

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 14th, 2022

Application: C/U 2300 MRBP, LLC

Applicant: MRBP, LLC
5973 Smithy’s Lane
Salisbury, MD 21801

Owner: MRBP, LLC
5973 Smithy’s Lane
Salisbury, MD 21801

Site Location: Lying on the southwest side of McCary Road (S.C.R. 385), approximately 857 feet south of Frankford School Road (S.C.R. 92).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Borrow Pit

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Sussex County

Water: Artesian

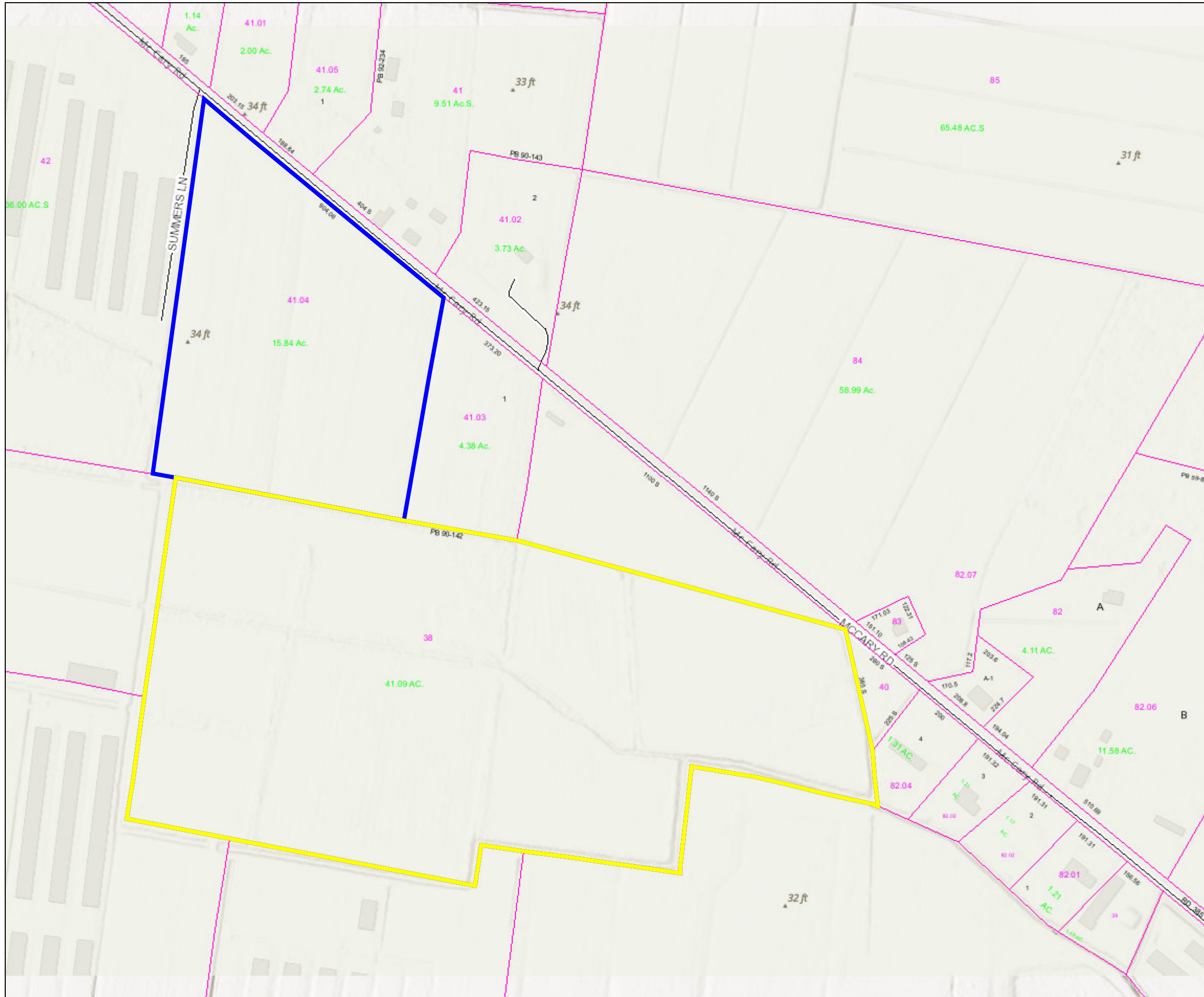
Site Area: 56.93 acres +/- (per County’s online map)
56.71 acres +/- (as indicated on Application)

Tax Map IDs.: 533-5.00-38.00 & 41.04





Sussex County



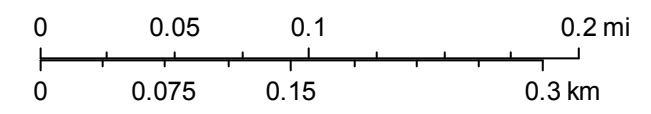
PIN:	533-5.00-38.00
Owner Name	MRBP LLC
Book	5447
Mailing Address	5973 SMITHYS LN
City	SALISBURY
State	MD
Description	SW/RT 385
Description 2	
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

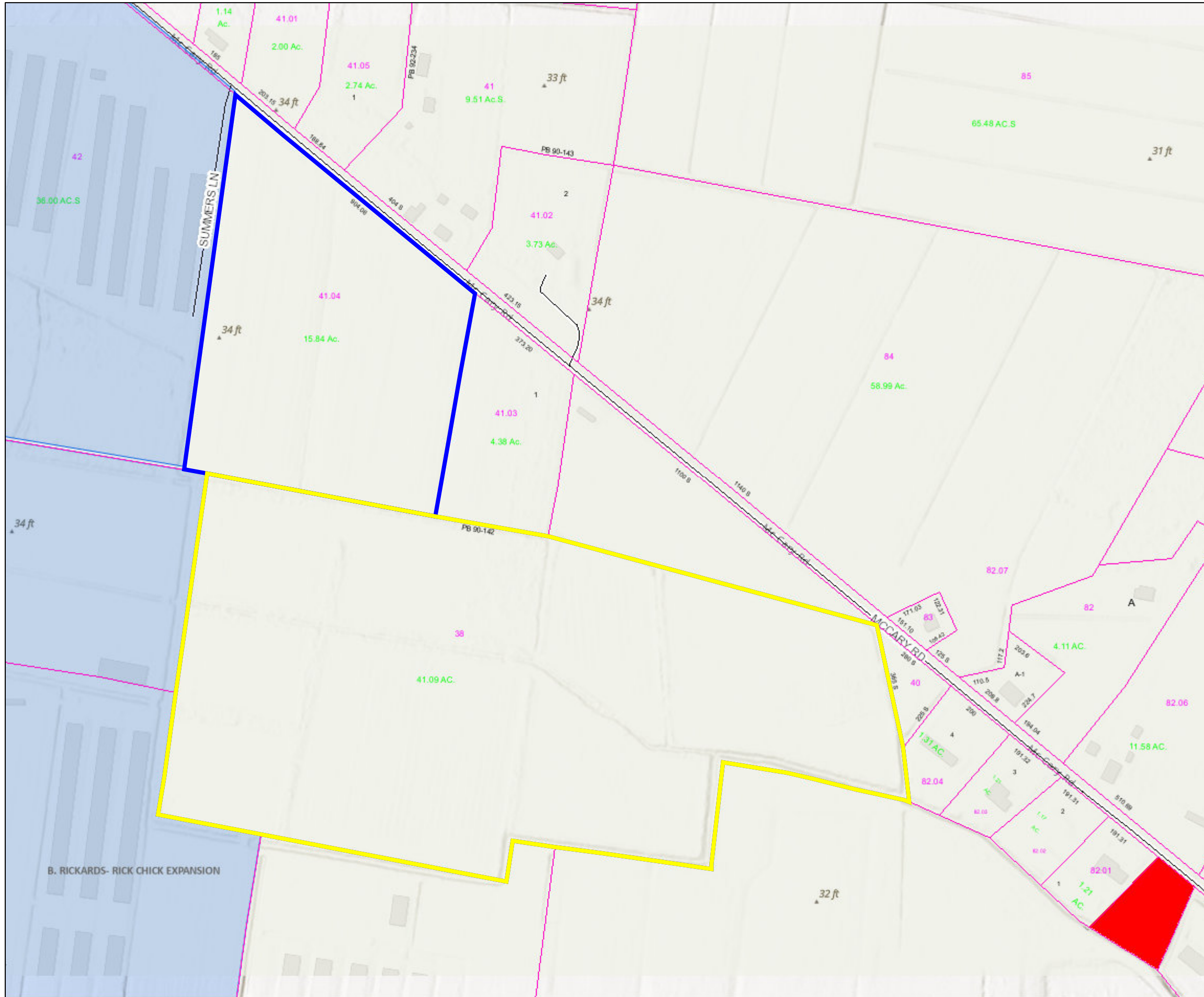
 - Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

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Sussex County



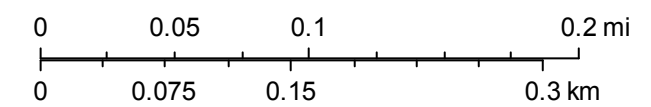
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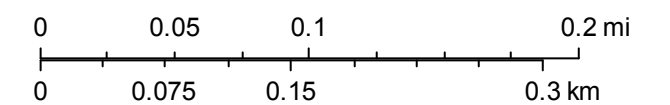
Sussex County



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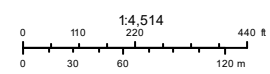


Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.



FEMA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



June 9, 2022

Effective Flood Hazard Areas

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Base Flood Elevation
- LiMWA
- Cross Sections
- Transect

Preliminary Flood Hazard

- A
- AE
- AE, FLOODWAY
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

- ### Contours
- INDEX
 - DEPRESSION
 - - - HIDDEN
 - INTERVAL

Flood Zone (at Point): X
 FEMA Issued Flood Map: 10005C0630J
 Map Date: 1/6/2005
 Subwatershed (HUC12): Little Assawoman Bay
 Tax Parcel: 533-5.00-38.00

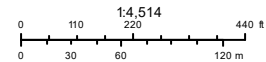


Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.



FEMA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



June 9, 2022

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Contours

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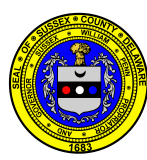
Flood Zone (at Point): X

FEMA Issued Flood Map: 10005C0630J

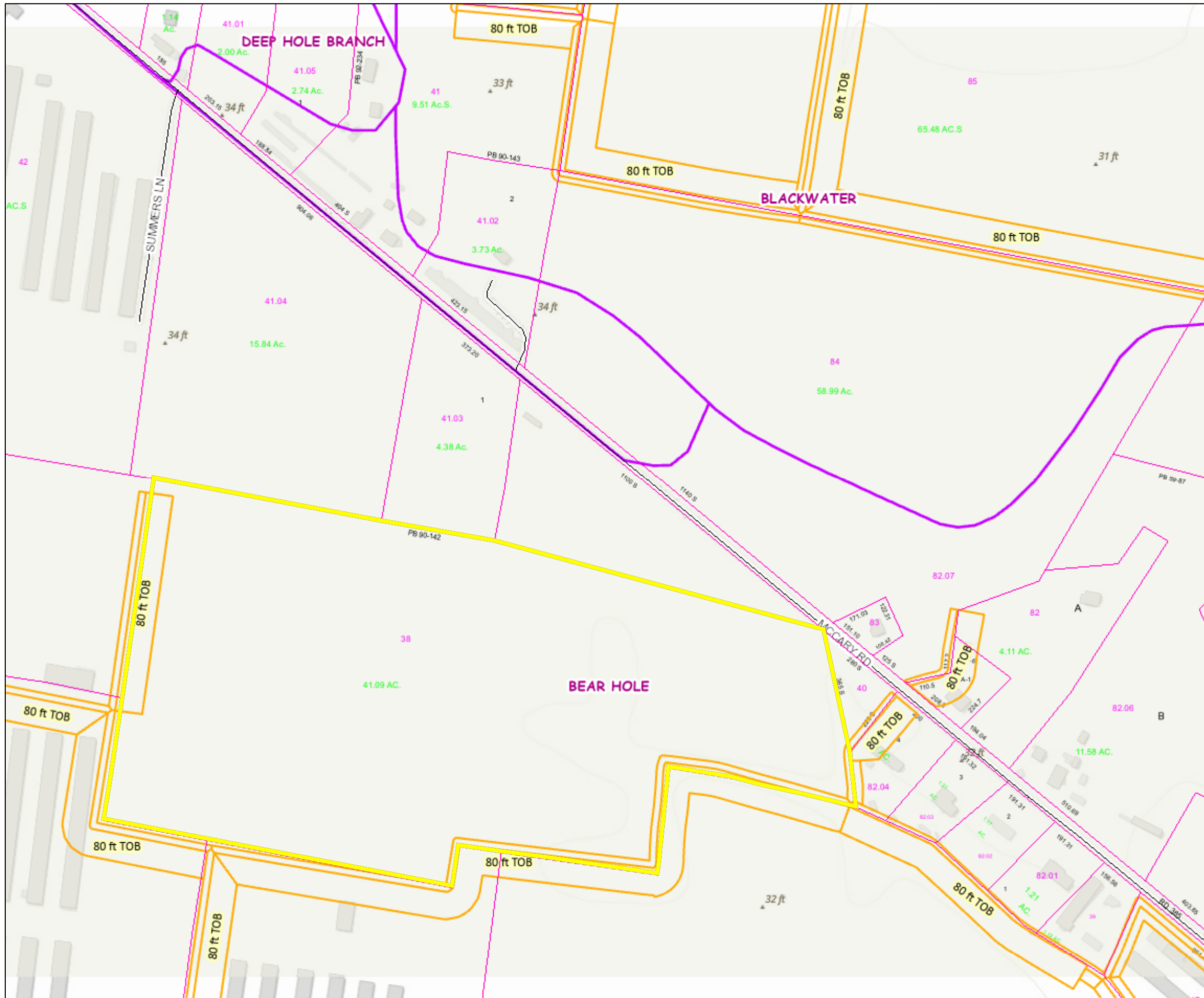
Map Date: 1/6/2005

Subwatershed (HUC12): Little Assawoman Bay

Tax Parcel: 533-5.00-41.04



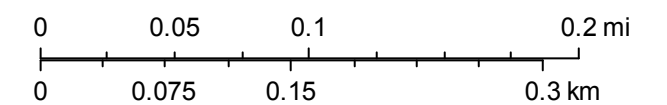
Sussex County



PIN:	533-5.00-38.00
Owner Name	MRBP LLC
Book	5447
Mailing Address	5973 SMITHYS LN
City	SALISBURY
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Description	SW/RT 385
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Flood Zones 2018**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE
 - Extent of Right-of-Way
 - Approx. Watershed Boundary

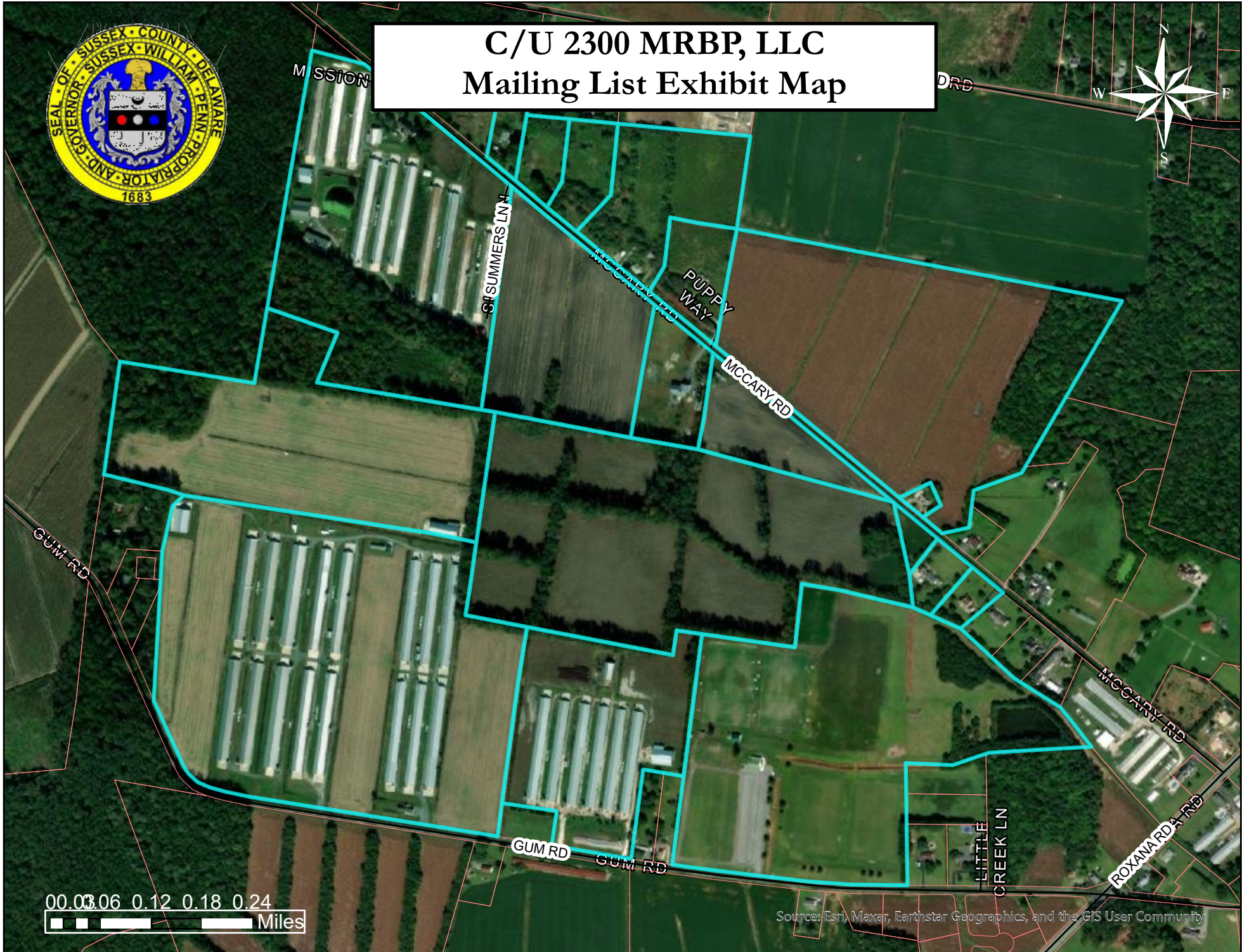
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Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
WHITE BENNETT S TYLER H WHITE	CHRISTIAN G WHITE	20009 LOCKWOOD CHAPEL RD	DOVER	DE	19904	533-5.00-40.00
MCCARY MACK W & NORMA L	MCCARY	32570 MCCARY RD	FRANKFORD	DE	19945	533-10.00-45.00
BLUMENSCHN PETER R	PAMELA BLUMENSCHN	204 KING WILLIAM ST	NEWARK	DE	19711	533-5.00-41.00
RICKARDS CARLA E ANDREW WILLEY	ADAM WILLEY JACOB WILLEY ETAL	26470 NINE FOOT RD	DAGSBORO	DE	19939	533-10.00-44.00
BLUMENSCHN PETER R	<Null>	% KIM REEVES	NEWARK	DE	19711	533-5.00-41.02
WHITE BENNETT STYLE H WHITE	CHRISTIAN G WHITE	20009 LOCKWOOD CHAPEL RD	DOVER	DE	19904	533-5.00-84.00
MARINO MARY M	BARBARA J MORGAN	32408 MCCARY RD	FRANKFORD	DE	19945	533-5.00-82.04
EVANS ANTHONY R	<Null>	32111 MCCARY RD	FRANKFORD	DE	19945	533-5.00-87.00
SOWINSKI JOSEPH R & CARMEN J	<Null>	32426 MCCARY RD	FRANKFORD	DE	19945	533-5.00-82.03
EVANS ANTHONY R	<Null>	32111 MCCARY RD	FRANKFORD	DE	19945	533-5.00-41.01
RICKARDS CARLA E ANDREW WILLEY	ADAM WILLEY JACOB WILLEY ETAL	26470 NINE FOOT RD	DAGSBORO	DE	19939	533-5.00-42.00
UNKNOWN	UNKNOWN	3 WHIPPERWILL CT	SELBYVILLE	DE	19975	533-5.00-41.03
MRBP LLC	<Null>	5973 SMITHYS LN	SALISBURY	MD	21801	533-5.00-41.04
RICKARDS CARLA E ANDREW WILLEY	ADAM WILLEY JACOB WILLEY ETAL	26470 NINE FOOT RD	DAGSBORO	DE	19939	533-5.00-37.00
MRBP LLC	<Null>	5973 SMITHYS LN	SALISBURY	MD	21801	533-5.00-38.00
EVANS ANTHONY R	<Null>	32111 MCCARY RD	FRANKFORD	DE	19945	533-5.00-41.05
GRIMES KIMBERLY MCCABE	%REBECCA GRIMES MAIS	9 E ATLANTIC ST	FENWICK ISLAND	DE	19944	533-10.00-46.04
BLACK HARVEY LIVING TRUST	ANN L BLACK LIVING TRUST	202 OLD POINT RD	CHESTER	MD	21619	533-5.00-83.00



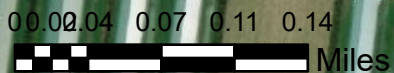
C/U 2300 MRBP, LLC Mailing List Exhibit Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



C/U 2300 MRBP, LLC
Location Map
(NOTE: Buffer enclosing 210 feet of Subject Site)



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 13, 2022
RE: Staff Analysis for C/U 2300 MRBP, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2300 MRBP, LLC to be reviewed during the July 14, 2022, 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 533-5.00-38.00 and 41.04 to allow for a borrow pit operation and other ancillary related uses. The property is lying on the southwest side of McCary Road (S.C.R. 385), approximately 857 feet south of Frankford School Road (S.C.R. 92). The property consists of 56.93 acres +/-.

Further Site Considerations

County records indicate that there is a Tax Ditch located on the property (specifically on parcel 38.00) which spans the entire perimeter of this parcel known as the Bear Hole Tax Ditch. There is a related Tax Ditch right-of-way on the property as well which runs along the western, southern and eastern side of the property. The Tax Ditch ROW is measured 80-ft from the Top of Bank (TOB) of the tax ditch.

The property is not located within any established Transportation Improvement District (TID).

The property is located within Flood Zone "X" – Areas determined to be outside of the 100-year Floodplain.

Agency Comments Received

In accordance with §115-172(D) of the Sussex County Code, the project plans were sent to the Sussex County Technical Advisory Committee (TAC) for purposes of agency review and receipt of agency review comments. All comments received have been collated and included in the Commission's packet this evening.

Comprehensive Plan Analysis

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



of Coastal Area.” All surrounding properties to the north, south, east and west of the subject site contain the Future Land Use Map designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories”, the Agricultural Residential (AR-1) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

The property (to include both Tax Parcels) is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, west and east of subject property are zoned Agricultural Residential (AR-1) District. The properties to the north on the opposite side of McCary Road (S.C.R. 385) are also zoned Agricultural Residential (AR-1) District.

It should be noted that there is a single parcel to the southeast that is zoned General Commercial (C-1).

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been three (3) Conditional Use applications within a 0.25-mile radius of the application site. The first application is for C/U 1468 Lane M. Brown to allow for a playing area for paintball games within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, November 14, 2002. The Sussex County Council approved the use at their meeting of Tuesday, December 10, 2002 and the change was adopted through Ordinance No. 1575. The second application is for C/U 2256 Jerry Meiklejohn, LLC to allow for hardscaping, outdoor living construction and commercial business within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of August 12, 2021. The Sussex County Council approved the use at their meeting of Tuesday, August 31, 2021 and the change was adopted through Ordinance No. 2796. The third application is for C/U 2288 Broom Solar Partners to allow for a solar farm to be located within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, March 10, 2022. The Sussex County Council approved the use at their meeting of Tuesday, March 22, 2022 and the change was adopted through Ordinance No. 2841.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a borrow pit in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Conditional Use Applications (w/in a 0.25 mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
C/U 1468	Lane M. Brown	AR-1	Playing Area for Paintball Games	Recommended Approval	11/14/2002	Approved	12/10/2002	1575
C/U 2256	Jerry Micklejohn, LLC	AR-1	Hardscaping, outdoor living construction & commercial business	Recommended Approval	11/12/2021	Approved	8/31/2021	2796
C/U 2288	Broom Solar Partners	AR-1	Solar Farm	Recommended Approval	3/10/2022	Approved	3/22/2022	2841

File #: CU 2300
Application # 202110673

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

McCary Road, Frankford, DE

Type of Conditional Use Requested:

Borrow Pit Operation.

Tax Map #: 533-5.00-38.00 & 533-5.00-41.04

Size of Parcel(s): 56.71 +/-

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: N/A

Land Use Classification: Agricultural

Water Provider: Artesian

Sewer Provider: Sussex County

Applicant Information

Applicant Name: MRBP, LLC

Applicant Address: 5973 Smithy's Lane

City: Salisbury

State: MD

Zip Code: 21801

Phone #: (410) 251-9568

E-mail: lmyrick@gmbnet.com

Owner Information

Owner Name: MRBP, LLC

Owner Address: 5973 Smithy's Lane

City: Salisbury

State: MD

Zip Code: 21801

Phone #: (410) 251-9568

E-mail: lmyrick@gmbnet.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: George, Miles & Buhr, LLC - Stephen L. Marsh

Agent/Attorney/Engineer Address: 206 West Main Street

City: Salisbury

State: MD

Zip Code: 21801

Phone #: (410) 742-3115

E-mail: smarsh@gmbnet.com



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) Awaiting Responses.

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

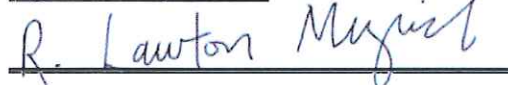
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 6/28/2021

Signature of Owner



Date: 6/28/2021

For office use only:

Date Submitted: 7/16/21

Fee: \$500.00 Check #: 1037

Staff accepting application: _____

Application & Case #: 202110673

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

NICOLE MAJESKI
SECRETARY

July 12, 2021

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 **MRBP, LLC** proposed land use application, which we received on June 28, 2021. This application is for an approximately 56.93-acre assemblage of parcels (Tax Parcels: 533-5.00-38.00 and 41.04). Both parcels are located on the southwest side of McCary Road (Sussex Road 385). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate a Borrow Pit.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along McCary Road is 385.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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. DeIDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive 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 DeIDOT 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

July 12, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.

County Coordinator

Development Coordination

TWB:afm

cc: MRBP, LLC, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/22/2022**

APPLICATION: **CU 2300 MRBP, LLC**

APPLICANT: **MRBP, LLC**

FILE NO: **ROX-1.01**

TAX MAP &
PARCEL(S): **533-5.00-38.00 & 41.04**

LOCATION: **Lying on the southwest side of McCary Road (SCR 385),
approximately 857 feet south of Frankford School Rd. (SCR 92)**

NO. OF UNITS: **Establish a borrow pit**

GROSS
ACREAGE: **56.71**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **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? **No**
- (8). Comments: **The proposed Conditional Use is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Technical Advisory Committee
From: Ms. Lauren DeVore, Planner III
Date: July 28, 2021
RE: Application Received for a Conditional Use (C/U) for a Borrow Pit

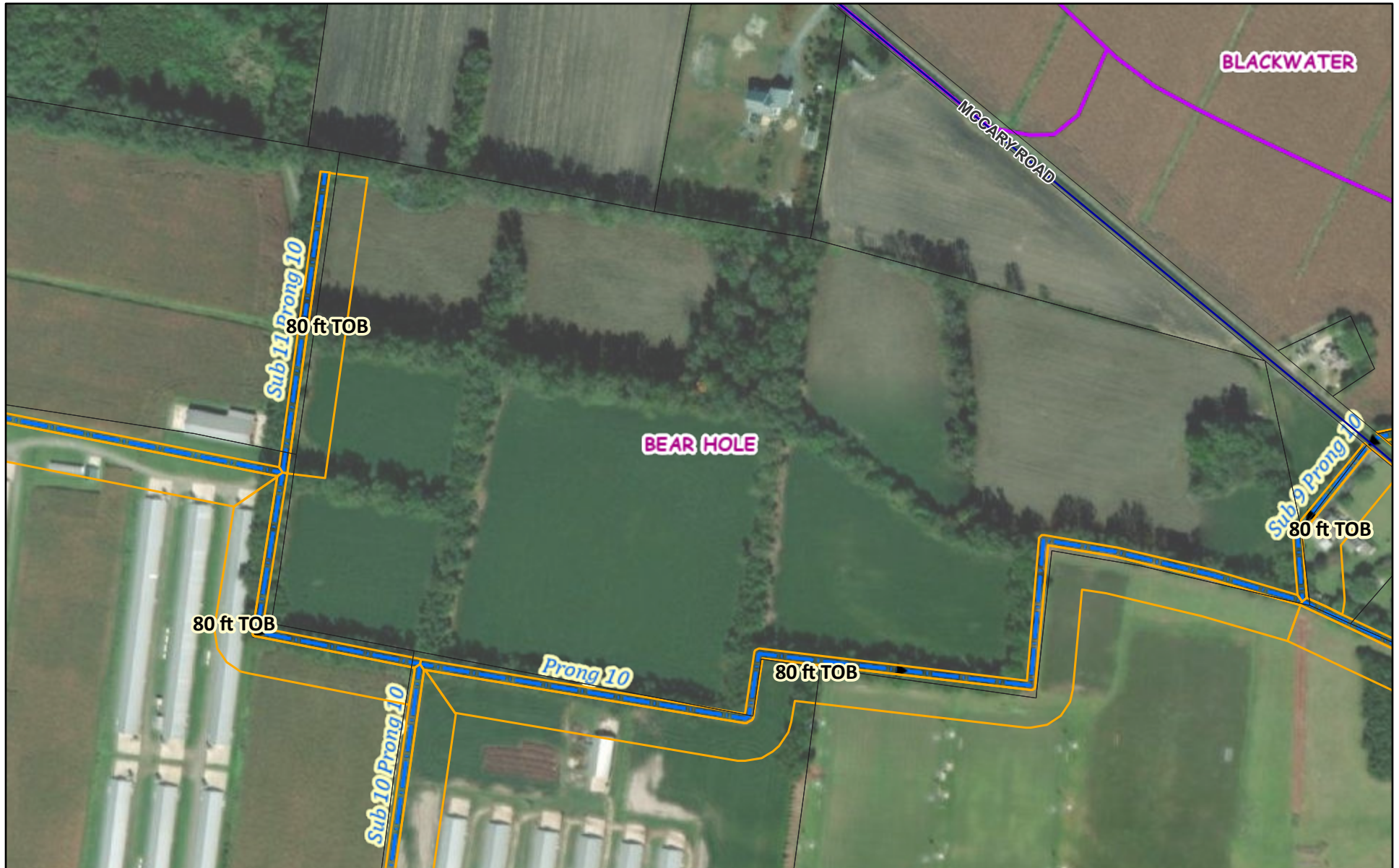
PLEASE NOTE: As a new shared email system has been put in place. If emailing your response, please send it to the following email: PANDZ@SUSSEXCOUNTYDE.GOV

The Sussex County Planning and Zoning Office has received an application for a Conditional Use which requires review by the Sussex County Technical Advisory Committee. Please review the application and provide any written comments back to the Planning and Zoning Office within **45 days** of the date of this memorandum (**on or before September 13th, 2021**).

C/U 2300 – MRBP, LLC – This is a Conditional Use Application for a proposed Borrow Pit operation to be conducted on two parcels of land containing 56.93 acres +/- . The properties are lying on the southwest side of McCary Road (S.C.R. 385), approximately 857 ft. south of Frankford School Road (S.C.R. 92). The plans are being sent under the provision of §115-172(B)(6)(d) of the Sussex County Code which allows the Commission to request that the site plan be reviewed by the Technical Advisory Committee. Tax Parcels: 533-5.00-38.00 & 41.04. Zoning: AR-1 (Agricultural Residential Zoning District). Property Owner: MRBP, LLC. Applicant: MRBP, LLC.

Please feel free to contact the office with any questions at (302) 855-7878 during normal business hours 8:30AM-4:30PM, Monday through Friday.

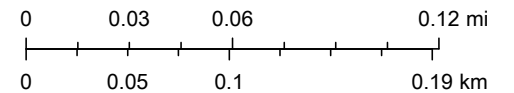
Bear Hole Tax Ditch Web Map - Proposed C/U 2300-MRBP, LLC



8/3/2021, 2:25:03 PM

1:4,514

- DE_Roadways_Main - CENTER LINE
- DE_StateParcels - Sussex
- Extent of Right-of-Way
- Approx. Watershed Boundary
- Tax Ditch Segments
- ▶ Tax Ditch Channel
- Municipalities
- Communities
- State and County Boundaries



Delaware Office of State Planning Coordination, DNREC, Division of

DNREC, Division of Watershed Stewardship, Drainage Program

These maps do not replace the official documents on file in the Prothonotary's Office, and are not to be used for engineering purposes.

Lauren DeVore

From: Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>
Sent: Thursday, July 29, 2021 8:50 AM
To: Lauren DeVore
Subject: RE: Conditional Use (C/U 2300) - MRBP, LLC - Borrow Pit Application

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

The SFMO has no objection to Conditional Use. A formal site plan submittal will be required to be reviewed and approved by the DE State Fire Marshal's Office. The following link will provide them with process information and an application: <https://statefiremarshal.delaware.gov/technical-services/plan-review/site-plan-submittals/>

DUANE T. FOX, JR., CFPS, CFI, CFPE
ASST CHIEF, TECHNICAL SERVICES
DE STATE FIRE MARSHAL'S OFFICE
22705 PARK AVE, GEORGETOWN
302-856-5298

From: Lauren DeVore <lauren.devore@sussexcountyyde.gov>
Sent: Thursday, July 29, 2021 8:44 AM
To: Krumrine, Beth (DNREC) <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyyde.gov>; Chris Calio <ccalio@sussexcountyyde.gov>; ddetrick@chpk.com; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyyde.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Sullivan, James C. (DNREC) <James.Sullivan@delaware.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; jessica.watson@sussexconservation.org; John J. Ashman <jashman@sussexcountyyde.gov>; john.hayes@delaware.gov; john.kennel@delaware.gov; john.martin@delaware.gov; kate.fleming@delaware.gov; kgabbard@chpk.com; megan.crystal@delaware.gov; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; tdickerson@decoop.com; Terri Dukes <tdukes@sussexcountyyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>; jvandervort@chpk.com; Jordan T. Dickerson <jordan.dickerson@sussexcountyyde.gov>
Subject: Conditional Use (C/U 2300) - MRBP, LLC - Borrow Pit Application

Good Morning, Technical Advisory Committee Members,

The Sussex County Planning and Zoning Office has received an application for a Conditional Use for a borrow pit that requires review by the Sussex County Technical Advisory Committee. Please review the application and provide any written comments back to the Planning and Zoning Office within **45 days of the date of this memorandum (on or before September 13th, 2021)**.

C/U 2300 – MRBP, LLC – This is a Conditional Use Application for a proposed Borrow Pit operation to be conducted on two parcels of land containing 56.93 acres +/- . The properties are lying on the southwest side of McCary Road (S.C.R. 385), approximately 857 ft. south of Frankford School Road (S.C.R. 92). The plans are being sent under the provision of §115-172(B)(6)(d) of the Sussex County Code which allows the Commission to request that the site plan be reviewed by the Technical Advisory Committee. Tax Parcels: 533-5.00-38.00 & 41.04. Zoning: AR-1 (Agricultural Residential Zoning District). Property Owner: MRBP, LLC. Applicant: MRBP, LLC.

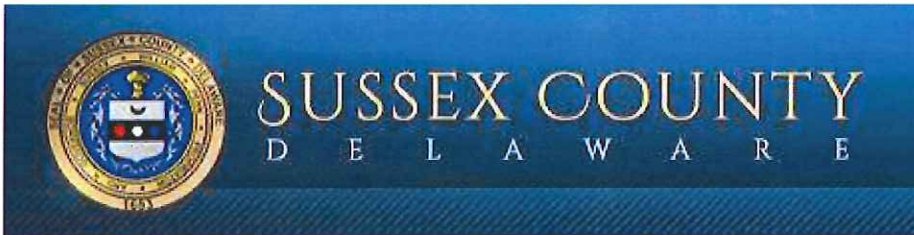
Please feel free to contact the office with any questions at (302)855-7878 during normal business hours 8:30AM – 4:30PM, Monday through Friday.

Best Regards,

-Lauren

Lauren DeVore

Planner III
Department of Planning and Zoning
P.O. Box 417
2 The Circle
Georgetown, DE 19947
(302)855-7878
8:30AM - 4:30PM



For more information, please see the [Sussex County Official Website](#).

Lauren DeVore

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Thursday, July 29, 2021 11:28 AM
To: Lauren DeVore
Subject: RE: Conditional Use (C/U 2300) - MRBP, LLC - Borrow Pit Application

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

Lauren,

After review of the plan, this is within our service territory and we have no objection to the project.

Thanks!

Troy W. Dickerson, P.E.
Assistant V.P. of Engineering
Voice: (302) 349-3125
Cell: (302) 535-9048
Fax: (302) 349-5891
tdickerson@delaware.coop



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From: Lauren DeVore <lauren.devore@sussexcountyde.gov>
Sent: Thursday, July 29, 2021 11:11 AM
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>; duane.fox@delaware.gov; james.sullivan@delaware.gov; Cinelli, Jennifer (DelDOT) <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.fleming@delaware.gov; kgabbard@chpk.com; megan.crystal@delaware.gov; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Susan Isaacs <sisaaacs@sussexcountyde.gov>; subdivision@delaware.gov; Dickerson, Troy <TDickerson@delaware.coop>; Terri Dukes <tdukes@sussexcountyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>; jvandervort@chpk.com; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; McCabe, R. Stephen (DelDOT) <Richard.McCabe@delaware.gov>
Subject: RE: Conditional Use (C/U 2300) - MRBP, LLC - Borrow Pit Application

Good Morning, All,

I do apologize as I forgot the attachment.

In the interim, please find the attached rendering for your review and comment. The Site Plan will be sent over shortly.

Nick Torrance

From: Cullen, Kathleen M <kathleen_cullen@fws.gov>
Sent: Monday, August 30, 2021 9:47 AM
To: Planning and Zoning
Subject: FWS review of McCary Road Borrow Pit

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.

Hi-

This email is regarding the Conditional Use Application for MRBP, LLC. There are no federally listed species at this location, so no further Section 7 consultation is needed. You can fill out the Online Certification Letter if further documentation is needed: <https://www.fws.gov/chesapeakebay/saving-wildlife/project-review/online-certification-letter.html>

Our office is currently teleworking for the foreseeable future, so there may be delays in mail pick up. For future projects, the fastest way to get a response is to submit through IPaC: <https://ecos.fws.gov/ipac/>. Please let me know if you have any questions!

Thank you,
Kathleen

Kathleen Cullen
U.S. Fish & Wildlife Service - Chesapeake Bay Field Office
177 Admiral Cochrane Dr., Annapolis MD, 21401
410-573-4579 - kathleen_cullen@fws.gov



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

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

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



June 15, 2022

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

Attn: Ms. Lauren DeVore
Planner III

Re: McCary Road Borrow Pit (MRBP LLC)
Proposed Surface Mine
Tax Map Number 533-5.00-38.00 & 41.04
GMB Project # 210109

Dear Ms. DeVore:

On behalf of MRBP LLC, please accept this Environmental Assessment and Public Facility Evaluation Report for Tax Map Numbers 533-5.00-38.00 and 41.04. This letter is in support of the Proposed Conditional Use application and Preliminary Site Plan submittal as encouraged by Sussex County Code Section 115-194.3. A copy of this letter report will also be included in the project binders. The Preliminary Site Plan and supporting documentation was originally submitted to Sussex County Department of Planning and Zoning on July 17, 2021.

Summary

MRBP LLC is seeking a Conditional Use permit to operate a surface mining borrow pit on the site, comprised of the two (2) tax parcels. The property is zoned AR and is in the Coastal Area along McCary Road near Roxana. The site is surrounded by Agricultural and Residential uses with River Soccer Club located to the south of the site. The total project area is 56.93 acres.

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

The stormwater management design will meet all current regulatory requirements. Some of the existing agricultural ditches will be integrated into the proposed pond basin. Overflow structures will be designed to flow into existing tax ditches that border the site. No offsite drainage will be adversely impacted.

Public Water Supply

No Public Water will be provided to the site.

Public Wastewater Collection, Treatment and Disposal

No Public Wastewater is required for this proposed use. There will be a port-a-potty on site for contractor use, which will be maintained regularly.

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

Traffic

A Small Commercial Entrance Plan was approved by DeIDOT on April 06, 2021. This approval expired after one year, but we feel confident that a renewal can be obtained because no changes to the original application are anticipated. Final entrance design at McCary Road will be coordinated within DeIDOT rules and regulations and will be reviewed and approved by DeIDOT.

Threatened/Endangered Species

There are no known threatened or endangered species on the site.

Tidal/Non-tidal Wetlands

Environmental Resources, Inc. (ERI) performed a site investigation in early 2021. The investigation was in accordance with the three-parameter approach evaluating soils, hydrology, and vegetation outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and associated guidance. Wetland boundaries are still being field verified. ERI has advised GMB that the proposed plan avoids impacts to any potential wetland area. There are no State regulated wetlands or tidal wetlands on this property. A wetland report and plan will be submitted to the Philadelphia District Corps of Engineers. We do not anticipate any impacts to federally regulated wetlands.

Non-tidal Waters & Drainage Features

The property contains man-made drainage channels that drain into an existing Tax Ditch Network. Impacts to drainage channels on the perimeter of the project have been avoided in order to maintain drainage conditions on adjacent properties. Impacts to the channels within the Beaver Dam Tax Ditch system have also been avoided. ERI advised that Prong 10 of the Tax Ditch Network is the only channel potentially regulated by the Corps of Engineers.

Provision of Open Space

No public open space is anticipated at this time or during the operation of the proposed borrow pit. A wooded buffer will be planted in those areas that do not currently contain existing wooded vegetation and a gate will be installed to control access.

Provisions for Public and Private Infrastructure

There is no Public or Private infrastructure anticipated for this site.

Economic and Recreational Benefits

As land development continues throughout Sussex County, sources of sand for structural fill will be required. Due to the site's proximity to growing residential areas, it is more economically viable to truck sand from McCary Road than other pits which are further away. A borrow pit operation will facilitate employment opportunities for the operation of the excavation equipment as well as the truck drivers that haul the material offsite. Furthermore, providing a fill source closer to development activity will also reduce environmental by reducing vehicle miles traveled, area of impact, and emissions.

Regarding Recreational Benefits, it is under consideration to sell or donate the future expired borrow pit and surrounding parcel to the Sussex County Land Trust for use as a public park. This would serve the County as a whole and the families that travel to

play soccer at the River Soccer Complex adjacent to the site. This is being studied, but no committable time frame is appropriate at this time.

Historic or Cultural Resources

If any unmarked graves or human remains are found during construction, the developer will stop work and contact the State's Historic Preservation Office (SHPO) immediately. SHPO comments note in the PLUS comments that historic archaeological potential is low. In the event any other unknown historic or archeological resource should be found on the site located within a Section 106 permit area as determined by the Corps of Engineers or other federal permitting agency, the developer will conduct all necessary investigations as required by the Natural Historic Preservation Act of 1966, Section 106 Provisions.

Conformance with Current Sussex County Comprehensive Plan

The project is located within the State Level 3 Investment Area and falls within the Coastal Area, which is designated as a growth area per the Sussex County Comprehensive Plan. Coincidentally, preservation of natural resources is strongly encouraged in the Coastal Area. As such, the proposed project is consistent with the Comprehensive Plan.

Per Section 2.3 - IMPLICATIONS OF POPULATION GROWTH

More public recreation land, recreation facilities, and open space. As the Sussex County population increases and diversifies, expectations and demands for more parks, recreational opportunities, and outdoor activities are likely to grow. At the same time, increases in personal leisure time and leisure time activities for active retirees have generated growing interests in new sports, both active and passive. Young people of school age now participate in multiple sports including baseball, basketball, lacrosse, and soccer. Many Sussex County seniors and retirees have expressed their growing interest in active lifestyles demanding amenities such as sidewalks, trails, and pickleball courts. Outdoor enthusiasts of all ages with interests in camping, hiking, and kayaking are looking for access to woodlands, waterways, and other natural areas.

We are considering working the Sussex County Land Trust or other State and Local agencies to explore the creation of a public park for active and passive recreation. This complies with section 5.4.5 of the Comprehensive Plan – whereby “State agencies have endeavored to identify and help preserve Delaware’s “green infrastructure”, which DNREC describes as a network of natural areas, parks, conservation areas, and working lands with conservation value that contribute to the health and quality of life in Delaware.”

Per Section 6.7 of the Comprehensive Plan:

Goal 6.1: Enhance the quality of life of County residents and visitors by sustaining and encouraging recreation and open space opportunities in the County.

Objective 6.1.1 Continue the County’s role in parks, recreation, and open space planning in Sussex County.

Conclusion

The proposed borrow pit is consistent with the County's Comprehensive Land Use Plan. The site's proximity to other development in the area makes it appropriate for the proposed use. Environmental impacts will be minimized by the use of best management practices for stormwater treatment, conservation of existing wetlands and wooded areas, establishment of and preservation of wooded buffer areas, and enhancement of drainage channels. The economic benefits of the permit fees, increased tax revenue, and long-term jobs associated with this community addition are to be expected. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the existing communities in the area and the minimal infrastructure investment required. MRBP looks forward to working with Sussex County to implement the proposed surface mining operation, which will be integrated into the surrounding community and existing natural environment.

Please feel free to contact me with any questions.

Sincerely,



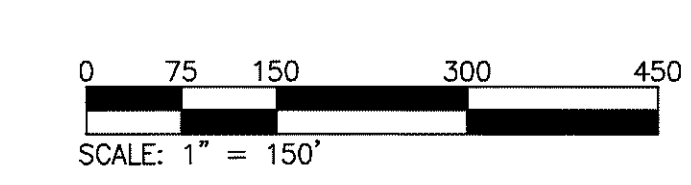
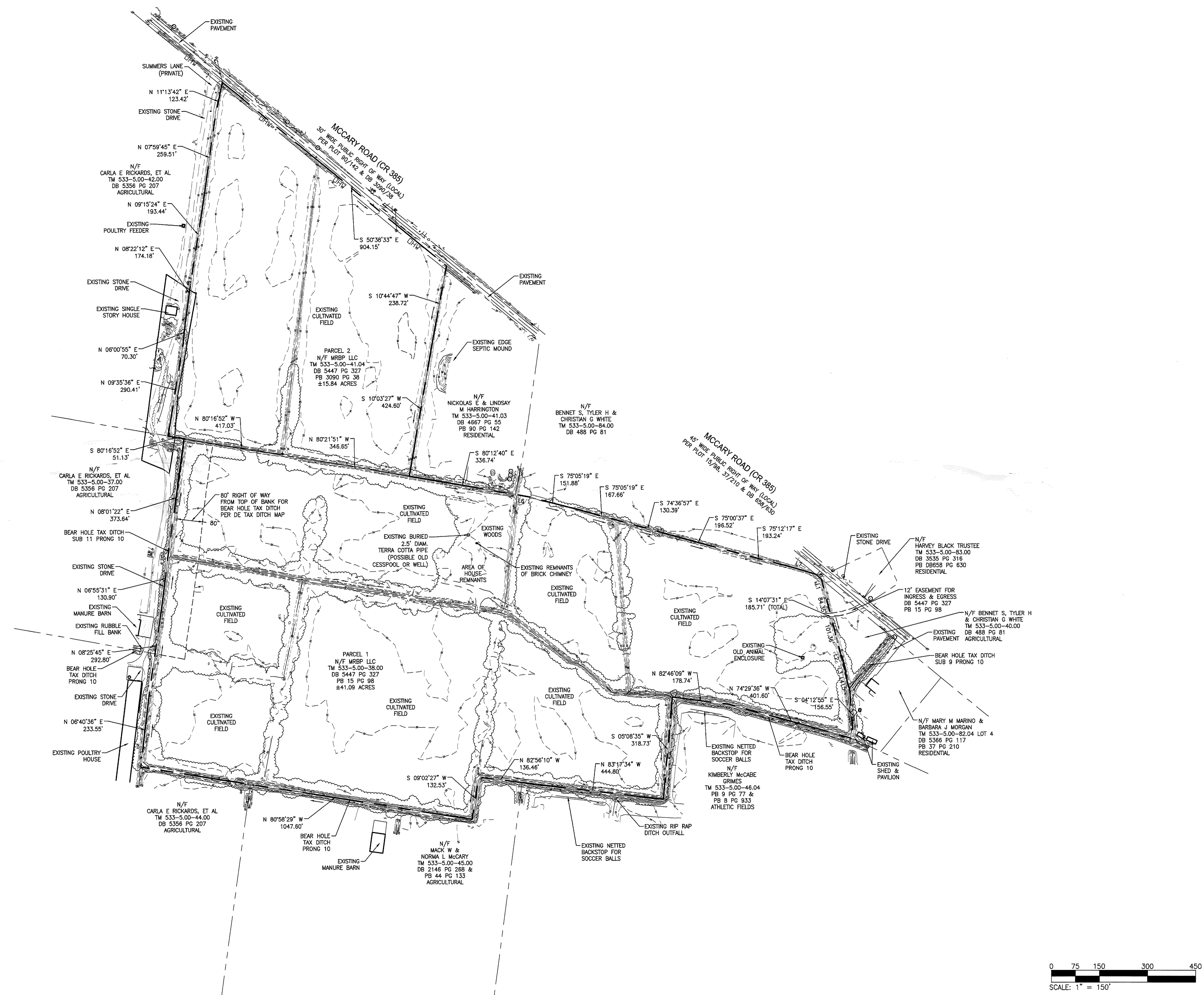
Steve Marsh, P.E.
Sr. Vice President
East Region Director of Operations

SLM/cl

Enclosures: One (1) copy of the Preliminary Site Plan

cc: MRBP LLC
Attn: R. Lawton Myrick

PLT - 10/11/2021	200 PAGES (1 Sheet)
DES - 10/11/2021	200 PAGES (1 Sheet)
CHK - 10/11/2021	200 PAGES (1 Sheet)
APP - 10/11/2021	200 PAGES (1 Sheet)
REV - 10/11/2021	200 PAGES (1 Sheet)
REV - 10/11/2021	200 PAGES (1 Sheet)
REV - 10/11/2021	200 PAGES (1 Sheet)
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REV - 10/11/2021	200 PAGES (1 Sheet)
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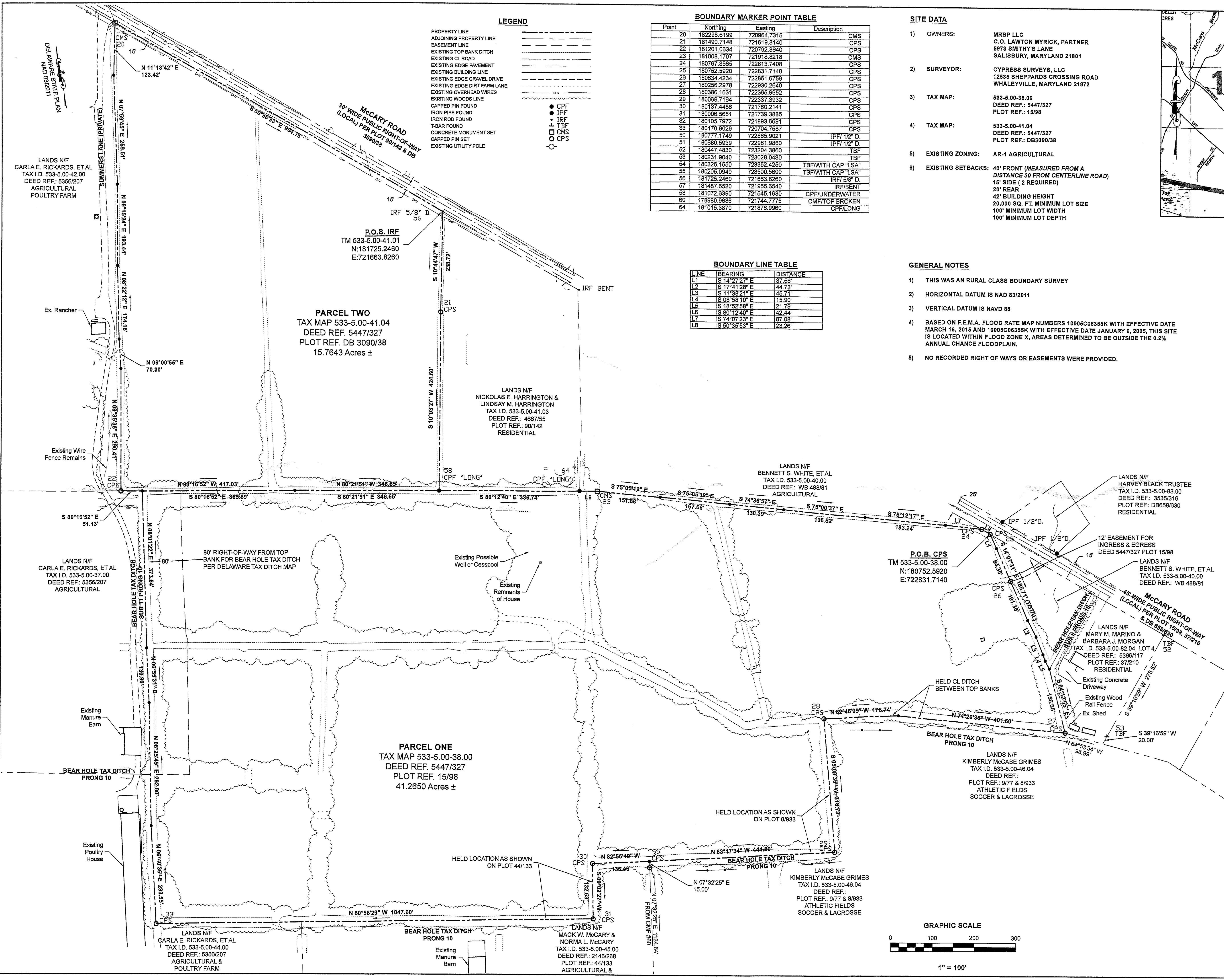
PRINTS ISSUED FOR: REVIEW	
DATE	
REVISIONS	
NO.	

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY · BALTIMORE · SEAFORD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3115, FAX 410-546-9790
 www.gmbnet.com

MCCARY ROAD BORROW PIT
 SUSSEX COUNTY, DELAWARE

EXISTING CONDITIONS

SCALE : 1" = 150'	SHEET NO.
DESIGN BY : RLM	PSP2.0
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : 210109	
DATE : JUL 2021	



LEGEND

PROPERTY LINE	---
ADJOINING PROPERTY LINE	---
EASEMENT LINE	---
EXISTING TOP BANK DITCH	---
EXISTING CL ROAD	---
EXISTING EDGE PAVEMENT	---
EXISTING BUILDING LINE	---
EXISTING EDGE GRAVEL DRIVE	---
EXISTING EDGE DIRT FARM LANE	---
EXISTING OVERHEAD WIRES	---
EXISTING WOODS LINE	---
CAPPED PIN FOUND	●
IRON PIPE FOUND	○
IRON ROD FOUND	⊥
T-BAR FOUND	⊥
CONCRETE MONUMENT SET	□
CAPPED PIN SET	○
EXISTING UTILITY POLE	○

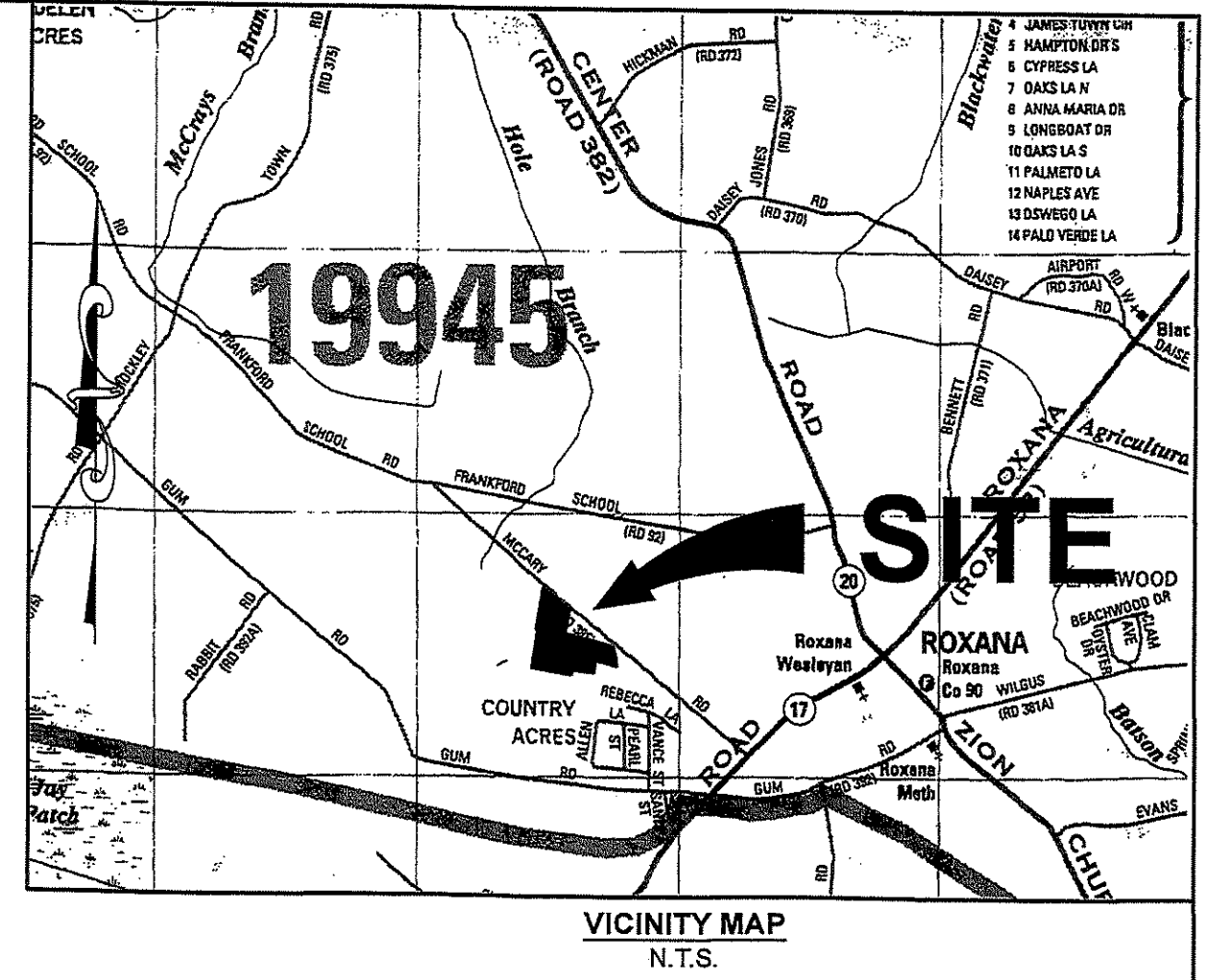
BOUNDARY MARKER POINT TABLE

Point	Northing	Easting	Description
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21	181490.7148	721619.3140	CPS
22	181201.0634	720792.3640	CPS
23	181008.1707	721918.8218	CMS
24	180767.3565	722813.7408	CPS
25	180752.5920	722831.7140	CPS
26	180634.4234	722861.6759	CPS
27	180256.2878	722930.2640	CPS
28	180386.1631	722365.9652	CPS
29	180068.7164	722337.3932	CPS
30	180137.4486	721760.2141	CPS
31	180006.5651	721739.3885	CPS
32	180105.7972	721893.6691	CPS
33	180170.9029	720704.7587	CPS
50	180777.1749	722865.9021	IPF 1/2" D.
51	180680.5939	722981.9860	IPF 1/2" D.
52	180447.4830	723204.3860	TBF
53	180231.9040	723028.0430	TBF
54	180326.1550	723352.4250	TBF/WITH CAP "LSA"
55	180205.0940	723500.5600	TBF/WITH CAP "LSA"
56	181725.2480	721663.8260	IRF 5/8" D.
57	181487.6520	721955.6540	IRF/BENT
58	181072.6390	721545.1630	CPF/UNDERWATER
60	178980.9696	721744.7775	CMF/TOP BROKEN
64	181015.3670	721876.9860	CPF/LONG

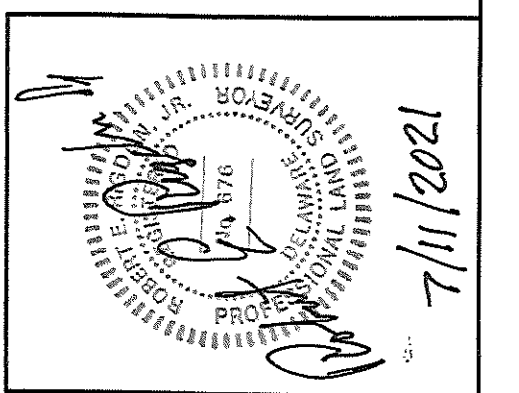
BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	S 14°27'27" E	37.56'
L2	S 17°41'26" E	44.73'
L3	S 11°38'21" E	45.71'
L4	S 08°58'10" E	15.90'
L5	S 18°52'58" E	21.79'
L6	S 80°12'40" E	42.44'
L7	S 74°07'23" E	87.08'
L8	S 50°35'53" E	23.26'

- SITE DATA**
- OWNERS: MRBP LLC
C.O. LAWTON MYRICK, PARTNER
5973 SMITHY'S LANE
SALISBURY, MARYLAND 21801
 - SURVEYOR: CYPRESS SURVEYS, LLC
12535 SHEPPARDS CROSSING ROAD
WHALEYVILLE, MARYLAND 21872
 - TAX MAP: 533-5.00-38.00
DEED REF. 5447/327
PLOT REF. 15/98
 - TAX MAP: 533-5.00-41.04
DEED REF. 5447/327
PLOT REF. DB3090/38
 - EXISTING ZONING: AR-1 AGRICULTURAL
 - EXISTING SETBACKS: 40' FRONT (MEASURED FROM A DISTANCE 30' FROM CENTERLINE ROAD)
15' SIDE (2 REQUIRED)
20' REAR
42' BUILDING HEIGHT
20,000 SQ. FT. MINIMUM LOT SIZE
100' MINIMUM LOT WIDTH
100' MINIMUM LOT DEPTH



- GENERAL NOTES**
- THIS WAS AN RURAL CLASS BOUNDARY SURVEY
 - HORIZONTAL DATUM IS NAD 83/2011
 - VERTICAL DATUM IS NAVD 88
 - BASED ON F.E.M.A. FLOOD RATE MAP NUMBERS 10005C06355K WITH EFFECTIVE DATE MARCH 16, 2015 AND 10005C06355K WITH EFFECTIVE DATE JANUARY 6, 2005, THIS SITE IS LOCATED WITHIN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 - NO RECORDED RIGHT OF WAYS OR EASEMENTS WERE PROVIDED.



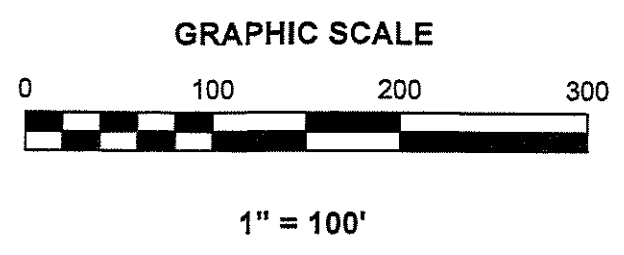
Cypress Surveys, LLC

ROBERT E. RIGDON, JR.
REGISTERED LAND SURVEYOR
12535 SHEPPARDS CROSSING ROAD
WHALEYVILLE, MARYLAND 21872
443-614-2031
rjrigdon@cedco.com

DATE: 7/11/2021
SCALE: 1" = 100'
PROJECT NO.: 2021-1-13
SHEET: 1 OF 1
DRAWN BY: REER
APPROVED BY:

BOUNDARY SURVEY PLAN

LANDS OF
MRBP, LLC
BALTIMORE HUNDRED
TAX I.D. NUMBERS 533-5.00-38.00 & 533-5.00-41.04
SUSSEX COUNTY, DELAWARE



**MCCARY ROAD BORROW PIT
TAX MAP 533-5.00-38.00 & 41.04
Conditional Use #2300**

**INFORMATION FOR PUBLIC RECORD
JULY 2022**

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- *Sussex County Conditional Use Application*
 - Letter to Planning & Zoning, dated 7/16/2021
 - Conditional Use Application

- *Environmental Assessment / Public Facility Evaluation, dated 6/15/2022*
 - *Preliminary Site Plan*

3. PRELIMINARY LAND USE SERVICE (PLUS)

- PLUS Application, dated 6/29/2021
- PLUS Response Letter, dated 6/29/2022

4. SITE SPECIFIC MAPS, PLANS AND DOCUMENTATION

- Parcels & Zoning Map
- List of Adjoining Property Owners
- Deed
- FEMA Map – Map # 1005C0630J
- Soils Map
- Flood Zone Map
- Land Use Map
- Tax Ditch Map
- Wetlands & Tax Ditch Map
- Survey

5. TRAFFIC

- DeIDOT Small Commercial Entrance Plan Approval Letter, dated 4/6/2021
- DeIDOT Service Level Evaluation Response, dated 7/12/2021

6. THREATENED AND ENDANGERED SPECIES

- Environmental Resources, Inc., Letter, dated 6/30/2022

1. EXECUTIVE SUMMARY

McCary Road Borrow Pit
Conditional Use 2300
EXECUTIVE SUMMARY

MRBP LLC is seeking a Conditional Use for Tax Map Parcels **533-5.00-38.00** and **533-5.00-41.04** as a Surface Mining / Borrow Pit operation.

The parcels are zoned AR and lie in the Coastal Area.

Parcel 38.00 is 41.27 acres & **Parcel 41.04** is 15.76 acres.

The combined 57.03 acres site is located along McCary Road near Roxana, Delaware.

The site is surrounded by existing Agricultural and Residential uses.

River Soccer Club is an adjacent property to the southeast.

A Small Commercial entrance will be located along McCary Road.

No public water or sewer is needed for the operation of the borrow pit.

Stormwater management will meet the requirements of Sussex Conservation District.

Disturbance is generally contained to the center of the site.

A 100' planted buffer is required along the road frontage and a 50' wooded buffer is required for all other site boundaries.

An Environmental Assessment, and responses to the PLUS comments are included in the project binder.

2. PLANNING & ZONING



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

ARCHITECTS
ENGINEERS

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

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
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VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

July 16, 2021

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

Re: McCary Road Borrow Pit
Tax Map Parcel 533-5.00-38.00 & 533-5.00-41.04
Conditional Use
GMB Project 210109

Dear Ms. DeVore:

Enclosed please find a Conditional Use Application and supporting documentation for the McCary Road Borrow Pit project. The property owner, MRBP, LLC intends to develop the property along McCary Road, Frankford, DE (Tax Map Parcel 533-5.00-38.00 & 533-5.00-41.04), as a borrow pit operation. The total project area is 56.71± acres.

The parcel is currently zoned AR-1. There are approximately 10.9± forested acres presently on-site and 4.36± are proposed to be removed. There is approximately 0.18 acres of non-tidal wetlands per State Wetlands GIS data. The Wetlands will be field delineated in the Fall, after crops are harvested. We do not believe there will be impacts to jurisdictional wetlands, other than a potential ditch crossing for vehicular access to the interior of the site. Any disturbance will be permitted per the Army Corps of Engineers and DNREC guidelines.

Please note we have submitted the Service Evaluation Request on 6/24/2021 and are awaiting response from DeIDOT. However, we have enclosed a copy of the DeIDOT Small Commercial Entrance Approval Letter, dated 4/6/2021 for the project.

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

Sincerely,

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

SLM/cl

Enclosures

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

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

Type of Application: (please check applicable)

- Conditional Use
- Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Type of Conditional Use Requested:

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

Land Use Classification:

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

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

Owner Information

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

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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


DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required) Awaiting Responses.

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

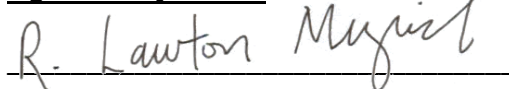
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 6/28/2021

Signature of Owner



Date: 6/28/2021

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

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June 15, 2022

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

Attn: Ms. Lauren DeVore
Planner III

Re: McCary Road Borrow Pit (MRBP LLC)
Proposed Surface Mine
Tax Map Number 533-5.00-38.00 & 41.04
GMB Project # 210109

Dear Ms. DeVore:

On behalf of MRBP LLC, please accept this Environmental Assessment and Public Facility Evaluation Report for Tax Map Numbers 533-5.00-38.00 and 41.04. This letter is in support of the Proposed Conditional Use application and Preliminary Site Plan submittal as encouraged by Sussex County Code Section 115-194.3. A copy of this letter report will also be included in the project binders. The Preliminary Site Plan and supporting documentation was originally submitted to Sussex County Department of Planning and Zoning on July 17, 2021.

Summary

MRBP LLC is seeking a Conditional Use permit to operate a surface mining borrow pit on the site, comprised of the two (2) tax parcels. The property is zoned AR and is in the Coastal Area along McCary Road near Roxana. The site is surrounded by Agricultural and Residential uses with River Soccer Club located to the south of the site. The total project area is 56.93 acres.

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

The stormwater management design will meet all current regulatory requirements. Some of the existing agricultural ditches will be integrated into the proposed pond basin. Overflow structures will be designed to flow into existing tax ditches that border the site. No offsite drainage will be adversely impacted.

Public Water Supply

No Public Water will be provided to the site.

Public Wastewater Collection, Treatment and Disposal

No Public Wastewater is required for this proposed use. There will be a port-a-potty on site for contractor use, which will be maintained regularly.

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Traffic

A Small Commercial Entrance Plan was approved by DeIDOT on April 06, 2021. This approval expired after one year, but we feel confident that a renewal can be obtained because no changes to the original application are anticipated. Final entrance design at McCary Road will be coordinated within DeIDOT rules and regulations and will be reviewed and approved by DeIDOT.

Threatened/Endangered Species

There are no known threatened or endangered species on the site.

Tidal/Non-tidal Wetlands

Environmental Resources, Inc. (ERI) performed a site investigation in early 2021. The investigation was in accordance with the three-parameter approach evaluating soils, hydrology, and vegetation outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and associated guidance. Wetland boundaries are still being field verified. ERI has advised GMB that the proposed plan avoids impacts to any potential wetland area. There are no State regulated wetlands or tidal wetlands on this property. A wetland report and plan will be submitted to the Philadelphia District Corps of Engineers. We do not anticipate any impacts to federally regulated wetlands.

Non-tidal Waters & Drainage Features

The property contains man-made drainage channels that drain into an existing Tax Ditch Network. Impacts to drainage channels on the perimeter of the project have been avoided in order to maintain drainage conditions on adjacent properties. Impacts to the channels within the Beaver Dam Tax Ditch system have also been avoided. ERI advised that Prong 10 of the Tax Ditch Network is the only channel potentially regulated by the Corps of Engineers.

Provision of Open Space

No public open space is anticipated at this time or during the operation of the proposed borrow pit. A wooded buffer will be planted in those areas that do not currently contain existing wooded vegetation and a gate will be installed to control access.

Provisions for Public and Private Infrastructure

There is no Public or Private infrastructure anticipated for this site.

Economic and Recreational Benefits

As land development continues throughout Sussex County, sources of sand for structural fill will be required. Due to the site's proximity to growing residential areas, it is more economically viable to truck sand from McCary Road than other pits which are further away. A borrow pit operation will facilitate employment opportunities for the operation of the excavation equipment as well as the truck drivers that haul the material offsite. Furthermore, providing a fill source closer to development activity will also reduce environmental by reducing vehicle miles traveled, area of impact, and emissions.

Regarding Recreational Benefits, it is under consideration to sell or donate the future expired borrow pit and surrounding parcel to the Sussex County Land Trust for use as a public park. This would serve the County as a whole and the families that travel to

play soccer at the River Soccer Complex adjacent to the site. This is being studied, but no committable time frame is appropriate at this time.

Historic or Cultural Resources

If any unmarked graves or human remains are found during construction, the developer will stop work and contact the State's Historic Preservation Office (SHPO) immediately. SHPO comments note in the PLUS comments that historic archaeological potential is low. In the event any other unknown historic or archeological resource should be found on the site located within a Section 106 permit area as determined by the Corps of Engineers or other federal permitting agency, the developer will conduct all necessary investigations as required by the Natural Historic Preservation Act of 1966, Section 106 Provisions.

Conformance with Current Sussex County Comprehensive Plan

The project is located within the State Level 3 Investment Area and falls within the Coastal Area, which is designated as a growth area per the Sussex County Comprehensive Plan. Coincidentally, preservation of natural resources is strongly encouraged in the Coastal Area. As such, the proposed project is consistent with the Comprehensive Plan.

Per Section 2.3 - IMPLICATIONS OF POPULATION GROWTH

More public recreation land, recreation facilities, and open space. As the Sussex County population increases and diversifies, expectations and demands for more parks, recreational opportunities, and outdoor activities are likely to grow. At the same time, increases in personal leisure time and leisure time activities for active retirees have generated growing interests in new sports, both active and passive. Young people of school age now participate in multiple sports including baseball, basketball, lacrosse, and soccer. Many Sussex County seniors and retirees have expressed their growing interest in active lifestyles demanding amenities such as sidewalks, trails, and pickleball courts. Outdoor enthusiasts of all ages with interests in camping, hiking, and kayaking are looking for access to woodlands, waterways, and other natural areas.

We are considering working the Sussex County Land Trust or other State and Local agencies to explore the creation of a public park for active and passive recreation. This complies with section 5.4.5 of the Comprehensive Plan – whereby “State agencies have endeavored to identify and help preserve Delaware’s “green infrastructure”, which DNREC describes as a network of natural areas, parks, conservation areas, and working lands with conservation value that contribute to the health and quality of life in Delaware.”

Per Section 6.7 of the Comprehensive Plan:

Goal 6.1: Enhance the quality of life of County residents and visitors by sustaining and encouraging recreation and open space opportunities in the County.

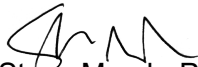
Objective 6.1.1 Continue the County’s role in parks, recreation, and open space planning in Sussex County.

Conclusion

The proposed borrow pit is consistent with the County's Comprehensive Land Use Plan. The site's proximity to other development in the area makes it appropriate for the proposed use. Environmental impacts will be minimized by the use of best management practices for stormwater treatment, conservation of existing wetlands and wooded areas, establishment of and preservation of wooded buffer areas, and enhancement of drainage channels. The economic benefits of the permit fees, increased tax revenue, and long-term jobs associated with this community addition are to be expected. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the existing communities in the area and the minimal infrastructure investment required. MRBP looks forward to working with Sussex County to implement the proposed surface mining operation, which will be integrated into the surrounding community and existing natural environment.

Please feel free to contact me with any questions.

Sincerely,



Steve Marsh, P.E.
Sr. Vice President
East Region Director of Operations

SLM/cl

Enclosures: One (1) copy of the Preliminary Site Plan

cc: MRBP LLC
Attn: R. Lawton Myrick

CONDITIONAL USE #2300
CONDITIONS OF APPROVAL

1. THE APPLICANT SHALL COMPLY WITH ALL OF THE REQUIREMENTS SET FORTH IN SECTION 115-172B OF THE SUSSEX COUNTY ZONING ORDINANCE.
2. THE APPLICANT SHALL COMPLY WITH ALL STATE AND COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS:
 - 2.1. THE PROJECT SHALL MEET OR EXCEED STORMWATER MANAGEMENT SYSTEM REGULATIONS SET FORTH BY THE SUSSEX CONSERVATION DISTRICT AND DNREC THROUGH A COMBINATION OF BEST MANAGEMENT PRACTICES AND BEST AVAILABLE TECHNOLOGIES.
 - 2.2. THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES.
3. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION PRIOR TO COMMENCEMENT OF OPERATIONS.
4. IF APPROVED, THIS CONDITIONAL USE SHALL TERMINATE UPON THE EXPIRATION OF THIRTY (30) YEARS FROM THE DATE OF ADOPTION.
5. THE APPLICANT SHALL COMPLY WITH ALL STATE AND COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS.
6. NO MATERIALS MAY BE BROUGHT FROM OFF THE SITE FOR PROCESSING, MIXING OR SIMILAR PURPOSES.
7. THE OPERATION OF THE BORROW PIT SHALL BE CONTROLLED TO PROVIDE REASONABLE PROTECTION SURROUNDING PROPERTIES AS FOLLOWS:
 - 7.1. THE BORROW PIT SHALL BE AT LEAST 200 FEET FROM ANY DWELLING ON PROPERTY OF OTHER OWNERSHIP.
 - 7.2. A 100 FOOT VEGETATION/FORESTED BUFFER SHALL BE MAINTAINED ALONG THAT PORTION OF THE SITE WHICH ADJUTS THE COUNTRY ROAD 385 (McCARY ROAD) RIGHT-OF-WAY. EXISTING VEGETATION AND TREES WITHIN THE BUFFER AREA BETWEEN THE PROPERTY LINE AND THE PERIMETER SHALL REMAIN UNDISTURBED.
 - 7.3. A 50 FOOT VEGETATION/FORESTED BUFFER SHALL BE MAINTAINED ALONG ALL OTHER PERIMETER PROPERTY LINES WITHIN THE SITE. EXISTING VEGETATION BETWEEN THE PROPERTY LINES AND THE PERIMETER SHALL REMAIN UNDISTURBED.
 - 7.4. A WATER TRUCK WILL BE AVAILABLE TO CONTROL DUST FROM INTERIOR TRUCKING TRAFFIC WHEN CONDITIONS REQUIRE.
8. HOURS OF OPERATION OF TRUCKING ACTIVITIES SHALL BE FROM 8:00 A.M. TO 6:00 P.M. MONDAY THROUGH FRIDAY, AND 8:00 A.M. TO 2:00 P.M. ON SATURDAY. THERE SHALL BE NO TRUCKING ACTIVITIES ON SUNDAY.
9. ENTRANCE IMPROVEMENTS REQUIRED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THIS LAND USE WILL BE COMPLETED BY THE APPLICANT.
10. THE BORROW PIT ENTRANCE SHALL HAVE A FENCED GATE, WHICH SHALL BE SECURED WHEN THE OPERATION IS CLOSED.
11. NO MATERIALS WILL BE STORED ON ANY ACCESS ROADS OR WITHIN ANY BUFFER AREAS.
12. FUEL SHALL BE STORED IN STORAGE TANKS WITH CONFINEMENT AREAS AS REQUIRED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) AND THE OFFICE OF THE STATE FIRE MARSHAL.
13. THE PROPOSED PIT WILL HAVE 4:1 SIDE SLOPES DOWN TO A 10 FOOT LEVEL BENCH THAT WILL BE APPROXIMATELY NEAR OR 1 FOOT BELOW THE STATIC WATER SURFACE. BELOW THE WATER LEVEL, THE BORROW PIT SHALL HAVE 3:1 SLOPES. THE DEPTH OF THE PROPOSED BORROW PIT WILL NOT EXCEED 40 FEET.
14. NO STUMPS, BRANCHES, DEBRIS OR SIMILAR ITEMS WILL BE BURIED ON THE SITE. TREE STUMPS AND BRANCHES MAY BE USED IN THE FINAL POND DESIGN FOR ENHANCED FISH STRUCTURE.
15. BEFORE ANY EXCAVATION OPERATIONS BEGIN, A COMPLETE ENVIRONMENTAL IMPACT STUDY AS DEFINED IN CONNECTION WITH ANY APPROVED ORDINANCE WILL BE CONDUCTED AND PRESENTED WITH THE FINAL SITE PLAN.
16. OWNER SHALL COMPLY WITH ALL STATE AND COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS.
17. RECLAMATION PLANS SHALL INDICATE FINISHED GRADING, SEEDING, AND PLANTING SCHEDULES DESIGNED TO CREATE A PLEASING APPEARANCE. RECLAMATION WILL BE COMPLETED IN PHASES AS EXCAVATION OPERATIONS IN A SECTION ARE COMPLETED. APPLICANT WILL NOTIFY THE PLANNING AND ZONING DEPARTMENT IN WRITING ON OR ABOUT APRIL 1ST OF EACH YEAR AS TO THE STATUS OF THE RECLAMATION AND RECLAMATION PLANS FOR THE FOLLOWING YEAR.
18. THE 57.03 ACRE PARCEL SHALL BE DIVIDED INTO THREE (3) PHASES OF 19 ACRES EACH. PHASE TWO WILL NOT BE STARTED UNTIL 75% OF PHASE ONE IS COMPLETED. PHASE THREE WILL NOT BE STARTED UNTIL 75% OF PHASE TWO IS COMPLETED. THE TOTAL EXCAVATED AREA SHALL NOT EXCEED 40 ACRES.
19. THE DREDGE MAY OPERATE 24 HOURS PER DAY, BUT NO FRONT-END LOADERS, BACKHOES, OR OTHER CONSTRUCTION EQUIPMENT WITH SAFETY BUZZERS WILL OPERATE AFTER 5:30 P.M.
20. THE ENTRANCE TO THE BORROW PIT SHALL BE FROM CR 385 (McCARY ROAD).
21. ANY DEWATERING ACTIVITIES WILL REMAIN ON SITE.
22. THE APPLICANT SHALL DELAY THE SALE OF MATERIALS FROM OFF-SITE UNTIL OCTOBER 1ST, 2022.
23. NO HAULING OF MATERIALS SHALL OCCUR FROM THE SITE PRIOR TO OCTOBER 1ST, 2022.
24. FIVE (5) YEARS AFTER THE START OF DIGGING, THE PLANNING AND ZONING DEPARTMENT SHALL PERFORM AN INSPECTION OF THE SITE, AND SHALL REQUEST WRITTEN COMMENTS FROM ALL APPROPRIATE STATE AGENCIES SO THAT THE PLANNING AND ZONING COMMISSION CAN REVIEW THE COMMENTS TO VERIFY COMPLIANCE WITH ALL THEN-EXISTING REGULATIONS.
25. OWNER SHALL BE RESPONSIBLE FOR MONITORING GROUND WATER QUALITY. SPECIFICALLY, OWNER SHALL INSTALL THREE WELLS, ONE ABOVE THE EXCAVATION, AND TWO BELOW THE EXCAVATION. MONITORING SHALL BE PERFORMED BY A LICENSED GEOLOGIST, AND THE RESULTS FILED ON AN ANNUAL BASIS WITH SUSSEX COUNTY AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC). OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE WATER QUALITY MONITORING. OWNER SHALL ALSO BE RESPONSIBLE FOR THE COST OF CORRECTING ANY ADVERSE IMPACTS ON WATER QUALITY WHICH MAY BE OCCASIONED BY THE EXCAVATION OPERATION. NECESSARY REMEDIATION SHALL BE DETERMINED BY SUSSEX COUNTY, WITH GUIDANCE FROM THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

McCARY ROAD BORROW PIT

SUSSEX COUNTY, DELAWARE

PRELIMINARY SITE PLAN

CONDITIONAL USE #2300

PARCELS 533-5.00-38.00 & 41.04

GMB NO. 210109

CONSULTANT TEAM

OWNER/APPLICANT: MRBP, LLC
5973 SMITHY'S LANE
SALISBURY, MD 21801
CONTACT: R. LAWTON MYRICK
410-251-9568

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

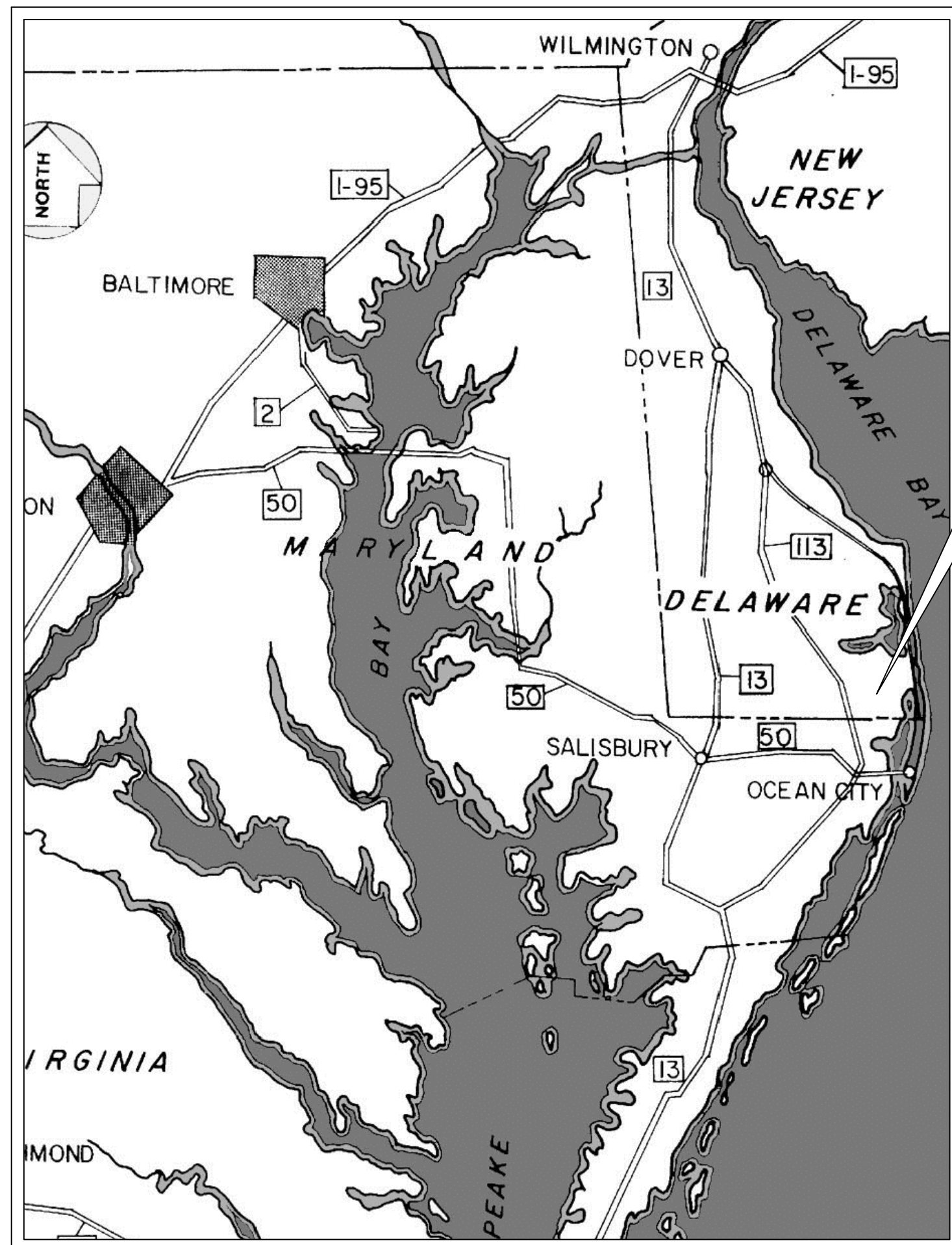
SITE DATA:

TAX MAP #: TM ID 533-5.00-38.00
DEED REFERENCE: BOOK 5447 PAGE 327
PARCEL AREA: 41.265 ACRES
TAX MAP #: TM ID 533-5.00-41.04
DEED REFERENCE: BOOK 5447 PAGE 327
PARCEL AREA: 15.764 ACRES
PRESENT ZONING CLASSIFICATION: AR-1
PRESENT USE: AGRICULTURAL
PROPOSED ZONING CLASSIFICATION: AR-1 CONDITIONAL USE
PROPOSED USE: CONDITIONAL USE - BORROW PIT OPERATION
LAND USE APPROVAL AUTHORITY: SUSSEX COUNTY

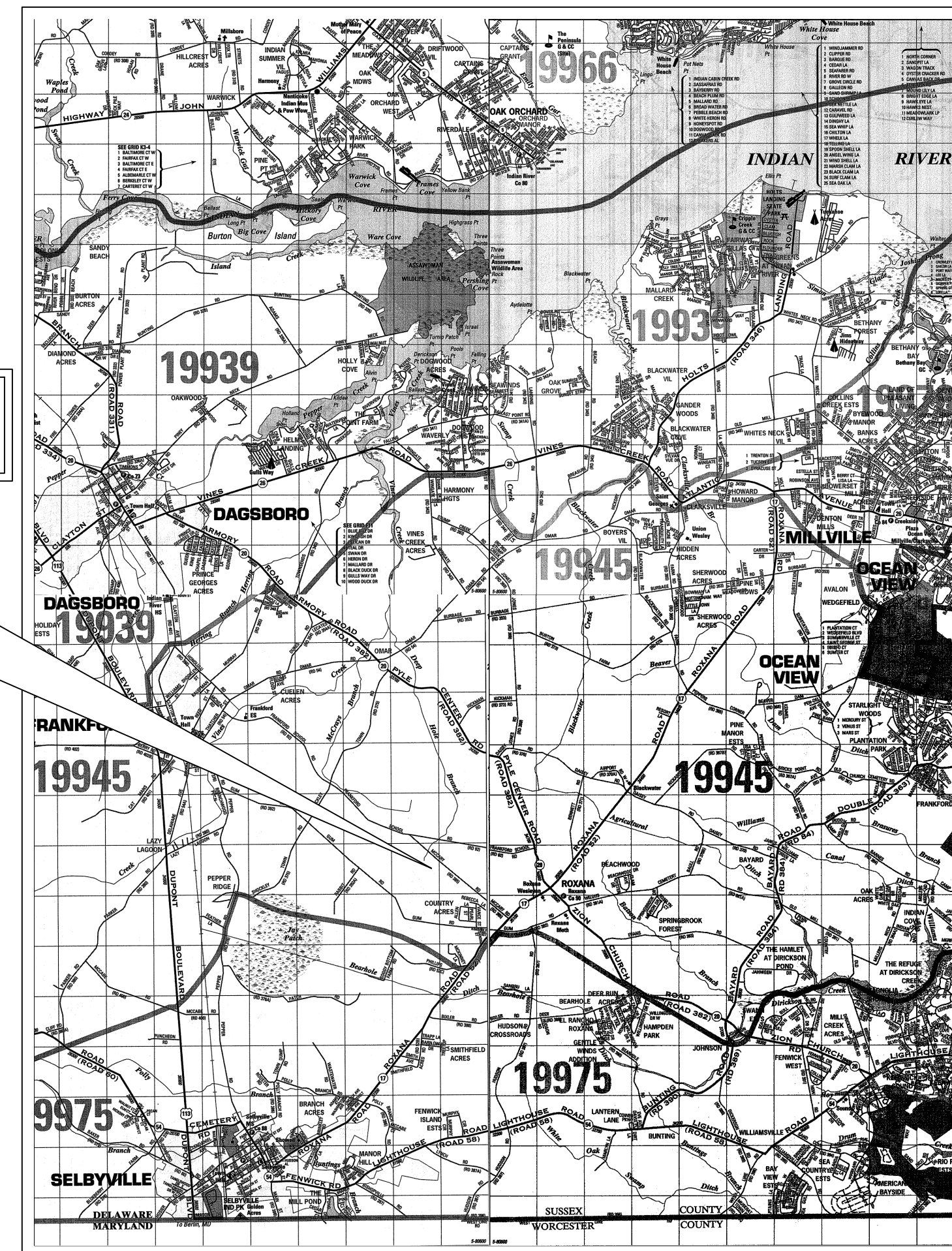
ACRES
TOTAL LAND AREA: ±57.029
NON TIDAL WETLANDS: ±0.18 (7,920 SF)
TIDAL WETLANDS: ±0.00
TOTAL DISTURBED AREA: ±38.00

FLOOD INFORMATION:
SPECIAL FLOOD HAZARD AREA ZONE X PER FEMA MAPS:
10005C06304 DATED JANUARY 6, 2005 &
10005C0635K DATED MARCH 16, 2015.

REQUIRED PLANTED BUFFER ALONG ROAD FRONTAGE: 100'
REQUIRED PLANTED BUFFER ALONG REMAINING BOUNDARY: 50'



VICINITY MAP
SCALE: 1" = 20 MILES



LOCATION MAP
SCALE: 1" = 2000'

LIST OF DRAWINGS

- | | |
|--------|-----------------------|
| PSP1.0 | COVER SHEET |
| PSP2.0 | EXISTING CONDITIONS |
| PSP3.0 | PRELIMINARY SITE PLAN |
| PSP4.0 | SITE PLAN RENDERING |



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206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

WETLANDS CERTIFICATION:

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

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

ENGINEER'S CERTIFICATION:

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

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

OWNER / DEVELOPER'S CERTIFICATION:

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

R. LAWTON MYRICK DATE _____
MRBP, LLC.

PRINTS ISSUED FOR:
REVIEW

DATE	REVISIONS	NO.

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

MCCARY ROAD BORROW PIT
SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE: AS SHOWN	SHEET NO.
DESIGN BY: RLM	PSP1.0
DRAWN BY: RLM	
CHECKED BY:	
GMB FILE: 210109	
DATE: JUL 2022	

JULY 2022

PLOT CODE: PLOT DATE: 7/1/2022 10:00 AM

PRINT: RED 200 INCHES (50mm)

PRINT: BLUE 200 INCHES (50mm)

PRINT: WHITE 200 INCHES (50mm)

PEN RED 018 INCHES (18mm)	PEN YELLOW 007 INCHES (7mm)	PEN GREEN 010 INCHES (25mm)	PEN BLUE 020 INCHES (50mm)	PEN WHITE 039 INCHES (100mm)
PLOT CODE PSP4.0				
PEN MAGENTA 027 INCHES (70mm)				



CONSULTANT TEAM

OWNER/APPLICANT: MRBP, LLC
5973 SMITHY'S LANE
SALISBURY, MD 21801
CONTACT: R. LAWTON MYRICK
410-251-9568

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

SITE DATA:

TAX MAP #: TM ID 533-5.00-38.00
DEED REFERENCE: BOOK 5447 PAGE 327
PARCEL AREA: 41.265 ACRES
TAX MAP #: TM ID 533-5.00-41.04
DEED REFERENCE: BOOK 5447 PAGE 327
PARCEL AREA: 15.764 ACRES
PRESENT ZONING CLASSIFICATION: AR-1
PRESENT USE: AGRICULTURAL
PROPOSED ZONING CLASSIFICATION: AR-1 CONDITIONAL USE
PROPOSED USE: CONDITIONAL USE - BORROW PIT OPERATION
LAND USE APPROVAL AUTHORITY: SUSSEX COUNTY

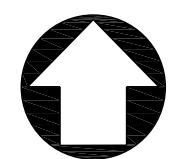
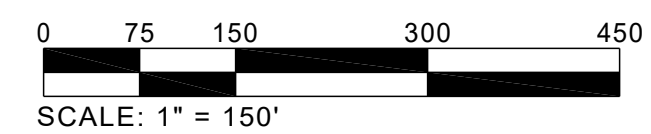
ACRES
TOTAL LAND AREA: ±57.029
NON TIDAL WETLANDS: ±0.18 (7,920 SF)
TIDAL WETLANDS: ±0.00
TOTAL DISTURBED AREA: ±38.00

FLOOD INFORMATION:
SPECIAL FLOOD HAZARD AREA ZONE X PER FEMA MAPS:
10005C0630J DATED JANUARY 6, 2005 &
10005C0635K DATED MARCH 16, 2015.

REQUIRED PLANTED BUFFER ALONG ROAD FRONTAGE: 100'
REQUIRED PLANTED BUFFER ALONG REMAINING BOUNDARY: 50'

PLANTING LEGEND:

SYM	QTY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	NOTES
●	LP 830	LOBLOLLY PINE	PINUS TAEDA	SEEDLING	15' O.C.	HEALTHY, FULL, VIGOROUS



PRINTS ISSUED FOR REVIEW

DATE	REVISIONS	NO.

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-648-5790
www.gmbnet.com

MCCARY ROAD BORROW PIT SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN RENDERING

SCALE: 1" = 150'	SHEET NO.
DESIGN BY: RLM	PSP4.0
DRAWN BY: RLM	
CHECKED BY:	
GMB FILE: 210109	
DATE: JUL 2022	

3. PRELIMINARY LAND USE SERVICE (PLUS)

Preliminary Land Use Service (PLUS) Delaware State Planning Coordination 122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661			
Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.			
Please complete this PLUS application in its entirety. All questions <u>must</u> be answered. If a question is unknown at this time or not applicable, please explain. Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project <u>before</u> the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.			
PLUS Number (to be completed by OSPC): _____ Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____			
1. Project Title/Name: McCary Road Borrow Pit			
2. Location (please be specific): McCary Road, Frankford, DE			
3. Parcel Identification # 533-5.00-38.00 & 533-5.00-41.04		4. County or Local Jurisdiction Name: where project is located: Sussex	
5. If contiguous to a municipality, are you seeking annexation:			
6. Owner's Name: MRBP, LLC			
Address: 5973 Smithy's Lane			
City: Salisbury	State: MD	Zip: 21801	
Phone: 410-251-9568	Fax:	Email: lmyrick@gmbnet.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): MRBP, LLC - Lawton Myrick			
Address: 5973 Smithy's Lane			
City: Salisbury	State: MD	Zip: 21801	
Phone: 410-251-9568	Fax:	Email: lmyrick@gmbnet.com	
8. Project Designer/Engineer: George, Miles & Buhr, LLC - Stephen L. Marsh			
Address: 206 West Main Street			
City: Salisbury	State: MD	Zip: 21801	
Phone: 4107423115	Fax:	Email: smarsh@gmbnet.com	
9. Please Designate a Contact Person, including phone number, for this Project: Lawton Myrick, 410-251-9568			

Information Regarding Site:	
10. Type of Review: <input type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input checked="" type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision	
11. Brief Explanation of Project being reviewed: Borrow Pit Operation If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.	
12. Area of Project (Acres +/-): 56.71 Number of Residential Units: 0 Commercial square footage: 0	
13. Present Zoning: AR-1	14. Proposed Zoning: AR-1 Conditional Use
15. Present Use: Agricultural	16. Proposed Use: Borrow Pit
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) N/A Service Provider Name:	
Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) N/A Service Provider Name:	
Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. If residential, describe style and market segment you plan to target (Example- Age restricted): N/A	
20. Environmental impacts: How many forested acres are presently on-site? 10.90 How many forested acres will be removed? 4.36 To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the wetlands: <input type="checkbox"/> Tidal Acres: <input checked="" type="checkbox"/> Non-tidal Acres: 0.18 (7920 SF) If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (in process) Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the impacts: How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? <u>Outside 50' from wetlands.</u>	
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Overflow outfall to tax ditch.	
22. List the proposed method(s) of stormwater management for the site: The borrow pit will retain runoff from operations on site.	
23. Is open space proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? 56.71 Acres: What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? active, passive recreation & wildlife habitat after borrow pit operations are complete.	
24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>*considering donating land for community park after borrow pit operation.</small>	

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 205 peak season.

What percentage of those trips will be trucks, excluding vans and pick-up trucks? 95% dump truck traffic.

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

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. Pedestrian trail connecting to River Soccer Complex.

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

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? Yes No Pedestrian trail connecting to River Soccer Complex.

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

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

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

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

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

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

R. Lawton Myzick
Signature of property owner

6/29/2021
Date

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

6/29/2021
Date

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

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



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

ARCHITECTS
ENGINEERS

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

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

June 29, 2022

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

Attn: Mr. David Edgell, AICP
Director

Re: Response to PLUS Review Comments
McCary Borrow Pit
PLUS Review – 2021-08-12
GMB # R210109

Dear Mr. Edgell:

Please accept this letter as the formal response to the Office of State Planning Coordination PLUS review comments dated, September 22, 2021, for the above referenced project. The original State Agency comments are included below with our responses highlighted in red and italicized.

Sincerely,

Stephen L. Marsh, P. E.
Sr. Vice President
East Region Director of Operations

SLM/cl

cc: MRBP, LLC
Attn: Mr. Lawton Myrick

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

Strategies for State Policies and Spending

This project is located in Investment Level 3 according to the Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Comment noted. We will comply with all environmental concerns outlined by State agencies during the review process.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on McCary Road (Sussex Road 385) must be, and in fact has been, designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. DelDOT approved the entrance plan on April 6, 2021, under its Small Commercial Entrance process.

Comment noted. Due to a delay in scheduling the Public Hearing, the approval will expire before the project begins. We will work with DeIDOT to renew the current approved entrance design as necessary.

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

Concerns Identified Within the Development Footprint

Tax Ditches

Prong 10, Sub 11 of Prong 10, and Sub 9 of Prong 10 of the Bear Hole Tax Ditch lie on the southern, western, and eastern portions of the site within the Bear Hole Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. Sub 11 of Prong 10 has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary, with no ROWs along Prong 10 and Sub 9 of Prong 10.

- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROWs prior to the project application meeting with the appropriate plan review agency

for construction stormwater management.

- To reduce or change existing Tax Ditch ROWs, or eliminate certain stretches from the Tax Ditch, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.

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

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

We anticipate requesting a Court Order Change for the reduction in Tax Ditch Right of Ways. We will follow the requirements of the DNREC Drainage Program during this process. We have submitted a letter and sketch plan to DNREC for their review.

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal riverine wetlands overlapping the existing ditching system across the site. The application indicates that wetlands delineation is currently underway.

- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. Permits or authorizations from the U.S. Army Corps of Engineers are required for fill of non-tidal wetlands. In certain cases, permits from the US Army Corps of Engineers triggers additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). If wetlands exist on the site, work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

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

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

We will work with DNREC and the USACOE to obtain all necessary permits for any disturbance to non-tidal regulated wetlands or waters. Regulated waters subject to the Corps of Engineers jurisdiction appear to be limited to tax ditch channels which are being avoided. Although, we do not anticipate any wetland impacts based on the proposed borrow pit design.

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- 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. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, 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.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

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: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

We will work with SCD and DNREC to address all Stormwater Management requirements. We have submitted the Pre-Application Meeting Stormwater Assessment Study (SAS) Checklist to the Sussex Conservation District.

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy. More information about Pollution Control Strategies can be found at the following website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

We will work with SCD and DNREC to address all Stormwater Management requirements. The project will be approved through the Sussex Conservation District and by default will meet the Pollution Control Strategies.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is low potential for prehistoric archaeological resources on this parcel. There are no known National Register listed or eligible properties or archaeological sites on this parcel or within a half-mile radius. The parcel is not within favorable distance of historic water sources, and soils are poorly drained.
- There is a moderate to high potential for historic archaeological resources on this parcel. Historic topographic and aerial maps show some buildings in the wooded area in the middle of the parcel that there no later than 1901 and demolished between 1968 and 1993. There is an additional building along the eastern edge of the parcel that was constructed between 1926 and 1937 and demolished between 1968 and 1992. There is a possibility of historic field scatter in the agricultural fields. The Delaware SHPO is recommending Phase I archaeological survey prior to any ground disturbance.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), which is currently being revised
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Comments noted. We will notify SHPO if any archaeological resources are discovered during site work.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (B. Rickards Rick Chick Expansion of the Gum District S-95-03-003-A Parcel 533-10.00-44.00, 533-5.00-37.00, 533-5.00-42.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation

Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

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

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on

such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Comments noted. We don't anticipate disturbing any agricultural activities in adjacent or nearby properties.

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 Natural Resources and Environmental Control – Beth Krumrine 735-3480

Tax Ditches

- 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 (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

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

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

We will work with DNREC throughout the process.

Wetlands

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.
- If wetlands or subaqueous permits will be needed, schedule a meeting with the DNREC Joint Permit Processing (JPP) service. JPP assists wetland permit

applicants with the necessary state and federal permitting procedures and requirements. To schedule a meeting with the JPP committee, please contact the DNREC Division of Water's Wetlands and Subaqueous Lands Section at (302) 739-9943.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Any disturbance to wetlands would be minor in nature and/or because the wetlands are isolated. We will seek permits for any necessary wetlands' disturbance. Although, we do not anticipate any wetland impacts based on the proposed borrow pit design.

Forest Removal

- The preliminary plan proposes the elimination of 4.3 of 10.9 acres of forest on the site.
- Removing forested areas for development should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

We are removing areas of trees that form hedgerows along existing agriculture ditches in the interior of the site. It is our intent to plant a wooded buffer along the perimeter of the site in those areas that are not currently wooded. The wooded area will actually increase from 10.89 acres to 12.73 acres during this process.

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

Plan review agency contact: [Sussex Conservation District](https://www.sussexconservation.org/) 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: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

We will work with SCD and DNREC to address all Stormwater Management requirements. We have submitted the Pre-Application Meeting Stormwater Assessment Study (SAS) Checklist to the Sussex Conservation District.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed project and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between the proposed burrow pit and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program.

We are proposing the use of Native Species within the planted buffer. We are happy to work with the Department of Agriculture to implement their recommendations.

4. MAPS, PLANS & DOCUMENTATION

McCary Road Borrow Pit – Adjacent Owner Information:

TM 533-5.00-37.00, 42.00 & 44.00 (DB 5356 PG 207)

Carla E. & Andrew Willey Rickards, Adam & Jacob Willey
26470 Nine Foot Rd - Dagsboro, DE 19939

TM 533-5.00-41.03 (DB 4667 PG 55)

Nickolas E. & Lindsay M. Harrington
3 Whipperwill Ct. - Selbyville, DE 19975

TM 533-5.00-40.00 & 84.00 (DB 488 PG 81)

Bennett S. White, Tyler H. White & Christian G. White
20009 Lockwood Chapel Rd - Dover, DE 19904

TM 533-5.00-82.04 (DB 5366 PG 117)

Mary M. Marino & Barbara J. Morgan
32408 McCary Rd - Frankford, DE 19945

TM 533-10.00-46.04 (DB 0 PG 0)

Kimberly McCabe Grimes & Rebecca Grimes Mais
9 East Atlantic St. – Fenwick Island, DE 19944

TM 533-10.00-45.00 (DB 2146 PG 268)

Mack W. & Norma L. McCary
32570 McCary Road – Frankford, DE 19945

TAX MAP NO. 5-33-5.00-38.00 and 41.04
PREPARED BY/RETURN TO:
Scott and Shuman, P.A.
33292 Coastal Highway, Suite 3
Bethany Beach, DE 19930
File No. 21-14728/CA

DEED

THIS DEED is made as of the 16th day of April, 2021, between, **M.D.P. Partners LLC**, of 12417 Ocean Gateway #25, Ocean City, MD 21842, party of the first part, and **MRBP LLC, a Delaware limited liability company**, of 5973 Smithy's Lane, Salisbury, MD 21801, party of the second part.

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

TAX MAP NUMBER: 5-33-5.00-38.00:

ALL that certain tract, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, Delaware, lying on the northwesterly right-of-way line of County Route 385 and adjoining lands now or formerly of Howard E. White, Howard Smith, Donald H. Evans, Harold Marvel, Everett B. Stevens, Brasford Service Corp., Edward Jones, and Janice White, and being more particularly described as follows, to wit: BEGINNING at a point situate on the northwesterly line of County Road 385, said point being a corner for the lands herein and lands now or formerly of Howard E. White; thence along and with the line of the lands herein and lands now or formerly Howard E. White through the center of a ditch, North 65°-15'-46" West for a distance of 971.27 feet to a point; thence along and with the line of the lands herein and lands now or formerly of Howard Smith, through the center of a ditch, the following two courses and distances: (1) North 70°-18'-15" West for a distance of 410.53 feet to a point; (2) North 70°-43'-15" West for a distance of 636.04 feet to a point, said point being a corner for the lands herein and lands now or formerly

TAX MAP NO. 5-33-5.00-38.00 and 41.04
PREPARED BY/RETURN TO:
Scott and Shuman, P.A.
33292 Coastal Highway, Suite 3
Bethany Beach, DE 19930
File No. 21-14728/CA

DEED

THIS DEED is made as of the 16th day of April, 2021, between, **M.D.P. Partners LLC**, of 12417 Ocean Gateway #25, Ocean City, MD 21842, party of the first part, and **MRBP LLC, a Delaware limited liability company**, of 5973 Smithy's Lane, Salisbury, MD 21801, party of the second part.

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

TAX MAP NUMBER: 5-33-5.00-38.00:

ALL that certain tract, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, Delaware, lying on the northwesterly right-of-way line of County Route 385 and adjoining lands now or formerly of Howard E. White, Howard Smith, Donald H. Evans, Harold Marvel, Everett B. Stevens, Brasford Service Corp., Edward Jones, and Janice White, and being more particularly described as follows, to wit: BEGINNING at a point situate on the northwesterly line of County Road 385, said point being a corner for the lands herein and lands now or formerly of Howard E. White; thence along and with the line of the lands herein and lands now or formerly Howard E. White through the center of a ditch, North 65°-15'-46" West for a distance of 971.27 feet to a point; thence along and with the line of the lands herein and lands now or formerly of Howard Smith, through the center of a ditch, the following two courses and distances: (1) North 70°-18'-15" West for a distance of 410.53 feet to a point; (2) North 70°-43'-15" West for a distance of 636.04 feet to a point, said point being a corner for the lands herein and lands now or formerly

of Donald H. Evans and being along the line of lands of Howard Smith; thence turning and running along and with the line of the lands herein and lands now or formerly of Donald H. Evans, through the center of a ditch, South 17°-51'-08" West for a distance of 684.06 feet to a point; thence along and with the line of the lands herein and lands now or formerly of Harold Marvel, through the center of a ditch, South 16°-19'-26" West for a distance of 344.46 feet to a point; thence turning and running along and with the line of the lands herein and lands now or formerly of Harold Marvel and lands now or formerly of Everett B. Stevens, through the center of a ditch South 71°-19'-39" East for a distance of 1,047.60 feet to a point; thence turning and running along and with the line of the lands herein and lands now or formerly of Everett B. Stevens, through the center of a ditch, North 16°-28'-36" East for a distance of 131.27 feet to a point; thence turning and running along and with the line of the lands herein and lands now or formerly of Everett B. Stevens and lands now or formerly of Brasford Service Corp., through the center of a ditch, South 72°-55'-12" East for a distance of 582.86 feet to an iron axle; thence turning and running along and with the line of lands herein and lands now or formerly of Brasford Service Corp., through the center of a ditch, the following three courses and distances: (1) North 15°-02'-12" East for a distance of 318.70 feet to an iron axle; (2) thence turning and running South 72°-02'-16" East for a distance of 17050 feet to a point; (3) South 64°-59'-44" East for a distance of 398.31 feet to a point; thence turning and running along and with the line of land herein, lands now or formerly of Edward Jones and lands now or formerly of Janice White, through the center of a ditch, North 03°-09'-48" East for a distance of 274.94 feet to a point; thence along and with the line of the lands herein and lands now or formerly of Janice White, through the center of a ditch, North 04°-17'-38" West for a distance of 229.24 feet to a point situate on the Northwesterly right-of-way line of County Route 385; thence along and with the line of the lands herein and the Northwesterly right-of-way line of County Route 385 North 40°-40'-08" West for a distance of 23.26 feet to a point, being the point and place of beginning, and said to contain 41.087 acres of land more or less, together with all improvements thereon. The description herein was derived from a survey prepared by J.J. McCann, Inc, Registered Surveyors, on August 31, 1978, entitled "Lands of Elmer C. & Marian B. Murray" of record in Plot Book 13, Page 98.

TOGETHER WITH a twelve (12) foot easement for egress and ingress from County Route 385 to the above described land.

TAX MAP NUMBER: 5-33-5.00-41.04:

ALL that certain piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and more particularly described according to a Survey prepared by Charles L. Coffman II, Land Surveying, dated December 17, 2004, as follows, to wit:

BEGINNING at a point situate on the southerly right-of-way of County Road #385 (30 R/W), said point being a corner of these lands and lands N/F Rickards; thence by and with these lands and the southerly right-of-way of County Road #385, South 42 degrees 07 minutes 04 seconds East, 904.06' to a point; thence a corner for these lands and lands N/F Hall; thence by and with these lands and lands N/F Hall and centerline of a ditch, the following two courses and distances: (1) South 19 degrees 16 minutes 47 seconds West, 238.90' to a point; and (2) South 18 degrees 35 minutes 32 seconds West, 424.60' to an iron rod, being a corner of these lands, lands N/F Hall, and on line of lands N/F Bachelder; thence by and with these lands and lands N/F Bachelder, North 73 degrees 21 minutes 50 seconds West, 765.79' to a point, being a corner of these lands, lands N/F Rickards & Timmons, and lands N/F Rickards; thence by and with these lands and lands N/F Rickards and centerline of a ditch, North 17 degrees 34 minutes 16 seconds East, 1118.73' to the point and place of beginning, containing 15.84 acres, more or less, as shown on said Survey.

BEING the same lands conveyed to M.D.P. Partners LLC by Corrective Deed of Delmar Plumbing said Deed dated March 11, 2021, as filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 5425, Page 130.

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

NOTES TO USERS

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

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

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

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

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

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 18. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

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

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3191

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

Base map transportation features shown on this FIRM were provided in digital format by the Delaware Department of Transportation. This information was compiled at a scale of 1:12,000 from aerial photography dated 1992. Base map drainage information shown on this FIRM was provided in Digital Line Graph (DLG) format by U.S. Geological Survey. This information was compiled at a scale of 1:24,000 from aerial photography dated 1992. Political boundaries shown on this FIRM were provided in digital format by the Delaware Office of State Planning Coordination. This information was dated 2002.

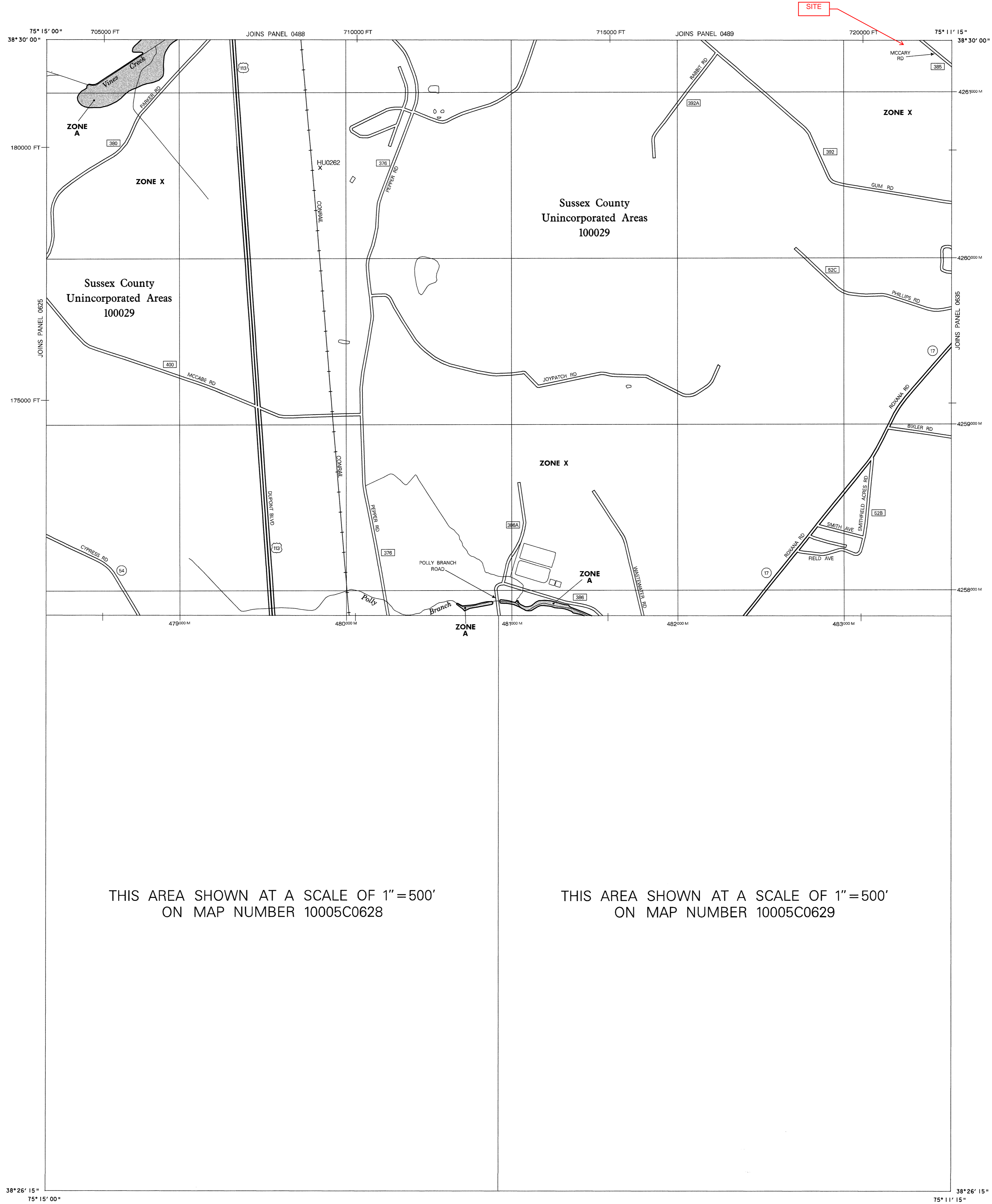
This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result,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

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at <http://www.msc.fema.gov>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



THIS AREA SHOWN AT A SCALE OF 1"=500'
ON MAP NUMBER 10005C0628

THIS AREA SHOWN AT A SCALE OF 1"=500'
ON MAP NUMBER 10005C0629

LEGEND

- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
- The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently deteriorated. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE
- The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS
- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- OTHER AREAS
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
- OTHERWISE PROTECTED AREAS (OPAs)

- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities. Base Flood Elevation line and value; elevation in feet* (EL. 987)
- Base Flood Elevation value where uniform within zone; elevation in feet* (EL. 987)

*Referenced to the North American Vertical Datum of 1988

- Cross section line
- Transect line
- 97°07'30", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 4276000 M 1000-meter Universal Transverse Mercator grid values, zone 18
- 600000 FT 5000-foot grid values; Delaware State Plane coordinate system, FIPSZONE 700, Transverse Mercator projection.

- Bench mark (see explanation in Notes to Users section of this FIRM panel)
- River Mile
- MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

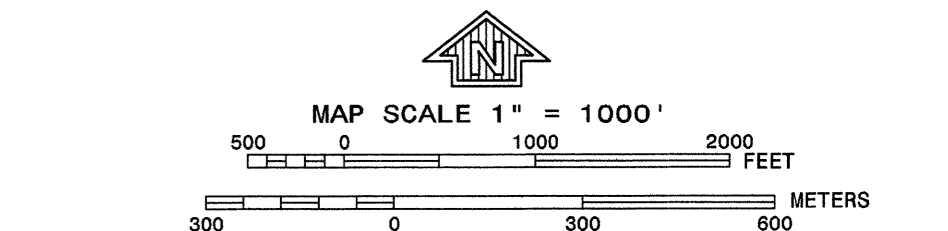
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

- December 19, 1996
- February 8, 1999
- May 5, 2003
- January 6, 2005

(For description of revisions listed above, see Notice to User page in the Flood Insurance Study Report.)

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

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



PANEL 0630J

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS

PANEL 630 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0630	J

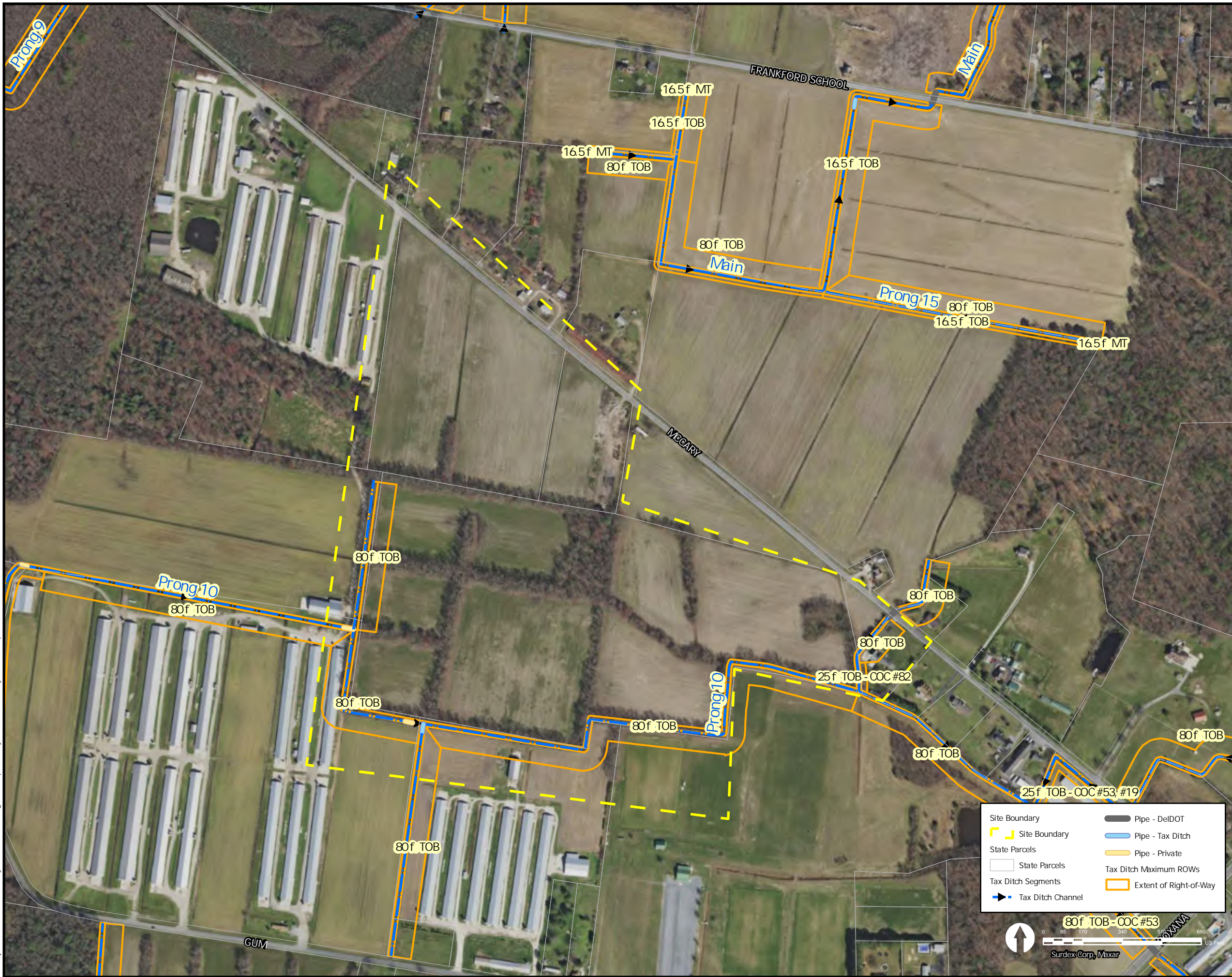
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER 10005C0630J

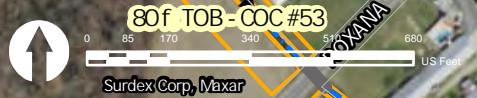
MAP REVISED JANUARY 6, 2005

Federal Emergency Management Agency

C:\Projects\2021\210109\McCary Borrow\PT\Drawings\GIS\Maps\McCary Borrow\PT\McCary Borrow\PT.aprx



Site Boundary	Pipe - DeIDOT
Site Boundary	Pipe - Tax Ditch
State Parcels	Pipe - Private
State Parcels	Tax Ditch Maximum ROWs
Tax Ditch Segments	Extent of Right-of-Way
Tax Ditch Channel	



PRINTS ISSUED FOR:

NO.	DATE	REVISIONS

GMB
 GEORGE, MILES, & BUHR, LLC
 ARCHITECTS & ENGINEERS
 208 WEST MAIN STREET
 SALESURY, MARYLAND 21801
 410-742-3115, FAX 410-544-3790
 www.gmbnet.com

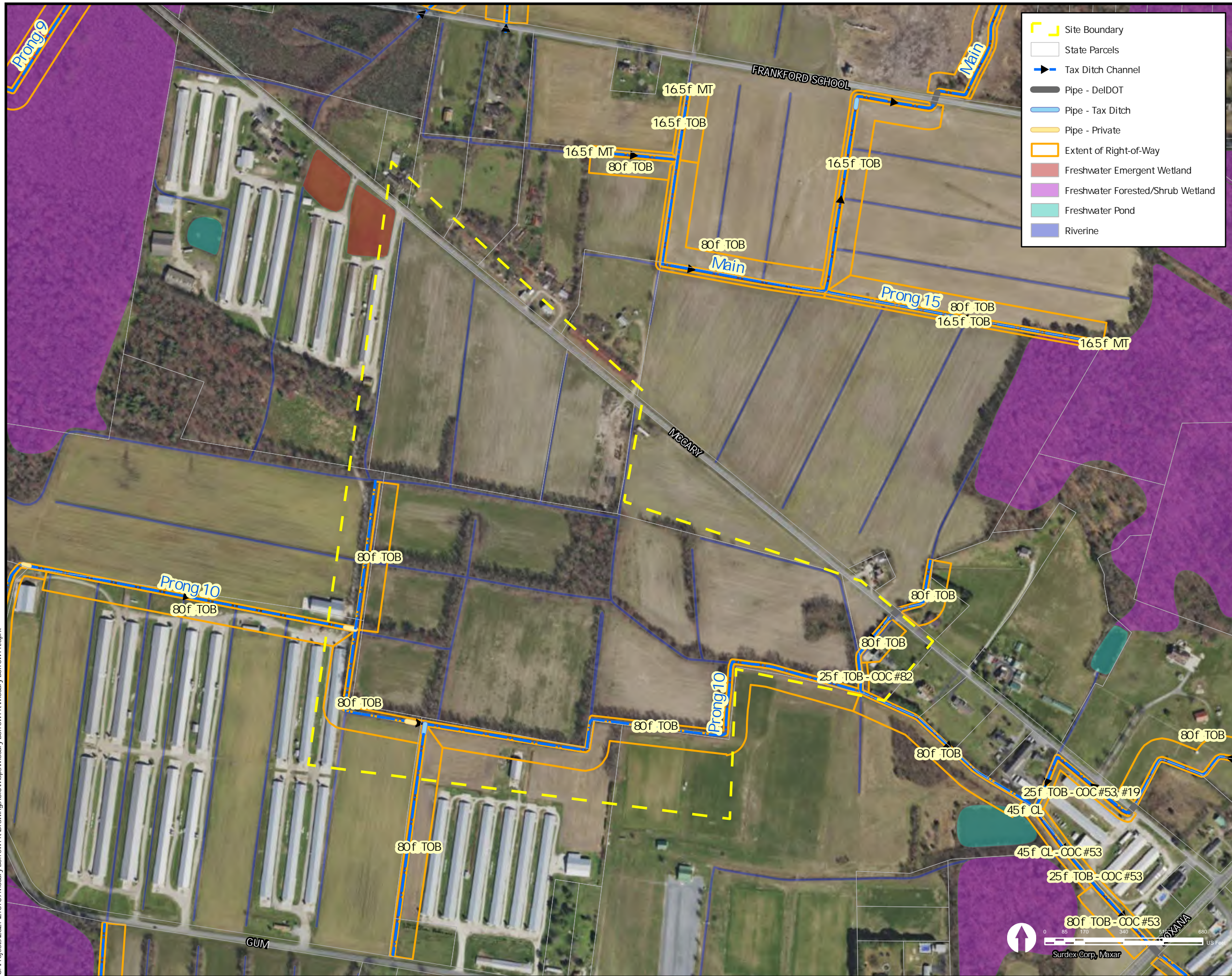
McCARY BORROW PIT
 Sussex County, Delaware

TAX DITCH

SCALE	1"=400'	SHEET NO.
PCS	DEB3F	
CREATED BY	KLacomp	EX. 4
CHECKED BY		
GMB FILE	210109	
DATE	6/16/2022	

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G:\Projects\2021\210109\McCary Borrow\PT\Drawings\GIS\Mapsets\McCary Borrow\PT\McCary Borrow\PT.aprx



	Site Boundary
	State Parcels
	Tax Ditch Channel
	Pipe - DelDOT
	Pipe - Tax Ditch
	Pipe - Private
	Extent of Right-of-Way
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Riverine

PRINTS ISSUED FOR:

DATE

GMB
 GEORGE, MILES, & BUHR, LLC
 ARCHITECTS & ENGINEERS
 208 WEST MAIN STREET
 SALESBURY, MARYLAND 21801
 410-742-2115 FAX: 410-546-2750
 www.gmbl.com

**McCARY ROAD
 BORROW PIT**
 Sussex County, Delaware

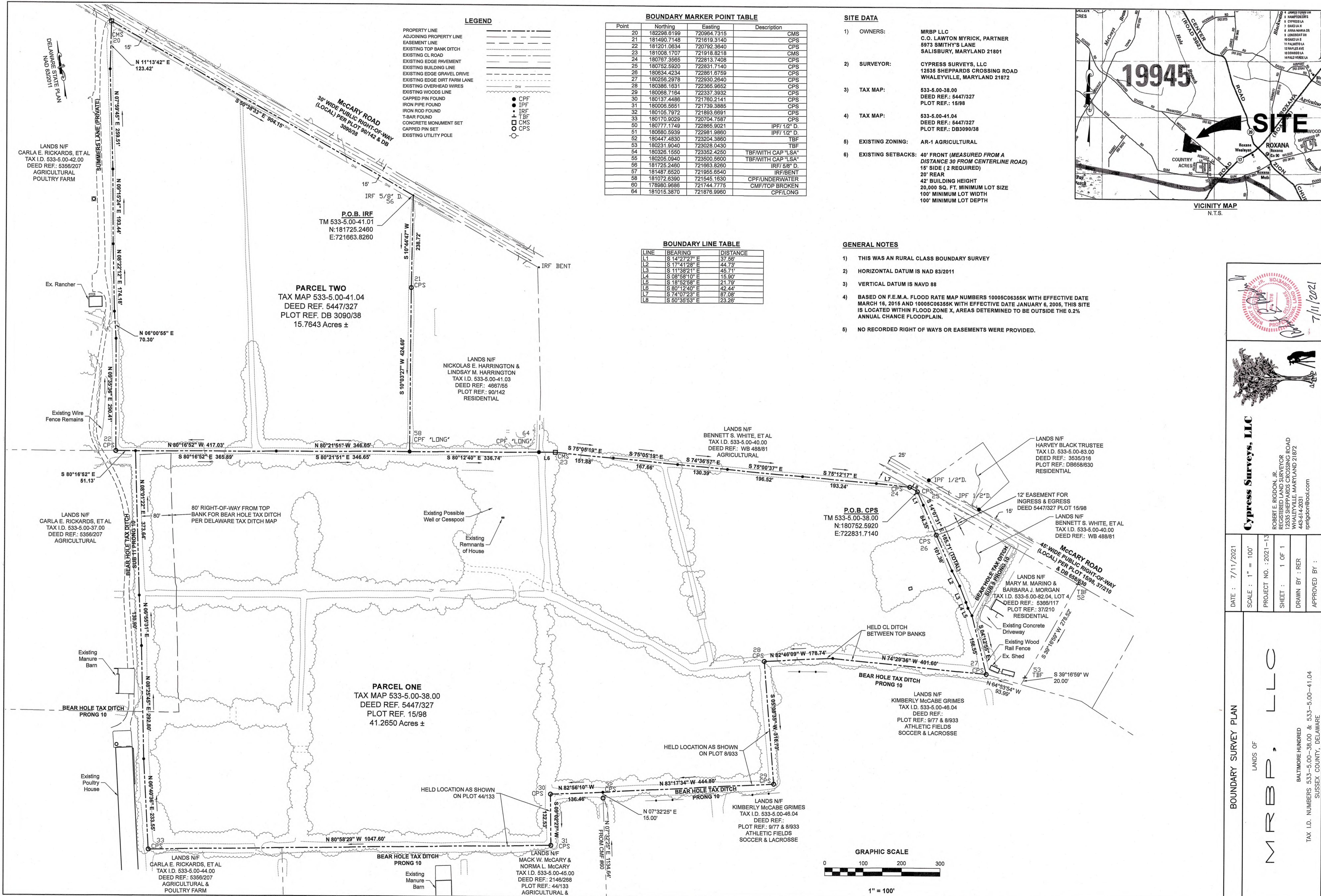
WETLANDS AND
 TAX DITCH

SCALE 1"=400'
 PCS DEB3F
 CREATED BY kLacomp
 CHECKED BY
 GMB FILE 210109
 DATE 6/28/2022

Surdex Corp, Maxar

DATE	
REVISIONS	
NO.	
SHEET NO.	EX. 7

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LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- EASEMENT LINE
- EXISTING TOP BANK DITCH
- EXISTING CL ROAD
- EXISTING EDGE PAVEMENT
- EXISTING BUILDING LINE
- EXISTING EDGE GRAVEL DRIVE
- EXISTING EDGE DIRT FARM LANE
- EXISTING OVERHEAD WIRES
- EXISTING WOODS LINE
- CAPPED PIN FOUND
- IRON PIPE FOUND
- IRON ROD FOUND
- T-BAR FOUND
- CONCRETE MONUMENT SET
- CAPPED PIN SET
- EXISTING UTILITY POLE

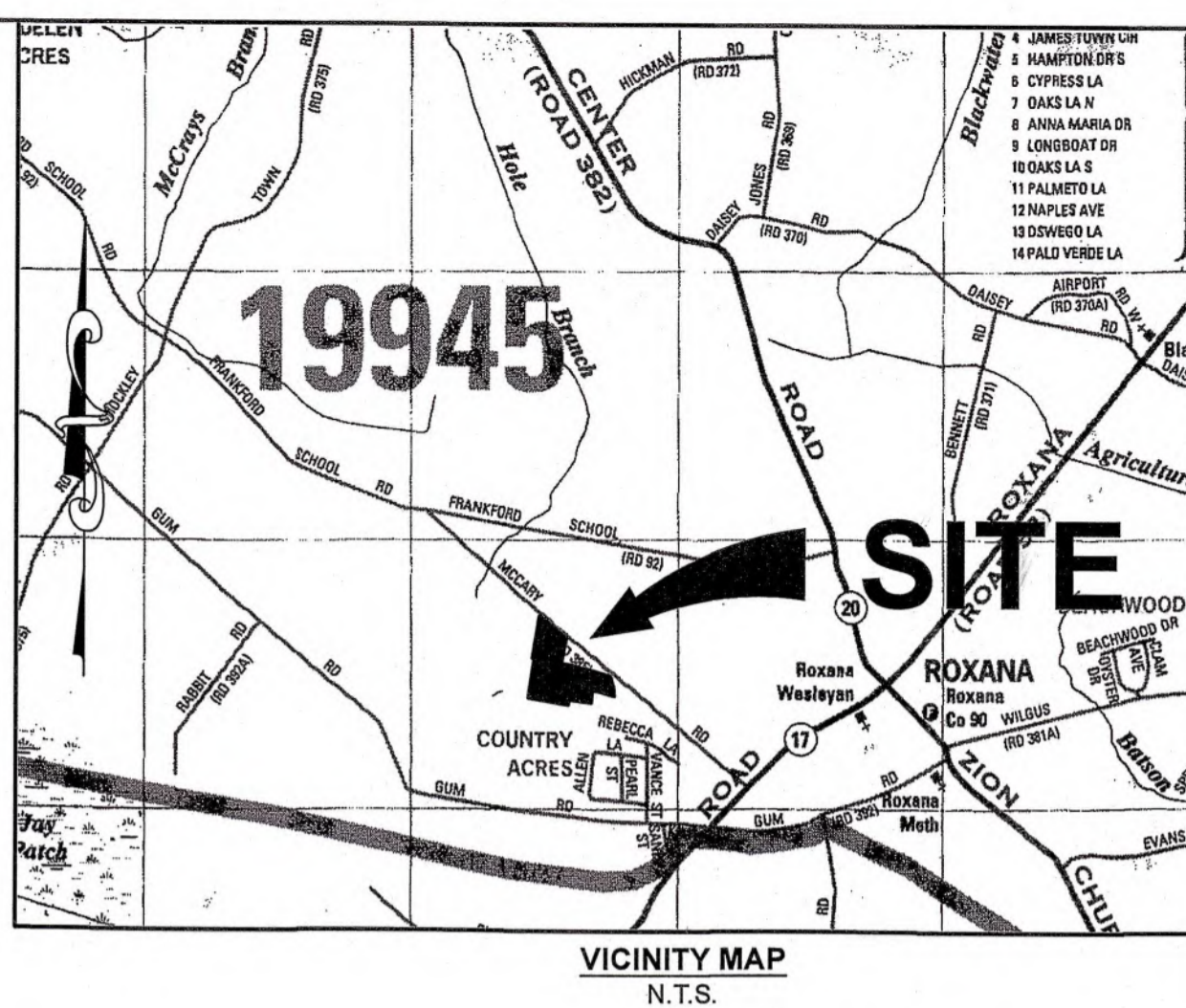
BOUNDARY MARKER POINT TABLE

Point	Northing	Easting	Description
20	182298.8199	720964.7315	CMS
21	181493.7148	721819.3140	CPS
22	181201.0834	720792.3840	CPS
23	181008.1707	721818.8218	CMS
24	180787.3565	722813.7408	CPS
25	180752.5920	722831.7140	CPS
26	180634.4234	722861.6759	CPS
27	180256.2978	722930.2640	CPS
28	180386.1631	722365.9652	CPS
29	180068.7164	722337.3932	CPS
30	180137.4488	721760.2141	CPS
31	180008.6851	721739.3885	CPS
32	180105.7972	721893.6891	CPS
33	180170.9029	720704.7587	CPS
50	180777.1749	722865.9021	IPF/ 1/2" D.
51	180680.5939	722881.9860	IPF/ 1/2" D.
52	180447.4830	723204.3860	TBF
53	180231.9040	723028.0430	TBF
54	180326.1650	723352.4250	TBF/WITH CAP "LSA"
55	180205.0940	723500.5600	TBF/WITH CAP "LSA"
56	181725.2480	721663.8260	IRF/ 5/8" D.
57	181487.6520	721956.6540	IRF/BENT
58	181072.6390	721545.1630	CPF/UNDERWATER
60	178980.9888	721744.7775	CMF/TOP BROKEN
64	181015.3870	721876.9960	CPF/LONG

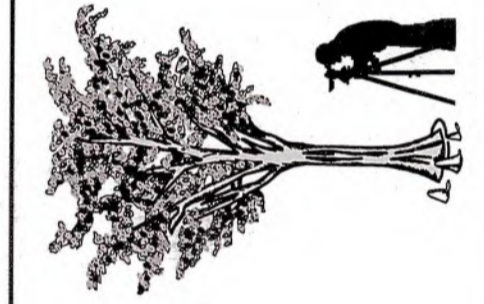
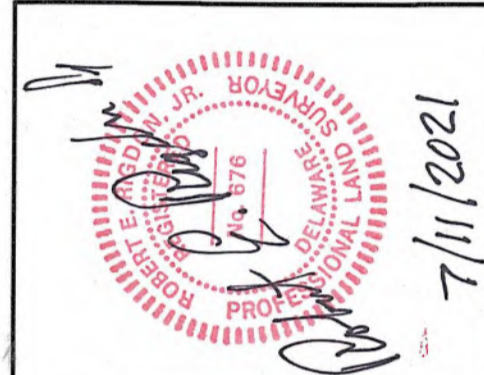
BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	S 14°27'27" E	37.56'
L2	S 17°41'28" E	44.73'
L3	S 11°38'21" E	45.71'
L4	S 08°58'10" E	15.90'
L5	S 18°52'58" E	21.79'
L6	S 80°12'40" E	42.44'
L7	S 74°07'23" E	87.08'
L8	S 50°35'53" E	23.26'

- SITE DATA**
- OWNERS:** MRBP LLC
C.O. LAWTON MYRICK, PARTNER
5973 SMITH'S LANE
SALISBURY, MARYLAND 21801
 - SURVEYOR:** CYPRESS SURVEYS, LLC
12635 SHEPPARDS CROSSING ROAD
WHALEYVILLE, MARYLAND 21872
 - TAX MAP:** 533-5.00-38.00
DEED REF.: 5447/327
PLOT REF.: 15/98
 - TAX MAP:** 533-5.00-41.04
DEED REF.: 5447/327
PLOT REF.: DB3090/38
 - EXISTING ZONING:** AR-1 AGRICULTURAL
 - EXISTING SETBACKS:** 40' FRONT (MEASURED FROM A DISTANCE 30' FROM CENTERLINE ROAD)
15' SIDE (2 REQUIRED)
20' REAR
42' BUILDING HEIGHT
20,000 SQ. FT. MINIMUM LOT SIZE
100' MINIMUM LOT WIDTH
100' MINIMUM LOT DEPTH



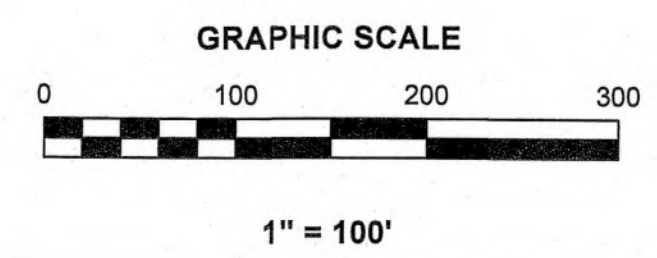
- GENERAL NOTES**
- THIS WAS AN RURAL CLASS BOUNDARY SURVEY
 - HORIZONTAL DATUM IS NAD 83/2011
 - VERTICAL DATUM IS NAVD 88
 - BASED ON F.E.M.A. FLOOD RATE MAP NUMBERS 10005C06356K WITH EFFECTIVE DATE MARCH 16, 2015 AND 10005C06356K WITH EFFECTIVE DATE JANUARY 6, 2005, THIS SITE IS LOCATED WITHIN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 - NO RECORDED RIGHT OF WAYS OR EASEMENTS WERE PROVIDED.



Cypress Surveys, LLC
ROBERT E. RIGDON, JR.
REGISTERED LAND SURVEYOR
12635 SHEPPARDS CROSSING ROAD
WHALEYVILLE, MARYLAND 21872
443-614-2031
rprigdon@aol.com

DATE : 7/11/2021
SCALE : 1" = 100'
PROJECT NO. : 2021-1-3
SHEET : 1 OF 1
DRAWN BY : RER
APPROVED BY :

BOUNDARY SURVEY PLAN
LANDS OF
MRBP, LLC
BALTIMORE HUNDRED
TAX I.D. NUMBERS 533-5.00-38.00 & 533-5.00-41.04
SUSSEX COUNTY, DELAWARE



5. TRAFFIC



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

NICOLE MAJESKI
SECRETARY

April 06, 2021

Mr. Bill Conway
Century Engineering, Inc
4134 North DuPont Highway
Dover, Delaware 19901

**SUBJECT: Small Commercial Entrance Plan Approval Letter
McCary Rd Borrow Pit**
Tax Parcel #533-5.00-38.00, 533-5.00-41.04
SCR00385-MCCARY ROAD
Baltimore Hundred, Sussex County

Dear Mr. Conway:

The Delaware Department of Transportation (DelDOT) has reviewed your request, dated January 25, 2021, requesting a new Small Commercial Entrance. We have determined that this project is eligible and have issued an approved Entrance Plan dated April 06, 2021. This plan approval shall be valid for a period of **one (1) year**. If an entrance permit has not been obtained within one year, then the project must be resubmitted for review and approval.

The applicant acknowledges and accepts additional requirements may need to be constructed in the State of Delaware Right-of-Way to promote the safety and functionality of the applicants' new commercial entrance facility. These changes may be addressed as 'field changes' and could include but are not limited to the following items: sign relocation or placement, striping removal, additional striping, additional paving/repairs and additional transportation facility repairs or upgrades. Further the applicant agrees to adhere to all Maintenance of Traffic requirements that will be outlined in the Pre-Construction meeting.

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 Site Plan which is consistent with the DelDOT "General Conformity" stamped plan.
2. Three (3) copies of the approved entrance plans.
3. Completed permit application.



McCary Rd Borrow Pit
Mr. Conway
Page 2
April 06, 2021

4. Executed agreements (i.e. construction, signal, letter).
5. An itemized construction cost estimate (only for entrance improvements).
6. A 150% security for the entrance improvements 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.

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

Sincerely,



R. Stephen McCabe
Sussex County Review Coordinator
Development Coordination

cc: Lawton Myrick, Lawton Myrick
Jamie Whitehouse, Sussex County Planning & Zoning Commission
Rusty Warrington, Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
Scott Rust, South District Public Work Manager
James Argo, South District Project Reviewer
William Kirsch, South District Entrance Permit Supervisor
Jerry Nagyiski, Safety Officer Supervisor
Kerry Yost, Traffic Calming & Subdivision Relations Manager
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Mark Galipo, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
James Kelley, JMT

McCary Rd Borrow Pit

Mr. Conway

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April 06, 2021

Wendy L. Polasko, Subdivision Engineer
Kevin Hickman, Sussex County Reviewer



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

NICOLE MAJESKI
SECRETARY

July 12, 2021

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 **MRBP, LLC** proposed land use application, which we received on June 28, 2021. This application is for an approximately 56.93-acre assemblage of parcels (Tax Parcels: 533-5.00-38.00 and 41.04). Both parcels are located on the southwest side of McCary Road (Sussex Road 385). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate a Borrow Pit.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along McCary Road is 385.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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. DeIDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive 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 DeIDOT 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

July 12, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.

County Coordinator

Development Coordination

TWB:afm

cc: MRBP, LLC, Applicant

Russell Warrington, Sussex County Planning & Zoning

David Edgell, Coordinator, Cabinet Committee on State Planning Issues

Todd Sammons, Assistant Director, Development Coordination

Scott Rust, South District Public Works Manager, Maintenance & Operations

Steve McCabe, Sussex County Review Coordinator, Development Coordination

Derek Sapp, Subdivision Manager, Development Coordination

Kevin Hickman, Subdivision Manager, Development Coordination

Brian Yates, Subdivision Manager, Development Coordination

John Andrescavage, Subdivision Manager, Development Coordination

James Argo, South District Project Reviewer, Maintenance & Operations

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination

Annamaria Furmato, Project Engineer, Development Coordination

6. THREATENED & ENDANGERED SPECIES

June 30, 2022

ERI Project No. 0989#1083

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

Mr. Steve Marsh,
George, Miles & Buhr
206 West Main Street
Salisbury, MD 21801

**RE: McCary Road Borrow Pit Site, MRBP, LLC.
Environmental Review for Wildlife Habitat and Wetland Considerations
Tax Map No.: 533-5.00-58.00 & 41.04 (57.03 Acres)
Baltimore Hundred, Sussex County, Delaware**

Dear Mr. Whitehouse and Mr. Marsh,

Environmental Resources, Inc. (ERI) has investigated this 57.03 acre property for the presence of any wildlife habitats supporting state or federally listed species of concern. ERI has also investigated the property for any state or federally regulated wetlands or waters. A borrow pit facility is being proposed on the interior portion of the site.

ERI consulted with the U.S. Fish and Wildlife Service (Service) with respect to the occurrence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973 (ESA). In their letter of June 30, 2022, the Service concluded that there are no records of any federally listed threatened or endangered species on this property (see attached). This confirms the results of observations ERI conducted on this property.

I do want to mention that the USFWS letter did provide information that a proposed candidate species, the Monarch Butterfly (*Danaus plexippus*) has been designated throughout the entire project vicinity. This species has no critical habitats designated and it is not yet listed as a protected species. In addition, this is a transitory species which has very specific habitat requirements which include an abundance of milkweed to be present on a property. The required vegetation does not occur on the subject site as the field areas proposed for development are active agricultural lands.

During the PLUS Review conducted by the Office of State Planning for this project, DNREC's Division of Fish and Wildlife provided no comments about any state rare species within this project area.

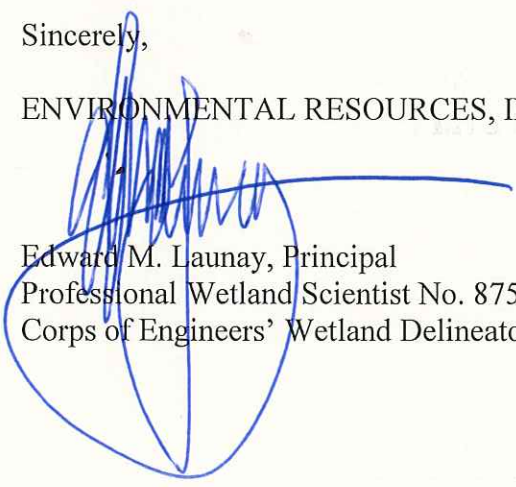
The project site consists largely of upland agricultural fields. The field areas are divided internally by a network of man made drainage channels. Drainage channels are also found along much of the property perimeter. The channels along the west and south sides of the site area part of the Bearhole Tax Ditch system (Prong 10, Sub 11 – Prong 10 and Sub 9 – Prong 10). The drainage channels on the property with the possible exception of Prong 10 do not drain or connect offsite wetland areas to downstream navigable waters and as such they are not regulated waters by the U.S. Army Corps of Engineers or Delaware Department of Natural Resources and Environmental Control (DNREC) as subaqueous lands. Due to the depth and seasonal flow of the perimeter tax ditches (Prong 10 & Sub 11-Prong 10), are channels that may be a waters subject to regulation by the Corps of Engineers. However, the project as designed has avoided impacts to all perimeter channels including all tax ditches. The watershed area of the tax ditches and other drainage channels on this site is limited. All of the tax ditches and channels on this site have only seasonal flow at best. No perennial streams or channels are present and under current Sussex County Code, there are no buffers that apply.

The project also avoided a small wood lot area in the central portion of Parcel 38.00 along it's northerly property line where a minor area of nontidal wetlands may possibly occur. Therefore, as designed the project will have no impact on any potentially regulated waters or wetlands subject to the Corps of Engineers Regulatory Program. DNREC regulated wetlands do not occur in the project vicinity.

Upon review of this report, I am available at your convenience should you have any comments or concerns.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



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



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:
Project Code: 2022-0059676
Project Name: McCary Road Borrow Pit

June 30, 2022

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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

Attachment(s):

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

Official Species List

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

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Project Code: 2022-0059676
Event Code: None
Project Name: McCary Road Borrow Pit
Project Type: Surface Extraction - Non Energy Materials
Project Description: Develop a borrow pit in uplands.
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.4972316,-75.18818386369415,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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

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

Wetlands

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

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email: elaunay@ericonsultants.com

Phone: 3024369637

Preliminary Land Use Service (PLUS) Delaware State Planning Coordination 122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661			
Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.			
Please complete this PLUS application in its entirety. All questions <u>must</u> be answered. If a question is unknown at this time or not applicable, please explain. Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project <u>before</u> the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.			
PLUS Number (to be completed by OSPC): _____ Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____			
1. Project Title/Name: McCary Road Borrow Pit			
2. Location (please be specific): McCary Road, Frankford, DE			
3. Parcel Identification # 533-5.00-38.00 & 533-5.00-41.04		4. County or Local Jurisdiction Name: where project is located: Sussex	
5. If contiguous to a municipality, are you seeking annexation:			
6. Owner's Name: MRBP, LLC			
Address: 5973 Smithy's Lane			
City: Salisbury	State: MD	Zip: 21801	
Phone: 410-251-9568	Fax:	Email: lmyrick@gmbnet.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): MRBP, LLC - Lawton Myrick			
Address: 5973 Smithy's Lane			
City: Salisbury	State: MD	Zip: 21801	
Phone: 410-251-9568	Fax:	Email: lmyrick@gmbnet.com	
8. Project Designer/Engineer: George, Miles & Buhr, LLC - Stephen L. Marsh			
Address: 206 West Main Street			
City: Salisbury	State: MD	Zip: 21801	
Phone: 4107423115	Fax:	Email: smarsh@gmbnet.com	
9. Please Designate a Contact Person, including phone number, for this Project: Lawton Myrick, 410-251-9568			

Information Regarding Site:	
10. Type of Review: <input type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input checked="" type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision	
11. Brief Explanation of Project being reviewed: Borrow Pit Operation If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.	
12. Area of Project (Acres +/-): 56.71 Number of Residential Units: 0 Commercial square footage: 0	
13. Present Zoning: AR-1	14. Proposed Zoning: AR-1 Conditional Use
15. Present Use: Agricultural	16. Proposed Use: Borrow Pit
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) N/A Service Provider Name:	
Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) N/A Service Provider Name:	
Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. If residential, describe style and market segment you plan to target (Example- Age restricted): N/A	
20. Environmental impacts: How many forested acres are presently on-site? 10.90 How many forested acres will be removed? 4.36 To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the wetlands: <input type="checkbox"/> Tidal Acres: <input checked="" type="checkbox"/> Non-tidal Acres: 0.18 (7920 SF) If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (in process) Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the impacts: How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? <u>Outside 50' from wetlands.</u>	
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Overflow outfall to tax ditch.	
22. List the proposed method(s) of stormwater management for the site: The borrow pit will retain runoff from operations on site.	
23. Is open space proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? 56.71 Acres: What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? active, passive recreation & wildlife habitat after borrow pit operations are complete.	
24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>*considering donating land for community park after borrow pit operation.</small>	

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 205 peak season.

What percentage of those trips will be trucks, excluding vans and pick-up trucks? 95% dump truck traffic.

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

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. Pedestrian trail connecting to River Soccer Complex.

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

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? Yes No Pedestrian trail connecting to River Soccer Complex.

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

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

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

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

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

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

R. Lawton Myzick
Signature of property owner

6/29/2021
Date

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

6/29/2021
Date

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

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



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

ARCHITECTS
ENGINEERS

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

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

June 29, 2022

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

Attn: Mr. David Edgell, AICP
Director

Re: Response to PLUS Review Comments
McCary Borrow Pit
PLUS Review – 2021-08-12
GMB # R210109

Dear Mr. Edgell:

Please accept this letter as the formal response to the Office of State Planning Coordination PLUS review comments dated, September 22, 2021, for the above referenced project. The original State Agency comments are included below with our responses highlighted in red and italicized.

Sincerely,

Stephen L. Marsh, P. E.
Sr. Vice President
East Region Director of Operations

SLM/cl

cc: MRBP, LLC
Attn: Mr. Lawton Myrick

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

Strategies for State Policies and Spending

This project is located in Investment Level 3 according to the Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Comment noted. We will comply with all environmental concerns outlined by State agencies during the review process.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on McCary Road (Sussex Road 385) must be, and in fact has been, designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. DelDOT approved the entrance plan on April 6, 2021, under its Small Commercial Entrance process.

Comment noted. Due to a delay in scheduling the Public Hearing, the approval will expire before the project begins. We will work with DeIDOT to renew the current approved entrance design as necessary.

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

Concerns Identified Within the Development Footprint

Tax Ditches

Prong 10, Sub 11 of Prong 10, and Sub 9 of Prong 10 of the Bear Hole Tax Ditch lie on the southern, western, and eastern portions of the site within the Bear Hole Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. Sub 11 of Prong 10 has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary, with no ROWs along Prong 10 and Sub 9 of Prong 10.

- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROWs prior to the project application meeting with the appropriate plan review agency

for construction stormwater management.

- To reduce or change existing Tax Ditch ROWs, or eliminate certain stretches from the Tax Ditch, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.

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

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

We anticipate requesting a Court Order Change for the reduction in Tax Ditch Right of Ways. We will follow the requirements of the DNREC Drainage Program during this process. We have submitted a letter and sketch plan to DNREC for their review.

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal riverine wetlands overlapping the existing ditching system across the site. The application indicates that wetlands delineation is currently underway.

- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. Permits or authorizations from the U.S. Army Corps of Engineers are required for fill of non-tidal wetlands. In certain cases, permits from the US Army Corps of Engineers triggers additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). If wetlands exist on the site, work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

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

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

We will work with DNREC and the USACOE to obtain all necessary permits for any disturbance to non-tidal regulated wetlands or waters. Regulated waters subject to the Corps of Engineers jurisdiction appear to be limited to tax ditch channels which are being avoided. Although, we do not anticipate any wetland impacts based on the proposed borrow pit design.

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- 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. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, 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.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

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: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

We will work with SCD and DNREC to address all Stormwater Management requirements. We have submitted the Pre-Application Meeting Stormwater Assessment Study (SAS) Checklist to the Sussex Conservation District.

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy. More information about Pollution Control Strategies can be found at the following website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

We will work with SCD and DNREC to address all Stormwater Management requirements. The project will be approved through the Sussex Conservation District and by default will meet the Pollution Control Strategies.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is low potential for prehistoric archaeological resources on this parcel. There are no known National Register listed or eligible properties or archaeological sites on this parcel or within a half-mile radius. The parcel is not within favorable distance of historic water sources, and soils are poorly drained.
- There is a moderate to high potential for historic archaeological resources on this parcel. Historic topographic and aerial maps show some buildings in the wooded area in the middle of the parcel that there no later than 1901 and demolished between 1968 and 1993. There is an additional building along the eastern edge of the parcel that was constructed between 1926 and 1937 and demolished between 1968 and 1992. There is a possibility of historic field scatter in the agricultural fields. The Delaware SHPO is recommending Phase I archaeological survey prior to any ground disturbance.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), which is currently being revised
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Comments noted. We will notify SHPO if any archaeological resources are discovered during site work.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (B. Rickards Rick Chick Expansion of the Gum District S-95-03-003-A Parcel 533-10.00-44.00, 533-5.00-37.00, 533-5.00-42.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation

Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

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

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on

such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Comments noted. We don't anticipate disturbing any agricultural activities in adjacent or nearby properties.

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 Natural Resources and Environmental Control – Beth Krumrine 735-3480

Tax Ditches

- 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 (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

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

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

We will work with DNREC throughout the process.

Wetlands

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.
- If wetlands or subaqueous permits will be needed, schedule a meeting with the DNREC Joint Permit Processing (JPP) service. JPP assists wetland permit

applicants with the necessary state and federal permitting procedures and requirements. To schedule a meeting with the JPP committee, please contact the DNREC Division of Water's Wetlands and Subaqueous Lands Section at (302) 739-9943.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Any disturbance to wetlands would be minor in nature and/or because the wetlands are isolated. We will seek permits for any necessary wetlands' disturbance. Although, we do not anticipate any wetland impacts based on the proposed borrow pit design.

Forest Removal

- The preliminary plan proposes the elimination of 4.3 of 10.9 acres of forest on the site.
- Removing forested areas for development should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

We are removing areas of trees that form hedgerows along existing agriculture ditches in the interior of the site. It is our intent to plant a wooded buffer along the perimeter of the site in those areas that are not currently wooded. The wooded area will actually increase from 10.89 acres to 12.73 acres during this process.

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

Plan review agency contact: [Sussex Conservation District](https://www.sussexconservation.org/) 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: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

We will work with SCD and DNREC to address all Stormwater Management requirements. We have submitted the Pre-Application Meeting Stormwater Assessment Study (SAS) Checklist to the Sussex Conservation District.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed project and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between the proposed burrow pit and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program.

We are proposing the use of Native Species within the planted buffer. We are happy to work with the Department of Agriculture to implement their recommendations.