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|---|-----|
| CZ 1922 Baywood LLC Info Sheet _____                              | 2   |
| CZ 1922 Baywood LLC Aerial Map _____                              | 3   |
| CZ 1922 Baywood LLC Street Map _____                              | 4   |
| CZ 1922 Baywood LLC Zoning Map _____                              | 5   |
| CZ 1922 Baywood, LLC Mailing List _____                           | 6   |
| CZ 1922 Baywood, LLC Application _____                            | 11  |
| CZ 1922 Baywood, LLC Deed for 234-23.00-270.00 _____              | 13  |
| CZ 1922 Baywood, LLC 234-23.00-23.00-273.01, 273.02, 273.03 _____ | 19  |
| CZ 1922 Baywood, LLC Deed for 234-23.00-273.05 _____              | 23  |
| CZ 1922 Baywood, LLC Staff Analysis _____                         | 34  |
| CZ 1922 Baywood, LLC Service Level Evaluation Response _____      | 36  |
| CZ 1922 Baywood, LLC - TIS Scope of Work _____                    | 39  |
| CZ 1922 Baywood, LLC Utility Planning Division Comments _____     | 52  |
| BGA - Donation to IRVFD 2021.04.29 _____                          | 55  |
| SITE-E _____  | 57  |
| Baywood Gardens - HR PRC Booklet - 042921 _____                   | 64  |
| CZ 1922 Baywood, LLC 2019-05-09 PLUS Application _____            | 107 |
| CZ 1922 Baywood, LLC 2019-05-09-PLUS Response _____               | 114 |
| CZ 1922 Baywood, LLC Developer PLUS Response _____                | 119 |

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: April 22, 2021

Application: CZ 1922 (Baywood, LLC – Robert Tunnell, III)

Applicant: Baywood, LLC – Mr. Robert Tunnell, III  
34026 Anna’s Way, Suite 1  
Long Neck, DE 19966

Owner: ABC Woodlands, LLC  
P.O. Box 1389  
Easton, MD 21601

Site Location: Northern and southern sides of Long Neck Road (Route 23),  
approximately 500 feet east of John J. Williams Highway (Route 24)

Current Zoning: C-1 (General Commercial), B-1 (Neighborhood Business), CR-1  
(Commercial Residential)

Proposed Zoning: HR-1 – RPC (High Density Residential – Residential Planned  
Community)

Comprehensive Land  
Use Plan Reference: Coastal Area and Commercial

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County

Water: Private Provider – Tidewater Utilities

Site Area: 54.38 ac. +/-

Tax Map ID.: 234-23.00-270.00, 273.01, 273.02, 273.03 & 273.05



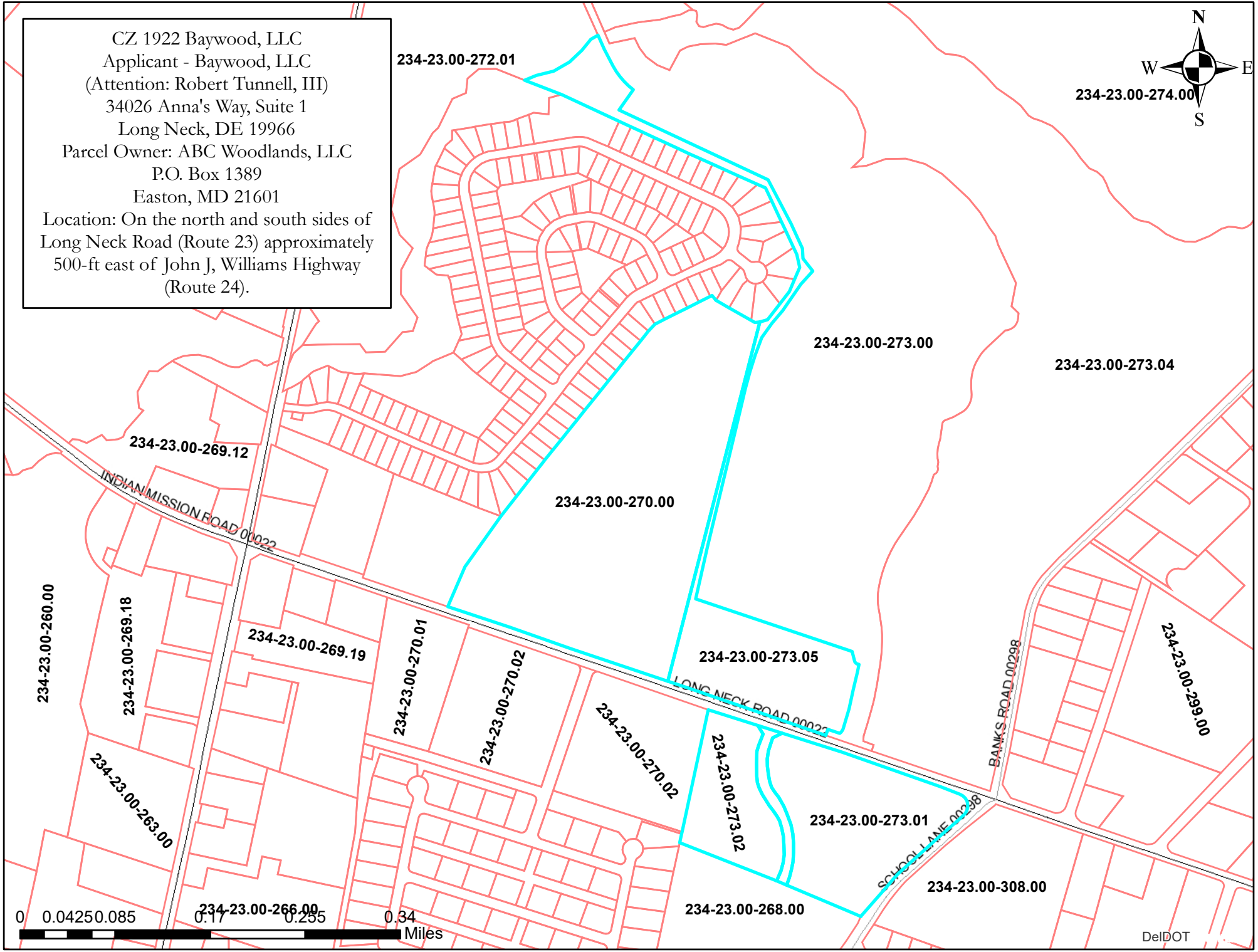
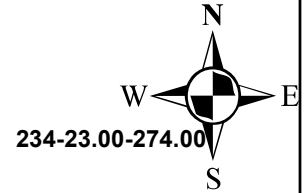


CZ 1922 Baywood, LLC  
Applicant - Baywood, LLC  
(Attention: Robert Tunnell, III)  
34026 Anna's Way, Suite 1  
Long Neck, DE 19966  
Parcel Owner: ABC Woodlands, LLC  
P.O. Box 1389  
Easton, MD 21601  
Location: On the north and south sides of  
Long Neck Road (Route 23) approximately  
500-ft east of John J, Williams Highway  
(Route 24).





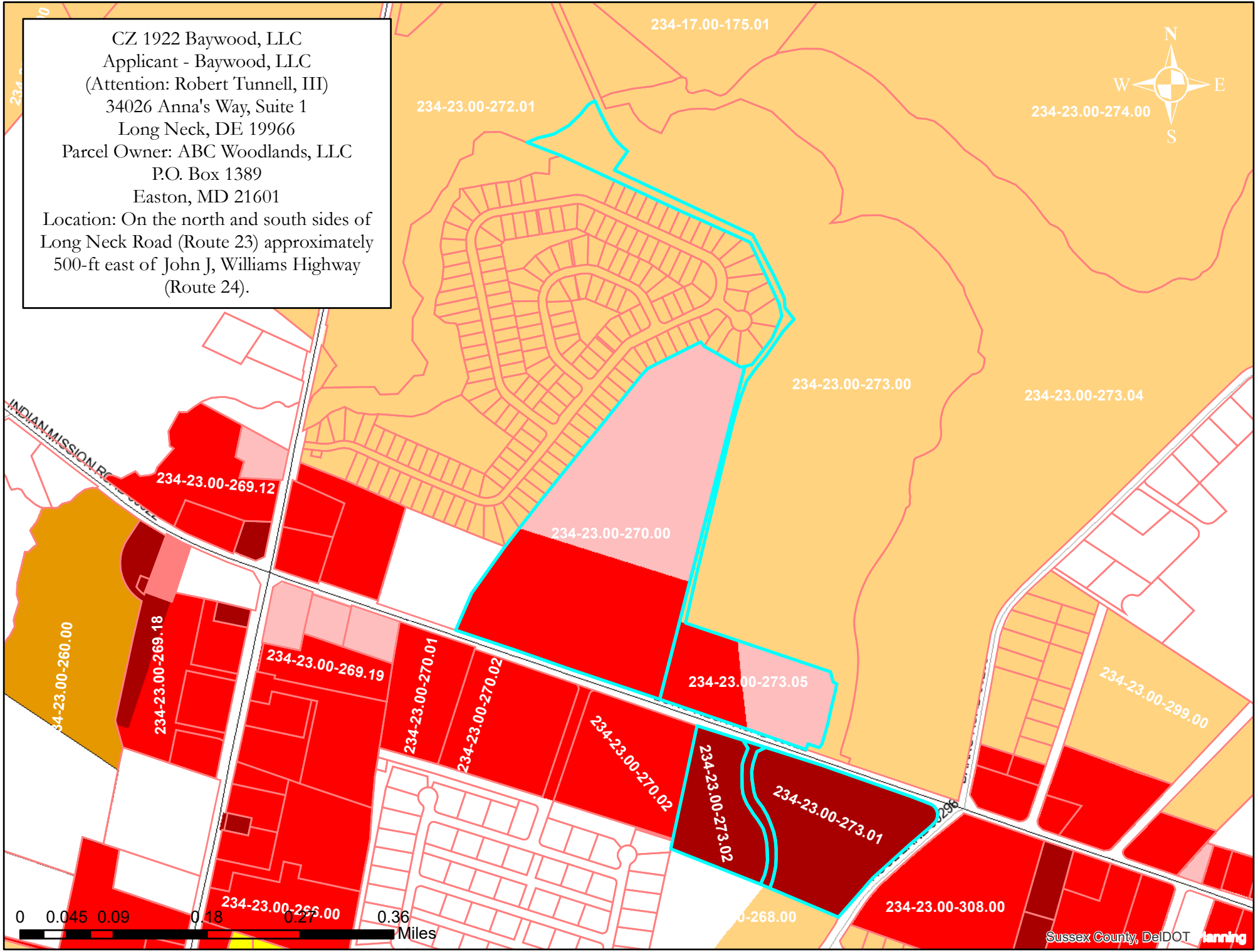
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0 0.04250.085 0.17 0.255 0.34 Miles



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(Route 24).



| FULLNAME                            | MAILINGADD             | ZIPCODE | CITY      | STATE | Tax ID                |
|-------------------------------------|------------------------|---------|-----------|-------|-----------------------|
| BONNEY TUNNELL EGGLESTON            | PO BOX 1537            | 21601   | EASTON    | MD    | 234-23.00-273.01      |
| ALAN G. & KATLEEN F. CROPPER        | 33772 CADDIES WAY      | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3325 |
| ALAN G. & LORA DREWER               | 32602 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3121 |
| AMY L. WHITE                        | 32315 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-66   |
| ANDREAS K. TSIRIKOS                 | 32316 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-21   |
| ANDREW SCHOPFER                     | 32319 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-68   |
| ANGELO & PHYLLIS M. ZENORINI        | 32500 HASKELL DELL DR  | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3146 |
| ANTHONY J. & PATRICIA A. SULECKI    | 75 WHITE PINE DR       | 19966   | MILLSBORO | DE    | 234-23.00-744.00      |
| ANTHONY J. AGLIO                    | 32582 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3129 |
| APRIL M. REID                       | 32594 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3124 |
| ARTHUR J. SMALLMAN                  | 32324 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-25   |
| BARRY J. MCCORD                     | 32574 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3133 |
| BAYWOOD LLC                         | 32147 LONG NECK RD     | 19966   | MILLSBORO | DE    | 234-23.00-270.00      |
| BAYWOOD LLC                         | 32809 GREENS WAY       | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3158 |
| BAYWOOD LLC                         | 34026 ANNAS WAY UNIT 1 | 19966   | MILLSBORO | DE    | 234-23.00-270.00      |
| BAYWOOD LLC                         | 32524 GREENS WAY       | 19966   | MILLSBORO | DE    | 234-23.00-273.00      |
| BEEBE MEDICAL CENTER INC.           | 32060 LONG NECK RD     | 19966   | MILLSBORO | DE    | 234-23.00-270.01      |
| BETSY J. BOTKA                      | 32584 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3128 |
| BOB BLANTON                         | 51 WHITE PINE DR       | 19966   | MILLSBORO | DE    | 234-23.00-732.00      |
| BONNIE L. VANLIER                   | 32562 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3139 |
| BRENDA J. HARVEY                    | 41 WHITE PINE DR       | 19966   | MILLSBORO | DE    | 234-23.00-727.00      |
| CARL J. & JUDI L. ESHELMAN          | 32810 GREENS WAY       | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3161 |
| CAROL PIERCE                        | 32328 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-27   |
| CAROLYN MAYS AXTELL                 | 33539 CLEEK WAY        | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3313 |
| CAROLYN R. BINDER                   | 101 WHITE PINE DR      | 19966   | MILLSBORO | DE    | 234-23.00-757.00      |
| CAROLYN S. AYERS TRUSTEE            | 32581 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3281 |
| CHANTAL MOYER                       | 32349 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-45   |
| CHARLES H. RUTKOWSKI SR.            | 32333 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-38   |
| CHARLES J. NAPPA                    | 32366 BAYSHORE DR      | 19966   | MILLSBORO | DE    | 234-23.00-935.00      |
| CHARLES M. HORNEY                   | 32285 PELICAN CT       | 19966   | MILLSBORO | DE    | 234-23.00-270.02-146  |
| CHARLES M. LEANNE H. REDSTONE       | 97 WHITE PINE DR       | 19966   | MILLSBORO | DE    | 234-23.00-755.00      |
| CHARLES R. JR & SUE VANHUYSEN       | 32814 GREENS WAY       | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3160 |
| CHRISTOPHER J. & MARGARET LOVERGINE | 32326 TURNSTONE CT     | 19966   | MILLSBORO | DE    | 234-23.00-270.02-26   |
| CYNTHIA MOLINO                      | 33771 CADDIES WAY      | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3324 |
| DAMIEN M. DIORRIO                   | 65 WHITE PINE DR       | 19966   | MILLSBORO | DE    | 234-23.00-739.00      |
| DANIEL L. & ANTONELLA F. REGO       | 32805 GREENS WAY       | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3156 |
| DANIEL L. & SANDRA L. GOTHIE        | 32590 LONG SPOON WAY   | 19966   | MILLSBORO | DE    | 234-23.00-273.00-3125 |
| DAVID J. RICCI & ROBERT D. TODD     | 109 WHITE PINE DR      | 19966   | MILLSBORO | DE    | 234-23.00-761.00      |



|                                       |                         |       |           |    |                       |
|---------------------------------------|-------------------------|-------|-----------|----|-----------------------|
| DAVID R. PERKINS                      | 32348 TURNSTONE CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-36   |
| DEBRA J. HEAGY                        | 45 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-729.00      |
| DENNIS H. DARR                        | 63 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-738.00      |
| DIANNE L. LOMONACO                    | 32286 PELICAN CT        | 19966 | MILLSBORO | DE | 234-23.00-270.02-81   |
| DONALD DANGELL SR. TRUSTEE            | 32342 TURNSTONE CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-33   |
| DONALD S. & RONNA LEE PYNE            | 32502 HASKELL DELL DR   | 19966 | MILLSBORO | DE | 234-23.00-273.00-3145 |
| DONNA M. CONNOR                       | 32330 TURNSTONE CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-28   |
| DONNA TAYLOR                          | 32501 HASKELL DELL DR   | 19966 | MILLSBORO | DE | 234-23.00-273.00-3142 |
| DOUGLAS F. & BARBARA J. PAINTER       | 69 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-741.00      |
| DWAYNE C. JONES                       | 32320 TURNSTONE CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-23   |
| EDWARD F. & SUSAN S. KING             | 32563 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3288 |
| EDWARD I. & MARGARET L. FEESER        | 79 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-746.00      |
| EDWARD W. & CAROL A FEELEY            | 81 BRANCH CT            | 19966 | MILLSBORO | DE | 234-23.00-747.00      |
| EDWRD & GAIL PRISTASH                 | 71 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-742.00      |
| ERIC R. & ROBIN E. KRAHECK            | 32586 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3127 |
| ERIK O. & JULIE M. HALVORSEN          | 32801 GREENS WAY        | 19966 | MILLSBORO | DE | 234-23.00-273.00-3155 |
| ERNEST R. PORTER & JANET T. REILLY    | 119 WHITE PINE DR       | 19966 | MILLSBORO | DE | 234-23.00-766.00      |
| FRANCIS E. MURPHY                     | 32351 TURNSTONE CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-46   |
| FRANK A. ALI III                      | 32797 GREENS WAY        | 19966 | MILLSBORO | DE | 234-23.00-273.00-3153 |
| GARY & REBECCA MINER                  | 84 BRANCH CT            | 19966 | MILLSBORO | DE | 234-23.00-754.00      |
| GARY C. & MELANIE L. SCHRIVER         | 32610 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3119 |
| GARY DREW FORD TRUSTEE                | 53 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-733.00      |
| GARY I. & ELIZABETH C. HESS           | 113 WHITE PINE DR       | 19966 | MILLSBORO | DE | 234-23.00-763.00      |
| GARY S. & DEBORAH S. NESBITT          | 32618 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3116 |
| GAYLE & RONALD M. MILLER              | 32312 TURNSTONE CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-19   |
| GEORGE & MARGARET REVELLE             | 32588 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3126 |
| GEORGE BOLLINGER                      | 32632 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3111 |
| GEORGE E. CHAPMAN                     | 103 WHITE PINE DR       | 19966 | MILLSBORO | DE | 234-23.00-758.00      |
| GEORGE J. & PATRICIA A. UNGEMAH       | 32795 GREENS WAY        | 19966 | MILLSBORO | DE | 234-23.00-273.00-3152 |
| GERALD LEE & ELLA MAE MCCABE          | 22874 COUNTRY LIVING RD | 19966 | MILLSBORO | DE | 133-15.00-22.00       |
| GERALD M. & JANICE L. DOTTERER        | 31 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-722.00      |
| GERALDINE J. WISNEWSKI                | 123 WHITE PINE DR       | 19966 | MILLSBORO | DE | 234-23.00-768.00      |
| GRACE BECKNER                         | 32564 LONG SPOON WAY    | 19966 | MILLSBORO | DE | 234-23.00-273.00-3138 |
| GREGORY S. & LAUREN S. JAMES          | 32288 PELICAN CT        | 19966 | MILLSBORO | DE | 234-23.00-270.02-80   |
| HILARY M. FELINSKI                    | 32276 PELICAN CT        | 19966 | MILLSBORO | DE | 234-23.00-270.02-86   |
| HOMER N. & RUTH A. SHANER             | 32456 FREE DROP WAY     | 19966 | MILLSBORO | DE | 234-23.00-273.00-3163 |
| HOWARD A. PETERS JR. & LISA S. PETERS | 29 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-721.00      |
| J RICHARDS & MARY C. WOOD             | 57 WHITE PINE DR        | 19966 | MILLSBORO | DE | 234-23.00-735.00      |
| JAMES D. & BARBARA I. STONE           | 89 BRANCH CT            | 19966 | MILLSBORO | DE | 234-23.00-751.00      |

|                                     |                       |       |           |    |                       |
|-------------------------------------|-----------------------|-------|-----------|----|-----------------------|
| JAMES D. BENNETT                    | 59 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-736.00      |
| JAMES G. CARLSON                    | 32622 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3114 |
| JAMES O. & DOROTHY M. WRIGHT        | 32628 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3112 |
| JEFFREY P. XAVIOS                   | 32321 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-69   |
| JEFFREY WORKMAN                     | 37 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-725.00      |
| JILL L. MOSSER                      | 32570 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3135 |
| JOANN S. & JOHN J. LAURO            | 67 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-740.00      |
| JOANNE M. & PATRICIA A. KETLER      | 99 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-756.00      |
| JOHN D. & GINA R. MILLER            | 32505 HASKELL DELL DR | 19966 | MILLSBORO | DE | 234-23.00-273.00-3144 |
| JOHN P. LAYSER                      | 111 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-762.00      |
| JOSEPH R. RUSNAK                    | 32280 PELICAN CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-84   |
| JULIA A. MARR                       | 32314 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-20   |
| KAREN ANNE FRIEDMAN                 | 32568 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3136 |
| KATHLEEN A. WATSON                  | 77 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-745.00      |
| KEVIN F. PECK                       | 88 BRANCH CT          | 19966 | MILLSBORO | DE | 234-23.00-752.00      |
| KEVIN J. & CATHERINE R. NORTH       | 32341 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-42   |
| KEVIN P. & PATRICIA CUNNINGHAM      | 32353 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-47   |
| KIMBERLY A. NUTTAL                  | 107 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-760.00      |
| KURT P. & DEBORAH C. ROGENMUSER     | 32636 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3110 |
| LARRY H. & MARSHA L. EISENHAUER     | 32322 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-24   |
| LAWRENCE J. BONGARD                 | 32785 GREENS WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3147 |
| LINDA REDDING                       | 32283 PELICAN CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-145  |
| LIZANNE M. CORLEY                   | 32325 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-71   |
| LONG NECK APARTMENTS ASSOCIATES, LP | 32071 LONG NECK RD    | 19966 | MILLSBORO | DE | 234-23.00-269.04      |
| LONGNECK ENTERPRISES INC.           | 25933 SCHOOL LN       | 19966 | MILLSBORO | DE | 234-23.00-308.00      |
| LONGWOOD LAKES LLC                  | 20849 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-113.00      |
| LONGWOOD LAKES LLC                  | PO BOX 212            | 19958 | LEWES     | DE | 133-15.00-20.00       |
| LONGWOOD LAKES LLC                  | 20765 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-115.00      |
| LONGWOOD LAKES LLC                  | 20760 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-165.00      |
| LONGWOOD LAKES LLC                  | 20784 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-164.00      |
| LONGWOOD LAKES LLC                  | 20796 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-163.00      |
| LONGWOOD LAKES LLC                  | 20808 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-162.00      |
| LONGWOOD LAKES LLC                  | 20818 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-161.00      |
| LONGWOOD LAKES LLC                  | 20830 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-160.00      |
| LONGWOOD LAKES LLC                  | 20846 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-159.00      |
| LONGWOOD LAKES LLC                  | 20845 WOODLAKE CIR    | 19966 | MILLSBORO | DE | 133-15.00-114.00      |
| LSF9 MASTER PARTICIPATION TRUST     | 32338 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-31   |
| MARGARET M. MOROSKI                 | 32808 GREENS WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3162 |
| MARIA E. GONZALEZ                   | 32579 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3282 |



|   |                       |       |           |    |                       |
|---|-----------------------|-------|-----------|----|-----------------------|
| MARK J. WILLIAMS                              | 33 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-723.00      |
| MARK S. & DEANNA L. REUBEN                    | 32816 GREENS WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3159 |
| MARTIN K. & DOROTHY T. MCBRIDE                | 32560 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3140 |
| MARTYNE MOYER                                 | 32596 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3123 |
| MICHAEL A. & DIANA B. LAVIN                   | 35 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-724.00      |
| MICHAEL A. JEFFERSON                          | 32344 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-34   |
| MICHAEL P. MCKINNEY SR. & DARLENE L. MCKINNEY | 55 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-734.00      |
| MICHELLE D. GALLAGHER                         | 87 BRANCH CT          | 19966 | MILLSBORO | DE | 234-23.00-750.00      |
| MICHELLE OLLASON                              | 32503 HASKELL DELL DR | 19966 | MILLSBORO | DE | 234-23.00-273.00-3143 |
| MILDRED E. FORREST                            | 32335 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-39   |
| NORMAN E. & THERESA A. LOWE                   | 61 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-737.00      |
| PAMELA DECONSTANZA                            | 32346 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-35   |
| PATRICIA HOFFMAN                              | 32340 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-32   |
| PATTI SEESE & LINDA F. KURTZ                  | 117 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-765.00      |
| PAUL & DANA WALKER                            | 85 BRANCH CT          | 19966 | MILLSBORO | DE | 234-23.00-749.00      |
| PAUL D. LEVINE & THOMAS J. BONSAK             | 32576 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3132 |
| PAUL P. & LORETTA F. VENTURA                  | 32791 GREENS WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3150 |
| PETER DOLAN JR. TRUSTEE                       | 121 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-767.00      |
| PETER J. & NILDA INCATASCIATO                 | 32789 GREENS WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3149 |
| PHYLLIS A. PHILLIPS                           | 32334 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-30   |
| PHYLLIS G. KRENZER                            | 78 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-840.00      |
| PRISCILLA NEMETH                              | 32612 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3118 |
| RALPH W. HINKLE                               | 32339 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-41   |
| RANDALL K. & CHARLENE PRATT                   | 32626 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3113 |
| RANDOLPH P. & BRIN J. TAYLOR                  | 32323 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-70   |
| RICE M. MAITLAND                              | 32566 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3137 |
| RICHARD A. BAUER                              | 32609 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3335 |
| RICHARD J. & MARILYN E. JACOBS                | 32613 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3336 |
| RICHARD J. MCGUIGAN JR.                       | 32364 BAYSHORE DR     | 19966 | MILLSBORO | DE | 234-23.00-934.00      |
| RICHARD J. WAGNER JR. & MARY WAGNER           | 32606 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3120 |
| RICHARD M. & LINDA K. GANLEY                  | 83 BRANCH CT          | 19966 | MILLSBORO | DE | 234-23.00-748.00      |
| ROBERT & DONNA SPERDUTO                       | 32572 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3134 |
| ROBERT A. & MARY C. TRUITT                    | 105 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-759.00      |
| ROBERT F. BARTLETT                            | 32281 PELICAN CT      | 19966 | MILLSBORO | DE | 234-23.00-270.02-144  |
| ROBERT G. DEBORAH A. MARKER                   | 43 WHITE PINE DR      | 19966 | MILLSBORO | DE | 234-23.00-728.00      |
| ROBERT J. & ARLENE F. POMANTE                 | 32331 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-37   |
| ROBERT J. CYRAN                               | 32598 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3122 |
| ROBERT J. FENFERT                             | 32345 TURNSTONE CT    | 19966 | MILLSBORO | DE | 234-23.00-270.02-43   |
| ROBERT K. & DAWN GAGLIONE                     | 32578 LONG SPOON WAY  | 19966 | MILLSBORO | DE | 234-23.00-273.00-3131 |

|                                    |                      |       |           |    |                       |
|------------------------------------|----------------------|-------|-----------|----|-----------------------|
| ROBERT M. & HENRIETTA A. WOODS     | 32597 LONG SPOON WAY | 19966 | MILLSBORO | DE | 234-23.00-273.00-3332 |
| ROBERT W. GUEST                    | 1 RITTER DR          | 19966 | MILLSBORO | DE | 234-23.00-583.00      |
| ROGER P. PRYOR SR. & RUTH F. PRYOR | 32616 LONG SPOON WAY | 19966 | MILLSBORO | DE | 234-23.00-273.00-3117 |
| RONALD & PATRICIA DIENNO           | 32799 GREENS WAY     | 19966 | MILLSBORO | DE | 234-23.00-273.00-3154 |
| RONALD B. & DOROTHY PECQUEUR       | 39 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-726.00      |
| ROXANNE E. BECKER                  | 32337 TURNSTONE CT   | 19966 | MILLSBORO | DE | 234-23.00-270.02-40   |
| STEPHEN L. & ELAINE R. HALLSTEAD   | 32793 GREENS WAY     | 19966 | MILLSBORO | DE | 234-23.00-273.00-3151 |
| STEVEN R. & LINDA A. VITALI        | 32580 LONG SPOON WAY | 19966 | MILLSBORO | DE | 234-23.00-273.00-3130 |
| SUE A. BARDSLEY                    | 32317 TURNSTONE CT   | 19966 | MILLSBORO | DE | 234-23.00-270.02-67   |
| SUSAN ODDO                         | 32332 TURNSTONE CT   | 19966 | MILLSBORO | DE | 234-23.00-270.02-29   |
| SUZANNE G. BOWERS                  | 49 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-731.00      |
| TAMARA SUE BLACK                   | 115 WHITE PINE DR    | 19966 | MILLSBORO | DE | 234-23.00-764.00      |
| THERESA L. JAMES H. GAST           | 47 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-730.00      |
| THOMAS J. & CECELIA M. TOTH        | 32620 LONG SPOON WAY | 19966 | MILLSBORO | DE | 234-23.00-273.00-3115 |
| THOMAS J. & THERESA A. MOORE       | 32638 LONG SPOON WAY | 19966 | MILLSBORO | DE | 234-23.00-273.00-3109 |
| THOMAS JAMES BLINSKI JR.           | 32347 TURNSTONE CT   | 19966 | MILLSBORO | DE | 234-23.00-270.02-44   |
| THOMAS M. WAGNER                   | 33538 CLEEK WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3314 |
| TODD E. & ADRIANNE KARRICK         | 86 BRANCH CT         | 19966 | MILLSBORO | DE | 234-23.00-753.00      |
| TRUDY J. ZIMMERMAN                 | 32278 PELICAN CT     | 19966 | MILLSBORO | DE | 234-23.00-270.02-85   |
| UNKNOWN                            | 32282 PELICAN CT     | 19966 | MILLSBORO | DE | 234-23.00-270.02-83   |
| UNKNOWN                            | 32284 PELICAN CT     | 19966 | MILLSBORO | DE | 234-23.00-270.02-82   |
| UNKNOWN                            | 32807 GREENS WAY     | 19966 | MILLSBORO | DE | 234-23.00-273.00-3157 |
| VINCENT J. & SANDRA L. ZAINO       | 32787 GREENS WAY     | 19966 | MILLSBORO | DE | 234-23.00-273.00-3148 |
| WALTER J. & WENDELIN B. O'BRIEN    | 32800 GREENS WAY     | 19966 | MILLSBORO | DE | 234-23.00-273.00-3185 |
| WAYNE D. BLUM                      | 32318 TURNSTONE CT   | 19966 | MILLSBORO | DE | 234-23.00-270.02-22   |
| WILBERFORCE FOUNDATION, INC.       | 33490 CLEEK WAY      | 19966 | MILLSBORO | DE | 234-23.00-273.00-3300 |
| WILLIAM A. DAVENPORT               | 32599 LONG SPOON WAY | 19966 | MILLSBORO | DE | 234-23.00-273.00-3333 |
| WILLIAM P. & KAREN L. TINKHAM      | 73 WHITE PINE DR     | 19966 | MILLSBORO | DE | 234-23.00-743.00      |



**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

File #: CZ 1922

202002786

202002789

202002790

\$ 500  
Sussex County Council

Baywood Villages

202002791

202002792

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

32147 Long Neck Road, Long Neck, DE 19966

**Type of Conditional Use Requested:**

Tax Map #: TM 234-23, P 270, 273.01, 273.02, 273.03, & 273.05 Size of Parcel(s): 54.38 acres

Current Zoning: B-1, C-1, & CR-1 Proposed Zoning: HR/RPC Size of Building: 514 Multi-Family Units

Land Use Classification: Commercial and Coastal Area

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County & Inland Bays Preservation

**Applicant Information**

Applicant Name: Baywood, LLC (Attn Robert Tunnell, III)

Applicant Address: 34026 Anna's Way, Suite 1

City: Long Neck State: DE Zip Code: 19966

Phone #: (302) 945-9300 E-mail: rtunnell@potnets.com

**Owner Information** Applicant is Owner of TM 234-23, P 270 & 273.05

Owner Name: ABC Woodlands, LLC (TM 234-23, P 273.01, 273.02, & 273.03)

Owner Address: PO Box 1389

City: Easton State: MD Zip Code: 21601

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Mr. James A Fuqua, Jr, Esq.

Agent/Attorney/Engineer Address: 26 The Circle

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-7777 E-mail: jimf@fywlaw.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DeIDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

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

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

### Signature of Applicant/Agent/Attorney

\_\_\_\_\_ Date: \_\_\_\_\_

### Signature of Owner

 Date: 3/9/20

### For office use only:

Date Submitted: 3/9/2020 Fee: \$500.00 Check #: 101284  
Staff accepting application: celh Application & Case #: 2020027810  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



2-34 17.00 25.00, 170.00 & 181.00  
2-34 23.00 5.00, 6.00, 7.00 & 270.00

Prepared by:  
Sergovic & Ellis, P.A.  
9 North Front Street  
Georgetown, DE 19947-0875

This Deed, made this 24<sup>th</sup> day Feb., 2005,

**BETWEEN Tunnell Companies, L.P.**, a Delaware limited partnership, of 34026 Anna's Way, Suite 1, Long Neck, DE 19966, party of the first part,

- A N D -

**Baywood, L.L.C.**, a Delaware limited liability company, 34026 Anna's Way, Suite 1, Long Neck, DE 19966 party of the second part,

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of **One Dollar and 00/100 (\$1.00)**, 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 assigns:

TRACT NO. 1: (2-34 17.00 25.00)

ALL that certain lot, piece or parcel of land, situate, lying and being in Indian River Hundred, Sussex County, Delaware, being designated upon a certain plot prepared by Mann Associates, Inc., Professional Land Surveyors, dated March 26, 1998, entitled "Partition-Lands of Eugene R. Hazzard, Jr." and of record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Plot Book 60, Page 346, and more particularly described as follows, to wit:

BEGINNING at a point in the corner of lands of Eugene R. Hazzard, Jr., Trustee, being a rear corner of lands designated as Tract #1 and Tract #2 on the plot of Mann Associates, Inc. dated March 10, 1998, said corner being the following courses and distances from the westerly right-of-way line of De. Route 24, North 56 degrees 16 minutes 20 seconds East a distance of 1,352.06 feet to a point, thence in a northerly direction North 65 degrees 49 minutes 50 seconds East a distance of 340.30 feet to a point in the westerly right-of-way of De. Route 24, said point being South 07 degrees 14 minutes 55 seconds West a distance of 461.43 feet from an iron pipe, the westerly corner of the intersection of De. Route 24 and County Road 301, thence in a southerly direction South 56 degrees 16 minutes 20 seconds West a distance of 179.99 feet to a point; thence in a Northerly direction North 67 degrees 05 minutes 40 seconds West, a distance of 498.10 feet to a point; thence in a southerly direction South 47 degrees 59 minutes 10 seconds West, a distance of 640.01 feet to a point; thence in a southerly direction South 38 degrees 31 minutes 46 seconds East, a distance of 556.62 feet to a point; thence in a southerly direction South 08 degrees 35 minutes 30 seconds West, a distance of 272.22 feet to a point; thence in a southerly direction South 33 degrees 52 minutes 38 seconds East a distance of 684.48 feet to a point; thence in a southerly direction South 47 degrees 19 minutes 00 seconds West, a distance of 920.00 feet to an iron pipe; thence in a northerly direction North 42 degrees 42 minutes 10 seconds West, a distance of 765.00 feet to a piece of rebar; thence in a northerly direction North 47 degrees 20 minutes 00 seconds East, a distance of 528.09 feet to an iron pipe; thence in a northerly direction North 67 degrees 05 minutes 40 seconds west, a distance of 161.79 feet to a point, the place of beginning, containing 27.42 acres, more or less.

8/15

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Eugene R. Hazzard, Jr., et al., dated April 8, 1998 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2278, page 241.

TRACT NO. 2: (2-34 17.00 170.00)

ALL that certain tract, piece or parcel of land situate, lying and being in Indian River Hundred, Sussex County, State of Delaware, adjoining lands now or formerly of the heirs of Thomas Abbott, adjoining lands now or formerly of J.C. Gilmore, lands now or formerly of Daniel C. Townsend, and the public road leading from Long Neck to Angola, the metes and bounds of which are as follows:

BEGINNING at a stake in the northeasterly right of way of County Road 298; thence North 45 degrees 24 minutes East 416.8 feet to a stake; thence in an easterly direction 103.2 feet to a stake; thence North 45 degrees 24 minutes East 1,312.95 feet to a stake; thence North 41 degrees West 242.20 feet to a stake; thence North 48 degrees 30 minutes East 67.80 feet to a stake; thence North 41 degrees West 471.90 feet to a stake, a corner for this land and lands of Shawn's Hideaway; thence along the division line between this land and lands of Shawn's Hideaway, South 48 degrees 30 minutes West 1,493.02 feet to a stake; thence in a southeasterly direction along the northern division line between this land and three lots the following: 123.33 feet, 121.7 feet and 120.0 feet to a stake; thence turning and running in a southerly direction along the eastern side of one of the said three lots, 353 feet more or less to a stake in the northeasterly side of County Road No. 298; thence along the right of way of said County Road No. 298 a distance of 280.0 feet to the place of beginning, said to contain 26.05 acres, more or less, with the improvements thereon.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Mildred I. Fritz and Diana Degerberg dated May 10, 1997 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2202, page 322.

TRACT NO. 3: (2-34 17.00 181.00)

ALL that certain lot, piece and parcel of land situate, lying and being in Indian River Hundred, Sussex County, State of Delaware, and lying on the southwestern right-of-way of County Road 298 (50' wide) and on the Southeastern right-of-way of State Route 24 (50' wide) being bounded and described as follows, to wit:

BEGINNING at a marked "point of beginning", said marked "point of beginning" being located on the Southwestern right-of-way of the aforementioned County Road 298; thence turning and running by and along the Southwestern right-of-way of County Road 298 South 44 degrees 15 minutes 30 seconds East 244.50 feet to a set iron bar; thence turning and running by and along a common boundary line with these lands and other lands of the Grantors North 45 degrees 44 minutes 30 seconds East 199.33 feet to a set iron bar; thence turning and running by and along a common boundary line with these lands and lands now or formerly of Baywood, L.L.C., North 41 degrees 37 minutes 20 seconds West 112.99 feet to a concrete monument; thence continuing along the same course and distance 24.11 feet to a found iron pipe; thence turning and running by and along the Southwestern right-of-way of State Route 24, a Delta Angle of 04 degrees 04 minutes 52 seconds with a length of 209.21 feet, also being a chord direction of North 11 degrees 30 minutes 47 seconds East with a chord distance of 209.17 feet to a set iron bar; thence turning North 72 degrees 27 minutes 59 seconds East 22.49 feet home to the place of beginning and said to contain 39,038 square feet of land, be the same more or less, as surveyed by Adams-Kemp Assoc., Inc., Registered Surveyors on February 18, 1998.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Virgle E. Banks, Jr. and Janet S. Banks dated March 26, 1998 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2287, page 72.

TRACT NO. 4: (2-34 23.00 5.00)

Parcel A-ALL that certain tract, piece or parcel of land situate, lying and being in Indian River Hundred, Sussex County and State of Delaware, lying on the Northeasterly side of Route #5 and being more particularly described as follows, to wit:

**BEGINNING** at a point along the Northeasterly right-of-way line of Route #5, a corner for these lands and lands of Altrenia A. Wright; thence from said point of beginning and running along and with the line of lands of Wright, North 50 degrees 30 minutes 54 seconds East 408.04 feet to a concrete monument found in line of lands of Agnes Beatrice Jackson; thence with the line of lands of Jackson, the three (3) following courses and distances: (1) North 50 degrees 30 minutes 54 seconds East 1,371.69 feet to a point; thence (2) North 21 degrees 14 minutes 06 seconds West 288.75 feet to a point; thence (3) North 64 degrees 11 minutes 06 seconds East 1,325.00 feet to an iron pipe set, a corner for these lands, lands of Jackson and lands of Townsend's, Inc.; thence turning and running with the line of lands of Townsend's, Inc., the two (2) following courses and distances: (1) South 49 degrees 11 minutes 46 seconds East 714.45 feet to a tree stump; thence (2) South 40 degrees 18 minutes 14 seconds West 1,008.51 feet to a re-bar w/cap found in line of lands of Long Neck Water Co., L.L.C.; thence turning and running with the line of lands of Long Neck Water Co., L.L.C., the three (3) following courses and distances: (1) North 31 degrees 04 minutes 57 seconds West 308.65 feet to a point; thence (2) South 67 degrees 34 minutes 21 seconds West 737.37 feet to a point; thence (3) South 23 degrees 40 minutes 39 seconds East 694.39 feet to a point in line of lands of Leon & Margaret Burton; thence turning and running with the line of lands of Burton, the three (3) following courses and distances: (1) South 41 degrees 04 minutes 21 seconds West 728.08 feet to a concrete monument found; thence (2) North 56 degrees 55 minutes 39 seconds West 181.50 feet to a point; thence (3) North 73 degrees 55 minutes 39 seconds West 77.72 feet to a point along the Northeasterly right-of-way line of Route #5; thence turning and running with the line of Route #5, the five (5) following courses and distances: (1) North 52 degrees 03 minutes 26 seconds West 138.37 feet to a point; thence (2) North 54 degrees 55 minutes 11 seconds West 100.12 feet to a point; thence (3) North 52 degrees 03 minutes 26 seconds West 600.00 feet to a point; thence (4) North 49 degrees 11 minutes 41 seconds West 100.12 feet to a point; thence (5) North 52 degrees 03 minutes 26 seconds West 35.58 feet to the point and place of beginning, said to contain 55.6307 acres of land, be the same more or less, as surveyed by Coast Survey, Inc., June 19, 1998.

Parcel B-ALL that certain tract, piece or parcel of land situate, lying and being in Indian River Hundred, Sussex County and State of Delaware, lying on the Southwesterly side of Route #5 and being more particularly described as follows, to wit:

**BEGINNING** at a point along the Southwesterly right-of-way line of Route #5, a corner for these lands and lands of William & Aleece Jackson; thence from said point of beginning and running along and with the line of Route #5, South 52 degrees 03 minutes 26 seconds East 781.07 feet to a point, a corner for these lands and lands of Herman McGee; thence turning and running with the line of lands of McGee, North 76 degrees 42 minutes 55 seconds West 223.65 feet to a concrete monument found in line of lands of Elloise Johnson, et al.; thence with the line of lands of Johnson and lands of Parker Harmon, et al., North 59 degrees 58 minutes 42 seconds West 623.75 feet to an iron pipe found, a corner for these lands and lands of William & Aleece Jackson; thence turning and running with the line of lands of Jackson, North 50 degrees 30 minutes 54 seconds East 183.67 feet

to the point and place of beginning, said to contain 2.0683 acres of land, be the same more or less, as surveyed by Coast Survey, Inc., June 19, 1998.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of J.G. Townsend, Jr. & Co., dated March 31, 1999 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2374, page 208.

TRACT NO. 4: (2-34 23.00 6.00)

ALL that certain tract, piece or parcel of land situate, lying and being in Indian River Hundred, Sussex County and State of Delaware, lying northeast of County Road #5, but not fronting thereon, adjoining lands now or formerly of J.G. Townsend, Jr. & Co., Townsends, Inc. and Leon L. and Margaret C. Burton, containing 8.80 acres of vacant land, more or less.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Long Neck Water Company dated April 5, 1999 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2400, page 220.

TRACT NO. 5: (2-34 23.00 7.00)

ALL that certain tract, piece or parcel of land situate, lying and being in Indian River Hundred, Sussex County and State of Delaware, being on the Northwesterly side of County Route #24 and being more particularly described as follows, to wit:

**BEGINNING** at a point on the northwesterly right-of-way of Route #24 (50' wide), a corner for this tract and lands of Leon & Margaret Burton and being located 0.22, more or less, mile northeasterly from Route #5; thence leaving said right-of-way and with said Burton, north 50 degrees 13 minutes 38 seconds West, 1,875.90 feet (passing over a concrete monument found at 3.03') to a concrete monument found, a corner for this tract and said burton and along land of Long Neck Water Company, LLC; thence turning and with said Water Co. and lands of J.G. Townsend & Co., North 40 degrees 18 minutes 14 seconds East 1,398.63 feet (passing over a re-bar rod with cap found at 390.12 feet, a corner for said Water Co.) to a tree stump, a corner for said Townsend; thence turning and with said Townsend, North 49 degrees 11 minutes 46 seconds West 714.45 feet to an iron pipe set, a corner for this tract and said Townsend and an angle point for Agnes Beatrice Jackson; thence turning and with said Jackson, North 36 degrees 46 minutes 10 seconds West 812.68 feet to a concrete monument found, a corner for said Jackson and lands now or formerly of Eugene R. Hazzard; thence with said Hazzard, lands of James and Dorothy Cannon, land of Debra Hazzard and land of Diamond State Telephone Co., North 39 degrees 50 minutes 35 seconds East, 2,668.04 feet (passing over an iron pipe found at 1,295.54 feet, a corner for said Cannon, another iron pipe found at 2,172.94 feet, a corner for Cannon and another iron pipe found at 2,275.71 feet, a corner for said Telephone Co.) To a point on the aforesaid right-of-way of Route #24; thence with said right-of-way the five (5) following courses and distances: (1) South 10 degrees 56 minutes 30 seconds west 873.34 feet to a point; thence (2) South 11 degrees 36 minutes 44 seconds West 938.12 feet to a point; thence (3) South 11 degrees 51 minutes 54 seconds West 1,307.73 feet to a point; thence (4) South 11 degrees 37 minutes 10 seconds West 1,088.54 feet to a point; thence (5) South 11 degrees 51 minutes 30 seconds West 1,339.30 feet to the point of beginning containing 123.3445 acres of cleared land.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Townsends, Inc. dated June 19, 1998 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2297, page 13.



TRACT NO. 6: 2-34 23.00 270.00

ALL that certain tract containing 31.045 acres of land, more or less, located on the north side of Sussex County Route 22, Indian River Hundred, Sussex County, Delaware, and being more particularly described as follows:

BEGINNING at a concrete monument located on the Northerly side of the 50 foot right of way of County Road 22, said monument marking a common boundary between the hereafter described lands and lands now or formerly of the Heirs of Julian Townsend; thence by and with said Townsend lands North 23 degrees 06 minutes 02 seconds East 1741.61 feet to a concrete monument; thence North 49 degrees 52 minutes 57 seconds West 227.43 feet to a concrete monument; thence south 73 degrees 32 minutes 57 seconds West 296.56 feet to a marked oak tree; thence South 51 degrees 26 minutes 33 seconds West 384.75 feet to a marked oak tree located on the common boundary between the herein described lands and the adjoining lands now or formerly of Tony Johnson; thence South 48 degrees 26 minutes 41 seconds West 780.22 feet to a marked oak tree; thence south 44 degrees 56 minutes 45 seconds West 290.34 feet to a stake marking the boundary between the herein described lands and lands now or formerly of Mrs. Elmer Morris; thence South 32 degrees 47 minutes 34 seconds West 209.40 feet to a concrete monument located on the aforesaid right of way of Road 22; thence by and with the northerly right of way of said road South 61 degrees 45 minutes 00 seconds East 1110.54 feet to the point and place of Beginning, containing 31.045 acres, as surveyed by J.J. McCann, Inc., and as shown on the survey of The Lands of John J. Williams recorded on May 24, 1972, in the Office of the Recorder of Deeds, Georgetown, Delaware, in Plot Book 8, page 490.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Blanche W. Baker, Trustee dated June 22, 2001 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2602, page 320.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of:

[Signature]

Tunnell Companies, L.P.

By: [Signature] {SEAL}  
Robert W. Tunnell, Jr., General Partner

|                |                  |                |
|----------------|------------------|----------------|
| Consideration: | 90.00            | Exempt Code: A |
| County         | State            | Total          |
| 0.00           | 0.00             | 0.00           |
| counter        | Date: 03/07/2005 |                |

State of Delaware )  
: S.S.  
County of Sussex )

**BE IT REMEMBERED**, that on February 24, 2005, personally came before me, the Subscriber, Robert W. Tunnell, Jr., General Partner of Tunnell Companies, L.P., party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

Dorothy A. Cannon  
Printed Name Dorothy A. Cannon  
Notary Public, Delaware  
My Commission Expires: 12-2-06

Dorothy A. Cannon  
Notary Public  
State of Delaware  
My Commission Expires Dec. 2, 2006

**Return to:**  
**Baywood, L.L.C.**  
34026 Anna's Way, Suite 1  
Long Neck, DE 19966

RECORDER OF DEEDS  
JOHN F. BRADY

05 MAR -7 PM 3:39

SUSSEX COUNTY  
DOC. SURCHARGE PAID

**Received**

MAR 08 2005

**ASSESSMENT DIVISION  
OF SUSSEX CTY**

Tax Number: 2-34 23.00 237.01, 237.03 & 237.02

PREPARED BY & RETURN TO:

Tunnell & Raysor, P.A.  
30 E. Pine Street  
Georgetown, DE 19947  
File No. DO3692/ERM

NO TITLE SEARCH REQUESTED  
NO TITLE SEARCH PERFORMED  
NO TITLE GUARANTEE  
DEED PREPARATION ONLY

THIS DEED, made this 17th day of March, 2021,

- BETWEEN -

ABC WOODLANDS, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, of PO Box 1537, Easton, MD 21601, party of the first part,

- AND -

BONNEY TUNNELL EGGLESTON, of P.O. Box 1537, Easton, MD 21601 as sole owner, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and her heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

Parcel No. A – 2-34 23.00 273.01

ALL that certain piece, parcel and tract of land, lying and being situate in Indian River Hundred, Sussex County and the State of Delaware. commencing at a point located on the northwesterly R.O.W. of County Road 298, said point being a corner for Parcel "D" and Parcel "E"; thence by and with Parcel "D" and Parcel "E", North 61 degrees 17 minutes 44 seconds West 7.18 feet to the point of beginning; thence North 61 degrees 17 minutes 44 seconds West, by and with Parcel "E", a distance of 431.80 feet to a point; thence along a curve to the left, by and with Parcel "B" having a radius of 450.00 feet, a central angle of 048 degrees 00 minutes 00 seconds an arc length of 376.99 feet, and a chord which bears North 04 degrees 42 minutes 16 seconds East to a point; thence along a

curve to the right, by and with Parcel "B", having a radius of 300.00 feet, a central angle of 048 degrees 00 minutes 00 seconds, an arc length of 251.33 feet, and a chord which bears North 04 degrees 42 minutes 16 seconds East to a point; thence North 28 degrees 42 minutes 16 seconds East by and with Parcel "B", a distance of 29.67 feet to a point; thence North 66 degrees 19 minutes 50 seconds East, by and with Parcel "B", a distance of 60.61 feet to a point; thence North 66 degrees 19 minutes 50 seconds East, by and with Parcel "B", a distance of 60.61 feet to a point; thence South 61 degrees 17 minutes 44 seconds East, by and with Parcel "D", a distance of 575.29 feet to a point; thence South 59 degrees 17 minutes 28 seconds East, by and with Parcel "D", a distance of 200.12 feet to a point; thence South 61 degrees 17 minutes 44 seconds East, by and with Parcel "D", a distance of 100.00 feet to a point; thence along a curve to the right, by and with Parcel "D", having a radius of 50.00 feet, a central angle of 119 degrees 12 minutes 36 seconds, an arc length of 104.03 feet, and a chord which bears South 01 degrees 41 minutes 26 seconds East to a point; thence South 57 degrees 54 minutes 45 seconds West, by and with Parcel "D", a distance of 417.18 feet to a point, thence along a curve to the left, by and with parcel "D", having a radius of 702.59 feet, a central angle of 016 degrees 36 minutes 02 seconds, an arc length of 203.56 feet, and a chord which bears South 49 degrees 36 minutes 51 seconds West to the point of beginning, said parcel contains 10.25 acres of land, being the same, more or less.

**Parcel No. B – 2-34 23.00 273.03**

ALL that certain piece, parcel and tract of land, lying and being situate in Indian River Hundred, Sussex County and the State of Delaware, Beginning at a point located at the corner for this Parcel, Parcel "A" and Parcel "E"; thence North 61 degrees 17 minutes 44 seconds West, by and with Parcel "E", a distance of 50.00 feet to a point; thence along a curve to the left, by and with Parcel "C", having a radius of 400.00 feet, a central angle of 048 degrees 00 minutes 00 seconds, an arc length of 335.10 feet, and a chord which bears North 04 degrees 42 minutes 16 seconds East to a point; thence along a curve to the right, by and with Parcel "C", having a radius of 350.00 feet, a central angle of 048 degrees 00 minutes 00 seconds an arc length of 293.22 feet and a chord which bears North 28 degrees 42 minutes 16 seconds East, by and with Parcel "C", a distance of 29.67 feet to a point; thence South 61 degrees 17 minutes 44 seconds East, by and with Parcel "D", a distance of 124.00 feet to a point; thence South 66 degrees 19 minutes 50 seconds West, by and with Parcel "A", a distance of 60.61 feet to a point; thence South 28 degrees 42 minutes 16 seconds West, by and with Parcel "A", a distance of 29.67 feet to a point; thence along a curve to the left, by and with Parcel "A", having a radius of 300.00 feet, a central angle of 048 degrees 00 minutes 00 seconds, an arc length of 251.33 feet, and a chord which bears South 04 degrees 42 minutes 16 seconds West to a point; thence along a curve to the right, by and with Parcel "A", having a radius of 450.00 feet, a central angle of 048 degrees 00 minutes 00 seconds, an arc length of 376.99 feet, and a chord which bears South 04 degrees 42 minutes 16 seconds West to the point of beginning, said Parcel contains 37,076 square feet of land, being the same more or less.

**PARCEL No. C – 2-34 23.00 273.02**



**ALL** that certain piece, parcel and tract of land, lying and being situate in Indian River Hundred, Sussex County and the State of Delaware, beginning at a point located at the corner for this Parcel, Parcel "B" and Parcel "E"; thence North 61 degrees 17 minutes 44 seconds West, by and with Parcel "E", a distance of 438.50 feet to a point; thence North 19 degrees 43 minutes 29 seconds East, by and with lands N/F Blanche W. Baker, a distance of 642.91 feet to a point; thence South 61 degrees 17 minutes 44 seconds East by and with Parcel "D", a distance of 642.91 feet to a point; thence South 61 degrees 17 minutes 44 seconds East, by and with Parcel "D", a distance of 253.70 feet to a point; thence South 08 degrees 55 minutes 18 seconds East, by and with Parcel "B", a distance of 60.61 feet to a point; thence South 28 degrees 42 minutes 16 seconds West, by and with Parcel "B", a distance of 29.67 feet to a point; thence along a curve to the left, by and with Parcel "B", having a radius of 350.00 feet, a central angle of 048 degrees 00 minutes 00 seconds, an arc length of 293.22 feet, and a chord which bears South 04 degrees 42 minutes 16 seconds West to a point; thence along a curve to the right, by and with Parcel "B", having a radius of 400.00 feet, a central angle of 048 degrees 00 minutes 00 seconds, an arc length of 335.10 feet, and a chord which bears South 04 degrees 42 minutes 16 seconds West to the point of beginning, said Parcel contains 5.11 acres of land, being the same more or less.

**BEING** a portion of the same lands conveyed to ABC Woodlands, L.L.C., a Delaware limited liability company from Bonney H.T. Bastholm, individually, for a 50% interest; Bonney H.T. Bastholm, for a 12 1/2% interest to be held by her as Trustee under an irrevocable trust of Eolyne K. Tunnell for the benefit of Ashley Hart Bastholm; Bonney H.T. Bastholm, for a 12 1/2% interest to be held by her as Trustee under an irrevocable trust of Robert W. Tunnell for the benefit of Ashley Hart Bastholm; Bonney H.T. Bastholm, for a 12 1/2% interest to be held by her as Trustee under an irrevocable trust of Eolyne K. Tunnell for the benefit of Chesley Elizabeth Bastholm; and Bonney H.T. Bastholm, for a 12 1/2% interest to be held by her as Trustee under an irrevocable trust of Robert W. Tunnell for the benefit of Chesley Elizabeth Bastholm, by Deed dated November 20, 1997, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on November 21, 1997, in Deed Book 2248, Page 51.

**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, Delaware.

IN WITNESS WHEREOF, the said ABC Woodlands, L.L.C., a Delaware limited liability company, has caused its name to be hereunto set under seal by Bonney T. Bastholm n/k/a Bonney Tunnell Eggleston, an authorized manager of ABC Woodlands, L.L.C., a Delaware limited liability company, the day and year first above written.

ABC WOODLANDS, L.L.C., A  
DELAWARE LIMITED LIABILITY  
COMPANY

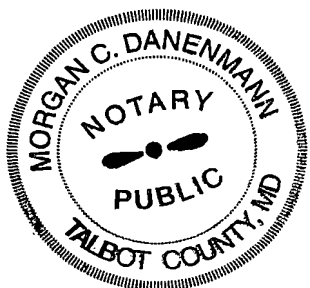
Nathaniel Hogan  
Witness

Bonney Tunnell Eggleston (SEAL)  
Bonney T. Bastholm n/k/a Bonney Tunnell  
Eggleston, Manager manager

STATE OF Maryland, COUNTY OF Talbot: to-wit

BE IT REMEMBERED, that on this 17 day of March A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State of MD and Talbot County aforesaid, Bonney T. Bastholm n/k/a Bonney Tunnell Eggleston, Manager of ABC Woodlands, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said limited liability company; that the signature of the Manager is in her own proper handwriting and by her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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



Morgan C. Danenmann  
Notary Public  
My Commission Expires: 3/15/2023

63265

02244 326

PREPARED BY:  
SERGOVIC & ELLIS, P.A.  
P.O. BOX 566  
GEORGETOWN, DE 19947

2-34 17.00 175.00 & 175.01  
2-34 23.00 272.00, 273.00,  
274.00 & 709.00

THIS DEED, MADE this 31<sup>st</sup> day of October in the year of our Lord one thousand nine hundred and ninety-seven (1997),

BETWEEN: TUNNELL COMPANIES, L.P., a Delaware Partnership, of R.D.#1, Box 291, Long Neck, Delaware, 19966, party of the first part,

-AND-

BAYWOOD, L.L.C., a Delaware Limited Liability Company, of R.D.#1, Box 291, Long Neck, Delaware, 19966, party of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) Current Lawful Money of the United States of America and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors or assigns:

ALL those certain tracts, pieces and parcels of land situate, lying and being in Indian River Hundred, Sussex County, Delaware, more particularly described on Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED,  
IN THE PRESENCE OF:

[Signature]  
Witness

TUNNELL COMPANIES, L.P.  
By: [Signature] (SEAL)  
Robert W. Tunnell, Jr.  
General Partner

Consideration : 0      0.00 Exempt Code: A

| County  | State            | Total |
|---------|------------------|-------|
| 0.00    | 0.00             | 0.00  |
| counter | Date: 11/07/1997 |       |

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STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 31<sup>st</sup> day of October, in the year of our LORD, one thousand nine hundred and ninety-seven, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, TUNNELL COMPANIES, L.P. by and through Robert W. Tunnell, Jr., General Partner, party to this Indenture known to me personally to be such, and acknowledged this Indenture to be his Deed.

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

Susan E. Davis  
Notary Public

\_\_\_\_\_  
Print or Type Name

Comm. Expires: \_\_\_\_\_



Susan E. Davis  
Notary Public, Delaware  
Comm. Expires 2/9/98



## EXHIBIT "A"

**TRACT NO. 1: (2-34 23.00 272.00)**

ALL that certain lot, piece or parcel of land, with improvements thereon, situate in Indian River Hundred, Sussex County and State of Delaware, more particularly described in a survey of Land Tech, Inc., dated April 20, 1993, as follows:

**BEGINNING** at an iron pipe located on the easterly R.O.W. of State Rt. 24, said iron pipe being a corner for this parcel and lands n/f Leon L. Burton, et ux; thence North 21 degrees 44 minutes 52 seconds East, by and with the easterly R.O.W. of State Rt. 24, a distance of 1365.49 feet to a point; thence North 21 degrees 30 minutes 31 seconds East a distance of 1088.75 feet to a point for corner; thence North 21 degrees 38 minutes 57 seconds East a distance of 875.85 feet to a point for corner; thence North 14 degrees 34 minutes 23 seconds East, by and with the easterly R.O.W. of State Rt. 24, a distance of 122.94 feet to an iron pipe; thence South 41 degrees 25 minutes 06 seconds East, by and with lands N/F Virgie E. Banks, Charles Longshaw, Keith Haas, Leon W. Hall, John D. Fink, and Frank E. Hall, a distance of 1663.83 feet to a marked Dogwood Tree; thence South 49 degrees 13 minutes 29 seconds West, by and with lands N/F Tunnell Companies, L.P., a distance of 2797.94 feet to a Stone; thence South 40 degrees 48 minutes 31 seconds East, by and with lands N/F Tunnell Companies, L.P., thru a concrete marker at 1269.45 feet, a distance of 1520.00 feet to a point; thence South 67 degrees 47 minutes 52 seconds West, by and with lands N/F Tunnell Properties, L.P., and the center of Abram's Branch, a distance of 80.22 feet to a point; thence North 60 degrees 36 minutes 22 seconds West a distance of 42.51 feet to a point for corner; thence South 78 degrees 43 minutes 45 seconds West a distance of 35.06 feet to a point for corner; thence North 54 degrees 30 minutes 27 seconds West a distance of 32.57 feet to a point for corner; thence South 64 degrees 11 minutes 00 seconds West a distance of 79.83 feet to a point for corner; thence North 66 degrees 01 minutes 58 seconds West a distance of 45.91 feet to a point for corner; thence North 87 degrees 28 minutes 00 seconds West a distance of 49.97 feet to a point for corner; thence South 79 degrees 08 minutes 45 seconds West a distance of 59.44 feet to a point for corner; thence North 46 degrees 43 minutes 54 seconds West a distance of 43.53 feet to a point for corner; thence South 64 degrees 11 minutes 54 seconds West a distance of 69.38 feet to a point for corner; thence South 79 degrees 50 minutes 16 seconds West a distance of 43.13 feet to a point for corner; thence South 27 degrees 30 minutes 44 seconds West a distance of 50.21 feet to a point for corner; thence South 73 degrees 03 minutes 25 seconds West a distance of 85.28 feet to a point for corner; thence North 74 degrees 20 minutes 47 seconds West a distance of 63.21 feet to a point for corner; thence North 22 degrees 13 minutes 21 seconds West a distance of 50.40 feet to a point for corner; thence North 87 degrees 21 minutes 08 seconds West a distance of 33.43 feet to a point for corner; thence South 18 degrees 07 minutes 21 seconds West a distance of 54.94 feet to a point for corner; thence South 72 degrees 49 minutes 21 seconds West a distance of 38.46 feet to a point for corner; thence South 41 degrees 01 minutes 59 seconds West a distance of

84.60 feet to a point for corner; thence North 89 degrees 03 minutes 07 seconds West, by and with lands N/F V & L Partnership, and the center of Abram's Branch, a distance of 85.42 feet to a point; thence North 58 degrees 34 minutes 45 seconds West a distance of 41.96 feet to a point for corner; thence South 86 degrees 08 minutes 55 seconds West a distance of 18.90 feet to a point for corner; thence South 65 degrees 29 minutes 16 seconds West a distance of 37.00 feet to a point for corner; thence South 33 degrees 32 minutes 29 seconds West a distance of 43.76 feet to a point for corner; thence South 25 degrees 02 minutes 11 seconds West a distance of 47.08 feet to a point for corner; thence 73 degrees 40 minutes 03 West seconds a distance of 73.10 feet to a point for corner; thence South 40 degrees 29 minutes 01 seconds West a distance of 64.59 feet to a point for corner; thence South 30 degrees 01 minutes 01 seconds West a distance of 72.49 feet to a point for corner; thence South 61 degrees 23 minutes 20 seconds West a distance of 44.14 feet to a point for corner; thence South 41 degrees 48 minutes 07 seconds West a distance of 123.78 feet to a point for corner; thence South 71 degrees 49 minutes 55 seconds West a distance of 86.19 feet to a point for corner; thence South 29 degrees 37 minutes 02 seconds West a distance of 67.16 feet to a point for corner; thence South 21 degrees 52 minutes 00 seconds West a distance of 161.25 feet to a point for corner; thence South 19 degrees 44 minutes 42 seconds East a distance of 54.99 feet to a point for corner; thence South 05 degrees 13 minutes 02 seconds West a distance of 52.45 feet to a point for corner; thence South 26 degrees 48 minutes 13 seconds East a distance of 64.38 feet to a point for corner; thence South 25 degrees 45 minutes 46 seconds West a distance of 132.69 feet to a point for corner; thence South 11 degrees 37 minutes 54 seconds West a distance of 92.93 feet to a point for corner; thence South 22 degrees 03 minutes 13 seconds East a distance of 137.92 feet to a point for corner; thence South 85 degrees 06 minutes 54 seconds West a distance of 58.31 feet to a point for corner; thence South 45 degrees 39 minutes 16 seconds West a distance of 49.14 feet to a point for corner; thence South 66 degrees 30 minutes 04 seconds West a distance of 59.79 feet to a point for corner; thence North 78 degrees 45 minutes 28 seconds West a distance of 79.36 feet to a point for corner; thence North 31 degrees 05 minutes 48 seconds West a distance of 36.86 feet to a point for corner; thence North 80 degrees 32 minutes 18 seconds West a distance of 69.91 feet to a point for corner; thence North 61 degrees 14 minutes 47 seconds West a distance of 50.78 feet to a point for corner; Thence North 40 degrees 31 minutes 27 seconds West, by and with lands N/F Leon L. Burton, et ux., thru and iron pipe at 116.30', a distance of 228.67 feet to the Point of Beginning, said Parcel contains 98.32 Acres of land, being the same, more or less.

BEING the same lands conveyed unto Tunnell Companies, L.P. by a Deed of Townsends, Inc., dated August 19, 1993 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 1931, page 26.

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**TRACT NO. 2: (2-34 23.00 273.00)**

**ALL** that certain piece, parcel and tract of land, lying and being situate in Indian River Hundred, Sussex County and the State of Delaware, fronting on the Northerly right-of-way line of State Route #22 and the Westerly right-of-way line of County Road #298, adjoining lands now or formerly of Blanche W. Baker, V & L Partnership, Townsend's Inc., Earl D. Warrington, Winifred Lukens and Williams & Baker, Inc., being more particularly described as follows, to wit:

**BEGINNING** at a point on the Northerly right-of-way line of State Route #22, 25.00 feet from the centerline thereof, being the Southeasterly corner for lands of Blanche W. Baker, distant North 23 degrees 31 minutes 10 seconds East 1.01 feet from a found concrete monument; thence proceeding with said Baker lands, North 23 degrees 31 minutes 10 seconds East 1,739.15 feet to a found concrete monument at a corner for lands of V & L Partnership; thence running with said lands of V & L Partnership the following six (6) courses and distances: 1) North 87 degrees 02 minutes 09 seconds East 60.07 feet; thence 2) North 48 degrees 35 minutes 37 seconds East 170.69 feet; thence 3) North 33 degrees 27 minutes 05 seconds East 114.61 feet; thence 4) North 00 degrees 14 minutes 08 seconds East 68.42 feet; thence 5) North 15 degrees 45 minutes 19 seconds West 339.79 feet; and thence 6) North 55 degrees 08 minutes 30 seconds West 1,336.89 feet to a corner for lands of Townsend's Inc., being in the center of Abrams Branch; thence running with the center line of said branch and lands of Townsend's Inc., of Earl D. Warrington and of Winifred S. LukenS the following sixty-three (63) courses and distances: 1) North 73 degrees 36 minutes 14 seconds East 7.65 feet; thence 2) South 87 degrees 06 minutes 54 seconds East 78.18 feet; thence 3) North 36 degrees 06 minutes 54 seconds East 49.55 feet; thence 4) North 61 degrees 52 minutes 50 seconds East 40.69 feet; thence 5) North 16 degrees 47 minutes 32 seconds East 35.15 feet; thence 6) South 72 degrees 56 minutes 19 seconds East 45.19 feet; thence 7) South 14 degrees 51 minutes 41 seconds East 63.86 feet; thence 8) South 81 degrees 01 minutes 15 seconds East 96.66 feet; thence 9) North 71 degrees 07 minutes 51 seconds East 42.78 feet; thence 10) North 18 degrees 14 minutes 47 seconds East 50.48 feet; thence 11) North 77 degrees 57 minutes 33 seconds East 62.22 feet; thence 12) North 60 degrees 36 minutes 50 seconds East 47.46 feet; thence 13) South 39 degrees 35 minutes 39 seconds East 115.42 feet; thence 14) North 83 degrees 21 minutes 58 seconds East 40.82 feet; thence 15) South 61 degrees 29 minutes 25 seconds East 49.10 feet; thence 16) North 54 degrees 05 minutes 48 seconds East 42.40 feet; thence 17) North 75 degrees 03 minutes 54 seconds East 24.05 feet; thence 18) South 38 degrees 12 minutes 12 seconds East 36.21 feet; thence 19) North 83 degrees 11 minutes 24 seconds East 39.11 feet; thence 20) South 62 degrees 40 minutes 56 seconds East 65.21 feet; thence 21) South 85 degrees 12 minutes 43 seconds East 68.34 feet; thence 22) South 25 degrees 52 minutes 31 seconds East 93.40 feet; thence 23) South 86 degrees 51 minutes 45 seconds East 78.85 feet; thence 24) South 56 degrees 46 minutes 39 seconds East 36.98 feet; thence 25) South 79 degrees 58 minutes 15 seconds East 55.01 feet; thence 26) North 30 degrees 29 minutes 58 seconds East 55.01 feet; thence 27)

North 67 degrees 36 minutes 42 seconds East 41.60 feet; thence 28) North 51 degrees 48 minutes 35 seconds East 81.51 feet; thence 29) North 67 degrees 58 minutes 43 seconds East 47.93 feet; thence 30) North 81 degrees 19 minutes 34 seconds East 31.67 feet; thence 31) South 82 degrees 24 minutes 24 seconds East 119.72 feet; thence 32) North 82 degrees 20 minutes 52 seconds East 108.26 feet; thence 33) South 78 degrees 42 minutes 13 seconds East 159.00 feet; thence 34) South 48 degrees 42 minutes 13 seconds East 271.00 feet; thence 35) South 22 degrees 42 minutes 13 seconds East 115.00 feet; thence 36) South 49 degrees 42 minutes 13 seconds East 471.00 feet; thence 37) South 35 degrees 42 minutes 13 seconds East 99.00 feet; thence 38) South 76 degrees 42 minutes 13 seconds East 84.00 feet; thence 39) South 47 degrees 42 minutes 13 seconds East 70.00 feet; thence 40) South 27 degrees 04 minutes 23 seconds East 114.75 feet; thence 41) South 42 degrees 42 minutes 13 seconds East 154.00 feet; thence 42) South 65 degrees 42 minutes 13 seconds East 119.00 feet; thence 43) South 06 degrees 42 minutes 13 seconds East 64.00 feet; thence 44) South 44 degrees 42 minutes 13 seconds East 70.00 feet; thence 45) south 28 degrees 42 minutes 13 seconds East 254.00 feet; thence 46) South 48 degrees 42 minutes 13 seconds East 50.00 feet; thence 47) South 15 degrees 42 minutes 13 seconds East 111.00 feet; thence 48) South 52 degrees 42 minutes 13 seconds East 54.19 feet; thence 49) South 27 degrees 42 minutes 13 seconds East 46.00 feet; thence 50) South 50 degrees 42 minutes 13 seconds East 127.00 feet; thence 51) South 36 degrees 42 minutes 13 seconds East 90.00 feet; thence 52) South 78 degrees 42 minutes 13 seconds East 175.00 feet; thence 53) North 72 degrees 17 minutes 47 seconds East 100.00 feet; thence 54) South 67 degrees 42 minutes 13 seconds East 86.00 feet; thence 55) North 65 degrees 17 minutes 47 seconds East 124.00 feet; thence 56) North 38 degrees 17 minutes 47 seconds East 74.00 feet; thence 57) North 15 degrees 17 minutes 47 seconds East 48.00 feet; thence 58) North 46 degrees 42 minutes 13 seconds East 72.00 feet; thence 59) North 51 degrees 17 minutes 47 seconds East 178.00 feet; thence 60) North 33 degrees 17 minutes 47 seconds East 65.00 feet; thence 61) North 70 degrees 17 minutes 47 seconds East 53.00 feet; thence 62) North 28 degrees 17 minutes 47 seconds East 220.00 feet; and thence 63) North 61 degrees 17 minutes 47 seconds East 314.00 feet to a corner for lands of Williams & Baker, Inc.; thence running with said lands of Williams & Baker, Inc. the following nine (9) courses and distances: 1) South 09 degrees 59 minutes 30 seconds West 68.29 feet; thence 2) South 73 degrees 52 minutes 21 seconds East 190.01 feet; thence 3) South 53 degrees 38 minutes 46 seconds East 129.52 feet; thence 4) South 2 degrees 26 minutes 56 seconds West 73.96 feet; thence 5) South 40 degrees 07 minutes 36 seconds East 189.40 feet; thence 6) South 05 degrees 09 minutes 09 seconds West 161.26 feet; thence 7) South 29 degrees 08 minutes 10 seconds West 50.58 feet; thence 8) South 16 degrees 10 minutes 25 seconds West 32.19 feet; and thence 9) South 17 degrees 47 minutes 04 seconds East 35.23 feet to a point on the Westerly right-of-way line of County Road #298; thence running with said right-of-way line of County Road #298 the following fourteen (14) courses and distances: 1) deflecting right along a 815.00 foot radius curve, the chord of which bears South 40 degrees 06 minutes 58 seconds West 74.88 feet, an arc distance of 74.90 feet to a pint of tangency; thence 2) South 47 degrees 15 minutes 04 seconds East 10.00 feet



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to a point of curvature; thence 3) deflecting right along a 825.00 foot radius curve, the chord of which bears South 47 degrees 34 minutes 59 seconds West 139.04 feet, an arc distance of 139.21 feet, to a point of tangency; thence 4) South 52 degrees 25 minutes 01 seconds West 393.70 feet; thence 5) South 57 degrees 23 minutes 42 seconds West 145.81 feet; thence 6) South 72 degrees 22 minutes 03 seconds West 94.16 feet; thence 7) South 77 degrees 20 minutes 47 seconds West 92.67 feet; thence 8) South 71 degrees 47 minutes 18 seconds West 53.34 feet; thence 9) South 62 degrees 10 minutes 04 seconds West 94.59 feet; thence 10) South 55 degrees 56 minutes 09 seconds West 380.81 feet; thence 11) South 56 degrees 05 minutes 43 seconds West 124.84 feet; thence 12) South 56 degrees 32 minutes 15 seconds West 992.05 feet to a point of curvature; thence 13) deflecting left along a 575.42 foot radius curve, the chord of which bears South 38 degrees 13 minutes 17 seconds West 361.66 feet, an arc distance of 367.90 feet to a point of tangency; and thence 14) South 19 degrees 54 minutes 19 seconds West 801.30 feet to a point on the aforementioned Northerly right-of-way line of State Route #22; thence finally, running with said right-of-way line of State Route #22, North 61 degrees 17 minutes 44 seconds West 1619.11 feet to the place of beginning, containing 171.30 acres of land, more or less, as surveyed by Charles D. Murphy, Jr., Registered Land Surveyor, dated March 6, 1992.

BEING Parcel B of Tract Number One of the land conveyed unto Tunnell Companies, L.P. by J.G. Townsend, Jr. & Co. dated July 21, 1992 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 1858, page 346.

TRACT NO. 3: (2-34 23.00 274.00)

ALL that certain tract, piece or parcel of land situate, lying and being on the Southwesterly side of county road #298, in Indian River Hundred, Sussex County, Delaware, more particularly bounded and described as follows, to wit:

BEGINNING at a concrete monument found in the Southwesterly right-of-way line of County Road #298, a corner for these lands and lands now or formerly of Williams & Baker, Inc.; thence from said point of beginning and running along and with the line of lands now or formerly of Williams & Baker, Inc., South 54 degrees 00 minutes 00 seconds West 509.99 feet to a point; thence turning and running and continuing with the line of lands now or formerly of Williams & Baker, Inc., South 5 degrees 41 minutes 00 seconds East 388.20 feet to a point, a corner for these lands, lands now or formerly of Williams & Baker, Inc., lands now or formerly of J.G. Townsend, Jr. & Co. and the centerline of Guinea Creek; thence turning and running with the line of lands now or formerly of J.G. Townsend, Jr. & Co. and the centerline of Guinea Creek, the following thirty-two (32) courses and distances: (1) South 56 degrees 00 minutes 00 seconds West 314.00 feet to a point; thence (2) South 23 degrees 00 minutes 00 seconds West 220.00 feet to a point; thence (3) South 65 degrees 00 minutes 00 seconds West 65.00 feet to a point; thence (4) South 28 degrees 00 minutes 00 seconds West 65.00 feet to point; thence (5) South 46

degrees 00 minutes 00 seconds West 178.00 feet to a point; thence (6) South 52 degrees 00 minutes 00 seconds East 72.00 feet to a point; thence (7) South 10 degrees 00 minutes 00 seconds West 48.00 feet to a point; thence (8) South 33 degrees 00 minutes 00 seconds West 74.00 feet to a point; thence (9) South 60 degrees 00 minutes 00 seconds West 124.00 feet to a point; thence (10) North 73 degrees 00 minutes 00 seconds West 86.00 feet to a point; thence (11) South 67 degrees 00 minutes 00 seconds West 100.00 feet to a point; thence (12) North 84 degrees 00 minutes 00 seconds West 175.00 feet to a point; thence (13) North 42 degrees 00 minutes 00 seconds West 90.00 feet to a point; thence (14) North 56 degrees 00 minutes 00 seconds West 127.00 feet to a point; thence (15) North 33 degrees 00 minutes 00 seconds West 46.00 feet to a point; thence (16) North 58 degrees 00 minutes 00 seconds West 54.19 feet to a point; thence (17) North 21 degrees 00 minutes 00 seconds West 111.00 feet to a point; thence (18) North 54 degrees 00 minutes 00 seconds West 50.00 feet to a point; thence (19) North 34 degrees 00 minutes 00 seconds West 254.00 feet to a point; thence (20) North 50 degrees 00 minutes 00 seconds West 70.00 feet to a point; thence (21) North 12 degrees 00 minutes 00 seconds West 64.00 feet to a point; thence (22) North 71 degrees 00 minutes 00 seconds West 119.00 feet to a point; thence (23) North 48 degrees 00 minutes 00 seconds West 154.00 feet to a point; thence (24) North 32 degrees 22 minutes 10 seconds West 114.75 feet to a point; thence (25) North 53 degrees 00 minutes 00 seconds west 70.00 feet to a point; thence (26) North 82 degrees 00 minutes 00 seconds West 84.00 feet to a point; thence (27) North 41 degrees 00 minutes 00 seconds West 99.00 feet to a point; thence (28) North 55 degrees 00 minutes 00 seconds West 47.00 feet to a point; thence (29) North 28 degrees 00 minutes 00 seconds West 115.00 feet to a point; thence (30) North 54 degrees 00 minutes 00 seconds West 271.00 feet to a point; thence (31) North 84 degrees 00 minutes 00 seconds West 159.00 feet to a point; thence (32) South 77 degrees 00 minutes 00 seconds West 108.04 feet to a point corner for these lands, lands now or formerly of Earl D. Warrington and in line of lands now or formerly of J.G. Townsend, Jr. & Co.; thence turning and running along and with the line of lands now or formerly of Earl D. Warrington, North 43 degrees 30 minutes 00 seconds East 2,717.12 feet to a concrete monument found along the Southwesterly right-of-way line of County Road #298, a corner for these lands and lands now or formerly of Earl D. Warrington; thence turning and running along and with the right-of-way line of Country Road #298, the following seven (7) courses and distances: (1) South 47 degrees 00 minutes 16 seconds East 83.47 feet to a point; thence (2) with a curve bearing to the right, having a radius of 2,114.33 feet, an arc distance of 275.41 feet to a point; thence (3) South 39 degrees 32 minutes 28 seconds East 462.28 feet to a point; thence (4) South 37 degrees 58 minutes 00 seconds East 342.18 feet to a point; thence (5) South 36 degrees 33 minutes 00 seconds East 335.06 feet to a point; thence (6) with a curve bearing to the right, having a radius of 531.05 feet, an arc distance of 280.68 feet to a point; thence (7) South 6 degrees 16 minutes 00 seconds East 387.06 feet to a concrete monument found in the Southwesterly right-of-way line of County road #298, the point and place of beginning, said to contain 116.7957 acres of land, be the same more or less, as surveyed by Coast Survey, Inc., December 10, 1990.

02244 2334

BEING the same land conveyed unto Tunnell Companies, L.P., by Deed of Winifred S. Lukens, et al. dated September 24, 1991 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 1805, page 93.

TRACT NO. 4: (2-34 17.00175.00)

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County and State of Delaware, fronting on the southwesterly side of County Road 298, adjoining lands of Edward S. Rodgers, Jr., lands of William Rodgers, lands of Arthur Tormet, lands of Frank E. Hall, lands of Townsend's, Inc., and lands of Earl D. Warrington, about to be conveyed to Tunnell Companies, L.P., and more particularly described as follows, according to a survey and plot thereof prepared by Charles D. Murphy, Jr., Registered Land Surveyor, dated September 4, 1984, to-wit:

BEGINNING at a set iron pipe on the southwesterly right-of-way line of aforementioned County Road 298, 25 feet from the centerline thereof, at a corner for lands of Earl D. Warrington, about to be conveyed to Tunnell Companies, L.P., and distant, on a bearing of South 44 degrees 38 minutes 26 seconds East, 60.005 feet from the southeast corner of lands of Edward S. Rodgers, Jr.; thence, running with said lands of Earl D. Warrington, about to be conveyed to Tunnell Companies, L.P., the following three courses and distances, viz: (1) South 46 degrees 07 minutes 08 seconds West, 681.76 feet to a set iron pipe; thence, (2) North 43 degrees 45 minutes 56 seconds West, 778.00 feet to a set iron pipe; thence, (3) South 46 degrees 19 minutes 57 seconds West, 2422.84 feet to a set iron pipe on line of lands of Townsend's, Inc.; thence, following line of lands of Townsend's, Inc., the following three courses and distances, viz: (1) North 43 degrees 45 minutes 56 seconds West, 1022.20 feet to a found stone; thence, (2) North 46 degrees 39 minutes 43 seconds East, 2482.92 feet to a found concrete monument; thence, (3) North 46 degrees 30 minutes 41 seconds East, 314.10 feet to a found concrete monument at the southwest corner of lands of Frank E. Hall; thence, proceeding along said Hall lands, North 43 degrees 21 minutes 26 seconds East, 271.25 feet to a point on aforementioned southwesterly line of County Road 298 and which is distant, on a bearing of South 43 degrees 21 minutes 26 seconds West, 0.32 feet from a found concrete monument; thence, following said right-of-way line of County Road 298, South 46 degrees 14 minutes 22 seconds East, 14.90 feet to the northeast corner of lands of Arthur Tormet, which corner is distant, on a bearing of south 43 degrees 01 minutes 49 seconds West, 0.43 feet from a found concrete monument; thence, running with said Tormet lands, South 43 degrees 01 minutes 49 seconds West, 270.82 feet to a found concrete monument; thence, continuing with said Tormet lands South 46 degrees 31 minutes 45 seconds West, 315.26 feet to a point; thence, following line of lands of Arthur Tormet, William Rodgers and Edward S. Rodgers, Jr., South 43 degrees 45 minutes 56 seconds East, 1709.40 feet to a found concrete monument; thence, continuing with said lands of Edward S. Rodgers, Jr., North 46 degrees 07 minutes 08 seconds East, 620.83 feet to a set iron pipe on

aforementioned southwesterly right-of-way line of County Road 298; thence, finally proceeding along said right-of-way line of County Road 298, South 44 degrees 38 minutes 26 seconds East, 60.005 feet to the place of BEGINNING, containing 60.00 acres of land, more or less.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Laura Joyce Warrington Hoge dated January 2, 1991 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 1823, page 317.

**TRACT NO. 5: (2-34 17.00 175.01)**

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County and State of Delaware, fronting on the Southwesterly side of County Road 298, adjoining lands of Laura J. W. Hoge, about to be conveyed unto Tunnell Companies, L.P., lands of J.G. Townsend, Jr., other lands of Tunnell Companies, L.P. and lands of Townsend's Inc., and more particularly described as follows, according to a survey and plot thereof prepared by Charles D. Murphy, Jr., Registered Land Surveyor, dated September 4, 1984, to wit:

BEGINNING at a set iron pipe on aforementioned Southwesterly right-of-way line of Road 298, 25.00 feet from the centerline thereof, and at the Northeast corner of other lands of Tunnell Companies, L.P.; thence running with said Tunnell Companies, L.P. lands, South 46 degrees 11 minutes 34 seconds West, 2,748.97 feet to a corner for lands of J.G. Townsend, Jr. & Co., in the centerline of Abram's Branch passing over a field stone found at 2,346.37 feet; thence running with said lands of J.G. Townsend, Jr. & Co., and with the centerline of Abram's Branch, South 80 degrees 38 minutes 44 seconds West, 432.40 feet to a corner for lands of Townsend's Inc.; thence, running with said lands of Townsend's, Inc., North 43 degrees 45 minutes 56 seconds West, 605.53 feet to a set iron pipe at a corner for lands of Laura J.W. Hoge, about to be conveyed to Tunnell Companies, L.P.; thence, following line of said lands of Laura J.W. Hoge, about to be conveyed to Tunnell Companies, L.P., the following three courses and distances, viz: (1) North 46 degrees 19 minutes 57 seconds East, 2422.84 feet to a set iron pipe; thence, (2) South 43 degrees 45 minutes 56 seconds East, 778.00 feet to a set iron pipe; thence, (3) North 46 degrees 07 minutes 08 seconds East, 681.76 feet to a set iron pipe on the aforementioned southwesterly right-of-way line of County Road 298; thence, following said right-of-way line of County Road 298, South 44 degrees 38 minutes 26 seconds East, 67.065 feet to the place of BEGINNING, containing 47.1606 acres of land, more or less.

BEING the same land conveyed unto Tunnell Companies, L.P. by a Deed of Earl D. Warrington dated January 3, 1991 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 1823, page 319.

**TRACT NO. 6: (2-34 23.00 709.00)**

**ALL that certain tract and parcel of land lying and being in Indian River Hundred, Sussex County, Delaware, and being more particularly described as follows:**

**BEGINNING** at a point located along the northwesterly right of way of County Road 298, said point marking the division line between the lands described herein and other lands of Tunnell Companies, L.P. and also marking the southwesterly end of a bridge over Abrams Branch; thence from said point of beginning and by and with other properties of the grantee North 40 degrees 19 minutes 53 seconds West 10.23 feet to a point; thence North 17 degrees 54 minutes 15 seconds West 35.23 feet; thence North 16 degrees 03 minutes 14 seconds East 32.19 feet to a point; thence North 29 degrees 00 minutes 59 seconds East 50.58 feet to a point; thence North 05 degrees 01 minutes 58 seconds East 161.26 feet to a point; thence North 40 degrees 14 minutes 47 seconds West 189.40 feet to a point; thence North 22 degrees 19 minutes 45 seconds East 73.96 feet to a point located in Abrams Branch; thence continuing with the Branch North 53 degrees 45 minutes 57 seconds West 129.52 feet to a point in the Branch; thence North 73 degrees 59 minutes 32 seconds West 177.69 feet to a point in the Branch; thence North 00 degrees 29 minutes 44 seconds West 458.01 feet to a concrete marker; thence North 59 degrees 11 minutes 16 seconds East 509.52 feet to a concrete marker situate along the aforesaid right of way of County Road 298; thence by and with said right of way the following eighteen (18) courses and distances, back to the point and place of Beginning: (1) South 01 degrees 14 minutes 53 seconds East 255.99 feet; (2) South 03 degrees 48 minutes 08 seconds East 131.22 feet; (3) South 10 degrees 36 minutes 29 seconds East 101.08 feet; (4) South 20 degrees 45 minutes 05 seconds East 52.42 feet; (5) South 26 degrees 41 minutes 01 seconds East 52.71 feet; (6) South 29 degrees 24 minutes 08 seconds East 100.31 feet; (7) South 24 degrees 38 minutes 53 seconds East 90.01 feet; (8) South 17 degrees 36 minutes 28 seconds West 54.93 feet; (9) South 11 degrees 19 minutes 53 seconds East 63.63 feet; (10) South 05 degrees 04 minutes 18 seconds West 57.38 feet; (11) South 18 degrees 50 minutes 46 seconds West 51.75 feet; (12) South 28 degrees 26 minutes 49 seconds West 50.45 feet; (13) South 34 degrees 07 minutes 50 seconds West 45.90 feet; (14) South 37 degrees 47 minutes 17 seconds West 228.06 feet; (15) North 52 degrees 48 minutes 23 seconds West 5.76 feet; (16) South 37 degrees 30 minutes 22 seconds West 53.56 feet; (17) South 15 degrees 50 minutes 31 seconds West 20.23 feet; (18) South 37 degrees 09 minutes 37 seconds West 51.58 feet, home to the point and place of Beginning, containing 9.81 Acres, more or less, as surveyed by Land-Tech, Inc. on July 8, 1993, which may be found of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Plot Book 51, page 155.

**BEING** the same lands conveyed unto Tunnell Companies, L.P. by a Deed of Williams & Baker, Inc., dated November 22, 1993 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 1946, page 227.

RECORDER OF DEEDS  
FRANCIS M. BACHAUSKAS

97 NOV -7 AM 11:16

SUSSEX COUNTY  
DOC. SURCHARGE PAID

Received

NOV 10 1997

ASSESSMENT DIVISION  
OF SUSSEX CTY

12-18-97  
Raywood LLC  
RD 1 Box 291  
Long Neck, DE  
19966



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 5<sup>th</sup>, 2021  
RE: Staff Analysis for CZ 1922 Baywood, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1922 Baywood, LLC to be reviewed during the May 13, 2021, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcels 234-23.00-270.00, 273.01, 273.02, 273.03 and 273.05 to allow for a change of zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a Neighborhood Business (B-1) Zoning District to a High Density Residential Zoning District, Residential Planned Community (HR-RPC). The parcels are located on the northern and southern sides of Long Neck Road (Route 23) approximately 500 feet east of John J. Williams Highway (Route 24). The parcels to be rezoned consist of 54.38 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject properties have a land use designation of "Coastal Area" and "Commercial Area." The properties to the north and south also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the 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.

Additionally, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Comprehensive Plan also notes that mixed-use buildings may also be appropriate for these areas.

The subject properties are zoned General Commercial (C-1), Neighborhood Business (B-1) and Commercial Residential (CR-1). The adjacent parcels to the north of the subject properties on the north side of Long Neck Road (Route 23) are zoned General Residential (GR). The properties to



the south of the southern parcels, which are part of this application and are located on the south side of Long Neck Road (Route 23), are zoned General Residential (GR) and High Density Residential (HR-1).

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 High Density Residential (HR-1) Zoning District is listed as an applicable zoning district within the “Coastal Area.”

Since 2011, there have been two (2) Change of Zone applications within a 2-mile radius of the application site. The first application is for Change of Zone No. 1880 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on July 16, 2019 and the change was adopted through Ordinance No. 2669. The second application is for Change of Zone No. 1791 for a change of zone from an Agricultural Residential (AR-1) Zoning District and a General Commercial (C-1) Zoning District to a High-Density Residential Zoning District (HR-1). The application was approved by the Sussex County Council on April 12, 2016 and adopted through Ordinance No. 2444.

A potential amendment to the Future Land Use map for parcel 270.00 has been submitted to the State Planning Office for review at the June PLUS meeting.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a Neighborhood Business (B-1) Zoning District to a High Density Residential Zoning District, Residential Planned Community (HR-RPC) could be considered as being generally consistent with the land use, area zoning and surrounding uses.



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

JENNIFER COHAN  
SECRETARY

September 19, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Robert Tunnell, III** rezoning application, which we received on September 10, 2019. This application is for an approximately 91.52-acre assemblage of parcels (Tax Parcels: 234-23.00-273.00, 273.01, 273.02, 273.03 and 273.05). The subject land is located on both sides of Long Neck Road (Sussex Road 22), west of School Lane and Bank Road (Sussex Road 298), approximately 2,300 feet east of the intersection of Delaware Route 24 and Long Neck Road / Indian Mission Road (Sussex Road 22). The subject land is currently split-zoned as B-1 (General Business), C-1 (General Commercial) and CR-1 (Commercial Residential), and the applicant is seeking to rezone the land to HR (High-Density Residential) with a residential planned community (RPC) overlay to develop 514 apartment units.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Long Neck Road where the subject land is located, which is from Masseys Landing to Delaware Route 24, are 11,338 and 14,592 vehicles per day, respectively. As the subject land also has frontage along School Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Bay Farm Road (Sussex Road 299) to Delaware Route 24, are 3,921 and 5,046 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use would generate more than 50 vehicle trips in any hour or 500 vehicle trips per day, and would be considered to have a Major impact to the local area roadways. In this instance, the Department considers a Major impact to be when a proposed land use would generate more than 200 vehicle trips in any hour of the week and / or 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 514 apartment units would generate 2,800 vehicle trips per day, 170 vehicle trips during the morning peak hour, and 213 vehicle trips during the afternoon peak hour. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application.



Ms. Janelle M. Cornwell  
Page 2 of 3  
September 19, 2019

It is noted that two proposed residential developments currently conducting TIS would occupy the subject parcels. Briefly, the Baywood Garden Villas Phases I & II is proposed to include 353 units of low-rise multi-family housing and would occupy Tax Parcels 234-23.00-270.00 and 273.05. The Woodlands (f.k.a. Baywood Gardens Phase III) is proposed to include 160 units of low-rise multi-family housing and would occupy Tax Parcels 234-23.00-273.01, 273.02 and 273.03. Copies of the TIS Scopes of Work for the above-mentioned projects are enclosed with this letter.

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Robert Tunnell, III, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



**PLANNING & ZONING**  
JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 5/31/19

### Site Information:

Site Address/Location: Intersection of Long Neck Road, School Land and Greens Way

Tax Parcel Number: TM 234-23, P 273, 273.01, 273.02, 273.03, 273.05

Current Zoning: B-1, C-1, & CR-1

Proposed Zoning: HR/RPC

Land Use Classification: FH, TX, RV, AG & CO

Proposed Use(s): 514 Apartments and Associated Amenities

Square footage of any proposed buildings or number of units: 514 Units

### Applicant Information:

Applicant's Name: Robert Tunnell, III

Applicant's Address: 34026 Annas Way, Suite 1

City: Long Neck State: DE Zip Code: 19966

Applicant's Phone Number: (302) 945-9300

Applicant's e-mail address: rtunnell@potnets.com



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

SENT EMAIL  
3:42PM 9/19/2019





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

JENNIFER COHAN  
SECRETARY

MEMORANDUM

**TO:** File

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** September 18, 2018

**SUBJECT:** Baywood at Garden Villas Phase I & II  
Traffic Impact Study (TIS) – Scoping Meeting (09/06/18)  
Scope of Work

**ATTENDANCE:** Betty Tustin, The Traffic Group, Inc.  
Jason Palkewicz, Solutions IPEM  
Brian Yates, DelDOT Planning  
Claudy Joinville, DelDOT Planning

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Background and Discussion

Baywood, LLC seeks to develop 353 low-rise multi-family dwelling units on an approximately 24.35-acre assemblage of parcels (Tax Parcels: 234-23.00-270.00 & 273.03). The development will be built in two phases with Phase I consisting of 209 units and Phase II, 144 units.

The land is located on the north side of Long Neck Road (Sussex Road 22), approximately 1,000 feet east of the intersection of Delaware Route 24 and Long Neck Road, in Sussex County. The land is currently split-zoned as C-1 (General Commercial) and B-1 (Neighborhood Business), and the developer does not plan to rezone the land.

Two access points are proposed along Long Neck Road: one access point directly opposite Bayshore Drive and another via Greens Way, which serves the existing Baywood residential development. Construction is anticipated to be complete in 2027.

Cases to be Evaluated

The study shall evaluate the weekday morning, weekday evening, summer Saturday midday peak hours for the following situations:

- 1) Existing (2018);
- 2) 2027 without development;
- 3) 2027 with development.

### **Facilities to be Evaluated**

The TIS should evaluate conditions at the following intersections for capacity and level of service using the Highway Capacity Software (HCS). It should also evaluate the extent to which they meet the relevant DelDOT, AASHTO and MUTCD standards for geometry and traffic control devices.

- 1) Site Entrance A / Bayshore Drive / Long Neck Road (Sussex Road 22)
- 2) Site Entrance B / Greens Way / Long Neck Road
- 3) Delaware Route 24 / Indian Mission Road (Sussex Road 22) / Long Neck Road
- 4) Indian Mission Road / E. Stonewater Creek Boulevard / Surf Board Boulevard (*backfill*)
- 5) Indian Mission Road / Cannon Road (Sussex Road 307)
- 6) Indian Mission Road / Harmons Hill Road / Phillip Branch Road (Sussex Road 302)
- 7) Delaware Route 24 / Plaza Drive (*backfill*)
- 8) Delaware Route 24 / Sherwood Forest (*backfill*)
- 9) Delaware Route 24 / Autumn Road / Bay Farm (Sussex Road 299)
- 10) Delaware Route 24 / White Pine Drive (*backfill*)
- 11) Delaware Route 24 Greens Way (*backfill*)
- 12) Delaware Route 24 / Banks Road (Sussex Road 298)
- 13) Delaware Route 24 / Holly Lake Road (Sussex Road 301)

### **Traffic Counts**

The Consultant should conduct traffic counts for the intersections listed above from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., on a Tuesday, Wednesday or Thursday, and from 10:00 a.m. to 2:00 p.m. on a Saturday to determine when the peaks occur. The weekday counts should be performed during a time when schools are open and operating at a normal capacity. The Saturday counts should be conducted at a time when local area schools, as well as schools in the nearby metropolitan areas of Philadelphia, Baltimore, and Washington, D.C., are closed in June, July, or August.

Additionally, an Automatic Traffic Recorders (ATR) should be used to collect traffic data on Long Neck Road near the area of the proposed site entrances. The ATRs should be placed for a one-week time period that includes the date(s) of the manual traffic counts. The ATR data will be used to verify the manual counts and determine whether adjustments are required.

Section 2.2.8.5, item 19, under Existing Traffic and Transportation Conditions in the Development Coordination Manual addresses how oversaturated intersections are to be counted.

The traffic counts should be submitted to DelDOT both electronically as Portable Document Format (PDF)/Excel files and as draft report figures showing peak hour volumes (labeled with date and peak hour interval) posted on diagrams of the road network.

The Consultant should include counts of pedestrians, a separate count of right-turn on red (in addition to right-turn movement counts), and a separate count of heavy vehicles.

The Consultant should be alert for events affecting the traffic counts, such as accidents or nearby construction and shall make note of any such events when submitting the counts. As necessary, DelDOT reserves the right to reject the counts or require adjustments to them.

### **Trip Generation**

The Consultant shall use the 10<sup>th</sup> edition of the ITE Trip Generation Manual in generating trips for this development.

### **Trip Distributions**

A trip distribution to be used for the site is attached.

### **Growth Factors**

The Consultant shall apply growth factors to the traffic counts. DelDOT will develop those factors after we receive the Consultant's traffic counts.

The Consultant should also determine what portions of the following developments were complete at the time of any traffic counts to be used in the study and shall add in projected traffic from any unbuilt portions. The following information on the amount and types of development associated with these projects is tentative and should be verified with Sussex County.

- 1) Bridlewood at Baywood (675 single-family detached houses)\*
- 2) Pelican Point (400 single-family detached houses)
- 3) Independence (a.k.a. Indigo Run) (450 single-family detached houses)
- 4) Acadia f.k.a. Insight at Lewes Point (238 single-family detached houses)
- 5) The Woods at Burton Pond (165 single-family detached houses)
- 6) Burton Pond (319 single-family detached houses)
- 7) Deerbrook (120 single-family detached houses)
- 8) Peninsula Lakes (588 single-family detached houses, 72 multi-family low-rise houses, and 15,000 square-feet of retail space)
- 9) Baylis Estates (136 single-family detached houses)
- 10) Peninsula Square (40,000 square feet of retail space, 15,000 square feet of medical office space, a 6,200 square-foot high turn-over sit-down restaurant, 144 apartments, and a 100-room hotel)

\* Section 2.2.8.10 of the Development Coordination Manual provides a rule for determining a development's expected year of completion for the purpose of a TIS. In accordance with that rule, Bridlewood at Baywood has a projected buildout year of 2034. Again by that rule, Bridlewood at Baywood is projected to have 350 dwellings occupied in 2027. Therefore this TIS should account for only 350 of the 675 total dwellings.

### **Highway Capacity Software**

The Consultant shall use the most recent version of the Highway Capacity Software (HCS) that implements the 6<sup>th</sup> Edition of the Highway Capacity Manual (HCM). Presently, that is HCS7.



**Seasonal Adjustment Factors** for the roads in the study area are as follows:

| Roads                                    | August | September | October |
|--|--------|-----------|---------|
| Delaware Route 24                        | 0.77   | 0.92      | 1.09    |
| Indian Mission Road (Sussex Road 22)     | 0.92   | 0.96      | 0.95    |
| Long Neck Road (Sussex Road 22)          | 0.77   | 0.92      | 1.09    |
| Banks Road (Sussex Road 298)             | 0.92   | 0.96      | 0.95    |
| Autumn Road / Bay Farm (Sussex Road 299) | 0.92   | 0.96      | 0.95    |
| Holly Lake Road (Sussex Road 301)        | 0.92   | 0.96      | 0.95    |
| Phillip Branch Road (Sussex Road 302)    | 0.92   | 0.96      | 0.95    |
| Harmons Hill Road (Sussex Road 302)      | 0.92   | 0.96      | 0.95    |
| Cannon Road (Sussex Road 307)            | 0.92   | 0.96      | 0.95    |
| All Other Roads                          | 1.00   | 1.00      | 1.00    |

**DeIDOT Projects**

Currently, DeIDOT has two active projects in the study area.

1. The first project involves DeIDOT's Hazard Elimination Program (HEP), formerly known as the Highway Safety Improvement Program (HSIP), which has two sites that include the intersections of Delaware Route 24 and Indian Mission Road / Long Neck Road, and Delaware Route 24 and Plaza Drive. The purpose of this project is to make operational improvements to address safety deficiencies and to accommodate future traffic volumes at these intersections. The proposed improvements associated with this project include:
  - Build channelization islands at several entrances along Delaware Route 24 to restrict certain turning movements.
  - Construct sidewalk connections to fill in gaps.
  - Install bicycle lanes.
  - Relocate the entrance of the Timber Acres community to align with the adjacent traffic signal at Plaza Drive.
  - Provide consistent lanes, shoulders and curbs along Delaware Route 24.
  - Extend the Delaware Route 24 left-turn lanes onto Indian Mission Road and Long Neck Road.
  - Extend the Long Neck Road left-turn lane onto westbound Delaware Route 24.
  - Reconstruct the traffic signals at the intersections of Delaware Route 24 and Indian Mission Road / Long Neck Road, and Delaware Route 24 and Plaza Drive.

More details, including concept plans for this project, are available at the following link: [https://www.deldot.gov/information/projects/HSIP\\_SR24\\_SR5\\_SR23/](https://www.deldot.gov/information/projects/HSIP_SR24_SR5_SR23/). For more information on how this project affects the proposed development, the Consultant shall contact Mr. Mark Whiteside, Project Manager in the Project Development – South section. Mr. Whiteside may be reached at (302) 760-2127.

2. The second project also pertains to DelDOT's Hazard Elimination Program. This project has two sites that include the intersections of Delaware Route 24 and Mount Joy Road, and Delaware Route 24 and Bay Farm Road / Autumn Road. At the intersection of Delaware Route 24 and Mount Joy Road, the proposed improvements include:
- Widen the northbound and southbound Oak Orchard Road and Mount Joy Road approaches, respectively, to provide separate left-turn, pass through, and right-turn lanes.
  - Extend the left-turn and right-turn lanes on all approaches to meet storage requirements.
  - Construct sidewalks and bicycle lanes.

At the intersection of Delaware Route 24 and Bay Farm Road / Autumn Road, the proposed improvements include:

- Widen the northbound and southbound Bay Farm Road and Autumn Road approaches, respectively, to provide separate left-turn, pass through, and right-turn lanes.
- Widen the westbound Delaware Route 24 approach to provide separate left-turn, pass through, and right-turn lanes.
- Extend the left-turn and right-turn lanes on all approaches to meet storage requirements.
- Construct sidewalks and bicycle lanes.

More details, including concept plans for this project, are available at the following link: [https://www.delDOT.gov/information/projects/SR24\\_MountJoy\\_BayFarmRd/index.shtml](https://www.delDOT.gov/information/projects/SR24_MountJoy_BayFarmRd/index.shtml). For more information on how this project affects the proposed development, the Consultant shall also contact Mr. Whiteside.

### **Transit, Bicycle, and Pedestrian Facilities**

The study should describe the existing and proposed transit service in the project area and should also describe the existing and needed transit, bicycle, and pedestrian facilities on or near the project site. In determining these items, the Consultant shall contact Mr. David Dooley, a Service Development Planner at the Delaware Transit Corporation (DTC), and Mr. Anthony Aglio, of DelDOT's Statewide and Regional Planning Section. Mr. Dooley may be reached at (302) 576-6064. Mr. Aglio may be reached at (302) 760-2509.

### **General Notes**

- 1) All submissions relating to this study should be made electronically via the Planning and Development Coordination Application (PDCA), preferably in Portable Document Format (PDF).
- 2) The Consultant is advised to read Chapter 2 in the Development Coordination Manual carefully, as our regulations have changed. A current version is available on our website at the following link: <https://delDOT.gov/Business/subdivisions/index.shtml?dc=changes>.
- 3) The Consultant should e-mail DelDOT's Transportation Management Center (TMC) at [tmc1@state.de.us](mailto:tmc1@state.de.us) to obtain advance approval for the use of any signal timings.



Memorandum to File  
September 18, 2018  
Page 6 of 6

- 4) The Consultant should contact Ms. Kari Glanden, of DelDOT's Traffic Safety Section, for crash data within the study area. The Consultant shall report on this data and make recommendations for improvements if safety problems exist in the study area. Ms. Glanden may be reached at (302) 659-4069.
- 5) The Consultant should e-mail DelDOT's Transportation Management Center (TMC) at [tmcl@state.de.us](mailto:tmcl@state.de.us) before installing ATRs to notify the TMC of the time, location and duration the ATRs will remain installed. The Consultant should provide contact information for the person to reach in the event of an equipment failure or other problem.
- 6) Both DelDOT and Sussex County reserve the right to change this scope of work if the study is not performed within a reasonable time.
- 7) The developer may choose to have DelDOT's Consultant perform the TOA rather than use their own Consultant. If this option is of interest, the developer should contact me at (302) 760-2167 to request a cost estimate.
- 8) By copy of this memorandum I ask those copied to contact me at (302) 760-2124 regarding any significant errors or omissions.

CJ:cjm  
Enclosure

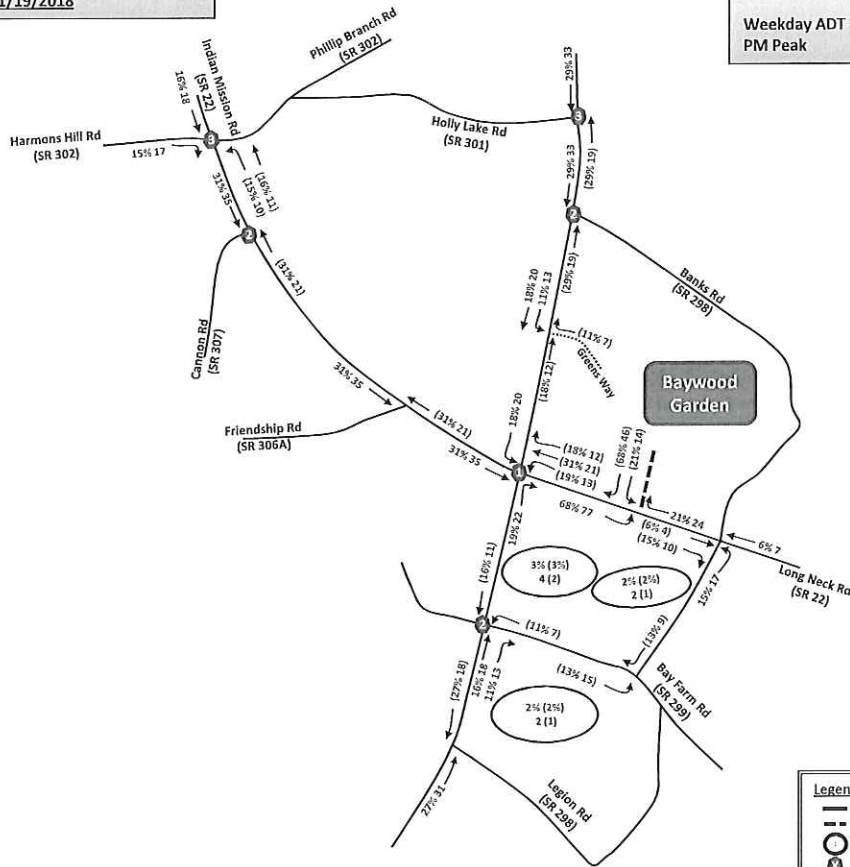
cc: Janelle Cornwell, Director, Sussex County Planning and Zoning  
Drew Boyce, Director, Planning  
Michael Simmons, Assistant Director for Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
Peter Haag, Traffic Studies Manager, Traffic, DOTS  
Alastair Probert, South District Engineer, DOTS  
Gemez Norwood, South District Public Works Supervisor, DOTS  
William Kirsch, South District Permit Supervisor, DOTS  
Steve Sisson, Sussex County Review Coordinator, Development Coordination  
T. William Brockenbrough, County Coordinator, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Anthony Aglio, Statewide & Regional Planning  
Kari Glanden, Statistical Information Supervisor, DelDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS  
Andrew Parker, McCormick & Taylor, Inc.  
Mir Wahed, Johnson, Mirmiran, & Thompson, Inc.



PM Peak Distribution / Assignment  
 September 18, 2018  
 Revised 11/19/2018

**Baywood Garden Villas Phases I & II**  
 Trip Generation - Residential  
 353 Multi-family Low-Rise Houses (ITE 10 LUC 220)

|             | IN    | OUT   |
|-------------|-------|-------|
| Weekday ADT | 1,314 | 1,314 |
| PM Peak     | 114   | 67    |



Note: Figure Not Drawn to Scale

**Legend**

- State-maintained road
- - - Site Entrance
- Traffic lost / gained before intersections
- State-maintained Intersections
- XX Inbound Trips
- (XX) Outbound Trips



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

JENNIFER COHAN  
SECRETARY

**MEMORANDUM**

**TO:** File

**FROM:** Claudy Joinville, Project Engineer *C.J.*

**DATE:** April 24, 2019

**SUBJECT:** Baywood Gardens – Phase 3  
Traffic Impact Study (TIS) – Scoping Meeting (4/11/19)  
Scope of Work

**ATTENDANCE:** Robert Tunnell, III, Baywood LLC  
Betty Tustin, The Traffic Group, Inc.  
Jason Palkewicz, Solutions IPEM  
Susanne Laws, DelDOT Planning  
T. William Brockenbrough, DelDOT Planning  
Claudy Joinville, DelDOT Planning

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**Background and Discussion**

Baywood, LLC seeks to develop 160 low-rise multi-family houses on an approximately 15.36-acre assemblage of parcels (Tax Parcels: 234-23.00-273.01, 273.02, and 273.03). The land is located on the southwest corner of the intersection of Long Neck Road (Sussex Road 22) and School Lane / Banks Road (Sussex Road 298), in Sussex County. The land is currently zoned as CR-1 (Commercial Residential), and the developer plans to rezone the land to HR-1 (High-Density Residential) with a Residential Planned Community overlay.

Two access points are proposed: a full access along School Lane directly opposite the Long Neck Shopping Plaza driveway, and a rights-in / rights-out / lefts-out access on Long Neck Road directly opposite Greens Way. Construction is anticipated to be complete in 2024.

**Cases to be Evaluated**

The study shall evaluate the weekday morning, weekday evening, summer Saturday midday peak hours for the following situations:

- 1) Existing (2019);
- 2) 2024 without development;
- 3) 2024 with development.

### **Facilities to be Evaluated**

The TIS should evaluate conditions at the following intersections for capacity and level of service using the Highway Capacity Software (HCS). It should also evaluate the extent to which they meet the relevant DeIDOT, AASHTO and MUTCD standards for geometry and traffic control devices.

- 1) Site Entrance A / School Lane (Sussex Road 298) – *Full Access*
- 2) Site Entrance B / Greens Way / Long Neck Road – (*Rights-in / Rights-out / Lefts-out Access*)
- 3) Long Neck Road / School Lane / Banks Road (Sussex Road 298)
- 4) Delaware Route 24 / Long Neck Road / Indian Mission Road (Sussex Road 22)

### **Traffic Counts**

The Consultant may reuse traffic count data used in the Baywood Garden Villas (a.k.a. Keastone) and Bridlewood at Baywood TIS for all three peak hours. For the School Lane / Long Neck Shopping Plaza Driveway intersection, the Consultant should conduct weekday morning and evening peak hour traffic counts now. Summer volumes are not needed for the driveway but through volumes on School Lane should be determined using the traffic counts from the intersection of Long Neck Road / School Lane / Banks Road.

Section 2.2.8.5, item 19, under Existing Traffic and Transportation Conditions in the Development Coordination Manual addresses how oversaturated intersections are to be counted.

The traffic counts should be submitted to DeIDOT both electronically as Portable Document Format (PDF)/Excel files and as draft report figures showing peak hour volumes (labeled with date and peak hour interval) posted on diagrams of the road network.

The Consultant should include counts of pedestrians, a separate count of right-turn on red (in addition to right-turn movement counts), and a separate count of heavy vehicles.

### **Trip Generation**

The Consultant shall use the 10<sup>th</sup> edition of the ITE Trip Generation Manual in generating trips for this development.

### **Trip Distributions**

A trip distribution to be used for the site is attached.

### **Growth Factors**

The Consultant shall apply growth factors to the traffic counts. DeIDOT will develop those factors after we receive the Consultant's traffic counts.



The Consultant should also determine what portions of the following developments were complete at the time of any traffic counts to be used in the study and shall add in projected traffic from any unbuilt portions. The following information on the amount and types of development associated with these projects is tentative and should be verified with Sussex County.

- 1) Baywood Gardens Villas / Baywood Gardens Phases 1 & 2 (a.k.a. Keastone) (353 low-rise multi-family)
- 2) Bridlewood at Baywood (675 single-family detached houses)\*
- 3) Pelican Point (400 single-family detached houses)
- 4) The Woods at Burton Pond (165 single-family detached houses)
- 5) Burton Pond (319 single-family detached houses)
- 6) Deerbrook (120 single-family detached houses)
- 7) Peninsula Lakes (588 single-family detached houses, 72 multi-family low-rise houses, and 15,000 square-feet of retail space)
- 8) Baylis Estates (136 single-family detached houses)
- 9) Peninsula Square (40,000 square feet of retail space, 15,000 square feet of medical office space, a 6,200 square-foot high turn-over sit-down restaurant, 144 apartments, and a 100-room hotel)
- 10) Carillon Woods (189 apartments)

\* Section 2.2.8.10 of the Development Coordination Manual provides a rule for determining a development's expected year of completion for the purpose of a TIS. In accordance with that rule, Bridlewood at Baywood has a projected buildout year of 2034. Again by that rule, Bridlewood at Baywood is projected to have 200 dwellings occupied in 2024. Therefore, this TIS should account for only 200 of the 675 total dwellings.

**Highway Capacity Software**

The Consultant shall use the most recent version of the Highway Capacity Software (HCS) that implements the 6<sup>th</sup> Edition of the Highway Capacity Manual (HCM). Presently, that is HCS7.

**Seasonal Adjustment Factors** for the roads in the study area are as follows:

| Roads                                      | April | May  | June |
|--|-------|------|------|
| Delaware Route 24                          | 1.09  | 0.96 | 0.81 |
| Indian Mission Road (Sussex Road 22)       | 0.98  | 0.96 | 0.89 |
| Long Neck Road (Sussex Road 22)            | 1.09  | 0.96 | 0.81 |
| Banks Road / School Lane (Sussex Road 298) | 0.98  | 0.96 | 0.88 |
| All Other Roads                            | 1.00  | 1.00 | 1.00 |

### **DelDOT Projects**

Currently, DelDOT has one active project within the study area. The project involves DelDOT's Hazard Elimination Program (HEP), formerly known as the Highway Safety Improvement Program (HSIP), which has two sites that include the intersections of Delaware Route 24 and Indian Mission Road / Long Neck Road, and Delaware Route 24 and Plaza Drive. The purpose of this project is to make operational improvements to address safety deficiencies and to accommodate future traffic volumes at these intersections. The proposed improvements associated with this project include:

- Build channelization islands at several entrances along Delaware Route 24 to restrict certain turning movements.
- Construct sidewalk connections to fill in gaps.
- Install bicycle lanes.
- Relocate the entrance of the Timber Acres community to align with the adjacent traffic signal at Plaza Drive.
- Provide consistent lanes, shoulders and curbs along Delaware Route 24.
- Extend the Delaware Route 24 left-turn lanes onto Indian Mission Road and Long Neck Road.
- Extend the Long Neck Road left-turn lane onto westbound Delaware Route 24.
- Reconstruct the traffic signals at the intersections of Delaware Route 24 and Indian Mission Road / Long Neck Road, and Delaware Route 24 and Plaza Drive.

The most recent project updates indicate that final design is underway and construction is anticipated to start in spring 2020 and end in summer 2021. More details, including concept plans for this project, are available at the following link: [https://www.deldot.gov/information/projects/HSIP\\_SR24\\_SR5\\_SR23/](https://www.deldot.gov/information/projects/HSIP_SR24_SR5_SR23/). For more information on how this project affects the proposed development, the Consultant shall contact Mr. Mark Whiteside, Project Manager in the Project Development – South section. Mr. Whiteside may be reached at (302) 760-2127.

### **Transit, Bicycle, and Pedestrian Facilities**

The study should describe the existing and proposed transit service in the project area and should also describe the existing and needed transit, bicycle, and pedestrian facilities on or near the project site. In determining these items, the Consultant shall contact Mr. David Dooley, a Service Development Planner at the Delaware Transit Corporation (DTC), and Mr. Anthony Aglio, of DelDOT's Statewide and Regional Planning Section. Mr. Dooley may be reached at (302) 576-6064. Mr. Aglio may be reached at (302) 760-2509.

### **General Notes**

- 1) All submissions relating to this study should be made electronically via the Planning and Development Coordination Application (PDCA), preferably in Portable Document Format (PDF).



Memorandum to File  
April 24, 2019  
Page 5 of 5

- 2) The Consultant should e-mail DeIDOT's Transportation Management Center (TMC) at [tmcl@delaware.gov](mailto:tmcl@delaware.gov) to obtain advance approval for the use of any signal timings.
- 3) The Consultant should contact Ms. Kari Glanden, of DeIDOT's Traffic Safety Section, for crash data within the study area. The Consultant shall report on this data and make recommendations for improvements if safety problems exist in the study area. Ms. Glanden may be reached at (302) 659-4069.
- 4) The Consultant should e-mail DeIDOT's Transportation Management Center (TMC) at [tmcl@delaware.gov](mailto:tmcl@delaware.gov) before installing ATRs to notify the TMC of the time, location and duration the ATRs will remain installed. The Consultant should provide contact information for the person to reach in the event of an equipment failure or other problem.
- 5) Both DeIDOT and Sussex County reserve the right to change this scope of work if the study is not performed within a reasonable time.
- 6) The developer may choose to have DeIDOT's Consultant perform the TIS rather than use their own Consultant. If this option is of interest, the developer should contact Mr. Troy Brestel at (302) 760-2167 to request a cost estimate.
- 7) By copy of this memorandum I ask those copied to contact me at (302) 760-2124 regarding any significant errors or omissions.

CJ:cjm  
Enclosure

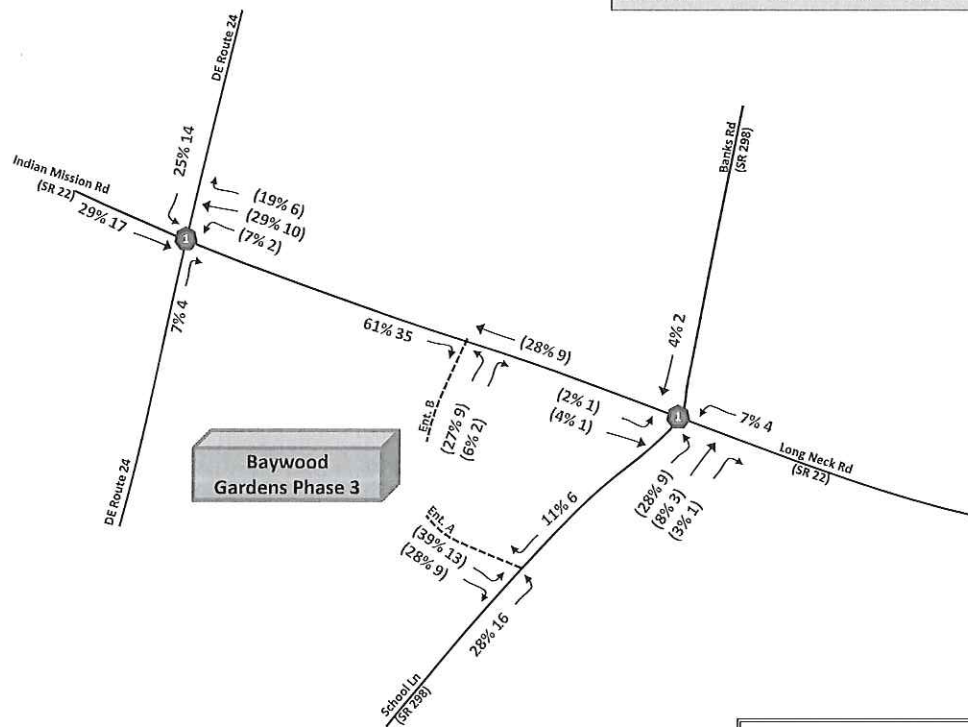
cc: Janelle Cornwell, Director, Sussex County Planning and Zoning  
Drew Boyce, Director, Planning  
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Michael Simmons, Assistant Director for Project Development South, DOTS  
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Bryan Behrens, Group Engineer, Project Development South, DOTS  
Mark Whiteside, Project Engineer, Project Development South, DOTS  
William Kirsch, South District Permit Supervisor, DOTS  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Anthony Aglio, Statewide & Regional Planning  
Brian Yates, Subdivision Manager, DeIDOT Planning  
Kari Glanden, Statistical Information Supervisor, DeIDOT Traffic, DOTS  
Mark Galipo, Traffic Engineer, DeIDOT Traffic, DOTS  
Andrew Parker, McCormick & Taylor, Inc.  
Mir Wahed, Johnson, Mirmiran, & Thompson, Inc.



PM Peak Distribution / Assignments  
April 24, 2019

**Baywood Gardens Phase 3**  
Trip Generation  
160 apartments – low-rise multi-family (ITE 10<sup>th</sup> Ed. LUC 220)

|         | Total | IN  | OUT |
|---------|-------|-----|-----|
| ADT     | 1,169 | 584 | 585 |
| PM Peak | 90    | 57  | 33  |



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

RECEIVED

TO: **Jamie Whitehouse**  
REVIEWER: **Chris Calio**  
DATE: **5/5/2021**  
APPLICATION: **CZ 1922 (Baywood, LLC – Robert Tunnell, III)**  
APPLICANT: **Baywood, LLC – Robert Tunnell III**  
FILE NO: **NCPA-5.03**

MAY 06 2021  
SUSSEX COUNTY  
PLANNING & ZONING

TAX MAP &  
PARCEL(S): **234-23.00-270.00, 273.01, 273.02, 273.03 & 273.05**

LOCATION: **North and south side of Long Neck Rd. (Rt. 23), approximately  
500 feet east of John J. Williams Hwy. (Rt. 24).**

NO. OF UNITS: **Change from C-1 & B-1 to HR-1 RPC**

GROSS  
ACREAGE: **54.38**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No 
  - a. If yes, see question (2).
  - b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **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? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **Parcels 234-23.00-270.00 & 273.05 will have to be annexed into the sewer district.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Nicole Messeck

## Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

| <b>Application Fees</b>          |                   |
|----------------------------------|-------------------|
| <b>Less than 2 acres</b>         | <b>\$500.00</b>   |
| <b>2.1 -9.99 acres</b>           | <b>\$750.00</b>   |
| <b>10 - 150.00 acres</b>         | <b>\$1,500.00</b> |
| <b>Greater than 150.00 acres</b> | <b>\$2,500.00</b> |

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.





Station #1 – 32628 Oak Orchard Road, Millsboro, DE 19966  
Station #2 – 25375 Banks Road, Millsboro, DE 19966

April 29, 2021

Robert W. Tunnell, III, Partner, &/or  
Lincoln Davis  
32046 Anna's Way  
Long Neck, DE 19966

RE: Apparatus Funding Campaign Pledge

Dear Gentlemen,

The Indian River Volunteer Fire Company would like to acknowledge the generosity and past support of the Tunnell Companies, Pot Nets Communities, and most recently Baywood, LLC via the financial contributions to our organization.

The Indian River Volunteer Fire Company would like to acknowledge the most recent financial funding pledge of \$150,000 by Baywood, LLC towards our recent acquisition of our brand-new Pierce Arrow XT 100' HD Ascendant Tower truck.

This aerial platform is ideally suited for firefighting and rescue situations involving multi-story and multi-residential buildings, such as the multi-story condominium and apartment buildings which are increasingly being constructed within our fire district.

It is and has been Indian River's aspiration to locate this tower truck at our Long Neck facility (Station #2) on Banks Road, nearest the Baywood community, to serve our communities more efficiently. The Indian River Volunteer Fire Company is actively pursuing substantial facility upgrades including but not limited to new construction and renovations at this location to accommodate these desires.

The Indian River Volunteer Fire Company greatly appreciates your support and looks forward to working with you in the future.

If there are any questions, please do not hesitate to contact me at your earliest convenience.

Respectfully submitted,

Patrick C. Miller  
President



34026 Anna's Way - Suite 1 • Long Neck, DE 19966

302-945-9300  
1-800-647-7500  
FAX 302-945-4032

April 26, 2021

Mr. Patrick C. Miller  
President  
Indian River Volunteer Fire Co.  
32628 Oak Orchard Road  
Millsboro, DE 19966

Re: 100' Ascendant Tower Truck  
\$150,000 Pledge

Dear Mr. Miller,

It was a pleasure meeting with you last week.

We believe that a 2021 Pierce Arrow XT 100' HD Ascendant Tower truck will be an excellent addition to your inventory of equipment that keeps the Long Neck community safer in their homes and businesses.

Tunnell Companies, L.P. will commit \$150,000.00 towards the purchase of this truck, over 6 annual payments:

1. \$25,000.00 – enclosed with this letter.
2. \$25,000.00 – May 1<sup>st</sup>, 2022
3. \$25,000.00 – May 1<sup>st</sup>, 2023
4. \$25,000.00 – May 1<sup>st</sup>, 2024
5. \$25,000.00 – May 1<sup>st</sup>, 2025
6. \$25,000.00 – May 1<sup>st</sup>, 2026

We are pleased to learn that this truck will be located at Station #2 on Banks Road, nearest our communities.

When the truck arrives, we would enjoy being a part of any commissioning ceremony that you may have, to celebrate this apparatus being placed into service.

Sincerely,

Robert W. Tunnell, III  
Partner



# PRELIMINARY HR-RPC SITE PLAN FOR BAYWOOD GARDENS

SUSSEX COUNTY, DELAWARE  
FOR  
BAYWOOD, LLC

## SITE DATA:

OWNER: TAX MAP: 234-23.00-273.05 & 270.00  
BAYWOOD, LLC  
34026 ANNA'S WAY  
SUITE 1  
LONG NECK, DE 19966

TAX MAP: 234-23.00-273.01, 273.02 & 273.03  
ABC WOODSLAND, LLC  
P.O. BOX 1389  
EASTON, MD 21601

APPLICANT/  
DEVELOPER: BAYWOOD, LLC  
34026 ANNA'S WAY, SUITE 1  
LONG NECK, DE 19966  
PHONE: 302.945.9300  
FAX: 302.945.4032  
CONTACT: ROBERT TUNNELL, III

ENGINEER: SOLUTIONS IPEM  
303 N. BEDFORD STREET  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215  
CONTACT: JASON PALKEWICZ, PE

- TAX MAP:  
234-23.00-273.05 & 270.00  
AREA = 38.17 ± ACRES  
234-23.00-273.01, 273.02 & 273.03  
AREA = 16.21 ± ACRES
- PERMITTED DENSITY HR-RPC  
54.38 AC. - 2.68 AC. = 51.70 AC. (NET)  
51.70 AC x 12 DU/AC = 620 DU
- PROPOSED USE:  
514 MULTI-FAMILY UNITS (514 UNITS / 54.38 AC = 9.45 UNIT/AC.)
- EXISTING ZONING:  
C-1 (17.48 AC.±)  
B-1 (20.69 AC.±)  
CR-1 (16.21 AC.±)  
ENVIRONMENTALLY SENSITIVE DEVELOPING AREA
- PROPOSED ZONING: HR-RPC
- BUILDING SETBACKS:  
FRONT: 40'  
SIDE: 10'  
REAR: 10'  
MAXIMUM BUILDING HEIGHT: 50'
- FLOOD ZONE:  
THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X. (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), PER FIRM MAP NUMBER 10005C0340K & 10005C343K, MAP REVISED MARCH 16, 2015.
- SOIL TYPES:  
FmA - FORT MOIT-HENLOPEN COMPLEX - HYDROLOGIC SOIL GROUP A  
FmA - FORT MOIT LOAMY SAND - HYDROLOGIC SOIL GROUP A  
HpA & HpB - HENLOPEN LOAMY SAND - HYDROLOGIC SOIL GROUP A  
HuA - HURLOCK LOAMY SAND - HYDROLOGIC SOIL GROUP A/D
- WATER SUPPLY:  
TIDEWATER UTILITY COMPANY  
LONG NECK WATER COMPANY
- SANITARY SEWER:  
INLAND BAYS PRESERVATION COMPANY  
SUSSEX COUNTY
- OPENSACE = 27.5 AC.± (51.5%)

NOTES:  
1. ALL ON-SITE DRIVE AISLES AND PARKING AREAS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE DRIVE AISLES SHALL BE BY THE RESPECTIVE ORGANIZATION.

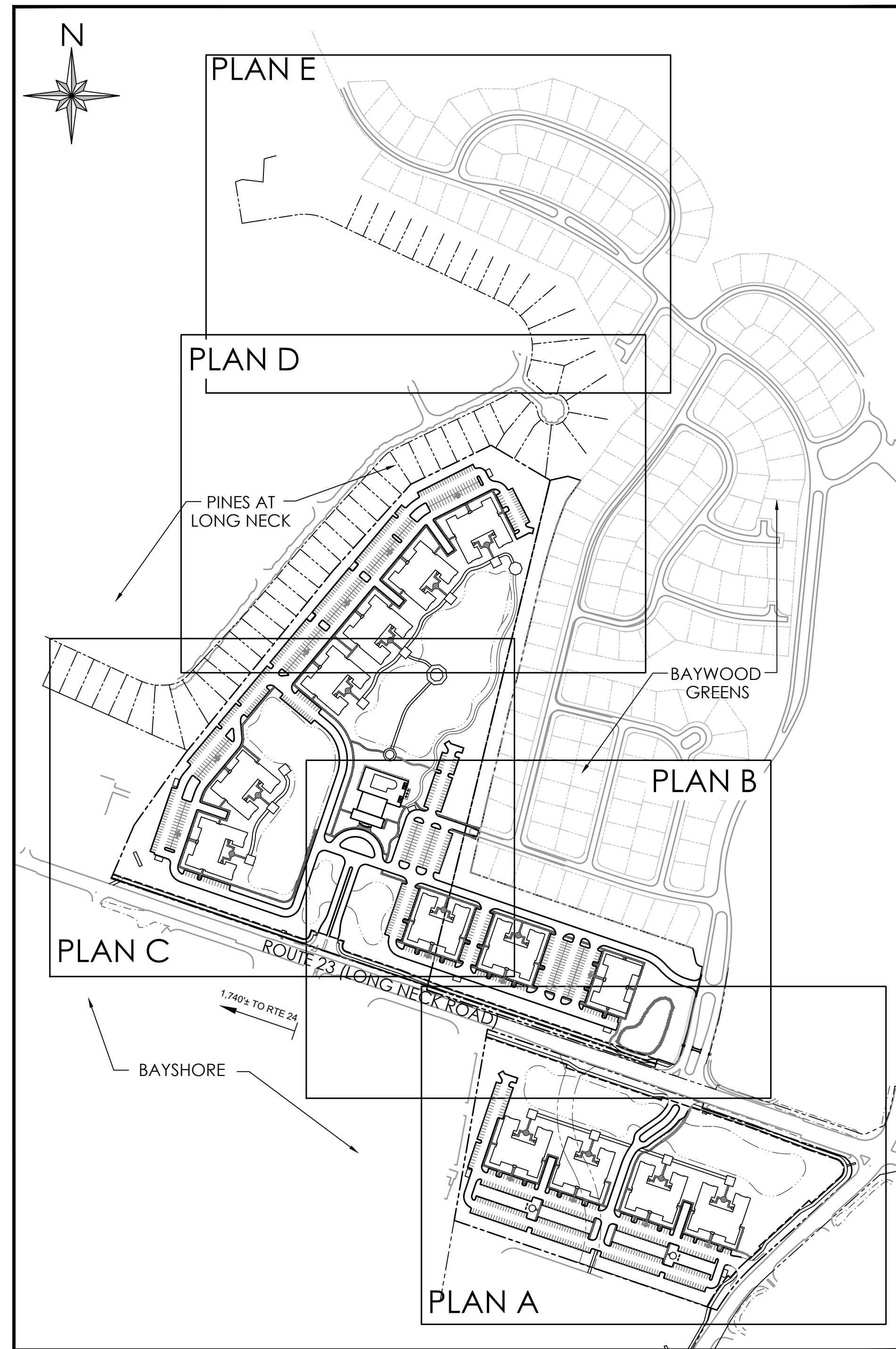
2. ROUTE 23 (LONG NECK ROAD) IMPROVEMENTS SHALL BE PER THE APPROVED DELAWARE DEPARTMENT OF TRANSPORTATION ENTRANCE PLANS DATED 3/15/2007 SIGNED BY MARC COTE.

3. SURVEY: THE BOUNDARY AND TOPOGRAPHIC INFORMATION FOR THIS PLAN WAS ADAPTED FROM ELECTRONIC FILES PROVIDED BY DAVIS, BOWEN & FRIEDEL, INC. TITLED "BAYWOOD TOWN CENTER", DATED FEBRUARY 2003. A FIELD SURVEY WAS COMPLETED BY MCCRONE INC. IN SEPTEMBER 2005. BASE DATA INCLUDING AERIAL SURVEY PROVIDED BY THE CLIENT.

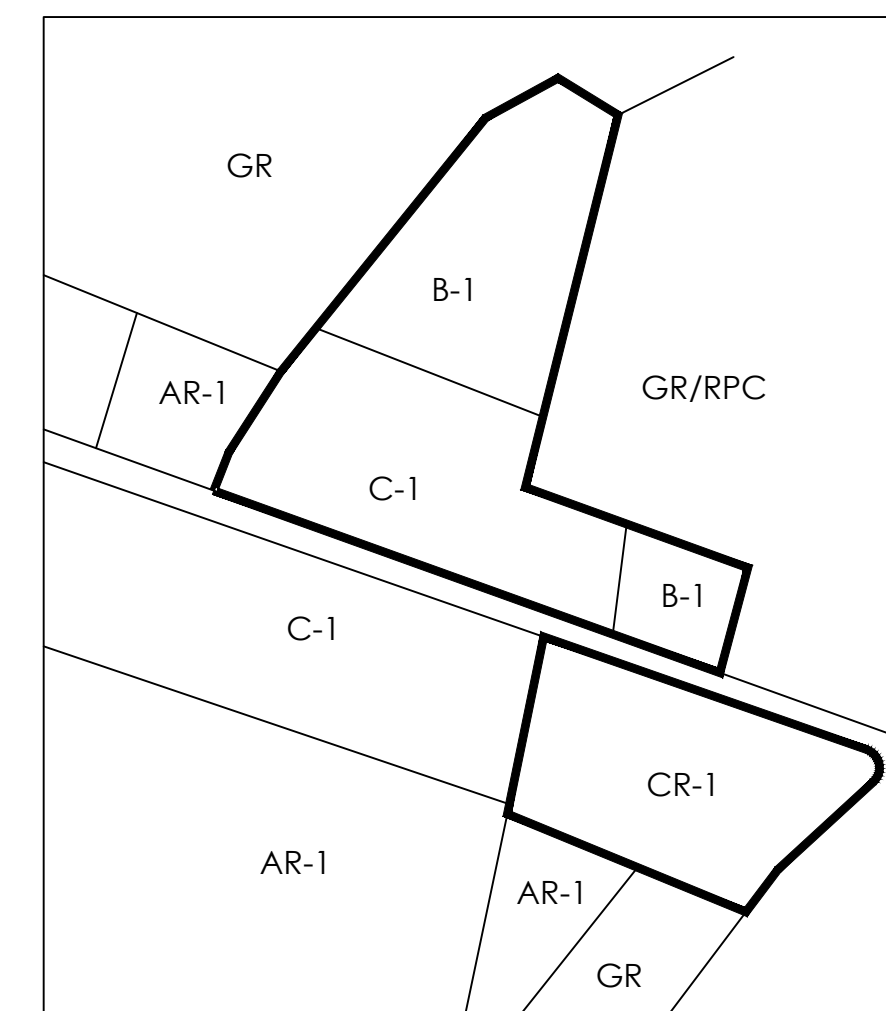
| PARKING CALCULATIONS   |              |            |
|--|--------------|------------|
| TAX MAP 234-23.00-273.05 & 270.00  | REQUIRED     | PROPOSED   |
| 354 MULTI-FAMILY UNITS   | 602 SPACES*  | 791 SPACES |
| *354 MULTI-FAMILY UNITS<br>2 SPACES PER UNIT FOR 1st 50 UNITS = 100 SPACES<br>15% REDUCTION FOR 51 TO 200 UNITS = (150 x 2 x 85%) = 255 SPACES<br>20% REDUCTION FOR REMAINDER (154 x 2 x 80%) = 247 SPACES |              |            |
| TAX MAP 234-23.00-273.01, 273.02 & 273.03  | REQUIRED     | PROPOSED   |
| 160 MULTI-FAMILY UNITS   | 287 SPACES** | 320 SPACES |
| **160 MULTI-FAMILY UNITS<br>2 SPACES PER UNIT FOR 1st 50 UNITS = 100 SPACES<br>15% REDUCTION FOR 51 TO 200 UNITS = (110 x 2 x 85%) = 187 SPACES  |              |            |

## SHEET INDEX

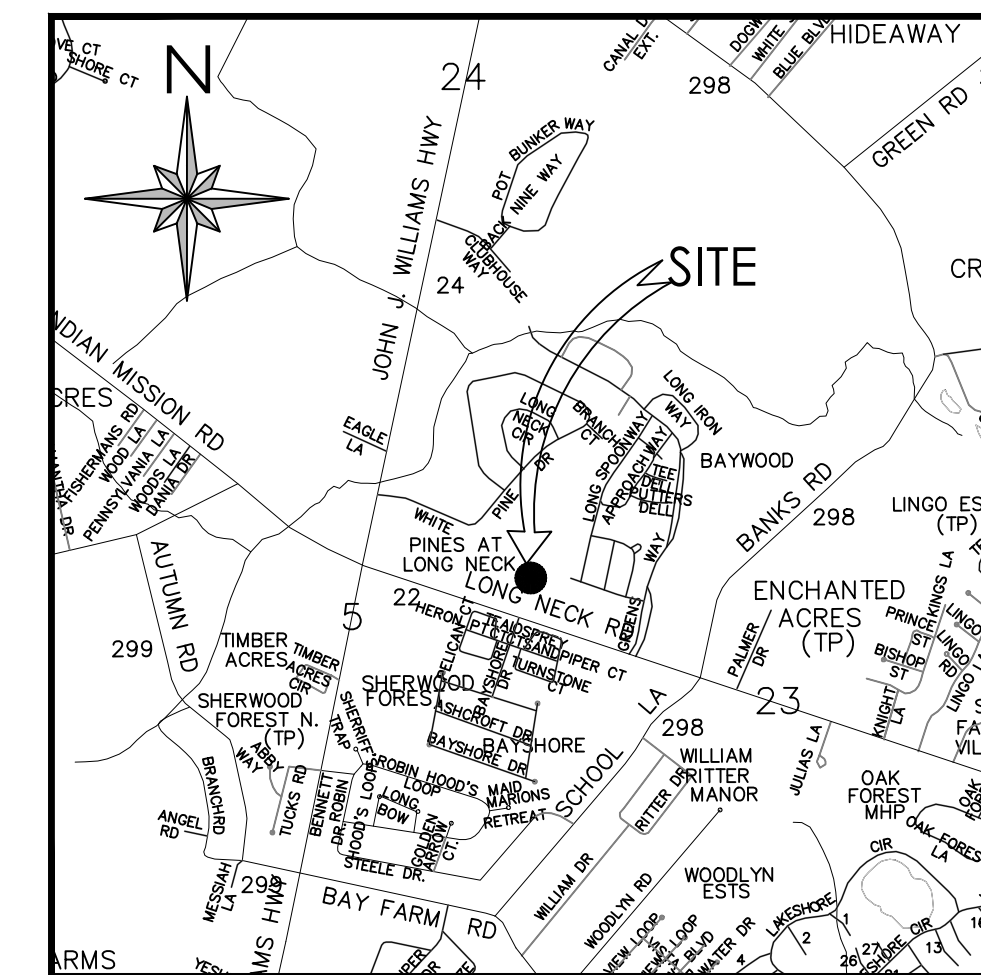
- COVER SHEET
- EXISTING CONDITIONS PLAN
- SITE PLAN A
- SITE PLAN B
- SITE PLAN C
- SITE PLAN D
- SITE PLAN E



SITE PLAN  
1" = 300'



EXISTING ZONING KEY PLAN  
N.T.S.



VICINITY MAP  
SCALE: 1" = 2,000'±

## LEGEND

|                                 | EXISTING | PROPOSED |
|---------------------------------|----------|----------|
| PROPERTY LINE                   | ---      | ---      |
| ZONING LINE                     | ---      | N/A      |
| SETBACK LINE                    | ---      | N/A      |
| BUFFER                          | ---      | ---      |
| PROPERTY CORNER (NOT SPECIFIED) | ⊙        | N/A      |
| CONCRETE MONUMENT FOUND         | CMF □    | N/A      |
| IRON PIPE FOUND                 | IPF ●    | N/A      |
| MAJOR CONTOUR                   | ---      | N/A      |
| MINOR CONTOUR                   | ---      | N/A      |
| SPOT ELEVATION                  | N/A      | 19.25    |
| FENCE LINE                      | ---      | N/A      |
| EDGE OF POND                    | ---      | ---      |
| WETLAND LINE                    | W W      | N/A      |
| BUILDING                        | ▭        | ▨        |
| STORM MANHOLE                   | ⊙        | ⊙        |
| CATCH BASIN                     | ▣        | ▣        |
| CURB INLET                      | ▣        | ▣        |
| STORM PIPE                      | ---      | ---      |
| SANITARY MANHOLE                | ⊙        | ⊙        |
| CLEANOUT                        | N/A      | ○        |
| SANITARY PIPE                   | ---      | ---      |
| FORCE MAIN PIPE                 | N/A      | ---      |
| WATER PIPE                      | ---      | ---      |
| FIRE HYDRANT                    | ⊕        | ⊕        |
| OVERHEAD ELECTRIC               | ---      | N/A      |
| UTILITY POLE                    | ⊕        | N/A      |
| DECIDUOUS TREE                  | ⊕        | N/A      |
| CONIFEROUS TREE                 | ●        | N/A      |
| TREE LINE                       | ---      | ---      |
| PAVEMENT HATCH                  | ▨        | ▨        |
| CONCRETE HATCH                  | ▨        | ▨        |
| BUILDING OUTLINE                | ---      | ---      |
| SIDEWALK                        | ---      | ---      |
| SIDEWALK HATCH                  | ▨        | ▨        |
| ROAD CENTERLINE                 | ---      | ---      |
| EDGE OF CONCRETE                | ---      | ---      |
| EDGE OF PAVEMENT                | ---      | ---      |
| EDGE OF GRAVEL                  | ---      | N/A      |
| PAINT STRIPE                    | ---      | ---      |
| CURB                            | ---      | ---      |
| LIGHT POLE                      | N/A      | ★        |
| DUMPSTER PAD                    | N/A      | ⊕        |

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10005 PRELIMINARY COVER SHEET

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|-----|---------|------------------------------|
| 1   | 4/27/21 | PLANNING AND ZONING SUBMITAL |

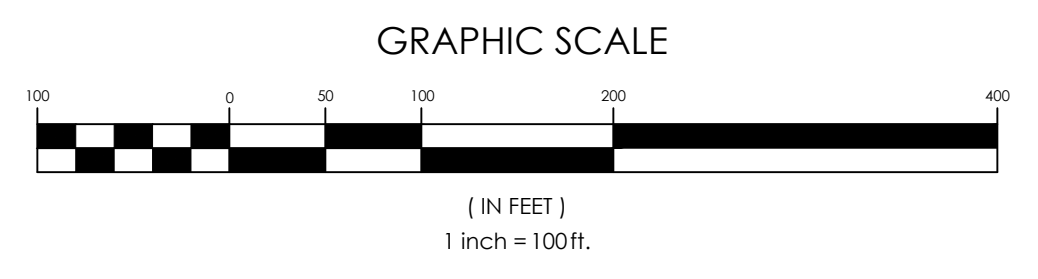
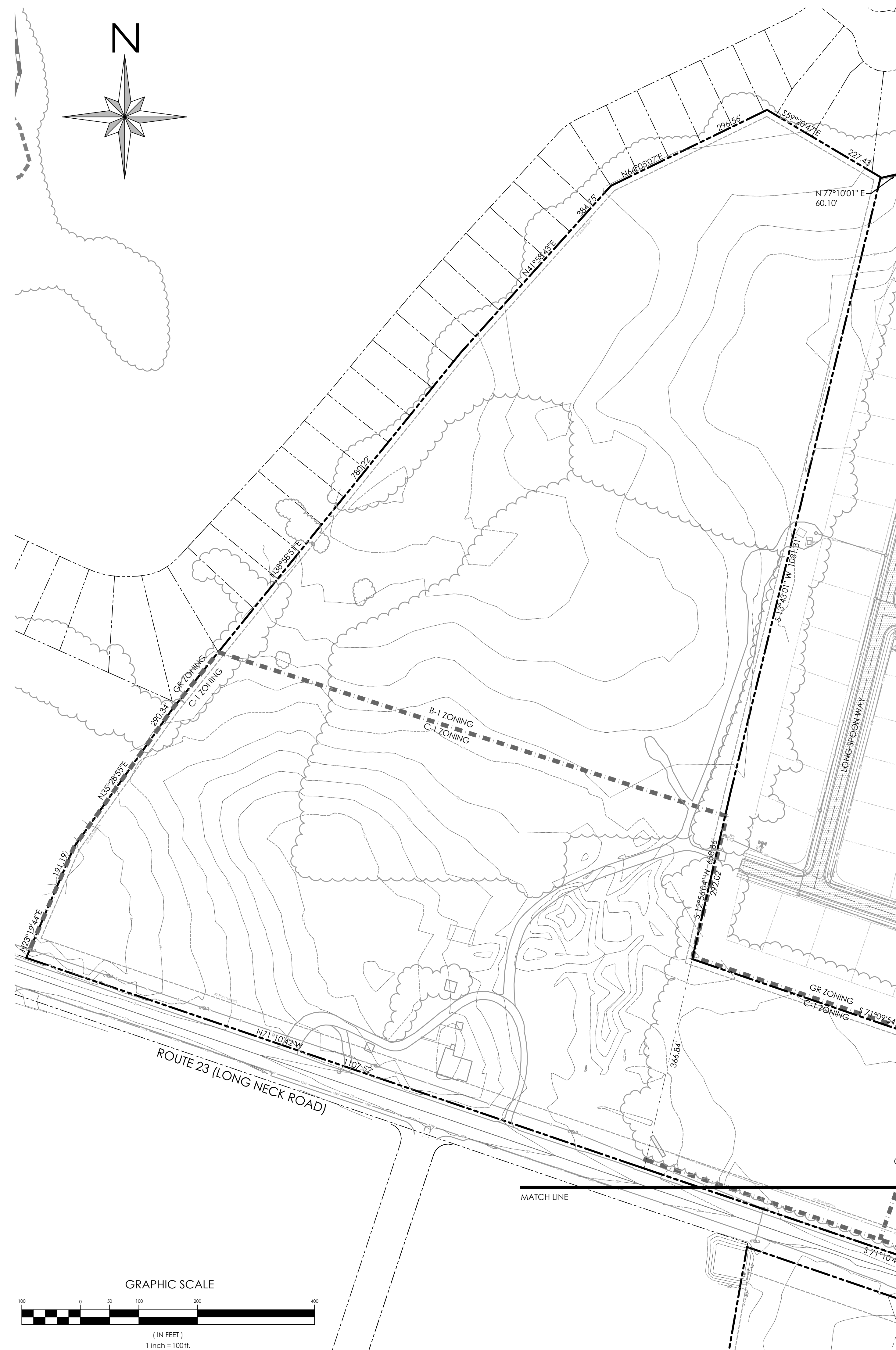
COVER SHEET  
for  
**BAYWOOD GARDENS**  
SUSSEX COUNTY, DELAWARE  
PREPARED FOR: TUNNELL COMPANIES, LLC

|              |          |
|--------------|----------|
| Date:        | 3/9/20   |
| Job Number:  | 10005    |
| Scale:       | AS NOTED |
| Drawn By:    | ML       |
| Designed By: | HHB      |
| Approved By: | JIP      |

Sheet No.: 1

File Name: 10005-prelim-cover





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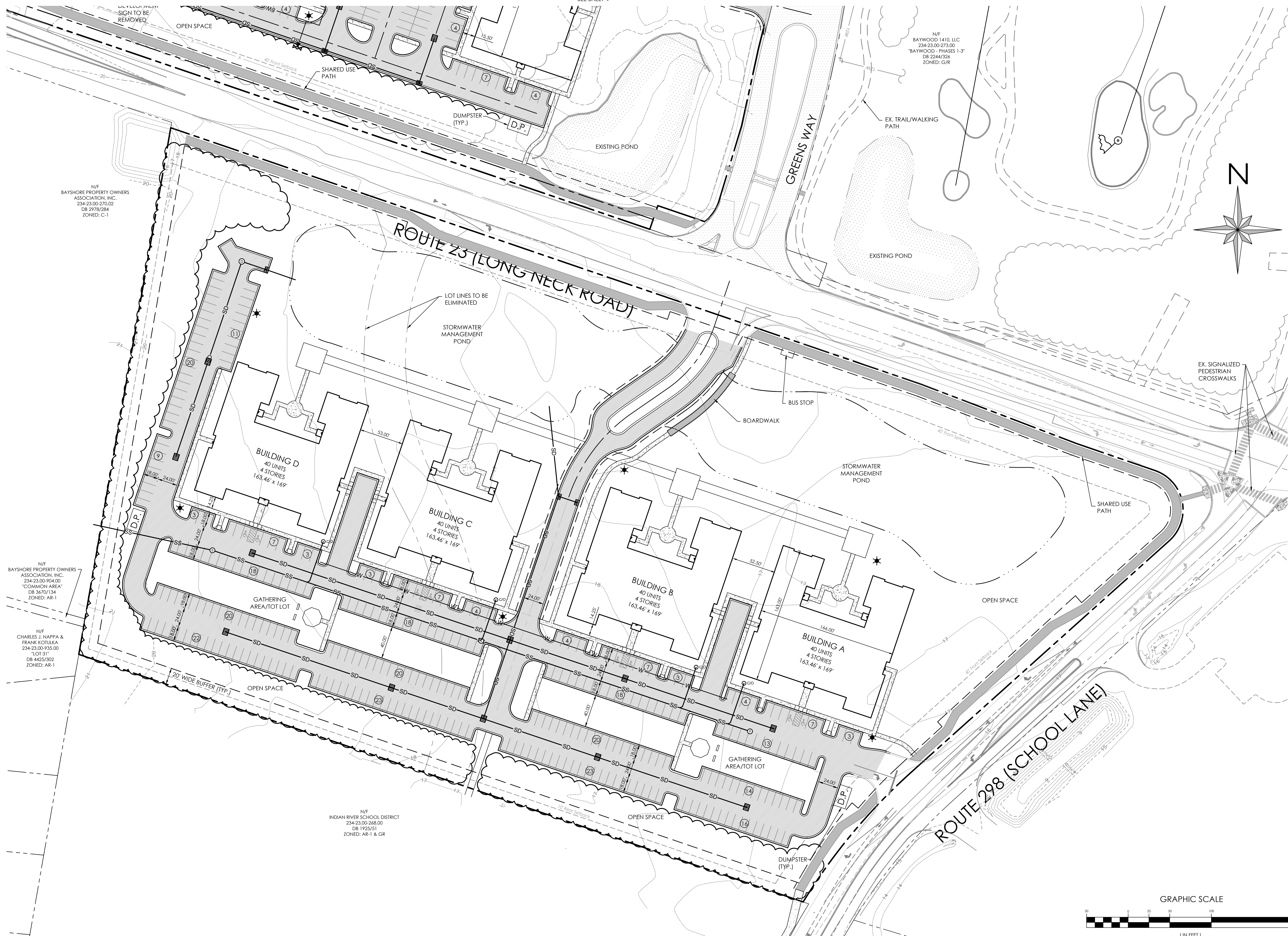
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|--------------------------|------------------------------|
| NO.                      | DESCRIPTION                  |
| 1                        | PLANNING AND ZONING SUBMITAL |
| DATE                     | 4/27/21                      |

for  
**BAYWOOD GARDENS**  
 SUSSEX COUNTY, DELAWARE  
 PREPARED FOR: TUNNELL COMPANIES, LLC

|              |                       |
|--------------|-----------------------|
| Date:        | 3/9/20                |
| Job Number:  | 10005                 |
| Scale:       | 1" = 100'             |
| Drawn By:    | ML                    |
| Designed By: | HJB                   |
| Approved By: | JP                    |
| Sheet No.:   | 2                     |
| File Name:   | 10005-prelim-siteplan |



SEE SHEET 4



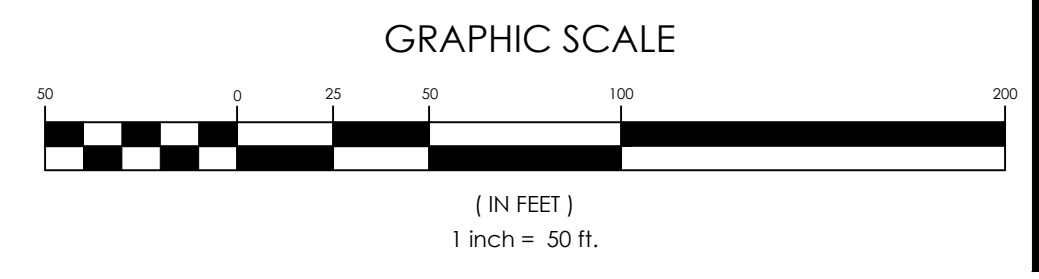
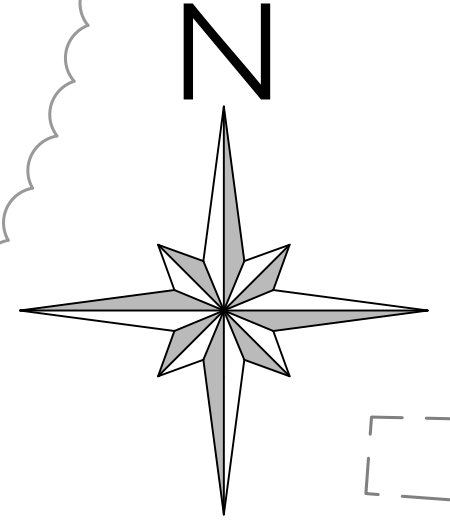
N/F  
BAYSHORE PROPERTY OWNERS  
ASSOCIATION, INC.  
234-23.00-270.02  
DB 2978/284  
ZONED: C-1

N/F  
BAYSHORE PROPERTY OWNERS  
ASSOCIATION, INC.  
234-23.00-904.00  
"COMMON AREA"  
DB 3670/134  
ZONED: AR-1

N/F  
CHARLES J. NAPPA &  
FRANK KOTULKA  
234-23.00-935.00  
"LOT 31"  
DB 4425/302  
ZONED: AR-1

N/F  
INDIAN RIVER SCHOOL DISTRICT  
234-23.00-268.00  
DB 1925/51  
ZONED: AR-1 & GR

N/F  
BAYWOOD 141D, LLC  
234-23.00-273.00  
"BAYWOOD - PHASES 1-3"  
DB 2244/326  
ZONED: G/R



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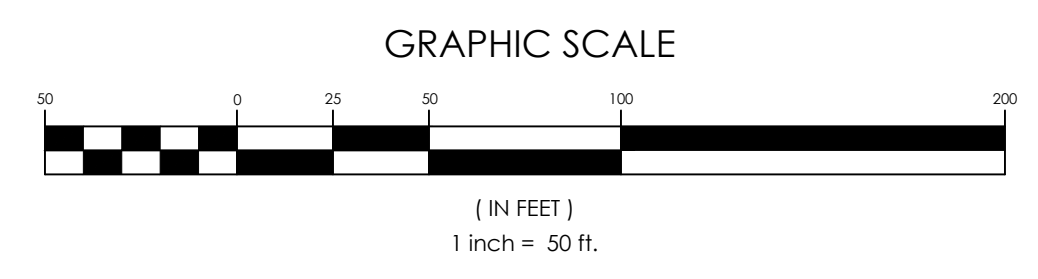
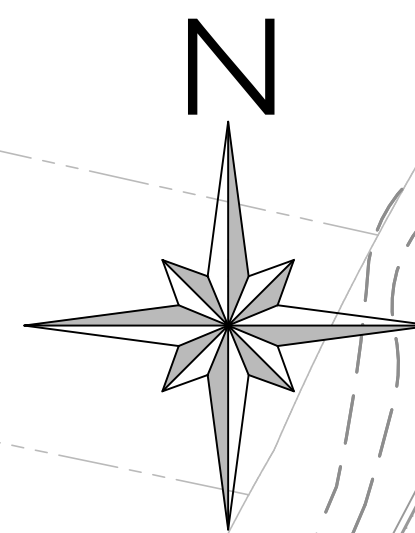
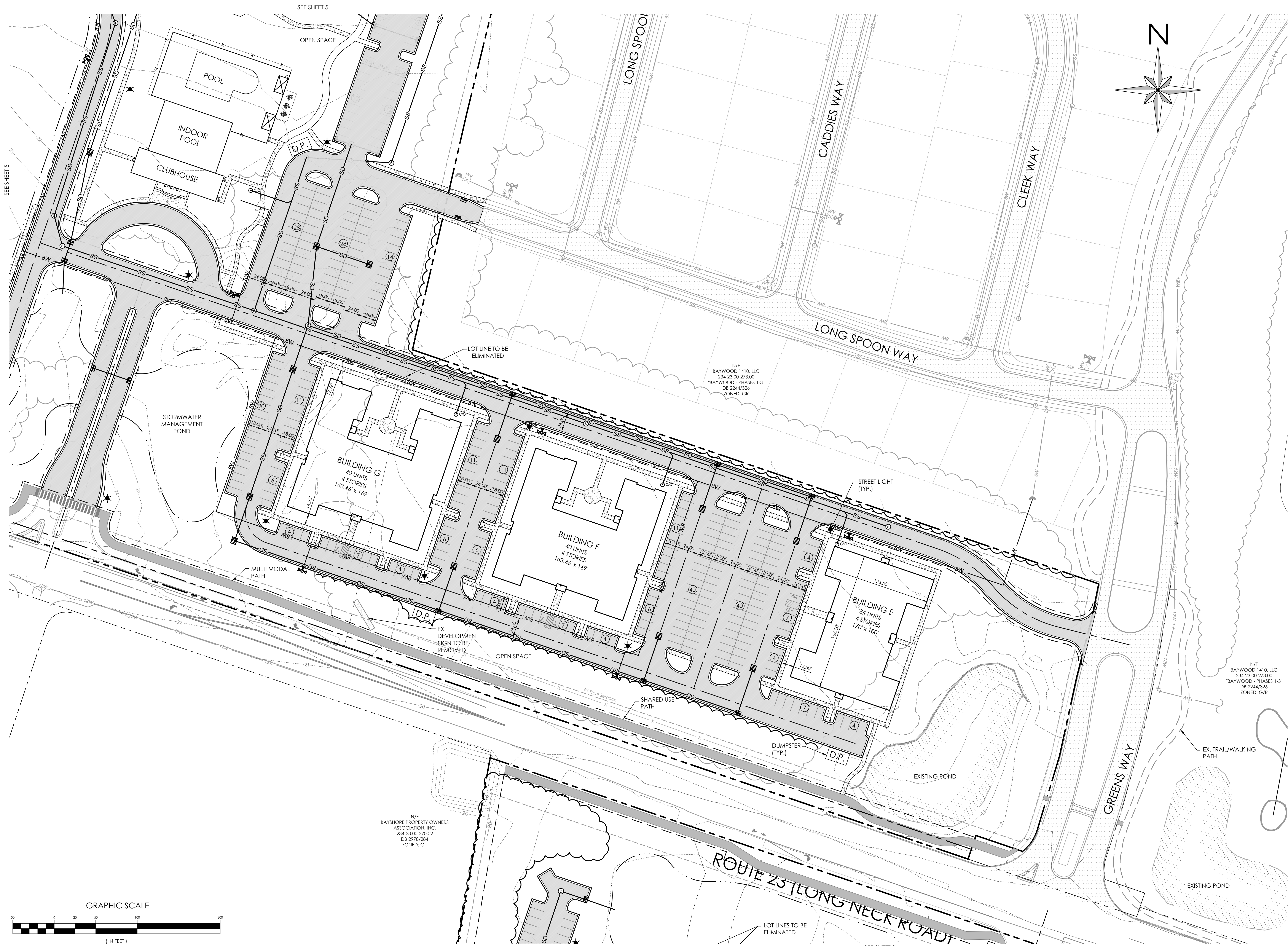
SITE PLAN A  
for  
**BAYWOOD GARDENS**  
SUSSEX COUNTY, DELAWARE  
PREPARED FOR: TUNNELL COMPANIES, LLC

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|-------|--------|-------------|-------|--------|--------|-----------|----|--------------|-----|--------------|----|

Sheet No.: **3**

File Name: 10005-prelim-siteplan





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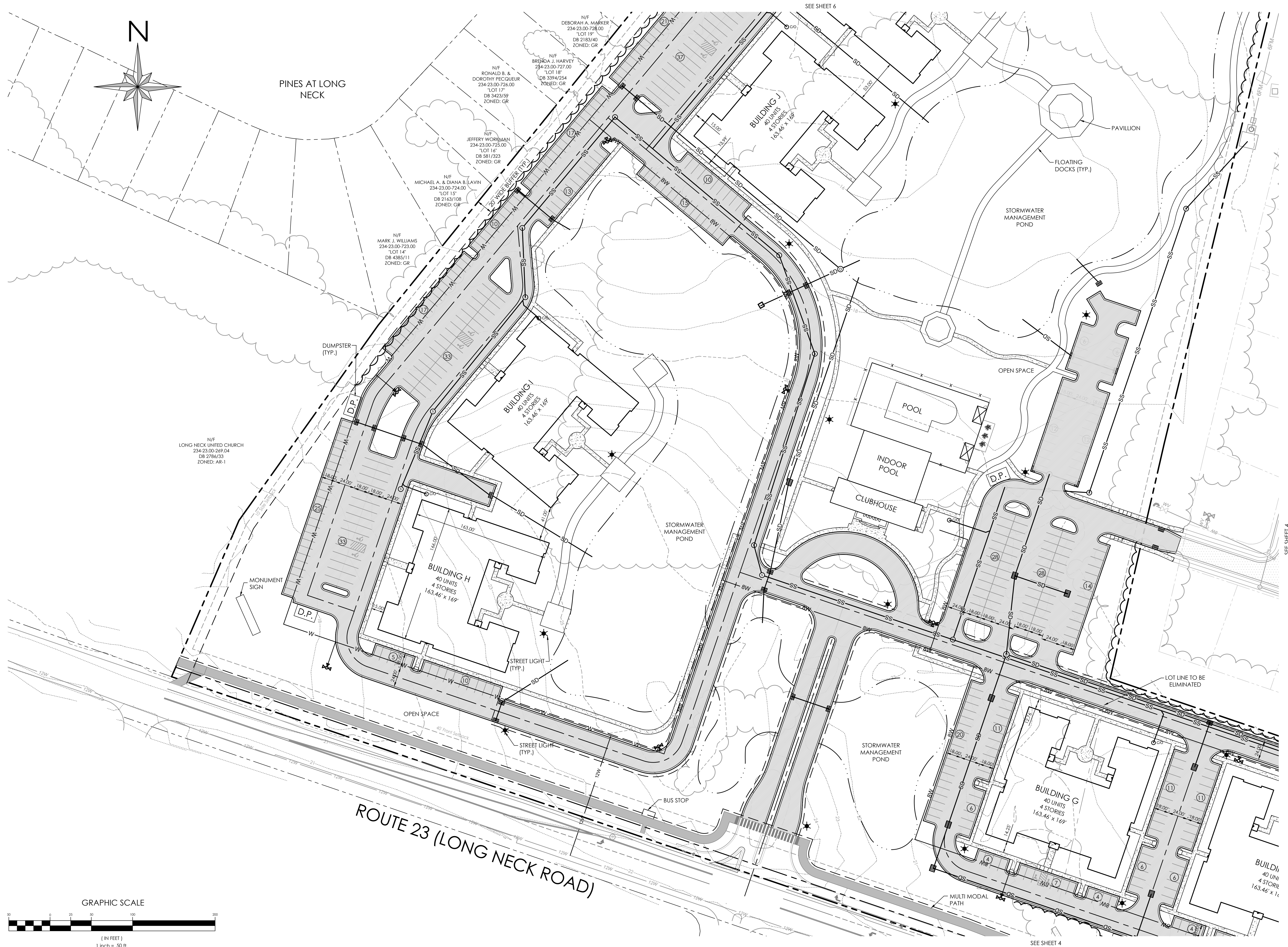
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| 1   | 4/27/21 | PLANNING AND ZONING SUBMITAL |

SITE PLAN B  
for  
**BAYWOOD GARDENS**  
SUSSEX COUNTY, DELAWARE  
PREPARED FOR: TUNNELL COMPANIES, LLC

|              |        |
|--------------|--------|
| Date:        | 3/9/20 |
| Job Number:  | 10005  |
| Scale:       | 1"=50' |
| Drawn By:    | ML     |
| Designed By: | HHB    |
| Approved By: | JJP    |

Sheet No.: **4**  
File Name: 10005-prelim-siteplan





SEE SHEET 6

SEE SHEET 4

SEE SHEET 4

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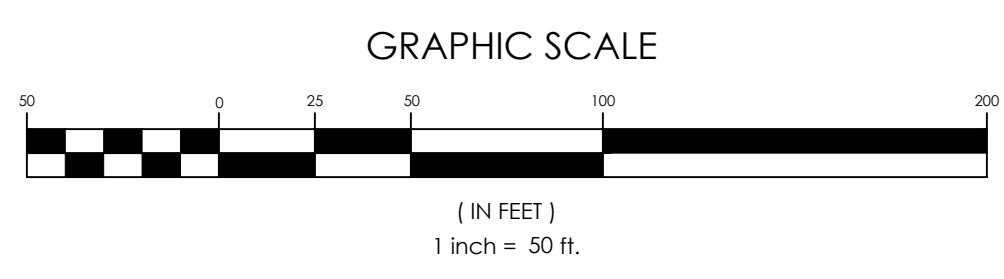


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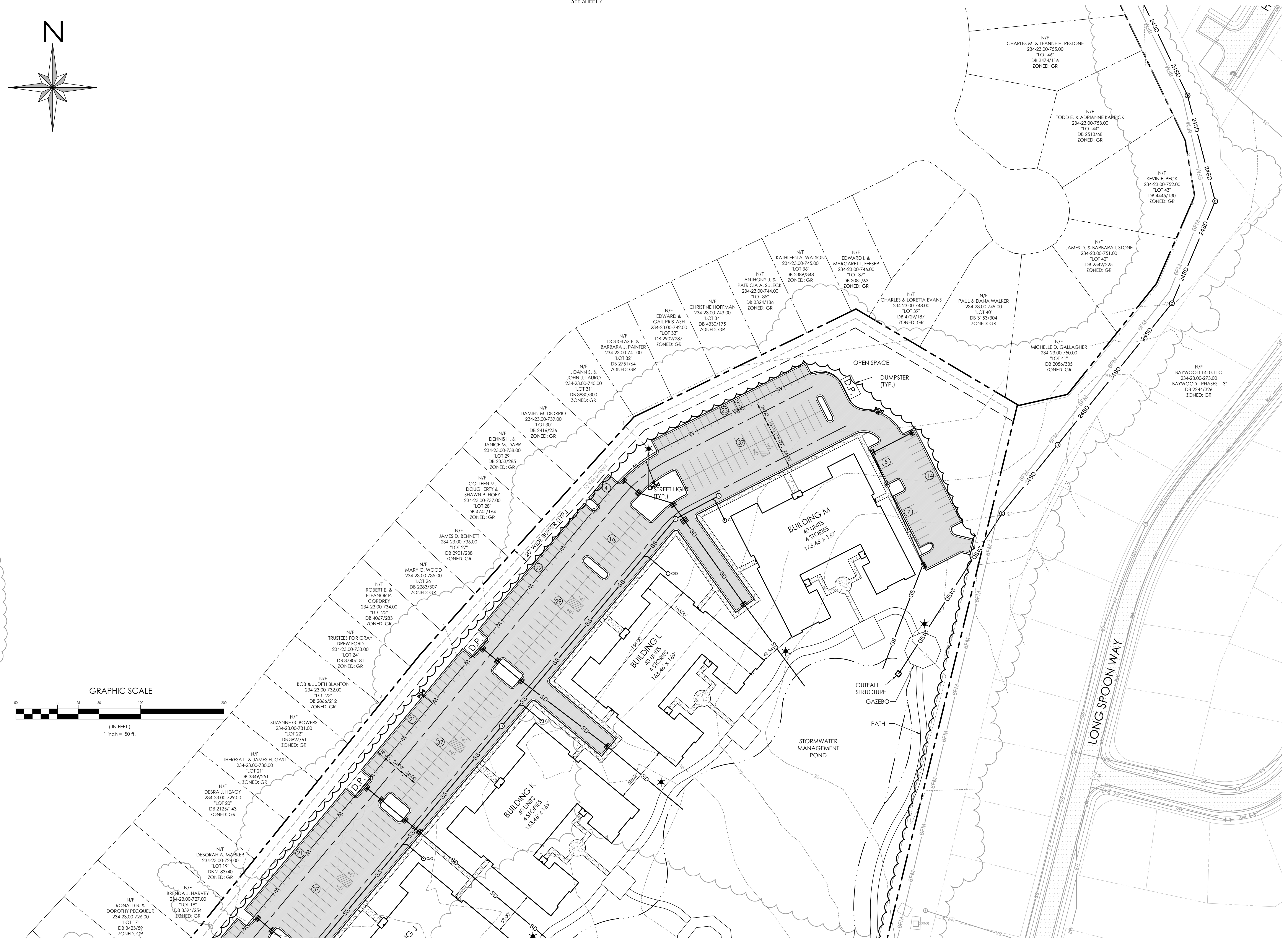
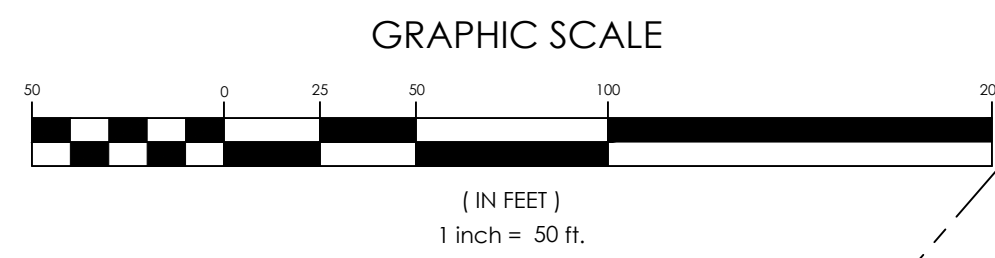
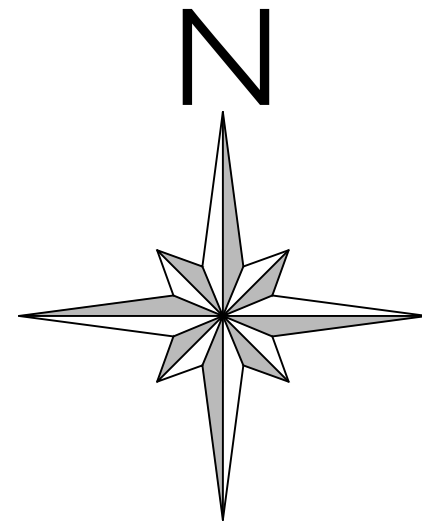
SITE PLAN C  
 for  
**BAYWOOD GARDENS**  
 SUSSEX COUNTY, DELAWARE  
 PREPARED FOR: TUNNELL COMPANIES, LLC

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|-------|--------|-------------|-------|--------|--------|-----------|----|--------------|-----|--------------|-----|
| Date: | 3/9/20 | Job Number: | 10005 | Scale: | 1"=50' | Drawn By: | ML | Designed By: | HJB | Approved By: | JJP |
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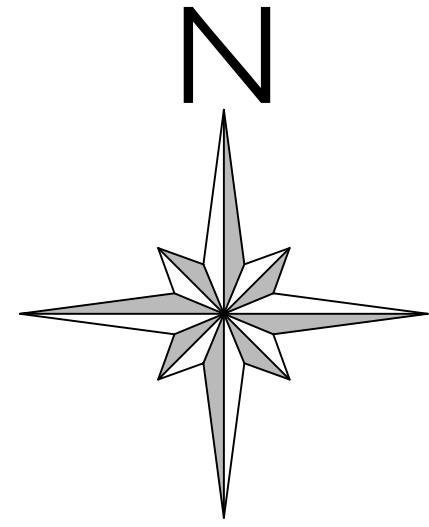
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|-----|---------|------------------------------|
| 1   | 4/27/21 | PLANNING AND ZONING SUBMITAL |

SITE PLAN D  
for  
**BAYWOOD GARDENS**  
SUSSEX COUNTY, DELAWARE  
PREPARED FOR: TUNNELL COMPANIES, LLC

|              |        |
|--------------|--------|
| Date:        | 3/9/20 |
| Job Number:  | 10005  |
| Scale:       | 1"=50' |
| Drawn By:    | ML     |
| Designed By: | HHB    |
| Approved By: | JJP    |



ZONE X  
(UNSHADED)  
ZONE AE (EL. 5)



N/F  
PINES AT LONG NECK HOMEOWNER'S ASSOCIATION  
234-23.00-901.00  
"WETLANDS AREA"  
DB 4708/258  
ZONED: GR

N/F  
PINES AT LONG NECK HOMEOWNER'S ASSOCIATION  
234-23.00-900.00  
"STORMWATER MANAGEMENT AREA"  
DB 2622/343  
ZONED: GR

N/F  
RICHARD K. &  
CAROL A. RYAN  
234-23.00-768.00  
"LOT 59"  
DB 4613/147  
ZONED: GR

N/F  
PETER DOLAN JR.  
TRUSTEE  
234-23.00-767.00  
"LOT 58"  
DB 3999/216  
ZONED: GR

N/F  
ERNEST R. PORTER &  
JANET T. REILLY  
234-23.00-766.00  
"LOT 57"  
DB 3473/221  
ZONED: GR

N/F  
PATI SEESE &  
LINDA F. KURTZ  
234-23.00-765.00  
"LOT 56"  
DB 2893/42  
ZONED: GR

N/F  
TAMARA SUE BLACK  
234-23.00-764.00  
"LOT 55"  
DB 2500/89  
ZONED: GR

N/F  
GARY L. &  
ELIZABETH C. HESS  
234-23.00-763.00  
"LOT 54"  
DB 2454/81  
ZONED: GR

N/F  
JOHN P. &  
NANCY J. LAYSER  
234-23.00-762.00  
"LOT 53"  
DB 4733/102  
ZONED: GR

N/F  
DAVID J. RICCI &  
ROBERT D. TODD  
234-23.00-761.00  
"LOT 52"  
DB 2489/1  
ZONED: GR

N/F  
JOSEPH J. &  
MARY MACBRIDE  
234-23.00-760.00  
"LOT 51"  
DB 4752/241  
ZONED: GR

N/F  
ROBERT A. &  
MARY C. TRUITT  
234-23.00-759.00  
"LOT 50"  
DB 9826/210  
ZONED: GR

N/F  
GEORGE E. & GAIL M.  
CHAFFMAN  
234-23.00-758.00  
"LOT 49"  
DB 4022/74  
ZONED: GR

N/F  
CAROLYN R. BINDER &  
ROBERT GALLO  
234-23.00-757.00  
"LOT 48"  
DB 3517/248  
ZONED: GR

N/F  
JOANNE M. & PATRICIA A. KETLER  
234-23.00-756.00  
"LOT 47"  
DB 3677/300  
ZONED: GR

N/F  
CHARLES M. & LEANNE H. RESTONE  
234-23.00-755.00  
"LOT 46"  
DB 3474/116  
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N/F  
TODD E. & ADRIANNE KARRICK  
234-23.00-753.00  
"LOT 44"  
DB 2513/68  
ZONED: GR

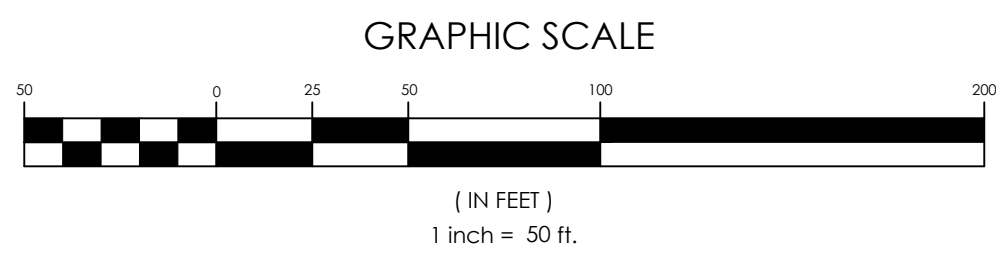
FORCE MAIN TO  
WWTP

ADVISORY LINE ESTIMATING  
FLOODING EXTENTS IF  
DUNES ARE BREACHED  
DURING A 0.2% ANNUAL  
CHANGE FLOOD EVENT

GREENS WAY

FREE DROP WAY

HASKELL DELL



SEE SHEET 6

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SITE PLAN E  
for  
**BAYWOOD GARDENS**  
SUSSEX COUNTY, DELAWARE  
PREPARED FOR: TUNNELL COMPANIES, LLC

|              |        |
|--------------|--------|
| Date:        | 3/9/20 |
| Job Number:  | 10005  |
| Scale:       | 1"=50' |
| Drawn By:    | ML     |
| Designed By: | HHB    |
| Approved By: | JIP    |

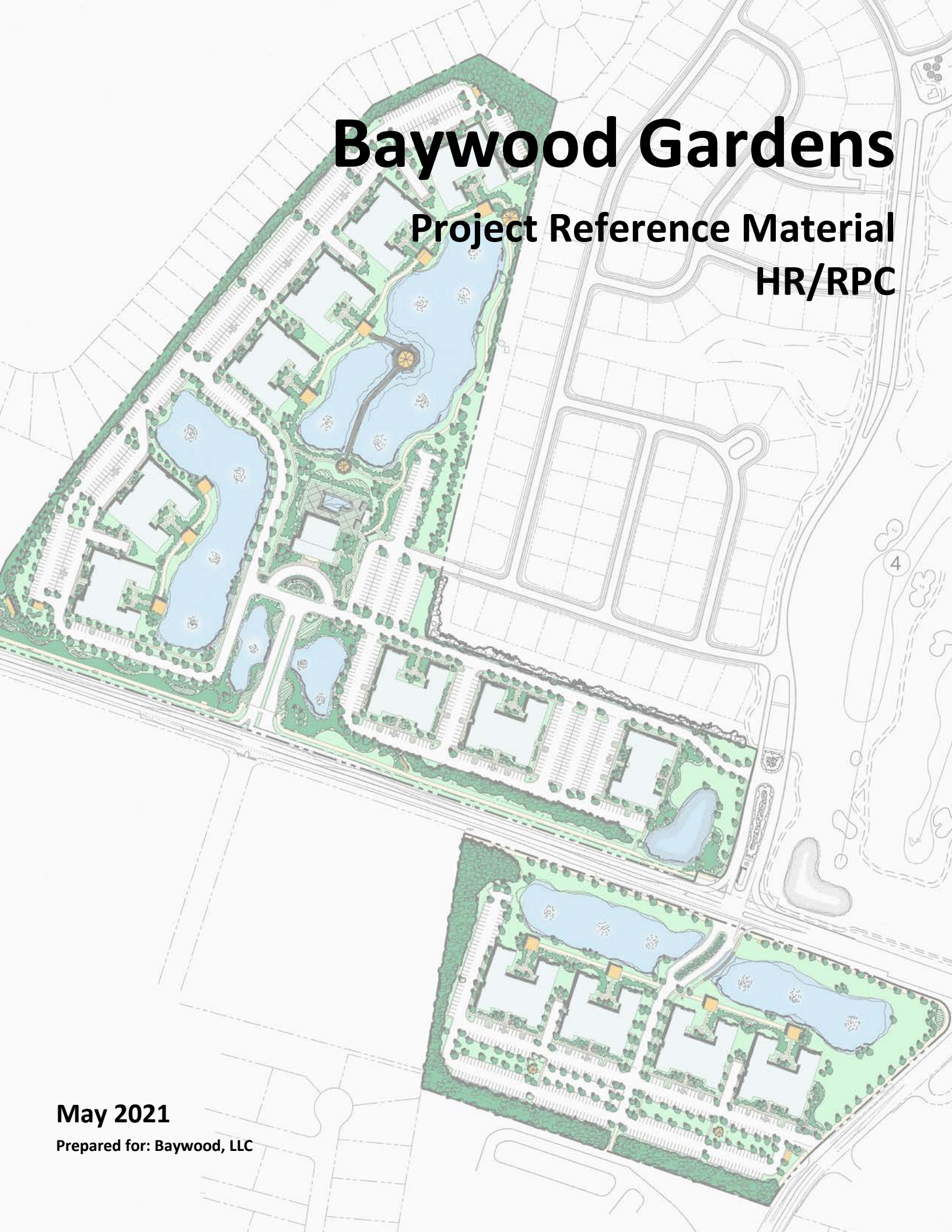
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File Name: 10005-prelim-siteplan



# Baywood Gardens

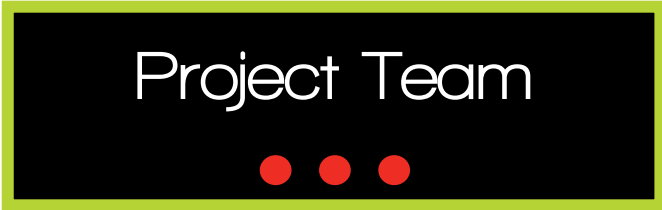
Project Reference Material

HR/RPC



May 2021

Prepared for: Baywood, LLC



**APPLICANT/DEVELOPER: Baywood, LLC**

Contact: Mr. Robert Tunnell, III  
34026 Annas Way, Suite 1  
Long Neck, DE 19966  
Telephone: 302.945.9300  
Email: [rtunnell@potnets.com](mailto:rtunnell@potnets.com)

**CIVIL ENGINEER/  
LAND PLANNER**

**Solutions IPEM, LLC**  
Contact: Mr. Jason Palkewicz, PE  
303 North Bedford Street  
Georgetown, DE 19947  
Telephone: 302.297.9215  
Email: [jpalkewicz@solutionsipem.com](mailto:jpalkewicz@solutionsipem.com)

**ATTORNEY:**

**Fuqua, Willard, Stevens & Schab, PA**  
Contact: Mr. James A. Fuqua Jr, Esq.  
26 The Circle  
Georgetown, DE 19947  
Telephone: 302.856.7777  
FAX: 302.856.2128  
Email: [jimf@fywlaw.com](mailto:jimf@fywlaw.com)

**TRAFFIC:**

**The Traffic Group**  
Contact: Mrs. Betty Tustin, PE, PTOE  
104 Kenwood Court  
Berlin, MD 21811  
Telephone: 443.290.4060  
Email: [btustin@trafficgroup.com](mailto:btustin@trafficgroup.com)

**ENVIRONMENTAL**

**Environmental Resources, Inc**  
Contact: Mr. Edward M. Launay, Professional Wetland Scientist  
38173 DuPont Boulevard  
Selbyville, DE 19975  
Telephone: 302.436.9637  
Email: [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

# Table of Contents



- I. Executive Summary**
- II. Project Overview**
  - A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey**
  - B. Overview of Current Site Conditions**
  - C. Land Plan and Amenities**
  - D. DeIDOT Improvements**
  - E. Preliminary Land Use Service (PLUS)**
  - F. Sanitary Sewer Planning Area**
- III. Compliance with Applicable Regulations**
  - A. Compliance with HR-1 (High Density Residential District)**
  - B. Compliance with RPC (Residential Planned Community District)**
  - C. Statement of Compliance with Sussex County, Delaware, Comprehensive Plan Update, March 2019**
- IV. Conclusion**

## **Appendix**

### **List of Figures:**

- Figure 1) Area Vicinity Map
- Figure 2) PLUS Response Letter
- Figure 3) State Strategies for Policies and Spending Map
- Figure 4) Developed and Protected Lands Map
- Figure 5) Zoning Map
- Figure 6) Future Land Use Map
- Figure 7) Aerial Photo of Site
- Figure 8) Floodplain Map
- Figure 9) Groundwater Recharge Map
- Figure 10) Soils Summary – Hillis Carnes
- Figure 11) Soils Summary – Geo-Technology Associates
- Figure 12) Environmental Assessment and Public Facilities Evaluation Report

### **Resumes:**

Jason Palkewicz, PE



# Baywood Gardens



## I. Executive Summary

Baywood Gardens is a proposed 54.38 acre HR-1 / RPC consisting of 514 multi-family residential units. The site is located on the north and south side of Long Neck Road at the intersections of Banks Road, School Lane and Greens Way.

An Application for re-zoning has been submitted to allow for the proposed development. The site has been planned to provide efficient and safe pedestrian and vehicular patterns. The roadway improvements and entrance to Baywood Gardens will be designed in accordance with DeIDOT standards and regulations.

Baywood Gardens is located within Investment Levels 1, 2, & 3 of the State Strategies for Policies and Spending Map.

The proposed community provides 514 homes on private access aisles with curb and gutter, sidewalks, streetlights and walking paths. A total of 27.5 +/- acres (51.5%) of interconnected open space is provided. The buildings are designed to overlook stormwater facilities.

A centrally located recreation facility is provided with community center, indoor and outdoor pools, fitness center, playground, pavilions, bocce and practice green. Pedestrian access across Long Neck Road is provided by a multi-modal path with signalized crosswalks. In addition to the main recreation facilities, most buildings will have an exterior courtyard to allow for gatherings and community events.

In conclusion, the proposed community plan represents a higher level of design that will produce a superior living environment for future residents. This plan provides affordable but appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety and welfare of the citizens of Sussex County.

### **Proposed Density and Calculations:**

Gross Site Area = 54.38 +/- acres

Net Development Area = 51.70 +/- acres

### **Allowable Homes Calculation (HR / RPC):**

12 homes/acre

51.70 x 12 = 620 homes

Proposed Homes:

514 Homes

Actual Density:

514 / 54.38 = 9.45 homes/acre (gross)

514 / 51.70 = 9.95 homes/acre (net)

## II. Project Overview

### A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey

A boundary survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 54.38 +/- acres. Wetlands are not located on the site.

### B. Overview of Current Site Conditions

The property for the proposed Baywood Gardens community is located along Long Neck Road at Greens Way, Banks Road and School Lane. The proposed development is surrounded by the existing communities of Baywood Greens (GR / RPC), Pines at Long Neck (GR) and Bayshore (C-1).

The property is located within Flood Zone X, (areas determined to be outside the 2.0% annual chance floodplain) per map number 10005C Panel 0340K & 343K, map revised March 16, 2015. The site is located within areas of good/fair groundwater recharge potential.

Soils report were prepared by Hillis-Carnes Engineering Associates, Inc. and Geo-Technology Associates, Inc. to determine depth to ground water and storm water feasibility. The depth to seasonal high ground water is approximately 8 feet below average grade on the North side of Long Neck Road and between 7 – 10 feet below grade on the South. Some portions of the site are suitable for stormwater infiltration.

### C. Land Plan and Amenities

The land plan takes into account:

- Existing site conditions
- Stormwater outfalls
- Adjacent communities
- Existing roadways
- Current housing trends
- Recreational needs

The resultant plan has:

- A minimum 20' perimeter buffer to Bayshore, Long Neck, Elementary School, Long Neck United Church, Baywood Greens and Pines at Long Neck.
- Horseshoe shaped buildings with courtyards overlooking ponds or other open space.
- Clubhouse with indoor and outdoor pools.
- Sidewalks and walking trails interconnected to Baywood Greens and across Long Neck Road via signalized crosswalks.
- Street lights.
- Community mail box clusters.
- An efficient stormwater management system that acts as an amenity.
- Additional amenities include:
  - Community center
  - Indoor and outdoor pools
  - Fitness center
  - Playground
  - Pavilions



- Bocce
- Practice green

#### **D. DeIDOT Improvements**

A series of meetings was held with DeIDOT officials concerning area roadway improvements related to Baywood Gardens specifically with regard to off-site transportation improvements and frontage improvements. Two traffic impact studies (one for each side of Long Neck Road) were prepared, reviewed and approved by DeIDOT. The developer will contribute to off-site transportation improvements as required by the TIS.

The entrance improvements requirements are:

- A full entrance with turn lanes across from Bayshore Drive.
- A right-in / right-out entrance across from Greens Way.
- Full entrance improvements onto School Lane.
- Installation of multi-modal paths along property frontage.

#### **E. Preliminary Land Use Service (PLUS)**

A concept plan for Baywood Gardens was presented to PLUS in May of 2019. A response letter was provided to PLUS in which addressed their comments point by point.

#### **F. Sanitary Sewer Planning Area**

The Baywood Gardens community is located within the Inland Bays Preservation Company and Sussex County sewer service areas. The north side of Long Neck Road is to be served by Inland Bays Preservation Company. The south side of Long Neck Road will connect to Sussex County sewer via the Bayshore community.

#### **G. Water Service**

The Baywood Gardens community will be served with potable water by Tidewater Utilities.

### **III. Compliance with Applicable Regulations**

#### **A. Compliance with HR-1 (High Density Residential District)**

The proposed land use is in conformity with the Zoning Ordinance which allows 12 dwelling units per acre based on the gross site area.

Purpose: Baywood Gardens conforms with the purpose of the HR-1 code. It is an appropriate density residential community, with public water and sewer located less than ½ mile to Route 24 and shopping facilities.

Permitted Uses: The HR-1 Zone allows multi-family dwellings.

Permitted Accessory Uses: The HR-1 Zoning allows outdoor amenities for use by occupants and their guests.

Conditional Uses: Baywood Gardens is not applying for any Conditional Uses.

Special Use Exceptions: Baywood Gardens is not applying for any Special Use Exceptions.

Permitted Signs: All proposed development signage will conform to the regulations provided in Sussex County Code 115-159.2.

Height, Area and Bulk Requirements: The height, area and bulk requirements are established by the requirements set forth in the HR-1 zoning article.

#### **B. Compliance with RPC (Residential Planned Community)**

Purpose: Baywood Gardens conforms with the purpose of the RPC. It is a superior community utilizing design ingenuity.

Permitted Uses: The RPC Zone allows multi-family dwellings.

Minimum District Area: The community is larger than the required minimum 10 acres in the HR-1 District.

Number of Dwelling Units Permitted: Baywood Gardens has a net density of 9.95 units per acre, which is less than the 12 units per acre permitted.

Parking and Streets and Driveways: Parking and drive aisles are provided in the community.

**C. Statement of Conformity with Sussex County, Delaware, Comprehensive Plan Update, March 2019**

**Chapter 4 Future Land Use:**

A portion of the site is located within the Coastal Areas Growth Area and complies with the Future Land Use Section as follows:

- Multi-family homes are permitted.
- The proposed density of 9.95 units/acre is in compliance with the 4-12 units/acre recommended as appropriate in this location.
- Central water and sewer will be available to the site.

A portion of the site is located within the Commercial Area and complies as follows:

- The site is currently zoned with three different types of commercial.
  - o B-1 permits multi-family via conditional use
  - o C-1 permits multi-family
  - o CR-1 permits multi-family via conditional use

As such, this rezoning request is generally consistent with the Future Land Use Plan.

**Chapter 5 Conservation:**

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground water recharge areas within the proposed site.
- There are no wetlands on the site.
- The site is located outside of a flood zone.
- Central water and sewer will be available to the site.

**Chapter 6 Recreation and Open Space:**

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:
  - o High Priorities:
    - Swimming pools (indoor and outdoor)
    - Picnic areas (pavilions)
    - Walking/jogging paths (multi-modal)
    - Bike paths (multi-modal)
  - o Moderate Priorities:
    - Playgrounds
- In addition, the community provides:
  - o Gathering areas
  - o Sidewalks
  - o Tot lots

**Chapter 7 Utilities:**

The proposed community complies with the Utilities section as follows:



- There are no well head protection areas nor excellent ground water recharge areas within the proposed site.
- Potable water will be provided by Tidewater Utilities.
- The community is located within the sewer CPCN area of Inland Bays Preservation Company, LLC and Sussex County.
- The project is located within the Chesapeake Utilities Existing and Planned Natural Gas Service area.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by Blue Hen Disposal or another licensed commercial hauler.

**Chapter 8 Housing:**

The proposed community complies with the Housing section as follows:

- The site is located in the Eastern portion of Sussex County which include beach communities as well as communities that capture much of the retiree market.
- This multi-family community would provide a more affordable home than a traditional single-family detached home.

**Chapter 9 Economic Development:**

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in:
  - o Construction
  - o Professional, Business and IT Services
  - o Finance, Insurance and Real Estate Services
  - o Utilities
  - o Maintenance and Management
- The development will also indirectly provide job opportunities in:
  - o Leisure and Hospitality
  - o Education and Healthcare

**Chapter 10 Historic Preservation:**

The proposed community complies with the Historic Preservation section as follows:

- There are no historic sites referenced on the property.

**Chapter 12 Community Design:**

The proposed community complies with the Community Design section as follows:

- The proposed community is a residential planned community (RPC).
- Street lighting will be provided.
- Sidewalks and multi-modal paths are provided throughout the community.
- The proposed buildings will be limited to 52' in height.
- No variances to the required setbacks are proposed.
- The community will connect to multi-modal paths within DeIDOT's right-of-way as well as those in Baywood Greens.
- The entrance to the community will be landscaped.
- Cross walks will be provided.
- Landscaped/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

**Chapter 13 Mobility Element:**

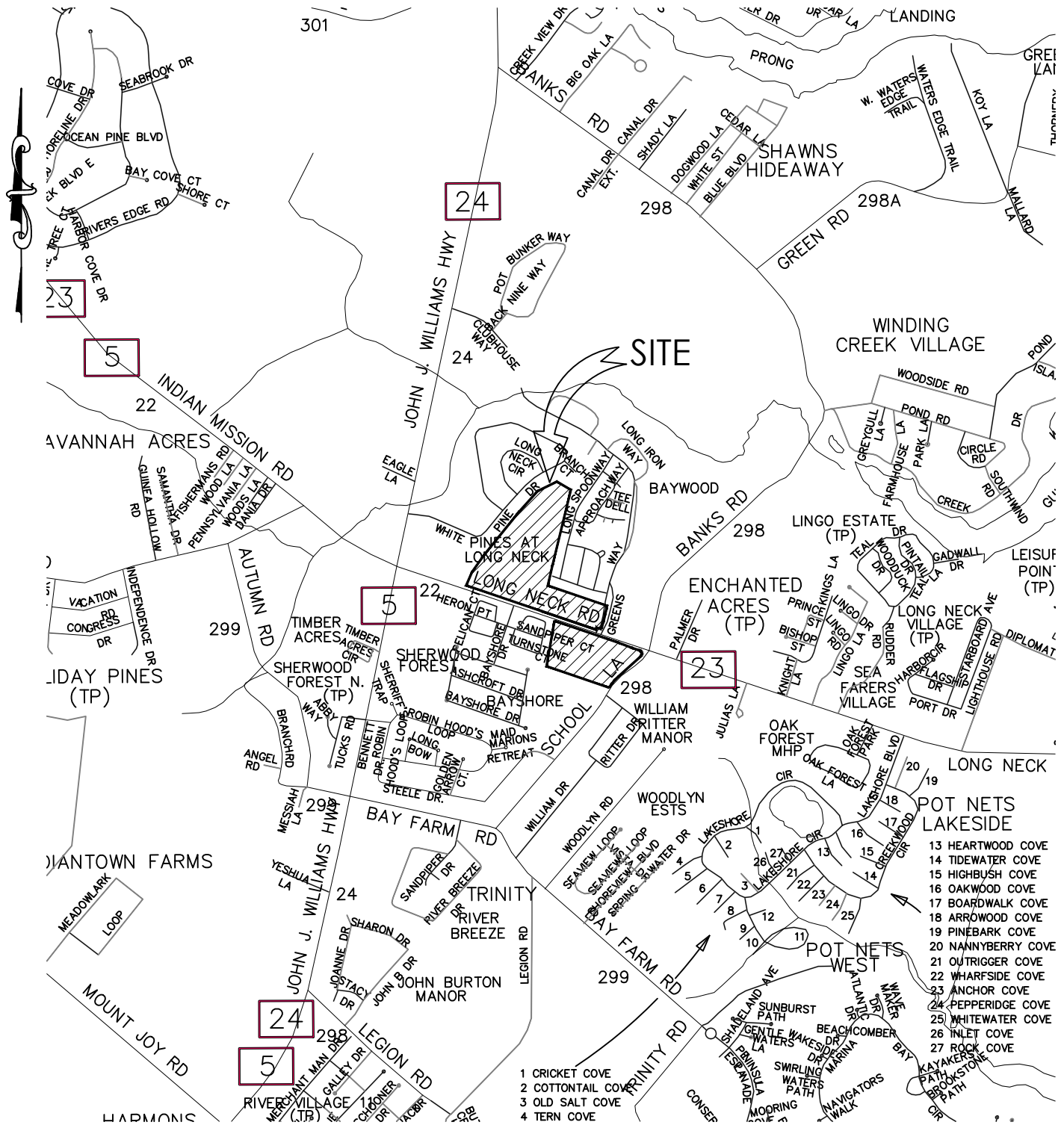
The proposed community complies with the Mobility Element section as follows:

- A Traffic Impact Study (TIS) was prepared for both the North and South side of the proposed development which included intersections beyond the property.
- Entrance, roadway and off-site improvements necessitated by DeIDOT will be designed and constructed per DeIDOT standards.
- Improvements are anticipated to include
  - o Road widening
  - o Shoulder construction
  - o Installation of turn lanes
  - o Multi-modal paths
  - o Drainage improvements
- The developer will contribute to off-site improvements as required by the two Traffic Impact Studies.

**IV. Conclusion**

The proposed community of Baywood Gardens will enhance the area with a well-planned design, amenities, and no negative impact on the land. The design preserves large amounts of open space while preserving attractive views within and into the community. The community will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Active amenities include a community center, indoor and outdoor pools, fitness center, playground, pavilions, bocce, and practice green. The design also preserves and enhance existing views through non-disturbance and accentuating certain features of the existing terrain.

The proposed community of Baywood Gardens meets the HR/RPC standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State or tax payers to serve this community.



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VICINITY MAP  
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| Scale:  | N.T.S.  |
| Date:   | 6/17/20 |
| Job No: | G10005  |



March 11, 2020

Mrs. Constance C. Holland, AICP, State Planning Director  
Haslet Armory  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901

RE: PLUS review 2019-05-09; Baywood Gardesns

Dear Mrs. Holland:

Please allow this letter to serve as our response to the PLUS review of the Baywood Gardens community. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and a different font for ease in review.

Thank you for meeting with State agency planners on May 22, 2019 to discuss the Baywood Gardens project. According to the information received, you are seeking review of a rezoning of 54.38 acres from B-1, C-1, and CR-1 to HR/PC in anticipation of 514 apartment units along Long Neck Road in Sussex County.

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

**Response – The developer will comply with all Federal, State and Local regulations regarding the development of this property. The developer will comply with any and all regulations / restrictions set forth by Sussex County.**

### **Strategies for State Policies and Spending**

This project is located in Investment Level 1 and 2 according to the *Strategies for State Policies and Spending*. This site is also located in the Coastal Area growth zone of the recently certified SC comp plan. Investment Level 1 & 2 reflect areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. State investments will support growth in these areas.

**Response – Noted.**

## Code Requirements/Agency Permitting Requirements

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

- The site access on Long Neck Road (Delaware Route 23) and School Lane (Sussex Road 298) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 2,827 vehicle trip ends per day. DeIDOT calculates a higher number, 3,845 vehicle trip ends per day, but regardless the warrant for a TIS is met.

DeIDOT has met with the developer's engineers about this project twice regarding TIS, once in September 2018 to set a scope for a TIS for Phases 1 and 2 of the development, the part on the north side of Long Neck Road and once in April 2019 to set a scope for a TIS for Phase 3 of the development, the part on the south side of Long Neck Road. See the attached memoranda dated September 18, 2018 and April 24, 2019.

At the April 2019 meeting, DeIDOT informed the applicant and their engineers that left turns into Phase 3 of the development from Long Neck Road cannot be accommodated and that consequently a secondary access would need to be provided on School Lane. That secondary access is not shown on the concept sketch accompanying the PLUS application.

The primary purpose of a TIS is to determine the need for off-site transportation improvements. Without prejudging the results of either TIS, DeIDOT expects to require a contribution to the DeIDOT project at the intersection of Delaware Route 24 and Long Neck Road and signal agreements for the Route 24, Bayshore Drive, Greens Way and School Lane/Banks Road intersections along Long Neck Road.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site's frontage on Long Neck Road and School Lane. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of Long Neck Road and 30 feet of right-of-way from the physical centerline of School Lane. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"



- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Long Neck Road and School Lane. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **“A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrances on Long Neck Road and within 300 feet of the entrance on School Lane.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions. A driveway connection should be provided to from Phase 3 to Turnstone Court in the Bayshore development and a pedestrian connection should be provided from Phase 3 to the Long Neck Elementary School.
- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates requiring the developer build Shared Use Paths along their frontage on both Long Neck Road and School Lane.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DART Route 215 provides seasonal service on Long Neck Road and the developer should anticipate a requirement to provide bus stops at Bayshore Drive and Greens Way.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Long Neck Road and School Lane.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.



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

**Response – The developer will coordinate with DelDOT regarding the necessary improvements and agreements. Construction plans will be per DelDOT requirements.**

**State Historic Preservation Office – Contact Carlton Hall 736-7404**

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project’s effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation’s website at: [www.achp.gov](http://www.achp.gov)

**Response – Noted.**

**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 these suggestions can benefit the project.

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

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

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

**Source Water Protection**

- There is a public well on the adjacent parcel and a large portion of the subject parcel, at the southwestern corner, lies within the wellhead protection area. The capacity of the well is greater

than 50,000 gallons per day; Sussex County regulates construction within Wellhead Protection Areas with specific requirements for wells drawing greater than 50,000 gallons/day. The applicant should work with the county to meet these requirements.

#### **Water Quality**

- Minimizing the removal of forest cover and reducing the number and size of ponds from what is proposed would improve water quality. Green technology stormwater management is preferred over excess use of ponds which create problems with nuisance geese and algae.

**Response – The developer acknowledges the non-required additional information from the various agencies.**

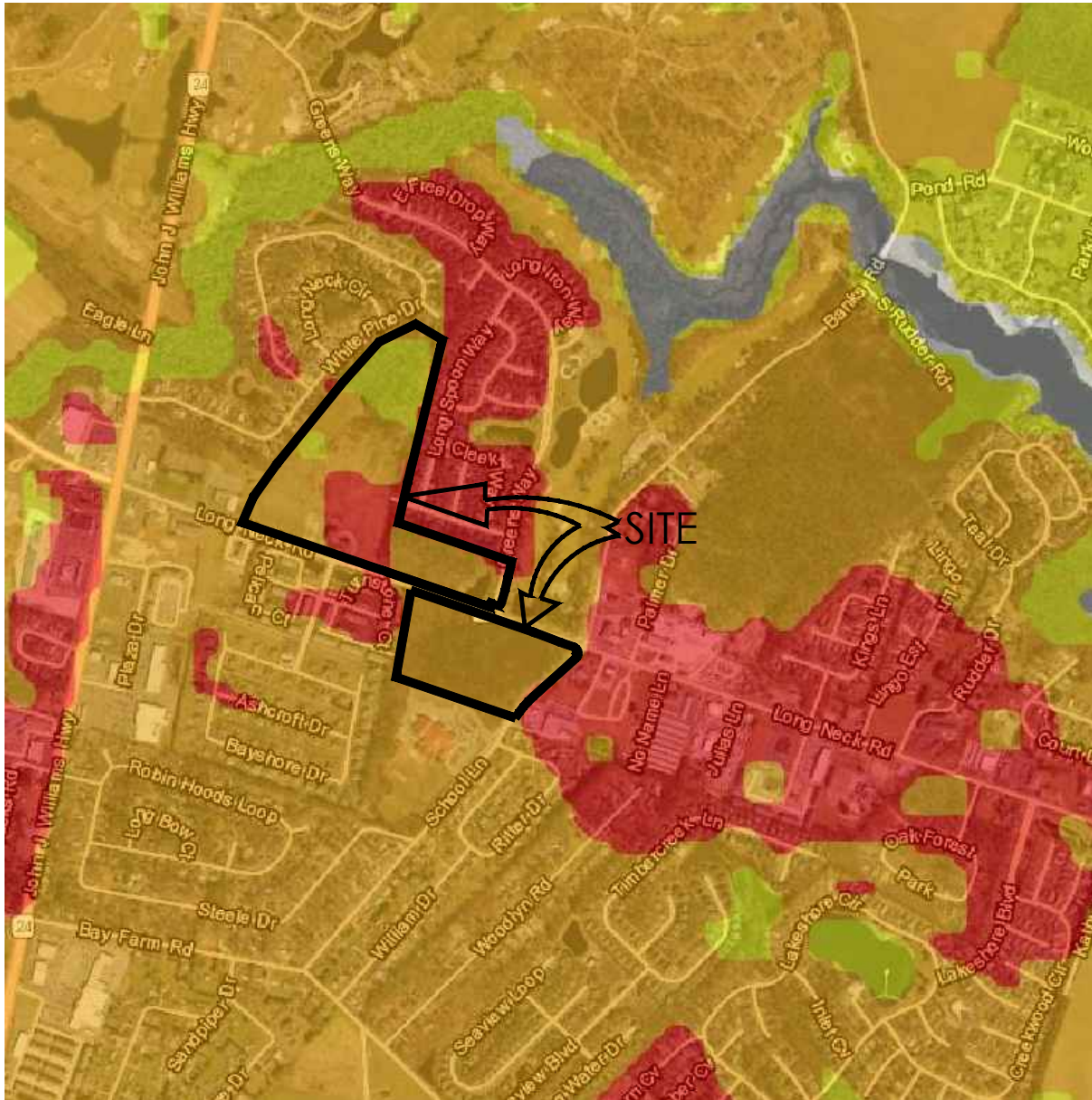
**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments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

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,  
Solutions, IPEM

  
Jason Palkewicz, PE



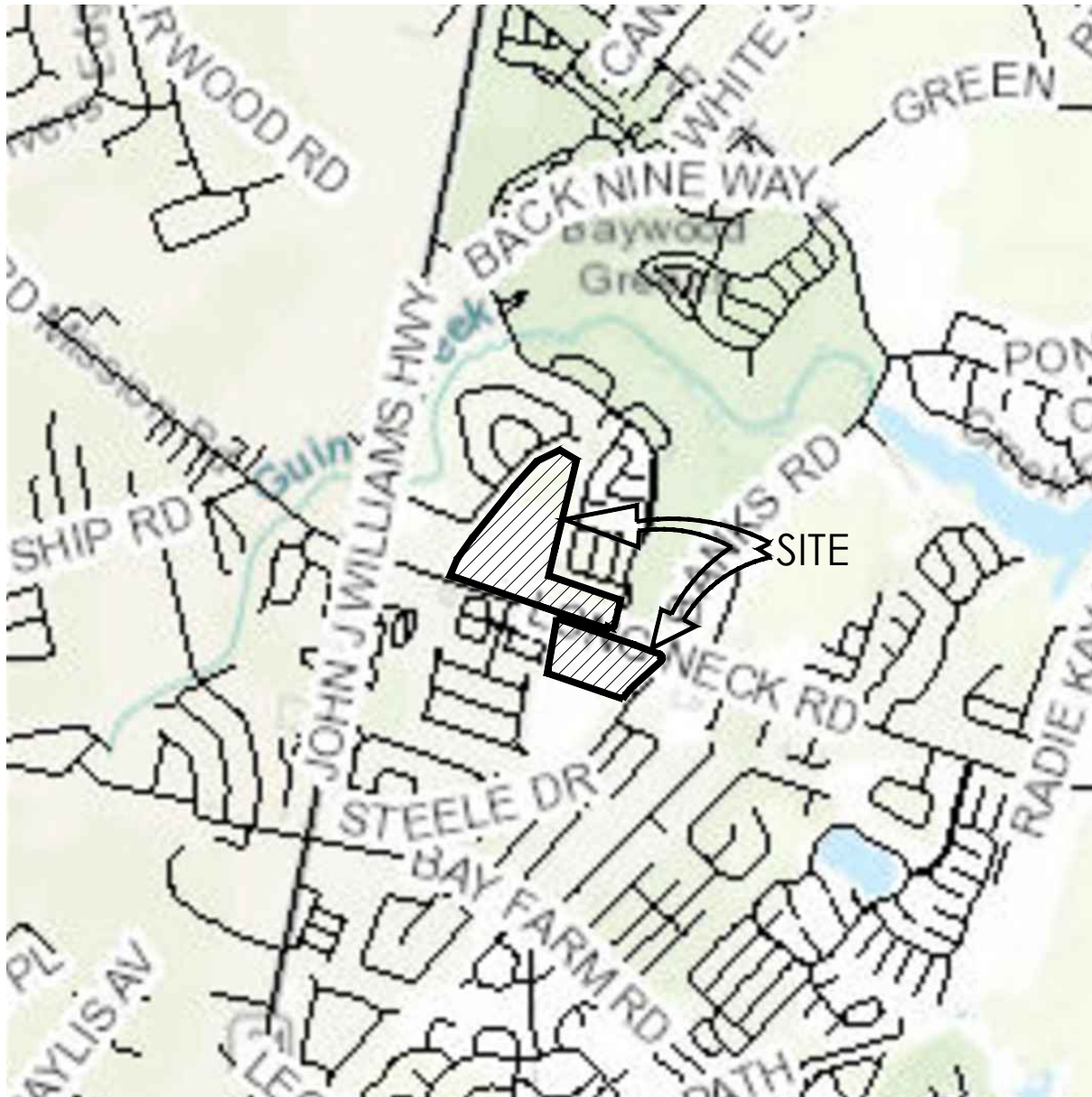


-  INVESTMENT LEVEL 1
-  INVESTMENT LEVEL 3
-  INVESTMENT LEVEL 2
-  INVESTMENT LEVEL 4

NOTE:  
 IMAGE TAKEN FROM  
 DELAWARE STATE STRATEGIES  
 2020 MAP.

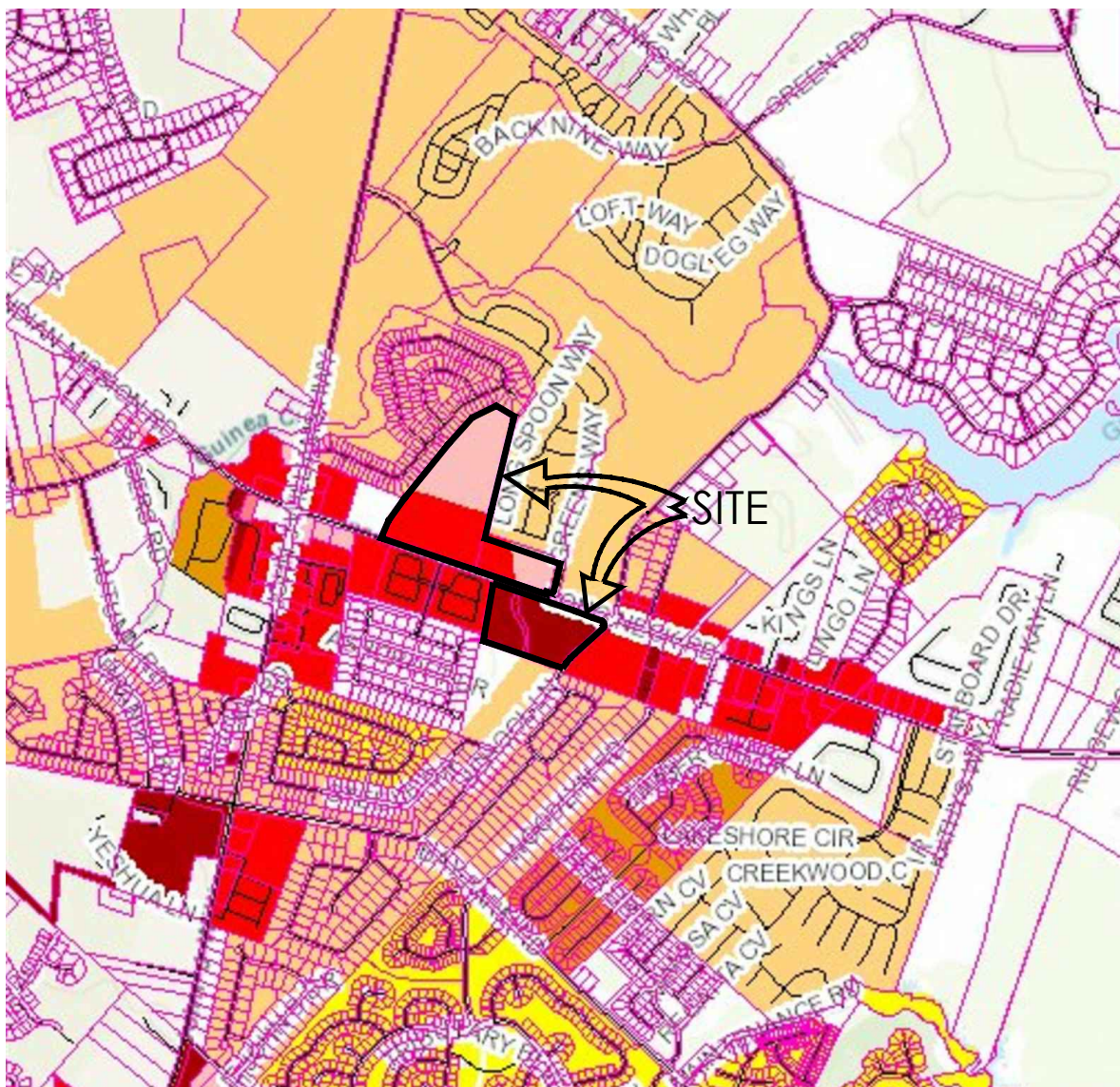
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NOTE:  
IMAGE TAKEN FROM THE SUSSEX  
COUNTY ON-LINE MAPPER  
(PRINTED 8/12/20)

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- |   |                                 |   |                               |
|---|---------------------------------|---|-------------------------------|
|  | AGRICULTURAL - AR-1             |  | NEIGHBORHOOD BUSINESS - B-1   |
|  | MEDIUM RESIDENTIAL - MR         |  | COMMERICAL RESIDENTIAL - CR-1 |
|  | GENERAL RESIDENTIAL - GR        |  | GENERAL COMMERICAL - C-1      |
|  | HIGH DENSITY RESIDENTIAL - HR-1 |   |                               |

**NOTE:**  
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 ZONING MAP.

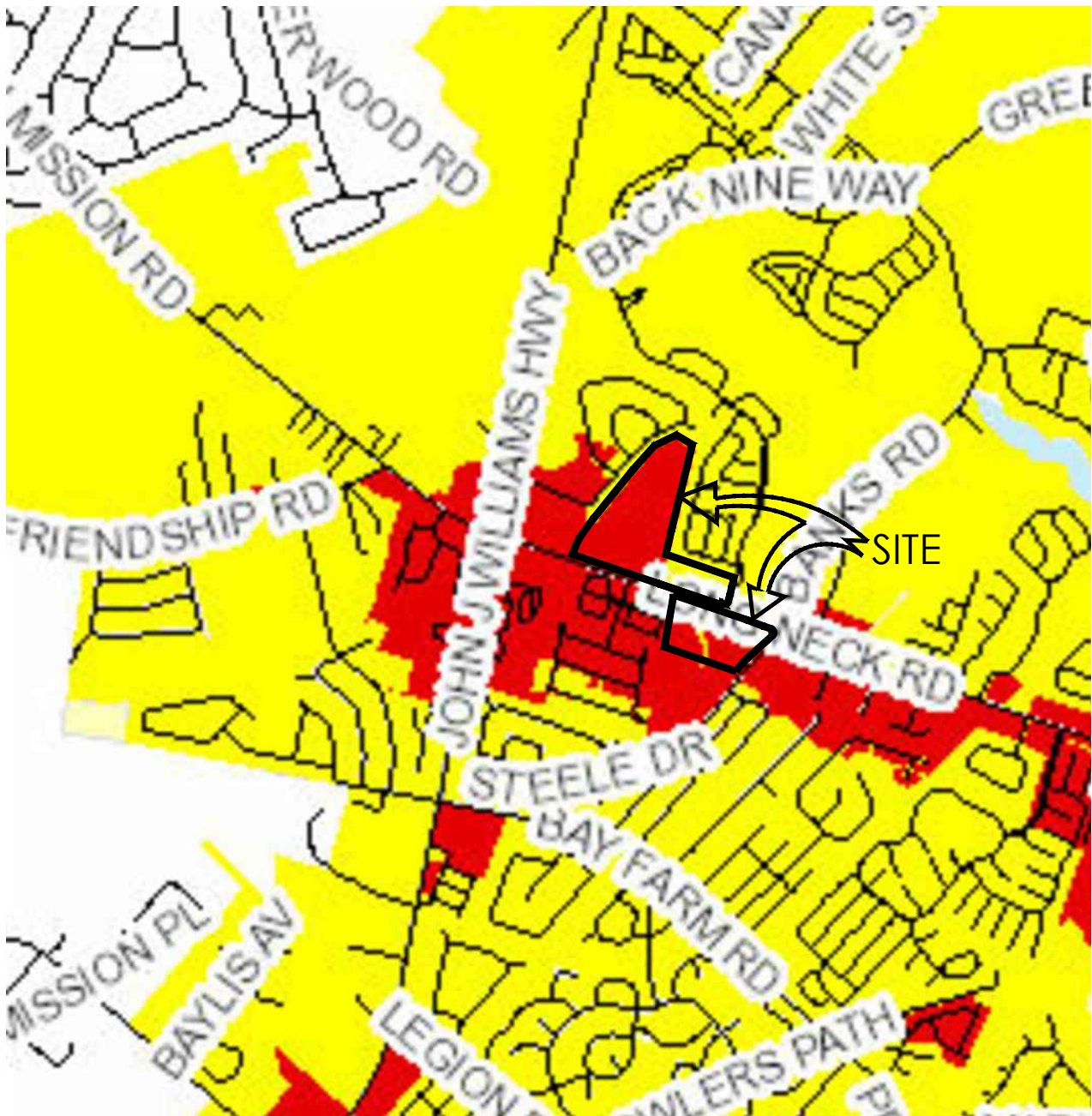


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ZONING MAP  
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COASTAL AREAS



LOW DENSITY AREA



COMMERCIAL AREAS

NOTE:  
IMAGE TAKEN FROM THE SUSSEX  
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FUTURE LAND USE  
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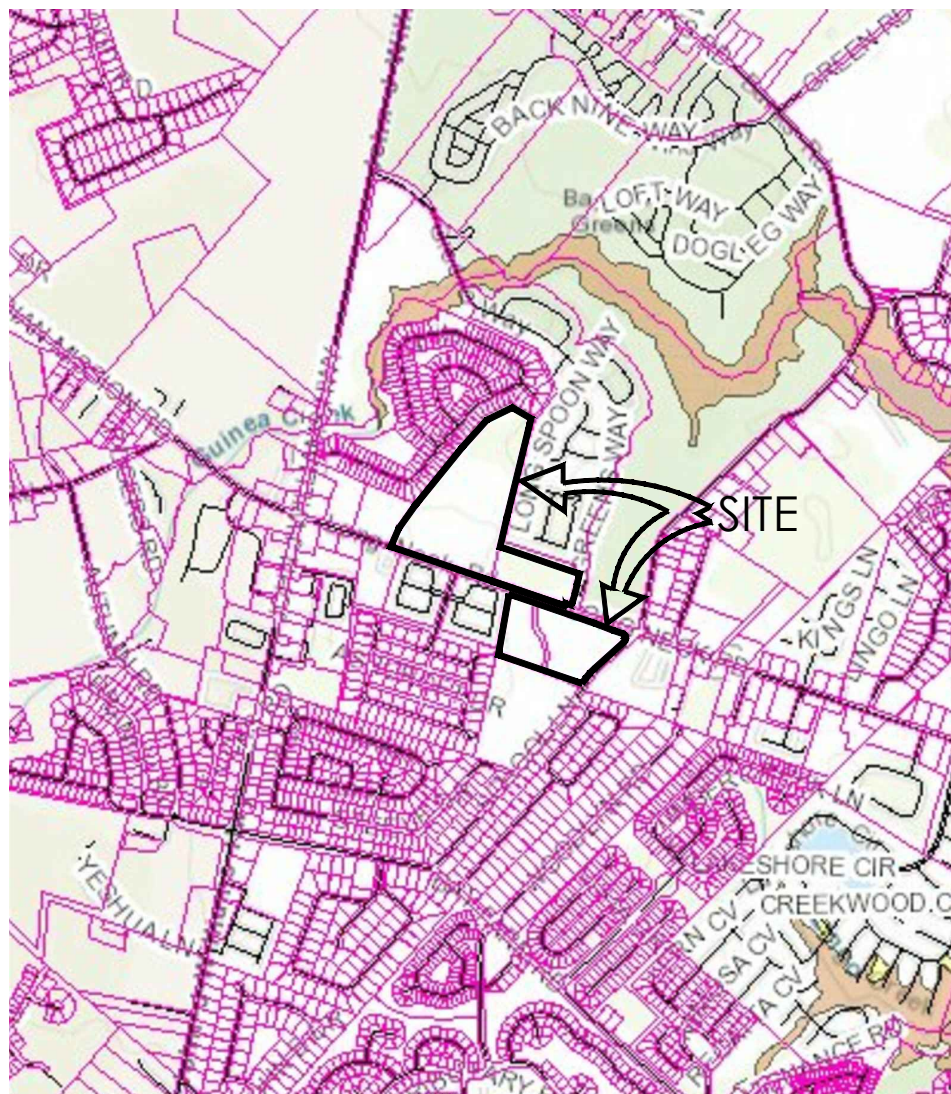




NOTE:  
IMAGE TAKEN FROM GOOGLE  
EARTH (IMAGE DATE JUNE  
2018).

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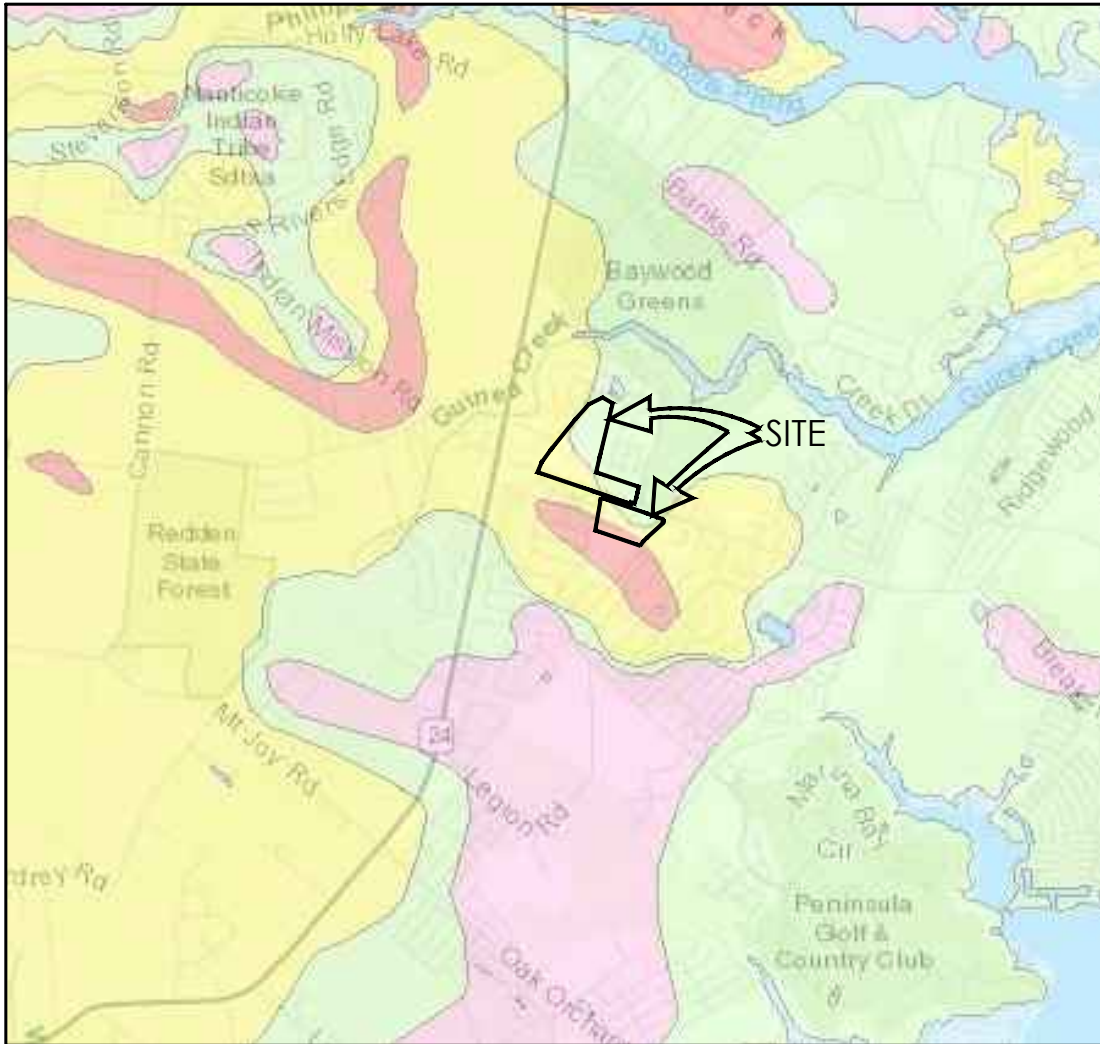
THE PROPERTIES AREA LOCATED WITHIN FLOOD ZONE X (UNSHADED) - AREAS DETERMINED TO OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBERS 10005C03430K AND 10005C0343K, MAPS REVISED MARCH 16, 2015.







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FLOOD MAP  
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-  EXCELLENT GROUNDWATER RECHARGE
-  GOOD GROUNDWATER RECHARGE
-  FAIR GROUNDWATER RECHARGE
-  POOR GROUNDWATER RECHARGE

NOTE:  
IMAGE TAKEN FROM THE  
DELAWARE GEOLOGICAL SURVEY



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GROUNDWATER RECHARGE MAP  
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| Date:   | 6/17/20 |
| Job No: | G10005  |



September 7, 2017

Robert W. Tunnell III  
Tunnell Companies, L.P.  
34026 Anna's Way  
Unit 1  
Long Neck, DE 19966

1277 McD Drive  
Dover, Delaware 19901  
Phone 302-744-9855  
Fax 302-744-9160  
www.hcea.com

Reference: Report of Field Infiltration Testing for:  
**Baywood Gardens**  
Long Neck, Delaware  
HCEA Project No. D17076

Dear Mr. Tunnell,

As requested, Hillis-Carnes Engineering Associates, Inc. (HCEA) has completed hand auger borings and field infiltration testing at the referenced site. HCEA performed 11 hand augers and 9 infiltration tests on the property. The test depths and locations were selected by HCEA with input from Solutions IPEM. This letter summarizes the results of the hand augers and infiltration testing. HCEA previously performed borings and test pits on this site in 2008 (HCEA Project Number S08158).

HCEA performed hand auger borings on the site on August 2 and 3, 2017. The hand auger borings were labeled B-1 through B-7. The hand auger borings were augered depths of 10 feet below existing grades, except at location B-2 running sands were encountered. The boring locations are shown on Figure 2 in the Appendix.

The records of soil exploration for the hand auger borings are attached in the Appendix. These borings indicate a subsurface profile consisting of SAND (USCS: SP to SP-SM, USDA: Sand), silty SAND (USCS: SM, USDA: Sandy Loam to Loamy Sand), clayey SAND (USCS: SC, USDA: Sandy Clay Loam to Clay Loam) and lean CLAY (USCS: CL, USDA: Clay Loam).

HCEA performed grain size analyses on samples corresponding to the infiltration test locations. The results are included in the appendix of this report.

HCEA encountered groundwater seepage at depths between 5.0 and 9.7 feet below grade in the hand auger borings. The high groundwater level of 5.0 feet in boring B-2 was unusual compared to the rest of the site. Groundwater was either not encountered or was encountered at depths of 8 feet or more in the borings other than B-2. These results are in good agreement with HCEA's 2008 report which estimated a seasonal high groundwater level of 8.5 feet below existing grade.

HCEA set temporary piezometers for delayed groundwater readings in 5 of the boring locations. The results of the delayed groundwater readings are shown on the following table.

**Baywood Gardens  
Report of Field Infiltration Testing**

**HCEA Project No. D17076**

| Boring | Groundwater Depth (ft) |
|--------|------------------------|
| B-1    | 9.7                    |
| B-2    | 5.0                    |
| B-4    | 8.0                    |
| B-5    | dry                    |
| B-8    | 9.4                    |

Based on the piezometer readings, HCEA believes that the seasonal high groundwater level is approximately 8 feet below grade. HCEA attributes the higher groundwater level at B-2 to a perched water condition.

Due to the seasonal high groundwater elevation, conventional basement construction is not recommended. Any below-grade structures must remain 7-feet or less below grade, or be designed to be permanently below the water table. HCEA recommends additional groundwater readings if below-grade structures are proposed in the vicinity of boring location B-2.

HCEA performed single ring, falling head infiltration testing in general accordance with ASTM D 5126 at the locations indicated on the following table. Based on the results of the infiltration testing results, HCEA calculated the following hydraulic conductivities:

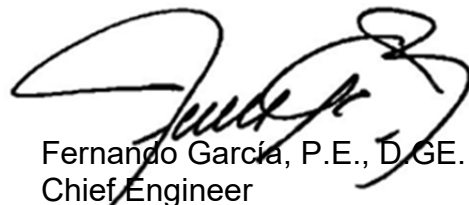
| Test Location | Test Depth (ft) | Hydraulic Conductivity (in/hr) | USDA Classification |
|---------------|-----------------|--------------------------------|---------------------|
| B-2           | 1.8             | 2.98                           | Sandy Loam          |
| B-3           | 3.0             | 1.11                           | Sandy Loam          |
| B-5           | 2.5             | 1.20                           | Loamy Sand          |
| B-6           | 3.0             | 1.79                           | Sand                |
| B-7           | 3.3             | 0.22                           | Loamy Sand          |
| B-8           | 3.3             | 0.85                           | Loamy Sand          |
| B-9           | 3.5             | 0.02                           | Loamy Sand          |
| B-10          | 2.7             | 0.61                           | Sandy Loam          |
| B-11          | 3.2             | 0.47                           | Loamy Sand          |

HCEA appreciates the opportunity to be of assistance to you during this phase of your project. If you have any questions regarding this report, please contact our office at (302) 744-9855.

Respectfully Submitted,  
**HILLIS-CARNES ENGINEERING ASSOCIATES, INC.**



Jeremy M. Boehm, P.E.  
Project Engineer

Fernando Garcia, P.E., D.G.E.  
Chief Engineer

**HILLIS-CARNES ENGINEERING ASSOCIATES**

# GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND  
ENVIRONMENTAL CONSULTANTS

*A Practicing Geoprofessional Business Association Member Firm*



March 5, 2020

Tunnell Companies, LP  
34026 Anna's Way  
Suite 1  
Long Neck, Delaware 19966

Attn: Mr. Mr. Robert Tunnell, III

Re: Report of Subsurface Exploration  
***Baywood Villas***  
Long Neck, Delaware

Ladies & Gentlemen:

In accordance with our agreement dated September 26, 2019, Geo-Technology Associates, Inc. (GTA) has performed a subsurface exploration for the stormwater management (SWM) areas and pump station area, for the above referenced project. The purpose of the subsurface exploration was to evaluate the estimated normal seasonal high groundwater elevation; discuss suitability of the subsoils to facilitate infiltration practices at selected test locations; present the subsoil conditions encountered at selected borings, and provide preliminary recommendations for pump station and pond construction. A concept plan prepared by Solutions IPEM was referenced for this report. The results of our subsurface exploration are summarized below.

Referring to the attached Site Location Plan, the site is situated along the north side of Long Neck Road approximately 1/4-mile east of John J. Williams Highway (Route 24), in the Long Neck area of Sussex County, Delaware. The project site is situated within an almost rectangular shaped parcel and consists of a mix of mature woods and open grass covered areas. The property generally slopes downward in a northwestern direction, with the ground surface at the exploration locations ranging from Elevation 26 to 16 Mean Sea Level (MSL), as determined by Solutions IPEM.

According to the Geologic Map of the Rehoboth Beach Quadrangle, Delaware Geologic Map Series No. 16 (2011) published by the Delaware Geological Survey, the site is within the Coastal Plain Physiographic Province. Coastal Plain sediments below the surficial deposits exposed in the site area were generally deposited in commonly estuarine environments of Quaternary geologic age. The Pleistocene deposits are designated as the Lynch Heights Formation and typically consist of "... well-sorted fine to coarse sand to pebble laminae and silty clay laminae." Please review the referenced map for further details regarding this geologic unit.

21133 Sterling Avenue, Suite 7, Georgetown, DE 19947 (302) 855-9761 Fax: (302) 856-3388

◆ Abingdon, MD ◆ Baltimore, MD ◆ Laurel, MD ◆ Frederick, MD ◆ Waldorf, MD ◆ Sterling, VA ◆ Fredericksburg, VA ◆ Malvern, OH  
◆ Somerset, NJ ◆ NYC Metro ◆ New Castle, DE ◆ Georgetown, DE ◆ York, PA ◆ Quakertown, PA ◆ Charlotte, NC ◆ Raleigh, NC

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From review of the USDA Soil Survey, the soils predominately conform to Fort Mott-Henlopen complex/loamy sand (0 to 2 percent slopes). Also present are soils that conform to Henlopen loamy sand (2 to 5 percent slopes) and Hurlock loamy sand (0 to 2 percent slopes). The soils map information is attached.

From review of the attached Monthly Groundwater Depth for Qe44-01, Columbia Aquifer, taken from the Delaware Geological Survey website, the groundwater depth at Well Qe44-01 (east of Laurel, Delaware), was below the normal seasonal high during the period when the borings were performed during February 2020. It should be noted that the magnitude of fluctuation between the current groundwater level and the seasonal high groundwater level decreases towards the coast.

GTA performed 19 Standard Penetration Test (SPT) borings, designated as SWM-1 through SWM-18 and PS-1, to depths ranging from 8 to 40 feet below the ground surface. Longer-term water readings were taken two to fourteen days after completion and the holes were backfilled after the longer-term water readings were taken. The exploration locations were selected and staked with ground surface elevations determined by Solutions IPeM. Relative locations are shown on the attached Exploration Location Plan. The exploration locations indicated on the plan should be considered approximate. The exploration logs are attached.

The soils were visually classified in accordance with the Unified Soil Classification System (USCS) and the United States Department of Agriculture (USDA) classification system. Beneath an approximately 4 to 8-inch thick surface topsoil layer, the explorations generally encountered native subsoils visually classified as predominately consisting of Clayey SANDs (USCS: SC; USDA: Sandy Clay Loam), Silty SANDs (SM; Sandy Loam), Lean Clay (CL; Clay Loam), Silt (ML; Silt Loam), Poorly-graded SAND (SP; Sand), and Poorly-graded SANDs with Silt (SP-SM; Loamy Sand/Sand). The relative densities of the granular soils were very loose to medium dense based on SPT N-values of 2 to 20 blows per foot (bpf). The consistencies of fine-grained soils were medium stiff to very stiff based on SPT N-values of 6 to 20 bpf.

GTA’s estimate of the seasonal high groundwater level at the deeper borings is based upon water levels below seasonal high; and soil coloring, mottling and/or saturation. The results of the groundwater level readings and GTA’s opinion of the estimated seasonal high groundwater depth are summarized as follows:

**GROUNDWATER DATA SUMMARY**

| Exploration No. | Existing Ground Surface Elevation (MSL) | Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion | Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Five Days After Completion | *Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater |
|-----------------|---|---|--|--|
| PS-1            | EL 20.3                                 | 18.5 / EL 1.8   | 8.0 / EL 12.3 (Perched)  | 13 / EL 7  |
| SWM-1           | EL 21.0                                 | Dry to 16 / Dry to EL 5.0   | 9.6 / EL 11.4 (Perched)  | 15 / EL 6  |
| SWM-2           | EL 18.9                                 | Dry to 14 / Dry to EL 4.9   | Dry to 12 / Dry to EL 6.9  | 12 / EL 7  |
| SWM-3           | EL 19.8                                 | Dry to 16 / Dry to EL 3.8   | Dry to 11 / Dry to EL 8.8  | 13 / EL 7  |
| SWM-4           | EL 17.9                                 | Dry to 14 / Dry to EL 3.9   | Dry to 9 / Dry to EL 8.9   | 11 / EL 7  |

| Exploration No. | Existing Ground Surface Elevation (MSL) | Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion | Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Five Days After Completion | *Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater |
|-----------------|---|---|--|--|
| SWM-5           | EL 16.4                                 | Dry to 12 / Dry to EL 4.4   | Dry to 12 / Dry to EL 4.4  | 8 / EL 8   |
| SWM-6           | EL 16.8                                 | Dry to 12 / Dry to EL 4.8   | Dry to 12 / Dry to EL 4.8  | 9 / EL 8   |
| SWM-7           | EL 16.1                                 | Dry to 12 / Dry to EL 4.1   | Dry to 11 / Dry to EL 5.1  | 8 / EL 8   |
| SWM-8           | EL 15.9                                 | Dry to 8 / Dry to EL 7.9  | Dry to 8 / Dry to EL 7.9   | 8 / EL 8   |
| SWM-9           | EL 19.0                                 | Dry to 12 / Dry to EL 7.0   | Dry to 12 / Dry to EL 7.0  | 10 / EL 9  |
| SWM-10          | EL 19.0                                 | Dry to 12 / Dry to EL 7.0   | Dry to 10 / Dry to EL 9.0  | 10 / EL 9  |
| SWM-11          | EL 20.7                                 | Dry to 14 / Dry to EL 6.7   | Dry to 14 / Dry to EL 6.7  | 12 / EL 9  |
| SWM-12          | EL 25.3                                 | Dry to 18 / Dry to EL 7.3   | 17.9 / EL 7.4  | 15 / EL 10   |
| SWM-13          | EL 25.7                                 | Dry to 18 / Dry to EL 7.7   | Dry to 10 / Dry to EL 15.7   | 16 / EL 10   |
| SWM-14          | EL 23.4                                 | Dry to 14 / Dry to EL 9.4   | Dry to 12 / Dry to EL 11.4   | 13 / EL 10   |
| SWM-15          | EL 24.4                                 | Dry to 18 / Dry to EL 6.4   | Dry to 12 / Dry to EL 12.4   | 14 / EL 10   |
| SWM-16          | EL 21.7                                 | Dry to 14 / Dry to EL 7.7   | 7.0 / EL 14.7 (Perched)  | 12 / EL 10   |
| SWM-17          | EL 19.9                                 | Dry to 12 / Dry to EL 7.9   | 6.1 / EL 13.8 (Perched)  | 10 / EL 10   |
| SWM-18          | EL 21.1                                 | Dry to 14 / Dry to EL 7.1   | Dry to 12 / Dry to EL 9.1  | 11 / EL 10   |

\*Seasonal high groundwater estimate based upon observed soil mottling, color and/or saturation and should be considered approximate.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Please refer to the exploration logs provided in the attachments for further information.

Selected samples obtained from the borings were tested for grain-size analysis, Atterberg Limits and natural moisture contents. The grain-size analysis and Atterberg Limits testing were performed to determine the Unified Soil Classification System (USCS) designation for the soil. The results of testing are as follows:

**SUMMARY OF LABORATORY TESTING**

| EXPLORATION NO. | DEPTH (FT.) | USCS CLASSIFICATION | LL (%) | PI (%) | NMC % |
|-----------------|-------------|---------------------|--------|--------|-------|
| SWM-13          | 1 – 4       | Silty SAND (SM)     | NP     | NP     | 12.1  |

Note: LL=Liquid Limit PI=Plastic Index NP=Non-plastic NMC=Natural Moisture Content NT=Not Tested

A near-surface bulk sample was taken from Boring SWM-13, and was tested for moisture-density relationship in accordance with the Standard Proctor (ASTM D-698) method for use in evaluating the suitability of these soils for reuse as fill. Results of these tests are summarized in the following table.

**SUMMARY OF COMPACTION**  
**(ASTM D 698, the Standard Proctor)**

| <b>EXPLORATION NO.</b> | <b>DEPTH (FT)</b> | <b>MAXIMUM DRY DENSITY (PCF)</b> | <b>OPTIMUM MOISTURE (%)</b> | <b>NATURAL MOISTURE (%)</b> |
|------------------------|-------------------|----------------------------------|-----------------------------|-----------------------------|
| SWM-13                 | 1 – 4             | 120.9                            | 12.4                        | 12.1                        |

Please refer to the attached laboratory test results for additional information.

The guidelines established in the *Delaware Post Construction Stormwater BMP Standards & Specifications*, dated February 2019 indicate that the minimum infiltration rate for all runoff reduction and infiltration practices is one-inch per hour. Also, a vertical separation of at least two-feet from the seasonal high groundwater elevation or limiting layer is required for all infiltration practices unless an underdrain is provided.

We estimate seasonal high groundwater to range from approximate Elevation 6 to 10 MSL. Predominant subsurface soils observed in the test borings consisted of Poorly-graded SANDs with Silt to Silty SANDs which generally correspond to Loamy Sand and Sandy Loam in accordance with the USDA Soil Classification System. Loamy Sand and Sandy Loam soils are typically good to marginal soils for infiltration practices. At Borings SWM-1 through SWM-7, SWM-11 through SWM-14 and SWM-16 through SWM-18, interbedded areas of Clayey SANDs, SILT or Lean CLAYs which visually correspond to Sandy Clay Loam, Silt Loam and Clay Loam have poor infiltration characteristics. With the predominant presence of soils with poor infiltration characteristics, wet pond construction appears more suitable for this site. If shallow infiltration facilities are considered, field infiltration testing should be performed prior to designing infiltration facilities on the site.

To facilitate wet pond construction, a pond liner should be considered. A sufficient quantity of USCS SC and CL materials may be available on site and may be considered for a pond liner. If a sufficient quantity is not available, as an alternative, a Geosynthetic Clay Liner (GCL; Bentonite matrix) or an appropriate PVC liner with relief valves may be used. Both types of liners will need to be provided with a 1-foot thick granular soil cover. The GCL or PVC liners should be installed in accordance with manufacturer's recommendations. On-site granular soils are considered suitable for use as a pond liner cover material if they are dried to near optimum. Pond liner cover materials should meet AASHTO classification designation A-2-4 or more granular and be approved by GTA.

Prior to construction of pond fill embankment and after stripping the surface topsoil, GTA recommends to construct a four-foot deep (below stripped ground surface and stepped below the spillway invert) cutoff trench along the pond embankment length and extending to the 10-year event elevation at each end of the fill embankment alignment. Also, upon completion of the cutoff trench, an embankment core should extend to the top elevation of the 10-year event. The side slopes of the cutoff trench and embankment core should be at 1H:1V inclination or flatter. The bottom of the cutoff trench and the top of embankment core should be at least 4 feet



wide. The cutoff and embankment core should be formed of USCS CL or SC materials. The balance of embankment may be constructed of onsite materials conforming to USCS SC, SM, SP-SM or SP.

Structural fill should be constructed in maximum 8-inch loose lifts and compacted to 95 percent of the maximum dry density as determined by ASTM D-698 (AASHTO T-99). If practical, GTA recommends reinforced concrete pipe be used as the principal spillway pipe. Also, a concrete cradle and anti-seep collar should be provided for the spillway pipe.

For wet pond construction, water levels may be above at least a portion of the pond bottom level during construction. The contractor should be prepared to stabilize and dewater pond excavations. Subgrades excavated below the water table will be prone to instability and softening.

All SWM pond construction should conform to *Delaware Conservation Practice Standard Pond Code 378 and Code 521*, latest editions and *Delaware Sediment and Stormwater Regulations*, latest edition, as applicable.

The proposed pump station at Boring PS-1 may be supported on a mat slab type foundation. The foundation may be proportioned for a maximum net allowable soil bearing pressure of 2,000 pounds per square foot (psf). Foundations should be supported on the USCS SP-SM granular soils. Disturbed, very loose layers should be excavated to a stable stratum. Proposed subgrade should be reestablished with AASHTO No. 57 crushed stone or in accordance with GTA's recommendations in the field at the time of construction. Use of a mud mat or crushed stone layer may be required to stabilize and protect the foundation subgrade.

Referring to log PS-1, the on-site soils beneath the topsoil that conform to USCS SC are not suitable for reuse as structural backfill material for the pump station. Excavated materials conforming to SM, SP-SM, or SP classifications will be suitable for reuse as structural fill, however, materials excavated near or below groundwater are anticipated to require substantial drying prior to reuse as structural backfill (compacted to 95 percent of ASTM D698).

Based on the proposed depth of the excavation required for the pump station, groundwater will impact the construction of the proposed pump station. Well points will be required to dewater the excavation during construction. The foundation/floor slab of the proposed pump station will likely be subjected to permanent uplift pressures. GTA recommends that the pump station bottom slab be designed to resist these uplift forces and should be watertight. Use of a relatively thick mat slab may be required to balance the uplift forces. The structure will also be subjected to hydrostatic and unbalanced earth pressures and must be designed to resist such lateral pressures.

GTA recommends that the following soil design parameters be used for the pump station construction:

|                               |                     |
|-------------------------------|---------------------|
| Friction Angle                | $\phi = 30$ degrees |
| Active Pressure Coefficient*  | $K_a = 0.3$         |
| At Rest Pressure Coefficient* | $K_o = 0.5$         |
| Passive Pressure Coefficient* | $K_p = 3.0$         |
| Moist Unit Weight of Soil     | 125 pcf             |
| Saturated Unit Weight of Soil | 130 pcf             |
| Submerged Unit Weight of Soil | 67.6 pcf            |
| Design Groundwater Elevation* | 7 MSL at PS-1       |

*\*Level backfill condition*

### ***Limitations***

This report, including all supporting exploration logs, field data, field notes, estimates, and other documents prepared by GTA in connection with this project, has been prepared for the exclusive use of Tunnell Companies, LP pursuant to the agreement between GTA and Tunnell Companies, LP dated September 26, 2019, and in accordance with generally accepted engineering practice. All terms and conditions set forth in the Agreement are incorporated herein by reference. No warranty, express or implied, is given herein. Use and reproduction of this report by any other person without the expressed written permission of GTA and Tunnell Companies, LP is unauthorized and such use is at the sole risk of the user.

The analysis and recommendations contained in this report are based on the data obtained from limited observation and testing of the encountered materials. Explorations indicate soil and groundwater conditions only at specific locations and times and only to the depths penetrated. They do not necessarily reflect strata variations that may exist between the exploration locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations in subsurface conditions from those described are noted during construction, recommendations in this report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and conclusions of this report are verified in writing. Geo-Technology Associates, Inc. is not responsible for any claims, damages, or liability associated with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of Geo-Technology Associates, Inc.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client. The subject matter of this

report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be constructed by the reader to imply approval by the writer.

We appreciate the opportunity to be of assistance on this project. Should you have any questions or require additional information, please contact our office at (302) 855-9761.

Sincerely,  
**GEO-TECHNOLOGY ASSOCIATES, INC.**



Travis P. Caraway, EIT  
Project Geotechnical Professional



Gregory R. Sauter, P.E  
Vice President

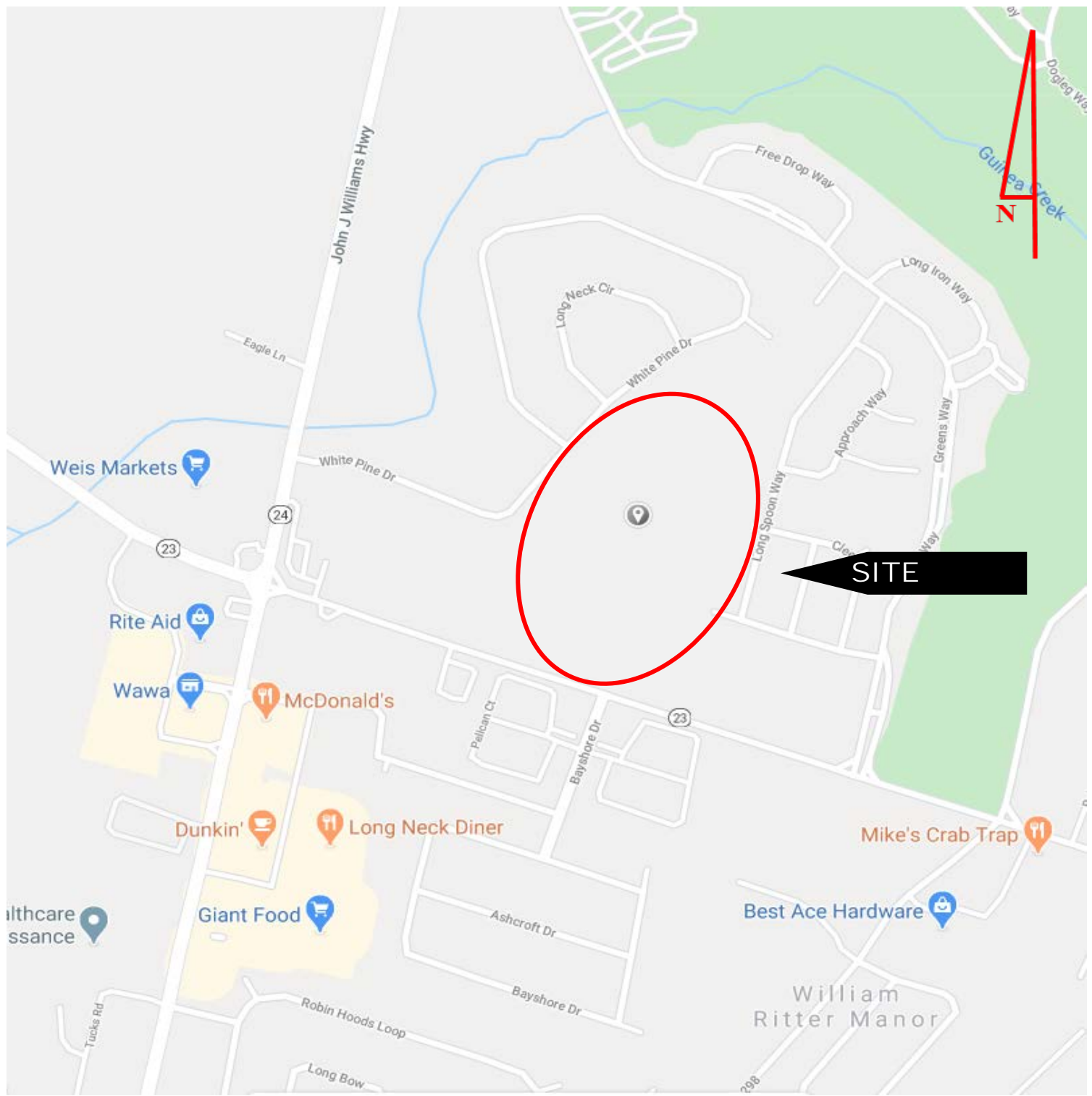


GRS/TPC/llh  
31200023

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Attachments: Site Location Plan (1 page)  
Exploration Location Plan (1 page)  
USDA Soil Survey Map (3 pages)  
Qe44-01 Monthly Groundwater Depth (1 page)  
Notes for Exploration Logs (1 page)  
Exploration Logs (19 pages)  
Particle Size Distribution Report (1 page)  
Moisture Density Relationship Report (1 page)  
GBA – Important Information about your Geotechnical Engineering Report (2 pages)





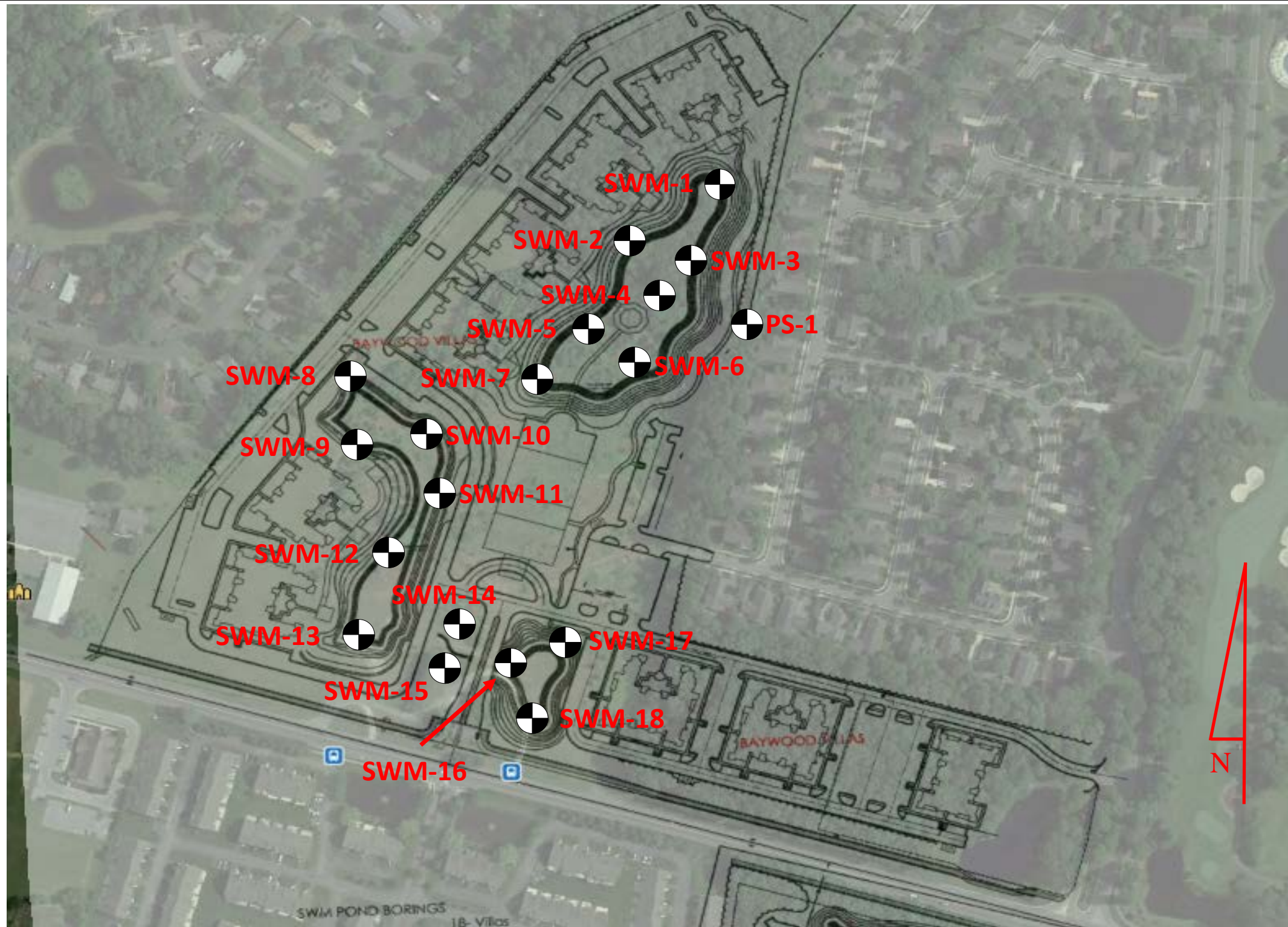
Site Location Plan taken from Google Maps



**GEO-TECHNOLOGY ASSOCIATES, INC.**  
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**Site Location Plan**  
**Baywood Villas**  
**Sussex County, Delaware**

|       |            |          |             |           |          |
|-------|------------|----------|-------------|-----------|----------|
| SCALE | DATE       | DRAWN BY | DESIGN BY   | REVIEW BY | JOB NO.  |
| NTS   | March 2020 | GTA      | Google Maps | GRS       | 31200023 |



Exploration Location Plan taken from Google Earth and a concept plan designed by Solutions IPEM.

 Boring Location



**GEO-TECHNOLOGY ASSOCIATES, INC.**  
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS  
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**Exploration Location Plan**  
**Baywood Villas**  
**Sussex County, Delaware**

| SCALE    | DATE         | DRAWN BY | DESIGN BY | REVIEW BY | JOB NO.  | Figure |
|----------|--------------|----------|-----------|-----------|----------|--------|
| 1" ~230' | January 2020 | GTA      | Solutions | GRS       | 31200023 | 2      |



Soil Map—Sussex County, Delaware  
(Baywood Villas)



Soil Map may not be valid at this scale.

Map Scale: 1:3,450 if printed on A portrait (8.5" x 11") sheet.





## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

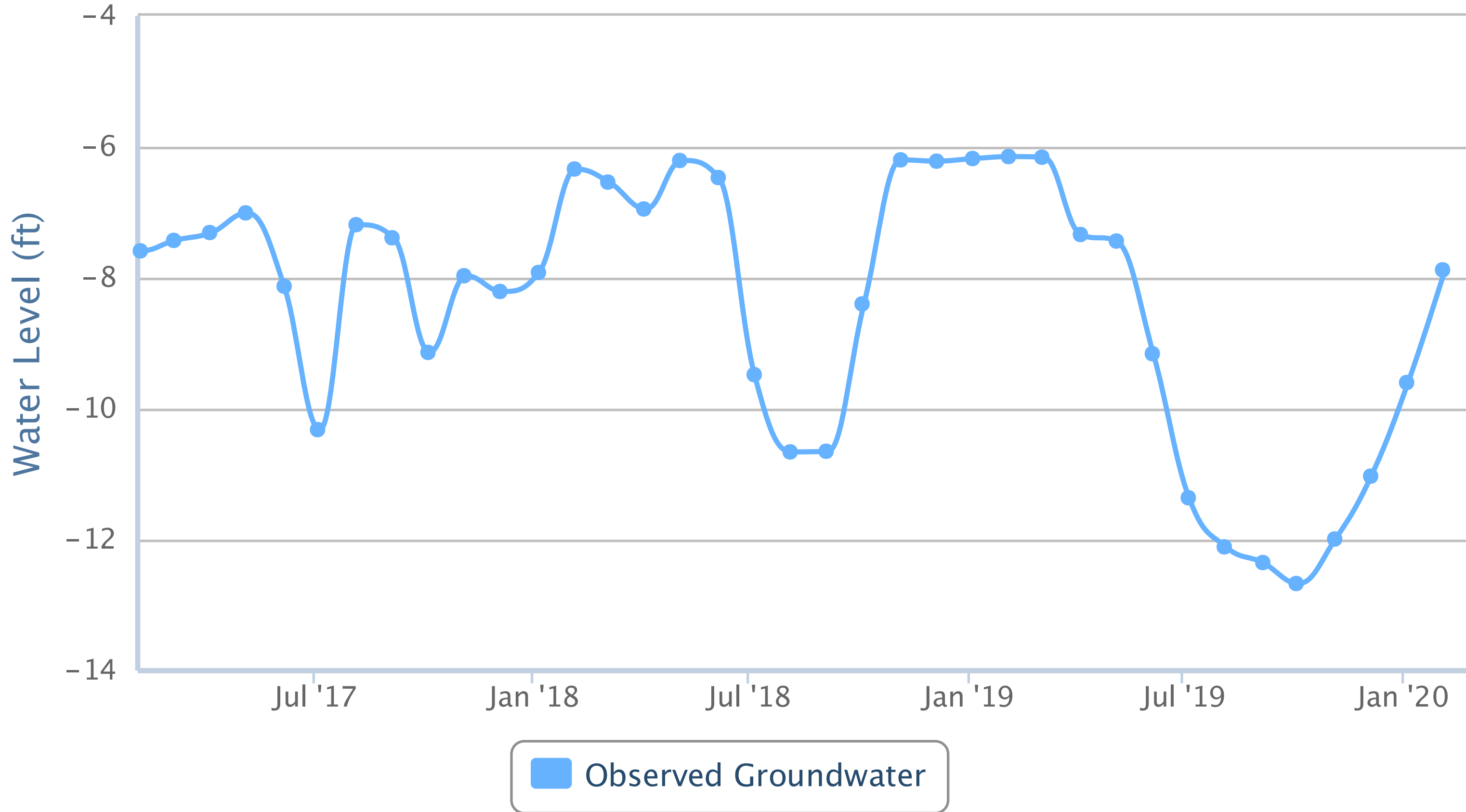
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

| Map Unit Symbol                    | Map Unit Name                                     | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------------|----------------|
| FhA                                | Fort Mott-Henlopen complex, 0 to 2 percent slopes | 25.9         | 81.6%          |
| FmA                                | Fort Mott loamy sand, 0 to 2 percent slopes       | 0.4          | 1.2%           |
| HpB                                | Henlopen loamy sand, 2 to 5 percent slopes        | 4.8          | 15.1%          |
| HuA                                | Hurlock loamy sand, 0 to 2 percent slopes         | 0.6          | 2.0%           |
| <b>Totals for Area of Interest</b> |   | <b>31.7</b>  | <b>100.0%</b>  |

# Monthly Groundwater Depth for Qe44-01, Columbia Aquifer

Delaware Geological Survey





# Baywood Gardens

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## Environmental Assessment and Public Facilities Evaluation Report

The proposed development, Baywood Gardens, is in conformity with the Sussex County Zoning requirements for the Coastal Zone.

Application process: All developments containing 50 or more dwelling units are subject to the Coastal Zone performance requirements. An environmental assessment and public facility evaluation report and sketch plan (report) are required to be submitted to the Director of Planning and Zoning. Below is the report which finds:

- (a) The proposed drainage design will include the use of both a closed system storm drain and open system drainage network. Storm water management will be in conformity with the current storm water management regulations including managing both water quantity and quality. Stormwater management devices could include constructed wetlands, bio-swales, infiltration basins, filter strips, ponds, etc.
- (b) Potable water and fire protection will be provided for Baywood Gardens. The site will be served by Tidewater Utilities. Potable water demands are anticipated to be approximately 128,000 gallons per day. Irrigation, if provided, will be by non-potable well or drawn from storm water management facilities.
- (c) Wastewater collection and treatment will be provided for the site by Inland Bays Preservation Company and Sussex County. The proposed collection and treatment of the wastewater generated from the site will not have an adverse effect on the quality of groundwater and surface waters.
- (d) The proposed development will be designed to provide safe and efficient vehicular travel patterns on site. Site access to Long Neck Road and School Lane will be in accordance with DeIDOT's *Development Coordination Manual* and the approved TIS reports.
- (e) No proposed or federally listed endangered or threatened species are known to exist on the site.
- (f) The site does not contain non-tidal wetlands.
- (g) The site has been planned to maintain areas of open space throughout the site. The plan provides a total of 27.5 +/- acres (51.9%) of interconnected open space. Open space amenities will include storm water management, recreation facilities, walking trails, buffers, etc.
- (h) The internal access roadway will be privately owned and maintained by the HOA within private easements and rights-of-way. Road width and pavement thicknesses shall be in conformity with Sussex County Standards. Potable water mains and sanitary sewer mains will be publicly owned and maintained within rights-of-way and/or utility easements. Storm water drainage and management facilities will be privately owned and maintained by the HOA.

- (i) The project is within the commercial and tourist area of Long Neck. As such it will offer not only an economic boost from tax revenue and tourism but will also provide jobs associated with land development construction and home building.
- (j) There are no historic sites referenced on the property. The developer will comply with all state and federal law should sites be discovered.
- (k) The proposed application is in conformity with the current Sussex County Comprehensive Plan. Specifically, the site is located in the Coastal Area and Commercial Area (a request has been made to remove the site from the Commercial Area). The site is within the existing Inland Bays Preservation and Sussex County sewer service area. Also, the site will be provided water by Tidewater Utilities.
- (l) The design of the Baywood Gardens development provided superior living experience in a manner which is consistent with the Comprehensive Plan.

**Jason Palkewicz, Professional Engineer**  
**Vice President**

**EDUCATION**

BE, Environmental Eng., 1995  
Hofstra University

MS, Civil Eng., 1999  
University of Toledo

**REGISTRATIONS**

- Professional Engineer  
MD # 25088
- Professional Engineer  
DE # 12083
- Professional Engineer  
VA # 035417

**MEMBERSHIPS**

- LEED, AP

**PROFESSIONAL SUMMARY**

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 20 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

**SPECIAL PROJECT EXPERIENCE**

- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Seagull Square, University of Salisbury, MD** – The civil engineer project manager for this mixed use public/private development consisting of approximately 600 student beds and 23,000 s.f. of Main Street style retail. Worked with the developer, State and City to acquire City sewer and water services to the site. Negotiated with MDSHA to gain access from Business Route 13, including easement abandonment, right-of-way plats and intersection improvements. LEED responsibilities included the Sustainable Site portion of the accreditation.
- **East Fields, Fruitland, MD** – Prepared construction drawings and plats for a 120 unit residential subdivision on Main Street in Fruitland. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.



## Preliminary Land Use Service (PLUS)

### Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

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

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

2019-05-09

PLUS Number (to be completed by OSPC): \_\_\_\_\_ 1/2  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: Baywood Gardens

2. Location ( please be specific): Intersections of School Lane and Long Neck Road.

3. Parcel Identification #: 234-23, P 273.01, 273.02, 273.03, 273.05, & P/O 270      4. County or Local Jurisdiction Name: where project is located: Sussex County

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

6. Owner's Name: ABC Woodlands, LLC      Baywood, LLC

Address: PO Box 1389      34026 Annas Way, Suite 1

City: Easton      Long Neck      State: MD      DE      Zip: 21601      19966

Phone:      Fax:      Email:

7. Equitable Owner/Developer (**This Person is required to attend the PLUS meeting**): Robert Tunnell, III

Address: 34026 Annas Way, Suite 1

City: Long Neck      State: DE      Zip: 19966

Phone: 302.945.9300      Fax:      Email: rtunnell@potnets.com

8. Project Designer/Engineer: Solutions IPEM

Address: 303 North Bedford Street

City: Georgetown      State: DE      Zip: 19947

Phone: 302.297.9215      Fax:      Email: jpalkewicz@solutionsipem.com

9. **Please Designate a Contact Person, including phone number, for this Project:** Jason Palkewicz, PE

| Information Regarding Site:  |  |
|--|--|
| 10. Type of Review:  | <input checked="" type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review<br><input type="checkbox"/> Subdivision |
| 11. Brief Explanation of Project being reviewed: Site plan and rezoning for apartment complex.<br><br>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. 2005-04-16 & 2018-06-05   |  |
| 12. Area of Project (Acres +/-): 54.38    Number of Residential Units: 514    Commercial square footage:   |  |
| 13. Present Zoning: B-1, C-1, & CR-1   | 14. Proposed Zoning: HR/RPC  |
| 15. Present Use: Single Family Home  | 16. Proposed Use: Apartments   |
| 17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility)<br>Service Provider Name:<br><br>Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| 18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility)<br>Service Provider Name:<br><br>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):<br>All ages.   |  |
| 20. Environmental impacts:<br><br>How many forested acres are presently on-site? 22.72    How many forested acres will be removed? 18.58<br><br>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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><br>Are the wetlands: <input type="checkbox"/> Tidal    Acres:<br><input type="checkbox"/> Non-tidal    Acres:<br><br>If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes", describe the impacts:<br><br>How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? _____ |  |
| 21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| 22. List the proposed method(s) of stormwater management for the site: Wet ponds, underground storage, filter strips, etc.   |  |
| 23. Is open space proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes," how much?    Acres: 10 +/-<br><br>What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Stormwater, active recreation, buffers, etc.  |  |
| 24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 2,827

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

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

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. Baywood Greens

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

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

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

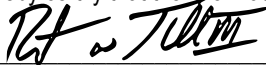
Has this site been evaluated for historic and/or cultural resources?  Yes  No

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

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



4/11/19

Signature of property owner

Date

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

Date

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

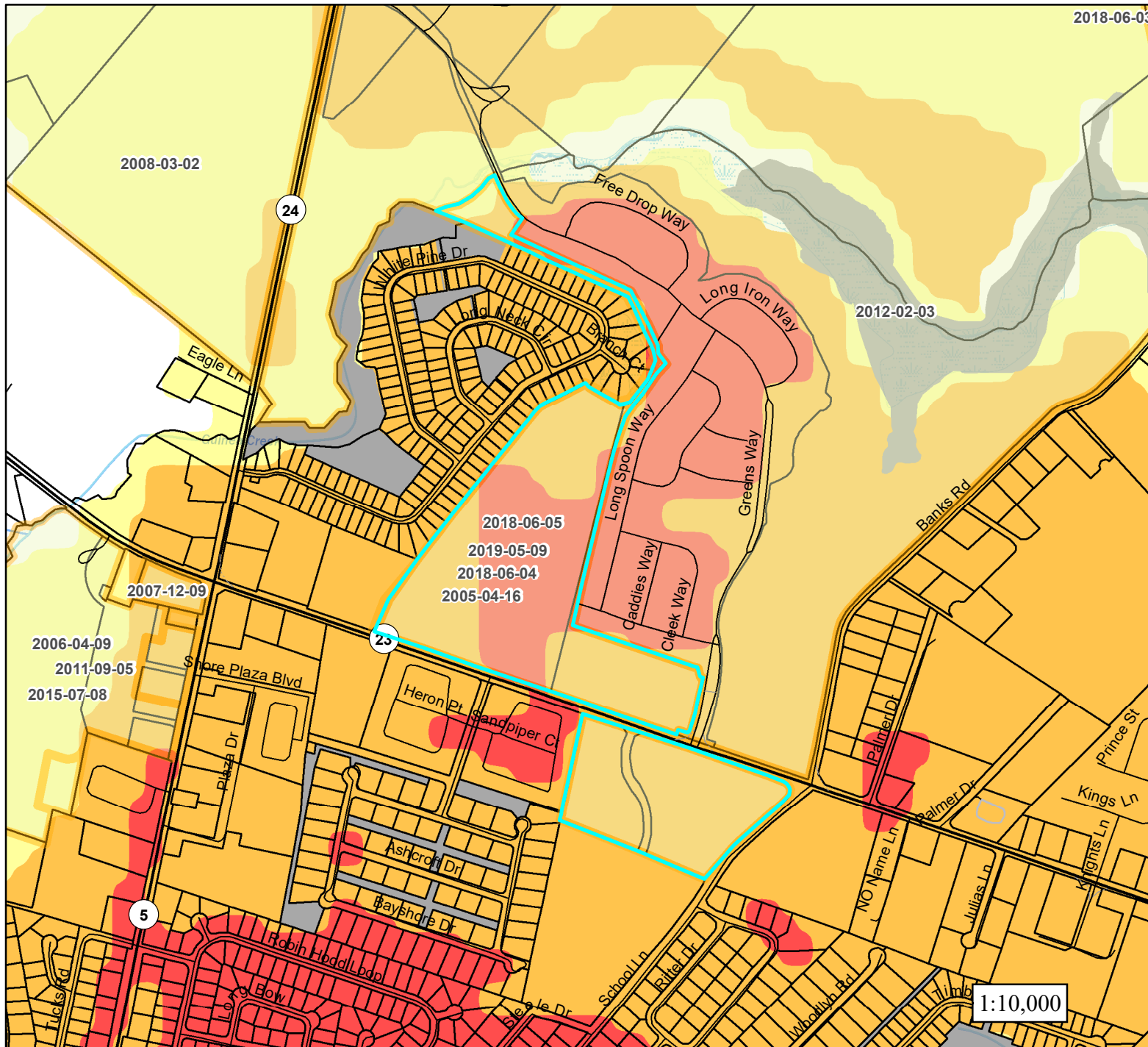
This form should be returned to the Office of State Planning electronically at PLUS@state.de.us along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact the Office of State Planning 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.







# Preliminary Land Use Service (PLUS)



## Baywood Gardens 2019-05-09

**Legend**

**2015 State Strategies**

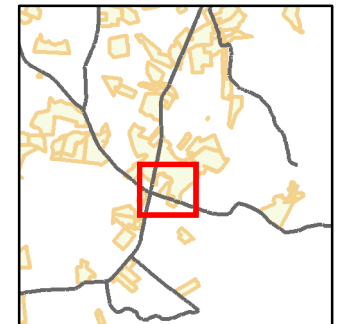
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

**PLUS Project Areas**

**type**

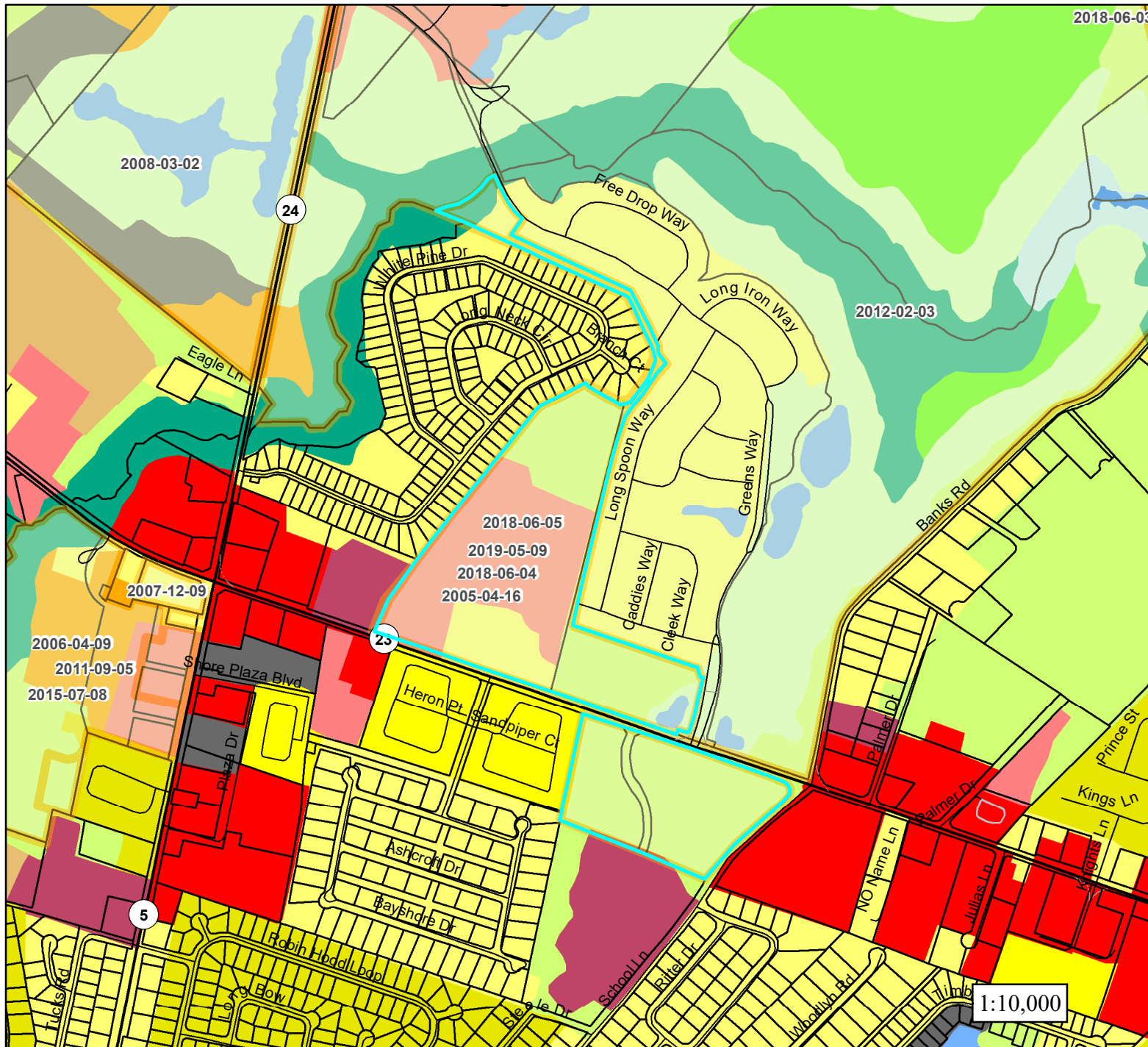
- Comp Plans
- All Other PLUS Reviews

### Location Map



1:10,000

# Preliminary Land Use Service (PLUS)



## Baywood Gardens 2019-05-09

**Legend**

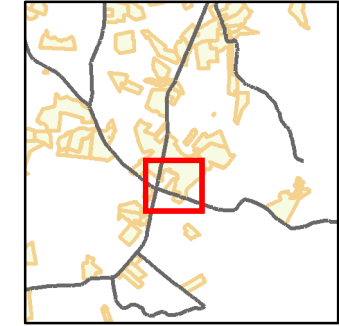
**2012 Land Use LULC Category**

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

**PLUS Project Areas type**

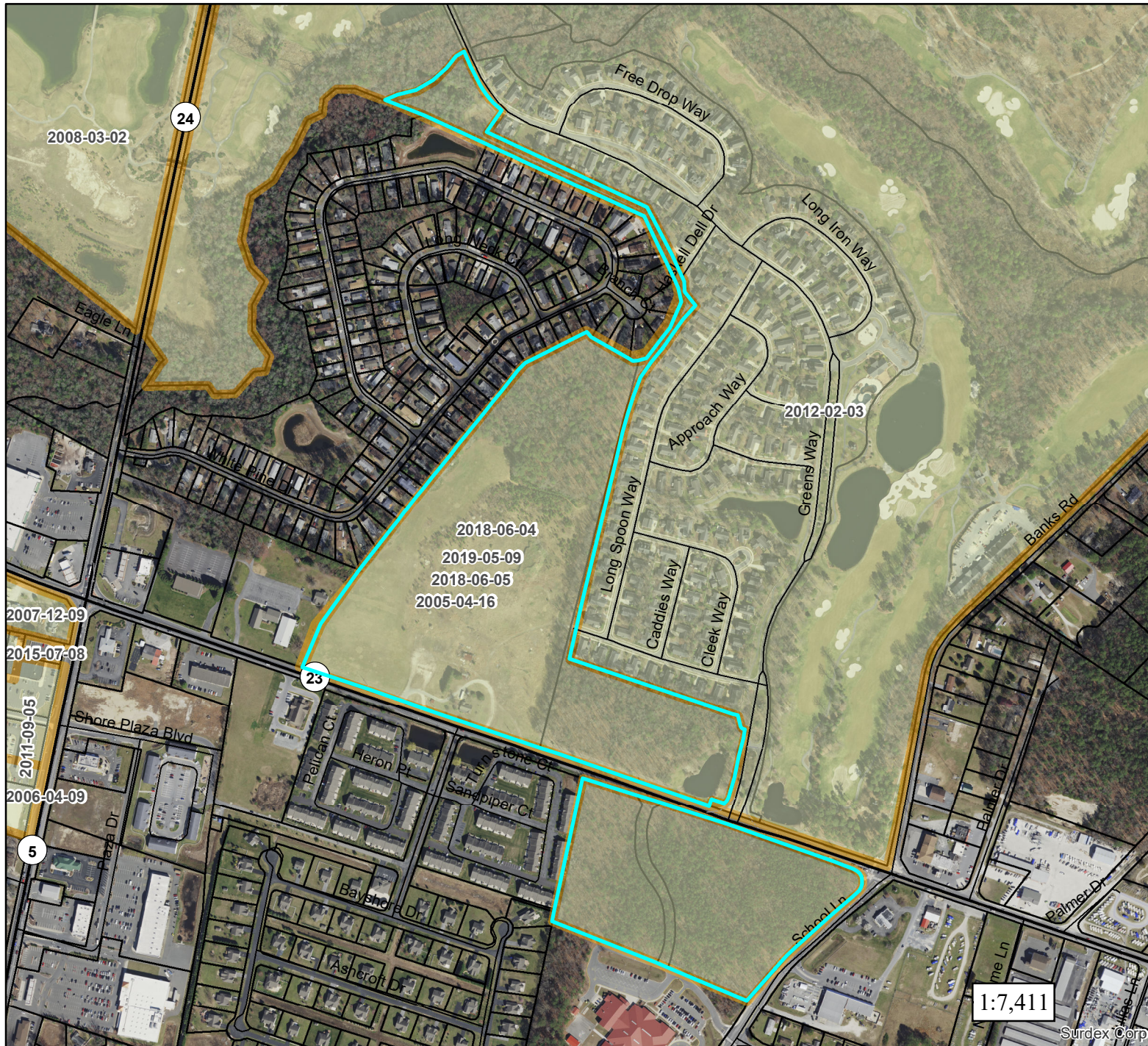
- Comp Plans
- All Other PLUS Reviews

### Location Map





# Preliminary Land Use Service (PLUS)



**Baywood Gardens**  
2019-05-09

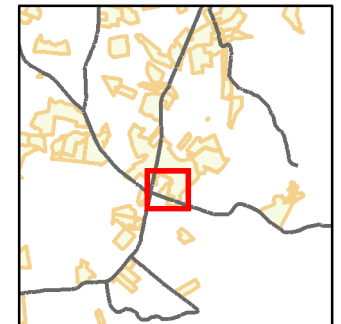
**Legend**

**PLUS Project Areas**

**type**

- Comp Plans
- All Other PLUS Reviews

**Location Map**







STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

June 19, 2019

Mr. Jason Palkewicz, PE  
Solutions IPEM  
303 North Bedford Street  
Georgetown, DE 19947

RE: PLUS review 2019-05-09; Baywood Gardens

Dear Mr. Palkewicz:

Thank you for meeting with State agency planners on May 22, 2019 to discuss the Baywood Gardens project. According to the information received, you are seeking review of a rezoning of 54.38 acres from B-1, C-1, and CR-1 to HR/PC in anticipation of 514 apartment units along Long Neck Road in Sussex County.

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

**Strategies for State Policies and Spending**

This project is located in Investment Level 1 and 2 according to the *Strategies for State Policies and Spending*. This site is also located in the Coastal Area growth zone of the recently certified SC comp plan. Investment Level 1 & 2 reflect areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. State investments will support growth in these areas.

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

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

- The site access on Long Neck Road (Delaware Route 23) and School Lane (Sussex Road 298) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 2,827 vehicle trip ends per day. DelDOT calculates a higher number, 3,845 vehicle trip ends per day, but regardless the warrant for a TIS is met.

DelDOT has met with the developer's engineers about this project twice regarding TIS, once in September 2018 to set a scope for a TIS for Phases 1 and 2 of the development, the part on the north side of Long Neck Road and once in April 2019 to set a scope for a TIS for Phase 3 of the development, the part on the south side of Long Neck Road. See the attached memoranda dated September 18, 2018 and April 24, 2019.

At the April 2019 meeting, DelDOT informed the applicant and their engineers that left turns into Phase 3 of the development from Long Neck Road cannot be accommodated and that consequently a secondary access would need to be provided on School Lane. That secondary access is not shown on the concept sketch accompanying the PLUS application.

The primary purpose of a TIS is to determine the need for off-site transportation improvements. Without prejudging the results of either TIS, DelDOT expects to require a contribution to the DelDOT project at the intersection of Delaware Route 24 and Long Neck Road and signal agreements for the Route 24, Bayshore Drive, Greens Way and School Lane/Banks Road intersections along Long Neck Road.



- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Long Neck Road and School Lane. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of Long Neck Road and 30 feet of right-of-way from the physical centerline of School Lane. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Long Neck Road and School Lane. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrances on Long Neck Road and within 300 feet of the entrance on School Lane.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions. A driveway connection should be provided to from Phase 3 to Turnstone Court in the Bayshore development and a pedestrian connection should be provided from Phase 3 to the Long Neck Elementary School.
- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates requiring the developer build Shared Use Paths along their frontage on both Long Neck Road and School Lane.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DART Route 215 provides seasonal service on Long

Neck Road and the developer should anticipate a requirement to provide bus stops at Bayshore Drive and Greens Way.

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

#### **State Historic Preservation Office – Contact Carlton Hall 736-7404**

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

#### **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 these suggestions can benefit the project.

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

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

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

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

**Tholstrup 735-3352**

**Source Water Protection**

- There is a public well on the adjacent parcel and a large portion of the subject parcel, at the southwestern corner, lies within the wellhead protection area. The capacity of the well is greater than 50,000 gallons per day; Sussex County regulates construction within Wellhead Protection Areas with specific requirements for wells drawing greater than 50,000 gallons/day. The applicant should work with the county to meet these requirements.

**Water Quality**

- Minimizing the removal of forest cover and reducing the number and size of ponds from what is proposed would improve water quality. Green technology stormwater management is preferred over excess use of ponds which create problems with nuisance geese and algae.

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

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

Sincerely,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Sussex County





March 11, 2020

Mrs. Constance C. Holland, AICP, State Planning Director  
Haslet Armory  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901

RE: PLUS review 2019-05-09; Baywood Gardesns

Dear Mrs. Holland:

Please allow this letter to serve as our response to the PLUS review of the Baywood Gardens community. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and a different font for ease in review.

Thank you for meeting with State agency planners on May 22, 2019 to discuss the Baywood Gardens project. According to the information received, you are seeking review of a rezoning of 54.38 acres from B-1, C-1, and CR-1 to HR/PC in anticipation of 514 apartment units along Long Neck Road in Sussex County.

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

**Response – The developer will comply with all Federal, State and Local regulations regarding the development of this property. The developer will comply with any and all regulations / restrictions set forth by Sussex County.**

#### **Strategies for State Policies and Spending**

This project is located in Investment Level 1 and 2 according to the *Strategies for State Policies and Spending*. This site is also located in the Coastal Area growth zone of the recently certified SC comp plan. Investment Level 1 & 2 reflect areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. State investments will support growth in these areas.

**Response – Noted.**

## Code Requirements/Agency Permitting Requirements

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- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Long Neck Road and School Lane. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **“A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”**
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  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the entrances on Long Neck Road and within 300 feet of the entrance on School Lane.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions. A driveway connection should be provided to from Phase 3 to Turnstone Court in the Bayshore development and a pedestrian connection should be provided from Phase 3 to the Long Neck Elementary School.
- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates requiring the developer build Shared Use Paths along their frontage on both Long Neck Road and School Lane.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DART Route 215 provides seasonal service on Long Neck Road and the developer should anticipate a requirement to provide bus stops at Bayshore Drive and Greens Way.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Long Neck Road and School Lane.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.



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

Response – The developer will coordinate with DelDOT regarding the necessary improvements and agreements. Construction plans will be per DelDOT requirements.

**State Historic Preservation Office – Contact Carlton Hall 736-7404**

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

Response – Noted.

**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 these suggestions can benefit the project.

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

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

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

**Source Water Protection**

- There is a public well on the adjacent parcel and a large portion of the subject parcel, at the southwestern corner, lies within the wellhead protection area. The capacity of the well is greater

than 50,000 gallons per day; Sussex County regulates construction within Wellhead Protection Areas with specific requirements for wells drawing greater than 50,000 gallons/day. The applicant should work with the county to meet these requirements.

**Water Quality**

- Minimizing the removal of forest cover and reducing the number and size of ponds from what is proposed would improve water quality. Green technology stormwater management is preferred over excess use of ponds which create problems with nuisance geese and algae.

**Response – The developer acknowledges the non-required additional information from the various agencies.**

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

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,  
Solutions, IPEM

  
Jason Palkewicz, PE