properties. It is to be noted that our home and at least 6 other Bethany Lakes homes are within approximately 100 feet of the lots of 16 Inland Bays homes to be constructed using pile driving techniques, and within approximately 200 feet of the additional 14 Inland Bay pile homes. The remainder of the Bethany Lakes homes (81) are at varying distances from the construction site, but all close by. All Bethany Lakes homes are built on concrete foundations and slabs. There is serious concern that the constant pile driving through ground so close to Bethany Lakes, likely to last months if not years, will cause cracks and other damage to Bethany Lakes foundations, further settling of Bethany Lakes homes resulting in internal floor, wall, ceiling and roof damage, and damage to Bethany Lakes infrastructure, including roads, driveways, pool and clubhouse.
- The Plan should be rejected due to the excessive pile driving noise and vibration that adjoining property neighbors will face for months or years. This invasion of the residents' peaceful enjoyment of their property over such an extended period of time is unacceptable.
- The Plan should be rejected because building on pilings will result in homes being excessively tall and out of character with surrounding communities.

- If the Plan is accepted, at a minimum, Evergreene should be required to fund an escrow account of at least \$500,000, administered by an independent third party, from which payments can be made to Bethany Lakes homeowners and HOA to pay for damage resulting from the Inland Bays construction.
- If the Plan is accepted, at a minimum, seismic testing equipment should be installed during construction at appropriate locations on Bethany Lakes and Inland Bays property, and monitored by state or independent engineers, all at the expense of Evergreene, to record possible damaging pile driving vibrations so that timely corrective or remedial action can be taken.
- If the Plan is accepted, at a minimum, the number of approved houses should be limited to 15 homes, to reduce the potential damage and noise disturbance by half.

#### (5) Traffic

The proposed development fronts onto Fred Hudson Road. Fred Hudson is a major east/west thoroughfare. It is used as a bypass for drivers who wish to avoid the always over congested Route 26 between downtown Bethany Beach and Central Avenue. In fact, it is the only east/west alternative to Route 26 between Rehoboth Beach and Fenwick Island. It is used as an access road by residents of the Cedar Neck area to the beach and points north and south on Route 1. It is used to access Hockers Supermarket in Salt Pond Plaza. And, of course, it is the access road in and out of the Bethany Lakes and Salt Pond developments. It shortly will serve additional traffic to/from the new stores built in Salt Pond Plaza and the recently approved Coastal Corner development of Evergreene. As a result of all of this usage, Fred Hudson is utilized by thousands of cars on a daily basis, and is a nightmare in the summer. Exiting Bethany Lakes or Salt Pond onto Fred Hudson is challenging at best. The proposed Inland Bays development will dump the added traffic of 30 new homes onto Fred Hudson, including residents, guests, contractors, delivery persons, and emergency vehicles. Fred Hudson cannot handle additional traffic. Please reject the Plan for this reason. At a minimum, please send this back to DelDot with a request to conduct a detailed study of the traffic impact of the proposed development on Fred Hudson Road.

#### (6) Coastal Corner-

On the western and south western borders of Bethany Lakes, just down Fred Hudson from the proposed Inland Bays development (on the eastern border of Bethany Lakes), the county in 2018 approved another development of Evergreene. See Ordinance No. 2609. See also, C/U 2130. This development, called Coastal Corner, is currently under construction. Among other things, the approving Ordinance found that the developer ***"will attempt to preserve as many trees as possible"***, and imposed the condition that ***"the buffer on the north side [adjoining Bethany Lakes] shall be extended up to 25 feet to accommodate existing vegetation and trees"*** (emphasis added).



- The Inland Bays Application should be denied because the construction of Coastal Corner has failed to meet the above noted finding and condition set forth in Ordinance 2609. Rather than leave undisturbed the trees along the north side border with Bethany Lakes, all but a handful of mature trees clearly within 25 feet of the boundary were bulldozed. Rather than preserve as many trees as possible, the property, with a handful of exceptions, was clear cut. Given what has happened to the trees in the construction of Coastal Corner, the Inland Bays Application should be denied. Given what has happened to the trees in the construction of Coastal Corner, we are concerned that undertakings made and conditions imposed will provide insufficient protection to safeguard environmental and ecological concerns impacting Bethany Lakes and the public at large, so approval of the Application should be withheld.
- At a minimum, in the event that the Inland Bays application is approved or recommended, such approval should be conditioned upon the appointment of a state representative or independent third party to whom Evergreene must submit prior notice of, and from whom receive prior approval for, the intention to remove any and all trees. The expense of this process should be borne by Evergreene.

Based upon the above comments, we respectfully request that the application of Evergreene to develop and construct the Inland Bays project be rejected or recommended against. In the alternative, conditions as set forth above should be imposed.

Thank you for your consideration of our thoughts.

Very truly yours,

s/Paul Fischer

s/Susan Fischer

31335 Lynn Drive  
Bethany Beach, DE 19930

Opposition  
Exhibit

June 23, 2021

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

Subject: CU 2259 Proposed Inland Bays Community

Dear Sussex County Planning & Zoning Commission:

I am a resident of the Bethany Lakes Community which is located directly adjacent to the proposed Inland Bays Community.

I have several concerns regarding this proposed development.

**DENSITY:**

This area is designated Medium Density, defined as 4 homes per acre. The developer plans to build 30 homes on only 4.7 acres of the total of 11.97 acres. The proposed homes will only be 10 feet apart yet the spacing for our community, with the same Medium Density designation, is a minimum 20 feet apart.

**STORMWATER MANAGEMENT:**

Inland Bays developer is not specific on how they will handle storm water. This is a serious issue for our area. Recent storms have illustrated that our storm water system is frequently at capacity. Additional pressure on our system as a result of Inland Bays development cannot be handled.

**TRAFFIC:**

Traffic on Fred Hudson Road is already a significant problem. The addition of 16 residences already approved at the Coastal Corner community located at Fred Hudson and Atlantic Avenue and 30 more at Inland Bays, on Fred Hudson, will overwhelm the current road structure. The County should not continue to approve additional building without addressing the traffic on both Fred Hudson & Atlantic Avenue as these are the only routes in and out of this area.



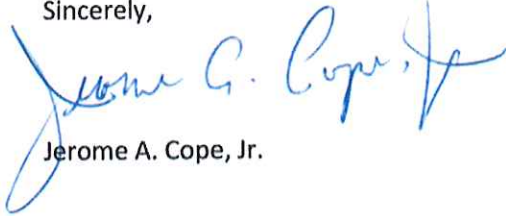
June 23, 2021

Page 2

CONSTRUCTION ON PILINGS:

The 30 proposed houses are to be built on pilings. My home and the other homes on Lynn Drive in Bethany Lakes are directly adjacent to the proposed 30 homes to be built on literally hundreds of pilings. I request that any approval, if granted, include the requirement for the developer to conduct seismic testing during construction to monitor any possible effects to the homes on Lynn Drive.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerome A. Cope, Jr.", is written over the typed name.

Jerome A. Cope, Jr.

Opposition  
Exhibit

June 23, 2021

Opposition  
Exhibit

Members of the Planning & Zoning Commission  
Georgetown, Delaware  
By email: [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)

Re: **CU 2259**, The Evergreene Companies proposal for the Inland Bays Community project

Dear Commissioners:

I am writing as a homeowner in Bethany Beach, Delaware concerning a proposed development being put forth by The Evergreene Companies. I am a single-family homeowner in Bethany Lakes, which I purchased in 2012 and live in with my husband and two children. Prior to purchasing this home, we rented a townhouse year-round for 7 years in North Bethany.

The new Evergreene development will be called Inland Bays Community and will be constructed on Fred Hudson Road. This is an area of Bethany Beach that already has significant growth, including current construction for new homes less than a ½ mile away from this proposed development (Coastal Corner), and an on-going development a bit further away on the bay (Sunset Harbor), in addition to construction on individual lots throughout the immediate area. There is a healthy mix of full-time homeowners and seasonal homeowners and vacationing renters. The communities in this area are predominantly served by single lane roads, including many communities that only have one way in and one way out to access their homes. Moreover, some of these roads are often used by travelers seeking to avoid the congestion on Route 26 and Route 1. In other words, there is a lot of traffic on these roads, year-round, particularly on weekends, and especially on all days from April to October. The traffic is caused by visitors, homeowners, and everyday workers. It's a robust and beautiful coastal area that enjoys a combination of people who live and work here and people who visit for personal enjoyment. It is an area that is presently vibrant but challenged with its existing infrastructure, and adding to a stressed infrastructure that is limited in its ability to grow is not in the best interest of the residents, the communities, the County, or the State. And, intruding into the diminishing green space should be curbed and avoided.

From what I understand, Evergreene has proposed a 30-home development on a single private road on a parcel that contains protected wetlands. I object to this proposal, as written, based on the following concerns:

- We expect to see even more significant impacts on the already congested streets with substantial negative consequences on the quality of life in the area, including obstructing the ability for first responders to effectively and efficiently navigate the streets, the severely limited ability to meaningfully expand the infrastructure to provide adequate access, and the cost to maintain these streets that will be passed on to the residents.
- The parcel on which this new development will be built is wetlands and woodlands, which are protected in the law from being developed and must be preserved. This includes preventing Evergreene from building on protected land and providing that Evergreene's construction respects the distances from protected land that is required in the law, in



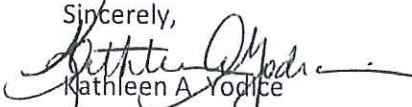
addition to preventing unnecessary removal of existing trees and other greenery that add to a healthy environment.

- The size and volume of the proposed development appears to violate the permissible density limitations for building on acreage.
- The infrastructure to manage storm water and flooding is already at capacity. Having lived through and suffered damage as a result of Hurricane Sandy, the risks associated with a poor storm water management plan are evident. There needs to be a plan to accommodate the water impacts of the proposed development, including additional storm water management facilities and preserving the natural management that the environment (greenery) can provide.
- We expect to see damage caused to the roads and nearby homes and buildings as a result of Evergreene's construction activity that should be evaluated and addressed before any development or construction is approved.

In sum, the proposal is putting too much on top of what is already too much. Based on the foregoing, and additional points that may be raised as we further review and evaluate Evergreene's proposal (and probably amendments), I urge you to deny the application, or at least to defer its consideration until further evaluation and mitigation can be fairly reviewed to assure that any planned development will not adversely affect the safety, efficiency, maintenance, and quality of life in our area.

Thank you for your careful and favorable consideration of this matter.

Sincerely,

  
Kathleen A. Yodice  
31316 Terry Circle  
Bethany Beach, DE 19930

## Christin Scott

---

**From:** mlpoffenberger@gmail.com  
**Sent:** Tuesday, June 22, 2021 5:01 PM  
**To:** Planning and Zoning  
**Subject:** FW: CU 2259 -Hearing on Proposed Inland Bay Community

Opposition  
Exhibit

**Categories:** Christin

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Not sure if my original went through so forwarding this.

### PLEASE DISTRIBUTE COPIES TO EACH MEMBER OF THE COMMITTEE

Sussex County Planning and Zoning Committee:

We are owners in the Bethany Lakes Community whose main entrance is on Fred Hudson Road. Evergreene companies is currently developing a community called Coastal Corner at the intersection of Fred Hudson and Cedar Neck Roads. We went before the Planning and Zoning Committee when that community was proposed and some modifications were made for which we are appreciative. However, it is our understanding that they were not to cut down all of the large trees which were on the property line. However, they went ahead and did that and indicated they would plant trees after the community is complete. We know that those trees will not provide the privacy we were afforded before. Therefore, we do not have much confidence in what Evergreene says they are going to do.

Following is a list of the concerns we have about the Inland Bays Community:

- **Density:** This is said to be a medium density community which we understand to be 4 homes per acre. The total land for the community is 11.97 acres, of which 9.2 are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built. The houses per their plan are 10 ft. apart. Our community, Bethany Lakes, is considered Medium Density and we cannot build within 10 ft. of our property line which means all houses are at least 20 ft. apart.
- **Stormwater Management:** The approval documents for the Inland Bays Community are not specific on how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfall, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our storm water system will exceed our ability to manage stormwater.
- **Sewerage:** We have had problems with the Pumping Station at the Virginia Drive entrance to our community in the past. Improvements were made and we were assured when they were developing Coastal Corner that it was adequate for both of those communities. We assume Inland Bays sewerage will be feeding into our pipes that run under Virginia Drive to the Pumping Station. We have concerns that we will again have a foul smell emanating from the pumping station.
- **Construction of Houses on Pilings:** These 30 houses are to be built on Pilings because of the Wetlands Issue. Pounding in the Pilings may cause severe damage to houses in the area causing cracks in the



foundation. We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of pilings being driven into the ground.

- **Traffic:** Traffic on Fred Hudson Road is already a problem in the summer months. One of our owners' husbands had to be taken in an emergency by ambulance to Beebe Hospital in Lewes. The ambulance had to drive on the wrong side of the road to reach Rt. 1. His wife arrived at the hospital by car 45 minutes after he did, which can cause difficult decision making issues in an emergency. The county cannot continue to approve more building in the Ocean View and Millville area. All of these communities use Fred Hudson Road. Fred Hudson as well as Rt. 26 need to be widened or there will be serious consequences. There are many more bicycle riders using that road also and many do not use the bike path. It is an accident waiting to happen.
- **Answers on the Application Evergreen Submitted: Question 21:** Does this activity encroach on or impact any tax ditch, public ditch or private ditch. They say **NO**.

**Question 28:** They indicate there will be an opportunity to connect to a larger bike, pedestrian or transit network. Are they thinking of our Bike Paths or our Sidewalk. Our sidewalks are on private property within our fenced area.

As stated in the beginning our history with Evergreene is not good. If this property is approved, we are trusting that there will be people from the county overseeing it to be sure it meets the required specifications.

Thank you for hearing our concerns.

Sincerely,

Wright B. Poffenberger and Mary L Poffenberger  
38360 Virginia Drive  
Bethany Lakes  
Bethany Beach, DE 19930  
302-539-2256

## Christin Scott

---

**From:** Michael Van Zetta <vanzettamr@gmail.com>  
**Sent:** Tuesday, June 22, 2021 5:14 PM  
**To:** Planning and Zoning  
**Cc:** Julia VanZetta  
**Subject:** Proposed Development -CU2259

Opposition  
Exhibit

**Categories:** Christin

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Members of the Zoning and Planning Commission,

As a homeowner and Delaware resident, I need to register my concerns regarding the proposed development, Inland Bay Community , by Evergreene Homes.

1. **Density** - Medium Density is defined as 4 homes per acres. Both *Bethany Lakes* and *Inland Bays* are zoned as Medium Density. As stated above, the total land for the proposed *Island Bays* development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. *Inland Bays* plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. **Based on the county definition of medium density no more than 18 homes should be built.**
2. **Stormwater Management** – The approval documents for the *Island Bays Community* are not specific on how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our current stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. **We have concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater.**
3. **Traffic - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months from Coastal Highway.** In a few instances emergency vehicles were unable to transit the road heading to Coastal Highway. The addition of 16 new residences at *Coastal Corner* and 30 more in *Inland Bays* will more than overwhelm the current road structure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more buildings without addressing traffic on both Atlantic Avenue and Fred Hudson Road.
4. **Construction of Houses on Pilings** - These 30 houses are to be built on pilings because of the Wetland Issue. Pounding in the pilings may cause severe damage to houses in the area causing cracks in the foundations. **We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of pilings being driven into the ground.**



There are other concerns within the community regarding tree removal along our property line, tie ins to our trails but our major issues are outlined above and addressed.  
Thank you for your attention

Michael and Julia Van Zetta  
38355 Virginia Drive  
Bethany Beach, DE

## Christin Scott

---

**From:** Craig Wishner <cwishner@gmail.com>  
**Sent:** Tuesday, June 22, 2021 7:40 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

Opposition  
Exhibit

**Categories:** Christin

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

To Whom It May Concern:

I'm a resident of the Bethany Lakes Community for over 14 years, located on Fred Hudson and Cedar Neck Road in beautiful Bethany Beach DE.

There's a proposed new development (Island Bay Community) scheduled to contain 30 multiple level single family dwellings that are located adjacent to our community. This was of course expected to happen, which I have no argument against and welcome our new pending neighbors. However, based on the information provided to me with the following, this does cause me some concern for the safety, well-being, and lack of concern for overburdening this area with more people than it can potentially handle.

Of the 11.96 acres of the parcel for the proposed Island Bay Community, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30 single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our community.

The following are our major concerns we wish to bring to your attention.

1. Density - Medium Density is defined as 4 homes per acres. Both Bethany Lakes and Island Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bay's plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. **Based on the county definition of medium density no more than 18 homes should be built.**

2. Traffic - Traffic on Fred Hudson Road is already a significant problem with more people working remotely from their homes (including both permanent and second homeowners) and will be even more so impacted in the summer months. It is not uncommon to see traffic backed up from route 1 to GE Hocker's Supermarket during the summer months. The addition of 16 new residences at Coastal Corner and 30 more in Island Bays will overwhelm the current road structure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more buildings without addressing traffic on both Atlantic Avenue and Fred Hudson Road. **I would strongly recommend a current traffic study be conducted, to see and witness the insane amount of traffic even prior to these homes being occupied on this narrow stretch of Fred Hudson and Cedar Neck Road.**

3. Stormwater Management - The approval documents for the Island Bays Community are not specific on how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials.



In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater.

4. Construction of Houses on Pilings - These 30 houses are to be built on pilings because of the Wetland Issue. Pounding in the pilings may cause severe damage to houses in the area causing cracks in the foundations. We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of pilings being driven into the ground.

Again, we by no means want to take away someone's ability to prosper by buying land and building upon it, we are only asking for the committee to look at the facts, concerns, and enable the appropriate and right number of homes that should be allowed to be built.

In addition, I've been living here since prior to the Harris Teeter and now G&E Supermarket and forthcoming businesses in the strip center in front of G&E, where there was not this intense abundance of traffic of cars, bicycles, and pedestrians that currently roam up and down Fred Hudson. I personally have been close to being knocked off my bicycle several times by motorists, and thank God I wasn't hurt or seriously injured. Does someone care about helping to alleviate this potential situation, or do you just want to have a blind eye to it.

We're not asking for the delay or stoppage of this new community, just to look at the facts and concerns and provide a mutually beneficial decision that is fair to all.

Also, I wouldn't be surprised if there might be other slatted communities that will be popping up in the future within close proximity, that would further impact this current traffic and overburdening of the Fred Hudson Road area.

I'm hoping you can understand and consider our request for the appropriate number of homes that will occupy this new parcel of land on Fred Hudson.

Thank you for your time and again your consideration in this matter.

Best,  
Craig Wishner

## Christin Scott

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**From:** Charlie Stieff <cstieff3@gmail.com>  
**Sent:** Tuesday, June 22, 2021 6:16 PM  
**To:** Peter Preston  
**Cc:** Planning and Zoning  
**Subject:** Re: CU 2259

Opposition  
Exhibit

**Categories:** Christin

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

Very good. Can you add names to the letter and if yes please add Ann and mine.

On Tue, Jun 22, 2021 at 6:13 PM Peter Preston <pmpreston@yahoo.com> wrote:

To Whom It May Concern :

This letter in opposition to the proposed 30 single family unit subdivision at the West end of Fred Hudson Rd. represents the sentiments of the Home Owners in Heron Bay at the East end of Fred Hudson.

There is already too much fast moving traffic along Fred Hudson which backs up at the light at Rte #1 and blocks our entrance all summer long. When this happens, to go West from our community onto Fred Hudson, one has to make a blind turn into traffic coming from Rte #1. There has already been one accident there; and with a greater number of vehicles on the road from the proposed project, it will become even more dangerous.

Fred Hudson is now a "cut through" for traffic trying to avoid the light at Rte #1 and Rte #26 while also being used more and more as additional residential projects are approved along Central Ave./Cedar Neck Rd.

Until such time as Fred Hudson is properly widened with an adequate walking/bike path from beginning to end, it will become a larger and larger safety hazard. Any new projects creating an additional traffic load should be denied.

Please protect the safety of those who already live along Fred Hudson before more tragedies occur.

Thank you for your kind consideration.

Sincerely,

Peter Preston  
Board Member  
Heron Bay Condominium Association  
Bethany Beach, DE 19930



## Christin Scott

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**From:** Mable Ruddo <theruddos@yahoo.com>  
**Sent:** Tuesday, June 22, 2021 3:00 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

Opposition  
Exhibit

**Categories:** Christin

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

Dear Planning and Zoning Commission,

I have been a homeowner in the Bethany Lakes community in Bethany Beach for 17 years and would like to voice my disapproval of the construction of the Island Bays development off of Fred Hudson Road. I object to the Island Bays development because of the list of issues below.

1. Density:

Medium density is defined as 4 homes per acres. Both Bethany Lakes and Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Islands Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the **county definition of medium density** no more than **18 homes** should be built.

2. Stormwater Management:

We already experience regular flooding on Fred Hudson Road and within the Bethany Lakes community on a day like today when it rains all day. Island Bays will create even more of a problem during hurricane season and heavy rainfall months.

3. Construction of Houses on Pilings:

We understand these Island Bay homes will be built on Pilings. This pounding is a severe risk to the foundation of our property. We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of Pilings being driven into the ground.

4. Traffic:

A few years ago a Bethany Lakes resident called an ambulance to come pick up her husband and the ambulance was stuck in traffic on Fred Hudson Road and it took over an hour to get to the hospital. In addition, this past weekend we were trying to get out of our community at 9am on Saturday and could not turn left because traffic was backed up on Fred Hudson Road from Route 1 all the way to Cedar Neck Road. This is unacceptable and already affects traffic where Cedar Neck Road intersects with Atlantic Avenue.

We request the State Transportation Department come here and do a traffic study. We also request the Sussex County Water Company and County Sewer do a proper survey and inform our community of the results of these surveys. We also request that the county inspectors measure seismic activity.

Thank you for your consideration of our Bethany Lakes community concerns.

Regards,  
Mable Ruddo

## Christin Scott

---

**From:** tom noord <tnoord@gmail.com>  
**Sent:** Tuesday, June 22, 2021 2:24 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

Opposition  
Exhibit

**Categories:** Christin

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

Dear Planning and Zoning Commission,

Thomas Noord & Judith Noord, homeowners in Bethany Lakes residing on Lynn Drive. Our property backs up to the proposed development of Inland Bays. We will be directly effected by this project, in every aspect. We are stating our opposition to the scope of this development, the ecological and storm water management, the buffer between our development and this project.

Our Board of Directors have expressed their concerns with some of the density issues and oppose 30 homes to be built along this sliver of land. Evergreen Homes has taken a scorched earth approach to building on the west side of our community and will cut down every tree and all vegetation leaving us with no tree or fencing border. Our bike path, which is no closer than 100 feet to any home in the Bethany Lakes Community, will be built 25 feet from this proposed development. Approving this plan as proposed is basically ceding the walkway/ path to the Inland Bays Community. Where are they going to walk their dogs, ride their bikes? Are all the trees between the communities going to remove for this project too?

We feel the research into the ecological impact of pile driving space for 30 homes into an area adjacent to wetlands are an unknown and needs further review of the impact of our environment. We don't approve of the project as proposed and believe 30 homes is too many to wedge into that small buildable parcel.

Thomas & Judith Noord  
31332 Lynn Drive  
Bethany Beach DE



## Christin Scott

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**From:** Sandra Clinton <syc@ClintonRiesla.com>  
**Sent:** Tuesday, June 22, 2021 10:48 AM  
**To:** Planning and Zoning  
**Cc:** Sandra Clinton  
**Subject:** CU 2259

Opposition  
Exhibit

**Categories:** Christin

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

I am writing in regard to the proposed new development to take place on the north side of Fred Hudson close to the intersection with Cedar Neck Road in Bethany Beach, MD.

My family and I are residents at Heron Bay Circle near the corner of Fred Hudson and Rt. 1. Every day we have to fight growing traffic to leave our development to go either east or west. Additionally, every day I do a bike training ride leaving my neighborhood at 7am and returning at 7:45am. The scariest part of both driving out of our neighborhood and riding on a bike out of the neighborhood is crossing to go the opposite direction, or riding on a very narrow shoulder on a bike. If I were to swerve in either direction I would either risk being hit by a car or running into a water-filled swale at the side of the narrow shoulder.

We are concerned about the growing traffic on Fred Hudson and the continued development in this fragile landscape of wetlands. Adding the proposed 36 or so new homes will potentially add another 60 or so cars to this already too congested road. It now often takes 3 light turns to get through the traffic signals at Rt. 1 on a summer weekend, and I live ¼ of a mile from the intersection. Something must be done to curb the amount of traffic, to create a safer biking and walking lane along Fred Hudson, and to protect the little bit of remaining wild wetlands and marshes that make southern Delaware the habitat it is and has always been...long before approving additional houses that will only bring additional cars and negative environmental impacts.

We ask that you please consider not approving this new proposed development, or at the least, reducing it by ½ to ¾ the number currently considered.

Thank you for your considerations.

Sandy

SANDRA YOUSSEF CLINTON  
FASLA | President



CLINTON+RIES  
Landscape Architects

301-699-5600 office  
301-442-0981 cell  
[www.clintonriesla.com](http://www.clintonriesla.com)

FIRM NEWS...click [here](#)

Exhibit  
Appendix



## Christin Scott

---

**From:** Karin Lupichuk <knlupichuk@verizon.net>  
**Sent:** Monday, June 21, 2021 7:14 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

Opposition  
Exhibit

**Categories:** Christin

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

Dear Sussex County Zoning and Planning Commission,

I am writing to express concerns over the proposed housing development Island Bays Community by Evergreen Builders. We recently purchased a home (March 2021) in the Bethany Lakes Development where we reside full time. Our house is located at 31328 Lynn Drive and backs up to the community bike path where the proposed Island Bays Community plans to build houses that border the community bike path. We are very concerned that the forest area will be destroyed by the proposed development. We are obviously concerned over the impact to our view of the forest and the negative impact on our property value, but the destruction of what is left for the wildlife to live is even more concerning. From our home while sitting on our back deck, we have observed several accidents on Fred Hudson, one where a deer was killed and another where cars slammed into each other b/c geese regularly cross Fred Hudson and the traffic stops to let them pass - if a car is not paying attention they slam into the car who has stopped for the geese. We have observed these traffic and wildlife problems in just the first few months of us living here. I agree with all of the concerns outlined by the community leads, but wanted to send a personal statement with my concerns as well. Fred Hudson road can really not sustain another housing development and our wildlife need the forest area that is adjacent to the state park - I really hope that the state could buy out the builder and annex the land into the adjacent state park. If the housing development is approved, I would hope a new plan is submitted for a significantly lower number of homes and that there is true forest buffer along the bike path, not just a few trees.

Thank you for your consideration,

Karin and Michael Lupichuk  
31328 Lynn Dr  
Bethany Beach, DE  
19930  
302-740-7608

## Christin Scott

---

**From:** D Barnhouse <barnhouse7@verizon.net>  
**Sent:** Tuesday, June 22, 2021 8:02 PM  
**To:** Planning and Zoning  
**Subject:** Oppose to CU 2259 Inland Bays

Opposition  
Exhibit

**Categories:** Christin

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

Members of Planning and Zoning

I'm writing this email to the Board to voice my thoughts and concerns regarding the Inland Bays housing proposal. We have three issues why this 30 house development should not occur. They are House Density, Stormwater Management and Traffic.

**Density:** This development is zoned as a Medium density project. The property is 11.96 acres of which 9.2 acres are unbuildable as they are designated either woodland or wetlands. The project would be using 4.7 acres which has 2 acres of impervious surfaces. This suggests that the 30 houses would all be condensed on a smaller lot (10ft apart) than the surrounding housing communities.

**Stormwater Management:** The Inland Bays project does not specifically say how the water system would be addressed. The property is majority wetlands and wooded area and they want to cut down many trees to build the 30 houses. As you know, our climate is changing rapidly and more extreme weather could be the norm, which would only add to our fragile infrastructure. Living by the ocean and having water concerns only increase by adding 30 houses on a relatively small parcel of land.

**Traffic:** This is an issue everywhere, no one likes traffic, but when citizens safety issues worsen because of traffic then we have a problem. The entire area is growing which brings more walkers, bike riders and cars on our roads. Fred Hudson Drive already is a busy road in the summer season, adding more houses would only increase our traffic. In the summer, Fred Hudson drive is a connecting road to Rt.1 Coastal Hwy. used by the surrounding neighbors, vacationers and First Responders. Fred Hudson Dr.traffic backs up from Rt. 1 Coastal Hwy onto Central Ave. My safety concerns from adding more houses would be the sometimes precious seconds First Responders need to assist me and my neighbors in a time of need. Adding more cars to our roads would only increase traffic hindering response time from our First Responders.

Thank you for your time.

Ann and Dwight Barnhouse  
31336 Lynn Dr.  
Bethany Beach, DE 19930



## Christin Scott

---

**From:** Lyle Dennis <ldennis@dc-crd.com>  
**Sent:** Tuesday, June 22, 2021 9:15 PM  
**To:** Planning and Zoning  
**Cc:** 'Home (lyleden@comcast.net)'; Barbara Guthrie  
**Subject:** CU-2259

Opposition  
Exhibit

**Categories:** Christin

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

**To:** Planning and Zoning Commissioners  
**From:** Lyle and Janet Dennis, 31338 Lynn Drive, Bethany Lakes  
**Re:** Inland Bays development

We am writing to express our concerns with the proposed development of the Inland Bay property on Fred Hudson Road. While we would not question an owner's right to develop their property, there are several major concerns generated by this proposal that we would respectfully ask the Commission to address and to redress.

1. Density – While this property is nearly 12 acres, most of it is not buildable because of wetlands and impervious soils. As a result, the proposal is to jam 30 houses on 4.2 acres, nearly double what would be allowed in a medium density residential development. It is critical that the Commission reduce this density to no more than 16 houses plus the pool. If you review the drawing submitted by the applicant, you will see that there are sixteen (16) houses on the west side of the proposed street, which line up against seven (7) houses on the east side of Lynn Drive. This level of density is totally disproportionate to the area, whether it is Bethany Lakes to the west, or Salt Pond to the south. Neither development comes close to this density and to allow this parcel to be developed in this way is totally overdone for the area.
2. Traffic – We noted that DelDOT indicated that based on the number of units and estimated trips per day, a Traffic Impact Study is not required for this development. However, we also noted that the letter from DelDOT indicated that, while not required, it is recommended. Please direct that such a study be done. Traffic on Fred Hudson in the summer backs up the length of the road from Route 1 to Central Avenue. Even in the off-season, traffic on that road is heavy, with cars often travelling above the speed limit. It is a tragedy waiting to happen.
3. Historical Preservation – I noted on the application that Evergreen indicated that it has not had the property inspected by the State's Office of Historical Preservation and, more significantly, that it would not permit that to be done. This begs the question, why not? Is it possible that there is something on the property that would merit preservation? A burial ground from the Lenape-Delaware Tribe? A village with artifacts? There is no way to know without an inspection by experts.
4. Environmental Issues – It appears that there was once a house on that property in the area that is going to be built. Does anyone know what the fuel source for that house was? Might there be an oil tank or a propane tank on the property? How was sanitary waste handled? Could there be a septic tank? All of these issues need to be addressed before moving forward.
5. Tree Preservation – Lining the west side of this parcel there is a stand of evergreen trees, followed by a row of deciduous trees. We are counting on the Commission to direct that these trees be preserved – and that the direction be enforced. Evergreen's development on the corner of Fred Hudson Road and Central Avenue is clearly indicative of what kind of approach this developer takes – cut it down now, apologize later (or not at all). Don't let them do to the east side of Bethany Lakes what this same developer did on the west side.

Thank you for your consideration of these issues and others that are being raised by residents of Bethany Lakes, Salt Pond, and others in the area.

Lyle and Janet Dennis  
31338 Lynn Drive

no file  
3/1/75



## Christin Scott

---

**From:** webmaster@sussexcountype.gov on behalf of Sussex County DE  
<webmaster@sussexcountype.gov>  
**Sent:** Wednesday, June 23, 2021 11:07 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Christin

RECIPIENTS: Jamie Whitehouse

Opposition  
Exhibit

Submitted on Wednesday, June 23, 2021 - 11:07am

Name: Kenneth Witmer  
Email address: kdwitmer75@gmail.com  
Phone number: 484-354-9726  
Subject: Concerns Regarding CU 2259 The Island Bays Community Prospectus  
Message:

June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.
- **Density Problem - Medium Density** is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.
- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the pounding in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

(CONTINUED BELOW)

- The Continuing Traffic Problem - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.  
Nancy Witmer  
Kenneth and Nancy Witmer  
38352 Virginia Drive  
Bethany Lakes  
Bethany Beach, Delaware 19930



## Christin Scott

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, June 23, 2021 11:09 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Christin

Opposition  
Exhibit

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 23, 2021 - 11:09am

Name: Kenneth Witmer  
Email address: kwitmer@wcupa.edu  
Phone number: 4843549726  
Subject: Concerns Regarding CU 2259 The Island Bays Community Prospectus  
Message:  
June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.
- **Density Problem** - Medium Density is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.
- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the pounding in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

- The Continuing Traffic Problem - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.  
Nancy Witmer  
Kenneth and Nancy Witmer  
38352 Virginia Drive  
Bethany Lakes  
Bethany Beach, Delaware 19930



## Christin Scott

---

**From:** Warren Stumpf <warren@criainc.com>  
**Sent:** Tuesday, June 22, 2021 3:42 PM  
**To:** Planning and Zoning  
**Subject:** bethany lakes homeowners - evergreen companies  
**Attachments:** Evergreene Island Bays Plat.pdf; evergreen.pdf

**Categories:** Christin

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Please find attached proposed development plans presented by evergreen. For some reason the planning and zoning committees keep issuing development permits with absolutely no regard to our inadequate infrastructure situation. I realize no matter what we as a homeowner's community shed light on, will not be taken into consideration. My hope is that you will curtail the number of units that are being requested by evergreen ( strange that this name evergreen is doing the exact opposite and turning green into asphalt/cement). I will not belabor the issues but there is a density concern. A stormwater management concern. Houses built on pilings concern due to pounding of pilings. Most of all, a traffic concern on Fred Hudson. You just issued a permit for 16 townhomes on Fred Hudson/Cedar Neck. The infrastructure can not handle 16 more homes and you want to issue a permit for 30 more homes. First responders can not navigate these roads during peak season in a safe and fast manner as it is now. What do you think is going to happen when 46 more homes are built in the same area?! Please limit the number of homes to the proper density requirements. Thank you for your consideration.



### Warren W. Stumpf, CIC

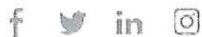
*President*

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O. 717-731-1142  
C. 717-648-2955



422 N. Front St Wormleysburg, Pa 17043



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Opposition  
Exhibit

## Christin Scott

---

**From:** Sharon Alm <SharonBAIm@hotmail.com>  
**Sent:** Tuesday, June 22, 2021 3:04 PM  
**To:** Planning and Zoning  
**Subject:** Opposition to CU 2259, Proposed Housing Dev't on Fred Hudson Rd.

**Categories:** Christin

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

Dear Members of the Planning and Zoning Board,

I am writing in opposition to the proposed 30-unit housing development on Fred Hudson Rd in Oceanview, DE which is referred to as CU 2259. I am a homeowner in the Heron Bay community, 32530 Heron Circle, off Fred Hudson Road. I can attest to the traffic problems heading east on Fred Hudson Rd, especially in the summer months. It is not unusual for traffic to be backed up from Route 1, almost to the proposed entrance to the Evergreene tract on Fred Hudson. Great disruption occurs when an emergency vehicle needs to get through the traffic and turn left on Route 1. Fred Hudson is a popular biking road but there is no bike lane designated, and a very narrow shoulder on the road heading east. It is very dangerous with so much car traffic already crowding bicyclists along this road. A year ago there was a terrible accident in front of our community when a motorcyclist was hit by a car due to the backup of traffic and poor visibility around the stopped cars in the road. Had it been a bicyclist rather than a motorcycle, I don't think the rider would have survived the damage. I disagree with the Evergreene proposal package which estimates the development will add 50 cars per day - that is a gross underestimation based on 30 homes and the attendant family members, visitors, and renters. I urge you to require a Traffic Impact Study to more accurately assess the impact to the surrounding homes, the bicyclists and walkers along Fred Hudson, and emergency vehicle response readiness.

Additionally, I object to the use of this green space for building homes. Already the wildlife in the area has diminished with the building of homes in the Northbeach and Bethany Lakes housing developments. Likewise the mosquito population has grown since the breeding hasn't slowed down but there is so much less wetlands to provide areas for mosquitos to live, away from the human population.

I urge you to reject the current proposal for the 30-unit housing development and preserve this land as green space to provide a wildlife habitat and to protect the surrounding homes.

Best regards,  
Sharon Alm

Opposition  
Exhibit



June 22, 2021

Sussex County Planning & Zoning Commission  
Georgetown, DE

Opposition  
Exhibit

Re: CU 2259 (Evergreene Companies, LLC)

I am writing to express my concern with the impact the proposed 30 single-family condominium development (coupled with an under construction 20-unit townhouse development) is likely to have on traffic specifically along Fred Hudson Road. It is already dangerous for pedestrians and bicyclists to travel along the eastern portion of Fred Hudson Road where there are no (or narrow) bike/pedestrian walkways. In addition, east bound traffic often backs up for close to a mile to exit onto Route 1. Adding an additional 30 housing units will only exacerbate the traffic issues in the area. Thank you for your consideration in reviewing the traffic impact of the proposed development.

Sincerely,

Thomas R. Alm  
32530 Heron Circle  
Bethany Beach, DE

## Chase Phillips

---

**From:** D Barnhouse <barnhouse7@verizon.net>  
**Sent:** Monday, June 21, 2021 9:59 PM  
**To:** Planning and Zoning  
**Subject:** CU2259 Inland Bays

**Categories:** Nick

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Members of Planning and Zoning Board

I am writing this email to express my thoughts and concerns for the Evergreen Companies Inland Bays Community. I have three major issues why 30 houses should not build on this property: The density of building, stormwater management and traffic.

This medium density property is 11.97 acres of which 9.2 are unbuildable as they are either woodland or wetlands. The project plans to remove trees from 2 acres and build on 4.7 acres of which 2 acres are impervious surfaces. The building of 30 houses at 10' apart on this size property would create problems to our waterways, environment, roads and community.

Opposition  
Exhibit



## Chase Phillips

---

**From:** STEVE GUTHRIE <shguthr@comcast.net>  
**Sent:** Monday, June 21, 2021 4:04 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259 The Evergreene Companies LLC Island Bays Proposed Development

**Categories:** Nick, Rusty

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

June 21, 2021

Dear Members of the Sussex County Planning and Zoning Committee,

My name is Stephen Guthrie and my wife and I own a home at 31339 Lynn Drive, Bethany Beach, Delaware. I am a full-time resident and the former superintendent for Sussex County Technical School District.

I am writing to express concern over The Evergreene Companies, LLC proposed development know as *Island Bays Community*. This is the same developer who is currently developing the lot located on the corner of Fred Hudson and Cedar Neck Roads to build 16 townhouses. This development is called *Coastal Corner*.

This proposed new development ( *Island Bays*) is scheduled to contain 30 multiple level single family dwellings that will be built on pilings. Of the 11.96 acres of the parcel, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30 single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our Bethany Lakes community. The proposed houses will horseshoe around the area of our biking/walking path and contain a pool and a small clubhouse.

The approval of this new 30 house development right on the heels of 16 townhouse development less than 100 yards away will add 46 new residences that will feed into an already over taxed road system and storm water management system.

**Traffic** - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during summer afternoons. The addition of 16 new residences at *Coastal Corner* and 30 more in *Island Bays* will overwhelm the current road structure. Residents and visitors to Ocean View, Millville and the surrounding areas have already learned that Atlantic Avenue/Garfield is not passable during the day and cut across Central Avenue to Fred Hudson to Route 1 to go north. The traffic on both Atlantic Avenue is at a standstill most summer days and Fred Hudson is not much better. The county cannot continue to approve more building without addressing traffic both Atlantic Avenue and Fred Hudson Road.

**Stormwater Management** – The approval documents for the *Island Bays Community* are not specific on how their stormwater management system will be handled. It is my understanding there will be several acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. During

heavy storms and extended rainfalls, the Bethany Lakes storm water management system cannot contain the runoff from our existing neighborhood. Many of us have lawns that flood and those that live along the canal have seen it exceed its banks. I have major concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater and cause crawlspace flooding.

The addition of 46 houses that will feed into the same road structure and add at least many acres of impervious surface to a stormwater management system that is at capacity is unreasonable.

I respectfully ask that you modify the Evergreen request as follows:

1. Reduce the number of houses to 18 and reduce the amount of impervious surface in this proposed development. I understand that the state agencies have reviewed my concerns, but I think that they do not understand the negative impact that 46 houses added to an already overtaxed system will have.
2. Require trees and other border vegetation between Island Bays and Bethany Lakes to absorb run-off water and reforest some of the trees removed for the development.

Please feel free to contact me if you have any questions and concerns. My number 443-375-2695. I plan on attending Thursday's meeting as well.

Sincerely,

Stephen H. Guthrie



June 21, 2021

Dear Members of the Sussex County Planning and Zoning Commission

I am Barbara Guthrie and, along with my husband, am a full-time resident at Bethany Lakes Community. We moved to Sussex County full time when my husband was appointed to the position of superintendent for Sussex County Technical School District. I worked full time for over 30 years in the School system in Maryland and was also a professor at Stevenson University in Maryland. Although difficult to leave my career behind in Maryland, I have been able to contribute to the Southern Delaware community by being an active participant in the Southern Delaware Alliance for Racial Justice, Co-chair of the Youth Committee of the Alliance, am a member of the Southern Delaware Chorale, and also a member of the HOA Board for Bethany Lakes. Our home in Bethany is our permanent residence and I am grateful we were able to find a home in this community.

I am writing to express concern over The Evergreene Companies, LLC proposed development know as *Inland Bays Community*. This is the same developer who is currently developing the lot located on the corner of Fred Hudson and Cedar Neck Roads to build 16 townhouses. This development is called *Coastal Corner*.

This proposed new development (*Inland Bays*) is scheduled to contain 30 multiple level single family dwellings that will be built on pilings. Of the 11.96 acres of the parcel, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30 single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our Bethany Lakes community. The proposed houses will horseshoe around the area of our biking/walking path and contain a pool and a small clubhouse.

The approval of this new 30 house development right on the heels of 16 townhouse development less than 100 yards away will add 46 new residences that will feed into an already over taxed road system and storm water management system.

**Traffic** - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during summer afternoons. The addition of 16 new residences at *Coastal Corner* and 30 more in *Island Bays* will overwhelm the current road structure. Residents and visitors to Ocean View, Millville and the surrounding areas have already learned that Atlantic Avenue/Garfield is not passable during the day and cut across Central Avenue to Fred Hudson to Route 1 to go north. The traffic on both Atlantic Avenue is at a standstill most summer days and Fred Hudson is not much better. The county cannot continue to approve more building without addressing traffic both Atlantic Avenue and Fred Hudson Road. Trying to get out of our development on a beach day is very difficult and even treacherous. Today I saw young bikers leaving the Hocker's parking lot (directly across the street) and they seemed terrified about entering the Fred Hudson road.

**Stormwater Management** – The approval documents for the *Inland Bays Community* are not specific on how their stormwater management system will be handled. It is my understanding there will be several acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. During heavy storms and extended rainfalls, the Bethany Lakes storm water management system cannot contain the runoff from our existing neighborhood. Many of us have lawns that flood and those that live along the canal have seen it exceed its banks. I have major concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater and cause crawlspace flooding.

The addition of 46 houses that will feed into the same road structure and add at least many acres of impervious surface to a stormwater management system that is at capacity is unreasonable.

I respectfully ask that you modify the Evergreen request as follows:

1. Reduce the number of houses to 18 and reduce the amount of impervious surface in this proposed development. I understand that the state agencies have reviewed my concerns, but I think that they do not understand the negative impact that 46 houses added to an already overtaxed system will have.
2. Require trees and other border vegetation between Island Bays and Bethany Lakes to absorb run off water and reforest some of the trees removed for the development.
3. Our community is very concerned about this possible development, especially since there is another Evergreene Development in process on the other side of the community property. Our family and children use the nature path every day which will be greatly impacted should this development be approved. 31 people from our community attended a meeting this past Saturday to learn about this occurrence and find out how they could register concerns.

Please feel free to contact me if you have any questions and concerns. My number 443-546 9020. I plan on attending Thursday's meeting as well.

Sincerely,

Barbara E. Guthrie



June 17, 2021

Opposition  
Exhibit

Patricia and Charles Spackman  
31587 Charley's Run  
Bethany Beach, DE 19930

RECEIVED

Sussex County Planning and Zoning Commission  
County Administrative Offices  
2 The Circle  
Georgetown, DE. 19947

JUN 21 2021

SUSSEX COUNTY  
PLANNING & ZONING

RE: The Evergreene Companies case C/U-2259

To Whom it May Concern,

This letter is written in opposition to the Conditional Use case #2259, which the Commission intends to review during the June 24<sup>th</sup> meeting next week.

The negative safety impact that this proposed development will have on the surrounding communities needs to be considered as a priority and of utmost importance

The residents of the proposed Evergreene Companies' Inland Bays Community will directly access Fred Hudson Road. This is already a heavily used thoroughway for traffic from Coastal Highway to Garfield Road (via Cedar Road). Adding more cars from the proposed Inland Bays Community residents will assure additional traffic on the Fred Hudson Road. WE DON'T NEED MORE CARS ON THIS ROAD.

A number of public safety issues must be addressed before additional developments along Fred Hudson Road are approved. The existing communities that use the Fred Hudson Road bicycle and walking path, which is a very narrow shoulder for much of its length, are taking considerable risk by using that path. Cars typically exceed the 45mph speed limit when they can, making it a dangerous situation for pedestrians. Drivers rarely take heed when the crosswalk lights at the Fresh Ponds trailhead are flashing. THE COUNTY NEEDS TO CONDUCT A SAFETY STUDY AND IMPLEMENT CORRECTIVE MEASURES.

An additional concern is that Fred Hudson Road may already be over-capacity in the event of emergency evacuation, and for emergency vehicle access in general. We can't expect first responders to be effective in this situation. THE COUNTY NEEDS TO REVIEW EMERGENCY SCENARIOS and CONSIDER THE RAMIFICATIONS OF ADDING MORE RESIDENCES.

Thank you for considering these concerns.

Respectfully,

Patricia and Charles Spackman



# Bethany Woods Property Owners Association

P.O. Box 277

Bethany Beach, DE. 19930-0277

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JUN 21 2021

SUSSEX COUNTY  
PLANNING & ZONING



Opposition  
Exhibit

June 17, 2021

Sussex County Planning and Zoning Commission  
County Administrative Offices  
2 The Circle  
Georgetown, DE. 19947

RE: The Evergreene Companies Case C/U-2259

To Whom it may Concern,

This letter is written in opposition to the Conditional Use case #2259, which the Commission intends to review during the June 24<sup>th</sup> meeting next week.

The proposed Evergreene Companies' Inland Bays Community will have a negative impact on the surrounding communities. Although the December 2020 PLUS recommendations for this case do not anticipate the need for a Traffic Impact Study, there are many considerations for traffic and public safety that we implore you to consider in your review. Fred Hudson Road, the direct road access for the Inland Bays Community, already has too many cars driving too fast when they can, and traffic backed up on its entire length most other times. In addition, the public uses this road for walking and cycling. There is a very narrow lane as the only pedestrian path for at least ½ mile approaching the Coastal Highway. There is a public crosswalk at the Fresh Pond Fred Hudson trail head, which drivers typically ignore, even when the crosswalk lights are flashing. There is added concern around the diminished capacity for emergency evacuation, given the increase in residences who will depend on Fred Hudson Road for egress.

We do not support this proposal and hope you will consider our position as concerned citizens who will be directly affected by the development.

On behalf of the Bethany Woods Property Owners Association, I thank you for your time and consideration in this matter.

Sincerely,

Patricia M. Spackman  
President



RECEIVED

JUN 21 2021

SUSSEX COUNTY  
PLANNING & ZONING

Planning & Zoning Commission  
Building, 2  
The Circle Georgetown, DE 19947

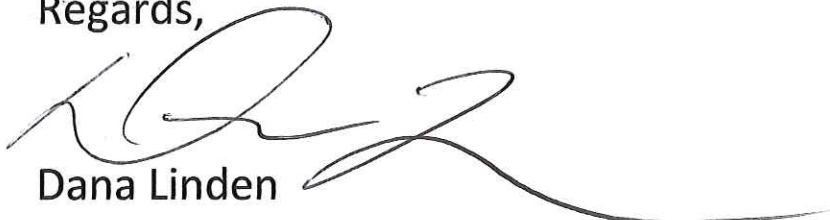
To: Planning & Zoning Commission  
Subject: C/U-2259

I am writing to you to ask that as a condition of approval of C/U #2259 you stipulate, and include, all of the conditions that were agreed to by the P&Z Commission in 2010 when this property was presented by Inland Bays LLC under C/U #1850 (minutes from that public hearing are included with this letter).

The applicant knows, or should have known, all of the conditions that were agreed to in 2010 when Inland Bays LLC. owned the property.

Please require that these conditions "run with the land" and that they are included in the controlling documents of the HOA when the individual units are sold. In particular, the HOA documents should clearly state that nothing can be built in the wetland areas.

Regards,



Dana Linden  
38382 Virginia Drive  
Bethany Beach, DE 19930

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1850 for Inland Bays, LLC based upon the record made at the public hearing and for the following reasons:

- 1) This project previously received approval approximately six (6) years ago, but that approval lapsed. It is appropriate to recommend approval again, but with additional conditions and stipulations.
- 2) The property is zoned MR Medium Density Residential in an area that has developed with similar residential projects. These include the Salt Pond RPC and the Courts and Lakes at Old Mill. There are also other MR and GR zones with some Conditional Uses for Multi-Family dwellings. The project is also surrounded on two (2) sides by the Bethany Lakes development.
- 3) The project is appropriate for the site because central water and sewer are available. In this case, there will be central sewer provided by the Sussex County Cedar Neck Sewer District. Water will be provided by Sussex Shores Water Company.
- 4) The project is located in a Development District according to the Updated Sussex County Land Use Plan.
- 5) The project will be served by amenities that are on-site. These amenities include a swimming pool, tennis court and clubhouse.
- 6) With the stipulations placed upon this approval, there will be no adverse impact on traffic or neighboring or adjacent properties.
- 7) This recommendation for approval is subject to the following conditions:
  - A. The maximum number of residential units shall not exceed 48 units.
  - B. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant as required by DelDOT.
  - C. Recreational facilities and amenities, including a swimming pool and clubhouse, shall be constructed and open to use by residents within two (2) years of issuance of the first building permit for the project.
  - ✓ D. The Applicant stated that "amenities and recreation features are located for convenient access" and that "central amenities areas are isolated from adjacent developments". To accomplish these stated goals, the recreation area shall be relocated to a centralized interior location within the development.
  - E. The development shall be served as part of the Sussex County Cedar Neck Sewer District in accordance with Sussex County Engineering Department Standards.
  - F. The project shall be served by a public central water system providing adequate drinking water and fire protection.
  - G. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.
  - H. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of the stormwater management and erosion and sedimentation control system.
  - ✓ I. As required in the original approval, the existing Poplar trees along the westerly boundary shall be retained. In addition, a split rail or similar type of fence shall be installed along the western and northern boundaries of the property.



- J. The interior street design shall be in accordance with or exceed Sussex County street design requirements.
- K. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
- L. Landscape and lawn maintenance shall be the responsibility of the Condominium Association. Best Management Practices shall be utilized to minimize any environmental impact.
- M. The Final Site Plan shall contain a landscape plan of the project and shall also show all undisturbed forested areas.
- N. A Hunting Notice similar to the Agricultural Use Protection Notice shall be included on the Final Site Plan, Condominium Declaration Plan, and within the Condominium Governing Documents stating that hunting activities may occur on neighboring lands.
- ✓ O. No buildings shall encroach onto any wetlands.
- ✓ P. A vegetated buffer of at least 20 feet shall be established along the eastern boundary of the property.
- Q. As agreed by the Applicant in its PLUS response, the Applicant shall cooperate with DNREC to perform a survey of the property to record any State rare or federally listed plants, animals or natural features.
- R. If this Conditional Use is approved by County Council, the Final Site Plan for this project must be approved within three (3) years, or this Conditional Use shall become null and void.
- S. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. Subject to the conditions of this recommendation and the conditions that County Council may impose if this application is approved, the Final Site Plan shall be substantially similar to the Preliminary Site Plan.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 4 – 0.

#### PUBLIC HEARINGS

~~C/U #1854 – application of **TAPA HOMES, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for model home and offices to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 36,028 square feet, more or less, lying west of U.S. Route 113, 400 feet south of Wilson Hill Road (Road 527).~~

~~The Commission found that on August 20, 2009 DelDOT provided comments that referenced that a traffic impact study was not recommended; that the site is subject to the Corridor Capacity Preservation Program; that long-term, on-alignment limited access is the preferred alternative in the Georgetown area where this property is location; that right-in / right-out access is appropriate at this location; that short-term, under supportive policy and practice within the Corridor Capacity Preservation Program, and because the site is currently in a Level 3 area according to the State Strategies document, the entrance should be limited to 200 vehicle trips per day; and~~

21 JUN 2021

PS L

TO: SUSSEX COUNTY PLANNING &  
ZONING COMMISSION

RECEIVED

JUN 22 2021

SUSSEX COUNTY  
PLANNING & ZONING

REF: PURUCHETTING

JUN 24, 2021 500 PM

GEORGETOWN DE,

Opposition  
Exhibit

C/U 2259

ISSUE:

AS A HOMEOWNER IN BETHANY  
LAKES I QUESTION THE STORM WATER  
RUN OFF ISSUE, STATED IN C/U 2259  
PLANS, AT AN EARLIER REQUEST  
EVERGREEN WAS INFORMED THAT  
DELAWARE DEPT OF NATURAL RESOURCES  
SAID " 80-90% OF (SAME TYPE PROPOSAL)  
THE LAND IN QUESTION IS ON VERY  
POORLY DRAINED WETLAND ASSOCIATED  
SOILS. MAKING RESIDENTS AND  
ADJACENT PROPERTIES SUSCEPTABLE TO  
FLOODING PROBLEMS".



NOTHING HAS CHANGED SINCE THAT NOTIFICATION. WHY WOULD ONE BELIEVE THAT HAS CHANGED?

ALSO, DENREC ALSO SAID "THIS PROJECT LOCATION ON SUCH SOIL IS IN APPARENT VIOLATION OF COUNTY BLDG CODE"

SAME QUESTION AS ABOVE

NEW PLAN INDICATES THAT STORM WATER RUN OFF WILL BE TOWARD THE WETLANDS.

IS THAT SO? (IF IT FLOODS ON THIS BLDG SITE, DON'T YOU THINK IT WILL PROBABLY OVER FLOW IN THE WETLANDS AS WELL?)

THERE IS NO MENTION, OR SHOULD THERE BE, TO DRAINING ON TO BETHANY LAKE PROPERTY.

LASTLY, A FORESTED BUFFER  
NOW EXISTS ON THE BORDER OF  
THE NEW PLANNED COMMUNITY  
AND BETANY LAKES. CAN  
DEVELOPED BE INSTRUCTED NOT  
TO CLEAR THOSE TREES?

THANK YOU, I PLAN TO  
BE AT THE HEARING AND WILL  
STATE THIS DURING MY SPEAKING  
TIME.

VERY RESPECTFULLY, 

THOMAS W HAUG  
38362 VIRGINIA DR  
BETANY, DEL. 19430



## Nick Torrance

---

**From:** Don McGee <mcgee9156@aol.com>  
**Sent:** Tuesday, July 6, 2021 3:45 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

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oWe are residents of Bethany Lakes in Bethany Beach,DE. We support the proposed 30'native tree forested buffer between the two properties. We hope you seriously consider this proposed plan. Sincerely,  
The McGee,s

Sent from my iPad

## Nick Torrance

---

**From:** Karin Lupichuk <knlupichuk@verizon.net>  
**Sent:** Tuesday, July 6, 2021 4:42 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

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

Dear Members of the Sussex Planning and Zoning Commission:

Thank you for your consideration of the concerns raised by the Bethany Lakes community members regarding the Inland Bays development at your recent hearing. I understand you are aware that Evergreene builders did not follow the outlined conditions regarding tree preservation when building Coastal Corners and we are very fearful they will behave in the same manner if given the approval to proceed with Inland Bays without some type of requirement to install a 30' native tree forested buffer between the two properties. We feel strongly that this large buffer offers our best option to protect our Bethany Lakes community - it will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities.

We are very concerned that if left unchecked, Evergreene builders will defy any recommendations from the Sussex Planning and Zoning commission on the buffer and proceed as they wish. Please, please, please.. do whatever is within your commission's power to enforce your recommendations to ensure our community and the surrounding roads, wildlife, wetlands, pedestrians, and bicyclists are protected, the very least of which is the 30' forested buffer we are requesting.

Thank you for your consideration of our concerns,

Karin and Michael Lupichuk  
31328 Lynn Dr  
Bethany Lakes  
Bethany Beach, DE  
19930



## Nick Torrance

---

**From:** Dave Wimsatt <dwimsatt@boldconcepts.com>  
**Sent:** Tuesday, July 6, 2021 5:24 PM  
**To:** Planning and Zoning  
**Subject:** Regarding,CU 2259

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

Dear Members of the Planning and Zoning Commission.

Thank you for both reading my emails and listening to my concerns regarding the proposed Inland Bays sub-division, CU2259 at your June 24, 2021 hearing. I listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene Removed trees from the Coastal Corner sub- division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval.

I am Writing to inform you that I support the proposed 30' native trees will benefit this situation in many ways. First, they will create a solid and natural division between The two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental Health of that parcel of land which will be greatly disturbed by this new sub-division. I also urge you to require Evergreene to plant 8' to 10' native evergreen trees as a significant part of the native Forested buffer and ensure that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as a part of the approval to proceed. It will also serve as a strong reminder to Evergreene,LLC that there are consequences for not following direction when building a sub-development.

Please feel free if you have any question or need additional information.

David Wimsatt

## Nick Torrance

---

**From:** Denise Rencevicz <denren13@verizon.net>  
**Sent:** Tuesday, July 6, 2021 5:37 PM  
**To:** Planning and Zoning  
**Subject:** Evergreene Development Inland Bays (CU 2259)

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Members of the Planning and Zoning Commission,

I own a house in Bethany Lakes and wanted to express my concerns regarding the proposed Inland Bays sub-division, CU 2259, which was discussed on June 24, 2021. Thank you for listening to Bethany Lakes' homeowners comments and concerns regarding this developer, their latest sub-division, and violation of conditions of approval for the Coastal Corners sub-division.

I support the proposed 30' native tree forested buffer between the two properties. Native trees would act as a natural division between the communities, be more visually appealing, and help with noise and storm water runoff. They would also benefit the environment, which will be greatly impacted by this new sub-division.

I would also ask that the P&Z Commission mandate that Evergreene plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged.

In addition, would you please ensure that Evergreene's proposal to include a split-rail fence is a condition of the approval to proceed.

Please contact me if you have any questions.

Sincerely,

Denise Rencevicz



## Nick Torrance

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**From:** Jan Groft <groftjg@yahoo.com>  
**Sent:** Tuesday, July 6, 2021 6:05 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

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Dear Members of the Planning and Zoning Commission,

Thank you for listening to the concerns of the Bethany Lakes' community regarding the proposed Island Bay subdivision CU 2259.

As owners of a home on Terry Circle, we would be particularly impacted by the removal of the buffer trees. We have observed what happened at the Coastal Corners subdivision at the corner of Fred Hudson and Cedar Neck Roads.

Please consider the proposed 30' native tree forested buffer between our two properties be required and that the existing trees be left in place. It will help with noise, water runoff, environmental concerns and will provide privacy between the two communities.

Thank you for taking the time to listen listening to our concerns.

Steve and Jan Groft

## Nick Torrance

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**From:** Michael Malchione <mamalchione@gmail.com>  
**Sent:** Tuesday, July 6, 2021 9:20 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

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

Dear Members of the Planning and Zoning Commission,

We would like to thank you in advance for considering this email regarding the proposed Inland Bays subdivision, CU 2259. At your June 24, 2021 hearing, we heard your reaction to our comments and your discussion regarding the concerns of our Bethany Lakes community. We were alarmed that Evergreene LLC removed trees from the Coastal Corners subdivision at the corner of Fred Hudson and Cedar Neck Roads in direct violation of the conditions you set. Based on this, we are greatly concerned that Evergreene LLC will also violate conditions if allowed to build their Inland Bays, CU 2259.

We are writing to inform you that we support the proposed 30 foot native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. They will create a solid and natural division between the two sub developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new subdivision. We also urge you to require Evergreene to plant 8 foot to 10 foot native evergreen trees as a significant part of the native forested buffer.

We would like you to ensure that the current poplar tree root structure is not damaged.

We also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed.

We believe the above actions will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub development.

Please feel free to contact us if you have any questions or need additional information.

Michael and Karen Malchione  
31303 Terry Circle



## Nick Torrance

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**From:** mlpoffenberger@gmail.com  
**Sent:** Wednesday, July 7, 2021 7:59 AM  
**To:** Planning and Zoning  
**Subject:** CU 2259 -Proposed Inland Bays Community

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

Thank you for reading our email before the hearing on June 24 concerning the Proposed Inland Bays Community, CU2259.

As we said in our previous email, we have no confidence that Evergreene will follow the proposed Guidelines as they are currently building a community called Coastal Corner on the West and North Corner of our Community. They were told not to cut down the large tree barrier that existed, but they proceeded to cut them down promising to put in trees after the community is complete. Assuming they do that, the new trees will not provide the privacy that we had from the trees and shrubbery that existed there before.

We are writing to inform you that we support the proposed 30 ft. native tree forested buffer between our two properties. Native trees will benefit this situation in several ways:

1. They will create a solid and natural division between the two subdivisions and serve as a barrier to noise, storm water runoff and also act as a visual divider between the communities.
2. They will also benefit the natural environmental health of the parcel of land which will be greatly disturbed by the new subdivision.

We urge you to require Evergreene to plant 8 ft. to 10 ft. native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. We also noted that a split rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed.

We appreciate your reading our suggestions and acting on them.

Sincerely,

Wright and Mary Lou Poffenberger  
38360 Virginia Drive  
Bethany Beach, DE 19930

## Nick Torrance

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**From:** Ilsa Blaney <iblaney2263@gmail.com>  
**Sent:** Tuesday, July 6, 2021 3:31 PM  
**To:** Planning and Zoning  
**Subject:** Inland Bays Subdivision

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Dear Members of the Planning and Zoning Commission,

Thank you in advance for your attention to this matter. My husband and I are full time residents and owners in the Bethany Lakes neighborhood. We are aware of the new Inland Bays neighborhood project and we are writing to inform you that we support the proposed 30' native tree forested buffer between our two properties for the following reasons: Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division.

We also urge you to require Evergreene to plant 8' to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. We also noted that a split-rail fence was included in Evergreene's proposal. Please do your best to ensure that the fence stays in the plans as part of the approval to proceed.

It will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

Ilsa and Steve Wahrhaftig  
703-606-1668



## Nick Torrance

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**From:** Kathy Yodice <Kathy.Yodice@yodice.com>  
**Sent:** Tuesday, July 6, 2021 3:19 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259, The Evergreene Companies proposal for the Inland Bays Community

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

Dear Members of the Planning and Zoning Commission,

Thank you for the attention that you have given to the concerns raised over the Evergreene proposal for the Inland Bays Community to be built in the wetlands area on Fred Hudson Road. We remain concerned that the developer's proposal is deficient in many respects. I am a homeowner in the adjacent Bethany Lakes community and I have written to you previously regarding my family's objections to the proposed development.

Since I understand that the proposal is likely to be viewed with favor, we nonetheless urge the Commission to consider the preservation of our protected land and the unique quality of life that so many of us are privileged to enjoy in Sussex County, which contributes to the health and vibrancy of our County. Simply giving in to developers threatens the ability to continue to enjoy our lives here and to have others seek out our towns and lifestyle, whether to visit or to live. In that regard, we ask that you please act in support of a 30-foot forested buffer between the Inland Bays Community and the Bethany Lakes Community, including protecting the existing foliage as well as bolstering the natural environment with native evergreen trees. Having the buffer will create a solid and natural division between the communities, and it will serve as a natural scenic barrier to noise and to storm water runoff. Furthermore, this will contribute to the environment in preserving our natural resources and protecting against the unintended consequences of erosion and the disturbance to nature's land. Ensuring that the planned fencing be required would further support the goals of a natural buffer.

I am not usually a person to make argument on the basis of rumor, but I nonetheless wish to share that I understand that the developer, Evergreene, has made promises in the past that were not kept and those harmed were left with nothing but the consequences of an empty promise. We want to avoid this outcome. Our Bethany Lakes Community suffered once before when Evergreene broke a promise to preserve the trees in an adjacent community, Coastal Corner. Perhaps it's happened to other communities. We ask that you act to protect our ability to hold Evergreene to its representations and agreements that are deemed to be in all of our best interests.

Thank you for your attention and courtesies in your careful review of this matter,  
Kathleen A. Yodice  
31316 Terry Circle  
Bethany Beach, DE 19930

## Nick Torrance

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**From:** Warren Stumpf <warren@criainc.com>  
**Sent:** Tuesday, July 6, 2021 3:10 PM  
**To:** Planning and Zoning  
**Subject:** cu 2259 project

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In ref to above subject I am emailing again to voice my concerns over Evergreene developing property east of Bethany lakes. They did not follow the law/ordinance when Evergreene removed trees from the coastal corners sub-division at the corner of Fred Hudson and Cedar Neck roads. This was a violation and nothing has been done about it! How can you expect a developer to follow ordinances when you do not enforce them?! I support the proposed 30' native tree forested buffer between our two properties for their new development request. This native tree buffer will help with water runoff. It will be a natural division between both developments. Also will help with noise and will be a visual divider. Please consider all of Bethany Lakes residences concerns. Thank you.



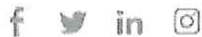
**Warren W. Stumpf, CIC**  
*President*

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O. 717-731-1142  
C. 717-648-2955



422 N. Front St Wormleysburg, Pa 17043



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MARIA & ROBERT LYNN  
31310 TERRY CIRCLE  
BETHANY BEACH, DE 19930

July 6, 2021

Via E-Mail

To: Sussex County Zoning & Planning Commission

Re: Subdivision request CU 2259 (Inland Bays)

We are residents of Bethany Lakes that adjoins the proposed subdivision request and are writing to you to express our support of the proposed thirty-foot tree buffer zone between Bethany Lakes and the proposed development. The benefits of a buffer zone would create many benefits:

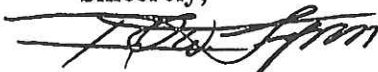
- A visually appealing barrier that would divide and preserve the privacy of Bethany Lakes and the proposed development.
- Noise reduction
- Reduction on storm water runoff

We were disturbed to find out the developer, Evergreene, LLC violated plans that were approved with the development of another of their communities (Coastal Corners) by removing trees that were on the property prior to construction. We are sure the Commission Members recognize the importance of maintaining a certain level of green space on new developments and that is why the Coastal Corners project required the developer to maintain the trees that have been removed. Are there remedies that the Commission can impose on this obvious violation?

In summary, we strongly support the creation of a forested buffer zone for the Inland Bays project which we note includes installation of a split rail fence that should remain on the plans. We also believe that the Commission impose corrective measures be taken by Evergreene, LLC for their Coastal Corners development regarding the trees that were removed in violation of the plans that the Commission approved.

Thank you for your consideration.

Sincerely,



Robert W. Lynn

## Nick Torrance

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, July 6, 2021 10:27 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, July 6, 2021 - 10:27am

Name: Nancy Witmer  
Email address: fanwit@gmail.com  
Phone number: 301-639-5626  
Subject: Comments on CU2259

**Message:**

Thank you for both reading my emails and listening to my concerns regarding the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing. I listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the Coastal Corners sub-division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval.

I am writing to inform you that I support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division. I also urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed.

It will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.



## Nick Torrance

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, July 6, 2021 10:26 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, July 6, 2021 - 10:25am

Name: Kenneth Witmer  
Email address: kdwitmer75@gmail.com  
Phone number: 4843549726  
Subject: Comments Regarding CU 2259 The Island Bays Community Prospectus  
Message:

Dear Commissioners

I write with comments regarding CU 2259 The Island Bays Community Prospectus.

Thank you for both reading my emails and listening to my concerns regarding the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing. I listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the Coastal Corners sub-division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval.

I am writing to inform you that I support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division. I also urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed.

It will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

## Nick Torrance

---

**From:** STEVE GUTHRIE <shguthr@comcast.net>  
**Sent:** Sunday, July 4, 2021 3:55 PM  
**To:** Planning and Zoning  
**Subject:** Follow up on CU 2259 Hearing

**Categories:** Chase

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Dear Members of the Planning and Zoning Commission,

My name is Stephen Guthrie and I both wrote to you and provided in-person information at the June 24th hearing on proposed Inland Bays sub-division.

I would like to thank you for both reading my emails and listening to my concerns regarding the proposed sub-division. I stayed after the hearing to hear your comments and reaction to our concerns at the end of your meeting. One point that stuck out was your strong disappointment that Evergreene removed trees from the *Coastal Corners* sub-division in violation of the conditions you set for approval.

I support the proposed 30' native tree forested buffer between our two properties. I strong urge that you insert native trees in you requirements as they will benefit this situation in many ways. First, they will create a solid and natural division between the sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environment and health of that parcel of land which will be greatly disturbed by this new sub-division. Please also require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. I urge you to ensure that the fence stays in the plans as part of the approval to proceed.

This action will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

Stephen Guthrie



## Nick Torrance

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**From:** Barbara Guthrie <beguthr@comcast.net>  
**Sent:** Sunday, July 4, 2021 4:35 PM  
**To:** Planning and Zoning  
**Subject:** Inland Bays, CU2259

**Categories:** Chase

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Dear Members of the Planning and Zoning Commission,

My name is Barbara Guthrie and I both wrote to you and attended the June 24th hearing on proposed Inland Bays sub-division.

I would like to thank you for both reading my emails and listening to the concerns regarding the proposed sub-division. One point that stuck out was your strong disappointment that Evergreene removed trees from the *Coastal Corners* sub-division in violation of the conditions you set for approval.

I support the proposed 30' native tree forested buffer between our two properties. I strongly urge that you insert native trees in you requirements as they will benefit this situation in many ways. First, they will create a solid and natural division between the sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environment and health of that parcel of land which will be greatly disturbed by this new sub-division. Please also require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. I urge you to ensure that the fence stays in the plans as part of the approval to proceed.

This action will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

Thank you,  
Barbara Guthrie

## Nick Torrance

---

**From:** Julia VanZetta <vanzettaj@gmail.com>  
**Sent:** Monday, July 5, 2021 10:53 AM  
**To:** Planning and Zoning  
**Subject:** CU 2259 for July 8, 2021

**Categories:** Lauren

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Dear Members of the Planning and Zoning Commission

Thank you for both reading my email and our concerns regarding the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing.

I am writing to inform you we support the proposed 30' native tree forested buffer between our two properties. Noted was your concern that Evergreene removed trees from the current Coastal Corners subdivision at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval.

Also, the building set back of the 10' noted on the proposed plat map would be 40' from the property line, not part of the 30' buffer. Native trees will benefit this situation in many ways.

1. Trees will create a solid and natural division between the two sub-developments.
2. Assist in stormwater runoff.
3. Act as a visual and sound divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division.

Please require Evergreene to plant 8' to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. Please ensure that the fence stays in the plans as part of the approval to proceed.

This requirement will serve as a reminder to Evergreene, LLC that there are consequences for ignoring County direction when building a development. Please feel free to contact us if you have any questions or need additional information.

Signed

Julia and Michael Van Zetta  
38355 Virginia Drive  
Bethany Beach, 19930



## Nick Torrance

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**From:** awfrost@mchsi.com  
**Sent:** Monday, July 5, 2021 10:56 AM  
**To:** Planning and Zoning  
**Subject:** CU 2259

**Categories:** Lauren

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P&Z Commission Members:

I am writing with a glimmer of hope that you will do the "right thing" for existing residents when you cast your votes regarding the Inland Bays sub-division, CU 2259.

My wife and I were one of the first families to move into Bethany Lakes in 2003. We understand growth and in fact acknowledge we are living in a part of it. We understand that competing economic and political foci make your job more difficult. That said, there are certainly ways to manage growth and you have demonstrated them. You did so when you listened to my recommendations in 2004 and again in 2010 regarding the current parcel at issue when you demanded that natural buffers be left in place and fences be constructed as contingencies to approval. You also forced a change to the proposed amenities location to lessen noise impact upon our community.

You and the council listened again when the campgrounds and waterpark just north of us on Cedar Neck Road were rejected. You listened again when we asked you to require the developer to retain the trees bordering our property and the Coastal Corner subdivision. Toll Brothers had successfully negotiated with the previous property owners and installed those trees at Toll Brothers expense, essentially at our expense. I know as I was the sole owner representative on the developer-dominated Bethany Lakes Board of Directors. Unfortunately, the current Coastal Corners developer, Evergreen LLC, ignored your direction and removed all those mature trees.

Finally, you listened again to my and my neighbors' testimonies at your June 24<sup>th</sup> meeting regarding CU 2259. You recognized that the same developer who ignored your direction to retain the Coastal Corner tree buffer is the applicant of CU 2259 and are considering a mandatory 30' forested buffer between Inland Bays and Bethany Lakes. There are many sound reasons, environmental and aesthetic to include such a requirement, reasons you know as well as we do. We urge you to include it as a contingency to approval. Given Evergreen's demonstrated disregard for similar direction, we feel a documented buffer requirement to be critical. The previously included fence requirement is also critical as without it, we anticipate a constant parade of Inland Bays residents through our community enroute to shopping across from our entrance and onto Cedar Neck Road. As you know, Bethany Lakes, not the County, funds all maintenance on our property. Addition foot and bike traffic almost always leads to increased wear and tear and the potential for vandalism.

Thank you for listening. We sincerely hope you will continue to do so. Should you need to contact me, I'm available at this email address and by cell at 410-991-4553.

Regards,

## Nick Torrance

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**From:** Teresa Bloom <bloom.teresa@gmail.com>  
**Sent:** Monday, July 5, 2021 12:21 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

**Categories:** Chase

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

Dear Members of the Planning and Zoning Commission,

My husband and I are residents in Bethany Lakes. We appreciate both reading our emails and listening to our concerns regarding the proposed *Inland Bays* sub-division, CU 2259 at your June 24, 2021 hearing. We listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the *Coastal Corners* sub-division located at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for approval.

We am writing to inform you that we support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environment and health of that parcel of land which will be greatly disturbed by this new sub-division. We urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. I urge you to ensure that the fence stays in the plans as part of the approval to proceed.

This action will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact us if you have any question or need additional information.

Sincerely,

Marc and Teresa Bloom  
[bloom.teresa@gmail.com](mailto:bloom.teresa@gmail.com)



## Nick Torrance

---

**From:** Lyle Dennis <ldennis@dc-crd.com>  
**Sent:** Monday, July 5, 2021 12:27 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

**Categories:** Elliott, Nick

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Dear Members of the Planning and Zoning Commission,

Thank you for both reading my emails expressing our concerns regarding the proposed *Inland Bays* sub-division, CU 2259 at your June 24, 2021 hearing. Your reaction to our comments and your discussion regarding our concerns at the end of your meeting was gratifying. Also, noted was your genuine concern that Evergreene removed trees from the *Coastal Corners* sub-division located at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for approval.

I am writing to inform you that we strongly support the proposed 30' native tree forested buffer between Bethany Lakes and Inland Bay. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between the two very different communities. They will also benefit the natural environment and health of that parcel of land which will be greatly disturbed by this new subdivision. We urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and that the current poplar tree root structure is not damaged. We also noted that a split-rail fence was included in Evergreene's proposal. We urge you to ensure that the fence stays in the plans as part of the approval to proceed.

This action will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a development in Sussex County.

Please feel free to contact us if you have any question or need additional information.

Sincerely,

Lyle and Janet Dennis  
31338 Lynn Drive

## Nick Torrance

---

**From:** Susan Fischer <sfischer52@gmail.com>  
**Sent:** Monday, July 5, 2021 3:07 PM  
**To:** Planning and Zoning  
**Subject:** Re: C/U 2259 Evergreene LLC  
  
**Categories:** Elliott, Christin

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Dear Planning and Zoning Commissioners

Re: C/U 2259 Evergreene LLC

**We submit this for consideration for the July 8 2021 Planning and Zoning Commission meeting.**

We attended and participated in the July 24, 2021 Hearing that included CU2259. That meeting was a great opportunity to comment on the applicant's (Evergreene LLC) proposal to develop 11.96 acres off Fred Hudson Rd named Inland Bays and gave the community more insight into their plans.

My home at 31334 Lynn Drive, Bethany Lakes Lot 65 is directly behind the proposed development. This home is the largest investment my husband and I have ever made and this is a home we cherish. When we bought this house in 2004 there was ONE house behind us but once that house was demolished, we knew it was only a matter of time until the land was developed. Since that time the threat of climate change and global warming has become a reality that is generally accepted and any development plans must address this in order to be a good citizen of Sussex County, a good neighbor and create a safe, beautiful space for new families.

It is important that development respect these environmental changes. Therefore, we applaud the suggestion made during the Commissioner's discussion to require a **30-foot forested buffer** on the west and north border of Inland Bays. The buffer can accommodate the existing trees, shrubbery, etc. and **require additional greenery** which is greatly needed to provide sound buffer, privacy, security, beauty and a live fence for both developments. Evergreene verbally proposed maintaining the existing poplar trees, but these trees need be protected during construction, fed and properly pruned if they are to successfully live through construction. This recommendation was made by Kesha Braunskill of the Delaware Department of Agriculture, Forestry Service who I spoke to regarding this application. Nurturing the poplars is environmentally sound and will decrease Evergreene's cost of installing the forested buffer. Additional trees need to include a sufficient number of evergreen trees as the Poplars and other deciduous trees do not provide privacy or a clear boundary during the winter.

The forested buffer allays some, but not all of our fear of storm water run-off overwhelming our home as the proposed Inland Bays homes will create 2 acres of impervious surfaces very close to the border with Bethany Lakes, and very close to Bethany Lakes' storm water canal behind Lynn Drive. A 30-foot forested buffer will soak up water and reduce runoff.



## Nick Torrance

---

**From:** Harry <hjb1760@hotmail.com>  
**Sent:** Monday, July 5, 2021 4:48 PM  
**To:** Planning and Zoning  
**Subject:** CU 2259

**Categories:** Elliott, Christin

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

Dear Members of the Planning and Zoning Commission, Thank you for considering our concerns regarding the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing. We heard your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the Coastal Corners sub-division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set forth.

We support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. They will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division. We also urge you to require Evergreene to plant 8' to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. A split-rail fence was included in Evergreene's proposal. We ask you to Please ensure that the fence stays in the plans as part of the approval to proceed. It will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Thank you for your attention to our concerns and your actions to help maintain the privacy of our community.

Harry and Ann Marie Bruley  
31295 May Dr  
Bethany Lakes  
Bethany Beach, DE 19930

Sent from my iPad

## Nick Torrance

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**From:** Ed Passman <ehpassman@passmanandkaplan.com>  
**Sent:** Monday, July 5, 2021 4:55 PM  
**To:** Planning and Zoning  
**Subject:** Island Bays Sub-Division CU 2259

**Categories:** Elliott, Nick

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

Dear Members of the Planning and Zoning Commission,

We reside at 38,384 Virginia Drive in the Bethany Lakes community and are very concerned about the the impact of the Island Bays sub-division. Thanks for both reading our emails and listening to our concerns regarding the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing. We listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the Coastal Corners sub-division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval.

I am writing to inform you that we support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division. I also urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed.

It will also serve as a strong reminder to Evergreene, LLC that there are serious consequences for not following County direction when building a sub-development. I look forward to a positive outcome. Thanks.

Edward H. Passman  
Passman & Kaplan, P.C.  
2101 L Street, NW, Suite 800  
Washington, DC 20037



## Nick Torrance

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**From:** Jeff Potter <JPotter@jglandscape.com>  
**Sent:** Wednesday, July 7, 2021 10:47 AM  
**To:** Planning and Zoning  
**Subject:** Re: CU 2259 Inland Bays Community Sub-division

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

Dear Members of the Planning and Zoning Commission,

Thank you for both reading my emails and listening to my concerns regarding the proposed *Inland Bays* sub-division, CU 2259 at your June 24, 2021 hearing. I listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the *Coastal Corners* sub-division located at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for approval.

I am writing to inform you that I support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environment and health of that parcel of land which will be greatly disturbed by this new sub-division. I urge you to require Evergreene to plant 8' to 10' native evergreen trees as a significant part of the native forested buffer and that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. I urge you to ensure that the fence stays in the plans as part of the approval to proceed.

This action will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

Signed

Jeff Potter

## Nick Torrance

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**From:** Nancy Cassell <ncassell@talkcei.com>  
**Sent:** Wednesday, July 7, 2021 12:15 PM  
**To:** Planning and Zoning  
**Cc:** Roger Cassell  
**Subject:** CU 2259

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

Dear Members of the Planning and Zoning Commission, T

Thank you for both reading my emails and listening to my concerns regarding the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing. I listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the Coastal Corners sub-division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval. I am writing to inform you that I support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division. I also urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed. It will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

Nancy and Roger Cassell  
31300 May Drive  
Bethany Beach, DE 19930

410 961 8600



## Nick Torrance

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**From:** D Barnhouse <barnhouse7@verizon.net>  
**Sent:** Wednesday, July 7, 2021 11:49 AM  
**To:** Planning and Zoning  
**Subject:** Inland bay sub division CU2259

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

Members of the Planning and Zoning Commission,

We are writing this email to first thank you for your work and vision in making Sussex County and our communities a great place to live and raise a family.

We are not opposed to Evergreene,LLC starting the new housing project CU2259. Sussex County is a growing area and smart growth will be a winning formula to help all who live, work and vacation here.

I attended the June 24, 2021 zoning hearing and thought all board members listened to our concerns for this project. The Board commented after the hearing that Evergreene,LLC violated past building conditions in the removal of trees in the Coastal Corners project. Our concern is that these violations may reoccur with this project and future projects to come. The Board also proposed a 30' buffer between the two properties, planting new trees and keeping existing evergreen trees that divide the two. We fully support these two proposals and think implementing these ideas will benefit the County and make our community a more pleasant area to live.

Thank You,

Mr. and Mrs Dwight L. Barnhouse  
31336 Lynn Drive  
Bethany Beach, DE 19930

31335 Lynn Drive  
Bethany Beach, DE 19930

July 6, 2010

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

Subject: CU 2259 Proposed Inland Bays Community

Dear Sussex County Planning & Zoning Commission:

I am a resident of the Bethany Lakes community which is located directly adjacent to the proposed Inland Bays Community.

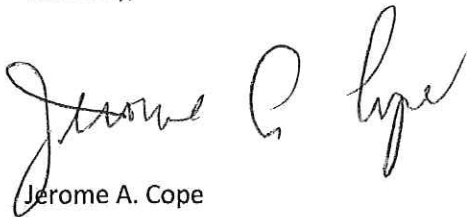
Thank you for considering our community's concerns at your June 24, 2021 hearing.

The P&Z Commission's proposal to require Evergreen LLC to provide a 30' native tree forested buffer between our communities is an excellent resolution to many of our concerns. This 30' buffer will aid in the storm water control, privacy and security for both communities.

Evergreen LLC proposed a split rail fence in addition to the forested buffer. I applaud this improvement to their plan.

Again, I urge the P&Z Commission to INCLUDE the 30' buffer and the fence in their recommendation to the Sussex County Council.

Sincerely,



Jerome A. Cope

(302)539-0487



## Nick Torrance

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**From:** tom noord <tnoord@gmail.com>  
**Sent:** Wednesday, July 7, 2021 3:04 PM  
**To:** Planning and Zoning  
**Subject:** CU2259

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

Dear Members of the Planning and Zoning Commission,

We are residents of Bethany Lakes on Lynn Drive and live directly behind the proposed Evergreen Homes development of Inland Bays. We are writing in support of a proposed 30' native tree forested buffer between the proposed Inland Bays community. Native trees will benefit both communities by creating a solid and natural division between the developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities. They will also benefit the natural environment and health of that parcel.

I urge you to require Evergreene to plant 8'to 10' native evergreen trees as a significant part of the native forested buffer and that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. I urge you to ensure that the fence stays in the plans as part of the approval to proceed.

Without specific instruction from the Planning & Zoning Commission, Evergreen Homes will likely take a scorched earth approach to the perimeter and destroy all vegetation as they did in the Coastal Corner development on the western side of the Bethany Lakes community. They removed those trees in spite of an agreement not to. Please don't allow that happen to us again on the other side of our development

Please feel free to contact me if you have any question or need additional information.

Best Regards,

Tom & Judy Noord  
31332 Lynn Drive

Sent from Mail for Windows 10

## Nick Torrance

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**From:** Lance Wain <lance@grafik.com>  
**Sent:** Wednesday, July 7, 2021 10:28 PM  
**To:** Planning and Zoning  
**Cc:** Christine Wain (christinewain@yahoo.com)  
**Subject:** CU 2259

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

Dear Members of the Planning and Zoning Commission,

After five years of looking, waiting, and a few failed bids to get into Bethany Lakes, my wife and I were fortunate enough to finally close on a house this past September with our three kids. The appeal of the neighborhood was always the proximity to the beach, the serenity of the community nestled in between beautiful trees and ponds, and the calm natural settings that the stretch of Fred Hudson Rd has to offer. I am therefore writing you regarding my concerns on the proposed Inland Bays sub-division, CU 2259 at your June 24, 2021 hearing.

I listened to your reaction to our comments and your discussion regarding our concerns at the end of your meeting. Also, noted was your great consternation that Evergreene removed trees from the Coastal Corners sub-division at the corner of Fred Hudson and Cedar Neck Roads in violation of the conditions you set for its approval. This truly has become an eye sore in the early stages of construction and is very frustrating to witness. I am writing to inform you that while the new proposal for additional homes causes more concern, frustration and disappointment, I do support the proposed 30' native tree forested buffer between our two properties. Native trees will benefit this situation in many ways. First, they will create a solid and natural division between the two sub-developments and serve as a barrier to noise, storm water runoff, and also act as a visual divider between communities, which is so very important to the residents of BL. They will also benefit the natural environmental health of that parcel of land which will be greatly disturbed by this new sub-division. I also urge you to require Evergreene to plant 8' to 10' native evergreen trees as a significant part of the native forested buffer and ensure that the current poplar tree root structure is not damaged. I also noted that a split-rail fence was included in Evergreene's proposal. Please ensure that the fence stays in the plans as part of the approval to proceed. It will also serve as a strong reminder to Evergreene, LLC that there are consequences for not following County direction when building a sub-development.

Please feel free to contact me if you have any question or need additional information.

Thank you for listening and all of your consideration.

Lance Wain

---

**Lance Wain**  
CEO • 571.437.7410  
Grafik • 625 First Street #811 Alexandria, VA 22314  
[grafik.agency](#) [instagram](#) [twitter](#) [linkedin](#)



## Nick Torrance

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, July 20, 2021 9:35 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, July 20, 2021 - 9:35am

Name: Wendy Megee  
Email address: cmegee802@comcast.net  
Phone number: 3028583473  
Subject: Opposition to Maplewood 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



**From:** Kenneth Witmer <noreply@forms.email>  
**Sent:** Wednesday, June 23, 2021 11:15 AM  
**To:** Robin Griffith <rgriffith@sussexcountytde.gov>  
**Subject:** Contact Form: Voter Concern

Name: Kenneth Witmer  
Email: [kdwitmer75@gmail.com](mailto:kdwitmer75@gmail.com)  
Phone: 4843549726  
Subject: Voter Concern  
Message: June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.
- **Density Problem** - Medium Density is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.
- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the pounding in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

(CONTINUED BELOW)

- **The Continuing Traffic Problem** - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic

backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.  
Nancy Witmer  
Kenneth and Nancy Witmer  
38352 Virginia Drive  
Bethany Lakes  
Bethany Beach, Delaware 19930



## Nick Torrance

---

**From:** Lyle Dennis <ldennis@dc-crd.com>  
**Sent:** Saturday, June 26, 2021 10:44 AM  
**To:** Planning and Zoning  
**Subject:** CU-2259

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

Dear Commissioners,

We just wanted to drop you a quick note to thank for your careful consideration of the above-noted application for Inland Bay on Fred Hudson Road. Our concerns certainly remain and we are looking forward to the Commission's – and the Council's – future actions on this application. The density, traffic and environmental concerns were not allayed by the applicant's presentation; to some degree they were confirmed and exacerbated.

Again, thank you for your consideration on Thursday night.

Sincerely,  
Lyle and Janet Dennis

Stephen H. Guthrie



June 27, 2021

RECEIVED

JUL 01 2021

SUSSEX COUNTY  
PLANNING & ZONING


Mr. Jamie Whitehouse  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

Mr. Whitehouse,

I am writing to you today to ask that you put into the conditional use for C/U #2259 the things that the builder, Evergreen, orally said he would do during the June 24, 2021 public hearing. I am concerned that the oral agreements will be forgotten and not lived up to if they are not part of the conditional use public record.

In particular, the lawyer for the builder said that the builder will put in a split rail fence along the northern and western boundaries, leave the existing poplar trees along the westerly boundary and not build on the majority of the wetlands. These things were also part of the C/U #1850 in 2010 and should be part of the conditions of use for the current project C/U #2259. If the builder meant what he said then the builder shouldn't mind if it is put in writing.

Regards,



Dana Linden  
38382 Virginia Drive  
Bethany Beach, DE 19930

**From:** Kenneth Witmer <noreply@forms.email>  
**Sent:** Wednesday, June 23, 2021 11:15 AM  
**To:** Robin Griffith <rgriffith@sussexcountyde.gov>  
**Subject:** Contact Form: Voter Concern

Name: Kenneth Witmer  
Email: [kdwitmer75@gmail.com](mailto:kdwitmer75@gmail.com)  
Phone: 4843549726  
Subject: Voter Concern  
Message: June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.
- **Density Problem** - Medium Density is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.
- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the pounding in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

(CONTINUED BELOW)

- **The Continuing Traffic Problem** - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic



backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.  
Nancy Witmer  
Kenneth and Nancy Witmer  
38352 Virginia Drive  
Bethany Lakes  
Bethany Beach, Delaware 19930

## Nick Torrance

---

**From:** Steve Guthrie <shguthr@comcast.net>  
**Sent:** Friday, June 25, 2021 4:21 PM  
**To:** Planning and Zoning  
**Subject:** Follow-up. CU 2259 The Evergreene Companies LLC Island Bays Proposed Development

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

June 25, 2021

Dear Members of the Sussex County Planning and Zoning Committee,

I am writing to thank you for your consideration of our request to mitigate the impact of the the proposed Island Bays sub development on Bethany Lakes.

I think that the requirement of a 30 foot tree and vegetation buffer between the two sub-developments is a great idea and recognizes the past errors of Evergreene to fulfill the conditions of the current project on the corner of Fred Hudson and Cedar Neck Roads.

I hope to see that recommendation and approval at your July 8th meeting.

Stephen Guthrie

The email is brief because it was sent from my iPhone.

On Jun 21, 2021, at 4:03 PM, STEVE GUTHRIE <shguthr@comcast.net> wrote:

June 21, 2021

Dear Members of the Sussex County Planning and Zoning Committee,

My name is Stephen Guthrie and my wife and I own a home at 31339 Lynn Drive, Bethany Beach, Delaware. I am a full-time resident and the former superintendent for Sussex County Technical School District.

I am writing to express concern over The Evergreene Companies, LLC proposed development know as *Island Bays Community*. This is the same developer who is currently developing the lot located on the corner of Fred Hudson and Cedar Neck Roads to build 16 townhouses. This development is called *Coastal Corner*.

This proposed new development ( *Island Bays*) is scheduled to contain 30 multiple level single family dwellings that will be built on pilings. Of the 11.96 acres of the parcel, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30



single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our Bethany Lakes community. The proposed houses will horseshoe around the area of our biking/walking path and contain a pool and a small clubhouse.

The approval of this new 30 house development right on the heels of 16 townhouse development less than 100 yards away will add 46 new residences that will feed into an already over taxed road system and storm water management system.

**Traffic** - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during summer afternoons. The addition of 16 new residences at *Coastal Corner* and 30 more in *Island Bays* will overwhelm the current road structure. Residents and visitors to Ocean View, Millville and the surrounding areas have already learned that Atlantic Avenue/Garfield is not passable during the day and cut across Central Avenue to Fred Hudson to Route 1 to go north. The traffic on both Atlantic Avenue is at a standstill most summer days and Fred Hudson is not much better. The county cannot continue to approve more building without addressing traffic both Atlantic Avenue and Fred Hudson Road.

**Stormwater Management** – The approval documents for the *Island Bays Community* are not specific on how their stormwater management system will be handled. It is my understanding there will be several acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. During heavy storms and extended rainfalls, the Bethany Lakes storm water management system cannot contain the runoff from our existing neighborhood. Many of us have lawns that flood and those that live along the canal have seen it exceed its banks. I have major concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater and cause crawlspace flooding.

The addition of 46 houses that will feed into the same road structure and add at least many acres of impervious surface to a stormwater management system that is at capacity is unreasonable.

I respectfully ask that you modify the Evergreen request as follows:

1. Reduce the number of houses to 18 and reduce the amount of impervious surface in this proposed development. I understand that the state agencies have reviewed my concerns, but I think that they do not understand the negative impact that 46 houses added to an already overtaxed system will have.
2. Require trees and other border vegetation between Island Bays and Bethany Lakes to absorb run-off water and reforest some of the trees removed for the development.

Please feel free to contact me if you have any questions and concerns. My number 443-375-2695. I plan on attending Thursday's meeting as well.

Sincerely,





**Nick Torrance**

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**From:** Harry <hjb1760@hotmail.com>  
**Sent:** Thursday, June 24, 2021 2:41 PM  
**To:** Planning and Zoning  
**Subject:** CU2259

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Planning and Zoning Committee of Sussex County

We have been residents of the Bethany Lakes development for 17 years and have seen many changes to the surrounding area. Commercial sites, townhomes, condominiums, individual homes and biking and walking trails have brought a tremendous amount of traffic and population to what was once a quiet area. Some of this growth has been beneficial and some has brought very negative effects.

The new construction of Coastal Corner on the corner of Fred Hudson and Cedar Lake has caused us much concern and now we have learned that the same developer is planning another area of construction, Inland Bay, adjacent to our property on the east side. How much expansion can our area handle without making any changes to the infrastructure, sewage system, drainage issues, and public water?

Our roads are backed up with traffic coming and going to Route 1, from Center and Cedar Neck Rds and from Route 26. To exit our development we are often trying to cross over traffic coming in both directions and it is a nightmare. Having only one access road to route 1 in such a densely populated area is certainly inadequate. And now after adding 16 new residencies on the corner of Fred Hudson, Evergreen development is proposing 30 additional homes on the same street in the busiest traffic area. This same area on Fred Hudson also has commercial properties, bike paths, and walking paths. Increasing the traffic will cause additional road hazards. A major concern caused by the increased traffic is that emergency vehicles are hindered. Ambulances, fire trucks, and police could be delayed getting through the long lines of traffic and the narrow roads. Can it be guaranteed that lives and property won't be jeopardized by adding to the congestion in an already overdeveloped area?

Another concern is the construction of the proposed homes at Inland Bay will involved the pounding of pilings because of nearby wet lands. We worry that this will cause cracks in our foundations and walls. The enormous piles of dirt and sand at the Coastal Corner construction site caused what looked like dust storms that pelted our homes, windows, and screens with debris. Now we will begin having the same issue from the proposed Inland Bay development. We ask that the county inspectors monitor the seismic activity and the dust situation at the new development. Will Evergreen be responsible for cracks in our homes and power washing our homes?

In the past we have had terrible problems with sewage smells from the pumping station located adjacent to the gate of our community on Cedar Neck Rd. After many years of discussion this problem has been controlled. Now we will be adding the 16 residencies and public areas of Coastal Corner and the proposed 30 units of Inland Bay to our system. How much can the pumping station handle and will we be assured that all of the sewage smells will not begin again due to the added strain to the system?

Also we are concerned about the effect the two additional developments will have on our storm management system. Currently when it rains many of our lawns and drainage ditches are inundated with excess water. Our canal and lake areas fill. Will the hardscape areas in Inland Bay contribute an extra amount of water drainage that will overwhelm our drainage system and will the county be sure to take this concern into consideration?

In addition, we are concerned about a buffer zone between our developments. Will Evergreen take down all the well established trees along our pathway? Will they say that they won't and then do so anyway with no consequence as they did with the Coastal Corner development? Will they build a fence instead of trying to put all the expense on our development to do so? And will the County inspectors make sure that an adequate buffer zone is established that will provide our development with the privacy that existed before the proposed development?



We are also very concerned about the amount of individual homes Evergreen is proposing for the Inland Bay development. Since our development and the Island Bay development are each classified as medium density, why do they only need 10 feet between homes while we need 20 feet? The amount of homes they are proposing along with community areas, parking, and roadways seem in excess for the area of useable land they have available and for what is customary for the area. The majority of the land is wetlands and there should also be an area of unbuildable land that is required beyond what is designated as wetlands. Hopefully this will be investigated by the planning and zoning committee.

Thank you for taking the time to hear our concerns. We hope that you will make efforts to look into each of them and address the proposed development in light of these concerns.

Sincerely

Harry and Ann Marie Bruley  
Bethany Lakes development  
31295 May Dr.  
Bethany Beach, DE 19930

Sent from my iPad