STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

July 22, 2024

Steve Fortunato, P.E.
Bohler Engineering, LLC
18958 Coastal Highway, Suite D
Rehoboth Beach, DE 19971

RE: PLUS review – 2024-06-05; The Wren

Dear Mr. Fortunato:

Thank you for meeting with State agency planners on June 26th to discuss The Wren project. According to the information received, you are seeking a review of a proposed Residential Subdivision with approximately 64 single family homes on 64.11 acres zoned AR-1 (Agricultural Residential). The proposed subdivision is located on Godwin School Road near Millsboro.

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 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.**

Strategies for State Policies and Spending

This project represents a major land development that will result in 64 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*.

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.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this

development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

In addition, the development of this site may be environmentally inappropriate due to the following:

- DNREC reviewers have concerns about the potential for drinking water contamination that could result from proximity between each septic and each well, given that half-acre lots are proposed. The large number of septic systems (64) that would be infiltrating into the soil in the Excellent Groundwater Recharge Area (covering the entire site) may pose risks to drinking water sources. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations. For this reason, a community septic system is recommended if unable to tie into the central sewer.

- The preliminary plan proposes the elimination of approximately 40.7 of 56.9 acres of forest on the site. This represents a 71% removal of the forest resource. An analysis of historical data indicates that all the forest, except that within the northwest corner of the property, 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. 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.

- The forest on this property is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because it is part of a large forest block that can support an array of plant and animal species across the landscape.

Because the development is inconsistent with the Strategies for State Policies and Spending, the Department is opposed to this subdivision**.**

With that said, this property is within the Proposed Future Annexation area for the Town of Millsboro and does have a FLUM designation of residential. If annexed into the town, The state may remove our opposition based on its location in Level 4 because water and sewer services might be provided by the local jurisdiction. Our other environmental concerns would remain, and we ask that the County consider mitigation for environmental concerns noted by DNREC in this letter.

Code Requirements/Agency Permitting Requirements

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

- The site access on all State maintained roads 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 1.7 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.

- In terms of traffic analysis and based on the requirements of the Development Coordination Manual this proposed project will qualify for the Area Wide Study Fee (AWSF). Please contact our office to proceed with this calculation.

- The Developer will need to make frontage improvements along Goodwin School Road. The specifics of these improvements will need to be identified during the Scoping and Pre-Submittal process.

- 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."**

- 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 Beth Krumrine 302-735-3480

Wastewater and Drinking Water
Sixty-four (64) individual wells are proposed for this site. The applicant also proposes that each half-acre lot contain a small systems wastewater disposal unit (septic).
The number of septic systems (64) that would be infiltrating into the soil in the Excellent Groundwater Recharge Area (covering the entire site) may pose risks to drinking water sources. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- A community septic system is recommended if unable to tie into the central sewer. For wastewater conveyance offsite by way of new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.
    - If the applicant instead pursues 64 individual septic systems, a soil feasibility study for each single-family residency lot shall be completed and submitted to the Groundwater Discharges Small Systems Section.
    - A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp
    - The applicant must comply with all county codes pertaining to small systems wastewater disposal (septic).

- All well installations in Delaware must be performed by a licensed water well contractor.

- Please be advised that, per DNREC Division of Water regulations pertaining to Well Construction Standards, domestic wells must have a minimum isolation distance of 100 feet from a septic absorption facility, 50 feet from septic tanks, diversion valves or boxes, dosing chambers, holding tanks, or grease, except as allowed by subsection 5.1.2.

For more information, please visit:
http://regulations.delaware.gov/AdminCode/title7/7000/7300/7301.shtml

- The applicant must comply with all county codes pertaining to drinking water.

- The Department of Health and Social Services offers additional information for private well owners at https://dhss.delaware.gov/dph/lab/privdw.html.

Large Systems Wastewater Permitting Contact: DNREC Commercial and Government Services section at (302) 739-9948. Website: https://dnrec.delaware.gov/water/commercial-government/

Septic Contact: DNREC Groundwater Discharges Small Systems Section at (302) 739-9947. Website: https://dnrec.delaware.gov/water/residential/septic-systems/
Well Permitting Contact: DNREC Water Well Licensing Board at (302) 739-9116. Website: https://dnrec.delaware.gov/water/boards/water-well-licensing/

Excellent Groundwater Recharge Area
An Excellent Groundwater Recharge Area is located across the entirety of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945. Website: https://dnrec.delaware.gov/water/supply/ground-water-protection/

Stormwater Management
The project proposes greater than 5,000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.

- The proposed stormwater management (SWM) facilities shown will require dedicated open space access that is unencumbered by lot lines to allow for SWM facility maintenance.

- 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://enoi.dnrec.delaware.gov/, 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.delaware.gov/watershed-stewardship/sediment-stormwater/

Electric Vehicle Charging
Electric vehicle charging infrastructure is now required for all residential dwellings in Delaware (see 80 Del. Laws, c. 145 § 8001- § 8006) for which:

1. A building permit is issued on or after January 1, 2024 (single family), or
2. The final site plan is approved on or after January 1, 2025 (multi-family).

Requirements are summarized below. Consult the Delaware Code directly for further details.
Single-family Dwellings, effective 2024:

- The developer of a single-family residential dwelling shall install at least one electric vehicle capable parking space at each single-family residential dwelling constructed.

- If the single-family residential dwelling does not have an attached or detached garage, an electric vehicle capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned non-street residential parking space constructed as part of the project.

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

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater.**

Parcel Status within County Evacuation Zone Location

- The parcel is not yet located within a Sussex County Evacuation Zone.

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

- There is relatively low potential for precontact archaeological sites on these parcels, but the probability increases towards the southern portion of project, closer to Long Drain Ditch, a tributary of Indian River.

- There is moderate potential for historic period sites as well, associated with 19th c. properties shown on historic maps in the general vicinity. DESHPO recommends an archaeological survey be conducted by a qualified archaeological consultant, and avoidance or further investigation of any sites identified. Please provide the office with a copy of the archaeological survey reports for their records.

- The Delaware SHPO is also recommending buffer landscaping to screen the visual effects to the adjacent standing structure (S123410). If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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 Regulation (DSFPR):

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)

- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Water Requirements without Infrastructure

- Since the dwellings of the subdivision are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system. Without public water a tank and pump would be required.

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 from Godwin School Rd 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.

- 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 (if applicable)
- 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 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, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Removal of Forest/Key Wildlife Habitat/Wildlife Displacement
The preliminary plan proposes the elimination of approximately 40.7 of 56.9 acres of forest on the site. This represents a 71% removal of the forest resource. An analysis of historical data

indicates that all the forest, except that within the northwest corner of the property, 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. 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.
The forest on this property is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because it is part of a large forest block that can support an array of plant and animal species across the landscape.

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible.

- In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.

- Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.

- 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 Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.
Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

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.delaware.gov/watershed-stewardship/sediment-stormwater/

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 Waterways 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.delaware.gov/drainage-stormwater/

Excellent Groundwater Recharge Area

- For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Contact: DNREC Public Water Supply Protection Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Sustainable Practices

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- Consider incorporating street trees throughout the design, with preference given to species native to Delaware and/or the Mid-Atlantic region. Trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an

increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- 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. For community facilities, consider using 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.delaware.gov/climate-coastal-energy/renewable/assistance/).

- 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.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 45, though, with development, this will undoubtedly change. The 11 adjacent blocks aggregated bring the area to a total population of 715.

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, Hal, 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.



- According to FEMA's National Risk Index, the parcel **is** considered **relatively moderate** 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 is rated at **relatively moderate** whereas its social vulnerability is rated as **relatively low.**

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract 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 or solar panels where applicable and allowable, and the like.

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

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.

Additional dwelling units and subdivisions place stress on the volunteer fire department that covers the development. Without infrastructure the fire department must call on more resources to provide water for firefighting purposes. These delays will have a detrimental effect on the outcome of a fire event.

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

Attachments:

- Sussex County Planning & Zoning Comments
- Sussex County Housing & Community Development Comments
- Sussex Engineering Comments
- Department of Transportation Comments

JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
June 26th, 2024
June PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: The Wren (2024-06-05)
Location: Godwin School Rd, Millsboro
Project: Review of a proposed Major Subdivision utilizing the Cluster option with on-site water and wastewater to accommodate a single family residential development to include 64 lots for single-family detached residential dwelling units on two parcels comprised of a total of 64.11 acres +/-.

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 the Planning & Zoning Office at p&z@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): 133-15.00-26.00 & 26.03

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single-family residential development comprised a single family residential units with individual on-site water and wastewater to include 64 lots for single-family detached residential dwelling units on two parcels comprised of a total of 64.11 acres +/-.

Zoning: The parcels are currently zoned Agricultural Residential (AR-1). The proposed single-family cluster lots are permitted by-right in the AR-1 Zoning District.

Density: The proposed density of ≈ (0.99) dwelling units per acre complies with the County Code requirements for residential improvement in an (AR-1) District which allows up to (1.33) single-family detached dwelling units per acre when serviced by on-site water and wastewater

(§115-25(A)(2)). Staff note the Concept Plan further reduces the number of proposed lots to (64) in order to meet the 25% gross area calculation requirement in Low Density Areas.

Applicability to Comprehensive Plan: The project lies within the Rural Area classifications of "Low Density Area" (per the 2018 Comprehensive Plan). Low Density Areas are lands currently zoned AR-1 that the County "hopes to retain the rural environment" and "set aside significant open space" (2018 Sussex County Comprehensive Plan, 4-18). The Plan additionally notes, "Base densities in Low Density Areas should be unchanged from the current zoning provisions", "minimum lot size should be ¾ acre for lots served by on-site septic systems and half acre for lots with central sewers" (2018 Sussex County Comprehensive Plan, 4-19).

Open Space Provisions: The proposed plan includes (3.5) acres +/- (out of a total of 64.11 acres) of open space which equates to approximately 5% of the project site.

Interconnectivity: Staff encourage 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. Additionally, staff recommend the Applicant consider providing interconnection via stubs or easements to accommodate connection with any future development bordering the Plan to the south.

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 (56.9) acres of existing forest on the site and that (40.7) acres will be removed. Therefore, the site is retaining (16.2) acres of forested area (roughly 25% of the site.). Staff appreciate efforts to conserve as many mature trees as possible on the project site. Staff note that any buffers which may be required as part of this plan are required to be exclusive of "stormwater management areas or facilities, wastewater treatment and/or disposal facilities" (§99-5 FORESTED AND/OR LANDSCAPED BUFFER) & (§115-193(C)(18)). (20 foot side / 30 foot rear – perimeter buffers).

Please note, an Ordinance to Amend Chapter 99 of the County Code relating to perimeter buffers around residential development (Ord. No. 24-03) is currently under consideration by the Sussex County Planning & Zoning Commission and will subsequently be reviewed at a Public Hearing at Sussex County Council for final disposition. Adoption of this Ordinance has the potential to impact the proposed by-right cluster design at the site.

Wetlands/Waterways: N/A

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone X. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within areas of "excellent" 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 there are no Wellhead Protection Areas on the site. The site is located within a Tier 3 Sewer District according to County Data. Staff recommend the Applicant coordinate with DNREC to ensure the soil suitability for on-site wastewater at the site and to ensure that connection is not required by State agencies due to the site's location relative to water or sewer mains which may be in the vicinity.

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
sussexcountyde.gov

June 26, 2024

Mr. Steve Fortunato
Bohler Engineering
18958 Coastal Highway
Rehoboth Beach, DE 19971

RE: PLUS Review (PLUS 2024-06-05) – The Wren

Dear Mr. Fortunato,

Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state, and county sources, as well as private funding sources that also promote affordable housing in Sussex County. **Please visit www.sussexcountyde.gov/housing-trust-fund for information on the County's Housing Trust Fund.**

Further, the County's newly approved Work Force Housing Zoning Ordinance permits up to 12 units per acre, by right, in eligible areas for projects that set aside 25% of the total units for affordable rentals. For more information on eligibility and design criteria, please review the Ordinance at www.sussexcountyde.gov/affordably-priced-rental-units . The application can be found on the Planning & Zoning website at https://sussexcountyde.gov/sites/default/files/forms/SussexCountyRentalProgram_Application.pdf .

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,



Brandy B. Nauman
Director

PLUS

Efficient. Data-Rich. Connected.

Visit de.gov/plus for updates

Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 219, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
June 26, 2024

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: New Castle County Firearm Retail Businesses Ordinance (2024-06-09)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.
Project: Review of a proposed Ordinance establishes use standards for firearm retail businesses.

III. 9:15 AM **Review and Discussion: Caesar Rodney School District (2024-06-01)**
County: Kent **Municipality:** Unincorporated
Location: Southeast corner of S. State Street and Sorghum Road.
Project: Review of a proposed School Site Feasibility to accommodate growth within the Caesar Rodney School District totaling 207.87 acres zoned AC (Agricultural Conservation)

IV. 9:45 AM **Review and Discussion: Villages at Westowne (2024-06-07)**
County: Kent **Municipality:** Frederica
Location: Johnycake Landing Road, Frederica.
Project: Review of a proposed Site Plan for the construction of a Mixed-Use development on 333 acres zoned R-5 TND (Traditional Neighborhood Development). Total residential units of 1,575, a mix of single family, multifamily and duplex/townhouses as well as 100,000 sq ft of mixed commercial space.

V. 10:15 AM **Review and Discussion: Warrington Property (2024-06-08)**
County: Sussex **Municipality:** Proposed Annexation to Lewes.
Location: East side of Savannah Road, 400’ +/ north of Donovans Road, near the City of Lewes

Project: Review of a proposed Subdivision community consisting of 90 duplex/townhouse units on 12.68 acres zoned R-5 (Mixed Residential).

The proposed project is located within the City/Town/Growth and Annexation Area of the City of Lewes. 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) 854-8384.

VI. 10:45 AM **Review and Discussion: Hickman (2024-06-02)**
County: Sussex **Municipality:** Unincorporated
Location: South of Hickman Road, east of Cedar Neck Road.
Project: Review of a proposed Site Plan with a conditional use for the construction of single-family detached condominiums on 12.8 acres zoned MR (Medium Density Residential).

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) 854-8384.

VII. 11:15 AM **Review and Discussion: Ocean Sand Holdings (2024-06-03)**
County: Sussex **Municipality:** Unincorporated
Location: 34802 Atlantic Ave., Ocean View is the entrance location on parcel 180.00
Project: Review of a proposed Multi-family Subdivision with a 19,200 sq ft commercial section on 22.2 acres zoned AR-1 (Agricultural Residential) with proposed zoning of MR (Medium Density Residential).

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) 854-8384.

VIII. 11:45 AM **Review and Discussion: The Wren (2024-06-05)**
County: Sussex **Municipality:** Unincorporated
Location: Godwin School Road, Millsboro, DE 19966.
Project: Review of proposed Residential Subdivision with approximately 64 single family homes on 64.11 acres zoned AR-1 (Agricultural Residential).

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) 854-8384.

IX. 12:15 PM **Review and Discussion: Prettyman Subdivision (2024-06-04)**
County: Sussex **Municipality:** Unincorporated
Location: North of Prettyman Road and west of Pettyjohn Road.
Project: Review of a proposed 210 single-family lot Subdivision in a cluster design on 105.5 acres zoned AR-1 (Agricultural Residential).

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) 854-8384.

X. 12:45 PM **Review and Discussion: Bayshore Plaza, Parcel A (2024-06-06)**
County: Sussex **Municipality:** Unincorporated
Location: East of John J. Williams Highway and south of Long Neck Road.
Project: Review of a proposed Site Plan for the construction of a storage facility and future retail pad site on 3.21 acres zoned C-1 (General Commercial).

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) 854-8384.

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.

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

NICOLE MAJESKI
SECRETARY

July 1, 2024

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Insight Land Company c/o Ashely McCaa (Godwin School Road, Millsboro, DE 19966)** proposed land use application, which we received on June 10, 2024. This application is for an approximate 64.1-acre assemblage of parcels (Tax Parcels: 133-15.00-26.00 and 133-15.00-26.03). The parcels are both located on the south side of Godwin School Road (Sussex County Road 410) and approximately 1,100 feet east of the intersection of Hardscrabble Road (Delaware Route 20) and Godwin School Road. The parcel is currently zoned MR (Medium-Density Residential District), and the applicant seeks a Subdivision approval to place 64 Single Family units, on the parcel.

Per the 2023 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Godwin School Road where the subject land is located, which is from Hardscrabble Road to Sheep Pen Road (Sussex County Road 328), is 1,425 of vehicles per day.

Based on our review (ITE Trip Generation Manual 11th edition, LUC 210/64 Units), we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day and would be considered to have a **Minor** impact to the local area roadways. As agreed in the Memorandum of Understanding (MOU) between DelDOT and the County, an impact is Minor when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips in the weekly peak hour and fewer than 2,000 vehicle trips per day. As provided in the MOU for developments with Minor impact, DelDOT may require the developer to perform a Traffic Impact Study (TIS) for the subject application. If DelDOT does not require a TIS, the developer has the option to perform a TIS or to pay an Area-Wide Study Fee of $10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-Wide Study Fee.

DelDOT

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

Please contact Mr. Philip Lindsey, at philip.lindsey@delaware.gov, if you have questions concerning this correspondence.

Sincerely,

Sireen Muhtaseb, PE
TIS Group Manager
Development Coordination

SAM:plm
cc: Insight Land Company c/o Ashley McCaa of Bohler Engineering VA, LLC, Applicant
Lauren DeVore, Sussex County Planning & Zoning
Sussex County Planning & Zoning
David Edgell, State Planning Director, Office of State Planning Coordination
Matt Schlitter, South District Public Works Engineer, Maintenance & Operations
James Argo, South District Project Reviewer, Maintenance & Operations
Tara Summers-Strong, South District Public Works Admin., Maintenance & Operations
Todd Sammons, Assistant Director, Development Coordination, Planning
John Pietrobono, Acting Sussex County Review Coordinator, Development Coordination
Kevin Hickman, Sussex County Subdivision Reviewer, Development Coordination
Derek Sapp, Sussex County Subdivision Engineer, Development Coordination
Thomas Gagnon, Sussex County Subdivision Engineer, Development Coordination
José Quixtan, Sussex County Subdivision Engineer, Development Coordination
Annamaria Furmato, TIS Group Engineer, Development Coordination
Ben Fisher, TIS Group Engineer, Development Coordination
Philip Lindsey, TIS Group Engineer, Development Coordination