

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

File #: 22-07

Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

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

☎ 302-855-7878

✉ pandz@sussexcountyde.gov

Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)

Future Land Use Map

Year that Comprehensive Plan was Adopted:

2019

If Applicable, the Date(s) of any PLUS Review by the State of Delaware

Tax Map #: 135-15.00-98 and 98.01 Total Acreage: 50.797 acres

Applicant Information

Applicant Name: Leeward Chase DE, LLC (Attn: Jack Haese)

Applicant Address: 448 Viking Drive Suite 220

City: Virginia Beach State: VA ZipCode: 23452

Phone #: 301-370-6967 E-mail: jack@sequoia-mgt.com

Developer Information

Developer Name: Leeward Chase DE, LLC

Attorney Information (If Applicable)

Attorney Name: James A. Fuqua, Jr.

Attorney Address: 26 The Circle

City: Georgetown State: DE ZipCode: 19947

Phone #: 302-227-7727 E-mail: jimf@fwsdelaw.com



Sussex County, DE - Comprehensive Plan Amendment Request

Description of Request: (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

Tax Parcels 135-15.00-98.00 and 98.01 are currently designated as being located in the "commercial area" of the 2019 Sussex County Comprehensive Plan's Future Land Use Map.

The parcels are adjacent to lands designated as being in the "Developing Area" on the east, west and partially on the north.

The Applicant is requesting the Amendment from "Commercial area," a higher use, to "Developing Area" in order to develop 53 duplex buildings containing 106 units as a residential rental community.

Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request

Completed Application

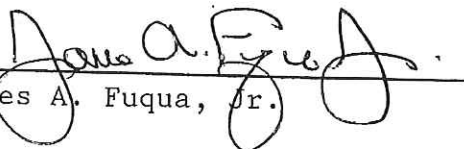
A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

(Exhibit A, B & C attached)

The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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.

Signature of Applicant/Attorney


James A. Fuqua, Jr.

For office use only:

Date Submitted: 4/28/2011

Application & Case #: ORD 11-07

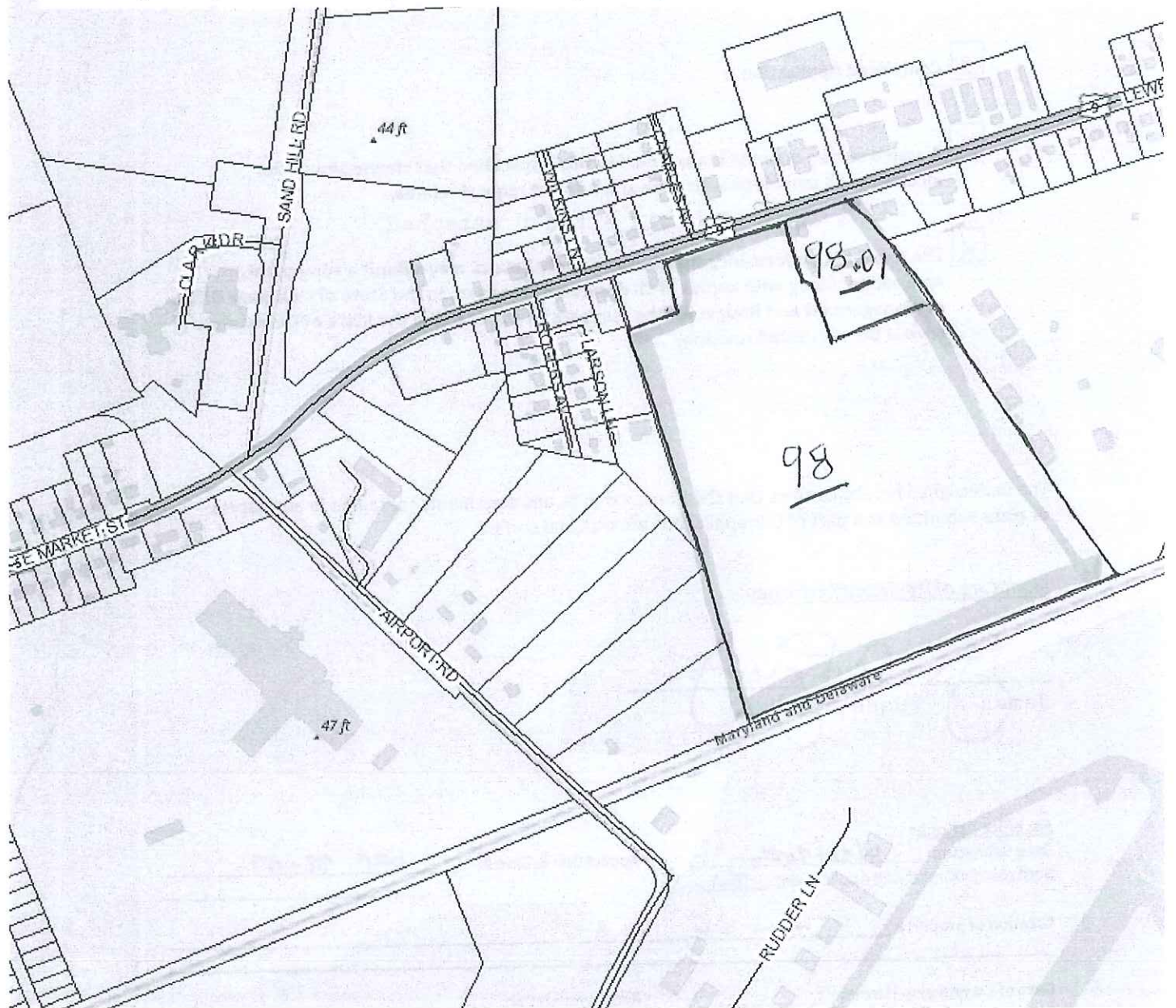
Staff member receiving Application: [Signature]

Location of property: _____

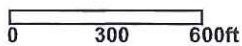
Date of Commission Hearing: _____

Recommendation: _____

Date of Council Hearing: _____



TAX MAP



A

TO: OFFICE OF STATE PLANNING COORDINATION
David L. Edgell, AICP, Director

APPLICANT'S STATEMENT REQUESTING
AMENDMENT OF SUSSEX COUNTY'S COMPREHENSIVE
PLAN'S FUTURE LAND USE MAP

- 1) The Applicant, Leeward Chase, DE, LLC. has requested that Sussex County's Future Land Use Map be changed from "Commercial Area" to "Developing Area" for Sussex Tax Map Parcels 1-35-15.00-98.00 & 98.01
- 2) The Applicant has filed a Conditional Use Application with Sussex County for a multi-family development consisting of 53 residential duplex buildings (106 units). The units are planned to be rented, providing a rental housing option for area residents and employees of businesses in the Lewes and Rehoboth Beach coastal area.
- 3) The Conditional Use Application was reviewed as PLUS 2022-03-03, Leeward Chase
- 4) The site is located east of the Town of Georgetown on the south side of the Lewes Georgetown Highway (Rt. 9) which is designated as a major arterial roadway.
- 5) The land is zoned AR-1 and pursuant to Sec.115-22 of the Sussex County Zoning Ordinance, multi-family dwellings may be permitted as a conditional use in the AR-1 district if the land lies within a Town Center, a Developing Area or a Coastal Area as designated in the Comprehensive Plan.
- 6) The site is currently designated as being in the "commercial area" under the County's Future Land Use Map but the majority of the lands to the east, west and north are designated as "developing area." To the south, the site borders the railroad right of way and future Lewes Georgetown bike trail.

7) The change from "commercial area" to "developing area" is consistent with the designation of surrounding lands and the existing designation, "commercial area," is considered to be a higher more intensive use than the "developing area" designation being requested.

Jamie Whitehouse

From: Jim Fuqua <jimf@fwsdelaw.com>
Sent: Wednesday, June 22, 2022 4:57 PM
To: Jamie Whitehouse
Subject: FW: Leeward Chase Edgell Letter
Attachments: LEEWARD CHASE EDGELL LTR.pdf

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

Jamie , Attached is the applicant's statement regarding the Leeward Chase FLUM amendment request to be included with the County submission to PLUS. If the statement is acceptable to you , I would request that the application be filed in June for inclusion on the July PLUS agenda . Please let me know if you have any questions . Jim

-----Original Message-----

From: Lisa Massey <lisa@fwsdelaw.com>
Sent: Wednesday, June 22, 2022 4:39 PM
To: Jim Fuqua <jimf@fwsdelaw.com>
Subject: Leeward Chase Edgell Letter

Jim: Please review.
Tks
Lisa

Lisa G. Massey, Office Manager/Bookkeeper
302-856-7777 ext. 107

Paynter House 26 The Circle Georgetown, DE 19947

-----Original Message-----

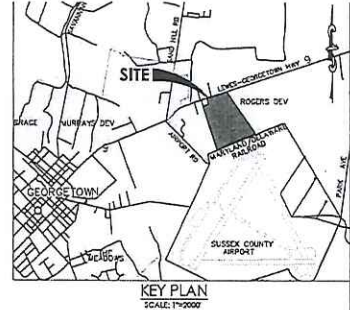
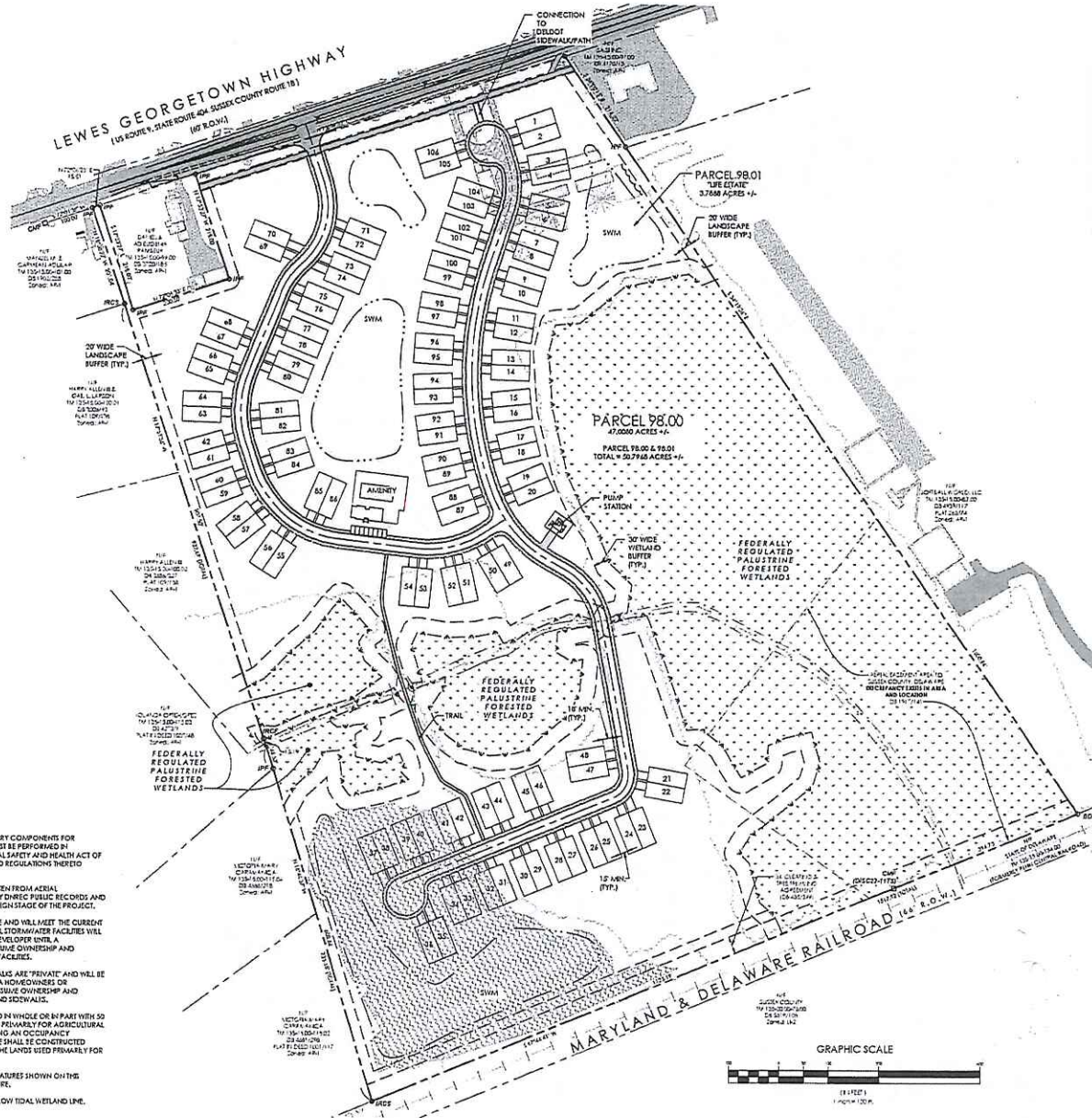
From: scanner@fywlaw.com <scanner@fywlaw.com>
Sent: Wednesday, June 22, 2022 4:39 PM
To: Lisa Massey <lisa@fwsdelaw.com>
Subject: Message from "RNP58387947700E"

This E-mail was sent from "RNP58387947700E" (MP 4055).

Scan Date: 06.22.2022 16:38:45 (-0400)
Queries to: scanner@fywlaw.com



SITE PLAN



SITE DATA:

OWNER: ADDRES MEADOWWOOD FARMS, LLC
P.O. BOX 417
GEORGETOWN, DE 19847

DEVELOPER: LEEWARD CHASE DR, LLC
448 VIRGINIA DRIVE, SUITE 200
VIRGINIA BEACH, VA 23462
CONTACT: BAYMOND L. COOTNER

ENGINEER/ LAND PLANNER: SOLUTIONS P&M, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19847
PHONE: 302.277.7115
CONTACT: JASON PALKEWICZ, P.E.

TM 135-15 00-18.00 & 18.01
TOTAL AREA = 20,797 ± AC.

- EXISTING ZONING: ARI-1
- PROPOSED ZONING: ARI-1 V/ CONDITIONAL USE
- PROPOSED USE: DUPLEX COMUNITY

SETS ACRES:
FRONT YARD = 40'
SIDE YARD = 10'
REAR YARD = 10'
MAXIMUM BUILDING HEIGHT: 42'

DUPLEX BUILDINGS = 53
TOTAL LINES = 106

- BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS P&M, LLC
- ANTICIPATED WATER SUPPLY: ARTESIAN UNDERWATER
- ANTICIPATED SEWERARY SERVICE: SUSSEX COUNTY
- NON-TIDAL WETLANDS = 17.24 AC (1-1)
- GROSS AREA = 50,777 AC±
ALLOWABLE UNITS = 20 DU/AC ± 50,777 AC± = 101.57 (200 DU/AC)
- AREAS:
OPEN SPACE AREA = 332 AC± (AS-1)

PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) BASE FLOOD ELEVATIONS DETERMINED PER FEDERAL MAPS 15000-0325L, MAP REVISED 4/20/2010

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASTMENT/UTTER LINE	---	---
SETBACK LINE	---	N/A
P.O.W. LINE	---	N/A
BUILDING	[Symbol]	[Symbol]
RAILROAD	[Symbol]	[Symbol]
DUPLEX BUILDING	N/A	[Symbol]
ROAD CENTERLINE	---	---
PAVEMENT/UTTER LINE	---	---
CURB AND GUTTER	---	---
SIDEWALK	---	---
TRAIL	---	---
EDGE OF POND	---	---
NON-TIDAL WETLANDS	[Symbol]	N/A
NON-REGULATED WET AREA	[Symbol]	N/A
WOODS LINE	---	---

NOTES:

- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THEREOF APPLICABLE.
- EXISTING CONTOURS SHOWN WERE TAKEN FROM AERIAL TOPOGRAPHIC MAPPING PROVIDED BY DIRECT PUBLIC RECORDS AND WERE FIELD VERIFIED DURING THE DESIGN STAGE OF THE PROJECT.
- STORMWATER WILL BE HANDLED ON-SITE AND WILL MEET THE CURRENT STATE OF DELAWARE REGULATIONS. ALL STORMWATER FACILITIES WILL BE PRIVATE AND MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE STORMWATER FACILITIES.
- ALL INTERNAL ROADWAYS AND SIDEWALKS ARE PRIVATE AND WILL BE MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS OR CONDOMINIUM ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE ROADWAYS AND SIDEWALKS.
- FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
- BOUNDARY, WETLANDS, AND OTHER FEATURES SHOWN ON THIS DOCUMENT ARE CONCEPTUAL IN NATURE.
- PORTIONS OF PARCEL BOUNDARY FOLLOW TOTAL WETLAND LINE.

NO.	DATE	REVISIONS	DESCRIPTION

CONDITIONAL USE PLAN

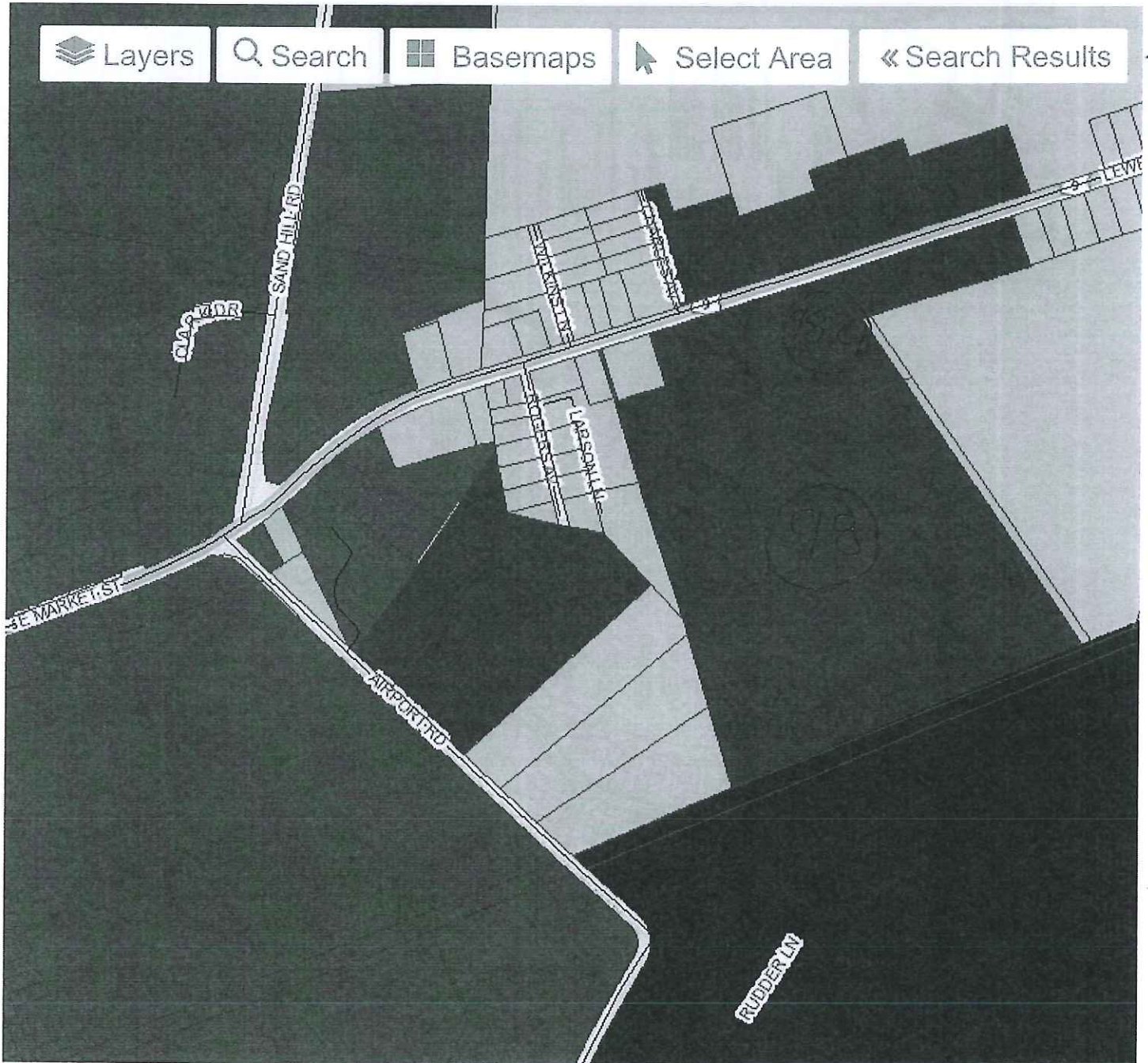
FOR

LEeward CHASE

GEORGETOWN HUNDRED

TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE

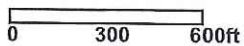
Date: 4/10/22
 Designer: J.P.
 Checker: J.P.
 Title: P.E.
 License No.: 12083
 State: DE
 Project No.: 22-001
 Sheet No.: 1 OF 1
 File Name: G21074-01.dwg



FUTURE LAND USE MAP

RED - COMMERCIAL AREA

TAN - DEVELOPING AREA



B

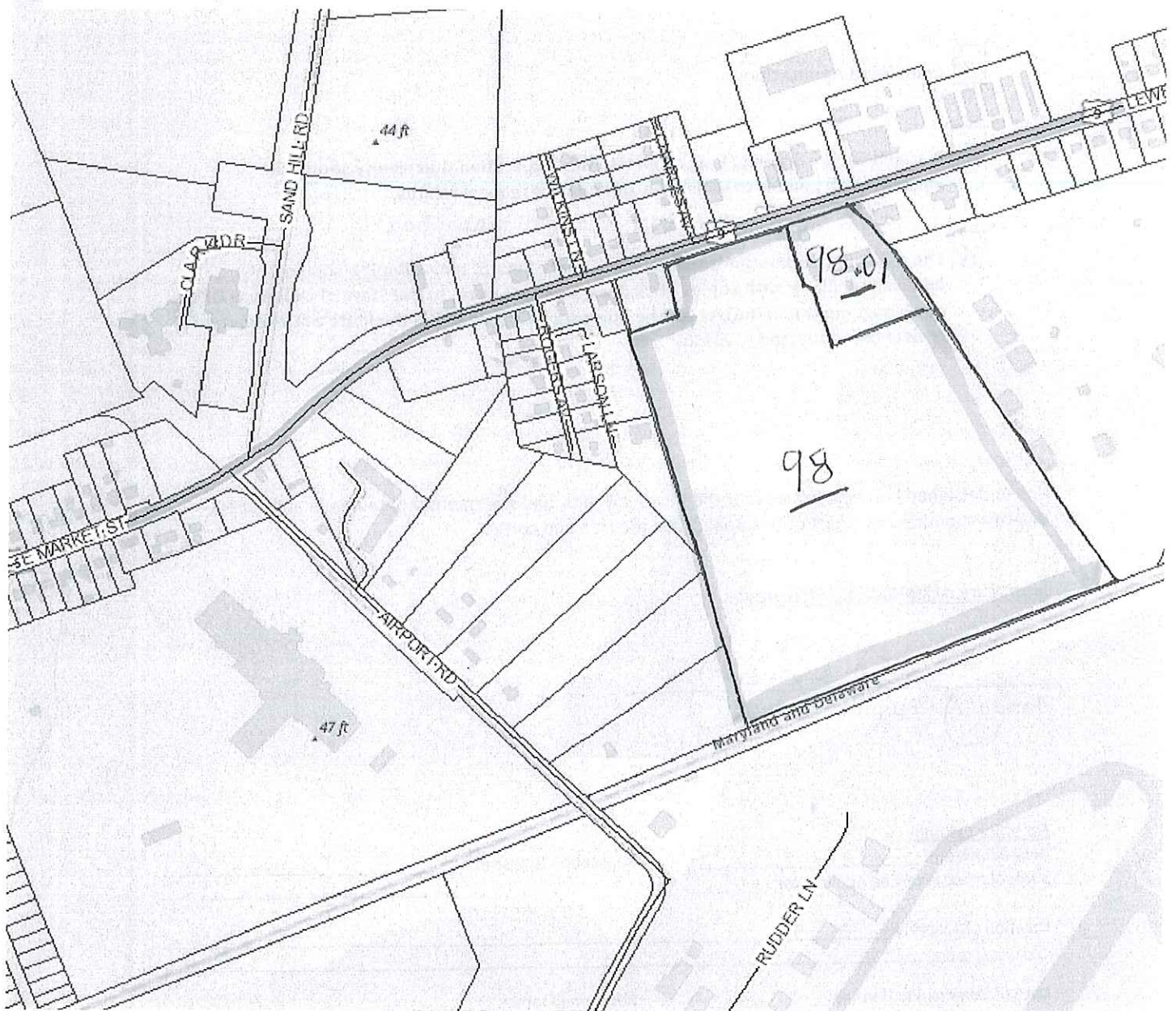
Layers

Search

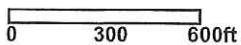
Basemaps

Select Area

Search Results



TAX MAP



Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request

Completed Application

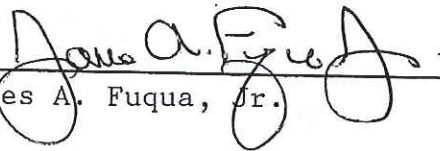
A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

(Exhibit A,B & C attached)

The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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.

Signature of Applicant/Attorney


James A. Fuqua, Jr.

For office use only:

Date Submitted: _____ Application & Case #: _____
Staff member receiving Application: _____

Location of property: _____

Date of Commission Hearing: _____ Recommendation: _____

Date of Council Hearing: _____

Sussex County, DE - Comprehensive Plan Amendment Request

Description of Request: (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

Tax Parcels 135-15.00-98.00 and 98.01 are currently designated as being located in the "commercial area" of the 2019 Sussex County Comprehensive Plan's Future Land Use Map.

The parcels are adjacent to lands designated as being in the "Developing Area" on the east, west and partially on the north.

The Applicant is requesting the Amendment from "Commercial area," a higher use, to "Developing Area" in order to develop 53 duplex buildings containing 106 units as a residential rental community.

File #: _____

Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

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

☎ 302-855-7878

✉ pandz@sussexcountyde.gov

Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)

Future Land Use Map

Year that Comprehensive Plan was Adopted:

2019

If Applicable, the Date(s) of any PLUS Review by the State of Delaware

Tax Map #: 135-15.00-98 and 98.01 Total Acreage: 50.797 acres

Applicant Information

Applicant Name: Leeward Chase DE, LLC (Attn: Jack Haese)

Applicant Address: 448 Viking Drive Suite 220

City: Virginia Beach State: VA ZipCode: 23452

Phone #: 301-370-6967 E-mail: jack@sequoia-mgt.com

Developer Information

Developer Name: Leeward Chase DE, LLC

Attorney Information (If Applicable)

Attorney Name: James A. Fuqua, Jr.

Attorney Address: 26 The Circle

City: Georgetown State: DE ZipCode: 19947

Phone #: 302-227-7727 E-mail: jimf@fwsdelaw.com



Jamie Whitehouse

From: Jim Fuqua <jimf@fwsdelaw.com>
Sent: Thursday, April 28, 2022 4:58 PM
To: Jamie Whitehouse
Cc: Jack Haese; Jason Palkewicz
Subject: FW: Message from "RNP58387947700E" /Leeward Chase DE LLC
Attachments: 20220428111956918.pdf

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

Jamie , Attached is an application to amend the Comp Plan's Future land use map from " commercial area " to "developing area " for TMP 135-15.00- 98.00 and 98.01 . The request is being made in conjunction with a Conditional Use application that was filed earlier this week by Leeward Chase DE ,LLC . The CU application is for multi family units , 53 duplex buildings containing 106 residential units . Please include the FLUM amendment request with the next filing of amendment applications to PLUS . I suggest that the CU hearing and FLUM amendment hearing be scheduled with the Planning and Zoning Commission for the same hearing date . Please let me know you need anything else from me and when you plan to submit the application(s) to PLUS . Thanks , Jim Fuqua

-----Original Message-----

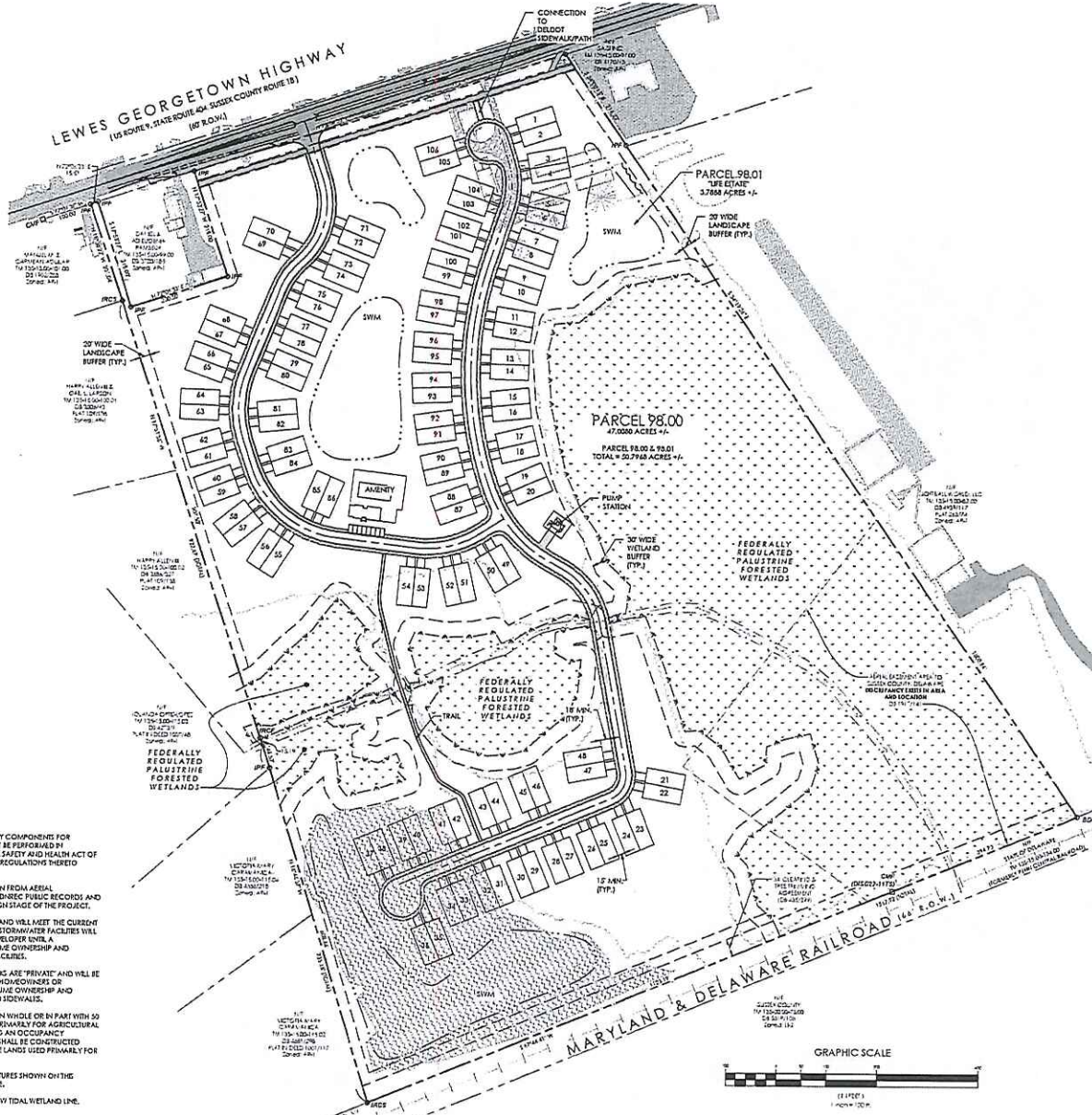
From: scanner@fywlaw.com <scanner@fywlaw.com>
Sent: Thursday, April 28, 2022 11:20 AM
To: Jim Fuqua <jimf@fwsdelaw.com>
Subject: Message from "RNP58387947700E"

This E-mail was sent from "RNP58387947700E" (MP 4055).

Scan Date: 04.28.2022 11:19:56 (-0400)
Queries to: scanner@fywlaw.com



SITE PLAN



SITE DATA:

OWNER: MODRES MEADOWOOD FARMS, LLC
P.O. BOX 417
GEORGETOWN, DE 19847

DEVELOPER: LEeward CHASE DE, LLC
448 WING DRIVE, SUITE 203
VIRGINA BEACH, VA 23462
CONTACT: BARTON L. COSTILLER

ENGINEER/ LAND PLANNER: SOLUTIONS P&L LLC
350 NORTH BEDFORD STREET
GEORGETOWN, DE 19847
PHONE: 302.777.9215
CONTACT: JASON PALEWICZ, P.E.

TOTAL AREA = 50.787 AC.

- EXISTING ZONING: AR-1
- PROPOSED ZONING: AR-1 W/ CONDITIONAL USE
- PROPOSED USE: DUPLEX CONDOMINIUM
- SETBACKS:
FRONT YARD = 40'
SIDE YARD = 10'
REAR YARD = 10'
MAXIMUM BUILDING HEIGHT = 42'
- DUPLEX BUILDINGS = 33
TOTAL UNITS = 156
- BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS P&L LLC
- ANTICIPATED WATER SUPPLY: ARTESIAN WINDMILLER
- ANTICIPATED SANITARY SEWER: SUSSEX COUNTY
- NON-TIDAL WETLANDS = 17.54 AC (+/-)
- GROSS AREA = 50.787 AC ±
ALLOWABLE UNITS = 20 DU/AC ± 20.777 AC ± = 101.59 PROPOSED UNITS = 106 (5.05 DU/AC)
- AREAS:
OPEN SPACE AREA = 332 AC ± (645% ±)

PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.25 ANNUAL CHANCE FLOOD PLAIN) BASE FLOOD ELEVATIONS DETERMINED PER FEDERAL NUMBER 198503325L, MAP REVISED 6/20/2018

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASTMENT/BUFFER LINE	---	---
SETBACK LINE	---	N/A
R.O.W. LINE	---	N/A
BUILDING	[Symbol]	[Symbol]
RAILROAD	[Symbol]	[Symbol]
DUPLEX BUILDING	N/A	[Symbol]
ROAD CENTERLINE	---	---
PAVEMENT	[Symbol]	[Symbol]
CURB AND CURTIN	[Symbol]	[Symbol]
SIDEWALK	[Symbol]	[Symbol]
TRAIL	[Symbol]	[Symbol]
EDGE OF POND	[Symbol]	[Symbol]
NON-TIDAL WETLAND	[Symbol]	N/A
HIGH REGULATED WET AREA	[Symbol]	N/A
WOODS LINE	[Symbol]	[Symbol]

- NOTES:**
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AS AMENDED AND ALL RULES AND REGULATIONS THEREOF APPROPRIATE.
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 - STORMWATER WILL BE HANDLED ON SITE AND WILL MEET THE CURRENT STATE OF DELAWARE REGULATIONS. ALL STORMWATER FACILITIES WILL BE PRIVATE AND MAINTAINED BY THE DEVELOPER UNLESS A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE STORMWATER FACILITIES.
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 - PORTION OF PARCEL BOUNDARY FOLLOW TIDAL WETLAND LINE.

CONDITIONAL USE PLAN

FOR
LEeward CHASE
GEORGETOWN HUNDRED
TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE

NO.	DATE	REVISIONS	DESCRIPTION

1 OF 1

Sheet No. _____
Re Name: G21074-01us

Layers

Search

Basemaps

Select Area

Search Results



FUTURE LAND USE MAP

RED - COMMERCIAL AREA

TAN - DEVELOPING AREA

B

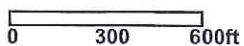
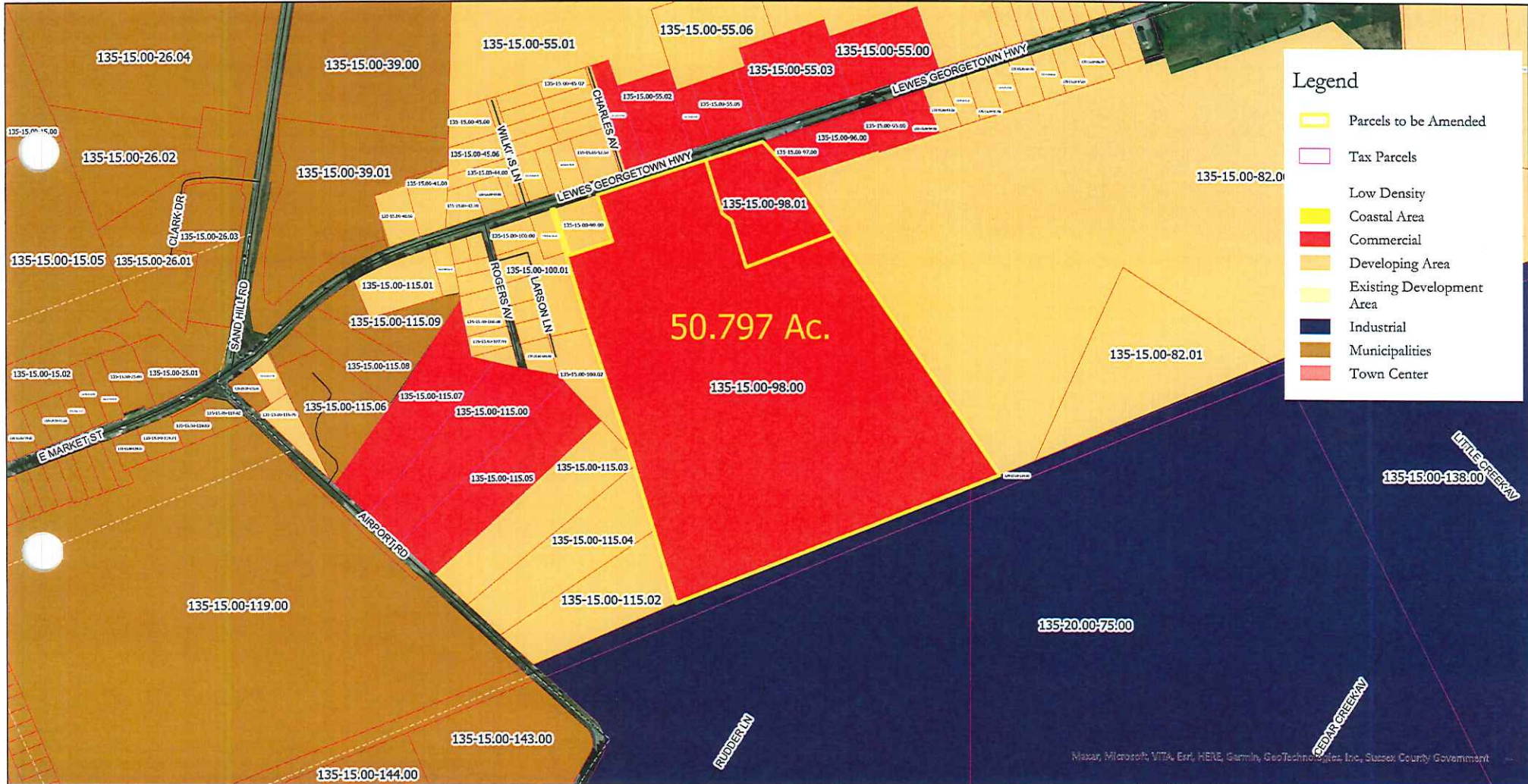


EXHIBIT A:

Potential Comprehensive Plan
Amendment Parcels

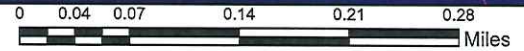


Sussex County



Legend

- Parcels to be Amended
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

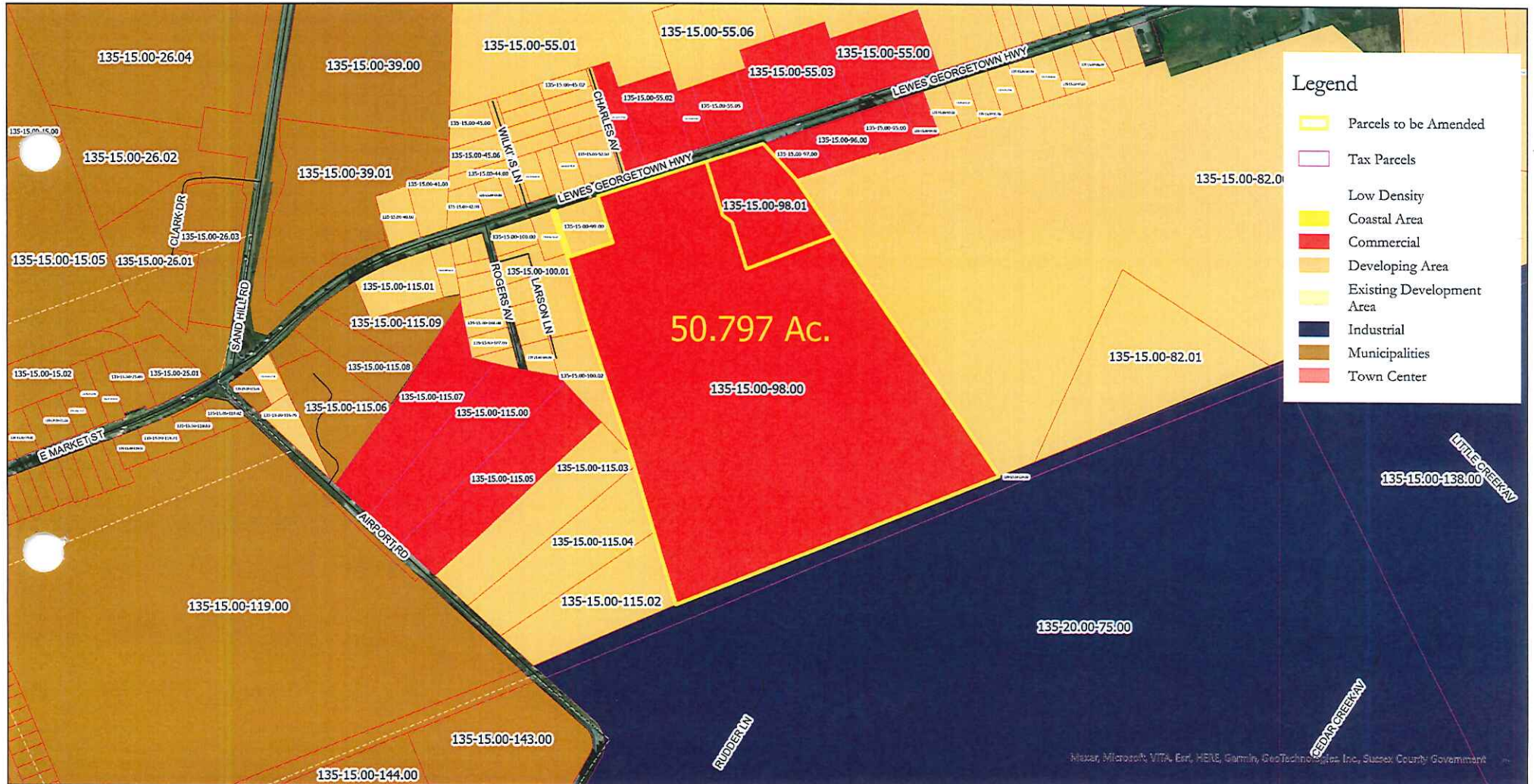


Mapxar, Microsoft, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., Sussex County Government

EXHIBIT A:
Potential Comprehensive Plan
Amendment Parcels

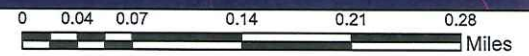


Sussex County



Legend

- Parcels to be Amended
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



Mapstar, Microsoft, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., Sussex County Government

LEGAL DESCRIPTION
OF THE LANDS OF
MOORE'E MEADOWOOD FARM, LLC
SUSSEX COUNTY DELAWARE TAX ID
135-15.00-98.00 and 135-15.00-98.01

April 21, 2022

All that certain tract, piece or parcel of land lying and being situated in the Georgetown Hundred of Sussex County Delaware; and being located on the southerly side of Lewes Georgetown Highway (Delaware Route 9) and being more particularly described with the bearings hereon referenced to The Delaware State, NAD 83, as follows, to wit:

Moore's Meadowood Farm, LLC

BEGINNING at an iron rebar with cap set along the southerly right of way line of Lewes Georgetown Highway (60 feet wide, aka Delaware Route 9) at the northwesterly corner of the lands of SA SI Inc (see deed 4170/13) and the northeasterly corner of the lands herein described, thence leaving the southerly right of way line of Lewes Georgetown Highway and with the SA SI Inc lands

1. South 34°00'15" East, a distance of 216.22 feet to an iron pipe found at the southwesterly corner of the aforementioned SA SI Inc lands and a northwesterly corner of the lands of Softball World, LLC (see deed 4939/117 and Plat 268/74), thence leaving the lands SA SI Inc and with the lands of Softball World, LLC
2. South 34°19'36" East, a distance of 1,600.94 feet to a brass disk found along northerly right of way line of the Maryland & Delaware Railroad (66 feet wide) at the southwesterly corner of the aforementioned lands of Softball World, LLC, thence leaving the lands Softball World, LLC and with the northerly right of way line of the Maryland & Delaware Railroad
3. South 67°44'41" West, a distance of 1,517.92 feet to an iron rebar with cap set at the southeasterly corner of the lands of Victoria Mary Caramanica (see deed 4881/298 and plat 1001/117) passing over a concrete monument found at a distance of 394.73, thence leaving the northerly right of way line of the Maryland & Delaware Railroad and with the lands of Victoria Mary Caramanica and the lands of Yolanda Ortiz-Lopez (see deed 4273/1 and plat 1007/48)
4. North 16°46'37" West, a distance of 735.18 feet to a point at an easterly corner of the aforementioned Ortiz-Lopez lands and the southeasterly corner of the lands of Harry Allen III (see deed 3686/327 and plat 109/38) passing over an iron pipe found at a distance of 688.66, thence with the Allen lands
5. North 17°51'56" West, a distance of 922.69 feet to an iron rebar with cap set at the northeasterly corner of the aforementioned Allen lands and the southeasterly corner of the lands of Manuel M. Aguilar (see deed 1902/288) passing over an iron rebar with cap found at a distance of 15.19 feet, thence leaving the Allen lands and with the Aguilar lands
6. North 18°38'22" West, a distance of 201.04 feet to an iron pipe found along the right of way line of Lewes Georgetown Highway at the northeasterly corner of the aforementioned Aguilar lands, thence leaving the Aguilar lands and with the southerly right of way line of Lewes Georgetown Highway

7. North 72°06'33" East, a distance of 15.51 feet to an iron pipe found at the northwesterly corner of the lands of Daniel and Eugenia Ramseur (see deed 3720/185), thence leaving the southerly right of way line of Lewes Georgetown Highway and with the Ramseur lands the following 3 courses and distances

8. South 17°53'27" East, a distance of 218.00 feet to an iron pipe found, thence

9. North 72°06'33" East, a distance of 200.50 feet to an iron pipe found, thence

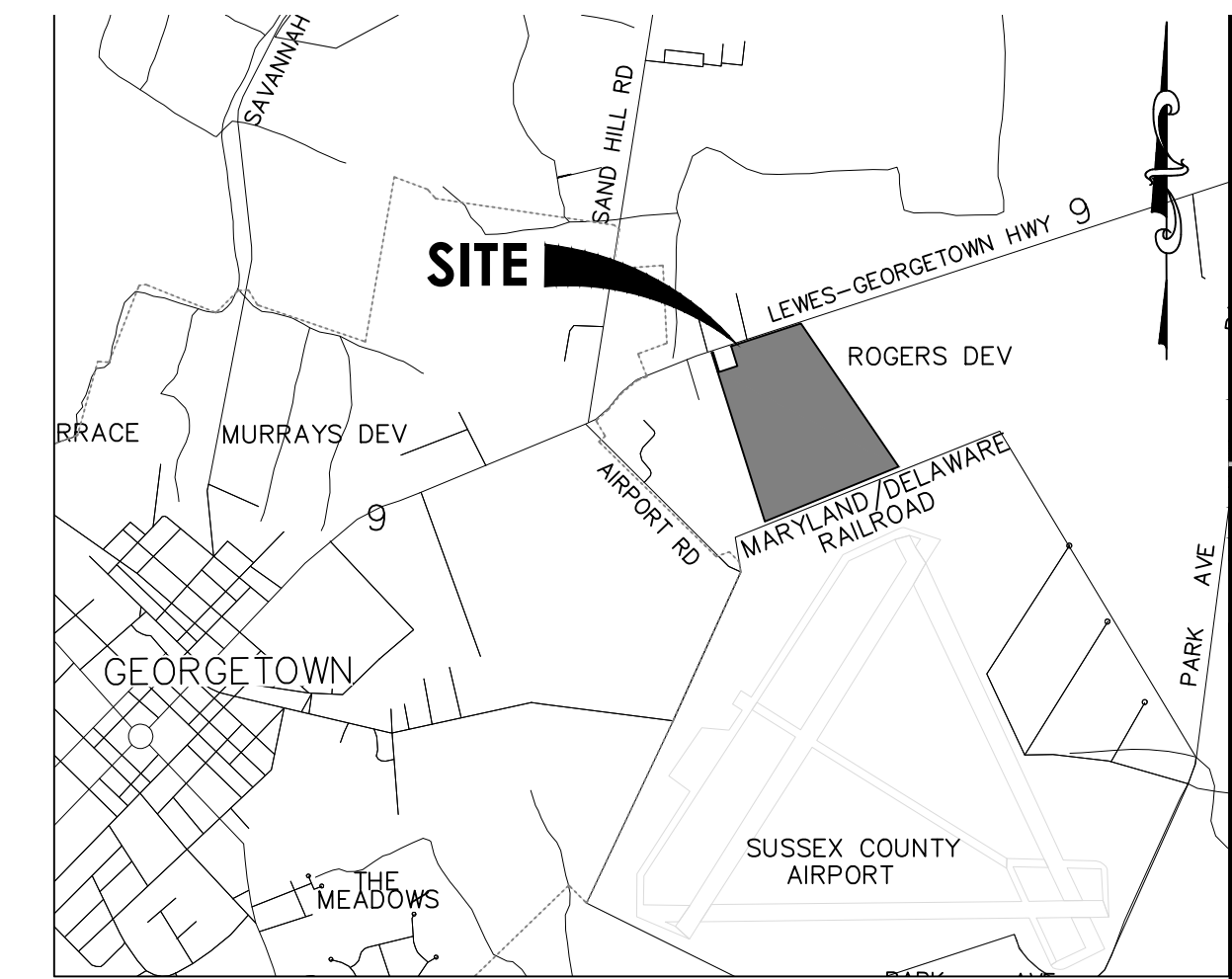
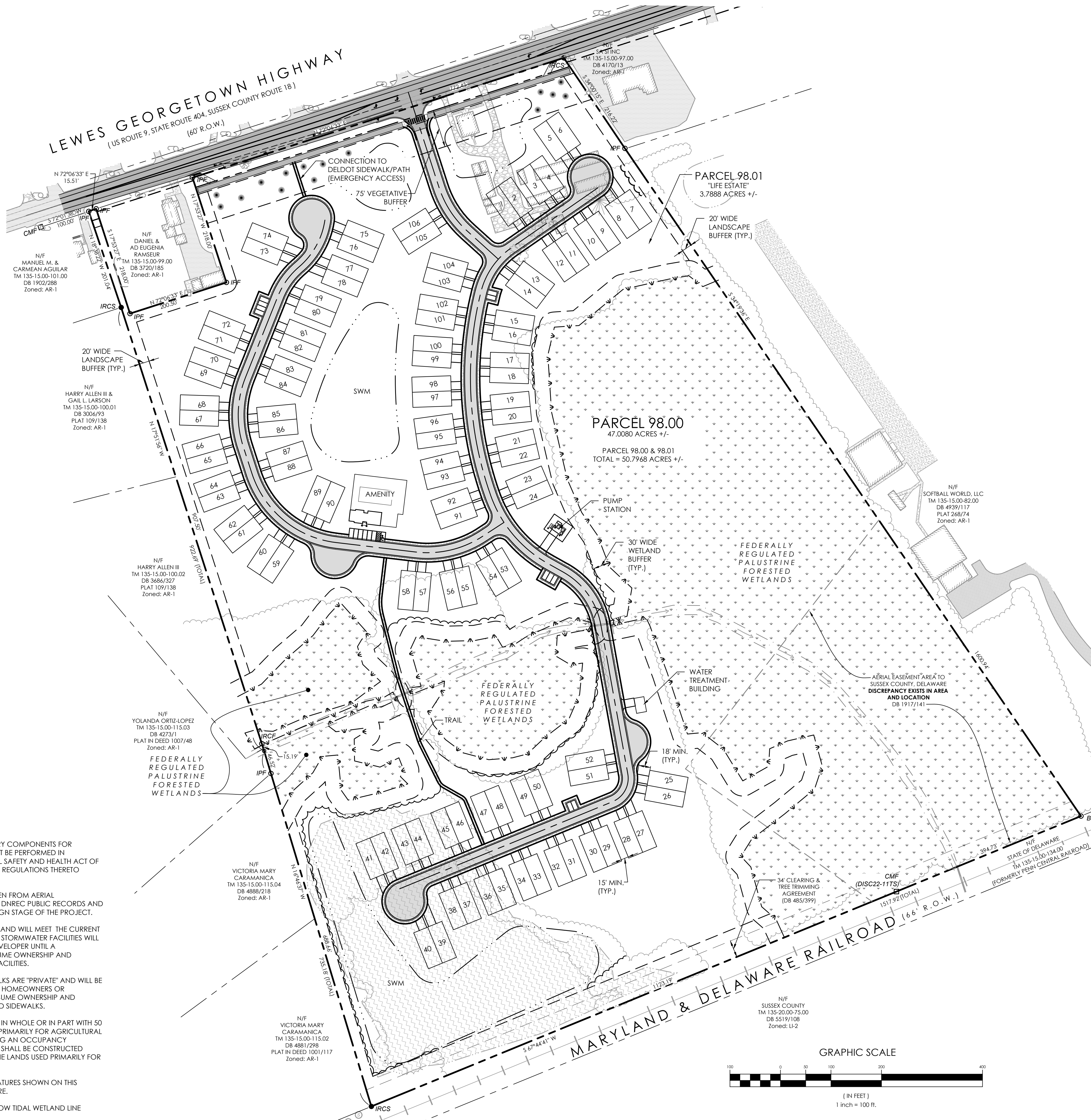
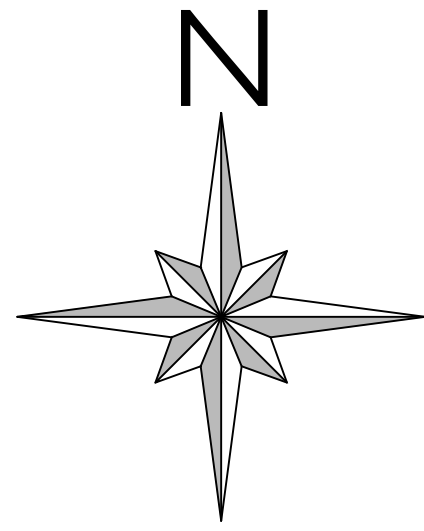
10. North 17°53'27" West, a distance of 218.00 feet to an iron pipe found along southerly right of way line of Lewes Georgetown Highway, thence leaving the aforementioned Ramseur lands and with the southerly right of way line of Lewes Georgetown Highway

11. North 72°06'33" East, a distance of 772.45 feet to the POINT OF BEGINNING, as shown on the plat entitled "Boundary Survey Plan of the Lands of Moore's Meadowood Farm, LLC" dated September 13, 2021, prepared by Solutions Integrated Planning Engineering & Management, LLC.

CONTAINING: 50.7968 Acres of land more or less

BEING all of the lands conveyed to Moore's Meadowood Farm LLC, by deed dated December 12, 2003 and recorded with the Recorder of Deeds for Sussex County in Deed Book 2926, Page 327.

SUBJECT TO a right of way to Delmarva Power & Light Company and Diamond State Telephone Company (see deed 485/399) and subject to a clearing and tree trimming agreement (see deed 485/399) and subject to a deed of easement (see deed 1917/141)



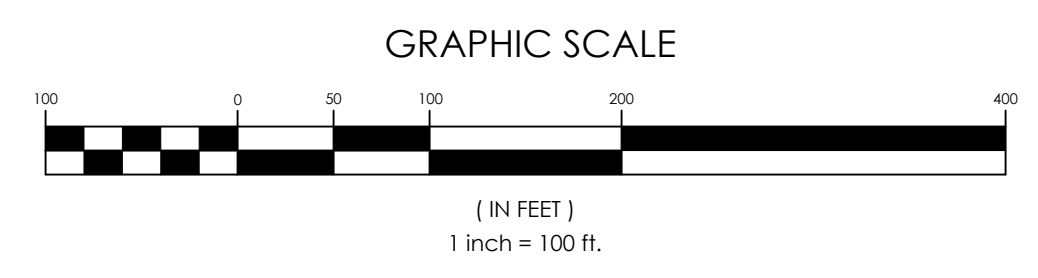
KEY PLAN
SCALE: 1"=2000'

SITE DATA:

- OWNER:** MOORES MEADOWWOOD FARM, LLC
P.O. BOX 447
GEORGETOWN, DE 19947
- DEVELOPER:** WAKEFIELD DEVELOPMENT, LLC
448 VIKING DRIVE, SUITE 220
VIRGINIA BEACH, VA 23452
CONTACT: RAYMOND I. GOTTLIEB
- ENGINEER/
LAND PLANNER:** SOLUTIONS IPFM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKWEICZ, P.E.
- TM 135-15.00-98.00 & 98.01
TOTAL AREA = 50.797 ± AC.
- EXISTING ZONING: AR-1
 - PROPOSED ZONING AR-1 W/ CONDITIONAL USE
 - PROPOSED USE: DUPLEX COMMUNITY
SETBACKS:
FRONT YARD = 40'
SIDE YARD = 10'
REAR YARD = 10'
MAXIMUM BUILDING HEIGHT: 42'
 - DUPLEX BUILDINGS = 53
TOTAL UNITS = 106
 - BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPFM LLC
 - ANTICIPATED WATER SUPPLY: ARTESIAN/TIDEWATER
 - ANTICIPATED SANITARY SEWER: SUSSEX COUNTY
 - NON-TIDAL WETLANDS = 17.54 AC (+/-)
 - GROSS AREA = 50.797 AC.±
ALLOWABLE UNITS = 2.0 DU/AC * 50.797 AC.± = 101.59
PROPOSED UNITS = 106
(2.08 DU/AC.)
 - AREAS:
OPEN SPACE AREA = 35.98 AC ± (70.8% ±)
 - PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BASE FLOOD ELEVATIONS DETERMINED, PER FIRM MAP NUMBER 1000SC0325L, MAP REVISED 6/20/2018

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASEMENT/BUFFER LINE	---	---
SETBACK LINE	---	N/A
R.O.W. LINE	---	N/A
BUILDING	[Symbol]	[Symbol]
RAILROAD	[Symbol]	[Symbol]
DUPLEX BUILDING	N/A	[Symbol]
ROAD CENTERLINE	---	---
PAVEMENT	N/A	[Symbol]
CURB AND GUTTER	N/A	[Symbol]
SIDEWALK	N/A	[Symbol]
TRAIL	N/A	[Symbol]
EDGE OF POND	N/A	[Symbol]
NON-TIDAL WETLANDS	[Symbol]	N/A
NON-REGULATED WET AREA	[Symbol]	N/A
WOODS LINE	[Symbol]	[Symbol]



NOTES:

- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- EXISTING CONTOURS SHOWN WERE TAKEN FROM AERIAL TOPOGRAPHIC MAPPING PROVIDED BY DNREC PUBLIC RECORDS AND WILL BE FIELD VERIFIED DURING THE DESIGN STAGE OF THE PROJECT.
- STORMWATER WILL BE HANDLED ONSITE AND WILL MEET THE CURRENT STATE OF DELAWARE REGULATIONS. ALL STORMWATER FACILITIES WILL BE PRIVATE AND MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE STORMWATER FACILITIES.
- ALL INTERNAL ROADWAYS AND SIDEWALKS ARE "PRIVATE" AND WILL BE MAINTAINED BY THE DEVELOPER UNTIL A HOMEOWNERS OR CONDOMINIUM ASSOCIATION CAN ASSUME OWNERSHIP AND RESPONSIBILITY FOR THE ROADWAYS AND SIDEWALKS.
- FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
- BOUNDARY, WETLANDS, AND OTHER FEATURES SHOWN ON THIS DOCUMENT ARE CONCEPTUAL IN NATURE.
- PORTIONS OF PARCEL BOUNDARY FOLLOW TIDAL WETLAND LINE

solutions
IPFM, LLC
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215
3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipfm.com Copyright © 2022



NO.	DATE	DESCRIPTION
1	1/3/2023	SITE REVISIONS

CONCEPTUAL LANDPLAN FOR
LEeward CHASE
GEORGETOWN HUNDRED
TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE

Date: 2/9/22
Job Number: G21074
Scale: 1" = 100'
Drawn By: AM
Designed By: JP
Approved By: JP
Sheet No.: 1 OF 1
File Name: G21074-plus

Leeward Chase

Project Reference Material Multi-Family


LEWES GEORGETOWN HIGHWAY
1.68402617 10415.20075 404 10114.00005 40718 181
(8714.0016)



MARYLAND & DELAWARE RAILROAD 11.8041

January 2023

Project Team



APPLICANT/DEVELOPER: Leeward Chase DE, LLC

Contact: Jack Haese
448 Viking Drive, Suite 220
Virginia Beach, VA 23452
Telephone: 301.370.6967

**CIVIL ENGINEER/
LAND PLANNER Solutions IPEM, LLC**

Contact: Jason Palkewicz, PE
303 North Bedford Street
Georgetown, DE 19947
Telephone: 302.297.9215

ENVIRONMENTAL Environmental Resources, Inc

Contact: Edward M. Launay, Professional Wetland Scientist
38173 DuPont Boulevard
Selbyville, DE 19975
Telephone: 302.436.9637

ATTORNEY: Fuqua, Willard, Stevens & Schab, PA

Contact: James A Fuqua, Jr, Esq
26 The Circle
Georgetown, DE 19947
Telephone: 302.856.7777

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Resumes:

Jason Palkewicz, PE

Leeward Chase



I. Executive Summary

Leeward Chase is a proposed 50.8 acre multi-family development composed of 106 duplex homes. The site is located on the South side of Route 9 adjacent to the Sussex County airport. The land is currently zoned AR-1.

Leeward Chase is located within Investment Levels 2 and 3 of the State Strategies for Policies and Spending Map. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development.

The proposed community provides 106 duplex homes on private drives with curb and gutter, and sidewalks, streetlights and preserved wooded areas. The project contains a total of 33 +/- acres (65%) of interconnected open space. The open space provided is more than double that would be required for a cluster subdivision, 15.2 (30%). The additional 5 units proposed (115-22 B) are based on the additional open space provided. The appropriate fee for each unit above 2.0 density will also be paid by the developer.

A centrally located recreation facility is provided which includes a pool and bathhouse. The sidewalk will connect to the proposed DelDOT multi-modal path. A school bus stop and central mail facility will also be provided.

Proposed Density and Calculations:

Project Area

50.8 acres

Allowable Homes Calculation:

2.0 homes/acre

$50.8 \times 2.0 = 101.6$ homes

Proposed Homes:

106 Homes (5 Additional Units per 115-22 B)

Actual Density:

$106 / 50.8 = 2.08$ homes/acre

In conclusion, the proposed community has been thoughtfully planned to achieve a superior living environment for future residents. This plan provides appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety and welfare of the citizens of Sussex County.

II. Project Overview

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

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 50.8 +/- acres. The site contains approximately 17.5 acres of non-tidal wetlands. A manmade wet area (borrow pit) will be partially filled and repurposed as a stormwater management facility.

An aerial easement to Sussex County exists in the Southeast corner of the property.

B. Overview of Current Site Conditions

The property for the proposed Leeward Chase community is located South of Route 9, adjacent to the Sussex County airport. The proposed development is approximately 800 feet from the corporate limits of the Town of Georgetown.

The property is located within flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain), per map number 10005C Panel 0325L, map revised June 20, 2018. The site is located within areas of good and fair groundwater recharge potential.

Based on USDA Soil Survey, the site contains primarily A/D and A soils in addition to the wetland areas and manmade wet area. The site is suitable for development.

C. Land Plan and Amenities

The land plan takes into account:

- Existing site conditions
 - Forest Land
 - Existing Grades
 - Wetlands
 - Flood Zones
- Stormwater outfalls.
- Adjacent communities.
- Existing roadways.
- Current housing trends.
- Recreational needs.
- Existing railroad.
- Proximity to airport.

The resultant plan has:

- A 30' landscaped buffer (partially existing woods).
- Sidewalks on both sides of the drives.
- A connection to the proposed DeIDOT multi-modal path.
- Main recreation facility including:
 - Pool
 - Bathhouse
- Streetlights.
- Community mailbox cluster.
- School bus stop.

- An efficient stormwater management system that acts as an amenity.
- Large tracks of open space (33 +/- acres).

D. DeIDOT Improvements

A series of discussions were held with DeIDOT officials concerning area roadway improvements related to Route 9 specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include right turn lane into the development.

E. Preliminary Land Use Service (PLUS)

A concept plan for Leeward Chase was presented to PLUS on March 23, 2022. A response letter was provided to PLUS which addressed their comments point by point.

F. Sanitary Sewer Planning Area

The Leeward Chase community will be served by Sussex County. The site is located within the Town of Georgetown CPCN Area. However, the site is not contiguous to the Town. In September of 2021 the Town notified the Developer that the Town did not have sewer available in project area and that the project could be served by the County.

III. Compliance with Applicable Regulations

A. Compliance with AR-1 (Agricultural Residential District)

The project is located within the AR-1 zone. The site is being developed with multi-family (duplex) units.

The proposed land use is in conformity with the Zoning Ordinance which allows 2.0 dwelling units per acre based on the gross site area.

Purpose: Leeward Chase conforms with the purpose of the AR-1 code in as much as it is a low density residential community that protects water resources, watersheds, forest area and scenic views. Specific design elements include:

- Recreation facilities such as pool and bathhouse are provided.
- Sidewalks and a connection to the multi modal path are provided.

Permitted Uses: The AR-1 allows the proposed single-family cluster development.

Permitted Accessory Uses: The zoning allows outdoor amenities for use of occupants and their guests.

Conditional Uses: Leeward Chase is applying for a Conditional Use for multi-family with a density bonus of 5 additional homes for a density of 2.08 dwelling units per acre.

Special Use Exceptions: Leeward Chase is not applying for any special use exceptions.

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

Height, Area and Bulk Requirements: The height, area and bulk requirements are set forth in the AR-1 zoning article. The units will be condominium / rental. The overall site will comply with the standard AR-1 setbacks and height requirements.

Front = 40'
Side = 15'
Rear = 20'
Height = 42' Max.

B. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land Chapter 99-9 (C)

The proposed development plan, although not a subdivision, has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Sussex County Code and complies with it in the following manner:

1. ***“Integration of the proposed subdivision into existing terrain and surrounding landscape.”***

- a. The Developer has taken great effort to utilize the additional land as open space. The proposed location of storm water management facilities was also based on existing soils and site conditions.
- b. The project is not adjacent to agricultural uses.
- c. A minimum 30' landscaped buffer has been provided adjacent to all surrounding property lines.
- d. The units are purposefully kept away from the existing railroad.

2. *"Minimal use of wetlands and floodplains."*

- a. The wetlands have been delineated and shown on the plan. No homes are proposed within the wetland area.
- b. The manmade wet area (borrow pit) will be partially filled and repurposed as a stormwater management facility.
- c. The proposed homes are located within flood Zone X (unshaded), areas determined to be outside the 0.2% annual chance floodplain.

3. *"Preservation of natural and historic features."*

- a. There are no known historic sites.
- b. The roadway system, stormwater features and homes were designed in such a way to minimize impacts/disturbance of steep slopes.

4. *"Preservation of open space and scenic views."*

- a. Large tracts of open space are being persevered including wooded areas, buffers and flood zone.

5. *"Minimization of tree, vegetation, and soil removal and grade changes."*

- a. Disturbance to the site will be limited to only those areas required for homes, roads, storm water management and utility installation. All undisturbed vegetation that is compatible with native vegetation shall remain.
- b. Grade changes to the site shall be limited to those necessary to provide positive drainage and proper cover over utilities.

6. *"Screening of objectionable features from neighboring properties and roadways."*

- a. Screening of objectionable features on the site from adjacent properties and roadways shall be provided utilizing the required 30' landscaped buffer around the perimeter of the site or existing forested areas and storm water management facilities where those exist.

- b. The homes in the rear of the site are kept away from the railroad and airport.
- c. FAA has determined the proposed community is of no hazard to air navigation.

7. *“Provision for water supply.”*

- a. A private water system will provide potable water and fire protection for the development.

8. *“Provision for sewage disposal.”*

- a. The community wastewater service is intended to be provided by Sussex County.

9. *“Provision for solid waste disposal.”*

- a. Arrangements will be made with a commercial trash hauler to provide trash collection for Leeward Chase.

10. *“Prevention of surface and groundwater pollution.”*

- a. All runoff from the Leeward Chase site will be directed via the closed road section and storm drain network into a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The storm water management facilities will be designed in accordance with Delaware / Sussex County standards.
- b. Ultimately, through post-development design, runoff will receive better treatment than during pre-development conditions. The project will meet the current storm water management regulations as required by DNREC.

11. *“Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.”*

- a. As stated above, stormwater management quality and quantity will be provided by a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The BMP’s will be designed per Delaware / Sussex County standards. The stormwater collection/treatment system will be adequately sized to prevent flooding.
- b. Erosion and sediment control will be provided by methods approved by the Sussex Conservation District. An erosion and sediment control plan will be prepared and submitted for review.

12. "Provision for safe vehicular and pedestrian movement within the site and to adjacent ways."

- a. Entrance to the site shall be designed per current DelDOT standards.
- b. To promote pedestrian traffic within the development, 5' sidewalks are provided along the drives.
- c. All roads will be designed in accordance with Sussex County standards.

13. "Effect on area property values."

- a. It is expected that the proposed Leeward Chase community will cause current property values to remain the same if not increase the value of the properties in the area. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

14. "Preservation and conservation of farmland."

- a. The proposed community will not adversely affect adjacent farmland due to landscaped buffers and other natural wooded areas that separate the community from farmland.

15. "Effect on schools, public buildings, and community facilities."

- a. Based on Sussex County population trends, approximately 14% of the population is of K-12 school age. This would result in approximately 44 school age children within the community.
- b. Community amenities will include a pool and bathhouse. In addition, Leeward Chase includes several open space areas for other active and passive uses.

16. "Effect on area roadways and public transportation."

- a. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Leeward Chase specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include a right turn lane into the property.

17. "Compatibility with Other Land Uses."

- a. The project is near to the Town of Georgetown which has diverse house types. The proposed duplexes are compatible with the existing townhomes and apartments in the area.

18. "Effect on Area Waterways."

- a. Runoff will be treated for water quality and quantity prior to discharge.

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

Chapter 4 Future Land Use:

The site is located within the Low Density Area and complies as follows:

- The proposed land plan addresses environmental concerns.
 - o Greater than 20% of the site is set aside as open space.
 - o 30' perimeter landscape buffer.
- Single-family homes are permitted.
- The proposed density of 2.08 du/ac is in compliance.
- Central water and sewer will be available to the site.

Chapter 5 Conservation:

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground recharge areas within the proposed site.
- No homes are proposed in the wetland areas.
- The proposed homes are not located within flood zones.
- Central water and sewer will be available to the site.

Chapter 6 Recreation and Open Space:

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

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:
 - o High Priorities:
 - Swimming pools
 - Walking/jogging paths (multi-modal)
 - Bike paths (multi-modal)
- In addition, the community provides:
 - o Sidewalks

Chapter 7 Utilities:

The proposed community complies with the Utilities section as follows:

- Water will be provided by an on-site well and treatment facility.
- The Leeward Chase wastewater service will be provided by Sussex County.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by a licensed commercial hauler.

Chapter 8 Housing:

The proposed community complies with the Housing section as follows:

- The community is located West of the Lewes / Rehoboth Beach region and will provide housing for retirees as well as those working in the County.

Chapter 9 Economic Development:

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

- This development project will directly provide employment/opportunities in:
 - o Construction

- Professional, Business and IT Services
- Finance, Insurance and Real Estate
- Utilities
- The development will also indirectly provide job opportunities in:
 - Leisure and Hospitality
 - Education and Healthcare

Chapter 10 Historic Preservation:

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

- There are no known historic sites located on the site.

Chapter 11 Community Design:

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

- The proposed community is a multi-family community, which is permitted as a conditional use in AR-1 zoning.
- Street lighting will be provided.
- Sidewalks are proposed on one side of the roadways.
- The duplexes are designed to have front entry garages.
- The narrower right-of-way allows for homes to be placed closer to the road.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- Although no direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, the community will connect to multi-modal paths within DeIDOT's right-of-way.
- The entrance to the community will be landscaped.
- Cross walks will be provided.
- Landscape/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

Chapter 12 Mobility Element:

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

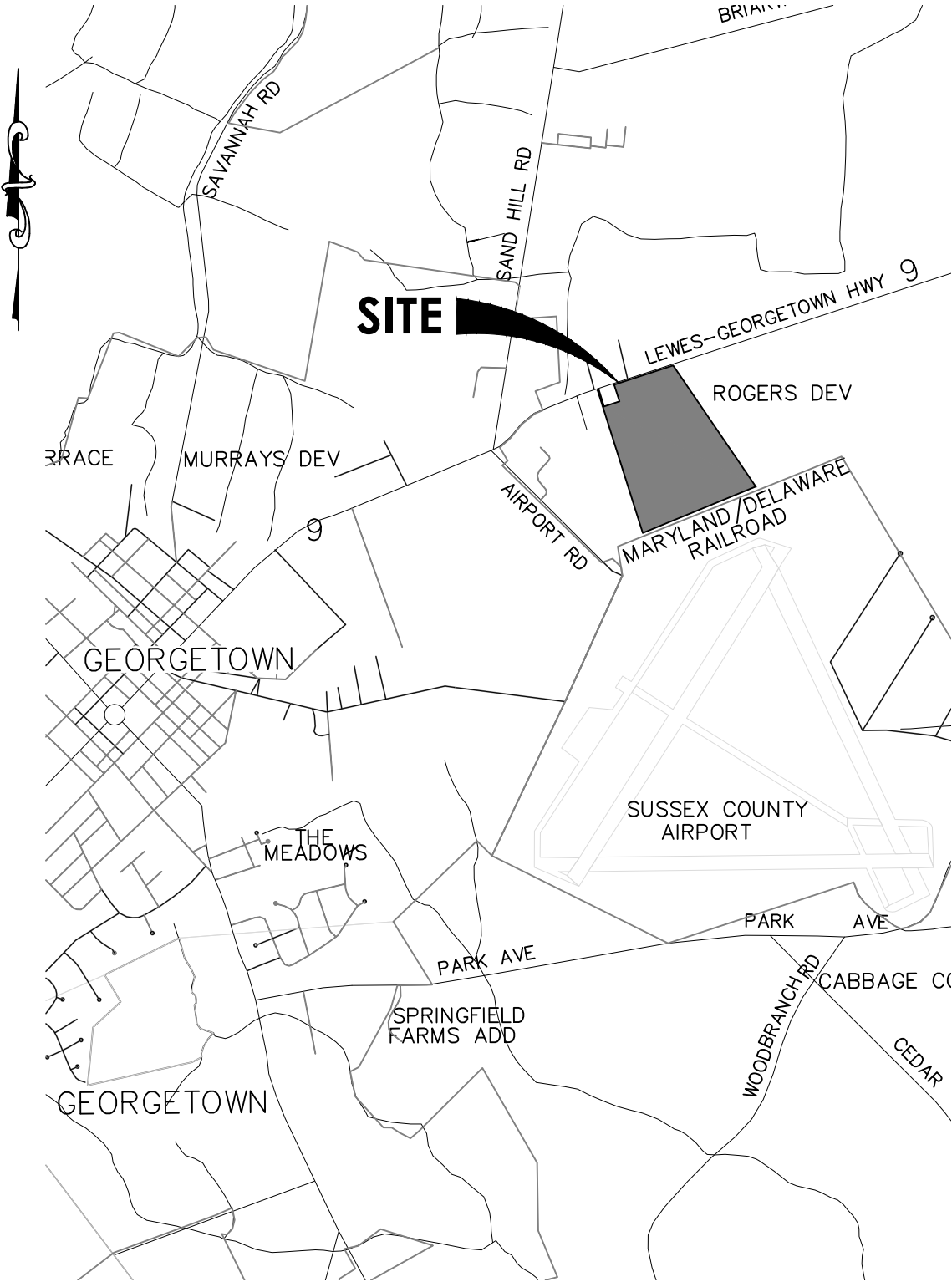
- Entrance, roadway and off-site improvements necessitated by DeIDOT will be designed and constructed per DeIDOT standards.

IV. Conclusion

The proposed community of Leeward Chase will enhance the area with a well-planned design, upscale homes, amenities, and no negative impact on the land. The design preserves large amounts of open space while preserving attractive views within and into the community. The homes will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Active amenities include pool, and bathhouse as well as dedicated open spaces for other activities. The design also preserves and enhances existing views through non-disturbance and accentuates certain features of the existing terrain.

The proposed Community of Leeward Chase meets the standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State or taxpayers to serve this community.

VICINITY MAP



LEEWARD CHASE





April 27, 2022

Mr. David L Edgell, AICP
Director, Office of State Planning
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2022-03-03; Leeward Chase

Dear Mr. Edgell;

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

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

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

Strategies for State Policies and Spending

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer- term future, or areas that may have environmental or other constraints to development. This site is also located in the SC growth zone.

This parcel is also within the Growth area of Georgetown with a Future Land Use of Commercial. Although it is not contiguous so it could not be annexed, the developer should work with the town on density and design to ensure the develop meets their goals regarding development.

Response: The site is located within Sussex County as Commercial on their future land use plan. The developer will work with the County to update the property to Developing Area on the future land use plan. The Town of Georgetown was contacted regarding providing sewer service to the project – the Town was unable to provide sewer.

Code Requirements/Agency Permitting Requirements

Office of State Planning Coordination – Contact Dorothy Morris 302-739-3090

- The Future Land use map within the Sussex County comprehensive plan indicates a future land use for this parcel as Commercial. MR-1 is not identified as an allowable zoning in the commercial area; therefore, a comprehensive plan amendment would be required before this project could move forward. Please contact Sussex County regarding possible rezoning.

Response: The project now proposes to maintain the AR-1 zoning and apply for a Conditional Use for multi-family. This will still require the future land use map for the property to be amended to be Developing Area. We have attended a pre-application meeting with Sussex County.

Department of Transportation – Contact Annamaria Furmato 302-760-2710

- This project is located within the regulated airspace zones of Delaware Coastal Airport (GED), which is a public-use facility. Federal Aviation Regulation (FAR) Part 77 imposes height restrictions on any structures within these zones. DelDOT requires that the applicant for this project submits a “Proposed Construction/Alteration in Airport Zones Notification Form” in accordance with Delaware Code (2 Del. C. § 602).

This notification form can be submitted during the plan approval process with the local land use jurisdiction, but DelDOT’s Office of Aeronautics is willing to test hypothetical height numbers to prevent any future project complications. Please contact Mr. Sam Sherman with the Office of Aeronautics at (302) 760-2145 with any questions or concerns. A copy of the notification form can be found at this address:
https://www.deldot.gov/Programs/aviation_svcs/pdfs/aviation_obstruction_review_form.pdf?012913.

- The site access on Lewes Georgetown Highway (State Route 9) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what

will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- Section 1.6 of the Manual addresses principles for the location of site entrances. DelDOT anticipates requiring the developer to align the entrance with a significant entrance on the north side of the road. Switching the entrance to the cul-de-sac on the northwest side of the property and changing the existing entrance to a cul-de-sac is a feasible alternative to provide more opportunities to align the entrance.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development would generate 761 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 50 and 62, respectively. Therefore, a TIS would normally be required.
- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$7,610. AWS Fees are used to fund traffic studies, not to build improvements.
- The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve US Route 9, within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Route 9 is a Principal Arterial, for which the standard includes 12-foot lanes and 10-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. The road already appears to meet this standard.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Lewes Georgetown Highway. By this regulation, this dedication is to provide a minimum of 50 feet of right-of-way from the physical centerline of the road. The following right-of-way dedication note is required, **"An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the proposed entrance on Lewes Georgetown Highway.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required.
- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DelDOT anticipates requiring an accessway for the north cul-de-sac to the SUP on Lewes Georgetown Highway.

- Section 3.6 of the Manual addresses any major residential development proposed to be constructed in the proximity of any roadway with a functional classification of principal arterial, freeway or interstate will be required to perform a noise analysis and shall meet the requirements of this regulation with regard to the following:
 - Existing and future noise levels impacting developments proposed along existing transportation facilities
 - Future noise levels generated by off-site improvements that are linked to proposed land development projects
- For residential projects adjacent to existing transportation facilities or requiring off-site improvements to transportation facilities, it is the developer's responsibility to evaluate noise levels and their impacts to proposed and existing development.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Central Avenue.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Response: The Developer will work with DelDOT and comply with necessary regulations. The Developer has reached out to FAA regarding building height – they have responded with a Determination of no Hazard to Air Navigation. Per the request in the meeting, the entrance has been lined up with Charles Avenue.

Department of Natural Resources and Environmental Control – Contact Claire Quinlan 302-735-3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

Concerns Identified Within the Development Footprint

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the eastern, central, and southwestern portions of the site. The application indicates that wetlands have been delineated. The application proposes to fill approximately .01 acres of non-tidal wetlands. Site plans additionally propose fill of what appears to be potential non-jurisdictional wetlands in the southwestern corner of the site.

Requirements:

- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements if federal permits are required.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 2 0-5278.

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

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

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

Response: The wetlands were field delineated and located. A require for Jurisdictional Determination has been submitted. Should disturbance of wetlands be required (road cross, storm drain outfall, etc), the appropriate permits will be obtained.

Vegetated Buffer Zones

Site plans show a 30-foot vegetated buffer along non-tidal wetlands. Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

Requirements:

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

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

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

Response: The 30' buffer around wetland will not contain residential lots or stormwater managements facilities. There will be encroachment of the buffer for, including but not limited to, the roadway, interconnecting trail and storm drain outfalls.

Stormwater Management

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

Requirements:

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

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

Response: The project will provide stormwater management, and sediment and erosion control per local and state standards.

Hydrologic Soils Group

Hydrologic Soil Group D soils have been identified throughout most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

Requirements:

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail:

DNREC.Stormwater@delaware.gov.

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

Response: The proposed portion of the site contains a large portion of A soils. Infiltration practices are not proposed at this time. Soil studies, as required, will be provided for each BMP.

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Delaware is home to a rich array of wildlife species, which greatly depend on forests and other habitat types for food, water and cover. Wildlife displaced by encroaching development may also become a nuisance for homeowners.

Requirements:

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912. Website:

<https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Response: Noted.

Wastewater Disposal Permitting – Large Systems

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

Requirements:

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

Response: Noted.

Nutrient Management Plan

This project proposes open space of about 36 acres. Requirements:

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.

Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

Response: A large portion of the open space is wetlands, which will not have nutrients applied. Should the open space where nutrients are applied exceed 10 acres, the Developer will prepare a nutrient management plan.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There is low potential for prehistoric archaeological resources on this parcel due to distance from fresh water. There is moderate potential for historic archaeological resources on the northern portion of the parcel along Route 9. Historic aerials and topographic maps show a series of buildings and outbuilds on the parcel by 1917. There is extensive ground disturbance in the southern half of the parcel, with a gravel pit and racetrack. This Office recommends an archaeological survey in the northern portion of the parcel prior to any ground disturbance.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Response: The project will comply with state and federal historic requirements as applicable.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

The comments below are informational only. This does not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulations (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.

Fire Protection Features:

- For townhouse and duplex buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads.

Response: The project will comply with state fire marshal requirements.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.**

They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Response: It is understood that the following comments do not represent state code requirements and that the ideas and suggestions are in no way required by the development.

Department of Transportation –Contact Annamaria Furmato 302-760-2710

- The DelDOT Coastal Corridors Study is evaluating “East-West” movements primarily across the northern portion of Sussex County along Delaware Routes 16 and 404 and US Route 9. Impacts to the local road system are also being examined. The study is collecting and evaluating data on how traffic enters and exits Delaware from Route 404 in Maryland and other points west of the state line and travels to and from the eastern portion of Sussex County. The study is evaluating the amount, time of day, and time of year for various components of “through traffic” (with an origin or destination on either side of the Bay Bridge) and “local traffic” (with an origin or destination primarily within the northern Sussex County study area). When completed, the study will present recommendations for a range of improvements including:

- short term projects able to be completed within DelDOT’s existing programs within 3-4 years,
- medium term projects able to be designed and constructed within 5-8 years, and
- longer term projects likely to take 10 years or more to study, design, and initiate.

Any entrances along the identified corridors (Delaware Routes 16 and 404 and US Route 9) may be addressed in the study from this point forward to the final recommendations as they are developed, and may include consolidated entrances, alternative entrances on other roads, or in a service road access model arrangement. DelDOT’s initial findings in conducting the study include a future need to widen US Route 9. Please consider setting the development further back from the road to account for future widening.

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Lewes Georgetown Highway.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of

March 21, 2019 and March 16, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

- The Georgetown-Lewes Trail is planned to be built along the south edge of the site. DelDOT recommends that the applicant coordinate with DelDOT's Bicycle Coordinator, Mr. John Fiori, regarding a connection to the trail from the proposed cul-de-sac at the south end of the street system. Mr. Fiori may be reached at john.fiori@delaware.gov or (302) 760-2260.

Response: The cul-de-sac is currently proposed to be 35' from the proposed multi-modal path, while the closest home is 50' from the multi-modal path. The sanitary forcemain will be installed to the south towards the airport. Entrance plans will include the current notes at time of approval. The Developer will reach out to DelDOT regarding the feasibility of connecting to the future trail.

Department of Natural Resources and Environmental Control – Contact Claire Quinlan 302-735-3480

Wetlands

- Remove lots 31-42 as well as the stormwater management facility in the southwestern corner of the project site to avoid impacting wetlands. Wetlands, including non-jurisdictional wetlands, are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

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

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

Response: The area described is a manmade borrow pit and is not a jurisdictional wetland. The area will be regraded for homes as well as stormwater BMP that will be designed and constructed per state and local standards, including the necessary safety features.

Vegetated Buffer Zones

- Expand the 30-foot buffer to no less than 100 feet from the edge of wetlands (tidal and non-tidal) and all waterways (rivers, streams, ditches, ponds, etc.) to protect water quality and to provide an additional margin of safety for flooding.

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

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600
 Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Response: Although no buffer is currently required, the Developer is proposing a 30' buffer around the non-tidal wetlands. As mentioned, the buffer may be impacted by roadway crossing, storm drain outfall, internal walking trail etc.

Removal of Mature Forest

- The preliminary plan proposes the elimination of approximately 2 of 25 acres of forest on the site. An analysis of historical data indicates that the forest area located on the western and central portion of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would

include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Response: The site retains a vast majority of the trees. There are no requirements to prepare a forest assessment. The development will follow county code on tree removal and retention.

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Response: Stormwater management will be per state and local code. Wetlands are being preserved, other than disturbance that may be required for the roadway crossing, storm drain outfall, or utility crossing.

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

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

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

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

Response: Stormwater management will be per state and local code.

Water Quality (Pollution Control Strategies)

- This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

Response: Stormwater management will be per state and local code.

Mosquitoes

- The project is anticipated to be impacted by mosquitoes due to its location near large expanses of freshwater wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.
- If necessary, arrange for long-term mosquito control services through a private company licensed in this area of specialty. In some cases, the DNREC Mosquito Control Section may be able to provide these services free of charge.

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

Response: Should mosquitoes become an issue the Developer/HOA will coordinate with DNREC.

Wildlife Displacement

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests are key habitat types for wildlife in Delaware.
- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Reduce the potential for future conflicts between future residents and wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas. A 300-foot safety zone is recommended.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Response: The site retains a vast majority of the trees. The development will follow county code on tree removal and retention.

Additional Sustainable Practices

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.
- Install electric vehicle charging stations for your residents. Increasingly, residents will expect EV charging. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit

dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).

- Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Response: The Developer will review the above comments and determine if they are applicable for this community.

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

- This parcel is located within an area of minimal flood concern (1000 years or greater). The First Street Foundation rates the community risk level of 2 for Georgetown, which suggests a moderate risk from flooding, combining risks associated between residential properties, commercial properties, critical infrastructure facilities, social infrastructure facilities, and roads, and is expected to increase between now and the next 30 years.
- The county has a population density of 265.60 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block the project is located has a total population of 96 people, though, with development, this will certainly change. The adjacent blocks in the aggregate bring the area to a total population of 392.
- The parcel is not currently assigned to a Sussex County evacuation zone and is not within the 10-mile EPZ zone for the Salem Nuclear Power Plant.

According to FEMA's National Risk Index, the parcel is considered very low for overall natural hazards risks with a very low indication for social vulnerability while its community is rated as relatively moderate.

In terms of energy use and consumption, the region utilizes electricity as the predominant fuel type for heating purposes. Directly across Route 18, all 3 major

fueling types are used near equally. As such, the parcel has a photovoltaic power potential of 1483 kWh per kWp. As such, should solar panels be utilized, DEMA recommends an optimum tilt of the photovoltaic modules to be at approximately 35 degrees which could provide a potential of 1797 kWh/m².

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. In terms of utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.

Response: The Developer will review the above comments and determine if they are applicable for this community.

Delaware State Housing Authority - Contact Karen Horton 302-739-4263

- DSHA supports the site plan review for a residential duplex community that will provide 108 rental units on Route 9 east of Georgetown. The need for additional housing affordable to a broader spectrum of county residents is well documented. For well over 10 years, the gap between the highest earners and the average wage group has grown. Compounded with wages not increasing proportionally to housing costs, many residents were already experiencing housing insecurity by the beginning of 2020. The onset of the COVID pandemic exposed the inequity of those hardest hit, increased the number of residents experiencing housing insecurity, and placed those already struggling into dire housing circumstances. While market-rate, additional multi-family rental units provide a *more* affordable housing option and helps mitigate the housing insecurity experienced by so many county residents.
 - DSHA encourages the applicant to reach out to the County's Community Development and Housing Department to discuss the Sussex County Rental program that, through incentives and other measures, ensure a portion of the units are affordable.
- In addition, DSHA recommends a site layout and design measures that complement the existing architectural character. The intensity of the proposal warrants careful attention to designing a human-scaled and pedestrian-oriented community that connects with adjacent neighborhoods. This can be accomplished by incorporating attractive

streetscapes, community recreation areas, visually appealing façade treatments, and significant landscaping measures.

Response: The Developer will review the above comments and determine if they are applicable for this community.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

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

Response: The Developer will review the above comments and determine if they are applicable for this community.

Based on comments at the PLUS meeting, the above comments, and discussions with agencies and utility companies, the following plan revisions have been made.

- The entrance has been relocated to align with Charles Ave.
- Units along the rear have been relocated to be significantly further from the existing railroad.
- Water service will be via a private on-site system managed by a licensed operator.

Other minor revisions are anticipated as the project goes through entitlement process. However, no major plan revisions are anticipated at this time.

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

Sincerely,

Solutions, IPEM



Jason Palkewicz, PE



OUT OF PLAY




INVESTMENT LEVEL 1

INVESTMENT LEVEL 2

LEEWARD CHASE



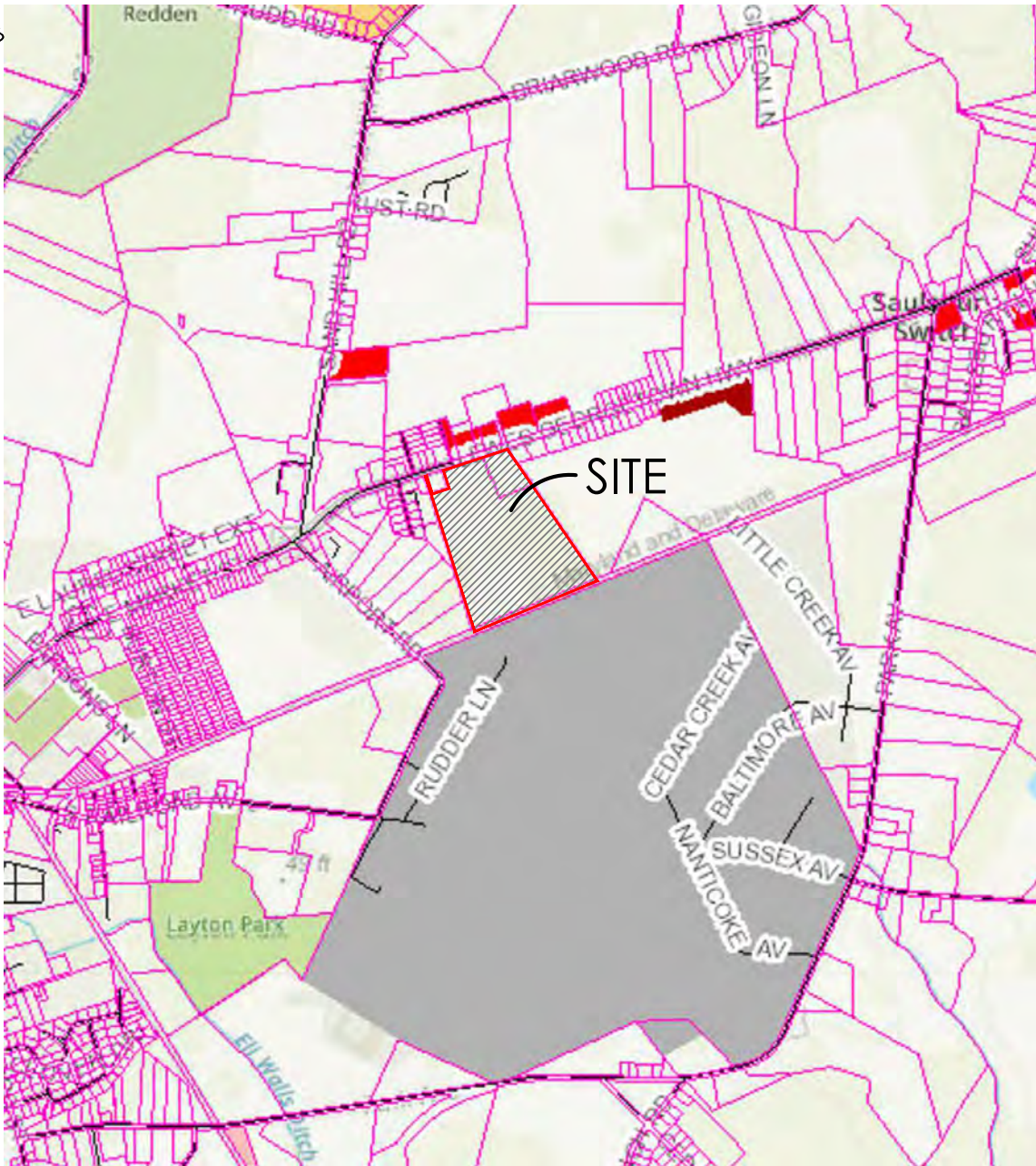




-  DEVELOPED LANDS
-  PROTECTED LANDS
-  MAJOR PROPOSED DEVELOPMENTS

LEEWARD CHASE



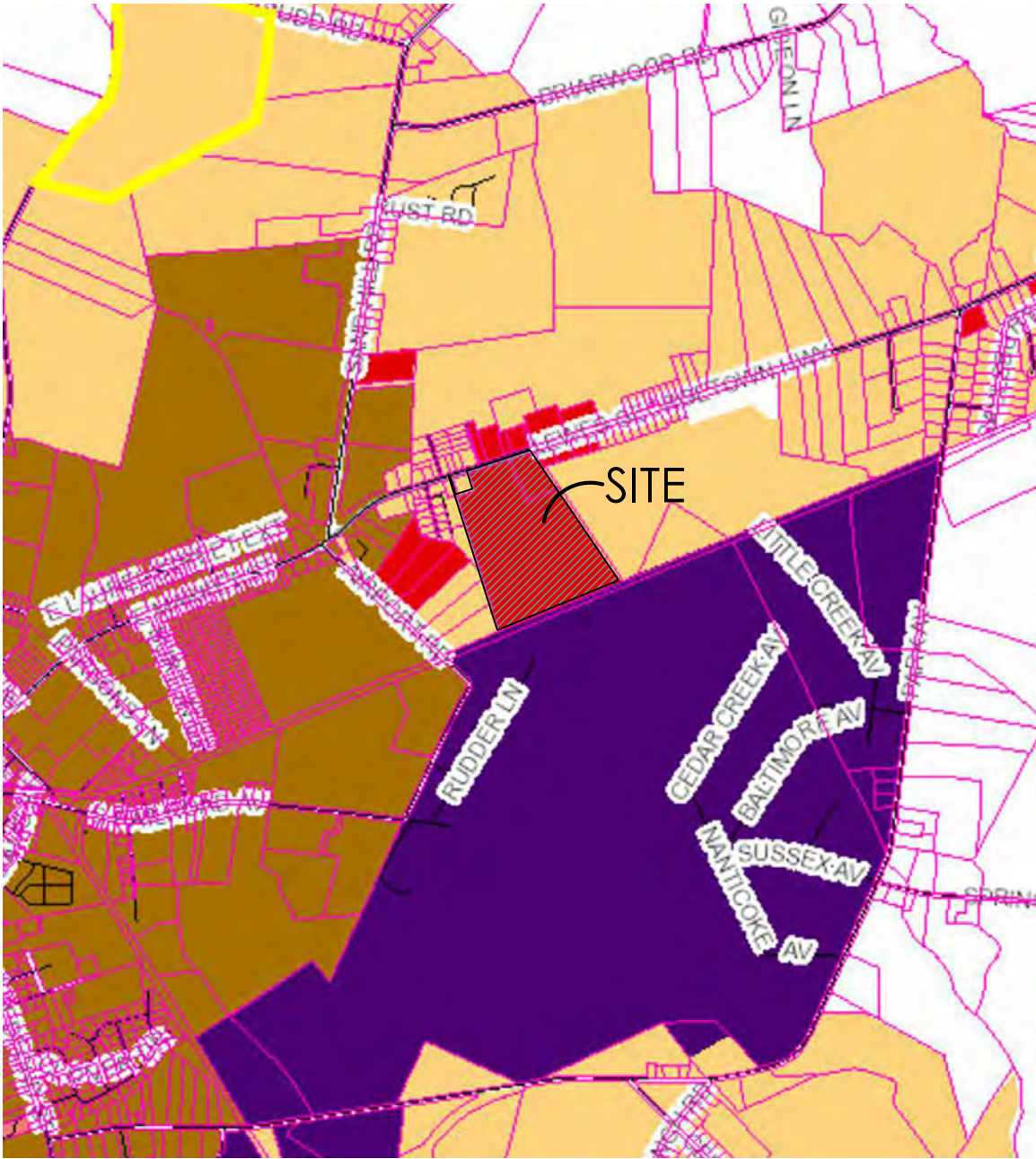
ZONING MAP



-  AGRICULTURAL - AR-1
-  GENERAL COMMERCIAL- C-1
-  LIGHT INDUSTRIAL - LI-1

LEEWARD CHASE





-  COMMERCIAL
-  MUNICIPALITIES
-  DEVELOPING AREA
-  LOW DENSITY AREA
-  INDUSTRIAL

LEEWARD CHASE

FUTURE LAND USE PLAN

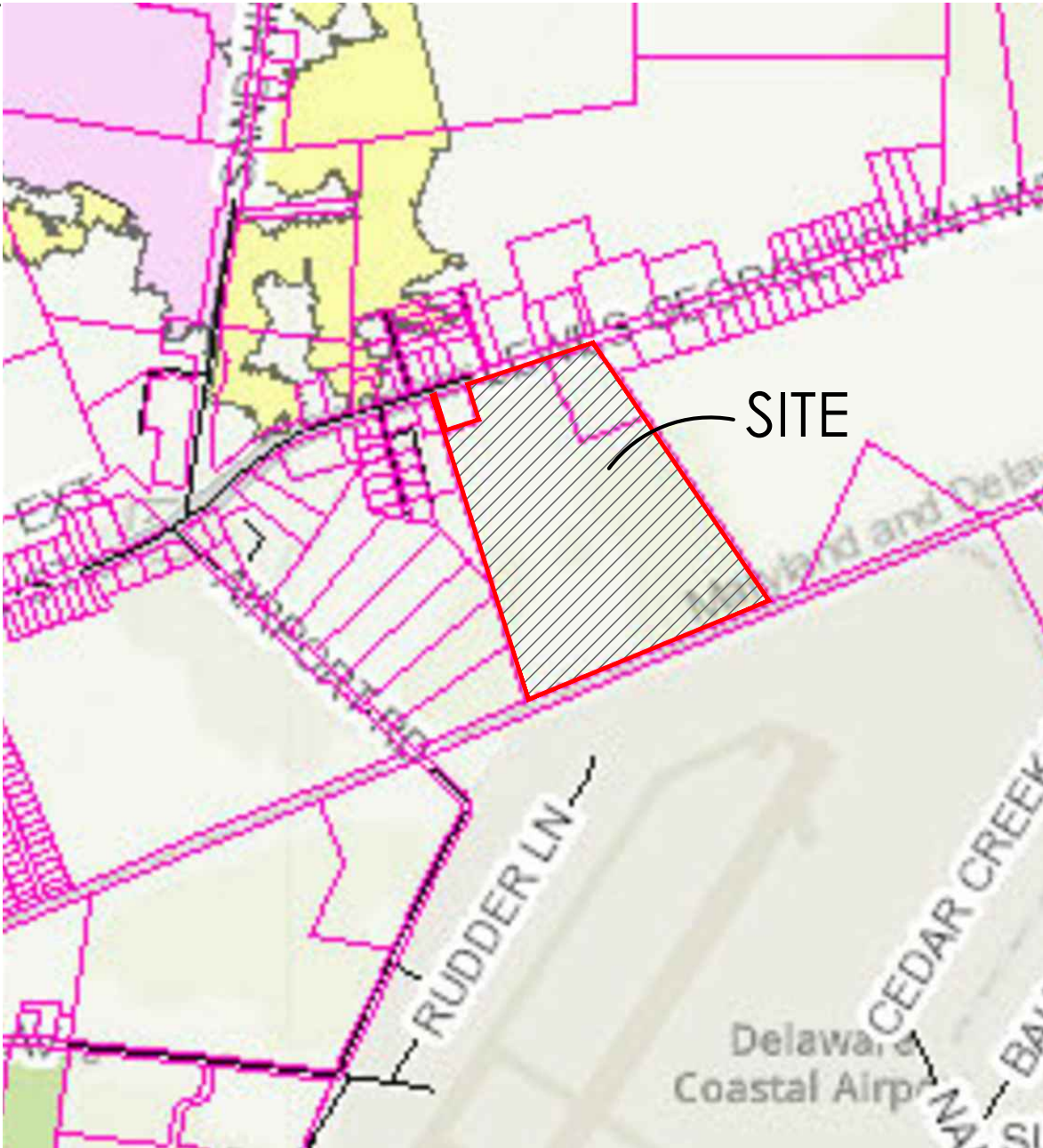




AERIAL

LEEWARD CHASE





FLOOD MAP

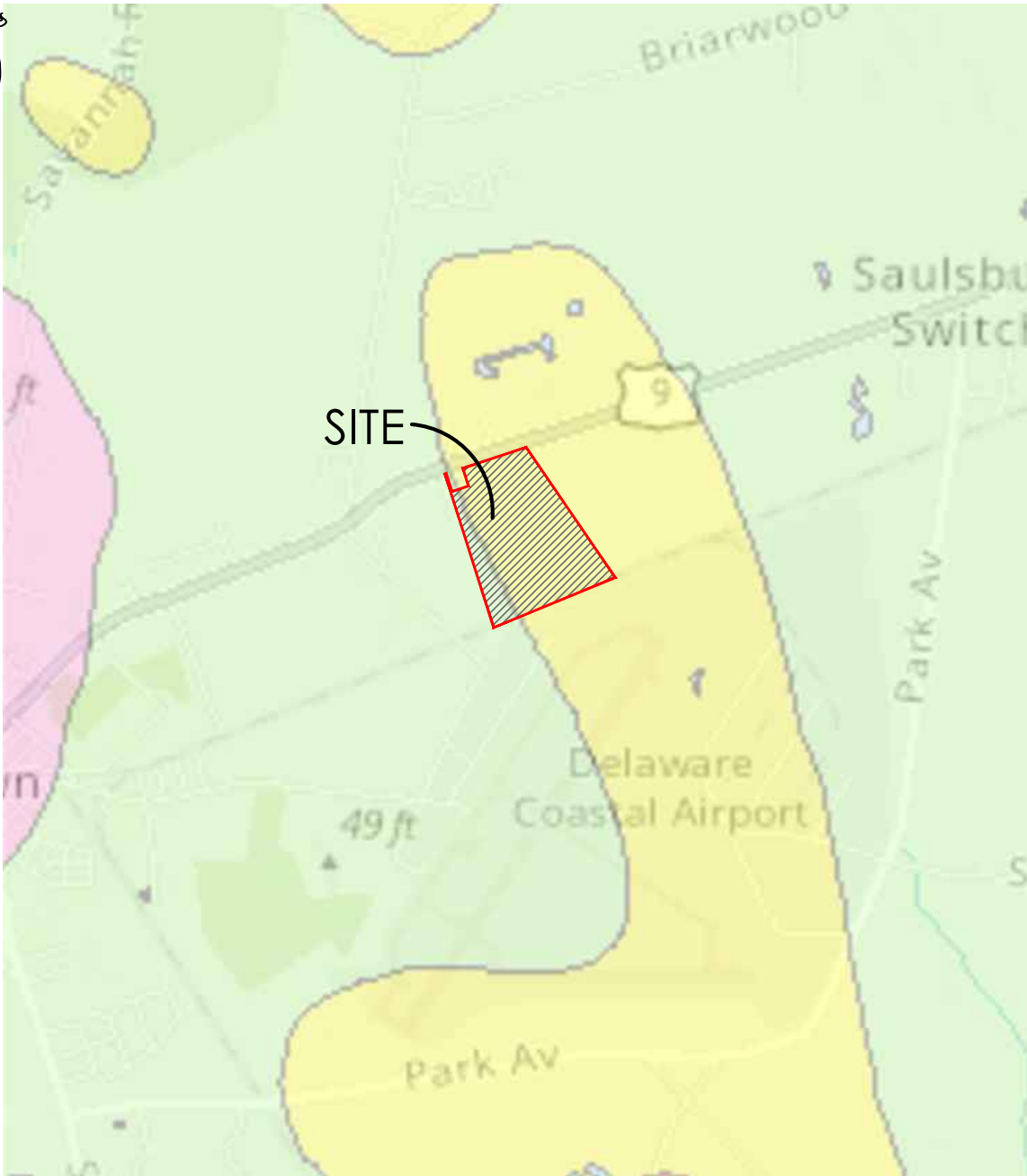
PROPERTY IS LOCATED IN FLOOD X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP 10005C0326J AND 100005C0325J, MAP REVISED JUNE 20, 2018.




LEEWARD CHASE





GROUNDWATER RECHARGE PLAN



-  GOOD GROUNDWATER RECHARGE
-  FAIR GROUNDWATER RECHARGE
-  POOR GROUNDWATER RECHARGE

LEEWARD CHASE





January 10, 2023

Jack Haese
Leeward Chase DE, LLC
448 Viking Drive, Suite 220
Virginia Beach, VA 23452

RE: Willing & Able Letter – Tax Map Parcel No. 135-15.00-98.00 & 135-15.00-98.01

Dear Mr. Haese,

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel identified as Tax Map Parcel No. 135-15.00-98.00 and 135-15.00-98.01. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner.

This parcel is located outside of Tidewater's water Certificate of Public Convenience and Necessity (CPCN) franchise area. In order for Tidewater to be the water service provider to this project, Tidewater must apply for and receive a CPCN from the Delaware Public Service Commission. Enclosed is a "Petition for Inclusion in Tidewater Utilities, Inc. Water Service Territory". Please have the Owner of Tax Map Parcel No. 135-15.00-98.00 & 135-15.00-98.01 sign the enclosed petition and return original to Tidewater. The petition can also be emailed to Joe Cuccinello, CPCN Coordinator, at jcuccinello@middlesexwater.com. The signed petition is an important and necessary first step for Tidewater to be the water service provider.

Please send a site plan and construction schedule to Tidewater. Please feel free to contact me at 302-747-1325 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in cursive script that reads "Kirsten E. Higgins".

Kirsten Higgins
Vice President, Development & Contract
Administration

cc: Ray Ebaugh, Tidewater



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AEA-3797-OE

Issued Date: 04/03/2022

Jack Haese
 Sequoia Mgt, LLC
 19365 Lovett Lane
 Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Unit 29)
 Location: Georgetown, DE
 Latitude: 38-41-50.10N NAD 83
 Longitude: 75-21-33.37W
 Heights: 45 feet site elevation (SE)
 52 feet above ground level (AGL)
 97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/03/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

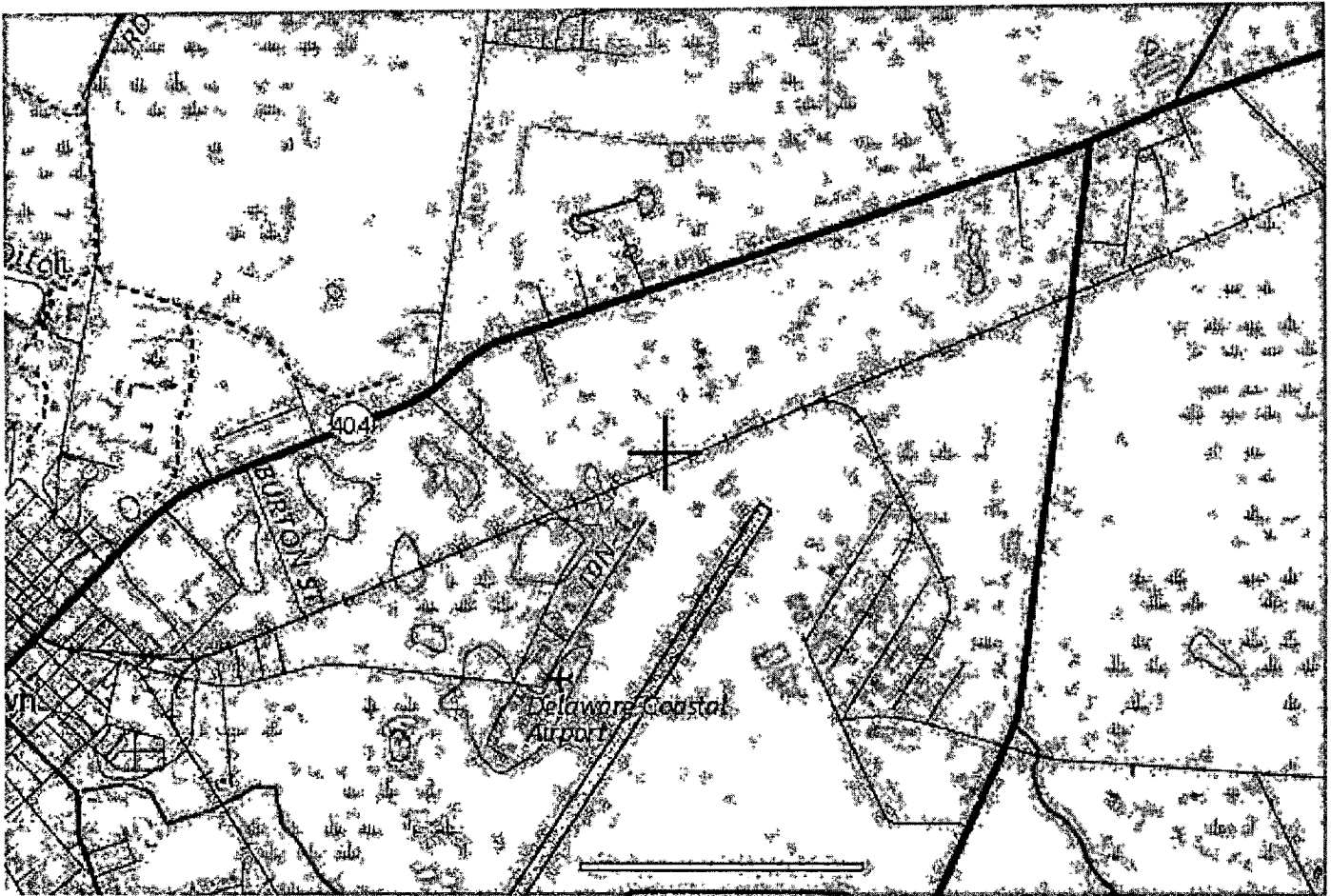
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-3797-OE.

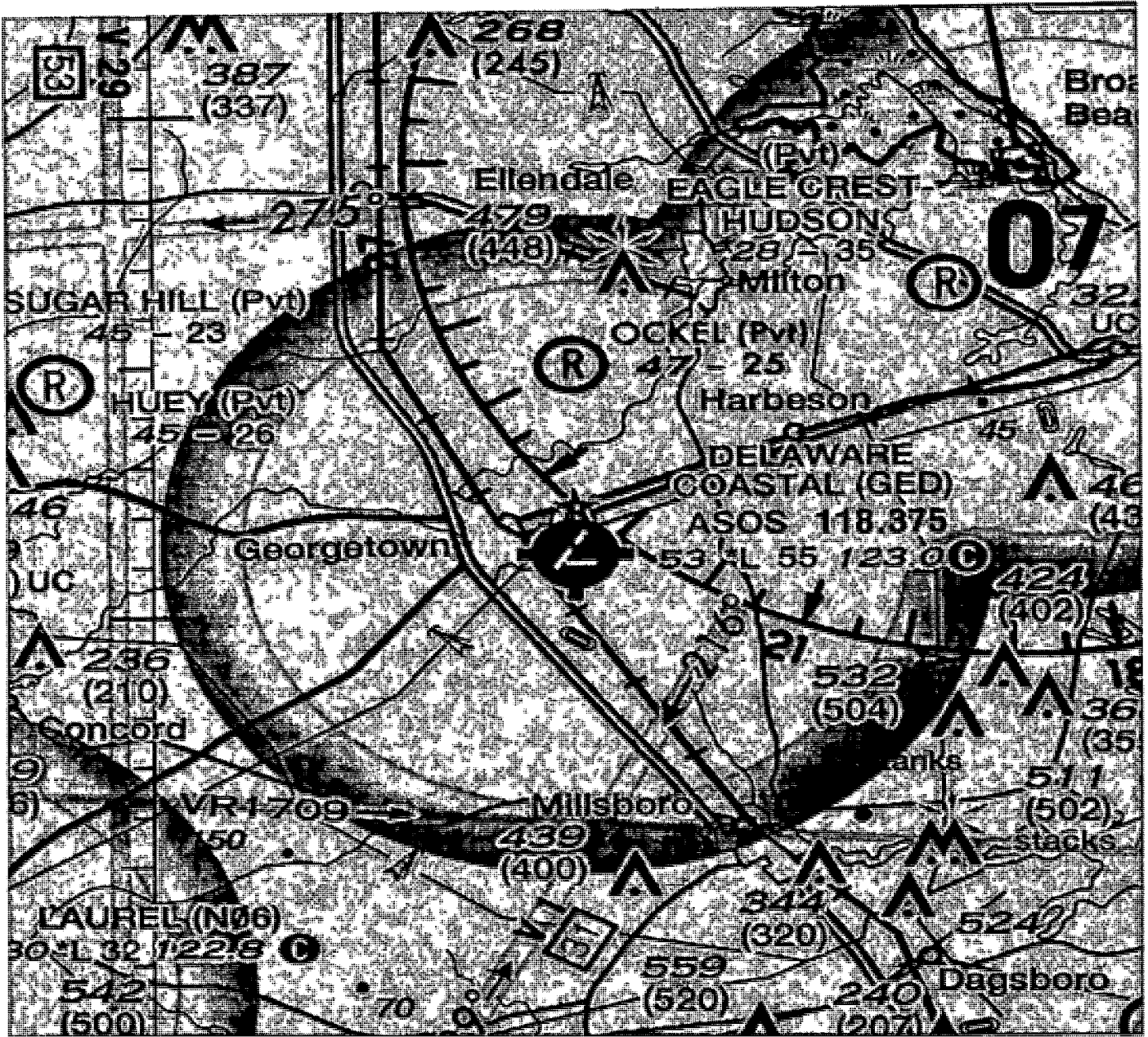
Signature Control No: 515576022-521542115

(DNE)

Vee Stewart
Specialist

Attachment(s)
Map(s)







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AEA-2865-OE

Issued Date: 04/03/2022

Jack Haese
Sequoia Mgt, LLC
19365 Lovett Lane
Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: House Leeward Chase Duplexes
Location: Georgetown, DE
Latitude: 38-41-51.19N NAD 83
Longitude: 75-21-33.81W
Heights: 45 feet site elevation (SE)
52 feet above ground level (AGL)
97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/03/2023 unless:

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If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-2865-OE.

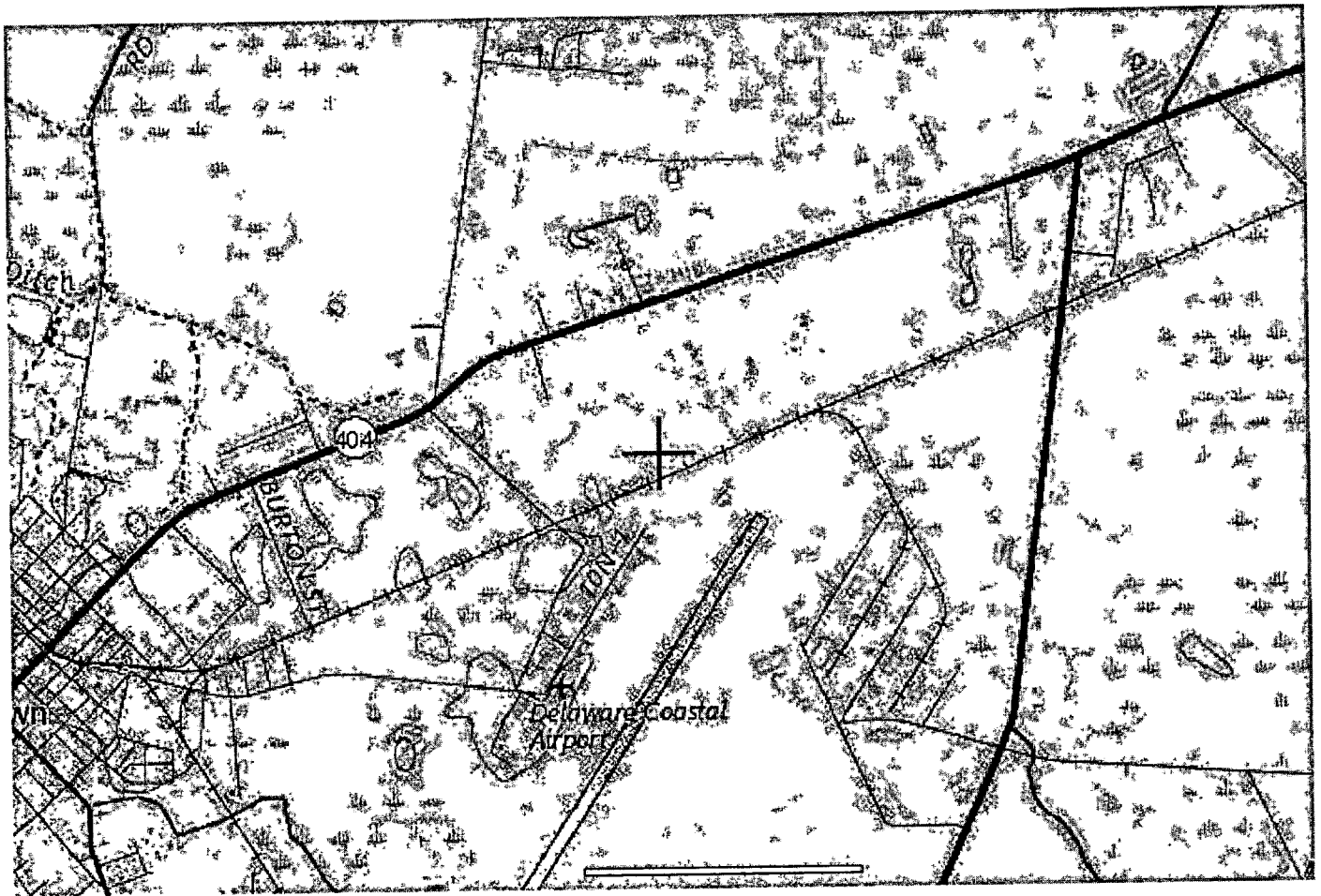
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(DNE)

Vee Stewart
Specialist

Attachment(s)

Map(s)





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AEA-4052-OE

Issued Date: 04/03/2022

Jack Haese
Sequoia Mgt, LLC
19365 Lovett Lane
Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Unit 30)
Location: Georgetown,, DE
Latitude: 38-41-59.63N NAD 83
Longitude: 75-21-33.83W
Heights: 45 feet site elevation (SE)
52 feet above ground level (AGL)
97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/03/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
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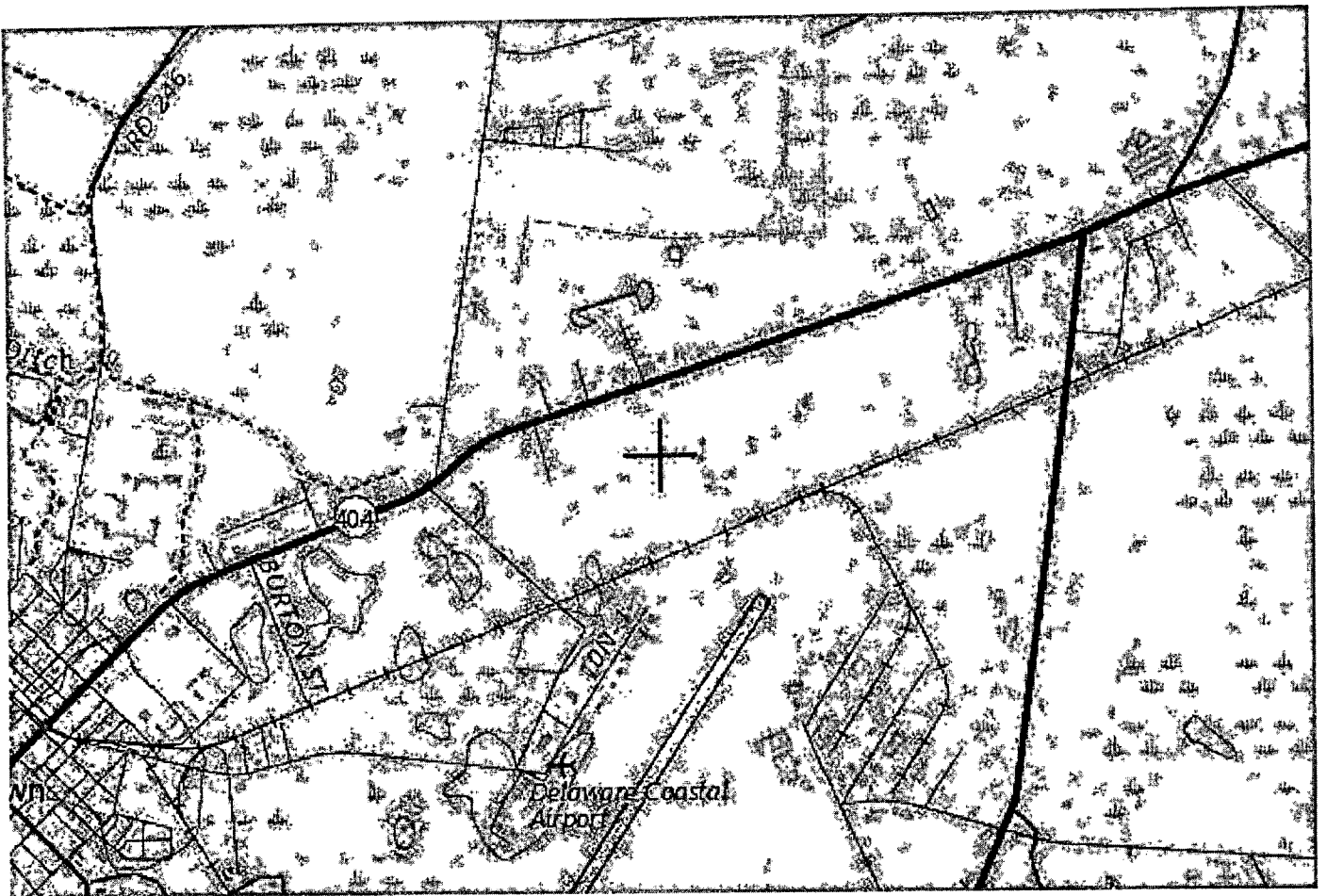
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-4052-OE.

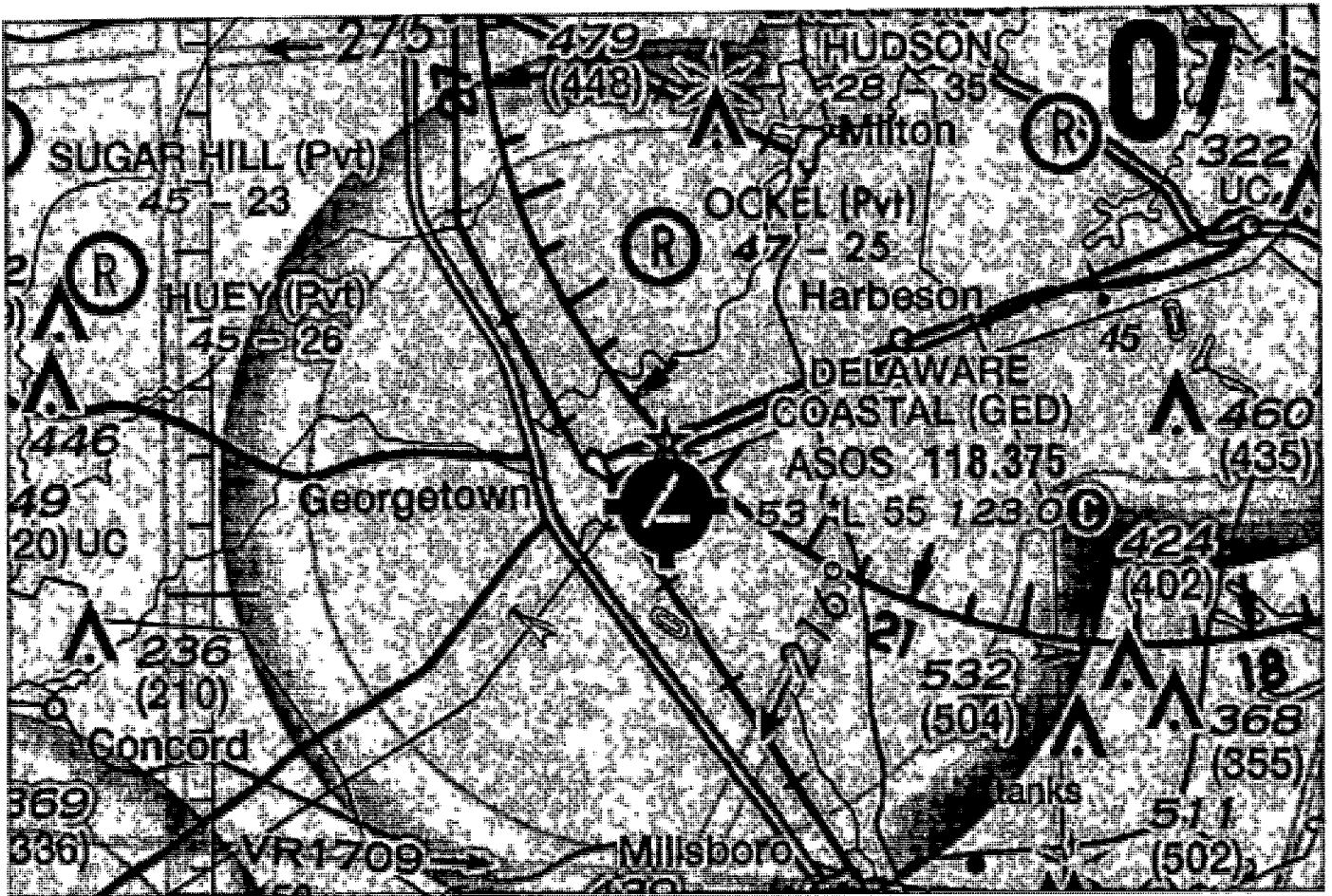
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(DNE)

Vee Stewart
Specialist

Attachment(s)
Map(s)







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AEA-4115-OE

Issued Date: 04/03/2022

Jack Haese
 Sequoia Mgt, LLC
 19365 Lovett Lane
 Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Unit 31)
 Location: Georgetown, DE
 Latitude: 38-41-49.36N NAD 83
 Longitude: 75-21-34.18W
 Heights: 45 feet site elevation (SE)
 52 feet above ground level (AGL)
 97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

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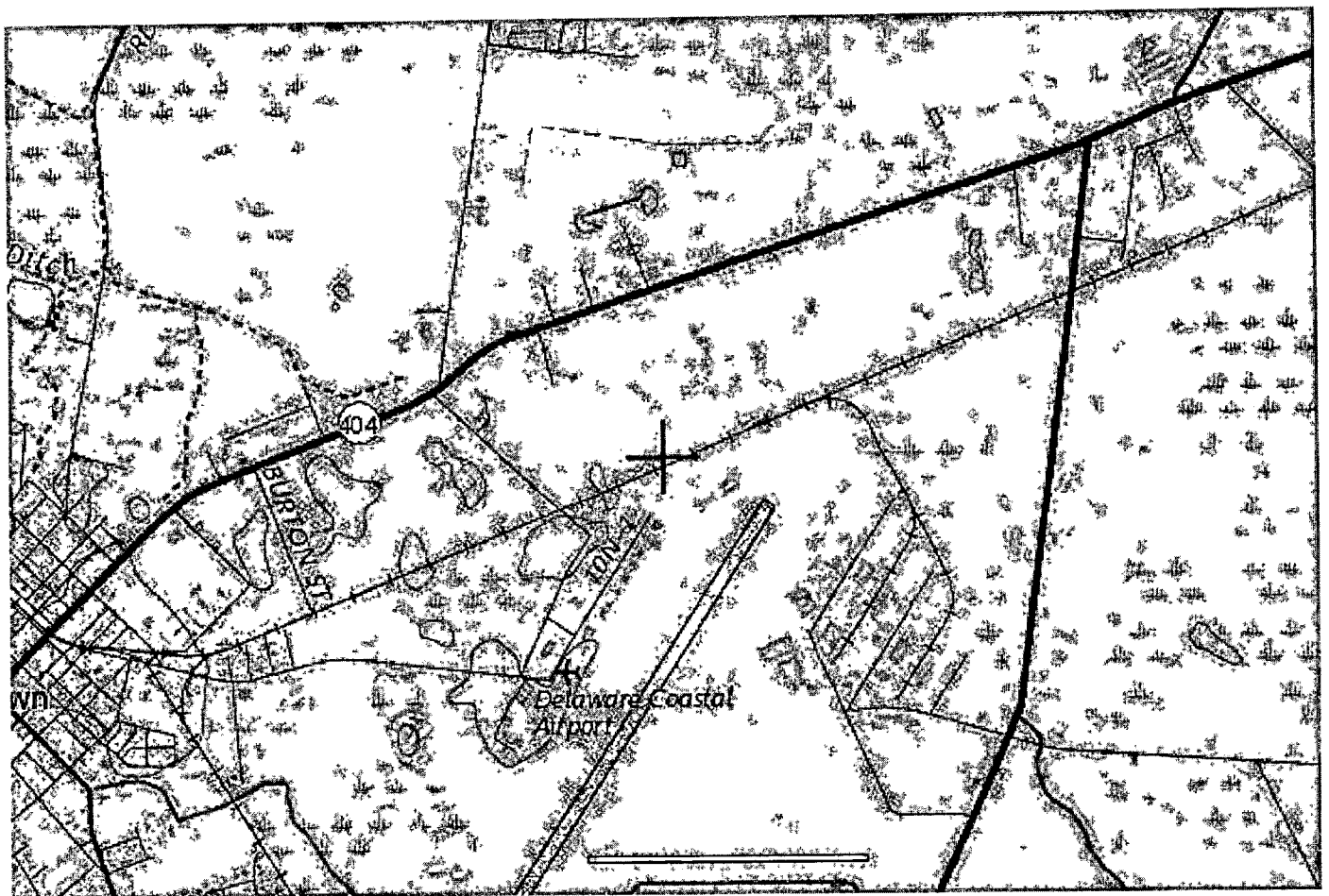
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-4115-OE.

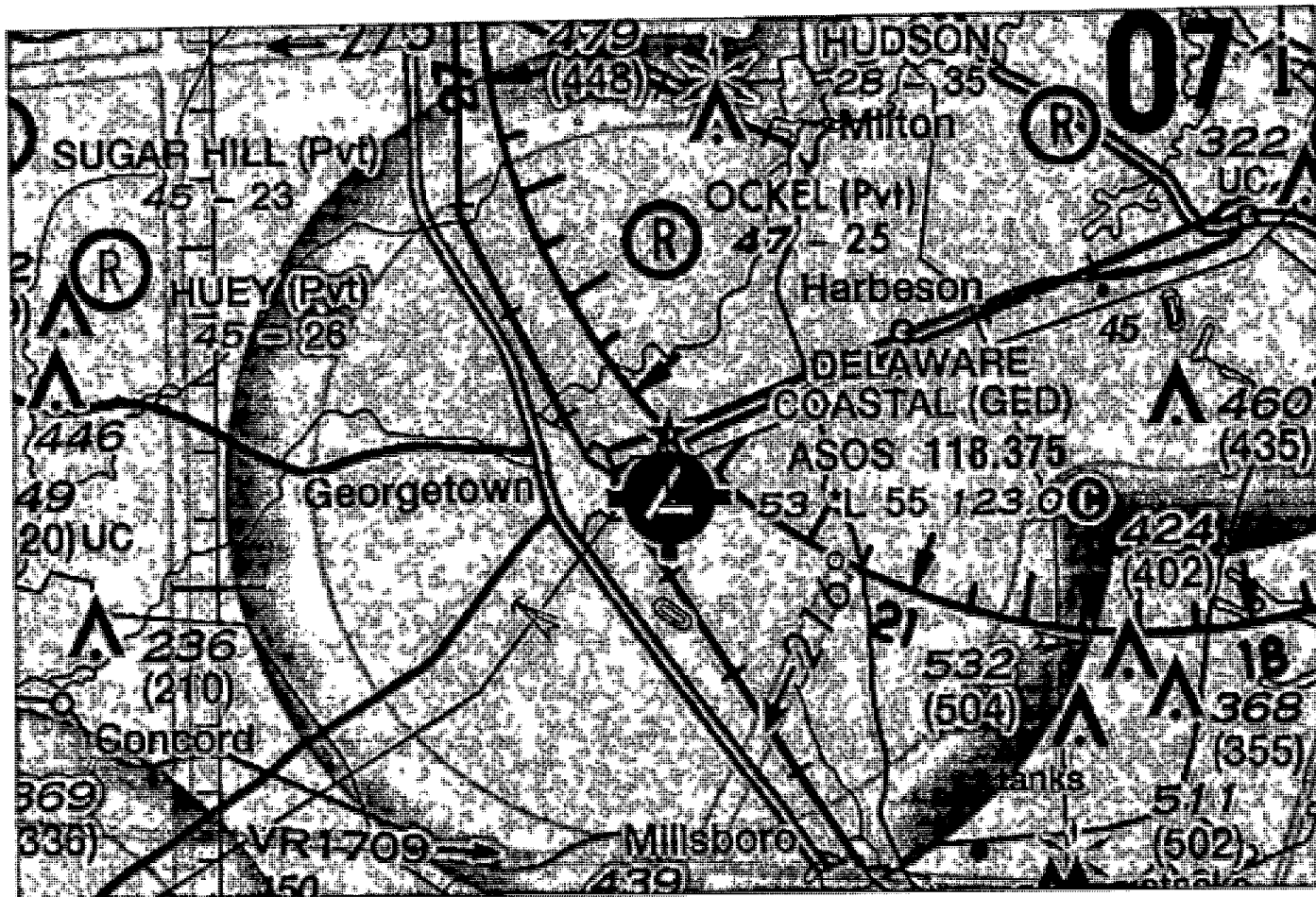
Signature Control No: 516847737-521542117

(DNE)

Vee Stewart
Specialist

Attachment(s)
Map(s)







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AEA-4116-OE

Issued Date: 04/03/2022

Jack Haese
 Sequoia Mgt, LLC
 19365 Lovett Lane
 Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Unit 32)
 Location: Georgetown, DE
 Latitude: 38-41-49.02N NAD 83
 Longitude: 75-21-34.80W
 Heights: 45 feet site elevation (SE)
 52 feet above ground level (AGL)
 97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

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- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

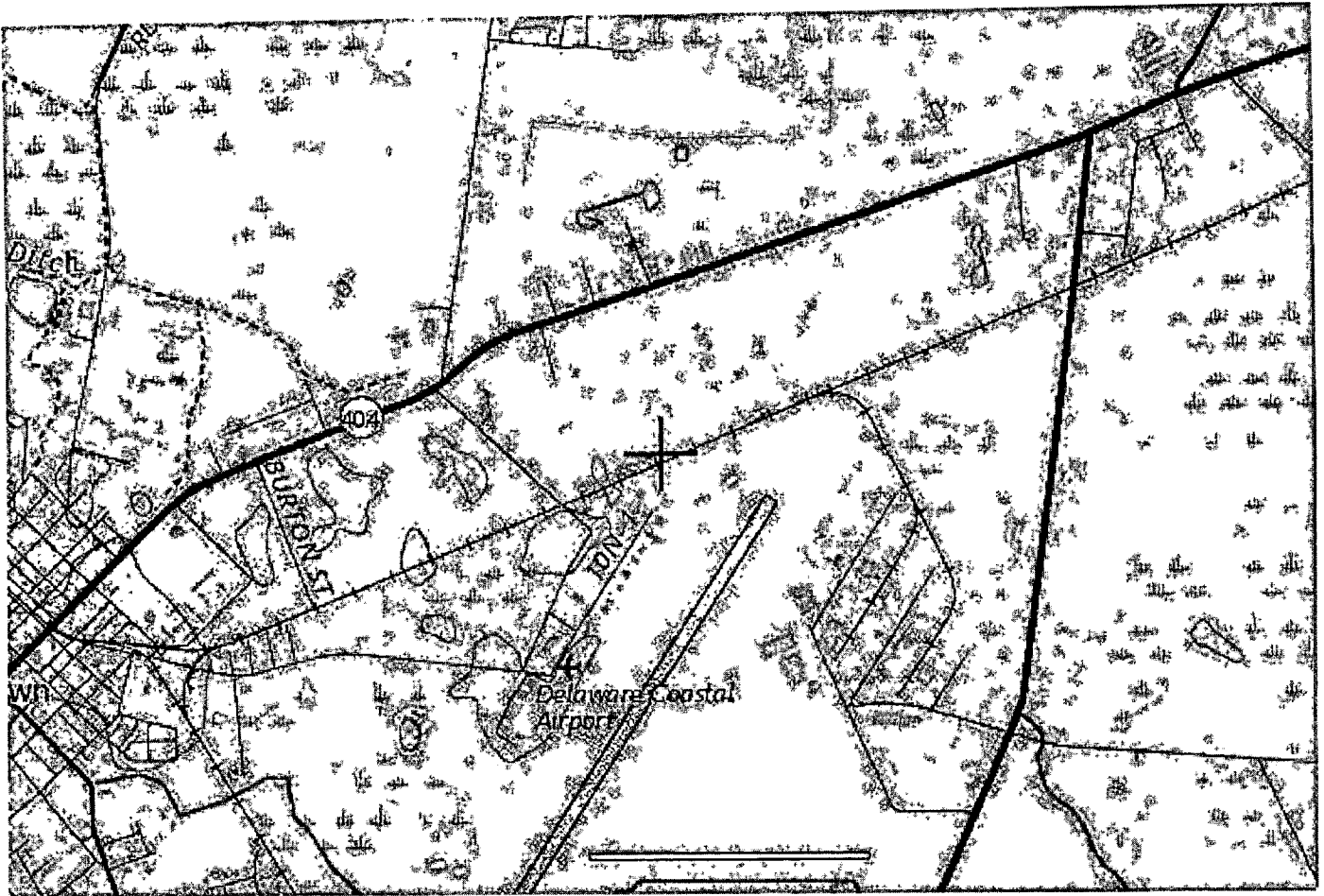
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-4116-OE.

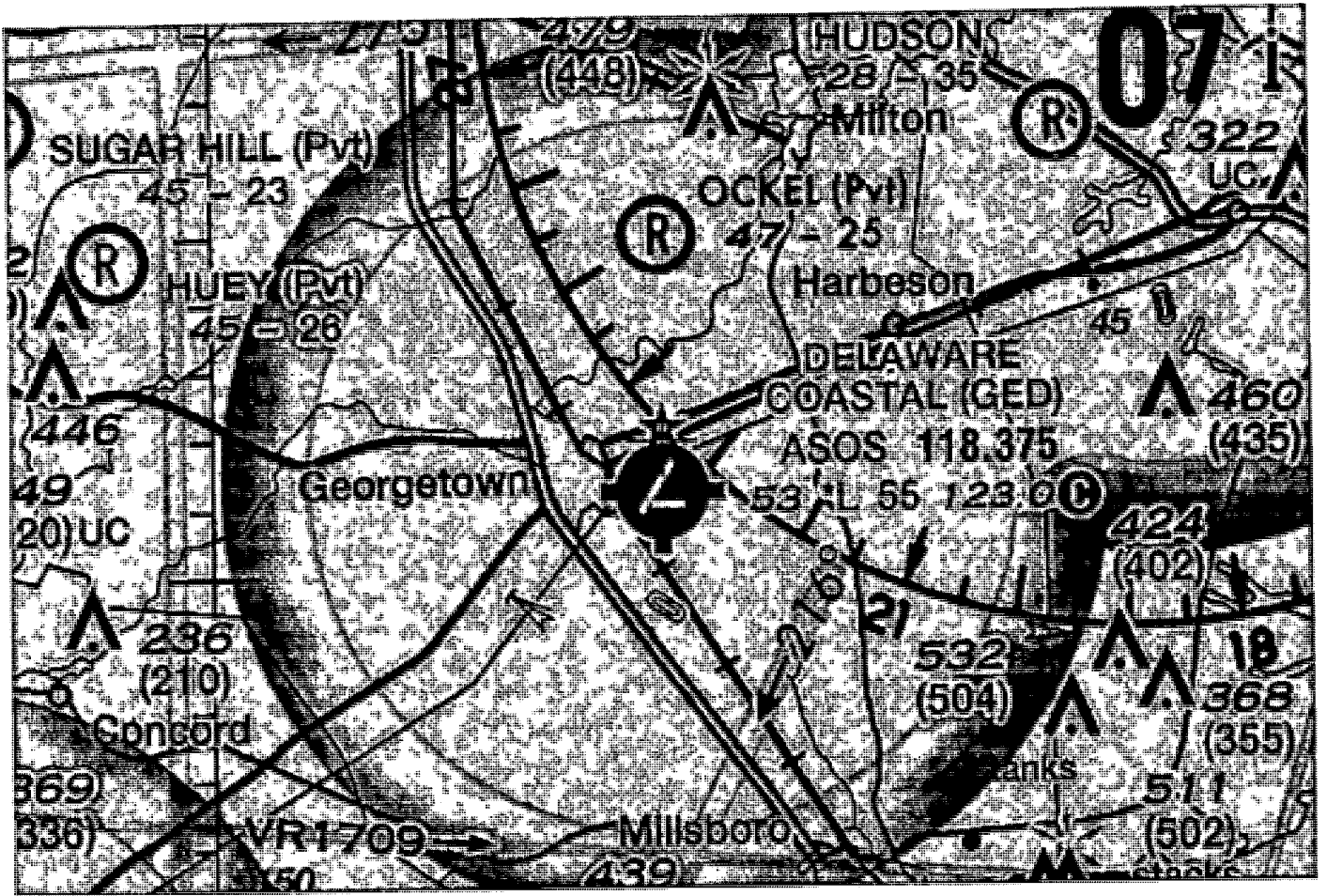
Signature Control No: 516847819-521542116

(DNE)

Vee Stewart
Specialist

Attachment(s)
Map(s)







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AEA-4117-OE

Issued Date: 04/03/2022

Jack Haese
 Sequoia Mgt, LLC
 19365 Lovett Lane
 Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Unit 33)
 Location: Georgetown, DE
 Latitude: 38-41-48.89N NAD 83
 Longitude: 75-21-35.17W
 Heights: 45 feet site elevation (SE)
 52 feet above ground level (AGL)
 97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/03/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

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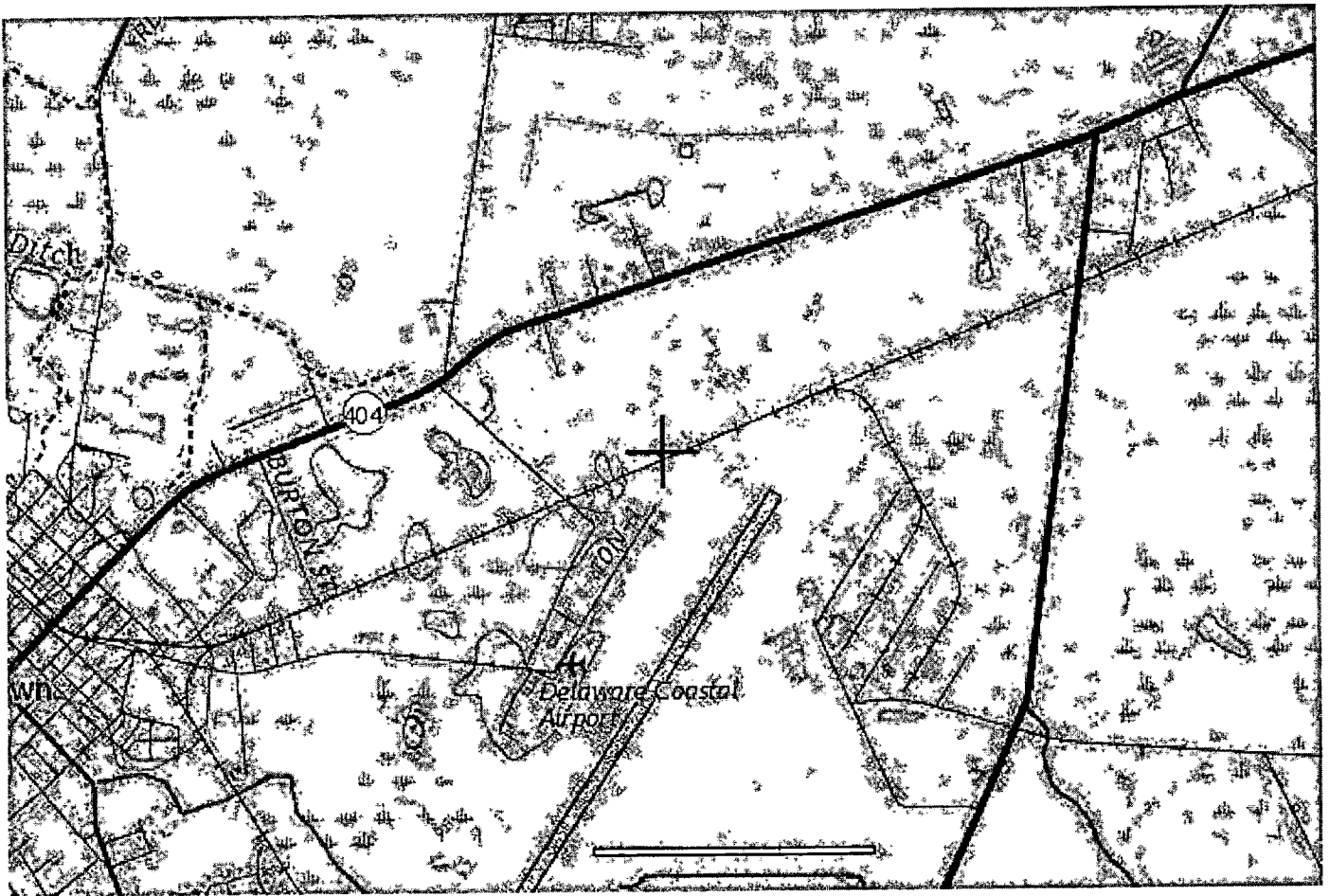
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-4117-OE.

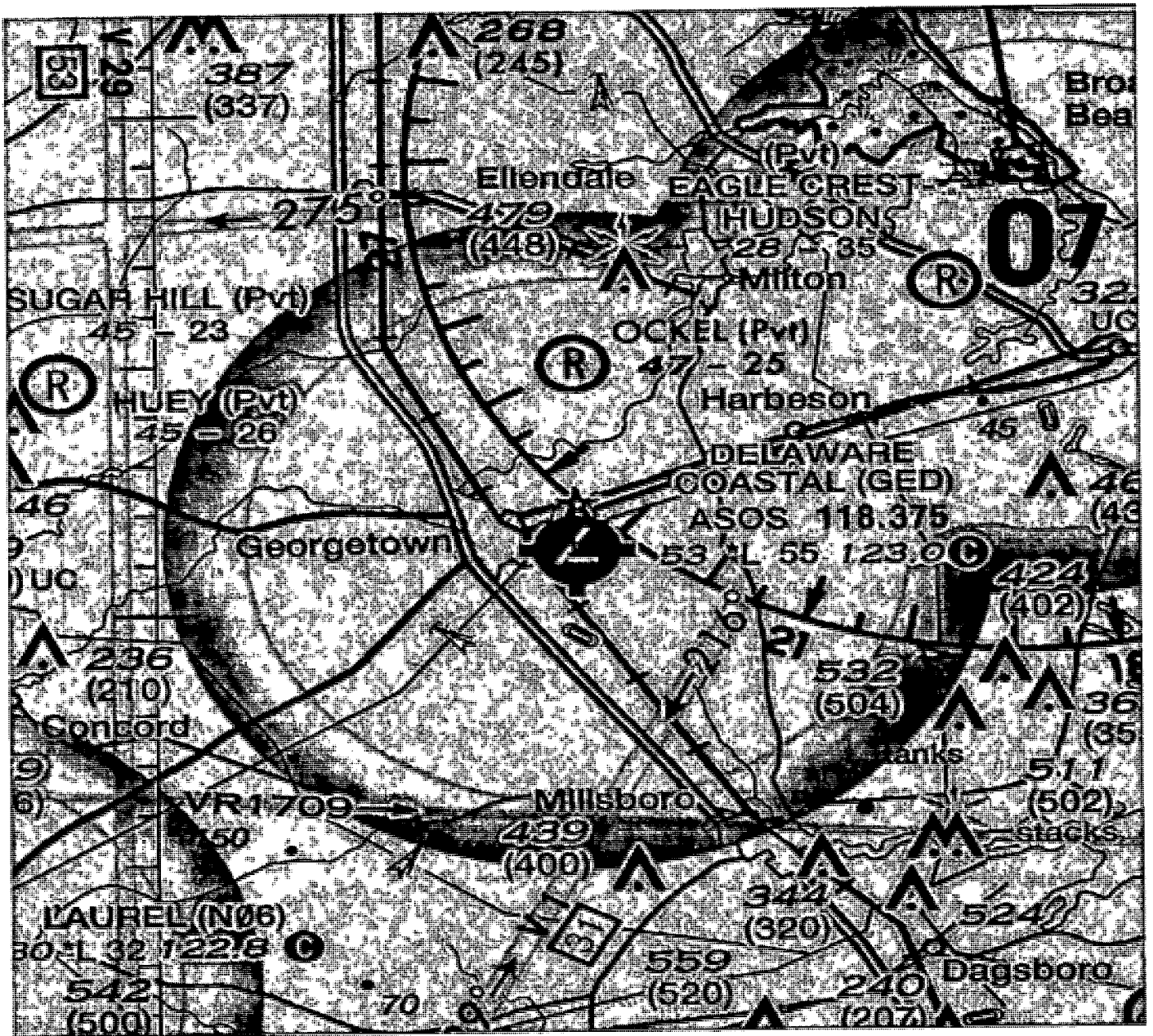
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Vee Stewart
Specialist

(DNE)

Attachment(s)
Map(s)







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AEA-4118-OE

Issued Date: 04/03/2022

Jack Haese
 Sequoia Mgt, LLC
 19365 Lovett Lane
 Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Unit 36)
 Location: Georgetown, DE
 Latitude: 38-41-48.39N NAD 83
 Longitude: 75-21-36.75W
 Heights: 45 feet site elevation (SE)
 52 feet above ground level (AGL)
 97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/03/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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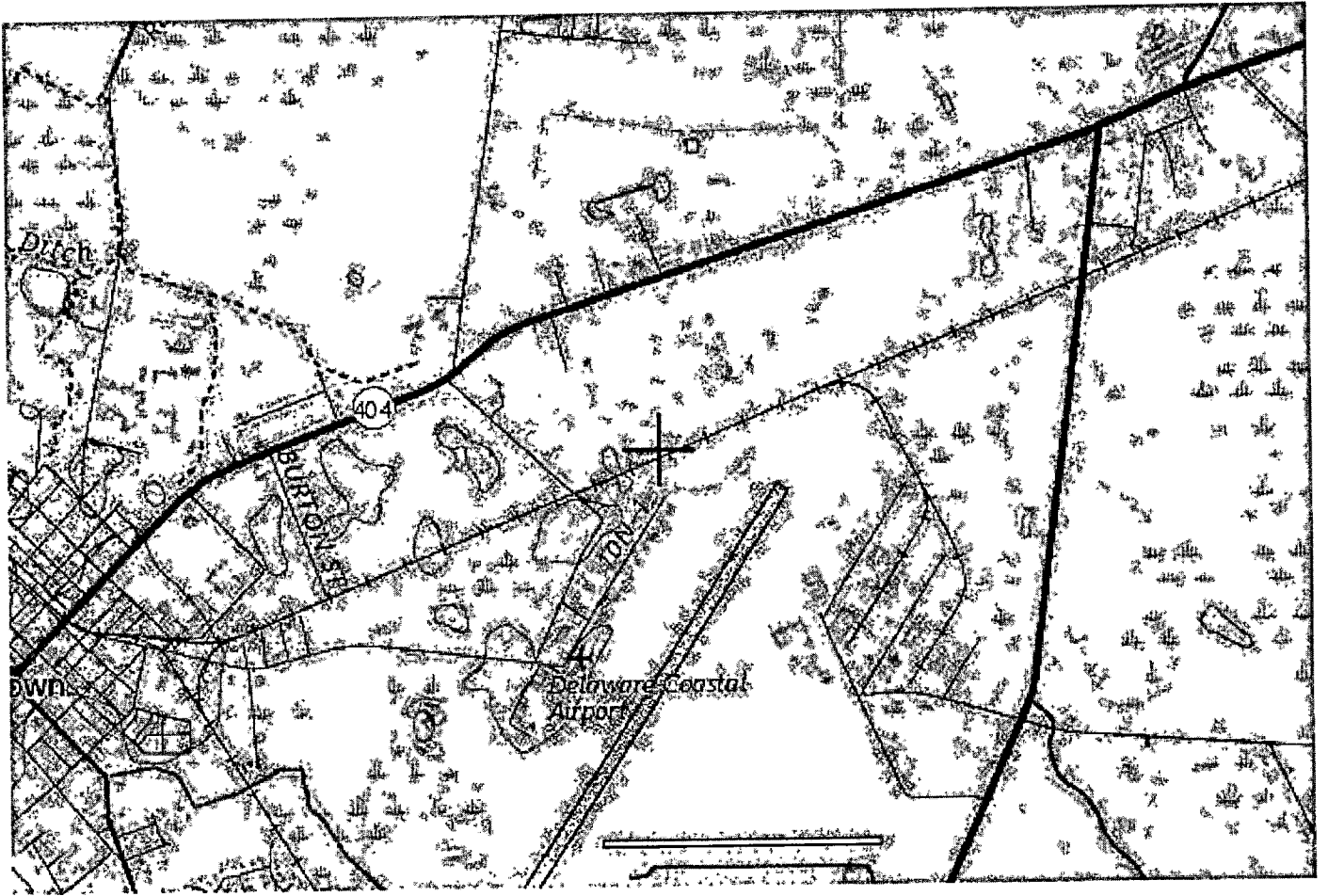
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-4118-OE.

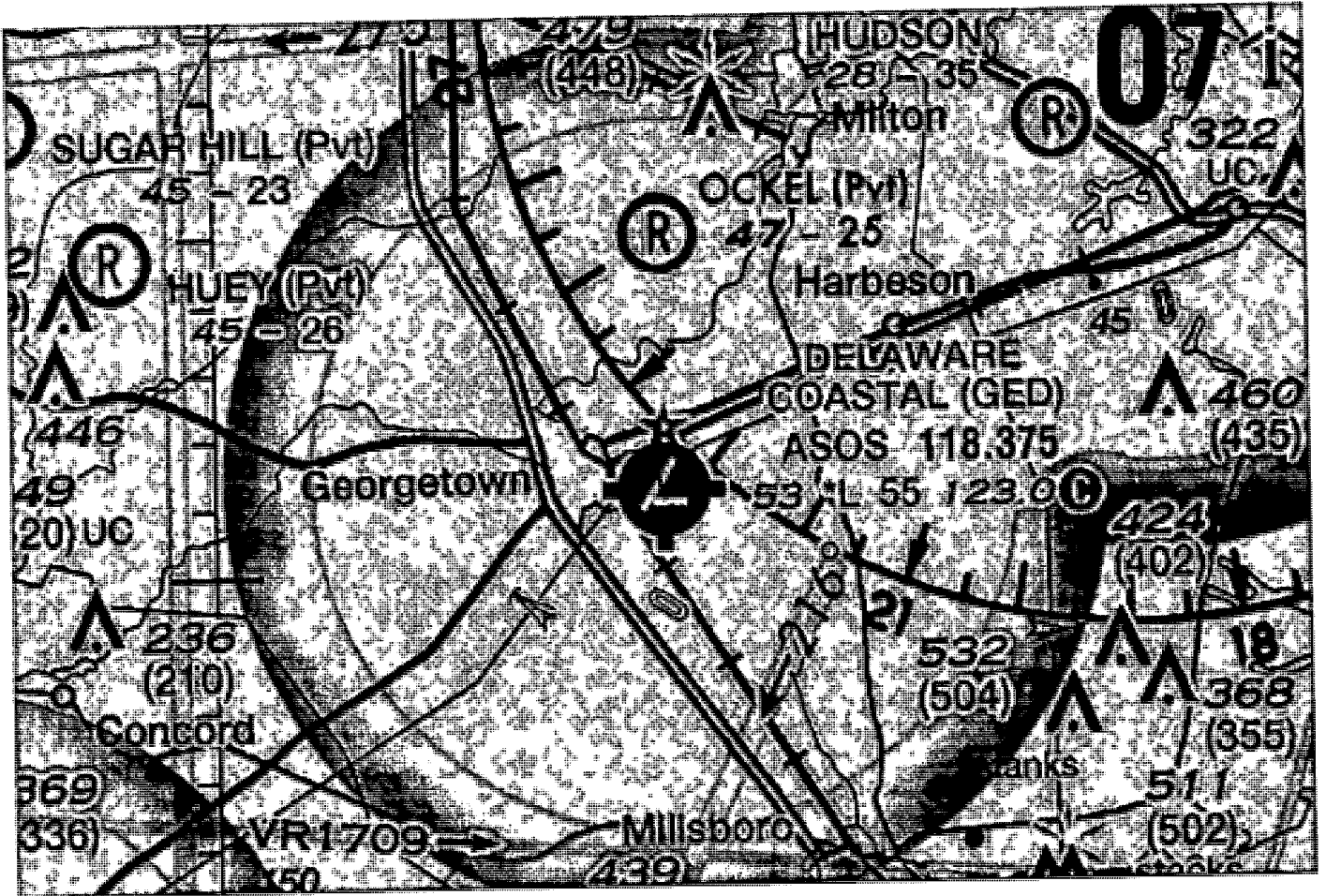
Signature Control No: 516847856-521542118

(DNE)

Vee Stewart
Specialist

Attachment(s)
Map(s)







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AEA-4119-OE

Issued Date: 04/03/2022

Jack Haese
 Sequoia Mgt, LLC
 19365 Lovett Lane
 Lewes, DE 19958

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Leeward Chase Duplexes (Clubhouse)
 Location: Georgetown, DE
 Latitude: 38-41-57.97N NAD 83
 Longitude: 75-21-36.75W
 Heights: 45 feet site elevation (SE)
 52 feet above ground level (AGL)
 97 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

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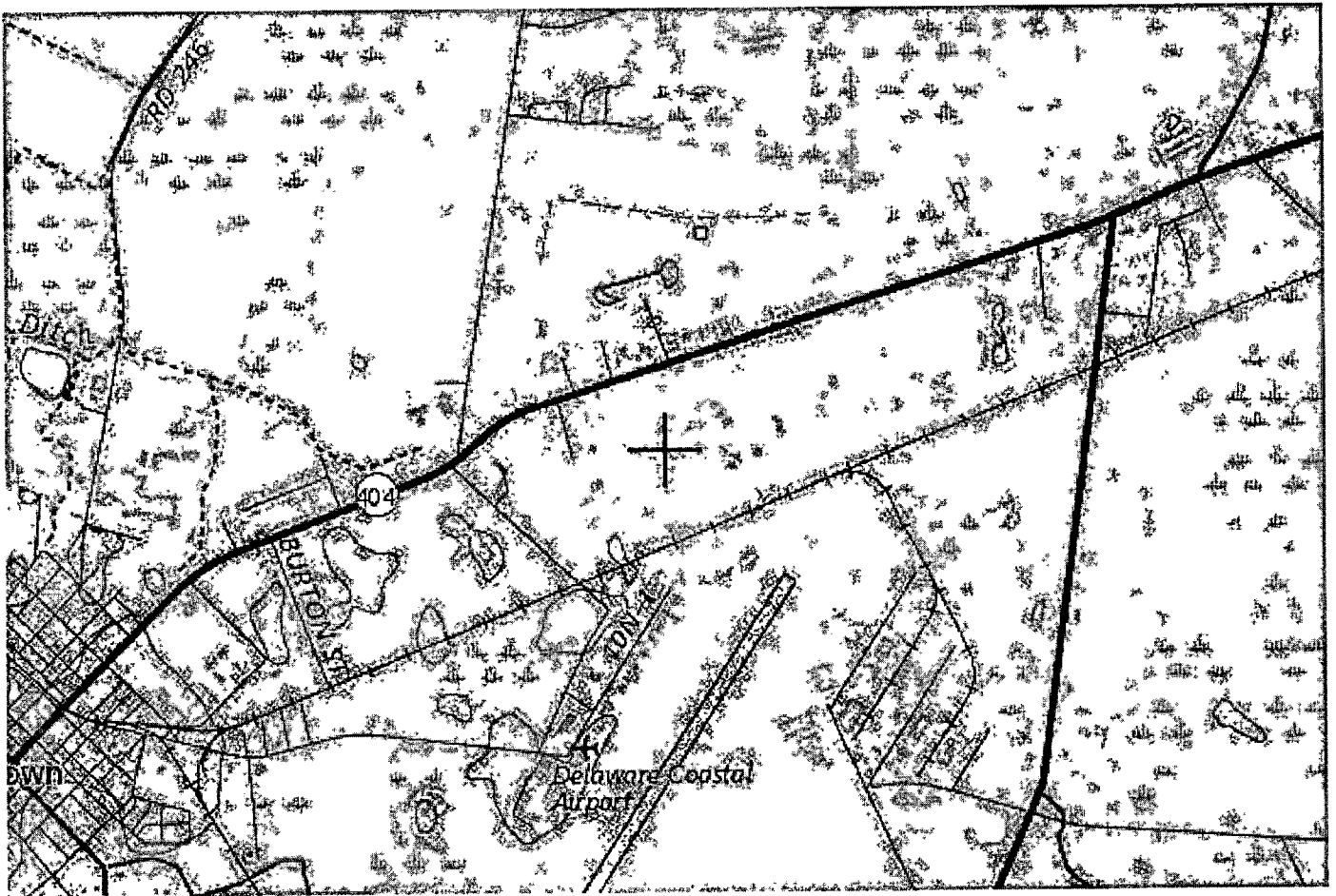
If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-4119-OE.

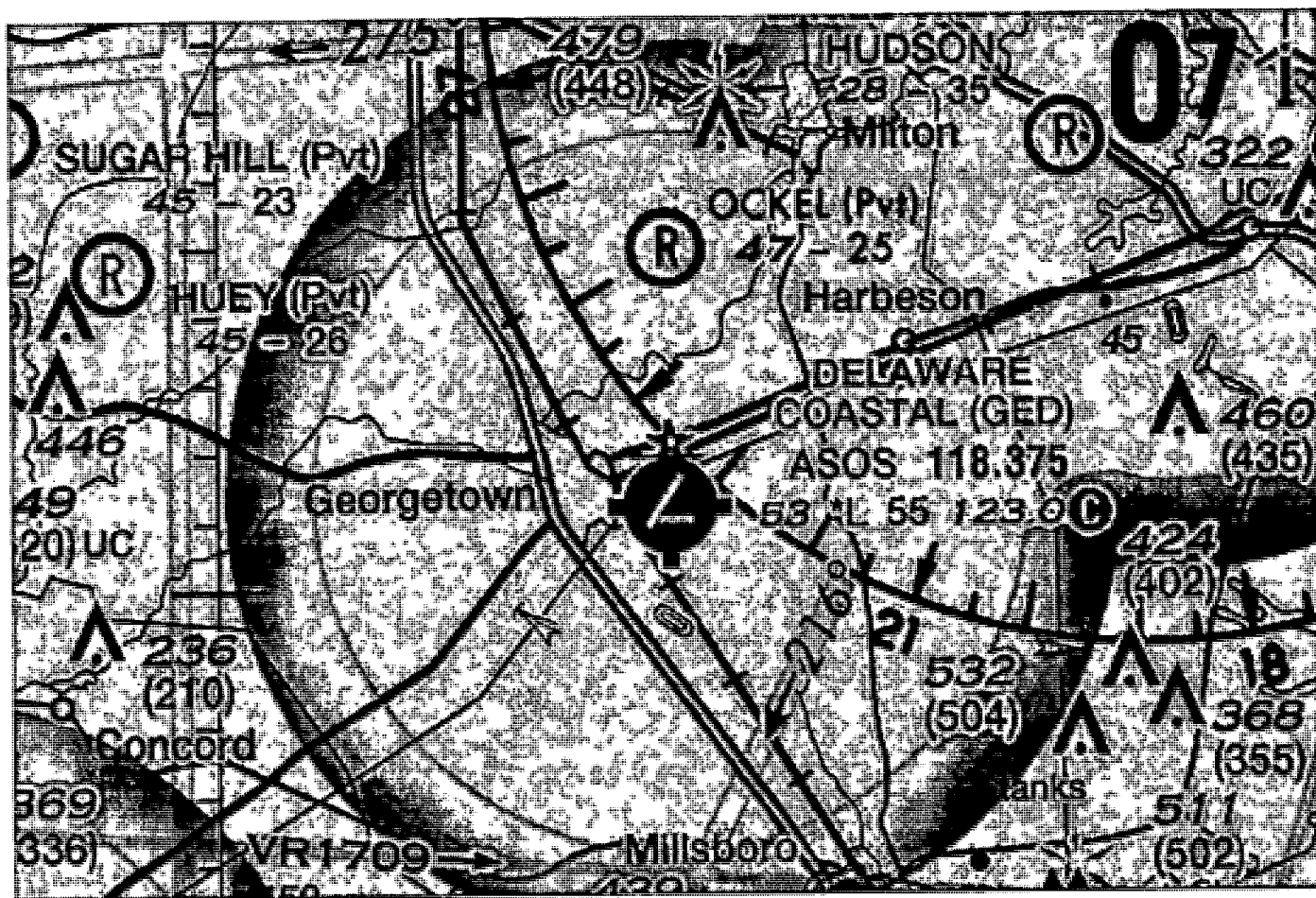
Signature Control No: 516847976-521542121

(DNE)

Vee Stewart
Specialist

Attachment(s)
Map(s)





ASSESSMENT OF ENVIRONMENTAL CONDITIONS & NATURAL FEATURES

Moore's Meadowood Farm (Leeward Chase)
Tax Map 135-15.00 Parcel 98.00 & 98.01 (50.8 Acres)
Georgetown Hundred, Sussex County, Delaware

December 30, 2022

Prepared For:

Mr. Jack Haese
Sequoia Companies
18766 John J. Williams Highway
Unit 4 PMB 389
Rehoboth Beach, DE 19979

Prepared By:

Edward M. Launay, S.P.W.S. No. 875
Environmental Resources, Inc.
38173 DuPont Blvd.
P.O. Box 169
Selbyville, DE 19975
Phone: 302-436-9637

ERI Project: 1028#1163

Assessment of Environmental Conditions & Natural Features

Moore's Meadowood Farm (Leeward Chase)
Tax Map 135-15.00 Parcel 98.00 & 98.01 (50.8 Acres)
Georgetown Hundred, Sussex County, Delaware

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USDA Soil Survey for Sussex County.....	2
Corps of Engineers – Impacts & Permitting	3
Absence of Threatened & Endangered Species.....	4

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1. Sussex County Tax Map
2. USGS Topographic Survey Quadrangle
3. 1937 Site Imagery
4. 1954 Site Imagery
5. 1968 Site Imagery
6. 2012 Site Imagery
7. U.S. Fish & Wildlife Service Species List, December 31, 2022
8. Site Photographs

INTRODUCTION & SITE IMAGERY

On behalf of the applicant, Sequoia Companies, Environmental Resources, Inc. (ERI) has investigated the subject parcels to determine the extent of “Waters of the United States” including wetlands subject to the U.S. Army Corps of Engineers (ACOE) Regulatory Program under Section 404 of the Clean Water Act (CWA). In addition, ERI also made a determination with respect to the presence or absence of any state or federally listed rare, threatened or endangered species including the presence of any critical habitats. Comments regarding requirements for any Corps of Engineers permits necessary for development of the currently proposed “Leeward Chase” residential community are also provided herein.

The subject site is 50.7968 acres in total size. The site is identified in Sussex County Land Records as Tax Map Parcels 135-15.00-98.00 & 98.01. It is located in the Georgetown Hundred of Sussex County, just east of Georgetown, Delaware. The subject site has frontage along the south side of U.S. Route 9 (Lewes-Georgetown Highway). The site is 0.4 miles east of Airport Road. It is bordered on its southern side by a Conrail railroad right of way and the Delaware Coastal (Georgetown) Airport. The Sports at the Beach recreational complex borders its eastern side. Existing residential land and undeveloped forest lies on its western boundary. A significant unnamed man made drainage channel bisects the site. The channel flows south under the Conrail railroad right of way onto the Delaware Coastal Airport and then to Peterkins Branch.

Based upon a recent survey of the property and ERI’s delineation of wetlands and other natural resources, the lands within the subject site are categorized by the following table:

ACREAGE

UPLAND AGRICULTURAL FIELD	19.1527 ACRES +/-
UPLAND FOREST	6.2383ACRES +/-
FEDERALLY REGULATED PALUSTRINE FORESTED WETLANDS	17.5503 ACRES +/-
ISOLATED MAN MADE BORROW PITS EXCAVATED FROM UPLANDS (EXCLUDED NON-TIDAL WATERS) NOT SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM	4.4270ACRES +/-
UPLAND RESIDENTIAL & CHICKEN FARM/PASTURE	3.4285 ACRES +/-
TOTAL SITE AREA	50.7968 ACRES +/-

Wetland boundaries identified during this investigation are depicted on a site plan entitled *Boundary of Waters of the United States Including Wetlands Subject to U.S. Army Corp of Engineers Regulatory Program – Moore’s Meadowood Farm, LLC.* dated February 3, 2022, prepared by Solutions IPeM, LLC., Georgetown, DE, Sheets I of I.

This site has the somewhat unique circumstance of containing a borrow pit excavated from an upland area. The borrow pit is an isolated feature surrounded by other uplands. It has no surface water outlet. The pit was not present in 1937. Aerial photography shows it under excavation by 1954. The pit is designated as a gravel pit on the 1955 USGS Topographic Quadrangle but it was not shown on earlier versions. Seasonally the pit contains standing water in the winter, and it is virtually dry land in the summer months. Photographs 1 & 2 illustrate that condition.

In more recent years an oval track for horse training was developed in the central portion of the site. The track (Photograph 7) is elevated above existing grade and it can be used to travel around the property.

Photograph 3 is typical of the 19.1527 acres of upland agricultural field found on the property and Photograph 4 illustrates the farmstead and pasture complex found on parcel 98.01. Photograph 5 is the location of an existing culvert crossing and drainage channel where federally regulated waters will be impacted by a proposed culvert replacement and road widening for a subdivision road. Photograph 6 is typical of the 17.5503 acres of forested wetlands identified on the property.

A composite of the United States Geological Survey (USGS) 1992 Harbeson and Georgetown Topographic Quadrangle Maps (Figure 2) shows the elevations on the site occurring within 41 to 59 feet. A 45 foot elevation contour runs through much of the site. The overall property is relatively flat with wetlands occurring in more low-lying areas. The 1992 mapping actually provides the best representation of actual current site conditions. Wetlands were found to occur within the wooded portion of the site. The impact area of forested wetlands is found on the east side of the property.

A review of historic aerial imagery shows that excavation of existing uplands on the property for a borrow pit happened sometime around 1954. No ongoing borrow excavation work can be seen in more recent aerial photography from 2012 or later.

USDA SOIL SURVEY FOR SUSSEX COUNTY

The current USDA Soil Survey for Sussex County (Web 2.0) maps three well drained to drained upland soil types on the property. These include loamy sand soils in the Hammonton, Ingleside, Pepperbox and Rosedale series. These soils mostly lie within the agricultural portion of the site.

Hurlock loamy sand is mapped within almost all of the forest portion of the property and part of the southern agricultural field. Hurlock loamy sand is considered a hydric soil typical of wetlands unless drained. The southern agricultural field is on a high landscape position, and it has drainage features. It consists of prior converted cropland or upland soils. Aerial topography does not indicate any areas of ponding within the field areas. Much of the forested area mapped as Hurlock loamy sand was delineated as palustrine forested uplands.

As with most man made borrow pit excavation, the soil survey classifies the borrow pit on the site as Udorthents, borrow area. The pit is bordered by soils in the Ingleside series. This is a

well-drained soil and it occurs on well elevated land along the west side of the borrow pit extending onto the adjacent property. This soil type would have been an excellent upland location for a borrow pit which is why it was selected back in the 1950's.

CORPS OF ENGINEERS – IMPACTS & PERMITTING

The proposed project has avoided and buffered all of the 17.5503 acres of palustrine forested wetlands that ERI identified on the property. Proposed impacts to abandoned open borrow pit is not subject to state or federal regulations with respect to wetlands.

The Leeward Chase project as designed has a subdivision road connecting the north portion of the site with the south portion. The proposed road is located where an existing culverted farm road already exists. The existing culvert will be replaced and the roadbed will be widened to meet current road standards. A small impact to the existing drainage channel at this location will be required. This will be an impact to waters only with an impact of less than 0.03 acre.

The proposed work is authorized by the Corps of Engineers by Nationwide Permit No. 14 (Linear Transportation Project). As the impacts only involve waters, formal notification to the Corps is not required, however, the developer will advise the Corps prior to conducting this activity.

FEDERALLY OR STATE LISTED RARE, THREATENED OR ENDANGERED SPECIES

No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species or designated critical habitats on this site. The Service's determination letter dated December 30, 2022 is included as Exhibit 7 of this report.

The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist. This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. Since the open lands of this property are active agricultural lands. Suitable habitat is not present.

DNREC's Division of Fish & Wildlife provided no comments in regard to any concerns regarding any state designated rare species on the property based upon the Office of State Planning Coordination Letter (PLUS Review – 2022-03-03) dated April 19, 2022.

CONCLUSION

The proposed Leeward Chase project is primarily located upon upland agricultural field and parts of an already developed farmstead. Portions of an isolated man made borrow pit will be filled for the development with the remainder serving as a stormwater management pond. This pit is an isolated, unregulated feature excavated out of upland. It is open land, dry in the summer which holds water in the winter similar to a stormwater management pond.

Impacts to upland forest on the property (6.23 acres) will be minimal. A good deal of this upland forest lies within a large block of palustrine forested wetlands located along the east side of the property. All forested wetlands on the site (17.6 acres) will remain undisturbed and buffers are being provided in accordance with Sussex County code.

The project has an internal connector road which will be sited over an existing farm road. There is an existing culvert to be replaced and the road will be widened to County subdivision standards. The work can be conducted in accordance with the terms and conditions of the Corps of Engineers, Nationwide Permit No. 14 (Linear Transportation Project). Notice to the Corps of Engineers will be provided prior to beginning this work which impacts less than 0.03 acre of regulated waters.

There are no records of any state or federally listed rare, threatened or endangered species or their critical habitats.

The project has been designed to have minimal adverse environmental impacts with only agricultural lands and other man made disturbed area being substantially impacted. No impacts to forested wetlands will occur and the extend of upland forest impact is minimal. A large forest block located on the east side of the project site will be preserved.

Exhibit 1

Sussex County Tax Map

FIGURE 1

P. 98.06



P. 98.01



PIN:	135-15.00-98.00
Owner Name	MOORES MEADOWOOD FARM LLC
Book	2926
Mailing Address	PO BOX 447
City	GEORGETOWN
State	DE
Description	S/RT 9
Description 2	E OF RD 319
Description 3	
Land Code	

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries
- Sussex_Co
 - Depression Index
 - Depression Intermediate
 - Normal Index
 - Normal Intermediate

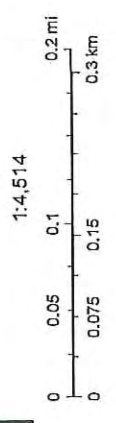
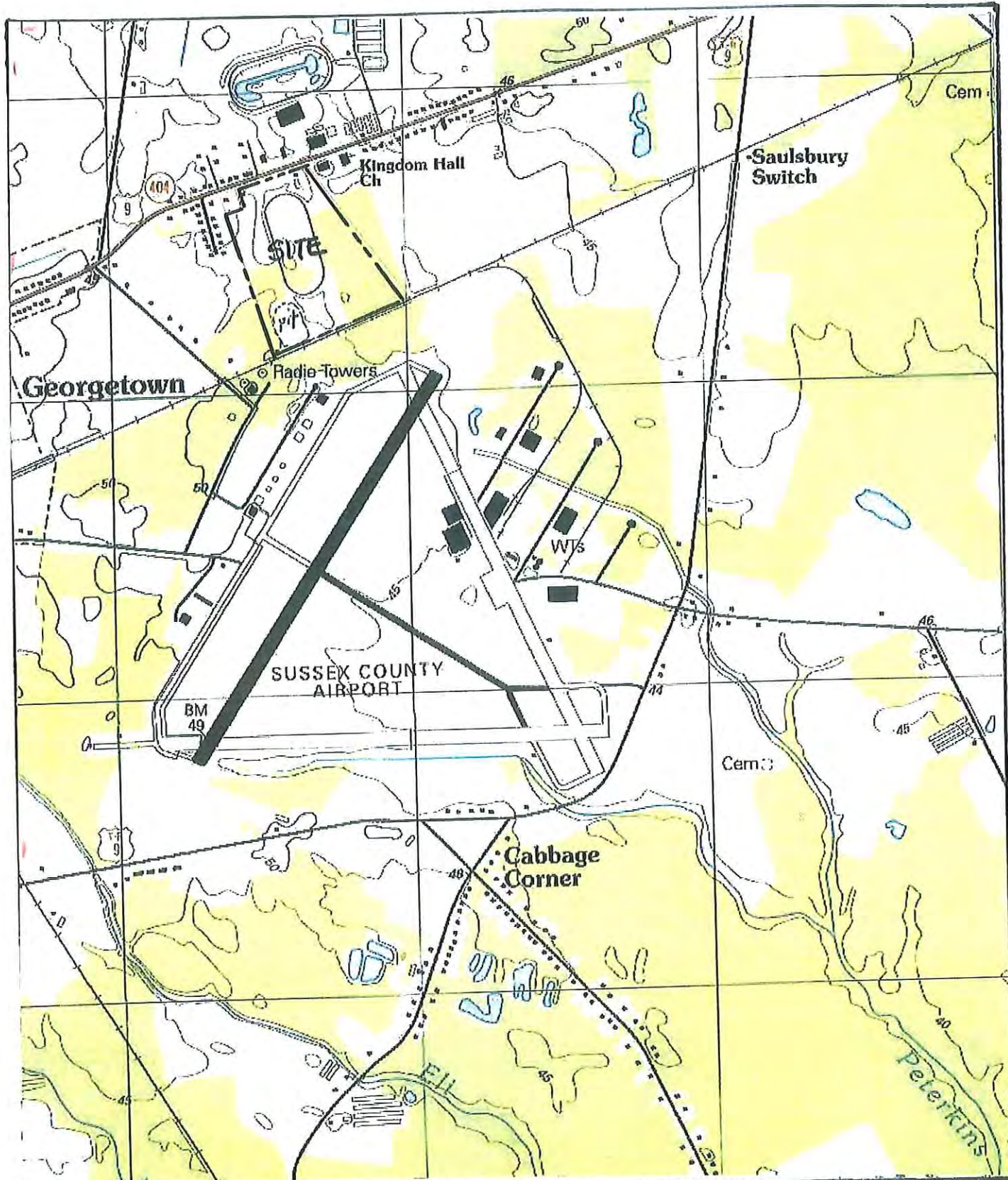


Exhibit 2

USGS Topographic Survey Quadrangle

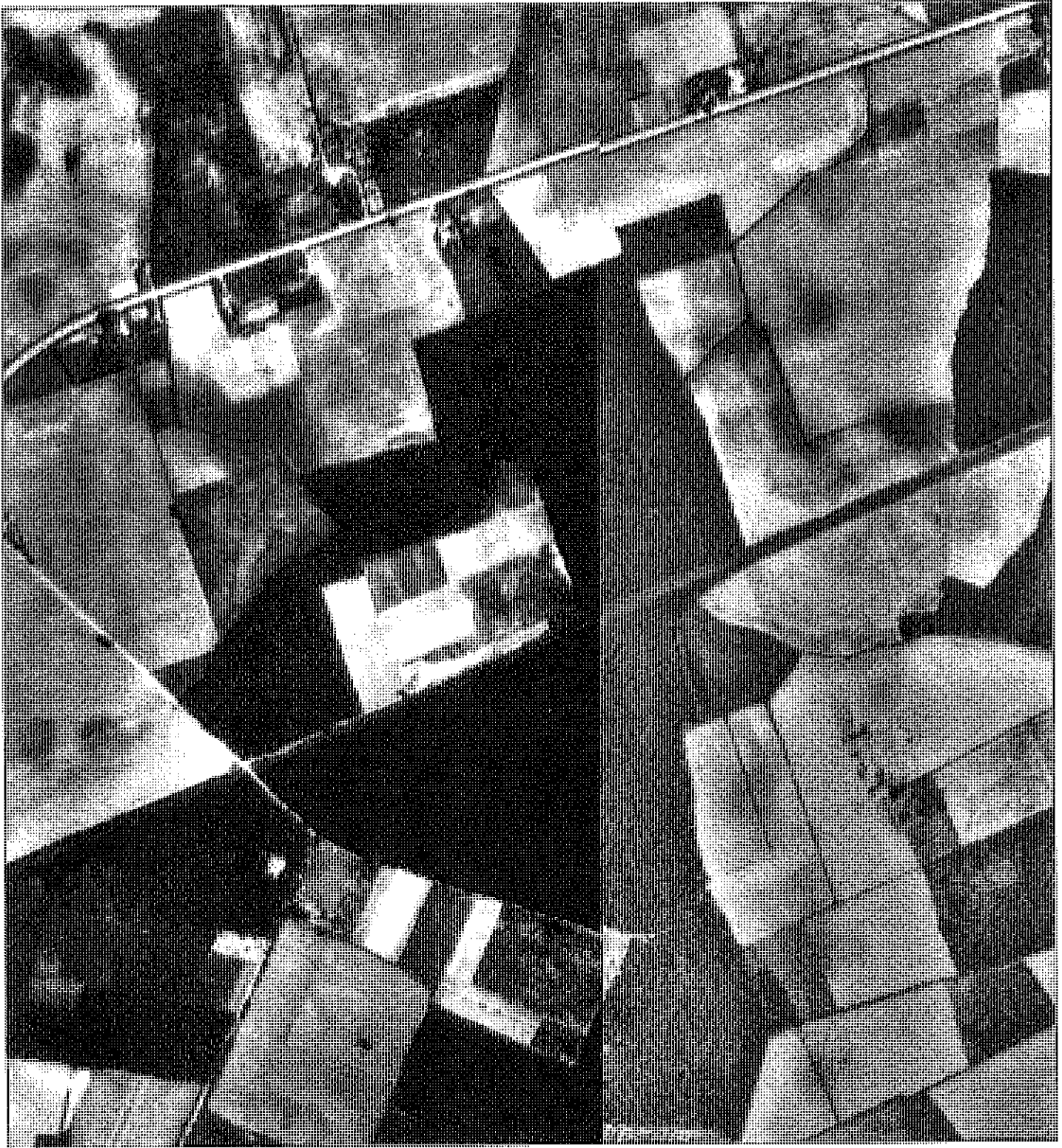


	<p>SUSSEX COUNTY TAX MAP PARCELS 135-15.DD-9800208.01</p>	<p>HARBESON QUADRANGLE LOCATION MAP USGS TOPOGRAPHIC 2019</p>	<p>LOCATION MAP MOORE MEADOWOOD FARM GEORGETOWN HUNDRED</p>
<p>ERI ENVIRONMENTAL RESOURCES, INC.</p>	<p>Date: Revisions:</p>	<p>Dwn.By: JRW Proj.No.: 1028#1163</p>	<p>SHEET: 2</p>

Exhibit 3

1937 Site Imagery

Delaware Historic Maps



8/28/2022, 5:30:40 PM

1937

1:9,028

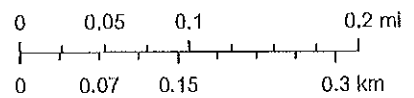


FIGURE 3

Esri, NASA, NGA, USGS, FEMA, USDA Agricultural Stabilization and Conservation Service, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

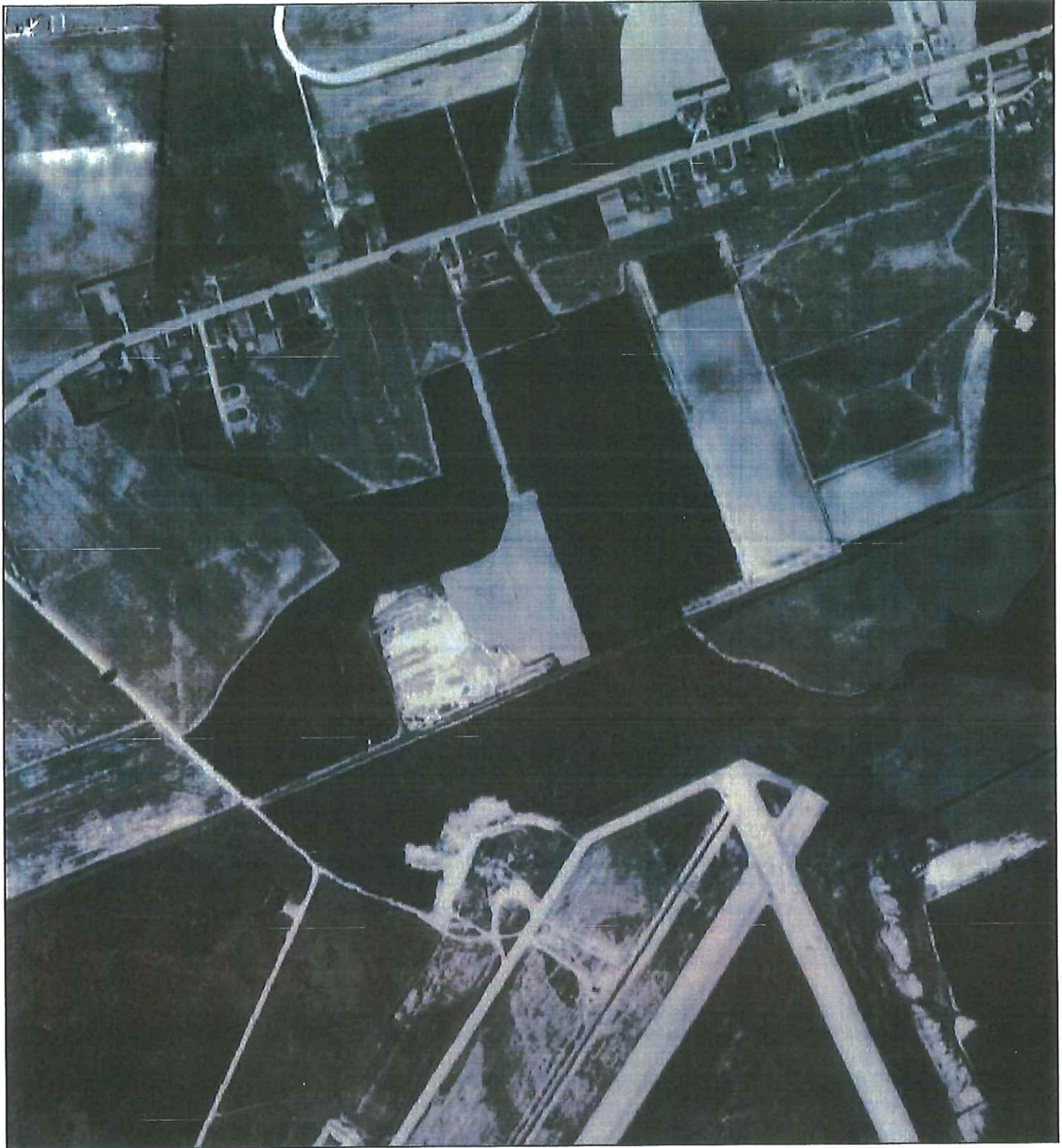
FirstMap Delaware

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Exhibit 4

1954 Site Imagery

Delaware Historic Maps



8/28/2022, 5:32:52 PM

Imagery 1954

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

1:9,028

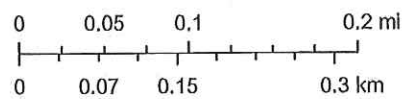


FIGURE 4

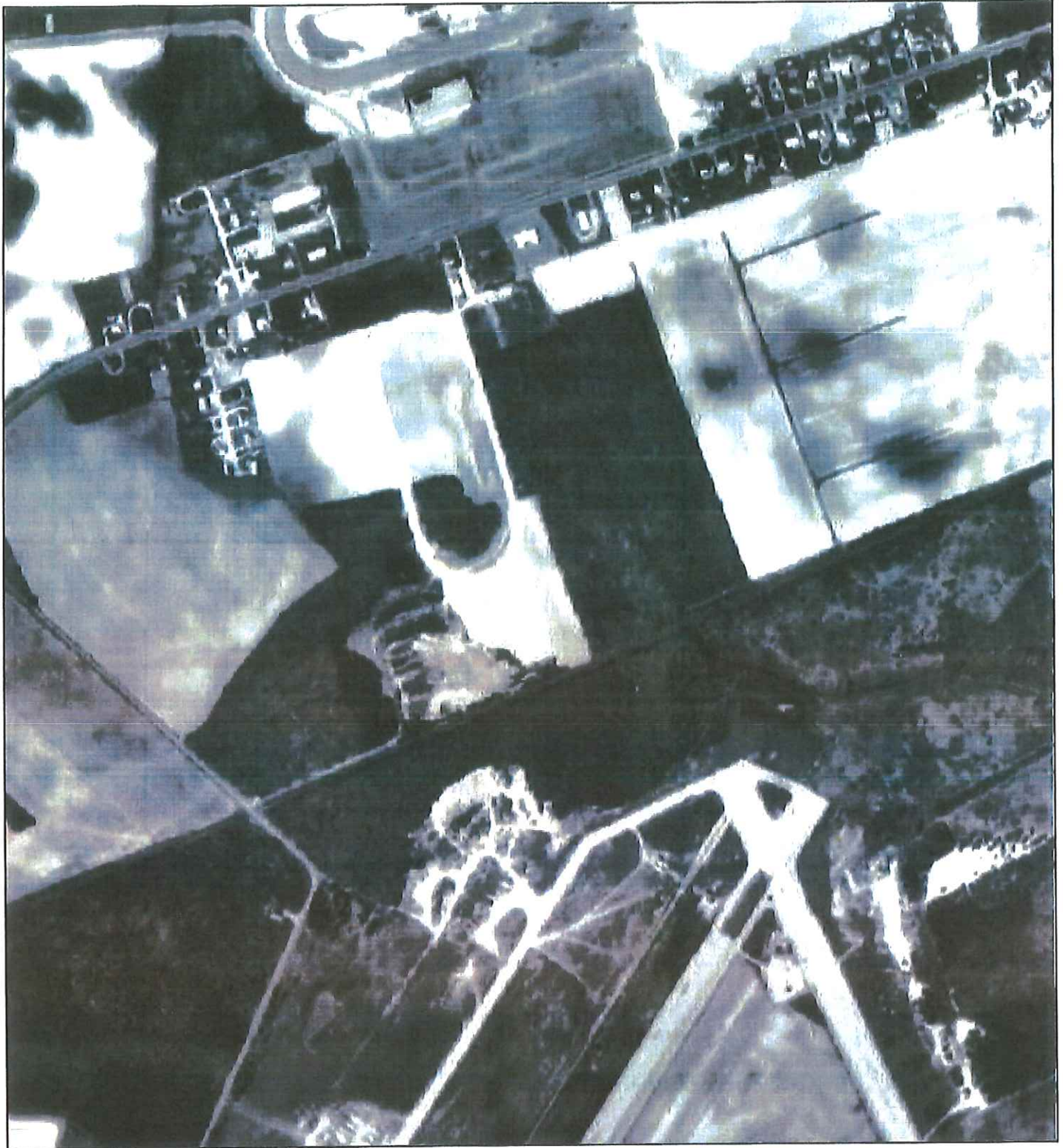
Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

FirstMap Delaware

Exhibit 5




1968 Site Imagery

Delaware Historic Maps

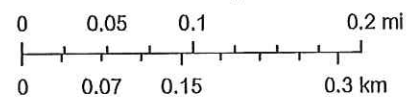


8/28/2022, 5:34:16 PM

Imagery 1968

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

1:9,028



FIGURES

Esri, NASA, NGA, USGS, FEMA, USDA Agricultural Stabilization and Conservation Service, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS.

FirstMap Delaware

Exhibit 6




2012 Site Imagery

Delaware Historic Maps



8/28/2022, 5:37:29 PM

Imagery 2012

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

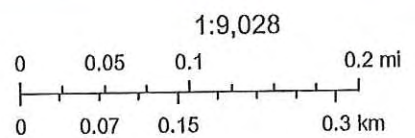


FIGURE 6

Esri, NASA, NGA, USGS, FEMA, Digital Aerial Solutions, LLC, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

FirstMap Delaware

Exhibit 7

U.S. Fish & Wildlife Service Species List December 30, 2022

Exhibit 8

Site Photographs



United States Department of the Interior



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

In Reply Refer To:
Project Code: 2023-0029497
Project Name: Leeward Chase Residential Community

December 30, 2022

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

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

Official Species List

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

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Project Code: 2023-0029497
Project Name: Leeward Chase Residential Community
Project Type: Residential Construction
Project Description: Construction of a multifamily residential community on the upland portion of the property

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.69918445,-75.35996372916736,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

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

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

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

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

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

Insects

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

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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

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

Wetlands

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

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

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

FRESHWATER EMERGENT WETLAND

- [PEM1Ex](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1E](#)
- [PFO1/4Bd](#)
- [PFO1Bd](#)

RIVERINE

- [R4SBAx](#)

FRESHWATER POND

- [PUBFx](#)
 - [PUBHx](#)
-

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email: elaunay@ericonsultants.com

Phone: 3024369637

Exhibit 8

Site Photographs

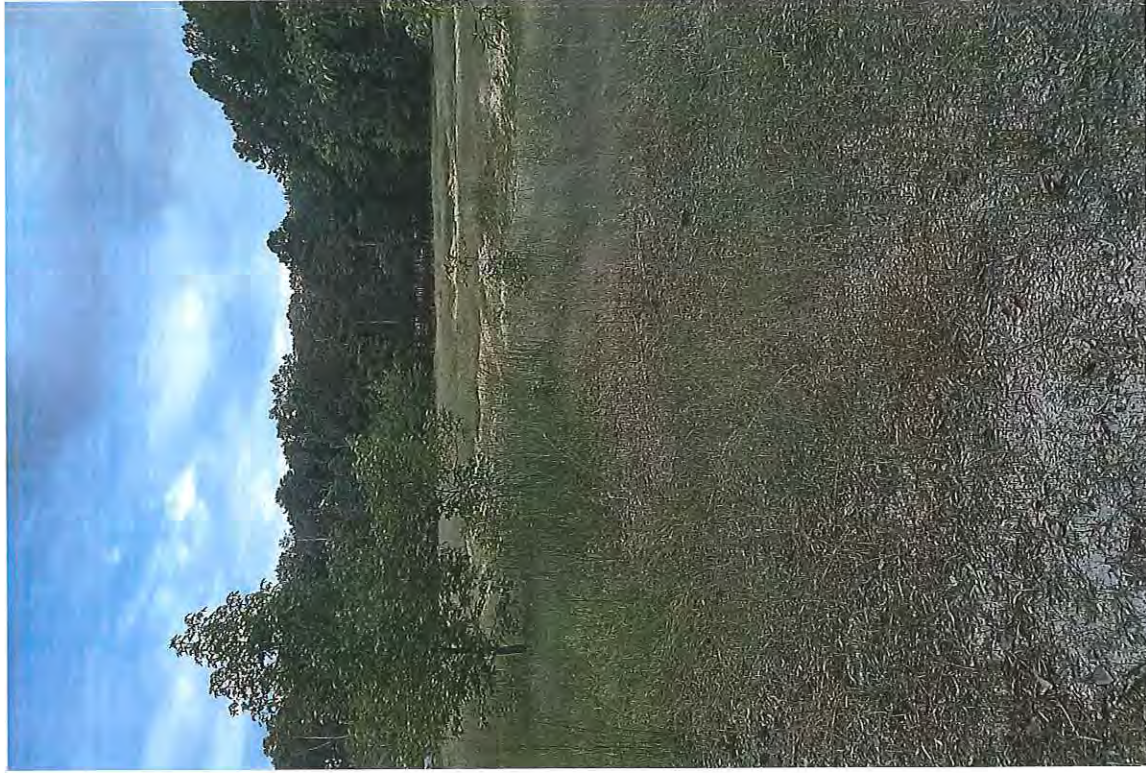


Photo 1 Open grass and scrub
borrow pit area in dry
condition



Photo 2 - Grassed borrow pit area
with few water filled depressions



Photo 3 Typical view of agricultural lands from U.S Route 9

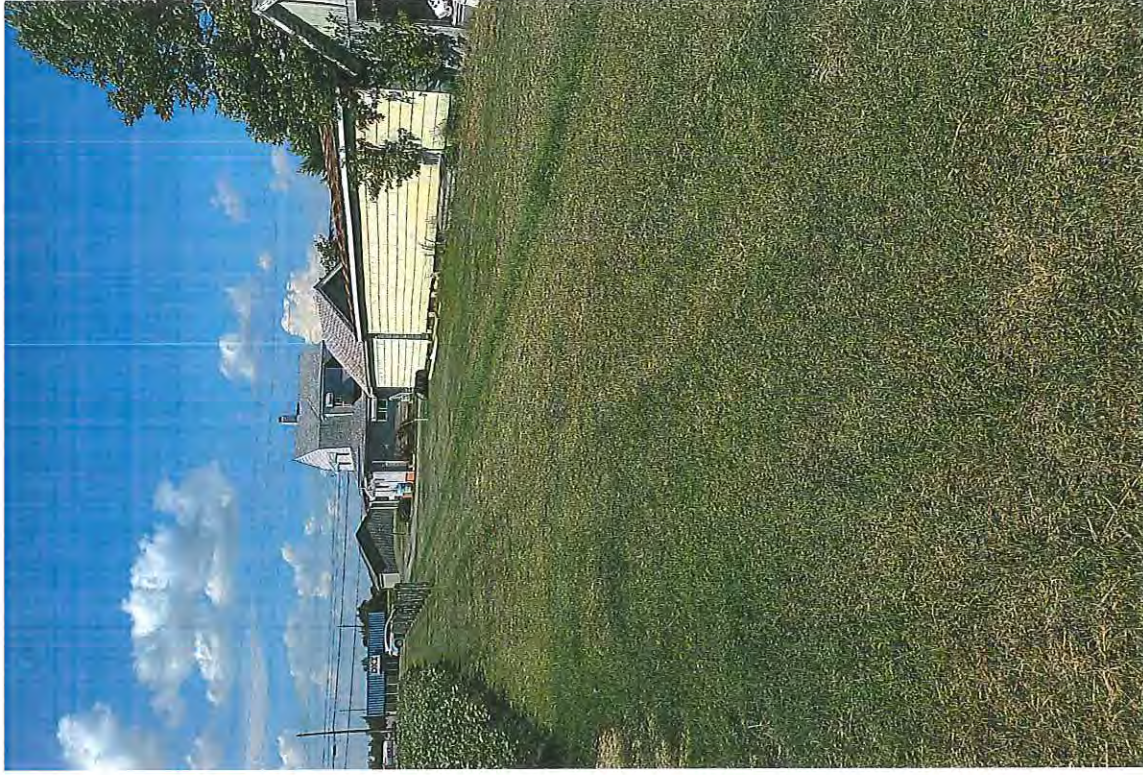


Photo 4 View of farmstead and pasture area from the northeast corner of property looking toward U.S Route 9



Photo 5 Drainage Channel & Existing Culverts on east edge of farm road to be widened



Photo 6 Typical view of mature forested wetlands. Dry summer conditions



Photo 7 - Former horse track
constructed through forest on
south side of site

Jason Palkewicz, Professional Engineer

CEO

EDUCATION

BE, Environmental Eng., 1995
Hofstra University

MS, Civil Eng., 1999
University of Toledo

REGISTRATIONS

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

MEMBERSHIPS

- LEED, AP

PROFESSIONAL SUMMARY

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

SPECIAL PROJECT EXPERIENCE

- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Chase Oaks, Sussex County, DE** – The civil engineer project manager for this 253 unit coastal area cluster subdivision located on Robinsonville Road. The project included planning, entitlement, roadway, grading, stormwater management, sanitary sewer, pump station and DelDOT entrance design.
- **Headwater Cove, Sussex County, DE** – Prepared construction drawings and plats for a 163 unit residential subdivision on Dorman Road. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.