



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 22, 2023

W. Zachary Crouch, P.E.  
Davis, Bowen & Friedel, Inc.  
1 Park Avenue  
Milford, DE 19963

RE: PLUS review – 2023-02-09; Cress Property

Dear Mr. Crouch:

Thank you for meeting with State agency planners on February 22, 2023 to discuss the proposed plans for the Cress Property. According to the information received, you are seeking review of a site plan for the construction of a Residential Planned Community containing 535 dwelling units on 151.7 acres in the Town of Frankford.

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 Town of Frankford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.**

**Strategies for State Policies and Spending**

This project is located within Investment Levels 2, 3, and 4 according to the 2020 Strategies for State Policies and Spending. This site was annexed into the town of Frankford on February 6, 2023.

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. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because development within an Investment Level 4 is inconsistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning is opposed to development in the Level 4 area. Therefore, the applicant should concentrate the development of this parcel to the Level 3 area and remove any development within the Level 4 area. The site plan does show the small area of Level 4 as passive open space. This office urges the developer and the town to maintain this area as open space as the project moves forward through the approval phase.

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

#### **Department of Transportation – Contact Stephen Bayer 302-760-4834**

- The site accesses on Pepper Road (SCR 376) and Frankford School Road (SCR 92) 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>. Entrance configuration on Frankford School Road will be discussed during the TIS process.
- 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](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- 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 11th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development, consisting of 277 detached single family houses and 258 single family attached houses, would generate 4,491 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 316 and 410, respectively. Therefore, a TIS would normally be required.
  - 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. In addition to whatever other offsite improvements may be identified, DelDOT anticipates requiring the developer to improve Pepper Road and Frankford School Road, within the limits of their frontage, to meet DelDOT's standards associated with their Functional Classifications. Pepper Road is a Local Road, for which the standard includes 11-foot lanes and 5-foot shoulders. Frankford School

Road is a Local Road, for which the standard includes 11-foot lanes and 5-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.

- Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Kevin Hickman. Mr. Hickman may be reached at [Kevin.Hickman@delaware.gov](mailto:Kevin.Hickman@delaware.gov) or (302) 760-2461.
- 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. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Pepper Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Frankford School 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 450 feet of the proposed entrance on Pepper Road and within 300 feet of the proposed entrance on Frankford School.
  - 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. Although a portion of the project is located in Investment Area 3, sidewalk or Shared Use Paths are required for all projects that generate a total of 2,000 Average Daily Trips (ADT) or more. DelDOT anticipates requiring the Sidewalk or SUP on Pepper Road to extend to Thatcher Street

(SCR 54). The limits for Sidewalk or SUP on Frankford School Road will be discussed during the TIS and Plan Review Process.

- 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 Pepper Road and Frankford School Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Contact Clare 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.

### **Concerns Identified Within the Development Footprint**

#### **Wetlands and Subaqueous Lands**

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site. The application indicates that wetlands have not been delineated, but the delineation is in progress.

Requirements:

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.
- A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. For a list of consultants and engineers who can

conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WLSL/Consultant%20List.pdf>

- If a wetland delineation confirms the presence of wetlands on site, include mapped wetland boundaries on site plans.

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/>

### **Vegetated Buffer Zones**

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

Requirements:

- If a wetland delineation confirms the presence of wetlands on site, 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/>

### **Special Flood Hazard Area**

According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. No structures and features are proposed within the floodplain.

A portion of this site is also situated within the moderate risk floodplain, or 500-year floodplain (0.2% annual chance of flooding), identified as a shaded zone-X.

Requirements:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the

boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://floodplanning.dnrec.delaware.gov/>

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/>

### **Stormwater Management**

If the project proposes greater than 5000 square feet of land disturbing activities, it 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 the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

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

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D soils (poorly and very poorly drained) have been identified over 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](mailto:DNREC.Stormwater@delaware.gov).

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

### Wastewater Disposal Systems – Small Systems

An expired permit (permit # 810-92S) exists for this site in the Small System Branch database.

Requirements:

- Contact the DNREC Commercial and Government Services Section to discuss requirements for properly abandoning these systems.

Contact: DNREC Commercial and Government Services Section at (302) 856-4561

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

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

### Proposed Project Parcel Flood Concern

- The majority of this parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**; however the section directly northwest of the property appears to fall within a **1% Flood Concern for 100 years** and a regulatory floodway, identified as Zone AE in a Special Flood Hazard Area. According to the submitted application, it would appear that the majority of the flood areas are being undisturbed, described as passive open space. However, it is possible that several properties along that north/western quadrant fall inside or immediately adjacent to the flood areas. Any property within such areas must follow NFIP regulations, including but not limited to a separate flood insurance policy as required for mortgages.



### Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone D.



\*\*\*DEMA recommends and encourages the *County Evacuation Zone Location* to be made publicly available to businesses and patrons through signs, pamphlets, or other means.

### Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

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

- The potential for precontact archaeological resources within the project area is low based on the presence of poorly drained soils, and generally low lying and frequently flooded topography. Furthermore, the area has seen significant disturbance in the way of extensive ditching and drainage improvements.
- The potential for historic period archaeological resources is medium to high along the road and within undisturbed field located near the north of the project area. Our office has record of a potential unmarked cemetery located on north Pepper Road just outside of the currently proposed project area – while this could represent a small family cemetery well outside of the project area, the area should still be assessed by an archaeologist.



- SHPO recommends that an archaeologist be hired to evaluate the project area for potential human remains, as well as for historic period archaeological materials associated with the previously mentioned historic structures lining Pepper Road.

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

This document is for information purposes only and 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 1,000 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 residential occupancy use sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Fire Protection Features**

- For townhouse buildings, provide note for 2-hour fire separation between townhomes and 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 roads to the subdivision must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door for one- and two-family dwellings.
- 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
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if any buildings are to be sprinklered
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads

### **Recommendations/Additional Information**

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- 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 Pepper Road and Frankford School Road.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

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

### **Wetlands and Subaqueous Lands**

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

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/>

### **Vegetated Buffer Zones**

- If a wetland delineation confirms the presence of wetlands on site, incorporate a 100-foot vegetated buffer zone from the edge of wetlands and all waterways 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/>

### **Removal of Mature Forest**

The preliminary plan proposes the elimination of approximately 6 of 10 acres of forest on the site. An analysis of historical data indicates that the forest area located on 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 1<sup>st</sup> to July 31<sup>st</sup>. 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 Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

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

### **Key Wildlife Habitat**

Vines Creek, located on the northern portion of the site, is mapped as Key Wildlife Habitat in the Delaware Wildlife Action Plan.

- Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.
- In the interest of water quality and wildlife habitat, we recommend maintaining an upland buffer of at least 100 feet along rivers, streams and wetlands. This buffer should not be a maintained lawn area and should not contain lot lines or infrastructure. We recommend

the buffer area be comprised of the existing vegetation or planted with Delaware native species of trees, shrubs, grasses or wildflowers.

- Appropriate erosion and sediment control measures should be taken during construction activities to minimize potential impacts to the stream system. For erosion control, we recommend (if feasible) using materials that are biodegradable and that do not include plastic netting or have welded-joint poly-based matting. Wildlife entanglement in rolled erosion control products (RECP), especially those that contain plastic netting, is well documented.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

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

### **Special Flood Hazard Area**

- As proposed, locate all structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/>

### **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](mailto:DNREC.Stormwater@delaware.gov).

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

### **Drainage**

- An extensive network of ditches spans across the site, appearing to drain to Vines Creek. Developing this site will greatly impact drainage patterns.

- 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 any 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/>

### **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.

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

### **Additional Sustainable Practices**

- Install electric vehicle (EV) charging stations for your residents in parking areas and build garages to be "EV-ready". Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. Residents will increasingly expect options for EV charging and EV-readiness will be a selling point for homes. Installation costs can vary significantly depending on the parking and electricity distribution at a given location, so it is often easier and cheaper

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 on community buildings to reduce energy costs and further reduce pollution created from offsite generation. Additionally, offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. 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.
- Incorporate nonmotorized connectivity and install bicycle racks at amenity areas 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.

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

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

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

## **Population**

- 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(s) the project is located on has a total population of 71, though, with development, this will undoubtedly change.
- The adjacent blocks aggregate bring the area to a total population of 273.

### FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

$$\begin{aligned} & \text{Expected Annual Loss} \\ & \times \text{ Social Vulnerability} \\ & \div \text{ Community Resilience} \\ \hline & = \text{Risk Index} \end{aligned}$$

- According to FEMA's National Risk Index, the parcel is considered **relatively low** for overall natural hazards risks.
- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.
- Its community resilience and social vulnerability are rated as **relatively moderate**.

### Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes electricity as the predominant fuel type for heating purposes.
- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities.
- Regarding 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 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.

### **Delaware Emergency Management Agency (DEMA) Questions/Comments**

- In regard to the potential construction within or alongside the floodzone to the north and western sections of the parcel, DEMA does not encourage new construction in or immediately adjacent to these areas since water knows no boundaries. However, should construction still occur, DEMA recommends flood mitigation measures be implemented into the construction, such as:
  - elevating the home/facility above the base flood elevation plus freeboard
  - elevating/placing on stilts all utilities and infrastructure items as appropriate and permitted (raising hot water heaters, hvac units, etc.)
  - Using wet/dry floodproofing techniques recommended by FEMA: [HGTR\\_sec6.p65 \(fema.gov\)](#) or [Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings \(fema.gov\)](#) as appropriate and permissible
  - Additional sump/water pumps as necessary.
- Lastly, DEMA recommends that natural and/or appropriate vegetation be added, following any Environmental or habitat concerns and through any applicable DNREC guidance, to help further create a natural buffer from flooding. Specific plant species may be known to absorb greater amounts of water during potential minor flooding events.

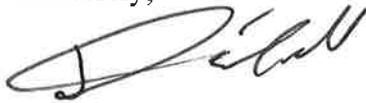
### Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- Although not a requirement of the Delaware State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to install home fire sprinkler protection in all residential dwellings.
- The Office of the State Fire Marshal 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](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

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

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

Sincerely,



David L. Edgell, AICP  
Director, Office of State Planning Coordination

CC: Town of Frankford

Attachments:

Sussex County Planning & Zoning Comments  
Sussex County Engineering Comments

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

**Preliminary Land Use Service (PLUS) Meeting**  
**February 22, 2023**  
**December PLUS Comments**  
**Sussex County Department of Planning & Zoning**

**I. Review and Discussion: Cress Property (2023-02-09)**

**Location:** The east side of Pepper Road (S.C.R. 376) & south side Frankford School Road (S.C.R. 92), Frankford.

**Project:** Review of a plan proposing 535 residential units.

**Sussex County Department of Planning & Zoning Comments**

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302)855-7878 or you may reach out to Michael Lowrey at [michael.lowrey@sussexcountyde.gov](mailto:michael.lowrey@sussexcountyde.gov).

Following submission to the County, staff will review the Preliminary Site Plan, where more detailed comments will be provided to the Applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

Please note that the following are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of any application submitted to the Department.

**Tax Parcel ID(s):** 533-1.00-38.00, 28.00, & 28.01

**Proposed:** The project proposes annexation into the Town of Frankford and a Change of Zone to accommodate 535 residential units comprised of 277 single family lots and 258 multifamily (townhouse) units on three parcels comprised of  $\approx$  151.7 acres. The Plan proposes a Change of Zone from AR-1 (Agricultural Residential District) to Frankford's RPC District. **If annexation were to be denied, Sussex County Planning & Zoning offers the following comments assuming the parcel is not annexed and the existing zoning at the site.** Under Sussex County Code, a Change of Zone would be required with the County's similar RPC Zoning District as the most likely alternative to accommodate the proposal. In addition to the 535 proposed units, the Plan includes amenities, open space, and stormwater management features with site access via Pepper Road (S.C.R. 376) & Frankford School Road (S.C.R. 92).

**Zoning:** The parcels are zoned Agricultural Residential (AR-1). The Plan would require a Change of Zone in order to facilitate a density in excess of 2 DU/AC which is the maximum

permitted in the AR-1 Zoning District. RPCs and Conditional Uses support 12 DU/AC. Additionally, the Plan proposes multifamily improvements which require approval as a Conditional Use unless a Change of Zone to RPC were to be approved. If a Change of Zone and/or Conditional Use were approved, the proposed improvements could somewhat comply with Sussex County Code with exception to requirements including minimum lot size, provision of buffers, and open space. Staff note that a Cluster Subdivision is another available option in conjunction with a Conditional Use approval necessary for multifamily improvements. This option would include superior design standards and the design of the Applicant's current proposal may not meet these requirements. Please note, the Planning and Zoning Commission may include conditions of approval to ensure screening and access design considerations specific to the site's location or to reflect the code standards for similar uses in other zoning districts.

**Density:** The proposed density of  $\approx 3.53$  dwelling units per acre would comply with the Code requirements for residential improvement if the aforementioned Change of Zone or Conditional Use were approved by County Council. For example, the Medium-Density Residential (MR) Zoning District allows (4-12) dwelling units per acre when serviced by a central sewer system (§115 Attachment 2 – Table 2). Please note, Residential Planned Community (RPC) District density is governed by a parcel's underlying zoning district.

**Applicability to Comprehensive Plan:** The project lies within the Growth Area and is categorized as "Coastal Area" and "Developing Area" (per the 2018 Comprehensive Plan). Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play (2018 Sussex County Comprehensive Plan, 4-9). The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics (2018 Sussex County Comprehensive Plan, 4-15). The Plan also notes that "a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units." (2018 Sussex County Comprehensive Plan, 4-15).

The Growth Area categorized as "Developing Area" (per the 2018 Comprehensive Plan) at the site includes the western portion adjacent to Pepper Road and the municipal boundary of the Town of Dagsboro. The proposed improvements are almost entirely outside of these parcels. Developing Areas are areas adjacent to municipalities which are "newer, emerging growth areas that demonstrate the characteristics of development pressures." The Plan also notes that "a range of housing types should be permitted in Developing Areas, including single-family homes, townhouses, and multi-family units." (2018 Sussex County Comprehensive Plan, 4-14). The Plan notes that a density of (4-12 units per acre) can be appropriate for both the Coastal and Developing Areas and includes guidelines for higher density (4-12 DU/AC) as follows (2018 Sussex County Comprehensive Plan, 4-14,4-16):

- Central Water & Sewer
- Near Sufficient Commercial Uses & Employment Centers
- Keeping with the Character of the Area
- Along Main Road - Near Major Intersection



- Adequate Level of Service
- Other Considerations

If the parcel were not to be annexed, the Plan would require a Change of Zone to a District applicable to “Coastal Area” and “Developing Area”, possibly a Conditional Use approval, and likely some revisions to Plan’s overall design to meet Sussex County Zoning standards.

**Open Space Provisions:** The proposed plan includes 19.2 acres +/- (out of a total of 151.7 acres) of open space which equates to approximately 13% of the project site. Under County Subdivision and Zoning Codes, the Plan would likely require the provision of more open space under the standards for RPCs and Cluster options.

**Interconnectivity:** Staff recommend interconnectivity between proposed developments in order to prevent only one-way-in, one-way-out access in the event that an emergency should occur on the property in the future. Staff recommend the Applicant include a stub(s) for possible future connection to the undeveloped land to the east of the site on Gum Road.

**Transportation Improvement District (TID):** The proposed project **is not located** within the Henlopen TID.

**Agricultural Areas:** The site is located within the vicinity of parcels which appear to be actively farmed. Please include on any plans submitted the Agricultural Use Protection notice located in (§99-6(G)(1)) of the County Code. This language shall also be included within any subsequent deed restrictions, leases, or agreements of sale for the property.

**Forested Areas:** The Applicant notes that there are presently (9.95) acres of existing forest on the site and that (5.75) acres will be removed. Therefore, the site is retaining (4.2) acres of forested area. Staff appreciate efforts to conserve as many mature trees as possible on the project site. Additionally, staff note that the Planning & Zoning Commission may require vegetated buffers and/or the preservation of existing trees on certain areas in a plan as part of a Conditional Use approval for the multifamily dwellings. Additionally, given the limited information on the Plan provided, Staff note that the Plan may not meet the County’s requirements for buffers, resource protection, or provision of open space when applied against the current County standards for RPC, Cluster development, resource protection, or multifamily improvements.

**Wetlands/Waterways:** The Application notes that there are no Tidal Wetlands present and indicates that the presence of any non-tidal wetlands is unknown. Any proposed plan for the site will be required to denote the regulatory categorization for any wetlands present on the site and meet all the wetland buffer standards included in (§115-193). Staff note the presence of Vines Creek at the western boundary of the site. (§115-193(B)) requires a fifty-foot buffer zone landward from the ordinary high water line of perennial streams, excluding tax ditches where the waters are not located “on or within perennial streams” (§115-193(C)). The Applicant may need to provide relevant data from a wetlands scientist or similar qualified professional demonstrating the classification of the corridor adjacent to the Stream. Staff also note that there appear to be historic irrigation channels throughout the site.



**Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.):** The property is located within Flood Zones X, (0.2%), and AE. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within an area of “poor” Groundwater Recharge according to Sussex County GIS data. Please note this on the plans in order to comply with the provisions of Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7). Staff note that the site is **not** within a Wellhead Protection Area.





Visit [de.gov/plus](https://de.gov/plus) for updates

**Preliminary Land Use Service (PLUS) Meeting**  
**Meeting will be conducted on-line and in person**  
**Room 133, Haslet Armory**

**122 Martin Luther King Jr. Blvd., South**

Please see <https://publicmeetings.delaware.gov/> for link to on-line access

**February 22, 2023**

**Applicants should arrive at least 15 minutes before their appointed time. Times are approximate and are subject to change.**

**Public comment will be heard at the end of each PLUS application after the State Agencies have shared their comments with the applicants. Each person wishing to comment on the application under review will have up to 3 minutes.**

- I. 8:30 AM **Pre-Meeting Discussion – PLUS Reviewers**
- II. 9:00 AM **Review and Discussion: Silver View Farm (2023-02-05)**  
**County:** New Castle      **Municipality:** Unincorporated  
**Location:** 994 Vance Neck Road, Middletown  
**Project:** Review of a proposed Subdivision Plan to create 192 residential lots and open space on 122.84 acres zoned S with proposed Open Space option.
- III. 9:30 AM **Review and Discussion: DHCI – New Hospital (2023-02-06)**  
**County:** Kent      **Municipality:** Smyrna  
**Location:** 100 Sunnyside Road.  
**Project:** Review of a proposed Site Plan for the construction of a new 120 bed facility with 117,000 gross square footage on existing 15 acres campus zoned I & R (Institutional and Residential).
- IV. 10:00 AM **Review and Discussion: Savannah Farms (2023-02-08)**  
**County:** Kent      **Municipality:** Camden and Wyoming  
**Location:** Willow Grove Road & Moose Lodge Road, Camden-Wyoming.  
**Project:** Review of a Rezoning and Site Plan to change the zoning from R1 & R3 to R2 & R3 for the construction of a mixed unit type development consisting of 1,148 residential units on 361.11 acres.
- V. 10:30 AM **Review and Discussion: Dewey Beach Comprehensive Plan Amendment – 100 Buena Street (2023-02-01)**  
**County:** Sussex      **Municipality:** Dewey Beach  
**Location:** 100 Buena Street, Dewey Beach

**Project:** Review of a Comprehensive Plan Amendment to amend the Future Land Use Map from Commercial to Resort Residention to allow for a change in zone from Resort Business 2 District to Resort Residential District..

**The proposed project is located within the City/Town/Growth and Annexation Area of Dewey Beach. The Sussex County Engineering Department does not have comments for this project.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

VI. 10:45 AM **Review and Discussion: Long Property – Selbyville (2023-02-04)**

**County:** Sussex

**Municipality:** Selbyville

**Location:** West of 113, east of Cypress Road, Selbyville.

**Project:** Review of a Rezoning and Site Plan to rezone 48 acres from GC (General Commercial) to R4 with a Residential Planned Community overlay for the construction of a mixed-use development consisting of 106 single-family dwelling units and 5,000 SF of commercial.

**The proposed project is located within the City/Town/Growth and Annexation Area of Selbyville. The Sussex County Engineering Department does not have comments for this project.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

VII. 11:15 AM **Review and Discussion: DE Storage Greenwood (2023-02-03)**

**County:** Sussex

**Municipality:** Unincorporated

**Location:** East side of Route 13, north of Route 16, Greenwood.

**Project:** Review of a Site Plan to construct a 109,620 SF storage facility on 20.168 acres with proposed zoning of Highway Commercial upon annexation into the Town of Greenwood.

**The proposed project is located within a Tier 1 & 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required. Annexation into the Town of Greenwood is required to obtain sanitary sewer services.**

**A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.**

**The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.**



**One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

VIII. 11:45 AM **Review and Discussion: Cress Property (2023-02-09)**

**County:** Sussex County      **Municipality:** Unincorporated

**Location:** Between Pepper Road & Frankford School Road, south of Frankford.

**Project:** Review of a Site Plan for the construction of a Residential Planned Community containing a total of 535 dwelling units on 151.7 acres zoned AR-1 with proposed zoning of RPC. Requesting annexation into the Town of Frankford.

**The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.**

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

**The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.**

**One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

IX. 12:15 PM **LUNCH**

X. 1:15 PM **Review and Discussion: Gravel Hill – Shingle Point (2023-02-02)**

**County:** Sussex      **Municipality:** Unincorporated

**Location:** Approximately 1,600 feet south of the intersection of Shingle Point Road and Gravel Hill Road

**Project:** Review of a proposed Subdivision for a 94-unit cluster subdivision on 63.1 acres zoned AR-1.

**The project is within a Tier 3 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

- XI. 1:45 PM **Review and Discussion: Long Property (2023-02-07)**  
**County:** Sussex **Municipality:** Unincorporated  
**Location:** South side of Lighthouse Road (Rt. 54) at the intersection with New Road (SCR 391).  
**Project:** Review of a Rezoning and Site Plan for 37.52 acres zoned AR-1 with proposed zoning of MR for the construction of a 108 single-family residential condominium community.

**The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.**

**A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.**

**The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.**

**One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XII. 1:30 PM **Review and Discussion: Justice Property (2023-02-10)**  
**County:** Sussex **Municipality:** Unincorporated  
**Location:** Southwest side of Old Mill Road, 1,700 feet southwest of Whites Neck Road.  
**Project:** Review of a proposed Site Plan for the construction of a mixed unit type development consisting of 128 residential units on 10.68 acres zoned C-1.

**The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.**

**A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional**

parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XIII. 2:45 PM **Review and Discussion: Family-Owned Hydroponic Greenhouse (2023-02-11)**  
**County:** Sussex **Municipality:** Unincorporated  
**Location:** Intersection of Adams Road and Newton Road, Bridgeville  
**Project:** Review of a proposed Site Plan for the construction of a 60-acre greenhouse facility on 93 acres zoned AR-1 with a Conditional Use.

The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required. Annexation into the Town of Bridgeville is required to obtain sanitary sewer services.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

- XIV. 2:15 PM **Review and Discussion: Sussex County Master Plan Zone Ordinance (2023-02-12)**  
**County:** Sussex **Municipality:** Unincorporated  
**Location:** Entire County  
**Project:** Review of a proposed Ordinance to create a new Master Plan Zoning District (MPZ) within Chapter 115 of the Code of Sussex County.

**The proposed project is located within the City/Town/Growth and Annexation Area of Sussex County. The Sussex County Engineering Department does not have comments for this project.**

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

**The agenda items times are approximate and subject to change. This agenda is subject to change to include additional items or the deletion of items, which arise at the time of the meeting.**