

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
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R. KELLER HOPKINS
J. BRUCE MEARS
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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 24th, 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



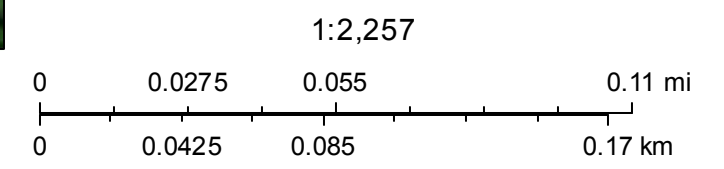


Sussex County



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





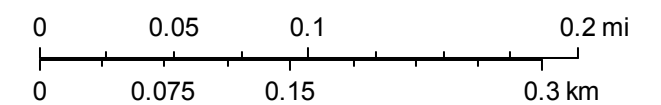
Sussex County



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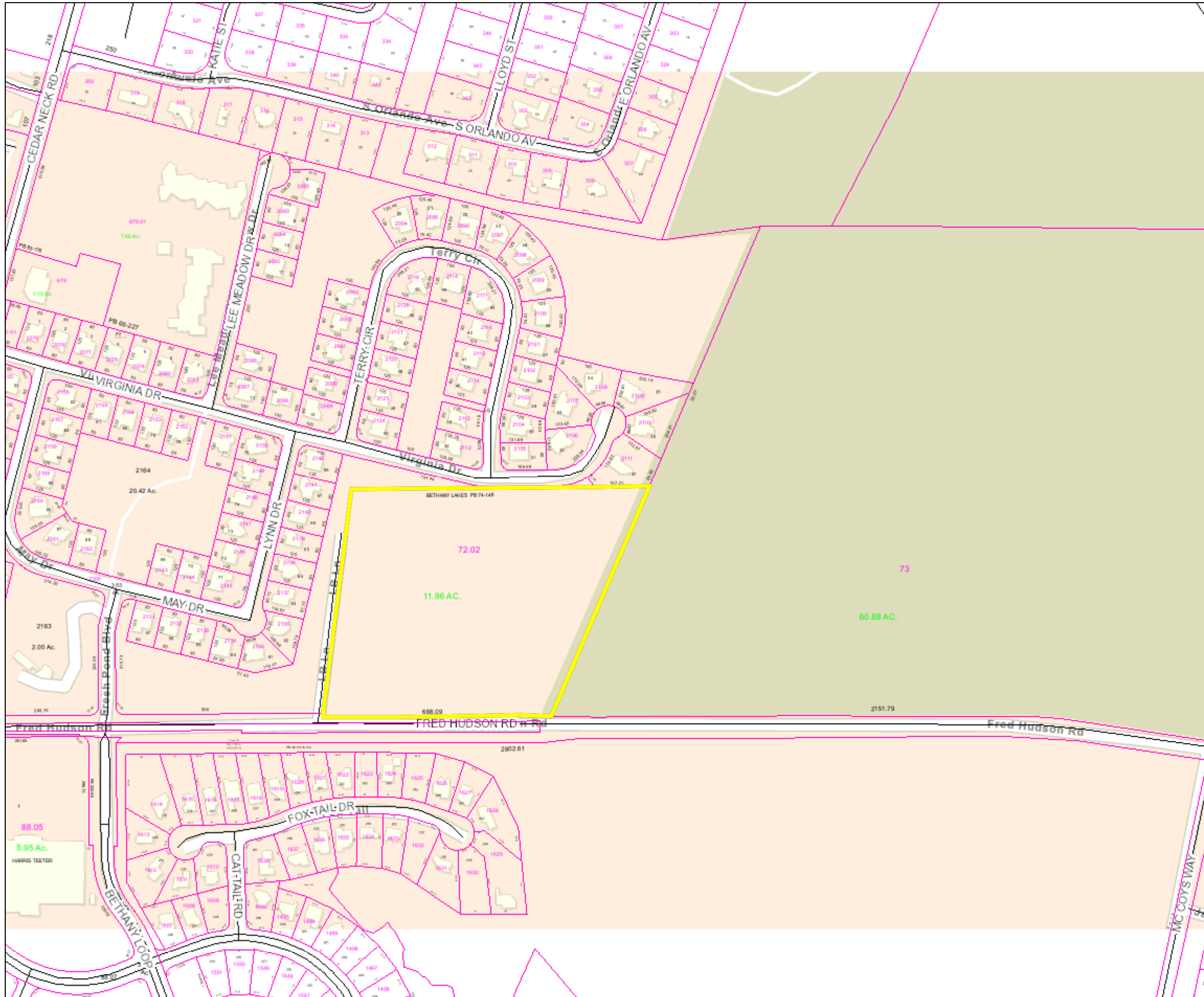
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- Streets

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Sussex County



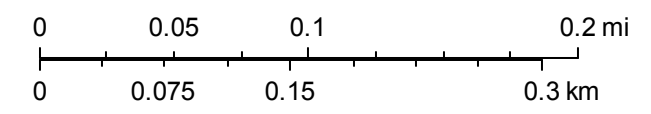
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JAMIE WHITEHOUSE, AICP, MRTPI
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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 24th, 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 27th, 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 14th, 2010 and adopted through Ordinance No. 2143.

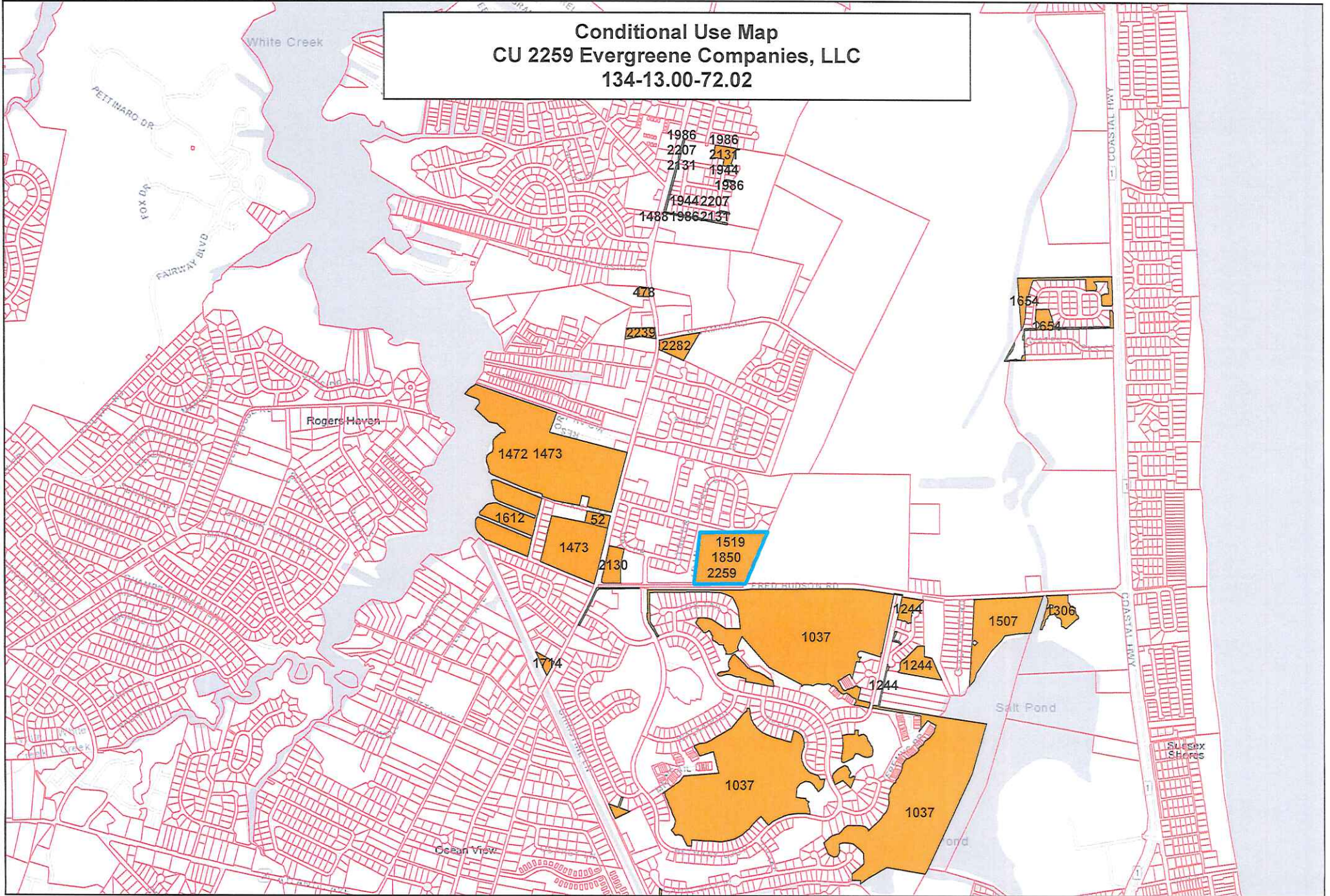


Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for 30 single-family condominiums, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



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					
1473	134-9.00-37.01	Caldera Properties LP (Old Mill)	Multi-Family	Recommended Approval	4/10/2003	6/3/2003	Approved
1472	134-9.00-37.01	Caldera Properties LP (Steele)	Cedar Neck Rd				
1306	134-13.00-78.00	DMV Partnership	multi-family	Recommended Approval	2/13/2003	3/23/2003	Approved
1244	134-13.00-83.00	Salt Pond East LLC. T/A Bethany Courts, LLC	28 Unit Multifamily Dwelling	Recommended Approval	9/23/1999	10/12/1999	Approved
1037	134-13.00-88.00	Salt Pond Associates	Miniature Golf Course	Recommended Denial	5/14/1998	7/28/1998	Approved
478	134-9.00-70.00	James & Theresa Murray	dry-open storage, boats, trailers & travel trailers	Recommended Approval	5/13/1993	6/8/1993	Approved
52	134-13.00-71.00	Donald & Terry Long	beauty salon	N/A	<Null>	<Null>	Approved

File #: CU 2259
~~2020~~
202100219

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.

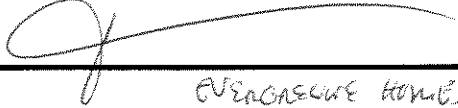
DeIDOT Service Level Evaluation Request Response

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.

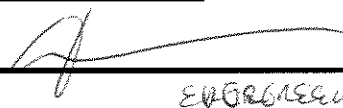
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future 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

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.
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.
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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.
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 - 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.

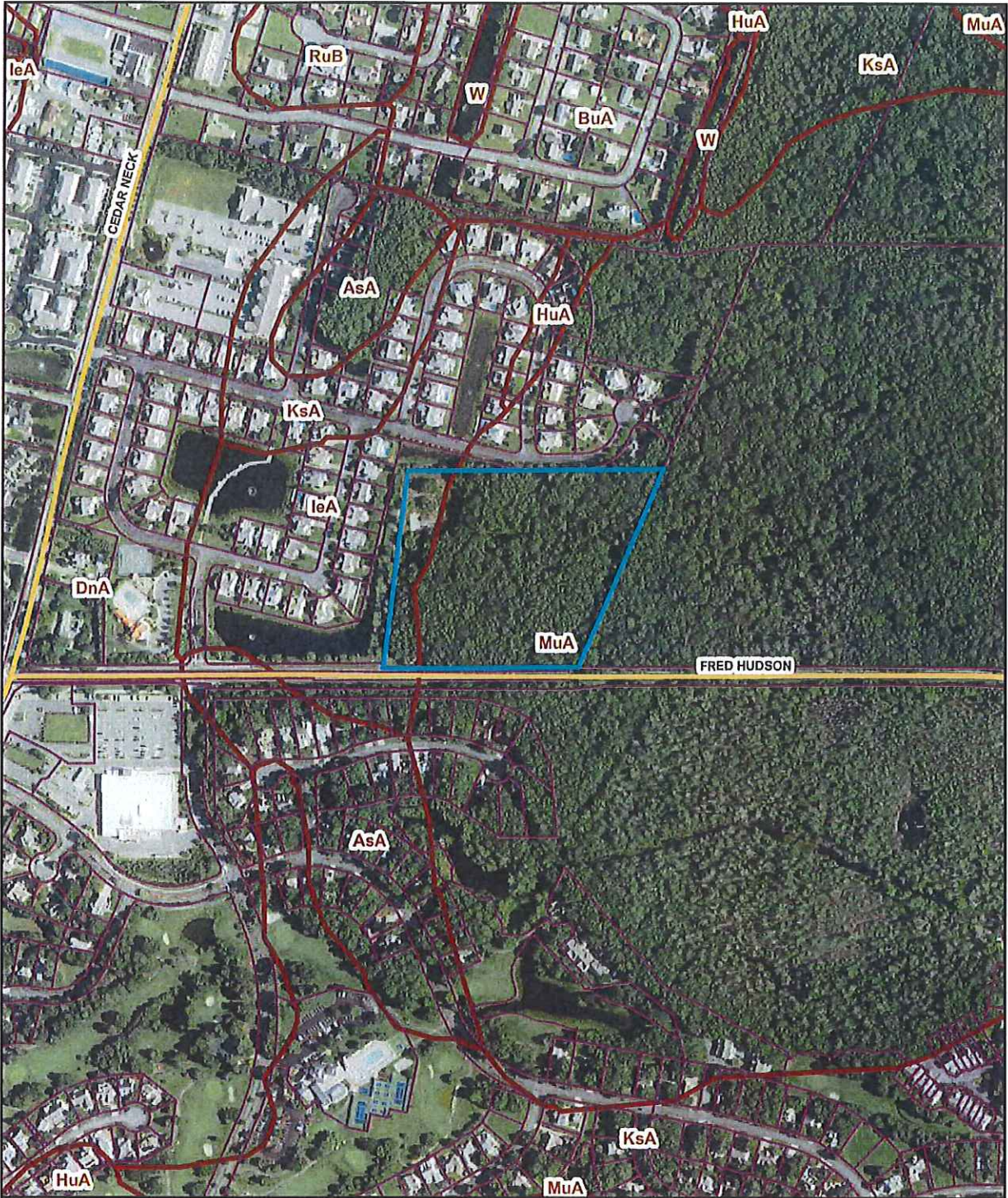
The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the 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,

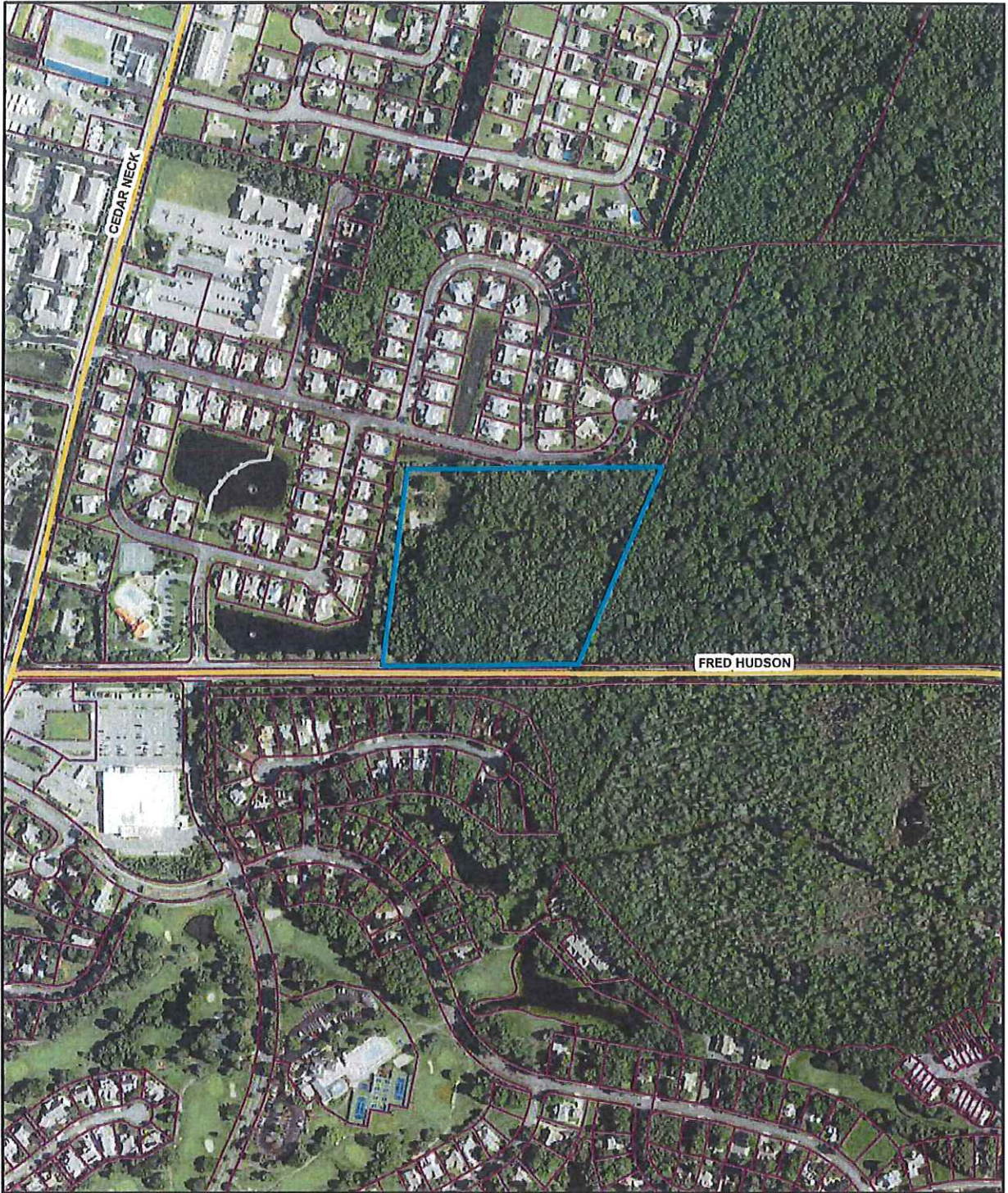


Thelton D. Savage
District Conservationist
USDA, Natural Resources Conservation Service

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.

Sincerely,

A handwritten signature in cursive script that reads "Taryn Davidson".

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



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,

A handwritten signature in black ink, appearing to read "William L. Milliken, Jr.", written in a cursive style.

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, 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

Integrity. Respect. Openness. Customer Focus. Quality.



www.recycling.delaware.gov
www.facebook.com/delawarerecycles

From: Chase Phillips <chase.phillips@sussexcountyde.gov>
Sent: Monday, January 11, 2021 12:03 PM
To: Krumrine, Beth (DNREC) <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; Chris Calio <ccalio@sussexcountyde.gov>; ddetrick@chpk.com; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyde.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@sussexcountyde.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@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisacs@sussexcountyde.gov>; Laws, Susanne K (DeIDOT) <Susanne.Laws@delaware.gov>; tdickerson@decoop.com; Terri Dukes <tdukes@sussexcountyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>
Cc: Jennifer Norwood <jnorwood@sussexcountyde.gov>

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

*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.*

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.

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.

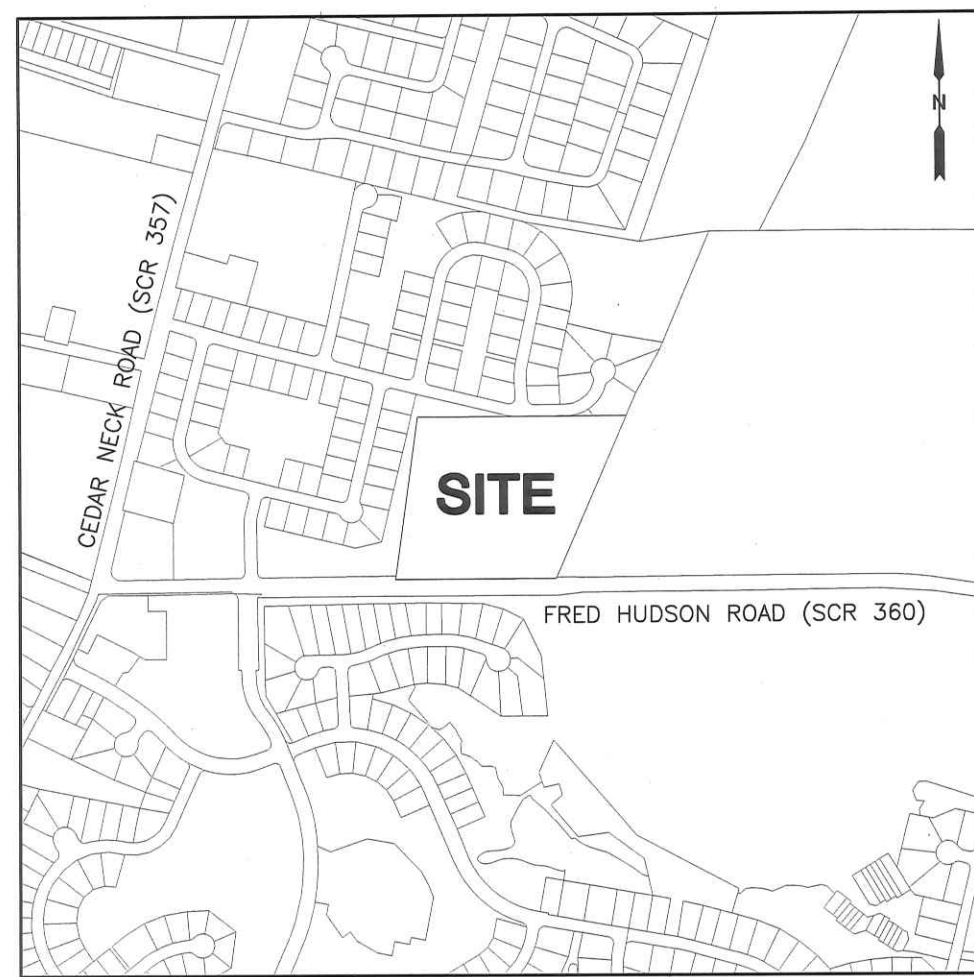
INLAND BAYS COMMUNITY

BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

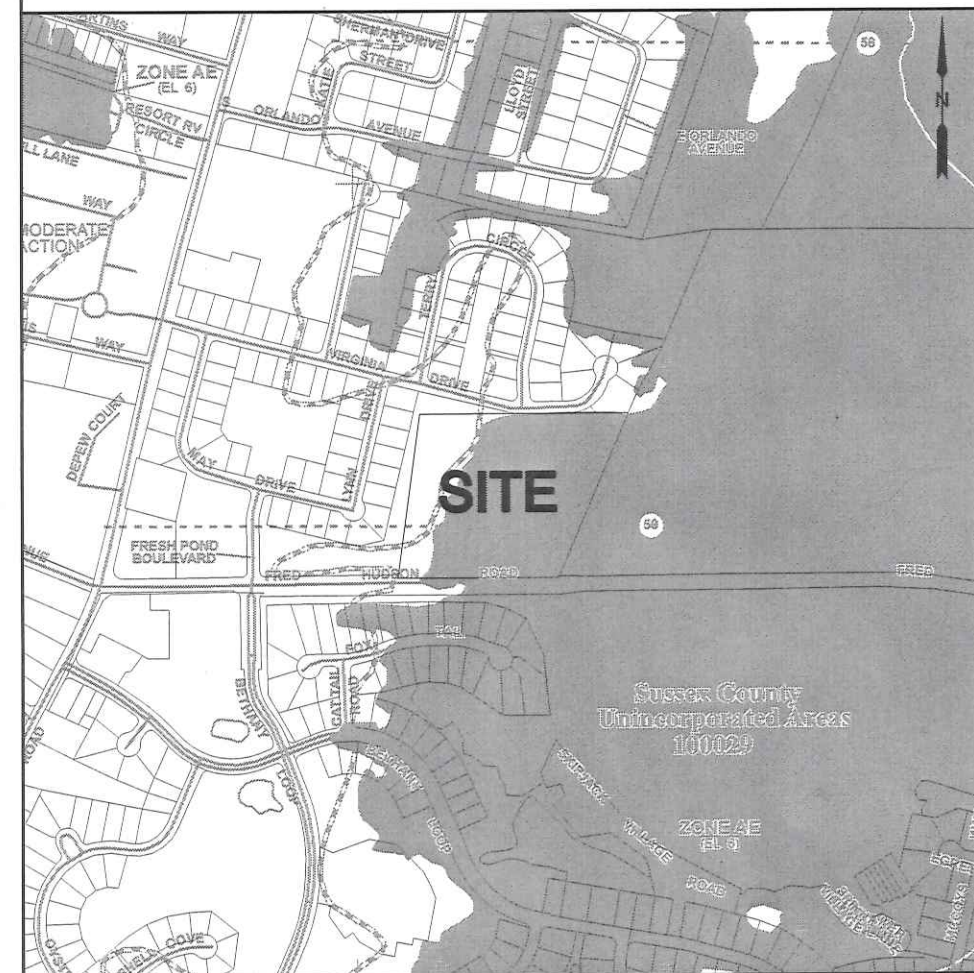
DBF # 1998D002
PRELIMINARY SITE PLAN
DECEMBER, 2020

GENERAL NOTES:

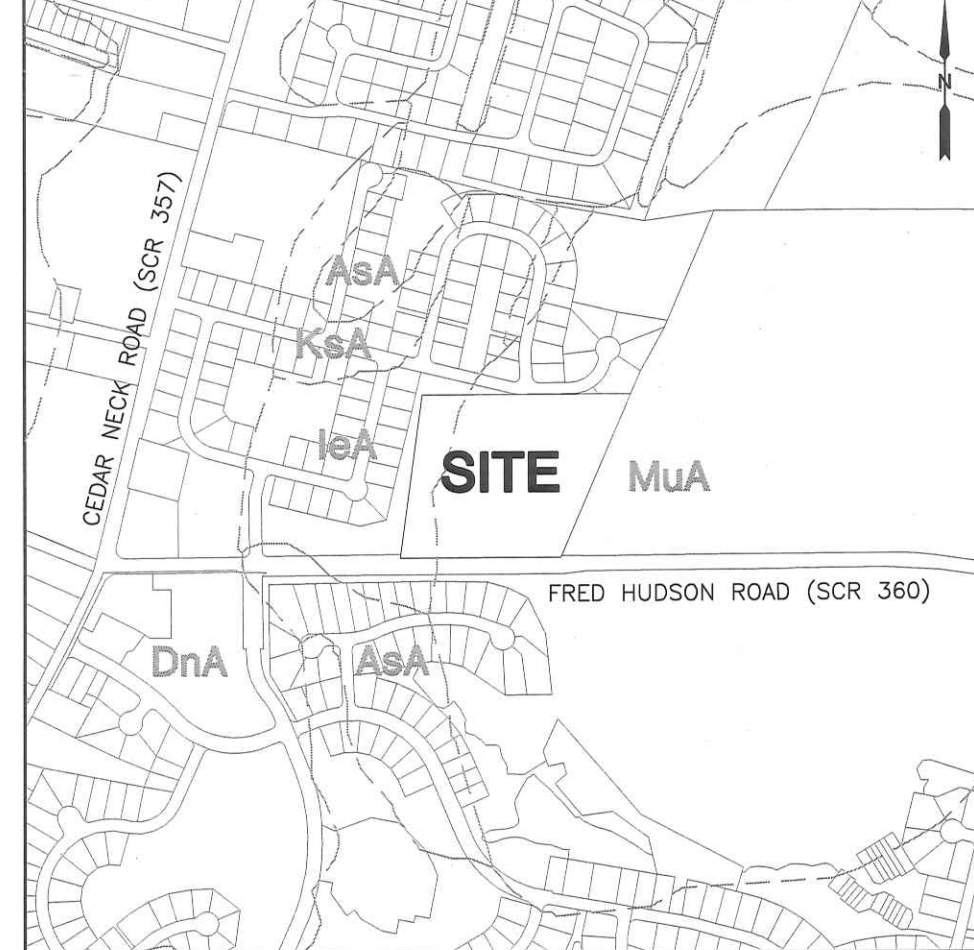
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS 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.



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:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)
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: 11.962 AC.
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% (X 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

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	

ENGINEER'S STATEMENT

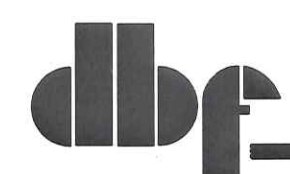
I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

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

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 DATE
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

PRE-01

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

TIE-IN TO EXISTING
 TERMINAL CLEANOUT
 S 89°50'34" W 866.62'

TIE-IN TO EX. 8"
 WATER STUB

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

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

BENCHMARK
 R.O.W. MONUMENT SET
 ELEV. = 7.84'

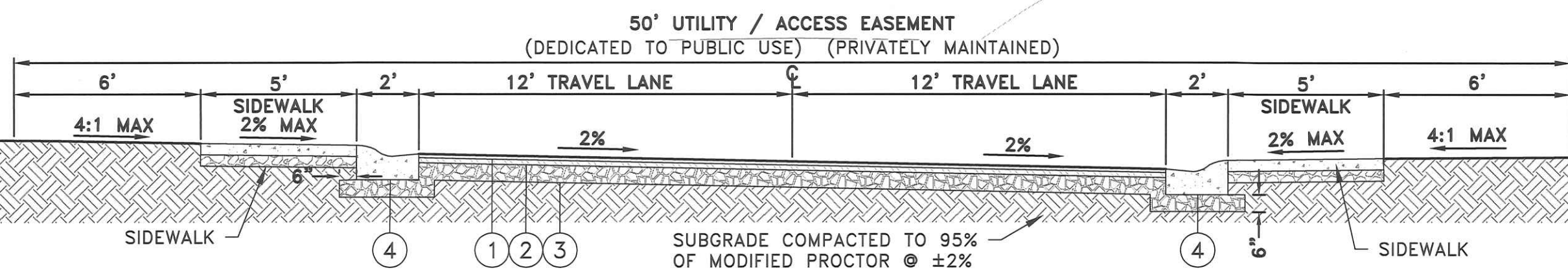
BENCHMARK
 DNREC MARKER
 ELEV. = 5.28'

N 89°52'20" E 668.09'

FRED HUDSON ROAD (SCR 380)

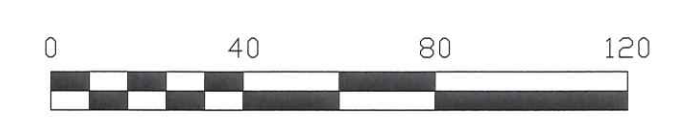
15' WIDE PERMANENT EASEMENT
 IS HEREBY ESTABLISHED, AS PER THIS PLAT

ADDITIONAL 15' STRIP OF RIGHT-OF-WAY
 IS HEREBY DEDICATED TO THE
 STATE OF DELAWARE.

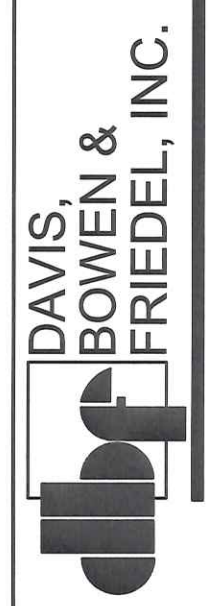


24' TYPICAL SUPER-ELEVATION PAVEMENT SECTION
 SCALE: 1" = 4'

- LEGEND**
- ① BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 180 GYRATIONS (CARBONATE STONE)
 - ② BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'B', PG 64-22, 180 GYRATIONS
 - ③ GRADED AGGREGATE BASE COURSE, TYPE 'B', SHALL BE OVER APPROVED SUBGRADE
 - ④ INTEGRAL P.C.C. CURB & GUTTER TYPE 2
 - ⑤ ITEM 908002 - TOPSOIL (6" DEPTH), ITEM 908014 - PERMANENT GRASS SEEDING, DRY GROUND



ARCHITECTS ENGINEERS SURVEYORS
 SALESARY, MARYLAND (410) 543-8001
 MICROD, DELAWARE (302) 424-1441
 DESIGN, MARYLAND (410) 770-4774



PRELIMINARY SITE PLAN

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

Revisions:

Date: DECEMBER, 2020
 Scale: 1" = 40'
 Dwn.By: TAJ
 Proj.No.: 1998D002
 Dwg.No.:

PRE-02

*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.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

P:\Evergreene 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.

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.

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.

INLAND BAYS COMMUNITY

PLANNED RESIDENTIAL COMMUNITY

Sussex County, Delaware

1998D002

JUNE 2021



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- B. Data Column
- C. Conditional Use Site Plan
- D. Color Rendering
- E. Color Rendering on Aerial Photograph

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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
 - h. Environmental Map
 - 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
- 7. Conditional Use Approval 9/15/2010
- 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

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. DeIDOT 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

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

<u>Land Use</u>	<u>Acreage (+/- Acres)</u>
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

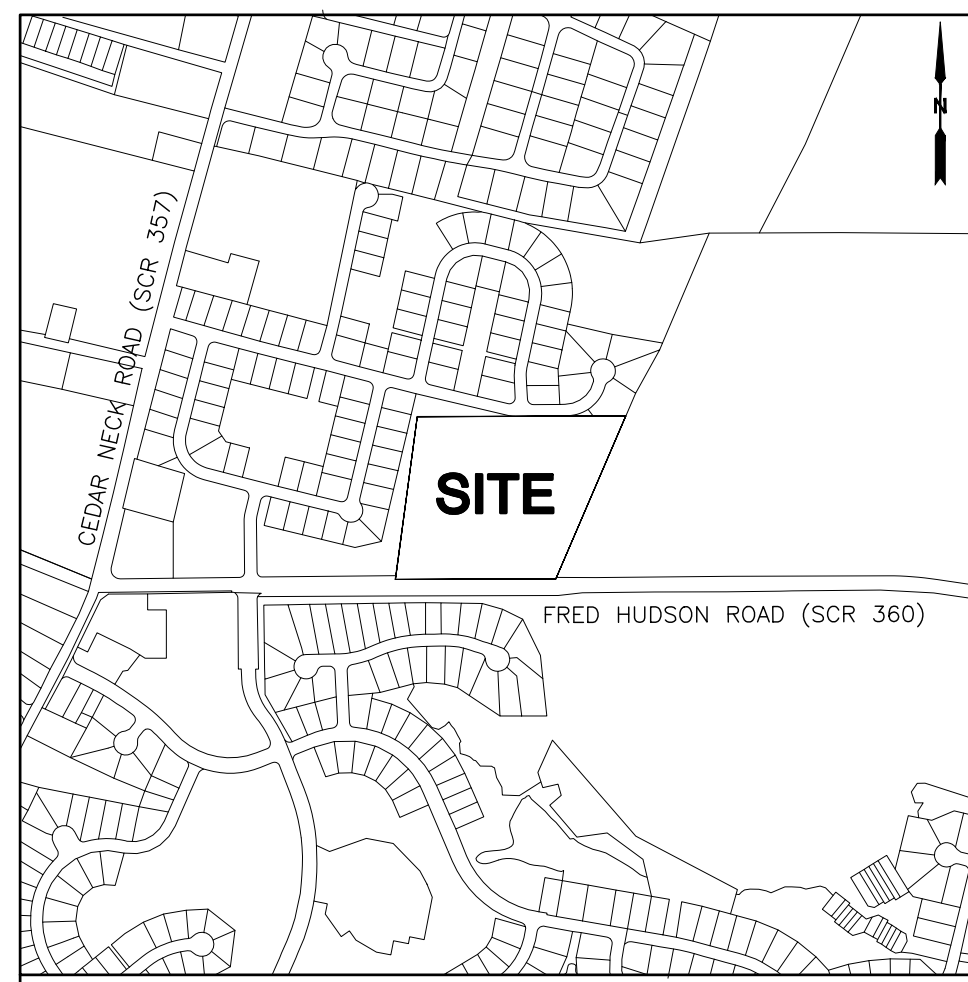
INLAND BAYS COMMUNITY

BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

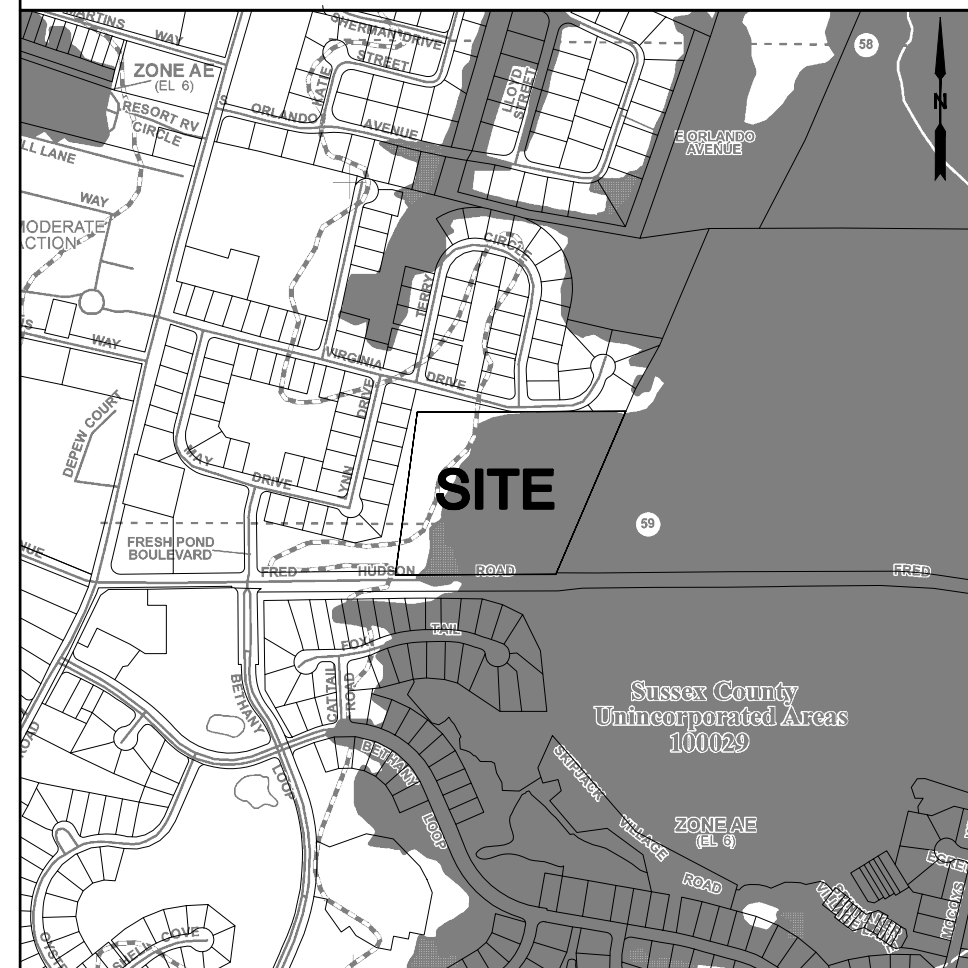
DBF # 1998D002 PRELIMINARY SITE PLAN DECEMBER, 2020

GENERAL NOTES:

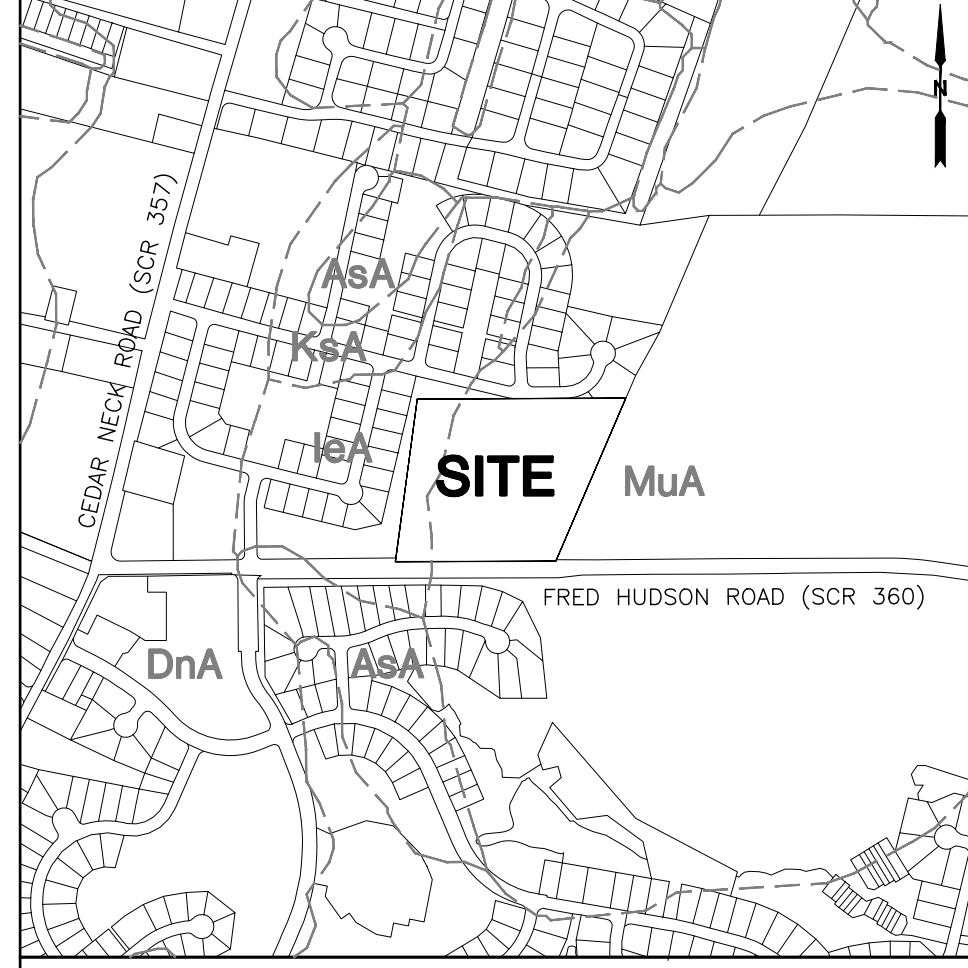
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS 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 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.



LOCATION MAP SCALE: 1"=800'



FLOOD MAP SCALE: 1"=800'

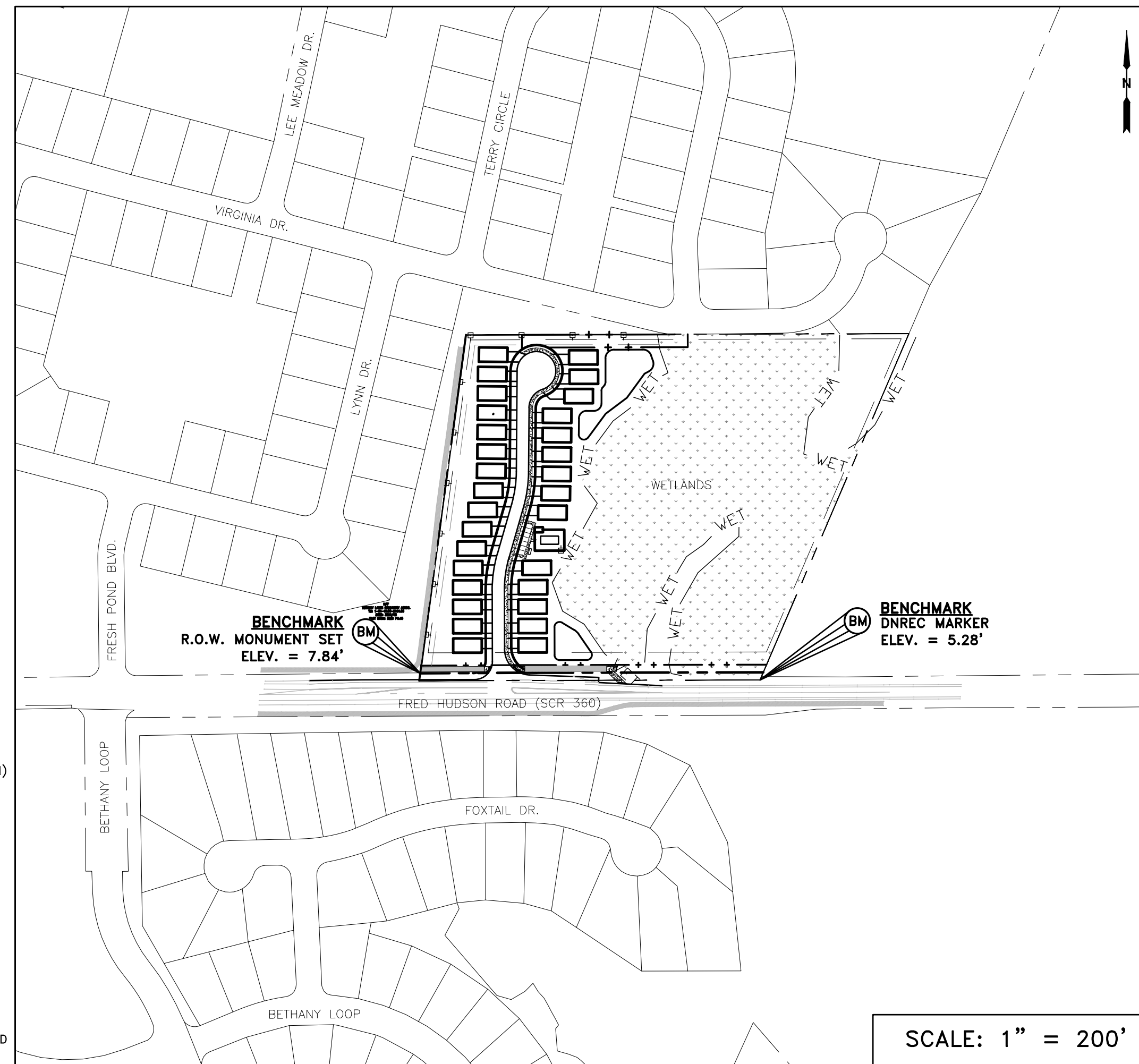


SOILS MAP SCALE: 1"=800'

AsA: ASKECKSY LOAMY SAND; 0 TO 2 PERCENT SLOPES (B/D)
 DnA: DOWNER LOAMY SAND; 0 TO 2 PERCENT SLOPES (B)
 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	
EXISTING:	WOODED/WETLANDS
PROPOSED:	30 SINGLE FAMILY HOMES
ZONING	
EXISTING:	MR MEDIUM DENSITY RESIDENTIAL
UNITS	
SINGLE FAMILY HOMES:	30
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SIDE SETBACK:	10 FT.
REAR SETBACK:	10 FT.
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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. (18%)
WOODLANDS:	
EXISTING:	9,723 AC.
TO BE REMOVED:	2,892 AC. (INCLUDES WOODS IN R/W DEDICATION)
TOTAL REMAINING:	7,031 AC.
OPEN SPACE:	
SWM:	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	
33176 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	



SCALE: 1" = 200'

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

LEGEND

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

ENGINEER'S STATEMENT

I, CLIFTON D. MUMFORD, 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

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

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

TIE-IN TO EXISTING
TERMINAL CLEANOUT
S 89°50'34" W 868.62'
TIE-IN TO EX. 8" WATER STUB

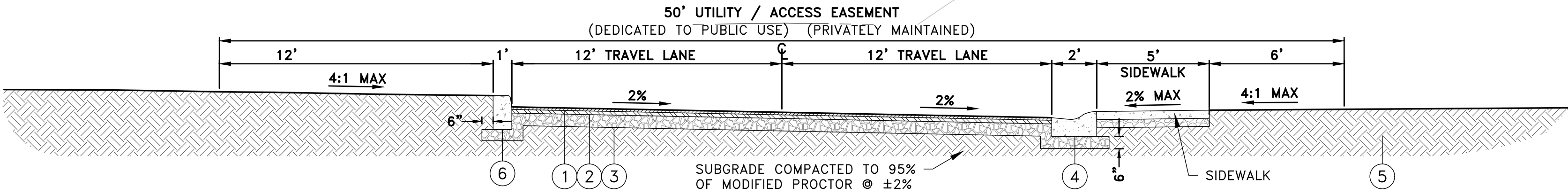
N/F
STATE OF DELAWARE
TM: 1-34-13.00-73.00
DEED: 2283/262

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

BENCHMARK
MONUMENT SET
ELEV. = 7.84'

BENCHMARK
DINREC MARKER
ELEV. = 5.28'

FRED HUDSON ROAD (SCR 360)



24' TYPICAL SUPER-ELEVATION PAVEMENT SECTION

SCALE: 1" = 4'

LEGEND

- ① BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 GYRATIONS (CARBONATE STONE)
- ② BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'B', PG 64-22, 160 GYRATIONS
- ③ GRADED AGGREGATE BASE COURSE, TYPE 'B', SHALL BE OVER APPROVED SUBGRADE
- ④ INTEGRAL P.C.C. CURB & GUTTER TYPE 2
- ⑤ ITEM 908002 - TOPSOIL (6" DEPTH),
ITEM 908014 - PERMANENT GRASS SEEDING, DRY GROUND
- ⑥ P.C.C. CURB & GUTTER TYPE 1-6



INLAND BAYS COMMUNITY
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
CALDWELL, MARYLAND (410) 643-9900
MILFORD, DELAWARE (302) 442-1441
EASTON, MARYLAND (410) 770-4744

Revisions:
2021-06-07: SITE PLAN
UPDATED

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

PRE-02

PRELIMINARY SITE PLAN

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

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

TIE-IN TO EXISTING
TERMINAL CLEANOUT
S 89°50'54" W 868.62'

TIE-IN TO EX. 8"
WATER STUB

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

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

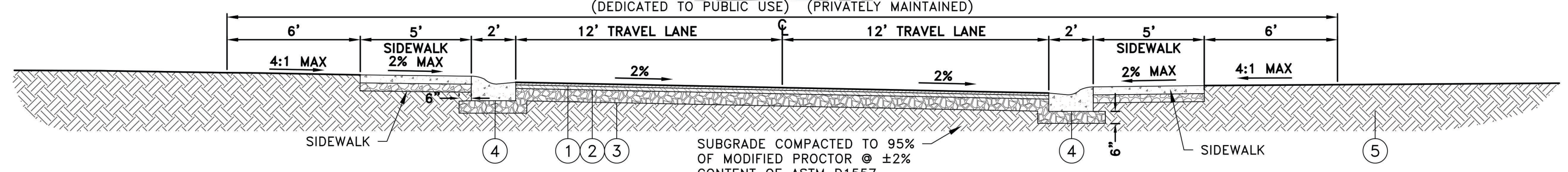
BENCHMARK
MONUMENT SET
R.O.W. ELEV. = 7.84'

BENCHMARK
DINREC MARKER
ELEV. = 5.28'

15' WIDE PERMANENT EASEMENT
IS HEREBY ESTABLISHED, AS PER THIS PLAT

ADDITIONAL 15' STRIP OF RIGHT-OF-WAY
IS HEREBY DEDICATED TO THE
STATE OF DELAWARE.

50' UTILITY / ACCESS EASEMENT
(DEDICATED TO PUBLIC USE) (PRIVATELY MAINTAINED)



24' TYPICAL SUPER-ELEVATION PAVEMENT SECTION

SCALE: 1" = 4'

LEGEND

- ① BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 GYRATIONS (CARBONATE STONE)
- ② BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'B', PG 64-22, 160 GYRATIONS
- ③ GRADED AGGREGATE BASE COURSE, TYPE 'B', SHALL BE OVER APPROVED SUBGRADE
- ④ INTEGRAL P.C.C. CURB & GUTTER TYPE 2
- ⑤ [ITEM 908002 - TOPSOIL (6" DEPTH),
ITEM 908014 - PERMANENT GRASS SEEDING, DRY GROUND



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

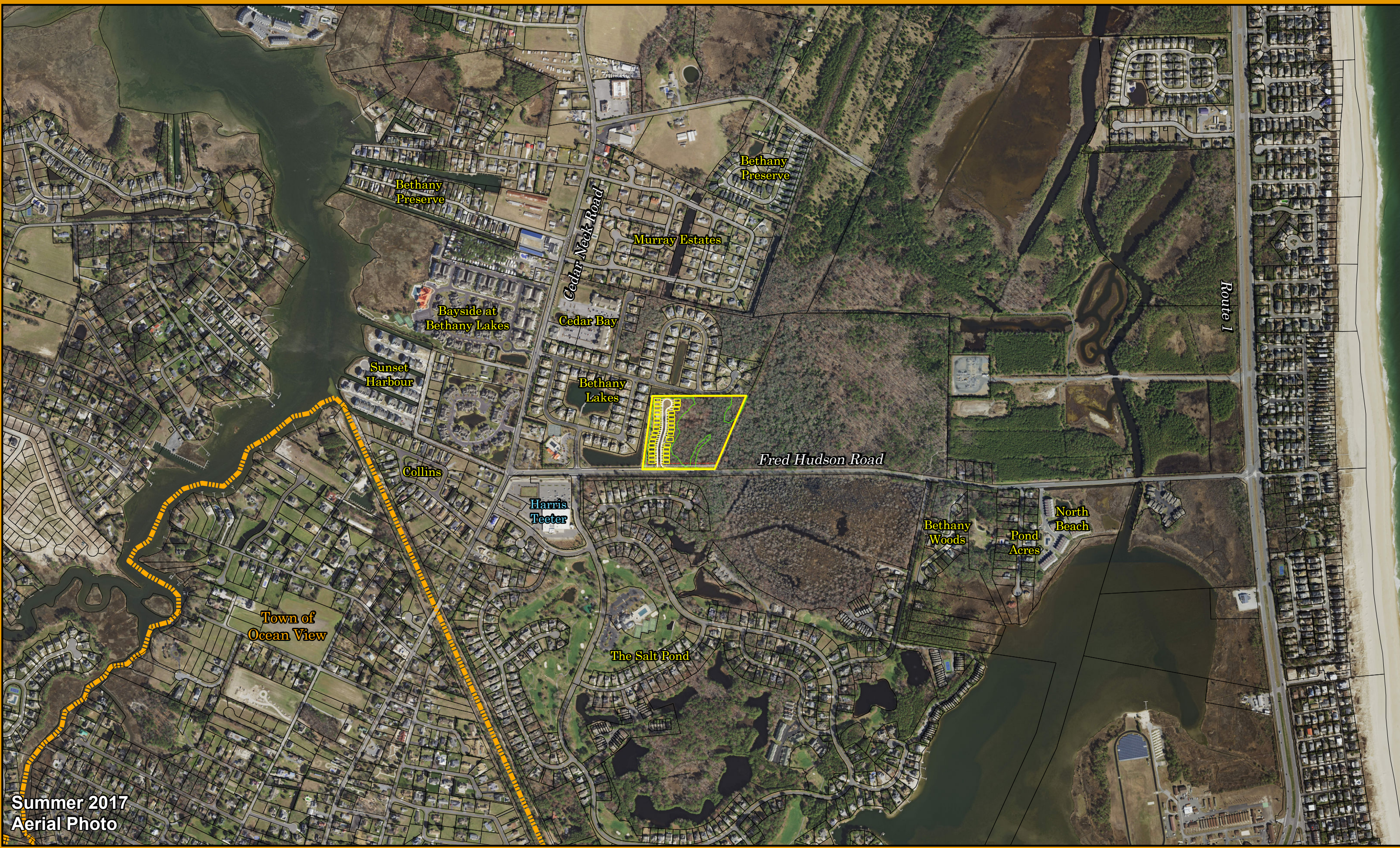
dbf DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
BALTIMORE, DELAWARE
EASTON, MARYLAND
(302) 635-0800
(302) 634-1441
(410) 770-4744

PRELIMINARY SITE PLAN

Revisions:

Date: DECEMBER, 2020
Scale: 1" = 40'
Dwn.By: TAJ
Proj.No.: 1998D002
Dwg.No.:

PRE-02



Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County

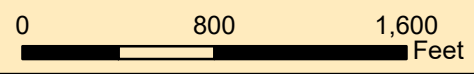


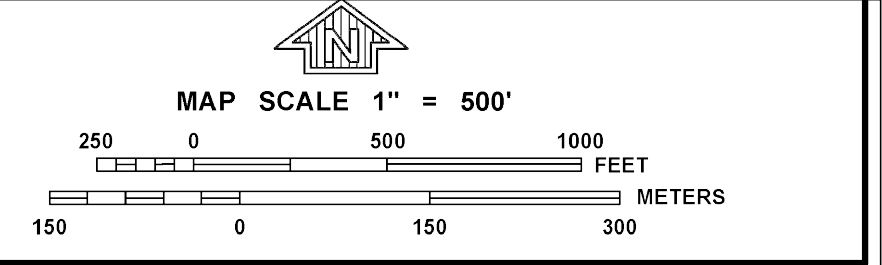
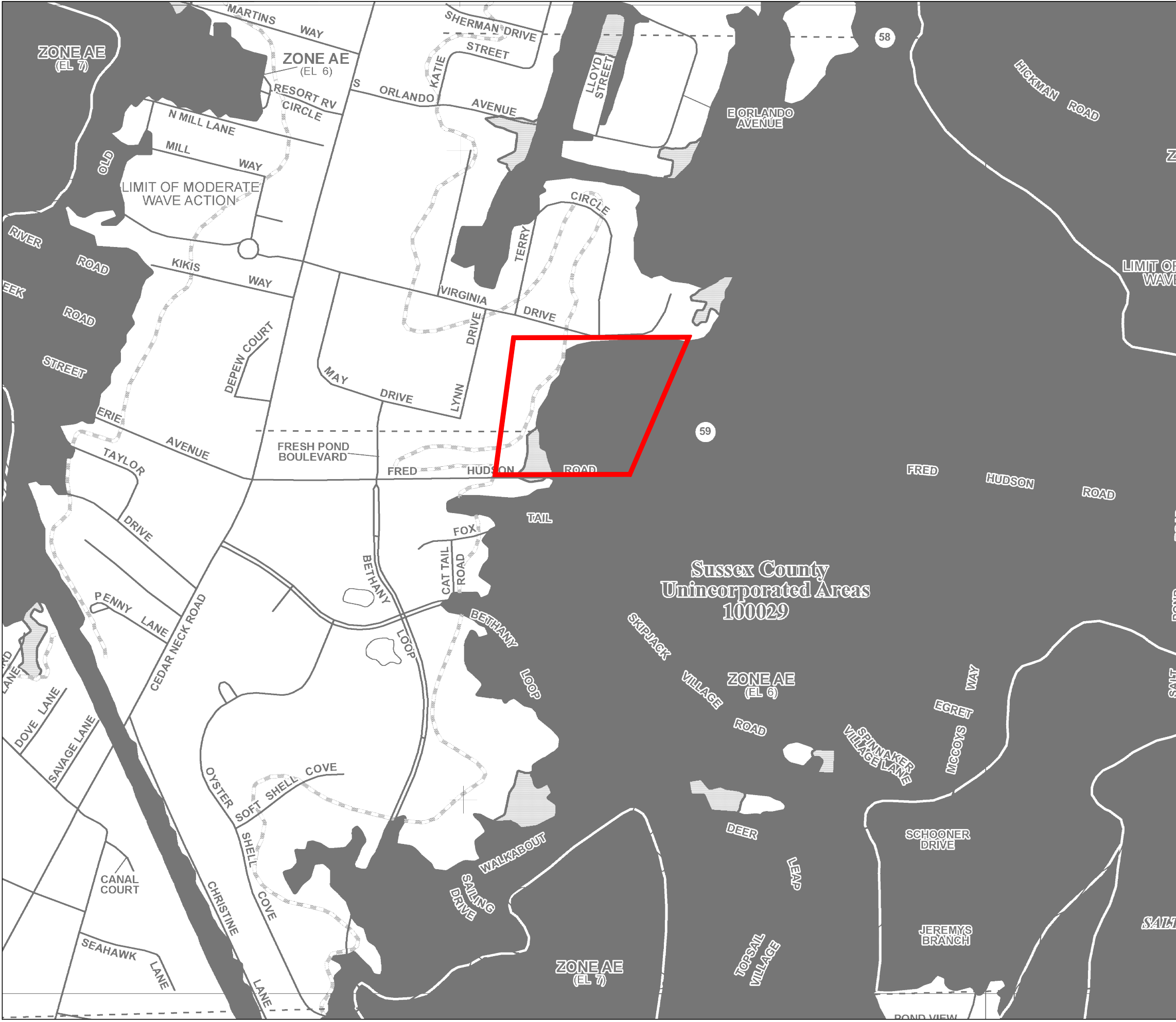
June 2021

Surrounding Communities Map

Inland Bays Community

Sussex County, Delaware





NATIONAL FLOOD INSURANCE PROGRAM

NIP 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.



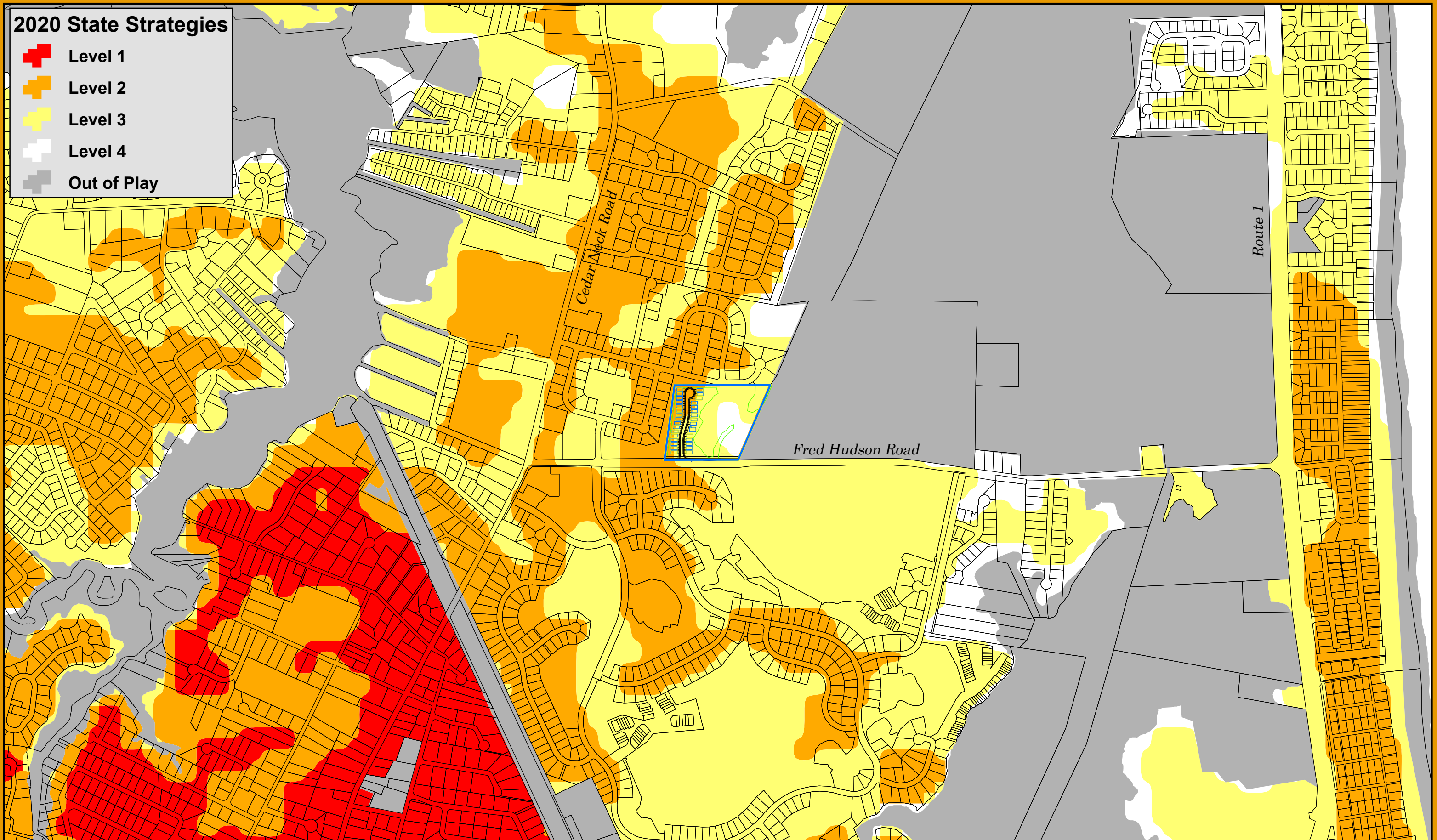
MAP NUMBER
10005C0512K

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

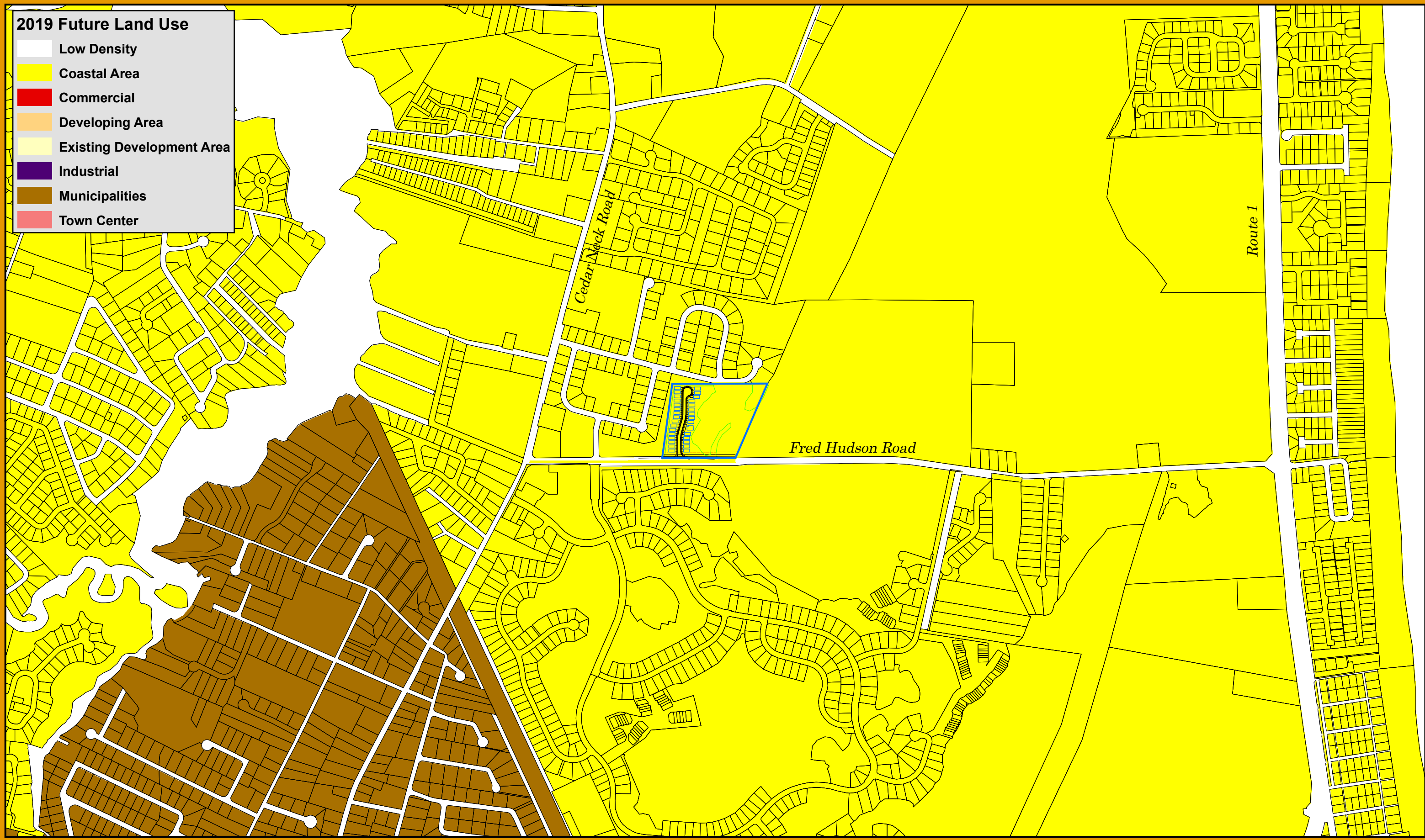


June 2021

2020 State Strategies Inland Bays Community Sussex County, Delaware



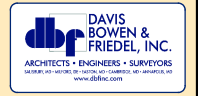
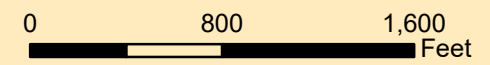
- 2019 Future Land Use**
- Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities
 - Town Center



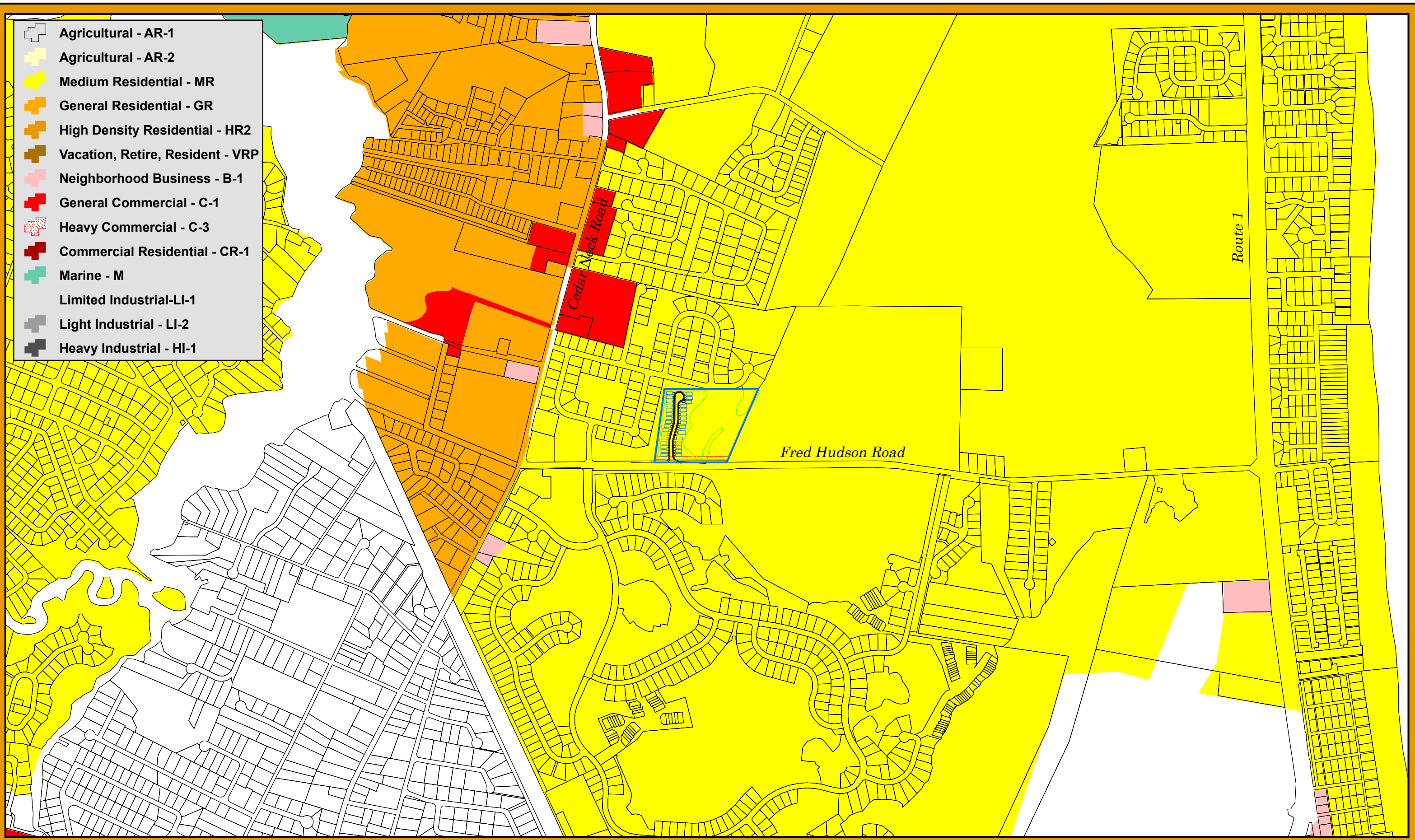
**Entire Site is within the
Environmental Sensitive Developing Area**



Sussex County 2045 Future Land Use
Inland Bays Community
 Sussex County, Delaware



-  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



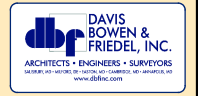
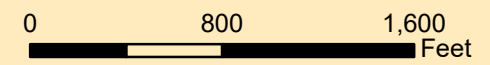
Sources:
Tax Parcels per Sussex County



Sussex County Zoning Map

Inland Bays Community

Sussex County, Delaware





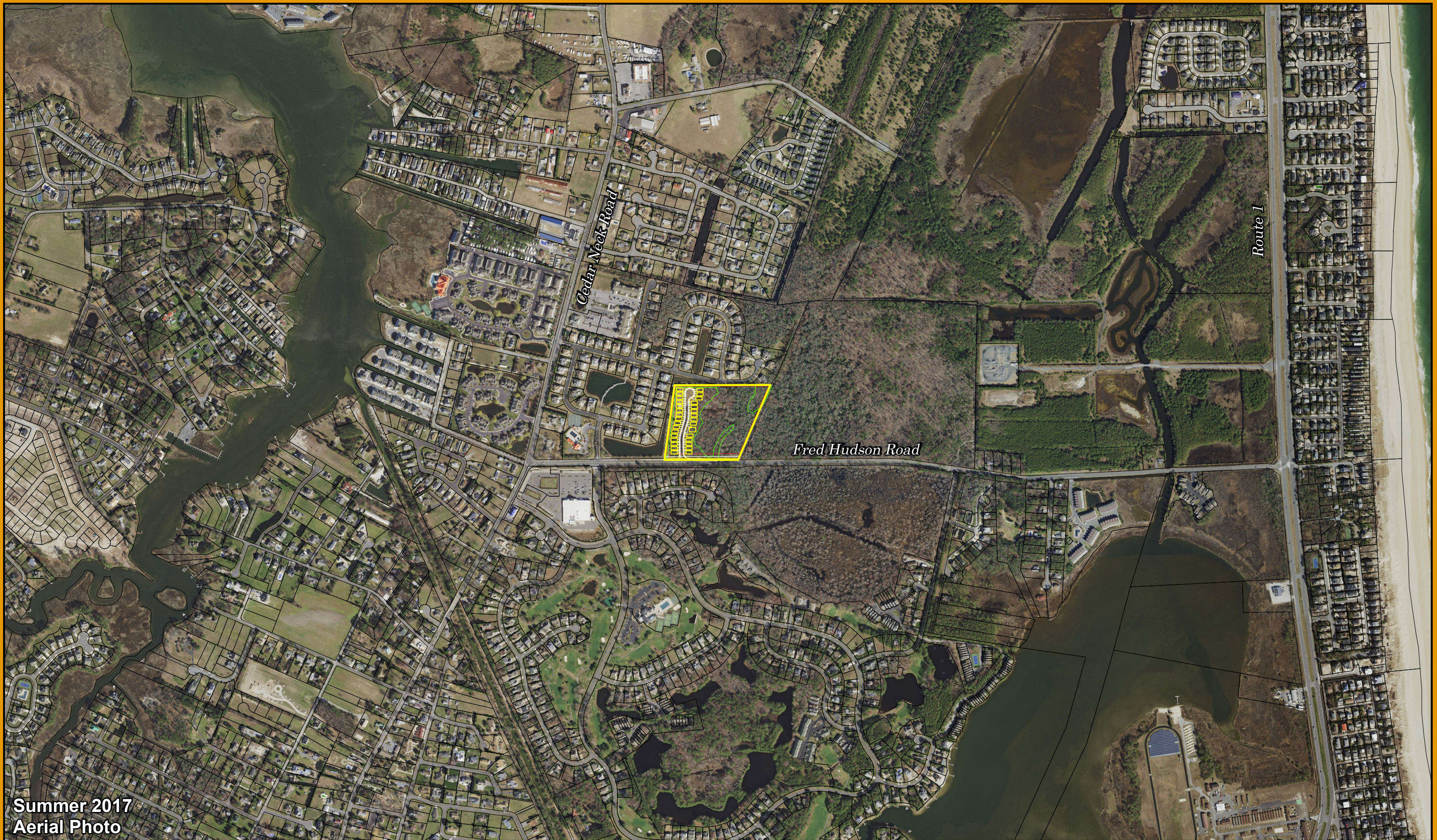
Spring 1992
Aerial Photo

Sources:
Tax Parcels per Sussex County



1992 Aerial Photo
Inland Bays Community
Sussex County, Delaware





Summer 2017
Aerial Photo



Sources:
Tax Parcels per Sussex County

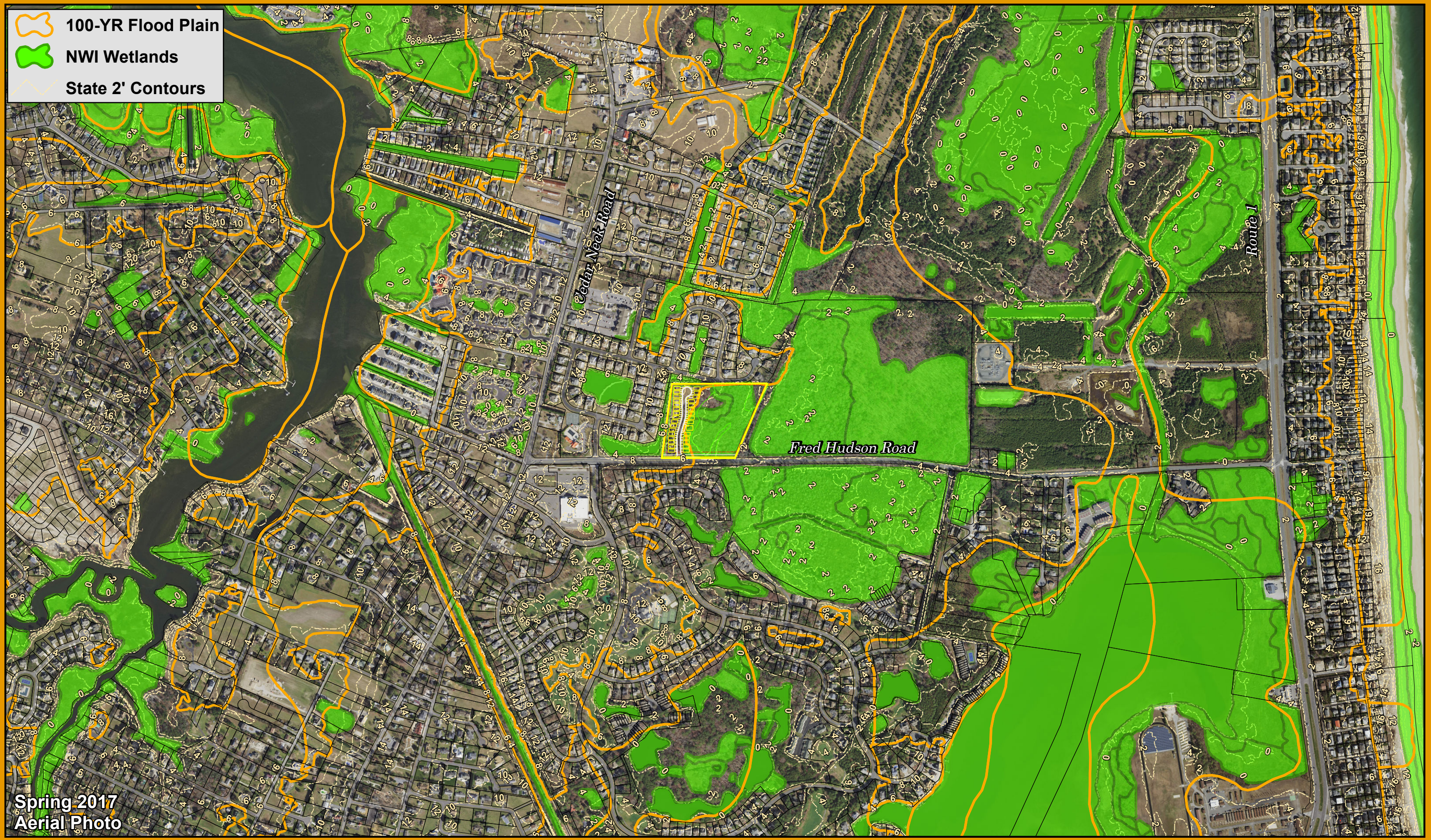


2017 Aerial Photo
Inland Bays Community
Sussex County, Delaware

0 800 1,600
Feet



 100-YR Flood Plain
 NWI Wetlands
 State 2' Contours

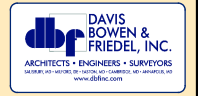
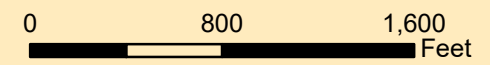




Spring 2017
Aerial Photo

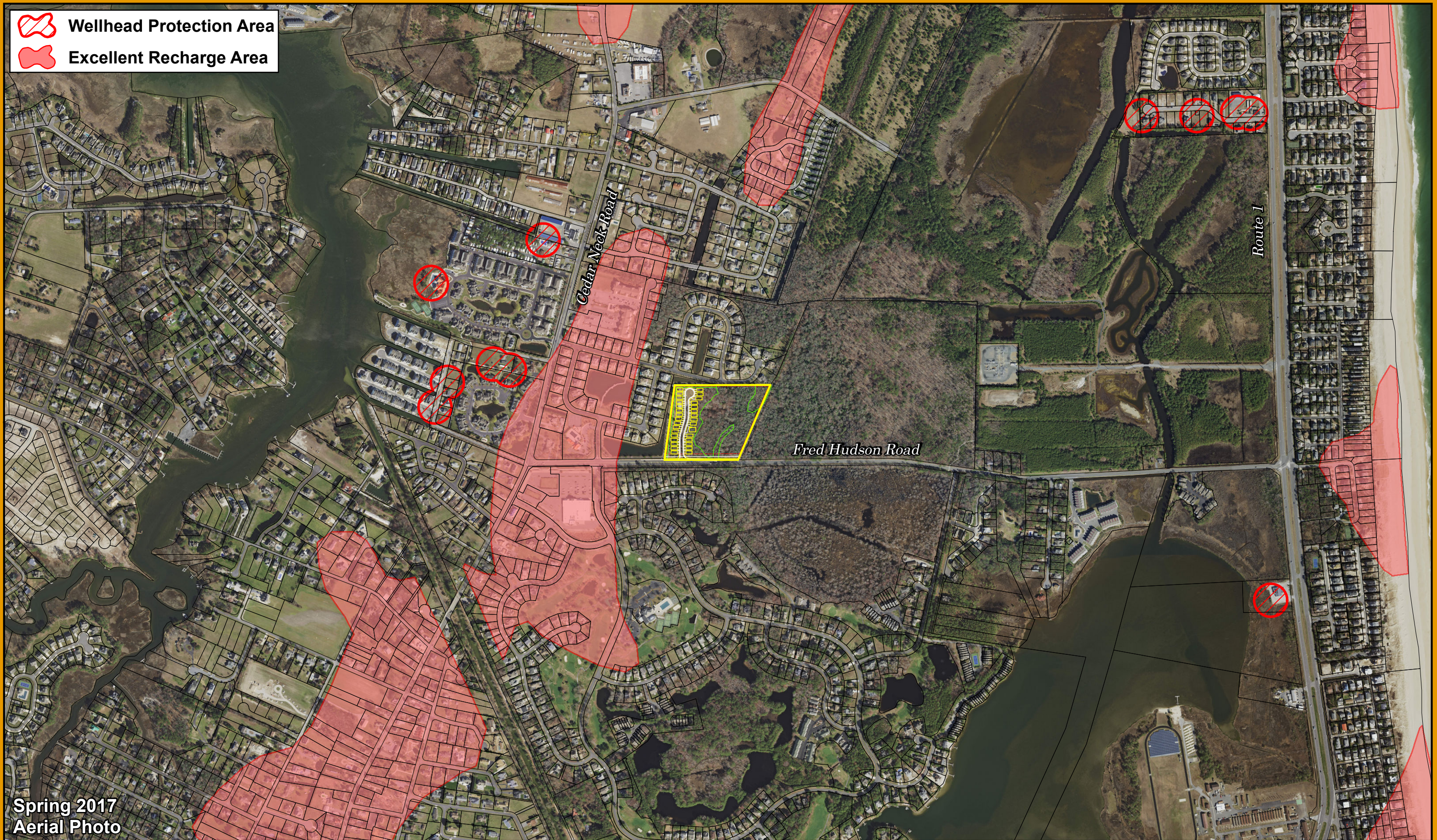
Sources:
Tax Parcels per Sussex County



Environmental Map
Inland Bays Community
 Sussex County, Delaware



-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



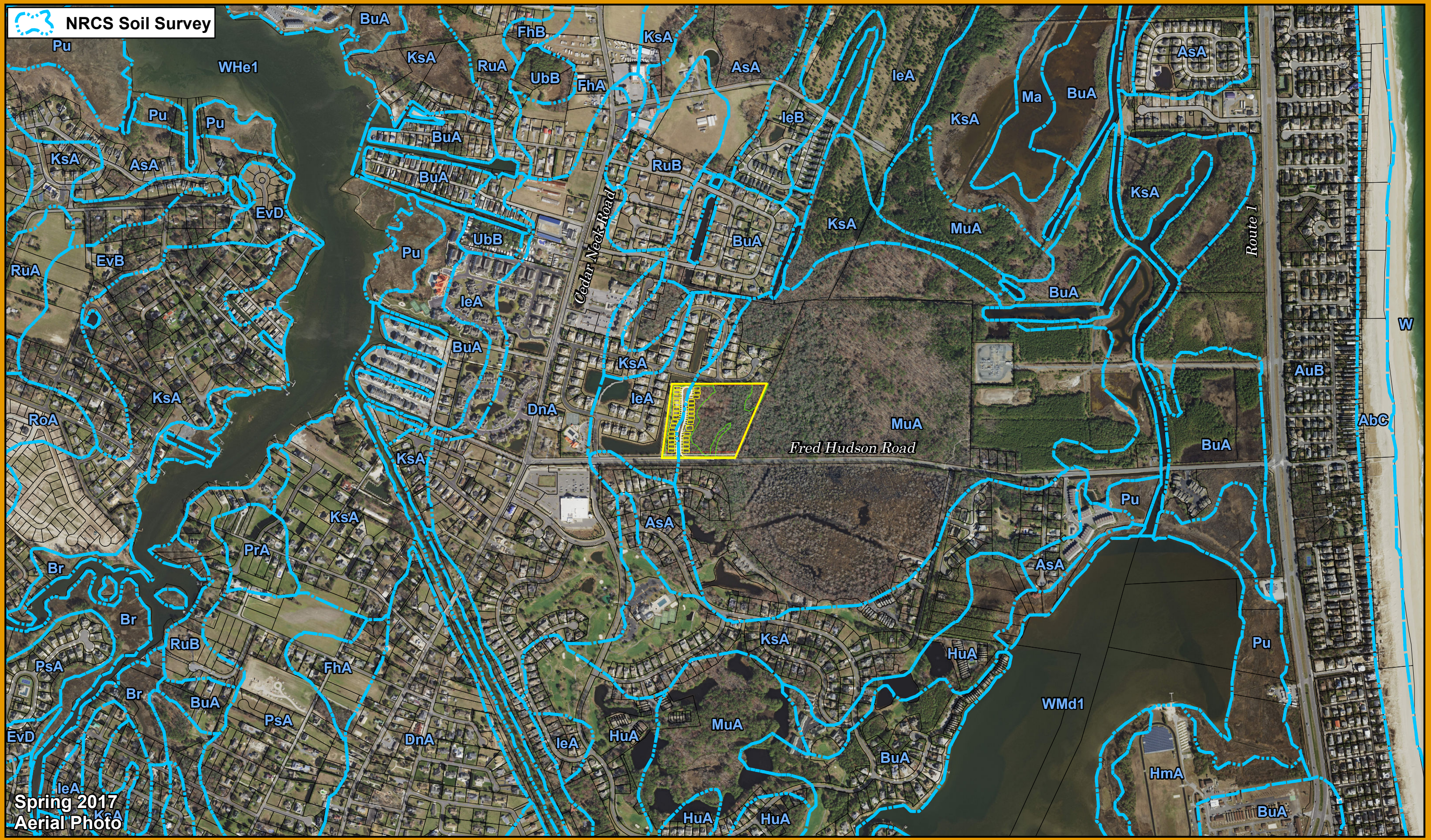
Source Water Protection Areas

Inland Bays Community

Sussex County, Delaware

0 800 1,600
Feet



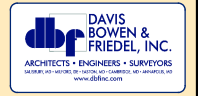
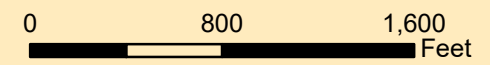


Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



NCRS Soil Survey
Inland Bays Community
Sussex County, Delaware

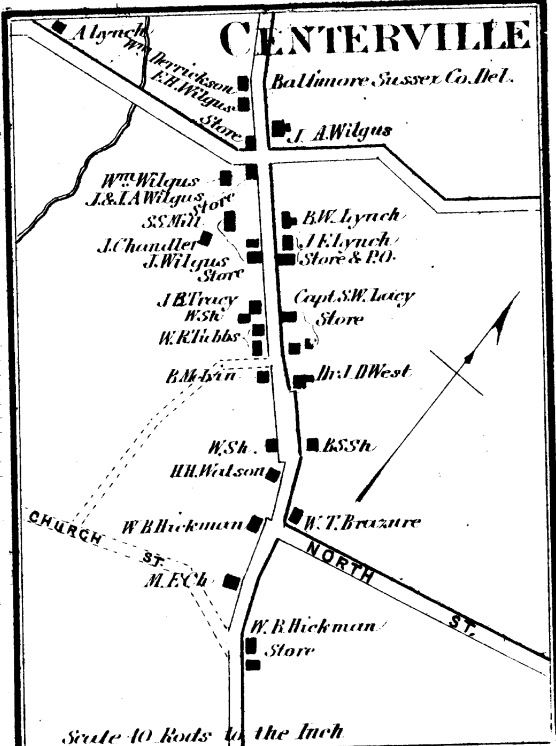


BALTIMORE

Sussex Co.

Scale 1 Inch to the Mile

INDIAN RIVER BAY



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. B. Tubbs...Manufacturer and Repairer of Carriages, Wagons, and all kinds of Farming Implements.



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

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.

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.*

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 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.

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.

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.

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@sussexcountyde.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 3rd 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 1st to July 31st 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 1st to July 31st to reduce impacts on breeding birds. To reduce impacts to nesting Brown-headed Nuthatches, it is recommended that tree clearing not occur from March 1st to June 1st.*

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, www.de.gov/eef.*
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

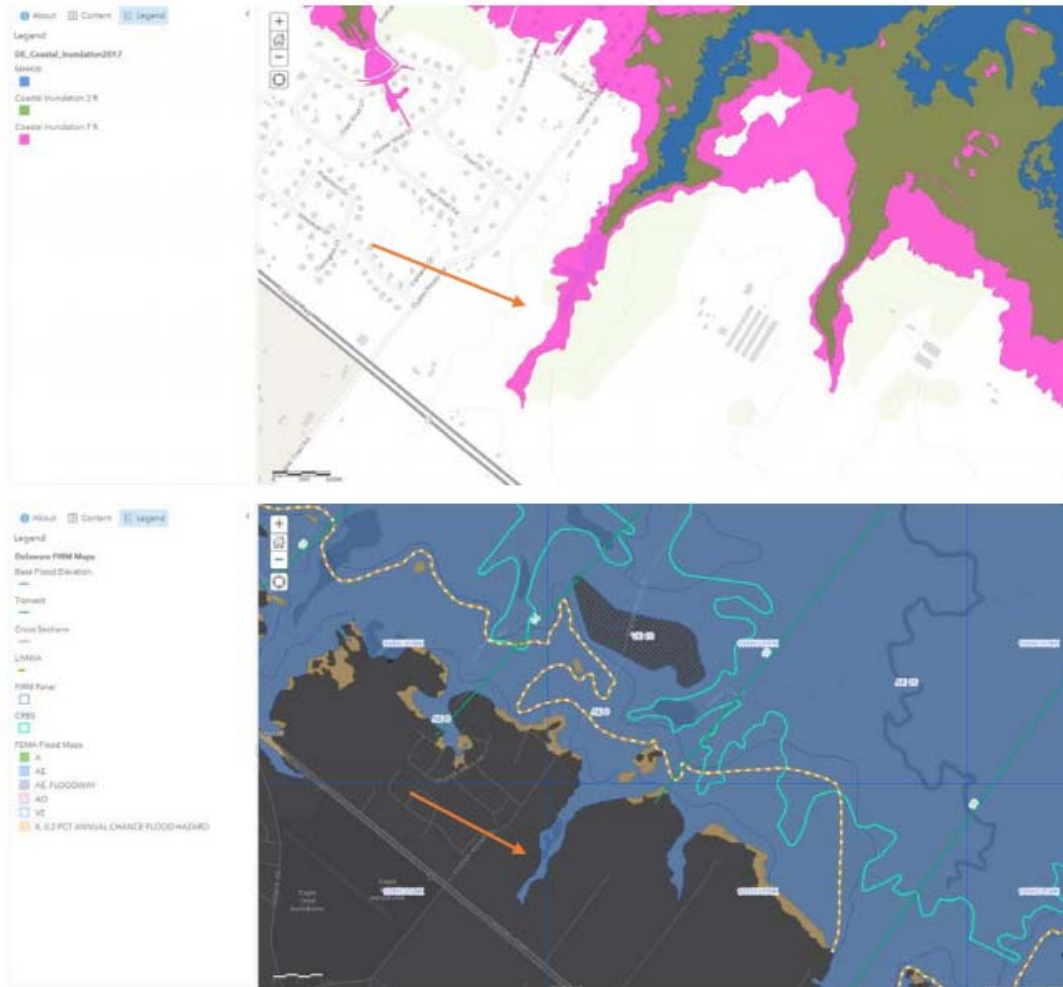
- *The developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*

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, 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.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

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

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

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.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

Inland Bays Community
PLUS Response Letter
June 11, 2021
Page 18

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Cc: Constance C. Holland, AICP, Office of State Planning
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)**
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.

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.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

P:\Evergreene 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.

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

*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.*

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.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

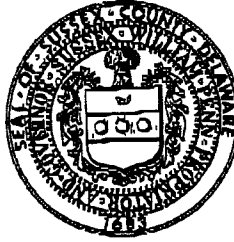


Cliff Mumford, P.E.
Associate

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.

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



Shane Abbott
Assistant Director

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

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**



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



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. 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.



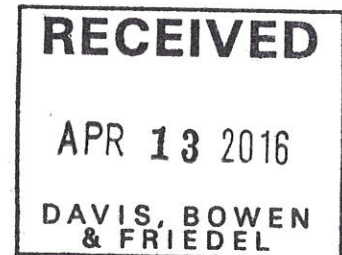
STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

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



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



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.

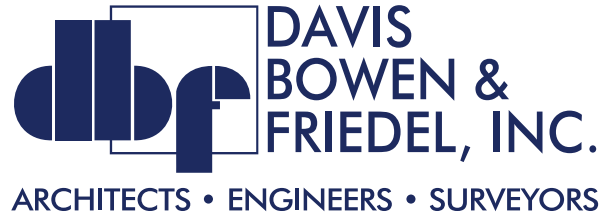
Sincerely,

SUSSEX SHORES WATER CO., INC.

A handwritten signature in black ink, appearing to read "B. Dorey", is written over the typed name and title.

Bradley F. Dorey
Director of Operations

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



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106 Washington Street, Suite 103
Easton, MD 21601
(410) 770-4744

www.dbfinc.com

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

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.

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.*

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 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.

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.

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.

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@sussexcountyde.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 3rd 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 1st to July 31st 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 1st to July 31st to reduce impacts on breeding birds. To reduce impacts to nesting Brown-headed Nuthatches, it is recommended that tree clearing not occur from March 1st to June 1st.*

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, 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

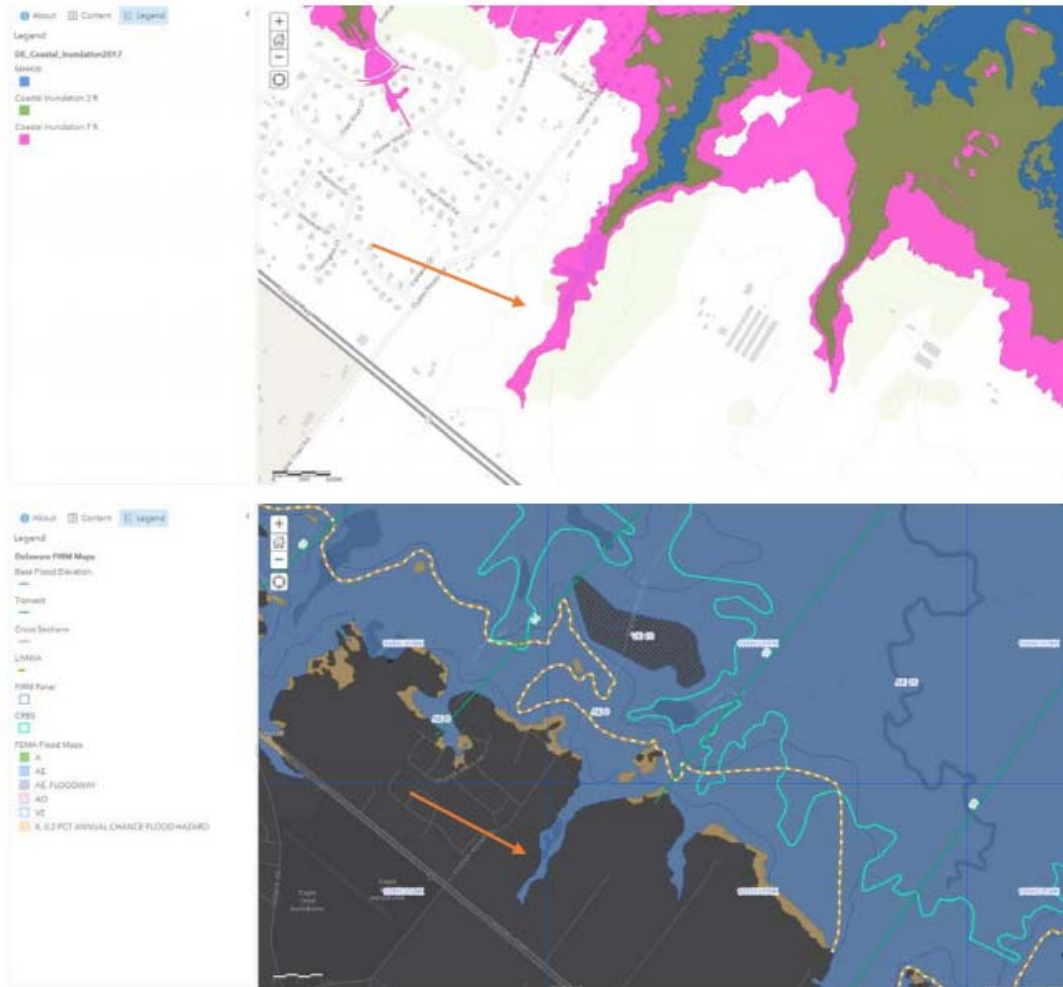
- *The developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.*

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, 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.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

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

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

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.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

Inland Bays Community
PLUS Response Letter
June 11, 2021
Page 18

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