

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 11th, 2022

Application: C/Z 1973 Osprey Point Preserve, LLC

Applicant: Osprey Point Preserve, LLC
2979 Barley Mill Road
Yorklyn, PA 19736

Owner: Osprey Point Preserve, LLC
2979 Barley Mill Road
Yorklyn, PA 19736

Site Location: Lying on the southwest side of Old Landing Road (S.C.R. 274), within the Osprey Point Residential Planned Community, on the north end of Ethan Allen Drive, approximately 0.12 mile west of Old Landing Road (S.C.R. 274)

Current Zoning: MR-RPC – Medium Residential District – Residential Planned Community

Proposed Zoning: MR-RPC – Medium Residential District – Residential Planned Community

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Company

Sewer: Sussex County Sewer

Water: Tidewater Utilities, Inc.

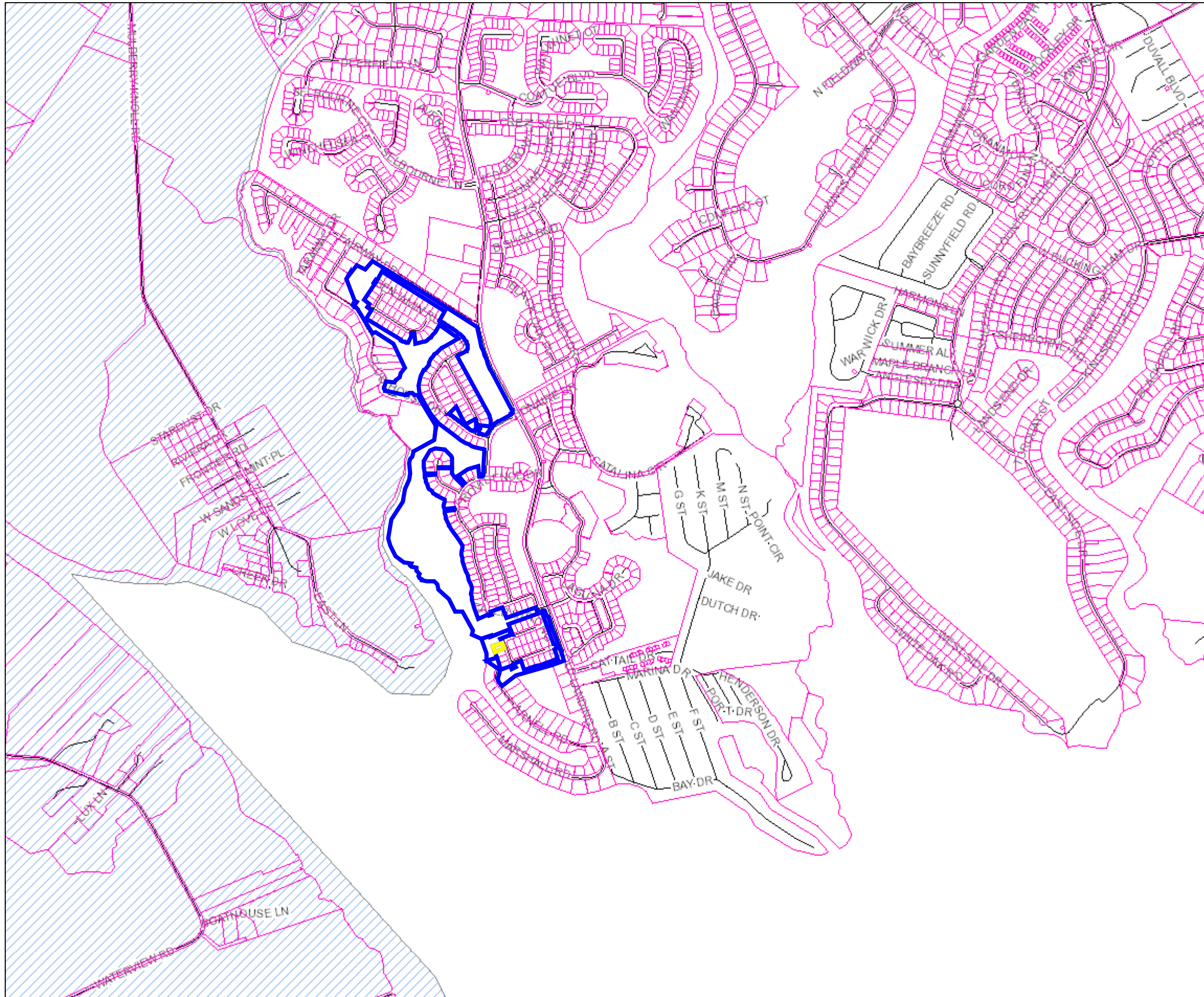
Site Area: 1.85 acres +/- (total RPC is 126.8795 acres +/-)

Tax Map IDs.: 334-18.00-83.00, 83.17, 83.20, 83.21 & 1073.00 through 1289.00





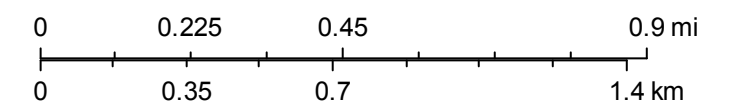
Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

polygonLayer	—	HOA Maintained
Override 1	—	Pipe - DeIDOT
polygonLayer	—	Pipe - Tax Ditch
Override 1	—	Pipe - Private
•••	•••	Pond Feature
—	—	Special Access ROW
•••	•••	Extent of Right-of-Way
Tax Ditch Segments	—	Municipal Boundaries
—	•••	TID
—	—	

1:18,056





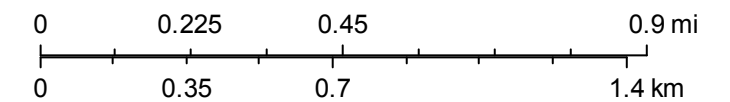
Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:18,056





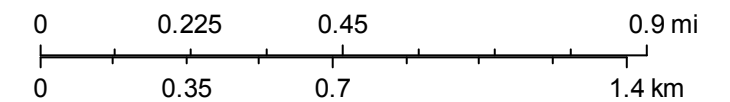
Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

- polygonLayer**
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID
- polygonLayer**
 - Override 1
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - DeIDOT Maintained

1:18,056



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: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney, and applicant
Date: August 4, 2022
RE: Staff Analysis for C/Z 1973 Osprey Point Preserve, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1973 Osprey Point Preserve, LLC to be reviewed during the August 11, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcels 334-18.00-83.00, 83.17, 83.20, 83.21, & 1073.00 through 1289.00 to allow for a change of zone from a Medium Density Residential District – Residential Planned Community (MR-RPC) to a Medium Density Residential District – Residential Planned Community (MR-RPC) to include a 1.85-acre marina & restaurant amenity area. The property is lying on the southwest side of Old Landing Road (S.C.R. 274), within the Osprey Point Residential Planned Community, on the north end of Ethan Allen Drive, approximately 0.12 mile west of Old Landing Road (S.C.R. 274). The entire community consists of 126.8795 acres +/-, with the relevant portion of the community being approximately 1.85 acres +/-.

Further Site Considerations

The property is not located within the Henlopen Transportation Improvement District (TID) and shall therefore not be subject to any of its requirements.

The parcels lie within Flood Zone “VE” and “AE”.

Comprehensive Plan Analysis

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

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-



use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

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

The property is zoned Medium Density Residential District – Residential Planned Community (MR-RPC).

The adjacent parcels to the east are zoned Medium Density Residential (MR) District, along with the parcels across Old Landing Road. Parcels to the south are zoned Agricultural Residential (AR-1) District.

Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been three (3) Change of Zone applications within a 1-mile radius of the application site. The first application is for Change of Zone No. 1874 Leanna and Hung Nguyen for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The application was approved by the Sussex County Council at their meeting of Tuesday, April 16, 2019, and the change was adopted through Ordinance No. 2646. Change of Zone No. 1865 Francis C. Warrington, III for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The application was approved by the Sussex County Council at their meeting of Tuesday, January 15, 2019, and the change was adopted through Ordinance No. 2626. And Change of Zone No. 1759 Osprey Point D, LLC for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential District – Residential Planned Community (MR-RPC). The application was approved by the Sussex County Council at their meeting of Tuesday, November 15, 2016, and the change was adopted through Ordinance No. 2475.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a Medium Density Residential District – Residential Planned Community (MR-RPC) to a Medium Density Residential District – Residential Planned Community (MR-RPC) to include a 1.85-acre marina & restaurant amenity area could be considered as being consistent with the land use, area zoning and surrounding uses.

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use _____

Zoning Map Amendment Amendment of Ordinance No. 2475 (see below)

Site Address of Conditional Use/Zoning Map Amendment

Along west side of Old Landing Rd, Across From Bonaire Dr., 1,189' south of Fairway Dr.

Type of Conditional Use Requested:

This application seeks to amend Ordinance No. 2475 by adding 1.85+/- acres of Marina/Restaurant Area to the existing MR-RPC (CZ 1759) for Osprey Point as shown on the attached Site Plan. A copy of Ordinance No. 2475 is attached.

Tax Map #: 3-34-18.00-83.00 & 83.17 Size of Parcel(s): 1.85

Current Zoning: MR-RPC Proposed Zoning: MR-RPC Size of Building: 3,259 SF

Land Use Classification: Coastal Area-2045 FLUM

Water Provider: Tidewater Utilities, Inc. Sewer Provider: Sussex County Unified Sewer District

Applicant Information

Applicant Name: Osprey Point Preserve LLC
Applicant Address: 2979 Barley Mill Rd.
City: Yorklyn State: DE Zip Code: 19736
Phone #: (302) 542-5205 E-mail: kathy@css-de.com

Owner Information

Owner Name: Osprey Point Preserve LLC
Owner Address: 2979 Barley Mill Rd.
City: Yorklyn State: DE Zip Code: 19736
Phone #: (302) 542-5205 E-mail: kathy@css-de.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt/ Morris James LLP
Agent/Attorney/Engineer Address: 107 W. Market St.
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.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**

N/A **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**

N/A **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.

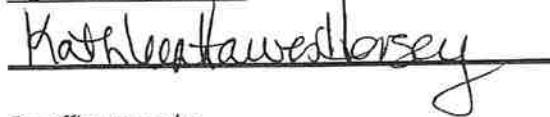
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 2/14/2022

Signature of Owner



Date: 2/11/2022

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

ORDINANCE NO. 2475

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS

WHEREAS, on the 17th day of July 2014, a zoning application denominated Change of Zone No. 1759 was filed on behalf of Osprey Point D, LLC; and

WHEREAS, on the 8th day of January 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of June 2016 said Planning and Zoning Commission recommended that Change of Zone No. 1759 be approved with conditions; and

WHEREAS, on the 3rd day of February 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said Change of Zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County;

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying west of Old Landing Road (Road 274) 1.2 miles south of Warrington Road (Road 275) and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc, said parcel containing 126.8795 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of residential units shall not exceed 217 single family lots.
No townhouses shall be permitted in the project.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road / Warrington Road / Strawberry Way intersection and signalization improvements.**
- D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**

- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.**
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.**
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.**
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**
- P. Pursuant to Section 115-125(B) of the Zoning Ordinance, prior to approval of the RPC Record Plan or Final Site Plan, the Planning and Zoning Commission shall confirm that the Applicant has recorded a deed restriction, limiting the design of the development to a maximum residential density of 217 single family lots and that said restriction cannot be modified or amended without the approval of the Sussex County Council.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2475 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF NOVEMBER 2016.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Osprey Point D, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 126.8795 acres, more or less, land lying west of Old Landing Road (Road 274) 1.2 mile south of Warrington Road (Road 275) (911 Address: 20836 Old Landing Road, Rehoboth Beach, DE) (Tax Map I.D. #334-18.00-83.00).**
- B. Council found that DelDOT commented that it received the Traffic Operational Analysis on October 22, 2014; that the Consulting Engineer for Davis, Bowen & Friedel, Inc. reports that the Traffic Operational Analysis recommends that DelDOT consider the installation of a traffic signal at the intersection of Old Landing Road, Warrington Road, and Strawberry Way; extension of the left turn lane on Warrington Road at Old Landing Road; and investigating as to whether additional auxiliary lanes are necessary or feasible; and that after DelDOT reviews the Traffic Operational Analysis, they will provide recommendations on the Analysis.**
- C. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Robert Marshall, the landowner and principal of the Applicant, was present with James Fuqua, Jr., Esquire with Fuqua, Yori & Willard, P.A., Zac Crouch, Professional Engineer, and D.J. Hughes, Professional Engineer, both of Davis, Bowen & Friedel, Inc., and John Hynes of John D. Hynes & Associates, Inc., and they stated that this is an application to re-zone a 126.88 acre parcel of land to a MR-RPC, a Medium Density Residential Planned Community; that there would be a recreational amenity center; that under a RPC application, an applicant can request a limited amount of commercial space; that no commercial space is being requested in this application; that the property is located on the west side of Old Landing Road, south of Fairway Drive; that the site is and has been since the early 1960s, the Old Landing Golf Course (with a restaurant located on the site); and that the owner of the property, Mr. Marshall, has owned the property in his own name since 1991 and the property has been owned by his family for over a century.**
- D. Council also found that a wetland delineation of the property was performed by Environmental Resources Inc.; that the study indicated that the site contains 17.25 acres of State tidal wetlands and 4.41 acres of Federal Section 404 non-tidal wetlands; that they are proposing to provide 50 foot wide buffers from all tidal waters and wetlands, as required by the Sussex County zoning ordinance; that Federal wetland buffers or setbacks are not required under Federal, State or Sussex County ordinances or regulations; that page 16 of the PLUS review letter recommends a 100 foot buffer but states that “these items are suggestions and these suggestions do not represent State Code requirements and are in no way required”; that, in regards to the State tidal wetlands, the development will have the minimum 50 foot buffer as required by the County; and that the development will provide a voluntary 25 foot buffer from all federal non-tidal wetlands (although no buffers are required).**
- E. Council further found that Tidewater Utilities will be providing central water for drinking and fire protection; that Sussex County will be providing central sewer (West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District); that the Sussex County Engineering Department commented that the sewer system design assumption for this parcel of land was 4 units per acre, which amounts to 507 units; that the Engineering Department’s comments confirm that the site is in a County operated sewer district; that wastewater capacity is available; that the proposed project is within the planning study and design assumptions for sewer service; that Delaware Electric Cooperative will provide electricity; that the site is in the Cape Henlopen School District; that the site is located in the Rehoboth Beach Volunteer Fire Company service area; and that there are no federal or threatened species associated with the site.**

- F.** Council found that in the 1960s when the golf course was developed, there were no requirements for stormwater management; that today, a couple of ponds (for features) exist on the golf course, but there is no stormwater management; that with the development of this property, there is going to be some drainage issues that will be improved; that existing problems with low areas will be addressed as part of the design and approval process; that reference to an archaeological site was made during the Planning and Zoning Commission's Public Hearing; that an email was received from the Delaware State Historic Preservation Office stating that, after a field visit, there was insufficient information for that site; and that the project went through the PLUS process and the TAC process.
- G.** Council also found that interior roads will be built to Sussex County standards; that the roads will be privately owned; that a Traffic Impact Study is not required; that in regards to the Pollution Control Strategy regulations approved in 2008 for the Indian River Bay, Rehoboth Bay, and Little Assawoman Bay watersheds, this project as well as surrounding projects fall within the load reduction area which means 40% reduction in nitrogen and phosphorus is required; based on the Pollution Control Strategy requirements (Best Management Practices), during the design process, they will be implementing bio-swales, bio-filters, infiltration and wet and dry ponds to meet those requirements; that they will have to submit their designs to the review agencies for approval to address stormwater management for the site; that there are flooding issues, however, once stormwater management is implemented, the water will have somewhere to go; that a nutrient management analysis was performed; that nitrogen will be reduced (76% reduction) with this proposed change in land use and the water quality will be better protected; and that regarding stormwater regulations, this project would be designed based on the old regulations (the project must be approved within 18 months for it to fall under the old regulations, which is June 2015).
- H.** Council further found that there are questions about developing on the poorly draining soils on this site and he presented a map showing the various degrees of poorly draining soils; that the firm of John G. Hynes & Associates, Inc. did test borings on the poorly draining soils on the Osprey Point project site; that they were hired to address the question of hydric soils; that regarding the question of whether residences, roadways, and infrastructure can be built in areas with poorly draining soils, they drilled 20 test borings on the property so they could determine the consistency/variability of the soils (report was distributed to Council); that the reports showed that the soils are good enough to support houses on common footing foundations; that they also looked at groundwater conditions and they found that groundwater depths range from 2 to 5 feet at the boring locations; that the areas drilled meet frost-depth requirements which is a major issue with foundation construction; that the site and grading design will be done by Davis Bowen & Friedel and will undergo a review and approval; that developers/builders build on these types of conditions every day; that in the 20 borings, from a geotechnical standpoint, they did not find anything that is unbuildable; that this is a preliminary study; and that before the Developer proceeds with the building design, the architects and structural engineers should engage a geotechnical engineer to drill additional borings and provide final recommendations.
- I.** Based on the Findings (1 through 10) and Conditions (11A through 11O) of the Planning & Zoning Commission, as amended with the addition of Condition P by the Council, Council found that:
- 1.** This project originally sought approval for 339 units, including 180 townhouses. During the public hearing, much of the opposition related to the density of the proposed development and the proposed townhouses. After hearing these concerns, the Applicant submitted a revised Site Plan that deletes the townhouses and reduces the number of units to 217, which is a reduction in the density from 3.2 units per acre to 2.0 units per acre; or gross density calculation from 2.7 units per acre to 1.7 units per acre. This 36% reduction in housing units results in a development that is consistent with the surrounding developments of Old Landing Road.

2. **The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development Area as established by the Comprehensive Land Use Plan.**
 3. **The development of this site at 217 units is consistent with and often less than the densities of surrounding RPCs and other developments that exist along Old Landing Road, including Sawgrass South, Sawgrass at White Oak Creek and the Villages at Old Landing. In addition, Redden Ridge was approved as a bonus density cluster development. As a result, this project represents “infill” development.**
 4. **Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.**
 5. **Central water will be provided to the project.**
 6. **With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity. This development, revised to only include single family lots, achieves this goal. The design also retains a great deal of open space, provides for additional buffers, protects wetlands, and provides considerable recreational amenities.**
 7. **A revised Traffic Operational Analysis was prepared and reviewed by DeIDOT as a result of the reduction in residential units. The applicant will be required to comply with all DeIDOT entrance, intersection and roadway improvement requirements, including the improvement of Old Landing Road from Fairway Drive to its southern terminus, construction of bicycle and pedestrian improvements and required contributions to the signalization and improvement of the Old Landing Road/Warrington Road/Strawberry Way intersection.**
 8. **The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy. The Final Site Plan will take into account the review and approval of Federal, State and County agencies that have jurisdiction over the protection of wetlands.**
 9. **There was concern stated in the record about soil types and storm water management at this site. All of this will be reviewed and regulated by the Sussex Conservation District and DNREC prior to Final Site Plan approval. As with any Preliminary Site Plan, there may be further changes to the Plan following the District’s and DNREC’s review to accommodate an appropriate and workable storm water management design.**
 10. **The Plan has adequately addressed all of the terms contained in Section 99-9C of the Subdivision Code.**
 11. **Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Change of Zone is approved subject to sixteen (16) conditions (A – P), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**
- J. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**



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

NICOLE MAJESKI
SECRETARY

December 30, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Osprey Point Preserve** proposed land use application, which we received on December 3, 2021. This application is for approximately 127.42-acre assemblage of parcels (Tax Parcels: 334-18.00-83.00, 83.17). The subject land is in a subdivision located on the west side of Old Landing Road (Sussex Road 274) with the entrance located at the intersection with Marabella Lane. The subject land is currently zoned MR-RPC (Medium-Density Residential Planned Community), and the applicant seeks a conditional use approval to build for a restaurant with marina.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Old Landing Road from Warrington Road (Sussex Road 275) to the end of the road, is 8,241 vehicles per day.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
December 30, 2021

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/18/2022**

APPLICATION: **CZ 1973 Osprey Point Preserve, LLC**

APPLICANT: **Osprey Point Preserve, LLC**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **334-18.00-83.00 & 83.17**

LOCATION: **Lying on the southwest side of Old Landing Road (SCR 274),
within the Osprey Point Residential Planned Community, on
the north end of Ethan Allen Drive, Approximately 0.12 mile
west of Old Landing Road (SCR 274)**

NO. OF UNITS: **MR-RPC to MR-RPC**

GROSS
ACREAGE: **1.85 acres of 126.8795 acres**

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 \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

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

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

(7). Is project adjacent to the Unified Sewer District? **N/A**


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

(9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**

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

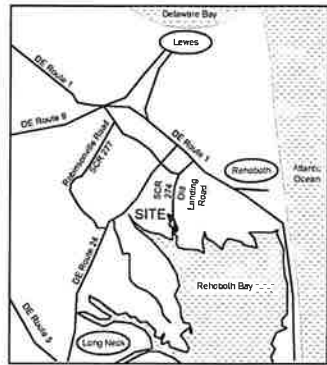
(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

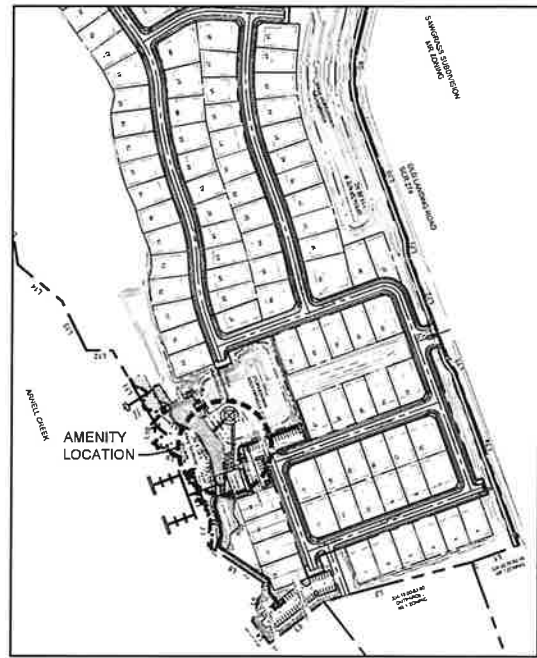


John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Christine Fletcher



VICINITY MAP
NOT TO SCALE



AMENITY LOCATION KEY
SCALE: 1"=600'

FOR OVERALL SUBDIVISION PROPERTY LINE & CURVE TABLE, SEE DBF PLAN ENTITLED PLAT SHOWING PART OF THE LANDS OF ROBERT A. MARSHAL, DATED MARCH 10, 2020.

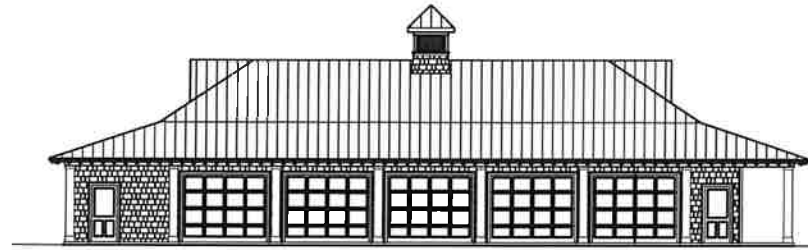
COMMERCIAL AREA A LINE TABLE

Line #	Length	Direction
L700	200.20	S51° 54' 12"W
L701	82.58	N38° 05' 48"W
L702	201.90	N51° 40' 11"E
L703	63.00	N69° 42' 05"E
L704	84.59	S20° 17' 55"E
L705	50.80	S74° 57' 55"W

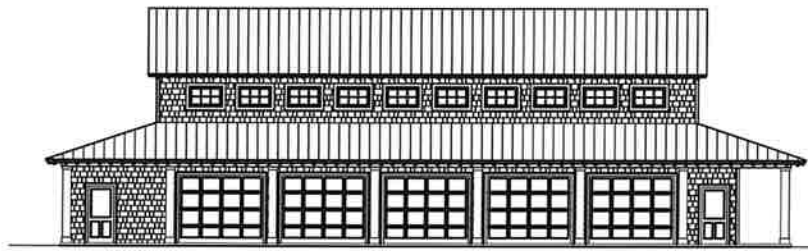
COMMERCIAL AREA B LINE TABLE

Line #	Length	Direction
L800	120.00	S69° 42' 05"W
L801	11.50	S86° 35' 52"W
L802	27.50	N62° 30' 13"W
L803	31.01	N0° 06' 27"E
L804	26.46	N89° 41' 47"W
L805	31.37	N12° 37' 24"W
L806	56.54	N12° 30' 42"W
L807	77.17	N31° 39' 41"W
L808	40.29	N60° 30' 15"W
L809	31.55	N60° 24' 49"W
L810	23.44	N32° 31' 34"W
L811	60.18	N40° 38' 04"W
L812	34.73	N26° 24' 25"W
L813	23.47	N56° 08' 38"E
L814	67.85	S34° 45' 07"E
L815	73.57	N55° 13' 54"E
L816	39.57	S33° 30' 53"E
L817	50.00	S34° 45' 46"E
L818	85.18	N56° 07' 03"E
L819	74.00	S34° 44' 22"E

Line #	Length	Direction
L820	30.93	S31° 55' 01"E
L821	34.66	S29° 55' 23"E
L822	128.90	N69° 42' 05"E
L823	59.28	S20° 17' 55"E
L824	132.00	S69° 42' 05"W
L825	89.48	S20° 17' 55"E



SCHEMATIC FRONT ELEVATION - OPTION A.A
NOT TO SCALE



SCHEMATIC FRONT ELEVATION - OPTION A.B
NOT TO SCALE

MARINA AMENITY SITE DATA:
- ACTIVE AMENITY AREA: 80,677± SQ.FT. (1.85± AC)

MARINA AMENITY AREA TO CONFORM TO SUSSEX COUNTY CODE SUBSECTIONS 115-185 C & D.

MARINA RESTAURANT:

- 3,259± SQ.FT.
- INCLUDES RESTROOMS
- OUTDOOR SEATING

PARKING:

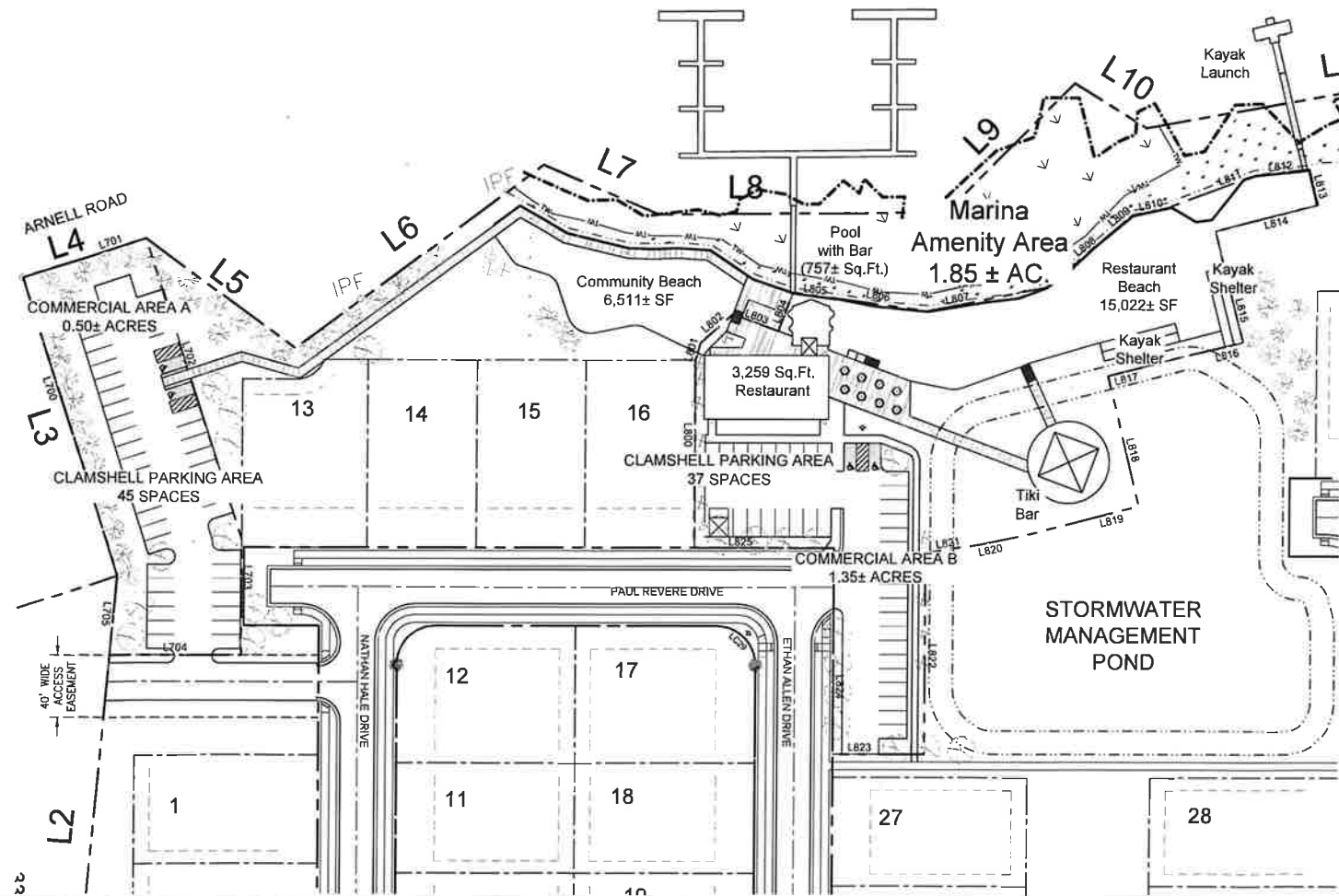
REQUIRED - 69 PARKING SPACES FOR RESTAURANT PROVIDED - 82 PARKING SPACES (INCL. 4 ADA) FOR RESTAURANT AND COMMUNITY BEACH

AMENITIES:

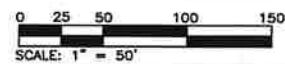
- TIKI BAR
- 757± SQ.FT. MINIMUM POOL
- KAYAK SHELTER
- KAYAK LAUNCH
- 15,022± SQ. FT. BEACH AREA

DATA COLUMN

TAX MAP ID:	3-34-18.00-83.00
EXISTING ZONING:	MR/RPC
FLOOD HAZARD MAP:	THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0334K (DATED MARCH 16, 2015).
WETLANDS:	THE PROPERTY IS IMPACTED BY BOTH STATE (TIDAL) AND "404" FEDERAL (NON-TIDAL) WETLANDS.
EXISTING SITE AREA:	128.31 ACRES
TOTAL SITE OPEN SPACE AS APPROVED 6/11/21:	61.78 ACRES
PREVIOUSLY APPROVED MARINA AREA 8/11/21:	1.11 ACRES
CURRENTLY PROPOSED MARINA AREA (COMMERCIAL AREA A + COMMERCIAL AREA B):	1.85 ACRES
CURRENTLY PROPOSED REMAINING OPEN SPACE:	61.04 ACRES
PROPOSED IMPERVIOUS AREAS (WITHIN MARINA AMENITY AREA):	0.85 ACRES
EXISTING MR/RPC MINIMUM SETBACKS:	
FRONT YARD:	25 FT.
SIDE YARD:	8 FT.
REAR YARD:	10 FT.
CORNER SIDE YARD:	15 FT.
WIDTH OF LOT:	60 FT. @ BUILDING SETBACK LINE
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT. (2-1/2 STORIES)
SANITARY SEWER:	SUSSEX COUNTY UNIFIED SEWER DISTRICT
WATER SUPPLY:	TIDEWATER UTILITIES, INC.
OWNER/DEVELOPER:	OSPREY POINT PRESERVE LLC 2979 BARLEY MILL ROAD YORKLYN, DE 19736



MARINA AMENITY SITE PLAN
SCALE: 1"=50'



MARINA AMENITY SITE PLAN

ENGINEER'S STATEMENT:
I certify that the proposed site plan was compiled under my supervision.

Vincent Luciani, P.E. Date
DE PE #14524

OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:
I, as owner and developer of the project shown, hereby approve these plans for development as shown or otherwise noted.

KATHLEEN HAWES HORSEY DATE
OSPREY POINT PRESERVE LLC
2979 BARLEY MILL ROAD
YORKLYN, DE 19736

PRINTS ISSUED FOR:
CONCEPTUAL REVIEW

REVISIONS

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
208 WEST MAIN STREET
SALESBURY, MARYLAND 21101
410-341-9900
www.gmbinc.com

LAND DESIGN
Surveying / Landscape Architecture
3400 Route 1, Suite 43
Ocean View, DE 19870
302.533.0388 FAX
landdesign@landdesign.com
Planning and
Development Consultants

MARINA AMENITY SITE PLAN
OSPREY POINT
OLD LANDING ROAD
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

SITE PLAN: CRH DATE
DRAWING: CRH DEC 2021
REVIEW: WL
SHEET 1 OF 1 SHEETS

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

August 1, 2022

BY HAND DELIVERY

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


**RE: C/Z 1973 – Amendment to Ordinance No. 2475
Osprey Point Preserve LLC**

Dear Mr. Whitehouse:

Kindly find the enclosed copy of Applicant Osprey Point Preserve LLC's Project Book for C/Z 1973. The Project Book will be used at the public hearings before the Planning and Zoning Commission on August 11, 2022, and County Council on September 20, 2022. I will also be emailing an electronic copy of the Project Book to you. Please let me know if you need any additional information prior to the public hearing.

Very Truly Yours,

MORRIS JAMES LLP



David C. Hutt, Esquire

Enclosure

Osprey Point

Change of Zone 1973
Amendment of Ordinance
No. 2475



David C. Hutt, Esquire

Morris James LLP

Public Hearings:

Planning Commission 08/11/2022

County Council 09/20/2022

TABLE OF CONTENTS

1. Planning & Zoning Application
2. Deed for the Property (Deed Book 5565, Page 231)
3. Ordinance No. 2475
4. DeIDOT SFR w/SLER
5. Marina Rendering and Site Plan
6. Record Site Plan (Book 251, Page 65)
7. Revised Site Plan (Book 319, Page 18)
8. Osprey Point Phasing (Book 347, Page 25)
9. Active Amenity Site Plan (Book 355, Page 95)
10. July 28, 2022 ERI Summary Memorandum
11. December 23, 2021 Siting and Design Study
12. December 23, 2021 Operation & Maintenance Plan
13. December 23, 2021 Marina/Subaqueous Permit Land Application
14. December 27, 2021 ACOE Permit
15. December 28, 2021 Coastal Zone Consistency Determination
16. February 24, 2022 ERI Follow-Up Letter to ACOE

TAB “1”

File #: _____

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use _____

Zoning Map Amendment Amendment of Ordinance No. 2475 (see below)

Site Address of Conditional Use/Zoning Map Amendment

Along west side of Old Landing Rd, Across From Bonaire Dr., 1,189' south of Fairway Dr.

Type of Conditional Use Requested:

This application seeks to amend Ordinance No. 2475 by adding 1.85+/- acres of Marina/Restaurant Area to the existing MR-RPC (CZ 1759) for Osprey Point as shown on the attached Site Plan. A copy of Ordinance No. 2475 is attached.

Tax Map #: 3-34-18.00-83.00 & 83.17 **Size of Parcel(s):** 1.85

Current Zoning: MR-RPC **Proposed Zoning:** MR-RPC **Size of Building:** 3,259 SF

Land Use Classification: Coastal Area-2045 FLUM

Water Provider: Tidewater Utilities, Inc. **Sewer Provider:** Sussex County Unified Sewer District

Applicant Information

Applicant Name: Osprey Point Preserve LLC

Applicant Address: 2979 Barley Mill Rd.

City: Yorklyn State: DE Zip Code: 19736

Phone #: (302) 542-5205 E-mail: kathy@css-de.com

Owner Information

Owner Name: Osprey Point Preserve LLC

Owner Address: 2979 Barley Mill Rd.

City: Yorklyn State: DE Zip Code: 19736

Phone #: (302) 542-5205 E-mail: kathy@css-de.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt/ Morris James LLP

Agent/Attorney/Engineer Address: 107 W. Market St.

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.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**
- N/A **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**
- N/A **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.

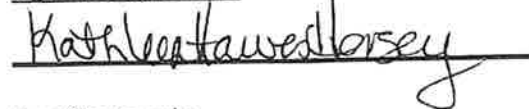
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 2/14/2022

Signature of Owner



Date: 2/11/2022

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application, a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: Along west side of Old Landing Rd., Across from Bonaire Drive., 1,189'
south of Fairway Dr.

Parcel #: p/o 334-18.00-83.00

Site Address: Along west side of Old Landing Rd., Across from Bonaire Drive., 1,189'
south of Fairway Dr.

Parcel #: p/o 334-18.00-83.17

Applicant Name: Osprey Point Preserve LLC

Owner Name: Osprey Point Preserve LLC

Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Amendment of Ordinance No. 2475

Date Submitted: 02/14/2022

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____ List created by: _____

Date letters mailed: _____ Letters sent by: _____

TAB “2”

TAX PARCEL #334-18.00-83.00 (in part)
TAX PARCEL #334-18.00-83.17

PREPARED BY AND RETURN TO:
Whittington and Aulgur
2979 Barley Mill Road
Yorklyn, DE 19736

CORRECTIVE DEED

THIS DEED is made this 4th day of OCTOBER, 2021,

- BETWEEN -

ROBERT A. MARSHALL, an individual of 40 Clubhouse Drive, Rehoboth Beach, Delaware 19971, party of the first part,

- AND -

OSPREY POINT PRESERVE LLC, a Delaware limited liability company, of 2979 Barley Mill Road, Yorklyn, Delaware 19736, 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, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors, heirs, and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

SEE EXHIBIT "A" ATTACHED HERETO.

BEING a part of the same lands conveyed to Robert A. Marshall by Deed of Katherine D. Cannon, dated March 13, 2017, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on March 13, 2017, in Deed Book 4677, Page 78, et seq.

AND BEING the same lands conveyed to Osprey Point Preserve LLC by Deed of Robert A. Marshall dated April 13, 2020, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on April 23, 2020, in Deed Book 5229, Page 320.

This is a Corrective Deed the purpose of which is to clarify the property being conveyed in the original Deed dated April 13, 2020, referenced above. Grantors and Grantee acknowledge and agree that the original Deed requires clarification based on the recordation of a Revised Site Plan of Osprey Point dated May 20, 2020, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on August 12, 2020, at Plot Book 319, Page 18 ("Record Plan") which more clearly sets out the property intended to be conveyed. This Corrective Deed is intended to effectuate such needed clarification.

IN WITNESS WHEREOF, the said **ROBERT A. MARSHALL** has caused his name and seal to be hereunto set, duly attested, the day and year first above written.

Halli L Alban
Witness

Robert A. Marshall (SEAL)
ROBERT A. MARSHALL

STATE OF DELAWARE)
) SS.
COUNTY OF SUSSEX)

BE IT REMEMBERED, that on this 4 day of ~~September~~ ^{October}, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, **ROBERT A. MARSHALL**, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his voluntary act and deed; that his signature is in his own proper handwriting; and that his act of signing, sealing, acknowledging, and delivering said Indenture was his voluntary act and deed.

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

LANIE ROBIN BAILEY
Notary Public
STATE OF DELAWARE
My Commission Expires Feb. 27, 2022

Lanie Robin Bailey
Notary Public
Lanie Robin Bailey
(Print Name)
My Commission Expires: Feb. 27, 2022

EXHIBIT A

ALL those certain lots, pieces or parcels of land, hereinafter described, situate, now or formerly of Robert A. Marshall, lying and being on the westerly side of County Road #274 (50 feet wide) and being located in Lewes and Rehoboth Hundred, Sussex County, Delaware, being more particularly described as part of Sussex County Tax Parcel number 3-34-18.00-83.00, comprised of the planned residential subdivision known as "Osprey Point Subdivision" as shown on the Revised Site Plan of Osprey Point dated May 20, 2020, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on August 12, 2020, at Plot Book 319, Page 18 ("Record Plan").

BEGINNING at a point on the right-of-way line of Old Landing Road and the north easterly property corner of Lot 2 within Willowmere Subdivision, the following six (6) courses and distances: (1) Thence running with the northerly lot line of Lot 2 (within Willowmere Subdivision) South 69 degrees 56 minutes 15 seconds West, 145.00 feet to a point; (2) Thence turning and running South 74 degrees 59 minutes 41 seconds West, 450.55 feet to a point at the northeasterly corner of Lot 1 (within Willowmere Subdivision); (3) Thence turning and running South 51 degrees 54 minutes 12 seconds West, 200.20 feet to a point at the intersection of the northwesterly corner of Lot 1 (within Old Landing Woods Subdivision Addition 1) and the Arnell Road right-of-way; (4) Thence turning and running North 38 degrees 05 minutes 48 seconds West, 82.58 feet to a point along the right-of-way of Arnell Road; (5) Thence turning and running North 15 degrees 48 minutes 34 seconds East, 118.94 feet to a point along the right-of-way of Arnell Road; (6) Thence turning and running North 56 degrees 49 minutes 56 seconds West, 197.29 feet to a point along Lot 29 (within Old Landing Woods Subdivision Addition 1) where it meets Arnell Creek (labeled as Rehoboth Bay on the Davis, Bowne & Friedel, Inc. plat); Thence turning and running along Arnell Creek for the following thirty-six (36) courses and distances: (1) North 02 degrees 56 minutes 03 seconds East, 80.39 feet to a point; (2) North 20 degrees 50 minutes 48 seconds West, 184.57 feet to a point; (3) North 65 degrees 40 minutes 20 seconds West, 116.14 feet to a point; (4) North 11 degrees 23 minutes 18 seconds East, 54.39 feet to a point; (5) North 30 degrees 26 minutes 07 seconds West, 255.31 feet to a point; (6) North 89 degrees 48 minutes 15 seconds West, 77.07 feet to a point; (7) North 27 degrees 04 minutes 54 seconds West, 162.10 feet to a point; (8) North 50 degrees 03 minutes 59 seconds West, 169.04 feet to a point; (9) North 08 degrees 54 minutes 07 seconds West, 65.04 feet to a point; (10) North 54 degrees 10 minutes 58 seconds West, 51.49 feet to a point; (11) North 86 degrees 45 minutes 54 seconds East, 71.03 feet to a point; (12) South 68 degrees 05 minutes 54 seconds West, 15.35 feet to a point; (13) North 69 degrees 08 minutes 58 seconds West, 57.28 feet to a point; (14) North 39 degrees 26 minutes 17 seconds West, 12.79 feet to a point; (15) North 74 degrees 05 minutes 51 seconds West, 21.99 feet to a point; (16) North 14 degrees 02 minutes 38 seconds West, 28.89 feet to a point; (17) North 21 degrees 14 minutes 48 seconds East, 33.26 feet to a point; (18) North 45 degrees 23 minutes 08 seconds West, 54.42 feet to a point; (19) North 14 degrees 43 minutes 31 seconds West, 30.51 feet to a point; (20) North 81 degrees 51 minutes 55 seconds West, 52.91 feet to a point; (21) North 33 degrees 25 minutes 51 seconds West, 27.33 feet to a point; (22) North 44 degrees 38 minutes 53 seconds East, 21.66 feet to a point; (23) North 79 degrees 00 minutes 14 seconds West, 95.84 feet to a point; (24) North 52 degrees 18 minutes 31 seconds West, 111.20 feet to a point; (25) North 27 degrees 20 minutes 54 seconds West, 140.92 feet to a point; (26) North 15 degrees 00 minutes 51 seconds

West, 81.99 feet to a point; (27) North 06 degrees 13 minutes 03 seconds East, 232.42 feet to a point; (28) North 34 degrees 28 minutes 36 seconds East, 242.67 feet to a point; (29) North 11 degrees 12 minutes 30 seconds East, 156.70 feet to a point; (30) North 24 degrees 05 minutes 48 seconds East, 115.17 feet to a point; (31) North 10 degrees 36 minutes 11 seconds East, 71.57 feet to a point; (32) North 09 degrees 20 minutes 06 seconds West, 123.76 feet to a point; (33) North 18 degrees 35 minutes 07 seconds East, 51.50 feet to a point; (34) North 35 degrees 27 minutes 12 seconds East, 36.52 feet to a point; (35) North 18 degrees 28 minutes 33 seconds East, 46.62 feet to a point; (36) North 12 degrees 44 minutes 06 seconds West, 18.94 feet to a point; Thence leaving said Arnell Creek and turning and running the following twenty-eight (28) courses and distances: (1) North 62 degrees 11 minutes 30 seconds East, 285.00 feet to a point; (2) Thence turning and running North 06 degrees 45 minutes 36 seconds East, 176.94 feet to a point; (3) Thence turning and running North 32 degrees 52 minutes 18 seconds West, 405.85 feet to a point; (4) Thence turning and running North 84 degrees 44 minutes 50 seconds West, 36.39 feet to a point along Clubhouse Drive right-of-way; (5) Thence turning and running along a curve to the left, having a radius of 50.00 feet, an arc length of 106.88 feet with a chord bearing of North 85 degrees 19 minutes 22 seconds West, 87.66 feet to a point; (6) Thence turning and running along a curve to the right, having a radius of 25.00 feet, an arc length of 30.77 feet with a chord bearing of South 68 degrees 42 minutes 11 seconds West, 28.87 feet to a point; (7) Thence turning and running North 76 degrees 01 minutes 57 seconds West, 225.62 feet to a point; (8) Thence turning and running along a curve to the right, having a radius of 26.78 feet, an arc length of 41.13 feet with a chord bearing of North 32 degrees 01 minutes 57 seconds West, 37.21 feet to a point; (9) Thence turning and running North 11 degrees 58 minutes 03 seconds East, 83.21 feet to a point at the southwesterly corner of Lot 5 SEC E; (10) Thence turning and running South 78 degrees 01 minutes 57 seconds East, 104.29 feet to a point; (11) Thence turning and running along said property line North 06 degrees 57 minutes 03 seconds East, 35.00 feet to a point; (12) Thence turning and running along said property line North 61 degrees 57 minutes 03 seconds East, 68.00 feet to a point; (13) Thence turning and running along said property line North 11 degrees 57 minutes 03 seconds East, 46.00 feet to a point; (14) Thence turning and running along said property line North 31 degrees 18 minutes 56 seconds East, 82.03 feet to a point at the southeast corner of Lot 4 SEC E; (15) Thence turning and running along the property lines of Lot 4 SEC E, Lot 3 SEC E, Lot 2 SEC E, and Lot 1 SEC E, North 26 degrees 39 minutes 56 seconds West, 305.00 feet to a point; (16) Thence turning and running along said property Lot 1 SEC E, North 56 degrees 49 minutes 39 seconds West, 249.93 feet to a point; (17) Thence turning and running along said property Lot 1 SEC E, South 62 degrees 08 minutes 35 seconds West, 37.02 feet to a point along Clubhouse Drive right-of-way; (18) Thence turning and running along said Clubhouse Drive right-of-way North 27 degrees 53 minutes 08 seconds West, 251.14 feet to a point; (19) Thence turning and running along said Clubhouse Drive right-of-way along a curve to the left, having a radius of 325.00 feet, an arc length of 140.20 feet with a chord bearing of North 40 degrees 14 minutes 37 seconds West, 139.11 feet to a point at the south corner of lands now or formerly of Sussex County; (20) Thence leaving said Clubhouse Drive right-of-way and turning and running along said property line of Sussex County North 32 degrees 11 minutes 52 seconds East, 51.36 feet to a point; (21) Thence turning and running along said property line of Sussex County North 57 degrees 47 minutes 51 seconds West, 30.15 feet to a point along the southeasterly corner of Lot 6 SEC B; (22) Thence turning and running along said property line of Lot 6 SEC B, North 21 degrees 44 minutes 38 seconds West, 271.93 feet to a point along Lot 4 SEC B; (23) Thence turning and running along said property line of Lot 4

SEC B, North 32 degrees 05 minutes 44 seconds East, 65.83 feet to a point along Lot 3 SEC B; (24) Thence turning and running along said property line of Lot 3 SEC B South 57 degrees 47 minutes 25 seconds East, 5.00 feet to a point at the south corner of Lot 3 SEC B; (25) Thence turning and running along said property line of Lot 3 SEC B North 37 degrees 35 minutes 25 seconds East, 138.64 feet to a point at the south corner of Lot 2 SEC B and the west corner of Lot 1 SEC B; (26) Thence turning and running along said property line of Lot 1 SEC B South 57 degrees 45 minutes 42 seconds East, 106.98 feet to a point at the south corner of Lot 1 SEC B; (27) Thence turning and running along said property line of Lot 1 SEC B North 42 degrees 30 minutes 28 seconds East, 140.25 feet to a point at the intersection of the east corner of Lot 1 SEC B and the right-of-way for Fairway Drive; (28) Thence turning and running along said right-of-way for Fairway Drive South 57 degrees 49 minutes 33 seconds East, 1,444.25 feet to a point at the intersection of Fairway Drive right-of-way and Old Landing Road right-of-way; Thence turning and running along the right-of-way for Old Landing Road the following twelve (12) courses and distances: (1) South 13 degrees 13 minutes 14 seconds East, 178.57 feet to a point; (2) Along a curve to the left, having a radius of 1,380.02 feet, an arc length of 381.84 feet with a chord bearing of South 21 degrees 12 minutes 14 seconds East, 380.63 feet to a point; (3) South 28 degrees 39 minutes 26 seconds East, 933.66 feet to a point; (4) Along a curve to the right, having a radius of 1,290.00 feet, an arc length of 175.11 feet with a chord bearing of South 23 degrees 13 minutes 20 seconds East, 174.98 feet to a point; (5) Along a curve to the right, having a radius of 430.00 feet, an arc length of 243.72 feet with a chord bearing of South 03 degrees 06 minutes 18 seconds East, 240.47 feet to a point; (6) South 13 degrees 06 minutes 20 seconds West, 681.26 feet to a point; (7) Along a curve to the left, having a radius of 380.00 feet, an arc length of 221.67 feet with a chord bearing of South 03 degrees 40 minutes 44 seconds East, 218.54 feet to a point; (8) South 20 degrees 17 minutes 55 seconds East, 384.15 feet to a point; (9) South 05 degrees 17 minutes 55 seconds East, 42.50 feet to a point; (10) South 20 degrees 17 minutes 55 seconds East, 333.55 feet to a point; (11) South 35 degrees 17 minutes 55 seconds East, 42.50 feet to a point; (12) South 20 degrees 17 minutes 55 seconds East, 543.03 feet to the point of beginning. Containing an area of 126.31 acres, more or less. Being the same land shown on a drawing prepared by Davis, Bowen & Friedel, Inc. entitled "Plat Showing part of the lands of Robert A. Marshall," dated March 10, 2020.

EXCEPTING THEREOUT AND THEREFROM lots previously conveyed by Robert A. Marshall to Osprey Point Preserve LLC by Deed dated April 15, 2021, and recorded in the Office of the Recorder of Deeds on April 15, 2021, in Deed Book 5446, Page 269, being Lots Nos. 130 through 149 inclusive and Lots Nos. 155 and 156.

AND EXCEPTING THEREOUT AND THEREFROM lots to be retained by Robert A. Marshall as shown on the Record Plan being Lots Nos. 1 through 116 inclusive, Lots Nos. 150 through 154 inclusive, and Lots Nos. 157 through 217 inclusive.

SUBJECT TO ALL covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

TAB “3”

ORDINANCE NO. 2475

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS

WHEREAS, on the 17th day of July 2014, a zoning application denominated Change of Zone No. 1759 was filed on behalf of Osprey Point D, LLC; and

WHEREAS, on the 8th day of January 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of June 2016 said Planning and Zoning Commission recommended that Change of Zone No. 1759 be approved with conditions; and

WHEREAS, on the 3rd day of February 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said Change of Zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County;

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying west of Old Landing Road (Road 274) 1.2 miles south of Warrington Road (Road 275) and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc, said parcel containing 126.8795 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of residential units shall not exceed 217 single family lots. No townhouses shall be permitted in the project.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road / Warrington Road / Strawberry Way intersection and signalization improvements.**
- D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**

- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.**
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.**
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.**
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**
- P. Pursuant to Section 115-125(B) of the Zoning Ordinance, prior to approval of the RPC Record Plan or Final Site Plan, the Planning and Zoning Commission shall confirm that the Applicant has recorded a deed restriction, limiting the design of the development to a maximum residential density of 217 single family lots and that said restriction cannot be modified or amended without the approval of the Sussex County Council.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2475 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF NOVEMBER 2016.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Osprey Point D, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 126.8795 acres, more or less, land lying west of Old Landing Road (Road 274) 1.2 mile south of Warrington Road (Road 275) (911 Address: 20836 Old Landing Road, Rehoboth Beach, DE) (Tax Map I.D. #334-18.00-83.00).**
- B. Council found that DelDOT commented that it received the Traffic Operational Analysis on October 22, 2014; that the Consulting Engineer for Davis, Bowen & Friedel, Inc. reports that the Traffic Operational Analysis recommends that DelDOT consider the installation of a traffic signal at the intersection of Old Landing Road, Warrington Road, and Strawberry Way; extension of the left turn lane on Warrington Road at Old Landing Road; and investigating as to whether additional auxiliary lanes are necessary or feasible; and that after DelDOT reviews the Traffic Operational Analysis, they will provide recommendations on the Analysis.**
- C. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Robert Marshall, the landowner and principal of the Applicant, was present with James Fuqua, Jr., Esquire with Fuqua, Yori & Willard, P.A., Zac Crouch, Professional Engineer, and D.J. Hughes, Professional Engineer, both of Davis, Bowen & Friedel, Inc., and John Hynes of John D. Hynes & Associates, Inc., and they stated that this is an application to re-zone a 126.88 acre parcel of land to a MR-RPC, a Medium Density Residential Planned Community; that there would be a recreational amenity center; that under a RPC application, an applicant can request a limited amount of commercial space; that no commercial space is being requested in this application; that the property is located on the west side of Old Landing Road, south of Fairway Drive; that the site is and has been since the early 1960s, the Old Landing Golf Course (with a restaurant located on the site); and that the owner of the property, Mr. Marshall, has owned the property in his own name since 1991 and the property has been owned by his family for over a century.**
- D. Council also found that a wetland delineation of the property was performed by Environmental Resources Inc.; that the study indicated that the site contains 17.25 acres of State tidal wetlands and 4.41 acres of Federal Section 404 non-tidal wetlands; that they are proposing to provide 50 foot wide buffers from all tidal waters and wetlands, as required by the Sussex County zoning ordinance; that Federal wetland buffers or setbacks are not required under Federal, State or Sussex County ordinances or regulations; that page 16 of the PLUS review letter recommends a 100 foot buffer but states that “these items are suggestions and these suggestions do not represent State Code requirements and are in no way required”; that, in regards to the State tidal wetlands, the development will have the minimum 50 foot buffer as required by the County; and that the development will provide a voluntary 25 foot buffer from all federal non-tidal wetlands (although no buffers are required).**
- E. Council further found that Tidewater Utilities will be providing central water for drinking and fire protection; that Sussex County will be providing central sewer (West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District); that the Sussex County Engineering Department commented that the sewer system design assumption for this parcel of land was 4 units per acre, which amounts to 507 units; that the Engineering Department’s comments confirm that the site is in a County operated sewer district; that wastewater capacity is available; that the proposed project is within the planning study and design assumptions for sewer service; that Delaware Electric Cooperative will provide electricity; that the site is in the Cape Henlopen School District; that the site is located in the Rehoboth Beach Volunteer Fire Company service area; and that there are no federal or threatened species associated with the site.**

- F. Council found that in the 1960s when the golf course was developed, there were no requirements for stormwater management; that today, a couple of ponds (for features) exist on the golf course, but there is no stormwater management; that with the development of this property, there is going to be some drainage issues that will be improved; that existing problems with low areas will be addressed as part of the design and approval process; that reference to an archaeological site was made during the Planning and Zoning Commission's Public Hearing; that an email was received from the Delaware State Historic Preservation Office stating that, after a field visit, there was insufficient information for that site; and that the project went through the PLUS process and the TAC process.
- G. Council also found that interior roads will be built to Sussex County standards; that the roads will be privately owned; that a Traffic Impact Study is not required; that in regards to the Pollution Control Strategy regulations approved in 2008 for the Indian River Bay, Rehoboth Bay, and Little Assawoman Bay watersheds, this project as well as surrounding projects fall within the load reduction area which means 40% reduction in nitrogen and phosphorus is required; based on the Pollution Control Strategy requirements (Best Management Practices), during the design process, they will be implementing bio-swales, bio-filters, infiltration and wet and dry ponds to meet those requirements; that they will have to submit their designs to the review agencies for approval to address stormwater management for the site; that there are flooding issues, however, once stormwater management is implemented, the water will have somewhere to go; that a nutrient management analysis was performed; that nitrogen will be reduced (76% reduction) with this proposed change in land use and the water quality will be better protected; and that regarding stormwater regulations, this project would be designed based on the old regulations (the project must be approved within 18 months for it to fall under the old regulations, which is June 2015).
- H. Council further found that there are questions about developing on the poorly draining soils on this site and he presented a map showing the various degrees of poorly draining soils; that the firm of John G. Hynes & Associates, Inc. did test borings on the poorly draining soils on the Osprey Point project site; that they were hired to address the question of hydric soils; that regarding the question of whether residences, roadways, and infrastructure can be built in areas with poorly draining soils, they drilled 20 test borings on the property so they could determine the consistency/variability of the soils (report was distributed to Council); that the reports showed that the soils are good enough to support houses on common footing foundations; that they also looked at groundwater conditions and they found that groundwater depths range from 2 to 5 feet at the boring locations; that the areas drilled meet frost-depth requirements which is a major issue with foundation construction; that the site and grading design will be done by Davis Bowen & Friedel and will undergo a review and approval; that developers/builders build on these types of conditions every day; that in the 20 borings, from a geotechnical standpoint, they did not find anything that is unbuildable; that this is a preliminary study; and that before the Developer proceeds with the building design, the architects and structural engineers should engage a geotechnical engineer to drill additional borings and provide final recommendations.
- I. Based on the Findings (1 through 10) and Conditions (11A through 11O) of the Planning & Zoning Commission, as amended with the addition of Condition P by the Council, Council found that:
1. This project originally sought approval for 339 units, including 180 townhouses. During the public hearing, much of the opposition related to the density of the proposed development and the proposed townhouses. After hearing these concerns, the Applicant submitted a revised Site Plan that deletes the townhouses and reduces the number of units to 217, which is a reduction in the density from 3.2 units per acre to 2.0 units per acre; or gross density calculation from 2.7 units per acre to 1.7 units per acre. This 36% reduction in housing units results in a development that is consistent with the surrounding developments of Old Landing Road.

2. **The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development Area as established by the Comprehensive Land Use Plan.**
 3. **The development of this site at 217 units is consistent with and often less than the densities of surrounding RPCs and other developments that exist along Old Landing Road, including Sawgrass South, Sawgrass at White Oak Creek and the Villages at Old Landing. In addition, Redden Ridge was approved as a bonus density cluster development. As a result, this project represents “infill” development.**
 4. **Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.**
 5. **Central water will be provided to the project.**
 6. **With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity. This development, revised to only include single family lots, achieves this goal. The design also retains a great deal of open space, provides for additional buffers, protects wetlands, and provides considerable recreational amenities.**
 7. **A revised Traffic Operational Analysis was prepared and reviewed by DelDOT as a result of the reduction in residential units. The applicant will be required to comply with all DelDOT entrance, intersection and roadway improvement requirements, including the improvement of Old Landing Road from Fairway Drive to its southern terminus, construction of bicycle and pedestrian improvements and required contributions to the signalization and improvement of the Old Landing Road/Warrington Road/Strawberry Way intersection.**
 8. **The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy. The Final Site Plan will take into account the review and approval of Federal, State and County agencies that have jurisdiction over the protection of wetlands.**
 9. **There was concern stated in the record about soil types and storm water management at this site. All of this will be reviewed and regulated by the Sussex Conservation District and DNREC prior to Final Site Plan approval. As with any Preliminary Site Plan, there may be further changes to the Plan following the District’s and DNREC’s review to accommodate an appropriate and workable storm water management design.**
 10. **The Plan has adequately addressed all of the terms contained in Section 99-9C of the Subdivision Code.**
 11. **Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Change of Zone is approved subject to sixteen (16) conditions (A – P), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**
- J. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**

TAB “4”



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

NICOLE MAJESKI
SECRETARY

December 30, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Osprey Point Preserve** proposed land use application, which we received on December 3, 2021. This application is for approximately 127.42-acre assemblage of parcels (Tax Parcels: 334-18.00-83.00, 83.17). The subject land is in a subdivision located on the west side of Old Landing Road (Sussex Road 274) with the entrance located at the intersection with Marabella Lane. The subject land is currently zoned MR-RPC (Medium-Density Residential Planned Community), and the applicant seeks a conditional use approval to build for a restaurant with marina.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Old Landing Road from Warrington Road (Sussex Road 275) to the end of the road, is 8,241 vehicles per day.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
December 30, 2021

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
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 DeIDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 12/3/21

Site Information:

Site Address/Location: Along west side of Old Landing Rd, Across From Bonaire Dr., 1,189' south of Fairway Dr.

Tax Parcel Number: 3-34-18.00-83.00 & 83.17

Current Zoning: MR-RPC

Proposed Zoning: MR-RPC

Land Use Classification: Coastal Area-2045 FLUM

Proposed Use(s): Add a Commercial Area to existing Osprey Point RPC for a Restaurant with Marina

Square footage of any proposed buildings or number of units: 3,259 SF

Applicant Information:

Applicant's Name: Osprey Point Preserve LLC

Applicant's Address: 2979 Barley Mill Road

City: Yorklyn State: DE Zip Code: 19736

Applicant's Phone Number: (302) 542-5205

Applicant's e-mail address: kathy@css-de.com

Please copy reply to:
David C. Hutt, Esquire
Morris James LLP
dhutt@morrisjames.com



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

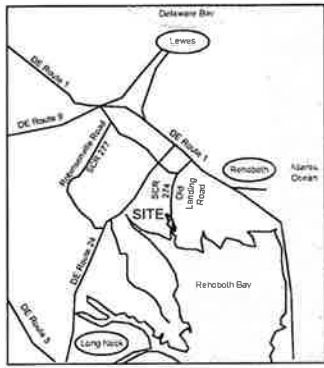
Last updated 3-12-20

TAB “5”

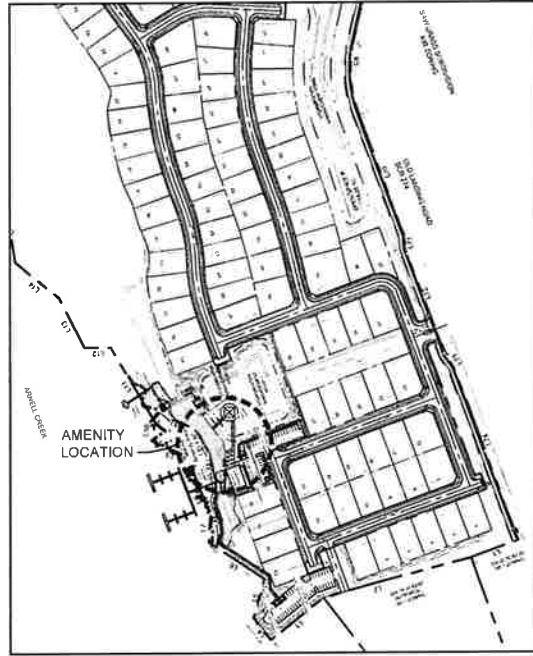


Osprey Point

This perspective is a conceptual rendering only. Actual details may vary. The clubhouse, pool and marina amenity area are subject to change pending DE state approval and will be revised once approved by the state." See sales representative for details. Ryan Homes 2022



VICINITY MAP
NOT TO SCALE



AMENITY LOCATION KEY
SCALE: 1"=500'

FOR OVERALL SUBDIVISION PROPERTY LINE & CURVE TABLE, SEE DBF PLAN ENTITLED PLAT SHOWING PART OF THE LANDS OF ROBERT A. MARSHAL, DATED MARCH 10, 2020.

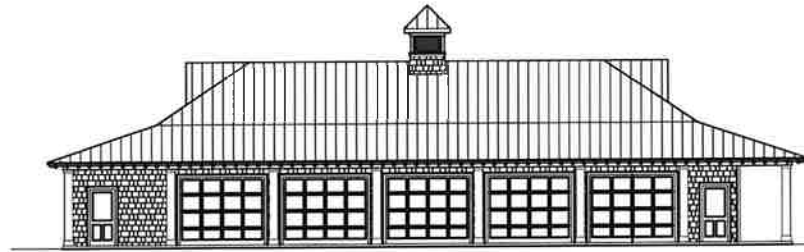
COMMERCIAL AREA A LINE TABLE

Line #	Length	Direction
L700	200.20	S51° 54' 12"W
L701	82.58	N38° 05' 48"W
L702	201.90	N51° 40' 11"E
L703	63.00	N69° 42' 05"E
L704	84.59	S20° 17' 55"E
L705	50.80	S74° 57' 55"W

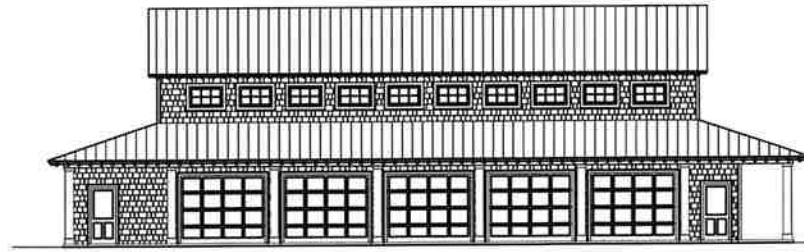
COMMERCIAL AREA B LINE TABLE

Line #	Length	Direction
L800	120.00	S69° 42' 05"W
L801	11.50	S86° 35' 52"W
L802	27.50	N62° 30' 13"W
L803	31.01	N0° 06' 27"E
L804	26.46	N89° 41' 47"W
L805	31.37	N12° 37' 24"W
L806	56.54	N12° 30' 42"W
L807	77.17	N31° 39' 41"W
L808	40.29	N80° 30' 15"W
L809	31.55	N80° 24' 49"W
L810	23.44	N32° 31' 34"W
L811	60.18	N40° 38' 04"W
L812	34.73	N26° 24' 25"W
L813	23.47	N56° 06' 38"E
L814	67.85	S34° 45' 07"E
L815	73.57	N55° 13' 54"E
L816	39.57	S33° 30' 53"E
L817	50.00	S34° 45' 46"E
L818	85.18	N56° 07' 03"E
L819	74.00	S34° 44' 22"E

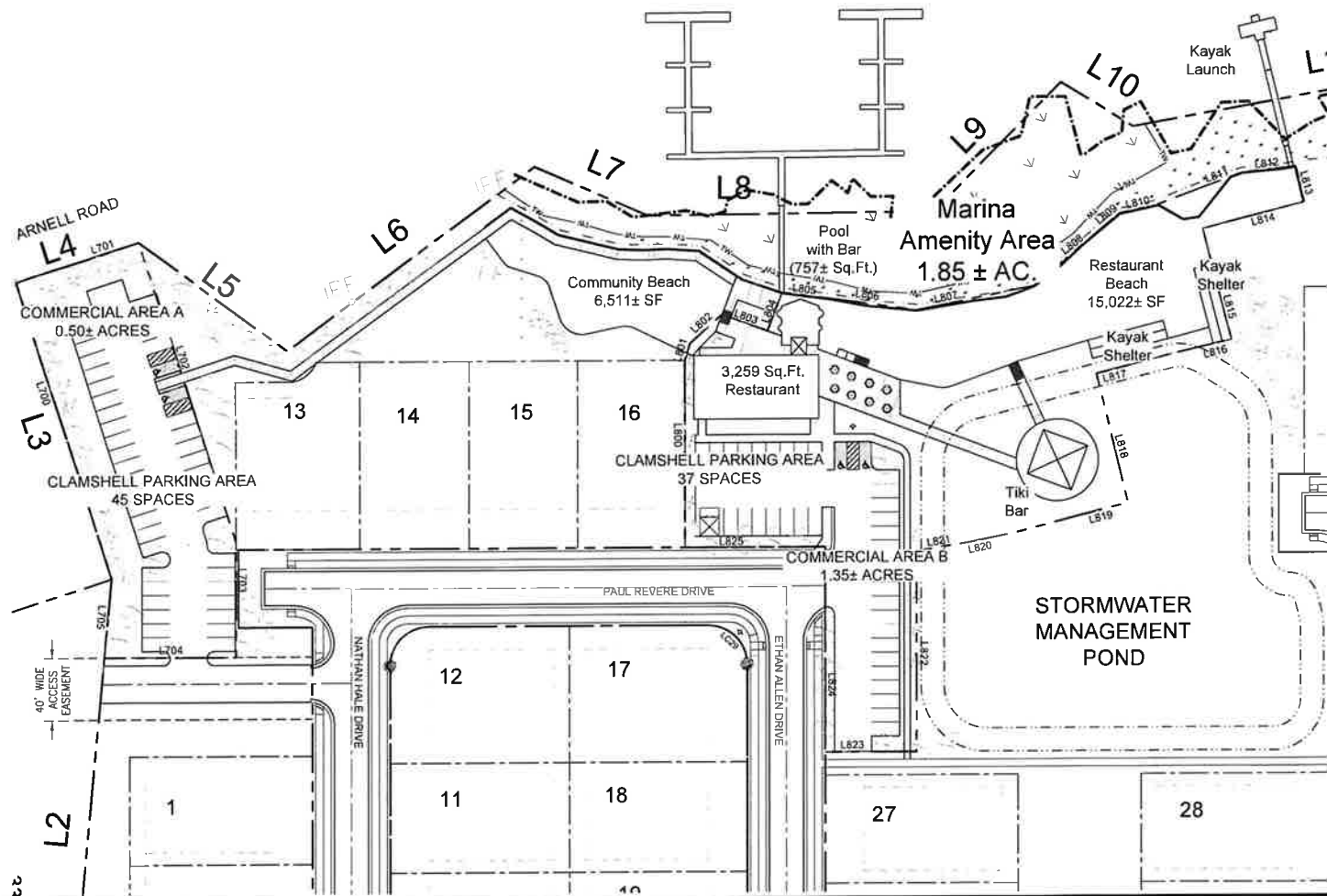
Line #	Length	Direction
L820	30.93	S31° 55' 01"E
L821	34.66	S29° 55' 23"E
L822	128.90	N69° 42' 05"E
L823	59.28	S20° 17' 55"E
L824	132.00	S69° 42' 05"W
L825	89.48	S20° 17' 55"E



SCHEMATIC FRONT ELEVATION - OPTION A
NOT TO SCALE



SCHEMATIC FRONT ELEVATION - OPTION B
NOT TO SCALE



MARINA AMENITY SITE PLAN
SCALE: 1"=50'



MARINA AMENITY SITE DATA:

- ACTIVE AMENITY AREA 80,677± SQ.FT. (1.85± AC)
MARINA AMENITY AREA TO CONFORM TO SUSSEX COUNTY CODE SUBSECTIONS 115-185 C & D.

MARINA RESTAURANT:

- 3,259± SQ.FT.
+ INCLUDES RESTROOMS
+ OUTDOOR SEATING

PARKING:

REQUIRED - 69 PARKING SPACES FOR RESTAURANT
PROVIDED - 82 PARKING SPACES (INCL. 4 ADA) FOR RESTAURANT AND COMMUNITY BEACH

AMENITIES:

- TIKI BAR
- 757± SQ.FT. MINIMUM POOL
- KAYAK SHELTER
- KAYAK LAUNCH
- 15,022± SQ. FT. BEACH AREA

DATA COLUMN

TAX MAP ID:	3-34-18.00-83.00
EXISTING ZONING:	MR/RPC
FLOOD HAZARD MAP:	THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0334K (DATED MARCH 16, 2015).
WETLANDS:	THE PROPERTY IS IMPACTED BY BOTH STATE (TIDAL) AND "404" FEDERAL (NON-TIDAL) WETLANDS.
EXISTING SITE AREA:	126.31 ACRES
TOTAL SITE OPEN SPACE AS APPROVED 6/11/21:	61.78 ACRES
PREVIOUSLY APPROVED MARINA AREA 8/11/21:	1.11 ACRES
CURRENTLY PROPOSED MARINA AREA:	1.85 ACRES
(COMMERCIAL AREA A + COMMERCIAL AREA B)	
CURRENTLY PROPOSED REMAINING OPEN SPACE:	61.04 ACRES
PROPOSED IMPERVIOUS AREAS (WITHIN MARINA AMENITY AREA)	0.85 ACRES
EXISTING MR/RPC MINIMUM SETBACKS:	
FRONT YARD:	25 FT.
SIDE YARD:	8 FT.
REAR YARD:	10 FT.
CORNER SIDE YARD:	15 FT.
WIDTH OF LOT:	50 FT. @ BUILDING SETBACK LINE
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT. (2-1/2 STORIES)
SANITARY SEWER:	SUSSEX COUNTY UNIFIED SEWER DISTRICT
WATER SUPPLY:	TIDEWATER UTILITIES, INC.
OWNER/DEVELOPER:	
OSPREY POINT PRESERVE LLC	
2979 BARLEY MILL ROAD	
YORKLYN, DE 19736	

ENGINEER'S STATEMENT:
I certify that the proposed site plan was compiled under my supervision.

Vincent Luciani, P.E. Date
DE PE #14524

OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:
I, as owner and developer of the project shown, hereby approve these plans for development as shown or otherwise noted.

KATHLEEN HAINES HORSEY Date
OSPREY POINT PRESERVE LLC
2979 BARLEY MILL ROAD
YORKLYN, DE 19736

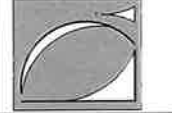
MARINA AMENITY SITE PLAN

PRINTS ISSUED FOR CONCEPTUAL REVIEW

REVISIONS

GMB
GEORGE MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
208 WEST MAIN STREET
SALISBURY, MD 21801
410-744-3114, ext. 410-744-2700
www.gmb.com

LAND DESIGN
Surveying / Landscape Architecture
208 West Main Street
Salisbury, MD 21801
410-744-3114, ext. 410-744-2700
www.landdesign.com



MARINA AMENITY SITE PLAN
OSPREY POINT
OLD LANDING ROAD
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

SITE PLAN: CRH DATE
DRAWING: CRH DEC 2021
REVIEW: VAL

SHEET
1
OF 1 SHEETS

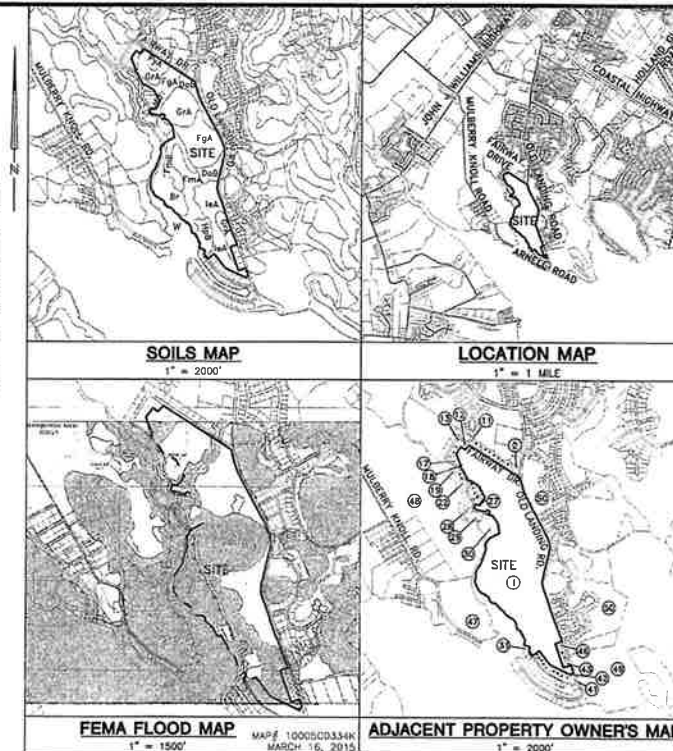
TAB “6”

GENERAL NOTES:

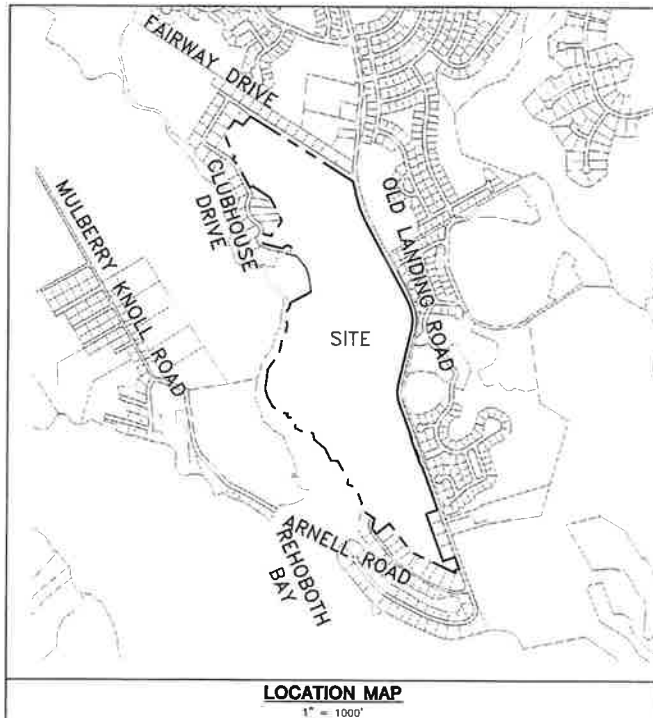
- 1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN...

OSPREY POINT SUBDIVISION
RECORD PLANS
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE
DBF PROJECT NO. 2135A003 NOVEMBER, 2016
REVISED 7-18-2017

SOILS DATA table with columns: LABEL, SOIL NAME, TYPE. Includes entries like BROOKHILL, DOWNER, FALLSINGTON, etc.



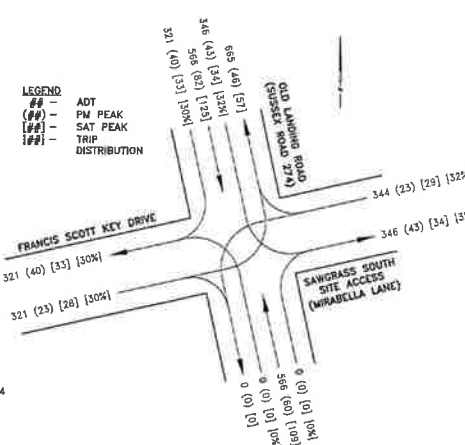
SITE TRIPS GENERATED - PROPOSED table with columns: TYPE OF DEV., A.D.T., CODE, UNITS, PM, SAT, ADT, WKDY. Includes rows for SINGLE-FAMILY and INCREASED OFF-SITE TRIPS.



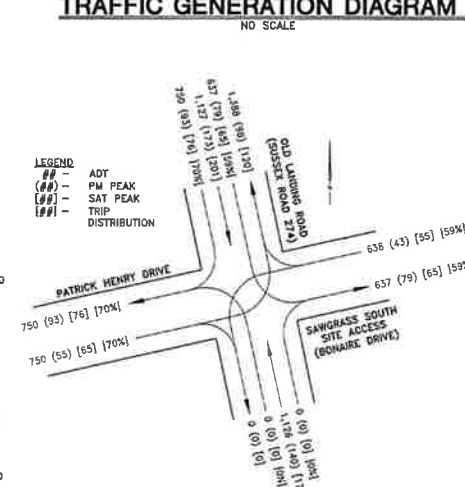
ADJACENT PROPERTY OWNER'S MAP table with columns: LABEL, PARCEL NO., OWNER'S NAME, DEED INFO, ZONE. Lists neighboring properties and owners.

ADJACENT PROPERTY OWNER'S MAP table with columns: LABEL, PARCEL NO., OWNER'S NAME, DEED INFO, ZONE. Continuation of neighboring properties.

FRANCIS SCOTT KEY DRIVE DATA
OLD LANDING ROAD (SUSSEX ROAD 274)
FUNCTIONAL CLASSIFICATION - LOCAL ROADWAY
WEEKDAY AADT (2014 DBF ATR COUNTS AVERAGE OF WEDNESDAY & THURSDAY DATA) = 876



PATRICK HENRY DRIVE DATA
OLD LANDING ROAD (SUSSEX ROAD 274)
FUNCTIONAL CLASSIFICATION - LOCAL ROADWAY
WEEKDAY AADT (2014 DBF ATR COUNTS AVERAGE OF WEDNESDAY & THURSDAY DATA) = 1,117



DATA COLUMN
TAX MAP ID: 3-34-18.00-83.00
EXISTING ZONING: AR-1 AGRICULTURAL RESIDENTIAL DISTRICT - (124.98 AC.)

OPEN SPACE table with columns: PARCEL, PURPOSE, ACREAGE. Lists various open spaces like A (ACTIVE), B (PASSIVE), C (PASSIVE), etc.

PROPOSED LANDS NOT TO BE REZONED TO MR/RPC
LANDS DEDICATED TO ROBERT A. MARSHALL (P.P.): 0.38 ACRES
OUTPARCEL: 5.08 ACRES

PROPOSED LANDS NOT TO BE REZONED TO MR/RPC
LANDS DEDICATED TO ROBERT A. MARSHALL (P.P.): 0.38 ACRES
OUTPARCEL: 5.08 ACRES

PROPOSED MAXIMUM BUILDING HEIGHT: 42 FT. (2-1/2 STORIES)
SANTARY SEWER: WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANTARY SEWER DISTRICT

SINGLE FAMILY LOT SIZE CHART table with columns: LOT SIZE ZONE, LOTS WITHIN ZONE. Shows lot sizes for zones like 7,500 SF, 7,501 SF - 8,499 SF, etc.

INDEX OF SHEETS table with columns: SHEET NO., RECORD TITLE. Lists sheets R-1 through R-11.

35751
251 PG: 65
BK: 251 PG: 65

OWNER'S STATEMENT
I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION AND I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

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

LANDSCAPE ARCHITECTS STATEMENT
I, THOMAS M. NOBLE, HEREBY STATE THAT I AM A REGISTERED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

WETLAND STATEMENT
ENVIRONMENTAL RESOURCES, INC. INSPECTED TAX MAP 3-34-18.00-83.00 SUSSEX COUNTY, DELAWARE, FOR THE PRESENCE OF JURISDICTIONAL WATERS ACCORDING TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987), THE ATLANTIC AND GULF COASTAL PLAIN SUPPLEMENT (2010), AND ASSOCIATED GUIDANCE AT THE TIME THE CORPS REGULATED WATERS, INCLUDING WETLANDS, WERE DELINEATED ON THIS PROJECT BY ERI AND ADDED TO THIS PLAN BY DBF. AT THE TIME OF INSPECTION THE LAND WAS A MAINTAINED GOLF COURSE AND CONTINUES TO BE AT THIS TIME. THE CORPS OF ENGINEERS ISSUED A PRELIMINARY JURISDICTIONAL DETERMINATION VERIFICATION LETTER ON DECEMBER 23, 2014.

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
MILFORD, DELAWARE (302) 424-1441

9-20-17

- LEGEND**
- PROPERTY BOUNDARY LINE
 - - - PROPOSED PROPERTY LINE
 - - - PROPOSED RIGHT-OF-WAY LINE
 - + + + PROPOSED PERMANENT EASEMENT
 - - PC - - PROPOSED SHARED-USE PATH EASEMENT
 - (S-1) PROPERTY LABELS
 - - - PROPOSED BUILDING SETBACK LINE
 - ~~~~~ WOODSLINE
 - NOTE: SEE SHEET R-2 FOR SUBDIVISION CURVE TABLE
 - [Pattern] 404 FEDERAL WETLANDS
 - [Pattern] STATE WETLANDS

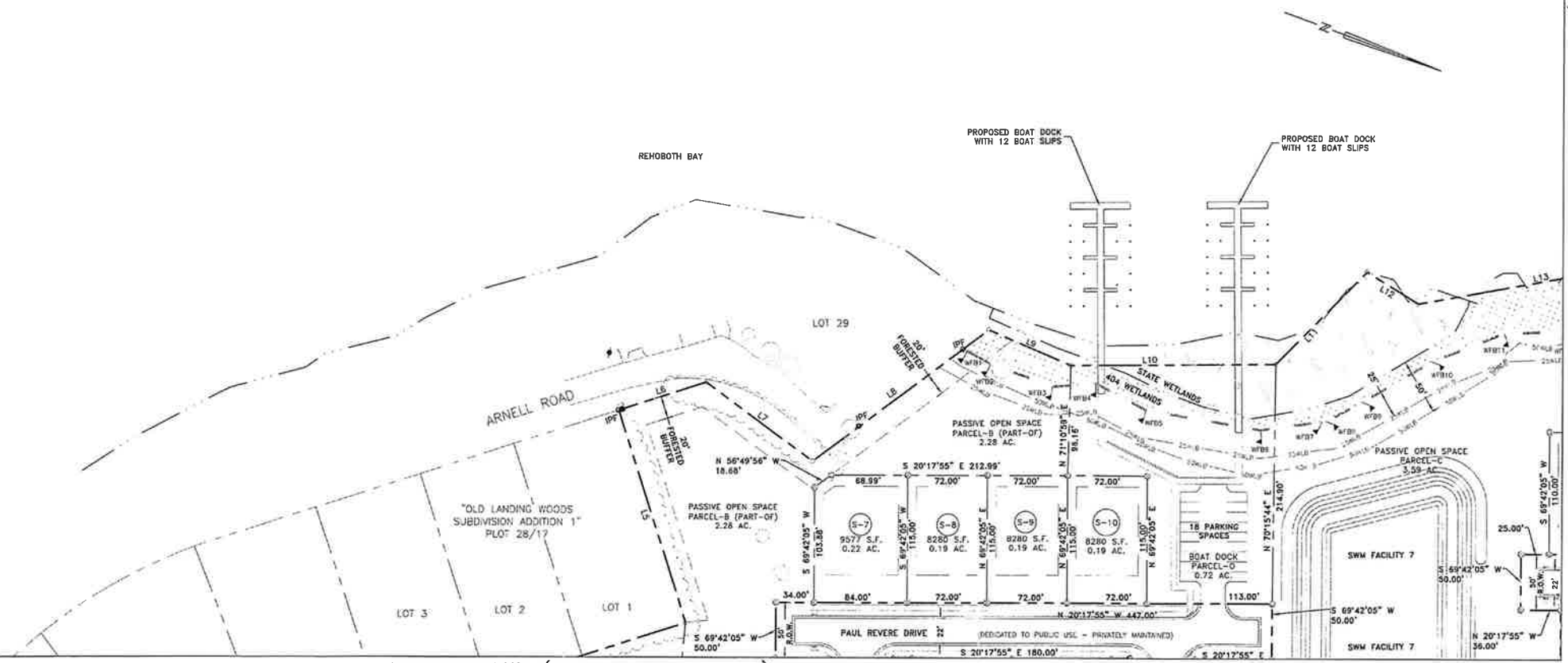
- BOUNDARY MONUMENT LEGEND**
- POINT ○ POINT (57 SHOWN)
 - CMF □ CONCRETE MONUMENT FOUND (6 EXISTING)
 - IPF ○ IRON PIPE FOUND (34 EXISTING)
 - IRF ○ IRON ROD FOUND (2 EXISTING)

- SUBDIVISION MONUMENT LEGEND**
- IRON ROD WITH CAP SET (641 PROPOSED)
 - PROPOSED POINT (2 PROPOSED)

CONDITIONS FOR PRELIMINARY PLAN APPROVAL

- A. THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 217 SINGLE FAMILY LOTS. NO TOWNHOUSES SHALL BE PERMITTED IN THE PROJECT.
- B. SITE PLAN REVIEW SHALL BE REQUIRED FOR EACH PHASE OF DEVELOPMENT.
- C. ALL ENTRANCE, INTERSECTION, INTERCONNECTION, ROADWAY AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT IN ACCORDANCE WITH DELDOT'S REQUIREMENTS, OR IN ACCORDANCE WITH ANY FURTHER MODIFICATIONS REQUIRED BY DELDOT. THE DEVELOPER SHALL ALSO CONTRIBUTE TO THE OLD LANDING ROAD / WARRINGTON ROAD / STRAWBERRY WAY INTERSECTION AND SIGNALIZATION IMPROVEMENTS.
- D. AS PROFFERED BY THE APPLICANT, THE CENTRAL RECREATIONAL FACILITIES AND AMENITIES SHALL BE CONSTRUCTED AND OPEN TO USE BY RESIDENTS OF THE DEVELOPMENT NO LATER THAN THE ISSUANCE OF THE 100m BUILDING PERMIT. THESE RECREATIONAL FACILITIES SHALL INCLUDE A CLUBHOUSE, POOL, TENNIS AND BASKETBALL COURTS, AND A TOT LOT AND DOG PARK.
- E. THE DEVELOPMENT SHALL BE SERVED AS PART OF THE WEST REHOBOTH SANITARY SEWER DISTRICT IN ACCORDANCE WITH THE SUSSEX COUNTY ENGINEERING DEPARTMENT SPECIFICATIONS AND REGULATIONS.
- F. THE MR-RPC SHALL BE SERVED BY A PUBLIC CENTRAL WATER SYSTEM PROVIDING ADEQUATE DRINKING WATER AND FIRE PROTECTION AS REQUIRED BY APPLICABLE REGULATIONS.
- G. STORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL BE OPERATED IN A MANNER THAT IS CONSISTENT WITH BEST MANAGEMENT PRACTICES (BMPs). THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT.
- H. THE INTERIOR STREET DESIGN SHALL BE IN ACCORDANCE WITH OR EXCEED SUSSEX COUNTY STREET DESIGN REQUIREMENTS AND/OR SPECIFICATIONS. AS PROFFERED BY THE APPLICANT, STREET DESIGN SHALL INCLUDE SIDEWALKS ON BOTH SIDES OF THE STREETS AND STREET LIGHTING.
- I. THE APPLICANT SHALL SUBMIT AS PART OF THE SITE PLAN REVIEW A LANDSCAPE PLAN SHOWING THE PROPOSED TREE AND SHRUB LANDSCAPE DESIGN.
- J. CONSTRUCTION, SITE WORK, GRADING, AND DELIVERIES OF CONSTRUCTION MATERIALS, LANDSCAPING MATERIALS AND FILL ON, OFF OR TO THE PROPERTY SHALL ONLY OCCUR FROM MONDAY THROUGH SATURDAY AND ONLY BETWEEN THE HOURS OF 7:00 A.M. AND 6:00 P.M.
- K. THE APPLICANT SHALL CAUSE TO BE FORMED A HOMEOWNER'S ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE STREETS, ROADS, BUFFERS, OPEN SPACES, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS.
- L. FEDERAL AND STATE WETLANDS SHALL BE MAINTAINED AS NON-DISTURBANCE AREAS, EXCEPT WHERE AUTHORIZED BY FEDERAL OR STATE PERMITS. THE WETLAND AREAS SHALL BE CLEARLY MARKED ON THE SITE WITH PERMANENT MARKERS.
- M. AS PROFFERED BY THE APPLICANT, THERE SHALL BE A 25 FOOT NON-DISTURBANCE BUFFER FROM ALL FEDERAL NON-TIDAL WETLANDS. THERE SHALL ALSO BE A 50 FOOT NON-DISTURBANCE BUFFER FROM ALL STATE TIDAL WETLANDS AS REQUIRED BY COUNTY CODE.
- N. A REVISED PRELIMINARY SITE PLAN DEPICTING THESE CONDITIONS AND THE APPLICANT'S PROPOSED CHANGES SHALL BE SUBMITTED TO THE DEPARTMENT FOR THE REVIEW AND APPROVAL BY THE PLANNING AND ZONING.
- O. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.
- P. PURSUANT TO SECTION 115-125(B) OF THE ZONING ORDINANCE, PRIOR TO APPROVAL OF THE RPC RECORD PLAN OR FINAL SITE PLAN, THE PLANNING AND ZONING COMMISSION SHALL CONFIRM THAT THE APPLICANT HAS RECORDED A DEED RESTRICTION, LIMITING THE DESIGN OF THE DEVELOPMENT TO A MAXIMUM RESIDENTIAL DENSITY OF 217 SINGLE FAMILY LOTS AND THAT SAID RESTRICTION CANNOT BE MODIFIED OR AMENDED WITHOUT THE APPROVAL OF THE SUSSEX COUNTY COUNCIL.

MATCHLINE (SEE SHEET R-5)



MATCHLINE (SEE SHEET R-4)



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 553-9991
MILFORD, DELAWARE (302) 454-1441



**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

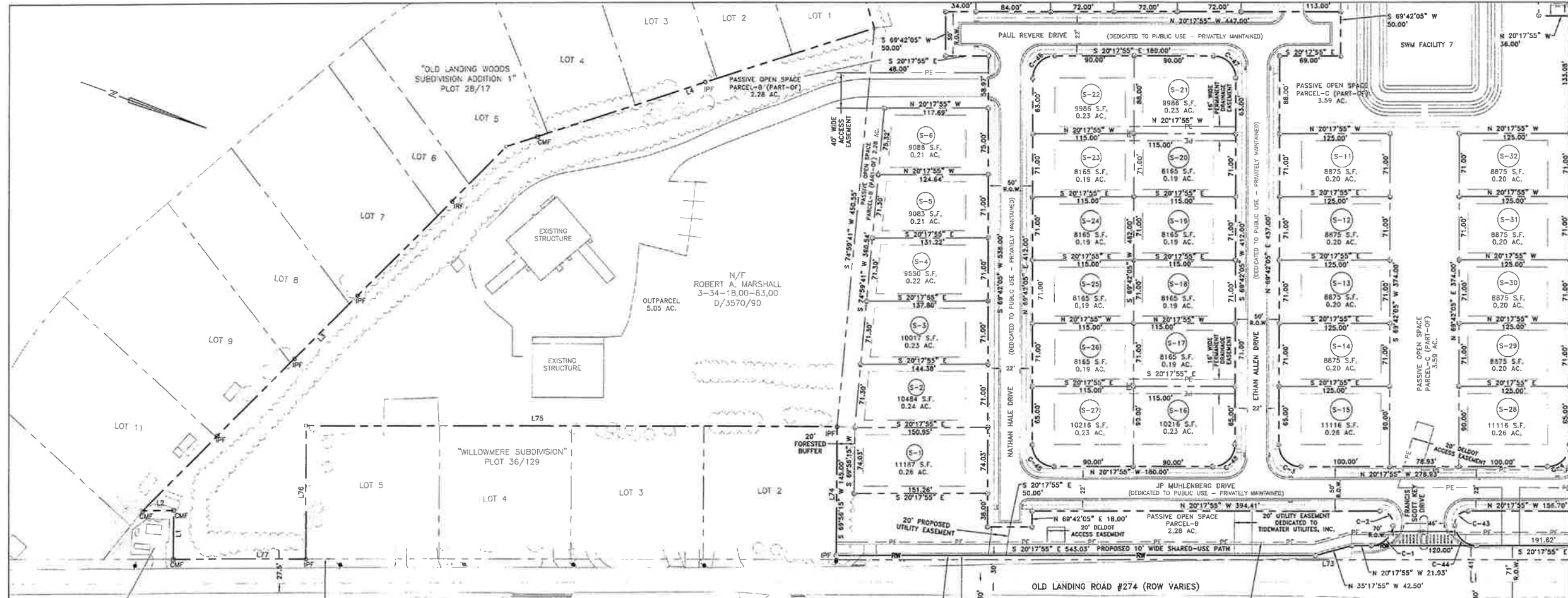
REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: 1"=60'
Drawn By: DJS
Proj. No.: 2135A003
Orig. No.:

R-3

MATCHLINE (SEE SHEET R-3)

BK: 251 PG: 68



N/F SUSSEX COUNTY
3-34-22.00-56.00
D/2762/290

AN ADDITIONAL 5-FOOT WIDE STRIP OF RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT

A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT

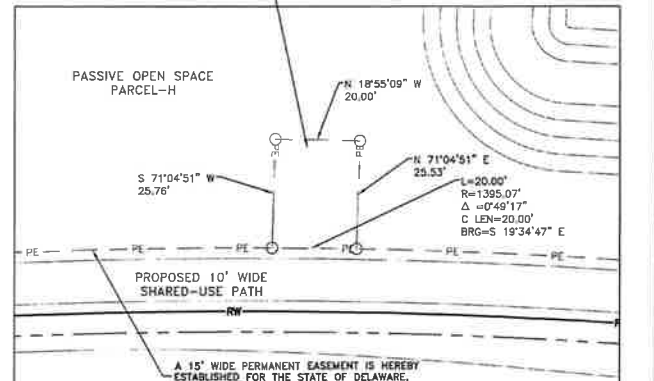
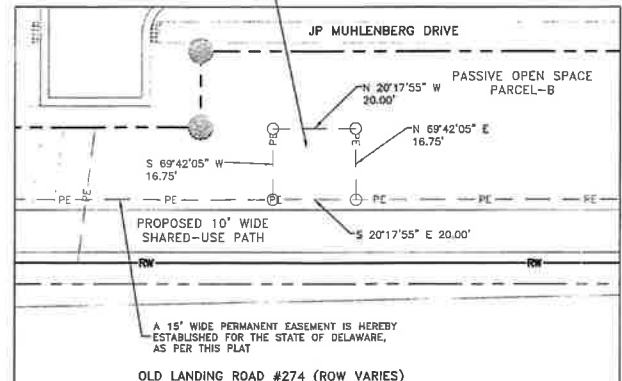
"SAWGRASS SUBDIVISION"

A 20' WIDE PERMANENT EASEMENT CONTAINING 335 S.F. IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPT PORTIONS OF THE STORM DRAIN AND/OR DRAINAGE EASEMENTS.

A 20' WIDE PERMANENT EASEMENT CONTAINING 512 S.F. IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPT PORTIONS OF THE STORM DRAIN AND/OR DRAINAGE EASEMENTS.

- LEGEND**
- PROPERTY BOUNDARY LINE
 - - - PROPOSED PROPERTY LINE
 - - - PROPOSED RIGHT-OF-WAY LINE
 - + - PROPOSED PERMANENT EASEMENT
 - - - PE - PROPOSED SHARED-USE PATH EASEMENT
 - (S-1) PROPERTY LABELS
 - - - PROPOSED BUILDING SETBACK LINE
 - - - WOODSLINE
 - NOTE: SEE SHEET R-2 FOR SUBDIVISION CURVE TABLE
 - [Pattern] 404 FEDERAL WETLANDS
 - [Pattern] STATE WETLANDS

- BOUNDARY MONUMENT LEGEND**
- POINT (57 SHOWN)
 - CMF CONCRETE MONUMENT FOUND (6 EXISTING)
 - IPF IRON PIPE FOUND (34 EXISTING)
 - IRF IRON ROD FOUND (2 EXISTING)
- SUBDIVISION MONUMENT LEGEND**
- o IRON ROD WITH CAP SET (641 PROPOSED)
 - o PROPOSED POINT (2 PROPOSED)



MATCHLINE (SEE SHEET R-6)

Q: 20-117

dbf

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

SALISBURY, MARYLAND 21803-9051
MILFORD, DELAWARE 19968-1441

RECORD PLAN

**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: AS NOTED
Drawn By: DJS
Proj. No.: 2135A003
Dwg. No.: **R-4**

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (CID: 543-9091)
MILFORD, DELAWARE (CID: 424-1441)



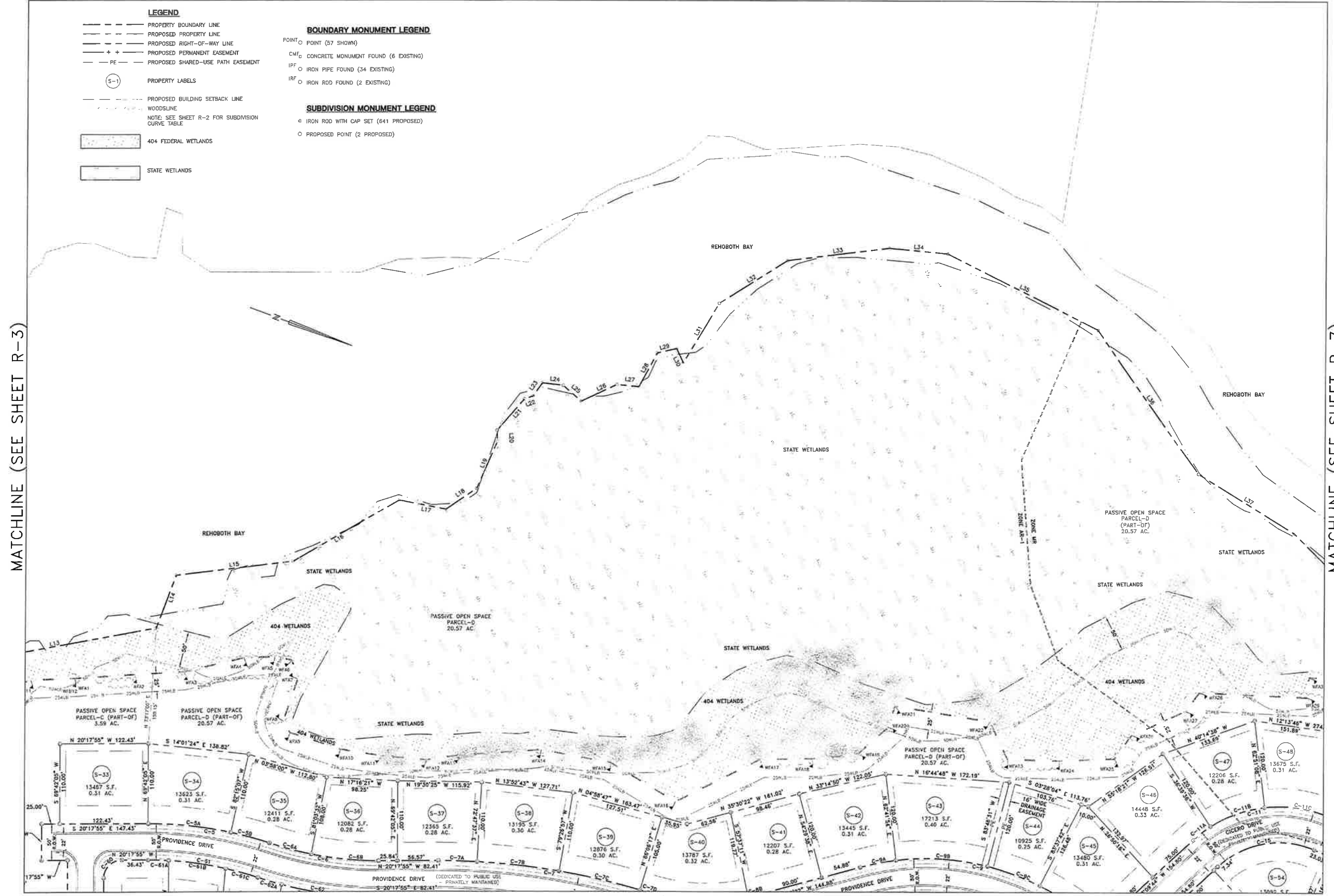
RECORD PLAN

**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: 1"=60'
Dwn.By: DJS
Proj.No.: 2135A003
Dwg.No.:

R-5





DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 454-1444



RECORD PLAN

MATCHLINE (SEE SHEET R-4)

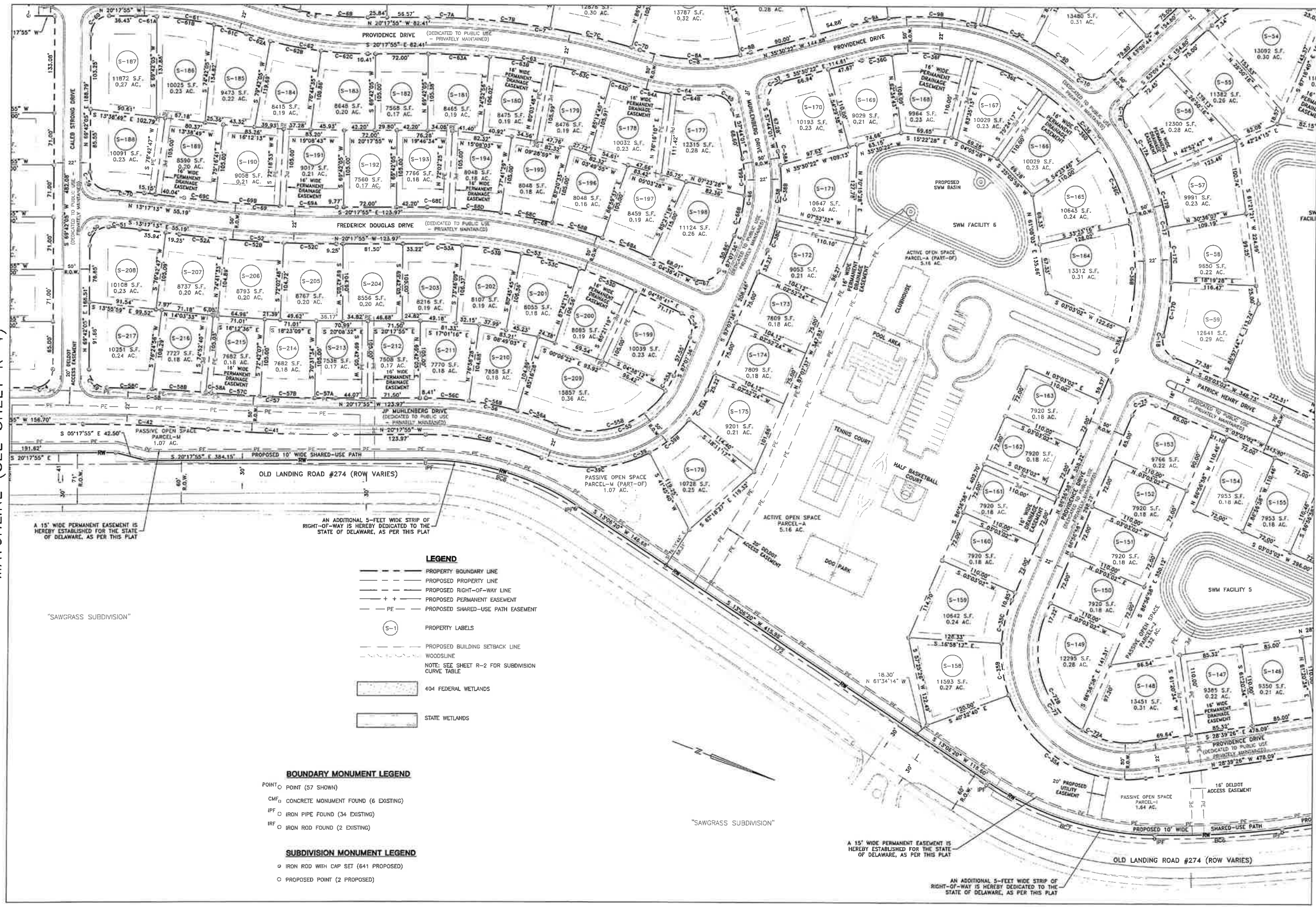
MATCHLINE (SEE SHEET R-8)

OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE

REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: 1"=60'
Dwn. By: DJS
Proj. No.: 2135A003
Dwg. No.:

R-6



A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT

AN ADDITIONAL 5-FEET WIDE STRIP OF RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT

A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT

AN ADDITIONAL 5-FEET WIDE STRIP OF RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT

- LEGEND**
- PROPERTY BOUNDARY LINE
 - - - PROPOSED PROPERTY LINE
 - - - PROPOSED RIGHT-OF-WAY LINE
 - + + PROPOSED PERMANENT EASEMENT
 - PE - PROPOSED SHARED-USE PATH EASEMENT
 - (S-1) PROPERTY LABELS
 - - - PROPOSED BUILDING SETBACK LINE
 - - - WOODSLINE
 - NOTE: SEE SHEET R-2 FOR SUBDIVISION CURVE TABLE
 - [Pattern] 404 FEDERAL WETLANDS
 - [Pattern] STATE WETLANDS

- BOUNDARY MONUMENT LEGEND**
- POINT O POINT (57 SHOWN)
 - CMFD CONCRETE MONUMENT FOUND (6 EXISTING)
 - IPF IRON PIPE FOUND (34 EXISTING)
 - IRF IRON ROD FOUND (2 EXISTING)

- SUBDIVISION MONUMENT LEGEND**
- o IRON ROD WITH CAP SET (641 PROPOSED)
 - o PROPOSED POINT (2 PROPOSED)

TOA REQUIREMENTS

1. THE DEVELOPER SHOULD IMPROVE OLD LANDING ROAD FROM FAIRWAY DRIVE TO THE SOUTHERN TERMINUS OF OLD LANDING ROAD AS FOLLOWS. WITHIN THE LIMITS OF THE SITE FRONTAGE, THE IMPROVEMENT SHOULD BE TO MEET DELDOT'S LOCAL ROAD STANDARDS. THESE STANDARDS INCLUDE, BUT ARE NOT LIMITED TO, ELEVEN-FOOT TRAVEL LANES AND FIVE-FOOT SHOULDERS. THE DEVELOPER SHOULD PROVIDE A BITUMINOUS CONCRETE OVERLAY TO THE EXISTING TRAVEL LANES, AT DELDOT'S DISCRETION. DELDOT SHOULD ANALYZE THE EXISTING LANES' PAVEMENT SECTION AND RECOMMEND AN OVERLAY THICKNESS TO THE DEVELOPER'S ENGINEER IF NECESSARY. BEYOND THE SITE FRONTAGE, THE OVERLAY SHOULD BE CONTINUED TO THE SOUTHERN TERMINUS OF OLD LANDING ROAD BUT WIDENING TO LOCAL ROAD STANDARDS IS NOT REQUIRED.
2. THE DEVELOPER SHOULD CONSTRUCT THE NORTH SITE ENTRANCE ON OLD LANDING ROAD AT BONAIRE DRIVE AS PER THE DESCRIPTION IN THE TABLE BELOW:

APPROACH	CURRENT CONFIGURATION	PROPOSED CONFIGURATION
NORTHBOUND OLD LANDING ROAD	ONE THROUGH LANE, ONE RIGHT-TURN LANE	ONE SHARED LEFT-TURN / THROUGH LANE, ONE RIGHT-TURN LANE
SOUTHBOUND OLD LANDING ROAD	ONE LEFT-TURN LANE, ONE THROUGH LANE	ONE LEFT-TURN LANE, ONE THROUGH LANE, ONE RIGHT-TURN LANE
EASTBOUND SITE ENTRANCE	DOES NOT EXIST	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE
WESTBOUND SITE ENTRANCE	ONE SHARED LEFT-TURN LANE, RIGHT TURN LANE	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE

THE DEVELOPER SHOULD WORK WITH DELDOT'S SUBDIVISION SECTION ON THE DETAILS OF THE TURN LANE(S) TO BE ADDED.

3. THE DEVELOPER SHOULD CONSTRUCT THE SOUTH SITE ENTRANCE ON OLD LANDING ROAD AT MIRABELLA DRIVE AS PER THE DESCRIPTION IN THE TABLE BELOW:

APPROACH	CURRENT CONFIGURATION	PROPOSED CONFIGURATION
NORTHBOUND OLD LANDING ROAD	ONE SHARED THROUGH / RIGHT-TURN LANE	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE
SOUTHBOUND OLD LANDING ROAD	ONE BYPASS LANE, ONE THROUGH LANE	ONE LEFT-TURN LANE, ONE THROUGH LANE, ONE RIGHT-TURN LANE
EASTBOUND SITE ENTRANCE	DOES NOT EXIST	ONE SHARED LEFT-TURN-LANE, THROUGH LANE, RIGHT-TURN LANE
WESTBOUND SITE ENTRANCE	ONE SHARED LEFT-TURN / RIGHT TURN LANE	ONE SHARED LEFT-TURN LANE / THROUGH / RIGHT-TURN LANE

THE DEVELOPER SHOULD WORK WITH DELDOT'S SUBDIVISION SECTION ON THE DETAILS OF THE TURN LANE(S) TO BE ADDED.

4. THE DEVELOPER SHOULD PARTICIPATE IN THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF OLD LANDING ROAD, WARRINGTON ROAD AND STRAWBERRY WAY. IF DELDOT DETERMINES THAT A TRAFFIC SIGNAL IS THE APPROPRIATE MEANS OF CONTROL THERE, THE NEEDED CONFIGURATION THERE IS SHOWN IN THE TABLE BELOW.

APPROACH	CURRENT CONFIGURATION	PROPOSED CONFIGURATION
NORTHBOUND OLD LANDING ROAD	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE	ONE LEFT-TURN LANE, ONE SHARED THROUGH / RIGHT-TURN LANE
SOUTHBOUND OLD LANDING ROAD	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE	ONE SHARED LEFT-TURN / THROUGH LANE, ONE RIGHT-TURN LANE
EASTBOUND WARRINGTON ROAD	ONE LEFT-TURN LANE, ONE SHARED THROUGH / RIGHT-TURN LANE	ONE LEFT-TURN LANE, ONE SHARED THROUGH / RIGHT-TURN LANE
WESTBOUND STRAWBERRY WAY	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE	ONE SHARED LEFT-TURN / THROUGH / RIGHT-TURN LANE

THE LEFT TURN LANE ALONG THE EASTBOUND WARRINGTON ROAD APPROACH SHOULD BE EXTENDED TO 705 FEET, WITH 605 FEET OF STORAGE LENGTH AND A 100 FOOT TAPER.

THE DEVELOPER'S SPECIFIC PARTICIPATION WILL NEED TO BE ESTABLISHED IN AN OFF-SITE IMPROVEMENT AGREEMENT, YET TO BE DRAFTED, BUT OUR DISCUSSIONS TO DATE HAVE BEEN THAT THE DEVELOPER SHOULD DO THREE THINGS:

- a. DESIGN AND BUILD THE SOUTHBOUND RIGHT-TURN LANE ON OLD LANDING ROAD.
 - b. DESIGN AND BUILD STORM WATER FACILITIES TO HANDLE THE ADDITIONAL RUNOFF ASSOCIATED WITH THE EASTBOUND LEFT TURN LANE EXTENSION, THE SOUTHBOUND RIGHT-TURN LANE AND THE NORTHBOUND LEFT-TURN LANE. DELDOT WILL ACQUIRE THE NECESSARY RIGHTS-OF-WAY BASED ON THE APPROVED PLANS.
 - c. PROVIDE THE ADDITIONAL PAVEMENT WIDTH NEEDED ON WARRINGTON ROAD TO ACCOMMODATE THE EXTENSION OF THE LEFT-TURN LANE ALONG THE EASTBOUND WARRINGTON ROAD APPROACH. THE MILLING OVERLAY AND RESTRIPING ASSOCIATED WITH EXTENDING THE LEFT-TURN LANE WILL BE DONE BY DELDOT AS PART OF A PAVING AND REHABILITATION CONTRACT TO BE AWARDED TWO TO THREE YEARS FROM NOW.
5. THE FOLLOWING BICYCLE AND PEDESTRIAN IMPROVEMENTS SHOULD BE INCLUDED:
 - a. A RIGHT-TURN YIELD TO BICYCLES (MUTCD 84-4) SHOULD BE ADDED AT THE START OF THE RIGHT-TURN LANES ON OLD LANDING ROAD AT WARRINGTON ROAD (SEE ITEM 4 ABOVE).
 - b. ADJACENT TO THE RIGHT-TURN LANES TO BE ADDED ON SOUTHBOUND OLD LANDING ROAD, A MINIMUM OF A FIVE FOOT BICYCLE LANE SHOULD BE DEDICATED AND STRIPED WITH APPROPRIATE MARKINGS FOR BICYCLISTS THROUGH THE TURN-LANES IN ORDER TO FACILITATE SAFE AND UNIMPED BICYCLE TRAVEL.
 - c. APPROPRIATE BICYCLE SYMBOLS, DIRECTIONAL ARROWS, STRIPING (INCLUDING STOP BARS), AND SIGNING SHOULD BE INCLUDED ALONG BICYCLE FACILITIES AND RIGHT-TURN LANES WITHIN THE PROJECT LIMITS.
 - d. UTILITY COVERS SHOULD BE MADE FLUSH WITH THE PAVEMENT.
 - e. A TEN FOOT SHARED USE PATH LOCATED IN A 15 FOOT EASEMENT SHOULD BE PROVIDED ALONG THE ENTIRE SITE FRONTAGE.
 - f. ADA COMPLIANT CURB RAMPS AND CROSSWALKS SHOULD BE PROVIDED AT ALL PEDESTRIAN CROSSINGS, INCLUDING BOTH SIGHT ENTRANCES. TYPE 3 CURB RAMPS ARE DISCOURAGED.
 - g. INTERNAL SIDEWALKS FOR PEDESTRIAN SAFETY AND TO PROMOTE WALKING AS A VIABLE TRANSPORTATION ALTERNATIVE SHOULD BE CONSTRUCTED WITHIN THE PROPERTY. THESE SIDEWALKS SHOULD EACH BE A MINIMUM OF FIVE FEET WIDE AND SHOULD MEET CURRENT AASHTO AND ADA STANDARDS. THESE INTERNAL SIDEWALKS SHOULD CONNECT TO THE SHARED USE PATH ALONG THE SITE FRONTAGE.

LEGEND

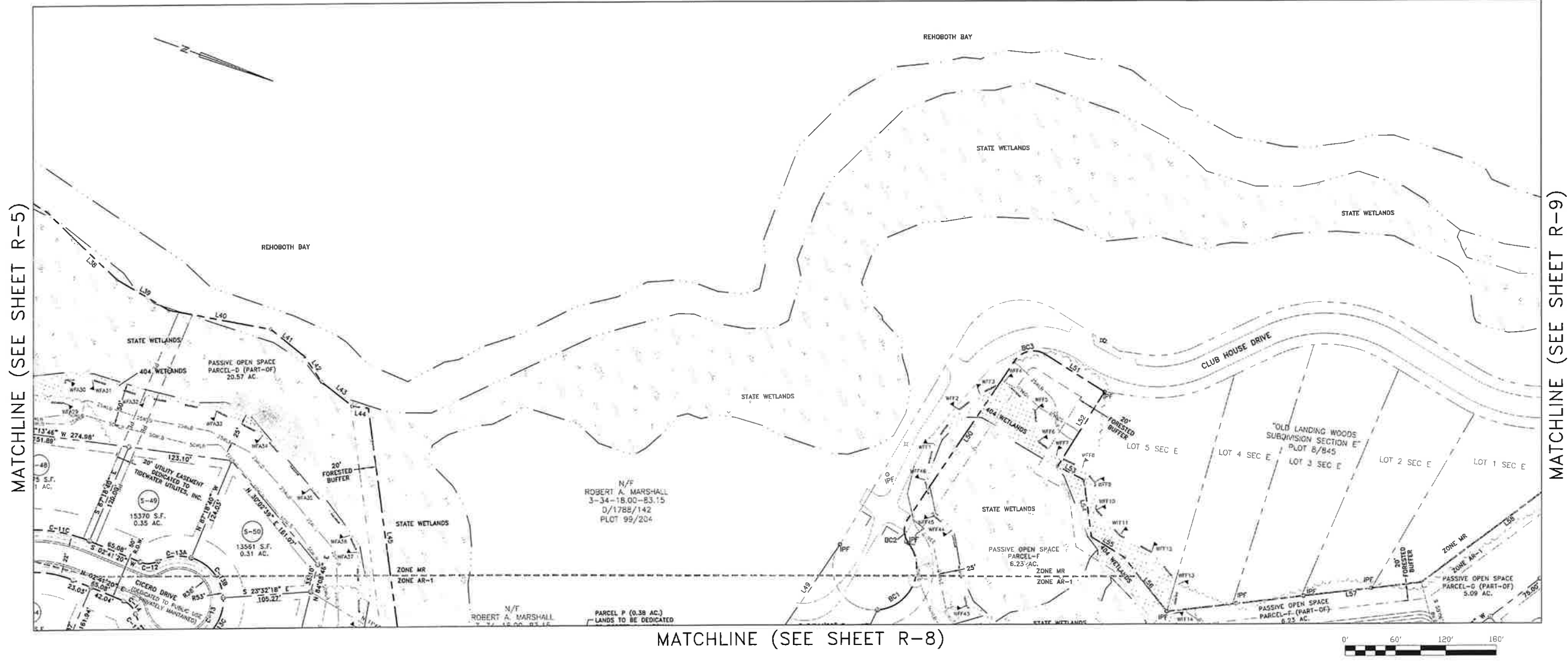
- PROPERTY BOUNDARY LINE
- - - PROPOSED PROPERTY LINE
- - - PROPOSED RIGHT-OF-WAY LINE
- + - PROPOSED PERMANENT EASEMENT
- PE - PROPOSED SHARED-USE PATH EASEMENT
- (S-1) PROPERTY LABELS
- - - PROPOSED BUILDING SETBACK LINE
- WOODSLINE
- NOTE: SEE SHEET R-2 FOR SUBDIVISION CURVE TABLE
- [Pattern] 404 FEDERAL WETLANDS
- [Pattern] STATE WETLANDS

BOUNDARY MONUMENT LEGEND

- POINT (S7 SHOWN)
- CMF CONCRETE MONUMENT FOUND (6 EXISTING)
- IPF IRON PIPE FOUND (34 EXISTING)
- IRF IRON ROD FOUND (2 EXISTING)

SUBDIVISION MONUMENT LEGEND

- IRON ROD WITH CAP SET (641 PROPOSED)
- PROPOSED POINT (2 PROPOSED)



MATCHLINE (SEE SHEET R-8)

9.20.17

dbf

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

SALISBURY, MARYLAND 21051-5091
MILFORD, DELAWARE 19966-4241

RECORD PLAN

**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

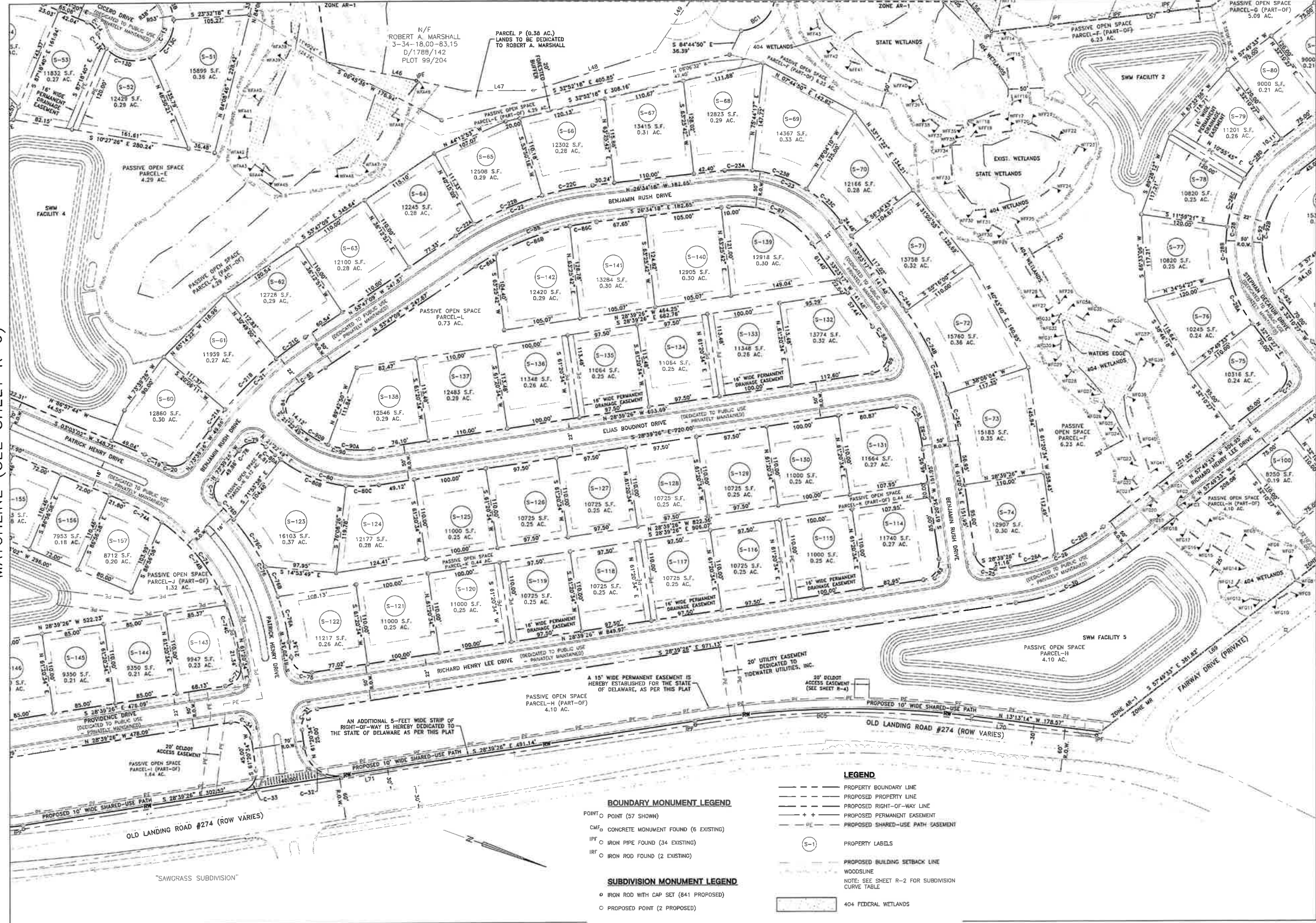
REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: 1"=60'
Drawn By: DJS
Proj. No.: 2135A003
Draw. No.:

R-7

MATCHLINE (SEE SHEET R-6)

MATCHLINE (SEE SHEET R-10)



BOUNDARY MONUMENT LEGEND

- POINT ○ POINT (57 SHOWN)
- CMF □ CONCRETE MONUMENT FOUND (6 EXISTING)
- IPF ○ IRON PIPE FOUND (34 EXISTING)
- IRF ○ IRON ROD FOUND (2 EXISTING)

SUBDIVISION MONUMENT LEGEND

- IRON ROD WITH CAP SET (641 PROPOSED)
- PROPOSED POINT (2 PROPOSED)

LEGEND

- PROPERTY BOUNDARY LINE
- - - PROPOSED PROPERTY LINE
- - - PROPOSED RIGHT-OF-WAY LINE
- - - PROPOSED PERMANENT EASEMENT
- - - PROPOSED SHARED-USE PATH EASEMENT
- PROPERTY LABELS
- PROPOSED BUILDING SETBACK LINE
- WOODSLINE
- 404 FEDERAL WETLANDS
- STATE WETLANDS



9.20.17

dbf

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

SALESBURY, MARYLAND (410) 843-9091
MILFORD, DELAWARE (302) 424-1441

RECORD PLAN

**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: 1"=60'
Dwn.By: DJS
Proj.No.: 2135A003
Dwg.No.:

R-8

[Signature]
9.22.17

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALESBURY, MARYLAND 21103-5493
MILFORD, DELAWARE 19342-1441



RECORD PLAN

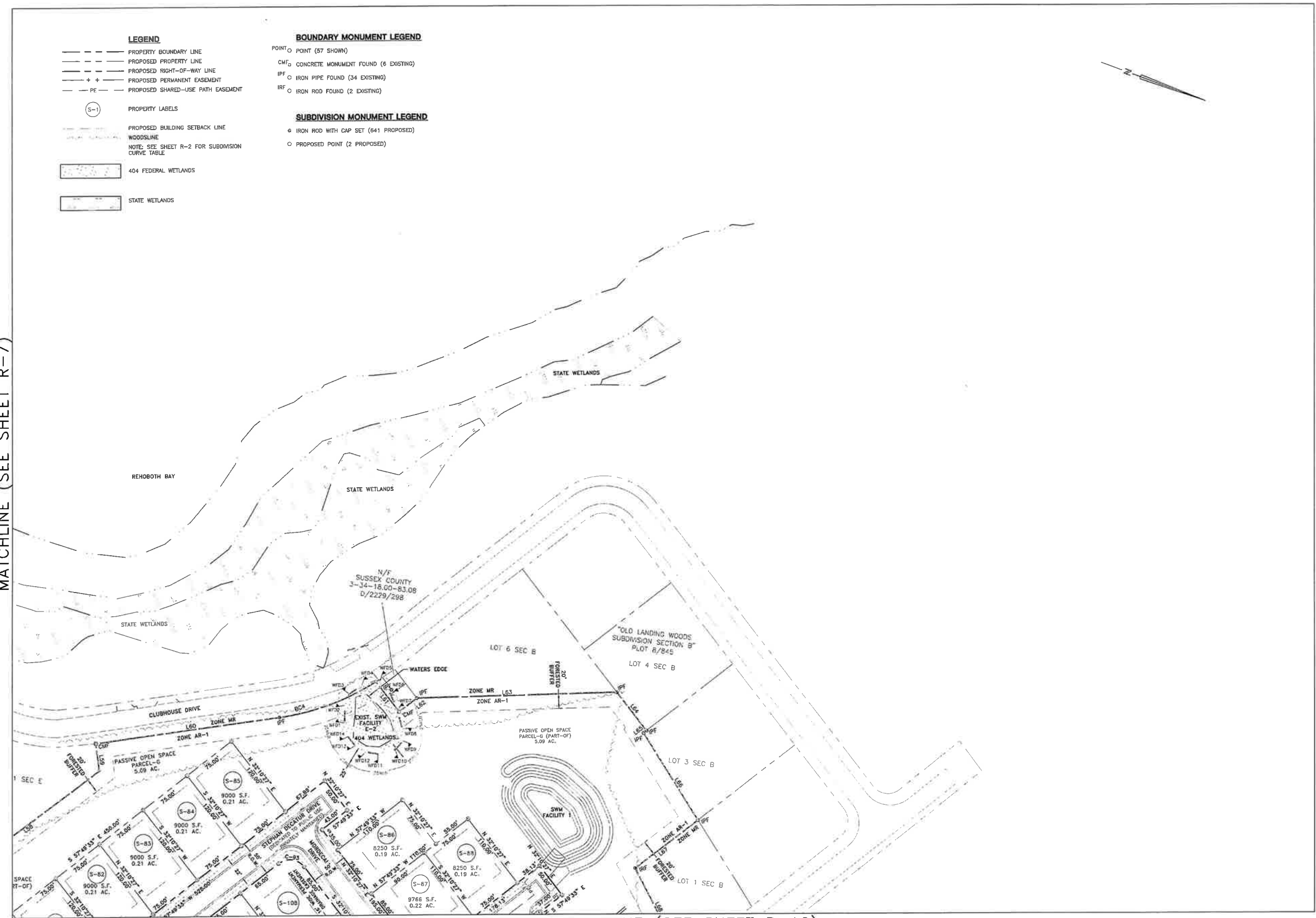
**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: 1"=60'
Dwn By: DJS
Proj No.: 2135A003
Dwg No.:

R-9

MATCHLINE (SEE SHEET R-7)



MATCHLINE (SEE SHEET R-10)



MATCHLINE (SEE SHEET R-9)

BK: 251 PG: 74

9.20.17

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND 4100 543-9091
MILFORD, DELAWARE 302-424-1441



RECORD PLAN

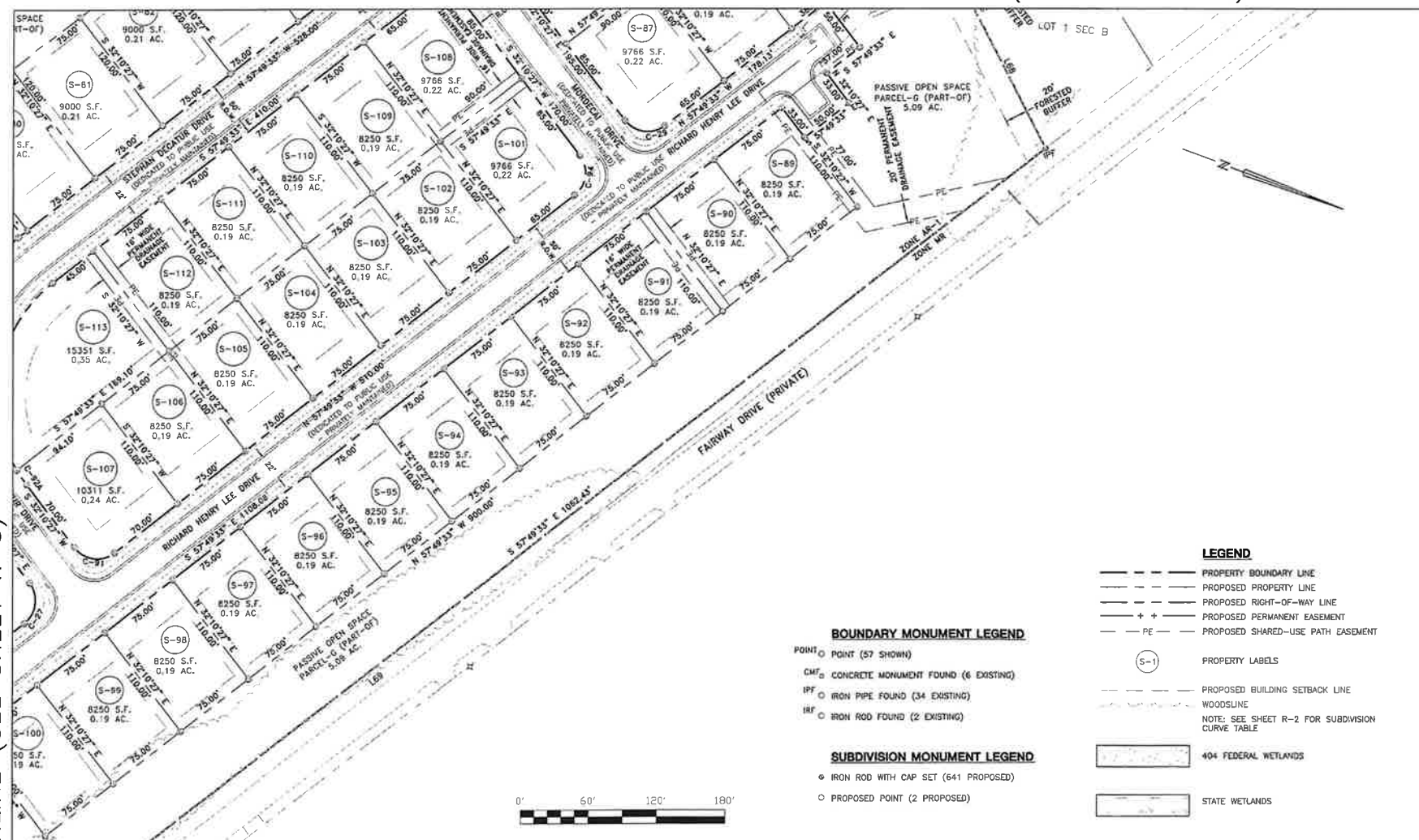
OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE

REVISED:
2-27-17 TIDEWATER
6-19-17 DELDOT
7-18-17 SCP

Date: NOVEMBER, 2016
Scale: AS NOTED
Dwn.By: DJS
Proj.No.: 2135A003
Dwg.No.:

R-10

MATCHLINE (SEE SHEET R-8)



ROAD A (SCR274) Entrance Intersection Sight Distance

Total Number of Travel Lanes	2
Number of Near Travel Lanes Crossed (Left Turn)*	1
Number of Travel Lanes Crossed (Right Turn)**	0
Median +/-or Turning Lane Width	08'-12'
Posted Speed Limit	45
Design Speed	50
Highway Grade (Moving Left to Right)	-2%
Minor Road Approach Grade	1.0%

Left Turn from Minor Road (Case B1)

From Chart	555
ISD = 1.47 x Vmajor x Tg	588
Multi Lane Adjustment for Tg	0.50
Minor Road Approach Adjustment	0
Adjustment Factor	1.00
Time Gap	8.0
ISD With Adjustments	558

Right Turn from Minor Road (Case B2)

From Chart	480
ISD = 1.47 x Vmajor x Tg	477.75
Multi Lane Adjustment for Tg	0.00
Minor Road Approach Adjustment	0
Adjustment Factor	1.00
Time Gap	6.5
ISD With Adjustments	478

PATRICK HENRY DRIVE (SCR274) Entrance Intersection Sight Distance

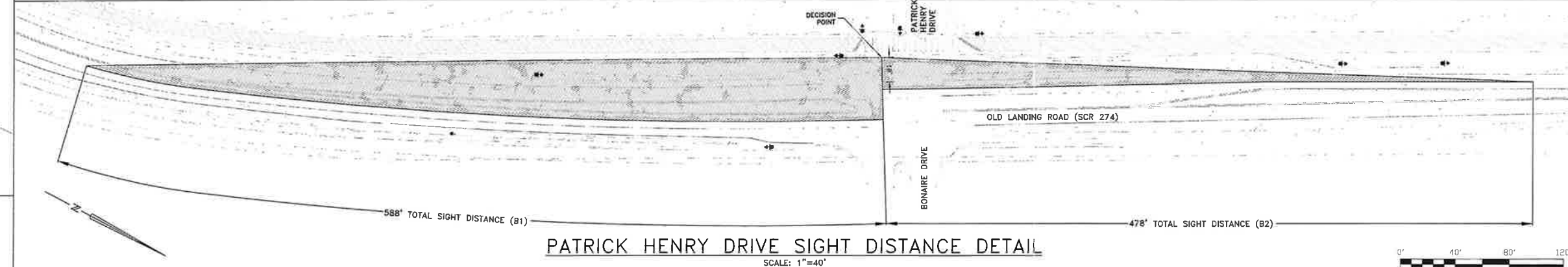
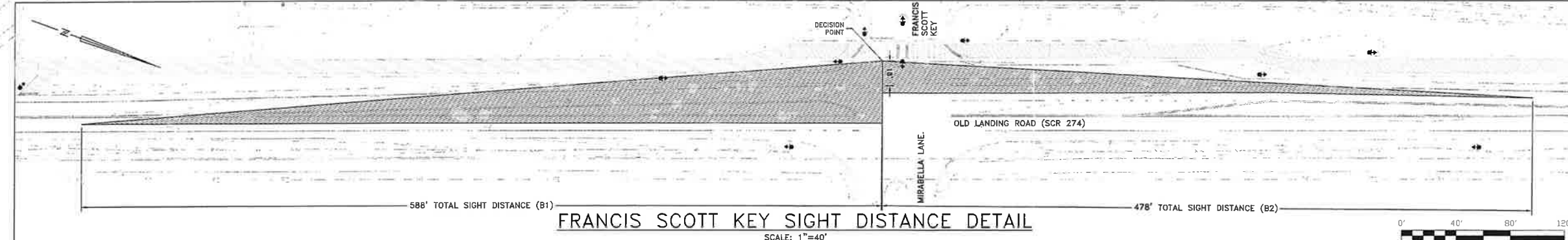
Total Number of Travel Lanes	2
Number of Near Travel Lanes Crossed (Left Turn)*	1
Number of Travel Lanes Crossed (Right Turn)**	0
Median +/-or Turning Lane Width	08'-12'
Posted Speed Limit	45
Design Speed	50
Highway Grade (Moving Left to Right)	-2%
Minor Road Approach Grade	1.0%

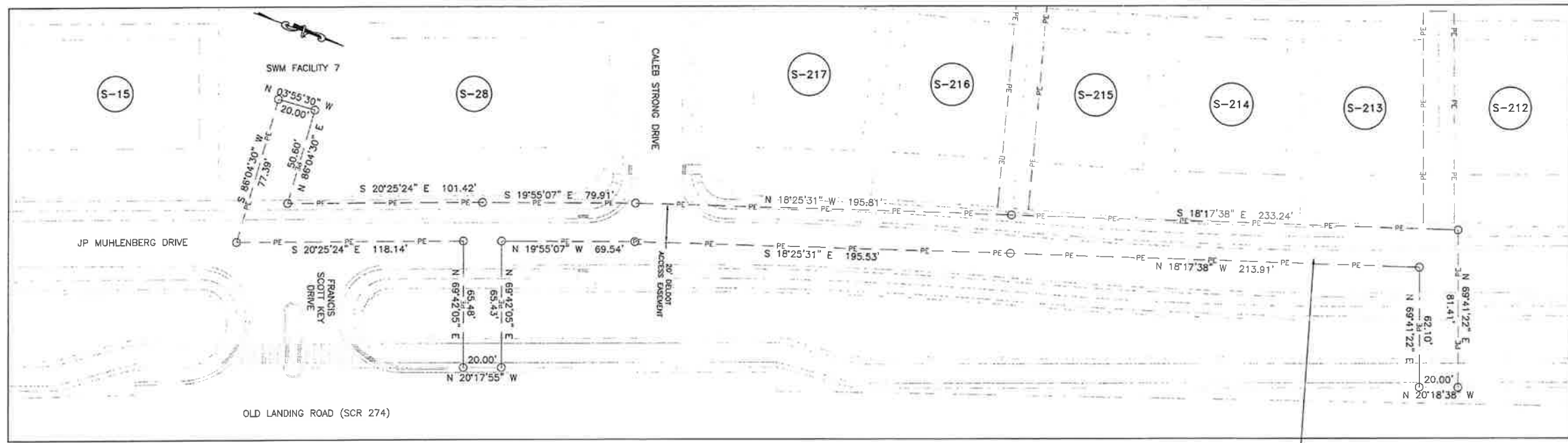
Left Turn from Minor Road (Case B1)

From Chart	555
ISD = 1.47 x Vmajor x Tg	588
Multi Lane Adjustment for Tg	0.50
Minor Road Approach Adjustment	0
Adjustment Factor	1.00
Time Gap	8.0
ISD With Adjustments	588

Right Turn from Minor Road (Case B2)

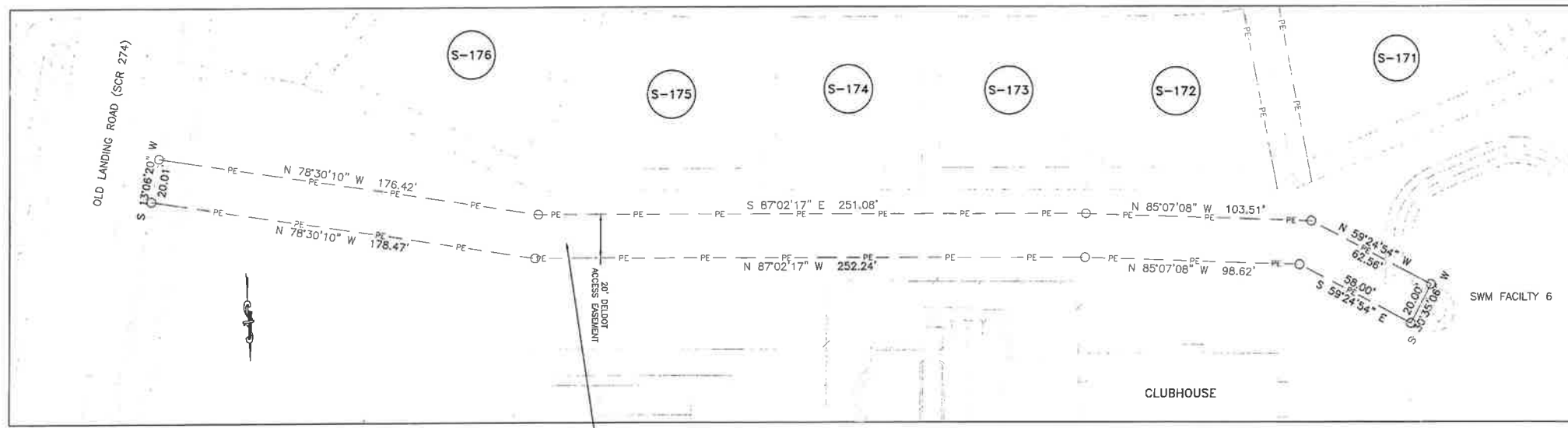
From Chart	480
ISD = 1.47 x Vmajor x Tg	477.75
Multi Lane Adjustment for Tg	0.00
Minor Road Approach Adjustment	0
Adjustment Factor	1.00
Time Gap	6.5
ISD With Adjustments	478



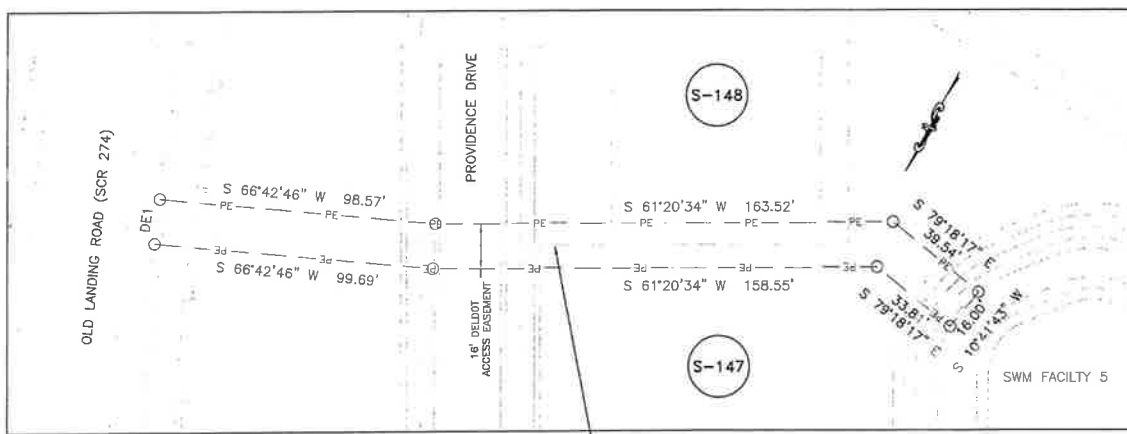


A 20' WIDE PERMANENT EASEMENT CONTAINING 16,299 S.F. IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPT PORTIONS OF THE STORM DRAIN AND/OR DRAINAGE EASEMENTS.

A 20' WIDE PERMANENT EASEMENT CONTAINING 11,355 S.F. IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPT PORTIONS OF THE STORM DRAIN AND/OR DRAINAGE EASEMENTS.



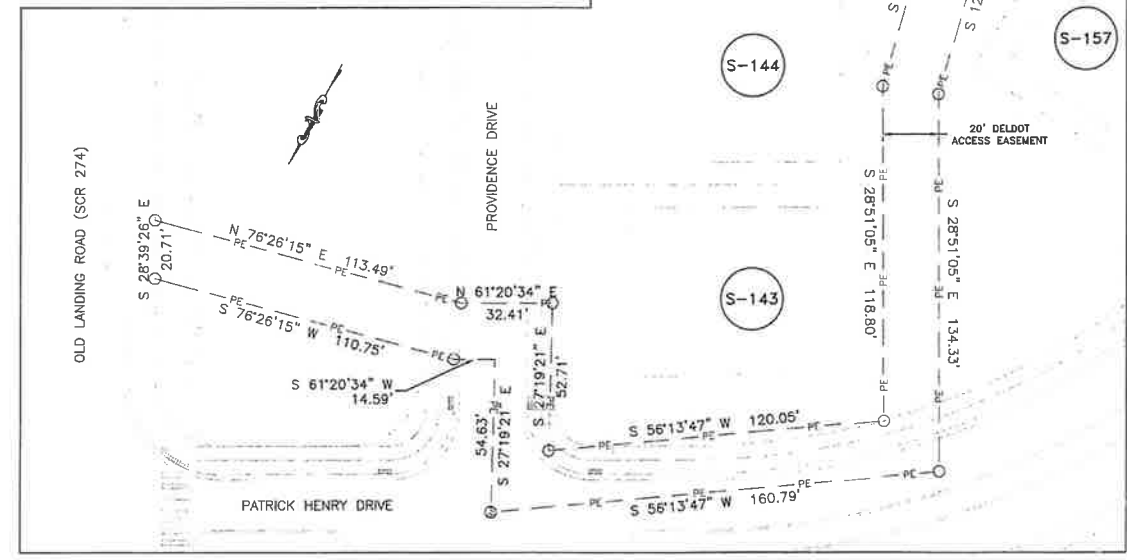
A 20' WIDE PERMANENT EASEMENT CONTAINING 11,809 S.F. IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPT PORTIONS OF THE STORM DRAIN AND/OR DRAINAGE EASEMENTS.



CURVE RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
DE1	1255.00'	116.00'	S 21°58'45" E	0°42'30"

A 16' WIDE PERMANENT EASEMENT CONTAINING 4,750 S.F. IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPT PORTIONS OF THE STORM DRAIN AND/OR DRAINAGE EASEMENTS.

Recorder of Deeds
Scott D'Arcy
Sep 22, 2017 01:22P
Sussex County
Doc. Purchase Feid



9.20.17

dbf

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

SALISBURY, MARYLAND (610) 549-9091
MILFORD, DELAWARE (302) 424-1441

DELDOT EASEMENT DETAILS

**OSPREY POINT
RESIDENTIAL COMMUNITY
SUSSEX COUNTY, DELAWARE**

REVISED:
2-27-17 TIDEWATER
6-15-17 DELDOT
7-18-17 SCP

Date: MARCH, 2017
Scale: 1" = 30'
Dwn.By: DJR
Proj.No.: 215A003
Dwg.No.:

R-11

TAB “7”

FRANCIS SCOTT KEY DRIVE DATA
OLD LANDING ROAD (SUSSEX ROAD 274)
FUNCTIONAL CLASSIFICATION - LOCAL ROADWAY
WEEKDAY AADT (2014) DBF ATR COUNTS AVERAGE OF WEDNESDAY & THURSDAY DATA
= 1,545 (AADI SOUTH OF MIRABELLA LAKE) = 389 ADT (REMOVAL OF GOLF COURSE)

WEEKDAY D-FACTOR & K-FACTOR CALCULATIONS BASED ON 2 DAY AVERAGE OF WEDNESDAY-THURSDAY FROM MARCH 12, 2014 TO MARCH 13, 2014.
SATURDAY AADT (BASED ON MARCH 15, 2014)
= 1,931 (2014 AADT SOUTH OF MIRABELLA LAKE) - 455 (REMOVAL OF GOLF COURSE)

WEEKDAY D-FACTOR & K-FACTOR CALCULATIONS BASED ON 2 DAY AVERAGE OF WEDNESDAY-THURSDAY FROM MARCH 12, 2014 TO MARCH 13, 2014.
SATURDAY D-FACTOR & K-FACTOR CALCULATIONS BASED ON MARCH 15, 2014

- 1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- 2. SIGNATURE, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT TRIANGLE OF A DRIVER PREPARING TO ENTER THE HOUSING ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN.
- 3. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO MAINTAIN ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY."

Conditions of Approval, Change of Zone (CZ) 17H:
A. The maximum number of residential units shall not exceed 217 single family lots. No tenements, shall be permitted in the project.

Subdivision Notes:
THESE PLANS ARE A REVISION OF THE APPROVED SUBDIVISION AND SITE PLAN FOR OSPREY POINT AND SUPERSEDES THE RECORDED PLANS BY DAVIS, BOWEN & FRIEDEL, PB 251 PG 65-76, DATED 01/19/17. THE REVISIONS ARE FOR LOT LAYOUT, STORMWATER MANAGEMENT POND, AND REMOVING A STREET REFER TO RECORDED PLANS BY DAVIS, BOWEN & FRIEDEL, PB 251 PG 65-76, DATED 01/19/17, FOR WETLAND DELINEATION AND ORIGINAL PERMETER BOUNDARY PRIOR TO DELDOT RIGHT-OF-WAY DEDICATION AND OUTCROP. REMOVAL REFER TO ATTACHED BOUNDARY PLAN BY DAVIS, BOWEN & FRIEDEL, DATED 02/19/19 FOR CURRENT BOUNDARY.

TRAFFIC GENERATION - PROPOSED

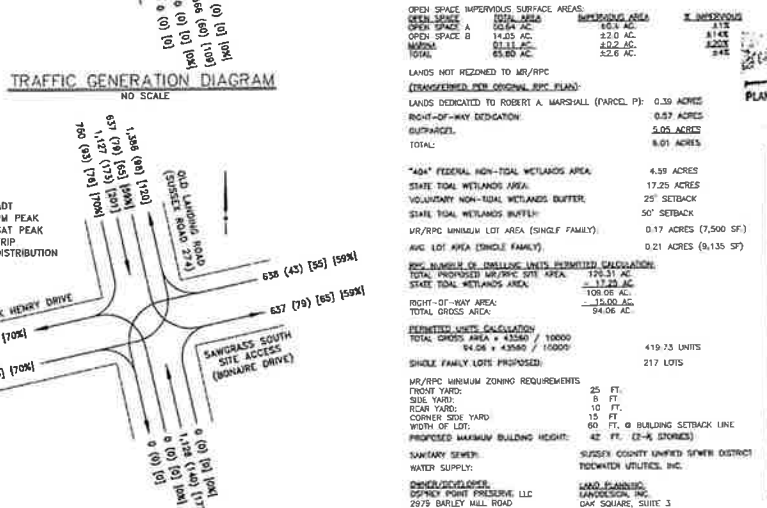
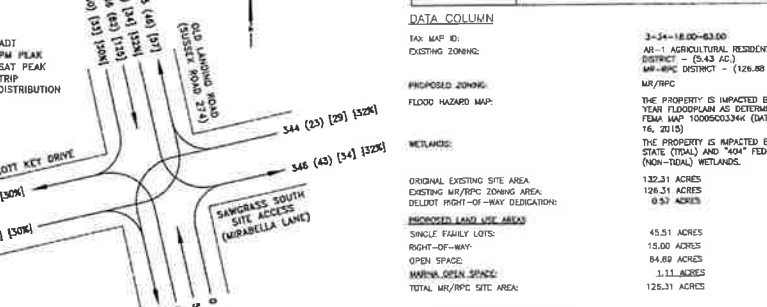
TYPE OF DEV	ITE	UNITS	PM	SAT	WKDY
SINGLE-FAMILY	210	217	211	202	2,142

TRAFFIC GENERATION - EXISTING

TYPE OF DEV	ITE	UNITS	PM	SAT	WKDY
GOLF COURSE	430 18 HOLES	27	46	369	

INDEX OF SHEETS

SD-1	TITLE
1	DBF BOUNDARY PLAN SHOWING PART OF THE LANDS OF ROBERT J. MARSHALL
SD 2&3	SUBDIVISION PLAN ENLARGEMENTS



REVISED SITE PLAN

OSPREY POINT

RESIDENTIAL PLANNED COMMUNITY

LEWES AND REHOBOTH HUNDRED

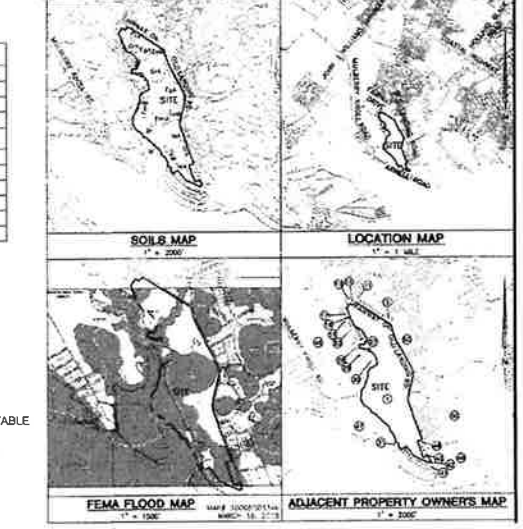
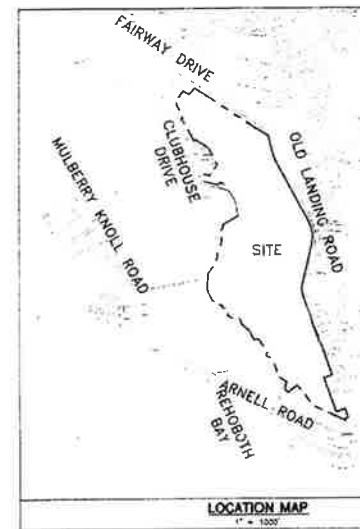
SUSSEX COUNTY, DELAWARE

SINGLE FAMILY LOT SIZE CHART

LOT SIZE ZONE	LOTS WITHIN ZONE
7,500 SF	0
7,501 SF - 8,499 SF	33
8,500 SF - 9,499 SF	68
9,500 SF - 10,000 SF	12
OVER 10,000 SF	104
TOTAL LOTS	217

SOILS DATA

LABEL	SOIL NAME	TYPE
D1	BROOKHALL	0
D2	BOMBER	B
D3	FALLINGTON	C/S
F1a	FORE HOTT	A
D4	GRINCHIN	A
G1a	MELANPOW	A
M1	MELANPOW	B
M2	MELANPOW	C
M3	MELANPOW	D
M4	MELANPOW	E
M5	MELANPOW	F
M6	MELANPOW	G
M7	MELANPOW	H
M8	MELANPOW	I
M9	MELANPOW	J



- LEGEND:
- PARCEL BOUNDARY
 - IP= IRON PIPE FOUND
 - RIGHT-OF-WAY
 - LOT LINE
 - LOT SETBACK LINE
 - POND AREA
 - PROPOSED EASEMENT
 - BOUNDARY LINE / CURVE TABLE
 - RIGHT-OF-WAY / LOT LINE / CURVE TABLE
 - CONTROL MARKERS (TO BE SET PRIOR TO HOME CONSTRUCTION)
 - SHARED USE PATH
 - 404 FEDERAL WETLANDS
 - STATE WETLANDS

ADJACENT PROPERTY OWNER'S INFO

LABEL	PARCEL NO.	OWNER'S NAME	DEED INFO	ZONE
1	334-18-00-03.00	ROBERT J. MARSHALL	0/2302/003	AL-1/4R
2	334-18-00-79.00	MARY E. O'BRIEN & THOMAS M. WRIGHT	0/345/040	MR
3	334-18-00-03.13	HILTON H. BARRON & PHILIPAS PHEASANT	0/414/028	MR

ADJACENT PROPERTY OWNER'S INFO

LABEL	PARCEL NO.	OWNER'S NAME	DEED INFO	ZONE
26	334-18-00-03.00	WYNON W. HUBERT & ROBERT J. MARSHALL	0/4730/193	MR
27	334-18-00-02.07	MELAN C. SHIFFER	0/2040/597	MR
28	334-18-00-18.08	JAMES E. MARSHALL	0/4020/144	MR

APPROVED
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

WETLAND STATEMENT
I, EDWARD M. LAURAY, PLS. STATE THAT THE BOUNDARIES OF THE WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.30(b)(8), Waters of the U.S. Definition CEOW-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual CEOW-OR, B-20-1990, RGL 90 7/CEOW-OR, 5-8-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

EDWARD M. LAURAY, PLS. No. 875
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR W09P05A02500309
KATHLEEN HAWES HORSEY
OSPREY POINT PRESERV L1 C
2979 BARLEY MILL ROAD
YORKLYN, DE 19738
DATE 7-20-2020



- REVISIONS
- | NO. | DESCRIPTION |
|-----|-------------|
| 1 | |
| 2 | |

LAND DESIGN Inc.
Surveying / Landscape Architecture
2139 S. STATE STREET, SUITE 108
SUSSEX COUNTY, DE 19962
(302) 321-1516 | 302-564-0297 FAX
landdesigninc.com

SUBDIVISION PLAN
OSPREY POINT
SCR 274, OLD LANDING ROAD
LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY DELAWARE

SUSSEX CONSERVATION DISTRICT APPROVAL

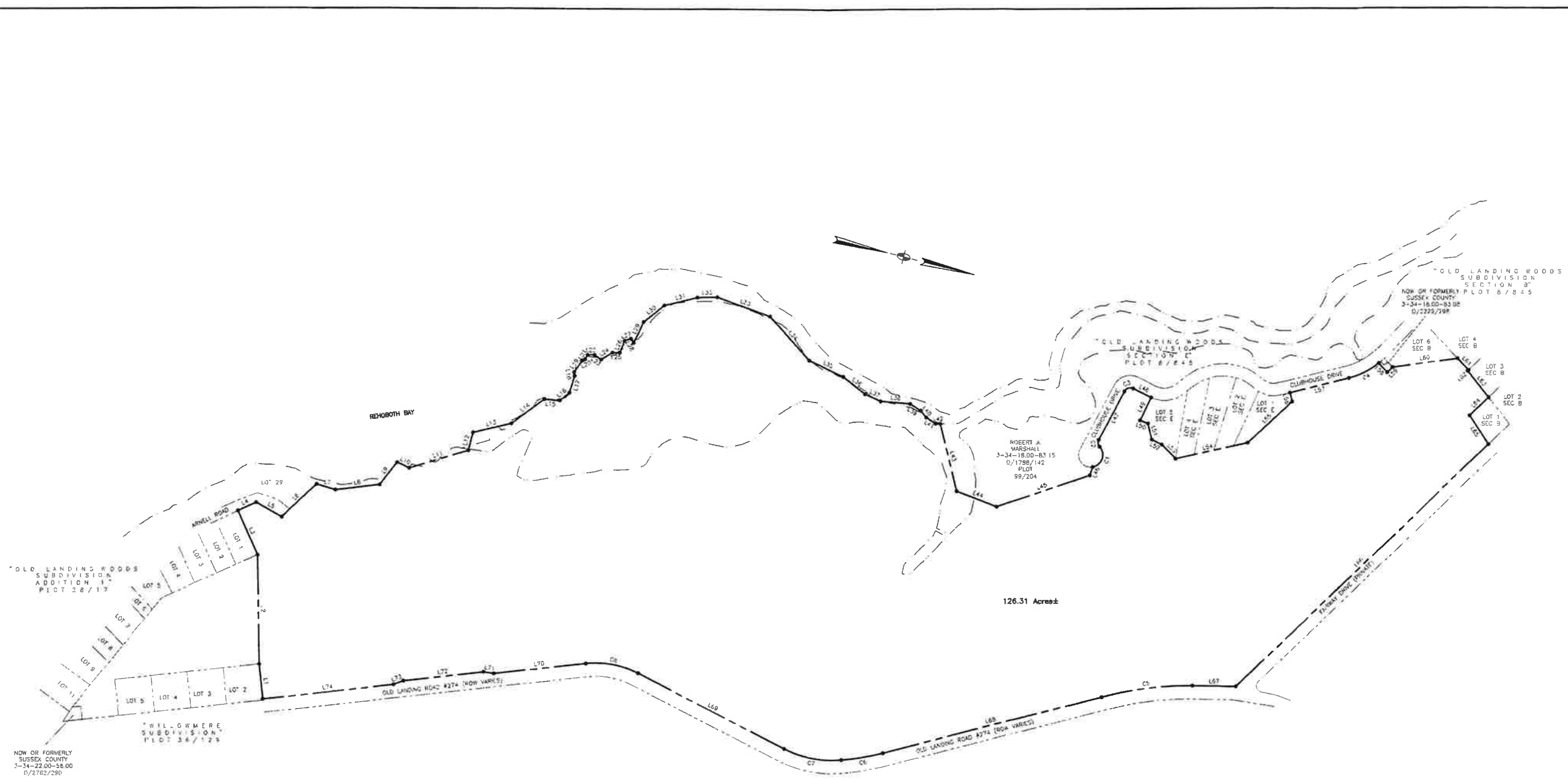
SUSSEX COUNTY PLANNING & ZONING COMMISSION CHAIRMAN OR SECRETARY
M. D. B. 8/20/20

PRESIDENT, SUSSEX COUNTY COUNCIL

SURVEYOR'S CERTIFICATION
I, the undersigned, hereby certify that I am a registered Professional Land Surveyor in the State of Delaware and that the attached LAND DESIGN drawings were prepared under my supervision.

Sarah Ford PLS #377
DATE 8/20/20

SITE PLAN: DRAWING: RWB
REVIEW: SLF
DATE: 8/20/20
SHEET SD-1 OF 4 SHEETS

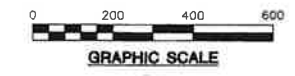


LINE TABLE FOR SITE BOUNDARY

LINE	BEARING	DISTANCE	CURVE DATA
1	N 82° 27' 28" W	112.38	
2	S 14° 12' 10" W	112.38	
...
29	N 31° 32' 17" W	112.38	

CURVE TABLE FOR SITE BOUNDARY

LINE	BEARING	DISTANCE	CURVE DATA
1	N 82° 27' 28" W	112.38	...
...
29	N 31° 32' 17" W	112.38	...



SITE DATA:
 OWNER: ROBERT A. MARSHALL
 TAX PARCEL: 3-34-18.00-83 00
 DEED: 0/4877/78
 TOTAL AREA: 126.31 +/- ACRES

SURVEYOR CERTIFICATION

I, CHRISTOPHER D. WATERS, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

Christopher D. Waters
 8/12/2020
 CHRISTOPHER D. WATERS
 PROFESSIONAL LAND SURVEYOR
 DE. NO. 56-647

REVISIONS

ARCHITECTS ENGINEERS SURVEYORS
 SAUBERT, MARYLAND (410) 543-8081
 SAUBERT, DELAWARE (302) 424-1441
 SAUBERT, VIRGINIA (434) 770-3141

DAVIS, BOWEN & FRIEDEL, INC.

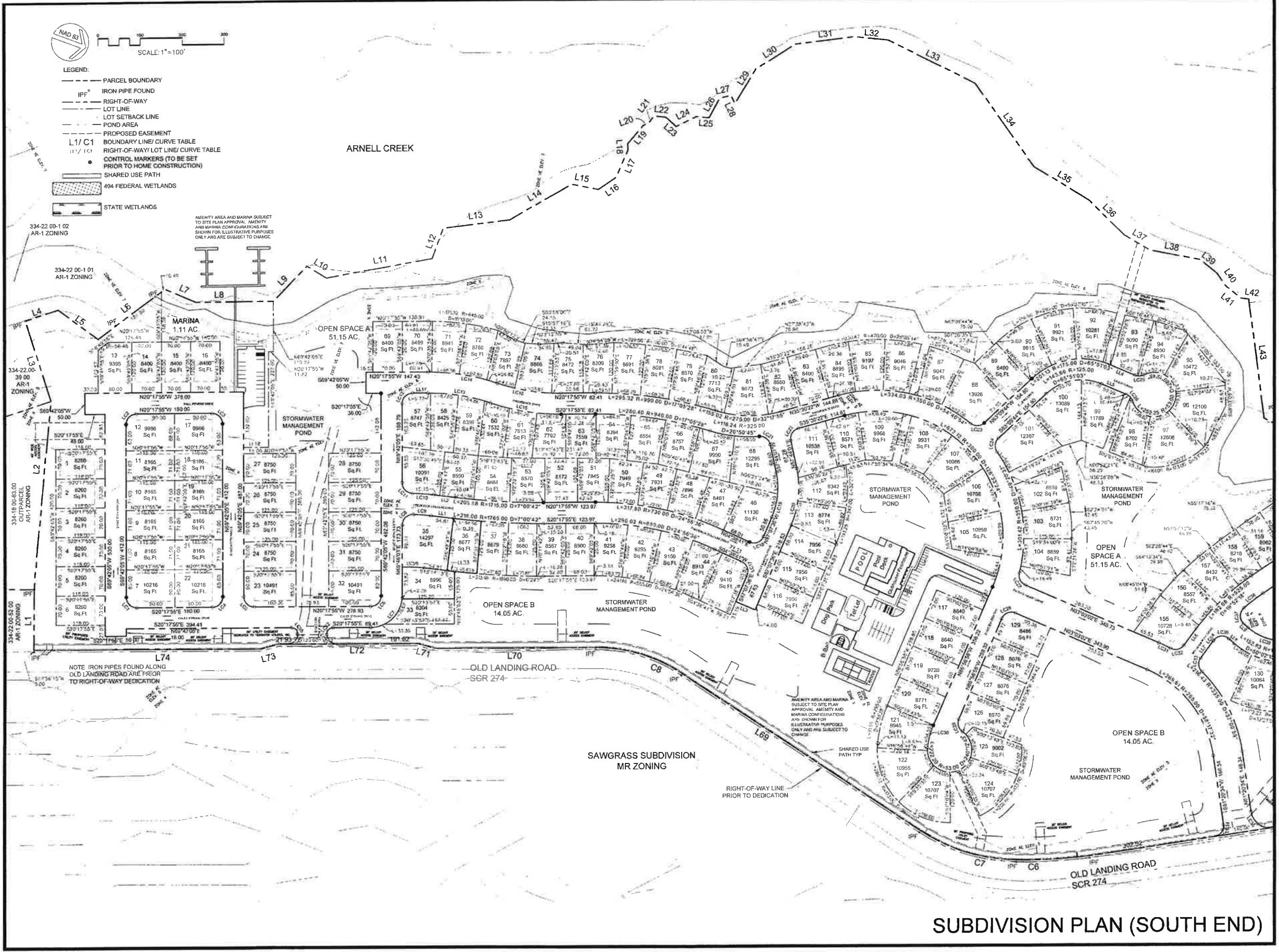
PLAT SHOWING
 PART OF THE LANDS OF
ROBERT A. MARSHALL
 LEWES AND REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

Date:	3-10-2020
Scale:	1"=200'
Dwn By:	DED
Proj No:	2135A003
Fig No:	1 of 1

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.



- LEGEND:**
- - - PARCEL BOUNDARY
 - IPF⁹ IRON PIPE FOUND
 - - - RIGHT-OF-WAY
 - - - LOT LINE
 - - - LOT SETBACK LINE
 - - - POND AREA
 - - - PROPOSED EASEMENT
 - L1/C1 11/7/161 BOUNDARY LINE/ CURVE TABLE
 - - - RIGHT-OF-WAY/ LOT LINE/ CURVE TABLE
 - CONTROL MARKERS (TO BE SET PRIOR TO HOME CONSTRUCTION)
 - - - SHARED USE PATH
 - 404 FEDERAL WETLANDS
 - STATE WETLANDS



SUBDIVISION PLAN (SOUTH END)

REVISIONS

NO.	DATE	DESCRIPTION

LAND DESIGN INC.
 Surveying / Landscape Architecture
 One Seaside, Suite 40
 Ocean View, DE 19702
 302.839.6900 Fax: 302.839.0239
 landdesigninc.com

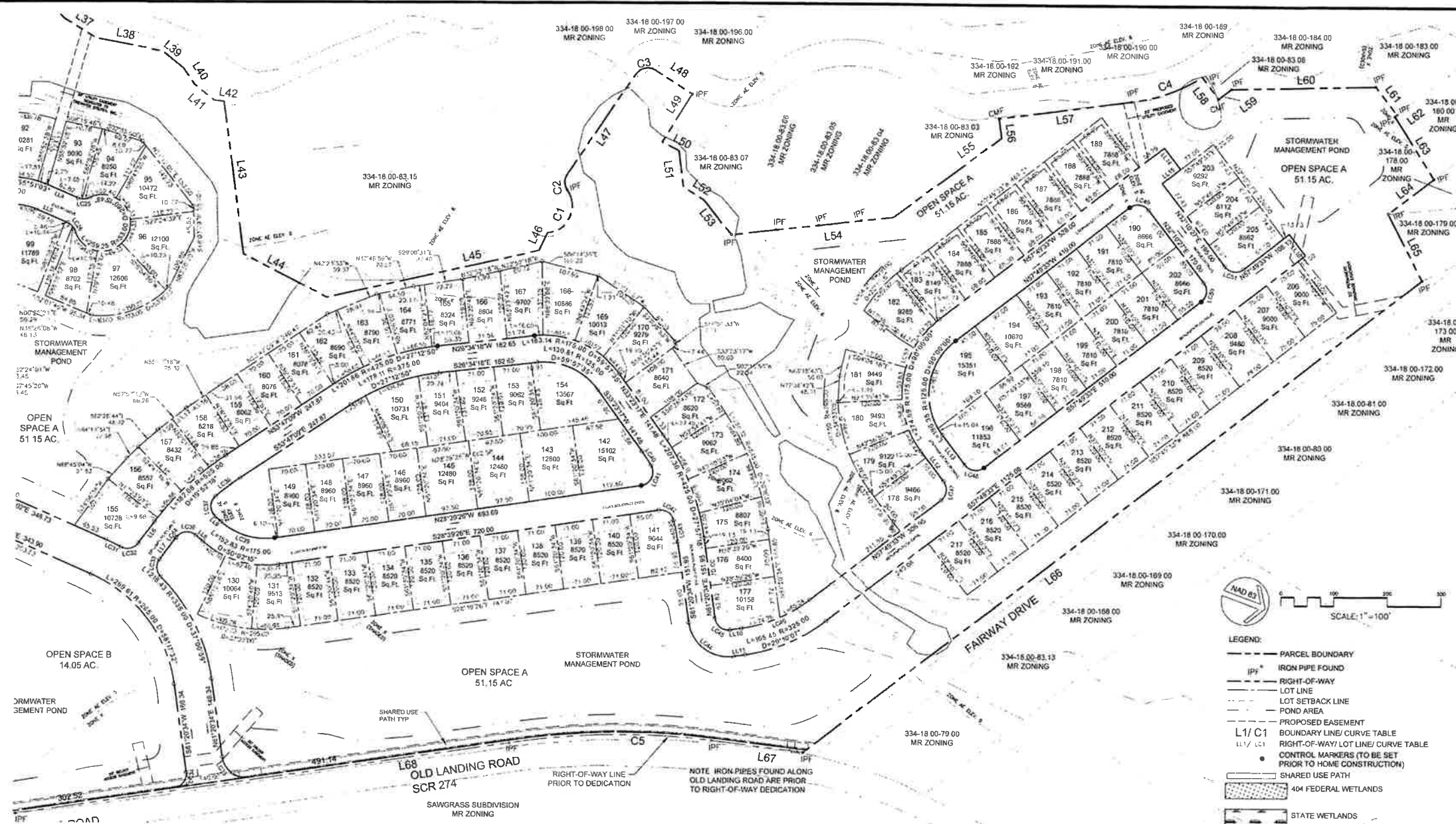
Planning and
 Civil Engineering Consultants

SUBDIVISION PLAN
OSPREY POINT
 OLD LANDING ROAD
 LEWES AND REHOBOTH HUNDRED
 SUSSEX COUNTY DELAWARE

SITE PLAN: TUF DATE:
 DRAWING: RWB 5/20/20
 REVIEW: SLF

SHEET
SD-2
 OF 4 SHEETS

P:_pro\036166\Point\CAD\Subdivision\scr274.dwg 7/17/2020 11:56:02 AM, XP Design\B042 tyrt 11, LAND DESIGN INC.

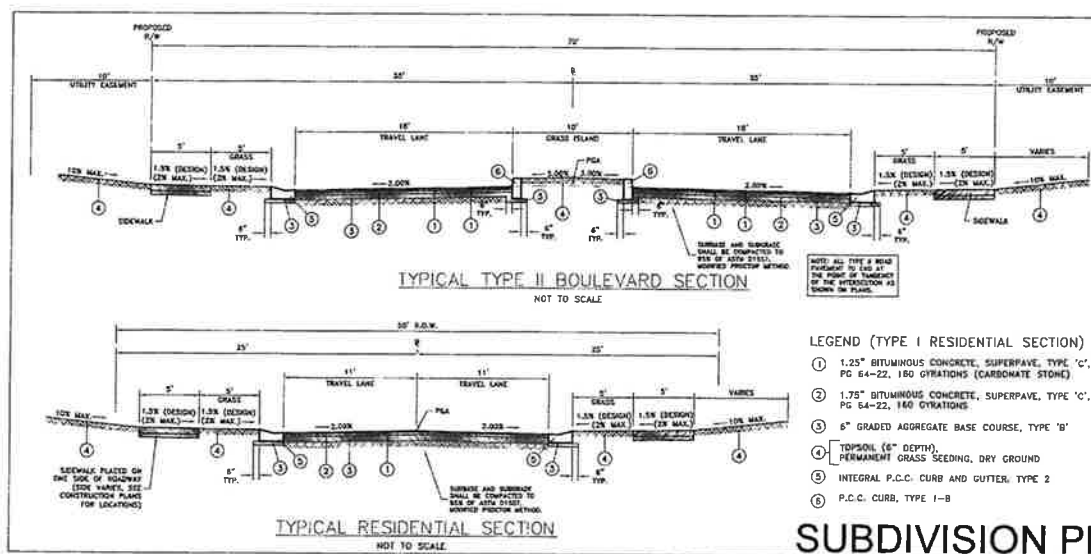


Curve #	Length	Radius	Delta
LC1	39.27	25.00	90°00'00"
LC2	38.27	25.00	90°00'00"
LC3	39.27	25.00	90°00'00"
LC4	39.27	25.00	90°00'00"
LC5	39.27	25.00	90°00'00"
LC6	39.27	25.00	90°00'00"
LC7	112.32	75.00	85°48'23"
LC8	40.93	25.00	91°53'27"
LC9	42.45	475.00	5°07'18"
LC10	50.07	625.00	5°27'53"
LC11	36.56	25.00	86°27'11"
LC12	39.27	25.00	90°00'00"
LC13	153.98	475.00	18°34'22"
LC14	170.18	525.00	18°34'22"
LC15	170.18	525.00	18°34'22"
LC16	153.98	475.00	18°34'22"
LC17	38.50	25.00	86°13'47"
LC18	40.04	25.00	91°46'17"
LC19	107.33	175.00	35°08'23"
LC20	137.99	225.00	36°08'23"

Curve #	Length	Radius	Delta
LC21	35.66	25.00	81°47'12"
LC22	37.86	25.00	86°45'38"
LC23	35.93	25.00	82°20'10"
LC24	35.93	25.00	82°20'10"
LC25	21.87	25.00	50°09'54"
LC26	21.87	25.00	50°09'54"
LC27	36.25	25.00	80°47'35"
LC28	39.27	25.00	90°00'00"
LC29	34.07	25.00	79°04'22"
LC30	54.58	175.00	17°51'58"
LC31	31.04	335.03	5°18'11"
LC32	35.79	25.00	82°00'39"
LC33	35.79	25.00	82°00'39"
LC34	39.27	25.00	90°00'00"
LC35	70.69	45.00	90°00'00"
LC36	41.18	25.00	94°56'22"
LC37	42.73	25.00	97°55'27"
LC38	57.29	41.00	6°54'26"
LC39	109.98	125.00	50°02'15"
LC40	30.82	375.00	4°43'27"

Curve #	Length	Radius	Delta
LC41	49.41	25.00	113°13'50"
LC42	36.55	25.00	87°42'31"
LC43	40.85	375.00	6°14'29"
LC44	111.81	75.00	90°00'00"
LC45	39.37	25.00	90°00'00"
LC46	140.00	275.00	29°10'07"
LC47	39.27	25.00	90°00'00"
LC48	39.27	25.00	90°00'00"
LC49	39.27	25.00	90°00'00"
LC50	39.27	25.00	90°00'00"
LC51	39.27	25.00	90°00'00"
LC52	25.06	15.00	95°44'39"
LC53	30.77	25.00	84°15'39"
LC54	36.77	25.00	84°15'39"
LC55	25.06	15.00	95°44'21"
LC56	53.10	350.00	8°41'24"
LC57	39.20	175.00	12°50'07"
LC58	67.00	175.00	2°10'31"
LC59	7.64	475.00	0°11'53"

Line #	Length	Direction
LL1	55.19	S13°17'13"E
LL2	55.19	N13°17'13"W
LL3	30.00	S02°57'24"W
LL4	48.08	N02°47'20"E
LL5	89.08	S02°41'20"W
LL6	49.86	N73°35'28"W
LL7	49.86	S73°39'28"E
LL8	16.81	S21°22'49"W
LL9	14.12	N21°22'48"E
LL10	21.16	N28°28'28"W
LL11	21.16	S28°39'28"E
LL12	70.00	S32°10'27"W
LL13	70.00	S32°10'27"W
LL14	50.00	N32°10'27"E
LL15	43.00	S51°49'33"E
LL16	80.00	N33°10'27"E
LL17	36.43	S20°17'59"E
LL18	59.28	S20°17'55"E
LL19	25.00	N64°03'11"W
LL20	59.11	N32°44'18"W
LL21	29.38	N11°04'54"E
LL22	1.61	S16°12'13"E
LL23	17.72	S12°52'38"E



- LEGEND (TYPE II BOULEVARD SECTION)**
- 1.5" BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 OYRATIONS (CARBONATE STONE)
 - 2.5" BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'B', PG 64-22, 160 OYRATIONS
 - 6" GRADED AGGREGATE BASE COURSE, TYPE 'B'
 - TOPSOIL (6" DEPTH), PERMANENT GRASS SEEDING, DRY GROUND
 - INTEGRAL P.C.C. CURB AND GUTTER, TYPE 2
 - P.C.C. CURB, TYPE 1-B
- LEGEND (TYPE I RESIDENTIAL SECTION)**
- 1.25" BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 OYRATIONS (CARBONATE STONE)
 - 1.75" BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 OYRATIONS
 - 6" GRADED AGGREGATE BASE COURSE, TYPE 'B'
 - TOPSOIL (6" DEPTH), PERMANENT GRASS SEEDING, DRY GROUND
 - INTEGRAL P.C.C. CURB AND GUTTER, TYPE 2
 - P.C.C. CURB, TYPE 1-B
- LEGEND (TYPE II RESIDENTIAL SECTION)**
- 1.5" BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 OYRATIONS (CARBONATE STONE)
 - 2.5" BITUMINOUS CONCRETE, SUPERPAVE, TYPE 'C', PG 64-22, 160 OYRATIONS
 - 6" GRADED AGGREGATE BASE COURSE, TYPE 'B'
 - TOPSOIL (6" DEPTH), PERMANENT GRASS SEEDING, DRY GROUND
 - INTEGRAL P.C.C. CURB AND GUTTER, TYPE 2
 - P.C.C. CURB, TYPE 1-B

SUBDIVISION PLAN (NORTH END)

REVISIONS

LAND DESIGN
 Surveying / Landscape Architecture
 601 Square Ave.
 Lewes, DE 19758
 302.337.1915, 302.339.4236 FAX
 landdesign@landdesign.net

SUBDIVISION PLAN
OSPREY POINT
OLD LANDING ROAD
 LEWES AND REHOBOTH HUNDRED
 SUSSEX COUNTY DELAWARE

SITE PLAN: T/JF
 DRAWING: RWB
 REVIEW: SLF
 DATE: 5/20/20

SHEET
SD-3
 OF 4 SHEETS

P:_to\lsherry\plan\2150\lsherry\subdiv\emp_31170200_12_07_24\pln_ip_dwg\pln_100_42.dwg, 1, LAND DESIGN, INC.

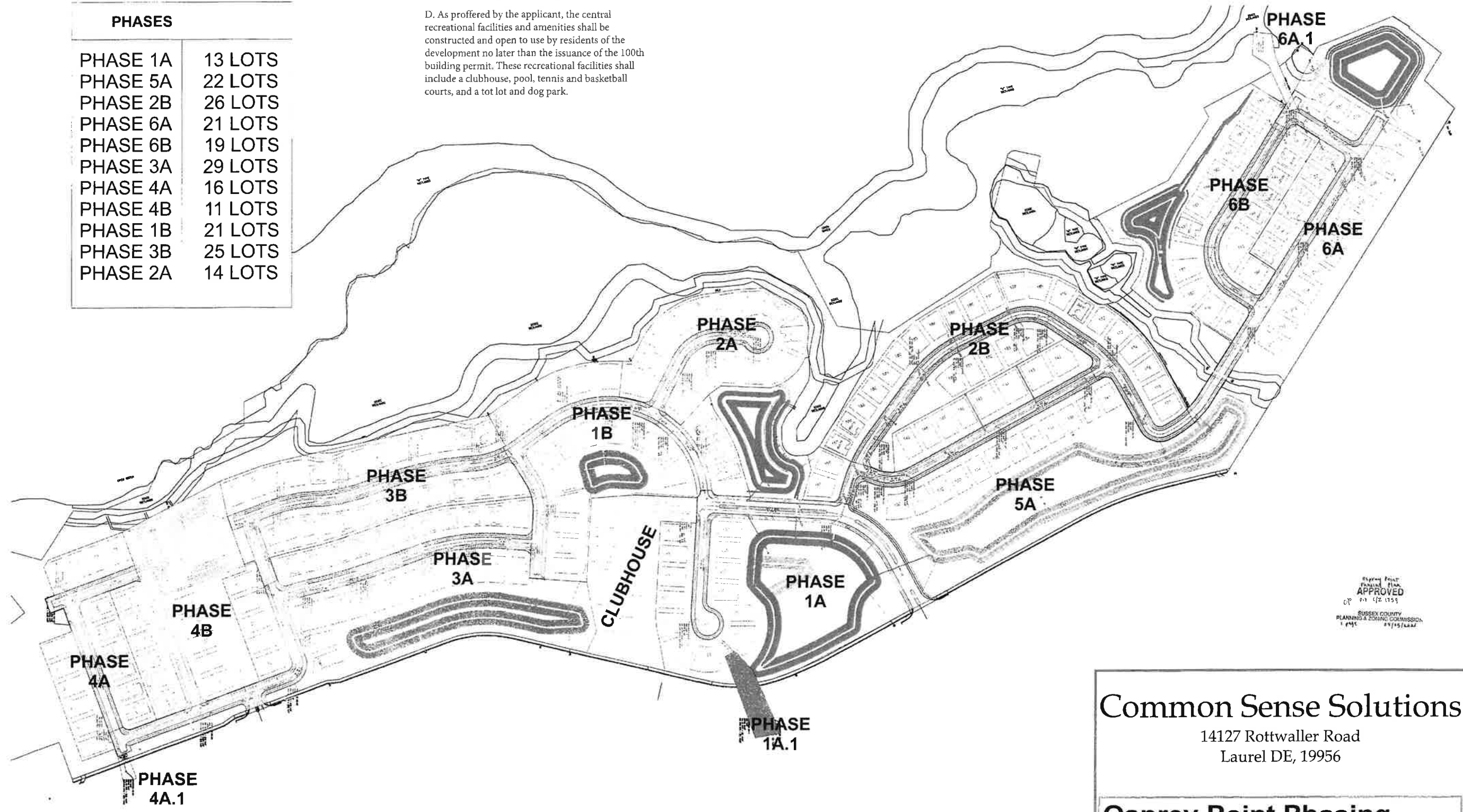
TAB “8”

Osprey Point

Conditions of Approval, Change of Zone (CZ) 1759:

D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.

PHASES	
PHASE 1A	13 LOTS
PHASE 5A	22 LOTS
PHASE 2B	26 LOTS
PHASE 6A	21 LOTS
PHASE 6B	19 LOTS
PHASE 3A	29 LOTS
PHASE 4A	16 LOTS
PHASE 4B	11 LOTS
PHASE 1B	21 LOTS
PHASE 3B	25 LOTS
PHASE 2A	14 LOTS



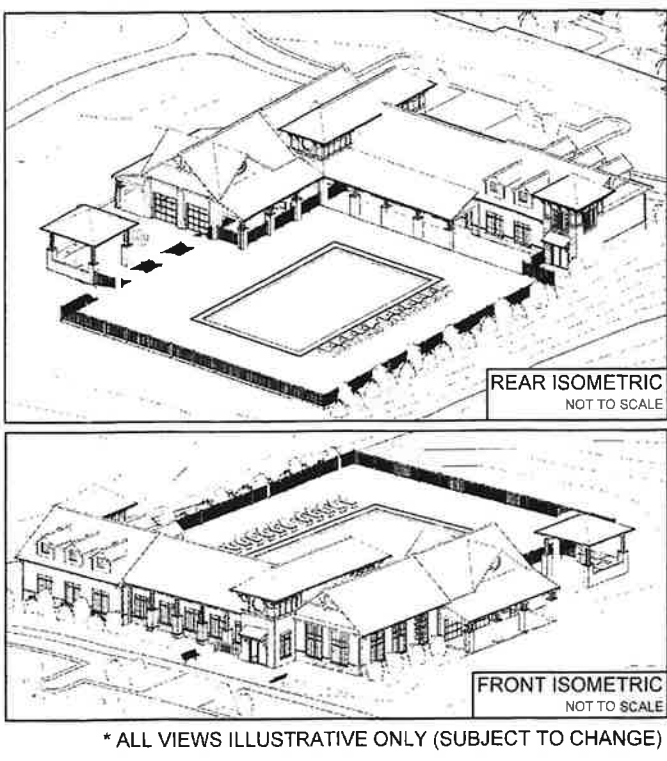
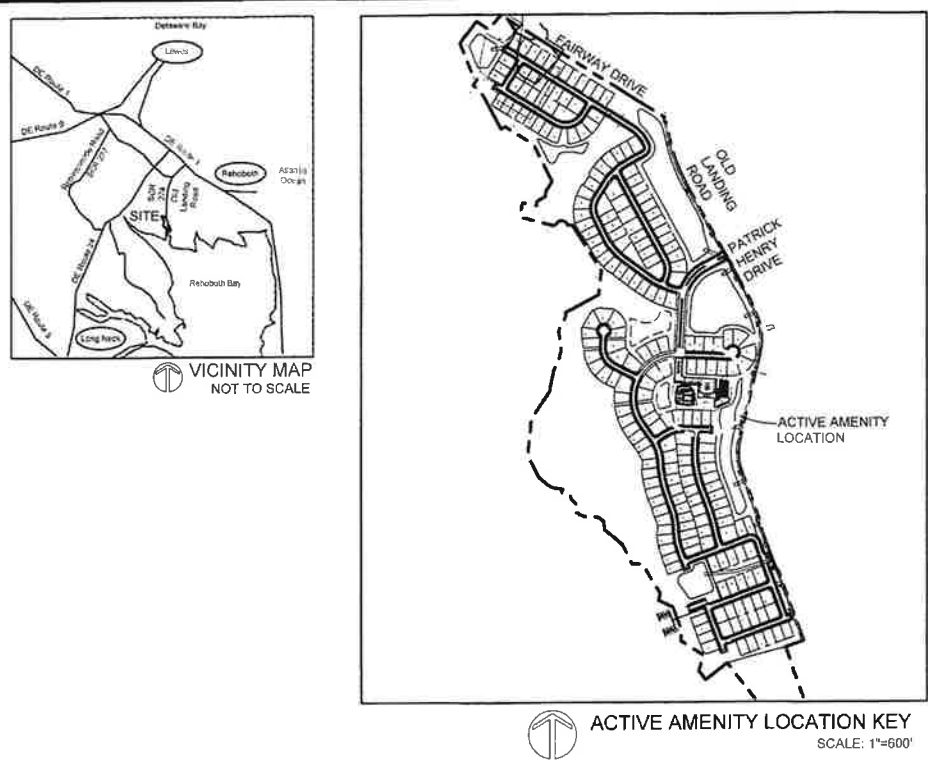
Osprey Point
 Final Plan
 APPROVED
 07 04 12 1159
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION
 07/15/2021

Common Sense Solutions
 14127 Rottwaller Road
 Laurel DE, 19956

Osprey Point Phasing

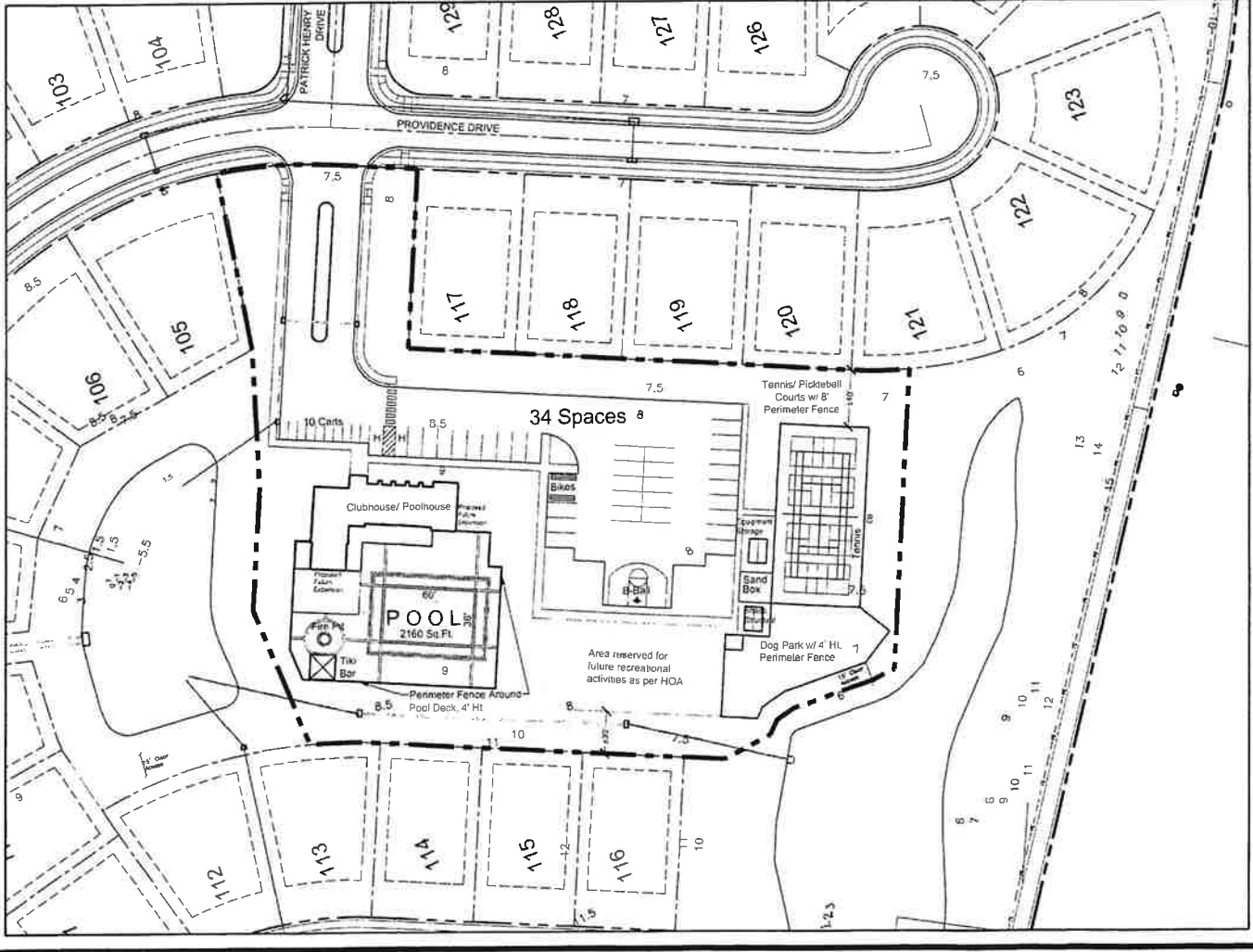
Date: 6/10/21	N.T.S.
---------------	--------

TAB “9”



DATA COLUMN

TAX MAP ID:	3-34-18,00-83,21
EXISTING ZONING:	MR/RPC
FLOOD HAZARD MAP:	THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0334K (DATED MARCH 16, 2015).
WETLANDS:	THE PROPERTY IS IMPACTED BY BOTH STATE (TIDAL) AND "404" FEDERAL (NON-TIDAL) WETLANDS.
EXISTING SITE AREA:	126.31 ACRES
ACTIVE AMENITY AREA:	± 122855 SQ. FT. (2.82 AC.)
TOTAL SITE OPEN SPACE:	64.69 AC.
PROPOSED ACTIVE AMENITY AREA:	2.82 AC.
REMAINING PASSIVE AMENITY OPEN SPACE:	61.78 AC.
ACTIVE AMENITY AREA TO CONFORM TO SUSSEX COUNTY CODE SUBSECTIONS 115-185 C&D,	
MR/RPC MINIMUM SETBACKS:	MR/RPC MINIMUM SETBACKS:
FRONT YARD:	25 FT.
SIDE YARD:	8 FT.
REAR YARD:	10 FT.
CORNER SIDE YARD:	15 FT.
WIDTH OF LOT:	60 FT. @ BUILDING SETBACK LINE
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT. (2-1/2 STORIES)
SANITARY SEWER:	SUSSEX COUNTY UNIFIED SEWER DISTRICT
WATER SUPPLY:	TIDEWATER UTILITIES, INC.
OWNER/DEVELOPER:	OSPREY POINT PRESERVE LLC 2979 BARLEY MILL ROAD YORKLYN, DE 19736



ACTIVE AMENITY SITE DATA:
 - ACTIVE AMENITY AREA ± 122855 SQ. FT. (2.82 AC.)
 - ACTIVE AMENITY AREA TO CONFORM TO SUSSEX COUNTY CODE SUBSECTIONS 115-185 C&D

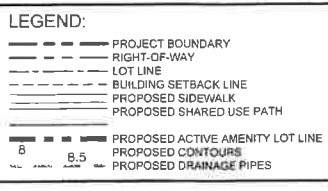
CLUBHOUSE:
 - ± 3445 SQ. FT. W/ 1000 SQ. FT. RESERVED FOR FUTURE EXPANSION
 - INCLUDES RESTROOMS/ CHANGING ROOMS
 - MEETING ROOMS
 - BAR/ RESTAURANT
 - GYM
 - 2000 SQ. FT. MINIMUM POOL W/ TIKI BAR

PARKING:
 - 34 PARKING SPACES
 - 30 LINEAR FEET OF BIKE RACKS
 - 10 GOLF CART SPACES

PROPOSED AMENITIES:
 1 MULTI-PURPOSE TENNIS COURT
 4 PICKLEBALL COURTS
 1 SANDBOX & PLAY EQUIPMENT
 1 FENCED DOG PARK
 1 BASKETBALL HOOP AREA
 1 STORAGE BUILDING
 1 SHADE SHELTER
 AREA RESERVED FOR FUTURE RECREATIONAL ACTIVITIES

AMENITY CONDITION OF APPROVAL:
 SUSSEX COUNTY CZ 1759 CONDITIONS OF APPROVAL, ITEM D:
 AS PROFFERED BY THE APPLICANT, THE CENTRAL RECREATIONAL FACILITIES AND AMENITIES SHALL BE CONSTRUCTED AND OPEN TO USE BY RESIDENTS OF THE DEVELOPMENT NO LATER THAN THE ISSUANCE OF THE 100TH BUILDING PERMIT. THESE RECREATIONAL FACILITIES SHALL INCLUDE A CLUBHOUSE, POOL, TENNIS AND BASKETBALL COURTS, AND A TOT LOT AND DOG PARK.

NOTES:
 - DRAINAGE PIPES TO BE THE CENTER OF A 20' DRAINAGE/ UTILITY EASEMENT.
 - 15' CLEAR ACCESS TO STORMWATER BASIN MEASURED FROM TOP OF BANK, TO BE PRESERVED AS SHOWN ON PLAN.



ACTIVE AMENITY SITE PLAN
 SCALE: 1"=50'

Document# 2021000071060 BK: 355 PG: 95
 On 11/17/2021 at 1:47:38 PM
 BY: ORDER OF DEEDS Scott Dailey
 Surveys Entered
 Consultation \$0.00
 Doc Surcharge Paid

Final Site Plan
 APPROVED
 By: [Signature]
 October 13, 2021
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION
 11/17/21

LANDSCAPE ARCHITECT'S STATEMENT:
 I certify that the proposed site plan was compiled under my supervision.

Thomas J Ford III Date
 DE PLA #117

OWNER/DEVELOPER'S PLAN DEVELOPMENT APPROVAL:
 I, as owner and developer of the project shown, hereby approve these plans for development as shown or otherwise noted.

KATHLEEN HAWES HORSEY DATE
 OSPREY POINT PRESERVE LLC
 2979 BARLEY MILL ROAD
 YORKLYN, DE 19736

REVISIONS

5/21/21	P&Z	
Comments		

LAND DESIGN INC.
 Surveying / Landscape Architecture
 Planning and Development Consultants
 One Stone, Suite 43, 53 Atlantic Ave
 20207 York, PA
 Phone (717) 222-2075

PLITKO, LLC



AMENITY SITE PLAN
OSPREY POINT
 OLD LANDING ROAD (SCR 274)
 LEWES AND REHOBOTH HUNDRED
 SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	4/9/21
REVIEW: TJF	
SHEET	1
	OF 1 SHEETS

ACTIVE AMENITY SITE PLAN

C:\Users\jford\OneDrive\Family\Plitko, LLC_Plan\Rehoboth\OSPREY POINT\OSPREY POINT AMENITY\OSPREY POINT AMENITY SITE PLAN.dwg 6/3/2021 12:54:23 PM DWG To PDF.pcpl 1.1 LAND DESIGN, INC

TAB “10”

Memorandum

To: Mr. Mike Horsey, Osprey Point Preserve, LLC.
Mr. David Hutt, Esq., Morris James, LLP.

From: Edward M. Launay, SPWS No. 875

Date: July 28, 2022

RE: Status of Delaware Department of Natural Resources & Environmental Control (DNREC)
Wetlands & Subaqueous Lands and U.S. Army Corps of Engineers (ACOE)
Marina Applications

This memorandum is being provided to update you as to the status of DNREC and ACOE applications related to the construction of a proposed 25 slip marina facility and a kayak launch facility on the Osprey Point property.

The layout and location of the marina piers were previously identified on record and subdivision plans prepared by Davis, Bowen & Friedel, Inc. (DBF) and these were approved by Sussex County as the Osprey Point Residential Community. Development of that 217 single family home community involved redevelopment of the Old Landing Golf Course. The location for the marina pier was selected as it afforded the best location for minimization of impacts to wetland areas regulated by DNREC and the ACOE. That remains the case today.

Osprey Point Preserve, LLC. is currently proposing to operate the marina piers and kayak launch as a commercial facility open to the public. In order to construct marina facilities and structures for launching canoes and kayaks, authorizations are typically required from DNREC's Wetlands and Subaqueous Lands Section (WSLS) and the ACOE. When an individual permit may be required from the ACOE, DNREC's Coastal Zone Management Program must also issue an approval.

In the case of this project, DNREC approvals include a Marina Permit, Subaqueous Lands Permit, Subaqueous Lands Lease, Operation and Maintenance Plan Approval and a Coastal Zone Consistency Determination.

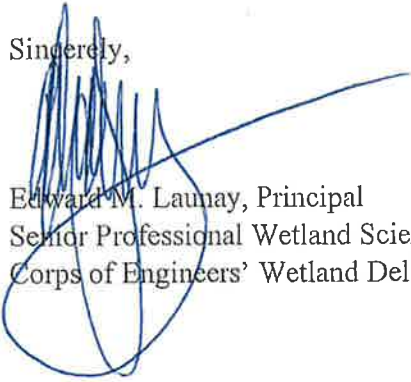
Environmental Resources Inc. (ERI) submitted applications for DNREC permits on December 27, 2021. DNREC acknowledged receipt of these permit applications and they have advertised the project per their public notice requirements. The public notice periods were completed on or

before July 12, 2022. DNREC is currently processing and considering the information received during the public notice period. The DNREC WSLs has not formally determined if a public hearing on the applications will be required.

ERI filed a Department of the Army Permit request with the Philadelphia District on December 27, 2021. The District requested additional information related to the project and ERI responded with that information on February 24, 2022. Currently the ACOE is evaluating the project and considering in which format to issue authorization should a permit be granted.

To date, both DNREC and the ACOE have accepted the applications submitted on behalf of Osprey Point Preserve, LLC. Applications have been determined to be complete for processing and they are under review. All supplemental information requested to date has been submitted by ERI. ERI and George, Miles and Buhr, Inc. believe that the project is designed to meet the standards of both DNREC and ACOE regulations and guidelines. DNREC has formally advertised the project on public notice and the public comment period concluded on July 12, 2022.

Sincerely,



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

TAB “11”

**SITING AND DESIGN STUDY
FOR EXPANSION OF
OSPREY POINT MARINA**

Tax Map No.: 334-18.00, Parcel: 83.00

**Arnell Creek
Lewes-Rehoboth Hundred, Sussex County, Delaware**

December 23, 2021

Prepared for:

OSPREY POINT PRESERVE, LLC.
2979 Barley Mill Road
Yorklyn, DE 19736

Prepared By:



ENVIRONMENTAL RESOURCES, INC.

38173 DuPont Blvd.
P.O. Box 169
Selbyville, DE 19975
Phone: 302-436-9637

ERI Project No.: 0898#1169

**SITING AND DESIGN STUDY
FOR
OSPREY POINT MARINA**

LEWES-REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

Table of Contents:

Project Description..... 1

Environmental Setting.....2

Siting and Design Study Conclusions.....3

List of Exhibits:

- Exhibit 1:** Permit Application Drawings for Marina Alteration
- Exhibit 2:** Historic Water Quality Conditions – DEMAC Water Quality Portal
- Exhibit 3:** ERI Water Quality Collection Data
- Exhibit 4:** DNREC Shell Fishing Areas Map

List of Figures:

- Figure 1:** Site Location Map
- Figure 2:** As Built Aerial Map

Project Description

The proposed Osprey Point Marina is located in the Lewes-Rehoboth Hundred on Sussex County Tax Map Parcel 334-18.00-83.00. The proposed marina is on the eastern shore of Arnell Creek close to the entrance onto Rehoboth Bay.

Osprey Point Preserve, LLC. is the owner of the former Old Landing Golf Course located on the west side of County Road 274 (Old Landing Road) in the Baltimore Hundred, near the Rehoboth Beach resort area. The Old Landing Golf Course property is bordered by Arnell Creek on its westerly side. The golf course is being redeveloped with 217 single family homes, development known as Osprey Point, as approved by Sussex County.

The vicinity of the former golf course clubhouse and restaurant is being redeveloped as a commercial restaurant and the addition of a 25 slip commercial marina and kayak launch dock is also proposed at that location.

The proposed facility will be open to the public including the future residents of Osprey Point and the numerous surrounding residential communities along Old Landing Road. In addition to 1.85 acres of commercial area associated with this project, adjacent Osprey Point community open space will border this site. It will include a community open space area in uplands accessed by a common boardwalk trail all of which will be located on uplands.

Activities involving state regulated wetlands and public subaqueous land include the proposed construction of a 25 slip marina facility and a separate float kayak launch dock.

Insofar as land based facilities supporting the proposed marina, a small Harbormaster's Office will be located near the marina access pier. Signage with emergency contact numbers and rules will be located there. The building will house a portable marine pump out station and emergency spill kit. Restroom facilities will be located in the restaurant building. A total of 82 parking spaces will be shared with the restaurant. It is anticipated that some of the marina slips will be reserved for restaurant patrons arriving by water. Two fire department connections will be provided on the marina dock. Water and electric pedestals will provide utility service.

DNREC prohibits shell fishing within Arnell Creek. A lagoon system and water front community with numerous docks abuts the marina site to the southeast. Therefore, no impact to shellfish harvesting will result from the project. Additionally, there is no submerged aquatic vegetation (SAV) at or in the vicinity of the existing marina. Therefore, no impact to SAV aquatic resources will result from this project. Exhibit 1

provides a set of 8.5"x11" permit drawings illustrating the proposed layout of the Osprey Point Marina. Figure One provides a location map.

Environmental Setting

The proposed marina site is on the eastern bank of Arnell Creek, 0.12 miles northeast of its entrance onto the northern portion of Rehoboth Bay. This location is also near the mouth of Love Creek which lies approximately 0.30 miles farther west. The Old Landing lagoon waterfront community and the Rehoboth Bay Mobile Home Park lie along Clubhouse Road to the south. The Sawgrass Residential Community and the Villages of Old Landing Residential Communities lie to the north along Clubhouse Road.

The marina site is opposite DNREC's Love Creek Fishing Access Area located on the west shore of Arnell Creek. A gravel boat ramp is located there. The marina location is more or less at the widest portion of Arnell Creek (675 feet or more at mean low water). The marina location is almost a cove like feature off Rehoboth Bay. This area is also the deepest part of Arnell Creek. At a point 0.25 miles up Arnell Creek to the northwest, it narrows to 100 feet or less.

The Love Creek Fishing Access Area must be accessed from State Route 24 and Mulberry Road which is nearly a 6.0 mile drive on land from Osprey Point. Between vessels from the existing Old Landing Community and the DNREC Love Creek Fishing Access ramp, active navigation occurs in the vicinity of the proposed marina. Water depths are 2.0 to 3.0 feet at mean low water in this part of the creek.

Nearby DEMAC Water Quality Monitoring Stations are Rehoboth Bay at Buoy #7 (306091) which is approximately 2.7 miles to the south and Love Creek at the SR 24 Bridge (RB 34) approximately 1.8 miles west. Data from these locations is provided as Exhibit 2 of this report.

Relatively wide expanses of tidal of tidal wetlands can be found along Arnell Creek, however, the proposed marina is sited where only a narrow fringe of tidal wetlands exists between uplands and the waters edge. Siting in the marina at it's current location dramatically minimizes any impact to state regulated tidal wetlands. Bottom conditions at the marina site is muck over sand. Inshore conditions are such that wading offshore is possible.

Due to the presence of already existing lagoons and numerous boat docks to the south and east of the site, DNREC has prohibited shell fishing in Arnell Creek. Therefore, the proposed facility will not impact the extent of shellfish harvesting waters.

Exhibit 3 provides water quality data collected in Arnell Creek at the marina site location during the months of October through December 2021. During that period the lowest dissolved oxygen level was 7.42 mg/l late afternoon on October 30th.

Exhibit 2 provides historic water quality conditions obtained from the DEMAC Water Quality Portal for Rehoboth Bay, Buoy #7 and Love Creek at Route 24. Both these stations are proximate to the marina site. The onsite water quality data collection correlated well with the values at Rehoboth Bay at Buoy #7 and Love Creek at Route 24 during the same periods of time. As might be expected, salinity was somewhat higher at Buoy #7 and water temperature was somewhat higher at Love Creek. Rehoboth Bay at Buoy #7 provides water quality parameters which can be expected to best apply to the proposed marina location. Occasional low dissolved oxygen events between 5.5 mg/l and 3.5 mg/l generally occur in August and early September.

Dissolved oxygen (DO) concentrations in Delaware's shallow inland bays and the area of the marina pier have dissolved oxygen levels that naturally cycle over 24 hours. During the day, plants and algae release oxygen into the water through photosynthesis. At night, plants, algae, and animals continue to respire and draw oxygen out of the water. Nutrient pollution can make these cycles extreme by fueling algal blooms. When the excessive algae respire at night, they can cause oxygen to drop below healthy levels. A healthy standard for DO levels in the inland bays is generally considered to be a DO of 4.0 mg/l.

Siting and Design Study Conclusions

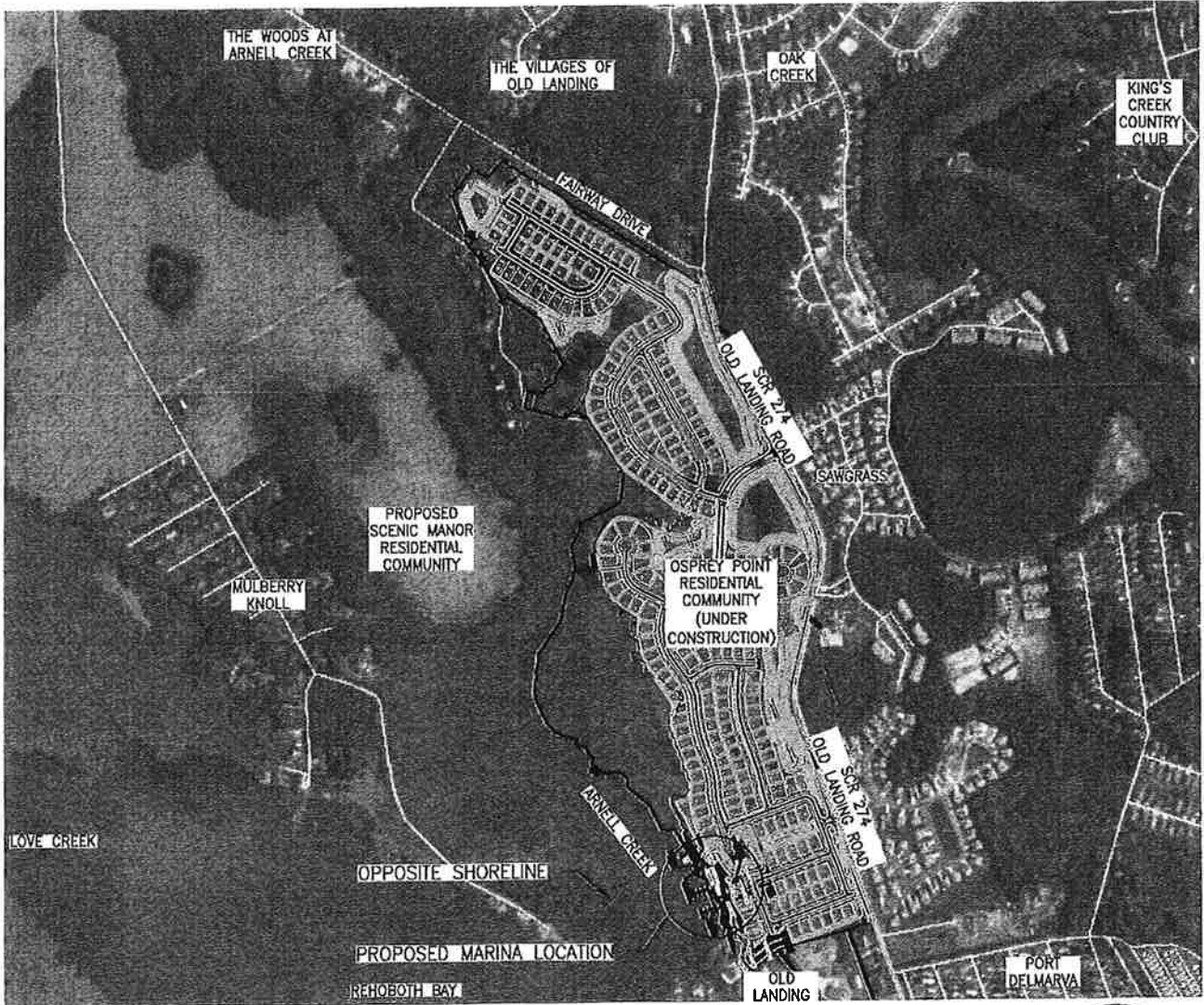
The proposed Osprey Point Marina facility meets all regulatory requirements and design standards of DNREC's Marina and Subaqueous Lands Regulations. The proposed 25 slip facility is considered a "minor marina operation".

The proposed marina facility can be accessed from land where only a minimal crossing of state regulated wetlands is required for a well elevated 3 foot wide pile supported pier. The marina is located in an area where active navigation already occurs as a result of existing waterfront lagoon communities to the immediate south and east as well as the DNREC Love Creek Fishing Access Area Launch directly opposite the proposed marina on Arnell Creek. Adequate water depth for navigation exists and the marina piers comply with the Department's 20% Rule. The marina piers are in a cove like area, well away from the center of Arnell Creek where most navigation occurs. The marina abuts an existing lagoon based waterfront community with numerous docks. DNREC has classified Arnell Creek as a prohibited shellfish harvesting area. Location of the marina as proposed is in character with its existing surroundings. No submerged aquatic vegetation was observed during summer 2021 when investigations into the siting of this facility began.

Water quality conditions at the marina facility are suitable and the marina will not result in any violation of state water quality standards. The marina will operate under a DNREC approved Operation and Maintenance Plan (O&M Plan) to ensure that water quality standards are met. Fish cleaning at the facility is prohibited by the O&M Plan. Lastly, no endangered species or historic and cultural resources will be impacted. The project is part of redevelopment and repurposing of a previous golf course facility. As part of the Sussex County land use approval, a 25 slip marina was part of the overall site plan for redevelopment of the golf course. Based on this summary of conclusions, the proposed marina facility is well situated and will not have an adverse impact on the public interest.

EXHIBIT 1

**PERMIT APPLICATION DRAWINGS
FOR OSPREY POINT MARINA**



VICINITY MAP



DRAWN BY:	CRH
CK. BY:	VAL
JOB NO.:	200109
SCALE:	1" = 1,000'
DATE:	DEC 2021



GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 400 HIGH STREET
 SEAFORD, DELAWARE 19973
 302-828-1421, FAX 302-828-8360
 www.gmbnet.com

MARINA PLAN
 OSPREY POINT
 SCR 274 -
 OLD LANDING
 ROAD

PROPOSED MARINA FACILITY OVER PUBLIC SUBAQUEOUS LAND	
DESCRIPTION	AREA (SF)
PROPOSED LIMIT OF DISTURBANCE WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK	127

PROPOSED KAYAK LAUNCH OVER PUBLIC SUBAQUEOUS LAND	
DESCRIPTION	AREA (SF)
PROPOSED LIMIT OF DISTURBANCE WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK	0

PROPOSED STORMWATER OUTFALL	
DESCRIPTION	AREA (SF)
IMPACT OF FEDERALLY REGULATED SECTION 404 WETLANDS	289

MARINA SITE PLAN
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE



DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: NTS
 DATE: DEC. 2021

2 of 7
 DRAWING NO.

LEGEND

- EXISTING ELEVATION MINOR CONTOUR
- - - EDGE OF MARSH/APPROXIMATE MEAN HIGH WATER LINE
- - - PROPERTY LINE & TIE LINES
- - - ACOE SECTION 404 WETLAND BOUNDARY
- - - DNREC REGULATED TIDAL WETLAND BOUNDARY
- - - DNREC & ACOE REGULATED TIDAL WETLANDS
- - - ACOE REGULATED WETLANDS
- - - MEAN LOW WATER LINE
- - - EDGE OF MARSH/APPROXIMATE MEAN HIGH WATER LINE
- - - STATE REGULATED TIDAL WETLAND BOUNDARY (DNREC)
- - - FEDERALLY REGULATED ACOE WETLAND BOUNDARY
- - - COMMERCIAL AREA A 0.50± ACRES
- - - COMMERCIAL AREA B 1.35± ACRES
- - - CLAMSHHELL PARKING AREA 45 SPACES
- - - CLAMSHHELL PARKING AREA 37 SPACES
- - - PROUL REVERE DRIVE
- - - NATHAN HALE DRIVE
- - - ETHAN ALLEN DRIVE



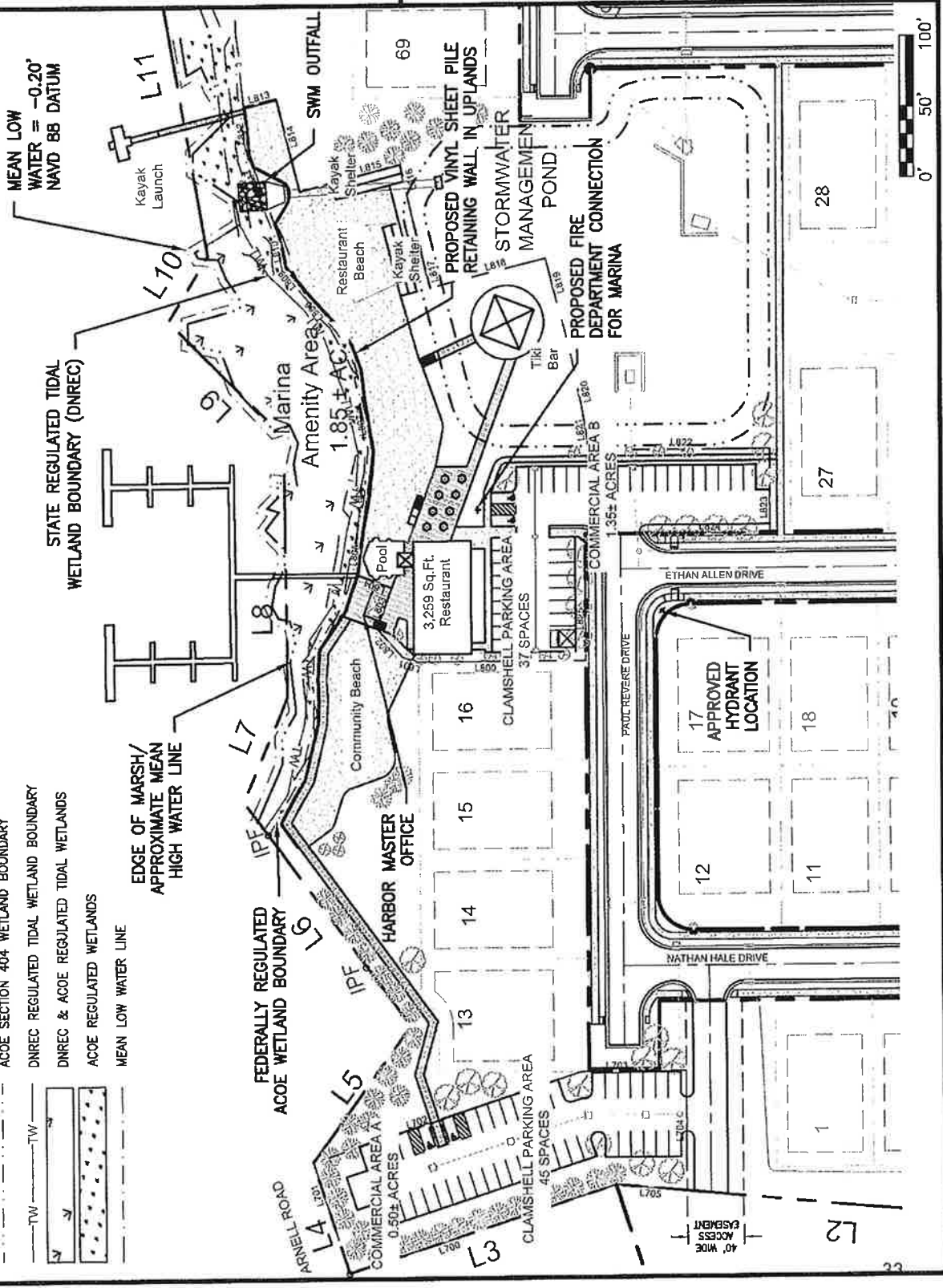
MEAN LOW WATER = -0.20' NAVD 88 DATUM

MARINA SITE PLAN
OSPREY POINT
SUSSEX COUNTY, DELAWARE

GMB
GEORGE, MILCS & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY - BALTIMORE - SEAFORD
www.gmbnet.com

DRAWN BY:	CRH
CK. BY:	VAL
JOB NO.:	200109
SCALE:	1"=100'
DATE:	DEC. 2021

3 of 7
DRAWING NO.



MARINA SITE PLAN
 DETAIL
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

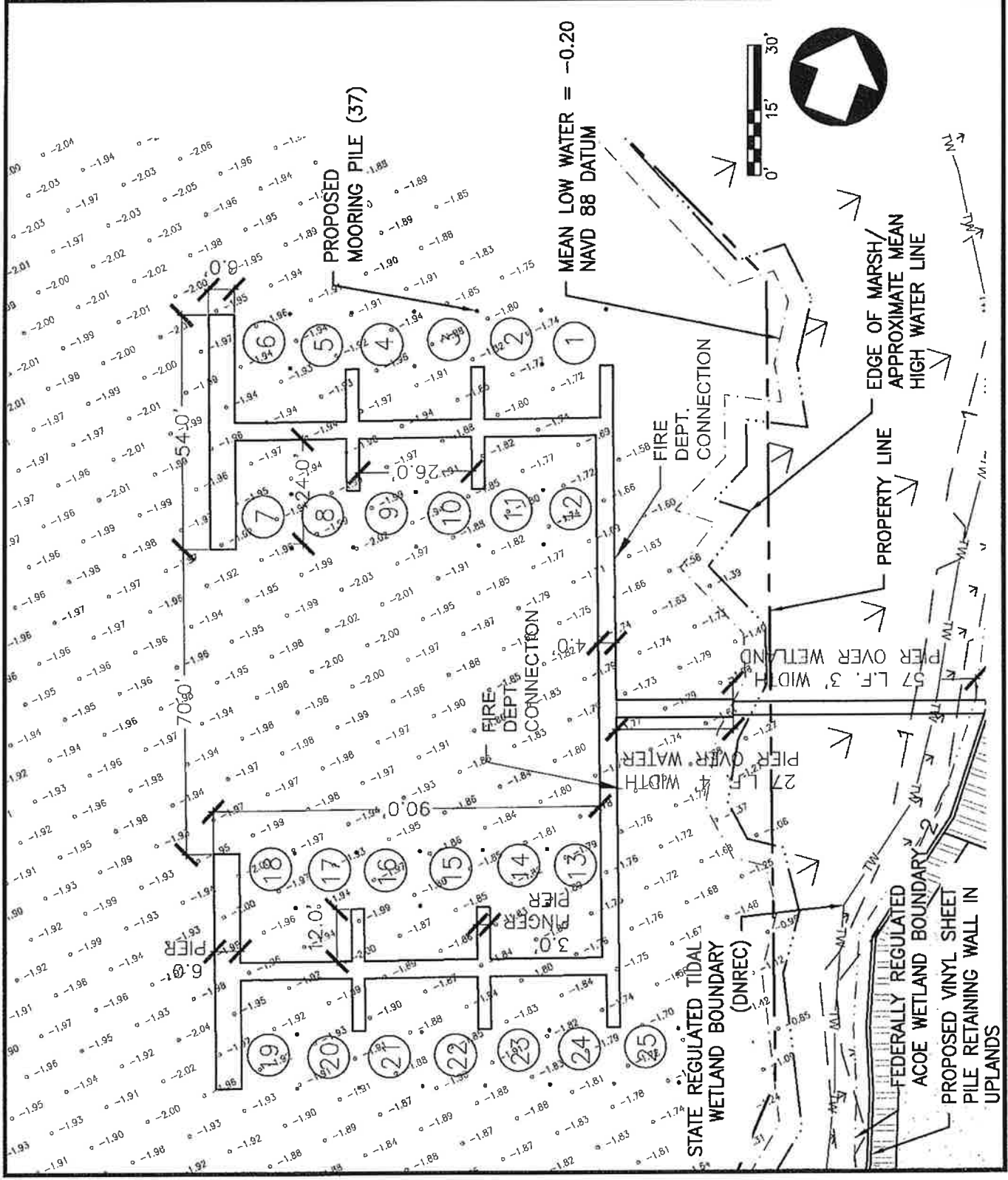


www.gmbnet.com
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSPORTY • WALTHAM • NEWTON

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 2001109
 SCALE: 1" = 30'
 DATE: DEC. 2021

4 of 7

DRAWING NO.



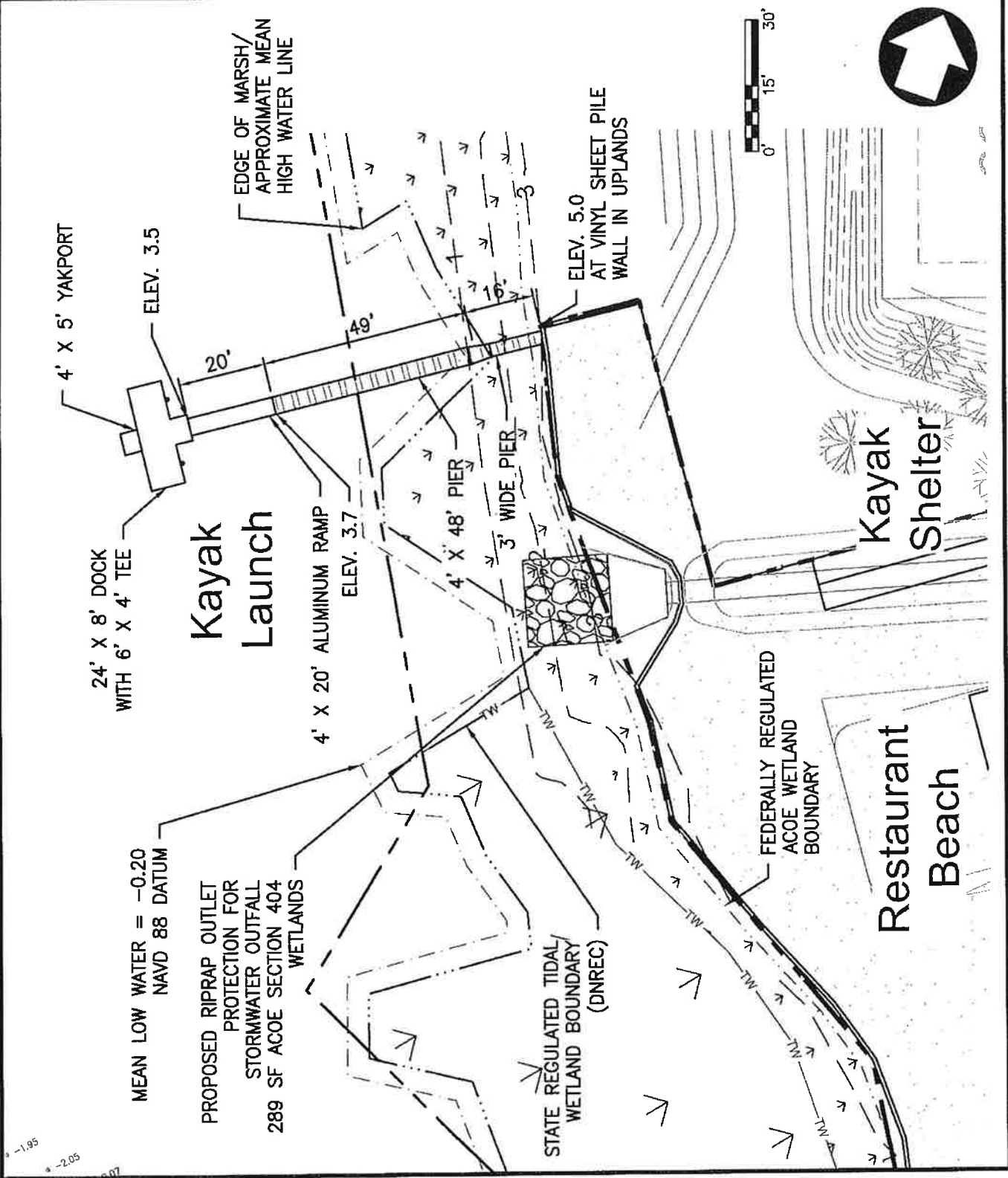
MARINA SITE PLAN
 KAYAK LAUNCH & OUTFALL DETAIL
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILLS & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSPORT • BALTIMORE • SEVYOND
 www.gmbnet.com

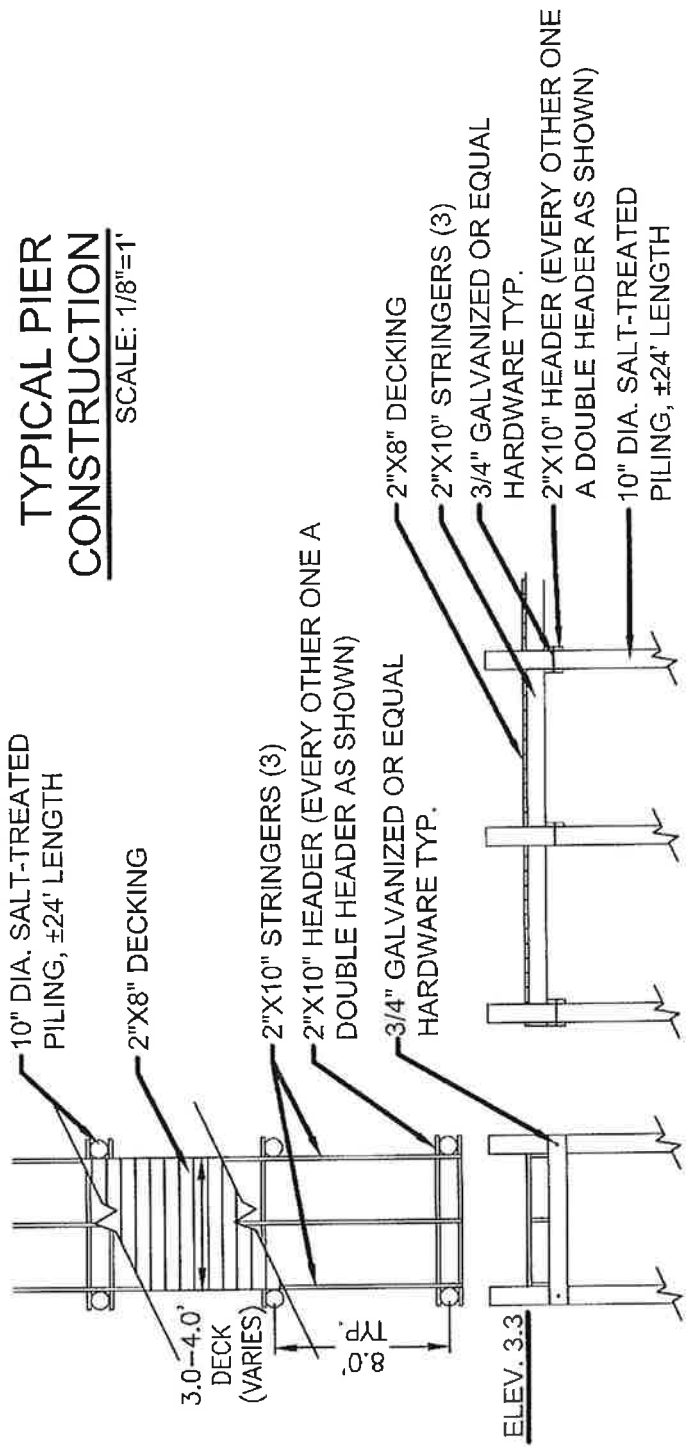
DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: 1" = 30'
 DATE: DEC. 2021

5 of 7

DRAWING NO.



-1.95
 -2.05



**TYPICAL PIER
CONSTRUCTION**
SCALE: 1/8"=1'

MARINA SITE PLAN
CROSS SECTION AND DETAILS
OSPREY POINT
SUSSEX COUNTY, DELAWARE

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SAUSUNY • BALTIMORE • SAVANNAH
www.gmbnet.com

DRAWN BY:	CRH
CK. BY:	VAL
JOB NO.:	200109
SCALE:	AS SHOWN
DATE:	DEC. 2021

MARINA SITE PLAN
 KAYAK LAUNCH DOCK
 CROSS SECTION
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE



GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSSEX • BALTIMORE • SEVASTOPOL
 www.gmbnl.com

DRAWN BY: CRH

CK. BY: VAL

JOB NO.: 200109

SCALE: 1" = 10'

DATE: DEC. 2021

7 of 7

DRAWING NO.

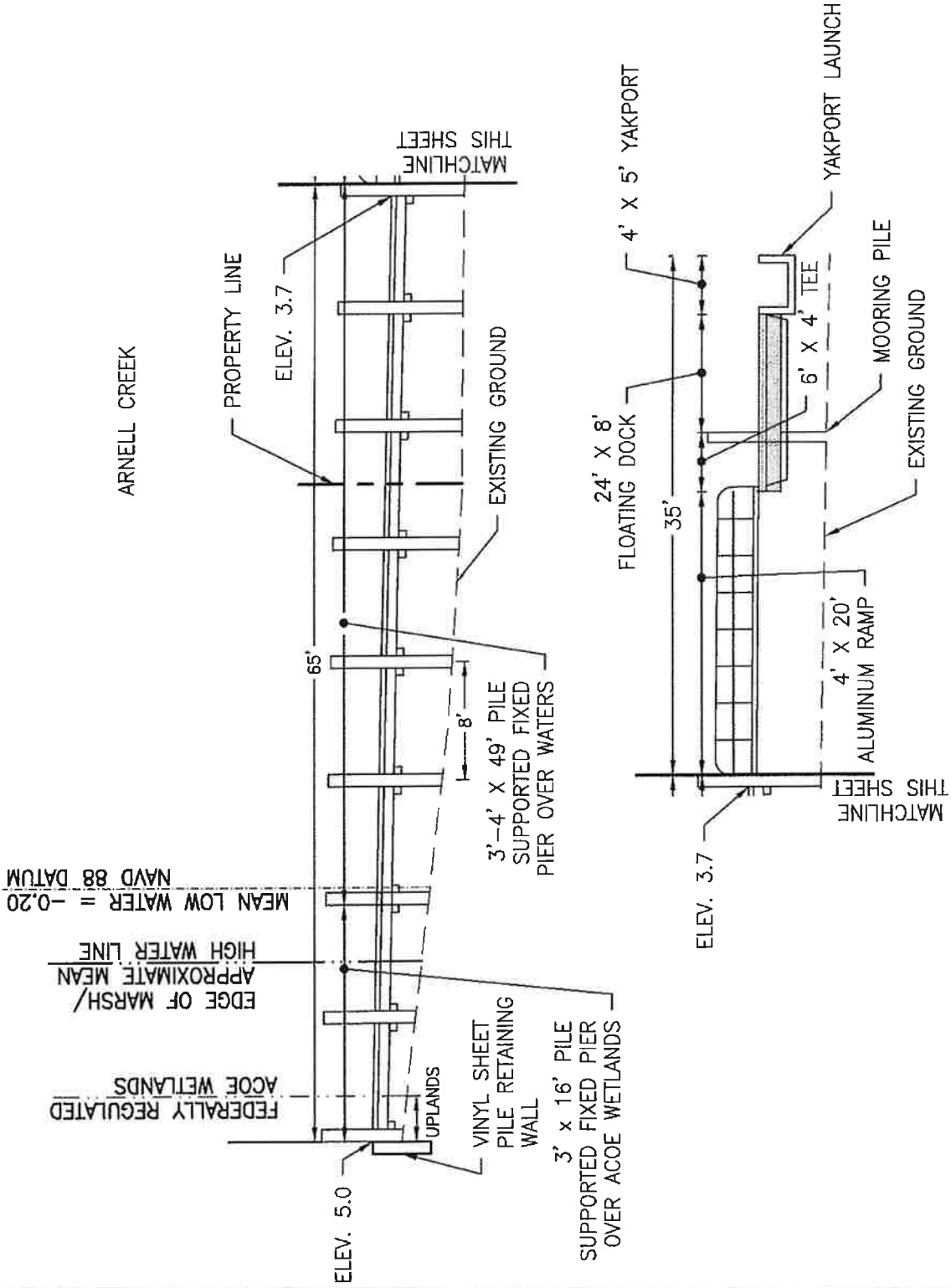


EXHIBIT 2

**HISTORIC WATER QUALITY CONDITIONS
DEMAC WATER QUALITY PORTAL**

Historical Data for 306091



Station Name: Rehoboth Bay
@ Buoy 7

Period of Record: Mar 09,
2000 - Mar 24, 2021

Classification: Salt Water

Basin: Inland Bays

Watershed: Rehoboth Bay

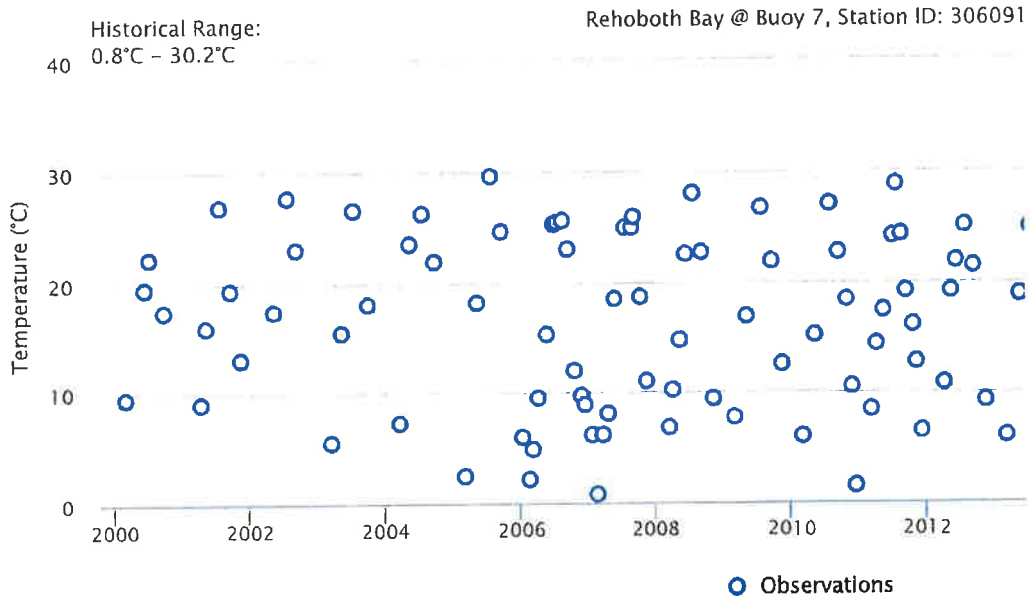
[Download Historical Station Data \(.csv\)](#)



Water Temperature

Temperature, like salinity, undergoes wide variations seasonally, although it is much less variable and much more predictable than any other water quality parameter displayed here. This can be seen by looking at the historical range for the long-term stations for any given month. This relative stability is due to the heat retaining properties of water, which make it much more resistant to temperature changes than our atmosphere.

Water Temperature



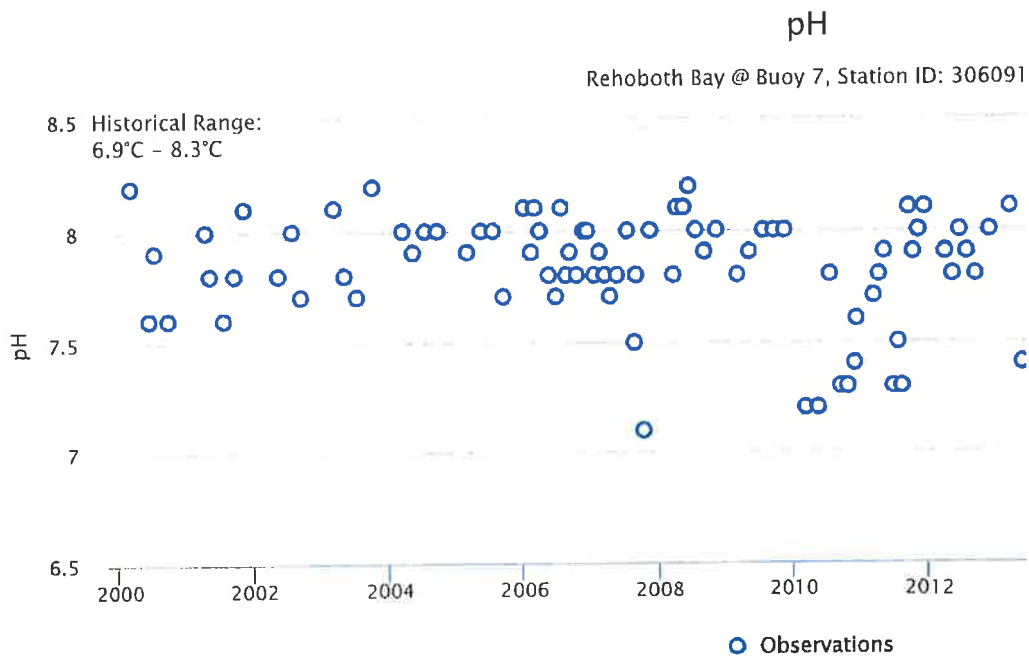
Show Historical Data Range

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	2.7	0.8	2.6	8.2	14.6	19.4	22.1	23.7	17.3	11.9	4.6	1.6
Avg	5.9	5.7	6.7	10.9	19	23.3	26.5	24.2	22.8	14.9	9.6	6.2
Max	9.1	10.6	11.1	14.3	25.8	26.7	30.2	25.9	25.8	18.7	13	9.2

pH

pH, in simple terms, is a chemical measure of whether or not something is an acid or a base. It is measured on a log scale of 0 to 14, with each unit representing a ten-fold change. A pH of 7.0 is considered neutral and a range of 5.5 to 8.5 is usually tolerated by most aquatic organisms. Lower pHs are sometimes seen in fresher waters due to acid precipitation or even naturally-occurring organic acids, which can be found in areas with extensive marshes. High pHs can occur during algae blooms due to chemical reactions associated with photosynthesis.

Moderate to higher salinities usually "buffer" in the 7 to 8 range, so most of the more extreme values are generally found in low salinity waters.



Show Historical Data Range

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	7.8	7	6.9	6.9	7.2	7.3	7.5	7.3	7.3	7.1	7.4	7.6
Avg	7.9	7.7	7.9	7.8	7.8	7.8	7.8	7.7	7.9	7.6	8.1	8.1
Max	8.1	7.9	8.3	8.1	8.1	8.2	8.1	7.9	8.2	8.2	8.3	8.2

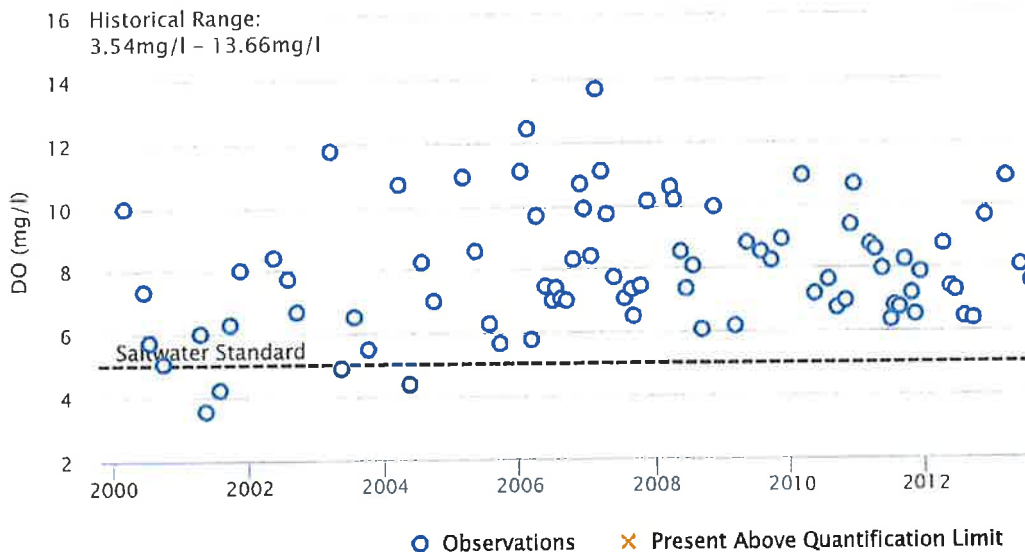
Dissolved Oxygen (DO)

The amount of oxygen dissolved in surface waters is one of the most important measures of habitat and water quality. This is because without oxygen, all of the living resources familiar to us perish. Dissolved oxygen (DO) is measured as a concentration (mg/l ~ milligrams per liter). When DO concentration drops below 5.0 or 5.5 mg/l, many sensitive organisms such as fish, become stressed, especially if exposed to these low DO conditions for a long period of time. On the other hand, bottom-dwelling organisms such as worms are usually more tolerant, and some species can survive at levels down to 1 mg/l in some cases.

The concentration of DO is affected by several factors. Temperature affects the concentration since warmer water cannot dissolve as much oxygen as colder water. In addition to temperature, the amount of algae in the water can also impact DO levels. Supersaturation (over 100% DO saturation) can occur when there is a large algal bloom. During the daylight, when the algae are photosynthesizing, they can produce oxygen so rapidly that it is not able to escape into the atmosphere, thus leading to short-term saturation levels of greater than 100%. In most cases, the DO graphs from the continuous monitoring stations show daily variations, with peaks in late afternoon and minimums at dawn. These peaks are due to the production of oxygen by algae (measured by chlorophyll) during the daytime and the consumption of oxygen at night by algae and other organisms in the water and bottom sediments. These daily swings can be quite large when there are algae blooms fueled by nutrient pollution, and they often result in fish kills when oxygen levels drop to around 1 mg/l or less.

Dissolved Oxygen (DO)

Rehoboth Bay @ Buoy 7, Station ID: 306091

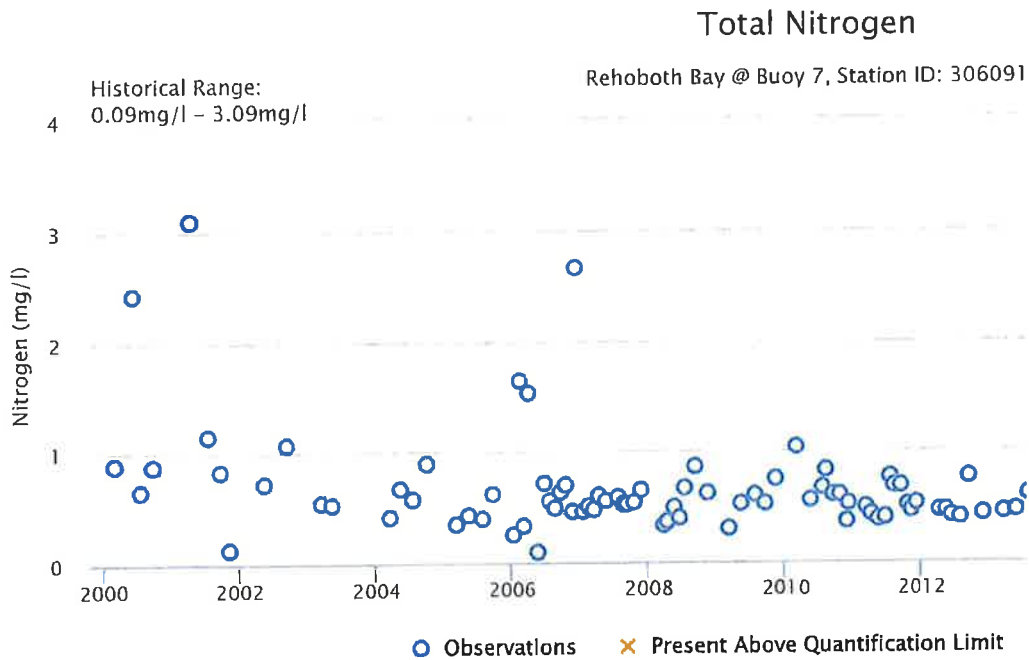


Show Historical Data Range

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	8.4	9.49	5.8	6.01	3.54	4.9	3.5	5.4	5.04	5.5	6.54	7.83
Avg	10.08	12.47	10.24	9.02	7.38	6.72	6.45	6.72	6.74	8.21	9.8	10.72
Max	12.4	13.66	12.61	10.8	9.46	7.55	8.51	8.4	8.89	9.39	12.13	11.14

Total Nitrogen (N)

Nitrogen is a nutrient and is essential element for both plants and animals. However, presence of excessive amounts of nitrogen in surface waters causes undesirable conditions leading to nutrient overenrichment. Symptoms of nutrient overenrichment include excessive algal blooms, large daily swings in dissolved oxygen levels, loss of Submerged Aquatic Vegetation (SAV), and fish kills.



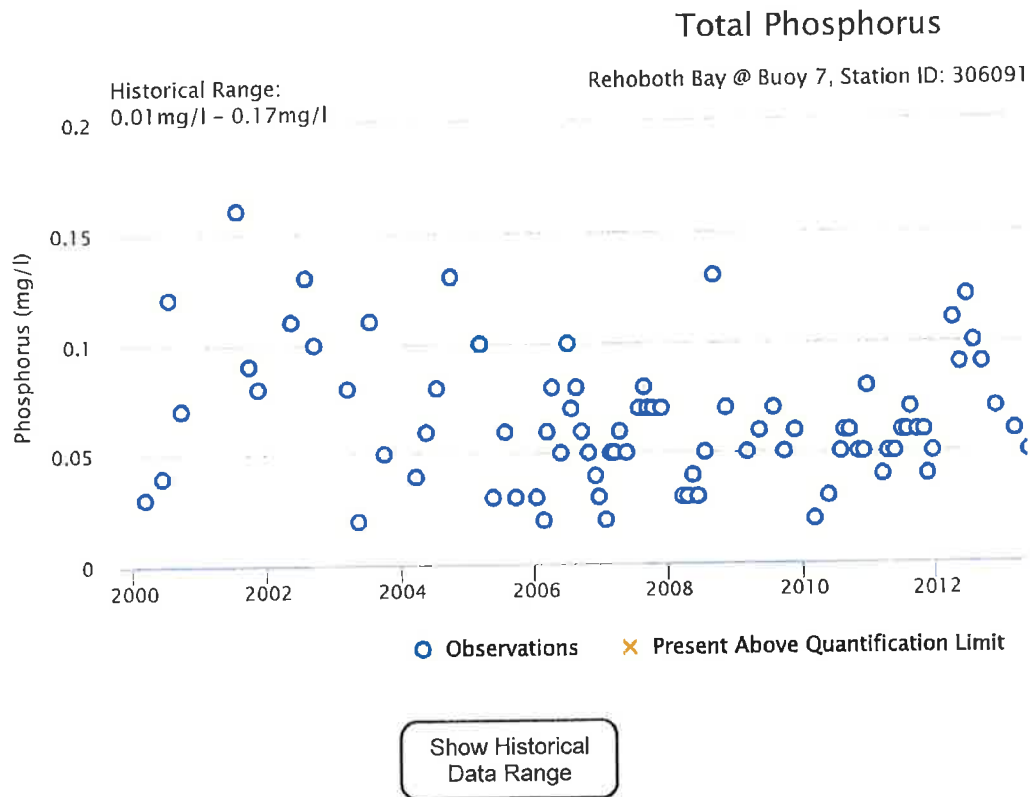
Show Historical Data Range

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	0.21	0.23	0.25	0.36	0.09	0.29	0.34	0.42	0.5	0.36	0.13	0.3
Avg	0.35	0.8	0.49	0.84	0.48	0.64	0.6	0.56	0.6	0.46	0.6	0.45

Max 1.02 1.64 1.03 3.09 0.85 2.43 1.15 0.94 1.15 0.7 0.83 2.66

Total Phosphorus (P)

Phosphorus is a nutrient and is an essential element for both plants and animals. However, presence of excessive amounts of phosphorus in surface waters causes undesirable conditions leading to nutrient overenrichment. Symptoms of nutrient overenrichment include excessive algal blooms, large daily swings in dissolved oxygen levels, loss of Submerged Aquatic Vegetation (SAV), and fish kills.



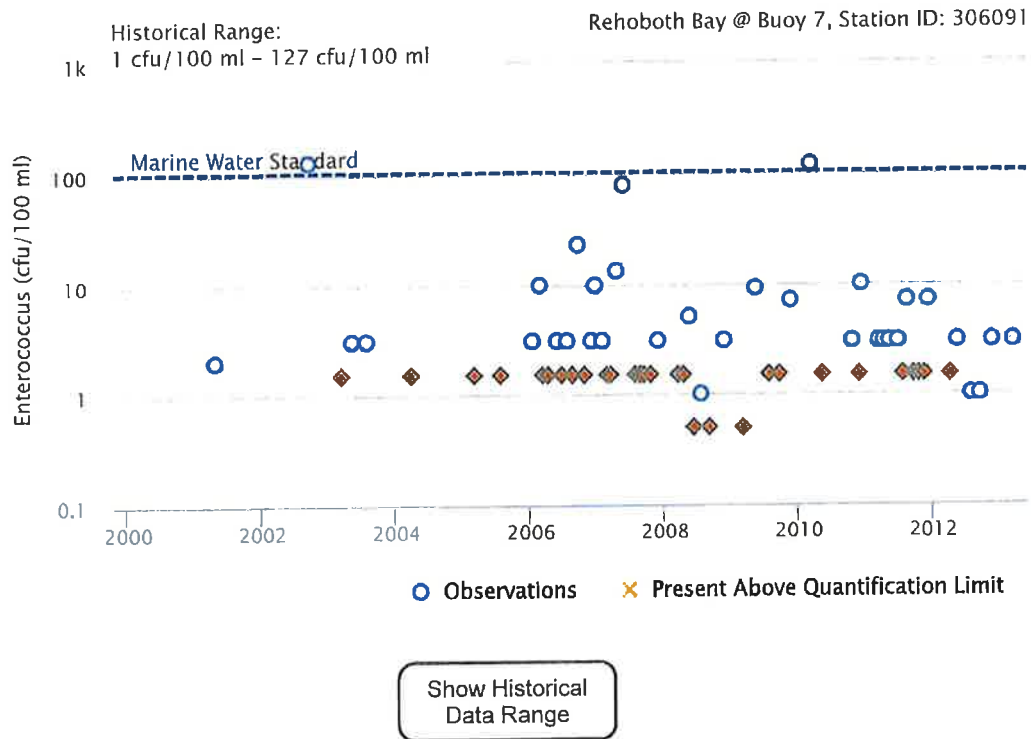
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	0.02	0.01	0.01	0.03	0.02	0.02	0.04	0.05	0.03	0.04	0.03	0.02
Avg	0.04	0.03	0.04	0.06	0.05	0.06	0.08	0.07	0.07	0.04	0.1	0.03
Max	0.09	0.05	0.1	0.11	0.11	0.12	0.16	0.09	0.17	0.07	0.15	0.08

Enterococcus (Ent)

Enterococcus bacteria are indicator bacteria associated with warm blooded animals. Their presence in surface waters in excessive amount increases the risk of

gastrointestinal illness for people who conduct swimming and other water contact activities in marine and fresh waters.

Enterococcus



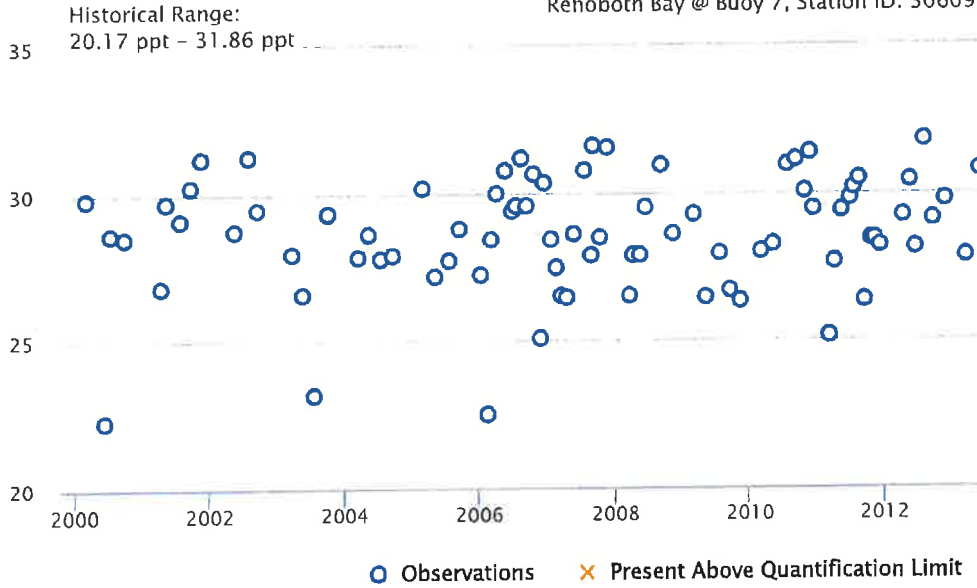
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	3	--	3	2	3	--	1	7	1	--	3	7
Avg	20.8	--	10.1	8.7	6.2	--	2.4	9.9	12.5	--	8.2	14.4
Max	63	--	120	75	80	--	30	20	127	--	20	20

Salinity (Sal)

The concentration of salt, or salinity, is a function of the mixing of freshwater with ocean waters, which has higher salinity. In any given location, salinity can vary greatly depending upon river flow: being low during high flows and high during low flows and droughts. Most of the living resources are adapted to these swings in salinity, but extreme floods or droughts can lead to stressful conditions. Extended periods of high salinity can also force fish that prefer lower salinities, such as yellow perch, out of the river mainstems and up into headwater creeks.

Salinity

Rehoboth Bay @ Buoy 7, Station ID: 306091



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	23.48	22.52	20.17	21.67	23.89	22.3	23.14	27.48	26.32	26.92	24.05	25.75
Avg	29.49	26.41	27.58	27.62	28.35	27.73	29.06	29.92	29.78	29.38	28.69	28.07
Max	31.19	30.73	31.6	29.96	31.03	29.8	31.76	31.2	31.58	31.86	31.52	30.34

Total Suspended Solids (TSS)

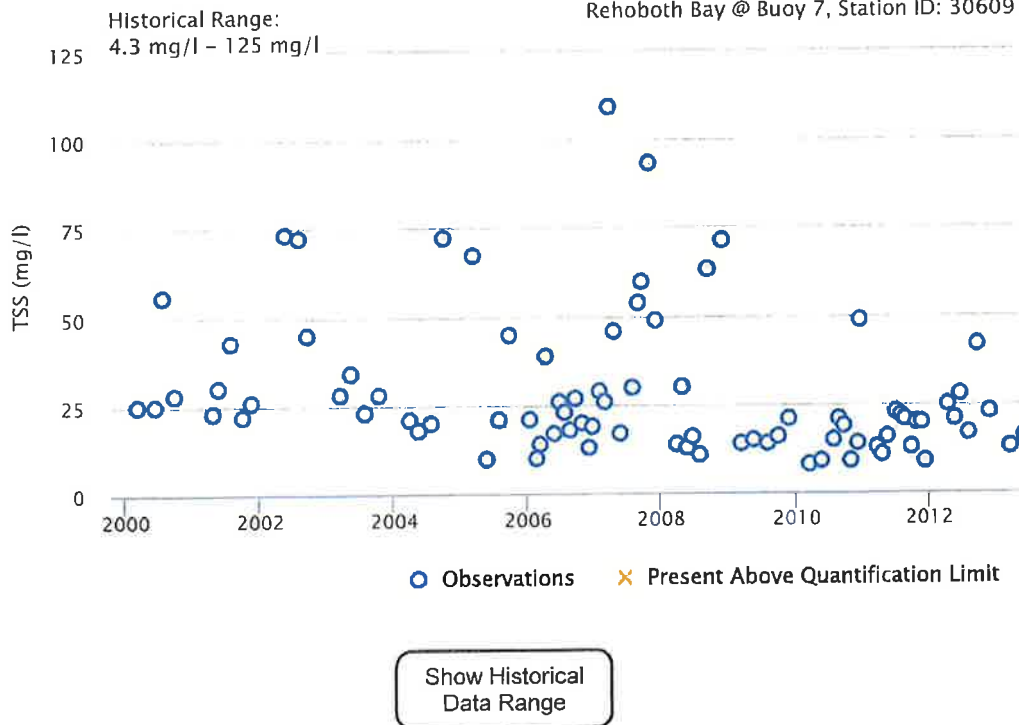
Total Suspended Solids are solid materials that are suspended in the water. Solid materials include inorganic and organic material such as silt, municipal and industrial wastes, and algae. High concentrations of suspended solids can degrade water quality by absorbing light, which causes the water to become warmer and reduces its ability to hold oxygen necessary for aquatic life. The combination of warmer water, less light and less oxygen makes it impossible for some forms of life to exist.

Suspended solids affect aquatic life in other ways. They can clog fish gills, reduce growth rates, decrease resistance to disease, and prevent egg and larval development. Particles that settle out can smother fish eggs and those of aquatic insects, as well as suffocate newly-hatched larvae. The material that settles also fills the spaces between rocks and makes these microhabitats unsuitable for various aquatic insects, such as mayfly, stonefly, and caddisfly larva.

Suspended solids can result from erosion from urban runoff and agricultural land, industrial wastes, bank erosion, bottom feeders (such as carp), algae growth or wastewater discharges. Protection of the land in our watersheds from erosion by use of conservation practices and giving urban runoff time to settle out before reaching our surface waters help with reducing suspended solids in our State's waterways.

Total Suspended Solids

Rehoboth Bay @ Buoy 7, Station ID: 306091



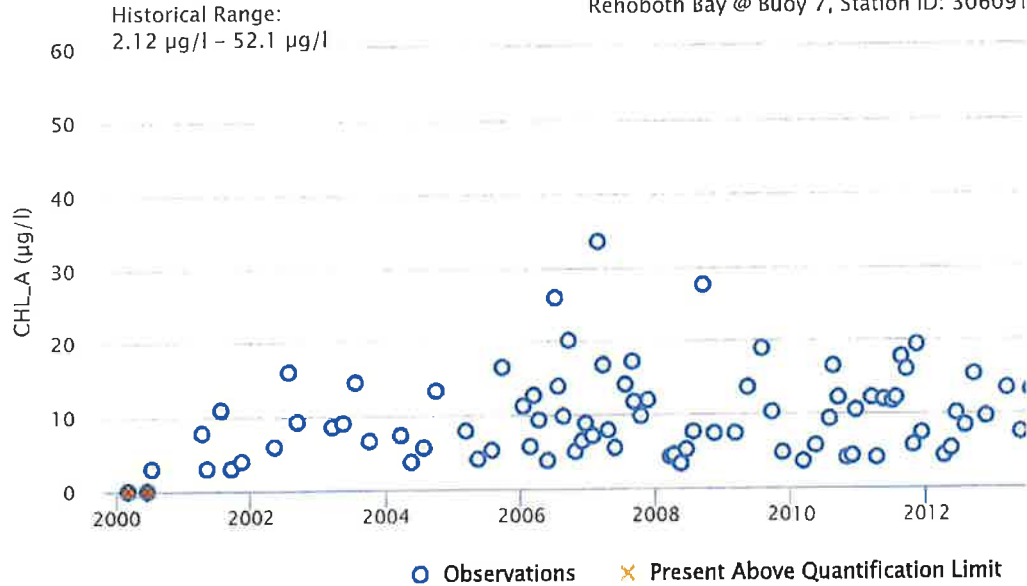
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	11.8	8.7	8	8.9	9	9	10	18	13	7	7.9	4.3
Avg	18.1	15.9	22.9	28.7	19.5	21.1	28.7	25.7	30	15.5	42.4	8.8
Max	29.1	26	109	48.9	73	28	72	54	125	93	116	49

Chlorophyll A

Chlorophyll is a color pigment found in plants, algae and phytoplankton. This molecule is used in photosynthesis, as a photoreceptor. There are 6 different chlorophylls that have been identified. The different forms (A, B, C, D, E and F) each reflect slightly different ranges of green wavelengths. Chlorophyll A is the primary molecule responsible for photosynthesis. Chlorophyll is measured in micrograms per liter (µg/l).

Chlorophyll A

Rehoboth Bay @ Buoy 7, Station ID: 306091



Show Historical Data Range

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	7.12	5.66	2.16	2.12	3	4.12	3	4.34	3	3.45	2.96	2.94
Avg	15.52	17.75	8.32	6.18	7.04	10.89	11.13	9.99	10.49	4.78	15.91	6.75
Max	52.1	33.4	28.3	9.37	13.6	25.8	18.9	17.6	27.4	9.89	28.5	10.6



This site was developed by the Center for Environmental Monitoring & Analysis in coordination with the DNREC Watershed Assessment Section. Additional support provided by the US EPA through the Center for Inland Bays and the Citizens Monitoring Program. All data for this site were obtained from the National Water Quality Monitoring Council's National Water Quality Portal (www.waterqualitydata.us).



Historical Data for RB34



Station Name: Love Creek at
Rt 24 Bridge

Period of Record: Feb 14,
2019 - Dec 16, 2019

Basin: Inland Bays

Watershed: Rehoboth Bay

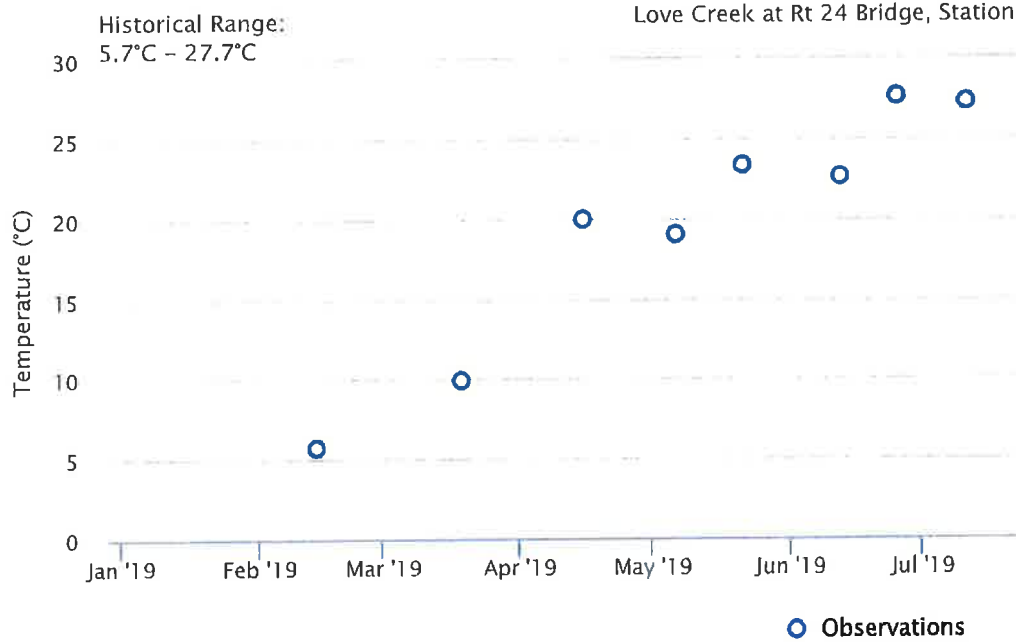
**Download Historical
Station Data (.csv)**



Water Temperature

Temperature, like salinity, undergoes wide variations seasonally, although it is much less variable and much more predictable than any other water quality parameter displayed here. This can be seen by looking at the historical range for the long-term stations for any given month. This relative stability is due to the heat retaining properties of water, which make it much more resistant to temperature changes than our atmosphere.

Water Temperature



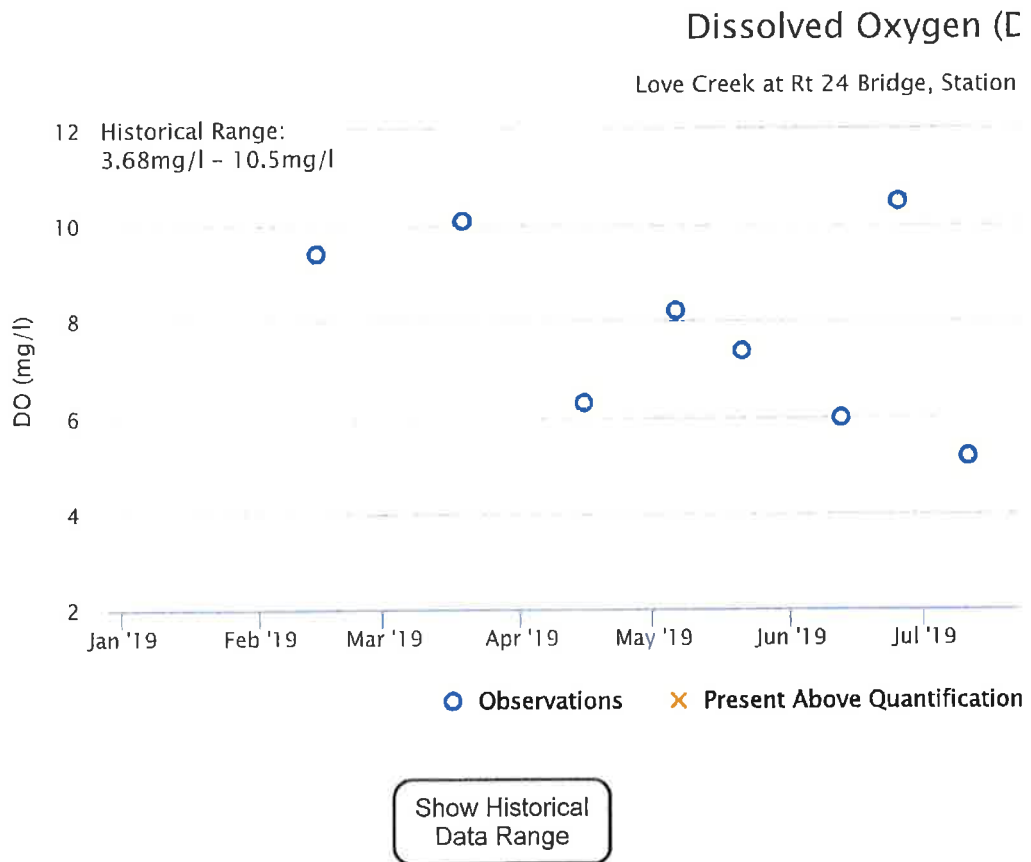
Show Historical Data Range

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	-	5.7	9.9	20	19	22.6	26.5	23.8	24.4	18.8	7.6	7.1
Avg	-	5.7	9.9	20	21.2	25.1	26.9	25.5	24.4	18.8	7.6	7.1
Max	-	5.7	9.9	20	23.3	27.6	27.3	27.7	24.4	18.8	7.6	7.1

Dissolved Oxygen (DO)

The amount of oxygen dissolved in surface waters is one of the most important measures of habitat and water quality. This is because without oxygen, all of the living resources familiar to us perish. Dissolved oxygen (DO) is measured as a concentration (mg/l ~ milligrams per liter). When DO concentration drops below 5.0 or 5.5 mg/l, many sensitive organisms such as fish, become stressed, especially if exposed to these low DO conditions for a long period of time. On the other hand, bottom-dwelling organisms such as worms are usually more tolerant, and some species can survive at levels down to 1 mg/l in some cases.

The concentration of DO is affected by several factors. Temperature affects the concentration since warmer water cannot dissolve as much oxygen as colder water. In addition to temperature, the amount of algae in the water can also impact DO levels. Supersaturation (over 100% DO saturation) can occur when there is a large algal bloom. During the daylight, when the algae are photosynthesizing, they can produce oxygen so rapidly that it is not able to escape into the atmosphere, thus leading to short-term saturation levels of greater than 100%. In most cases, the DO graphs from the continuous monitoring stations show daily variations, with peaks in late afternoon and minimums at dawn. These peaks are due to the production of oxygen by algae (measured by chlorophyll) during the daytime and the consumption of oxygen at night by algae and other organisms in the water and bottom sediments. These daily swings can be quite large when there are algae blooms fueled by nutrient pollution, and they often result in fish kills when oxygen levels drop to around 1 mg/l or less.



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Min	-	9.4	10.1	6.3	7.39	6	5.2	3.84	3.68	5.1	9.4	8.4
Avg	-	9.4	10.1	6.3	7.8	8.25	6	4.65	3.68	5.1	9.4	8.4
Max	-	9.4	10.1	6.3	8.2	10.5	6.8	5.6	3.68	5.1	9.4	8.4



This site was developed by the Center for Environmental Monitoring & Analysis in coordination with the DNREC Watershed Assessment Section. Additional support provided by the US EPA through the Center for Inland Bays and the Citizens Monitoring Program. All data for this site were obtained from the National Water Quality Monitoring Council's National Water Quality Portal (www.waterqualitydata.us).



EXHIBIT 3

ERI WATER QUALITY COLLECTION DATA

OSPREY POINT MARINA WATER QUALITY SAMPLING

DATE	TIME	TEMPERATURE C°	SALINITY ppt	DISSOLVED OXYGEN mg/l
10/26	17:30	19.4	21.7	9.15
10/27	09:00	16.75	25.7	8.38
10/30	15:00	17.1	25.7	7.42
11/7	13:40	11.2	25.6	12.90
11/23	17:00	9.1	25.6	13.08
12/1	10:00	6.1	24.4	11.41
12/13	11:30	10.2	24.6	12.60

EXHIBIT 4

DNREC SHELL FISHING AREAS MAP

Shellfish Harvest Areas

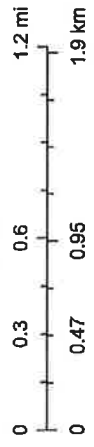


December 23, 2021

Shellfish Advisory

■ Prohibited

1:44,719

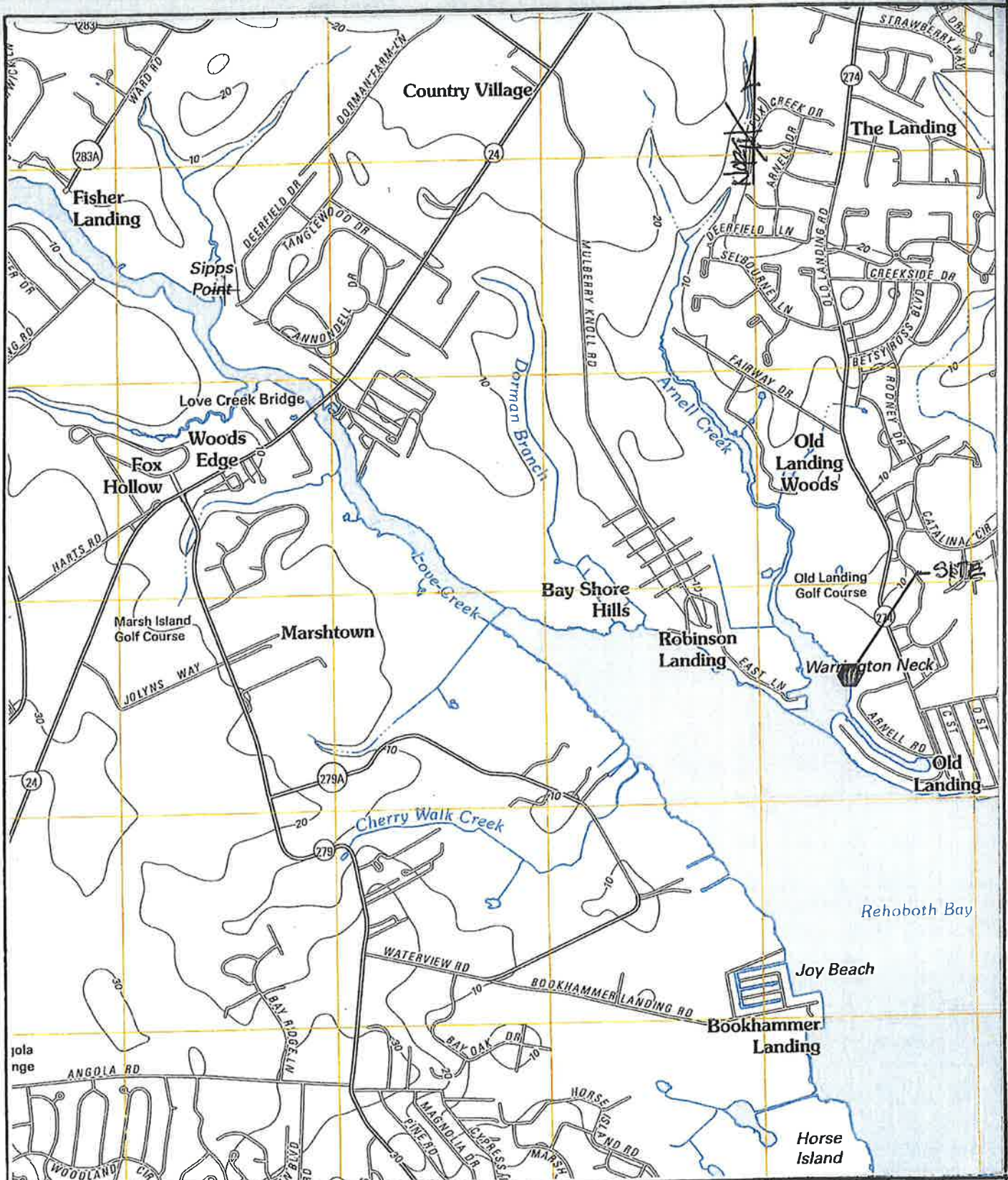


FirstMap 2019

Sullivan

FIGURE 1

SITE LOCATION MAP



<p>SCALE: 1" = 2000 FEET</p>	<p>PROPOSED MARINA OSPREY POINT TM# 334-18.00-83.00</p>	<p>USGS TOPOGRAPHIC MAP FAIRMONT DE QUAD LENES REHOBOTH HUNDRED</p>
---	---	--

<p>ERI ENVIRONMENTAL RESOURCES, INC.</p>	<p>Date: 12.23.2021</p>	<p>Dwn.By: EML</p>	<p>FIGURE: 1</p>
	<p>Revisions:</p>	<p>Proj.No.: 898#1169</p>	

FIGURE 2

AS BUILT AERIAL MAP



Sussex County

PIN:	334-18-00-83-00
Owner Name	OSPREY PRESERVE LLC
Book	5565
Mailing Address	2979 BARLEY MILL RD YORKLYN
State	DE
Description	W/OLD LANDING RD
Description 2	TO BE OSPREY POINT
Description 3	OPEN SPACE A
Land Code	



- polygonLayer
 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- Streets
- Hundred Boundaries
- County Boundaries

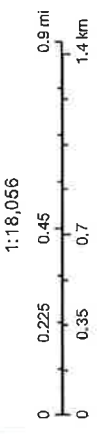


FIGURE 2

TAB “12”

OSPREY POINT MARINA
OPERATION & MAINTENANCE PLAN

December 23, 2021

Prepared for:

OSPREY POINT PRESERVE, LLC.

2979 Barley Mill Road
Yorklyn, DE 19736

Prepared by:



ENVIRONMENTAL RESOURCES, INC.

38173 DuPont Boulevard
Post Office Box 169
Selbyville, Delaware 19975
Phone: (302) 436-9637

ERI Project No.: 0898#1169

TABLE OF CONTENTS

Introduction and Marina Site History

General Marina Information

- A) Facility Name and Address
- B) Name of Owner and Operator Including Contact Information
- C) Personnel Contact Information
- D) Emergency Numbers
 - Responsible personnel numbers (home, office, cell)
 - Emergency response team numbers (fire station, coast guard, ambulance, etc.)
 - Event Response Numbers

Part I: Marina Overview

- A) Plans
- B) Water Depths
- C) Slip Capacity and Marina Configuration
- D) MSD Types and Numbers
- E) Fueling Location, Rules and Procedures
- F) Sanitation Location and Rules
- G) Seasonal Wet Storage Reduction Plan

Part II: Pumpout Compliance

- A) Pumpout Operations and Procedures
- B) Number and Types of MSD's on Vessels
- C) Pumpout Sharing Agreement
- D) State of Delaware Pumpout Law

Part III: Stormwater Management

- A) Stormwater Management Practices/Plan

Part IV: Materials and Waste Management

- A) Handling, Storage and Disposal of Materials and Waste

Part V: Emergency Planning

- A) Responsible Personnel and Emergency Response Numbers
- B) Fuel/Oil Spill Prevention and Containment Practices
- C) Sewage Spill Prevention and Containment Practices
- D) Fire
- E) Hurricane/Severe Weather

Part VI: Marina Rules and Regulations and General Guidance

- A) Marina Rules and Regulations for Boaters
- B) Osprey Point Marina Clean Marina Boating Tips
- C) State of Delaware Fish Waste Policy

INTRODUCTION

Osprey Point Preserve, LLC. is the owner of the former Old Landing Golf Course located on the west side of County Road 274 (Old Landing Road) in the Baltimore Hundred, near the Rehoboth Beach resort area. The Old Landing Golf Course property is bordered by Arnell Creek on its westerly side. The golf course is being redeveloped with 217 single family homes, development known as Osprey Point, as approved by Sussex County.

The vicinity of the former golf course clubhouse and restaurant is being redeveloped as a commercial restaurant and the addition of a 25 slip commercial marina and kayak launch dock is also proposed at that location. The tax parcel supporting this proposed development known as Osprey Point is 334-18.00-83.00.

The proposed facility will be open to the public including the future residents of Osprey Point and the numerous surrounding residential communities along Old Landing Road. In addition to 1.85 acres of commercial area associated with this project, adjacent Osprey Point community open space will border this site. It will include a community open space area in uplands accessed by a common boardwalk trail all of which will be located on uplands.

Insofar as land based facilities supporting the proposed marina, a small Harbormaster's Office will be located near the marina access pier. Signage with emergency contact numbers and rules will be located there. The building will house a portable marine pump out station and emergency spill kit. Restroom facilities will be located in the restaurant building. A total of 82 parking spaces will be shared with the restaurant. It is anticipated that some of the marina slips will be reserved for restaurant patrons arriving by water. Two fire department connections will be provided on the marina dock. Water and electric pedestals will provide utility service.

In order to comply with requirements and permit conditions of authorizations from the Delaware Department of Natural Resources & Environmental Control (DNREC), Wetlands and Subaqueous Lands Section (WSLS), this Operation and Maintenance Plan (O&M Plan) has been developed. The O&M Plan serves to describe the facility, define how the facility will be operated utilizing best management practices (BMPs), and provide rules and procedures for users of the facility. The goal of the O&M Plan is to protect the water quality of Arnell Creek and to ensure that the marina is operated in a safe manner.

The owner/operator of the marina facility is required to:

1. Update and submit the O&M Plan to DNREC, WSLS for re-approval every four (4) years from the date DNREC approves the facility as fit for operation, or upon transfer of ownership of the facility;
2. Ensure that the facility is operated and maintained as specified by the DNREC-approved O&M Plan and in a manner which protects the health, safety and welfare of marina employees, tenants and members of the general public;
3. Ensure that the facility is operated in compliance with the conditions of DNREC and any U.S. Army Corps of Engineers permits;
4. Ensure that marina tenants comply with the O&M Plan;

5. Provide copies of the O&M Plan to all marina tenants; and
6. Take appropriate action to deal with marina tenants who violate the O&M Plan.

The marina will be accessed by a single pier. The facility will include two main piers where docking will occur. A total of 25 boat slips will be provided, 12.5 feet wide by 24 feet long, served with 3 foot wide by 12 foot long finger pier. A separate kayak launch is also proposed.

These improvements along with the careful design and planning for these facilities strive to achieve the goal of providing the public with a modern 25-slip recreational boating facility maintained to meet current design, safety and environmental standards.

In order to achieve this goal, Osprey Point Preserve, LLC. is working in consultation with DNREC, the U.S. Army Corps of Engineers and a variety of consultants to obtain environmental and land use permits to construct the facility to ensure the facility is operated in a safe and proper manner. Preparation and compliance with this O&M Plan is a requirement of these regulatory approvals.

GENERAL MARINA INFORMATION

A) Facility Name and Address

Osprey Point Marina
corner of Ethan & Paul Revere Drive
Rehoboth Beach, DE 19975
Parcel 83.00 Tax Map 334-18.00
Lewes-Rehoboth Hundred, Sussex County, Delaware

B) Name of Owner

Osprey Point Preserve, L.L.C.
C/O Ms. Kathleen Horsey (302) 542-5205
2979 Barley Mill Road
Yorklyn, DE 19736

C) Operator & Personnel Contact Information

Harbormaster/Overlook Community Marina Office No.: (302) 542-5205
C/O Mr. Alex Hawes
2979 Barley Mill Road
Yorklyn, DE 19736

D) Emergency Numbers

Responsible Personnel:

Osprey Point Marina Harbormaster (302) 542-5205
Mr. Alex Hawes

Emergency Response Numbers:

Police/Fire/Ambulance 911
U.S. Coast Guard Search & Rescue (757) 398-6700
DNREC Emergency Response Team/Marina Police (800) 662-8802

In the event of a fuel, oil or sewage spill or fire, reporting contact numbers are:

Osprey Point Marina Harbormaster (302) 542-5205
Owner (302) 542-5205
Police/Medical/Fire Emergency 911
Local Fire Company (Roxana Vol. Fire Co. – Station no. 2) (302) 436-1950
State Police (Non-emergency, Troop 4, Georgetown DE) (302) 855-5850
U.S. Coast Guard (Indian River Inlet, DE) (302) 227-2439
DNREC Emergency Response Team/Marina Police (800) 662-8802
DNREC Inland Bays Pollution Reporting Hotline (800) 523-3336
Sussex County Operations Center (severe weather) (302) 855-7801

PART I: MARINA OVERVIEW

A) Plans

Plans sized at 8.5-inch by 11-inch for the marina facility as currently proposed are included in *Appendix A* of this O&M Plan.

B) Water Depths

Local Range of Tides

Elevation: +0.6' mean high water

Elevation: 0.0' North American Vertical Datum of 1988 (NAVD 88)

Elevation: -0.2' mean low water

Elevation of community pier: $\pm 3.3'$

Depth of marina

Elevation: -2.0' (NAVD 88)

C) Slip Capacity and Marina Configuration

Twenty-five (25) recreational wet slip berths 12.5 feet by 24 feet.

One (1), three foot wide access pier to the mainland.

Two (2), four foot wide docking piers with fingers and 54 x 6 "T" end dock.

One (1) Harbormaster office which includes spill containment equipment, fire extinguisher, trash receptacles and life ring station, and signage at the entrance to the community dock.

D) MSD Types and Numbers

Unknown at this time, records may be kept by operator based upon future marina tenant records.

E) Fueling Location, Rules and Procedures

The marina does not contain fueling facilities.

When fuel is carried onboard, it should only be done so in an approved container or in a portable tank as provided for outboard engines and should be safely stowed outside of engine or living compartments.

Fueling should not be done at night except under well-lighted conditions.

The quantity of fuel to be taken aboard vessel in fuel tanks should be determined beforehand in order to avoid overfilling.

Tanks should never be completely filled. A minimum of 10 percent of tank space should be allowed for fuel expansion.

After fueling, any spillage should be wiped up. Place contaminated material in a sealed plastic bag, then dispose of onshore in the marina trash dumpster.

F) Sanitation Location and Rules

A restroom for the use of marina occupants is located in the Osprey Point restaurant. A sewage pumpout station for vessels is located at the Harbormasters office storage building adjacent to the marina access pier. Marina tenants shall use the shore side bathroom facilities while docked at the marina.

Tenants are advised by this O&M Plan that the discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State of Delaware is strictly prohibited by Delaware law. Violation is punishable by a minimum \$1,000 fine and up to a \$25,000 fine per violation.

G) Seasonal Wet Storage Reduction Plan

The Osprey Point Marina is not expected to moor live-aboard vessels or vessels which would otherwise require year-round mooring. Removal of vessels or any subsequently authorized jet ski floats for winter storage will be encouraged by December 1. Spring launching will be encouraged after April 1. Special provisions for maintaining vessels within the marina for sporting or other similar purposes will be on a case-by-case basis with the permission of the Harbormaster. Temporary use of commercial marina slips for restaurant patrons will be permitted during the restaurant hours of operation. Any vessels moored at the marina which are not properly maintained and inspected by their owner or which, in the sole discretion of the owner or Harbormaster, present a threat to the health or safety of the public or the environment may be removed by the owner at the cost of the tenant. Reasonable notice depending on circumstances shall be given to the tenant prior to removal of the vessel.

PART II: PUMPOUT COMPLIANCE

A) Pumpout Operations and Procedures

Tenants will be provided a copy of this O&M Plan which designates the location of the portable marine pumpout station located at the marina/pool storage building adjacent to the community clubhouse. Notice of Delaware pumpout regulations is provided on marina signage and the O&M Plan including penalties for noncompliance.

Pumpout Procedures:

1. Remove cap from the waste fitting on the boat;
2. Attach a suitable adapter to the dock fitting and hand tighten;
3. Place coupler over the adapter and lock;
4. Open valve;
5. Start pump;
6. If using a suction nozzle, insert it into the deck fitting (do not twist). Hold in place until pumpout is complete;
7. Observe pumpout through sight glass;
8. If rinse is desired, flush with fresh water (If potable water source is used for rinse, be certain that a back flow prevention device is installed on the water service line.);
9. Pump out rinse water. Close the valve and return hose and adapter;
10. Stop the pump.

Maintenance Procedures: Major maintenance procedures and winter storage are the responsibility of the marina operator. However, the following minimum maintenance will be required in all cases by individual users of pump station facilities:

1. Hoses should be flushed daily by pumping clean water through the system and emptying it into the disposal system. Never discharge flush water onto the ground or into the marina waters;
2. Disinfect the suction connection by dipping in bleach or spraying with a disinfectant after each use.

B) Number and Types of MSD's on Vessels

The number and types of MSD's aboard future vessels at the Osprey Point Marina is unknown at this time. Records will be kept by the operator based upon future tenant agreements.

C) Pumpout Sharing Agreement

Since the Osprey Point Marina will provide its own facilities, no pumpout agreements with other existing marinas have been made.

D) State of Delaware Pumpout Law

The State of Delaware laws pertaining to marina operations provide pumpout facilities and laws prohibiting the discharge of untreated or inadequately treated vessel sewage.

State Law on Vessel Sewage Discharge

7 Delaware Code Chapter 60 § 6035

Vessel sewage discharge

- (a) Marina owners/operators for marinas that are located in whole or in part on tidal waters of the State, and that provide dockage for vessels with a portable toilet(s) or Type III marine sanitation device(s) (MSD), shall provide convenient access, as determined by the Department, in an approved, fully operable and well maintained pumpout facility(ies) and/or dump station(s) for the removal of sewage from said vessels to a Department approved sewage disposal system.
- (b) (1) Owners/operators may agree to pool resources for a single pumpout dump station with Departmental approval based on criteria of number and class of vessels, marina locations, cost per pumpout use, and ultimate method of sewage treatment and disposal (i.e., septic system or wastewater treatment facility).
- (2) The owner/operator of any boat docking facility that is located in whole or in part on tidal waters of the State, and that provides dockage for a live-aboard vessel(s) with a Type III marine sanitation device(s), shall install and maintain at all times, in a fully operable condition, an approved dedicated pumpout facility at each live-aboard vessel slip for the purpose of removing sewage from the live-aboard vessel on a continuous or automatic, intermittent basis to a Department (DNREC) approved sewage disposal system.
- (3) Any discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State is prohibited.
- (4) All vessels while on waters of the State shall comply with 33 U.S.C. § 1322, as amended February 4, 1987.
- (5) The Secretary shall have authority to adopt reasonable rules and regulations to implement this section.

PART III: STORMWATER MANAGEMENT

(A) Stormwater Management Practices/Plan

The Osprey Point Marina strives to meet the needs of its recreational boating community while protecting the aquatic resources upon which they depend. A stormwater management plan for the treatment of stormwater prior to discharge into Arnell Creek has been approved by the Sussex Conservation District (SCD).

The Osprey Point Marina does not contain any areas for, or allow any major vessel maintenance or repairs, nor may these activities occur on the property. Such activities include bottom or hull painting, repairs, scraping or engine overhauls. Only minor maintenance such as washing, polishing and limited inboard painting are permitted to occur while vessels are moored. Any request for an exception to these prohibitions with just cause must be approved by the Harbormaster prior to conducting work. Appropriate measures for protecting water quality must be implemented prior to and during such work as directed by the Harbormaster or owner.

PART IV: MATERIALS & WASTE MANAGEMENT

(A) Handling, Storage, and Disposal of Materials and Waste

Materials—A fueling facility is not located at the marina.

All cleaning agents, solvents, paints, and pesticides utilized at the facility by the marina operator or his employees shall be safely stored in their original container in a covered storeroom or locker located at the restaurant facility or other appropriate location. Quantities of such materials shall be kept at a minimum. Privately-owned materials aboard vessels shall be kept at a minimum. Materials shall be kept secure in a covered area in original containers at all times.

Proper disposal of waste oil, oil absorbent sponges and similar materials are the responsibility of the tenants. Waste oil can be recycled at the nearest Delaware Solid Waste Authority (DSWA) recycling collection center.

Fish Waste—The Osprey Point Marina does not contain an approved fish cleaning or fish waste recycling facility. Therefore, fish cleaning and disposal of fish wastes within the waters of the marina or the marina complex is prohibited. Fishermen are encouraged to dispose of fish waste in accordance with DNREC's Fish Waste Management Policy as found at Part VI, C.

Other types of refuse shall be placed within on-site trash receptacles. Recycling of recyclable waste is encouraged.

Sanitary Wastes—Marina tenants and guests shall use the shore side bathroom facilities at all times when docked at the marina. No discharge of untreated or inadequately treated sewage is permitted within the marina or waters of the State under penalty of law. Sanitary waste from vessels shall be handled by the portable marina pump out cart located at the Harbormaster office building.

Bilge Water—Marina tenants are encouraged to use oil absorbent "sponges" in bilges at all times. Bilge water should not be pumped overboard in the marina but should be discharged at sea when possible. All vessels with automatic bilge pumps are requested to use absorbent sponges.

PART V: EMERGENCY OPERATIONS

A) Responsible Personnel:

Osprey Point Marina Harbormaster (302) 542-5205

Emergency Response Numbers:

Police/Fire/Ambulance 911
U.S. Coast Guard Search & Rescue (757) 398-6700
DNREC Emergency Response Team/Marina Police (800) 662-8802

In the event of a fuel, oil or sewage spill or fire, reporting contact numbers are:

Osprey Point Marina Harbormaster (302) 542-5205
Police/Medical/Fire Emergency 911
Local Fire Company (Roxana Vol. Fire Co., Station No. 2) (302) 436-1950
State Police (Non-emergency, Troop 4, Georgetown, DE) (302) 855-5850
U.S. Coast Guard (Indian River Inlet, DE) (302) 227-2439
DNREC Emergency Response Team/Marina Police (800) 662-8802
DNREC Inland Bays Pollution Reporting Hotline (800) 523-3336
Sussex County Operations Center (severe weather) (302) 855-7801

B) **Fuel/Oil Spill Prevention and Containment Practices**

Spills

Any marina patron who observes a spill should report it immediately to the Marina Harbormaster or owner, DNREC and Coast Guard. Any marina tenant who causes or contributes to a spill of fuel, oil or other toxic substance should take immediate steps to:

1. Find and stop the cause of the spill.
2. Contain the spill if possible.
3. Report the spill to Marina Harbormaster or owner, DNREC and the U.S. Coast Guard.

An on-site spill containment kit and containment boom is stored in the community clubhouse in a storage building designated with a sign. Marina tenants are provided access information to this location.

4. In the event the spill cannot be quickly and readily contained, request immediate assistance from DNREC and the U.S. Coast Guard.
5. Properly dispose of all contaminated containment and clean-up materials.

C) Sewage Spill Prevention and Containment Practices

Marina occupants shall be trained by the Harbormaster in the use of the marina's sewage pumpout system. Use of the pumpout system will be available during the normal operation during the boating season. Marina occupants will follow the pumpout procedures prescribed in Section II A of the O&M Plan.

D) Fire

Fire Department connections are provided on the marina pier. It shall be the responsibility of all marina occupants with motorized vessels to maintain adequate onboard U.S. Coast Guard-approved fire extinguisher protection. An additional fire extinguisher is located at the community clubhouse. Each resident shall maintain an operable fire extinguisher at their home.

Any marina occupant who observes a fire which is not immediately contained with on-site equipment shall contact 911, and the Harbormaster and the owner.

E) Hurricane/Severe Weather

Marina occupants and the Harbormaster shall keep advised of pending severe weather conditions. Information on emergency situations can be obtained from the Sussex County Operations Center, 302-855-7801. In the case of impending severe weather, the following measures are the responsibility of each tenant.

Removal of the boat from the water and storage away from the water and out of harm's way if at all possible;

If the boat cannot be removed from the water, all portable fuel tanks, Compressed Natural Gas (CNG) or propane tanks from grills or stoves, porta-potties and other loose gear should be removed from the vessel, and the vessel must be properly secured using extra lines and fenders if warranted.

Upon inspection of moored vessels prior to a severe weather event and after an attempt to notify boat owners to take action; the Harbormaster shall have the discretion to move a vessel, add additional mooring lines, or under take other necessary measures to properly secure a vessel. It will be the responsibility of the boat owner to reimburse the cost of such actions to the HOA.

PART VI: MARINA RULES AND REGULATIONS AND GENERAL GUIDANCE

A) Marina Rules and Regulations for Boaters

1. Any vessel entering the waters of the Osprey Point Marina or moored at the marina as a tenant or transient vessel along with the operator and owner of said vessels shall be subject to these rules, this DNREC-pending approval O&M Plan for the facility, DNREC marina and boating regulations, and U.S. Coast Guard regulations.
2. No person shall dock or anchor a vessel within the waters of the marina complex or launch a vessel from the marina complex unless the owner/operator of the vessel has secured a share, rented or purchased a berth area as required for usage. Contracts for usage shall be at the discretion of the owners. A copy of this O&M Plan shall be provided to each tenant within the marina.
3. Docking or launching of vessels will be only as directed and permitted by the owner or Harbormaster.
4. No major repair work shall take place aboard any vessel or within marina grounds except for unusual cause and as permitted by the Harbormaster or owner.
5. The marina does not contain any refueling facilities. Tenants refueling vessels shall do so only as specified by the marina O&M Plan, Part I,E.
6. No refuse, trash, oil or effluents shall be thrown or pumped overboard within the waters of the marina, channel approaches or other water of the State.
7. Disorderly conduct by a boat owner, his crew or guests is not permitted.
8. Safety precautions must be observed and complied with in all marina areas.
 - a. Swimming or diving is prohibited from all piers, docks, bulkheads and vessels within the marina waters.
 - b. Running or horseplay is prohibited on all piers, docks and bulkheads.
 - c. Use of barbecue grills or other type of portable open flame devices is prohibited in docks or vessels moored within the marina.
9. Fish cleaning is prohibited within the marina complex.
10. It is prohibited to throw or dump in the waters or on the grounds of the marina any fish remains, parts or pieces thereof. Recycling of fish waste shall be in accordance with State policies provided in the O&M Plan.
11. No person shall go aboard any vessel docked within the marina without the expressed permission of the owner or master of such vessel.

12. The marina and its surroundings are a "no wake" zone. Operate your vessels cautiously at all times.
13. Marina tenants are responsible for maintaining the knowledge of and complying with emergency procedures for fuel spills, oil spills, fires, hurricane and severe weather as detailed in the O&M Plan.
14. Marina tenants and patrons shall comply with the following marina policies and operation procedures.
15. Operate your vessel and conduct yourself in accordance with Osprey Point Marina Clean Marina Boating Tips.

B) Osprey Point Marina Clean Marina Boating Tips

For use around the Marina and while on the water anywhere.

Contain Trash

- Do not let trash get thrown or blown overboard.
- If trash blows overboard, retrieve it—consider it "crew-overboard" practice.
- Pack food in reusable containers.
- Buy products without plastic or excessive packaging—plastic is deadly to fish and birds.
- Do not toss cigarette butts overboard—they are made of plastic (cellulose acetate).

Recycle

- Recycle cans, glass, paper, plastic, newspaper, antifreeze, oil and batteries.
- Recycling facilities are located throughout the area.
- Bring used monofilament fishing line to recycling bins.

Fuel Cautiously

- The Osprey Point Marina does not contain a refueling facility. Use proper containers and fuel carefully if carrying fuel onboard your vessel.
- Shut down engines during fueling.
- Do not smoke during refueling.
- Ventilate all spaces and check for gasoline vapors before starting engines.
- Do not use soaps or dispersants on spills.
- Remember, fuel expands as it warms up. If you fill your tank, fill it only 90 - 95 percent full to prevent expansion and spillage.
- Use the oil absorbent pads to capture back splash and vent line overflow during fueling.
- Add a fuel conditioner to your tank if you use your engine infrequently.

Control Oil in the Bilge

- Keep your engine well tuned—no leaking seals, gaskets or hoses.
- Place oil absorbent material or a bio-remediating bilge boom in the bilge.
- Place an oil absorbent pad under the engine.
- Replace oil absorbent materials regularly.
- Check fuel lines for damage—replace with alcohol resistant hoses.
- Secure fuel hoses to prevent chafing and leaks.

- Never discharge bilge water with a sheen—it is illegal.

Waste Oil

- Dispose of waste oil at recycling facility.
- Do not discharge waste oil into storm drains, the Marina lagoons, or waters of the State of Delaware.

Properly Dispose of Oil Absorbent Materials

- If the pad is saturated with gas, allow it to air dry. Reuse.
- If the pad is saturated with diesel or oil, double bag it in plastic—one bag sealed inside another. Dispose in your regular trash.
- Bio-remediating bilge booms should not be sealed in plastic bags—the microbes need oxygen to function. Discard in regular trash or marina dumpster.

Clean Gently

- Be environmentally-aware.
- Wash your boat frequently with a sponge and plain water.
- Use detergents sparingly.
- Use phosphate-free, biodegradable and non-toxic cleaners.
- Wax your boat—a good coat of wax prevents surface dirt from becoming ingrained.
- Clean wood with a mild soap powder and a nylon brush—not harsh chemical cleaners.
- Conserve water—put a spray nozzle on your hose.

Maintain Your Vessel Wisely

- Major boat maintenance and repair are not permitted at the Osprey Point Marina.

Sewage Pumpout & Management

- Never discharge any sewage into the waters of the Osprey Point Marina.
- Never discharge raw or inadequately treated sewage in Delaware waters within three miles of shore.
- Use restrooms on shore.
- Under way, use approved Marine Sanitation Devices (MSD's).
- Establish regular maintenance schedule for your MSD based on manufacturer's recommendations.
- Pump out and rinse holding tanks regularly.
- Use pumpout station located at the marina storage building adjacent to the community clubhouse.
- Use enzyme based products to control odor and reduce solids in holding tanks.
- Avoid holding tank products that contain quaternary ammonium compounds (QAC) and formaldehyde.

Dispose of Fish Waste Properly

- Fishing, crabbing and netting fish are not permitted on the Marina docks.
- Do not clean fish within the marina basin.
- Do not discharge fish waste at the marina.
- Follow DNREC's Fish Waste Management policy.

Protect Sensitive Habitat

- Proceed slowly in shallow areas.
- Do not disturb wildlife.
- Avoid contact with submerged aquatic vegetation (SAV).
- Watch your wake—it can lead to shoreline erosion and disturb wildlife.

Be a Responsible Boater

- Contact the Harbormaster in the event of any emergency.
- Have a hurricane/storm plan.
- Learn about products and practices which are environmentally safe.
- Share the information with other boaters.
- Help guests understand that, on your boat, no trash is thrown overboard.
- Obey laws governing speeding, littering and discharge.
- Encourage other boating facilities to provide trash cans, recycling bins and pumpout stations.
- Support marinas that are environmentally responsible.
- Note the location of fire extinguishers at your home and the Marina.

Be a Good Neighbor

- Be a responsible boater.
- Conserve water and electricity.
- Make sure your boat is secure to the dock at all times.
- Keep your pets on a leash no longer than 6 feet and under control at all times.
- Clean up after your pets.
- Supervise children at all times.
- Do not affix anything to the docks without the homeowners association (HOA) approval.
- Do not affix anything to the power posts, including electric cords and/or garden hoses.
- Use carts to transport items to and from your boat instead of dragging items along the surface of the docks.
- Be aware of the location of safety ladders and life ring stations.
- Throw a Personal Flotation Device to a person who has fallen overboard rather than attempt to swim to the person.

Enjoy!

C) State of Delaware Fish Waste Policy

FISH WASTE MANAGEMENT POLICY (No. 90-01)

Purpose

The purpose of this policy is to encourage the recycling of fish wastes back into the natural ecosystem in a manner that will not degrade water quality or cause other adverse environmental impacts. Any fish wastes which are recycled back into the ecosystem in accordance with the guidelines established below shall not be considered to be a discharge requiring a permit from the Department.

Background

Because of the potential for fish wastes which are improperly managed to cause dissolved oxygen depressions and other adverse environmental effects, as well as odors and nuisances, DNREC has developed a policy regarding their management.

Application

The policy will be implemented in both fresh and tidal waters and will apply to:

- All private individuals who harvest fish or shellfish for recreational purposes, or for private use or consumption;
- Commercial fishermen;
- Head and charter boat owners and operators;
- Bait Concessions

Authority

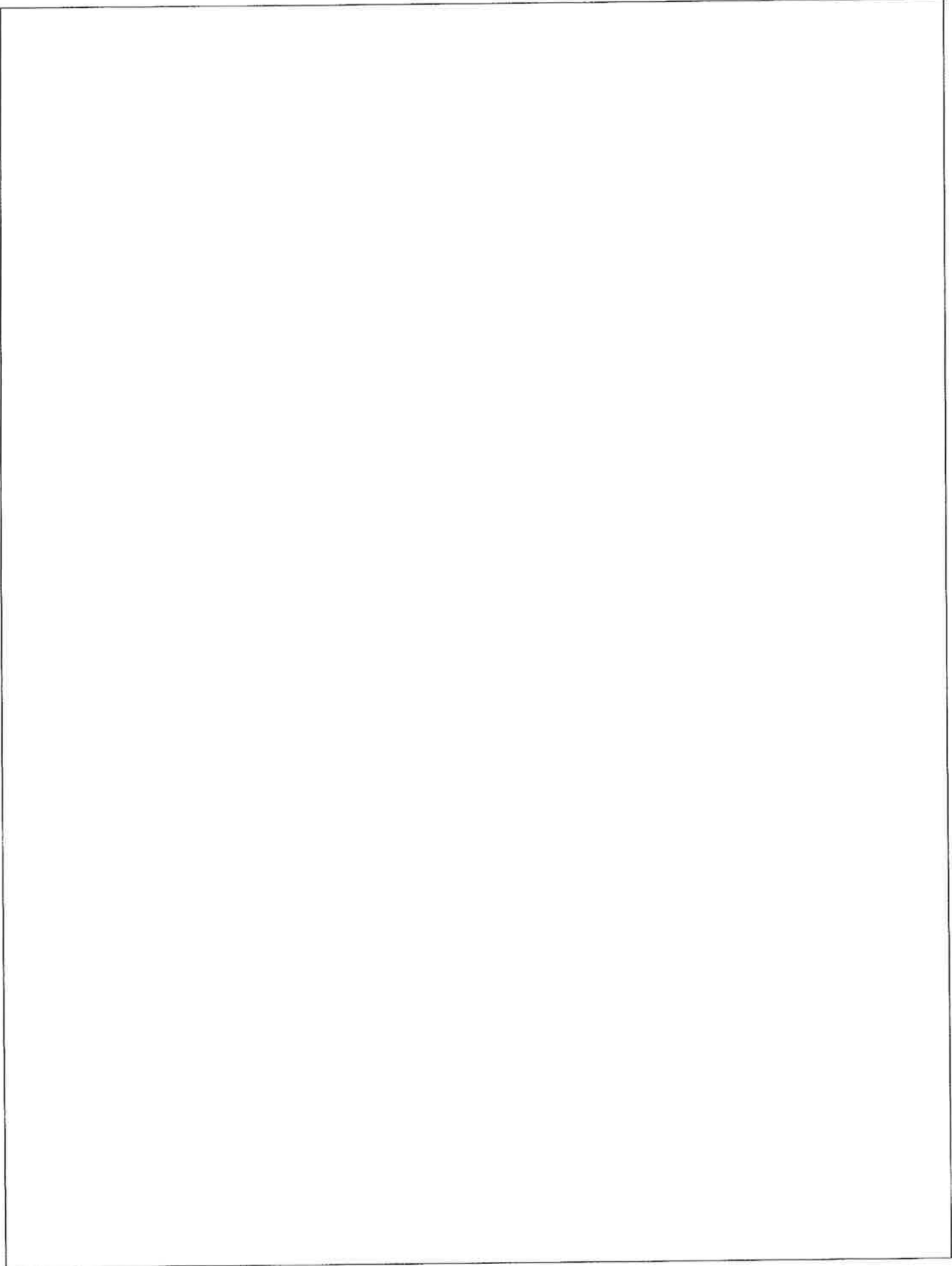
The Department's (DNREC) Marina Regulations state that fish wastes must be disposed of in accordance with 7 Delaware Code, Chapter 60. Fish wastes (carcasses, entrails, scales, etc.) are included in the definition of "solid waste" and are a "pollutant" as defined in Chapter 60. In accordance with 56003, a permit is required to discharge these wastes into any surface or ground water. However, the purpose of this policy, as stated above, is to allow fish wastes to be recycled back into the ecosystem without a permit from the Department as long as the guidelines established below are adhered to. Those who do not follow established guidelines will be subject to fines and penalties as provided in 7 Del. C. §6005 and/or §6013.

Guidelines

In order to implement this policy in a manner consistent with the purpose stated above, the following guidelines are hereby established:

1. In order to prevent violations of the Delaware Surface Water Quality Standards, fish wastes should not be discharged into surface waters in any dead end lagoons or other poorly flushed locations. A dead end lagoon shall mean an enclosed embayment with only one opening. A recommended best management practice is to discharge on outgoing tides.
2. Fish wastes should be recycled back into the ecosystem from which the organisms were originally harvested.
3. Collected fish wastes should be handled in such a manner so as not to introduce other contaminants into the waste prior to recycling back into the ecosystem
4. Fish should be cleaned and uncontaminated fish wastes disposed of at sea whenever practicable.
5. Fish waste recycling within marina basins shall only be allowed if in accordance with an Operations and Maintenance Plan which has been approved by the Department. Marinas shall not provide fish cleaning stations unless the activity has been included in the Operations and Maintenance Plan. Marinas which are not approved for fish waste recycling shall post signs warning fishermen that it is unlawful to dispose of fish wastes into the water at that location. The Department will consider the flushing characteristics of the marina basin when determining whether or not to approve fish recycling at that location.
6. Fish wastes should not be recycled into surface waters in such a way that they will wash up onto any shoreline, or cause odors or other nuisances.
7. Oyster shells may be discharged into the waters of the State in accordance with Shellfish Management Programs, 7 Del. Code Chapter 19-12.

APPENDIX A
PROJECT PLANS



TAB “13”

December 23, 2021

ERI Project No. 0898#1169

Mr. Matthew Jones, Program Manager
Delaware Department of Natural Resources and Environmental Control
Division of Water Resources
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901

**RE: Marina / Subaqueous Lands Permit & Section 401 Water Quality Certification
for Minor Marina
Osprey Point Community Marina
Tax Map Parcel 334-18.00-83.00
Lewes-Rehoboth Hundred, Sussex County, Delaware
Waterway: Arnell Creek
Applicant: Osprey Point Preserve, LLC.**

Dear Mr. Jones,

Environmental Resources, Inc. (ERI) is writing you on behalf of the applicant, Osprey Point Preserves, LLC. regarding a proposed 25 slip marina and kayak launch dock to be located on the eastern shore of Arnell Creek. A restaurant is also proposed at the marina location. The project site is located on Tax Map Parcel 334-18.00-83.00, Lewes-Rehoboth Hundred, Sussex County, Delaware. The proposed commercial marina is part of the redevelopment of the Old Landing Golf Course approved by Sussex County as the Osprey Point Community. The facility will be open to the general public and residents of the future Osprey Point Community. In addition to a marina permit and subaqueous lands lease, a Section 401 Water Quality Certification for the facility is also requested.

Upon your review of these materials, please let me know if you or your staff need any additional information in support of this request. On behalf of Osprey Point Preserve, LLC., thank you in advance for your time and attention to this request.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

Edward M. Launay, Principal

WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

**For Subaqueous Lands, Wetlands, Marina and
401 Water Quality Certification Projects**

**State of Delaware
Department of Natural Resources and Environmental Control
Division of Water**

Wetlands and Subaqueous Lands Section



**APPLICATION FOR APPROVAL OF
SUBAQUEOUS LANDS, WETLANDS, MARINA
AND WATER QUALITY CERTIFICATION PROJECTS**

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY**Application Instructions:**

1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1. Tax Parcel Information:

New Castle County	(302) 395-5400
Kent County	(302) 736-2010
Sussex County	(302) 855-7878
2. Recorder of Deeds:

New Castle County	(302) 571-7550
Kent County	(302) 744-2314
Sussex County	(302) 855-7785
3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: <http://www.nap.usace.army.mil/Missions/Regulatory.aspx>.
4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

<u>✓</u>	Yes	BASIC APPLICATION
<u>✓</u>	Yes	SIGNATURE PAGE (Page 3)
<u>✓</u>	Yes	APPLICABLE APPENDICES
<u>✓</u>	Yes	SCALED PLAN VIEW
<u>✓</u>	Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
<u>✓</u>	Yes	VICINITY MAP
<u>✓</u>	Yes	COPY OF THE PROPERTY DEED & SURVEY
<u>✓</u>	Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
<u>✓</u>	Yes	APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE (Separate checks made payable to the State of Delaware)

Submit 3 complete copies of the application packet to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

Section 1: Applicant Identification

1. Applicant's Name: Osprey Point Preserve, LLC. Telephone #: 302-542-5205
 Mailing Address: 2979 Barley Mill Road Fax #: _____
Yorklyn, DE 19736 E-mail: kathy@css-de.com
Attn: Kathleen Horsey
2. Consultant's Name: Edward M. Launay Company Name: Environmental Resources, Inc.
 Mailing Address: 38173 DuPont Blvd., P.O. Box 169 Telephone #: 302-436-9637
Selbyville, Delaware 19975 Fax #: 302-436-9639
 E-mail: elaunay@ericonsultants.com
3. Contractor's Name: unknown Company Name: _____
 Mailing Address: _____ Telephone #: _____
 _____ Fax #: _____
 _____ E-mail: _____

Section 2: Project Description

4. Check those that apply:
 New Project/addition to existing project? Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):
 1. Construct a 25 slip public marina pier and 25 slip marina dock in Arnell Creek.
 2. Construct a public kayak dock access pier and floating kayak launch dock in Arnell Creek. See attached project description.
6. Check each Appendix that is enclosed with this application:

<input checked="" type="checkbox"/>	A. Boat Docking Facilities	<input type="checkbox"/>	G. Bulkheads	<input checked="" type="checkbox"/>	N. Preliminary Marina Checklist
<input type="checkbox"/>	B. Boat Ramps	<input type="checkbox"/>	H. Fill	<input checked="" type="checkbox"/>	O. Marinas
<input type="checkbox"/>	C. Road Crossings	<input type="checkbox"/>	I. Rip-Rap Sills and Revetments	<input type="checkbox"/>	P. Stormwater Management
<input type="checkbox"/>	D. Channel Modifications/Dams	<input type="checkbox"/>	J. Vegetative Stabilization	<input type="checkbox"/>	Q. Ponds and Impoundments
<input type="checkbox"/>	E. Utility Crossings	<input type="checkbox"/>	K. Jetties, Groins, Breakwaters	<input type="checkbox"/>	R. Maintenance Dredging
<input type="checkbox"/>	F. Intake or Outfall Structures	<input checked="" type="checkbox"/>	M. Activities in State Wetlands	<input type="checkbox"/>	S. New Dredging

Section 3: Project Location

7. Project Site Address: corner of Ethan Drive & Paul Reveere Drive County: N.C. Kent Sussex
Rehoboth Beach, DE 19971 Site owner name (if different from applicant): _____
 Address of site owner: _____
8. Driving Directions: From the intersection of State Route One (SR1) and County Road 274, proceed south 2.6 miles to driveway of former golf course and clubhouse building on the right.
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 334-18.00-83.00 Subdivision Name: Osprey Point

WLSL Use Only:		Permit #s: _____		_____		_____			
Type	SP <input type="checkbox"/>	SL <input type="checkbox"/>	SU <input type="checkbox"/>	WE <input type="checkbox"/>	WQ <input type="checkbox"/>	LA <input type="checkbox"/>	SA <input type="checkbox"/>	MP <input type="checkbox"/>	WA <input type="checkbox"/>
Corps Permit:	SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		Nationwide Permit #:		Individual Permit #				
Received Date:	_____		Project Scientist: _____						
Fee Received?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amt: \$	_____		Receipt #:	_____		
Public Notice #:	_____		Public Notice Dates:	ON _____		OFF _____			

Section 2, item 5 – Project Description

Osprey Point Preserve, LLC. is the owner of the former Old Landing Golf Course located on the west side of County Road 274 (Old Landing Road) in the Lewes Rehoboth Hundred, near the Rehoboth Beach resort area. The Old Landing Golf Course property is bordered by Arnell Creek on its westerly side. The golf course is being redeveloped with 217 single family homes, development known as Osprey Point, as approved by Sussex County.

The vicinity of the former golf course clubhouse and restaurant is being redeveloped as a commercial restaurant and the addition of a 25 slip commercial marina and kayak launch dock is also proposed at that location. The tax parcel supporting this proposed development known as Osprey Point is 334-18.00-83.00.

The proposed facility will be open to the public including the future residents of Osprey Point and the numerous surrounding residential communities along Old Landing Road. In addition to 1.85 acres of commercial area associated with this project, adjacent Osprey Point community open space will border this site. It will include a community open space area in uplands accessed by a common boardwalk trail all of which will be located on uplands.

The western upland edge of the upland portion of this project and the community open space will be defined by a future vinyl sheet pile retaining wall installed three feet landward of the U.S. Army Corps of Engineers (ACOE) Section 404 wetland boundary.

Activities involving state regulated wetlands and public subaqueous land include the proposed construction of a 25 slip marina facility and a separate float kayak launch dock.

Insofar as land based facilities supporting the proposed marina, a small Harbormaster's Office will be located near the marina access pier. Signage with emergency contact numbers and rules will be located there. The building will house a portable marine pump out station and emergency spill kit. Restroom facilities will be located in the restaurant building. A total of 82 parking spaces will be shared with the restaurant. It is anticipated that some of the marina slips will be reserved for restaurant patrons arriving by water. Two fire department connections will be provided on the marina dock. Water and electric pedestals will provide utility service.

The specifics of the marina facility and kayak dock are described as follows:

Proposed Marina Pier – Twin marina piers will be accessed from the shore by a single 86 foot long pier which begins at the proposed shoreline vinyl retaining wall in upland. The portion of the pile supported pier crossing state and federally regulated wetlands

will be 3 feet wide by 52 feet long. This part of the pier will be approximately 3.5 feet above the marsh. A total of 42 feet will be over state regulated wetlands (3 x 42 = 126 square feet).

The last 31 feet of the pier will be over water (26 feet channelward of mean low water) where it will widen to 4 feet. The pier will connect with the center of a 120 foot long section of 4 foot wide which provides access to docking piers, making a "U" shaped configuration. Each docking pier will be 88 feet long. Each docking pier will access separate 54 foot by 6 foot wide docks making a "T" configuration.

There will be a total of 10 finger piers between slips, each 3 feet wide by 12 feet long. There will be a total of 37 freestanding mooring piles within the slip areas. The height of the marina pier docking will be 3.3 feet.

The total square footage of marina pier located landward of mean low water over state subaqueous lands is 1,944 square feet. The piers will be of standard marine construction using 10 inch piling, 2"x10" heads and stringers and 2"x8' decking, all salt treated and secured with galvanized hardware. The approximate channel extent of the marina from the shoreline of Arnell Creek is an average of 110 feet. Water depth at mean low water within the marina varies between 1.6 to 1.85 feet, increased to 0.6 feet at the mean high water condition.

Proposed Kayak Launch Dock – In accordance with DNREC Wetlands Map #DNR-070, state regulated wetlands terminate approximately 85 feet south of the proposed kayak launch dock which is at the north end of the commercial restaurant parcel / marina amenity area. A very narrow band of marsh subject to ACOE regulation exists along the shoreline at that location. A 64 foot long pile supported fixed pier will be extended from the top of the proposed vinyl sheet retaining wall in uplands into Arnell Creek. The fixed pier will transition in elevation from 5.0 to 3.7 feet. A 20 foot long by 4 foot wide aluminum ramp will be attached to the end of the pier.

The ramp will land on a 6 foot wide by 4 foot long tee which is part of an 8 foot wide by 24 foot long floating dock. The rear floating dock will be secured with loops to two 10 inch diameter pilings. A 4 foot wide by 5 foot long "Yakport" PVC kayak launch cradle will be attached to the center of the floating dock.

The proposed pile supported pier will be 3 feet wide where it crosses 11 feet of ACOE regulated wetlands. The pier will widen to 4 feet and extend channelward 50 feet from the mean high water line / edge of shoreline (45 feet from mean low water over public subaqueous lands).

Cummulatively, the entire structure will extend 87 feet channelward of mean high water, including the Yakport launch cradle, into Arnell Creek. The proposed structure will occupy 496 square feet of public subaqueous lands. The structure will be constructed similar to the proposed marina docks.

Stormwater Outfall – Riprap outlet protection for a stormwater management basin will be located 60 feet south of the kayak launch dock pier. The placement of stone underlain by geotextile fabric will impact 368 square feet of Section 404 wetlands subject to ACOE regulation. A total of 16 cubic yards of stone will be discharged above the mean high water line. As previously noted this narrow marsh fringe is north of the marsh area mapped as state regulated wetlands.

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: Arnell Creek waterbody is a tributary to: Rehoboth Bay

11. Is the waterbody: Tidal Non-tidal Waterbody width at mean low or ordinary high water +/-675

12. Is the project: On public subaqueous lands? On private subaqueous lands?*
 In State-regulated wetlands? In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: Agricultural Residential Commercial Industrial Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary): See attached sheet.

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary): See attached sheet.

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with: Michael Yost

A. Have you had a State Jurisdictional Determination performed on the property? Yes No
 B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? Yes No
 *If yes, what was the date of the meeting? _____

16. Are there existing structures or fill at the project site in subaqueous lands? Yes No
 *If yes, provide the permit and/or lease number(s): _____

*If no, were structures and/or fill in place prior to 1969? Yes No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?
 No Pending Issued Denied Date: January 2022

Type of Permit: Individual Permit Federal Permit or ID #: _____

18. Have you applied for permits from other Sections within DNREC?
 No Pending Issued Denied Date: _____ Permit or ID #: _____

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: _____

Section 5: Signature Page

19. Agent Authorization:

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf

I wish to authorize an agent as indicated below

I, Kathleen Horsey, hereby designate and authorize Edward M. Launay, Environmental Resources, Inc.
 (Name of Applicant) (Name of Agent)
 to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: <u>Edward M. Launay</u>	Telephone #: <u>302-436-9637</u>
Mailing Address: <u>Environmental Resources, Inc.</u>	Fax #: <u>302-436-9639</u>
<u>38173 DuPont Blvd., P.O. Box 169</u>	E-mail: <u>elaunay@ericonsultants.com</u>
<u>Selbyville, Delaware 19975</u>	

20. Agent's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Agent's Signature

Date

12/24/2021

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Applicant's Signature

Date

12/15/2021

Kathleen Horsey

Print Name

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Contractor's Name

Date

Print Name

Marina Facility

BOAT DOCKING FACILITIES

Any boat docking facility for more than four (4) vessels is considered a marina facility (see definitions and explanations section) and requires the applicant to complete Appendices N and O, and make application to the U. S. Army Corps of Engineers for approval.

Please make sure answers to all of the questions in this appendix correspond with information on the application drawings.

1. Briefly describe the project. (Attach additional sheets as necessary.)

Construct a J shaped docking facility mooring 25 vessels (see Basic Application Section 2, item 5).

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
		Width _____ ft.	Length _____ ft.	Width _____ ft.	Length _____ ft.	
Dock, Pier, Lift, gangway						
Pier	8	3	31	3	26	New
Docks (3 legs)	52	4	296 Total	4	296	New
Finger Piers (10)	40	3	12	3	12	New
Dock T (2)	14	6	54	6	54	New
Freestanding Pilings	Number 37					

Mooring Buoy: How many moorings will be installed? _____
 What will be used for the anchor(s)? _____
 Anchor/Mooring Block Weight _____
 Anchor Line Scope (Length or Ratio) _____
 Water Depth at Mooring Location _____

3. Approximately how wide is the waterway at this project site? +/- 675ft. (measured from MLW to MLW)

4. What will be the mean low water depth at the most channelward end of the mooring facility? 1.84ft.

5. What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.

salt treated piles and timbers, galvanized hardware

6. Circle any of the following items that are proposed over subaqueous lands:

Fish Cleaning Stations/Benches/Ladders, Water Lines, Satellite, Electric Lines/Handrails/Other (Describe)

If any of the items are circled above, include their dimensions and location on the application drawings.

7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? +/-270 ft.

8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model <u>unknown</u>	length _____	width _____	draft _____
Make/model _____	length _____	width _____	draft _____
Make/model _____	length _____	width _____	draft _____
Make/model _____	length _____	width _____	draft _____

9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above. **Not applicable. Commercial Marina.**

10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility.

unknown

11. Is there currently a residence on the property? _____ Yes No

12. Do you plan to reach the boat docking facility from your own upland property? Yes _____ No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.

13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? _____ Yes No.
If yes, written permission of the underwater land owner must be provided with this application.

14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 660 ft.
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?
_____ Yes No
If yes, a letter of no objection from the adjacent property owner must be included with this application.

Kayak Launch

BOAT DOCKING FACILITIES

Any boat docking facility for more than four (4) vessels is considered a marina facility (see definitions and explanations section) and requires the applicant to complete Appendices N and O, and make application to the U. S. Army Corps of Engineers for approval.

Please make sure answers to all of the questions in this appendix correspond with information on the application drawings.

1. Briefly describe the project. (Attach additional sheets as necessary.)

Construct a kayak launch dock (see Basic Application Section 2, item 5).

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
		Width _____ ft.	Length _____ ft.	Width _____ ft.	Length _____ ft.	
Dock, Pier, Lift, gangway						
Pier	6	4	50	4	45	New
Metal Ramp	0	4	20			New
Dock T Area	0	6	4	4	6	New
Floating Dock	2	8	24	8	24	New
Yackport	0	4	5	4	5	New
Freestanding Pilings	Number 0					

Mooring Buoy: How many moorings will be installed? _____
 What will be used for the anchor(s)? _____
 Anchor/Mooring Block Weight _____
 Anchor Line Scope (Length or Ratio) _____
 Water Depth at Mooring Location _____

- Approximately how wide is the waterway at this project site? +/-512 ft. (measured from MLW to MLW)
- What will be the mean low water depth at the most channelward end of the mooring facility? 1.8 ft.
- What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.
 salt treated timbers and piles, aluminum ramp, PVC floats, PVC yakport launch
- Circle any of the following items that are proposed over subaqueous lands:
 Fish Cleaning Stations/Benches/Ladders Water Lines/Satellite/Electric Lines/Handrails/Other (Describe)

If any of the items are circled above, include their dimensions and location on the application drawings.

7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? +/-200ft.

8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model <u>kayak</u>	length <u>+/- 16</u>	width <u>+/- 4</u>	draft <u>0.5</u>
Make/model _____	length _____	width _____	draft _____
Make/model _____	length _____	width _____	draft _____
Make/model _____	length _____	width _____	draft _____

9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above. **Not applicable**

10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility.

11. Is there currently a residence on the property? _____ Yes No

12. Do you plan to reach the boat docking facility from your own upland property? Yes _____ No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.

13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? _____ Yes No. If yes, written permission of the underwater land owner must be provided with this application.

14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 660 ft. Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line? _____ Yes No If yes, a letter of no objection from the adjacent property owner must be included with this application.

ACTIVITIES IN STATE WETLANDS

Please make sure that all answers in this appendix correspond to information on the application drawings.

1. Project description and explanation of need.

A 3 foot wide elevated pile supported pier over state regulated wetlands is needed to connect upland with a proposed 25 slip marina dock. The pier has been sited at a location which minimizes the amount of state regulated wetlands to be crossed (42 feet).

2. What is area of impact for each activity in state wetlands?

Wetlands Walkways/Other Structures:

Length 42 ft. Width 3 ft.

Piles 10 Height +/- 3.5 ft. over marsh

3. What is volume of fill or excavated material involved in this project?

Fill 0 cubic yards

Excavation 0 cubic yards

4. Map number of state wetland map where project is located: DNR # 70

ENVIRONMENTAL SUMMARY - PLEASE SUBMIT AN EVALUATION OF IMPACT OF THE PROPOSED ACTIVITY (ATTACH ADDITIONAL SHEETS AS NEEDED):

5. State reasons that structures cannot feasibly be located on lands other than wetlands.
The shoreline of Arnell Creek is composed of state regulated wetlands of varying width. Wetlands must be crossed to access the proposed marina dock.
6. Detail temporary and permanent changes which would be caused by the proposed project and the impact of these changes on the project area and adjacent areas.
Partial shading of state regulated wetlands will occur under the proposed pier (126 sq. ft.).
7. Describe alternatives to the proposed action which would reduce or avoid environmental damage.
The pier has been located where the extent of state regulated wetlands between the water and uplands is narrow. Better locations do not exist. The pier will be only 3 feet wide and it will be elevated in excess of 3 feet above the marsh.
8. Describe all measures to be taken during and after the completion of the proposed project to reduce detrimental effects.
Siting of 3 foot wide pier at narrow point in marsh and elevating pier over wetlands in excess of 3 feet.
9. Describe all permanent environmental impacts which cannot be avoided.
Partial shading of marsh grass beneath pier will have small impact to biomass productivity.

10. Submit detailed evaluation of impact of the proposed project on the following:

a. Value of tidal ebb and flow

- i. Production Value: carrying organic matter to adjacent estuaries and coastal waters which serve as breeding areas for certain animal species (especially fish and shellfish).
- ii. Value as a natural protective system of absorption of storm wave energy, flood waters, and heavy rainfall, thereby decreasing flood and erosion damage.
- iii. The prevention of silting in certain harbors and inlets thereby reducing dredging.
- iv. Removal and recycling of inorganic nutrients.
- v. Effect on the estuarine waters.

The 3 foot pier over state regulated wetlands will result in a small shading impact to the marsh. A small reduction in biomass production will result. Partial shading of 126 square feet of tidal wetlands will have no significant impact on the above referenced functions.

b. Habitat Value

- i. Habitat for resident species of wildlife including furbearers, invertebrates, finfish.
- ii. Habitat for migratory wildlife species including waterfowl, wading birds, shorebirds, shorebirds, passerines, finfish, shrimp.
- iii. Rearing area, nesting area, breeding grounds for various species.
- iv. Habitat for rare or endangered plants.
- v. Presence of plants or animals known to be rare generally, or unique to the particular location.
- vi. Presence of plants or animals near the limits of their territorial range.
- vii. Presence of unique geological or wetland features.

No rare plant or animal habitat is provided by the narrow fringe of shoreline marsh. No significant reduction of habitat is expected since the project is redevelopment of a golf course neighboring a developed residential community.

c. Aesthetic Effect - Consideration of the aesthetic effect may include:

- i. Presence of plants or animals of a high visual quality.
- ii. The presence of an associated water body.
- iii. Wetland type or topographic diversity.

The project borders a developed residential community with numerous existing docks and piers.

d. Impact of Supporting Facilities

The supporting facilities to be considered include any public or private construction, whether or not the construction occurs in the wetlands, which would be required for construction or operation of the proposed wetlands activity, such as roads, sewage disposal facilities, electric lines, water supply systems, and schools. Effects shall be separately determined for the lands neighboring such facilities.

The project site is already serviced by existing infrastructure with adequate capacity to support the proposed project.

e. Effect on Neighboring Land Uses

- i. The effects of the proposed wetland activity on neighboring land use are to be considered whether or not the neighboring lands are wetlands.
- ii. The environmental, aesthetic and economic effects of the proposed wetlands activity on land uses neighboring the lands on which supporting facilities will be located may be considered.

The project involves redevelopment of an existing golf course. The project borders an existing waterfront residential community with existing docks and piers. No adverse impact results from wetland activities.

f. Federal, State, Regional, County and Municipal Comprehensive Plans.

Compliance of the proposed activities with the plans of the jurisdiction in which it is proposed to take place, and its impact on the plans of other affected jurisdictions.

Project is consistent with County Comprehensive Plan.

g. Economic Impact

Economic Impact shall include a short and long-term evaluation of the following factors to the extent the effect is directly attributable to the proposed activity:

- i. Jobs created or lost and the net income effect of jobs.
- ii. Increases in revenues to or increases in expenditure by State, County and local governments (e.g., increased taxes from an increased tax base and increased expenditure for maintaining supporting facilities).
- iii. Increases or decreases in the value attributable to the wetland as a source of nutrients to finfish, crustacea and shellfish and as habitats of such species or other flora or fauna of significant actual or potential economic value.
- iv. Increases or decreases in the value of the land as a recreational area.
- v. Increases or decreases in the cost of flood control or expected flood damage which might be caused by the effect of the activity on the natural capacity of the wetland to reduce flood damage.
- vi. Increases or decreases the costs of maintaining navigable harbors and waterways which would result from altering the capacity of the wetlands to absorb silt.
- vii. The net economic effect, both public and private, or any contemplated supporting facilities.
- viii. The net economic effect, both public and private, of the proposed activity on neighboring land uses.

The proposed construction of a 42 foot long 3 foot wide access pier over state regulated wetlands does not result in significant short or long term economic impacts.

PRELIMINARY MARINA SCREENING CHECKLIST

(To be submitted at least one week prior to the pre-application meeting)

* Provide the following information and/or answer the following with regard to the proposed marina project:

- | | |
|---|-------------------------------|
| 1. Applicant's (Property Owners) Name | Telephone Number |
| Address: <u>Osprey Point Preserve, LLC.</u> | Home (): _____ |
| <u>2979 Barley Mill Road</u> | Work (): <u>302-542-5205</u> |
| <u>Yorklyn, DE 19736</u> | |
| <u>Attn: Kathleen Horsey</u> | |

Project Name: Osprey Point Marina

2. Provide an aerial photograph of the site, if available.
3. What are the existing land uses on the site?
Existing golf course being redeveloped as residential community and commercial restaurant.
4. What are the existing land uses on adjacent properties within 1000 feet of the proposed marina or marina alteration, including the opposite shore?
Golf course under redevelopment, farmland, single family home communities and DNREC boat launching area
5. Name and distance of nearest municipality.
Rehoboth Beach, 2.3 miles
6. Is the proposed project an open water or enclosed basin marina?
 Open water Enclosed basin
7. Is the marina on a creek, river, or open bay? Name of the water body?
Arnell Creek
8. Indicate the number of wet slips. Proposed 25 Existing 0
9. Indicate the number of dry stack spaces. Proposed 0 Existing 0
10. Will the proposed marina or marina alteration require dredging?
 Yes No
If yes, approximate the amount in cubic yards. 0 cubic yards
11. If the project requires dredging, do you own or have access to an upland site for dredged material disposal? N/A
 Yes No If yes, where is it located?
12. If not, how do you propose to dispose of your dredged material?
N/A
13. How many years of maintenance dredge spoil capacity does the spoil site possess?
N/A Years

14. Will the proposed project require the use of any State wetlands? Yes No If yes, approximate the amount of wetlands required in acres and the intended use. **126 square feet of pile supported pier coverage**

15. What is the tide range at the marina site? Normal tide 0.8 Neap tide 0.5
 What is the source of this information? **NOAA**

16. What is the approximate MLW depth at the marina site? 1.85 Ft.
 What is the source of this information? **Bathymetric Survey**

17. If the site includes residential development, indicate:
 Number of units platted commercial area associated with Osprey Point community
 Length of shoreline owned 660
 Acreage of upland property 1.85

Indicate the number of on-site parking spaces for:

	cars	trailers	cars with trailers	oversize vehicles
Proposed	82	0	0	0
Existing	0			

18. What utilities will be provided on or in the marina or dock area proper? Be specific, e.g. fuel, electricity, sewage pump-out, water, etc. **electric, water, portable marine pumpout cart**

19. What additional shore-based facilities are included in the proposed marina or marina alteration? Be specific, e.g., boat or engine repairs, fuel, foods, etc. **commercial restaurant & beach area, community beach area, commercial kayak launch dock**

20. Will the marina project be available to the general public? If so, on what basis?
marina facility & kayak dock will be run commercially & open to the general public & residents of Osprey Point

21. Are existing public facilities, services, and transportation adequate to accommodate the project and associated development impacts? Yes No If no, please describe the upgrades required:

22. Has a market study been completed for the project? Yes No
 If so, please attach the study report.

23. If no market study has been completed, please describe briefly the intended market, particularly the types and sizes of boats anticipated to use the facility.
residents of Osprey Point & surrounding residential communities and visitors to the Rehoboth Beach resort area.

MARINAS

Marina applicants must complete this appendix and any other appendices that may apply to the proposed project (see "List of Appendices").

Please be sure that answers to all of the questions in this appendix correspond to information on the application drawings.

1. Name of marina: Osprey Point Marina

2. Complete mailing address for marina: Osprey Point Preserve, LLC.
2979 Barley Mill Road
Yorklyn, DE 19736
Attn: Kathleen Horsey

Telephone Number: 302-542-5205

3. Name and complete address for Harbormaster, if applicable:

Alex Hawes
Osprey Point Preserve, LLC.
2979 Barley Mill Road
Yorklyn, DE 19736

4. Check appropriate box: New Marina Alteration to Existing Marina

5. Number of Slips: Complete Appendix A for details of docking facilities.

	a. Wet Slips	Dry Storage Spaces
b. Existing	<u>0</u>	<u>0</u>
c. Proposed or Additional	<u>25</u>	<u>0</u>

- If this is an alteration to an existing marina, please be advised that the questions that follow pertain only to the altered portion(s) of the facility.

6. Shellfish Resources: Is any part of the marina located within or adjacent to a classified shellfish growing area? This information can be obtained from the Division of Watershed Stewardship, Watershed Assessment Section (302-739-9939)

Yes No

If yes, how is the area currently classified?

Approved Area Conditionally Restricted Area
 Conditionally Approved Area Prohibited Area
 Restricted Area

7. Submerged Aquatic Vegetation (SAV): Are any SAV beds located within the marina basin or adjacent areas? Yes No

8. Critical Habitats: Is the marina located within or adjacent to an area classified as a critical habitat by the Department's Division of Parks and Recreation? Critical habitat areas are those that are included in the Natural Areas Inventory, or that provide habitat for species included in the State Endangered Species Act (7 Del. C., Chapter 6). To obtain the locations of these areas, contact the Division of Parks and Recreation at (302) 739-5285. Yes No

9. Dredging and Dredged material Disposal: Complete Appendices R and/or S.

None

10. Shoreline Protection Structures: Complete appropriate Appendices.

None

11. Water Supply: Describe the existing or proposed water supply facilities for the project.

Public water system. Identify: Tidewater Utilities, Inc.

Private well. If existing, include the DNREC Well Permit Number: _____

If there are plans to construct a new well, a permit must be obtained from the Department's Water Supply Section prior to well construction.

12. Wastewater Facilities:

a. How many restroom facilities are planned for the marina? 1

If none, please explain: Restrooms will be in adjacent restaurant facility.

b. How will the wastewater from the facility be handled?

Public sewer, identify: Sussex County

On-site septic system

Other, describe:

c. Identify the permit numbers for any treatment, storage or disposal permits that have been obtained for the proposed wastewater facilities, including name and permit number for any waste transporters who will be transporting wastewater or septage.

d. If permits for the wastewater facilities have not yet been obtained, have permit applications been submitted? Yes No

If Yes, show the date and to whom the application was mailed. If no, describe all proposed plans for wastewater handling. Attach additional sheets as necessary.

13. Parking:

How many parking spaces will be provided? 82 shared with restaurant & community beach area

Does the proposed parking plan conform to:

Local planning codes or requirements; (Contact the County Planning Department and/or local municipal government offices for this information). Yes No

The 0.5 spaces/slip rebuttable presumption from the Marina Regulations Yes No

If no, please explain:

14. Stormwater Management: Describe in detail the plans to detain the first one-half inch of stormwater run-off from the disturbed portion of the site and release it over a 24 hour period. Attach additional sheets and drawings as necessary.

Stormwater on the site will be directed and treated in a stormwater management pond as approved by the Sussex Conservation District.

15. Solid Waste Management:

How many trash receptacles/ recycling bins will be provided at the marina? 1

If trash receptacles will not be provided, what measures will be taken to ensure that solid wastes are properly disposed of? Restaurant will have a commercial dumpster.

16. Boat Maintenance Areas and Activities:

a. Describe in detail how boat maintenance by-products, debris, residues, spills and run-off from maintenance areas will be controlled in accordance with the Marina Regulations. Attach separate sheets if necessary. No boat maintenance is proposed.

b. Will special containers for waste oils and other maintenance wastes be provided? Yes
 No Explain: No boat maintenance is proposed.

c. Describe in detail how materials used in maintenance and repair operations will be handled and stored. Materials of concern include, but are not limited to, paints, solvents, oils, greases, preservatives, pesticides, epoxies and corrosive cleaners. Indicate whether local fire codes or national Fire Protection Association (NFPA) standards have been used in developing the proposed handling and storage. Attach separate sheets if necessary.

No boat maintenance is proposed.

17. Fuel Storage and Delivery Facilities/Spill Contingency Plan:

a. Describe in detail all procedures for storage, handling and dispensing of fuel. Indicate whether local fire codes or National Fire Protection Association (NFPA) standards have been used in developing proposed procedures. A permit from the Department's Underground Storage Tank Branch may also be required. Attach separate sheets as necessary.

No fueling operation is proposed.

b. Describe in detail procedures that will be used to contain and clean any fuel spills that occur as a result of marina operations. Notification procedures should also be described. Attach separate sheets if necessary.

An emergency spill kit will be located on site. Signage with all emergency contact numbers will be at the harbormaster office.

18. Fire Protection Systems: Describe the fire protection systems that are proposed for the facility. Indicate whether local fire codes or National Fire Protection Association (NFPA) standards have been used in choosing and designing the systems. Attach additional sheets as necessary.

Fire protection is shown on plans which will be approved by the Office of the State Fire Marshall.

19. Life Safety Equipment:

- a. For alterations to existing marinas: Does the alteration involve the addition of new water-based structures? Yes No If yes, complete 20 B. If no, skip to question 21.
- b. How many floatation devices will be provided around the marina and how far apart will they be located? 3 (2 at each pier and 1 at Harbormaster office)

20. Fish Waste:

Will fish cleaning stations be provided? Yes No
 If yes, how many? _____ (Be sure to show their location on the engineering plans).
 Will the marina provide a live bait concession? Yes No

21. Piers and Docks: Complete Appendix A.

22. **Drawing Requirements:** At a minimum, all marina applicants must submit at least the following drawings:

- a. Elevation or Section View
 - b. Vicinity Map
 - c. Plan View
- General Information for All Drawings: For all major structures, the structural dimensions and distance from the nearest property line, survey marker or permanent landmark should be shown.
 - Wherever possible, identify the materials used in construction. If dredging or filling is involved, show the volume and type of materials to be moved, and the grade to be used.
- a. Elevation or Section View

The elevation or section view includes the following, as applicable: (check those which apply). Pre-checked items must be included.

- Mean high and low water lines;
- Construction details for all water-based structures (e.g. piers docks, pilings);
- None Construction details for all bulkheads, rip-rap and other shoreline protection structures;
- None Intake and outfall structures
- None Boat Ramps
- None Channel or basin modifications (proposed dredging areas)
- Other

b. Vicinity Map

c. Plan View

The plan view should be prepared on 8 1/2" x 11" paper, and in a standard blue print size and format, and contain the locations of the following features, as applicable (Check all those which apply to the project and include these items on the plan view drawing):

- Property boundaries
- Shoreline
- Mean high and low water lines
- Direction of river flow/ebb and flow of tide
- Proposed channel
- Navigation Aids
- Piers, docks, pilings, bulkheads, moorings, anchorages, jetties, groins, breakwaters and other water-based structures
- Slips (Wet)
- Slips (Dry)
- Boat ramp(s)
- Buildings, other structures (identify each)
- Boat storage areas/facilities
- Boat maintenance area(s)
- Extent of roof coverage (e.g. over maintenance areas, boat storage areas, etc.)
- Roadways (identify surface, e.g. asphalt, gravel dirt, etc.)
- Parking areas (identify surface, e.g. asphalt, gravel, dirt, grass, etc.)
- Maintenance materials storage areas(s)
- Public telephone(s)
- Public restroom(s)
- Fish cleaning station(s)
- Life safety equipment station(s)
- Fuel dispensing pump(s) underground storage tank
- Septic tank
- Sewer connection/wastewater collection system
- Water supply well
- Portable fire extinguisher(s), fire hydrant(s)
- Spill containment equipment storage areas(s)
- Trash receptacle(s) waste oil - other waste receptacles
- Stormwater management facilities
- Compensation area for wetlands
- Other

PROPERTY OWNERS - 1000 FOOT RADIUS

334-19.00-1438.00

Matrarchia Liboria J. & Charlene J. Rev. Liv. Trust
35596 Cannel Bay Court
Rehoboth Beach, DE 19971

334-19.00-1439.00

Hruby, Robert R. & Arlene K. Hruby
35595 Cannel Bay Court
Rehoboth Beach, DE 19971

334-19.00-1442.00

Richter, Bruce K. & Edward J. Curley
945 Salisbury Court
Landcaster, PA 17601

334-19.00-1443.00

Murray, Robert W. Jr. & Shawn M. Barron
35612 Marabella Lane
Rehoboth Beach, DE 19971

334-19.00-1.04

Sawgrass South, LLC. 1300 Piccard Drive, Suite 106
Rockville, MD 20850

334-22.00-26.00

Sikveland, Arvid & Judith
27 Marshall Road
Rehoboth Beach, DE 19971

334-22.00-25.00

Watson, Charles V. & Stacy D. Watson
22 Sparks Farm Road
Sparks, MD 21152

334-22.00-24.00
Church, Billy G. Trustee
1445 Pole Bridge Road
Middletown, DE 19709

334-22.00-23.00 & 22.00
Allsop, Susan L.
33 Marshall Road
Rehoboth Beach, DE 19971

334-22.00-21.00
Harris, Russell H. Trustee
5829 Wissahickon Ave.
Philadelphia, PA 19144

334-22.00-20.03
Madeska, Matthew R. & Cindy L. Ran
792 N. Wayne Ave.
Wayne, PA 19087

334-22.00-20.06
Browning, Christene L. & Deborah A. Malboeuf
36 Marshall Road
Rehoboth Beach, DE 19971

334-22.00-20.01
Bonadio, Nancy Lee
806 Olde Georgetown Court
Great Falls, VA 22066

334-22.00-20.04
Dellavecchio, Mark & Nancy
30 Marshall Road
Rehoboth Beach, DE 19971

334-22.00-20.02
Raphaelson, Mark & Joanne C.
28 Marshall Road
Rehoboth Beach, DE 19971

334-22.00-20.05
Felix, Emanuel R. & Kelly A. Felix
26 Marshall Road
Rehoboth Beach, DE 19971

334-22.00-19.00
Degliobizzi, Matthew T. Sr. TTEE Rev. & Denise
214 Louis Lane
Hockessin, DE 19958

334-22.00-1.01
Koyner, Steven David & Lia Ingrid
105 Side Saddle Place
West Chester, PA 19382

334-22.00-6.00
Simon, Thomas John & Linda N.
13 Arnell Road
Rehoboth Beach, DE 19971

334-22.00-5.00
Lux, William M. & Janet E.
15 Arnell Road
Rehoboth Beach, DE 19971

334-22.00-4.00
Maltesda, David M & Diane A.
3816 Valley Brook Drive
Wilmington, DE 19808

334-22.00-4.01
Quigley, Jack N.
1234 North Reading Ave.
Bechtelsville, PA 19505

334-22.00-3.00
Teaman, Kenneth L. & Carolyn B.
266 Skytop Lane
Port Matilda, PA 16870

334-22.00-2.00
Bradley, Alex F. Jr. & Anne Marie
23 Arnell Rd.
Rehoboth Beach, DE 19971

334-22.00-1.00
Evans, Alan W. TTEE of the Aww Rev. Tr.
25 Arnell Rd.
Rehoboth Beach, DE 19971

334-22.00-1.02
King, James Joseph & Katherine C.
2349 Patuxent River Rd.
Gambrills, MD 21054

334-22.00-39.00
Zimmerman, Dana & Diane
172 Cinder Rd.
Timonium, MD 21093

334-22.00-40.00
Bozzi, Jason
22 Arnell Rd.
Rehoboth Beach, DE 19971

334-22.00-41.00 & 42.00
Davis, Michael J. & Susan C.
20 Arnell Rd.
Rehoboth Beach, DE 19971

334-22.00-43.00 & 44.00
Barbato, Steven A. & Abbe L.
16 Arnell Rd.
Rehoboth Beach, DE 19971

334-22.00-45.00
Day, Russell B. & Vicki L.
12 Arnell Rd.
Rehoboth Beach, DE 19971

334-18.00-51.00
State of Delaware
P.O. Box 778
Dover, DE 19901

Multiple Parcels
Osprey Point Preserve, LLC.
2979 Barley Mill Rd.
Yorklyn, DE 19736

TAX PARCEL #334-18.00-83.00 (in part)
TAX PARCEL #334-18.00-83.17

Document # 2021000062050 BK: 5565 PG: 231
On 10/6/2021 at 10:24:36 AM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00 County/Town: \$0.00
State: \$0.00 Total: \$0.00 Doc Surcharge Paid

PREPARED BY AND RETURN TO:
Whittington and Aulgur
2979 Barley Mill Road
Yorklyn, DE 19736

CORRECTIVE DEED

THIS DEED is made this 4th day of OCTOBER, 2021,

- BETWEEN -

ROBERT A. MARSHALL, an individual of 40 Clubhouse Drive, Rehoboth Beach, Delaware 19971, party of the first part,

- AND -

OSPREY POINT PRESERVE LLC, a Delaware limited liability company, of 2979 Barley Mill Road, Yorklyn, Delaware 19736, 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, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors, heirs, and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

SEE EXHIBIT "A" ATTACHED HERETO.

BEING a part of the same lands conveyed to Robert A. Marshall by Deed of Katherine D. Cannon, dated March 13, 2017, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on March 13, 2017, in Deed Book 4677, Page 78, et seq.

AND BEING the same lands conveyed to Osprey Point Preserve LLC by Deed of Robert A. Marshall dated April 13, 2020, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on April 23, 2020, in Deed Book 5229, Page 320.

This is a Corrective Deed the purpose of which is to clarify the property being conveyed in the original Deed dated April 13, 2020, referenced above. Grantors and Grantee acknowledge and agree that the original Deed requires clarification based on the recordation of a Revised Site Plan of Osprey Point dated May 20, 2020, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on August 12, 2020, at Plot Book 319, Page 18 ("Record Plan") which more clearly sets out the property intended to be conveyed. This Corrective Deed is intended to effectuate such needed clarification.

IN WITNESS WHEREOF, the said **ROBERT A. MARSHALL** has caused his name and seal to be hereunto set, duly attested, the day and year first above written.

Halli L. Alban

 Witness

Robert A. Marshall
 _____ (SEAL)
ROBERT A. MARSHALL

STATE OF DELAWARE)
) SS.
 COUNTY OF SUSSEX)

BE IT REMEMBERED, that on this 4 day of ~~September~~ ^{October}, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, **ROBERT A. MARSHALL**, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his voluntary act and deed; that his signature is in his own proper handwriting; and that his act of signing, sealing, acknowledging, and delivering said Indenture was his voluntary act and deed.

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

LANIE ROBIN BAILEY Notary Public STATE OF DELAWARE My Commission Expires Feb. 27, 2022

Lanie Robin Bailey

 Notary Public
Lanie Robin Bailey

 (Print Name)
 My Commission Expires: Feb. 27, 2022

EXHIBIT A

ALL those certain lots, pieces or parcels of land, hereinafter described, situate, now or formerly of Robert A. Marshall, lying and being on the westerly side of County Road #274 (50 feet wide) and being located in Lewes and Rehoboth Hundred, Sussex County, Delaware, being more particularly described as part of Sussex County Tax Parcel number 3-34-18.00-83.00, comprised of the planned residential subdivision known as "Osprey Point Subdivision" as shown on the Revised Site Plan of Osprey Point dated May 20, 2020, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on August 12, 2020, at Plot Book 319, Page 18 ("Record Plan").

BEGINNING at a point on the right-of-way line of Old Landing Road and the north easterly property corner of Lot 2 within Willowmere Subdivision, the following six (6) courses and distances: (1) Thence running with the northerly lot line of Lot 2 (within Willowmere Subdivision) South 69 degrees 56 minutes 15 seconds West, 145.00 feet to a point; (2) Thence turning and running South 74 degrees 59 minutes 41 seconds West, 450.55 feet to a point at the northeasterly corner of Lot 1 (within Willowmere Subdivision); (3) Thence turning and running South 51 degrees 54 minutes 12 seconds West, 200.20 feet to a point at the intersection of the northwesterly corner of Lot 1 (within Old Landing Woods Subdivision Addition 1) and the Arnell Road right-of-way; (4) Thence turning and running North 38 degrees 05 minutes 48 seconds West, 82.58 feet to a point along the right-of-way of Arnell Road; (5) Thence turning and running North 15 degrees 48 minutes 34 seconds East, 118.94 feet to a point along the right-of-way of Arnell Road; (6) Thence turning and running North 56 degrees 49 minutes 56 seconds West, 197.29 feet to a point along Lot 29 (within Old Landing Woods Subdivision Addition 1) where it meets Arnell Creek (labeled as Rehoboth Bay on the Davis, Bowne & Friedel, Inc. plat); Thence turning and running along Arnell Creek for the following thirty-six (36) courses and distances: (1) North 02 degrees 56 minutes 03 seconds East, 80.39 feet to a point; (2) North 20 degrees 50 minutes 48 seconds West, 184.57 feet to a point; (3) North 65 degrees 40 minutes 20 seconds West, 116.14 feet to a point; (4) North 11 degrees 23 minutes 18 seconds East, 54.39 feet to a point; (5) North 30 degrees 26 minutes 07 seconds West, 255.31 feet to a point; (6) North 89 degrees 48 minutes 15 seconds West, 77.07 feet to a point; (7) North 27 degrees 04 minutes 54 seconds West, 162.10 feet to a point; (8) North 50 degrees 03 minutes 59 seconds West, 169.04 feet to a point; (9) North 08 degrees 54 minutes 07 seconds West, 65.04 feet to a point; (10) North 54 degrees 10 minutes 58 seconds West, 51.49 feet to a point; (11) North 86 degrees 45 minutes 54 seconds East, 71.03 feet to a point; (12) South 68 degrees 05 minutes 54 seconds West, 15.35 feet to a point; (13) North 69 degrees 08 minutes 58 seconds West, 57.28 feet to a point; (14) North 39 degrees 26 minutes 17 seconds West, 12.79 feet to a point; (15) North 74 degrees 05 minutes 51 seconds West, 21.99 feet to a point; (16) North 14 degrees 02 minutes 38 seconds West, 28.89 feet to a point; (17) North 21 degrees 14 minutes 48 seconds East, 33.26 feet to a point; (18) North 45 degrees 23 minutes 08 seconds West, 54.42 feet to a point; (19) North 14 degrees 43 minutes 31 seconds West, 30.51 feet to a point; (20) North 81 degrees 51 minutes 55 seconds West, 52.91 feet to a point; (21) North 33 degrees 25 minutes 51 seconds West, 27.33 feet to a point; (22) North 44 degrees 38 minutes 53 seconds East, 21.66 feet to a point; (23) North 79 degrees 00 minutes 14 seconds West, 95.84 feet to a point; (24) North 52 degrees 18 minutes 31 seconds West, 111.20 feet to a point; (25) North 27 degrees 20 minutes 54 seconds West, 140.92 feet to a point; (26) North 15 degrees 00 minutes 51 seconds

West, 81.99 feet to a point; (27) North 06 degrees 13 minutes 03 seconds East, 232.42 feet to a point; (28) North 34 degrees 28 minutes 36 seconds East, 242.67 feet to a point; (29) North 11 degrees 12 minutes 30 seconds East, 156.70 feet to a point; (30) North 24 degrees 05 minutes 48 seconds East, 115.17 feet to a point; (31) North 10 degrees 36 minutes 11 seconds East, 71.57 feet to a point; (32) North 09 degrees 20 minutes 06 seconds West, 123.76 feet to a point; (33) North 18 degrees 35 minutes 07 seconds East, 51.50 feet to a point; (34) North 35 degrees 27 minutes 12 seconds East, 36.52 feet to a point; (35) North 18 degrees 28 minutes 33 seconds East, 46.62 feet to a point; (36) North 12 degrees 44 minutes 06 seconds West, 18.94 feet to a point; Thence leaving said Arnell Creek and turning and running the following twenty-eight (28) courses and distances: (1) North 62 degrees 11 minutes 30 seconds East, 285.00 feet to a point; (2) Thence turning and running North 06 degrees 45 minutes 36 seconds East, 176.94 feet to a point; (3) Thence turning and running North 32 degrees 52 minutes 18 seconds West, 405.85 feet to a point; (4) Thence turning and running North 84 degrees 44 minutes 50 seconds West, 36.39 feet to a point along Clubhouse Drive right-of-way; (5) Thence turning and running along a curve to the left, having a radius of 50.00 feet, an arc length of 106.88 feet with a chord bearing of North 85 degrees 19 minutes 22 seconds West, 87.66 feet to a point; (6) Thence turning and running along a curve to the right, having a radius of 25.00 feet, an arc length of 30.77 feet with a chord bearing of South 68 degrees 42 minutes 11 seconds West, 28.87 feet to a point; (7) Thence turning and running North 76 degrees 01 minutes 57 seconds West, 225.62 feet to a point; (8) Thence turning and running along a curve to the right, having a radius of 26.78 feet, an arc length of 41.13 feet with a chord bearing of North 32 degrees 01 minutes 57 seconds West, 37.21 feet to a point; (9) Thence turning and running North 11 degrees 58 minutes 03 seconds East, 83.21 feet to a point at the southwesterly corner of Lot 5 SEC E; (10) Thence turning and running South 78 degrees 01 minutes 57 seconds East, 104.29 feet to a point; (11) Thence turning and running along said property line North 06 degrees 57 minutes 03 seconds East, 35.00 feet to a point; (12) Thence turning and running along said property line North 61 degrees 57 minutes 03 seconds East, 68.00 feet to a point; (13) Thence turning and running along said property line North 11 degrees 57 minutes 03 seconds East, 46.00 feet to a point; (14) Thence turning and running along said property line North 31 degrees 18 minutes 56 seconds East, 82.03 feet to a point at the southeast corner of Lot 4 SEC E; (15) Thence turning and running along the property lines of Lot 4 SEC E, Lot 3 SEC E, Lot 2 SEC E, and Lot 1 SEC E, North 26 degrees 39 minutes 56 seconds West, 305.00 feet to a point; (16) Thence turning and running along said property Lot 1 SEC E, North 56 degrees 49 minutes 39 seconds West, 249.93 feet to a point; (17) Thence turning and running along said property Lot 1 SEC E, South 62 degrees 08 minutes 35 seconds West, 37.02 feet to a point along Clubhouse Drive right-of-way; (18) Thence turning and running along said Clubhouse Drive right-of-way North 27 degrees 53 minutes 08 seconds West, 251.14 feet to a point; (19) Thence turning and running along said Clubhouse Drive right-of-way along a curve to the left, having a radius of 325.00 feet, an arc length of 140.20 feet with a chord bearing of North 40 degrees 14 minutes 37 seconds West, 139.11 feet to a point at the south corner of lands now or formerly of Sussex County; (20) Thence leaving said Clubhouse Drive right-of-way and turning and running along said property line of Sussex County North 32 degrees 11 minutes 52 seconds East, 51.36 feet to a point; (21) Thence turning and running along said property line of Sussex County North 57 degrees 47 minutes 51 seconds West, 30.15 feet to a point along the southeasterly corner of Lot 6 SEC B; (22) Thence turning and running along said property line of Lot 6 SEC B, North 21 degrees 44 minutes 38 seconds West, 271.93 feet to a point along Lot 4 SEC B; (23) Thence turning and running along said property line of Lot 4

SEC B, North 32 degrees 05 minutes 44 seconds East, 65.83 feet to a point along Lot 3 SEC B; (24) Thence turning and running along said property line of Lot 3 SEC B South 57 degrees 47 minutes 25 seconds East, 5.00 feet to a point at the south corner of Lot 3 SEC B; (25) Thence turning and running along said property line of Lot 3 SEC B North 37 degrees 35 minutes 25 seconds East, 138.64 feet to a point at the south corner of Lot 2 SEC B and the west corner of Lot 1 SEC B; (26) Thence turning and running along said property line of Lot 1 SEC B South 57 degrees 45 minutes 42 seconds East, 106.98 feet to a point at the south corner of Lot 1 SEC B; (27) Thence turning and running along said property line of Lot 1 SEC B North 42 degrees 30 minutes 28 seconds East, 140.25 feet to a point at the intersection of the east corner of Lot 1 SEC B and the right-of-way for Fairway Drive; (28) Thence turning and running along said right-of-way for Fairway Drive South 57 degrees 49 minutes 33 seconds East, 1,444.25 feet to a point at the intersection of Fairway Drive right-of-way and Old Landing Road right-of-way; Thence turning and running along the right-of-way for Old Landing Road the following twelve (12) courses and distances: (1) South 13 degrees 13 minutes 14 seconds East, 178.57 feet to a point; (2) Along a curve to the left, having a radius of 1,380.02 feet, an arc length of 381.84 feet with a chord bearing of South 21 degrees 12 minutes 14 seconds East, 380.63 feet to a point; (3) South 28 degrees 39 minutes 26 seconds East, 933.66 feet to a point; (4) Along a curve to the right, having a radius of 1,290.00 feet, an arc length of 175.11 feet with a chord bearing of South 23 degrees 13 minutes 20 seconds East, 174.98 feet to a point; (5) Along a curve to the right, having a radius of 430.00 feet, an arc length of 243.72 feet with a chord bearing of South 03 degrees 06 minutes 18 seconds East, 240.47 feet to a point; (6) South 13 degrees 06 minutes 20 seconds West, 681.26 feet to a point; (7) Along a curve to the left, having a radius of 380.00 feet, an arc length of 221.67 feet with a chord bearing of South 03 degrees 40 minutes 44 seconds East, 218.54 feet to a point; (8) South 20 degrees 17 minutes 55 seconds East, 384.15 feet to a point; (9) South 05 degrees 17 minutes 55 seconds East, 42.50 feet to a point; (10) South 20 degrees 17 minutes 55 seconds East, 333.55 feet to a point; (11) South 35 degrees 17 minutes 55 seconds East, 42.50 feet to a point; (12) South 20 degrees 17 minutes 55 seconds East, 543.03 feet to the point of beginning. Containing an area of 126.31 acres, more or less. Being the same land shown on a drawing prepared by Davis, Bowen & Friedel, Inc. entitled "Plat Showing part of the lands of Robert A. Marshall," dated March 10, 2020.

EXCEPTING THEREOUT AND THEREFROM lots previously conveyed by Robert A. Marshall to Osprey Point Preserve LLC by Deed dated April 15, 2021, and recorded in the Office of the Recorder of Deeds on April 15, 2021, in Deed Book 5446, Page 269, being Lots Nos. 130 through 149 inclusive and Lots Nos. 155 and 156.

AND EXCEPTING THEREOUT AND THEREFROM lots to be retained by Robert A. Marshall as shown on the Record Plan being Lots Nos. 1 through 116 inclusive, Lots Nos. 150 through 154 inclusive, and Lots Nos. 157 through 217 inclusive.

SUBJECT TO ALL covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.



**AFFIDAVIT FOR REALTY TRANSFER TAX ON UNINCORPORATED
AREAS IN SUSSEX COUNTY PURSUANT TO CHAPTER 103 OF
THE SUSSEX COUNTY CODE**

NOTE: Affidavit is required on all transactions (incorporated or unincorporated areas)

Part A — To Be Completed By GRANTOR/SELLER

NAME ROBERT A. MARSHALL SOCIAL SECURITY # 221-34-8731
 ADDRESS 40 CLUBHOUSE DRIVE or
 CITY REHOBOTH BEACH EMPLOYER I.D. # _____
 STATE DE ZIP 19971

Part B — To Be Completed By GRANTEE/BUYER

NAME OSPREY POINT PRESERVE LLC SOCIAL SECURITY # 83-1182288
 ADDRESS 2979 BARLEY MILL ROAD or
 CITY YORKLYN EMPLOYER I.D. # _____
 STATE DE ZIP 19736

Part C — PROPERTY LOCATION

District P/O 334 Map 18.00 Parcel 83.00 and 83.17

Part D — COMPUTATION OF THE TAX

1. CONVEYANCES WITH CONSIDERATION
 Enter Consideration Received \$ _____
2. CONVEYANCES WITHOUT CONSIDERATION —
 Enter Highest Assessed Value For Local Tax Purposes \$ _____
3. Enter the Greater, Line 1 or Line 2 \$ _____
4. Multiply Line 3 times 1.50% — Tax Due and Payable \$ _____

EXEMPT CONVEYANCES: If transaction is exempt from Transfer tax,
 explain the basis for the exemption: THIS CONVEYANCE IS EXEMPT FROM TRANSFER TAX BEING A CORRECTIVE DEED
PURSUANT TO 30 DEL.C. SECT. 5401(1)(f).

First Time Home Buyer? Yes _____ No (If "Yes", attach First Time Home Buyer Affidavit)

Sworn and Subscribed before me on
 this 4th day of OCTOBER, 2021

Robert A Marshall
 Seller's Signature

Lanie Robin Bailey
 Notary Public

LANIE ROBIN BAILEY
 Notary Public
 STATE OF DELAWARE
 My Commission Expires Feb. 27, 2022

OFFICE USE ONLY:



**REALTY TRANSFER TAX RETURN
AND
AFFIDAVIT OF GAIN AND VALUE
FORM 5402**

STATE OF DELAWARE
Division of Revenue
820 N. French Street
P.O. Box 8763
Wilmington, Delaware
19899-8763



DF42718019999

FOR OFFICE USE ONLY

Rev. Code 0050

Form 5402 must be completed for all conveyances and must be presented at the time of recording.

PART A - TO BE COMPLETED BY GRANTOR/SELLER

Enter Employer Identification Number or Social Security Number of the Grantor

1. 2 2 1 3 4 8 7 3 1

2. Name of Grantor **ROBERT A. MARSHALL**

3. Address **40 CLUBHOUSE DRIVE**

City **REHOBOTH BEACH** State **DE** Zip Code **19971**
County **SUSSEX**

4. Date of real estate conveyance **21**

5. The Grantor is a:
- Resident Individual
 - Non-Resident Individual
 - Domestic Corporation (Delaware)
 - Foreign Corporation (Non-Delaware)
 - S Corporation
 - Government Agency
 - Fiduciary (Estate or Trust)
 - Partnership
 - Non-Profit Corporation

PART B - TO BE COMPLETED BY GRANTEE/BUYER

Enter Employer Identification Number or Social Security Number of the Grantee

1. **8 3 1 1 8 2 2 8 8**

2. Name of Grantee **OSPREY POINT PRESERVE LLC**

3. Address **2979 BARLEY MILL ROAD**

City **YORKLYN** State **DE** Zip Code **19971**
County

4. The Grantee is a:
- Resident Individual
 - Non-Resident Individual
 - Domestic Corporation (Delaware)
 - Foreign Corporation (Non-Delaware)
 - S Corporation
 - Government Agency
 - Fiduciary (Estate or Trust)
 - Partnership
 - Non-Profit Corporation

PART C - PROPERTY LOCATION AND COMPUTATION OF THE TAX

1. Address **P/O 126.88 ACRES & PARCEL O, OSPREY POINT SUB**
City **REHOBOTH BEACH** State **DE** Zip Code **19971**

2. Enter the amount of consideration received including cash, checks, mortgages, liens, encumbrances, and any other good and valuable consideration \$ **0.00**

Was like kind property exchanged? Yes No (If yes, see instructions.)

3. Enter the highest assessed value (for local tax purposes) of the real estate being conveyed \$

Was like kind property exchanged? Yes No (If yes, see instructions.)

4. Enter the greater of Line 2 or Line 3 \$

5. Percentage rate of Realty Transfer Tax paid to the State of Delaware, county and/or municipality **4.0%**

6. Percentage rate of Realty Transfer Tax paid to the county or municipality **1.50**

7. Reduction for contracts executed prior to 8/1/2017 (see instructions)

8. Delaware Realty Transfer Tax percentage (subtract lines 6 and 7 from line 5)

9. Delaware Realty Transfer Tax Before Credits (multiply line 4 by line 8)..... \$

10. Credit - First Time Homebuyer (See Instructions and must attach Form 5402 Schedule 1) \$

11. Delaware Realty Transfer Tax Due (Subtract line 10 from line 9) \$ **0.00**

County
New Castle
Kent
 Sussex

PART D - EXEMPT CONVEYANCES

If transaction is exempt from Realty Transfer Tax, be certain that all of the above information (including market value of the real estate) is complete and accurate and explain the basis for the exemption:

The seller authorizes the Division of Revenue or such other appropriate state agency as may be designated to obtain any appropriate or necessary federal income tax forms, including their attached schedules or other attachments, and any other related papers filed by such seller which relate solely to the said real estate to which title is purported to be conveyed by the deed or instrument being recorded. Delaware law requires an income tax return to be filed for the taxable year during which there was disposition of real property within this state.

Sworn and Subscribed before me
on this 4th day of OCTOBER, 2021

Robert A Marshall
Seller's Signature

Lanie Robin Bailey
Notary Signature

Relationship Banker
Title of Officer/Partner

LANIE ROBIN BAILEY
Notary Public
STATE OF DELAWARE
My Commission Expires Feb. 27, 2022



REAL ESTATE TAX RETURN
DECLARATION OF ESTIMATED
INCOME TAX

Delaware Division of Revenue
820 N. French Street, P.O. Box 8763
Wilmington, DE 19899-8763

FORM 5403

DO NOT WRITE OR STAPLE IN THIS AREA

Form 5403 must be completed for all conveyances, and must be presented at the time of recording.

1. Description and address of property transferred (include property tax parcel number):

P/O 126.88 ACRES AND PARCEL O, OSPREY POINT SUBDIVISION, REHOBOTH BEACH, DE 19971

Tax Parcel Number: P/O334-18.00-83.00&83.17 County: New Castle Kent Sussex Date of Transfer: 21

2. Transferor/Seller is:

- Individual or Revocable Living Trust
- Corporation
- Trust or Estate
- Business Trust
- Partnership
- S Corporation
- Limited Liability Company
- Other:

3. Transferor or Seller acquired property by:

- Purchase
- Gift
- Inheritance
- 1031 Exchange
- Foreclosure/Repossession
- Other: CORRECTIVE

4. Transferor/Seller's name; SSN or EIN; and address to which correspondence is to be mailed after settlement. (Enter only one name and SSN or EIN per return. If more than one transferor/ seller, use separate forms for each; however, if Transferors/Sellers are spouses, enter only the primary taxpayer name and SSN, and only file one return. If transferor/seller is not an individual, list only EIN of non-individual transferor/seller and file only one Form 5403 for such transferor/seller - no Form 5403 should be filed for the members, partners, stockholders, trustees or other individuals or entities having an ownership interest in any such non-individual transferor/seller.)

Enter Social Security Number or Employer Identification Number of the Transferor/Seller

2 2 1 3 4 8 7 3 1

Name of Transferor/Seller ROBERT A. MARSHALL

Address 40 CLUBHOUSE DRIVE

City REHOBOTH BEACH

State DE

ZIP Code 19971

5. If applicable, check appropriate box. (Check no more than one box.)

- Transferor/seller is a resident (a) individual, (b) pass-through entity or (c) corporation; and not subject to withholding under 30 Del. C §§1126, 1606 or 1909;
- Sale or exchange exempt from capital gain recognition;
- Gain realized excluded from income for tax year of sale or exchange.
- Sale exempt due to foreclosure. (See Instructions)



DF24018019999

If any box in Section 5 is checked, DO NOT complete Sections 6, 7 and 8 below. No payment is due at this time.

6. Computation of payment and tax to be withheld. (See instructions.)

6.a Total sales price	6.a \$	0.00
6.b Less selling expenses/reductions to sale price	6.b \$	0.00
6.c Net sales price (Subtract line 6.b from line 6.a)	6.c \$	0.00
6.d Adjusted basis of property or liens paid at settlement	6.d \$	0.00
6.e Total gain (Subtract line 6.d from line 6.c)	6.e \$	0.00
6.f Delaware estimated income tax due - multiply line 6.e by 8.7% for C corp., and by 6.6% for all others	6.f \$	0.00

NOTE: If section 6 is not filled out or incomplete, the required 6.6% or 8.7% will be withheld from the net proceeds at settlement and submitted to the Division of Revenue as required by law.

7. Check this box if the transferor/seller is reporting gain under the installment method. No tax is payable at this time.
Note: If completing this section, when you recognize any capital gain arising from the sale of property in the State of Delaware, you must report and remit the tax due to the State of Delaware on that transaction.

8. Delaware estimated income tax paid (See instructions). \$ 0.00

Under penalty of perjury, I declare that I have examined this return and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than the transferor/seller, the declaration is based on all information of which the preparer has any knowledge. Transferor/Seller, Please sign and print full name and title (if any):

Robert A. Marshall
Signature

ROBERT A. MARSHALL
Name

OWNER
Title

Profile
Sales
Owners
Land
Agriculture
Residential
Outbuildings
Values
Permits
Sketch
Map
Documents



PARID: 334-18.00-83.17
MARSHALL ROBERT A

ROLL: RP

1 of 1

[Return to Search Results](#)

Actions

-  [Printable Summary](#)
-  [Printable Version](#)

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class:

COM-Commercial

Use Code (LUC):

CO-COMMERCIAL

Town:

00-None

Tax District:

334 - LEWES REHOBOTH

School District:

6 - CAPE HENLOPEN

Council District:

4-Hudson

Fire District:

86-Rehoboth

Deeded Acres:

1.1100

Frontage:

Depth:

Irr Lot:

Zoning 1:

AR-1-AGRICULTURALRESIDENTIAL

Zoning 2:

MR-MEDIUM RESIDENTIAL

Plot Book Page:

319/18/PB

100% Land Value:

\$12,200

100% Improvement Value:

\$0

100% Total Value:

\$12,200

Legal

Legal Description:

WOLD LANDING RD
PARCEL O (BOAT DECK)

Owners

Owner	Co-owner	Address	City	State	Zip
MARSHALL ROBERT A		14127 ROTTWALLER RD	LAUREL	DE	19956

Sussex County
Administrative Office Building
PO Box 593, 2 The Circle
Georgetown, DE 19947

Contact Us
Phone: (302) 855-7823
Fax: (302) 855-7828
Email: assessment@sussexcountyde.gov
Hours: Monday-Friday 8:30am-4:30pm

[Location](#) [Google Map](#)[Search Disclaimer](#)

- Profile
- Sales
- Owners
- Land
- Agriculture
- Residential
- Outbuildings
- Values
- Permits
- Sketch
- Map
- Documents

PARID: 334-18.00-83.00
MARSHALL ROBERT A

ROLL: RP

1 of 1

[Return to Search Results](#)

Actions

- [Printable Summary](#)
- [Printable Version](#)

Property Information

Property Location:

Unit:
City:
State:
Zip:

Class: COM-Commercial
Use Code (LUC): CO-COMMERCIAL
Town: 00-None
Tax District: 334 - LEWES REHOBOTH
School District: 6 - CAPE HENLOPEN
Council District: 4-Hudson
Fire District: 86-Rehoboth
Deeded Acres: 126.3100
Frontage: 0
Depth: .000
Irr Lot:
Zoning 1: AR-1-AGRICULTURAL/RESIDENTIAL
Zoning 2: MR-MEDIUM RESIDENTIAL
Plot Book Page: 347-25/PB

100% Land Value: \$694,800
100% Improvement Value: \$314,200
100% Total Value: \$1,009,000

Legal

Legal Description: W/O/LD LANDING RD
TO BE OSPREY POINT
OPEN SPACE A

Owners

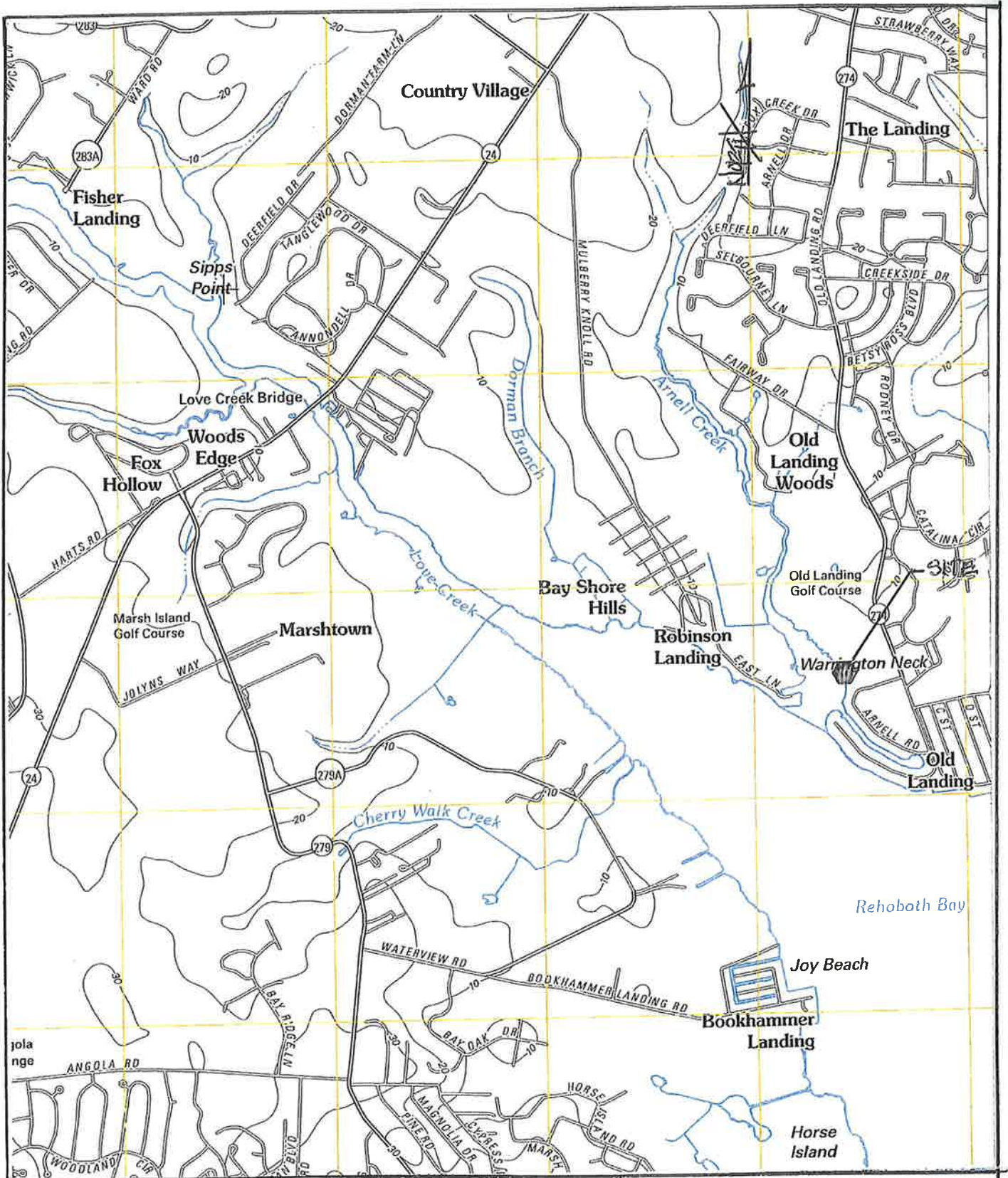
Owner	Co-owner	Address	City	State	Zip
MARSHALL ROBERT A		14127 ROTTWALLER RD	LAUREL	DE	19956

Sussex County
Administrative Office Building
PO Box 555, 2 The Circle
Georgetown, DE 19947

Contact Us
Phone: (302) 855-7824
Fax: (302) 855-7828
Email: assessment@sussexcountyrde.gov
Hours: Monday-Friday 8:30am-4:30pm

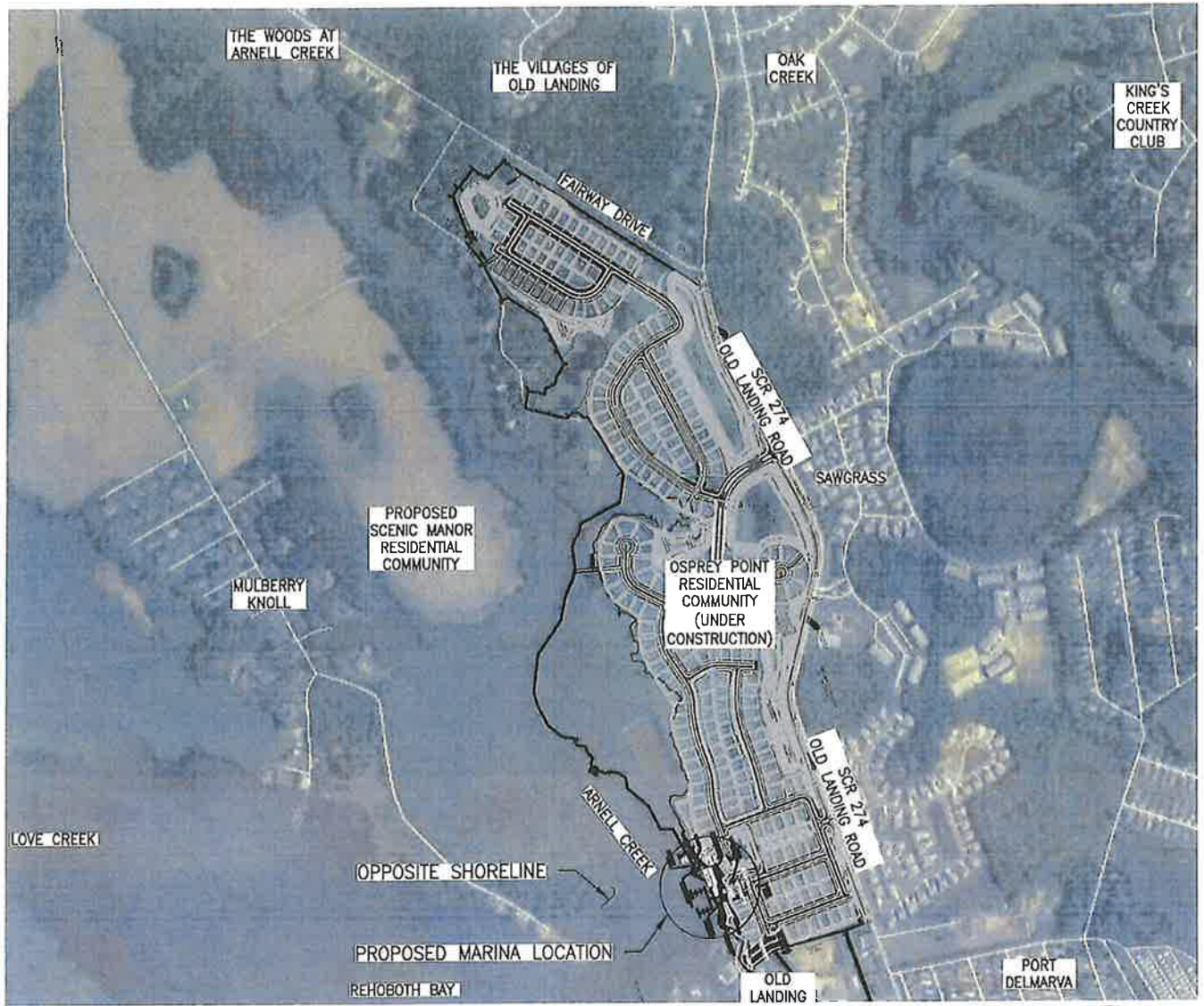
Location: [Google Map](#)

[Search](#) [Disclaimer](#)



<p>SCALE: 1" = 2000 FEET</p>	<p>PROPOSED MARINA OSPREY POINT TM# 334-18.00-83.00</p>	<p>USGS TOPOGRAPHIC MAP FAIRMONT DE QUAD LEWES REHOBOTH HUNDRED</p>
----------------------------------	---	---

<p>ERI ENVIRONMENTAL RESOURCES, INC.</p>	<p>Date: 12.23.2021</p>	<p>Dwn.By: EML</p>	<p>FIGURE: 1</p>
	<p>Revisions:</p>	<p>Proj.No.: 898#1169</p>	



VICINITY MAP



DRAWN BY:	CRH
CK. BY:	VAL
JOB NO.:	200109
SCALE:	1" = 1,000'
DATE:	JAN 2022

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 400 HIGH STREET
 SEAFORD, DELAWARE 19973
 302-828-1421, FAX 302-828-8390
 www.gmbnet.com

MARINA PLAN
 OSPREY POINT
 SCR 274 -
 OLD LANDING
 ROAD

PROPOSED MARINA FACILITY OVER PUBLIC SUBAQUEOUS LAND & STATE / ACOE REGULATED WETLANDS	
DESCRIPTION	AREA (SF)
PROPOSED LEASE AREA WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK CHANNELWARD OF MEAN LOW WATER	1,944
MARINA ACCESS PIER (3 FEET WIDE X 42 FEET LONG) OVER STATE & ACOE REGULATED WETLANDS	126

PROPOSED KAYAK LAUNCH OVER PUBLIC SUBAQUEOUS LAND & STATE/ACOE REGULATED WATERS	
DESCRIPTION	AREA (SF)
PROPOSED LEASE AREA WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK CHANNELWARD OF MEAN LOW WATER	496

ADDITIONAL IMPACTS TO ACOE SECTION 404 WETLANDS	
PROPOSED STORMWATER OUTFALL	
DESCRIPTION	AREA (SF)
IMPACT TO FEDERALLY REGULATED SECTION 404 WETLANDS	368
MARINA & KAYAK LAUNCH DOCK ACCESS PIERS	
IMPACT TO FEDERALLY REGULATED SECTION 404 WETLANDS	63

MARINA SITE PLAN

OSPREY POINT
SUSSEX COUNTY, DELAWARE



GEORGE MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
www.gmbnl.com

DRAWN BY: CRH

CK. BY: VAL

JOB NO.: 200109

SCALE: NTS

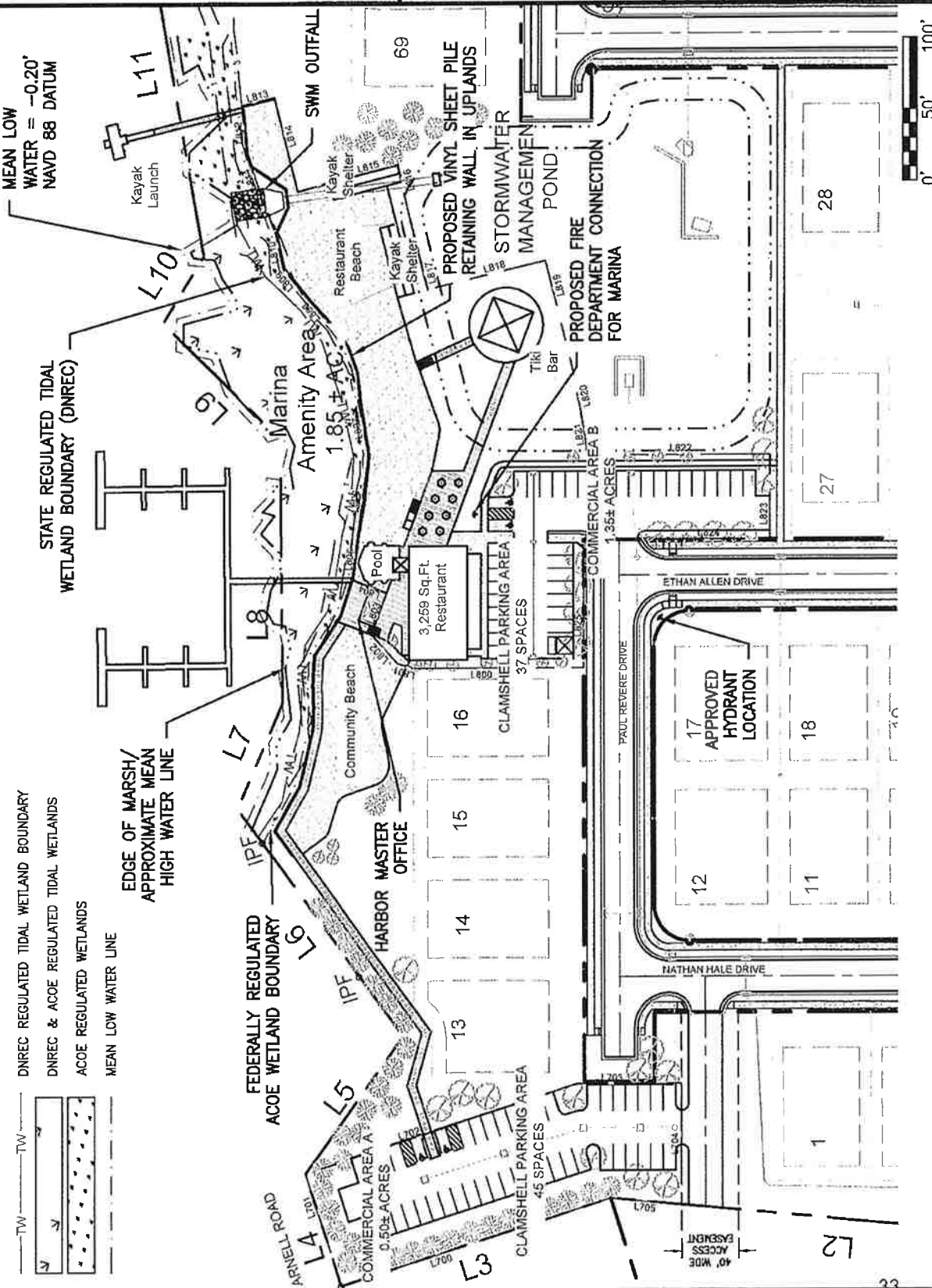
DATE: JAN. 2022

2 of 7

DRAWING NO.

LEGEND

- EXISTING ELEVATION MINOR CONTOUR
- - - EDGE OF MARSH/APPROXIMATE MEAN HIGH WATER LINE
- - - PROPERTY LINE & TIE LINES
- - - ACOE SECTION 404 WETLAND BOUNDARY
- - - DNREC REGULATED TIDAL WETLAND BOUNDARY
- - - DNREC & ACOE REGULATED TIDAL WETLANDS
- - - ACOE REGULATED WETLANDS
- - - MEAN LOW WATER LINE



MARINA SITE PLAN
OSPREY POINT
SUSSEX COUNTY, DELAWARE

GMB
GEORGE MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SPYRO
www.gmbnl.com

DRAWN BY:	CRH
CK. BY:	VAL
JOB NO.:	200109
SCALE:	1"=100'
DATE:	JAN. 2022

3 of 7
DRAWING NO.

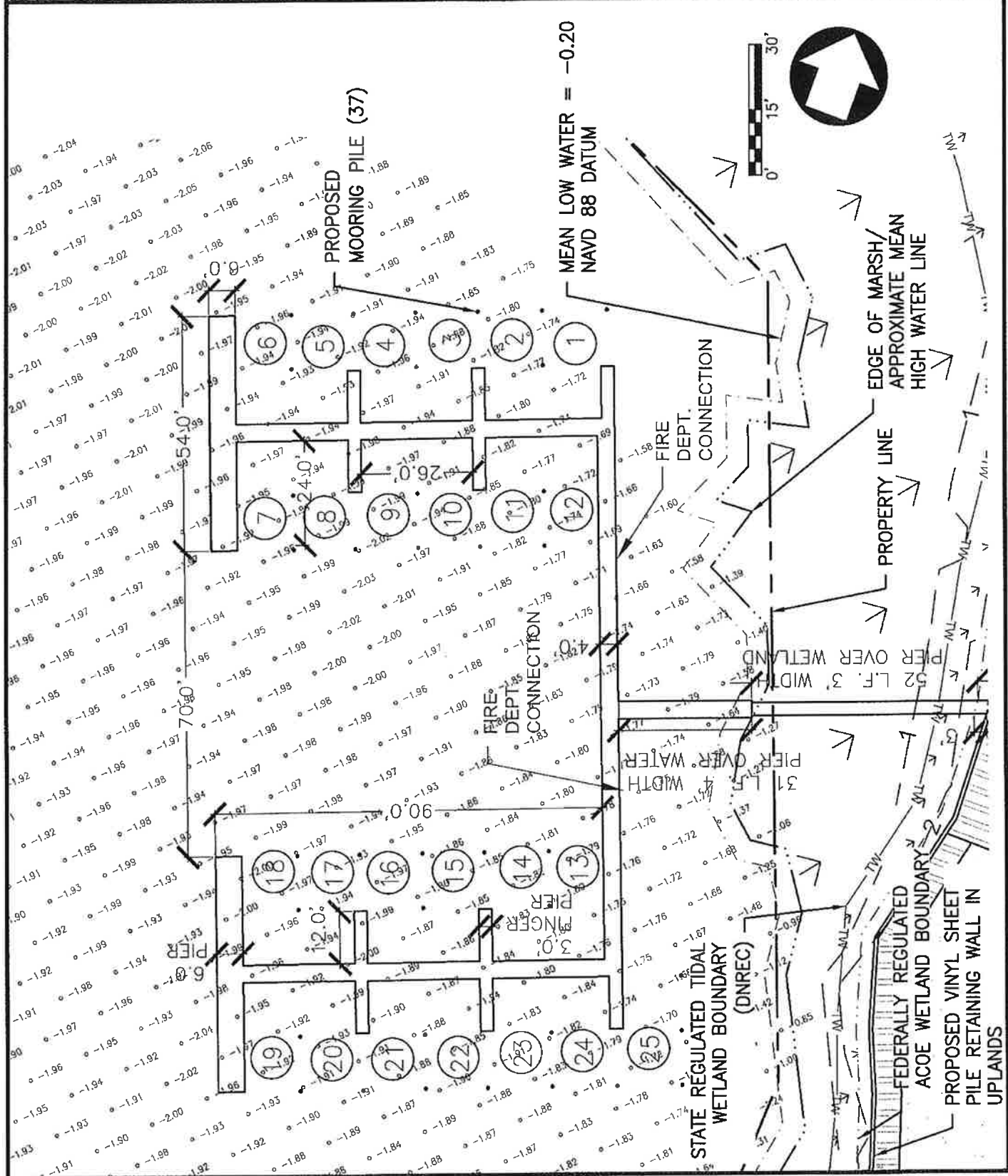


MARINA SITE PLAN
 DETAIL
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSBURY - BALTIMORE - SEAFORD
 www.gmbnet.com

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: 1" = 30'
 DATE: JAN. 2022

4 of 7
 DRAWING NO.



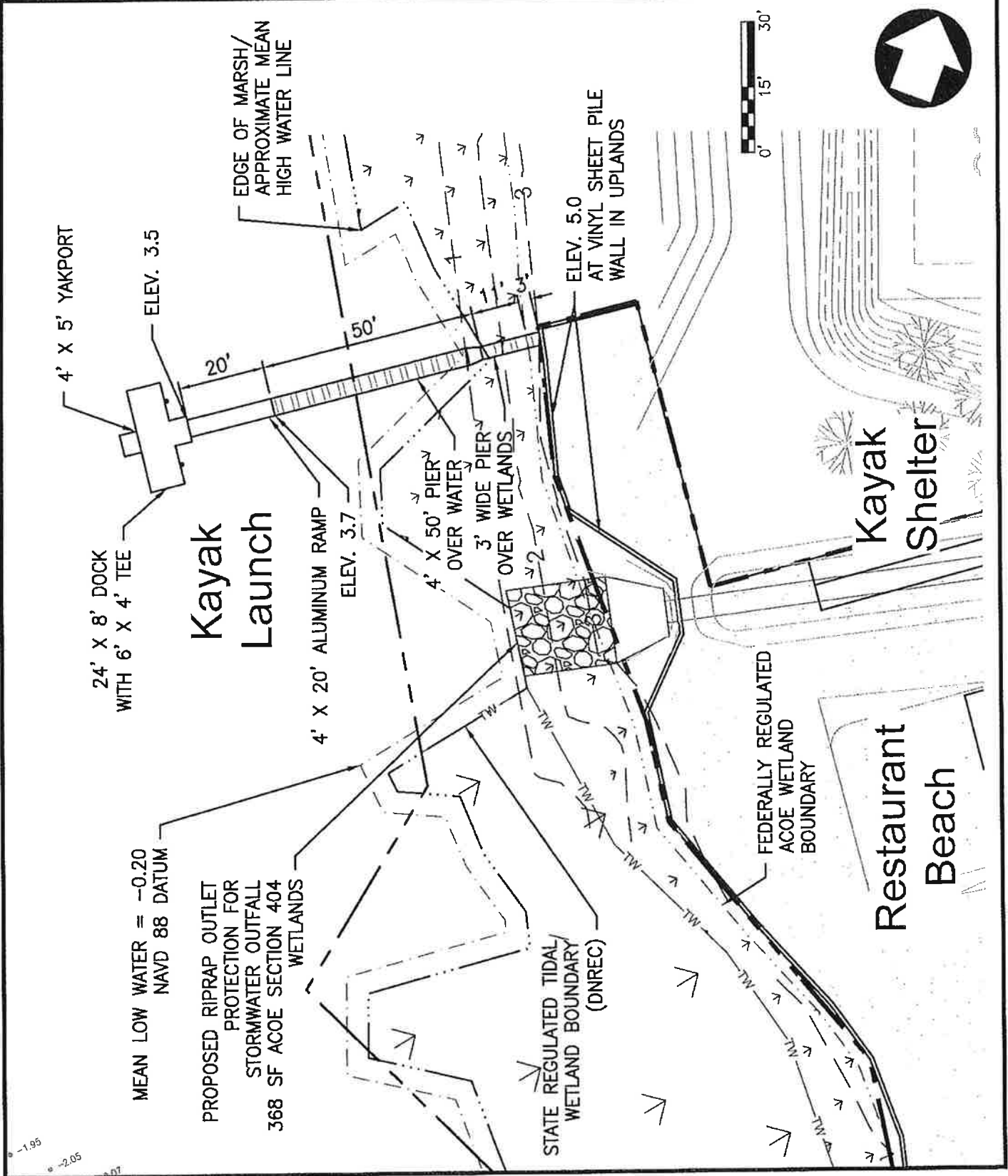
MARINA SITE PLAN
 KAYAK LAUNCH & OUTFALL DETAIL
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 BALTIMORE • BALTIMORE • SEAFORD
 www.gmbnet.com

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: 1" = 30'
 DATE: JAN. 2022

5 of 7

DRAWING NO.



-1.95
 -2.05

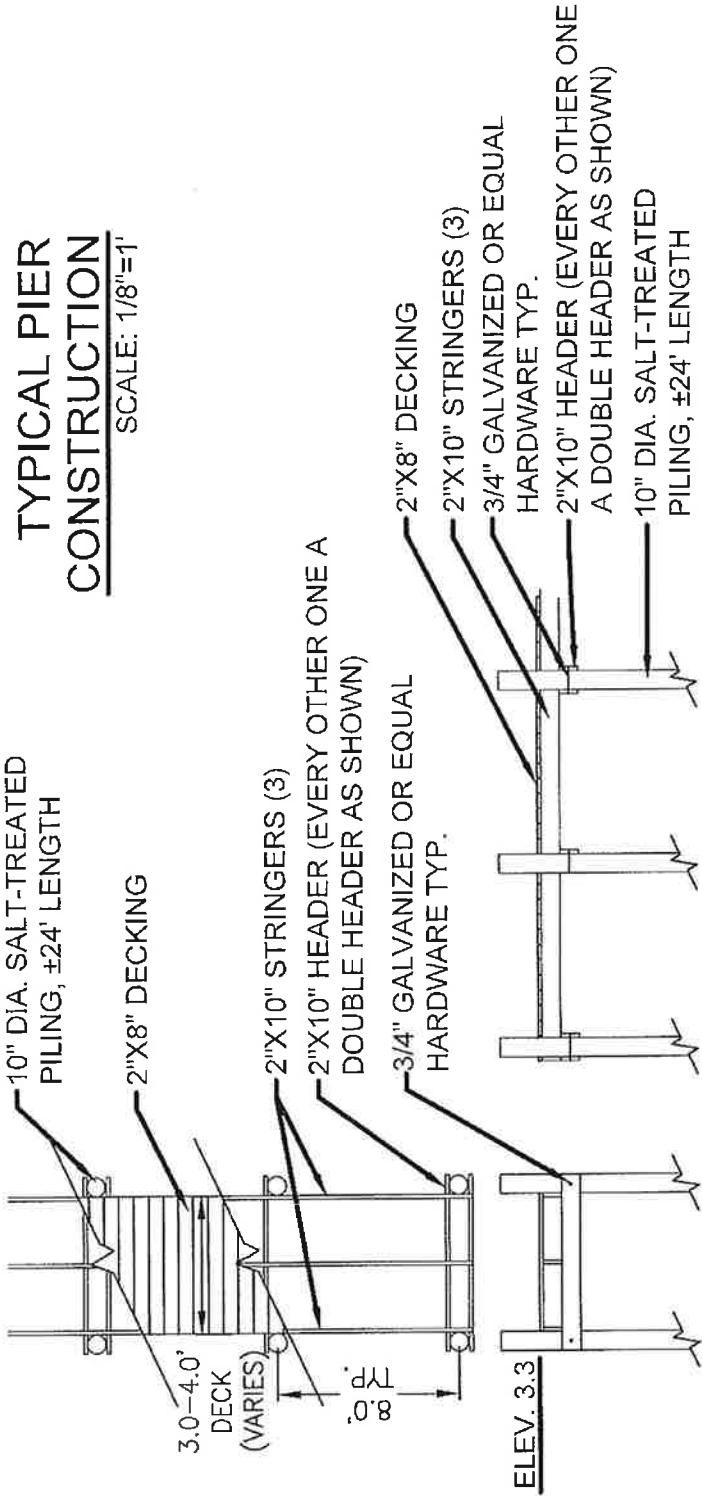
MARINA SITE PLAN
 CROSS SECTION AND DETAILS
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSBURY • BALTIMORE • SEAFORD
 www.gmbnet.com

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: AS SHOWN
 DATE: JAN. 2022

6 of 7

DRAWING NO.



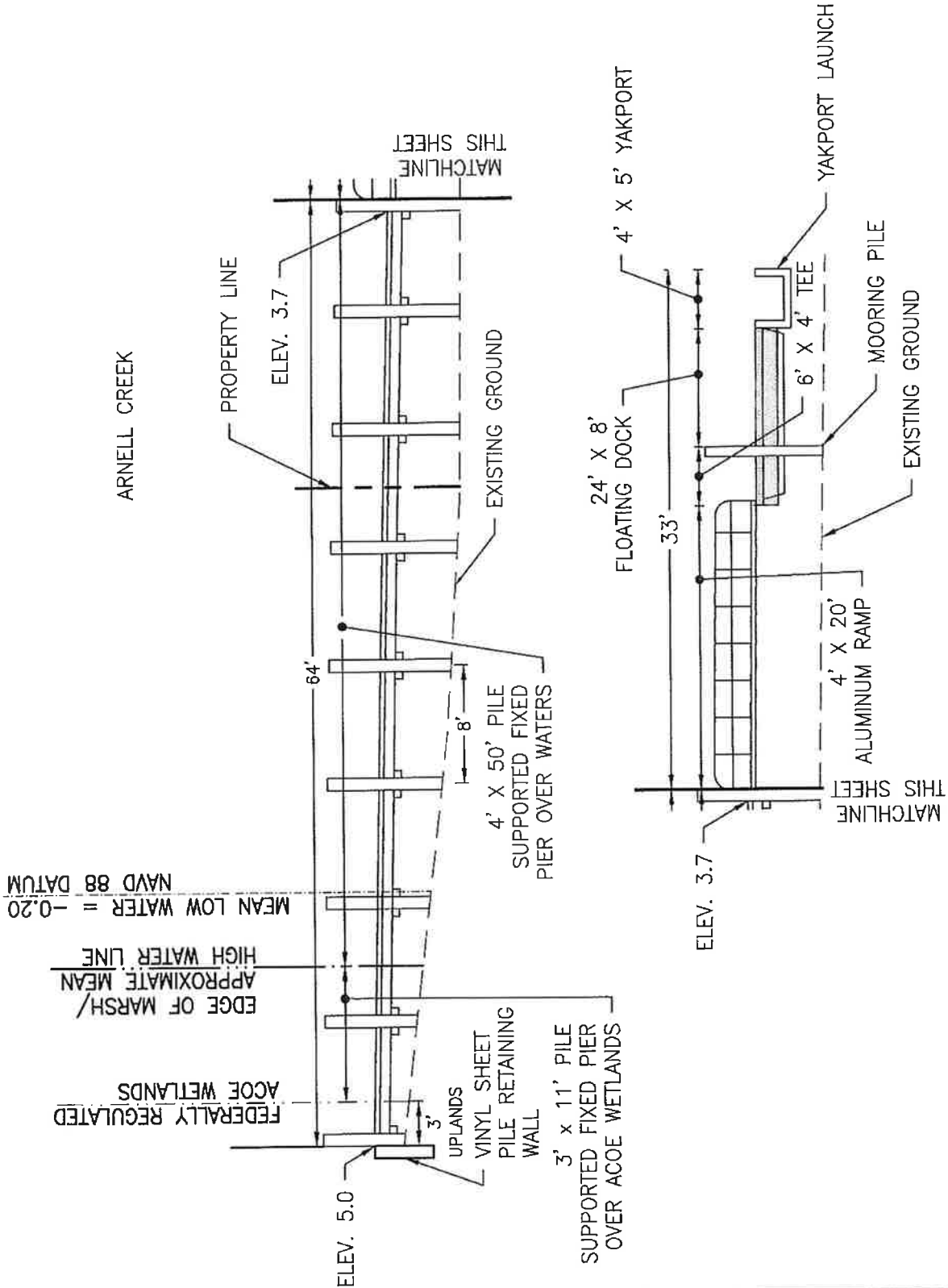
MARINA SITE PLAN
 KAYAK LAUNCH DOCK
 CROSS SECTION
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 BALTIMORE • SEAFORD
 www.gmbnet.com

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: NTS
 DATE: JAN. 2022

7 of 7

DRAWING NO.



TAB “14”

December 27, 2021

ERI Project No. 0898#1169

Mr. Todd Schaible, Chief
Regulatory Branch, Philadelphia District
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Attn: Mr. Michael Yost, Dover Field Office

**RE: Individual Department of the Army Permit
Osprey Point Marina - Tax Map Parcel 334-18.00-83.00
Lewes-Rehoboth Hundred, Sussex County, Delaware
Waterway: Arnell Creek
Applicant: Osprey Point Preserve, LLC.**

Dear Mr. Schaible,

Environmental Resources, Inc. (ERI) is writing you on behalf of the applicant, Osprey Point Preserves, LLC. regarding a proposed 25 slip marina and kayak launch dock to be located on the eastern shore of Arnell Creek. A restaurant is also proposed at the marina location. The project site is located on Tax Map Parcel 334-18.00-83.00, Lewes-Rehoboth Hundred, Sussex County, Delaware. The proposed commercial marina is part of the redevelopment of the Old Landing Golf Course approved by Sussex County as the Osprey Point Community. The project also involves impacts to Section 404 wetlands associated with the outfall of a stormwater treatment pond.

Aspects of this project will also require a Subaqueous Lands Lease, Marina Permit, and Section 404 Water Quality Certification to be issued by DNREC's Wetlands and Subaqueous Lands Section. That application has already been submitted. ERI will be requesting a Delaware Coastal Zone Management Consistency Determination from DNREC's Coastal Management Program. That request is being submitted concurrent with this application.

Upon your review of these materials, please let me know if you or your staff need any additional information in support of this request. On behalf of the Osprey Point Preserve, LLC., thank you in advance for your time and attention to this request.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

Edward M. Launay, Principal

**U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**
33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -
OMB No. 0710-0003
Expires: 31-AUGUST-2013*

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Kathleen Middle - Last - Horsey Company - Osprey Point Preserve, LLC. E-mail Address - kathy@css-de.com	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Edward Middle - M. Last - Launay Company - Environmental Resources, Inc. E-mail Address - elaunay@ericonsultants.com
6. APPLICANT'S ADDRESS: Address- 2979 Barley Mill Road City - Yorklyn State - DE Zip - 19736 Country - USA	9. AGENT'S ADDRESS: Address- P. O. Box 169 City - Selbyville State - DE Zip - 19975 Country -
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax -302-542-5205	10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 302-236-3871 302-436-9637 302-436-9639

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Edward Launay, ERI to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.



 SIGNATURE OF APPLICANT 10/16/2022
 DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Osprey Point Marina	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Arnell Creek	14. PROJECT STREET ADDRESS (if applicable) Address corner of Ethan Drive & Paul Revere Drive
15. LOCATION OF PROJECT Latitude: +N 38.691045 Longitude: +W 75.133040	City - Rehoboth Beach State- DE Zip- 19971
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 334-18.00-83.00 Municipality Lewes-Rehoboth Hundred Section - Township - Sussex County Range -	

17. DIRECTIONS TO THE SITE

From the intersection of State Route One (SR1) and County Road 274 proceed 2.6 miles to driveway of former Old Landing Golf Course and Clubhouse building on right.

18. Nature of Activity (Description of project, include all features)

1. Construct twin marina piers capable of mooring 25 boats accessed by a single 3 foot wide pile support pier over wetlands.
2. Construct an access pier over wetlands to a floating dock to be used for launching canoes and kayaks.
3. Construct a riprap stabilized outfall for a stormwater treatment pond (see attached sheet).

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the project is to provide for a commercial 25 slip marina and kayak launch dock providing water access to Arnell Creek. The marina parcel will also be occupied by a restaurant. The facility will be open to the public including the future residents of Osprey Point residential subdivision as approved by Sussex County.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

All proposed work within wetlands and water will be well elevated pile supported docks and pier. There will be no discharge of dredge or fill material. Riprap scour protection for a stormwater treatment pond will result in 289 square feet of Section 404 Estuarine Emergent Wetlands.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
16 cu yds of riprap stone underlain with	geotextile fabric for stormwater outfall.	

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 368 sq ft (0.008 acre) of Section 404 Estuarine Emergent Wetlands
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

The applicant selected points of access and location where the width of wetlands between uplands and the waters of Arnell Creek is at a narrow point. The applicant is limiting the size of the marina to 25 slips.

Item 18, Nature of Activity – Project Description

Osprey Point Preserve, LLC. is the owner of the former Old Landing Golf Course located on the west side of County Road 274 (Old Landing Road) in the Lewes Rehoboth Hundred, near the Rehoboth Beach resort area. The Old Landing Golf Course property is bordered by Arnell Creek on its westerly side. The golf course is being redeveloped with 217 single family homes, development known as Osprey Point, as approved by Sussex County.

The vicinity of the former golf course clubhouse and restaurant is being redeveloped as a commercial restaurant and the addition of a 25 slip commercial marina and kayak launch dock is also proposed at that location. That part of the project requires an individual Department of the Army permit (DOA). The tax parcel supporting this proposed development known as Osprey Point is 334-18.00-83.00.

The proposed facility will be open to the public including the future residents of Osprey Point and the numerous surrounding residential communities along Old Landing Road. In addition to 1.85 acres of commercial area associated with this project, adjacent Osprey Point community open space will border this site. It will include a community open space area in uplands accessed by a common boardwalk trail all of which will be located on uplands.

The western upland edge of the upland portion of this project and the community open space will be defined by a future vinyl sheet pile retaining wall installed in uplands three feet landward of the U.S. Army Corps of Engineers (ACOE) Section 404 wetland boundary.

Activities involving federally regulated wetlands and waters include the proposed construction of a 25 slip marina facility, a separate floating kayak launch dock and an protection for a stormwater treatment pond outfall stabilized with riprap.

Insofar as land based facilities supporting the proposed marina, a small Harbormaster's Office will be located near the marina access pier. Signage with emergency contact numbers and rules will be located there. The building will house a portable marine pump out station and emergency spill kit. Restroom facilities will be located in the restaurant building. A total of 82 parking spaces will be shared with the restaurant. It is anticipated that some of the marina slips will be reserved for restaurant patrons arriving by water. Two fire department connections will be provided on the marina dock. Water and electric pedestals will provide utility service.

The specifics of the marina facility and kayak dock are described as follows:

Proposed Marina Pier – Twin marina piers will be accessed from the shore by a single 86 foot long pier which begins at the proposed shoreline vinyl retaining wall in upland. The portion of the pile supported pier crossing federally regulated wetlands will be 3 feet wide by 52 feet long. This part of the pier will be approximately 3.5 feet above the marsh.

The last 31 feet of the pier will be over water (26 feet will be channelward of mean low water) where it will widen to 4 feet. The pier will connect with the center of a 120 foot long section of 4 foot wide pier section which provides access to two separate docking piers, making a “U” shaped configuration. Each docking pier will be 88 feet long. Each docking pier will access separate 54 foot by 6 foot wide docks at the channelward end of the facility making a “T” configuration.

There will be a total of 10 finger piers between slips, each 3 feet wide by 12 feet long. There will be a total of 37 freestanding mooring piles within the slip areas. The height of the marina pier docking will be 3.3 feet.

The total square footage of marina pier located landward of mean low water is 1,944 square feet. The piers will be of standard marine construction using 10 inch piling, 2”x10” headers and stringers and 2”x8’ decking, all salt treated and secured with galvanized hardware. The approximate channelward extent of the marina from the shoreline of Arnell Creek is an average of 110 feet. Water depth at mean low water within the marina varies between 1.6 to 1.85 feet, increased to 0.6 feet at the mean high water condition.

Proposed Kayak Launch Dock – The proposed kayak launch dock will be located on the north side of the 1.85 acre commercial marina parcel. A very narrow band of Section 404 estuarine emergent wetlands exists along the shoreline at that location. A total of 11 feet of estuarine emergent wetlands will be crossed by a 3 foot wide pier section. The pier will widen to 4 feet channelward of mean high water. A 64 foot long pile supported fixed pier will be extended from the top of the proposed vinyl sheet retaining wall in uplands into Arnell Creek. The fixed pier will transition in elevation from 5.0 to 3.7 feet. A 20 foot long by 4 foot wide aluminum ramp will be attached to the end of the pier.

The ramp will land on a 6 foot wide by 4 foot long tee which is part of an 8 foot wide by 24 foot long floating dock. The rear floating dock will be secured with loops to two 10 inch diameter pilings. A 4 foot wide by 5 foot long “Yakport” PVC kayak launch cradle will be attached to the center of the floating dock.

The proposed pile supported pier will be 3 feet wide where it crosses 11 feet of ACOE regulated wetlands. The pier will widen to 4 feet and extend channelward 50 feet from the mean high water line / edge of shoreline (45 feet from mean low water).

Cummulatively, the entire structure will extend 87 feet channelward of mean high water into Arnell Creek, including the Yakport launch cradle and accounting for the portion of ramp rotting on the proposed tee. The proposed structure will occupy 496 square feet of the creek channelward of mean low water. The structure will be constructed similar to the proposed marina docks.

Stormwater Outfall – A proposed riprap outlet protection for a stormwater management basin will be located 60 feet south of the kayak launch dock pier. The placement of stone underlain by geotextile fabric will impact 368 square feet of Section 404 estuarine emergent wetlands subject to ACOE regulation. A total of 16 cubic yards of riprap stone will be discharged, all of which is above mean high water.

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Stephen & Ingrid Koyner 105 Side Saddle Place - TMP 334-22.00-1.01

City - West Chester State - PA Zip - 19382

b. Address- Osprey Point Preserve, LLC. 2979 Barley Mill Road - Multiple Parcels

City - Yorklyn State - PA Zip - 19736

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

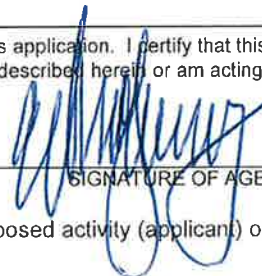
26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
DNREC	Subaqueous Lands & Marina		12/24/2021		
DNREC	Water Quality Cert		12/24/2021		
DNREC	Coastal Zone Const.		12/24/2021		
Sussex County	Building Permit		pending		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 1/6/2022
 SIGNATURE OF APPLICANT DATE

 1/7/2022
 SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

APPENDIX A

PROPOSED OSPREY POINT MARINA
TAX MAP PARCEL 334-18.00-83.00
LEWES REHOBOTH HUNDRED, SUSSEX COUNTY, DE

COASTAL ZONE MANAGEMENT CONSISTENCY STATEMENT

The proposed activity complies with and will be constructed in a manner consistent with the approved Coastal Zone Management Program of Delaware.

 1/7/2022
Kathleen Horsey Date
Osprey Point Preserve, LLC.

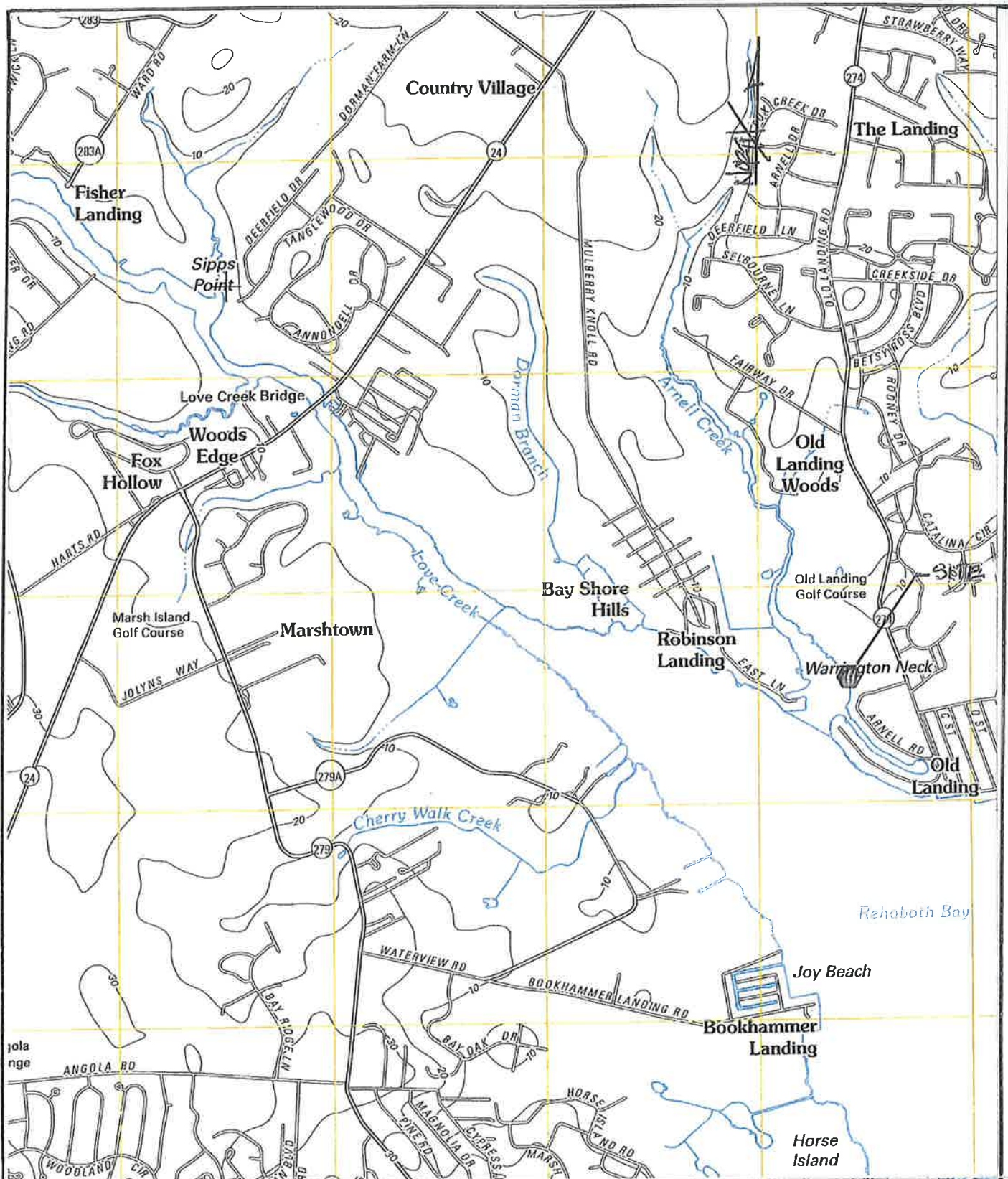
APPENDIX B

ADDRESSES OF LOCAL POST OFFICE AND NEWSPAPERS

U.S. POST OFFICE
179 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971

NEWS JOURNAL
NEWS JOURNAL MEDIA GROUP
P. O. BOX 15505
WILMINGTON, DE 19850-9831
302-324-2424 (Classifieds)
302-324-2500 (General #)

SUSSEX COUNTIAN
1196 SOUTH LITTLE CREEK ROAD
P. O. BOX 664
DOVER, DE 19903
302-856-0026 (General #)
1-800-942-1616 (Classifieds)



SCALE:
1" = 2000 FEET

PROPOSED MARINA
OSPREY POINT
TM* 334-18.00-83.00

USGS TOPOGRAPHIC MAP
FAIRMONT DE QUAD
LENES REHOBOTH HUNDRED

ERI ENVIRONMENTAL
RESOURCES, INC.

Date: 12.23.2021

Dwn.By: EML

FIGURE:

Revisions:


Proj.No.: 2021#1169

1



VICINITY MAP



DRAWN BY: CRH CK. BY: VAL JOB NO.: 200109 SCALE: 1" = 1,000' DATE: JAN 2022	 GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS <small>SALISBURY • BALTIMORE • SEAFORD</small> 400 HIGH STREET SEAFORD, DELAWARE 19973 <small>302-026-1421, FAX 302-026-0350</small> <small>www.gmbnet.com</small>	MARINA PLAN OSPREY POINT SCR 274 - OLD LANDING ROAD	1 of 7
---	--	---	--------

PROPOSED MARINA FACILITY OVER PUBLIC SUBAQUEOUS LAND & STATE / ACOE REGULATED WETLANDS	
DESCRIPTION	AREA (SF)
PROPOSED LEASE AREA WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK CHANNELWARD OF MEAN LOW WATER	1,944
MARINA ACCESS PIER (3 FEET WIDE X 42 FEET LONG) OVER STATE & ACOE REGULATED WETLANDS	126

PROPOSED KAYAK LAUNCH OVER PUBLIC SUBAQUEOUS LAND & STATE/ACOE REGULATED WATERS	
DESCRIPTION	AREA (SF)
PROPOSED LEASE AREA WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK CHANNELWARD OF MEAN LOW WATER	496

ADDITIONAL IMPACTS TO ACOE SECTION 404 WETLANDS	
PROPOSED STORMWATER OUTFALL	
DESCRIPTION	AREA (SF)
IMPACT TO FEDERALLY REGULATED SECTION 404 WETLANDS	368
MARINA & KAYAK LAUNCH DOCK ACCESS PIERS	
IMPACT TO FEDERALLY REGULATED SECTION 404 WETLANDS	63

MARINA SITE PLAN
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE



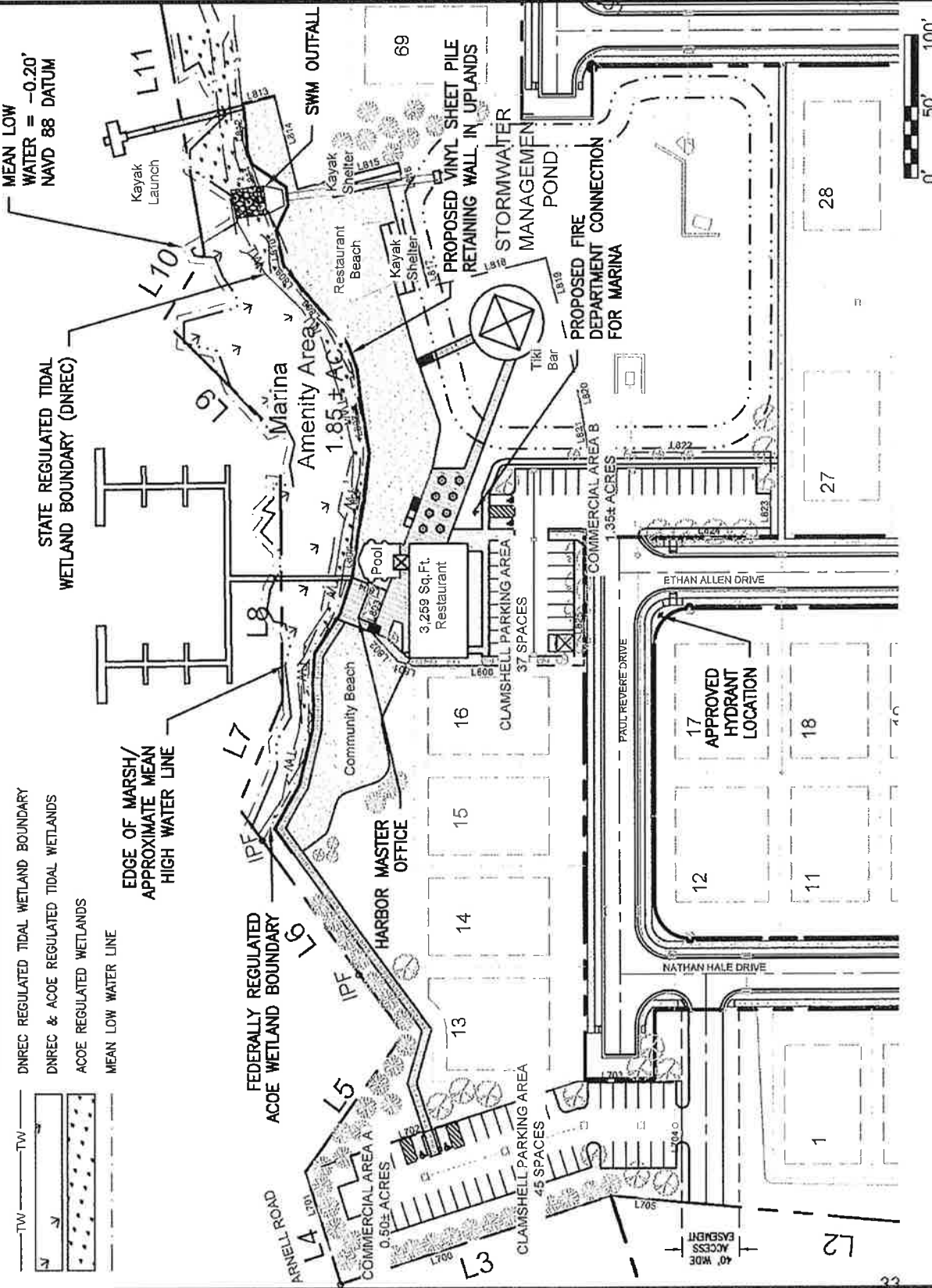
DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: NTS
 DATE: JAN. 2022

2 of 7

DRAWING NO.

LEGEND

- EXISTING ELEVATION MINOR CONTOUR
- EDGE OF MARSH/APPROXIMATE MEAN HIGH WATER LINE
- PROPERTY LINE & TIE LINES
- ACOE SECTION 404 WETLAND BOUNDARY
- DNREC REGULATED TIDAL WETLAND BOUNDARY
- DNREC & ACOE REGULATED TIDAL WETLANDS
- ACOE REGULATED WETLANDS
- MEAN LOW WATER LINE



MARINA SITE PLAN
OSPREY POINT
SUSSEX COUNTY, DELAWARE



GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SUSSEX COUNTY, DELAWARE • SEAFORD
www.gmbnet.com

DRAWN BY:	CRH
CK. BY:	VAL
JOB NO.:	200109
SCALE:	1"=100'
DATE:	JAN. 2022

3 of 7
DRAWING NO.

MARINA SITE PLAN
 DETAIL
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE



GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEWYORK
 www.gmbnet.com

DRAWN BY: CRH

CK. BY: VAL

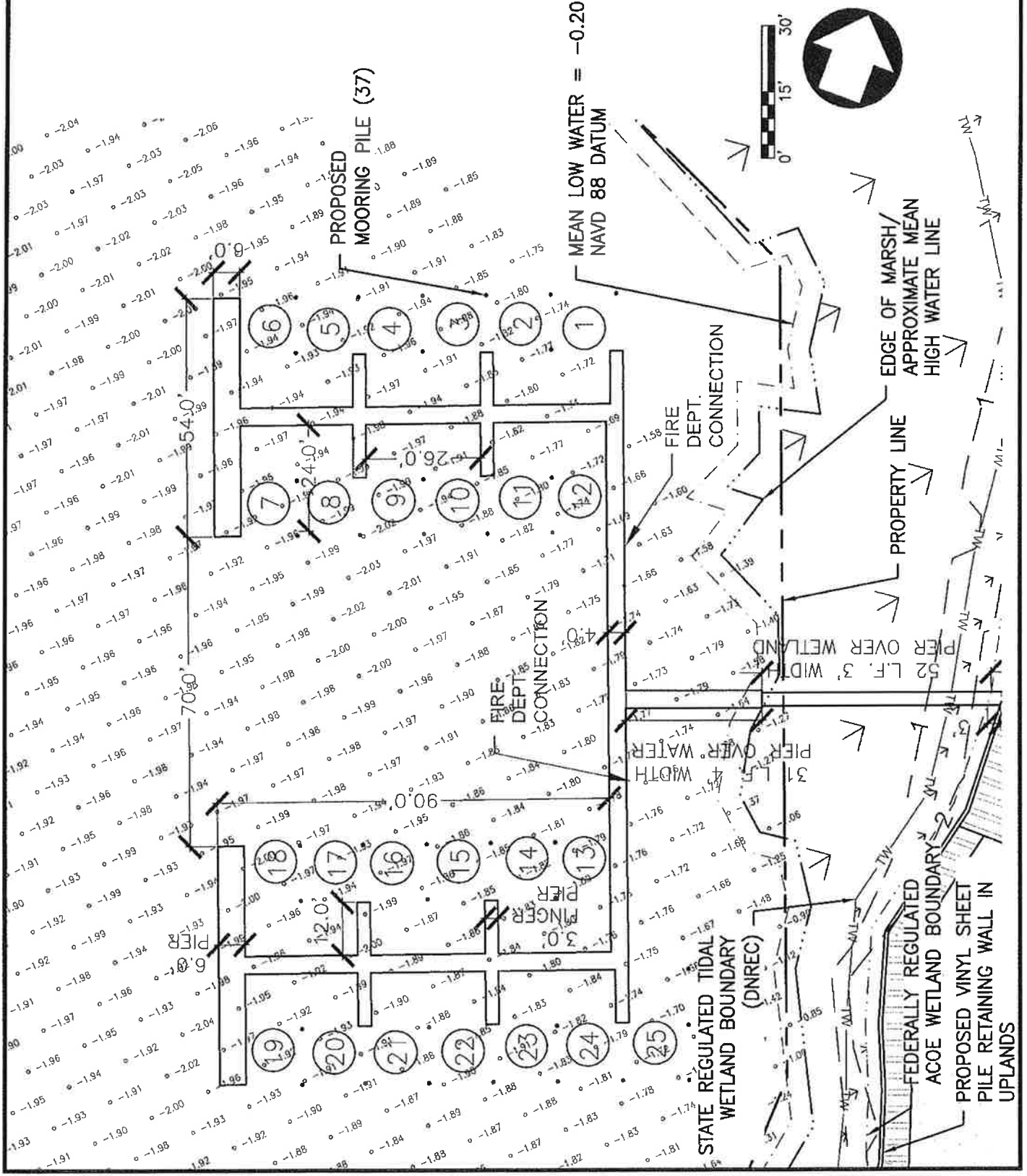
JOB NO.: 200109

SCALE: 1" = 30'

DATE: JAN. 2022

4 of 7

DRAWING NO.



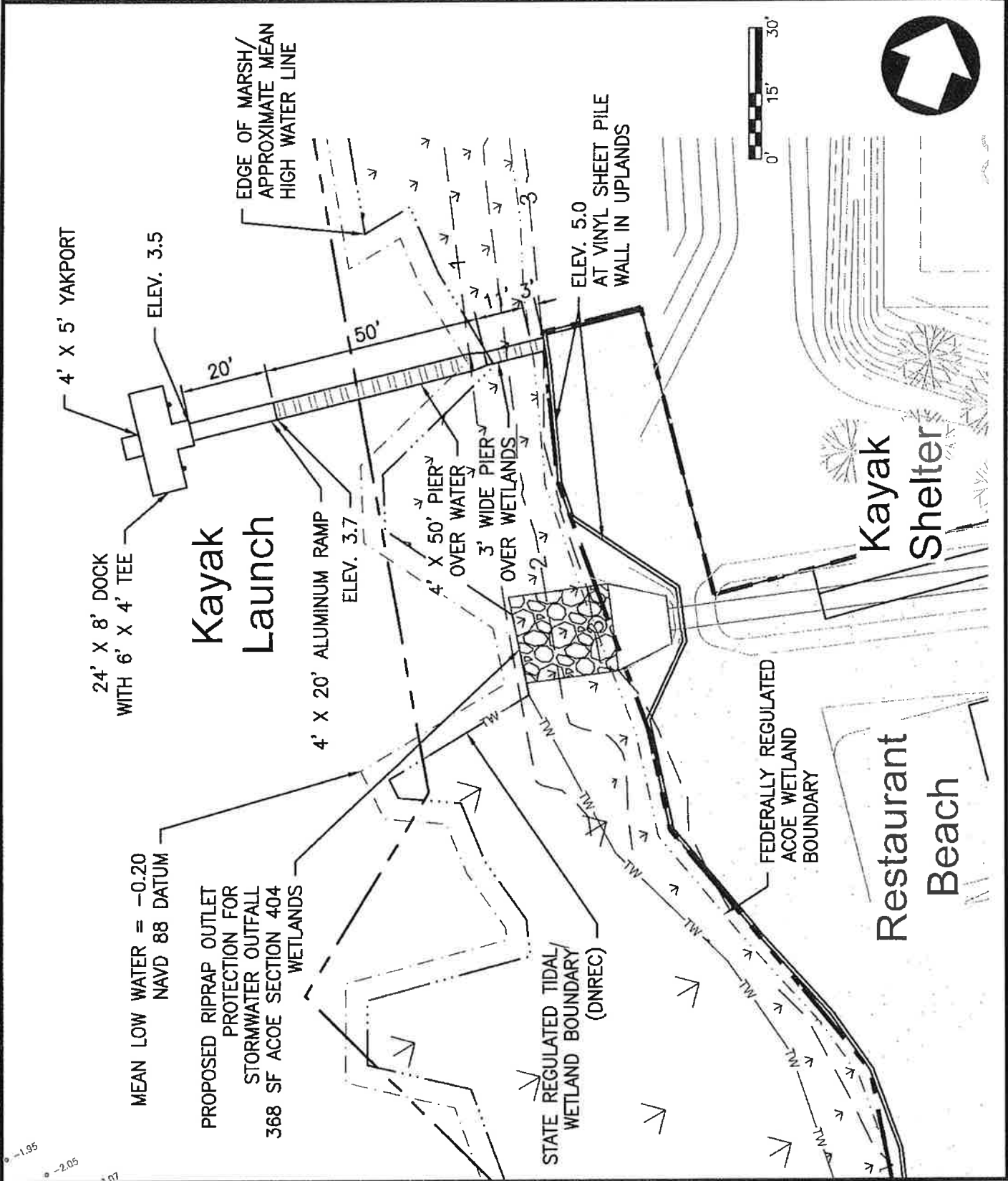
MARINA SITE PLAN
 KAYAK LAUNCH & OUTFALL DETAIL
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSBURG • BALTIMORE • SEVYCHOD
 www.gmbnet.com

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: 1" = 30'
 DATE: JAN. 2022

5 of 7

DRAWING NO.



• -1.95
 • -2.05

MARINA SITE PLAN
 CROSS SECTION AND DETAILS
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

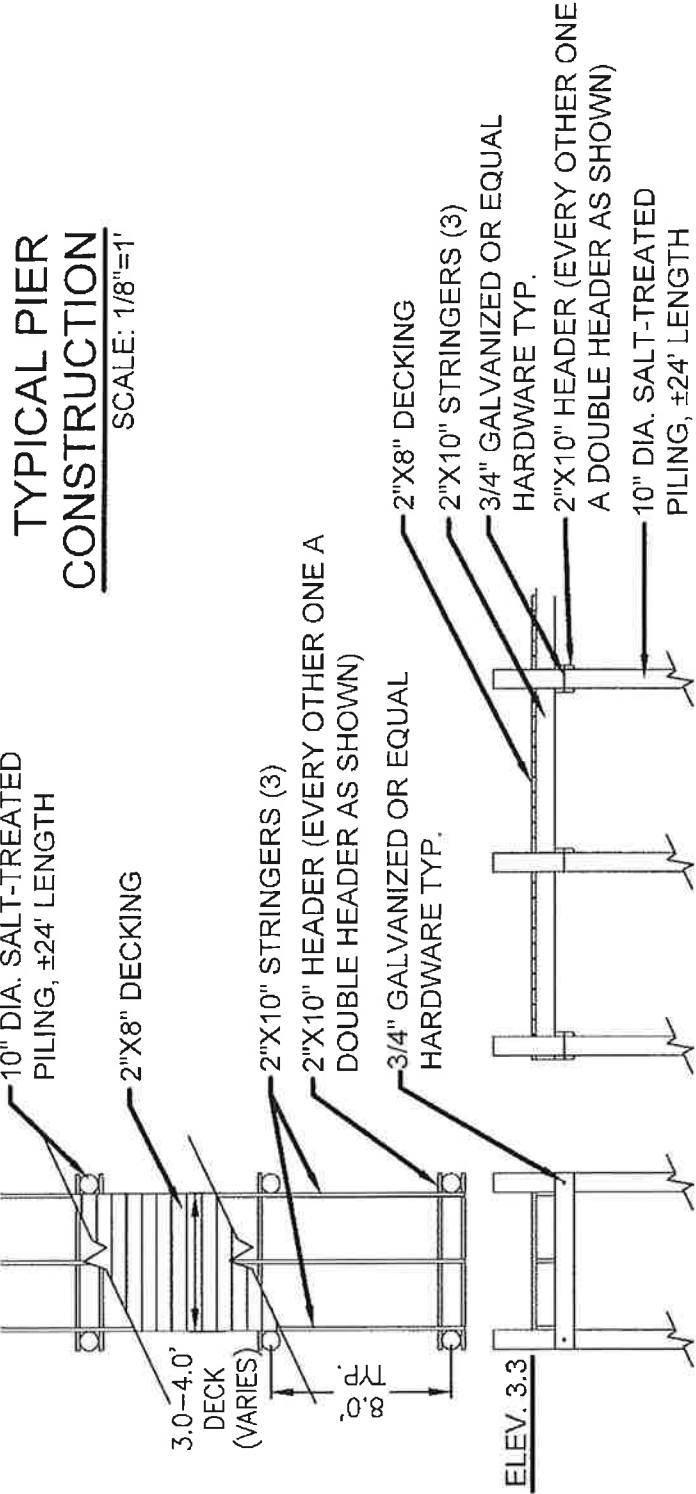


GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSBURY • BALTIMORE • SEAFORD
 www.gmbna.com

DRAWN BY: CRH
 CK. BY: VAL
 JOB NO.: 200109
 SCALE: AS SHOWN
 DATE: JAN. 2022

6 of 7

DRAWING NO.



MARINA SITE PLAN
 KAYAK LAUNCH DOCK
 CROSS SECTION
 OSPREY POINT
 SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 www.gmbnet.com

DRAWN BY: CRH

CK. BY: VAL

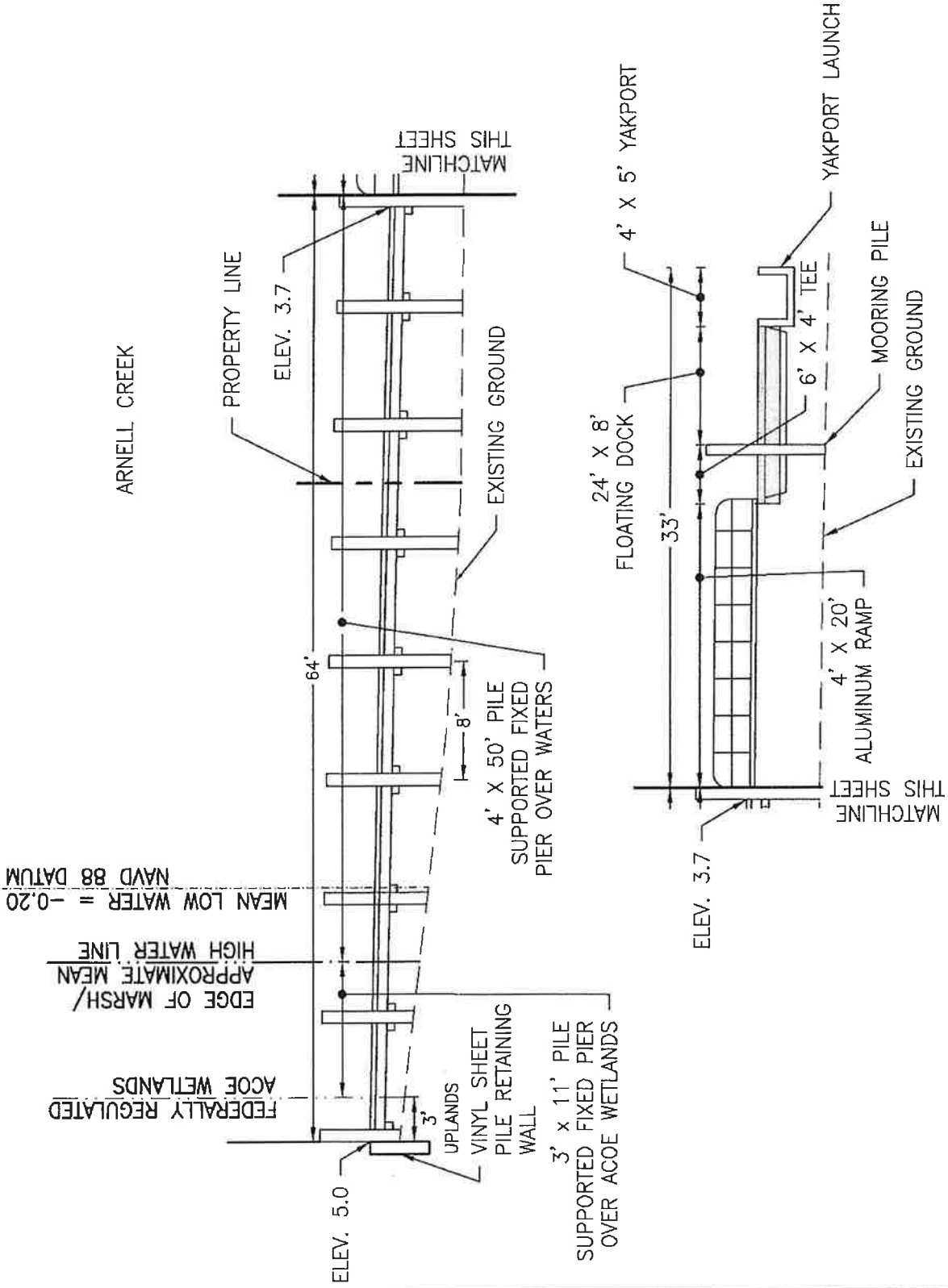
JOB NO.: 200109

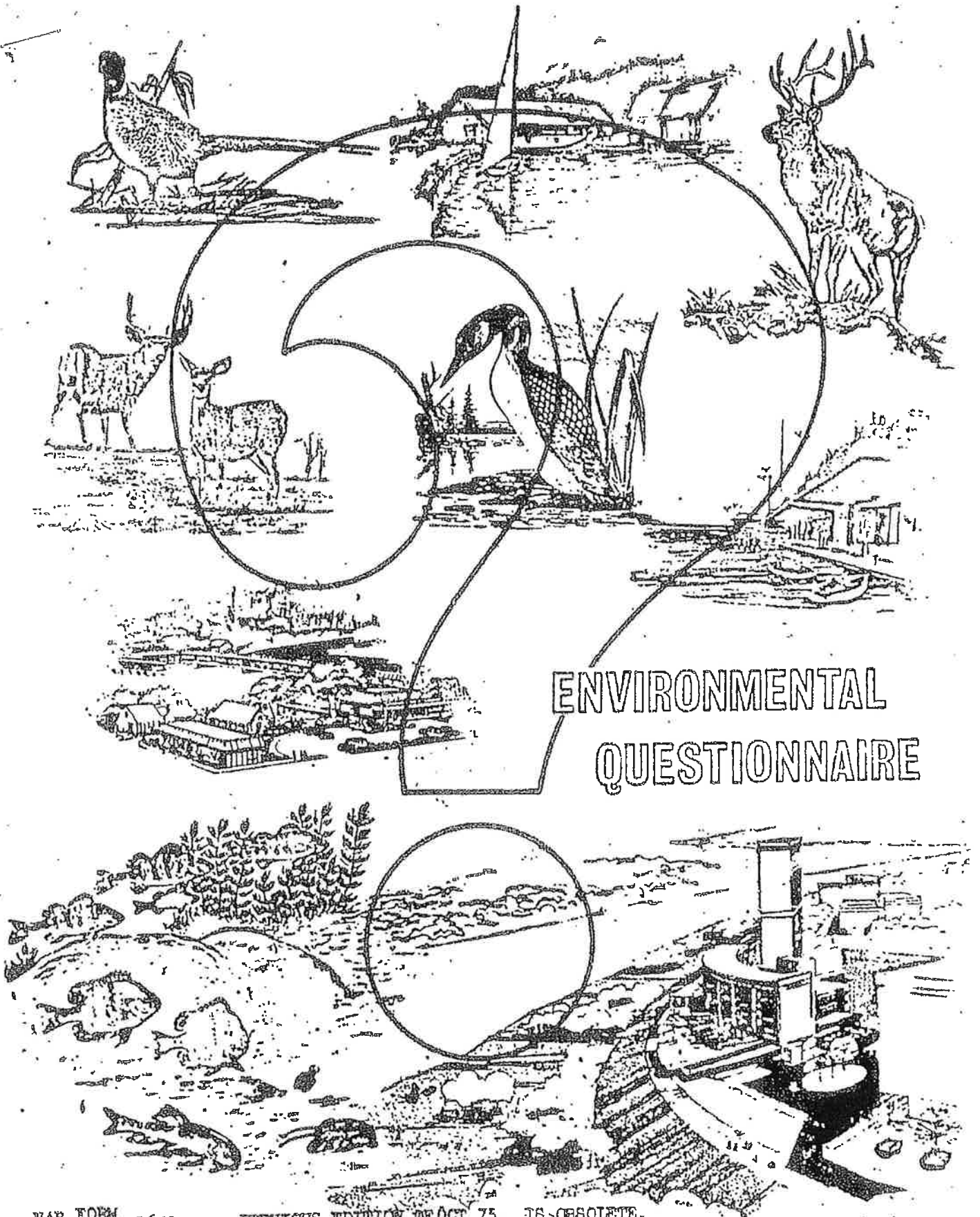
SCALE: NTS

DATE: JAN. 2022

7 of 7

DRAWING NO.





ENVIRONMENTAL QUESTIONNAIRE

NAP FORM 1653
OCT 81

PREVIOUS EDITION OF OCT 75, IS OBSOLETE.

89B#1169

ENVIRONMENTAL QUESTIONNAIRE
FOR CORPS OF ENGINEERS PERMIT APPLICATIONS
Philadelphia District, Corps of Engineers
Philadelphia, Pennsylvania 19107
CENAP-OP-R

INTRODUCTION AND INSTRUCTIONS

The District Engineer is required by law to assess the initial, cumulative, and long-term effects of any proposed permit on all aspects of the environment.

To speed the analysis of the probable impact of the proposed work, each applicant is required to submit appropriate environmental data as part of a permit application. We ask that you provide a thorough description of your proposed project and answer each question as it applies to the work and the results of that work. Complete and accurate answers will prevent unnecessary delays in processing your permit application

Parts I and II will be filled out by all applicants. Part I is self-explanatory. In Part II, the Environmental Impact Checklist, you should indicate the impacts of your project on all aspects of the environment that are listed. Use the space under "Qualifying Remarks" to indicate the specific impacts that your project will have. This may include types of plants or animals affected, specific adverse, beneficial, or mitigative effects, changes to existing conditions, etc. Although space for answers has been provided, you may wish to supply additional information on attached pages. If you do not anticipate an impact on a certain item, simply place a check in the "No" column.

Part III will be filled out by all applicants applying for a permit to perform dredging.

Part IV will be filled out by all applicants applying for a permit to perform filling operations. This includes activities such as filling behind bulkheads.

Refer any questions you may have concerning this supplemental form to the Regulatory Branch at (215) 656-6728.

PART I

I. PROJECT DESCRIPTION:

- A. General Site Location: Accurately locate the project site with respect to State, county, or other subdivision, and in relation to streams and rivers.

The project site involves 660 feet of shoreline on the eastern bank of Arnell Creek beginning 0.1 miles from Rehoboth Bay. The project site is in the Lewes-Rehoboth Hundred of Sussex County, DE. The project site location is 38.691045 latitude, 75.133040 longitude. The project site borders Old Landing Road (CR274), 2.6 miles south of its intersection with State Route One.

- B. Specific Site Locations: Completely locate the project site with respect to cove, creek, property owner, plot number, etc.

The project site is identified on the land records of Sussex County as Tax Map Parcel 134-18.00-83.00. The site is owned by Osprey Point Preserve, LLC. The location is the former Old Landing Golf Course which is being redeveloped as a commercial area and residential community known as Osprey Point (see Figure 1).

- C. Description of Proposed Action: Carefully describe the action proposed, including the method of construction, equipment, and materials to be used. Details in your description are important. Attach additional sheets if necessary.

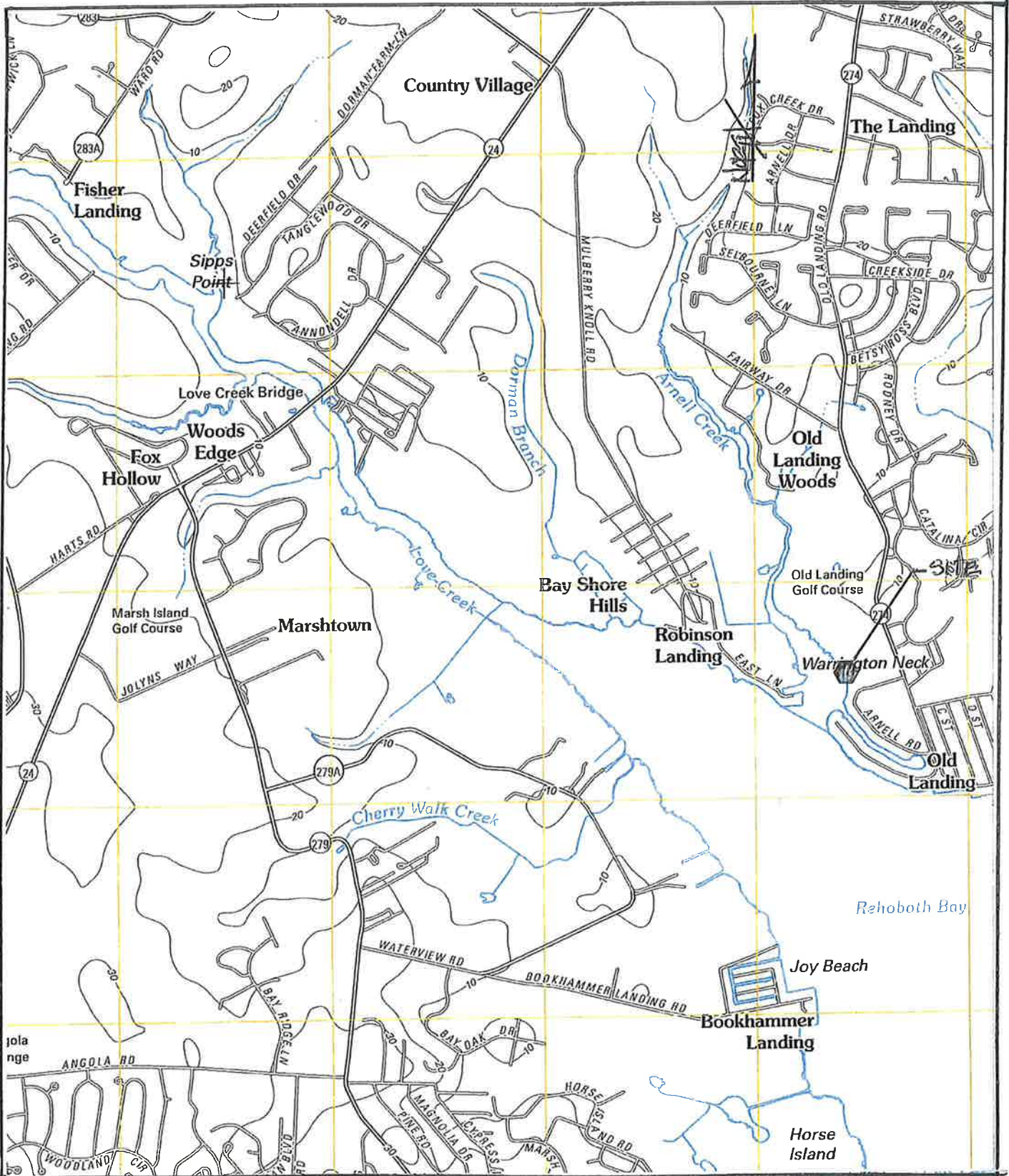
1. Construct twin marina piers capable of mooring 25 boats accessed by a single 3 foot wide pile supported pier over wetlands
2. Construct an access pier over wetlands to a floating dock to be used for launching canoes and kayaks.
3. Construct a riprap stabilized outfall for a stormwater treatment pond (see attached sheet).

- D. Purpose of Proposed Action: Define the purpose of the proposed structure or work. For example, the purpose of bulkheading may be to stabilize an eroding bank; whereas, the purpose for a pier may be for the mooring of a private boat, for access to a public or private facility, for a marina, or for another purpose.

The purpose of the project is to provide for a commercial 25 slip marina and kayak launch dock providing water access to Arnell Creek. The marina parcel will also be occupied by a restaurant. The facility will be open to the public including the future residents of the Osprey Point residential subdivision as approved by Sussex County.

- E. Submit color photographs of the site, with explanations of the views shown (prints only). Photographs help us to better understand your project. The more photographs you provide, the easier it is to understand and process your application.

Enclosed.



SCALE: 1" = 2000 FEET	PROPOSED MARINA OSPREY POINT TM# 334-18.00-83.00	USGS TOPOGRAPHIC MAP FAIRMONT DE QUAD LINES REHOBOTH HUNDRED
---------------------------------	--	--

	Date: 12.23.2021	Dwn.By: EML.	FIGURE: 1
	Revisions:	Proj.No.: 898#1169	

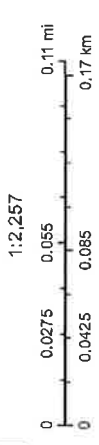


Sussex County



PIN:	334-18-00-83.17
Owner Name	OSPREY POINT PRESERVE LLC
Book	5565
Mailing Address	2979 BARLEY MILL RD
City	YORKLYN
State	DE
Description	W/OLD LANDING RD
Description 2	PARCEL 0 (BOAT DECK)
Description 3	
Land Code	

- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries



Part 1, 1C – Description of Proposed Action

Osprey Point Preserve, LLC. is the owner of the former Old Landing Golf Course located on the west side of County Road 274 (Old Landing Road) in the Lewes Rehoboth Hundred, near the Rehoboth Beach resort area. The Old Landing Golf Course property is bordered by Arnell Creek on its westerly side. The golf course is being redeveloped with 217 single family homes, development known as Osprey Point, as approved by Sussex County.

The vicinity of the former golf course clubhouse and restaurant is being redeveloped as a commercial restaurant and the addition of a 25 slip commercial marina and kayak launch dock is also proposed at that location. That part of the project requires an individual Department of the Army permit (DOA). The tax parcel supporting this proposed development known as Osprey Point is 334-18.00-83.00.

The proposed facility will be open to the public including the future residents of Osprey Point and the numerous surrounding residential communities along Old Landing Road. In addition to 1.85 acres of commercial area associated with this project, adjacent Osprey Point community open space will border this site. It will include a community open space area in uplands accessed by a common boardwalk trail all of which will be located on uplands.

The western upland edge of the upland portion of this project and the community open space will be defined by a future vinyl sheet pile retaining wall installed in uplands three feet landward of the U.S. Army Corps of Engineers (ACOE) Section 404 wetland boundary.

Activities involving federally regulated wetlands and waters include the proposed construction of a 25 slip marina facility, a separate floating kayak launch dock and an protection for a stormwater treatment pond outfall stabilized with riprap.

Insofar as land based facilities supporting the proposed marina, a small Harbormaster's Office will be located near the marina access pier. Signage with emergency contact numbers and rules will be located there. The building will house a portable marine pump out station and emergency spill kit. Restroom facilities will be located in the restaurant building. A total of 82 parking spaces will be shared with the restaurant. It is anticipated that some of the marina slips will be reserved for restaurant patrons arriving by water. Two fire department connections will be provided on the marina dock. Water and electric pedestals will provide utility service.

The specifics of the marina facility and kayak dock are described as follows:

Proposed Marina Pier – Twin marina piers will be accessed from the shore by a single 86 foot long pier which begins at the proposed shoreline vinyl retaining wall in upland. The portion of the pile supported pier crossing federally regulated wetlands will be 3 feet wide by 52 feet long. This part of the pier will be approximately 3.5 feet above the marsh.

The last 31 feet of the pier will be over water (26 feet will be channelward of mean low water) where it will widen to 4 feet. The pier will connect with the center of a 120 foot long section of 4 foot wide pier section which provides access to two separate docking piers, making a "U" shaped configuration. Each docking pier will be 88 feet long. Each docking pier will access separate 54 foot by 6 foot wide docks at the channelward end of the facility making a "T" configuration.

There will be a total of 10 finger piers between slips, each 3 feet wide by 12 feet long. There will be a total of 37 freestanding mooring piles within the slip areas. The height of the marina pier docking will be 3.3 feet.

The total square footage of marina pier located landward of mean low water is 1,944 square feet. The piers will be of standard marine construction using 10 inch piling, 2"x10" headers and stringers and 2"x8' decking, all salt treated and secured with galvanized hardware. The approximate channelward extent of the marina from the shoreline of Arnell Creek is an average of 110 feet. Water depth at mean low water within the marina varies between 1.6 to 1.85 feet, increased to 0.6 feet at the mean high water condition.

Proposed Kayak Launch Dock – The proposed kayak launch dock will be located on the north side of the 1.85 acre commercial marina parcel. A very narrow band of Section 404 estuarine emergent wetlands exists along the shoreline at that location. A total of 11 feet of estuarine emergent wetlands will be crossed by a 3 foot wide pier section. The pier will widen to 4 feet channelward of mean high water. A 64 foot long pile supported fixed pier will be extended from the top of the proposed vinyl sheet retaining wall in uplands into Arnell Creek. The fixed pier will transition in elevation from 5.0 to 3.7 feet. A 20 foot long by 4 foot wide aluminum ramp will be attached to the end of the pier.

The ramp will land on a 6 foot wide by 4 foot long tee which is part of an 8 foot wide by 24 foot long floating dock. The rear floating dock will be secured with loops to two 10 inch diameter pilings. A 4 foot wide by 5 foot long "Yakport" PVC kayak launch cradle will be attached to the center of the floating dock.

The proposed pile supported pier will be 3 feet wide where it crosses 11 feet of ACOE regulated wetlands. The pier will widen to 4 feet and extend channelward 50 feet from the mean high water line / edge of shoreline (45 feet from mean low water).

Cummulatively, the entire structure will extend 87 feet channelward of mean high water into Arnell Creek, including the Yakport launch cradle and accounting for the portion of ramp rotting on the proposed tee. The proposed structure will occupy 496 square feet of the creek channelward of mean low water. The structure will be constructed similar to the proposed marina docks.

Stormwater Outfall – A proposed riprap outlet protection for a stormwater management basin will be located 60 feet south of the kayak launch dock pier. The placement of stone underlain by geotextile fabric will impact 368 square feet of Section 404 estuarine emergent wetlands subject to ACOE regulation. A total of 16 cubic yards of riprap stone will be discharged, all of which is above mean high water.

PART II – ENVIRONMENTAL IMPACT CHECKLIST

ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
A. Physical			
1. Topography	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Geological Elements and Leaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Air	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project lies outside of any federal channel or established navigational channel.
5. Handling of Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Spoil Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No dredging required.
7. Sewage and Solid Wastes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community dock will have portable pump out capability.
8. Water Resources			
a. Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community will operate under DNREC approved O&M Plan.
b. Hydrography, Circulation, Littoral Drift.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Ground Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
B. Biological			
1. Vegetation			
a. Terrestrial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is redevelopment of an existing golf course.
b. Aquatic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None present.
2. Fish and Wildlife			
a. Mammals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is redevelopment of an existing golf course.
b. Birds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is redevelopment of an existing golf course.
c. Amphibians	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is redevelopment of an existing golf course.
d. Reptiles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is redevelopment of an existing golf course.
e. Fish	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is redevelopment of an existing golf course.
f. Shellfish	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Area closed to shell fishing.
g. Invertebrates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Rare or Endangered Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None present.

ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
C. Cultural			
1. Land Use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Osprey Point is a residential approved community.
2. Population Density and Trends	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Osprey Point is consistent with local zoning.
3. Regional Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Osprey Point is consistent with local zoning.
4. Historic Places	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None present. Redevelopment of existing golf course.
5. Archaeological Sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None present. Redevelopment of existing golf course.
6. Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project consistent with adjacent and nearby land uses.
7. Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Transportation Systems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project provides water access to Arnell Creek.
10. Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D. Other Factors			
1. Secondary Effects	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline erosion problem corrected & deteriorated docks removed.
2. Controversiality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Is significant dredging involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Is significant filling involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Filling for stormwater outfall impacts 0.008 acre of wetlands.

Part III

Considerations of a Dredging Proposal:

A. Describe characteristics and locations of the proposed dredged material disposal site. Provide photographs.

No dredging is proposed.

B. Is there a comprehensive plan for disposal sites that takes into account the accumulative effect over time and the decreasing amount of suitable sites for disposal?

Not applicable.

C. Describe the present land use of the disposal site.

Not applicable.

D. Describe characteristics of the material to be disposed, including:

1. Physical source of material (i.e. sand, silt, clay, etc.) Give percentages of the various fractions if available.

No dredging is proposed.

2. Chemical composition of material: Many areas, especially marinas, highly industrialized areas, etc., have sediments with high concentrations of pollutants (chemicals, organic material, etc.). These materials may be re-suspended or reintroduced into the water and result in serious environmental damage. If your proposed dredging is in an area such as described above, a chemical analysis of the material to be dredged should be provided.

Not applicable.

3. Dewatering properties of the material to be disposed.

Not applicable.

4. Compactability of material and settling rates of material to be disposed.

Not applicable.

5. Dredging and disposal schedule to insure that operations do not degrade water quality during times of anadromous fish migration.

Not applicable.

E. When the project involves land disposal, discuss the following:

1. Method of disposal to be utilized, i.e., pipeline discharge, barge, hopper (underway or stationary).

Not applicable.

2. Describe method of dredged material containment (i.e. embankment, behind bulkhead, etc.)

Not applicable.

3. What type of leachates will be produced from the spoil material and what is planned for protection of the groundwater?
Not applicable.
4. Methods to insure that spoil water does not adversely affect water quality, both during construction and after completion of the project.
Not applicable.
5. Provisions for monitoring during discharge: water quality, sediment transport, and precautions to prevent "short-circuiting" dumping.
Not applicable.

F. Consider and discuss the following for water disposal:

1. Describe methods to be used for water disposal, including volumes and site selection.
Not applicable.
2. Describe the existing water characteristics at the site, including chemical analysis for water quality.
Not applicable.

G. Discuss the frequency and amount of maintenance dredging which will be required; discuss the resulting impacts.

Not applicable.

H. Alternatives.

1. Discuss all alternatives to the project, including the "no action" alternative.
Not applicable.
2. Discuss alternative types and methods of dredging and disposal, such as pipeline discharge, barging, or hopper method.
Not applicable.
3. Discuss alternatives to dredging.
Not applicable.
4. Discuss alternative areas of sites for spoil disposal.
Not applicable.
5. Discuss impact of port docking patterns upon the demand for dredging. Can alternative patterns reduce the amount of dredging required to support port operations?
Not applicable.
6. Support alternative means of construction that would prevent or minimize water quality degradation using EPA standards for guidance.
Not applicable.
7. State in detail impacts resulting in alternative locations for the proposed project.
Project location is fixed.

Part IV

CONSIDERATIONS OF A FILLING PROPOSAL:

- A. Describe in detail the existing characteristics of the area proposed for filling (i.e. aquatic area, marsh, mudflat, swamp, etc.). In your description, be sure to include the types of vegetation present and the types of animals that use the area. Provide photographs.
Riprap stabilization for a stormwater treatment pond outfall will impact 0.007 acre (296 sq. ft.) of Section 404 estuarine emergent wetlands. A total of 20 square feet of riprap stone underlaid by geotextile fabric will be discharged above the mean high water line.
- B. Give the following information in regard to the project size:
1. Total area to be filled.
368 square feet (0.008 acre).
 2. Size of underwater area to be filled.
0 square feet.
 3. Area of intertidal zone to be filled.
0 square feet.
 4. Area of wetlands to be filled.
0.008 acre (368 square feet).
 5. Proposed height of fill.
+/- elevation 1.5
 6. Volume of material that will be used in filling.
+/- 12 cubic yards of riprap stone above mean high water.
- C. Describe in detail the material to be used as fill including as follows:
1. Type of fill to be used (sand, stone, rubble, etc.). If the material is a composite (i.e., rubble), list the types of materials it will contain.
R4 & R5 riprap quarry stone
 2. Give the specific location of the source of this material.
commercial quarry
 3. What types of leachates will be produced from the fill material and what is planned for protection of surface and groundwater?
None
- D. Carefully describe the method of fill, including the following:
1. Method of fill placement, including equipment used in deposition and grading.
Placed with excavator working off upland.
 2. Method of stabilization of banks from erosion, sloughing, wave action, boat wakes, etc.
Not applicable, riprap outfall stabilization.
 3. Method of stabilization of the surface of the fill.
Not applicable, riprap outfall stabilization.

4. Length of time needed for completion of the project. State if filling will be continuous, intermittent, etc.
60 days continuous.
5. Method of controlling turbidity when filling an underwater area.
Not applicable. Not filling underwater area.

E. Purpose of the Project:

1. What is the intended use of the filled area?
riprap outfall stabilization.
2. What structures, if any, will be constructed on the fill?
None.
3. What benefits would you gain from the proposed fill?
Area of stormwater outfall will be protected from erosion.

F. Alternatives

1. Discuss the "no action" alternative and how this would affect your present and future plans for the development of the area.
Stormwater treatment pond outfall must be stabilized.
2. Discuss alternative locations for the proposed fill.
None.
3. Discuss the use of elevated structures (i.e. causeways, elevated platforms, etc.) in place of the proposed fill.
Not applicable.
4. Discuss any other alternatives you have considered prior to formulating the presently submitted proposal.
None applicable. The use of riprap is the preferred stabilization method.

TAB “15”

December 28, 2021

ERI Project No: 898#1169

Kimberly B. Cole, Administrator
Delaware Coastal Management Program
Department of Natural Resources & Environmental Control
100 W. Water Street, Suite 7B
Dover, Delaware 19904

**RE: Osprey Point Marina
Delaware Coastal Zone Consistency Determination
Coastal Management Program**

Dear Ms. Cole,

Environmental Resources, Inc. (ERI) is writing in order to provide you with the individual Department of the Army Permit Application for the Osprey Point Marina. The following is a project description and a response to applicable Coastal Zone Management Program Policies. Osprey Point Preserve, LLC. requests the issuance of a Coastal Zone Consistency Determination from your program.

Project Description

Osprey Point Preserve, LLC. is the owner of the former Old Landing Golf Course located on the west side of County Road 274 (Old Landing Road) in the Lewes Rehoboth Hundred, near the Rehoboth Beach resort area. The Old Landing Golf Course property is bordered by Arnell Creek on its westerly side. The golf course is being redeveloped with 217 single family homes, development known as Osprey Point, as approved by Sussex County. That project is currently under construction.

The vicinity of the former golf course clubhouse and restaurant is being redeveloped as a commercial restaurant and the addition of a 25 slip commercial marina and kayak launch dock is also proposed at that location. That part of the project requires an individual Department of the Army permit (DOA). The tax parcel supporting this proposed marina development known as Osprey Point is 334-18.00-83.00.

The proposed facility will be open to the public including the future residents of Osprey Point and the numerous surrounding residential communities along Old Landing Road. In addition to 1.85 acres of commercial area associated with this project, adjacent Osprey Point community open space will border this site. It will include a community open space area in uplands accessed by a common boardwalk trail all of which will be located on uplands.

The western upland edge of the upland portion of this project and the community open space will be defined by a future vinyl sheet pile retaining wall installed in uplands three feet landward of the U.S. Army Corps of Engineers (ACOE) Section 404 wetland boundary.

Activities involving federally regulated wetlands and public subaqueous land include the proposed construction of a 25 slip marina facility, a separate floating kayak launch dock and an outfall for a stormwater treatment pond stabilized with riprap.

Insofar as land based facilities supporting the proposed marina, a small Harbormaster's Office will be located near the marina access pier. Signage with emergency contact numbers and rules will be located there. The building will house a portable marine pump out station and emergency spill kit. Restroom facilities will be located in the restaurant building. A total of 82 parking spaces will be shared with the restaurant. It is anticipated that some of the marina slips will be reserved for restaurant patrons arriving by water. Two fire department connections will be provided on the marina dock. Water and electric pedestals will provide utility service.

The specifics of the marina facility and kayak dock are described as follows:

Proposed Marina Pier – Twin marina piers will be accessed from the shore by a single 86 foot long pier which begins at the proposed shoreline vinyl retaining wall in upland. The portion of the pile supported pier crossing federally regulated wetlands will be 3 feet wide by 52 feet long. This part of the pier will be approximately 3.5 feet above the marsh.

The last 31 feet of the pier will be over water (26 feet will be channelward of mean low water) where it will widen to 4 feet. The pier will connect with the center of a 120 foot long section of 4 foot wide pier section which provides access to two separate docking piers, making a "U" shaped configuration. Each docking pier will be 88 feet long. Each docking pier will access separate 54 foot by 6 foot wide docks at the channelward end of the facility making a "T" configuration.

There will be a total of 10 finger piers between slips, each 3 feet wide by 12 feet long. There will be a total of 37 freestanding mooring piles within the slip areas. The height of the marina pier docking will be 3.3 feet.

The total square footage of marina pier located landward of mean low water is 1,944 square feet. The piers will be of standard marine construction using 10 inch piling,

2"x10" headers and stringers and 2"x8' decking, all salt treated and secured with galvanized hardware. The approximate channelward extent of the marina from the shoreline of Arnell Creek is an average of 110 feet. Water depth at mean low water within the marina varies between 1.6 to 1.85 feet, increased to 0.6 feet at the mean high water condition.

Proposed Kayak Launch Dock – The proposed kayak launch dock will be located on the north side of the 1.85 acre commercial marina parcel. A very narrow band of Section 404 estuarine emergent wetlands exists along the shoreline at that location. A total of 11 feet of estuarine emergent wetlands will be crossed by a 3 foot wide pier section. The pier will widen to 4 feet channelward of mean high water. A 64 foot long pile supported fixed pier will be extended from the top of the proposed vinyl sheet retaining wall in uplands into Arnell Creek. The fixed pier will transition in elevation from 5.0 to 3.7 feet. A 20 foot long by 4 foot wide aluminum ramp will be attached to the end of the pier.

The ramp will land on a 6 foot wide by 4 foot long tee which is part of an 8 foot wide by 24 foot long floating dock. The rear floating dock will be secured with loops to two 10 inch diameter pilings. A 4 foot wide by 5 foot long "Yakport" PVC kayak launch cradle will be attached to the center of the floating dock.

The proposed pile supported pier will be 3 feet wide where it crosses 11 feet of ACOE regulated wetlands. The pier will widen to 4 feet and extend channelward 50 feet from the mean high water line / edge of shoreline (45 feet from mean low water).

Cummulatively, the entire structure will extend 87 feet channelward of mean high water into Arnell Creek, including the Yakport launch cradle and accounting for the portion of ramp rotting on the proposed tee. The proposed structure will occupy 496 square feet of the creek channelward of mean low water. The structure will be constructed similar to the proposed marina docks.

Stormwater Outfall – A proposed riprap outlet protection for a stormwater management basin will be located 60 feet south of the kayak launch dock pier. The placement of stone underlain by geotextile fabric will impact 368 square feet of Section 404 estuarine emergent wetlands subject to ACOE regulation. A total of 16 cubic yards of riprap stone will be discharged, all of which is above mean high water.

Compliance with Coastal Policies

The following explains how the project complies with Delaware Coastal Management Program Polices:

5.1 Wetland Management: The project does impact both state and federally regulated wetlands. The locations of proposed pile supported crossing with pier have been sited to minimize the amount of wetlands being crossed. The width of the pier has been minimized to 3 feet in accordance with state and federal design standards. The piers

are well elevated on pilings so no filling will occur. The proposed dock and piers are water dependent activities. The location of riprap outlet protection within wetlands is such that mapped state regulated wetlands are avoided. The extent of fill proposed (0.007 acre) is the minimum necessary to meet the project purpose of protecting the marsh shoreline. The proposed impact is a water related activity.

5.2 Beach Management: No beaches are present in the project area in the project footprint.

5.3.1-2 Coastal Waters Management General & Marinas: The proposed project involves construction of a commercial 25 slip marina and kayak launch dock. The marina dock and kayak launch have been designed in accordance with DNREC Subaqueous Lands and Marina Regulations. Water quality will be protected since the community dock will operate under a DNREC approved Operations & Maintenance Plan.

Marine pump out capability and an emergency response spill kit will be provided at the facility in accordance with state law. No adverse impacts to navigational channels occurs since the project does not encroach upon any marked or unmarked channel. No submerged aquatic vegetation is present. No critical habitats or threatened or endangered species are impacted. Project construction will be in accordance with a soil erosion and sediment control plan approved by the Sussex Conservation District. Impervious surface areas or paving such as for parking areas will be managed in accordance with a Soil Erosion and Sediment Control Plan approved by the Sussex Conservation District. The adjacent residential community will also have stormwater facilities approved by the Sussex Conservation District.

5.4 Subaqueous Lands & Coastal Strip Management: The project is designed in accordance with DNREC Subaqueous Lands and Regulations and a permit will be issued prior to construction. The project is redevelopment of a golf course facility. The project is consistent with local residential land uses.

5.5 "Public Lands" Management: The project does involve state owned subaqueous lands. The project has been designed in accordance with DNREC Subaqueous Lands and Marina Regulations. DNREC permit and leases will be issued by the Wetlands and Subaqueous Lands Section prior to construction.

5.6 Natural Areas Management: The project does not involve natural lands as it is redevelopment of an existing golf course. The project is a water dependent use.

5.7 Flood Hazard Areas Management: All local flood hazard regulations will be followed. The federal project involves structures only for recreational docking of boats and a stormwater outfall.

5.8 Port of Wilmington: Not applicable.

5.9.1-5 Woodlands and Agricultural Lands Management (Woodlands, Silviculture, Agricultural Lands, Tax Ditches, and Advisory Policy): No woodlands or agricultural lands are present. The project site is redevelopment of an existing golf course.

5.10.1-2 Historic & Cultural Areas Management: No historic or cultural resources will be impacted. The project is redevelopment of an existing golf course.

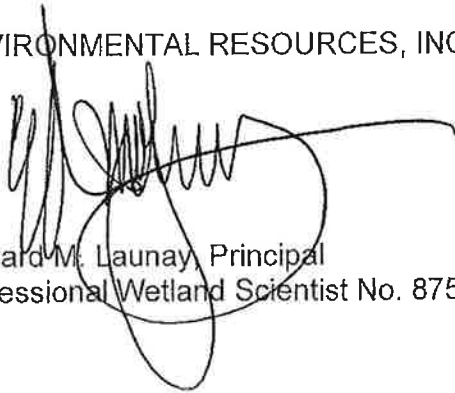
5.11.1-4 (General, Fish & Wildlife, Nongame & Endangered Species, and Advisory Policy): The project is redevelopment of an existing golf course which has been designed to minimize any impact to Fish & Wildlife resources. No significant resources are present. All time of year restrictions regarding construction activities listed in the conditions state or federal permits will be followed.

5.12 – 5.25: Response to policies 5.12 – 5.25. These policies are not applicable or do not apply except that the project provides recreational enhancement and an opportunity for boat docking by future residents of Osprey Point and surrounding communities along Old Landing Road. The marina facility will be open to the public.

Upon your review of this information, I am available at your convenience should you have any additional questions.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

A handwritten signature in black ink, appearing to read 'Edward M. Launay', with a large, sweeping flourish extending to the right.

Edward M. Launay, Principal
Professional Wetland Scientist No. 875, Society of Wetland Scientists

Cc: Osprey Point Preserve, LLC.
Mr. Michael Yost, ACOE – Dover Field Office

TAB “16”

February 24, 2022

ERI Project No. 0898#1169

Mr. Michael Yost, Dover Field Office
Regulatory Branch, Philadelphia District
U.S. Army Corps of Engineers
1203 College Park Drive, Suite 103
Dover, Delaware 19904-8703

**RE: Individual Department of the Army Permit
Osprey Point Marina - Tax Map Parcel 334-18.00-83.00
Lewes-Rehoboth Hundred, Sussex County, Delaware
Waterway: Arnell Creek
Applicant: Osprey Point Preserve, LLC.**

Dear Mr. Yost,

Environmental Resources, Inc. (ERI) is writing you on behalf of the applicant, Osprey Point Preserves, LLC. regarding the proposed 25 slip marina and kayak launch dock to be located on the eastern shore of Arnell Creek. I would like to provide an itemized response to the questions provided in your February 3, 2022 email as follows.

- 1.) In addition to the 37 free standing mooring piles proposed at the marina location, I have calculated that the maximum number of piles needed to support or secure the proposed piers and docks is as follows:

Marina Pier Over Wetlands = 14 piles
Marina Dock & Pier Over Water = 158 piles
Free Standing Mooring Piles = 37 piles

Total Piles for Marina Facility = 209 piles

Kayak Launch Pier Over Wetland = 2 piles
Kayak Launch Pier Over Waters = 14 piles
Kayak Dock Anchor Piles = 2 piles

Total Piles for Kayak Launch Dock = 18 piles

TOTAL OF ALL PROPOSED PILES = 227 PILES

- 2.) Piles will be salt treated timber, 10 inches in butt diameter.

- 3.) Piles will be installed with a vibrating hammer head.
- 4.) The applicant anticipates a summer time of year restriction for summer in water work between March 1 through September 30. Ideally the applicant would like to begin work in October 2022, however issuance of required DNREC permits will likely delay this project until October 2023.
- 5.) Regarding additional environmental background data for the proposed project location, I am providing the Marina Siting Study submitted as part of the DNREC Wetlands & Subaqueous Lands Section permit application. As mentioned in that study, no submerged aquatic vegetation has been observed at the marina or kayak launch dock locations. The inshore bottom conditions at the marina location are relatively firm medium to fine sand with a thin mucky surface layer.

Upon your review of this response, please let me know if you need any additional information in support of this request. On behalf of the Osprey Point Preserve, LLC., thank you for the time and attention given to the review of this application.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

Edward M. Launay, Principal

Elliott Young

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, August 3, 2022 11:32 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Elliott

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, August 3, 2022 - 11:32am

Name: Bruce and Rita Connolly
Email address: ritaconnolly14@gmail.com
Phone number: 505-280-2010
Subject: Opposition to the Commercialization/Rezoning of Osprey Point
Message:

I am a concerned neighbor living in Old Landing Woods lobbying against the proposed marina and eventual rezoning of Osprey Point which would allow for a commercial marina and eventually other commercial entities. I understand that the developer of this property is seeking approval to build a marina first, then has plans to return to Planning and Zoning to seek modifications that will allow for other commercial development. As an effected neighbor and a concerned citizen who is interested in protecting wildlife and wetlands, I am against any further development in this area that is not residential. Commercial zoning presents many negative changes to our neighborhood, resident wildlife, wetlands watershed and well-provided drinking water. Along with many of my neighbors, I am against the developer's proposal; this developer has consistently shown little regard for existing neighborhoods and environs. One example is the cutting down of trees used by native Osprey that were initially slated for preservation, but in course of time were cut down to meet the greedy plans of the developer.

This developer's plans are detrimental to both human and wildlife. Please step up and reject plans for development beyond residential. Included in the developer's plans is a bar/restaurant that will be open until 11pm and include amplified music that will disrupt entire neighborhoods. It will also bring even more traffic to an already overburdened one way in, one way out, two-lane Old Landing Road.

RECEIVED

AUG 03 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit